

AGENDA
THE CITY OF ST. CHARLES
GOVERNMENT OPERATIONS COMMITTEE
ALD. RON SILKAITIS, CHAIR
MONDAY, OCTOBER 3, 2022
IMMEDIATELY FOLLOWING THE CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS – 2 EAST MAIN STREET

1. Call to Order

2. Roll Call

3. Omnibus Vote

Items with an asterisk (*) are considered to be routine matters and will be enacted by one motion. There will be no separate discussion on these items unless a council member/citizen so requests, in which event the item will be removed from the consent agenda and considered in normal sequence on the agenda.

4. Police Department

- a. Recommendation to Approve an Amplification Permit and a City Parking Lot Closure for the 3rd Street Dance & Theatre Academy Performance.
- b. Recommendation to Approve a City Parking Lot and Street Closure for the Baker Memorial United Methodist Church Trunk or Treat Event.
- c. Recommendation to Approve St. Charles Business Alliance Request for Amplification and to Partially Close 1st Street to Host Lighting of Lights on the 1st Street Plaza.
- d. Recommendation to Approve Amplification and a Resolution for the Closure of Routes 64 and 31 for the Holiday Homecoming Electric Christmas Parade.

5. Finance Department

- a. Recommendation to accept the financial and other reports for the fiscal year ending April 30, 2022, including the Annual Comprehensive Financial Report, Independent Auditor's Report Pursuant to Uniform Guidance, Board Communication, Pension Fund Reports, TIF Compliance Reports, and Sales Tax Revenue Bond Compliance Report.
- b. Recommendation to Discuss and Approve a **Resolution** Adopting a Debt Issuance and Management Policy.
- c. Recommendation to Approve an **Ordinance** Terminating the Designation of the Redevelopment Project Area as Created by the City of St. Charles as a Tax Increment Financing Redevelopment Project Area (The Lexington Club), and Dissolving the Special Tax Increment Allocation Fund for Said Redevelopment Project Area.

6. Community Development

- a. Recommendation to approve amendments to City Code Section 12.04.102 “Outdoor cafes and food carts in public places” regarding Winter Season Outdoor Cafés on the First Street Plaza.
- b. Recommendation to approve a Right of Way License Agreement with STC Idlehour, LLC for an Accessibility Ramp located in Public Sidewalk at 7 S. 2nd Ave.
- c. Plan Commission Recommendation to approve an Amendment to Special Use for a Recycling Center for InterPlastics, 3645-3655 Illinois Ave.

7. City Administration

- a. Recommendation to approve an **Ordinance** Amending Title 3, Entitled “Revenue and Administration,” of the St. Charles Municipal Code with Regard to the Imposition of a Municipal Push Tax on Plays of Video Gaming Terminals.

8. Public Comment

9. Additional Items from Mayor, Council, or Staff


10. Executive Session

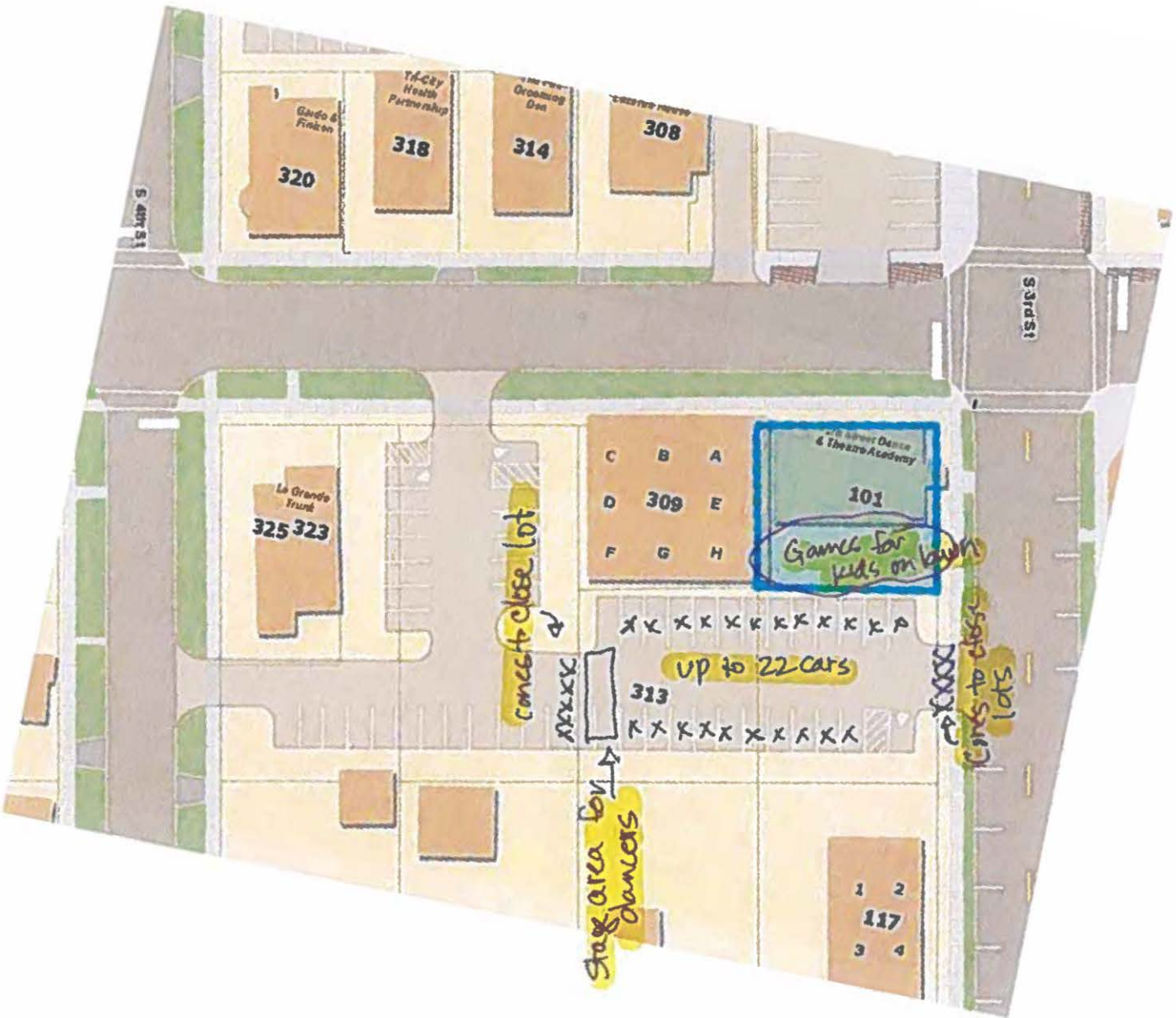
- Personnel – 5 ILCS 120/2(c)(1)
- **Pending Litigation – 5 ILCS 120/2(c)(11)**
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)


11. Adjournment

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).

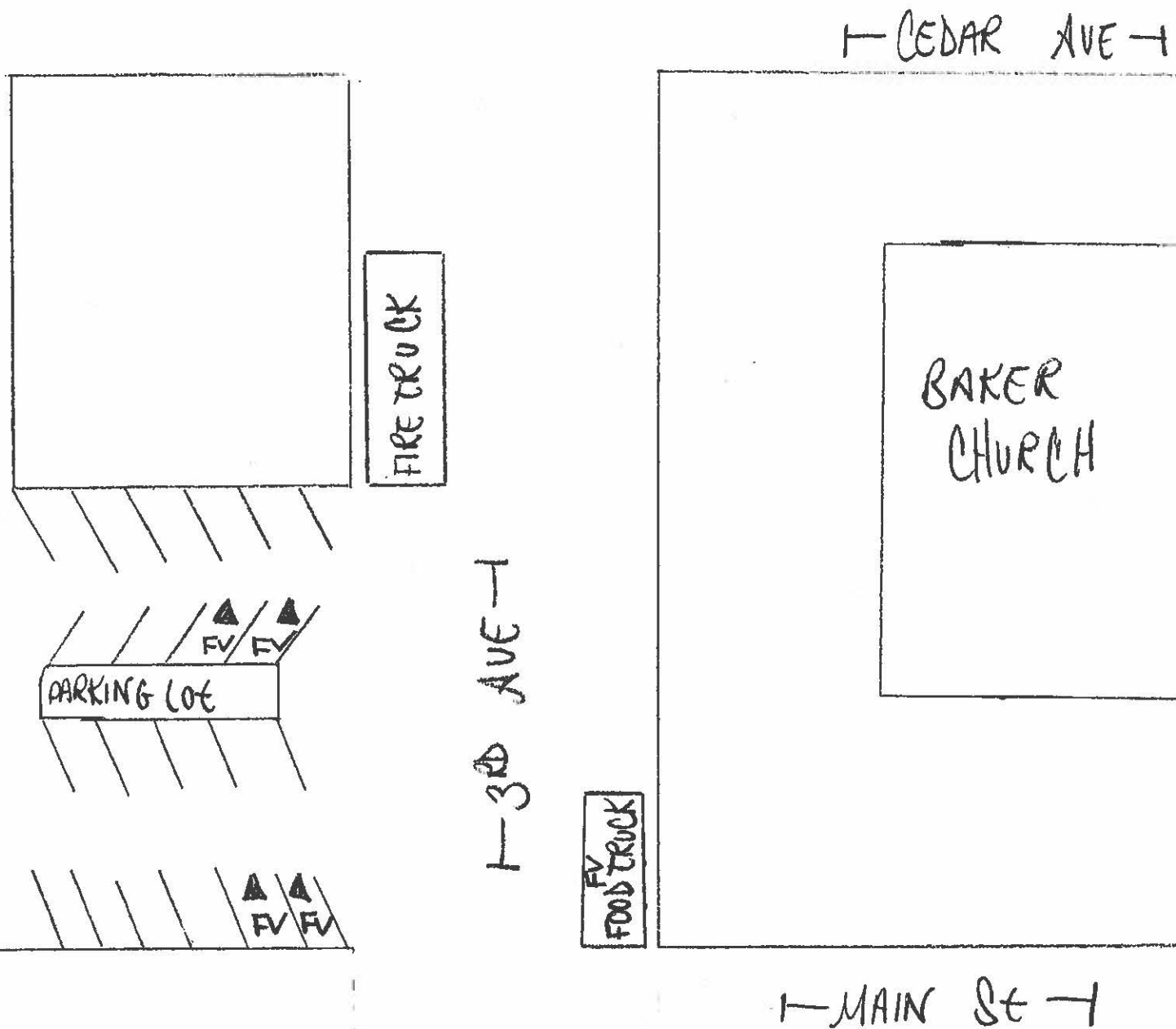
 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 4a
	Title:	Recommendation to Approve an Amplification Permit and a City Parking Lot Closure for the 3 rd Street Dance & Theatre Academy Performance	
	Presenter:	Police Chief Keegan	
Meeting: Government Operations Committee Date: October 3, 2022			
Proposed Cost: \$300 (PW only)		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
Executive Summary <i>(if not budgeted please explain):</i> <p>The 3rd Street Dance & Theatre Academy is requesting closure of the City Parking Lot “R” – South Walnut Lot adjacent to the business – to showcase their Performance Company as well as host a trunk-or-treat event for the dance families and community.</p> <p>This event is scheduled to take place on Saturday, October 29, 2022 from 12:30 to 4:30 p.m.</p> <p>PLEASE NOTE: this special event is being recommended for approval with the caveat that all approvals are contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.</p>			
Attachments <i>(please list):</i> Event map			
Recommendation/Suggested Action <i>(briefly explain):</i> Recommendation to approve an amplification permit and parking lot closure for the 3 rd Street Dance & Theatre Academy performances.			



	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 4b
	Title:	Recommendation to Approve a City Parking Lot and Street Closure for the Baker Memorial United Methodist Church Trunk or Treat Event	
	Presenter:	Police Chief Keegan	
Meeting: Government Operations Committee Date: October 3, 2022			
Proposed Cost: \$300 (PW only)		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
Executive Summary <i>(if not budgeted please explain):</i> <p>Baker Memorial United Methodist Church is requesting closure of the City Parking Lot “K” – located across 3rd Avenue from the church – to host a trunk-or-treat event for the church families and community.</p> <p>In addition, event organizers have also requested the closure of 3rd Avenue from Main Street to Cedar Avenue.</p> <p>This event is scheduled to take place on Sunday, October 23, 2022 from 3:00 to 4:30 p.m. Closure of the parking lot is requested from 9:00 am – 5:00 pm for set-up and take-down; and the street from 1pm – 5pm.</p> <p>PLEASE NOTE: this special event is being recommended for approval with the caveat that all approvals are contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.</p>			
Attachments <i>(please list):</i> Event map			
Recommendation/Suggested Action <i>(briefly explain):</i> <p>Recommendation to approve parking lot and street closures for the Baker Memorial United Methodist Church Trunk or Treat event.</p>			

Site Plan and/or Route Map

Please use the space provided to accurately outline the event's site plan. If requesting or using any of the resources shown, please indicate as such with the corresponding symbol below.



▲ Tent / Covered Structure	— Event Perimeter	R Restrooms Race / Walk Route
E Electric / Power Generation	T Tables	B Barricade	FV Food Vendor
⊕ Paramedics/Aid Station	xxx Liquor Sales/Consumption Area	→ FL Fire Lane	→ Directional
V Volunteer	★ Security Checkpoint	G Garbage Can	D Dumpster
S Stage	WS Water Station	C Carnival / Midway Rides	

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 4c****Title:**

Recommendation to Approve St. Charles Business Alliance Request for Amplification and to Partially Close 1st Street to Host Lighting of Lights on the 1st Street Plaza

Presenter:

Police Chief Keegan

Meeting: Government Operations Committee**Date:** October 3, 2022

Proposed Cost: \$1,791.80 (PW only)

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** *(if not budgeted please explain):*

The St. Charles Business Alliance is requesting to hold the Lighting of the Lights event on Friday, November 25, 2022 at the 1st Street Plaza again this year. The request includes the following:

- Closure of 1st Street:
 - 4:00 pm – 9:00 pm from the parking garage entrance to Main St.
 - Electric to support the event needs, including the podium.
- Use of amplification/loudspeaker system.

The St. Charles Business Alliance is a not-for-profit requesting financial assistance under the City special events policy.

PLEASE NOTE: this special event is being recommended for approval with the caveat that all approvals are contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.

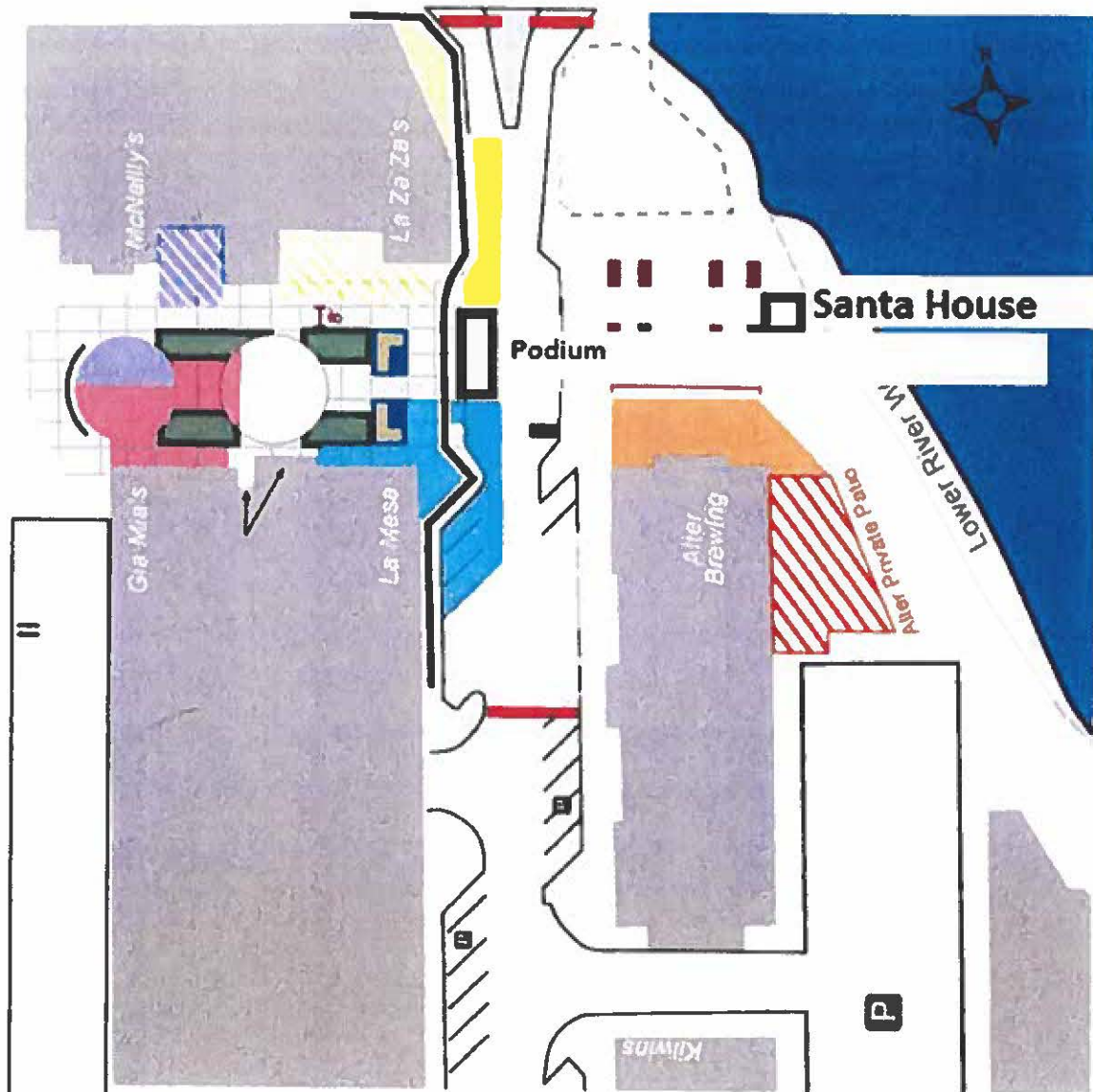
Attachments *(please list):*

Event map

Recommendation/Suggested Action *(briefly explain):*


Recommendation to approve the St. Charles Business Alliance request for amplification and to partially close 1st Street to host the Lighting of Lights event on the 1st Street Plaza.

