

ORDINANCE NO. O-2019-21

**AN ORDINANCE AUTHORIZING A SPECIAL USE PERMIT TO ALLOW THE DEMOLITION OF THE EXISTING
BANDSHELL, CONCESSION/ RESTROOM FACILITIES AND TENNIS COURT AT MEMORIAL PARK,
THE CONSTRUCTION AND USE OF A NEW BANDSHELL WITH CONCESSIONS AND RESTROOMS
FACILITIES AND AN INCREASE IN PARK DISTRICT ACTIVITIES
FOR THE PROPERTY COMMONLY KNOWN AS MEMORIAL PARK, 208 W. UNION AVENUE**

WHEREAS, the Wheaton Park District's Memorial Park, (hereinafter "the Park"), is located at 208 West Union Avenue, Wheaton, Illinois, in a R4 zoning district; and

WHEREAS, there is an Intergovernmental Agreement between the City of Wheaton and the Wheaton Park District, approved by Ordinance No. F-0266, which states in pertinent part:

- D. For the purpose of defining when City review of Park District land use activities is required and the manner in which such review will be conducted:
 2. Uses of Park District land existing on the date of this Intergovernmental Agreement shall be deemed to be permitted uses under the City's Zoning Ordinance in each of the zoning districts in which they are located. The creation of new or the expansion of existing uses of Park District property from and after the date of this Agreement may require special use approval under the City's Zoning Ordinance as modified by this Intergovernmental Agreement in accordance with paragraph 6 below. Notwithstanding the foregoing, if a new or expanded use proposed by the Park District within a specific zoning district is substantially similar to a permitted use identified within that zoning district, then the Park District's proposed use will be considered as a permitted use in that zoning district and not require special use approval. Park District land uses shall not be prohibited in any zoning district but may require special use approval as provided in this paragraph.

WHEREAS, the Intergovernmental Agreement further provides:

6. a. Review of a proposed Park District land use activity by the City pursuant to its Zoning Ordinance will not be required except where the Park District proposes:
 - (1) to expand an existing operation or program or establish a new operation or program at a location; or
 - (2) to increase the number or increase the sizes of buildings at a location; or
 - (3) to make any other expansion in the physical facilities at the location; and
 - (4) the addition or expansion will, on a long-term and sustained basis, substantially increase motor vehicle traffic to the location or the hours during which the location is used by the public, or substantially increase

the amount of artificial illumination in the neighborhood of the location, or create a level of noise to get generally associated with the normal and intended use of recreational facilities within public parks.

WHEREAS, that the Wheaton Park District has submitted an application for a special use permit, for the Park, to allow the demolition of the existing bandshell, concession/restroom facilities and tennis court with the construction and use of a new bandshell and concessions, restrooms and other landscape facilities which is anticipated to expand existing use of Memorial Park with additional programing, large buildings and physical facilities, and which may have the effect of increasing motor vehicle traffic and noise levels; and

WHEREAS, pursuant to the Intergovernmental Agreement approved by Ordinance No. F-0266, a public hearing was conducted by the Wheaton City Council on April 8, 2019, to consider the special use permit request; and

WHEREAS, the Corporate Authorities of the City recognize and acknowledge that the Wheaton Park District is making substantial capital improvements to Memorial Park in conjunction with this special use permit, and in reliance on the terms and conditions of this ordinance and upon its adoption is entitled to deference with regard to the requirements and restriction to the legitimacy of the restrictions and requirements set forth herein; and

WHEREAS, the Corporate Authorities of the City of Wheaton have carefully evaluated the impact of the proposed special use and have concluded, based on the available information, that such use is reasonable so long as it is in conformance with the special use requirements and restrictions (hereinafter "Conditions") set forth herein; and

WHEREAS, due to the unique nature of the proposed special use permit it is reasonable and appropriate to evaluate the effectiveness of the special use Conditions since information, based on actual operating conditions, is not currently available; and

WHEREAS, the Corporate Authorities further conclude that it is reasonable and appropriate to permit the demolition and construction pursuant to the special use permit and to allow operation of the activities at the park in conformance with the special use restrictions and requirements imposed, subject to an evaluation of the effectiveness of the special use restrictions and requirements set forth herein, after a full year of operation of the Park in accordance with the terms of the special use permit to determine only what, if any, fine tuning of the special use could improve the special use's compatibility with surrounding properties; and

WHEREAS, it is not the intent of this ordinance's future evaluation provisions to repeal the special use, but only, if necessary, to improve the interface between the special use Conditions, the intent of this special use, and its impact on adjoining properties; and

WHEREAS, commencing with the issuance of an occupancy permit for the new bandshell (the "Trigger date"), and for a period thereafter of three hundred and sixty five (365) days of full operation of the expanded use of the property (hereinafter "Evaluation Period") Wheaton Park District shall monitor

the efficacy of the Conditions of the special use restrictions and requirements to the subject property with an eye towards presenting a report one year after the Trigger date describing to the Corporate Authorities of the City of Wheaton its evaluation of the effectiveness of the special use conditions, including its opinion as to whether any proposed fine-tuning of the special use conditions, additional special use conditions would be beneficial without undermining the purpose of the special use conditions, and whether any special use conditions imposed herein are not necessary; and

WHEREAS, the evaluation is appropriate because the details of the operational specifics in furtherance of the Park District's implementation of the special use have not been fully determined to date.

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: The foregoing recitals are incorporated herein as representing the intent of the parties and as substantive terms and conditions.

Section 2: The following legally described property ("Subject Property") has been, and continues to be zoned and classified in the R-4 Residential zoning district classification:

LOTS 1 THROUGH 6, INCLUSIVE, IN BLOCK 2 OF VALLETTE AND BEARD'S ADDITION, BEING A SUBDIVISION OF PART 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 NUMBER 8364 IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-16-126-001

The Subject Property is commonly known as Memorial Park, 208 W. Union Avenue, Wheaton, IL 60187.

Section 3: The Wheaton City Council makes the following preliminary findings of fact regarding the special use permit:

1. Reasonably sufficient evidence was introduced at the public hearing by appropriate witnesses and contrary evidence was not demonstrated by the preponderance of evidence that subject to the restrictions and requirements placed on the Special Use by this Ordinance, the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, morals, comfort, convenience or general welfare.
2. The Special Use complies with the objectives of the City of Wheaton Comprehensive Plan.
3. Subject to the restrictions and requirements placed on the Special Use by this Ordinance, the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish property values within the neighborhood.

4. Subject to the restrictions and requirements placed on the Special Use by this Ordinance, the establishment of a special use will not impede the normal and orderly development and improvement of the surrounding property for uses already permitted.
5. Adequate utilities, access ways, drainage, and other necessary facilities have been provided.
6. Adequate measures have been taken to provide ingress and egress designed to minimize traffic congestion in the public streets.

Section 4: Pursuant to Ordinance No. F-0266, An Ordinance Authorizing the Signing of an Intergovernmental Agreement Between the City Of Wheaton, Illinois, and the Wheaton Park District, the Findings of Fact made and determined by the Wheaton City Council, a special use permit is hereby granted for the Subject Property in full compliance with the following plans: "Memorial Park Art Sweet Memorial Bandshell - Floor Plan, Elevations and Color Rendering" prepared by Williams Architects, Itasca, IL, sheets A1.1, A4.1 and A4.2, dated March 18, 2019; "Memorial Park Art Sweet Memorial Bandshell - Preliminary Engineering Plans" prepared by CAGE Civil Engineering, Downers Grove, IL, sheets C0.0 - C4.0, dated March 19, 2019; and "Memorial Park Art Sweet Memorial Bandshell - Landscape Plan" prepared by CAGE Civil Engineering, Downers Grove, IL, sheets L.01 - L.08, dated March 19, 2019; all attached hereto as Exhibit "A"; and subject to the following additional Conditions :

- A. UNAMPLIFIED SOUNDS: Unamplified sounds originating from the normal and intended use of the Subject Property shall be in compliance with all provisions of Section 42-30, "Noise Disturbances" of the Wheaton City Code.
- B. AMPLIFIED SOUNDS: Notwithstanding provisions of the Wheaton City Code and/or Zoning Ordinance, amplified sounds originating from the intended use of the Subject Property, including all sounds emanating from any event or activity for which a special event permit is issued pursuant to Chapter 10, Special Events, Amusements and Entertainments, of the Wheaton City Code, shall be subject to the maximum permissible noise levels for amplified sound set forth in Article 24.5.5 of the Wheaton Zoning Ordinance subject to the provisions allowing for modifications to maximum permissible sound levels, as set forth in Article 24.5.5C-2 of the Wheaton Zoning Ordinance. Amplified sounds shall not include the use of a public address system such as used at a Wheaton Municipal Band practice or public concert.
- C. CESSATION OF AMPLIFICATION: All amplified sound shall cease at 9:30 pm. At one special event annually, commonly known as the Taste of Wheaton, the amplified sound shall cease at 10:00pm.
- D. LIMITATION OF NUMBER OF AMPLIFIED SOUND EVENTS: The use of the Subject Property for all events or activities utilizing amplified sound equipment shall be limited to no more than thirty (30) days in any calendar year and no more than four (4) days in any calendar week. The aforementioned limitation shall not include the practices or performances of the Wheaton Municipal Band.
- E. ALCOHOL SALES: Sales of alcohol on the Subject Property shall be subject to the provisions of an Outdoor Special Event Liquor License as provided for in Section 6-87.5 of the Wheaton City Code

as well as all other applicable provisions of Chapter 6 "Alcoholic Beverages". All outdoor sale of alcohol permitted under an Outdoor Special Event Liquor License at the Subject Property shall cease no later than 9:30 pm.

F. EVALUATION REPORT: It will be beneficial to the City Council that any information provided by the Park District regarding the efficacy of the Conditions set forth in sub sections A-E of this Section also include:

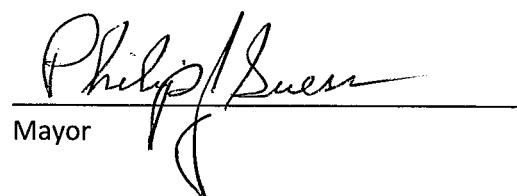
- i.) The capacity of the Park to accommodate the size of the crowds attending scheduled events including the number of attendees at each event with a description of the event; and
- ii.) The ability of the area surrounding the Park to accommodate traffic and parking for the scheduled events.

Section 5: Commencing on the Trigger date and for a three hundred sixty-five (365) days thereafter of full operation of the expanded use, the Wheaton Park District shall monitor, evaluate and submit its information regarding the efficacy of the Conditions set forth in this special use ordinance (Section 4 A-F). Within ninety (90) days of the termination of the three hundred sixty-five days of monitoring, the City may conduct a public meeting where it will review the evaluation of the Conditions including all information provided by the Park District. All information assembled by the City and/or provided by the Park District will be made publicly available by the City prior to the City's public meeting if such meeting occurs. If the City Council wishes to proceed with any recommendations to fine tune, change supplement or eliminate Conditions, it shall within thirty (30) days of completion of the public meeting provide such proposal in writing to the Park District. The parties shall then engage in a consultative process and finalize, any proposed amended special use permit. If the City and the Wheaton Park District cannot agree to a proposed amended special use permit, either party may seek any remedy as provided by Illinois zoning law.

Section 6: The public meeting described in Section 5 shall be adequate without public hearing to amend the special use ordinance.

Section 7: All Ordinances and parts of Ordinances in conflict with these provisions are hereby repealed.

Section 8: This Ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.


Philip Sues
Mayor

ATTEST:


Alan Bennett
City Clerk

Roll Call Vote

Ayes: Councilwoman Fitch
Mayor Suess
Councilman Rutledge
Councilman Scalzo
Councilman Barbier
Councilwoman Bray-Parker

Nays: None
Absent: None

Motion Carried Unanimously

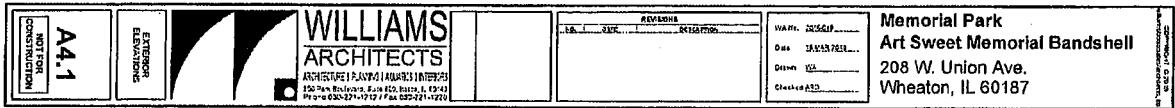
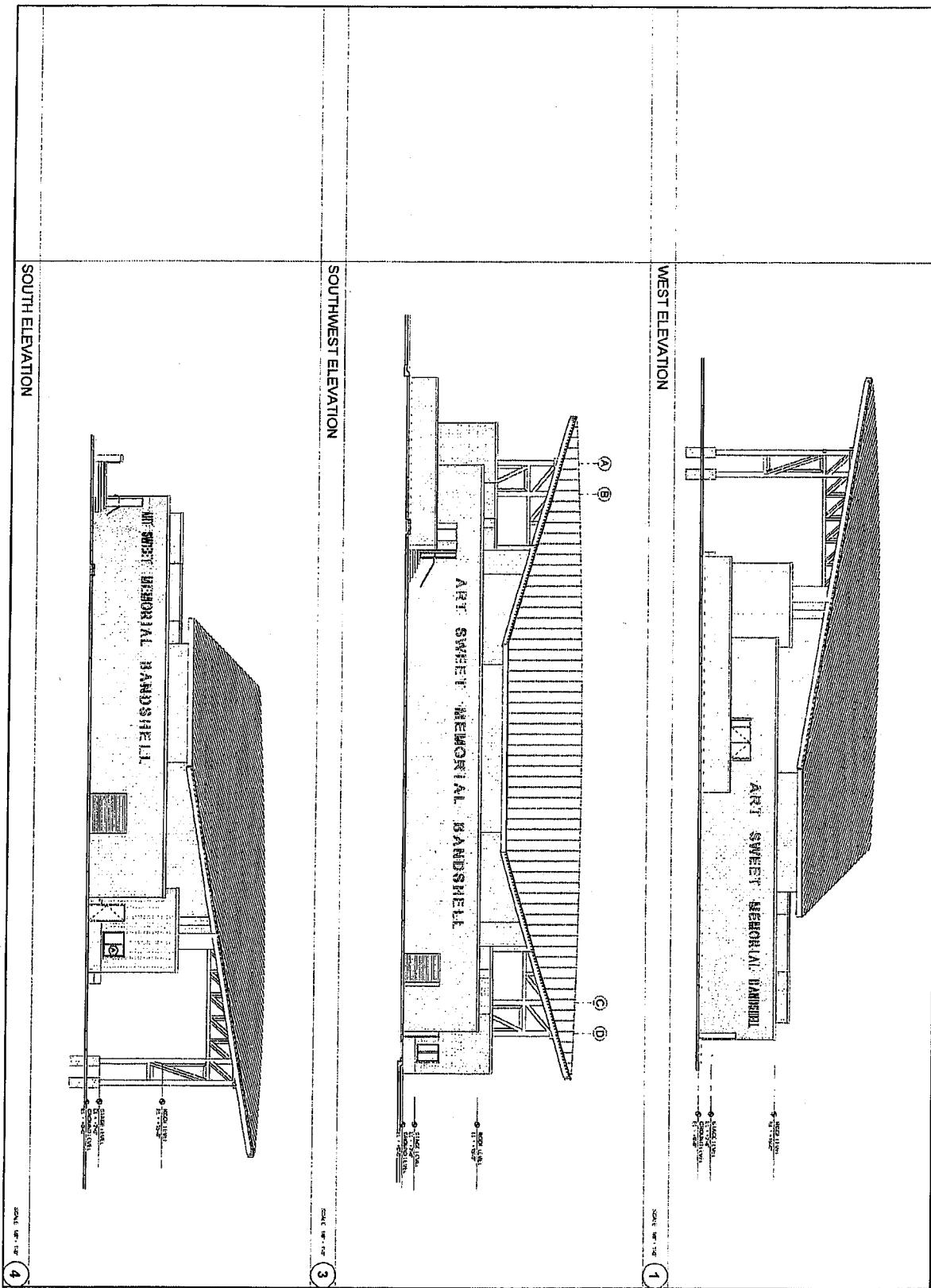
Passed: May 20, 2019
Published: May 21, 2019

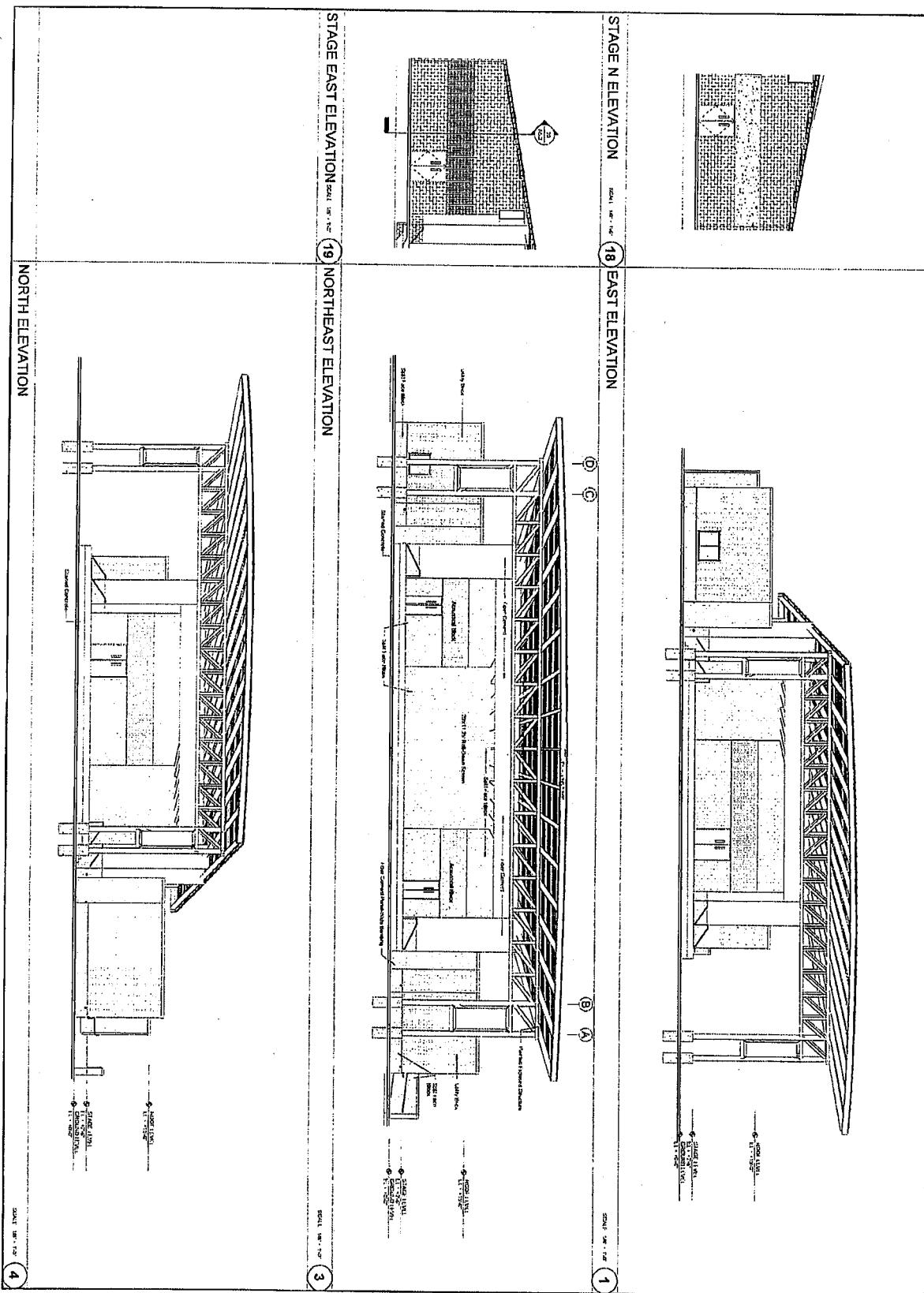
Exhibit A

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WILLIAMS
ARCHITECTS

REVISIONS

WAN# 4216512
Date 16/04/2018
Draw 14
CNS140403

**Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187**

כונן 2011



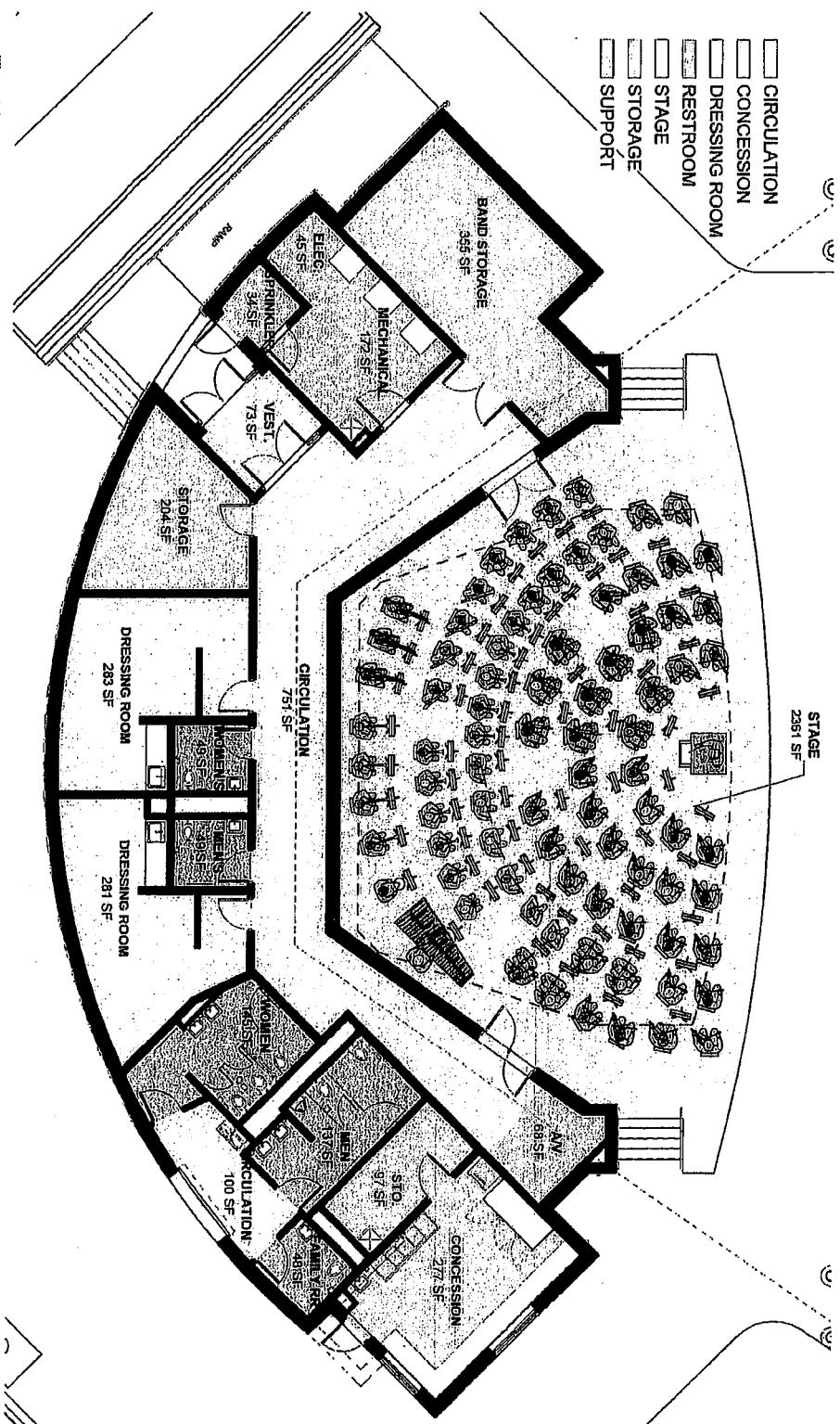
Art Sweet Memorial Bandshell

Wheaton Park District

2016-07-03
03/18/18

500 Park Boulevard, Suite 800
Itasca IL 60143
Phone 530.221.1212

1
Floor Plan



2016-07-03
03/18/18

500 Park Boulevard, Suite 800
Itasca IL 60143
Phone 530.221.1212

1

Concrete Based Face Brick: Echelon Masonry "Harvard BrIk" - Schoolhouse Red. Mortar Joint Color to Match Buff

2

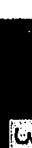
2 - Concrete Smooth Faced Stone Base and Stage Side Walls: Artisen Stone Veneers "Cordova Stone" Buff Smooth Texture (Acoustical Slots where Required)
Mortar Joint Color to Match Buff

2a

2a - Concrete Rock (Split) Faced Stone Walls - SW Elev: Artisen Stone Veneers "Cordova Stone" Buff Rock Faced Texture. Mortar Joints to Match Buff

2b

2b - Concrete Smooth Faced Stone Accent Bands and Parapet Caps: Artisen Stone Veneers "Cordova Stone" Alabaster Smooth Texture. Mortar Joint Color to Match Alabaster.

3

Roof Fascia and Tube Steel: PAC-CLAD or Metal Era Two-Piece System. Standard Color: Graphite or Musket Grey. Tube Steel High Performance Paint: Color to Match

4

Door Frames / Side Lights: Clear Anodized Storefront Frame. Bronze Tinted Insulating Glass on Exterior Pebble Texture FRP Doors. Gray Color to Match Frames

5

Stage Surround: Nichita Panels "Designer Series" Snow or Glacier, Smooth Texture. Attempt to Match Surface 2b Color

6

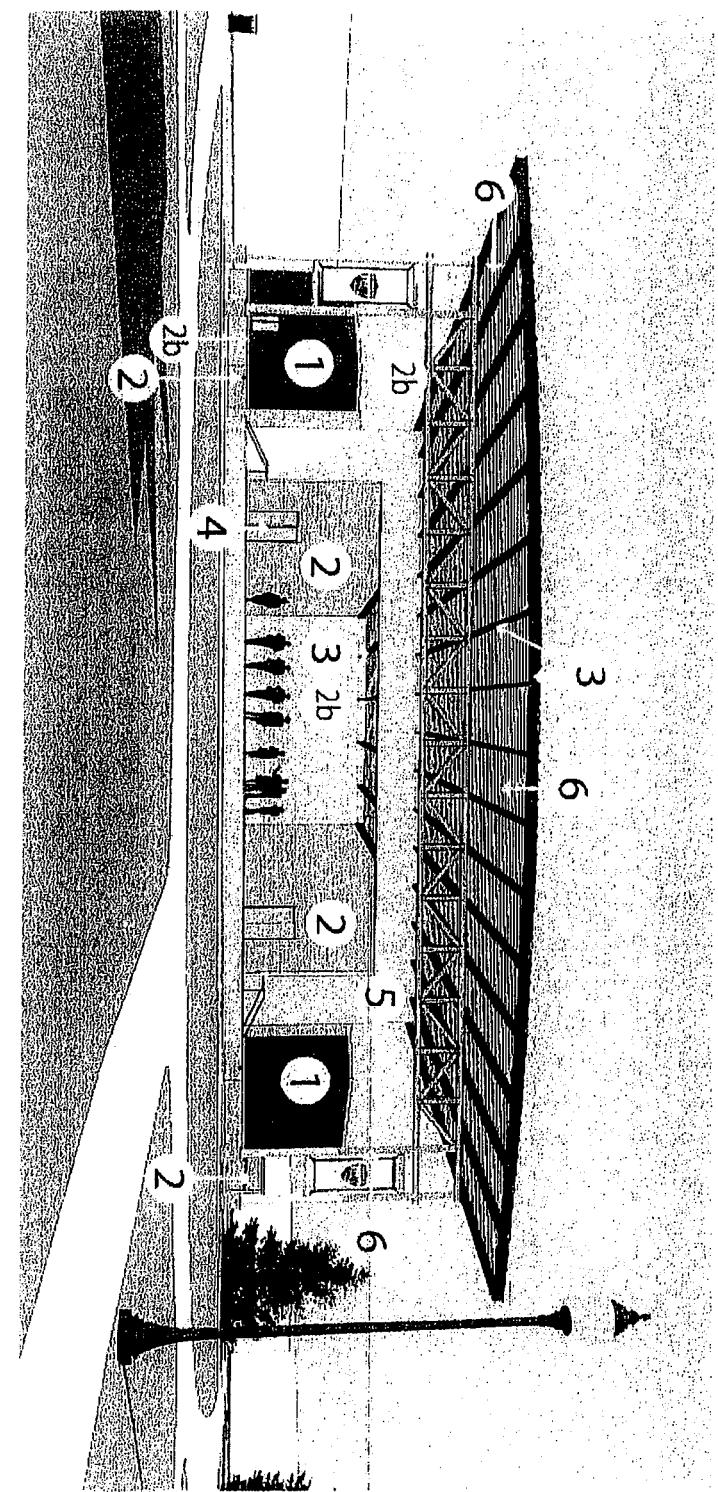
Roof Deck Canopy (Underside), Painted Steel at Seating Truss and Columns: New Millennium "Form + Shape" "Architectural Deck Ceiling System" Flat, Ribbed, Lineal Plank, Smooth Surface Panels. Deck Smooth Surface Texture. Colors to Match PAC-CLAD Slate Grey or Granite

Art Sweet Memorial Bandshell
Wheaton Park District

WILLIAMS
ARCHITECTS
Architecture | Planning | Analytics | Interiors

2015-049
02/25/19

500 Park Boulevard, Suite 800
Itasca, IL 60143
Phone 833.221.1212
www.williamsarchitects.com
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Art Sweet Memorial Bandshell
Wheaton Park District

2015-049
03/13/13

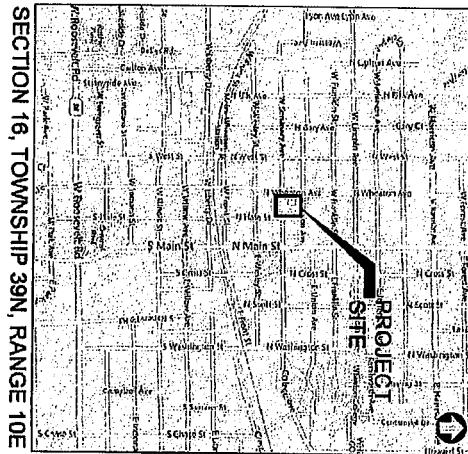
500 Park Boulevard, Suite 800
Itasca, IL 60143
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PRELIMINARY IMPROVEMENTS FOR

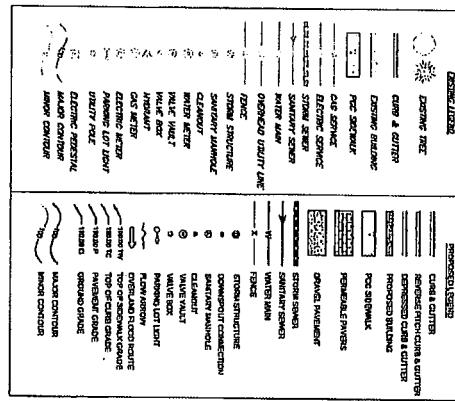
WHEATON MEMORIAL PARK

208 W. UNION AVENUE, WHEATON, IL

LOCATION MAP



SECTION 16, TOWNSHIP 39N, RANGE 10E

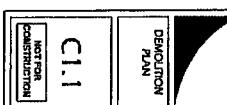
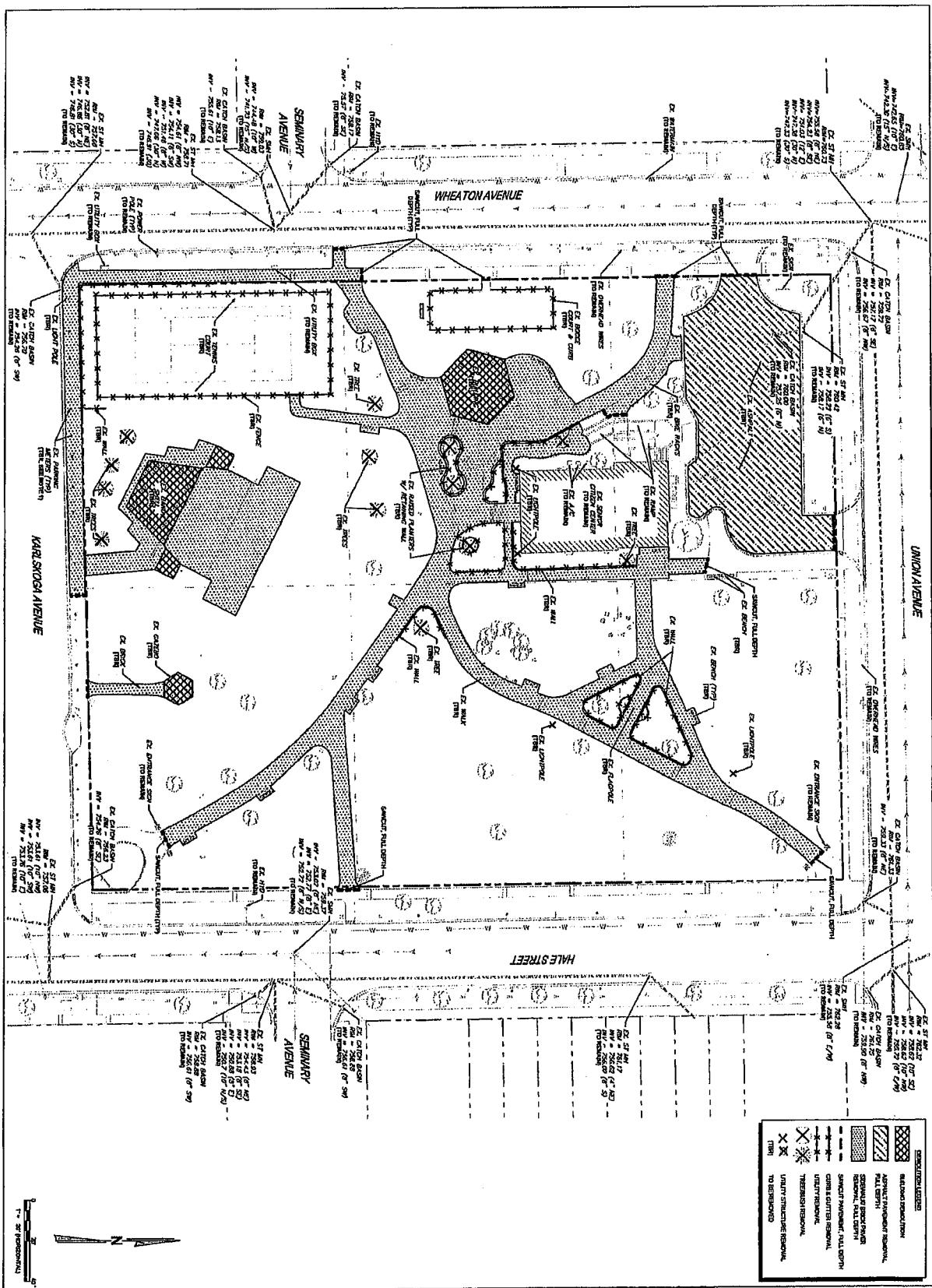


REVISION	DATE	DESCRIPTION
WA-16	JAN 2013	

Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187

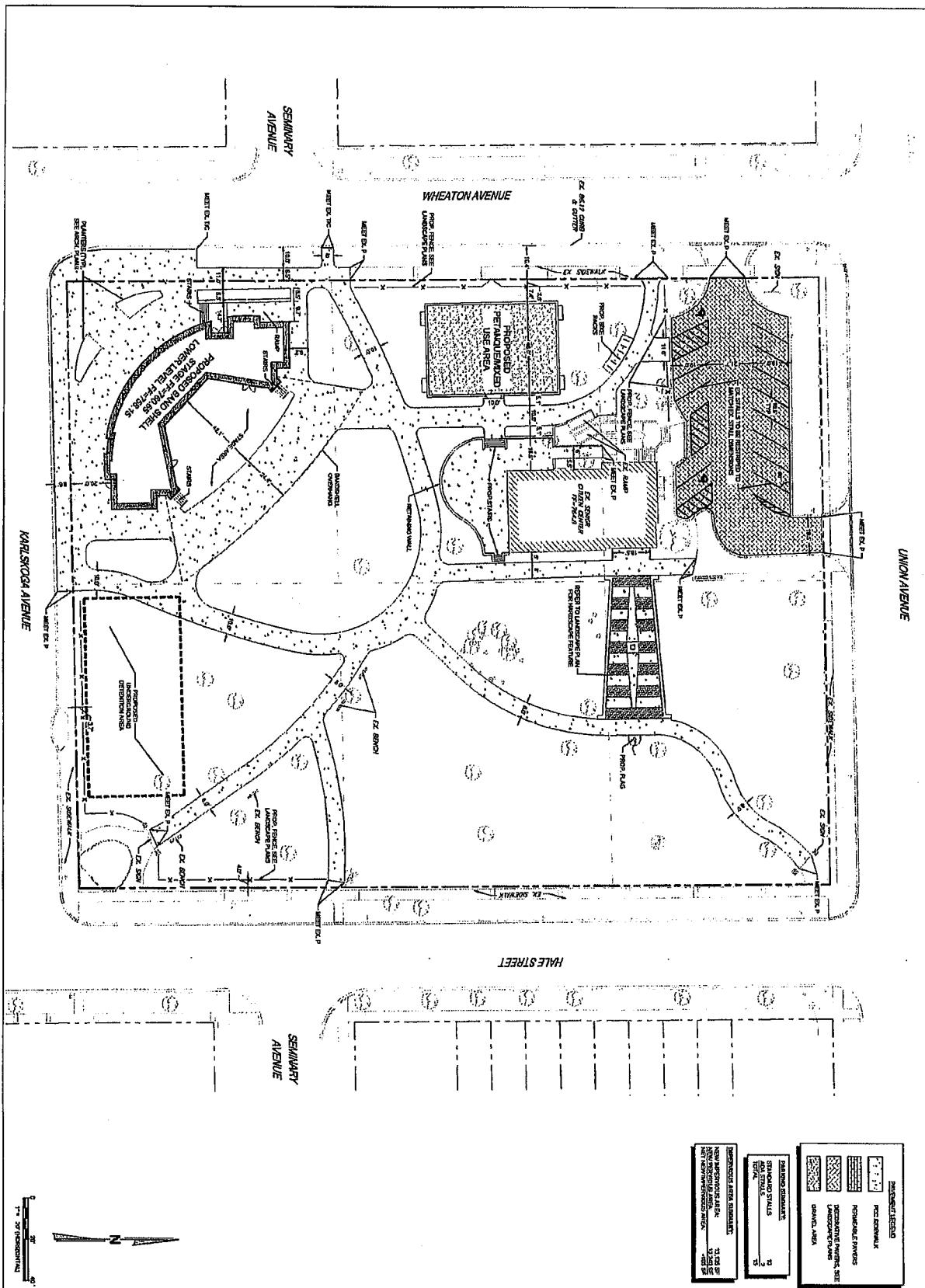
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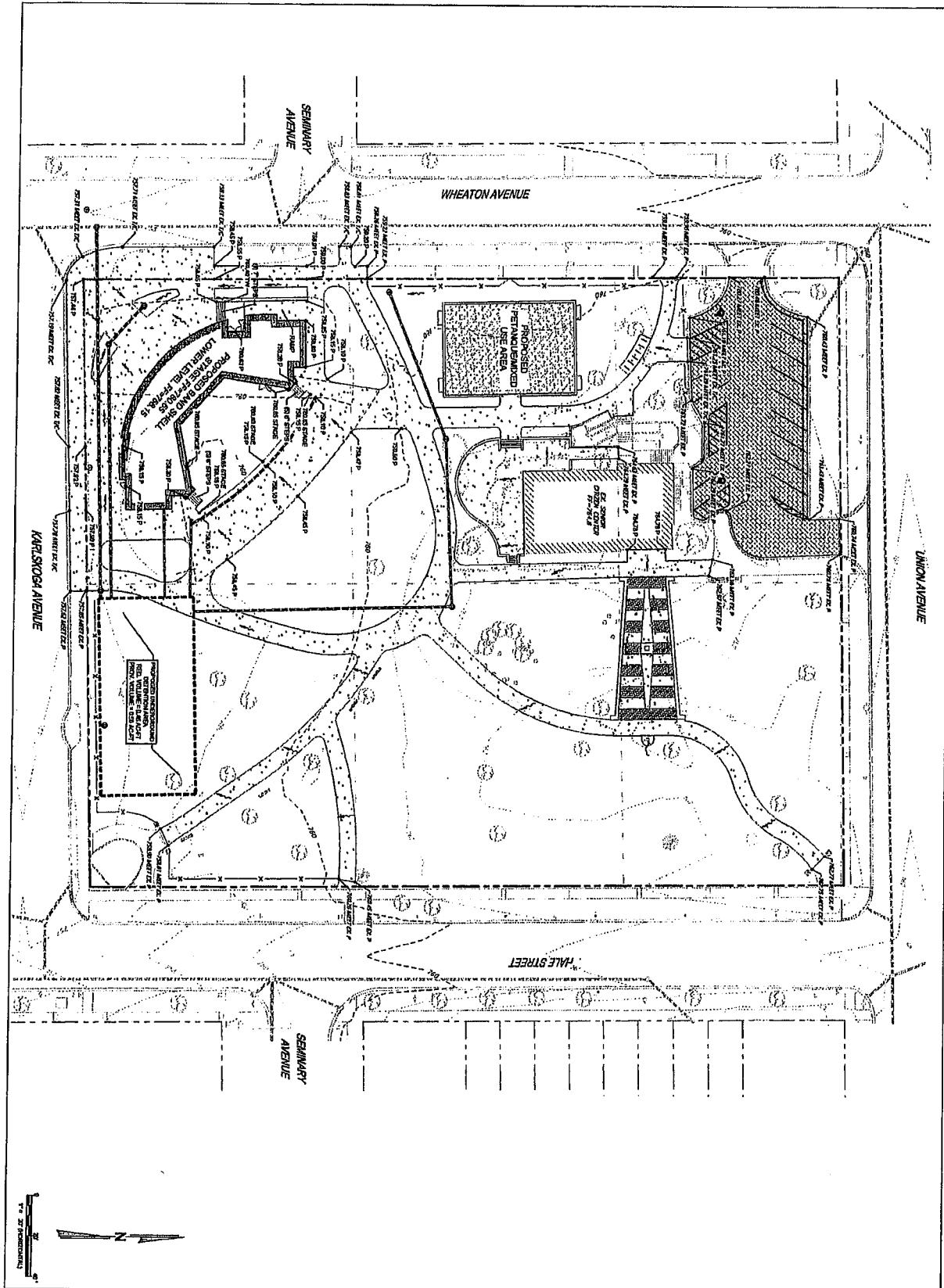




