

ORDINANCE NO. O-2025-23

AN ORDINANCE GRANTING A REZONING FROM THE O-R OFFICE RESEARCH DISTRICT TO THE R-5 RESIDENTIAL DISTRICT, ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 1113-1135 WHEATON OAKS COURT - WHEATON OAKS MANAGEMENT COMPANY

WHEREAS, written application has been made requesting a rezoning from the O-R Office Research District to the R-5 Residential District, all on certain property legally described herein and commonly known as 1113-1135 Wheaton Oaks Court, Wheaton, Illinois 60187; and

WHEREAS, the existing office buildings would remain as legal, non-conforming structures until zoning approval is granted in the future for a new multi-family development; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on April 8, 2025, to consider the rezoning request; and the Planning and Zoning Board has recommended approval of the request; and

WHEREAS, with respect to rezoning the property from the O-R Office Research District to the R-5 Residential District, the City Council, based on the entire public record, as well as the City Council's knowledge of the history of the City and the subject property, makes the following findings of fact and draws the following legislative conclusions:

1. For the rezoning factors commonly known as the "LaSalle Factors," the City Council concludes that:
 - A. The property values of the subject property are diminished by the existing zoning classification which permits only office uses.
 - B. A rezoning of the Subject Property to the R-5 Residential District will not diminish adjacent property values.
 - C. The subject Property is no longer suitable for the zoned purpose as an office building.
 - D. The majority of the office buildings have been substantially vacant for many years; and

WHEREAS, the Illinois Supreme Court has determined no single factor is controlling in determining rezoning under the LaSalle Factors. *LaSalle National Bank vs. Cook County*, 12 Ill.2d 40, 145 N.E.2d 65 (1957).

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 if fully set forth as substantive provisions, factual and legislative findings and representing the intent of this ordinance.

Section 2: Pursuant to the findings of fact made and determined by the Wheaton City Council with respect to the LaSalle Factors, the Zoning Map which is attached to and forms a part of the City Zoning Ordinance is amended by removing the subject property described below from the O-R Office Research Zoning classification and rezoning it to R-5 Residential District and adding it to the Zoning Map as part of the R-5 Residential Zoning classification:

UNITS 4, 5, 6, 7, 8A, AND 9 IN WHEATON OAKS OFFICE CONDOMINIUM AS DELINEATED ON A SURVEY OF THE FOLLOWING DESCRIBED REAL ESTATE: VARIOUS LOTS IN WHEATON OAKS O-R ZONE P.U.D. BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 19, 1976 AS DOCUMENT R76-84403, IN DUPAGE COUNTY, ILLINOIS, WHICH SURVEY IS ATTACHED AS EXHIBIT "C" TO THE DECLARATION OF CONDOMINIUM RECORDED AS DOCUMENT R80-29336, TOGETHER WITH ITS UNDIVIDED PERCENTAGE INTEREST IN THE COMMON ELEMENTS.

P.I.N.: 05-08-422-001 through 008; 05-08-418-009 and 05-08-418-010

The subject property is commonly known as the Wheaton Oaks Office Park, 1113-1135 Wheaton Oaks Court, Wheaton, IL 60187.

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.



Philip J. Suess

Mayor

ATTEST:



Andrea Rosedale

City Clerk

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: April 21, 2025

Published: April 22, 2025

