

RESOLUTION R-2025-21

**A RESOLUTION DIRECTING THE EXTENSION OF A BUILDING PERMIT
FOR 204 WEST LIBERTY DRIVE**

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on August 1, 2022 the City approved Ordinance No. O-2022-32 granting a rezoning and special use permit for a Planned Unit Development for a mixed-use building on the block bounded by Liberty Drive on the north, Hale Street on the east, Willow Avenue on the south, Wheaton Avenue on the west (204 West Liberty Drive), known as Willow Avenue Apartments, now known as Faywell Apartments ("Apartment Building"); and

WHEREAS, on March 26, 2024, a conditional building permit was issued for the Apartment Building, a 334-unit multifamily development as approved by Ordinance No. O-2022-32 for a new commercial building; and

WHEREAS, on August 9, 2024, a request was received by the City from the owner of the properties ("Owner") seeking a 180-day extension of the issued building permit, as permitted by City Code, as the issued building permit expired due to the authorized work had not commenced; and

WHEREAS, on August 19, 2024, the City Building Director issued an extended building permit to March 24, 2025; and

WHEREAS, on March 7, 2025, a request was received by the City from the Owner seeking a second 180-day extension of the previously extended building permit; and

WHEREAS, the Building Director is seeking direction from the City Council on issuance of the second extension given 30 months of no activity in commencing work authorized by Ordinance No. O-2022-32, deteriorating condition of the existing improvements, and no immediate plan to move forward with the demolition of the existing improvements.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the City Council of the City of Wheaton, Illinois, as follows:

Section 1: The foregoing recitals are incorporated herein as legislative findings and substantive provisions of this Resolution as if fully set forth.

Section 2: The Wheaton City staff is hereby directed, within 7 days of this Resolution, to extend the building permit for 204 West Liberty Drive to December 1, 2025, with the following conditions:

- a. A payment of \$250,000 to the City for the purchase of the right-of-way (alley) must be made at the time of the demolition permit issuance.
- b. A \$411,345 payment for School/Park Donations must be made prior to the commencement of construction of the Apartment Building.

- c. A \$397,016.40 payment for Wheaton Sanitary District permit for sewer connection must be made prior to the commencement of construction of the Apartment Building.
- d. Demolition of all existing improvements on the properties outlined in red in Exhibit 1, attached hereto and made a part hereof, must be completed. The building at 208 S. Hale Street and its associated parking lot may remain as long as the tenant continues to operate from the building.
- e. Demolition applications must be submitted by April 24, 2025. The demolition must comply with all requirements outlined in Article XIV, Demolition of Buildings, of the Wheaton City Code. Demolition of the existing improvements shall be actively underway by June 24, 2025, with completion by August 1, 2025.
- f. Active demolition of the existing improvements shall demonstrate work has commenced for the purposes of the extended building permit and Ordinance No. O-2022-32; however, the work authorized by the extended building permit and Ordinance No. O-2022-32 after completion of demolition shall be monitored to ensure authorized work continues to be diligently prosecuted.
- g. The City has a \$10,000 cash bond for the new apartment building and a \$1.279M performance bond for the site currently that must remain valid.

ADOPTED this 17th day of March 2025.



Philip J. Suess
Mayor, City of Wheaton

ATTEST:



Andrea Rose Dale

City Clerk

Roll Call Vote:

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| Ayes: | Councilman Weller Councilman Barbier Councilwoman Bray-Parker Councilman Brown Mayor Suess Councilman Clousing Councilwoman Robbins |
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| Nays: | None |
| Absent: | None |

Motion Carried Unanimously

EXHIBIT 1



The area identified in red represents in general the existing improvements that are to be demolished under the provision of Article XIV, Demolition of Buildings, of the Wheaton City Code.

