

	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	Application for a Final Plat of Subdivision for the Valley Shopping Center		
	Staff:	Matthew O'Rourke		
Please check appropriate box (x)				
	PUBLIC HEARING		MEETING 3/6/2012	X
APPLICATIONS UNDER CONSIDERATION:				
Application for a Final Plat of Subdivision				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report dated 3-2-12	Final Plat of Subdivision of Valley Shopping Center; Alan J. Coulson, P.C.; received 2-3-12			
Application and Attachments	Plat of Survey Zoning Exhibit; Alan J. Coulson, P.C.; dated 8-16-11			
EXECUTIVE SUMMARY:				
<p>The owners of the Valley Shopping Center are proposing to subdivide the existing shopping center property into three separate lots. The details of this proposal are as follows:</p> <p>The subject property will be split into three total parcels.</p> <ul style="list-style-type: none"> ○ The applicant would like to create two outlots for the existing 5/3rd and Rookie's buildings. These lots will then be sold to these individual owners. ○ Lot 1 will be comprised of the existing 5/3rd bank building. ○ Lot 2 will be comprised of the existing Rookie's restaurant. ○ Lot 3 will be comprised of the two existing multi-tenant retail buildings. <ul style="list-style-type: none"> ▪ The majority of the shared parking facilities and ingress/egress points are located on Lot 3. ○ Ingress/Egress easements are proposed to serve all three lots and provide access for the existing traffic signal and all additional access points to the property. ○ A blanket easement is proposed to maintain access and the use of shared parking facilities for all proposed lots. ○ The owner is proposing to stripe additional parking stalls to the west and south of the existing multi-tenant retail buildings. 				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
Staff is recommending approval of the Final Plat of Subdivision, contingent upon resolution of all Staff comments.				

Community Development
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES
 SINCE 1834

Staff Report

TO: Chairman, Todd Wallace and
 the Members of Plan Commission

FROM: Matthew O'Rourke, AICP
 Planner

RE: Plat of Subdivision for the Valley Shopping Center.

DATE: March 2, 2012

I. APPLICATION INFORMATION

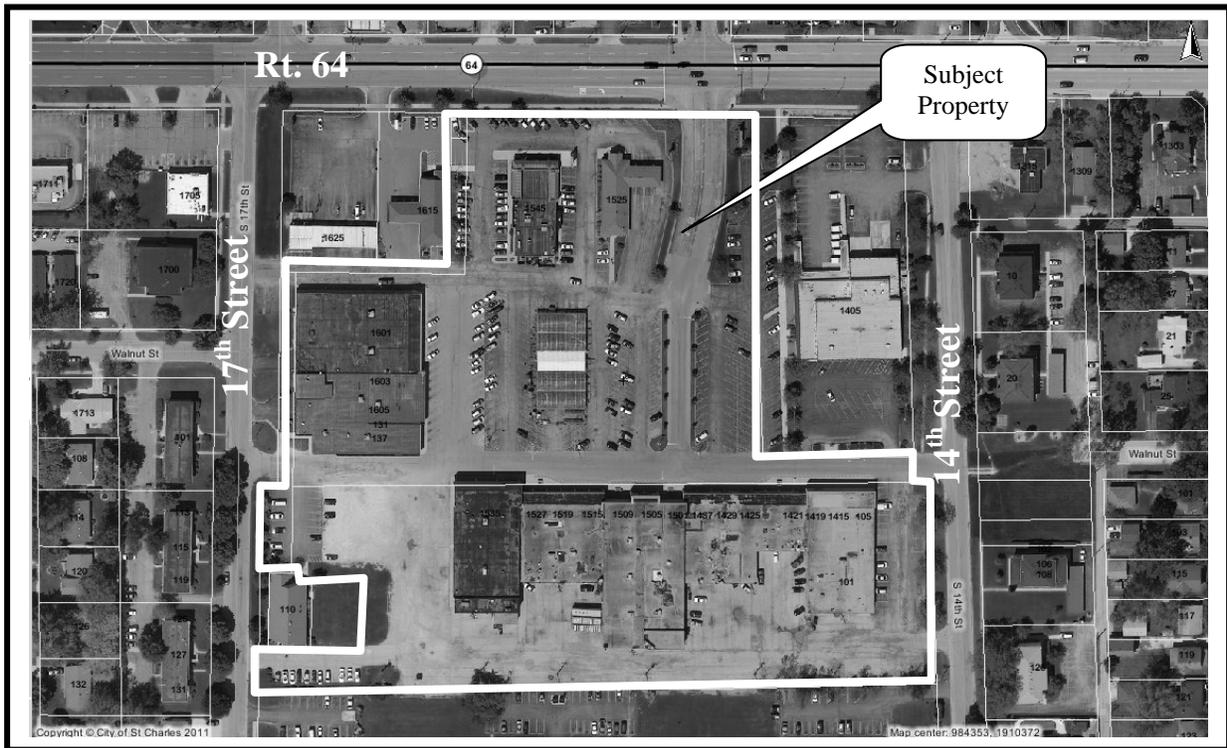
Project Name: Valley Shopping Center Subdivision

Applicant: VSC Property, LLC (Henry Funk)

