

RIDER TO APPLICATION FOR DEVELOPMENT APPROVALS

Applicant, Prairie Winds, LLC, a Delaware limited liability company ("**Applicant**"), for its Application for Development Approvals, states as follows:

Property Information:

Parcel Number: 09-32-400-028
Street Address: Bricher Road and Randall Road, St. Charles, Illinois

Applicant / Contract Purchaser Information:

Name: Prairie Winds, LLC, an Illinois limited liability company
Address: c/o Andrew E. Kolb, Esq., Vanek, Larson & Kolb, LLC
200 W. Main Street, St. Charles, IL 60174
Phone: Andrew E. Kolb: 630-513-9800
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Email: Andrew E. Kolb: akolb@vklawfirm.com

Co-Applicant / Owner of Record Information:

Name: Todd L. Dempsey, Trustee, Todd L. Dempsey Declaration of Trust dated May 15, 1992
Address: c/o Austin Dempsey, Batavia Enterprises, Inc., 140 First Street, Batavia, Illinois
Phone: c/o Austin Dempsey; 630-879-3680
Fax: c/o Austin Dempsey; (630) 879-3684
Email: c/o Austin Dempsey; austin@bataviaenterprises.com

I. General Background

- 1.1 The Property – The Subject Property is comprised of approximately 20.5 acres of vacant land immediately west of the intersection of Bricher Road and Randall Road in St. Charles, Illinois. The subject property is the southern portion of what is commonly referred to as the “Bricher Commons Parcel” legally described in **Exhibit A** attached hereto (the "**Subject Property**"). The Applicant has a contract right to purchase the Subject Property from a land trust affiliated with Batavia Enterprises, Inc. ("**BEI**").
- 1.2 Current Use – The current use of the Subject Property is for agricultural purposes and the land is currently being farmed by a tenant. The tenant on the Subject Property will be removed prior to Applicant closing on the purchase of the Subject Property from BEI.
- 1.3 Zoning Classification –The Subject Property is subject to the provisions of the Bricher Commons Annexation Agreement (the "**Annexation Agreement**"). The current underlying zoning classification of the Subject Property is within the BR Regional Business District (formerly B-3 Service Business District) with a Special Use as a Planned Unit Development in accordance with Ordinance No. 1999-Z-11 ("**Ordinance 1999-Z-11**", recorded on May 15, 2000 as Document No. 2000K037389, and including amendment 2006- Z-7)

- 1.4 In accordance with Ordinance 1999-Z-11 the Subject Property was zoned B-3 Service Business District with a special use as a Planned Unit Development. In 2006, a petition by DGT, LLC to amend Ordinance 1999-Z-11 to include residential and commercial uses on the property was granted (Ordinance 2006-Z-7). DGT, LLC did not develop the Subject Property and no longer owns, operates on nor has any interest in the Subject Property.
- 1.5 Summary of Development - Applicant proposes to develop the Subject Property into *Prairie Winds of St. Charles*, an upscale rental community. The facility will offer approximately 250 “big house” style apartment units comprised of approximately 50 one-bedroom units, 150 two-bedroom units and 50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of *Prairie Winds of St. Charles* will enjoy such amenities as a commercial-grade high-end fitness center, indoor and outdoor pools, gas burning fireplaces, and state-of-the-art kitchens featuring granite or quartz countertops and stainless steel appliances. Residents will also have access to an 8,000-sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area.

Applicant intends to develop the Subject Property into sophisticated rental units to allow the residents of St. Charles the opportunity to enjoy an exceptional living experience in an upscale community environment. Applicant intends to provide St. Charles with luxury apartments which will allow residents to live in a high-end community without the long-term commitment of a mortgage and with access to premium amenities. Applicant will be meeting the growing need for rental housing for young professionals of St. Charles, as well as families, single parents, and active seniors who want the flexibility and freedom of living without maintenance and mortgage obligations. *Prairie Winds of St. Charles* will attract a discerning population of individuals looking for upscale apartment living in St. Charles.

- 1.6. Development Goals to be Achieved -The proposed development will fulfill the City’s goal of development of a vacant, underutilized parcel that cannot otherwise be readily redeveloped. The Subject Property has remained undeveloped for an extended period of time and the use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan recommends that the City investigate new methods to improve the conditions of all residential neighborhoods, including incentives for developing vacant properties. It calls for more apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community. The City of Saint Charles, Illinois is without a newly constructed multi-family residential development since 1999.

The Land Use Plan identifies the Subject Property as “Industrial/Business Park”, however, it recommends that the City promote multi-family type housing, and it urges the City to consider proposals in areas other than those specifically designated for high density residential development. The Plan calls for residential development in vacant/underutilized areas and states that there are many suitable and available infill parcels that are situated between established residential districts and commercial districts. The Subject Property is such an area. The Plan recommends higher density residential on these parcels that are near commercial areas. This would provide additional density and serve as good transitional land use to commercial areas.

The City's Residential Areas Framework Plan acknowledges that while the Bricher Commons Parcel is designated as "Industrial/Business Park", the site may also be appropriate for residential use. Further, the Subarea Plan names the Bricher Commons Parcel a "Catalyst Site", designating it as a site that could have a catalytic impact on the surrounding area. This Plan recommends that the northern half of the site should develop with commercial use (due to its immediate access to Route 38) while the interior and southern portion should be used for multifamily or single family attached housing. Developing the Subject Property into luxury rental apartments meets the City's goal of providing much needed rental units and increasing residential density as a transitional land use in an area that is otherwise undeveloped and underutilized, all in accordance with the 2013 Comprehensive Plan

II. Development Requests -Applicant requests the following development approvals:

- (a) **Map Amendment-** Applicant hereby requests the that the City of St. Charles (the "City") amend the Zoning Map of the City thereby rezoning that portion of the Subject Property that is currently zoned BR Regional Business to RM-3 General Residential District as set forth in Section 17.04.320 of the Zoning Ordinance of the City of St. Charles and in accordance with the Applicant's Site Plan located at Tab# 8 of Applicant's Concept Plan Submittal.
- (b) **Application for a Special Use as a Planned Unit Development.** Applicant requests a Special Use for a Planned Unit Development in accordance with Sections 17.04.400 - 17.04.430 of the Zoning Ordinance of the City of St. Charles, Illinois. Applicant proposes to eliminate the existing Planned Unit Development with respect to the Subject Property (previously established by Ordinance 1999-Z-11) and proposes to replace the prior PUD with a new Planned Unit Development with respect to the Subject Property.
- (c) **PUD Preliminary and Final Plan Application Approval** – Applicant requests PUD Preliminary Plan Application approval in accordance with Sections 17.04.400 - 17.04.430 of the Zoning Ordinance of the City of St. Charles, Illinois. Applicant proposes to eliminate the existing Planned Unit Development with respect to the Subject Property (previously established by Ordinance 1999-Z-11) and proposes to replace the prior PUD with a new Planned Unit Development with respect to the Subject Property.
- (d) **Preliminary and Final Plat of Subdivision Approval** – Applicant requests approval of its Preliminary Plat of Subdivision and Final Plat of Subdivision Approval in accordance with Sections 16.04.070 and 16.04.080 of the Municipal Code of the City of St. Charles. Applicant proposes a single-lot subdivision with the entire Subject Property consisting of a single lot.
- (e) **Amendment of Annexation Agreement** - Applicant requests an Amendment of the Annexation Agreement to incorporate the Applicant's requested Planned Unit Development approvals.
- (f) **Planned Unit Development Departures** – Section 17.04.400(B) of the Municipal Code of the City of St. Charles states that "Unless otherwise approved in accordance with this Chapter, Development of the PUD shall conform to the requirements applicable to the underlying zoning district or districts in which the PUD is located, and all Land Improvements shall be designed and constructed in accordance with the provisions of Title 16, Subdivisions and Land Improvement, of the St. Charles Municipal Code. PUD's, however, may allow for relief from the minimum requirements applicable to the underlying zoning district and subdivision ordinance in situations where the City Council finds that:

- a) Conforming to the requirements would inhibit creative design that serves community goals; and
- 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.

Applicant requests the following “**Departures**” from the requirement that Applicant’s PUD conform to the zoning and subdivision ordinances of the City of St. Charles. In addition to the departures listed below, Applicant requests all additional Departures or relief that may be subsequently identified as necessary for the proposed development and as may necessary to conform applicant’s submission materials (as outlined in Section III below) to all applicable codes and ordinances of the City of Saint Charles, including without limitation, zoning codes, building codes, and planned unit development ordinances):

REQUESTED PUD DEPARTURES:

- (1) **Parking within Front Yard Setback-** Applicant requests relief from Section 17.24.070(2)(a) of the Municipal Code of the City of St. Charles. Section 17.24.070(2)(a) of the Municipal Code of the City of Saint Charles prohibits off-street parking facilities within the front or exterior side yards. Applicant seeks to allow parking facilities within the front yard setback. Applicant proposes four (4) total parking spots. This section does not allow for off-street parking facilities to be located within the front or exterior side yard. Applicant seeks to allow the parking encroachments that occur within the front yard setbacks. [For purposes of clarification, Applicant’s calculations and deviations are based upon the assumption that Applicant’s “Font Yard” extends all the way to the west, including the setbacks north of the wetland area to the edge of the west side yard setback.]

Basis- Applicant has taken into consideration the comments and suggestions provided by the Plan Commission and the Planning and Development Committee with respect to the overall layout of the development and traffic flow through the site. Applicant has re-designed the site plan from its original layout to allow for more open green space and for a more linear placement of the buildings. The re-design also provides main drive aisles through the site and around the perimeter of the development to allow drivers to easily traverse the entire site without hitting a dead end. In order to accommodate this new site layout which improves drivers’ ability to traverse the site and increases continuous green space, Applicant must utilize a small portion of the front yard setback of the site for parking. There are 4 proposed parking stalls that encroach upon the front yard setback. These spots are important because (1) they allow for parking for guests for residents of the buildings that sit at the southeast portion of the site; and (2) they provide turn around space for drivers who inadvertently take a wrong turn toward those two buildings. Without these spaces that are encroaching within the front yard setback, those residents who live in the buildings on the southeast portion of the site will not be afforded parking spots for visitors, and drivers will be forced to use those residents’ driveways to turn around should they need to reverse their direction. Allowing the parking within the front yard setback is a critical component of Applicant’s revised site plan which improves traffic flow around the site. The imposition of the front yard setback will negatively impact the natural flow of traffic around the site and will eliminate visitor parking for some residents.

- (2) **Parking (West Side Yard Setback)** Applicant requests relief from Section 17.24.070(2)(a) of the Municipal Code of the City of St. Charles. Section 17.24.070(2)(a) of the Municipal Code of the City of Saint Charles prohibits off street parking facilities within the front or exterior side yards. Applicant proposes two (2) parking spots within the west side yard setback. Applicant seeks to allow the parking encroachments that occur within this side yard set-back.

Basis- Applicant has taken into consideration the comments and suggestions provided by the Plan Commission and the Planning and Development Committee with respect to the overall layout of the development and traffic flow through the site. Applicant has re-designed the site plan from its original layout to allow for more open green space and for a more linear placement of the buildings. The re-design also provides main drive aisles through the site and around the perimeter of the development to allow drivers to easily traverse the entire development without hitting a dead end. In order to accommodate this new site layout which improves drivers' ability to traverse the site and increases continuous green space, Applicant must utilize a small portion of the westernmost side yard setback of the site for parking. There are 2 proposed parking stalls which encroach upon the side yard setback. The parking spots are important because the stalls allow for parking for guests for residents of the buildings that sit at the westernmost portion of the site. Without these parking stalls that are encroaching within the side yard set-back, those residents who live in the buildings on the western portion of the site will not be afforded parking spots for visitors.

- (3) **Departure (Parking Dimensions)**- Applicant requests relief from Section 17.24.070-B of the Municipal Code of St. Charles. The section requires that off-street parking spaces be at least nine and one-half feet in width for multi-family dwellings. Applicant proposes that the off-street parking spaces be nine feet in width resulting in a one-half foot deficiency.

Basis- Applicant has taken into consideration the comments and suggestions provided by the Plan Commission and the Planning and Development Committee with respect to the overall layout of the development and traffic flow through the site. Applicant has re-designed the site plan from its original layout to allow for more open green space and for a more linear placement of the buildings. The re-design also provides main drive aisles through the site and around the perimeter of the development to allow drivers to easily traverse the entire development without hitting a dead end. In order to accommodate this new site layout which improves drivers' ability to traverse the site and increases continuous green space, Applicant proposes to reduce the dimension of each parking spot.

- (4) **Building Location Variation** – The Planned Unit Development Ordinance of the City of St. Charles provides for amendments to existing PUD approvals. Specifically, Section 17.04.430(C) provides that changes of two (2) feet or less in the locations of buildings, streets and parking lots shall be considered a “minor” change which shall not require amendment to the PUD and which can be approved administratively by City staff. Applicant Prairie Winds, LLC seeks the right to modify its proposed site plan and all related plans to adjust the location of each building on-site up to 16 feet from the location depicted in Applicant’s submission materials (outlined in Section III hereof) with accompanying modifications to the drive-aisles and other site improvements related to such shift, without the necessity of administrative approval and without the necessity of a formal major amendment to Applicant’s PUD.

Basis. Applicant seeks approval to make on-site adjustments to building location in accordance with unforeseen or unexpected conditions that commonly arise during the process of site development. Applicant points out that such a deviation will not, in any instance, result in an increase in the number of dwelling units or a change to the number or size of Applicant's proposed buildings.

(5) Departure (Number of Buildings on a Lot) – Applicant requests relief from Section 17.22.010.A.1 of the Municipal Code of St. Charles to allow more than one principal building on a lot in a residential district.

(6) Departure (Retaining Walls)- Applicant requests relief from Section 17.26.110.C of the Municipal Code of St. Charles. Section 17.26.110.C requires that a terrace or stepping back of the wall shall be required for retaining walls over four (4) feet in height to allow for a planting area and that the terrace shall be between one-third ($1/3$) and one-half ($1/2$) of the total retaining wall height, as measured from the base of the wall. Applicant requests that no terrace or stepping back be required for any retaining wall constructed around or adjacent to the wetland areas at the west, southwest, or northwest portion of the Site.

Basis- Applicant intends to construct a retaining wall around the wetland areas located on the site. Those portions of the site are subject to a 30' setback as well as a 25' wetland setback. The requirement that the wall be stepped back between one-third ($1/3$) and one-half ($1/2$) of the total retaining wall height would mean that a portion of the proposed retaining walls would sit within that 30' setback, or may encroach upon an adjacent property. Applicant proposes to construct the retaining walls without the terrace so as to not encroach upon either the 30' setback, the 25' wetland setback, or any adjacent property. Applicant will supply sufficient landscaping for all retaining walls constructed.

(7) Additional Departures – Applicant requests all additional Departures as are necessary to comport Applicant's site plan, elevations, engineering drawings, plat of subdivision and submission materials (as referenced or incorporated herein) to all applicable codes and ordinances of the City of St. Charles, Illinois.

III. Submission Materials

Along with the filing of its Application, and in support thereof, the Applicant submits and incorporates herein the following required attachments and supplemental materials:

TAB	DESCRIPTION OF DEVELOPMENT SUBMITTAL
1	Rider to Application for Development Approvals
2	Map Amendment Application
3	Special Use Application – Planned Unit Development
4	PUD Preliminary Plan Application
5	PUD Final Plan Application
6	Final Plat of Subdivision Application
7	City of St. Charles Reimbursement of Fees Agreement / Deposit
8	Owner’s Consent and Disclosure
9	Legal Description
10	Criteria for PUD
11	Residential Zoning Compliance Table
12	Traffic Report
13	Kane-DuPage Soil and Water Conservation District Land Use Opinion
14	List of Property Owners within 250 Feet
15	Title Commitment
16	Endangered Species Consultation Report
17	Aerial Photographs
18	Park and School Land/Cash Worksheet
19	Inclusionary Housing Worksheet
20	ALTA/ACSM Land Title and Topographic Survey
21	Preliminary Plat of Subdivision
22	Site Plan – Preliminary Layout and Paving Plan
23	Preliminary Engineering Plans
24	Building Elevations
25	Preliminary Landscape Plans
26	Feasibility / Market Impact Study [<i>To Come</i>].
27	Photometric Plan
28	Preliminary Stormwater Report
29	Drawing Requirements Checklist
30	Kane County Road Impact Fee Application
31	Finding of Facts- Map Amendment
32	Electronic Files

IV. Criteria

MAP AMENDMENT STANDARDS

Map Amendment – Section 17.04.320.D of the St. Charles Zoning Ordinance sets forth the criteria to be used by the Plan Commission in making a recommendation to grant or deny an application for a Zoning Map Amendment. Section 17.04.320.D states that 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).

Response: The property to the south of the site (located in Geneva) is strictly residential in nature and is comprised of single family homes and multi-family townhomes. The property to the west of the site houses the courthouses of the Sixteenth Judicial Circuit of Kane County, Illinois and is owned by Kane County and is zoned “F” Farming District. The adjacent property to the east is zoned “BR” Regional Business & PUD (Meijer PUD) and is commercial and retail in nature, including the Lowes® and Meijer® stores. The property to the north is zoned “BR” Regional Business & PUD (Bricher Commons PUD). The proposed RM-3 zoning and use of the site as general residential will serve as good transitional land use between the adjacent commercial and lower density residential areas.

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.)

Response: The proposed RM-3 zoning classification will generate significant tax revenue for the City of St. Charles and Kane County generally including significant revenue to the school district, the park district, the utility districts, and all other taxing bodies. The subject property has remained underdeveloped for an extended period and the use of the land as multi-family residential will greatly increase the value of the Subject Property and increase the amount of tax revenue for the City.

The Applicant’s proposed upscale multi-family development further will enhance and significantly increase the property values in neighboring areas, with the most notable positive impact being upon the adjacent and nearby retail, restaurant, grocery store and commercial uses, all of whom will benefit by the increased residential density. The Applicant’s proposed development will further increase property values and will increase demand for the remaining property adjacent to the Subject Property to the north and owned by BEI.

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?)

Response: The current zoning restrictions with the residential density as limited in the current Planned Unit Development Ordinances (including Ordinance 2006-Z-7) do not

produce any perceptible public benefits. The property has remained vacant for a significant amount of time and in its current zoning classification does not promote the health, safety, morals or general welfare of the public. Applicant's proposed PUD increases residential density to more appropriate levels, while providing appropriate residential density in an area that is transitional to commercial and retail uses and is consistent with the long term 2013 Comprehensive Plan of the City of Saint Charles.

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.)

Response: The Subject Property is currently zoned BR-Regional Business District with a PUD overlay that is outdated and covers a portion of land not owned by Applicant. The current zoning restrictions that are currently in place incorporate zoning classifications that no longer exist. The property will require a map amendment to allow multifamily residential and a new PUD in order to be developed. The 2006 Planned Unit Development (adopted by Ordinance 2006-Z-7) was specific to a development that was never built. Applicant's proposed PUD increases residential density to more appropriate levels, while providing appropriate residential density in an area that is transitional to commercial and retail uses and is consistent with the long term 2013 Comprehensive Plan of the City of Saint Charles.

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.)

Response: The Subject Property has remained vacant for a significant amount of time and remains subject to its original agricultural use. The Subject Property is part of the Bricher Commons PUD which was initially approved for commercial use, and later amended in 2006 to include residential in addition to the commercial use already permitted. The development as contemplated by the 2006 amendment never came to fruition and the property had remained underdeveloped, underutilized and underrepresented on the tax rolls of Kane County. The subject property is ripe for multi-family residential development as proposed by Applicant given its close proximity to the Randall Road retail corridor.

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.)

Response: The proposed development will fulfill the City's goal of development of a vacant, underutilized parcel that cannot otherwise be readily redeveloped and which continues to be utilized as agricultural in an area in immediate proximity to the Randall Road retail and commercial corridor. The Subject Property has remained undeveloped for an extended period of time and the proposed use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The 2013 Comprehensive Plan calls for more

apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community.

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

Response: The proposed amendment to RM-3 zoning is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan identifies the Subject Property as “Industrial/Business Park”, however, it recommends that the City promote multi-family type housing, and it urges the City to consider proposals in areas other than those specifically designated for high density residential development. The Plan calls for residential development in vacant/underutilized areas and states that there are many suitable and available infill parcels that are situated between established residential districts and commercial districts. The Subject Property is such an area. The Plan recommends higher density residential on these parcels that are near commercial areas. This would provide additional density and serve as good transitional land use to commercial areas.

The City’s Residential Areas Framework Plan acknowledges that while the Bricher Commons Parcel is designated as “Industrial/Business Park”, the site may also be appropriate for residential use. Further, the Subarea Plan names the Bricher Commons Parcel a “Catalyst Site”, designating it as a site that could have a catalytic impact on the surrounding area. This Plan recommends that the northern half of the site should develop with commercial use (due to its immediate access to Route 38) while the interior and southern portion should be used for multifamily or single family attached housing. Developing the Subject Property into luxury rental apartments meets the City’s goal of providing much needed rental units and increasing residential density as a transitional land use in an area that is otherwise undeveloped and underutilized, all in accordance with the 2013 Comprehensive Plan.

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

Response: The Subject Property is currently zoned BR-Regional Business District with a PUD overlay that is outdated and incorporates zoning classifications that no longer exist. A map amendment will correct this error and will allow multifamily residential and a new PUD that is consistent with the Comprehensive Plan.

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.)

Response: None.

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.)

Response: The proposed zoning classification is consistent with the trend of development in the area of the subject property. The Subject Property is surrounded by single family and townhome

residential and commercial uses, all of which support the development of multi-family residential as an ideal transition between the uses and the nearby retail and commercial uses. Further, the Subject Property is an infill parcel and sue to limited access to major roadways is not suitable for large commercial applications similar to those adjacent uses.

SPECIAL USE STANDARDS

Special Uses - Section 17.04.330C of the St. Charles Zoning Ordinance sets forth the procedures and criteria for granting a Special Use hereby addressed by the Applicant. Section 17.04.330 states that:

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

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

Response: Applicant proposes to develop the Subject Property into *Prairie Winds of St. Charles*, an upscale rental community. The facility will offer approximately 250 “big house” style apartment units comprised of approximately 50 one-bedroom units, 150 two-bedroom units and 50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of *Prairie Winds of St. Charles* will enjoy such amenities as a commercial-level fitness center, indoor and outdoor pools, and state-of-the-art kitchens featuring granite countertops and stainless steel appliances. Residents will also have access to an 8,000-sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area.

Applicant intends to develop the Subject Property into sophisticated rental units to allow the residents of St. Charles the opportunity to enjoy an exceptional living experience in an upscale community environment. Applicant intends to provide St. Charles with luxury apartments which will allow residents to live in a high-end community without the long-term commitment of a mortgage and with access to premium amenities. Applicant will be meeting the growing need for rental housing for young professionals of St. Charles, as well as families, single parents, and active seniors who want the flexibility and freedom of living without maintenance and mortgage obligations. *Prairie Winds of St. Charles* will attract a discerning population of individuals looking for upscale living in St. Charles.

The proposed development will fulfill the City’s goal of development of a vacant, underutilized parcel that cannot otherwise be readily redeveloped. The Subject Property has remained undeveloped for an extended period of time and the use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan recommends that the City investigate new methods to improve the conditions of all residential neighborhoods, including incentives for developing vacant properties. It calls for more apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community. No multi-family residential has been developed in St. Charles since 1999.

The proposed location for the Special Use will encourage foot traffic to surrounding retail stores and will boost the population for School District 303 which has seen a declining number of students

in recent years. The use of the Subject Property as multi-family residential at the proposed site will not require the addition of any schools and will not burden the current school district. Conversely, it will actually help support the school district which is currently in need of additional population to continue to serve the community in a manner of excellence.

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

Response: Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided for the site. The Subject Property has 2 proposed access points from Bricher Road which will provide a safe and efficient means of ingress and egress to the development. Applicant incorporates the findings in the traffic study performed by V3 Engineering

The Subject Property is served by the City's Westside Treatment Facility and sewer connections will be provided from the site northward to an existing sanitary sewer along route 38. The watermain will connect to the site from the east, will loop through the site and will be connected through future connection locations provided along the north and west property lines.

- 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.*

Response: 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 other property in the immediate area is commercial in nature and will benefit from the additional population brought to the area by the proposed development. The other adjacent properties located in Geneva are also residential in nature and will not be negatively affected by the Applicant's proposed use. Further, the property values in the neighborhood will not be negatively affected by the intended use.

- 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.*

Response: 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 use as multi-family residential is consistent with the long term goals of the City of St. Charles which includes the development of higher density residential on parcels that are near commercial areas. The establishment of the Special Use will provide additional density and serve as good transitional land use to commercial areas and will not inhibit the development of surrounding 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.*

Response: The establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare. The Special Use will allow Applicant to develop the Subject Property into sophisticated rental units to allow the residents of St. Charles the opportunity to enjoy an exceptional living experience in an upscale community environment. The proposed development will fulfill the City's goal of development of a vacant, underutilized parcel that cannot otherwise be readily redeveloped. The Subject Property has remained undeveloped for an extended period of time and the use as upscale multi-family rental units will be beneficial to the general welfare of the community.

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

Response: The proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

PLANNED UNIT DEVELOPMENT STANDARDS

Planned Unit Developments

In accordance with the St. Charles Zoning Ordinance, Section 17.04.410.3, Applicant submits the following responses to 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.

Response: The Proposed PUD will develop the Subject Property into *Prairie Winds of St. Charles*, a distinctive and attractive upscale rental community which will become an integral part

of the City. It will take a vacant and underdeveloped property and transform it into usable space that will serve as an ideal transition between the neighboring residential neighborhoods and the surrounding commercial uses. *Prairie Winds of St. Charles* will offer its residents a commercial-grade, high-end fitness center and indoor and outdoor pools, as well as an 8,000-sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area, all of which promote physical activity and social interaction between members of the community. *Prairie Winds of St. Charles* will also offer open space and parks, further encouraging active lifestyles for its residents. The development will allow the City to provide much needed rental housing stock for young professionals, families, single parents, and active seniors. The increased residential density in the proposed location will increase foot traffic to surrounding businesses which will boost the local economy, and further, the development will help support the school district which is in need of additional population.

