

**ORDINANCE NO. O-2021-02**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NOS. E-3422, E-3433, E-3607, E-3636, E-3641 AND E-4146 AUTHORIZING AN AMENDMENT TO A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT – RICE LAKE SQUARE SHOPPING CENTER – PARCEL 7  
BLUE BIRD DAY**

**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**, on December 4, 1995, the City enacted City Ordinance No. E-4146 ("AMENDED ORDINANCES") recorded on December 11, 1995, as Document No. R95-174498 in the Office of the DuPage County Recorder of Deeds which authorized the construction and use of a medical office building on Parcel 7 of the shopping center in lieu of a previously approved drive-up facility such as a restaurant or bank facility; and

**WHEREAS**, 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 a fenced-in outdoor play area in connection with a reoccupancy of the building on Parcel 7 by a Nursery School; and the City has determined that the requested amendment is a major amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.11.F 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 2 IN THE RICE LAKE SQUARE AT DANADA SECOND PLAT OF RESUBDIVISION BEING A RESUBDIVISION OF LOT 1 IN RICE LAKE SQUARE PLAT OF RESUBDIVISION OF LOTS 8, 9 AND 10 IN DANADA FARMS EAST UNIT 1, BEING A SUBDIVISION OF PART OF SECTION 28, AND THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE SAID PLAT OF SAID RESUBDIVISION RECORDED APRIL 28, 1989 AS DOCUMENT R89-049468, IN DUPAGE COUNTY, ILLINOIS, EXCEPT THAT PART OF THE LAND FALLING IN KINDERCARE RESUBDIVISION RECORDED NOVEMBER 22, 1989 AS DOCUMENT R89-14783. 140 East Loop Road, 05-28-402-015

**Section 2:** An amendment to the ORIGINAL ORDINANCE and AMENDED ORDINANCES is granted in order to allow a change in the site plan for Parcel 7 to allow a fenced-in outdoor play area in

substantial compliance with the plans entitled "Outdoor Play Area, Blue Bird Day, 140 East Loop Road, Wheaton and Blue Bird Day Fence Detail, both dated 1/12/21, copies of which are attached hereto and incorporated herein as Exhibit A.

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

Section 4: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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

  
Philip J. Suess  
\_\_\_\_\_  
Mayor

ATTEST:

  
Shawn Bennett-Hayes  
City Clerk

Roll Call Vote

Ayes:	Councilman Rutledge Councilman Zaruba Councilman Barbier Councilwoman Bray-Parker Councilwoman Fitch Mayor Suess Councilwoman Robbins
-------	---

