

ORDINANCE NO. F-1709

AN ORDINANCE AMENDING ORDINANCES F-1196, F-1253, F-1518 AND F-1600, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A 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, on August 21, 2006, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1196 recorded on December 11, 2006, as Document No. R2006-237043, at the DuPage County Recorder of Deeds Office, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A 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" ("Original Ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of a twelve home development on the property legally described on Exhibit "A" attached hereto and commonly known as 217 & 223 N. Gary Avenue, 414 & 416 W. Seminary Avenue and 214 & 224 N. West Street, Wheaton, Illinois; and

WHEREAS, on February 6, 2007, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1253 recorded on February 27, 2007, as Document No. R2007-035580, at the DuPage County Recorder of Deeds Office, AN ORDINANCE AMENDING ORDINANCE F-1196, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A 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" ("First Ordinance"), which amended the site plan and building elevation plan referred to in the Original Ordinance to accommodate the option to either use a single brick color or up to three different brick colors and a private lighting plan in lieu of City street lighting; and

WHEREAS, on October 4, 2010, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1518 recorded on November 3, 2011, as Document No. R2011-150447, at the DuPage County Recorder of Deeds Office, AN ORDINANCE AMENDING ORDINANCES F-1196 and F-1253, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A 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" (Second Amended Ordinance"), which amended the site plan referred to in the Original and Amended Ordinance to increase the height of the development's perimeter decorative fence from 42 inches to 60 inches along the rear yard of the unit adjacent to Gary Avenue; and

WHEREAS, on November 7, 2011, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1600 recorded November 10, 2011, as Document No. R2011-136533, at the DuPage County Recorder of Deeds Office, AN ORDINANCE AMENDING ORDINANCES F-1196, F-1253 and F-1518, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A 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" ("Third Amended Ordinance"), which amended the site plan referred to in the Original and Amended Ordinances to allow each homeowner the option of up to a 300 square foot screened-in porch to be constructed in the rear yard in lieu of a patio; and

WHEREAS, following the enactment of the Third Amended Ordinance, an application has been made to further amend the site plan and elevations referred to in the Original and Amended Ordinances to

add the option of accommodating up to four, 2,700 square foot two-story homes within the development; and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

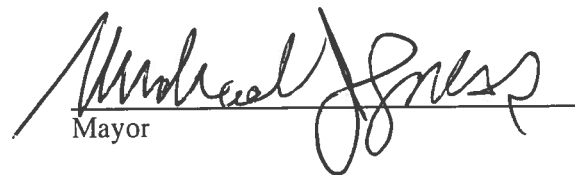
NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: An amendment to the Original and Amended Ordinances is hereby granted to add the option of accommodating up to four, 2,700 square foot two-story homes within the development; in substantial compliance with the plans entitled "City Homes of North Wheaton - Site Plan", prepared by Davison Homes, dated November 6, 2012; and "Wheaton City Homes - Floor Plans and Elevations" sheets SK1, SK3, SK5 and SK6, prepared by Derrick Architecture, dated November 6, 2012.

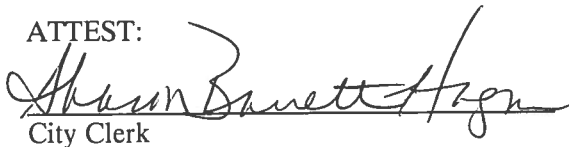
Section 2: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

Section 4: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.


Mayor

ATTEST:


City Clerk

Roll Call Vote

Ayes: Councilman Suess
Councilman Mouhelis
Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

Passed: April 1, 2013
Published: April 2, 2013

EXHIBIT "A"

LEGAL DESCRIPTION

CITY HOMES OF NORTH WHEATON RESUBDIVISION UNITS 1 & 2, BEING SUBDIVISIONS 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 JANUARY 31, 2008 AS DOCUMENT R2008-016284 AND OCTOBER 22, 2008 AS DOCUMENT R2008-156867 IN DUPAGE COUNTY, ILLINOIS