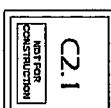
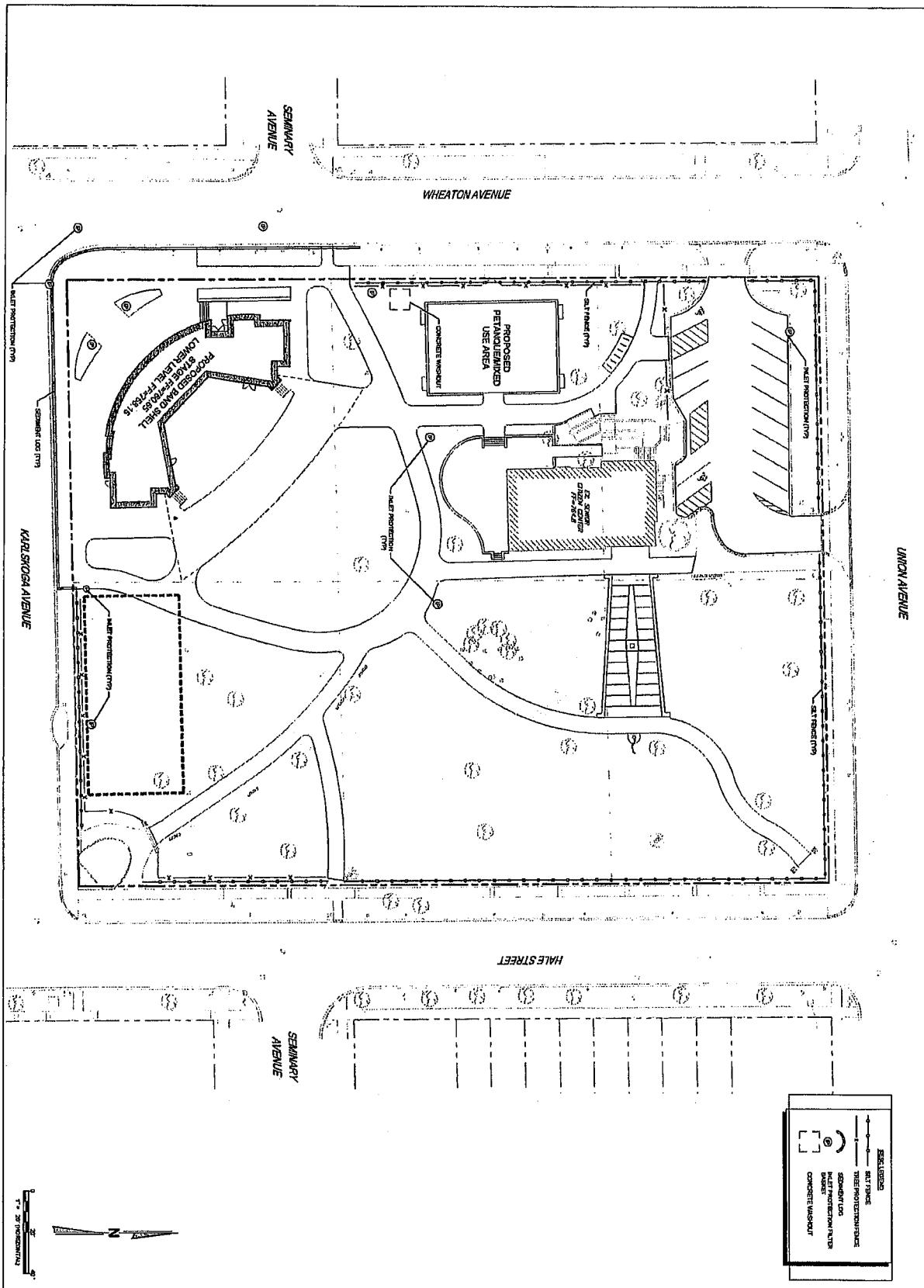
REVISIONS		
NO.	DATE	DESCRIPTION

**Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187**





C2.0	NOT FOR CONSTRUCTION	SITE GRADING	WILLIAMS ARCHITECTS	REVISIONS	WA NO. 2015-014	Memorial Park
			ARCHITECTURE PLANNING LANDSCAPE INTERIORS 600 Park Street, Suite 600, Box 6112 Phone 630-221-1112 Fax 630-221-1220		Date 18 MAR 2015 Drawn AIA Checked NPS	Art Sweet Memorial Bandshell 208 W. Union Ave. Wheaton, IL 60187



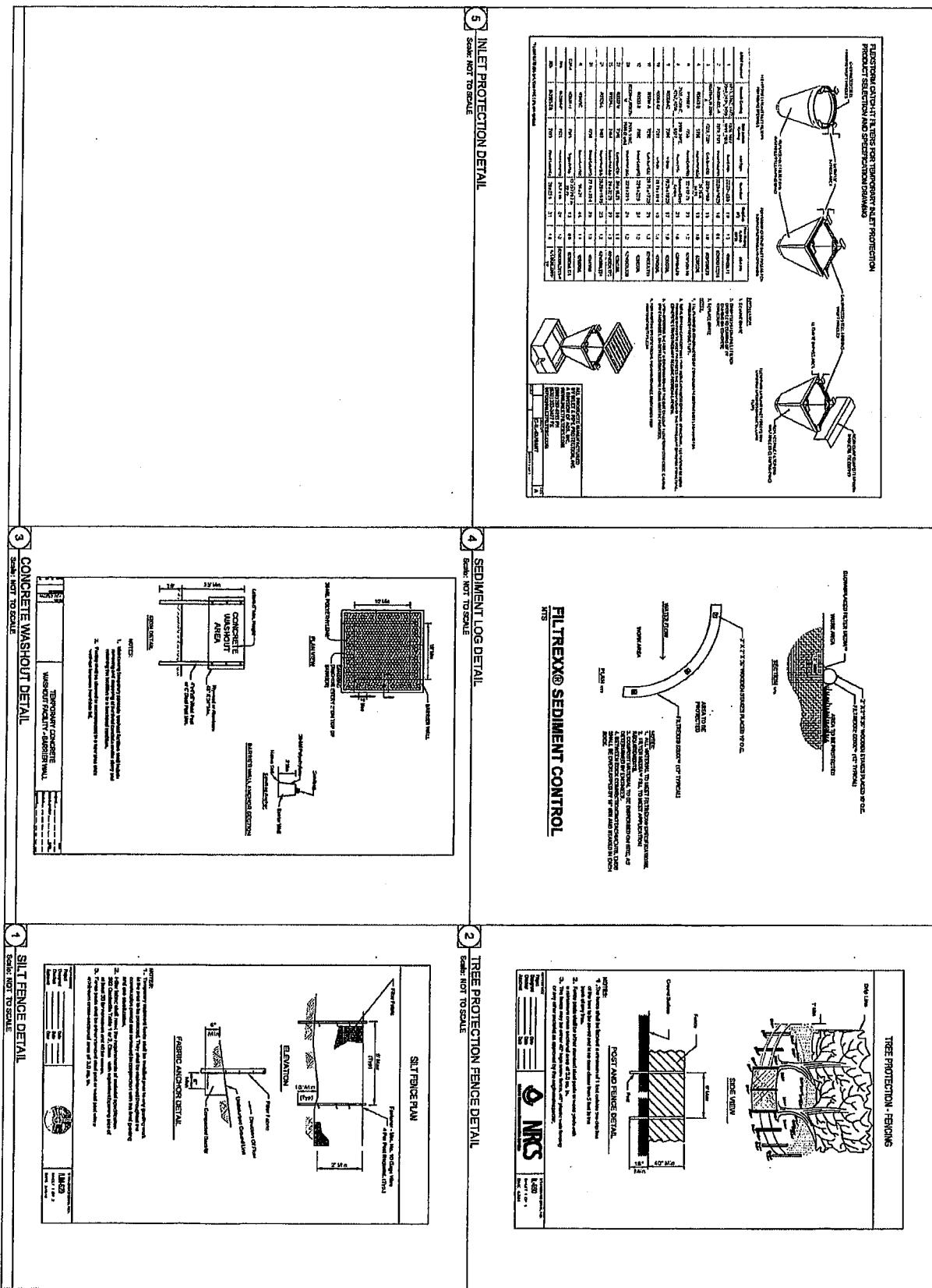
WILLIAMS & ASSOCIATES ARCHITECTS
ARCHITECTURE | PLANNING | DESIGN | INTERIORS
500 Park Avenue, Suite 1000 • Chicago, IL 60611
Phone 847-221-1112 | Fax 847-221-1120

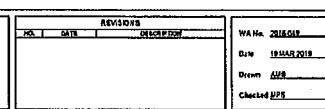
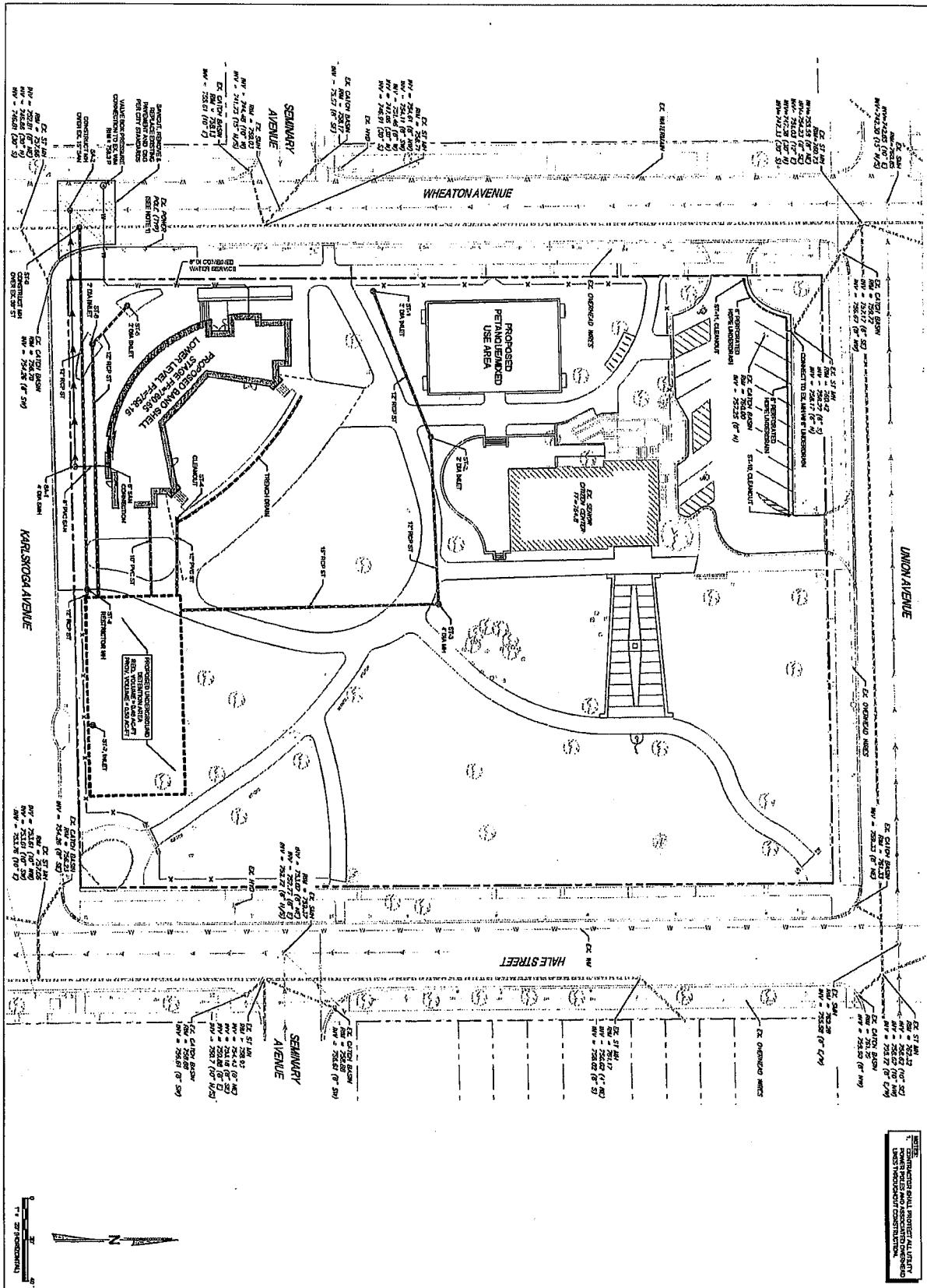
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Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187

