

ORDINANCE NO. F-1546

**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP
FOR CERTAIN PARCELS OF PROPERTY COMMONLY KNOWN AS 1400 AURORA WAY -
HOREJS**

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, to allow a rezoning, subdivision and variation request, all on certain property legally described herein within the city limits of Wheaton, Illinois ("City"), and commonly known as 1400 Aurora Way ("subject property"); and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Board on February 8, 2011 to consider the zoning application; and the Board has recommended approval of the rezoning, subdivision and variation request.

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: Pursuant to the findings of fact made and determined by the Planning and Zoning Board, the Zoning Map which is attached to and forms a part of the City Zoning Ordinance is amended by removing Lot 1 from the R-2 Residential District Zoning classification and adding it to the R-3 Residential District Zoning classification on the following-described real estate:

LOT 1 IN FRY'S DIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 26, 1973 AS DOCUMENT NO. R73-4843, IN THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS.

The subject property is commonly known as 1400 Aurora Way, Wheaton, IL 60189.

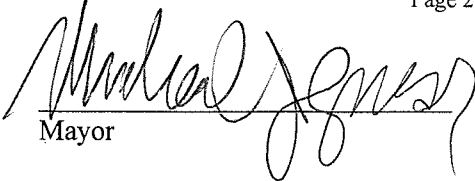
Section 2: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, the preliminary plat of subdivision of Horejs Resubdivision, prepared by Scott D. Rattray, dated April 7, 2009 is hereby approved subject to the following conditions, restrictions, and requirements.

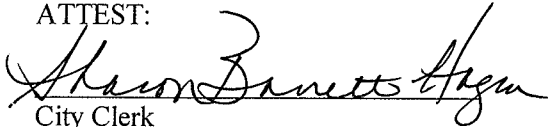
- A. A variance to Section 62-178 of the Wheaton City Code is hereby granted to waive the requirement to construct a street width for Aurora Way of 27 feet.
- B. A variance to Section 62-286 of the Wheaton City Code is hereby granted to waive the requirement to construct a City street lighting system along Aurora Way.
- C. A variance to Section 62-290 of the Wheaton City Code is hereby granted to waive the requirement to construct curb and gutter pavement edging along Aurora Way.

Section 3: Pursuant to the Findings of Fact made and determined by the Wheaton Planning and Zoning Board, a variation to Article 8.2.5 of the Wheaton Zoning Ordinance is granted to allow a front yard setback of 40.0 feet in lieu of the required 114.0 feet for Lot 2.

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 Prendiville
Councilman Scalzo
Councilwoman Corry
Councilman Levine
Councilman Mouhelis

