CITY OF ST. CHARLES

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

ST. CHARLES SINCE 1834

COMMUNITY DEVELOPMENT DIVISION PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

ZONING MAP AMENDMENT APPLICATION

CITYVIEW	
Project Name:	Pride of Kane County
Project Number:	2019 -PR- 007
Cityview Project Number:	PLMA202000019

Received Date
RECEIVED
St. Charles, IL
APR 07 2020
CDD
Planning Division

Instructions:

To request a zoning map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a Plan Commission public hearing or meeting date.

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

1. Property Information:	Location: SEC KIRK ROAD AND MAIN ST. (IL STATE ROUTE 64)	
	Parcel Number (s): 09-25-100-036	
	Proposed PUD Name: THE PRIDE OF KANE COUNTY	
2. Applicant Information:	Name: CIMA DEVELOPERS, LP	Phone: 630.653.1700
	Address: 30W180 BUTTERFIELD RD WARRENVILLE, IL 60555	Fax: 630.791.8283
		Email: dsoltis@cimadevelopers.org
3. Record Owner Information:	Name: CIMA DEVELOPERS, LP	Phone: - SAME -
	Address: 30W180 BUTTERFIELD RD WARRENVILLE, IL 60555	Fax: -
		Email

Zoning and Use Information:

Comprehensive Plan Land Use Designation of the property: Corridor / Regional Commercial

Current zoning of the property: F - Farming (Kane County)

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

Current use of the property: VACANT

Proposed zoning of the property: BR

Proposed use of the property: RETAIL

If the proposed Map Amendment is approved, what improvements or construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

CONSTRUCTION OF GAS FUELING FACILITY, CONVENIENCE STORE AND STAND ALONE CAR WASH

Attachment Checklist:

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

☑ **APPLICATION FEE:**

Application fee in accordance with Appendix B of the Zoning Ordinance. ($500)

☑ **REIMBURSEMENT OF FEES AGREEMENT:**

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

☑ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

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

☑ **PROOF OF OWNERSHIP and DISCLOSURE:**

a) A current title policy report; or

b) A deed and a current title search.

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

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

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

☑ **PLAT OF SURVEY:**

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

☑ **SITE PLAN:**

Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

☑ **FINDINGS OF FACT:**

Fill out the attached form or submit responses on a separate sheet.

☑ **LIST OF PROPERTY OWNERS WITHIN 250 FT.**

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

☑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

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

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

☑ **ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. http://dnrecocat.state.il.us/ecopublic/

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

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

4/1/20

Record Owner — Date

3-29-20

Applicant or Authorized Agent — Date

FINDINGS OF FACT – MAP AMENDMENT

ST. CHARLES
SINCE 1834

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the "burden of proof" is on you to show why the proposed zoning is more appropriate than the existing zoning. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the property in question, indicate "not applicable" and explain why it does not apply.

PRIDE OF KANE COUNTY
33W573 E. MAIN ST.
Project Name or Address

3-28-20
Date

From the Charles Zoning Ordinance, Section 17.04.320.D:
In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property. *(Relate the proposed land use and zoning to the land use and zoning of other properties in the area)*

   THE INTENDED USE IS VERY CONSISTENT WITH THE OTHER RETAIL BUSINESS USES ALONG KIRK ROAD AND ALONG (ILRT 64) MAIN STREET.

2. The extent to which property values are diminished by the existing zoning restrictions. *(Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.)*

   PROPERTY VALUES WILL NOT BE AFFECTED. THE INTENDED USE IS CONSISTENT WITH ALL NEARBY USES.

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public. *(If the existing zoning decreases the value of the subject realty, does it also produce any perceptible public benefits?*

   THE PROPERTY VALUE WILL NOT BE DIMINISHED AND IN FACT WILL PROVIDE AN ADDED AMENITY AND CONVENIENCE TO THE SURROUNDING CITY AND COMMUNITY

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification. *(Can the subject property reasonably be used for any of the uses currently permitted? Physical and market conditions may be considered.)*

THE SUBJECT PROPERTY'S CURRENT ZONING DOES NOT ALLOW FOR OUR INTENDED USE.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located. *(If a property has been vacant longer than other similar properties in the area, it may be an indicator that the existing zoning is inappropriate.)*

THIS PROPERTY HAS BEEN VACANT FOR A SUBSTANTIALLY LONG AMOUNT OF TIME.

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district. *(Development trends, market forces, and the Comprehensive Plan may be considered.)*

THE INTENDED USE IS VERY CONSISTENT WITH DEVELOPMENT TRENDS AND ALL NEIGHBORING USES.

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

OUR INTENDED USE IS CONSISTENT

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

Per Title 17 of the City Code, unless otherwise requested, land being annexed is automatically zoned RE-1 Single-Family Estate District. BR zoning is requested to accommodate the proposed commercial development.

