

ORDINANCE NO. O-2023-48

**AN ORDINANCE DENYING A REQUEST FOR REZONING WITH A SPECIAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT AND VARIATION- 100 W. ROOSEVELT ROAD**

WHEREAS, an application has been submitted by Wise Capital Fund Chicago 1 LLC, 1200 Shermer Road, Suite 206, Northbrook, IL 60062 (hereinafter the "Applicant") on behalf of the property owner, Islander LLC, 126 W. Oak, Chicago, IL 60610, requesting a rezoning of the property located at 100 W. Roosevelt Road to the R-5 Residential District with a special use permit for a planned unit development ("PUD") to allow the two existing office buildings to be converted into two multi-family dwelling buildings. The multi-family dwelling development would contain eight dwelling units in each building, totaling sixteen dwelling units; and

WHEREAS, the Applicant also requested the following variations to the Wheaton Zoning Ordinance:

1. Per Article 6.6.2b.1a - A western parking lot perimeter landscape setback ranging between 9.0 - 10.0 feet in lieu of the required 15.0 feet.
2. Per Article 2, Usable Open Space Definition - Open space (contiguous to and provided for private usage of the individual dwelling units) of 0.0 square feet in lieu of the required 70.0 square feet; and

WHEREAS, the property subject to the Rezoning, Special Use Permit for a PUD and Variation request is legally described in Exhibit A, (hereinafter the "Subject Property") which is attached hereto and incorporated herein; and

WHEREAS, the Wheaton Planning and Zoning Board of the City of Wheaton conducted public hearings on August 8, 2023 and October 24, 2023, to consider evidence and receive public comment regarding the proposed rezoning, special use permit request for a PUD and variation; and

WHEREAS, the Wheaton Zoning Ordinance provides that a special use and a PUD shall comply with and promote the objectives of the Comprehensive Plan as amended; and

WHEREAS, the site plan prepared by the Applicant provides 5 parking spaces per unit (80 on-site parking spaces). The Zoning Ordinance only requires 2.25 parking spaces per dwelling unit (36 parking spaces); and

WHEREAS, the Roosevelt Road Corridor Plan, adopted by the City Council in June 2022 as an amendment to the City's Comprehensive Plan, has a stated goal of minimizing excess parking along the corridor; and

WHEREAS, the Roosevelt Road Corridor Plan places the Subject Property within Sector Two (Low-Moderate Intensity); and

WHEREAS, the Applicant submitted a revised site plan to add additional green space along the southern property line to eliminate the need for a previously requested southern parking lot perimeter landscape setback variation and reduce some of the existing on-site parking to 4.0 parking spaces per dwelling unit (64 parking spaces), but refused to further reduce excess parking to provide additional green space.

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Corporate Authorities of the City of Wheaton, pursuant to its Home Rule Authority, as follows:

Section 1: That the above recitals are hereby incorporated as though fully set forth herein as the findings of the City Council.

Section 2: That the City Council hereby makes the following Findings of Fact:

1. That the Applicant failed to demonstrate and establish that a hardship would result from compliance with the strict application of the requirements of the Zoning Ordinance.
2. That no particular physical surroundings, shape or topographical condition of the property involved exists which prevent compliance with the strict application of the regulations of the Zoning Ordinance.
3. That by the Applicant's refusal to reduce the number of excess parking spaces to increase the amount of green space, the granting of the variations will negatively impact the use of the Subject Property by its residents, as well as negatively impact the adjacent and nearby residential properties.
4. That the Applicant failed to demonstrate that the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of the Zoning Ordinance.
5. That the Applicant failed to demonstrate that denial of the variation would unreasonably deprive the property owner of the use and enjoyment of the property.
6. That by not reducing the number of excess parking spaces the Special Use does not comply with the objectives of the Wheaton Comprehensive Plan.
7. That the proposed use of the buildings (apartments) on the Subject Property is not in compliance with the Comprehensive Plan as Appendix B (Sample Regulatory Language) of the Roosevelt Road Corridor Plan provides for Multiple-family dwellings (**Townhouse Only**) as a Special Use in Sector Two.

Section 3. That the application for a Rezoning, Special Use Permit for a PUD and variation to allow two existing office buildings to be converted into two multi-family dwelling buildings is denied.

Section 4: That all ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 5: That this Ordinance shall become effective upon its passage, execution and publication as required by law.


Philip J. Suess
Mayor

ATTEST:


Andrea Rosedale
City Clerk

Roll Call Vote

Ayes: Councilman Brown
Mayor Suess
Councilman Clousing
Councilwoman Robbins
Councilman Weller
Councilwoman Bray-Parker

Nays: None

Absent: Councilman Barbier
Motion Carried Unanimously

Passed: November 20, 2023
Published: November 21, 2023

Exhibit A

The subject property is legally described as:

UNITS A-1, A-2, A-3, A-4, B-1, B-2, B-3, AND B-4 IN PARK PLACE OFFICE CONDOMINIUM, AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: CERTAIN LOTS IN MILTON TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NO. 3 IN SECTIONS 20 AND 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1944 AS DOCUMENT 461083 AND CERTAIN LOTS IN FAIRWAY UNIT NUMBER ONE, BEING SUBDIVISION OF PART OF THE NORTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 3, 1946 AS DOCUMENT 497155, BOTH IN DUPAGE COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM AS DOCUMENT R-83-33352, TOGETHER WITH IT UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

P.I.N. 05-21-117-005

The subject property is commonly known as 100 W. Roosevelt Road, Wheaton, IL 60187.