

ORDINANCE NO. F-2040

ORDINANCE AMENDING ORDINANCE NOS. E-1156, E-1657, F-1885, F-1900 AND F-1947: "AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT FOR THE PARCEL OF PROPERTY COMMONLY CALLED THE AURORA YARDS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF"

WHEATON CENTER TOTAL PARKING REQUIREMENTS

WHEREAS, on December 21, 1970, the Wheaton City Council approved Ordinance No. E-1156 "AN ORDINANCE AUTHORIZING THE ISSUANCE OF A CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT FOR THE PARCEL OF PROPERTY COMMONLY CALLED THE AURORA YARDS AND MORE PARTICULARLY DESCRIBED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF"; and

WHEREAS, Ordinance E-1156, established parking requirements for the Wheaton Center development; and

WHEREAS, Ordinance No. E-1156 required a total number of 1,931 of parking spaces, but assumed the construction of a third tower apartment complex on the west side of Carlton; and

WHEREAS, the third tower has never been and will not be constructed; and

WHEREAS, a computation of the total parking spaces which would be required by Ordinance No. E-1156, less the required spaces for the unbuilt third apartment tower, would be 1,173; and

WHEREAS, there are now a total of 1,177 available spaces on the Wheaton Towers development PUD site made up of, 770 on-site parking spaces and 407 parking spaces in the leased parking garage; and

WHEREAS, upon extensive renovations to the Wheaton Center garage, including the restriping of handicapped spaces as required by law, the total number of parking spaces in the garage has been reduced to 407: which is seven spaces less than the total number of parking spaces required by the parking garage lease between the Owner and the City of Wheaton; and

WHEREAS, the owners of the Wheaton Center have no control over the size of handicapped parking spaces within the parking garage and, the reduction of spaces in the parking spaces by five is a function of recent standards for handicapped parking spaces required by the state of Illinois; and

WHEREAS, on June 4, 1979 the Wheaton City Council adopted Ordinance E-1657 which established parking requirements for Lots 6,7,8,10 and 11 for property which was at the time part of the PUD application and the preliminary plat for the property but which was subsequently acquired by the City and is no longer an element of the Owner's parking obligations; and

WHEREAS, on September 8, 2015, the Wheaton City Council approved Ordinance No. F-1885 which authorized the construction of a dog park; and

WHEREAS, on November 16, 2015, the Wheaton City Council approved Ordinance No. F-1900 which amended Ordinance No. F-1885 and authorized the construction of a generator and fence enclosure; and

WHEREAS, on June 16, 2016 the Wheaton City Council approved Ordinance F-1947 which amended the PUD Site Plan to allow the construction of 33 additional parking spaces in four locations in connection with pavement improvements the owner of Wheaton Center undertook on the east side of the Wheaton Center development; and

WHEREAS, the City Council has determined that no public hearing is required for adoption of this amending ordinance because it is minor and necessitated by revised handicap parking standards.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers as follows:

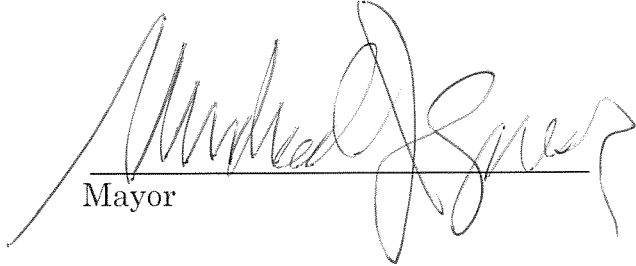
Section 1: The real property, legally described in Exhibit A, which is attached hereto and incorporated herein, has been and continues to be zoned in the R-7 Residential Zoning District classification, with a special use permit for a Planned Unit Development. All terms and conditions of E-1156 and, subsequent amending ordinances, not specifically amended herein shall remain in full force and effect.

Section 2: That Ordinance No. E-1156 and all subsequent Ordinances containing any parking requirements for the PUD site, are hereby amended to reflect that the total number of parking spaces required for the Wheaton Tower development site is 1,177. This number shall be the sum total of the onsite spaces and those in the leased parking garage. References to any other total number of parking spaces in prior ordinances are hereby repealed.

Section 3: That the number of parking spaces required by the "Restated Parking Lease and Operating Agreement" (hereinafter "Restated Lease"), for the parking garage, approved by Resolution R-67-15, is hereby amended from 412 to 407. In all other respects, the "Restated Lease" shall remain in full force and effect.


Section 4: Any ordinance which is inconsistent with this Ordinance is repealed to the extent of such inconsistency.

