

ORDINANCE NO. O-2021-35

AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, F-1578, F-1676, F-1935 AND F-1963 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT"

WHEREAS, on March 2, 1987, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3191, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Original Ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of commercial improvements on the property legally described herein attached as Exhibit "A" within the City limits of Wheaton, Illinois, consisting of approximately 21.7 acres and commonly located at the northeast corner of Naperville and Butterfield Roads; and

WHEREAS, on June 6, 1988, the City enacted City Ordinance No. E-3328, "AN ORDINANCE AMENDING ORDINANCE NO. E-3191 - AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A KENTUCKY FRIED CHICKEN RESTAURANT WITH DRIVE-THROUGH FACILITY ON OUTLOT "D" OF DANADA FARMS EAST (C-3 SUP)" ("Amended Ordinance"), which amended the plans referred to in Ordinance NO. E-3191 to accommodate a new 2,500 square foot Kentucky Fried Chicken Restaurant with a drive-through lane on Outlot "D"; and

WHEREAS, on March 5, 2007, the City enacted City Ordinance No. F-1260, "AN ORDINANCE AMENDING ORDINANCE NO. E-3328 - AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A KENTUCKY FRIED CHICKEN RESTAURANT WITH DRIVE-THROUGH FACILITY ON OUTLOT "D" OF DANADA FARMS EAST (C-3 SUP)" ("Second Amended Ordinance"); which amended the plans referred to in Ordinance No. E-3328 to accommodate a remodeling of the existing Kentucky Fried Chicken Restaurant; and

WHEREAS, on August 1, 2011, the City enacted City Ordinance No. F-1578, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328 AND F-1260, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Third Amended Ordinance"); which amended the plans referred to in Ordinance No. F-1260 to relocate signage, remove existing landscaping and install new landscaping along Naperville Road and at the intersection of Naperville and Butterfield Roads all as a result of the Illinois Department of Transportation's taking of property along the Naperville Road right-of-way to facilitate the reconstruction of the Naperville and Butterfield Roads intersection; and

WHEREAS, on November 5, 2012, the City enacted City Ordinance No. F-1676, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, AND 1578 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Fourth Amended Ordinance"); which amended the exterior building elevations contained in the Original Ordinance to allow the remodeling of the property located at 141 -147 Danada Square East for Verizon Wireless; and

WHEREAS, on April 18, 2016 the City enacted City Ordinance No. F-1935, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, F-1578, AND F-1676 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Fifth Amended Ordinance"); which further amended the exterior building elevations contained in the Original Ordinance to allow the remodeling of the former Dominick's grocery store for Whole Foods and Sierra Trading Post; and

WHEREAS, on September 19, 2016 the City enacted City Ordinance No. F-1963, "AN ORDINANCE AMENDING ORDINANCES E-3191, E-3328, F-1260, F-1578, F-1676, AND F-1935 "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF NAPERVILLE AND BUTTERFIELD ROADS - S & W ASSOCIATES/ DANADA FARMS EAST C-3 GENERAL BUSINESS DISTRICT" ("Sixth Amended Ordinance"); which further amended the existing Planned Unit Development (PUD) for the Danada Square East Shopping Center to construct a new restaurant with a drive thru lane on the site of the former IHOP restaurant at 167 Danada Square East which will be demolished; and

WHEREAS, following the enactment of the Original and Amended Ordinances, an application has been made to further amend the existing Planned Unit Development (PUD) for the Danada Square East Shopping Center to permit the construction of two building additions, totaling approximately 650 square feet, extending the front of the building towards the existing front patio and for a new entry vestibule at the side of the building with exterior patio seating and the re-use of an existing dedicated drive-thru lane at 167 Danada Square East; 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 5.11F of the Wheaton Zoning Ordinance.

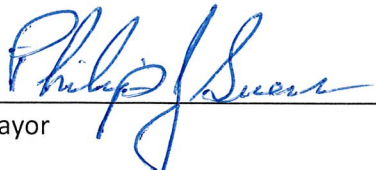
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: An amendment to the Original and Amended Ordinances is hereby granted to permit the construction of two building additions, totaling approximately 650 square feet, extending the front of the building towards the existing front patio and for a new entry vestibule at the side of the building with exterior patio seating and the re-use of an existing dedicated drive-thru lane at 167 Danada Square East in substantial compliance with the plans attached hereto as Exhibit "B" entitled "Proprietary, Panera LLC 0647 WHEATON IL | RELOCATION - 03.24.20 SHEETS 2-9".