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

- A. Conforming to the requirements would inhibit creative design that serves community goals, or
- B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.

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

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

Response: Applicant proposes to develop the Subject Property into *Prairie Winds of St. Charles*, an upscale rental community. The facility will offer approximately 250 “big house” style apartment units comprised of approximately 50 one-bedroom units, 150 two-bedroom units and 50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of *Prairie Winds of St. Charles* will enjoy such amenities as a commercial-level fitness center, indoor and outdoor pools, gas burning fireplaces, and state-of-the-art kitchens featuring granite countertops and stainless steel appliances. Residents will also have access to an 8,000-sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area.

Applicant’s proposed development will provide community amenities beyond those required by ordinance including the commercial work-out facility for residents housed within an 8,000 square foot clubhouse as well as common areas, open space, walking paths, sidewalks, and other amenities.

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

Response: Applicant proposes to develop the Subject Property into *Prairie Winds of St. Charles*, an upscale rental community. The facility will offer approximately 250 “big house” style apartment units comprised of approximately 50 one-bedroom units, 150 two-bedroom units and

50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of *Prairie Winds of St. Charles* will enjoy such amenities as a commercial-level fitness center, indoor and outdoor pools, gas burning fireplaces, and state-of-the-art kitchens featuring granite countertops and stainless steel appliances. Residents will also have access to an 8,000-sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area.

Applicant proposed site plan includes a storm water detention facility that incorporates two small lakes that provide aesthetic beauty to the site while preserving all existing wetlands and environmentally sensitive areas located on the Subject Property.

3. The PUD will provide superior landscaping, buffering or screening.

Response: Applicant incorporates herein by reference its proposed Landscape Plan which plan exceeds the landscape requirements as imposed within the building code and zoning ordinances of the City of Saint Charles. Additionally, Applicant states that the Subject Property is bordered by the jail, and high intensity retail and commercial uses along the Randall Road retail corridor. Additionally, the nearby residential property to the South is sufficiently insulated by Bricher Road and Applicant's proposed residential units are primarily set-back from Bricher Road and placed further to the North on the site plan.

4. The buildings within the PUD offer high quality architectural design.

Response: Applicant incorporates herein by reference its proposed building elevations. Applicant's multi-family units are unique and novel and do not exist in their current configuration anywhere within the municipal limits of the City of Saint Charles. Applicant is utilizing an award-winning architect and proven design that is aesthetically pleasing and innovative. The building configurations allow for multiple access points both through the garage and through common entryways, which is a novel configuration providing significant utility for Chicago winters and serves as piece of mind with respect to safety.

5. The PUD provides for energy efficient building and site design.

Response: Applicant incorporates herein by reference is proposed building elevations. Applicant's proposed buildings will meet and exceed the energy efficiency requirements as set forth within the Building Code of the City of Saint Charles.

6. The PUD provides for the use of innovative stormwater management techniques.

Response: Applicant incorporates herein by reference is proposed Stormwater Management Plan. Applicant's proposed detention and stomwater plan will meet and exceed the requirements as set forth within the Building Code of the City of Saint Charles and the Kane County Stormwater Ordinance as applicable.

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.

Response: Applicant incorporates herein by reference is proposed building elevations and states that all of its proposed structures will fully comply with the Americans with Disabilities Act, including parking requirements.

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

Response: Applicant incorporates herein by reference its Site Plan. Applicant will comply with all ordinances applicable to affordable dwelling units as required by the City of Saint Charles.

9. The PUD preserves historic buildings, sites or neighborhoods.

Response. Not applicable.

(Ord. 2008-Z-32 § 17.)

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.

Response: See Applicant's arguments for Criteria for Special Use as set forth within Applicant's Rider to Development Application at Section IV.

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

Response: See Applicant's arguments for Criteria for Special Use as set forth within Applicant's Rider to Development Application at Section IV.

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.

Response: See Applicant's arguments for Criteria for Special Use as set forth within Applicant's Rider to Development Application at Section IV.

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.

Response: See Applicant's arguments for Criteria for Special Use as set forth within Applicant's Rider to Development Application at Section IV.

- 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.

Response: See Applicant's arguments for Criteria for Special Use as set forth within Applicant's Rider to Development Application at Section IV.

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

Response: See Applicant's arguments for Criteria for Special Use as set forth within Applicant's Rider to Development Application at Section IV.

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

Response: The proposed PUD will be highly beneficial to the physical development, diversity, tax base and economic well-being of the City. Applicant's development of Subject Property into sophisticated rental units will attract a young professional population to the City by offering an exceptional living experience in an upscale community environment. It will further attract families, single parents, and active seniors who want the flexibility and freedom of living without maintenance and mortgage obligations. *Prairie Winds of St. Charles* will bring to the City a diverse, discerning population of individuals looking for upscale apartment living in St. Charles. The proposed RM-3 zoning classification will generate significant tax revenue for the City of St. Charles and Kane County generally including significant revenue to the school district, the park district, the utility districts, and all other taxing bodies. The subject property has remained underdeveloped for an extended period and the use of the land as multi-family residential will greatly increase the value of the Subject Property and increase the amount of tax revenue for the City. In addition, The Applicant's proposed upscale multi-family development will enhance and significantly increase the property values in neighboring areas, with the most notable positive impact being upon the adjacent and nearby retail, restaurant, grocery store and commercial uses, all of whom will benefit by the increased residential density. The Applicant's proposed development will further increase property values and will increase demand for the remaining property adjacent to the Subject Property to the north and owned by BEI.

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

Response: The Subject Property has remained undeveloped for an extended period of time and the use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan recommends that the City investigate new methods to improve the conditions of all residential neighborhoods, including incentives for developing vacant properties. It calls for more apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community.

The City of Saint Charles, Illinois is without a newly constructed multi-family residential development since 1999.

The Land Use Plan identifies the Subject Property as “Industrial/Business Park”, however, it recommends that the City promote multi-family type housing, and it urges the City to consider proposals in areas other than those specifically designated for high density residential development. The Plan calls for residential development in vacant/underutilized areas and states that there are many suitable and available infill parcels that are situated between established residential districts and commercial districts. The Subject Property is such an area. The Plan recommends higher density residential on these parcels that are near commercial areas. This would provide additional density and serve as good transitional land use to commercial areas.

