



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 4a

Title: Plan Commission recommendation to approve an Amendment to Special Use for PUD to allow an Assisted Living Facility at 2340 Dean Street, former Valley Medical Inn (Valley Ambulatory Surgery Center PUD)

Presenter: Rachel Hitzemann

Meeting: Planning & Development Committee

Date: December 14, 2020

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

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

Marcelo Carlos has submitted a Special Use application requesting to amend the existing Valley Ambulatory Surgery Center PUD to permit an Assisted Living Facility use. The subject property, 2340 Dean Street, located north of the Randallwood office center, was previously the Valley Medical Inn, a post-surgical recovery center connected to the Valley Ambulatory Surgery Center, but had been vacant for several years. The PUD only allows for a surgery center or medical use, but the underlying O-R (Office Research) zoning permits Assisted Living Facilities.

The details of the PUD Amendment are as follows:

- Allow for an Assisted Living Facility use
- No changes to the exterior of the building or site are being proposed

Plan Commission Recommendation

Plan Commission held a public hearing on 11/17/20. The Commission unanimously voted to recommend approval of the Special Use for PUD Amendment.

Attachments *(please list):*

Plan Commission Resolution, Staff Report, Application, Correspondence from neighboring property owner, Valley Ambulatory Surgery Center PUD Ordinance

Recommendation/Suggested Action *(briefly explain):*

Plan Commission recommendation to approve an Amendment to Special Use for PUD to allow an Assisted Living Facility at 2340 Dean Street, former Valley Medical Inn (Valley Ambulatory Surgery Center PUD).

City of St. Charles, Illinois
Plan Commission Resolution No. 19-2020

**A Resolution Recommending Approval of an Application for Special Use to
amend the Valley Ambulatory Surgery Center PUD Ordinance 1996-M-17 &
1997-M-76 to allow an Assisted Living Facility.**
(Marcelo Carlos)

Passed by Plan Commission on November 17, 2020

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for Special Use; and,

WHEREAS, the Plan Commission held a public hearing and reviewed the application for Special Use to amend the Valley Ambulatory PUD Ordinance 1996-M-17 & 1997-M-76 to allow for an Assisted Living Facility use (Marcelo Carlos) and,

WHEREAS, in accordance with Section 17.04.410.D.3, the Plan Commission finds the Special Use for PUD (PUD Amendment) to be in the public interest based on the following criteria for Planned Unit Developments:

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

- 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**

The proposed use advances several of the factors listed in Section 17.04.400.A in that:

- (1) it encourages the harmonious integration of an assisted living facility within a currently

vacant recovery care center; (2) it preserves all existing improvements and infrastructure; and (3) it promotes the economical adaptive re-use of a now obsolete facility.

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

The proposed amendment advances the factors listed in Section 17.04.400.B and supports the requested variances from the original PUD standards in that it preserves all of the existing improvements, infrastructure and other existing attributes of the PUD, while allowing the adaptive re-use of the existing building for an assisted living facility.

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

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

The proposed amendment will serve the public convenience by providing a use that is in demand in replacement of an obsolete use. The underlying OR - Office Research zoning district already allows assisted living facilities a permitted use, and the location of this use adjacent to the Randall Rd. corridor will provide convenience to the facility's residents and visitors.

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

The proposed use is located within an existing PUD already developed with all required utilities, access roads and drainage facilities, and the proposed use will have no adverse impact on the existing infrastructure as it is not increasing the intensity of development within the PUD.

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

The proposed amendment will not be injurious to nearby properties in that it utilizes the existing building and no additional exterior improvements or expansion is planned.

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

The proposed amendment will not impede the normal and orderly development of the surrounding property, and in fact will assist in the full utilization of the existing PUD.

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

The proposed amendment will not be detrimental to, nor will it endanger the public health, safety, comfort or general welfare in that it merely seeks to utilize an existing building for a use that is permitted in the underlying OR- Office/ Research zoning district, but which is not currently a permitted use under the PUD ordinance.

F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all

applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

The proposed amendment conforms to all existing federal, State and local laws and meets or exceeds all applicable provisions of the St. Charles Municipal Code, except as may be varied pursuant to a Special Use or Planned Unit Development. The only departure from existing requirements is (the assisted living facility as a permitted use) is being addressed by this proposed amendment.

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

The proposed amendment will be beneficial to the physical development, diversity, tax base and economic well-being of the City in that it will encourage the adaptive re-use of a currently vacant building and will replace an obsolete use.

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

The proposed amendment conforms to the purposes and intent of the Comprehensive Plan in that it: (1) Promotes orderly growth and change; (2) enhances the economic viability and productivity of the Randall Rd. corridor; and (3) Encourages the adaptive re-use of a functionally obsolete improvement, among others.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use to amend the Valley Ambulatory Surgery Center PUD Ordinance 1996-M-17 & 1996-M- 17 to allow an Assisted Living Facility. (Marcelo Carlos)

Roll Call Vote:

Ayes: Wallace, Becker, Holderfield, Kessler, Melton, Funke, Pretz, Purdy, Vargulich

Nays: Absent: 0

Recused: 0

Motion carried: 9-0

PASSED, this 17th day of November 2020.

Chairman
St. Charles Plan Commission

Community & Economic Development



Staff Report

TO: Chairman Rita Payleitner
And Members of the Planning & Development Committee

FROM: Rachel Hitzemann
Planner

RE: Amendment to Valley Ambulatory Surgery Center PUD to allow Assisted Living Facility

