

Memorandum

Sharon Barrett-Hagen

City Clerk

To: Record

Date: July 1, 2013

Subject: Ordinance No. F-1666

Ordinance No. F-1666, as originally signed by the Mayor and attested to by the City Clerk, did not reflect the vote count which was inadvertently omitted from the ordinance. The approved minutes of the October 21, 2012 City Council meeting have been reviewed and this technical correction shows the votes as recorded by the City Clerk at the October 21, 2012 meeting, the date the vote was taken.

ORDINANCE NO. F-1666

**AN ORDINANCE AMENDING THE ORIGINAL AND SUBSEQUENT AMENDED
ORDINANCES AND TO GRANT A SPECIAL USE PERMIT TO ALLOW THE
CONSTRUCTION AND USE OF A SENIOR HOUSING DEVELOPMENT ON A PORTION
OF LOT 9, LOT 10, OUTLOT G AND OUTLOT F OF THE EXISTING COURTHOUSE
SQUARE PROJECT IN LIEU OF THE PREVIOUSLY APPROVED CONDOMINIUM
BUILDING #2 AND #3**

WHEREAS, on September 20, 2004, the Wheaton City Council approved Ordinance No. F-0950, “AN ORDINANCE REZONING PROPERTY FROM I-1 INSTITUTIONAL TO R-7 RESIDENTIAL AND GRANTING A SPECIAL USE PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY BORDERED BY THE ILLINOIS PRAIRIE PATH RIGHT-OF-WAY, WASHINGTON STREET, NAPERVILLE ROAD, WILLOW AVENUE AND REBER STREET (NATIONAL LOUIS UNIVERSITY/ COURTHOUSE PROPERTY)” (“Original Ordinance”) recorded as Document Number R2004-271416 on October 21, 2004 in the office of the DuPage County Recorder; and

WHEREAS, on March 21, 2005, the Wheaton City Council approved Ordinance No. F-1014, “AN ORDINANCE AMENDING ORDINANCE NO. F-0950 ENTITLED AN ORDINANCE REZONING PROPERTY FROM I-1 INSTITUTIONAL TO R-7 RESIDENTIAL AND GRANTING A SPECIAL USE PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY BORDERED BY THE ILLINOIS PRAIRIE PATH RIGHT-OF-WAY, WASHINGTON STREET, NAPERVILLE ROAD, WILLOW AVENUE AND REBER STREET (NATIONAL LOUIS UNIVERSITY/COURTHOUSE PROPERTY)” (“Subsequent Amended Ordinance”) recorded as Document Number R2005-074148 on April 12, 2005 in the office of the DuPage County Recorder; and

WHEREAS, on January 3, 2006, the Wheaton City Council approved Ordinance No. F-1121, “AN ORDINANCE GRANTING FINAL PUD APPROVAL FOR THE COURTHOUSE SQUARE PROJECT” (“Subsequent Amended Ordinance”) recorded as Document Number R2006-030243 on February 17, 2006 in the office of the DuPage County Recorder; and

WHEREAS, on November 20, 2006 the Wheaton City Council approved Ordinance No. F-1230, “AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT FOR THE COURTHOUSE SQUARE PROJECT BRICK SIZE” (“Subsequent Amended Ordinance”) recorded as Document Number R2006-237031 on December 11, 2006 in the office of the DuPage County Recorder; and

WHEREAS, on January 16, 2007 the Wheaton City Council approved Ordinance No. F-1247, “AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT FOR THE COURTHOUSE SQUARE PROJECT - LOT 11 LEGAL DESCRIPTION CORRECTION” (“Subsequent Amended Ordinance”); and

WHEREAS, on June 7, 2010 the Wheaton City Council approved Ordinance No. F-1495, “AN ORDINANCE AMENDING VARIOUS PLANS AS THEY PERTAIN TO THE TOWNHOME PORTION OF THE COURTHOUSE SQUARE PROJECT” (“Subsequent Amended Ordinance”); and

WHEREAS, following the enactment of the Original Ordinance and the Subsequent Amended Ordinances, applications have been made to grant a special use for a senior housing development and to further amend the special use permit for the existing planned unit development (“PUD”) to allow the construction and use of a senior housing development on the real estate legally described on Exhibit “A”,

which is attached hereto and incorporated herein ("Subject Property"), being a part of the existing Courthouse Square Project in lieu of the previously approved Condominium Building #2 and #3.

