

ORDINANCE NO. O-2026-06

**AN ORDINANCE GRANTING A REZONING AND A SPECIAL USE PERMIT TO ALLOW OFF-STREET PARKING
ON A SEPARATE LOT WITHIN 300 FEET OF THE BUILDING OR USE SERVED ON PROPERTY COMMONLY
KNOWN AS 119 - 125 E. FRONT STREET – CFXN PROPERTIES, LLC**

WHEREAS, written application has been made requesting a rezoning from the C-2 Retail Core Business District to the C-4 CBD Perimeter Commercial District and issuance of a special use permit to allow off-street parking on a separate lot within 300 feet of the building or use served, all on property commonly known as 119 - 125 E. Front Street, Wheaton, Illinois 60187; 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 City Council, sitting as a hearing body, on January 26, 2026 to consider the rezoning and special use permit; and

WHEREAS, with respect to rezoning the property from the C-2 Retail Core Business District to the C-4 CBD Perimeter Commercial 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:

For the rezoning factors commonly known as the "LaSalle Factors," the City Council concludes that:

- A. The proposed rezoning is compatible with zoning of nearby property as the properties to the north, south, and east of the Subject Property are zoned C-4.
- B. A rezoning of the Subject Property to the C-4 CBD Perimeter Commercial District will not diminish adjacent property values.
- C. The size, configuration, and limited feasibility for modern retail makes the Subject Property no longer suitable for the zoned purpose strictly as a retail building.
- D. The Subject Property has remained vacant for more than three years despite active marketing.
- E. The proposed rezoning satisfies the Land Use Policy of the Comprehensive Plan as it promotes the redevelopment in the downtown area; 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); and

WHEREAS, with respect to the special use permit request to allow off-street parking on a separate lot within 300 feet of the building or use served, 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:

- A. The proposed parking area serves the buildings it supports, promotes efficient use of existing land, minimizes demand for on-street parking, and is consistent with the intent of the C-4 CBD Perimeter Commercial District by supporting shared parking

and the functional needs of downtown commercial development.

B. The proposed special use maintains an established parking use and enhances and improves the condition, organization, and capacity of the parking area.

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 Wheaton Zoning Ordinance is amended by removing the Subject Property described below from the C-2 Retail Core Business District and rezoning it to the C-4 CBD Perimeter Commercial District and adding it to the Zoning Map as part of the C-4 CBD Perimeter Commercial District and a special use permit to allow off-street parking on a separate lot within 300 feet of the building or use served is hereby granted in full compliance with the following plans: "Wheaton Hardware - A CFXN Multi-Use Development, 119 – 125 E. Front Street, Wheaton, IL, Pages 1-31 (Phase 1 Only) , prepared by CFXN, LLC.".

PARCEL 1:

THE EAST 24 5/10 FEET IN WIDTH OF THE WEST 41.5 FEET IN WIDTH OF LOT 9, IN BLOCK 6 IN THE TOWN OF WHEATON, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2:

THE TRACT SOUTH AND ADJOINING THE ABOVE DESCRIBED TRACT, DESCRIBED AS FOLLOWS: BEGINNING 17 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 9; THENCE SOUTH 23 FEET TO THE NORTH LINE OF NORTH RAILROAD STREET; THENCE NORTH 82 DEGREES EAST ALONG SAID NORTH LINE 24 9/12 FEET; THENCE NORTH 20 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE WEST ON SAID LINE, 24 5/10 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 3:

LOT 9, EXCEPT THE WEST 41.5 FEET THEREOF, AS MEASURED ON THE NORTH LINE THEREOF, IN BLOCK 6 OF THE TOWN OF WHEATON, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT POINT ON THE SOUTH LINE OF LOT 9 IN BLOCK 6 OF THE TOWN OF WHEATON, THAT IS 41.5 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT 9 AND RUNNING THENCE EAST ALONG SAID SOUTH LINE 25.29 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 9; EXTENDED SOUTH, FOR A DISTANCE OF 12.42 FEET TO THE NORTHERLY LINE OF NORTH RAILROAD STREET, AS RELOCATED (NOW EAST FRONT STREET); THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE FOR A DISTANCE OF 25.66 FEET TO THE EAST LINE OF THE WEST 41.5 FEET OF SAID LOT 9, EXTENDED SOUTH; THENCE

NORTH ALONG SAID EXTENSION OF THE EAST LINE OF SAID WEST 41.5 FEET OF LOT 9, 16.66 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 5:

PART OF LOT 10 IN BLOCK 6 OF THE TOWN OF WHEATON AND THAT PIECE OF LAND LYING SOUTH OF THE SAME, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING ON THE NORTH LINE OF NORTH RAILROAD STREET (NOW FRONT STREET) AT A POINT 12,87 FEET SOUTH OF THE SOUTHWEST CORNER OF SAID LOT 10 AS ORIGINALLY PLATTED FOR A POINT OF BEGINNING AND RUNNING THENCE NORTH AND ALONG THE WEST LINE OF SAID LOT 167.97 FEET TO THE NORTHWEST CORNER OF SAID LOT 10; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 10 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID LOT 40 FEET; THENCE EAST 16 FEET; THENCE SOUTH PARALLEL TO THE WEST LINE OF SAID LOT 10 TO THE NORTH LINE OF NORTH RAILROAD STREET (NOW CALLED FRONT STREET); THENCE WESTERLY ALONG THE NORtherly LINE OF FRONT STREET TO THE POINT OF BEGINNING, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID TOWN OF WHEATON RECORDED JUNE 20, 1853 A D 7256, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 6:

THAT PART OF LOT 10 IN BLOCK 6 OF THE TOWN OF WHEATON AND PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, LYING BETWEEN THE SOUTH LINE OF SAID BLOCK 6 AND THE NORTH LINE OF FRONT STREET (AS NOW LOCATED) DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 10, 40 FEET SOUTH FROM THE NORTHEAST CORNER OF SAID LOT 10; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT 10, 40 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 10 AND SAID LINE EXTENDED, 124.7 FEET TO THE NORTH LINE OF FRONT STREET, THENCE EASTERLY ALONG THE NORTH LINE OF FRONT STREET TO THE WEST LINE OF CROSS STREET AND THE EAST LINE OF SAID LOT 10 EXTENDED SOUTH; THENCE NORTH ALONG THE WEST LINE OF CROSS STREET 118.1 FEET TO THE POINT OF BEGINNING, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT 7256, IN DUPAGE COUNTY, ILLINOIS

P.I.N.: 05-16-303-019, 020, 021 and 023

The Subject Property is commonly known as 119 - 125 E. Front Street, 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. Suer

Mayor

ATTEST:


Andrea Rosedale

City Clerk

Roll Call Vote:

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

Nays: None
Absent: Councilman Clousing
Motion Carried Unanimously

Passed: February 2, 2026

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