DATE: December 10, 2020

I. APPLICATION INFORMATION:

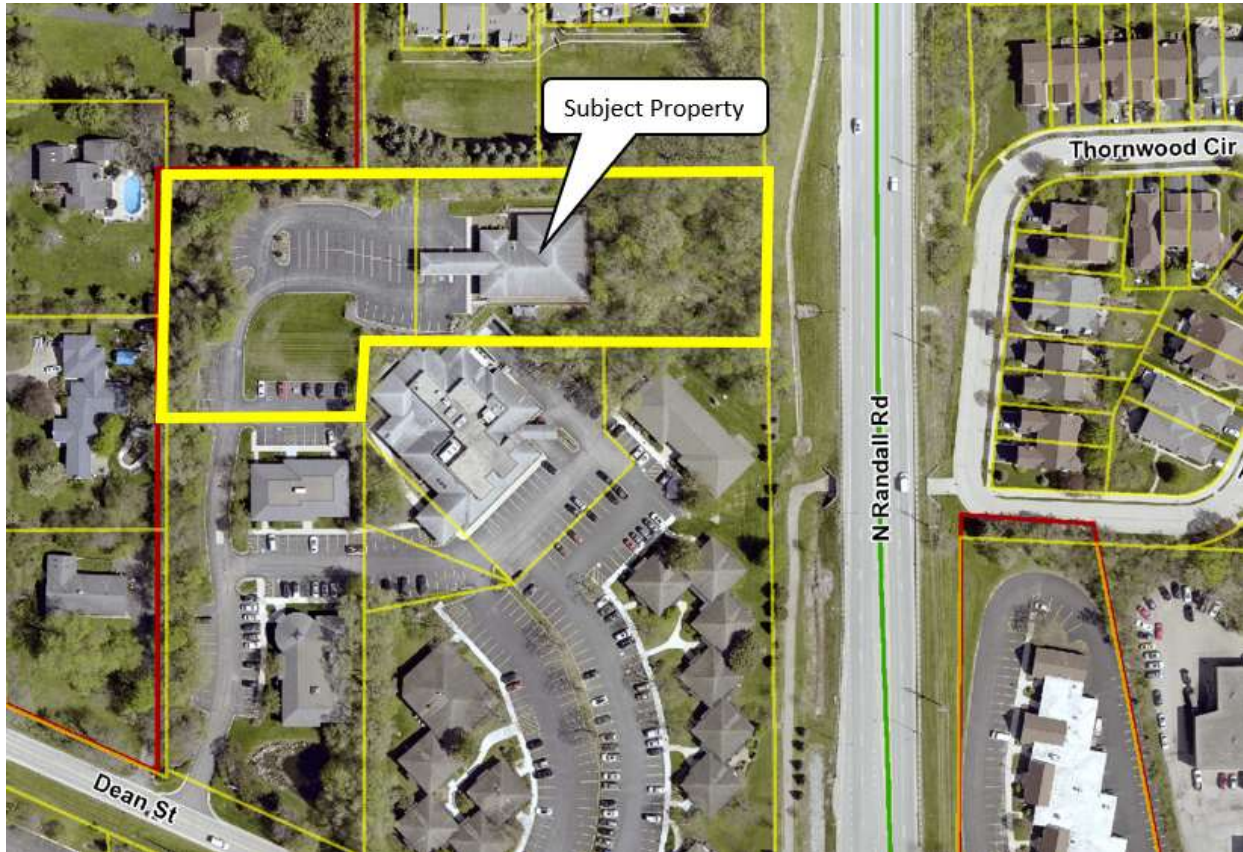
Project Name: Valley Ambulatory PUD

Applicant: Marcelo Carlos

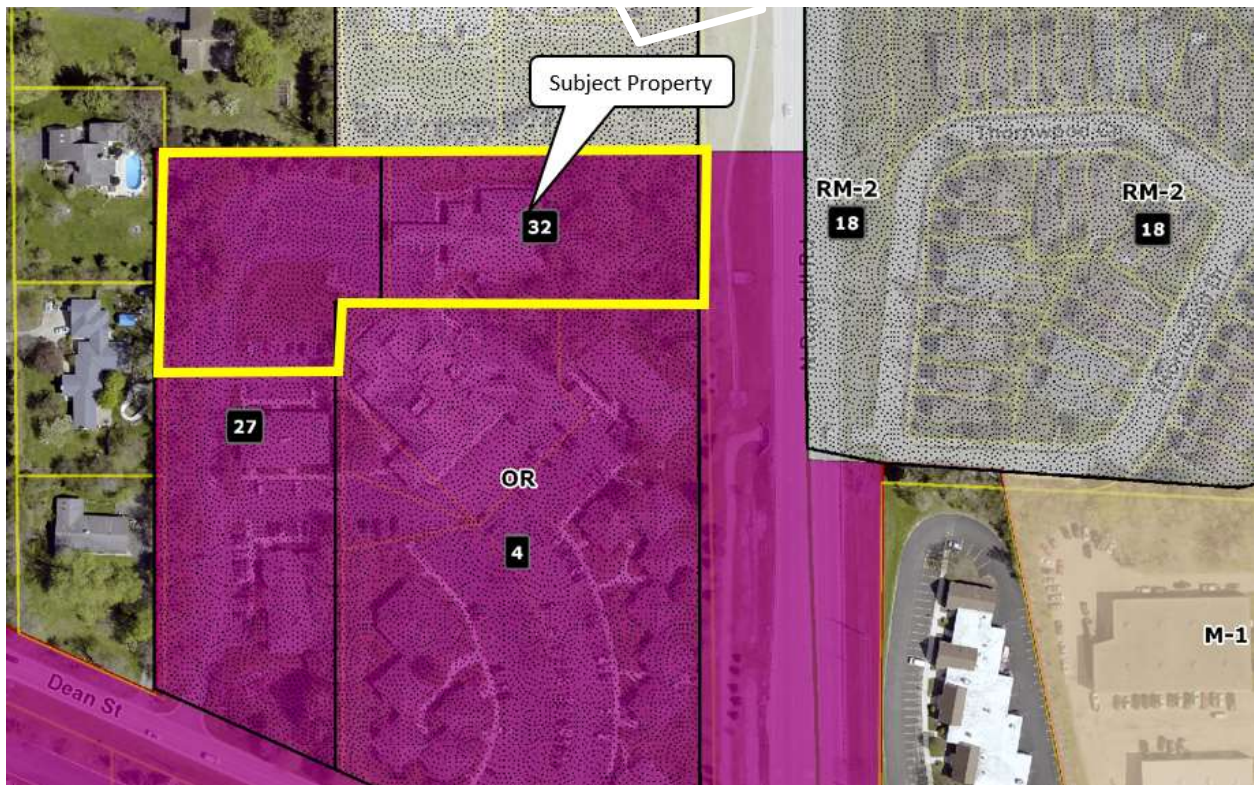
Purpose: Amend an existing PUD to allow for an Assisted Living Center Use

General Information:		
Site Information		
Location	Northwest corner of Dean St. and N. Randall Rd. (Behind Randallwood Business Park)	
Acres	2.55	
Applications		
	Special Use for a Standalone Drive-through Facility	
Applicable Code Sections	17.16 “Office/Research, Manufacturing and Public Land Districts”	
Existing Conditions		
Land Use	Surgery Center (Currently Vacant)	
Zoning	OR- Office Research & Valley Ambulatory Surgery Center PUD	
Zoning Summary		
North	CBD-1 - Central Business	Flagship/ Pollyanna
East	RM-2 – Multi-Family Residential M1- Manufacturing Unincorporated ST. Charles	Multi-Family Residential Manufacturing Park Business Park
South	OR- Office Research/ PUD	Randallwood Business park
West	Unincorporated St. Charles	Residential
Comprehensive Plan Designation		
Industrial/ Business Park		

Aerial Photograph



Zoning Map



II. BACKGROUND

Marcelo Carlos has submitted an application for a Special Use to amend the Valley Ambulatory Center PUD to allow for an Assisted Living Use. The property, commonly known as 2340 Dean St., is located to the northwest of Dean St. and N. Randall Rd., behind the Randallwood Business park.

