

ORDINANCE NO. F-0647

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A
PLANNED UNIT DEVELOPMENT
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
1000 S. LORRAINE ROAD - FUMAROLO**

WHEREAS, written application has been made to issue a special use permit for the construction of a planned unit development consisting of six townhome units on a piece of property legally described herein within the city limits of Wheaton, Illinois ("City"), and commonly located at 1000 S. Lorraine Road; 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 9, 2001 to consider issuance of the special use permit; and the Wheaton Board of Zoning Appeals has recommended issuance of the special use permit.

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 parcel has been and continues to be classified in the R-7 Residential Zoning District.

PARCEL 1: LOT 1 IN PARK RESUBDIVISION UNIT NO. TWO, OF PART OF VACATED WILSON AVENUE AND PART OF BLOCK 25 AND BLOCK 28 IN WHEATON ESTATES, A SUBDIVISION OF SECTIONS 22 AND 23 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-22-111-026

PARCEL 2: LOT 1 IN BLOCK 28 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS.
P.I.N. 05-22-111-012

PARCEL 3: LOT 23 IN BLOCK 28 IN WHEATON ESTATES, BEING A SUBDIVISION IN SECTION 22, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182391, IN DUPAGE COUNTY, ILLINOIS.
P.I.N. 05-22-111-023

The property is commonly known as 1000 S. Lorraine Road, Wheaton, Illinois ("Subject Property").

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 for the construction and use of a six unit townhome residential development in substantial compliance with the plans entitled "*Pershing Townhomes Planned Unit Development*" prepared by *Philip Prince and Associates, Wheaton, Illinois dated August 17, 2001, Sheets 1 thru 6*; and "*Preliminary Civil Engineering Plans*" prepared by *A.W. McGurr, Consulting Engineers, Wheaton, Illinois dated August 31, 2001, Sheets C1 through C-3* and in further full compliance with the following conditions and restrictions:

- A. Prior to the issuance of a site development permit, owner/developer shall submit a revised site plan which indicates the following:

1. An area for vehicle turnaround on the north end of the existing parking lot for the apartment development.
2. The planting of additional trees within the large open green area south of the proposed townhome units, additional landscaping around the detention facility, on the north end of the existing parking lot and along the east property line.
3. The repair of the existing fence along the west property line.

The revised site plan shall be subject to the reasonable approval of the Director of Planning.

- B. Prior to the issuance of an occupancy permit, owner shall file with the City a plat of subdivision for review, consideration and approval by the City. The plat of subdivision shall include a separate lot for the stormwater detention facility including stormwater management easement provisions which indicate that perpetual maintenance of the stormwater detention facility 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 stormwater detention facility to be provided by the owner(s)/homeowners association of the subject property. The declaration of restrictive covenants shall be subject to the reasonable approval of the City Attorney.
- C. Public sidewalks shall be constructed along Lorraine Road adjacent to the townhome development and any defective sidewalk squares along the existing sidewalk on Pershing Avenue shall be repaired prior to the issuance of any occupancy permit.
- D. The owner(s) 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.
- E. The owner(s) 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 what is illustrated on the approved landscape plan.
- F. 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 successor, assigns, and grantees; this ordinance shall be recorded in the office of the Recorder of Deeds, DuPage County, Illinois.

Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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

ATTEST:

Emily M. Consalvo
City Clerk

Roll Call Vote

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

Nays: None

Absent: Mayor Carr
Councilman Mouhelis

Motion Carried Unanimously

Passed: November 5, 2001

Published: November 6, 2001