Section 2: 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 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

Section 4: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:


City Clerk

Roll Call Vote

Ayes: Councilman Barbier
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilwoman Fitch
Councilwoman Robbins
Councilman Weller

Nays: None

Absent: None

Motion Carried Unanimously

Passed: June 21, 2021

Published: June 20, 2021

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EXHIBIT "A"

Legal description:

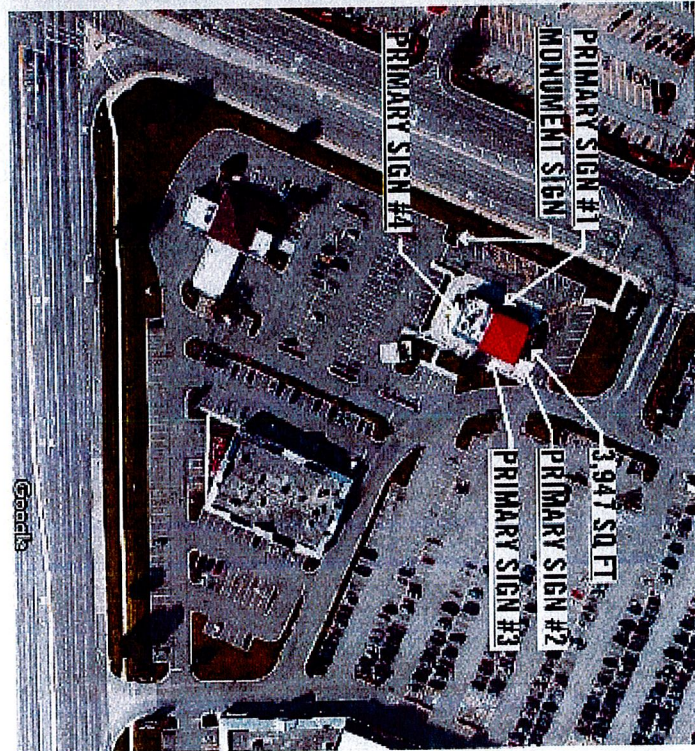
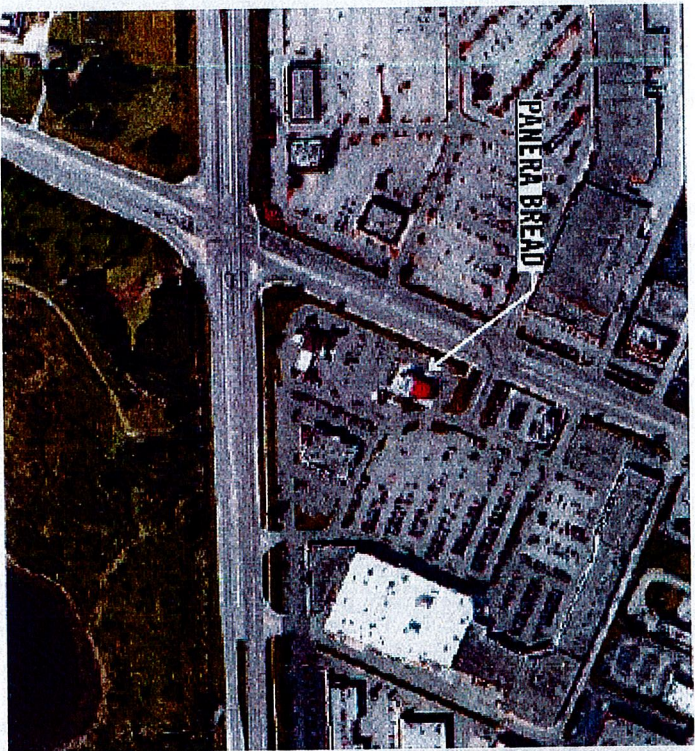
PART OF THE SOUTH HALF OF SECTION 28 AND THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 28; THENCE SOUTH 0 DEGREES 30 FEET, 40 INCHES WEST ALONG THE EAST LINE THEREOF 2,666.24 FEET TO A POINT ON THE NORTH LINE OF BUTTERFIELD ROAD (F.A. ROUTE 131); THENCE SOUTH 85 DEGREES, 4 FEET, 16 INCHES WEST ALONG SAID NORTH LINE, 1,311.51 FEET TO THE NORTHEAST CORNER OF THE PREMISES CONDEMNED FOR HIGHWAY PURPOSES BY COUNTY COURT CASE NO. 26046, SAID LINE BEING THE NORTH LINE OF BUTTERFIELD ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF SAID CONDEMNATION ON AN ARC TO THE RIGHT HAVING A RADIUS OF 34,277.48 FEET AND LENGTH OF 1,284.32 FEET TO A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG THE NORTH LINE OF SAID CONDEMNATION ON AN ARC TO THE RIGHT HAVING A RADIUS OF 34,277.48 FEET AND LENGTH OF 778.91 FEET; THENCE SOUTH 89 DEGREES, 48 FEET, 49 INCHES WEST ALONG THE NORTH LINE OF SAID CONDEMNATION, 178.66 FEET TO THE EASTERN LINE OF NAPERVILLE-PLAINFIELD ROAD AS DEDICATED ACCORDING TO THE PLAT RECORDED AS DOCUMENT NO. R83-17365; THENCE NORTH 24 DEGREES, 44 FEET, 6 INCHES EAST ALONG THE EASTERLY LINE OF SAID NAPERVILLE-PLAINFIELD ROAD, 1,250.00 FEET; THENCE SOUTH 65 DEGREES, 15 FEET, 54 INCHES EAST, 864.62 FEET; THENCE SOUTH 24 DEGREES, 44 FEET, 6 INCHES WEST, 838.51 FEET TO THE NORTH LINE OF THE AFORESAID CONDEMNATION AND ALSO BEING THE NORTH LINE OF BUTTERFIELD ROAD; SAID POINT BEING THE POINT OF BEGINNING AND ALL IN DU PAGE COUNTY, ILLINOIS.