The subject property was previously used as a surgery center, but has been vacant for several years. The Valley Ambulatory Surgery Center PUD only permits a surgery center use. The applicant has filed the Special Use PUD amendment to allow for the additional use of an Assisted Living Facility.

III. PROPOSAL

The details of the PUD Amendment are as follows:

- Allow for an additional permitted use of Assisted Living Facility within the PUD.
- No changes to the outside of the building or site are being proposed.

IV. STAFF ANALYSIS

A. ZONING

The site is zoned O-R- Office Research and is also located within the Valley Ambulatory Surgery Center PUD. The O-R District permits an Assisted Living Facility use, but the PUD does not. The proposed change would be consistent with what is permitted within the underlying zoning.

B. ASSISTED LIVING FACILTIES

Definition of Assisted Living Facility (17.30.020) :

A facility providing residential accommodations and daily assistance for elderly or disabled residents that meets the definition of assisted living established in the Assisted Living and Shared Housing Act.

According to the State's definition of Assisted Living Facilities, at least 80% of the residents must be 55 years of age or older.

C. PARKING

Assisted Living Facility uses require .25 spaces per unit. The applicant intends on having 20 residents in 10 rooms. Only 3 parking spaces are required for the use. The site has 55 parking spaces.

V. PLAN COMMISSION RECOMMENDATION

Plan Commission held a public hearing on 11/17/20. One email was received from a neighboring property owner asking for clarification regarding the Assisted Living Use. The email is attached to the packet.

The Commission voted 9-0 to recommend approval.

Staff has found the application materials to be complete. Upon resolution of outstanding staff comments, the proposal has the ability to meet City Code requirements.

VI. ATTACHMENTS

- Application for Special Use, received 10/28/2020
- Email from neighbor dated 11/8/2020

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



COMMUNITY DEVELOPMENT DIVISION

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

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

For City Use	
Project Name:	Valley Ambulatory Surgery Center PUD
Project Number:	2020-PR-017
Cityview Project Number:	PLSU202000050

Received/Date St. Charles, IL OCT 28 2020 CDD Planning Division
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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: 2340 Dean St., St. Charles, IL 60175	
	Parcel Number (s): 09-29-227-083	
	Proposed Name: Valley Ambulatory Surgery Center PLanned Unit Development (Existing)	
2. Applicant Information:	Name Marcelo Carlos (Contact: Patrick M. Griffin, Attorney)	Phone 630-524-2566
	Address 1122 Grand Ave. Waukegan, IL 60085	Fax n/a
		Email pgriffin@gwillplaw.com
3. Record Owner Information:	Name Valley Medical Building Corporation (Contact: Scott L. Seraphin, Attorney)	Phone 630-584-4659
	Address 2320 Dean St., Suite 104 St. Charles, IL 60175	Fax
		Email sls@seraphin-law.com

Please check the type of application:

- Special Use for Planned Unit Development - PUD Name:** Valley Ambulatory Surgery Center PUD
- New PUD
- Amendment to existing PUD- Ordinance #:** 1996-M-17; 1997-M-76
- 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

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

What is the property's current zoning? PUD - OR - Office / Research

What is the property currently used for? Vacant Recovery Care Center

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

No exterior construction or improvements are planned. Applicant seeks to convert the property into an assisted living facility and will perform an interior remodel.

For Special Use Amendments only:

Why is the proposed change necessary?

Although the underlying OR - Office Research zoning district includes assisted living facilities as a permitted use, the current PUD does not expressly allow for an assisted living facility.

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

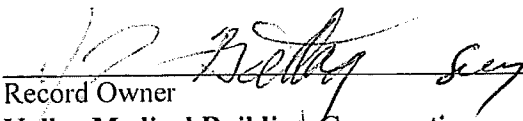
Applicant seeks a single amendment which would add assisted living as a permitted use under the PUD ordinance.


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.

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 10/15/20
 Valley Medical Building Corporation


 Applicant or Authorized Agent _____ Date 10-15-20
 PATRICK M. GRIFFIN, ATTORNEY AND
 AUTHORIZED AGENT

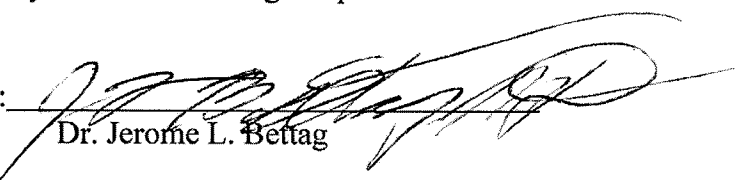
OWNER AUTHORIZATION

The undersigned, Valley Medical Building Corporation (“Owner”) certifies that it has authorized the foregoing Application for Special Use and/or Amendment to Planned Unit Development to be submitted to the City of St. Charles (the “Application”).

The undersigned provides this authorization solely as Owner of the real estate that is the subject of the Application, and for the limited purpose of consenting to the Application. Owner makes no representation as to the Application’s conformance with applicable ordinances.

OWNER:

Valley Medical Building Corporation

By: 
Dr. Jerome L. Beltag

Its: Secretary

Date: 02.14.2020

LEGAL DESCRIPTION

PARCEL 1:

LOT 1 OF VALLEY MEDICAL INN SUBDIVISION, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL 1A:

EASEMENT FOR BENEFIT OF PARCEL 1 FOR INGRESS AND EGRESS AND PARKING PURPOSES AS SET FORTH AND DESCRIBED IN INSTRUMENT RECORDED OCTOBER 21, 1996 DOCUMENT 96K075131.

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.)

Valley Ambulatory Surgery Center PUD

10-15-20

PUD Name

Date

From the St. Charles Zoning Ordinance, Section 17.04.410.3:

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

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

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

The proposed use advances several of the factors listed in Section 17.04.400.A in that:

(1) it encourages the harmonious integration of an assisted living facility within a currently vacant recovery care center; (2) it preserves all existing improvements and infrastructure; and (3) it promotes the economical adaptive re-use of a now obsolete facility.

- ii. **The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**
 - A. **Conforming to the requirements would inhibit creative design that serves community goals, or**
 - B. **Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

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

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

The proposed amendment advances the factors listed in Section 17.04.400.B and supports the requested variances from the original PUD standards in that it preserves all of the existing improvements, infrastructure an other existing attributed of the PUD, while allowing the adaptive re-use of the existing building for an assisted living facility.

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.

The proposed amendment will serve the public convenience by providing a use that is in demand in replacement of an obsolete use. The underlying OR - Office Research zoning district already allows assisted living facilities a permitted use, and the location of this use adjacent to the Randall Rd. corridor will provide convenience to the facility's residents and visitors.

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

The proposed use is located within an existing PUD already developed with all required utilities, access roads and drainage facilities, and the proposed use will have no adverse impact on the existing infrastructure as it is not increasing the intensity of developemnt within the PUD.

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

The proposed amendment wil not be injurious to nearby properties in that it utilizes the existing existing building and no additional exterior improvements or expansion is planned.

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

The proposed amendment will not impede the normal and orderly development of the surrounding property, and in fact will assist in the full utilization of the existing PUD.

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

The proposed amendment will not be detrimental to, nor will it endanger the public health, safety, comfort or general welfare in that it merely seeks to utilize an existing building for a use that is permitted in the underlying OR - Office / Research zoning district, but which is not currently a permitted use under the PUD ordinance.

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

The proposed amendment conforms to all existing federal, State and local laws and meets or exceeds all applicable provisions of the St. Charles Municipal Code, except as may be varied pursuant to a Special Use or Planned Unit Development. The only departure from existing requirements is (the assisted living facility as a permitted use) is being addressed by this proposed amendment.

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

The proposed amendment will be beneficial to the physical development, diversity, tax base and economic well-being of the City in that it will encourage the adaptive re-use of a currently vacant building and will replace an obsolete use.

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

The proposed amendment conforms to the purposes and intent of the Comprehensive Plan in that it: (1) Promotes orderly growth and change; (2) enhances the economic viability and productivity of the Randall Rd. corridor; and (3) Encourages the adaptive re-use of a functionally obsolete improvement, among others.

November 8, 2020

From: Sue Anderson
3N681 Bittersweet Road
Saint Charles, Illinois 60175
630-584-4084
sueanderson34@gmail.com

TO: St. Charles Plan Commission:

Thank you for contacting me, as a homeowner on Bittersweet Road, about the proposed change of zoning to allow the former Valley Ambulatory Surgery Center to be converted into a senior assisted living facility.

Overall, this conversion seems like it would be a reasonable one. However, I do have a concern, which I hope you will address.

This is my concern: If the new zoning allows "Assisted Living Facilities" would this mean the building might subsequently be converted into a residential drug and/or alcohol treatment center? The wording for the special permit should spell out clearly that the intended use be limited to "senior assisted living."

Thank you,

Sue E. Anderson

CITY OF ST. CHARLES

ORDINANCE NO. 1996-M-17

AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED
UNIT DEVELOPMENT FOR THE VALLEY AMBULATORY
SURGERY CENTER RECOVERY FACILITY PUD

ADOPTED BY THE

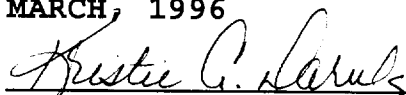
CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 4TH DAY OF MARCH, 1996

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 8TH DAY OF
MARCH, 1996



CITY CLERK

(S E A L)

DATE OF PUBLICATION 3/8/96
NEWSPAPER *Samphlet Form*

REFER TO:
MINUTES 3/4/96
PAGE _____

ORDINANCE NO. 1996-M-17

AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED
UNIT DEVELOPMENT FOR THE VALLEY AMBULATORY
SURGERY CENTER RECOVERY FACILITY PUD

WHEREAS, a petition for rezoning to the O-R-1 Office Research District and for the granting of a Special Use as a Planned Unit Development for the real estate described in Exhibit "I" attached hereto and made a part hereof, (hereinafter sometimes referred as "Subject Realty") has been filed by ALPINE LAND CORPORATION, an Illinois Corporation, whose successor in interest is VALLEY AMBULATORY SURGERY CENTER, an Illinois Limited Partnership (hereinafter referred to as "RECORD OWNER") ST. CHARLES LAND COMPANY, an Illinois Corporation, and B&B ENTERPRISES, an Illinois partnership, agents for RECORD OWNER (hereinafter collectively referred to as "DEVELOPER"), (said RECORD OWNER and DEVELOPER being collectively referred to as "OWNERS"), and

WHEREAS, the Plan Commission has held a public hearing on said petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendation of the Plan Commission and has considered same;

WHEREAS, the Subject Realty is the subject of an "Annexation Agreement City of St. Charles, Valley Ambulatory Surgery Center Recovery Facility PUD" dated February 16, 1996 (hereinafter referred to as the "Annexation Agreement").

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

SECTION 1. That Section 17.02.180 of Title 17 of the St. Charles Municipal Code, as amended, and as set forth in the Zoning District Map as described therein and on file in the Office of the City Clerk, is hereby amended by rezoning the Subject Realty to the O-R-1 Office Research District and by the granting of a Special Use as a Planned Unit Development, pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended, subject to the additional conditions, variations and restrictions hereinafter set forth.

SECTION 2. That the Subject Realty may be developed only in accordance with all ordinances of the City as now in effect or hereafter amended (except as specifically varied herein), and in accordance with the additional procedures, definitions, uses, and restrictions contained herein and as set forth in Exhibits, II, III and IV, all as attached hereto and made a part hereof.

A. Zoning Requirements and Standards. The development of the Subject Realty shall conform with the provisions of the O-R-1 Office-Research District as set forth in the St. Charles Zoning Ordinance, except as specifically provided herein. The permitted uses within the Subject Realty shall be limited to those set forth in Exhibit "II".

1. Bulk Requirements: The minimum lot area, lot width, building height, floor area ratio, yard and setback

requirements applicable to the O-R-1 Office Research District shall apply to the Subject Realty, except as specifically provided in Exhibit "II".

2. Off-street parking and loading: The off-street parking and loading provisions set forth in Chapter 17.38, "Off-Street Loading and Parking" of the St. Charles Municipal Code in effect at the time of application for a building permit shall apply to the Subject Realty, except as otherwise provided in Exhibit II.

3. Signs: The sign provisions set forth in the St. Charles Zoning Ordinance applicable to the O-R-1 Office Research District in effect at the time of application for a sign permit shall apply to the Subject Realty.

B. PRELIMINARY AND ENGINEERING PLANS AND FINAL PLAT

No engineering plans or final plat for any part of the Subject Realty shall be approved prior to City Council approval of a Preliminary Plan for the entire Subject realty conforming to Title 16 and Title 17 of the St. Charles Municipal Code, as amended, in effect at the time of receipt by CITY of a complete submittal.

Following approval of such Preliminary Plan OWNERS may submit final engineering plans and a final plat substantially in accordance with the approved Preliminary Plan and the provisions of the St. Charles Municipal Code, as amended, in

effect at the time of receipt by CITY of a complete submittal; such engineering plans shall include engineering plans for any offsite improvements related to that portion of the Subject Realty being developed, as determined by CITY.

