

ORDINANCE NO. F-0473

**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, E-4062 AND F-0048 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 May 12, 1989 as Document No. R89-056055 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. R94-149550 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, on August 5, 1996, the City enacted City 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) dated December 19, 1988; and Ordinance Nos. E-3671, E-3852, E-4002, E-4003, and E-4062 Which Amended the Original Ordinance (Wheaton Sports Center)"* recorded on August 13, 1996 as Document No. R96-133905 in the Office of the DuPage County Recorder of Deeds, amending the "Original Ordinance" in various ways; and

WHEREAS, application has been made to amend the special use permit issued by the **ORIGINAL ORDINANCE** in order to allow the construction of a 2,780 square foot addition to the Sports Center to house an indoor therapy pool, a 7,565 square foot gymnasium addition and the reconfiguration of a portion of the existing parking lot to construct 23 additional parking spaces; 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 August 24, 1999, to consider the amendment to the **ORIGINAL ORDINANCE**.

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 Wheaton Board of Zoning Appeals has determined the following Findings of Fact:

1. The additions proposed for the existing Sports Center will not be detrimental to the

public health, safety, morals, comfort, convenience, and general welfare.

2. The relatively small additions to the existing Sports Center will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted; nor will the additions substantially diminish property values in the neighborhood.
3. The proposed building additions will not impede the normal and orderly development and improvement of the surrounding property for uses already permitted.
4. The required stormwater management facilities will provide for adequate utilities, access ways, drainage, and other necessary facilities.
5. The owner will reconfigure the parking lot to provide additional parking spaces in excess of the minimum number required by the Zoning Ordinance.
6. The proposed additions to the Sports Center will conform to the applicable requirements of the district in which it is located, as well as any other applicable requirements of this ordinance, except as may be varied by the Board of Zoning Appeals or City Council.

Section 2: Pursuant to the Findings of Fact contained in Section 1 of this ordinance, Section 2 of the **ORIGINAL ORDINANCE** and the special use permit granted therein are amended by adding the following subsections to the **ORIGINAL ORDINANCE**:

- "X. (1) A 2,780 square-foot addition may be constructed onto the existing Sports Center; this will include an indoor therapy pool which will replace an existing concrete patio located south of the existing one-story pool building and north of two existing tennis courts.
- (2) A 7,565 square-foot gymnasium addition may be constructed onto the existing Sports Center; this will replace an existing outdoor basketball court area located west of the two-story portion of the existing main building and north of the existing tennis building.
- (3) The proposed gymnasium will occupy one-half of the existing outdoor basketball court area; the owner will remove the remaining portion of the outdoor basketball court and reconfigure the adjoining parking lot in order to add an additional 23 parking spaces.
- (4) All construction shall proceed in full compliance with the ordinances and codes of the City and the following conditions, restrictions, and requirements:
- (a) It shall be a condition precedent to the effectiveness of this ordinance and the issuance of any permits that the owner/developer of the

subject property comply with the following conditions and requirements:

1. The recommendations contained in the Planning and Engineering Department's memorandum dated August 18, 1999, regarding stormwater management issues which have existed on the site since 1989; and final engineering plans which meet with the approval of the Director of Engineering;
 2. The "Site Plan-Proposed Additions" and the "Proposed Elevations with Additions", sheets A1 and A2, dated July 14 and 15, 1999 respectively, with a last revision date of May 18, 2000, prepared by Anderson, Mikos Architects, Ltd., Oak Brook, Illinois.
 3. The proposed additions shall utilize face brick exterior walls to match the existing facility.
- Y. The Owner and the Wheaton Park District have entered into a written agreement pertaining to the resolution of the stormwater management dispute between the owner and the park district; a copy of the signed agreement has been filed with the City Clerk and is incorporated into this ordinance by this reference.
- Z. Pursuant to the aforementioned settlement agreement dated May 11, 2000, the City hereby approves the separation of the property defined in the settlement agreement as the south parcel, legally described as:

ALL THAT PART OF LOT 1 IN WHEATON SPORTS CENTER PLAT OF CONSOLIDATION, BEING A SUBDIVISION IN THE SOUTH HALF OF 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, LYING SOUTH OF, AND ADJOINING, THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE SOUTHERLY MOST SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 01 DEGREES 09 MINUTES 27 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 1 FOR A DISTANCE OF 112.53 FEET TO A SOUTHEAST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE THAT IS PARALLEL WITH THE SOUTHERLY MOST LINE OF SAID LOT 1 FOR A DISTANCE OF 362.67 FEET TO THE WEST LINE OF SAID LOT 1: EXCEPT THEREFROM THE NORTH 15 FEET (AS MEASURED AT RIGHT ANGLES TO, AND PARALLEL WITH, THE NORTHERLY LINE THEREOF), ALL IN DUPAGE COUNTY, ILLINIS. SAID PARCEL HEREIN DESCRIBED CONTAINS 35356.77 SQUARE FEET, MORE OR LESS.

from the planned unit development in the manner prescribed by the settlement agreement. The City Council finds that the severance and conveyance of the south parcel will not cause any of the Sports Center improvements to become illegal or legal nonconforming, or otherwise limit or restrict the current or future use and development of the planned unit development."

Section 3: In all other respects, the terms and provisions of the **ORIGINAL ORDINANCE** and Ordinance Nos. E-3671, E-3852, E-4002, E-4003, E-4062 and F-0048 which amended the **ORIGINAL ORDINANCE** are ratified and remain in full force and effect.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: 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. Connelley
City Clerk

Mayor Carr
Mayor

Ayes:

Roll Call Vote:
Councilman Mork
Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson

Nays:

None

Absent:

Councilwoman Davenport
Councilwoman Johnson

Motion Carried Unanimously

Passed: June 5, 2000
Published: June 6, 2000

EXHIBIT 'A'

Lot 1 in wheaton sports center plat of consolidation in the south half of section 8, township 39 north, range 10, east of the third principal meridian according to the plat thereof recorded April 25, 1990 as document r90-49415, in dupage county, illinois. P.I.N. 05-08-306-046