



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 4c

Title: Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Pride of Kane County, southeast corner of Kirk Rd. and E. Main St.

Presenter: Ellen Johnson

Meeting: Planning & Development Committee

Date: November 9, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

Executive Summary (if not budgeted please explain):

This item was discussed at the August and September P&D Committee meetings and continued.

Background

CIMA Developers, LP are requesting approval to develop a Pride fuel facility, convenience store, and car wash on the 2.37-acre property at the southeast corner of Kirk Rd. and E. Main St. Proposed is the following:

- Annexation to the City of St. Charles.
- Rezoning to the BR Regional Business District with a Planned Unit Development (PUD).
- Fuel Facility (west side of property): Canopy with 8 fuel pumps at the corner. 1-story, 4,500 sf convenience store with quick-serve restaurant (Taco Urbano).
- Car Wash (east side of property): 1-story, 1,650 sf automatic car wash. 10 vacuum stalls.
- Right-in/right-out access on E. Main St. and cross-access through Main Street Commons.

Plan Commission held a public hearing on July 7, July 21 and August 4. The public hearing discussion is summarized in the attached Staff Memo. Plan Commission voted 8-1 to recommend approval, subject to resolution of outstanding staff comments prior to City Council action.

Annexation Agreement

Staff prepared a draft Annexation Agreement and PUD Ordinance for the Committee’s consideration. Relative to the developer’s previous requests, the agreement states the following:

- Sidewalks: Developer to install public sidewalk along the site frontages; City to reimburse the owner for the actual construction cost, not to exceed \$40,000.
- Kirk Rd. Crosswalk: The developer will not be required to install or contribute to a crosswalk across Kirk Road- the City will assume this as a future project.
- Competitive Use restriction: The restriction on other gas station locations is not included in the draft.

A draft PUD Ordinance has been prepared as an exhibit to the agreement. The ordinance incorporates deviations from certain zoning requirements as requested by the applicant.

Regarding landscaping, the plans remain deficient in meeting code requirements for trees and planting beds along the building and street frontages. The Committee should indicate if there is interest in requiring compliance with the landscaping requirements, otherwise, these deficiencies will be added as PUD deviations.

Revised plans or a response to outstanding staff comments will be needed prior to City Council approval.

Attachments (please list):

Annexation Agreement, PUD Ordinance, P&D Minutes from August and September 2020, Plan Commission Resolution, Staff Memo (PC Summary), HLR Memo- Eastern Access, Staff Report, Letter from Developer- Sidewalk Cost, Email from Developer- Gas Station facilities, Letters from Residents, Applications, Plans, Traffic Study / Review Memo

Recommendation/Suggested Action (briefly explain):

Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Pride of Kane County, southeast corner of Kirk Rd. and E. Main St.

Upon a recommendation to approve the zoning applications, Staff will proceed with scheduling a City Council public hearing regarding annexation of the property.

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT (hereinafter referred to as the “AGREEMENT”) made and entered into this ____ day of _____, 2020 by and between the CITY OF ST. CHARLES, an Illinois municipal corporation located in Kane and DuPage Counties, Illinois (hereinafter referred to as “CITY”) and CIMA Developers, LP (hereinafter referred to as “OWNER”; the CITY and the OWNER being sometimes hereinafter referred to individually as “PARTY” and collectively as the “PARTIES”).

WITNESSETH:

WHEREAS, the OWNER is the owner of record of a certain parcel of real estate, legally described in Exhibit “A” attached hereto and incorporated herein (hereinafter referred to as “SUBJECT REALTY”); and

WHEREAS, the OWNER has agreed to develop the SUBJECT REALTY and assume all responsibility and liability for the development of the SUBJECT REALTY in accordance with the terms and conditions of this AGREEMENT, and will carry out the duties and obligations of the OWNER as hereinafter provided; and

WHEREAS, the SUBJECT REALTY constitutes territory which is contiguous to and may be annexed to the CITY as provided in 65 ILCS 5/7-1-1, *et seq.*; and

WHEREAS, a Petition for Annexation for the SUBJECT REALTY has been filed by OWNER with the CITY in accordance with 65 ILCS 5/7-1-8; and

WHEREAS, the OWNER desires to have the SUBJECT REALTY annexed to the CITY upon the terms and conditions hereinafter set forth; and

WHEREAS, the CITY has considered the annexation of the SUBJECT REALTY and has determined that the best interest of the CITY will be met if the SUBJECT REALTY is annexed; and

WHEREAS, this Agreement is made pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*; and

WHEREAS, all public hearings, as required by law, have been held by the Plan Commission and the City Council of the CITY, upon the matters covered by this AGREEMENT; and

WHEREAS, by a favorable vote of at least two-thirds (2/3) of the City Council of the CITY, a Resolution has heretofore been adopted authorizing the execution of this AGREEMENT.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements herein contained, IT IS HEREBY AGREED BY AND BETWEEN THE CITY and OWNER, as follows:

Section 1. INCORPORATION OF RECITALS: The PARTIES hereby confirm and admit the truth and validity of the representations and recitations set forth in the foregoing recitals. The PARTIES further acknowledge that the same are material to this AGREEMENT and are hereby incorporated into and made a part of this AGREEMENT as though they were fully set forth in this Section 1 and the same shall continue for so long as this AGREEMENT is of force and effect.

Section 2. MUTUAL ASSISTANCE: The PARTIES shall do all things necessary or appropriate to carry out the terms and provisions of this AGREEMENT and to aid and assist each other in furthering the objectives of this AGREEMENT and the intent of the PARTIES as reflected by the terms of this AGREEMENT, including, without limitation, the giving of such notices, the holding of such public hearings, and the enactment by the CITY of such resolutions and ordinances, the execution of such permits, applications and agreements and the taking of such other actions as may be necessary to enable the PARTIES' compliance with the terms and provisions of this AGREEMENT and as may be necessary to give effect to the objectives of this AGREEMENT and the intentions of the PARTIES as reflected by the terms of this AGREEMENT.

Section 3. ANNEXATION: Subject to the provisions of 65 ILCS 5/7-1-8, as amended, the PARTIES respectively agree to do all things necessary or appropriate to cause the SUBJECT REALTY to be duly and validly annexed to the CITY as soon as practicable after the execution of this AGREEMENT. Attached hereto and incorporated herein as Exhibit "B" is the form of Ordinance providing for the annexation of the SUBJECT REALTY, entitled "An Ordinance Annexing Certain Unincorporated Territory to the City of St. Charles, Illinois (Pride of Kane County)", together with a copy of the plat of annexation attached thereto.

Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging the CITY'S lawful authority to annex the SUBJECT REALTY or challenging the method or procedures by or through which the PARTIES purported to cause the SUBJECT REALTY to be annexed to the CITY, the PARTIES agree that they shall fully cooperate, as provided in Section 2 hereof, to defend such cause of action. Should a court of competent jurisdiction finally determine that annexation of the SUBJECT REALTY was defective because of the failure of the PARTIES to follow a procedural requirement constituting a valid precondition to proper annexation of the SUBJECT REALTY, the PARTIES agree to promptly cause the SUBJECT REALTY to be reannexed to the CITY in a manner which satisfies all procedural requirements.

Should a court of competent jurisdiction finally determine that annexation of the SUBJECT REALTY by the CITY was without lawful authority (i.e., lack of contiguity), the PARTIES agree that this AGREEMENT shall thereafter be deemed a Pre-Annexation Agreement authorized pursuant to 65 ILCS 5/7-1-1, as amended, and shall remain in full force and effect to the extent permitted by law. Thereafter, should the SUBJECT REALTY become

contiguous to the CITY, the PARTIES agree to promptly take all necessary steps as may then be provided by law to perfect the annexation of the SUBJECT REALTY to the CITY.

Section 4. ZONING: Immediately subsequent to the annexation of the SUBJECT REALTY to the CITY, the PARTIES respectively agree to do all things necessary or appropriate to cause the SUBJECT REALTY to be duly and validly rezoned to the BR Regional Business District, pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended (“ZONING ORDINANCE”), and to grant a Special Use for Planned Unit Development for the SUBJECT REALTY. Attached hereto and incorporated herein as Exhibit “C” is a copy of the Ordinance rezoning the SUBJECT REALTY to the BR Regional Business District and granting a Special Use for a Planned Unit Development, entitled “An Ordinance Granting Approval of a Map Amendment, Special Use for PUD and PUD Preliminary Plan for Pride Kane County” (“PUD ORDINANCE”).

Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging the rezoning of the SUBJECT REALTY as provided in this AGREEMENT and in the ordinance referenced in the preceding paragraph, the PARTIES agree that they shall fully cooperate, as provided in Section 2 hereof, to defend against such cause of action. Further, the PARTIES specifically agree that to the extent such litigation proves successful, the CITY shall take such legislative action as then may be lawfully required to cause the SUBJECT REALTY to be zoned for the purposes herein contemplated.

Section 5. PRELIMINARY PLAT OF SUBDIVISION & PRELIMINARY ENGINEERING PLANS: Subject to the provisions of 65 ILCS 5/11-12-8, as amended, and Title 16 of the St. Charles Municipal Code, as amended (“SUBDIVISION ORDINANCE”), the CITY will grant preliminary plat of subdivision approval for the subdivision of the SUBJECT REALTY and preliminary engineering plan approval for the SUBJECT REALTY pursuant to the plans attached as exhibits to the PUD ORDINANCE, heretofore attached and incorporated herein as Exhibit “C”.

The OWNER shall not be required to submit for review or obtain approval of any additional preliminary plan or plat in order to obtain approval by the CITY of a final plat of subdivision of the SUBJECT REALTY which is in substantial conformity with the preliminary plat of subdivision. Upon the submission of a final plat of subdivision (“FINAL PLAT”) accompanied by final engineering plans (“FINAL ENGINEERING PLANS”), for the SUBJECT REALTY, and provided such FINAL PLAT and FINAL ENGINEERING PLANS comply with applicable ordinances of the CITY and this AGREEMENT, the CITY shall approve such FINAL PLAT and FINAL ENGINEERING PLANS within the time period provided in 65 ILCS 5/11-12-8, as amended.

Section 6. APPLICABLE MUNICIPAL STANDARDS: Upon annexation of the SUBJECT REALTY, all zoning, subdivision, building and development of the SUBJECT REALTY (including any area adjacent thereto, the improvement of which is necessary or proposed to facilitate the development of the SUBJECT REALTY) shall be undertaken in conformity with the requirements of all applicable CITY codes, ordinances, rules, regulations and standards generally in force, from time to time, within the CITY, except to the extent that the same are

superseded by more restrictive standards imposed by other regulatory authorities having jurisdiction and, further, as the same may be specifically modified by the terms of this AGREEMENT. Said applicable municipal standards shall otherwise be referred to herein as the "CITY CODE".