PIN # 05-28-309-001

SITE

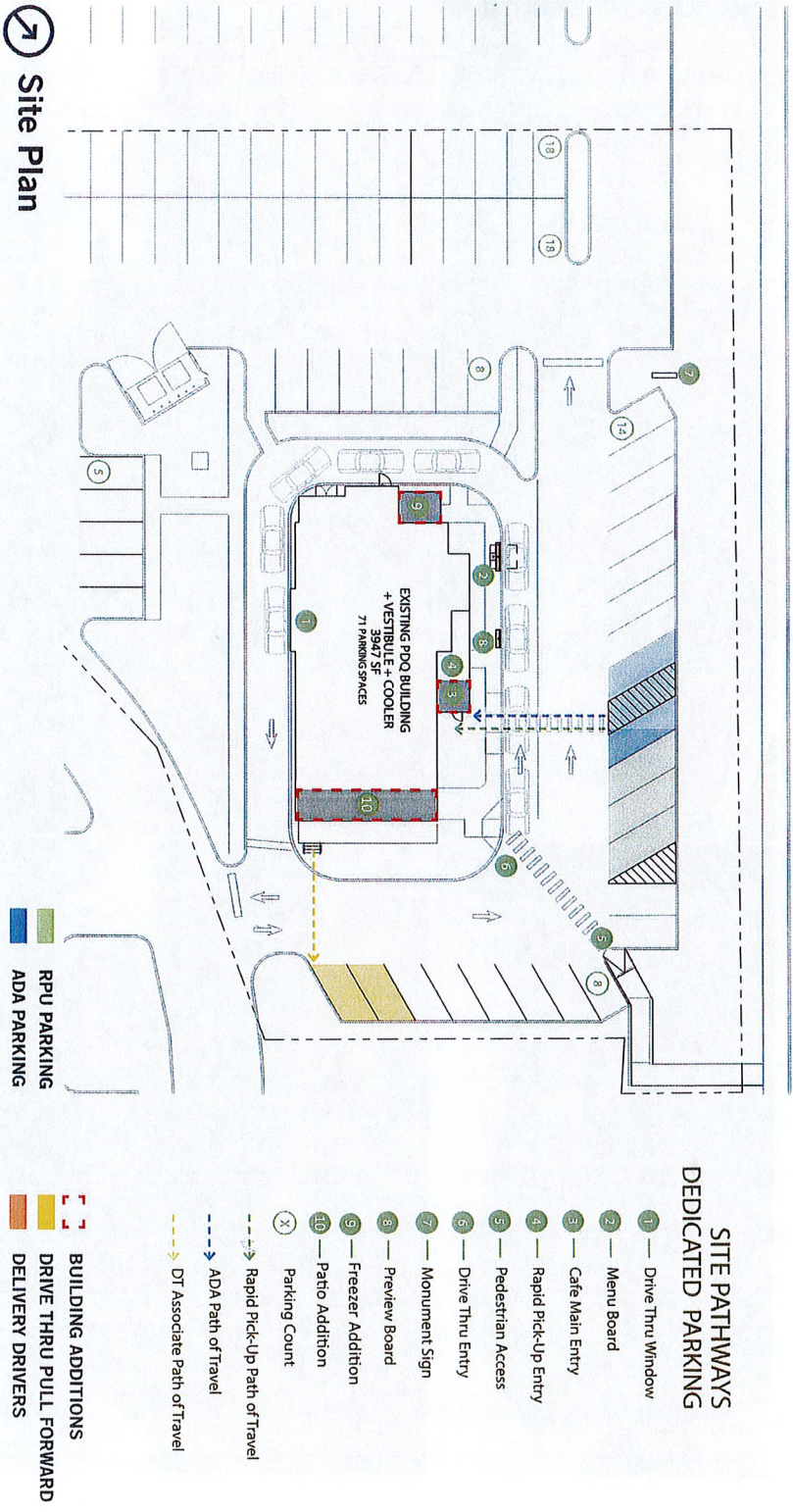
EXHIBIT "B"



