

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number:** 4c**Title:**

Recommendation to approve a Minor Change to PUD for Prairie Centre Mixed Use buildings.

Presenter:

Russell Colby

Meeting: Planning & Development Committee**Date:** September 14, 2020

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** *(if not budgeted please explain):*

The Prairie Center PUD was approved by the City in 2017 (Ord. #2017-Z-5). The PUD Preliminary Plan included a site plan showing building locations and architectural elevations.

Thus far, only residential buildings have been constructed within the project. The City previously approved Minor Changes to the site and architectural plans for the Anthony Place senior affordable building and Buildings D1, D2 and the Clubhouse (which are currently under construction).

The developer, Shodeen, plans to next construct a mixed use building, Mixed Use Building D1.

The building is similar to the design approved in 2017, with changes to windows and building materials that better match the residential buildings that have been constructed. The lower portion remains brick, and the upper floors now include shake shingle and horizontal siding. These changes would qualify for approval under the PUD as a staff-level administrative change (no Council approval required).

However, staff and the developer felt it would be valuable to present the architectural elevations to the Planning & Development Committee for approval as a Minor Change. This first mixed-use building is expected to be representative of the remaining mixed-use buildings. These buildings will have greater prominence given their size and visible locations within the site.

The Minor Change complies with the Prairie Centre PUD ordinance.

Attachments *(please list):*

Application, Aerial and Approved 2017 plans, Proposed Plans, PUD Ordinance excerpt

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve a Minor Change to PUD for Prairie Centre Mixed Use buildings.

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

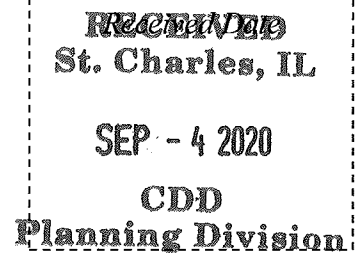


COMMUNITY DEVELOPMENT DIVISION

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

MINOR CHANGE TO PUD APPLICATION

For City Use	
Project Name:	<u>Prairie Centre</u>
Project Number:	<u>2015 -PR- 025</u>
Cityview Project Number:	<u>PLMC202000043</u>



Instructions:

A Minor Change to PUD is one that modifies an approved PUD Preliminary Plan in a manner that complies with all standards of the Special Use for PUD Ordinance applicable to the property and meets the definition of a Minor Change as contained either in Section 17.04.430 of the Zoning Ordinance or the Special Use for PUD Ordinance.

To request approval of a Minor Change, complete this application and submit it with all required attachments to the Planning Division. When the application is complete, City staff will schedule a review by the Planning and Development Committee of the City Council. The Committee's recommendation will be forwarded to the City Council for final action.

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

1. Property Information:	Location:	2060 Marlowe Boulevard, St. Charles Mixed Use Building D1	
	Parcel Number (s):	09-33-329-078	
	PUD Name:	Prairie Centre	
2. Applicant Information:	Name	Towne Centre Equities, L.L.C. c/o David Patzelt	Phone 630-444-8252
	Address	77 N. 1st St. Geneva, IL 60134	Fax 630-232-4520
			Email Dave@shodeen.com
3. Record Owner Information:	Name	Towne Centre Equities, L.L.C. c/o David Patzelt	Phone 630-444-8252
	Address	77 N. 1st St. Geneva, IL 60134	Fax 630-232-4520
			Email Dave@shodeen.com

Information for proposed Minor Change:

Name of PUD: Prairie Centre

PUD Ordinance Number: 2017-2-5

Ord. or Resolution(s) that approved the current plans: 2017-2-5

Identify Specific PUD Plans to be changed:

- ☐ Site/Engineering Plan
- ☐ Landscape Plan
- ☒ Architectural Elevations
- ☐ Signs
- ☐ Other plans: _____

Description of Proposed Changes: Although the PUD does not require this application, to avoid any confusion or or concerns, we are submitting the building elevations, site plan and related floor plans for approval. There are some very minor differences between the approved preliminary plan and the final proposed plan for this mixed use building. The differences include shake and horizontal siding versus flat panels, one apartment entry versus two and a color scheme more in keeping with the approved and built buildings. We look forward to your review and approval.

