

ORDINANCE NO. F-0932

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT-
NORWOOD BUILDERS/WESLEY, CROSS, FRONT AND SCOTT STREETS**

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, by the issuance of a special use permit for a Planned Unit Development in order to construct two five-story residential condominium buildings, and one six-story mixed-use building containing approximately 8,000 square feet of ground floor retail space with upper story condominiums, for a total of 198 residential units within three buildings, together with 286 on-site at-grade and below-grade parking spaces, resulting in a parking ratio of 1.44 parking spaces per unit, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly located on the block bounded by Wesley, Cross, Front and Scott Streets; 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 November 14, 2003, to consider the zoning amendment and issuance of the special use permit; and the Board has recommended the 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 following described property has been and continues to be zoned and classified in the C-4 CBD Perimeter zoning district:

PARCEL 1:
LOT 1 IN GARY WHEATON BANK'S PLAT OF CONSOLIDATION OF ALL OF BLOCK 5 OF THE ORIGINAL TOWN OF WHEATON RECORDED AS DOCUMENT NO. 7256 (EXCEPT LOT 5 IN SAID ORIGINAL PLAT; AND EXCEPT LOT 1 OF CROSS AND FRONT ASSESSMENT PLAT RECORDED SEPTEMBER 17, 1952 AS DOCUMENT NO. 662395, AN ASSESSMENT PLAT OF PARTS OF LOTS 4 AND 5 AND ALL OF LOTS 6 AND 7 IN BLOCK 5 OF SAID ORIGINAL PLAT) IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID GARY WHEATON BANK'S PLAT OF CONSOLIDATION RECORDED OCTOBER 6, 1986 AS DOCUMENT NO. R86-122510; EXCEPTING THEREFROM LOTS 3, 4, AND 5 IN CROSS AND FRONT ASSESSMENT PLAT OF PARTS OF LOTS 4 AND 5, ALL OF LOTS 6 AND 7 IN BLOCK 5 OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, BEING PART OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID CROSS AND FRONT

ASSESSMENT PLAT THEREOF RECORDED SEPTEMBER 17, 1952 AS DOCUMENT NO. 662395, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 1A:

LOTS 3, 4 AND 5 IN CROSS AND FRONT ASSESSMENT PLAT OF PARTS OF LOTS 4 AND 5, ALL OF LOTS 6 AND 7 IN BLOCK 5 OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, BEING PART OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID CROSS AND FRONT ASSESSMENT PLAT THEREOF RECORDED SEPTEMBER 17, 1952 AS DOCUMENT NO. 662395, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOT 1 OF CROSS AND FRONT ASSESSMENT PLAT OF PARTS OF LOTS 4 AND 5, ALL OF LOTS 6 AND 7 IN BLOCK 5 OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO AFORESAID CROSS AND FRONT ASSESSMENT PLAT RECORDED SEPTEMBER 17, 1952 AS DOCUMENT NO. 662395, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 3:

LOT 5 IN BLOCK 5 OF THE PLAT OF THE ORIGINAL TOWN OF WHEATON, IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 7256, IN DUPAGE COUNTY, ILLINOIS.

PINS: 05-16-304-008, 05-16-304-024, 05-16-304-026, AND 05-16-304-027

This property is commonly located on the block bounded by Wesley, Cross, Front and Scott Streets, Wheaton, IL 60187 ("subject property").

Section 2: Pursuant to the Findings of Fact a special use permit is hereby issued to allow for the construction and use of a Planned Unit Development for two five-story residential condominium buildings and one six-story mixed-use building containing approximately 8,000 square feet of ground floor retail space with upper story condominiums, for a total of 198 residential units within three buildings, together with 286 on-site at-grade and below-grade parking spaces, resulting in a parking ratio of 1.44 parking spaces per unit on the subject property in full compliance with the site plan and Building elevation plans prepared by Otis Coglin Wilson Architects, dated October 17, 2003, entitled Wescott Crossing, and with the preliminary geometric and grading plan prepared by Spaceco, Inc., dated October 9, 2003 and revised October 28, 2003, and in further compliance with the following conditions, restrictions, and requirements:

1. The final design of the public improvements shall be subject to the reasonable approval of the Director of Engineering and the Director of Planning prior to the issuance of any site development permit.
2. Prior to the issuance of a building permit, the Owner shall submit final samples of the proposed building materials for approval by the City Council.
3. All Rooftop mechanical units and trash receptacles shall be screened from view, subject to the reasonable approval of the Director of Planning.
4. Pedestrian access shall be provided in and around the courtyard.
5. Prior to the issuance of a stormwater management permit, a final set of engineering plans shall be submitted; the plans shall be subject to the reasonable approval of the Director of Engineering.
6. In the event the City shall be required to perform, or have performed on its behalf, any maintenance work, repairs, or construction to or upon the subject property, the cost of same together with the additional sum of ten percent (10%) shall, upon recordation of a notice of lien within sixty (60) days of completion of the work, constitute a lien against the subject property which may be foreclosed by any action brought by, or on behalf of, the City in the Circuit Court of Du Page County, Wheaton, Illinois. In the event the City forecloses against the lien pursuant to litigation, owner of the subject property covenants and agrees to pay reasonable attorney's fees incurred by the City as a result of the filing of the litigation.

In the event owner, its successors, assigns, or grantees fail to comply with the provisions of this ordinance, the City shall direct written notice of non-compliance to the owner, directing that the non-compliance with this ordinance be remedied. In the event the non-compliance with any provision of this ordinance is not remedied within twenty-one (21) days of the date of the notice, the City shall have the option, but not the duty, to perform, or have performed on its behalf, any maintenance, work, repairs, or construction to the subject property reasonably necessary to cause the subject property to comply with the provisions of this ordinance.

7. Prior to the issuance of a site development permit, the owner shall submit a final landscape plan. Said plan shall be subject to the reasonable approval of the Director of Planning.
8. This special use permit, 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.


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.

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 and subject to the City and Developer executing a Development Agreement pertaining to the development of the Subject Property.



Mayor

ATTEST:


City Clerk

Ayes:

Roll Call Vote:
Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: July 19, 2004

Published: July 20, 2004