Nays: None

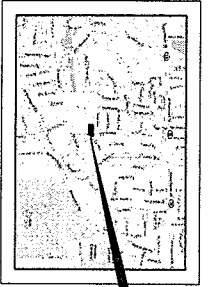
Absent: Mayor Gresk
Councilman Suess

Motion Carried Unanimously

Passed: February 22, 2011
Published: February 23, 2011

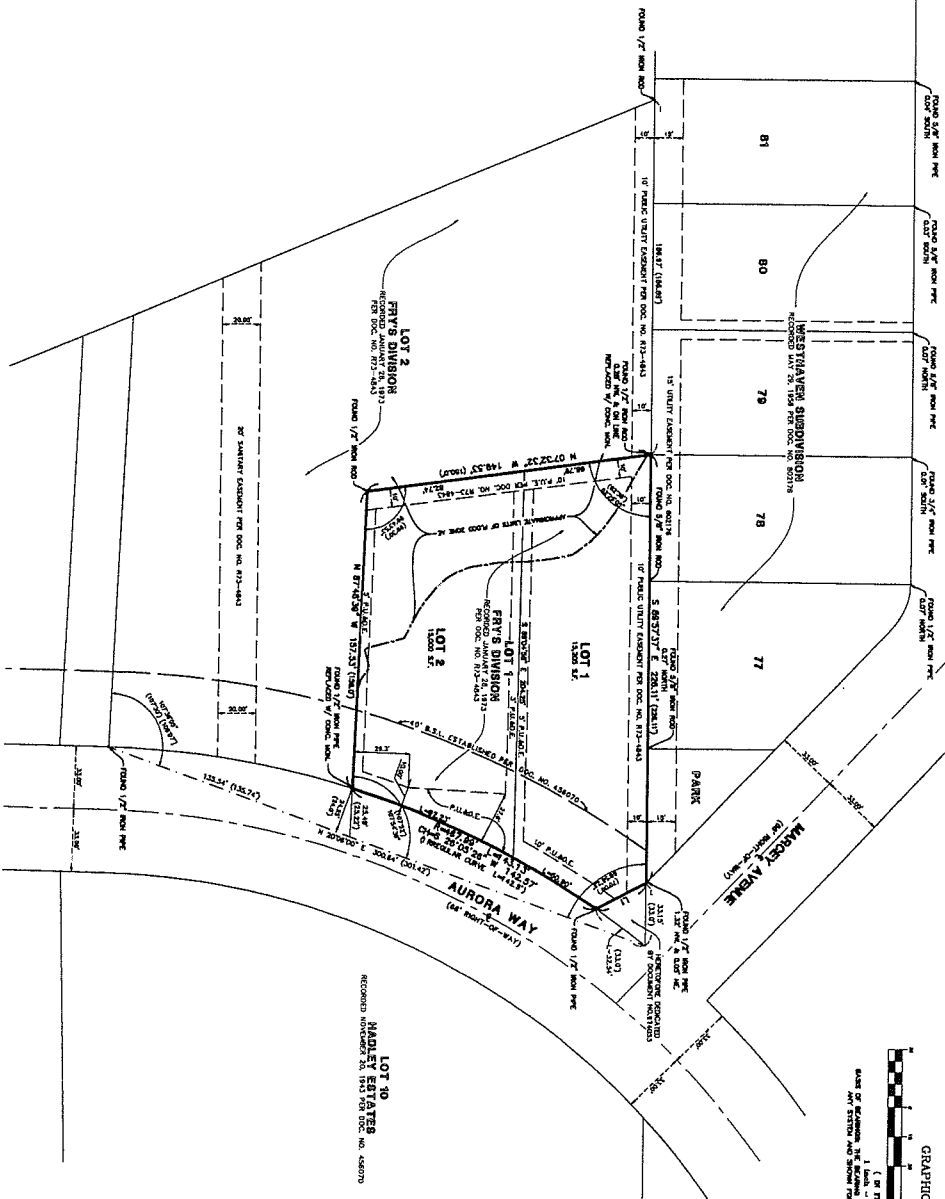
PRELIMINARY PLAT OF SUBDIVISION OF HOREJS RESUBDIVISION

CITY OF WHEATON
BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 39 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS.



LOCATION MAP
(NOT TO SCALE)

AREA TABLE		
LOT 1	0.346 ACRES	(16,308 SQ. FT.)
LOT 2	0.344 ACRES	(16,000 SQ. FT.)
TOTAL	0.690 ACRES	(30,308 SQ. FT.)



GRAPHIC SCALE
1 inch = 50 feet

DATE OF RECORDING: 05/20/2008
BY: [Signature]

THIS SURVEY PREPARED FOR:
JOHN A. HOREJS
WHEATON, ILLINOIS 60186
PLAT: 05-20-2008-008

TYPE	DATE	LENGTH
1"	1/20/08	16.308
1"	1/20/08	16.000
1"	1/20/08	32.308

- GENERAL NOTES:
1. SURVEYING AND PLATTING BY THE SURVEYOR.
 2. DIMENSIONS ARE GIVEN IN FEET AND DECIMAL FRACTIONS THEREOF.
 3. ALL DIMENSIONS SHALL BE TAKEN FROM THE CORNER OF THE LOT.
 4. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 5. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
 6. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.
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 10. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.