Section 7. RESPONSIBILITY FOR CITY REVIEW EXPENSES: OWNER agrees to pay all CITY expenses for the review, preparation of documents and plans, hearings and approvals through the adoption of this AGREEMENT incurred by the CITY, including, but not limited to, legal fees, engineering fees, and any other fees incurred with respect to this AGREEMENT. Said expenses shall be paid out of the account established with the CITY by the OWNER; provided, however, that should such account have insufficient funds, any remaining amounts due hereunder shall be billed to the OWNER and the OWNER shall pay, within thirty (30) days of the date of invoicing, same in full as a condition to the CITY'S execution of this AGREEMENT.

Section 8. UTILITY EASEMENTS: To the extent that any required public improvements are to be dedicated to the CITY, the OWNER shall grant, or cause to be granted, to the CITY, adequate easements and public rights-of-way in form and substance reasonably acceptable to the CITY.

Section 9. REQUIRED IMPROVEMENTS:

(a) Engineering Conformance. All public improvements to be constructed shall be constructed in conformance with the approved engineering plans, Section 5 hereof and the Land Improvement Agreement referred to herein (the "IMPROVEMENT AGREEMENT"). In the event that any provision of the CITY CODE, the IMPROVEMENT AGREEMENT or any engineering plans shall conflict with any other provision of the CITY CODE, the IMPROVEMENT AGREEMENT or any engineering plans, that provision determined by the CITY'S Community & Economic Development Director to be the most restrictive shall apply.

(b) Sanitary Sewer, Water and Electric Facilities. OWNER shall connect to the CITY owned wastewater, water and electric utilities to serve the SUBJECT REALTY. At such time as OWNER connects to CITY utilities, OWNER shall apply for any connection permits required by the CITY and shall pay the CITY'S required tap-on or connection fees as, from time to time, may be provided by ordinance. Except as otherwise set forth herein, the OWNER shall be responsible for the costs associated with bringing the aforesaid utilities from the connection point to the locations on the SUBJECT REALTY where the utilities will be utilized, and completing any related system improvements deemed necessary by the CITY to serve the SUBJECT REALTY.

The CITY shall not be responsible for its inability to provide any of the utility services identified herein, or for any loss or damage, including consequential damage, or delay in installation caused by strikes, riots, the elements, embargos, the failure of carriers or the inability to obtain materials or other acts of God or by virtue of any other cause beyond the CITY'S reasonable control, including but not limited to inability to acquire necessary easements or permits subject to review and issuance by other agencies. The CITY shall cooperate with the OWNER in obtaining any necessary easements.

OWNER shall disconnect the Commonwealth Edison electric service and remove any unused overhead service lines and poles from the Subject Realty. Any private water wells or sanitary sewer septic systems shall be properly abandoned in accordance with applicable codes.

(c) Storm Water Facilities.

(i) OWNER shall provide for storm water drainage and the retention/detention thereof upon and from the SUBJECT REALTY, in substantial conformity with the PRELIMINARY ENGINEERING PLANS and the CITY'S applicable storm water management ordinance, subject to review and approval of FINAL ENGINEERING PLANS.

(ii) The storm water retention/detention area ("DETENTION AREA") as identified on the PRELIMINARY PLAN, as adjusted pursuant to the review and approval of the FINAL ENGINEERING PLANS, shall be impressed with a stormwater detention easement in form and content approved by the CITY. The DETENTION AREA shall be maintained by the OWNER.

(iii) In accordance with Title 18 of the St. Charles Municipal Code ("STORMWATER ORDINANCE"), Section 18.04.010 – Stormwater Management Ordinance - Adopted – Modifications, Subsection P', the SUBJECT REALTY, identified as item No. 8, "Pride Gas Station," was exempted from the 2019 revisions to the Kane County Stormwater Ordinance. The PRELIMINARY ENGINEERING PLANS and associated DETENTION AREA have been designed in accordance with this exemption. The SUBJECT REALTY may be developed in conformance with the PRELIMINARY ENGINEERING PLANS irrespective of the expiration of said exemption.

(d) Public Sidewalks. OWNER shall cause public sidewalks to be installed along the public street frontages adjacent to the SUBJECT REALTY in substantial conformity with the PRELIMINARY ENGINEERING PLANS, as approved, and the applicable provisions of the Subdivisions Regulations of the CITY. OWNER shall install all public sidewalks and CITY shall reimburse the OWNER for the actual construction cost, not to exceed \$40,000.00. Actual construction cost shall be based on paid invoices and waivers of lien provided by the OWNER.

(e) Kirk Road Crosswalk. The CITY acknowledges that future installation of a pedestrian crosswalk across the south leg of the intersection of Kirk Road and E. Main St./IL Route 64, as shown on the PRELIMINARY ENGINEERING PLANS, would improve pedestrian connectivity. The OWNER shall not be required to install or otherwise contribute to the cost of the crosswalk in connection with the development of SUBJECT REALTY.

(f) Cross Access. As shown on the PRELIMINARY ENGINEERING PLANS, OWNER shall provide for cross access vehicular connections to the south and east to the Main Street Commons shopping center. Said cross access shall be available for use by the SUBJECT REALTY, subject to the terms and conditions of any easement agreement between the OWNER and shopping center.

(g) Building Permit Timing and Completion of Improvements Prior to Occupancy. OWNER agrees to comply with Section 16.04.140.B with regards to the timing and issuance of Building Permits and to complete the required improvements before a Certificate of Occupancy issued as stipulated in Section 16.04.140.C.

(h) Guarantee for Land Improvements. As a condition of approval of a FINAL PLAT, the OWNER shall execute a LAND IMPROVEMENT AGREEMENT, in substantially the form provided in Appendix D of the SUBDIVISION ORDINANCE and tender the security provided for therein.

Section 10. FEES AND CONTRIBUTIONS: The OWNER pay all the necessary fees and connection charges that may be applicable with respect to the SUBJECT REALTY.

Section 11. 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 and/or OWNER, including but not limited to county, state and federal regulatory bodies.

Section 12. BINDING EFFECT, SUCCESSION IN INTEREST AND TERM: This AGREEMENT shall constitute a covenant running with the land and shall be binding upon and inure to the benefit of the PARTIES hereto, successors in interest, assignees, lessees, and upon any successor municipal authorities of the CITY and successor municipalities for a period of twenty (20) years from the date hereof.

Section 13. DISCONNECTION: Once the SUBJECT REALTY has been annexed to CITY and a final plat and collateral approval granted for any part of the SUBJECT REALTY, OWNER agrees not to petition for disconnection of any part of the SUBJECT REALTY from CITY without CITY approval under any statutory provision and agrees that if the SUBJECT REALTY is disconnected from the CITY (a) the growth prospects and plan and zoning ordinances of the CITY would be unreasonably disrupted; (b) substantial disruption will result to existing municipal service facilities, such as, but not limited to, sewer systems, street lighting, water mains, garbage collection and fire protection; and (c) the CITY would be unduly harmed through loss of tax revenue in the future. However, the CITY may disconnect the SUBJECT REALTY with the written consent of OWNER.

Section 14. 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, or alleged to arise out of, or in any other way be connected with this AGREEMENT or the annexation of the SUBJECT REALTY, or the development of the SUBJECT REALTY arising out of the intentional or negligent acts of owner, or owner's agents, the OWNER, to the extent permitted by law, shall defend and hold the CITY and such officers, other officials, agents and employees, past present and future, harmless from all claims, liabilities, losses, taxes, judgments, costs, and fees, including expenses and reasonable attorney's fees, in connection therewith. Any such

Rosemont, IL 60018
Attention: Nicholas S. Peppers, City Attorney

If to the OWNER: CIMA Developers, LP
30W180 Butterfield Rd.
Warrenville, IL 60555
Attention: Peter M. Spina

With copy to:

The names and addresses provided in this Section may be changed from time to time by notice duly given in compliance with the provisions of this Section.

Section 18. AMENDMENT: This AGREEMENT, and any exhibits or attachments hereto, may be amended from time to time in writing with the consent of the PARTIES hereto.

Section 19. CONVEYANCES: Nothing contained in this AGREEMENT shall be constructed to restrict or limit the right of the OWNER to sell or convey all or any portion of the SUBJECT REALTY, whether improved or unimproved.

Section 20. CAPTIONS AND PARAGRAPH HEADINGS: The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this AGREEMENT.

Section 21. RECORDING: This AGREEMENT shall be recorded in the Office of the Recorder of Deeds, Kane County, Illinois, at OWNER'S expense.

Section 22. CHANGES IN REGULATIONS: It is understood and agreed, except as otherwise provided for herein, that the various requirements of the CITY CODE, including all fees and charges provided for therein, shall not be frozen during the term of this AGREEMENT and may, from time to time, be amended, and as amended, shall apply to the SUBJECT REALTY. Notwithstanding the foregoing, it is expressly understood and agreed by the PARTIES that during the term of this AGREEMENT, pursuant to the zoning to be granted hereunder, the OWNER, his successors and assigns shall be permitted to use the SUBJECT REALTY pursuant to the zoning to be granted hereunder.

Section 23. GOVERNING LAW: This AGREEMENT, and the terms and provisions contained herein, shall be construed and governed under the laws of the State Illinois.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the PARTIES have hereunto placed their hands and the CITY its seal on the date first above written.

CITY OF ST. CHARLES, an Illinois municipal corporation

By: _____
Mayor Raymond P. Rogina

ATTEST

By: _____
City Clerk Charles Amenta

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, _____, a Notary Public, in and for the County and State aforesaid, do hereby certify, that Raymond P. Rogina, personally known to me to be the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, a municipal corporation, and Charles Amenta, personally known to me to be the City Clerk of said corporation, and personally known to me to be the same persons whose names are subscribed to the forgoing instrument appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the City Council of said corporation, as the free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal this ____ day of _____, 2020.

Notary Public

OWNER:

CIMA DEVELOPERS, LP
An Illinois Limited Partnership

By _____
PETER M. SPINA

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, _____, a Notary Public, in and for the County and State aforesaid, do hereby certify, that Peter M. Spina, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his free and voluntary act for the uses and purposes therein set forth.

GIVEN under by hand and official seal this ____ day of _____, 2020.