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 over nine meetings between April 24, 2012 and August 28, 2012 to consider the applications for a special use permit for a senior housing development and an amendment to the special use permit for the PUD to allow the construction and use of a senior housing development on the Subject Property; and the Planning and Zoning Board failed to approve a motion recommending its approval; and

WHEREAS, the Wheaton City Council has, in its legislative capacity and discretion, reviewed all of the applicable standards for special uses and planned unit developments as set forth in the Wheaton Zoning Ordinance and has legislatively determined that the aforesaid applications and proposed senior housing development are consistent with and satisfy said standards and are further consistent with and will promote the objectives of the City for the Courthouse Square Project.

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: That the foregoing recitals are incorporated herein as if fully set forth as the legislative determinations of the City Council of the City of Wheaton.

Section 2: The Subject Property, legally described in said Exhibit A, has been and continues to be zoned in the R-7 Residential Zoning District classification, with a special use permit for a Planned Unit Development.

Section 3: The Original Ordinance and the Subsequent Amended Ordinances for the planned unit development are hereby further amended to grant a special use permit for a senior housing development and to amend the planned unit development to allow the construction and use of a senior housing development containing up to a maximum of 167 units in lieu of condominium buildings #2 and #3 on the Subject Property. The senior housing development will contain a mix of up to a maximum of 55 independent living units, up to a maximum of 84 assisted living units and up to a maximum of 28 memory care units and will be in substantial compliance with the following plans:

1. Site Plan entitled "Wheaton Senior Housing" prepared by Antunovich Associates, Chicago, Illinois, dated February 27, 2012.
2. Landscape Plan entitled "Wheaton Senior Housing" prepared by Antunovich Associates, Chicago, Illinois, dated February 27, 2012.
3. Preliminary Engineering Plan entitled "Courthouse Square Senior Housing" prepared by SPACECO, Rosemont, Illinois, dated February 24, 2012.
4. Exterior Elevations and Floor Plans "Wheaton Senior Housing" prepared by Antunovich Associates, Chicago, Illinois, sheets 1-2, 6-13, dated February 27, 2012.

Section 4: All Ordinances or parts of Ordinances in conflict with these provisions are repealed.

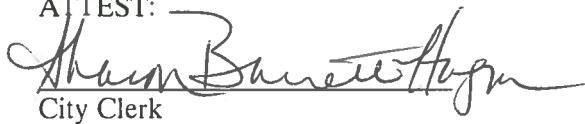
Section 5: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael J. Gresk

Mayor

ATTEST:



Shann Bennett-Hagan

City Clerk

Roll Call Vote:

Ayes: Councilman Suess
Councilwoman Ives
Mayor Gresk
Councilman Rutledge

Nays: Councilman Mouhelis
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Absent: None

