

**AGENDA**  
**CITY OF ST. CHARLES**  
**PLANNING & DEVELOPMENT COMMITTEE**  
**ALD. TODD BANCROFT – CHAIRMAN**  
**MONDAY, AUGUST 8, 2016 - 7:00 PM**  
**CITY COUNCIL CHAMBERS**  
**2 E. MAIN STREET**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. COMMUNITY & ECONOMIC DEVELOPMENT**
  - a. Recommendation to approve and execute a Release and Reimbursement Agreement between the City and SC Out Parcels One LLC c/o The Krausz Companies, Inc. (3710 Main Street, Cooper’s Hawk).
  - b. Recommendation to approve a Minor Change to PUD Preliminary Plan for Legacy Business Park PUD Lot 4 – 3545 Legacy Blvd.
  - c. Plan Commission recommendation to approve an Amendment to Special Use for PUD and PUD Preliminary Plan for First Street PUD Building #3.
  - d. Recommendation to approve an Amendment to the Redevelopment Agreement with First Street Development II, LLC regarding First Street PUD Building #3.
  - e. Recommendation to approve Change Orders to First Street Parking Deck Construction Costs.
  - f. Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Cityview, 895 Geneva Rd.
  - g. Plan Commission recommendation to approve a Special Use for Car Wash Facility for Wash-U Car Wash, Lot 3 Buona St. Charles Subdivision.
  - h. Plan Commission recommendation to approve a Map Amendment and Preliminary Plat of Subdivision for Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing Subdivision.
  - i. Recommendation to approve a Minor Change to PUD Preliminary Plan – 2701 E. Main St. (Dunkin’ Donuts).
  - j. Discussion on Beekeeping in Residential Districts.
- 4. ADDITIONAL BUSINESS**
- 5. EXECUTIVE SESSION**

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

**6. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS.**

**7. ADJOURNMENT**

	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>	
	Title:	Recommendation to Approve and Execute a Release and Reimbursement Agreement between the City and SC Out Parcels One LLC c/o The Krausz Companies, Inc. (3710 Main Street, Cooper's Hawk)
	Presenter:	Chris Bong, P.E.

*Please check appropriate box:*

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
X	Planning & Development (8/8/16)	<input type="checkbox"/>	City Council

Estimated Cost:	N/A	Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

**Executive Summary:**

The proposed Cooper's Hawk plan at the Charlestowne Mall Quad of St. Charles currently shows 3 locations where the proposed outdoor patio hardscape will be closer than the City Engineering Manual recommended 20 feet separation from existing City watermain. Providing the full 20 feet of separation from permanent structures creates a physical hardship for the development of the property as it essentially eliminates the possibility of the outdoor patios.

Of the areas in question, the northwest corner patio is our main concern as it has a steel "pergola" structure over the patio. In addition to the northwest corner, there are 2 other minor watermain separation concerns at the northeast and southeast building corners. Those 2 corners are included in this agreement as additional protection as those patios are only concrete hardscape without a pergola type structure.

We have worked with the applicant to find a practical solution that is agreeable to both the City and Developer. There is an engineering part of the solution; specifically the applicant has agreed to shift a short segment of the watermain so that 10 feet of separation is provided from the northwest patio corner.

The item currently up for consideration is the legal part of the solution, namely that the Developer will provide a Release and Reimbursement Agreement to protect the City from any future damages to the Developer's building and/or the City's watermain as a result of providing less than 20 feet of separation at these 3 locations. Staff has worked with the City's legal counsel to draft this agreement.

**Attachments:** *(please list)*

- Resolution
- Release and Reimbursement Agreement
- Plan Exhibit Overall Plan and Northwest Corner

**Recommendation / Suggested Action** *(briefly explain):*

Staff recommends approval and execution of the resolution for a Release and Reimbursement Agreement between the City and SC Out Parcels One LLC c/o The Krausz Companies, Inc.

<i>For office use only:</i>	<i>Agenda Item Number:</i> 3a
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**City of St. Charles, Illinois**  
**Resolution No. \_\_\_\_\_**

**A Resolution to Approve and Execute a Release and Reimbursement Agreement between the City and SC Out Parcels One LLC c/o The Krausz Companies, Inc. (3710 Main Street, Cooper's Hawk)**

**Presented & Passed by the City Council on \_\_\_\_\_**

BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois to approve and execute the Release and Reimbursement Agreement between the City and SC Out Parcels One LLC c/o The Krausz Companies, Inc. attached heartho.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 15<sup>th</sup> day of August 2016.

PASSED by the City Council of the City of St. Charles, Illinois, this 15<sup>th</sup> day of August 2016.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 15<sup>th</sup> day of August 2016.

\_\_\_\_\_  
Raymond Rogina, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

**RELEASE AND REIMBURSEMENT AGREEMENT**

**THIS RELEASE AND REIMBURSEMENT AGREEMENT**, entered into this \_\_\_\_ day of July, 2016 by and between the **CITY OF ST. CHARLES, Kane and DuPage Counties, Illinois, a Municipal Corporation** (hereinafter "City"), and **SC OUT PARCELS ONE LLC**, a Delaware limited liability company, (hereinafter "Developer"),

**WITNESSETH:**

**WHEREAS**, the Developer has received approval from the City to develop a 11,300 square foot building and associated hardscape (the "Building") on The Quad Unit 2, Lot 1 located at 3710 Main Street, St. Charles, Illinois (the "Site"); and,

**WHEREAS**, the Developer has submitted plans to the City detailing the location of the Building on the Site; and,

**WHEREAS**, the utility plans submitted to the City (as attached hereto as Exhibit "A"), depict the location of the proposed Building and the 3 locations of City water main at the northwest, northeast and southeast corners of the building as of the date of this agreement (the "WM"); and,

**WHEREAS**, the City of St. Charles' Engineering Design and Inspection Policy Manual (the "Policy Manual") recommends that "Water appurtenances shall be a minimum of (20) feet from permanent structures;" (See attached portion of Policy Manual, attached hereto as Exhibit "B"); and,

**WHEREAS**, the Developer, through its agent, has requested that it be permitted to deviate from the Policy Manual and construct the Building within (10) feet of the WM, (as depicted on Exhibit "A"); and,

**WHEREAS**, the City requires that the Developer provide this Agreement in consideration for the City allowing the Developer to construct the Building closer than twenty (20) feet from the WM.

**NOW THEREFORE**, in fulfillment of the obligations agreed upon by the Developer and the City, the parties are agreed as follows:

1. Recitals. The preceding paragraphs are deemed by the parties to constitute affirmative representations of fact intended by each of the parties to be relied on by the other, and those representations are incorporated and included within the terms of this Agreement.

2. Release. Developer hereby releases the City, its officers, employees, agents, successors and assigns (the "Released Parties") from any and all claims, demands, judgments, penalties, liabilities, costs, damages and expenses for injury to persons or damage to property ("Claims") that Developer has against the City that are caused by or arise out of a break of the WM or any excavation work performed by the City to repair the WM, to the extent that the Claims were caused solely by, result solely from or arise solely out of the fact that the Building is closer to the WM than the distance recommended in the current version of the Policy Manual. This Release does not extend to Claims incurred by Developer as a result of the negligence or willful acts of the Released Parties.

3. Reimbursement. If Developer damages the WM during the construction of the Building, and the damage was caused solely due to the fact that the Building is closer to the WM than the distance recommended in the current version of the Policy Manual, then Developer will reimburse the City for all of the City's reasonable out-of-pocket expenses incurred in repairing the damage to the WM promptly after receipt of written notice from the City together with an invoice or other documentation identifying the expenses incurred by the City.

4. Attorneys' Fees and Costs. In the event of any action or proceeding is filed concerning the terms of this Agreement, then the prevailing party shall be entitled to collect all its costs associated with the action or proceeding, including, but not limited to, its reasonable attorneys' fees and court costs.

5. Waiver and Amendments. This Agreement may only be waived, modified, amended, Terminated or discharged in writing signed by the parties hereto. A waiver so signed shall be effective only for the specific purpose set forth therein.

6. Arbitration. Disputes regarding this Agreement shall be submitted to binding arbitration before one single arbitrator of the American Arbitration Association (AAA) in Chicago, Illinois in accordance with its Commercial Arbitration Rules. The fees and costs of the AAA shall be

Shared equally by the parties. In the event a party files a suit to enforce any award in arbitration, such action shall be filed and venue shall be in the Circuit Court for the Sixteenth Judicial Circuit, Kane County, Illinois.

7. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the Developer and the City and their respective successors and assigns.

8. Choice of Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Illinois.

9. Notices. Any notice, demand or request which may be permitted, required or desired to be given in connection herewith shall be given in writing and directed to Developer and the City of St. Charles as follows:

Developer:

SC Out Parcels One LLC  
c/o The Krausz Companies, Inc.  
44 Montgomery Street, Suite 3300  
San Francisco, CA 94104

With a copy to its manager:

IEQ Management Inc.  
300 Delaware Avenue, Suite 210  
Wilmington, DE 19801  
Attention: Daniel W. Krausz

City of St. Charles:

The City of St. Charles  
2 East Main Street  
St. Charles, Illinois 60174  
(630) 377-4400 (phone)  
(630) 377-4440 (fax)

With a copy to its attorneys:

John M. McGuirk  
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.  
1001 East Main Street, Suite G  
St. Charles, IL 60174  
(630) 513-8700 (phone)  
(630) 513-8799 (fax)

*[The signature page follows]*

IN WITNESS WHEREOF the parties have hereunto set their hands and seals on the day, month and year first above written.

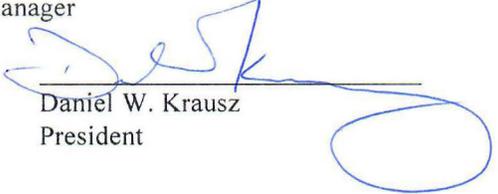
**CITY OF ST. CHARLES of Kane and DuPage  
Counties, Illinois, a Municipal Corporation**

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk

**SC OUT PARCELS ONE LLC,**  
a Delaware limited liability company

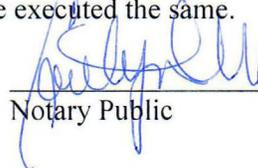
By: IEQ Management Inc.  
a Delaware corporation  
its Manager

By:   
Daniel W. Krausz  
President

After recording, return to:  
The City of St. Charles  
2 East Main Street  
St. Charles, IL 60174

STATE OF DELAWARE )  
 )ss.  
COUNTY OF NEW CASTLE )

On the 8<sup>th</sup> day of July 2016, personally appeared before me Daniel W. Krausz, the signer of the within instrument, who duly acknowledged to me that he executed the same.

  
\_\_\_\_\_  
Notary Public

**CAITLYN BROWN**  
**Notary Public**  
**STATE OF DELAWARE**

My Commission Expires:  
July 8, 2017

SEAL **My Commission Expires 07-08-2017**

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF )

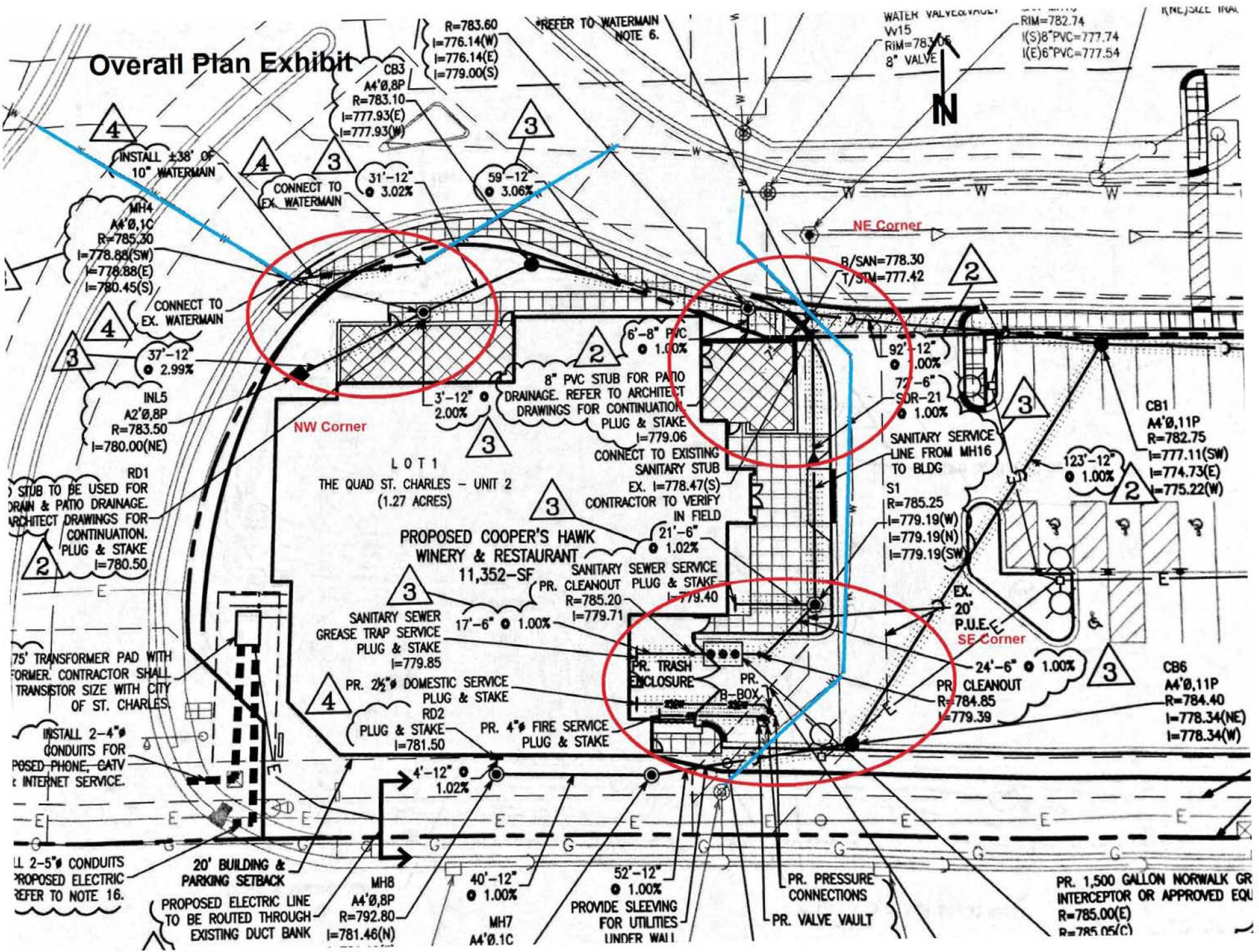
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Raymond Rogina, personally known to me to be the Mayor of the City of St. Charles, a municipal corporation and Nancy Garrison, personally known to me to be the City Clerk of the City of St. Charles, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk of said corporation they caused their signatures to be affixed thereto, and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by the Council of the City of St. Charles as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016

\_\_\_\_\_  
NOTARY PUBLIC

SEAL

# Overall Plan Exhibit



LOT 1  
THE QUAD ST. CHARLES - UNIT 2  
(1.27 ACRES)

PROPOSED COOPER'S HAWK  
WINERY & RESTAURANT  
11,352-SF

INSTALL 1.38' OF  
10" WATERMAIN

RD1  
STUB TO BE USED FOR  
DRAIN & PATIO DRAINAGE.  
ARCHITECT DRAWINGS FOR  
CONTINUATION.  
PLUG & STAKE  
I=780.50

75' TRANSFORMER PAD WITH  
FORMER. CONTRACTOR SHALL  
TRANSFORMER SIZE WITH CITY  
OF ST. CHARLES

INSTALL 2-4" Ø  
CONDUITS FOR  
PROPOSED PHONE, CATV  
& INTERNET SERVICE.

INSTALL 2-5" Ø CONDUITS  
PROPOSED ELECTRIC  
REFER TO NOTE 16.

20' BUILDING &  
PARKING SETBACK  
PROPOSED ELECTRIC LINE  
TO BE ROUTED THROUGH  
EXISTING DUCT BANK

MH8  
A4' Ø, 8P  
R=792.80  
I=781.46(N)

MH7  
A4' Ø, 1C

PROVIDE SLEEVING  
FOR UTILITIES  
UNDER WALL

PR. PRESSURE  
CONNECTIONS  
PR. VALVE VAULT

PR. 1,500 GALLON NORWALK GR  
INTERCEPTOR OR APPROVED EQUIV.  
R=785.00(E)  
I=785.05(C)

R=783.60  
I=776.14(W)  
I=776.14(E)  
I=779.00(S)

CB3  
A4' Ø, 8P  
R=783.10  
I=777.93(E)  
I=777.93(W)

WATER VALVE VAULT  
W15  
RIM=783.06  
8" VALVE

RIM=782.74  
I(S)8" PVC=777.74  
I(E)6" PVC=777.54

NE Corner

B/SAN=778.30  
T/STM=777.42

NW Corner

SE Corner

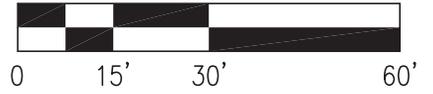
REFER TO WATERMAIN  
NOTE 6.

(R/E) SIZE TRAIL

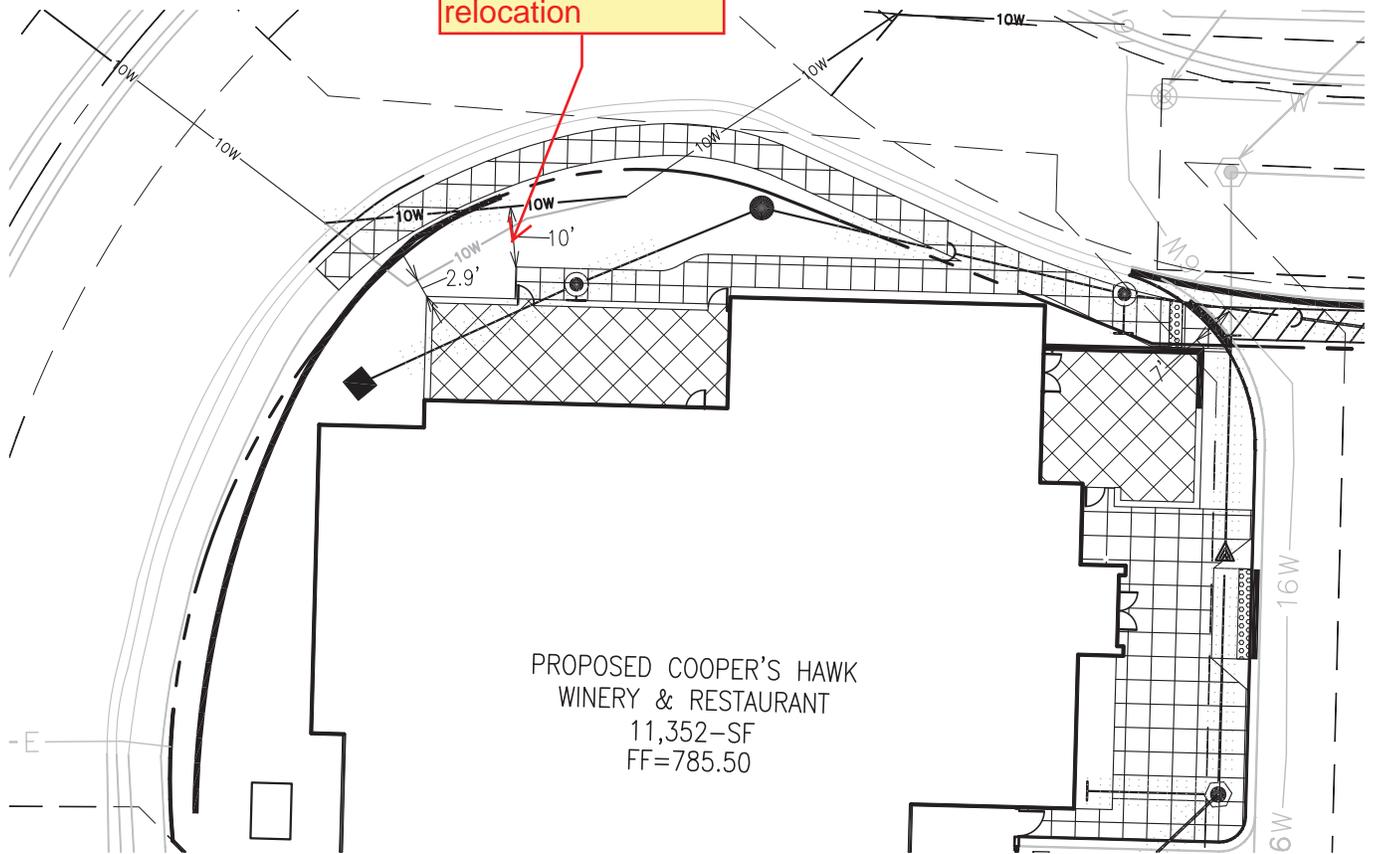
# NORTHWEST PATIO EXHIBIT



GRAPHIC SCALE 1" = 30'



NW corner of building with proposed watermain relocation



**JACOB & HEFNER ASSOCIATES**

1910 S. Highland Avenue, Suite 100, Lombard, IL 60148  
 PHONE: (630) 652-4600, FAX: (630) 652-4601  
 www.jacobandhefner.com

PROJECT NAME:	THE QUAD - COOPER'S HAWK		
CLIENT NAME:	SC OUT PARCEL ONE		
LOCATION:	ST. CHARLES, IL		
DATE PREPARED:	6/8/16		
SHEET:	EX1	JOB NO.:	F021c



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve a Minor Change to PUD Preliminary Plan for Legacy Business Park PUD Lot 4 – 3545 Legacy Blvd.
Presenter:	Ellen Johnson

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – 8/8/16		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES	NO	
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Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

Dan Dewalt, applicant, is proposing to develop Lot 4 of the Legacy Business Park with a new 6,400 sf industrial building for his business, Best Cabinets. Development of the property was approved under the Legacy Business Center of St. Charles PUD, Ordinance No. 2006-Z-3.

The applicant is proposing to modify the PUD Preliminary Plan approved for Lot 4, including changes to the site plan, landscaping plan, and architectural elevations. Approval of a Minor Change to PUD Preliminary Plan is required to permit the proposed changes. The modifications are necessary to accommodate a smaller building than originally planned for the site, as well as to reflect changes to the lot layout reflected on the Final Plat of Subdivision and Final Engineering plans after the PUD Preliminary Plan was approved. These changes include relocation of the curb cut to the opposite side of the lot and an ingress/egress easement that runs through the property.

Staff has reviewed the submitted plans and determined that the proposal complies with all applicable standards of the Legacy Business Center PUD Ordinance and Zoning Ordinance.

**Attachments:** *(please list)*

Application for Minor Change, Aerial photo, Plan documents, Site/Landscape Plan approved under Ordinance No. 2006-Z-3

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve a Minor Change to PUD Preliminary Plan for Legacy Business Park PUD Lot 4, 3545 Legacy Blvd.

<i>For office use only:</i>	<i>Agenda Item Number:</i> 3b
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**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**MINOR CHANGE TO PUD APPLICATION**

<b>For City Use</b>	
Project Name:	<u>Legacy Bus. Center - Lot 4</u>
Project Number:	<u>2016</u> -PR- <u>009</u>
Application No.	<u>2016</u> -AP- <u>024</u>

Received Date  
**RECEIVED**  
**St. Charles, IL**  
  
**JUL 18 2016**  
**CDD**

**Planning Division**

*Instructions:*

*A Minor Change to PUD is one that modifies an approved PUD Preliminary Plan in a manner that complies with all standards of the Special Use for PUD Ordinance applicable to the property and meets the definition of a Minor Change as contained either in Section 17.04.430 of the Zoning Ordinance or the Special Use for PUD Ordinance.*

*To request approval of a Minor Change, complete this application and submit it with all required attachments to the Planning Division. When the application is complete, City staff will schedule a review by the Planning and Development Committee of the City Council. The Committee's recommendation will be forwarded to the City Council for final action.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location: Lot 4 Legacy Business Center	
	Parcel Number (s): 09-36-329-003	
	PUD Name: Legacy Business Center PUD	
<b>2. Applicant Information:</b>	Name Dan Dewalt	Phone (773)416-0300
	Address 5N557 Paddock Ln. St. Charles, IL 60175	Fax (312)492-9601
		Email danncd@yahoo.com
<b>3. Record Owner Information:</b>	Name Chicago Assets Protection, LLC; Alex Bratu	Phone (773)229-0022
	Address 6945 W. Archer Ave. Chicago, IL 60638	Fax (773)229-9190
		Email AlexBratu@usa.com

**Information for proposed Minor Change:**

Name of PUD: Legacy Business Center

PUD Ordinance Number: 2006-Z-3

Ord. or Resolution(s) that approved the current plans: 2006-Z-3

**Identify Specific PUD Plans to be changed:**

- Site/Engineering Plan
- Landscape Plan
- Architectural Elevations
- Signs
- Other plans: \_\_\_\_\_

**Description of Proposed Changes:**

Change site layout to accommodate a smaller building than planned for this lot and to reflect changes to the lot layout approved on the Final Plat of Subdivision and Final Engineering plans which are not reflected on the PUD Preliminary Plan.

**Attachment Checklist:**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance. (\$200)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

❑ **PROOF OF OWNERSHIP and DISCLOSURE:**

- a) a current title policy report; or
- b) a deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper

❑ **PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

❑ **COVER LETTER:** Letter describing the proposed minor change requested, why it is necessary, and how it is different from the currently approved plan.

❑ **PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

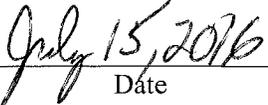
Please contact the Planning Division to determine if full size copies of plans are needed. For simple applications, provide one full scale plan set, three (3) 11" x 17" copies (in color if applicable), and a PDF file on CD-ROM or emailed to the Project Manager.

**Plans shall include the following, depending on the scope of the proposed Minor Change:**

- Site Plan indicating location of proposed change.
- For changes to site/engineering plans, show existing/approved and proposed site/engineering plan changes.
- For changes to architectural elevations, show existing/approved and proposed building design, color and materials.
- For changes to landscaping, show approved and proposed plans, indicate species and quantities of plant material to replace existing/approved materials.
- Additional information may be necessary depending on the specific change proposed.

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**





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Record Owner

Date

Applicant or Authorized Agent

Date

**OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)**

STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

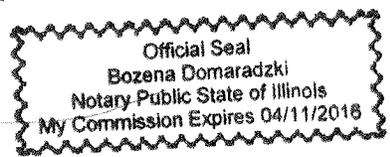
I, ALEX BRATU, being first duly sworn on oath depose and say that I am  
Manager of CHICAGO ASSETS PROTECTION, LLC, an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

- TOM MIKOWSKI \_\_\_\_\_
- ALEX BRATU \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

By: , Manager

Subscribed and Sworn before me this 31<sup>ST</sup> day of  
MARCH, 20 16.

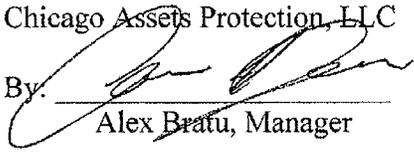
  
Notary Public



LETTER OF AUTHORIZATION BY OWNER

Chicago Assets Protection, LLC, an Illinois Limited Liability Company, the property owner of the real estate legally described as Lot 4 of Legacy Business Center of St. Charles Subdivision in the City of St. Charles, Kane County, Illinois ("Subject Property") hereby authorizes Dan Dewalt as applicant to file a Minor Change to PUD Application with the City of St. Charles for the Subject Property.

Chicago Assets Protection, LLC

By. 

Alex Bratu, Manager

Dated: 7-25-2016

# PLAT OF SURVEY

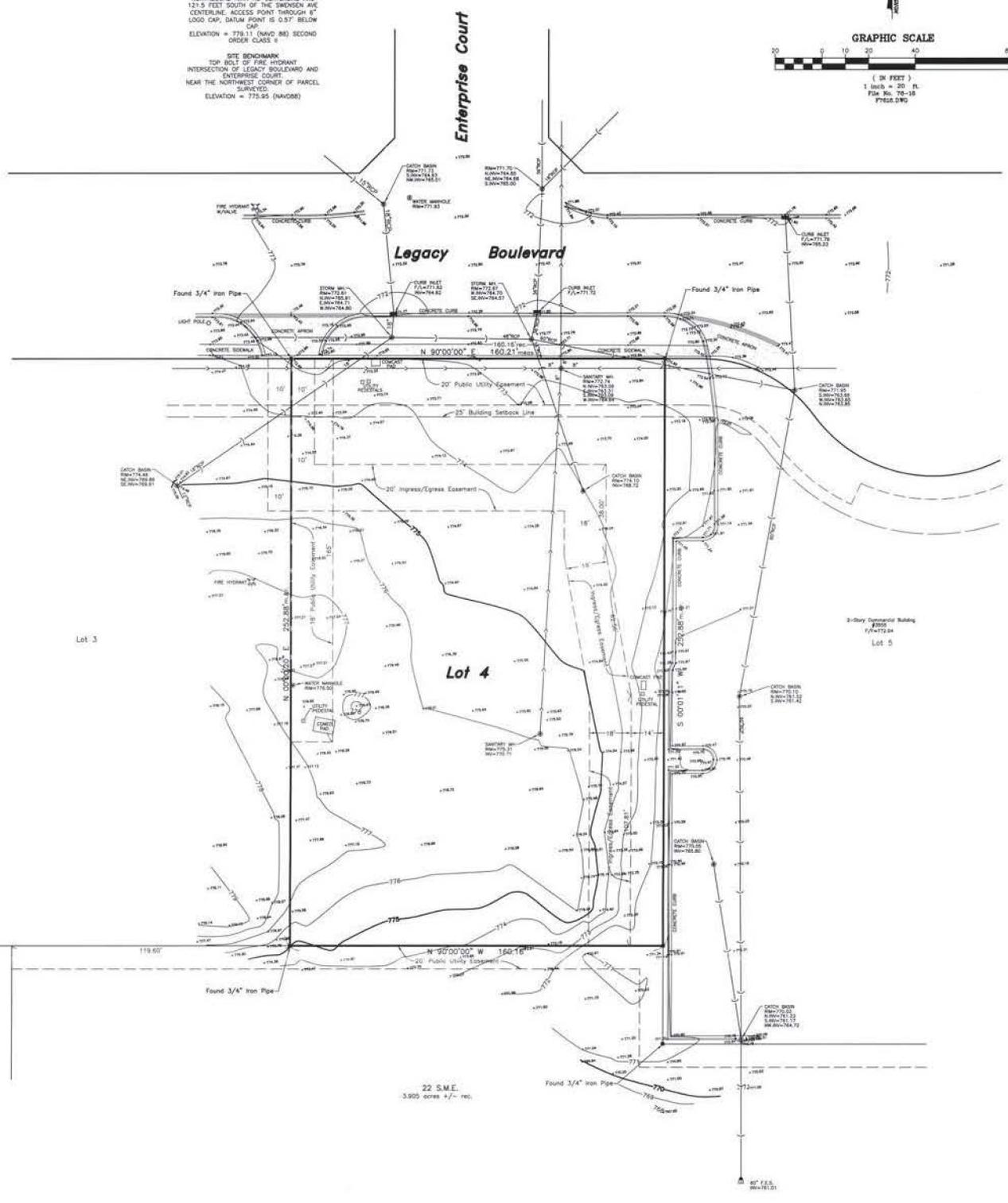
OF  
 LOT 4 OF LEGACY BUSINESS CENTER OF ST. CHARLES SUBDIVISION,  
 PART OF THE SOUTHWEST AND NORTHWEST QUARTERS OF SECTION  
 36, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL  
 MERIDIAN IN THE CITY OF ST. CHARLES, HANCOCK COUNTY, ILLINOIS.  
 THE PREMISES COMMONLY KNOWN AS:  
 2545 LEGACY BOULEVARD, SAINT CHARLES, IL 60174  
 PARCEL AREA = 40,510 S.F.  
 PIN: 09-36-329-005

Lot 10

**SOURCE BENCHMARK**  
 VILLAGE OF SAINT CHARLES  
 STATION S. KANE 36 45 08  
 NORTH OF PARCEL SURVEYED.  
 LOCATED 54.5 FEET EAST OF THE  
 NORTHBOUND MAIN RD CENTERLINE AND  
 121.5 FEET SOUTH OF THE SWIMMER AVE  
 CENTERLINE. ACCESS POINT THROUGH #7  
 6000 CAP. DIALM POINT IS 0.57' BELOW  
 CAP.  
 ELEVATION = 778.13 (NAVD 88) SECOND  
 ORDER CLASS 8

**SITE BENCHMARK**  
 TOP BOLT OF FIRE HYDRANT  
 INTERSECTION OF LEGACY BOULEVARD AND  
 ENTERPRISE COURT.  
 NEAR THE NORTHWEST CORNER OF PARCEL  
 SURVEYED.  
 ELEVATION = 778.55 (NAVD88)

Lot 6



Lot 3

Lot 4

Lot 5

22 S.M.E.  
 3,905 acres +/- ac.

STATE OF ILLINOIS  
 COUNTY OF LAKE S.S.

I, **BRYAN J. LEE**, AN ILLINOIS PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SURVEYED AND STAKED THE LAND AS DESCRIBED IN THE ABOVE CAPTION. ANY STRUCTURES SHOWN HEREON WERE LOCATED BY ME OR UNDER MY DIRECTION AND THE PLAT SHOWN HEREON IS A CORRECT REPRESENTATION OF SAID SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED AT GRAYSLAKE, ILLINOIS THIS 06 DAY OF JUNE, A.D. 20 18

*Bryan J. Lee*  
 ILLINOIS PROFESSIONAL LAND SURVEYOR 35-3618  
 MY LICENSE EXPIRES 11-30-18  
 PROFESSIONAL DESIGN FIRM NO. 184-022732



FIELDWORK COMPLETED: 06-06-2018  
 CLIENT NAME: Erikson Engineering  
 ADDRESS: 145 Commerce Drive Suite #8  
St. Charles, IL 60188

NOTES:  
 PLAT IS VOID if not impressed Surveyors seal does not appear.  
 Only those Building Lines or Easements shown on a Recorded Subdivision Plat or from a Recorded Document are shown hereon; check local ordinances before building.  
 Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

**R.E. ALLEN AND ASSOCIATES, LTD.**  
 PROFESSIONAL LAND SURVEYORS  
 1015 N. CORPORATE CIRCLE, SUITE C  
 GRAYSLAKE, ILLINOIS 60030  
 PHONE: 847-223-0914 FAX: 847-223-0980



# City of St. Charles, Illinois

Two East Main Street St. Charles, IL 60174-1984  
Phone: 630-377-4400 Fax: 630-377-4440 - www.stcharlesil.gov

## Lot 4 - Legacy Business Center

RAYMOND ROGINA *Mayor*

MARK KOENEN *City Administrator*



Data Source:  
City of St. Charles, Illinois  
Kane County, Illinois  
DuPage County, Illinois  
Projection: Transverse Mercator  
Coordinate System: Illinois State Plane East  
North American Datum 1983  
Printed on: July 29, 2016 09:56 AM



0 167 333 Feet

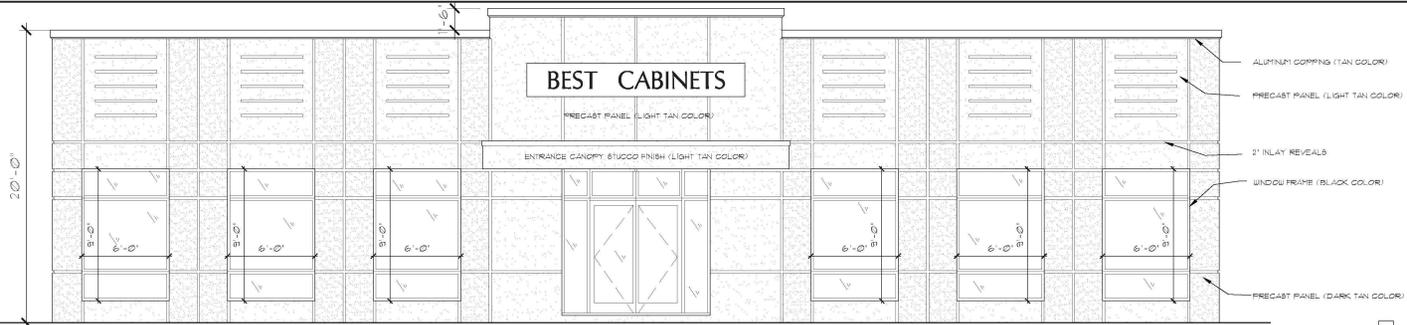
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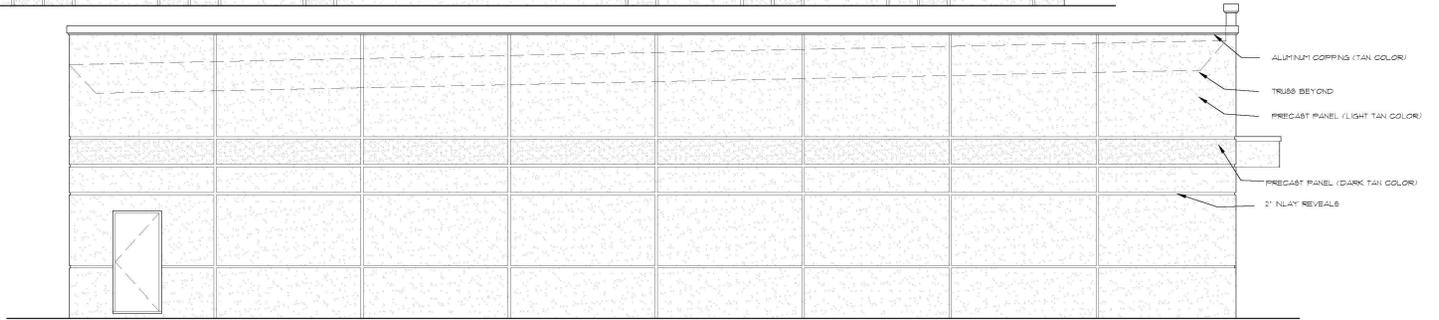
**NORTH ELEVATION**

1/4" = 1'-0"



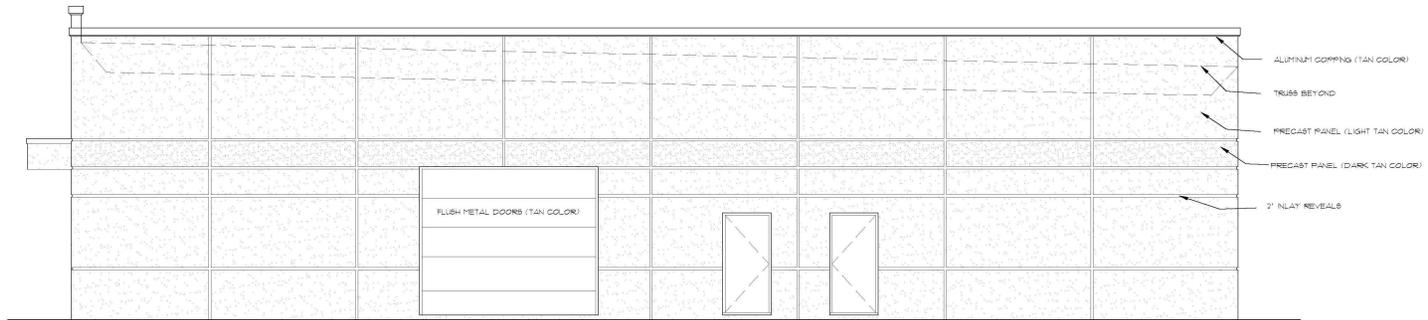
**EAST ELEVATION**

1/4" = 1'-0"



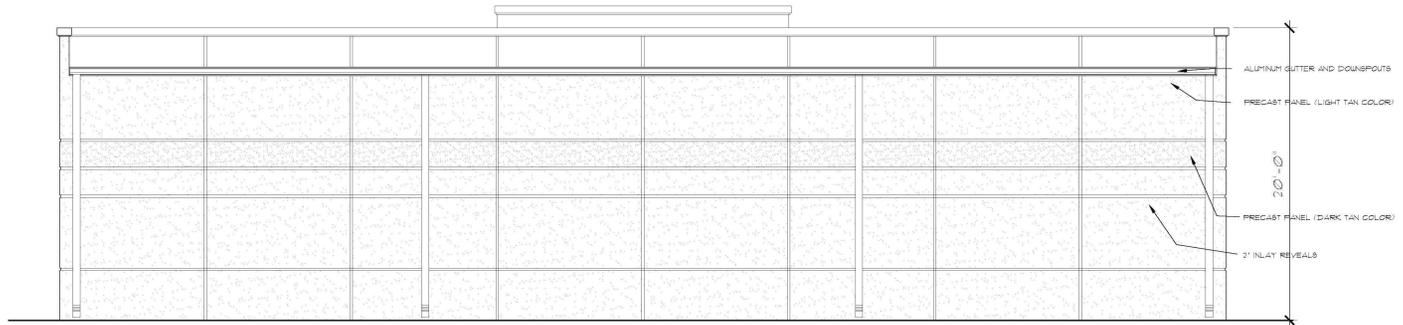
**WEST ELEVATION**

1/4" = 1'-0"

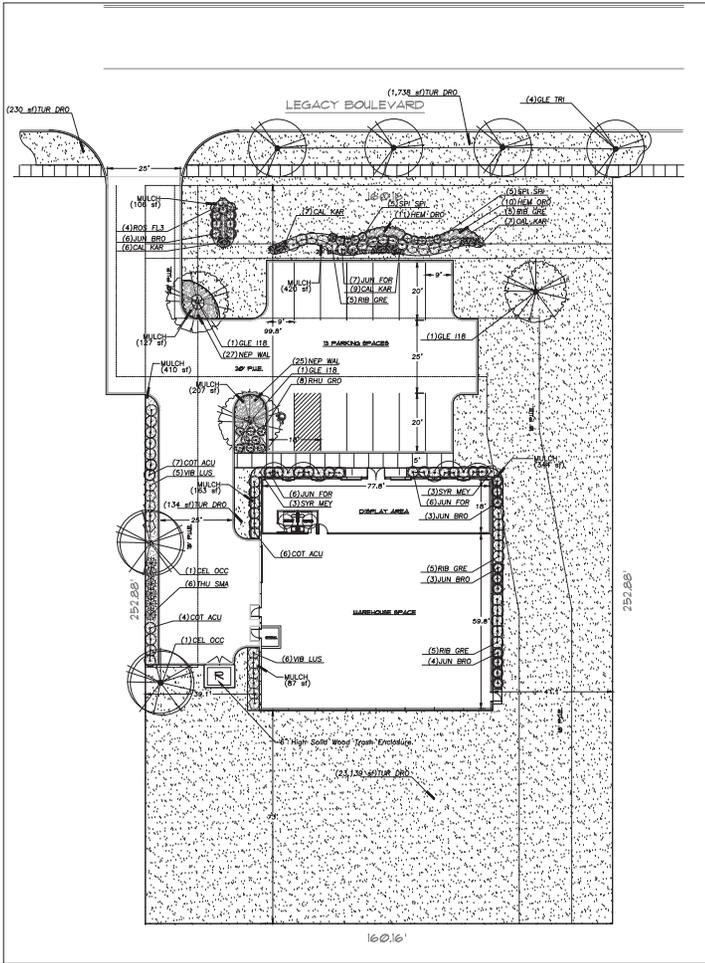


**SOUTH ELEVATION**

1/4" = 1'-0"



<b>ARCHITECT IDENTIFICATION</b> PSENKA ARCHITECTS INC. ARCHITECTS - PLANNERS - INTERIORS 1000 W. WASHINGTON ST. SUITE 100 ST. CHARLES, ILLINOIS 62206 TEL: 618.339.1100 FAX: 618.339.1101	<b>COMPILED BY</b> P.F.P.	<b>DATE</b> 12/14/11	<b>ISSUE DATES</b> 12/14/11 12/14/11 12/14/11
<b>SITE PLAN</b> A NEW WAREHOUSE / DISPLAY BUILDING FOR BEST CABINETS LOT 4, LEGACY BUSINESS CENTER OF ST. CHARLES ST. CHARLES, ILLINOIS	<b>JOB NO.</b> P.F.P.	<b>DESIGNED BY</b> P.F.P.	<b>APPROVED BY</b> P.F.P.
<b>SHEET NO.</b> A-3	<b>SHEET 3 OF 3</b>		

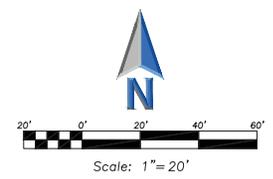


**PLANT SCHEDULE**

CATEGORY	BOTANICAL NAME / COMMON NAME	COND.	SIZE	QTY.	
CANOPY TREES	CEL OCC	B & B	2.5" CAL	2	
	GLE 118	B & B	2.5" CAL	3	
EXISTING TREES	GLE TRI	EXISTING	EXISTING	4	
	GLE TRI	EXISTING	EXISTING	4	
DECIDUOUS SHRUBS	COT ACU	B & B	36" HT.	17	
	RHU GRO	B & B	24" HT.	8	
	RIB GRE	B & B	30" HT.	20	
	ROS FL3	#5	24" SPREAD	4	
	SPI SP	B & B	24" HT.	10	
	STR MEY	B & B	30" HT.	6	
	VB LUS	B & B	36" HT.	11	
	EVERGREEN SHRUBS	BOTANICAL NAME / COMMON NAME	COND.	SIZE	QTY.
	JUN FOR	JUNIPERUS CHINENSIS 'SEA GREEN' / SEA GREEN JUNIPER	B & B	24" SPREAD	19
	JUN BRO	JUNIPERUS SABINA 'BROADMOOR' / BROADMOOR JUNIPER	B & B	24" SPREAD	16
TRU SMA	TRILIA OCCIDENTALIS 'SMARAGO' / EMERALD GREEN ARBORVITAE	B & B	48" HT.	6	
GRASSES	BOTANICAL NAME / COMMON NAME	COND.	SIZE	QTY.	
	CAL KAR	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER' / FEATHER REED GRASS	CONT.	1 GAL.	29
GROUND COVERS	BOTANICAL NAME / COMMON NAME	COND.	SIZE	QTY.	
	NEM ORO	HEMEROCALLIS X 'STELLA DE ORO' / STELLA DE ORO DAULIY	CONT.	#1	21
	NEP WAL	NEPETA X FASSENI 'WALKERS LOW' / WALKERS LOW CATMINT	CONT.	#1	52
	TURF SEED / DROUGHT TOLERANT DWARF FESCUE BLEND	SEED	S.F.	25,241 SF	

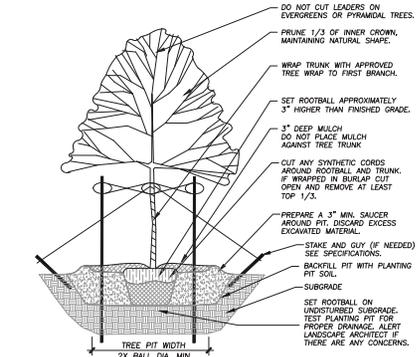
**LANDSCAPE NOTES**

- PLANT QUALITIES SHOWN IN THE PLANT SCHEDULE ARE FOR CONVENIENCE ONLY. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING AND INSTALLING ALL MATERIALS SHOWN ON THE PLAN AND SHOULD NOT RELY ON THE PLANT SCHEDULE FOR DETERMINING QUALITIES.
- ALL PLANT MATERIALS SHALL BE NURSERY GROWN STOCK AND SHALL BE FREE FROM ANY DEFECTS, DISEASES OR INSECT DAMAGE. ANY MATERIALS WITH DAMAGED OR CROOKED/DISFOURD LEADERS, BARK ABRASION, SUNSCALD, INSECT DAMAGE, ETC. ARE NOT ACCEPTABLE AND WILL BE REJECTED. TREES WITH MULTIPLE LEADERS WILL BE REJECTED UNLESS CALLED OUT IN THE PLANT SCHEDULE AS MULTI-STEM.
- ALL LANDSCAPE IMPROVEMENTS SHALL MEET MUNICIPALITY REQUIREMENTS AND GUIDELINES, WHICH SHALL BE VERIFIED BY MUNICIPAL AUTHORITIES.
- ALL PLANTING OPERATIONS SHALL BE COMPLETED IN ACCORDANCE WITH STANDARD HORTICULTURAL PRACTICES. THIS MAY INCLUDE, BUT NOT BE LIMITED TO, PROPER PLANTING BED AND TREE PIT PREPARATION, PLANTING MIX, PRUNING, STAKING AND GUTTING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE OF MATERIALS DURING CONSTRUCTION ACTIVITIES.
- ALL PLANT MATERIALS SHALL BE INSPECTED AND APPROVED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. ANY MATERIALS INSTALLED WITHOUT APPROVAL MAY BE REJECTED.
- THE CONTRACTOR SHALL GUARANTEE PLANT MATERIALS FOR A PERIOD OF ONE YEAR FROM DATE OF ACCEPTANCE BY OWNER. THE CONTRACTOR SHALL OUTLINE PROPER MAINTENANCE PROCEDURES TO THE OWNER AT THE TIME OF ACCEPTANCE. DURING THE GUARANTEE PERIOD, DEAD OR DISEASED MATERIALS SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE GUARANTEE PERIOD THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ANY EXISTING TREES TO BE RETAINED SHALL BE PROTECTED FROM SOIL COMPACTION AND OTHER DAMAGES THAT MAY OCCUR DURING CONSTRUCTION ACTIVITIES BY ERECTING FENCING AROUND SUCH MATERIALS AT A DISTANCE OF 8.5' FROM THE TRUNK.
- ALL GRASS, CLUMPS, OTHER VEGETATION, DEBRIS, STONES, ETC., SHALL BE RAKED OR OTHERWISE REMOVED FROM PLANTING AND LAWN AREAS PRIOR TO INITIATION OF INSTALLATION PROCEDURES.
- THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ALL UNDERGROUND UTILITIES PRIOR TO INITIATING PLANTING OPERATIONS. THE CONTRACTOR SHALL REPAIR/REPLACE AND UTILITY, PAVING, CURBING, ETC., WHICH IS DAMAGED DURING PLANTING OPERATIONS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF ANSI Z60.1, AMERICAN STANDARDS FOR NURSERY STOCK, BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION.
- REFER TO PLAT OF SURVEY FOR LEGAL DESCRIPTION, BOUNDARY DIMENSIONS AND EXISTING CONDITIONS.
- ALL PLANT MATERIAL ON THIS PLANTING PLAN REPRESENTS THE INTENTION AND INTENSITY OF THE PROPOSED LANDSCAPE MATERIAL. THE EXACT SPECIES AND LOCATIONS MAY VARY IN THE FIELD DO TO MODIFICATIONS IN THE SITE IMPROVEMENTS AND THE AVAILABILITY OF PLANT MATERIAL AT THE TIME OF INSTALLATION. ANY SUCH CHANGES MUST FIRST BE APPROVED BY THE VILLAGE IN WRITING.
- ALL PLANT MATERIAL SHALL BE PLANTED WITH A MINIMUM OF SIX INCHES OF ORGANIC SOIL AND MULCHED WITH A SHREDED BARK MATERIAL TO A MINIMUM 3" DEPTH.
- ALL BEDS SHALL BE EDGED, HAVE WEED PREEMERGERS APPLIED AT THE RECOMMENDED RATE.
- ALL PARKWAYS AND PARKING LOT ISLANDS SHALL HAVE LAWN ESTABLISHED WITH SEED AS A GROUND COVER, UNLESS OTHERWISE NOTED.
- ALL LAWN AREAS ON THIS PLAN SHALL BE GRADED SMOOTH AND TOPPED WITH AT LEAST 4" OF TOPSOIL. ALL LAWN AREAS TO BE ESTABLISHED USING SEED AND BLANKET UNLESS OTHERWISE NOTED. BLANKET TO BE 575 OR APPROVED EQUAL.
- THIS LANDSCAPE PLAN ASSUMES THE SITE WILL BE PREPARED WITH TOP SOIL SUITABLE FOR THE ESTABLISHMENT OF THE LANDSCAPE MATERIAL PRESENTED ON THIS PLAN. IF ADDITIONAL TOP SOIL IS REQUIRED IT IS UP TO THE LANDSCAPE CONTRACTOR ON THE PROJECT TO PROVIDE, SPREAD AND PREPARE THE SITE AS NEEDED FOR THE IMPLEMENTATION OF THIS LANDSCAPE PLAN.
- CONTRACTORS MUST VERIFY ALL QUANTITIES AND OBTAIN ALL PROPER PERMITS AND LICENSES FROM THE PROPER AUTHORITIES.
- ALL MATERIAL MUST MEET INDUSTRY STANDARDS AND THE LANDSCAPE ARCHITECT HAS THE RIGHT TO REFUSE ANY POOR MATERIAL OR WORKMANSHIP.
- LANDSCAPE ARCHITECT IS NOT RESPONSIBLE FOR UNSEEN SITE CONDITIONS.
- ALL PLANTINGS SHALL BE SPACED EQUAL DISTANT, BACK FILLED WITH AMENDED SOIL IN A HOLE TWICE THE ROOTBALL DIAMETER, WATERED, FERTILIZED, PRUNED, AND HAVE ALL TAGS AND ROPES REMOVED.
- LAWN AND BED AREAS SHALL BE ROTOTILLED, RAKED OF CLUMPS AND DEBRIS.
- REMOVE ALL DEAD AND DISEASED PLANT MATERIAL FROM SITE AND DISPOSE OF PROPERLY.

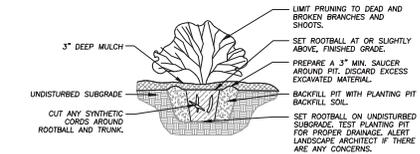


**MULCH SCHEDULE**

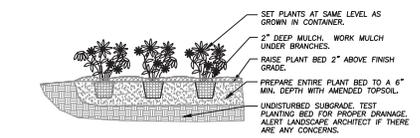
MULCH	QTY.
MULCH	1,866 SF



1 TREE PLANTING DETAIL  
 NOT TO SCALE 329343-81



2 SHRUB PLANTING DETAIL  
 NOT TO SCALE 329333-81



3 ANNUAL, PERENNIAL, & GROUND COVER DETAIL  
 NOT TO SCALE 329381-83

J.U.L.I.E.

Note: The exact location of all utilities shall be verified by the contractor prior to construction activities. For utility locations call: J.U.L.I.E. 1 (800) 892-0123

**ERIKSSON ENGINEERING ASSOCIATES, LTD.**  
 145 COMMERCE DRIVE, SUITE A  
 GRAYSLAKE, ILLINOIS 60030  
 PHONE (847) 223-4804  
 FAX (847) 223-4854  
 EMAIL INFO@EEA-LTD.COM  
 PROFESSIONAL DESIGN FIRM  
 LICENSE NO. 184-003230  
 EXPIRES: 04/30/2017

**BEST CABINETS DISPLAY AND WAREHOUSE**  
 Legacy Boulevard  
 St. Charles, Illinois

Reserved for Seat: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

No.	Date	Description
1	06/03/16	Revised Per Village Comments

ERIKSSON ENGINEERING ASSOCIATES, LTD. ILL. 184-003230

Design By: SSC	Date: 06/02/16
Approved By: XXX	Project No.: 0000.00

Sheet Title:  
**LANDSCAPE PLAN**

Sheet No.:  
**L-1**

EA  
VO  
CC  
MP  
JLM  
JLM  
JB  
CC  
RH  
VD

DULEVARD

10 RH  
207 mp  
9 JB  
6 JB  
205 mp

6 TM  
19 VC  
13 TM

12 SM  
1 PNN

5 TM  
60 mp  
7 MP  
19 CS

2 APE  
24 SM

SECURED  
YARD

42 SPACES

OFFICE

**INDUSTRIAL  
BUILDING '13'**

2 C.L. DOORS

75'

145'

9 TJA

8

13 VD  
1 PNN  
1 TLR

9 JS  
5 CT

9 JS  
5 CT  
5 JS

8 EA

6

6 VD

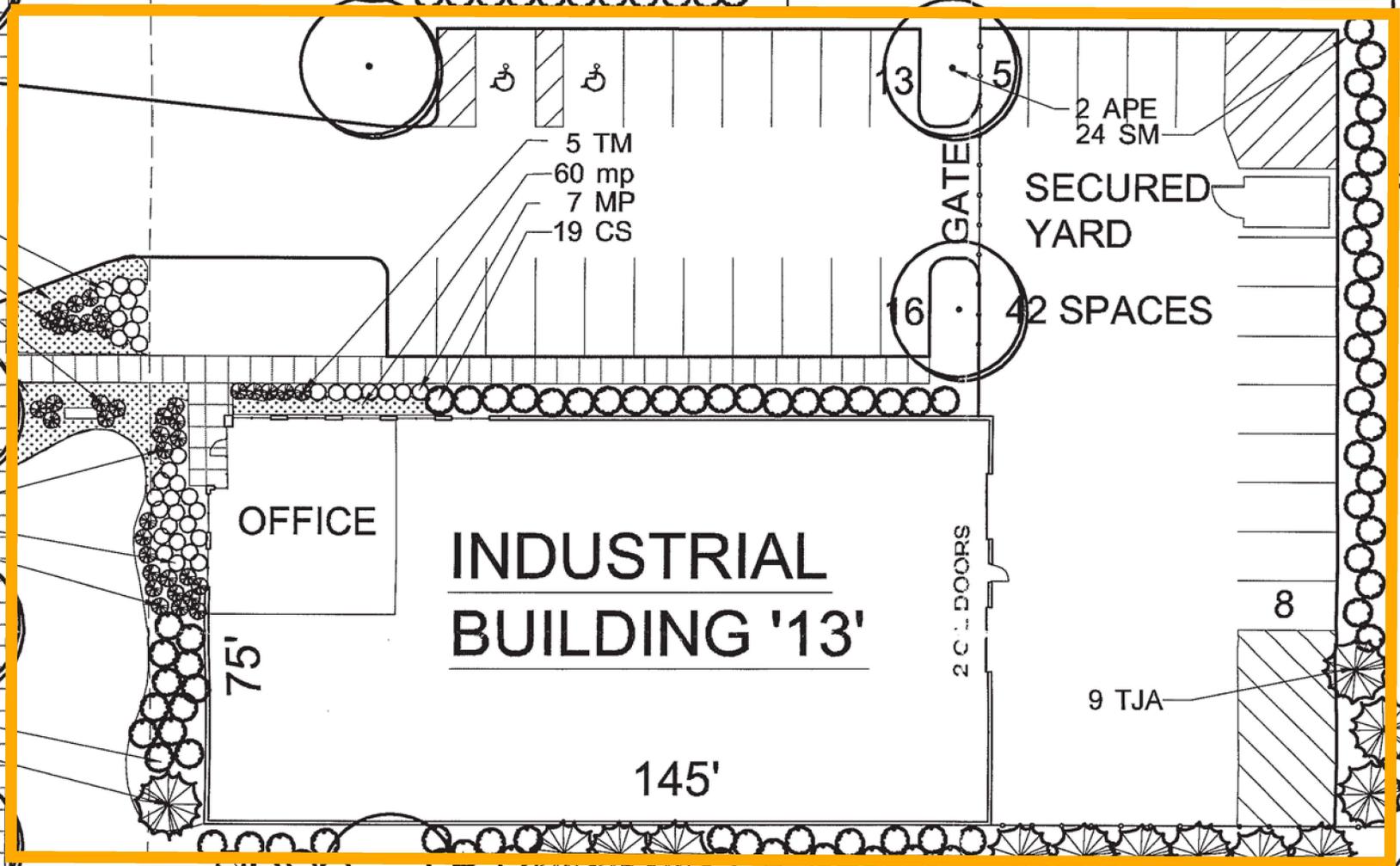
40 SPACES

1 TLR  
15 TM  
1 BN  
13 VC  
9 SM  
10 TM

1 TLR  
7 CT  
113 mp  
3 JS  
2 GKO

120'

OFFICE





## AGENDA ITEM EXECUTIVE SUMMARY

<b>Title:</b>	Plan Commission recommendation to approve an Amendment to Special Use for PUD and PUD Preliminary Plan for First Street PUD Building #3.
<b>Presenter:</b>	Russell Colby

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – 8/8/16		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES	NO
-----------------	-----	-----------	-----	----

Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

The First Street Redevelopment PUD was approved in 2006 as a five-phase mixed use downtown redevelopment project spanning five blocks along First Street between Prairie St. and Main St. Construction is currently underway on Phase 3 of the project, which is the property by First Street, Illinois Street and the Fox River. The project is subject to a redevelopment agreement between the City, as the property owner, and First Street Development II, LLC, as the developer.

A PUD Preliminary Plan for Phase 3 was approved by the City Council in March 2015 (Ordinance #2015-Z-5). This plan included three mixed use buildings and a public parking deck. Construction is now underway on Building #1 and the parking deck.

Building #3 is planned for the lot located between the parking deck and the river, adjacent to Illinois Street. In 2015, a plan was approved for a 5 story building for the site, but detailed drawings of the building were not provided at that time.

The developer has now brought forward detailed plans for Building #3. The plans include first floor bank and office uses, which per the 2006 First Street PUD ordinance are not permitted on the first floor. The developer is requesting approval of an amendment to the PUD to allow the first floor bank/office use, subject to the Downtown Overlay District office criteria, and approval of a detailed Preliminary Plan for Building #3. The Preliminary Plan includes building uses/square footages and architectural elevations.

**Historic Preservation and Plan Commission review**

On 6/15/16, the Historic Preservation Commission reviewed the applications, including the first floor use change; size, scale and mass of the building; and preliminary architectural drawings, and recommended approval of the proposal (vote of 6-0).

On 8/2/16, the Plan Commission held a public hearing and reviewed the applications. The Plan Commission recommended approval of Amendment to Special Use for the first floor bank/office use (vote of 6-0, 1 abstain) and the PUD Preliminary plan (vote of 7-0).

**Attachments:** *(please list)*

Plan Commission Resolutions, Staff Report, Applications and Plans,  
Applicable sections of Existing PUD ordinances (full ordinances available upon request)

**Recommendation / Suggested Action** *(briefly explain):*

Plan Commission recommendation to approve an Amendment to Special Use for PUD and PUD Preliminary Plan for First Street PUD Building #3.

<i>For office use only:</i>	<i>Agenda Item Number: 3c</i>
-----------------------------	-------------------------------

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 12-2016**

**A Resolution Recommending Approval of an Application for Amendment to  
Special Use for Planned Unit Development for First Street Redevelopment PUD-  
Phase 3, Building 3 (First Street Development II, LLC)**

**Passed by Plan Commission August 2, 2016**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Amendments to Special Use for Planned Unit Development; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for an Amendment to Special Use for Planned Unit Development for First Street Redevelopment PUD Phase 3, Building 3 (First Street Development II, LLC); and

WHEREAS, in accordance with Section 17.04.410.D.3, the Plan Commission finds the Special Use for PUD to be in the public interest based on the following criteria for Planned Unit Developments:

**i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

The proposed Amendment meets the original intent of the PUD focusing on harmonious

## **Resolution 12-2016**

mixed use in an attractive building design. The plan is sensitive to the Riverwalk and promotes social interaction and enjoyable use of the open space.

The Amendment requests the change of use on the first floor to allow office use in addition to possible retail use in accordance with the current Downtown Overlay District which did not exist when the original PUD was granted.

- ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**
  - A. Conforming to the requirements would inhibit creative design that serves community goals, or**
  - B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

**Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:**

- 1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.**
- 2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.**
- 3. The PUD will provide superior landscaping, buffering or screening.**
- 4. The buildings within the PUD offer high quality architectural design.**
- 5. The PUD provides for energy efficient building and site design.**
- 6. The PUD provides for the use of innovative stormwater management techniques.**
- 7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.**
- 8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.**
- 9. The PUD preserves historic buildings, sites or neighborhoods.**

The building is to be constructed pursuant to the requirements of Ordinance 2006-Z-29 (First Street PUD).

The proposed building 3 exhibits high quality architectural design providing mixed use of residential units, office use, and potential retail use. The Amendment to allow office use on the first floor in accordance with the Downtown Overlay District will benefit the

## Resolution 12-2016

overall development by creating a daytime population utilizing existing businesses and create daytime use of the Riverwalk and open space.

### **iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

#### **A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

The Special Use will enhance the overall business environment of the First Street project and therefore benefit the public.

#### **B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

All infrastructure including utilities, access points and drainage are in place.

#### **C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

The Special Use will not be injurious to the use and adjoining property but rather increase property values by allowing the property to be occupied.

#### **D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The Special Use will allow for the orderly development of the property with the completion of buildings 2 and 3 thereby completing this phase of the First Street project.

#### **E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Special Use will not endanger the public health, safety, or general welfare but rather benefit the public by allowing the vacant structure to be occupied.

**Resolution 12-2016**

**F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The Special Use if granted will conform to all state and local requirements.

**iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The proposed Amendment will provide economic wellbeing to the City including increase of the tax base and overall business diversity within the First Street Development.

**v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The proposed amendment conforms to the overall purpose and intent of business diversity within the entire downtown area of St. Charles.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of an Amendment to Special Use for Planned Unit Development for First Street Redevelopment PUD-Phase 3, Building #3 (First Street Development II, LLC) subject to resolution of all staff comments prior to City Council action.

Roll Call Vote:

Ayes: Kessler, Spruth, Holderfield, Schuetz, Macklin-Purdy, Wallace

Nays:

Absent: Frio, Doyle

Abstain: Pretz

Motion carried: 6 - 0

PASSED, this 2nd day of August 2016.

---

Chairman  
St. Charles Plan Commission

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 13-2016**

**A Resolution Recommending Approval of an Application for PUD Preliminary  
Plan for First Street Redevelopment PUD-Phase 3, Building 3 (First Street  
Development II, LLC)**

**Passed by Plan Commission August 2, 2016**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to review requests Applications for PUD Preliminary Plans; and

WHEREAS, the Plan Commission has reviewed the petition approval of a PUD Preliminary Plan for First Street Redevelopment PUD-Phase 3, Building 3 (First Street Development II, LLC), and;

WHEREAS, the Plan Commission finds said PUD Preliminary Plan to be in conformance with the First Street PUD Ordinance No. 2006-Z-29 and amendments, and all applicable requirements of the Zoning Ordinance.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a PUD Preliminary Plan for First Street Redevelopment PUD-Phase 3, Building #3 (First Street Development II, LLC) subject to resolution of all staff comments prior to City Council action.

Roll Call Vote:

Ayes: Kessler, Pretz, Spruth, Holderfield, Schuetz, Macklin-Purdy, Wallace

Nays:

Absent: Frio, Doyle

Motion carried: 7 - 0

PASSED, this 2nd day of August 2016.

---

Chairman  
St. Charles Plan Commission

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
 SINCE 1834

**STAFF MEMO**

**TO:** Chairman Todd Bancroft  
 And the Members of the Planning & Development Committee

**FROM:** Russell Colby  
 Planning Division Manager

**RE:** First Street Phase 3, Buildings #3: Amendment to PUD (First floor uses) and PUD Preliminary Plan

**DATE:** August 5, 2016

**APPLICATION INFORMATION:**

**Project Name:** First Street Phase 3 – Buildings # 3

**Applicant:** First Street Development II, LLC

**Purpose:** -Change the First Street PUD first floor use restrictions for Building #3 to permit bank/office use on the first floor.  
 -Review PUD Preliminary Plans for Building #3

<b>General Information:</b>		
<b>Site Information</b>		
Location	Between First St. & the Fox River, north of Illinois St.	
Application:	Special Use for PUD – PUD Amendment PUD Preliminary Plan for Building #3	
Applicable City Code Sections	First St. PUD Ords. 2006-Z-26 & 2008-Z-22 Title 17, Chapter 17.06 Design Review Standards & Guidelines, Chapter 17.14 – Business & Mixed Use Districts	
<b>Existing Conditions</b>		
Land Use	Vacant building lot (being utilized for construction staging)	
Zoning	CBD-1 Central Business District - PUD	
<b>Zoning Summary</b>		
North	CBD-1 Central Business District - PUD	Vacant land (planned bi-level riverwalk and East Plaza)
East	CBD-1 Central Business District	Riverwalk & Fox River
South	CBD-1 Central Business District	Illinois St. & Fox Island Square
West	CBD-1 Central Business District - PUD	Parking deck- under construction
<b>Comprehensive Plan Designation</b>		
Mixed Use		

## II. OVERVIEW

### A. PROPERTY HISTORY/BACKGROUND

The First Street Redevelopment PUD was approved in 2006 as a five-phase project spanning a 7.6 acre area of properties along First Street between Prairie St. and Main St.

Phases 1 and 2 were constructed from 2007 to 2009 and included: New utility and road infrastructure; Relocation of the Blue Goose store; Building 7A-BMO Harris Bank & 16 affordable rental units; Building 4- The Plaza Parking Deck; and the western portion of the First Street Plaza.

Phase 3 is the riverfront property located between Main & Illinois Streets. The original 2006 plan for the site included:

- Public plaza opposite the existing plaza and a bi-level walkway along the riverfront
- A four-story building at the corner of Main St. and First St.
- Three, five-story buildings wrapped around a parking garage on the remainder of the site.

### B. 2015 APPROVED PLAN

In March 2015, the City approved a revised PUD Preliminary Plan for the Phase 3 site that included the following:

- Public plaza and bi-level Riverwalk in the locations per the original 2006 plan
- Three mixed-use buildings and a public parking deck within the previously planned building footprint areas:
  - Building 1: 4 story; first floor retail/restaurant, upper level office.
  - Building 2: 4 story; first floor retail/restaurant, upper level residential (36 units)
  - Building 3: 5 story; first floor retail/restaurant, upper level residential (32 units)
- Preliminary architectural plans were approved for Buildings 1, 2 and the parking deck.

Construction of Building #1 and the parking deck began in Fall 2015.

### C. CURRENT PROPOSAL

First Street Development II, LLC has filed the following applications regarding Building #3:

- **Special Use application** to amend to the First Street PUD ordinance first floor use regulations to permit Bank and Office use on the first floor of Building #3 (following the Downtown Overlay office criteria). The Special Use application requires a public hearing.
- **PUD Preliminary Plan** approval for Building #3. The building was approved in 2015 as a 5-story mixed use structure. The 2015 PUD approval requires the building architecture to be submitted for review and approval. The developer is now also proposing to modify the planned uses within the building.

No changes are proposed to the planned public spaces around the Phase 3 site.

### III. ANALYSIS

#### A. COMPREHENSIVE PLAN

##### **Project Planning History**

The First Street project was identified in the 2000 Downtown Strategy Plan, which was part of the City's Comprehensive Plan. The Strategy Plan identified the First Street corridor as underutilized and as the most significant opportunity for new development in the downtown. Through a public planning process, the City formulated and adopted the First Street Design Guidelines in 2002 and then utilized this document as a basis to plan the project. The project was ultimately approved as a PUD in 2006.

##### **Land Use**

The 2013 Comprehensive Plan Land Use Plan identifies the site as "Mixed Use." In the Downtown Subarea Plan in Chapter 8, the remaining undeveloped First Street building sites are identified as Opportunity Sites. The Phase 3 property is identified as Site J:

*"The western portion of the 1<sup>st</sup> Street development has been constructed and contributed positively to the energy and appearance of Downtown. This site represents the east half of the development which stalled during the economic downturn associated with the housing market collapse. It is recommended that the City continue to promote the approved plan as a viable option for the site, including the residential units that will bring more residents to the Downtown area."*

##### **First Floor Uses in the Downtown**

In 2006, the City created a zoning "overlay" district within the downtown to "preserve economic vitality and the pedestrian character of the downtown's shopping core." The Downtown Overlay District limits the type of businesses that can locate in the first floor/street level spaces to a set of businesses that are expected to generate pedestrian activity. The Comprehensive Plan provides the following recommendations regarding the Downtown Overlay District:

*The Downtown Overlay District is intended to preserve the economic vitality and pedestrian character of Downtown's shopping core by limiting uses on the first floor that "typically generate relatively little pedestrian activity or are otherwise incompatible with a pedestrian oriented shopping area." While this is an admirable objective, defining "typical" can result in missed opportunities. In addition, while all successful and vibrant downtowns have a large component of retail, they are also characterized by a varying mix of uses that generate activity at all periods of the day. Furthermore a detailed market analysis conducted as part of this process found that key retail categories are fairly saturated within the Downtown's trade area. Given the number of vacancies Downtown, along with current market and economic conditions, the City should consider relaxing use restrictions in the District to fill storefronts on a temporary basis until demand for downtown retail space is stronger.*

Based upon this plan recommendation, the Downtown Overlay District was amended by the City in 2013 to permit first floor bank/office uses that generate pedestrian activity.

**B. HISTORIC PRESERVATION COMMISSION REVIEW**

The subject property is located within the Central Historic District, requiring review of the Special Use and PUD Preliminary Plan applications by the Historic Preservation Commission regarding its potential impact on the historic district.

The Historic Preservation Commission reviewed the proposal for Building #3 on 6/15/16. The Commission unanimously voted to recommend to the Plan Commission approval of:

- The PUD Amendment to permit bank/office uses on the first floor of Building #3
- The size, scale and mass of the proposed Building #3
- The preliminary architectural elevations for Building #3.

**C. ZONING REVIEW:**

The 2006 First Street PUD established zoning parameters for the project. For the Phase 3 site, deviations to the underlying CBD-1 Central Business zoning district were granted to permit building sizes in excess of 40,000 square feet and building height in excess of 50 ft.

The table below lists the development data for: Buildings 1, 2, and 3 plans as approved in 2015; the proposed 2016 Building 3; and the PUD ordinance deviations approved in the original 2006/2008 First Street PUD ordinance.

<b>Development data per building in Phase 3</b>					
	<b>2015 Current Approved Plan</b>			<b>2016 Proposed Building #3</b>	<b>2006/2008 PUD Ordinance Maximums</b>
	<b>Building #1</b>	<b>Building #2</b>	<b>Building #3</b>		
<b>Building Footprint</b>	11,865 sf	11,846 sf	11,966 sf	13,350 sf	20,056 sf.
<b>Building Square footage</b>	47,460 sf	47,384 sf	59,830 sf	58,212 sf	89,196 sf.
<b>Building Floors</b>	4	4	5	4 (bank portion) 5 (office/residential portion)	5+ mezzanine
<b>Building Height</b>	54' (67' to tower)	49'2" to parapet	Unknown	66'4" to main parapet	75 ft.
<b>Ground floor uses</b>	Retail & Restaurant	Retail & Restaurant	Retail & Restaurant	Bank and Office per Downtown Overlay criteria	-
<b>Upper level uses</b>	Office	Residential	Residential	Bank/Office and Residential	-

**Changes to the Building Program for Building #3 vs. the 2015 Plan:**

- The Building #3 footprint is now larger because the outdoor dining area at north end of the building is part of building footprint. The internal floor area is slightly less primarily due to the building having only a partial 5<sup>th</sup> story. (Additionally, there are some two-story interior spaces and outdoor terraces within the bank portion of the building that reduce the interior floor area.)
- The building is split between commercial and residential uses on the upper floors, with the entire 4-story southern portion of the building to be occupied by Sterling Bank.
- Bank and Office use are proposed on the first floor. An amendment to the First Street PUD ordinance is required to modify the first floor use restrictions for this building.
- Residential unit count has been reduced from 32 units down to a range of 12 to 20 units.

The table below compares the combined development data for Buildings 1, 2, and 3 for: the original 2006/2008 PUD plan; the approved 2015 plan; and the 2016 plan with the proposed modifications to Building #3.

<b>Combined development data for Phase 3- Buildings 1, 2 &amp; 3</b>				
		<b>2006/2008 Plan</b>	<b>2015 Current Approved Plan</b>	<b>2016 Proposed Plan</b>
<b>Total Building Square footage</b>	Restaurant/ Retail/Service	40,374	35,729	23,763
	Bank/Office	32,592	35,595	60,375
	Residential	139,509	83,402 sf	69,432
	<b>Total</b>	<b>212,475 sf</b>	<b>154,726 sf</b>	<b>153,570 sf</b>
<b>Residential Units</b>	Studio	-	12	12
	1 BR	10	20	12
	2 BR	28	28	12
	3 BR	6	8	-
	4 BR	1	-	-
	TBD	16	-	12 to 20 in Building 3
	<b>Total</b>	<b>61</b>	<b>68</b>	<b>Range of 48 to 56</b>
<b>Parking Provided</b>		170 Private 99 Public	79 Private 110 Public	83 Private 110 Public
<b>Parking ratio with Phase 3 vs. CBD-1 ordinance requirement*</b>		81%	59%	58 to 60%

*\*For locations within the CBD-1 zoning district that are within Downtown Special Service Areas 1A (parking) and 1B (revitalization), there is no on-site parking requirement. These calculations are provided for comparison purposes.*

#### D. FIRST FLOOR USE RESTRICTIONS

Although the Phase 3 site is located within the Downtown Overlay District, more limited restrictions on first floor uses were included in the 2006 First Street PUD Ordinance. The PUD restrictions control the ground floor uses within the entire First Street project.

In addition to restricting the individual business types that can occupy first floor spaces, the PUD also imposes a limitation on certain uses as a percentage of all first floor space in the PUD, which would include all phases of the project.

The first floor use restrictions were written based upon the original 2006 PUD plan for First Street and were not revised when the 2015 plan was approved.

##### **Existing first Floor permitted use list (per Ord. 2006-Z-26):**

*Only the following uses are permitted on the first floor of enclosed buildings within the First Street Project:*

1. *Art Gallery/Studio*
2. *Coffee or Tea Room*
3. *Cultural Facility\**
4. *Indoor Recreation and Amusement\**
5. *Live Entertainment*
6. *Personal Services\**
7. *Restaurant*
8. *Retail Sales*
9. *Tavern/Bar*
10. *Theater\**
11. *Utility, Local\**
12. *Accessory uses to the preceding uses 1 through 11.*

*\*Not more than 25% of the total gross leasable floor area on the first floor of all enclosed buildings within the Project, exclusive of ground floor parking areas, the Blue Goose and Building 7A, may be occupied by these uses.*

##### **Building #3 First Floor Use Proposal**

Building #3 is currently subject to the first floor use restrictions. The proposal is to allow for bank and office uses on the first floor of Building #3, subject to the Office Certification Criteria for the Downtown Overlay District (Section 17.14.020.B.2 of the Zoning Ordinance).

The First Street PUD ordinance would be amended by adding the following exception for Building #3:

*In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of the following buildings, as shown in the PUD Preliminary Plan:*

*Building 3: Bank and Financial Institution, Office- Business or Professional, and Medical/ Dental Clinic meeting the following criteria:*

- a. *The business will be open to the general public during normal business hours and may require that customers make an appointment for service.*
- b. *The primary function of the business establishment will be to provide direct services to customers that are physically present.*

- c. The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.
- d. Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.

#### E. SITE LAYOUT AND ENGINEERING REVIEW

The applicant has submitted engineering plans reflecting the new building footprint for Building #3. The site engineering is consistent with the plan approved for the entire Phase 3 property in 2015.

- The bi-level public riverwalk will be located adjacent to Building #3. The width of the riverwalk is unchanged.
- The street-level pedestrian entrances to building will be from Illinois Street for the bank, and from the riverwalk for the other ground floor office uses and upper floor residential uses.
- Parking within the basement level of the building will be accessed through the lower level of the adjacent public parking deck, which is currently under construction. The lower level of the parking deck will be accessed from Illinois Street.
- Pedestrians walking from Building #3 to the parking deck can use the Illinois Street sidewalk (to the first floor) or the parking deck ramp and stairs (to both the lower and upper level of the deck) located along the riverwalk, north of Building #3.
- An open pedestrian corridor through the north end of the building will provide City maintenance access to a storm sewer line.
- The service corridor between Building #3 and the parking deck will be privately owned and will not be open for public pedestrian use. Easements will be provided over the corridor for the City to access the area for maintenance of utilities and the parking deck structure.
- A location for a refuse enclosure serving Building #3 has been planned on the adjacent parking deck lot, near Illinois St.
- Access to Building #3 for emergency services is limited due to the placement of the parking deck. The Fire Department will be able to access the building from Illinois St. and the second level of the parking deck.

#### **Future plan reviews:**

- Plans for the Illinois Street streetscaping and riverwalk adjacent to Building #3 will need to be drawn based on the final design of the building. The design will account for the location of building storefronts, doors and balconies in determining the placement of planter beds and landscaping. The design will be similar to the streetscaping plan approved for Illinois and First Streets adjacent to Buildings #1 and #2.
- A revised Plat of Subdivision will be required to modify the building lot lines based on the proposed footprint of Building #3. The lot lines for the parking deck lot will also be adjusted to follow the actual footprint of the parking deck, which is currently under constructed.

#### F. BUILDING ARCHITECTURE

The proposal is in compliance with the applicable Design Standards in the Zoning Ordinance and the First Street Design Guidelines. Elements include:

- Scale and proportion that is complementary to surrounding buildings
- Façade broken into sections to reduce the visual scale of the building.
- 360 degree building architecture, meaning that architectural design elements are consistent on all sides of the buildings.
- Use of traditional architectural materials, including brick as the primary wall material, cornices, stone lintels, and parapets.
- High level of first floor window transparency. Storefront windows wrap the public facades of the building, with the exception of the bank portion of the building facing the riverwalk.
- The ground floor scaled to the pedestrian.
- Attention to architectural details (sills, lintels, cornices, awnings, parapets, etc.)
- Balconies for the residential units overlooking the river.

#### G. INCLUSIONARY HOUSING

The First Street PUD was approved in 2006, prior to the City adopting an Inclusionary Housing Ordinance in 2008. As a part of the 2006 PUD and Redevelopment Agreement, 16 affordable rental units were provided in Building 7A (the BMO Harris Bank building). These units were constructed in Phases 1 and 2 of the project.

In March 2016, the City's Inclusionary Housing Ordinance was amended and reactivated as Title 19 of the City Code. The code exempts PUD developments that pre-date February 16, 2016. Therefore, there is no requirement to provide any additional affordable units (or the equivalent fee-in-lieu thereof) over and above what was required at the time of the 2006 PUD approval.

#### H. SCHOOL AND PARK FEE-IN-LIEU CONTRIBUTIONS

School and Park Land Cash Fees will be due at the time of building permit. Land-Cash worksheets have been completed and submitted, but will be subject to change based on final unit and bedroom counts prior to the time of building permit.

### IV. **PLAN COMMISSION REVIEW**

On 8/2/16, the Plan Commission held a public hearing and reviewed the applications. The Plan Commission recommended approval of Amendment to Special Use for the first floor bank/office use (vote of 6-0, 1 abstain) and the PUD Preliminary plan (vote of 7-0).

Staff has found the application materials to be complete. Upon resolution of outstanding staff comments, the proposal has the ability to meet City Code requirements.

### V. **ATTACHMENTS**

#### **Staff Materials**

- Aerial Site Plan of Phase 3 Site
- Location/Site Plan

**Application Materials**

- Special Use Application
- PUD Preliminary Plan application
- Site/Engineering Plans
- Architectural Plans

**PUD Ordinances**

- PUD Ordinances: No.2006-Z-29 (First Street Redevelopment PUD)- without plans;  
Ordinance No. 2008-Z-22 (Amendments for Phase 3)- without plans
- 2015 PUD Preliminary Plan Approval Ordinance No. 2015-Z-5



**CITY OF ST. CHARLES**  
 TWO EAST MAIN STREET  
 ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**SPECIAL USE APPLICATION**

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

<b>For City Use</b>	
Project Name:	First Street Phase III
Project Number:	2013 -PR- 018
Application Number:	2016 -AP- 014



*To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.*

*City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location: Vacant building lot located north Illinois Street, east of First Street, west of the Fox River	
	Parcel Number (s): Lot 3: 09-34-127-012 Small areas where buildings overlap -008 and -010 parcels (Lots 4 & 5)	
	Proposed Name: First Street Redevelopment PUD, Phase 3, Lots 2 & 3	
<b>2. Applicant Information:</b>	Name: First Street Development II, LLC	Phone: 630-774-9101
	Address: 409 Illinois Ave. #1C St. Charles, IL 60174	Fax:
		Email:
<b>3. Record Owner Information:</b>	Name: City of St. Charles	Phone: 630-377-4400
	Address: 2 E. Main St. St. Charles, IL 60174	Fax:
		Email:

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** First Street Redevelopment PUD
- New PUD
- Amendment to existing PUD- Ordinance #: 2006-Z-29 and amendments(2008-Z-22, 2013-Z-17)
- PUD Preliminary Plan filed concurrently
- Other Special Use (from list in the Zoning Ordinance):** \_\_\_\_\_
- Newly established Special Use
- Amendment to an existing Special Use Ordinance #: \_\_\_\_\_

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Mixed Use

Is the property a designated Landmark or in a Historic District? Yes

What is the property's current zoning? CBD-1 PUD - First Street Redevelopment PUD

What is the property currently used for? Vacant lots prepared for development

If the proposed Special Use is approved, what improvements or construction are planned?  
Building #3 (mixed use- bank, office and residential) in the First Street Redevelopment PUD

\_\_\_\_\_

**For Special Use Amendments only:**

Why is the proposed change necessary?  
Revision to First Street Redevelopment PUD First Floor use restrictions for the proposed building.

\_\_\_\_\_

What are the proposed amendments? (Attach proposed language if necessary)  
Building 3: Office uses per the Downtown Overlay District Office Certification criteria permitted on first floor. See attached language.

\_\_\_\_\_

**Note for existing buildings:**

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

**Attachment Checklist:**

*If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**\*  APPLICATION FEE:**

Application fee in accordance with Appendix B of the Zoning Ordinance. (Special Use for PUD \$1,000; all other Special Use requests \$750)

**\*  REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**\*  REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**\*  PROOF OF OWNERSHIP and DISCLOSURE:** Ownership Disclosure for Applicant LLC

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City’s Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City’s Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper On file

**PLAT OF SURVEY:** On file

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**\*  FINDINGS OF FACT:**

Fill out the attached forms or submit responses on a separate sheet (*Submit “Criteria for PUD” for any PUD application; “Findings for Special Use” for all other Special Use applications.*)

**LIST OF PROPERTY OWNERS WITHIN 250 FT.:** To be prepared by the City

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:** N/A

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

❑ **ENDANGERED SPECIES REPORT:** N/A

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

❑ **TRAFFIC STUDY:** If requested by the Director of Community Development. N/A

*Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.*

❑ **PLANS:** N/A: See PUD Preliminary Plan Application

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies, Three (3) 11" by 17", and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

❑ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line

21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

City of St. Charles- See attached authorization form.

Record Owner	Date
	
Applicant or Authorized Agent	Date
<p><i>For 1st Street Development II LLC</i></p>	

OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)

STATE OF ILLINOIS )  
ADAMS ) SS.  
~~KANE COUNTY~~ )

I, ROBERT RASAUSSER, being first duly sworn on oath depose and say that I am  
Manager of FIRST STREET DEVELOPMENT II, LLC, an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

- DRJ Investments, LLC \_\_\_\_\_
- W6, LLC \_\_\_\_\_
- Wolande Investments, LLC \_\_\_\_\_
- Philcor II. Investments, LLC \_\_\_\_\_
- AVM Investments, LLC \_\_\_\_\_
- DEKED LLC \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

By: [Signature], Manager

Subscribed and Sworn before me this 27<sup>TH</sup> day of  
MAY, 2016.

[Signature]  
Notary Public



First Street Development II, LLC  
409 Illinois Ave, Suite 1C  
St Charles, IL 60174

Member List (2016)

All have equal percentage of ownership

DRJ INVESTMENTS, LLC  
Robert Rasmussen  
409 Illinois Avenue, Suite 1D  
St. Charles, IL- 60174  
Managing Member and Plan Sponsor

W6, LLC  
Philip Wilmington  
402 Brownstone Drive  
St. Charles, IL-60174

WOLANDE INVESTMENTS, LLC  
Charles Wolande  
409 Illinois Avenue, Suite 1C  
St. Charles, IL 60174

PHILCOR II.IVESTMENTS, LLC  
Philip Corcoran  
409 Illinois Avenue, Suite 1C  
St. Charles, IL 60174

AVM INVESTMENTS, LLC  
Keith Kotche  
1060 Lake Street, Suite 200  
Hanover Park, IL 60133

DEKED LLC  
Edward Levato  
1060 Lake Street, Suite 200  
Hanover Park, IL 60133



July 13, 2016

Re: First St. Redevelopment PUD Phase – Special Use for PUD and Preliminary Plan Applications for Building 3

The City of St. Charles, record owner, hereby authorizes the inclusion of certain City-owned parcels in the Special Use and PUD Preliminary Plan applications filed by First Street Redevelopment II, LLC, dated July 11, 2016. The property is legally described as:

Lots 3, 4 and 5 in the Resubdivision of First Street Phase III Subdivision, recorded as Document #2015K039582

Property located east of First Street, south of Main Street, north of Illinois Street, and west of the Fox River, in St. Charles, IL 60174

PIN Numbers: 09-34-127-008, 09-34-127-010, 09-34-127-012

A handwritten signature in black ink, appearing to read "Mark Koenen", is written over a horizontal line.

Mark Koenen, City Administrator

C: John McGuirk, City Attorney  
Rita Tungare, Director of Community & Economic Development

RAYMOND P. ROGINA *Mayor*  
MARK KOENEN, P.E. *City Administrator*

PROPOSED PUD ORDINANCE AMENDMENT REGARDING USES:

PUD Ordinance, 2006-Z-29, amended by 2013-Z-17 (regarding Building 7A):

Section Six, Subsection A of Ordinance No. 2006-Z-29 “An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the ‘First Street Redevelopment’” is hereby deleted in its entirety and replaced by the following:

(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses.

In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of the following buildings, as shown in the PUD Preliminary Plan:

- (a) Buildings 7B and the Blue Goose: Bank and Financial Institution
- (b) Building 7A: Bank and Financial Institution, Office- Business or Professional, and Medical/ Dental Clinic.

(c) **Building 3: Bank and Financial Institution, Office- Business or Professional, and Medical/ Dental Clinic meeting the following criteria:**

- a. **The business will be open to the general public during normal business hours and may require that customers make an appointment for service.**
- b. **The primary function of the business establishment will be to provide direct services to customers that are physically present.**
- c. **The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.**
- d. **Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.**

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas, the Blue Goose, and building 7A: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas, the Blue Goose, and building 7A.

# CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDS)



*\*For Special Use for PUD or PUD Amendment applications.\**

*The St. Charles Zoning Ordinance requires the Plan Commission to consider the criteria listed below in making a recommendation to the City Council on whether a proposed Planned Unit Development is in the public interest.*

*As the applicant, the “burden of proof” is on you to provide information that addresses the criteria below in order to demonstrate that the project is in the public interest.*

*(You may utilize this form or provide the responses on another sheet.)*

First Street Redevelopment PUD  
*PUD Name*

July 12, 2016  
*Date*

## **From the St. Charles Zoning Ordinance, Section 17.04.410.3:**

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

### **i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

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The proposed Amendment meets the original intent of the PUD focusing on harmonious mixed use in an attractive building design. The plan is sensitive to the Riverwalk and promotes social interaction and enjoyable use of the open space.