Lighting of the Lights



Street Closure:

November 25, 2022 from 4:00 p.m. to 9:00 p.m. – 1st St. from Main St. to Parking Garage Entrance

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 4d
	Title:	Recommendation to Approve Amplification and a Resolution for the Closure of Routes 64 and 31 for the Holiday Homecoming Electric Christmas Parade	
	Presenter:	Police Chief Keegan	
Meeting: Government Operations Committee Date: October 3, 2022			
Proposed Cost: \$8,636.29 (PD) \$14,469.19 (PW) TOTAL: \$23,105.48		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
Executive Summary (<i>if not budgeted please explain</i>): <p>Closure of state roadways requires formal approval from the Illinois Department of Transportation. The St. Charles Business Alliance is requesting Committee and Council approval of a resolution that will be submitted to IDOT for the closure of Routes 64 and 31 from 5:15 – 7:30 p.m. on Saturday, November 26, 2022 for the annual Electric Christmas parade.</p> <p>In addition, approval of amplification for this event is needed for the event.</p> <p>The St. Charles Business Alliance is a not-for-profit requesting financial assistance under the City special events policy.</p> <p>PLEASE NOTE: this special event is being recommended for approval with the caveat that all approvals are contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.</p>			
Attachments (<i>please list</i>): Parade Resolution			
Recommendation/Suggested Action (<i>briefly explain</i>): Recommendation to approve amplification and a resolution for the closure of Routes 64 and 31 for the Holiday Homecoming Electric Christmas Parade.			

City of St. Charles, Illinois
Resolution No. _____

**A Resolution Requesting the Closure of Routes 64 and 31 for the
Holiday Homecoming Electric Christmas Parade**

**Presented & Passed by the
City Council on _____**

WHEREAS, the Downtown St. Charles Partnership is sponsoring a Holiday Homecoming Electric Christmas Parade in the City of St. Charles, and;

WHEREAS, this Parade will require the temporary closure of Main Street (Route 64) and Second Street (Route 31) state highways in the City of St. Charles, and;

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of state highways for such public purposes or needs as parades and local celebrations;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, that permission to close Main Street (Route 64) and Second Street (Route 31) on Saturday, November 26, 2022 from 5:15 p.m. to 7:30 p.m. be requested of the Department of Transportation;

BE IT FURTHER RESOLVED that if such permission is granted by the Department of Transportation, all highway traffic during the periods of time specified shall be detoured over the following routes:

For westbound on Route 64: south on 5th Avenue (Route 25) to Illinois Avenue, west to 7th Street, north to Route 64. For southbound on Route 31: west on State Street from Route 31 to 7th Street, south on 7th Street to Illinois Street, east on Illinois Street to Route 31. For eastbound Route 64 and northbound Route 31, use the reverse route.

BE IT FURTHER RESOLVED that if such permission is granted by the Department of Transportation, the City of St. Charles assumes full responsibility for the direction, protection and regulation of the traffic during the time the detour is in effect, and all liabilities for damages of any kind occasioned by the closing of the state highway, and it is further agreed that efficient all-weather detours will be maintained to the satisfaction of the Department and conspicuously marked for the benefit of traffic diverted from the state highway.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution.

Resolution No. _____

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PRESENTED to the City Council of the City of St. Charles, Illinois, this _____ day of _____ 2022.

PASSED by the City Council of the City of St. Charles, Illinois, this _____ day of _____ 2022.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____ 2022.

Lora Vitek, Mayor

ATTEST:

City Clerk


COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 5a
	Title:	Recommendation to accept the financial and other reports for the fiscal year ending April 30, 2022, including the Annual Comprehensive Financial Report, Independent Auditor's Report Pursuant to Uniform Guidance, Board Communication, Pension Fund Reports, TIF Compliance Reports, and Sales Tax Revenue Bond Compliance Report.	
	Presenter:	Bill Hannah, Director of Finance Jim Savio, Sikich LLP	
Meeting: Government Operations Committee		Date: October 3, 2022	
Proposed Cost: \$ N/A		Budgeted Amount: \$ N/A	Not Budgeted: <input type="checkbox"/>
<p>Executive Summary <i>(if not budgeted please explain):</i></p> <p>Representatives of the City's independent auditing firm, Sikich, LLP, will be present to answer questions related to the FY 2021-2022 Annual Comprehensive Financial Report (ACFR), Independent Auditor's Report Pursuant to Uniform Guidance, Board Communication, and results of operations for the fiscal year. Electronic copies of these reports were distributed previously. Hard copies of these documents will be on the dais for the meeting.</p> <p>In addition to the basic audit reports highlighted above, the City issues several other reports to supplement the information contained in the ACFR and to evidence compliance with various legal and bond requirements. Electronic copies of all the audit reports issued were made available electronically prior to the meeting. Hard copies of the Pension Fund reports, TIF Compliance reports, and the Sales Tax Revenue Bond Compliance Report are available upon request.</p> <p>State statutes require the City to have an audit performed by an independent CPA on an annual basis. The ACFR presents the financial statements and results of the financial operations of the City. The auditor certifies that the financial statements are presented in accordance with generally accepted accounting principles (GAAP).</p> <p>For FY 2021-2022, the City received an unmodified opinion on its financial statement presentation in the ACFR. This is the best audit opinion an entity can receive and it signifies that the City's financial statements are fairly presented in all material respects in accordance with GAAP. Additional communications from the Auditors indicate that no material weaknesses or significant deficiencies in the City's internal controls were noted during the course of the auditors' testing, and there were no questioned costs related to the City's expenditures of federal funds.</p> <p>For the 2020-2021 fiscal year, the City received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association (GFOA). We will submit the 2021-2022 Annual Comprehensive Financial Report for consideration of this same award.</p>			
<p>Attachments <i>(please list):</i> Hard copies to be distributed</p> <p>Annual Comprehensive Financial Report; Board Communication; Independent Auditor's Report Pursuant to Uniform Guidance</p>			
<p>Recommendation/Suggested Action <i>(briefly explain):</i></p> <p><i>Recommendation to accept the financial and other reports for the fiscal year ending April 30, 2022, including the Annual Comprehensive Financial Report; Independent Auditor's Report Pursuant to Uniform Guidance; Board Communication; Pension Fund Reports; TIF Compliance Reports; and Sales Tax Revenue Bond Compliance Report.</i></p>			



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 5b

Title:

Recommendation to Discuss and Approve a Resolution Adopting a Debt Issuance and Management Policy

Presenter:

Bill Hannah, Finance Director

Meeting: Government Operations Committee

Date: October 3, 2022

Proposed Cost: \$ N/A

Budgeted Amount: \$ N/A

Not Budgeted: ☐

Executive Summary *(if not budgeted please explain):*

In December of 2021, the City completed a general obligation bond issuance consisting of both new money for various capital projects and a refunding of prior issued debt obligations to achieve interest savings due to lower rates. The City's outstanding debt rating from Moody's at that time was confirmed at Aa1, the 2nd highest rating attainable through Moody's. During the rating discussion process, it was recommended that the City develop and adopt a formal debt issuance and management policy in lieu of the informal debt guidelines and metrics currently in place. A formally adopted debt policy with provisions that guide the City when considering the issuance of debt or managing the City's outstanding debt would be viewed as a positive strengthening attribute to the City's overall debt rating profile.

Over the last few months, Finance has developed the attached debt issuance and management policy for discussion and consideration. The policy formalizes many current practices that the City considers when issuing debt. The policy also provides for new parameters and considerations, all summarized below, as part of the policy:

- Debt will not be issued to finance general operating expenses or funding of operating deficits
- Alternatives to debt financing will be considered first such as other available revenues, interfund loans, grants, etc.
- The potential impact of debt issuance on the City's outstanding credit rating and metrics will be evaluated prior to debt issuance.
- Capital or other projects with a cost of \$500,000 or less will not be debt-financed, but rather, will be funded with pay-as-you-go financing through current or new revenue sources.
- Debt will be amortized over 20 years or less, and consideration of the overall revenue stream dedicated to the repayment of the debt service, will be given when structuring principal repayments.
- Level or declining total debt service will be used if possible, and the potential benefits of bank qualification for the bonds will be considered.
- Call provisions of 10 years or less will be included if market conditions indicate a potential benefit.
- Variable rate debt will generally not be issued instead of fixed rate debt, and derivative products will not be used.
- Total annual governmental fund debt outstanding (excluding TIF and specific revenue bonds) shall be targeted to be 10% or less of total General Fund revenues.
- Appropriate debt service coverage ratios shall be maintained for each individual Enterprise Fund of at least 1.0 times of available revenues.
- Consistent with the City's Economic Incentive Policy, requests for TIF funding will be considered within the "pay-as-you-go" structure, with specific TIF funded debt parameters laid out in the event an exception is made.

The draft policy also addresses the types of debt that may be issued, the use of underwriters, bond counsel and financial advisors, the methods of bond issuance sale and use of credit enhancements, revenue bonds versus general obligation bonds, the importance of maintaining ongoing disclosure with credit agencies and the SEC through the MSRB, parameters as to when a bond refunding is appropriate, and other related provisions.

The City currently has, as of April 30, 2022, \$108,920,000 in outstanding general obligation bonds and \$48,962,653 in outstanding IEPA loans. The breakdown of this is detailed on pages 44-50 in the City's recently completed Annual Comprehensive Finance Report (ACFR) as of April 30, 2022 that will also be presented for discussion at the October 3rd GOC meeting. While the City currently has no immediate plans to issue new general obligation debt, the City has a number of IEPA low-interest loan funded projects ongoing that will result in a significant increase in the total outstanding IEPA loans over the next few years.

A presentation will be made at the Monday, October 3rd meeting, which will discuss the policy and provide more information on the current outstanding debt by repayment source, as well as comparative information to other municipalities. Staff has reviewed this policy with legal counsel and the City's underwriter for feedback.

Attachments *(please list):*

Resolution

Draft Debt Issuance and Management Policy

Recommendation/Suggested Action *(briefly explain):*

Discussion of Draft Debt Issuance and Management Policy and recommendation for Adoption

**City of St. Charles, Illinois
Resolution No.**

**A Resolution to Adopt a Debt Issuance and Management Policy in the
City of St. Charles, Kane and DuPage Counties, Illinois.**

**Presented & Passed by the
City Council on _____**

WHEREAS, the City of St. Charles, Illinois (the “City”), has determined that it is in the best interests of the City to adopt a formal Debt Issuance and Management Policy (the “Policy”) described in Exhibit A hereto; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, in the exercise of its home rule powers, as follows:

Section 1. The foregoing recital clauses to this Resolution are adopted as the findings of the corporate authorities of the City and are incorporated herein by specific reference.

PRESENTED to the City Council of the City of St. Charles, Illinois, this ____ day of ____, 2022

PASSED by the City Council of the City of St. Charles, Illinois, this ____ day of ____, 2022

APPROVED by the Mayor of the City of St. Charles, Illinois, this ____ day of ____, 2022

Lora Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

City of St. Charles, Illinois
Debt Issuance and Management Policy
Adopted: _____

DRAFT

I. PURPOSE

This Debt Issuance and Management Policy (“Policy”) sets forth comprehensive guidelines and promotes sound decision-making regarding the issuance and management of debt by the City of St. Charles (“City”) in order to provide funding for capital improvements and other purposes for the community while maintaining the City’s fiscal strength, stability and future financial flexibility.

II. OBJECTIVE

It is the objective of this Policy for the City to obtain debt financing only when necessary; to set forth the process to identify the timing and amount of debt needed to be as efficient as possible.

III. GOALS AND PARAMETERS

In following this Policy, the City shall pursue and adhere to the following goals and parameters when considering the issuance of debt:

1. Debt will not be issued to finance general operating expenses or fund operating deficits.
2. Alternatives to debt financing will be considered such as other available revenue sources, interfund loans, application of grant proceeds, State/Federal aid or other funding options to meet the long-term capital needs of the City.
3. Current credit rating metrics used by the City’s rating agency(s) will be evaluated to determine if the rating may be impacted by the issuance of debt, acceptance of long-term loans, or other financial decisions or actions by the City.
4. Capital projects with an estimated cost of \$500,000 or less will ideally be funded with funds on hand or pay-as-you-go financing, and not funded with new debt or loans. Utility rates and other revenue sources will be adjusted if needed to ensure that adequate funding will be available for projects under \$500,000. Depending on the circumstances, consideration will be given to combine multiple capital projects that are under \$500,000 into one debt issuance.

5. Debt issuances shall be structured to amortize within a twenty (20) year period, or shorter, to match the expected useful life of the assets to be financed. Principal will be amortized to best fit within the overall debt structure of the City's general obligation debt, the repayment source and/or related tax levy at the time the new debt is issued. For issuance of revenue bonds, or general obligation bonds paid by revenues other than property tax, principal will be amortized to best fit with the overall debt structure of the specific enterprise fund or related revenue source.
6. Debt repayment shall be structured so that level or declining debt service shall be used unless operational or financial reasons dictate otherwise, or if to achieve overall level debt service with existing bonds.
7. The potential financial benefits of issuing bank qualified bonds will be considered and, if possible, strive to limit annual issuance of debt to \$10 million or less when such estimated benefits are greater than the benefits of exceeding the bank qualification limit. Should subsequent changes in the law change this limit, the City policy will be adjusted accordingly.
8. Call provisions of approximately ten (10) years or less will be considered to provide the City flexibility to refinance debt in the future. Consideration of the call feature will be determined at the time of sale based on overall market conditions and investor acceptance.
9. Fixed rate debt as opposed to variable rate debt will be issued to minimize exposure to certain risks. If unusual circumstances warrant the issuance of variable rate debt, explanation must be provided and approved by the City Council. The par amount of outstanding variable rate debt shall not exceed 10% of the City's total outstanding debt. The City will not use derivative products in its debt structure.
10. The ratio of total annual governmental funds debt (excluding outstanding debt issued for TIF purposes and specific revenue bonds) shall be reduced and maintained to be 10% or less of total General Fund revenues.
11. Debt service coverage of at least 1.0 shall be maintained for each individual Enterprise Fund through adjustments to the utility rate structure. The 1.0 coverage ratio is applicable to general obligation debt and IEPA loans repayable by the applicable utility rate structure.

12. Consistent with the City's current *Economic Incentive Policy Section V.*, financial assistance requested for projects within a tax-increment financing (TIF) district will be considered through the pay-as-you-go increment method. General obligation bonds with a pledge of repayment by TIF revenues or straight TIF revenue bonds will not be considered unless the TIF increment revenues available to repay the bonds are already being received, or are projected to be received based on completed construction. Current or projected increment must be at least 120% of the highest annual debt service payment, unless separately approved and authorized by the City Council. The City may require credit enhancements from a private entity as part of the payment guarantee process.

IV. LEGAL CONSTRAINTS AND OTHER DEBT LIMITATIONS

The City Council may utilize the guidelines established by this Policy, or may choose, in its discretion, to consider other relevant factors in incurring debt. The validity of any debt incurred in accordance with applicable law shall not be invalidated, impaired, or otherwise affected by non-compliance with any part of the procedures set forth pursuant to this Policy.

Authority and Purposes of the Issuance of Debt

The laws of the State of Illinois authorize the issuance of debt by the City. The Illinois Municipal Code confers upon municipalities the power and authority to contract debt, borrow money, and issue bonds. The City may, by bond ordinance, incur indebtedness or borrow money, and authorize the issue of negotiable obligations, including refunding bonds, for any capital improvement of property, land acquisition, or any other lawful purpose.

General Obligation Debt Limitation

Under Illinois Compiled Statutes, municipalities of less than 500,000, unless they are a home rule unit, are limited to the amount of general obligation bonded debt they can incur at any one time to no more than 8.625% of the total equalized assessed value of real estate property. Since the City is a home rule community, the City is not subject to this limitation.

V. DEBT ISSUANCE CONSIDERATIONS

Use of Professional Service Providers

The City will consider seeking the assistance and expertise of a qualified Financial Advisor prior to undertaking a debt issuance process separate from the Underwriter of the Bonds. The City will also ensure that a qualified Bond Counsel is also retained by the City.