9. The extent to which the proposed amendment creates nonconformities. *(Generally it is not appropriate to rezone a property unless it can comply with the requirements of the new zoning.)*

THE PROPOSED DEVELOPMENT WILL ONLY REQUIRE PAVING SETBACKS, OTHER THAN THAT WILL COMPLY WITH NEW ZONING REQUIREMENTS. OFF-SITE SIGNS ALSO WILL BE PART OF OUR PUD DEVIATION REQUEST

10. The trend of development, if any, in the general area of the property in question. *(New development, redevelopment, changes in use, or other changes in the area may help to justify a change in zoning.)*

THE INTENDED USE IS CONSISTENT WITH THE OTHER RETAIL BUSINESS USES.

Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

OWNERSHIP DISCLOSURE FORM

OWNER: CIMA Developers Limited Partnership

_____

By: Peter M. Spina, sole managing member of
Angel Associates LLC, general partner

STATE OF ILLINOIS)
)SS
COUNTY OF DuPage)

I, Brian G. Boylan, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY that Peter M. Spina, personally known to me to be the managing member of Angel Associates LLC, the general partner of Cima Developers Limited Partnership, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such managing member, he signed and delivered such instrument, as his free and voluntary act and deed, and as the free and voluntary act and deed of Angel Associates LLC, the general partner of such Limited Partnership, for the uses and purposes therein set forth.

Given under my hand and official seal this 1 day of April, 2020

OFFICIAL SEAL
BRIAN G BOYLAN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:05/23/20

_____
Notary Public

My Commission Expires: _____

Legal Description
SEC Kirk Road & Main St. (IL State Route 64)

THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SAID QUARTER SECTION, 3.49 CHAINS WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER THEREOF; THENCE NORTH 8 DEGREES EAST 20.94 CHAINS; THENCE NORTH 77 DEGREES
WEST 14.23 CHAINS; THENCE SOUTH 8 DEGREES WEST 20.58 CHAINS; THENCE NORTH 89 DEGREES EAST 3.35
CHAINS; THENCE SOUTH 3.66 CHAINS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25;
THENCE EAST ON SAID SOUTH LINE 10.52 CHAINS TO THE POINT OF BEGINNING (EXCEPT THAT PART NORTH OF THE
CENTER LINE OF ROUTE 64 AND EXCEPT THAT PART WEST OF THE EAST LINE OF KIRK ROAD AND
ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF
KIRK ROAD (COUNTY HIGHWAY NO. 77) AS DESCRIBED IN DOCUMENT 1107922 WITH A LINE DRAWN PARALLEL WITH AND 50.0 FEET SOUTHERLY OF THE CENTER LINE OF ILLINOIS STATE ROUTE NO.
64 (MEASURED AT RIGHT ANGLES THERETO); THENCE ON AN ASSUMED BEARING OF SOUTH 7 DEGREES, 44
MINUTES, 17 SECONDS WEST ALONG SAID EASTERLY LINE 60.0 FEET; THENCE NORTH 43 DEGREES,
53 MINUTES, 42 SECONDS EAST 83.76 FEET TO SAID PARALLEL LINE; THENCE NORTH 1 DEGREE, 01 MINUTES, 58 SECONDS WEST 50.0 FEET TO SAID CENTER LINE; THENCE SOUTH 88 DEGREES, 58 MINUTES, 02 SECONDS WEST ALONG SAID CENTER LINE 42.29 FEET TO SAID EASTERLY
LINE EXTENDED; THENCE SOUTH 7 DEGREES, 44 MINUTES, 17 SECONDS WEST ALONG SAID EASTERLY
LINE EXTENDED 50.59 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT THAT PART OF THE SOUTHEAST QUARTER
OF THE NORTHWEST QUARTER IN SECTION 25 TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE
NORTHWEST CORNER OF SAID LOT 5, UNIT 1, THE "ST. CHARLES" ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT; PROCEED NORTHERLY ON THE NORTHERLY EXTENTION OF THE WEST LINE OF SAID LOT 5, 109.41 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF NORTH AVENUE (RT. 64); THENCE NORTHEASTERLY ON SAID RIGHT OF WAY LINE
WHICH FORMS AN EXTERIOR ANGLE OF 216 DEGREES 09 MINUTES 25 SECONDS WITH
THE LAST DESCRIBED LINE, 21.19 FEET TO A POINT ON A LINE 12.50 FEET EASTERLY
OF AND PARALLEL WITH THE NORTHERLY EXTENTION OF THE WEST LINE OF SAID LOT 5; THENCE
SOUTHERLY ON SAID PARALLEL LINE WHICH FORMS AN INTERIOR ANGLE OF 36 DEGREES 09 MINUTES 25 SECONDS WITH THE LAST DESCRIBED LINE, 124.63 FEET TO A POINT ON
THE NORTH LINE OF SAID LOT 5; THENCE WESTERLY ON SAID NORTH LINE, WHICH FORMS AN INTERIOR ANGLE OF 98 DEGREES 33 MINUTE 48 SECONDS WITH THE LAST DESCRIBED
LINE, 12.64 FEET, TO THE POINT OF BEGINNING), IN THE TOWNSHIP AND CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

Permanent Tax No: 09-25-100-036

2019K058664
SANDY WEGMAN
RECORDER - KANE COUNTY, IL
RECORDED: 12/4/2019 1:56 PM
REC FEE: 53.00 RHSPS: 9.00
STATE TAX: 1,500.00
COUNTY TAX: 750.00
PAGES: 5