The Amendment requests the change of use on the first floor to allow office use in addition to possible retail use in accordance with the current Downtown Overlay District which did not exist when the original PUD was granted.

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**iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

The Special Use will enhance the overall business environment of the First Street project and therefore benefit the public.

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B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

All infrastructure including utilities, access points and drainage are in place.

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C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

The Special Use will not be injurious to the use and adjoining property but rather increase property values by allowing the property to be occupied.

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D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The Special Use will allow for the orderly development of the property with the completion of buildings 2 and 3 thereby completing this phase of the First Street project.

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E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Special Use will not endanger the public health, safety,  
or general welfare but rather benefit the public by allowing  
the vacant structure to be occupied.

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- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

The Special Use if granted will conform to all state and local  
requirements.

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- iv. **The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The proposed Amendment will provide economic well being to the City  
including increase of the tax base and overall business diversity  
within the First Street Development.

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- v. **The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The proposed Amendment conforms to the overall purpose and intent  
of business diversity within the entire downtown area of St. Charles.

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**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984

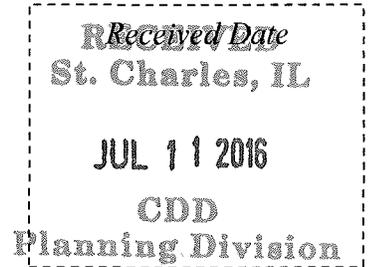


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**PUD PRELIMINARY PLAN APPLICATION**

<b>For City Use</b>	
Project Name:	First Street Phase 3
Project Number:	2013 -PR- 018
Application Number:	2016 -AP- 013



*To request approval of a PUD Preliminary Plan, complete this application and submit it with all required plans and attachments to the Planning Division. Normally this application will track with an application for Special Use for a PUD, unless a Special Use for a PUD has previously been granted and no amendment is necessary.*

*When the application is complete staff will distribute the plans to other City departments for review. When the staff has determined that the plans are ready for Plan Commission review, we will place the PUD Preliminary Plan on a Plan Commission meeting agenda.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location: Vacant building lots located north Illinois Street, east of First Street, west of the Fox River	
	Parcel Number (s): Lot 3: 09-34-127-012 Small areas where buildings overlap -008 and -010 parcels (Lots 4 & 5)	
	Proposed PUD Name: First Street Redevelopment PUD, Phase 3, Lots 2 & 3	
<b>2. Applicant Information:</b>	Name First Street Development II, LLC	Phone 630-774-9101
	Address 409 Illinois Ave #1C St. Charles, IL 60174	Fax
		Email
<b>3. Record Owner Information:</b>	Name City of St. Charles	Phone 630-377-4400
	Address 2 E. Main St. St. Charles, IL 60174	Fax
		Email

**Please check the type of application:**

- New proposed PUD- Planned Unit Development** (Special Use Application filed concurrently)
- Existing PUD-Planned Unit Development**
  - PUD Amendment Required for proposed plan (Special Use Application filed concurrently)

**Subdivision of land:**

- Proposed lot has already been platted and a new subdivision is not required.
- New subdivision of property required:
  - Final Plat of Subdivision Application filed concurrently
  - Final Plat of Subdivision Application to be filed later  
(Minor adjustments to building lot boundaries based on proposed building footprints)

**Attachment Checklist:**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

*Note: The City Staff, Plan Commission, or City Council, may request other pertinent information during the review process.*

\*  **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance. (\$500)

\*  **REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

\*  **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

\*  **PROOF OF OWNERSHIP and DISCLOSURE:** Ownership Disclosure for Applicant LLC

- a) a current title policy report; or
- b) a deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

□ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper On file

□ **PLAT OF SURVEY:** On file

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

□ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:** N/A

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

□ **ENDANGERED SPECIES REPORT:** N/A

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

□ **PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies for non-residential projects OR Twelve (12) full size copies for residential projects; Three (3) 11" by 17"; and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

\* □ **SITE/ENGINEERING PLAN:**

**PRELIMINARY ENGINEERING PLANS – DRAWING REQUIREMENTS/CHECKLIST:**

Complete the attached checklist and ensure that all required information is included on the Preliminary Engineering Plans:

1. Accurate boundary lines with dimensions
2. Existing and proposed easements: location, width, purpose
3. Streets on and adjacent to the tract: Name and right-of-way width, center line elevation, and culverts
4. Location, size, shape, height, and use of existing and proposed structures
5. Location and description of streets, sidewalks, and fences
6. Surrounding land uses
7. Legal and common description
8. Date, north point, and scale
9. Existing and proposed topography
10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with

the proposal indicated

11. Location of utilities
12. Building/use setback lines
13. Location of any significant natural features
14. Location of any 100-year recurrence interval floodplain and floodway boundaries
15. Location and classification of wetland areas as delineated in the National Wetlands Inventory
16. Existing zoning classification of property
17. Existing and proposed land use
18. Area of property in square feet and acres
19. Proposed off-street parking and loading areas
20. Number of parking spaces provided, and number required by ordinance
21. Angle of parking spaces
22. Parking space dimensions and aisle widths
23. Driveway radii at the street curb line
24. Width of driveways at sidewalk and street curb line
25. Provision of handicapped parking spaces
26. Dimensions of handicapped parking spaces
27. Depressed ramps available to handicapped parking spaces
28. Location, dimensions and elevations of freestanding signs
29. Location and elevations of trash enclosures
30. Provision for required screening, if applicable
31. Provision for required public sidewalks
32. Certification of site plan by a registered land surveyor or professional engineer
33. Geometric plan showing all necessary geometric data required for accurate layout of the site
34. Grading plans showing paving design, all storm sewers, and detention/retention facilities including detention/retention calculations) and erosion control measures
35. Utility plans showing all storm sewers, sanitary sewers, watermains, and appropriate appurtenant structures
36. Exterior lighting plans showing:
  - Location, height, intensity and fixture type of all proposed exterior lighting
  - Photometric information pertaining to locations of proposed lighting fixtures
37. Typical construction details and specifications
38. Certification of site engineering plans by a registered professional engineer
39. Proof of application for Stormwater Management Permit

□ **SKETCH PLAN FOR LATER PHASES OF PUD:** N/A

For phased PUD's, where a sketch plan is permitted, it shall include, at minimum, the following:

- General location of arterial and collector streets
- Location of any required landscape buffers
- Location of proposed access to the site from public streets
- Maximum number of square feet of floor area for nonresidential development
- Maximum number of dwelling units for residential development
- Open space and storm water management land

\* □ **ARCHITECTURAL PLANS:**

Architectural plans and data for all principal buildings shall be submitted in sufficient detail to permit an understanding of the exterior appearance and architectural style of the proposed buildings, the number, size and type of dwelling units, the proposed uses of nonresidential and mixed use buildings, total floor area and total building coverage of each building.

□ **TREE PRESERVATION PLAN:** N/A

Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Landscape Plan set. See attachment, "Tree Preservation Requirements for Preliminary Plans".

□ **LANDSCAPE PLAN:** N/A

Landscape Plan showing the following information:

1. Delineation of the buildings, structures, and paved surfaces situated on the site and/or contemplated to be built thereon
2. Delineation of all areas to be graded and limits of land disturbance, including proposed contours as shown on the Site/Engineering Plan.
3. Accurate property boundary lines
4. Accurate location of proposed structures and other improvements, including paved areas, berms, lights, retention and detention areas, and landscaping
5. Site area proposed to be landscaped in square feet and as a percentage of the total site area
6. Percent of landscaped area provided as per code requirement
7. Dimensions of landscape islands
8. Setbacks of proposed impervious surfaces from property lines, street rights-of-way, and private drives
9. Location and identification of all planting beds and plant materials
10. Planting list including species of all plants, installation size (caliper, height, or spread as appropriate) and quantity of plants by species
11. Landscaping of ground signs and screening of dumpsters and other equipment

□ **STORMWATER MANAGEMENT:** N/A

Written information (reports, calculations, etc.) as described in the Stormwater Management Requirements for Preliminary Plans (attached)

□ **SUBDIVISION PLAT DRAWING REQUIREMENTS/CHECKLIST:** N/A

If the PUD Preliminary Plan involves the subdivision of land, a completed Subdivision Plat Drawing Requirements Checklist must be submitted.

\*  **PUBLIC BENEFITS, DEPARTURES FROM CODE:**

A description of how the PUD meets the purposes and requirements set out in Section 17.04.400 of the Zoning Ordinance. Any requests for departures from the requirements of Title 16, "Subdivisions and Land Improvement," and Title 17, "Zoning," shall be listed and reasons for requesting each departure shall be given.

\*  **SCHEDULE:** Construction schedule indicating:

- a. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.
- b. Approximate dates for beginning and completion of each phase.
- c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.

\*  **PARK AND SCHOOL LAND/CASH WORKSHEETS**

For residential developments, Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.

**INCLUSIONARY HOUSING SUMMARY** N/A: Existing PUD

For residential developments, submit information describing how the development will comply with the requirements of Title 19, "Inclusionary Housing" of the St. Charles Municipal Code.

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

City of St. Charles - See attached authorization form.

Record Owner

Date

Applicant or Authorized Agent

Date

*Fresh Street Development II LLC*

*7-11-16*

FINDING OF FACT FOR PLANNED UNIT DEVELOPMENT AMENDMENT AS STATED IN  
SECTION 17.04.400.A

The proposed Amendment meets the original intent of the First Street Development PUD focusing on harmonious development of mixed use, in an attractive building design. The addition of office space to the first floor, in accordance with the downtown overlay district will promote daytime use. Pedestrian access and useable open space will be created for the enjoyment of all. The Amendment will encourage the harmonious mix of land uses.

JUSTIFICATION FOR RELIEF FROM REQUIREMENTS UNDER SECTION 17.04.400.B

The PUD will be constructed in substantial accordance with the City of St. Charles Central Downtown Tax Increment Financing Development Agreement (First Street Project) and the Planned Unit Development concept developed in accordance therewith. Building 3 will offer high quality architectural design incorporating pedestrian accessibility in accordance with the PUD design. The mixed use of residential units along with office space and potential retail use will create a daytime population benefiting existing businesses and use of the open space. The first floor retail component of the proposed financial institution will generate daytime traffic benefiting use of the open space and local businesses.

FINAL ENGINEERING PLANS  
FOR  
1ST STREET PHASE 3  
(including BUILDING #3/PHASE 2)

NORTHEAST CORNER OF 1ST STREET AND ILLINOIS STREET  
ST. CHARLES, ILLINOIS

WARNING

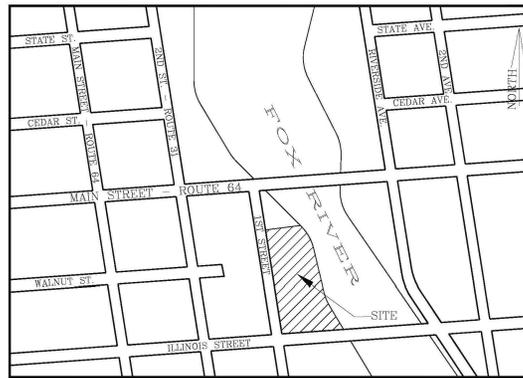


CALL BEFORE  
YOU DIG  
(48 HOURS NOTICE REQUIRED PRIOR TO DIGGING)

**CITY OF ST. CHARLES NOTES**

1. ALL PERVIOUS AREA SHALL BE SODDED OVER A MINIMUM OF 6" OF TOP SOIL UNLESS OTHER LANDSCAPING METHODS ARE APPROVED ON THE LANDSCAPING PLAN.
2. ALL CONDUIT OR PIPE CONSTRUCTED UNDER EXISTING OR PROPOSED PAVED SURFACES AND WALKS SHALL BE BACKFILLED WITH GRANULAR BACKFILL THOROUGHLY COMPACTED IN ACCORDANCE WITH THE SPECIFICATIONS. GRANULAR BACKFILL IS ALSO REQUIRED WITHIN 3' OF PAVED SURFACES.
3. ALL PAVING, SIDEWALK, AND EXCAVATION WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) AND THE CITY OF ST. CHARLES STANDARD DETAILS, CODES AND REQUIREMENTS.
4. ALL SEWER AND WATER MAIN WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS AND CITY OF ST. CHARLES CONSTRUCTION STANDARDS.
5. CONTRACTOR TO GUARANTEE ALL MATERIALS AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR AFTER ACCEPTANCE BY THE CITY.
6. ALL EXISTING UTILITIES OR IMPROVEMENTS, INCLUDING WALKS, CURBS, PAVEMENT AND PARKWAYS DAMAGED OR REMOVED DURING CONSTRUCTION SHALL BE PROMPTLY RESTORED TO THEIR RESPECTIVE ORIGINAL CONDITION.
7. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION TO VERIFY IN THE FIELD ALL EXISTING AND UNDERGROUND UTILITIES ADJACENT TO THE PROJECT, AND BE RESPONSIBLE FOR PROTECTION OF SAME.
8. ALL CONCRETE SHALL BE 6 BAG MIX, 3500 PSI CONCRETE AT 14 DAYS. CURING MATERIAL SHALL BE MEMBRANE CURING COMPOUND AND SHALL BE WHITE IN COLOR TO ASSURE ADEQUATE COVERAGE.
9. CONTRACTOR SHALL NOTIFY CITY 48 HOURS IN ADVANCE OF CONSTRUCTION OF UNDERGROUND WORK. NO UNDERGROUND WORK SHALL BE COVERED UNTIL SAME HAS BEEN INSPECTED BY THE CITY. APPROVAL TO PROCEED MUST BE OBTAINED FROM THE CITY PRIOR TO INSTALLING PAVEMENT BASE, PAVEMENT BINDER, PAVEMENT SURFACE, AND PRIOR TO POURING ANY CONCRETE AFTER FORMS HAVE BEEN SET.
10. IF APPLICABLE, ALL NEW REINFORCED CONCRETE PIPE STORM SEWER 12" AND LARGER WHERE SHOWN ON THE PLANS SHALL BE ASTM DESIGNATION C-76 MINIMUM CLASS, CLASS III. ALL PIPE WITH LESS THAN 3' OF COVER AND MORE THAN 15' OF COVER SHALL BE CLASS V. ALL JOINTS SHALL BE "O" RING RUBBER GASKET CONFORMING TO ASTM C-361 SPECIFICATIONS. ALL STORM SEWERS WITH LESS THAN 1.25' OF COVER AND ALL DUCTILE IRON PIPE STORM SEWERS WHERE SHOWN ON THE PLANS SHALL BE DUCTILE IRON PIPE CLASS 52 ANSI SPECIFICATIONS A-21.51 WITH PUSH-ON OR MECHANICAL JOINTS AND POLYETHYLENE ENCASEMENT.
11. BITUMINOUS PAVEMENT MATERIAL MUST BE PLACED IN TWO LIFTS. THICKNESS OF EACH LIFT SHALL BE AS SHOWN ON APPROVED PLANS. ALL MATERIAL SHALL BE CLASS I BITUMINOUS AS PER IDOT STANDARDS. THE FINAL SURFACE COURSE SHALL NOT BE INSTALLED UNTIL THE CITY HAS APPROVED THE COMPACTION OF THE BINDER MATERIAL. THE BINDER COURSE SHALL NOT BE INSTALLED UNTIL THE COMPACTION OF THE STONE BASE HAS BEEN APPROVED BY THE CITY. THE FINAL SURFACE COURSE MAY NOT BE INSTALLED UNTIL THE MAJOR PORTION OF BUILDING CONSTRUCTION HAS BEEN COMPLETED AS DETERMINED AND APPROVED BY THE CITY.

NOTE: IN CASE OF CONFLICT WITH OTHER NOTES AND SPECIFICATIONS, THE CITY'S STANDARD NOTES AND DETAILS SHALL APPLY.



LOCATION MAP  
NOT TO SCALE

**SHEET INDEX**

TITLE	SHEET NO.
TITLE SHEET.....	1
GEOMETRIC/PHASE PLAN.....	2
GRADING PLAN.....	3
UTILITY PLAN-OVERALL.....	4
24" STORM SEWER PROFILE.....	5
UTILITY PLAN-PHASE I.....	6
PHASE I MASS GRADING.....	7
PHASE I EROSION CONTROL MEASURES.....	8
SWPPP.....	9
DETAILS.....	10
SPECIFICATIONS.....	11
BUILDING 1-WATER MAIN SERVICE.....	12

**LEGEND**

	PROPOSED STORM SEWER		PROPOSED SPOT GRADE
	EXISTING STORM SEWER		EXISTING SPOT GRADE
	PROPOSED SANITARY SEWER		PROPOSED CONTOUR
	EXISTING SANITARY SEWER		EXISTING CONTOUR
	PROPOSED WATER MAIN		SILT FENCE
	EXISTING WATER MAIN		OVERFLOW DIRECTION
	PROPOSED SANITARY MANHOLE		PROPOSED CURB
	EXISTING SANITARY MANHOLE		EXISTING CURB
	EXISTING STORM STRUCTURE		PROPOSED EDGE OF PAVEMENT
	PROPOSED STORM STRUCTURE		
	PROPOSED FIRE HYDRANT		
	PROPOSED GATE VALVE		

**BENCHMARK:**

CITY OF ST. CHARLES—  
STATION N 19 ELEV=696.45 NAVD88  
AT SAINT CHARLES, KANE COUNTY, IN NORTHEAST  
LIMESTONE CORNER OF THE REHMS ELECTRICAL  
BUILDING, 6 FEET EAST OF THE NORTH (FRONT)  
ENTRANCE, AND ABOUT 1 FOOT ABOVE SIDEWALK.  
A STANDARD DISC, STAMPED N 19 1934 AND SET  
VERTICALLY.

**UNDERGROUND UTILITY NOTE:**  
The location of existing underground utilities, such as water mains, sewers, gas lines, etc., as shown on the plans, has been determined from the best available information and is given for the convenience of the Contractor. However, the Owner and the Engineer do not assume responsibility in the event that during construction, utilities other than those shown may be encountered, and that the actual location of those which are shown may be different from the location as shown on the plans.

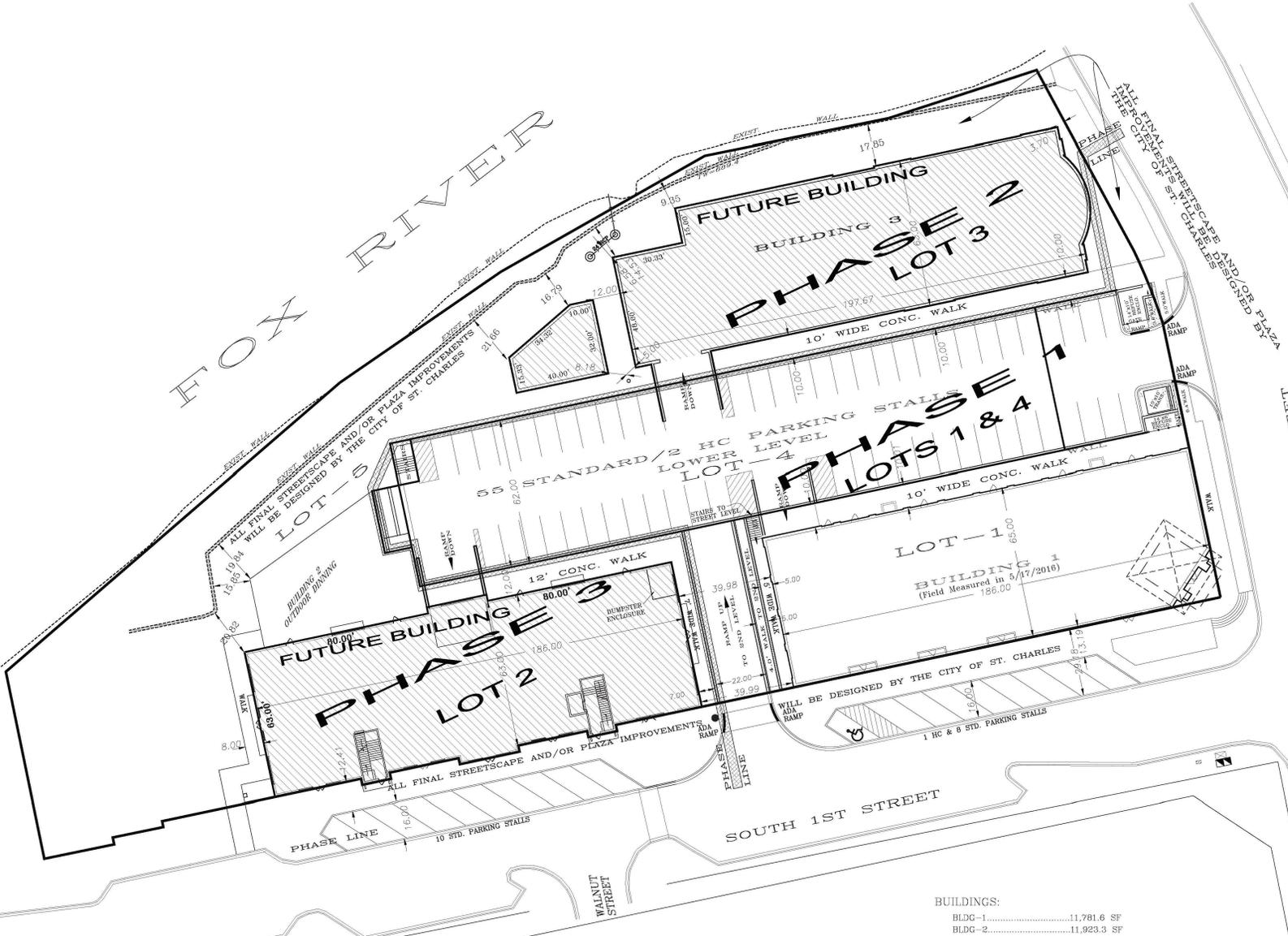
**HOLD HARMLESS STATEMENT**  
The Engineer is not overseeing the construction of this project. The use of these Drawings and Specifications by and Contractor, Subcontractor, Builders, Mechanics, Tradesmen or Worker shall constitute a Hold Harmless Agreement between the User and the Engineer. The User shall in fact agree to hold the Engineer harmless for any responsibility in regard to construction means, methods, techniques, sequences or procedures and for any safety precautions and programs in connection with the work and further shall hold the Engineer harmless for costs and problems arising from the negligence of Contractor, Subcontractor, Builders, Mechanics, Tradesmen or Workers. The use of these Drawings also implies that the Engineer shall take no responsibility for the plan User's failure to carry out the work in accordance with the Drawing and Specifications.

COUNTY ENGINEERS INC.  
2202 GARY LANE, GENEVA, ILLINOIS 60134  
630.364.6976 ceillinois@aol.com



Rev. 7/24/2016  
Rev. 6/2/2016  
OCTOBER 12, 2015

FOX RIVER



BUILDINGS:

BLDG-1.....	11,781.6 SF
BLDG-2.....	11,923.3 SF
BLDG-3.....	13,115.0 SF

COUNTY ENGINEERS INC.  
CONSTRUCTION MANAGEMENT  
2302 WEST LAKE DRIVE, SUITE 402  
ST. CHARLES, MO 63304

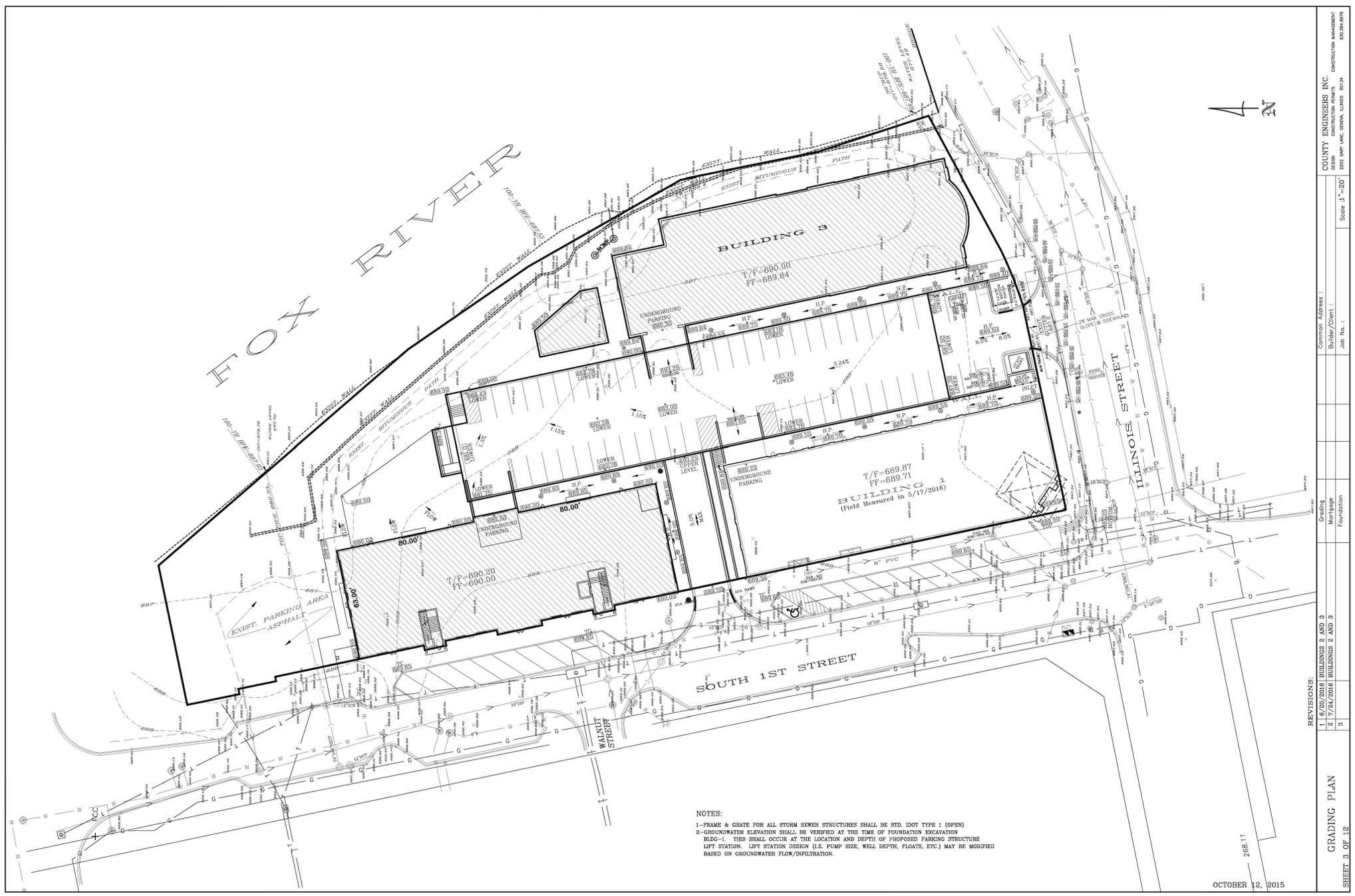
Common Address :  
Builder/Client :  
Job No. :  
Scale : 1"=20'  
Grade  
Mortgage  
Foundation

REVISIONS:  
1 6/20/2016 BUILDINGS 2 AND 3  
2 7/24/2016 BUILDINGS 2 AND 3  
3

GEOMETRIC/PHASE PLAN  
SHEET 2 OF 12

OCTOBER 12, 2015

FCC



NOTES:  
 1-FRAME & GRATE FOR ALL STORM SEWER STRUCTURES SHALL BE STD. DOT TYPE 1 (OPEN)  
 2-GROUNDWATER ELEVATION SHALL BE VERIFIED AT THE TIME OF FOUNDATION EXCAVATION  
 RMG-1: THIS SHALL OCCUR AT THE LOCATION AND DEPTH OF PROPOSED PARKING STRUCTURE  
 LIFT STATION. LIFT STATION DESIGN (I.E. PUMP SIZE, WELL DEPTH, FLOATS, ETC.) MAY BE MODIFIED  
 BASED ON GROUNDWATER FLOW/INFILTRATION.

OCTOBER 12, 2015

GRADING PLAN  
 SHEET 3 OF 12

REVISIONS:  
 1 6/29/2016 BUILDINGS 2 AND 3  
 2 7/24/2016 BUILDINGS 2 AND 3  
 3

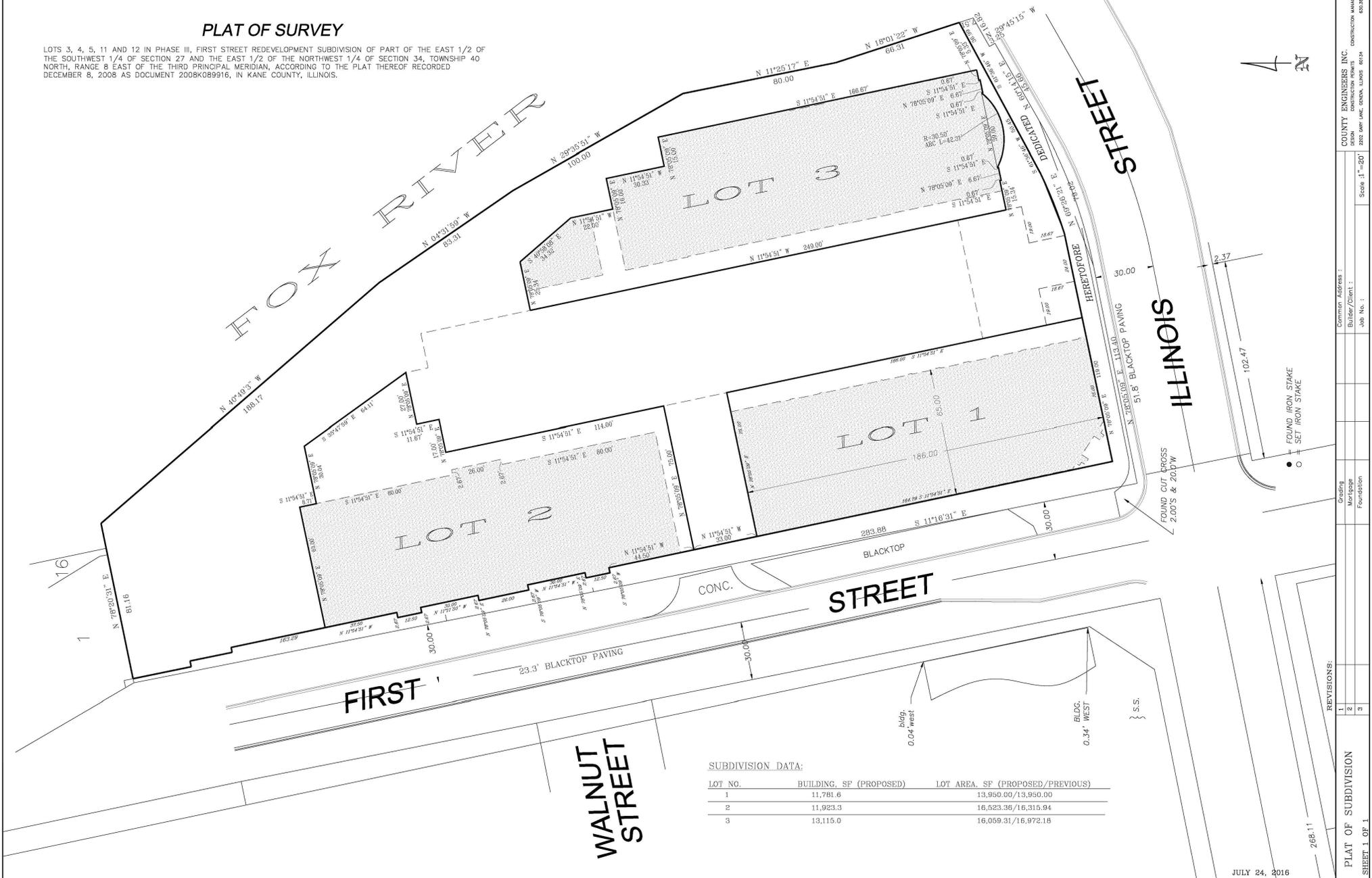
Grading  
 Mortgage  
 Foundation

Common Address :  
 Builder/Client :  
 Job No. :

Scale 1"=20'  
 COUNTY ENGINEERS INC.  
 CONSTRUCTION MANAGEMENT  
 2322 66th AVE. CANON LAKE, MN 55309  
 651.764.8774

# PLAT OF SURVEY

LOTS 3, 4, 5, 11 AND 12 IN PHASE III, FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 8, 2008 AS DOCUMENT 2008K089916, IN KANE COUNTY, ILLINOIS.



### SUBDIVISION DATA:

LOT NO.	BUILDING, SF (PROPOSED)	LOT AREA, SF (PROPOSED/PREVIOUS)
1	11,781.6	13,950.00/13,950.00
2	11,923.3	16,523.36/16,315.94
3	13,115.0	16,059.31/16,972.18

COUNTY ENGINEERS INC. CONSTRUCTION MANAGEMENT  
 2022 600' W. ILL. CHICAGO, ILLINOIS 60674  
 Scale: 1" = 20'  
 Job No.:  
 Common Address:  
 Builder/Client:  
 Grading:  
 Mortgage:  
 Foundation:  
 REVISIONS:  
 1  
 2  
 3  
 PLAT OF SUBDIVISION  
 SHEET 1 OF 1

JULY 24, 2016

**GENERAL NOTES**

1. ALL CONTRACTORS SHALL VISIT THE SITE AND THOROUGHLY FAMILIARIZE THEMSELVES WITH THE PROVISIONS OF ALL APPLICABLE CODES, ORDINANCES, REGULATIONS, AND PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
2. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS, LICENSES, ETC. AND MAINTAIN RECORDS AND DOCUMENTS LATEST VERSIONS.
3. ALL WORK SHALL BE PERFORMED IN STRICT COMPLIANCE WITH ALL LOCAL, STATE, AND NATIONAL BUILDING CODES, ORDINANCES, REGULATIONS, AND PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
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**MECHANICAL NOTES**

1. IT IS THE INTENT OF THESE DRAWINGS THAT THE HVAC, MECHANICAL, AND ELECTRICAL SYSTEMS SHALL BE INSTALLED AND OPERATED IN STRICT COMPLIANCE WITH ALL APPLICABLE CODES, ORDINANCES, REGULATIONS, AND PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.
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**SPECIAL SAFETY NOTE:**

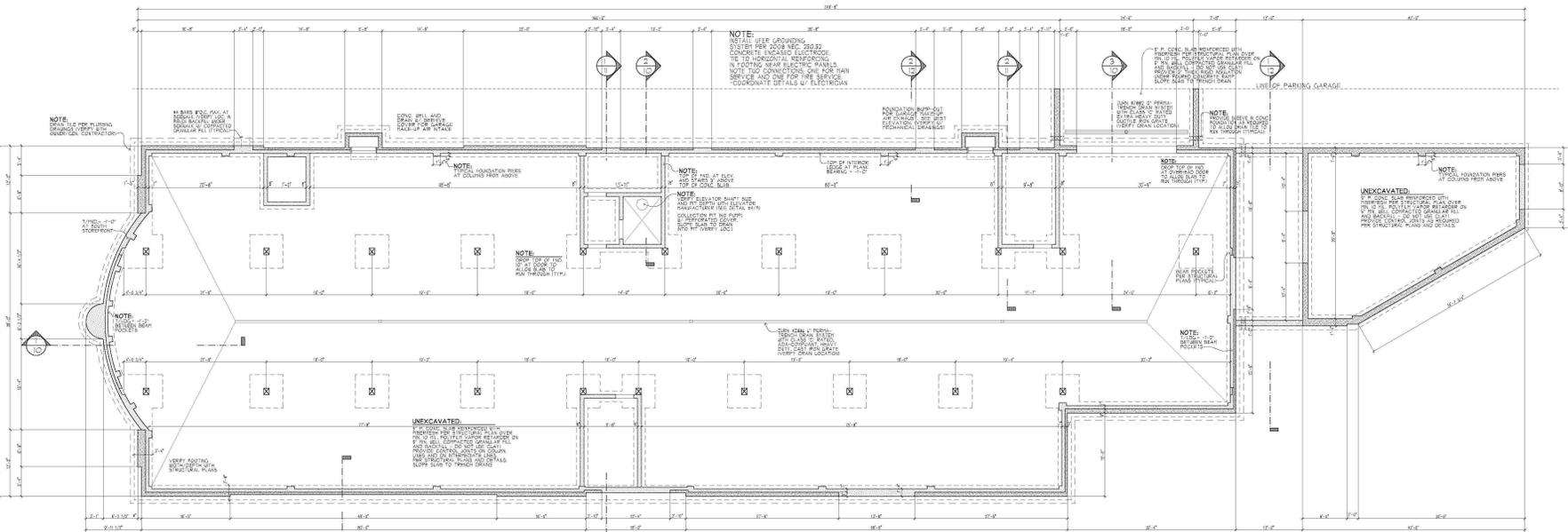
ALL CONTRACTORS AND THEIR REPRESENTATIVES WORKING ON THIS PROJECT SHALL AT ALL TIMES WEAR AND MAINTAIN THE CORRECT USE OF ALL SAFETY EQUIPMENT AND PPE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

**NOTE:**

T/FND: 0'-0" = 1/4" = 1/4" (1" ABOVE FINISHED FIRST FLOOR)  
 T/LDGL: 1'-0" = 1/4" = 1/4" (PRECAST BEARING)  
 T/FTGL: = 1/4" = 1/4" (EVERY BEARING DEPTH IN FIELD)

**NOTE:**

VERTICAL TOP OF FOUNDATION AND ALL OTHER GROUNDS WITH CIVIL ENGINEERING DRAWINGS.



**FOUNDATION PLAN**  
 SCALE: 1/8" = 1'-0"

**BUILDING THREE**

SITE CRITERIA	
FOOTPRINT:	15,474 S.F.
TOTAL GROSS BUILDING AREA:	10,217 S.F.
TOTAL GROSS FLOOR AREA:	10,217 S.F.
GROSS FIRST FLOOR AREA:	10,217 S.F.
GROSS SECOND FLOOR AREA:	10,217 S.F.
GROSS THIRD FLOOR AREA:	10,217 S.F.
GROSS FOURTH FLOOR AREA:	10,217 S.F.
LOWER LEVEL PARKING:	21 SPACES

BUILDING CRITERIA	
USE GROUP:	B-2 (PARKING)
BASEMENT:	SHELL (FUTURE B1/B1A)
CONSTRUCTION TYPE:	2B (TYPE III IN BASEMENT PARKING GARAGE)
FIRE SPRINKLER:	YES

**SPRINKLER NOTE:**

SPRINKLER CONTRACTOR SHALL INSTALL NEW SPRINKLER SYSTEM AS REQUIRED TO MEET ALL CITY CODES AND ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, LICENSES, AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

**DOOR HARDWARE NOTE**

ALL HINGES SHALL BE RATED FOR HEAVY DUTY COMMERCIAL USE. ALL LOCKS ON ACCESSIBLE DOORS SHALL BE RATED FOR HEAVY DUTY COMMERCIAL USE. ALL LOCKS ON ACCESSIBLE DOORS SHALL BE RATED FOR HEAVY DUTY COMMERCIAL USE.



STATE OF ILLINOIS  
 DESIGN PROFESSIONAL REGISTRATION NUMBER  
 01602451

PROPOSED NEW OFFICE/CONDOMINIUM:  
**FIRST STREET**  
 ST. CHARLES, ILLINOIS 60188  
 FIRST STREET DEVELOPMENT, LLC

BLDG. 3

Compassion 2020  
 Issue Date: \_\_\_\_\_  
 Drawn By: CDK  
 FOUNDATION PLAN AND GEN. NOTES

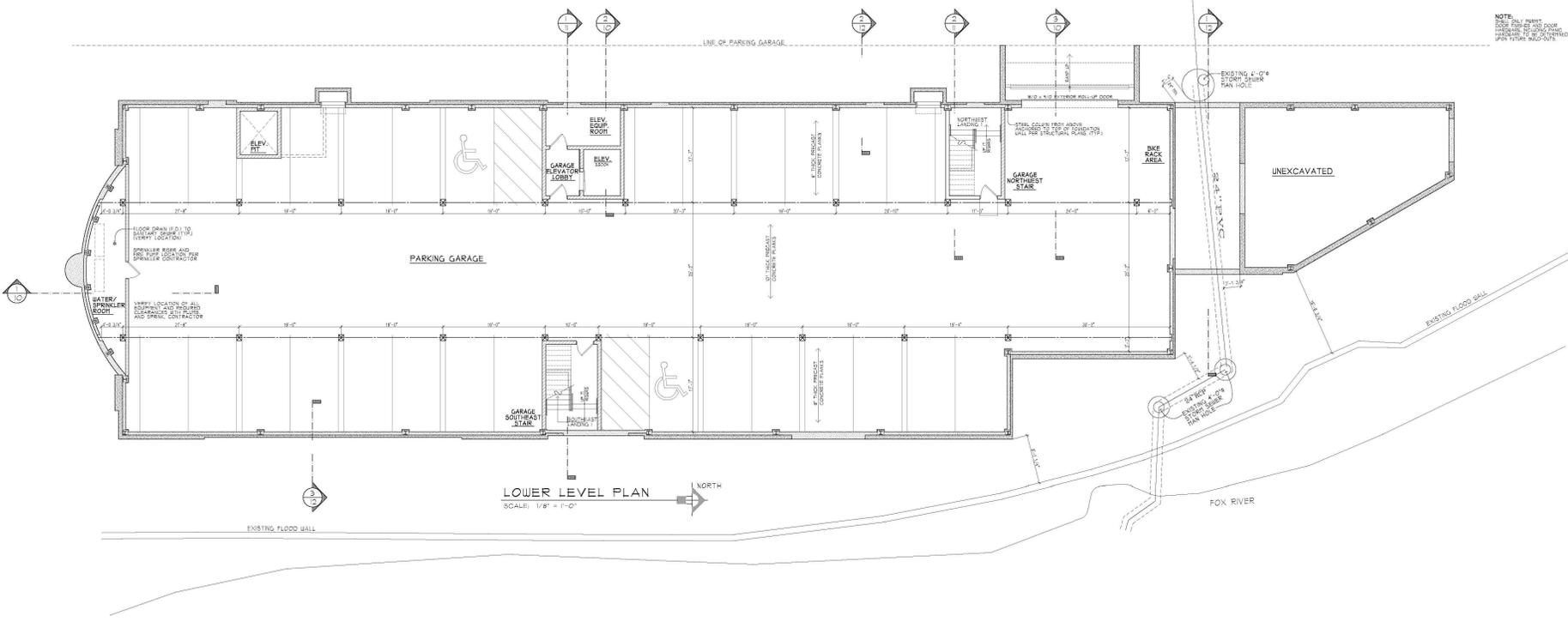
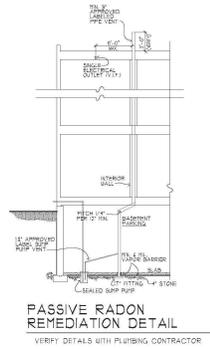
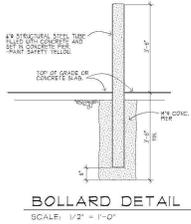
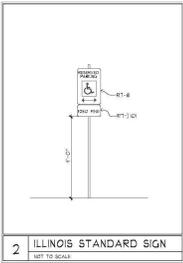
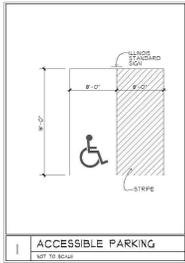
Sheet:  
  
 of 12

**DRAWING SHEET INDEX**

NO.	DESCRIPTION
1	FOUNDATION PLAN & GENERAL NOTES
2	LOWER LEVEL PARKING PLAN
3	FIRST FLOOR PLAN
4	SECOND FLOOR PLAN
5	THIRD FLOOR PLAN
6	FOURTH FLOOR PLAN
7	FIFTH FLOOR AND ROOF PLANS
8	NORTH AND WEST ELEVATIONS
9	NORTH AND EAST ELEVATIONS
10	SECTIONS
11	SECTIONS
12	SECTIONS

DETAILS TO BE LISTED ABOVE ARE PREPARED UNDER ARCHITECT'S SUPERVISION.

JULY 27, 2016 - PROGRESS SET - NOT FOR CONSTRUCTION



NOTE:  
DO NOT PERMIT  
CONTRACTOR TO REMOVE  
EXISTING FLOOR FINISH  
UNTIL THE FLOOR IS VERIFIED  
AS PER THE PLAN.

JULY 21, 2016 - PROGRESS SET - NOT FOR CONSTRUCTION



STATE OF ILLINOIS  
DESIGN PRO  
REGISTRATION NUMBER  
81600481

PROPOSED NEW OFFICE/CONDOMINIUMS:  
**FIRST STREET**  
ST. CHARLES, ILLINOIS 60184  
FIRST STREET DEVELOPMENT, LLC

BLDG. 3

Revisions:  
1  
2  
3  
4  
5  
6  
7  
8  
9  
10

Contractor: 2805  
Issue Desc:  
Drawn By: CDE

Sheet:  
**A2**  
of 12

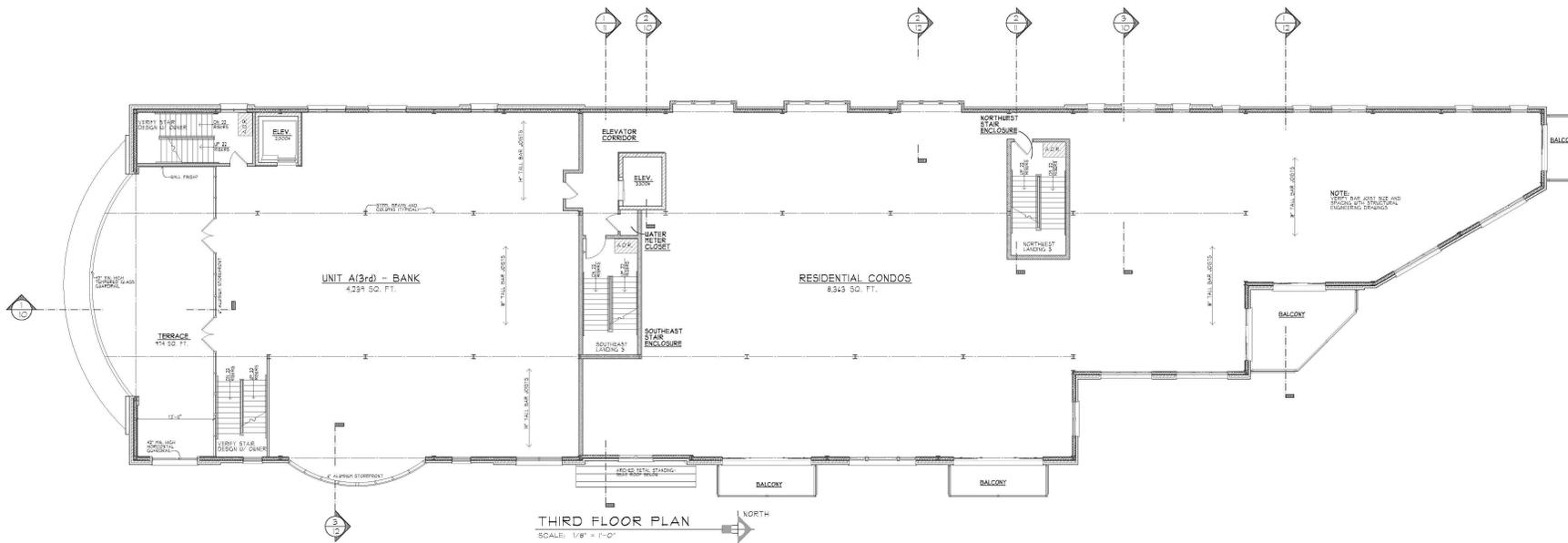




**THIRD FLOOR SQUARE FOOTAGE**

GROSS SQUARE FOOTAGE:	415,574 S.F.
BANK - FLOOR AREA:	14,231 S.F.
BANK - TERRACE:	1,874 S.F.
RESIDENTIAL CONDO AREA:	18,343 S.F.

NOTE:  
SQUARE FOOTAGE IS CALCULATED  
FROM OUTSIDE OF EXTERIOR WALLS  
AND CENTER OF DOORING WALLS.

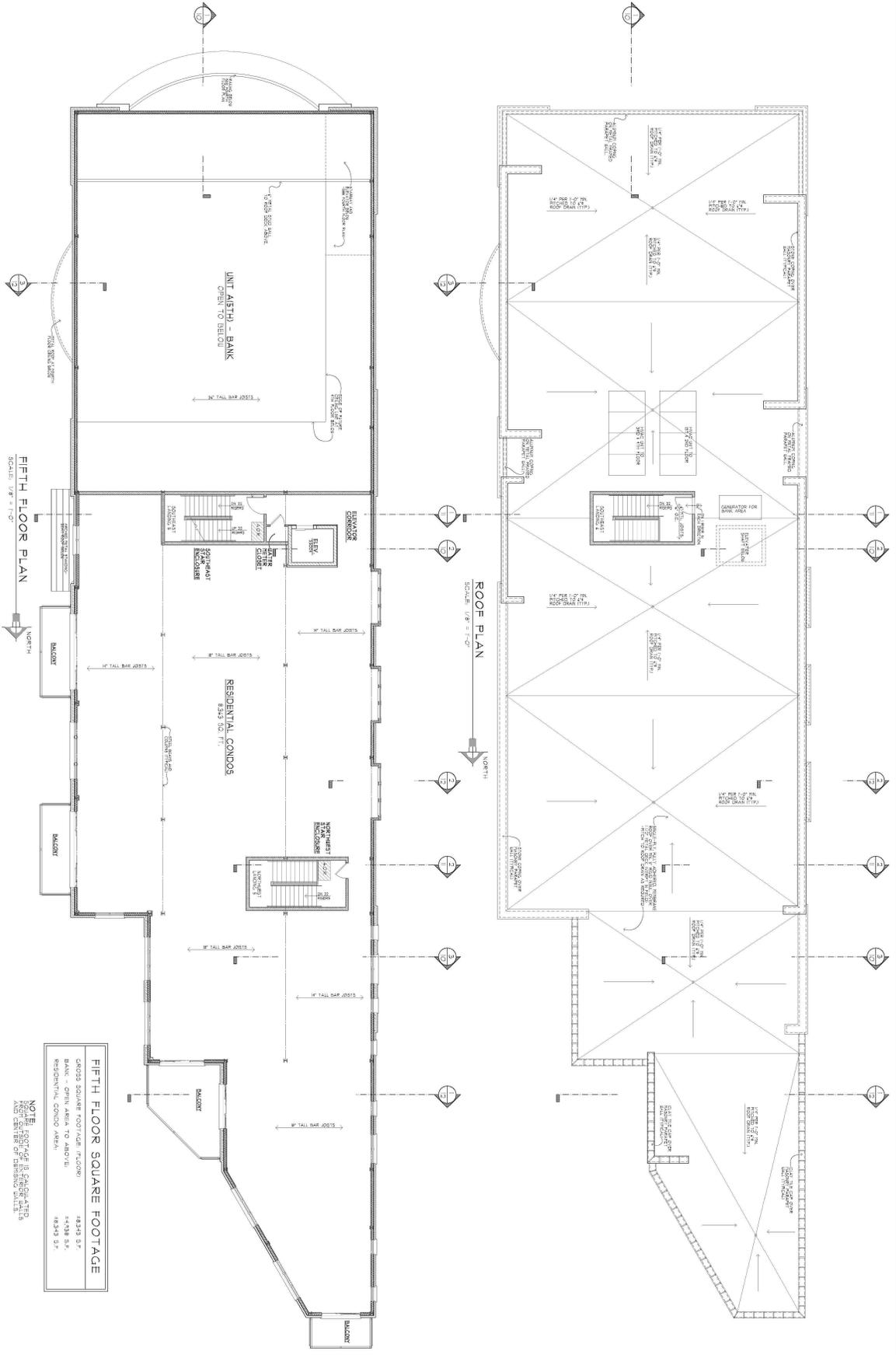


**THIRD FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

JULY 27, 2016 - PROGRESS SET - NOT FOR CONSTRUCTION

STATE OF ILLINOIS DESIGN PROFESSIONAL REGISTRATION NUMBER 016002481	
PROPOSED NEW OFFICE/CONDOMINIUMS: <b>FIRST STREET</b> ST. CHARLES, ILLINOIS 60184 FIRST STREET DEVELOPMENT, LLC	
BLDG. 3	
Revision: _____ _____ _____ _____	
Commission: 2805	Issue Date: _____
Drawn By: CDE	_____
Sheet: of 12	





**FIFTH FLOOR PLAN**  
SCALE: 1/8" = 1'-0"

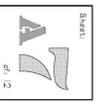
**ROOF PLAN**  
SCALE: 1/8" = 1'-0"

**FIFTH FLOOR SQUARE FOOTAGE**

GROSS SQUARE FOOTAGE INCLUSIVE	14345.57
BANK - OPEN AREA TO ABOVE	4438.54
RESIDENTIAL CONDO AREA	44349.57

**NOTE:** FIFTH FLOOR IS EXCLUDED FROM GROSS SQUARE FOOTAGE AND AREA OF COMMON WALLS.

JULY 27, 2016 - PROGRESS SET - NOT FOR CONSTRUCTION



Blade Date: \_\_\_\_\_  
 Drawn By: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Commission: 4565

BLDG. 3  
 SECTIONS

PROPOSED NEW OFFICE/CONDOMINIUMS;  
**FIRST STREET**  
 ST. CHARLES, ILLINOIS 60174  
 FIRST STREET DEVELOPMENT, LLC

Blade Date: \_\_\_\_\_  
 Drawn By: \_\_\_\_\_  
 Checked By: \_\_\_\_\_  
 Commission: 4565

STATE OF ILLINOIS  
 REGISTERED PROFESSIONAL ARCHITECT  
 No. 111111111  
 Exp. 12/31/2016



STATE OF ILLINOIS  
 DESIGN PROFESSIONAL REGISTRATION NUMBER  
 041002487

PROPOSED NEW OFFICE/CONDOMINIUMS:  
**FIRST STREET**  
 ST. CHARLES, ILLINOIS 60184  
 FIRST STREET DEVELOPMENT, LLC

REGISTERED 1-13-2014  
**BLDG. 3**

Revisions:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Commission: 2506  
 Issue Date: \_\_\_\_\_  
 Drawn By: CDE

Sheet:  
  
 of 9

JULY 21, 2016 - PROGRESS SET - NOT FOR CONSTRUCTION



**SOUTH ELEVATION**  
 SCALE: 1/8" = 1'-0"

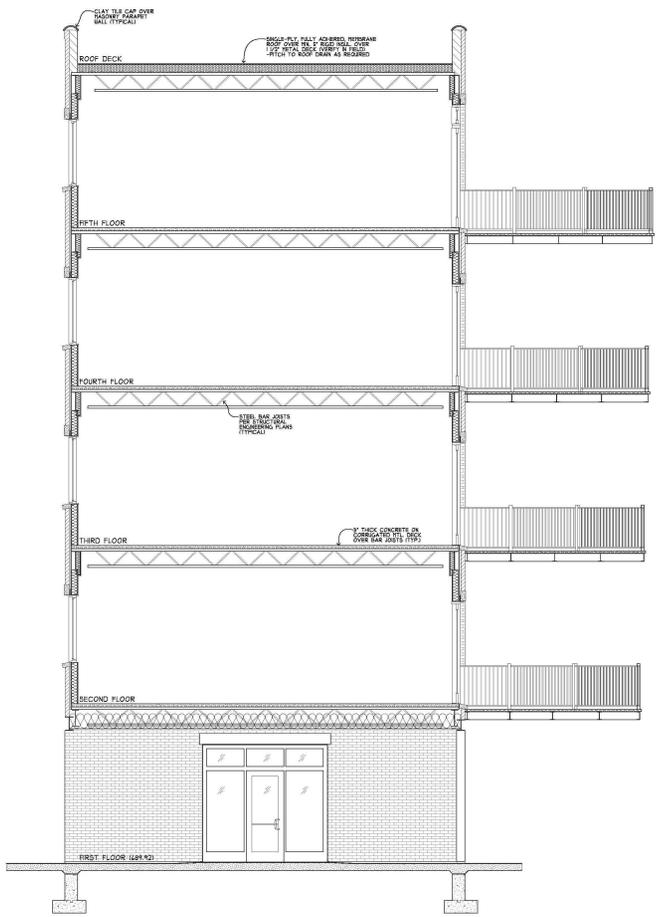


**EAST ELEVATION**  
 SCALE: 1/8" = 1'-0"



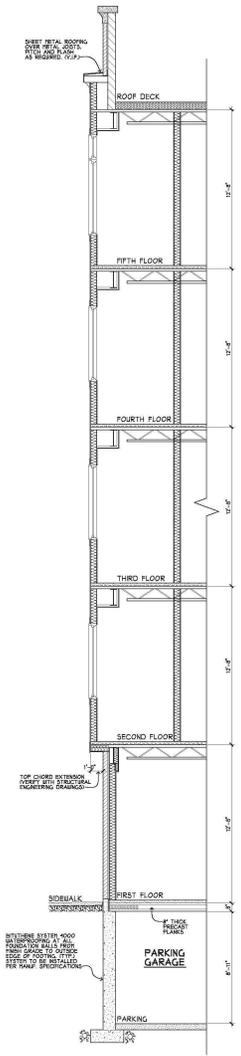




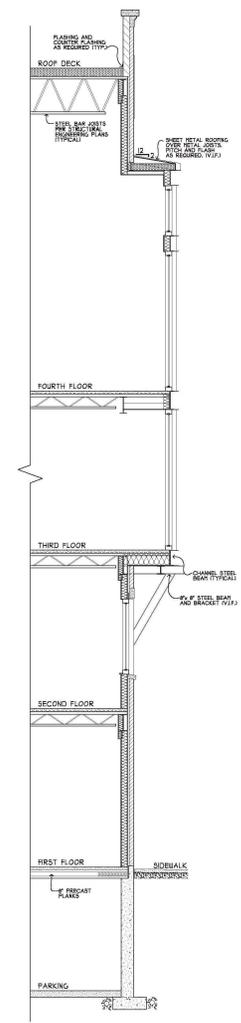


1 COVERED WALKWAY SECTION  
SCALE: 1/4" = 1'-0"

NOTE: DROP JOISTS AS SHOWN TO BE IN CONTACT WITH THE TOP SURFACE OF BEAMS TO BE USED FOR FLOORING.

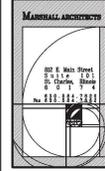


2 WESTSIDE FRAMED BUMP-OUT SECTION  
SCALE: 1/4" = 1'-0"



3 SECTION  
SCALE: 1/4" = 1'-0"

JULY 21, 2016 - PROGRESS SET - NOT FOR CONSTRUCTION



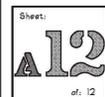
STATE OF ILLINOIS  
DESIGN PROFESSIONAL  
REGISTRATION NUMBER  
18-002451

PROPOSED NEW OFFICE/CONDOMINIUMS:  
**FIRST STREET**  
ST. CHARLES, ILLINOIS 60184  
FIRST STREET DEVELOPMENT, LLC

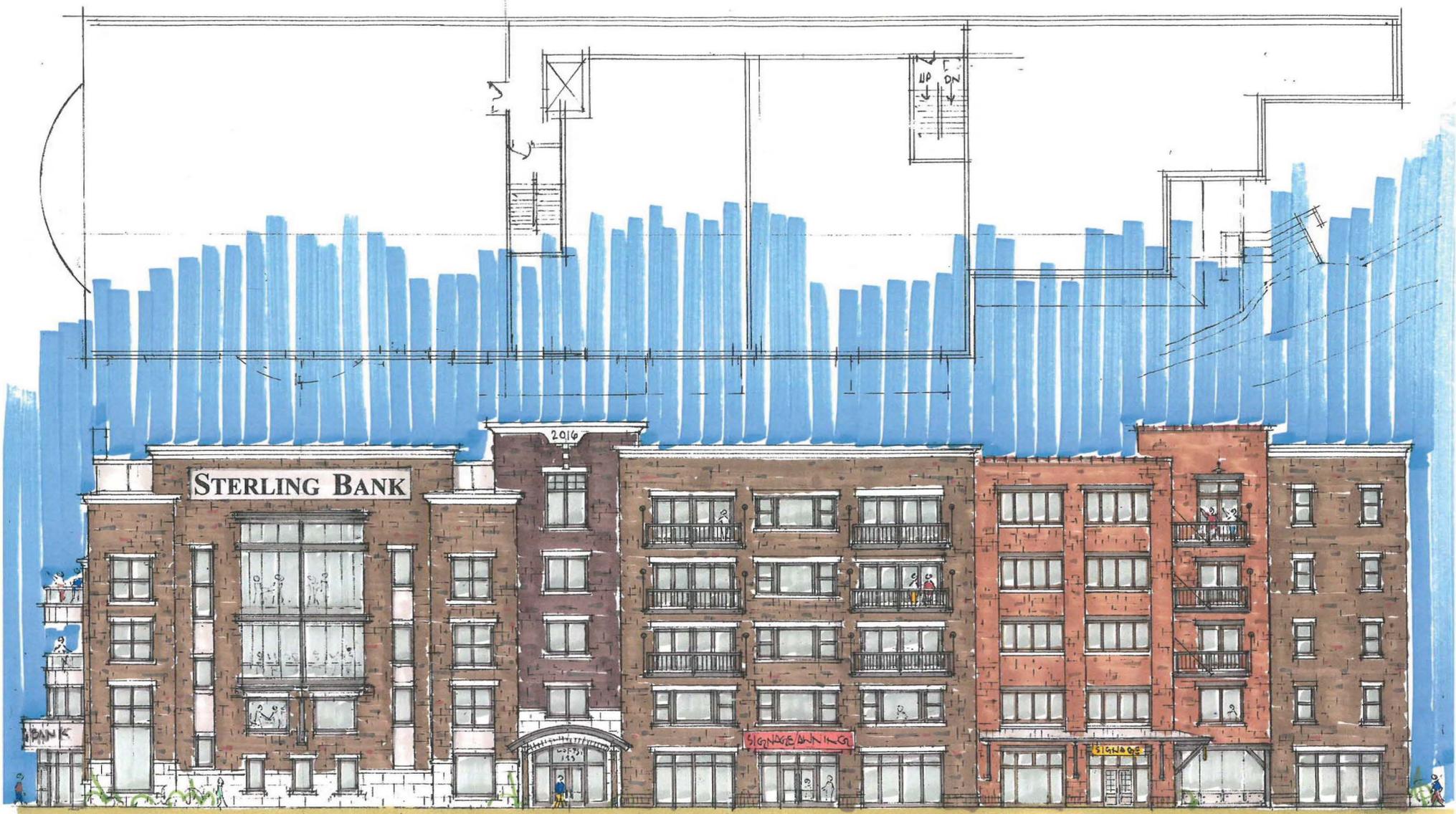
PLOTTED: 1/23/2016

<b>BLDG. 3</b>
Revisions:

Commission: 2508  
Issue Date: \_\_\_\_\_  
Drawn By: CDZ







EAST ELEVATION • BUILDING 3 4.10.10  
FIRST STREET DEVELOPMENT II • STERLING BANK • MARSHALL ARCHITECTS  
ST. CHARLES • ILLINOIS

A.

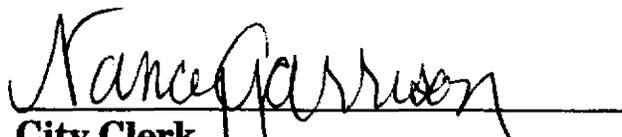
**City of St. Charles, Illinois**

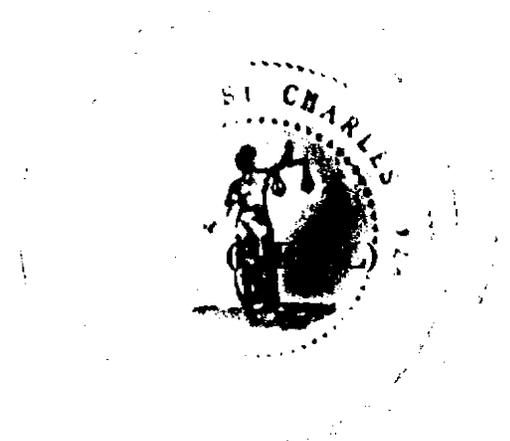
**Ordinance No. 2006-Z-29**

**Ordinance Granting Certain Special Use Permits,  
Granting Certain Exceptions and Deviations from the  
Requirement of the Zoning Ordinance and the  
Subdivisions Regulations Granting Preliminary  
Planned Unit Development Plan Approval, Granting  
Conditional Approval of the Final Plat of Subdivision  
for Phase 1 and Related Matters for the "First Street  
Redevelopment"**

**Adopted by the  
City Council  
of the  
City of St. Charles  
December 4, 2006**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, December 8, 2006**

  
**City Clerk**



DATE OF PUBLICATION 12/8/06  
NEWSPAPER Pamphlet

REFER TO:  
MINUTES 12/4/06  
PAGE \_\_\_\_\_

ORDINANCE NO. 2006-Z-29

AN ORDINANCE GRANTING CERTAIN SPECIAL USE PERMITS, GRANTING CERTAIN EXCEPTIONS AND DEVIATIONS FROM THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE SUBDIVISIONS REGULATIONS, GRANTING PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL, GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF SUBDIVISION FOR PHASE 1 AND RELATED MATTERS FOR THE "FIRST STREET REDEVELOPMENT"

WHEREAS, on or about July 13, 2006, various owners of record and First Street Development, LLC (collectively, the "Applicant"), filed a special use application for a Planned Unit Development and a PUD Preliminary Plan application with the City of St. Charles with respect to the property legally described on Exhibit "A-1", attached hereto and incorporated herein by reference ("Subject Realty"); and,

WHEREAS, on or about August 29, 2006, the City of St. Charles filed a special use application for a drive through facility for Harris Bank with respect to the property legally described on Exhibit "A-2", attached hereto and incorporated herein by reference ("Harris Bank Parcel"); and,

WHEREAS, on or about September 16, 2006, First Street Development, LLC, the City of St. Charles and Daniel C. Lasse filed a Phase 1 Final Plat application with respect to the property legally described on Exhibit "A-3", attached hereto and incorporated herein by reference ("Phase 1 Parcels"); and,

WHEREAS, as a portion of the Subject Realty is located within a designated City Historic Preservation District, the Historic Preservation Commission reviewed the application and provided comments to the Plan Commission on or about September 20, 2006; and,

WHEREAS, Notice of Public Hearing on said applications for a special use for a Planned Unit Development and special use for a drive through facility was published on or about September 2, 2006, in a newspaper having general circulation within the City, to-wit, the *Kane County*

*Chronicle* newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission of the City of St. Charles conducted a Public Hearing on or about September 19, 2006, and continued said hearing to October 3, 2006, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission made the required Findings of Fact and recommended approval of the application on or about October 17, 2006; and,

WHEREAS, the City Planning and Development Committee recommended approval of the application on or about November 1, 2006; and

WHEREAS, the City Council received the recommendation of the Historic Preservation Commission, the Plan Commission and the Planning and Development Committee, and has considered same; and,

WHEREAS, all other public hearings required by law have been conducted, in all respects conforming to law and pursuant to notice duly given in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

**SECTION ONE:** The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

**SECTION TWO:** That there is hereby granted with respect to the Subject Realty a special use for a Planned Unit Development and the Preliminary PUD Plan, as outlined in Section 6(B) hereof, is hereby approved. In connection with such approval, and based upon the application and

the evidence presented at the public hearing, the City Council hereby finds that the PUD is in the public interest and adopts the Findings of Fact set forth on Exhibit "B" attached hereto and incorporated herein.

**SECTION THREE:** That there are hereby granted certain exceptions and deviations from the provisions of the City's Zoning Ordinance and Subdivision Regulations, as set forth on Exhibit "C" attached hereto and made a part hereof. In connection with such approval, the City Council hereby finds that said exceptions and deviations satisfy the standards of the City's Zoning Ordinance applicable to special uses and planned unit developments.

**SECTION FOUR:** That there is hereby granted to the Harris Bank Parcel a special use for a drive through facility associated with a bank. In connection with such approval, the City Council hereby finds that said special use will conform to each of the standards set forth in the Findings of Fact adopted by the Plan Commission, attached hereto as Exhibit "D".

**SECTION FIVE:** That there is hereby granted a Conditional Approval of the final subdivision plat for the Phase 1 Parcels of the First Street Redevelopment Subdivision, as prepared by Marchese and Sons, Inc., consisting of two (2) sheet(s) and dated October 12, 2006, subject to compliance of the following conditions:

- a) Submittal of a copy of the Illinois Environmental Protection Agency permits for the water main and sanitary sewer installation as required by the provisions of Chapter 16.12 (Section 16.12.190) of the St. Charles Municipal Code.
- b) Approval from Illinois Department of Transportation

**SECTION SIX:** That the relief granted in Sections Two, Three, Four and Five is expressly conditioned upon the Subject Realty at all times being constructed, used, operated and maintained in accordance with the following terms, conditions and provisions:

(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses. In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of buildings 7A, 7B and the Blue Goose, as shown on the Preliminary PUD Plan: Bank and Financial Institution.

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas and the Blue Goose: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas and the Blue Goose.

(B) That all construction, use, development and maintenance of the Subject Realty be substantially in accordance with the following documents which are on file with the City, subject to compliance with such conditions, corrections and modifications as may be required by the Director of Community Development and Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

1. Engineering Plans, as prepared by K-Plus Engineering, consisting of twelve (12) pages and dated November 13, 2006.
2. Streetscape Plan, as prepared by DLK Civic Design, consisting of twenty (20) pages, and bearing various dates between September, 2006 and November 14, 2006.
3. Building plans and elevations for Buildings 1, 2 & 3, as prepared by Knauer Incorporated, Job No. 2633, consisting of twenty three (23) pages, and bearing various dates.
4. Building plans and elevations for Building 4, as prepared by Knauer Incorporated, Job No. 2633, consisting of twenty one (21) pages, and bearing various dates.
5. Building plans and elevations for Building 6, as prepared by Knauer Incorporated, Job No. 2633, consisting of fourteen (14) pages, and bearing various dates.
6. Building plans and elevations for Buildings 7a and 7b, as prepared by Knauer Incorporated, Job No. 2633, consisting of fifteen (15) pages, and bearing various dates.
7. Building plans and elevations for Building 8, as prepared by Knauer Incorporated, Job No. 2633, consisting of seven (7) pages, and bearing various dates.

8. Building plans and elevations for Building 9, as prepared by Dan Marshall Architects, consisting of nine (9) pages, and dated on or about August 25, 2006.
9. Building plans and elevations for Building 10, as prepared by Design Services Group, Job No. 02636-0, consisting of four (4) pages, and dated November 10, 2006.
10. The First Street Redevelopment Tenant Design Criteria consisting of twenty (20) pages.
11. The First Street Downtown Redevelopment Development Data, dated November 15, 2006, attached hereto and incorporated herein as Exhibit "E".

(C) The Applicant and its successors and assigns shall be and remain in compliance with the terms and provisions of the Redevelopment Agreement (First Street Project) dated December 4, 2006 (the "Development Agreement"), entered into between the City and the Applicant. To the extent of any conflict between the provisions of this Ordinance and the provisions of the Development Agreement, the provisions of this Ordinance shall prevail.

(D) Prior to the issuance of building permits for any of the buildings located within the Historic Preservation District, a Certificate of Appropriateness by the Historic Preservation Commission be obtained.

(E) The Applicant shall provide necessary building, interior space, elevator capacity, conduit and funding to install and maintain electric transformers and other equipment within and to serve buildings 1, 2, 3 and 9, as shown on the Preliminary PUD Plan. Electric meters shall be located so that 24 hour access is provided for the City, but electric meters shall not be visible from public streets, public plazas, or the Fox River. Determination as to whether the locations and access for electric meters and transformers is acceptable shall be made by the Director of Public Works.

**SECTION SEVEN:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

**SECTION EIGHT:** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

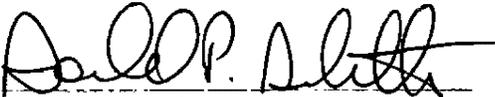
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4 day of December, 2006.

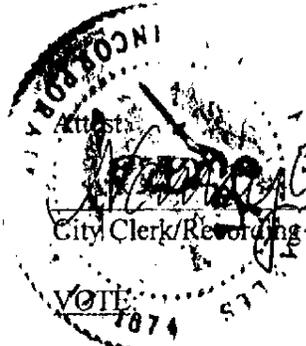
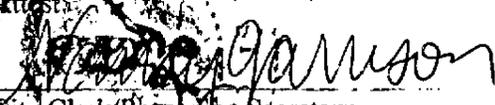
PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois

this 4 day of December, 2006.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois

this 4 day of December, 2006.

  
Donald P. DeWitte, Mayor

  
Attest:  
  
City Clerk/Recording Secretary

AYES: 10  
NAYS: 0  
ABSENT:  
ABSTAIN:

## EXHIBIT "B"

### FINDINGS OF FACT REGARDING THE PUD

**A. The proposed PUD advances the purposes of the Planned Unit Development procedure.**

The proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements. These benefits include:

1. A coordinated, comprehensive design for redevelopment of the area rather than a piecemeal approach
2. Two parking decks providing additional public parking for existing and new businesses
3. Reconstructed public utilities and elimination of overhead electric lines
4. A well designed bi-level river walk
5. Opportunity for outdoor dining for enjoyment of the riverfront
6. Streetscape improvements to create a pedestrian friendly environment
7. Public Plazas provide a gathering place that promotes social interaction
8. Opportunities for placement of public art
9. 16 units of affordable rental housing
10. A variety of high quality retail space to expand the available tenant mix
11. High quality office space to facilitate employment opportunities
12. Unique housing that helps to foster a 24 hour downtown

**B. The proposed PUD Preliminary Plans conform to the applicable Design Review Standards (Chapter 17.06).**

The proposed special use meets the applicable design review standards, except for the deviations being requested. Avoiding these deviations, including maximum building height and maximum floor area per building, would be impractical because it would impact the economic viability of the project. The standard ordinance requirements are intended to regulate developments that are not subject to the PUD review process. In this instance, building architecture and other positive design elements/public benefits of the plan can be used to justify the need for the planned unit development and the proposed deviations.

**C. The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330).**

**Public Convenience: The Special Use will serve the public convenience at the proposed location;**

Over the past 15 years, the City and the community have engaged in a series of studies, plans, improvement projects, organizational efforts, and programs to revitalize downtown St. Charles. The project area is mostly vacant, is in need of redevelopment, and in its present condition does not meet the goals of the Comprehensive Plan or the various

revitalization efforts. Granting the special use for the PUD will enable the property to be redeveloped, which in turn will help realize the goal of revitalizing downtown St. Charles.

The proposed pedestrian oriented, mixed use development will host a variety of uses that will complement the downtown area and provide new shopping, dining, working, and living opportunities. Therefore, the public convenience will be served by the proposed development.

**Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided;**

Infrastructure improvements planned along the First Street corridor include new water and sanitary sewer mains, new storm sewers, and new underground electric utility installations. First Street will be completely reconstructed, its right of way width will be increased from 60 to 80 feet (for the most part), and the street will include angle parking as well as public sidewalks and streetscape enhancements. Traffic improvements include reconfiguration and realignment of First Street at Main Street, and improvements to IL 31. A traffic study was conducted, and it recommends various improvements to minimize the traffic impact of the project.

Any development of this site that generates traffic will add somewhat to existing traffic congestion, but leaving the area undeveloped is not an appropriate option. Congestion may result in additional delays, but is not projected to be a safety issue.

**Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood;**

The proposed development will provide amenities, including the public plaza and parking, which will enhance the usability of existing development along Main Street, including the buildings on the south side of Main, west of First Street and the Hotel Baker. The residential and office components will bring potential customers for existing retail establishments and other uses. The project is expected to have a positive impact on the use and enjoyment of surrounding properties and is expected to enhance property values.

**Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The surrounding properties are already developed, and the proposed uses are compatible with the mix of uses in the surrounding area. The proposed redevelopment could be a catalyst in coming years for more redevelopment to occur.

**Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed redevelopment will be a very significant component of the revitalization of downtown St. Charles and therefore will benefit the entire community. It will serve as a catalyst for other redevelopment opportunities within downtown, while supporting and complementing existing businesses. The existing infrastructure is old and will be upgraded. The project will also provide new public and private options for enjoying the river and the downtown area. In other words, the project will not be detrimental to or endanger the public health, safety, comfort or general welfare, but will instead have a positive impact.

**D. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The proposed PUD will be beneficial to the physical development, diversity, tax base, and economic well-being of the City.

The proposed redevelopment will draw more people of all ages and backgrounds to downtown in offering some unique opportunities for shopping, restaurants, working, and living, thereby expanding the City's tax base. The project will also enable the enlargement of the Blue Goose market - a key element in the downtown area and the community. As such, the proposed PUD will be beneficial to the physical development, diversity, tax base, and economic well-being of the City.

**E. The PUD conforms to the purposes and intent of the Comprehensive Plan.**

The 2000 Downtown Strategy Plan establishes goals for development within downtown. The PUD plan supports the goal of creating a streetscape focused on pedestrian activity – it advances patterns of development that support the community's vision of a mixed use walkable district. The integration of parking structures in the plan furthers the goal of creating a strong pedestrian environment.

**F. The proposed PUD conforms to all existing Federal, State and local legislation and regulation.**

The proposed PUD will conform to all Federal, State and local legislation and regulation with the exception of the deviations being requested to the St. Charles City Code and the relief requested to the Floor Protection Elevation for Bldgs 1, 2, 3 and 4 adjacent to the Fox River floodplain.

The regulation requires the floodplain protection elevation to be three feet for areas adjacent to the Fox River. The relief sought is to lower the FPE to the 500 year flood elevation. This elevation is still above the 2 foot FPE that is required on every other floodplain in the County. The variance is necessary to have the proposed buildings relate to the existing roadways and other adjacent buildings, in order to create a pedestrian oriented district.

**EXHIBIT "C"**

**EXCEPTIONS AND DEVIATIONS FROM THE ZONING ORDINANCE AND  
SUBDIVISION REGULATIONS**

a) DEVIATIONS FROM ZONING ORDINANCE:

PROVISION	ORDINANCE REQUIREMENT	DEVIATION GRANTED
Maximum floor area per building	Table 17.14-2 - 40,000 SF per building	Bldg 1 – 85,422 SF Bldg 2 – 47,128 SF, plus 90,000 SF parking garage Bldg 3 - 55,650 SF Bldg 4 – 55,717 SF building area plus 169,744 SF parking garage Bldg 6- 70,351 SF
Parking lot setbacks	Table 17.14-2 - Minimum 5 feet setback where a surface parking lot adjoins a street	The angled parking spaces south of Bldg 7A have a zero setback off of First Street. The parking lot north of Bldg 7B has a four foot setback.
Maximum Building Height	Table 17.14-2 - 50 feet	Bldg 1 – 71 feet Bldg 2 – 68 feet Bldg 3 – 69 feet Bldg 4 – 55 feet Bldg 6 – 55 feet
Off-street parking spaces	Table 17.24-3 - 300 spaces required for area outside SSA boundary	Deviation required for 180 spaces for area outside the SSA boundary. Total number of off-street parking spaces provided per plan on Subject Realty: 830 spaces

Minimum dimensions of parking spaces for grocery	Section 17.24.070(B) - Minimum 9.5' wide spaces required for grocery stores	The proposed spaces for Blue Goose are 9 feet wide
Residential parking location	Section 17.24.060(B) - Required parking facilities accessory to uses in CBD-1 and CBD-2 Districts may be located on same lot, or on a different lot within 200 feet walking distance for residential uses	Residential units in Bldg 7A do not have parking on the same lot
Non-Residential parking location	Section 17.24.060(B) - Required parking facilities accessory to uses in CDB-1 and CBD-2 Districts may be located on same lot, or on a different lot within 500 feet walking distance for non-residential uses	Non-residential uses in Bldgs 7A and 7B do not meet this requirement
Design standards and guidelines – Location of surface parking lots	Section 17.06.040(2a) - Surface parking lots shall not be located between buildings and the street, but may instead be located behind or beside buildings	The parking lots east of the Blue Goose building and west of Bldg 6 are located adjacent to streets

**b) DEVIATION FROM TITLE 16 ( SUBDIVISION AND LAND IMPROVEMENTS)**

- 1) To allow the pavement width of a public street to be reduced from 33 ft (back of curb width) to 20 ft (edge of pavement width) and for the parking stall depth for the angled on-street parking spaces to be 14.5 ft instead of 16 ft.

2) To exempt the 16 affordable housing units in Building 7A (as more fully described in the Development Agreement) from the requirements regarding land/cash dedication to school and parks.

**City of St. Charles, Illinois**

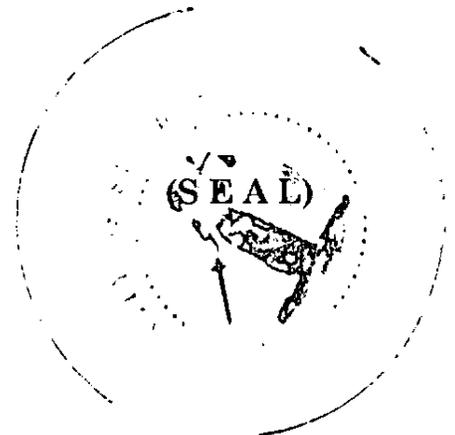
**Ordinance No. 2008-Z-22**

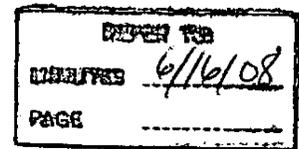
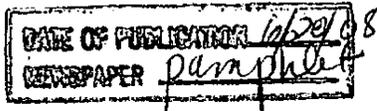
**An Ordinance Granting the First Amendment to Special  
Use PUD Ordinance 2006-Z-29 and Revised PUD  
Preliminary Plan Approval (First Street Redevelopment  
PUD)**

**Adopted by the  
City Council  
of the  
City of St. Charles  
June 16, 2008**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, June 20, 2008**

*Nancy Garrison*  
\_\_\_\_\_  
City Clerk





ORDINANCE NO. 2008-Z-22

PRESENTED AND PASSED BY THE  
CITY COUNCIL ON June 16, 2008

**AN ORDINANCE GRANTING THE FIRST AMENDMENT TO SPECIAL  
USE PUD ORDINANCE 2006-Z-29  
AND REVISED PUD PRELIMINARY PLAN APPROVAL  
(First Street Redevelopment PUD)**

**WHEREAS**, petitions to amend Special Use Ordinance 2006-Z-29 entitled " Ordinance Granting Certain Special Use Permits, granting certain exceptions and deviations from the requirements of the Zoning Ordinance and the Subdivision regulations, Granting Preliminary PUD plan approval, granting Conditional approval of the final plat of subdivision for Phase 1 and related matters for the First street Redevelopment" and approval of revised PUD Preliminary Plans for the real estate legally described in **Exhibit "I"** attached hereto (hereinafter referred to as "SUBJECT REALTY") has been filed by First Street Development, L.L.C.("APPLICANT"); and,

**WHEREAS**, Notice of Public Hearing on said applications for the Special Use Amendment was published on or about December 1, 2007, in a newspaper having general circulation within the City, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

**WHEREAS**, pursuant to said Notice, the Plan Commission of the City of St. Charles conducted a Public Hearing on or about December 18, 2007, all as required by the statutes of the State of Illinois and the ordinances of the City; and

**WHEREAS**, at said Public Hearing, the Applicant presented testimony in support of said application and all interested parties had an opportunity to be heard; and,

**WHEREAS**, the Subject Realty is located within a designated City Historic Preservation District, and the Historic Preservation Commission reviewed the application provided its recommendations (Resolution 10-2007) to the Plan Commission;

**WHEREAS**, the Plan Commission made the required Findings of Fact and recommended approval of the petitions on January 8, 2008 as per Plan Commission Resolution 1-2008; and

**WHEREAS**, the Planning and Development Committee recommended approval of the petitions on January 14, 2008, based on the Findings of Fact attached herein as “**Exhibit II**”; and,

**WHEREAS**, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and the Planning and Development Committee and has considered the same; and,

**WHEREAS**, an Application for a Minor Change to a PUD, including but not limited to changes to the description of the PUD Preliminary Plans in Exhibit “E” to Ordinance 2006-Z-9, was filed by the APPLICANT on June 9, 2008;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:**

**SECTION 1.** The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

**SECTION 2.** That Ordinance 2006-Z-29 is hereby amended by deleting the provisions of Exhibit “C” entitled “ Exceptions and Deviations from the Zoning Ordinance and Subdivision Regulations” and Exhibit “E” entitled “First Street Downtown Redevelopment Development Data” in their entirety, and by substituting, respectively, the provisions of Revised Exhibit “C” and Revised Exhibit “E” attached hereto and incorporated herein. In connection with such approval, and based upon the applications and the evidence presented at the public hearing, the City Council hereby finds that the Special Use Amendment and the PUD Preliminary Plan are in the public interest and adopts the Findings of Fact set forth in Exhibit II, attached hereto and incorporated herein. The City Council also finds that the additional changes in Exhibit “E” requested in the Application for a Minor Change to a PUD submitted on June 9, 2008 constitute a minor change to the PUD Preliminary Plans, and are approved as part of Revised Exhibit “E”.

**SECTION 3.** That approval is hereby granted for the Revised Preliminary Plan with respect to Buildings 1, 2 and 3 attached hereto and incorporated herein as **Exhibit “III”** including the following documents:

- Floor plans and Architectural Elevations/sections for Building 1 (6 sheets) prepared by Knauer Inc. dated 12/5/07
- Floor Plans and Architectural Elevations/sections for Buildings 2 and 3 (9 sheets) prepared by Knauer Inc. dated 10/12/07

Buildings 1, 2 and 3 shall be developed only in accordance with the Revised Preliminary Plan and in accordance with all ordinances of the City as now in effect or hereafter amended.

**SECTION 4.** That this Ordinance shall become effective from and after its passage and approval in accordance with law.

**PRESENTED** to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16 day of June, 2008.

**PASSED** by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16 day of June, 2008.

**APPROVED** by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 16 day of June, 2008.



MAYOR Donald P. DeWitte

ATTEST:



CITY CLERK



**COUNCIL VOTE:**

AYES: 8

NAYS: 0

ABSENT: 2

**“EXHIBIT II”**

**FINDINGS OF FACT FOR AMENDMENT TO SPECIAL USE FOR A PUD**

**Section A: Findings to determine whether the proposed PUD is in the public interest:**

**1. The proposed PUD advances the purposes of the Planned Unit Development procedure (Section 17.04.400 A through G):**

*A. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.*

The proposed penthouses and duplex residential units will provide a unique housing opportunity.

*B. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.*

Not applicable to the PUD amendment.

*C. To encourage a harmonious mix of land uses and a variety of housing types and prices*

Both the Riverloft and River Terrace buildings have mixed uses (office, retail and residential); the condominiums are designed to cater to individual needs and offer variety.

*D. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.*

Not applicable to the PUD amendment.

*E. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.*

The infrastructure has been planned and is being constructed as part of the entire First Street redevelopment project.

*F. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.*

First Street PUD is a redevelopment project of an underutilized area in downtown.

*G. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community*

The First St project is a collaborative effort between several property owners including the City. Public hearings and meetings have been held to obtain public input.

**2. The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330):**

*A. Public Convenience: The special Use will serve the public convenience at the proposed location.*

The amendment to the PUD involves a request to allow for additional building floor area. An additional level is being proposed to the Riverloft parking deck that contributes to the increase in the allowable floor area. Additional public parking can serve the public convenience through the amendment to the PUD.

*B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.*

The access roads, drainage and utility layouts remain unchanged from the original PUD plan. Some internal reconfiguration has occurred within the building for electric and mechanical utility spaces which has partially triggered the amendment to the PUD for an increase in the overall building floor area.

*C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.*

The overall building footprint and the uses for Bldgs 1, 2 and 3 will remain unchanged from the original PUD plan. The additional building height is in locations which are setback from the outer edges of the buildings. The amendment to the PUD will therefore, not be injurious to the use and enjoyment of other properties in the immediate vicinity, nor substantially diminish property values within the neighborhood.

*D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.*

The surrounding properties are part of the First Street redevelopment project. Proposed changes to Bldgs 1,2 and 3 thru the amendment to the PUD will essentially be within the same building footprint that was approved with the PUD.

- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The requested amendment to the PUD will not be detrimental to the public health, safety, comfort or general welfare. The amendment allows for a variety in the types of housing opportunities and provides additional parking for the First Street project.

- F. Design Review: That the proposed Special Use meets or exceeds the applicable Design Review Standards of Chapter 17.06 and other applicable provisions of this Title.*

The changes to Bldgs 1, 2 and 3 will conform with all applicable standards and codes other than the requested deviations to building floor area and building height.

**3. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well being of the City.**

The changes to the residential units in Bldgs 1, 2 and 3 are being proposed to make the units more marketable, which in turn will contribute to the overall success of the project.

**4. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The amendment to the PUD does not change or modify the originally approved land uses for the property.

**5. The proposed PUD conforms to all existing Federal, State and local legislation and regulation.**

The proposed amendment to the PUD complies with all applicable regulations other than the deviations being requested.

**Section B: Determining whether the proposed relief from ordinance requirements is justified:**

The relief from the requirements of the underlying zoning district is justified because:

\_\_\_\_\_ Conforming to the requirements would inhibit creative design that serves community goals, or

\_\_\_\_\_ Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

Factors to be considered in this determination shall include, but are not limited to the following:

- A. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.*

The 2006 PUD and approved preliminary plan included public plazas, a riverwalk and a unique streetscape design for the public realm – amenities that would serve the needs of the community. The amendment to the PUD does not change the approved plan. Additional parking is being proposed thru the amendment to the PUD.

- B. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.*

The amendment to the PUD does not change any of the open spaces that were approved with the original PUD.

- C. The PUD will provide superior landscaping, buffering or screening.*

Not applicable to the amendment to the PUD.

- D. The buildings within the PUD offer high quality architectural design.*

The original concept for the building architecture remains the same for Bldgs 1,2 and 3. The proposed changes add more modulation and interest to the original design.

- E. The PUD provides for energy efficient building and site design.*

Not applicable to the amendment to the PUD.

- F. The PUD provides for the use of innovative stormwater management techniques.*

Not applicable to the amendment to the PUD. No changes are contemplated from the original PUD.

- G. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.*

The dwelling units are all being designed to comply with all applicable codes. Plans will be reviewed in relation to issuance of building permits to confirm compliance.

- H. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.*

Not applicable to the amendment to the PUD. 16 affordable units have already been provided in Bldg 7A as part of the First Street project.

*I. The PUD preserves historic buildings, sites or neighborhoods*

Not applicable to the amendment to the PUD.