No final plat for any part of the Subject Realty shall be approved prior to approval of engineering plans for the Subject Realty and any offsite improvements necessary to service the Subject Realty as reasonably determined by CITY. No final plat for the Subject Realty shall be recorded prior to City Council approval and receipt of the guarantee for completion of the Land Improvements (as defined in Title 16 of the St. Charles Municipal Code) in relation to the Subject Realty and any offsite improvements, all as necessary to service the Subject Realty as reasonably determined by CITY. Such guarantee shall comply with the requirements of Title 16 of the St. Charles Municipal Code.

Prior to final approval and issuance of any building permit for a tunnel or other structure which is proposed to extend across or under any lot line of the Subject Realty onto adjoining property, CITY shall be satisfied that an adequate joint maintenance agreement exists for the construction and maintenance of the tunnel or other structure extending across or under the lot line.

C. COMMENCEMENT OF CONSTRUCTION

No construction of Land Improvements shall be commenced prior to approval of engineering plans for the Land Improvements for the Subject Realty.

No building permit shall be issued for construction of any building, structure, or part thereof on the Subject Realty until a final plat has been approved and recorded for the Subject Realty. In addition, no building permit shall be issued prior to the time that a) streets or construction roads are passable for ingress and egress by emergency and inspection vehicles, and b) water supply facilities adequate to provide fire protection to structures under construction have been accepted by the City Council. Determination of acceptable condition of the streets or roads shall be made by the Director of Public Works and the Building Commissioner, and determination of adequacy of water supply facilities shall be made by the Director of Public Works and the Fire Chief.

D. COMPLETION OF IMPROVEMENTS PRIOR TO OCCUPANCY

No occupancy permit shall be issued for any building within the Subject Realty until after City Council acceptance of the Land Improvements for the Subject Realty and related offsite improvements; however, sidewalks, street trees, parkway seeding, and final surface course of streets need not be completed prior to issuance of an occupancy permit.

E. RESTORATION

OWNERS shall repair and replace, in accordance with the original sizes, standards and topography, in a manner satisfactory to the CITY, all CITY property damaged or disturbed by reason of any work in connection with the development of the Subject Realty.

F. FACILITIES TO BE UNDERGROUND

OWNERS shall provide that all utilities and communications facilities to be installed to serve the Subject Realty, including telephone, electric, and cable television, shall be underground, and this requirement shall be affixed to all final plats.

G. EASEMENTS

An easement or easements over, under and upon that portion of the Subject Realty reasonably determined by CITY to be necessary for access for emergency vehicles and for access for maintenance, repair, replacement and customary servicing of all electricity lines, sanitary sewer, storm drainage, stormwater detention and retention, and water main systems, telephone lines, natural gas supply systems, communication facilities and other utilities, shall be provided at CITY's request on all final plats in favor of the CITY and all of the involved utility and communications companies, now or in the future receiving a CITY franchise, their respective officers, employees, and agents, together with related emergency and

service vehicles and equipment.

Prior to approval of a final plat for all or any part of the Subject Realty, OWNERS shall provide easements in a form acceptable to the CITY, providing for the following:

1. Ingress and Egress across adjoining property from the Subject Realty to Dean Street, at a minimum width of 24 feet, for access to and for the uses permitted within the Subject Realty.
2. Ingress and egress across adjoining property from the Subject Realty to Dean Street, at a minimum width of 24 feet, for all emergency vehicles and for access for maintenance, repair, replacement and customary servicing of all electricity lines, sanitary sewer, storm drainage, stormwater detention and retention, and water supply systems, telephone lines, natural gas supply systems, communication facilities and other utilities, in connection with the development or maintenance of the Subject Realty.

H. SOIL EROSION CONTROL

OWNERS shall adhere to measures for the prevention of soil erosion during the development of the Subject Realty pursuant to the ordinances of the CITY, the "Standards and Specifications for Soil Erosion and Sedimentation Control"

published by the Illinois Environmental Protection Agency in 1987, as amended, the "Illinois Procedures and Standards of Urban Soil Erosion and Sedimentation Control" published in 1988, as amended, and the recommended procedures of the Kane-DuPage Soil and Water Conservation District and any other applicable regulatory agency, whichever is more restrictive, as determined by the CITY. An erosion control plan shall be submitted by OWNERS to the CITY with the final engineering plans for each unit or phase, and shall be subject to review and approval of the Director of Public Works and Director of Planning and Development. No earth moving or other construction activities shall commence prior to the CITY's approval of an erosion control plan and the installation of erosion control measures and field approval of those measures (as field modified at the CITY's discretion) by the City Engineer. Upon five (5) days notice to OWNERS, the CITY shall have the right to stop any construction of Land Improvements, buildings and other structures if the City Engineer determines that the erosion control measures shown on the approved erosion control plan and as field modified are not being adequately maintained. The OWNERS agree that a stop work order may be issued against the violating party on these grounds and will not be lifted until all violations are corrected. The OWNERS shall indemnify and hold harmless the

CITY from any and all losses, claims, expenses and penalties including attorneys' fees arising out of the CITY's issuance of a stop work order on these grounds.

I. TREE PRESERVATION

OWNERS shall comply with the provisions of Exhibit "III" attached hereto and made a part hereof. As part of the Preliminary Plan, OWNERS shall submit a tree survey which identifies all wooded areas of the Subject Realty and all individual trees over 6 inches diameter at breast height by type and size, located within 100 feet of any proposed building, structure, grading, excavation or paving.

J. LANDSCAPING AND SCREENING

Landscaping for the Subject Realty shall be completed prior to the occupancy of any structure. However, if conditions beyond the control of the OWNERS prohibit the installation of the landscaping prior to a request for occupancy, a temporary certificate of occupancy may be issued for a period not to exceed six months. If the landscaping is not completed as of the expiration of the temporary certificate of occupancy, the Building Commissioner shall not be required to issue a final certificate of occupancy or any additional temporary certificates of occupancy, but may do so in his discretion as governed by the St. Charles Municipal Code.

The OWNERS shall maintain and replace as necessary all trees, shrubs and other plant materials, retaining walls, fencing, earth berms, and other landscaping features (hereinafter, "Landscaping") on the Subject Realty, in conformance with the Preliminary Plan and any amendments thereto including final engineering plans. In the event OWNERS fails to maintain, repair or replace the Landscaping, CITY may give OWNERS written notice of any such deficiency; upon receipt of such notice, OWNERS shall correct such deficiency within sixty (60) days thereof unless the nature, extent or weather conditions for the maintenance or replacement of the Landscaping prevents the OWNERS from correcting the deficiency within said time period. Under such circumstances, OWNERS shall correct such deficiency as soon as possible, but not later than six months from the date of notice. In the event of the conveyance or assignment of any part of the Subject Realty to anyone other than CITY, any such conveyance or assignment shall contain an agreement between the parties involved as to the responsibility for maintenance and replacement of Landscaping as contemplated in this paragraph.