The City’s Residential Areas Framework Plan acknowledges that while the Bricher Commons Parcel is designated as “Industrial/Business Park”, the site may also be appropriate for residential use. Further, the Subarea Plan names the Bricher Commons Parcel a “Catalyst Site”, designating it as a site that could have a catalytic impact on the surrounding area. This Plan recommends that the northern half of the site should develop with commercial use (due to its immediate access to Route 38) while the interior and southern portion should be used for multifamily or single family attached housing. Developing the Subject Property into luxury rental apartments meets the City’s goal of providing much needed rental units and increasing residential density as a transitional land use in an area that is otherwise undeveloped and underutilized, all in accordance with the 2013 Comprehensive Plan

V. Miscellaneous.

Applicant requests that copies of all notices given to Applicant hereunder (or in connection with the actions requested to be taken herein) be sent to the following parties:

Andrew E. Kolb, Esq.
Vanek, Larson & Kolb, LLC
200 W. Main Street
St. Charles, Illinois 60174
Phone: 630-513-9800
Fax: 630-513-9802

akolb@vlklawfirm.com

EXHIBIT A

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 32, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO FIRSTAR BANK OF GENEVA, SUCCESSOR TRUSTEE TO THE FIRST NATIONAL BANK OF GENEVA, AS TRUSTEE UNDER TRUST NUMBER 2640 AS RECORDED IN DOCUMENT NO. 1884216; THENCE NORTH 00 DEGREES, 13 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 418.83 FEET TO A PLACE OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES, 13 MINUTES 24 SECONDS WEST, ALONG SAID WEST LINE, 281.02 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS EAST, 30.05 FEET; THENCE NORTH 47 DEGREES 46 MINUTES 45 SECONDS EAST, 51.14 FEET; THENCE NORTH 76 DEGREES 35 MINUTES 36 SECONDS EAST, 456.07 FEET, THENCE NORTH 88 DEGREES 25 MINUTES 56 SECONDS EAST, 846.63 FEET TO THE WEST LINE OF LOT 1 IN RESUBDIVISION # 2 OF THE RESUBDIVISION OF MEIJER #182 SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 2002 AS DOCUMENT NUMBER 2002K140590; THENCE SOUTH 01 DEGREES 34 MINUTES 04 SECONDS EAST ALONG SAID WEST LINE AND ALONG WEST LINE OF LOT 2 IN RESUBDIVISION # 1 OF THE RESUBDIVISION OF MEIJER #182 SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 18, 2002 AS DOCUMENT NUMBER 2002K115360, A DISTANCE OF 782.90 FEET TO THE NORTHEAST CORNER OF PROPERTY CONVEYED TO THE CITY OF GENEVA BY DEED DOCUMENT RECORDED AS 2000K028065; THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE NORTH LINE OF SAID CONVEYED PROPERTY: 1) WESTERLY ALONG A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 3190.04 FEET, HAVING A CHORD BEARING NORTH 89 DEGREES 40 MINUTES 02 SECOND WEST, FOR AN ARC LENGTH OF 255.20 FEET TO A POINT OF TANGENCY; 2) SOUTH 88 DEGREES 02 MINUTES 28 SECONDS WEST, 352.67 FEET TO THE NORTHWEST CORNER OF SAID CONVEYED PROPERTY; THENCE SOUTH 88 DEGREES 25 MINUTES 20 SECOND WEST ALONG LINE 48.85 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 32, A DISTANCE OF 349.59 FEET; THENCE NORTH 01 DEGREES 57 MINUTES 32 SECONDS WEST, 234.95 FEET; THENCE NORTH 53 DEGREES 15 MINUTES 53 SECONDS WEST, 208.23 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 36 SECONDS WEST, 246.25 FEET TO THE PLACE OF BEGINNING; IN KANE COUNTY, ILLINOIS.

CITY OF ST. CHARLES

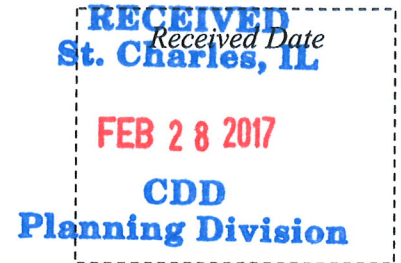
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

ZONING MAP AMENDMENT APPLICATION



CITYVIEW	
Project Name:	<u>Prairie Winds of St. Charles</u>
Project Number:	<u>2016 -PR- 017</u>
Application Number:	<u>2017 -AP- 012</u>

Instructions:

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

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

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

1. Property Information:	Location: The southern portion of the Bricher Commons Parcel located at the intersection of Bricher Rd. and Randall Rd.	
	Parcel Number (s): 09-32-400-028	
	Proposed PUD Name: Prairie Winds	
2. Applicant Information:	Name Prairie Winds, LLC, a Delaware limited liability company	Phone 630.513.9800
	Address c/o Andrew E. Kolb, Esq. Vanek, Larson & Kolb, LLC 200 W. Main Street St. Charles, IL 60174	Fax 630.513.9802
		Email akolb@v1klawfirm.com
3. Record Owner Information:	Name Todd L. Dempsey, Trustee, Todd L. Dempsey Declaration of Trust dtd May 15, 1992	Phone 630.879.3680
	Address c/o Austin Dempsey 140 First Street Batavia, IL 60510	Fax 630.879.3684
		Email austin@bataviaenterprises.com

Zoning and Use Information:

Comprehensive Plan Land Use Designation of the property: Industrial/Business Park with Residential as an option

Current zoning of the property: BR (Regional Business) with Special Use as a PUD

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

Current use of the property: agricultural purposes

Proposed zoning of the property: RM-3

Proposed use of the property: Luxury apartment community

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)

Applicant proposes to develop 250 "big house" style apartment units as well as an 8,000 sq. ft. clubhouse with a fitness center.

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/>

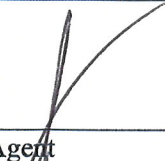
Submit the application form and fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy with this application.

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.

Record Owner	_____	Date	_____
Applicant or Authorized Agent		Date	2/23/17

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.

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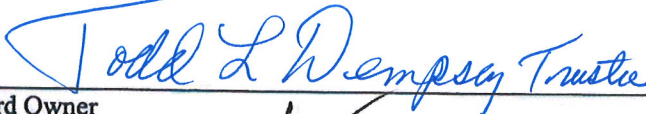
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Fill out the online form, print the report and submit with this application.

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



Record Owner

Date

Applicant or Authorized Agent

Date

2/23/17

FINDINGS OF FACT – MAP AMENDMENT

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

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



Prairie Winds of St. Charles
Project Name or Address

2/28/17
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)*

See attached Rider to Development Applications.

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.)*

See attached Rider to Development Applications.

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?)*

See attached Rider to Development Applications.

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.)*

See attached Rider to Development Applications.

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.)*

See attached Rider to Development Applications.

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.)*

See attached Rider to Development Applications.

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

See attached Rider to Development Applications.

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

See attached Rider to Development Applications.

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.)*

See attached Rider to Development Applications.

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.)*

See attached Rider to Development Applications.

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.