Motion Carried

Passed: October 1, 2012

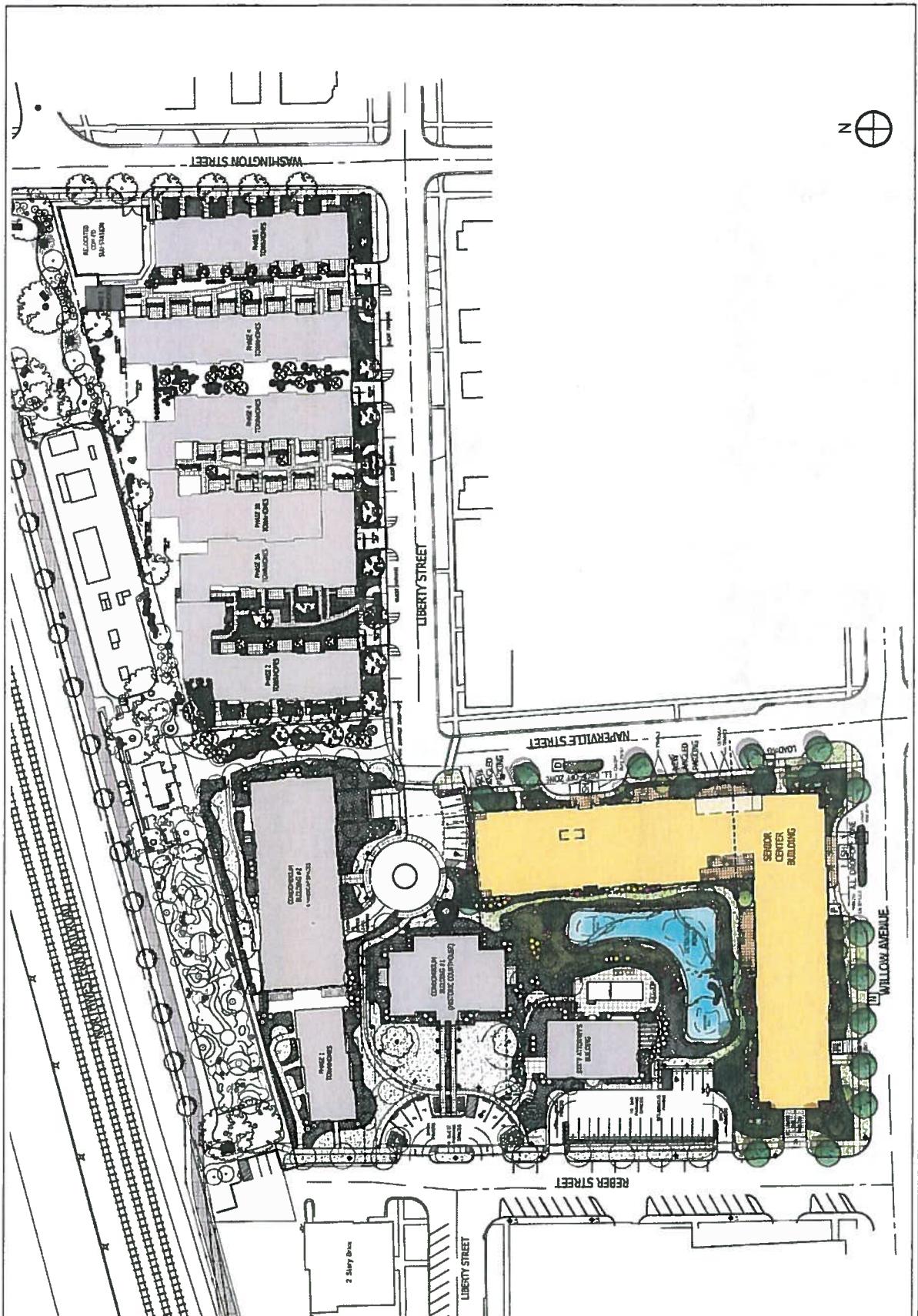
Published: October 2, 2012

EXHIBIT A

LOTS 9 AND 10 AND OUTLOTS F AND G IN COURTHOUSE SQUARE, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER AND PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, PURSUANT TO THE PLAT THEREOF RECORDED SEPTEMBER 8, 2005, AS DOCUMENT NO. R2005-197255, IN DUPAGE COUNTY, ILLINOIS ("COURTHOUSE SQUARE SUBDIVISION");

EXCEPT THAT PART OF LOT 9 IN COURTHOUSE SQUARE SUBDIVISION LYING AT OR BELOW AN ELEVATION OF 739.50 AS REFERENCED TO THE DUPAGE COUNTY DATUM (NDGV29) AND SITUATED IN THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SOUTHEAST CORNER OF OUTLOT D IN SAID COURTHOUSE SQUARE; THENCE SOUTH 86 DEGREES 01 MINUTES 16 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID OUTLOT D, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 03 DEGREES 58 MINUTES 44 SECONDS EAST, RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 5.00 FEET; THENCE SOUTH 86 DEGREES 01 MINUTES 16 SECONDS WEST, RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 90.79 FEET; THENCE NORTH 03 DEGREES 58 MINUTES 44 SECONDS WEST, RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 5.00 FEET TO SAID SOUTHERLY LINE OF OUTLOT D; THENCE NORTH 86 DEGREES 01 MINUTES 16 SECONDS EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 90.79 FEET TO SAID POINT OF BEGINNING.