If CITY enacts any ordinances or amendments thereto requiring more stringent standards with respect to maintenance and replacement of landscaping, such ordinances and amendments

shall apply to the Subject Realty.

In the event OWNERS shall fail to satisfy any of the conditions set forth in this Paragraph, CITY may utilize any or all of the remedies available to it including, but not limited to:

1. City may obtain a mandatory injunction requiring OWNERS to complete the installation or repair of the landscaping as required herein including any damages, expenses, costs and attorney's fees incurred in connection therewith;

2. City may proceed to install or repair such landscaping and shall be paid all costs, expenses and attorney's fees associated with enforcing the provisions of this paragraph and to such extent CITY may estimate the amount thereof and obtain judgment in advance of actually completing such work and in advance of incurring such expenses, subject, however, to a refund of any costs not incurred within one year after receipt of such funds, and to the extent the expenses actually exceed the estimates, CITY shall have the right to additional relief for such additional expenses;

3. CITY shall have the right to refuse any and all building permits and occupancy permits as well as any other permits associated with the use of the Subject Realty;

4. City shall have the right without objection from the

OWNERS to establish a Special Service Area to pay all of such costs, expenses and attorney's fees with no limitation on the time of such Special Service Area and a maximum tax rate of 0.25 per cent (\$0.25 per \$100 of assessed valuation).

K. MAINTENANCE OF PRIVATE FACILITIES

The OWNERS shall repair and maintain all retention and detention basins, storm sewer lines, and surface drainage facilities on the Subject Realty which are not conveyed to and accepted by the CITY. In the event OWNERS fails to maintain, repair or replace said basins, lines, facilities, or any tributary appurtenances thereto, then CITY may correct such deficiencies, and may, pursuant to Exhibit IV, levy a Special Service Area tax to pay for same. In the event of the conveyance or assignment of all or any part of the Subject Realty to anyone other than CITY, any such conveyance or assignment shall contain an agreement between the parties involved as to the responsibility for repair and maintenance as contemplated in this paragraph.

L. SITE LIGHTING

All exterior lighting fixtures within the Subject Realty shall be a maximum of 15 feet above grade. Lighting fixtures and standards shall be designed to be "high-cutoff" or shall otherwise be designed and located so that glare from direct lighting is not visible from adjoining residential property.

M. MISCELLANEOUS

Additional provisions set forth in Exhibit "IV" are hereby incorporated by reference as if fully set forth herein.

SECTION 3. HOLD HARMLESS AND INDEMNIFICATION

In the event a claim is made against the CITY, its officers, other officials, agents and employees or any of them, or if the CITY is made a party-defendant in any proceeding arising out of or in connection with the approval and issuance of a Special Use Permit for a Planned Unit Development for the Subject Realty, or the development of the Subject Realty, including matters pertaining to hazardous materials and other environmental matters, the OWNERS shall defend and hold the CITY and such officers, other officials, agents and employees harmless from all claims, liabilities, losses, taxes, judgments, costs and fees, including expenses and reasonable attorney's fees, in connection therewith. The CITY and such officers, other officials, agents and employees shall reasonably cooperate in the defense of such proceedings.

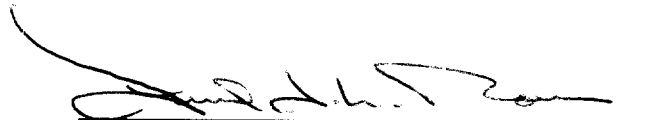
SECTION 4. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of March, 1996.


PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4th day of March, 1996.

Ordinance No. 1996-M-17
Page 14

APPROVED by the Mayor of the City of St. Charles, Kane and
DuPage Counties, Illinois this 4th day of March, 1996.


MAYOR

ATTEST:


CITY CLERK

COUNCIL VOTE:
AYES: 14
NAYS: 0
ABSENT: 0

EXHIBIT II
Zoning Standards

I. Permitted Uses:

- a. Post-surgical Recovery Care Center not to exceed twenty (20) beds, with the length of a patient's stay not exceeding the time period permitted for such facilities by the State of Illinois.
- b. Business, Professional and Medical Offices and Medical and Dental Clinics.

Any laboratory facilities, retail sales and other services shall be limited to those which directly support and are accessory to a permitted use. The hours of operation for any use on the site except the Post-surgery Recovery Care Center shall not commence prior to 6:00 A.M. and shall not extend beyond 9:00 P.M..

II. The following setbacks shall be required for buildings and other structures:

- a. 140 feet from the Randall Road right of way.
- b. 10 feet from the northerly property line.
- c. 0 feet from the southerly property line.
- d. 15 feet from the westerly property line.

III. Miscellaneous:

- a. All refuse and recycling containers shall be screened with a fence or other solid enclosure to a height of six feet.
- b. All lighting fixtures shall be a maximum of 15 feet high and shall be a high cutoff design so as to direct the glare of light downward.
- c. All rooftop equipment shall be screened from adjacent residential areas and streets.
- d. The number of required parking and loading spaces for a Post-surgical Recovery Care Center shall be determined in accordance with the provisions applicable to "hospitals" in Chapter 17.38 "Off-Street Loading and Parking".

EXHIBIT III
Tree Preservation

- a. If a tree identified for preservation on the Preliminary Plan cannot be saved, or if such a tree dies or is otherwise removed within two years of the recording of the final plat for the Subject Realty, OWNERS shall replace it with trees of the same or similar species having a minimum caliper of three inches each, and the aggregate caliper of the replacement trees shall equal or exceed the diameter at breast height of the dead or removed tree. The species and planting location of such replacement trees shall be subject to the approval of the Director of Planning and Development or his designee. For purposes of this Paragraph, "caliper" shall mean the trunk diameter of a nursery stock tree, measured six inches above the proposed planted grade, and "diameter at breast height" shall mean the trunk diameter of a tree on the Subject Realty, measured at four and one half feet above the existing grade.
- b. All individual trees to be preserved shall be tagged by a professional Landscape Architect or Horticulturist before any grading, clearing or construction commences on-site.
- c. Wooded areas and individual trees that are to be preserved are to be protected with fencing. Fencing shall be installed prior to any construction equipment being brought on-site. Fencing shall extend to the dripline of the individual tree or wooded area and shall be a minimum of 24" high so as to be visible to all construction personnel.
- d. Grade changes (unless for purposes of constructing tree wells), utility trenches, and storage of construction equipment shall not be allowed within fenced areas.
- e. All trees to be saved which have been subjected to construction activity within the dripline shall be selectively thinned as directed by a professional arborist. Trees shall not be topped, headed back, skinned (removal of interior branches), or climbed with spikes. All dead wood shall be removed to reduce hazard.
- f. All accidental damage to existing trees intended to be saved shall be promptly treated as required in accordance with recognized horticultural practices and the instructions of a professional arborist.
- g. Broken or badly bruised branches shall be removed with a clean cut.

