

ORDINANCE NO. F-0791

**AN ORDINANCE AMENDING ORDINANCE NOS. E-2045, E-3264, AND F-0140 TO ALLOW
THE CONSTRUCTION OF A ONE-STORY, 118 SQUARE FOOT PANTRY ADDITION
TO THE WHEATON INN-301 WEST ROOSEVELT ROAD**

WHEREAS, on October 1, 1984, the City of Wheaton ("City") enacted City Ordinance No. E-2045, "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 622 SOUTH WHEATON AVE-WHEATON INN" ("Original Ordinance") attached hereto as Exhibit "A" and legally described herein and attached hereto as Exhibit "B"; and

WHEREAS, on September 21, 1987, the City enacted City Ordinance No. E-3264, "AN ORDINANCE AMENDING THE ORIGINAL ORDINANCE TO ALLOW FOR THE USE AND OPERATION OF MEETING ROOMS IN THE LOWER LEVEL OF THE WHEATON INN BY NON-GUESTS OF THE WHEATON INN AND TO FURTHER ALLOW THE SERVING OF FOOD IN THE MEETING ROOMS SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS, AS PROVIDED IN ORDINANCE NO. E-3264" ("Ordinance of Amendment") attached hereto as Exhibit "C"; and

WHEREAS, on June 2, 1997 the City enacted Ordinance No. F-0140, "AN ORDINANCE AMENDING THE ORIGINAL ORDINANCE AND THE ORDINANCE OF AMENDMENT TO ALLOW SERVING OF PUBLIC BRUNCHES IN THE FIRST FLOOR BREAKFAST DINING FACILITY OF THE WHEATON INN" ("Second Ordinance of Amendment") recorded as Document # R97-90467 in the DuPage County Recorders Office on June 24, 1997 and attached hereto as Exhibit "D"; and

WHEREAS, following the enactment of the Original Ordinance, Ordinance of Amendment, and the Second Ordinance of Amendment, an application has been made to further amend the special use permit to allow for the construction of a one-story, 118 square foot pantry addition to the east side of the Wheaton Inn; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City of Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on February 11, 2003 to consider the special use permit amendment and the Wheaton Planning and Zoning Board has unanimously recommended approval of the amendment.

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:

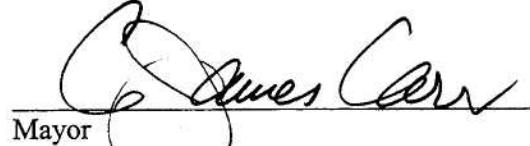
Section 1: An amendment to the Original Ordinance, the Ordinance of Amendment, and the Second Ordinance of Amendment is hereby approved to allow the construction of a one story, 118 square foot pantry addition to the east side of the Wheaton Inn in substantial compliance with the plans entitled "*The Wheaton Inn*" site plan; floor plan; and east, south, and north elevations; prepared by LaPage & Associates, 207 West Front Street, Wheaton, IL 60187-5155, dated January 14, 2003, and subject to the following condition:

1. Prior to the issuance of a building permit, the Applicant shall submit a landscape plan indicating the planting of landscape materials in and around the proposed addition which would provide screening of the addition from the property to the north of the Subject Property. The landscape plan shall be subject to the reasonable approval of the Director of Planning and Economic Development. All landscaping shall be installed prior to the issuance of an occupancy permit for the proposed addition.

Section 2: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

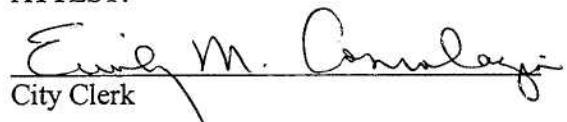
Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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



James Carr
Mayor

ATTEST:



Emily M. Connally
City Clerk

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Tamm
Councilman Gresk
Councilman Johnson
Councilwoman Johnson
Mayor Carr
Councilman Mork

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 18, 2003

Published: February 19, 2003

Exhibit "A"

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ORDINANCE NO. E-2045

AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING
A SPECIAL USE PERMIT ON A CERTAIN PIECE OF PROPERTY COMMONLY
KNOWN AS 622 SOUTH WHEATON AVENUE - WHEATON INN