P.I.N.: 05-16-318-007; -014; -015; 017



WHEATON SENIOR HOUSING

Focus Development | Developer

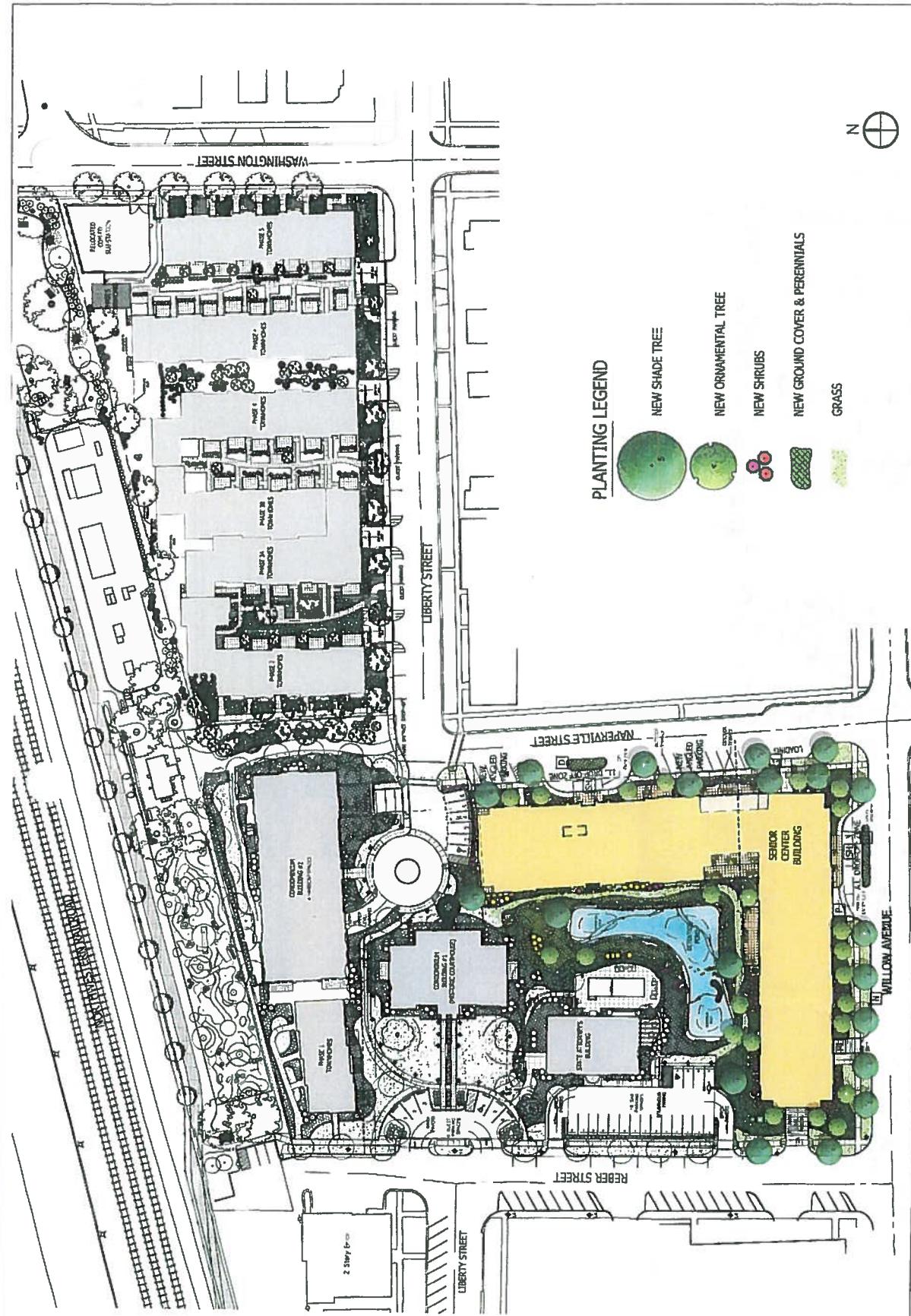
Partside Management Services | Real Estate Management

Antonovich Associates Architects & Planners

Norr Architects & Planners

Site Plan 3

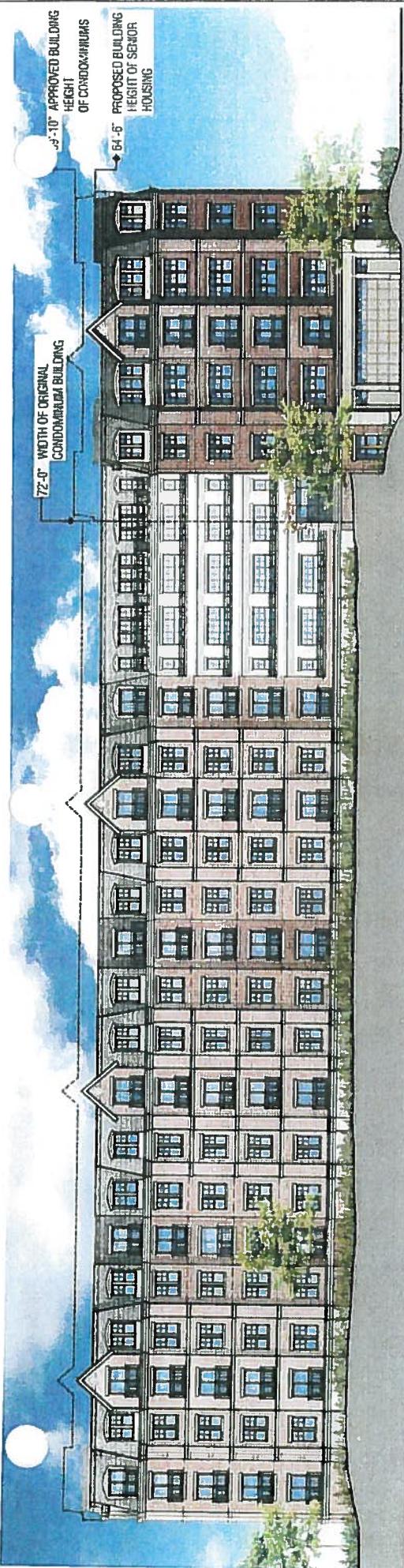
Wheaton, Illinois | February 27, 2012



WHEATON SENIOR HOUSING

Focus Development | Parkside Management Services | Real Estate Management | Nerr Architects & Planners | Antonovich Associates | Architects & Planners

