

**ORDINANCE NO. F- 1751**

**AN ORDINANCE DENYING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 102, 106, and 108 EAST FARNHAM LANE, CESARIO BUILDERS**

**WHEREAS**, written application has been made requesting a special use permit for a planned unit development to allow the re-subdivision of the properties located at 102, 106 and 108 East Farnham Lane into seven single-family lots serviced by a private road; 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 12, 2013, to consider application for a special use permit for a planned unit development.

**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 recited in Section 2 of this Ordinance, a special use permit for a planned unit development for the following-described property is hereby denied:

102 EAST FARNHAM LANE: THE PART OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDAN, DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION AND RUNNING THENCE WEST ON THE QUARTER SECTION LINE, 66 FEET TO AN IRON STAKE ON THE WEST LINE OF NAPERVILLE ROAD; THENCE SOUTH 0 DEGREES 06 MINUTES 37 MINUTES WEST, ALONG THE SOUTH LINE OF A 66 FOOT EASEMENT FOR ROADWAY, 1355.1 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 23 MINUTES EAST 694.0 FEET, MORE OR LESS, TO AN OLD FENCE ON THE NORTH LINE OF THE KUHN FARM; THENCE WESTERLY, ALONG SAID OLD FENCE LINE 140.03 FEET TO AN IRON PIPE; THENCE NORTH 0 DEGREES 23 MINUTES WEST 690.6 FEET TO THE SOUTH LINE OF A 66 FOOT EASEMENT FOR ROADWAY; THENCE NORTH 89 DEGREES 37 MINUTES EAST, ALONG SAID SOUTH LINE, 140.0 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS. 05-21-303-041

106 EAST FARNHAM LANE: THE NORTH 345.8 FEET OF THAT PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDAN, DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION AND RUNNING THENCE WEST OF THE QUARTER SECTION LINE, 66 FEET TO AN IRON STAKE ON THE WEST LINE OF NAPERVILLE ROAD; THENCE SOUTH 0 DEGREES, 06 MINUTES WEST ALONG SAID WEST LINE, 641.6 FEET TO AN IRON STAKE; THENCE SOUTH 89 DEGREES 37 MINUTES WEST ALONG THE SOUTH LINE OF 66 FOOT EASEMENT FOR ROADWAY, 1215.1 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOSEPH T. STEPHENS FOR A POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 23 MINUTES EAST ALONG THE WEST LINE OF SAID

STEPHENS TRACT 697.4 FEET TO AN IRON ROD IN OLD FENCE LINE OF THE NORTH LINE OF THE KUHN FARM; THENCE WESTERLY ALONG SAID OLD FENCE LINE, 140.03 FEET TO AN IRON PIPE; THENCE NORTH 0 DEGREES 23 MINUTES WEST 694.03 FEET TO AN IRON PIPE ON THE SOUTH LINE OF A 66 FOOT EASEMENT FOR ROADWAY; THENCE NORTH 89 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE, 140.0 FEET TO THE POINT OF BEGINNING, SAID TRACT BEING A PART OF LOT C IN COUNTRY CLUB ADDITION TO WHEATON, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1921 AS DOCUMENT 146511 (EXCEPT THEREFROM THE EAST 40 FEET) IN DUPAGE COUNTY, ILLINOIS. 05-21-303-004

THE PART OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION AND RUNNING THENCE WEST OF THE QUARTER SECTION LINE, 66 FEET TO AN IRON STAKE ON THE WEST LINE OF NAPERVILLE ROAD; THENCE SOUTH 0 DEGREES 06 MINUTES WEST ALONG SAID WEST LINE, 641.6 FEET TO AN IRON STAKE; THENCE SOUTH 89 DEGREES 37 MINUTES WEST ALONG THE SOUTH LINE OF A 66 FOOT EASEMENT FOR ROADWAY, 1215.1 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOSEPH T. STEPHENS FOR A POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 23 MINUTES EAST ALONG THE WEST LINE OF SAID STEPHENS TRACT 697.4 FEET TO AN IRON ROD IN OLD FENCE LINE OF THE NORTH LINE OF THE KUHN FARM; THENCE WESTERLY ALONG SAID OLD FENCE LINE; 140-03 FEET TO AN IRON PIPE; THENCE NORTH 0 DEGREES 23 MINUTES WEST 694.03 FEET TO AN IRON PIPE ON THE SOUTH LINE OF A 66 FOOT EASEMENT FOR ROADWAY; THENCE NORTH 89 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE, 140.0 FEET TO THE POINT OF BEGINNING, SAID TRACT BEING A PART OF LOT C IN COUNTRY CLUB ADDITION TO WHEATON, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1921 AS DOCUMENT 146511 (EXCEPT THEREFROM THE EAST 40 FEET) ALSO (EXCEPT THE NORTH 345.8 FEET THEREOF) IN DUPAGE COUNTY, ILLINOIS. 05-21-303-005

