

ORDINANCE NO. O-2024-09

AN ORDINANCE GRANTING SUBDIVISION, LOT WIDTH VARIATIONS, AND LOT AREA VARIATIONS ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS 170 S. BATES - AHISKA CONSTRUCTION INC.

WHEREAS, written application has been made requesting subdivision of certain property described herein into two single-family lots, variations to Article 7.2.2a of the Wheaton Zoning Ordinance to allow lot areas for both proposed Lot 1 and 2 of approximately 8,000 square feet in lieu of the required 43,560 square feet; and variations to Article 7.4a of the Wheaton Zoning Ordinance to allow lot widths for both proposed Lot 1 and 2 of 50.0 feet in lieu of the required 125.0 feet, all on property commonly known as 170 S. Bates Street, Wheaton, Illinois 60187; and

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 January 23, 2024, and February 27, 2024 to consider the subdivision, lot width variation, and lot area variation requests; and the Planning and Zoning Board has recommended approval of the subdivision, lot width variation, and lot area variation requests.

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

Section 1: The following described property has been and continues to be zoned and classified in the R-1 Residential District zoning classification:

LOT 1 IN DI GIOIA'S CONSOLIDATION PLAT, A RESUBDIVISION OF LOTS 33 AND 34 IN BLOCK 8 IN FIRST ADDITION TO WHEATON PARK MANOR, BEING A SUBDIVISION IN SECTION 13, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE FRACTIONAL SECTION 18, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 21, 1988 AS DOCUMENT R88-026847, IN DUPAGE COUNTY, ILLINOIS.

P.I.N 05-18-300-017

The subject property is commonly known as 170 S. Bates Street, Road, Wheaton, IL 60187.

Section 2: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, the "Preliminary Plat of Subdivision" and the "Site Engineering Plan - 170 S. Bates Street", both prepared by Koziol Engineering and dated August 24, 2022 and revised February 5, 2024 are hereby approved, subject to the following conditions:

1. A variation is granted to Section 62-286 of the Wheaton City Code to waive the requirement to construct a City street light system along Bates Street.
2. A variation is granted to Section 62-280 of the Wheaton City Code to waive the requirement to construct the water and sanitary service stubs to the properties at the subdivision stage, allowing the services to be installed at the time of the individual lot construction.
3. New public sidewalks shall be constructed along the front of the subdivision on the west side of Bates Street connecting the existing sidewalk to the south of the subdivision.
4. A new concrete curb and gutter will be constructed along the front of the subdivision on the west side of Bates Street connecting to the curb and gutter to the south of the subdivision. The street will be repaved as needed to accommodate this improvement and additional stormwater drainage inlets added if warranted for proper drainage of the roadway.

Section 3: Pursuant to the Findings of Fact made and determined by the Wheaton Planning and Zoning Board, variations to Article 7.2.2a of the Wheaton Zoning Ordinance to allow lot areas for both proposed Lot 1 and 2 of approximately 8,000 square feet in lieu of the required 43,560 square feet; and variations to Article 7.4a of the Wheaton Zoning Ordinance to allow lot widths for both proposed Lot 1 and 2 of 50.0 feet in lieu of the required 125.0 feet are granted, in full compliance with the following plans: "Preliminary Plat of Subdivision", prepared by Koziol Engineering, Lisle, IL, sheet 1-1; and "Site Engineering Plan - 170 S. Bates Street" prepared by Koziol Engineering, Lisle, IL, sheets 1-2, dated August 24, 2022 and revised February 5, 2024, subject to the condition that the engineering plan shall be subject to additional staff review prior to the issuance of a site development permit.

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.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Barbier
Mayor Suess
Councilman Clousing
Councilwoman Robbins
Councilman Weller

Nays: None

Absent: Councilwoman Bray-Parker
Councilman Brown

Motion Carried Unanimously

Passed: March 4, 2024

Published: March 5, 2024

PRELIMINARY PLAT OF SUBDIVISION
FOR
AHISKA SUBDIVISION

BEING A PART OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 OF
THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

THIS PLAT HAS BEEN SUBMITTED
FOR RECORDING BY AND SET BY
CITY OF WHEATON
303 N. WESLEY STREET
WHEATON, IL 60187

NET NEW IMPROVEMENTS ON SITE DUE TO PREVIOUS
DEMOLITION = -2,884 SQ. FT.
NET NEW IMPROVEMENTS ASSIGNED TO LOT 1: 2,207.28 SF
NET NEW IMPROVEMENTS ASSIGNED TO LOT 2: 2,207.28 SF