- h. No equipment, materials, or supplies shall encroach upon the areas designated as tree protection zones (including but not limited to those areas within the dripline of the trees) at any time during construction of the project.
- i. Contractors shall avoid damaging trees and vegetation with material, machinery, equipment and engine exhaust.
- j. Contractors shall avoid damaging trees and vegetation with spills or discharge of fuel, oil, hydraulic fluid, anti-freeze and coolants, calcium chloride, lime and any other substances which can be harmful.
- k. No cutting or trimming of trees is permitted without first obtaining specific written permission from the City.
- l. No fires of any type are permitted on the site at any time.
- m. City or its arborist may make periodic tours of the site in order to determine how best to protect the trees as construction progresses.
- n. City shall have the right to stop construction to enforce compliance with these requirements.

EXHIBIT IV

3. REQUIRED LAND IMPROVEMENTS

OWNERS shall be responsible for and pay for the design, engineering, construction engineering and all other costs for installation of all onsite Land Improvements as required by the provisions of Title 16 of the St. Charles Municipal Code, as amended, and all offsite Land Improvements determined by the City Council to be necessary for the development of the SUBJECT REALTY. All such Land Improvements shall be included in the guarantee for completion required by the provisions of Title 16 of the St. Charles Municipal Code, as amended.

4. OFFSITE EASEMENTS AND EMINENT DOMAIN

OWNERS are responsible for obtaining all offsite easements and rights of possession for all onsite and offsite Land Improvements necessary for the development of the SUBJECT REALTY. In the event OWNERS are unable to obtain such easements or rights of possession, the CITY agrees to exercise its power of eminent domain at the request of OWNERS, to obtain any such title to real estate, easements and rights of possession required by the CITY, or by the OWNERS which are reasonably acceptable to the City Council, for the installation and maintenance of onsite and offsite Land Improvements; provided, however, that the OWNERS shall pay all costs, expenses, judgments, and settlements including reasonable attorneys fees of the CITY arising out of or in connection therewith. Upon CITY's request, a guarantee of payment (in the form of a letter of credit, cash deposit or performance bond as designated by OWNERS) shall be submitted to and approved by the CITY prior to CITY incurring such costs, expenses, judgments, and settlements including reasonable attorneys fees. The form, amount, and provider of such letter of credit or performance bond and amount of such cash deposit shall be subject to review and approval by the City Council. Payment to or for CITY for all such costs, expenses including attorneys fees, judgments and settlements shall be made within 30 days after invoicing or other appropriate demand. Further, in the event payment is not timely made, CITY may discontinue any action on behalf of OWNERS, and may refuse to issue any permits requested by OWNERS.

5. LIMIT ON CITY RESPONSIBILITY FOR UTILITIES

The CITY shall not be held responsible for its inability to install any utility, or for any loss or damage including consequential damage, or delay in installation caused by inability to obtain financing upon such terms as the City Council may determine, strikes, riots, elements, embargoes, failure of carriers, inability to obtain material, or other acts of God, or any other cause beyond CITY's reasonable control, including but not limited to the acquisition of easements, modifications of Facilities Planning Area boundaries, Army Corps of Engineers

permits, and Illinois Environmental Protection Agency permits.

6. REQUIREMENTS OF OTHER JURISDICTIONS

It is agreed that the CITY is not liable or responsible for any restrictions on CITY's obligations under this Agreement that may be required or imposed by any other governmental bodies or agencies having jurisdiction over the SUBJECT REALTY, CITY or OWNERS including but not limited to county, state and federal regulatory bodies.

7. BUILDING CODE

OWNERS shall comply in all respects with the applicable provisions of Title 15 of the St. Charles Municipal Code and other CITY ordinances pertaining to building which are in effect at the time OWNERS make application to the CITY for a building permit or permits in connection with the construction of buildings and structures on the SUBJECT REALTY, whether or not any of such ordinances are amended after the date hereof.

8. MAINTENANCE OF PRIVATE FACILITIES

The OWNERS agree to repair and maintain all private retention and detention basins, storm sewer lines, surface drainage facilities, and any other land improvements, common areas or facilities which are not conveyed to and accepted by CITY. In the event any are conveyed to the CITY, the OWNERS shall pay such Special Service Area tax or other tax or user fee of general applicability for maintenance and operational costs and expenses. In the event of the conveyance or assignment of all or part of the SUBJECT REALTY, the record title holders shall be responsible for such repair and maintenance as contemplated in this paragraph.

9. SPECIAL SERVICE AREAS

OWNERS agree not to object to the formation of and any amendment to one or more Special Service Areas including all or part of the SUBJECT REALTY, for the purpose of maintaining any or all of the following: Storm water detention and retention facilities and drainage ways within easements on or for the SUBJECT REALTY for a perpetual duration with a maximum rate of .03% per year (\$0.03 per \$100.00) of the assessed value, as equalized, of the taxable SUBJECT REALTY, excluding all taxable personal property. The OWNERS agree to cooperate in the formation thereof in such manner as the CITY shall deem reasonably necessary at whatever time the CITY proposes such Special Service Area.

10. REIMBURSEMENT

The OWNERS shall reimburse the CITY for reasonable attorney's fees, engineering and planning consultants, and CITY staff review time incurred by the CITY in connection with the processing and review of matters pertaining to this Annexation Agreement, including the drafting and negotiation hereof. Payment by OWNERS to the CITY shall occur promptly within thirty (30) days after receipt by the OWNERS of invoices for such work.

14. HOLD HARMLESS

In the event a claim is made against the CITY, its officers, other officials, agents and employees or any of them, or if the CITY is made a party-defendant in any proceeding arising out of or in connection with the approval and issuance of a Special Use Permit for a Planned Unit Development for the SUBJECT REALTY, or the development of the SUBJECT REALTY, including matters pertaining to hazardous materials and other environmental matters, the OWNERS shall defend and hold the CITY and such officers, other officials, agents and employees harmless from all claims, liabilities, losses, taxes, judgments, costs and fees, including expenses and reasonable attorney's fees, in connection therewith. The CITY and such officers, other officials, agents and employees shall reasonably cooperate in the defense of such proceedings.

STATE OF ILLINOIS)
) SS.
COUNTIES OF KANE AND DUPAGE)

C E R T I F I C A T E

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on March 4, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 1996-M-17, entitled

"AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR THE VALLEY AMBULATORY SURGERY CENTER RECOVERY FACILITY PUD",

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

The pamphlet form of Ordinance No. 1996-M-17, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on March 8, 1996, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 8th day of March, 1996.