**REVISED EXHIBIT "C"**

**EXCEPTIONS AND DEVIATIONS FROM THE ZONING ORDINANCE AND  
SUBDIVISION REGULATIONS**

**a) DEVIATIONS FROM ZONING ORDINANCE:**

<b>PROVISION</b>	<b>ORDINANCE REQUIREMENT</b>	<b>DEVIATION GRANTED</b>
Maximum floor area per building	Table 17.14-2 - 40,000 SF per building	Bldg 1 –89,196 SF Bldgs 2 & 3 –123,276 SF plus 117,602 SF parking garage Bldg 4 – 55,717 SF building area plus 169,744 SF parking garage Bldg 6 - 70,351 SF
Parking lot setbacks	Table 17.14-2 - Minimum 5 feet setback where a surface parking lot adjoins a street	The angled parking spaces south of Bldg 7A have a zero setback off of First Street. The parking lot north of Bldg 7B has a four foot setback.
Maximum Building Height	Table 17.14-2 - 50 feet	Bldg 1 – 75 feet Bldg 2 – 74 feet Bldg 3 – 74 feet Bldg 4 – 55 feet Bldg 6 – 55 feet
Off-street parking spaces	Table 17.24-3 - 300 spaces required for area outside SSA boundary	Deviation required for 180 spaces for area outside the SSA boundary. Total number of off-street parking spaces provided per plan on Subject Realty: 852 spaces
Minimum dimensions of parking spaces for grocery	Section 17.24.070(B) - Minimum 9.5' wide spaces required for grocery stores	The proposed spaces for Blue Goose are 9 feet wide
Residential parking location	Section 17.24.060(B) - Required parking facilities accessory to uses in CBD-1 and CBD-2 Districts may be located on same lot, or on a different lot within 200 feet walking distance for residential uses	Residential units in Bldg 7A do not have parking on the same lot
Non-Residential parking location	Section 17.24.060(B) - Required parking facilities accessory to uses in CDB-1 and CBD-2 Districts may be located on same lot, or on a different lot within 500 feet	Non-residential uses in Bldgs 7A and 7B do not meet this requirement

	walking distance for non-residential uses	
Design standards and guidelines – Location of surface parking lots	Section 17.06.040(2a) - Surface parking lots shall not be located between buildings and the street, but may instead be located behind or beside buildings	The parking lots east of the Blue Goose building and west of Bldg 6 are located adjacent to streets

b) DEVIATION FROM TITLE 16 ( SUBDIVISION AND LAND IMPROVEMENTS)

- 1) To allow the pavement width of a public street to be reduced from 33 ft (back of curb width) to 20 ft (edge of pavement width) and for the parking stall depth for the angled on-street parking spaces to be 14.5 ft instead of 16 ft.
  
- 2) To exempt the 16 affordable housing units in Building 7A (as more fully described in the Development Agreement) from the requirements regarding land/cash dedication to school and parks.

**REVISED EXHIBIT "E"**  
**FIRST STREET DOWNTOWN REDEVELOPMENT**  
**ST. CHARLES, ILLINOIS**  
**DEVELOPMENT DATA**

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<b><u>River Terrace Building 1</u></b>	Retail	1 <sup>st</sup> Level	20,056 S.F.
	Non-residential*	2 <sup>nd</sup> Level	20,196 S.F.
	Residential (6 units)	3 <sup>rd</sup> Level	17,690 S.F.
	Residential (6 units)	4 <sup>th</sup> Level	15,392 S.F.
	Residential (4 units)	5 <sup>th</sup> Level	13,664 S.F.
	Penthouses	5 <sup>TH</sup> mezzanine	2,198 SF
	<b><u>Total bldg area</u></b>		

<b><u>River Loft Buildings 2 And 3</u></b>	Retail	1 <sup>st</sup> Level	20,318 S.F.	
	Non-residential*	2 <sup>nd</sup> level	12,396 S.F.	
	Residential (4- 2 Bedroom) (1-3 bedroom)	2 <sup>nd</sup> Level	11,423 S.F.	
	Residential (2-1 Bedroom) (8-2 Bedroom) (3-3 bedroom)	3 <sup>rd</sup> Level	23,907 S.F.	
	Residential (2-1 Bedroom) (9-2 Bedroom) (2-3 bedroom)	4 <sup>th</sup> Level	23,095 S.F.	
	Residential (6-1 bedroom) (7-2 bedroom) (1-4 bedroom)	5 <sup>th</sup> Level/ mezzanine	32,137 S. F.	
	<b><u>Total building area</u></b>			<b><u>123,276 S.F.</u></b>

**Riverloft (Buildings 2 and 3) Parking Garage**

Parking	1 <sup>st</sup> level	21,778 SF	35 spaces
Parking	2 <sup>nd</sup> level	8,712 SF	22 spaces
Parking	3 <sup>rd</sup> level	21,778 SF	57 spaces
Parking	4 <sup>th</sup> level	21,778 SF	57 spaces
Parking	5 <sup>th</sup> level	21,778 SF	57 spaces
Parking	6 <sup>th</sup> level	21,778 SF	41 spaces
<b>Total</b>		<b>117,602 SF</b>	<b>269 spaces</b>

<b><u>Building 4</u></b>	Retail	1 <sup>st</sup> level	25,112 SF
	Non-residential*	2 <sup>nd</sup> level	30,273 SF
<b>Total</b>			<b>55,385 SF</b>

**Building 4 Parking Garage**

Parking	1 <sup>st</sup> Level	19,304 SF /45 spaces
Parking	2 <sup>nd</sup> Level	22,881 SF/52 spaces
Parking	3 <sup>rd</sup> Level	22,881 SF/50 Spaces
Parking	4 <sup>th</sup> Level	52,339 SF/140 spaces
Parking	5 <sup>th</sup> Level	52,339 SF/143 Spaces
<b>Total</b>		<b>169,744 SF/ 429 spaces</b>

<b><u>Building 6</u></b>	Parking	Below Grade Level	35 Spaces
	Retail	1 <sup>st</sup> Level	13,753 S.F.
	Non-residential*	2 <sup>nd</sup> Level	18,866 S.F.
	Residential (4 – 1 Bedroom)	3 <sup>rd</sup> Level	18,866 S.F.
	Residential (7 – 2 Bedroom)	4 <sup>th</sup> Level	18,866 S.F.
	Residential (4 – 1 Bedroom)		
	Residential (7 – 2 Bedroom)		
<b>Total</b>			<b>70,351 S.F.</b>

<b><u>Building 7A</u></b>	Retail	1 <sup>st</sup> Level	6,391 S.F.
	Apartments (8 -1 Bedroom)	2 <sup>nd</sup> Level	6,512 S.F.
	Apartments (8 -1 Bedroom)	3 <sup>rd</sup> Level	6,512 S.F.
	<b>Total</b>		<b>19,415 S.F.</b>

<b><u>Building 7B</u></b>	Retail	1 <sup>st</sup> Level	6,327 S.F.
	Non-residential*	2 <sup>nd</sup> Level	6,572 S.F.
	Office	3 <sup>rd</sup> Level	6,540 S.F.
	<b>Total</b>		<b>19,439 S.F.</b>

<b><u>Building 8</u></b>	Retail	1 <sup>st</sup> Level	4,387 S.F.
	Non-residential*	2 <sup>nd</sup> Level	4,660 S.F.
	Office	3 <sup>rd</sup> Level	4,660 S.F.
	<b>Total</b>		<b>13,707 S.F.</b>

<b><u>Building 9</u></b>		Basement	5,987 SF
	Restaurant	1 <sup>st</sup> level	5,826 SF
	Office	2 <sup>nd</sup> level	5,943 SF
	Office	3 <sup>rd</sup> level	5,943 SF
	Office	4 <sup>th</sup> level	5,943 SF
	<b>Total</b>		<b>29,636 SF</b>

<b><u>Blue Goose</u></b>	Retail	1 <sup>st</sup> level	30,508 SF
	Office	Mezzanine	5,778 SF
	<b>Total</b>		<b>36,286 SF</b>

\*Includes the non-residential uses allowed in the CBD-1 Central Business District; any use classified as a special use in Table 17.14-1 requires the granting of a Special Use.

**City of St. Charles, Illinois**

Refer to:	3-2-2015
Minutes	
Page	

**Ordinance No. 2015-Z-5**

**Motion to Approve an Ordinance Granting Approval of a PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD (Buildings 1, 2, 3 and Parking Deck).**

**Adopted by the  
City Council  
of the  
City of St. Charles  
March 2, 2015**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, March 6, 2015**

  
\_\_\_\_\_  
City Clerk



**(SEAL)**

**City of St. Charles, Illinois  
Ordinance No. 2015-Z-5**

**An Ordinance Granting Approval of a PUD Preliminary Plan for a portion of  
Phase 3 of the First Street Redevelopment PUD  
(Buildings 1, 2, 3 and Parking Deck)**

WHEREAS, an application has been filed for PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD, said realty being legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Realty"); and,

WHEREAS, said application was filed with the City on or about November 3, 2014, by First Street Development II, L.L.C. ("Applicant") and authorized by the record owner of the Subject Realty, the City of St. Charles ("Record Owner"); and,

WHEREAS, the Historic Preservation Commission recommended approval of the PUD Preliminary Plan on or about November 19, 2014; and,

WHEREAS, the Plan Commission recommended approval of the PUD Preliminary Plan on or about December 16, 2014; and,

WHEREAS, the Planning & Development Committee of the City Council recommended approval of the PUD Preliminary Plan on or about February 17, 2015; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning & Development Committee and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

2. That passage of this Ordinance shall constitute approval of the PUD Preliminary Plan, incorporated herein as Exhibit "B", such that the following documents and illustrations are hereby approved, reduced copies of which are attached hereto, subject to satisfactory resolution of all outstanding staff review comments and compliance with such conditions, corrections, and modifications as may be required by the Director of Community & Economic Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

- Development Data, dated February 27, 2015
- Specifications for the Proposed Parking Deck, dated February 27, 2015
- Preliminary Engineering Plans titled "1<sup>st</sup> Street Phase 3", prepared by County Engineers, Inc., dated January 28, 2015 and February 16, 2015

- Building Architectural Elevations for Building 1, Building 2, and the Parking Deck prepared by Marshall Architects, dated February 2, 2015.

3. Preliminary Plans shall be submitted for review by the Historic Preservation Commission and Plan Commission and approval by the City Council for the following:

- Streetscape Improvements for First and Illinois Streets.
- Building Architectural Elevations for Building #3.
- Riverwalk Improvements along the Fox River frontage.
- Plaza area north of Building #2

4. That the subject property may be developed and used only in accordance with all ordinances of the City now in effect or hereafter amended or enacted.

5. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 2nd day of March, 2015.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 2nd day of March, 2015.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 2nd day of March, 2015.

  
Raymond P. Rogina, Mayor

Attest:

  
Nancy Garrison, City Clerk

Vote:   
Ayes:   
Nays:   
Absent:   
Abstain:   
Date: \_\_\_\_\_



APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lots 3, 4, 5 11 and 12 in the Phase III First Street Redevelopment Subdivision, according to the plat thereof recorded as Document No. 2008K089916, in the City of St. Charles, Kane County, Illinois.

**EXHIBIT "B"**

**PUD PRELIMINARY PLAN**

- Development Data, dated February 27, 2015
- Specifications for the Proposed Parking Deck, dated February 27, 2015
- Preliminary Engineering Plans titled "1<sup>st</sup> Street Phase 3", prepared by County Engineers, Inc., dated January 28, 2015 and February 16, 2015
- Building Architectural Elevations for Building 1, Building 2, and the Parking Deck prepared by Marshall Architects, dated February 2, 2015.

**FIRST STREET PHASE 3 DEVELOPMENT DATA**  
2/27/15

<b>Building No.</b>	<b>Type</b>	<b>Floor Level</b>	<b>Area/Units</b>
<b>Building 1</b>	Parking	Basement	27 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,865 sf
	Office	2 <sup>nd</sup> level	11,865 sf
	Office	3 <sup>rd</sup> level	11,865 sf
	Office	4 <sup>th</sup> level	11,865 sf
<b>Total Building area</b>			<b>47,460 sf</b>
<b>Building 2</b>	Parking	Basement	27 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,898 sf
	Residential	2 <sup>nd</sup> level	12,000 sf
	Residential	3 <sup>rd</sup> level	12,000 sf
	Residential	4 <sup>th</sup> level	12,000 sf
Total Residential (12 Studio, 12 1-Bedroom, 12 2-Bedroom)			36 units
<b>Total Building area</b>			<b>47,898 sf</b>
<b>Building 3</b>	Parking	Basement	25 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,966 sf
	Residential	2 <sup>nd</sup> level	11,966 sf
	Residential	3 <sup>rd</sup> level	11,966 sf
	Residential	4 <sup>th</sup> level	11,966 sf
	Residential	5 <sup>th</sup> level	11,966 sf
Total Residential (8 1-Bedroom, 16 2-Bedroom, 8 3-Bedroom)			32 units
<b>Total Building area</b>			<b>59,830 sf</b>
<b>Parking Deck</b>	Parking	1 <sup>st</sup> level	57 spaces
	Parking	2 <sup>nd</sup> level	53 spaces
<b>Total Parking Count</b>			<b>110 spaces</b>

## SPECIFICATIONS FOR PROPOSED PARKING DECK

2/27/15

Revised 3/2/15

1. The proposed parking structure will be designed, constructed and considered as an "open air" parking structure as defined per building codes. Therefore, the following systems are not contemplated: Fire alarm, ventilation/vapor intrusion, drainage into the sanitary system/sand oil separator for the lower level of the deck, and no mechanical/electrical room is included in the plans.
2. Fire Sprinkler System: For an open deck, Installation of a dry type I standpipe system with a minimum of 2 hose stations located on each level of the parking structure. The fire department connection would be located near the Illinois St. entrance.
3. 8 feet of vertical clearance is required within the parking garages which includes the parking areas below buildings 1, 2, 3 and the open parking garage.
4. Larger double tee precast designed to accommodate the loads induced by the City's Fire Department ladder truck shall be located generally in the area approximately 62' east of the ramp from First Street and approximately 28' wide centered on the centerline of the ramp.
5. 3" concrete topping (broom finish and wet cured) over larger double tees included.
6. Control joints with sealant over each precast piece joint and the application of a silane sealer over the entire upper level surface.
7. Sealing and caulking for all precast joints is included.
8. Confirmation the proposed deck can handle anticipated snow loadings and snow removal operations as described:

It is thought that the 6-wheel dump would be backed up the ramp and parked in the middle (Area where the ladder truck was anticipated to sit) and then the other equipment would be used to push and load snow at the same time. It would be conceivable for at least the 6-wheeler, Wheel Loader and Backhoe to be up there at one time working.

Equipment	Operating Weight (lbs)	Contact Area Front (Sqj)	Contact Area Back (Sqj)	Total Contact Area (Sqj)	Ground Pressure per Contact (psi)
JD 544k Wheel Loader	28660	468	468	936.00	30.62
JD 410k Backhoe	16500	260	468	728.00	22.66
Case 410 Skid Steer (with bucket)	6200	189	189	378.00	16.40
6 Wheel Dump (Loaded w/plow)	50000	255	952	1207.00	41.43
* NOTE - Calculations based on level surface and no movement					
** NOTE - Construction Equipment was calculated as "unloaded", Dump truck calculated as fully loaded.					

9. All conduit is rigid conduit and all fittings are rated for outdoor use.
10. Adequate light fixtures to meet required codes or industry standards including but not limited to emergency lighting, exit lighting, egress path lighting and also with respect to

lighting on the upper and lower level of the parking deck is included. Walker Parking's initial review indicated that more than 14 light fixtures on the lower level, as identified in the preliminary cost estimate from Premium Electric Services dated January 6, 2015, may be needed. All lighting fixtures to be subject to review and approval by the City. Developer has budgeted an allowance of \$28,000 for upper level fixtures. Should the City select a more expensive fixture for the upper level, the City would cover the cost difference. Photometrics to be included with Final Engineering plans prepared by the developer.

11. Lower level sump pumps (2) and back-up/alarm system is included.
12. Coverings/treatments over required openings to comply with the lower level being open air are included. Design subject to review by the City.
13. All required ramp/stair handrails, bollards, doors and door frames, flashing and trim are included.
14. Foundation: 6" perimeter drains is included.
15. Public storm sewer passing under the parking deck to be reconstructed per the Preliminary Engineering Plans.
16. Striping and directional signage
17. Future security and parking counter system to be determined jointly by developer and staff during Final Engineering.

**1ST STREET PHASE 3**  
**NORTHEAST CORNER OF 1ST STREET AND ILLINOIS STREET**  
**ST. CHARLES, ILLINOIS**

**WARNING**

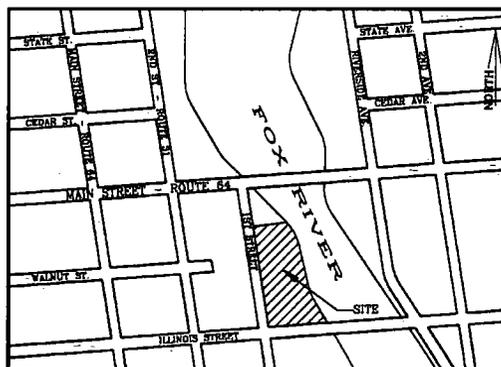


CALL BEFORE  
YOU DIG  
(A HOOR AHEAD HELD PREP TO DIG)

**CITY OF ST. CHARLES NOTES**

1. ALL PERVIOUS AREA SHALL BE SOODED OVER A MINIMUM OF 8" OF TOP SOIL UNLESS OTHER LANDSCAPING METHODS ARE APPROVED ON THE LANDSCAPING PLAN.
2. ALL CONDUIT OR PIPE CONSTRUCTED UNDER EXISTING OR PROPOSED PAVED SURFACES AND WALLS SHALL BE BACKFILLED WITH GRANULAR BACKFILL THOROUGHLY COMPACTED IN ACCORDANCE WITH THE SPECIFICATIONS. GRANULAR BACKFILL IS ALSO REQUIRED WITHIN 2' OF PAVED SURFACES.
3. ALL PAVING, SIDEWALK, AND EXCAVATION WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) AND THE CITY OF ST. CHARLES STANDARD DETAILS, CODES AND REQUIREMENTS.
4. ALL SEWER AND WATER MAIN WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS AND CITY OF ST. CHARLES CONSTRUCTION STANDARDS.
5. CONTRACTOR TO GUARANTEE ALL MATERIALS AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR AFTER ACCEPTANCE BY THE CITY.
6. ALL EXISTING UTILITIES OR IMPROVEMENTS, INCLUDING WALLS, CURBS, PAVEMENT AND DRIVEWAYS DAMAGED OR REMOVED DURING CONSTRUCTION SHALL BE PROMPTLY RESTORED TO THEIR RESPECTIVE ORIGINAL CONDITION.
7. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION TO VERIFY IN THE FIELD ALL EXISTING AND UNDERGROUND UTILITIES ADJACENT TO THE PROJECT, AND BE RESPONSIBLE FOR PROTECTION OF SAME.
8. ALL CONCRETE SHALL BE 8 INCH MIX, 3000 PSI CONCRETE AT 14 DAYS. CURING MATERIAL SHALL BE NEOPRIME CURING COMPOUND AND SHALL BE WHITE IN COLOR TO ASSURE ADEQUATE COVERAGE.
9. CONTRACTOR SHALL NOTIFY CITY 48 HOURS IN ADVANCE OF CONSTRUCTION OF UNDERGROUND WORK. NO UNDERGROUND WORK SHALL BE COVERED UNTIL SAME HAS BEEN INSPECTED BY THE CITY. APPROVAL TO PROCEED MUST BE OBTAINED FROM THE CITY PRIOR TO INSTALLING PAVEMENT BASE, PAVEMENT UNDER, PAVEMENT SURFACE, AND PRIOR TO POURING ANY CONCRETE AFTER FORMS HAVE BEEN SET.
10. IF APPLICABLE, ALL NEW REINFORCED CONCRETE PIPE STORM SEWER 12" AND LARGER WHERE SHOWN ON THE PLANS SHALL BE ASTM DESIGNATION C-76 MINIMUM CLASS, CLASS II. ALL PIPE WITH LESS THAN 3" OF COVER AND MORE THAN 15' OF COVER SHALL BE CLASS V. ALL JOINTS SHALL BE "O" RING RUBBER GASKET CONFORMING TO ASTM C-301 SPECIFICATIONS. ALL STORM SEWERS WITH LESS THAN 1.75' OF COVER AND ALL DUCTILE IRON PIPE STORM SEWERS WHERE SHOWN ON THE PLANS SHALL BE DUCTILE IRON PIPE CLASS 52 AND SPECIFICATIONS 4-21.51 WITH PUSH-ON OR MECHANICAL JOINTS AND POLYETHYLENE JACKBOARDS.
11. BITUMINOUS PAVEMENT MATERIAL MUST BE PLACED IN TWO LIFTS. THICKNESS OF EACH LIFT SHALL BE AS SHOWN ON APPROVED PLANS. ALL MATERIAL SHALL BE CLASS I BITUMINOUS AS PER IDOT STANDARDS. THE FINAL SURFACE COURSE SHALL NOT BE INSTALLED UNTIL THE CITY HAS APPROVED THE COMPACTION OF THE UNDER MATERIAL. THE UNDER COURSE SHALL NOT BE INSTALLED UNTIL THE COMPACTION OF THE STONE BASE HAS BEEN APPROVED BY THE CITY. THE FINAL SURFACE COURSE MAY NOT BE INSTALLED UNTIL THE MAJOR PORTION OF BUILDING CONSTRUCTION HAS BEEN COMPLETED AS DETERMINED AND APPROVED BY THE CITY.

**NOTE: IN CASE OF CONFLICT WITH OTHER NOTES AND SPECIFICATIONS, THE CITY'S STANDARD NOTES AND DETAILS SHALL APPLY.**



**LOCATION MAP**  
NOT TO SCALE

**LEGEND**

	PROPOSED STORM SEWER		PROPOSED SPOT GRADE
	EXISTING STORM SEWER		EXISTING SPOT GRADE
	PROPOSED SANITARY SEWER		PROPOSED CONTOUR
	EXISTING SANITARY SEWER		EXISTING CONTOUR
	PROPOSED WATER MAIN		SALT FENCE
	EXISTING WATER MAIN		OVERFLOW DIRECTION
	PROPOSED SANITARY MANHOLE		PROPOSED CURB
	EXISTING SANITARY MANHOLE		EXISTING CURB
	EXISTING STORM STRUCTURE		PROPOSED EDGE OF PAVEMENT
	PROPOSED STORM STRUCTURE		
	PROPOSED FIRE HYDRANT		
	PROPOSED GATE VALVE		

**SHEET INDEX**

TITLE	SHEET NO.
TITLE SHEET	1
TOPOGRAPHY & DEMOLITION PLAN	2
GEOMETRIC PLAN	3
BUILDING 1 INFORMATION	4
BUILDING 2 INFORMATION	5
PARKING STRUCTURE UPPER/LOWER LEVELS	6
GRADING PLAN	7
UTILITY PLAN	8
PLAT OF SUBDIVISION	

**BENCHMARK:**

CITY OF ST. CHARLES -  
 STATION N 19 ELEV=696.45 NAVD89  
 AT SAINT CHARLES, KANE COUNTY, IN NORTHEAST  
 LIMESTONE CORNER OF THE REHMS ELECTRICAL  
 BUILDING, 8 FEET EAST OF THE NORTH (FRONT)  
 ENTRANCE, AND ABOUT 1 FOOT ABOVE SIDEWALK.  
 A STANDARD DISC, STAMPED N 19 1934 AND SET  
 VERTICALLY.

**UNDERGROUND UTILITY NOTE:**  
 The location of existing underground utilities, such as water mains, sewers, gas lines, etc., as shown on the plans, has been determined from the best available information and is given for the convenience of the Contractor. However, the Owner and the Engineer do not assume responsibility in the event that during construction, utilities other than those shown may be encountered, and that the actual location of those which are shown may be different from the location as shown on the plans.

**USE OF DRAWINGS**  
 Client agrees not to use or permit any other person to use plans, drawings, or other product prepared by the Engineer, which plans, drawings, or other work product are not final and which are not signed, and stamped or sealed by the Engineer and contain the words "Released for Construction".

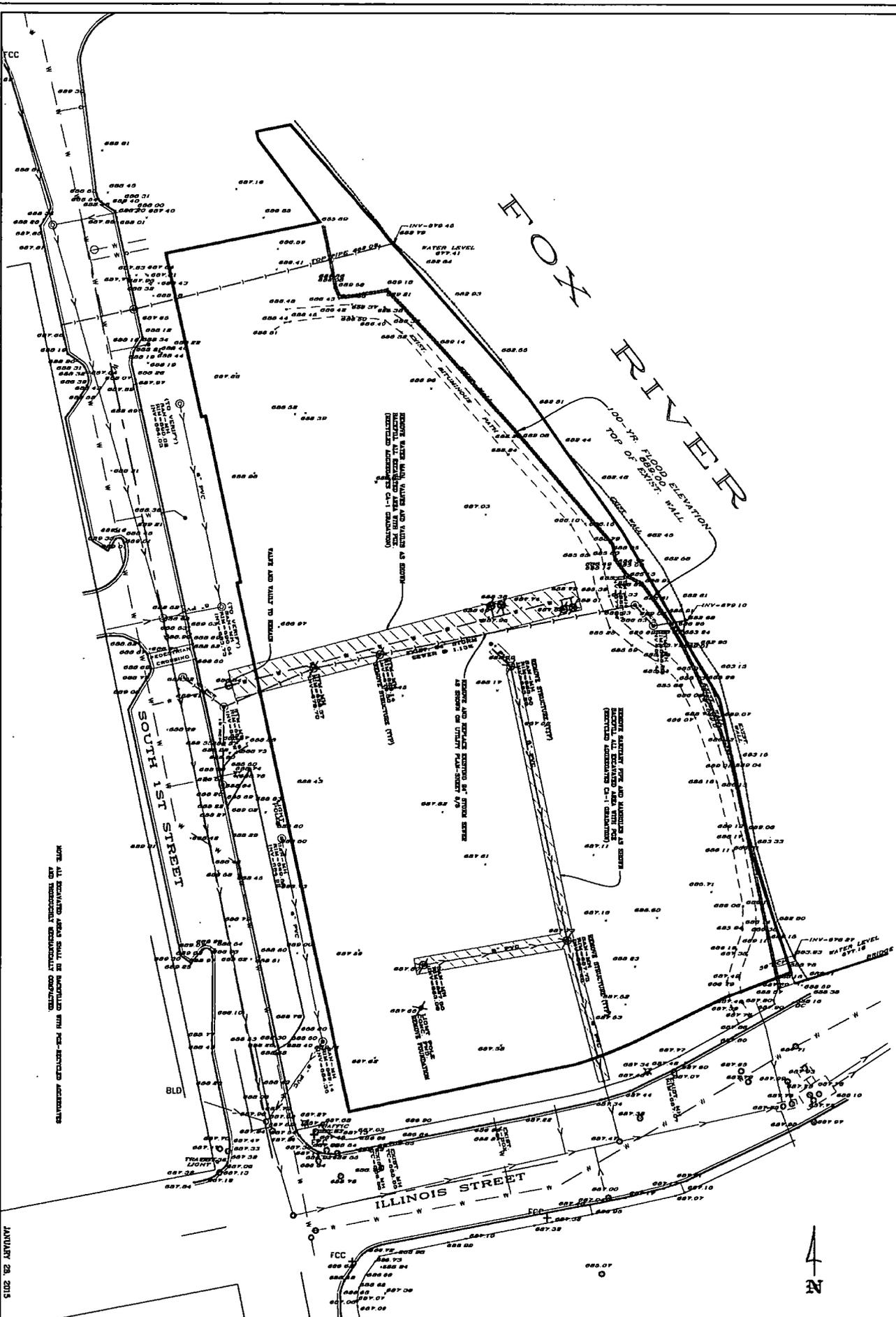
**HOLD HARMLESS STATEMENT**  
 The Engineer is not overseeing the construction of this project. The use of these Drawings and Specifications by and Contractor, Subcontractor, Builder, Mechanic, Tradesman or Worker shall indicate a Hold Harmless Agreement between the User and the Engineer. The User shall in fact agree to hold the Engineer harmless for any responsibility in regard to construction means, methods, techniques, sequences or procedures and for any safety precautions and programs in connection with the work and further shall hold the Engineer harmless for costs and problems arising from the negligence of Contractor, Subcontractor, Builder, Mechanic, Tradesman or Workers. The use of these Drawings also implies that the Engineer shall take no responsibility for the plan User's failure to carry out the work in accordance with the Drawing and Specifications.

**COUNTY ENGINEERS INC.**  
 2202 GARY LANE, GENEVA, ILLINOIS 60134  
 630.364.6976      ceillinois@aol.com



BRANDON J. JANTZI  
 REGISTERED PROFESSIONAL ENGINEER  
 RENEWAL DATE: 11/30/15

JANUARY 28, 2015



DELIVERED TO THE CLIENT WITH ALL NECESSARY ATTACHMENTS AND RECORDS. THE CLIENT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION PROVIDED. THE CLIENT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DATA AND INFORMATION PROVIDED.

**TOPOGRAPHY AND DEMOLITION**  
 SHEET 2 OF 8

Type of Survey Date Bk. - Pg. Date Dwn. / By	Drawing Mortgage Foundation	Common Address : Buyer/Client : Job No. :
---	-----------------------------------	---

**COUNTY ENGINEERS INC.**  
 2200 HWY 100, BEND, OREGON 97701  
 (503) 338-1111  
 CONSTRUCTION PERMITS CONSTRUCTION MANAGEMENT

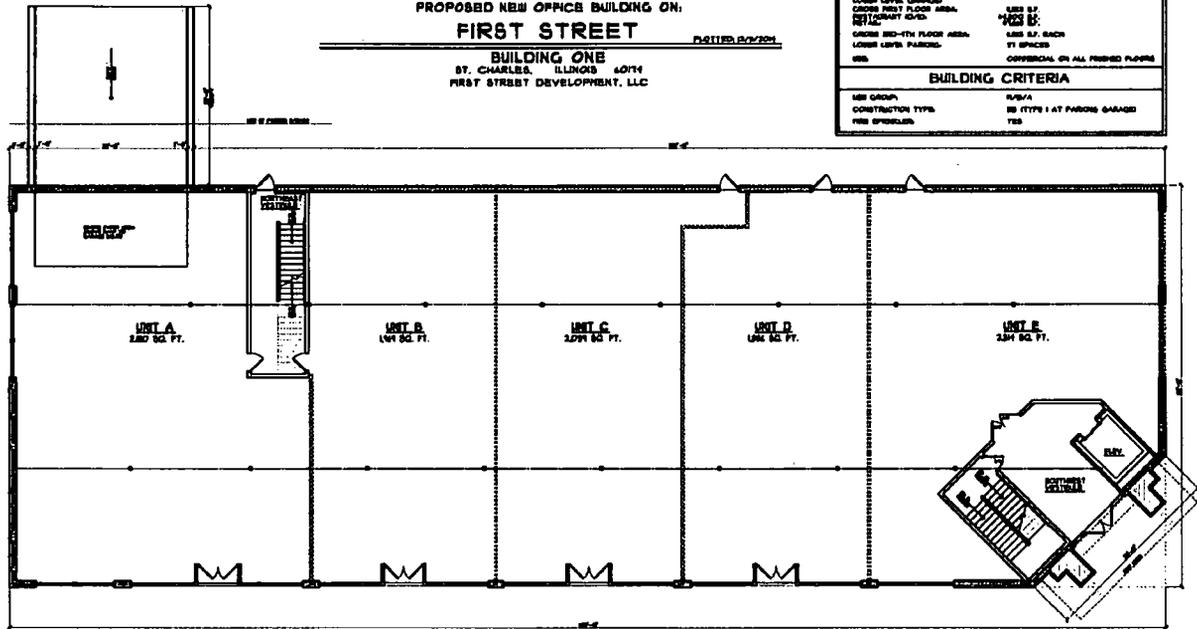
JANUARY 28, 2015



PROPOSED NEW OFFICE BUILDING ON:  
**FIRST STREET**  
 BUILDING ONE  
 ST. CHARLES, ILLINOIS 60174  
 FIRST STREET DEVELOPMENT, LLC

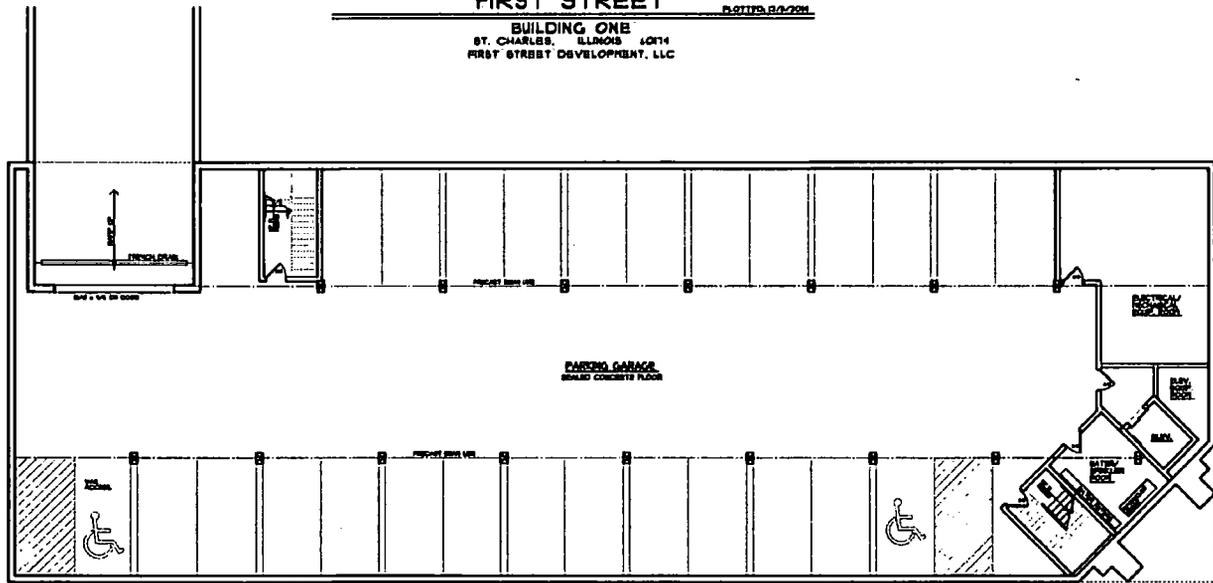
**BUILDING ONE**

SITE CRITERIA	
FOOTPRINT:	428 SF
NET GROSS FLOOR AREA:	1140 SF
GROUND FLOOR AREA:	428 SF
NET GROSS 2ND FLOOR AREA:	712 SF
NET GROSS 3RD FLOOR AREA:	0 SF
GROUND 2ND-4TH FLOOR AREA:	0 SF EACH
LOWER LEVEL PARKING:	57 SPACES
USE:	COMMERCIAL OR ALL FINISHED PAVING
BUILDING CRITERIA	
USE GROUP:	B/PA
CONSTRUCTION TYPE:	30 TYPE 1 AT PARKING GARAGE
USE SPECIFIER:	103



**FIRST FLOOR PLAN** NORTH  
 FIRST STREET

PROPOSED NEW OFFICE BUILDING ON:  
**FIRST STREET**  
 BUILDING ONE  
 ST. CHARLES, ILLINOIS 60174  
 FIRST STREET DEVELOPMENT, LLC



**LOWER LEVEL PLAN** NORTH

JANUARY 28, 2015

BUILDING 1 INFORMATION				Grading		Common Address:		COUNTY ENGINEERS INC.	
Meaning		Type of Survey		Survey		Builder/Client:		CONSTRUCTION PLANS	
Date	Sh. - Pg.	Date	Drawn / By	Foundation		Job No.:	Scale: NTS	CONSTRUCTION BRIDGE/CRTR	
								1220 SHY LANE, BOSTON, ILLINOIS 60104	
SHEET 4 OF 8								1/28/2015	

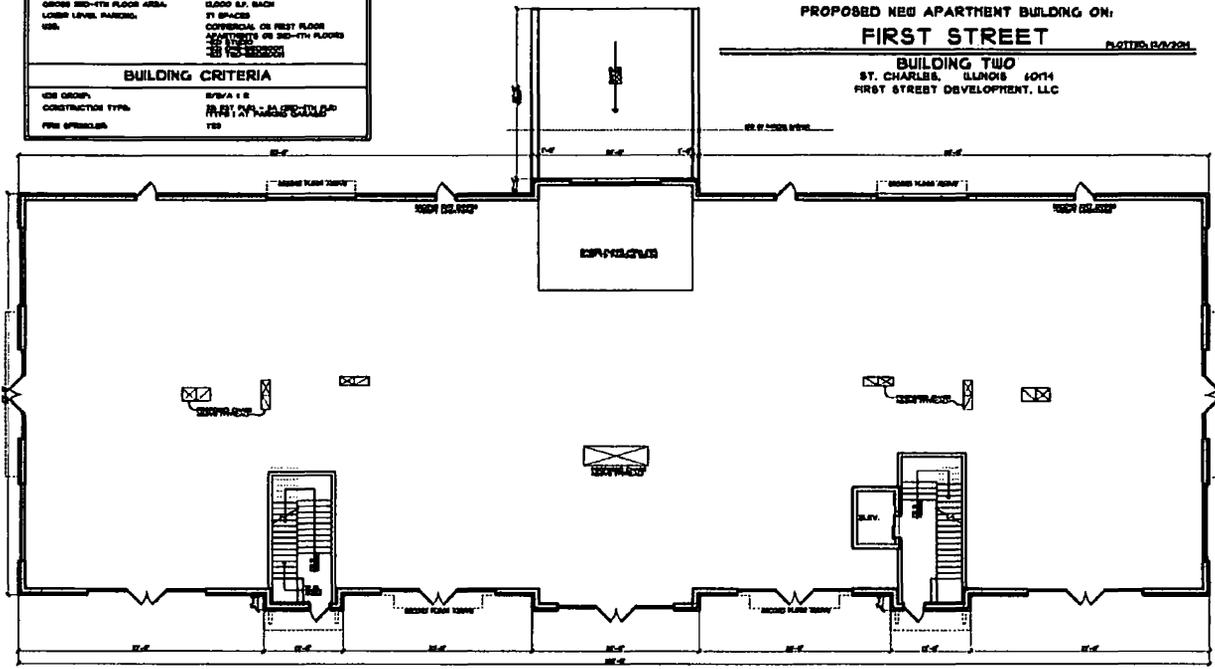
**BUILDING TWO**

SITE CRITERIA	
FOOTPRINT:	884 SF.
TOTAL GROSS FLOOR AREA:	4140 SF.
GROSS FIRST FLOOR AREA:	884 SF.
GROSS SECOND FLOOR AREA:	1200 SF. EACH
GROSS THIRD FLOOR AREA:	1200 SF. EACH
LOWR LEVEL PARKING:	31 SPACES
USE:	COMMERCIAL OR RESIDENTIAL
	APARTMENTS OR RESIDENTIAL
	30 TO 50 ROOMS
BUILDING CRITERIA	
USE GROUP:	R/S/A 1 & 2
CONSTRUCTION TYPE:	REINFORCED CONCRETE
PER SPECULAR:	YES

PROPOSED NEW APARTMENT BUILDING ON:  
**FIRST STREET**

**BUILDING TWO**  
ST. CHARLES, ILLINOIS 60114  
FIRST STREET DEVELOPMENT, LLC

PLOTTED: 04/20/14

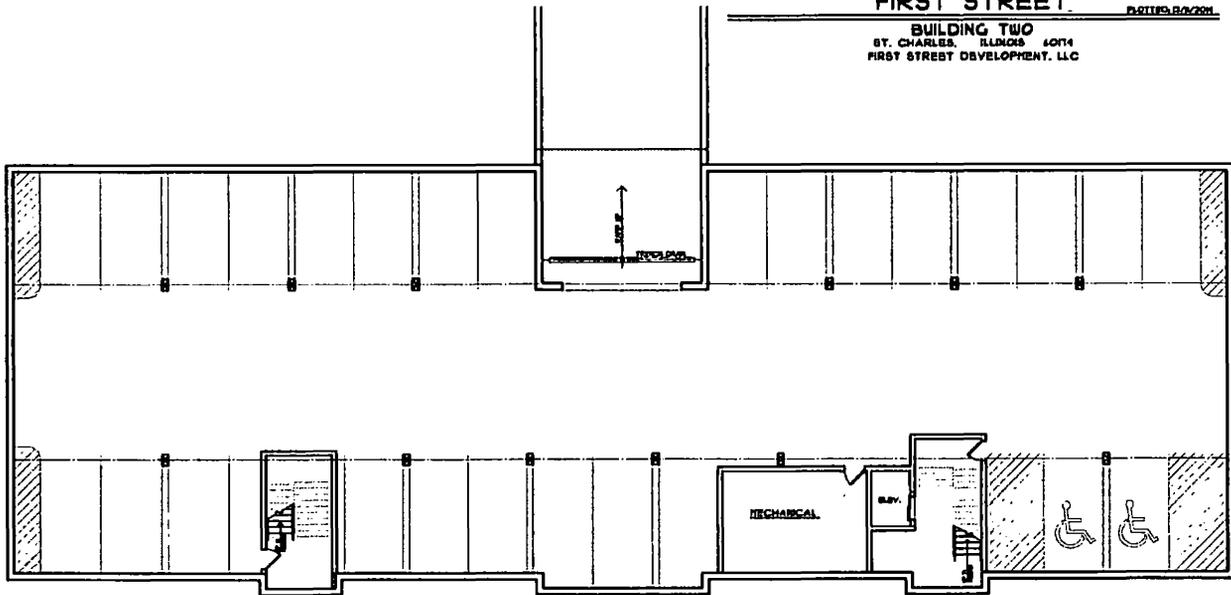


**FIRST FLOOR PLAN** ← NORTH

PROPOSED NEW APARTMENT BUILDING ON:  
**FIRST STREET**

**BUILDING TWO**  
ST. CHARLES, ILLINOIS 60114  
FIRST STREET DEVELOPMENT, LLC

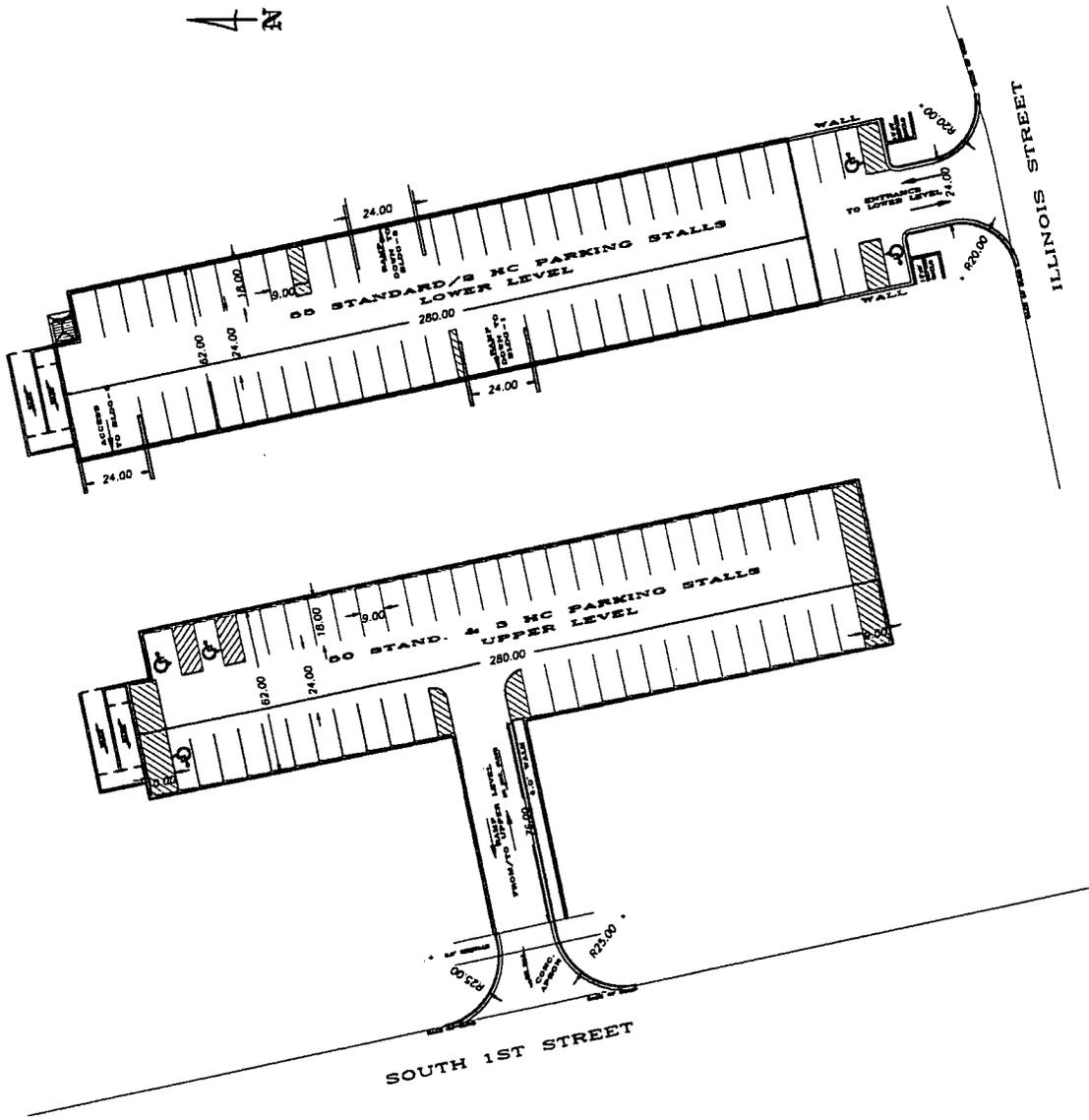
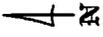
PLOTTED: 04/20/14



**LOWER LEVEL PLAN** ← NORTH

JANUARY 29, 2015

<b>BUILDING 2 INFORMATION</b>	Location:	Ordering:	Contract Address:	COUNTY ENGINEERS INC. 8000 CONSTRUCTION PLANS 2000 BIRN LANE, SOUTH BEND, IN 46701 413.246.6974
	Type of Survey:	Date:	Scale: NTS	
<b>SHEET 5 OF 8</b>	Date: Bl - Pl Date Dm / Dy	Foundation:	Builder/Client:	Job No.:



**BUILDING ONE**

**SITE CRITERIA**

FOOTPRINT:	436 SF
TOTAL GARAGE STORAGE AREA:	4130 SF
2ND FLOOR GARAGE STORAGE:	4130 SF
GARAGE REST FLOOR AREA:	1100 SF
2ND FLOOR REST FLOOR AREA:	1100 SF
GARAGE 2ND-TH FLOOR AREA:	6000 SF EACH
LOWER LEVEL PARKING:	21 SPACES
USE:	COMMERCIAL OR ALL-PURPOSE FLOORING

**BUILDING CRITERIA**

USE GROUP:	R2/A
CONSTRUCTION TYPE:	TYPE I AT PARKING GARAGE
FIRE SPRINKLER:	YES

**BUILDING TWO**

**SITE CRITERIA**

FOOTPRINT:	436 SF
TOTAL GARAGE STORAGE AREA:	4130 SF
2ND FLOOR GARAGE STORAGE:	4130 SF
GARAGE REST FLOOR AREA:	1100 SF
2ND FLOOR REST FLOOR AREA:	1100 SF
GARAGE 2ND-TH FLOOR AREA:	6000 SF EACH
LOWER LEVEL PARKING:	21 SPACES
USE:	COMMERCIAL OR REST FLOOR APARTMENTS OR 2ND-TH FLOOR OFFICE BUILDING

**BUILDING CRITERIA**

USE GROUP:	R2/A + B
CONSTRUCTION TYPE:	TYPE I AT PARKING GARAGE
FIRE SPRINKLER:	YES

**BUILDING THREE**

**SITE CRITERIA**

FOOTPRINT:	436 SF
TOTAL GARAGE STORAGE AREA:	4130 SF
2ND FLOOR GARAGE STORAGE:	4130 SF
GARAGE REST FLOOR AREA:	1100 SF
2ND FLOOR REST FLOOR AREA:	1100 SF
GARAGE 2ND-TH FLOOR AREA:	6000 SF EACH
LOWER LEVEL PARKING:	21 SPACES RETRACTED
USE:	COMMERCIAL OR REST FLOOR APARTMENTS OR 2ND-TH FLOOR

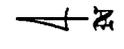
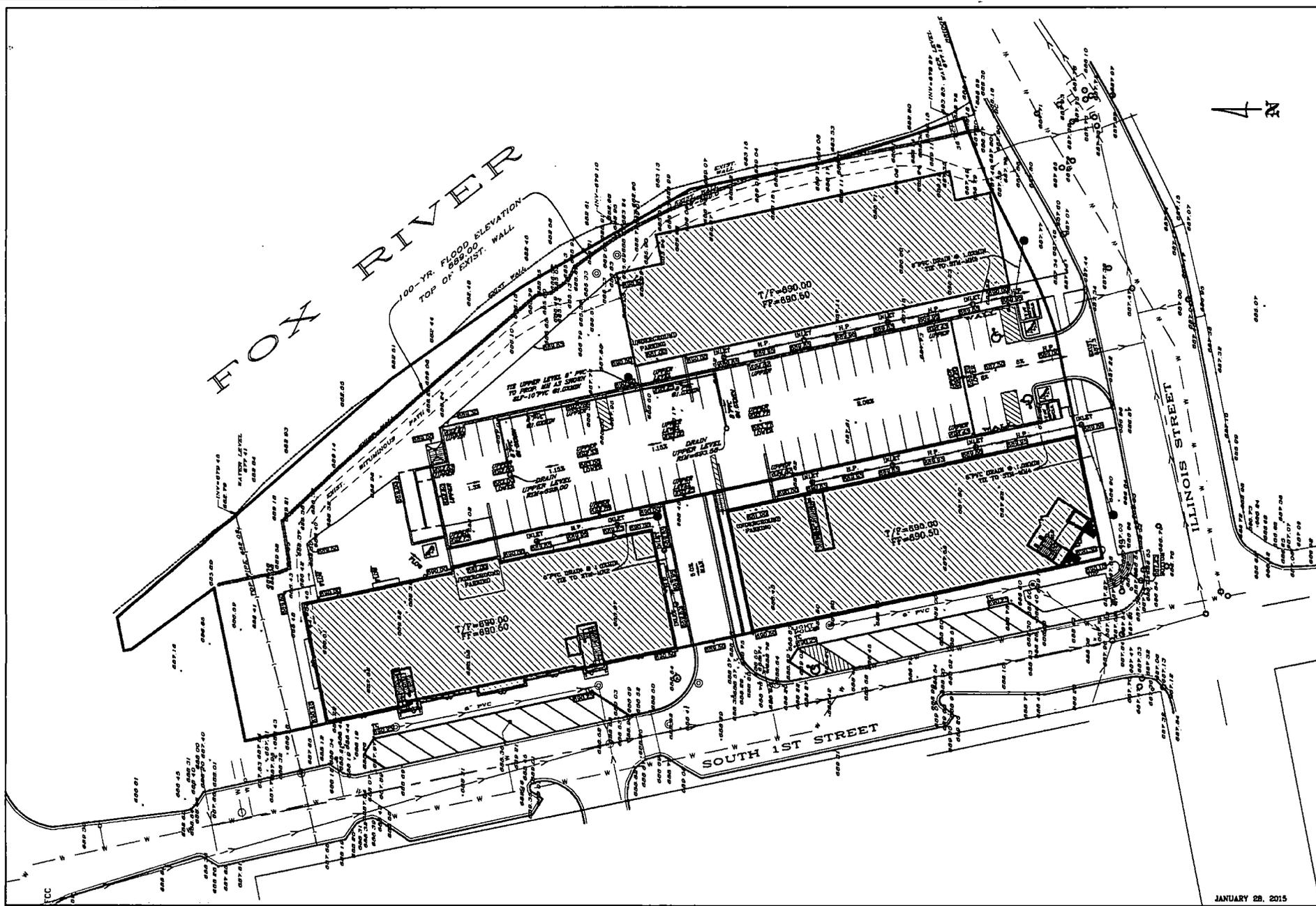
**BUILDING CRITERIA**

USE GROUP:	R2/A + B
CONSTRUCTION TYPE:	TYPE I AT PARKING GARAGE
FIRE SPRINKLER:	YES

**PARKING DATA:**

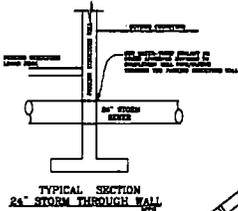
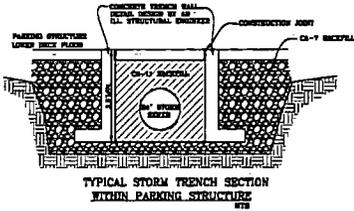
	UNDERGROUND	ABOVEGROUND	HC SPACES
BUILDING 1	25		2
BUILDING 2	25		2
BUILDING 3	25		2
PARKING STRUCTURE	55	50	5
1ST STREET		20	
TOTAL	130	70	11

COUNTY ENGINEERS INC. PROJECT NO. 15-001  
 1000 N. W. 10TH AVENUE, SUITE 1000, MIAMI, FL 33136  
 DATE: 01/28/2015  
 SHEET NO. 8 OF 8  
 DRAWING TITLE: PARKING STRUCTURE UPPER/LOWER LEVELS  
 PROJECT ADDRESS: 1000 N. W. 10TH AVENUE, SUITE 1000, MIAMI, FL 33136  
 CLIENT: COUNTY ENGINEERS INC.  
 DESIGNER: COUNTY ENGINEERS INC.  
 CHECKER: COUNTY ENGINEERS INC.  
 DATE: 01/28/2015

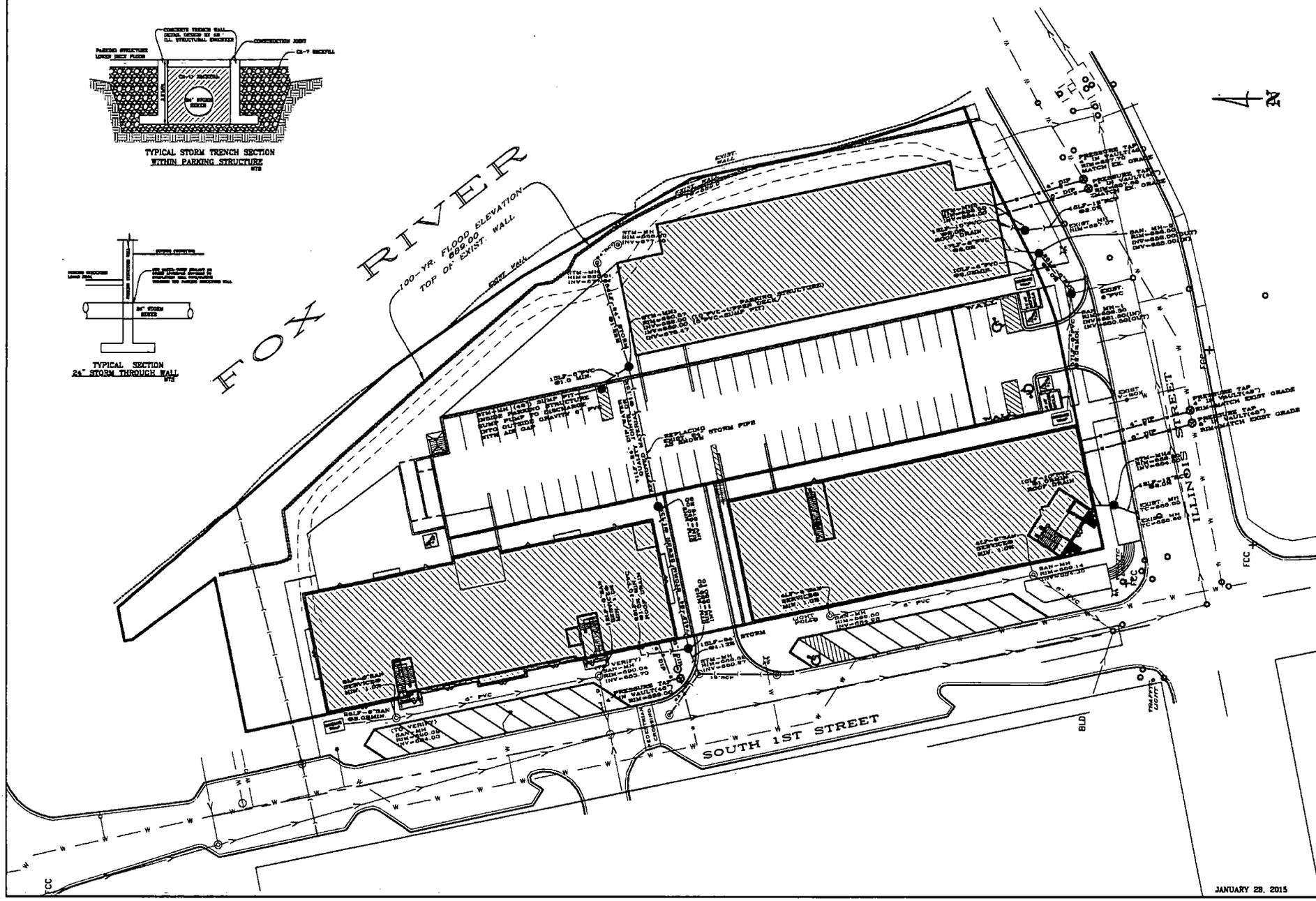


<b>GRADING PLAN</b> <b>SHEET 7 OF 8</b>		Date: _____ Bl. - Pg. _____ Drawn: _____ Checked: _____ Type of Survey: _____		Common Address: _____ Subdiv./Sheet: _____ Job No.: _____ Scale: 1" = 20'		COUNTY ENGINEERS, INC. PROFESSIONAL ENGINEERS 1000 WEST WASHINGTON, SUITE 100 CHICAGO, ILLINOIS 60604 TEL: 312.467.1000 FAX: 312.467.1001	
--	--	---	--	--	--	--	--

JANUARY 28, 2015



**FOX RIVER**  
 100-YR. FLOOD ELEVATION  
 TOP OF EXIST. WALL

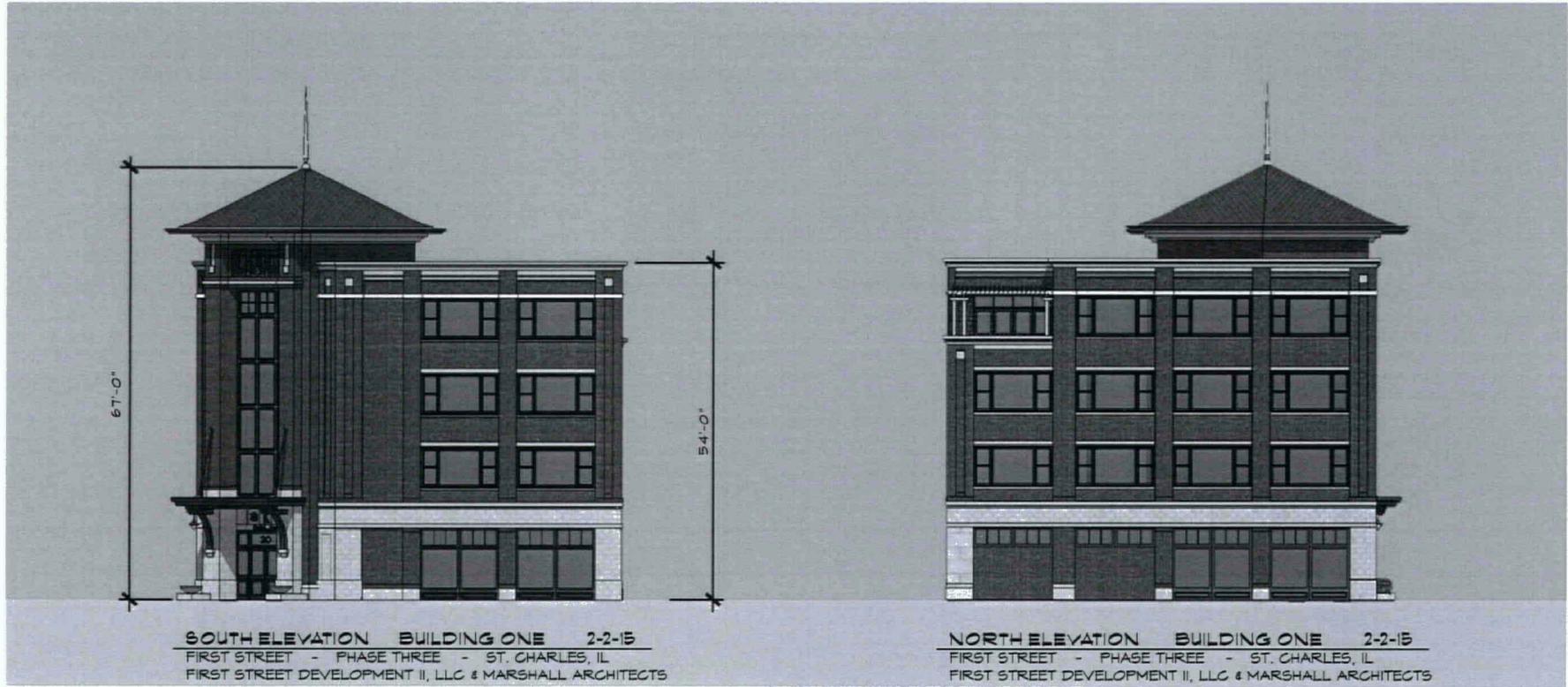


UTILITY PLAN		SHEET 8 OF 8	
Client	City of Fox River	Scale	1"=20'
Date	Jan 28, 2015	Job No.	15-001
Drawn	J. Smith	Checked	M. Jones
Checked	M. Jones	Reviewed	K. Brown
Approved	K. Brown	Contractor	County Engineers Inc.

JANUARY 28, 2015

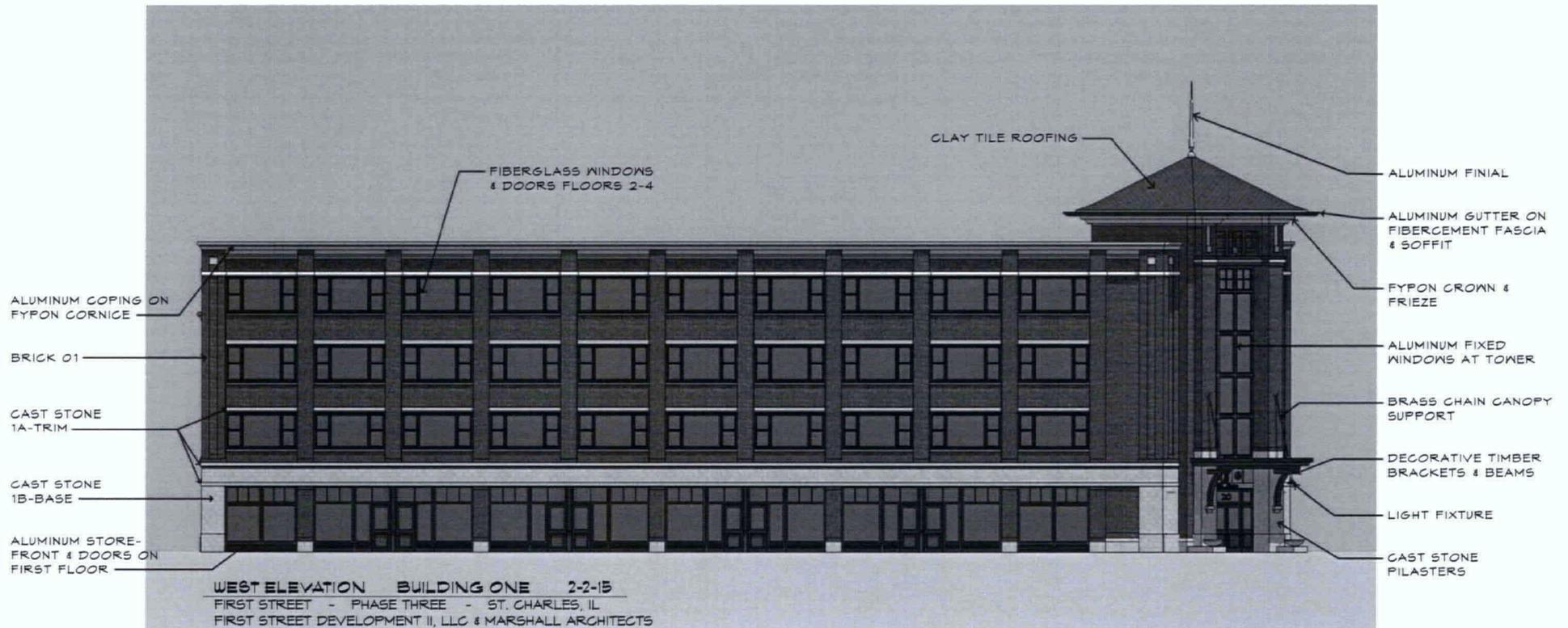






**SOUTH ELEVATION BUILDING ONE 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS

**NORTH ELEVATION BUILDING ONE 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS





**EAST ELEVATION BUILDING ONE 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS





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LOUVER

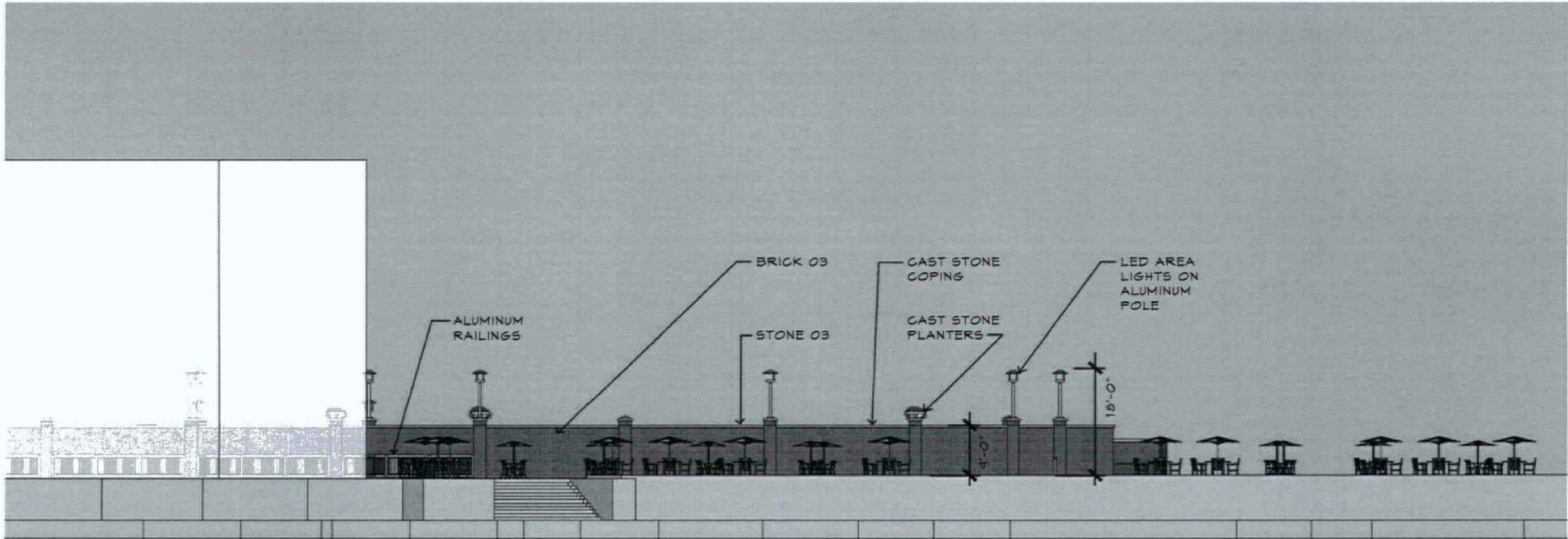
**EAST ELEVATION BUILDING TWO 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS



SOUTH ELEVATION BUILDING TWO 2-2-15  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS



NORTH ELEVATION BUILDING TWO 2-2-15  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS



**EAST ELEVATION PARKING STRUCTURE 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS

State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on March 2, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-Z-5, entitled

"Motion to Approve an Ordinance Granting Approval of a PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD (Buildings 1, 2, 3 and Parking Deck)."

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-Z-5, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 6, 2015, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 2nd

day of March, 2015.



(S E A L)

*Nancy Garrison*  
\_\_\_\_\_  
Municipal Clerk



## AGENDA ITEM EXECUTIVE SUMMARY

<b>Title:</b>	Recommendation to approve an Amendment to the Redevelopment Agreement with First Street Development II, LLC regarding First Street PUD Building #3.
<b>Presenter:</b>	Russell Colby Rita Tungare

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – 8/8/16		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
-----------------	-----	-----------	-----	--	----	--

Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

In March of 2015 the City entered into a Redevelopment Agreement (RDA) with First Street Development II, LLC (Developer) to redevelop City-owned property bounded by First Street, Illinois Street and the Fox River. The redevelopment consists of 3 mixed-use buildings and a public City-owned parking deck.

First Street Development II, LLC has requested the following changes to the RDA:

- Modify the building construction sequence and construction dates, per the attached letter.
- Revision to the building program for Building #3, pursuant to the Special Use and PUD Preliminary Plan Applications listed in the previous agenda item.

Based upon the developer’s proposal, staff has reviewed the 2015 RDA and identified that the following information within the Exhibits of the 2015 RDA will need to be revised as follows:

**Proposed Building Construction Schedule:**

Phase	Building(s)	Target construction start date	Default date to open construction escrow	Default date to commence construction	Target construction completion date
1	1 & Parking Deck	7/1/15	11/1/15	12/1/15	12/31/16
2	3	10/31/16	10/31/16	10/31/16	12/31/17
3	2	4/30/18	5/31/18	5/31/18	10/31/19

**Changes to timing of City Streetscape/Riverwalk Improvements:**

- The streetscape improvements for Phases 2 and 3 will be swapped to coincide with the new building construction sequence.
- The portion of the Riverwalk directly adjacent to Building #3 will be added to the Phase 2 City Development Public Improvements. The construction of this portion of the Riverwalk, from Illinois Street to the north end of Building #3, will now coincide with the construction of Building #3. (The remaining Riverwalk and plaza improvements to the north will remain a City responsibility to be completed after all buildings have been constructed on the site).

Other RDA exhibits will be updated to reflect the revised PUD plan approval.

**Attachments:** *(please list)*

- Letter from First Street Development II, LLC dated 7/12/16
- Redline of proposed amendments to RDA exhibits
- Existing 2015 Redevelopment Agreement

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve an Amendment to the Redevelopment Agreement with First Street Development II, LLC regarding First Street PUD Building #3.

<i>For office use only:</i>	<i>Agenda Item Number: 3d</i>
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*Law Offices of*  
**Levato & Hotche**

1060 LAKE STREET • SUITE 200 • HANOVER PARK, ILLINOIS 60133  
(630) 736-0300 • FAX: (630) 736-0400

*Edward N. Levato*

*Keith J. Hotche*

July 12, 2016

*Via Email and Regular Mail*

The Honorable Mayor Raymond P. Rogina  
City Council Members  
City of St. Charles  
2 East Main Street  
St. Charles, Illinois 60174

**RE: PUD CONSTRUCTION EXTENSION FOR FIRST STREET PHASE III**

Dear Mayor Rogina and City Council Members:

On behalf of First Street Development II, we are hereby requesting an extension of the construction escrow default dates and commencement of construction default dates with respect to Phase II property and Phase III property as set forth in the City of St. Charles Central Downtown Tax Increment Financing Development Agreement (First Street Project).

As you are aware we have been diligently meeting with City staff since November of last year revising plans for Phase II and Phase III properties along with changing the building construction order. In accordance with discussions with City staff we have filed an application for PUD Amendment and Special Use with the City on May 27, 2016 which applications reflect modified uses and designs for the property.

Therefore, in accordance with the pending applications and with the understanding that the time frames needed for consideration of the pending applications will extend beyond the current default dates and due to the necessary construction phasing we are requesting the following:

Phase II property (which will now be building 3) replace the construction escrow date of July 1, 2016 with October 31, 2016 and the commencement of construction default date from August 1, 2016 to October 31, 2016; Due to the need to stage equipment and material on the building 2 site, since the parking deck exists and access to building 3 is limited, we are requesting that the 3Phase III property (which will now be building 2) construction escrow date of July 1, 2017 be replaced with April 30, 2018 and the commencement construction default date of August 1, 2017 with May 31, 2018.

We will be present at the City Council meeting when you consider this request and answer any questions that you might have with regard to building 3. Thank you for your consideration of this request.

Very truly yours,

  
**KEITH J. HOTCHE**

KJK:mks

**EXHIBIT D-2**

**SCOPE OF PROJECT**

<b>Private Development Program</b>				
<b>Phase</b>	<b>Timing</b>	<b>Buildings</b>	<b>Development Program Summary</b>	
1	<u>Construction</u> 7/1/15-12/31/16	Retail/Office	Retail/Commercial	11,865 SF
			Office	35,595 SF
			Underground Private Parking	27 Spaces
		City-Owned Public Parking Deck	Public Parking Spaces	110 Spaces
2	<u>Construction</u> <u>10/31/16-12/31/17</u>	<u>Building #3- Commercial/Condominium</u>	<u>Bank/office</u>	<u>24,780 SF</u>
			<u>For-Sale Residential</u>	<u>33,432SF</u> <u>12 to 20 Units</u>
			<u>Underground Private Parking Spaces</u>	<u>27 Total Spaces</u>
23	<u>Construction</u> <u>4/1/16-10/1/17</u> <u>4/30/18-10/31/19</u>	<u>Building #2-Retail/Apartment</u>	Retail/Commercial	11,898 SF
			Residential Apartment	36,000 SF 36 Units
			Underground Private Parking Spaces	27 Total Spaces
3	<u>Construction</u> <u>4/1/17-10/1/18</u>	<u>Retail/Condominium</u>	<u>Retail/Commercial</u>	<u>11,966 SF</u>
			<u>For-Sale-Residential</u>	<u>47,864 SF</u> <u>32 Units</u>
			<u>Underground Private Parking Spaces</u>	<u>25 Total Spaces</u>

**EXHIBIT E**

**CONSTRUCTION PHASING SCHEDULE**

<b><u>Phase</u></b>	<b><u>Building/Improvement to be Constructed</u></b>	<b><u>Target Start Date</u></b>	<b><u>Completion Date</u></b>
1	Retail/Office and City-Owned Public Parking Deck	7/1/15	12/31/16
<del>2</del>	<del>Commercial/Condominium Building #3</del>	<del>10/31/16</del>	<del>12/31/17</del>
<del>23</del>	<del>Retail/Apartment Building #2</del>	<del>4/1/16 4/30/18</del>	<del>10/1/17 10/31/19</del>
<del>3</del>	<del>Retail/Condominium</del>	<del>4/1/17</del>	<del>10/1/18</del>

**EXHIBIT F-2**

**CITY DEVELOPMENT PUBLIC IMPROVEMENTS  
Developer Optional to Construct  
City to Reimburse**

**Phase 1** (Retail/Office Building)

7/1/15-12/31/16

Streetscaping  
(Includes street lighting, irrigation, furniture,  
plantings, other improvements similar in design  
and concept to match streetscaping  
improvements located on the west side of First  
Street)

adjacent to Phase 1, along part of Illinois  
\$360,000 and First Street

Construction Management Fee 5%

\$18,000

**Public Improvements -Developer**

**\$378,000**

**Phase ~~2~~ 3** (Retail/Apartment Building)

~~4/1/16-10/1/17~~

4/30/18-10/31/19

Streetscaping  
(Includes street lighting, irrigation, furniture,  
plantings, other improvements similar in design  
and concept to match streetscaping  
improvements located on the west side of First  
Street)

\$150,000 adjacent to Phase ~~2~~ 3, along First Street

Construction Management Fee 5%

\$7,500

**Public Improvements -Construction**

**\$157,500**

**Phase ~~3~~ 2** (Riverfront ~~Retail~~Commercial/Residential)

~~4/1/17-10/1/18~~

10/31/16-12/31/17

Streetscaping  
(Includes street lighting, irrigation, furniture,  
plantings, other improvements similar in design  
and concept to match streetscaping  
improvements located on the west side of First  
Street)

Adjacent to Phase ~~3~~ 2,  
\$95,000 along Illinois St

Riverwalk Improvements, upper level adjacent to  
Building #3,

TBD

Construction Management Fee 5%

TBD

**Public Improvements -Construction**

**\$99,750 TBD**

*Comment: Order of City Public Improvements revised to  
coincide with change in Building Sequence.  
Portion of Riverwalk adjacent to Building #3 added.*

### **EXHIBIT F-3**

#### **CITY PUBLIC IMPROVEMENTS City Responsibility**

The City shall, upon substantial completion by Developer of Phase 3, commence and diligently complete construction of the River Walk Improvements and Civic Plaza Areas immediately adjoining Phases ~~1 and 2~~ 2 and 3, materially consistent and substantially conforming with the scope of the City's construction of existing Plaza, Streetscape and River Walk Improvements in the immediate vicinity.

*Comment:*

*Portion of Riverwalk adjacent to Building #3 moved to  
City Development Public Improvements (Exhibit F-2)*

**EXHIBIT G**

**PROPERTY CONVEYANCE SCHEDULE**

	<b><u>Failure to Open Construction Escrow Default Date</u></b>	<b><u>Failure to Commence Construction Default Date</u></b>
Phase 1 Property <u>(Building #1 &amp; Parking Deck)</u>	11/1/15	12/1/15
Phase 2 Property <u>(Building #3)</u>	<del>7/1/16</del> <u>10/31/16</u>	<del>8/1/16</del> <u>10/31/16</u>
Phase 3 Property <u>(Building #2)</u>	<del>7/1/17</del> <u>5/31/18</u>	<del>8/1/17</del> <u>5/31/18</u>

**CITY OF ST. CHARLES CENTRAL DOWNTOWN  
TAX INCREMENT FINANCING REDEVELOPMENT AGREEMENT  
(FIRST STREET PROJECT)**

THIS REDEVELOPMENT AGREEMENT (the "*Agreement*") is made and entered into this 5<sup>th</sup> day of March, 2015 ("*Effective Date*"), by and between the **CITY OF ST. CHARLES**, an Illinois municipal corporation (the "*City*"), and **FIRST STREET DEVELOPMENT II, LLC**, an Illinois limited liability company (the "*Developer*") (the City and Developer are hereinafter sometimes collectively referred to as the "*Parties*", and individually as a "*Party*").

W I T N E S S E T H:

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, as amended [65 ILCS 5/11- 74.4 -1 *et seq.* (2005 Illinois State Bar Ed.)] (the "*Act*"), the City has undertaken a program to qualify for redevelopment of certain property within the City and generally located and which is legally described in Exhibit A and depicted in Exhibit A-1, attached hereto and made a part hereof (the "*Redevelopment Project Area*"); and

WHEREAS, on February 17, 2015, the Corporate Authorities of the City, after giving all notices and conducting all public hearings required by the Act, adopted the following ordinances:

Ordinance No. 2015-M-7, entitled "An Ordinance of the City of St. Charles, Kane and DuPage Counties, Illinois, Approving a Tax Increment Redevelopment Plan and Redevelopment Project for the Central Downtown Redevelopment Project Area";

Ordinance No. 2015-M-8, entitled "An Ordinance of the City of St. Charles, Kane and DuPage Counties, Illinois, Designating the Central Downtown Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act"; and

Ordinance No. 2015-M-9, entitled "An Ordinance of the City of St. Charles, Kane and DuPage Counties, Illinois, Adopting Tax Increment Allocation Financing for the Central Downtown Redevelopment Project Area."

WHEREAS, the City owns in fee simple that certain real property located within the Redevelopment Project Area and legally described in Exhibit B and depicted in Exhibit B-1, attached hereto and made a part hereof (the "*City Property*"); and

WHEREAS, the City, pursuant to the terms of this Agreement, shall convey to the Developer, on a phase-by-phase basis, certain portions of the City Property, as legally described in Exhibit C and depicted in Exhibit C-1, attached hereto and made a part hereof (the "*Conveyed Property*"), anticipated to be in three (3) phases (each, a "*Phase*"); and

WHEREAS, the Developer, pursuant to the terms of this Agreement, shall develop the Conveyed Property, on a phase-by-phase basis, by developing:

- Phase 1:       ● a mixed use retail/office building, with private underground parking;  
                  ● a City-owned public parking deck with 110 spaces;
- Phase 2:       a mixed use retail/residential building, with private underground parking; and
- Phase 3:       a mixed use retail/residential building, with private underground parking;

all with associated landscaping and streetscape ("*Project*"), which Project is intended to be developed in substantial conformance with the site plan prepared by County Engineers, Inc., dated January 28, 2015, which is attached hereto and incorporated herein as Exhibit D-1 (the "*Site Plan*") and the scope of project which is attached hereto and incorporated herein as Exhibit D-2 (the "*Scope of Project*"); and

WHEREAS, except to the extent already secured, the Developer shall make such applications for zoning and other relief as may be necessary to permit the Property to be properly zoned and to otherwise cause to be secured such other entitlements as may be necessary or convenient so as to permit the development of the Property with the Project, in substantial conformance with the Site Plan and the Scope of Project, including any conditions attendant thereto, including but not limited to Ordinance No. 2015-Z-5, approving a PUD Preliminary Plan for the Project, pursuant to the plans and renderings referenced in said ordinance and attached hereto as Exhibit D-3, and made a part hereof (hereinafter, the "*Governmental Requirements*"); and

WHEREAS, the Project shall be constructed in strict accordance with the phasing time frames set forth in Exhibit E ("*Construction Phasing Schedule*"); and

WHEREAS, to facilitate the development and construction of the Project and subject to and in accordance with the terms of this Agreement, the City agrees to convey the Conveyed Property to the Developer and reimburse the Developer for certain Redevelopment Project Costs (as hereinafter defined) that the Developer incurs, or has incurred, in connection with the development and construction of the Project; and

WHEREAS, in connection with the commitment of the Developer to develop and construct the Project, the City intends to construct certain City Public Improvements, the direct and indirect costs of which are eligible for reimbursement pursuant to the Act; and

WHEREAS, the Project shall be developed and constructed in accordance with all City codes, ordinances and regulations, as applicable to the plans and specifications to be approved by the City and any other appropriate governmental authorities having jurisdiction over the Project in accordance with the Site Plan, the Scope of Project and Governmental Requirements; and

WHEREAS, the Developer represents and warrants to the City, and the City finds, that, but for the assistance to be provided by the City to the Developer pursuant to the Act, the Project would

not be economically viable or eligible for the private financing necessary for its completion and, concomitantly, the Developer would not develop and construct the Project; and

WHEREAS, pursuant to 65 ILCS 5/11-74.4(c), the City published on February 14, 2015 and republished on February 18, 2015 a notice requesting alternate proposals for the redevelopment of the City Property; and

WHEREAS, the City did not receive any alternate proposals to redevelop the City Property; and

WHEREAS, this Agreement has been submitted to the Corporate Authorities of the City for consideration and review, and the Corporate Authorities have taken all actions required to be taken prior to the approval and execution of this Agreement in order to make the same binding upon the City according to the terms hereof; and

WHEREAS, the Corporate Authorities of the City, after due and careful consideration, have concluded that the development and construction of the Project as provided for herein will further the growth of the City, facilitate the redevelopment of the Redevelopment Project Area, improve the environment of the City, increase the assessed valuation of the real estate situated within the City, foster increased economic activity within the City, increase employment opportunities within the City, upgrade public infrastructure within the Redevelopment Project Area, and otherwise be in the best interests of the City by furthering the health, safety, morals and welfare of its residents and taxpayers.

NOW, THEREFORE, in consideration of the foregoing and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Developer do hereby agree as follows:

**ARTICLE I.  
RECITALS PART OF AGREEMENT**

The representations, covenants and recitations set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Article I.

**ARTICLE II.  
MUTUAL ASSISTANCE**

The Parties agree to take such actions, including the execution and delivery of such documents, instruments, petitions and certifications (and, in the case of the City, the adoption of such ordinances and resolutions), as may be necessary or appropriate, from time to time, to carry out the terms, provisions and intent of this Agreement and to aid and assist each other in carrying out such terms, provisions and intent.

Further, provided the Developer is in compliance with this Agreement, the City agrees that it shall not revoke or amend the Redevelopment Plan or the ordinances adopted by the City relating to the Redevelopment Plan and Project or this Agreement if such revocation or amendment would prevent the development of the Project by the Developer in accordance with this Agreement and the exhibits appended hereto. The Parties shall cooperate fully with each other in seeking from any or all appropriate governmental bodies (whether federal, state, county or local) any necessary permits, entitlements and approvals required to develop and construct the Project.

In addition, the City reserves the right, but does not have the obligation, to maintain at City's expense, an on-site representative at the Project to monitor the construction of the Project. Developer agrees to provide safe access to the Project, including without limitation, access to inspect all portions of the construction of the Project, of the site's work and work in progress. This on-site representative shall not interfere with any construction work and shall comply with all safety standards and other job-site rules and regulations of Developer. The City's on-site representative is an inspector only. The on-site representative shall make only such communications with Developer and the general contractor as are reasonably necessary to enable such on-site representative to conduct its investigations. The foregoing shall not limit the authority of the City to enforce any applicable City regulations.

### **ARTICLE III. OBLIGATIONS OF THE PARTIES**

**3.1 Developer Obligations and Agreements.** In consideration of the substantial commitment of the City to the redevelopment of the Redevelopment Project Area pursuant to the Redevelopment Plan and its commitments contained in this Agreement, the Developer has fulfilled, or shall fulfill, the following obligations:

- (A) The Developer has advanced, shall hereafter advance, or shall cause other parties to advance the funds necessary to construct and complete each Phase of the Project that Developer undertakes to complete.
- (B) The Developer has secured, or shall hereafter secure or cause to be secured, all required permits and approvals necessary to construct and complete each Phase of the Project that Developer undertakes to complete.
- (C) To the extent the Developer undertakes construction of a particular Phase, the Developer shall develop, construct and complete such particular Phase, and any subsequent Phase of the Project undertaken in accordance with the terms and provisions of this Agreement.
- (D) The Developer shall construct the public improvements (the "*Developer Public Improvements*") as set forth in Exhibit F-1, attached hereto and made a part hereof. The City shall pay the Developer the actual construction costs of the Developer Public Improvements, but in no event shall the City pay the Developer, in aggregate, more than the aggregate construction costs of the Developer Public Improvements set forth in Exhibit F-1. In the event the aggregate construction costs of the Developer Public Improvements exceed the

aggregate construction costs set forth in Exhibit F-1, the Developer shall be solely responsible for paying any and all such additional costs above and beyond the amounts set forth in Exhibit F-1. The Developer Public Improvements shall be constructed in accordance with the plans and specifications jointly prepared, reviewed and approved by the City and Developer. The Developer shall construct the Developer Public Improvements in accordance with the Construction Phasing Schedule set forth in Exhibit E. The City shall make payments to the Developer for the Developer Public Improvements actually constructed, regardless of whether said construction is partially or Substantially Complete (as hereinafter defined) during each phase of construction, as provided for in this Agreement. Such payments shall be made in accordance with Section 5.3 of this Agreement upon the Developer's submittal of a Reimbursement Application as provided in Exhibit H, attached hereto and made a part hereof.

- (E) So long as the Developer is constructing any Phase of the Project which is not Substantially Complete (as hereinafter defined), Developer shall require its general contractor, or if there is none, then at its own expense, to obtain and maintain, subject to the requirements of Section 9.14 hereof, comprehensive general liability, workmen's compensation and automobile/vehicle liability insurance for the Project, and shall cause City to be named as an additional insured party, with all the rights of a primary insured, on such insurance policies, except that on the workmen's compensation insurance, the Certificate of Insurance shall include a waiver of subrogation in favor of the City. Said insurance policies shall be issued in an amount not less than Five Million Dollars (\$5,000,000.00) combined single limit for bodily injury, personal injury or death and property damage with respect to any single occurrence or, in the case of workmen's compensation insurance, as required by statute and each of said policies shall further provide for not less than thirty (30) days prior written notice to the City and the Developer before such policies may be materially changed, modified or canceled. Prior to commencement of any work on the Project, the Developer shall provide the City with appropriate certificates of insurance and copies of such policies when issued. The Developer shall keep in force at all times completed value builders risk insurance, against risks of physical loss, including collapse, covering the total value of the building and contents including the work performed and equipment, supplies and materials furnished for each Phase of the Project as shall be on any part of the Project site from time to time. Should the City receive notice that premiums needed to maintain in force any of the required insurance policies have not been paid, the City shall notify the Developer of the receipt of said notice. If the Developer shall fail to promptly pay any such required premium, the City may, but shall not be required to, pay the premiums due during any cure period afforded in such notice. If the City shall pay any premium due on any of the required policies of insurance, the amount of the premiums paid by the City shall constitute a debt owed by the Developer to the City and the City shall be entitled to deduct the amount of the premiums from any amounts due the Developer under this Agreement. The Developer's failure to pay any premiums on any policy of insurance required hereunder shall constitute an event of default and shall remain so irrespective of whether the City shall elect to pay such premiums on behalf of the Developer. The Developer may cure said default if it promptly repays the City for the amount of the premiums paid by the City. If not promptly repaid, the City shall have the right to terminate this Agreement in accordance with the terms hereof.

