

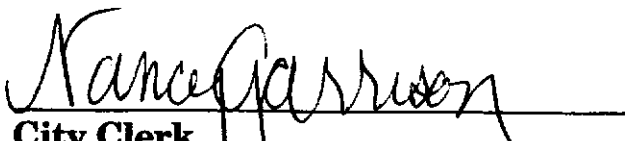
**City of St. Charles, Illinois**

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

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

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

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

  
**City Clerk**



DATE OF PUBLICATION 12/8/06  
NEWSPAPER Pamphlet

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

ORDINANCE NO. 2006-Z-29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

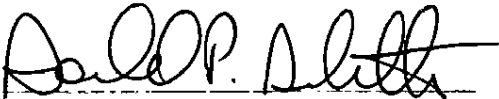
**SECTION SEVEN:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

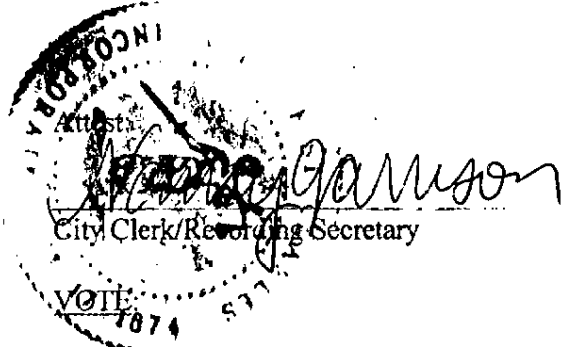
**SECTION EIGHT:** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

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

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

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois  
this 4 day of December, 2006.

  
Donald P. DeWitte, Mayor

  
Attest:  
*M. J. Garrison*  
City Clerk/Recording Secretary

AYES: 10  
NAYS: 0  
ABSENT:  
ABSTAIN:

**EXHIBIT "A-1"**

**LEGAL DESCRIPTION OF SUBJECT REALTY**



# (EXHIBIT A -1)

## P.U.D. LEGAL DESCRIPTION

### PARCEL A:

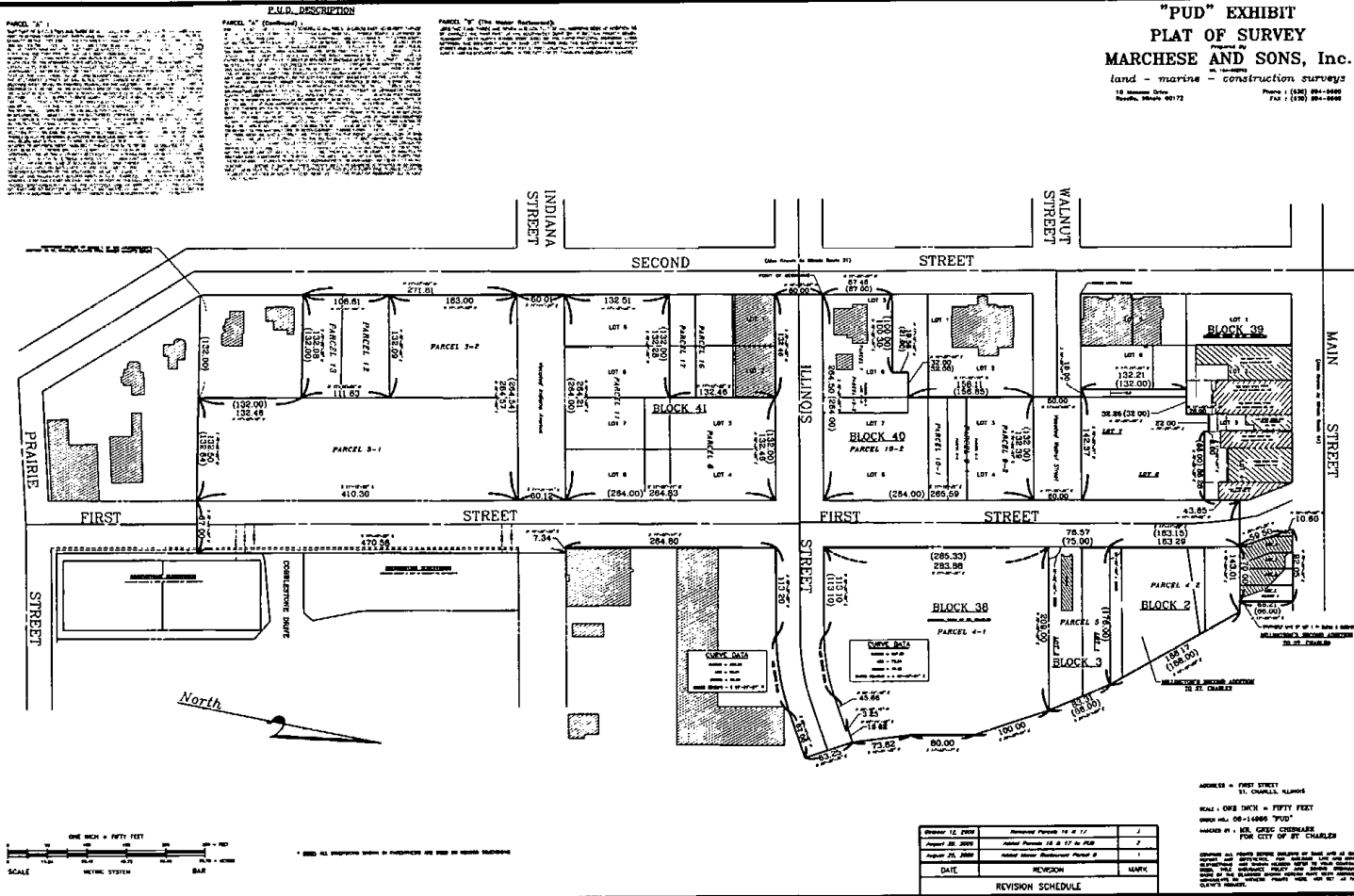
THAT PART OF BLOCKS TWO AND THREE OF MILLINGTON'S SECOND ADDITION TO ST. CHARLES AND PART OF BLOCKS THIRTY EIGHT, THIRTY NINE, FORTY AND FORTY ONE OF THE ORIGINAL TOWN OF ST. CHARLES ON THE WEST SIDE OF THE FOX RIVER AND PART OF FIRST STREET LYING MOSTLY EAST OF SAID BLOCKS THIRTY NINE, FORTY AND FORTY ONE, ALSO PART OF WALNUT STREET BETWEEN SAID BLOCKS THIRTY NINE AND FORTY AND PART OF ILLINOIS STREET BETWEEN SAID BLOCKS FORTY AND FORTY ONE AND THAT PART OF ILLINOIS STREET LYING SOUTH OF SAID BLOCK THIRTY EIGHT, ALSO INDIANA STREET LYING SOUTH OF SAID BLOCK FORTY ONE AND OTHER LANDS LYING NORTH OF BLOCK ONE OF THE ADMINISTRATOR'S ADDITION TO ST. CHARLES ILLINOIS FROM ROBERT MOODY'S ESTATE, ALSO PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY SEVEN AND THE NORTHWEST QUARTER OF SECTION THIRTY FOUR, ALL IN TOWNSHIP FORTY NORTH, RANGE EIGHT EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK FORTY; THENCE NORTH 11 DEGREES 20 MINUTES 07 SECONDS WEST, BEING AN ASSUMED BEARING ON THE WESTERLY LINE OF SAID BLOCK FORTY, A DISTANCE OF 87.46 FEET TO THE SOUTHERLY LINE OF THE NORTHERLY 45.00 FEET OF LOTS FIVE AND SIX IN SAID BLOCK FORTY; THENCE NORTH 78 DEGREES 33 MINUTES 39 SECONDS EAST ON SAID SOUTHERLY LINE, 100.30 FEET; THENCE NORTH 11 DEGREES 18 MINUTES 18 SECONDS WEST, 19.56 FEET; THENCE NORTH 78 DEGREES 37 MINUTES 56 SECONDS EAST, 32.00 FEET TO THE EASTERLY LINE OF SAID LOT SIX; THENCE NORTH 11 DEGREES 18 MINUTES 19 SECONDS WEST, 156.85 FEET TO THE NORTHWEST CORNER OF LOT 3 IN SAID BLOCK FORTY; THENCE NORTH 11 DEGREES 15 MINUTES 05 SECONDS WEST, 60.00 FEET TO THE SOUTHWEST CORNER OF LOT SEVEN IN SAID BLOCK THIRTY NINE; THENCE SOUTH 78 DEGREES 29 MINUTES 21 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID BLOCK THIRTY NINE, A DISTANCE OF 10.00 FEET TO THE WESTERLY LINE OF THE EASTERLY 10.00 FEET OF SAID LOT SIX IN SAID BLOCK THIRTY NINE; THENCE NORTH 11 DEGREES 14 MINUTES 31 SECONDS WEST ON SAID WESTERLY LINE, 132.21 FEET TO THE NORTHERLY LINE OF SAID LOT SIX; THENCE NORTH 78 DEGREES 29 MINUTES 30 SECONDS EAST ON THE NORTHERLY LINE OF LOTS SIX AND SEVEN SAID BLOCK THIRTY NINE, A DISTANCE OF 32.25 FEET; THENCE NORTH 11 DEGREES 12 MINUTES 39 SECONDS WEST, 28.00 FEET; THENCE NORTH 78 DEGREES 29 MINUTES 30 SECONDS EAST, 22.00 FEET; THENCE SOUTH 11 DEGREES 12 MINUTES 39 SECONDS EAST, 6.00 FEET TO THE NORTHERLY LINE OF THE SOUTHERLY 22.00 FEET OF LOTS THREE AND FOUR IN SAID BLOCK THIRTY NINE; THENCE NORTH 78 DEGREES 29 MINUTES 30 SECONDS EAST ON SAID NORTHERLY LINE, 88.26 FEET TO THE EASTERLY LINE OF SAID BLOCK THIRTY NINE; THENCE NORTH 11 DEGREES 10 MINUTES 52 SECONDS WEST ON SAID EASTERLY LINE, 43.65 FEET TO THE POINT OF INTERSECTION OF THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF LOTS ONE, TWO, SEVEN AND THREE IN BLOCK TWO OF SAID MILLINGTON'S SECOND ADDITION TO ST. CHARLES; THENCE NORTH 78 DEGREES 20 MINUTES 31 SECONDS EAST ON SAID LINE 143.01 FEET TO THE WESTERLY EDGE OF THE FOX RIVER; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID FOX RIVER, THE FOLLOWING COURSES ARE TO MEANDER POINTS, ALONG SAID WESTERLY LINE; THENCE SOUTH 40 DEGREES 49 MINUTES 03 SECONDS EAST, 188.17 FEET; THENCE SOUTH 34 DEGREES 31 MINUTES 59 SECONDS EAST, 83.31 FEET; THENCE SOUTH 29 DEGREES 35 MINUTES 51 SECONDS EAST, 100.00 FEET; THENCE SOUTH 11 DEGREES 25 MINUTES 17 SECONDS EAST, 80.00 FEET; THENCE SOUTH 18 DEGREES 01 MINUTE 22 SECONDS EAST, 73.82 FEET, TO THE NORTHERLY LINE OF ILLINOIS STREET LYING SOUTH OF SAID BLOCK THIRTY EIGHT; THENCE SOUTH 29 DEGREES 22 MINUTES 34 SECONDS EAST, 63.25 FEET TO THE SOUTHERLY LINE OF SAID ILLINOIS STREET; THENCE SOUTH 60 DEGREES 14 MINUTES 45 SECONDS WEST ALONG SAID SOUTHERLY LINE, 62.06 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY, 98.61 FEET ON A CURVE TO THE RIGHT, HAVING A 307.30 FEET RADIUS WITH A CHORD BEARING OF SOUTH 69 DEGREES 26 MINUTES 21 SECONDS WEST AND A CHORD DISTANCE OF 98.19 FEET; THENCE SOUTH 78 DEGREES 37 MINUTES 56 SECONDS WEST ON THE SOUTHERLY LINE OF SAID ILLINOIS STREET, 113.20 FEET TO A LINE 60.0 FEET EASTERLY OF AND PARALLEL WITH THE EAST LINE OF SAID BLOCK FORTY ONE; THENCE SOUTH 11 DEGREES 09 MINUTES 17 SECONDS EAST ON SAID LINE, BEING THE EASTERLY LINE OF SAID FIRST STREET, 264.80 FEET TO THE NORTHERLY LINE OF SAID INDIANA STREET; THENCE NORTH 78 DEGREES 35 MINUTES 36 SECONDS EAST ON SAID NORTHERLY LINE, 7.34 FEET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF BROWNSTONE SUBDIVISION, RECORDED JANUARY 2, 2001 AS DOCUMENT NO. 2001K000149; THENCE SOUTH 11 DEGREES 15 MINUTES 27 SECONDS EAST ON SAID WESTERLY LINE 470.58 FEET; THENCE SOUTH 78 DEGREES 44 MINUTES 33 SECONDS WEST, 67.00 FEET TO THE NORTHEAST CORNER OF BLOCK ONE OF THE ADMINISTRATOR'S ADDITION TO ST. CHARLES, ILLINOIS FROM ROBERT MOODY'S ESTATE; THENCE SOUTH 79 DEGREES 55 MINUTES 02 SECONDS WEST, ON THE NORTH LINE OF SAID BLOCK ONE, A DISTANCE OF 132.50 FEET; THENCE NORTH 11 DEGREES 13 MINUTES 18 SECONDS WEST, 132.46 FEET TO THE MONUMENTED AND OCCUPIED NORTHERLY LINE OF PREMISES CONVEYED TO

