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**ORDINANCE NO. F-0471**

**AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND  
GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT  
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS  
406 AND 412 SOUTH WEST STREET AND 404 AND 416 CHILDS STREET -  
BRANTLEY PLACE EXTENSION/KOOP**

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 406 and 412 South West Street and 404 and 416 Childs Street, commonly known as the Brantley Place Extension; and

WHEREAS, written application has also been made to amend the Zoning Map to rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois, commonly located at 516 Childs Street; 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 to consider the zoning requests; and the Wheaton Board of Zoning Appeals has recommended the zoning amendment and issuance of the special use permit on the property commonly known as 406 and 412 South West Street and 404 and 416 Childs Street, only. Specifically, the Wheaton Board of Zoning Appeals has recommended denial of the zoning amendment and issuance of the special use permit on the property commonly known as 516 Childs Street.

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 Findings of Fact determined by the Wheaton Board of Zoning Appeals are incorporated into this ordinance, and pursuant to the Findings of Fact, 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-4 Residential District zoning classification and adding and including it in the R-5 Residential District zoning classification:

LOT 1 IN DIFAZZIO'S RESUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, IN TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1988 AS DOCUMENT R88-55768 IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-17-418-044

LOT 2 IN DIFAZZIO'S RESUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, IN TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 1988 AS DOCUMENT R88-55768 IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-17-418-045



THE NORTH 50 FEET OF THE SOUTH 100 FEET OF LOT 10 OF THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-17-418-032

THAT PART OF BLOCK 1 OF WAKELEE'S ADDITION TO WHEATON, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 1, BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF CHILDS STREET WITH THE WEST LINE OF WEST STREET AND RUNNING THENCE WEST ON THE SOUTH LINE OF CHILDS STREET, 181 FEET FOR A PLACE OF BEGINNING; THENCE SOUTH PARALLEL TO WEST STREET, 131 FEET, THENCE WEST 50 FEET, THENCE NORTH 131 FEET TO THE SOUTH LINE OF CHILDS STREET, THENCE EAST ON THE SOUTH LINE OF CHILDS STREET 50 FEET TO THE PLACE OF BEGINNING ACCORDING TO THE PLAT OF WAKELEE'S ADDITION TO WHEATON HAVING BEEN RECORDED ON DECEMBER 3, 1857 AS DOCUMENT NO. 11974 IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-17-418-014

This property is commonly located at 406 and 412 South West Street and 404 and 416 Childs Street, Wheaton, Illinois 60187 ("subject property").

Section 2: A special use permit is hereby issued to allow for the construction and use of a planned unit development in full compliance with the site plan entitled, "Preliminary Plat of Subdivision, Childs Street Townhomes" prepared by Engineering Resource Associates, dated October 28, 1999 and bearing a latest revision date of May 22, 2000, and with the preliminary building elevations entitled, "Village of Wheaton Townhomes" prepared by Charles Vincent George Design Group, Naperville, IL, dated May 22, 2000, and in further full compliance with the following conditions, restrictions, and requirements:

- A. Prior to the issuance of a site development or building permit, the owner/developer shall:
  - 1. Submit a revised engineering plan, prepared in conformance with the Countywide Stormwater and Floodplain Management Ordinance. The revised plan shall be subject to the reasonable approval of the Director of Engineering.
  - 2. Submit a landscape and tree preservation plan, prepared in accordance with Article VI of the City of Wheaton Zoning Ordinance. The landscape and tree preservation plan shall be subject to the reasonable approval of the Director of Planning.
  - 3. As a material condition precedent to the effectiveness of this special use permit and prior to the issuance of any building permit for the property, owner/developer shall purchase from the City of Wheaton real property on



Childs Street:

THE WEST 21.5' OF THE NORTH 133' OF LOT 10 IN THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN. P.I.N. 05-17-418-013.

(hereinafter the "Lot") subject to the terms and conditions of that real estate contract attached hereto and incorporated herein as if fully set forth as Exhibit "A". The Lot shall be used as an improved egress/ingress drive to the property and shall be designed and constructed by the owner/developer and maintained by the properties' homeowner's association as common property. Prior to the city deeding the Lot to the owner/developer, it shall dedicate a perpetual egress/ingress easement over the property for the benefit of the property owner at 418 South West Street. The property owner at 418 South West Street shall not be required to contribute to the cost of any design, construction or maintenance of the drive improvement for the Lot. All improvements to the Lot as an improved egress/ingress drive shall be at the owner/developer's sole cost and expense and shall comply with all applicable City of Wheaton Codes.

4. The design, color and materials of the proposed townhome units shall match the design, color and materials of the existing Brantley Place Townhome units and the developer shall submit a written statement from an architect representing this proposed compliance.
- B. Water services which service the proposed development and cross Childs Street and West Street shall be augered beneath those streets in order to avoid disruption to the street pavement, all subject to the reasonable approval of the Director of Engineering.
- C. All defective or damaged public sidewalk adjacent to the proposed development shall be removed and replaced prior to acceptance of the subject development by the City, all subject to the reasonable approval of the Director of Engineering.
- D. 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 successors, assigns, and grantees; this ordinance shall be recorded in the office of J. P. Carney, Recorder of Deeds, Du Page 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,

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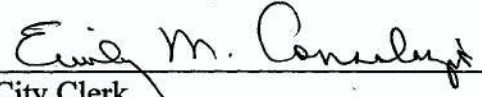
for himself/itself, his/its successors, assigns, and grantees, thereby agrees to all terms and conditions of this ordinance and declares this ordinance to constitute a covenant running with, and binding, the subject property in perpetuity.

Section 3: All ordinances or parts of 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.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Ayes:

Roll Call Vote:  
Councilman Eckhoff  
Councilman Gresk  
Mayor Carr  
Councilman Mork

Nays:

None

Absent:

Councilwoman Davenport  
Councilman Johnson  
Councilwoman Johnson

Motion Carried Unanimously

Passed: June 5, 2000

Published: June 6, 2000