Types of Debt Issued

1. Short-Term. (three years or less) The City may issue short-term debt to finance the purchase of equipment or other items having a life exceeding one year or to provide increased flexibility in financing programs. The City will not issue debt for deficit financing.
2. Long-Term. (more than three years) The City may issue long-term debt which may include, but is not limited to, general obligation bonds, certificates of participation, installment notes, revenue bonds, and special assessment bonds.

General Obligation Bonds vs. Revenue Bonds

The City may consider the issuance of revenue bonds in lieu of general obligation bonds if:

1. There are sufficient annual revenues for the repayment of the proposed bonds - debt service coverage (annual revenue minus cash operating expenses divided by annual debt service payments). The debt service coverage ratio will be used to determine the limit of future revenue bonds payable from the identified revenue source;
2. The project being financed benefits the users of an enterprise system and debt service on the bonds would be paid from enterprise fund revenues;
3. There is not a significant cost differential between the two financing types; and/or
4. An amortization longer than twenty years is more advantageous for repayment from enterprise fund revenues.

Abatement of Property Tax Debt Service for General Obligation Bonds

If the City plans to repay debt service using a specific revenue source when issuing General Obligation bonds, the City will use conservative revenue projection assumptions to ensure the identified funding source is sufficient to pay off the bonds. When issuing general obligation bonds in lieu of revenue bonds with the intent to abate the debt service property tax levies, the City Council will adopt ordinances abating the debt service levies and pay debt service costs with the identified revenues.

Methods of Sale

When issuing debt, the City will consider multiple methods of sale, including competitive, negotiated or private placement. If the City retains the services of a Financial Advisor, the Advisor will not bid on or underwrite any City debt issuances on which it is advising.

Credit Enhancements

The City may enter into agreements with commercial banks or other financial entities for the purpose of acquiring letters of credit, municipal bond insurance, or other credit enhancements that will provide the City with access to credit under terms and conditions as specified in such agreements when their use is judged cost effective or otherwise advantageous.

Conduit Debt

Conduit debt is debt issued in the name of the City but payable by third parties only, and for which the City does not provide credit or security. The City will consider issuing conduit debt when such actions meet the financial objectives of plans and/or policies adopted by City Council.

VI. DEBT ADMINISTRATION

Financial Disclosures

The City shall prepare all appropriate annual and other financial disclosures as required by the City's continuing disclosure undertakings as well as any specific event notices required by the Securities and Exchange Commission (SEC) to the Municipal Securities Rulemaking Board (MSRB), and any other filings required by the federal government, the State of Illinois, rating agencies, underwriters, investors, taxpayers, and other appropriate entities and persons to ensure compliance with applicable laws and regulations.

Review of Financing Proposals

All financing proposals that may involve a pledge of the City's credit through the sale of securities, execution of loans or lease agreements and/or otherwise directly involve the lending or pledging of the City's credit shall be referred to the Director of Finance who shall determine the financial feasibility, financial impact, and the impact on existing debt of such proposal, and shall make recommendations accordingly to the City Administrator and City Council for approval.

Rating Agency Relations

The City shall endeavor to maintain effective relations with rating agencies. The Director of Finance and other appropriate parties should meet with, make presentations to, or otherwise communicate with the rating agencies on a consistent and regular basis in order to keep the agencies informed concerning the City's capital plans, debt issuance program, and other appropriate financial information on the economic and fiscal status of the City.


Refunding Policy on Existing Issuances

The City shall consider refunding outstanding debt when legally permissible and financially advantageous. A net present value debt service savings of at least three percent (3%) of the refunded par amount or greater must be achieved, unless otherwise justified and authorized by City Council.

Investment of Borrowed Proceeds

The City shall invest proceeds of debt in accordance with the City's adopted investment policy.

The City acknowledges its ongoing fiduciary responsibilities to actively manage the proceeds of debt issued for public purposes in a manner that is consistent with Illinois statutes that govern the investment of public funds, and consistent with the permitted securities covenants of related bond documents executed by the City. The management of public funds should enable the City to respond to changes in markets or changes in payment or construction schedules so as to (i) minimize risk, (ii) ensure liquidity, and (iii) optimize returns.

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 5c
	Title:	Recommendation to Approve an Ordinance Terminating the Designation of the Redevelopment Project Area as Created by the City of St. Charles as a Tax Increment Financing Redevelopment Project Area (The Lexington Club), and Dissolving the Special Tax Increment Allocation Fund for Said Redevelopment Project Area.	
	Presenter:	Bill Hannah, Director of Finance	
Meeting: Government Operations Committee Date: October 3, 2022			
Proposed Cost: \$ -0-		Budgeted Amount: \$ N/A	Not Budgeted: <input type="checkbox"/>
Executive Summary (<i>if not budgeted please explain</i>): <p>On January 7, 2013, the then seated Mayor and City Council, pursuant to, and in accordance with, the Illinois Tax Increment Allocation Redevelopment Act established the Lexington Club Redevelopment Plan (RDP) and Project Area and was also known as Lexington Club TIF #6, comprising approximately 29 acres.</p> <p>Although a redevelopment agreement was entered into, no redevelopment activity was initiated, and the TIF has accumulated only minimal incremental tax revenues since its creation. Once a TIF District has been in place for seven years and no redevelopment activity has occurred, state law requires that the TIF be terminated and dissolved. The attached ordinance would provide for the termination of the Lexington Club TIF #6 effective December 31, 2022.</p> <p>Under the TIF Act, the City is required to notify affected taxing districts by October 31, 2022 of the December 31, 2022 expiration of the Lexington Club TIF. This enables the taxing districts whose boundaries include the TIF Redevelopment Project Area to impose their 2022 property tax levy (taxes payable in 2023) taking into consideration the incremental TIF value of the dissolved TIF which was \$242,891 as of the 2021 levy. This was based on a TIF base EAV of \$1,330,516 and a 2021 EAV of \$1,573,407.</p>			
Attachments (<i>please list</i>): Ordinance			
Recommendation/Suggested Action (<i>briefly explain</i>): Approve an Ordinance Terminating the Designation of the Redevelopment Project Area as Created by the City of St. Charles as a Tax Increment Financing Redevelopment Project Area (The Lexington Club) and Dissolving the Special Tax Increment Allocation Fund for Said Redevelopment Project Area.			

City Of St. Charles, Illinois
Ordinance No. _____

**An Ordinance Terminating the Designation of the Lexington Club
Redevelopment Project Area as Created by the City of St. Charles as a Tax
Increment Financing Redevelopment Project Area, and Dissolving the Special
Tax Increment Allocation Fund for Said Redevelopment Project Area**

WHEREAS, on January 7, 2013, the Mayor and City Council (the “Corporate Authorities”) of the City of St. Charles (the “City”), in accordance with the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (the “Act”), passed (i) Ordinance No. 2013-M-1, entitled “An Ordinance of the City of St. Charles, Kane and DuPage Counties, Illinois, Designating the Lexington Club Redevelopment Project Area A Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act”; (ii) Ordinance No. 2013-M-2, 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 Lexington Club Redevelopment Project Area”; and (iii) Ordinance No. 2013-M-3, entitled “An Ordinance of the City of St. Charles, Kane and DuPage Counties, Illinois, Adopting Tax Increment Allocation Financing for the Lexington Club Redevelopment Project Area” (collectively, the “Establishment Ordinances”); and

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the City, its residents and the affected taxing districts to terminate the designation of the Redevelopment Project Area as a redevelopment project area under the Act and dissolve the special tax allocation fund (the “Special Tax Allocation Fund”); and

WHEREAS, the City will close the books and records of the Redevelopment Project Area once the Corporate Authorities receive certification that all redevelopment project costs for the Redevelopment Project Area have been paid, all obligations issued in connection with the Redevelopment Project Area have been retired, and if any excess monies are available in the Special Tax Allocation Fund for the Redevelopment Project Area, said monies shall be distributed in accordance with Section 11-74.4-8 of the Act; and

WHEREAS, prior to October 31, 2022, the City did provide, or will have provided notice to all affected taxing districts of the City’s intention to terminate the Redevelopment Project Area; and

WHEREAS, the City will file the requisite notice that the Redevelopment Project Area was terminated in conformance with this Ordinance.

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 recitals to this Ordinance are full, true and correct and adopted as findings of the Corporate Authorities and are incorporated herein by specific reference.

Section 2. In accordance with the provisions of the Act, the City hereby terminates the designation of the Redevelopment Project Area as a redevelopment project area effective as of the passage of this Ordinance and dissolves the Special Tax Allocation Fund relating to the Redevelopment Project Area effective December 31, 2022, or upon the final payout of obligations, whichever occurs first. The City Administrator or a designee is hereby authorized and directed to retire and/or pay all obligations in connection with the Redevelopment Project Area, finalize the accounting necessary to close the books and records of the Redevelopment Project Area and remit any excess monies in the Special Tax Allocation Fund to the County of Kane for distribution to the affected taxing districts in accordance with 11-74.4-8 of the Act upon final payouts of obligations.

Section 3. The City Clerk, or a designee, is hereby directed to timely file a certified copy of this Ordinance with the Clerk of Kane County and the City shall cause or have caused notice to be given to all affected taxing districts that the Redevelopment Project Area was terminated in conformance with this Ordinance.

Section 4. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 5. All ordinances, resolutions, motions or orders in conflict herewith shall be, and the same hereby are, repealed to the extent of such conflict.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this _____ day of October, 2022.

PASSED by the City Council of the City of St. Charles, Illinois, this _____ day of October, 2022.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of October, 2022.

Lora A. Vitek, Mayor

ATTEST:

City Clerk


COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 6a
	Title:	Recommendation to approve amendments to City Code Section 12.04.102 “Outdoor cafes and food carts in public places” regarding Winter Season Outdoor Cafés on the First Street Plaza.	
	Presenter:	Russell Colby	
Meeting: Government Operations Committee		Date: October 3, 2022	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
<p><u>Background:</u></p> <p>The City Code allows businesses in the CBD-1 Central Downtown Business District to utilize public sidewalks and plazas for outdoor cafés, subject to meeting certain standards and obtaining a 100-day Sidewalk Café permit, with two permitting periods for the Summer season between April 15 and Oct. 31.</p> <p>The Sidewalk Café permitting requirements were last updated in March 2022 to allow for expanded use of the First Street Plazas during the summer months. At the time, staff noted that availability of the plaza space for outdoor dining beyond Oct. 31 had not been determined, due to the planned First Street Plaza expansion project.</p> <p>Staff has been approached by two businesses with an interest to utilizing the plaza space in a limited manner during the winter months:</p> <ul style="list-style-type: none"> • Alter Brewing would like to place the 4 Alpen Globes, similar to last winter. • Gia Mia would like to install an awning that could be temporarily enclosed during winter months. <p>Preliminary Plans from both restaurants are attached for reference.</p> <p>To allow for use of the public Plaza space during the winter, the code would need to be updated to add additional permitting periods over the winter months.</p> <p><u>Proposal:</u></p> <ul style="list-style-type: none"> • Amend the code to create two winter permitting periods for the First Street Plaza- spanning Nov. 1 to April 14. A general provision would be added noting that the availability of permits may be limited based upon planned construction or events. <i>(At this time, staff anticipates the Plaza will be available for outdoor dining use until approximately March 1. A presentation regarding the status and potential schedule for the Plaza project is planned for Oct. 24 Government Services meeting)</i> • The footprint of the outdoor dining areas would be more limited than during the summer months, with the main central plaza areas remaining open. • Fees would be collected per the existing code formula. <p><u>Future Use of the Plaza:</u></p> <ul style="list-style-type: none"> • Availability of outdoor dining during the plaza construction has not been determined. The City will need to assess this early in 2023 once the timing, staging and access needs for the project are known. • Once the plaza construction is completed, the outdoor cafe areas will be reconfigured to utilize a greater portion of First Street, keeping the central portions of the plazas open for other public uses. <p><u>Winter dining in other locations:</u></p> <ul style="list-style-type: none"> • Winter outdoor cafes use will not be available for other public property locations, including streets or sidewalks. (Related Temporary License agreements for this purpose terminate on Oct. 31) • Tents or other enclosures can be placed within any privately-owned outdoor dining areas within the City, subject to a building permit for a temporary tent. • Staff remains open to reviewing proposals from businesses wishing to utilize public property, recognizing that each needs to be evaluated separately. 			
<p><u>Attachments (please list):</u></p> <p>City Code Section with Redline, Plaza outdoor dining maps, information from businesses.</p>			
<p><u>Recommendation/Suggested Action (briefly explain):</u></p> <p>Recommendation to approve amendments to City Code Section 12.04.102 “Outdoor cafes and food carts in public places” regarding Winter Season Outdoor Cafés on the First Street Plaza.</p>			

12.04.102 – Outdoor Cafés in Public Places

The City Administrator is authorized to issue Outdoor Café Permits for the use of public places located in the CBD-1 zoning district, for the purpose of serving food and beverages to the public (including, without limitation, the placement of tables, chairs, carts, and similar or related equipment), subject to the conditions listed in this section. As a condition of an Outdoor Café Permit, applicants shall sign a form provided with the permit application materials acknowledging and agreeing to comply with all terms listed in this section.

- A. Permits issued hereunder shall be valid for a term of one hundred (100) days or less and shall be issued starting on the date below (or date of application, whichever is later), and terminating on the date indicated below:

Summer Season- CBD-1 Public Sidewalks and First Plaza:

1. The period of April 15 through July 23
2. The period of July 24 through October 31

Winter Season- First Street Plaza:

3. The period of November 1 through January 22
4. The period of January 23 through April 14

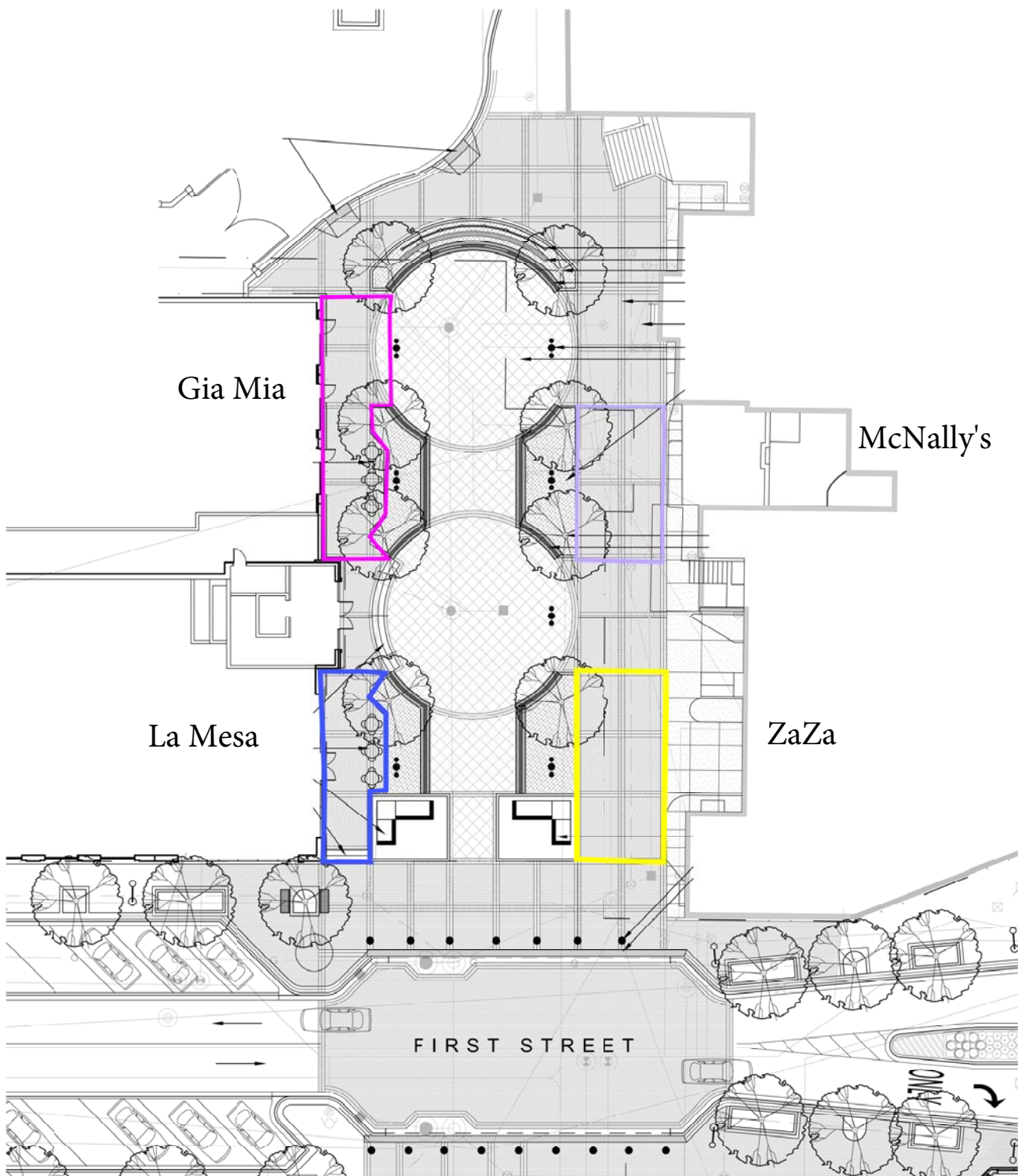
The holder of a permit for one of the time periods identified above shall not have any automatic right to the issuance of a permit for the following period, but shall have the right to apply for a new permit.

