

5/9

ORDINANCE NO. F- 0030

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT  
DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY  
KNOWN AS TRINITY COURT (TIF SITE 1)

WHEREAS, written application has been made to issue a special use permit for the construction and use of a planned unit development consisting of residential condominium buildings with parking facilities on the property legally described herein within the city limits of Wheaton, Illinois (the "City"), and commonly known as Trinity Court (the "Project"); and,

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Board of Zoning Appeals on March 26, 1996, to consider the zoning request and the Wheaton Board of Zoning Appeals has recommended approval of the special use permit.

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. The property described on Exhibit "A" attached hereto and made a part hereof (the "Subject Realty") has been, and continues to be, zoned and classified in the C-4 CBD Perimeter Commercial District zoning classification.

Section 2. Pursuant to the Findings of Fact by the Wheaton Board of Zoning Appeals, dated April 9, 1996, which are hereby expressly adopted by the City Council as though fully set forth herein, a special use permit is hereby issued and granted for the construction and use of a planned unit development consisting of residential condominium buildings with parking facilities on the Subject Realty in substantial compliance with the Preliminary Geometrics, Grading & Utility Plan prepared by Spaceco Inc., of Rosemont, Illinois, dated February 21, 1996, Preliminary Landscape Plan prepared by Allan L. Kracower & Associates, Inc. of Buffalo Grove, Illinois, dated February 22, 1996, and the Building Elevation Plan prepared by Andrian-Zemenides, Ltd. of Chicago, Illinois, dated October 25, 1995 and revised February 18, 1996, and in further compliance with the following conditions, restrictions and requirements:

A. The construction and use of the Project shall be in compliance with the Redevelopment Agreement dated January 5, 1996 between the City and R. Franczak & Associates, Inc.

B. The Declaration of Covenants, Conditions, Easements and Restrictions (the "Declarations") shall be subject to the approval of the City Attorney. The Declarations shall be submitted and

approved prior to the issuance of a building permit for the condominium building. The Declarations shall include, but not be limited to, the requirements of Sections 5.10.4.7 and 5.10.4.8.C of the City's Zoning Ordinance. The Declarations shall be recorded simultaneously with the final plat.

C. Construction vehicles shall be limited to access to and exit from the Subject Realty via the following route: Roosevelt Road to West Street to Wesley Street to Gary Avenue to Front Street to West Street to Roosevelt Road.

D. All construction vehicle and worker parking shall be provided on the Subject Realty. This parking restriction shall be included in the contract documents entered into with any contractor or subcontractor in connection with the Subject Realty.

E. Prior to the issuance of any required permit regarding the Subject Realty, the following documents shall be submitted and approved by the City Manager or his designee:

1. Final landscape plan;
2. Master sign plan;
3. Lighting plan; and
4. Final engineering plans incorporating the recommendations of staff in its memorandum to the Board of Zoning Appeals dated March 19, 1996.

F. The City shall have final design and review approval rights regarding all exterior building materials and surfaces. Prior to the issuance of a building permit, a materials list in such form and detail required by the City Manager shall be submitted for approval. Once the materials have been approved, any proposed changes shall also be submitted for approval.

G. All construction on, and maintenance and use of, the Subject Realty shall at all times comply with the applicable statutes, ordinances, codes, rules and regulations of any governmental body having jurisdiction over the Subject Realty.

H. The owner of the Subject Realty shall maintain all landscaping and plantings on the Subject Realty so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the approved landscape plan. In the event any landscaping, plantings, or vegetation on the Subject Realty dies, in whole or in part, at any time, the owner shall, forthwith, replace the non-viable landscaping vegetation and/or plantings with reasonably similar substitutes of original planting size or larger, as directed by the City.

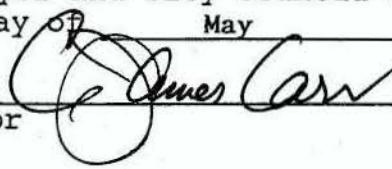
I. Prior to the issuance of any occupancy permit, fire lanes shall be designated as indicated by the City of Wheaton, at the expense of the owner; fire lane locations shall be as designated by the Wheaton Fire Chief. By accepting the benefits of this ordinance and special use permit, the development of the Subject Realty, and using the Subject Realty as provided for in this Ordinance, owner hereby authorizes the City to enforce compliance with the fire lane designations.

J. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be binding upon the Subject Realty, its owner, successors, assigns and grantees; this Ordinance shall be recorded in the Recorder of Deeds Office, DuPage 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 Realty, 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 Realty, in perpetuity.

Section 3. All ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 4. This Ordinance shall become effective from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the Mayor and City Council of the City of Wheaton, Illinois, this 6th day of May, 1996.

  
Mayor

ATTEST:

  
Emily M. Connelly  
city Clerk

AYES: Councilwoman Davenport; Councilman Eckhoff; Mayor Carr; Councilman Gresk; Councilman Mork; and Councilwoman Culler

NAYS: None

ABSENT: Councilwoman Johnson

Motion Carried Unanimously

Passed: May 6, 1996

Published: May 7, 1996

PARCEL 1

THAT PART OF LOT 2 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2, SAID POINT BEING AT THE INTERSECTION OF THE WEST LINE OF GARY STREET, WITH THE NORTH LINE OF NORTH RAILROAD STREET; THENCE NORTH ALONG THE WEST LINE OF GARY STREET 236 FEET; THENCE WEST AT RIGHT ANGLES TO SAID GARY STREET, 117.6 FEET; THENCE SOUTH PARALLEL TO SAID GARY STREET, 224.2 FEET TO THE NORTH LINE OF SAID NORTH RAILROAD; THENCE SOUTH 87 DEGREES 3 ALONG SAID NORTH RAILROAD STREET, 54 FEET; THENCE EAST ALONG THE NORTH LINE OF SAID NORTH RAILROAD STREET, 65.7 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS

PARCEL 2.

LOTS 4, 5, 6, 7 AND 8 (EXCEPT THE NORTH 60 FEET OF SAID LOT 8) AND THE WEST 9 FEET OF LOT 9 (EXCEPT THE NORTH 60 FEET) and SOUTH HALF OF VACATED 33 FOOT WIDE ALLEY LYING NORTH AND ADJOINING LOTS 4, 5, 6 AND 7, ALL IN BLOCK 1 IN GARY'S ADDITION TO THE TOWN OF WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 3, 1857 as DOCUMENT 11973, IN DUPAGE COUNTY, ILLINOIS