Attachment Checklist:

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

☒ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance. (\$200)

☒ **REIMBURSEMENT OF FEES AGREEMENT:** Already Exists

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

☒ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:** Already Exists

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

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

☒ **PROOF OF OWNERSHIP and DISCLOSURE:**

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

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

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

☒ **PLAT OF SURVEY:**

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

- ☐ **COVER LETTER:** Letter describing the proposed minor change requested, why it is necessary, and how it is different from the currently approved plan. *SEE PRIOR PAGE FOR STATEMENT.*

☒ **PLANS:**

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


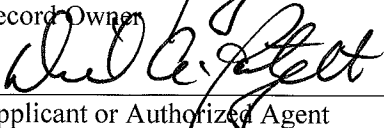
Copies of Plans:

Please contact the Planning Division to determine if full size copies of plans are needed. For simple applications, provide one full scale plan set, three (3) 11" x 17" copies (in color if applicable), and a PDF file on CD-ROM or emailed to the Project Manager.

Plans shall include the following, depending on the scope of the proposed Minor Change:

- Site Plan indicating location of proposed change.
- For changes to site/engineering plans, show existing/approved and proposed site/engineering plan changes.
- For changes to architectural elevations, show existing/approved and proposed building design, color and materials.
- For changes to landscaping, show approved and proposed plans, indicate species and quantities of plant material to replace existing/approved materials.
- Additional information may be necessary depending on the specific change proposed.

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

	<i>9-2-20</i>
Record Owner	Date
	<i>9-2-20</i>
Applicant or Authorized Agent	Date


[illegible]

I, David A. Patzelt, being first duly sworn on oath depose and say that I am
Manager of Towne Centre Equities, L.L.C., an Illinois Limited Liability
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

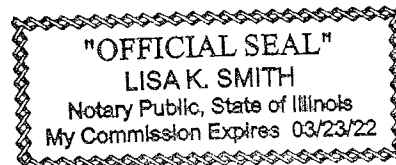
Wennlund Farm, L.L.C.	
Koranda Capital Partners, L.P.	
Kent W. Shodeen Trust No. 1	
RJF Towne Centre, L.L.C.	
Kili, L.L.C.	
Silver Glen Capital, L.L.C.	

By: David A. Patzelt, Manager
David A. Patzelt

Subscribed and Sworn before me this 3rd day of
September, 20 20.



Notary Public

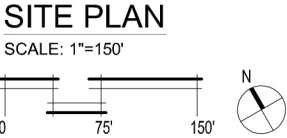
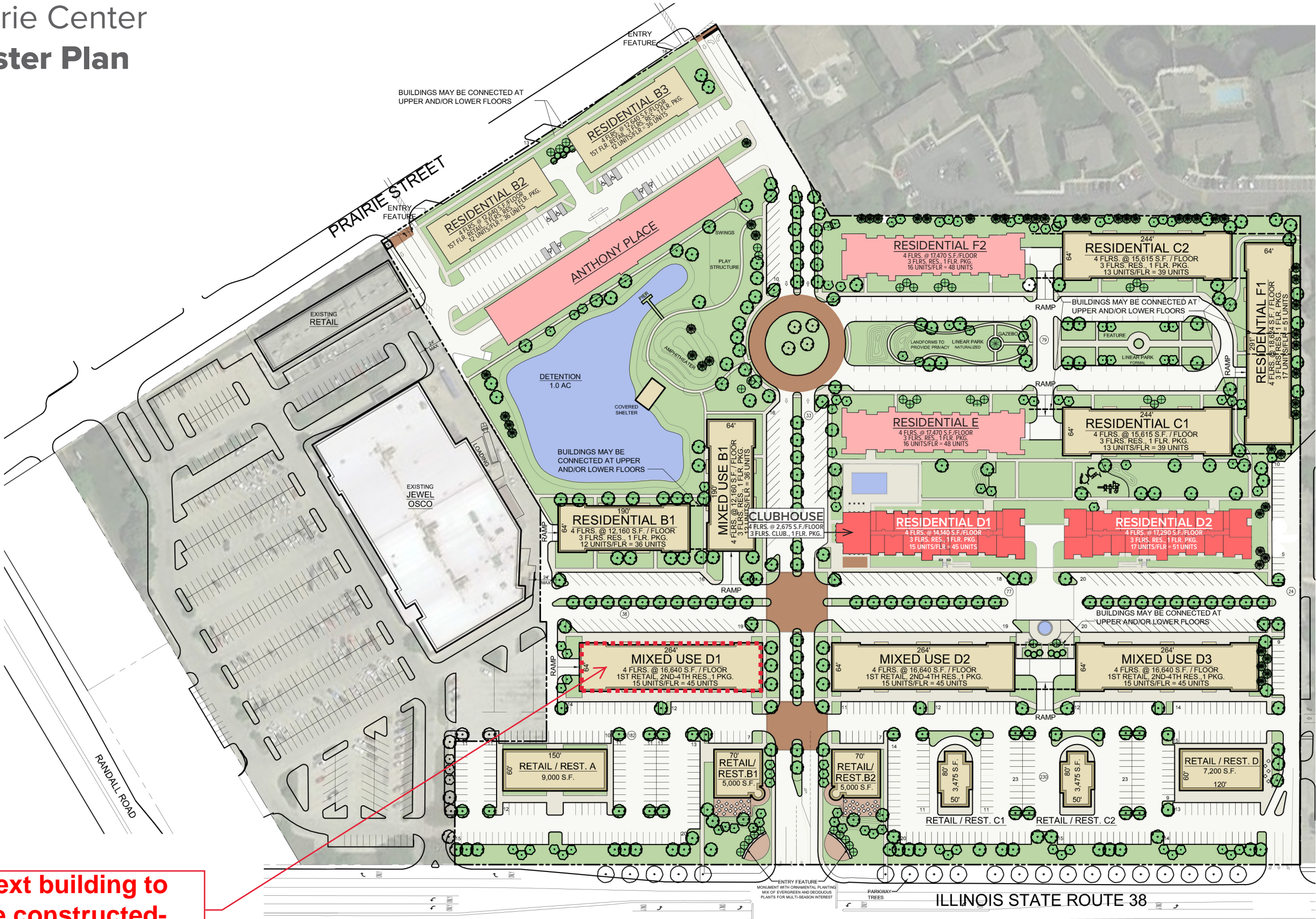