Overall Landscape Plan
4
February 27, 2012
Wheaton, Illinois



West Elevation



Naperville Street (East) Elevation

WHEATON SENIOR HOUSING

Focus Development | Developer

Pariside Management Services | Real Estate Management

Morr Architects & Planners |

Antunovich Associates Architects & Planners

Exterior Elevations
1

Wheaton, Illinois | February 27, 2012



WHEATON SENIOR HOUSING

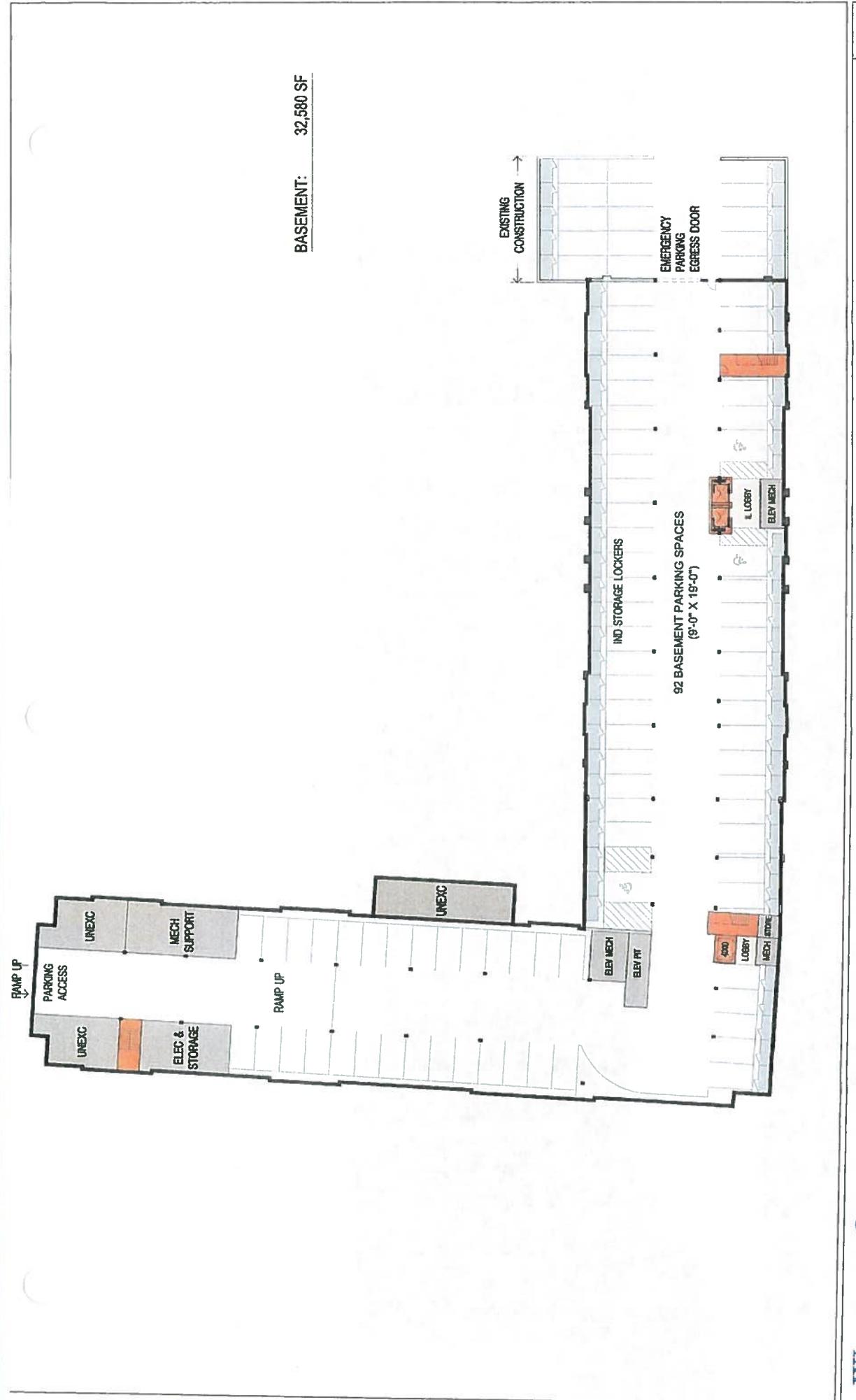
Focus Development | Parkside Management Services | Real Estate Management |