Notary Public

EXHIBIT "A"**LEGAL DESCRIPTION OF SUBJECT REALTY**

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

EXHIBIT "B"

ORDINANCE ANNEXING SUBJECT REALTY

EXHIBIT "C"

PUD ORDINANCE

**City of St. Charles, Illinois
Ordinance No. 2020-Z-**

**An Ordinance Granting Approval of a Map Amendment, Special Use for
Planned Unit Development and PUD Preliminary Plan for
Pride of Kane County**

WHEREAS, on or about April 7, 2020, CIMA Developers, LP (the “Applicant”) filed petitions for: 1) Map Amendment from RE-1 Single-Family Estate District to BR Regional Business District; 2) Special Use for Planned Unit Development; and 3) PUD Preliminary Plan, all for the real estate legally described on Exhibit “A” attached hereto and incorporated herein (the “Subject Property”), for the purpose of developing a gas fueling facility, convenience store, and car wash; and,

WHEREAS, Notice of Public Hearing on said petitions for Map Amendment and Special Use for Planned Unit Development was published on or about June 18, 2020 in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission conducted a public hearing on or about July 7, 2020, July 21, 2020 and August 4, 2020 on said petitions in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

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

WHEREAS, the Plan Commission recommended approval of said Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan petitions on or about August 4, 2020; and,

WHEREAS, the Planning & Development Committee of the City Council recommended approval of said petitions on or about November 9, 2020; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning & Development Committee and has considered the same.

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

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.
2. That passage of this Ordinance shall constitute approval of the petition for a Map Amendment for the Subject Property from the RE-1 Single-Family Estate District to the BR

Regional Business District, and the Findings of Fact for Map Amendment attached hereto and incorporated herein as Exhibit “B” are expressly adopted by the corporate authorities of the City.

3. That passage of this Ordinance shall constitute approval of a Special Use for Planned Unit Development pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended, and based upon the Applicant’s petitions and the evidence presented at the Public Hearing, the City Council hereby finds that the Special Use for Planned Unit Development is in the public interest and adopts the Criteria for Planned Unit Developments, set forth on Exhibit “C”, which is attached hereto and incorporated herein.

4. That passage of this Ordinance shall constitute approval of the PUD Preliminary Plan, incorporated herein as Exhibit “D”, such that the following documents and illustrations are hereby approved, reduced copies of which are attached hereto, subject to satisfactory resolution of all outstanding staff review comments and compliance with such conditions, corrections, and modifications as may be required by the Director of Community & Economic Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

- Preliminary Engineering Plans; WT Groups; revisions dated
- Preliminary Plat of Subdivision; WT Group; revisions dated
- Landscape Plan; Heller & Associates; revisions dated
- Lighting Plan; LSI; revisions dated 6/16/2020
- Building Elevations; Arch7; not dated
- Canopy Elevations; dated 6/18/2020
- Signage Plan; Parvin-Clauss Sign Company; revisions dated 6/19/2020

5. The Subject Property shall be developed only in accordance with all ordinances of the City as now in effect and as hereafter amended (except as specifically varied herein), and subject to the terms, conditions and restrictions set forth herein, as follows:

- a. Zoning: The Subject Property shall be subject to the requirements of the BR Regional Business District, as amended, and all other applicable requirements of the St. Charles Zoning Ordinance, as amended, except as specifically varied in the “PUD Deviations” attached hereto and incorporated herein as Exhibit “E”.
- b. Stormwater Management: Per Title 18 of the St. Charles Municipal Code, “Stormwater”, Section 18.04.010 – Stormwater Management Ordinance - Adopted – Modifications, Subsection P’, the Subject Property was exempted from the 2019 revisions to the Kane County Stormwater Ordinance. The Subject Property may be developed in conformance with the approved PUD Preliminary Plan irrespective of the expiration of said exemption.

6. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 7th day of December 2020.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties,
Illinois this 7th day of December 2020.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties,
Illinois this 7th day of December 2020.

Raymond P. Rogina, Mayor

Attest:

Charles Amenta, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: _____

EXHIBIT "A"

LEGAL DESCRIPTION

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

EXHIBIT “B”

FINDINGS OF FACT FOR MAP AMENDMENT

1. The existing uses and zoning of nearby property.

The intended use is consistent with the other retail business uses along Kirk Rd. and along E. Main St.

2. The extent to which property values are diminished by the existing zoning restrictions.

Property values will not be affected. The intended use is consistent with all nearby uses.

3. The extent to which the reduction of the property’s value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.

The property value will not be diminished, and in fact will provide an added amenity and convenience to the surrounding city and community.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.

The subject property’s current zoning does not allow for our intended use.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.

This property has been vacant for a substantial amount of time.

6. The evidence, or lack of evidence, of the community’s need for the uses permitted under the proposed district.

The intended use is consistent with development trends and all neighboring uses.

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

Our intended use is consistent with the Comprehensive Plan.

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

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

9. The extent to which the proposed amendment creates nonconformities.

The proposed development will only require paving setback and off-site sign deviations. Other than that, the development will comply with zoning requirements.

10. The trend of development, if any, in the general area of the property in question.

The intended use is consistent with the other retail business uses.

EXHIBIT “C”

CRITERIA FOR PLANNED UNIT DEVELOPMENTS

- 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.**

We believe that the proposed development advances many of the purposes of the Planned Unit Development as outlined and stated in Section 17.04.400.A.

The architectural building design will provide a unique and distinctive look that will include “barn” like features that will capture the historic essence of the property.

New sidewalks are proposed along the entire west and north property lines to connect existing sidewalk structures along Kirk Rd. and Main St. to help promote pedestrian traffic and physical activity.

This property has remained undeveloped for a very long time and the proposed development allows for and encourages and promotes economic growth and efficient land use.

This development includes a reciprocal easement agreement with the neighboring property owner (Main Street Commons) which allows for cross-access service roads and shared stormwater detention.

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

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

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

1. **The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public 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 following factors below per Section 17.04.400.B are highlighted to justify relief from certain zoning requirements:

- The PUD will provide superior landscaping and buffering as allowed by the site parameters.
- The buildings within the PUD will be unique and distinctive in nature, capturing historic features.
- The buildings will be built with energy efficiency guidelines and site design.
- The development will be designed with shared detention with Main Street Commons.

Zoning deviations for the following are being requested: paving setbacks, off-site signage, convenience store building signage, freestanding sign setback, building foundation landscape, carwash stacking requirement.

iii. **The proposed PUD conforms with the standards applicable to Special uses (section 17.04.330.C.0):**

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

Yes. The proposed development will serve as a public convenience and an added amenity. The development will offer fueling, convenience store, quick service restaurant and carwash.

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

Yes. The proposed development has sufficient infrastructure required to develop. Utilities, added service roads, and adequate on-site and off-site detention are being provided.

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

The development is consistent and compatible with surrounding land uses and will not affect nearby property in any way.

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

The development will not impede the normal and orderly development and improvement of the surrounding property and will complete the needed development at that particular property location in a manner that is consistent and compatible with surrounding and neighboring property.

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

No. The proposed development will not pose any detriment to or endanger the public health, safety, comfort or general welfare.

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

Yes. The development will be built to conform to all applicable codes and ordinances and meets all applicable provisions, except as may be varied pursuant to a Special Use for PUD.

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

Yes. The proposed development will provide an added and substantial tax base to the City, improving the overall economic well-being of the City.

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

Yes. The proposed development is in conformance with the goals, objectives and policies of the adopted City of St. Charles Comprehensive Plan.

EXHIBIT "D"

PUD PRELIMINARY PLAN

(?? pages)

EXHIBIT “E”

PUD DEVIATIONS

Section 17.24.100 Drive-Through Facilities	
Stacking Lane Configuration	Two lanes of car wash vehicle stacking, as shown on the PUD Preliminary Plan.
Section 17.26.080 Building Foundation Landscaping	
Foundation Landscape Planting Beds	3 ft. along west side of convenience store building, as shown on the PUD Preliminary Plan.
Table 17.28-2 Permitted Signs for Business & Mixed-Use Districts – BL, BC and BR Districts	
Freestanding Signs	3 ft. setback for monument sign at the corner of Main St. and Kirk Rd., as shown on the PUD Preliminary Plan.
Wall Signs	Four wall signs on the convenience store building, as shown on the PUD Preliminary Plan.
Section 17.28.080 Prohibited Signs	
Off-Premise Signs	Three off-premise signs to be placed in the Main Street Commons PUD: one monument sign at the Main St. entrance of Main Street Commons; one monument sign at the Kirk Rd. entrance of Main Street Commons; one directional sign within Main Street Commons; all as shown on the PUD Preliminary Plan

project because they are considered residential units. The Inclusionary Housing Ordinance requires projects to provide a portion of units as affordable or a fee in lieu paid. One of the incentives to have the units constructed is that there is a development cost offset that would essentially waive all the City's applicable development fees, including the school and park land cash fees, for the portion of units that are affordable. A project of this size would typically require 10% of the units be made affordable and those fees would be waived. Since the entire project consists of affordable units, the request is for the development cost offset incentive be applied to the entire project. This would mean all the City's fees, along with the school and park fees, would be waived. Staff sent the request information to the school and park districts for feedback. The school district would not be as impacted, because based on the type of units, this would be a relatively low fee. The park district reviewed the request, but would like to hear the City's opinion before offering their opinion. Mr. Colby said if this moves forward, the request could be accommodated through the PUD ordinance.

Aldr. Silkaitis asked if they could put the age restriction in the ordinance so that whatever they agree to goes with the property and not the ordinance. Ms. Shears said that would be acceptable.

Aldr. Silkaitis asked if they bypassed the park donation for other similar developments. Mr. Colby said they have not had this type of request with a 100% affordable age-restricted project. Aldr. Silkaitis also asked if there has been an increased demand for this type of housing in the area. Ms. Shears said they leased out phase 1 units within a two-month period and they have a healthy waitlist for the next phase. Aldr. Lewis asked if they could guarantee priority to St. Charles residents. Ms. Shears stated they need to abide by the Fair Housing Act. However, from past experience the vast majority of residents have been within the region of St. Charles.

- e. Plan Commission recommendation to approve a Zoning Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Munhall Glen.

This item was not presented.

- f. Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Pride of Kane County, southeast corner of Kirk Rd. and E. Main St.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Lemke said he would need to see a draft of the annexation agreement before deciding. Ms. Johnson said it was not fully drafted yet because they were waiting for further feedback on the proposed items and before setting of a public hearing date for the annexation agreement. Aldr. Lemke felt there was no reason to limit what is otherwise permitted in other retail zoning areas.

Mario Spina, owner of Parent Petroleum, said it is going to be an expensive site to develop due to the restrictions on the site. He said they are not asking for sales tax abatement as others do with annexed properties which is why they asked for assistance with the

sidewalk. He clarified their request to restrict other gas stations on Main Street. He said if the property doesn't currently allow for gas station use, that there won't be any new rezoning for that use on Main Street. It's not to change the existing zoning for sites already zoned for gas station use. Another station in close proximity can kill the economics of the location.