108 EAST FARNHAM LANE: THE WEST 70 FEET (AS MEASURED ON THE NORTH LINE AND PARALLEL TO THE WEST LINE) OF THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION AND RUNNING THENCE WEST ON THE QUARTER SECTION LINE 66 FEET TO AN IRON STAKE ON THE WEST LINE OF NAPERVILLE ROAD; THENCE SOUTH 0 DEGREES 06 MINUTES WEST ALONG SAID WEST LINE 641.6 FEET TO AN IRON STAKE; THENCE SOUTH 89 DEGREES 37 MINUTES WEST ALONG THE SOUTH LINE OF A 66 FOOT EASEMENT FOR A ROADWAY 975.1 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND HERETOFORE CONVEYED TO BERT E. RATHJE FOR A PLACE OF BEGINNING; THENCE SOUTH 0 DEGREES 23 MINUTES EAST ALONG THE WEST LINE OF SAID RATHJE TRACT 703.4 FEET TO AN IRON ROD IN AN OLD

FENCE LINE OF THE NORTH LINE OF THE KUHN FARM; THENCE NORTH 89 DEGREES 13 MINUTES WEST ALONG SAID OLD FENCE LINE 240.08 FEET; THENCE NORTH 0 DEGREES 23 MINUTES WEST 698.7 FEET TO THE SOUTH LINE OF SAID 66 FOOT EASEMENT; THENCE NORTH 89 DEGREES 37 MINUTES EAST ALONG THE SOUTH LINE OF SAID EASEMENT 240.0 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS. 05-21-303-006

THE WEST 40 FEET (MEASURED ON THE NORTH LINE AND PARALLEL TO THE EAST LINE) OF THE PART OF THE SOUTHWEST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE CENTER O SAID SECTION AND RUNNING THENCE WEST ON THE QUARTER SECTION LINE, 66 FEET TO AN IRON STAKE ON THE WEST LINE OF NAPERVILLE ROAD; THENCE SOUTH 0 DEGREES 06 MINUTES WEST ALONG SAID WEST LINE, 641.6 FEET TO AN IRON STAKE; THENCE SOUTH 89 DEGREES 27 MINUTES WEST ALONG THE SOUTH LINE OF A 66 FOOT EASMENT FOR ROADWAY, 1215.1 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOSEPH T. STEPHENS FOR A PLACE OF BEGINNING; THENCE SOUTH 0 DEGREES 23 MINUTES EAST ALONG THE WEST LINE OF SAID STEPHENS TRACT 697.4 FEET TO AN IRON ROD IN OLD FENCE LINE OF THE NORTH LINE OF THE KUHN FARM; THENCE WESTERLY ALONG SAID OLD FENCE LINE, 140.03 FEET TO AN IRON PIPE; THENCE NORTH 0 DEGREES 23 MINUTES WEST 694.03 FEET TO AN IRON PIPE ON THE SOUTH LINE OF A 66 FOOT EASEMENT FOR ROAD; THENCE NORTH 89 DEGREES 37 MINUTES EAST ALONG SAID SOUTH LINE; 140.0 FEET TO THE PLACE OF BEGINNING; SAID TRACT BEING A PART OF LOT C IN COUNTRY CLUB ADDITION TO WHEATON, ACORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1921 AS DOCUMENT 146591, IN D PAGE COUNTY, ILLINOIS. 05-21-303-007

The subject property is commonly known as 102, 106 and 108 East Farnham Lane, Wheaton, IL 60189.

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

1. The establishment, maintenance, or operation of the special use will be detrimental to the public health, safety, morals, comfort, convenience, and general welfare.
2. The special use will be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish property values within the neighborhood.
3. The establishment of a special use will impede the normal and orderly development and improvement of the surrounding property for uses already permitted.
4. Adequate utilities, access ways, drainage, and other necessary facilities have not been provided.
5. While the proposed subdivision complies with the Comprehensive Plan designation of

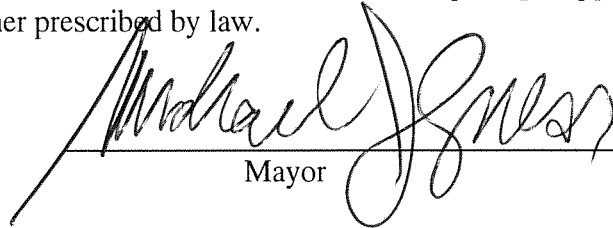
residential, it does not take into consideration how the property to the east will be able to develop in a manner consistent with the surrounding geographic area. Section 62-176 of the Wheaton City Code, among other city code sections, requires developers to consider the impact of development on adjacent parcels. As proposed, the plan completely ignores the potential development of this adjacent parcel of land.

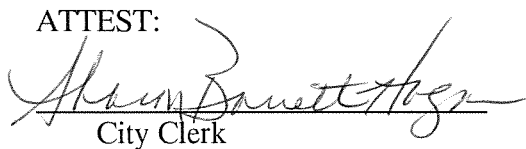
6. The special use does not conform to the applicable requirements of the zoning district in which it is located, as well as any other applicable requirements of the Zoning Ordinance and the Subdivision Regulations of the Wheaton City Code.

7. As currently proposed the planned unit development is inconsistent with the general character of the neighborhood.

**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.

  
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Mayor

ATTEST:  
  
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City Clerk

Roll Call Vote:

Ayes: Councilwoman Pacino Sanguinetti  
Councilman Scalzo  
Councilman Sues  
Councilman Prendiville  
Councilman Rutledge  
Councilman Saline  
Mayor Gresk

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 16, 2013  
Published: December 17, 2013