⬇ Aerial not to scale

⬇ Development 1"=50'

SITE



3 | Proprietary, Panera LLC

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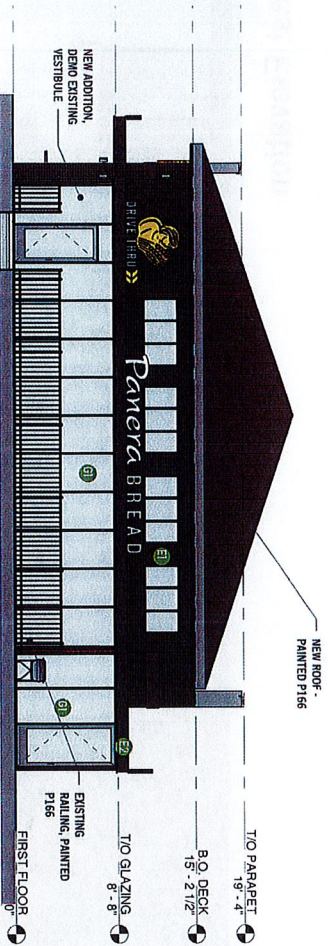
EXISTING EXTERIORS



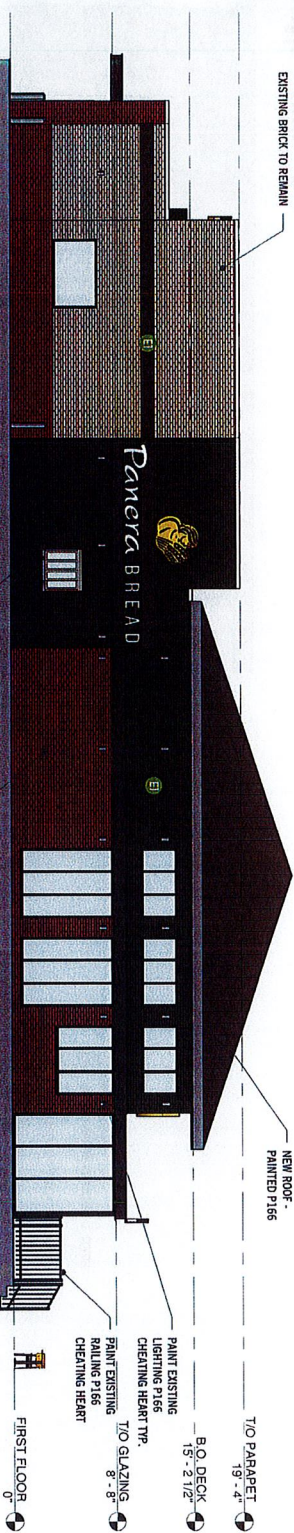
4 | Proprietary, Panera LLC

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ELEVATIONS



North Elevation



East Elevation