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of The Wheaton Zoning Ordinance, to rezone and reclassify certain property described herein within the city limits of Wheaton, Illinois, commonly known as 622 South Wheaton Avenue; and

WHEREAS, written application has also been for the issuance of a special use permit for the construction and use of a guest inn on the property described herein; 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 June 10, 1984, to consider the zoning amendment and special use permit, together with a request for a variation from the provisions of The Wheaton Zoning Ordinance to allow a building setback of sixty (60) feet, in lieu of seventy (70) feet, from the center line of Roosevelt Road and to permit a five (5)-foot-high brick wall or fence within the front yard area of the subject property.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Illinois, pursuant to its home rule powers, as follows:

Section 1: The Zoning Map, which is incorporated in, and forms a part of, The Wheaton Zoning Ordinance, is amended by deleting the following-described property from the R-4 Residential District zoning classification and including it in the O-R Office and Research District zoning classification:

BLOCK 5 IN W. I. AND F. E. WHEATON'S RESUBDIVISION (EXCEPT THE WEST 161.0 FEET AS MEASURED ON THE NORTH LINE AND EXCEPT THE NORTH 257.0 FEET AS MEASURED ON THE WEST LINE THEREOF), ALL IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID W. I. AND F. E. WHEATON'S RESUBDIVISION, RECORDED MAY 9, 1914, AS DOCUMENT 116426 IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS.

This property is commonly known as 622 South Wheaton Avenue, Wheaton, Illinois.

Section 2: A special use permit shall be issued to allow the construction and use of a guest inn on the real estate described in Section 1 of this ordinance in full compliance with the site plan prepared by Wayne T. Ottoson dated October 1, 1984, and in further full compliance with the following conditions, restrictions, and requirements:

A. The engineering plans shall be subject to the reasonable approval of the City of Wheaton Engineer and shall conform to the provisions of the City of Wheaton City Code specifically including, but not limited to, the following:

- i. Elevations of the top of the proposed brick wall shall be illustrated.
- ii. The proposed storm sewer connection shall be connected to the storm sewer in the Wheaton Avenue right-of-way.
- iii. Surface water run-off from the parking lot shall overflow to the Wheaton Avenue drive approach; the overflow point for surface water shall be illustrated.
- iv. Means and methods of servicing sewer and water to the proposed improvement on the real estate shall be illustrated.

B. All defective sidewalk along Roosevelt Road and Wheaton Avenue, as determined by the City of Wheaton Engineer, shall be removed and replaced in accordance with the provisions of the City of Wheaton

Code. All sidewalk within the proposed drive approaches, and the drive approaches, must be of six (6)-inch-thick Portland cement concrete.

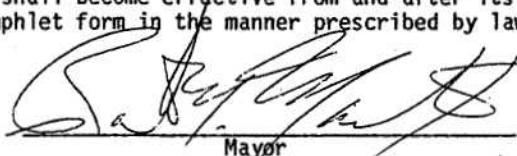
- C. Any ground sign shall not exceed ten (10) square feet and shall meet with the reasonable approval of the City of Wheaton Planner.
- D. All trees illustrated on the site plan, and not located within the paving or proposed improvement areas, shall be preserved. In the event it is determined that preservation of these trees is not appropriate for reasons related to engineering, grading, or other factors determined by the City of Wheaton Engineer and/or Planner, each existing tree which is removed shall be replaced with a tree which meets with the reasonable approval of the City of Wheaton Planner. The tree replacement shall be effected prior to the issuance of an occupancy permit.
- E. All ingress and egress to the subject property shall be restricted to right turn in and right turn out, only; the ingress and egress design and signs shall be subject to the reasonable approval of the City of Wheaton Engineer and the Illinois Department of Transportation.
- F. There shall be a five (5)-foot-high brick wall around the perimeter of the subject property, except in those areas where the City Engineer determines that the height of the brick wall shall be three (3) feet high.
- G. The number of guest rooms on the improvement to be constructed on the subject property shall not exceed sixteen (16).

