

ORDINANCE NO. O-2021-10

AN ORDINANCE DENYING A SPECIAL USE PERMIT REQUEST IN THE C-2 RETAIL CORE BUSINESS DISTRICT TO ALLOW A BUSINESS AND PROFESSIONAL OFFICE (INSURANCE AGENCY) TO OCCUPY THE MAIN FLOOR OF THE EXISTING COMMERCIAL SPACE LOCATED AT 210 W. WESLEY STREET

WHEREAS, an application has been submitted by Mark Boswell, 5725 W. 35th Street, Cicero, IL 60804 on behalf of the property owner, Chicago Title Land Trust as Trustee under Trust Agreement dated May 4, 2016 and known as Trust Number 8002371229, 111 S. Garfield Avenue, Hinsdale, IL 60521, requesting a special use permit to allow a business and professional office (insurance agency) to occupy the main floor of the existing commercial space located at 210 W. Wesley Street, Wheaton, Illinois; and

WHEREAS, the property subject to the special use permit request is legally described in Exhibit A, (hereinafter the "Property") which is attached hereto and incorporated herein as if fully forth (hereafter 210 W. Wesley Street); and

WHEREAS, 210 W. Wesley is located exclusively in the C-2 Retail Core Business District; and

WHEREAS, the Wheaton Planning and Zoning Board of the City of Wheaton conducted public hearings on February 9, 2021 and February 23, 2021, to consider evidence and receive public comment regarding the proposed special use permit request; and

WHEREAS, on March 1, 2021, the Wheaton Planning and Zoning Board recommended to the Wheaton City Council that a special use permit be denied in part because the applicant did not provide sufficient evidence at the public hearing to address the special use standards, specifically standard number six which states that the special use shall comply with the objectives of the Wheaton Comprehensive Plan; and

WHEREAS, the purpose and the character of the C-2 District set forth in Article XVII, C-2 District, Section 17.1 Purpose, of the City of Wheaton Zoning Ordinance, which states as follows:

"The intent of this district is to accommodate pedestrian oriented retail businesses and other uses located at the center of the City, adjacent to commuter rail facilities which form the retail core of the Central Business District (hereinafter CBD) of the City. This district is intended to be an intensively developed, compact area consisting primarily of retail businesses as reflected by the bulk regulations contained herein"; and

WHEREAS, Wheaton's Comprehensive Land Use Plan, Downtown Profile Section, states as follows:

"The health of Wheaton's core retail area is protected by zoning regulations which restrict the conversion of prime ground floor retail space to office uses"; and


WHEREAS, the proposed special use contains no retail attributes that would be consistent with the City's Comprehensive Plan for the CBD and C-2 Retail Core Business District.

NOW THEREFORE BE IT ORDAINED, by the Mayor and the Corporate Authorities of the City of Wheaton, pursuant to its Home Rule Authority, as follows:

Section 1: That the application for a Special Use Permit to allow a business and professional office on the main floor of the existing commercial space at 210 W Wesley Street, Wheaton, Illinois (the Property) is denied.

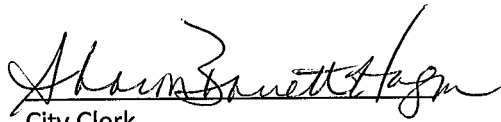
Section 2: That all ordinances inconsistent with this Ordinance are repealed to the extent of such inconsistency.

Section 3: That this Ordinance shall become effective upon its passage, execution and publication as required by law.



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes: Councilwoman Fitch
Mayor Suess
Councilwoman Robbins
Councilman Rutledge
Councilman Zaruba
Councilman Barbier
Councilwoman Bray-Parker

Nays: None

Absent: None

Motion Carried Unanimously

Passed: March 15, 2021
Published: March 16, 2021

Exhibit A

The subject property is legally described as:

LOT 1 IN BLOCK 8 IN THE TOWN OF WHEATON, BEING A SUBDIVISION IN THE SOUTHWEST ¼ OF 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.

PIN: 05-16-301-027

The subject property is commonly known as 210 W. Wesley Street, Wheaton, IL 60187.