Prairie Centre – Recent Aerial Photo



Prairie Center Master Plan

Next building to
be constructed-
Mixed Use D1



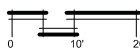
Approved Plans from 2017



OKW ARCHITECTS
600 W. Jackson, Suite 250
Chicago, IL 60661

BUILDING ELEVATIONS

SCALE: 1"=20' @ 11"x17"



SHODEEN

PRAIRIE CENTRE
St. Charles, Illinois

February 7, 2017 Project #: 16033

A-02

Proposed Plans

NORTH ELEVATION (RESIDENTIAL ENTRY)

BUILDING HEIGHTS MATCH MASTER PLAN ELEVATION



- LAP SIDING: HARDIE "SAIL CLOTH"
- STRAIGHT SHINGLE SIDING: HARDIE "MOUNTAIN SAGE"
- LIGHT TRIM & ACCENT SIDING: HARDIE "MOUNTAIN TAUPE"
- DARK TRIM: HARDIE "WOODSTOCK BROWN"
- COPING, STOREFRONT, GUTTERS & DOWNSPOUTS: STANDARD DARK BROWN

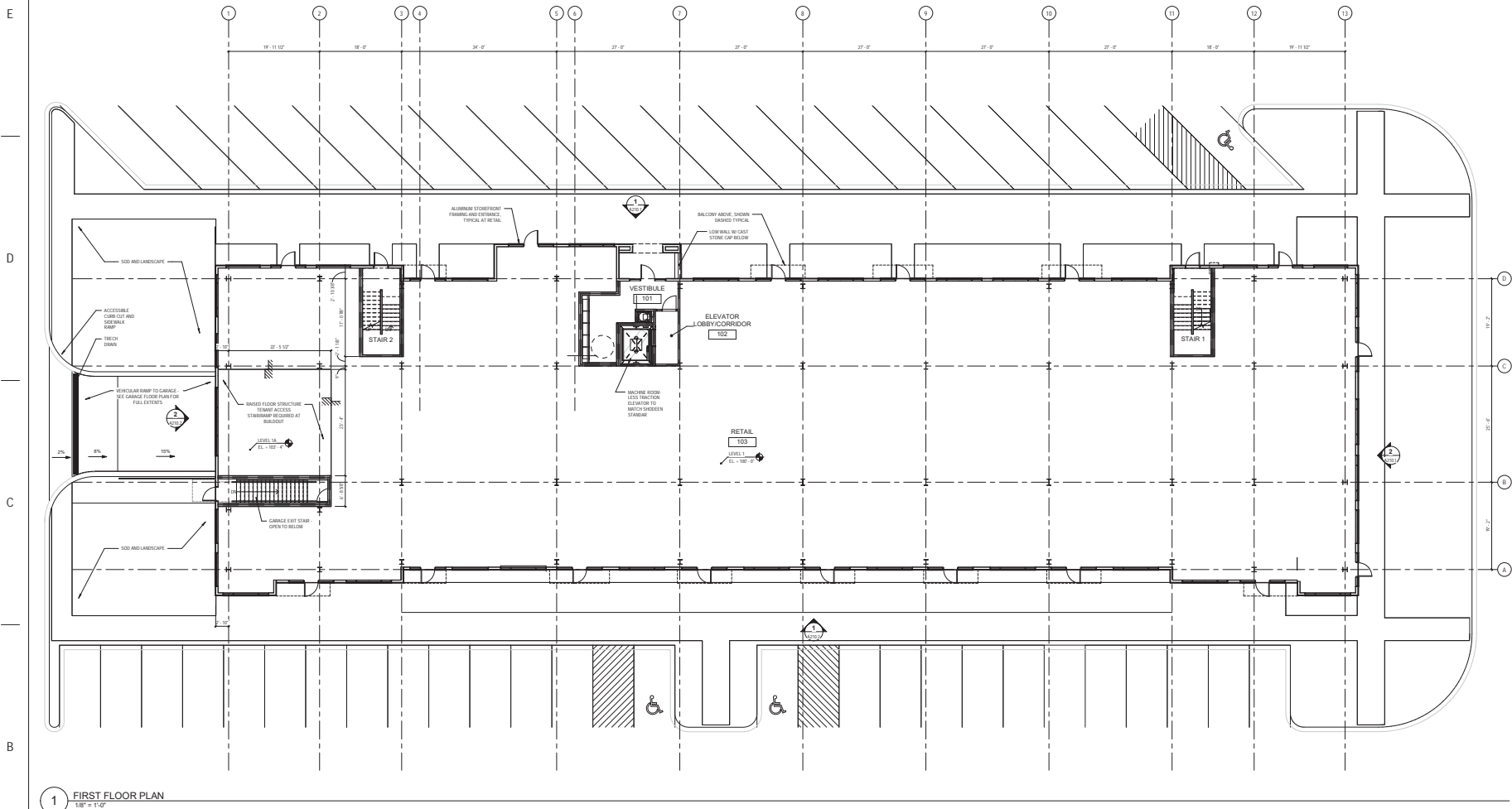




NOTE: REFER TO STRUCTURAL DRAWINGS FOR SHEAR WALL LOCATIONS AND PLYWOOD SHEATHING LOCATIONS.

[illegible]

SCALE: AS NOTED





Shodeen Group, L.L.C.
77 N 1st St
Geneva, IL 60134

ARCHITECT
SHEEHAN
NAGLE
HARTRAY
ARCHITECTS

SHEEHAN NAGLE HARTRAY ARCHITECTS
130 EAST RANDOLPH STREET, SUITE 3100
CHICAGO, IL 60601

MEP ENGINEER

WT Group

WT Group
2675 Pratum Ave
Hoffman Estates, IL 60192

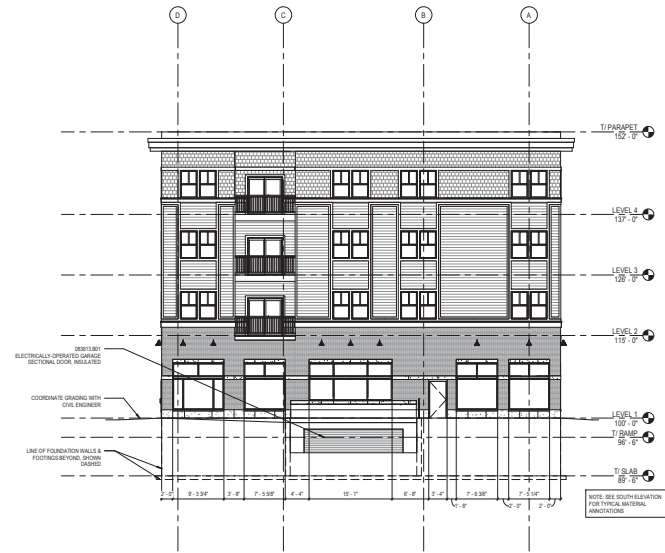
STRUCTURAL ENGINEER

GRÄEF

Gratz
332 South Michigan Ave, Suite 1400
Chicago, IL 60604

ARCHITECTURAL

THESE DRAWINGS AND PLANS HAVE BEEN PREPARED
UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY
KNOWLEDGE AND BELIEF, CONFORM TO THE BUILDING
CODES AND ORDINANCES OF KANE COUNTY, IL.



