

**ORDINANCE NO. F-1619**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NUMBERS E-3324, E-3812, F-1274 AND F-1583 PERTAINING TO A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 2030 SOUTH NAPERVILLE ROAD/ MCDONALDS**

**WHEREAS**, on May 16, 1988, the City of Wheaton, Illinois, ("City") enacted Ordinance No. E-3324, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A MCDONALD'S FAST FOOD RESTAURANT – KEIM'S DANADA FARMS WEST RESUBDIVISION OF LOT 4" ("original ordinance") authorizing the issuance of a special use permit for a planned unit development for the construction and use of a 5,150 square foot McDonald's fast food restaurant with a drive-through window on the property legal described on Exhibit "A" attached hereto and commonly known as 2030 South Naperville Road, Wheaton, Illinois; and

**WHEREAS**, on August 3, 1992, the City enacted Ordinance No. E-3812, "AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3324 PERTAINING TO A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 2030 SOUTH NAPERVILLE ROAD/ MCDONALDS" to amend the original ordinance allowing the construction of an outdoor children's play area ("playplace") in front of the restaurant on the subject property; and

**WHEREAS**, on April 16, 2007, the City enacted Ordinance No. F-1274, "AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NUMBERS E-3324 AND E-3812 PERTAINING TO A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 2030 SOUTH NAPERVILLE ROAD/ MCDONALDS" to amend the original ordinance and the first amended ordinance allowing the reconfiguration of the drive-through to provide dual order lanes, construction of a 20 square foot addition to the building, elimination of eight parking spaces, and replacement of the outdoor children's play area with an outdoor seating area; and

**WHEREAS**, on September 6, 2011, the City enacted Ordinance No. F-1583 "AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NUMBERS E-3324, E-3812 AND F-1274 PERTAINING TO A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 2030 SOUTH NAPERVILLE ROAD/ MCDONALDS" to amend the original ordinance and the first and second amended ordinance allowing the exterior of the building to be remodeled by removing the gable roof and extending the existing wall with brick veneer, removing the bay windows and replacing them with new windows, and constructing a stone arcade to the front and non drive thru side of the restaurant; and

**WHEREAS**, following the enactment of the original ordinance and the first, second and third amended ordinances, an application has been made to further amend the special use permit for planned unit development to allow McDonald's to keep both their existing panel on the Walgreen's project identification sign and their existing monument sign and that the City grant a setback variation for the existing monument sign; 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, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** Pursuant to the Findings of Fact made and determined by the Wheaton Planning and Zoning Board, the original ordinance and first, second and third amended ordinances for planned unit development are hereby further amended, to allow McDonald's to keep both their existing panel on the Walgreen's project identification sign and their existing monument sign and that the City grant a setback variation for the existing monument sign on the subject property in substantial compliance with the plans

entitled "Site Plan and Landscape Plan", prepared by Watermark Engineering, Aurora, dated November 22, 2011, and in further compliance with the following conditions, restrictions, and requirements:

1. The existing monument sign brick base shall be stained to match the remodeled building.

**Section 2:** In all other respects, the terms, conditions and provisions of the original and amended ordinances are ratified and remain in full force and effect.

**Section 3:** All ordinances or parts of ordinances in conflict with these provisions are repealed.

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

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote:

Ayes: Councilman Sues  
Councilwoman Ives  
Councilman Mouhelis  
Councilman Rutledge  
Mayor Gresk  
Councilwoman Pacino Sanguinetti  
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

Passed: January 17, 2012  
Published: January 18, 2012

**EXHIBIT "A"**

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 28, THE NORTHWEST QUARTER OF SECTION 33 AND THE NORTHEAST HALF OF SECTION 32, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 4 OF DANADA FARMS WEST LOOP SUBDIVISION AS RECORDED BY DOCUMENT R87-137955 DATED SEPTEMBER 17, 1987, THENCE NORTH 24 DEGREES 44 MINUTES 6 SECONDS EAST ALONG THE WEST R.O.W. OF NAPERVILLE ROAD AS RECORDED BY DOCUMENT 419044 AND R83-17365, 160.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 15 MINUTES 54 SECONDS WEST ALONG A LINE PARALLEL TO AND 150.00 FEET NORTHEASTERLY OF THE SOUTH LINE OF LOT 4 OF AFOREMENTIONED DANADA FARMS WEST LOOP SUBDIVISION 305.00 FEET; THENCE NORTH 24 DEGREES 44 MINUTES 6 SECONDS EAST ALONG A LINE PARALLEL TO AND 305.00 FEET WESTERLY OF THE WEST R.O.W. OF NAPERVILLE ROAD 201.00 FEET THENCE SOUTH 65 DEGREES 15 MINUTES 54 SECONDS EAST PARALLEL TO THE PENULTIMATE COURSE 305.00 FEET TO A POINT ON THE WEST R.O.W. OF NAPERVILLE ROAD; THENCE SOUTH 24 DEGREES 44 MINUTES 6 SECONDS WEST ALONG THE WEST R.O.W. OF NAPERVILLE ROAD 201.00 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PART TAKEN FOR HIGHWAY PURPOSES, ALL IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-28-300-033

The subject property is commonly known as McDonalds Restaurant, 2030 South Naperville Road, Wheaton, IL 60189.