1063 17007700GV

PREPARED BY:
Luke P. Herlehy
Attorney at Law
482 Briargate Drive
South Elgin, IL 60177

RETURN TO:
William Boylan
Attorney at Law
30W180 Butterfield Road
Warrenville, IL 60555

GRANTEE'S ADDRESS and MAIL TAX BILLS TO:
CIMA KIRK-MAIN HOLDINGS LLC
30W180 Butterfield Road
Warrenville, IL 60555

SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH that the Grantor, **Edward N. Regole, Trustee of the Edward N. Regole Revocable Trust dated November 9, 1993**, of the Township of St. Charles, County of Kane, State of Illinois, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration in hand paid, does hereby CONVEY and WARRANT, pursuant to and in the exercise of the power and authority granted to and vested in the Trustee by the terms of the trust agreement and the deed in trust, unto **CIMA KIRK-MAIN HOLDINGS LLC**, an Illinois limited liability company created and existing under and by virtue of the laws of the State of Illinois, having its principal office at 30W180 Butterfield Road, Warrenville, Illinois, the following described real estate situated in the County of Kane and State of Illinois, to wit:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Commonly known as 33W573 Route 64, St. Charles, Illinois 60175

Parcel No. 09-25-100-036

Chicago Title Insurance Company
1795 West State Street
Geneva, IL 60134

1903 170017006V

PREPARED BY:
Luke P. Herlehy
Attorney at Law
482 Briargate Drive
South Elgin, IL 60177

RETURN TO:
William Boylan
Attorney at Law
30W180 Butterfield Road
Warrenville, IL 60555

GRANTEE'S ADDRESS and MAIL TAX BILLS TO:
CIMA KIRK-MAIN HOLDINGS LLC
30W180 Butterfield Road
Warrenville, IL 60555

RECORDED ELECTRONICALLY
ID _____ County Kane
Date 12-4-19 Time _____
simplifile www.simplifile.com 800.460.5657

SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH that the Grantor, **Edward N. Regole, Trustee of the Edward N. Regole Revocable Trust dated November 9, 1993**, of the Township of St. Charles, County of Kane, State of Illinois, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration in hand paid, does hereby CONVEY and WARRANT, pursuant to and in the exercise of the power and authority granted to and vested in the Trustee by the terms of the trust agreement and the deed in trust, unto **CIMA KIRK-MAIN HOLDINGS LLC**, an Illinois limited liability company created and existing under and by virtue of the laws of the State of Illinois, having its principal office at 30W180 Butterfield Road, Warrenville, Illinois, the following described real estate situated in the County of Kane and State of Illinois, to wit:

LEGAL DESCRIPTION ATTACHED AS EXHIBIT A

Commonly known as 33W573 Route 64, St. Charles, Illinois 60175

Parcel No. 09-25-100-036

Chicago Title Insurance Company
1795 West State Street
Geneva IL 60134

SUBJECT TO (i) those matters described on Exhibit B, which is attached hereto and made part hereof, and (ii) any claims for which the events giving rise to such claim or claims occurred prior to November 29, 2005.

This deed is executed pursuant to and in the exercise of the power and authority granted to and vested in the Trustee by the terms of the trust agreement and the deed in trust.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this 20th day of November, 2019.

Edward N. Regole Revocable Trust dated November 9, 1993

By: Edward N Regole Trustee
Edward N. Regole, Trustee

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public, in and for the county in the state aforesaid, do hereby certify that **Edward N. Regole, Trustee of the Edward N. Regole Revocable Trust dated November 9, 1993**, personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed and delivered the instrument as his own free and voluntary act for the uses and purposes therein set forth.

GIVEN under my hand and notarial seal this 20th day of November, 2019.

Notary Public

"OFFICIAL SEAL"
LUKE HERLEHY
Notary Public, State of Illinois
My Commission Expires 6/8/2020