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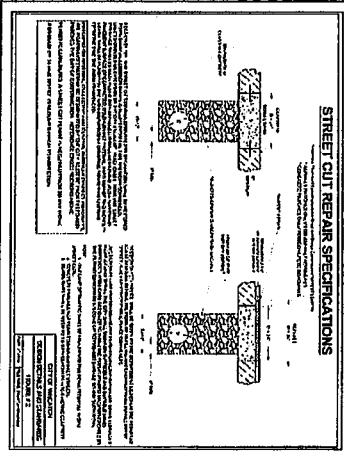


STREET CUT REPAIR SPECIFICATIONS

CURB & GUTTER SPECIFICATIONS

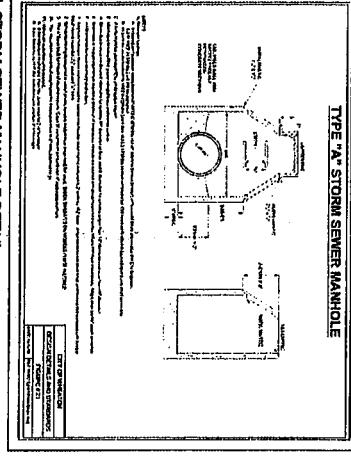
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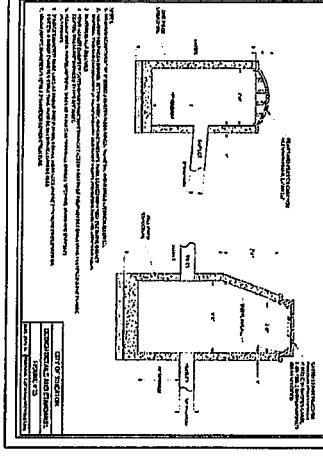
STREET CUT REPAIR DETAIL
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TYPE "A" STORM SEWER MANHOLE

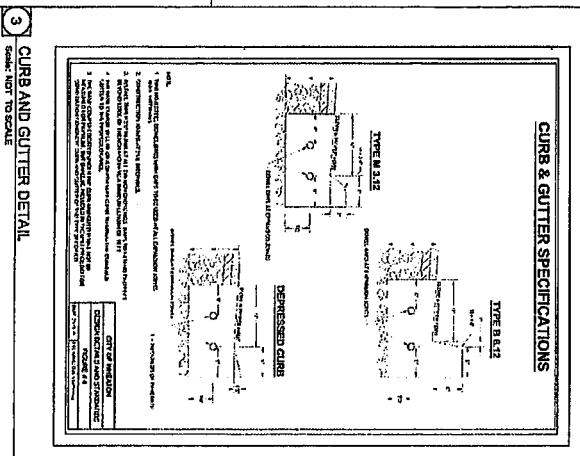


STORM SEWER MANHOLE DETAIL
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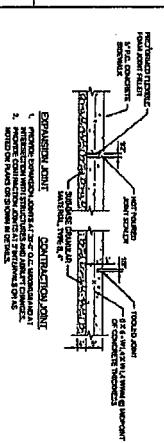
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CATCH BASIN WITH FRAME AND GRATE FOR INLET DETAIL
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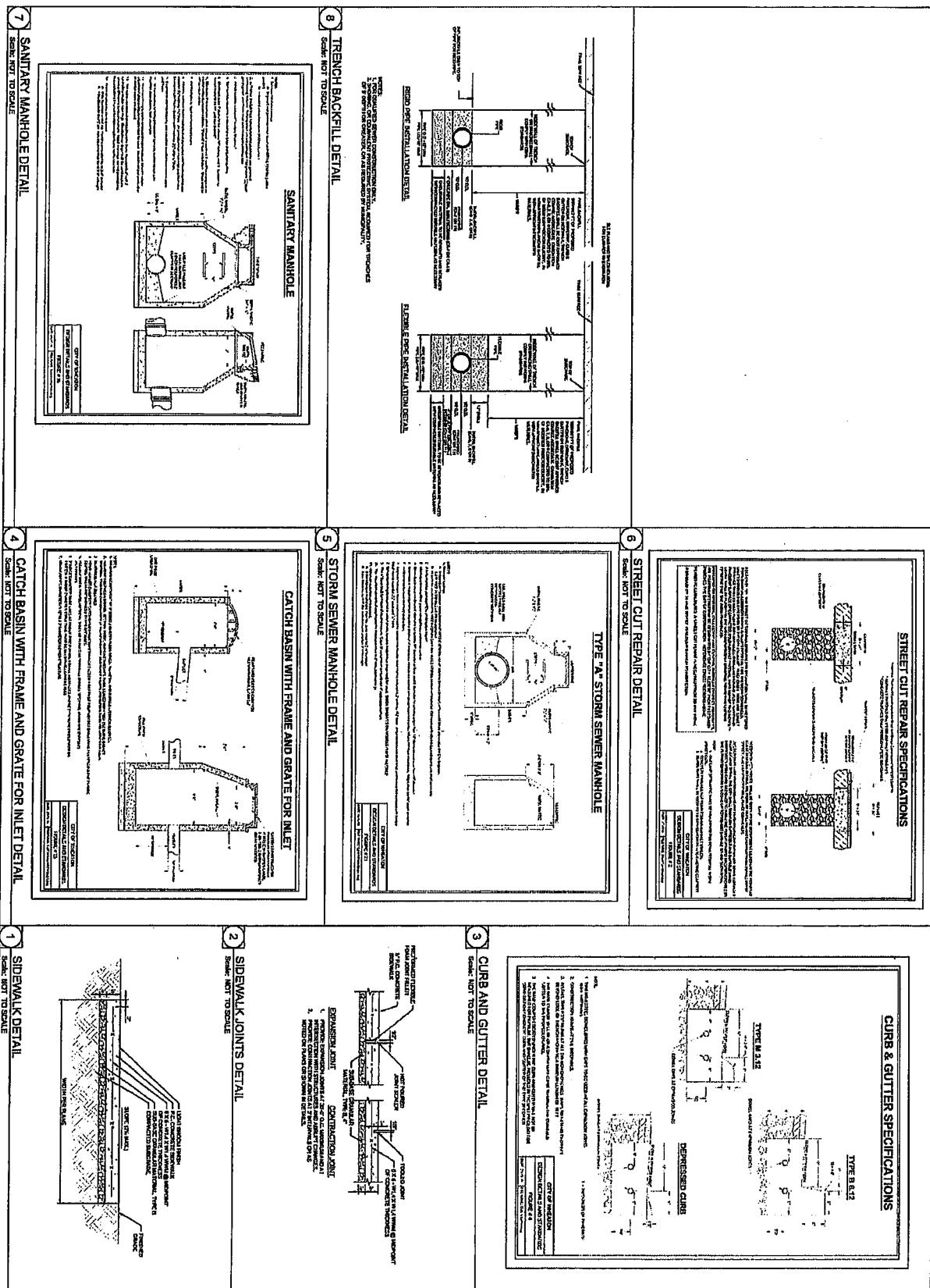
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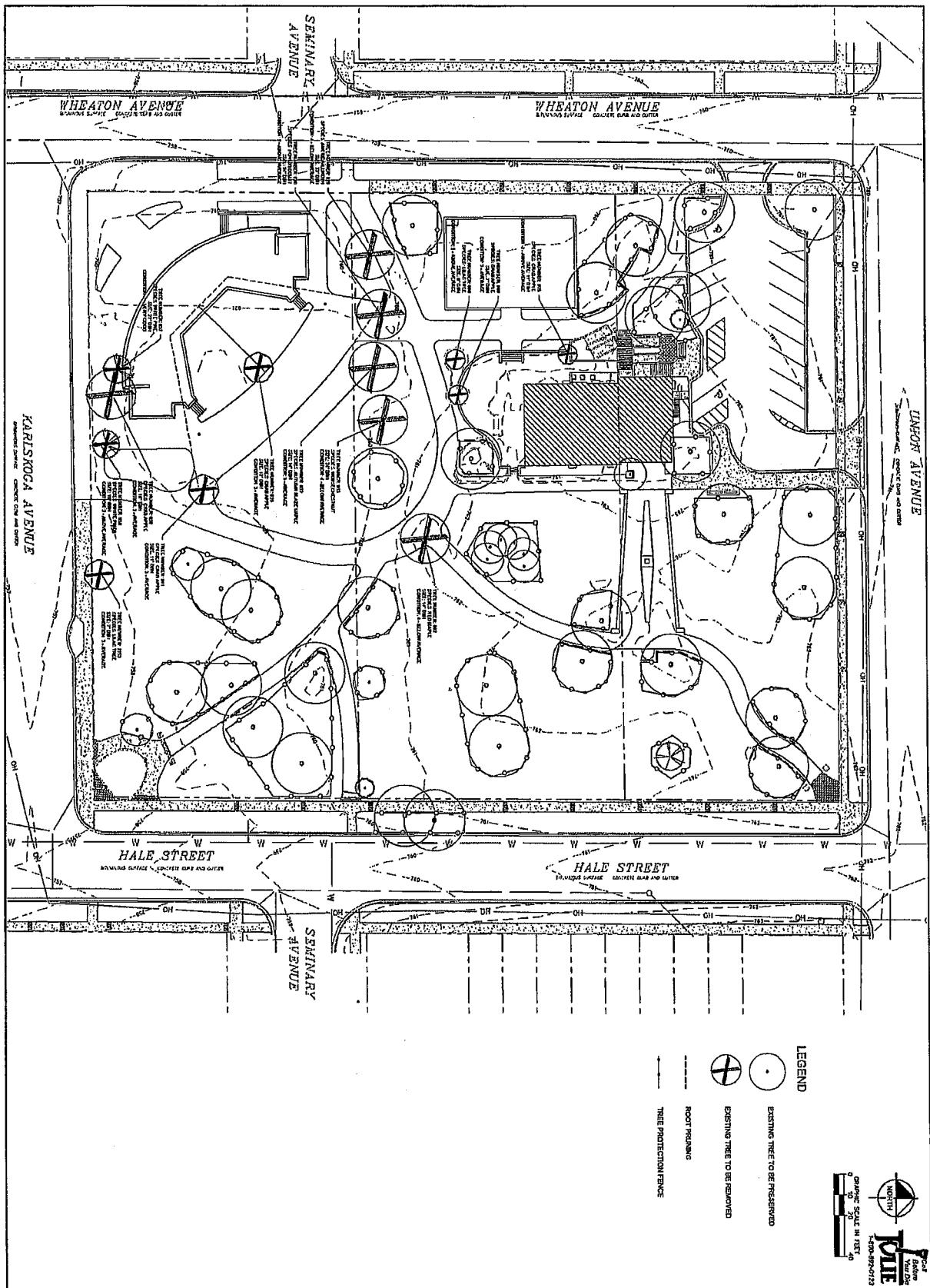


