

ORDINANCE NO. E-0081

AN ORDINANCE AMENDING ORDINANCE NO. E-4142 REGARDING
A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT
ON A CERTAIN PIECE OF PROPERTY COMMONLY
KNOWN AS WHEATON CITY PLACE (TIF SITE 2)

WHEREAS, on November 6, 1995, the City Council of the City of Wheaton (the "City") passed Ordinance No. E-4142, which amended the Wheaton Zoning Ordinance Map and granted a special use permit for a Planned Unit Development (the "PUD") on the property described in Exhibit "A" attached hereto and made a part hereof (the "Subject Realty"); and,

WHEREAS, the City has been requested to amend certain provisions of the special use permit, including the addition of the property legally described in Exhibit "B" attached hereto and made a part hereof, such property to be included in the definition of Subject Realty; and,

WHEREAS, a public hearing was conducted by the City Council on September 9, 1996 to consider the proposed amendments.

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 proposed amendments to the PUD are in substantial conformity with said PUD.

Section 2. Section 2A of the special use permit previously issued and granted for the construction and use of a planned unit development consisting of a residential condominium building with ground level retail facilities and parking facilities on the Subject Realty, is hereby amended as follows:

A. All construction, maintenance and use of the Project and the Subject Realty shall be in substantial accordance with the following documents, which are on file with the City Clerk:

1. Plans entitled "Wheaton City Place", sheet nos. SP1, LL1, F1, F2, EL1, EL2, LP1, LP3, LP4, SL1, dated November 18, 1996 and sheet nos. SE1, EV-1, EV-2, dated November 16, 1996 and sheet no. W3 dated November 4, 1996, all prepared by Arcline Associates, Ltd., 1S450 Summit Avenue, Oakbrook Terrace, Illinois 60181; and
2. Final plat entitled "Final Plat of Subdivision for Wheaton City Place" dated November 12, 1996 prepared by Cemcon Ltd., 1N131 County Farm Road, Winfield, Illinois 60190.

B. The construction and use of the Project shall be in compliance with the Amended and Restated Development Agreement dated November 25, 1996 between the City and Anderson/Wheaton Limited Partnership.

C. 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. Additional architectural treatments shall be added to the truck dock opening along Wheaton Avenue.
2. Brick corners shall be added to the glass stair/elevator enclosure; a fabric canopy shall be constructed over the entrance to the stair/elevator enclosure instead of flat roof and no rooftop mechanical units, if any, shall be visible from public view.
3. All lighting fixtures, paving, street furniture, bollards, etc., located on the public walk and alley shall conform to the standards identified in the Preliminary Urban Design Plan dated April, 1996 by Gary R. Weber & Associates.
4. Owner shall submit a final landscape plan of the public portion of the project which incorporate the review comments of the Public Works Department, includes the construction of a refuse enclosure for the property at 124 Wesley Street and maintains public access for the Wesley Street shops, and the deletion of the brick post and gate at the intersection of the alley and Wesley Street.

Section 3. That the terms and conditions contained in any and all ordinances granting and/or amending the special use permit for the planned unit development with respect to the Subject Realty shall, to the extent not expressly modified by the terms and conditions of this Ordinance, remain in full force and effect as therein provided.

Section 4. All ordinances or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

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Section 5. 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 25th day of November, 1996.

Mayor



ATTEST:

Cindy M. Consalvo

City Clerk

AYES: Councilwoman Davenport; Councilman Eckhoff; Councilman Gerig; Mayor Carr; Councilman Gresk; Councilwoman Johnson; and Councilman Mork.

NAYS: None.

ABSENT: None.

Passed: November 25, 1996

Published: November 26, 1996