Section 5: This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes: Councilman Rutledge
Councilman Scalzo
Councilman Sues
Councilman Barbier
Councilwoman Fitch
Mayor Gresk

Nays: None
Absent: Councilman Prendiville

Motion Carried Unanimously

Passed: October 16, 2016
Published: October 17, 2017

EXHIBIT A

PARCEL 2:

THAT PART OF THE LOT 6 OF THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH 1/2 OF THE NORTH EAST 1/4 AND THE SOUTH EAST 1/4 OF SECTION 17 AND THE NORTH 10 CHAINS OF THE NORTH EAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF CHILDS STREET IN THE CITY OF WHEATON WHICH IS 194.20 FEET WEST OF THE NORTH WEST CORNER OF THE INTERSECTION OF SAID CHILDS STREET AND WEST STREET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID WEST STREET A DISTANCE OF 160 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID CHILDS STREET A DISTANCE OF 250 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID WEST STREET A DISTANCE OF 160 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID CHILDS STREET; THENCE EAST ALONG THE NORTH LINE OF SAID CHILDS STREET A DISTANCE OF 250 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

A PART OF LOT 6 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH 1/2 OF THE NORTH EAST 1/4 AND THE SOUTH EAST 1/4 OF SECTION 17 AND THE NORTH 10 CHAINS OF THE NORTH EAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE NORTH LINE OF CHILDS STREET IN THE CITY OF WHEATON WHICH IS 444.2 FEET WEST OF THE NORTH WEST CORNER OF THE INTERSECTION OF SAID CHILDS STREET AND WEST STREET; THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID WEST STREET A DISTANCE OF 160 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID CHILDS STREET A DISTANCE OF 85 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID WEST STREET A DISTANCE OF 160 FEET, MORE OR LESS, TO THE NORTH LINE OF SAID CHILDS STREET; THENCE EAST ALONG THE NORTHERLY LINE OF CHILDS STREET A DISTANCE OF 85 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF LOT 6 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH 1/2 OF THE NORTH EAST 1/4 AND THE SOUTH EAST 1/4 OF SECTION 17 AND THE NORTH 10 CHAINS OF THE NORTH EAST 1/4 OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: DESCRIBED BY COMMENCING AT THE SOUTH WEST CORNER OF THE NORTH EAST 1/4 OF SAID SOUTH EAST 1/4 OF SECTION 17 AND RUNNING THENCE NORTH ALONG THE WEST LINE OF SAID NORTH EAST 1/4 OF THE SOUTH EAST 1/4 A DISTANCE OF 33.005 FEET TO THE NORTH LINE OF CHILDS STREET; THENCE EAST ALONG SAID NORTH LINE 80.33 FEET TO THE EASTERLY LINE OF A TRACT OF LAND HERETOFORE CONVEYED TO DUPAGE COUNTY FOR A POINT OF BEGINNING; THENCE NORTH 2 DEGREES 54 MINUTES WEST ALONG SAID EASTERLY LINE 295.4 FEET TO AN ANGLE POINT IN SAID LINE; THENCE CONTINUING NORTH 00 DEGREES 05 MINUTES WEST ALONG THE EASTERLY LINE OF SAID DUPAGE COUNTY TRACT 252.32 FEET TO A LINE THAT IS PARALLEL WITH AND 66.0 FEET SOUTH OF THE SOUTH LINE OF LIBERTY DRIVE AS NOW OCCUPIED AND USED 45.0 FEET IN WIDTH; THENCE NORTH 89 DEGREES 53 MINUTES EAST ALONG SAID PARALLEL LINE, BEING ALONG THE SOUTHERLY LINE OF THE TRACT OF LAND HERETOFORE CONVEYED TO DUPAGE COUNTY 780.27 FEET TO AN IRON STAKE; THENCE NORTH 82 DEGREES 59 MINUTES EAST ALONG A SOUTHERLY LINE OF SAID DUPAGE COUNTY TRACT 200.0 FEET; THENCE NORTH 89 DEGREES 30 MINUTES EAST ALONG THE SOUTH LINE OF SAID LIBERTY DRIVE 92.50 FEET TO THE WEST LINE OF LOT 7 IN SAID COUNTY CLERK'S ASSESSMENT DIVISION; THENCE SOUTH 00 DEGREES 14 MINUTES EAST ALONG SAID WEST LINE AND ALONG THE WEST LINE OF LOT 8 AND SAID LINE EXTENDED 376.40 FEET TO THE NORTH LINE OF LOT 9 IN SAID ASSESSMENT DIVISION; THENCE SOUTH 88 DEGREES 54 MINUTES WEST ALONG SAID NORTH LINE 13.2 FEET TO THE NORTH WEST CORNER OF SAID LOT 9; THENCE SOUTH 00 DEGREES 14 MINUTES EAST ALONG THE WEST LINE OF SAID LOT 9 A DISTANCE OF 178.2 FEET TO A LINE THAT IS 66.0 FEET NORTH OF THE SOUTH LINE OF CHILDS STREET AS SAID LINE IS MONUMENTED AND OCCUPIED; THENCE SOUTH 88 DEGREES 54 MINUTES WEST ALONG SAID NORTH LINE 16.0 FEET TO THE EAST LINE OF A TRACT OF LAND HERETOFORE CONVEYED TO COMMONWEALTH EDISON COMPANY; THENCE NORTH 00 DEGREES 14 MINUTES WEST ALONG SAID EAST LINE 160.0 FEET TO THE NORTH EAST CORNER OF SAID COMMONWEALTH EDISON COMPANY TRACT; THENCE SOUTH 88 DEGREES 54 MINUTES WEST ALONG THE NORTH LINE OF SAID COMMONWEALTH EDISON COMPANY TRACT 315.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 14 MINUTES EAST ALONG THE WEST LINE OF SAID TRACT 160.0 FEET TO SAID NORTH LINE OF CHILDS STREET; THENCE SOUTH 88 DEGREES 54 MINUTES WEST ALONG SAID NORTH LINE 712.45 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PIN # 05-17-411-013
One Wheaton Center
Wheaton, IL 60187