2 WEST EXTERIOR ELEVATION
1/8" = 1'-0"



1 SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"

GENERAL NOTES

2. **PREPARE DETAIL MEMORANDUM** PLANNINGS AND LABELS AT SPENDING AGENTS REQUESTED FOR CONTRAST AND
3. **SEAL ALL FRUITBARS AT SPENDING AGENTS BARBERS**, STATE PLASING TO TURN UP A MINIMUM OF 3" AT INTERIOR OF CURTAIN AS INDICATED (POUNCE IS GREATER)
4. **IF ALL PREPARED** JOHN SYSTEMS DELIVERED DESIGN
5. **SHOOL PRESENTATION PLASING TO TURN UP A MINIMUM OF 3" AT INTERIOR OF CURTAIN AS INDICATED**
6. **AT 5 TIME** INTERVIEW PROVIDE MOVEMENT JOHN SYSTEMS AS RECOMMENDED BY THE BRICK ROYALTY ASSOCIATION GUIDELINES FOR THIS WORK (SPACE) (B) SPACING BETWEEN JOINTS) : MOVEMENT JOINTS
7. **SECURE** UNPUBLISHED FLEASIBILITY PLANNING WITH TERMINATION BAR AND SEALANT
8. **PROTECT PLASTIC** LAMINATE WITH REMOVABLE TAPING BACED AT ALL CONDITIONS WHERE COYS/SHOOL BORDS ARE USED TO PROTECT THE WORK AREA FROM DAMAGE TO THE WORK AREA (B) SPACING BETWEEN JOINTS AND OUTSIDE CORNER CONDITIONS S.O.D.
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**PRAIRIE CENTER
MIXED USE D1**

ST. CHARLES, ILLINOIS

SOUTH & WEST ELEVATIONS

A210.2

SCALE: AS NOTED

© 2019 SHEEHAN NAGLE HARTRAY ARCHITECTS, LTD.

HC4

Refer to:	
Minutes	3-6-17
Page	

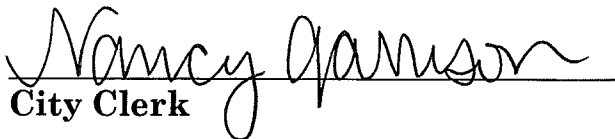
City of St. Charles, Illinois

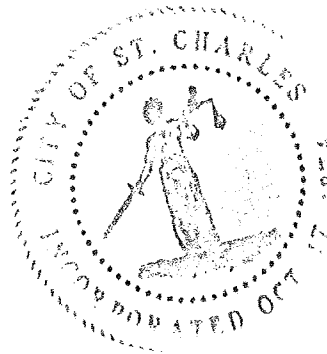
Ordinance No. 2017-Z-5

**An Ordinance Granting Approval of a Special Use for
Planned Unit Development and PUD Preliminary Plan
(Prairie Centre PUD – former St. Charles Mall site)**

**Adopted by the
City Council
of the
City of St. Charles
March 6, 2017**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, March 13, 2017**


City Clerk



(SEAL)

City of St. Charles, IL
Ordinance No. 2017-Z- 5

**An Ordinance Granting Approval of a Special Use for Planned Unit
Development and PUD Preliminary Plan
(Prairie Centre PUD – former St. Charles Mall site)**

WHEREAS, on or about August 8, 2016, Shodeen Group, L.L.C. (the “**Applicant**”), with authorization from Towne Centre Equities, L.L.C. (the “**Owner**”), filed petitions for 1) Special Use for Planned Unit Development (“**PUD Petition**”) for the purpose of establishing a new Planned Unit Development for the “**Prairie Centre PUD**” and the governing standards for same, and 2) PUD Preliminary Plan, as to the real estate described in Exhibit “A”; said Exhibit being attached hereto and made a part hereof, (the “**Subject Property**”); and,

WHEREAS, the required Notice of Public Hearing on said PUD Petition was published on or about October 1, 2016, in a newspaper having general circulation within the CITY, to-wit, the Kane County Chronicle newspaper, all as required by the statutes of the State of Illinois and the ordinances of the CITY; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing, which was held in multiple sessions on October 18, 2016, December 6, 2016 and January 10, 2017 (collectively, the “**Public Hearing**”) in accordance with the statutes of the State of Illinois and the ordinances of the CITY; and,

WHEREAS, at said Public Hearing, the Applicant and its agents and witnesses presented testimony in support of said PUD Petition and all interested parties were afforded an opportunity to be heard; and,

