

ORDINANCE NO. F-0440

AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. E-1001,
"AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PLANNED
DEVELOPMENT FOR THE TREES PROPERTY" (*Original Ordinance*) AND
ORDINANCE NO. E-1405 WHICH
AMENDED THE ORIGINAL ORDINANCE - THE TREES OF WHEATON

WHEREAS, on March 24, 1969, the City of Wheaton, Illinois ("City"), enacted Ordinance No. E-1001, attached as Exhibit "A" (the "**Original Ordinance**") authorizing a Planned Development for the residential development legally described in the **Original Ordinance** and commonly known as The Trees, Wheaton, Illinois; and

WHEREAS, thereafter, on April 19, 1976, the City enacted Ordinance No. E-1405, attached as Exhibit "B", amending the **Original Ordinance** in various ways; and

WHEREAS, application has been made by the Wheaton Condominium Homeowners' Association, the entity responsible for the maintenance of The Trees, to amend the special use permit for planned development approved by the **Original Ordinance**. The amendment requests the removal and replacement of all existing asphalt paving, concrete curbs and gutters for all streets, drives, and parking areas, including new curb and gutter around the perimeters of the parking lots which currently do not have curbs, and the creation of 42 new parking spaces at locations throughout the planned unit development where unused concrete dumpster pads are now located; and

WHEREAS, the Wheaton Condominium Homeowners' Association has represented that the amendment requested by this ordinance has been approved by the necessary number of property owners as required by the Association's by-laws and articles of incorporation; and

WHEREAS, the City has determined that the requested amendments are minor amendments and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

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 **Original Ordinance** is amended by adding the following paragraphs to Section 2 of the **Original Ordinance**:

- "7. The previously issued special use permit for the planned unit development of The Trees of Wheaton is amended to allow:
 - A. The removal and replacement of all existing asphalt paving, concrete curbs and gutters for all streets, drives, and parking areas; and the addition of new curb and gutter around the perimeters of the parking lots which currently do not have curbs, and the addition of drainage structures and storm sewers where needed.

- B. The construction of forty-two (42) new parking spaces at locations throughout the planned unit development where unused concrete dumpster pads are now located.
- C. All construction shall proceed in full compliance with the ordinances and codes of the City and the following conditions, restrictions, and requirements:
1. The "Trees of Wheaton Condominiums Plan of Additional Parking Spaces", prepared by Webster, McGrath & Ahlberg, Ltd., Wheaton, Illinois, dated April 16, 1999.

Section 2: In all other respects, the terms and provisions of the **Original Ordinance** and Ordinance No. E-1405 are ratified and remain in full force and effect.

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.

ATTEST:

Emily M. Consalvo
City Clerk

Mayor Carr
Mayor

Ayes:

Roll Call Vote:

Councilman Mork
Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilwoman Johnson

Nays:

None

Absent:

Councilwoman Davenport

Motion Carried Unanimously

Passed: March 20, 2000
Published: March 21, 2000