Jayne Muenz, 27 Southgate Course, expressed concerns over the use of this lot. She felt it wasn't the right use of the lot and stated the number of accidents would increase. She also noted the plan for this particular use goes against at least five points in the Comprehensive Plan. She was against the non-competitive nature of the restriction limiting other gas stations in the area and having a gas station at the entry to the east gateway.

Aldr. Silkaitis said he has trouble supporting the sidewalk request and the restriction on rezoning other properties.

Aldr. Bancroft felt the radius restriction wasn't appropriate, but he would be open to further discussion on incentives. He said they have not seen any other options presented for that site and they need to consider if they would prefer to keep it left as is.

Aldr. Vitek said she only has an issue with the competitive piece. Aldr. Pietryla was not in favor of the plan.

Aldr. Bessner asked if the radius restriction applied all the way down Main Street to the river. Mr. Spina said that is correct and it is due to the volume of customers needed to survive. Aldr. Bessner asked staff if any current gas stations close or resell, would they fall under the "no gas station" restriction. Mr. Colby stated they would need to go through a process to understand what they would be trying to accomplish by imposing this type of restriction. Mr. Peppers said he would have serious reservation of the legal sufficiency of this Council agreeing to enact zoning in an annexation agreement or a zoning approval to limit competition on other property.

Aldr. Lewis stated this is not the proper land use. She felt the corner needs to be more of a destination than an in/out convenience type thing.

Aldr. Bessner asked if the restriction on other gas stations is a deal breaker. Mr. Spina said it's a concern.

Aldr. Stellato said that corner should have been an outlot in conjunction with Main Street Commons and they missed the boat. They are dealing with a very complex corner. The Comprehensive Plan is simply a guide and it needs to be adapted to the market. He feels this is the right development for this corner at this time and sales tax dollars are huge for gas stations. However, he still has issues with the non-compete clause.

Chair Payleitner asked staff for advice on moving forward. Ms. Tungare said based on the feedback received, the applicant needs to decide if they want to advance forward with the annexation agreement. She said a motion is not necessary at this point.

Tom Anderson, 712 Horne St., commented on the concept. He said it was a very nice project and he especially liked the idea of expanding the bridge to connect the east and west side of Main Street.

- b. Plan Commission recommendation to approve a Map Amendment for 1001 N. 5th Ave.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Pietryla met with the residents to hear their objections. The neighbors and the developers are very close to a mutually beneficial agreement.

Aldr. Pietryla made a motion to recommend forwarding the Zoning Map agreement for 1001 N. 5th Ave. to City Council, subject to staff receiving and reviewing an easement or covenant that is agreeable to both the applicant and the neighbors, Mr. & Mrs. Snodgrass, and the signed agreement being submitted to the City for recording. Seconded by Aldr. Vitek.

Roll was called:

Ayes: Vitek, Pietryla, Bessner, Silkaitis, Lemke, Bancroft

Absent: Stellato, Turner, Lewis

Recused:

Nays:

Motion passed 6-0

- c. Plan Commission recommendation to approve a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for Pride of Kane County, southeast corner of Kirk Rd. and E. Main St.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Lemke asked if the access off of Kirk was a revision since they last reviewed this. Ms. Johnson said it was the same as before.

Aldr. Silkaitis asked the developer why the City should deviate from the requirement to install sidewalks. Dan Soltis, CIMA Developers, said this is a \$6 million investment that will generate approximately \$350,000 tax revenue to the City. Aldr. Silkaitis noted that he is not in favor of having the City contribute to the cost of the crosswalk or having an ordinance that forbids other gas stations in that area.

Aldr. Pietryla said he does not support these three requests. He said he is not sure this is in alignment with the Comprehensive Plan. Aldr. Bessner stated he would not agree to limiting other gas stations on Main Street, but he felt there could be some room for negotiating on the other two items. Mr. Soltis stated the owner will not move forward with the project if he does not receive the fuel restriction built into the annexation. Aldr. Silkaitis said nobody has ever asked to be the only one developed and he will not restrict another business from moving into town.

Chair Payleitner said this is a very limited opportunity to shape the entryway into the City. She questioned whether this is the highest and best use of the property and noted these four corners are destination locations. She doesn't see any quick-stop businesses there. Mr. Soltis said the broker had a lot of interest in this site, but mostly from convenience store type uses. He said other types of businesses might not be able to make that corner work due to the economics involved.

Aldr. Vitek said she is not opposed to this and they have a strong brand that doesn't deter from anything else. Aldr. Bancroft said they could decide to let it sit as is and wait for something better, but for how long. He noted the site has been sitting as is for quite some time. They may not be able to get what they want on that corner. Chair Payleitner mentioned that nothing has been brought before the Committee in 20 years, but felt they were settling for what is being presented. Aldr. Bancroft said it will sit the way it is, which is worse than if there was a vibrant, ongoing business there. Nothing better has been proposed.

Aldr. Bessner asked if there would be interest in considering a certain amount of footages between this business and other gas stations instead of having a non-compete agreement. Chair Payleitner said they would need to check into the legality of this. Aldr. Bancroft said it would be a bad decision to allow a radius restriction. Mr. Soltis mentioned he would like the opportunity to relay the message back to ownership.

Chair Payleitner asked about the tree deficit. Mr. Soltis said they do not want to add any other parkway trees because they don't want to lose visibility.

There was a discussion to continue this item to the next meeting to allow staff and applicant time to gather further information.

Aldr. Bessner made a motion to approve to continue discussion to the next Committee meeting. Seconded by Aldr. Vitek.

Roll was called:

Ayes: Pietryla, Bessner, Lemke, Bancroft, Vitek

Absent: Stellato, Turner, Lewis

Recused:

Nays: Silkaitis

Motion passed 5-1

- ~~d. Plan Commission recommendation to approve an Amendment to Special Use for PUD, Special Use for a Pet Care Facility, and PUD Preliminary Plan for Petsuites, Pine Ridge Park PUD.~~

Ms. Johnson presented the Executive Summary posted in the meeting packet.

~~**Aldr. Silkaitis made a motion to approve an Amendment to Special Use for PUD, Special Use for a Pet Care Facility, and PUD Preliminary Plan for Petsuites, Pine Ridge Park PUD. Seconded by Aldr. Vitek. Approved unanimously by voice vote. Motion Carried.**~~

City of St. Charles, Illinois
Plan Commission Resolution No. 15-2020

A Resolution Recommending Approval of a Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for The Pride of Kane County (CIMA Developers LP)

Passed by Plan Commission on August 4, 2020

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

WHEREAS, the Plan Commission held a public hearing and reviewed the applications for Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan for The Pride of Kane County (CIMA Developers LP); and,

WHEREAS, in accordance with Section 17.04.320.D, the Plan Commission has considered the following findings for Map Amendment:

FINDINGS OF FACT FOR MAP AMENDMENT

1. The existing uses and zoning of nearby property.

The intended use is consistent with the other retail business uses along Kirk Rd. and along E. Main St.

2. The extent to which property values are diminished by the existing zoning restrictions.

Property values will not be affected. The intended use is consistent with all nearby uses.

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.

The property value will not be diminished, and in fact will provide an added amenity and convenience to the surrounding city and community.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.

The subject property's current zoning does not allow for our intended use.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.

This property has been vacant for a substantial amount of time.

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.

The intended use is consistent with development trends and all neighboring uses.

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

Our intended use is consistent with the Comprehensive Plan.

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

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

9. The extent to which the proposed amendment creates nonconformities.

The proposed development will only require paving setback and off-site sign deviations. Other than that the development will comply with zoning requirements.

10. The trend of development, if any, in the general area of the property in question.

The intended use is consistent with the other retail business uses.

WHEREAS, in accordance with Section 17.04.410.D.3, the Plan Commission finds the Special Use for PUD 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.**

We believe that the proposed development advances many of the purposes of the Planned Unit Development as outlined and stated in Section 17.04.400.A.

The architectural building design will provide a unique and distinctive look that will include “barn” like features that will capture the historic essence of the property.

New sidewalks are proposed along the entire west and north property lines to connect existing sidewalk structures along Kirk Rd. and Main St. to help promote pedestrian traffic and physical activity.

This property has remained undeveloped for a very long time and the proposed development allows for and encourages and promotes economic growth and efficient land use.

This development includes a reciprocal easement agreement with the neighboring property owner (Main Street Commons) which allows for cross-access service roads and shared stormwater detention.

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

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

- 1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public 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 following factors below per Section 17.04.400.B are highlighted to justify relief from certain zoning requirements:

- The PUD will provide superior landscaping and buffering as allowed by the site parameters.
- The buildings within the PUD will be unique and distinctive in nature, capturing historic features.
- The buildings will be built with energy efficiency guidelines and site design.
- The development will be designed with shared detention with Main Street Commons.

Zoning deviations for the following are being requested: paving setbacks, off-site signage, convenience store building signage, freestanding sign setback, building foundation landscape, carwash stacking requirement.

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

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

Yes. The proposed development will serve as a public convenience and an added amenity. The development will offer fueling, convenience store, quick service restaurant and carwash.

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

Yes. The proposed development has sufficient infrastructure required to develop. Utilities, added service roads, and adequate on-site and off-site detention are being provided.

C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes

already permitted, nor substantially diminish or impair property values within the neighborhood.

The development is consistent and compatible with surrounding land uses and will not affect nearby property in any way.

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

The development will not impede the normal and orderly development and improvement of the surrounding property and will complete the needed development at that particular property location in a manner that is consistent and compatible with surrounding and neighboring property.

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

No. The proposed development will not pose any detriment to or endanger the public health, safety, comfort or general welfare.

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

Yes. The development will be built to conform to all applicable codes and ordinances and meets all applicable provisions, except as may be varied pursuant to a Special Use for PUD.

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

Yes. The proposed development will provide an added and substantial tax base to the City, improving the overall economic well-being of the City.

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

Yes. The proposed development is in conformance with the goals, objectives and policies of the adopted City of St. Charles Comprehensive Plan.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to the City Council approval of a Map Amendment, Special Use for Planned Unit Development, and

Resolution No. 15-2020

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PUD Preliminary Plan for The Pride of Kane County (CIMA Developers LP) subject to resolution of outstanding staff comments prior to City Council action.

Roll Call Vote:

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

Nays: Vargulich

Absent: 0

Motion carried: 8-1

PASSED, this 4th day of August 2020.

Chairman
St. Charles Plan Commission

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES
SINCE 1834

STAFF MEMO

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

FROM: Ellen Johnson, Planner

RE: Pride of Kane County – Plan Commission Public Hearing Discussion Summary

DATE: August 6, 2020

Plan Commission opened the public hearing for the Pride of Kane County zoning applications on July 7, 2020. The hearing was continued and subsequently discussed on July 21 and August 4.