5 | Proprietary, Panera LLC

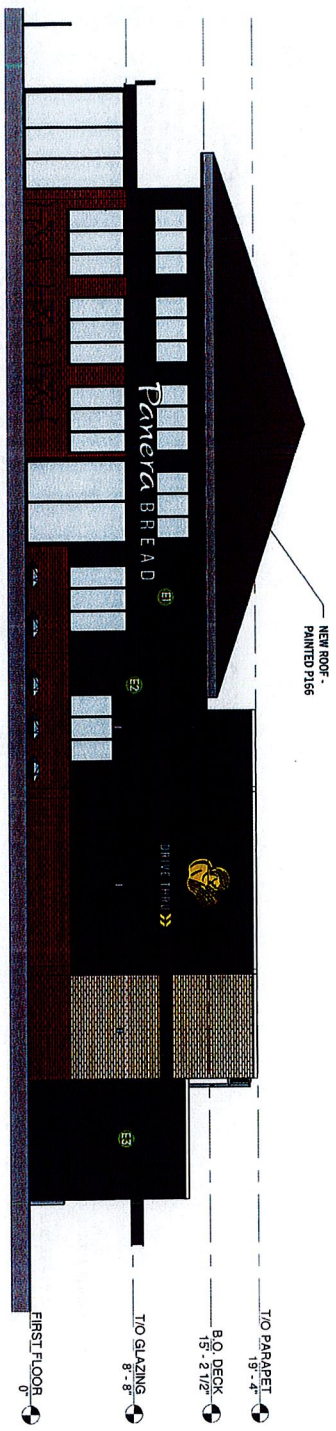
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ELEVATIONS



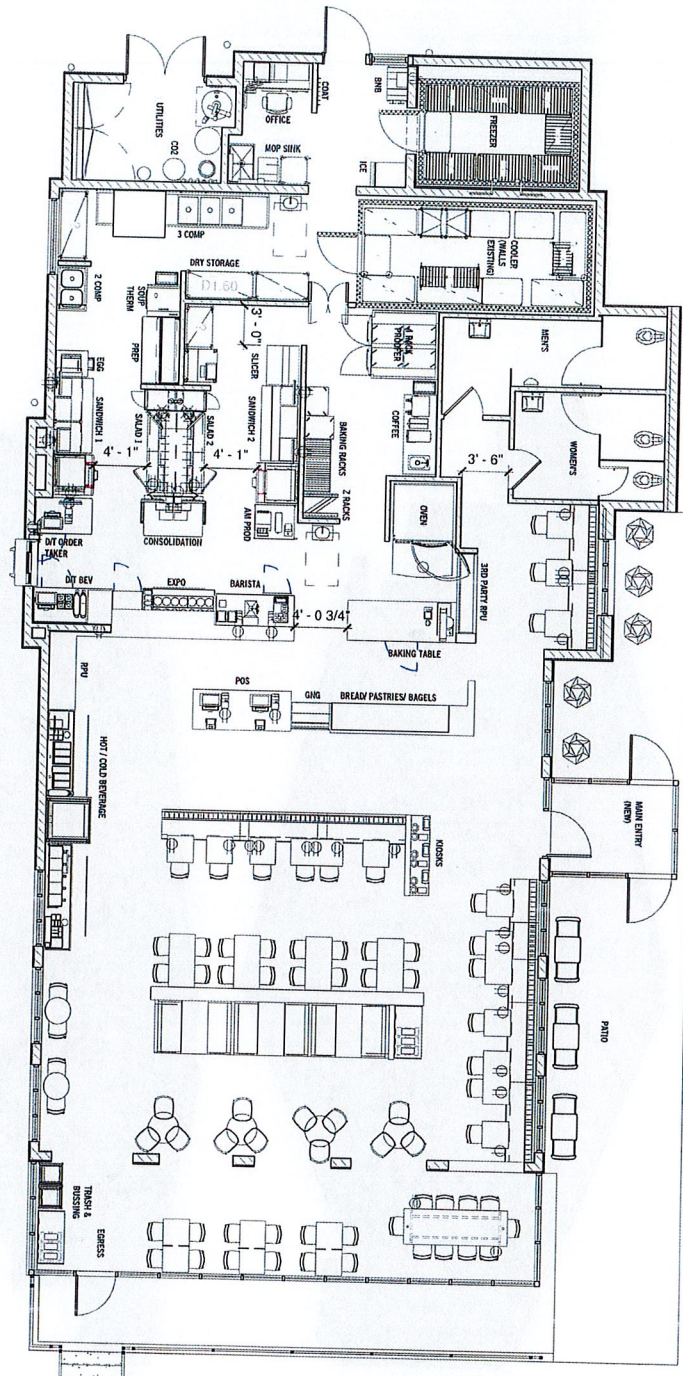
- EXTERIOR MATERIALS
- E1 EXISTING PAINTED PILES CHEATING HEART
 - E2 NEW WOOD & METAL CANOPY
 - E3 NEW SCREEN WALL ATTACHED TO EXTERIOR FREEZER
 - GT NEW ALUMINUM STOREFRONT, COLOR: DARK BRONZE