MARTHA J. AINSWORTH BY DEED DATED MAY 3, 1864 AND RECORDED AUGUST 5, 1864 IN BOOK 78, PAGE 335; THENCE SOUTH 79 DEGREES 55 MINUTES 38 SECONDS WEST ON SAID NORTHERLY LINE, 132.08 FEET TO THE EASTERLY LINE OF SECOND STREET; THENCE NORTH 11 DEGREES 17 MINUTES 03 SECONDS WEST ON SAID EASTERLY LINE, 271.81 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY LINE OF SECOND STREET WITH THE SOUTHERLY LINE OF SAID INDIANA STREET; THENCE NORTH 11 DEGREES 14 MINUTES 36 SECONDS WEST, 60.01 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK FORTY ONE; THENCE NORTH 11 DEGREES 18 MINUTES 32 SECONDS WEST, 132.51 FEET ON THE WEST LINE OF SAID BLOCK FORTY ONE; THENCE NORTH 78 DEGREES 37 MINUTES 56 SECONDS EAST, A DISTANCE OF 132.28 FEET TO THE WEST LINE OF LOT 3 IN SAID BLOCK FORTY ONE; THENCE NORTH 11 DEGREES 13 MINUTES 55 SECONDS WEST, ON SAID WEST LINE 132.46 FEET TO THE NORTHWEST CORNER OF SAID LOT THREE; THENCE SOUTH 78 DEGREES 37 MINUTES 56 SECONDS WEST, 132.46 FEET TO THE NORTHWEST CORNER OF SAID BLOCK FORTY ONE; THENCE NORTH 10 DEGREES 52 MINUTES 26 SECONDS WEST, 60.00 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