The City Administrator may limit the availability of permits, or further limit the duration of permits issued, based upon construction or maintenance needs, temporary access requirements to or through an area, and/or events or other planned uses of the sidewalk or plaza space.

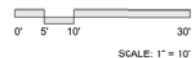
- B. Permit fees shall be:
1. Use of Public Sidewalk within right-of-way: \$50
 2. Use of the First Street Public Plazas, based upon a layout approved by City Council: \$0.50 per square foot of Outdoor Café area within the plaza
- C. An Outdoor Café Permit shall be required prior to placing tables, chairs, umbrellas, enclosure fencing, carts, or any other equipment on any public sidewalk, or walkway or plaza.
- D. Outdoor Café Permits may be issued only where the equipment is incidental to the operation of a restaurant on private property contiguous to the sidewalk, walkway or plaza.
- E. The proposed use shall not unreasonably interfere with pedestrian or vehicular traffic or with access to parked vehicles, and in no event shall the uses permitted by a Outdoor Café Permit reduce the open portion of any sidewalk or walkway to less than five feet (5') in width. All equipment placed in the public area shall conform with Section 12.04.200 of this Chapter as to corner visibility.

- F. Prior to issuance of a permit, the applicant shall furnish a dimensioned plan showing the sidewalk or other public space and all existing public improvements and encroachments such as light posts, benches, planters, trash receptacles, fences, trees and tree grates and bicycle racks. The diagram shall also include the location of the curb relative to the building and the proposed location of all café furniture, carts, and other equipment to be placed on the sidewalk.
- G. The consumption and possession of alcoholic beverages in the area for which a Outdoor Café Permit has been issued shall be prohibited, except as allowed pursuant to Title 5, "Business Licenses and Regulations," Chapter 5.08, "Alcoholic Beverages," Section 5.08.300, "Consumption and Possession of Alcoholic Liquor on Public Property."
- H. All applicable County Health Department sanitation requirements shall be followed for outdoor food handling. The permittee shall be responsible for posting the outdoor seating area as to any special Health Department requirements.
- I. All public areas encompassed by the Outdoor Café Permit shall be maintained in a sanitary manner at all times. Food scraps and containers shall be disposed of in appropriate refuse containers on a regular basis during the day by the permittee. Sweeping of refuse or food scraps into tree grates is not permitted.
- J. Permittees are responsible for emptying the public trash containers placed by the City if they should become full prior to the next regular pickup time.
- K. Permittees shall see that the public areas encompassed by their Outdoor Café Permit are clean at the end of each business day, so as not to have any food or drink leftovers remaining which would pose an attraction to animals or insects. Each permit holder shall wash, as needed, the public area to remove any food or drink residue that may attract animals and/or create a pedestrian slip hazard.
- L. Design and placement of tables and chairs, as well as other equipment, shall comply with applicable requirements of the Americans with Disabilities Act and the Illinois Accessibility Act.
- M. No tables, umbrellas, enclosure fencing, or other equipment shall be attached or affixed to the sidewalk, parkway, poles or any other public facilities.
- N. The applicant for an Outdoor Café Permit shall provide at its sole cost and expense, and shall maintain in effect during the entire period of the permit, insurance at a minimum in at least the following manner, or equivalent coverage determined acceptable by the City Administrator:
 - 1. Worker's Compensation Insurance in at least the required statutory limits.
 - 2. Comprehensive General Liability Insurance, including owner's protective liability insurance and contractual liability insurance covering claims for personal injury and property damage with limits of at least two million (\$2,000,000.00) dollars per occurrence, and two million (\$2,000,000.00) dollars for any single injury.

3. Umbrella Liability Insurance with limits of at least one million (\$1,000,000.00) dollars per occurrence.
 4. Liquor Liability Coverage for any establishment serving alcohol on public property.
 5. Prior to issuance of a Outdoor Café permit, the permittee shall provide the City with copies of the certificates of insurance for the required policies for each type of insurance naming the City as an additional insured party.
 6. The required insurance policies shall each provide that they shall not be changed or cancelled during the life of the Outdoor Café Permit until 30 days after written notice of such change has been delivered to the City.
- O. The permittee shall indemnify, defend, protect, and hold harmless the City, its corporate authorities, officers, employees, agents and volunteers from and against any and all claims, demands, losses, damages, liabilities, fines, charges, penalties, administrative and judicial proceedings and orders, judgments, remedial actions of any kind, all costs and cleanup actions of any kind, and all costs and expenses incurred in a connection therewith, including but not limited to a reasonable attorney's fees, expert witness fees and costs of defense (collectively, the "Losses") directly or proximately resulting from permittee's acts or omissions, except to the extent that the city is the sole legal cause of said losses. The foregoing notwithstanding, under no circumstances shall the issuance of any permit provided for under the St. Charles Municipal Code, including but not limited to a Outdoor Café Permit, to the permittee or any other person or entity constitute an act of negligence or willful misconduct. Nothing set forth in the said permit shall be deemed a waiver by the city of any defenses or immunities relating to the permittee or its property, or to any person or entity or their property, that are or would be otherwise available to the city or its corporate authorities, officers, employees, agents and volunteers under the common law of the State of Illinois or the United States of America. The provisions of this section shall survive the expiration or earlier termination of each Outdoor Café permit, or the renewal thereof.
- P. The City may suspend or revoke the Outdoor Café Permit for any reason including, but not limited to violations of any provision of the St. Charles Municipal Code, after providing at least three (3) days written notice, except in an emergency, to a permittee.
- Q. An Outdoor Café Permit may not be assigned or transferred without prior written consent of the City Administrator. Any attempted assignment or transfer in violation of this paragraph shall be void and confer no rights upon any third person. The Outdoor Café Permit shall not confer any property rights.
- R. The Permittee shall promptly remove all of permittee's structures, equipment or improvements of all kinds, whether in or adjacent to the Outdoor Café, no later than the date of termination of the permit (or date of permit suspension or revocation, if applicable).

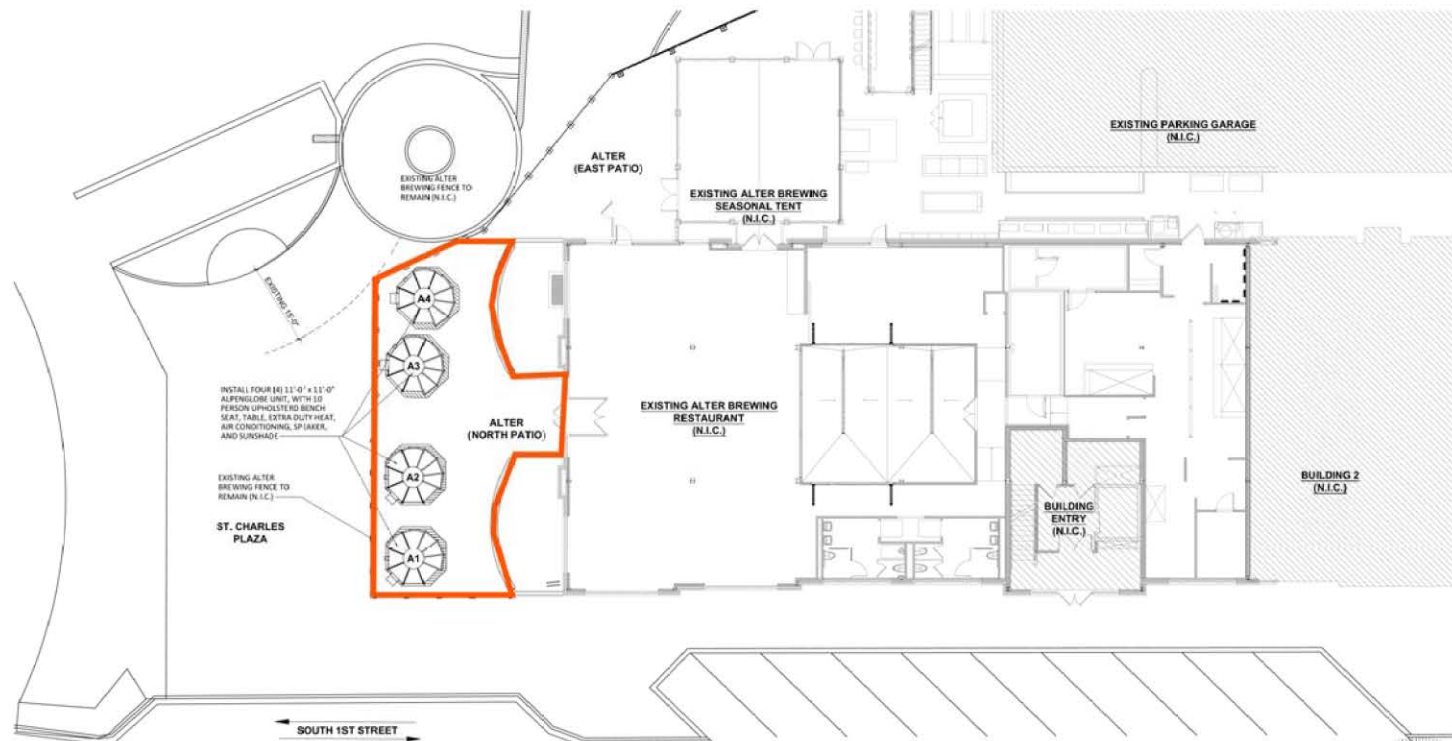


Winter 2022 Outdoor Dining Proposal



PREPARED FOR:
City of St. Charles,
Illinois

First Street Redevelopment West Plaza Improvements St. Charles, Illinois



1 SITE PLAN



ARCHITECT

RADOSLAW JAN BAFIA
1236 N. CLEAVER STREET
CHICAGO IL

CONSULTING ENGINEERS

AES AES CONSULTING AND
ENGINEERS, INC.
CONSULTING ENGINEERS
780 HILBER ROAD
LAKE ZURICH, ILLINOIS 60047

GENERAL CONTRACTOR

bramco
CONSTRUCTION
1919 S. HIGHLAND AVENUE
SUITE 1350 LOMBARD, IL.

PROJECT LOCATION

Alter
BREWING CO.
+ KITCHEN
12 SOUTH FIRST STREET
ST. CHARLES, IL. 60174

PROJECT DESCRIPTION

**TEMPORARY ADDITION
OF 4 SEASONAL
ENCLOSURES**

DRAWING SCALE

0 1' 2'

REVISIONS

#	ISSUANCE	DATE
6	ISSUED FOR HEAT MAT REVIEW	12.10.2021
5	ISSUED FOR PERMIT CORRECTIONS	11.10.2021
4	ISSUED FOR BUILDING PERMIT	10.26.2021
3	EXISTING CONDITIONS SITE SURVEY	10.12.2021
2	REVISED LAYOUT WITH ALPENGLOBE DETAILS	10.04.2021
1	PRELIMINARY DESIGN REVIEW	09.21.2021

TITLE

SITE PLAN

SHEET

CS 1.2

Project Number 21-4427

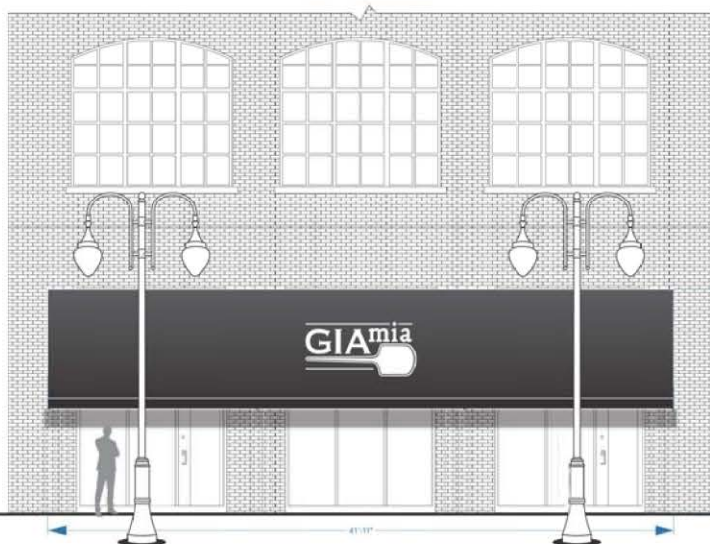
1 REFERENCE ELEVATION - OUTDOOR AWNING

SCALE: NTS

TOP VIEW



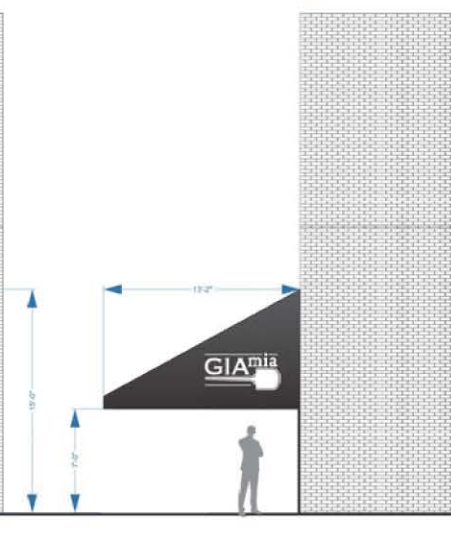
FRONT VIEW



SPECIFICATIONS:

- Protected outdoor patio space
- Fully enclosed with side curtains
- Drop-down panels help fully enclose your structure to provide all-weather protection
- Windows and screens available
- Can be air conditioned and heated
- Additional special event space
- Aluminum Structure Powder-coated in a variety of colors
- Wind-resistant up to 75mph
- Drop-down panels available
- Prefabricated for quick installation
- 4608 - Sunbrella Jet Black
- "Gia Mia" logo to be white
- * Final specs determined by client

SIDE VIEW




EXAMPLES



EXISTING VIEW



	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 6b
	Title:	Recommendation to approve a Right of Way License Agreement with STC Idlehour, LLC for an Accessibility Ramp located in Public Sidewalk at 7 S. 2nd Ave.	
	Presenter:	Russell Colby	
Meeting: Government Operations Committee		Date: October 3, 2022	
Proposed Cost:		Budgeted Amount: \$0	Not Budgeted: <input type="checkbox"/>
Executive Summary <i>(if not budgeted please explain):</i> <p>STC Idlehour, LLC (Frontier Development) is the owner of the Idlehour Theater building located at 7 S. 2nd Avenue. The building is being converted from an office use back to a theater space. As a condition of the building renovation, the owner is required to provide an ADA-compliant access.</p> <p>The building entrance is raised above the 2nd Ave. sidewalk level. The owner first investigated adjusting the sidewalk slopes, but could not do so and still meet ADA requirements for both the building access and public sidewalk.</p> <p>A step and raised landing is proposed at the entrance door, with a curbed accessibility ramp from the sidewalk. The landing and ramp are located mostly within the 2nd Avenue street right-of-way. This type of private improvement located with street right-of-way require a license agreement between the property owner and the City. The license agreement will provide for maintenance, indemnity, and insurance for the private improvement by the property owner.</p> <p>Staff has reviewed the plans for the improvements to ensure that the functionality of the sidewalk will be maintained. Plans show a 7ft. width (5 ft. sidewalk, plus a 2 ft. paver transition along the curb line) will be maintained for pedestrians walking around the landing and ramp.</p> <p>The license agreement is a standard form used for other locations within downtown. The document has been reviewed by the City Attorney.</p> <p>Subject to a positive committee recommendation, staff will authorize the owner to proceed with construction, subject to a final City Council approval of the License Agreement. (A permit is currently active for replacement of the sidewalk in connection with a utility project for the building)</p>			
Attachments <i>(please list):</i> Draft License Agreement			
Recommendation/Suggested Action <i>(briefly explain):</i> Recommendation to approve a Right of Way License Agreement with STC Idlehour, LLC for an Accessibility Ramp located in Public Sidewalk at 7 S. 2nd Ave.			

City of St. Charles
2 E. Main St.
St. Charles, IL 60174

RIGHT-OF-WAY LICENSE AGREEMENT

WITNESSETH:

WHEREAS, Licensee owns the Idlehour Theater building, located at 7 S. 2nd Ave. ("Licensee Property"), the easterly properly line of which abuts the 2nd Avenue ROW; and

NOW, THEREFORE, in consideration of the foregoing premises and of the covenants and conditions hereinafter contained, the adequacy and sufficiency of which the Parties hereto hereby stipulate, the Parties hereby agree as follows:

1. The Recitals hereinabove are hereby incorporated into and made a substantive part of this Agreement as though they were fully set forth in this Paragraph.

2. The City, in consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration paid to City, the receipt and sufficiency of which is hereby acknowledged, hereby grants to the Licensee, its successors, grantees and assigns, an irrevocable permanent and exclusive restricted license (hereinafter the "License") for the purpose of constructing and maintaining the Accessibility Ramp solely within the limited area in the 2nd Avenue ROW, pursuant to the plans for and as illustrated on the attached Exhibit "C," subject to the terms, conditions and limitations herein specified together with any exhibits attached hereto and incorporated herein by reference.

