

ORDINANCE NO. F- 1196

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT
ON PROPERTY COMMONLY KNOWN AS 217 & 223 N. GARY AVENUE, 414 & 416
W. SEMINARY AVENUE, 214 & 224 N. WEST STREET (CITY HOMES OF NORTH
WHEATON)/DAVIDSON HOMES**

WHEREAS, written application has been made by Davidson Homes (“Developer”) to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, for the issuance of a special use permit for a Planned Unit Development in order to demolish the existing structures located on the subject property and to construct twelve single family detached homes, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 217 & 223 N. Gary Avenue, 414 & 416 W. Seminary Avenue, 214 & 224 N. West Street; and

WHEREAS, pursuant to notice as required by the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on June 27, 2006, and continued from time to time and concluded on July 25, 2006, to consider 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 R-6 Residential Zoning District:

223 N. Gary Avenue
PIN #: 05-17-232-001

LEGAL: LOT 7, EXCEPT THE EAST 50 FEET THEREOF, IN BLOCK 4, OF COUNTY CLERK’S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER’S OFFICE OF DUPAGE COUNTY, ILLINOIS.

416 W. Seminary Avenue
PIN #: 05-17-232-002

LEGAL: OF THE EAST 50 FEET OF LOT 7, IN BLOCK 4, OF COUNTY CLERK’S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER’S OFFICE OF DUPAGE COUNTY, ILLINOIS.

217 N. Gary Avenue
PIN #: 05-17-232-003

LEGAL: OF LOT 6, BLOCK 4, IN THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN DUPAGE COUNTY, ILLINOIS.

414 W. Seminary Avenue

PIN #: 05-17-232-004

LEGAL: LOT 1, EXCEPT THE EAST 150 FEET THEREOF, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

224 N. West Street

PIN #: 05-17-232-005

LEGAL: THE EAST 150.00 FEET OF LOT 1, EXCEPT THE SOUTH 75.00 FEET THEREOF, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

214 N. West Street

PIN #: 05-17-232-006

LEGAL: THE SOUTH 75.00 FEET OF THE EAST 150.00 FEET OF LOT 1, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

The subject property is commonly known as 217 & 223 N. Gary Avenue, 414 & 416 W. Seminary Avenue, 214 & 224 N. West Street, Wheaton, IL 60187, ("Subject Property").

Section 2: The City Council makes and determines the following Findings of Fact:

- A. The development is consistent with The 1999 Comprehensive Plan Central Business District Special Area Plan; and
- B. The special use will not be detrimental to the public health, safety, morals, comfort, convenience, and general welfare; and
- C. The special use will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted and will not substantially diminish property values within the neighborhood.

Section 3: A special use permit is hereby issued to allow for the demolition of the existing structures located on the subject property and the construction and use of a Planned Unit Development to construct twelve single family detached homes, all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 217 & 223 N. Gary Avenue, 414 & 416 W. Seminary Avenue, 214 & 224 N. West Street on the subject property in full compliance with the site plan prepared by Drake Design Company, Glen Ellyn, IL, dated May 1, 2006, entitled "City Homes of North Wheaton"; the preliminary engineering plan prepared by Steinbrecher Land Surveyors, Inc., dated May 9, 2006 and revised June 16, 2006; the conceptual landscape plan prepared by Michael Snyder Landscape Architecture; the "additional modifications letter" prepared by Davidon Home, dated August 16, 2006; and the document entitled "City Homes of North Wheaton 5 Element Changes", dated June 27, 2006 prepared by Davidson Homes, and in further compliance with the following conditions, restrictions, and requirements:

1. That the applicant submit a final landscape plan for approval by the Director of Planning and Economic Development. Said plan shall include varying front landscaped and hardscaped areas for each dwelling unit.
2. That the applicant submit a stormwater management report and provide for additional stormwater detention subject to the approval of the Director of Engineering;
3. That the applicant provide City street lighting subject to the approval of the Director of Engineering;
4. That a plat of resubdivision be submitted for approval;
5. That the applicant submit final engineering plans for approval by the Director of Engineering;
6. 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, successors, assigns, and grantees; this ordinance shall be recorded in the office of the 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.

7. The demolition of the existing structures located on the Subject Property shall be authorized by this ordinance. Demolition of said structures, however, shall be carried out in conformance with Wheaton City Code Chapter 22, Article XIV, with the exception that the Developer shall not be required to wait 30 days prior to commencing demolition from the date of submitting a demolition permit application to the Building and Code

Enforcement Department, and shall not be required to hold a "neighbor meeting" at least 30 days prior to submitting an application for building demolition.

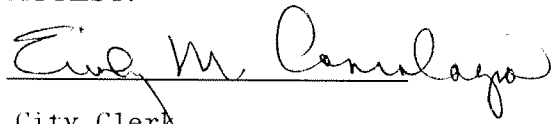
Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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 Suess
Councilman Bolds
Councilwoman Corry
Mayor Pro Tem Johnson
Councilman Levine

Nays: None

Absent: Mayor Carr

Motion Carried Unanimously

Passed: August 21, 2006

Published: August 22, 2006