This memo summarizes the main discussion points during the hearing and the responses to these items.

- **Orientation of Convenience Store & Canopy** – Commissioners expressed a desire for the convenience store and gas station canopy to be flipped, so that the convenience store building is located on the corner of Main/Kirk, with the gas station canopy to the east. Commissioners discussed that flipping these structures would improve the aesthetics of the intersection, which is important as a gateway intersection into St. Charles.

Applicant's response:

- The applicant stated the Pride ownership considered the request and determined they would be unwilling to move the gas station canopy off the corner. They cited visibility concerns for the business.
- **Crosswalk across Kirk Rd.** – Commissioners requested a crosswalk across Kirk Rd. in connection with the proposed development in order to improve pedestrian connectivity and safety through this corridor. The following information was gathered by staff:
 - Kirk Road is under the jurisdiction of Kane County Division of Transportation (KDOT). Main Street (IL Rt. 64) is under the jurisdiction of Illinois Department of Transportation (IDOT).
 - IDOT would be the permitting agency for traffic signal work. An additional Traffic Impact Study may be needed.
 - Both IDOT and KDOT have indicated the installation of a crosswalk necessitates the design and improvement of other components in order to facilitate a functional intersection. This would include traffic signal design, install of sidewalk approaches with ADA landings, potential challenges with the small traffic island at the southwest corner, install of new pedestrian signals and push buttons, conduit, wiring, and optimizing the signal timing.

- KDOT is supportive of a crosswalk across the south leg of Kirk/64. They have indicated it would be a nice complement to the existing crosswalk on the west leg of the intersection and would make the site more accessible to pedestrians.
- The intersection is identified in (KDOT)'s Comprehensive Road Improvement Project list. Currently, there are two northbound and two southbound thru lanes with one left turn lane and one right turn lane on the south leg, and one left turn lane on the north leg. The ultimate intersection improvements would include three northbound and three southbound thru lanes with dual lefts on the Kirk Road legs. This would be a significant project and it is not currently on KDOT's multi-year funding plan. It is anticipated that future project is at least 10-15 years away.

Applicant's response:

- The site plan has been revised showing the requested crosswalk, as well as public sidewalk connecting to the crosswalk.
 - The applicant expressed interested in discussing payment options with the City; the applicant has not committed to covering the cost of the crosswalk.
- **Landscaping along Kirk and Main St. frontages and building foundation** – Commissioners stated that all landscaping required under the Zoning Ordinance should be provided. The Staff Report notes that additional trees are needed along Main St. and Kirk Rd., additional planting areas are needed along Main St., and one additional tree is needed along the north wall of the convenience store and gas station.

Applicant's response:

- Additional trees and plantings were added to the revised landscape plan. However, additional landscaping is still needed as listed above.
- **Internal pedestrian connections from Main St.** – Commissioners requested sidewalk be added from the Main St. sidewalk to the convenience store.

Applicant's response:

- The site plan has been revised showing a sidewalk connecting to the convenience store entrance.
- **Easter site access safety** – Commissioners expressed concerns regarding the eastern site access from the main entrance drive of Main Street Commons. Staff commissioned HLR Engineering to analyze the access and provide an opinion on safety (see HLR memo attached). HLR's comments are summarized as follows:
 - HLR noted no major safety concerns due to the relatively low volumes of traffic and the varying peak hours of the surrounding land uses.
 - There is concern with having adequate gaps for left turns out of the Pride site. An option is to make the eastern access a right-in right-out only. Drivers seeking to go westbound on Main St. would either have to travel through Main Street Commons to use the Kirk Rd. exit, or turn right out of the Pride site on to Main St. going eastbound and make a U-turn at the signalized intersection of Main Street Commons/Main St. to go westbound.

Applicant's response:

- Plans for the access were not revised.
- Plan Commission did not require revisions to the eastern access.

- **Appearance of south retaining wall and guardrail** – Commissioners stated concerns about the appearance of the metal guard rail and the retaining wall running south of the southern access drive, north of the detention pond on the Main Street Commons property.

Applicant's response:

- The guardrail was modified from standard metal to wood.
 - Plantings were added along the north side of the guard rail.
 - A photo of a three-tier retaining wall with landscaping was provided as an example of a similar design.
 - Plan Commission did not request further changes to the guard rail or retaining wall.
- **Location of trash enclosure** – Commissioners expressed concerns that the location of the trash enclosure near the intersection of the car wash stacking land and southern access drive would cause visibility issues.

Applicant's response:

- The trash enclosure was shifted north as reflected on the revised site plan.
- Plan Commission did not request further changes to the trash enclosure location.

Public Comment

- No members of the public spoke during the public hearing.
- Three letters of opposition were received from residents. These are included in the packet materials.



Hampton, Lenzini and Renwick, Inc.

Civil Engineers • Structural Engineers • Land Surveyors • Environmental Specialists
www.hlrengineering.com

Memorandum

To: City of St. Charles
ATTN: Ellen Johnson

From: Hampton Lenzini & Renwick, Inc. (HLR)
Callie Allbright PE, PTOE and Amy McSwane PE, PTOE

Date: 8/6/2020

Re: PRIDE of Kane County Gas Station - Traffic Impact Study

HLR has reviewed the site circulation and has developed the following conclusions regarding the eastern access driveway.

There are no major safety concerns regarding the eastern access of the proposed site because of the relatively low volumes and varying peak hours of the land uses in the area. However, there is concern with having adequate gaps for drivers to turn left out of the eastern access to reach the Main Street Commons/Charlestown Mall signalized intersection. The main concerns occur in the PM and SAT peak periods. Based on the future HCS analysis, estimated queues on the northbound approach of the signalized intersection extend beyond the eastern driveway. Vehicles wanting to make a left turn from the driveway would potentially have a trouble finding gaps to turn into through the queues.

It would also be assumed that most drivers making a left turn out of the eastern access want to travel westbound on North Avenue.

A couple options that could be considered to satisfy safety and operational concerns of the eastern access are the following.

1. Make the eastern access a right-in right-out only. If drivers want to go westbound on North Avenue, they can either use the northern right-out access and make a U-turn at the signalized intersection at Main Street Commons/North Avenue or use the Kirk Road right-in right-out access to reach the North Ave/Kirk Road signalized intersection and proceed from there. Otherwise, drivers can use the right-out access to travel eastbound on North Avenue.
2. Moving the driveway farther south would have impacts to the detention pond design and require redesign. Driver's would still have to potentially cross many lanes of traffic and would not have major safety or operational benefits when compared to the current design location.

If you have any questions or concerns regarding this memo, please contact HLR at 847-697-6700.

Community & Economic Development
 Planning Division

Phone: (630) 377-4443
 Fax: (630) 377-4062



ST. CHARLES
 SINCE 1834

Staff Report

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

FROM: Ellen Johnson, Planner

RE: Pride of Kane County – Southeast corner of Kirk Rd. and E. Main St.

DATE: August 6, 2020

I. APPLICATION INFORMATION:

Project Name: Pride of Kane County

Applicant: CIMA Developers, LP

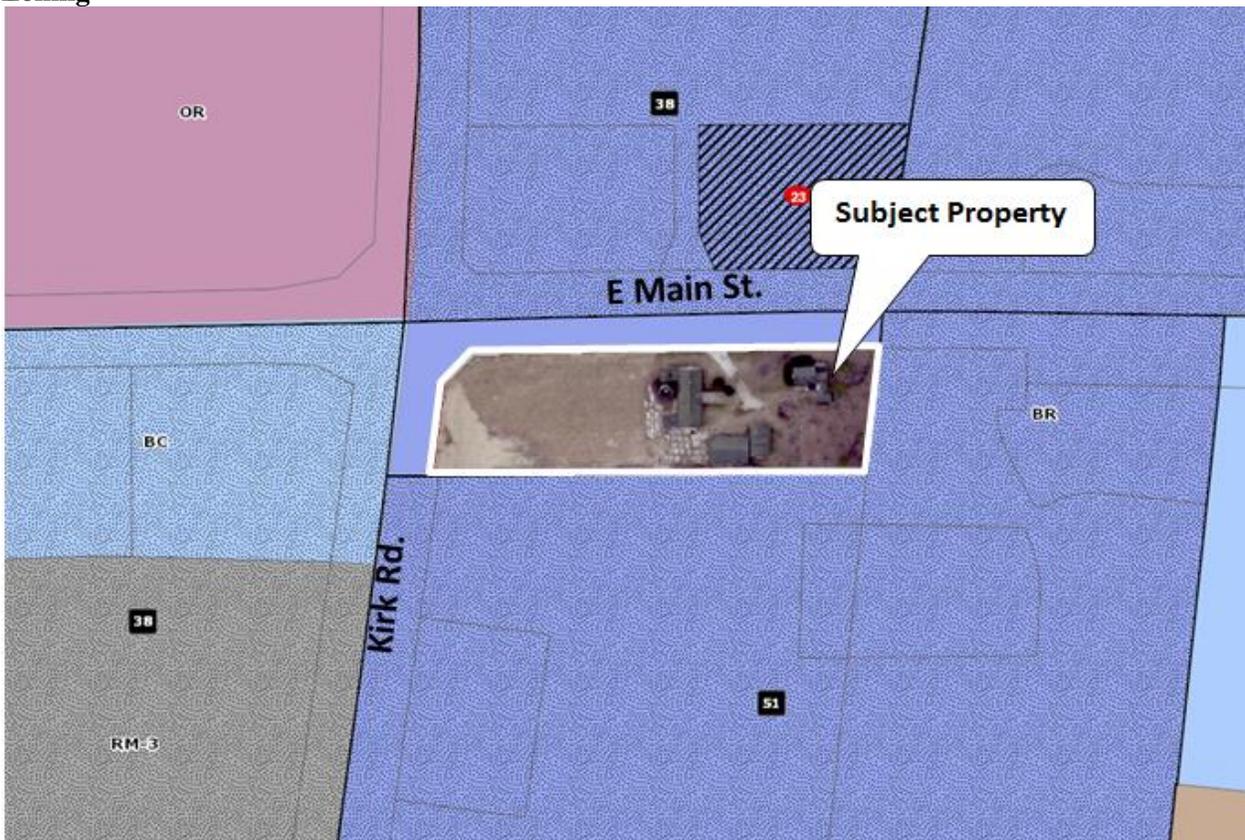
Purpose: Zoning approvals for development of a gas station and car wash

General Information:		
Site Information		
Location	Southeast corner of Kirk Rd. and E. Main St. (unincorporated)	
Acres	2.37 acres (103,237 sf)	
Applications:	Map Amendment, Special Use for Planned Unit Development, PUD Preliminary Plan	
Applicable City Code Sections	Ch. 17.04 – Design Review Standards & Guidelines Ch. 17.14 – Business & Mixed Use Districts Ch. 17.24 – Off-Street Parking, Loading & Access Ch. 17.26 – Landscaping & Screening Title 16 – Subdivisions & Land Improvement	
Existing Conditions		
Land Use	Vacant/formerly agriculture	
Zoning	F- Farming (Kane County Zoning)	
Zoning Summary		
North	BR Regional Business (PUD)	West Suburban Bank, On the Border
East	BR Regional Business (PUD)	Main Street Commons shopping center
South	BR Regional Business (PUD)	Main Street Commons shopping center
West	BC Community Business (PUD)	First American Bank
Comprehensive Plan Designation		
Corridor/Regional Commercial		

Aerial



Zoning



II. OVERVIEW

A. PROPERTY HISTORY

The subject property is a 2.37 acre parcel located at the southeast corner of Kirk Rd. and E. Main St. It is known as the Regole family homestead. The property contains several buildings including a house, barn, additional shed and corn crib. The buildings have been vacant for a number of years.