(F) The Developer agrees to and shall indemnify, defend and hold harmless the City, its elected officials, officers, representatives, assigns, servants, consultants, agents, attorneys and employees from any and all liability, claims, damages, expenses, actions and costs of actions, in law or equity (including reasonable attorney's fees and costs, and reasonable attorney's fees and costs on appeal), of any kind and nature, arising or growing out of or in any way connected with the Developer's construction, operation, duties, obligations and responsibilities under the terms of this Agreement or any Phase of the Project, including but not limited to the matters pertaining to hazardous materials and other environmental matters resulting from Developer's activities, and any of its contractors, agents, assigns, servants, employees, customers, patrons or invitees, or arising out of or in any way connected with the operation or conduct of the Developer hereunder or in any way related to this Agreement. The Developer shall, at its own expense, appear, defend and pay all reasonable charges of attorneys and all costs and other expenses arising therefrom or incurred in connection therewith, and, if any judgment shall be rendered against the City, its elected officials, officers, representatives, assigns, servants, consultants, agents and employees, the Developer shall, at its own expense, satisfy and discharge the same. Each party shall give prompt written notice to the other of the assertion or commencement of any claim, demand, investigation, action, suit or other legal proceeding for which indemnity is, or may be, sought hereunder however, this notice requirement shall not apply to any claim, demand, investigation, action, suit or other legal proceeding in which the parties are litigating claims against each other. The Developer shall have the right and obligation to assume, at its own expense, the defense or settlement of any third party claim, demand, investigation, action, suit or other legal proceeding for which it is obligated to provide indemnity hereunder; provided, however, that the Developer shall not settle or compromise any such claim, demand, investigation, action, suit or other legal proceeding without the City's prior written consent thereto, which consent shall not be unreasonably withheld, conditioned or delayed unless the terms of such settlement or compromise unconditionally discharge and release the City, its elected officials, officers, representatives, assigns, servants, consultants, agents and employees from any and all liabilities and obligations thereunder and do not involve a remedy other than the payment of money by the Developer. Notwithstanding the foregoing, the Developer may not assume or control the defense if the named parties to a third party claim (including any impleaded parties) include both the Developer and the City and representation of both parties by the same counsel (in such counsel's reasonable determination) would be inappropriate due to actual or potential differing interests between them, in which case the City shall have the right to defend the third party claim and to employ counsel reasonably approved by the Developer, and to the extent the matter is determined to be subject to indemnification hereunder, the Developer shall reimburse the City for the reasonable costs of its counsel. If the Developer does not assume liability for and the defense of a third party claim pursuant to this Section 3.1(F) the City shall have the right (i) to control the defense thereof and (ii) if the City shall have notified the Developer of the City's intention to negotiate a settlement of the third party claim (at the Developer's expense to the extent the matter is determined to be subject to indemnification hereunder), which notice shall include the material terms of any proposal settlement in reasonable detail, unless the Developer shall have notified the City, in writing, of the Developer's election to assume liability for and the defense of the third party claim within ten (10) days after receipt

of such notice, and the Developer promptly thereafter shall have taken appropriate action to implement such defense the City shall have the right to settle such third party claim. The City shall not be entitled to settle any such third party claim pursuant to the preceding sentence without the Developer's prior written consent unless the terms of such settlement include an unconditional release of the Developer by the third party claimant on account thereof. Notwithstanding the foregoing, the City at all times shall have the right, at its option and expense, to participate fully in the defense or settlement of such claim, demand, investigation, action, suit or other legal proceeding. The Developer and the City shall cooperate fully in defending or settling any third party claim, demand, investigation, action, suit or other legal proceeding, and the defending or settling party shall have reasonable access to the books and records and personnel of the other party that are relevant to such claim, demand, investigation, action, suit or other legal proceeding. No indemnification shall be required to be made by Developer under this Section 3.1(F) until the aggregate amount of the damages incurred by the City, other than attorneys' fees and court costs, exceeds \$10,000.00 (the "Deductible"), and then indemnification shall only be required to be made by the Developer to the extent that such damages exceed the Deductible. The Developer shall have no indemnification, except as otherwise provided for in Section 3.2(F), for hazardous materials or other environmental matters in existence as of the date of this Agreement and not directly identified and cited in the Huff & Huff Incorporated reports that have been delivered to Developer or the City by Huff & Huff Incorporated, including but not by way of limitation the letter report dated January 17, 2015.

- (G) The Developer agrees to secure and pay for each building permit, occupancy permit, utility connection permit inspection or other required City, County, State, Federal or other regulatory body permit and fees, if applicable, which are then in effect and as required for each structure to be constructed or located in each Phase of the Project. Any City permits, including but not limited to occupancy permits, utility inspection permits and inspections shall be secured and paid in accordance with those amounts and terms as provided for in the St. Charles Municipal Code, as may be amended from time to time.
- (H) The Developer represents and warrants that it shall not cause or permit any mechanic's liens or other lien claims to remain against the Project, or any Phase or part thereof, or the Tax Allocation Fund, as defined in Section 5.2(A), for labor or materials furnished in connection with demolition, site preparation, development, construction, additions, modifications, improvements or any other matter which might give rise to lien rights against the Project, the Property or any Phase or part thereof or the Tax Allocation Fund, as defined in Section 5.2(A). Notwithstanding the foregoing, the Developer shall be entitled to defend, prosecute or settle, as the case may be in a timely and commercially reasonable manner, any claims for mechanic's liens, other liens, claims or causes of action relating to allegedly defective or incomplete work, provided that the City shall not be required to contribute to such settlement. Subject to the foregoing, and subject to Section 9.14 hereof, the City shall have the right of offset to utilize any monies otherwise owed to or entitled by Developer (not otherwise earned but unpaid) under this Agreement to settle or satisfy any such claims and the Developer hereby agrees and covenants to indemnify, defend and hold harmless the Indemnified Parties, (including the payment of reasonable attorneys' fees and costs and

expenses) from and against any such liens, claims or causes of action as may be asserted against the Project, the Property or any Phase or part thereof or the Tax Allocation Fund.

- (I) Upon reasonable notice, the City Representative (as hereinafter defined), or his designee, shall have access to all portions of the Project during reasonable times for the term of this Agreement. Upon reasonable notice, any City Representative (as hereinafter defined), or his designee, shall have access to all books and records relating to the private financing of the Project, the Property or any Phase thereof and the Redevelopment Project Costs with respect thereto, including but not limited to the Developer's closing documents, financing commitments, loan statements, general contractor's and contractor's sworn statements, general contracts, subcontracts, purchase orders, waivers of lien, paid receipts and invoices. These records shall be kept and maintained at the Developer's offices within the City and shall be available for inspection, audit and examination. The Developer shall incorporate this right to inspect, audit and examine all books and records in all contracts entered into by the Developer with respect to the Redevelopment Project Costs.
- (J) To the extent required by law, the Developer agrees to pay, and to contractually obligate and cause any and all general contractors and subcontractors to pay, the prevailing rate of wages as established by the City, from time to time, when constructing the Developer Public Improvements or the City Development Public Improvements (as hereinafter defined).
- (K) The Developer represents, warrants and covenants that no member, official, officer, or employee of the City, or any commission or committee exercising authority over the Project, the Redevelopment Project Area, or the Redevelopment Plan, or any consultant hired by the City or the Developer with respect thereto, owns or controls or has owned or controlled any interest, direct or indirect, in the Developer's business, the Project, or any portion of the Property, or will own or control any interest in the Developer's business or the Project, and that this Agreement and issuance and delivery of any bonds will not violate Section 5/11-74.4-4(n) of the Act.
- (L) The Developer agrees to comply with the fair employment/affirmative action principles contemplated by the Act and the Redevelopment Plan, and in accordance with all applicable federal, state and municipal regulations.
- (M) The Developer shall cooperate with the City and provide the City with the information in Developer's possession or control required and necessary under the Act to enable the City to comply with the Act and its obligations under this Agreement.
- (N) The Developer shall use its best efforts to utilize vendors located within the City of St. Charles and to employ persons residing within the City of St. Charles.

3.2 **City Obligations and Agreements.** In consideration of the substantial commitment of the Developer to the development and construction of the Project, the City, subject to Section 3.3 below, agrees and covenants with the Developer as follows:

- (A) Subject to the prior satisfaction of the pre-conditions contained in Section 3.3 below and Developer's obligations contained in this Agreement, the City shall convey the Conveyed Property in Phases to the Developer in accordance with Article VI below.
- (B) Except as provided for herein, the City shall construct and pay for certain public developments ("*City Development Public Improvements*"), as substantially set forth in Exhibit F-2, attached hereto and made a part hereof, pursuant to the plans and specifications prepared by the City and pursuant to the Governmental Requirements. The City's obligation to pay for the City Development Public Improvements shall be limited to actual costs but shall not exceed the allocated amounts indicated and set forth on Exhibit F-2. The City's obligation to construct the City Development Public Improvements shall be as follows:
- (i) within 30 days after the conveyance of the portion of the Conveyed Property to the Developer for a particular Phase, the Developer shall provide the City with a cost estimate and schedule for construction of the City Development Public Improvements for that Phase, including a Developer's construction management fee of 5%;
  - (ii) if the Developer's estimate exceeds the budget amounts in Exhibit F-2 for that Phase, the City and Developer shall cooperatively work for an additional 15 days after the 30 day period provided in Section 3.2(C) (i) above to reduce the cost to comply with the budget amount as provided in Exhibit F-2 for that Phase;
  - (iii) prior to expiration of the 15 day period as provided in Section 3.2(C) (ii) above the City, in its sole and absolute discretion, shall determine the scope of work for the City Development Public Improvements for that Phase but in no event shall the scope of work so determined by the City for that particular Phase be for less than 80% of the dollar amounts provided in Exhibit F-2 for that Phase;
  - (iv) within 30 days of the 15 day period, as provided in Section 3.2(C) (ii) above the Developer shall submit to the City a revised cost estimate and schedule to the City based on the City's determination in (iii) above;
    - (a) within 15 days thereafter, the City shall have the sole and exclusive right to approve the Developer's estimate and award the City Development Public Improvement work for that particular Phase to Developer, pursuant to the scope of work prepared by the City; or
    - (b) reject the Developer's estimate and the City shall perform the work so determined by the City for that particular Phase but for amounts not less than 80% of the budgeted dollar amounts set forth on Exhibit F-2 for that Phase and within the scheduled time for that Phase.
- (C) The City shall be responsible for constructing the public improvements (the "*City Public Improvements*") substantially described in Exhibit F-3, attached hereto and made a part

hereof, the direct and indirect costs of which shall be, paid by the City and to the extent permissible, reimbursed and/or funded by the Tax Increment (as defined in Section 5.2).

- (D) The City shall pay for a portion of the costs of the environmental remediation of the Conveyed Property, not to exceed Sixty Thousand Dollars (\$60,000.00). These costs shall be paid directly by the City upon the submittal by the Developer of a “Reimbursement Application” in the form attached hereto as Exhibit H together with accompanying invoices all in compliance with Section 5.3 below. The City shall not be obligated to arrange for, coordinate or otherwise undertake any of said environmental remediation, and further provided that the Developer shall be responsible for all costs of remediation in excess of the said Sixty Thousand Dollars (\$60,000.00). The City shall be responsible for the costs incurred for the services provided by the environmental consultant, Huff and Huff Incorporated, including the cost of securing no further remediation (NFR) letters for each phase of the Project for the remediation of the Conveyed Property.
  
- (E) The City shall pay an amount not to exceed Sixty Thousand Four Hundred Ninety Four Dollars (\$60,494.00), towards road impact fees, if any, imposed by the County of Kane phased as follows:
  - (i) Phase 1 - \$35,818.00
  - (ii) Phase 2 - \$12,804.00
  - (iii) Phase 3 - \$11,872.00

These costs shall be paid directly by the City upon the submittal by the Developer of a “Reimbursement Application” in the form attached hereto as Exhibit H together with accompanying invoices all in compliance with Section 5.3 below. The Developer shall be responsible for all road impact fees in excess of the said Sixty Thousand Four Hundred Ninety Four Dollars (\$60,494.00).

- (F) In the event a third party files an application with the City for approval of a project and/or use within the Redevelopment Project Area or property contiguous therewith, the City shall use its best efforts to provide the Developer with notice of such application; provided, however, that the failure of the City to provide such notice shall not be deemed to be a breach or default of this Agreement.

**3.3 Satisfaction of Pre-Conditions.** Notwithstanding anything contained herein to the contrary, the City shall not be obligated to perform any of the obligations assumed by it hereunder or otherwise, to the Developer or others, unless and until prior to or contemporaneously with the City's consideration for approval and execution of this Agreement, First Street LLC Development and the City shall have executed and entered into a mutually agreeable mutual release, waiver and termination agreement relative to that certain City of St. Charles Tax Increment Financing Redevelopment Agreement dated December 15, 2006;

Failure to satisfy, or otherwise waive by the City, the pre-conditions in this Section 3.3, shall constitute an automatic termination of this Agreement, without further action required by the parties.

**ARTICLE IV.  
USE AND DEVELOPMENT OF THE  
PROPERTY AND THE TIF IMPROVEMENTS**

**4.1 Redevelopment Project.**

- (A) In furtherance of the objectives of the Redevelopment Plan, the Developer shall, subject to the terms of this Agreement, Substantially Complete (as hereinafter defined) each Phase of the Project undertaken by Developer in accordance with the objectives of the Redevelopment Plan, the Site Plan, the Scope of Project and all Governmental Requirements.
- (B) Subject to and conditioned upon Developer satisfying and funding the construction escrow for each Phase, in a timely manner and pursuant to the default dates outlined in Exhibit G, the Developer shall have the right to develop and construct each Phase, in accordance with the Construction Phasing Schedule set forth in Exhibit E, provided, however, that each previous Phase of the Project is reasonably progressing in accordance with the Construction Phasing Schedule as shown in Exhibit E. The opening of the construction escrows and deposit by the City of the applicable Conveyed Property for construction loan funding for a particular Phase on or before the dates identified in Exhibit G shall satisfy the construction escrow funding default dates.

**4.2 Zoning Approval.** This Agreement is contingent upon and the City's conveyance of the Conveyed Property to the Developer for a particular Phase is subject to the City Council approving applications for such zoning relief and subdivision platting as may be necessary to develop the Project, or any particular Phase thereof, including the approval of any rezoning, special uses, site plans, and plats therefore. The Developer shall timely submit applications for zoning relief to the City for review and processing, including any required Plan Commission public hearings, if any, to comply with and permit any Phase of the Project to be developed in accordance with the Property Conveyance Schedule set forth on Exhibits E and G. The City shall timely prepare and submit applications for subdivision platting for review and processing. Provided that the Developer shall have first caused proper and complete applications for desired zoning and subdivision relief to have been filed with the City, should the approval of relief requested under the provisions of this Section 4.2 be unreasonably delayed solely by the City and said such delay unreasonably hinders the Developer from timely compliance with the dates provided in Exhibits E and G, then the dates provided in said Exhibits shall be extended, as appropriate, so as to give the Developer a reasonable amount of additional time as may be needed to comply with said timely compliance. The preceding sentence is intended to provide the Developer with relief when such delay occurs solely as a result of the City's inaction and not otherwise caused by the Developer.

**4.3 INTENTIONALLY OMITTED.**

**4.4 Public Parking Deck.** As part of the improvements to be constructed in conjunction with Phase I of the Project, the Developer shall construct, or caused to be constructed, a two-level parking deck containing at least 110 parking spaces, and appurtenants (the "*Public Deck*"), on land

owned by the City ("*City Deck Property*") in accordance with the Site Plan and Scope of Project and Governmental Requirements incorporated herein as Exhibits D-1, D-2 and D-3. The Public Deck shall be constructed in conformance with the plans and specifications approved by the City. Subject to the contribution by the City of the Public Deck Cost, as provided for in this section, the entire cost to Substantially Complete construction of the Public Deck shall be paid for by Developer, regardless if the total cost exceeds the City's contribution of the Public Deck Costs. The City shall pay the Developer cash for the actual cost of the Public Deck but not to exceed the amount of One Million Eight Hundred Nine Thousand Five Hundred Dollars (\$1,809,500.00) (the "*Public Deck Cost*"), plus a construction management fee of 5%), for a total of One Million Nine Hundred Thousand (\$1,900,000.00) Dollars, as set forth in Exhibit F-1. The Public Deck Cost shall be paid to Developer in one or more progress payments, regardless of whether the Public Deck is partially or Substantially Complete (as hereinafter defined) as provided in this Section 4.5 and shall be made in accordance with Section 5.3 upon Developer's submittal of a Reimbursement Application as provided in Exhibit H. The amount of an actual progress payment shall be the lesser of the following: (A) the dollar amount of the progress payment applied for and approved pursuant to Section 5.3; or (B) the dollar amount calculated as follows:

$$\text{Maximum progress payment} = \frac{\text{Actual Public Deck Construction Costs incurred to date by Developer}}{\text{Total Estimated Construction Cost of Public Deck}} \times \text{Public Deck Cost}$$

Prior to commencement of construction of the Public Deck, the City shall provide to and enter into with Developer a mutually agreed upon construction license agreement, pursuant to which Developer shall construct the Public Deck on the City Deck Property ("*Deck License Agreement*"). If, as reasonably determined by the City Representative and subject to Force Majeure : (A) Developer falls more than forty-five (45) days behind the time schedule to commence, or fails to diligently pursue to Substantial Completion (as hereinafter defined) or complete construction of the Public Deck of the Project as set forth on Exhibit E; or (B) the Developer is otherwise in default under this Agreement, then, notwithstanding any other rights the City may have hereunder, then such events shall constitute a default under this Agreement. If the Developer does not cure any and all such defaults within thirty (30) days of receipt of the notice of default, then the City shall have the right, at its election, to (i) terminate the Deck License Agreement and (ii) suspend and/or terminate any further progress payments for any work commenced or to be completed. The election by the City to suspend and/or terminate any progress, as previously provided, shall not operate as the City's sole remedy in this event and it shall be entitled to pursue any and all other remedies available to it under this Agreement. Further, notwithstanding anything contained herein to the contrary, the City shall not be obligated to pay all or any part of the Developer's five percent (5%) management fee for the Public Deck, unless and until the Public Deck has been Substantially Completed (as hereinafter defined).

Prior to the temporary occupancy permit for the Phase 1 building, the City and Developer shall enter into a reciprocal easement and operating agreement concerning cross access easements,

operating and maintenance rights, duties and obligations between the Public Deck and the Phase 1 building, in a form satisfactory to the Parties, to permit a Public Deck.

4.5 **Tax Information.** Developer shall use its best efforts to include in all leases for the Retail Component a provision providing that the tenants shall file with the City copies of the ST-1 monthly sales tax forms, or any appropriate successor forms, that are filed by retailers with the State of Illinois. For all leases in which the tenant is required to provide to Developer its gross income and sales tax returns with respect to the portion of the Retail Component being leased by such tenant, and/or including all original sales records as defined in any such lease, Developer shall provide the City with copies of all such documents. Developer also agrees that, with respect to all leases which do not provide for the release of such information to Developer or the City under the terms of the lease, Developer shall use its best efforts to secure from each such tenant a letter substantially in the form as shall be reasonably required by the City and the Illinois Department of Revenue in order to release such information to the City. Such information shall be used solely for the purposes of determining sales tax due to the City and shall otherwise be kept confidential, except to the extent required by applicable law.

## **ARTICLE V. REIMBURSEMENT OF REDEVELOPMENT PROJECT COSTS**

5.1 **Reimbursement of Redevelopment Project Costs Incurred by Developer.** For purposes of this Agreement, "*Redevelopment Project Costs*" shall mean and include all costs defined as "redevelopment project costs" in Section 5/11-74.4-3(q) of the Act (as amended from time to time) which are eligible for reimbursement under the Act and which have been approved in the Redevelopment Plan.

### **5.2 Establishment of Fund; Use of Tax Increment.**

- (A) In connection with its establishment and ongoing administration of the Redevelopment Project Area, the City has established a special tax allocation fund pursuant to the requirements of the Act (the "*Tax Allocation Fund*"). None of the monies contained in the Fund shall, at any time, be commingled with any other funds of the City.
- (B) It is the obligation of the City to pay or reimburse Redevelopment Project Costs, which may be satisfied by the issuance of Bonds, as hereinafter defined in Section 5.4 hereof, or from the Tax Allocation Fund. The Tax Allocation Fund shall hold that portion of the real property taxes collected with respect to taxable real property in the Redevelopment Project Area that is required to be paid to the City Treasurer for deposit to the Tax Allocation Fund pursuant to Section 11-74.4-8 of the Act, as such provision may be amended from time to time, and/or the proceeds of any other tax or other source of legally available revenue which the City designates as part of the Tax Allocation Fund, and interest or other investment income earned on monies on deposit in the Tax Allocation Fund.
- (C) For purposes of this Agreement, "*Tax Increment*" shall mean all ad valorem real property taxes, if any, arising from the levies upon the Property attributable to the then current

equalized assessed valuation of the Property over and above the initial equalized assessed value of the Property, all as determined pursuant to Section 5/11-74.4-8 of the Act.

(D) The Parties shall comply with 65 ILCS 5/11-74.4-3 (q) (7.5) of the Act.

**5.3 Method of Reimbursement for Redevelopment Project Costs.** Prior to, and as a precondition to any payment or reimbursement to the Developer for eligible Redevelopment Project Costs, as provided for under this Agreement, the Developer shall submit to the City a signed application for payment or reimbursement in essentially the form set forth in Exhibit H hereto (the "*Reimbursement Application*"). The City Representative shall have 21 calendar days upon receipt of a complete Reimbursement Application to approve or reasonably disapprove such Reimbursement Application. If approved, the City Representative, or his designee, shall reimburse the Developer said approved amount within 30 calendar days of receipt of the Reimbursement Application. In the event the City Representative shall reasonably disapprove any portion of a Reimbursement Application (the "*Deficiencies*"), the City Representative shall notify the Developer of the Deficiencies, if any, within 21 days of its receipt of Reimbursement Application. No reimbursement shall be made until the particular Deficiencies have been corrected by the Developer. Notwithstanding anything herein to the contrary, the Developer's reimbursement shall be limited to the sums as provided for in Section 3.2D and E above and as are provided for in Exhibits F-1 and F-2. Notwithstanding the foregoing, the City shall be obligated to pay Developer for all approved items under the Reimbursement Application and a Certificate of Substantial Completion (as hereinafter defined), if Reimbursement Application is for a completed Phase, and may withhold only allocated amounts for such Deficiencies until approved.

**5.4 Substantial Completion.** As used herein, the terms "*Substantial Completion*" and "*Substantially Complete*," or words of similar import, shall be deemed to mean that certain identified improvements have been completed in accordance with all Governmental Requirements. The Developer will notify the City approximately 60 days prior to the date on which Developer estimates any Phase of the Project, the City Development Public Improvements or the Developer Public Improvements will be Substantially Complete. When the Developer believes that a certain identified Phase of the Project, the City Development Public Improvements or the Developer Public Improvements are Substantially Complete, it shall tender to the City a Reimbursement Application in the form of Exhibit H attached hereto and a Certificate of Substantial Completion in the form of Exhibit I attached hereto and made a part hereof. Within 15 business days of the date on which the City receives any Reimbursement Application and Certificates of Substantial Completion, the City Administrator or designee (the "*City Representative*") shall cause the Phase of the Project, the City Development Public Improvements and/or the Developer Public Improvements identified in said Reimbursement Application and Certificate of Completion to be inspected and reviewed for the purpose of determining whether they have been completed in a manner which substantially complies with all applicable Governmental Requirements. Should the City Representative reasonably determine that the Project, City Development Public Improvements and/or Developer Public Improvements identified in the Reimbursement Application and Certificate of Substantial Completion do not substantially comply with all applicable Governmental Requirements, the City Representative shall notify the Developer of the deficiencies in required improvements. The Developer shall correct each of the identified deficiencies in the Project, City Development Public

Improvements and/or Developer Public Improvements noted by the City Representative and resubmit the Reimbursement Application and Certificate of Substantial Completion for review and approval, or reasonable disapproval in accordance with the provisions set forth in this Section 5.4. Notwithstanding the foregoing to the contrary contained herein, the City shall be obligated to pay Developer for all approved items under this Reimbursement Application and Certificates of Substantial Completion and may only withhold allocated amounts for such deficiencies until approved.

## **ARTICLE VI. CONVEYANCE OF PROPERTY**

**6.1 Conveyance of Property.** Subject to the terms and conditions set forth herein, including but not limited to Developer's satisfaction of the provisions of Section 3.1A above and the pre-conditions in Section 3.3 above, the City represents and warrants to the Developer that the City owns, or shall own, fee simple title to the Conveyed Property or has jurisdiction over the Conveyed Property, sufficient to convey the Conveyed Property to the Developer subject only to Permitted Exceptions as hereinafter provided. The City has disclosed to, and made available for inspection by, the Developer all environmental, title documentation and other documentation and information in its possession concerning the Conveyed Property. In the event the Developer desires to enter upon the City Property to review and inspect any portion of the City Property for purposes of constructing and developing the Project, the Developer shall request permission to enter the City Property for such review. The Developer shall be accompanied by a representative of the City at all times. In the event the Developer desires to undertake any tests on the City Property, the Developer shall disclose the nature of each such test and request from the City permission to undertake such tests which permission shall not be unreasonably withheld.

**6.2 Permitted Title Exceptions.** The Conveyed Property, or any portion thereof, shall be conveyed by quit claim deed to the Developer subject to the following:

- (A) all covenants, conditions and restrictions of record, and provided they do not estop the Developer from undertaking and completing the Project;
- (B) all easements of record;
- (C) all zoning and building laws, building lines, and use and occupancy restrictions;
- (D) all drainage ditches, feeders and laterals, if any;
- (E) all such other reasonable encumbrances, provided they do not prevent the Developer from undertaking and completing the Project; and
- (F) all general real estate taxes and special assessments not yet due.

Conveyance by the City of the Conveyed Property in accordance with, and subject to, these permitted title exceptions shall be deemed by the Developer to satisfy the City's obligations with respect to the Conveyed Property.

**6.3 Property Conveyance Schedule.** The Conveyed Property shall be conveyed to the Developer and the Developer shall accept the Conveyed Property on or before the dates set forth in the Property Conveyance Schedule set forth in Exhibit G, attached hereto and made a part hereof, provided the Pre-Conditions to Conveyance set forth in Section 6.4 have been satisfied.

**6.4 Pre-Conditions to Conveyance.** The City shall not convey any of the Conveyed Property until such time as: (A) the Developer has opened a construction loan escrow for 100% of the senior construction financing reasonably necessary and sufficient to complete construction of all private improvements for the subject Phase of the Project, as evidenced by the opening of a construction loan escrow with Chicago Title and Trust Company acceptable to the City and the Developer for the subject Phase of the Project by the Default Date set forth in Exhibit G, and the Developer has provided the City with written evidence of the opening the construction escrow prior to the Default Date; (B) the Developer has provided the City with written evidence of the necessary Developer equity contribution as determined by the senior debt lender for the subject Phase of the Project; and (C) the escrowee has reviewed the documentation submitted by the Developer and verified the sufficiency of the deposits in the construction escrow to enable construction of the private improvements for the subject Phase of the Project.

In the event the Developer does not timely open a construction loan escrow for the subject Phase of the Project by the Default Date set forth in Exhibit G, the City shall have no obligation to convey that portion of the Conveyed Property necessary for the construction and development of the subject Phase of the Project or any portion of the Conveyed Property necessary for the construction and development of any subsequent Phases of the Project. The Corporate Authorities of the City may, after considering all of the factors pertaining to the Developer's failure to timely open a required construction loan escrow, terminate this Agreement.

**6.5 City's Right of Reconveyance.** Within one hundred twenty (120) days following the conveyance by the City of the portion of the Conveyed Property into escrow for a particular Phase, the Developer shall commence construction of the structural improvements (*i.e.* pouring of footings) for the buildings in such Phase. If the Developer fails to comply with the requirements set forth in the previous sentence on or before that date, one hundred twenty (120) days following conveyance of a particular Phase to Developer, as provided for on Exhibit G ("*Commencement of Construction Default Date*"), the City shall have the option, in addition to any and all remedies available to it under this Agreement, exercise upon written notice to the Developer, to have the Conveyed Property for such Phase, together with any improvements thereon, if any, reconveyed to the City for no consideration, free and clear of any liens and encumbrances created by the act or default of the Developer, with taxes, water, sewer and other utility charges prorated as of the date of such reconveyance, and/or terminate this Agreement.

**6.6 Property Conveyed "AS IS/WHERE IS, WITH ALL FAULTS."** The Conveyed Property in its entirety or any portion thereof, shall be conveyed to the Developer "AS IS/WHERE

IS, WITH ALL FAULTS," and in such condition as the same may be on the date of conveyance, without any representations or warranties by the City as to the condition of that portion of the Conveyed Property conveyed. The City does not make any guarantee, warranty or representation, express or implied, as to the quality, character or condition of the portion of the Conveyed Property. Upon conveyance, the Developer shall be solely responsible for preparing the Conveyed Property or any portion thereof conveyed, for development and construction of the Project, including but not limited to environmental remediation that is specifically cited and identified in the Huff & Huff Incorporated reports, dated January 17, 2015 which has been provided to the Developer.

**6.7 Adjustments in Legal Descriptions/Plats of Subdivision.** The City and Developer recognize and acknowledge that the legal description(s) of the Conveyed Property as set forth in Exhibit D may have to be minimally adjusted for purposes of the development of the Project and do hereby agree to take such actions as may be necessary to make such minor adjustments. Additionally, the City and Developer agree that the Conveyed Property shall be conveyed, at the time that Developer undertakes construction of a particular Phase, as provided for under this Agreement in accordance with Plats of Subdivision to be processed by the City as part of the approval of the Project. The City and Developer shall cooperate in the preparation, approval and recording of such Plats of Subdivision.

## ARTICLE VII.

### CONVEYANCE OF PROJECT, ASSIGNMENT OF RIGHTS AND INTERESTS, PROHIBITED DEVELOPER ACTIONS, AND DISCLOSURE

**7.1 Conveyance of Project.** The Developer may not sell, lease, transfer, assign or otherwise convey all or any portion of its interest in any Phase of the Project, or any portion thereof (including all or any portion of the beneficial interest in any land trust which holds legal title to all or a portion of the Property comprising a part of the Project) (any such sale, transfer, assignment or conveyance being herein referred to as a "*Conveyance*") until the Phase which is the subject of the Conveyance is Substantially Complete or the Corporate Authorities of the City have formally consented to the Conveyance, in which case the City Administrator shall advise the Developer of such consent.

**7.2 Assignment.** The Developer shall not assign its rights and interests in this Agreement without the formal written consent of the Corporate Authorities of the City, which consent shall not be unreasonably withheld, conditioned or delayed. The Developer shall be permitted to grant and convey to third parties (each a "*Mortgagee*") mortgage liens and other liens and encumbrances upon that portion of the Conveyed Property owned by the Developer as security for financing extended to the Developer from time to time in connection with the Project, or any Phase thereof (each a "*Mortgage*"), without the prior consent of the City. The Developer shall be permitted to collaterally assign and grant a security interest in its rights and interests under this Agreement for that portion of the Conveyed Property for a particular Phase to such Mortgagee pursuant to a security agreement in a form acceptable to the City ("*Assignment*"). In the event that any Mortgagee shall succeed to the Developer's interest in any portion of the Project pursuant to the exercise of remedies under any such Mortgage or Assignment, whether by foreclosure, deed in lieu of foreclosure and/or exercise of any

rights under such documents, the City hereby agrees to attorn to and recognize such party as the successor in interest to the Developer for all purposes under this Agreement, so long as such party enters into an assumption agreement in a form acceptable to the City ("*Assumption Agreement*") but which shall provide, among other things, that any Mortgagee or successor shall be bound by and shall be required to perform the terms of this Agreement. Execution of the Assumption Agreement shall not relieve the Developer from liability for any default of the Developer which occurred prior to the execution of the Assumption Agreement. If such Mortgagee does not enter into an Assumption Agreement, such party shall be entitled to no rights and benefits under this Agreement, and such party shall be bound by the provisions of this Agreement, which are deemed covenants expressly running with the land and the City shall not be obligated to make any disbursement of any proceeds of any Bonds or to pay any other economic incentive set forth in this Agreement to such Mortgagee or any successor to such Mortgagee, unless agreed to by the City in writing. Notwithstanding the foregoing, under all circumstances, the Conveyed Property and every portion thereof shall only be developed in accordance with this Agreement.

Notwithstanding the foregoing, should the Developer's interest in any Phase undertaken by the Developer or any portion thereof, be conveyed to a Mortgagee or other lien holder by virtue of a foreclosure or deed in lieu of foreclosure, such occurrence shall constitute an event of default and the Developer's rights, but not its obligations and liabilities, under this Agreement shall thereafter be deemed to be null, void and of no further force and effect. Upon the institution of any legal action to enforce any right or remedy under a Mortgage or other lien recorded against any of the Property, the City shall not thereafter be required to perform any term or condition of this Agreement unless and until the Developer, any Mortgagee or successor shall cure any deficiency under, or violation of the terms of, the Mortgage or other lien which gave rise to such legal action.

**7.3 Use of Plans.** If Developer does not exercise or fails to commence with its development rights under this Agreement or with respect to construction of any Phase, or in the event of exercise by the City of its rights under Section 9.4 hereof, Developer shall assign to the City, or as the City shall direct, all of its right, title and interest in and to any and all development and/or construction plans, renderings, drawings and specifications developed and created for the Governmental Requirements and as may be prepared for construction of any Phase ("*Development Plans*") for the Project. At such time the City conveys a portion of the Conveyed Property for a particular Phase, the Developer shall deliver to the City letters from the architect, engineer and all other consultants that have provided development services to the Developer that prepared the Development Plans permitting the City or its assignee to use them, in accordance with this Section 7.3, without charge to complete the Project or redevelop the Property, or any Phase thereof, with any other plan or redevelopment. Developer shall be responsible to pay the architect, engineer and other consultants for any outstanding and completed work.

**7.4 Prohibited Developer Actions.** During the term of this Agreement, the Developer shall not, without the consent of the Corporate Authorities of the City, which consent shall not be unreasonably withheld:

- (A) merge or consolidate its non-Project assets with another entity; or

- (B) subject to receipt of a Certificate of Substantial Completion for a particular Phase, to liquidate the majority of its assets unless directed to do so by Court Order; or
- (C) enter into any transaction outside the ordinary course of business that would materially or adversely affect the ability of the Developer to complete the Project; or
- (D) assume or guarantee the obligations of any other person or entity that would materially or adversely affect the ability of the Developer to complete the Project; or
- (E) except as limited by 7.4(B) above, enter into a transaction that would cause a material and detrimental change to the Developer's condition; notwithstanding anything contained herein to the contrary the Developer shall be entitled to add additional equity investors.

7.5 **Disclosure.** Developer shall disclose to the City the names and addresses of all persons or entities that comprise Developer and shall promptly inform the City of any changes. Any proposed change in the Persons that comprise any portion of Developer, or in any ownership interests, shall be reported to the City no less than thirty (30) days prior to the effective date of such change. To the extent practicable and permitted by law, the City shall give Developer at least thirty (30) days prior notice of, and permit Developer to contest, any public disclosure to be made in response to a claim that such disclosure is required by applicable law. This subsection shall survive termination of this Agreement.

## **ARTICLE VIII. AUTHORITY**

### **8.1 Powers.**

- (A) The City hereby represents and warrants to the Developer that the City believes it has full constitutional and lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligations of this Agreement, and the foregoing has been, or will be, duly and validly authorized and approved by all necessary City proceedings, findings and actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the City, and is enforceable in accordance with its respective terms and provisions and the execution of this Agreement does not require the consent of any other governmental authority.
- (B) The Developer hereby represents and warrants to the City that the Developer has full lawful right, power and authority, under currently applicable law, to execute and deliver and perform the terms and obligations of this Agreement, and the foregoing has been or will be duly and validly authorized and approved by all necessary Developer actions. Accordingly, this Agreement constitutes the legal, valid and binding obligation of the Developer, is enforceable in accordance with its terms and provisions and does not require the consent of any other party.

8.2 **Authorized Parties.** Except in cases where the approval or authorization of the City's Corporate Authorities is required by law, whenever, under the provisions of this Agreement, or other related documents and instruments or any duly authorized supplemental agreements, any request, demand, approval, notice or consent of the City or the Developer is required, or the City or the Developer is required to agree to, or to take some action at, the request of the other, such request, demand, approval, notice or consent, or agreement shall be given for the City, unless otherwise provided herein, by the Mayor or his designee and for the Developer by any officer of the Developer so authorized (and, in any event, the officers executing this Agreement are so authorized). Any Party shall be authorized to act on any such request, demand, approval, notice or consent, or agreement or other action and neither Party hereto shall have any complaint against the other as a result of any such action taken.

## **ARTICLE IX. GENERAL PROVISIONS**

9.1 **Time of Essence.** Time is of the essence of this Agreement. The Parties will make every reasonable effort to expedite the subject matters hereof and acknowledge that the successful performance of this Agreement requires their continued cooperation.

9.2 **Force Majeure.** For the purposes of this Agreement, neither the Developer nor the City shall be considered to be in breach of any of its obligations hereunder if said Party is unable to perform as a result of any Force Majeure Delay as hereinafter defined. "Force Majeure Delay" means any delay in the construction caused by any one or combination of the following, which are beyond the reasonable control of and/or without the fault of the party relying thereon, destruction by fire or other casualty, or performance is prevented by strike or other labor troubles, other than those intentionally caused by Developer, governmental restrictions, takings, and limitations arising subsequent to the date hereof, war or other national emergency; fire, flood or other casualties, shortage of material, not attributable to any intentional action or conduct by Developer, extreme adverse weather conditions, such as, by way of illustration and not limitation, severe rain storms or below freezing temperatures, tornadoes or cyclones, change orders requested by the City, any delay in the performance by Developer resulting from the nonperformance of the City's responsibilities, and any other extraordinary events or conditions beyond the reasonable control of the Developer or the City including but not limited to delays directly or indirectly related to environmental matters identified and cited in the Huff & Huff Incorporated reports that have been delivered to Developer or the City by Huff & Huff Incorporated, including but not by way of limitation the letter report dated January 17, 2015, which, in fact, materially interfere with the ability of the Developer or the City to discharge its respective obligations hereunder. Force Majeure Delay shall not include: (1) economic hardship or impracticability of performance (except as may be provided herein), (2) commercial or economic frustration of purpose (except as may be provided herein), or (3) a failure of performance by a contractor (except as caused by events which are Force Majeure Delay as to the contractor).

In each case were a Party hereto believes its performance of any specific obligation, duty or covenant is delayed or impaired by reason of an event of Force Majeure Delay, the Party claiming the benefit of this Section 9.2 shall notify the other Party of the nature of the event claimed to constitute Force Majeure Delay and, specifically, the obligation, duty or covenant which it believes is delayed

or impaired by reason of the designated event. Notification shall be provided in accordance with Section 9.10 hereof. Performance of the obligation, duty or covenant impaired by reason of the designated event shall be tolled for that period of time reasonably necessary to remove or otherwise cure the impediment to performance and the Party relying on the event of Force Majeure Delay shall be obligated to pursue such remedy or cure with reasonable diligence given the nature of the impairment, to the extent the same may be reasonably cured. In no case shall an event of Force Majeure Delay toll the performance of any obligation, duty or covenant not directly or indirectly implicated in the claimed event of Force Majeure Delay. Further, nothing herein shall be deemed to preclude the right of the Party entitled, by the terms of this Agreement, to receive the performance of any obligation, duty or covenant to challenge the validity of a claimed event of Force Majeure Delay.

### 9.3 Events of Default.

A. The following shall be Developer Events of Default with respect to this Agreement:

i. If any material representation made by the Developer in this Agreement, or in any certificate, notice, demand or request made by a Party hereto, in writing and delivered to the City pursuant to or in connection with any of said documents, shall prove to be untrue or incorrect in any material respect as of the date made provided, however, that such default shall constitute an event of default only if the Developer does not remedy the default within 30 days after written notice from the City

ii. Failure of the Developer to comply with any material covenant or obligation contained in this Agreement, or any other agreement, financing or otherwise, concerning the Project, or the existence, structure or financial condition of the Developer.

iii. The Developer: (i) is unable, or admits in writing its inability to pay, its debts as they mature; or (ii) makes a general assignment for the benefit of creditors or to an agent authorized to liquidate any substantial amount of its or their property; or (iii) is adjudicated a bankrupt; or (iv) files a petition in bankruptcy or to effect a plan or other arrangement with creditors; or (v) files an answer to a creditor's petition (admitting the material allegations thereof) for an adjudication of bankruptcy or to effect a plan or other arrangement with creditors; or (vi) applies to a court for the appointment of a receiver for any asset; or (vii) has a receiver or similar official appointed for any of its assets, or, if such receiver or similar official is appointed without the consent of the Developer and such appointment shall not be discharged within 60 days after his appointment or the Developer has not bonded against such receivership or appointment; or (viii) a petition described in (iv) is filed against the Developer and remains pending for a period of 60 consecutive days, unless the same has been bonded, and as a result thereof, the Developer ceases to operate; or (ix) files any lawsuit, claim and/or legal, equitable or administrative action affecting the City's ability to collect any such sales tax revenue hereunder.

iv. Failure to have funds or the ability to raise funds to meet Developer's obligations, which failure or inability materially interferes with and adversely affects Developer's ability to meet its obligations for the Project, in the ordinary course of business.

v. The Developer abandons the Project. Abandonment shall be deemed to have occurred when work stops on a Phase of this Project for more than 45 consecutive days for any reason other than: (i) Uncontrollable Circumstances and or Force Majeure (ii) if the Developer is ahead of its planned construction schedule on the Project Schedule, or (iii) work stoppage caused by an action or inaction of the City that is not in compliance with the terms of this Agreement.

vi. The Developer materially fails to comply with applicable governmental codes and regulations in relation to the construction and maintenance of the buildings contemplated by this Agreement.

vii. Failure to timely pay when due all real estate property taxes on the Project.

B. The following shall be City Events of Default with respect to this Agreement:

i. If any material representation made by the City in this Agreement, or in any certificate, notice, demand or request made by a Party hereto, in writing and delivered to the Developer pursuant to or in connection with any of said documents, shall prove to be untrue or incorrect in any material respect as of the date made; provided, however, that such default shall constitute an event of default only if the City does not remedy the default within 60 days after written notice from the Developer.

ii. Failure of the City to comply with any of its obligations under this Agreement, including without limitation its obligations to make any payment to the Developer, as and when due, under this Agreement.

**9.4 Remedies of Default.** In the case of an Event of Default hereunder:

A. The defaulting party shall, upon written notice from the non-defaulting party, take immediate action to cure or remedy such event of default. If, in such case, any monetary event of default is not cured within 15 days, or if in the case of a non-monetary event of default, action is not taken or not diligently pursued, or if action is taken and diligently pursued but such event of default or breach shall not be cured or remedied within a reasonable time, but in no event more than 30 additional days after receipt of such notice, unless extended by mutual agreement, the non-defaulting party may institute such proceedings as may be necessary or desirable in its opinion to cure or remedy such default or breach, including, but not limited to, proceedings to compel specific performance of the defaulting party's obligations under this Agreement.

B. In case the City shall have proceeded to enforce its rights under this Agreement and such proceedings shall have been discontinued or abandoned for any reason, then, and in every such case, the Developer and the City shall be restored respectively to their several positions and rights hereunder, and all rights, remedies and powers of the Developer and the City shall continue as though no such proceedings had been taken.

C. In the case of an event of default by the Developer, and its failure to cure such default after due notice and within the time frames provided for in this Agreement, in addition to any other remedies at law or in equity, the City may terminate this Agreement and upon such termination shall be relieved of its obligations under this Agreement, including but not limited to its obligations to convey any Conveyed Property to the Developer.

D. In the case of an event of default by the City and its failure to cure such default after due notice and within the time period provided for in this Agreement, in addition to any other remedies at law or in equity, the Developer may terminate this Agreement and recover from the City payment for reimbursable Redevelopment Project Costs and Parking Deck Costs as provided for in this Agreement actually incurred and any related 5% construction management fee earned by Developer.

E. In the case of an event of default by the Developer occurring prior to the commencement of construction, the City agrees that it shall have no remedy of specific performance to force the Developer to commence construction.

9.5 **Amendment.** This Agreement, and any exhibits attached hereto, may be amended only by the mutual consent of the Parties evidenced by a written amendment, by the adoption of an ordinance or resolution of the City approving said written amendment, as provided by law, and by the execution of said written amendment by the Parties or their successors in interest.

9.6 **Entire Agreement.** This Agreement sets forth all agreements, understandings and covenants between and among the Parties relative to the matters herein contained. This Agreement supersedes all prior agreements, negotiations and understandings, written and oral, and shall be deemed a full integration of the entire agreement of the Parties.

9.7 **Severability.** If any provisions, covenants, agreement or portion of this Agreement, or its application to any person, entity or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants or portions of this Agreement and, to that end, all provisions, covenants, agreements or portions of this Agreement are declared to be severable.

9.8 **Consent or Approval.** Except as otherwise provided in this Agreement, whenever consent or approval written or otherwise of any Party to this Agreement is required, such consent or approval shall not be unreasonably withheld, delayed or conditioned.

9.9 **Illinois Law.** This Agreement shall be construed in accordance with the laws of the State of Illinois.

9.10 **Notice.** Any notice to be given or served hereunder or under any document or instrument executed pursuant hereto shall be in writing and shall be (i) delivered personally, with a receipt requested therefore; or (ii) sent by telecopy facsimile or electronic mail; or (iii) sent by a recognized overnight courier service; or (iv) delivered by United States registered or certified mail, return receipt requested, postage prepaid. All notices shall be addressed to the Parties at their

respective addresses set forth below, and the same shall be effective (a) upon receipt or refusal if delivered personally or by telecopy facsimile; (b) one (1) business day after depositing with such an overnight courier service, or (c) two (2) business days after deposit in the mail, if mailed. A Party may change its address for receipt of notices by service of a notice of such change in accordance herewith. All notices by telecopy facsimile shall be subsequently confirmed by U.S. certified or registered mail.

If to the City:

City of St. Charles  
Attn: City Administrator  
Two East Main Street  
St. Charles, Illinois 60174  
Attention: City Administrator  
Fax No. (630) 377-4440  
email: [cao@stcharlesil.gov](mailto:cao@stcharlesil.gov)

with a copy to:

John M. McGuirk  
Hoscheit, McGuirk, McCracken & Cuscaden P.C.  
1001 East Main Street  
Suite G  
St. Charles, Illinois 60174  
Fax No. (630) 513-8799  
email: [jmc@hmcpc.com](mailto:jmc@hmcpc.com)

with a copy to:

Nicholas S. Peppers  
Storino Ramello & Durkin  
9501 West Devon Avenue  
8<sup>th</sup> Floor  
Rosemont, Illinois 60018  
Fax No. (847) 318-9509  
email: [npeppers@srd-law.com](mailto:npeppers@srd-law.com)

If to the Developer:

First Street Development II, LLC  
Attention: Bob Rasmussen  
P.O. Box 3970  
409 East Illinois Street  
St. Charles, Illinois 60174  
email: [bob@midwestcustomhomes.com](mailto:bob@midwestcustomhomes.com)

with a copy to:

William F. Bochte  
Bochte & Kuzniar, P.C.  
2580 Foxfield Road, Suite 200  
St. Charles, Illinois 60174  
Fax No. (630) 377-3479  
email: wbochte@bknlaw.com

9.11 **Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.

9.12 **Term of Agreement; Extension of Term of TIF.** The term ("*Term*") of this Agreement shall commence on the date first above written and continue until the earlier of issuance of the Phase 3 Certificate of Completion and December 31, 2038 the date which 23 years after the establishment of the Redevelopment Project Area. In the event the City pursues and receives an extension of the term of the Redevelopment Project Area and associated tax increment allocation financing, the Developer shall have no additional rights under the terms and provisions of this Agreement and this Agreement shall terminate on December 31, 2038.

9.13 **Nature of Developer Public Improvements and City Public Improvements.** The City and the Developer hereby expressly covenant, warrant and agree that no special legal entitlements to the Developer Public Improvements or any portion of the Developer Public Improvements or the City Public Improvements or any portion of the City Public Improvements shall at any time inure to the Developer, any successor to or assignee of the Developer or any other nongovernmental person, it being the express intent of the parties hereto that the Developer Public Improvements and the City Public Improvements (together, the "*Public Improvements*") are and shall at all times be publicly owned, operated and maintained as part of the public capital infrastructure systems of the City. The City and the Developer hereby expressly acknowledge that Bond Counsel may rely upon this Section 9.13 in rendering its approving legal opinion on any Bonds, in the event any Bonds are issued bearing interest which is excludable from the gross income of the owners thereof for purposes of federal income taxation.

9.14 **Taxes of General Applicability.** The parties agree that security for the Bonds and payments of debt service on the Bonds may include special service area taxes, which are other than taxes of general applicability. Each of the Developer and the City accordingly hereby expressly agrees and recognizes that use, directly or indirectly, in any trade or business carried on by a person other than a governmental unit of any portion of the Public Improvements to be financed with Bond proceeds may cause the Bonds to be classified as private activity bonds under the Internal Revenue Code and promulgated regulations. Accordingly, each of the Developer and the City covenants not to enter into or enforce any agreements with any party, including the Developer or the City, that would permit any use, directly or indirectly, in any trade or business carried on by a person other than a governmental unit of any portion of the Public Improvements financed with any Bond proceeds without an opinion of Bond Counsel that such agreement will not adversely affect the tax exempt status of interest on any Bonds issued on a tax-exempt basis for federal income tax purposes. No provision of this Agreement will be enforced for the benefit of any nongovernmental user (other than

a member of the general public) of any portion of the Public Improvements financed by any Bond proceeds.

9.15 **Good Faith and Fair Dealing.** City and Developer acknowledge their duty to exercise their rights and remedies hereunder and to perform their covenants, agreements and obligations hereunder, reasonably and in good faith.

9.16 **Drafting.** Each Party and its counsel have participated in the drafting of this Agreement therefore none of the language contained in this Agreement shall be presumptively construed in favor of or against either Party.

9.17 **Recording.** The Parties agree to record this Agreement with the Kane County Recorder of Deeds.

9.18 **Covenants Run with the Land.** It is intended that the covenants, conditions, agreements, promises, obligations and duties of each Party as set forth in this Agreement shall be construed as covenants and that, to the fullest extent legally possible, all such covenants shall run with and be enforceable against both the covenanter and the Project. Such covenants shall terminate upon termination or expiration of this Agreement.

9.19 **Right to Enjoin.** In the event of any violation or threatened violation of any of the provisions of this Agreement by a Party or Occupant, any other Party shall have the right to apply to a court of competent jurisdiction for an injunction against such violation or threatened violation, and/or for a decree of specific performance.

9.20 **Partial Funding.** Except as otherwise set for in this Agreement, the Developer acknowledges and agrees that the economic assistance to be received by the Developer as set forth in this Agreement is intended to be and shall be a source of partial funding for the Project and agrees that any additional funding above and beyond said economic assistance shall be solely the responsibility of the Developer. The Developer acknowledges and agrees that the amount of economic assistance set forth in this Agreement represents the maximum amount of economic assistance to be received by the Developer, provided the Developer complies with the terms and provisions set forth in this Agreement. The Developer further acknowledges and agrees that the City is not a joint developer or joint venturer with the Developer, and the City is in no way responsible for completion of any portion of the Project except for the City Public Improvements.

9.21 **Attorney Fees.** Should it become necessary to bring legal action or proceedings to enforce this Agreement, or any portion thereof, or to declare the effect of the provisions of this Agreement, the prevailing party shall be entitled to recover or offset against sums due, its costs, including reasonable attorney's fees, in addition to whatever other relief the prevailing party may be entitled.

9.22 **Cancellation.** In the event the Developer or the City shall be prohibited, in any material respect, from performing covenants and agreements or enjoying the rights and privileges herein contained, or contained in the Redevelopment Project Area, including the Developer's duty to build the Project, by the order of any court of competent jurisdiction, or in the event that all or any part of the Act or any ordinance adopted by the City in connection with the Project, shall be declared invalid or unconstitutional, in whole or in part, by a final decision of a court of competent jurisdiction (collectively the "Involuntary Termination Events"), and such declaration shall materially affect the Redevelopment Project Area or the covenants and Agreements or rights and privileges of the Developer or the City to such extent that the Project cannot be completed in substantial conformance with this Agreement, then and only in any such event, the Party so materially affected may, at its election, terminate this Agreement in whole (or in part with respect to that portion of the Project so materially affected) by giving written notice thereof to the other within 60 days after such final decision or amendment. If the City terminates this Agreement pursuant to this Section 9.22, the City, at its option, may also terminate its duties, obligation and liability under all or any related documents and agreements the execution of which is not possible because of an Involuntary Termination Event. Further, the termination of this Agreement shall have no effect on the authorizations granted to the Developer for buildings permitted and under construction to the extent permitted by any Involuntary Termination Event; and termination of this Agreement shall have no effect on perpetual easements contained in any recorded, properly executed document. If the City terminates this Agreement or any related documents and agreements pursuant to this Section 9.22, it shall pay Developer for reimbursable Redevelopment Project Costs and Parking Deck Costs as provided for in this Agreement actually incurred and any related 5% construction management fee earned by Developer, prior to the Involuntary Termination Event.

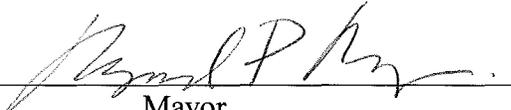
9.23 **No Joint Venture, Agency or Partnership Created.** Nothing in this Agreement, or any actions of the Parties to this Agreement, shall be construed by the Parties or any person to create the relationship of a partnership, agency or joint venture between or among such Parties.

9.24 **No Personal Liability of Officials of the City or the Developer.** No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of the corporate authorities, any elected official, officer, partner, member, director, agent, employee or attorney of the City or the Developer, in his or her individual capacity, and no elected official, officer, partner, member, director, agent, employee or attorney of the City or the Developer shall be liable personally under this Agreement or be subject to any personal liability or accountability by reason of or in connection with or arising out of the execution, delivery and performance of this Agreement, or any failure in that connection.

[SIGNATURE PAGE FOLLOWS IMMEDIATELY]

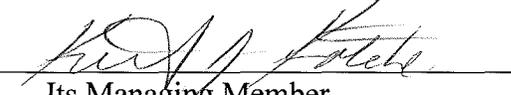
IN WITNESS WHEREOF, the Parties have duly executed this Agreement pursuant to all requisite authorizations as of the date first above written.

**CITY OF ST. CHARLES,**  
an Illinois Municipal Corporation

By:   
Mayor

ATTEST:   
  
City Clerk

**FIRST STREET DEVELOPMENT II, LLC**

By:   
Its Managing Member

ATTEST:  
  
Its: 

## EXHIBITS

- A. REDEVELOPMENT PROJECT AREA
  - A-1. MAP OF REDEVELOPMENT PROJECT AREA
- B. LEGAL DESCRIPTION - CITY PROPERTY
  - B-1. MAP OF CITY PROPERTY
- C. LEGAL DESCRIPTION – CONVEYED PROPERTY
  - C-1. MAP OF CONVEYED PROPERTY
- D-1. SITE PLAN
- D-2. SCOPE OF PROJECT
- D-3. GOVERNMENTAL REQUIREMENTS
- E. CONSTRUCTION PHASING SCHEDULE
- F-1. DEVELOPER PUBLIC IMPROVEMENTS
- F-2. CITY DEVELOPMENT PUBLIC IMPROVEMENTS
- F-3. CITY PUBLIC IMPROVEMENTS
- G. PROPERTY CONVEYANCE SCHEDULE
- H. REIMBURSEMENT APPLICATION
- I. CERTIFICATE OF SUBSTANTIAL COMPLETION

## EXHIBIT A

### REDEVELOPMENT PROJECT AREA

#### CENTRAL DOWNTOWN REDEVELOPMENT PROJECT AREA

That part of the South Half of Section 27 and the North Half of Section 34 in Township 40 North, Range 8 East of the Third Principal Meridian in the City of St. Charles, Kane County, Illinois, described as follows:

Beginning at the southwesterly corner of Block 22 in the Original Town of St. Charles, recorded May 8, 1837, in Book 19, page 2; thence southeasterly, 340 feet along the easterly line of 3<sup>rd</sup> Avenue to the northwest corner of Block 6 of said subdivision; thence southwesterly, 260 feet along the southerly line of Main Street to the northwest corner of Block 4 of said subdivision; thence southeasterly, 608.3 feet along the easterly line of Second Avenue to a line parallel with and 111.7 feet northerly of (as measured along the easterly line thereof) the southerly line of Block 15 in said subdivision; thence westerly, along said parallel line to the westerly line of said Block 15; thence southeasterly, along said westerly line and the southeasterly extension thereof to the easterly extension of the northerly line of Brownstone, recorded January 2, 2001, as Document No. 2001K000149; thence southwesterly, along said extension and said northerly line, to the northwest corner of said Brownstone; thence southeasterly, along the westerly line of said Brownstone to the easterly extension of the southerly line of Lot 7 in Phase I of First Street Redevelopment Subdivision, recorded March 29, 2007, as Document No. 2007K035551; thence South 78 degrees 42 minutes 53 seconds West along said extension and the southerly line of said Lot 7 to the southwest corner thereof; thence North 11 degrees 17 minutes 02 seconds West, 231.95 feet along the west line of Lots 7 and 14 in said subdivision to the northwest corner of said Lot 14; thence North 78 degrees 35 minutes 36 seconds East, 66.48 feet along the north line of said Lot 14 to the northeast corner thereof; thence North 11 degrees 30 minutes 41 seconds West, 25.00 feet along an east line of Lot 5 in said subdivision to the southeast corner of Lot 6 in said subdivision; thence South 78 degrees 35 minutes 36 seconds West, 84.96 feet along the south line of said Lot 6 to the southwest corner thereof; thence North 11 degrees 39 minutes 20 seconds West, 197.00 feet along a westerly line of said Lot 6 to a jog in said westerly line; thence South 78 degrees 20 minutes 40 seconds West, 41.90 feet along said jog to the westerly line of said Lot 6; thence North 11 degrees 13 minutes 55 seconds West along said westerly line and the northerly extension thereof to the southerly line of Lot 3 in the Amended Phase II First Street Redevelopment Subdivision, recorded July 8, 2008, as Document No. 2008K056095; thence North 78 degrees 37 minutes 37 seconds East along the southerly line of said Lot 3 to a curve in said southerly line; thence northeasterly, 44.24 feet along said curve, having a radius 28.00 feet, the chord of said curve bears North 33 degrees 21 minutes 37 seconds East, 39.78 feet to the easterly line of said Lot 3; thence North 11 degrees 54 minutes 23 seconds West, 441.52 feet along the easterly line of Lots 3 and 13 in said subdivision to the northeast corner of said Lot 13; thence North 78 degrees 29 minutes 30 seconds East, 12.31 feet along the easterly extension of the north line of said Lot 13 to the westerly line of 1<sup>st</sup> Street, according to the plat recorded January 25, 1844, in Book 4, page 342; thence northwesterly, 37.52

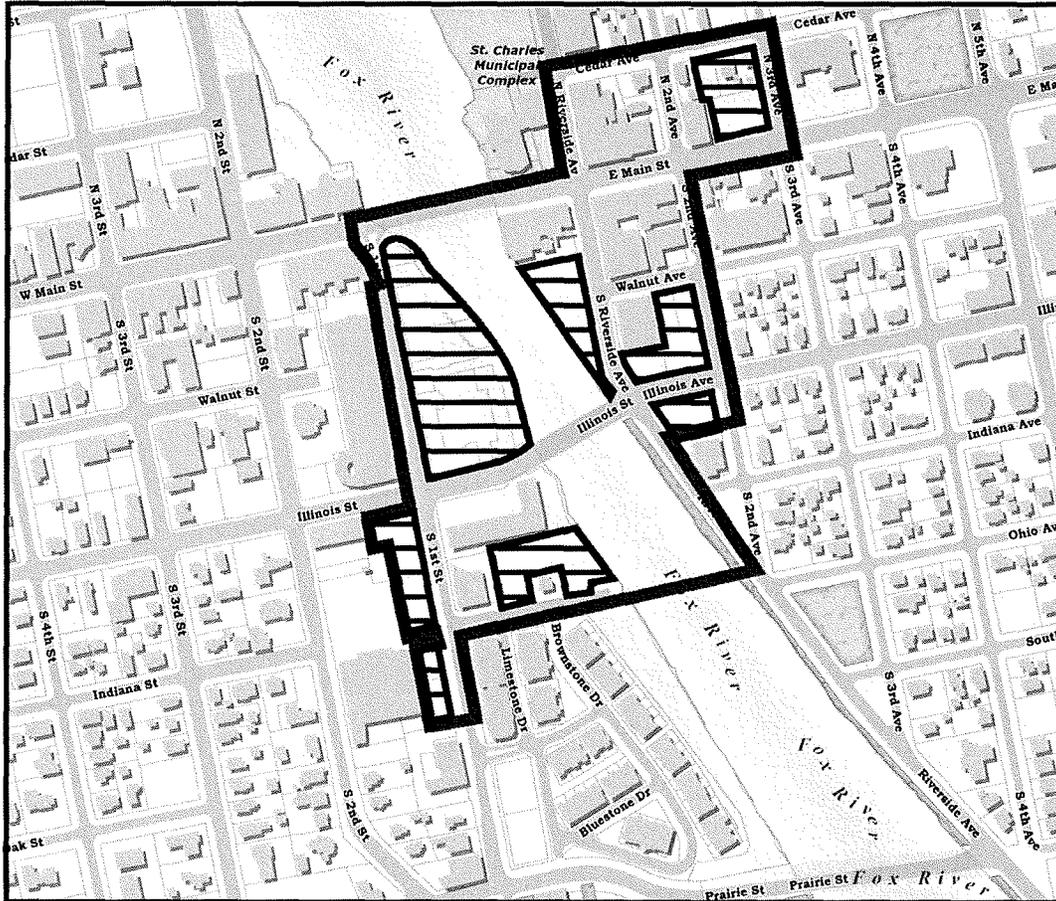
feet along said right-of-way to an angle point in said line; thence northwesterly, 59.15 feet along said right-of-way to the northerly line of Block 39 in said Original Town of St. Charles; thence northeasterly along said northerly line to the northeast corner thereof; thence northerly to the southeast corner of the Hotel Baker Subdivision, recorded December 2, 1982, as Document No. 1623173; thence northeasterly along the northerly line of Illinois Route 64 (Main Street) to the southwest corner of Lot 5 in Block 2 of County Clerk's 1899 Assessment Division East of the Fox River; thence continuing northeasterly along the southerly line of said Block 2 to the northwesterly right-of-way line of Illinois Route 64 (Main Street) and 1<sup>st</sup> Avenue per Document Number 96K045968; thence northeasterly 21.22 feet along said line to the easterly line of said Block 2; thence northwesterly along the westerly line of 1<sup>st</sup> Avenue to the southeast corner of Block 3 in said County Clerk's 1899 Assessment Division; thence northeasterly, 580 feet along the north line of Cedar Avenue to the Point of Beginning.

The Redevelopment Project Area is generally bounded by 1<sup>st</sup> Street on the west, 3<sup>rd</sup> Avenue on the east, Indiana Street on the south and Main Street (west of Fox River) and Cedar Avenue (east of Fox River) on the north.

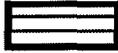
**EXHIBIT A-1**

**MAP OF REDEVELOPMENT PROJECT AREA**

# Central Downtown TIF RPA Development Map



City of St. Charles  
Central Downtown TIF RPA

	<b>Mixed Use</b> Commercial Office Residential Public/Parks/Openpace
	<b>Central Downtown TIF Boundary</b>

\*\* All other properties shall retain the land use designation shown on the Central Downtown Existing Land Use Map



**EXHIBIT B**

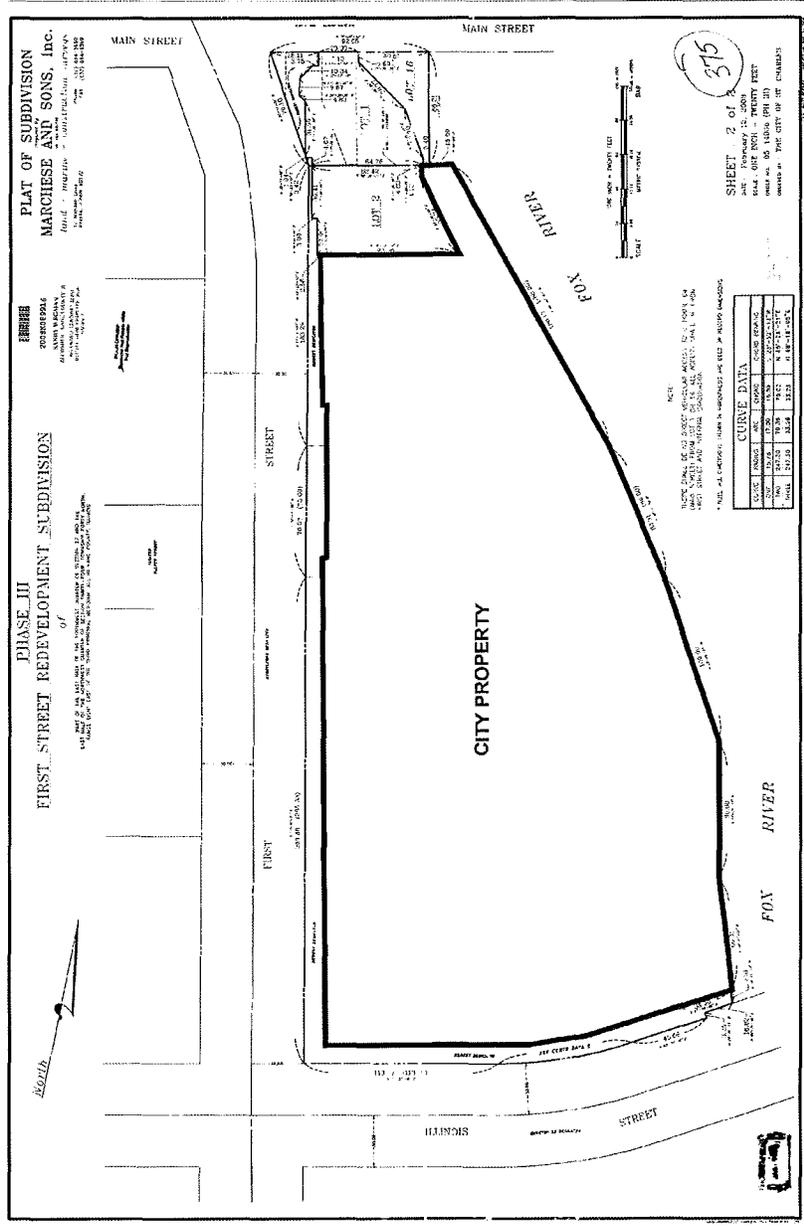
**LEGAL DESCRIPTION**

**CITY PROPERTY**

Lots 3, 4, 5 11 and 12 in the Phase III First Street Redevelopment Subdivision, according to the plat thereof recorded as Document No. 2008K089916, in the City of St. Charles, Kane County, Illinois.

# EXHIBIT B-1

## MAP OF CITY PROPERTY



**EXHIBIT C**

**LEGAL DESCRIPTION**

**CONVEYED PROPERTY**

Phase 1

PROPOSED LOT 1 OF THE PLAT OF RESUBDIVISION OF PHASE III FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN KANE COUNTY, ILLINOIS

PHASE 2

PROPOSED LOT 2 OF THE PLAT OF RESUBDIVISION OF PHASE III FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN KANE COUNTY, ILLINOIS

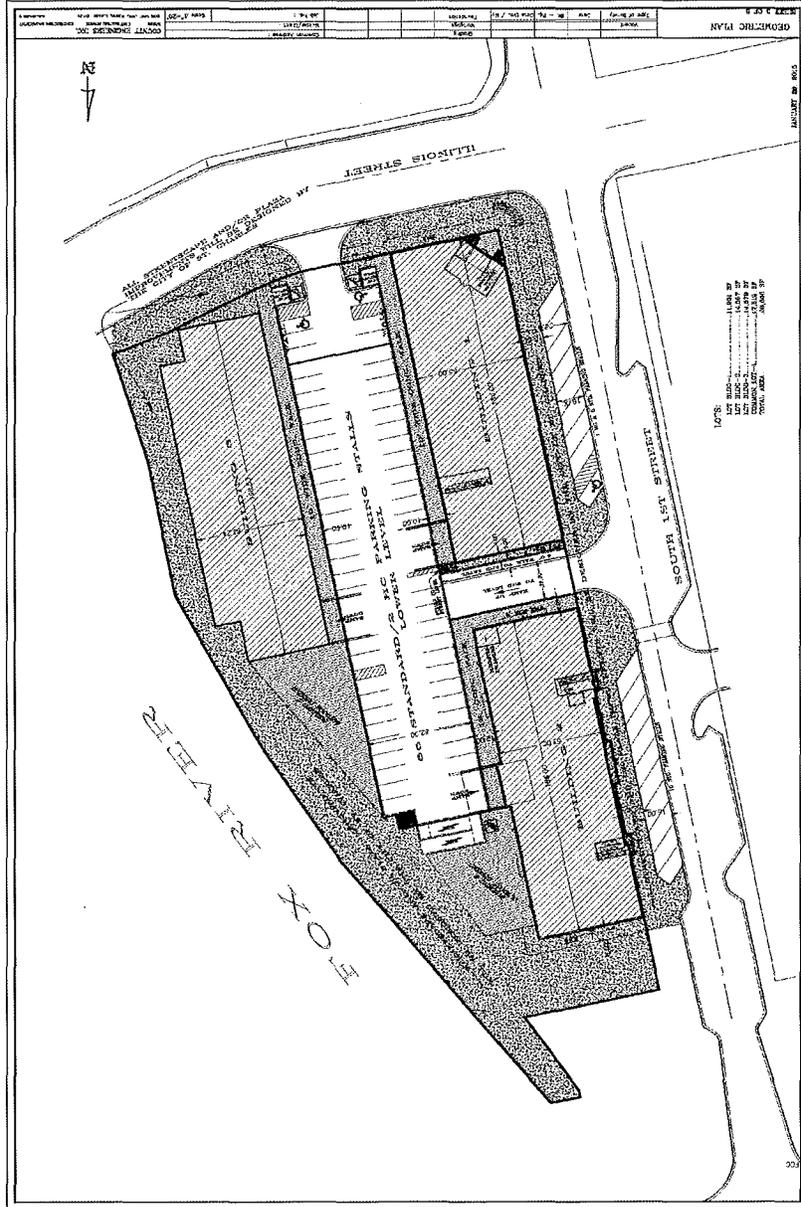
PHASE 3

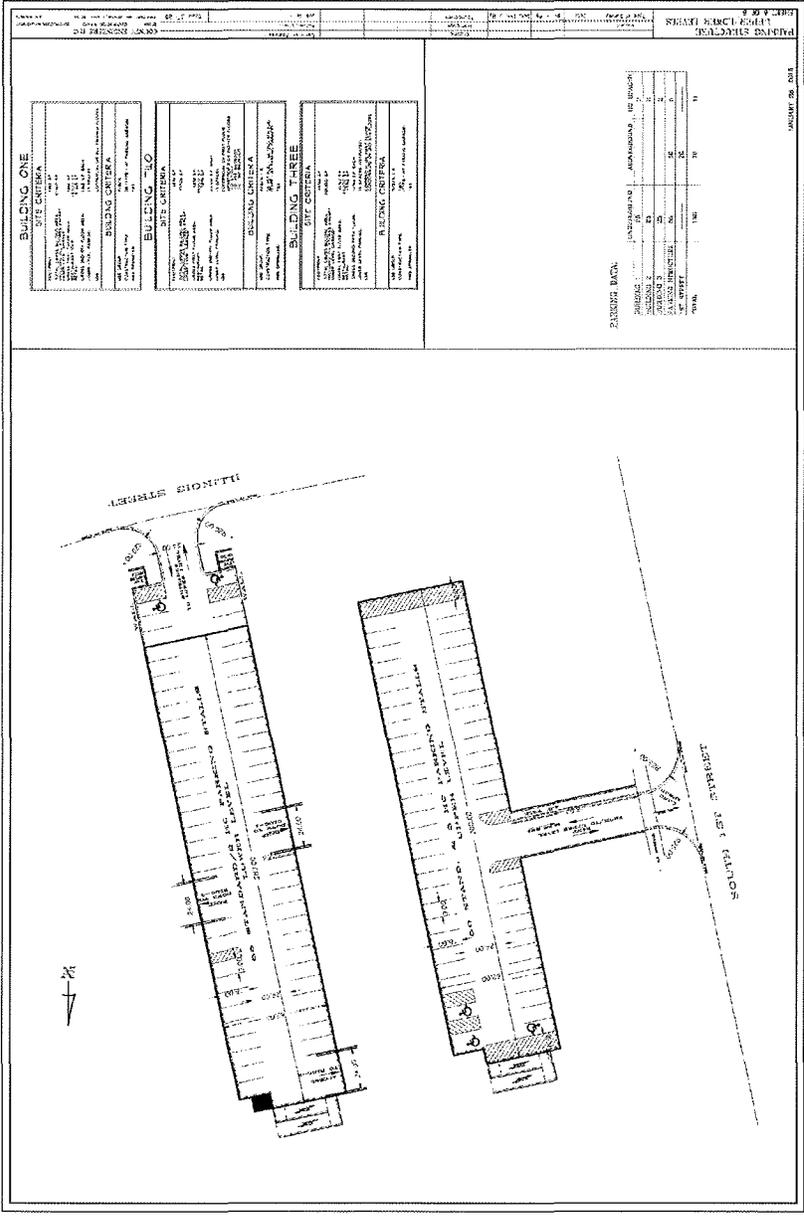
PROPOSED LOT 3 OF THE PLAT OF RESUBDIVISION OF PHASE III FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN KANE COUNTY, ILLINOIS



**EXHIBIT D-1**

**SITE PLAN**





**EXHIBIT D-2**

**SCOPE OF PROJECT**

<b>Private Development Program</b>				
<b>Phase</b>	<b>Timing</b>	<b>Buildings</b>	<b>Development Program Summary</b>	
<u>1</u>	<u>Construction</u> 7/1/15-12/31/16	Retail/Office	Retail/Commercial	11,865 SF
			Office	35,595 SF
			Underground Private Parking	27 Spaces
			City-Owned Public Parking Deck    Public Parking Spaces	110 Spaces
<u>2</u>	<u>Construction</u> 4/1/16-10/1/17	Retail/Apartment	Retail/Commercial	11,898 SF
			Residential Apartment	36,000 SF 36 Units
			Underground Private Parking Spaces	27 Total Spaces
<u>3</u>	<u>Construction</u> 4/1/17-10/1/18	Retail/Condominium	Retail/Commercial	11,966 SF
			For-Sale Residential	47,864 SF 32 Units
			Underground Private Parking Spaces	25 Total Spaces

**EXHIBIT D-3**

**GOVERNMENTAL REQUIREMENTS**

**City of St. Charles, Illinois**

Refer to:	3-2-2015
Minutes	
Page	

**Ordinance No. 2015-Z-5**

**Motion to Approve an Ordinance Granting Approval of a PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD (Buildings 1, 2, 3 and Parking Deck).**

**Adopted by the  
City Council  
of the  
City of St. Charles  
March 2, 2015**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, March 6, 2015**

*Nancy Gamson*  
\_\_\_\_\_  
City Clerk



**(SEAL)**

**City of St. Charles, Illinois**  
**Ordinance No. 2015-Z-5**\_\_\_\_\_

**An Ordinance Granting Approval of a PUD Preliminary Plan for a portion of  
Phase 3 of the First Street Redevelopment PUD  
(Buildings 1, 2, 3 and Parking Deck)**

WHEREAS, an application has been filed for PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD, said realty being legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Realty"); and,

WHEREAS, said application was filed with the City on or about November 3, 2014, by First Street Development II, L.L.C. ("Applicant") and authorized by the record owner of the Subject Realty, the City of St. Charles ("Record Owner"); and,

WHEREAS, the Historic Preservation Commission recommended approval of the PUD Preliminary Plan on or about November 19, 2014; and,

WHEREAS, the Plan Commission recommended approval of the PUD Preliminary Plan on or about December 16, 2014; and,

WHEREAS, the Planning & Development Committee of the City Council recommended approval of the PUD Preliminary Plan on or about February 17, 2015; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning & Development Committee and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

2. That passage of this Ordinance shall constitute approval of the PUD Preliminary Plan, incorporated herein as Exhibit "B", such that the following documents and illustrations are hereby approved, reduced copies of which are attached hereto, subject to satisfactory resolution of all outstanding staff review comments and compliance with such conditions, corrections, and modifications as may be required by the Director of Community & Economic Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

- Development Data, dated February 27, 2015
- Specifications for the Proposed Parking Deck, dated February 27, 2015
- Preliminary Engineering Plans titled "1<sup>st</sup> Street Phase 3", prepared by County Engineers, Inc., dated January 28, 2015 and February 16, 2015

- Building Architectural Elevations for Building 1, Building 2, and the Parking Deck prepared by Marshall Architects, dated February 2, 2015.

3. Preliminary Plans shall be submitted for review by the Historic Preservation Commission and Plan Commission and approval by the City Council for the following:

- Streetscape Improvements for First and Illinois Streets.
- Building Architectural Elevations for Building #3.
- Riverwalk Improvements along the Fox River frontage.
- Plaza area north of Building #2

4. That the subject property may be developed and used only in accordance with all ordinances of the City now in effect or hereafter amended or enacted.

5. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

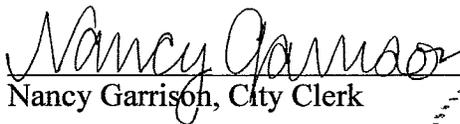
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 2nd day of March, 2015.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 2nd day of March, 2015.

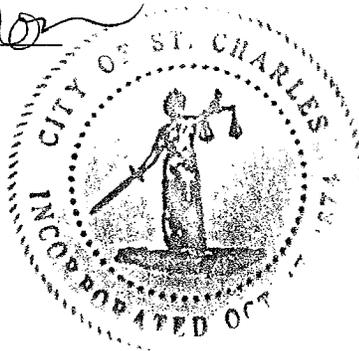
APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 2nd day of March, 2015.

  
 Raymond P. Rogina, Mayor

Attest:

  
 Nancy Garrison, City Clerk

Vote:   
 Ayes:   
 Nays:   
 Absent:   
 Abstain:   
 Date: \_\_\_\_\_



APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lots 3, 4, 5 11 and 12 in the Phase III First Street Redevelopment Subdivision, according to the plat thereof recorded as Document No. 2008K089916, in the City of St. Charles, Kane County, Illinois.

**EXHIBIT "B"**

**PUD PRELIMINARY PLAN**

- Development Data, dated February 27, 2015
- Specifications for the Proposed Parking Deck, dated February 27, 2015
- Preliminary Engineering Plans titled "1<sup>st</sup> Street Phase 3", prepared by County Engineers, Inc., dated January 28, 2015 and February 16, 2015
- Building Architectural Elevations for Building 1, Building 2, and the Parking Deck prepared by Marshall Architects, dated February 2, 2015.

**FIRST STREET PHASE 3 DEVELOPMENT DATA**  
**2/27/15**

<b>Building No.</b>	<b>Type</b>	<b>Floor Level</b>	<b>Area/Units</b>
<b>Building 1</b>	Parking	Basement	27 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,865 sf
	Office	2 <sup>nd</sup> level	11,865 sf
	Office	3 <sup>rd</sup> level	11,865 sf
	Office	4 <sup>th</sup> level	11,865 sf
<b>Total Building area</b>			<b>47,460 sf</b>
<b>Building 2</b>	Parking	Basement	27 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,898 sf
	Residential	2 <sup>nd</sup> level	12,000 sf
	Residential	3 <sup>rd</sup> level	12,000 sf
	Residential	4 <sup>th</sup> level	12,000 sf
Total Residential (12 Studio, 12 1-Bedroom, 12 2-Bedroom)			36 units
<b>Total Building area</b>			<b>47,898 sf</b>
<b>Building 3</b>	Parking	Basement	25 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,966 sf
	Residential	2 <sup>nd</sup> level	11,966 sf
	Residential	3 <sup>rd</sup> level	11,966 sf
	Residential	4 <sup>th</sup> level	11,966 sf
	Residential	5 <sup>th</sup> level	11,966 sf
Total Residential (8 1-Bedroom, 16 2-Bedroom, 8 3-Bedroom)			32 units
<b>Total Building area</b>			<b>59,830 sf</b>
<b>Parking Deck</b>	Parking	1 <sup>st</sup> level	57 spaces
	Parking	2 <sup>nd</sup> level	53 spaces
<b>Total Parking Count</b>			<b>110 spaces</b>

## SPECIFICATIONS FOR PROPOSED PARKING DECK

2/27/15

Revised 3/2/15

1. The proposed parking structure will be designed, constructed and considered as an "open air" parking structure as defined per building codes. Therefore, the following systems are not contemplated: Fire alarm, ventilation/vapor intrusion, drainage into the sanitary system/sand oil separator for the lower level of the deck, and no mechanical/electrical room is included in the plans.
2. Fire Sprinkler System: For an open deck, Installation of a dry type I standpipe system with a minimum of 2 hose stations located on each level of the parking structure. The fire department connection would be located near the Illinois St. entrance.
3. 8 feet of vertical clearance is required within the parking garages which includes the parking areas below buildings 1, 2, 3 and the open parking garage.
4. Larger double tee precast designed to accommodate the loads induced by the City's Fire Department ladder truck shall be located generally in the area approximately 62' east of the ramp from First Street and approximately 28' wide centered on the centerline of the ramp.
5. 3" concrete topping (broom finish and wet cured) over larger double tees included.
6. Control joints with sealant over each precast piece joint and the application of a silane sealer over the entire upper level surface.
7. Sealing and caulking for all precast joints is included.
8. Confirmation the proposed deck can handle anticipated snow loadings and snow removal operations as described:

It is thought that the 6-wheel dump would be backed up the ramp and parked in the middle (Area where the ladder truck was anticipated to sit) and then the other equipment would be used to push and load snow at the same time. It would be conceivable for at least the 6-wheeler, Wheel Loader and Backhoe to be up there at one time working.

Equipment	Operating Weight (lbs)	Contact Area Front (Sqi)	Contact Area Back (Sqi)	Total Contact Area (Sqi)	Ground Pressure per Contact (psi)
JD 544k Wheel Loader	28660	468	468	936.00	30.62
JD 410k Backhoe	16500	260	468	728.00	22.66
Case 410 Skid Steer (with bucket)	6200	189	189	378.00	16.40
6 Wheel Dump (Loaded w/plow)	50000	255	952	1207.00	41.43
* NOTE - Calculations based on level surface and no movement					
** NOTE - Construction Equipment was calculated as "unloaded", Dump truck calculated as fully loaded.					

9. All conduit is rigid conduit and all fittings are rated for outdoor use.
10. Adequate light fixtures to meet required codes or industry standards including but not limited to emergency lighting, exit lighting, egress path lighting and also with respect to

lighting on the upper and lower level of the parking deck is included. Walker Parking's initial review indicated that more than 14 light fixtures on the lower level, as identified in the preliminary cost estimate from Premium Electric Services dated January 6, 2015, may be needed. All lighting fixtures to be subject to review and approval by the City. Developer has budgeted an allowance of \$28,000 for upper level fixtures. Should the City select a more expensive fixture for the upper level, the City would cover the cost difference. Photometrics to be included with Final Engineering plans prepared by the developer.

11. Lower level sump pumps (2) and back-up/alarm system is included.
12. Coverings/treatments over required openings to comply with the lower level being open air are included. Design subject to review by the City.
13. All required ramp/stair handrails, bollards, doors and door frames, flashing and trim are included.
14. Foundation: 6" perimeter drains is included.
15. Public storm sewer passing under the parking deck to be reconstructed per the Preliminary Engineering Plans.
16. Striping and directional signage
17. Future security and parking counter system to be determined jointly by developer and staff during Final Engineering.

**1ST STREET PHASE 3**  
**NORTHEAST CORNER OF 1ST STREET AND ILLINOIS STREET**  
**ST. CHARLES, ILLINOIS**

**WARNING**



CALL BEFORE  
 YOU DIG  
 (48 HOURS AHEAD NOTICE REQUIRED PRIOR TO DIGGING)

**CITY OF ST. CHARLES NOTES**

1. ALL PERVIOUS AREA SHALL BE SOODED OVER A MINIMUM OF 6" OF TOP SOIL UNLESS OTHER LANDSCAPING METHODS ARE APPROVED ON THE LANDSCAPING PLAN.
2. ALL CONDUIT OR PIPE CONSTRUCTED UNDER EXISTING OR PROPOSED PAVED SURFACES AND WALKS SHALL BE BACKFILLED WITH GRANULAR BACKFILL THOROUGHLY COMPACTED IN ACCORDANCE WITH THE SPECIFICATIONS. GRANULAR BACKFILL IS ALSO REQUIRED WITHIN 2' OF PAVED SURFACES.
3. ALL PAVING, SIDEWALK AND EXCAVATION WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS OF THE ILLINOIS DEPARTMENT OF TRANSPORTATION (IDOT) AND THE CITY OF ST. CHARLES STANDARD DETAILS, CODES AND REQUIREMENTS.
4. ALL SEWER AND WATER MAIN WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS AND CITY OF ST. CHARLES CONSTRUCTION STANDARDS.
5. CONTRACTOR TO GUARANTEE ALL MATERIALS AND WORKMANSHIP FOR A PERIOD OF ONE (1) YEAR AFTER ACCEPTANCE BY THE CITY.
6. ALL EXISTING UTILITIES OR IMPROVEMENTS, INCLUDING WALKS, CURBS, PAVEMENT AND PARKWAYS DAMAGED OR REMOVED DURING CONSTRUCTION SHALL BE PROMPTLY RESTORED TO THEIR RESPECTIVE ORIGINAL CONDITION.
7. THE CONTRACTOR SHALL NOTIFY ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION TO VERIFY IN THE FIELD ALL EXISTING AND UNDERGROUND UTILITIES ADJACENT TO THE PROJECT, AND BE RESPONSIBLE FOR PROTECTION OF SAME.
8. ALL CONCRETE SHALL BE 6 BAG MIX, 3500 PSI CONCRETE AT 14 DAYS. CURING MATERIAL SHALL BE MEMBRANE CURING COMPOUND AND SHALL BE WHITE IN COLOR TO ASSURE ADEQUATE COVERAGE.
9. CONTRACTOR SHALL NOTIFY CITY 48 HOURS IN ADVANCE OF CONSTRUCTION OF UNDERGROUND WORK. NO UNDERGROUND WORK SHALL BE COVERED UNTIL SAME HAS BEEN INSPECTED BY THE CITY. APPROVAL TO PROCEED MUST BE OBTAINED FROM THE CITY PRIOR TO INSTALLING PAVEMENT BASE, PAVEMENT BINDER, PAVEMENT SURFACE, AND FLOOR TO DURING ANY CONCRETE AFTER FORMS HAVE BEEN SET.
10. IF APPLICABLE, ALL NEW REINFORCED CONCRETE PIPE STORM SEWER 12" AND LARGER WHERE SHOWN ON THE PLANS SHALL BE ASTM DESIGNATION C-70 MINIMUM CLASS, CLASS III. ALL PIPE WITH LESS THAN 3' OF COVER AND MORE THAN 15' OF COVER SHALL BE CLASS V. ALL JOINTS SHALL BE "O" RING RUBBER GASKET CONFORMING TO ASTM C-361 SPECIFICATIONS. ALL STORM SEWERS WITH LESS THAN 3.75' OF COVER AND ALL GUCTILE IRON PIPE STORM SEWERS WHERE SHOWN ON THE PLANS SHALL BE GUCTILE IRON PIPE CLASS 52 AND SPECIFICATIONS A-21.51 WITH PUSH-ON OR MECHANICAL JOINTS AND POLYETHYLENE ENCASEMENT.
11. BITUMINOUS PAVEMENT MATERIAL MUST BE PLACED IN TWO LIFTS. THICKNESS OF EACH LIFT SHALL BE AS SHOWN ON APPROVED PLANS. ALL MATERIAL SHALL BE CLASS I BITUMINOUS AS PER DOT STANDARDS. THE FINAL SURFACE COURSE SHALL NOT BE INSTALLED UNTIL THE CITY HAS APPROVED THE COMPACTION OF THE BINDER MATERIAL. THE BINDER COURSE SHALL NOT BE INSTALLED UNTIL THE COMPACTION OF THE STONE BASE HAS BEEN APPROVED BY THE CITY. THE FINAL SURFACE COURSE MAY NOT BE INSTALLED UNTIL THE MAJOR PORTION OF BUILDING CONSTRUCTION HAS BEEN COMPLETED AS DETERMINED AND APPROVED BY THE CITY.

NOTE: IN CASE OF CONFLICT WITH OTHER NOTES AND SPECIFICATIONS, THE CITY'S STANDARD NOTES AND DETAILS SHALL APPLY.

**UNDERGROUND UTILITY NOTE:**

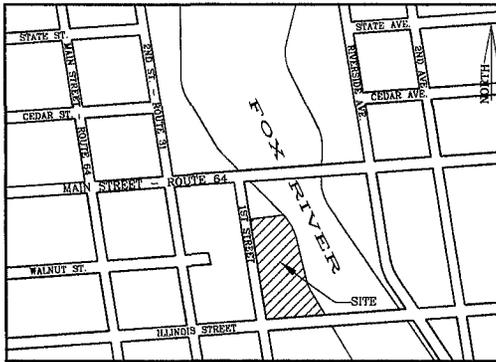
The location of existing underground utilities, such as water mains, sewers, gas lines, etc., as shown on the plans, has been determined from the best available information and is given for the convenience of the Contractor. However, the Owner and the Engineer do not assume responsibility in the event that during construction, utilities other than those shown may be encountered, and that the actual location of those which are shown may be different from the location as shown on the plans.

**USE OF DRAWINGS**

Client agrees not to use or permit any other person to use plans, drawings, or other product prepared by the Engineer, his plans, drawings, or other work product as not final and which are not signed, and stamped or sealed by the Engineer and contain the words "Released For Construction".

**HOLD HARMLESS STATEMENT**

The Engineer is not overseeing the construction of this project. The use of these Drawings and Specifications by and Contractor, Subcontractor, Builders, Mechanical, Tradesmen or Worker shall indicate a Hold Harmless Agreement between the User and the Engineer. The User shall in fact agree to hold the Engineer harmless for any responsibility in regard to construction means, methods, techniques, sequences or procedures and for any safety precautions and programs in connection with the work and further shall hold the Engineer harmless for costs and problems arising from the negligence of Contractor, Subcontractor, Builders, Mechanical, Tradesmen or Workers. The use of these Drawings also implies that the Engineer shall take no responsibility for the plan User's failure to carry out the work in accordance with the Drawing and Specifications.



