

**ORDINANCE NO. O-2023-36**

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NUMBER F-1631, AS AMENDED "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT - FORMER HUBLEE MIDDLE SCHOOL"**

**WHEREAS**, on March 19, 2012, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1631 recorded on April 17, 2012, as Document No. R2012-049672, at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT – FORMER HUBLEE MIDDLE SCHOOL" ("Original Ordinance"), which authorized a planned unit development for a mixed-use development on the former Hubble Middle School property and the Wheaton Park District property, legally described herein on Exhibit "A" within the City limits of Wheaton, Illinois ("City"); and

**WHEREAS**, amendments to the Original Ordinance have been enacted by: Ordinance F-1706 ("First Amended Ordinance"); and Ordinance F-1714 ("Second Amended Ordinance"); and

**WHEREAS**, following the enactment of the Original Ordinance, First Amended Ordinance, and Second Amended Ordinance, an application has been made to further amend the existing planned unit development to allow the installation of two additional lights/poles for softball field #31; and the Wheaton City Council, acting as a hearing body, conducted a public hearing on September 11, 2023 to consider the amendment; and

**WHEREAS**, the City makes the following finding of facts and legislative conclusions associated with the application of the standards of special use requirements for granting special use:

- A. The council finds and concludes that based upon all matters considered in the public hearing that the establishment, maintenance, or operation of the special use shall not be detrimental to the public health, safety, morals, comfort, convenience, and general welfare since the proposed lighting levels comply with the Wheaton Zoning Ordinance standards;
- B. The council finds and concludes that based upon all matters considered in the public hearing that the special use shall not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish property values within the neighborhood since this request is adding lighting to a park that has already been lighted and operational for over 10 years;
- C. The council finds and concludes that based upon all matters considered in the public hearing that the establishment of the special use shall not impede the normal and orderly development and improvement of the surrounding property for uses already permitted;
- D. The council finds and concludes that based upon all matters considered in the public hearing that adequate utilities, access ways, drainage, and other necessary facilities shall be provided;
- E. The council finds and concludes that based upon all matters considered in the public hearing that adequate measures shall be taken to provide ingress and egress designed to minimize traffic congestion in the public streets based on testimony provided by the Wheaton Park District's Youth Baseball and Softball Board of Control Commissioner;
- F. The council finds and concludes that based upon all matters considered in the public hearing that the special use shall comply with the objectives of the Wheaton Comprehensive Plan; and

G. The council finds and concludes that based upon all matters considered in the public hearing that the special use shall conform to the applicable requirements of the district in which it is located as well as any other applicable requirements of this ordinance, relating to lighting.

**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:** Pursuant to the Findings of Fact made and determined by the Wheaton City Council, the Original Ordinance is hereby amended to allow the installation of two additional lights/poles for softball field #31, in substantial compliance with the plan entitled: "Central Athletic Complex Field 31 Sports Lighting" prepared by Musco Lighting, sheet 1 of 2, dated September 11, 2023.

**Section 2:** In all other respects, the terms, conditions, and provisions of the original and amended ordinances 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.

  
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Philip J. Suess  
Mayor

ATTEST:

  
\_\_\_\_\_  
Andrea Rosedale

City Clerk

	<u>Roll Call Vote</u>
Ayes:	Councilman Barbier Councilwoman Bray-Parker Councilman Brown Mayor Suess Councilwoman Robbins Councilman Weller
Nays:	None
Absent:	Councilman Clousing <u>Motion Carried Unanimously</u>

Passed: September 18, 2023  
Published: September 19, 2023

**EXHIBIT "A"**

LOTS 1-7 OF THE PLAT OF MARIANO'S RESUBDIVISION, PART OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED SEPTEMBER 10, 2012 AS DOCUMENT NO. R2012-124927, IN DU PAGE COUNTY, ILLINOIS.

P.I.N.: 05-16-338-020  
05-16-330-003; -004; -023; -024; -025; -026; -027; -028; -029; -030; -033  
05-16-337-016; -018; -020  
05-16-334-018

The subject property is commonly known as 625 South Main Street, Wheaton, IL 60187.

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