PARCEL B:

LOTS ONE, TWO, THREE AND SEVEN IN BLOCK TWO OF MILLINGTON'S SECOND ADDITION TO ST. CHARLES AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION TWENTY SEVEN, TOWNSHIP FORTY NORTH, RANGE EIGHT EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING BETWEEN THE WESTERLY LINE OF SAID LOT THREE AND THE EASTERLY LINE OF FIRST STREET AND ALSO THAT PART OF FIRST STREET VACATED BY THE ORDINANCE RECORDED JUNE 9, 1982 AS DOCUMENT 1608342, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

**"PUD" EXHIBIT**  
**PLAT OF SURVEY**  
 Prepared by  
**MARCHESE AND SONS, Inc.**  
 land - marine - construction surveys  
 18 Commerce Drive  
 North, Chicago, 97-72  
 Phone: (312) 881-8888  
 Fax: (312) 881-8888



**P.A.D. DESCRIPTION**  
 PARCEL 1 (Development) ...  
 PARCEL 2 (The Upper Requirement) ...

**NOTES**

1. ALL DIMENSIONS SHOWN IN PARAGRAPHS ARE PER THE RECORD RECORDING.

**NOTES**

1. ALL DIMENSIONS SHOWN IN PARAGRAPHS ARE PER THE RECORD RECORDING.

ADDRESS = FIRST STREET  
 ST. CHARLES, ILLINOIS  
 SCALE = ONE INCH = FIFTY FEET  
 DRAWN BY: G.E. CREIC CONSULTING  
 CHECKED BY: J.E. CREIC CONSULTING  
 FOR CITY OF ST. CHARLES

