

ORDINANCE NO. F-1253

AN ORDINANCE AMENDING ORDINANCE F-1196, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 217 & 223 N. GARY AVENUE, 414 & 416 W. SEMINARY AVENUE, 214 & 224 N. WEST STREET (CITY HOMES OF NORTH WHEATON) – DAVIDSON HOMES"

WHEREAS, on August 21, 2006, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-1196 recorded on December 11, 2006, as Document No. R2006-237043, at the DuPage County Recorder of Deeds Office, "ORDINANCE F-1196, "AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON PROPERTY COMMONLY KNOWN AS 217 & 223 N. GARY AVENUE, 414 & 416 W. SEMINARY AVENUE, 214 & 224 N. WEST STREET (CITY HOMES OF NORTH WHEATON) – DAVIDSON HOMES" ("original ordinance"), authorizing the issuance of a special use permit for a planned unit development for the construction and use of a twelve home development on the property legally described on Exhibit "A" attached hereto and commonly known as 217 & 223 N. Gary Avenue, 414 & 416 W. Seminary Avenue and 214 & 224 N. West Street, Wheaton, Illinois; and

WHEREAS, following the enactment of the original ordinance, an application has been made to amend the site plan and building elevation plan referred to in the original ordinance to accommodate the option to either use a single brick color or up to three different brick colors and a private lighting plan in lieu of City street lighting; and the City has determined that the requested amendment is a minor amendment 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, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: An amendment to the original ordinance is hereby granted to accommodate the option to either use a single brick color or up to three different brick colors and a private lighting plan in lieu of City street lighting in substantial compliance with the plans entitled "*City homes of North Wheaton, Brick and Lighting Plan*" dated 01/31/07, prepared by *Davidson Homes, Wheaton, Il.*

Section 2: In all other respects, the terms and provisions of the original ordinance are ratified and remain in full force and effect.

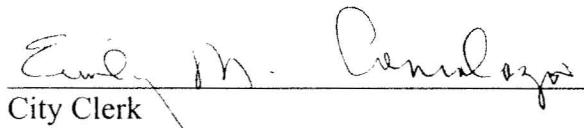
Section 3: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

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



Mayor

ATTEST:



City Clerk

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 6, 2007
Published: February 7, 2007

EXHIBIT "A"

232 N. Gary Avenue
PIN #: 05-17-232-001

LEGAL: LOT 7, EXCEPT THE EAST 50 FEET THEREOF, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

416 W. Seminary Avenue
PIN #: 05-17-232-002

LEGAL: OF THE EAST 50 FEET OF LOT 7, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

217 N. Gary Avenue
PIN #: 05-17-232-003

LEGAL: OF LOT 6, BLOCK 4, IN 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, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN DUPAGE COUNTY, ILLINOIS.

414 W. Seminary Avenue
PIN #: 05-17-232-004

LEGAL: LOT 1, EXCEPT THE EAST 150 FEET THEREOF, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

224 N. West Street
PIN #: 05-17-232-005

LEGAL: THE EAST 150.00 FEET OF LOT 1, EXCEPT THE SOUTH 75.00 FEET THEREOF, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

214 N. West Street
PIN #: 05-17-232-006

LEGAL: THE SOUTH 75.00 FEET OF THE EAST 150.00 FEET OF LOT 1, IN BLOCK 4, OF COUNTY CLERK'S ASSESSMENT DIVISION IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1890 AS DOCUMENT 43592, IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

The subject property is commonly known as 223 N. Gary, 416 W. Seminary, 217 N. Gary, 414 W. Seminary, 224 N. West, and 214 N. West, Wheaton, IL 60187.