

ORDINANCE NO. F-0370

**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP
AND GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
225 EAST COLE AVENUE/KINGSLAND PROPERTIES, LTD. TOWNHOUSES**

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois, to rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois ("City"), and commonly located at 225 East Cole Avenue; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Board of Zoning Appeals on October 13, 1998, to consider the requested zoning amendment and special use permit; and the Board of Zoning Appeals has recommended the zoning amendment and issuance of the special use permit.

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: The Zoning Map, which is attached to and forms a part of the City Zoning Ordinance, is amended by deleting the following-described property from the R-3 Residential District zoning classification and adding and including it in the R-5 Residential District zoning classification:

The South 300 Feet of Lot 9 in Block 3 in Arthur T. McIntosh and Company's Geneva Road Subdivision, Being a Subdivision in the Northwest Quarter of Section 9, Township 39 North, Range 10, East of the Third Principal Meridian, According to the Plat Thereof Recorded June 26, 1924 as Document 179449 and Certificate of Correction filed August 5, 1924 as Document 180974, in DuPage County, Illinois.

PIN: 05-09-102-013

This property is commonly known as 225 East Cole Avenue, Wheaton, Illinois ("subject property").

Section 2: A special use permit is hereby issued to allow for the construction and use of a 12-unit townhome residential development in substantial compliance with the conceptual land plan prepared by Schoppe Design Associates, Oswego, Illinois, dated August 29, 1998, the landscape plan and tree preservation plan prepared by Schoppe Design Associates, Oswego, Illinois, dated September 22, 1998 and revised September 29, 1998, the final engineering plans-page C-1, prepared by Jacob & Hefner Associates, PC, Glen Ellyn, Illinois, with a latest revised date of July 7, 1999, and in further full compliance with the following conditions and restrictions:

- A. Owner/developer shall plant additional understory shrubs along the existing line of spruce trees on the east property line of the subject property; the type and quality of understory shrubs shall be subject to the reasonable approval of the Director of Planning.
- B. Prior to the issuance of a site development permit, owner shall file with the City a plat of subdivision for review, consideration and approval by the City.
- C. Prior to the issuance of a site development permit, owner/developer shall file with the City a storm water management report in compliance with the City and County storm water management ordinances; the storm water management report shall be subject to the reasonable approval of the Director of Engineering.
- D. Perpetual maintenance of the storm water detention facilities on the subject property shall be the sole responsibility of the owner(s) of the subject property; accordingly, the declaration of restrictive covenants to be recorded against the subject property shall require maintenance of the storm water detention facilities to be provided for by the owners'/homeowner's association of the subject property.
- E. Prior to the issuance of any site development or building permit, owner shall enter into a Fire Lane Designation and Enforcement Agreement with the City of Wheaton, providing for the designation, maintenance, and enforcement of the fire lane, which is appended and incorporated herein as Exhibit A.
- F. The owner of the Subject Property shall maintain all landscaping and plantings on the Subject Property so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the approved landscape plan.
- G. This 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 successor, assigns, and grantees; this ordinance shall be recorded in the office of the Recorder of Deeds, DuPage County, Illinois.

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.

Ordinance No. F-0370



Mayor

ATTEST:



City Clerk

Ayes:

ROLL CALL VOTE:

- Councilman Mork
- Councilwoman Davenport
- Councilman Gresk
- Mayor Carr
- Councilman Johnson

Nays:

None

Absent:

- Councilman Eckhoff
- Councilwoman Johnson

Motion Carried Unanimously

Passed: July 19, 1999
Published: July 20, 1999