DATE	REVISION	MARK
December 12, 2008	Revised Parcel 18 & 17	1
August 08, 2009	Added Parcel 18 & 17 to PUD	2
August 08, 2008	Initial Survey Measurement Parcel #	1

**REVISION SCHEDULE**

**EXHIBIT 'A-2'**  
**LEGAL DESCRIPTION**  
**HARRIS BANK PARCEL**

That part of the Northwest Quarter of Section 34, Township 40 North, Range 8 East of the Third Principal Meridian bounded and described as follows: Commencing at the point of intersection of the southerly line of Indiana Street with the westerly line of First Street; thence south  $11^{\circ}15' - 27''$  East being an assumed bearing on the westerly line of said First Street, a distance of 215.01 feet; thence south  $78^{\circ}42' - 53''$  west, 3.89 feet to the point of beginning; thence south  $78^{\circ}42' 53''$  west 128.46 feet; thence south  $11^{\circ}13' - 18''$  east 192.50 feet to a point on the northerly line of Block One of the Administrator's Addition to St. Charles Illinois from Robert Moody's Estate, which is 132.0 feet easterly from the northwest corner of said Block One; thence north  $79^{\circ} 55' - 02''$  east on the northerly line of said Block One at a distance of 128.67 feet; thence north  $11^{\circ} 16' - 32''$  west, 195.20 feet to the point of beginning; all in Kane County, Illinois.

(EXHIBIT A-3)

PARCEL 3-1

THAT PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK ONE OF THE ADMINISTRATOR'S ADDITION TO ST. CHARLES, ILLINOIS FROM ROBERT MOOBY'S ESTATE; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID BLOCK, 132 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SECOND STREET SOUTH TO THE SOUTHERLY LINE INDIANA STREET; THENCE EASTERLY ALONG SAID SOUTHERLY LINE 132 FEET TO THE WESTERLY LINE OF FIRST STREET SOUTH; THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO THE NORTHEAST CORNER OF SAID BLOCK ONE; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID BLOCK, 132 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 3-2

THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF INDIANA STREET WITH THE EASTERLY LINE OF SECOND STREET; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SECOND STREET 163 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF INDIANA STREET 132 FEET; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SECOND STREET 163 FEET TO THE SOUTHERLY LINE OF INDIANA STREET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 12

THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SECOND STREET SOUTH IN THE CITY OF ST. CHARLES, 163 FEET SOUTH OF THE SOUTH LINE OF INDIANA STREET BEING THE SOUTHWEST CORNER OF THE PREMISES CONVEYED TO A. R. MCWAYNE BY DEED DATED APRIL 6, 1861 AND RECORDED NOVEMBER 11, 1861 IN BOOK 67, PAGE 271; THENCE EAST ALONG MCWAYNE'S SOUTH LINE AFORESAID TO THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY PROPERTY; THENCE SOUTH ALONG THE WEST LINE OF SAID RAILWAY PROPERTY 109.0 FEET TO THE NORTH LINE OF PREMISES CONVEYED TO MARTHA J. ARNSWORTH BY DEED DATED MAY 3, 1864 AND RECORDED AUGUST 5, 1864 IN BOOK 78, PAGE 335; THENCE WEST ALONG THE NORTH LINE OF SAID PREMISES TO THE EAST LINE OF SAID SECOND STREET SOUTH; THENCE NORTH ALONG THE EAST LINE OF SAID SECOND STREET SOUTH, 109.0 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, [EXCEPT THE SOUTHERLY 50.0 FEET THEREOF], IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 13

THE SOUTHERLY 50.0 FEET OF THAT PART OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SECOND STREET SOUTH IN THE CITY OF ST. CHARLES, 163.0 FEET SOUTH OF THE SOUTH LINE OF INDIANA STREET, BEING THE SOUTHWEST CORNER OF PREMISES CONVEYED TO A. R. MCWAYNE BY DEED DATED APRIL 6, 1861 AND RECORDED NOVEMBER 11, 1861 IN BOOK 67, PAGE 271; THENCE EAST ALONG MCWAYNE'S SOUTH LINE AFORESAID TO THE CHICAGO AND NORTH WESTERN RAILROAD COMPANY PROPERTY; THENCE SOUTH ALONG THE WEST LINE OF SAID RAILROAD PROPERTY 116.0 FEET TO THE NORTH LINE OF PREMISES CONVEYED TO MARTHA J. ARNSWORTH BY DEED DATED MAY 3, 1864 AND RECORDED AUGUST 5, 1864 IN BOOK 78, PAGE 335; THENCE WEST ALONG THE NORTH LINE OF SAID PREMISES TO THE EAST LINE OF SAID SECOND STREET SOUTH; THENCE NORTH ALONG THE EAST LINE OF SAID SECOND STREET SOUTH, 116.0 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 6

