

ORDINANCE NO. F-1183

AN ORDINANCE AMENDING THE WHEATON ZONING MAP BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 117 – 131 W. WESLEY STREET / CLD PROPERTIES

WHEREAS, written application has been made by CLD Properties, LLC ("Developer") to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, for the issuance of a special use permit for a Planned Unit Development in order to demolish the existing structures located on the subject property and to construct a mixed-use development consisting of a three-story, 40,379 square foot commercial building. The project envisions first floor retail space with office space on the upper floors, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 117 – 131 W. Wesley Street; and

WHEREAS, pursuant to notice as required by the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on February 14, 2006, and continued from time to time and concluded on April 11, 2006, to consider the issuance of the 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:

THE WEST 66 FEET OF THE SOUTH 100 FEET OF BLOCK 6 OF VALLETTE AND BEARD'S ADDITION TO WHEATON, A SUBDIVISION IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1854 AS DOCUMENT 8384, IN DUPAGE COUNTY, ILLINOIS.

THE EASTERLY 99 FEET OF THE WEST 165 FEET OF THE SOUTH 165 FEET OF BLOCK 6 OF VALLETTE AND BEARD'S ADDITION TO WHEATON, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1854 AS DOCUMENT 8384, IN DUPAGE COUNTY, ILLINOIS.

The subject property is commonly known as 117-131 W. Wesley Street, Wheaton, IL 60187, ("Subject Property").

Section 2: The City Council makes and determines the following Findings of Fact:

- A. The development is consistent with The 1999 Comprehensive Plan Central Business District Special Area Plan; and
- B. The special use will not be detrimental to the public health, safety, morals, comfort, convenience, and general welfare; and
- C. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish property values within the neighborhood.

Section 3: A special use permit is hereby issued to allow for the demolition of the existing structures located on the subject property and the construction and use of a Planned Unit Development for a mixed-use development consisting of a three-story, 40,379 square foot commercial building on the subject property in full compliance with the plans prepared by Harris Architects, Inc., dated March 8, 2006, entitled "Dusek Commercial Office Building", and in further compliance with the following conditions, restrictions, and requirements:

1. A cross access easement shall be recorded on the Subject Property at the expense of the owner, to allow for access and egress between the Subject Property and the *Gary Memorial Church* parking lot, and the use of the surface parking lot on the Subject Property by the Subject Property tenants and/or owners. The cross access easement shall be subject to the reasonable approval of the Wheaton City Attorney.
2. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, successors, assigns, and grantees; this ordinance shall be recorded in the office of the Recorder of Deeds, Du Page County, Illinois.

By application for, and receipt of, any site development or building permit and the commencement of construction of any improvements on the subject property, owner, for himself/itself, his/its successors, assigns, and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property, in perpetuity.

3. The demolition of the existing structures located on the Subject Property shall be authorized by this ordinance. Demolition of said structures, however, shall be carried out in conformance with Wheaton City Code Chapter 22, Article XIV, with the exception that the Developer shall not be required to wait 30 days prior to commencing demolition from the date of submitting a demolition permit application to the Building and Code Enforcement Department.
4. The signing of a Redevelopment Agreement among the City and Developer.

5. The signing of a lease or other appropriate instrument with Gary Memorial Church for the use of 17 parking spaces. Said lease or instrument shall be subject to the reasonable approval of the City Attorney.
6. The acquisition by the Developer of title to the 117 and 121 Wesley Street properties.

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

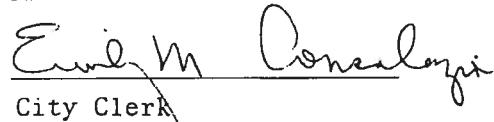
Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr

Mayor

ATTEST:



Evelyn M. Connelly

City Clerk

Roll Call Vote

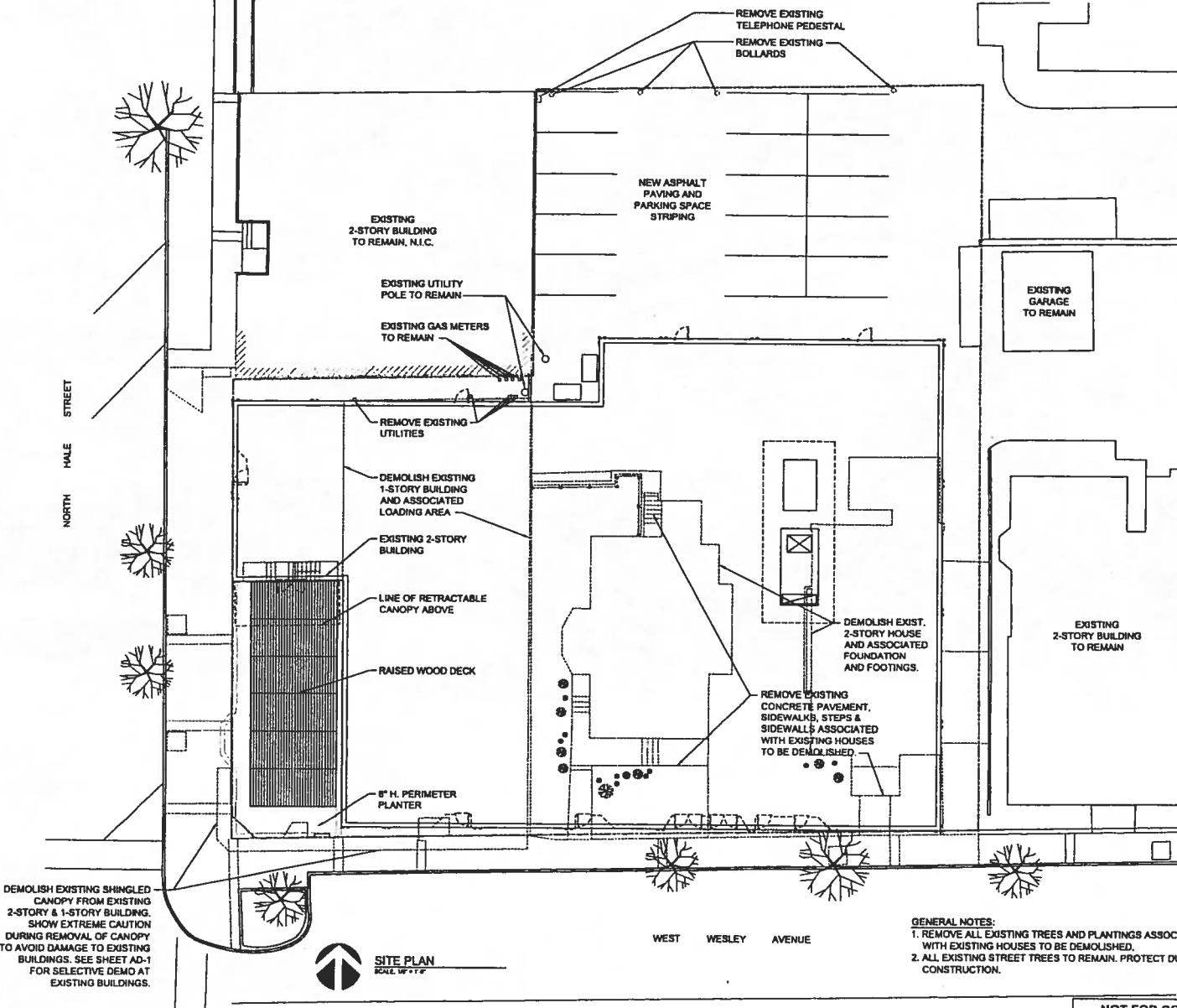
Ayes: Councilman Bolds
Councilwoman Cony
Councilman Johnson
Councilman Mouhelis

Nays: Mayor Carr
Councilman Levine
Councilman Suess

Absent: None

Motion Carried

Passed: June 19, 2006
Published: June 20, 2006



DUSEK COMMERCIAL OFFICE BUILDING

128 WEST WESLEY STREET
WHEATON, IL 60177

Durrant

Architect
The Durrant Company
1000 N. Milwaukee Avenue
Chicago, IL 60642
(773) 276-1000
FAX: (773) 276-1001
STRUCTURAL, MECHANICAL,
PLUMBING, ELECTRICAL
DESIGNERS
CIV. ENGINEERS
GENERAL CONTRACTORS
GENERAL CONTRACTORS
GENERAL CONTRACTORS