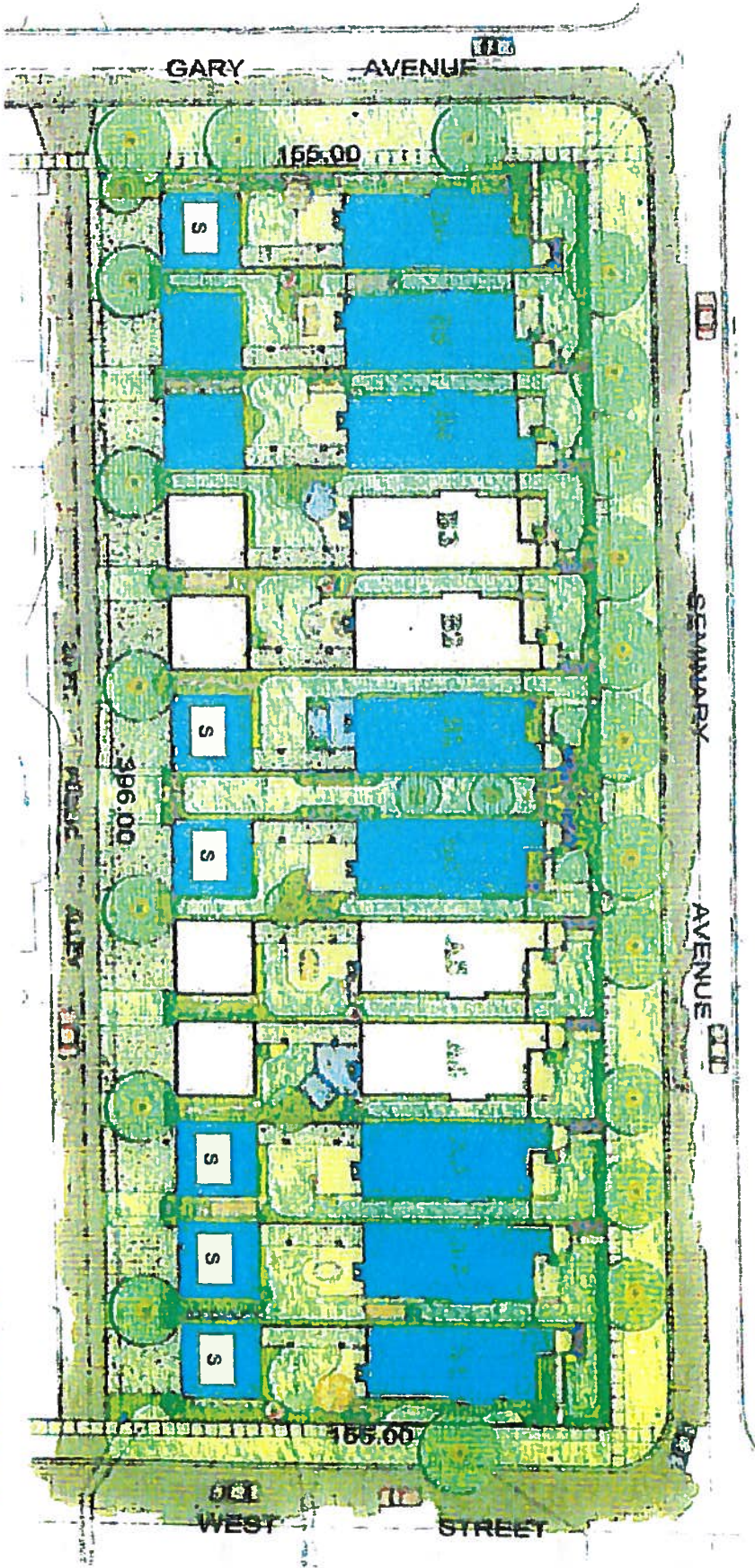
PIN #'S: 05-17-232-014 thru 019 and 05-17-232-021 thru 027.

The subject property is commonly known as 400 thru 490 W. Seminary Avenue, Wheaton, IL 60187.