SIDWALK JOINTS DETAIL
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NOT FOR	CONSTRUCTION	REV. 1	DRAWING	2018.018	12/15/2018
CONSTRUCTION	DETAILS	DRW.	REV. 0	2018.018	12/15/2018
CONSTRUCTION	DETAILS	CHANGED	REV. 0	2018.018	12/15/2018
CONSTRUCTION	DETAILS	CHANGED	REV. 0	2018.018	12/15/2018

Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187





L.01

NOT FOR CONSTRUCTION

TREE REMOVAL & PROTECTION PLAN



GRAPHIC

REFERENCE	ITEM	DESCRIPTION
1	DATE	SPECIFICATION
2	ITEM	ITEM 2010
3	ITEM	ITEM 2011
4	ITEM	ITEM 2012

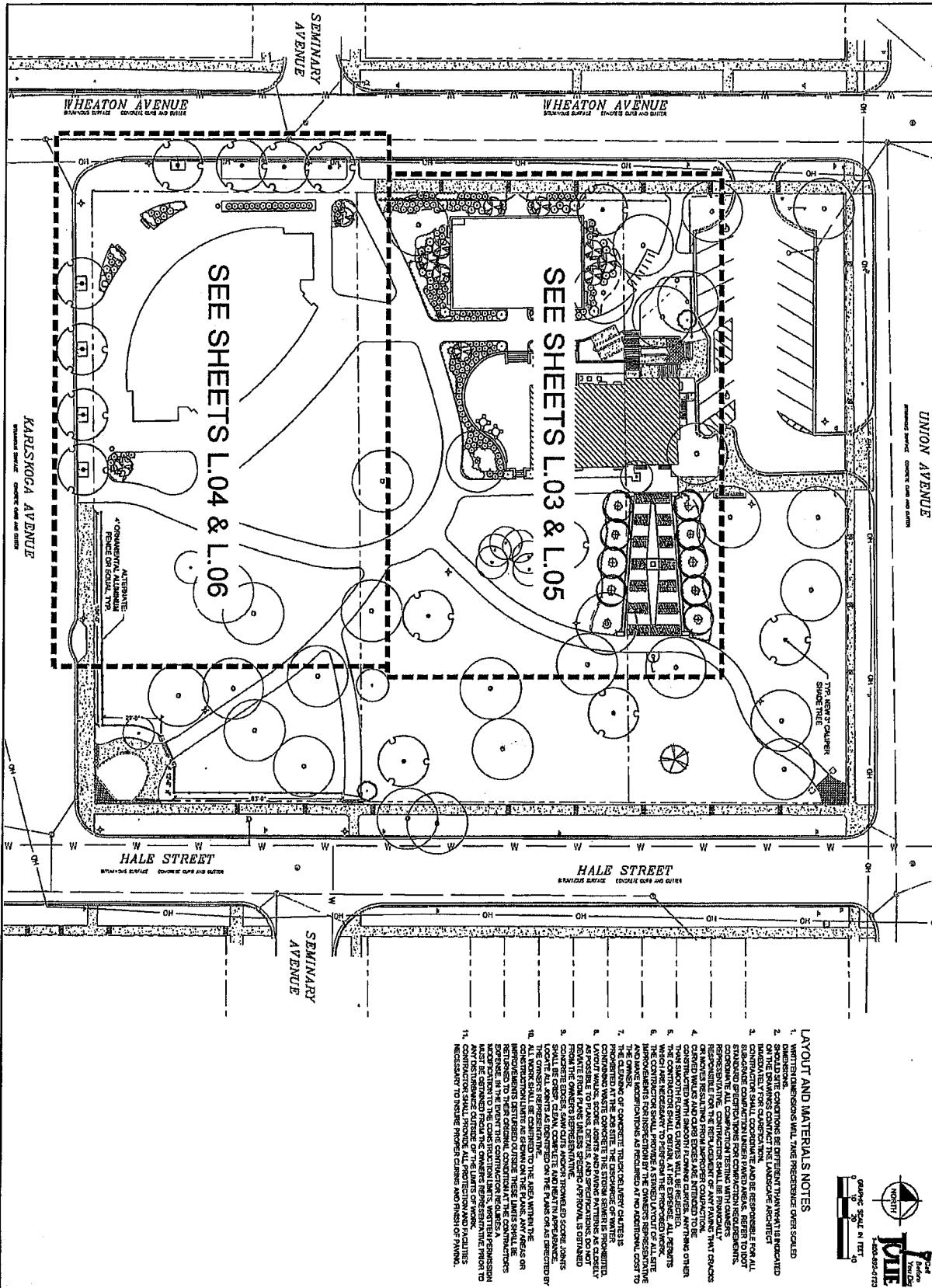
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1	ITEM 1010	ITEM 1011	ITEM 1012
2	ITEM 2010	ITEM 2011	ITEM 2012
3	ITEM 3010	ITEM 3011	ITEM 3012

Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.,
Wheaton, IL 60187

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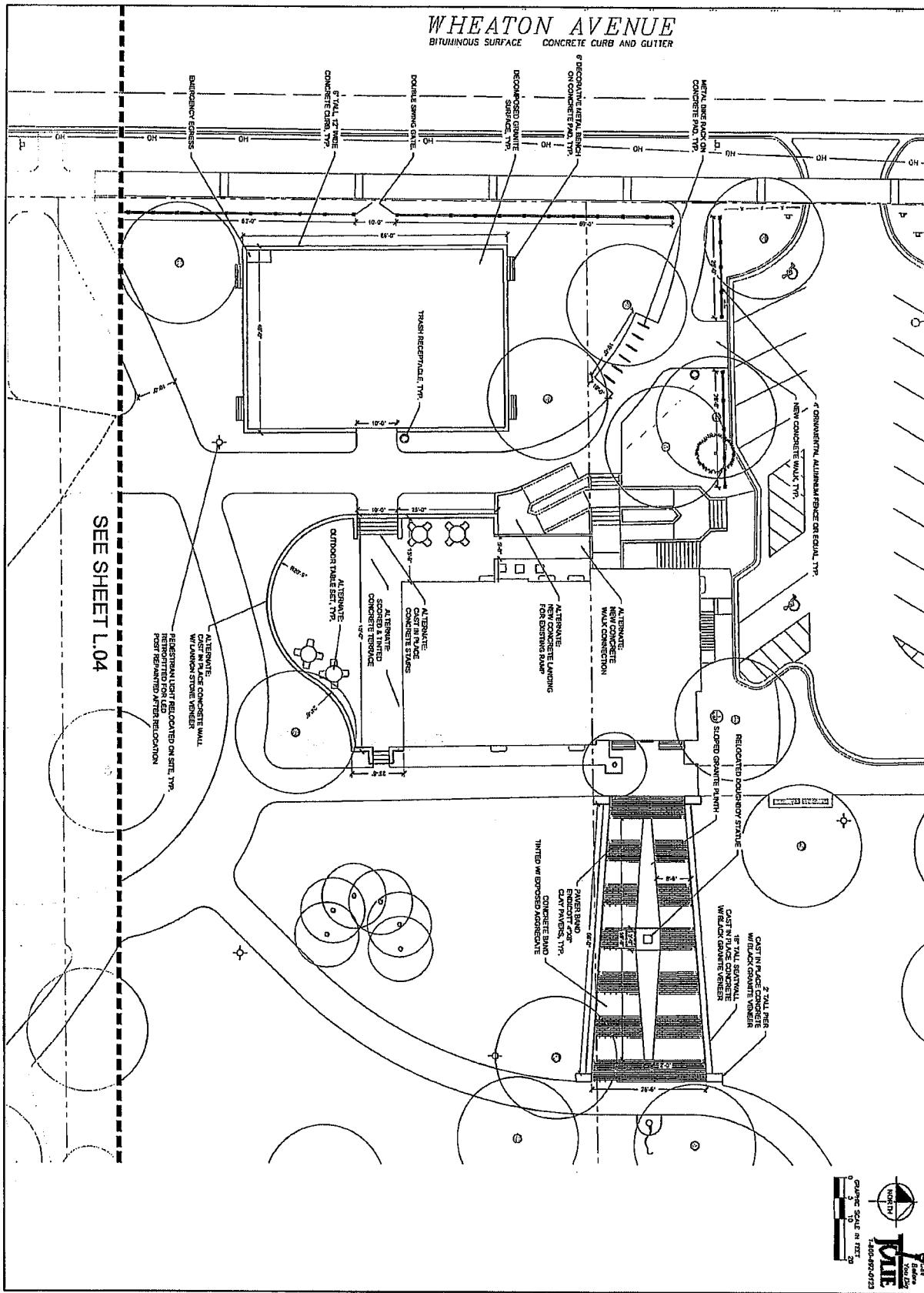
WILLIAM
ARCHITECT
ARCHITECTURE | PLANNING | DESIGN
500 Park Boulevard, Suite 600, Edina
Phone: 612.864.1343 | Fax: 612.864.1344

PHONE 633-221-1212/FAX 633-2

REVISIONS		
REV.	DATE	DESCRIPTION

**Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187**

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GODSON & CO., INC.
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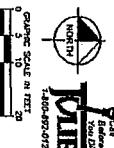
L-03
NOT FOR
CONSTRUCTION

MEMORIAL PARK
URBAN TERRACE
HARDSCAPE PLAN

WILLIAMS
ARCHITECTS
100 WEST 111 PARK | DOWNTOWN | NEW YORK
212.967.1200 | Fax: 212.967.1201 | Email: info@williamsarchitects.com
Phone: 847.221.1210 / Fax: 847.221.1220