**LOCATION MAP**  
 NOT TO SCALE

LEGEND			
	PROPOSED STORM SEWER		PROPOSED SPOT GRADE
	EXISTING STORM SEWER		EXISTING SPOT GRADE
	PROPOSED SANITARY SEWER		PROPOSED CONTOUR
	EXISTING SANITARY SEWER		EXISTING CONTOUR
	PROPOSED WATER MAIN		SILT FENCE
	EXISTING WATER MAIN		OVERFLOW DIRECTION
	PROPOSED SANITARY MANHOLE		PROPOSED CURB
	EXISTING SANITARY MANHOLE		EXISTING CURB
	EXISTING STORM STRUCTURE		PROPOSED EDGE OF PAVEMENT
	PROPOSED STORM STRUCTURE		
	PROPOSED FIRE HYDRANT		
	PROPOSED GATE VALVE		

**SHEET INDEX**

TITLE	SHEET NO.
TITLE SHEET.....	1
TOPOGRAPHY & DEMOLITION PLAN.....	2
GEOMETRIC PLAN.....	3
BUILDING 1 INFORMATION.....	4
BUILDING 2 INFORMATION.....	5
PARKING STRUCTURE UPPER/LOWER LEVELS.....	6
GRADING PLAN.....	7
UTILITY PLAN.....	8
PLAT OF SUBDIVISION	

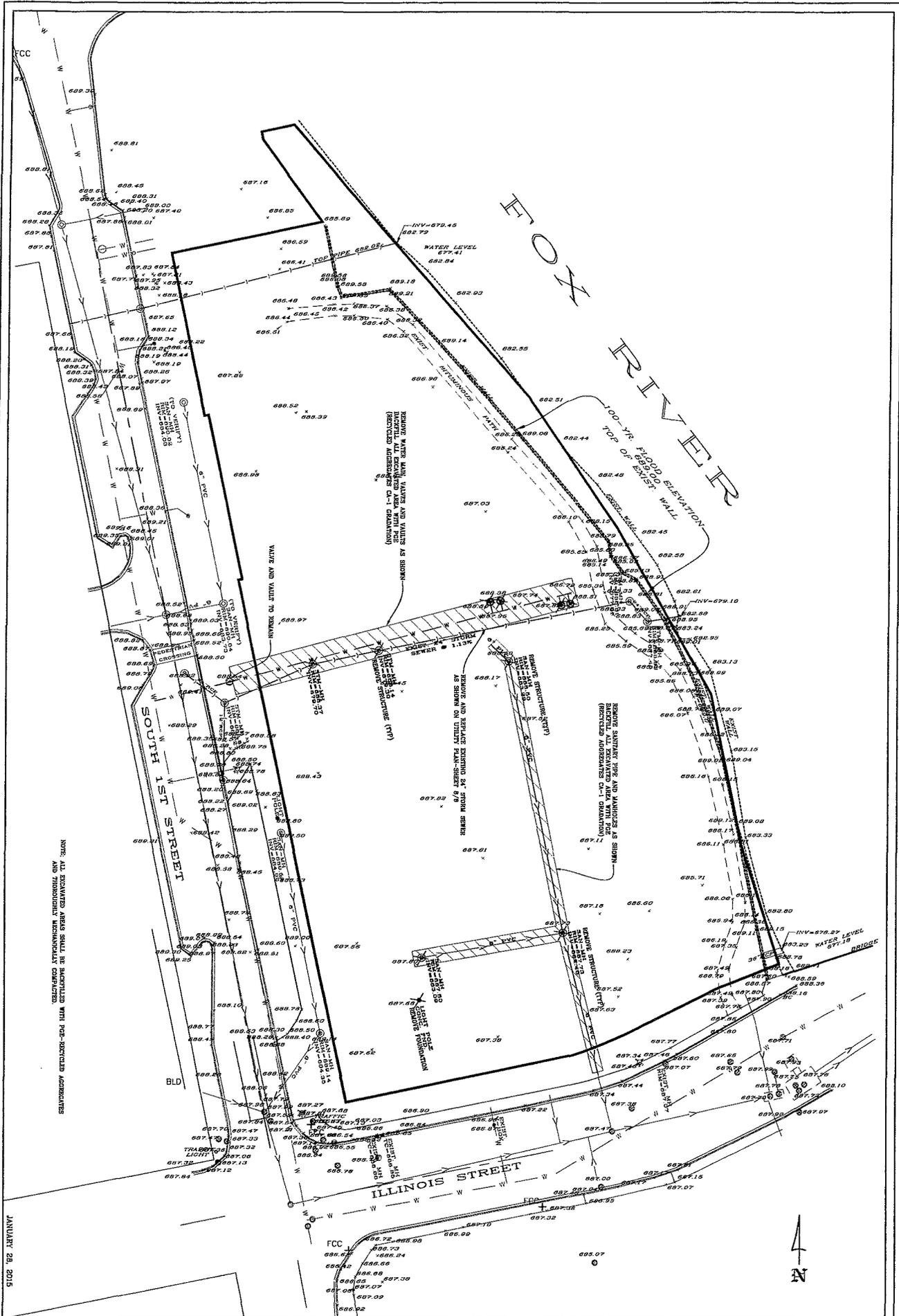
**BENCHMARK:**

CITY OF ST. CHARLES--  
 STATION N 19 BLV-698-45 NAVD88  
 AT SAINT CHARLES, KANE COUNTY, IN NORTHEAST  
 LIMESTONE CORNER OF THE REHMS ELECTRICAL  
 BUILDING, 6 FEET EAST OF THE NORTH (FRONT)  
 ENTRANCE, AND ABOUT 1 FOOT ABOVE SIDEWALK.  
 A STANDARD DISC, STAMPED N 19 1934 AND SET  
 VERTICALLY.

**COUNTY ENGINEERS INC.**  
 2202 GARY LANE, GENEVA, ILLINOIS 60134  
 630.364.6976      ceillinois@aol.com



BRANDON JAFARI  
 REGISTERED PROFESSIONAL ENGINEER  
 RENEWAL DATE: 11/30/15



NOTE: ALL EXCAVATED AREAS SHALL BE SACRIFICED WITH POC-BEFOREHAND APPROPRIATES AND THOROUGHLY MECHANICALLY COMPACTED.

JANUARY 28, 2015

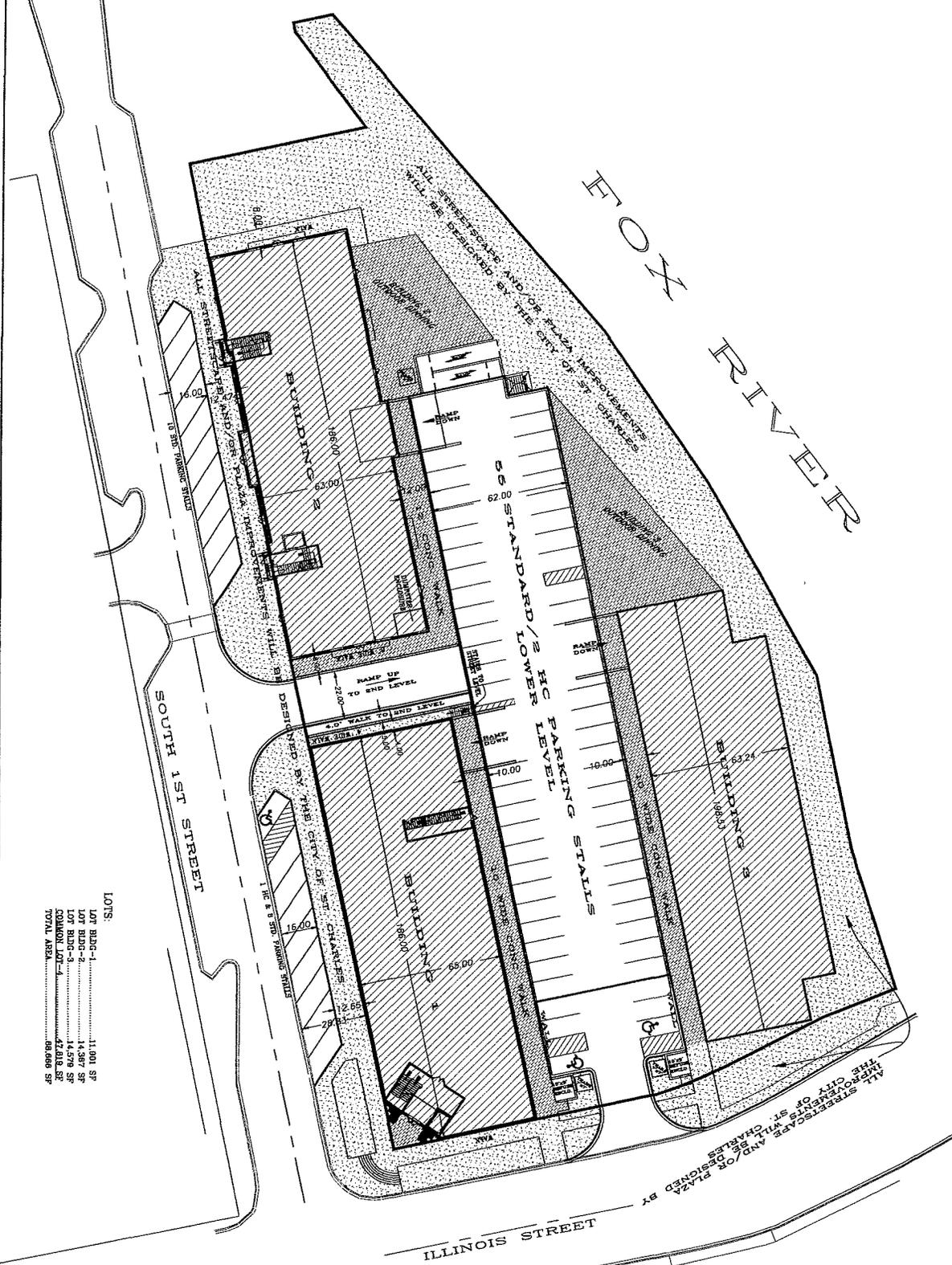
TOPOGRAPHY AND DEMOLITION  
SHEET 2 OF 8

Grading	Common Address :		
Mortgage	Builder/Client :		
Foundation	Job No. :		
Type of Survey	Date	Bk. - Pg.	Date Dm. / By

COUNTY ENGINEERS INC.	
05254	CONSTRUCTION PERMITS
2222 HWY 106, EDGEMOND, ILLINOIS 60124	CONSTRUCTION MANAGEMENT
Scale 1"=20'	830.284.8775

FCC

FOX RIVER



LOTS:

LOT BLDG-1.....	11,001 SF
LOT BLDG-2.....	14,397 SF
LOT BLDG-3.....	14,579 SF
COMMON LOT-4.....	14,818 SF
TOTAL AREA.....	54,805 SF



JANUARY 28, 2015

**GEOMETRIC PLAN**  
SHEET 3 OF 8

Common Address :	
Builder/Client :	
Job No. :	
Scale :	1"=20'

**COUNTY ENGINEERS INC.**  
DESIGN CONSTRUCTION PERMITS CONSTRUCTION MANAGEMENT  
2202 GAY LANE, GAYLORD, ILLINOIS 60134  
630.264.9975

PROPOSED NEW OFFICE BUILDING ON:  
**FIRST STREET**

PLOTTED: 01/1/2014

**BUILDING ONE**  
ST. CHARLES, ILLINOIS 60114  
FIRST STREET DEVELOPMENT, LLC

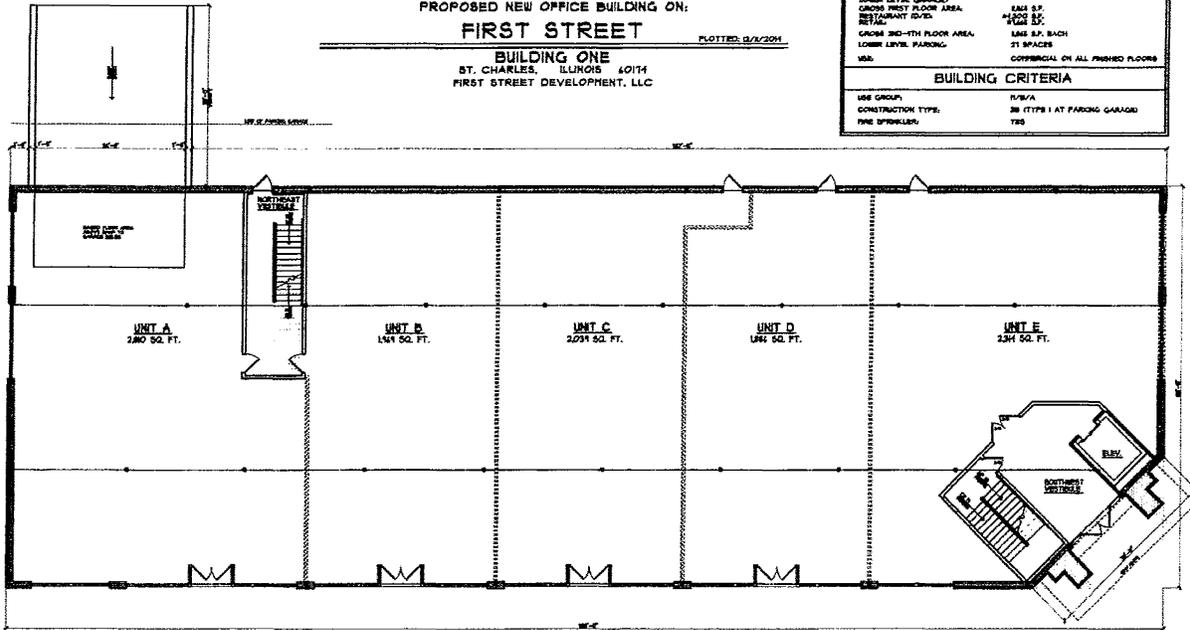
**BUILDING ONE**

**SITE CRITERIA**

FOOTPRINT:	4848 S.F.
TOTAL GROSS BUILDING AREA:	11,940 S.F.
DESIGNED ALL UTILITIES ACCORD	
GROSS LEVEL GARAGE AREA:	4848 S.F.
GROSS FIRST FLOOR AREA:	4848 S.F.
NET AREA:	4848 S.F.
GROSS 2ND-7TH FLOOR AREA:	4848 S.F. EACH
LOWER LEVEL PARKING:	37 SPACES
USE:	COMMERCIAL ON ALL FINISHED FLOORS

**BUILDING CRITERIA**

USE GROUP:	U/B/A
CONSTRUCTION TYPE:	3RD FTYS I AT PARKING GARAGE
FIRE SPRINKLER:	YES



**FIRST FLOOR PLAN**

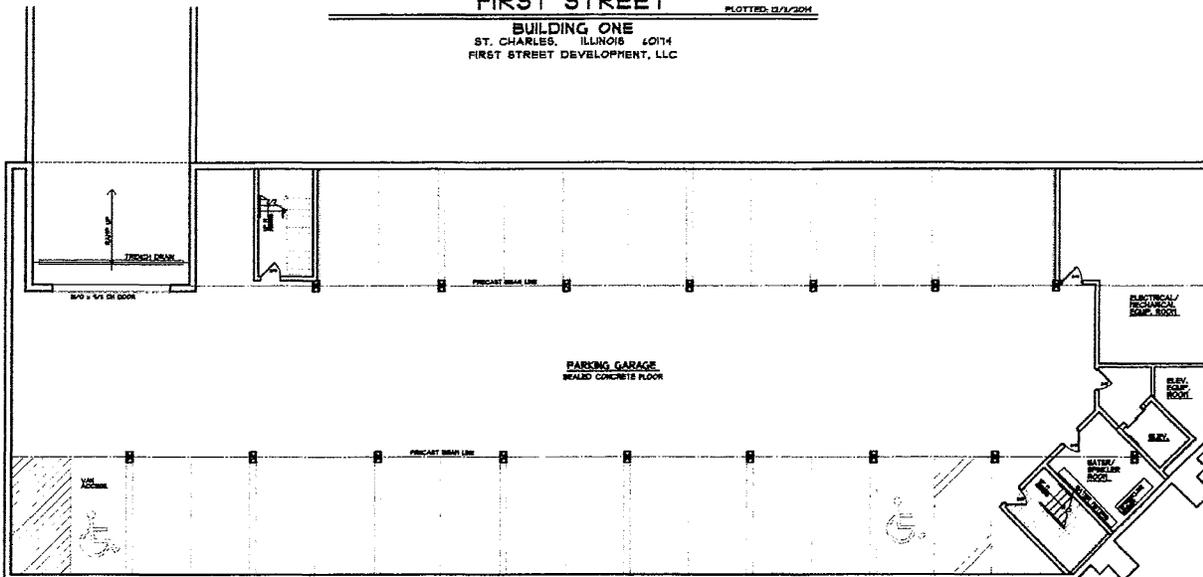


FIRST STREET

PROPOSED NEW OFFICE BUILDING ON:  
**FIRST STREET**

PLOTTED: 01/1/2014

**BUILDING ONE**  
ST. CHARLES, ILLINOIS 60114  
FIRST STREET DEVELOPMENT, LLC



**LOWER LEVEL PLAN**



JANUARY 28, 2015

**BUILDING 1 INFORMATION**

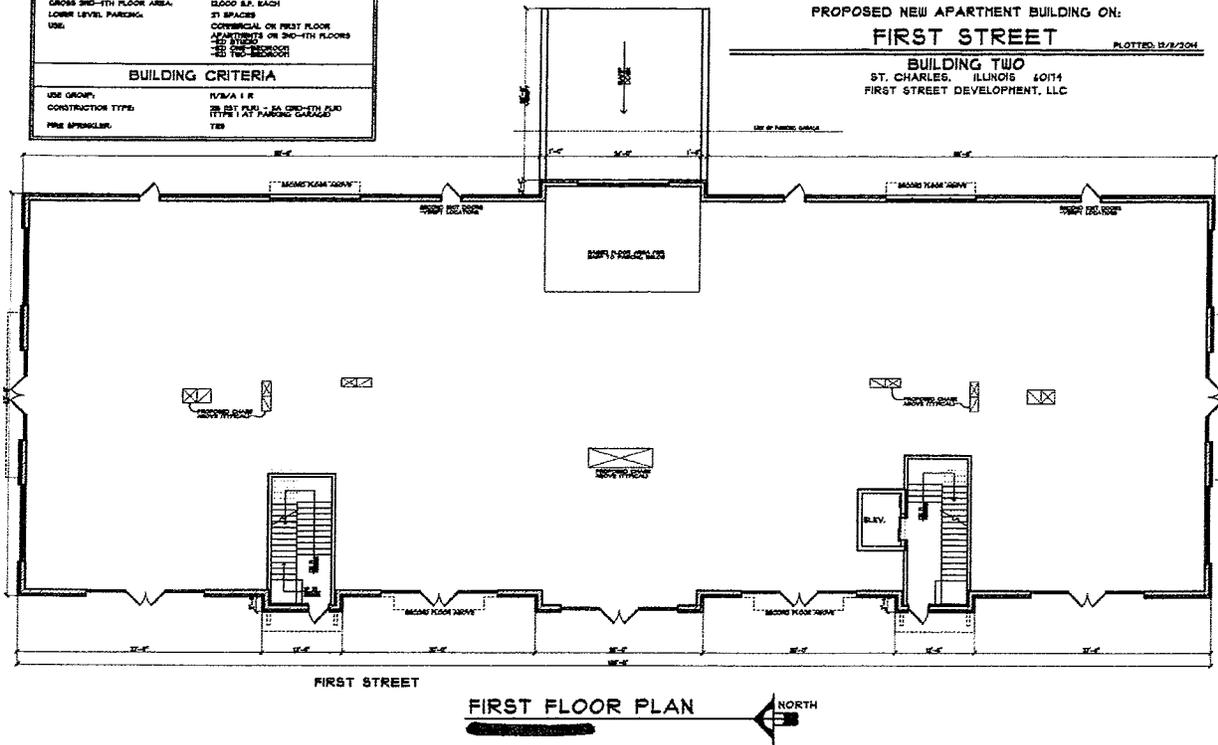
Use:	Office	Grading:		Common Address:	
Type of Survey:		Mortgage:		Builder/Client:	
Date:		Foundation:		Job No.:	
Bk. - Pg.:				Scale:	NTS

**COUNTY ENGINEERS INC.**  
2302 SHAWANE, COOK, ILLINOIS 60014  
CONSTRUCTION PERMITS CONSTRUCTION MANAGEMENT

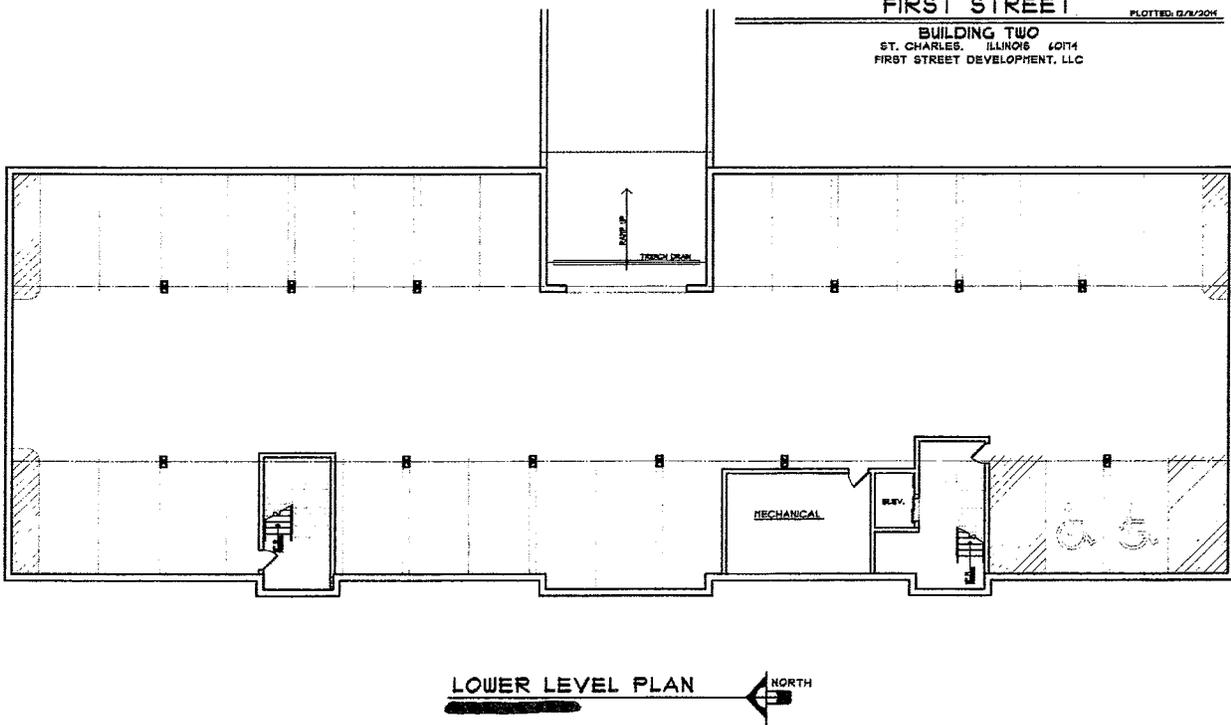
**BUILDING TWO**

SITE CRITERIA	
FOOTPRINT:	834 S.F.
TOTAL GROSS BUILDING AREA, INCLUDING ALL STORIES EXCEPT LOWER LEVEL GARAGE:	4104 S.F.
LOWER LEVEL GARAGE:	
GROSS FIRST FLOOR AREA:	834 S.F.
RETAIL/RENT:	1400 S.F.
GROSS 2ND-4TH FLOOR AREA:	1800 S.F. EACH
LOWER LEVEL PARKING:	21 SPACES
USE:	COMMERCIAL ON FIRST FLOOR APARTMENTS ON 2ND-4TH FLOORS
	20 STORIES 1ST FLOOR 2ND FLOOR
BUILDING CRITERIA	
USE GROUP:	11/31A I R
CONSTRUCTION TYPE:	20.03.1.1.1 - 20.03.1.1.2 AND TYPE 1 AT PARKING GARAGE
FIRE SPRINKLER:	YES

PROPOSED NEW APARTMENT BUILDING ON:  
**FIRST STREET** PLOTTED: 12/12/2014  
**BUILDING TWO**  
ST. CHARLES, ILLINOIS 60114  
FIRST STREET DEVELOPMENT, LLC

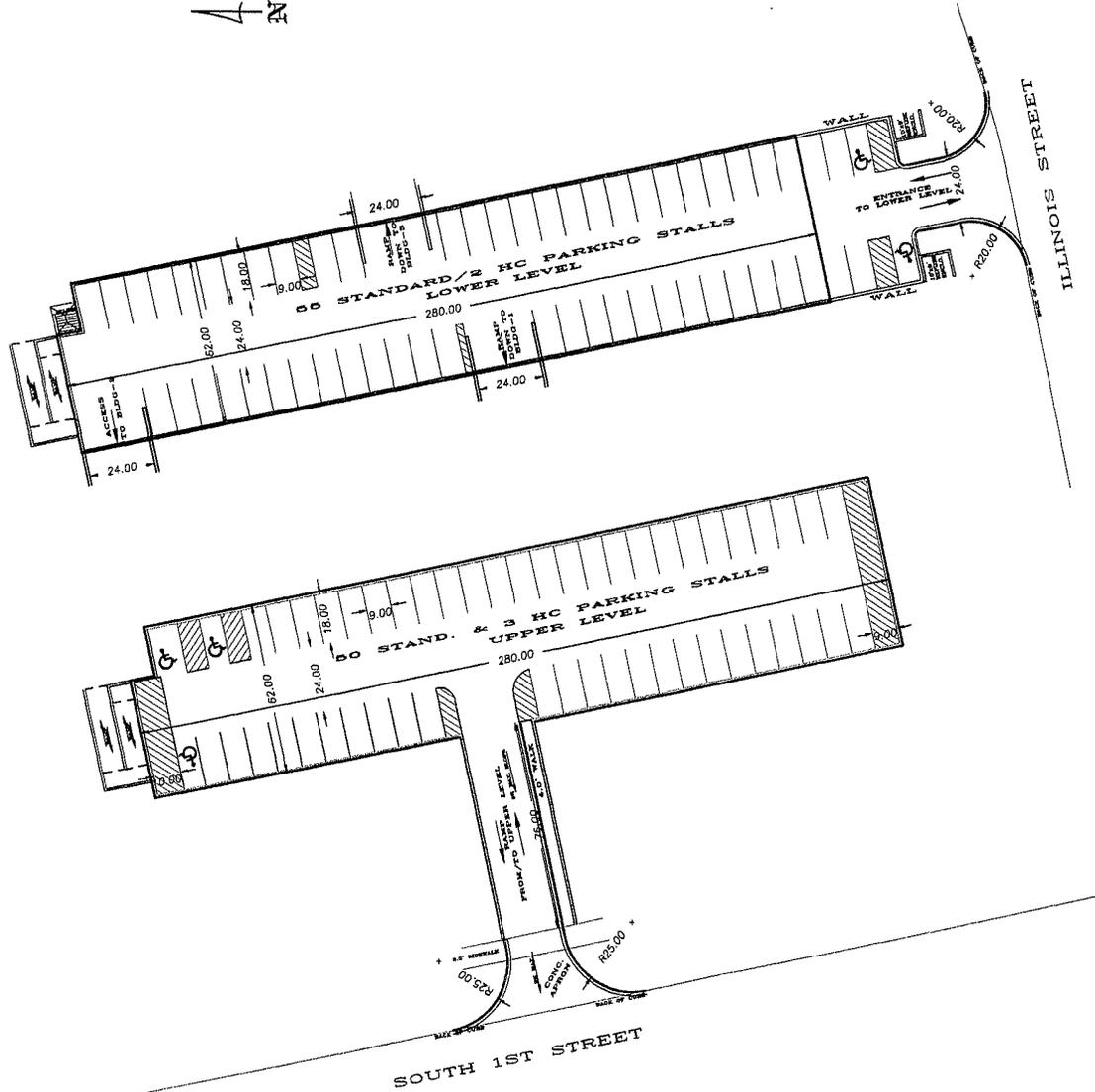


PROPOSED NEW APARTMENT BUILDING ON:  
**FIRST STREET** PLOTTED: 12/12/2014  
**BUILDING TWO**  
ST. CHARLES, ILLINOIS 60114  
FIRST STREET DEVELOPMENT, LLC



1105 82 ARBITRARY

BUILDING 2 INFORMATION		Common Address :		COUNTY ENGINEERS INC.	
Vacant				2202 GRAY LANE, COVINGTON, ILLINOIS 60124	
Type of Survey	Date	Bk. - Pg.	Date Dm. / By	Builder/Client :	Scale : NTS
				Job No. :	CONSTRUCTION PERMITS CONSTRUCTION MANAGEMENT 620.364.8975



**BUILDING ONE**

**SITE CRITERIA**

FOOTPRINT	4484 S.F.
TOTAL GROSS BUILDING AREA INCLUDING ALL ABOVE FLOORS	11,460 S.F.
GROSS FIRST FLOOR AREA	4,740 S.F.
RETAIL	4,740 S.F.
GROSS 2ND-4TH FLOOR AREA	1481 S.F. EACH
LOWER LEVEL PARKING	31 SPACES
USE:	COMMERCIAL ON ALL FINISHED FLOORS

**BUILDING CRITERIA**

USE GROUP:	R/U/A
CONSTRUCTION TYPE:	3B (TYPE 1 AT PARKING GARAGE)
FIRE SPRINKLER:	YES

**BUILDING TWO**

**SITE CRITERIA**

FOOTPRINT:	4484 S.F.
TOTAL GROSS BUILDING AREA INCLUDING ALL ABOVE FLOORS EXCEPT LOWER LEVEL GARAGE	4740 S.F.
GROSS FIRST FLOOR AREA	2488 S.F.
RESTAURANT	1400 S.F.
GROSS 2ND-4TH FLOOR AREA	1000 S.F. EACH
LOWER LEVEL PARKING:	31 SPACES
USE:	COMMERCIAL ON FIRST FLOOR APARTMENTS ON 2ND-4TH FLOORS HOTEL RESTAURANT TWO-RESIDUAL

**BUILDING CRITERIA**

USE GROUP:	R/U/A + H
CONSTRUCTION TYPE:	3B (TYPE 1 AT PARKING GARAGE)
FIRE SPRINKLER:	YES

**BUILDING THREE**

**SITE CRITERIA**

FOOTPRINT:	4484 S.F.
TOTAL GROSS BUILDING AREA INCLUDING ALL ABOVE FLOORS EXCEPT LOWER LEVEL GARAGE	14,840 S.F.
GROSS FIRST FLOOR AREA	4,740 S.F.
RETAIL	4,740 S.F.
GROSS SECOND-FIFTH FLOOR	4484 S.F. EACH
LOWER LEVEL PARKING:	31 SPACES RESTRICTED
USE:	COMMERCIAL ON FIRST FLOOR CONDOS/OWNERS ON 2ND-5TH FLOORS

**BUILDING CRITERIA**

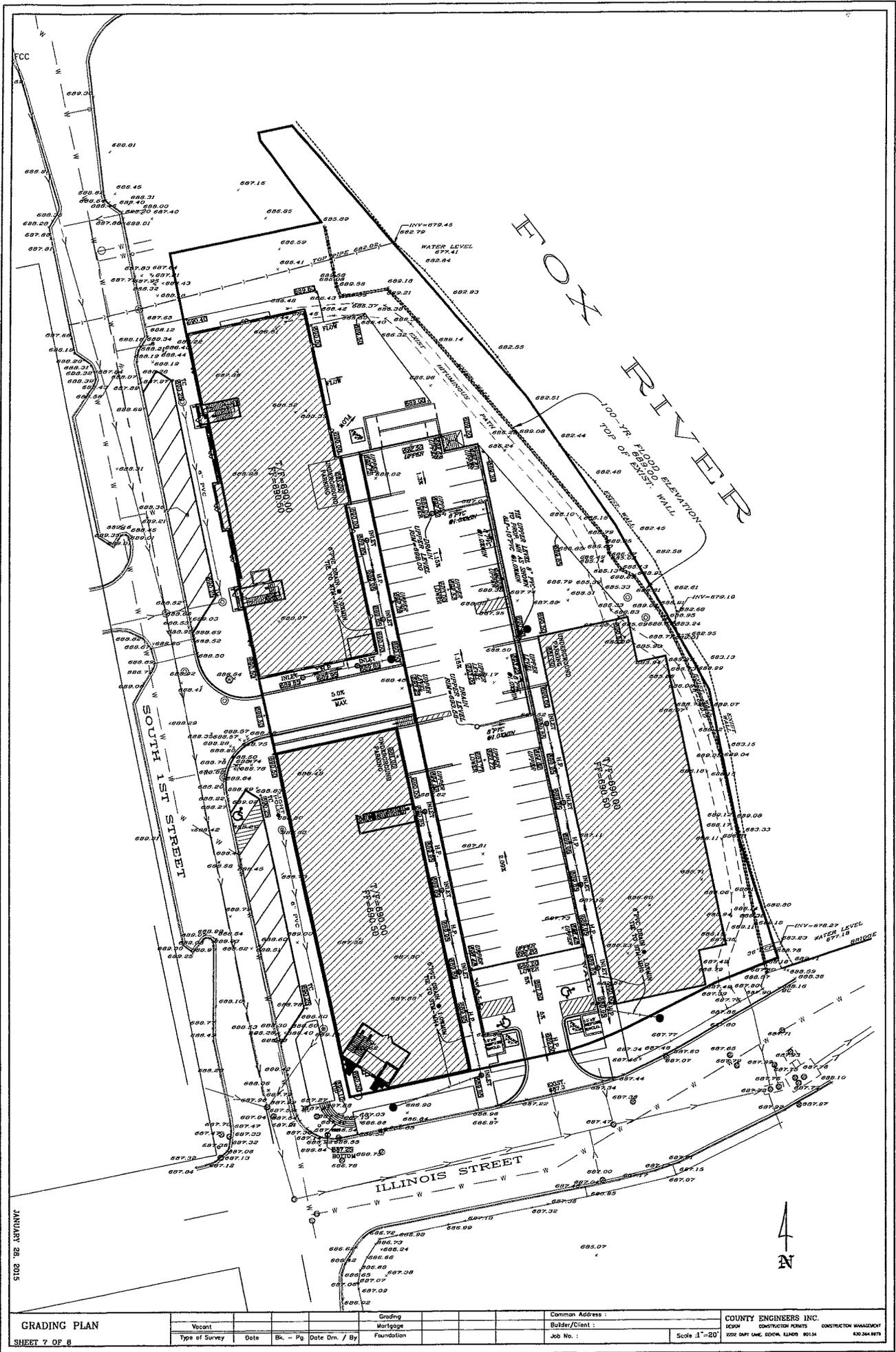
USE GROUP:	R/U/A + H
CONSTRUCTION TYPE:	3B (TYPE 1 AT PARKING GARAGE)
FIRE SPRINKLER:	YES

**PARKING DATA:**

	UNDERGROUND	ABOVEGROUND	HC SPACES
BUILDING 1	25		2
BUILDING 2	25		2
BUILDING 3	25		2
PARKING STRUCTURE	55	50	5
1ST STREET		20	
<b>TOTAL</b>	<b>130</b>	<b>70</b>	<b>11</b>

COUNTY ENGINEER INC. CONSTRUCTION INSPECTOR  
 202 WEST WASHINGTON STREET, SUITE 1100, CHICAGO, ILLINOIS 60604  
 Scale: 1" = 20'  
 County: Cook  
 Municipality: Chicago  
 Foundation:  
 Date of Survey:  
 Vacant:  
 Type of Survey:  
 Date:  
 Drawn by: [Blank]  
 Checked by: [Blank]  
 Date: [Blank]  
 Sheet No.: [Blank] of [Blank]

**PARKING STRUCTURE UPPER/LOWER LEVELS**  
**SHEET 6 OF 8**



JANUARY 28, 2015

**GRADING PLAN**

SHEET 7 OF 8

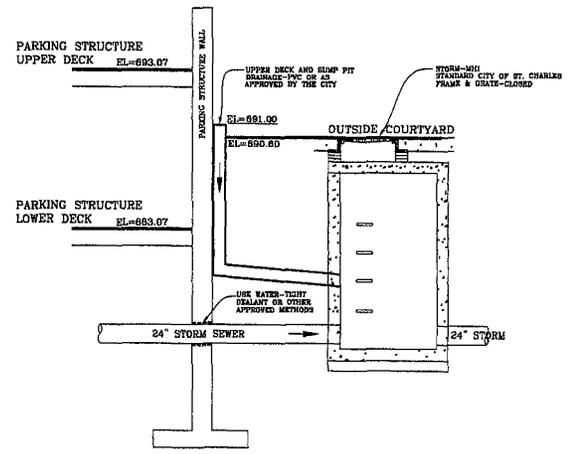
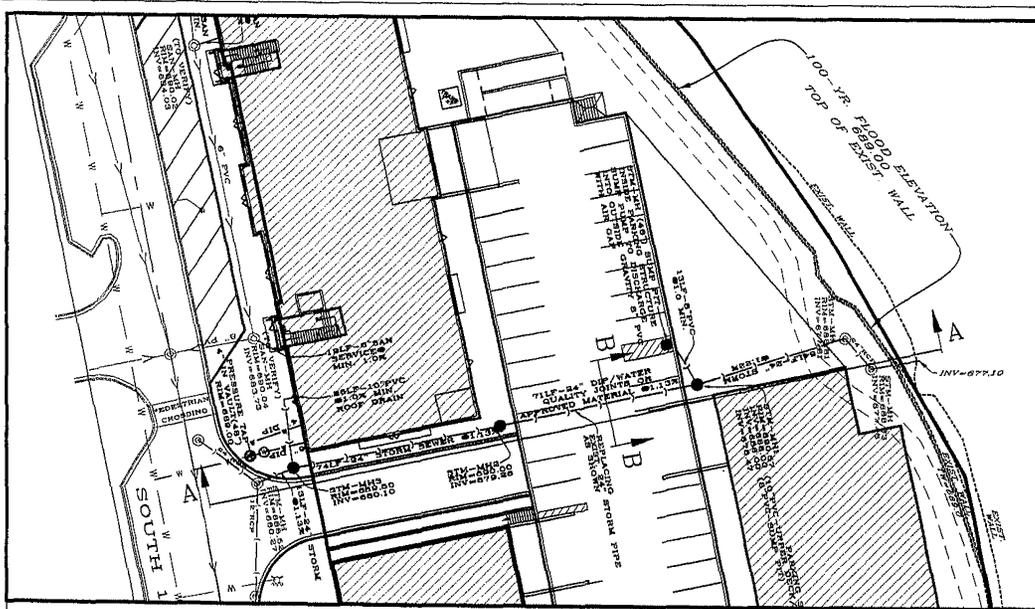
Vacant					
Type of Survey	Date	Bk. - Pg.	Date Dm. / By	Grading	Mortgage
				Foundation	

Common Address:  
 Builder/Client:  
 Job No.:

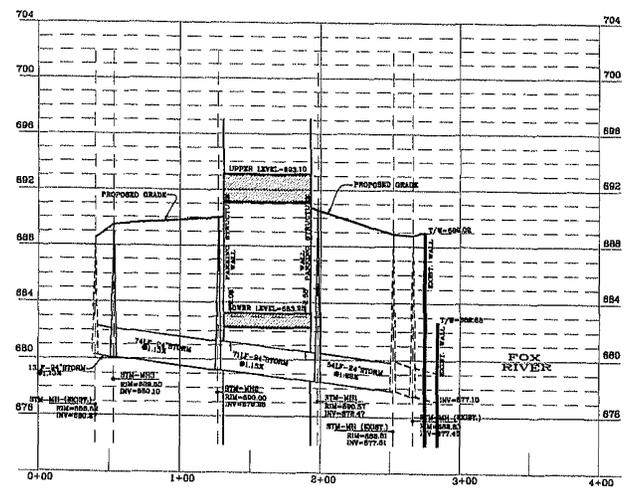
**COUNTY ENGINEERS INC.**  
 2202 DRY LAKE, EDINA, IL 60146 80134  
 CONSTRUCTION PERMITS CONSTRUCTION MANAGEMENT 830.264.6678

Scale 1"=20'



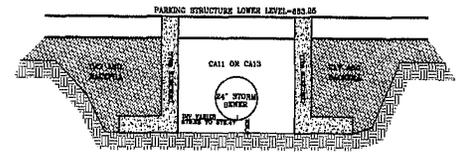


PARKING STRUCTURE LOWER DECK/  
UPPER DECK DRAINAGE  
NTS



PROFILE SECTION A-A  
THROUGH 24" STORM SEWER

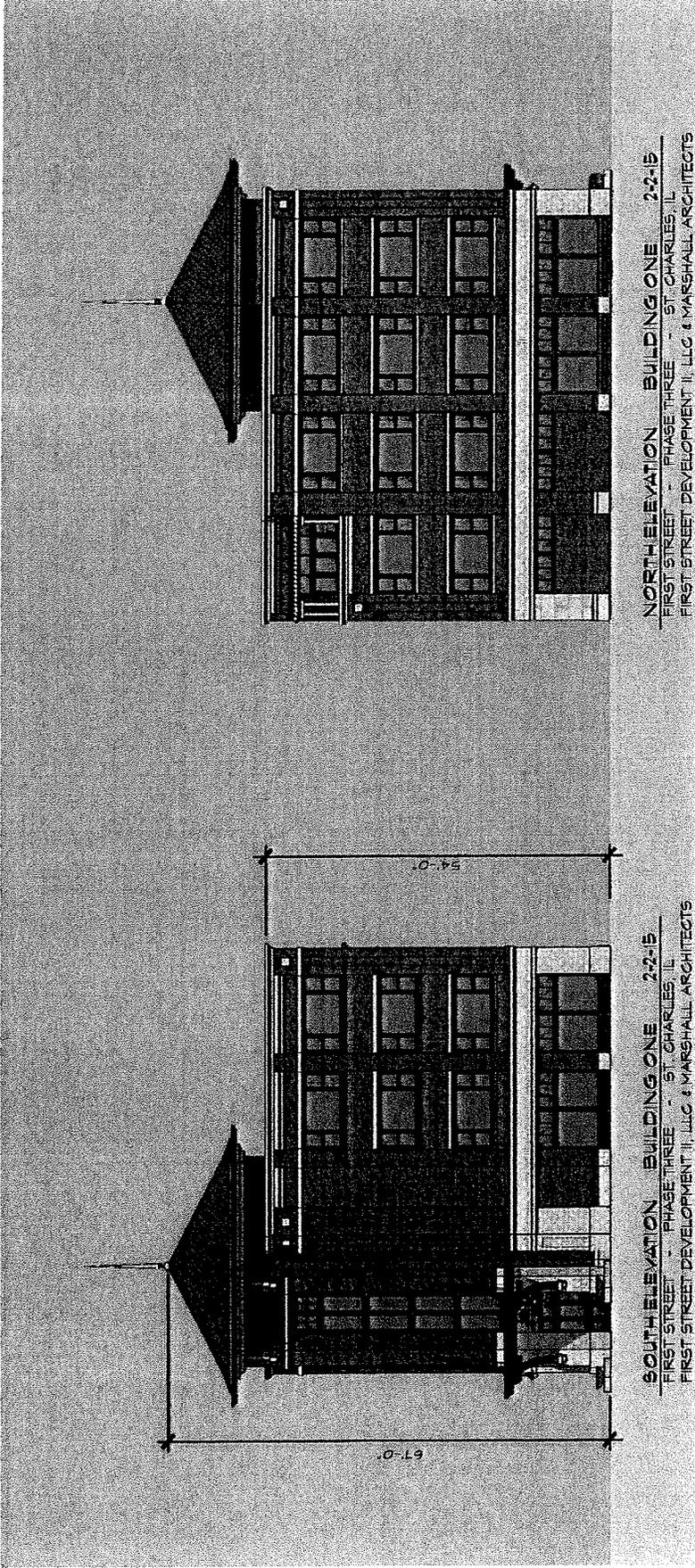
SCALE: 1"=40' HOR.  
1"=4' VER.



SECTION B-B  
24" STORM SEWER TRENCH  
NTS

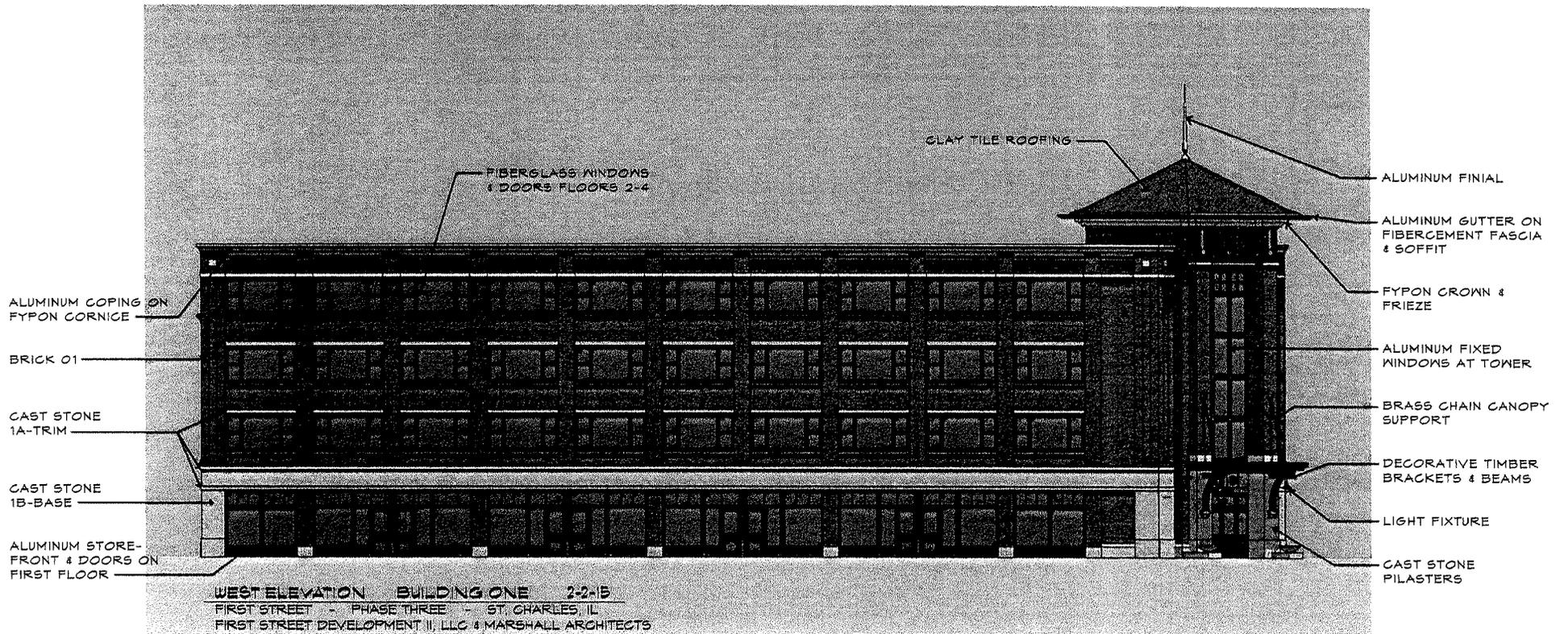
COUNTY ENGINEERS, INC.		COMMERCIAL ENGINEERING	
300 WEST WASHINGTON, SUITE 200		ST. LOUIS, MISSOURI 63101	
Project No. :	11-201	Scale :	1"=40'
Client :		Job No. :	
Contract :		Drawn by :	
Checked by :		Reviewed by :	
Date :		Project :	
Sheet :	1A OF 5	Project :	

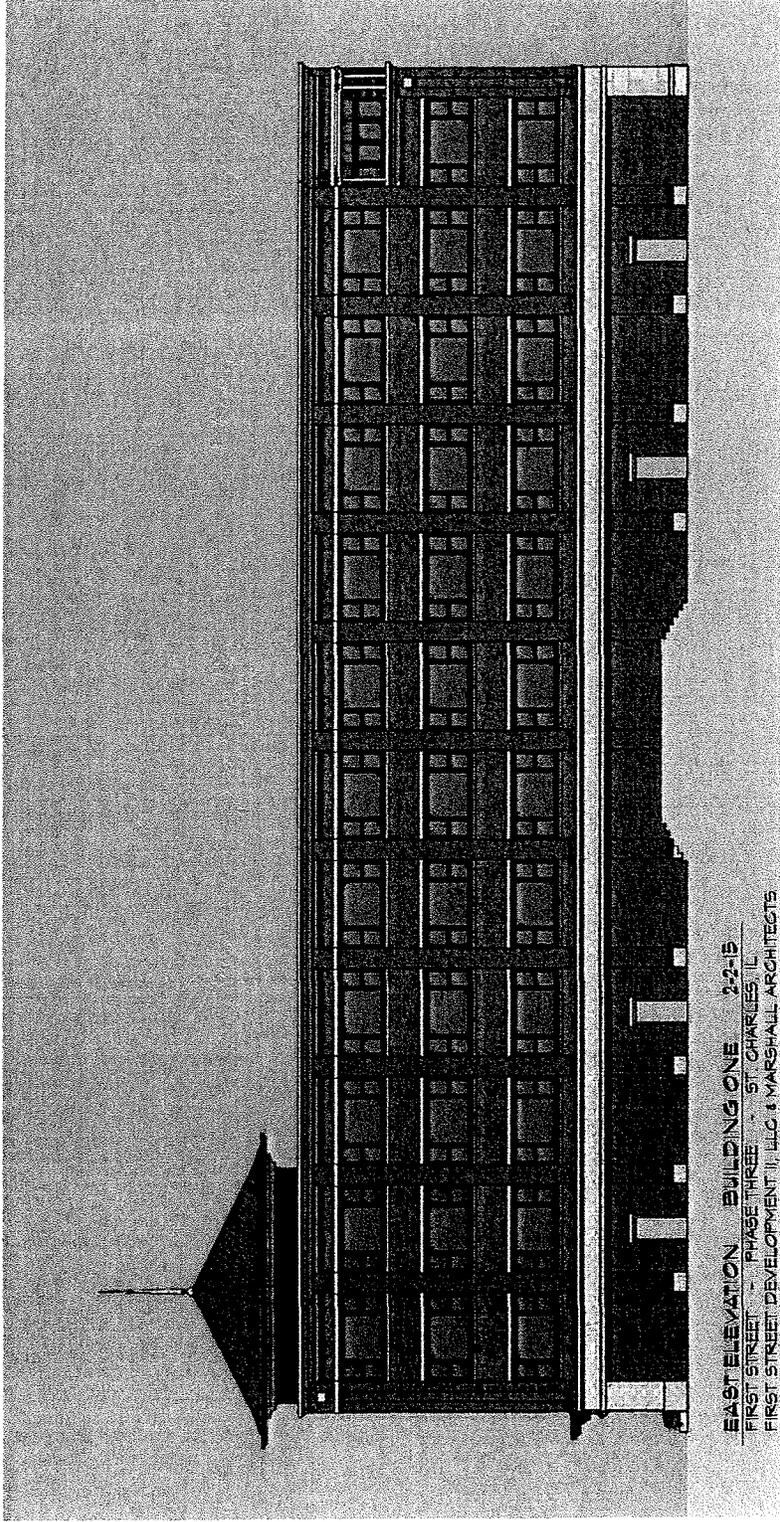




**NORTHELEVATION BUILDING ONE 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS

**SOUTHELEVATION BUILDING ONE 2-2-15**  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS





EAST ELEVATION BUILDING ONE 2-2-15  
FIRST STREET - PHASE THREE - ST. CHARLES, IL  
FIRST STREET DEVELOPMENT, LLC & MARSHALL ARCHITECTS

ALUMINUM COPING ON  
FYFON CORNICE

BRICK 02

CAST STONE  
2A-TRIM

CAST STONE  
2B-BASE

ALUMINUM STORE-  
FRONT & DOORS ON  
FIRST FLOOR

FIBERCEMENT PANEL  
& TRIM

FIBERGLASS  
WINDOWS & DOOR  
FLOORS 2-4

WOOD FRAME BALCONY W/  
FIBER-CEMENT BOARD EDGE  
TRIM, FIBERCEMENT PANELS  
ON BOTTOM & ALUMINUM  
RAILINGS

SIGN PANEL W/  
LIGHT

STANDING BEAM  
ALUMINUM ROOFING

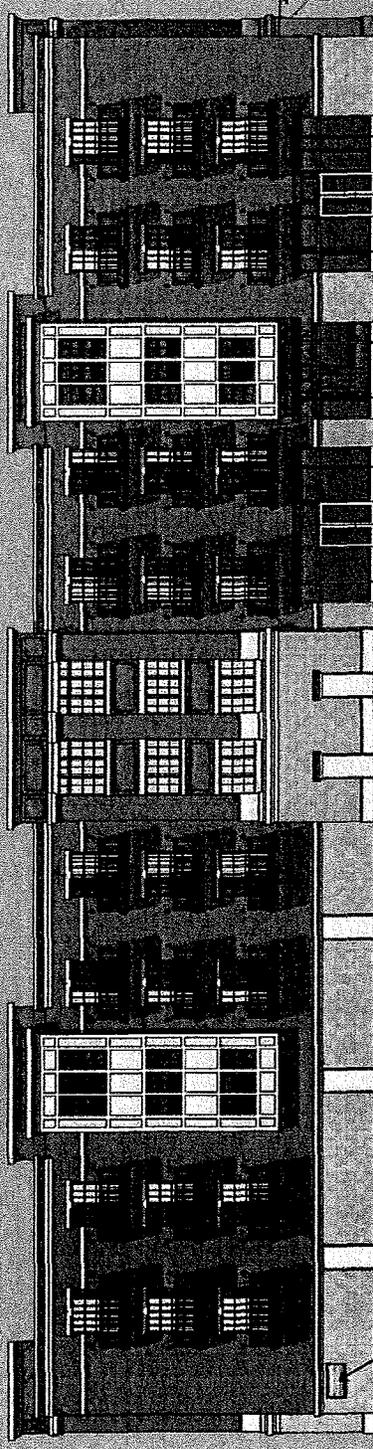
SIGN LIGHTING  
FABRIC AWNING ON  
METAL FRAME

ALUMINUM GUTTER  
ON FIBERCEMENT  
FASCIA & SOFFIT

FIBERCEMENT TRIM

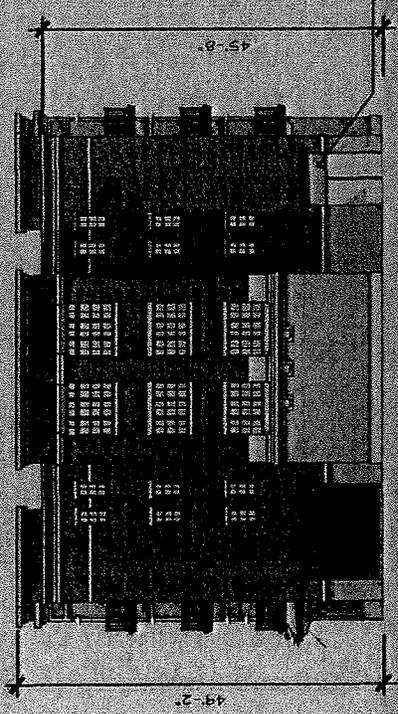
EXPOSED STEEL  
LINTELS

WEST ELEVATION BUILDING TWO 2-2-B  
FIRST STREET - PHASE THREE ST CHARLES, IL  
FIRST STREET DEVELOPMENT II, LLC & MARSHALL ARCHITECTS

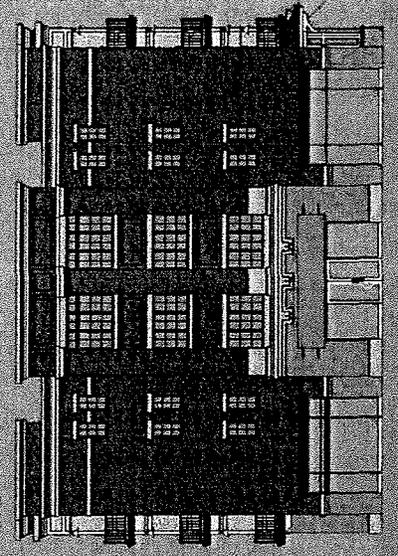


ALUMINUM  
LOWER

EAST ELEVATION BUILDING TWO 22-B  
FIRST STREET - PHASE THREE - ST CHARLES, IL  
FIRST STREET DEVELOPMENT, LLC A MARSHALL ARCHITECTS

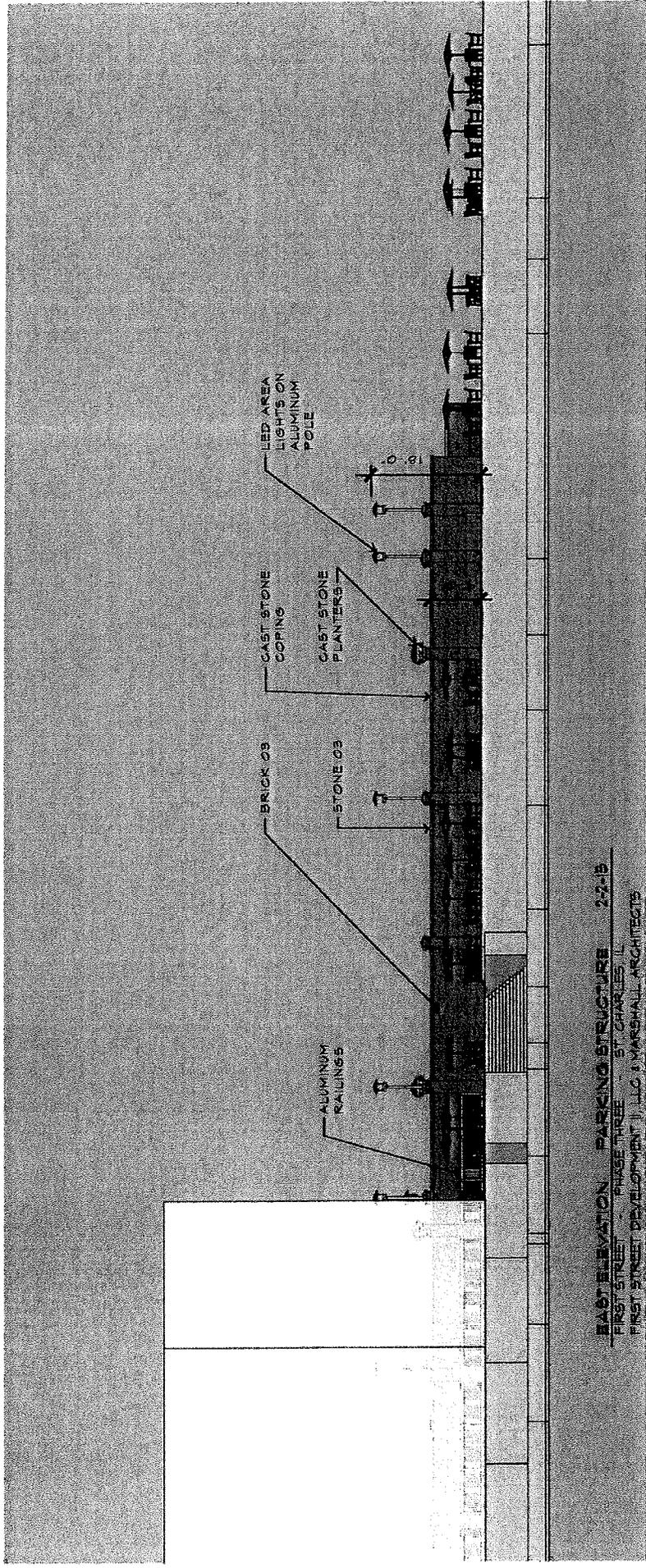


**SOUTH ELEVATION BUILDING TWO 2-2-B**  
 FIRST STREET - PHASE THREE - ST CHARLES, IL  
 FIRST STREET DEVELOPMENT, LLC / MARSHALL ARCHITECTS



**NORTH ELEVATION BUILDING TWO 2-2-B**  
 FIRST STREET - PHASE THREE - ST CHARLES, IL  
 FIRST STREET DEVELOPMENT, LLC / MARSHALL ARCHITECTS

ALUMINUM  
 LOUVER



State of Illinois )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on March 2, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-Z-5, entitled

"Motion to Approve an Ordinance Granting Approval of a PUD Preliminary Plan for a portion of Phase 3 of the First Street Redevelopment PUD (Buildings 1, 2, 3 and Parking Deck)."

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-Z-5, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 6, 2015, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 2nd

day of March, 2015.



(S E A L)

*Nancy Garrison*  
\_\_\_\_\_  
Municipal Clerk

**EXHIBIT E**

**CONSTRUCTION PHASING SCHEDULE**

<b><u>Phase</u></b>	<b><u>Building/Improvement to be Constructed</u></b>	<b><u>Target Start Date</u></b>	<b><u>Completion Date</u></b>
1	Retail/Office and City-Owned Public Parking Deck	7/1/15	12/31/16
2	Retail/Apartment	4/1/16	10/1/17
3	Retail/Condominium	4/1/17	10/1/18

**EXHIBIT F-1**

**DEVELOPER PUBLIC IMPROVEMENTS  
Developer's Responsibility to Construct  
City to Reimburse**

	<b><u>Costs</u></b>	<b><u>Construction Dates</u></b>
<b>Phase 1</b> (Two (2) Structured Parking Deck with a minimum of not less than 110 spaces Parking Deck by Developer	\$1,809,500.00	7/1/15-12/31/16
Developer Management Fee 5%	\$91,500.00	
<b>Public Improvements - Developer</b>	<b>\$1,900,000.00</b>	

**EXHIBIT F-2**

**CITY DEVELOPMENT PUBLIC IMPROVEMENTS  
Developer Optional to Construct  
City to Reimburse**

**Phase 1 (Retail/Office Building)**

7/1/15-12/31/16

Streetscaping  
(Includes street lighting, irrigation, furniture,  
plantings, other improvements similar in design  
and concept to match streetscaping  
improvements located on the west side of First  
Street)

adjacent to Phase 1, along part of Illinois  
\$360,000 and First Street

Construction Management Fee 5%

\$18,000

**Public Improvements -Developer**

**\$378,000**

**Phase 2 (Retail/Apartment Building)**

4/1/16-10/1/17

Streetscaping  
(Includes street lighting, irrigation, furniture,  
plantings, other improvements similar in design  
and concept to match streetscaping  
improvements located on the west side of First  
Street)

\$150,000 adjacent to Phase 2, along First Street

Construction Management Fee 5%

\$7,500

**Public Improvements -Construction**

**\$157,500**

**Phase 3 (Riverfront Retail/Residential)**

4/1/17-10/1/18

Streetscaping  
(Includes street lighting, irrigation, furniture,  
plantings, other improvements similar in design  
and concept to match streetscaping  
improvements located on the west side of First  
Street)

Adjacent to Phase 3,  
\$95,000 along Illinois St

Construction Management Fee 5%

\$4,750

**Public Improvements -Construction**

**\$99,750**

**EXHIBIT F-3**

**CITY PUBLIC IMPROVEMENTS  
City Responsibility**

The City shall, upon substantial completion by Developer of Phase 3, commence and diligently complete construction of the River Walk Improvements and Civic Plaza Areas immediately adjoining Phases 1 and 2, materially consistent and substantially conforming with the scope of the City's construction of existing Plaza, Streetscape and River Walk Improvements in the immediate vicinity.

**EXHIBIT G**

**PROPERTY CONVEYANCE SCHEDULE**

	<b><u>Failure to Open Construction Escrow Default Date</u></b>	<b><u>Failure to Commence Construction Default Date</u></b>
Phase 1 Property	11/1/15	12/1/15
Phase 2 Property	7/1/16	8/1/16
Phase 3 Property	7/1/17	8/1/17

**EXHIBIT H**  
**REIMBURSEMENT APPLICATION**

Application No. \_\_\_\_\_

Date: \_\_\_\_\_

Pursuant to the Redevelopment Agreement ("Agreement") between the City of St. Charles, Kane and DuPage Counties, Illinois, and First Street Development II, LLC ("Developer"), the undersigned hereby requests reimbursement in the amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) for Eligible Project Costs incurred as follows:

Total reimbursement requested (including Developer Management Fees) to date:	\$ _____
Total reimbursement received to date:	\$ _____
This request:	\$ _____

Developer hereby certifies to the City that as of this date it has submitted to the City:

If the reimbursement requested is for real property, a copy of the ALTA Owner's Policy of Title Insurance showing that record fee simple title to all of the real property is vested in the Developer except for public rights of way therein, together with satisfactory evidence of the acquisition price of said real property.

If the reimbursement requested is not for real property, copies of all bills, invoices and other reasonable information requested by the City to evidence the Developer's costs and expenses for the amount of reimbursement requested.

If the reimbursement application is for progress payments including but not limited to payments for Developer Public Improvements, Parking Deck Costs and Developer Management fees, copies of all contractors sworn statements and trailing partial or final waivers and other reasonable information requested by the City to evidence the Developer's costs and expenses for the amount of reimbursement requested.

Undersigned hereby certifies that the amount requested herein is for Redevelopment Project Costs incurred by the Developer and not previously reimbursed by the City.

FIRST STREET DEVELOPMENT II, LLC

By: \_\_\_\_\_

Date: \_\_\_\_\_

The City authorizes the disbursement of funds to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ in accordance with the Agreement.

CITY OF ST. CHARLES, ILLINOIS

By: \_\_\_\_\_

**EXHIBIT I**

**CERTIFICATE OF SUBSTANTIAL COMPLETION**

**THIS CERTIFICATE OF SUBSTANTIAL COMPLETION** (this "Certificate") is made as of \_\_\_\_\_, 20\_\_, by First Street Development II, LLC, an Illinois limited liability company ("Developer"), and \_\_\_\_\_, an Illinois corporation ("Architect").

**R E C I T A L S:**

A. By that certain Central Downtown Tax Increment Financing Redevelopment Agreement (First Street) (the "Agreement") dated the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the parties have agreed to implement a Tax Increment Redevelopment Plan and Redevelopment Project for the First Street Redevelopment Project Area (the "Redevelopment Plan") pursuant to the Agreement and the Redevelopment Plan all as more particularly described in the Agreement.

B. In accordance with the definition of "Substantial Completion" set forth in the Agreement on or promptly after the date on which Developer and Architect determine that substantial completion as defined in the Agreement has been achieved, Developer and Architect shall issue this Certificate to the City.

C. Developer and the architect have determined that substantial completion of Phase \_\_\_\_ has been achieved, and, therefore, Developer and Architect are issuing this Certificate to the City in accordance with the Agreement.

D. Unless otherwise provided herein, all capitalized words and terms in this Certificate shall have the same meanings ascribed to such words and terms as in the Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Developer and Architect hereby certifies to the best of its knowledge and professional opinions, as follows:

1. Phase \_\_\_\_ has been constructed and completed in a good, workmanlike, and substantial manner, in conformity with good construction and architectural practices, and in accordance with the plans and specifications.

2. Phase \_\_\_\_ is free from damage and structural defects including damage caused by fire, flood, earthquake, other casualty or improper deferred maintenance.

3. Phase \_\_\_\_ fully complies with all applicable laws, rules, regulations, ordinances, resolutions and permits of every nature and description, including zoning, building and fire codes

and ordinances and subdivision control and environmental laws, rules and regulations, as reviewed and approved by the City of St. Charles, Illinois, or Kane, County, Illinois, and comply with all other applicable covenants, conditions and restrictions applicable to, or affecting, the Phase \_\_\_\_\_. Phase \_\_\_\_\_ has been inspected and accepted by the City of St. Charles, Illinois.

4. All permits, licenses and approvals required for the commencement of Phase including, but not limited to, building permits, have been issued and are in full force and effect, and no other permits, licenses or approvals of any governmental authority are required for the construction or use of Phase \_\_\_\_\_, except for a Certificate of Occupancy, which Developer have no reason to believe will not be issued upon completion of minor punch list items.

5. Satisfactory means of access to and from Phase \_\_\_\_\_ to adjoining public ways are available, sufficient to meet the needs of Phase \_\_\_\_\_ and all applicable requirements of public and private authorities. Sanitary water supply, storm sewer, sanitary sewer facilities and all other utilities are sufficient to satisfy the requirements of public and private authorities and Phase \_\_\_\_\_. All approvals, licenses, permits and the like necessary for such access and utilities have been obtained and are in full force and effect and are in accordance with all applicable laws and regulations.

6. This Certificate shall be binding upon Developer and Architect and their respective successors and assigns, and shall inure to the benefit of The City of St. Charles and its successors and assigns

IN WITNESS WHEREOF, Developer and Architect Have executed this Certificate as of the date and year first above written.

**ARCHITECT:**  
\_\_\_\_\_

**DEVELOPER:**  
First Street Development II, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Change Orders to First Street Parking Deck Construction Costs
Presenter:	Chris Bong, P.E. Bob Vann, Building and Code Enforcement Division Manager

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development		City Council

Estimated Cost:	\$76,117	Budgeted:	YES		NO	X
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If NO, please explain how item will be funded:

The budget amendment requested will be funded through a transfer from the general fund reserves.

**Executive Summary:**

**Parking Deck Change-Order Summary**

In March of 2015 the City entered into a Redevelopment Agreement (RDA) with First Street Development II, LLC (Developer) to redevelop City-owned property bounded by First Street, Illinois Street and the Fox River. The redevelopment consists of 3 buildings and a public City-owned parking deck. The RDA calls for the Developer to construct the parking deck and for the City to reimburse the Developer for a total cost not to exceed \$1.9 million (Section 4.4 of the RDA and Exhibit F-1 attached). The parking deck is about 75% completed with an anticipated completion date by the end of September.

A team of City staff from Community Development, Public Works, Fire Department and the Police Department have been coordinating the construction of the parking deck on an ongoing basis. This will be a City-owned parking deck and the City will be responsible for its maintenance.

As the parking deck progressed, staff encountered required change-orders during construction that were necessary for a proper public parking deck, but were not contemplated in the RDA. City staff collectively recommended these changes for the long term durability and ease of maintenance of the parking deck. In addition to staff requested changes, federal and state requirements and general site conditions also contributed to required change orders.

The project has progressed to a point where the probability of significant change orders between now and project completion is reduced; however, these change orders are based on the best available information at this time and there is a potential for some minor adjustments as the construction is finalized. Staff will bring back the final change order for approval in September/October if there are any unanticipated changes.

The current change-order expense to the RDA is \$126,415; however, change-order savings brings the total amount over the original budget to \$76,117 or 4% of the total contract.

**Attachments:** *(please list)*

- **Memo**
- **Related excerpts of the RDA**
- **Related excerpts of the Building Code**

**Recommendation / Suggested Action** *(briefly explain):*

Staff recommends approval of the construction change orders for the First Street Parking Deck in the amount of \$76,117.

<i>For office use only:</i>	<i>Agenda Item Number: 3e</i>	
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**Community & Economic Development  
Development Engineering Division**

Phone: (630) 443-3677

Fax: (630) 377-4062



# Memo

Date: August 2, 2016

To: Chairman Todd Bancroft  
And the members of the Planning and Development Committee

From: Chris Bong, P.E., Development Engineering Division Manager  
Bob Vann, Building & Code Enforcement Division Manager

RE: Change Orders to First Street Parking Deck Construction Costs

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**Parking Deck Change-Order Detailed Information**

The current change-order expense to the RDA is \$126,415; however, change-order savings brings the total amount over the original budget to \$76,117 or 4% of the total contract.

Gross Change Orders =	\$126,415
Original RDA Deck Cost =	\$1,900,000
Current Deck Cost =	\$1,976,117
Net Change in Cost =	+\$76,117
Net % Change in Cost =	+4%

(all costs include construction management fee)

Below is a detailed list of change orders to the RDA:

**Concrete Foundations & Walls**

Items 1-4 are all related to work performed by the Developer's concrete contractor Cerami Construction. Cerami is the low quote contractor for all concrete work for building 1 and the parking deck. Staff has reviewed the costs to ensure that the price for all of the additional work in this category is in-line with unit cost rate from the original contract.

**1. Dedicated Electrical Room = \$4,220**

A dedicated electrical room was not anticipated in the original design. The original design called for hanging the electrical boxes on a wall. Staff recommended providing a separate room that could be locked to house the electrical equipment. The additional cost for the electric room is the cost of the added concrete walls.

**2. Vehicle Ramp Widening = \$16,321**

The vehicle ramp from First Street to the deck upper level was originally designed to be 21 feet wide. Staff recommended that the width be extended to 23 feet for overall safety and traffic circulation. This widening resulted in more concrete for the ramp and also a larger concrete foundation.

**3. Foundation Wall Changes Due To Site/Soil Conditions = \$14,854**

Throughout the project, variable site bedrock and design conditions necessitated taller/deeper foundation walls in some areas, resulting in the need for additional concrete.

**4. Structural Engineer Review Changes = \$1,736**

The City's structural engineering review consultant, Walker Parking Consultants, recommended a slight thickening of the floor edges, resulting in additional concrete. This was recommended in order to provide for better durability and structural capacity of the floor.

**Miscellaneous Changes**

**5. Storm Sewer Pipe Material Upgrade= \$13,129**

There was an existing storm sewer that runs through the site that was replaced as part of the development. Much of the storm sewer is underneath the parking deck, making the storm sewer more difficult than usual to maintain. Staff recommended upgrading the pipe to a stronger material to reduce the chance of future maintenance. The pipe material quote from P&M Sewer & Water based on the original design called for a combination of concrete pipe (\$32/foot) and ductile iron pipe (\$120/foot). Staff requested upgrading the entire pipe run to watermain-quality PVC at \$100/foot. This price is in-line with unit cost rate from the original contract.

**6. Electric heat system for pedestrian ramp ice melting = \$9,975**

Per code, the ADA ramp on the north side of the deck requires a snow and ice removal plan. This can be achieved through a manual removal program or other methods. Our analysis showed that an ice-melting heat system within the ramp floor is more cost effective than a manual labor snow removal program. Multiple quotes were received and staff chose the lowest-priced high-quality system.

**7. Brick Façade for Vehicle Ramp = \$25,000**

The ramp leading from the parking deck down to First Street has a wall that can be seen at certain angles from First Street. The wall surface was originally to be bare poured concrete; however, for aesthetic reasons staff recommended a brick façade to match the surrounding walls. DTM Masonry was the low quotes for both the building 1 and parking deck brick work. The cost for the extra brick façade is in-line with unit cost rate from the original contract.

**8. Pedestrian Stairway Code Requirements = \$32,940**

As we finalized the parking deck design staff discovered that the building code (section 1009.6.2 Outdoor Conditions) required roofs over the 2 outside ingress/egress stairways for safety reasons in order to protect the surface of the stairs from the elements. The developer received multiple quotes for the roofs and the lowest quote was used.

**9. Extra Electrical Convenience Outlets and Associated Conduit = \$8,240**

Staff recommended adding more convenience outlets at strategic locations to allow for more efficient future maintenance of the deck. Kellenberger Electric is the low quote contractor for building 1 and parking deck and the price for these electrical extras is in-line with unit cost rate from the original contract.

**Recommendation /Suggested Action**

Staff recommends approval of the construction change orders for the First Street Parking Deck in the amount of \$76,117.

**Attachments**

- Related excerpts of the RDA
- Related excerpts of the Building Code

**EXHIBIT F-1**

**DEVELOPER PUBLIC IMPROVEMENTS  
Developer's Responsibility to Construct  
City to Reimburse**

	<u>Costs</u>	<u>Construction Dates</u>
<b>Phase 1</b> (Two (2) Structured Parking Deck with a minimum of not less than 110 spaces Parking Deck by Developer	\$1,809,500.00	7/1/15-12/31/16
Developer Management Fee 5%	\$91,500.00	
<b>Public Improvements - Developer</b>	<b>\$1,900,000.00</b>	

**ARTICLE IV.  
USE AND DEVELOPMENT OF THE  
PROPERTY AND THE TIF IMPROVEMENTS**

**4.1 Redevelopment Project.**

- (A) In furtherance of the objectives of the Redevelopment Plan, the Developer shall, subject to the terms of this Agreement, Substantially Complete (as hereinafter defined) each Phase of the Project undertaken by Developer in accordance with the objectives of the Redevelopment Plan, the Site Plan, the Scope of Project and all Governmental Requirements.
- (B) Subject to and conditioned upon Developer satisfying and funding the construction escrow for each Phase, in a timely manner and pursuant to the default dates outlined in Exhibit G, the Developer shall have the right to develop and construct each Phase, in accordance with the Construction Phasing Schedule set forth in Exhibit E, provided, however, that each previous Phase of the Project is reasonably progressing in accordance with the Construction Phasing Schedule as shown in Exhibit E. The opening of the construction escrows and deposit by the City of the applicable Conveyed Property for construction loan funding for a particular Phase on or before the dates identified in Exhibit G shall satisfy the construction escrow funding default dates.

**4.2 Zoning Approval.** This Agreement is contingent upon and the City's conveyance of the Conveyed Property to the Developer for a particular Phase is subject to the City Council approving applications for such zoning relief and subdivision platting as may be necessary to develop the Project, or any particular Phase thereof, including the approval of any rezoning, special uses, site plans, and plats therefore. The Developer shall timely submit applications for zoning relief to the City for review and processing, including any required Plan Commission public hearings, if any, to comply with and permit any Phase of the Project to be developed in accordance with the Property Conveyance Schedule set forth on Exhibits E and G. The City shall timely prepare and submit applications for subdivision platting for review and processing. Provided that the Developer shall have first caused proper and complete applications for desired zoning and subdivision relief to have been filed with the City, should the approval of relief requested under the provisions of this Section 4.2 be unreasonably delayed solely by the City and said such delay unreasonably hinders the Developer from timely compliance with the dates provided in Exhibits E and G, then the dates provided in said Exhibits shall be extended, as appropriate, so as to give the Developer a reasonable amount of additional time as may be needed to comply with said timely compliance. The preceding sentence is intended to provide the Developer with relief when such delay occurs solely as a result of the City's inaction and not otherwise caused by the Developer.

**4.3 INTENTIONALLY OMITTED.**

**4.4 Public Parking Deck.** As part of the improvements to be constructed in conjunction with Phase I of the Project, the Developer shall construct, or caused to be constructed, a two-level parking deck containing at least 110 parking spaces, and appurtenants (the "Public Deck"), on land

owned by the City ("*City Deck Property*") in accordance with the Site Plan and Scope of Project and Governmental Requirements incorporated herein as Exhibits D-1, D-2 and D-3. The Public Deck shall be constructed in conformance with the plans and specifications approved by the City. Subject to the contribution by the City of the Public Deck Cost, as provided for in this section, the entire cost to Substantially Complete construction of the Public Deck shall be paid for by Developer, regardless if the total cost exceeds the City's contribution of the Public Deck Costs. The City shall pay the Developer cash for the actual cost of the Public Deck but not to exceed the amount of One Million Eight Hundred Nine Thousand Five Hundred Dollars (\$1,809,500.00) (the "*Public Deck Cost*"), plus a construction management fee of 5%), for a total of One Million Nine Hundred Thousand (\$1,900,000.00) Dollars, as set forth in Exhibit F-1. The Public Deck Cost shall be paid to Developer in one or more progress payments, regardless of whether the Public Deck is partially or Substantially Complete (as hereinafter defined) as provided in this Section 4.5 and shall be made in accordance with Section 5.3 upon Developer's submittal of a Reimbursement Application as provided in Exhibit H. The amount of an actual progress payment shall be the lesser of the following: (A) the dollar amount of the progress payment applied for and approved pursuant to Section 5.3; or (B) the dollar amount calculated as follows:

$$\text{Maximum progress payment} = \frac{\text{Actual Public Deck Construction Costs incurred to date by Developer}}{\text{Total Estimated Construction Cost of Public Deck}} \times \text{Public Deck Cost}$$

Prior to commencement of construction of the Public Deck, the City shall provide to and enter into with Developer a mutually agreed upon construction license agreement, pursuant to which Developer shall construct the Public Deck on the City Deck Property ("*Deck License Agreement*"). If, as reasonably determined by the City Representative and subject to Force Majeure : (A) Developer falls more than forty-five (45) days behind the time schedule to commence, or fails to diligently pursue to Substantial Completion (as hereinafter defined) or complete construction of the Public Deck of the Project as set forth on Exhibit E; or (B) the Developer is otherwise in default under this Agreement, then, notwithstanding any other rights the City may have hereunder, then such events shall constitute a default under this Agreement. If the Developer does not cure any and all such defaults within thirty (30) days of receipt of the notice of default, then the City shall have the right, at its election, to (i) terminate the Deck License Agreement and (ii) suspend and/or terminate any further progress payments for any work commenced or to be completed. The election by the City to suspend and/or terminate any progress, as previously provided, shall not operate as the City's sole remedy in this event and it shall be entitled to pursue any and all other remedies available to it under this Agreement. Further, notwithstanding anything contained herein to the contrary, the City shall not be obligated to pay all or any part of the Developer's five percent (5%) management fee for the Public Deck, unless and until the Public Deck has been Substantially Completed (as hereinafter defined).

Prior to the temporary occupancy permit for the Phase 1 building, the City and Developer shall enter into a reciprocal easement and operating agreement concerning cross access easements,

operating and maintenance rights, duties and obligations between the Public Deck and the Phase 1 building, in a form satisfactory to the Parties, to permit a Public Deck.

**4.5 Tax Information.** Developer shall use its best efforts to include in all leases for the Retail Component a provision providing that the tenants shall file with the City copies of the ST-1 monthly sales tax forms, or any appropriate successor forms, that are filed by retailers with the State of Illinois. For all leases in which the tenant is required to provide to Developer its gross income and sales tax returns with respect to the portion of the Retail Component being leased by such tenant, and/or including all original sales records as defined in any such lease, Developer shall provide the City with copies of all such documents. Developer also agrees that, with respect to all leases which do not provide for the release of such information to Developer or the City under the terms of the lease, Developer shall use its best efforts to secure from each such tenant a letter substantially in the form as shall be reasonably required by the City and the Illinois Department of Revenue in order to release such information to the City. Such information shall be used solely for the purposes of determining sales tax due to the City and shall otherwise be kept confidential, except to the extent required by applicable law.

## **ARTICLE V. REIMBURSEMENT OF REDEVELOPMENT PROJECT COSTS**

**5.1 Reimbursement of Redevelopment Project Costs Incurred by Developer.** For purposes of this Agreement, "*Redevelopment Project Costs*" shall mean and include all costs defined as "redevelopment project costs" in Section 5/11-74.4-3(q) of the Act (as amended from time to time) which are eligible for reimbursement under the Act and which have been approved in the Redevelopment Plan.

### **5.2 Establishment of Fund; Use of Tax Increment.**

- (A) In connection with its establishment and ongoing administration of the Redevelopment Project Area, the City has established a special tax allocation fund pursuant to the requirements of the Act (the "*Tax Allocation Fund*"). None of the monies contained in the Fund shall, at any time, be commingled with any other funds of the City.
- (B) It is the obligation of the City to pay or reimburse Redevelopment Project Costs, which may be satisfied by the issuance of Bonds, as hereinafter defined in Section 5.4 hereof, or from the Tax Allocation Fund. The Tax Allocation Fund shall hold that portion of the real property taxes collected with respect to taxable real property in the Redevelopment Project Area that is required to be paid to the City Treasurer for deposit to the Tax Allocation Fund pursuant to Section 11-74.4-8 of the Act, as such provision may be amended from time to time, and/or the proceeds of any other tax or other source of legally available revenue which the City designates as part of the Tax Allocation Fund, and interest or other investment income earned on monies on deposit in the Tax Allocation Fund.
- (C) For purposes of this Agreement, "*Tax Increment*" shall mean all ad valorem real property taxes, if any, arising from the levies upon the Property attributable to the then current

stairway tread, not front to back.

Exception 2 is applicable in factory, industrial, storage and high-hazard occupancies. This provision is intended to apply primarily to stairs that provide access to areas not required to be accessible, such as pits, catwalks, tanks, equipment platforms, roofs or mezzanines. Walking surfaces with limited-size openings are typically used because open grate-type material is less susceptible to accumulation of dirt, debris or moisture, as well as being more resistant to corrosion. Most commercially available grate material is manufactured with a maximum nominal 1-inch (25 mm) opening; therefore, the limitation that the openings not allow the passage of a sphere of  $1\frac{1}{8}$  inch (29 mm) diameter allows the use of most material as well as accounting for manufacturing tolerances.

**1009.6.2 Outdoor conditions.** Outdoor stairways and outdoor approaches to stairways shall be designed so that water will not accumulate on walking surfaces.

- ❖ Outdoor stairways and approaches to stairways are to be constructed with a slope that complies with Section 1009.6.1 or are required to be protected such that walking surfaces do not accumulate water. While not specifically stated, any interior locations, such as near a pool, should also have the stair designed to limit the accumulation of water in order to maintain slip resistance (see Section 1003.4).

Where exterior stairways are used in moderate or severe climates, there may also be a concern to protect the stairway from accumulations of snow and ice to provide a safe path of egress travel at all times, including winter. Maintenance of the means of egress in the IFC requires an unobstructed path to allow for full instant use in case of a fire or emergency (see IFC Section 1030.2). Typical methods for protecting these egress elements include roof overhangs or canopies; heated slabs; grated treads and landings as permitted in Section 1005.1; or when approved by the building official, a reliable snow removal maintenance program.

**1009.6.3 Enclosures under stairways.** The walls and soffits within enclosed usable spaces under enclosed and unenclosed stairways shall be protected by 1-hour fire-resistance-rated construction or the fire-resistance rating of the stairway enclosure, whichever is greater. Access to the enclosed space shall not be directly from within the stair enclosure.

**Exception:** Spaces under stairways serving and contained within a single residential dwelling unit in Group R-2 or R-3 shall be permitted to be protected on the enclosed side with  $\frac{1}{2}$ -inch (12.7 mm) gypsum board.

There shall be no enclosed usable space under exterior exit stairways unless the space is completely enclosed in 1-hour fire-resistance-rated construction. The open space under exterior stairways shall not be used for any purpose.

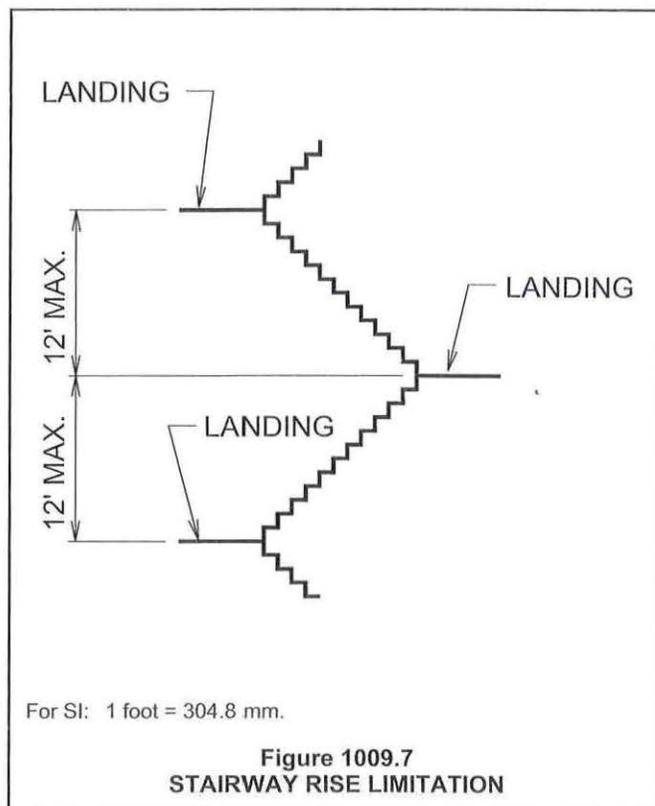
- ❖ This section addresses the fire hazard of storage under a stairway, both inside and outside a structure. The stairway must be protected from a storage area under it, even if the stair is not required to be enclosed. The

section also requires that the storage area not open into a stair enclosure. This limits the potential of a fire that starts in the storage area from affecting the stair enclosure. The exception provides specific criteria for separation for storage areas under an interior stairway for the indicated residential occupancies.

**1009.7 Vertical rise.** A flight of stairs shall not have a vertical rise greater than 12 feet (3658 mm) between floor levels or landings.

**Exceptions:**

1. Aisle stairs complying with Section 1028.
  2. Alternating tread devices used as a means of egress shall not have a rise greater than 20 feet (6096 mm) between floor levels or landings.
- ❖ Between landings and platforms, the vertical rise is to be measured from one landing walking surface to another (see Figure 1009.7). The limited height provides a reasonable interval for users with physical limitations to rest on a level surface and also serves to alleviate potential negative psychological effects of long and uninterrupted stairway flights.
    - Exception 1 provides for aisle stairs in assembly occupancies that are regulated by Section 1028 and not by this section.
    - Exception 2 allows for 20 feet (6096 mm) between landings for alternating tread devices given their limited application and low occupant loads. In addition, Exception 2 recognizes that additional vertical rise is needed for steeper devices used where space is often too restrictive for a landing.





## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Cityview, 895 Geneva Rd.
Presenter:	Ellen Johnson

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – 8/8/16		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

The subject property is a vacant, one-acre parcel located at the northwest corner of Geneva Rd. (Rt. 31) and Mosedale St.

David Weekley Homes, applicant, is proposing to develop the property with single-family homes. Details of the proposal are as follows:

- Rezone the property from RT-1 Traditional Single-Family Residential (8,400 sf minimum lot) to RT-2 Traditional Single-Family Residential (6,600 sf minimum lot size).
- Establish a Planned Unit Development (PUD) to allow certain deviations from the requirements of the RT-2 zoning district.
- Subdivide the property and construct seven (7) single-family homes. All homes will front on Keller Place.
- Extend Keller Place through the site to connect to Mosedale St.
- Underground stormwater detention will run along the east end of the property.

A Concept Plan similar to what is now proposed was reviewed by the Committee in April 2016.

The Land Use Plan designation for the property is Detached Single Family Residential.

**Plan Commission Review**

The Plan Commission reviewed the applications and held a public hearing on the Map Amendment and Special Use for PUD on 7/19/16. Two neighboring property owners spoke during the hearing. Both expressed support for this plan compared to the Concept Plan. The neighbor adjacent to the west voiced concern that measures be taken to prevent erosion along the common property line during construction. The Commission voted 8-0 to recommend approval, subject to resolution of staff comments prior to City Council action.

**Attachments:** *(please list)*

Plan Commission Resolution, Staff Report, Application for Map Amendment, Application for Special Use, Application for PUD Preliminary Plan

**Recommendation / Suggested Action** *(briefly explain):*

Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Cityview, 895 Geneva Rd.

<i>For office use only:</i>	<i>Agenda Item Number: 3f</i>
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**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 10-2016**

**A Resolution Recommending Approval of Applications for Map Amendment,  
Special Use for Planned Unit Development and PUD Preliminary Plan for  
Cityview, 895 Geneva Road (David Weekley Homes)**

**Passed by Plan Commission July 19, 2016**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Map Amendments, Applications for Special Use for Planned Unit Development and PUD Preliminary Plans; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petitions for a Map Amendment, an Application for Special Use for Planned Unit Development, and a PUD Preliminary Plan for Cityview, 895 Geneva Road (David Weekley Homes) and;

WHEREAS, in accordance with Section 17.04.320.D, the Plan Commission has considered the following findings for Map Amendment:

**FINDINGS OF FACT FOR MAP AMENDMENT**

**1. The existing uses and zoning of nearby property.**

Detached single family residences to the west, north and south. The residential areas to the north and south are zoned RT-1 and the residential area to the west is zoned RT-2. The apartments contiguous to the east are zoned RM-3.

**2. The extent to which property values are diminished by the existing zoning restrictions.**

The addition of seven new single family homes priced in the \$500,000's will increase the neighboring property values versus a site that has been vacant for fifteen years.

**3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.**

The Cityview development will re-build Keller Place and tie it into Mosedale St. along with adding public sidewalk. With this development the turf and trees will be maintained over its current state in which the City electric department has had issue with their overhead lines and trees and limbs falling from the property.

**4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.**

The physical constraints of the site (i.e. dramatic 30 ft. of fall) along with the flat market conditions are two strong factors why the current zoning isn't suitable for the property's highest and best use.

## Resolution 10-2016

**5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.**

While this property has been on the market and vacant, St. Charles has seen development opportunities at the Corporate Reserve site, Lexington Club site, Parkside Reserves and the Heritage Green re-development.