North Architects & Planners |

Antonovich Associates Architects & Planners

Exterior Elevations 2

Wheaton, Illinois | February 27, 2012

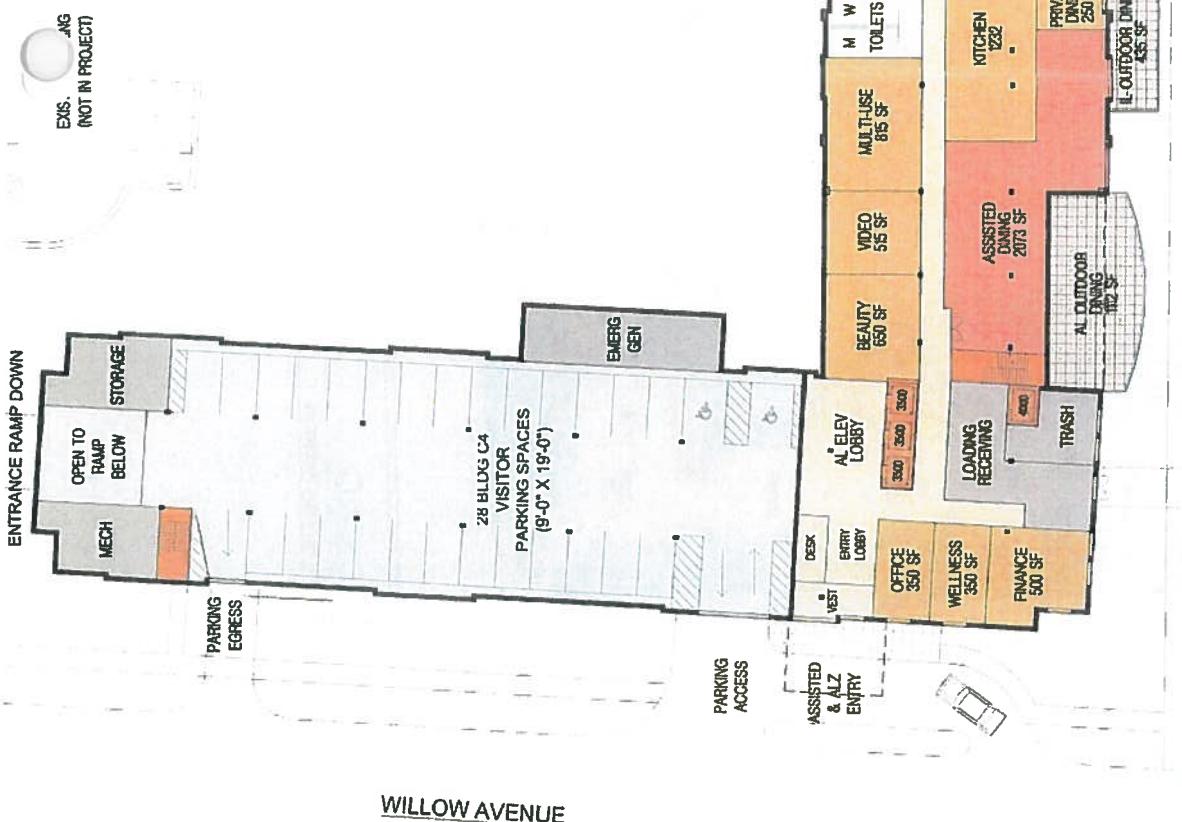


WHEATON SENIOR HOUSING

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Basement Plan **6**

Wheaton, Illinois | February 27, 2012



Ground Floor Plan	
7	February 27, 2012

WHEATON SENIOR HOUSING

Focus Development Developer | Parkside Management Services Real Estate Management | Norr Architects & Planners | Antunovich Associates Architects & Planners

Wheaton, Illinois | February 27, 2012

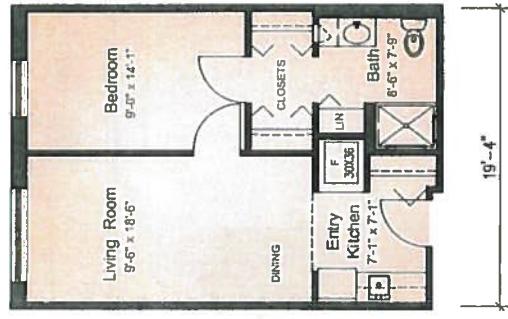
BUILDING AREA: 32,017 SF



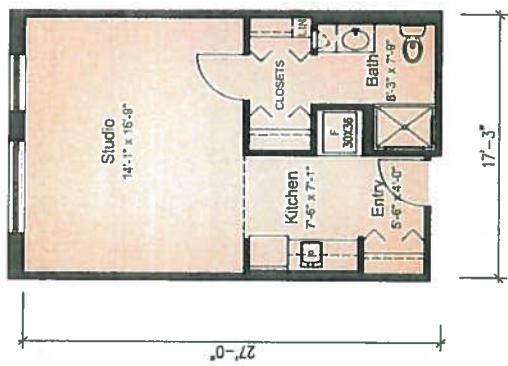
WHEATON SENIOR HOUSING

Focus	Development	Partside Management Services	Real Estate Management	Herr	Architects & Planners	Arutinovich Associates Architects & Planners
Focus: Development	Developer					

