

ORDINANCE NO. F-1879

AN ORDINANCE AMENDING THE ORIGINAL AND SUBSEQUENT AMENDED ORDINANCES REGARDING THE NUMBER OF TOWNHOMES WHICH MAY BE CONSTRUCTED AS PART OF THE COURTHOUSE SQUARE PROJECT

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, on October 1, 2012, the Wheaton City Council approved 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" ("Subsequent Amended Ordinance"); and

WHEREAS, on January 21, 2014, the Wheaton City Council approved Ordinance No. F-1755, "AN ORDINANCE AMENDING THE NUMBER OF TOWNHOMES WHICH MAY BE CONSTRUCTED AS PART OF THE COURTHOUSE SQUARE PROJECT" ("Subsequent Amended Ordinance"); and

WHEREAS, on August 25, 2014, the Wheaton City Council approved ORDINANCE NO. F-1809, "AN ORDINANCE AMENDING THE ORIGINAL AND SUBSEQUENT AMENDED ORDINANCES AND GRANT OF A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION AND USE OF TWO APARTMENT BUILDINGS IN LIEU OF THE PREVIOUSLY APPROVED SENIOR HOUSING DEVELOPMENT" ("Subsequent Amended Ordinance"); and

WHEREAS, following the enactment of the Original Ordinance and the Subsequent Amended Ordinances, application has been made to amend the PUD Site Plan as it pertains to Phase 4 of the townhome portion of the project to allow for the combination of two units into one which results in a reduction of the total number of townhomes to no less than 42.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers as follows:

Section 1: The real property, legally described in Exhibit A, which is attached hereto and incorporated herein, 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.

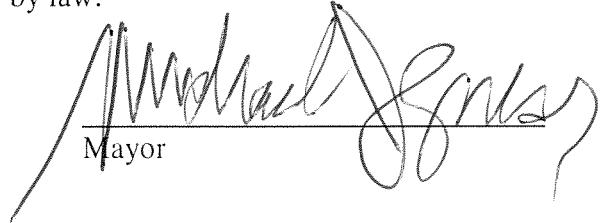
Section 2: The last "Whereas" paragraph of this Ordinance is incorporated herein as if fully set forth as a description of the minimum number of Townhouses which may be constructed in the townhome's section of Courthouse Square pursuant this amendment. This amendment shall allow the combination of two units into one so long as the minimum number of townhomes is not less than 42.

Section 3: The following plans, attached as Exhibit B, as they pertain to Phase 4 of the townhome portion of the project, are hereby approved in lieu of those described in Section 2 of Ordinance No. F-1755:

1. Landscape Plan entitled "Courthouse Square" dated July 7, 2015

2. Building Elevation Plans entitled "Courthouse Square Townhomes Units 349, 351, 353, 355 Courtyard Elevation [East]" prepared by Derrick Architecture, Wheaton, IL, dated July 9, 2015.

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



Michael Gresk
Mayor

ATTEST:



Aaron Bennett Hagen
City Clerk

Roll Call Vote:

Ayes: Councilman Prendiville
Councilman Rutledge
Mayor Gresk
Councilman Saline
Councilman Scalzo
Councilman Suess
Councilwoman Fitch