LEGAL DESCRIPTION

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OWNER'S CONSENT TO DEVELOPMENT APPLICATIONS

To: City of St. Charles

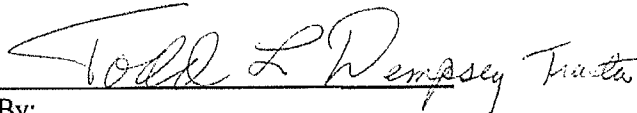
Applicant / Petitioner: Prairie Winds, LLC, a Delaware limited liability company

Property: Approximately 20 acres of Vacant Land located in St. Charles known as
Bricher Commons

The undersigned, acting on behalf of **The Todd L. Dempsey Declaration of Trust Dated May 15, 1992** ("Owner"), being the owner of record of the property which is the subject of the above-referenced Development Applications (the "**Subject Property**"), hereby consents to the filing and processing of the said Development Applications by the applicant, Prairie Winds, LLC. ("**Applicant**").

Dated: FEBRUARY 23, 2017

**OWNER: The Todd L. Dempsey Declaration
of Trust Dated May 15, 1992**



By:

Its:

OWNERSHIP DISCLOSURE FORM

I, Gerard R. Dempsey, being first duly sworn on oath depose and say that I am the Trustee of the Todd L. Dempsey Declaration of Trust Dated May 15, 1992, and that the following persons are all of the beneficiaries of the Todd L. Dempsey Declaration of Trust Dated May 15, 1992:

By: GR Dempsey, Trustee
Name Title

Subscribed and Sworn before me this 4th day of October, 2016.

Kay M Lefever
Notary Public



RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Prairie Winds

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District:	Ordinance #:	
Minimum Lot Area	2,200 sf/du		3,572 sf/du
Minimum Lot Width	65 ft.		944 ft.
Maximum Building Coverage	40%		30%
Maximum Building Height	45 feet or 4 stories		up to 42' ft.
Minimum Front Yard	30 ft.		41 ft.
Interior Side Yard	25 ft./ side		25 ft. / side
Exterior Side Yard	30 ft.		30 ft.
Minimum Rear Yard	30 ft.		50 ft.
% Overall Landscape Area	20%		46%
Building Foundation Landscaping	75% of front 50% others		75% of front 50% others
% Interior Parking Lot Landscape	10%		5%
Landscape Buffer Yards ¹	30 ft.		N/A
# of Parking spaces	415		585

¹ 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, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development
Date Submitted:
Prepared by:

Pacific Winds LLC
2/28/17
JEFFREY



Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)	Middle (Grades 6 to 8)	High (Grades 9 to 12)
Detached Single Family				
> 3 Bedroom		DU x .369 =	DU x .173 =	DU x .184 =
> 4 Bedroom		DU x .530 =	DU x .298 =	DU x .360 =
> 5 Bedroom		DU x .345 =	DU x .248 =	DU x .300 =
Attached Single Family				
> 1 Bedroom		DU x .000 =	DU x .000 =	DU x .000 =
> 2 Bedroom		DU x .088 =	DU x .048 =	DU x .038 =
> 3 Bedroom		DU x .234 =	DU x .058 =	DU x .059 =
> 4 Bedroom		DU x .322 =	DU x .154 =	DU x .173 =
Apartments				
> Efficiency		DU x .000 =	DU x .000 =	DU x .000 =
> 1 Bedroom	50	DU x .002 =	DU x .001 =	DU x .001 =
> 2 Bedroom	150	DU x .086 =	DU x .042 =	DU x .046 =
> 3 Bedroom	50	DU x .234 =	DU x .123 =	DU x .118 =
Totals	<u>250</u> TDU	<u>24.7</u> TE	<u>12.5</u> TM	<u>12.85</u> TH

School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	24.7	x .025	= .6175
Middle (TM)	12.5	x .0389	= .48625
High (TH)	12.85	x .072	= .9252
Total Site Acres			<u>2.02895</u>

Cash in lieu of requirements -

2.02895 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 487,962

PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development
Date Submitted:
Prepared by:

PROBRIUM LLC
2/28/17
JEFF RUTER



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
Detached Single Family			
> 3 Bedroom		DU x 2.899	=
> 4 Bedroom		DU x 3.764	=
> 5 Bedroom		DU x 3.770	=
Attached Single Family			
> 1 Bedroom		DU x 1.193	=
> 2 Bedroom		DU x 1.990	=
> 3 Bedroom		DU x 2.392	=
> 4 Bedroom		DU x 3.145	=
Apartments			
> Efficiency		DU x 1.294	=
> 1 Bedroom	50	DU x 1.758	= 87.9
> 2 Bedroom	150	DU x 1.914	= 287.1
> 3 Bedroom	50	DU x 3.053	= 152.65
Totals	<u>250</u>		<u>527.65</u>
	Total Dwelling Units		Estimated Total Population

Park Site Requirements

Estimated Total Population 527.65 x .010 Acres per capita = 5.2765 Acres

Cash in lieu of requirements -

Total Site Acres 5,2765 x \$240,500 (Fair Market Value per Improved Land) = \$ 1,268,998

INCLUSIONARY HOUSING SUMMARY

Name of Development Prosper Windes, LLC
 Date Submitted: 2/28/17
 Prepared by: Jeff Reizer



Background:

St. Charles Municipal Code Title 19 "Inclusionary Housing", requires developers of new residential developments to provide a proportionate share of affordable housing units within the development, or to pay a fee in-lieu of providing affordable housing units. Developers may also provide a mix of affordable housing units and fee in-lieu.

Affordable housing is defined as housing that has a sales price or rental amount that is within the means of a household with income at or below 80% Area Median Income (AMI) for for-sale units and at or below 60% AMI for rental units, adjusted for household size. See Title 19 for complete definitions.

The maximum price of affordable for-sale units and affordable rental units required by Title 19 shall be no greater than the affordable purchase price and affordable rent established annually by the Illinois Housing Development Authority (IHDA). Contact the Planning Division for the most recent affordable prices from IHDA.

Submission Requirements:

Submit information describing how the residential development will comply with the requirements of Title 19, "Inclusionary Housing". Use this worksheet to calculate the number of required affordable units to be incorporated within the residential development, or the required fee in-lieu payment.

If the development will include affordable units, submit the following additional information:

- The number of market-rate and affordable for-sale and rental units to be constructed, including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
- Documentation and plans regarding locations of affordable units and market-rate units, and their exterior appearance, materials, and finishes.

