

ORDINANCE NO. F-0224

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS THE
NORTHEAST CORNER OF BUTTERFIELD ROAD AND
WIESBROOK ROAD/ARMBRUST**

WHEREAS, a written petition has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois to rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois ("City"), and commonly located at the northeast corner of Butterfield Road and Wiesbrook Road; and

WHEREAS, the zoning application is being requested pursuant to the terms and conditions of a certain annexation agreement dated March 16, 1998, among the City and Edward J. Wiesbrock, not individually but solely as Trustee under Trust Agreement dated April 10, 1956 and known as Trust No. 1 ("Owners"), and Steven Armbrust. ("Developer") ("Annexation Agreement"),

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton City Council, sitting as a special hearing body on January 12, 1998 and February 23, 1998 to consider the requested zoning 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: FINDINGS OF FACT. The following Findings of Fact are made and determined:

1. Because the proposed building has a ground floor area of 10,000 square feet, a height of 30 feet, a lot coverage of 14%, 37% of the site is landscaped, a building designed with residential character and quality, has a small, low subdued sign and exterior lighting not to be a nuisance to adjoining property, the proposed plan is in compliance with the commercial and office research development policies contained in the land use component of the 1989 Update to the Comprehensive Plan which state in part, "that when property located on an arterial street (which Butterfield Road is classified as) is no longer suitable for residential use, the City should consider rezoning for low intensity office uses which are compatible with the residential character of the area".
2. The proposed use of the subject property is compatible with the surrounding area which includes a 20 acre regional high school, a 218 acre 27 hole golf course, which includes a restaurant, lounge and banquet rooms, a 24 acre parcel property zoned for multiple family use, a forest preserve, an equestrian center, a church and single family residences.

3. In 1991, Illinois Route 56 (Butterfield Road), adjacent to the subject property, was designated by IDOT as a Strategic Regional Arterial (SRA), a system of roads intended to supplement expressway facilities by accommodating high volume auto and commercial traffic. A November 1996 Final SRA Report recommends an intersection improvement at Wiesbrook Road and Butterfield Road, two through lanes, a right turn lane and a left turn lane for the east and west legs of the intersection and two through lanes, with a shared right turn lane and a left turn lane proposed for the north and south legs of the intersection. The cross section for the improvements calls for two 12 foot lanes in either direction, a 30 foot barrier median and 10 foot concrete shoulders.
4. The proposed use of the subject property will not create a significant negative traffic impact to the surrounding neighborhood. Wiesbrook Road and Butterfield Road have daily traffic counts of 6,000 and 14,000 to 22,000 respectively with a 2010 projected daily count of 28,000 to 40,000 for Butterfield Road. Based upon testimony and written report provided at the public hearing, the proposed use, during the period from 8:00 a.m. to 6:00 p.m., will generate approximately 30 vehicles in and out; or less than 3% of the volume on Wiesbrook Road. [December 15, 1997 memorandum to Hank Stillwell from Brent Coulter, Cemcon Ltd.].
5. Based upon testimony and written report provided at the public hearing, the proposed use will not diminish property values in the surrounding neighborhood. [Market Research, proposed Medical Office Building, northeast quadrant Butterfield and Wiesbrook Roads, DuPage County, IL prepared by Gadd, Tibble & Associates, Inc., dated January 29, 1998].
6. The subject property has been offered for sale for residential purposes for over 20 years and has not yet been developed as such. With the exception of the residential lot to the east, the remainder of the lots in the original subdivision have been developed for residential uses for many years.

Section 2: The terms, conditions, provisions, and obligations contained in the Annexation Agreement are incorporated into this annexation ordinance by this reference as though fully set forth herein. A copy of the Annexation Agreement is on file in the Office of the City Clerk.

Section 3: Pursuant to the Findings of Fact recited in Section 1 of this Ordinance, the Zoning map, which is attached to and forms a part of the Wheaton Zoning Ordinance, is amended by adding, including and classifying the following described property in the O-R Office-Research District zoning classification and in conformance with the Annexation Agreement.

Section 4: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, Du Page County, Illinois, and to file with the Office of the County Clerk, Du Page County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended to this ordinance.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: 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. Crowley
City Clerk



Ce Jones Carr
Mayor

Roll Call Vote:

Ayes:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: March 16, 1998

Published: March 17, 1998