CITY HOMES OF NORTH WHEATON

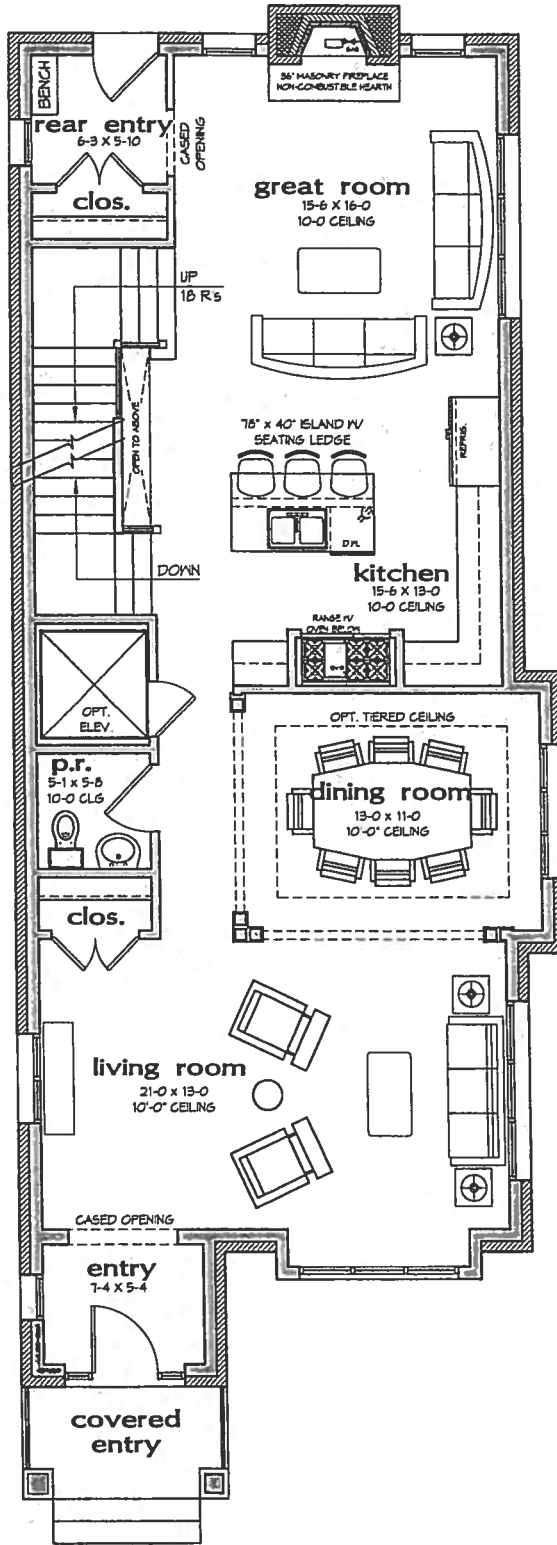
Site Plan

Three Story - Blue / Two Story - White / Built & Sold - S



Davidson Homes LLC's policy of continuous attention to design and construction details requires that all specifications, dimensions, and prices be subject to change without notice. Plans are not to scale.

11/7/11



1 first floor plan
SKI 2 STORY SCALE: 3/16" = 1'-0"

SKI
 SHEET
 DRAWN: []
 CHECKED: []
 DATE: []
 PROJECT: []
 NUMBER: []

Davidson Homes
 20 Danada Square
 Wheaton, IL
 O: 630/871.0746
 F: 630/871.1936
Wheaton City Homes
 480 NW Secondary
 Wheaton, Illinois

| | |
|-----|---------------|
| NO. | DESCRIPTION |
| 1 | COVERED ENTRY |
| 2 | ENTRY |
| 3 | LIVING ROOM |
| 4 | DINING ROOM |
| 5 | KITCHEN |
| 6 | GREAT ROOM |
| 7 | REAR ENTRY |
| 8 | CLOSET |
| 9 | PANTRY |
| 10 | BATH |
| 11 | HALL |
| 12 | STAIRS |
| 13 | STAIRS |
| 14 | STAIRS |
| 15 | STAIRS |
| 16 | STAIRS |
| 17 | STAIRS |
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| 30 | STAIRS |

DERICK ARCHITECTURE
 19 SOUTH GALEN BLVD
 BILTON, ILLINOIS 62509
 P: 618/272-9292
 F: 618/272-9292
 WWW.DERICKARCHITECTURE.COM
 11-06-12



March 18, 2013

Mr. Jim Kozik
Director of Planning & Economic Development
City of Wheaton
303 W. Wesley Street, Box 727
Wheaton, IL 60187

RE: 2-Story Home Option / City Homes of North Wheaton

Dear Mr. Kozik:

Davidson Homes formally requests an amendment to the existing City of Wheaton Ordinance # F-1196 PUD City Homes of North Wheaton. The amendment would allow for the option of Davidson Homes to build up to (4) 2-story City Homes.

Based on the economic climate & housing market the last few years, many potential buyers of our homes have requested the option of building a smaller home. Our 3-story City Home is 3600 SF in size. To date, we have built six homes (please see the attached site plan). The footprint of the smaller 2-story home would not change and the existing exterior construction materials (brick, stone, copper, fiber-cement siding) will not change. Please see the attached elevation drawings for reference.

We have met with all six existing home owners and they are in full support of our new 2-story product plan.

Thank you for your support in our project and current amendment request. Please call our office at 630-871-0746 with any questions.

Sincerely,

David E. Heise

cc: Tracy Jones, Staff Planner