EXHIBIT A TO SPECIAL WARRANTY DEED

THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF SAID QUARTER SECTION, 3.49 CHAINS WEST OF THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER THEREOF; THENCE NORTH 8 DEGREES EAST 20.94 CHAINS; THENCE NORTH 77 DEGREES WEST 14.23 CHAINS; THENCE SOUTH 8 DEGREES WEST 20.58 CHAINS; THENCE NORTH 89 DEGREES EAST 3.35 CHAINS; THENCE SOUTH 3.66 CHAINS TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 25; THENCE EAST ON SAID SOUTH LINE 10.52 CHAINS TO THE POINT OF BEGINNING (EXCEPT THAT PART NORTH OF THE CENTER LINE OF ROUTE 64 AND EXCEPT THAT PART WEST OF THE EAST LINE OF KIRK ROAD AND ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE EASTERLY LINE OF KIRK ROAD (COUNTY HIGHWAY NO. 77) AS DESCRIBED IN DOCUMENT 1107922 WITH A LINE DRAWN PARALLEL WITH AND 50.0 FEET SOUTHERLY OF THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 64 (MEASURED AT RIGHT ANGLES THERETO); THENCE ON AN ASSUMED BEARING OF SOUTH 7 DEGREES, 44 MINUTES, 17 SECONDS WEST ALONG SAID EASTERLY LINE 60.0 FEET; THENCE NORTH 43 DEGREES, 53 MINUTES, 42 SECONDS EAST 83.76 FEET TO SAID PARALLEL LINE; THENCE NORTH 1 DEGREE, 01 MINUTES, 58 SECONDS WEST 50.0 FEET TO SAID CENTER LINE; THENCE SOUTH 88 DEGREES, 58 MINUTES, 02 SECONDS WEST ALONG SAID CENTER LINE 42.29 FEET TO SAID EASTERLY LINE EXTENDED; THENCE SOUTH 7 DEGREES, 44 MINUTES, 17 SECONDS WEST ALONG SAID EASTERLY LINE EXTENDED 50.59 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER IN SECTION 25 TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 5, UNIT 1, THE "ST. CHARLES" ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT; PROCEED NORTHERLY ON THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 5, 109.41 FEET, TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF NORTH AVENUE (RT. 64); THENCE NORTHEASTERLY ON SAID RIGHT OF WAY LINE WHICH FORMS AN EXTERIOR ANGLE OF 216 DEGREES 09 MINUTES 25 SECONDS WITH THE LAST DESCRIBED LINE, 21.19 FEET TO A POINT ON A LINE 12.50 FEET EASTERLY OF AND PARALLEL WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 5; THENCE SOUTHERLY ON SAID PARALLEL LINE WHICH FORMS AN INTERIOR ANGLE OF 36 DEGREES 09 MINUTES 25 SECONDS WITH THE LAST DESCRIBED LINE, 124.63 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 5; THENCE WESTERLY ON SAID NORTH LINE, WHICH FORMS AN INTERIOR ANGLE OF 98 DEGREES 33 MINUTE 48 SECONDS WITH THE LAST DESCRIBED LINE, 12.64 FEET, TO THE POINT OF BEGINNING), IN THE TOWNSHIP AND CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT B TO SPECIAL WARRANTY DEED

Permitted Exceptions:

1. Real estate taxes for the year 2019 and all subsequent years, not yet due or payable

2. By document 1298985 recorded May 22, 1974, made by Kane County Board of Supervisor's establishing Kirk Road as a "Freeway" and limiting access thereto

3. Permanent easement to State of Illinois as created by the agreement recorded March 12, 1990, document 90K12520 for maintenance, use and construction of drainage improvements, see document for area affected

4. Road dedications recorded May 15, 1929, as document 322665 and recorded February 5, 1924, document 232271 for Illinois Route 64- Main Street affects portions of land lying in State Route 64 also known as Main Street as shown on survey dated May 19, 2017, by Alan J. Coulson PC No. C59, 283 ALT

5. Rights of the public, the State of Illinois and the municipality in and to that part of the Land, if any, taken or used for road purposes, affects portions of land lying in State Route 64 also known as Main Street or Kirk Road as shown on survey dated May 19, 2017, by Alan J. Coulson PC No. C59, 283 ALT

6. Note-- Plat that shows Route 64 right of way lines and Kirk road intersection recorded January 21, 1992, as document 92K04278 by State of Illinois

7. Rights of Way for drainage tiles, ditches, feeders, laterals and underground pipes, if any

8. Grant for Public Utilities to Illinois Bell Telephone Company recorded October 17, 1961, document 961440 affects part in and adjoining roads and streets

9. Provisions contained in the City of St. Charles Ordinance as to rezoning and special use recorded March 24, 2000, document 2000K021372, which contains certain provisions as to future access easements to the Land across adjoining Land and certain possible future restrictions on the Land

10. Utility poles and wires and underground electric and traffic control vaults and cabinets on and over the land as shown on survey dated May 19, 2017, by Alan J. Coulson PC No. C59, 283 ALT

AFFIDAVIT - PLAT ACT

STATE OF ILLINOIS)
) SS:
COUNTY OF KANE)

Edward N. Regole, Trustee, being duly sworn on oath, states that he resides at 02N350 Kirk Road, St. Charles, Illinois. That the attached deed is not in violation of 765ILCS 205/1 for one of the following reasons:

1. The sale or exchange is of an entire tract of land not being a part of a larger tract of land.

2. The division or subdivision of land is into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.

3. The division is of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.

4. The sale or exchange or parcels of land is between owners of adjoining and contiguous land.

5. The conveyance is of parcels of land or interests therein for use as right-of-way for railroads or other public utility facilities, which does not involve any new streets or easements of access.

6. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

7. The conveyance is of land for highway or other public purpose or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.

8. The conveyance is made to correct descriptions in prior conveyances.

9. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access.

10. The sale is of a single lot of less than 5 acres from a larger tract, the dimensions and configurations of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED.

AFFIANT further states that he makes this affidavit for the purpose of inducing the Recorder of Kane County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.

SUBSCRIBED AND SWORN to before me
this 20th day of November, 2019.

