

35A

ORDINANCE NO. F-0006

**AN ORDINANCE GRANTING A ZONING TEXT AMENDMENT,
SPECIAL USE PERMIT, AND ZONING VARIATION FOR THE
CONSTRUCTION AND USE OF A NEW BUILDING TO BE USED AS A
PRE-SCHOOL AND KINDERGARTEN, OFFICES, AND CONFERENCE ROOMS
AT 317 WEST WILLOW STREET -
ROMAN CATHOLIC DIOCESE OF JOLIET ST. MICHAEL'S SCHOOL**

WHEREAS, written application has been made for the issuance of a special use permit to allow the demolition of an existing building and the construction and use of a 3-story, 20,000 square-foot new building for a pre-school and a kindergarten, offices, and conference rooms, and a variation from the provisions of Article 19.5.4(A) of the Wheaton Zoning Ordinance to reduce the required front yard from 15 feet to 9.14 feet on certain property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 317 West Willow Street; and

WHEREAS, written application has also been made for an amendment to Article XIX, C-4 CBD Perimeter Commercial District, of the text of the Wheaton Zoning Ordinance regarding adding "pre-schools and kindergartens operated by a public or private elementary school system, secondary level school units, or institutions of higher learning" as an additional use in subsection 19.3, Special Uses; and the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the City and its residents to consider the amendment to the text of the Zoning Ordinance; 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 Board of Zoning Appeals on October 10, 1995, and continued from time-to-time and concluded on November 14, 1995, to consider the proposed text amendment and granting the special use permit and zoning variation; and the Wheaton Board of Zoning Appeals has recommended approval of the text amendment, special use permit, and zoning variation.

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-4 Central Business Perimeter Commercial District zoning classification:

LOT 8 IN BLOCK 5 IN J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON, IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1855 AS DOCUMENT 9567, IN DUPAGE COUNTY, ILLINOIS.

This property is commonly known as 317 West Willow, Wheaton, IL 60187 ("subject property").

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Section 2: Article XIX, C-4 CBD Perimeter Commercial District, of the text of the Wheaton Zoning Ordinance is amended by adding “pre-schools and kindergartens operated by a public or private elementary school system, secondary level school units, or institutions of higher learning” as a use after “Banquet Facilities” in subsection 19.3, Special Uses.

Section 3: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit is hereby issued to allow the demolition of an existing building and the construction and use of a 3-story, 20,000 square-foot new building for a pre-school and kindergarten, offices, and conference rooms on the subject property in full compliance with the “Site Plan”, Sheet A-1; “Floor Plans”, Sheet A-2; “Elevation Scheme ‘B’”, Sheet A-3, prepared by Fox & Fox Architects and Engineers, 330 S. Wells, Chicago, Illinois; and the “Grading and Layout Plan”, identified as Sheet #1; “Utility Plan”, identified as Sheet #2; and “Landscape Plan” identified as Sheet #3, dated June 19, 1995, prepared Webster, McGrath & Ahlberg, Ltd., Wheaton, Illinois; and in further full compliance with the following conditions, restrictions, and requirements:

- A. The “school space” in the proposed 3-story, 20,000 square-foot building to be constructed on the subject property cannot be used for a daycare and/or nursery school. The minimum age of any student attendee shall be four (4) years old.
- B. All rooftop mechanical units must be screened from view by a parapet wall or by a separate screen.
- C. Owner/developer shall follow the recommendations contained in the traffic planning study prepared by Metro Transportation Group, Inc., dated October 27, 1995, regarding on-site parking for teachers and volunteer teaching aides, designated zones for bus loading/unloading and student drop off/pick up by parents, and the coordination of class schedules to reduce the number of pedestrian trips made by preschool and kindergarten students between buildings across Willow Avenue.
- D. The owner of the subject property shall maintain all landscaping and plantings on the subject property so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the approved landscape plan. In the event any landscaping, plantings, or vegetation on the subject property dies, in whole or in part, at any time, the owner shall, forthwith, replace the non-viable landscaping vegetation and/or plantings with reasonably similar substitutes of original planting size or larger, as directed by the City.
- E. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of J. P. Carney, Recorder of Deeds, Du Page County, Illinois.

By application for, and receipt of, any site development or building permit and the commencement of construction of any improvements on the subject property, owner, for himself/itself, his/its successors, assigns, and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property, in perpetuity.

- F. A variation from the provisions of Section 19.5(A) of the Wheaton Zoning Ordinance is granted to allow a front yard setback of 9.14 feet, in lieu of the required 15 feet.
- G. By issuance of the special use permit, owner/developer is considered to have met the provisions of Chapter 22, Article XII, Building Demolition Regulations, of the Wheaton City Code and may demolish the structure at 317 West Willow Street.
- H. Ordinance No. E-4031, "An Ordinance Providing for the Construction and Location of a Temporary Mobile Classroom and Granting a Temporary Front-Yard Setback Variation on a Certain Piece of Property Commonly Known as 314 West Willow Street-St. Michael's School," is hereby amended to permit the use of a temporary mobile classroom on property located at 314 West Willow Street until December 1, 1997. On or before December 1, 1997, the owner shall promptly remove the temporary mobile classroom at its expense; in the event the owner fails or refuses to remove the mobile classroom, following seven (7) days written notice to the owner, the City may, in its sole discretion, cause the temporary mobile classroom to be removed, at the expense of the owner.

Section 4: In all other respects, the Wheaton Zoning Ordinance is ratified and remains in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:

Emily M. Conzelmann
City Clerk

James Carr
Mayor

Ayes:

Roll Call Vote:
Councilwoman Culler
Councilwoman Davenport
Mayor Carr

Councilman Gresk
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

Councilman Eckhoff

Motion Carried Unanimously

Passed: February 5, 1996

Published: February 6, 1996