Nays: None

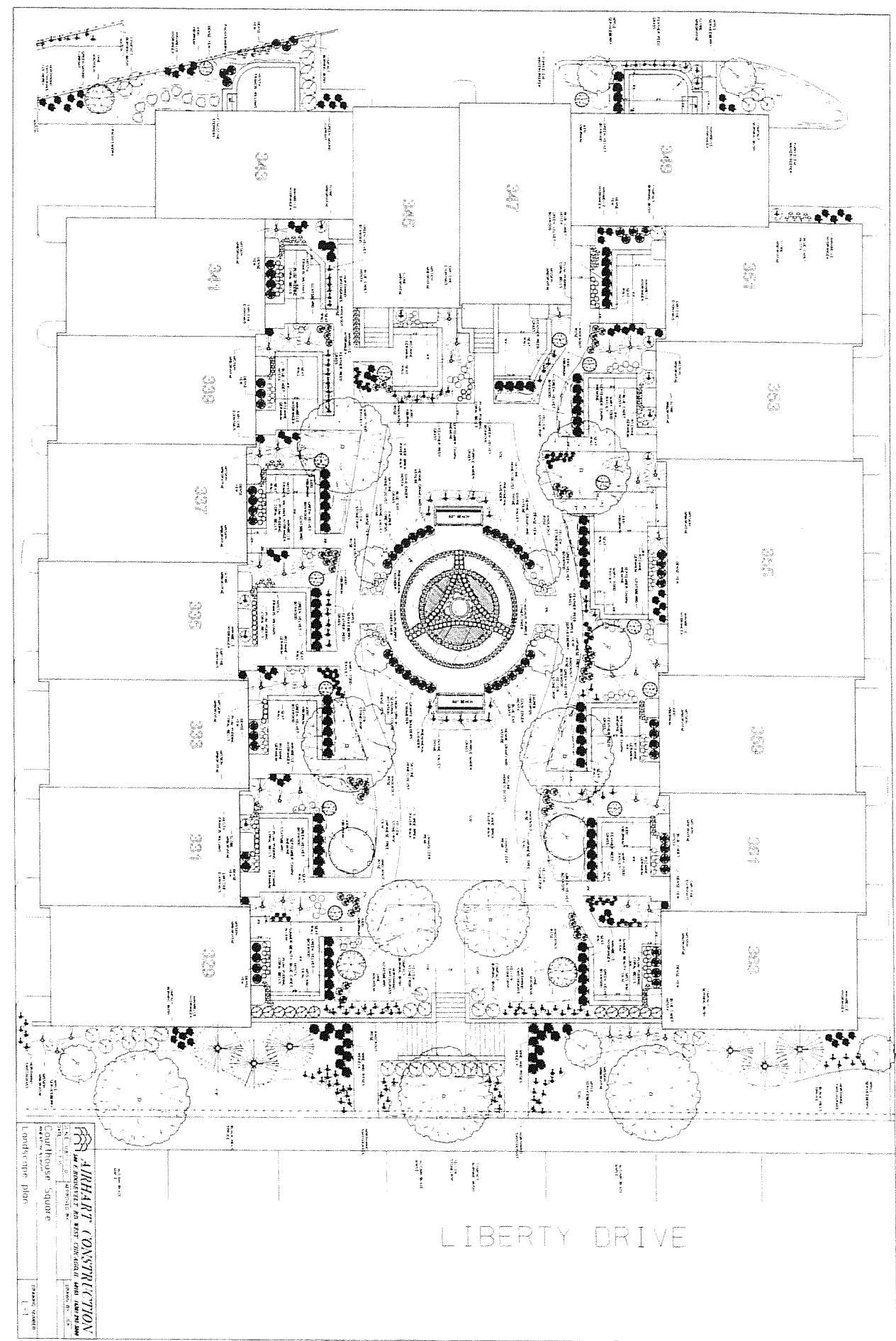
Absent: None

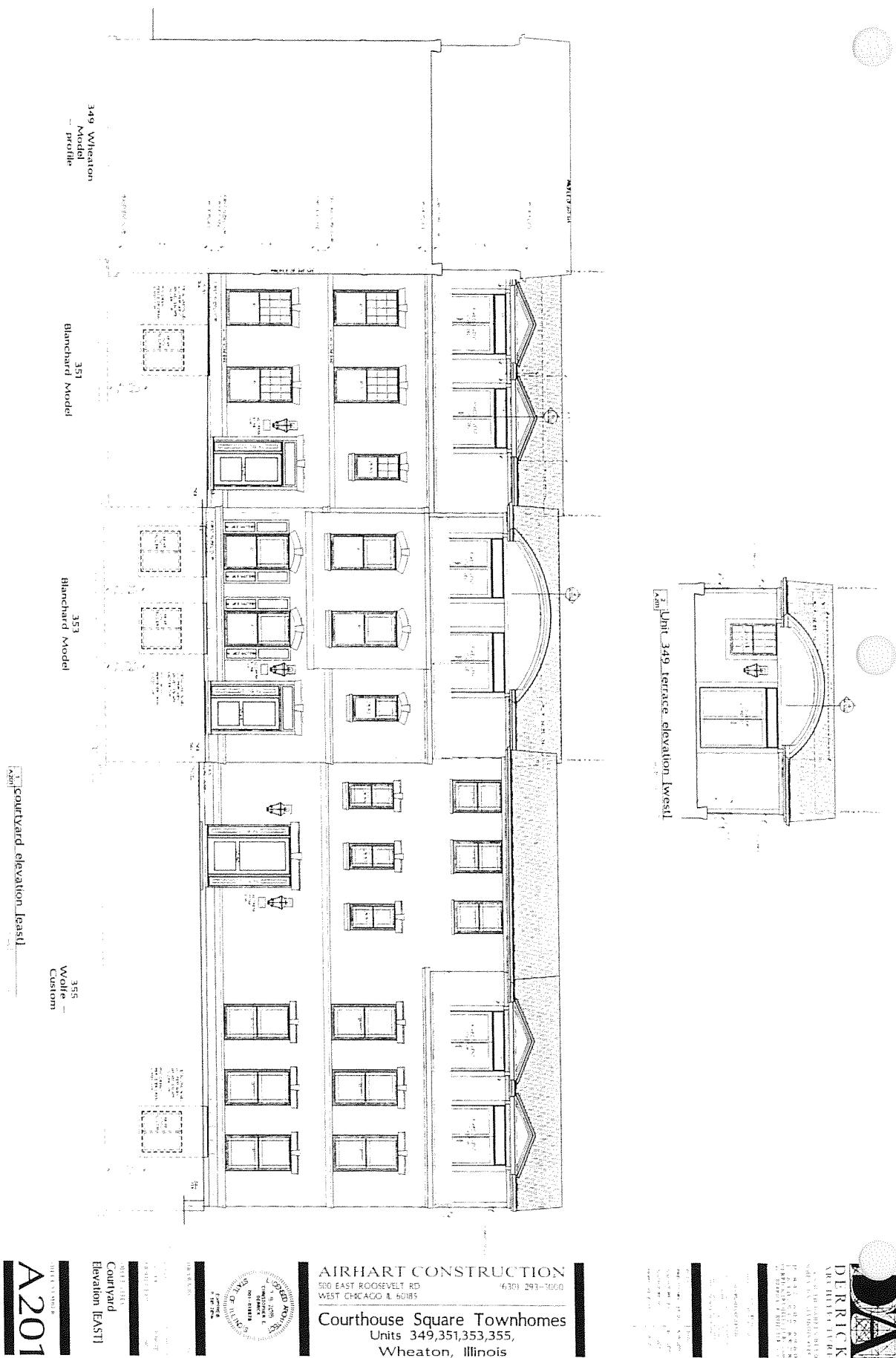
Motion Carried Unanimously

Passed: August 3, 2015
Published: August 4, 2015

EXHIBIT A

EXHIBIT B





AIRHART CONSTRUCTION
560 EAST ROOSEVELT RD
WEST CHICAGO IL 60185
463-0293-3666
Courthouse Square Townhomes
Units 349,351,353,355,
Wheaton, Illinois

7-9-2015 PERMIT RELEASE