Notary Public

Edward N. Regole Trust

Edward N. Regole, Trustee

"OFFICIAL SEAL"
LUKE HERLEHY
Notary Public, State of Illinois
My Commission Expires 6/8/2020

CITY OF ST. CHARLES

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

ST. CHARLES
SINCE 1834

COMMUNITY DEVELOPMENT DIVISION 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:	Pride of Kane County
Project Number:	2019 -PR- 007
Cityview Project Number:	PL5420200021

~~Received Date~~
RECEIVED
St. Charles, IL
APR 07 2020
CDD
Planning Division

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

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

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

1. Property Information:	Location: SEC KIRK RD AND MAIN ST. (IL STATE ROUTE 64)	
	Parcel Number (s): 09-25-100-036	
	Proposed Name: THE PRIDE OF KANE COUNTY	
2. Applicant Information:	Name: CIMA DEVELOPERS, LP	Phone: 630.653.1700
	Address: 30W180 BUTTERFIELD RD WARRENVILLE, IL 60555	Fax: 630.791.8283
		Email: dsoltis@cimadevelopers.org
3. Record Owner Information:	Name: CIMA DEVELOPERS, LP	Phone: -SAME-
	Address: 30W180 BUTTERFIELD RD WARRENVILLE, IL 60555	Fax
		Email

Please check the type of application:

☑ **Special Use for Planned Unit Development - PUD Name:** THE PRIDE OF KANE COUNTY

- ☑ New PUD
- ☐ Amendment to existing PUD- Ordinance #: _____
- ☐ PUD Preliminary Plan filed concurrently

☐ **Other Special Use (from list in the Zoning Ordinance):** _____

- ☐ Newly established Special Use
- ☐ Amendment to an existing Special Use Ordinance #: _____

Information Regarding Special Use:

Comprehensive Plan designation of the property: Corridor / Regional Commercial

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

What is the property's current zoning? F - Farming (Kane County)

What is the property currently used for? VACANT

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

CONSTRUCTION OF FUELING FACILITY, CONVENIENCE STORE AND CARWASH.

For Special Use Amendments only:

Why is the proposed change necessary?

TO ALLOW FOR THE INTENDED USE AND DEVELOPMENT

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

Note for existing buildings:

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

Attachment Checklist:

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

☑ **APPLICATION FEE:**

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

☑ **REIMBURSEMENT OF FEES AGREEMENT:**

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

☑ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

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

☑ **PROOF OF OWNERSHIP and DISCLOSURE:**

a) A current title policy report; or

b) A deed and a current title search.

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

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

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

☑ **PLAT OF SURVEY:**

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

☑ **FINDINGS OF FACT:**

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

☑ **LIST OF PROPERTY OWNERS WITHIN 250 FT.:**

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

☑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

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

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

☑ **ENDANGERED SPECIES REPORT:**

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

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

☑ **TRAFFIC STUDY:** If requested by the Director of Community Development.

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

☑ **PLANS:**

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

Copies of Plans:

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

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

A plan or plans showing the following information:

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

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

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

4/1/20

Record Owner — Date

3-29-20

Applicant or Authorized Agent — Date

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

ST. CHARLES
SINCE 1834

For Special Use for PUD or PUD Amendment applications.

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

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

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

THE PRIDE OF KANE COUNTY — 4-10-20

PUD Name — *Date*

From the St. Charles Zoning Ordinance, Section 17.04.410.3:
The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

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

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

YES WE BELIEVE THAT THE PROPOSED DEVELOPMENT ADVANCES MANY OF THE PURPOSES OF THE PLANNED UNIT DEVELOPMENT AS OUTLINED AND STATED IN SECTION 17.04.400.A

THE ARCHITECTURAL BUILDING DESIGN WILL PROVIDE A UNIQUE AND DISTINCTIVE LOOK THAT WILL INCLUDE "BARN" LIKE FEATURES THAT WILL CAPTURE THE HISTORIC ESSENCE OF THE PROPERTY.

- NEW SIDEWALKS ARE PROPOSED ALONG THE ENTIRE WEST AND NORTH PROPERTY LINES TO CONNECT EXISTING SIDEWALK STRUCTURES ALONG KIRK RD AND MAIN ST. (IL RT 64) TO HELP PROMOTE PEDESTRIAN TRAFFIC AND PHYSICAL ACTIVITY

- THIS PROPERTY HAS REMAINED UNDEVELOPED FOR A VERY LONG TIME, AND THE PROPOSED DEVELOPMENT ALLOWS FOR AND ENCOURAGES AND PROMOTES ECONOMIC GROWTH & EFFICIENT LAND USE
- THIS DEVELOPMENT INCLUDES A RECIPROCAL EASEMENT AGREEMENT WITH THE NEIGHBORING PROPERTY OWNER (MAIN STREET COMMONS) WHICH ALLOWS FOR CROSS-ACCESS SERVICE ROADS AND SHARED STORMWATER DETENTION

ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:

A. Conforming to the requirements would inhibit creative design that serves community goals, or

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

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

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

THE FOLLOWING FACTORS BELOW PER SECTION 17.04.400.B ARE HIGHLIGHTED TO JUSTIFY THE RELIEF FROM THE ZONING REQUIREMENTS.