**6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.**

The market since the downturn has refocused on smaller lot opportunities with great access to community and regional amenities. During the downturn, infill opportunities such as this project were the last to decline and the first to ascend.

**7. The consistency of the proposed amendment with the City's Comprehensive Plan.**

Our proposal is consistent with the City's comprehensive plan which identified this site as detached single family.

**8. Whether the proposed amendment corrects an error or omission in the Zoning Map.**

This amendment does not correct an error in the Zoning Map.

**9. The extent to which the proposed amendment creates nonconformities.**

This application does not create nonconformities. The development presents an increased opportunity for new residential construction.

**10. The trend of development, if any, in the general area of the property in question.**

As noted earlier, since the market downturn new residential and commercial development has focused on infill and redevelopment opportunities. As the market recovers these smaller projects allow for new development without the increased risk of greenfield development.

WHEREAS, in accordance with Section 17.04.410.D.3, the Plan Commission finds the Special Use for PUD and PUD Preliminary Plan to be in the public interest based on the following criteria for Planned Unit Developments:

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

**i. The proposed PUD advances one or more of the purposes of the Planned Unit Development. procedure stated in Section 17.04.400.A**

Our development achieves several points when evaluating a PUD opportunity. This is a creative redevelopment of a vacant site that achieves purposes noted in items 1, 2, 3, 5, 6 and 7.

**ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**

**A. Conforming to the requirements would inhibit creative design that serves community goals, or**

## Resolution 10-2016

- B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements**

This development provides values as noted in items 3, 4,5, and 6 with the challenging topography of the site (30 ft. of fall from the west property line to the east). The current zoning is challenging with safe access onto Mosedale St.

- iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

- A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

This project will provide public walks tying into Pine Street and also tying in Keller Place to Mosedale from Rt. 31.

- B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

We have met with the City development staff including the Public Works Director and Engineering Director as well as the Fire Department to ensure a safe addition to the community.

- C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

Adding seven new single family homes will not diminish the surrounding homes' property values.

- D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

This development will not adversely impact the traffic with only seven homes. We will improve safe passive foot traffic with installing public walk tying in Pine Street walks to Rt. 31 walks.

- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

We will improve the public safety and general welfare with this development. The site is currently vacant. We will improve the roads and public walk to deliver a safer passage.

- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

We will conform with all Federal, State and Local legislation and regulation.

## Resolution 10-2016

**iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The redevelopment of this former doctor's office which has sat vacant for over 15 years will enhance the residential product offering in downtown St. Charles. This location will also lead to increased revenue for the downtown businesses. Additionally, the tax base will increase dramatically with seven single family homes occupying the site.

**v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The current Comprehensive Plan calls for detached single family homes for this site, while also achieving a Comprehensive Plan land use goal of diversified residential product and increased use of downtown St. Charles businesses and amenities.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Map Amendment from RT-1 Traditional Single-Family Residential District to RT-2 Traditional Single-Family Residential District, Special Use for Planned Unit Development, and PUD Preliminary Plan for Cityview, 895 Geneva Road (David Weekley Homes) subject to resolution of all staff comments prior to City Council action.

Roll Call Vote:

Ayes: Kessler, Frio, Pretz, Doyle, Spruth, Holderfield, Schuetz, Macklin-Purdy

Nays:

Absent: Wallace

Motion carried:

PASSED, this 19th day of July 2016.

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Chairman  
St. Charles Plan Commission

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Todd Bancroft  
 And the Members of the Planning and Development Committee

**FROM:** Ellen Johnson, Planner

**RE:** Cityview – 895 Geneva Rd.

**DATE:** August 5, 2016

**I. APPLICATION INFORMATION:**

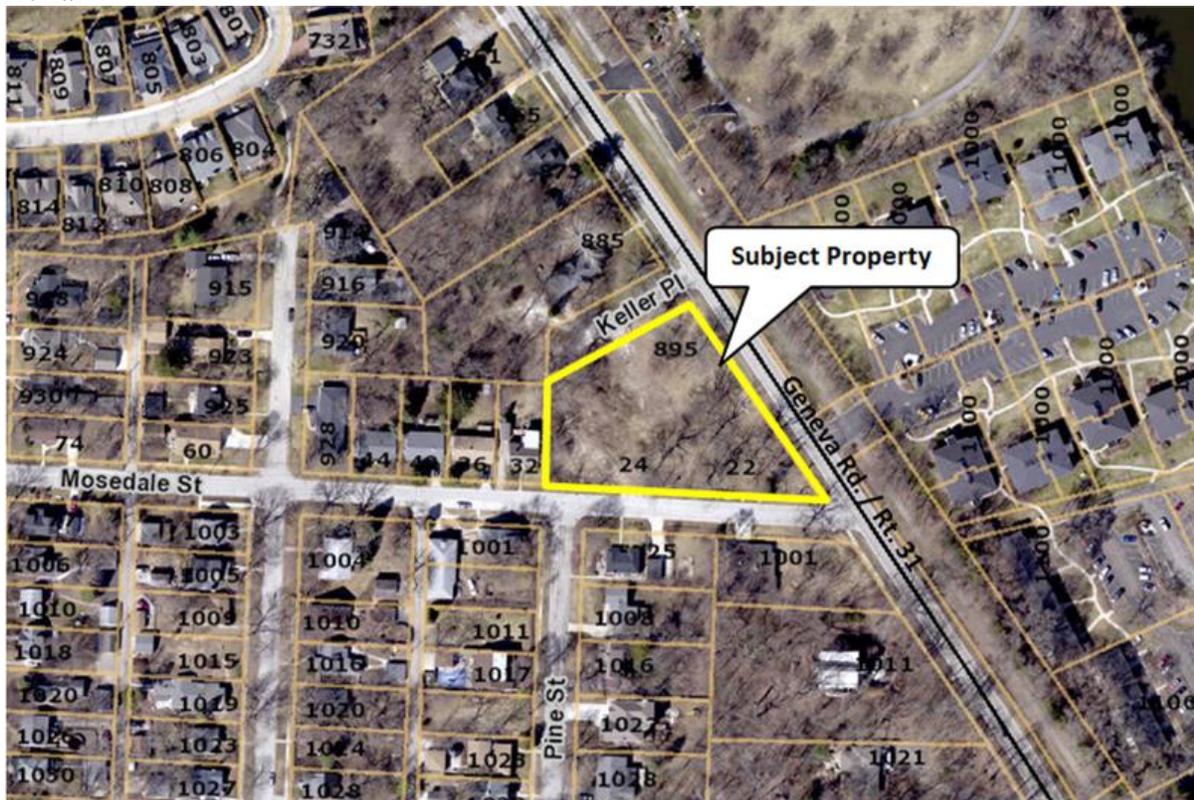
**Project Name:** Cityview – 895 Geneva Rd.

**Applicant:** David Weekley Homes

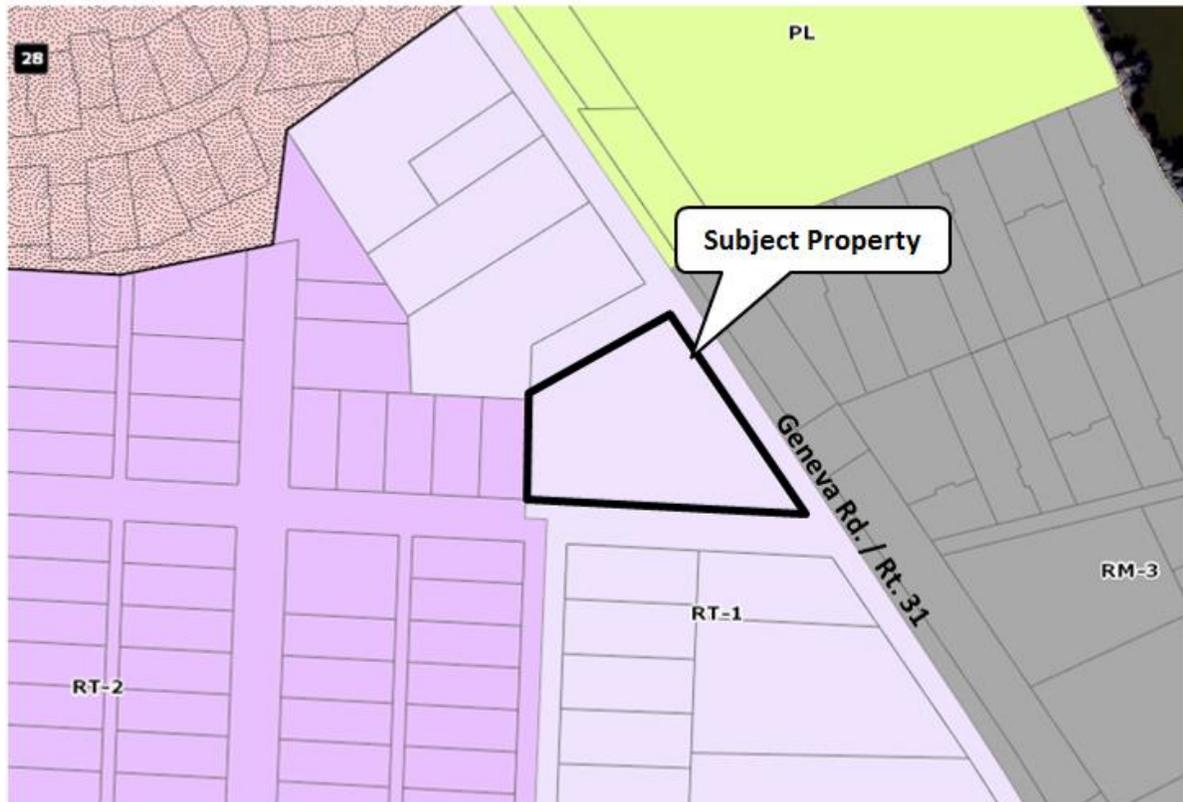
**Purpose:** Residential subdivision consisting of 7 single-family lots

<b>General Information:</b>		
<b>Site Information</b>		
Location	895 Geneva Rd. (northwest corner of Geneva Rd. and Mosedale St.)	
Acres	1.036 acres (45,167 sf)	
Applications:	Map Amendment Special Use for Planned Unit Development PUD Preliminary Plan	
Applicable City Code Sections	Title 17, Chapter 17.12 Residential Districts Title 16 Subdivisions and Land Improvement	
<b>Existing Conditions</b>		
Land Use	Vacant	
Zoning	RT-1 Traditional Single-Family Residential	
<b>Zoning Summary</b>		
North	RT-1 Traditional Single-Family Residential	Single-family home
East	RM-3 General Residential District	Park Shore Apartments
South	RT-1 Traditional Single-Family Residential	Single-family homes
West	RT-2 Traditional Single-Family Residential	Single-family homes
<b>Comprehensive Plan Designation</b>		
Single Family Detached Residential		

**Aerial**



**Zoning**



## **II. BACKGROUND**

### **A. PROPERTY HISTORY**

The subject property is a vacant, one-acre parcel located at the northwest corner of Geneva Rd. and Mosedale St., south of Keller Place. A doctor's office was constructed on the property in the late 1950s; the building was demolished in 2005.

In 2006, petitions for rezoning and PUD were submitted to allow a six-unit townhome development. The applications were withdrawn before Plan Commission voted on them.

### **B. 2016 CONCEPT PLAN**

In April 2016, Plan Commission reviewed a Concept Plan submitted by David Weekley Homes to develop seven (7) single-family homes on the property. Commissioners expressed support for the rezoning and single-family land use. Concern was expressed about the appearance of the buildings from Geneva Rd. and the narrow lots, as well as the transition to the neighboring property on Mosedale St. It was also suggested that more off-street parking be added.

Planning and Development Committee also expressed general support for the single-family land use, although some suggested the number of houses be reduced. Some aldermen felt the two houses fronting on Mosedale St. did not fit with the rest of the development and were too close to the neighboring property to the west. Aldermen also wanted to understand what the houses would look like from Geneva Rd.

### **C. CURRENT PROPOSAL**

David Weekley Homes, applicant, has submitted zoning applications seeking approval of a residential subdivision on the property. Details of the proposal are as follows:

- Rezone the property from RT-1 Traditional Single-Family Residential (8,400 sf minimum lot size) to RT-2 Traditional Single-Family Residential (6,600 sf minimum lot size).
- Establish a Planned Unit Development (PUD) to allow certain deviations from the requirements of the RT-2 zoning district.
- Subdivide the property into nine (9) lots:
  - Seven (7) single-family home parcels.
  - An HOA owned parcel containing five (5) off-street parking spaces.
  - An HOA owned parcel running the length of the east end of the subdivision for an underground stormwater detention facility.
- Extend Keller Place through the site to connect to Mosedale St., with a sidewalk on the west side.
- All seven homes will front on Keller Place with front-loaded garages.

The following changes have been made to the plans since the Concept Plan review:

- The two units previously shown fronting on Mosedale St. have been shifted to front on Keller Place. This allows greater separation from the neighboring property to the west on Mosedale St.

- Building footprints have been staggered slightly to provide greater variation.
- Sidewalk has been added along the west side of the full length of Keller Place, as well as on Mosedale St. along Lot 6.
- Five (5) off-street parking spaces have been added. On-street parking on Keller Place will not be permitted through the subdivision, although on-street parking on one side of the existing portion of Keller Place will be permitted.
- Stormwater detention along the east side of the site will be underground.

The following Zoning Applications have been submitted in support of this project:

1. **Map Amendment** to rezone the property from RT-1 Traditional-Single Family Residential to RT-2 Traditional Single-Family Residential.
2. **Special Use for PUD** to establish unique development standards for the property.
3. **PUD Preliminary Plan** for approval of the preliminary engineering plans and preliminary plat of subdivision.

### III. ANALYSIS

#### A. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as “Single Family Detached Residential”. The Plan states:

*“An important objective of the Plan is to continue to protect and enhance the City’s single-family residential neighborhoods. Future development should be respectful and sensitive to the existing homes while allowing reinvestment in the form of rehabilitation, additions, and new construction in existing neighborhoods...Single-family residential areas should consist primarily of detached homes on lots subdivided and platted in an organized and planned manner” (p.42)*

The following Residential Areas Framework Plan policy is particularly applicable to this project (p. 43):

- ***Preserve the character of the City’s existing single family residential neighborhoods:*** *The City’s residential areas are composed of a number of unique and distinct neighborhoods. While they may differ in configuration, unit type, and lot size, these neighborhoods are well established and have their own character. Development and reinvestment within these neighborhoods should be context sensitive, and compatible with the established neighborhood character and fabric. Regardless of the location or housing type, residential development or redevelopment should be carefully regulated to ensure compatibility with the scale and character of surrounding and adjacent residential neighborhoods. New infill development, teardown redevelopment, and alterations to existing development should maintain a setback, height, bulk, and orientation similar to its surroundings.*

The following Culture and Identity recommendation regarding Development Character and Urban Design also applies (p. 122):

- *New neighborhood development or local infill should respect the surrounding context in the design of street networks, infrastructure, housing stock, and other built elements. Infill development should strive to reflect the context in terms of site design, massing and scale, and architectural design. New neighborhoods should be designed to integrate local site characteristics, such as existing trees, unique topography, local building materials, etc.*

**B. ZONING REVIEW**

The property is currently zoned RT-1 Traditional Single-Family Residential, which requires a minimum lot size of 8,400 sf.

The applicant is proposing to rezone the property to RT-2 Traditional Single-Family Residential, which requires a 6,600 sf minimum lot size. RT-2 zoned property is adjacent to the subject property to the west.

The table below compares the RT-2 district requirements with the proposal. Deviations from the RT-2 district that are required to accommodate the development are denoted in ***bold italics***. These deviations can be granted through PUD approval.

	<b>RT-2 District</b>	<b>Proposed</b>
<b>Min. Lot Area</b>	6,600 sf	<b><i>3,561 sf*</i></b> (average lot size = 4,510 sf, not including common areas)
<b>Min. Lot Width</b>	50 ft.	<b><i>30.29 ft.</i></b>
<b>Max. Building Coverage</b>	25%	<b><i>45.6% based on building footprints; 55% based on building setbacks*</i></b>
<b>Max. Building Height</b>	Lesser of 34 ft. or 2 stories	34 ft.
<b>Min. Front Yard</b>	25 ft.	<b><i>19 ft.</i></b>
<b>Min. Interior Side Yard</b>	Greater of 8 ft. or 10% of lot width	<b><i>6 ft.</i></b>
<b>Min. Exterior Side Yard</b>	20 ft.	<b><i>6 ft.</i></b> (Lot 1, with 11.8 ft. to Keller Pl.; Lots 5 and 6, 10 ft. along Mosedale St.)
<b>Min. Rear Yard</b>	30 ft.	<b><i>15 ft.</i></b> (Lots 6-7; 28.5 ft. for Lots 1-5, measured from the east property line of the subdivision*)

\*The initial plan submittal proposed Lots 1-5 spanning from Keller Place to Rt. 31 with a stormwater detention easement covering the rear yards for the underground stormwater detention facility. Staff requested the lots be shortened to create an HOA owned parcel along the full length of the east side of the subdivision. This has resulted in reduced lot sizes and increased

building coverage for Lots 1-5. However, these lots will appear larger and to have deeper rear yards since the adjacent HOA owned parcel will be open space. Because of this, the rear building setbacks for Lots 1-5 will be at the rear property lines, measured from the east end of the subdivision.

#### C. LANDSCAPE PLAN

A Landscape Plan has been submitted illustrating the landscaping that will be installed on the HOA owned parcel along the east side of the subdivision (Lot 9) and on each individual lot.

##### *Staff Comments:*

- The HOA will be responsible for maintaining the landscaping on Lot 9, the common parcel running the length of the east side of the property. However, it has not been the City's practice to enforce maintenance of landscaping on single-family residential lots. The City's ability to do so is limited because each homeowner could choose to maintain the landscaping in a different manner.

Two monument signs for the development are shown on the Landscape Plan; one at the corner of Keller Pl./Geneva Rd. and one at the corner of Mosedale St./Geneva Rd. Per **Ch. 17.18 Signs**, residential development identification signs are not permitted for developments with less than 10 units. The applicant has requested a PUD deviation from this restriction in order to permit the two proposed signs.

A retaining wall will run along the west property line and along Mosedale St. on Lot 6. The height of the wall will be between 2 and 10 ft. Per Section 17.26.110, retaining walls over 4 ft. in height must incorporate a terrace or stepping back of the wall to allow for a planting area and fall protection. The applicant has requested a PUD deviation from the terrace/step back requirement. A decorative aluminum fence will be installed along the retaining wall to provide fall protection, instead. A rendering of the fence is provided on the Landscape Plan.

#### D. TREE PRESERVATION PLAN

A Tree Preservation Plan has been submitted. As required, the plan identifies trees 6" or more DBH within the site and indicates which trees will be removed and which will be preserved. Three (3) Tree Preservation Zones are identified, within which construction activity will not be permitted in order to protect remaining trees. Two of the zones are along Mosedale St., and one zone protects an oak tree on the neighboring property to the west.

##### *Staff Comment:*

- The Tree Preservation Zone shown along the west property line of Lot 7 to protect an oak tree on the neighboring property is not shown on the Landscape Plan.

#### E. BUILDING DESIGN

Building elevations and floor plans have been submitted to provide examples of what the homes will look like. The buildings will not exceed the 34 ft. height limitation in the RT-2 district, as measured from the midpoint of the front setback line along Keller Place. The buildings on Lots 1-5 will have walk-out basements due to the site's topography.

New homes in the RT zoning districts are subject to the Design Review requirements of **Section 17.06.060 Standards and Guidelines – RT-1, RT-2, RT-3, RT-4, and CBD-2**

**Districts.** Based on the characteristics of the building elevations submitted, PUD deviations from the following Design Review Standards are required:

- Width of an attached garage with an overhead door facing a street shall not exceed 50% of the width of the dwelling including the garage.
- Attached garages with an overhead door facing a street must be set back at least 5 ft. more than the rest of the house.

#### F. ENGINEERING REVIEW

The applicant has submitted revised engineering plans that respond to engineering review comments provided upon review of the initial plan submittal. Staff review of the revised plans is ongoing. All comments will need to be addressed prior to City Council approval.

***Staff Comment:***

- One item of note is in regards to the water main connection. Both high pressure (12") and low pressure (6") systems run through the area. The plans show connection to the 12" system on Mosedale St. and the 6" system on Rt. 31; however the two systems cannot be cross-connected. Water pressure modeling to determine if fire flow standards are met will be needed if both connections are made to the 6" system instead of the 12" system.

#### G. PLAT OF SUBDIVISION

A Preliminary Plat of Subdivision has been submitted. Seven (7) single-family lots are proposed. Two common areas will be deeded to a homeowners association: Lot 8 containing five (5) off-street parking spaces and Lot 9 along the east side of the subdivision for the underground stormwater detention facility.

***Staff Comment:***

- The rear building setback lines for Lots 1-5 are shown as 15 ft., which fall within Lot 9, the HOA owned parcel containing the underground stormwater detention. The setback lines should be shifted to the rear lot lines of Lots 1-5.

#### H. INCLUSIONARY HOUSING

The Inclusionary Housing worksheet has been submitted, indicating the applicant's intent to pay the full fee in-lieu of providing affordable units.

#### I. SCHOOL AND PARK CONTRIBUTIONS

School and Park Land-Cash worksheets have been completed and submitted. Copies of the worksheets and plans were forwarded to the school and park districts for comment. The Park District has responded that it will accept cash in lieu of land, as proposed by the applicant.

### IV. **PLAN COMMISSION RECOMMENDATION**

The Plan Commission reviewed the applications and held a public hearing on the Map Amendment and Special Use for PUD on 7/19/16. Two neighboring property owners spoke during the hearing. Both expressed support for this plan compared to the Concept Plan. The neighbor adjacent to the west voiced concern that measures be taken to prevent erosion along the common property line during construction.

The Commission voted 8-0 to recommend approval, subject to resolution of staff comments prior to City Council action.

**V. ATTACHMENTS**

- Applications for Map Amendment, Special Use for PUD, and PUD Preliminary Plan; received 6/16/16
- Plan documents

CityView, the redevelopment of 24 Mosedale Street  
Presented by David Weekley Homes  
Development and Public Benefit Summary

David Weekley Homes is petitioning to redevelop the vacant 1.05 acres site at 24 Mosedale St., into a seven detached single family home neighborhood. The site is currently zoned RT-1, and most current use was as a doctor's office over fifteen years ago. Since the office building was demolished the site has sat vacant and the turf and trees have deteriorated. St. Charles' Comprehensive Plan calls for this site to be detached single family as it is bordered to the north, south, west by single family homes and apartments to the east. Additionally, the Comp Plan goals are to add residential product diversity to the City as well as increase foot traffic to the Downtown businesses. This property offers the residents great access to the area amenities, such as the Fox River Bike Trail, Mount St. Mary's park, and shopping and dining along First St. David Weekley is proposing homes that range from 1900-2500 square feet on the main living but with five of the seven lots being walkouts, the finished square footage can be pushed over 3300 square feet. The homes will have quality building materials throughout, with exterior finishes including various styles of Hardie plank siding, pleated metal roofing as well as brick and stone features. We have given careful attention to the rear elevations as to add to the flow and lifestyle of the home while adding architectural interest along Route 31. We designed the project as not to impact Route 31 with any curbcuts but to rebuild Keller Place and tie into Mosedale for a safe ingress/egress through the property, while also installing public walk that will tie into Pine Street's public walk, enhancing the safety of passive activities. The site will be a RT-2 PUD as the neighbors to the west have a RT-2 designation and consistent with the City's Comprehensive plan. With the topography of the site dropping 30' from west to east the physical improvement design was a challenge but the net result is an appealing addition to the City of St. Charles residential offerings.

**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**ZONING MAP AMENDMENT APPLICATION**

<b>CITYVIEW</b>
Project Name: <u>Cityview - 895 Geneva Rd.</u>
Project Number: <u>2016 -PR-003</u>
Application Number: <u>2016 -AP-017</u>



*Instructions:*

To request a zoning map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a Plan Commission public hearing or meeting date.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Property Information:</b>	Location:	24 Mosedale Street	
	Parcel Number (s):	09-34-401-015	
	Proposed PUD Name:	Cityview	
<b>2. Applicant Information:</b>	Name	David Weekley Homes	Phone 847-241-4379
	Address	1930 Thoreau Drive N., #160 Schaumburg, IL 60173	Fax
			Email dvenard@dwhomes.com
<b>3. Record Owner Information:</b>	Name	Bel-Air Development Corp.	Phone 847-367-2750 x103
	Address	180 Maymound Way Spring, TX 77382	Fax 847-367-2758
			Email wjbella@me.com

**Zoning and Use Information:**

Comprehensive Plan Land Use Designation of the property: Single family-detached

Current zoning of the property: RT-1

Is the property a designated Landmark or in a Historic District? No

Current use of the property: Vacant

Proposed zoning of the property: RT-2 PUD

Proposed use of the property: Single Family Development

If the proposed Map Amendment is approved, what improvements or construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

Installation of water, storm sewer and sanitary lines, install publicly dedicated road, seven (7) single family homes

**Attachment Checklist:**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:**

Application fee in accordance with Appendix B of the Zoning Ordinance. (\$500)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**SITE PLAN:**

Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

**FINDINGS OF FACT:**

Fill out the attached form or submit responses on a separate sheet.

**LIST OF PROPERTY OWNERS WITHIN 250 FT.**

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

**SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

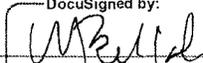
*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

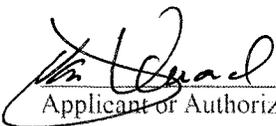
**ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecocat.state.il.us/ecopublic/>

*Fill out the online form, print the report and submit with this application.*

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

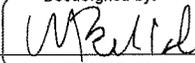
DocuSigned by:  6/27/2016  
Record Owner 9454... Date

 6.15.16  
Applicant or Authorized Agent Date

LETTER OF AUTHORIZATION BY OWNER

Bel-Air Development Corporation, an Illinois corporation, the owner (“Owner”), of the real estate legally described as Block 2 of Riverview Additional to St. Charles in the City of St. Charles, Kane County, Illinois (“Property”) hereby authorizes Weekly Homes LLC as applicant to file with the City of St. Charles the PUD Preliminary Plan Application, Zoning Map Amendment Application & Special Use Application, provided Owner shall incur no expense related thereto.

Bel-Air Development Corporation,  
an Illinois corporation

DocuSigned by:  
By:   
Its: President  
B15B05FDD4E9454...

Dated: 6.27, 2016



24 Mosedale Legal Description

BLOCK 2 OF THE RIVERVIEW ADDITION TO ST. CHARLES, IN THE CITY OF ST CHARLES, KANE COUNTY, ILLINOIS

## FINDINGS OF FACT – MAP AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed zoning is more appropriate than the existing zoning. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the property in question, indicate “not applicable” and explain why it does not apply.



Cityview  
\_\_\_\_\_  
Project Name or Address

6-15-16  
\_\_\_\_\_  
Date

### From the Charles Zoning Ordinance, Section 17.04.320.D:

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property. *(Relate the proposed land use and zoning to the land use and zoning of other properties in the area)*

Detached single family resides to the West, North and South. The North and South residential is zoned RT-1 and the West is zoned RT-2. The apartments contiguous to the East are zoned RM-3.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The extent to which property values are diminished by the existing zoning restrictions. *(Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.)*

The addition of seven new single family homes priced in the \$500,000's will increase the neighboring property values versus a site that has been vacant for fifteen years.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The extent to which the reduction of the property’s value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public. *(If the existing zoning decreases the value of the subject realty, does it also produce any perceptible public benefits?)*

Cityview development will re-build Keller Place and tie it into Mosedale along with adding public walk. With this development the turf and tree will be maintained over it's current state in which the City electric department has had issues with their overhead lines, and trees and limbs falling from the property.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification. *(Can the subject property reasonably be used for any of the uses currently permitted? Physical and market conditions may be considered.)*

The physical constraints of the site, (i.e. dramatic 30' of fall) along with the flat market conditions are two strong factors why the current zoning isn't suitable for the property's highest and best use.

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5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located. *(If a property has been vacant longer than other similar properties in the area, it may be an indicator that the existing zoning is inappropriate.)*

While this property has been on the market and vacant, St. Charles has seen development opportunities at the Corporate Reserve site, Lexington Club site, Parkside Reserve and the Heritage Green re-development.

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6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district. *(Development trends, market forces, and the Comprehensive Plan may be considered.)*

The market since the downturn has refocused on smaller lot opportunities with great access to community and regional amenities. During the downturn, infill opportunities such as this project were the last to decline and the first to ascend.

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7. The consistency of the proposed amendment with the City's Comprehensive Plan.

Our proposal is consistent with the City's comprehensive plan which identified this site as detached single family.

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8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

This amendment does not correct an error in the zoning map.

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9. The extent to which the proposed amendment creates nonconformities. *(Generally it is not appropriate to rezone a property unless it can comply with the requirements of the new zoning.)*

This application does not create nonconformities. The development presents an increased opportunity for new residential construction.

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10. The trend of development, if any, in the general area of the property in question. *(New development, redevelopment, changes in use, or other changes in the area may help to justify a change in zoning.)*

As noted earlier, since the market downturn new residential and commercial development has focused on infill and re-development opportunities. As the market recovers these smaller projects allow for new development without the increased risk in Greenfield development.

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Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**SPECIAL USE APPLICATION**

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

<b>For City Use</b>	
Project Name:	<u>Cityview-895 Geneva Rd.</u>
Project Number:	<u>2016 -PR- 003</u>
Application Number:	<u>2016 -AP- 018</u>



*To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.*

*City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location:	24 Mosedale Street	
	Parcel Number (s):	09-34-401-015	
	Proposed Name:	Cityview	
<b>2. Applicant Information:</b>	Name	David Weekley Homes	Phone 847-241-4379
	Address	1930 Thoreau Drive N., #160 Schaumburg, IL 60173	Fax
			Email dvenard@dwhomes.com
<b>3. Record Owner Information:</b>	Name	Bel-Air Development Corp.	Phone 847-367-2750 x103
	Address	180 Maymound Way Spring, TX 77382	Fax 847-367-2758
			Email wjbella@me.com

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** Cityview
- New PUD
- Amendment to existing PUD- Ordinance #:
- PUD Preliminary Plan filed concurrently
- Other Special Use (from list in the Zoning Ordinance):**
- Newly established Special Use
- Amendment to an existing Special Use Ordinance #:

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Single Family Detached

Is the property a designated Landmark or in a Historic District? No

What is the property's current zoning? RT-1

What is the property currently used for? Vacant

If the proposed Special Use is approved, what improvements or construction are planned?

Installation of water, sewer and sanitary lines

Publicly dedicated street, seven (7) single family homes

**For Special Use Amendments only:**

Why is the proposed change necessary?

\_\_\_\_\_

\_\_\_\_\_

What are the proposed amendments? (Attach proposed language if necessary)

\_\_\_\_\_

\_\_\_\_\_

**Note for existing buildings:**

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

**Attachment Checklist:**

*If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:**

Application fee in accordance with Appendix B of the Zoning Ordinance. (Special Use for PUD \$1,000; all other Special Use requests \$750)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**FINDINGS OF FACT:**

Fill out the attached forms or submit responses on a separate sheet (*Submit "Criteria for PUD" for any PUD application; "Findings for Special Use" for all other Special Use applications.*)

**LIST OF PROPERTY OWNERS WITHIN 250 FT.:**

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

**☒ SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

**☒ ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

**☐ TRAFFIC STUDY:** If requested by the Director of Community Development.

*Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.*

**☒ PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies, Three (3) 11" by 17", and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

**☒ SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line

- 21. Provision of handicapped parking spaces
- 22. Dimensions of handicapped parking spaces
- 23. Depressed ramps available to handicapped parking spaces
- 24. Location, dimensions and elevations of freestanding signs
- 25. Location and elevations of trash enclosures
- 26. Provision for required screening, if applicable
- 27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

DocuSigned by:  
 6/27/2016  
\_\_\_\_\_  
Robert D. ... Date

6.15.16  
\_\_\_\_\_  
Applicant or Authorized Agent Date

# FINDINGS OF FACT – SPECIAL USE

*\*Use this form for all Special Uses, except for PUDs or PUD Amendments\**



*The St. Charles Zoning Ordinance requires the Plan Commission to consider the factors listed below in making a recommendation to the City Council.*

*As the applicant, the “burden of proof” is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to “make your case” by explaining specifically how your project meets each of the following standards.*

Cityview  
*Project Name or Address*

6-15-16  
*Date*

**From the Charles Zoning Ordinance, Section 17.04.430.C.2:**

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

**A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

Yes-currently the site is vacant and has been for over 15 years. Our project will tie in the residential communities to the North, South and West while bringing new residential opportunities walking distance to downtown businesses.

**B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

We will install infrastructure in accordance with municipal requirements.

**C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

The residential development will tie in the single family homes to the North, South and East while eliminating a vacant site that has been vacant since the Doctor's office building was demolished.

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- D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

Residential homes surround this property and with only seven single family homes, this development will not adversely affect traffic impact but enhance with the re-development of Keller Place and include public walks.

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- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

This development will have seven new single family homes with maintained lawns and landscaping versus the current condition of overgrown landscape and trees in poor condition.

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- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

This product will conform with all existing Federal, State and Local Legislation.

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# CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDS)



*\*For Special Use for PUD or PUD Amendment applications.\**

*The St. Charles Zoning Ordinance requires the Plan Commission to consider the criteria listed below in making a recommendation to the City Council on whether a proposed Planned Unit Development is in the public interest.*

*As the applicant, the “burden of proof” is on you to provide information that addresses the criteria below in order to demonstrate that the project is in the public interest.*

*(You may utilize this form or provide the responses on another sheet.)*

Cityview 6-15-16  
*PUD Name* *Date*

**From the St. Charles Zoning Ordinance, Section 17.04.410.3:**

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

**i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

Our development achieves several points when evaluating a P.U.D. opportunity. This is a creative re-development of a vacant site that achieves points noted in items 1, 2, 3, 5, 6 and 7.

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ii. **The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**

- A. **Conforming to the requirements would inhibit creative design that serves community goals, or**
- B. **Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

**Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:**

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public are, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

This development provides value as noted in points 3, 4, 5 and 6 with the challenging topography of the site (30' of fall from the West property line to the East). The current zoning is challenging with safe access onto Mosedale Street.

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**iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

- A. Public Convenience: The Special Use will serve the public convenience at the proposed location.

This project will provide public walks tying into Pine Street and also tying in Keller Place to Mosedale when we rebuild from Rt 31.

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- B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

We have met with the City development staff including public works Director and Engineering Director as well as the fire department to ensure a safe addition to the community.

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- C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

Adding seven new single family homes will not diminish the surrounding homes property value.

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- D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

This development will not adversely impact the traffic with only seven homes. We will improve safe passive foot traffic with installing public walk tying in Pine Street walks to Rt. 31 walks.

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- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

We will improve the public safety and general welfare with this development. The site is currently vacant. We will improve the roads and public walk to deliver a safer passage.

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- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

We will conform with all Federal, State and Local Legislation and regulations.

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- iv. **The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The re-development of this former Doctor's office which has sat vacant for over 15 years will enhance the residential product offering in downtown St. Charles. This location will also lead to increased revenue for the downtown businesses. Additionally, the tax base will increase dramatically with seven single family homes occupying the site.

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- v. **The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

It does. The current comprehensive plan calls for detached single family homes for this site, while also achieving a comprehensive plan land use goal of diversified residential product and increased use of downtown St. Charles businesses and amenities.

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**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984

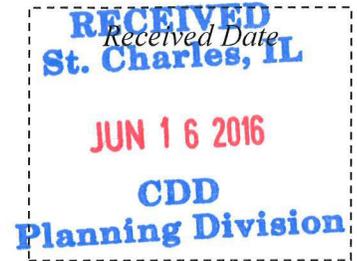


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**PUD PRELIMINARY PLAN APPLICATION**

<b>For City Use</b>
Project Name: <u>Cityview-895 Geneva Rd.</u>
Project Number: <u>2016 -PR- 003</u>
Application Number: <u>2016 -AP- 016</u>



*To request approval of a PUD Preliminary Plan, complete this application and submit it with all required plans and attachments to the Planning Division. Normally this application will track with an application for Special Use for a PUD, unless a Special Use for a PUD has previously been granted and no amendment is necessary.*

*When the application is complete staff will distribute the plans to other City departments for review. When the staff has determined that the plans are ready for Plan Commission review, we will place the PUD Preliminary Plan on a Plan Commission meeting agenda.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location:	24 Mosedale Street	
	Parcel Number (s):	09-34-401-015	
	Proposed PUD Name:	Cityview	
<b>2. Applicant Information:</b>	Name	David Weekley Homes	Phone 847-241-4379
	Address	1930 Thoreau Drive N., #160 Schaumburg, IL 60173	Fax
			Email dvenard@dwhomes.com
<b>3. Record Owner Information:</b>	Name	Bel-Air Development Corp.	Phone 847-367-2750 x103
	Address	180 Maymound Way Spring, TX 77382	Fax 847-367-2758
			Email wjbella@me.com

**Please check the type of application:**

- New proposed PUD- Planned Unit Development** (Special Use Application filed concurrently)
- Existing PUD-Planned Unit Development**
  - PUD Amendment Required for proposed plan (Special Use Application filed concurrently)

**Subdivision of land:**

- Proposed lot has already been platted and a new subdivision is not required.
- New subdivision of property required:
  - Final Plat of Subdivision Application filed concurrently
  - Final Plat of Subdivision Application to be filed later

**Attachment Checklist:**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

*Note: The City Staff, Plan Commission, or City Council, may request other pertinent information during the review process.*

**APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance. (\$500)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) a current title policy report; or
- b) a deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

**ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

**PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies for non-residential projects OR Twelve (12) full size copies for residential projects; Three (3) 11" by 17"; and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

**SITE/ENGINEERING PLAN:**

**PRELIMINARY ENGINEERING PLANS – DRAWING REQUIREMENTS/CHECKLIST:**

Complete the attached checklist and ensure that all required information is included on the Preliminary Engineering Plans:

1. Accurate boundary lines with dimensions
2. Existing and proposed easements: location, width, purpose
3. Streets on and adjacent to the tract: Name and right-of-way width, center line elevation, and culverts
4. Location, size, shape, height, and use of existing and proposed structures
5. Location and description of streets, sidewalks, and fences
6. Surrounding land uses
7. Legal and common description
8. Date, north point, and scale
9. Existing and proposed topography
10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with

the proposal indicated

11. Location of utilities
12. Building/use setback lines
13. Location of any significant natural features
14. Location of any 100-year recurrence interval floodplain and floodway boundaries
15. Location and classification of wetland areas as delineated in the National Wetlands Inventory
16. Existing zoning classification of property
17. Existing and proposed land use
18. Area of property in square feet and acres
19. Proposed off-street parking and loading areas
20. Number of parking spaces provided, and number required by ordinance
21. Angle of parking spaces
22. Parking space dimensions and aisle widths
23. Driveway radii at the street curb line
24. Width of driveways at sidewalk and street curb line
25. Provision of handicapped parking spaces
26. Dimensions of handicapped parking spaces
27. Depressed ramps available to handicapped parking spaces
28. Location, dimensions and elevations of freestanding signs
29. Location and elevations of trash enclosures
30. Provision for required screening, if applicable
31. Provision for required public sidewalks
32. Certification of site plan by a registered land surveyor or professional engineer
33. Geometric plan showing all necessary geometric data required for accurate layout of the site
34. Grading plans showing paving design, all storm sewers, and detention/retention facilities including (detention/retention calculations) and erosion control measures
35. Utility plans showing all storm sewers, sanitary sewers, watermains, and appropriate appurtenant structures
36. Exterior lighting plans showing:
  - Location, height, intensity and fixture type of all proposed exterior lighting
  - Photometric information pertaining to locations of proposed lighting fixtures
37. Typical construction details and specifications
38. Certification of site engineering plans by a registered professional engineer
39. Proof of application for Stormwater Management Permit

□ **SKETCH PLAN FOR LATER PHASES OF PUD: NA**

For phased PUD's, where a sketch plan is permitted, it shall include, at minimum, the following:

- General location of arterial and collector streets
- Location of any required landscape buffers
- Location of proposed access to the site from public streets
- Maximum number of square feet of floor area for nonresidential development
- Maximum number of dwelling units for residential development
- Open space and storm water management land

**☒ ARCHITECTURAL PLANS:**

Architectural plans and data for all principal buildings shall be submitted in sufficient detail to permit an understanding of the exterior appearance and architectural style of the proposed buildings, the number, size and type of dwelling units, the proposed uses of nonresidential and mixed use buildings, total floor area and total building coverage of each building.

**☒ TREE PRESERVATION PLAN:**

Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Landscape Plan set. See attachment, “Tree Preservation Requirements for Preliminary Plans”.

**☒ LANDSCAPE PLAN:**

Landscape Plan showing the following information:

1. Delineation of the buildings, structures, and paved surfaces situated on the site and/or contemplated to be built thereon
2. Delineation of all areas to be graded and limits of land disturbance, including proposed contours as shown on the Site/Engineering Plan.
3. Accurate property boundary lines
4. Accurate location of proposed structures and other improvements, including paved areas, berms, lights, retention and detention areas, and landscaping
5. Site area proposed to be landscaped in square feet and as a percentage of the total site area
6. Percent of landscaped area provided as per code requirement
7. Dimensions of landscape islands
8. Setbacks of proposed impervious surfaces from property lines, street rights-of-way, and private drives
9. Location and identification of all planting beds and plant materials
10. Planting list including species of all plants, installation size (caliper, height, or spread as appropriate) and quantity of plants by species
11. Landscaping of ground signs and screening of dumpsters and other equipment

**☒ STORMWATER MANAGEMENT:**

Written information (reports, calculations, etc.) as described in the Stormwater Management Requirements for Preliminary Plans (attached)

**☒ SUBDIVISION PLAT DRAWING REQUIREMENTS/CHECKLIST:**

If the PUD Preliminary Plan involves the subdivision of land, a completed Subdivision Plat Drawing Requirements Checklist must be submitted.

**PUBLIC BENEFITS, DEPARTURES FROM CODE:**

A description of how the PUD meets the purposes and requirements set out in Section 17.04.400 of the Zoning Ordinance. Any requests for departures from the requirements of Title 16, "Subdivisions and Land Improvement," and Title 17, "Zoning," shall be listed and reasons for requesting each departure shall be given.

**SCHEDULE:** Construction schedule indicating:

- a. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.
- b. Approximate dates for beginning and completion of each phase.
- c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.

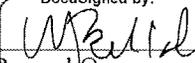
**PARK AND SCHOOL LAND/CASH WORKSHEETS**

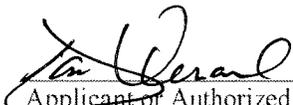
For residential developments, Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.

**INCLUSIONARY HOUSING SUMMARY**

For residential developments, submit information describing how the development will comply with the requirements of Title 19, "Inclusionary Housing" of the St. Charles Municipal Code.

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

DocuSigned by:  
  
 6/27/2016  
 Records 65702454... Date

  
 Applicant or Authorized Agent 6.15.16  
 Date

# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development  
Date Submitted:  
Prepared by:

Cityview

3-15-16

Dan Venard



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom	5	DU x 2.899	= 14.495
➤ 4 Bedroom	2	DU x 3.764	= 7.528
➤ 5 Bedroom		DU x 3.770	=
<b>Attached Single Family</b>			
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom		DU x 1.990	=
➤ 3 Bedroom		DU x 2.392	=
➤ 4 Bedroom		DU x 3.145	=
<b>Apartments</b>			
➤ Efficiency		DU x 1.294	=
➤ 1 Bedroom		DU x 1.758	=
➤ 2 Bedroom		DU x 1.914	=
➤ 3 Bedroom		DU x 3.053	=
<b>Totals</b>	<u>7</u>		<u>22.023</u>
	Total Dwelling Units		Estimated Total Population

## Park Site Requirements

Estimated Total Population 22 x .010 Acres per capita = .22 Acres

## Cash in lieu of requirements -

Total Site Acres .22 x \$240,500 (Fair Market Value per Improved Land) = \$ \$52,965.31

\* edited per  
School District  
request not to  
round.

# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development Cityview  
Date Submitted: \_\_\_\_\_  
Prepared by: E. Johnson



## Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)	Middle (Grades 6 to 8)	High (Grades 9 to 12)
<b>Detached Single Family</b>				
➤ 3 Bedroom	5	DU x .369 = 1.845	DU x .173 = .865	DU x .184 = .92
➤ 4 Bedroom	2	DU x .530 = 1.06	DU x .298 = .596	DU x .360 = .72
➤ 5 Bedroom		DU x .345 =	DU x .248 =	DU x .300 =
<b>Attached Single Family</b>				
➤ 1 Bedroom		DU x .000 =	DU x .000 =	DU x .000 =
➤ 2 Bedroom		DU x .088 =	DU x .048 =	DU x .038 =
➤ 3 Bedroom		DU x .234 =	DU x .058 =	DU x .059 =
➤ 4 Bedroom		DU x .322 =	DU x .154 =	DU x .173 =
<b>Apartments</b>				
➤ Efficiency		DU x .000 =	DU x .000 =	DU x .000 =
➤ 1 Bedroom		DU x .002 =	DU x .001 =	DU x .001 =
➤ 2 Bedroom		DU x .086 =	DU x .042 =	DU x .046 =
➤ 3 Bedroom		DU x .234 =	DU x .123 =	DU x .118 =

Totals 7 TDU 2.905 TE 1.461 TM 1.64 TH

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	2.905	x .025	= .072625
Middle (TM)	1.461	x .0389	= .0568329
High (TH)	1.64	x .072	= .11808
<b>Total Site Acres</b>			<u>.2475379</u>

## Cash in lieu of requirements -

.2475379 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 59,532.86

# INCLUSIONARY HOUSING SUMMARY

Name of Development	Cityview
Date Submitted:	3-15-16
Prepared by:	Dan Venard



## Background:

St. Charles Municipal Code Title 19 "Inclusionary Housing", requires developers of new residential developments to provide a proportionate share of affordable housing units within the development, or to pay a fee in-lieu of providing affordable housing units. Developers may also provide a mix of affordable housing units and fee in-lieu.

Affordable housing is defined as housing that has a sales price or rental amount that is within the means of a household with income at or below 80% Area Median Income (AMI) for for-sale units and at or below 60% AMI for rental units, adjusted for household size. See Title 19 for complete definitions.

The maximum price of affordable for-sale units and affordable rental units required by Title 19 shall be no greater than the affordable purchase price and affordable rent established annually by the Illinois Housing Development Authority (IHDA). Contact the Planning Division for the most recent affordable prices from IHDA.

## Submission Requirements:

Submit information describing how the residential development will comply with the requirements of Title 19, "Inclusionary Housing". **Use this worksheet** to calculate the number of required affordable units to be incorporated within the residential development, or the required fee in-lieu payment.

If the development will include affordable units, submit the following additional information:

- The number of market-rate and affordable for-sale and rental units to be constructed, including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
- Documentation and plans regarding locations of affordable units and market-rate units, and their exterior appearance, materials, and finishes.

## Affordable Unit Requirement Calculation

Unit Count Range	# of Units Proposed in Development		% of Affordable Units Required		# of Affordable Units Required
1 to 15 Units	7	X	5%	=	.35
More than 15 Units		X	10%	=	

## Fee In-Lieu Payment Calculation

# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit		Total Fee-In-Lieu Amount
.35	0	X	\$72,819.50	=	25,486.83

# A.L.T.A./N.S.P.S. LAND TITLE SURVEY 895 GENEVA RD., ST. CHARLES, IL



**VICINITY MAP**

**SITE LOCATION**

**NOTES ON SCHEDULE B SURVEY RELATED TITLE EXCEPTIONS**

- L. RIGHTS OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS AND LATERALS AND UNDERGROUND PIPES, IF ANY; **VISIBLE STORM SEWER APPURTENANCES IF ANY, SHOWN.**
- M. RIGHTS OF THE PUBLIC, THE STATE OF ILLINOIS AND MUNICIPALITY IN AND TO THAT PART OF THE LAND, IF ANY TAKEN OR USED FOR ROAD PURPOSES, **PROPERTY BOUNDED ON NORTH EAST AND SOUTH BY DEDICATED RIGHTS OF WAY.**
- J. CONCRETE RETAINING WALL LOCATED ALONG WESTERLY LINE OF THE LAND ENCRACHES OVER AND ONTO ADJOINING PROPERTY AS SHOWN ON SURVEY OF JOHN A. THORNHILL DATED MAY 22, 1980, **WALL SHOWN AS LOCATED.**

**SURVEYOR'S NOTES**

1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
2. COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE. ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
3. THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND IMPRESSED SEAL.
4. EASEMENTS AND SERVITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY CHICAGO TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 0880002 WITH AN EFFECTIVE DATE OF NOVEMBER 10, 2015.
5. THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF GENEVA ROAD BEING S 33°33'47" E (ASSUMED).
6. MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
7. DIMENSIONS ENCLOSED IN ( ) INDICATE RECORD OR DEED DATA. ALL OTHER DIMENSIONS ARE MEASURED.
8. **FIP** = FOUND IRON PIPE (# AS SHOWN)  
**FIR** = FOUND IRON ROD  
**SIP** = SET IRON PIPE (# AS SHOWN)
9. BASED ON REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP PANEL NO. 1708090205H WITH AN EFFECTIVE DATE OF AUGUST 3, 2009. IT IS OUR OPINION THAT NO PART OF THE PROPERTY DESCRIBED HEREON FALLS WITHIN A SPECIAL HAZARD ZONE (NO SHADING AS DESIGNATED AND DEFINED BY F.E.M.A.)
10. PARCEL CONTAINS 1.055 ACRES, OR 45,937 SQUARE FEET, MORE OR LESS.

**PARCEL DESCRIPTION**

BLOCK 2 OF RIVERVIEW ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, ILLINOIS.

**SURVEYOR'S CERTIFICATE**

TO: CHICAGO TITLE INSURANCE COMPANY  
WEEKLY HOMES LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/N.S.P.S. LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 8 AND 11 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 19, 2016.

DATE OF PLAT OR MAP: FEBRUARY 19, 2016.

PETER A. BLAESER  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3072  
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2016  
PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002937  
EXPIRES APRIL 30, 2017

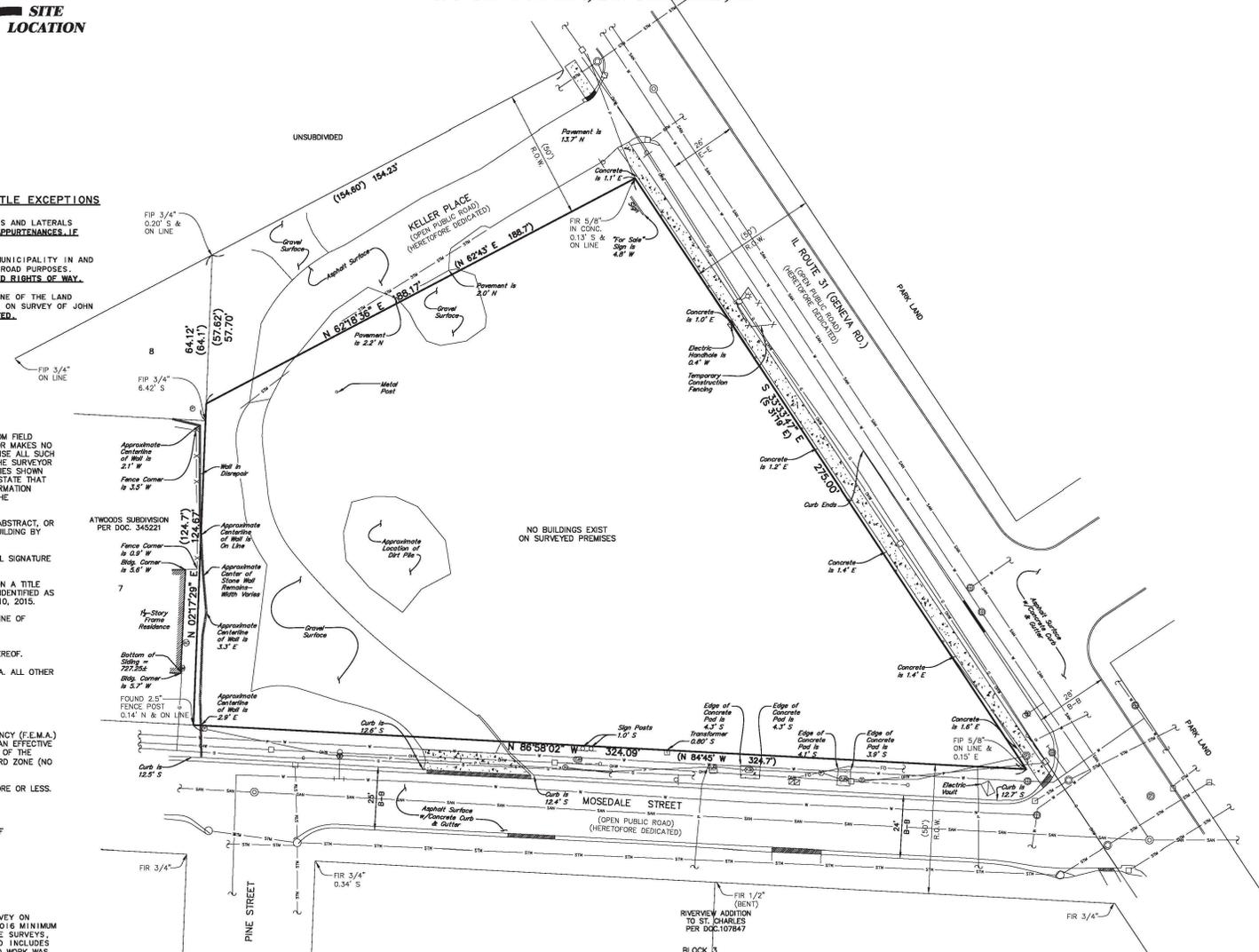


**LINE LEGEND**

- PROPERTY LINE (Heavy Solid Line)
- - - ADJACENT PROPERTY LINE OR RIGHT-OF-WAY LINE (Light Solid Line)
- EXISTING STORM LINE
- EXISTING SANITARY LINE
- EXISTING WATER LINE
- - - UNDERGROUND PHONE LINE
- - - UNDERGROUND FIBER OPTIC LINE
- - - UNDERGROUND GAS LINE
- OVERHEAD WIRES
- - - FENCE LINES

**ABBREVIATION/SYMBOL LEGEND**

- ⊙ BUFFALO BOX
- ⊙ CABLE TV PEDESTAL
- ⊙ CABLE TV JUNCTION BOX
- ⊙ CATCH BASIN
- ⊙ ELECTRIC PEDESTAL
- ⊙ ELECTRIC HAND HOLD BOX
- ⊙ ELECTRIC JUNCTION BOX
- ⊙ FIRE HYDRANT
- ⊙ INLET
- ⊙ FIBER OPTIC MANHOLE
- ⊙ FIBER OPTIC MARKER POST
- ⊙ GAS METER
- ⊙ GAS MARKER POST
- ⊙ GUY WIRE
- ⊙ INLET
- ⊙ LIGHT POLE
- ⊙ MAIL BOX
- ⊙ MANHOLE
- ⊙ UTILITY POLE
- ⊙ UTILITY POLE WITH LIGHT
- ⊙ WATER VALVE
- ⊙ VALVE VAULT
- ⊙ SIGN
- ⊙ SOIL BORING
- ⊙ TELEPHONE JUNCTION BOX
- ⊙ TELEPHONE MANHOLE
- ⊙ TELEPHONE PEDESTAL
- ⊙ DEPRESSED CURB
- ⊙ CONCRETE SURFACE
- B-B BACK-TO-BACK
- E-E EDGE-TO-EDGE



**PREPARED BY:**  
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Circle, Suite 100 Aurora, Illinois  
60502-9675 Ph: 630.862.2100 Fax: 630.862.2199  
E-Mail: ccs@cemcon.com Website: www.cemcon.com

DISC NO: 826005 FILE NAME: ALTA  
DRAWN BY: AJB FLD. BK. / PC. NO.: D53/57-60  
COMPLETION DATE: 2/29/16 JOB NO.: 826.005  
PROJECT REFERENCE:

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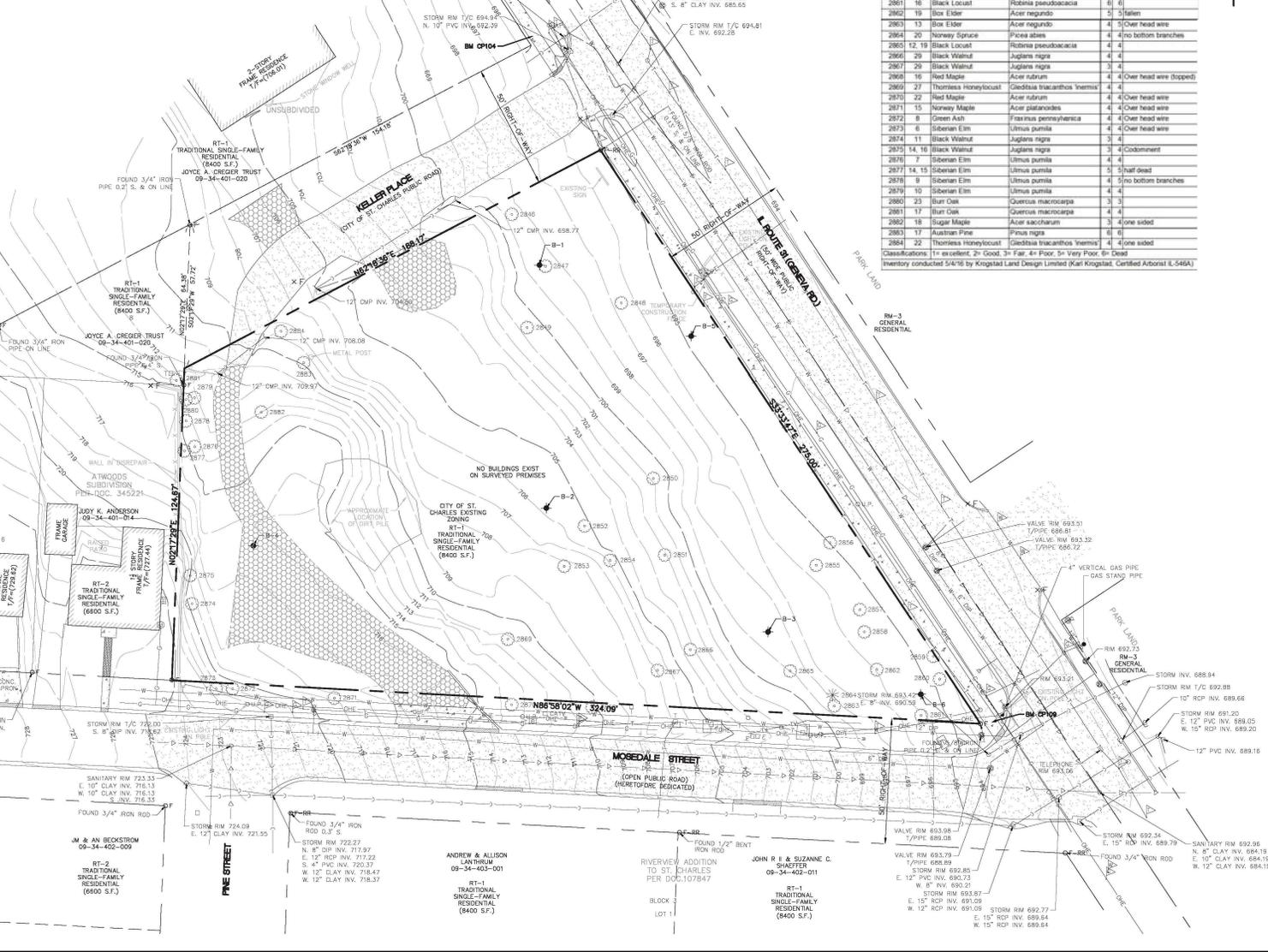
**LEGEND**

- BOUNDARY LINE
- - - EXISTING ROW
- BOUNDARY ADJACENT LINE
- EXISTING EASEMENT LINE
- EXISTING SETBACK LINE
- EXISTING CONTOUR
- EXISTING GUY AND OUTER
- EXISTING SANITARY SOWER
- EXISTING STORM SEWER
- EXISTING WATER LINE
- EXISTING UNDERGROUND GAS
- EXISTING UNDERGROUND TELEPHONE
- EXISTING OVERHEAD TELEPHONE
- EXISTING UNDERGROUND ELECTRIC
- EXISTING OVERHEAD ELECTRIC
- EXISTING UNDERGROUND CABLE
- EXISTING CENTERLINE OF DITCH
- EXISTING FENCE
- EXISTING VESTIBULE LINE
- SECTION CORNER
- SOIL BORING, REFER TO GEOTECHNICAL REPORT
- FOUND IRON ROD
- FOUND PK NAIL
- FOUND MONUMENT
- EXISTING SIGN
- EXISTING BOLLARD
- EXISTING TREE
- EXISTING CLEANOUT
- EXISTING SANITARY MANHOLE
- EXISTING FLARED END SECTION
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING WATER MARKER
- EXISTING GAS METER
- EXISTING GAS RISER
- EXISTING GAS MARKER
- EXISTING TELEPHONE RISER
- EXISTING TELEPHONE MANHOLE
- EXISTING TELEPHONE MARKER
- EXISTING TRAFFIC SIGNAL
- EXISTING ELECTRIC TRANSFORMER
- EXISTING ELECTRIC BOX
- EXISTING ELECTRIC METER
- EXISTING ELECTRIC MARKER
- EXISTING UTILITY POLE
- EXISTING LIGHT POLE
- EXISTING CABLE RISER
- EXISTING MAILBOX
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING GRAVEL

- NOTES**
- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
  - COMPARE THE DESCRIPTION ON THIS PLAN WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE. ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
  - EASEMENTS AND SERVICEDICES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY CHICAGO TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 00880522 WITH AN EFFECTIVE DATE OF NOVEMBER 10, 2015.
  - THE BEARINGS SHOWN HEREON ARE BASED UPON THE WEST LINE OF GENEVA ROAD BEING S. 33°55'47" E. (ASSUMED).
  - MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
  - FIP = FOUND IRON PIPE (4 AS SHOWN)  
FIR = FOUND IRON ROD  
SIP = SET IRON PIPE (4 AS SHOWN)
  - BASED ON REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP PANEL NO. 170802028B WITH AN EFFECTIVE DATE OF AUGUST 1, 2009, IT IS OUR OPINION THAT THIS PROPERTY IS NOT DESCRIBED HEREON FALLS WITHIN A SPECIAL HAZARD ZONE (NO SHADING) AS DESIGNATED AND DEFINED THEREIN.
  - PARCEL CONTAINS 1.085 ACRES, OR 45,937 SQUARE FEET, MORE OR LESS.

**PARCEL DESCRIPTION**  
BLOCK 2 OF RIVERVIEW ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, ILLINOIS.

- BENCHMARKS**
- STATION STC 07:  
STATION IS LOCATED 11.7 KM (8.7 MILES) SOUTHWEST OF BARTLETT, 6.1 KM (3.8 MILES) NORTH-NORTHWEST OF BATAMIA, AND 5.9KM (7.6 MILES) SOUTH OF ELON COMMUNITY COLLEGE, IN THE CITY OF SAINT CHARLES, IN SECTION 34, 140N, R1E. 2" INCH DIAMETER ALUMINUM DISK W/ PLASTIC CYLINDER. APPROXIMATE NAD 83 COORDINATES N. 1907580. E. 984599. ELEVATION = 706.50 FT. NAVD 88
- STATION STC 16:  
STATION IS LOCATED 11.6 KM (8.9 MILES) SOUTHWEST OF BARTLETT, 4.9 KM (3.1 MILES) NORTH OF BATAMIA, AND 8.8 KM (5.5 MILES) SOUTH OF ELON COMMUNITY COLLEGE IN THE CITY OF SAINT CHARLES IN SECTION 34, 140N, R1E. 2" INCH DIAMETER ALUMINUM DISK W/ PLASTIC CYLINDER. APPROXIMATE NAD 83 COORDINATES N. 1906120. E. 991732. ELEVATION = 709.53 FT. NAVD 88
- CP104: CROSS N WALK ON WEST SIDE OF GENEVA ROAD (A. ROUTE 31) ADJACENT TO FIRST UTILITY POLE NORTHEASTERLY OF KELLER PLACE. ELEVATION = 695.46 FT. NAVD 88
- CP109: CROSS N WALK ON WEST SIDE OF GENEVA ROAD (A. ROUTE 31) ADJACENT TO FIRST UTILITY POLE NORTHEASTERLY OF MOSDALE STREET. ELEVATION = 693.71 FT. NAVD 88



**TREE INVENTORY**  
PREPARED BY KROGSTAD LAND DESIGN LIMITED

TREE NO.	DBA INCHES	TYPE (COMMON NAME)	SCIENTIFIC NAME	#	COMMENTS
2846	21	Green Ash	Fraxinus pennsylvanica	6	LEAB
2847	12	Green Ash	Fraxinus pennsylvanica	6	LEAB
2848	32	Red Maple	Acer rubrum	4	Codominant
2849	22	Silver Maple	Acer saccharinum	4	3
2850	24	Thornless Honeylocust	Gleditsia tricanthos 'inermis'	4	Codominant
2851	30	Black Walnut	Juglans nigra	3	4
2852	9	Black Walnut	Juglans nigra	3	Codominant
2853	24	Black Walnut	Juglans nigra	3	3
2854	6	Black Walnut	Juglans nigra	6	6
2855	39	Black Walnut	Juglans nigra	3	4
2856	14.19	Black Locust	Robinia pseudoacacia	4	4
2857	24	Black Locust	Robinia pseudoacacia	5	5
2858	25	Black Locust	Robinia pseudoacacia	5	5
2859	22	Black Locust	Robinia pseudoacacia	6	6
2860	9	Black Locust	Robinia pseudoacacia	6	6
2861	16	Black Locust	Robinia pseudoacacia	6	6
2862	19	Box Elder	Acer negundo	5	5
2863	13	Box Elder	Acer negundo	4	5
2864	20	Norway Spruce	Picea abies	4	4
2865	12.19	Black Locust	Robinia pseudoacacia	4	4
2866	29	Black Walnut	Juglans nigra	4	4
2867	29	Black Walnut	Juglans nigra	3	4
2868	16	Red Maple	Acer rubrum	4	4
2869	27	Thornless Honeylocust	Gleditsia tricanthos 'inermis'	4	4
2870	22	Red Maple	Acer rubrum	4	4
2871	15	Norway Spruce	Picea canadensis	4	4
2872	8	Green Ash	Fraxinus pennsylvanica	4	4
2873	6	Siberian Elm	Ulmus pumila	4	4
2874	11	Black Walnut	Juglans nigra	3	4
2875	14.16	Black Walnut	Juglans nigra	3	4
2876	16	Siberian Elm	Ulmus pumila	4	4
2877	14.15	Siberian Elm	Ulmus pumila	3	3
2878	9	Siberian Elm	Ulmus pumila	4	4
2879	9	Siberian Elm	Ulmus pumila	4	4
2880	23	Bur Oak	Quercus macrocarpa	3	3
2881	17	Bur Oak	Quercus macrocarpa	3	3
2882	18	Sugar Maple	Acer saccharum	3	3
2883	17	Austrian Pine	Pinus nigra	6	6
2884	22	Thornless Honeylocust	Gleditsia tricanthos 'inermis'	4	4

Inventory conducted 5/4/16 by Krogstad Land Design Limited (Karl Krogstad, Certified Arborist I, S484)

**811**  
Know what's below.  
Call before you dig.  
THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ONLY AND HAVE NOT BEEN INDIVIDUALLY VERIFIED BY THE CONTRACTOR. SHALL OBTAIN THE EXACT LOCATION OF ALL UTILITIES FROM THE CITY OF SAINT CHARLES. THE WORK OF PERSONS EMPLOYED IN THE WORK OF ANY UTILITY STRUCTURES, SHALL BE ANY OTHER PERSONS.

NOTICE: OBSERVATION BY SATVY IS THE BASIS FOR THE INFORMATION PROVIDED HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

SECTION 34  
TOWN 40 NORTH, RANGE 8 EAST  
ST. CHARLES  
KANE COUNTY, ILLINOIS

**ATWELL**  
866.850.4200 www.atwell-group.com  
1248 EAST BIRDWOOD, SUITE 100  
DESIGN TEAM #16-00378

DAVID WEEKLEY HOMES  
CITYVIEW SUBDIVISION  
EXISTING CONDITIONS PLAN

DATE: 06/09/2016

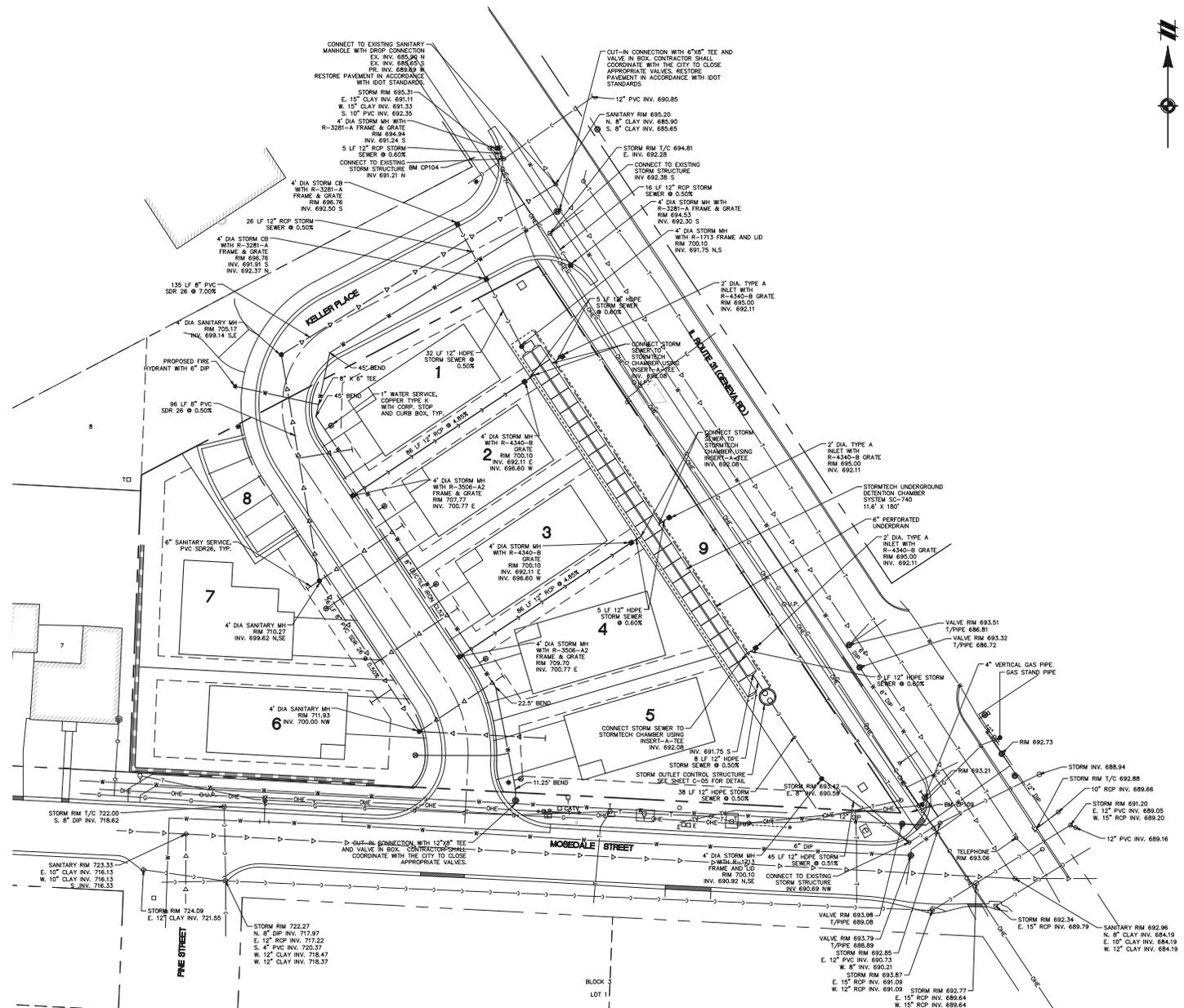
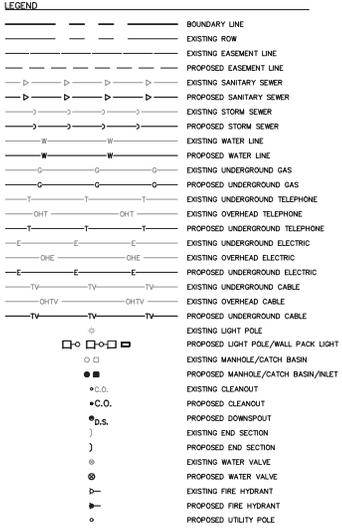
SCALE: 0 20 40  
1" = 20 FEET

DR. REK [ch. EL]  
T.M. E. LORD  
BOOK  
JOB: 15002336  
SHEET NO: C-02









**CITY OF ST. CHARLES WATER MAIN NOTES**

REQUIRED TESTING: THE FOLLOWING IS A LIST OF TESTS WHICH SHALL BE REQUIRED FOR WATER DISTRIBUTION SYSTEM IMPROVEMENTS IN THE CITY OF ST. CHARLES. A REPRESENTATIVE OF THE CITY OF ST. CHARLES WATER DIVISION OR PUBLIC WORKS ENGINEERING DIVISION SHALL SUPERVISE ALL TESTS. ALL TESTS SHALL BE SCHEDULED 48 HOURS IN ADVANCE.

- AFTER A WATER MAIN HAS BEEN INSTALLED AND BEFORE THE WATER MAIN HAS BEEN PLACED INTO OPERATION, THE CONTRACTOR SHALL BAG OR COVER FIRE HYDRANTS. THE BAG SHALL NOT BE REMOVED UNTIL AFTER THE MAIN HAS BECOME OPERATIONAL. ALL HYDRANTS SHALL BE PLACED TO FACE THE ROAD.
- FLUSHING: FLUSHING OF ALL WATER SYSTEM IMPROVEMENTS WILL BE PERFORMED TO CREATE A MINIMUM PIPELINE VELOCITY OF 2.5 FEET PER SECOND.
- ALL TESTS SHALL BE SCHEDULED 48 HOURS IN ADVANCE.
- DISINFECTION: ALL WATER MAINS SHALL PASS A DISINFECTION TEST IN CONFORMANCE WITH ANWA C65186. THE FOLLOWING TEST CRITERIA SHALL BE MET:
  - i. 50-PPM INITIAL CHLORINE CONCENTRATION (CHLORINE GAS ONLY)
  - ii. 25-PPM RESIDUAL CHLORINE CONCENTRATION (AFTER 24 HOUR DURATION). SAMPLE MUST BE EXTRACTED UNDER THE SUPERVISION OF A CITY OF ST. CHARLES REPRESENTATIVE AND ANALYZED BY A LABORATORY OF THE CITIES CHOICE.
  - iii. SAMPLING WILL BE PERFORMED ON TWO CONSECUTIVE DAYS, 24 HOURS APART
- LEAKAGE TEST: ALL PUBLIC WATER MAIN IMPROVEMENTS SHALL PASS A LEAKAGE TEST IN CONFORMANCE WITH ANWA C-600 AND C-603. ALLOWABLE LEAKAGE IN GALLONS PER HOUR MAY NOT EXCEED THAT DETERMINED BY THE FOLLOWING FORMULA:
  - L = ALLOWABLE LEAKAGE IN GALLONS PER HOUR
  - N = NUMBER OF JOINTS IN LENGTH OF TESTED MAIN
  - D = NOMINAL INSIDE DIAMETER OF PIPE IN INCHES
  - P = AVERAGE TEST PRESSURE IN PSI
- PRESSURE TEST: ALL PUBLIC WATER MAIN IMPROVEMENTS SHALL PASS A PRESSURE TEST IN CONFORMANCE WITH THE REQUIREMENTS OF ANS/AWWA C600-87 SECTION 4, AND THE TESTING REQUIREMENTS SHALL FOLLOW THE STANDARD SPECIFICATIONS FOR WATER AND SEWER MAIN CONSTRUCTION IN ILLINOIS - LATEST EDITION.

THE CONTRACTOR SHALL, AFTER INSTALLATION OF THE WATER MAIN SYSTEM OR PARTS THEREOF, PRESURE TEST AND CHLORINATE THE NEW SYSTEM. TWO-HOUR FIRE-TEST MUST BE MADE AND PASSED BY THE CONTRACTOR BEFORE SCHEDULING THE PRESSURE TEST WITH THE CITY. THE MAIN SHALL THEN BE PRESSURE TESTED AT 150 PSI FOR A DURATION OF THE HOUR IN THE PRESENCE OF A REPRESENTATIVE OF THE CITY ENGINEERING DIVISION. A SCHEDULED PRESSURE TEST DOES NOT PASS BECAUSE OF THE FAILURE OF THE CONTRACTOR TO HOLD A FIRE TEST. THE CITY MAY CHARGE THE FAILURE OF THE CONTRACTOR TO HOLD A FIRE TEST. THE CITY MAY CHARGE THE FAILURE OF THE CONTRACTOR TO HOLD A FIRE TEST. ANY OTHER WATER MAIN WORK WILL BE HELD UNTIL THE RESPECTION FEES HAVE BEEN PAID.

AFTER A SUCCESSFUL PRESSURE TEST, THE MAIN SHALL BE CHLORINATED BY GAS INJECTION METHOD ONLY, BY A QUALIFIED TECHNICIAN. SAMPLES SHALL BE TAKEN ON 3 CONSECUTIVE WORKING DAYS THROUGH FIREHAT 24 HOURS AFTER CHLORINATION, AND AFTER THE MAIN HAS BEEN FLUSHED. A CITY REPRESENTATIVE SHALL DETERMINE THE NUMBER OF SAMPLES TAKEN. A CITY REPRESENTATIVE MUST BE PRESENT FOR THE PRESSURE TESTING, CHLORINATION, FLUSHING, AND DRAWING THE SAMPLES. THE CONTRACTOR SHALL BEAR THE COSTS OF THESE TESTS AND RESPECTION FEES. IF AFTER FOUR SAMPLINGS, THE RESULTS DO NOT YIELD TWO CONSECUTIVE SATISFACTORY READINGS, A RE-CHLORINATION WILL BE NECESSARY.

ONLY THE CITY OF ST. CHARLES WATER DIVISION SHALL MAKE THE WATER SYSTEM OPERATIONAL. AFTER RECEIVING SATISFACTORY LAB RESULTS FROM A QUALIFIED TESTING LAB.

- ALL PRIVATE FIRE SERVICE LINES SHALL PASS A PRESSURE TEST IN CONFORMANCE WITH THE REQUIREMENTS OF ANS/AWWA C600-87 SECTION 4. THE FOLLOWING TEST CRITERIA SHALL BE MET:
  - i. 200 PSI MINIMUM INITIAL TEST PRESSURE
  - ii. IF AN EXISTING VALVE IS UTILIZED FOR THE PRESSURE TEST, THE CONTRACTOR IS RESPONSIBLE FOR THE PERFORMANCE OF THE VALVE
  - iii. TEST TO BE OBSERVED BY CITY OF ST. CHARLES FIRE DEPARTMENT REPRESENTATIVE
  - iv. IF THE PRESSURE GAUGE FAILS TO ZERO AT THE END OF THE TEST, THE TEST WILL BE FAILED

Know what's below.  
Call before you dig.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES MAY VARY AND HAVE NOT BEEN RECORDED. CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES BEFORE ANY CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MUST BE RECORDED BY THE CONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY PERMITS AND ALL NECESSARY UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.

CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.

**ATWELL**  
1245 EAST BETH ROAD, SUITE 100  
DESIGN # 18-000076

SECTION 34  
TOWN 40 NORTH, RANGE 8 EAST  
ST. CHARLES  
KANE COUNTY, ILLINOIS

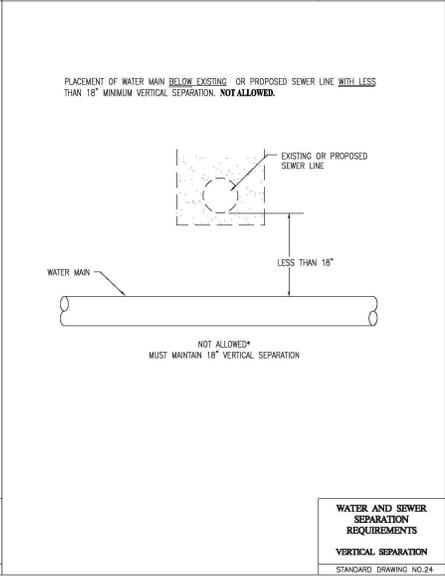
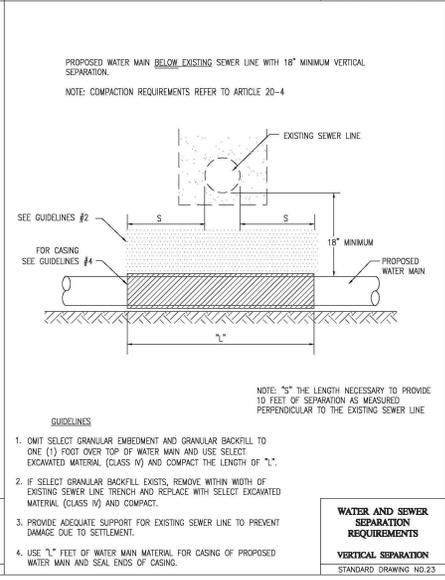
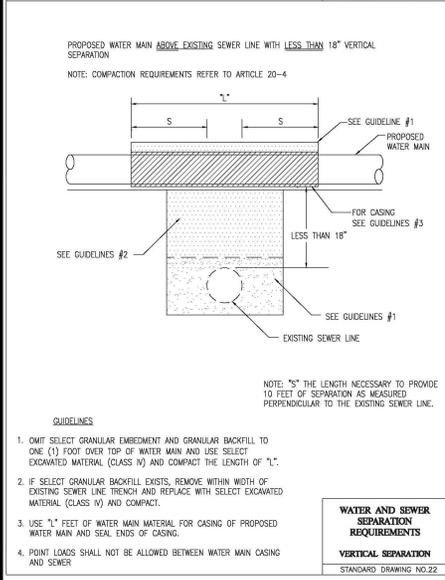
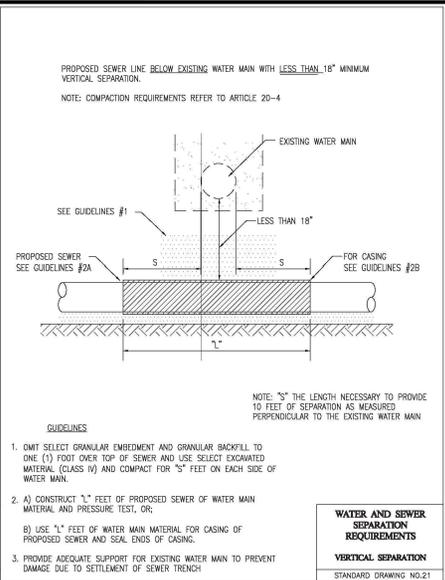
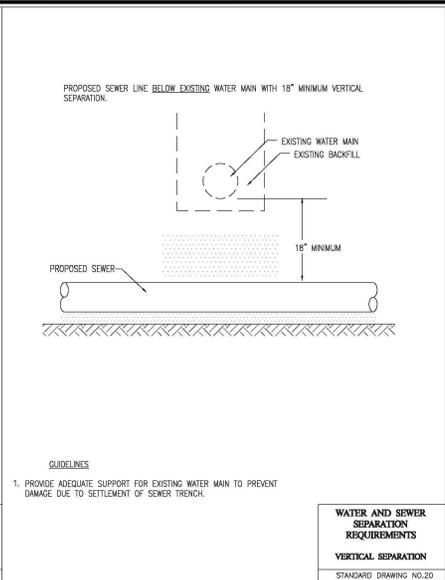
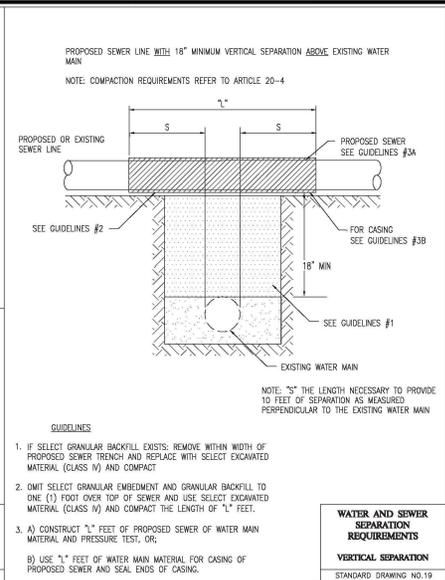
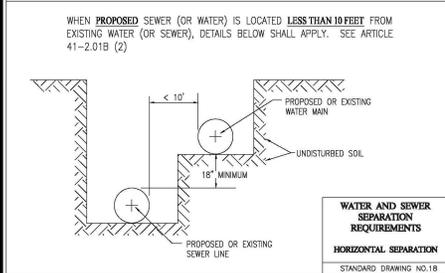
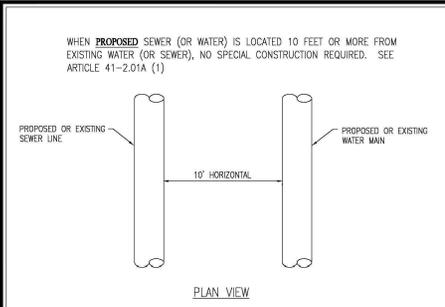
CLIENT: DAVID WEEKLEY HOMES  
CITYVIEW SUBDIVISION  
PRELIMINARY UTILITY PLAN

DATE: 06/09/2016  
SCALE: 0" = 10' 20'  
1" = 20 FEET

REVISIONS

NO.	DATE	DESCRIPTION

JOB: 15002336  
SHEET NO: C-06



**811**  
Know what's below.  
Call before you dig.

THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHALL BE DETERMINED BY THE CONTRACTOR AND SHALL BE INDICATED BY THE CONTRACTOR'S DESIGN. THE CONTRACTOR SHALL OBTAIN THE EXACT LOCATION OF ALL UTILITIES FROM THE CITY OF KANE AND ALL DAMAGES MUST BE REPAIRED BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MUST BE REPAIRED BY THE CONTRACTOR AND ALL UNDERGROUND UTILITIES.

NOTICE: CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY OF THE WORKERS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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**ATWELL**  
866.850.4200 www.atwell-group.com  
1248 EAST BETH ROAD, SUITE 100  
DESIGN TEAM # 88-005876

SECTION 34  
TOWN 40 NORTH, RANGE 8 EAST  
ST. CHARLES  
KANE COUNTY, ILLINOIS

DAVID WEEKLEY HOMES  
CITYVIEW SUBDIVISION  
WATER AND SEWER SEPARATION DETAILS

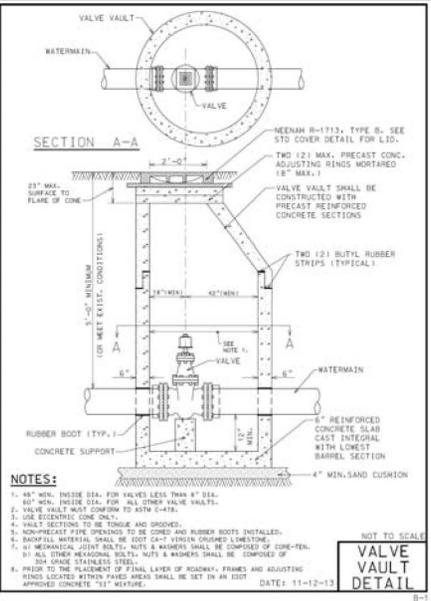
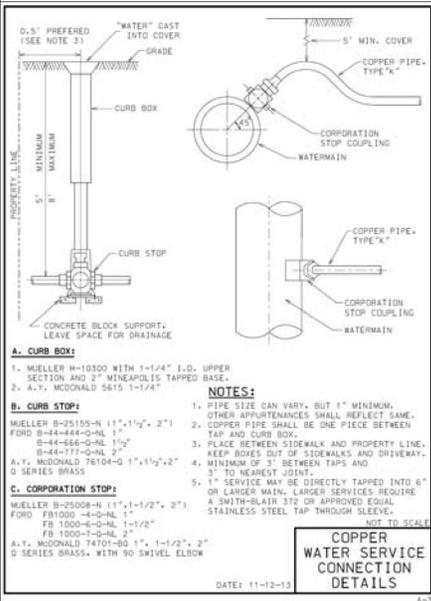
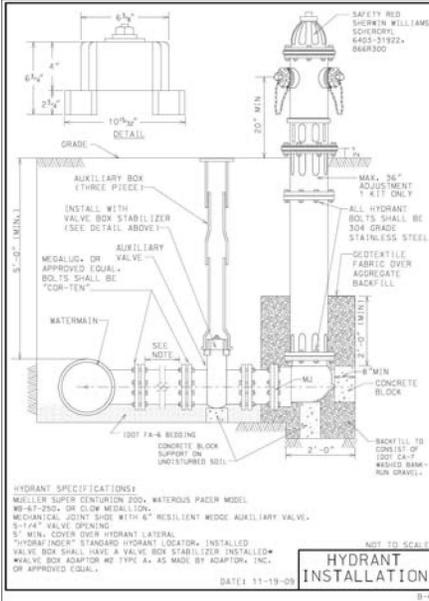
DATE: 06/09/2016  
BY: JAL/2016  
REVISIONS PER CITY COMMENT

REVISIONS

SCALE:

DR. REK | CH. EL  
JAM. E. LORD  
BOOK  
FOR 15002336  
SHEET NO.  
C-07

CAD FILE: 15002336-C-07-LOWE



**811**  
 Know what's below.  
 Call before you dig.

**ATWELL**  
 866.850.4200 www.atwell-group.com  
 1248 EAST BIRCH ROAD, SUITE 100  
 DEERFIELD, ILLINOIS 60015  
 DESIGN TEAM # 01-100576

SECTION 34  
 TOWN 40 NORTH, RANGE 8 EAST  
 ST. CHARLES  
 KANE COUNTY, ILLINOIS

CLIENT: DAVID WEEKLEY HOMES  
 CITYVIEW SUBDIVISION  
 CITY WATER DETAILS

DATE: 06/09/2016

SCALE:

REVISIONS:

DR. REK | CH. EL  
 PAUL E. LORD  
 BOOK  
 FOR 15002336  
 SHEET NO.  
 C-08

DATE: 06/09/2016

REVISIONS

DR. REK | CH. EL

PAUL E. LORD

BOOK

FOR 15002336

SHEET NO.