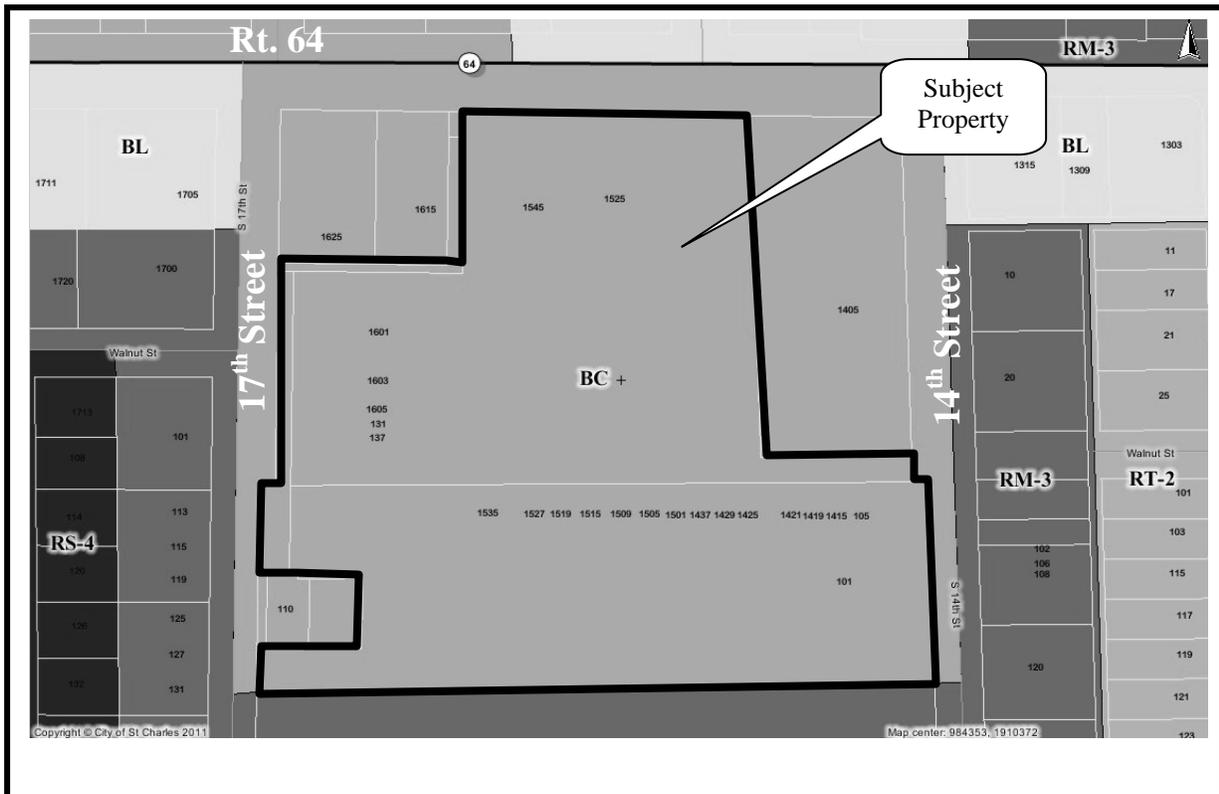
Purpose: Subdivide the existing property into 3 separate properties

General Information:		
Site Information		
Location	South Side of Rt. 64 between 14 th and 17 th Streets (Multiple Addresses)	
Acres	10.357	
Applications	1) Application for Final Plat of Subdivision	
Applicable Zoning Code	Title 16, Chapter 24-Final Plats	
Sections/ Ordinances	Table 17.14-2 Business and Mixed-Use Districts Bulk Regulations	
Existing Conditions		
Land Use	Multiple Retail and Service Businesses	
Zoning	BC-Community Business	
Zoning Summary		Current Land Uses
North	BL- Local Business and BC – Community Business	Multiple Businesses
East	BC – Community Business	Vacant Former Post Office
South	RM-3 General Residential District	Apartment Buildings
West	RM-3 General Residential District	Apartment Buildings
Comprehensive Plan Designation		
Retail and Service		

Aerial Photo



Zoning



II. PROPOSAL

The owners of the Valley Shopping Center are proposing to subdivide the existing shopping center property into three separate lots. The details of this proposal are as follows:

The subject property will be split into three total parcels.

- The applicant would like to create two outlots for the existing 5/3rd and Rookie’s buildings. These lots will then be sold to these individual owners.
- Lot 1 will be comprised of the existing 5/3rd bank building.
 - Located directly to the west of the existing traffic signal into the Valley Shopping Center.
 - This lot will extend south of the existing access drive into a portion of the main parking lot.
- Lot 2 will be comprised of the existing Rookie’s restaurant.
 - Located directly to the west of the proposed 5/3rd lot.
 - Encompasses the existing access drive to the south of the restaurant and the remainder of the existing drive to 17th Street.
- Lot 3 will be comprised of the two existing multi-tenant retail buildings.
 - The majority of the shared parking facilities and ingress/egress points are located on Lot 3.
- Ingress/Egress easements are proposed to serve all three lots and provide access to the existing traffic signal and all additional access points for the property.
- A blanket easement is proposed to maintain access and the use of shared parking facilities for all proposed lots.
- The owner is proposing to stripe additional parking stalls to the west and south of the existing multi-tenant retail buildings.

III. ZONING ANALYSIS

The underlying zoning district for this property is BC- Community Business. Staff has reviewed the proposed subdivision to ensure that the proposed lots meet the applicable standards of the Zoning Ordinance. The following tables detail Staff’s review.

A. BULK STANDARDS

Table 1 Zoning Analysis

ZONING CATEGORY	ZONING ORDINANCE STANDARD	LOT – 1 (5/3RD)	LOT – 2 (ROOKIE’S)	LOT – 3 (MULTI-TENANT)
Minimum Lot Area (Acres)	1 acre	1.001 Acres	1.001 Acres	8.35 Acres
Minimum Lot Width (Feet)	None	107.33	132.88	106.45
Maximum Building Coverage	40%	6.8%	13.8%	28.6%
Building Setbacks				
<i>Front Yard</i>	20’	62.18’	64.40’	220’
<i>Side Yard</i>	10’	26’	36’	19.10’

<i>Rear Yard</i>	30'	220'	52'	52'
<i>Exterior Side Yard</i>	20'	N/A	N/A	84.18
Parking Setbacks				
<i>Front Yard</i>	20'	10' <i>Legal Non-Conforming</i>	10' <i>Legal Non-Conforming</i>	10' <i>Legal Non-Conforming</i>
<i>Side Yard</i>	0'	0'	0'	0'
<i>Rear Yard</i>	0'	0'	0'	0'
<i>Exterior Side Yard</i>	20'	N/A	N/A	13' <i>Legal Non-Conforming</i>

B. REQUIRED OFF-STREET PARKING ANALYSIS

Staff has analyzed the existing uses for the two proposed outlots and multi-tenant retail buildings to determine if there is an adequate number of off-street parking spaces for all existing uses. The specifics of this analysis are as follows:

- A total of 499 spaces are required for all existing uses.
- Currently, there are a total of 316 existing off-street parking spaces.
- The applicant has submitted a plan titled *Plat of Survey Zoning Exhibit* that demonstrates 499 spots can be provided onsite.
- Providing all 499 spaces will require paving a section of the property. The owners have expressed the desire to not pave that portion of the parking due to financial constraints.

1. Shared Parking Analysis

Section 17.24.050 Shared Parking states, “*The same off-street parking spaces may be shared between two (2) or more separate uses on the same lot, but only to the extent that the demand for such spaces by the separate uses will not occur at the same hours during the same days of the week.*” The following details that analysis:

- Staff broke down the number of spaces required by each use and compared that to their hours of operation.
 - All businesses are open from 11:00AM to 5PM Monday through Thursday.
 - 499 would need to be provided during these hours.

