

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"

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 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 of Wheaton, Illinois ("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 of Wheaton, Illinois ("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)" (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, following the enactment of the Original and Amended Ordinances, an application has been made to further amend the signage and landscaping plans contained in the Original Ordinance 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 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: An amendment to the Original and Amended Ordinance is hereby granted to: relocate three outlot tenant monument signs (PNC Bank, IHOP and Kentucky Fried Chicken) to the east at their existing elevations; and 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 in substantial compliance with the plans and letters entitled "*Danada Square East - Landscaping Plan*" prepared by Christopher Burke Engineering, Rosemont, IL, dated March 2, 2011 and a letter to Edgemark Asset Management LLC from the Sign Authority, Wheaton, IL, dated January 6, 2011.

Section 2: In all other respects, the terms and provisions of the Original Ordinance 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 Mouhelis
Councilman Rutledge
Mayor Gress
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suess

Nays: None

Absent: Councilwoman Ives

Motion Carried Unanimously

Passed: August 1, 2011
Published: August 2, 2011

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.



The Sign Authority

Serious Graphics – Serious Results

901-A W. Liberty Dr. Wheaton, IL 60189

January 6, 2011

Mark Brennan
Edgemark Asset Management LLC
2215 York Road
Oak Brook, IL 60523

Dear Mr. Brennan:

Thank you for taking the time to review the details of the sign relocation project.

To reiterate our findings:

- (a) The existing Danada Square East Shopping Center sign can be relocated effectively within the area if its southwest side can sit on the edge of the proposed R.O.W. (right-of-way). The current sign is approximately 12'8" long on the three sides and 11' high.
- (b) PNC sign - The existing sign's near edge is approximately 14 feet from the edge of the current roadway. If the sign were moved to the boundary of the new R.O.W. it will be approximately 25 feet from the edge of the new roadway without regard to any set back requirements.
- (c) IHOP sign - The existing sign's near edge is approximately 16 feet from the edge of the current roadway. If the sign were moved to the boundary of the new R.O.W., it will be approximately 20 feet from the edge of the new roadway without regard to any set back requirements.
- (d) KFC sign - The existing sign's near edge is approximately 16 feet from the edge of the current roadway. If the sign were moved to the boundary of the new R.O.W., it will be approximately 25 feet from the edge of the new roadway without regard to any set back requirements.
- (e) PNC, IHOP, and KFC signs -The PNC sign is approximately 66" high from ground at the middle. The IHOP sign is 83" high and the KFC sign is 59" high. Subject to final grade heights, each of the signs will require a new base approximately 6-8 feet high to achieve the current visibility. The finished signs should not exceed 7 feet in height above the effective ground level.

If you have any questions, please call. We look forward working with you on this project.

Sincerely,

Richard C. Tampier
President

C

C

C