The Regole family once farmed around 300 acres of land in the surrounding area. The farmland was sold off over time, making way for development of the Main Street Commons shopping center surrounding the subject property on the east and south sides, and Stuart's Crossing to the north and west. The remnant homestead has not been annexed to St. Charles and remains under the jurisdiction of Kane County.

B. CONCEPT PLAN

In June of 2019, the City reviewed a Concept Plan for the subject property proposing development of a gas station with a convenience store and car wash. The Concept Plan was submitted by CIMA Developers, LP which was under contract to purchase the property at the time. Plan Commission provide comments on the plan, summarized as follows:

- High quality architecture and landscaping will be important due to the prominence of the intersection. Consider reversing the location of the convenience store building and the gas station canopy so the building is on the corner.
- The car wash building should be shifted to the south to reduce its visibility along Main St. Consider flipping the car wash entrance so any overflow stacking does not interfere with the main driveway intersection.
- A future traffic study should analyze vehicle circulation both internal to the site and through the cross-access drives, as well as car wash stacking.

C. PROPOSAL

CIMA Developers, LP have purchased the subject property. They have submitted zoning applications in support of developing the site with a Pride fueling facility, convenience store, and car wash. Details of the proposal are as follows:

- Annexation to the City of St. Charles.
- Rezoning to the BR Regional Business District with a Planned Unit Development (PUD).
- Fuel Facility (west side of property):
 - Canopy with 8 fuel pumps at the corner.
 - 1-story, 4,500 sf convenience store with quick-serve restaurant inside (Taco Urbano).
- Car Wash (east side of property):
 - 1-story, 1,650 sf automatic car wash.
 - 10 vacuum stalls.
- Right-in/right-out access on E. Main St.
- Cross-access to the east and south through Main Street Commons shopping center.

The PUD Preliminary Plan is similar to the Concept Plan reviewed last year. The following significant changes have been made to the site layout:

- The car wash building has been shifted south and is now set back from E. Main St. approximately the same distance as the convenience store.
- The car wash vacuums are now proposed to be accessed from the southern internal access drive instead of a separate area off the access drive.
- Additional areas for building foundation landscaping.

The following Zoning Applications have been submitted in support of this project:

1. **Map Amendment** – To rezone the property from the RE-1 Estate Residential District (automatic zoning designation of all newly annexed property) to the BR Regional Business District.
2. **Special Use for Planned Unit Development** – To establish a PUD with unique development standards for the property.
3. **PUD Preliminary Plan** – To approve preliminary engineering plans, landscape plan, building elevations, and preliminary plat of subdivision.

A Petition for Annexation has also been submitted. City Council will hold a public hearing on the annexation after the Plan Commission and Planning & Development Committee have provided recommendations on the zoning applications.

III. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as “Corridor/Regional Commercial”. The Plan states (p 39):

“Areas designated as corridor/regional commercial are intended to accommodate larger shopping centers and developments that serve a more regional function, drawing on a customer base that extends beyond the City limits. These areas often have a mix of “big box” stores, national retailers, and a “critical mass” of multiple stores and large shared parking areas. Areas designated for corridor/regional commercial are located primarily in larger consolidated areas along the City’s heavily traveled corridors and intersections. Commercial service uses can also have an appropriate place in corridor/regional commercial areas, but must be compatible with adjacent and nearby retail and commercial shopping areas and be located as to not occupy prime retail locations.”

The following items in the Commercial Areas Policies section relates to this project (p. 48):

“Promote a mix of attractive commercial uses along the Main Street Corridor that provide a range of goods and services to the St. Charles Community. A wide range of commercial uses exist along the Main Street corridor, providing a variety of goods and services to residents. As a primary east-west route through the City, Main Street contributes to the overall character, image, and appearance of St. Charles...The City should continue to promote reinvestment along this key commercial corridor and maintain Main Street as a unique commercial corridor that can accommodate a wide array of business types to cater to the diverse needs of the St. Charles community.”

“Focus retail development at key nodes/intersections along the City’s commercial corridors. Busy streets do not alone equate to demand for unlimited expanses of retail development. The market can only support so much commercial development, and within the City’s competitive market position, having expectations for all corridors to be retail may not be realistic.”

Instead, retail development should be clustered near key intersections and activity generators, like Main Street & Kirk Road and Lincoln Highway & Randall Road... ”

The subject property is located within the East Gateway Subarea. The East Gateway Improvement Plan on p.103 recommends the following improvements in the vicinity:

- Kirk Road & Main Street is a “Gateway Intersection”, with Kirk Road averaging nearly 25,000 vehicles per day and Main Street averaging over 48,000 vehicles per day. The plan recommends the City install gateway features such as signage, landscaping, decorative lighting, and pedestrian amenities in this area.
- Fill sidewalk gaps along the Main and Kirk frontages of the subject property.
- Sidewalk connection should be added from Main Street into the Main Street Commons shopping center.

The subject property is identified as part of Catalyst Site C in the East Gateway Subarea (p.104) which also includes the adjacent Main Street Commons shopping center. The discussion of Site C references high vacancy at Main Street Commons and the need for the City to work with the property owner to address issues impacting the commercial vitality of the shopping center. While Main Street Commons has recently undergone renovation and is fully leased, the last portion of the Site C discussion is relevant to the subject property:

“...The City should work with the owners of the parcels that comprise this site to...incorporate the development of the remaining farmstead at the corner of Kirk and Main Street to jumpstart its revitalization.”

IV. ANALYSIS

A. ZONING REVIEW

The subject property is currently zoned F- Farming under Kane County zoning. The applicant has submitted an application for Zoning Map Amendment requesting rezoning to the BR Regional Business District upon annexation to the City. An Application for Special Use for Planned Unit Development has also been submitted, requesting deviations from certain zoning standards.

The purpose of the BR Regional Business District as noted in the Zoning Ordinance is as follows:

“To provide locations along Strategic Regional Arterial corridors for shopping centers and business uses that draw patrons from St. Charles, surrounding communities and the broader region. The BR District consists primarily of large-scale development that has the potential to generate significant automobile traffic. It should be designed in a coordinated manner with an interconnected street network that is consistent with the City’s Comprehensive Plan. Uncoordinated, piecemeal development of small parcels that do not fit into a larger context are discouraged in the BR District. Compatible land uses, access, traffic circulation, stormwater management and natural features, all should be integrated into an overall development plan. Because this district is primarily at high visibility locations, quality building architecture, landscaping and other site improvements are required to ensure superior aesthetic and functional quality.”

The subject property is surrounded by BR zoning on three sides with BC Community Business zoning to the west. BR zoning is appropriate for this property based on surrounding zoning and its location at a gateway intersection.

Two uses are proposed for the property: Gas Station and Car Wash. Both uses are permitted in the BR District.

The table below compares the BR District bulk standards with the PUD Preliminary Plan. A PUD deviation has been requested for the item denoted in bold italics, as detailed below the table.

	BR District (proposed zoning)	Proposed
Min. Lot Area	1 acre (2 acres required for two buildings on one lot)	2.19 acres
Max. Building Coverage	30%	6%
Max. Building Height	40 ft.	Convenience Store: 21.5 ft. Car Wash: 15.5 ft.
Front Yard (Main St.)	Bldg: 20 ft. Parking: 20 ft.	Convenience Store: 26 ft. Car Wash: 24 ft. Parking (paving): 20 ft.
Interior Side Yard (east)	Bldg: 15 ft. Parking: 0 ft.	Car Wash: 55 ft. Parking (paving): 10 ft.
Exterior Side Yard (Kirk Rd.)	Bldg: 20 ft. Parking: 20 ft.	Convenience Store: 190 ft. Parking (paving): 20 ft.
Rear Yard (south)	Bldg: 30 ft. Parking: 0 ft.	Convenience Store: 81 ft. Car Wash: 109 ft. Parking: 5.7 ft.
Landscape Buffer Yard	Not Required	N/A
Off-Street Parking	Car Wash: 2 per bay + 10 stacking per bay Gas Station: 4 per 1,000 sf GFA (reduced by number of fuel pumps) Restaurant within convenience store: 10 per 1,000 sf GFA Total Required: 16 spaces (8 for Gas Station, 6 for Taco Urbano restaurant within C-Store, 2 for Car Wash)	34 parking spaces 11 car wash stacking spaces

PUD Deviation – The applicant has requested a zoning deviation to allow a reduced paving setback from the Kirk Rd. property line. A previous version of the plan proposed a 13 ft. setback from the corner of the property to the northwest corner of the fuel pump paving. However, the revised plan shows a 20 ft. setback in compliance with the BR district.

B. TRAFFIC & ACCESS

Direct access to the property is proposed via a right-in/right-out only access point on E. Main St. A new right turn lane on Main St. is also proposed. IDOT approval will be needed for the proposed design. IDOT reviewed the site plan prior to Concept Plan review and appeared to be supportive of the configuration.

No access on Kirk Rd. is proposed; KDOT was not supportive of access on Kirk to this lot due to the proximity to the Main/Kirk intersection.

Two internal drive connections through the Main Street Commons shopping center are also proposed: one at the east side of the property, connecting to the signalized shopping center entrance on Main St., and the other at the south side of the gas station for vehicles entering from the Kirk Rd. shopping center entrance. A Reciprocal Easement Agreement between CIMA Developers and Main Street Commons has been recorded which grants CIMA cross access easements through the shopping center as proposed.

Sidewalk connections are provided along Kirk Rd. and Main St., connecting to the existing sidewalk network. The applicant has submitted a letter requesting the City to incur the cost of the sidewalk installation. It is standard practice for developers to install public sidewalk at their expense as part of any new development.

