

ORDINANCE NO. F-0073

AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT AND A LOT AREA VARIATION FOR A BUILDING DEVOTED TO RELIGIOUS WORSHIP ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT 412 AND 414 CRESCENT STREET - ST. JOSEPH'S ORTHODOX CHURCH

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 a lot area variation and the issuance of a special use permit for a building devoted to religious worship on the property legally described herein within the City limits of Wheaton, Illinois, and commonly known as 412 and 414 Crescent Street, Wheaton, 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 8, 1996 to consider the zoning amendment, lot area variation, and issuance of a special use permit and the Wheaton Board of Zoning Appeals has unanimously recommended approval of the zoning amendment, lot area variation and issuance of a special use permit.

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: The following described property has been, and continues to be, zoned and classified, in the R-5 Residential zoning classification.

LOTS 3 AND 4 IN L.H. GRANGE'S ADDITION TO THE CITY OF WHEATON, IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1903 AS DOCUMENT 78951, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-16-401-007; 05-16-401-008

The property is commonly located at 412 and 414 Crescent Street, Wheaton, Illinois (subject property).

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, a variation from the requirements of Section 11.2(e) of the City of Wheaton Zoning Ordinance to permit a building devoted to religious worship on a 15,625 square foot parcel of property, and a special use permit is hereby issued to allow demolition of the property at 414 Crescent Street, the construction of an addition to the building at 412 Crescent Street, and use of the property as a devoted to religious worship in full compliance with the site plan, building elevation plan, floor plan, and landscape plan entitled "*St. Joseph's Orthodox Christian Church*" dated October 28, 1996 all prepared by LaPage and Associates, 207 West Front Street, Wheaton, Illinois 60187, 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 landscape plan which illustrates the placement of ornamental trees planted at 30 feet on center along the south, east, and west property lines of the subject property.

2. A final set of engineering plans subject to the reasonable approval of the Director of Engineering.
- B. Variations are granted from the provisions of Section 62-290 (pavement edging) of the Wheaton City Code.
- C. The City hereby approves the demolition of the existing structure at 414 Crescent Street as provided for in Chapter 22, Article XII of the Wheaton City Code. Such building demolition shall be done in accordance with the provisions of the BOCA building codes in force at the time of permit, and any and all additional requirements as directed by the Director of Building and Code Enforcement department.
- D. The St. Joseph's consolidation plat, prepared by Norbert V. Lambert, Jr., dated April 4, 1996 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 and attach a certified copy of this ordinance of approval to the St. Joseph's consolidation plat prepared by Norbert V. Lambert, Jr., dated April 4, 1996.
- E. Prior to the issuance of an occupancy permit all deteriorated public sidewalk adjacent to the subject property must be removed and replaced at the direction of the Director of Engineering.
- F. 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 which is illustrated on the approved landscape plan. In the event any landscaping plantings or vegetation of 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.
- G. This special use permit and the conditions, restrictions and requirements cited herein shall be considered a declaration of restrictive covenant and shall be binding upon the subject property, and its owners, successors, assigns and grantees. This Ordinance shall be recorded in the office of J.P. Carney, Record of Deeds, DuPage County, Illinois by application for and in 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.

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. Consalvey
City Clerk



James Carr
Mayor

Roll Call Vote

Ayes:

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

Nays:

None

Absent:

Councilwoman Davenport

Motion Carried Unanimously

Passed: November 4, 1996

Published: November 5, 1996