

ORDINANCE NO. O-2018-49

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3422,
“AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SHOPPING CENTER
AND MOVIE THEATRE - DANADA FARMS EAST/RICE LAKE (WHEATON 7 JOINT
VENTURE)”AND ORDINANCE NOS. E-3433, E-3607, E-3636, E-3641, E-4141, F-0061, F-
1170, F-1296, F-1371, F-1540, F-1590, F-1622, F-1699 AND F-2024**

**RICE LAKE SQUARE SHOPPING CENTER
PETE’S FRESH MARKET**

WHEREAS, the City of Wheaton, Illinois, (“City”), has previously enacted City Ordinance No. E-3422 (“ORIGINAL ORDINANCE”) recorded on March 10, 1989 as Document No. R-89-027311 in the Office of the DuPage County Recorder which granted a special use permit for a planned unit development to allow the construction and use of a shopping center, movie theatre, and outlet buildings known as the Rice Lake Square Shopping Center; and

WHEREAS, Ordinance No. E-3433 (“AMENDED ORDINANCE”) recorded on March 10, 1989 as Document No. R89-027310 in the office of the DuPage County Recorder amended the ORIGINAL ORDINANCE; and

WHEREAS, Ordinance Nos. E-3607, E-3636, and E-3641 (“AMENDED ORDINANCES”) recorded on July 10, 1991 as Document No. R91-086754 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE; and

WHEREAS, Ordinance No. E-4141 (“AMENDED ORDINANCE”) recorded on December 11, 1995 as Document No. R95-174498 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE; and

WHEREAS, Ordinance No. F-0061 (“AMENDED ORDINANCE”) recorded on September 19, 1996 as Document No. R96-154185, in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE; and

WHEREAS, Ordinance No. F-1170 (“AMENDED ORDINANCE”) recorded on July 17, 2007 as Document No. R2006-135457 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE to allow a reconfiguration of a monument sign adjacent to Butterfield Road; and

WHEREAS, Ordinance No. F-1296 (“AMENDED ORDINANCE”) recorded on August 28, 2007 as Document No. R2007-159373 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE to allow a reconfiguration of a monument sign adjacent to East Loop Road; and

WHEREAS, Ordinance No. F-1371 (“AMENDED ORDINANCE”) recorded on September 25, 2008 as Document No. R2008-144956 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE to allow a reconfiguration of a monument sign adjacent to East Loop Road opposite Jahns Drive; and

WHEREAS, Ordinance No. F-1540 ("AMENDED ORDINANCE") recorded on March 7, 2011 as Document No. R2011-32361 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE to improve vehicular circulation and increase the amount of landscaping and pedestrian hardscape, and to modify the facade of the center by adding tower "lanterns" at key locations, roof lighting, new architectural elements at select anchor locations and improved arcade and architectural features; and

WHEREAS, Ordinance No. F-1590 ("AMENDED ORDINANCE") recorded on November 10, 2011 as Document No. R2011-136542 in the Office of the DuPage County Recorder further amended the ORIGINAL ORDINANCE in order to replace all of the center's monument signs with signs that will match the new architectural style of the center and to construct four, non-illuminated directional signs that will be located along the main drive aisle of the parking lot; and

WHEREAS, Ordinance No. F-1622 ("AMENDED ORDINANCE") recorded on January 23, 2012 as Document No. R2012-9480 in the Office of the DuPage County Recorder amended the ORIGINAL ORDINACE in order to renovate and expand the former Linens & Things retail building to a movie theater/restaurant concept; and

WHEREAS, Ordinance No. F-1699 ("AMENDED ORDINANCE") recorded on February 22, 2013 as Document No. R2013-02876 amended the ORIGINAL ORDINANCE to enclose an existing patio and add architectural elements to the existing Butterfield's Restaurant building located at 351 Rice Lake Square which match the renovations recently performed on the shopping center; and

WHEREAS, Ordinance No. F-2024 ("AMENDED ORDINANCE") amended the ORIGINAL ORDINANCE to allow a change in the façade and site plan of the former Whole Foods grocery store and Sports Authority to accommodate a Pete's Fresh Market grocery store; and

WHEREAS, an application has now been made to amend the special use permit for a planned unit development approved in the ORIGINAL ORDINANCE and AMENDED ORDINANCES in order to allow the renovation of the existing shared pylon sign to accommodate a sign panel and an electronic message board sign for the Pete's Fresh Market Grocery Store; and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The following described property has been, and continues to be, zoned and classified in the C-5 Planned Unit Development District:

LOT 1 IN RICE LAKE SQUARE AT DANADASECOND PLAT OF RESUBDIVISION, A RESUBDIVISION OF LOT 1 IN RICE LAKE SQUARE PLAT OF RESUBDIVISION OF PART OF SECTION 28 AND THE NORTH 1/2 OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID RICE LAKE SQUARE AT DANADA SECOND PLAT OF RESUBDIVISION

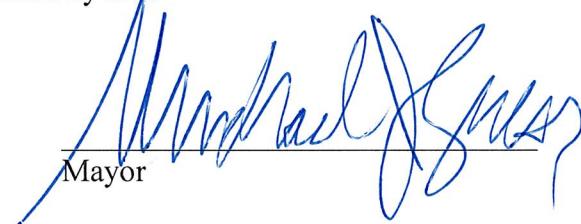
RECORDED DECEMBER 27, 1995 AS DOCUMENT NO. R95-182698 IN DUPAGE COUNTY, ILLINOIS. PIN 05-28-402-014

Section 2: An amendment to the ORIGINAL ORDINANCE and AMENDED ORDINANCES is granted in order to allow the renovation of the existing shared pylon sign to accommodate a sign panel and an electronic message board sign for the Pete's Fresh Market Grocery Store; in substantial compliance with the plans entitled "Pete's Fresh Market - Wheaton, IL", sheets 1-2, dated August 20, 2018, copies of which are attached hereto and incorporated herein as Exhibit A.

Section 3: In all other respects, the terms and conditions of the ORIGINAL ORDINANCE and AMENDED ORDINANCES are ratified and remain in full force and effect.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael Gresk

Mayor

ATTEST:



Aaron Donnett Hagen

City Clerk

Roll Call Vote

Ayes: Councilman Prendiville
Mayor Gresk
Councilman Rutledge
Councilman Scalzo
Councilman Suess
Councilman Barbier

Nays: None

Absent: Councilwoman Fitch

Motion Carried Unanimously.

Passed: August 20, 2018

Published: August 21, 2018



EXHIBIT "A"