- THE PUD WILL PROVIDE SUPERIOR LANDSCAPING AND BUFFERING AS ALLOWED BY THE SITE PARAMETERS.
- THE BUILDINGS WITHIN THE PUD WILL BE UNIQUE AND DISTINCTIVE IN NATURE, CAPTURING HISTORIC FEATURES
- THE BUILDINGS WILL BE BUILT WITH ENERGY EFFICIENCY GUIDELINES AND SITE DESIGN
- THE DEVELOPMENT WILL BE DESIGNED WITH SHARED DETENTION WITH MAIN STREET COMMONS

ZONING DEVIATIONS FOR THE FOLLOWING IS BEING REQUESTED; PAVING SETBACKS, OFF-SITE SIGNAGE, CONVENIENCE STORE BUILDING SIGNAGE, FREESTANDING

SIGN SETBACK, BUILDING FOUNDATION LANDSCAPE, CARWASH STACKING REQUIREMENT

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

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

YES. THE PROPOSED DEVELOPMENT WILL SERVE AS A PUBLIC CONVENIENCE AND AN ADDED AMENITY. THE DEVELOPMENT WILL OFFER, FUELING, CONVENIENCE STORE, QUICK SERVICE RESTAURANT AND CARWASH

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

YES. THE PROPOSED DEVELOPMENT HAS SUFFICIENT INFRASTRUCTURE REQUIRED TO DEVELOP. UTILITES, ADDED SERVICE ROADS, AND ADEQUATE ON SITE AND OFF-SITE DETENTION ARE BEING PROVIDED

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 DEVELOPMENT IS CONSISTENT AND COMPATIBLE WITH SURROUNDING LAND USES AND WILL NOT EFFECT NEARBY PROPERTY IN ANY WAY.

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 DEVELOPMENT WILL NOT IMPEDE THE NORMAL AND ORDERLY DEVELOPMENT AND IMPROVEMENT OF THE SURROUNDING PROPERTY AND will COMPLETE THE NEEDED DEVELOPMENT AT THAT PARTICULAR PROPERTY LOCATION IN A MANNER THAT IS CONSISTENT AND COMPATIBLE WITH SURROUNDING AND NEIGHBORING PROPERTY

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.

NO. THE PROPOSED DEVELOPMENT WILL NOT POSE ANY DETRIMENT TO OR ENDANGER THE PUBLIC HEALTH, SAFETY, COMFORT OR GENERAL WELFARE.

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.

YES. THE DEVELOPMENT WILL BE BUILT TO CONFORM TO ALL APPLICABLE LOCAL, CITY, STATE, AND FEDERAL CODE & ORDINANCE AND MEETS ALL APPLICABLE PROVISIONS, EXCEPT AS MAY BE VARIED PURSUANT TO A SPECIAL USE FOR PUD.

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

YES. THE PROPOSED DEVELOPMENT WILL PROVIDE AN ADDED AND SUBSTANTIAL TAX BASE TO THE CITY, IMPROVING THE OVERALL ECONOMIC WELL-BEING OF THE CITY.

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

YES THE PROPOSED DEVELOPMENT IS IN CONFORMANCE WITH THE GOALS, OBJECTIVES AND POLICIES OF THE ADOPTED CITY OF ST. CHARLES COMPREHENSIVE PLAN.

CIMA DEVELOPERS, LP

30W180 Butterfield Road
Warrenville, IL 60555
O: (630) 653-1700
F: (630) 791-8283

October 22, 2019

City of St. Charles
Community and Economic Development/Planning Division
Two East Main Street
St. Charles, IL 60174-1984

RE: Request for Relief to construct Public Sidewalks on Proposed SEC Main St & Kirk Road Development

To Whom It May Concern:

Please allow this correspondence to serve as CIMA Developers, LP's (Developer) formal request to have Public sidewalk costs associated with the proposed development to be incurred by the City of St. Charles.

On our current site plan dated April 3, 2019, we show approximately 700 LFT of sidewalk running the entire length of the frontages of the site.

We depict it on the plan, however our intent is to **not** have to incur the costs of that Public sidewalk. We feel this should be the responsibility of the City, especially since this development would be part of an Annexation. We are not asking for any type of TIF, we are not asking for any type of tax abatement, or any other type of relief. With the additional costs of all the other requirements on this property that we will need to incur, (stormwater, retaining walls, etc) we feel this is a very reasonable request.

Thank you and we will look forward to the City's overall review and Staff notes, and subsequent approval of this request.

Regards,

Dan Soltis
Vice President of Real Estate
CIMA Developers, LP.

WT Group

Engineering • Design • Consulting

April 20, 2020

CIMA Developers, LP
30W180 Butterfield Road
Warrenville, IL 60555

Attn: Mr. Dan Soltis

Re: Pride of Kane County
Tree Preservation Waiver Request

Dear Mr. Soltis:

It is our opinion that a Tree Preservation Plan is not required for the Pride of Kane County project as the existing site is being completely cleared and the existing grades are being substantially changed. Please note, per the Tree Preservation Requirements included within the ordinance, the Tree Preservation Requirement can be waived when "...the area of the parcel will be substantially modified such that any existing vegetation is unlikely to be successfully preserved." As a result of the proposed improvements and on site grading changes, the existing vegetation will not be able to be preserved and the Tree Preservation Plan requirement should therefore be waived.

