

ORDINANCE NO. F- 1336

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT-1003 E.
ROOSEVELT ROAD/CTK, LLC (STARBUCKS)**

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, by the issuance of a special use permit for a Planned Unit Development in order to allow the construction of a new 1,750 square foot coffee shop, with a single drive-through service lane, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 1003 E. Roosevelt Road; (“Subject Property”) and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on January 2, 2008 and February 12, 2008, to consider the issuance of the special use permit; and the Board has recommended the issuance of the special use permit for planned unit development.

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: The following described property has been and continues to be zoned and classified in the C-3 General Commercial District zoning classification:

A PART OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 33 FEET EAST OF THE WEST LINE OF SAID SECTION 15 AND 158 FEET NORTH OF THE SOUTH LINE OF SAID SECTION 15; THENCE EAST ALONG A LINE PARALLEL TO THE SOUTH LINE OF SECTION 15, A DISTANCE OF 125 FEET; THENCE SOUTH ALONG A LINE PARALLEL TO THE WEST LINE OF SECTION 15, A DISTANCE OF 125 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ROOSEVELT ROAD; THENCE WEST, A DISTANCE OF 125 FEET; THENCE NORTH ALONG A LINE 33 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 125 FEET TO THE PLACE OF BEGINNING, (EXCEPT THE CURVED PORTION OF THE SOUTHWEST CORNER OF THE ABOVE-DESCRIBED TRACT LYING WITHIN THE RIGHT OF WAY OF ROOSEVELT ROAD AND PRESIDENT STREET AND HAVING A 25 FOOT RADIUS) AND (ALSO EXCEPTING THERE FROM THAT PART TAKEN IN CONDEMNATION CASE 88ED-231) IN DUPAGE COUNTY, ILLINOIS.

PIN # 05-15-324-020

The subject property is commonly known as 1003 East Roosevelt Road, Wheaton, IL 60187.

Section 2: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a special use permit is hereby issued on the subject property to allow the construction of

a new 1,750 square foot coffee shop, with a single drive-through service lane, in full compliance with the landscape plan entitled “Starbucks Coffee Northwest Corner of Route 38 & President Street, Wheaton,

IL” prepared by Soos and Associates, Inc. Architecture, Lincolnshire, IL, dated October 25, 2007 and revised March 3, 2008, and site plan and building elevation plan entitled “Starbucks Coffee Northwest Corner of Route 38 & President Street, Wheaton, IL” prepared by Soos and Associates, Inc. Architecture, Lincolnshire, IL, dated October 25, 2007 and last revised March 3, 2008 ; and in further compliance with the following conditions, restrictions, and requirements:

1. The three parallel parking spaces on the west side of the northbound one-way drive from President Street shall be labeled as employee only parking; and
2. The proposed ground sign plan shall comply with the requirements of Article 23 of the Wheaton Zoning Ordinance and a brick base to match the building; and
3. The proposed trash enclosure shall be constructed of brick to match the building; and
4. The applicant shall obtain a permit from the Illinois Department of Transportation for the Roosevelt Road restricted access drive; and
5. A final set of engineering plans shall be submitted for the reasonable approval of the Director of Engineering prior to the issuance of a building permit; and
6. Prior to issuance of a building permit, the owner of the Subject Property shall create a cross access easement (“easement”) for the benefit of the parcel of land immediately adjacent to and east of the Subject Property. The size, specification, location and detail of the easement shall be illustrated and created on a plat of resubdivision of the Subject Property in order to allow a full access drive to President Street. The easement shall provide access and benefit of use for President Street ingress and egress of motor vehicle traffic into and out of the Subject Property and the parcel of land immediately east of and adjacent to the Subject Property. The size, specification, location, detail, terms and conditions of the easement shall be subject to the reasonable approval of the Director of Engineering.

The full President Street access shall be located near the north property line of the Subject Property and the adjacent parcel to the east as depicted on the approved Site Plan. Said access shall be constructed prior to, and be a condition of, an Occupancy Permit for the proposed building.

The cost of constructing the full President Street access, together with interconnection between the subject property and the adjacent property to the east, shall be the responsibility of the owner(s)/developer(s) of both the Subject Property and the adjacent property to the east. Each owner’s share of the cost of the improvement shall be based on the projected number of motor vehicles traveling through the improvement and going to or coming from the respective parcels, as evidenced and projected by a traffic study. The traffic study shall be subject to the reasonable approval of the Director of Engineering.

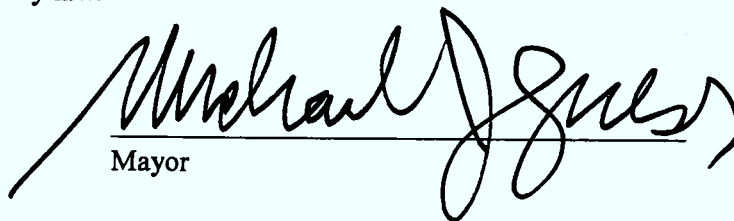
In the event the owners of the Subject Property and the adjacent parcel to the east are unable to agree upon the allocation of the costs of the construction and maintenance of the improvement within 90 days of the issuance of an Occupancy Permit for the proposed building, the

construction and maintenance cost allocations shall be made and determined by the Director of Engineering; and his decision shall be final; and

- 7. Signage, guard rails, or other devices shall be provided along the full President Street access to address safety concerns, subject to the approval of the Director of Engineering; and
- 8. Developer shall enter into a Fire Lane Designation and Enforcement Agreement with the City in substantial compliance with Exhibit "A".

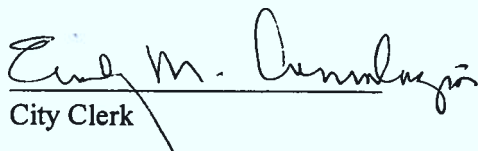
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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 Mouhelis
Councilman Prendiville
Councilman Suess
Councilwoman Corry
Councilman Johnson
Councilman Levine
Mayor Gresk

Nays: None

Absent: None

Motion Carried Unanimously

Passed: March 17, 2008

Published: March 18, 2008