

**ORDINANCE NO. F-0220**

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS THE SOUTHEAST CORNER OF WOOD STREET AND AVERY AVENUE/THE SECOND BAPTIST 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 for a rezoning and the issuance of a special use permit for the construction of a parking lot on the property legally described herein within the City limits of Wheaton, Illinois, and commonly known as the southeast corner of Wood Street and Avery Avenue, 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 November 11, 1997 to consider the rezoning and special use permit request, and the Wheaton Board of Zoning Appeals has unanimously recommended approval of the rezoning and 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 zoning map which is attached to and forms a part of the City Zoning Ordinance is amended by deleting the following described property from the R-4 Residential District zoning classification and including it in the I-1 Institutional District zoning classification.

THE 30 FOOT STRIP OF LAND LYING EAST OF AND ADJOINING THE SOUTH 33 FEET OF AVERY AVENUE, LOTS 1, 5, 6, 7, 8, 9 AND 10, IN BLOCK 4 AND LYING BETWEEN THE NORTH LINE OF THE SOUTH 33 FEET OF AVERY AVENUE EXTENDED EAST, AND THE SOUTH LINE OF LOT 10, EXTENDED EAST, ALL IN EAST WHEATON, BEING A SUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1889 AS DOCUMENT 40813, IN DUPAGE COUNTY, ILLINOIS, AND LOTS 1, 2, 3, 4, 5, 6, 7, 8 AND 9 IN BLOCK 4 IN EAST WHEATON, BEING A SUBDIVISION OF PART OF THE SOUTH EAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1889 AS DOCUMENT 40813, IN DUPAGE COUNTY, ILLINOIS. THE SOUTH 33' OF THAT PART OF AVERY AVENUE LYING EAST OF THE WEST LINE OF BLOCK 4 (EXTENDED NORTH TO THE NORTH LINE OF AVERY AVENUE) AND LYING WEST OF THE EAST LINE OF BLOCK 4 (EXTENDED NORTH TO THE NORTH LINE OF AVERY AVENUE) ALL IN EAST WHEATON, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 2, 1889 AS DOCUMENT 40813, IN DUPAGE COUNTY, ILLINOIS.

PIN # 05-15-128-057, 05-15-128-017, 05-15-128-018, 05-15-128-019, 05-15-128-020, 05-15-128-056.

The property is commonly known as the southeast corner of Wood Street and Avery Avenue, Wheaton, Illinois 60187.

Section 2: Pursuant to the Findings of Fact determined by the Wheaton Board of Zoning Appeals, the rezoning and special use permit are hereby issued and granted for the construction and use of a parking lot in full compliance with the plan entitled "Proposed Parking Lot Second Baptist Church" prepared by Engineering Resource Associates Inc., 214 West Willow Avenue, Wheaton, Illinois dated June 3, 1997 and in further compliance with the following conditions, restrictions and requirements:

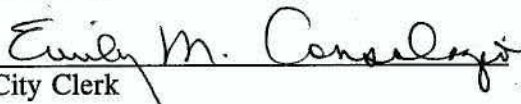
- A. Prior to the issuance of a site development permit, owner shall:
  - 1. Prepare a plat of consolidation for staff review and approval by the City Council.
  - 2. Prepare a set of final engineering plans and a stormwater management report for the subject property. The final engineering plans and stormwater management report shall be the subject to the reasonable approval of the Director of Engineering.
  - 3. Prepare a landscape and tree preservation plan in accordance with the requirements of the City of Wheaton Landscape Ordinance. The landscape plan shall be subject to the reasonable approval of the Director of Planning.
- B. The owner of the subject property shall construct public sidewalks adjacent to the subject property and leading to the church. The location of said public sidewalks shall meet the reasonable approval of the Director of Engineering.
- 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 what 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 reasonable similar substitutes of the original planting size or larger as directed by the City.
- D. 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, Recorder 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 agree 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.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Ayes:

Roll Call Vote

Councilman Mork  
Councilman Davenport  
Councilman Gresk  
Mayor Pro tem Eckhoff  
Councilman Johnson  
Councilwoman Johnson

Nays:

None

Absent:

Mayor Carr

Motion Carried Unanimously

Passed: March 2, 1998  
Published: March 3, 1998