Staff then determined actual parking demand based on the peak parking demand times of the existing tenant mix. *Shared Parking (Second Edition)* authored by the Urban Land Institute was used as a technical resource for this analysis. This study provides a detailed breakdown of off-street parking space demand based on general use categories. This demand is expressed as a percentage of required spaces utilized by a business during different times of the day. The analysis of the shared parking potential of the Valley Shopping Center is as follows:

- The use can be broken down into the following general categories:
 - 72,398 SQ FT of general retail (includes vacant spaces).
 - 4,270 SQ FT of personal services.
 - 4,800 SQ FT of family restaurant.
 - 5,364 SQ FT of fast food restaurant.
 - 14,552 SQ FT of health and fitness club.
 - 2,960 SQ FT of bank.

- Staff determined that the peak parking demand of the existing shopping center is at 1:00PM during the weekdays.
- The maximum number of off-street parking spaces utilized is estimated at 452.
- Based on the shared parking analysis, the total required off-street parking spaces can be reduced from 499 to 452 for a difference of 47 spaces.

Staff determined that a sufficient number of off-street parking spaces will be provided even if the property owner does not pave and stripe the area immediately west of the existing buildings. The property owner will be required to pave this area should the tenant mix change and parking demand intensifies.

C. TITLE 16 SUBDIVISION AND LAND DEVELOPMENT ANALYSIS

Staff also reviewed this plat for conformance with **Title 16 Subdivision and Land Development**. The necessary perimeter easements, property lines, etc. are shown on the Final Plat.

Since no site improvements or extension of utilities are proposed at this time, there are no engineering plans to review.

IV. **STAFF COMMENTS**

There are minor Staff comments for the plat. These comments are as follows:

1. The blanket utility easement language needs to be revised.
2. Two monuments as required by State Statute need to be shown on the plat.
3. The number and area of all easements needs to be shown on the plat.

V. **RECOMMENDATION**

Staff is recommending approval of the Final Plat of Subdivision for the Valley Shopping Center, contingent upon resolution of all Staff comments.

VI. **ATTACHMENTS**

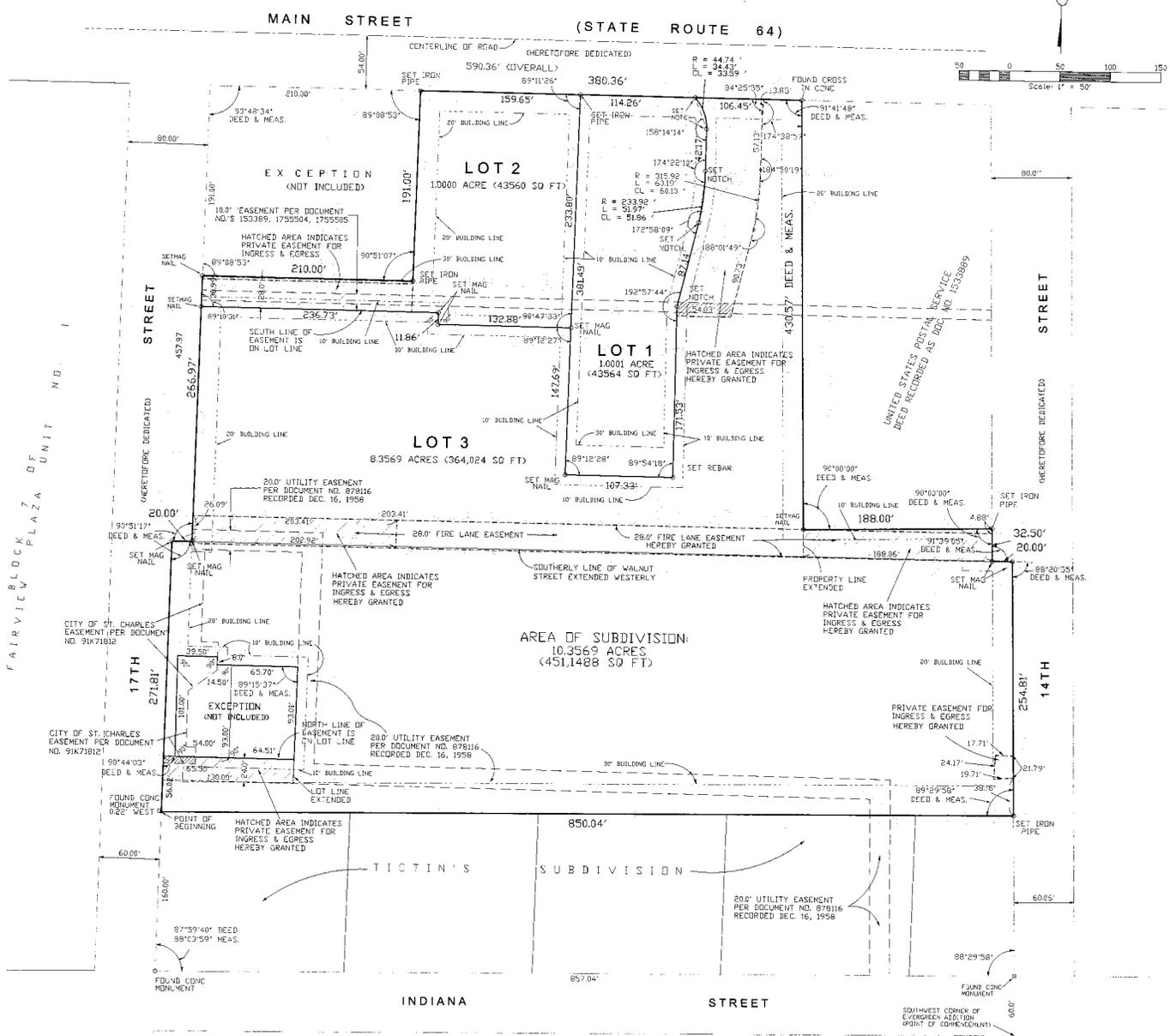
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Plat of Survey Zoning Exhibit; Alan J. Coulson, P.C.; dated 8-16-11

Cc: Russell Colby, Planning Division Manager

FINAL PLAT VALLEY SHOPPING CENTER SUBDIVISION

BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 28 AND PART OF THE
NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH RANGE 8 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