3. Licensee must construct and maintain the Accessibility Ramp in full compliance with the permit and all conditions contained herein or attached hereto by reference.

4. The Accessibility Ramp shall not in any manner be expanded, added to or enlarged beyond the extent as described herein and shown in Exhibit "C."

5. The Accessibility Ramp shall not in any manner be constructed, reconstructed, modified or improved without prior written consent of the City.

6. This Agreement shall terminate in the event that any of the following occur: (a) the primary structure located on the Licensee Property is ever damaged or destroyed, to the extent that its value is less than 25% of the cost to replace the primary structure, and the Licensee shall have failed to repair the primary structure within one hundred and eighty (180) days of said damage; (b) if the Accessibility Ramp is ever removed and the use terminated for more than three (3) months; (c) this Agreement otherwise terminates pursuant to any other provision of this Agreement. Prior to termination of this Agreement, the City shall provide Licensee with a written Notice of Termination ten (10) days prior to the date of said termination.

7. Licensee understands and agrees that the Accessibility Ramp shall remain in good structural condition at all times and that the use and enjoyment of the 2nd Avenue ROW shall not be compromised in any unsafe or adverse manner. The Licensee shall promptly restore or cause to be restored the Accessibility Ramp to a good state of repair and in a clean, safe, unobstructed and usable condition, at all times complying with all local codes and ordinances. Should repairs or maintenance be needed to the Accessibility Ramp, Licensee shall perform such work within thirty (30) days of notification by the City. If the required work is not performed or completed to the City's satisfaction, the City shall have the right to terminate the Agreement or perform or complete such work. Licensee agrees to reimburse the City for performance of such work within thirty (30) days of invoice by the City. Non-payment of invoices shall constitute a lien against the Licensee Property.

8. Licensee understand and agrees that the Accessibility Ramp shall be maintained in accordance with the City approved plan provided in Exhibit "B" and that the use and enjoyment of the 2nd Avenue ROW shall not be compromised in any unsafe or adverse manner. Should the Accessibility Ramp not be maintained in accordance with the plan to the City's satisfaction, or should the Accessibility Ramp interfere in any way with the use and enjoyment of the 2nd Avenue ROW, the City shall have the right to perform or complete such work as to return the Accessibility Ramp to a condition acceptable to the City. Licensee agrees to reimburse the City

for performance of such work within thirty (30) days of invoice by the City. Non-payment of invoices shall constitute a lien against the Licensee Property.

9. To the fullest extent permitted by law, Licensee hereby agrees to defend, indemnify and hold harmless the City, its officials, agents, and employee, against all injuries, deaths, loss, damages, claims, patent claims, suits, liabilities, judgments, costs and expenses, specifically including but not limited to, any claim or damages caused by or to the Accessibility Ramp or within the 2nd Avenue ROW, or caused by work performed by the City, or its agents, which may in anywise accrue against the City, its officials, agents, and employees, arising in whole or in part or in consequence of the performance of this Agreement by the Licensee, their agents, invitees, employees, contractors or subcontractors, or which may in anyway result therefrom, except that arising out of the sole legal cause of the City, its agents or employees, the Licensee shall, at their own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in connections therewith, and, if any judgment shall be rendered against the City, its officials, agents and employees, in any such action, the Licensee shall, at its own expense, satisfy and discharge the same. Upon completion and occupancy, the Licensee shall furnish to the City a certificate of insurance evidencing commercial general liability insurance with minimum limits of \$1,000,000.00 combined single limit per occurrence and \$3,000,000.00 general aggregate limits and otherwise reasonably satisfactory to the City. The insurance policy shall be expressly endorsed to include the City as an additional insured, Such certification of insurance shall require the insurer(s) to provide not less than thirty (30) days advance written notice to the City in the event of any cancellation, non-renewal or change in the policy limits, terms or conditions which would cause them to fail to meet the foregoing requirements. Such insurance shall be maintained during the term of the License.

10. The City shall have the right, in its sole and absolute discretion, to promulgate and enforce rules and regulations regarding the use of the Accessibility Ramp to protect the health, safety and welfare of the public utilizing the 2nd Avenue ROW. The Licensee will provide, at its expense (and the City shall have no obligation to provide or pay for), any and all improvements and/or modifications to the Accessibility Ramp to comply with this provision.

11. Licensee accepts the 2nd Avenue ROW, "As-Is," "Where-Is," and in its current condition, and the City makes no representations concerning the condition of the Licensee Property. Licensee understands and agrees that various third party utility, telecommunication, and T.V. cable companies, including but not limited to Commonwealth Edison, NICOR and AT&T and their successors and assigns ("Utility Companies"), may have certain rights arising in the 2nd Avenue ROW, and that this Agreement does not in any way affect or diminish the rights of those Utility Companies. Licensee hereby acknowledges and agrees that the Utility Companies have no obligation or responsibility to Licensee.

12. If this Agreement is terminated under any of the provisions contained herein, Licensee shall remove the Accessibility Ramp within thirty (30) days of termination. If the required work is not performed or completed to the City's satisfaction, the City shall have the right to perform or complete such work. Licensee agrees to reimburse the City for performance of such work within thirty (30) days of invoice by the City. Non-payment of invoices shall constitute a lien against the Licensee Property.

13. The Accessibility Ramp when installed does not become a part of or an interest in the 2nd Avenue ROW, the air rights above and below or the underlying property. This Agreement shall not be construed to grant any interest in realty or any other possessory interest beyond the irrevocable, permanent and exclusive license to the Licensee, as provided herein.

14. Licensee is responsible for the cost of installation, maintenance, and removal of such Accessibility Ramp and is responsible for any damage caused to the 2nd Avenue ROW resulting from such installation, maintenance, and removal.

15. The terms of this Agreement are covenants running with the Licensee Property and shall inure to the benefit of, and be binding upon, the Parties hereto and their respective successors and assigns.

16. The parties acknowledge that the licensed area is part of the 2nd Avenue ROW and is currently exempt from any tax assessment for real estate or any other taxes. In the event that the 2nd Avenue ROW or any part thereof becomes subject to real estate or other taxes arising out of this License Agreement, the Licensee shall be liable for those real estate or other taxes and will pay said taxes as they become due and owing.

17. This Agreement may be enforced either at law or in equity, with the non-breaching Party entitled to injunctive relief and/or monetary damages. If any action for enforcement of this Agreement is brought, the non-prevailing Party in such action shall reimburse the prevailing Party for its attorneys' fees and related costs in such action.

18. Licensee shall not assign this Agreement or its rights and duties under this License, without the prior written consent of the City, which consent may be withheld in the City's sole and absolute discretion.

19. This Agreement may be modified or amended only by a written instrument executed by the Parties, or their respective permitted successors or assigns.

20. If any term, covenant or condition of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this License, or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant and condition of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

Dated this ____ day of _____, 2022.

STC IDLEHOUR, LLC
an Illinois Limited Liability Corporation

By: _____

Subscribed and sworn to before me this ____ day of _____, 2022.

Notary Public

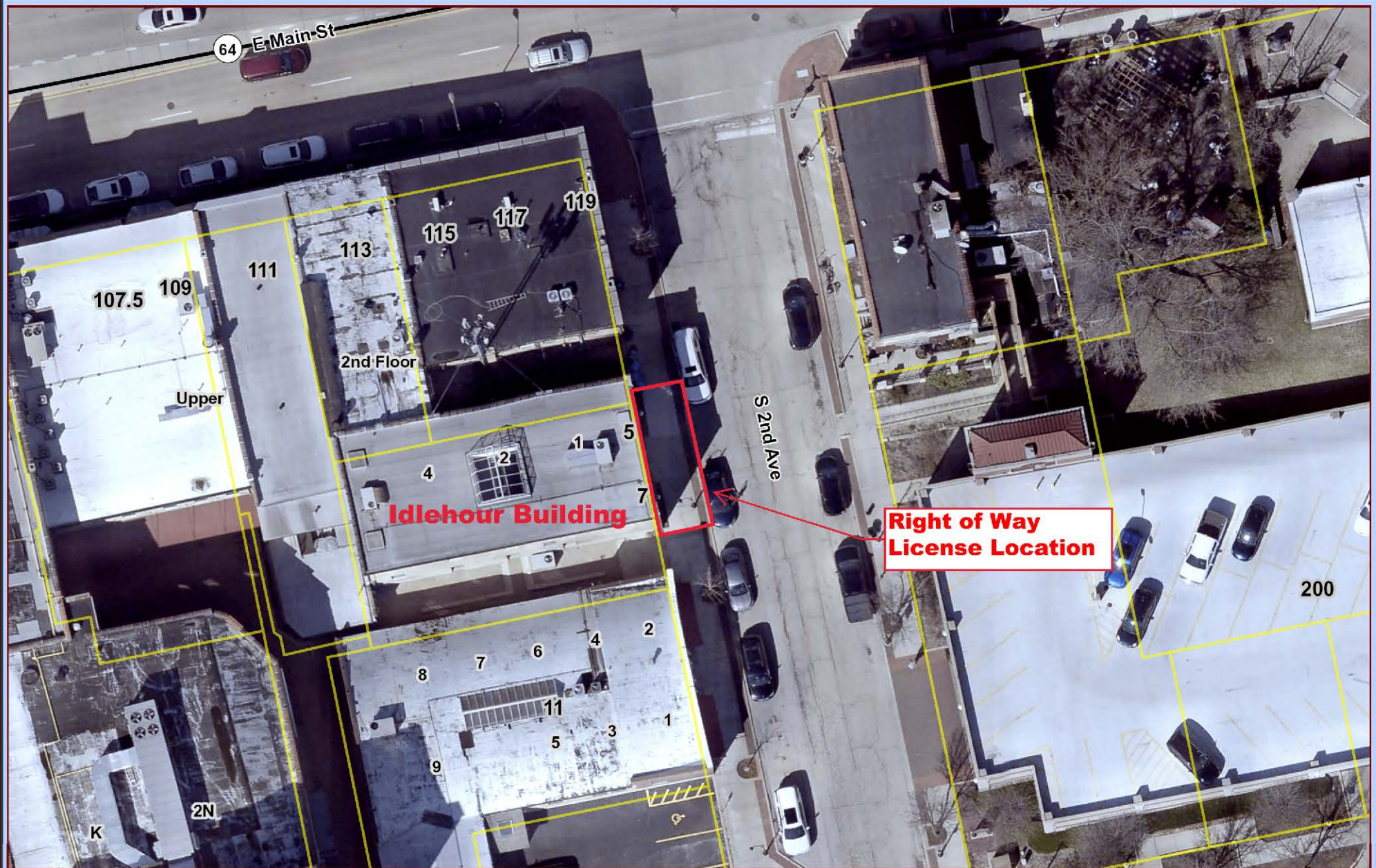
CITY OF ST. CHARLES,
an Illinois municipal corporation

By: _____
Mayor

Attest: _____
City Clerk

Exhibit A:

2nd Avenue Right-of-Way



Data Source:
City of St. Charles, Illinois
Aerial Imagery: 2010
Duluth County, Illinois
Projection: Transverse Mercator
Datum: North American Datum 1983
Published: September 28, 2012 12:20 PM



0 17 33 Feet

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Revised: 10/26/2012

Exhibit B:

Licensee Property


7 S. 2nd Avenue

THE SOUTHERLY 37.5 FEET OF LOT 1; THE SOUTHERLY 37.5 FEET OF THE EASTERLY 25 FEET OF LOT 2; THE NORTHERLY 10 FEET OF THE EASTERLY 25 FEET OF LOT 7; AND THE NORTHERLY 10 FEET OF LOT 8, IN BLOCK 2 OF THE ORIGINAL TOWN OF ST. CHARLES, ON THE EAST SIDE OF THE FOX RIVER, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

Exhibit C:
Accessibility Ramp



A100

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 6c
	Title:	Plan Commission recommendation to approve an Amendment to Special Use for a Recycling Facility for InterPlastics, 3645-3655 Illinois Ave.	
	Presenter:	Russell Colby	
Meeting: Government Operations Committee Date: October 3, 2022			
Proposed Cost: \$0		Budgeted Amount: \$0	Not Budgeted: <input type="checkbox"/>
Executive Summary <i>(if not budgeted please explain):</i> <p>The subject property is a 1.15-acre site just west of the InterPlastics recycling center located at 3655 Illinois Ave. InterPlastics moved to their current location in 2011 with the City Council's approval for a Special Use under Ordinance No. 2011-Z-22. Their current building was pre-existing.</p> <p>InterPlastics recycles all plastic and non-ferrous metals, with the main business focus on basic grinding of post-consumer industrial scrap. This material is then sold to local industrial companies for reuse. All operations are conducted within the building and inventory is located inside of the building.</p> <p>Application for Special Use has been filed by Jeff Muellner/ Muellner Construction, to construct an addition onto the current recycling facility. An amendment to the Special Use for Recycling Facility granted for InterPlastics under Ordinance No. 2011-Z-22 is required to allow the expansion of use. The following is proposed:</p> <ul style="list-style-type: none"> • 25,173 Sf. Building Addition (warehouse space) • Additional curb cut along Illinois Ave. • Provide additional parking spaces • Enhance site landscaping <p><u>Plan Commission Recommendation</u> – Plan Commission held a public hearing on 9/20/22 and voted 7-0 to recommend approval of the Special Use, subject to resolution of staff comments.</p>			
Attachments <i>(please list):</i> Plan Commission Resolution, Staff Report, Application, Plans, Ordinance 2011-Z-22			
Recommendation/Suggested Action <i>(briefly explain):</i> Plan Commission recommendation to approve an Amendment to Special Use for a Recycling Facility for Interplastics, 3645-3655 Illinois Ave.			

City of St. Charles, Illinois
Plan Commission Resolution No. 14-2022

**A Resolution Recommending Approval of a Special Use to Amend Ordinance
2011-Z-22 for InterPlastics, 3645-3655 Illinois Ave.**

Passed by Plan Commission on September 20, 2022

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 petition for Special Use to amend Ordinance 2011-Z-22 in order to allow expansion of the Recycling Facility located at 3655 Illinois Ave.; and

WHEREAS, the Plan Commission adopts the following Findings of Fact for Special Use in accordance Section 17.04.330 of the Zoning Ordinance:

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

The application for a special use is to permit a recycling center use, which is listed as a special use in the underlying M2-Limited Manufacturing District, to be established in an existing industrial area. This property provides ingress-egress via the existing roadway network that is designed to accommodate manufacturing/industrial uses. Furthermore, businesses located in this vicinity are, or may become, clients of the business.

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

All necessary utilities, access, and public facilities are already constructed. The property is located within an industrial zoned area that is designed with the appropriately sized streets, lot sizes to support a wide variety of manufacturing uses.

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 use will be located in manufacturing area that is currently occupied by industrial, warehouse, and recycling businesses whose current business practices are very similar to those of the proposed use. Therefore, establishing a similar use in this location will not be injurious to the use and enjoyment of other properties.

Resolution 14-2022

- 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 majority of the surrounding properties are already developed and occupied by similar industrial uses.

- 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 proposed uses will be similar in nature to the other industrial processes occurring in the vicinity. The property exists without any stormwater management system. The new development will be a benefit to local properties by providing full stormwater management for the area being disturbed. Therefore, the use will not be detrimental to the public health, safety, comfort or general welfare of this area.

- 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 proposed use meets the definition of a recycling center, and demonstrates that there is a parking lot area large enough to accommodate the required off-street parking spaces. Additionally, there are sufficient loading, and unloading, and semi-trailer parking facilities on the site.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use to amend Ordinance 2011-Z-22 for InterPlastics, 3645-3655 Illinois Ave. to allow expansion of the Recycling Facility, subject to resolution of outstanding staff comments prior to City Council action.

Roll Call Vote:

Ayes: Moad, Hibel, Funke, Ewoldt, Rosenberg, Gruber, Vargulich

Nays:

Absent: Wiese, Studebaker

Motion carried: 7-0

PASSED, this 20th day of September 2022.

Resolution 14-2022

Chairman
St. Charles Plan Commission



Staff Report
Plan Commission Meeting – September 20, 2022

Applicant:	Jeff Muellner/ Muellner Construction
Property Owner:	J & L Real Estate Enterprises LLC
Location:	3645 Illinois Ave.
Purpose:	Building Addition
Application:	<ul style="list-style-type: none"> • Special Use Amendment (Recycling Facility)
Public Hearing:	Yes, required.
Zoning:	M2-Limited Manufacturing
Current Land Use:	Vacant
Comprehensive Plan:	Industrial/ Business Park

InterPlastics - 3645/3655 Illinois Ave.



Subject Property

Summary of Proposal: Jeff Muellner, on behalf of Muellner Construction, has filed a Special Use application to construct an addition onto the current recycling facility, InterPlastics, located at 3655 Illinois Ave. The subject property is a vacant lot located at 3645 Illinois Ave.

Details:

- 25,173 Sf. Building Addition (warehouse space)
- Additional curb cut along Illinois Ave.
- Provide additional parking spaces
- Enhance site landscaping

An amendment to the Special Use for Recycling Facility granted for InterPlastics under Ordinance No. 2011-Z-22 is required to allow the expansion of use.