SHEET INDEX:
SHEET 1 OF 2 - BOUNDARY INFORMATION
SHEET 2 OF 2 - LEGAL DESCRIPTION, CERTIFICATIONS AND NOTATIONS

Manhard CONSULTING
220 Southpark Drive, Lombard, IL 60148
Tel: 630.261.1800 Fax: 630.261.1801
www.manhardconsulting.com

HOREJS SUBDIVISION
CITY OF WHEATON, ILLINOIS
PLAT OF SUBDIVISION

1 OF 2

PRELIMINARY PLAT OF SUBDIVISION OF HOREJS RESUBDIVISION CITY OF WHEATON

BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 29 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS.

OWNER'S CONSENT
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

THE UNDERSIGNED, HOREJS RESUBDIVISION, IS THE LEGAL HEIR OF ALL OF THE INTERESTS OF THE DEPAQUE COUNTY BOARD OF SUPERVISORS IN THE PROPERTY DESCRIBED HEREIN AND THAT IT HAS CROWN SOLE AND EXCLUSIVE POSSESSION AND CONTROL OF SAID PROPERTY SINCE THE DEATH OF THE SAID BOARD OF SUPERVISORS. THE SAID BOARD OF SUPERVISORS HAS BEEN SUCCESSFULLY REORGANIZED AS HOREJS RESUBDIVISION, INC., A CORPORATION OF THE STATE OF ILLINOIS, AND THE SAID BOARD OF SUPERVISORS HAS TRANSFERRED TO THE SAID HOREJS RESUBDIVISION, INC. ALL OF THE INTERESTS OF THE SAID BOARD OF SUPERVISORS IN THE PROPERTY DESCRIBED HEREIN.

LET: **MANHARD CONSULTING**
ALL COUNTY DEPAQUE COUNTY, ILLINOIS 60180

DATED THIS _____ DAY OF _____ A.D. 20____

BY: _____ ATTEST: _____

SUBJECT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ AND _____ HAVE BEEN PERSONALLY SEEN TO BE THE SAME AS THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS CERTIFICATE AND TO HAVE BEEN DULY AND LEGALLY AUTHORIZED TO SIGN THE SAME AND TO EXECUTE THE SAME FOR THE PURPOSES HEREIN SET FORTH.

DATED AND SIGNED AT _____, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

WITNESSETH:

CITY COLLECTOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ CITY COLLECTOR FOR THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE CITY OF WHEATON HAS RECEIVED NOTICE OF THE SUBDIVISION OF SAID PROPERTY AND THAT THE SAID PROPERTY IS NOT SUBJECT TO ANY UNPAID TAXES OR LIENS OF THE CITY OF WHEATON AS OF THE DATE OF THE FILING OF THIS CERTIFICATE.

DATED AT WHEATON, ILLINOIS, THIS _____ DAY OF _____ 2008.

DIRECTOR OF ENGINEERING DEPARTMENT
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ DIRECTOR OF ENGINEERING FOR THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE PLAT AS PREPARED HEREON ACCORDS WITH THE CITY OF WHEATON ORDINANCES AND THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS.

CITY COUNCIL CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

BY THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS, I HEREBY CERTIFY THAT THE CITY OF WHEATON HAS RECEIVED NOTICE OF THE SUBDIVISION OF SAID PROPERTY AND THAT THE SAID PROPERTY IS NOT SUBJECT TO ANY UNPAID TAXES OR LIENS OF THE CITY OF WHEATON AS OF THE DATE OF THE FILING OF THIS CERTIFICATE.

DATED AT WHEATON, ILLINOIS, THIS _____ DAY OF _____ 2008.

COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ COUNTY CLERK OF DEPAQUE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I HAVE RECEIVED FROM THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS, A TRUE AND CORRECT COPY OF THE PLAT AS PREPARED HEREON AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS.

DATED AT DEPAQUE COUNTY, ILLINOIS, THIS _____ DAY OF _____ 2008.