C-08





# FINAL PLAT OF CITYVIEW SUBDIVISION

BEING A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS

### OWNER'S CERTIFICATE

STATE OF \_\_\_\_\_ )  
                                  ) SS  
COUNTY OF \_\_\_\_\_ )

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND THAT HE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

ALSO, THIS IS TO VERIFY THAT PROPERTY BEING SUBDIVIDED AFFORSAID, AND TO THE BEST OF THE OWNER'S KNOWLEDGE AND BELIEF, SAID SUBDIVISION LIES ENTIRELY WITHIN THE LIMITS OF ST. CHARLES COMMUNITY UNIT SCHOOL DISTRICT 303.

BY: \_\_\_\_\_  
BY: \_\_\_\_\_  
DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016

### NOTARY'S CERTIFICATE

STATE OF \_\_\_\_\_ )  
                                  ) SS  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT

PERSONS WHOSE NAMES ARE SUBSCRIBED TO BE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016 AT \_\_\_\_\_ ILLINOIS.

BY: NOTARY PUBLIC \_\_\_\_\_

### MORTGAGEE'S CERTIFICATE

ACCEPTED AND APPROVED BY \_\_\_\_\_ AS MORTGAGEE, DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016

BY: \_\_\_\_\_ ATTEST

### NOTARY'S CERTIFICATE

STATE OF \_\_\_\_\_ )  
                                  ) SS  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT

PERSONS WHOSE NAMES ARE SUBSCRIBED TO BE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016 AT \_\_\_\_\_ ILLINOIS.

BY: NOTARY PUBLIC \_\_\_\_\_

### COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF KANE )

I, \_\_\_\_\_, COUNTY CLERK OF KANE 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 THIS 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 \_\_\_\_\_ ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2016

COUNTY CLERK \_\_\_\_\_

### PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF KANE )

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016  
CITY OF ST. CHARLES PLAN COMMISSION

CHAIRMAN \_\_\_\_\_

### DIRECTOR OF COMMUNITY DEVELOPMENT (OR DESIGNER) CERTIFICATE

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF KANE )

I, \_\_\_\_\_, DO HEREBY CERTIFY THAT THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, OR THE REQUIRED GUARANTEE BOND HAS BEEN POSTED FOR THE COMPLETION OF ALL REQUIRED LAND IMPROVEMENTS.

DIRECTOR OF COMMUNITY DEVELOPMENT \_\_\_\_\_  
DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016

### CITY COUNCIL CERTIFICATE

APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF A.D. 2016  
CITY COUNCIL OF CITY OF ST. CHARLES, ILLINOIS.

MAYOR \_\_\_\_\_  
ATTEST: CITY CLERK \_\_\_\_\_

### CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF \_\_\_\_\_ )  
                                  ) SS  
COUNTY OF \_\_\_\_\_ )

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY REFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT.

COLLECTOR OF SPECIAL ASSESSMENTS \_\_\_\_\_  
DATED AT \_\_\_\_\_ ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016

### SPECIAL FLOOD HAZARD AREA CERTIFICATE

THIS IS TO CERTIFY THAT THE PARCELS INCLUDED IN THIS RECORD OF DEED [ARE/ARE NOT] LOCATED IN THE SPECIAL FLOOD HAZARD AREA IDENTIFIED FOR THE COUNTY OF KANE, ILLINOIS BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON THE FLOOD INSURANCE RATE MAP, PANEL NO. 17089C0208H, DATED AUGUST 3, 2009.

ATTEST  
ERIC W. BRAND



### RECORDER CERTIFICATE

THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016 AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND

(COUNTY RECORDER)

### ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE

STATE OF \_\_\_\_\_ )  
                                  ) SS  
CITY OF \_\_\_\_\_ )

THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO SECTION 2 OF "AN ACT TO REVISE THE LAW IN RELATION TO PLATS," AS AMENDED. A PLAN THAT MEETS THE REQUIREMENTS CONTAINED IN THE DEPARTMENT'S "POLICY ON PERMITS FOR ACCESS DRIVEWAYS TO STATE HIGHWAYS" WILL BE REQUIRED BY THE DEPARTMENT.

DATED AT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 2016  
BY: \_\_\_\_\_

### PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO ALL PUBLIC UTILITY COMPANIES OF ANY KIND OPERATING UNDER FRANCHISE GRANTING THEM EASEMENT RIGHTS FROM SAID CITY OF ST. CHARLES INCLUDING BUT NOT LIMITED TO, AMERITECH AND NUCOR AND TO THEIR SUCCESSORS AND ASSIGNS (HEREIN COLLECTIVELY REFERRED TO AS "GRANTEES"), IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PUBLIC UTILITY AND DRAINAGE EASEMENT" ON THE PLAT OF SUBDIVISION HEREIN DRAWN FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, REPAIRING, ALTERING, ENLARGING, REMOVING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND ELECTRICAL, SYSTEM, CABLE, TELEVISION, COMMUNICATION, GAS, TELEPHONE OR OTHER UTILITY LINES OR APPURTENANCES, SANITARY AND STORM SEWERS, DRAINAGE WAYS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, HYDRANTS, PIPES, CONNECTIONS, CATCH BASINS, BUFFALO BOXES AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE DATED HEREBY TO THE NECESSARY PERSONNEL AND EQUIPMENT TO MAINTAIN ANY OR ALL OF THE ABOVE WORK. THE PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF ST. CHARLES AND RESPECTIVE SUCCESSORS AND ASSIGNS FOR MAINTAINING THE UNINTERRUPTED AND UNIMPEDED CONVEYANCE, FLOW AND RUNOFF OF SURFACE STORM WATER ACROSS AND UPON THE AREAS DESIGNATED ON THE PLAT AS DRAINAGE EASEMENT. THE RIGHT IS HEREBY GRANTED TO SAID GRANTEE TO CUT DOWN, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE DRAINAGE WAYS AND OPERATION OF OR ACCESS TO SAID UTILITY INSTALLATIONS, WITHOUT LIMITATION, IN, ON, UPON OR ACROSS, UNDER, OR THROUGH SAID EASEMENTS.

NO PERMANENT BUILDINGS SHALL BE PLACED ON OR IN SAID EASEMENTS, BUT THE EASEMENT AREAS MAY BE USED FOR PAVING, FENCES, SIDEWALKS, TREES, SHRUBS, GARDENS AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS. WHERE AN EASEMENT IS USED FOR STORM OR SANITARY SEWERS, OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF SAID CITY OF ST. CHARLES SO AS NOT TO INTERFERE WITH THE GRAVITY FLOW IN SAID SEWER OR SEWERS. UTILITY INSTALLATIONS OTHER THAN THOSE MANAGED BY THE CITY OF ST. CHARLES SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ST. CHARLES, AS TO DESIGN AND LOCATION, AND ALL OTHER INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES.

FOLLOWING ANY WORK TO BE PERFORMED BY THE GRANTEE IN THE EXERCISE OF ITS EASEMENT RIGHTS GRANTED HEREIN, THE GRANTEE SHALL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION INCLUDING, BUT NOT LIMITED TO, THE RESTORATION, REPAIR, OR REPLACEMENT OF ANY LANDSCAPING PROVIDED, HOWEVER, THE GRANTEE SHALL BE OBLIGATED FOLLOWING ANY SUCH WORK, TO BACKFILL AND MOUND SO AS TO RETAIN SUITABLE DRAINAGE, REMOVE DEBRIS, AND LEAVE THE AREA IN GENERALLY CLEAN AND WORKMANLIKE CONDITION.

### PUBLIC ACCESS

PERMANENT NON-EXCLUSIVE EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF ST. CHARLES, IN, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PUBLIC ACCESS EASEMENT" ON THE PLAT OF SUBDIVISION HEREIN DRAWN, FOR THE PURPOSE OF ACCESS TO CITY OWNED UTILITIES AND OTHER GRANTED EASEMENTS, AS DEMAND NECESSARY BY THE CITY OF ST. CHARLES. THE RIGHT IS ALSO HEREBY GRANTED TO SAID CITY TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF ACCESS TO SAID UTILITY OR EASEMENT. NO PERMANENT BUILDINGS SHALL BE PLACED IN SAID EASEMENT, BUT SAME MAY BE USED FOR SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES AND RIGHTS.

### SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF DUPAGE )

THIS IS TO CERTIFY THAT I, ERIC W. BRAND, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-3706, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING PROPERTY:

GLOCK 2 OF RIVERVIEW ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, ILLINOIS.

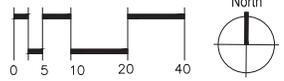
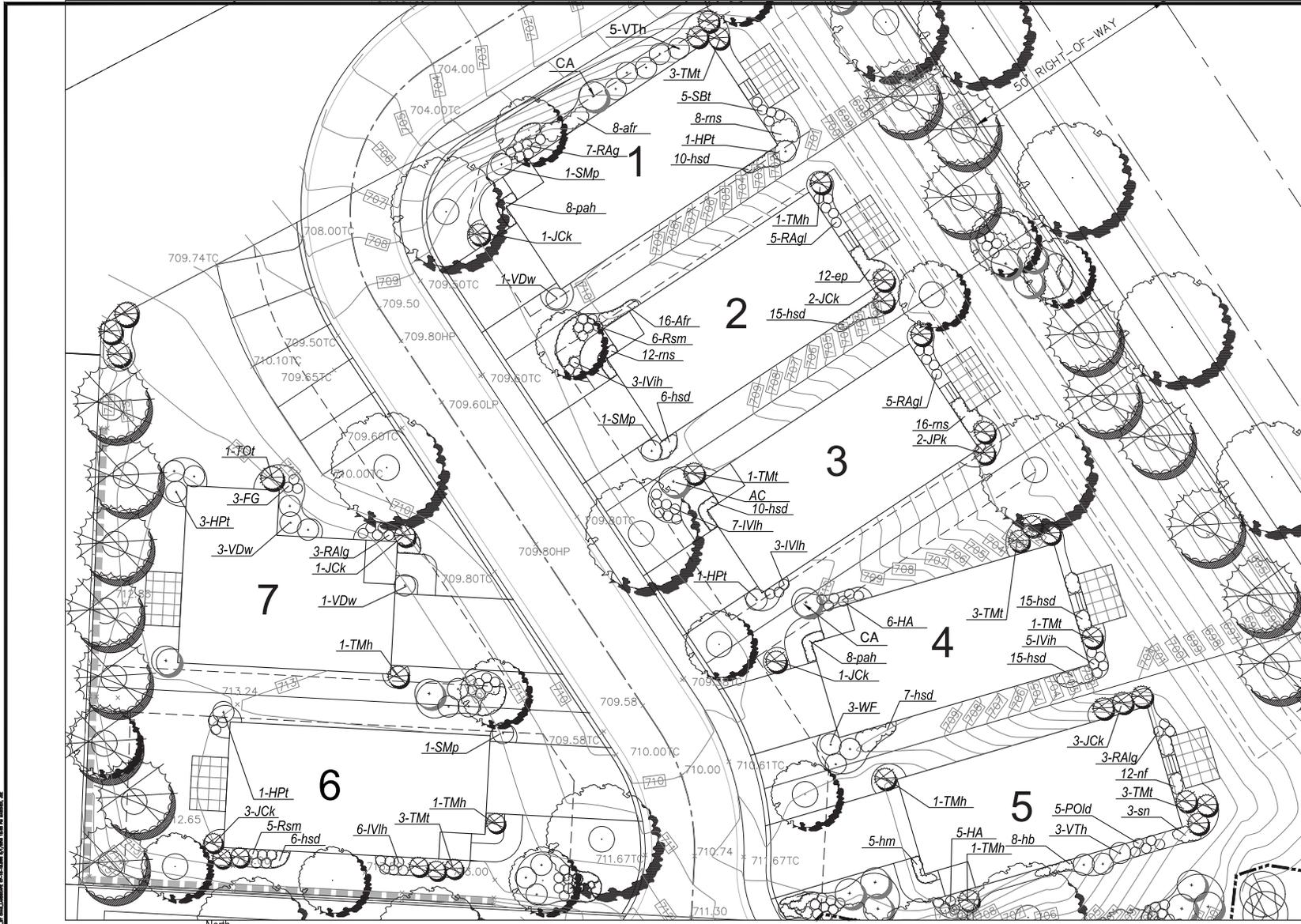
GIVEN UNDER MY HAND AND SEAL THIS 9TH DAY OF JUNE, 2016

ATTEST  
ERIC W. BRAND  
ILLINOIS PROFESSIONAL  
LAND SURVEYOR NO. 035-3706  
ATWELL LLC  
MY LICENSE EXPIRES 11/30/2016  
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS  
MINIMUM STANDARDS FOR A BOUNDARY SURVEY.



**811**  
Know what's below.  
Call before you dig.  
THE LOCATION OF EXISTING UNDERGROUND UTILITIES MAY ONLY AND HAVE NOT BEEN INDICATED BY THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UTILITIES. CONTRACTORS WORK ARE RESPONSIBLE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MUST BE REPAIRED BY THE CONTRACTOR. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGES AND ALL UNDERGROUND UTILITIES.  
NOTICE: CONTRACTOR, BE SURE TO BE THE ONLY ONE REQUESTING THE DIGGING FOR THE ENGINEER SHALL BE RESPONSIBLE TO OBTAIN ALL THE WORK OF PERSONS EMPLOYED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.  
CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.  
ATWELL  
1245 EAST BETH ROAD, SUITE 100  
DESIGN #141-00016  
SECTION 34  
TOWNSHIP 40 NORTH, RANGE 8 EAST  
CITY OF ST. CHARLES  
KANE COUNTY, ILLINOIS  
DAVID WEEKLEY HOMES  
FINAL PLAT  
OF SUBDIVISION  
CLIENT  
DATE: 06/09/2016  
06/04/2016 REV. PER CITY CLERK  
REVISIONS  
SCALE 0 10 20  
1" = 20 FEET  
DN: JER | CH: MF  
PL: E. BRAND  
BOOK: NA  
JOB: 15002336  
SHEET NO.  
2 OF 2  
CAD FILE: 15002336-CAD PRELIMINARY FINAL PLAT.DWG





**L-2**  
**Foundation Planting Plan**  
**City View**  
 St Charles, Illinois



David Weekley Homes  
 The drawings presented are illustrations of character and design intent only, and are subject to change without notice. The contractor shall be responsible for all applicable codes, ordinances and MEP design requirements, and plan/floor plan changes, etc.)

Revised: August 1, 2016  
 June 8, 2016  
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**811**  
 Know what's below.  
 Call before you dig.  
 The location of buried utilities and other underground structures may vary and have not been updated. It is the contractor's responsibility to verify the location of all utilities and other underground structures before excavation. The contractor shall obtain the location of all utilities and other underground structures from the appropriate utility companies and shall be responsible for any damage to any utilities and other underground structures caused by any excavation. It is the contractor's responsibility to obtain all necessary permits and approvals before excavation. The contractor shall be responsible for all applicable codes, ordinances and MEP design requirements, and plan/floor plan changes, etc.)

**ATWELL**  
 ARCHITECTURAL  
 1245 EAST BIRCH AVE. SUITE 100  
 ST. CHARLES, ILLINOIS 62205  
 DESIGN PLAN #24-0029

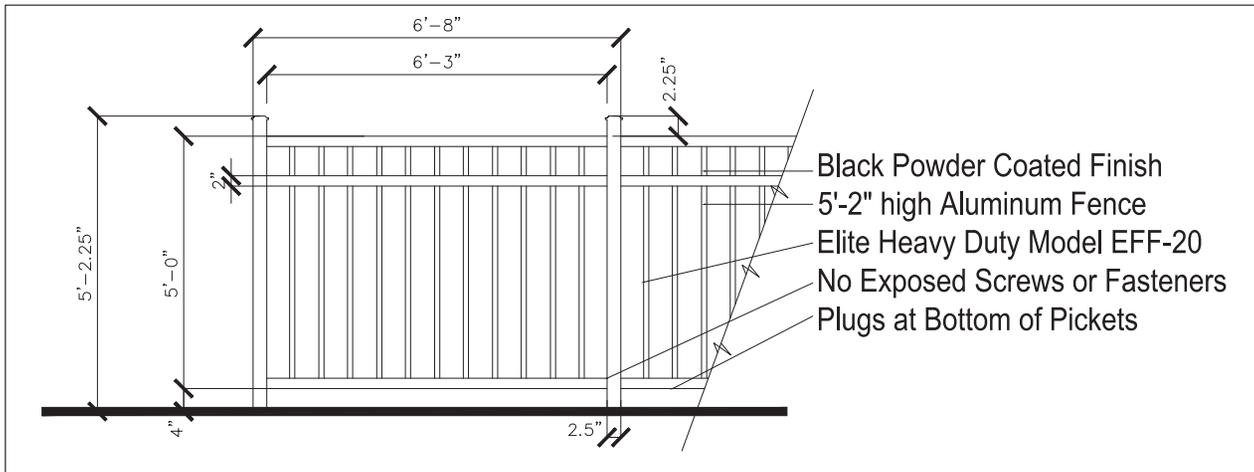
SECTION 34  
 TOWN 40 NORTH, RANGE 8 EAST  
 ST. CHARLES  
 KANE COUNTY, ILLINOIS

CLIENT: DAVID WEEKLEY HOMES  
 CITYVIEW SUBDIVISION

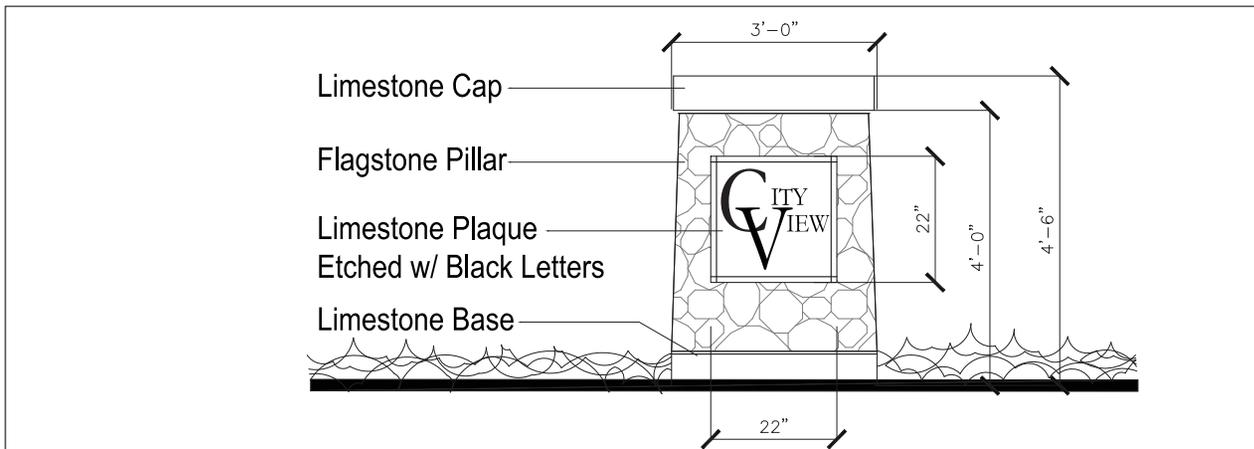
DATE: 06/09/2016  
 08/01/2016

REVISIONS  
 SCALE  
 DR. GL. CH. RS.  
 BOOK  
 JOB 15002336  
 SHEET NO. L-2

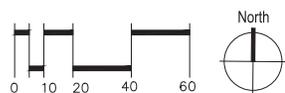




**Fence Detail**



**Identification Pillar**



**David Weekley Homes**  
The drawings presented are illustrations of character and design intent only, and are subject to change based upon final design construction (i.e. applicable codes, structural, and MEP design requirements, unit plan/floor plan changes, etc.)

**L-4**  
**Landscape Plan**  
**City View**  
 St Charles, Illinois



Revised: August 1, 2016  
 June 8, 2016  
 © 2016 BSB Design, Inc.

Know what's below.  
**Call before you dig.**  
THE LOCATION OF EXISTING UTILITIES IS NOT GUARANTEED. CALL 811 BEFORE YOU DIG. ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE EXACT LOCATION OF ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND CONSENTS TO BE OBTAINED FROM ALL UTILITIES AND ALL DAMAGES MUST BE REPAIRED BY THE CONTRACTOR. IN THE EVENT OF ANY DAMAGE TO UTILITIES, STRUCTURES, OR ANY OTHER PERSONS, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR AND COSTS THEREOF.

**ATWELL**  
1246 EAST ROCK ROAD, SUITE 100  
 OGDON, ILLINOIS 62450

SECTION 34 TOWN 40 NORTH, RANGE 8 EAST ST. CHARLES KANE COUNTY, ILLINOIS	CLIENT DAVID WEEKLEY HOMES CITYVIEW SUBDIVISION
DATE 06/09/2016 08/01/2016	
REVISIONS SCALE DR. GL CK RS P.M. --- BOOK JOB 15002336 SHEET NO. L-3	



TREE No.	DBA Inches	TYPE (COMMON NAME)	SCIENTIFIC NAME	H Ft	IF Ft	COMMENTS	ACTION
2846	21	Green Ash	Fraxinus pennsylvanica	6	6	EAB	Remove
2847	12	Green Ash	Fraxinus pennsylvanica	6	6	EAB	Remove
2848	32	Red Maple	Acer rubrum	4	3	Codeiment	Remove
2849	22	Silver Maple	Acer saccharinum	1	3		Remove
2850	24	Thornless Honeylocust	Gleditsia inaequalis 'Inermis'	3	4	Codeiment	Remove
2851	30	Black Walnut	Juglans nigra	3	4		Remove
2852	9	Black Walnut	Juglans nigra	3	3	Codeiment	Remove
2853	24	Black Walnut	Juglans nigra	3	3		Remove
2854	8	Black Walnut	Juglans nigra	6	6		Remove
2855	39	Black Walnut	Juglans nigra	4	4		Remove
2856	14	Black Locust	Robinia pseudoacacia	5	4		Remove
2857	24	Black Locust	Robinia pseudoacacia	5	9	lean	Remove
2858	25	Black Locust	Robinia pseudoacacia	5	5		Remove
2859	22	Black Locust	Robinia pseudoacacia	6	6		Remove
2860	9	Black Locust	Robinia pseudoacacia	6	6		Remove
2861	18	Black Locust	Robinia pseudoacacia	6	6		Remove
2862	19	Box Elder	Acer negundo	5	5	lean	Remove
2863	13	Box Elder	Acer negundo	4	5	Over head wire	Preserve
2864	20	Norway Spruce	Picea abies	4	4	no bottom branches	Preserve
2865	12	Black Locust	Robinia pseudoacacia	4	4		Remove
2866	29	Black Walnut	Juglans nigra	4	4		Remove
2867	29	Black Walnut	Juglans nigra	3	4		Remove
2868	16	Red Maple	Acer rubrum	4	4	Over head wire (hopper)	Preserve
2869	27	Thornless Honeylocust	Gleditsia inaequalis 'Inermis'	4	4		Remove
2870	22	Red Maple	Acer rubrum	4	4	Over head wire	Remove
2871	15	Norway Maple	Acer platanoides	4	4	Over head wire	Remove
2872	8	Green Ash	Fraxinus pennsylvanica	4	4	Over head wire	Remove
2873	6	Siberian Elm	Ulmus pumila	4	4	Over head wire	Remove
2874	11	Black Walnut	Juglans nigra	3	4		Remove
2875	14	Black Walnut	Juglans nigra	3	4	Codeiment	Remove
2876	7	Siberian Elm	Ulmus pumila	3	3		Remove
2877	14	Siberian Elm	Ulmus pumila	5	5	half dead	Remove
2878	9	Siberian Elm	Ulmus pumila	4	5	no bottom branches	Remove
2879	10	Siberian Elm	Ulmus pumila	4	4		Remove
2880	23	Burr Oak	Quercus macrocarpa	3	3		Remove
2881	17	Burr Oak	Quercus macrocarpa	4	4		Preserve
2882	18	Sugar Maple	Acer saccharum	3	4	one sided	Remove
2883	17	Australian Pine	Pinus nigra	6	6		Remove
2884	22	Thornless Honeylocust	Gleditsia inaequalis 'Inermis'	4	4	one sided	Remove

Classifications: 1= Excellent, 2= Good, 3= Fair, 4= Poor, 5= Very Poor, 6= Dead  
Inventory conducted 5/4/16 by Krogstad Land Design Limited (Karl Krogstad, Certified Arborist IL5454)

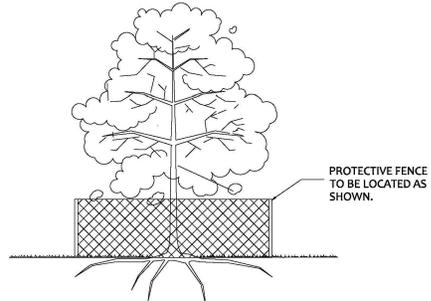
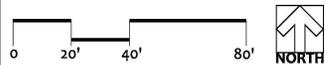
**TREE PRESERVATION NOTES:**

- ALL GRADING AND CONSTRUCTION EQUIPMENT SHALL BE RESTRICTED WITHIN THE PROTECTION FENCE OF A TREE. NO EXCESS SOIL, ADDITIONAL FILL, LIQUIDS OR CONSTRUCTION DEBRIS SHALL BE PLACED WITHIN THE ROOT ZONE OF ANY TREE THAT IS REQUIRED TO BE PRESERVED.
- CRUSHED LIMESTONE HYDROCARBONS AND OTHER MATERIALS DETRIMENTAL TO TREES SHALL NOT BE DUMPED WITHIN THE ROOT ZONE OF ANY TREE NOR AT ANY HIGHER LOCATION WHERE DRAINAGE TOWARD THE TREE COULD CONCEIVABLY EFFECT THE HEALTH OF THE TREE.
- APPROPRIATE PROTECTIVE FENCING SHALL BE TEMPORARILY INSTALLED FOR PROTECTION OF PRESERVED TREES AS SHOWN.
- ALL REQUIRED PROTECTIVE FENCING MUST BE IN PLACE BEFORE A BUILDING PERMIT WILL BE ISSUED. THE FENCING MUST REMAIN IN PLACE DURING THE ENTIRE CONSTRUCTION PERIOD. ALL FENCING MUST BE SECURED TO METAL POSTS DRIVEN INTO THE GROUND SPACED NO FURTHER THAN 6 FEET APART.
- NO ATTACHMENTS, FENCES OR WIRES, OTHER THAN APPROVED MATERIALS FOR BRACING, GUYING OR WRAPPING SHALL BE ATTACHED TO ANY VEGETATION DURING THE CONSTRUCTION PERIOD.
- DURING CONSTRUCTION, ALL REASONABLE STEPS NECESSARY TO PREVENT THE DESTRUCTION OR DAMAGING OF TREES (OTHER THAN THOSE SPECIFIED TO BE REMOVED) SHALL BE TAKEN.
- NO SOIL IS TO BE REMOVED FROM WITHIN THE PROTECTION FENCE OF ANY TREE THAT IS TO REMAIN.

**TREE REMOVAL NOTES:**

- TREE REMOVAL SHALL BE PREPARED BY A CERTIFIED ARBORIST, LICENCED AND BONDED WITHIN THE MUNICIPALITY.
- TREE REMOVAL CONTRACTOR IS RESPONSIBLE FOR LOCATION AND PROTECTION OF UNDERGROUND UTILITIES IN AREAS WHERE STUMPS ARE TO BE GROUND AND REMOVED.
- TREE REMOVAL CONTRACTOR IS RESPONSIBLE TO PROTECT ALL OVERHEAD UTILITIES DURING REMOVAL.
- TREE REMOVAL SHALL BE CONDUCTED IN A MANNER THAT PROTECTS ALL SURROUNDING STRUCTURES AND PRESERVED TREES FROM DAMAGE. TREES SHALL BE CUT DOWN, AND STUMPS REMOVED IN SUCH A MANNER THAT WOULD DAMAGE THE ROOT SYSTEM OR SURROUNDING VEGETATION.

**SYMBOL KEY**  
 Tree to be removed  
 protective fencing (Approx. 190 i.f.)



**TREE PROTECTION DETAIL**  
N.T.S.

**REVISIONS**

DATE	DESCRIPTION
06/29/16 <td>DW/H607</td>	DW/H607
	KTK
	KTK



front ELEVATION



rear ELEVATION

**KANE COUNTY, IL**

**CityView**

David Weekley Homes

**RED "A" PLANS - LOTS 1-57**

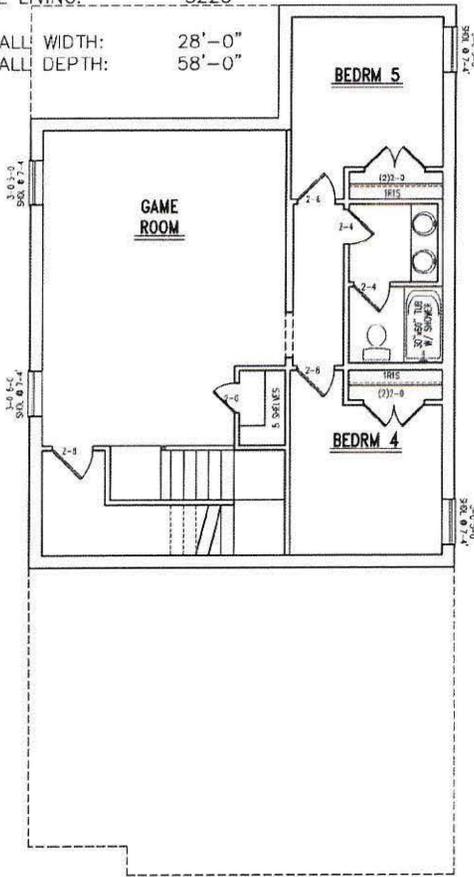
plan  
TYPE "A"  
28' x 58'

- MAX WINDOWS ON WALKOUTS TO NICE VIEW ON RIVER
- GREAT WALKING
- INCORPORATE MUD ROOMS
- NO MASTER DOWN

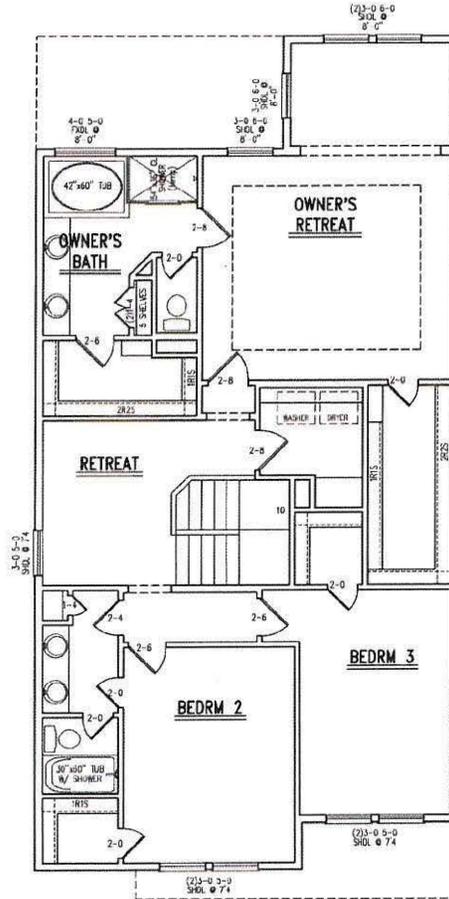
LEVEL ONE: 1026  
LEVEL TWO: 1403  
TOTAL LIVING: 2429

OPT. BASEMENT: 796  
TOTAL LIVING: 3225

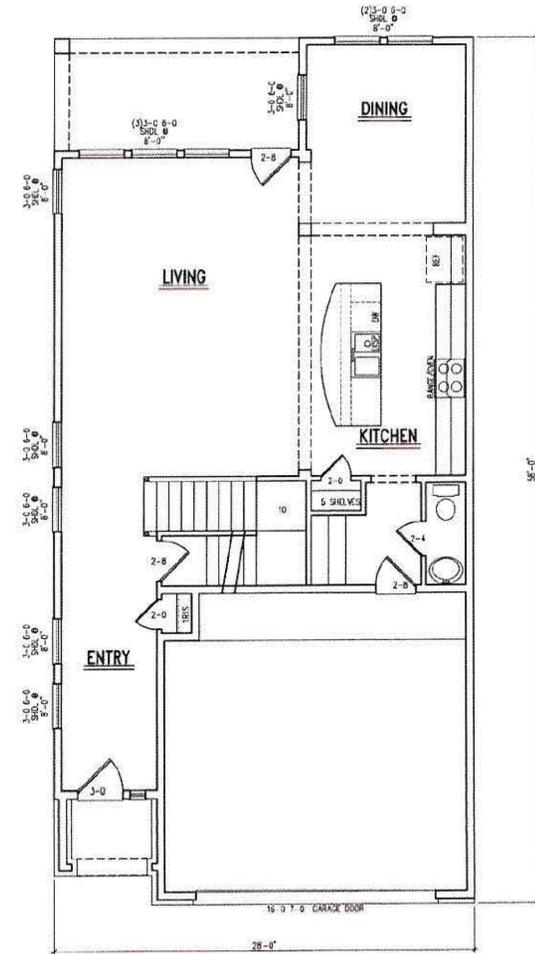
OVERALL WIDTH: 28'-0"  
OVERALL DEPTH: 58'-0"



OPT. BASEMENT



SECOND FLOOR



FIRST FLOOR

ARCHITECTURAL STYLE:  
TRADITIONAL

**GOLD "B" Plans - LOT 6**

plan  
TYPE "B-2"  
30' x 45'

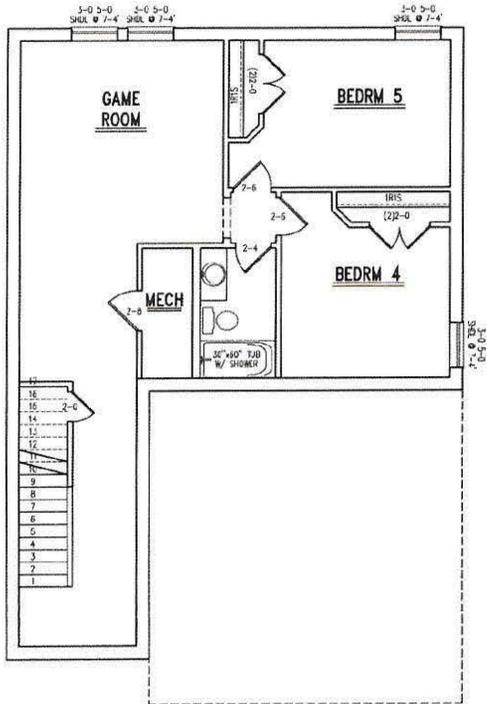
- MAX WINDOWS ON WALKOUTS TO NILE VIEW ON RIVER
- GREAT WALKING
- INCORPORATE MUD ROOMS
- NO MASTER DDKIN

LEVEL ONE: 902  
LEVEL TWO: 1301  
TOTAL LIVING: 2203

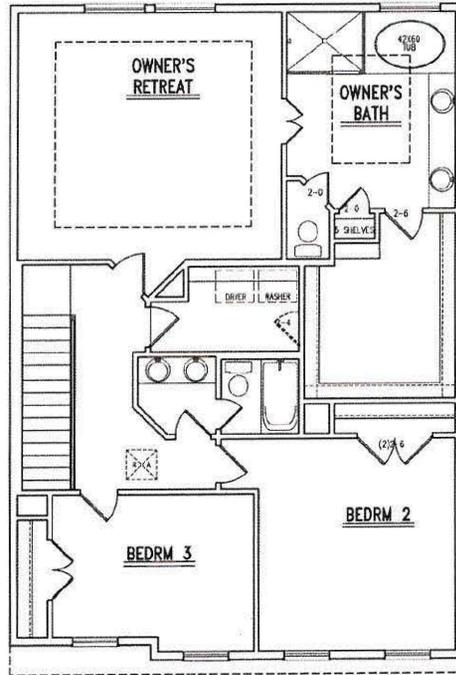
OPT. BASEMENT: 860  
TOTAL LIVING: 3063

OVERALL WIDTH: 30'-0"  
OVERALL DEPTH: 45'-0"

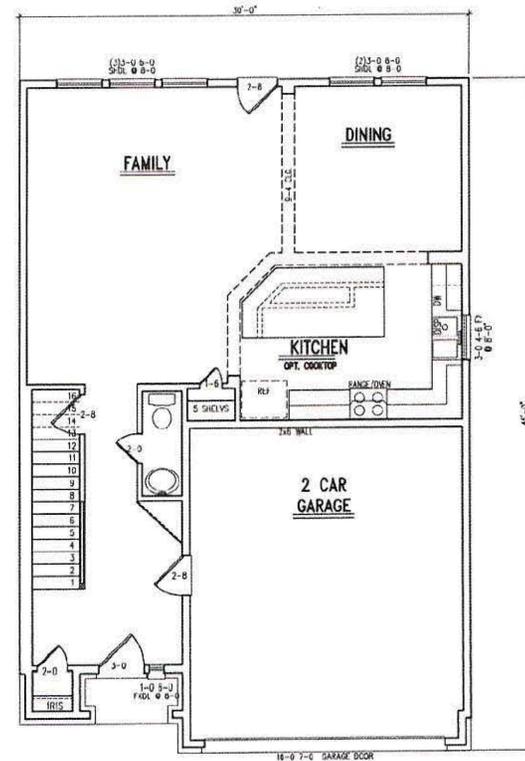
ARCHITECTURAL STYLE:  
TRADITIONAL



OPT. BASEMENT



SECOND FLOOR



FIRST FLOOR



## AGENDA ITEM EXECUTIVE SUMMARY

<b>Title:</b>	Plan Commission recommendation to approve a Special Use for Car Wash Facility for Wash-U Car Wash, Lot 3 Buona St. Charles Subdivision.
<b>Presenter:</b>	Russell Colby

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – 8/8/16		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES	NO	
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Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

The subject property is Lot 3 of the Buona St. Charles Subdivision, which is the vacant lot directly west of Buona Beef, 2425 W. Main St.

Car Wash Development LLC, applicant and contract purchaser, is proposing to develop a car wash on the property called Wash-U. The proposal includes the following:

- A 4,525 sf building for an automatic car wash with a single service bay.
- Car wash stacking spaces for 30 vehicles along the west side of the building with the service bay on the south side.
- Relocation of the Rt. 64 access point approx. 30 ft. west, per the approved Buona St. Charles Plat of Subdivision.

Special Use approval is required to permit a Car Wash in the BC Community Business zoning district.

Note that the scope of a Special Use review is limited to assessing whether the proposed land use at the site, based on the site plan and supplementary information submitted, meets the list of Findings of Fact for Special Use (as listed in the attached Plan Commission resolution).

**Plan Commission Review**

The Plan Commission held a public hearing on the Special Use on 8/2/16. The Commission voted 6-1 to recommend approval of the Special Use.

**Attachments:** *(please list)*

Plan Commission Resolution, Staff Report, Application and Plans

**Recommendation / Suggested Action** *(briefly explain):*

Plan Commission recommendation to approve a Special Use for Car Wash Facility for Wash-U Car Wash, Lot 3 Buona St. Charles Subdivision.

<i>For office use only:</i>	<i>Agenda Item Number: 3g</i>
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**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 11-2016**

**A Resolution Recommending Approval of Applications for Special Use for  
Wash-U Car Wash, Lot 3 Buona St. Charles Subdivision (Car Wash  
Development, LLC)**

**Passed by Plan Commission August 2, 2016**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Special Use; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the Application for Special Use for Wash-U Car Wash, Lot 3 Buona St. Charles Subdivision (Car Wash Development, LLC) and;

WHEREAS, the Plan Commission adopts the following Findings of Fact for Special Use in accordance Section 17.04.330.C of the Zoning Ordinance:

FINDINGS OF FACT FOR SPECIAL USE

**A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

The development of a highly efficient and environmentally sensitive car wash facility which serves the western side of the market and employs local labor will benefit the community. The facility is constructed of first class materials and incorporates some of the most advanced technology in the industry.

**B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

The site will be fully served by all utilities present at the site and in ROW on the south side of Main St. Utilities have been established at site by developer in 2015 when developing adjacent parcel-Buona Beef.

**C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

They physical property characteristics will allow for onsite queuing of vehicles that is well in excess of code requirements and will fully serve traffic flow. Exterior noise is minimized by use of the quietest vacuum system in the industry. The facility is a “manned” facility with employees on site during all business hours, contemplated as 7am to 8pm, 7 days a week.

**Resolution 11-2016**

**D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The site was created as a business development parcel; the use/development of a carwash will complete the redevelopment of a previously used commercial site.

**E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The property and operation are in a business commercial district and generally follow hours of operation of surrounding businesses. The facility will self-contain customers a queuing without creating “backups” into roadways and without creating excessive noise or odor.

**F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The Special Use will fully conform with all zoning regulations in the BC zoning district, as well as all applicable federal, state and local legislation.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use for Wash-U Car Wash, Lot 3 Buona St. Charles Subdivision (Car Wash Development LLC) subject to resolution of all staff comments prior to City Council action.

Roll Call Vote:

Ayes: Kessler, Pretz, Spruth, Holderfield, Schuetz, Wallace

Nays: Purdy

Absent: Doyle, Frio

Motion carried: 6 - 1

PASSED, this 2nd day of August 2016.

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Chairman  
St. Charles Plan Commission

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Todd Bancroft  
 And the Members of the Planning & Development Committee

**FROM:** Ellen Johnson, Planner

**RE:** Special Use for a Car Wash – Lot 3 Buona St. Charles Subdivision

**DATE:** August 5, 2016

**I. APPLICATION INFORMATION:**

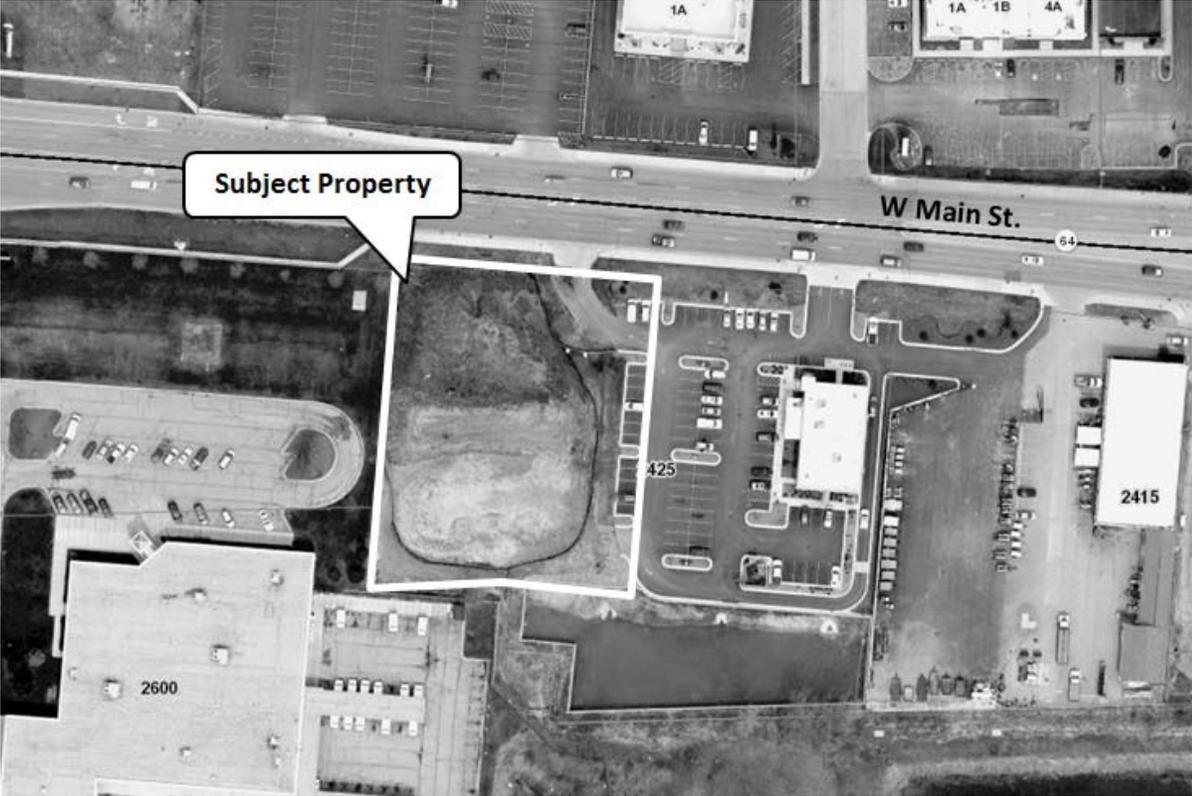
**Project Name:** Wash-U Car Wash

**Applicant:** Car Wash Development LLC

**Purpose:** Review Special Use application to allow development of a Car Wash on the vacant lot directly west of Buona Beef, 2425 W. Main St.

<b>General Information:</b>		
<b>Site Information</b>		
Location	Vacant lot west of Buona Beef	
Acres	1.08 acres	
Applications	<b>Special Use for a Car Wash</b>	
Applicable Ordinances and Zoning Code Sections	17.14 Business and Mixed Use Districts 17.24 Off Street Parking, Loading & Access	
<b>Existing Conditions</b>		
Land Use	Vacant	
Zoning	BC- Community Business & Special Use for a Restaurant Drive-Thru	
<b>Zoning Summary</b>		
North	BC Community Business	St. Charles Bowl, Multi-tenant retail
East	BC- Community Business/Special Use	BuonaBeef with Drive-Thru
South	BC- Community Business	US Post Office, detention pond
West	BC- Community Business/PUD	US Post Office
<b>Comprehensive Plan Designation</b>		
Corridor/Regional Commercial		

**Aerial**



**Zoning**



## II. BACKGROUND

### A. PROPERTY HISTORY

The subject property is the vacant lot directly west of Buona Beef at 2425 W. Main St. The property was formerly part of the Deck Yard business. In 2014 under Ordinance No. 2014-Z-15, the City approved the Buona St. Charles Subdivision which resubdivided the Deck Yard property into three lots: Lot 1 for the Rental Max property, Lot 2 for Buona Beef, and Lot 3 for a future commercial use.

Also approved under Ordinance No. 2014-Z-15 was a Special Use for a drive-through restaurant for the Buona Beef on Lot 2 and a drive-through facility for an unidentified restaurant user on Lot 3. The site plan associated with the Special Use approval showed a two-unit, 7,000 sf building on Lot 3 with the restaurant drive-through along the east side of the building.

Development of the Buona Beef lot (Lot 2) was completed in 2015. Lot 3 remains undeveloped.

### B. PROPOSAL

Car Wash Development LLC, applicant, is under contract to purchase Lot 3. They are proposing to develop a car wash on the property called Wash-U. The proposal includes the following:

- A 4,525 sf building for an automatic car wash with a single service bay.
- Car wash stacking spaces for 30 vehicles along the west side of the building with the service bay on the south side.
- 12 vacuum stations.
- Relocation of the Rt. 64 access point approx. 30 ft. west, per the approved Buona St. Charles Plat of Subdivision.
- Removal of 12 existing parking spaces along the east property line.

## II. ANALYSIS

Staff has performed an analysis of the Special Use for Car Wash application materials and site plan for conformance with all relevant zoning requirements:

### A. LAND USE

The property is zoned BC Community Business District. A Car Wash is a Special Use in the BC district, meaning that the use may be acceptable if established in an appropriate manner and location with the zoning district.

### B. CAR WASH STANDARDS

The table below compares the proposal with the requirements of **Section 17.24.100 Drive-Through Facilities**. The proposal conforms to all requirements.

	Zoning Ordinance Standard	Proposed
Stacking Spaces (Automatic Car Wash)	10 per bay	30 (13 if in a single line)
Stacking Space Size	9' x 20'	9' x 20'

<b>Screening</b>	Concealed from view from public streets to greatest extent possible	Concealed due to location at the interior side (west) and rear of the building
<b>Obstruction of Required Spaces</b>	Cannot obstruct access to required parking spaces	Will not obstruct access to required parking spaces
<b>Ingress/Egress Obstruction</b>	Location of stacking spaces cannot obstruct ingress/egress to the site or interfere with vehicle circulation	Ingress/egress will not be obstructed and stacking will not interfere with vehicle circulation

C. ZONING STANDARDS

The table below compares the proposed site plan with the bulk requirements of the BC Community Business district per **Table 17.14-2 Business and Mixed Use Districts Bulk Regulations**. The proposal meets all applicable requirements.

	<b>BC District</b>	<b>Proposed</b>
<b>Min. Lot Area</b>	1 acre	1.080 acre
<b>Building Setbacks:</b>		
<i>Front</i>	20 ft.	68 ft.
<i>Side</i>	10 ft.	90 ft. (west); 64'6" (east)
<i>Rear</i>	30 ft.	40'9"
<b>Parking/Paving Setbacks:</b>		
<i>Front</i>	20 ft.	20 ft.
<i>Interior Side</i>	0 ft.	10'8" (west); 11'3" (east)
<i>Rear</i>	0 ft.	3 ft.
<b>Max. Building Gross Floor Area</b>	75,000 sf	4,525 sf
<b>Max. Building Coverage</b>	40%	9.6%
<b>Max. Building Height</b>	40 ft.	30 ft.
<b>Parking Stall Size</b>	9 x 18 ft. (9 x 16 with 2 ft. overhang where stalls abut green space)	9 x 16 ft. with 2 ft. overhang
<b>Drive-Aisle Width</b>	24 ft.	24 ft.
<b>Parking/Stacking Requirement</b>	2 parking spaces 10 stacking spaces	13 parking spaces* 30 stacking spaces (13 if in a single line)

\*There are 12 existing parking spaces along the east property line that were constructed when the Buona Beef lot was developed. These spaces were shown as part of the site plan approved for the Drive-Through Facility on the subject property and were required to meet the parking requirement for the restaurant/retail uses anticipated for the site. However, these 12 spaces are not needed for the Car Wash due to a much lower parking requirement for this use. The Buona Beef lot has a sufficient number of parking spaces to meet the requirement for that property.

D. LANDSCAPING

The site plan indicates that all landscaping requirements of **Ch. 17.26 Landscaping and Screening** will be met, including overall percentage of the site devoted to landscaping, building foundation

landscaping, street frontage landscaping, and parking lot screening. A landscape plan specifying the types and sizes of plantings will be reviewed at the time of building permit.

E. BUILDING ELEVATIONS

Building elevations will be reviewed at the time of building permit. The building will be subject to the design standards included in **Ch. 17.06 Design Review Standards and Guidelines**.

**IV. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing on the Special Use on 8/2/16. The Commission voted 6-1 to recommend approval of the Special Use.

Staff has found the application materials to be complete. Upon resolution of outstanding staff comments, the proposal has the ability to meet City Code requirements.

**V. ATTACHMENTS**

- Application for Special Use; received 6/22/16
- Final Plat of Subdivision Buona St. Charles

# CITY OF ST. CHARLES

TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

## SPECIAL USE APPLICATION

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

<b>For City Use</b>	
Project Name:	<u>Wash-U special use</u>
Project Number:	<u>2016 -PR- 006</u>
Application Number:	<u>2016 -AP- 019</u>



To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Property Information:</b>	Location:	<u>Lot 3 2425 W. Main St.</u>	
	Parcel Number (s):	<u>09-29-481-001</u>	
	Proposed Name:	<u>Wash-U</u>	
<b>2. Applicant Information:</b>	Name	<u>Car Wash Development LLC</u>	Phone <u>630.333.7298</u>
	Address	<u>635 Butterfield Rd Suite 145 Oak Brook Terrace, IL 60181</u>	Fax
			Email <u>Craig@CarWashPartners.com</u>
<b>3. Record Owner Information:</b>	Name	<u>St. Charles Main Street Partners Lot 3, LLC</u>	Phone <u>708.366.0550</u>
	Address	<u>418 Clinton Place River Forest, IL 60305</u>	Fax <u>708.366.8815</u>
	Attn: Tim Hague		Email <u>thague@keystonventuresllc.com</u>

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** \_\_\_\_\_
  - New PUD
  - Amendment to existing PUD- Ordinance #: \_\_\_\_\_
  - PUD Preliminary Plan filed concurrently
  
- Other Special Use (from list in the Zoning Ordinance):** \_\_\_\_\_
  - Newly established Special Use Car Wash Facility
  - Amendment to an existing Special Use Ordinance #: \_\_\_\_\_

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Corridor / Regional / commercial

Is the property a designated Landmark or in a Historic District? NO

What is the property's current zoning? BC

What is the property currently used for? vacant

If the proposed Special Use is approved, what improvements or construction are planned?

Express Car Wash Facility (attended with Employees during operating hours) and Customer self-serve vacuum stations

**For Special Use Amendments only:** N/A

Why is the proposed change necessary?

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What are the proposed amendments? (Attach proposed language if necessary)

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**Note for existing buildings:**

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

**Attachment Checklist:**

*If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:**

Application fee in accordance with Appendix B of the Zoning Ordinance. (Special Use for PUD \$1,000; all other Special Use requests \$750)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**FINDINGS OF FACT:**

Fill out the attached forms or submit responses on a separate sheet (*Submit "Criteria for PUD" for any PUD application; "Findings for Special Use" for all other Special Use applications.*)

**LIST OF PROPERTY OWNERS WITHIN 250 FT.:**

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:** *N/A - Previously Completed*

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

❑ **ENDANGERED SPECIES REPORT:** *N/A - Previously completed*

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

❑ **TRAFFIC STUDY:** If requested by the Director of Community Development.

*Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.*

☑ **PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies, Three (3) 11" by 17", and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

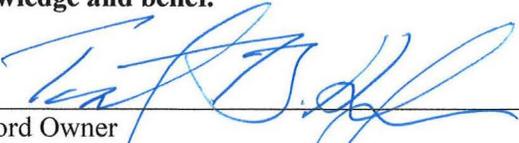
❑ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line

- 21. Provision of handicapped parking spaces
- 22. Dimensions of handicapped parking spaces
- 23. Depressed ramps available to handicapped parking spaces
- 24. Location, dimensions and elevations of freestanding signs
- 25. Location and elevations of trash enclosures
- 26. Provision for required screening, if applicable
- 27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

  
Record Owner \_\_\_\_\_ Date 22 JUN 2016

  
Applicant or Authorized Agent \_\_\_\_\_ Date 6-22-16

**EXHIBIT A**  
**LEGAL DESCRIPTION OF LAND**

LOT 3 OF BUONA ST. CHARLES, BEING A SUBDIVISION OF THAT PART OF THE SOUTHEAST ¼ OF SECTION 29 AND A PART OF THE NORTHEAST ¼ OF SECTION 32, ALL IN TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS.

Address:

Property Index Number: **09-29-481-001**

June 22, 2016

City of St. Charles  
Two East Main Street  
St. Charles, Illinois 60174-1984

Re: Lot 3 - 2425 W. Main Street, St. Charles, Illinois

Dear City Representatives,

I warrant and represent that, as the owner of the referenced property, we have entered into a Real Estate Purchase and Sale Agreement with Car Wash Development LLC for the sale of Lot 3 – 2425 W Main St, St. Charles, IL, and we acknowledge and consent to Car Wash Development LLC, its agents or a related entity, filing a Special Use Application for the proposed car wash development.

St. Charles Main Street Partners LLC



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Timothy B. Hague  
Manager

## FINDINGS OF FACT – SPECIAL USE

*\*Use this form for all Special Uses, except for PUDs or PUD Amendments\**

*The St. Charles Zoning Ordinance requires the Plan Commission to consider the factors listed below in making a recommendation to the City Council.*



*As the applicant, the “burden of proof” is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to “make your case” by explaining specifically how your project meets each of the following standards.*

Car Wash Lot 3 2425 W. Main St.  
Project Name or Address

6-22-16  
Date

### **From the Charles Zoning Ordinance, Section 17.04.430.C.2:**

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

#### **A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

The development of a highly efficient and environmentally sensitive car wash facility which serves the western side of the market and employs local labor will benefit the community. The facility is constructed of first class materials and incorporates some of the most advanced technology in the industry.

#### **B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

The site will be fully served by all utilities present at the site and in ROW on the south side of Main St. Utilities have been established at site by Developer in 2015 when developing adjacent parcel - Buona Beech.

#### **C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

The physical property characteristics will allow for onsite queuing of vehicles that is well in excess of code requirements, and will fully serve traffic flow. Exterior noise is minimized by use of the quietest vacuum system in the industry. The facility is a "manned" facility with employees on site during all business hours, contemplated as 7 AM to 8 PM 7 days week.

- D. **Effect on Development of Surrounding Property:** That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The site was created as a business development parcel the use/development of a carwash will complete the redevelopment of a previously used commercial site.

- E. **Effect on General Welfare:** That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The property & operation are in a business commercial district and generally follow hours of operation of surrounding businesses. The facility will self contain customers & queuing without creating "back ups" into roadways and without creating excessive noise or odor.

- F. **Conformance with Codes:** That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

The special use will fully conform with all zoning regulations in the BC Zoning District, as well as all applicable Federal, State and local legislation.



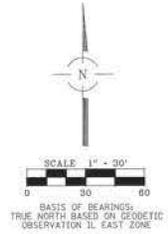
# FINAL PLAT OF SUBDIVISION BUONA ST. CHARLES

BEING A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 29 AND PART OF THE NORTHEAST 1/4 OF SECTION 32,  
ALL IN TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS

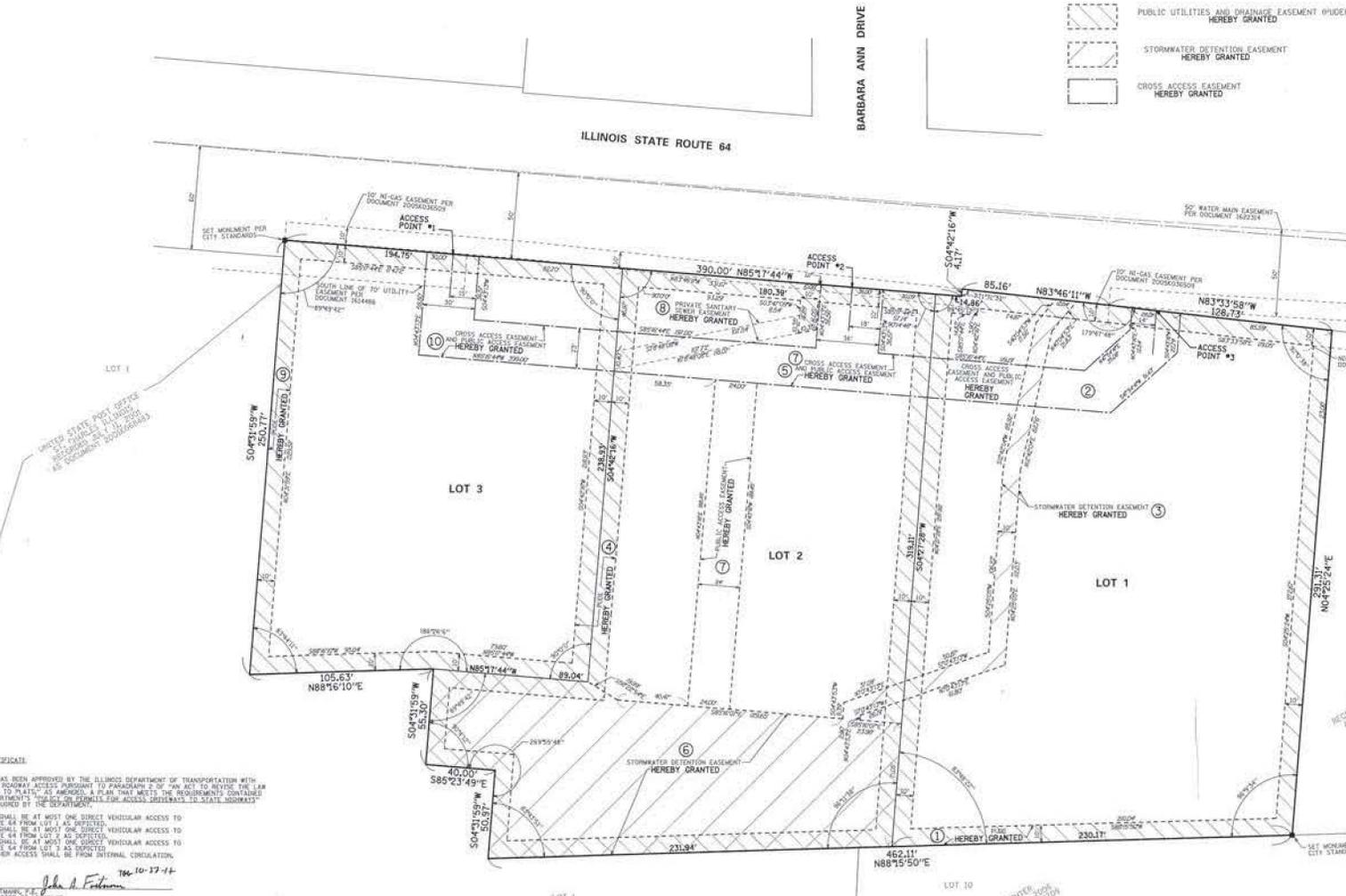
## PROPOSED LOT LAYOUT

(SEE SHEET 1 FOR EXISTING BOUNDARY INFORMATION)

2015K016627  
SANDY WIGMAN  
RECORDER - KANE COUNTY, IL  
RECORDED 4/23/15 10:38 AM  
PAGE 3 OF 3



- PUBLIC UTILITIES AND DRAINAGE EASEMENT (PUED)  
HEREBY GRANTED
- STORMWATER DETENTION EASEMENT  
HEREBY GRANTED
- CROSS ACCESS EASEMENT  
HEREBY GRANTED



AREA TABLE				
	SQ. FT.	ACRES	SQ. FT.	ACRES
LOT 1	70,293	1.614		
(1) PUED			33,334	0.760
(7) CROSS ACCESS/ PUBLIC ACCESS			3,943	0.091
(8) STORMWATER DETENTION			2,695	0.062
LOT 2	56,914	1.291		
(4) PUED			11,800	0.272
(6) CROSS ACCESS			5,470	0.126
(6) STORMWATER DETENTION			22,507	0.517
(7) PUBLIC ACCESS			9,591	0.222
(8) PRIVATE SEWER			1,026	0.023
LOT 3	47,068	1.080		
(9) PUED			8,385	0.191
(8) CROSS ACCESS/ PUBLIC ACCESS			3,688	0.085
SUBDIVISION TOTAL	184,275	4.230		

**NOTE: CORRECTIONS**  
THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO PARAGRAPH 2 OF PAR 12-1 TO REVOKE THE REGULATION TO PLATS, AS AMENDED, A PLAN THAT MEETS THE REQUIREMENTS CONTAINED IN THE DEPARTMENT'S "STANDARD SPECIFICATIONS FOR ACCESS, EGRESS AND STATE HIGHWAY" WILL BE REQUIRED BY THE DEPARTMENT.

1. THERE SHALL BE AT MOST ONE DIRECT VEHICULAR ACCESS TO IL ROUTE 64 FROM LOT 1 AS SHOWN.
  2. THERE SHALL BE AT MOST ONE DIRECT VEHICULAR ACCESS TO IL ROUTE 64 FROM LOT 2 AS SHOWN.
  3. THERE SHALL BE AT MOST ONE DIRECT VEHICULAR ACCESS TO IL ROUTE 64 FROM LOT 3 AS SHOWN.
  4. ALL OTHER ACCESS SHALL BE FROM INTERNAL CIRCULATION.
- 76-10-17-14  
John A. Fiedler  
JOHN A. FIEDLER, P.E.  
SENIOR DIRECTOR OF HIGHWAYS  
REGION ONE ENGINEER

NOTE: THERE SHALL BE AT MOST ONE DIRECT ACCESS POINT TO IL ROUTE 64 FROM EACH LOT

<b>REVISIONS:</b> 05/12/2014 07/08/2014 07/18/2014 09/18/2014 10/07/2014 10/21/2014		<b>CONSULTING ENGINEERS</b> <b>SITE DEVELOPMENT ENGINEERS</b> <b>LAND SURVEYORS</b> 5975 W. Higgins Road, Suite 700, Rosemont, Illinois 60018 Phone: (630) 694-6266 Fax: (630) 694-6261	DATE: 05/08/2014 JOB NO: 8106 FILENAME: 8106208-01 SHEET 3 OF 3
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PREPARED FOR:  
KEystone VENTURES LLC  
418 CLINTON PLACE  
RIVER FOREST, IL 60305

400



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Plan Commission recommendation to approve a Map Amendment and Preliminary Plat of Subdivision for Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing Subdivision
Presenter:	Ellen Johnson

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – 8/8/16		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

The subject property is Lot 7 of the Pheasant Run Crossing subdivision, located north of E. Main St. at Pheasant Run Drive. The property is a vacant, 10.96 acre parcel directly west of Hilton Garden Inn.

Perry Devlin of Silverado Senior Living is proposing to subdivide Lot 7 of Pheasant Run Crossing into two lots, and to rezone Lot 7A to allow for development of a Silverado Senior Living facility. Details of the proposal are as follows:

- Subdivide Lot 7 into two lots:
  - Lot 7A (4.01 acres) for Silverado, directly west of Hilton Garden Inn with frontage along the private shared access drive.
  - Lot 7B (6.95 acres) behind Lot 7A, which includes the stormwater detention area for the subdivision.
  - A narrow portion of Lot 7B will extend south to provide a dedicated access drive. The drive will cross the southern portion of Lot 7A to reach the shared Pheasant Run Drive private access road.
- Rezone the proposed Lot 7A from BR Regional Business to O-R Office/Research District to permit the Assisted Living Facility use.
  - Develop Lot 7A with a single-story, 44,000 sf Silverado Senior Living facility with a central courtyard.
  - The facility will provide memory care for 90 residents in 50 private and semi-private rooms with common living and dining areas.

The Land Use Plan designation for the property is Corridor/Regional Commercial.

**Plan Commission Review**

The Plan Commission held a public hearing on the Map Amendment and reviewed the Preliminary Plat of Subdivision on 7/19/16. The Commission voted 8-0 to recommend approval of both applications, subject to the site plan being revised to provide a more direct and attractive cross access to Lot 7B. In response to the Plan Commission comment, the applicant has revised the lot lines and site layout to provide a more direct access to Lot 7B.

**Attachments:** *(please list)*

Plan Commission Resolution, Staff Report, Application for Map Amendment, Application for Preliminary Plat of Subdivision

**Recommendation / Suggested Action** *(briefly explain):*

Plan Commission recommendation to approve a Map Amendment and Preliminary Plat of Subdivision for Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing Subdivision.

*For office use only:*

*Agenda Item Number:* 3h

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 9-2016**

**A Resolution Recommending Approval of a Map Amendment and Preliminary Plat of Subdivision for Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing Subdivision (Perry Devlin, Silverado)**

**Passed by Plan Commission on July 19, 2016**

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Map Amendments and Preliminary Plats of Subdivision; and,

WHEREAS, the Plan Commission has held a public hearing and has reviewed the petitions for Map Amendment and Preliminary Plat of Subdivision for Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing Subdivision (Perry Devlin, Silverado); and,

WHEREAS, in accordance with Section 17.04.320.D, the Plan Commission has considered the following findings for Map Amendment:

**FINDINGS OF FACT FOR MAP AMENDMENT**

**1. The existing uses and zoning of nearby property.**

The community is presently zoned for BR-Regional Business. The Hilton Garden Inn to the east is zoned BR. The VW automobile dealership to the west is zoned BR. The Pheasant Run Resort is to the south across Main Street. The property to the north is Medium Density Multi-Family residential.

**2. The extent to which property values are diminished by the existing zoning restrictions.**

The current zoning, BR-Regional Business, has inhibited the property owner from selling or developing property, and, as a consequence, the subject property is undeveloped. Lack of available frontage and visibility has negatively impacted the property for most retail and business uses. The proposed revision will enable the development of an Assisted Living/Memory Care community that will support the burgeoning need for the high quality care for the memory impaired in and around St. Charles.

**3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.**

The proposed zoning will allow the property to benefit from the entry of a leader in memory care for residents living with the debilitating effects of Alzheimers and Dementia. In that context, the proposed zoning will greatly enhance the health, safety, morals, and general welfare of the public. It is difficult to assess the extent to which a reduction in the property's value under existing zoning restrictions accomplishes the same for the public.

- 4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.**

The property is presently zoned as BR-Regional Business, and could be used for the purposes currently permitted.

The subject site lacks frontage visibility from Main Street, and the lot configuration and existing access easements compromise the viability of the property for retail use.

- 5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.**

The property has never been developed.

- 6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.**

Since 2008, the subdivision has struggled to attract new development, and has been adversely affected by the exit of major businesses from the market, as well as challenges with existing retail centers such as the Charlestown Mall. The recovery in the area remains somewhat weak, and continues to hinder the property's sale and development. Poor frontage visibility from Main Street makes the property less desirable for retail use.

- 7. The consistency of the proposed amendment with the City's Comprehensive Plan.**

We believe the proposed amendment is consistent with the City's Comprehensive Plan, to the extent that the health, safety, and general welfare of the residents of the City of St. Charles will be elevated by the proposed amendment.

- 8. Whether the proposed amendment corrects an error or omission in the Zoning Map.**

N/A

- 9. The extent to which the proposed amendment creates nonconformities.**

The intended use of the property as a memory care community conforms to all the bulk regulations established in the OR District.

- 10. The trend of development, if any, in the general area of the property in question.**

The general trend of the market for developable property in the vicinity of the subject property has been relatively soft for several years.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to the City Council approval of a Map Amendment from BR Regional Business District to O-R Office/Research District, and Preliminary Plat of Subdivision for Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing Subdivision (Perry Devlin, Silverado) subject to resolution of all staff comments prior to City Council action, and subject to the following condition:

1. That cross access to proposed Lot 2 through proposed Lot 1 be designed in a way to provide an attractive and appealing point of access to prospective tenants of lot 2 in a manner similar to the drawings presented by the applicant at the Plan Commission meeting on July 19, 2016.

Roll Call Vote:

Ayes: Holderfield, Schuetz, Macklin-Purdy, Kessler, Frio, Pretz, Doyle, Spruth

Nays:

Absent: Wallace

Motion Carried: 8-0

PASSED, this 19th day of July 2016.

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Chairman  
St. Charles Plan Commission

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



ST. CHARLES  
 SINCE 1834

**Staff Report**

**TO:** Chairman Todd Bancroft  
 And the Members of the Planning and Development Committee

**FROM:** Ellen Johnson, Planner

**RE:** Silverado Senior Living, Part of Lot 7 Pheasant Run Crossing

**DATE:** August 2, 2016

**I. APPLICATION INFORMATION:**

**Project Name:** Silverado – Pheasant Run Crossing

**Applicant:** Perry Devlin, Silverado

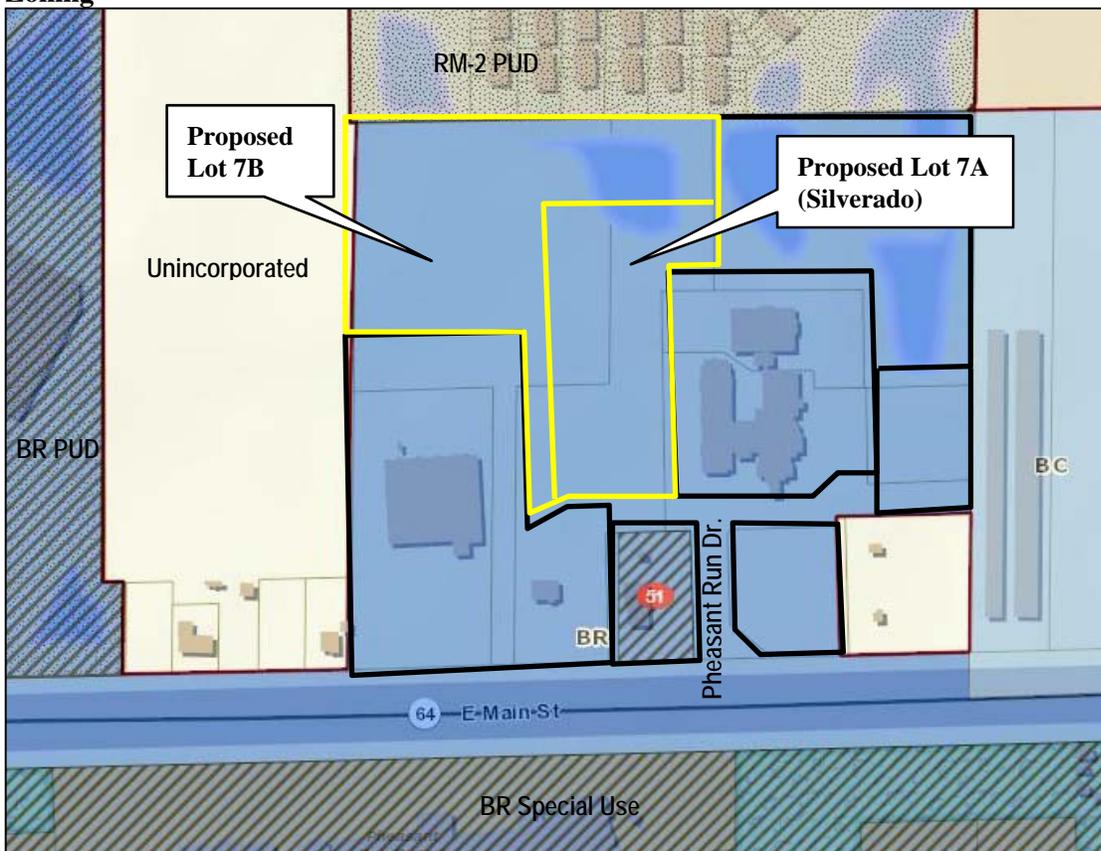
**Purpose:** Subdivide Lot 7 of the Pheasant Run Crossing Subdivision and rezone the property to allow development of an Assisted Living Facility

<b>General Information:</b>		
<b>Site Information</b>		
Location	Part of Lot 7 Pheasant Run Crossing, east of Volkswagen Dealership and west of Hilton Garden Inn	
Acres	4.01 acres	
Applications:	Map Amendment Preliminary Plat of Subdivision	
Applicable City Code Sections	Title 17, Chapter 17.16 Office/Research, Manufacturing and Public Lands Districts Title 16 Subdivisions and Land Improvement	
<b>Existing Conditions</b>		
Land Use	Vacant	
Zoning	BR Regional Business District	
<b>Zoning Summary</b>		
North	BR Regional Business District	Vacant
East	BR Regional Business District	Hilton Garden Inn
South	BR Regional Business District	Vacant, Culver's
West	BR Regional Business District	Volkswagen Dealership
<b>Comprehensive Plan Designation</b>		
Corridor/Regional Commercial		

### Aerial



### Zoning



## II. BACKGROUND

The subject property is part of a group of commercial properties located north of E. Main St. at Pheasant Run Drive. These properties were originally annexed into the City in the 1960s as part of the Pheasant Run Resort.

In July 2015 the City approved a Final Plat of Subdivision for Pheasant Run Crossing, which consolidated and resubdivided the properties into a single subdivision with shared access. New lots were created for the existing buildings including Culver's, the former DuPage Expo Center, and Hilton Garden Inn. New building lots for future development were also created. Lot 7, a 10.96 acre parcel, was created directly west of Hilton Garden Inn.

### B. PROPOSAL

Perry Devlin of Silverado Senior Living is proposing to subdivide Lot 7 of Pheasant Run Crossing into two lots, and to rezone Lot 7A to allow for development of a Silverado Senior Living facility. Details of the proposal are as follows:

- Subdivide Lot 7 into two lots:
  - Lot 7A (4.01 acres) for Silverado, directly west of Hilton Garden Inn with frontage along the private shared access drive.
  - Lot 7B (6.95 acres) behind Lot 7A, which includes the stormwater detention area for the subdivision.
  - A narrow portion of Lot 7B will extend south to provide a dedicated access drive. The drive will cross the southern portion of Lot 7A to reach the shared Pheasant Run Drive private access road.
- Rezone the proposed Lot 7A from BR Regional Business to O-R Office/Research District to permit the Assisted Living Facility use.
  - Develop Lot 7A with a single-story, 44,000 sf Silverado Senior Living facility with a central courtyard.
  - The facility will provide memory care for 90 residents in 50 private and semi-private rooms with common living and dining areas.

The following Zoning Applications have been submitted in support of this project:

1. **Map Amendment** to rezone the property from BR Regional Business to O-R Office/Research District.
2. **Preliminary Plat of Subdivision** for approval of the division of property and preliminary engineering plans.

## III. ANALYSIS

### A. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as "Corridor/Regional Commercial". The Plan states (p 39):

*“Areas designated as corridor/regional commercial are intended to accommodate larger shopping centers and developments that serve a more regional function, drawing on a customer base that extends beyond the City limits. These areas often have a mix of “big box” stores, national retailers, and a “critical mass” of multiple stores and large shared parking areas. Areas designated for corridor/regional commercial are located primarily in larger consolidated areas along the City’s heavily traveled corridors and intersections. Commercial service uses can also have an appropriate place in corridor/regional commercial areas, but must be compatible with adjacent and nearby retail and commercial shopping areas and be located as to not occupy prime retail locations.”*

The following item in the Commercial Areas Policies section relates to this project (p. 50):

- ***Focus retail development at key nodes/intersections along the City’s commercial corridors:*** *“...Retail development should be clustered near key intersections and activity generators, like Main Street & Kirk Road and Lincoln Highway & Randall Road. Although retail may be preferred, office, service, and possibly even multi-family uses can be complementary and supportive of retail nodes and considered appropriate in areas designated for commercial uses.”*

Although an assisted living facility is considered a commercial use rather than a residential use, the following Residential Land Use Policy applies to the proposed use of the property (p. 43):

- ***Seek opportunities to provide senior housing within the City considering locations that are within close proximity to recreation, public transit, healthcare, and daily goods and services:*** *“The City seeks to provide opportunities for residents to “age in place”, meaning that housing within the community accommodates all stages of life. As members of the community become older, and their lifestyles change, the City’s diverse housing stock should provide opportunities to remain in the City of St. Charles. Although the Residential Areas Plan does not call out specific locations for senior housing, the Plan does recognize the importance of developing additional senior housing within the community to accommodate the City’s existing and future senior population. From active living through assisted living, the City will continue to provide a wide range of housing types to accommodate its seniors.”*

## B. LAND USE

The property is currently zoned BR Regional Business District. The applicant is proposing to rezone Lot 7A (Silverado lot) to O-R Office-Research District. The purpose of the O-R is stated as follows:

*The O-R Office/Research District is designed to accommodate office and certain service uses that require a percentage of lower building coverage and larger setbacks than those types of office and service uses found within the commercial districts. The O-R district is designed to provide an open, landscaped appearance along public streets and to provide a buffer area between residential uses and other commercial or industrial uses.*

Assisted Living Facility is a permitted use in the O-R district. Assisted Living Facility is defined in **Ch. 17.30 Definitions** as follows:

*A facility providing residential accommodations and daily assistance for elderly or disabled residents that meets the definition of assisted living established in the Assisted Living and Shared Housing Act (210 ILCS 9/1 et seq.)*

**C. ZONING STANDARDS**

Site plan approval is not required for the Map Amendment or Preliminary Plat of Subdivision applications. However, a site plan has been submitted to illustrate the development intended for the property upon approval of the zoning applications. The table below compares the O-R district requirements with the proposed site plan for Silverado (Lot 1). The proposal conforms to all zoning requirements.

	<b>O-R District</b>	<b>Proposed Lot 7A (Silverado)</b>
<b>Min. Lot Area</b>	20,000 sf	174,675 sf
<b>Min. Lot Width</b>	100 ft.	279 ft.
<b>Max. Building Coverage</b>	50%	25%
<b>Max. Building Height</b>	60 ft.	32 ft.
<b>Building Setbacks:</b>		
<i>Front</i>	30 ft.	130 ft. to canopy
<i>Interior Side</i>	10 ft.	21 ft. (east side) 30 ft. (west side)
<i>Rear</i>	30 ft.	40 ft.
<b>Parking Setbacks:</b>		
<i>Front</i>	30 ft.	31 ft.
<i>Interior Side</i>	0 ft.	6 ft. (east side) 5 ft. (west side)
<i>Rear</i>	0 ft.	5 ft.
<b>Landscape Buffer Yard</b>	30 ft. along lot line abutting residential zoning	Not required
<b>Parking Requirement</b>	0.25 spaces per unit	77 spaces (13 required)
<b>Parking Stall Dimensions</b>	9 x 18 ft. (9 x 16 with 2 ft. overhang where stalls abut green space)	9 x 18 ft.

Lot 7B will continue to be zoned BR Regional Business District. Unless the property is rezoned, future development will need to conform to the bulk requirements applicable to BR district. The lot meets the basic requirements of the BR district, as shown in the table below:

	<b>BR District</b>	<b>Proposed Lot 7B</b>
<b>Min. Lot Area</b>	1 acre	6.95 acres

<b>Min. Lot Width</b>	None	N/A – front lot line to be determine when property is developed
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D. LANDSCAPE PLAN & TREE PRESERVATION

The site plan indicates that all landscaping requirements of **Ch. 17.26 Landscaping and Screening** will be met, including overall percentage of the site devoted to landscaping, building foundation landscaping, street frontage landscaping, and parking lot screening. A landscape plan specifying the types and sizes of plantings will be reviewed at the time of building permit.

A Tree Preservation Plan is not required because no trees 6” or more DBH exist on the property.

E. BUILDING DESIGN

Building elevations will be reviewed at the time of building permit. The building will be subject to the Design Review requirements of **Section 17.06.030 Standards and Guidelines – BL, BC, BR, and O/R Districts**.

F. ENGINEERING REVIEW

The applicant has been provided with detailed engineering review comments and has submitted revised plans for review. Any outstanding comments will need to be addressed prior to City Council approval of a future Final Plat of Subdivision. Other comments will be addressed at the time of building permit.

G. PLAT OF SUBDIVISION

A Preliminary Plat of Subdivision has been submitted showing division of Lot 7 of Pheasant Run Crossing into two lots. Lot 7A (174,675 sf / 4.01 acres) will encompass the Silverado development and Lot 7B (302,742 sf / 6.95 acres) will remain available for future development.

Staff reviewed the Preliminary Plat of Subdivision for compliance with Subdivision Code requirements and provided comments to the applicant. A revised plat has been submitted for review. All staff comments on the plat appear to have been addressed.

**IV. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing on the Map Amendment and reviewed the Preliminary Plat of Subdivision on 7/19/16. The Commission voted 8-0 to recommend approval of both applications, subject to the site plan being revised to provide a more direct and attractive cross access to Lot 7B.

In response to the Plan Commission comment, the applicant has revised the lot lines and site layout to provide a more direct access to Lot 7B.

**V. ATTACHMENTS**

- Applications for Map Amendment and Preliminary Plat of Subdivision; received 6/28/16
- Plan documents

**Exhibit B**  
**Silverado St. Charles, LLC**  
**Silverado Senior Living**  
**Summary of Proposed Community and General Information**

Description of the Proposed Community:

The proposed community will consist of a single story rectangular shaped building of approximately 44,164 square feet, and will feature an interior landscaped courtyard of approximately 16,000 square feet. The building will be designed as a slab-on-grade, wood framed with attractive exterior elevations of masonry and cementitious siding, and with architectural asphalt shingle roofing. The maximum height will be approximately 32'.

The community will be designed to accommodate 90 senior residents who are living with memory impairing diseases including Alzheimer's and Dementia. The community will include 50 private and semi-private residential rooms (units) with full baths. There will be no kitchens or kitchenettes in the resident rooms. Common areas serving residents will include a large kitchen, dining room, laundry, activity rooms and ancillary rooms to serve the residents.

General Information about the proposed community:

Silverado St. Charles will enhance the community by providing much needed senior services and housing. The community will be thoughtfully designed and operated to enhance the public health, safety and general welfare of the residents of St. Charles.

The proposed community of Silverado St. Charles will not be injurious in any way to the use and enjoyment of other property in the immediate area for the purposes already permitted; nor will it substantially diminish or impair property values within the neighborhood. Silverado's senior residential development will complement the surrounding residential, hospitality, retail and commercial enterprises; providing jobs and supporting local businesses during development and ongoing operations.

**CITY OF ST. CHARLES**  
 TWO EAST MAIN STREET  
 ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**PRELIMINARY PLAT OF SUBDIVISION APPLICATION**

<b>For City Use</b>	
Project Name:	Silverado - Pheasant Run Crossing
Project Number:	2016 -PR- 008
Application No.	2016 -AP- 022

RECEIVED	Date
St. Charles, IL	
JUN 28 2016	
CDD	
Planning Division	

*To request preliminary approval of a subdivision, complete this application and submit it with all required attachments to the Planning Division.*

*When the application is complete City staff will distribute the plans to other City departments for review. When the staff has determined that the plans are ready for Plan Commission review, we will place the proposed subdivision on a Plan Commission meeting agenda.*

*The information you provide must be complete and accurate. If you have any questions, please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location:	Part of Lot 7, Pheasant Run Crossing Subdivision St. Charles, IL 60174
	Parcel Number (s):	Part of 01-30-102-037
	Proposed Subdivision Name:	Silverado St. Charles, LLC
<b>2. Applicant Information:</b>	Name	Perry Devlin
	Address	6400 Oak Canyon, Suite 200 Irvine, California 92618
	Phone	949-930-3050
<b>3. Record Owner Information:</b>	Name	American Lodging Corporation
	Address	1600 E. Main St., Suite B St. Charles, IL 60174
	Phone	630-584-6580
		Fax 949-705-4350
		Email pjdevlin@silveradocare.com
		Fax 630-584-6604
		Email dmcardle@oakbrookco.com

Please check the type of application:

- Preliminary Plat of Subdivision (Final Plat of Subdivision to be filed later)
- Combined Preliminary-Final Review Process (Final Plat Application filed concurrently)

**This application is not required for:**

- **Minor Subdivision** – File only a Minor Subdivision - Final Plat application (Minor Subdivision per City Code Section 16.04.040: Meets all subdivision design standards, no more than 4 lots, no utility extensions or new streets, no stormwater detention required, lots meet minimum zoning standards)
- **Planned Unit Developments - PUD** (The PUD Preliminary Plan Application should be filed instead)

Attachment Checklist:

*For Combined Preliminary-Final Review or where multiple applications have been submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:**

Application fee in accordance with Appendix A of the Subdivision Code. Refer to attached Schedule of Application Fees.

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Exhibit B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

Submit one of the following:

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, submit the attached Ownership Authorization form to permit the applicant to act on the owner's behalf. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there are any private covenants containing use restrictions*

*or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:**

For entire subject property, on 8 1/2 x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

**ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnr.illinois.gov/EcoPublic/>

*Fill out the online form, print the report and submit with this application.*

**PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies, Three (3) 11" by 17", and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

**SUBDIVISION PLAT DRAWING REQUIREMENTS/CHECKLIST:**

Complete the attached checklist and ensure that all required information is included on the plat.

**PRELIMINARY ENGINEERING PLANS – DRAWING REQUIREMENTS/CHECKLIST:**

Complete the attached checklist and ensure that all required information is included on the Preliminary Engineering Plans.

**STORMWATER MANAGEMENT:**

Written information (reports, calculations, etc.) as described in the Stormwater Management Requirements for Preliminary Plans (attached).

❑ **TREE PRESERVATION PLAN:**

Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Landscape Plan set. See attachment, "Tree Preservation Requirements for Preliminary Plans".

❑ **DEPARTURES FROM SUBDIVISION CODE STANDARDS:**

List any requests for departures from the requirements of Title 16, "Subdivisions and Land Improvement," and reasons for requesting each departure.

❑ **PARK AND SCHOOL LAND/CASH WORKSHEETS:**

For residential developments, Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.

❑ **INCLUSIONARY HOUSING SUMMARY:**

For residential developments, submit information describing how the development will comply with the requirements of Title 19, "Inclusionary Housing" of the St. Charles Municipal Code.

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

  
\_\_\_\_\_  
Record Owner American Lodging Corporation Date 6/28/16  
By: David A. McArdle, President

  
\_\_\_\_\_  
Applicant or Authorized Agent Date 6/23/16  
Perry Devlin

# AMERICAN LODGING CORPORATION

1600 E. Main Street, Suite B  
St. Charles, Illinois 60174  
630.584.6580  
Fax 630.584.6604

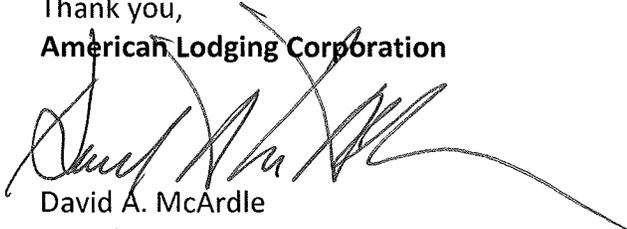
June 27, 2016

Silverado St. Charles, LLC  
6400 Oak Canyon  
Suite 200  
Irvine, CA 92610

RE: Letter of Authorization

Please accept this as my authorization for Silverado St. Charles, LLC to act on behalf of American Lodging Corporation in its efforts to effect a zoning change and preliminary plat of subdivision for a portion of Lot 7 of the Pheasant Run Commons Subdivision in St. Charles, IL.

Thank you,  
**American Lodging Corporation**



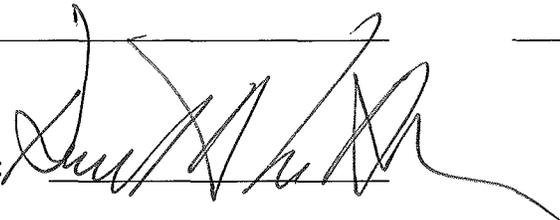
David A. McArdle  
President

**OWNERSHIP DISCLOSURE FORM  
CORPORATION**

STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

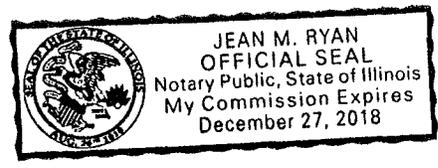
I, David A. McArdle, being first duly sworn on oath depose and say that I am the  
President of American Lodging Corporation, an  
(Illinois) (Delaware) Corporation and that the following persons are all of the shareholders  
of 7% or more of the common stock of said Corporation:

<u>McArdle Ltd. (100%)</u>	_____
_____	_____
_____	_____
_____	_____

BY:   
TITLE: President

Subscribed and Sworn before me this 20<sup>th</sup> day of  
June, 2016.