Feel free to contact me if you have any questions or comments, or if you require any further information.

Regards,

The WT Group, LLC

Todd O. Abrams, P.E., CFM
Principal in Charge, Civil Engineering Division

CITY OF ST. CHARLES

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

ST. CHARLES
SINCE 1834

COMMUNITY DEVELOPMENT DIVISION PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

PUD PRELIMINARY PLAN APPLICATION

For City Use	
Project Name:	Pride of Kane County
Project Number:	2019 -PR- 007
Cityview Project Number:	PLPUD202000020

Received Date
RECEIVED
St. Charles, IL
APR 07 2020
CDD
Planning Division

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

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

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

1. Property Information:	Location: SEC KIRK ROAD AND MAIN ST. (IL STATE ROUTE 64)	
	Parcel Number (s): 09-25-100-036	
	Proposed PUD Name: THE PRIDE OF KANE COUNTY	
2. Applicant Information:	Name CIMA DEVELOPERS, LP	Phone 630.653.1700
	Address 30W180 BUTTERFIELD RD WARRENVILLE, IL 60555	Fax 630.791.8283
		Email dsoltis@cimadevelopers.org
3. Record Owner Information:	Name CIMA DEVELOPERS, LP	Phone -SAME-
	Address 30W180 BUTTERFIELD RD WARRENVILLE, IL 60555	Fax
		Email

Please check the type of application:

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

Subdivision of land:

- ☐ Proposed lot has already been platted and a new subdivision is not required.
- ☑ New subdivision of property required:
  - ☐ Final Plat of Subdivision Application filed concurrently
  - ☑ Final Plat of Subdivision Application to be filed later

Attachment Checklist:

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

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

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

☑ **REIMBURSEMENT OF FEES AGREEMENT:**

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

☑ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	$1,000	$2,000	$3,000	$4,000
2 or 3	$2,000	$4,000	$5,000	$7,000
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☑ **PROOF OF OWNERSHIP and DISCLOSURE:**

a) a current title policy report; or

b) a deed and a current title search.

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

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

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

☑ **PLAT OF SURVEY:**

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

☑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

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

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

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

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

☑ **PLANS:**

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

Copies of Plans:

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

☑ **SITE/ENGINEERING PLAN:**

PRELIMINARY ENGINNERING PLANS – DRAWING REQUIREMENTS/CHECKLIST:

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

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

the proposal indicated

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

☐ **SKETCH PLAN FOR LATER PHASES OF PUD:**

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

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

☑ **ARCHITECTURAL PLANS:**

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

☐ **TREE PRESERVATION PLAN:**

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

☑ **LANDSCAPE PLAN:**

Landscape Plan showing the following information:

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

☑ **STORMWATER MANAGEMENT:**

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

☑ **SUBDIVISION PLAT DRAWING REQUIREMENTS/CHECKLIST:**

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

- ❑ **PUBLIC BENEFITS, DEPARTURES FROM CODE:**

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

- ❑ **SCHEDULE:** Construction schedule indicating:

  a. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.

  b. Approximate dates for beginning and completion of each phase.

  c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.

- ❑ **PARK AND SCHOOL LAND/CASH WORKSHEETS**

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

- ❑ **INCLUSIONARY HOUSING SUMMARY**

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

N/A

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.

	4/1/20
Record Owner	Date
	3-29-20
Applicant or Authorized Agent	Date

CIMA DEVELOPERS

CIMA DEVELOPERS
30W180 Butterfield Road
Warrenville, IL 60555
(630) 653-1700
Fax: (630) 791-8283

Ms. Ellen Johnson
City Planner
City of St. Charles Planning Department
2 E. Main Street
St. Charles, IL 60174-1984

RE: PUD Preliminary Plan Application- Request for Deviations

Dear Ellen,

In response to the request for information, I present the following points supporting deviations, (variances) respective to meeting the purpose for PUD's as described in Section 17.04.400 of the zoning ordinance.

1) Paving setbacks- We are requesting this deviation due to the limited site area that we have to work with on the plan as it relates to the overall site layout.

A) The paving setbacks depicted on the current site layout do not undermine the intent and purpose of the underlying zoning district.

B). The paving setbacks depicted on the current layout are not detrimental to the provision of municipal services and infrastructure as detailed.

C) The paving setbacks depicted on the current layout will contribute to the planned unit development and will offer a superior level of design, amenity enhancement to the development.

2) Off-Site Signage- Our request for the three (3) off-premise signs as shown on the site plan are the most strategic locations to maximize branding exposure as well as promote safe ingress/egress traffic maneuvering. The Convenience store business is an impulse decision and maximizing exposure and lead times allows for the safest and most sufficient traffic flow. The need for additional off-site signage is being requested due to the configuration of the site plan, and proposed access points.

A) The off-premise signs depicted on the current site layout do not undermine the intent and purpose of the underlying zoning district.

B). The off-premise signs depicted on the current layout are not detrimental to the provision of municipal services and infrastructure as detailed.

C) The off-premise sign depicted on the current layout will contribute to the planned unit development and will offer a superior level of design, amenity enhancement to the development.