SHEET 1 OF 2



CITY COUNCIL CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF KANE)ss
Approved and accepted this _____ day of _____, A.D., 2011.
CITY COUNCIL OF CITY OF ST. CHARLES, ILLINOIS
Mayor _____
Attest: _____
City Clerk

PLAN COMMISSION CERTIFICATE
STATE OF ILLINOIS)
CITY OF ST. CHARLES)ss
Approved this _____ day of _____, A.D., 2011.
CITY OF ST. CHARLES PLAN COMMISSION
Chairman _____

KANE COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF KANE)ss
This instrument _____ was filed for record in the Recorder's
Office of Kane County, Illinois, on the _____ day of _____, A.D.,
2011 at _____ o'clock _____ M., as Document Number _____
County Recorder _____

THIS PLAT IS BEING RECORDED BY:
Name: _____
Address: _____

Prepared by:
Alan J. Coulson, P.C.
Professional Land Surveyors
205 West Main Street,
West Dundee, Illinois 60118
Phone: (847) 426-2911

FINAL PLAT
VALLEY SHOPPING CENTER SUBDIVISION

BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 28 AND PART OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 40 NORTH RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

SHEET 2 OF 2

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE JSS

This is to certify that I, Charles J. Hill, Illinois Professional Land Surveyor in the State and County aforesaid have surveyed, subdivided, and platted for the owners thereof the following described property.
That part of the Southwest Quarter of Section 28 and part of the Northwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Southwest Corner of Evergreen Addition to the City of St. Charles, Kane County, Illinois, thence Northerly along the Westerly line of said Evergreen Addition, being a Westerly line of Fourteenth Street 60.0 feet to the Northerly line of Indiana Street, thence Westerly along the Northerly line of said Indiana Street forming an angle of 89 degrees 29 minutes 59 seconds with the Westerly line of said Fourteenth Street (measured counter-clockwise therefrom) 357.04 feet to a line drawn parallel with and 80.0 feet Easterly of the Easterly line (measured at right angles thereto) of Block 7, Fairview Plaza, Unit No. 1, St. Charles, Kane County, Illinois, thence Northerly along said parallel line forming an angle of 87 degrees 59 minutes 40 seconds with the Northerly line of said Indiana Street (measured counter-clockwise therefrom) 160.0 feet for a point of beginning, thence continuing Northerly along said parallel line 271.81 feet to the Southerly line extended Westerly of Walnut Street, thence Easterly along said extended Southerly line forming an angle of 90 degrees 55 minutes 17 seconds with the last described course (measured counter-clockwise therefrom) 20.0 feet to a line drawn parallel with and 80.0 feet Easterly of the Easterly line (measured at right angles thereto) of said Block 7, thence Northerly parallel with the Easterly line of said Block 7 forming an angle of 90 degrees 51 minutes 17 seconds with the last described course (measured counter-clockwise therefrom) 457.97 feet to a line drawn parallel with and 54.0 feet Southerly of the center line (measured at right angles thereto) of West Main Street (Illinois State Route 64), thence Easterly parallel with the center line of said West Main Street forming an angle of 90 degrees 48 minutes 34 seconds with the last described course (measured counter-clockwise therefrom) 590.36 feet to the Northwest corner of a tract of land conveyed to the United States Postal Service by Deed recorded as Document 1533889, thence Southerly along the Westerly line of said Postal Service Tract forming an angle of 81 degrees 41 minutes 49 seconds with the last described course (measured counter-clockwise therefrom) 430.57 feet to the Southwest corner of said Postal Service Tract, being at right angles to the last described course, 183.0 feet to the Southeast corner of said Postal Service Tract, thence Southerly at right angles to the last described course 32.50 feet to the said Southerly line extended Westerly of Walnut Street, thence Easterly along said extended Southerly line forming an angle of 91 degrees 39 minutes 05 seconds with the last described course (measured clockwise therefrom) 20.0 feet to the Westerly line of said Fourteenth Street, thence Southerly along the Westerly line of said Fourteenth Street forming an angle of 88 degrees 20 minutes 45 seconds (measured counter-clockwise therefrom) 254.81 feet to a line drawn parallel with the Northerly line of said Indiana Street from the point of beginning, thence Westerly parallel with the Northerly line of said Indiana Street forming an angle of 89 degrees 28 minutes 58 seconds with the last described course (measured counter-clockwise therefrom) 850.04 feet to the point of beginning.

(excepting therefrom the Northerly 151.0 feet to the Westerly 210.0 feet thereof, as measured along the Westerly and Northerly line thereof and also except that part described as follows: Commencing at the point of intersection of the North line of Indiana Street with a line drawn parallel with and 60.0 feet Easterly of the East line (measured at right angles thereto) of Block 7, Fairview Plaza, Unit No. 1, St. Charles, Kane County, Illinois, thence Northerly along said parallel line 218.02 feet, thence Easterly along a line forming an angle of 80 degrees 44 minutes 03 seconds with the last described course (measured counter-clockwise therefrom) 65.50 feet for a point of beginning, thence Northerly at right angles to the last described course 53.0 feet, thence Westerly at right angles to the last described course 14.50 feet, thence Northerly at right angles to the last described course 8.0 feet, thence Westerly at right angles to the last described course 39.50 feet to a point that is 70.02 feet Easterly of said East line (measured at right angles thereto), thence Southerly at right angles to the last described course 101.0 feet, thence Easterly at right angles to the last described course 54.0 feet to the point of beginning.

and also except that part described as follows: Commencing at the point of intersection of the North line of Indiana Street with a line drawn parallel with and 60.0 feet Easterly of the East line (measured at right angles thereto) of Block 7, Fairview Plaza, Unit No. 1, St. Charles, Kane County, Illinois, thence Northerly along said parallel line 218.02 feet, thence Easterly along a line forming an angle of 80 degrees 44 minutes 03 seconds with the last described course (measured counter-clockwise therefrom) 65.50 feet for a point of beginning, thence Northerly at right angles to the last described course 53.0 feet, thence Westerly at right angles to the last described course 14.50 feet, thence Northerly at right angles to the last described course 8.0 feet, thence Westerly at right angles to the last described course 39.50 feet to a point that is 70.02 feet Easterly of said East line (measured at right angles thereto), thence Southerly parallel with said East line forming an angle of 89 degrees 15 minutes 37 seconds with the last described course (measured counter-clockwise therefrom) 93.01 feet to a line drawn parallel with the last described course from the point of beginning, thence Westerly along said parallel line forming an angle of 80 degrees 44 minutes 03 seconds with the last described course (measured clockwise therefrom) 64.51 feet to the point of beginning.

containing 10.3569 acres in the City of St. Charles, Kane County, Illinois. I further certify that iron stakes have been set at all lot corners, except where concrete monuments are indicated, and that the plat hereon drawn correctly represents said survey and subdivision. Dimensions are given in feet and decimal parts thereof.

I further certify that the foregoing property falls within the corporate limits of the City of St. Charles, and I further certify that no part of the property falls within a flood hazard area, as identified for the City of St. Charles, Kane County, by the Flood Insurance Rate Map, Community Panel No. 170830C0262H, effective date August 3, 2009.

Given under my hand and seal at Dundee, Illinois, this Day of _____, A.D. 2011.

Illinois Professional Land Surveyor
Charles J. Hill - P.L.S. #35-2790
My license expires November 20, 2012

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE JSS

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 the annexed plat.

I further certify that I have received all statutory fees in connection with the annexed plat.

Given under my hand and seal at _____, Illinois, this Day of _____, A.D. 2011.

County Clerk

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS
COUNTY OF KANE JSS

I do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any deferred installments thereof that have not been apportioned against the tract of land included in the plat.

Dated at _____, Illinois, this Day of _____, A.D. 2011.

Collector of Special Assessments

OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE JSS

This is to certify that VSC Property, LLC, an Illinois limited liability company, is the owner of the land described in the annexed plat, and that he has caused the plat 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 certify that the property being subdivided aforesaid and, to the best of Owner's knowledge and belief, said subdivision lies entirely within the limits of school District 303.

Dated this _____ day of _____, A.D. 2011.

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE JSS

I, _____, a Notary Public, in and for a said county, in the state aforesaid, do hereby certify that _____ and _____ of VSC Property, an Illinois limited liability company, personally known to me to be the same persons whose names are subscribed to the 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. 2011, at _____, Illinois.

Notary Public

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF _____ JSS

This is to certify that First State Bank, as successor to Valley Community Bank, as Mortgagee under (i) mortgage recorded June 15, 2007 as Document No. 2007K03951 and (ii) mortgage recorded June 24, 2009 as Document No. 2009K052456 and (iii) mortgage recorded February 7, 1997 as Document No. 87K008735, hereby consents to recording of the plat as hereon shown.

Dated at _____, Illinois, this Day of _____, A.D. 2011.

By: _____, Attest: _____

Title: _____ Title: _____

NOTARY PUBLIC

STATE OF ILLINOIS
COUNTY OF _____ JSS

I, _____, a Notary Public in and for said county, in the state aforesaid, do hereby certify that _____ and _____ of First State Bank, are 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 acknowledged that they signed and delivered the said instrument as such officers, and as their own free and voluntary acts, for the uses and purposes therein set forth.

Given under my hand and notarial seal this Day of _____, A.D. 2011.

Notary Public
My Commission Expires: _____

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF _____ JSS

This is to certify that National Bank and Trust Company of Sycamore, as Mortgagee under mortgage recorded May 30, 2003, June 15, 2007 as Document No. 2003K089991, hereby consents to recording of the plat as hereon shown.

Dated at _____, A.D., 2011, Illinois, this Day of _____

By: _____, Attest: _____

Title: _____ Title: _____

NOTARY PUBLIC

STATE OF ILLINOIS
COUNTY OF _____ JSS

I, _____, a Notary Public in and for said county, in the state aforesaid, do hereby certify that _____ and _____ of National Bank and Trust Company of Sycamore, are 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 acknowledged that they signed and delivered the said instrument as such officers, and as their own free and voluntary acts, for the uses and purposes therein set forth.

Given under my hand and notarial seal this Day of _____, A.D., 2011.

Notary Public
My Commission Expires: _____

COUNTY ENGINEER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE JSS

This plat has been approved by the Kane County Engineer with respect to roadway access to _____ pursuant to Illinois Chapter 785 Paragraph 205.2.

Dated this _____ day of _____, A.D., 2011.

County Engineer

DIRECTOR OF PUBLIC WORKS CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE JSS

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.

Dated at _____, Illinois, this Day of _____, A.D., 2011.

Director of Public Works

(a) Blanket City Utility and Access Easement. There is hereby granted to the City a permanent, non-exclusive utility easement twenty (20) feet in width, the centerline of which shall be the location of each City-owned utility line now existing or hereafter placed on the Property (each an "On-Property City Utility Line"), provided, however, that with respect to each such Blanket City Utility Easement:

- 1. It shall not extend under any currently existing building on the Property, and
2. It shall be automatically relocated if and when the associated On-Property City Utility Line is itself relocated pursuant to a permit issued by the City.
3. No permanent building shall be erected in said easement, but same may be used as for (1) a paved parking lot and/or (2) shrubs, landscaping and other purposes that do not then or later unreasonably interfere with the City's easement rights; and
4. The City is hereby granted the right to cut down, trim or remove trees, shrubs or other plants that unreasonably interfere with the operation of or access to the On-Property City Utility Line and/or the easement with respect thereto.

(b) City Fire Lane and Public Protection Easement. There is hereby granted to the City, its officers, employees, successors and assigns, a non-exclusive perpetual easement to the full extent necessary to enter upon, over, under and through those portions of the Property not otherwise improved with buildings in order to provide police protection, fire protection, public works service, and other emergency services, and to remove any vehicles or other obstructions which interfere with such police, fire, public works, or other emergency services. Without limiting the foregoing, there is hereby granted an easement for the aforesaid purpose over the area on the Plat of Subdivision labeled "Fire Lane Easement".

(c) Future Utility or Drainage Easements. If additional utility or drainage easements, whether or not contemplated or mentioned in this Declaration between or across portions of the Property, are reasonably necessary and desirable to effectuate the purposes of this Declaration, then, upon request of the Association, and provided said proposed additional easements will not unreasonably interfere with development, use and occupancy of, unreasonably affect access to, or operation of or materially increase the operating costs of any Commercial Site, each Owner agrees to grant such additional easements across its Commercial Site, without charge therefor, subject to reasonable terms and conditions, which shall be agreed upon between the Association and such Owner. Any new easements shall be signed by the Association and/or all Owners of portions of the Property which compose the land within such new easements and shall be recorded in the Office of the Recorder of Deeds, Kane County, Illinois.

(d) Declarant Maintenance Easement. There is also hereby granted to the Declarant, its agents, employees, contractors and assigns, the non-exclusive right and easement to go upon any Commercial Site with such personal and equipment as may be reasonably required to perform any of the maintenance, repairs, replacements or other actions for which the Declarant is authorized pursuant to the terms hereof, provided, however, that: (a) Declarant's exercise of such easement rights shall not cause any disturbance to any business operations on a Commercial Site (ii) ingress or egress to and from a Commercial Site or (iii) visibility of a Commercial Site and (b) the Declarant shall be obligated to indemnify and hold the Owner of such Commercial Site harmless from any liability, loss, claims, demands, costs or expenses asserted against or reasonably incurred by such Owner as a result thereof.

(e) Private Easement for Ingress and Egress. The Owner of each Commercial Site shall have and enjoy the non-exclusive right and easement the Private Easement for Ingress and Egress, exercisable in common with all others having the like right, at all times hereafter, without fee or charge, to ingress and egress to and from the Commercial Site and to use the Commercial Site, without charge therefor, subject to reasonable terms and conditions, which shall be agreed upon between the Association and such Owner. Any new easements shall be signed by the Association and/or all Owners of portions of the Property which compose the land within such new easements and shall be recorded in the Office of the Recorder of Deeds, Kane County, Illinois.

(f) Reciprocal Parking and Driveway Easement. Every Commercial Site within the Subdivision shall have and enjoy an easement (hereinafter a "Reciprocal Parking and Driveway Easement" or an "RPD Easement") over every other Commercial Site, with the terms and provisions of such easement to be as follows:

(i) Under the RPD Easement, each owner of a Commercial Site (the "Dominant Site") and such Owner's employees, agents, invitees and tenants (collectively an "RPD Easement Holder") shall have the following easement rights with respect to all other Commercial Sites (hereinafter collectively called the "Servient Sites"), subject, however, to the Regulatory Powers and Alteration Rights set forth below:

- A. the non-exclusive right and easement, exercisable in common with all others having the like right, at all times hereafter, without fee or charge, to use for vehicular parking that portion of the Servient Sites as may from time to time be paved and available for use by the invitees of the Dominant Site as a place for the parking of motor vehicles provided, however, that such rights may be exercised only for such purposes as are reasonably associated with or incidental to the lawful use of the Dominant Site;
B. the non-exclusive right, and easement exercisable in common with all others having the like right, at all times hereafter, without fee or charge, to pass and repose, on foot or with vehicles of any description, over and along those portions of the Servient Sites as may, from time to time, be paved and available for use by the invitees of the Servient Sites for driveway purposes; provided, however that such rights may be exercised only for such purposes as are reasonably associated with or incidental to the lawful use of the Dominant Site.

Notwithstanding the foregoing, no RPD Easement rights shall be exercised on any area of any Servient Parcel that is used for or in connection with (i) the operation of automatic teller machine(s) (ATM) or facilities for vehicular drive-up or drive-through, or (ii) in which stopping or standing of vehicles in a lot at a location for drop-off and/or pick-up is intended. Further, no RPD Easement rights shall be exercised on any area of any Servient Parcel so as to obstruct, interfere with, or impede any person or vehicle traveling to or from any Servient Site.

(ii) "Regulatory Powers" means the right of the owner of the Dominant Site to prescribe such rules and regulations pertaining to the use and enjoyment of the RPD Easement as may be reasonably necessary or appropriate in order to maintain or improve the safety or convenience of that portion of the Servient Sites impressed with such RPD Easement and/or to reduce the risk of personal injury or property damage on such Servient Site.

(iii) "Alteration Rights" means the right to alter, expand or diminish the location of the areas on the said Servient Site impressed with such RPD Easement where same is reasonably necessary or appropriate in connection with:

- A. The erection or expansion of any improvement on the said Servient Sites; or
B. The exercise of any Regulatory Powers.

However, no such Alteration Rights shall be exercised so as to (i) block the free flow of vehicular access, ingress and egress over the areas labeled "Private Easement for Ingress and Egress" on the Plat of Subdivision; (ii) prevent the exercise by the Owner of a Dominant Site of such Owner's RPD Easement Rights over any Servient Site; or (iii) reduce the aggregate number of parking stalls within the Subdivision to less than required by Applicable Laws.

I D O T CERTIFICATE

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to Paragraph 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.

Region One Engineer, Deputy Director of Highways

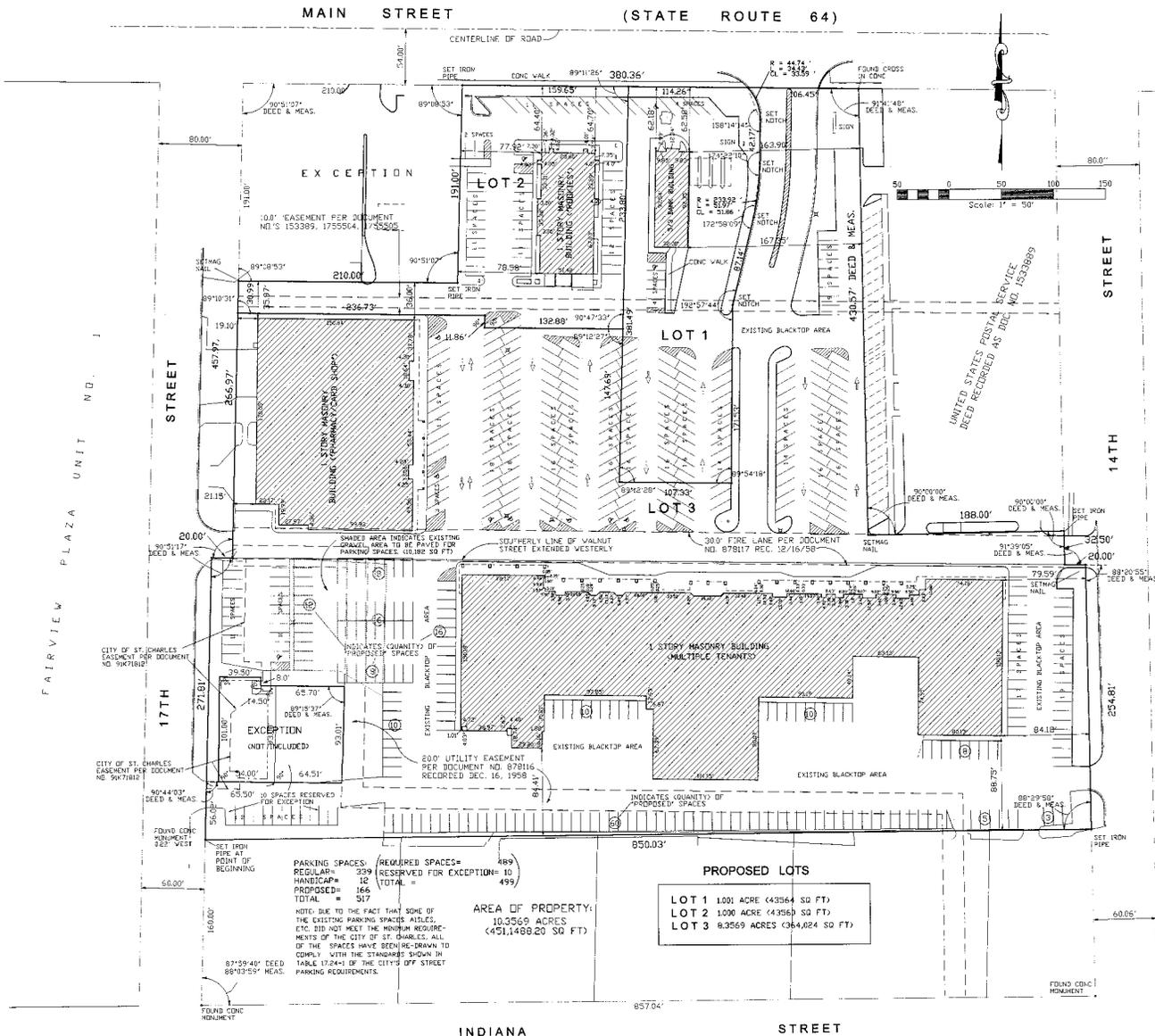
Prepared by:
Alan J. Coulson, P.C.
Professional Land Surveyors
205 West Main Street,
West Dundee, Illinois 60118
Phone: (847) 426-2911

Alan J. Coulson, P.C. PROFESSIONAL LAND SURVEYORS PLAT OF SURVEY

ZONING EXHIBIT

OF PROPERTY DESCRIBED AS:

That part of the Southwest Quarter of Section 28 and part of the Northwest Quarter of Section 33, Township 40 North, Range 9 East of the Third Principal Meridian described as follows: Commencing at the Southwest corner of Evergreen Addition to the City of St. Charles, Kane County, Illinois, thence Northerly along the Westerly line of said Evergreen Addition, being a Westerly line of Fourteenth Street 60.0 feet to the Northerly line of Indiana Street, thence Westerly along the Northerly line of said Indiana Street forming an angle of 89 degrees 29 minutes 58 seconds with the Westerly line of said Fourteenth Street (measured counter-clockwise therefrom) 857.04 feet to a line drawn parallel with said 60.0 feet Easterly of the Easterly line (measured at right angles thereto) of Block 7, Fairview Plaza, Unit No. 1, St. Charles, Kane County, Illinois, thence Northerly along said parallel line forming an angle of 87 degrees 59 minutes 40 seconds with the Northerly line of said Indiana Street (measured counter-clockwise therefrom) 160.0 feet for a point of beginning, thence continuing Northerly along said parallel line 271.81 feet to the Southerly line extended Westerly of Walnut Street, thence Easterly along said extended Southerly line forming an angle of 90 degrees 51 minutes 17 seconds with the last described course (measured counter-clockwise therefrom) 20.0 feet to a line drawn parallel with and 30.0 feet Easterly of the Easterly line (measured at right angles thereto) of said Block 7, thence Northerly parallel with the Easterly line of said Block 7 forming an angle of 90 degrees 51 minutes 17 seconds with the last described course (measured clockwise therefrom) 457.97 feet to a line drawn parallel with and 54.0 feet Southerly of the center line (measured at right angles thereto) of West Main Street (Illinois State Route 64), thence Easterly parallel with the center line of said Main Street forming an angle of 90 degrees 48 minutes 34 seconds with the last described course (measured counter-clockwise therefrom) 590.36 feet to the Northwest corner of a tract of land conveyed to the United States Postal Service by Deed recorded as Document 1533888, thence Southerly along the Westerly line of said Postal Service Tract forming an angle of 91 degrees 41 minutes 48 seconds with the last described course (measured counter-clockwise therefrom) 430.57 feet to the Southwest corner of said Postal Service Tract, thence Easterly along the Southerly line of said Postal Service Tract, being at right angles to the last described course, 195.0 feet to the Southeast corner of said Postal Service Tract, thence Southerly at right angles to the last described course 32.50 feet to the Southerly line extended Westerly of Walnut Street, thence Easterly along said extended Southerly line forming an angle of 91 degrees 39 minutes 05 seconds with the last described course (measured clockwise therefrom) 20.0 feet to the Westerly line of said Fourteenth Street, thence Southerly along the Westerly line of said Fourteenth Street forming an angle of 89 degrees 20 minutes 55 seconds with said extended Southerly line (measured clockwise therefrom) 254.81 feet to a line drawn parallel with the Northerly line of said Indiana Street from the point of beginning, thence Westerly parallel with the Northerly line of said Indiana Street forming an angle of 89 degrees 23 minutes 58 seconds with the last described course (measured counter-clockwise therefrom) 250.04 feet to the point of beginning, (excepting therefrom the Northerly 191.0 feet to the Westerly 210.0 feet thereof, as measured along the Westerly and Northerly line thereof and also except that part described as follows).
Commencing at the point of intersections of the North line of Indiana Street with a line drawn parallel with and 60.0 feet Easterly of the East line (measured at right angles thereto) of Block 7, Fairview Plaza, Unit No. 1, St. Charles, Kane County, Illinois, thence Northerly along said parallel line 218.02 feet, thence Easterly along a line forming an angle of 90 degrees 44 minutes 03 seconds with the last described course (measured counter-clockwise therefrom) 65.50 feet for a point of beginning, thence Northerly at right angles to the last described course 83.0 feet, thence Westerly at right angles to the last described course 14.50 feet, thence Northerly at right angles to the last described course 8.0 feet, thence Westerly at right angles to the last described course 39.50 feet to a point that is 70.20 feet Easterly of said East line (measured at right angles thereto), thence Southerly at right angles to the last described course 101.0 feet, thence Easterly at right angles to the last described course 54.0 feet to the point of beginning, and also except that part described as follows: Commencing at the point of intersection of the North line of Indiana Street with a line drawn parallel with and 60.0 feet Easterly of the East line (measured at right angles thereto) of Block 7, Fairview Plaza, Unit No. 1, St. Charles, Kane County, Illinois, thence Northerly along said parallel line 218.02 feet, thence Easterly along a line forming an angle of 90 degrees 44 minutes 03 seconds with the last described course (measured counter-clockwise therefrom) 65.50 feet for a point of beginning, thence Northerly at right angles to the last described course 83.0 feet, thence Easterly at right angles to the last described course 69.70 feet to a line drawn parallel with and 189.95 feet Easterly of said East line (measured at right angles thereto), thence Southerly parallel with said East line forming an angle of 89 degrees 15 minutes 37 seconds with the last described course (measured counter-clockwise therefrom) 83.01 feet to a line drawn parallel with the last described course from the point of beginning, thence Westerly along said parallel line forming an angle of 90 degrees 44 minutes 03 seconds with the last described course (measured clockwise therefrom) 64.51 feet to the point of beginning, in the City of St. Charles, Kane County, Illinois.