PROJECT NO. 10001-100
DATE 10-10-01
DRAWN BY PWT
CHECKED BY LAR
SUPERVISED BY
GPS PLAN

SP1.1



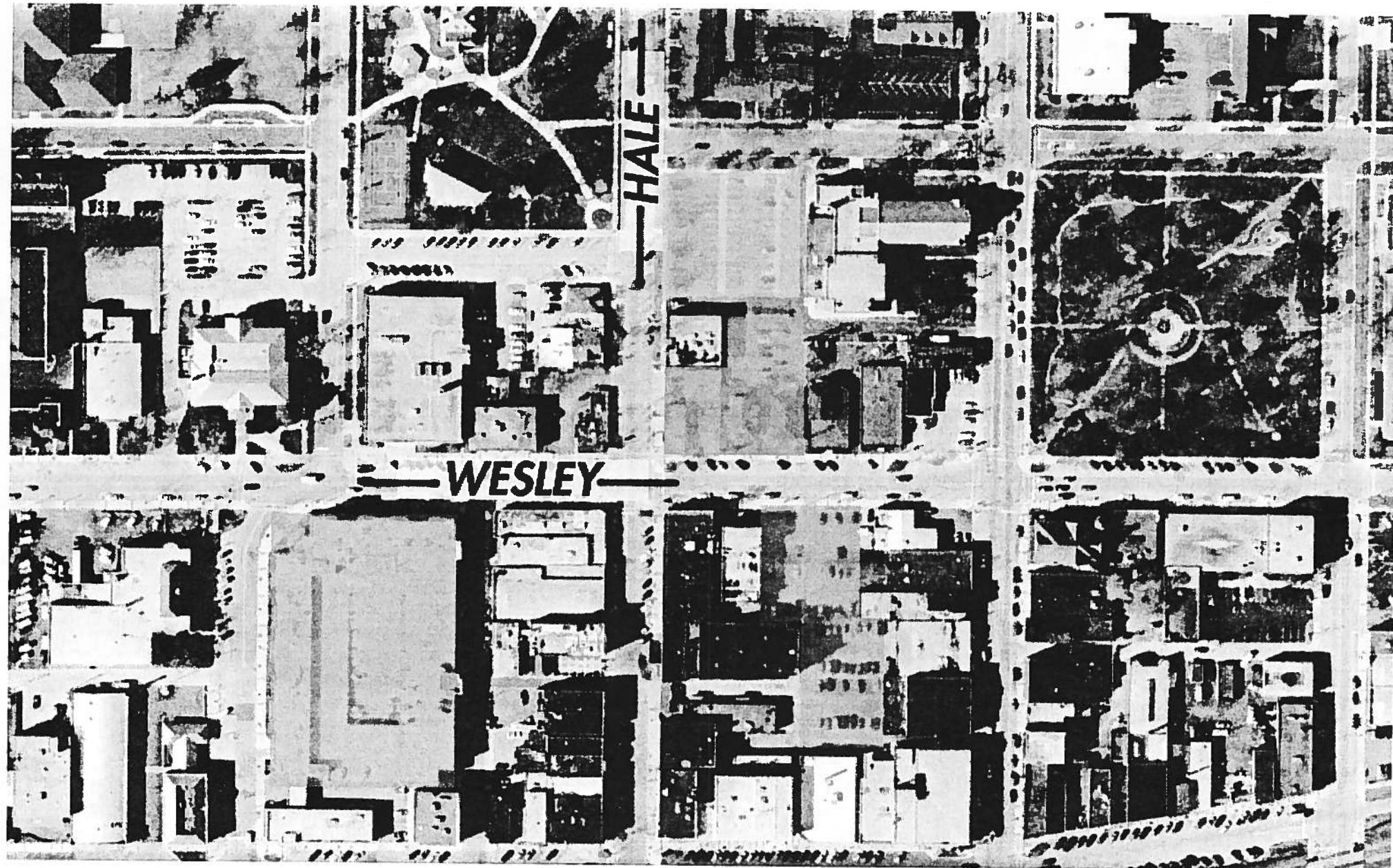
Proposed New Retail / Office Building and 1920's Restoration - Wheaton, Illinois CLD Properties, LLC July 22, 2005



DURRANT



CURRENT SITE



Proposed Redevelopment

Public Parking

Existing Church Parking Lot