Municipal Clerk

(S E A L)


City of St. Charles, Illinois

Ordinance No. 1997-M-76

**An Ordinance Amending Ordinance No. 1996-M-17
(Valley Ambulatory - Setback)**

**Adopted by the
City Council
of the
City of St. Charles
June 16, 1997**

**Published in pamphlet form by
authority of the City Council
of the city of St. Charles,
Kane and Du Page Counties,
Illinois, June 20, 1997**



City Clerk

(SEAL)

DATE OF PUBLICATION 6/20/97
NEWSPAPER Pamphlet Form

REFER TO:
MINUTES 6/16/97
PAGE _____

ORDINANCE NO. 1997-M-76

**AN ORDINANCE AMENDING ORDINANCE No. 1996-M-17
(Valley Ambulatory-- Setback)**

WHEREAS, a petition to amend Ordinance No. 1996-M-17 entitled "AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR THE VALLEY AMBULATORY SURGERY CENTER RECOVERY FACILITY PUD" (hereinafter referred to as the "ORDINANCE"), for the real estate described in Exhibit "I" attached hereto and made a part hereof (hereinafter referred to as "SUBJECT REALTY"), has been filed by Valley Ambulatory Surgery Center, an Illinois Limited Partnership, record owner of the SUBJECT REALTY (hereinafter referred to as "OWNER"); and

WHEREAS, said petition requests an amendment to the ORDINANCE for the purpose of decreasing the setback along the westerly property line of the SUBJECT REALTY; and

WHEREAS, the Plan Commission has held a public hearing on said petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and has considered same;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

SECTION 1. That ORDINANCE be and is hereby amended as follows:

A. Exhibit II to the ORDINANCE shall be deleted in its entirety, and that Exhibit II-A attached hereto shall be substituted therefor.

SECTION 2. That the ORDINANCE as hereby amended shall remain in full force and effect.

SECTION 3. That this Ordinance may be recorded in the office of the Kane County Recorder of Deeds by OWNER or City; the OWNER shall pay the recording fee.

SECTION 4. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16th day of June, 1997.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 16th day of June, 1997.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 16th day of June, 1997.


MAYOR

ATTEST:


CITY CLERK

Ordinance No. 1997-M-76
Page 3

COUNCIL VOTE:

AYES: 11

NAYS: 0

ABSENT: 1

EXHIBIT I

THAT PART OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4; THENCE SOUTH ALONG THE EAST LINE OF SAID QUARTER SECTION 943.1 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 90 DEGREES, 46 MINUTES, 0 SECONDS TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 217.8 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 93 DEGREES, 08 MINUTES, 30 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 160.0 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 146.58 FEET AND BEING TANGENT TO THE LAST COURSE AT THE LAST DESCRIBED POINT, 72.48 FEET; THENCE SOUTHEASTERLY ALONG A LINE TANGENT TO THE LAST DESCRIBED CURVE AT THE LAST DESCRIBED POINT, 49.0 FEET; THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 99 DEGREES, 28 MINUTES, 30 SECONDS TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 341.54 FEET TO THE EASTERLY LINE EXTENDED SOUTHERLY OF BITTERSWEET MANOR; THENCE SOUTHERLY ALONG SAID EASTERLY LINE EXTENDED SOUTHERLY, 169.0 FEET; THENCE EASTERLY AT RIGHT ANGLES TO THE THE EASTERLY LINE EXTENDED SOUTHERLY OF SAID BITTERSWEET MANOR, 135.29 FEET; THENCE NORTHEASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 10 DEGREES, 25 MINUTES, 0 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 200.0 FEET; THENCE EASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 10 DEGREES, 08 MINUTES, 40 SECONDS TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 55.24 FEET TO THE WESTERLY RIGHT OF WAY LINE OF RANDALL ROAD AS ESTABLISHED BY DEDICATION RECORDED APRIL 23, 1964 AS DOCUMENT 1021755; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF RANDALL ROAD, 420.20 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE OF RANDALL ROAD, BEING ALONG A LINE THAT FORMS AN ANGLE OF 0 DEGREES, 49 MINUTES, 0 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 138.58 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG THE LAST DESCRIBED COURSE, 165.15 FEET TO A LINE DRAWN EASTERLY AT RIGHT ANGLES TO THE EASTERLY LINE OF DAHL'S SUBDIVISION, TOWN OF ST. CHARLES, KANE COUNTY, ILLINOIS FROM A POINT ON SAID EASTERLY LINE WHICH IS 514.15 FEET NORTHERLY OF, AS MEASURED ALONG SAID EASTERLY LINE, THE NORTHERLY LINE OF DEAN STREET; THENCE WESTERLY ALONG SAID LINE THAT FORMS AN ANGLE OF 89 DEGREES, 01 MINUTES, 51 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 345.0 FEET TO A POINT 50.0 FEET EASTERLY OF THE EASTERLY LINE OF SAID DAHL'S SUBDIVISION; THENCE NORTHERLY ALONG A LINE THAT FORMS AN ANGLE OF 89 DEGREES, 56 MINUTES, 41 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 165.13 FEET; THENCE EASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 90 DEGREES, 03 MINUTES, 19 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 341.71 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT II-A
Zoning Standards

I. Permitted Uses:

- a. Post-surgical Recovery Care Center not to exceed twenty (20) beds, with the length of a patient's stay not exceeding the time period permitted for such facilities by the State of Illinois.
- b. Business, Professional and Medical Offices and Medical and Dental Clinics.

Any laboratory facilities, retail sales and other services shall be limited to those which directly support and are accessory to a permitted use. The hours of operation for any use on the site except the Post-surgery Recovery Care Center shall not commence prior to 6:00 A.M. and shall not extend beyond 9:00 P.M..

II. The following setbacks shall be required for buildings and other structures:

- a. 140 feet from the Randall Road right of way.
- b. 10 feet from the northerly property line.
- c. 0 feet from the southerly property line.
- d. 7 feet from the westerly property line.

III. Miscellaneous:

- a. All refuse and recycling containers shall be screened with a fence or other solid enclosure to a height of six feet.
- b. All lighting fixtures shall be a maximum of 15 feet high and shall be a high cutoff design so as to direct the glare of light downward.
- c. All rooftop equipment shall be screened from adjacent residential areas and streets.
- d. The number of required parking and loading spaces for a Post-surgical Recovery Care Center shall be determined in accordance with the provisions applicable to "hospitals" in Chapter 17.38 "Off-Street Loading and Parking".

State of Illinois)
) ss.
Counties of Kane and DuPage)

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 16, 1997, the Corporate Authorities of such municipality passed and approved Ordinance No. 1997-M-76, entitled

"An Ordinance Amending Ordinance No. 1996-M-17
(Valley Ambulatory - Setback)",

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

The pamphlet form of Ordinance No. 1997-M-76, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 20, 1997, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this _____ day of June, 1997.



Municipal Clerk

(SEAL)