

ORDINANCE NO. F-0860

AN ORDINANCE DENYING A SPECIAL USE PERMIT FOR BILLIARDS HALL AT 315 WEST FRONT STREET/VALENCIA

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, to rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois ("City"), and commonly located at 315 West Front Street, Wheaton, IL ("subject property"); and

WHEREAS, written application was also made to amend the text of the Wheaton Zoning Ordinance to allow for billiard halls in the C-4 CBD Perimeter Commercial Districts and the City Council has determined that the amendment of the Zoning Ordinance text in this way would be contrary to the best interests of continued growth and development of the Central Business District and further incompatible with other uses in the Central Business District; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Board on September 9, 2003 and September 23, 2003 to consider the requested zoning amendment, variations and special use permit

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 following-described property has been, and continues to be, zoned and classified in the C-4 CBD Perimeter Commercial District zoning classification:

THAT PART OF LOT 9 IN BLOCK ONE IN J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON IN THE WEST HALF OF SECTION 16, TOWNSHIP 39 NORTH, RANGE TEN EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHERLY ALONG THE WEST LINE OF LOT 9 TO THE NORTHWEST CORNER THEREOF; THENCE EASTERLY, 0.45 FEET ALONG THE NORTHERLY LINE OF SAID LOT TO THE WEST FACE OF AN EXISTING BRICK BUILDING KNOWN AS HOLSTEIN'S GARAGE, THENCE SOUTHERLY ALONG SAID WEST FACE TO THE SOUTH LINE OF LOT 9; THENCE WESTERLY, 1.2 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

LOT 8 IN BLOCK ONE IN J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON IN THE WEST HALF OF SECTION 16, TOWNSHIP 39 NORTH, RANGE TEN EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART LYING WEST OF THE EAST FACE OF AN EXISTING BUILDING & LYING WEST OF SAID EAST FACE EXTENDED SOUTHERLY, (ALONG THE WEST LINE OF SAID LOT) IN THE SOUTHERLY 90 FEET THEREOF, SAID EXCEPTION BEING

DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE NORTHERLY, 90 FEET ALONG THE WEST LINE OF SAID LOT TO THE NORTH LINE OF THE SOUTHERLY 90 FEET OF SAID LOT 8; THENCE EASTERLY, 0.31 FEET ALONG THE NORTH LINE OF SAID SOUTHERLY 90 FEET TO THE EAST FACE OF AN EXISTING BRICK BUILDING; THENCE SOUTHERLY ALONG SAID EAST FACE & THE EXTENTION THEREOF LINE OF SAID LOT 8; THENCE WESTERLY, 0.44 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

AND ALSO,

THAT PART OF THE SOUTH 6.5 FEET OF VACATED ALLEY PER DOCUMENT 311038 LYING CONTIGUOUS AND ADJACENT TO THE ABOVE DESCRIBED PARCEL.

P.I.N. 05-16-300-020

This property is commonly known as 315 West Front Street, Wheaton, IL 60187 ("subject property").

Section 2: The following Findings of Fact are hereby made and determined by the City Council:

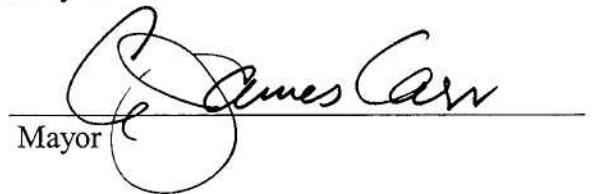
1. The Wheaton Zoning Ordinance does not provide for, or permit, billiards halls as permitted or special uses in the C-4 Perimeter Commercial Zoning District
2. A billiards hall use is not an appropriate special use within the C-4 CBD Perimeter Commercial District.
3. The establishment, maintenance, or operation of a billiards hall will be detrimental to the public health, safety, morals, comfort, convenience, and general welfare.
4. A billiards hall will be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish property values within the neighborhood.
5. A billiards hall will impede the continued and orderly development and improvement of the surrounding property for uses already permitted.
6. The special use will not comply with the objectives of the Wheaton Comprehensive Plan.

Section 3: Pursuant to the Findings of Fact determined in Section 2 of this ordinance, the special use permit for a billiards hall on the subject property is hereby denied.

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

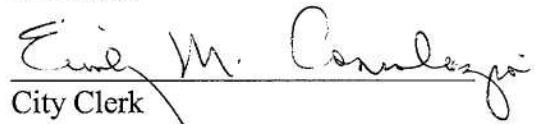
Section 5: This ordinance shall become effective from and after its passage, approval, and

publication in pamphlet form in the manner prescribed by law.



James Carr
Mayor

ATTEST:



Emily M. Condego
City Clerk

Ayes:

Roll Call Vote:

Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: November 17, 2003

Published: November 18, 2003