

ORDINANCE NO. F-0575

**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP
AND AUTHORIZING ZONING VARIATIONS ON A CERTAIN PIECE OF PROPERTY
COMMONLY LOCATED AT 445 AND 495 SOUTH KNOLL STREET
– SOUTHWEST CORNER OF COUNTY FARM ROAD
AND CHILDS STREET/WINDHAM HOMES, INC.**

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 445 and 495 South Knoll Street and commonly located on the southwest corner of County Farm Road and Childs Street; 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 Board of Zoning Appeals on January 9, 2001, to consider the zoning amendment; and the Wheaton Board of Zoning Appeals has recommended approval of the zoning amendment and issuance of the special use permit.

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: The City of Wheaton adopts and ratifies the findings of fact made and determined by the Board of Zoning Appeals and further makes and determines the following additional findings of fact:

- A. The improvement of Knoll Street beyond the boundaries of the subject property will; provide for the orderly and harmonious development of the City; provide for the coordination of streets with future development; and secure a uniform system of utilities and services.
- B. The improvement of Knoll Street beyond the boundaries of the subject property will promote the public safety and welfare of the City and its residents.
- C. The construction of a sanitary sewer adjacent to the subject property will provide for a uniform system of utilities and services and will promote the public safety and welfare of the City and its residents.
- D. The improvement of Knoll Street beyond the boundary of the subject property and the construction of a sanitary sewer as provided for in this ordinance will benefit real estate adjacent to those street and sewer improvements; accordingly, a recapture agreement imposing reimbursement obligations on the other benefitted real estate is appropriate.

Section 2: The Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, is amended by deleting the following-described property from the R-1 Residential District zoning classification and including it in the O-R Office Research District zoning classification:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 3, first addition to Wheaton Park Manor, and Lots 1, 2, 3 and 4 in Wheaton Park Manor, and commonly known as 445 and 495 South Knoll Street, Wheaton, Illinois. P.I.N. Nos. 05-18-307, 001, 002, 003, 007, 008, 012, 013, 014, 015, 024

The full and complete legal description, together with real estate permanent index, numbers will be included in the ordinance signed by the Mayor and City Clerk ("subject property").

Section 3: The zoning provided for in this ordinance and the use and operation of the subject property as an office building shall be subject to the following conditions, restrictions and requirements:

- A. Prior to the issuance of a storm water management permit or building permit, owner/developer shall file with the City final engineering plans; the plans shall be subject to the reasonable approval of the director of engineering.
- B. Any rooftop mechanical units shall be screened from view.
- C. Signage for the office building to be constructed on the subject property shall be monument style and shall not exceed 24 square feet for each sign face; the height of the sign shall not exceed seven feet.
- D. A variation from the provisions of Section 15.2(3) of the zoning ordinance is granted, allowing for the south (side) yard setback to be 10.5 feet, in lieu of 40 feet.
- E. A variation from the provisions of the Wheaton Zoning Ordinance is granted allowing for a 10-foot parking lot setback on the east side of the subject property, in lieu of 15 feet.
- F. Owner/developer shall construct and provide sanitary sewer along that portion of the subject property adjacent to Childs Street and Knoll Street.
- G. Owner/developer shall construct full roadway improvement to Knoll Street between Childs Street and Williams Street, and to Childs Street between County Farm Road and Knoll Street; the roadway improvement shall be in conformance with the provisions of the Wheaton City Code.

H. Prior to the issuance of any storm water management permit or building permit, owner/developer shall file an amended site plan with the City; the site plan shall illustrate the following:

i. Future motor vehicle ingress and egress to and from the subject property and Knoll Street ("Knoll Street access").

ii. The Knoll Street access shall be for the benefit of the subject property and the real estate south and east of, and adjacent to, the subject property and north of Williams Street ("adjacent property").

iii. The final plat for the subject property shall illustrate the future Knoll Street access and a cross access easement allowing motor vehicle traffic into and out of the adjacent property across and along the subject property. The cost of constructing the Knoll Street access, together with interconnection between the subject property and the adjacent property, shall be the responsibility of the owner(s)/ developer(s), if any, of the adjacent property. The future Knoll Street access requirement shall remain in effect for a period of 10 years following the date of this ordinance. In the event the adjacent property has not then developed, pursuant to the provisions of the codes and ordinances of the City, this Knoll Street access requirement shall automatically terminate. However, the cross access easement shall remain in perpetuity. The terms and provisions of the cross access easement shall be subject to the reasonable approval of the director of engineering.

iv. In the event a traffic control signal is warranted and approved for construction at the intersection of County Farm Road and Williams Street, at any time in the future, the owner of the subject property shall be financially responsible for a portion of the cost of the design construction and maintenance, including utility costs, of the traffic control signal. The owner's share of the cost of the traffic control signal shall be based on the number of motor vehicles traveling through the intersection and going to or coming from the subject property, when compared to the total number of motor vehicles going to or coming from the subject property, the commercial property on the east side of County Farm Road between Fapp Circle and Roosevelt Road and the adjacent property as evidenced by a traffic study. All other motor vehicles, generally using County Farm Road, shall not be included in this cost determination. The traffic study shall be subject to the reasonable approval of the director of engineering.

- I. Owner/developer of the subject property may file a recapture agreement with the City, pursuant to the provisions of the City Code. The subjects of the recapture agreement may be those portions of the Knoll Street roadway improvements and the sanitary sewer which benefit real estate other than, or in addition to, the subject property.
- J. Prior to the issuance of any building permit, owner/developer shall furnish a landscape and tree preservation plan prepared in accordance with the requirements of the Zoning Ordinance. The landscape plan shall be subject to the reasonable approval of the Director of Planning.
- K. Prior to the issuance of any site development or building permit, owner shall enter into a Fire Lane Designation and Enforcement Agreement with the City of Wheaton, providing for the designation, maintenance, and enforcement of the fire lane, which is appended and incorporated herein as Exhibit A.
- L. This ordinance, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of J. P. Carney, Recorder of Deeds, Du Page County, Illinois.
- M. By application for, and receipt of, any site development or building permit and the commencement of construction of any improvements on the subject property, owner, for himself/itself, his/its successors, assigns, and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property, in perpetuity.
- N. The construction and development of the improvements on the subject property shall be in full compliance with the preliminary site geometric and signage plan prepared by Farnsworth Group, entitled "A Preliminary Site Geometric Plan: County Farm Business Development, Wheaton, Illinois" revised date January 15, 2001, and further revised pursuant to the provisions of this ordinance; proposed elevation drawings prepared by Robert Juris and Associates, entitled "Windham Office Building" dated October 10, 2000.

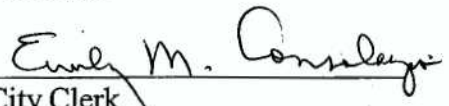
Section 4: All ordinances, or parts of ordinances, in conflict with this ordinance are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

- Councilman Eckhoff
- Councilman Gresk
- Mayor Carr
- Councilman Johnson
- Councilwoman Johnson
- Councilman Mork
- Councilwoman Davenport

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: March 19, 2001
Published: March 20, 2001