

**ORDINANCE NO. F - 2047**

**AN ORDINANCE AMENDING THE ORIGINAL AND SUBSEQUENT AMENDED ORDINANCES REGARDING PHASE FIVE OF THE TOWNHOME PORTION OF THE COURTHOUSE SQUARE PROJECT – PATIO WALL AND LANDSCAPING**

**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**, on August 3, 2015, the Wheaton City Council approved 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" ("Subsequent Amended Ordinance"); and

**WHEREAS**, on September 6, 2016, the Wheaton City Council approved ORDINANCE NO. F-1960, "AN ORDINANCE AMENDING THE ORIGINAL AND SUBSEQUENT AMENDED ORDINANCES REGARDING PHASE FIVE OF THE TOWNHOME PORTION OF THE COURTHOUSE SQUARE PROJECT – BUILDING ELEVATIONS, PATIO WALL AND LANDSCAPING"; ("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 the Building Elevations for Phase 5 of the townhome portion of the project and to allow for the construction of a brick wall along the Washington Street frontage that is 4'6" tall in lieu of previously approved 3'5" tall wall.

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 landscape plan entitled "Courthouse Square Landscape Plan Phase 5" dated September 7, 2016 and bearing a latest revised date of November 11, 2017, prepared by Airhart Construction a copy of which is attached as Exhibit B, is hereby approved in lieu of the one described in Section 2 of Ordinance No. F-1495.

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:



Alan Bennett Hagan  
City Clerk

Roll Call Vote:

Ayes: Councilwoman Fitch  
Councilman Prendiville  
Mayor Gresk  
Councilman Rutledge  
Councilman Scalzo  
Councilman Barbier

Nays: None

Absent: Councilman Suess

Passed: December 4, 2017

Published: December 5, 2017

EXHIBIT A

BUILDING LOT G IN THE COURTHOUSE SQUARE RESUBDIVISION PHASE 3 BEING A RESUBDIVISION 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, IN DUPAGE COUNTY, ILLINOIS RECORDED ON FEBRUARY 22, 2013 AS DOCUMENT NO R2013-028572 IN THE DUPAGE COUNTY RECORDERS OFFICE. PIN# 05-16-425-004

110-170 WASHINGTON STREET, WHEATON, IL 60187

EXHIBIT B