Traffic Study:

The applicant has submitted a Traffic Study prepared by Eriksson Engineering Associates. The study concludes that the proposed development will not adversely impact the level-of-service of the intersections of the site entrances and the intersection of Main/Kirk.

The applicant also submitted a supplemental On-Site Circulation Memo prepared by Eriksson Engineering Associates analyzing on-site circulation, site access, and car wash stacking.

The Traffic Study and Circulation Memo were reviewed on behalf of the City by HLR Engineering.

HLR provided comments in a memo dated 6/23/20. HLR stated their agreement with the conclusions made in the Traffic Study. HLR also commented that they have no concerns regarding the internal circulation of the gas station. They also do not have major safety concerns about the internal access drive through the Panda Express/Orangetheory Fitness property since most vehicles are predicted to access the site from Main St. and the gas station will have different peak hours than Panda Express and Orangetheory.

The Traffic Study and Site Circulation Memo have been revised per HLR's comments. HLR reviewed the revised Traffic Study and noted one typo regarding dates in one of the tables, but otherwise had no remaining comments.

C. GAS STATION

Gas stations are subject to the use standards contained in Section 17.20.030, listed below.

1. Restaurants in gas stations shall be required to meet the parking requirements for restaurants in addition to those for gas stations.
 - *A quick-service restaurant, Taco Urbano, is proposed to locate within the convenience store. Based on 588 of restaurant area indicated on the convenience store floorplan, there is adequate parking to meet the requirement.*
2. Fuel pumps shall be located no closer than 20 feet from any lot line and shall be located so that a vehicle using the fuel pump does not encroach into the public right of way or onto adjoining property

- *The proposed canopy is a minimum of 42 ft. from the property line. The paved area for vehicle maneuvering is a minimum of 13 ft. from the property line; vehicles using the pumps will not encroach into the public ROW.*
- 3. Gas station canopies shall be subject to the lighting standards of Section 17.22.040 (Site Lighting). Gas station canopies shall also meet all applicable setback requirements for the principal building.
 - *A photometric plan has been submitted demonstrating compliance with the lighting standards of Section 17.22.040.*
 - *The gas station canopy meets the setback requirements for the principal building.*
- 4. The provisions hereof relating to Outdoor Sales shall apply if Outdoor Sales are included.
 - *The applicant has indicated that a 16 sf propane cage will be located on sidewalk adjacent to the convenience store. This complies with the standards related to outdoor sales accessory to gas stations.*

D. CAR WASH

The proposed car wash is located on the east side of the subject property. Vehicle stacking is on the west side of the building with vehicles travelling east into the car wash bay. Vehicles exit the facility via the internal access drive.

Car wash establishments are subject to the requirements of Section 17.24.100 “Drive-Through Facilities”. The table below compares the ordinance requirements with the PUD Preliminary Plan:

Category	Zoning Ordinance Standard	Proposed
Screened from Public Street	Stacking spaces concealed from view from public streets to greatest extent possible by orientation, design or screening	Meets requirement with landscape screening
Obstruction of Required Parking	Stacking spaces cannot obstruct access to required parking spaces	Meets requirement
Obstruction of Ingress/Egress	Location of stacking spaces cannot obstruct ingress/egress to the site or interfere with vehicle circulation	Meets requirement
Lane Configuration	Stacking spaces must be placed in a single line up to point of service	<i>Two stacking lanes</i>
Required Stacking Spaces	10	11 (two lanes)
Required Stacking Space Size	9’ x 20’	9’ x 20’

PUD Deviation – The applicant has requested the following zoning deviation from the Drive-Through Facilities standards:

- Proposed vehicle stacking is accommodated in two lanes instead of a single lane. A dual pay station kiosk can accommodate two cars at a time. The application materials indicate this will maximize car wash speed time and that the conveyor style car wash system allows for multiple cars in the wash bay at the same time.

E. LANDSCAPING

A landscape plan has been submitted as part of the PUD Preliminary Plan. Landscaping is subject to the standards contained in Ch. 17.26 “Landscaping & Screening”. The table below

compares the ordinance requirements with the submitted plan. Requirements that are not met are denoted with an asterisk*.

Category	Zoning Ordinance Standard	Proposed
Overall Landscape Area	15%	Meets requirement (37%)
Public Street Frontage Landscaping	1 tree / 50 ft. of street frontage (Main St: 12 trees Kirk Rd: 3 trees) 75% of street frontage	Main St: 8 trees* Does not meet street frontage* Kirk Rd: 2 trees* Meets street frontage
Parking Lot Screening	50% of parking lot to height of 30”	Meets requirement
Interior Parking Lot Landscape Area	1 landscape island / 10 parking spaces All parking rows terminate in landscape area	Meets requirement
Parking Lot Landscape Materials	1 tree per island Variety of plantings in islands	Meets requirement
Building Foundation Landscaping		
<i>Foundation Planting Beds</i>	50% of total building walls; 50% of walls facing a public street (Main St.) 5 ft. wide planting beds	Meets requirement
<i>Foundation Plantings</i>	20 shrubs/bushes/perennials per 50 ft. of planting bed	Meets requirement
<i>Foundation Trees</i>	2 trees per 50 ft. of planting bed	Additional trees needed*
Monument Sign Landscaping	3 ft. around sign	Meets requirement
Refuse Dumpster Screening	Enclosed and screened on all sides when visible from public street	Meets requirement

Staff Comments:

- 4 additional trees are needed along Main St. and 1 additional tree is needed along Kirk Rd.
- Landscaping is needed along 75% of the 20 ft. setback area along Main St. Additional plantings are needed.
- Additional trees are needed within the foundation planting beds of both the convenience store and car wash:
 - Convenience Store north wall: 1 additional tree is needed (3 are provided and 4 are required).
 - Gas Station north wall: 1 additional tree is needed (2 are provided and 3 are required).

PUD Deviations:

- A deviation has been requested to reduce the width of the foundation planting bed along the west wall of the convenience store from 5 ft. to 3 ft. It appears the building could be shifted east to accommodate the required 5 ft. wide planting bed. The previous version of the plan provided an 8 ft. planting bed. The revised plan adds a 5 ft. sidewalk along the west elevation which connects to sidewalk along Main St. This reduced the planting bed to 3 ft.

F. BUILDING ARCHITECTURE

Architectural elevations for the convenience store and car wash have been submitted. The primary wall material of both buildings is wood siding. Metal awnings are incorporated, as well as transparent storefront windows along E Main St. The rooflines, materials and detailing exhibit a barn inspired motif.

Buildings in the BR District are subject to the Design Review requirements of Section 17.06.030 Standards and Guidelines – BL, BC, BR, & O/R Districts. The elevations meet the applicable standards.

A rendering has also been submitted for the gas station canopy. Brick columns are proposed which match the brick on the monument signs.

Staff Comments:

- The design of the canopy does not relate to the design of the convenience store and car wash buildings in terms of materials. Brick columns are proposed, while brick is not used on the buildings. Cedar finish columns like those used on the buildings could be incorporated instead of brick. However, the proposed masonry would likely be more durable. If the Plan Commission has a preference on column materials, that should be expressed during the meeting.

G. SIGNAGE

A signage plan has been submitted. Signage is subject to the requirements of Ch. 17.28 “Signs”. Proposed is the following:

- Three monument signs with brick bases/columns:
 - 15 ft. electronic price sign at the corner of Main and Kirk.
 - 6 ft. sign at the eastern access drive near the signalized Main Street Commons entrance (off-site sign).
 - 5 ft. sign at the Main Street Commons entrance off Kirk Rd. (off-site sign).
- Convenience Store:
 - 4 wall signs; 2 on the north and 2 on the south elevations, advertising The Pride and Taco Urbano.
- Gas Station Canopy:
 - 2 Mobil signs attached to the canopy, on the north and west sides.
- Car Wash:
 - 1 Pride Car Wash sign on the south elevations.
 - “Welcome” and “Car Wash Exit” signs at the bay entrance and exit. These informational/directional signs will not be counted as wall signs.
- Directional Sign:
 - To be placed on top of a stop sign post near Ross, with arrows directing vehicles to The Pride, Panda Express, and Orangetheory Fitness.

PUD Deviations – The applicant has requested deviations from the signage requirements of Ch. 17.28, as follows:

- Off-premise signs are not permitted. Proposed is to permit three off-premise signs, one monument sign at each of the Main Street Commons access points off Main St. and Kirk Rd. and one directional sign within the shopping center. A Reciprocal Easement Agreement between CIMA Developers and Main Street Commons has been recorded which grants CIMA the right to place and maintain these signs on the Main Street Commons property.

- Two wall signs are permitted for the convenience store due to the two street frontages. Proposed are four wall signs.
- A 10 ft. setback is required for freestanding signs. The proposed monument sign at the corner of Main St. and Kirk Rd. is set back 3 ft. from the property line.

H. SITE LIGHTING

A photometric plan has been submitted. Lighting levels at property lines and gas station canopy lighting comply with the standards contained in Section 17.22.040 “Site Lighting”.

I. PLAT OF SUBDIVISION

A Preliminary Plat of Subdivision has been submitted as part of the PUD Preliminary Plan. A single lot for the development is proposed. Approx. 11 ft. of right-of-way along E Main St. is to be dedicated to Illinois Department of Transportation. Along Kirk Rd., approx. 12.5 ft. of right-of-way is to be dedicated to Kane County Department of Transportation. The proposed public sidewalk falls within the new IDOT and KDOT right-of-way, with the exception of a stretch at the northeast corner of the subject property. A public sidewalk easement is proposed in this location.

A Final Plat of Subdivision will be reviewed should the project move forward. The Final Plat will need to be approved by both KDOT and IDOT in addition to the City.

J. ENGINEERING REVIEW

City staff reviewed an initial submittal of the preliminary engineering plans and provided review comments to the applicant. Revised plans have been submitted and are under review. Any outstanding comments will need to be addressed prior to City Council approval of the PUD Preliminary Plan.

A portion of an existing detention pond that provides stormwater management for Main Street Commons is located over the proposed eastern cross-access drive. The existing pond will be modified and an additional pond will be added on the east side of the subject property. The aforementioned Reciprocal Easement Agreement between CIMA Developers and Main Street Commons demonstrates agreement among the property owners for sharing detention, construction and maintenance.

V. **PLAN COMMISSION RECOMMENDATION**

Plan Commission held a public hearing on July 7, 2020 which was continued to July 21 and August 4. On August 4, Plan Commission voted 8-1 to recommend approval, subject to resolution of outstanding staff comments prior to City Council action.

A summary of the items discussed during the hearing is provided in a separate Staff Memo dated 8/6/20.