TOTAL AREA OF SUBDIVISION
0.367 ACRES
16,000 S.F.
(MORE OR LESS)

SHEET 1 OF 1



20 10 0 20
SCALE: 1" = 20 FEET

PARCEL INDEX NUMBER
05-18-300-017
170 BATES STREET
WHEATON, ILLINOIS

LOT AREA SUMMARY
DIAGONAL LINES ENCLOSED IN () INDICATE RECORD
OR DEED DATA.
ALL EASEMENTS ARE HEREBY GRANTED UNLESS
OTHERWISE NOTED.
THE MEASURED BEARINGS SHOWN HEREON ARE BASED
UPON THE ILLINOIS STATE PLANE COORDINATE
SYSTEM 1983 (NAD 83).
F.T.M. = FOUND IRON PIPE
F.F.M. = FOUND IRON ROD
B.C.W. = BENT OR WENT
P.U. & D.E. = PUBLIC UTILITY & DRAINAGE
EASEMENT

LEGEND

- SUBDIVISION BOUNDARY LINE (Heavy Solid Line)
- LOT LINE/PROPERTY LINE (Thin Solid Line)
- ADJACENT LOT LINE/PROPERTY LINE (Thin Dashed Line)
- EASEMENT LINE/LIMITS OF EASEMENT (Thin Dashed Line)
- BUILDING LINE (Thin Solid Line)
- SET CONCRETE MONUMENT

NOTES

3/4 INCH IRON PIPE SET AT ALL LOT CORNERS
AND POINTS OF CURVATURE UNLESS OTHERWISE
NOTED.
ALL MEASUREMENTS ARE SHOWN IN FEET AND
DECIMAL FRACTIONS THEREOF.
ALL EASEMENTS ARE HEREBY GRANTED UNLESS
OTHERWISE NOTED.
THE MEASURED BEARINGS SHOWN HEREON ARE BASED
UPON THE ILLINOIS STATE PLANE COORDINATE
SYSTEM 1983 (NAD 83).
F.T.M. = FOUND IRON PIPE
F.F.M. = FOUND IRON ROD
B.C.W. = BENT OR WENT
P.U. & D.E. = PUBLIC UTILITY & DRAINAGE
EASEMENT

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
AND
HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY
AND HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE
PLAT HEREON DRAWN.
TO THE BEST OF THE OWNER'S KNOWLEDGE, THE PROPOSED SUBDIVISION LIES IN THE
BOUNDARIES OF HIGH SCHOOL DISTRICT _____ AND ELEMENTARY SCHOOL DISTRICT
_____, IN _____ COUNTY, ILLINOIS.
DATED THIS _____ DAY OF _____ A.D., 20____
OWNER _____ PRINTED NAME: _____
OWNER _____ PRINTED NAME: _____

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, _____ A NOTARY PUBLIC, IN THE COUNTY AND
STATE AFORESAID, DO HEREBY CERTIFY THAT

(TITLE)
AND

(TITLE)

OF _____ WHO ARE PERSONALLY KNOWN TO ME TO
BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF
OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE
EXECUTION OF THE FOREGOING INSTRUMENT AS HIS OR HER VOLUNTARY ACT AND
DEED, FOR THE PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND NOTARIAL SEAL

THIS _____ DAY OF _____, 20____

NOTARY PUBLIC

MY COMMISSION EXPIRES _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
THIS IS TO CERTIFY THAT I, JEFFREY R. PANKOW, ILLINOIS PROFESSIONAL LAND
SURVEYOR #3483 HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED
PROPERTY:

LOT 1 IN 21 000A'S CONSOLIDATION PLAT, BEING A RESUBDIVISION OF LOTS 33 AND 34
IN BLOCK 8 IN FIRST ADDITION TO WHEATON PARK MANOR BEING A SUBDIVISION
IN SECTION 13, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL
MERIDIAN, AND PART OF FRACTIONAL SECTION 16, TOWNSHIP 39 NORTH, RANGE 10
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED MARCH 21, 1988 AS DOCUMENT 888-028847, IN DUPAGE COUNTY,
ILLINOIS.

I FURTHER CERTIFY THAT THE PLAT HEREON DRAWN IS A CORRECT AND ACCURATE
REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN
U.S. FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT BASED ON REVIEW OF FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA) FLOOD INSURANCE RATE MAP PANEL NO. 1704502322 WITH AN
EFFECTIVE DATE OF AUGUST 1, 2019, IT IS MY OPINION THAT THE PROPERTY
DESCRIBED HEREON FALLS WITHIN ZONE X AS DESIGNATED AND DEFINED BY
F.E.M.A.