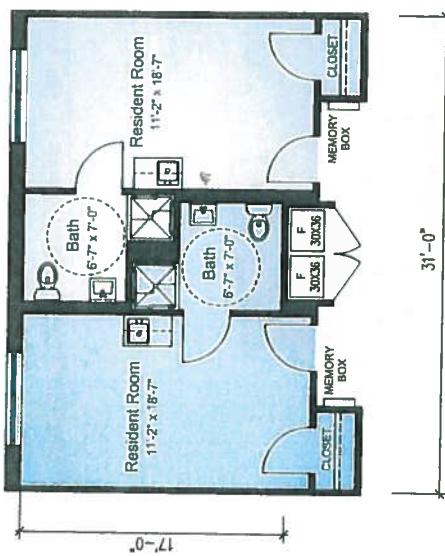
Wheaton, Illinois | February 27, 2012



Assisted One Bedroom
535 SF



Assisted Studio
465 SF



Memory Care ALZ Studio
300 SF

WHEATON SENIOR HOUSING

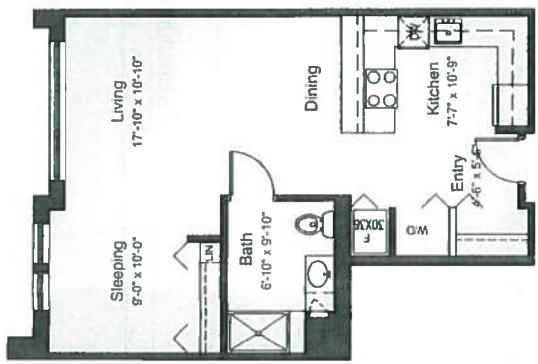
Focus Development | Parkside Management Services | Real Estate Management | Non-T Architects & Planners | Architects & Planners