  
Notary Public



Legal Description of Silverado lot to be rezoned:

THAT PART OF LOT 7 IN PHEASANT RUN CROSSING, BEING A SUBDIVISION OF PART THE SOUTH HALF OF LOT 1 (ACCORDING TO THE GOVERNMENT SURVEY) OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 2015 AS DOCUMENT R2015-092580, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERNMOST CORNER OF SAID LOT 7; THENCE NORTH 00 DEGREES 29 MINUTES 00 SECONDS EAST ALONG THE WESTERLY LINE OF SAID LOT 7, A DISTANCE OF 383.78 FEET; THENCE NORTH 01 DEGREE 30 MINUTES 11 SECONDS WEST 178.70 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 49 SECONDS EAST 428.68 FEET TO THE EASTERLY LINE OF SAID LOT 7; (THE FOLLOWING FIVE COURSES ARE ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 7); 1) THENCE SOUTH 00 DEGREES 19 MINUTES 31 SECONDS EAST 65.00 FEET; 2) THENCE SOUTH 89 DEGREES 28 MINUTES 36 SECONDS WEST 112.81 FEET; 3) THENCE SOUTH 00 DEGREES 55 MINUTES 09 SECONDS EAST 464.82 FEET; 4) THENCE SOUTH 88 DEGREES 29 MINUTES 49 SECONDS WEST 212.52 FEET TO A POINT OF CURVE, SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 195.00 FEET AND A CHORD THAT BEARS SOUTH 71 DEGREES 13 MINUTES 15 SECONDS WEST A DISTANCE OF 115.82 FEET; 5) THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, 117.59 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

LEGAL DESCRIPTION

LOT 7 IN PHEASANT RUN CROSSING, BEING A SUBDIVISION OF PART THE SOUTH HALF OF LOT 1 (ACCORDING TO THE GOVERNMENT SURVEY) OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 2015 AS DOCUMENT R2015-092580, IN DUPAGE COUNTY ILLINOIS

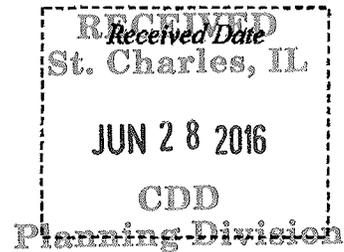
**CITY OF ST. CHARLES**  
 TWO EAST MAIN STREET  
 ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION      PHONE: (630) 377-4443    FAX: (630) 377-4062

**ZONING MAP AMENDMENT APPLICATION**

<b>CITYVIEW</b>	
Project Name:	<i>Silverado - Pheasant Run Crossing</i>
Project Number:	<i>2016 -PR- 008</i>
Application Number:	<i>2016 -AP- 023</i>



**Instructions:**

*To request a zoning map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Planning Division.*

*City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a Plan Commission public hearing or meeting date.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Location:	Part of Lot 7, Pheasant Run Crossing Subdivision St. Charles, IL 60174
	Parcel Number (s):	Part of 01-30-102-037
	Proposed PUD Name:	
<b>2. Applicant Information:</b>	Name	Perry Devlin Director of Development
	Address	Silverado Senior Living 6400 Oak Canyon, Suite 200 Irvine, Ca 92610
	Phone	949-930-3050
<b>3. Record Owner Information:</b>	Address	American Lodging Corporation
	Phone	630-584-6580
	Fax	949-705-4350
	Email	pjdevlin@silveradocare.com
	Address	1600 E. Main St., Suite B St. Charles, IL 60174
Fax	630-584-6604	
Email	dmcardle@oakbrookco.com	

**Zoning and Use Information:**

Comprehensive Plan Land Use Designation of the property: Regional Business

Current zoning of the property: BR

Is the property a designated Landmark or in a Historic District? No

Current use of the property: Vacant Land

Proposed zoning of the property: OR

Proposed use of the property: Assisted Living - Memory Care

If the proposed Map Amendment is approved, what improvements or construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

Proposed Land Use: Residential;  
Type of Use: Senior Housing;  
Hours: 24 hrs/Day, 7 Days/Week;  
Parking 70 spaces + 4 HC spaces;  
Site Exhibits provided

**Attachment Checklist:**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:**

Application fee in accordance with Appendix B of the Zoning Ordinance. (\$500)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	<u>Under 5 Acres</u>	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
<u>2 or 3</u>	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) A current title policy report; or
- b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

**LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper

**PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

**SITE PLAN:**

Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

**FINDINGS OF FACT:**

Fill out the attached form or submit responses on a separate sheet.

**LIST OF PROPERTY OWNERS WITHIN 250 FT.**

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

**SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

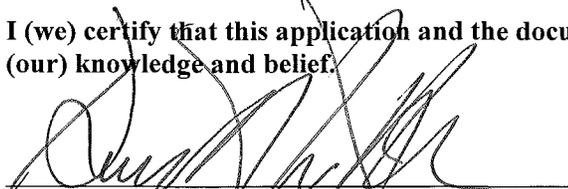
*Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.*

**ENDANGERED SPECIES REPORT:**

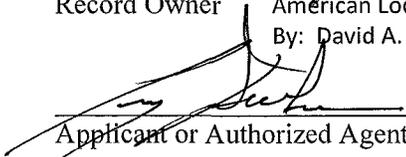
Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecocat.state.il.us/ecopublic/>

*Fill out the online form, print the report and submit with this application.*

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

  
Record Owner American Lodging Corporation  
By: David A. McArdle, President

6/28/16  
Date

  
Applicant or Authorized Agent Perry Devlin

6/28/16  
Date

## FINDINGS OF FACT – MAP AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.



As an applicant, the "burden of proof" is on you to show why the proposed zoning is more appropriate than the existing zoning. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the property in question, indicate "not applicable" and explain why it does not apply.

Silverado St. Charles, LLC  
Project Name or Address

June 27, 2016  
Date

### From the Charles Zoning Ordinance, Section 17.04.320.D:

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property. (Relate the proposed land use and zoning to the land use and zoning of other properties in the area)

The community is presently zoned for BR - Regional Business

The Hilton Garden Inn to the East is zoned BR.

The VW automobile dealership to the West is zoned ORBR

The Pheasant Run Resort is to the South across Main Street.

The property to the North is Medium Density Multi-Family residential

2. The extent to which property values are diminished by the existing zoning restrictions. (Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.)

The current zoning - BR -Regional Business has inhibited the property owner from selling or developing property, and, as a consequence, the subject property is undeveloped. Lack of available frontage and visibility has negatively impacted the property for most retail and business uses. The proposed revision will enable the development of an Assisted Living/Memory Care community that will support the burgeoning need for the high quality care for the memory impaired in and around St. Charles.

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public. (If the existing zoning decreases the value of the subject realty, does it also produce any perceptible public benefits?)

The proposed zoning will allow the property to benefit from the entry of a leader in memory care for residents living with the debilitating effects of Alzheimers and Dementia. In that context, the proposed zoning will greatly enhance the health, safety, morals, and general welfare of the public.

It is difficult to assess the extent to which a reduction in the property's value under existing zoning restrictions accomplishes the same for the public.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification. *(Can the subject property reasonably be used for any of the uses currently permitted? Physical and market conditions may be considered.)*

The property is presently zoned as BR - Regional Business, and could be used for the purposes currently permitted.

The subject site lacks frontage visibility from Main Street, and the lot configuration and existing access easements compromise the viability of the property for retail use.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located. *(If a property has been vacant longer than other similar properties in the area, it may be an indicator that the existing zoning is inappropriate.)*

The property has never been developed.

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district. *(Development trends, market forces, and the Comprehensive Plan may be considered.)*

Since 2008, the subdivision has struggled to attract new development, and has been adversely affected by the exit of major businesses from the market, as well as challenges with existing retail centers such as the Charlestowne Mall. The recovery in the area remains somewhat weak, and continues to hinder the property's sale and development. Poor frontage visibility from Main Street make the property less desirable for retail use.

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

We believe the proposed amendment is consistent with the City's Comprehensive Plan, to the extent that the health, safety, and general welfare of the residents of the City of St. Charles will be elevated by the proposed amendment.

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

N/A

9. The extent to which the proposed amendment creates nonconformities. *(Generally it is not appropriate to rezone a property unless it can comply with the requirements of the new zoning.)*

The intended use of the property as a Memory Care community conforms to all the bulk regulations established in the OR District.

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10. The trend of development, if any, in the general area of the property in question. *(New development, redevelopment, changes in use, or other changes in the area may help to justify a change in zoning.)*

The general trend of the market for developable property in the vicinity of the subject property has been relatively soft for several years.

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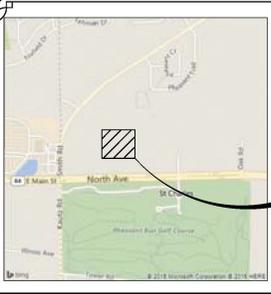
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Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

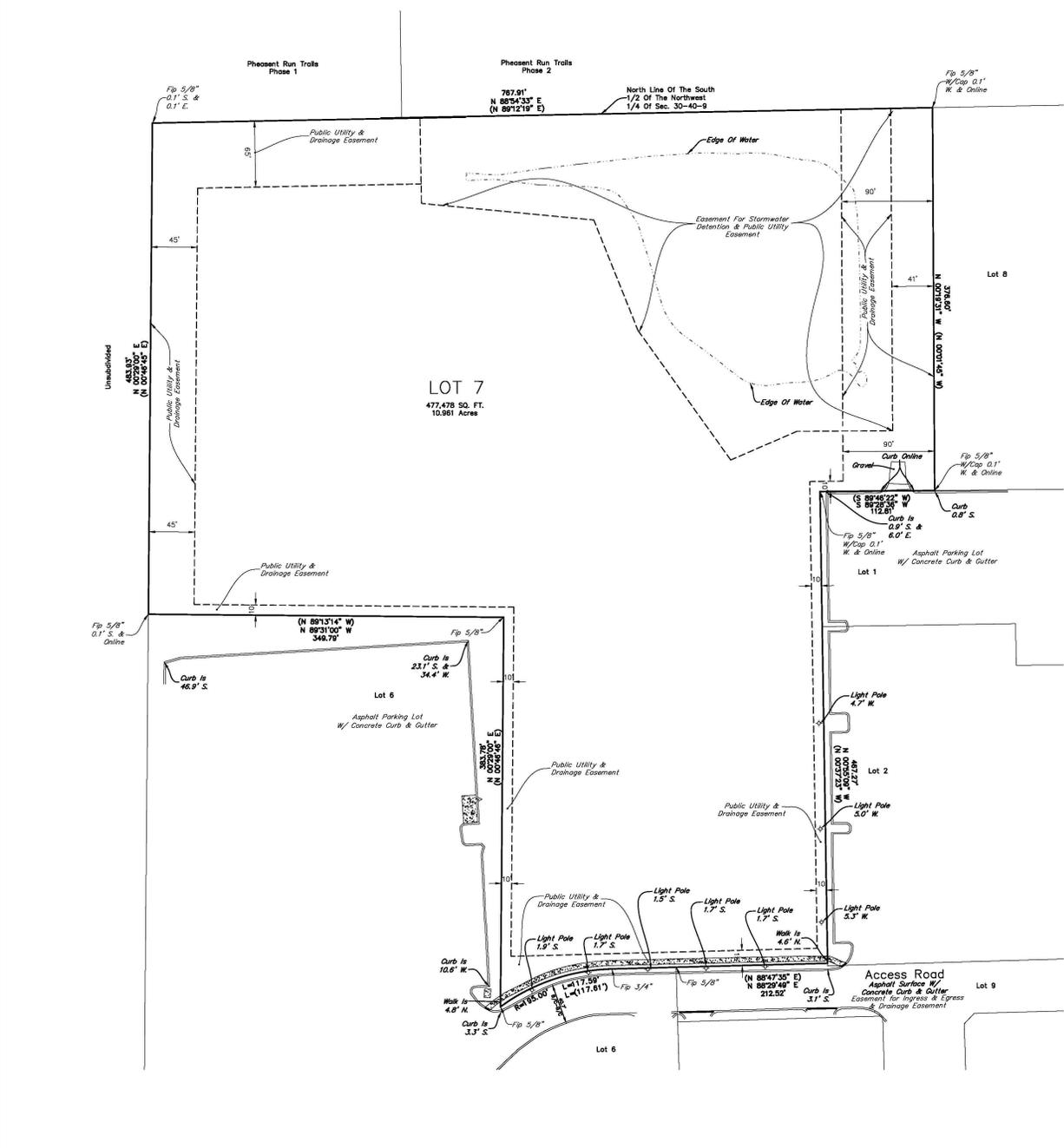
# PLAT OF SURVEY

LOT 7 IN PHEASANT RUN CROSSING, BEING A SUBDIVISION OF PART THE SOUTH HALF OF LOT 1 (ACCORDING TO THE GOVERNMENT SURVEY) OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 2015 AS DOCUMENT R2015-092580, IN DUPAGE COUNTY, ILLINOIS.



VICINITY MAP

APPROXIMATE SITE LOCATION



MEASURED BEARINGS SHOWN HEREON ARE ASSUMED.  
 DIMENSIONS ENCLOSED IN ( ) INDICATE RECORD OR DEED DATA. ALL OTHER DIMENSIONS ARE MEASURED.  
 DIMENSIONS ALONG CURVES ARE ARC DISTANCES.  
 MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.  
 A PRELIMINARY TITLE COMMITMENT WAS NOT FURNISHED TO CEMCON, LTD. FOR USE IN PREPARATION OF THIS PLAT. THEREFORE, ADDITIONAL EASEMENTS AND/OR SERVITUDES MAY AFFECT THE SUBJECT LOT.  
 THIS PLAT IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL IMPRESSED SEAL.  
 COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED OR CERTIFICATE OF TITLE. ALSO COMPARE ALL POINTS BEFORE BUILDING BY THE SAME, AND REPORT ANY DIFFERENCES TO THE SURVEYOR IMMEDIATELY.  
 FIELD WORK COMPLETED ON 6-15-16  
 STATE OF ILLINOIS  
 SS.  
 COUNTY OF DU PAGE)  
 I, PETER A. BLAESER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY WAS SURVEYED UNDER MY DIRECTION AND THAT THIS PLAT CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.  
 DATED THIS 27TH DAY OF JUNE, A.D., 2016.

- LINE LEGEND**
- PROPERTY LINE (Heavy Solid Line)
  - ADJACENT PROPERTY LINE OR RIGHT-OF-WAY LINE (Light Solid Line)
  - BUILDING LINE (Long Dashed Line)
  - EASEMENT LINE/LIMITS OF EASEMENT (Short Dashed Line)
  - CENTERLINE (Single Dashed Line)
  - QUARTER SECTION LINE (Double Dashed Line)
  - SECTION LINE (Triple Dashed Line)
  - WATER LINE (Double Dotted Line)

- LEGEND**
- ⊠ - FOUND IRON PIPE
  - ◻ - INDICATES CONCRETE AREA
  - SQ. FT. - SQUARE FEET
  - - INDICATES DEPRESSED CURB

PREPARED FOR:  
**SILVERADO ST. CHARLES, LLC**

PREPARED BY:  
**CEMCON, Ltd.**  
 Consulting Engineers, Land Surveyors & Planners  
 2280 White Oak Circle, Suite 100 Aurora, Illinois  
 63052-9675 PH: 630.852.2100 FAX: 630.852.2199  
 E-Mail: cadd@cemcon.com Website: www.cemcon.com  
 DISC NO.: 800002 FILE NAME: POS LOT 7  
 DRAWN BY: REP FLD. BK. / PG. NO.: 767  
 COMPLETION DATE: 6-17-16 JOB NO.: 800002  
 PROJECT REFERENCE:

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3072  
 MY REGISTRATION EXPIRES ON NOVEMBER 30, 2016  
 PROFESSIONAL DESIGN FIRM LICENSE NO. 184-002937  
 EXPIRATION DATE IS APRIL 30, 2017

# PRELIMINARY ENGINEERING PLAN FOR SILVERADO ST. CHARLES

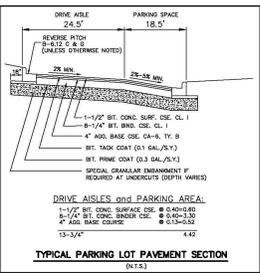
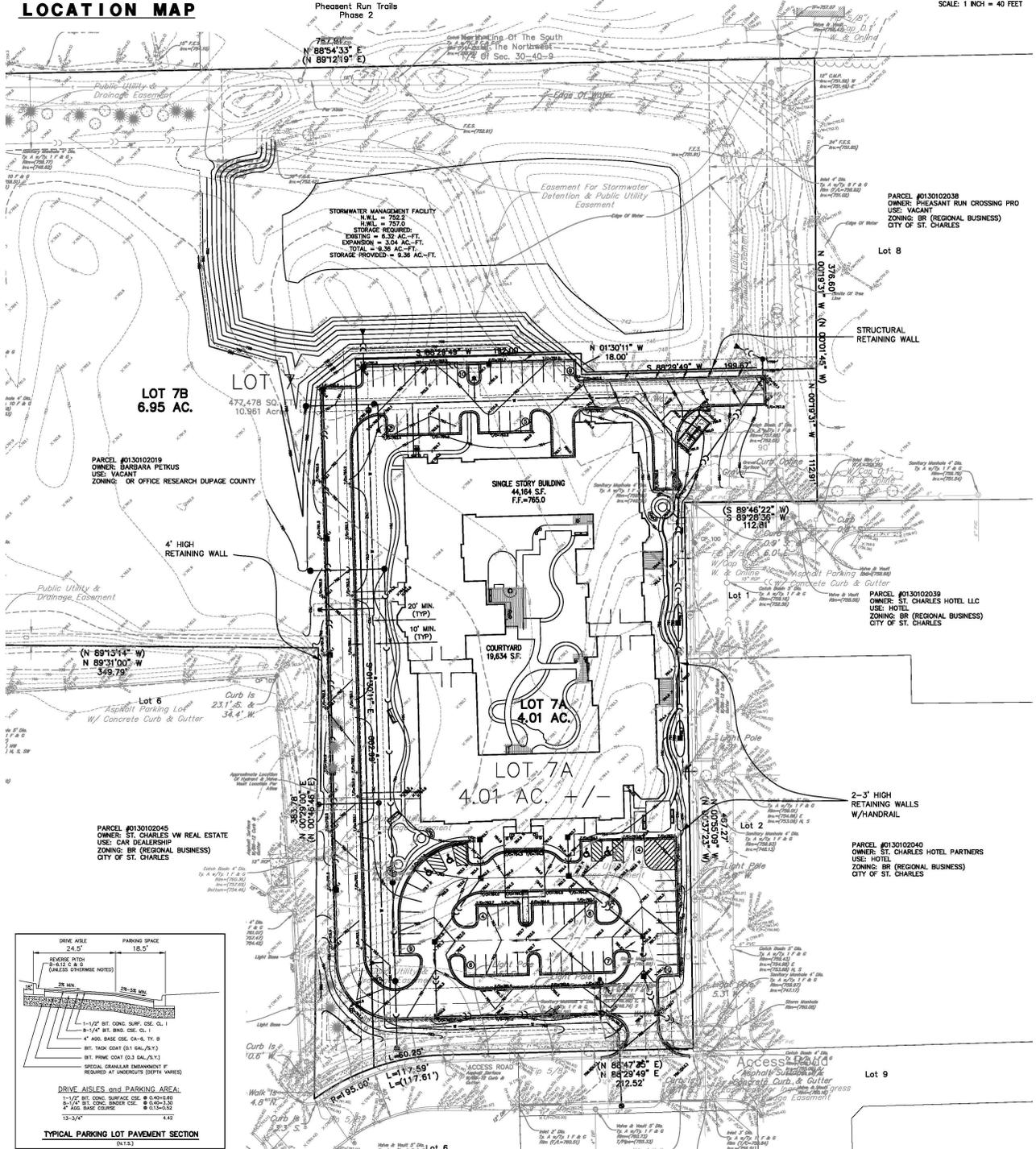
LEGAL DESCRIPTION

LOT 7 IN PHEASANT RUN CROSSING, BEING A SUBDIVISION OF PART THE SOUTH HALF OF LOT 1 (ACCORDING TO THE GOVERNMENT SURVEY) OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 2015 AS DOCUMENT R2015-092580, IN CITY OF ST. CHARLES, DUPAGE COUNTY, ILLINOIS



40 20 0 40  
SCALE: 1 INCH = 40 FEET

## LOCATION MAP



LEGEND		
EXISTING	PROPOSED	DESCRIPTION
		MANHOLE
		CATCH BASIN
		INLET
		CLEANOUT
		SLOPE INLET BOX
		HEADWALL
		END SECTION
		STORM SEWER
		SANITARY SEWER
		WATERMAIN
		VALVE & BOX
		WATER VALVE IN VAULT
		FIRE HYDRANT
		CONTOURS
		ELEVATIONS

PREPARED FOR:  
SILVERADO ST. CHARLES, LLC  
6400 OAK CANYON DRIVE, SUITE 200  
IRVINE, CA 92618  
(949) 930-3050

**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Circle, Suite 100  
Aurora, Illinois 60502-9675  
PH: 630.862.2100 FAX: 630.862.2199  
E-Mail: cadd@cemcon.com Website: www.cemcon.com

DISC NO.: 800002 FILE NAME: PREOVER  
DRAWN BY: BCD P.L.D. BK / PG. NO.: BK/PG.  
COMPLETION DATE: 06-24-2018 JOB NO.: 800.002  
XREF: TOPO PROJECT MANAGER: MBK  
REV: 08-01-16/BCD

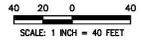
# PRELIMINARY PLAT OF SUBDIVISION FOR RESUBDIVISION OF LOT 7 IN PHEASANT RUN CROSSING

LEGAL DESCRIPTION

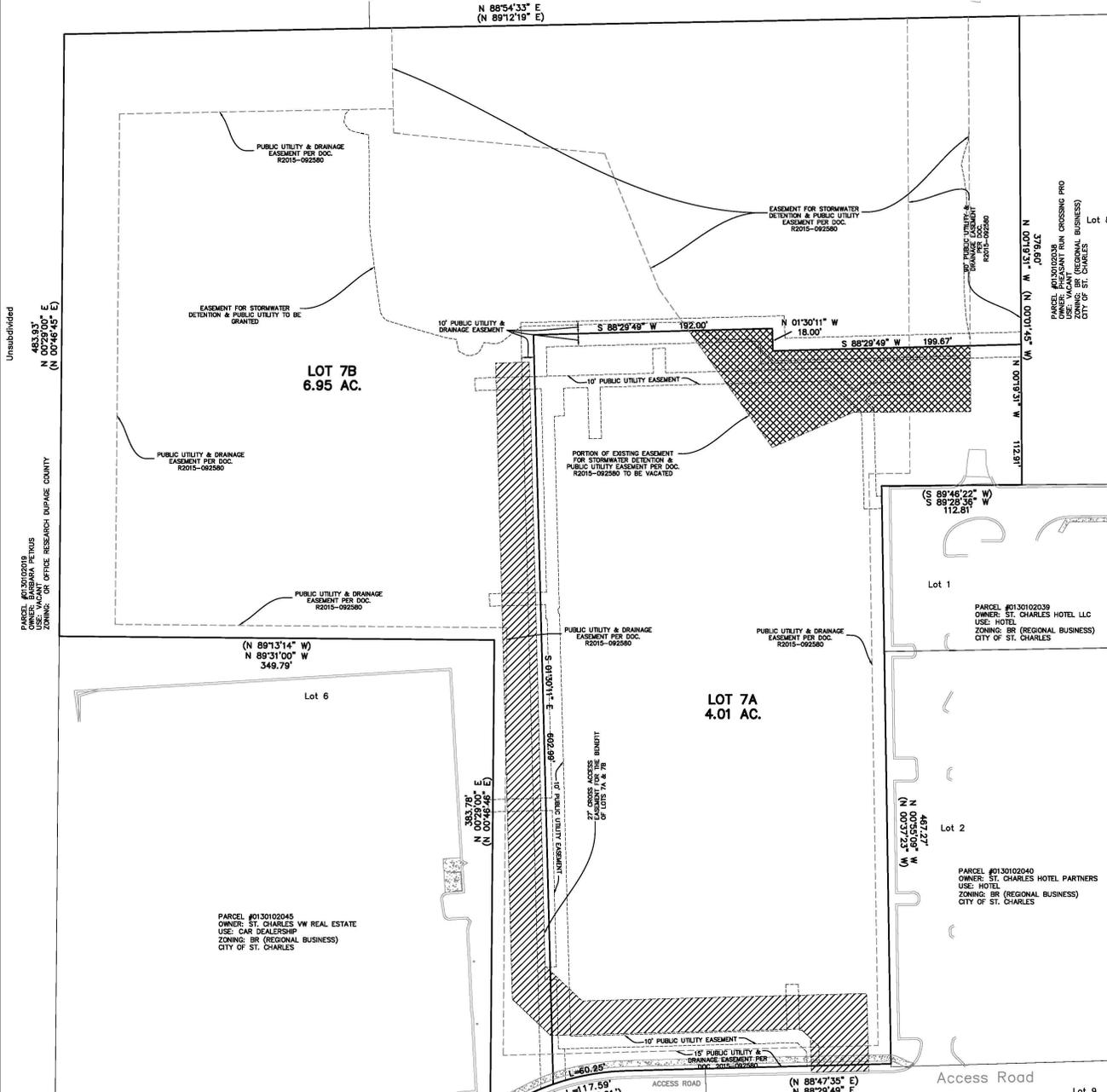
LOT 7 IN PHEASANT RUN CROSSING, BEING A SUBDIVISION OF PART THE SOUTH HALF OF LOT 1 (ACCORDING TO THE GOVERNMENT SURVEY) OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 2015 AS DOCUMENT R2015-092580, IN CITY OF ST. CHARLES, DUPAGE COUNTY, ILLINOIS.

**PN: 01-30-102-037**

LOT 7A: 174,516.46 S.F. / 4.01 AC.  
LOT 7B: 302,958.65 S.F. / 6.95 AC.  
TOTAL: 477,505.11 S.F. / 10.96 AC.



**LOCATION MAP**



LEGEND		DESCRIPTION
		MANHOLE
		CATCH BASIN
		INLET
		CLEANOUT
		SLOPE INLET BOX
		HEADWALL
		END SECTION
		STORM SEWER
		SANITARY SEWER
		WATERMAIN
		VALVE & BOX
		WATER VALVE IN VAULT
		FIRE HYDRANT
		EASEMENTS
		CONTOURS
		ELEVATIONS
		STREET LIGHT
		WATERMAIN PROTECTION
		SILT FENCE INLET PROTECTOR
		TEMPORARY STRAW BALE DITCH CHECK
		SILT FENCE DITCH CHECK
		RIP-RAP
		OVERFLOW ROUTE

BENCHMARKS	
STATION STC 17	ALUMINUM DISC IN CYLINDER AT THE NORTHWEST CORNER OF DUNHAM ROAD AND FOX CHASE BOULEVARD. ELEVATION = 750.29 (NAVD 83)
STATION STC 18	ALUMINUM DISC IN CYLINDER ON WEST SIDE OF 36TH AVENUE APPROXIMATELY 300 FEET SOUTH OF INTERSECTION OF ILLINOIS ROUTE 64 AND 36TH AVENUE. ELEVATION = 750.35 (NAVD 83)
STATION STC 06	ALUMINUM DISC IN CYLINDER ON WEST SIDE OF DUNHAM ROAD APPROXIMATELY 200 FEET NORTH OF THE INTERSECTION OF ILLINOIS ROUTE 64 AND DUNHAM ROAD. ELEVATION = 770.00 (NAVD 83)
CP100	CROSS CUT IN CURB LINE IN THIRD STEEL SOUTH OF NORTHWEST CORNER OF PARKING LOT OF HILTON GARDEN INN LOCATED AT 4070 EAST MAIN STREET ST. CHARLES, IL. ELEVATION = 750.22 (NAVD 83)
CP103	CROSS CUT IN CURB LINE IN NORTHEAST CORNER OF PARKING LOT OF VOLKSWAGEN DEALERSHIP NORTH OF NORTH AVENUE AND WEST OF HILTON GARDEN INN. LOCATED AT 4070 EAST MAIN STREET ST. CHARLES, IL. ELEVATION = 750.80 (NAVD 83)

PREPARED FOR:  
SILVERADO ST. CHARLES, LLC  
6400 OAK CANYON DRIVE, SUITE 200  
IRVINE, CA 92618  
(949) 930-3050

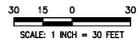
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Circle, Suite 100  
Aurora, Illinois 60502-9675  
PH: 630.862.2100 FAX: 630.862.2199  
E-Mail: cadd@cemcon.com Website: www.cemcon.com

DISC NO.: 800002 FILE NAME: PREOVER  
DRAWN BY: BCD P.L.D. BK / PG. NO.: BK/PG.  
COMPLETION DATE: 06-24-2018 JOB NO.: 800.002  
XREF: TOPO PROJECT MANAGER: MBK  
REV: 08-01-16/BCD

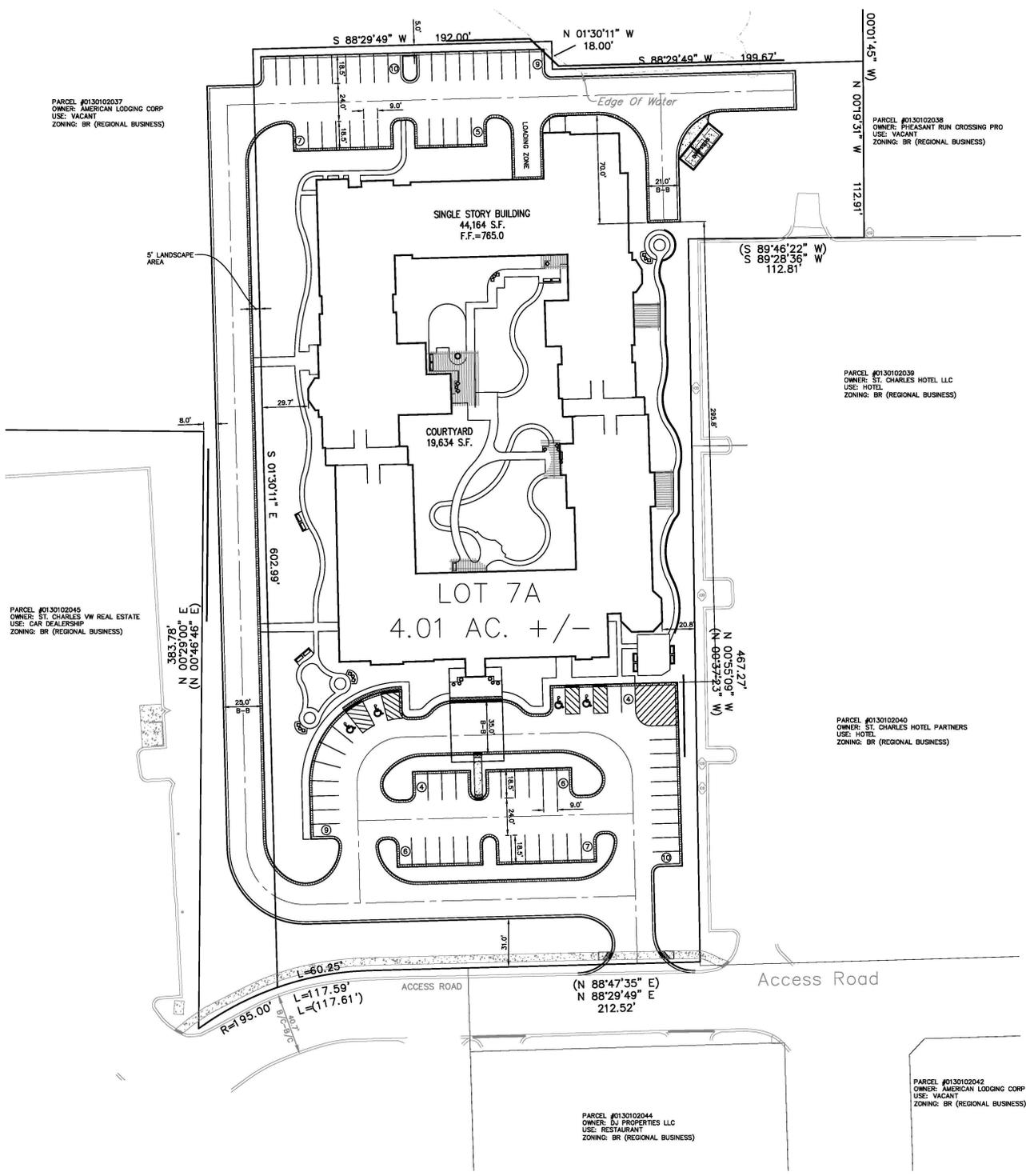
# SITE PLAN FOR SILVERADO ST. CHARLES

LEGAL DESCRIPTION

THAT PART OF LOT 7 IN PHEASANT RUN CROSSING, BEING A SUBDIVISION OF PART THE SOUTH HALF OF LOT 1 (ACCORDING TO THE GOVERNMENT SURVEY) OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19, 2015 AS DOCUMENT R2015-092580, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHERNMOST CORNER OF SAID LOT 7; THENCE NORTH 00 DEGREES 29 MINUTES 00 SECONDS EAST ALONG THE WESTERLY LINE OF SAID LOT 7, A DISTANCE OF 383.78 FEET; THENCE NORTH 01 DEGREE 30 MINUTES 11 SECONDS WEST 178.70 FEET; THENCE NORTH 88 DEGREES 29 MINUTES 49 SECONDS EAST 428.68 FEET TO THE EASTERLY LINE OF SAID LOT 7; (THE FOLLOWING FIVE COURSES ARE ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID LOT 7); 1) THENCE SOUTH 00 DEGREES 19 MINUTES 31 SECONDS EAST 65.00 FEET; 2) THENCE SOUTH 89 DEGREES 28 MINUTES 36 SECONDS WEST 112.81 FEET; 3) THENCE SOUTH 00 DEGREES 55 MINUTES 09 SECONDS EAST 464.82 FEET; 4) THENCE SOUTH 88 DEGREES 29 MINUTES 49 SECONDS WEST 212.52 FEET TO A POINT OF CURVE, SAID CURVE BEING CONCAVE SOUTHERLY, HAVING A RADIUS OF 195.00 FEET AND A CHORD THAT BEARS SOUTH 71 DEGREES 13 MINUTES 15 SECONDS WEST A DISTANCE OF 115.82 FEET; 5) THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, 117.59 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.



**LOCATION MAP**



PARCEL #0130102037  
OWNER: AMERICAN LODGING CORP  
USE: VACANT  
ZONING: BR (REGIONAL BUSINESS)

PARCEL #0130102038  
OWNER: PHEASANT RUN CROSSING PRO  
USE: VACANT  
ZONING: BR (REGIONAL BUSINESS)

PARCEL #0130102039  
OWNER: ST. CHARLES HOTEL LLC  
USE: HOTEL  
ZONING: BR (REGIONAL BUSINESS)

PARCEL #0130102045  
OWNER: ST. CHARLES VW REAL ESTATE  
USE: CAR DEALERSHIP  
ZONING: BR (REGIONAL BUSINESS)

PARCEL #0130102040  
OWNER: ST. CHARLES HOTEL PARTNERS  
USE: HOTEL  
ZONING: BR (REGIONAL BUSINESS)

PARCEL #0130102044  
OWNER: BJ PROPERTIES LLC  
USE: RESTAURANT  
ZONING: BR (REGIONAL BUSINESS)

PARCEL #0130102042  
OWNER: AMERICAN LODGING CORP  
USE: VACANT  
ZONING: BR (REGIONAL BUSINESS)

TOTAL AREA	4.01 AC±
BUILDING SQUARE FOOTAGE	44,164 S.F.
F.A.R.	0.25
PARKING PROVIDED	77

PREPARED FOR:  
SILVERADO ST. CHARLES, LLC  
6400 OAK CANYON DRIVE, SUITE 200  
IRVINE, CA 92618  
(949) 930-3050

PREPARED BY:  
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Circle, Suite 100  
Aurora, Illinois 60502-9675  
PH: 630.862.2100 FAX: 630.862.2199  
E-Mail: codd@cemcon.com Website: www.cemcon.com

DISC NO.: 800002 FILE NAME: PREOVER  
DRAWN BY: BCD FLD. BK. / PG. NO.: BK./PG.  
COMPLETION DATE: 06-29-2016 JOB NO.: 800.002  
XREF : TOPO PROJECT MANAGER : MBK  
REV: 07-29-16/KMS



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve a Minor Change to PUD Preliminary Plan – 2701 E. Main St. (Dunkin’ Donuts)
Presenter:	Russell Colby

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – (8/8/16)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
-----------------	-----	-----------	-----	--	----	--

Budgeted Project Amount/Engineers Estimate:

If NO, please explain how item will be funded:

**Executive Summary:**

The Planning & Development Committee reviewed and tabled this item on 7/11/16.

Staff researched the cross-access easement issue. The easement is a private agreement between the two property owners (of the Dunkin and Walgreens lots) that clearly requires approval from both parties to be modified in any way. Walgreens is a tenant and does not own their lot.

Subsequent to the meeting, the follow items have been submitted:

- A letter from the Dunkin building property owner, stating that Walgreens will not approve revising the cross-access easement without two-way traffic flow south of the Dunkin building. The position is unchanged from the July meeting.
- An email from St. Charles Toyota owner Dennis Alf stating that he supports the Minor Change as presented by Dunkin Donuts at the July meeting.

At the request of Chairman Bancroft, staff obtained information from the Police Department regarding traffic accidents at the St. Charles Toyota drive at Main Street. Data going back to January 2010 shows one accident directly related to traffic exiting the St. Charles Toyota drive. The accident information does not show a significant, recurring traffic issue in this location.

**Options for the Committee to consider:**

- **Approve the Minor Change as presented.** Per the 2015 Minor Change approval, Dunkin Donuts will relocate the drive between the Dunkin and Toyota lots further to the south and will make improvement to address drainage issues along the common property line.
- **Deny the Minor Change.** If the Minor Change is denied, it is likely that the Dunkin Donuts business will not open in this location. The existing site and access configuration will remain, meaning that any traffic from the Dunkin lot will continue to be able to exit through the Toyota access drive to Main Street via the two-way access drive. (In the future, depending on the business and what if any site changes are proposed, the City may not have control to impose any conditions regarding the site circulation).

**Attachments:** *(please list)*

Aerial photo of the existing site; Letter from property owner CPD Feather Rock LLC dated 7/21/16; Email from Dennis Alf dated 7/11/16; Application for Minor Change; Ordinance No. 2015-Z-9

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve Minor Change to PUD Preliminary Plan – 2702 E. Main St. (Dunkin’ Donuts)

<i>For office use only:</i>	<i>Agenda Item Number: 3i</i>
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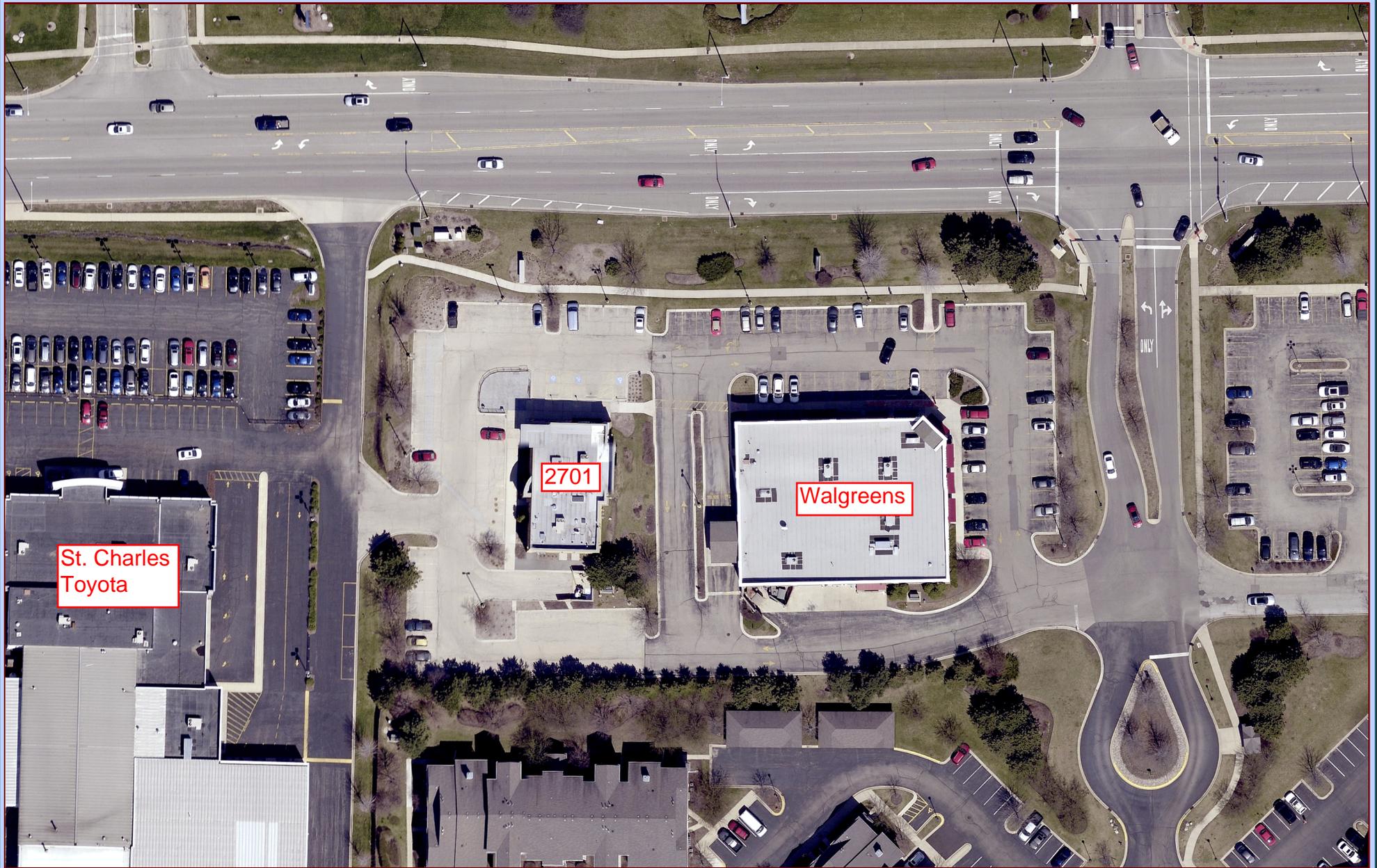
# City of St. Charles, Illinois

Two East Main Street St. Charles, IL 60174-1984  
Phone: 630-377-4400 Fax: 630-377-4440 - www.stcharlesil.gov

## 2701 E. Main St. - Existing

RAYMOND ROGINA *Mayor*

MARK KOENEN *City Administrator*



Data Source:  
City of St. Charles, Illinois  
Kane County, Illinois  
DuPage County, Illinois  
Projection: Transverse Mercator  
Coordinate System: Illinois State Plane East  
North American Datum 1983  
Printed on: August 4, 2016 09:38 AM



0 42 83 Feet

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Powered by InRoads GIS

CPD Feather Rock LLC  
10531 Timberwood Circle, Suite D  
Louisville, KY 40223  
(312) 375-7248

July 21, 2016

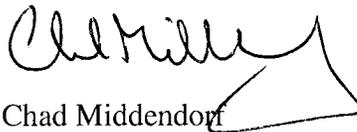
Plan Commission  
City of St. Charles  
2 E. Main Street  
St. Charles, IL 60174

Re: **Proposed Dunkin Donuts at 2701 East  
Main Street, St. Charles, IL**

Dear Ladies and Gentlemen:

CPD Feather Rock LLC is the owner of the above property. This letter is to provide additional background regarding our discussions and negotiations with our neighbor, Walgreens Co., regarding proposed site plan changes to our property. The adjacent Walgreens property benefits from an access easement across our property (Document number 2002K090898 in the Office of the Recorder of Kane County, Illinois). That easement specifically requires that we obtain Walgreens' consent to move the location of our driveway entrance. Walgreens currently has two-way access behind our building. Walgreens representatives have repeated stated that they will not consent to a site plan revision if it reduces their current two-way access across the back of our property to only one-way access. Should you have any comments or questions, please do not hesitate to contact me.

CPD Feather Rock LLC



Chad Middendorf  
Manager

cc: Karim Khoja  
Barry Millman

**From:** Jim Duerr [<mailto:jim.duerr@ddnmg.com>]  
**Sent:** Tuesday, July 12, 2016 11:23 AM  
**To:** Johnson, Ellen  
**Subject:** Fwd: Duncan donuts / Toyota drive 2016 july city meeting

Ellen - please share this with all ... Jim Duerr , Dunkin Donuts

----- Forwarded message -----

**From:** **Dennis Alf** <[dennisalf@toyota.net](mailto:dennisalf@toyota.net)>  
**Date:** Mon, Jul 11, 2016 at 10:25 PM  
**Subject:** Fwd: Duncan donuts / Toyota drive 2016 july city meeting  
**To:** Charles Radovich <[radovichlaw@sbcglobal.net](mailto:radovichlaw@sbcglobal.net)>  
**Cc:** Jim Duerr <[jim.duerr@ddnmg.com](mailto:jim.duerr@ddnmg.com)>, Michael Alf <[michaelalf@toyota.net](mailto:michaelalf@toyota.net)>, Steven Alf <[stevenalf@toyota.net](mailto:stevenalf@toyota.net)>, Lesli Reynolds <[leslireynolds@toyota.net](mailto:leslireynolds@toyota.net)>, Greg Chismark <[gchismark@wbkengineering.com](mailto:gchismark@wbkengineering.com)>

I attended another meeting last night, the Duncan donut people are in a really tough place. Walgreens has put there requests in and they are going to hold up the project again. I guess you may think that is what i want, but to tell you the truth I would rather go with the Devil i know than go with the next Devil that may not work with me. Thanks to Jim Duerr I think we have an agreement that will serve us all. And I want to help them proceed in a timely manner so they can make their November opening dates. So to be clear I am giving my support of the project as outlined in Kolbrook design ,Job no. 1425.009 issue date 5/19/2016

I am hoping that you still have the cross /access agreement which gives Walgreens and other tenants access to my drive, if you have such Please e-mail to [jim.duerr@ddnmg.com](mailto:jim.duerr@ddnmg.com) ( cell [847-533-6400](tel:847-533-6400)) Jim needs this asap to save the project and is trying to put something together for next weeks city council meeting.

Attached is the notes that the planning commission reviewed last night, thank you for helping them with this

Dennis A. Alf  
President St. Charles Toyota  
2651 E. Main Street  
St. Charles IL, 60174  
[dennisalf@toyota.net](mailto:dennisalf@toyota.net)  
[630-584-6655](tel:630-584-6655)

**CITY OF ST. CHARLES**  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**MINOR CHANGE TO PUD APPLICATION**

<b>For City Use</b>	
Project Name:	2701 E. Main St. - Dunkin Donuts
Project Number:	2016 -PR- 007
Application No.	2016 -AP- 021



*Instructions:*

A Minor Change to PUD is one that modifies an approved PUD Preliminary Plan in a manner that complies with all standards of the Special Use for PUD Ordinance applicable to the property and meets the definition of a Minor Change as contained either in Section 17.04.430 of the Zoning Ordinance or the Special Use for PUD Ordinance.

To request approval of a Minor Change, complete this application and submit it with all required attachments to the Planning Division. When the application is complete, City staff will schedule a review by the Planning and Development Committee of the City Council. The Committee's recommendation will be forwarded to the City Council for final action.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

<b>1. Property Information:</b>	Location:	2701 E. MAIN STREET	
	Parcel Number (s):	3A (PUD)	0925301029000
	PUD Name:	STUART'S CROSSING PUD	
<b>2. Applicant Information:</b>	Name	JIM DUERR NORTHSHORE MGMT GROUP	Phone 847-441-4277
	Address	790 W. FRONTAGE RD. SUITE 412	Fax
		NORTHFIELD, IL 60093	Email
<b>3. Record Owner Information:</b>	Name	CHAD MIDDENDORF CPD FEATHER ROCK LLC	Phone 502 425 1524
	Address	10531 TIMBERWOOD CIRCLE SUITE D	Fax
		LOUISVILLE, KY 40223	Email

**Information for proposed Minor Change:**

Name of PUD: STUART'S CROSSING

PUD Ordinance Number: 1997-M-115

Ord. or Resolution(s) that approved the current plans: 2015-2-9

**Identify Specific PUD Plans to be changed:**

- Site/Engineering Plan
- Landscape Plan
- Architectural Elevations
- Signs
- Other plans: \_\_\_\_\_

**Description of Proposed Changes:**

ADJUST DRIVE THRU ISLAND TO ALLOW FOR  
2 WAY TRAFFIC @ REAR PER WALGREEN'S REQUEST

**Attachment Checklist:**

*If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance. (\$200)

**REIMBURSEMENT OF FEES AGREEMENT:**

An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) a current title policy report; or
- b) a deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

- LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper
- PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

- COVER LETTER:** Letter describing the proposed minor change requested, why it is necessary, and how it is different from the currently approved plan.

**PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies of Plans:**

Please contact the Planning Division to determine if full size copies of plans are needed. For simple applications, provide one full scale plan set, three (3) 11" x 17" copies (in color if applicable), and a PDF file on CD-ROM or emailed to the Project Manager.

**Plans shall include the following, depending on the scope of the proposed Minor Change:**

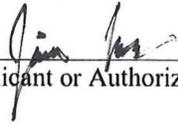
- Site Plan indicating location of proposed change.
- For changes to site/engineering plans, show existing/approved and proposed site/engineering plan changes.
- For changes to architectural elevations, show existing/approved and proposed building design, color and materials.
- For changes to landscaping, show approved and proposed plans, indicate species and quantities of plant material to replace existing/approved materials.
- Additional information may be necessary depending on the specific change proposed.

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

  
\_\_\_\_\_  
Record Owner

6/22/16  
\_\_\_\_\_  
Date

Chad Middendorf, Manager  
CPD Feather Rock LLC

  
\_\_\_\_\_  
Applicant or Authorized Agent

6/22/2016  
\_\_\_\_\_  
Date

**OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)**

STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

I, Chad Middendorf, being first duly sworn on oath depose and say that I am  
Manager of CPD Feather Rock LLC, an ~~Illinois~~ <sup>Indiana</sup> Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

<u>Chad Middendorf</u>	_____
<u>LOREN GUZSK</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: Chad Middendorf, Manager

Subscribed and Sworn before me this 23<sup>rd</sup> day of  
June, 20 16.

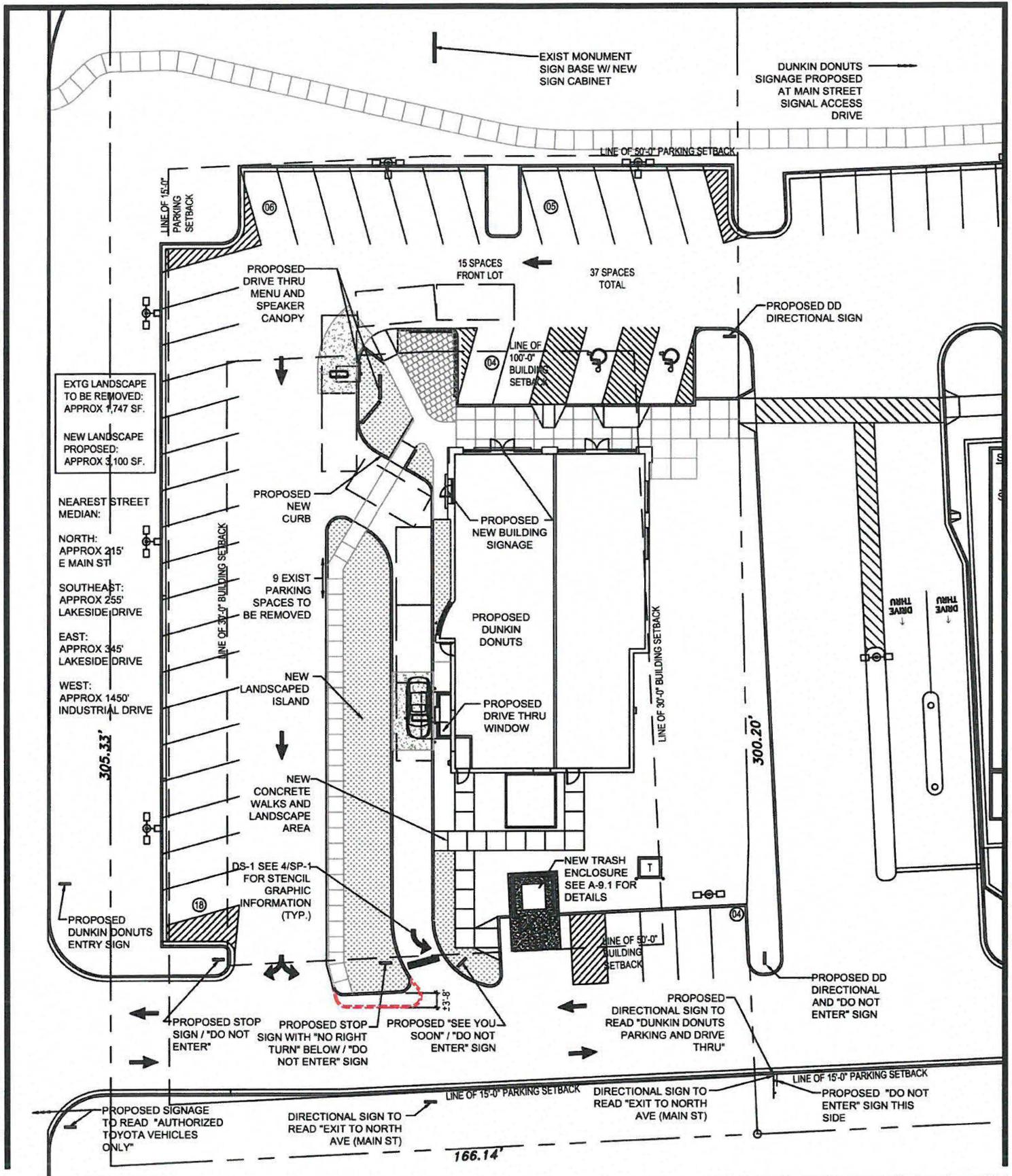
Virginia Bolen  
\_\_\_\_\_  
Notary Public



**EXHIBIT A**

**Legal Description**

**LOT 2 OF AMLI AT ST. CHARLES LOT 2 & 3 RESUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AT THE OFFICE OF KANE COUNTY, RECORDED OF DEED ON JULY 23, 2002 AS DOCUMENT 2002K090894, AND BEING A SUBDIVISION OF PART OF THE WEST ½ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.**



ARCHITECT:



828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992

PROJECT:

Dunkin St. Charles - Qdoba

2701 E Main St.  
St. Charles, IL 60174

PROPOSED SITE PLAN-2

Job No.

1425.009

Issue Date

05/19/2016

Project Area

2236 SQ. FT.

SCALE: 1/32" = 1'-0"

**City of St. Charles, Illinois**

**Ordinance No. 2015-Z-9**

**Motion to approve An Ordinance Granting Approval of  
a Minor Change to PUD Preliminary Plan and Drive-  
Through Facility Stacking Space Reduction for 2701 E.  
Main St. (Stuart's Crossing PUD – Dunkin Donuts)**

**Adopted by the  
City Council  
of the  
City of St. Charles  
May 18, 2015**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, May 23, 2015**

*Nancy Garrison*  
City Clerk



**(SEAL)**

the

**City of St. Charles, IL**  
**Ordinance No. 2015-Z-9**

**An Ordinance Granting Approval of a Minor Change to  
PUD Preliminary Plan and Drive-Through Facility Stacking Space Reduction  
for 2701 E. Main St. (Stuart’s Crossing PUD – Dunkin Donuts)**

WHEREAS, a request for a Minor Change to the PUD Preliminary Plan approved by Resolution No. 2002-21 “A Resolution Approving the PUD Preliminary Plan for Boston Market (Stuart’s Crossing- AMLI PUD)”, and amended by Minor Change to PUD Preliminary Plan approvals under Resolution Nos. 2002-33, 2003-13, 2003-25, and 2005-29, and Ordinance No. 2009-Z-1, and a request for a Drive-Through Facility stacking space reduction was filed by Steve Kolber, Kolbrook Design (“Applicant”) for 2701 E. Main Street, said realty being legally described in Exhibit “A” attached hereto and incorporated herein as the “Subject Property”; and,

WHEREAS, the Plan Commission recommended approval of said request for a Drive-Through Facility stacking space reduction, subject to certain conditions, on or about May 6, 2014; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of said requests for Minor Change to PUD and Drive-Through Facility stacking space reduction on or about April 13, 2015, subject to certain conditions; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee and has considered the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

2. That passage of this Ordinance shall constitute approval of a Minor Change to PUD Preliminary Plan, pursuant to St. Charles Zoning Ordinance Section 17.04.430 B, such that the following documents and illustrations are hereby approved, a reduced copy of which is attached hereto and incorporated herein as Exhibit “B”, subject to compliance with such conditions, corrections, and modifications as may be required by the Director of Community and Economic Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

- Site Plan, dated 5/13/2015
- Architectural Renderings, dated 1/14/2014

3. That passage of this Ordinance shall constitute approval of a Drive-Through Facility stacking space reduction, pursuant to St. Charles Zoning Ordinance Section 17.24.100.C, such

that the total number of stacking spaces required for the Drive-Through Facility for the Dunkin Donuts proposed to be located on the Subject Property is eight (8) spaces.

4. That the Subject Property may be developed and used only in accordance with all ordinances of the City now in effect or hereafter amended, and subject to the following conditions:

- a. Drainage along the private access driveway and adjacent swale located directly west of the Subject Property shall be evaluated and drainage issues shall be resolved to the satisfaction of the Director of Community & Economic Development and/or Director of Public Works. An engineering plan for the relocation of the shared cross access drive and related drainage improvements shall be submitted at the time of building permit for the construction of the Drive-Through Facility.
- b. All traffic utilizing the Drive-Through Facility shall exit left (or eastward) to Lakeside Drive. Curbing shall be provided to direct traffic to exit eastward, per the attached plan.
- c. Signage per the attached plan shall be provided to direct vehicles exiting the drive-through lane to utilize Lakeside Drive to access E. Main St.

5. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of May 2015.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of May 2015.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 18th day of May 2015.

Raymond P. Rogina, Mayor *Raymond P. Rogina, Mayor Pro-ten*

Attest:

Nancy Garrison  
Nancy Garrison, City Clerk

Vote:

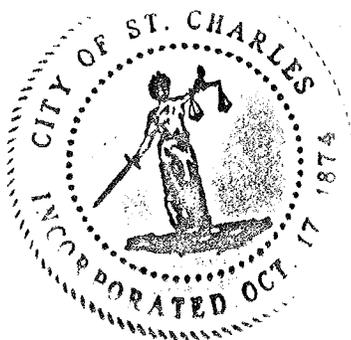
Ayes: 9

Nays: 0

Absent: 0

Abstain: 0

Date: \_\_\_\_\_



APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

**EXHIBIT "A"**

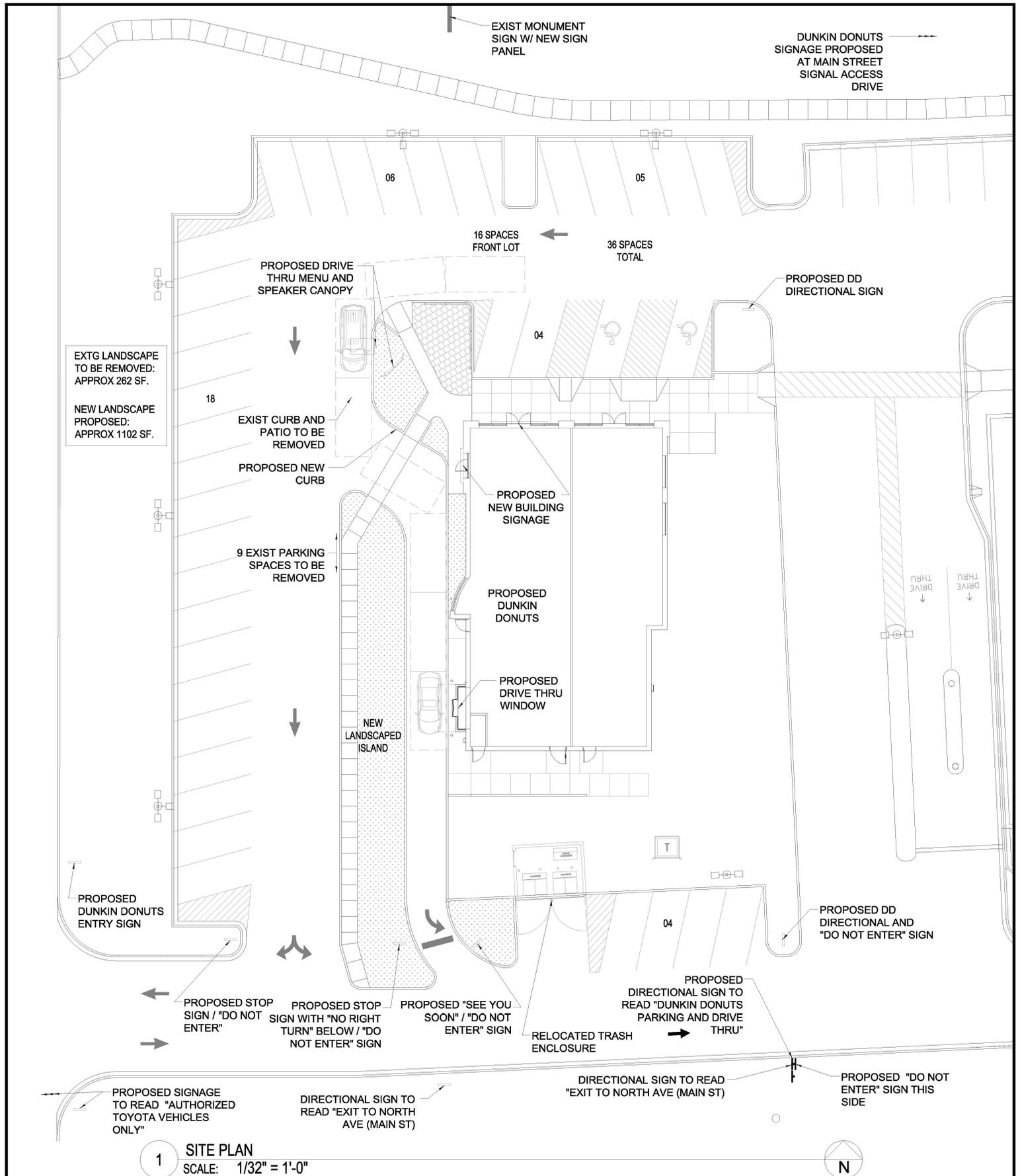
**LEGAL DESCRIPTION OF SUBJECT REALTY**

LOT 2 OF AMLI AT ST. CHARLES LOT 2 & 3 RESUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED AT THE OFFICE OF THE KANE COUNTY RECORDER OF DEEDS ON JULY 23, 2002 AS DOCUMENT 2002K090894, AND BEING A SUBDIVISION OF PART OF THE WEST ½ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

PIN #09-25-301-029

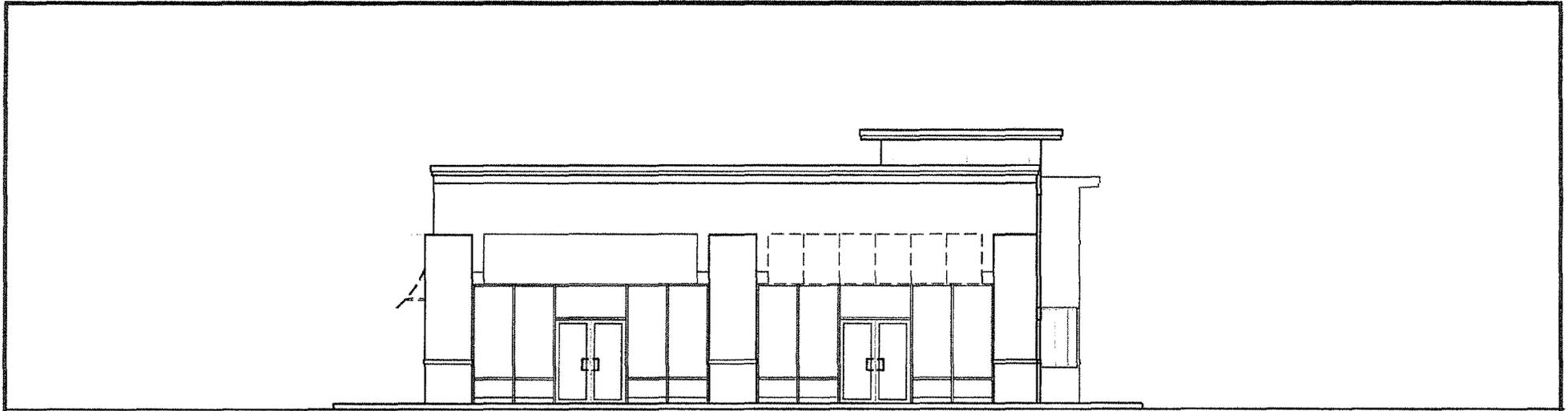
**EXHIBIT "B"**

**PLANS**

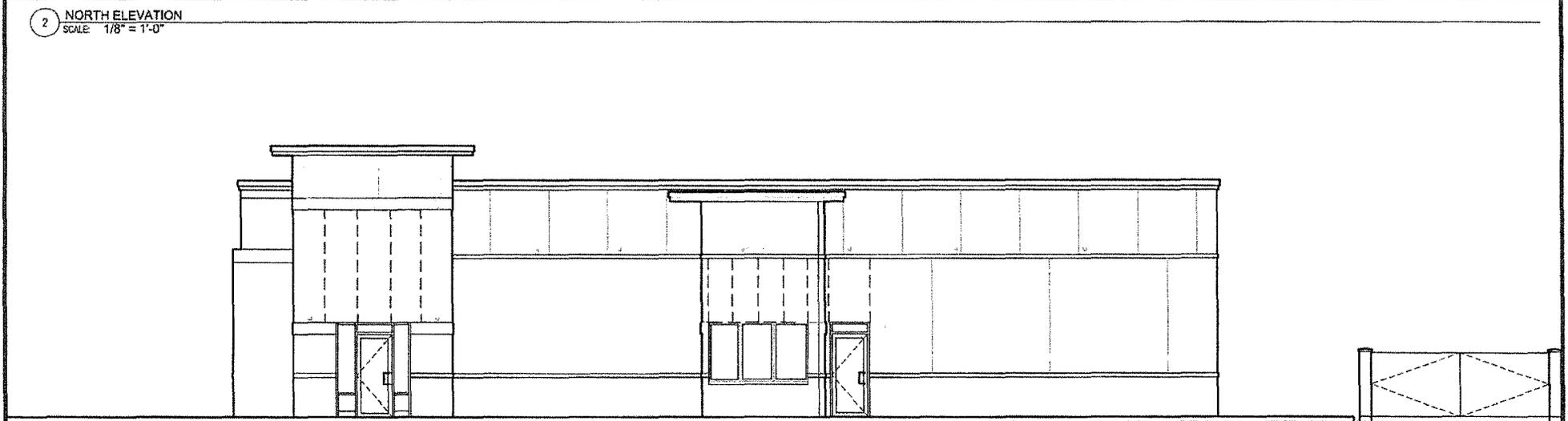


1 SITE PLAN  
SCALE: 1/32" = 1'-0"

<b>ARCHITECT:</b>  828 DAVIS STREET SUITE 300 EVANSTON, IL 60201 Ph 847.492.1992	<b>PROJECT:</b> <b>Dunkin St. Charles - Qdoba</b> 2701 E Main St. St. Charles, IL 60174	Job No. 1425.009
	PROPOSED SITE PLAN	Issue Date 05/13/2015
		Project Area --



2 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



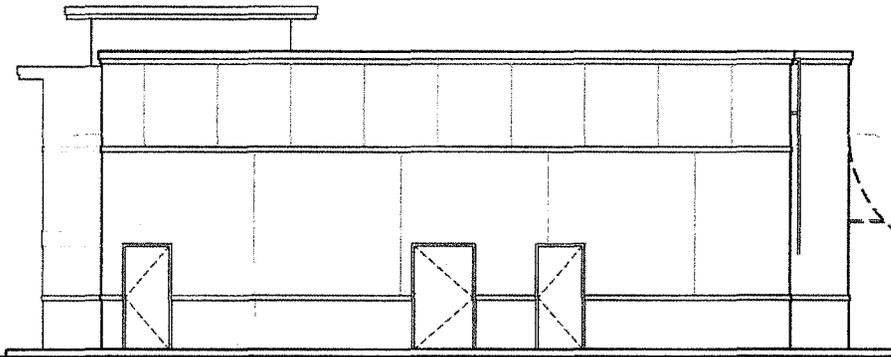
1 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

ARCHITECT:  
 **kolbrook design**  
 828 DAVIS STREET  
 SUITE 300  
 EVANSTON, IL 60201  
 PH: 847.492.1892

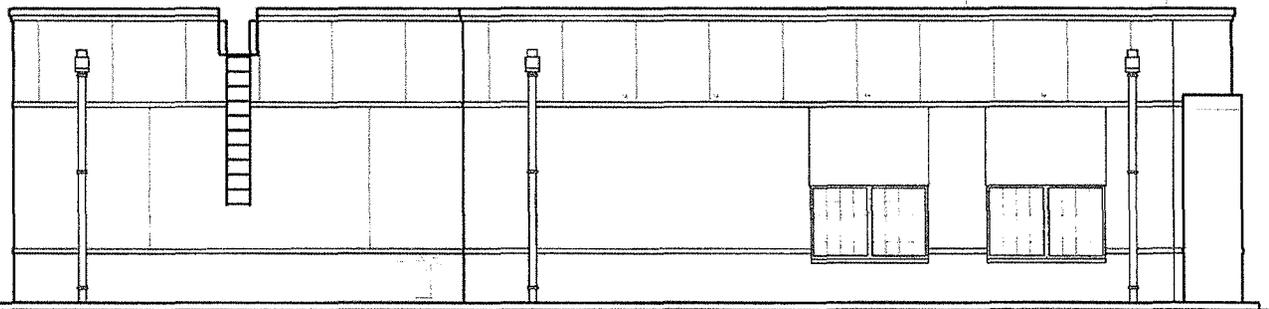
PROJECT:  
 Dunkin Donuts - St. Charles  
 2701 E Main Street  
 St. Charles, IL 60174

EXISTING ELEVATIONS

Project Number	1425.009
Issue Date	01/14/2014
Page Number	05



2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



1 EAST ELEVATION  
SCALE: 1/8" = 1'-0"

ARCHITECT:

**kolbrook design**

828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201

PH: 847.492.1992

PROJECT:

Dunkin Donuts - St. Charles  
2701 E Main Street  
St. Charles, IL 60174

EXISTING ELEVATIONS

Project Number

1425.009

Issue Date

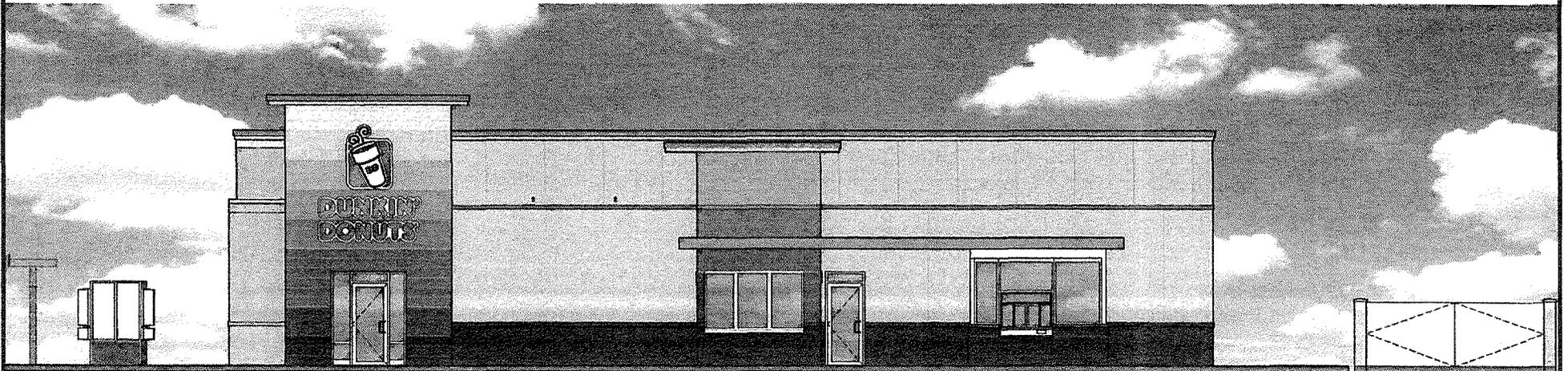
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Page Number

06



2 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



1 WEST ELEVATION  
SCALE: 1/8" = 1'-0"

ARCHITECT:

**kolbrook design**

628 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
PH: 847.452.1392

PROJECT:

Dunkin' Donuts - St. Charles  
2701 E Main Street  
St. Charles, IL 60174

PROPOSED ELEVATIONS

Project Number

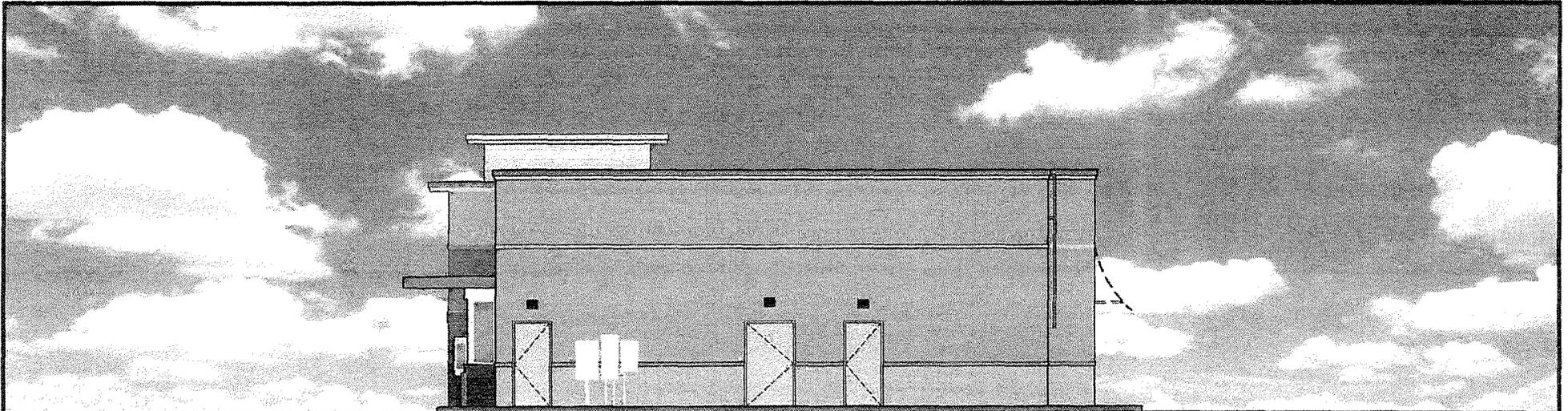
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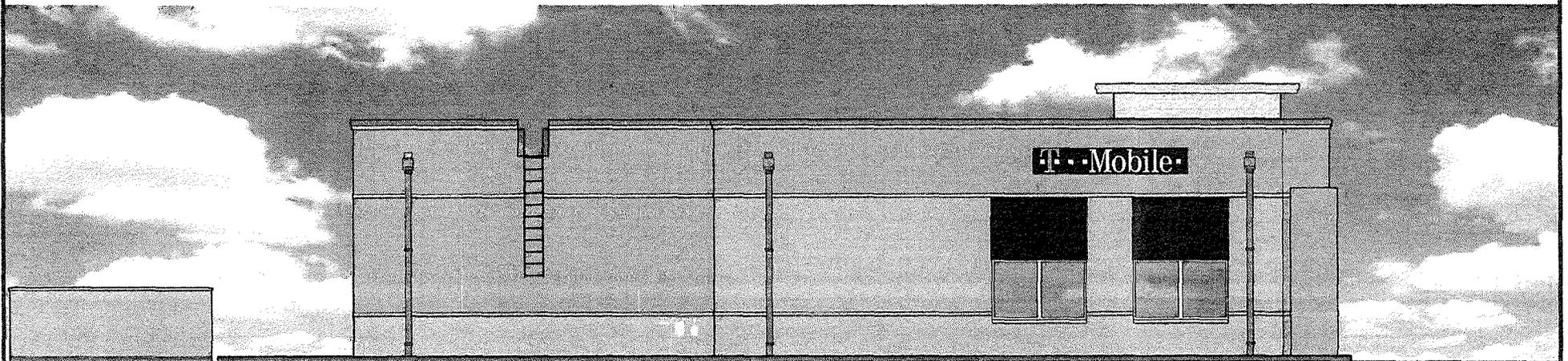
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Page Number

07



2 SOUTH ELEVATION  
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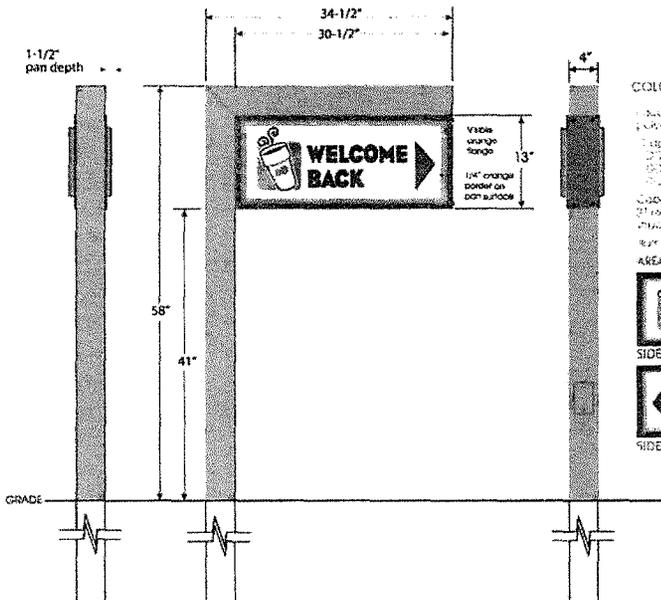
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SCALE: 1/8" = 1'-0"

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 SUITE 300  
 EVANSTON, IL 60201  
 PH: 847.492.1992

PROJECT:  
 Dunkin Donuts - St. Charles  
 2701 E Main Street  
 St. Charles, IL 60174

PROPOSED ELEVATIONS

Project Number	1425.009
Issue Date	01/14/2014
Page Number	08



**COLORS & SPECIFICATIONS:**

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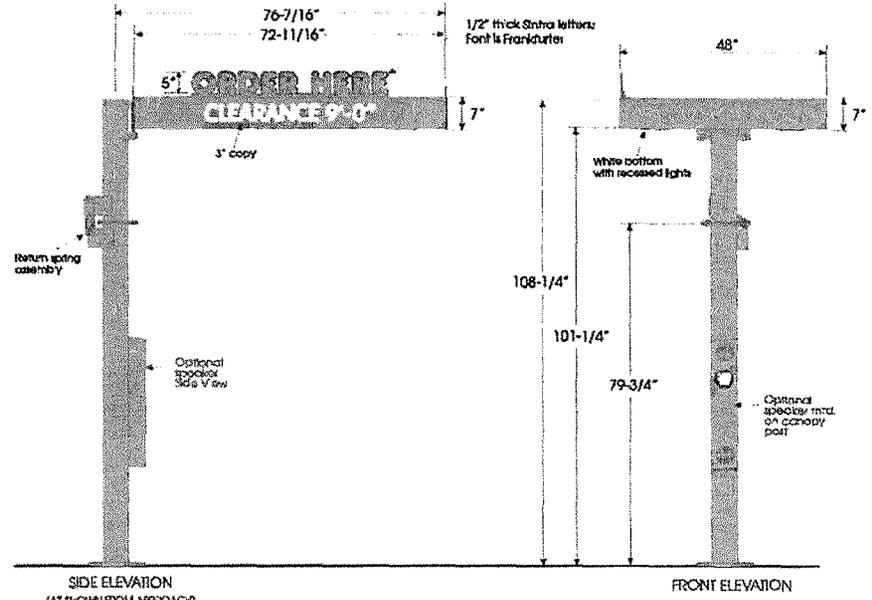
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**DRIVE THRU**

SIDE 1

**DRIVE THRU**

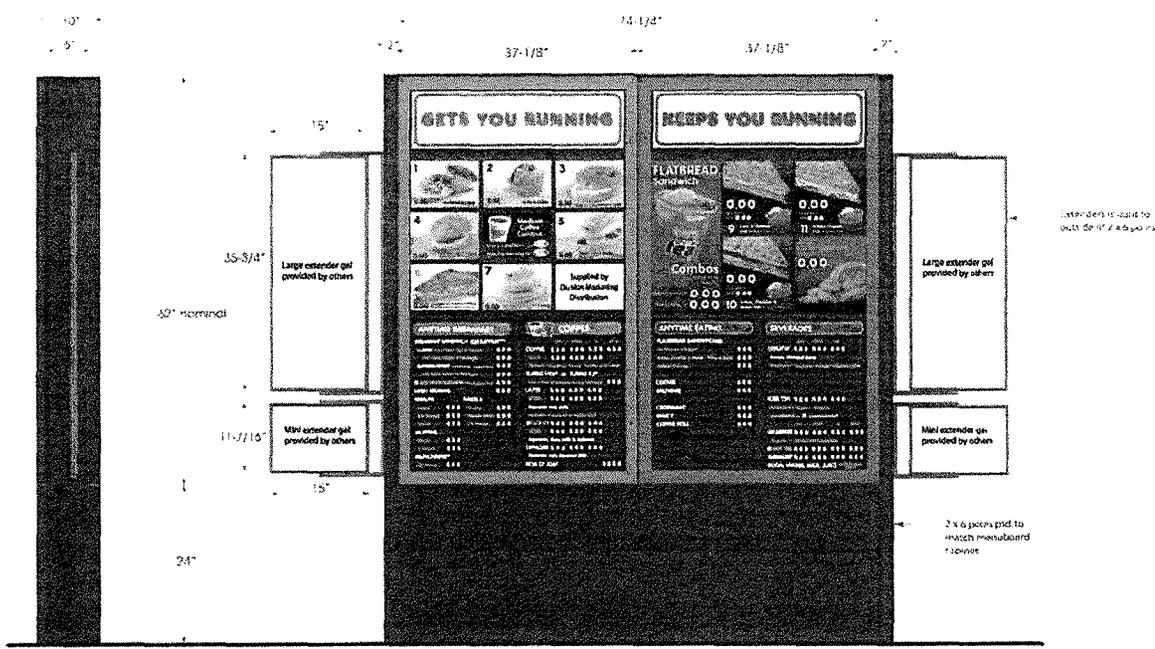
SIDE 2



ARCHITECT:  
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 628 DAVIS STREET  
 SUITE 300  
 EVANSTON, IL 60201  
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PROJECT:  
 Dunkin Donuts - St. Charles  
 2701 E Main Street  
 St. Charles, IL 60174  
 DRIVE THRU SIGNS

Project Number  
 1425.009  
 Issue Date  
 01/14/2014  
 Page Number  
 09



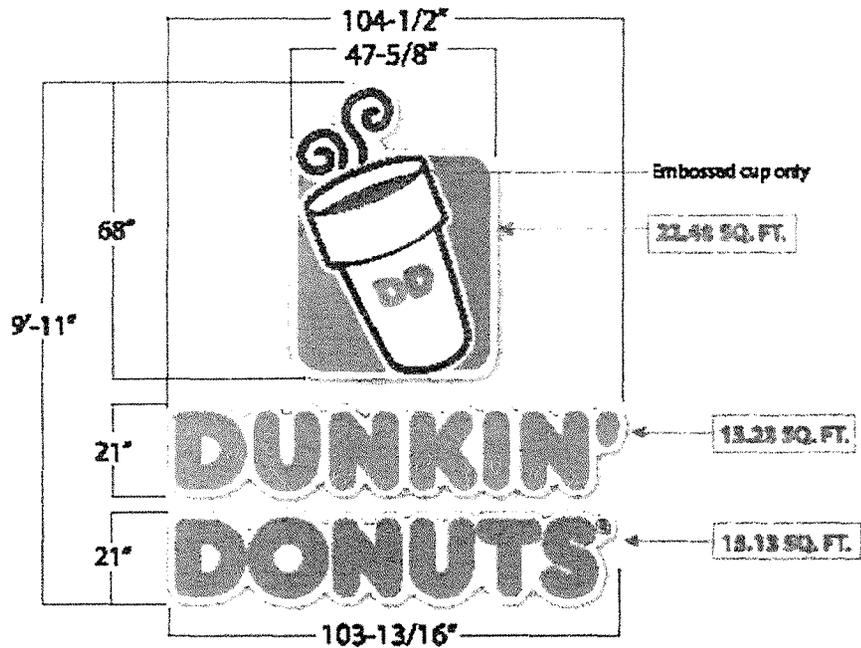
**DRIVE THRU MENU BOARD**

L: 112.25'                      AREA: 64.65 SF.  
 W: 10'  
 H: 86'

ARCHITECT:  
  
 828 DAVIS STREET  
 SUITE 300  
 EVANSTON, IL 60201  
 PH: 847.432.1302

PROJECT:  
 Dunkin Donuts - St. Charles  
 2701 E Main Street  
 St. Charles, IL 60174  
 DRIVE THRU MENU

Project Number	1425.009
Issue Date	01/14/2014
Page Number	10



DUNKIN DONUTS DD ICON CUP OVER LOGO 21" LETTERS

L: 21"  
W: 104.5"  
H: 119"  
Area: 41.24 SF.



DUNKIN DONUTS "IN-LINE" LOGO LED CLOUD SIGN 15" LETTER

L: 15"  
W: 174.5"  
H: 34"  
Area: 41.24 SF.

ARCHITECT:

**kolbrook design**

828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
PH: 847 492 1592

PROJECT:

Dunkin Donuts - St. Charles  
2701 E Main Street  
St. Charles, IL 60174

BUILDING SIGNAGE

Project Number

1425 009

Issue Date

01/14/2014

Page Number

11

State of Illinois )  
 )  
Counties of Kane and DuPage ) ss.

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on May 18, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-Z-9, entitled

"Motion to approve An Ordinance Granting Approval of a Minor Change to PUD Preliminary Plan and Drive-Through Facility Stacking Space Reduction for 2701 E. Main St. (Stuart's Crossing PUD – Dunkin Donuts),"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-Z-9, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on May 23, 2015, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 18th  
day of May, 2015.



*Nancy Garrison*  
Municipal Clerk



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title:	<b>Beekeeping in Residential Districts</b>
Presenter:	Bob Vann, Building and Code Enforcement Division Manager

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development 08/08/2016		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES	NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

**City staff have been recently responding to resident’s questions and concerns for the activity of beekeeping. Currently, City Code does not address this particular use. Staff surveyed surrounding communities and attached is information for your review. Staff is requesting input and direction on regulating the practice of beekeeping in residential districts. Possible standards the Committee may consider include:**

**1-Minimum lot size?**

- RE-1 1.5 acres
- RE-2 – 25,000 sq. ft.
- RS-1 – 18,000 sq. ft.

**2-Maximum number of hives and their location? (rear yard)**

**3-Minimum distance from lot lines? (25 feet + or -)**

**4-Should existing hives be grandfathered or amortized?**

**5-Should Council recommend moving forward with an ordinance regulating beekeeping; staff would recommend that a permit be applied for the installation of the hives.**

**Attachments: (please list)**

**Surveys of local communities.**

**Recommendation / Suggested Action (briefly explain):**

**Provide staff feedback and direction on interest in regulating and possible standards for the practice of beekeeping in residential districts. Based on direction, staff will bring back an ordinance for consideration.**

<i>For office use only:</i>	<i>Agenda Item Number: 3j</i>
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## Beekeeping in Residential Districts

TOWN	ALLOWED	REQUIREMENTS	OTHER INFO
Bartlett	Yes - Bee hives are allowed as part of an agricultural use.	Property must be zoned ER-1 and a minimum of 10 acres. The hives must be 100 feet from the nearest lot line and at least 100 feet from the street.	Found in FAQ
Batavia	? - Animal Raising, Non-Commercial	Minimum 2 acre lot size	Chapter 2.1: Single Family Residential Districts / Table 2.103: Land Use Regulations – Single Family Residential Districts
North Aurora	NO - NO person shall own, keep or harbor within the village any dangerous animal, <b>bees</b> , farm animal, insect, or other animal which is feral naturae in the eyes of the law.		Title 6 - Animals. 6.08.060
Warrenville	Yes - along with the selling of honey and related products on lots of 20,000 square feet or more.	The number of colonies shall not exceed 4 for the first 20,000 square feet of lot area and 2 colonies for each 10,000 square feet thereunder; register with IL Dept. of Agriculture; must provide water source; must be kept at least 10 feet from all property lines at all times and may not be located in side, corner side or front yards.	Section 10.A.2.A.9 - Accessory uses and yards - home occupations
Hanover Park	Yes - only at HP Community Apiary.	Permit required. Limited to 2 hives. Register with the IL Dept. of Agriculture. Must provide \$1M in public liability insurance, automobile liability insurance, and source of water. Must have Village approved beekeeping skills.	Permit application
Wilmette	Not permitted		

## Beekeeping in Residential Districts

Glen Ellyn	No ordinance - only as personal hobby. Cannot be home occupation.	Have guidelines in place for residents who are interested in beekeeping. No more than 3 hives. Must be minimum of 25' from the side and rear lot lines. Water source. Written notification must be submitted to all adjacent neighbors.	
Oak Park	Yes	Permit required. Limited to 2 hives that meet Village code requirements; register with IL Dept. of Agriculture.	Chapter 20 - Public Health, Article 20
Schaumburg	Yes - at the Community Bee Garden or at home. •Beehives are currently allowed in the A and R-1 residential districts. Lots in the "A" (Agricultural) zoning district are a minimum size of 5 acres, and lots in the R-1 (Single Family Rural) zoning district are a minimum size of 2.5 acres. •Beehives are permitted as a "special use" in R-4, R-6, R-6C, and R-7 residential districts. The R-4, R-6, R-6C, and R-7 residential districts are comprised of lots ranging in size from 8,750 – 20,000 square feet. Special Use review fee \$603.	For Community Bee Garden: Limited to 3 hives. Register with the IL Dept. of Agriculture. Completed application, certificate of insurance, and hold harmless agreement. Must demonstrate beekeeper knowledge. At home, must go through a village review and approval process.	POLICY STATEMENT 5.76 TITLE: - COMMUNITY BEE GARDEN
Palatine	Yes	IL beekeepers permit required. 25 ft. from property line. Fence required.	Chapter 5 - Article IV. Beekeeping
Elmhurst	Not permitted		
Evanston	Yes	No more than 8 apiaries in each ward. City license required; \$25 fee; register with IL Dept. of Agriculture; fence and signage required; source of water	Title 9 - Public Safety (9-4-19)

### Beekeeping in Residential Districts

Geneva	Not regulated	Request hives be placed as close to the center of the yard as possible.	
Elburn	Only in agricultural district		Article VI
South Elgin	Only in F-1 farming district - categorized as an agricultural use		
Wheaton	No ordinance or procedures.		
Aurora	No - No person shall own, keep or harbor within the village any dangerous animal, bees, farm animal, insect, or other animal which is feral naturae in the eyes of the law.		Chapter 9 - Animals. Sec. 9-15
West Chicago	No information on website and no response from staff.		
Elgin	No information on website and no response from staff.		