WHEREAS, on November 17, 2016, the City’s Housing Commission met and reviewed the Applicant’s Inclusionary Housing Worksheet submitted by the Applicant pursuant to the City’s Inclusionary Housing Ordinance, Chapter 19.02, and recommended approval of a variance to Section 19.02.100 “Location, Phasing and Design” to allow the Developer, at its discretion, to place the affordable units to be provided in one or more buildings instead of being dispersed among the market rate dwelling units as required by Section 19.02.100.A.; and,

WHEREAS, on January 17, 2017, the Plan Commission recommended approval of said PUD Petition and PUD Preliminary Plan; and,

WHEREAS, the Planning & Development Committee of the City Council also recommended approval of said PUD Petition on or about February 21, 2017; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission, of the Housing Commission, and of the 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 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 PUD Petition and the supplemental materials, supplemental requests, and evidence presented at the Public Hearing, the City Council hereby finds that the Planned Unit Development for the Prairie Centre PUD is in the public interest and adopts the Findings of Fact for Special Use for Planned Unit Development, set forth on **Exhibit "B"**, said Exhibit being attached hereto and made a part hereof, which findings are attached hereto and incorporated herein.

2. The passage of this Ordinance shall also constitute approval of (i) the Prairie Centre PUD Preliminary Plan, attached hereto and incorporated herein as **Exhibit "C"** (the "**PUD Site Plan**") said Exhibit being attached hereto and made a part hereof, as well as (ii) the following documents and illustrations reduced copies of which are attached hereto as **Exhibit "D"** (said Exhibit being attached hereto and made a part hereof), subject to compliance with such conditions, corrections, and modifications as may be reasonably required by the Director of Community & Economic Development and the Director of Public Works in order to comply with those requirements of the St. Charles Municipal Code that are not otherwise modified by the departures approved in the succeeding Section 3 (collectively, the "**Supplemental PUD Plans**"), to wit:

- Preliminary Engineering Plans prepared by ESM Civil Solutions, titled "Preliminary Engineering Plans for Prairie Centre", with last revision date of March 3, 2017;
- Preliminary Plat of Subdivision prepared by prepared by Compass Surveying, with last revision date of September 16, 2016;
- Landscape Plan prepared by OKW Architects, with last revision date of February 1, 2017;
- Architectural Elevations prepared by OKW Architects, with last revision date of February 1, 2017;

The PUD Site Plan and the Supplemental PUD Plans listed in this Section 2 are herein collectively called the "**Approved Preliminary PUD Plans**".

3. The passage of this Ordinance shall also constitute approval of those departures and deviations from the St. Charles Municipal Code and those additional approvals as are set forth on **Exhibit "E"** (the "**Departures and Deviations**"), said Exhibit being attached hereto and made a part hereof.

4. The Prairie Centre PUD is initially being approved as a single-lot subdivision (with the single lot being called the "**Original Lot**") on which multiple buildings (as shown on the PUD Plan) may be constructed. The Original Lot within the Prairie Centre PUD may be hereafter be

re-subdivided into one or more additional lots (each a “**Resubdivided Lot**”) as hereafter provided without requiring further amendment to this Ordinance.

5. Future changes to any one or more of the Approved Preliminary PUD Plans may be reviewed and approved in accordance the procedures contained in Title 17 of the St. Charles Municipal Code, Section 17.04.430, “Changes in Planned Unit Developments”, but with the following modifications to said Section 17.04.430 for purposes of Prairie Centre PUD only, to wit:

(a) “**Major Changes**” shall mean changes of the following magnitude to the Approved Preliminary PUD Plans. A Major Change shall require approval of an amendment to this PUD Ordinance following a public hearing (but not a new concept review, unless the essential “mixed use” nature of the Prairie Centre Project is proposed to be changed). Without limiting the foregoing, “Major Changes” expressly include the following types of changes:

- (i) A reduction in the acreage of open space or common open space by 10% or more.
- (ii) An increase in the total number of dwelling units within the PUD above 670 units (comprised of 609 units plus a “density bonus” of 61 designated affordable units).
- (iii) A change in the types of dwelling units from attached multi-family to detached single family.
- (iv) A reduction by 30% or more in number of parking spaces below the number of parking spaces otherwise required by the methodology in **Exhibit “F”**, said Exhibit being attached hereto and made a part hereof.
- (v) An increase to 30% or more in the percentage credit for shared parking as otherwise allowed in **Exhibit “F”** attached hereto.
- (vi) An expansion by 10% or more of any building footprint (other than by reason of the combination of 2 buildings into 1).
- (vii) Any modifications to the provisions of this PUD ordinance, including the provisions listed in the Departures and Deviations and Other Approvals and Agreements exhibits, not otherwise allowed as a Minor Change or an Authorized Administrative Change.