LOTS 3 AND 4 AND THE NORTHERLY 32 FEET OF LOTS 7 AND 8, ALL IN BLOCK 41 OF THE ORIGINAL TOWN OF ST. CHARLES, ON THE WEST SIDE OF FOX RIVER, IN THE CITY OF ST. CHARLES, ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 11

ALL OF LOTS 5 AND 6 AND LOTS 7 AND 8 (EXCEPT THE NORTH 32 FEET OF SAID LOTS 7 AND 8) IN BLOCK 41, OF THE ORIGINAL TOWN OF ST. CHARLES ON THE WEST SIDE OF THE FOX RIVER, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

## EXHIBIT "B"

### FINDINGS OF FACT REGARDING THE PUD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**EXHIBIT "C"**

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

a) DEVIATIONS FROM ZONING ORDINANCE:

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

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

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

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

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

## EXHIBIT " D "

### FINDINGS OF FACT - SPECIAL USE FOR DRIVE THRU (HARRIS BANK)

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

The special use for the drive thru is being requested for Harris Bank – the bank is relocating to the subject property from it's current location at 50 S. First Street as part of the First Street redevelopment project. The drive thru bank will serve the neighboring residential and business uses (both existing and proposed).

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

Comprehensive planning of utilities, access roads, drainage and other necessary facilities is being done as part of the redevelopment of First Street. Infrastructure improvements planned along the First Street corridor include new water and sanitary sewer mains, new storm sewers, and new underground electric utility installations. First Street will be completely reconstructed, its right of way width will be increased from 60 to 80 feet (for the most part), and the street will include angle parking as well as public sidewalks and streetscape enhancements.

- 3. Effect on Nearby Property: That the special use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood.**

The properties in the immediate vicinity are being proposed for mixed use development and therefore the requested special use will be compatible with the surrounding uses. As such, the special use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purpose 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 the uses permitted in the zoning district.**

The neighboring properties to the south and west are already developed. The property to the east is being developed as mixed use buildings- retail on first floor and residential on upper floors. The property to the north is being proposed for mixed use development as part of the First Street redevelopment project. As such, the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for the uses permitted in the zoning 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.**

The drive thru banking facility will provide a service to the surrounding residential and business uses (both existing and proposed). The drive thru is designed so that it is tucked away behind the building and does not impact the aesthetic appearance of the First Street corridor. Two driveways are being proposed as means of ingress and egress to the site. The proposed drive thru facility meets the stacking requirement of 5 stacking spaces in a single line and all stacking will be contained on the site. As such, 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. Design Review: That the proposed Special Use meets or exceeds the applicable Design review Standards of Chapter 17.06 and other applicable provisions of this Title.**

The special use for the drive thru conforms with all applicable zoning regulations and design review standards of the CBD-1 district in which it is located. The drive thru bank will occupy the unit at the southern end of Building 7A. Building 7A is proposed as a three story brick building with articulation that blends in with existing buildings in downtown St. Charles. The street level retail has been distinguished from the upper levels by means of change in materials, awnings and lintels.