I FURTHER CERTIFY THAT THE PROPERTY SHOWN ON THE PLAT HEREON DRAWN IS
SITUATED WITHIN THE CORPORATE LIMITS OF THE CITY OF WHEATON, ILLINOIS, WHICH
IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 13 OF ARTICLE 11 OF
THE ILLINOIS MUNICIPAL CODE AS AMENDED.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ A.D., 20____



JEFFREY R. PANKOW
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3483
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2024
PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002337
EXPIRES APRIL 30, 2025

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS
WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART
THEREOF, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED,
REASONABLE PROVISIONS HAVE BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH
SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHEN THE SUBDIVISION HAS A
RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN
ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE
THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE
CONSTRUCTION OF THE SUBDIVISION.

DATED THIS _____ DAY OF _____ A.D., 20____

OWNER _____ ENGINEER _____

MY LICENSE EXPIRES ON _____

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____ COUNTY CLERK OF (DUPAGE) COUNTY, ILLINOIS, DO
HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID
FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND
INCLUDED IN THE ANNEXED PLAT.
I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION
WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL AT DUPAGE COUNTY, ILLINOIS, THIS _____ DAY
OF _____, 20____

COUNTY CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS INSTRUMENT
RECORDERS OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____
A.D., AT _____ O'CLOCK _____

RECORDER OF DEEDS

CITY ENGINEER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____ CITY ENGINEER OF WHEATON, ILLINOIS,
DO HEREBY CERTIFY THAT ALL REGULATIONS GOVERNING PLATS ADOPTED BY
THE CITY COUNCIL OF THE CITY OF WHEATON, ILLINOIS HAVE BEEN COMPLIED
WITH.

DATED AT WHEATON, ILLINOIS THIS _____ DAY OF _____ A.D., 20____

CITY ENGINEER

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
WHEATON, ILLINOIS THIS _____ DAY OF _____ A.D., 20____

MAYOR

CITY CLERK

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____ COLLECTOR FOR THE CITY
OF WHEATON, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT
OR UNPAID OR FORFEITED SPECIAL ASSESSMENTS ON ANY DEFERRED
INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST
THE TRACT OF LAND IN THE ANNEXED PLAT.

DATED AT WHEATON, ILLINOIS THIS _____ DAY OF _____ A.D., 20____

CITY COLLECTOR

PUBLIC UTILITY & DRAINAGE EASEMENT PROVISIONS

1. THE UTILITY EASEMENTS SHOWN WITHIN THE DOTTED LINES ON THIS
SUBDIVISION PLAT MARKED "P.U. & D.E." ARE HEREBY GRANTED, CONVEYED AND
DEDICATED TO THE CITY OF WHEATON ("GRANTEE"), AND ITS SUCCESSORS AND
ASSIGNS, JOINTLY AND SEVERALLY IN PERPETUITY, TO INSTALL, OPERATE,
MAINTAIN, TEST, INSPECT, REPAIR, RELOCATE, REPLACE, ALTER, REMOVE OR
ABANDON (AND ACTIVITIES HEREINAFTER COLLECTIVELY REFERRED TO AS
"INSTALLATIONS") FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH
PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISES WITH THE CITY OF
WHEATON, TOGETHER WITH RELATED ATTACHMENTS, EQUIPMENT AND
APPURTENANCES (HEREINUNDER, UNDER THE SURFACE OF THE PROPERTY ABOVE
DESCRIBED ("EASEMENT PREMISES"), TOGETHER WITH THE RIGHT TO INSTALL,
REPAIR, REPLACE, MAINTAIN, TEST, INSPECT, RELOCATE, ALTER, REMOVE OR
ABANDON SUCH FACILITIES UNDER THE SURFACE OF EACH LOT TO
SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, TOGETHER WITH ALL
REASONABLE RIGHTS OF INGRESS AND EGRESS ACROSS ANY ADJOINING LANDS
OWNED BY GRANTEE HEREINAFTER FOR THE EXERCISE OF THE RIGHTS HEREIN
GRANTED, ALL SUBJECT TO THE TERMS AND CONDITIONS HEREINAFTER SET
FORTH.