Section 3: Variations from the provisions of the Wheaton Zoning Ordinance are granted as follows:

- A. A building setback of sixty (60) feet in lieu of seventy (70) feet from the center line of Roosevelt Road is approved.
- B. A five (5)-foot-high brick wall within the front yard area of the subject property is approved.
- C. A side-yard setback of twenty-five (25) feet in lieu of thirty-five (35) feet is approved and permitted along the north property line of the subject property.
- D. Parking lot setbacks of seven and five-tenths feet (7.5) adjacent to the Roosevelt Road right-of-way and ten (10) feet adjacent to the Wheaton Avenue right-of-way are approved and permitted.

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.



Mayor

ATTEST:



Dennis Johnson
City Clerk

ROLL CALL VOTE:

Ayes: 5
Nays: 0
Absent: 0

Passed: October 1, 1984
Published: October 2, 1984

EXHIBIT "B"

BLOCK 5 IN W. I. AND F. E. WHEATON'S RESUBDIVISION (EXCEPT THE WEST 161.0 FEET AS MEASURED ON THE NORTH LINE AND EXCEPT THE NORTH 257.0 FEET AS MEASURED ON THE WEST LINE THEREOF), ALL IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID W. I. AND F. E. WHEATON'S RESUBDIVISION, RECORDED MAY 9, 1914, AS DOCUMENT 116426 IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

Commonly known as 301 West Roosevelt Road.

ORDINANCE NO. E- 3264

AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-2045,
"AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP
AND GRANTING A SPECIAL USE PERMIT ON A CERTAIN
PIECE OF PROPERTY COMMONLY KNOWN AS
622 SOUTH WHEATON AVENUE - WHEATON INN", DATED OCTOBER 1, 1984 - WHEATON INN

WHEREAS, on October 1, 1984, the City of Wheaton enacted Ordinance No. E-2045, "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 622 SOUTH WHEATON AVENUE - WHEATON INN" ("Wheaton Inn Ordinance"); and

WHEREAS, pursuant to the said ordinance, certain property legally described in the Wheaton Inn Ordinance was rezoned; and a special use permit was issued to allow the construction and use of a guest inn on the real estate legally described in the Wheaton Inn Ordinance; and

WHEREAS, written application has been made to amend the Wheaton Inn Ordinance and special use permit to allow for the use and operation of meeting rooms in the lower level of the Wheaton Inn by non-guests of the Wheaton Inn and to further allow serving of food in the meeting rooms; 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 July 28, 1987, to consider the amendment of the Wheaton Inn Ordinance and special use permit issued thereby.

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 City of Wheaton, after considering all of the testimony, evidence, and public comment, makes the following findings of fact with respect to the application to amend the Wheaton Inn Ordinance:

- A. The special use amendment has been deemed necessary to the benefit of the City to allow the continued use of the facility in its current state.
- B. The use of cooking facilities and meeting rooms will not be harmful to the value of surrounding properties.
- C. Petitioner has proposed provisions that will protect the neighborhood from noise and odor.
- D. Conditions are placed on the special use that further promote the protection of the public health, safety, and general welfare.

Section 2: Section 2 of the Wheaton Inn Ordinance is amended by adding and including the following subsections therein:

- "H. The meeting rooms in the lower level of the inn may be used for business and non-business purposes; said rooms shall be the only rooms in which meetings may be conducted. Not more than a total of forty-five (45) overnight guests of the inn and/or members of the public may use and occupy the meeting rooms in the lower level of the inn.
- I. The hours of use and operation of the meeting rooms in the lower level of the inn shall be limited to 7:00 a.m. through 10:00 p.m., Monday through Friday, and 9:00 a.m. through 9:00 p.m. on Saturday and Sunday. All people attending meetings in the lower level meeting rooms shall arrive and depart from the subject property not more than fifteen (15) minutes before and after the times recited in this subsection I.
- J. As a condition precedent to any use, operation, and occupancy of the meeting rooms in the lower level of the inn, the owner of the subject property shall furnish the City of Wheaton with a written agreement evidencing that the owner of the subject property has the right to use