Info / Procedure on Application:	<p>Special Use:</p> <ul style="list-style-type: none"> • Per Sec. 17.04.330, the purpose of a Special Use is as follows: “Special Uses listed within the various zoning districts include those uses that may be acceptable if established in an appropriate manner and location within a zoning district, but may not be acceptable if established in a different manner or location. Special Uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses that may have a unique, special or unusual impact upon the use or enjoyment of neighboring property.”
---	---

- Public hearing is required, with a mailed notice to surrounding property owners.
- 6 findings of fact– ALL findings must be in the affirmative to recommend approval.

**Suggested
Action:**

Conduct the public hearing on the Special Use (Recycling Facility) and close if all testimony has been taken.

The Plan Commission may vote on the item should the Commission feel that they have enough information to make a recommendation.

Staff recommends that any recommendation include a condition requiring resolution of all staff comments prior to City Council action.

Staff Contact: Rachel Hitzemann, Planner

I. PROPERTY INFORMATION

A. History / Context

The subject property is a 1.15-acre site just west of the InterPlastics recycling center located at 3655 Illinois Ave. InterPlastics moved to their current location in 2011 with the City Council's approval for a Special Use under Ordinance No. 2011-Z-22. Their current building was pre-existing.

InterPlastics recycles all plastic and non-ferrous metals, with the main business focus on basic grinding of post-consumer industrial scrap. This material is then sold to local industrial companies for reuse. All operations are conducted within the building and inventory is located inside of the building.

B. Zoning

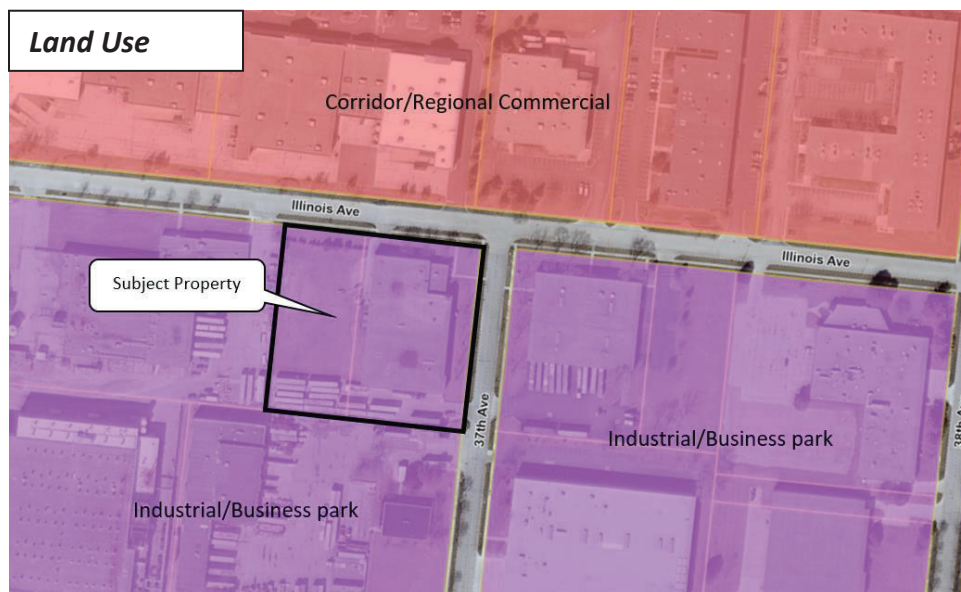
The subject property is zoned M2-Limited Manufacturing District.

	Zoning	Land Use
Subject Property	M2- Limited Manufacturing District	Vacant Lot
North	BR- Regional Business/PUD	Main Street Commons (Commercial Retail)
East	M2- Limited Manufacturing District	Industrial
South	M2- Limited Manufacturing District	Industrial
West	M2- Limited Manufacturing District	Smithfield Foods



C. Comprehensive Plan

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as “Industrial/ Business Park”.



The Industrial/ Business Park land use is described as follows:

Areas designated for industrial/business park are intended to accommodate a variety of uses ranging from light assembly, storage and distribution, low intensity fabrication operations, research and “tech” industry applications, intense commercial service uses, and more. These areas are also intended to provide for business park/office park uses, which could include “stand alone” office buildings and complexes or several buildings incorporated into a “campus like” setting.

Light industrial uses in St. Charles are concentrated in industrial parks, but they can also be found in commercial and office areas. As a distinct land use, these areas can provide significant employment opportunities, tax revenue generation, and, if developed correctly, can help establish a positive community image.

While these uses create significant jobs and tax revenue, care must be taken to ensure they don't become a source of blight for surrounding uses. At times, their externalities are unpopular with community members, but heavy industrial uses are generally treated as assets as long as care is taken to eliminate their negative effects.

Chapter 3 of the Comprehensive Plan contains the Industrial Area goal and objectives. The following are relevant to the proposed development (p. 25):

Goal

Continue to support a diversified light industrial/business park/commercial service economic base that provides employment opportunities within the community:

Objectives

- *Promote and encourage the improvement and rehabilitation of older industrial buildings and areas which are, or are becoming, functionally obsolete or undesirable including improvements to loading docks, technology infrastructure, access, building facades, signage, streetscaping, landscaping, and parking areas to accommodate more appropriate and market viable uses.*
- *Encourage the use of green technology and best management practices (BMPs) in the development and redevelopment of industrial uses and market the City's industrial areas as centers of green technology and light industrial.*
- *Require all industrial development to meet specific applicable performance standards for noise, air, odor and any other forms of environmental pollution.*
- *Utilize appropriate setbacks, screening, buffering, and site design to minimize the negative impacts of industrial uses on adjacent areas, such as noise, vibration, air pollutants, odor, truck traffic, large shadows, etc.*
- *Ensure that all uses are effectively screened from adjacent properties and public rights-of-way, through the use of landscaping and fencing.*

Chapter 4 of the Comprehensive Plan provides the following Commercial Area policies relevant to the proposed development (p. 48-50):

Limit the infiltration of recreation and non-industrial uses into the City's industrial and business parks.

The City's larger industrial areas should be preserved and specifically targeted to industrial/business park improvements rather than athletic, institutional, or other uses. Overtime, the intrusion of non-industrial/business park uses can reduce the desirability of an area from being sought out for new industrial investment and businesses.

II. PROPOSAL

Jeff Muellner, on behalf of Muellner Construction, has filed a zoning application for Special Use (Recycling Facility) requesting to amend the existing Special Use approval for InterPlastics located at 3645 Illinois Ave., by constructing a building addition on the adjacent parcel at 3655 Illinois Ave. The proposal includes the following:

- 25,173 SF Addition (warehouse space)
- Additional curb cut along Illinois Ave.
- Enhanced Landscaping

III. PLANNING ANALYSIS

Staff has analyzed the submitted applications and plans for conformance with the standards established in applicable sections of the Zoning Ordinance, including:

- Ch. 17.16 Office/Research, Manufacturing & Public Land Districts
- Ch. 17.22 General Provisions (Lighting)
- Ch. 17.24 Off-Street Parking, Loading & Access
- Ch. 17.26 Landscaping & Screening

A. Proposed Use

Recycling Facility is defined in Ch. 17.30 as follows:

A facility where newspapers, magazines, books, and other paper products, glass, metal cans and other products are received, sorted, reprocesses and/or treated as part of a process to return such projects to a condition in which they may be used again as a raw material in finished products. This does not include a junkyard.

A Recycling Facility is listed as a permitted Special Use under the M2 Zoning District.

B. Bulk Standards

The table below compares the bulk standards applicable to the M2 District with the submitted plans. The parcel which contains the existing InterPlastics facility and the adjacent parcel on which the building addition will be constructed will be considered one zoning lot for the purposes of determining compliance with zoning bulk standards. It appears the Plan meets all bulk standards.

Category	M-2 District	Site Plan
Min. Lot Area	None	N/A
Min. Lot Width	None	N/A
Max. Building Coverage	60%	49%
Max. Building Height	60 ft	35 ft
Front Yard (37 th Ave)	B: 40 ft P: 40 ft	B: 40 ft P: 40 ft
Interior Side Yard	B: 20 ft P: None	B: 63 ft P: 2 ft.
Exterior Side Yard (Illinois Ave)	B: 40 ft P: 40 ft	B: 40 ft P: 40 ft
Rear Yard	B: 20 ft P: None	B: 60 ft P: 1.5 ft
Landscape Buffer	Not required	Not required
Parking Requirement	1 space per 1,000sf of Gross Floor Area (60 Spaces)	65 Spaces Provided (53 spaces to be constructed; 12 spaces land-banked)

Staff Comments:

- ✓ The trash enclosure on the southwest side of the property must be at least 3ft from the lot line and located outside of the easement. It appears there is room to relocate the enclosure to a suitable location.

C. Landscaping

Note: Landscape Plan is based off of older site Plan. A revised Plan matching the new site plan layout will need to be provided.

The table below compares the proposed landscape plan with the standards of Ch. 17.26 “Landscaping & Screening”. Public street frontage landscaping and building foundation landscaping requirements apply only along the building addition. Parking lot landscaping requirements apply to the entire parking lot as the existing parking lot is being replaced. The plan does not meet a few of the landscape requirements (***bold italics***). The Applicant will need to amend the plan to meet the deficient standards.

Category	Zoning Ordinance Standard	Proposed
Overall Landscape Area	15%	Standard Met
Public Street Frontage Landscaping	75% of street frontage (Illinois Ave.: 116 ft) 1 tree / 50 ft. of street frontage (Illinois Ave.: 2 Trees)	<i>Illinois Ave: 0 ft & 0 trees</i>
Parking Lot Screening	50% of parking lot to height of 30”	Standard Met
Interior Parking Lot Landscaping	1 landscape island / 10 parking spaces All parking rows terminate in landscape area 1 tree / island; variety of plantings in islands	Standard Met
Building Foundation Landscaping		
<i>Foundation Planting Beds</i>	50% of total building walls; 50% of walls facing a public street (Illinois Ave.) 5 ft. wide planting beds	Standard Met along Illinois Ave. <i>Landscaping needed along west building wall</i>
<i>Foundation Plantings</i>	20 shrubs/bushes/perennials per 50 ft. of planting bed	Standard Met along Illinois Ave. <i>Plantings needed along west building wall</i>
<i>Foundation Trees</i>	2 trees per 50 ft. of planting bed	<i>1 Additional Tree should be added along Illinois Ave. Trees required along west building wall.</i>
Monument Sign Landscaping	3 ft. around sign	N/A

Refuse Dumpster Screening	Enclosed and screened on all sides when visible from public street	Standard Met
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Staff Comments:

- ✓ Landscaping is only required for the areas impacted by the building addition and parking lot improvements.
- ✓ Additional street frontage and building foundation landscaping is needed.

D. Site Access/ Parking

Access to the property is currently provided by a curb cut along 37th Ave. There is currently no curb cut to access the vacant lot.

The proposed design maintains the curb cut along 37th Ave. and provides an additional curb cut on the northwest portion of the site along Illinois Ave. The access through the site will be one way, with vehicles entering from 37th Ave. and exiting on Illinois Ave..

The Applicant is utilizing the provision in the Code allowing for land banking of required parking spaces in the M-2 District (Section 17.24.110):

1. *Required off-street parking spaces for Manufacturing, Light & Heavy, and Warehouse/Distribution uses in the M-2 district may be land banked for future construction, for up to twenty-five percent (25%) of the requirement, upon approval by the City Council, after receiving a recommendation from the Plan Commission, if the petitioner presents a study with quantifiable evidence based on comparable facilities that demonstrates:*
 - i. *The number of parking spaces may be reduced without affecting the ability to adequately accommodate vehicles for employees, business-owned vehicles, vehicles for visitors, and all other vehicles necessary for the business, and provide adequate spaces during an overlap of employee shifts.*
 - ii. *Land banked parking shall not cause a shortage of parking for other uses located in the area.*

The total parking requirement for the building, including the existing building and the addition, is 60 spaces. 53 spaces are proposed to be constructed, with 12 additional spaces land banked for future construction along the west side of the building, if needed. The 7 required spaces to be land banked constitutes 12% of the parking requirement, and is within the parameters for allowable land banking of parking in the M-2 District.

Staff Comments

- ✓ The applicant has stated the business has 10 employees and no additional employees will be added after the building expansion.
- ✓ The applicant shall clarify the interim use of the land banked area and provide a floor plan depicting the layout of the building addition, as required by the Land Bank Parking Plan standards under Section 17.24.110.

E. Lighting

A photometric plan has been submitted and reviewed per the standards of Section 17.22.040 "Site Lighting". The Plan meets Zoning requirements.

IV. DEPARTMENTAL REVIEWS

Note: Review Comments were based on the old site plan that has a slightly different layout.

A. Engineering Review

Development Engineering and Public Works have reviewed the plans. Detailed review comments will be provided to the developer. The following comments are relevant to the Plan Commission's review:

- ✓ The grading plan shows a wall along the south parking lot. Please note that retaining wall, landscape walls, or monolith curb walls, etc., are not allowed in the easement. The City will need to maintain the existing watermain within that easement, and the City will not be responsible for removing/replacing these types of structures.
- ✓ Public utility easement shall be formally vacated prior to permit approval.

B. Electric Review

The Electric Division has reviewed the plans. Detailed review comments will be provided to the developer.

C. Fire Dept. Review

The Fire Dept. reviewed the plans. The site plan has been modified to provide a fire access lane along the west side of the building, as required by the Fire Code. D

V. OPTIONS FOR PLAN COMMISSION ACTION**1. Public Hearing – Close or Continue**

If the Plan Commission feels they have adequate information the public hearing may be closed. The public hearing may be continued if additional information is deemed necessary to provide a recommendation.

If Public Hearing is closed-

2. Make a Recommendation to Planning & Development Committee

There are 6 Findings of Fact for Special Use Applications. The applicant has provided responses to the Findings as part of the application materials. All Findings must be made in the affirmative to recommend approval. The Findings are as follows:

1. Public Convenience: The Special Use will serve the public convenience at the proposed location.
2. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary utilities have been, or are being, provided.
3. 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 purposes already permitted, nor substantially diminish or impair property values within the neighborhood.
4. 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.

5. 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.
6. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied to a Special Use for Planned Unit Development.

a. Recommend approval of the application for Special Use.

- i. This recommendation should be subject to resolution of outstanding staff comments.
- ii. Additional conditions if deemed necessary by the Plan Commission to meet the Special Use findings.

OR

b. Recommend denial of the application for Special Use.

- i. Plan Commission must substantiate how the Special Use findings are not being met in order to recommend denial.

VI. ATTACHMENTS

- Application for Special Use; received 8/02/22
- Plans
- Ord. 2011-Z-22 (existing Special Use ordinance)

City of St. Charles
Community Development Division
2 E. Main Street
St. Charles, IL 60174



Phone: (630) 377-4443
Email: cd@stcharlesil.gov

SPECIAL USE APPLICATION

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

For City Use

Project Name: Inter Plastics Building Addition
Project Number: 2022 -PR- 013
Cityview Project Number: PLSU 202200057

Received Date
RECEIVED

AUG 02 2022

City of St. Charles
Community Development

- File this application to request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property
- Complete the application and submit with all required attachments to the Community Development Division.
- The information you provide must be complete and accurate. If you have a question please contact the Community Development Division.
- City staff will review the submittal for completeness and for compliance with applicable requirements prior to establishing a public hearing date.

1. Property Information:	Location: 3645 Illinois Ave, St Charles, IL 60174	
	Parcel Number (s): 09-25-376-030 09-25-376-030	
	Proposed Name: Inter Plastics Building Addition	
2. Applicant Information:	Name: Jeff Muellner	Phone: 630-844-6020
	Address Muellner Construction, PO Box 17, Elburn, IL 60119	Email: Jeff@muellnerconstruction.com
3. Record Owner Information:	Name: J & L Real Estate Enterprises LLC	Phone:
	Address: 38W314 Chickasaw Ct, Saint Charles, IL 60175	Email:

4. Identify 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
 - ☒ Amendment to an existing Special Use Ordinance #: 2011-Z-22

5. Information Regarding Special Use:

Comprehensive Plan designation of the property: Industrial/Business Park

Is the property a designated Landmark or in a Historic District? No

What is the property's current zoning? M-2 Limited Manufacturing District

What is the property currently used for? Vacant

If the proposed Special Use is approved, what improvements or construction are planned?

Building Addition, Parking Lot, and stormwater Management

6. For Special Use Amendments only:

Why is the proposed change necessary?

Expansion of existing building because the existing building facilities no longer is adequate.

What are the proposed amendments? (Attach proposed language if necessary)

That a special use for a recycling center be granted in the M-2 zoning district

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.

7. Required Attachments:

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:** 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 subject property:

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:** a) A current title policy report; or
b) A deed and a current title search

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.

☐ **OWNERSHIP DISCLOSURE:** Use the appropriate disclosure form (attached), if the owner or applicant is a Partnership, Corporation, Trust, or LLC.

☐ **LETTER OF AUTHORIZATION:** If the property owner is not the applicant, an original letter of authorization from the property owner permitting the applicant to file the zoning application with the City of St. Charles for the subject property.

☒ **LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper and Microsoft Word file.