(b) “**Minor Changes**” shall mean changes that are not defined above as “Major Changes” or as changes subject to administrative authorization below, and which do not change the concept or intent of the PUD herein approved, including, without limitation:

- (i) any changes to building footprint location that (A) lengthens any exterior wall by more than ten feet on any side but less than twenty feet (excluding, however, expansions to building footprints made to connect two buildings, which connective expansions shall be treated as Authorized Administrative Changes), and (B) has no material adverse impact on any building setback requirement (excluding, however, expansions to building footprints made to connect two

buildings, which connective expansions shall be treated as Authorized Administrative Changes);

(ii) any change to a drive aisle location greater than twenty-five feet.

(c) “**Authorized Administrative Changes**” for the Prairie Centre PUD include changes which are not Major Changes or Minor Changes as defined above. Without limiting the foregoing, Authorized Administrative Changes expressly include the following types of changes:

- (i) A reduction by 5% or less in the acreage of open space or common open space
- (ii) A reduction of 15% or less in the number of parking spaces below the number of parking spaces otherwise required by the methodology in Exhibit F attached hereto
- (iii) An increase from 15% to less than 30% in the percentage credit for shared parking as otherwise allowed in **Exhibit “F”** attached hereto.
- (iv) An expansion of any building footprint (other than by reason of the combination of 2 buildings into 1) by 5% or less.
- (v) Any changes to the exterior architecture that, in the discretion of City Staff, do not materially detract from or diminish the essential style or quality of the building architecture as originally approved herein
- (vi) Any changes to landscaping that, in the discretion of City Staff, do not materially detract from or diminish the essential style or quality of the landscape plan as originally approved herein.
- (vii) Any changes to building footprint location that is within the dashed black lines on the Approved Preliminary PUD Plans and made so as to achieve building connectivity;
- (viii) Any changes to building footprint location that reduces the area of the building footprint and has no material adverse impact on any building setback requirement;
- (ix) Any changes to building footprint location that (A) lengthens any exterior wall by less than ten feet on any side, and (B) has no material impact on any building setback requirement.
- (x) Any change to a drive aisle location that is less than twenty-five feet.
- (xi) Any change to a drive aisle location that adds parking stalls.
- (xii) The installation of all signs within the development, within the requirements established herein.

6. The Subject Property shall be developed only in substantial accordance with Approved Preliminary PUD Plans (as same may be modified pursuant to Section 5 above), and with all other ordinances of the City as now in effect that are not otherwise herein amended (or as to which departures and / deviations are herein approved on **Exhibit “E”**), and subject to the terms, conditions and restrictions set forth herein, as follows:

- a. Zoning: The Subject Property shall remain subject to the requirements of the BR Regional Business Zoning District, as amended, and all other applicable requirements

of the St. Charles Zoning Ordinance, as amended, except as specifically varied in the Departures and Deviations attached hereto and incorporated herein as **Exhibit “E”**.