DUPAGE COUNTY RECORDERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ COUNTY CLERK OF DEPAQUE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I HAVE RECEIVED FROM THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS, A TRUE AND CORRECT COPY OF THE PLAT AS PREPARED HEREON AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS.

DATED AT DEPAQUE COUNTY, ILLINOIS, THIS _____ DAY OF _____ 2008.

PUBLIC UTILITY AND DOMESTIC ESSENTIAL PROVISIONS
ALL GASLINES, ELECTRIC LINES, TELEPHONE LINES, CABLE TELEVISION LINES, AND OTHER PUBLIC UTILITIES AND DOMESTIC ESSENTIAL SERVICES ARE LOCATED ON THE PLAT AS PREPARED HEREON AND THE SAID SERVICES ARE LOCATED IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS AND THAT THE SAID SERVICES ARE LOCATED IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS.

DATED AT WHEATON, ILLINOIS, THIS _____ DAY OF _____ 2008.

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ DO HEREBY CERTIFY THAT I AM THE LEGAL HEIR OF ALL OF THE INTERESTS OF THE DEPAQUE COUNTY BOARD OF SUPERVISORS IN THE PROPERTY DESCRIBED HEREIN AND THAT I HAVE CROWN SOLE AND EXCLUSIVE POSSESSION AND CONTROL OF SAID PROPERTY SINCE THE DEATH OF THE SAID BOARD OF SUPERVISORS. THE SAID BOARD OF SUPERVISORS HAS BEEN SUCCESSFULLY REORGANIZED AS HOREJS RESUBDIVISION, INC., A CORPORATION OF THE STATE OF ILLINOIS, AND I HAVE TRANSFERRED TO THE SAID HOREJS RESUBDIVISION, INC. ALL OF THE INTERESTS OF THE SAID BOARD OF SUPERVISORS IN THE PROPERTY DESCRIBED HEREIN.

DATED THIS _____ DAY OF _____ 2008.

BY: _____ ATTEST: _____

SUBJECT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ AND _____ HAVE BEEN PERSONALLY SEEN TO BE THE SAME AS THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THIS CERTIFICATE AND TO HAVE BEEN DULY AND LEGALLY AUTHORIZED TO SIGN THE SAME FOR THE PURPOSES HEREIN SET FORTH.

DATED AND SIGNED AT _____, ILLINOIS, THIS _____ DAY OF _____ A.D. 20____

ISSUED FOR REVIEW
STATE OF ILLINOIS)
COUNTY OF DEPAQUE) SS

I, _____ CITY CLERK OF DEPAQUE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT I HAVE RECEIVED FROM THE CITY OF WHEATON, DEPAQUE COUNTY, ILLINOIS, A TRUE AND CORRECT COPY OF THE PLAT AS PREPARED HEREON AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS AND THAT THE SAID PLAT IS IN ACCORDANCE WITH THE CITY OF WHEATON ENGINEERING DEPARTMENT RECORDS.

DATED AT DEPAQUE COUNTY, ILLINOIS, THIS _____ DAY OF _____ 2008.



Manhard CONSULTING
200 Sherman Street, Lombard, IL 60148 • Telephone: 630.261.8800 • Fax: 630.261.8801
Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
Construction Managers • Environmental Engineers • Landmarks Architects • Planners

DATE	2-2
SCALE	AS SHOWN
PROJECT	HOREJS SUBDIVISION
CITY	CITY OF WHEATON, ILLINOIS
PLAT	PLAT OF SUBDIVISION
OWNER	HOREJS RESUBDIVISION, INC.
DESIGNER	MANHARD CONSULTING
DATE	2-2
SCALE	AS SHOWN
PROJECT	HOREJS SUBDIVISION
CITY	CITY OF WHEATON, ILLINOIS
PLAT	PLAT OF SUBDIVISION
OWNER	HOREJS RESUBDIVISION, INC.
DESIGNER	MANHARD CONSULTING