CIMA DEVELOPERS, LP

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

October 22, 2019

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

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

To Whom It May Concern:

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

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

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

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

Regards,

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

From: [Colby, Russell](#)
To: [Johnson, Ellen](#)
Subject: FW: CIMA Developers The PRIDE of Kane County Pheasant Run property
Date: Thursday, August 6, 2020 1:19:55 PM

Russell Colby | Assistant Director of Community & Economic Development
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rcolby@stcharlesil.gov

CITY OF ST CHARLES, ILLINOIS

From: Daniel Soltis <dsoltis@cimadevelopers.org>
Sent: Thursday, July 2, 2020 11:11 AM
To: Colby, Russell <rcolby@stcharlesil.gov>
Cc: Mario Spina <mspina@parentpetroleum.com>
Subject: CIMA Developers The PRIDE of Kane County Pheasant Run property

Russell,

We have recently spoken regarding the Pheasant Run property and its current status and potential for new development.

Please note that it has been brought to our attention that the current brokers for the property have received multiple interest from major Gas/Convenience store users, including multiple Letters of Intent for that hard corner (SEC North & Kautz) of that property, and a preliminary site plan layout depicts a gas station/convenience store offer.

On the eve of our upcoming Plan Commission meeting next week, we wanted to clearly communicate to the City that we need to have guarantees from the City, and it is written into our Zoning approval, that no other new PUD's or Zoning approvals for Gas Station/Convenience Stores will be granted in St. Charles off of North Ave.

There are already a great deal of Gas Stations in St. Charles off North Ave West of the Corner (Circle K Shell, BP next to Carwash, Shell downtown St. Charles, 7Eleven Mobil, BP across from Rookies, plus a few more), and this should not be a concern to stop the approval of any other Stations in the future. Obviously, if they are currently a Station, that is not an issue, as we have already accounted for the current competition.

We have worked diligently on this project and are excited to present our PRIDE of Kane County plan to City Officials, but we do not want to be put into a position to spend Millions of Dollars on this corner to have the City approve another station right down the Street, now or in the future.

We certainly hope you can understand our position.

We are available for further communication on this, and I have cc'd Ownership on this correspondence.

Regards,

Dan Soltis | VP Real Estate | CIMA Developers, LP
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July 20, 2020

Dear Commissioners ,

I read the letters from Jayme Muenz and Mony Bryant. I agree with their conclusion.

“A through review of the Plan as a whole makes clear that this proposal does not meet the requirements or objectives of the agreed-upon Plan for development. Therefore, it would be recommended that the Commission deny this proposal and allow the land owner to work with new developers on an alternative plan that conforms to the guidelines of the Comprehensive Plan.”

Does the City of Saint Charles have needs assessments studies? Is a gas station, car wash, convenience store, taco restaurant required for the current population? Will a new facility detrimentally effect the current St. Charles businesses?

As an eighteen year resident, the traffic at the proposed intersection is already heavy; this is an observation from a resident - not a traffic study conducted in 2017. In the morning, from northbound Kirk Road, turning right/east on to Main Street, the right turning lane could have ten+ cars waiting to turn. I passed through this intersection daily for years while traveling to work - it is already busy! Will a gas station create additional traffic on Kirk and North Avenue?

Thank you in advance for reading my concerns. My thoughts are as a resident. I share a concern for the optics of a gas station, convenience store, car wash combination projects as we enter our city. My concerns are for existing businesses being pushed aside and is there even a need for these services? My concerns are for traffic

on a road currently being used by both cars and buses transporting students to Wredling Middle School and St. Charles East High School.

Elaine Delves
1138 Hidden Glen Circle

July 6, 2020

Attn: St. Charles City Council Plan Commission

Re: SE Corner of Kirk Rd and East Main Street – Special Use for PUD – 7/7/2020

Dear Commissioners:

Thank you for the opportunity to share my thoughts as a resident of St. Charles. I have called this beautiful city home for over 15 years, and am happy every day that my husband and I thoughtfully decided to start and raise our family here. Our first St. Charles home was in Ward 1, and we moved a few years ago to Ward 2. We have watched many changes over that 15 years to the east side, and have a commitment to ensuring the needs and image of this side of the city are not overlooked or the importance of this corridor undervalued, as many resources have been drawn toward the historic district. After recently learning of the development opportunity that has been presented for the south east corner of Kirk Road and East Main Street, I reviewed the most recent version of the Comprehensive Plan and found some inconsistencies between the proposal at hand and the guiding Plan.

This annexation affords the City and this commission the unique opportunity and ability to strategically plan this important site within our eastern corridor. It is very important to note that the property in question has never come up for sale until this proposal, and there are numerous other types of developers who would have been interested in an intersection with this level of access and visibility. That is to say, there are many other opportunities for this land use that would better meet the strategic vision and goals set forth by the City. As the site is adjacent to the near-capacity Main Street Commons shopping center, many developers will find this an attractive site when they learn of the availability of the parcel.

The Plan indicates that the purpose is to set a course to guide land use decision-making to ensure the City continues to improve upon its legacy with an eye toward the future. In the East Gateway Subarea Plan section, the intersection in question for this proposal indicates that the East Gateway of St. Charles is centered at the intersection in question today. Since moving to the area, we have seen many changes to the retail and restaurant businesses on the east side. Recent changes in occupancy of several plazas have been very positive, and leave us hopeful for a continued improvement in that arena.

The unfortunate and continued stalled reinvention of the Charlestown Mall property, combined with the closure and recent dilapidation of the Pheasant Run property, have left the gateway into our beautiful city less than ideal. As a vast majority of travelers come down Route 64 to visit, they enter through what appears to be neglect and untended property. While hopefully rectified soon, the Pheasant Run property is visibly falling apart, and the grass overgrown. The vacancy of the mall and out lots are obvious as well, even with the wonderful additions of the Starbucks and Cooper's Hawk buildings. As stated in the East Gateway Subarea Plan, a goal of the City is to keep this area economically healthy and aesthetically attractive.

It is stated in the Plan that a goal is to create, "Attractive streets and sites to distinguish the Subarea and key corridors from neighboring communities." In reviewing the proposed plan, the proposed usage would do quite the opposite. The travelers from both I-88 and I-355 pass almost a dozen gas stations and car wash establishments before reaching St. Charles. Rt. 64 and Rt. 59 have 4 car wash facilities, and 2 gas stations, alone. A gas station and car wash, accompanied by a restaurant, would be

indistinguishable from driving through West Chicago, for example. Opportunities for residents and visitors to get self and full-service car washes, and gasoline, are abundant within the City already.

I would also point out from the recent Annual Report by the St. Charles Police Department that in this same corridor at the intersection of East Main Street and Dunham Road finds ranks **number one** in the top ten intersection crash locations of 2019. It is the number 5 location of 2019's top ten roadway crash locations, tied by number of crashes with 4000 East Main Street (adjacent to the intersection in the proposal at hand), and one fewer than 3700 East Main Street (also adjacent to the intersection in this proposal at hand). This intersection also happens to have a Shell gas station, and the multiple cars entering and exiting at all times have a great impact on the safety of this intersection. It is a far less busy intersection than the parcel in question, which currently ranks 3rd, and 4th based on address on the 2019 top ten roadway crash locations in the City. Adding a high-volume of traffic entering and exiting at this intersection would be counter to the statement in the Main Street Subarea Plan of creating, "a more efficient corridor at the City-wide level." It is also counter to the statement in this section of the Plan to create, "A corridor that presents a unified image and identity for St. Charles."

A through review of the Plan as a whole makes clear that this proposal does not meet the requirements or objectives of the agreed-upon Plan for development. Therefore, it would be recommended that the Commission deny this proposal and allow the land owner to work with new developers on an alternative plan that conforms to the guidelines of the Comprehensive Plan.

Thank you for the opportunity to share my thoughts and concerns, and for your valued service to our beautiful community.

Sincerely,

Jayne Muenz

27 Southgate Course

Johnson, Ellen

To: Sanchez, Christine
Subject: RE: Plan Commission -Proposal

From:
Sent: Monday, July 06, 2020 5:25 PM
To: CD
Subject: Plan Commission -Proposal

Commissioners:

I have lived in St Charles for 14 years, and my husband, 3 boys and I love where we live and are active in our community.

We have lived in Ward 2 for 9 years and have watched the many changes on the east side of town, including the demise of the mall with no real progress other than Cooper's Hawk and Starbucks.

The image of this side of the city is important, but oftentimes feels overlooked.

After learning of the development opportunity that has been presented for the south east corner of Kirk Road and East Main Street, I set out to learn more.

The Comprehensive Plan indicates that the purpose is to guide land use decision-making to ensure the city continues to improve upon its legacy with an eye toward the future.

As stated in the East Gateway Subarea Plan, a goal of the city is to keep this area economically healthy and aesthetically attractive. It is stated in the Plan that a goal is to create, "Attractive streets and sites to distinguish the Subarea and key corridors from neighboring communities." The proposed plan of a car wash and gas station would not support that statement.

How does another gas station and car wash distinguish us from West Chicago, Batavia on Kirk Rd, etc.? Visitors pass numerous gas stations and car washes before reaching St. Charles. There is not distinguishing change from one city to the next -Rt. 64 and Rt. 59 have 4 car wash facilities, and 2 gas stations just east of us.

Additionally, my neighbors and I have reviewed the recent Annual Report by the St. Charles Police Department in this same corridor as the proposal, and the intersection of East Main Street and Dunham Road ranks the **number one** in the top ten intersection crash locations of 2019. It is the number 5 location of 2019's top ten roadway crash locations, tied by number of crashes with 4000 East Main Street (adjacent to the intersection in the proposal at hand), and one fewer than 3700

East Main Street (also adjacent to the intersection in this proposal at hand). This intersection also happens to have a gas station, and the multiple cars entering and exiting at all times impact the safety of this intersection. It is a far less busy intersection than the proposed plan for the parcel in question, which currently ranks 3rd, and 4th based on address on the 2019 top ten roadway crash locations in the City. Adding a high-volume of traffic entering and exiting at this intersection would be counter to the statement in the Main Street Subarea Plan of creating, “a more efficient corridor at the City-wide level.” It is also counter to the statement in this section of the Plan to create, “A corridor that presents a unified image and identity for St. Charles.”

Our neighbors and our review of the Comprehensive plan and of the 2019 annual police report makes it clear that this proposal does not meet the requirements or objectives of the agreed-upon plan for development. We can do better. I strongly encourage the Commission to deny this proposal and ask the developer to return with alternative plan that meets the guidelines of the Comprehensive Plan and is in the best interest of development on the East side of our city.

Molly Bryant
29 Southgate Course

Sent from my iPhone