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**ORDINANCE NO. F-0208**

**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND  
GRANTING CERTAIN ZONING VARIATIONS TO ALLOW THE  
DEMOLITION OF AN EXISTING RESIDENCE AND GARAGE AND THE  
CONSTRUCTION AND USE OF AN OFFICE BUILDING ON A CERTAIN PIECE  
OF PROPERTY COMMONLY LOCATED AT 2126 MANCHESTER ROAD/  
(THE SOUTHEAST CORNER OF PAGE STREET AND  
MANCHESTER ROAD) - KINGSLAND PROPERTIES L.L.C.**

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, to allow the demolition of an existing residence with detached garage and subsequent construction and use of a two-story 16,000 square-foot office building, and for certain lot area, building, and parking lot setback variation on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 2126 Manchester Road; 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 28 and December 9, 1997, to consider the zoning requests; and the Wheaton Board of Zoning Appeals has recommended approval of the demolition, zoning amendment, and variations.

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 Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, is amended by deleting the following-described property from the R-1 Residential District zoning classification and including it in the O-R Office and Research District zoning classification:

LOTS 1, 2, AND 3 IN BLOCK 9 IN WHEATON PARK MANOR, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179446, IN DUPAGE COUNTY, ILLINOIS.

**PIN 05-18-402-001, 002 and 003**

This property is commonly located at 2126 Manchester Road (the southeast corner of Page Street and Manchester Road), Wheaton, IL 60187 ("subject property").

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, the rezoning, demolition of the existing residence and detached garage on the subject

property, and variations are hereby issued and granted to allow the construction of a two-story 16,000 square-foot office building in compliance with the following conditions, restrictions, and requirements:

- A. The subject property shall be developed in accordance with the site plan and building elevation plan entitled, "Office Building, Manchester Road and Page Street," dated September 10, 1997, prepared by Philip Prince & Associates, 617 West Front Street, Wheaton, Illinois; the landscape development plan and tree preservation plan dated October 9, 1997 and revised October 21, 1997, prepared by Western DuPage Landscaping, 31W478 Diehl Road, Naperville; and the preliminary engineering plan entitled, "Site Engineering, Kingsland Office Building," dated September 3, 1997, prepared by Jacob & Hefner Associates, P.C., 739 Roosevelt Road, Suite 100, Glen Ellyn, Illinois.
- B. Demolition of the existing residence and garage on the subject property may proceed according to the provisions of Article XII, "Demolition of Buildings", of the Wheaton City Code.
- C. The following variations from the requirements of the Wheaton Zoning Ordinance and City Code are granted:
  - 1. A lot area of .88 acre is allowed, in lieu of one acre.
  - 2. A 20-foot setback for a front yard abutting a street is allowed, in lieu of 28 feet.
  - 3. A 10-foot parking lot setback adjacent to Page Street and Manchester Road is allowed, in lieu of 15 feet.
  - 4. A 10-foot parking lot setback is allowed adjacent to the property zoned for residential use, in lieu of 15 feet.
  - 5. A 5-foot building foundation planting setback is allowed, in lieu of 8 feet.
  - 6. A loading berth may be eliminated.
- D. Prior to the issuance of any site development or building permit:
  - 1. Owner/developer shall submit a revised site plan to the City illustrating the addition of a sidewalk connecting the east door of the proposed building to the public sidewalk along Manchester Road and the south door of the building to the public sidewalk along Page Street. The revised site plan shall be subject to the reasonable approval of the City's Director of Planning.



2. Owner shall abandon all wells and septic systems and provide certification of abandonment to the City's Director of Engineering.
  3. Owner shall contact the Wheaton Sanitary District regarding their requirements and a permit for connection to the Page Street sanitary sewer system.
- E. Owner/developer shall place "No Left Turn" signs at the egress from the subject property to Page Street and construct a "right in/right out only" access drive at the egress from the subject property to Manchester Road. The type and location of the No Left Turn signs and the design of the right-in/right out access shall be subject to the reasonable approval of the City's Director of Engineering.
- F. The owner of the subject property shall include a provision in all leases entered into with tenants occupying the subject property providing that motor vehicle left turns from the subject property onto Page Street and Manchester Road are prohibited and left turns onto those streets from the subject property by any tenant and/or employees of any tenant on the subject property shall constitute a breach and violation of the lease; this lease provision shall be subject to the reasonable approval of the City.
- G. Owner/developer shall use all other reasonable means to advise any tenant or occupant of the subject property that motor vehicle left-turn movement from the subject property onto Page Street or Manchester Road is prohibited.
- H. 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.
- I. 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.

- J. The Plat of Consolidation of 2126 Manchester Road, entitled "Kingsland's Plat of Consolidation," prepared by Jacob & Hefner Associates, P.C., dated January 19, 1998, 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 attached a certified copy of this resolution of approval of the Kingsland Plat of Consolidation, prepared by Jacob & Hefner Associates, P.C., dated January 19, 1998.

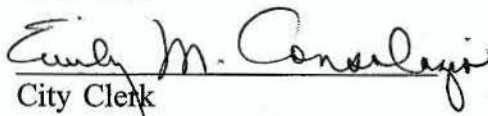
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor



ATTEST:

  
City Clerk

ROLL CALL VOTE:

Ayes:

Councilman Mork  
Councilwoman Davenport  
Councilman Gresk  
Mayor Carr  
Councilman Johnson  
Councilwoman Johnson

Nays:

None

Absent:

Councilman Eckhoff

Motion Carried Unanimously

Passed:

Published: