



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 3c

Title:	Presentation of a Concept Plan for Smith Road Estates
Presenter:	Russell Colby

Meeting: Planning & Development Committee

Date: November 13, 2017

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

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

The subject property is a 4.38-acre undeveloped property comprised of three parcels on the north side of Smith Road. The property is contiguous to the City of St. Charles to the east and south (Pheasant Run Trails townhomes) and the City of West Chicago to the north (Cornerstone Lakes single-family subdivision). To the west is the Petkus property. A Concept Plan for the Petkus property proposing multi-family residential land use was reviewed by the City in 2016.

V&M Investment and Remodeling Group, LLC, represented by Vito Muilli, owns the subject property. Proposed is annexation of the property into the City of St. Charles and development of a 16-lot, single-family residential subdivision, arranged on a cul-de-sac with a single access point from Smith Road. Building elevations have been submitted to provide examples of the types of homes to be constructed in the subdivision.

The subject property is within the City of St. Charles future planning area per a boundary line agreement with the City of West Chicago. The agreement sets specific parameters for development of the subject property, which are discussed in the staff memo. West Chicago has provided comments on the Concept Plan (see attached letter).

The land use proposed in the Concept Plan differs from the City’s Comprehensive Plan. The Comprehensive Plan designates the property as “Single-Family Attached Residential” (townhomes).

**Plan Commission Comments- 11/7/17:**

- Development of this site is desirable; both the land use and density are appropriate.
- Building architecture is attractive; there were suggestions to provide variety in the plans/elevations, create interest in the rear elevations facing Smith Road, and to reduce the prominence of the garages.
- A landscape buffer or other screening should be provided where lots back to Smith Road.
- It is preferable for the landscape buffer areas to be owned and/or maintained by an association, not by individual homeowners.
- Evaluate the feasibility of relocating the street access to align with Pheasant Trail, or determine if right-of-way can be provided to allow for a future access to the Petkus property in that location.

**Attachments** (please list):

- Letter from the City of West Chicago
- Staff Memo
- Application and Concept Plan
- Boundary Agreement with the City of West Chicago

**Recommendation/Suggested Action** (briefly explain):

Provide comments on the Concept Plan. Staff recommends commenting on:

- Land Use and Zoning
- Use of a Planned Unit Development (PUD) vs. eliminating any zoning deviations.
- Landscape buffer: Should the bufferyard be on a common lot or maintained by an association? Is a reduced rear yard setback adjacent to the landscape buffer appropriate?
- Access: Should the street access point be shifted to the west property line for shared access to the Petkus property? (Alternately, should right-of-way be provided to allow for a future access to the Petkus property that aligns with Pheasant Trail?)

# CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

November 6, 2017

Ms. Rita Tungare  
Director of Community Development  
City of St. Charles  
2 E. Main Street  
St. Charles, Illinois 60174-1984

Re: Concept Review for Property Proposed as “Smith Road Estates”

Dear Ms. Tungare:

The City of West Chicago appreciates your notice of the upcoming concept review for the property being identified as “Smith Road Estates” located off of Smith Road and consisting of approximately 4.3 acres. As you are aware, this property is subject to a Boundary Agreement between St. Charles and West Chicago, and it is with this in mind that these comments are offered. Upon review of the Agreement, it would appear that the concept plan is in general conformance with the provisions outlined in the document relative to the single-family use and density guidelines.

As the overall Concept Plan is presented, the City would like to make a few suggestions for the City of St. Charles’ consideration if this project moves forward to complete the entitlement process. It was indicated that the site would likely be zoned RS-4 which has a 30 foot rear setback. However the petitioner is requesting to reduce the rear setback to 15 feet. The Boundary Agreement called for a 30 foot landscape buffer along this common property line between the communities (the north line of the subject property), and it appears from the language in the Agreement that the intent of the 30 foot buffer was to be in addition to the expected rear yard, not necessarily as an opportunity to reduce the setback along that property line. A possible compromise would be to alter the front yard from the 30 foot as shown on the Smith Road Estates Plan to the minimum 20 foot front setback permitted under the RS-4 Zoning District. The 10 feet from the front yard could be added to the rear yard for a total of 25 feet. This change would not alter the buildable area of these lots.

Additionally the City would prefer to see a more transitional increase of lot size and lot width for the lots that abut the existing lots in the Cornerstones Lakes Subdivision to the north. The Cornerstone Lakes Subdivision was built under the zoning which has a required lot width of 75 feet and a minimum of 9,000 square feet in area. A transitional lot approach for the Smith Road Estates would be to make lots 9 through 15 abutting Cornerstone Lakes ten feet wider, from 55 to 65 feet in width with the corresponding lot area increase. While this may result in the reduction of one lot in total for the subdivision, the density reduction of one lot is not the purpose of this suggestion.

475 Main Street  
West Chicago, Illinois  
60185

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[www.westchicago.org](http://www.westchicago.org)

Ruben Pineda  
MAYOR  
Nancy M. Smith  
CITY CLERK

Michael L. Guttman  
CITY ADMINISTRATOR

I want to thank the City of St. Charles for the opportunity to comment at this stage of the process and look forward to a continued cooperative approach between our two communities.

Should you have any questions or comments please let me know.

Sincerely,



Bill Ganek  
Interim Director of Community Development  
City of West Chicago

CC: West Chicago City Council  
Michael Guttman, City Administrator

Community & Economic Development  
 Planning Division  
 Phone: (630) 377-4443



**Staff Memo**

**TO:** Chairman Ed Bessner  
 And Members of the Planning & Development Committee

**FROM:** Russell Colby, Planning Division Manager

**RE:** Smith Road Estates Concept Plan

**DATE:** November 8, 2017

**I. APPLICATION INFORMATION:**

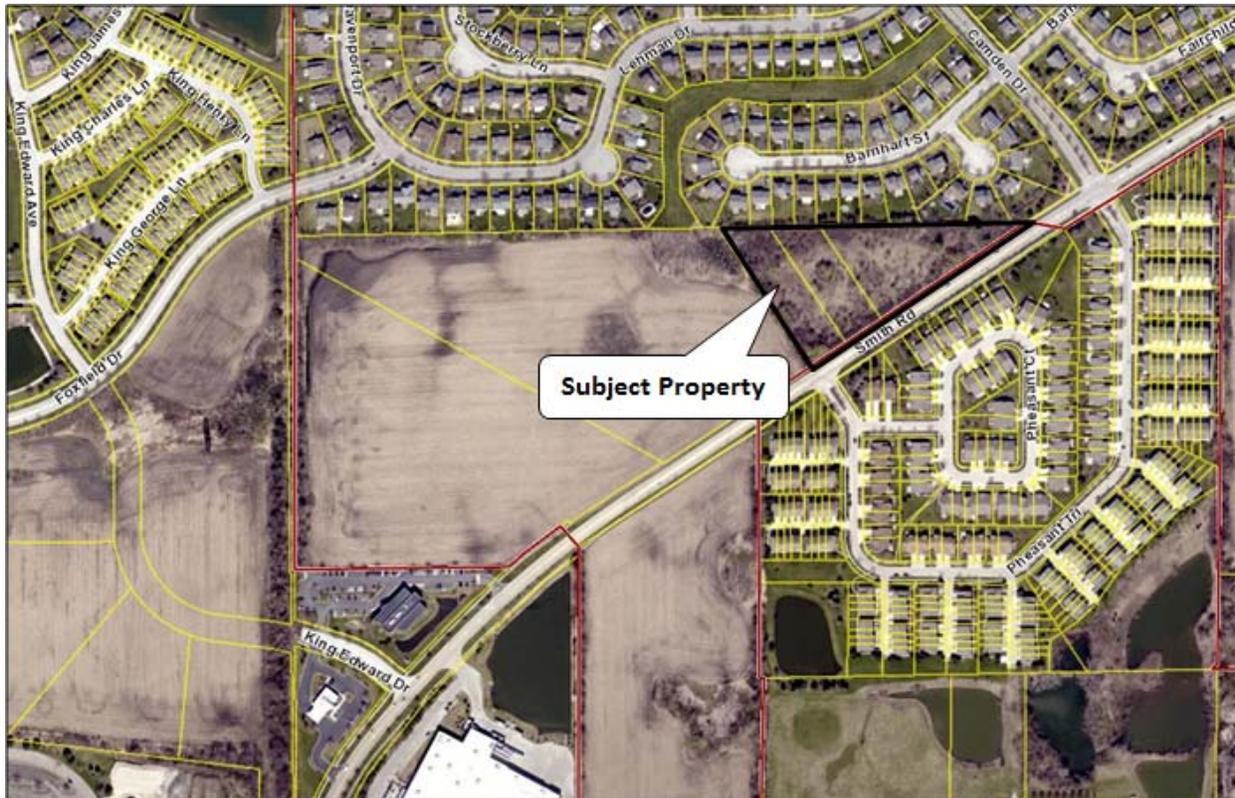
**Project Name:** Smith Road Estates (Plans titled “Uma Prairie Estates”)

**Applicant:** V&M Investment and Remodeling Group, LLC

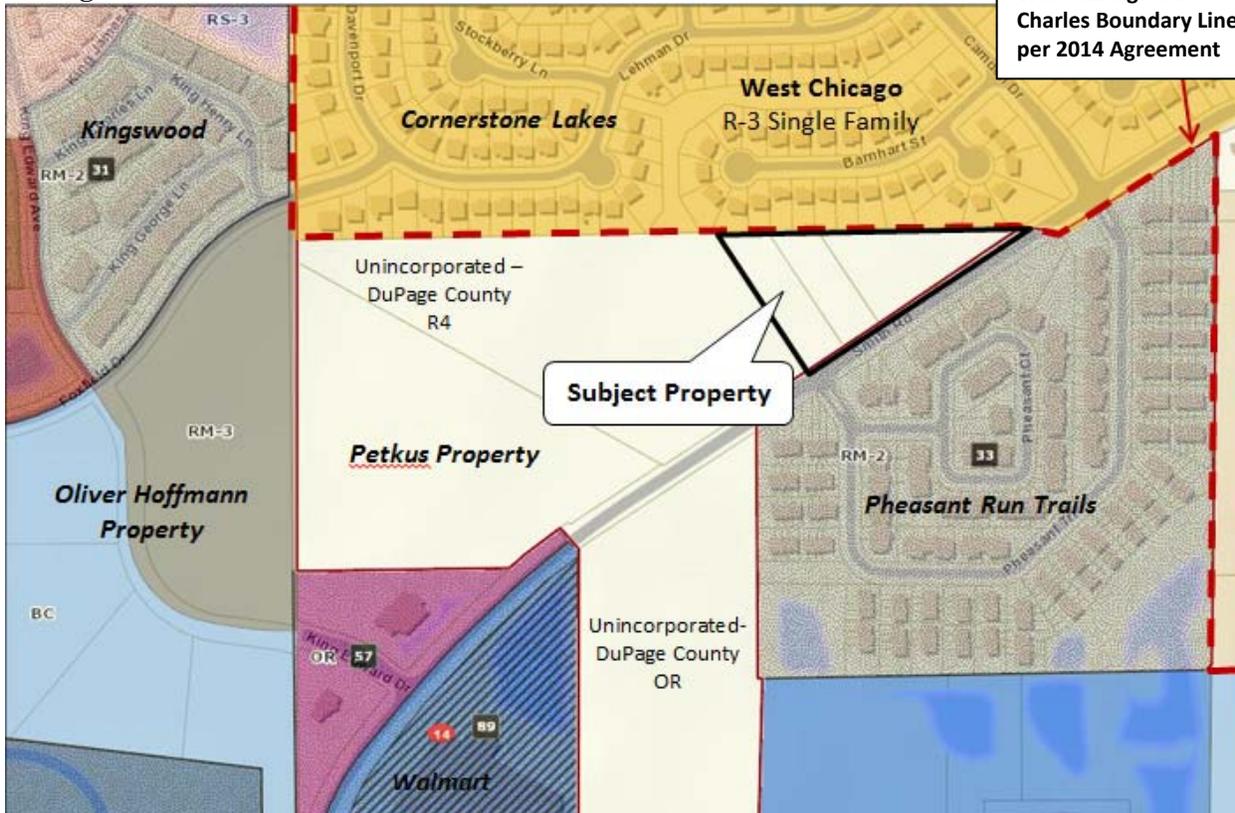
**Purpose:** Concept Plan review for potential annexation to the City of St. Charles for single-family residential development

<b>General Information:</b>		
<b>Site Information</b>		
Location	North side of Smith Road, south of Cornerstone Lakes Subdivision; east of Petkus Property	
Acres	4.4 acres (191,182 sf)	
Application:	Concept Plan	
Applicable Zoning Code Sections	Chapter 17.04 - Administration Chapter 17.12 - Residential Districts	
<b>Existing Conditions</b>		
Land Use	Vacant	
Zoning	DuPage County – R4	
<b>Zoning Summary</b>		
North	City of West Chicago – R3	Cornerstone Lakes single-family subdivision
East	RM-2 Medium Density Multi-Family Residential (PUD)	Pheasant Run Trails townhomes
South	RM-2 Medium Density Multi-Family Residential (PUD)	Pheasant Run Trails townhomes
West	DuPage County – R4	Agriculture (Petkus Property)
<b>Comprehensive Plan Designation</b>		
Single-Family Attached Residential		

### Aerial



### Zoning



## **II. OVERVIEW**

### **A. SITE CONTEXT**

The subject property is a 4.38-acre undeveloped property comprised of three parcels on the north side of Smith Road. The property is contiguous to the City of St. Charles to the east and south (Pheasant Run Trails townhomes) and the City of West Chicago to the north (Cornerstone Lakes single-family subdivision).

To the west is a 27-acre unincorporated agricultural property known as the Petkus property. A Concept Plan for the Petkus property proposing multi-family residential land use was reviewed by the City in 2016. In August 2017, the owner of the Petkus property approached the City regarding annexation of the property. However, the City Council indicated they would not consider annexation of the Petkus property without a development proposal being presented concurrently. At this time there are no applications on file for the Petkus property.

### **B. JURISDICTION**

The subject property is located in unincorporated Wayne Township and is currently under the zoning and subdivision jurisdiction of DuPage County.

The property is located within Community Unit School District #303 and the St. Charles Public Library District. The property is not located within a Park District.

The property is within the Fox River and Countryside Fire District but if annexed to St. Charles would be served by the City of St. Charles Fire Department.

The property has frontage along Smith Road, which is a City street under the jurisdiction of the City of St. Charles. Immediately to the east, Smith Road is under the jurisdiction of the City of West Chicago.

The Cities of West Chicago and St. Charles have entered into a boundary agreement which sets a future boundary line between the two municipalities. The subject property is located on the St. Charles side of the boundary line, meaning the two cities have agreed that St. Charles has the ability to annex the property. The agreement sets specific parameters for development of the property, which are discussed in the analysis section of this report.

### **C. PROPOSAL**

V&M Investment and Remodeling Group, LLC, represented by Vito Muilli, owns the subject property. Proposed is annexation of the property into the City of St. Charles and development of a single-family residential subdivision. Details of the proposal are as follows:

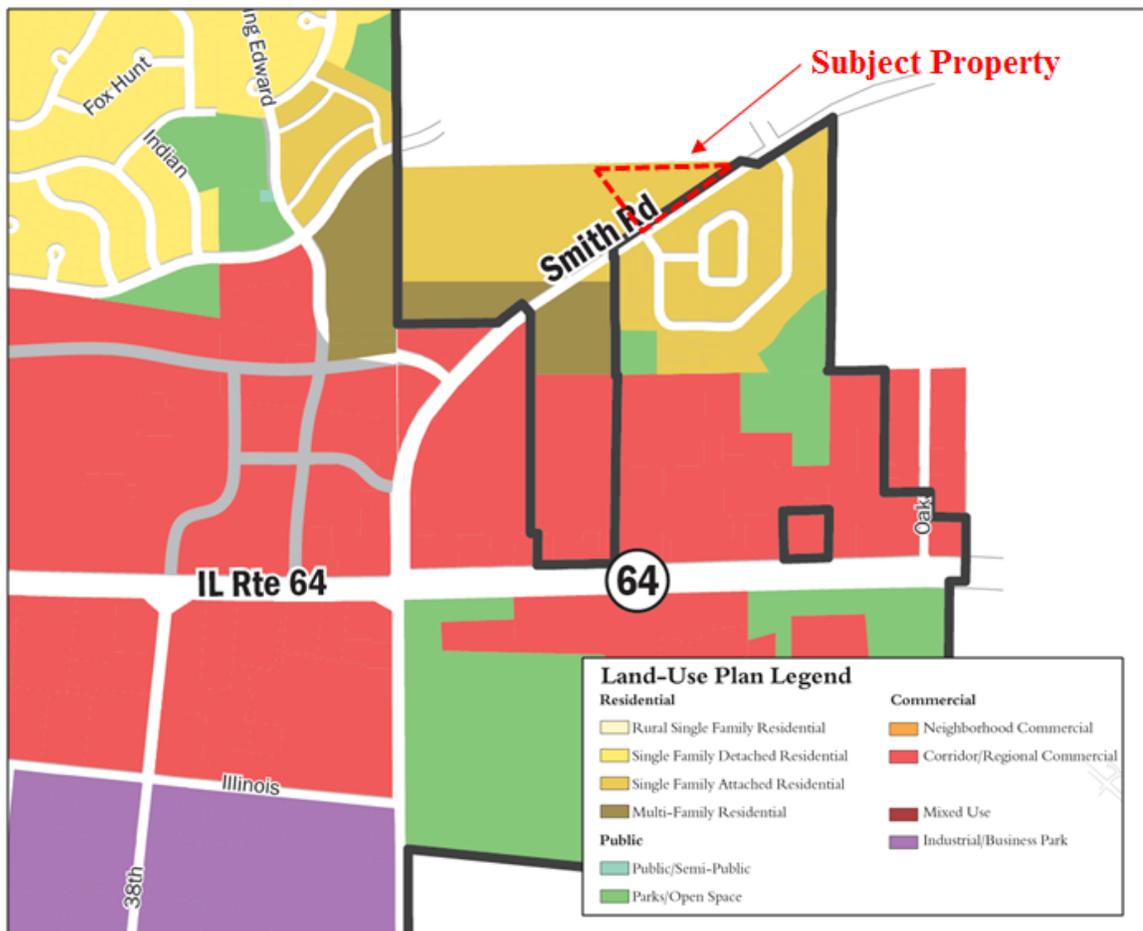
- Sixteen (16) single-family lots.
- Three (3) stormwater detention areas.
- Single access point on Smith Road.
- Lots accessed from a single street and cul-de-sac.

Building elevations have been submitted to provide examples of the types of homes to be constructed in the subdivision.

#### D. REVIEW PROCESS

The purpose of the Concept Plan review is to enable the applicant to obtain informal input on a concept prior to spending considerable time and expense in the preparation of detailed plans and architectural drawings. The Concept Plan process also serves as a forum for citizens and owners of neighboring property to ask questions and express their concerns and views regarding the potential development. Following the conclusion of the Concept Plan review, the developer can decide whether to formally pursue the project.

### III. COMPREHENSIVE PLAN



The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as “Single-Family Attached Residential”.

The Plan states the following regarding Single-Family Attached Residential land use (p.38):

*Single family attached structures are connected horizontally, typically two stories high, but individual units do not stack vertically. Single family attached homes can serve as transitional areas between single family homes and commercial or multi-family development, and also act as an intermediate step for residents between apartment/condo living and home ownership. These types of units are also popular for empty nesters and others looking to downsize to a smaller home.*

The following recommendations are provided for Residential Land Uses (p.38):

*Detached single family homes are the most common type of residential use within St. Charles. While this is often the most desirable use for a given area, the City should ensure that housing options continue serve the diverse population of the St. Charles community. In particular, development that meets the specific needs of elderly residents, ranging from multi-family units to independent living, should be encouraged to allow residents to age in place. Where multi-family developments are suggested, the City should work to make sure they occur in a more coordinated and organized fashion...*

The following Residential Land Use Policies are relevant to review of the Concept Plan (p. 43-44):

***Consider the potential impact of new residential development on schools, municipal services and traffic.***

*As a mature community, the City's infrastructure is well established, particularly in the older areas of the community. Unlike emerging suburbs that are continuously growing, widening roads and building schools as necessary, the community infrastructure in St. Charles is well established and not as easily adaptable. Although road and intersections can be widened, and schools expanded, a less costly approach would be to work within the framework of the City's well established infrastructure, evaluating proposed development's impact on City systems and working with developers to mitigate and minimize strains on local systems.*

***Prioritize infill development over annexation and development***

*While the era of substantial residential growth is over in St. Charles, there remain some isolated opportunities for residential development on the City's west side. While most of these opportunities are within unincorporated Kane County, they fall within the City's 1.5-mile extraterritorial planning jurisdiction defined by State statute. It is recommended that the City carefully consider annexation and growth into these areas while vacant and/or underutilized residential properties exist within the City's boundaries. When residential development does occur within the City's growth areas, it should occur in areas immediately adjacent to existing developed areas so as to prevent "leap frog" development and the resulting costs and burdens of unnecessarily extending infrastructure systems in an unwise manner.*

***Transition densities to maximize compatibility***

*As St. Charles approaches its full build-out, its new growth and investment will shift from new development in outlying areas to redevelopment of infill sites, and many of the available infill parcels are situated between established residential areas and the City's busy commercial districts. This shift will create new challenges and obstacles for development not associated with easier "green-field" development, including: adaptive reuse, fixed/smaller parcel sizes, greater neighborhood sensitivity, and increased density/intensity. A recommended strategy for improved compatibility is place similar density and lot sizes adjacent to existing residential areas and then to transition to high residential densities moving closer to commercial areas and busy streets. This approach assists with compatibility of adjacent use areas and provides additional density to serve as a transitional land use.*

#### IV. ANALYSIS

##### A. COMPREHENSIVE PLAN LAND USE

The proposed single-family land use differs from the Comprehensive Plan's designation of the property as "Single-Family Attached Residential" (i.e. townhomes).

##### B. BOUNDARY AGREEMENT WITH WEST CHICAGO

The Concept Plan has been forwarded to the City of West Chicago for comments. Comments have been requested prior to the review of the Concept Plan by the Planning & Development Committee on Nov. 13.

The boundary agreement with West Chicago sets the following parameters for development of the subject property:

- Land Uses: Limited to residential uses and Office-Research uses.
  - Single-family residential land use is consistent with the agreement.
- Residential Density:

*"For the portion of the parcels located within 300 feet (300') of the southern border of the Cornerstone Lakes Subdivision, residential density shall not exceed 7.5 units/acre and the maximum building height shall be the lesser of 35 feet (35') or three (3) stories..."*

  - Most of the site falls within the 300 ft. area. Within this portion of the site, the density is 3.96 dwelling units per acre.
  - Building height will not exceed 35 ft. The proposed buildings are 1 and 2 story.
- Buffer along the Cornerstone Lakes subdivision:

*"In addition to any setbacks required by the St. Charles Zoning Ordinance, St. Charles will require a thirty foot (30') landscape buffer along the property line adjoining the single-family residential homes located on Lehman Drive and Barnhart Street so as to reduce the impact of development on the existing homes. The landscaping requirements within the buffer shall be the same as required by the current St. Charles Zoning Ordinance requirement for landscape buffers...The landscape buffer shall not be combined with a required yard or setback requirement, but rather, shall be in addition thereto."*

  - Lots 8 to14 abut lots along Barnhart Street, while Lots 15 & 16 abut lots on Sudbury Court. The agreement does not specify if the buffer yard requirement applies along the lot lines of lots located on Sudbury Court.
  - The proposed RS-4 zoning district requires a minimum rear yard setback of 30 ft.
  - Along north property line, the Concept Plan shows a total 45 ft. rear yard setback, the northern 30 ft. of which is identified as the landscape bufferyard. The effective rear yard would be the portion outside of the landscape buffer, which is 15 ft. in depth for Lots 9 to 15. In response to the Concept Plan, West Chicago has provided a letter stating their view that the boundary agreement bufferyard requirement was not intended to provide an opportunity to reduce the rear yard setback, and suggesting a 25 ft. rear yard, in addition the bufferyard, may be sufficient.

***Staff Comments:***

- A 15 ft. usable rear yard may not be adequate to accommodate the typical rear yard uses of a single-family house. There appears to be opportunities to increase the rear yard area for the lots along the north property line while still complying with the proposed RS-4 zoning. For example, the plan shows a 30 ft. front yard setback, while only 20 ft. is required. This is discussed further in the Zoning section below.
- For a single-family residential development, permanent landscape areas, such as a bufferyard, are typically located on a common lot maintained by an owner's association. If the bufferyard overlaps lots maintained by individual homeowners, an easement requiring maintenance and restricting the use of the bufferyard area would be necessary. Unless maintained by an association, the maintenance of the bufferyard would likely be inconsistent between lots. Additionally, the City has found it challenging to enforce similar rear yard use restrictions for single-family residential lots, as maintenance of landscape plantings on private property does not require a permit from the City.
- If formal applications are filed following conclusion of the Concept Plan review, a landscape plan will need to be submitted for review. The actual planting requirements within the bufferyard are subject to the Landscape buffers section of the Zoning Ordinance, Section 17.26.070 (which is attached as an exhibit to the boundary agreement). A tree preservation plan will also be required. There are opportunities to preserve existing trees on the property, particularly within the proposed bufferyard along the north property line.
- Stormwater: Development to follow the DuPage or Kane County stormwater ordinance, whichever is more restrictive at the time. West Chicago is granted the right to review all engineering and stormwater information to determine compliance with a maximum run off rate (0.1 cfs per development acre up to a 100 year storm) and to ensure that stormwater is discharged in a location that will not adversely impact adjacent properties.
  - The development will need to comply with this requirement. If formal applications are filed following conclusion of the Concept Plan review, preliminary engineering plans and a stormwater report will need to be provided for review.

C. ZONING

The applicant is proposing RS-4 Suburban Single-Family Residential zoning for the property. The purpose of the RS-4 District as provided in the Zoning Ordinance is as follows:

*“To accommodate medium to high-density single-family residential development in the City. The minimum lot size in this district is 6,600 square feet. The RS-4 District also provides for limited institutional uses compatible with surrounding residential neighborhoods.”*

The table below compares the RS-4 District requirements with the Concept Plan. Deviations from the RS-4 District that would be required to accommodate the development as proposed are denoted in ***bold italics***. PUD approval would be necessary to grant these deviations.

	<b>RS-4 (proposed zoning)</b>	<b>Concept Plan</b>
<b>Min. Lot Area</b>	6,600 sf	<b>6,380 sf</b> (Range: 6,380 sf to 12,106 sf)
<b>Min. Lot Width</b>	60 ft.	<b>55 ft.- See comment below</b>
<b>Max. Building Coverage</b>	30%	22.61%
<b>Max. Building Height</b>	34 ft. or 2 stories, whichever is less	26.5 ft.
<b>Min. Front Yard</b>	20 ft.	30 ft.
<b>Min. Interior Side Yard</b>	Combined width of 14 ft., neither less than 5 ft.	Combined width of 14 ft., 7 ft. each side
<b>Min. Exterior Side Yard</b>	15 ft.	20 ft.
<b>Min. Rear Yard</b>	30 ft.	<b>Lots 8-16: 15 ft. along north property line Other lots: 20 ft.</b>

**Staff Comments:**

- It appears possible to meet some or all of the RS-4 District requirements without granting zoning deviations through a PUD. The proposed front yard setback is 30 ft., while only 20 ft. is required. The front yard could be reduced to 20 ft., allowing for a larger rear yard setback. Also, one or more lots could be eliminated to meet the lot area and lot width requirements.
- If the landscape buffer is placed in a common lot, the lot area of the individual residential lots would be reduced.
- Some of the pie-shaped lots do not measure 55 ft. in width at the proposed front building setback line. If only a 55 ft. minimum width is granted through a PUD, the building line would need to be shifted further back into the lot to the location at which the minimum width is met.

**D. SITE ACCESS/STREET IMPROVEMENTS**

- The proposed layout includes a single access on Smith Road, near the middle of the property.
- Along Smith Road, a 7ft. right-of-way dedication is shown to match the existing right-of-way width along the developed portions of Smith Rd. to the east and west.
- A 9 ft. wide asphalt bike path is shown along Smith Road as a continuation of the existing bike path to the east.

**Staff Comments:**

- The street right-of-way width is shown at 50 ft. (which is less than the typical width of 60 to 66 feet). This will require further review to determine if the right-of-way width is adequate.
- The street pavement width is not labelled on the plans, but it appears to be approximately 24 ft. In order to meet fire code requirements and permit on-street parking on one side of the road, the road width must be increased to at least 26 ft. in width.
- Staff has advised the applicant that it would be preferable for the site access to align with the intersection of Pheasant Trail, which would mean shifting the access to the

southwest corner of the site along the common property line with the Petkus Property to the west. An access point in this location would also provide an opportunity for shared access with future development on the Petkus Property. (Alternately, if the access location remains as proposed, an area at the southwest corner of the site could be set aside or dedicated for a future access drive to the Petkus property, so that the Petkus property access point would align with Pheasant Trail.)

- A traffic study will be required which analyzes the location of the access, estimated trip generation and whether any improvements are required.

#### E. UTILITIES

If formal applications are filed following conclusion of the Concept Plan review, preliminary engineering plans with utility plans will need to be provided for review.

*Staff Comments:*

- The City's utility systems are located near the property, to the south of Smith Road.
- Water main will likely need to be looped through the development in some manner. A water modeling study will need to be conducted to determine if the fire flow within the development is adequate to meet code.
- The sanitary sewer in this area is tributary to a lift station to the south. The sanitary sewers and lift station will need to be analyzed to determine if there is adequate capacity for additional flow from this development.
- There may be opportunities for the Petkus property owner to participate in extending utilities to the subject site.

#### F. INCLUSIONARY HOUSING

The City's Inclusionary Housing Ordinance, Title 19 of the City Code, requires construction of, or fee in-lieu for, affordable units as a percentage of any new residential development. The Inclusionary Housing worksheet submitted by the applicant proposes payment of a fee in-lieu of providing affordable units.

#### G. SCHOOL AND PARK DISTRICT

The Concept Plan and Land-Cash Worksheets submitted by the applicant have been forwarded to St. Charles School District #303 and the St. Charles Park District for review and comment. Full cash contributions are proposed for both.

The property is not currently located within a Park District. However, the adjacent residential development within the City of St. Charles is within the St. Charles Park District boundary. The City has requested the Park District provide feedback as to whether they would be interested in annexing this property into the district.

## V. APPROVAL PROCESS

If the applicant chooses to move forward with the proposed development at the conclusion of the Concept Plan process, the following would need to be approved in order to permit the development as proposed in the Concept Plan:

1. Annexation: To annex the property into the City of St. Charles.
2. Map Amendment: To rezone the property from RE-1 (automatic zoning of newly annexed property) to RS-4.
3. Special Use for PUD: To establish a PUD ordinance with unique zoning standards to accommodate the proposal.
4. PUD Preliminary Plan: To approve preliminary site, architectural, landscape and engineering plans for the physical development of the property.
5. Preliminary & Final Plat of Subdivision: To divide the property into individual lots.

## VI. SUGGESTED ACTION

Review the Concept Plan and provide comments to the applicant. Staff recommends the Commission provide feedback on the following:

- ✓ Land Use: Single-family residential land use
- ✓ Zoning:
  - a. RS-4 District Designation
  - b. Use of a Planned Unit Development (PUD) vs. eliminating any zoning deviations.

Would a PUD advance one or more of the purposes of the PUD procedure:

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*

- ✓ Site Layout:
  - a. Landscape buffer: Should the bufferyard be on a common lot or maintained by an association? Is a reduced rear yard setback adjacent to the landscape buffer appropriate?
  - b. Access: Should the access point be shifted to the west property line for shared access to the Petkus property? (Alternately, should right-of-way be provided to allow for a future access to the Petkus property that aligns with Pheasant Trail?)

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

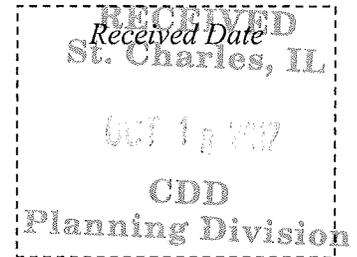


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

**CONCEPT PLAN APPLICATION**

<b>CITYVIEW</b>	
Project Name:	<u>Smith Road Estates</u>
Project Number:	<u>2017 -PR- 015</u>
Application Number:	<u>2017 -AP- 039</u>



*To request review of a Concept Plan for a property, complete this application and submit it with all required attachments to the Planning Division.*

*When the application is complete and has been reviewed by City staff, we will schedule a Plan Commission review, as well as a review by the Planning and Development Committee of the City Council. While these are not formal public hearings, property owners within 250 ft. of the property are invited to attend and offer comments.*

*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.*

<b>1. Property Information:</b>	Location: 32 W 510 Smith Road	
	Parcel Number (s): 01-30-100-002 01-30-100-003 01-30-100-004	
	Proposed Project Name: Smith Road Estates	
<b>2. Applicant Information:</b>	Name V&M Investment and Remodeling Group, LLC	Phone 630-674-7103
	Address 0N632 Gables Blvd. Wheaton, IL 60187	Fax
		Email chbvito@comcast.net
<b>3. Record Owner Information:</b>	Name Same as Applicant	Phone
	Address	Fax
		Email

**Please check the type of application:**

- PUD Concept Plan:** Proposed Name: Uma Prarie Estates
- Subdivision Concept Plan** Proposed Name: \_\_\_\_\_
- Other Concept Plan** \_\_\_\_\_

**Zoning and Use Information:**

Current zoning of the property: R-4 DuPage County

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

Current use of the property: Vacant

Proposed zoning of the property: RS-4 PUD?

Proposed use of the property: Single Family

Comprehensive Plan Designation: Single Family Attached Residential

**Attachment Checklist**

**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	<input checked="" type="checkbox"/> \$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.

**AERIAL PHOTOGRAPH:**

Aerial photograph of the site and surrounding property at a scale of not less than 1"=400', preferably at the same scale as the concept plan.

**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. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

**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.

**Concept Plans shall show:**

1. Existing Features:

- Name of project, north arrow, scale, date
- Boundaries of property with approximate dimensions and acreage
- Existing streets on and adjacent to the tract
- Natural features including topography, high and low points, wooded areas, wetlands, other vegetative cover, streams, and drainage ways.
- General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development.

2. Proposed Features:

- Name of project, north arrow, scale, date
- Boundaries of property with approximate dimensions and acreage
- Site plan showing proposed buildings, pedestrian and vehicular circulation, proposed overall land use pattern, open space, parking, and other major features.
- Architectural elevations showing building design, color and materials (if available)
- General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development



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

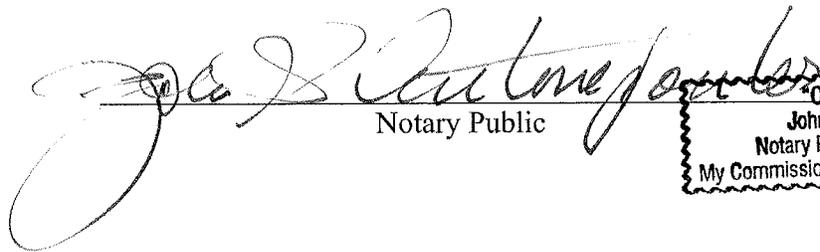
STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

I, Vito Miulli, being first duly sworn on oath depose and say that I am  
Manager of V&M Investment and Remodeling Group, LLC, an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

<u>Vito Miulli</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: , Manager

Subscribed and Sworn before me this 17 day of  
October, 20 17.

  
Notary Public

OFFICIAL SEAL  
John P. Antonopoulos  
Notary Public, State of Illinois  
My Commission Expires December 4, 2017



**ANTONOPOULOS & VIRTEL, P.C.**  
ATTORNEYS AT LAW

---

JOHN P. ANTONOPOULOS  
[john@avlawoffice.net](mailto:john@avlawoffice.net)

LEE T. VIRTEL  
[lee@avlawoffice.net](mailto:lee@avlawoffice.net)

COURTYARD PROFESSIONAL BUILDING  
15419 127TH STREET - SUITE 100  
LEMONT, ILLINOIS 60439  
TEL: (630) 257-5816  
FAX: (630) 257-8619

October 25, 2017

Sent Via Email: [ejohnson@stcharlesil.gov](mailto:ejohnson@stcharlesil.gov)

Ellen Johnson  
City of St. Charles  
Two East Main Street  
St. Charles, IL 60174-1984

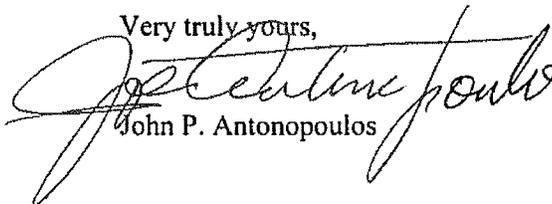
Re: Uma Prairie Estates

Dear Ms. Johnson:

This letter is in response to your comments regarding the departures from the zoning ordinance. As you know, Ordinance 2014-M-31 imposes a landscape buffer as set forth in Exhibit E of the Intergovernmental Boundary Line Agreement with West Chicago. The buffers restrict a significant amount of the property and restricts the developer from installing public improvements necessitating an adjustment to the traditional subdivision layout. Another reason is the imposition of sewer and water extensions and significant impact fees which are required to be spread over a limited number of lots. We've intentionally elected to develop a single-family subdivision that will cater to empty nesters who are seeking more conservative lot and home sizes.

Exhibit D to the Boundary Line Agreement further permits a variety of different uses that are more intrusive and intensive than a single-family subdivision that we are proposing. As a result of these unique factors we are requesting that the city consider the development as proposed.

Very truly yours,



John P. Antonopoulos

JPA/lp

cc: Vito Miulli ([chbvito@comcast.net](mailto:chbvito@comcast.net))  
Cole Helfrich ([helfrichc@crk-eng.com](mailto:helfrichc@crk-eng.com))

## RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Uma Prarie Estates

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District: RS-4	Ordinance #:	
Minimum Lot Area	6,600		6,380
Minimum Lot Width	60'		55'
Maximum Building Coverage	30%		22.61%
Maximum Building Height	34'		26.5'
Minimum Front Yard	20'		30'
Interior Side Yard	14 combined		7' + 7'
Exterior Side Yard	15'		20'
Minimum Rear Yard	30'		20'
% Overall Landscape Area	-		-
Building Foundation Landscaping	-		-
% Interior Parking Lot Landscape	-		-
Landscape Buffer Yards <sup>1</sup>	30' per I.G.A.		30'
# of Parking spaces	-		-

<sup>1</sup> 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.

# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development	_____
Date Submitted:	_____
Prepared by:	_____



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom	16	DU x 2.899	= 46.384
➤ 4 Bedroom		DU x 3.764	=
➤ 5 Bedroom		DU x 3.770	=
<b>Attached Single Family</b>			
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom		DU x 1.990	=
➤ 3 Bedroom		DU x 2.392	=
➤ 4 Bedroom		DU x 3.145	=
<b>Apartments</b>			
➤ Efficiency		DU x 1.294	=
➤ 1 Bedroom		DU x 1.758	=
➤ 2 Bedroom		DU x 1.914	=
➤ 3 Bedroom		DU x 3.053	=

<b>Totals</b>	<u>16</u>		<u>46.384</u>
	Total Dwelling Units		Estimated Total Population

## Park Site Requirements

Estimated Total Population 46.384 x .010 Acres per capita = 0.46384 Acres

## Cash in lieu of requirements -

Total Site Acres 0.46384 x \$240,500 (Fair Market Value per Improved Land) = \$ 111,553.52

# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development	_____
Date Submitted:	_____
Prepared by:	_____



## 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)	
<b>Detached Single Family</b>							
➤ 3 Bedroom	16	DU x .369	= 5.904	DU x .173	= 2.768	DU x .184	= 2.944
➤ 4 Bedroom		DU x .530	=	DU x .298	=	DU x .360	=
➤ 5 Bedroom		DU x .345	=	DU x .248	=	DU x .300	=
<b>Attached Single Family</b>							
➤ 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	=
<b>Apartments</b>							
➤ Efficiency		DU x .000	=	DU x .000	=	DU x .000	=
➤ 1 Bedroom		DU x .002	=	DU x .001	=	DU x .001	=
➤ 2 Bedroom		DU x .086	=	DU x .042	=	DU x .046	=
➤ 3 Bedroom		DU x .234	=	DU x .123	=	DU x .118	=

Totals                      16 TDU                      5.904 TE                      2.768 TM                      2.944 TH

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	5.904	x .025	= 0.1476
Middle (TM)	2.768	x .0389	= 0.1076752
High (TH)	2.944	x .072	= 0.211968

Total Site Acres                      0.4672432

## Cash in lieu of requirements -

0.4672432 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 112,371.99

# INCLUSIONARY HOUSING WORKSHEET



Name of Development	_____
Date Submitted:	_____
Prepared by:	_____

Use this worksheet to determine the affordable unit requirement for the proposed development and to propose how the development will meet the Inclusionary Housing requirements of Title 19.

## Calculate the number of affordable units required:

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	16	X	10%	=	1.6

## How will the Inclusionary Housing requirement be met?

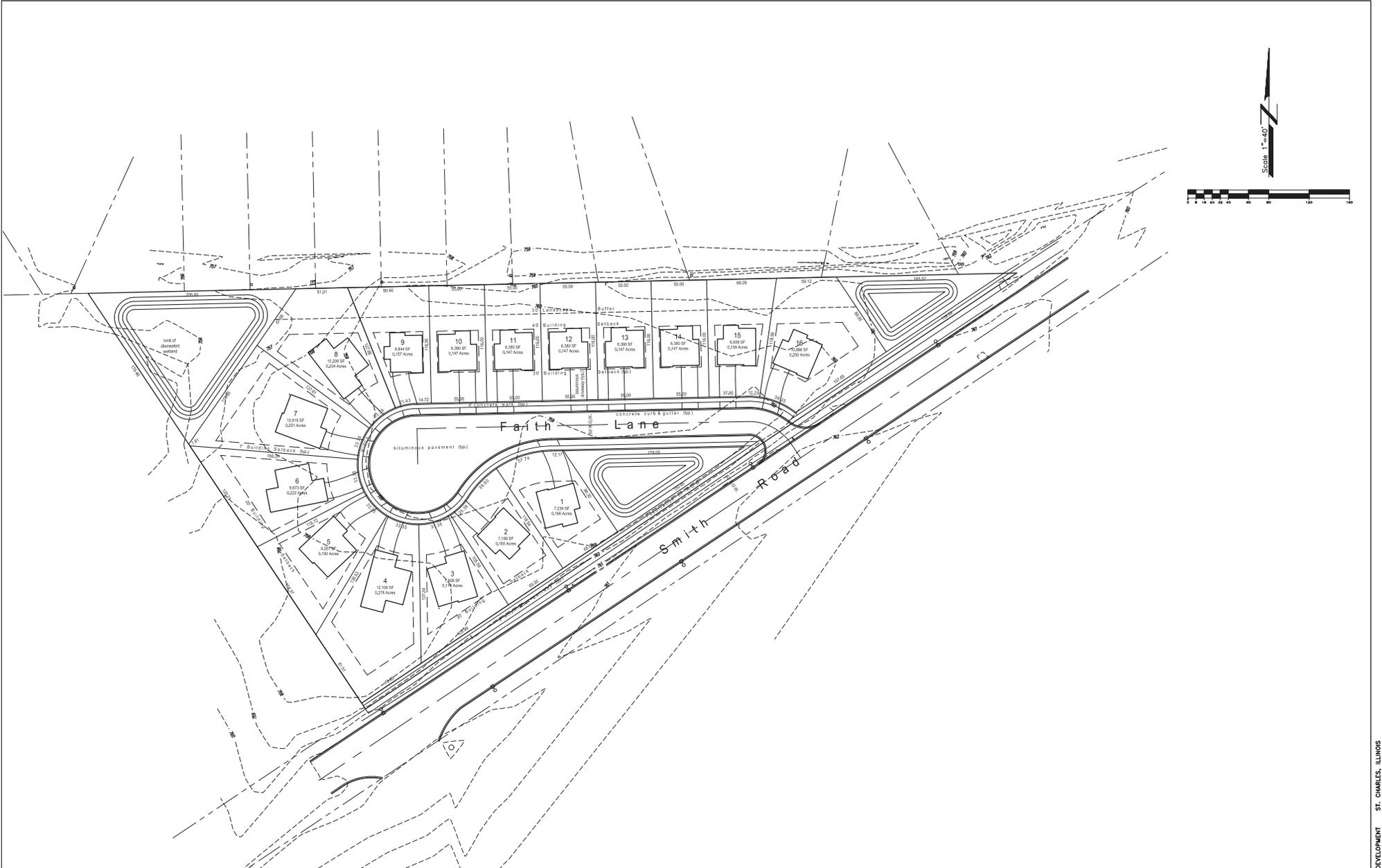
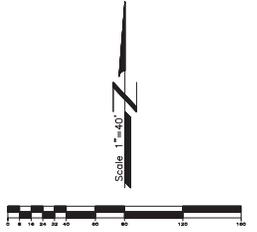
- Provide on-site affordable units
- Pay a fee in-lieu of providing affordable units (calculate fee in-lieu below)
- Provide a mixture of affordable units and fee in-lieu
  - o # of affordable units to be provided: \_\_\_\_\_
  - o Amount of fee in-lieu to be paid (calculate below): \_\_\_\_\_

### Fee In-Lieu Payment Calculation – Single-family/Duplex/Townhome Development

# 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
1.6	1.6	X	\$72,819.50	=	\$116,511.20

### Fee In-Lieu Payment Calculation – Multi-Family Development

# 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
		X	\$5,000	=	



REVISIONS					
NO.	DATE	DESCRIPTION	NO.	DATE	DESCRIPTION

**Uma Prairie Estates  
Concept Plan**

**RESIDENTIAL DEVELOPMENT  
SMITH ROAD  
ST. CHARLES, ILLINOIS**

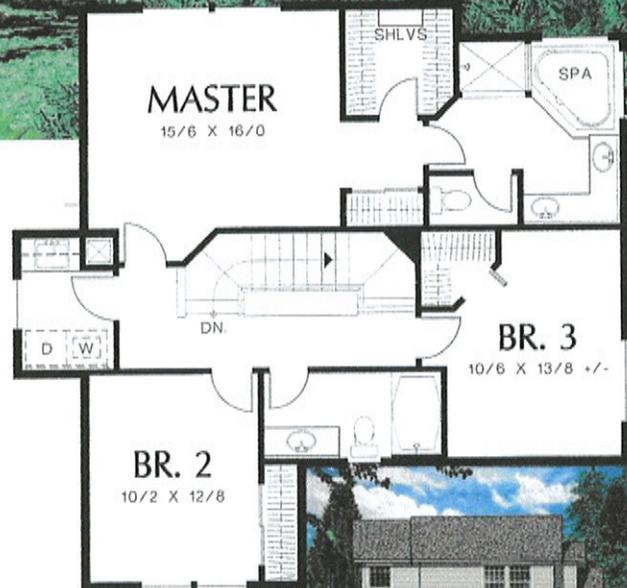
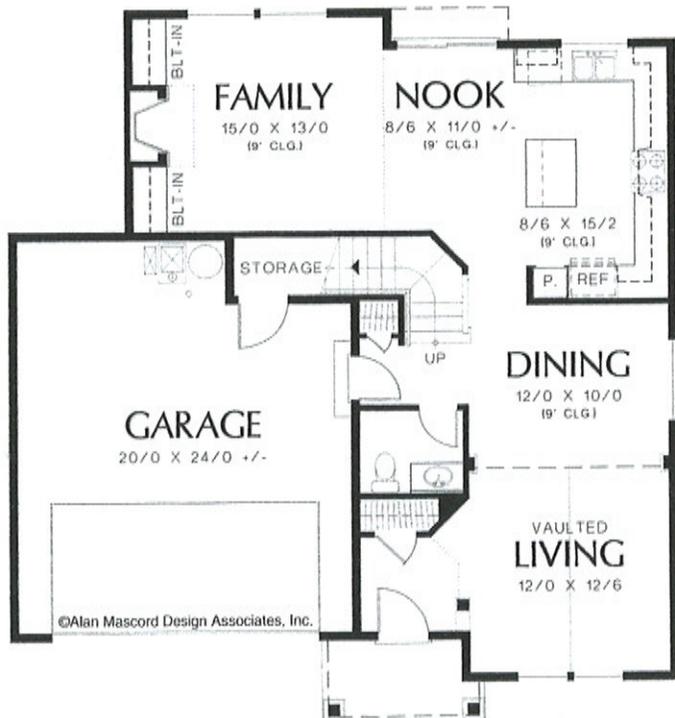
**Craig R. Knoche & Associates** • Civil Engineers  
**Civil Engineers, P.C.** • Surveyors  
 • Land Planners  
 1151 Commerce Drive • Geneva, IL 60134 • phone (630) 449-0270 • fax (630) 449-0275

DATE:	10/12/17
FILE:	17-034 CP
JOB NO.:	17-034
SHEET NO.:	



*Mascord*  
ALAN MASCORD DESIGN ASSOCIATES, INC.

The Connolly  
21101



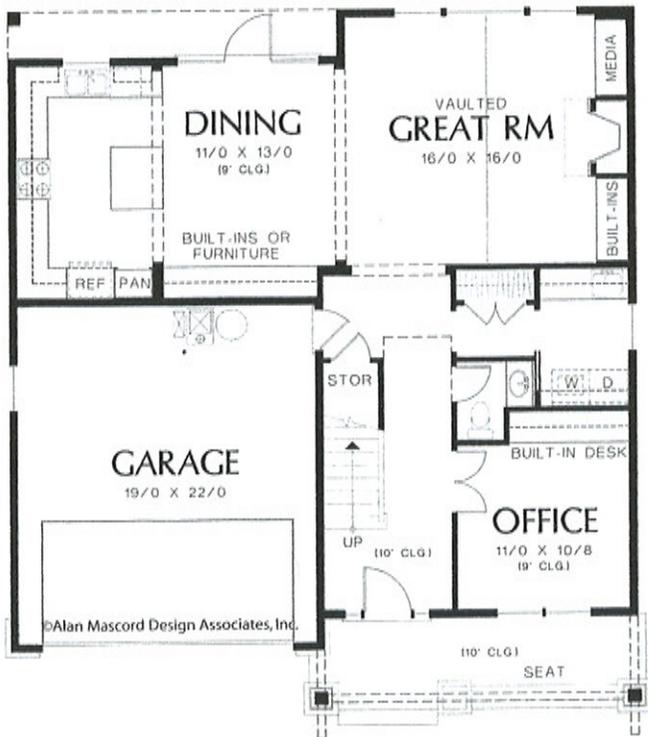
Upper Floor	988 Sq. Ft
Main Floor	970 Sq. Ft
<b>Total Area</b>	<b>1958 Sq. Ft</b>

<b>Width</b>	<b>Depth</b>
40'-0"	43'-0"

**Height** (Main Flr to Peak): 25'-6"  
(to Midpt of Roof): 21'-9"



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Upper Floor	885 Sq. Ft
Main Floor	1117 Sq. Ft
<b>Total Area</b>	<b>2002 Sq. Ft</b>

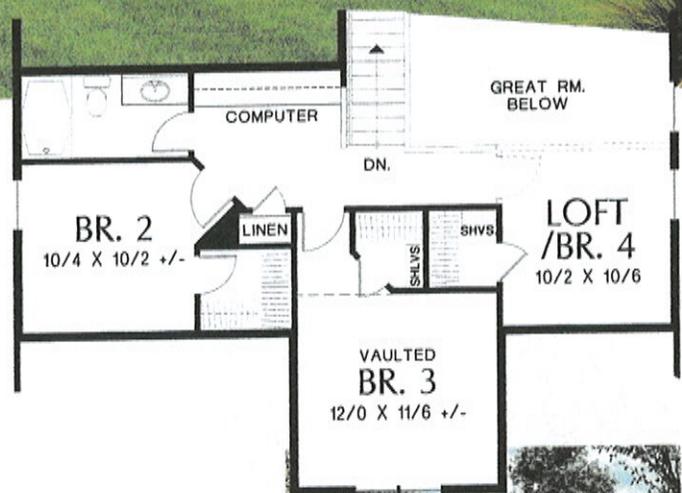
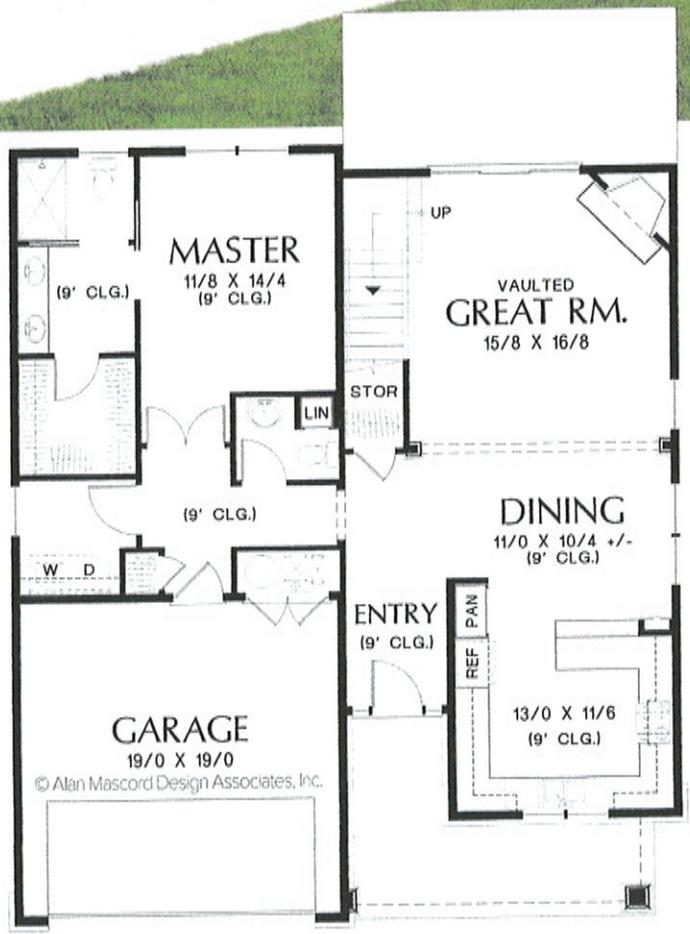
<b>Width</b>	<b>Depth</b>
40'-0"	45'-0"

<b>Height</b>	(Main Flr to Peak): 24'-1"
	(to Midpt of Roof): 20'-9"



*Mascord*  
 DESIGN ASSOCIATES, INC.

The Scappoose  
**2185AB**



Upper Floor	681 Sq. Ft
Main Floor	1305 Sq. Ft
<b>Total Area</b>	<b>1986 Sq. Ft</b>
<b>Width</b>	<b>Depth</b>
40'-0"	47'-0"
<b>Height</b> (Main Flr to Peak): 26'-5"	



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# HILLSBOROUGH PLACE

Plan #M08-007D-0178

## AFFORDABLE FOUR BEDROOM RANCH

1,203 total square feet of living area

Width: 42'-0" Depth: 48'-8"

4 bedrooms, 2 1/2 baths

2-car garage

Basement foundation, drawings also include slab and crawl space foundations

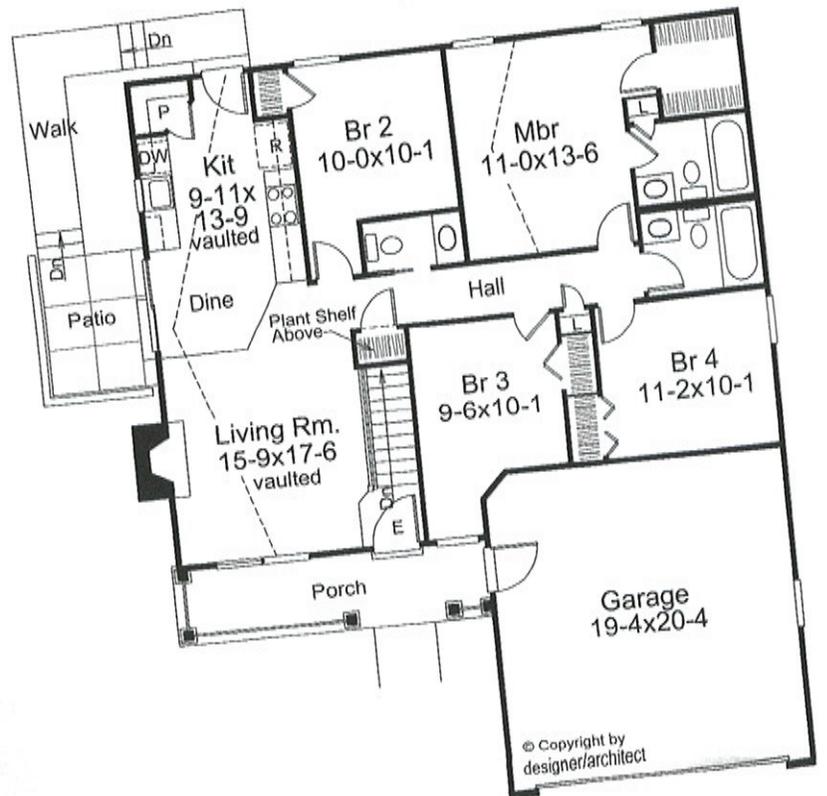
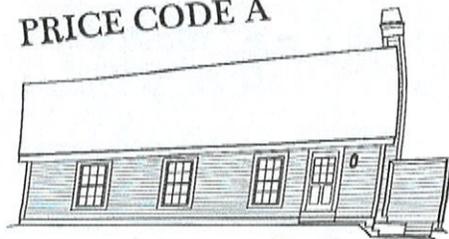
### SPECIAL FEATURES

The vaulted living room has a fireplace, and a dining area with patio views

The kitchen has an abundance of cabinet storage, a walk-in pantry, and access to the rear yard

The vaulted master bedroom has a private bath with linen storage and a walk-in closet

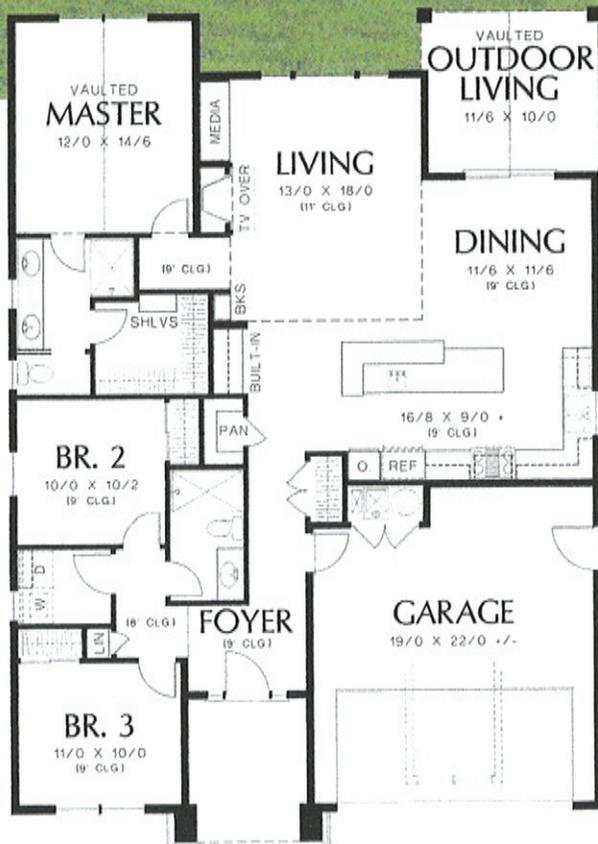
### PRICE CODE A





*Mascord*  
ALAN MASCORD DESIGN ASSOCIATES, INC.

*The Espresso*  
**1168ES**



**Total Area** 1529 Sq. Ft

**Width** 40'-0" **Depth** 57'-0"

**Height** (Main Flr to Peak): 23'-5"  
(to Midpt of Roof): 15'-11"

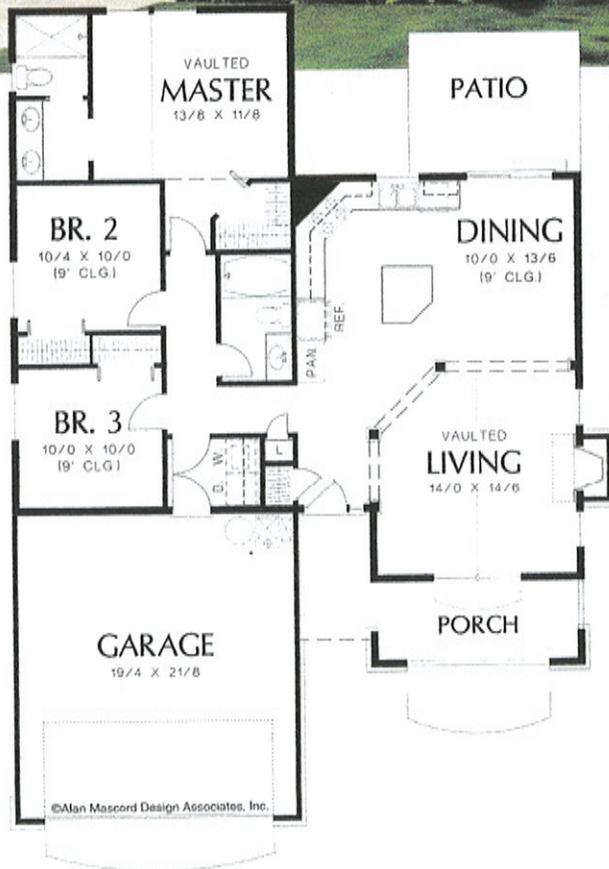


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*Mascord*  
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The Cypress  
**1111AC**



**Total Area** 1275 Sq. Ft

**Width** 40'-0"  
**Depth** 58'-0"

**Height** (Main Flr to Peak): 25'-0"  
(to Midpt of Roof): 17'-0"



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**2014K061139**

**SANDY WEGMAN  
RECORDER - KANE COUNTY, IL  
RECORDED: 12/4/2014 3:20 PM  
REC FEE: 63.00  
PAGES: 20**

**AN INTERGOVERNMENTAL AGREEMENT PROVIDING FOR  
A JURISDICTIONAL BOUNDARY LINE, SEWER AND WATER  
SERVICES AND STREET IMPROVEMENTS**

**City of West Chicago and City of St. Charles, Illinois**

**THIS INTERGOVERNMENTAL AGREEMENT** (the "Agreement"), is made and entered into this 17 day of November, 2014, by and between the CITY OF WEST CHICAGO, DuPage County, Illinois ("West Chicago") and the CITY OF ST. CHARLES, DuPage and Kane Counties, Illinois ("St. Charles"),

**WITNESSETH:**

**WHEREAS**, West Chicago and St. Charles are "units of local government" as defined by Article VII, Section 1, of the Constitution of the State of Illinois of 1970, and are "home rule units" as defined by Article VII, Section 6, of the Constitution of the State of Illinois of 1970; and,

**WHEREAS**, units of local government are enabled by Article VII, Section 10, of the Constitution of the State of Illinois of 1970 to enter into agreements among themselves to obtain or share services and to exercise, combine or transfer any power or function in any manner not prohibited by law or ordinance; and,

**WHEREAS**, the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1, *et seq.*), authorizes municipalities to exercise jointly with any public agency of the State, including other units of local government, any power, privilege, or authority which may be exercised by a unit of local government individually, and to enter into contracts for the performance of governmental services, activities and undertakings; and,

**WHEREAS**, 65 ILCS 5/11-12-9 authorizes the corporate authorities of municipalities that have adopted official plans to agree upon boundaries for the exercise of their respective jurisdictions within unincorporated territory that lies within one and one-half miles of the boundaries of such municipalities; and,

**WHEREAS**, unincorporated territory lies within one and one-half miles of the boundaries of West Chicago and St. Charles; and,

**WHEREAS**, West Chicago and St. Charles have adopted official plans making recommendations with respect to the development of that unincorporated territory; and,

**WHEREAS**, West Chicago and St. Charles recognize that the territory lying between their present municipal boundaries is an area in which problems related to land development including open space preservation, flood control, population density, provision of public services and ecological and economic impact and are increasing in number and complexity; and,

**WHEREAS**, West Chicago and St. Charles and their respective citizens are vitally affected by said problems, and efforts to solve them and provide for the public health, safety, welfare and prosperity of the inhabitants of said municipalities will be enhanced by mutual action and intergovernmental cooperation; and,

**WHEREAS**, West Chicago and St. Charles recognize the need and desirability to provide for logical future municipal boundaries and areas of municipal authority between their respective corporate limits in order to plan effectively and efficiently for growth management and potential development between their communities; and,

**WHEREAS**, West Chicago and St. Charles, after due investigation and consideration, have determined to enter into an agreement providing for the establishment of a boundary for

their respective jurisdictions in the unincorporated territory lying between and near their boundaries; and,

**WHEREAS**, West Chicago and St. Charles have determined that the observance of the boundary line in future annexations by either municipality will serve the best interests of both communities; and,

**WHEREAS**, in arriving at this Agreement, West Chicago and St. Charles have given consideration to the natural flow of stormwater drainage and, when practical, have included all of a single tract of land having common ownership within the jurisdiction of only one municipality; and,

**WHEREAS**, public notice of this Agreement has been properly given by West Chicago and St. Charles, as required by law; and

**WHEREAS**, West Chicago and St. Charles have authorized, by ordinance, the execution of this Agreement as an exercise of their intergovernmental cooperation authority under the Constitution of the State of Illinois, and the Intergovernmental Cooperation Act, and their authority to enter into jurisdictional boundary agreements pursuant to 65 ILCS 5/11-12-9; and

**WHEREAS**, West Chicago and St. Charles contemplate that developments may be proposed within either municipality's Territory (as hereinafter defined) which may require sewer and water service from the other municipality and/or for which access to such other municipality's street system may be necessary or appropriate; and,

**WHEREAS**, 65 ILCS 5/11-129-1, *et seq.*, 11-139-2, *et seq.*, 11-141-1, *et seq.*, and 11-149-1, *et seq.* (the "Utility Enabling Statutes"), authorize municipalities to serve the sewer and water utility needs of customers located outside their corporate limits; and,

**WHEREAS**, West Chicago and St. Charles wish to make provision for each municipality to consider requests from the other to serve such customers, without being obligated to do so; and,

**WHEREAS**, 65 ILCS 5/11-61-1, *et seq.* and 11-80-1, *et seq.*, and 605 ILCS 5/7-101 and 7-202, *et seq.* (the “Street Enabling Statutes”), authorize municipalities to establish, construct and improve municipal street systems, including extensions thereof beyond their corporate limits; and,

**WHEREAS**, West Chicago and St. Charles wish to make provision for certain municipal street system improvements which may be necessary or appropriate to serve developments within either municipality’s Territory (as hereinafter defined); and

**WHEREAS**, West Chicago and St. Charles have previously entered into an Intergovernmental Agreement Providing for a Jurisdiction Boundary Line, Sewer and Water Services and Street Improvements, dated January 8, 2001 (the “Existing Agreement”) which the parties desire to repeal simultaneously with the recording of this Agreement.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual promises hereinafter contained, the adequacy and sufficiency of which the parties hereto stipulate, West Chicago and St. Charles agree as follows:

**Section 1. Incorporation of Recitals.** The recitals set forth hereinabove are incorporated herein by reference as substantive provisions of this Agreement.

**Section 2. Jurisdictional Boundary Line.** The boundary line between West Chicago and St. Charles for the purpose of establishing their respective jurisdictions for land use planning, official map purposes, zoning, subdivision control and annexation of unincorporated territory, and other municipal purposes, all as hereinafter provided, shall be as depicted upon the

map attached hereto as Exhibit “A” and made a part hereof and as legally described on Exhibit “B” attached hereto and made a part hereof.

That portion of the unincorporated territory lying easterly of said boundary line shall be within the West Chicago jurisdictional area (“West Chicago Jurisdictional Area”) as shown on Exhibit “A”. The West Chicago Jurisdictional Area, together with all territory located within the corporate limits of West Chicago from time to time, shall be within the West Chicago territory (“West Chicago Territory”). That portion of the unincorporated territory lying westerly of said boundary line shall be within the St. Charles jurisdictional area (“St. Charles Jurisdictional Area”) as shown on Exhibit “A”. The St. Charles Jurisdictional Area, together with all territory located within the corporate limits of St. Charles from time to time, shall be within the St. Charles territory (“St. Charles Territory”).

To the extent that there is any conflict between Exhibit “A” (the map) and Exhibit “B” (the legal description), Exhibit “B” shall control.

**Section 3. Exercise of Authority.** West Chicago agrees that it shall not exercise or attempt to exercise or enforce any comprehensive plan jurisdiction, official map jurisdiction, zoning authority or subdivision control authority within the St. Charles Jurisdictional Area. St. Charles agrees that it shall not exercise or attempt to exercise or enforce any comprehensive plan jurisdiction, official map jurisdiction, zoning authority or subdivision control authority within the West Chicago Jurisdictional Area.

**Section 4. Statutory Zoning Objections.** This Agreement shall not be construed to limit or adversely affect the right of either municipality to file a statutory objection to proposed rezonings within one and one-half (1½) miles of its corporate limits, or to otherwise contest or oppose such rezonings in accordance with applicable law.

**Section 5. Annexation.** Both West Chicago and St. Charles acknowledge that it is not in their respective best interests to engage in disputes with respect to the annexation of territory. The boundary line established pursuant to this Agreement was carefully studied and considered with respect to those matters heretofore set out in the recitals to this Agreement. Therefore, each municipality agrees not to annex any territory which is located in the other municipality's Territory.

West Chicago and St. Charles also agree to take all reasonable and appropriate actions to oppose any involuntary or court-controlled annexation proceedings that propose to annex territory within either municipality's Territory in a manner inconsistent with this Agreement. In addition, West Chicago and St. Charles each hereby agree that it waives any right to challenge or otherwise contest the validity of any annexation the other municipality has effected, is effecting, or will effect in the future for territory located within such other municipality's Territory. West Chicago and St. Charles further agree not to solicit or otherwise make any requests, formal or informal, to any third party for that third party to encourage the disconnection from the other municipality of land within the other municipality's Territory or to challenge the validity of the other municipality's past, current, or future annexations within such other municipality's Territory.

That portion of the boundary line depicted on Exhibit "A" that is located on a roadway shall be deemed, except as otherwise provided herein, to be located on the center line of such roadway if the roadway is not located within the corporate limits of either municipality as of the date of this Agreement. For territory that has been annexed by either municipality prior to the date of this Agreement, the roadway shall be deemed to be located within the municipality to which the roadway has been annexed either by ordinance or by operation of state law (65 ILCS

5/7-1-1). For unincorporated territory that is located on either side of the boundary line and that will be annexed to the designated municipality in the future, the roadway shall be deemed to be located within the municipality that first annexes its respective territory adjacent to the roadway. The boundary line set by this Agreement shall then be deemed to have been amended accordingly without further action by either municipality. The parties hereby acknowledge that the portion of the boundary line proceeding along Tower Road is located on the north side of said roadway and that Tower Road is located within West Chicago's Territory.

**Section 6. Utilities.** In the event that any territory within West Chicago's Territory lies within St. Charles' Facilities Planning Area ("FPA") established pursuant to the Clean Water Act (33 U.S.C. 1251, *et seq.*) and the Illinois Environmental Protection Act (415 ILCS 5/1, *et seq.*), and West Chicago files a petition with the Illinois Environmental Protection Agency ("EPA") to transfer such territory to West Chicago's FPA, St. Charles agrees that it shall enter its consent to such transfer in connection with such petition. In the event that any territory within St. Charles' Territory lies within West Chicago's FPA, and St. Charles files a petition with the Illinois Environmental Protection Agency to transfer such territory to St. Charles' FPA, West Chicago agrees to enter its consent to such transfer in connection with such petition.

Either municipality may request the other to provide sewer and/or water service to specific parcels of land located within the requesting municipality's Territory. Any such request shall provide a legal description of the property with respect to which the request is being made together with such reasonable additional information as may be necessary or convenient to assist the municipality to which the request is directed in evaluating such request. In addition, the municipality making the request shall identify which of the Utility Enabling Statutes it wishes to utilize in order to implement the request.

Either municipality receiving such a request may, in its sole and exclusive discretion, decide to grant or deny the request or suggest modifications to the request as it might deem appropriate. Either municipality receiving such a request shall only be obligated to review it. The decision to grant or deny the request, with or without reason, shall be solely and exclusively within the discretion of the municipality that received the request. A refusal to honor any request(s) for utility service made pursuant to this Agreement shall not constitute a breach of this Agreement and shall not thereby excuse the performance of the terms hereof by either municipality or otherwise give rise to any cause of action or other relief in consideration thereof.

The municipality receiving a request for utility service under the provisions of this Section 6 may agree to provide such services on the terms proposed by the requesting municipality or such other terms as the municipality receiving the request may deem acceptable. Without limiting the generality of the foregoing, the receiving municipality may offer to provide the requested services under the authority of a statute other than the one specified in the request.

In each such case where such utility services are to be provided, the municipalities shall enter into an agreement under the authority of either: (a) the specified Utility Enabling Statutes, (b) an alternative statute that provides such authority, or (c) the constitutional and statutory provisions related to intergovernmental cooperation. Each such agreement shall make provision for the design and construction of the requested improvements, the allocation of the costs of construction, connection charges or other such charges and rates to be charged for the services to be provided, the provisions of easements or rights-of-way, maintenance responsibilities and such other matters as are normal, customary or beneficial to such agreements. In the event that such utility services would require an amendment to the serving municipality's FPA, such agreement shall also make provision for the filing and processing of the necessary petition for such

amendment. No obligation to provide such services shall be enforceable unless and until a mutually satisfactory agreement making provision for such service shall first have been duly authorized and executed by both of the municipalities.

**Section 7. Roadway Improvements.** Pursuant to the Street Enabling Statutes and the constitutional and statutory provisions related to intergovernmental cooperation, West Chicago and St. Charles agree that this Section 7 shall apply to the street improvements detailed herein, irrespective of any other provision of this Agreement.

(a) Division Street: If Division Street is extended east of Kirk Road, unless otherwise agreed by the parties, such extension shall be constructed to meet or exceed the industrial collector street standards set forth in Title 12 and Title 16 of the St. Charles Municipal Code. West Chicago shall have no responsibility, financial or otherwise, for the extension of Division Street.

(b) Kautz Road: Simultaneously with the execution of this Agreement, the parties shall enter into a separate intergovernmental agreement providing that St. Charles shall have sole responsibility for maintenance, repair and reconstruction of that portion of Kautz Road from Division Street (extended) north to Illinois Route 64/East Main Street. St. Charles shall have sole authority to determine access points to and from said portion of Kautz Road, and sole responsibility for traffic enforcement and control in accordance with said intergovernmental agreement.

(c) Connection between Smith Road and Foxfield Drive: The parties acknowledge that an Amended Consent Decree, filed on July 8, 2009 with the Clerk of the Circuit Court, Kane County, Illinois, in regard to Case No. 07 ED 07 (the "Consent Decree"), governs the construction of a roadway (the "Roadway") that will connect Smith Road and Foxfield Drive. The Consent Decree requires the defendant property owner and its successors and assigns (the "Owner") to construct the roadway, but also provides that St. Charles, under certain circumstances, has the right to construct the roadway and obtain reimbursement from the Owner for the costs thereof, including interest.

If St. Charles elects to construct the Roadway, St. Charles shall provide 180 days written notice to West Chicago and St. Charles and West Chicago agree to share equally in the cost of engineering, design, and construction of the Roadway. St. Charles shall be responsible for the preparation of all plans and awarding a construction contract for the project. West Chicago shall reimburse St. Charles for its proportionate share of any and all costs within sixty (60) days of receipt of an invoice(s) therefore, along with such other documentation as shall be reasonably necessary to substantiate the costs. If and when St. Charles receives reimbursement from the Owner for such costs, St. Charles shall pay fifty percent (50%) of such amount over to West Chicago, provided that West Chicago has previously reimbursed St. Charles as required herein.

**Section 8. DuPage Airport Authority Property.** West Chicago represents and St. Charles acknowledges that all of the property owned by the DuPage Airport Authority (the “Authority”) is located within the corporate limits of West Chicago. There presently exists an Intergovernmental Agreement between the City of West Chicago and the DuPage Airport Authority dated March 22, 2001, plus three (3) subsequent amendments thereto approved by the City of West Chicago on December 17, 2001, August 15, 2005 and October 17, 2011 (collectively, the “Airport Agreement”). The Airport Agreement is attached as Exhibit “C” which is, by this reference, incorporated herein. The Airport Agreement requires, inter alia, the Authority to annex to West Chicago any newly acquired property that is contiguous to the corporate limits of West Chicago.

If the Authority acquires unincorporated land within the St. Charles Jurisdictional Area that is contiguous to West Chicago, upon the request of West Chicago, St. Charles agrees to modify the boundary line established pursuant to this Agreement, so as to transfer the Authority owned property from the St. Charles Jurisdictional Area to the West Chicago Jurisdictional Area. St Charles further agrees that it will not voluntarily annex and will not cooperate in any judicially sanctioned or owner initiated effort to annex such parcel(s) into its corporate limits.

**Section 9. Comprehensive Plan.**

With respect to St. Charles Territory parcels designated as parcels “A”, “B”, “C”, “D” and “E” identified on Exhibit “A”, or any part thereof, St. Charles shall give thirty (30) days written notice to West Chicago prior to approval of any action, including an amendment to the St. Charles Zoning Ordinance, an annexation agreement or amendment thereto and an amendment to the St. Charles official comprehensive plan, which commits St. Charles to a land use which substantially deviates from the St. Charles official Comprehensive Plan, or which

pertains to any parcel for which no land use designation is shown in the St. Charles official Comprehensive Plan.

Failure of St. Charles to notify West Chicago as provided for in this section shall not invalidate any action of St. Charles regarding planning, annexation, or zoning of land within its Territory, and shall not invalidate the provisions of this Agreement.

**Section 10. Development of Certain Parcels.** Development of parcels “A”, “B”, “C”, “D” and “E” identified on Exhibit “A” shall be subject to the following provisions:

(a) To the extent permitted by law, St. Charles shall impose the following use and density restrictions:

- (i) Residential uses, subject to the density restrictions set forth herein, and/or office-research uses, which shall mean the uses listed on Exhibit “D” attached hereto and incorporated herein, as such terms are further defined in the St. Charles Zoning Ordinance.
- (ii) For the portion of the parcels located within 300 feet (300’) of the southern border of the Cornerstone Lakes Subdivision, residential density shall not exceed 7.5 units/acre and the maximum building height shall be the lesser of 35 feet (35’) or three (3) stories. An assisted living facility shall not be subject to the density restriction set forth in this subsection.
- (iii) In addition to any setbacks required by the St. Charles Zoning Ordinance, St. Charles will require a thirty foot (30’) landscape buffer along the property line adjoining the single-family residential homes located on Lehman Drive and Barnhart Street so as to reduce the impact of development on the existing homes. The landscaping requirements within the buffer shall be the same as required by the current St. Charles Zoning Ordinance requirement for landscape buffers, attached hereto and incorporated herein as Exhibit “E”. The landscape buffer shall not be combined with a required yard or setback requirement, but, rather, shall be in addition thereto.

(b) To the extent permitted by law, St. Charles shall impose the following stormwater restrictions:

- (i) As part of the development approval process, St. Charles shall require compliance with all applicable stormwater, wetland, floodway and/or floodplain regulations. St. Charles shall utilize either the regulations of DuPage County or Kane County, whichever are the most restrictive at the time of development.

- (ii) Stormwater runoff shall be restricted to a maximum of 0.1 cfs/development acre up to and including the 100-year event.
- (iii) All off-site bypass flow shall be designed to be channeled through any on-site detention or retention basin(s) and discharged at a location that will not adversely impact adjacent properties.
- (iv) West Chicago shall be allowed to review all engineering plans, calculations, specifications and reports for any proposed development prior to the issuance of any permit by St. Charles.

**Section 11. General Implementation.** The parties hereto agree to cooperate to the fullest extent possible and take all steps reasonably practicable, to achieve any appropriate modification of the postal service boundary, the Chicago Metropolitan Agency for Planning and Illinois EPA Facilities Planning Area, and the Emergency 911 telephone service area, to conform to the boundary defined under this Agreement.

**Section 12. Binding Effect.** This Agreement shall be binding upon and shall apply only to the legal relationship between West Chicago and St. Charles. Nothing herein shall be used or construed to affect, support, bind or invalidate any claims of either West Chicago and/or St. Charles insofar as such claims shall affect any entity which is not a party to this Agreement.

**Section 13. Amendment.** Neither West Chicago nor St. Charles shall directly or indirectly seek any modification of this Agreement through court action and this Agreement shall remain in full force and effect until amended or changed in writing by the mutual agreement of both West Chicago and St. Charles.

**Section 14. Partial Invalidity.** If any provision of this Agreement shall be declared invalid for any reason, such invalidation shall not affect other provisions of this Agreement which can be given effect without the invalid provisions and to this end, the provisions of this Agreement are deemed to be separable.

**Section 15. Notice and Service.** Any notice hereunder from either municipality hereto to the other municipality shall be in writing and shall be served by registered or certified mail, postage prepaid, return receipt requested addressed as follows:

To West Chicago:     City of West Chicago  
                              475 Main Street  
                              West Chicago, IL 60185  
                              Attn: City Administrator

To St. Charles:        City of St. Charles  
                              2 East Main Street  
                              St. Charles, IL 60174  
                              Attn: City Administrator

or to such persons or entities and at such address as either municipality may from time to time designate by notice to the other municipality. Notice shall be deemed received on the third business day following deposit in the U.S. Mail in accordance with this Section.

**Section 16. Term.** This Agreement shall be in full force and effect for a period of twenty (20) years from and after the date hereof. The term of this Agreement may be extended, renewed or revised at the end of this initial term or any extended term thereof by further agreement of West Chicago and St. Charles.

**Section 17. Illinois Law.** This Agreement shall be construed in accordance with the laws of the State of Illinois.

**Section 18. Execution of Agreement; Recordation.** Each municipality shall authorize the execution of this Agreement by an ordinance duly passed and approved. Certified copies of such ordinances and of this Agreement shall be recorded with the Recorder of Deeds for DuPage County and the Recorder of Deeds for Kane County and shall be made available in the office of the City Clerk of each of the municipalities.

**Section 19. Repeal of Existing Agreement.** Upon the execution of this Agreement by both parties and the recording of this Agreement with the Recorder of Deeds for DuPage County and the Recorder of Deeds for Kane County, the Existing Agreement shall be deemed repealed and shall be of no further force or effect.

[SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals on the date first above written.

CITY OF WEST CHICAGO, an Illinois municipal corporation

By: [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

CITY OF ST. CHARLES, an Illinois municipal corporation

By: [Signature]  
Mayor

ATTEST:

[Signature]  
City Clerk

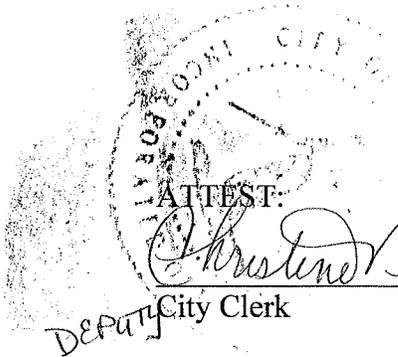
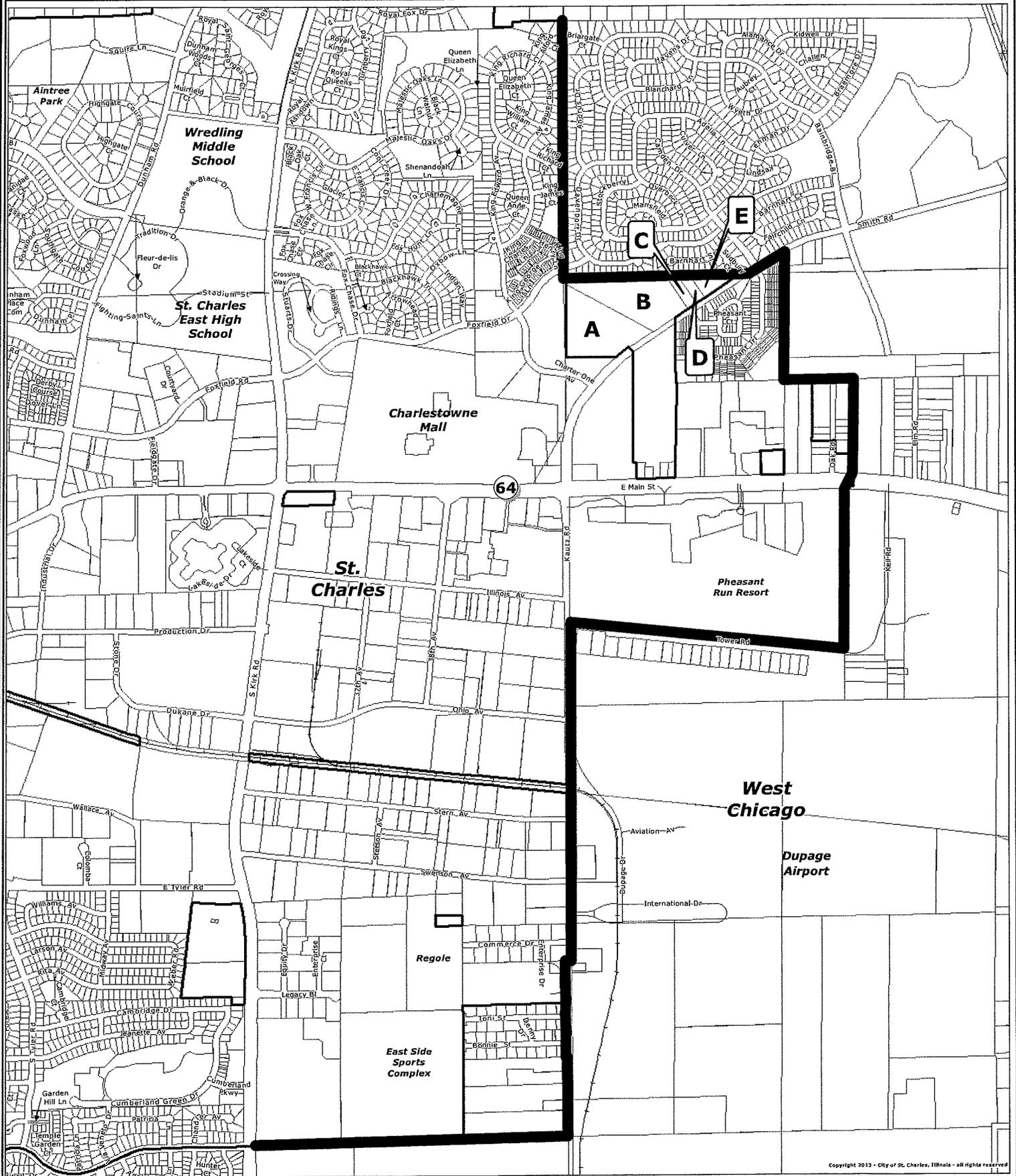


EXHIBIT "A"

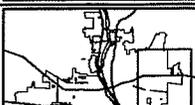
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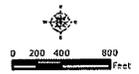
# West Chicago Boundary Agreement



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West Chicago Boundary Agreement



St. Charles Municipal Boundary



Parcels

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## EXHIBIT "B"

### LEGAL DESCRIPTION

Beginning at the northeast corner of Lot 100 in Kingswood P.U.D., being a subdivision of parts of Section 24 and 25, Township 40 North, Range 8 East of the Third Principal Meridian, Kane County; thence southerly along the east line of said Kingswood P.U.D. and the southerly extension thereof, said line also being the east line of Section 24, Township 40 North, Range 8 East of the Third Principal Meridian, to the southeast corner of said Section 24, said point also being the northwest corner of Lot 1 in Petrauskas' Second Assessment Plat, being a subdivision of part of the Northwest Quarter of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, DuPage County; thence easterly along the north line of said Lot 1 to the northwest corner of Lot 18 in Petrauskas' Second Subdivision, being a subdivision of part of the Northwest Quarter of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, DuPage County; thence easterly along the north line of Lots 18, 17, and 16 in said Petrauskas' Second Subdivision to the northwesterly right-of-way line of Smith Road; thence easterly along the north line of the Northwest Quarter of said Section 30 to the southeasterly right-of-way line of Smith Road; thence northeasterly along said southeasterly right-of-way line to the east line of the Southwest Quarter of Section 19, Township 40 North, Range 9 East of the Third Principal Meridian, said east line also being the east line of Pheasant Run Trails Phase 3, being a subdivision of part of Sections 19 and 30, Township 40 North, Range 9 East of the Third Principal Meridian, DuPage County; thence southerly along the east line of the Southwest Quarter of said Section 19 and the east line of the Northwest Quarter of said Section 30 to the northwest corner of Lot 39 in Wayne Township Supervisor's Assessment Plat 1, being a subdivision of part of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, DuPage County; thence easterly along the north line of said Wayne Township Supervisor's Assessment Plat 1 to the northeast corner of Lot 29 in said subdivision; thence southerly along the east line of Lots 29, 30, 31, 32, and 33 in said Wayne Township Supervisor's Assessment Plat 1 to the northerly right-of-way line of Illinois Route 64; thence southwestwardly to the northwest corner of Lot 25 in Wayne Township Supervisor's Assessment Plat 2, being a subdivision of part of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, DuPage County; thence southerly along the west line of Lots 25, 22, 21, 20, 19, 18, 17, 16, and 15 in said Wayne Township Supervisor's Assessment Plat 2 to the southeast corner of Lot "G" in Pheasant Run Lodge Assessment Plat, being a subdivision of part of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, DuPage County; thence westerly along the south line of said Lot "G" to the easterly right-of-way line of Kautz Road; thence southerly along said easterly right-of-way line of Kautz Road to the south line of Lot 21 in St. Charles Industrial Development Unit 3-B, being a subdivision of part of Section 36, Township 40 North, Range 8 East of the Third Principal Meridian, Kane County, extended easterly; thence westerly along the easterly extension of the south line of Said Lot 21 to the westerly right-of-way line of Kautz Road; thence southerly along the said westerly right-of-way line of Kautz Road to the south line of said Section 36; thence easterly along the said south line of Section 36 to the centerline of Kirk Road for the terminus of said boundary line.

## EXHIBIT "D"

### USES PERMITTED ON PARCELS "A", "B", "C", "D" and "E"

Assisted Living Facility  
Art Gallery/Studio  
Cultural Facility  
Indoor Recreation & Amusement  
Place of Worship  
Bank  
Day Care Center  
Drive-In Facility  
Emergency Medical Center  
Financial Institution  
Hotel/Motel  
Medical/Dental Clinic  
Motor Vehicle Rental  
Office, Business or Professional  
Professional Training Center  
Veterinary Office/Animal Hospital  
College/University  
Hospice  
Hospital  
Nursing Home  
Office, Government  
School, Specialized Instruction  
Research and Development Use  
Accessory Uses  
Communication Antenna  
Communication Tower  
Parking Garage/Structure  
Parking Lot, Private  
Planned Unit Development  
Utility, Local  
Utility, Community/Regional  
Wind Turbine, Structure Mounted  
Wind Turbine, Tower Mounted

## EXHIBIT "E"

### LANDSCAPE BUFFER REQUIREMENTS

#### 17.26.070 Landscape Buffers

- A. The Landscape Plan shall provide for Landscape Buffers to enhance privacy and provide screening between dissimilar uses, wherever the zoning district regulations require a Landscape Buffer Yard. Where Landscape Buffers overlap with other landscape requirements with respect to the same physical area on the lot, the requirement that yields more intensive landscaping shall apply, but the requirements need not be added together.
- B. The Director of Community Development, in the case of Design Review, or the City Council, in the case of a Planned Unit Development, may reduce or waive the requirements of this Section where existing conditions make it impractical to provide the required Landscape Buffer, or where providing the Landscape Buffer would serve no practical purpose. Examples include, but are not limited to, instances where existing topography or structures effectively screen the more intensive use and provide a measure of privacy to the less intensive use.
- C. Within required Landscape Buffers along common property lines, opaque, year-round screening shall be provided by means of berming, landscaping, fencing and/or decorative walls to a height of six feet (6') above the grade of the common property line.
- D. Along right of way lines, where a Landscape Buffer of forty feet or more in width is required, opaque, year-round screening shall be provided by means of berming, landscaping, fencing and/or decorative walls, to a minimum height of six feet (6') above the grade of the right of way line. Such opaque, year-round screening shall be designed so that the first twenty feet (20') of the Landscape Buffer abutting the right of way line is relatively open and consists primarily of landscaping, and the elements of screening that provide opacity are located twenty feet (20') or more from the right of way line. Opaque, year-round screening is not required within Landscape Buffers of less than 40 feet in width along right of way lines.
- E. For each 400 square feet of required Landscape Buffer, there shall be at least one shade tree or two evergreen trees, plus ornamental trees, shrubs, ornamental grasses, or perennials as needed to soften the appearance of solid forms such as fences, walls and berms that may be used to provide a visual screen.
- F. If a new building or outdoor use is added on a lot where other buildings or uses exist, a Landscape Buffer, where required by the district regulations, shall be provided to buffer adjoining lots from the new building or use, but an additional Landscape Buffer beyond that which is required for the new building or use need not be provided to buffer adjoining lots from the existing buildings or uses.

(Ord. 2011-Z-1 § 22.)