REVISIONS NO. / DATE	DESCRIPTION	WAN#	DATE	DRAWN	CHECKED
		2015-018	12/15/2015	DM	DM

Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187

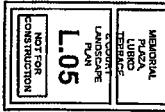
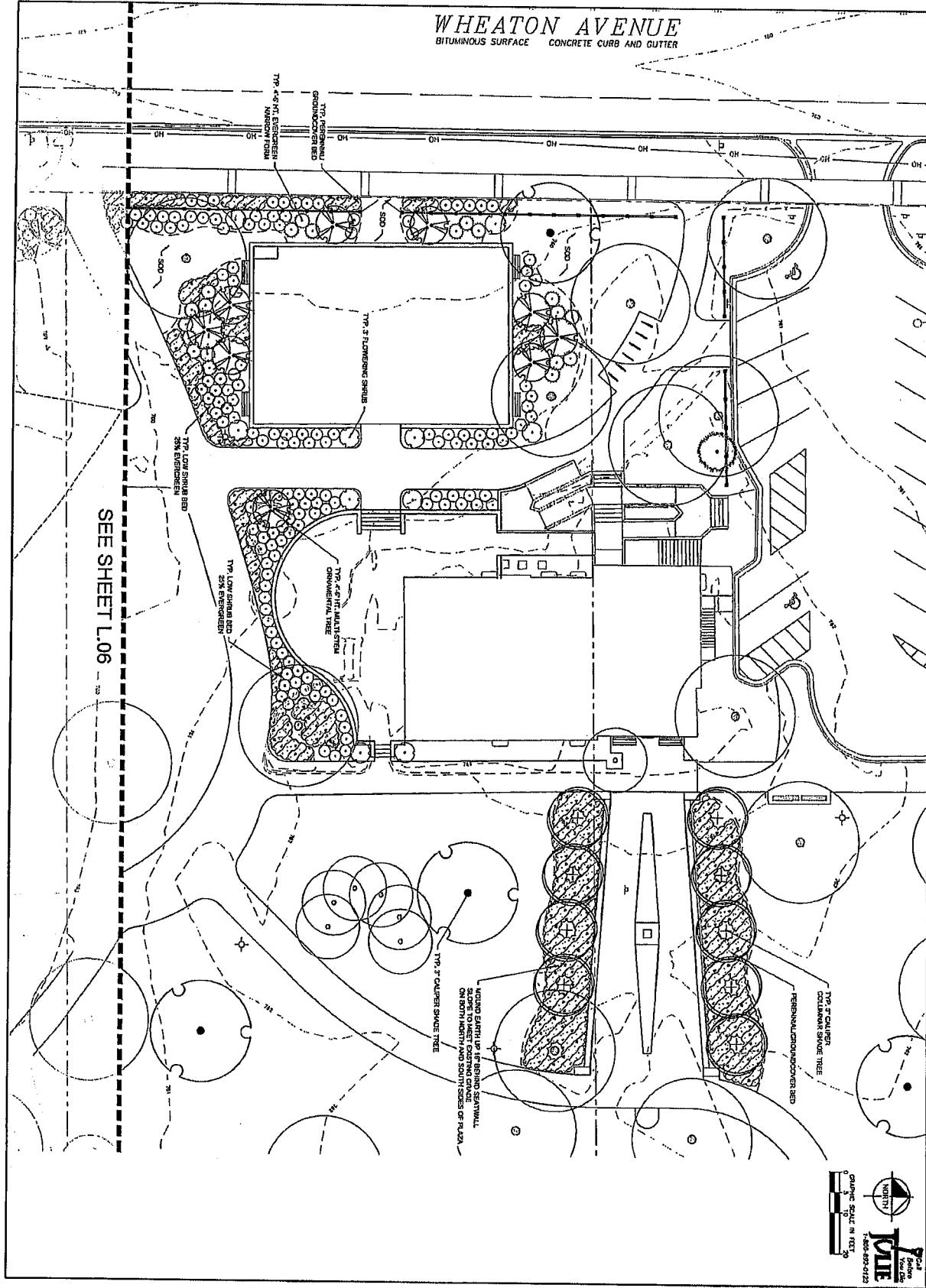


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WHEATON AVENUE
BITUMINOUS SURFACE CONCRETE CURB AND GUTTER

BITUMINOUS SURFACE CONCRETE CURB AND GUTTER

SEE SHEET L.06



WILLIAMS
ARCHITECTS
ASOCIADOS INGENIEROS

500 Park Boulevard, Suite 800, Dallas, TX 75201
Phone 932-221-1212 / Fax 932-221-1220

110

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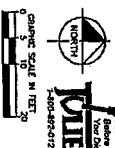
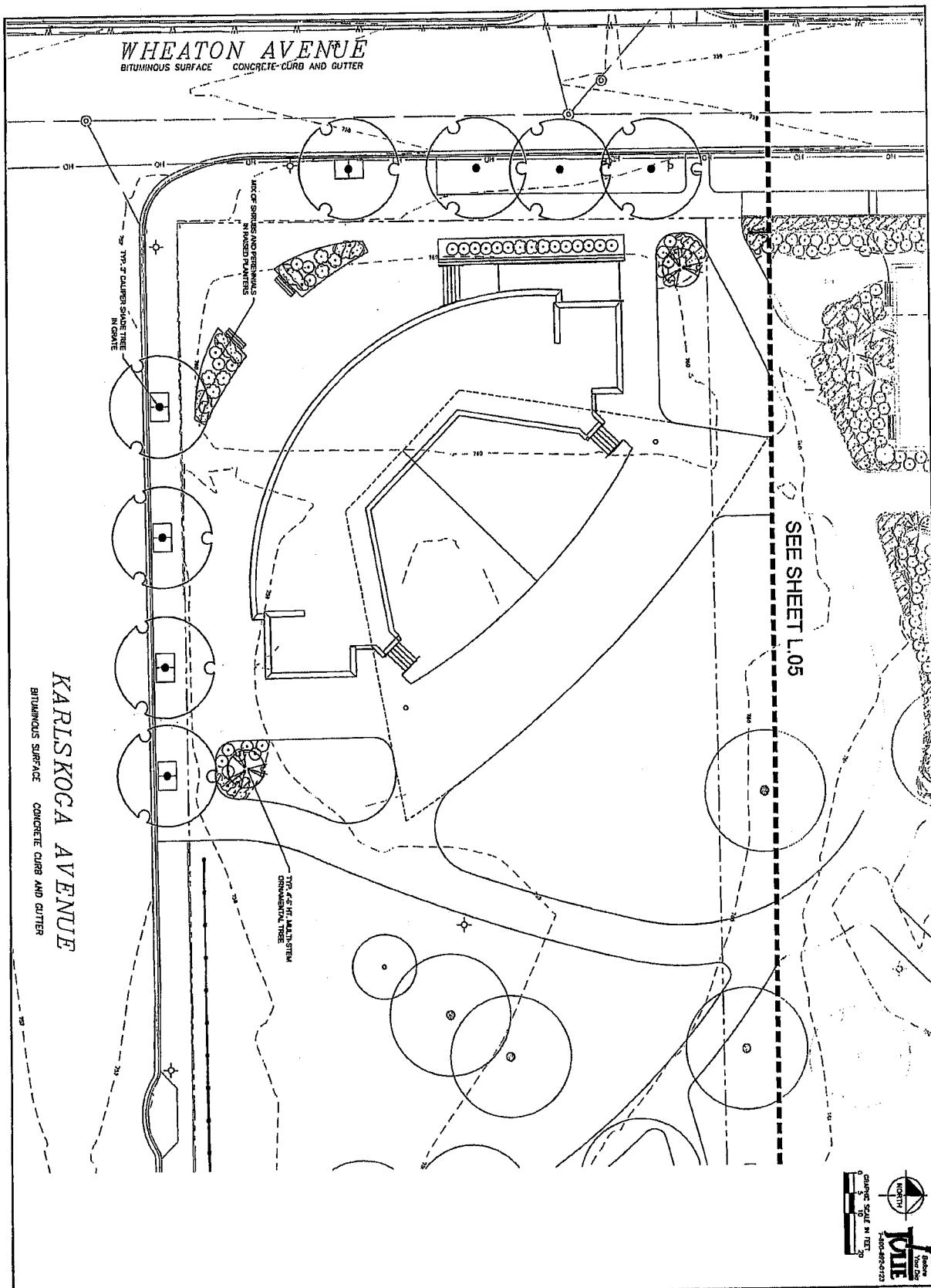
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**Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187**

hell
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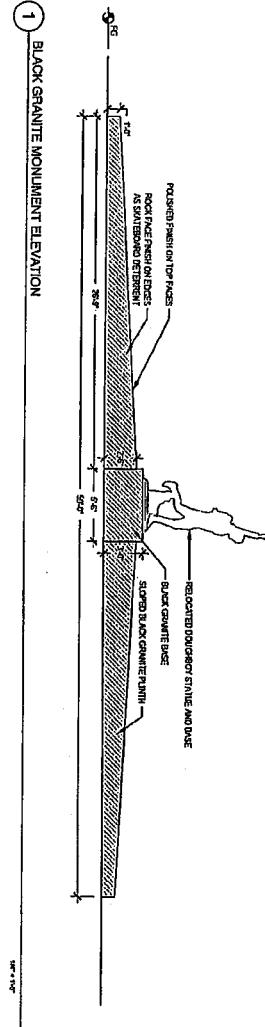


blue
Architectural Services

Site Furnishings Schedule

ITEM	DESCRIPTION	QUANTITY	MANUFACTURER	CONTACT	MODEL	MEASURED	COLOR	NOTES
◆	TECH	-	Landscape Force	-	-	-	-	
◆	IRON BACK	-	-	-	-	-	-	
◆	TRI SURFACE	-	FORMA	-	TRI SURFACE	-	-	
◆	DIMINISHING FENCE	-	AMERICA	-	MINI FENCE	-	-	
◆	FENCE POLE	-	-	-	-	-	-	
◆	TABLE & CHAIRS	-	-	-	-	-	-	

NOTE: SITE FURNISHING CONDITIONS TO BE CHECKED AND APPROVED IN THE FIELD BY LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE PRIOR TO INSTALLATION.



1 BLACK GRANITE MONUMENT ELEVATION

Materials List

ITEM	DESCRIPTION	MANUFACTURER	CONTACT	ITEM	DESCRIPTION	MANUFACTURER	CONTACT
①	IRON BACK	LANDSCAPE FORCE	XXXXXXXXXX	-	-	-	-
②	GRANITE BEAMER	-	XXXXXXXXXX	-	BLACK	-	-
③	DIMINISHING FENCE	AMERICA	XXXXXXXXXX	-	-	-	-
④	COLORED CONCRETE	-	XXXXXXXXXX	-	-	-	-
⑤	REINFORCED GRANITE	-	XXXXXXXXXX	-	-	-	-

Memorial Park
Art Sweet Memorial Bandshell
208 W. Union Ave.
Wheaton, IL 60187

This image shows a detailed architectural drawing of a building's exterior. The drawing includes a large central entrance with a double door, flanked by two sets of windows. Above the entrance is a decorative pedimented gable. The facade features vertical siding and a stone base. The drawing is signed 'WILLIAMS ARCHITECTS' at the bottom right. To the left of the drawing is a small table of contents or index page.

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