

ORDINANCE NO. F-1684

AN ORDINANCE GRANTING SUBDIVISION, LANDSCAPE COVERAGE AND LANDSCAPE SETBACK VARIATIONS ALL ON CERTAIN PROPERTY COMMONLY KNOWN AS THE SOUTHEAST PORTION OF 1830 EAST ROOSEVELT ROAD – VEQUITY LLC

WHEREAS, written application has been made requesting subdivision, landscape coverage and landscape setback variations to allow the reconstruction of a portion of Packey Webb's existing parking lot located east of their building and behind the Marathon Gas Station, located at 1910 East Roosevelt Road, Wheaton, Illinois 60187, to serve primarily as an employee parking lot for a new retail development to be located on the former Webb Dodge property in Glen Ellyn, all on certain property legally described herein and commonly known as the southeast portion of 1830 East Roosevelt Road, Wheaton, Illinois 60187; and

WHEREAS, as part of this development, the applicant is proposing to re-dedicate portions of Taft Avenue and fully improve it at the applicant's cost by constructing a public street, including all required appurtenances, (hereinafter Taft Improvements) from Lorraine Street in Wheaton to Lambert Road in Glen Ellyn; 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 October 23, 2012 to consider the variation request; and the Planning and Zoning Board has recommended approval of the zoning variation.

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 following described property has been and continues to be zoned and classified in the C-3 General Commercial District zoning classification:

THAT PART OF LOT 22, 23 AND 24 IN BLOCK 33 IN WHEATON ESTATES BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391; AND THE WEST ½ OF VACATED OTT AVENUE LYING EAST AND ADJOINING SAID LOT 24, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF VACATED OTT AVENUE ON THE NORTH LINE OF VACATED TAFT AVENUE; THENCE SOUTH 88 DEGREES 32 MINUTES 23 SECONDS WEST ALONG THE NORTH LINE OF SAID VACATED TAFT AVENUE, (ALSO BEING THE SOUTH LINE OF SAID LOTS 22, 23 AND 24) FOR A DISTANCE OF 183.00 FEET; THENCE NORTH 00 DEGREES, 05 MINUTES 52 SECONDS WEST ALONG A LINE PARALLEL WITH THE CENTER OF SAID VACATED OTT AVENUE FOR A DISTANCE OF 132.00 FEET TO THE NORTH LINE OF SAID LOT 22; THENCE NORTH 88 DEGREES 32 MINUTES 23 SECONDS EAST ALONG THE NORTH LINE OF SAID LOTS 22, 23 AND 24 AND THE EASTERLY EXTENTION OF SAID NORTH LINE FOR A DISTANCE OF 183.00 FEET TO THE CENTER LINE OF SAID VACATED OTT AVENUE; THENCE SOUTH 00 DEGREES 05 MINUTES 52 SECONDS EAST ALONG THE CENTER LINE OF SAID VACATED OTT AVENUE FOR A DISTANCE OF 132.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

The subject property is commonly known as the southeast portion of 1830 East Roosevelt Road, Wheaton, IL 60187.

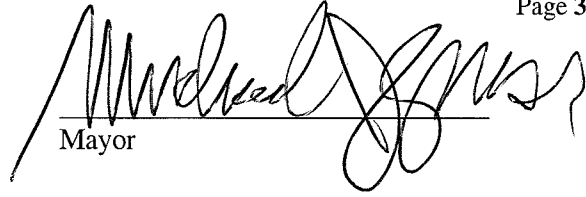
Section 2: Pursuant to the Findings of Fact made and determined by the Wheaton Planning and Zoning Board, subdivision, landscape coverage and landscape setback variations are hereby granted for the subject property to allow the reconstruction of a portion of Packey Webb's existing parking lot located east of their building and behind the Marathon Gas Station, located at 1910 East Roosevelt Road, Wheaton, Illinois 60187, to serve primarily as an employee parking lot for a new retail development to be located on the former Webb Dodge property in Glen Ellyn, in full compliance with the plans entitled, "Landscaping Plan - 285 Roosevelt Road/ Taft Avenue", sheets L1.0 - L1.1, prepared by CivWorks, Chicago, IL, dated July 31, 2012 and revised October 23, 2012 and "Preliminary Engineering Plans - 285 Roosevelt Road/ Taft Avenue", sheets C0.0 – C12.0, prepared by CivWorks, Chicago, IL, dated July 31, 2012 and revised September 17, 2012, subject to the following conditions:

1. The applicant shall present a plat of resubdivision of the property within the Wheaton corporate limits that includes the re-dedication of the previously vacated Taft Avenue right-of-way for approval by the City Council. The plat shall include a right of access easement or covenant over the parking lot in Wheaton to the parking lot of the development in Glen Ellyn meeting the approval of the City Attorney.
2. The applicant shall execute and comply with the City's standard Subdivision Improvement Agreement.
3. The applicant shall revise the design of the Taft Avenue Improvements to conform to the City's typical urban street cross-section design standards including the elimination of the proposed roadside drainage swale along the north parkway of Taft Avenue.
4. A variance to Section 62-178 of the Wheaton City Code shall be granted to allow a pavement width of 24 feet for Taft Avenue.
5. The applicant, at its sole cost, shall install parkways trees per the City parkway tree planting standards and Section 62-294 of the Wheaton City Code.
6. The applicant at its sole cost shall construct a sanitary sewer along Taft Avenue from the existing sanitary sewer along Lorraine Road to a point approximately 200 feet east thereof to serve future property redevelopment of Lots 9 and 10 in Block 35 of Wheaton Estates Subdivision prior to constructing Taft Avenue pavement. The location of the sanitary sewer shall meet the reasonable approval of the Director of Engineering.
7. The applicant, at its sole cost, shall install public sidewalks along both sides of Taft Avenue in accordance with the requirements of the Wheaton City Code, except for along the south side adjacent to Lots 1, 2, 3, 4 and 5 in Block 35 in Wheaton Estates Subdivision.
8. The applicant, at its sole cost, shall install street lighting along Taft Avenue in accordance with the requirements of the Wheaton City Code.
9. The Construction, Use and Indemnification agreement, dated December 20, 2010, between the City and Packey Webb Ford for private use and access of Taft Avenue shall be terminated without further action upon completion and acceptance of all the Taft Improvements required by this Ordinance. There shall be no use or occupancy of the parking lot authorized by this ordinance until all public improvements to Taft Avenue have been completed and approved by the City.

Section 3: In all other respects the terms and conditions of the original ordinance are ratified and remain in full force and effect.

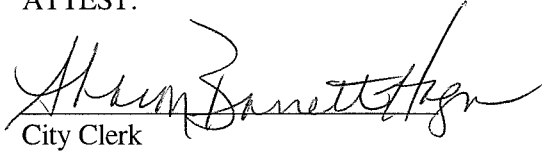
Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suss

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 3, 2012
Published: December 4, 2012

C

C

C