2. NO BUILDINGS OR PERMANENT STRUCTURES, EXCEPTING DRIVES, ROADS,
SIDEWALKS, SIGNAGE, AND LANDSCAPE MATERIALS, INCLUDING, WITHOUT
LIMITATION, SOIL, BUSHES, TREES AND FENCING, SHALL BE ERECTED OR
PLACED OVER FACILITIES PROTECTED AND LEGALLY LOCATED WITHIN THE
EASEMENT PREMISES. NOTHING CONTAINED IN THIS EASEMENT SHALL IN ANY
MANNER BE CONSTRUED TO PROHIBIT, LIMIT, OR IN ANY WAY RESTRICT
INGRESS AND EGRESS OVER AND ACROSS THE EASEMENT PREMISES AS FROM
TIME TO TIME DEEMED APPROPRIATE BY THE FEE TITLE HOLDER THEREOF.

3. UPON THE COMPLETION OF ANY INSTALLATION OR MAINTENANCE WITHIN
THE EASEMENT PREMISES, INCLUDING ANY ADJOINING PROPERTY ERECTED
THEREIN, THE GRANTEE, CARPENTRY OUT OR CAUSING TO BE CARPENTRY OUT
SUCH INSTALLATION SHALL REPLACE AND GRADE ALL TOPSOIL REMOVED,
BACDUPIL ALL TRENCHES WITH APPROVED MATERIALS, FURTHER, THE GRANTEE
SHALL NOT BE RESPONSIBLE TO RESTORE ANY FENCES, PAVEMENT,
LANDSCAPING, CURBS AND GUTTER, SIDEWALK OR OTHER PERMITTED
IMPROVEMENTS. THE GRANTEE SHALL HAVE THE RESPONSIBILITY TO RESTORE
ALL LANDSCAPING, FENCES, PAVEMENT, CURBS AND GUTTER AND SIDEWALK
IMPROVEMENTS THAT ARE DESTROYED OR ALTERED DURING THE INSTALLATION
OR MAINTENANCE OF SAID IMPROVEMENTS.

4. EACH GRANTEE, AND THEIR SUCCESSORS AND ASSIGNS, SHALL HAVE AND
HOLD THE FEE TITLE HOLDER OF THE EASEMENT PREMISES HARMLESS FROM
ALL DAMAGES, COSTS AND LIABILITIES SUFFERED OR INCURRED BY OR TO
DEATH OF ANY PERSON OR PERSONS ON DAMAGE TO PROPERTY, THAT MAY
ARISE OUT OF OR AS A CONSEQUENCE OF THE NEGLIGENCE OF THE GRANTEE,
ITS AUTHORIZED AGENTS, SERVANTS OR EMPLOYEES.

5. THE HOLDER OF FEE TITLE TO THE EASEMENT PREMISES, OR ANY
PORTION THEREOF, AND ANY ADJOINING PROPERTY, SHALL AT ALL TIMES HAVE
THE RIGHT TO USE THAT PORTION OF THE EASEMENT PREMISES AND SUCH
ADJOINING PROPERTY OWNED BY HIM IN ANY MANNER WHATSOEVER PROVIDED
SUCH USE DOES NOT VIOLATE ANY OF THE TERMS OR CONDITIONS OF THE
EASEMENT.

6. ALL RIGHTS, TITLE AND PRIVILEGES HEREIN GRANTED, INCLUDING ALL
BENEFITS AND BURDENS, SHALL RUN WITH THE LAND AND SHALL BE BINDING
UPON AND INURE TO THE BENEFIT OF THE FEE TITLE HOLDERS OF THE
EASEMENT PREMISES, THE GRANTEE, AND THEIR RESPECTIVE HEIRS,
EXECUTORS, ADMINISTRATORS, GRANTEES, SUCCESSORS, ASSIGNS AND LEGAL
REPRESENTATIVES.

PREPARED FOR:
KOZIOI ENGINEERING SERVICES
1621 OGDEN AVENUE
LISLE, IL 60532
630-435-8886

PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2380 Maple Oak Circle, Suite 100 Aurora, Illinois
60502-9675 P: 630.652.2100 F: 630.652.2159
E-Mail: ccm@cemcon.com Website: www.cemcon.com
DISC NO.: 8013015 FILE NAME: RESUR
DRAWN BY: SMR FLD, INC. / P.D. NO.: E-23/21-23
COMPLETION DATE: 6-7-2022 JOB NO.: 8013.0015
PROJECT REFERENCE:
CHECKED BY:
REVISIONS: 1-30-2024/AM PER CITY REVIEW

