

ORDINANCE NO. F-0256

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A
PLANNED UNIT DEVELOPMENT FOR A RESIDENTIAL DEVELOPMENT
ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT
333 WEST WESLEY STREET/WHEATON TOWNHOMES/CENTRUM PROPERTIES, INC.**

WHEREAS, written application has been made for the issuance of a special use permit for a planned unit development to allow the construction and use of a 34 unit townhome development following the demolition of the existing structure on the property legally described herein within the City limits of Wheaton, Illinois, and commonly known as 333 West Wesley Street (the "Subject Property"); and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City's Zoning Ordinance, a public hearing was conducted by the Wheaton Board of Zoning Appeals on May 12, 1998 to consider the issuance of a special use permit for a planned unit development and approval of the demolition of the existing structure on the subject property, and the Wheaton Board of Zoning Appeals has recommended approval of the demolition and issuance of the special use permit for a planned unit development.

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 following described property has been and continues to be zoned and classified in the C-4 CBD Perimeter Commercial District zoning classification:

LOTS ONE, TWO, THREE, FOUR, FIVE AND SIX IN COUNTY CLERKS ASSESSMENT
DIVISION OF UNDIVIDED LANDS IN THE SOUTH HALF AND THE SOUTH HALF OF
THE NORTH HALF OF SECTION SIXTEEN, TOWNSHIP THIRTY-NINE NORTH,
RANGE TEN, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN DUPAGE
COUNTY, ILLINOIS. P.I.N. 05-16-131-016

This property is commonly located at 333 West Wesley Street, Wheaton, Illinois 60187.

Section 2: Pursuant to the findings of fact determined by the Wheaton Board of Zoning Appeals, a special use permit for a planned unit development is hereby issued to allow the construction and use of a 34 unit townhome development in full compliance with the following plans:

The preliminary site plan dated June 15, 1998 and preliminary elevation plans dated June 1, 1998, entitled "Wheaton Townhouses, Wesley and West Streets" prepared by Hirsch Associates, 225 West Hubbard Street, Chicago, IL 60610 and the preliminary landscape plan entitled "Wheaton Townhouses, Wesley and West Streets" prepared by Appold Design Inc., Landscape Architecture, 1006 South Michigan Avenue, Chicago, IL 60605 dated March 2, 1998 and revised March 9, 1998, and in further full compliance with the following conditions, restrictions, and requirements:

- A. The demolition of the existing structure on the subject property shall be performed in full compliance with the provisions of Article XII, "Demolition of Buildings", of the Wheaton City Code.

- B. Prior to the issuance of any permit, the applicant shall submit a complete set of final engineering plans for review and approval by the Director of Engineering. Said plans must comply with the county wide stormwater management ordinance for on-site stormwater storage or the applicant must apply for a stormwater variance from these provisions.
- C. Prior to the issuance of any occupancy permit, the applicant shall present a final plat of subdivision based on the as-constructed building foundations. Said final plat of subdivision shall be reviewed by the Director of Engineering and submitted directly to the City Council for approval.
- D. The developer shall be permitted to construct a wrought iron fence surrounding the front yard of each unit as indicated on the preliminary site plan. Said fence shall be a maximum height of four feet.
- E. The developer shall extend a downtown street lighting system along Seminary and West Streets adjacent to the subject property.
- F. Prior to the issuance of any occupancy permit, fire lanes shall be designated, as directed 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 property, and using the subject property as provided for in this ordinance, owner hereby authorizes the City to enforce compliance with applicable law.
- G. The special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the subject property and its owner, its successors, assigns, and grantees; this ordinance shall be recorded in the office of J.P. Carney, Recorder of Deeds, 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 property, 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 property, in perpetuity.

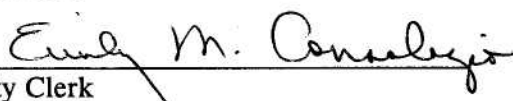
Section 3: All ordinances or parts of thereof in conflict with the provisions of this ordinance are to the extent of such conflict expressly repealed.

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

Mayor



ATTEST:


City Clerk

Roll Call Vote:

Ayes: Councilman Mork
Councilman Gresk
Mayor Pro Tem Eckhoff
Councilman Johnson
Councilwoman Johnson

Nays: None

Absent: Mayor Carr
Councilwoman Davenport

Motion Carried unanimously

Passed: July 6, 1998
Published: July 7, 1998