Affordable Unit Requirement Calculation

Unit Count Range	# of Units Proposed in Development		% of Affordable Units Required		# of Affordable Units Required
1 to 15 Units		X	5%	=	
More than 15 Units	250	X	10%	=	25

Fee In-Lieu Payment Calculation

# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit		Total Fee-In-Lieu Amount
25	25	X	\$72,819.50 5,000	=	\$1,250,000

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



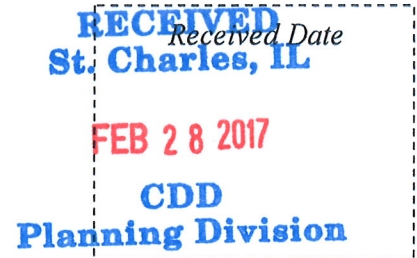
COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

SPECIAL USE APPLICATION

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

For City Use	
Project Name:	<u>Prairie Winds of St. Charles</u>
Project Number:	<u>2016 -PR- 017</u>
Application Number:	<u>2017 -AP- 011</u>



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

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

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

1. Property Information:	Location: The southern portion of the Bricher Commons Parcel located at the intersection of Bricher Rd. and Randall Rd.	
	Parcel Number (s): 09-32-400-028	
	Proposed Name: Prairie Winds of St. Charles	
2. Applicant Information:	Name Prairie Winds, LLC, a Delaware limited liability company	Phone 630.513.9800
	Address c/o Andrew E. Kolb. Esq. Vanek, Larson & Kolb, LLC 200 W. Main Street St. Charles IL 60174	Fax 630.513.9802
		Email akolb@vklawfirm.com
3. Record Owner Information:	Name Todd L. Dempsey, Trustee, Todd L. Dempsey Declaration of Trust dtd May 15, 1992	Phone 630-879-3680
	Address c/o Austin Dempsey 140 First Street Batavia, IL 60510	Fax 630-879-3684
		Email austin@bataviaenterprises.com

Please check the type of application:

- Special Use for Planned Unit Development - PUD Name:** Prairie Winds
 - 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: Industrial/Business Park with Residential as an option.

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

What is the property's current zoning? BR (Regional Business) with Special Use as a PUD

What is the property currently used for? agricultural purposes

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

Applicant proposes to develop the site into 250 "big house" style luxury apartments along with an 8,000 sq.ft. clubhouse

For Special Use Amendments only:

Why is the proposed change necessary?

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

Note for existing buildings:

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

Attachment Checklist:

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

☒ APPLICATION FEE:

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

☒ REIMBURSEMENT OF FEES AGREEMENT:

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

☒ REIMBURSEMENT OF FEES INITIAL DEPOSIT:

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

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

☒ PROOF OF OWNERSHIP and DISCLOSURE:

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

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

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

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

☒ PLAT OF SURVEY:

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

☒ FINDINGS OF FACT:

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

☒ LIST OF PROPERTY OWNERS WITHIN 250 FT.:

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

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

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

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

☒ **ENDANGERED SPECIES REPORT:**

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

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

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

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

☒ **PLANS:**

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

Copies of Plans:

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

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

A plan or plans showing the following information:

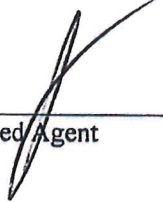
1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and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

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

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



 Record Owner Date



 Applicant or Authorized Agent 2/23/17
Date

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)



For Special Use for PUD or PUD Amendment applications.

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

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

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

Prairie Winds
PUD Name

2-27-17
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

See Applicant's Rider to Development Application at section IV.

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.

See Applicant's Rider to Development Application at Section IV.

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.
See Applicant's Rider to Development Application at Section IV.

B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.
See Applicant's Rider to Development Application at Section IV.

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.
See Applicant's Rider to Development Application at Section IV.

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.
See Applicant's Rider to Development Application at Section IV.

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.

See Applicant's Rider to Development Application at Section IV.

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

See Applicant's Rider to Development Application at Section IV.

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

See Applicant's Rider to Development Application at Section IV.

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

See Applicant's Rider to Development Application at Section IV.

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

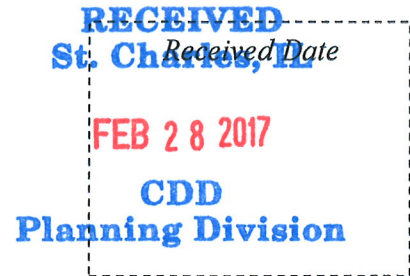


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

PUD PRELIMINARY PLAN APPLICATION

For City Use	
Project Name:	<u>Prairie Winds of St. Charles</u>
Project Number:	<u>2016 -PR- 017</u>
Application Number:	<u>2017 -AP- 010</u>



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

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

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

1. Property Information:	Location: The southern portion of the Bricher Commons Parcel located at the intersection of Bricher Rd. and Randall Rd.	
	Parcel Number (s): 09-32-400-028	
	Proposed PUD Name: Prairie Winds	
2. Applicant Information:	Name Prairie Winds, LLC a Delaware limited liability company	Phone 630.513.9800
	Address c/o Andrew E. Kolb, Esq. Vanek, Larson & Kolb, LLC 200 W. Main Street St. Charles, IL 60174	Fax 630.513.9802
		Email akolb@vklawfirm.com
3. Record Owner Information:	Name Todd L. Dempsey, Trustee, Todd L. Dempsey Declaration of Trust dtd May 15, 1992	Phone 630.879.3680
	Address c/o Austin Dempsey 140 First Street Batavia, IL 60510	Fax 630.879.3684
		Email austin@bataviaenterprises.com

Please check the type of application:

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

Subdivision of land:

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

Attachment Checklist:

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

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

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

REIMBURSEMENT OF FEES AGREEMENT:

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

REIMBURSEMENT OF FEES INITIAL DEPOSIT:

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

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

PROOF OF OWNERSHIP and DISCLOSURE:

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

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

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

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

☒ **PLAT OF SURVEY:**

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

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

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

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

☒ **ENDANGERED SPECIES REPORT:**

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

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

☒ **PLANS:**

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

Copies of Plans:

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

☒ **SITE/ENGINEERING PLAN:**

PRELIMINARY ENGINEERING PLANS – DRAWING REQUIREMENTS/CHECKLIST:

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

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

the proposal indicated

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

SKETCH PLAN FOR LATER PHASES OF PUD:

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

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

☒ ARCHITECTURAL PLANS:

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

☒ TREE PRESERVATION PLAN:

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

☒ LANDSCAPE PLAN:

Landscape Plan showing the following information:

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

☒ STORMWATER MANAGEMENT:

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

☒ SUBDIVISION PLAT DRAWING REQUIREMENTS/CHECKLIST:

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

PUBLIC BENEFITS, DEPARTURES FROM CODE:

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

SCHEDULE: Construction schedule indicating:

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

PARK AND SCHOOL LAND/CASH WORKSHEETS

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

INCLUSIONARY HOUSING SUMMARY

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

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

Todd L Dempsey Trustee
Record Owner _____ Date _____

[Signature]
Applicant or Authorized Agent _____ Date 2/23/17