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ORDINANCE NO. F-0664

**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, F-0048 AND F-0473
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, on June 5, 2000, the City Council enacted City 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"); Ordinance Nos. E-3671, E-3852, E-4002, E-4003, E-4062 and F-0048 (Wheaton Sports Center)*"; recorded on July 5, 2000 as Document No. R2000-101131 in the office of the DuPage County Recorder of Deeds 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, application has been made to amend the special use permit approved by the "Original Ordinance" in order to allow the construct a 38-space parking lot on the northwest portion of the subject property; 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

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September 11 and September 25, 2001 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: Pursuant to the Findings of Fact determined by the City, Section 2 of the "Original Ordinance" and the special use permit therein are amended by adding the following subsection to the "Original Ordinance":

"AA. A 38-space parking lot may be constructed on the northwest portion of the subject property as designated and illustrated on the site plan entitled 'Site Plan-Alternate B, Parking Lot Expansion', bearing revised date October 9, 2001, prepared by Bollinger, Lach & Associates, Inc., Oak Brook, Illinois. It shall be a condition precedent to the effectiveness of this ordinance that the owner of the subject property comply with the following additional conditions and requirements:

1. A landscape plan shall be filed with the City; the landscape plan shall be subject to the reasonable approval of the City.
2. Landscaped/curbed planters shall be constructed along the north and south parking spaces illustrated on the site plan located on the most-easterly portion of the proposed parking lot. A revised site plan illustrating this modification shall be filed with the City; the revised plan shall be subject to the reasonable approval of the City.
3. No artificial lighting need be constructed within the proposed parking lot.
4. Motor vehicle parking shall be allowed on the south side of Prairie Avenue, between Wheaton Oaks Drive and Wheaton Oaks Court."

Section 2: 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, F-0048, and F-0473, which amended the "Original Ordinance" are ratified and remain in full force and effect.

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. Consalvo
City Clerk

Mayor

James Carr

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

Nays: None
Absent: Councilwoman Johnson

Motion Carried Unanimously

Passed: November 19, 2001
Published: November 20, 2001