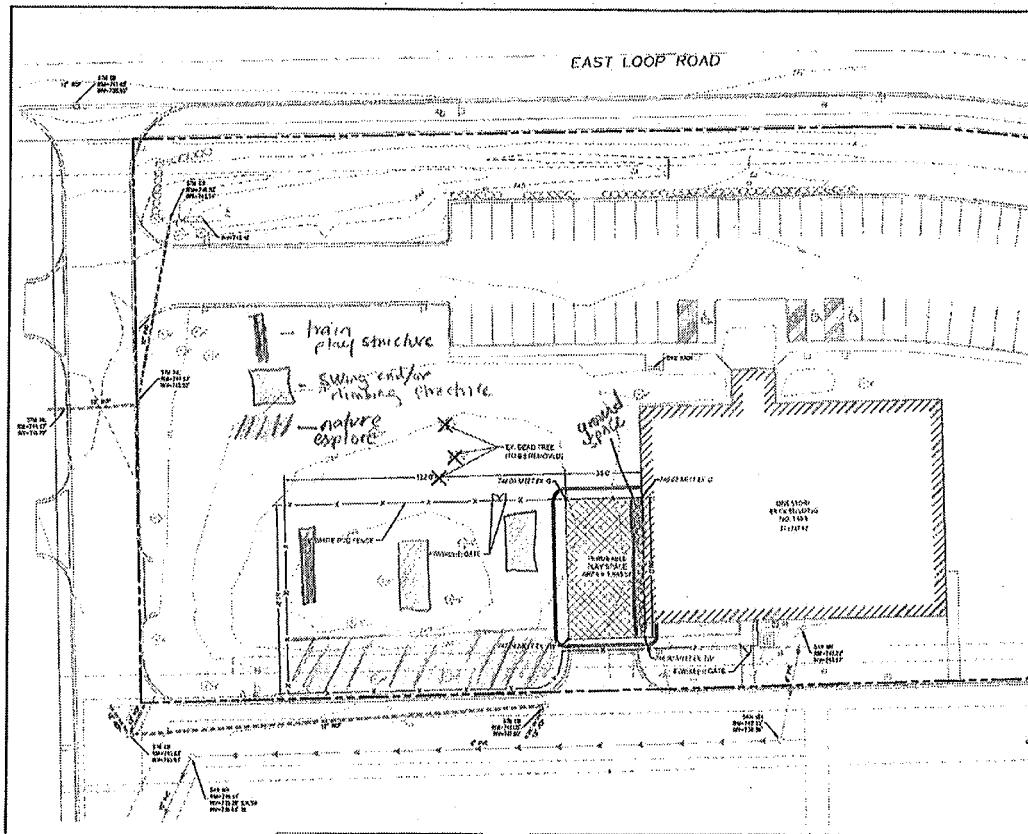
Nays: None

Absent: None

Motion Carried Unanimously

Passed: January 19, 2021  
Published: January 20, 2021

**EXHIBIT "A"**

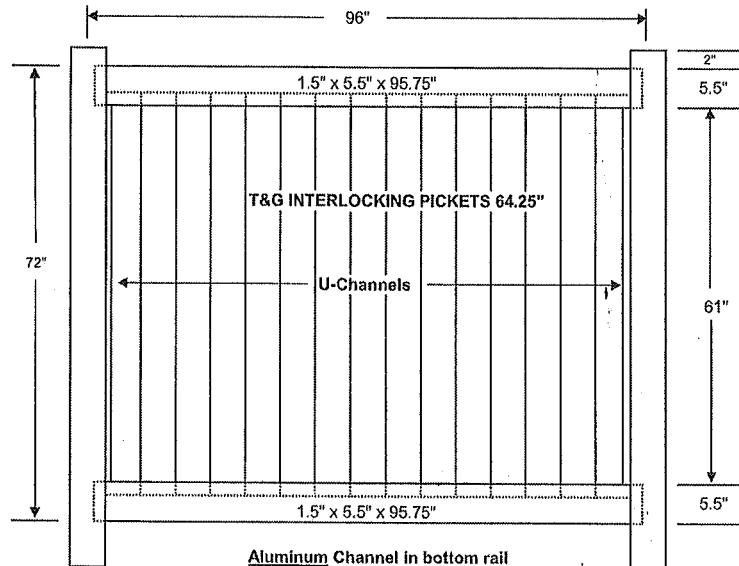


Outdoor Play Area

Blue Bird Day

140 East Loop Road, Wheaton

1/12/21

**PWPR-T&G-6X8**

Panel can accommodate a slope of 5" over 8' using the racking method

1

Material List			
QTY	Item	Dimensions	Pulled From
1	Top Rail	1.5" x 5.5" x 95.75"	1.5" x 5.5" x 96" Rail
1	Bottom Rail	1.5" x 5.5" x 95.75"	1.5" x 5.5" x 96" Rail
1	Aluminum	1.25" x 1.5" x 95.75"	8' 1" Insert
15	Picket	0.875" x 6" x 64.25"	0.875" x 6" x 64.25" T&G
2	U-Channel	1.25" x 1.5" x 61"	31" U-Channel

\* Actual measurements may vary slightly.

**PWPR-T&G-6X8**

Blue Bird Day  
Fence Detail  
1 | 12 | 2 | 1

○

○

○