

## ORDINANCE NO. F-1017

### AN ORDINANCE AMENDING THE WHEATON ZONING MAP BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT- WHEATON MULCH, 709 and 813 CHILDS STREET

**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, by the issuance of a special use permit for a Planned Unit Development in order to allow Wheaton Mulch to use an existing surface parking lot located at 813 Childs Street for vehicle parking and storage of landscape materials, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly located at 709 and 813 Childs Street; 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 Planning and Zoning Board on February 23 and March 8, 2005 to consider the issuance of the special use permit; and the Board has recommended the issuance of the special use permit; and

**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 M-1 Manufacturing zoning district:

THAT PART OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTH EAST CORNER OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 17 AND RUNNING THENCE NORTH 00 DEGREES, 05 MINUTES, 00 SECONDS WEST 33.0 FEET TO THE NORTH LINE OF CHILDS STREET; THENCE SOUTH 88 DEGREES, 59 MINUTES, 00 SECONDS WEST ALONG SAID NORTH LINE OF CHILDS STREET, 430 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES, 59 MINUTES, 00 SECONDS WEST ALONG SAID NORTH LINE OF CHILDS STREET 45.45 FEET; THENCE NORTH 00 DEGREES, 05 MINUTES, 00 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 17, 149.5 FEET; THENCE NORTH 88 DEGREES, 59 MINUTES, 00 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF CHILDS STREET 45.55 FEET; THENCE SOUTH 00 DEGREES, 05 MINUTES, 00 SECONDS EAST, 149.5 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTH EAST CORNER OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SAID SECTION 17 AND RUNNING THENCE NORTH 0 DEGREES, 05 MINUTES WEST 33.0 FEET TO THE NORTH LINE OF CHILDS STREET, THENCE SOUTH 88 DEGREES, 59 MINUTES WEST ALONG SAID NORTH LINE OF CHILDS STREET, 290.0 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 88 DEGREES, 59 MINUTES WEST ALONG SAID NORTH LINE OF CHILDS STREET, 140.0 FEET; THENCE NORTH 0 DEGREES 05 MINUTES WEST PARALLEL WITH THE EAST LINE OF THE NORTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 17, 149.5 FEET; THENCE NORTH 88 DEGREES, 59 MINUTES EAST, PARALLEL WITH THE NORTH LINE OF CHILDS STREET, 140.0 FEET; THENCE SOUTH 0 DEGREES, 05 MINUTES EAST, 149.5 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

LOT 9 (EXCEPT THAT PART OF SAID LOT LYING EAST OF A LINE THAT IS PARALLEL WITH AND 290.0

FEET WEST OF, MEASURED ALONG THE NORTH LINE OF CHILDS STREET, THE EAST LINE OF THE NORTH WEST ¼ OF THE SOUTHEAST ¼ OF SECTION 17), ALL IN WHEATON CENTER FOR COMMERCE AND INDUSTRY PLANNED UNIT DEVELOPMENT OF PART OF THE SOUTH EAST ¼ OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 1980 AS DOCUMENT R80-48013, IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, AND RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 33 FEET TO THE NORTH LINE OF CHILDS STREET, THENCE WEST ALONG SAID NORTH LINE OF CHILDS STREET, 475 FEET FOR A PLACE OF BEGINNING, THENCE CONTINUING WEST ALONG SAID NORTH LINE OF CHILDS STREET, 255 FEET TO THE EAST LINE OF THE WEST 608 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, THENCE NORTH ALONG SAID EAST LINE, 149.50 FEET, THENCE EAST PARALLEL WITH SAID NORTH LINE OF CHILDS STREET 255 FEET TO THE WEST LINE OF THE EAST 475 FEET OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, THENCE SOUTH ALONG SAID LINE, 149.50 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS  
P.I.N. 05-17-409-009

This property is commonly known as 709 and 813 Childs Street, Wheaton, IL 60187 ("subject property").

**Section 2:** Pursuant to the Findings of Fact a special use permit is hereby issued in order to allow Wheaton Mulch to use an existing surface parking lot located at 813 Childs Street for vehicle parking and storage of landscape materials, in full compliance with the *site plan prepared by Steinbrecher Land Surveyors, Inc, dated March 13, 2005, entitled "Proposed Plan for Wheaton Mulch, Inc., 813 Childs Street, Wheaton, IL," and landscape plan dated March 16, 2005, entitled "Wheaton Mulch,"* in further compliance with the following conditions, restrictions, and requirements:

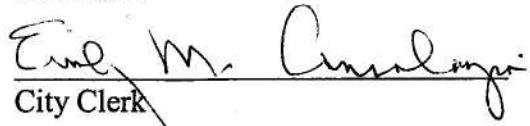
1. No fertilizers or other hazardous materials may be stored on the subject property; and
2. The subject property's front landscape area shall have a depth of at least 15 feet; and
3. A permanent erosion control system and maintenance plan, meeting the reasonable approval of the Director of Engineering, shall be developed and implemented on the subject property; and
4. The site plan shall be revised to show the storage bins aligned with the existing light poles and the storage bin locations shall comply with the site plan; and
5. An 8-foot tall solid wood fence shall be installed 15 feet behind the front property line of 813 Childs Street, with an emergency-only access gate to be aligned with the existing curb cut. The gate shall have the appearance of a solid wood fence; and
6. An 8-foot tall solid wood fence section shall connect the fence described in condition #5 to the existing iron fence located on 709 Childs Street; and
7. The entire site shall be fully secured during non-business hours; and
8. Mulch storage shall be operated to meet or exceed best management practices; and
9. The existing storage bins located on the 709 Childs Street property shall be relocated to a location north of the existing building on 709 Childs Street or to a location on 813 Childs Street; the location shall be illustrated on the revised site plan

**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.

  
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Mayor

ATTEST:

  
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City Clerk

Roll Call Vote  
Ayes: Councilman Mouhelis  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilwoman Johnson  
Councilman Mork

Nays: None

Absent: None

Motion Carried Unanimously

Passed: April 4, 2005  
Published: April 5, 2005