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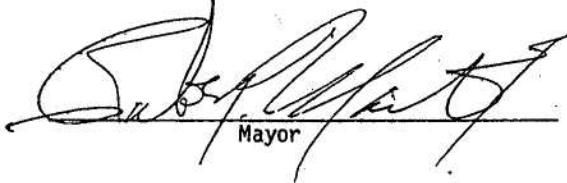
for parking purposes, during times not less than those provided for in subsection I of this Section 2, on private property within three hundred feet (300') of the subject property, fifteen (15) motor vehicle parking spaces plus one additional parking space for each inn employee servicing the lower level meeting rooms. Said off-site parking spaces shall, by means of signage, each be specifically reserved and limited for use by patrons of the inn. The signage and its language shall be subject to the reasonable approval of the Wheaton City Planner. The written agreement required herein shall be in a form which meets with the reasonable approval of the Wheaton City Attorney and shall be recorded in the office of the Recorder of Deeds, Du Page County, Illinois.

K. The food and cooking services of the inn shall be limited to those individuals using the meeting rooms in the lower level of the inn and guest occupying rooms in the inn, only.

Section 3: In all other respects, the terms, conditions, and provisions of the Wheaton Inn Ordinance are ratified and remain in full force and effect.

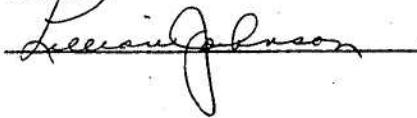
Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Sabby H. Hart
Mayor

ATTEST:



Leeanne Johnson

ROLL CALL VOTE:

Ayes: 5
Nays: 0
Absent: 0

Passed: September 21, 1987
Published: September 22, 1987

ORDINANCE NO. F-0140

AN ORDINANCE AMENDING ORDINANCE NOS. E-2045 AND E-3264
TO ALLOW SERVING OF PUBLIC BRUNCHES IN THE FIRST FLOOR BREAKFAST
DINING FACILITY OF THE WHEATON INN-301 WEST ROOSEVELT ROAD

WHEREAS, on October 1, 1984, the City of Wheaton ("City") enacted City Ordinance No. E-2045, "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 622 SOUTH WHEATON AVENUE-WHEATON INN" ("Original Ordinance") attached hereto as Exhibit "A"; and

WHEREAS, on September 21, 1987, the City enacted City Ordinance No. E-3264, attached hereto as Exhibit "B" ("Ordinance of Amendment") which amended the special use permit granted in the Original Ordinance to allow for the use and operation of meeting rooms in the lower level of the Wheaton Inn by non-guests of the Wheaton Inn and to further allow the serving of food in the meeting rooms subject to certain conditions and restrictions, as provided in Ordinance No. E-3264; and

WHEREAS, written application has been made to further amend the Original Ordinance and Ordinance No. E-3264 to allow The Wheaton Inn to serve public brunches on Sundays in the breakfast dining facility located on the first floor of the Inn; 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 January 14, 1997, to consider the amendment to the 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: That Section 2 of the Original Ordinance is amended by adding and including the following subsections therein:

- "L. The first floor dining area may be used for serving food and beverage as brunch to non- overnight guest patrons, subject to the conditions, restrictions and requirements recited in this ordinance.
- M. Brunch may be served during the hours of 10 a.m. and 2 p.m. to those non-overnight guest patrons who have previously made reservations to be served brunch.

Ordinance No. F-0140

- N. Brunch may be served as provided for in this ordinance on the following days only: New Year's Day, Easter Sunday, Mother's Day, Father's Day, Thanksgiving Day and Christmas Day.
- O. When brunch is being served as provided for in this ordinance, the lower level meeting rooms shall not be used by any non-overnight guests of the Inn.
- P. There shall be no amendments to any of the ordinances pertaining to the serving of brunch at The Wheaton Inn prior to May 19, 1999."

Section 2: In all other respects, the terms, conditions and provisions of the Original Ordinance and Ordinance of Amendment 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. Conroy*
City Clerk

Mayor

James Carr

Roll Call Vote:

Ayes:

Councilman Mork
Councilman Eckhoff
Councilman Johnson
Councilwoman Johnson

Nays:

Councilwoman Davenport
Councilman Gresk
Mayor Carr

Absent:

None

Motion Carried

Passed: June 2, 1997

Published: June 3, 1997