

ORDINANCE NO. F-0011

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
AND GRANTING A SPECIAL USE PERMIT FOR AN AUTOMOBILE REPAIR
FACILITY ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT
601 SOUTH CARLTON AVENUE - RHODES**

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, and for the issuance of a special use permit for a one-story automobile repair facility on a vacant 110' x 150' parcel with west frontage on Carlton Avenue and east frontage on Sunnyside Avenue, lying immediately north of a Commonwealth Edison substation, on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 601 South Carlton Avenue; 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 January 23, 1996, to consider the zoning amendment and issuance of the special use permit; and the Wheaton Board of Zoning Appeals has recommended approval of the zoning amendment and issuance of the special use permit.

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 Business District zoning classification:

LOTS 10 AND 11 IN BLOCK 4, IN BARG'S ADDITION TO WHEATON, IN SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1925, AS DOCUMENT 191311, IN DU PAGE COUNTY, ILLINOIS.

PIN 05-17-417-038 and 039.

This property is commonly located at 601 South Carlton Avenue, Wheaton, IL 60187 ("subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a special use permit is hereby issued to allow the construction and use of a one-story automobile repair facility on the subject property in full compliance with the site and landscape plan entitled "Rhodes Auto Service," prepared by LaPage & Associates, Ltd., Wheaton, dated February 2, 1996, and the floor/elevations plan prepared by LaPage and Associates, Ltd., Architects, Wheaton, Illinois, dated December 4, 1995, entitled "Proposed One Story Masonry Building, Rhodes Auto Service", and in further full compliance with the following conditions, restrictions, and requirements:

- A. Prior to the issuance of any site development or building permit, owner shall furnish the following to the City:
 - (1) A revised site plan which illustrates:
 - a. The screening of any rooftop mechanical equipment as required by the City Zoning Ordinance.
 - b. That all four sides of the building and the trash enclosures are to be constructed of split-face concrete block.
 - c. The revised site plan shall be subject to the reasonable approval of the City Planner.
 - (2) A revised landscape plan which identifies the existing trees on the subject property to enable the City to determine whether or not tree preservation regulations are applicable; the revised landscape plan shall be subject to the reasonable approval of the City Planner.
 - (3) Copies of the approvals/permits from the Du Page County Division of Transportation for the proposed access drive and storm sewer extension within Carlton Avenue.
- B. Variations are granted from the provisions of Section 62-178, "Pavement widths" and Section 62-290, "Pavement edging" for Sunnyside Avenue.
- C. 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.
- D. In lieu of constructing public sidewalks, owner shall donate seventy-five percent (75%) of the cost of public sidewalk construction along Sunnyside Avenue and Carlton Avenue.
- 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. The Plat of Consolidation, entitled "Rhodes Consolidation Plat," prepared by Harold F. Steinbrecher, Jr., an Illinois Professional Land Surveyor, and dated December 26, 1995, is hereby approved. The Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor.

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.

ATTEST:

Emily M. Cavarozzi
City Clerk



Mayor

Roll Call Vote:

Councilwoman Davenport
Councilman Eckhoff
Councilman Gresk
Councilwoman Johnson
Councilman Mork
Councilwoman Culler

Ayes: Nays: None

Absent: Mayor Carr

Motion Carried Unanimously

Passed: February 26, 1996

Published: February 27, 1996