☒ **PLAT OF SURVEY:** A current plat of survey for the subject property showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

☒ **FINDINGS OF FACT:** Fill out the attached "Criteria for Planned Unit Developments (PUDs)" form for any PUD application and the "Findings of Fact – Special Use" form 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. Property ownership information may be obtained using Kane County's interactive GIS mapping tool: http://gistech.countyofkane.org/gisims/kanemap/kanegis4_AGOx.html

☒ **SOIL AND WATER CONSERVATION DISTRICT LAND USE OPINION APPLICATION:** As required by State law, submit a Land Use Opinion application and required fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy of completed Land Use Opinion application to the City. The Land Use Opinion application can be found on the Kane-DuPage SWCD website: <http://www.kanedupageswcd.org/>

- ☐ **ENDANGERED SPECIES REPORT:** As required by State law, file an Endangered Species Consultation Agency Action with the Illinois Department of Natural Resources. Provide a copy of the report to the City. The online Ecological Compliance Assessment Tool (EcoCAT) should be utilized: <https://dnr2.illinois.gov/EcoPublic/>
- ☐ **TRAFFIC STUDY:** If applicable. 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: Ten (10) full size copies, one (1) 11" by 17", and PDF electronic file emailed to: cd@stcharlesil.gov

Site Plan or plans shall show 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

(Note- For a Special Use for PUD, submit PUD Preliminary Plan Application In lieu of Site Plan)

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

JOSE E Gutierrez

7/20/22

Date .



Applicant or Authorized Agent

7/20/22

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.

Project Name or Address: 3645 Illinois Ave, St Charles, IL 60174

From the St. 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 application for a special use is to permit a recycling center use, which is listed as a special use in the underlying M2-Limited Manufacturing District, to be established in an existing industrial area. This property provides ingress-egress via the existing roadway network that is designed to accommodate manufacturing/industrial uses. Furthermore, businesses located in this vicinity are, or may become, clients of the business.

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

All necessary utilities, access, and public facilities are already constructed. The property is located within an industrial zoned area that is designed with the appropriately sized streets, lot sizes to support a wide variety of manufacturing uses.

- 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 use will be located in manufacturing area that is currently occupied by industrial, warehouse, and recycling businesses whose current business practices are very similar to those of the proposed use. Therefore, establishing a similar use in this location will not be injurious to the use and enjoyment of other properties.

- 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 majority of the surrounding properties are already developed and occupied by similar industrial uses.

- 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 proposed use will be similar in nature to the other industrial processing already occurring in the vicinity. The property exists without any stormwater management system. The new development will be a benefit to local properties by providing full stormwater management for the area being disturbed. Therefore, the use will not be detrimental to the public health, safety, comfort or general welfare of this area.

- F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code 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 proposed use meets the definition of a recycling center, and demonstrates that there is a parking lot area large enough to accommodate the required off-street parking spaces. Additionally, there are sufficient loading, unloading, and semi trailer parking facilities on the site.

OWNERSHIP DISCLOSURE FORM
PARTNERSHIPS

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Jose E Gutierrez, being first duly sworn on oath depose and say that I am a
General Partner of Inter Plastics Company, an Illinois
(General) (Limited) Partnership and that the following persons are all of the partners thereof:

Jose E Gutierrez (General)(Limited) Partner

Laura Gutierrez Vega (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

_____ (General)(Limited) Partner

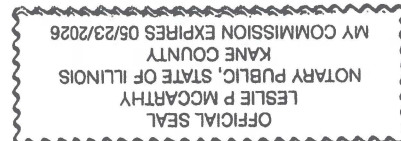
By: [Signature] (General)(Limited) Partner

Jose E Gutierrez

Subscribed and Sworn before me this 20th day of

July, 20 22.

[Signature]
Notary Public

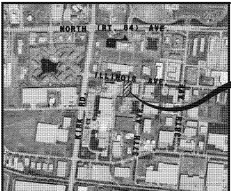


NONRESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development:

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District: M-2	Ordinance #:	
Minimum Lot Area	None		none
Minimum Lot Width	None		none
Maximum Building Coverage	60%		53%
Maximum Gross Floor Area per Building	n/a		n/a
Maximum Building Height	60 Ft		35'
Front Yard	40'		40'
Interior Side Yard	B:20' P:0		B:43' P:2'
Exterior Side Yard	40'		40'
Minimum Rear Yard	B:20' P:0		B:60' P:1.5'
Landscape Buffer Yard ²	n/a		n/a
% Overall Landscaped Area	20%		24%
Building Foundation Landscaping	5'		5'
Public Street Frontage Landscaping	40'		40'
Parking Lot Landscaping	island per 10 space		met
# of Parking Spaces	65		66
Drive-through Stacking Spaces (if applicable)	n/a		n/a

² Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, RT or RM District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

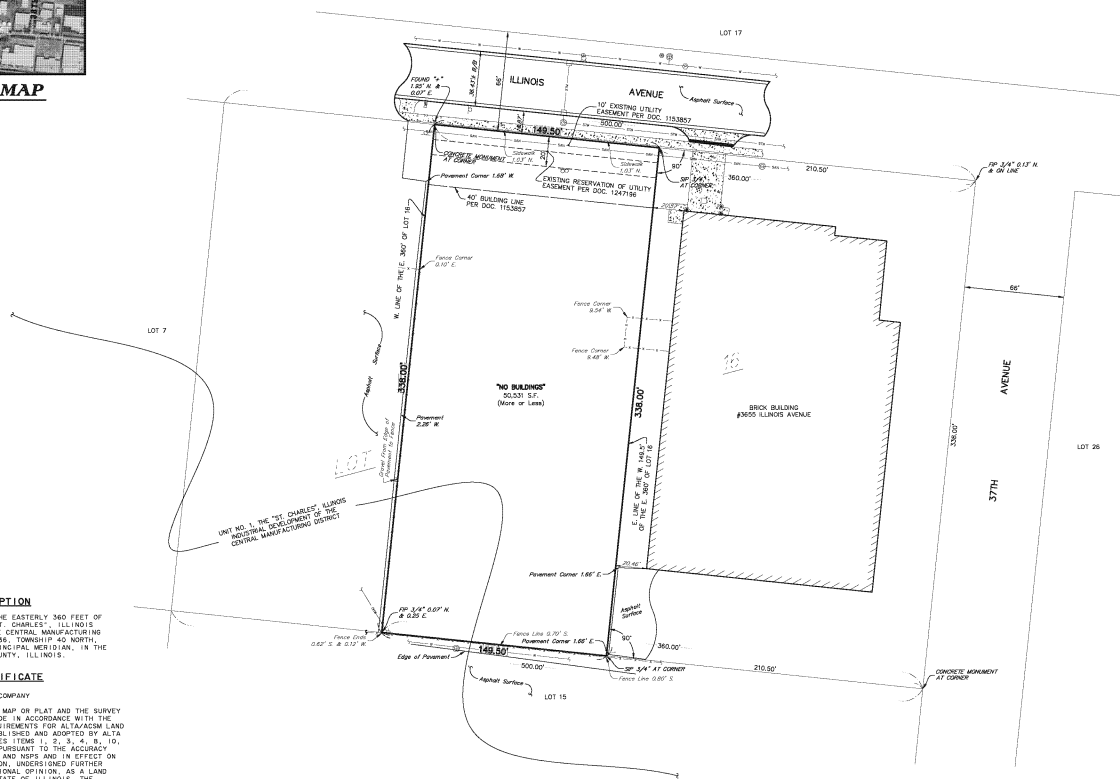


VICINITY MAP

SITE LOCATION

A.L.T.A./A.C.S.M. LAND TITLE SURVEY

SHEET 1 OF 1



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)

SYMBOL LEGEND	
○	MANHOLE
○	CATCH BASIN
□	INLET
○	WATER VALVE
○	WALK & HALL
○	HYDRANT
○	UTILITY POLE
○	STREET SIGN
○	MAILBOX
○	SANITARY SEWER
○	STORM SEWER
○	WATERMAIN
○	OVERHEAD WIRE
○	FENCE LINE
○	DEPRESSED CURB
○	CONCRETE SURFACE

SURVEYOR'S 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 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.
- 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.
- BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT FOR ADDITIONAL ZONING RESTRICTIONS.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND IMPRESSED SEAL.
- EASEMENTS AND SERVITUDES SHOWN HEREON ARE BASED UPON A OWNER'S POLICY ISSUED BY CHICAGO TITLE INSURANCE COMPANY IDENTIFIED AS NUMBER 58838403.
- DIMENSIONS ENCLOSED IN () INDICATE RECORD OR DEED DATA. ALL OTHER DIMENSIONS ARE MEASURED.
- F.I.P. = FOUND IRON PIPE (AS SHOWN)
F.I.R. = FOUND IRON ROD (AS SHOWN)
S.P. = SET IRON PIPE
B/S = BACK OF CURB TO BACK OF CURB

PARCEL DESCRIPTION

THE WESTERLY 149.9 FEET OF THE EASTERLY 360 FEET OF LOT 16 IN UNIT NO. 1, THE "ST. CHARLES" ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT IN SECTIONS 25 AND 36, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

SURVEYOR'S CERTIFICATE

TO: CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL" REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2002, AND INCLUDES ITEMS 1, 2, 3, 4, 8, 10, AND 11 OF TABLE A, THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDISCLOSED UNLESS CERTIFIED THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ILLINOIS, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATED THIS 5TH DAY OF OCTOBER, 2007.

PETER A. BLASSER
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3072
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2008
PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002937
EXPIRES APRIL 30, 2009

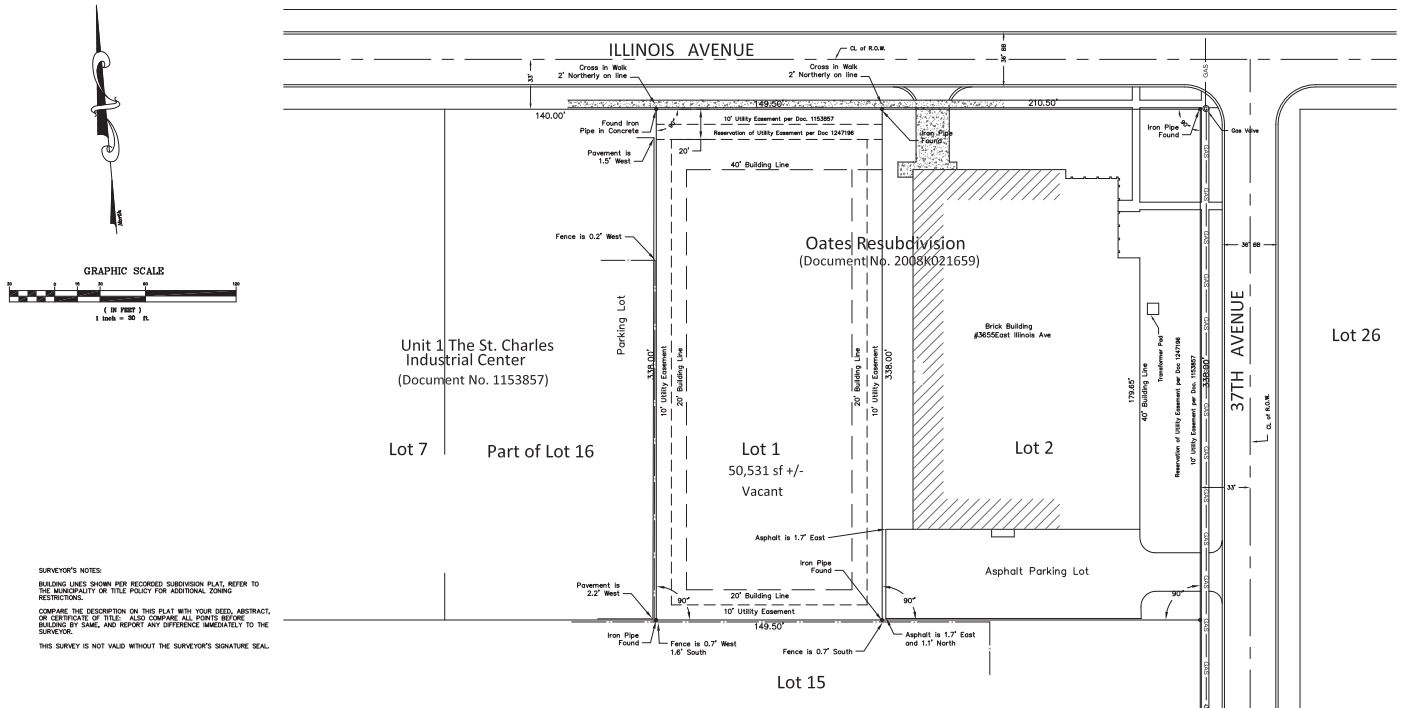
PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2280 White Oak Circle, Suite 100
Aurora, Illinois 60502-9675
PH: 630.862.2100 FAX: 630.862.2199
E-Mail: ced@cemcon.com Website: www.cemcon.com
DISC NO.: 903797 FILE NAME: ACTA-1
DRAWN BY: N.K.S. PLO. NO.: C-45/48-51
COMPLETION DATE: 11-15-07 JOB NO.: 903.787
Copyright © 2007 CEMCON, Ltd. All Rights Reserved.

BOUNDARY SURVEY

PROPERTY DESCRIPTION:

Lot 1 in Oates Resubdivision, being a Resubdivision of the Easterly 360 Feet of Lot 16 in the "St. Charles", Illinois Industrial Development of the Central Manufacturing District in Sections 25 and 36, Township 40 North, Range 8 East of the Third Principal Meridian, in the City of St. Charles, Kane County, Illinois, according to the Plat thereof Recorded March 13, 2008 as Document 2008K021659 in Kane County, Illinois.

Lot 17



Taurus Engineering, L.L.C.

38655 E. Laura Ingalls Wilder Road
St. Charles, IL 60175
(630)377-2997
(630)377-2998
tauruseng@sbeglobal.net

Prepared For:	Property Address:	Job Number:	Scale:
Midwest Foundation 2015 Black Avenue St. Charles, IL 60176	3655 Black Avenue St. Charles, IL 60176	11419	1"=50'
		Revisions:	Date:

STATE OF ILLINOIS
COUNTY OF KANE

I, Raymond G. Ulsch, Illinois Registered Land Surveyor No. 2674 do hereby certify that I have surveyed the above described tract of land and that the herein shown plat is a true and correct representation thereof.

Dated this 15th day of September, 2011.

Raymond G. Ulsch, Illinois Registered Land Surveyor No. 2674



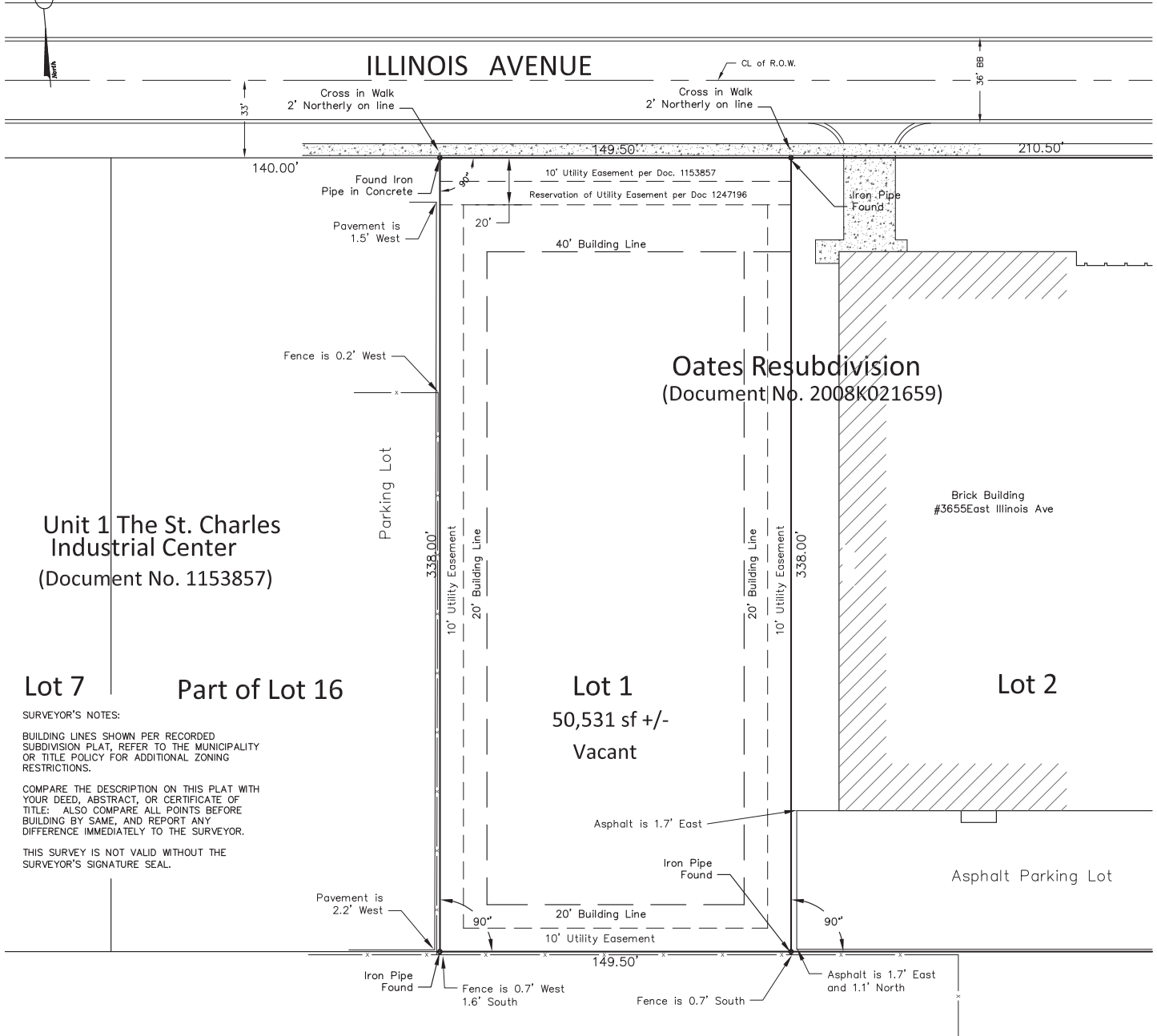
This professional service conforms to the current Illinois minimum standards for a boundary survey.

