

ORDINANCE NO. F-1265

AN ORDINANCE AMENDING THE WHEATON ZONING MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT - 417 N. PRESIDENT STREET/ADDISON DEVELOPMENT

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 certain real estate from the R-4 Residential zoning district to the R-5 Residential zoning district and for the issuance of a special use permit to allow the construction and use of a planned unit development consisting of 8 townhouses all on the property legally described herein within the city limits of Wheaton, Illinois, and commonly known as 417 N. President Street;

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on February 27, 2007 to consider the zoning amendment and issuance of the special use permit; and the Board 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, DuPage 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 Zoning Ordinance of Wheaton, Illinois, is amended by deleting the following-described property from the R-4 Residential District zoning classification and including it in the R-5 Residential District zoning classification with a Special Use Permit for a Planned Unit Development:

LOT 1 (EXCEPT THE EAST 50 FEET AND EXCEPT THE NORTH 245 FEET AND EXCEPT THE SOUTH 150 FEET, SAID SOUTH 150 FEET BEING MEASURED PARALLEL WITH AND AT RIGHT ANGLES TO THE SOUTH LINE OF SAID LOT 1) IN BLOCK 4 IN ANDERSON'S ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 25, 1885 AS DOCUMENT 34684, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-15-109-005

This property is commonly known as 417 N. President Street, Wheaton, IL 60187 ("subject property").

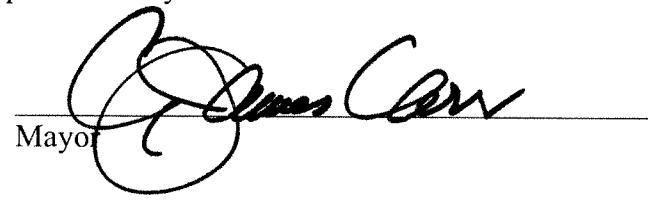
Section 2: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a special use permit is hereby issued to allow for the construction and use of an 8 unit townhouse development, all on the subject property and in full compliance with the building elevations entitled "Proposed Townhome Development: Newbury Court at College Station," Sheets 1-5, prepared by Marshall Architects, St. Charles, IL, 60174, dated January 21, 2007; the site plan entitled "Site Plan" prepared by Webster, McGrath & Ahlberg Ltd., Wheaton, IL, 60187, dated January 29, 2007; and the preliminary engineering plan entitled "Preliminary Engineering Plan" prepared Webster, McGrath & Ahlberg Ltd., Wheaton, IL, 60187, dated

January 29, 2007; and in further compliance with the following conditions, restrictions, and requirements:

1. 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(s), successors, assigns, and grantees; this ordinance shall be recorded in the Office of the Recorder of Deeds, Du Page County, Illinois, at the expense of the Owner.
2. The applicant shall submit a final engineering plan subject to the approval of the Director of Engineering.
3. The applicant shall grant an easement to the City over any stormwater management facility.
4. The applicant shall submit a plat of subdivision subject to the approval of the City Council.
5. The applicant shall submit a final landscape plan in conformance with Article VI of the Wheaton Zoning Ordinance, which shall include a six-foot, solid-type wood fence on the north, east and south property lines, subject to the approval of the Director of Planning and Economic Development.

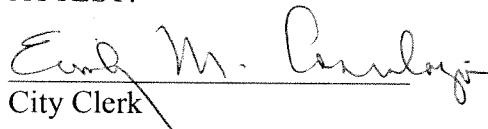
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



James Carr
Mayor

ATTEST:



Eunice M. Pendleton
City Clerk

ROLL CALL VOTE:

| | |
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| Ayes: | Councilman Mouhelis Councilman Suess Councilman Bolds Councilwoman Corry |
|-------|---|

Mayor Carr
Councilman Levine

Nays: None

Absent: Councilman Johnson

Motion Carried Unanimously

Passed: April 2, 2007
Published: April 3, 2007