**FIRST STREET DOWNTOWN REDEVELOPMENT  
ST. CHARLES, ILLINOIS  
DEVELOPMENT DATA  
11/15/2006**

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<u>Building 1</u>	Retail	1 <sup>st</sup> Level	19,236 S.F.
	Office	2 <sup>nd</sup> Level	19,996 S.F.
	Residential (8 - 2 Bedroom)	3 <sup>rd</sup> Level	17,562 S.F.
	Residential (2 - 2 Bedroom; 3-1 Bedroom; 1-3 Bedroom)	4 <sup>th</sup> Level	15,214 S.F.
	Residential (5 - 2 Bedroom)	5 <sup>th</sup> Level	13,414 S.F.
	<b>Total</b>		<b>85,422 S.F.</b>
	<u>Building 2</u>	Retail	1 <sup>st</sup> Level
Residential (5 - 2 Bedroom)		2 <sup>nd</sup> Level	10,031 S.F.
Residential (5 - 2 Bedroom)		3 <sup>rd</sup> Level	10,031 S.F.
Residential (5 - 2 Bedroom)		4 <sup>th</sup> Level	9,602 S.F.
Residential (5 - 2 Bedroom)		5 <sup>th</sup> Level	8,900 S.F.
<b>Total</b>			<b>47,128 S.F.</b>
<u>Building 3</u>		Retail	1 <sup>st</sup> Level
	Office	2 <sup>nd</sup> Level	11,703 S.F.
	Residential (3 - 1 Bedroom) (3 - 2 Bedroom)	3 <sup>rd</sup> Level	11,704 S.F.
	Residential (3 - 1 Bedroom) (3 - 2 Bedroom)	4 <sup>th</sup> Level	11,704 S.F.
	Residential (3 - 1 Bedroom) (3 - 2 Bedroom)	5 <sup>th</sup> Level	9,602 S.F.
	<b>Total</b>		<b>55,650 S.F.</b>

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<u>Building 1,2,3 Parking Garage</u>			
	Parking	1 <sup>st</sup> Level	21,120 S.F./ 32 spaces
	Parking	2 <sup>nd</sup> Level	21,120 S.F./ 57 spaces
	Parking	3 <sup>rd</sup> Level	21,120 S.F./ 60 spaces
	Parking	4 <sup>th</sup> Level	21,120 S.F./ 60 spaces
	Parking	5 <sup>th</sup> Level	5,520 S.F./ 9 spaces
	<b>Total</b>		<b>90,000 S.F./218 spaces</b>
<u>Building 4</u>			
	Retail	1 <sup>st</sup> Level	25,112 S.F.
	Office	2 <sup>nd</sup> Level	30,273 S.F.
	<b>Total</b>		<b>55,385 S.F.</b>
<u>Building 4 Parking Garage</u>			
	Parking	1 <sup>st</sup> Level	19,304 S.F./ 47 spaces
	Parking	2 <sup>nd</sup> Level	22,881 S.F./ 56 spaces
	Parking	3 <sup>rd</sup> Level	22,881 S.F./ 57 spaces
	Parking	4 <sup>th</sup> Level	52,339 S.F./ 145 spaces
	Parking	5 <sup>th</sup> Level	52,339 S.F./ 155 spaces
	<b>Total</b>		<b>169,744 S.F./460 spaces</b>
<u>Building 6</u>			
	Parking	Below Grade Level	35 spaces
	Retail	1 <sup>st</sup> Level	13,753 S.F.
	Office	2 <sup>nd</sup> Level	18,866 S.F.
	Residential (4 – 1 Bedroom)	3 <sup>rd</sup> Level	18,866 S.F.
	Residential (7 – 2 Bedroom)	4 <sup>th</sup> Level	18,866 S.F.
	<b>Total</b>		<b>70,351 S.F.</b>
<u>Building 7A</u>			
	Retail	1 <sup>st</sup> Level	6,391 S.F.
	Apartments (8 -1 Bedroom)	2 <sup>nd</sup> Level	6,512 S.F.
	Apartments (8 -1 Bedroom)	3 <sup>rd</sup> Level	6,512 S.F.
	<b>Total</b>		<b>19,415 S.F.</b>
<u>Building 7B</u>			
	Retail	1 <sup>st</sup> Level	6,327 S.F.
	Office	2 <sup>nd</sup> Level	6,572 S.F.
	Office	3 <sup>rd</sup> Level	6,540 S.F.
	<b>Total</b>		<b>19,439 S.F.</b>

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<u>Building 8</u>	Retail	1 <sup>st</sup> Level	4,387 S.F.
	Office	2 <sup>nd</sup> Level	4,660 S.F.
	Office	3 <sup>rd</sup> Level	4,660 S.F.
	<b>Total</b>		<b>13,707 S.F.</b>
<u>Building 9</u>	Restaurant	1 <sup>st</sup> Level	5,500 S.F.
	Office	2 <sup>nd</sup> Level	5,850 S.F.
	Office	3 <sup>rd</sup> Level	5,850 S.F.
	<b>Total</b>		<b>17,200 S.F.</b>
<u>Blue Goose</u>	Retail	1 <sup>st</sup> Level	30,508 S.F.
	Office	Mezzanines	5,778 S.F.
	<b>Total</b>		<b>36,286 S.F.</b>

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