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RESOLUTION R-01-08

A RESOLUTION APPROVING A PRELIMINARY PLAT OF SUBDIVISION 819 UNIVERSITY PLACE SUBDIVISION (BECHTOLD)

WHEREAS, application has been made to subdivide certain real estate within the City of Wheaton, IL ("City") legally described in this resolution and commonly known as 819 University Place, Wheaton, IL ("subject property"); and

WHEREAS, application has further been made to vary and modify the requirements of the City Subdivision Control Ordinance pertaining to the size of the residential lots to be created as the result of any proposed subdivision of the subject property; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and City Ordinances, a public hearing was conducted by the Wheaton Planning and Zoning Board on November 13, 2007 to consider the Preliminary Plat of Subdivision for the subject property; and

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Wheaton, Illinois, that pursuant to its Home Rule powers, as follows

Section 1. The City hereby makes and determines the following Findings of Fact:

- A. The proposed lots conform to the lot width and area requirements of the Zoning District in which they are located.
- B. The Owner/Developer has established that compliance with the provisions of the City Code, as recited in this ordinance, would cause unnecessary hardship to the Owner of the subject property if the City requires strict compliance with the subdivision control provisions of the City Code.

Section 2. Pursuant to the Findings of Fact recited in Section 1 of this Resolution, the following variances from the requirements of the City's Subdivision Control Regulations are granted as follows:

- A. **Section 62-212. Minimum residential lot area and frontage - Generally.**
A lot frontage of 68.85 feet, in lieu of 70 feet, is permitted for Lot 1.
- B. **Section 62-213. Minimum residential lot area and frontage - Corner lots.**
A lot area of 10,228.85 square feet, in lieu of the required minimum area of 12,000 square feet, and a lot frontage of 68.85 feet, in lieu of 90 feet, is permitted for Lot 2.
- C. **Section 62-286. Street lighting; Section 62-290. Pavement edging; and Section 62-288. Street pavement.** Due to the small size of the subdivision and the absence of street curb, gutter and street lights in the immediate surrounding area of the subdivision, no street lighting, street pavement improvement or street curb or gutter need be constructed within the Webster Street right-of-way.

Section 3. It is further resolved that the Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor and attach a certified copy of this resolution of approval to the Plat of Subdivision for the University Place Subdivision prepared by Stacey L. Ferguson, an Illinois Professional Land Surveyor, subject to the following conditions, restrictions, and requirements:

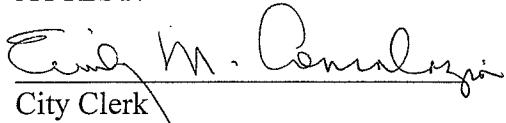
- A. The applicant shall install a sidewalk along University Place on the south property line of Lot 2.
- B. The plat of subdivision shall be revised to show Lot 1 and Lot 2 with the same width of approximately 68.85 feet and the same lot area of approximately 10,228.85 square feet.
- C. The house and driveway orientation for Lot 1 shall be reversed, so the driveways for Lot 1 and Lot 2 are closer together.
- D. The applicant shall investigate with the Engineering Department staff the extension of the Webster Street sanitary sewer south to serve Lot 1 or the extension of the University Place sanitary sewer north along Webster Street to serve both lots in the subdivision.
- E. The applicant shall extend a storm sewer service along the common property line of Lot 1 and Lot 2 to serve the new homes' sump pump discharges.
- F. In lieu of constructing public sidewalks along Webster Avenue the applicant shall donate the costs of installing public sidewalks pursuant to Section 58-74 of the City Code.

ADOPTED this 7th day of January, 2008.



Mayor

ATTEST:



Cindy M. Pennington
City Clerk

Roll Call Vote

Ayes: Councilman Levine
Councilman Mouhelis
Councilwoman Corry
Councilman Johnson
Mayor Gresk

Nays: Councilman Prendiville
Councilman Suess

Absent: None

Motion Carried