South Elevation



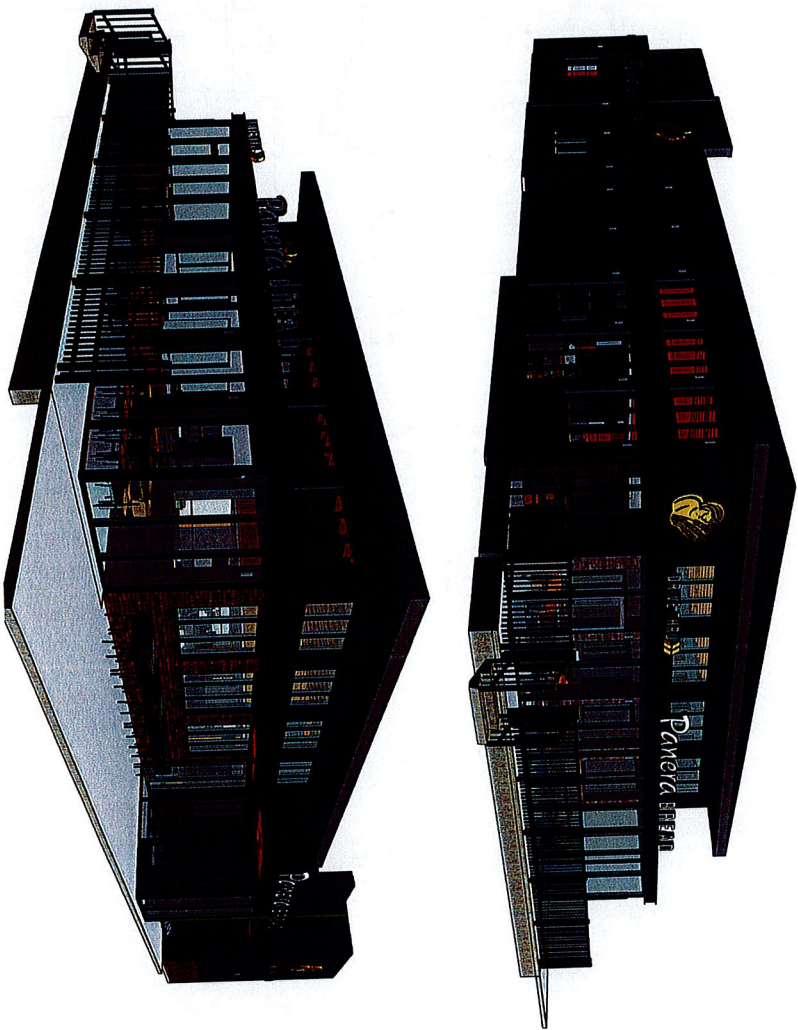
West Elevation

PLAN



Plan

RENDERINGS



8 | Proprietary, Panera LLC

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MONUMENT SIGN