Antinovich Associates | Architects & Planners

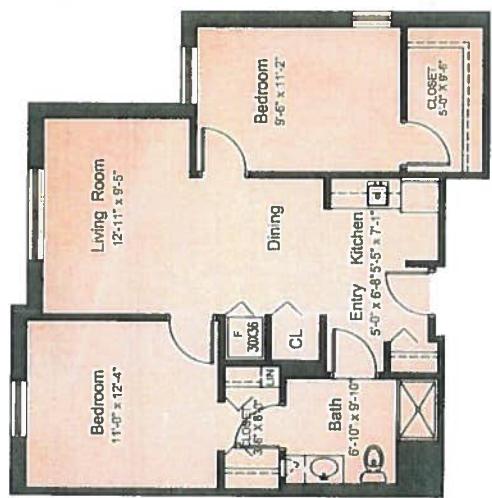
Assisted and Memory Care Unit Plans

10

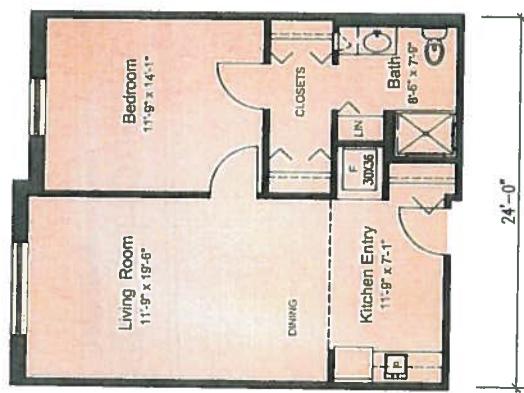
Wheaton, Illinois | January 28, 2011



Independent Studio
600 SF



Assisted Two Bedroom
860 SF

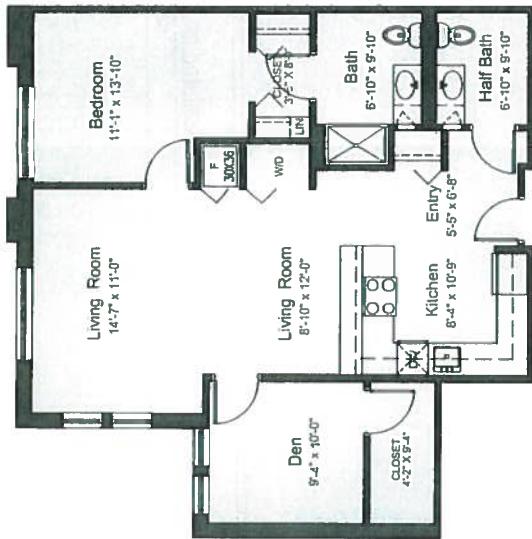


Assisted One Bedroom
650 SF

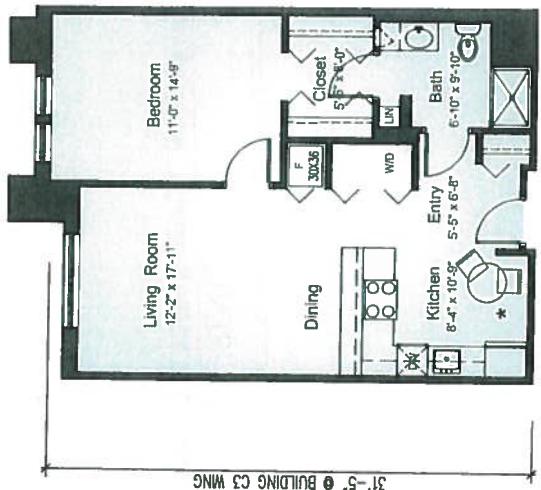
WHEATON SENIOR HOUSING

Assisted and Independent Unit Plans
11
Wheaton, Illinois | January 28, 2011

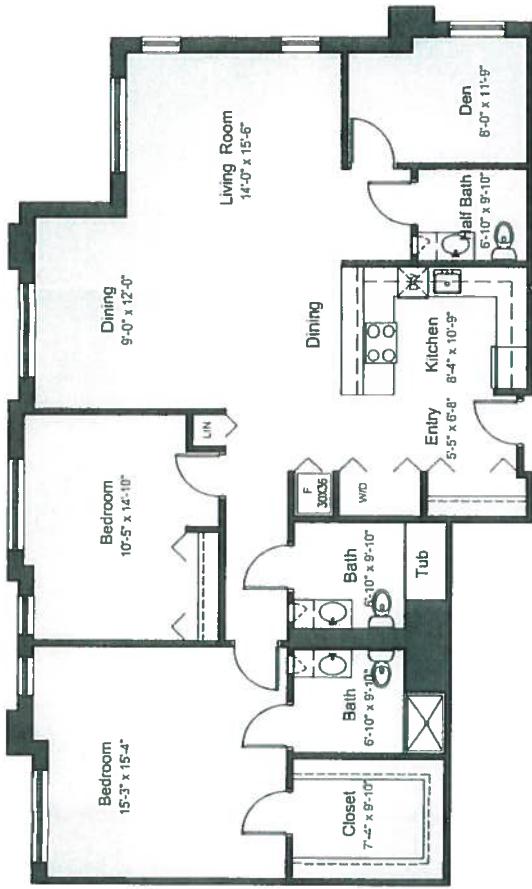
Focus Development | Parkside Management Services | Real Estate Management | Narr | Architects & Planners | Antonovich Associates Architects & Planners



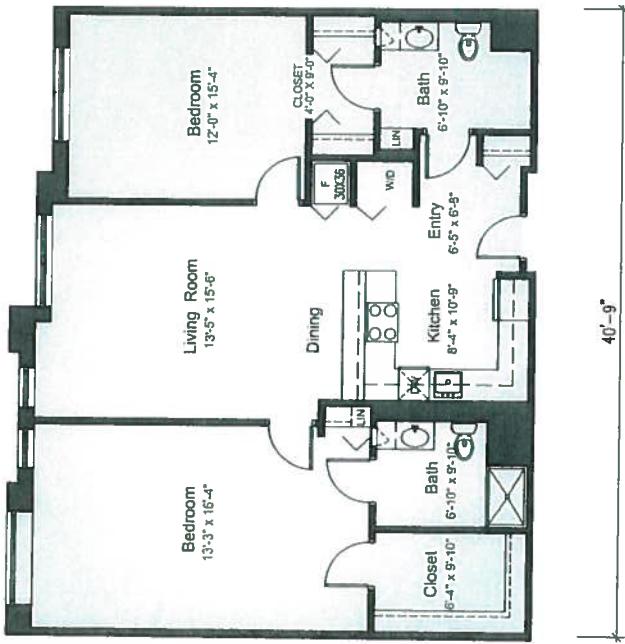
Independent One Bedroom, 1.5 Bath + Den
900 SF



Independent One Bedroom
725 SF



Independent Two Bedroom, 2.5 Bath + Den
1,500 SF



Independent Two Bedroom
1,275 SF

