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ORDINANCE NO. F-0048

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-3406,
"AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND
GRANTING A SPECIAL USE PERMIT FOR A SPORTS FACILITY
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
THE WHEATON SPORTS CENTER" ("ORIGINAL ORDINANCE"); AND
ORDINANCES NOS. E-3671, E-3852, E-4002, E-4003, and E-4062 WHICH AMENDED
THE ORIGINAL ORDINANCE - WHEATON SPORTS CENTER**

WHEREAS, on December 19, 1988, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. E-3406, *"An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sports Facility on a Certain Piece of Property Commonly Known as The Wheaton Sports Center"* recorded on January 14, 1992 as Document No. R92-007957 in the Office of the DuPage County Recorder of Deeds ("Original Ordinance"), authorizing a special use permit to allow the construction of a sports facility on the property legally described on Exhibit A, attached hereto, and commonly known as 1000 West Prairie Avenue, Wheaton, Illinois; and

WHEREAS, on March 18, 1991, the City enacted City Ordinance No. E-3671, *"An Ordinance Amending City of Wheaton Ordinance No. E-3406, 'An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sports Facility on a Certain Piece of Property Commonly Known as The Wheaton Sports Center', dated December 19, 1988 (Wheaton Sports Center)"* recorded on January 14, 1992 as Document No. R92-007957, in the Office of the DuPage County Recorder of Deeds, amending the "Original Ordinance" in various ways; and

WHEREAS, on November 16, 1992, the City enacted City Ordinance No. E-3852, *"An Ordinance Amending the Wheaton Zoning Ordinance No. E-3406, 'An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sports Facility on a Certain Piece of Property Commonly Known as The Wheaton Sports Center' and City of Wheaton Ordinance No. E-3671, 'An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sports Facility on a Certain Piece of Property Commonly known as The Wheaton Sports Center' dated December 19, 1988 (Wheaton Sports Center)"* recorded on November 24, 1992 as Document No. R92-228612 in the Office of the DuPage County Recorder of Deeds, amending the "Original Ordinance" to allow for the construction and use of outdoor volleyball courts, among other amendments, on the subject property; and

WHEREAS, on June 20, 1994, the City enacted City Ordinance No. E-4002, *"An Ordinance Amending City of Wheaton Ordinance No. E-3406, 'An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sport Facility on a Certain Piece of Property Commonly Known as The Wheaton Sports Center' Ordinance No. E-3671; and Ordinance No. E-3852 (Wheaton Sports Center)"* recorded on July 11, 1994 as Document No. R94-149551 in the Office of the DuPage County Recorder of Deeds, amending

the "Original Ordinance" to allow the use of the sand volleyball pit/court in the southwesterly quadrant of the subject property; and

WHEREAS, on June 20, 1994, the City enacted Ordinance No. E-4003, *"An Ordinance Amending City of Wheaton Ordinance No. E-3406, 'An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sport Facility on a Certain Piece of Property Commonly Known as the Wheaton Sports Center' Ordinance No. E-3671; and Ordinance No. E-3852 (Wheaton Sports Center)"* recorded on July 11, 1994 as Document No. R94-149551 in the Office of the DuPage County Recorder of Deeds, amending the "Original Ordinance", Ordinance No. E-3671 and Ordinance No. E-3852 to allow the temporary conditional use of the sand volleyball pit/court on the southwesterly quadrant of the "Social Recreation Area" of the subject property; and

WHEREAS, on January 17, 1995, the City enacted City Ordinance No. E-4062, *"An Ordinance Amending City of Wheaton Ordinance No. E-3406, 'An Ordinance Amending the Wheaton Zoning Ordinance Map and Granting a Special Use Permit for a Sports Facility on a Certain Piece of Property Commonly Known as the Wheaton Sports Center ("Original Ordinance"); Ordinance No. E-3671; Ordinance No. E-3852; Ordinance No. E-4002 and Ordinance No. E-4003 (Wheaton Sports Center)"* recorded on February 17, 1995, as Document No. R95-19781 in the Office of the DuPage County Recorder of Deeds, amending the "Original Ordinance" to allow the construction of one sand volleyball pit/court on the southeasterly quadrant and the construction of one sand volleyball pit/court on the southwesterly quadrant of the "Social Recreation Area" of the subject property; and

WHEREAS, thereafter, the City enacted Ordinance No. E-3671, E-3852, E-4002, E-4003, and E-4062 amending the "Original Ordinance" in various ways; and

WHEREAS, application has been made to amend the special use permit approved by the "Original Ordinance" in order to construct a new 34-space parking lot on the northwest portion of the subject property and an additional storage facility on the west side of the existing tennis court building; 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 June 25, 1996, to consider the amendment to the "Original Ordinance"; and the Wheaton Board of Zoning Appeals has recommended approval of the amendment.

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 determined by the Wheaton Board of Zoning Appeals, Section 2 of the "Original Ordinance" and the special use permit granted therein are amended by adding the following subsection to the "Original Ordinance":

"W. A 34-space parking lot may be constructed on the subject property north of the tennis court building and west of the outdoor basketball court in the area presently occupied by an outdoor play area, and a storage facility may be constructed on the west side of the tennis court building, as designated on the "Parking Lot Expansion Layout", prepared by Bollinger, Lach & Associates, Inc., Consulting Engineers & Land Surveyors, Oak Brook, Illinois, dated May 10, 1996. It shall be a condition precedent to the effectiveness of this ordinance that the owner/developer of the subject property comply with the following conditions and requirements:

- (1) The final engineering plans shall be submitted to, and approved by, the City prior to the issuance of a site development permit.
- (2) A revised "Parking Lot Expansion Layout" plan shall be submitted to the City and shall illustrate the following:
 - (a) A new hedge shall be planted within the five-foot-wide area between the existing parking lot and the proposed parking lot.
 - (b) Any trees removed as a result of the proposed construction shall be replaced in the area of the proposed improvements.
 - (c) The parking lot lighting shall be designed and installed in conformance with the requirements of the Wheaton Zoning Ordinance.
 - (d) The proposed storage facility shall be constructed of materials to match the existing building and storage facility.

The revised plan shall be subject to the reasonable approval of the City Planner."

Section 2: In all other respects, the terms and provisions of the "Original Ordinance" and Ordinance Nos. E-3671, E-3852, E-4002, and E-4003 which amended the "Original Ordinance" 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.

ATTEST:

Emily M. Consalvo
City Clerk

Ayes:

C. Carr
Mayor

Roll Call Vote:

Councilman Eckhoff
Mayor Carr
Councilman Gresk
Councilwoman Johnson
Councilman Mork
Councilwoman Culler

Nays:

None

Absent:

Councilwoman Davenport

Motion Carried Unanimously

Passed: August 5, 1996
Published: August 6, 1996

EXHIBIT A

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LOT 4 IN OYERS SUBDIVISION BEING A SUBDIVISION IN SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 6, 1911 AS DOCUMENT 102898, IN DU PAGE COUNTY, ILLINOIS. ALSO KNOWN AS LOT 1 IN WHEATON SPORTS CENTER CONSOLIDATION, SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1990 AS DOCUMENT R90-049415.

P.I.N. #05-08-306-046

R 92-228612