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3) Four (4) Wall signs are being requested for the Convenience Store – (two (2) wall signs are permitted) -(Section 17.28.050) We are requesting this deviation due to the overall configuration of the Convenience Store and the southbound configuration . Also our C-Store offers a Quick Service restaurant that requires separate branding requirement opportunity.

A) The Convenience Store wall signs depicted on the current elevation plan do not undermine the intent and purpose of the underlying zoning district.

B). The Convenience Store wall signs depicted on the current elevation plan are not detrimental to the provision of municipal services and infrastructure as detailed.

C) The Convenience Store wall signs depicted on the current elevation plan will contribute to the planned unit development and will offer a superior level of design, amenity enhancement to the development.

4) Freestanding sign 10' setback requirement- (Section 17.28.050) We are requesting a deviation for our corner Main ID sign at the corner to be 3'setback due to the site area constraints of the development.

A) The Main ID sign location depicted on the current site layout does not undermine the intent and purpose of the underlying zoning district.

B). The Main ID sign location depicted on the current layout is not detrimental to the provision of municipal services and infrastructure as detailed.

C) The Main ID sign location depicted on the current layout will contribute to the planned unit development and will offer a superior level of design, amenity enhancement to the development.

5) Minimum width of building foundation planting beds needs to be 5'. (Section 17.26.080) We are requesting a deviation to this to be a planting area of approximately 3' on our west building wall of the convenience store. This deviation is required due to site plan configuration and the need to keep the c-store building aligned with parking and other aspects of the plan.

A) The Landscape foundation planting depicted on the current site layout does not undermine the intent and purpose of the underlying zoning district.

B). The Landscape foundation planting depicted on the current layout is not detrimental to the provision of municipal services and infrastructure as detailed.

C) The Landscape foundation planting depicted on the current layout will contribute to the planned unit development and will offer a superior level of design, amenity enhancement to the development.

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6) Ten stacking spaces are required for the car wash. Stacked vehicles shall be in a single lane up to the point of service. Proposed is a double lane. (Section 17.24.100). We are proposing a deviation to allow for a double lane car wash stacking lane to improve circulation and maximize car wash speed time. The dual stacking lane allows for and exceeds the required ten (10) car stacking requirement and takes advantage of a dual Point of Sale kiosk pay stations that control flow of vehicles. The Conveyor style carwash system allows for multiple cars in the wash bay at the same time for efficient and speedy wash cycle.

A) Contained within the property boundaries, and designed to minimize congestion, the dual-lane carwash layout does not undermine the intent and purpose of the underlying zoning district

B). The dual-lane car wash layout depicted on the current layout is not detrimental to the provision of municipal services and infrastructure as detailed.

C)The dual-lane carwash layout will contribute to the planned unit development and will offer a superior level of design, amenity enhancement to the center.

Regards,

Dan Soltis
Vice President of Real Estate
CIMA Developers, LP

NONRESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: PRIDE OF KANE COUNTY

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District: BR- REGIONAL BUSISNESS	Ordinance #:	
Minimum Lot Area	1 ACRE		2.37 ACRES
Minimum Lot Width	NONE		NONE
Maximum Building Coverage	30%		13%
Maximum Gross Floor Area per Building	NONE		BUILDING 1= 4,500 S.F. BUILDING 2= 1,650 S.F.
Maximum Building Height	40 FEET		20 FEET
Front Yard	BUILDING = 20 FEET PARKING = 20 FEET		BLDG 1 = 25.86 FT, BLDG 2 = 23.09 FT PARKING 90.81 FEET, 87.86 FEET
Interior Side Yard	BUILDING = 15 FEET PARKING = NONE		BLDG 1 = 309.87 FT, BLDG 2 = 55.15 FT PARKING = 272.09 FT, PARKING = 30.93 FT
Exterior Side Yard	BUILDING = 20 FEET PARKING = 20 FEET		BLDG 1 = 205.66 FT, BLDG 2 = 481.20FT PARKING = 61.16 FEET, 422.91 FEET
Minimum Rear Yard	BUILDING = 30 FEET PARKING = 0 FEET		BLDG 1 = 81.26 FT, BLDG 2 = 109.27 FT PARKING = 5.71 FT
Landscape Buffer Yard[2]	NOT REQUIRED		NOT REQUIRED
% Overall Landscaped Area	20% WITH ON SITE STORM		37% WITH ON SITE STORM
Building Foundation Landscaping	50% HORIZONTAL DIMENSIONS OF BUILDING WALL		BUILDING 1 = 50% BUILDING 2 = 100%
% Interior Parking Lot Landscaping	NOT AVAILABLE		NOT AVAILABLE

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Interior Parking Lot Shade Trees	NOT AVAILABLE		NOT AVAILABLE
# of Parking spaces	CARWASH = 2 PER BAY +10 STACKING SPACES PER BAY RETAIL BUILDING = 4 PER 1,000 SF = 17 SPACES		CARWASH = 10 SPACES + 10 STACKING RETAIL BUILDING = 34
Parking Stall Dimensions	9' x 18'		9' x 18'
Drive-through Stacking Spaces (if applicable)	NOT APPLICABLE		NOT APPLICABLE

[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 pla