PROPOSED LOTS	AREA OF PROPERTY:
LOT 1 1.000 ACRES (43564 SQ FT)	10.3569 ACRES
LOT 2 1.000 ACRES (43566 SQ FT)	(451,149.20 SQ FT)
LOT 3 6.3569 ACRES (274,024 SQ FT)	

INDICATES QUANTITY OF PROPOSED SPACES

PARKING SPACES: REGULAR = 339, HANDICAP = 166, PROPOSED = 166, TOTAL = 517

REQUIRED SPACES = 499, TOTAL = 499

NOTE: DUE TO THE FACT THAT SOME OF THE EXISTING PARKING SPACES, UTILITIES, ETC. DID NOT MEET THE MINIMUM REQUIREMENTS OF THE CITY OF ST. CHARLES, ALL OF THE SPACES HAVE BEEN RE-DRAWN TO COMPLY WITH THE STANDARDS SHOWN IN TABLE 17.04 OF THE CITY'S OFF-STREET PARKING REQUIREMENTS.

STATE OF ILLINOIS }
COUNTY OF KANE } 88 MAY 13 2011

I hereby certify that I have surveyed the property described in the above caption according to the official record, and that the above plat is a true and correct representation of said survey.

Charles J. Hill, Professional Land Surveyor No. 35-2700
My License expires 11/30/2012

FIELD WORK COMPLETED: MARCH 2, 2011

THIS SURVEY IS VALID ONLY WITH EMBOSSED SEAL. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Professional Design Firm Land Surveying Corporation, License No. 154-02853

Alan J. Coulson, P.C.
PROFESSIONAL LAND SURVEYORS
205 W. Main St., West Dundee, Illinois 60118
Phone: (847) 426-2911 Fax: (847) 426-8074

CITY OF ST. CHARLES

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



COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

FINAL PLAT APPLICATION

CITYVIEW	
Project Name:	Valley Shopping Center
Project Number:	2012-PR-003
Application Number:	2012-AP-004

Final Plat
of Subdv.

RECEIVED

Received Date

St. Charles, IL

FEB 03 2012

CDD

Planning Division

Instructions:

To request approval of Final Plat for a Subdivision or Planned Unit Development (PUD), complete this application and submit it with all required attachments to the Planning Division. For PUDs, a PUD Final Plan Application should normally be submitted at the same time. For all other subdivisions, a Subdivision Final Engineering Plan Application should normally be submitted at the same time.

When the application is complete and the engineering plans are substantially in compliance with requirements, the final plat will be placed on a Plan Commission agenda for review.

1. Property Information:	Parcel Number (s): 09-33-126-011 09-33-126-015 09-33-126-021 09-33-126-022 09-33-126-017
	Proposed Subdivision Name: Valley Shopping Center
2. Applicant Information:	Name: VSC Property, LLC Phone: 630-584-0333
	Address: C/O Henry G. Funk 1605 W. Main Street St. Charles, IL 60174
	Fax: 630-584-2146 Email: None
3. Record Owner Information:	Name: VSC Property, LLC Phone: 630-584-0333
	Address: C/O Henry G. Funk 1605 W. Main Street St. Charles, IL 60174
	Fax: 630-584-2146 Email: None
4. Billing: <i>To whom should costs for this application be billed?</i>	Name: VSC Property, LLC Phone: 847-742-8800
	Address: C/O Peter C. Bazos, Esq. 1250 Larkin Ave., Suite 100 Elgin, IL 60123
	Fax: 847-742-9777 Email: pbazos@sbfklaw.com

Attachment Checklist

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **APPLICATION FEE:** 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 Appendix B of the Zoning Ordinance.
- ❑ **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
- ❑ **FINAL PLAT SUBMITTAL CHECKLIST (Completed)**
- ❑ **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 - Fifteen (15) full size copies, Three (3) 11" by 17", and a PDF electronic file on a CD-ROM.
 - Revision Submittal for Planning Commission - Twenty-Two (22) full size copies, Three (3) 11" by 17" and a PDF electronic file on a CD-ROM.
- ❑ **COVENANTS:** One copy of proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
- ❑ **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 Worksheet
- ❑ **ADDITIONAL APPLICATION:**
 - For Planned Unit Developments, a PUD Final Plan Application has been submitted.
 - For all other Subdivisions, a Subdivision Final Engineering Plan Application has been submitted.

ITEMS TO BE SUBMITTED PRIOR TO CITY COUNCIL APPROVAL:

- Guarantee for completion of Land Improvements, consisting of proposed form, amount and provider of completion guarantee collateral (bond, cash, or letter of credit)
- Illinois EPA Water Pollution Control Permit for sanitary sewer extension
- Illinois EPA Division of Public Water Supplies Permit for water mains
- Notice of Intent (NOI) letter/permit for NPDES Stormwater Discharge for sites 5 acres and larger
- IDNR Office of Water Resources Permit (for work in flood plain)
- Wetlands Permit from Army Corps of Engineers
- Kane County DOT and/or IDOT signature on Final Plat (if applicable)
- Offsite easements and right of way necessary to construct the required Land Improvements

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.

VSC Property, LLC

Record Owner	Date
BY: <u>Henry A. Lank, Trustee</u>	<u>1/25/12</u>
Applicant or Authorized Agent	Date

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

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Henry G. Funk, Trustee being first duly sworn on oath depose and say that I am
Manager of VSC Property, 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.:

<u>Henry G. Funk, Trustee</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: Henry G. Funk Manager
Henry G. Funk, Trustee

Subscribed and Sworn before me this 25th day of
January, 2012.

Kenneth L. Kaergard
Notary Public