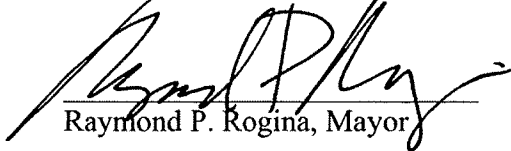
- b. Subdivision: The subject property shall be considered a single PUD zoning lot for the purpose of Zoning Ordinance compliance. The subject property may be further subdivided to create separate Resubdivided Lots for any one or more freestanding buildings constructed on the Subject Property so long as such freestanding building(s) are in compliance with the Approved Preliminary PUD Plans. Such resubdivision shall require the submission of a Final Plat of Subdivision application, pursuant to the procedures and requirements of Title 16 of the St. Charles Municipal Code, for review by the City, subject to the deviations and departures herein approved. At the time of resubdivision application, the applicant shall demonstrate that all necessary easements (including, but not limited to, access by way of on-site cross-access easements, parking and utilities) have been provided to adequately serve the proposed lot.
- c. Owners’ Association: If the Subject Property is later resubdivided into multiple lots having two or more separate owners, then the Applicant shall create a property owners’ association (“**Owners’ Association**”) and create a Declaration of Covenants, Conditions & Restrictions (“**CCRs**”) that clearly identify all responsibilities of the Owners Association with respect to the use, maintenance and continued protection of common access easements and other open space and improvements in the Subject Property, including, but not limited to, the stormwater detention facility, drive aisles, sidewalks, trails, common areas, bicycle lock-ups, street furniture, plantings, lighting, trash removal and the off-street parking areas. Such CCRs shall be in a form reasonably acceptable to the City and shall be recorded immediately following the recording of the Final Plat of Resubdivision for the Subject Property.
- d. Special Service Area: Following a recording of the Final Plat of Subdivision, the City shall initiate the formation of a Special Service Area for the purpose of maintaining and repairing stormwater management facilities and other facilities serving the Subject Property. The Record Owner shall not sell or transfer ownership of any individual lots within the Subject Property until such Special Service Area has been established. Such Special Service Area shall be of perpetual duration with a maximum rate sufficient to provide for maintenance, repair, and reconstruction of such facilities. Such Special Service Area may provide for maintenance by the City in the event that stormwater management facilities or other facilities are not adequately maintained by the Owner or successors.
- e. School and Park Contributions: The School contributions shall be provided by the Applicant as cash in lieu of land in accordance with the provisions of Title 16 of the St. Charles Municipal Code, as the same may be amended from time to time. The Park contribution shall be provided by the Applicant as a combined contribution of land and cash (or as otherwise agreed between the Applicant and the Park District) in accordance with the provisions of Title 16 of the St. Charles Municipal Code, as the same may be amended from time to time.

- f. Inclusionary Housing: For purposes of complying with the City's Inclusionary Housing Ordinance (Title 19.02 of the Municipal Code, the "**Inclusionary Housing Ordinance**"):
1. For a period of three (3) years from and after the date of passage of this Ordinance (the "**3-Year Period**"), the Developer shall reserve buildings C3 and B2 on the PUD Site Plan for a building or buildings containing residential units where the occupancy is restricted to residents age 55 or older, and the units meet the definition of an affordable unit in the Inclusionary Housing Ordinance ("**Senior Affordable Project**"). The Senior Affordable Project shall contain not less than the lesser of (i) minimum number of Affordable Units required to comply with the requirements of the City's Inclusionary Housing Ordinance as in effect as of the expiration of the 3-Year Period or (ii) ten percent (10%) of the non-"affordable" residential units constructed by the Developer. For the absence of doubt, recognizing that a Senior Affordable Project requires special financing often involving publicly awarded tax credits, and that the Developer does not normally engage in such projects, the Developer shall not be expected to itself develop and construct such a Senior Affordable Project, but may instead use good faith efforts to find a third-party developer for same.
 2. A deviation to Section 19.02.100 "Location, Phasing and Design" is hereby granted to allow the Developer, at its discretion, to place the senior affordable units to be provided in one or more buildings instead of being dispersed among the market rate dwelling units as required by Section 19.02.100.A.
 3. The Affordable Housing Agreement to be entered into between the City and the Applicant pursuant to Section 19.02.140 of the Municipal Code is set forth on **Exhibit "G"**, said Exhibit being attached hereto and made a part hereof, and is hereby approved. The Affordable Housing Agreement may be amended in accordance with the terms of the Agreement, without needing to amend this Ordinance.
- g. Site Plan Approval. Provided that a building permit application is submitted for the construction of any one or more building and associated site improvements that substantially conforms to the Approved PUD Preliminary Plan (with departures, if any, limited only to matters that qualify as a Minor Change or Authorized Administrative Changes), then there shall be no requirement for any so-called site plan approval before the City's Plan Commission as a condition of the issuance of any such building permit.
7. This Ordinance shall not be modified, amended or revoked by the City prior to the twentieth (20th) anniversary hereof without the consent of the Owner or the Owner's successors in interest to the Subject Property.
8. 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.

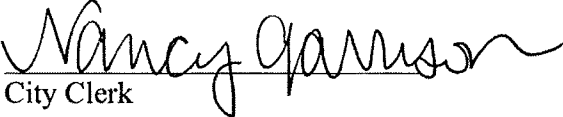
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of March, 2017.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of March, 2017.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of March, 2017.


Raymond P. Rogina, Mayor


Attest:


Nancy Garrison
City Clerk

COUNCIL VOTE:

Ayes: 6
Nays: 4
Absent: 0
Abstain: 0

APPROVED AS TO FORM:


City Attorney

DATE: 3/4, 2017