BOUNDARY SURVEY

PIN 09-25-376-030

PROPERTY DESCRIPTION:

Lot 1 in Oates Resubdivision, being a Resubdivision of the Easterly 360 Feet of Lot 16 in the "St. Charles", Illinois Industrial Development of the Central Manufacturing District in Sections 25 and 36, Township 40 North, Range 8 East of the Third Principal Meridian, in the City of St. Charles, Kane County, Illinois, according to the Plat thereof Recorded March 16, 2008 as Document 2008K021659 in Kane County, Illinois.



Unit 1 The St. Charles
Industrial Center
(Document No. 1153857)

Lot 7 Part of Lot 16

SURVEYOR'S NOTES:

BUILDING LINES SHOWN PER RECORDED
SUBDIVISION PLAT, REFER TO THE MUNICIPALITY
OR TITLE POLICY FOR ADDITIONAL ZONING
RESTRICTIONS.

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 TO THE SURVEYOR.

THIS SURVEY IS NOT VALID WITHOUT THE
SURVEYOR'S SIGNATURE SEAL.

Lot 1
50,531 sf +/-
Vacant

Lot 2

Lot 15

STATE OF ILLINOIS)
COUNTY OF KANE)

I, Raymond G. Ulreich, Illinois Registered Land Surveyor No. 2674 do hereby certify that I
have surveyed the above described tract of land and that the hereon drawn plat is a true
and correct representation thereof.

Dated this 16th day of February, 2013.

Raymond G. Ulreich, Illinois Registered Land Surveyor No. 2674

Taurus Engineering, L.L.C.

3N655 E. Laura Ingalls Wilder Road
St. Charles, IL. 60175
(630)377-3997
(630)377-3998
tauruseng@sbcglobal.net

Prepared For:

Mike & Nancy Oates
3715 Ridge Point Drive
Geneva, IL 60134

Property Address:

3645 Illinois Avenue
St. Charles, IL 60174

Job Number: 13-009

Revision:

Scale: 1"=30'

Date



This professional service conforms to
the current Illinois minimum standards
for a boundary survey.

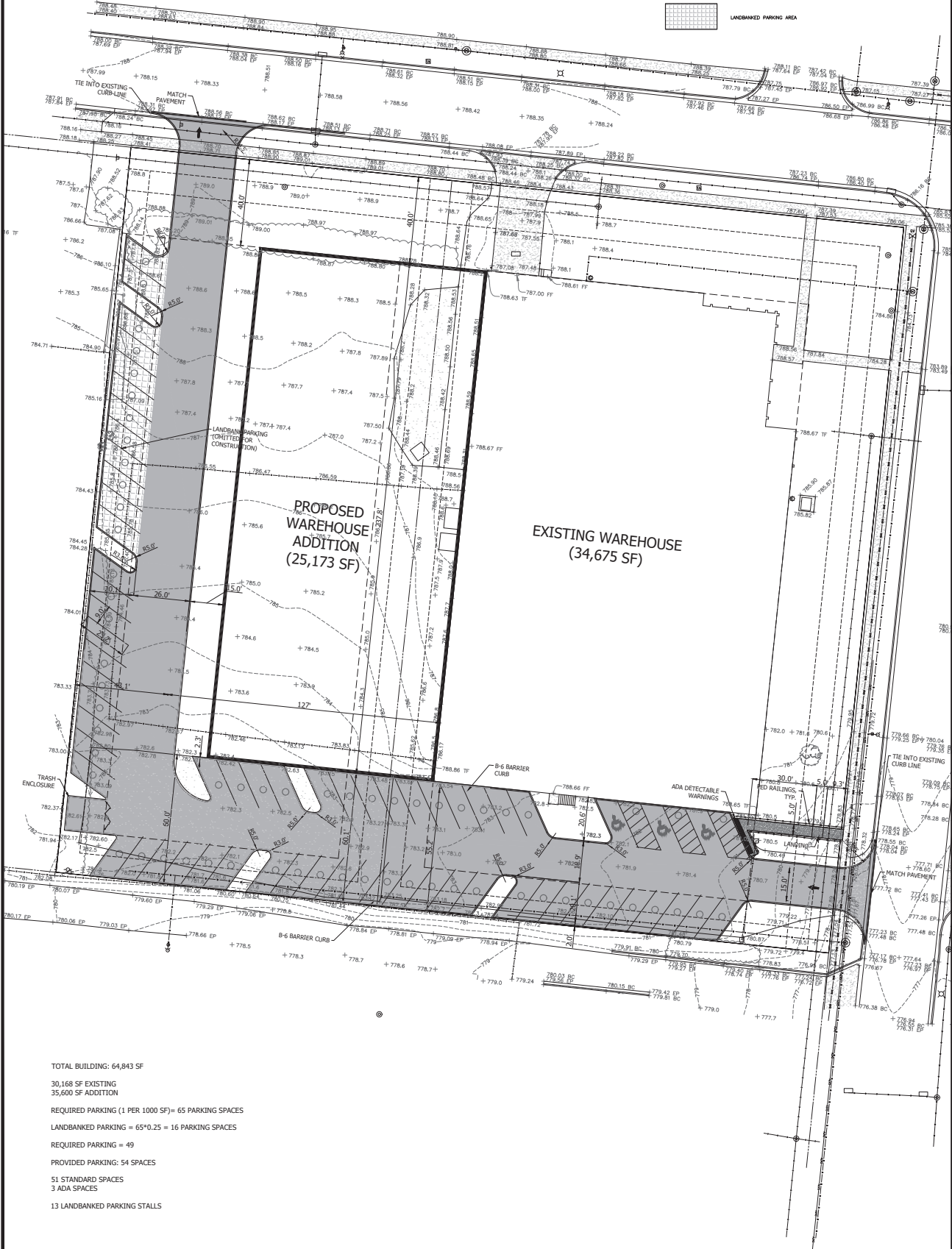
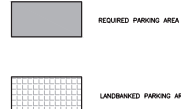
CONCEPT PLAN

EXISTING GRADE	+XXX.XX
EXISTING CONTOUR	---
PROPOSED GRADE	+XXX.XX
PROPOSED CONTOUR	---
PROPOSED FLOW	---
SILT FENCE	---
CONSTRUCTION SAFETY FENCE	---

REL.
T/F = TOP OF FOUNDATION
P.T.F. = PROPOSED TOP OF FOUNDATION

LOT

LEGEND:



TOTAL BUILDING: 64,843 SF

30,168 SF EXISTING
35,600 SF ADDITION

REQUIRED PARKING (1 PER 1000 SF) = 65 PARKING SPACES

LANDBANKED PARKING = 65'x0.25 = 16 PARKING SPACES

REQUIRED PARKING = 49

PROVIDED PARKING: 54 SPACES

51 STANDARD SPACES
3 ADA SPACES

13 LANDBANKED PARKING STALLS

DATE: 06/27/2022

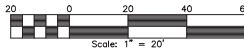
DRAWN BY: ---
CHECKED BY: ---
APPROVED BY: ---



35701 WEST AVENUE, SUITE 150
WARRENVILLE, ILLINOIS 60055
PHONE (630) 393-3060
FAX (630) 393-2152

10 S. RIVERSIDE PLAZA, SUITE 875
CHICAGO, ILLINOIS 60606
PHONE (312) 474-7841
FAX (312) 474-6099

2436 GALEN DRIVE
CHAMPAIGN, ILLINOIS 61821
PHONE (217) 351-6268
FAX (217) 355-1902



PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

City of St. Charles, Illinois

Ordinance No. 2011-Z-22

**Ordinance Granting a Special Use for a Recycling
Center at 3655 Illinois Avenue (Inter Plastics)**

**Adopted by the
City Council
of the
City of St. Charles
November 21, 2011**

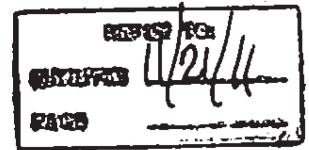
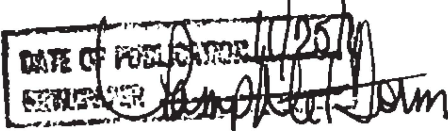
**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, November 25, 2011**



City Clerk



(S E A L)



City of St. Charles, IL
Ordinance No. 2011-Z-22

An Ordinance Granting a Special Use for a Recycling Center at 3655 Illinois Avenue (Inter Plastics)

WHEREAS, on or about October 6, 2011, Jose Gutierrez ("the Applicant") filed an Application for a Special Use for a Recycling Center for the property located at 3655 Illinois Avenue as legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Realty"); and,

WHEREAS, Notice of Public Hearing on said petition was published on or about October 19, 2011, 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 conducted a public hearing on or about November 8, 2011, on said petition in accordance with 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 petition and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application for a Special Use for a Recycling Center on or about November 8, 2011; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Application for a Special Use for a Recycling Center on or about November 14, 2011; 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 One.
2. That a special use for a Recycling Center is hereby granted with respect to the subject property.
3. That the Findings of Fact attached hereto and incorporated herein as Exhibit "B" are expressly adopted by the corporate authorities of the City: and,

4. That the subject property may be developed and used only in accordance with all ordinances of the City now in effect of hereafter awarded 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 21st day of November 2011.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of November 2011.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 21st day of November 2011.

Attest:


Nancy Garrison
City Clerk/Recording Secretary

Donald P. DeWitte
Donald P. DeWitte, Mayor

COUNCIL VOTE:

Ayes: ☒

Nays: ☐

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____

Exhibit A

Legal Description

LOT 2 OF OATES RESUBDIVISION RECORDED MARCH 13, 2008 AS DOCUMENT NUMBER 2008K021659, BEING A RESUBDIVISION OF THE EASTERLY 360 FEET OF LOT 16 IN UNIT NO. 1, THE "ST. CHARLES", ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT IN SECTIONS 25 AND 36, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

Exhibit B

Findings of Fact for a Special Use

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

The Application for a Special Use is to permit a Recycling Center use, which is listed as a special use in the underlying M2-Limited Manufacturing District, to be established in an existing industrial area. This property provides ingress-egress via the existing roadway network that is designed to accommodate manufacturing/industrial uses. Furthermore, businesses located in this vicinity are, or may become, clients of this business.

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

All necessary utilities, access, and public facilities are already constructed. The property is located within an industrial zoned area that is designed with the appropriately sized streets, lot sizes to support a wide variety of manufacturing uses.

- 3. 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 use will be located in a manufacturing area that is currently occupied by industrial, warehouse, and recycling businesses whose current business practices are very similar to those of the proposed use. Therefore, establishing a similar use in this location will not be injurious to the use and enjoyment of other properties.

- 4. 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 majority of the surrounding properties (including 3655 Illinois Ave) are already developed and occupied by similar industrial uses.

- 5. 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.**

There are no proposed physical changes to the property, and the majority of operations for the proposed Recycling Center will be located within the existing building. The proposed uses will be similar in nature to other industrial processes already occurring in the vicinity.

Therefore, the use will not be detrimental to the public health, safety, comfort or general welfare of this area.

6. **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 Special Use for Planned Unit Development.**

The proposed use meets the definition of a Recycling Center, and demonstrates that there is a parking lot area large enough to accommodate the required off-street parking spaces. Additionally, there are sufficient loading, unloading, and semi-trailer parking facilities on the site.

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 November 21, 2011, the Corporate Authorities of such municipality passed and approved Ordinance No. 2011-Z-22, entitled

"Ordinance Granting a Special Use for a Recycling
Center at 3655 Illinois Avenue (Inter Plastics),"


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

The pamphlet form of Ordinance No. 2011-Z-22, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 25, 2011, 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 21st day of November 2011.



Nancy Garrison
Municipal Clerk

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 7a
	Title:	Recommendation to approve an Ordinance Amending Ordinance No. 2022-M-17 with Regard to the Deferred Imposition of a Municipal Push Tax on Plays of Video Gaming Terminals	
	Presenter:	Heather McGuire, City Administrator	
Meeting: Government Operations Committee Date: October 3, 2022			
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
Executive Summary (if not budgeted please explain): <p>As a reminder, the information below was presented on October 31, 2021, to approve Ordinance 2021-M-45. The original effective date of the Ordinance was set as May 1, 2022, the effective date was extended to October 31, 2022 (Ordinance No. 2022-M-17), to allow appropriate time for some of these issues to develop before the tax is implemented. Since there continues to be a lack of regulatory guidance and pending litigation that creates uncertainty about how the tax may be imposed, this Ordinance defers the implementation of the tax to May 1, 2023.</p> <p>On October 27, 2021, the legislature amended SB 3136 (the “Bill”) to include limiting language regarding municipal “Push Taxes” for Video Gaming Terminals. The amendment stated that “Any home rule municipality that has adopted an ordinance imposing an amusement tax on persons who participate in the playing of video gaming terminals on or before November 1, 2021, may continue to impose such amusement tax pursuant to such ordinance but shall not increase, expand, or extend the tax or tax rate on such persons participating in playing video gaming terminals in excess of that tax or rate set forth in such ordinance and shall not otherwise impose any other tax upon any entity or person identified in subsection (c).” <u><i>As a result, we are required to pass an ordinance imposing such tax prior to November 1st in order to preserve our ability to do so.</i></u></p> <p>The Ordinance is drafted to reflect the intent of passing the tax through to the user of the terminal. It is not intended to be a tax on the Operator or impact the businesses who have Video Gaming Terminals. The Ordinance permits the Operators to determine how to collect the tax from the users. However, because of the condensed timeline with the amendment to and passage of the Bill, we anticipate modifications, rules, and regulations regarding the imposition, collection, and distribution of this tax in the coming months. We will monitor any changes and will bring any issues to City Council for discussion as necessary.</p> <p>In addition, there is a pending litigation challenging the “push tax” and its implementation. The outcome of any litigation may affect the City’s ability to implement and collect this tax in the future.</p>			
Attachments (please list): Ordinance			
Recommendation/Suggested Action (briefly explain): Recommendation to approve an Ordinance Amending Ordinance No. 2022-M-17 with Regard to the Deferred Imposition of a Municipal Push Tax on Plays of Video Gaming Terminals			

City of St. Charles, IL
Ordinance No. 2022- M - _____

**An Ordinance Amending Ordinance No. 2022-M-17
with regard to the Deferred Imposition of a Municipal Push Tax
on Plays of Video Gaming Terminals**

WHEREAS, the City of St. Charles, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the Illinois Video Gaming Act, 230 ILCS 40/1 *et seq.*, as amended, regulates the operation, licensing, and administration of video gaming; and

WHEREAS, the City, in accordance with the Illinois Video Gaming Act, regulates video gaming activities within the City; and

WHEREAS, the City, pursuant to Ordinance No. 2021-M-45 (“Push Tax Ordinance”), imposed a tax upon the playing of Video Gaming Terminals within the City (“Municipal Push Tax”); and

WHEREAS, pursuant to the Push Tax Ordinance, due to a lack of regulatory guidance and pending litigation challenging the authority by municipalities to implement a Municipal Push Tax, the commencement of the imposition of the Municipal Push Tax was deferred until October 31, 2022, by Ordinance No. 2022-M-17; and

WHEREAS, the litigation remains pending and unresolved; and

WHEREAS, the Mayor and Council of the City find and determine that it is in the best interest of the City to extend the deferral of the imposition of the Municipal Push Tax to and until May 1, 2023, to allow for additional time for the resolution of the uncertainty caused by the continued lack of regulatory guidance and pending litigation.

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 recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

Section 2. The deferred imposition of the Municipal Push Tax, as defined and provided for in Chapter 3.64 of the St. Charles Municipal Code, entitled “Video Gaming Terminal Municipal Push Tax,” is hereby extended from October 31, 2022, to and until May 1, 2023.

Section 3. Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

Section 4. Except as to the Code provision set forth above in this Ordinance, all chapters and sections of the City Code of the City of St. Charles, as amended, shall remain in full force and effect.

Section 5. This Ordinance shall be in full force and effect after passage, approval and publication as required by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this _____ day of _____, 2022.

PASSED by the City Council of the City of St. Charles, Illinois, this _____ day of _____, 2022.

APPROVED by the Mayor of the City of St. Charles, Illinois, this this _____ day of _____, 2022.

Lora A. Vitek, Mayor

ATTEST:

Nancy Garrison, City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain: