| | | |
|---|---|---|
| CITY OF ST. CHARLES ILLINOIS • 1834 | **AGENDA ITEM EXECUTIVE SUMMARY** | **Agenda Item Number: 4d** |
| | **Title:** | Plan Commission recommendation to approve an Amendment to the Kirk Trace PUD (Cumberland Green Electronic Changeable Copy Sign) |
| | **Presenter:** | Rachel Hitzemann |

**Meeting**: Planning & Development Committee **Date**: November 9, 2020

| | | |
|---|---|---|
| Proposed Cost: N/A | Budgeted Amount: N/A | Not Budgeted: ☐ |

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

The Cumberland Green Cooperative submitted a Special Use application requesting to amend the existing Kirk Trace PUD to permit an Electronic Changeable Copy Sign at the southwest corner of S. Kirk Rd. and Cumberland Parkway. The subject property is currently owned by the Cooperative and the parcel is vacant.

The details of the Special Use are as follows:

- Install new Electronic Changeable Copy Sign (a/k/a electronic reader board sign)
- Install landscaping around sign

**<u>Plan Commission Recommendation</u>**

Plan Commission held a public hearing on 10/20/20. The Commission unanimously voted to recommend approval of the Special Use.

**Attachments** (*please list*)**:**
Plan Commission Resolution, Staff Report, Application, Correspondence from neighboring property owner, Kirk Trace PUD Ordinance

**Recommendation/Suggested Action** (*briefly explain*)**:**
Plan Commission recommendation to approve an Amendment to the Kirk Trace PUD (Cumberland Green Electronic Changeable Copy Sign)

# City of St. Charles, Illinois
# Plan Commission Resolution No. 18-2020

## A Resolution Recommending Approval of an Application for Special Use to amend the Kirk Trace PUD to allow an Electronic Readerboard sign. (Cumberland Green Cooperative)

**Passed by Plan Commission on October 20, 2020**

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

WHEREAS, the Plan Commission held a public hearing and reviewed the application for Special Use to amend the Kirk Trace PUD to allow for an Electronic Readerboard sign (Cumberland Green Cooperative) and,

WHEREAS, the Plan Commission adopts the following Findings of Fact for Special Use provided by the Applicant, in accordance Section 17.04.330.C of the Zoning Ordinance:

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

The sign will assist and serve the public. The sign will serve the public as we are encouraging the city to use our sign to notify the public about special events and festivals. The co-op will use the sign to notify the public about availabilities and Board meetings.

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

The infrastructure is present.

**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.**

We do not feel that it would impair the values. All the businesses around here have signs.

**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.**

Cumberland Green previously had a sign on Kirk Rd. but was removed when Kensington School was installing their sign. The previous sign was there for almost 40 years.

**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.**

It wouldn't affect any general safety issues.

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

The sign will comply to all City codes.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use to amend the Kirk Trace PUD to allow for an Electronic Readerboard sign for the Cumberland Green Cooperative.

Roll Call Vote:
Ayes: Wallace, Becker, Holderfield, Kessler, Melton, Funke, Pretz, Purdy, Vargulich
Nays: Absent: 0
Recused: 0
Motion carried: 9-0

PASSED, this 20th day of October 2020.

_____
Chairman
St. Charles Plan Commission

Community & Economic Development

**Staff Report**

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

**FROM:** Rachel Hitzemann
Planner

**RE:** Cumberland Green – PUD Amendment for an Electronic Changeable Copy Sign (a/k/a electronic readerboard)

**DATE:** November 4, 2020

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## I. APPLICATION INFORMATION:

**Project Name:** Cumberland Green Cooperative Sign

**Applicant:** Cumberland Green Cooperative

**Purpose:** Amend an existing PUD to allow for Electronic Changeable Copy Sign to be placed on the property.

**General Information:**

| Site Information | |
|---|---|
| Location | Southeast corner of S. Kirk Rd. and Cumberland Pkwy. |
| Acres | 0.390 |

| Applications | **Special Use for an electronic reader board** |
|---|---|
| Applicable Code Sections | 17.28 "Signs" |

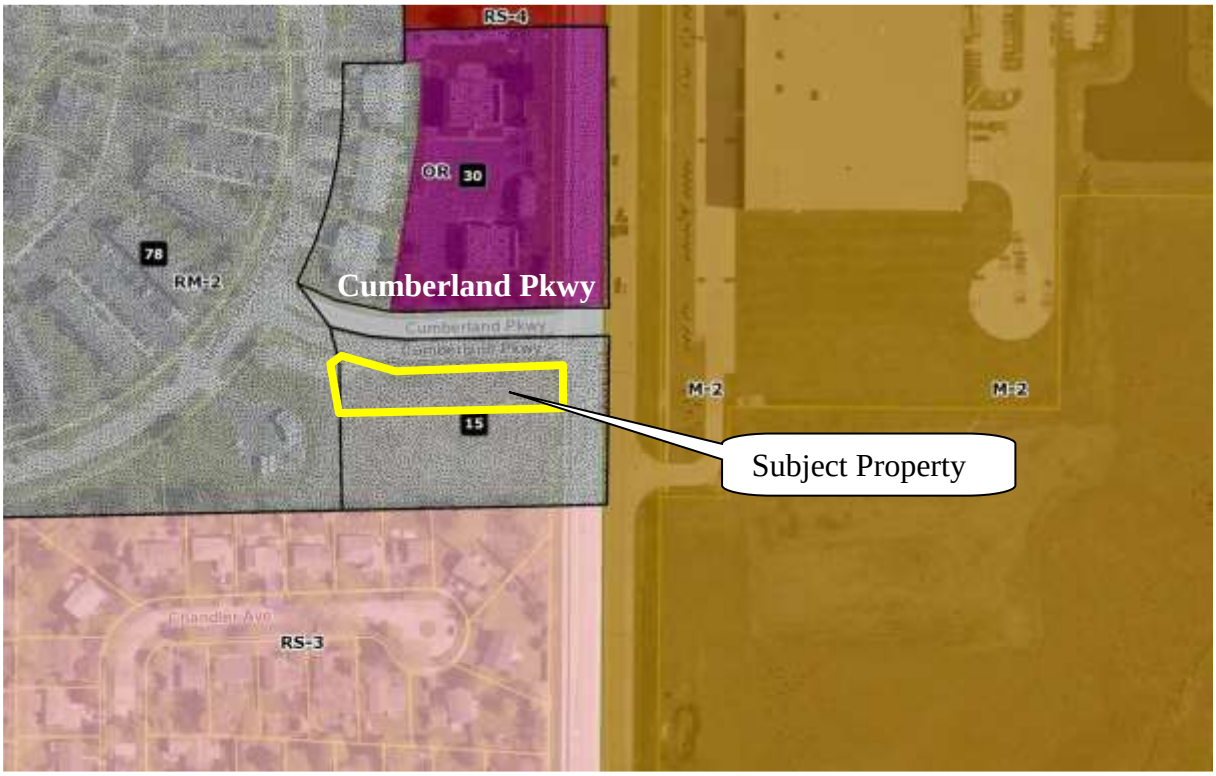
| Existing Conditions | |
|---|---|
| Land Use | Vacant |
| Zoning | RM-2- Medium Density Multi-Family District<br>Kirk Trace PUD, Ord. 1988-Z-14 |

| Zoning Summary | | |
|---|---|---|
| North | O-R – Office Research PUD | Pre-School |
| East | M-2- Limited Manufacturing | Manufacturing/ Vacant |
| South | RS-3- Suburban Single Family Residential | Residential |
| West | RM-2- Medium Density Multi-Family & Cumberland Green PUD | Residential |

| Comprehensive Plan Designation |
|---|
| Neighborhood Commercial |

## Aerial Photograph

## Zoning Map



## II. BACKGROUND

The Cumberland Green Cooperative submitted a Special Use application requesting to amend the Kirk Trace PUD to permit an Electronic Changeable Copy Sign at the southwest corner of S. Kirk Rd. and Cumberland Parkway. The subject property is currently owned by the Cooperative and the parcel is vacant.

The existing Kirk Trace PUD does not contain sign regulations, therefore the sign regulations of the underlying RM-2 zoning district apply. Entryway Signs for residential developments are not permitted to be internally illuminated under the Sign regulations in the Zoning Ordinance.

**Kirk Trace PUD**:

The property is located within the Kirk Trace PUD, which was created in Nov. 1988 by Ordinance No. 1988-Z-14. The approved PUD plan from 1988 was for 12 Townhome units on the parcel. That project was never constructed and no other projects on this property have been proposed since the original approval. The adjacent development to the west, Cumberland Green Cooperative, has now purchased the property with the intent to install a sign that will be visible from Kirk Rd.

## III. PROPOSAL

The details of the Special Use are as follows:

- Install an Electronic Changeable Copy Sign on southwest corner of S. Kirk Rd. and Cumberland Pkwy.
- Provide landscaping around the sign

## IV. STAFF ANALYSIS

### A. ZONING

The site is zoned RM-2 Medium Density Multi-Family and is located within the Kirk Trace PUD. Both the underlying zoning and the Kirk Trace PUD do not permit illuminated entryway signs.

### B. APPLICABLE SIGN STANDARDS

The requirements for Entryway Signs and general requirements for Electronic Changeable Copy Signs are listed below.

A sign design was submitted with the Special Use application. The overall sign size (30 sf. face area, 6 ft. tall) complies with the general standards for entryway signs.

The Electronic Changeable Copy Section is approximately 15 sf., which is equal to 50% of the total sign face area. This is the maximum percentage of a sign face that can be used for Electronic Changeable Copy in the business zoning districts located outside of downtown.

The sign will need to comply with all other general regulations for Electronic Changeable Copy signs, including limitations on changing display images and hours of illumination.

***From Table 17.28-1:***

| Type | Maximum Number | Minimum ROW setback | Maximum Area | Maximum Height | Other Requirements |
|---|---|---|---|---|---|
| Residential Uses: | | | | | |
| Entryway Signs for Residential Development of 10 or more units | Two, plus one for each additional external street frontage for developments of more than ten acres | 5 ft | 10-30 units: 50 sf<br>30+ units: 75 sf | 8 ft | Monument signs only;<br>Shall not be internally illuminated |

***Section 17.28.060 – Illumination:***

***A. Electronic Changeable Copy Signs***

*Electronic Changeable Copy Signs are permitted in all Zoning Districts where internally illuminated signs are permitted as follows:*

1. *In the CBD-1 and CBD-2 Districts, Electronic Changeable Copy Signs shall not exceed 30% of the total sign area of the sign on which it is located, or 30 square feet, whichever is less. Sign images shall change no more frequently than once every 30 seconds.*

2. *In all other zoning districts, Electronic Changeable Copy Signs shall not exceed 50% of the total sign area of the sign on which it is located, or 50 square feet, whichever is less. Sign images shall change no more frequently than once every 15 seconds.*

3. *Electronic Changeable Copy Signs may display both text and images, but the display shall remain static. The duration of the change of image, copy or illustration shall not exceed one second. Use of moving images or transitions between static images are prohibited.*

*B.* ***Hours of Illumination***

*Exterior signs shall be illuminated only during business hours or between the hours of 7:00am and 11:00pm, whichever is later.*

C. ***Direction of Illumination***

*All sign illumination shall be designed, located, shielded and directed so as to prevent the casting of glare or direct light upon adjacent streets and surrounding properties.*

C. LANDSCAPING AND SCREENING

Freestanding signs are required to be landscaped at the base of the sign in accordance with the following:

*<u>From Section 17.26.110- Sign Landscaping:</u>*

*A. The landscaping shall extend a minimum of three (3) feet from the outer edge of the sign base on all sides. Where the area around the base of a sign is insufficient in size to accommodate landscaping, the Director of Community Development may permit installation of a portion of the required landscaping at an alternate location on the site.*

*B. Freestanding signs shall be landscaped with small shrubs, ornamental grasses, and/or perennials to a height of twelve inches (12") to three feet (3') at planting, depending on the height of the sign.*

The proposed landscape plan meets the landscaping requirements.

## V. PLAN COMMISSION RECOMMENDATION

Plan Commission held a public hearing on 10/20/20. No members of the public spoke at the public hearing. One email was received from a neighboring property owner citing concerns of lighting. The email is attached to the packet.

The Commission voted 9-0 to recommend approval.

## VI. ATTACHMENTS

- Application for Special Use, received 9/18/2020
- Email from neighbor

# CITY OF ST. CHARLES

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

ST. CHARLES SINCE 1834

COMMUNITY & ECONOMIC DEV./PLANNING DIVISION PHONE: (630) 377-4443 FAX: (630) 377-4062

## SPECIAL USE APPLICATION

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

**For City Use**
Project Name: Cumberland Green Cooperative
Project Number: 2020 -PR- 014
Application Number: PLSU2020000045

Received Date
RECEIVED
St. Charles, IL
SEP 18 2020
CDD
Planning Division

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

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

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

| | | |
|---|---|---|
| **1. Property Information:** | Location: 2N114 Kirk Road, St. Charles, IL 60174 | |
| | Parcel Number (s): 09 36 300 017 | |
| | Proposed Name: | |
| **2. Applicant Information:** | Name: Cumberland Green Cooperative | Phone: 630-584-5150 |
| | Address: 1798 Cumberland Green Dr. St. Charles, IL 60174 | Fax: 630-584-5297 |
| | | Email: cumbergreen@yahoo.com |
| **3. Record Owner Information:** | Name: See above | Phone: Same |
| | Address: Same | Fax: Same |
| | | Email: Same |

**Please check the type of application:**

☒ **Special Use for Planned Unit Development - PUD Name:** Kirk Trace

- ☐ New PUD
- ☒ Amendment to existing PUD- Ordinance #: 1988-Z-14
- ☐ PUD Preliminary Plan filed concurrently

☐ **Other Special Use (from list in the Zoning Ordinance):** _____

- ☐ Newly established Special Use
- ☐ Amendment to an existing Special Use Ordinance #: _____

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Neighborhood Commercial

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

What is the property's current zoning? RM-1 PUD

What is the property currently used for? Vacant

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

Installation of Entryway Sign for Cumberland Green

**For Special Use Amendments only:**

Why is the proposed change necessary?

Incorporation of an electronic readerboard with the entryway sign

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

Amend PUD to permit internally illuminated signs (including readerboards)

**Note for existing buildings:**

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

**Attachment Checklist:**

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

- ☐ **APPLICATION FEE:**

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

- ☐ **REIMBURSEMENT OF FEES AGREEMENT:**

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

- ☐ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

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

? ?

- ☐ **PROOF OF OWNERSHIP and DISCLOSURE:**

  a) A current title policy report; or

  b) A deed and a current title search.

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

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

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

- ☑ **PLAT OF SURVEY:**

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

- ☐ **FINDINGS OF FACT:**

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

- ☑ **LIST OF PROPERTY OWNERS WITHIN 250 FT.:**

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

- ❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:** Not required

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

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

- ❑ **ENDANGERED SPECIES REPORT:** Not required

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

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

- ❑ **TRAFFIC STUDY:** If requested by the Director of Community Development. Not required

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

- ❑ **PLANS:**

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

  **Copies of Plans:** Full size copies not necessary for this application

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

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

A plan or plans showing the following information:

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

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

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

9/1/20

Record Owner — Date

9/1/20

Applicant or Authorized Agent — Date

*

# OWNERSHIP DISCLOSURE FORM
## CORPORATION

STATE OF ILLINOIS )
) SS.
KANE COUNTY )

I, Dale Janke, being first duly sworn on oath depose and say that I am the Manager of Cumberland Green Cooperative, an (Illinois) ( Not for Profit ) Corporation and that the following persons are all of the shareholders of 7% or more of the common stock of said Corporation:

| | |
|---|---|
| | |
| | |
| | |
| | |

BY: _____

TITLE: Manager

Subscribed and Sworn before me this 2nd day of September, 2020.

Vera E. Haas
Notary Public

OFFICIAL SEAL
VERA E HAAS
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:01/10/24

# Cumberland Green Cooperative

1798 Cumberland Green Drive, St. Charles, IL 60174
(630) 584-5150 • Fax (630) 584-5297
TDD/1-800-526-0844

CITY OF ST CHARLES
2 E. MAIN STREET
ST CHARLES, IL 60174-1984

To Whom It May Concern:

Cumberland Green Cooperative is seeking permission to install a sign on Kirk Road. With regards to this proposal I am designating the Property Manager namely Dale Janke be my representative for signatures as necessary and present all items related to this project.

Dale Janke can be reached at the numbers indicated on this letter head.

Thank you for your time and consideration with this matter.

Sincerely,

Richard Berendson
President/ Cumberland Green Cooperative

EQUAL HOUSING OPPORTUNITIES

# CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDS)

**For Special Use for PUD or PUD Amendment applications.**

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

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

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

Kirk Trace
*PUD Name*

9/15/2020
*Date*

**From the St. Charles Zoning Ordinance, Section 17.04.410.3:**
The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

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

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

When we purchased the parcel we cleared the lot of debris and dead tree's already improving the appearance.

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

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

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

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

We will install landscaping that will contribute to the health and safety of the city by enhancing its character and scenic beauty, providing clean air, reducing noise, preventing erosion of topsoil, reduce stormwater runoff, and provide windbreaks.
We will provide aesthetic benefits by installing landscaping at least 3 feet from the outer edge of the sign base on all sides and for a height of 1'5" maximum so as not to block the sign.

**iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):**

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

The sign will assist + serve the public.
The sign will serve the public as we are encouraging the city to use our sign to notify the public about special events and festivals. The co-op will use the sign to notify the public about availabilities and Board meetings.

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

They are present.

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.

We do not feel that it would [redacted] impair the values. All the businesses around here have signs.

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.

Cumberland Green Previously had a sign on Kirk Rd but was removed when Kensington School was installing their sign. it was their for almost 40 years.

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.

It wouldn't effect any general safety issue.

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.

We would comply to all Codes.

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

It will benefit our 204 plus members. We feel that the public will know that Cumberland Green is located less than a block off Kirk Rd. It will assist our outgoing members with selling their share. Our informational board could also be used to send out messages to the public for example events happening in St. Charles - the date & time thing like that if that is acceptable with the City.

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

Change in PUD.

**EXHIBIT "A"**

**PARCEL 1: THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH. RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER 522.06 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER THENCE NORTH ALONG SAID EAST LINE 130 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION. 335 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE WEST HALF OF SAID SOUTHWEST QUARTER 130 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, 335 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART CONVENED TO COUNTY OF KANE BY WARRANTY DEED RECORDED DECEMBER 11.1967 AS DOCUMENT 1103794) IN THE CITY OF ST. CHARLES. KANE COUNTY, ILLINOIS.**

**PARCEL 2: LOT 4 OF CUMBERLAND GREEN P.U.D. PHASE 1. IN THE CITY OF ST. CHARLES. KANE COUNTY, ILLINOIS.**

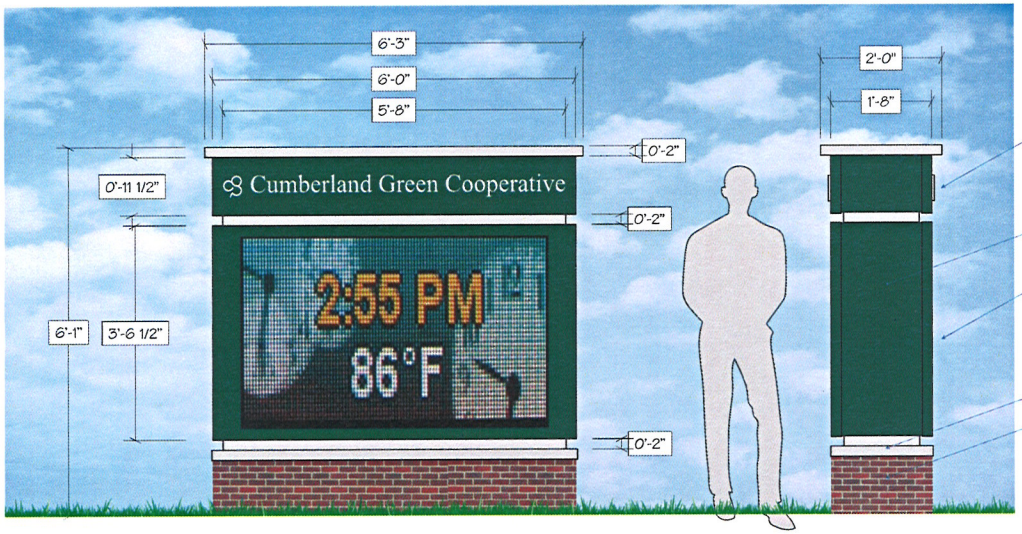
© Aurora Sign Co.,Inc 2020

SIGN TO BE UL LISTED

AURORA SIGN CO.

All Signs Shall Be Installed In Accordance With N.E.C. Article 600

| Engineering Specifications | Electrical Specifications |
|---|---|
| All Signs Fabricated as per A.S.A Specifications & 2014 I.B.C | All Signs Fabricated as per 2015 N.E.C. Specifications |




## SCHEDULE A

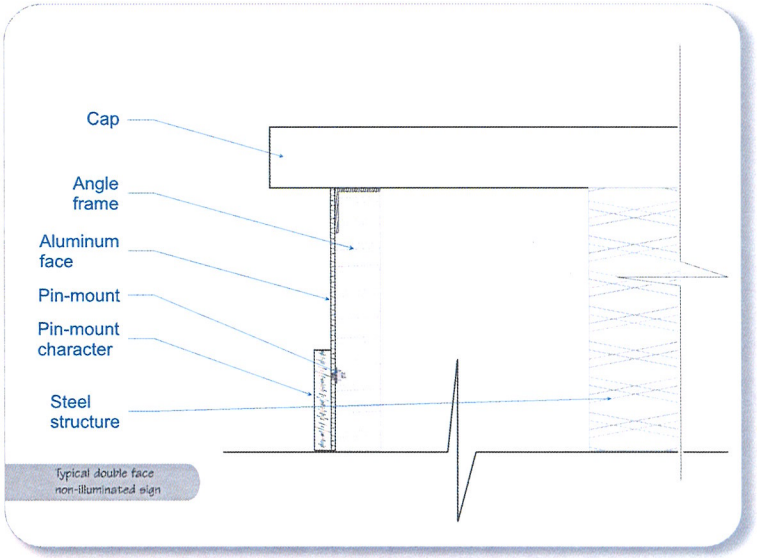
W10MM COLOR
PIXEL MATRIX 36X126
CABINET SIZE 40" H X 5' 3" L
VIEWING ARE 36" H X 5' L
DOUBLE FACE
CHARACTER SIZE 4 LINES
/25 CHARACTERS AT A 4" TYPE

## DOUBLE FACE ILLUMINATED SIGN

FABRICATE AND INSTALL SIGN OF ALUMINUM AND ACRYLIC.
HEADER TO BE NON-ILLUMINATED. FACE TO BE ALUMINUM WITH
PIN-MOUNT CHARACTERS TO BE 1/2" ACRYLIC.
ALL EXPOSED METAL SURFACES TO BE COATED WITH ACRYLIC POLYURETHANE.
SEE SCHEDULE A FOR MESSAGE UNIT.
SCALE 1/2"=1'

## INSTALLATION INSTRUCTIONS

SET 3" STEEL PIPE IN CONCRETE FOOTING TO BE
24" ROUND BY 4' DEEP. CONNECT TO
ELECTRICAL SERVICE TO BE PROVIDED BY
OTHERS PRIOR TO INSTALL.




Suggested color.
To be verified

Pantone 7734 C

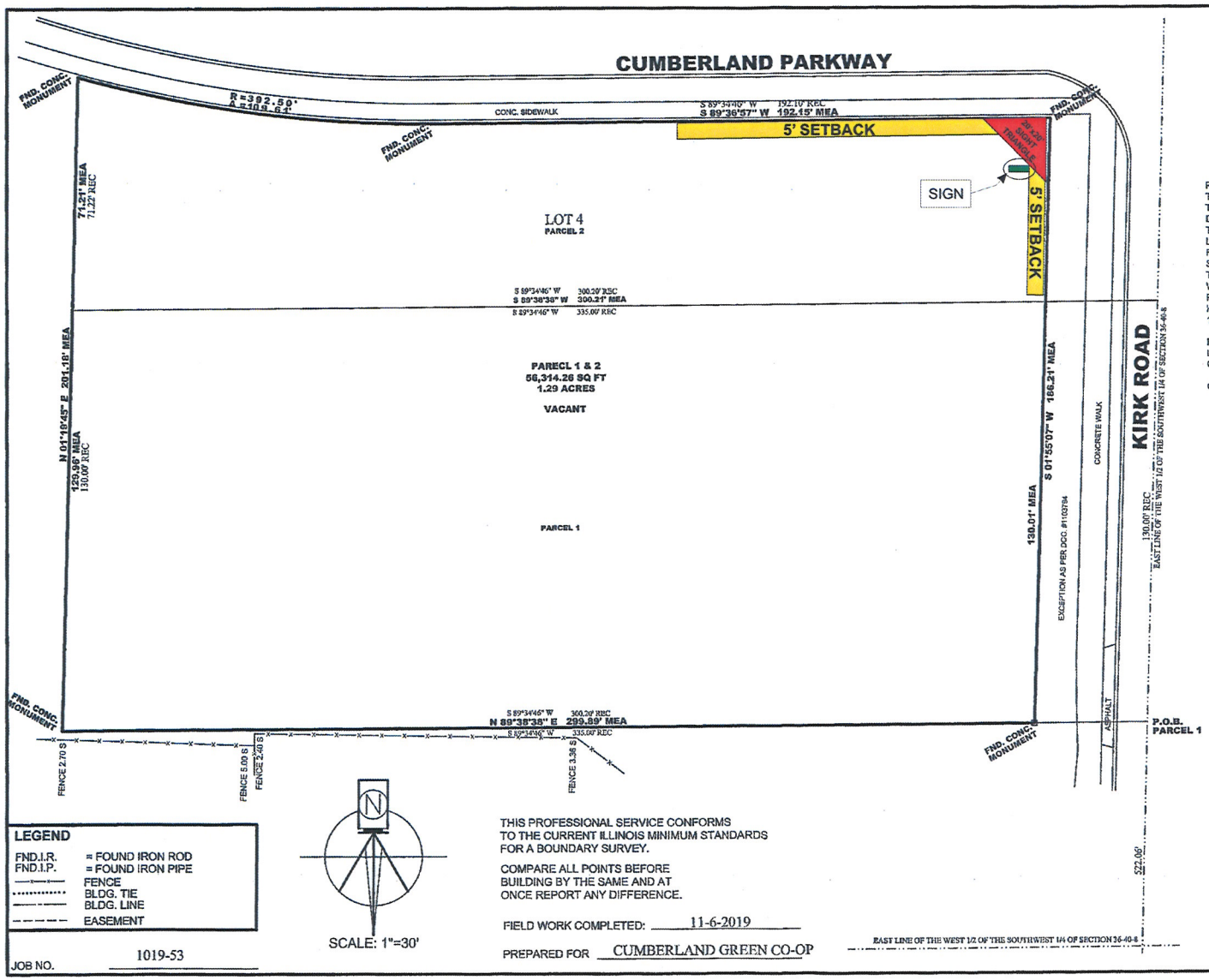
Computer generated colors are not a true match to any PMS, vinyl or paint.
Rendering shown is for concept only. Actual scale and placement shown are approximate.

1100 Route 34
Aurora, Illinois 60503
JC 630 898 5900 office
630 898 6091 fax

| | | | | | |
|---|---|---|---|---|---|
| Prepared For: CUMBERLAND GREEN | Address: 2N114 KIRK RD | Drwg: 200293 | Sheet: 1 | Design Date: 3/3/20 | LANDLORD APPROVAL SIGNATURE / TITLE: |
| Location Name: | City/State: ST CHARLES, IL | Rev 1: / Rev 2: | | | PRINT / DATE: |

NOTE: THIS DRAWING IS THE PROPERTY OF AURORA SIGN CO. IT IS NOT TO BE REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION WITHOUT WRITTEN CONSENT FROM AURORA SIGN CO. CHARGES OF UP TO $2000.00 WILL BE ASSESSED FOR ANY MIS-USE OF THESE DRAWINGS.

© Aurora Sign




# PLAT OF SURVEY

## D.F.L.S.

**DALE FLOYD LAND SURVEYING L.L.C.**
2600 KESLINGER ROAD SUITE A
GENEVA, ILLINOIS 60134
PHONE:630-232-7705 FAX:630-232-7725
E-MAIL: DFLS @SBCGLOBAL.NET

PARCEL ONE:
THAT PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 522.06 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHWEST 1/4; THENCE NORTH ALONG SAID EAST LINE 130 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, 335 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 130 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, 335 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART CONVEYED TO COUNTY OF KANE BY WARRANTY DEED RECORDED DECEMBER 11, 1967 AS DOCUMENT 1103794), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS

PARCEL TWO:
LOT 4 OF CUMBERLAND GREEN P.U.D. PHASE 1, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 2N114 KIRK ROAD, ST. CHARLES, ILLINOIS

THOMAS J. SIECK, JR.
035-003908
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
ST. CHARLES, ILLINOIS

License expiration date 11-30-2020

**LEGEND**

| | |
|---|---|
| FND.I.R. | = FOUND IRON ROD |
| FND.I.P. | = FOUND IRON PIPE |
| —x—x— | FENCE |
| ····· | BLDG. TIE |
| —/—/— | BLDG. LINE |
| - - - - - | EASEMENT |

SCALE: 1"=30'

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY THE SAME AND AT ONCE REPORT ANY DIFFERENCE.

FIELD WORK COMPLETED: 11-6-2019

PREPARED FOR CUMBERLAND GREEN CO-OP

JOB NO. 1019-53

STATE OF ILLINOIS
S.S.
COUNTY OF KANE
WE, DALE FLOYD LAND SURVEYING L.L.C., A PROFESSIONAL DESIGN FIRM, LICENSE NO. 184-007094 DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GENEVA, ILLINOIS 11-7 A.D. 2019

ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 035-003908

1100 Route 34
Aurora, Illinois 60503
JC 630 898 5900 office
630 898 6091 fax

| | | | | | |
|---|---|---|---|---|---|
| Prepared For: CUMBERLAND GREEN | Address: 2N114 KIRK RD | Drwg: 200293 | Sheet: 2 | Design Date: 3/3/20 | LANDLORD APPROVAL SIGNATURE | TITLE: |
| Location Name: | City/State: ST CHARLES, IL | Rev 1: | | | PRINT | DATE: |
| | | Rev 2: | | | | |

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© Aurora Sign Co.,Inc

| | | | | | | |
|---|---|---|---|---|---|---|
| 1100 Route 34<br>Aurora, Illinois 60503<br>JC 630 898 5900 office<br>630 898 6091 fax | Prepared For: CUMBERLAND GREEN | Address: 2N114 KIRK RD | Drwg: 200293 | Sheet: 3 | Design Date: 3/3/20 | LANDLORD APPROVAL SIGNATURE / TITLE: |
| | Location Name: | City/State: ST CHARLES, IL | Rev 1: | | | PRINT / DATE: |
| | | | Rev 2: | | | |

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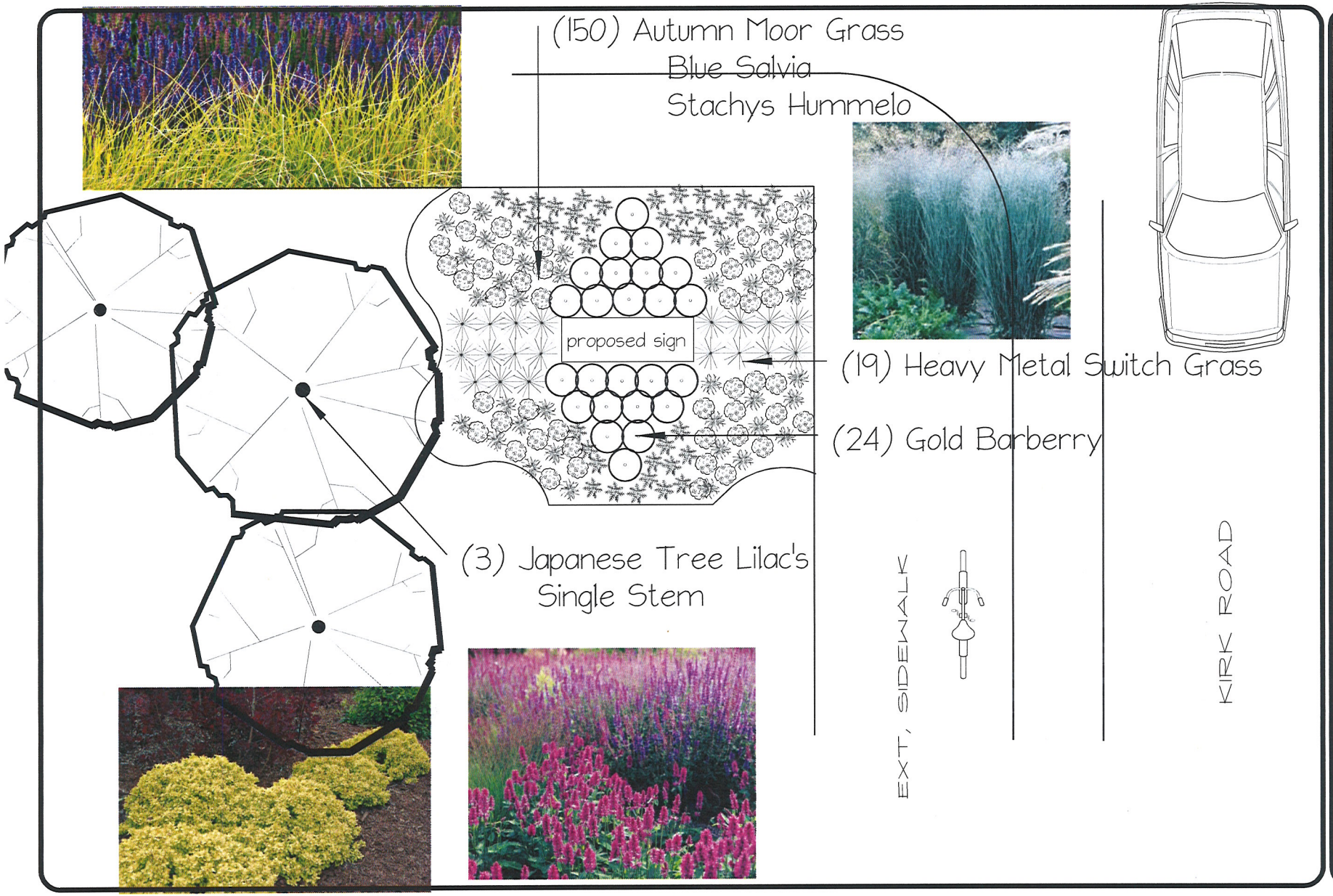



N

ALAN
LANDSCAPE MAINTENANCE

CUMBERLAND GREEN SIGN
KIRK RD & CUMBERLAND GREEN DR
ST. CHARLES IL, 60174

SCALE 1"=4'
DRAWING # 04/28/20
DATE

Powered by DynaSCAPE®

# PROPOSAL FOR: Cumberland Green Sign Plantings

Prepared for: Dale Janke By: Anna Smailus, Account Manager

**Send To:**
Dale Janke
14798 Cumberland Green Dr

St. Charles, IL 60174

**Project Name:**
Cumberland Green Sign Plantings
14798 Cumberland Green Dr

St. Charles, IL 60174

**Estimate #:** **39949**
Phone
Date: 4/28/2020

| | | |
|---|---|---|
| Sesleria autumnalis #1<br>Autumn Moor Grass | 50.00 | EA |
| Salvia nemorosa 'Wesuwe' #1<br>Sage | 50.00 | EA |
| Stachys monnieri 'Hummelo' #1<br>Common Betony | 50.00 | EA |
| Berberis LIMITED Sunjoy Citrus® #3<br>Barberry thunbergii 'Koren' | 24.00 | EA |
| Panicum virgatum 'Heavy Metal' #1<br>Switchgrass | 19.00 | EA |
| Pulverized Topsoil | 4.00 | CY |
| Mulch-Standard<br>Shredded Hardwood | 4.00 | CY |
| Syringa reticulata 'Ivory Silk' 2" | 3.00 | EA |

**Total Price: $6,998.00**

All proposals are subject to the terms and conditions set forth in the contract terms. Proposal is valid for a period of thirty (30) days from proposal date. Proposals contracted after thirty (30) days may or may not be subject to a price increase. Material is subject to availability at time of project installation.

39949 4/28/2020 $6,998.00



1103 E Fabyan Parkway, Batavia, IL 60510 | P: 630-232-7050 | F: 630-232-4826

This proposal is based on the landscape drawing by Alan Horticulture. The price includes watering (1) time after installation. Additional watering per event is $90 per hr. We wave the 3 hr minum because you are so close to our Batavia shop.

ACCEPTANCE of PROPOSAL. Any alterations or notations to this proposal will not be binding until both Alan Horticulture, LLC, and I have initialed and dated each alteration or notation indicating mutual acceptance. I understand that this proposal constitutes a binding contract upon acceptance. I approve the design and authorize you to do the work as quoted.
I agree to pay Alan Horticulture, LLC, the contract price of: $6,998.00

Sign and date this proposal where indicated below. Submit the signed and dated proposal with a 50% deposit in the amount of: $3,499.00 to Alan Horticulture, LLC.

Submitted by:

_____
Anna Smailus, Account Manager

Proposal Accepted by:

_____ **Date:** _____



1103 E Fabyan Parkway, Batavia, IL 60510 | P: 630-232-7050 | F: 630-232-4826

Received: 9/30/2020

I would like to ask a question but I will not be able to attend the meeting, in person or virtually.

I'm opposed to this sign going in for the following reasons:

Cumberland Green removed all the trees on the property and didn't communicate in any way to the residents who back to the property which were directly impacted by this. The increased street noise from Kirk, the garbage and debris that has been moved up against our fences, the burial of our sump lines, fence posts that have been compromised by soil and root removal, the flooding/standing water that is attracting bugs and the increased light pollution.

The few times someone from Cumberland Green has been spoken to and it's only when they are walking the property, they have said trees will be planted, in a row, behind the houses that border the property and to date, that has not been done and they do not return calls to the residents when we call there.

They have not followed through with what they have told us and yet they want to install an electronic sign that will produce more light pollution that the residents backing to the property will see.

I feel they should follow through with what they have said they will do, plant trees, correct the flooding, remove the garbage and plant grass before they are allowed to put up a sign.

Sincerely,

Todd Elenberger

Received: 10/1/2020

Guess I wrote a little too soon.

Yesterday the trees were planted, although according to the planting instructions that were attached to the tree, there should be a water basin, mulch and they should be watered thoroughly, the watering part I don't mind doing until I put my hoses away, but no one watered the ones they planted earlier in the year and I'd say they are dead.

Also, according to Rob at Cumberland Green, the flooding happening here is a direct result from the properties that have their sump line going behind the fence which is absolutely ludericus, but that would require someone to actually watch were the water comes from and you can clearly see the massive path eroded away around the fence surrounding their storage area.

Regardless, we are trying to be good neighbors but what they did to this property is nothing but an eyesore.

Todd Elenberger

CITY OF ST. CHARLES

---

ORDINANCE NO. 1988-Z-14

AN ORDINANCE GRANTING A SPECIAL USE AS
A PLANNED UNIT DEVELOPMENT FOR KIRK TRACE PUD

---

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 7th DAY OF NOVEMBER, 1988

---

PUBLISHED IN PAMPHLET FORM BY
AUTHORITY OF THE CITY COUNCIL
OF THE CITY OF ST. CHARLES,
KANE AND DU PAGE COUNTIES,
ILLINOIS, THIS 10th DAY OF
~~OCTOBER~~, 1988.
NOVEMBER

CITY CLERK

(S E A L)

Ordinance No. 1988-Z-14

DATE OF PUBLICATION 11/10/88
NEWSPAPER Pamphlet form

REFER TO:
MINUTES 11-7-88
PAGE

ORDINANCE NO. 1988-Z-14

AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR KIRK TRACE PUD

WHEREAS, a petition for a Special Use as a Planned Unit Development in the R-4 Multi-Family Residential District for the real estate described in Exhibit "A" attached hereto and made a part hereof (hereinafter sometimes referred to as "Subject Realty") has been filed by K-Pen Development Group (hereinafter sometimes referred to as the "Developer"), and First National Bank of Geneva, Illinois, as Trustee under Trust Agreement dated June 7, 1988 (hereinafter sometimes referred to as the "Trust"), and known as Trust No. 2707 (hereinafter "Developer" and "Trust" sometimes collectively referred to as the "Owner"); and

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

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

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

SECTION 1. That Section 17.02.180 of Title 17 of the St. Charles Municipal Code, as amended, and as set forth in the Zoning District Map as described therein and on file in the Office of the City Clerk, is hereby amended by granting a Special Use as a Planned Unit Development in the R-4 Residential



EXHIBIT "B"

District for the Subject Realty, subject to the additional requirements, variations, and restrictions provided herein.

SECTION 2. That the Subject Realty may be developed only in accordance with all ordinances of the City as now in effect or hereafter amended (except as specifically varied herein), and in accordance with the following added definitions, uses, procedures and restrictions:

A. Zoning Requirements

The development and use of the Subject Realty shall comply with the provisions of the R-4 Residential District of Title 17 of the St. Charles Municipal Code except as modified herein.

B. Number of Units and Lot Area

There shall be not more than twelve (12) dwelling units on the Subject Realty, constructed as follows:

As identified on Exhibit "C" attached hereto and made a part hereof, to be constructed in one phase containing a total of 12 dwelling units, within two (2) buildings. The following bulk regulations shall apply:

| | |
|---|---|
| Front Yard Setback (Cumberland) | 30' |
| Front Yard Setback (Kirk D.) | 50' |
| Interior Side Yard | 20' |
| Rear Yard | 30' |

C. Preliminary Plan

No engineering plans or final plat for any part of the Subject Realty shall be approved prior to City Council approval of a preliminary plan for the entire Subject Realty, notwithstanding a negative vote or recommendation of the Plan Commission. The preliminary plan shall include those matters described in Titles 16, 17 and 18 of the St. Charles Municipal Code pertaining to preliminary plans and prelminary plats. Following City Council approval of a preliminary plan, City may approve engineering plans and a final plat for a unit or phase, in accordance with the procedures and provisions for Planned Unit Developments set forth in the St. Charles Municipal Code, as amended, in effect at the time of submittal of such plans and plat. In no event shall City be required to review the first submittal of engineering plans and a final plat faster than as described in Chapter 24, Paragraph 11-12-8 of the Illinois Revised Statutes, 1987 Edition, as amended, for preliminary plat approval. Review of the preliminary plan or plat by the Plan Commission shall have for its purpose to provide the City Council with a recommendation only (not a decision) as to the review described in said Paragraph 11-12-8, and a negative recommendation by the Plan Commission shall not prevent the City Council from approving a preliminary plan or final plan or plat over the objection or contrary vote of the Plan Commission. The City Council hereby approves the resolution incorporating the preliminary plan as depicted and set forth at Exhibit "D", which is attached hereto and made a part hereof (the "Resolution")

which may be amended pursuant to the procedures of the St. Charles Municipal Code, except as those provisions have been modified or varied herein.

D. Building Code

Developer shall comply in all respects with the applicable provisions of Title 15 of the St. Charles Municipal Code and other City ordinances pertaining to building in effect at the time Owner makes application to the City for a building permit or permits in connection with the construction of buildings and structures on the Subject Realty, whether or not any of such ordinances are amended after the date hereof.

E. Building Permits

No building permit shall be issued for construction of any structure on the Subject Realty until after engineering plans and a final plat have been approved and a final plat has been recorded for the unit or phase in which the building permit or permits are requested.

F. Occupancy Permits

With the exception of acceptance of the final surface course of streets, sidewalks, street lighting, parkway seeding, and street trees, no temporary or permanent occupancy permit shall be issued for any building on the Subject Realty until after City Council acceptance of the land improvements as defined in Title 16 of the St. Charles Municipal Code, as amended.

G. Parkway Trees and Landscaping

Developer agrees to construct and install the entrance

landscaping as shown on Exhibit "E" attached hereto, and to install the parkway trees in accordance with the Landscape Plan attached hereto as Exhibit "E", all of which shall be collateralized as provided in paragraph H below.

H. Guaranty for Public Improvements

After approval of the final plat and prior to signature by the Mayor and City Engineer, the Developer shall present a guarantee for completion of the land improvements in a form and format as required by Chapter 16.12 of the St. Charles Municipal Code, whether or not amended after the date hereof.

I. Utilities and Communications Facilities

Developer shall provide that all existing and new utilities and communications facilities, including telephone, electric and cable television, to serve the Subject Realty shall be underground, and this requirement shall be affixed to all final plats. Developer shall notify all utility and communications companies of the need for installations and services, if such notification is required by such companies, prior to the construction of the land improvements in each unit or phase of the Subject Realty, and Developer shall provide City with a copy of each such notice.

J. Soil Erosion

Developer shall adhere to measures for the prevention of soil erosion during the various phases of construction of the development, pursuant to the ordinances and any other applicable rules and regulations of the City, the "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois",

published in October 1981, as amended, and the recommended procedures of the Kane-DuPage Soil and Water Conservation District and any other applicable regulatory agency, whichever is more restrictive. An erosion control plan shall be submitted by Developer to City with the engineering plan for each unit or phase, and shall be subject to review and approval of the City Engineer and Director of City Planning.

K. Maintenance of Storm Water Storage Facilities

The storm water storage facilities described in Exhibit "C" shall be owned and maintained by Owners or by a condominium homeowners association to be created by the Owners. In the event that the homeowners association fails to adequately maintain the storm water storage facilities, including, but not limited to, storm water storage capacity as designed, the City may, but shall not be obligated to do so, and the costs thereof may be recorded in equal shares as a lien on the title to all the lots or units in the development, which liens may be foreclosed by court action initiated by the City, and in addition, the City may bring an action at law against the owner or owners of record of such lots, or in the alternative, Developer and City may establish a Special Service District to maintain said storm water storage facilities.

L. Special Service Areas

Owners shall not object to the formation of and any amendment to one or more Special Service Areas including all or part of the Subject Realty, said areas being formed for the purpose of maintaining any or all of the following: Storm water

detention and retention facilities, drainage ways, private streets, snow removal, and landscaping on the Subject Realty for a perpetual duration with a maximum rate of 0.3% per year (or $0.30 per $100.00) of the assessed value, as equalized, of the taxable property, excluding all taxable personal property. Owners shall cooperate in the formation thereof in such manner as City shall deem reasonably necessary at whatever time City proposes such Special Service Area. Formation of such Special Service Area shall not constitute a condition precedent to City's approval of engineering plans or final approval of any part of the Subject Realty unless as to any phase thereof the Owners of part of that phase of Subject Realty and/or electors therein object to and preclude the formation of the Special Service Area.

M. Contribution to School District and Park District

Owners shall contribute cash in lieu of land for school and park purposes. The contribution shall be made in the amount and paid in the manner set forth in Chapter 16.32 of the St. Charles Municipal Code, as amended to the date of approval of the final plat for which the contribution is due and shall be contributed on or before recording of the plat.

N. Water and Sanitary Sewer Service

(1) The Owners will be permitted to connect to a twelve (12) inch City water main owned and operated by the City on Cumberland Parkway, adjacent to the Subject Realty and within the City for the immediate purpose of extending or connecting water service to the Subject Realty. Owners

shall collateralize all such improvements and complete all restoration in a manner approved by the City Engineer.

(2) The Owners will be permitted to connect to an eight (8) inch City sanitary sewer main owned and operated by the City on Cumberland Parkway within the City for the purpose of extending or connecting sewer service to the Subject Realty. Owners shall collateralize all such improvements and complete all restoration in a manner approved by the City Engineer.

O. Resubdivision

City shall not be required to approve any resubdivision of any part of the Subject Realty after a final plat including such part of the Subject Realty is approved and recorded. The foregoing conditions shall be affixed to or referenced on the appropriate final plats.

P. Public Water and Sanitary Sewer Required

Upon development, all of the Subject Realty shall be served by the City of St. Charles water and sanitary sewer system. The construction and maintenance of individual, private on-site water and sewage treatment systems, including but not limited to water wells, septic tanks, septic absorption fields, and aerobic digesters is not permitted. The foregoing conditions shall be affixed to or referenced on the appropriate final plats. Prior to City Council acceptance of any water mains on the Subject Realty, Owners shall plug any existing wells on the Subject Realty in conformity with the regulations of the Illinois Department of Mines and Minerals and shall

provide documentation to the City that such plugging has been accomplished, all in form and substance acceptable to the City Council.

Q. Payment for Street Lighting

Owners shall pay the City for the installation of street lights as required for each unit or phase, in an amount determined by the Director of the Electric Utility. Payment to the City shall be made prior to the installation of street lights by the City. Such street lights shall be collateralized as part of the required land improvements.

SECTION 3. ADDITIONAL CONDITIONS.

The provisions of paragraphs 5, 6, 7, 8, 10, 12, 14, 16, 17 and 19 of that certain Annexation Agreement entitled, "ANNEXATION AGREEMENT CITY OF ST. CHARLES AND FIRST NATIONAL BANK OF GENEVA, ILLINOIS, AS TRUSTEE UNDER TRUST AGREEMENT DATED JUNE 7, 1988 AND KNOWN AS TRUST NO. 2707 AND K-PEN DEVELOPMENT GROUP, and dated November 7, 1988 are incorporated herein as if fully set forth herein, a copy of such paragraphs being attached hereto and made a part hereof as Exhibit "_".

SECTION 4. 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, its officers, other officials, agents and employees, or any of them, is made a party defendant in any proceeding arising out of or in connection with this Ordinance, the approval and issuance of a Special Use Permit for a Planned Unit Development for the Subject Realty, or the development of

the Subject Realty, the Owners shall, except as may be required by Chapter 29, Section 61 and Chapter 80, Section 91 of the Illinois Revised Statutes for the negligent acts or omissions of the City, its officers, other officials, agents and employees or any of them, defend and hold the City and such officers, other officials, agents and employees harmless from all claims, liabilities, losses, taxes, judgments, costs, fees, including expenses and reasonable attorney fees, in connection therewith in excess of the proceeds of any insurance or indemnification held by the City and actually received. Any such indemnified person may obtain separate counsel to participate in the defense thereof at his own expense. However, if the Canons of Legal Ethics require such indemnified person to be separately defended where there is no consent to a conflict of interest, then Owners shall bear such expense. The City and such officers, other officials, agents and employees shall cooperate in the defense of such proceedings and be available for any litigation-related appearances which may be required. Further, Owners shall be entitled to settle any and all claims for money, in such amounts and upon such terms as to payment as they may deem appropriate, without the prior approval or consent of the City, its officers, other officials, agents and employees as the case may be. Further, Owners may be entitled to settle all non-monetary claims upon such terms as they may deem appropriate after receiving approval or consent of the City, which approval or consent shall not be unreasonably withheld. In the event City unreasonably withholds such approval or consent Owners'

obligation to indemnify and defend shall terminate. The Owners release from and agree that the City, its officers, other officials, agents and employees shall not be liable for any liability, losses, judgments, costs, fees, including reasonable attorney's fees and expenses arising out of or in connection with the City's failure to approve final plans, provided, however, the Owners do not relinquish their right to receive approval of their final plans, including final plats of subdivision under this Ordinance as amended from time to time, building and occupancy permits and other permits, approvals and licenses and to such extent the Owners retain the right to legal or equitable action against the City for declaratory judgment, injunctive relief and mandamus.

SECTION 5. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 7th day of November, 1988.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 7th day of November, 1988.

APPROVED by the Mayor of the City of St. Charles, Kane and

DuPage Counties, Illinois, this 7th day of November, 1988.

Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes: 10
Nays: 0
Absent: 0

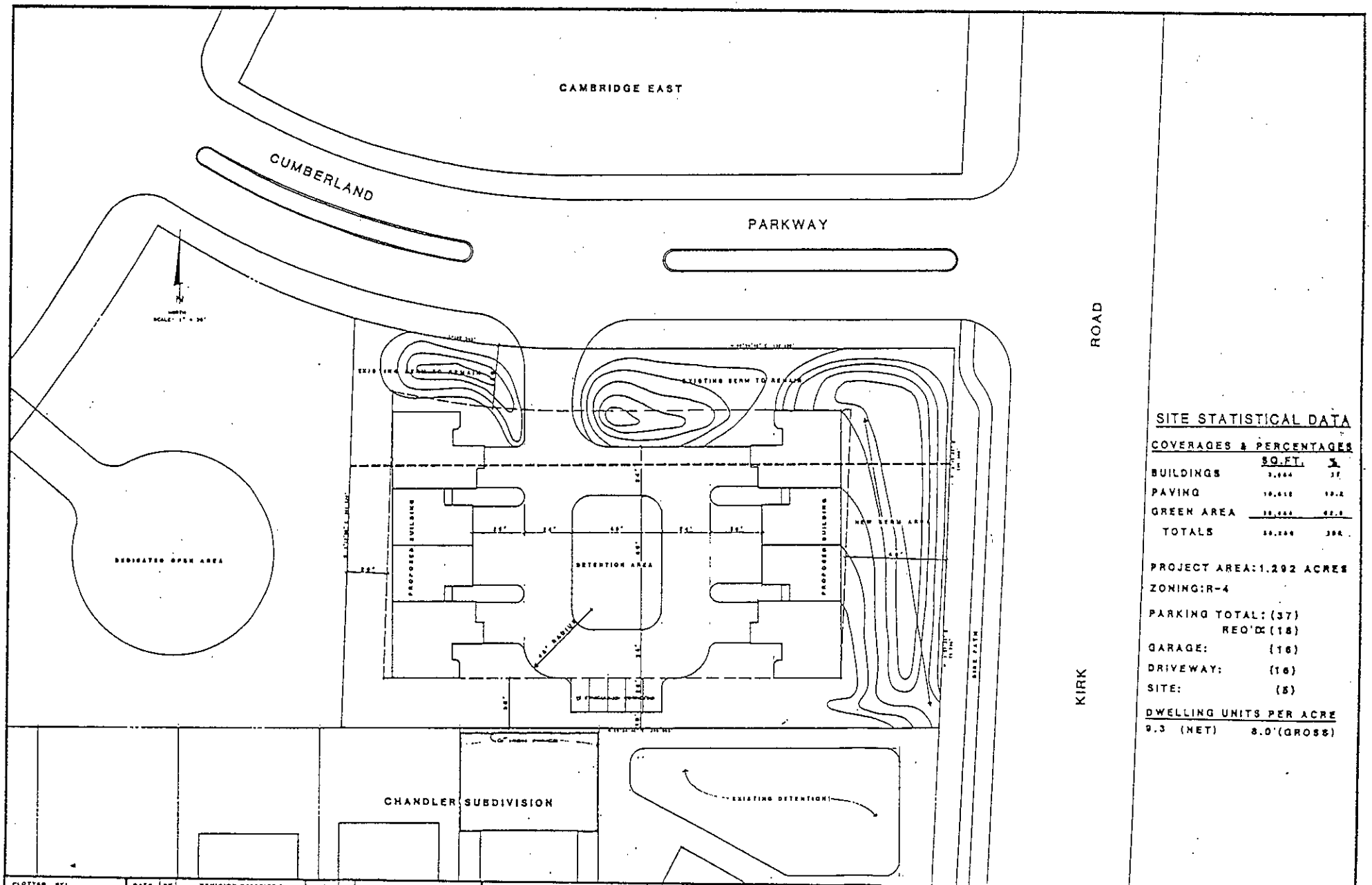
PARCEL ONE

THAT PART OF THE WEST 1/2 OF THE SOUTH WEST 1/4 OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SOUTH WEST 1/4 522.06 FEET NORTH OF THE SOUTH LINE OF SAID SOUTH WEST 1/4; THENCE NORTH ALONG SAID EAST LINE 130 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, 335 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF SAID SOUTH WEST 1/4 130 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, 335 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART CONVEYED TO COUNTY OF KANE BY WARRANTY DEED RECORDED DECEMBER 11, 1967 AS DOCUMENT

PARCEL TWO

LOT 4 OF CUMBERLAND GREEN P. U. D. PHASE 1, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "A"




## SITE STATISTICAL DATA

**COVERAGES & PERCENTAGES**

| | SQ.FT. | % |
|---|---|---|
| BUILDINGS | [illegible] | [illegible] |
| PAVING | [illegible] | [illegible] |
| GREEN AREA | [illegible] | [illegible] |
| TOTALS | [illegible] | [illegible] |

PROJECT AREA: 1.292 ACRES

ZONING: R-4

PARKING TOTAL: (37)
REQ'D: (18)

GARAGE: (16)

DRIVEWAY: (16)

SITE: (5)

**DWELLING UNITS PER ACRE**

9.3 (NET) 8.0 (GROSS)

| | DATE | BY | REVISION DESCRIPTION | DATE | BY | REVISION DESCRIPTION |
|---|---|---|---|---|---|---|
| PLOTTED BY: | | | | | | |
| CHECKED BY: | | | | | | |
| DRAWN BY: | | | | | | |
| CHECKED BY: | | | | | | |
| APPROVED BY: | | | | | | |

RHA&A ROBERT H. ANDERSON & ASSOCIATES, INC.
CONSULTING ENGINEERS
ST. CHARLES, EAST DUNDEE & AURORA, ILLINOIS

PROPOSED SITE PLAN
KIRK TRACE

PROJECT NO.
SCALE: DATE
SHEET OF

EXHIBIT " C"

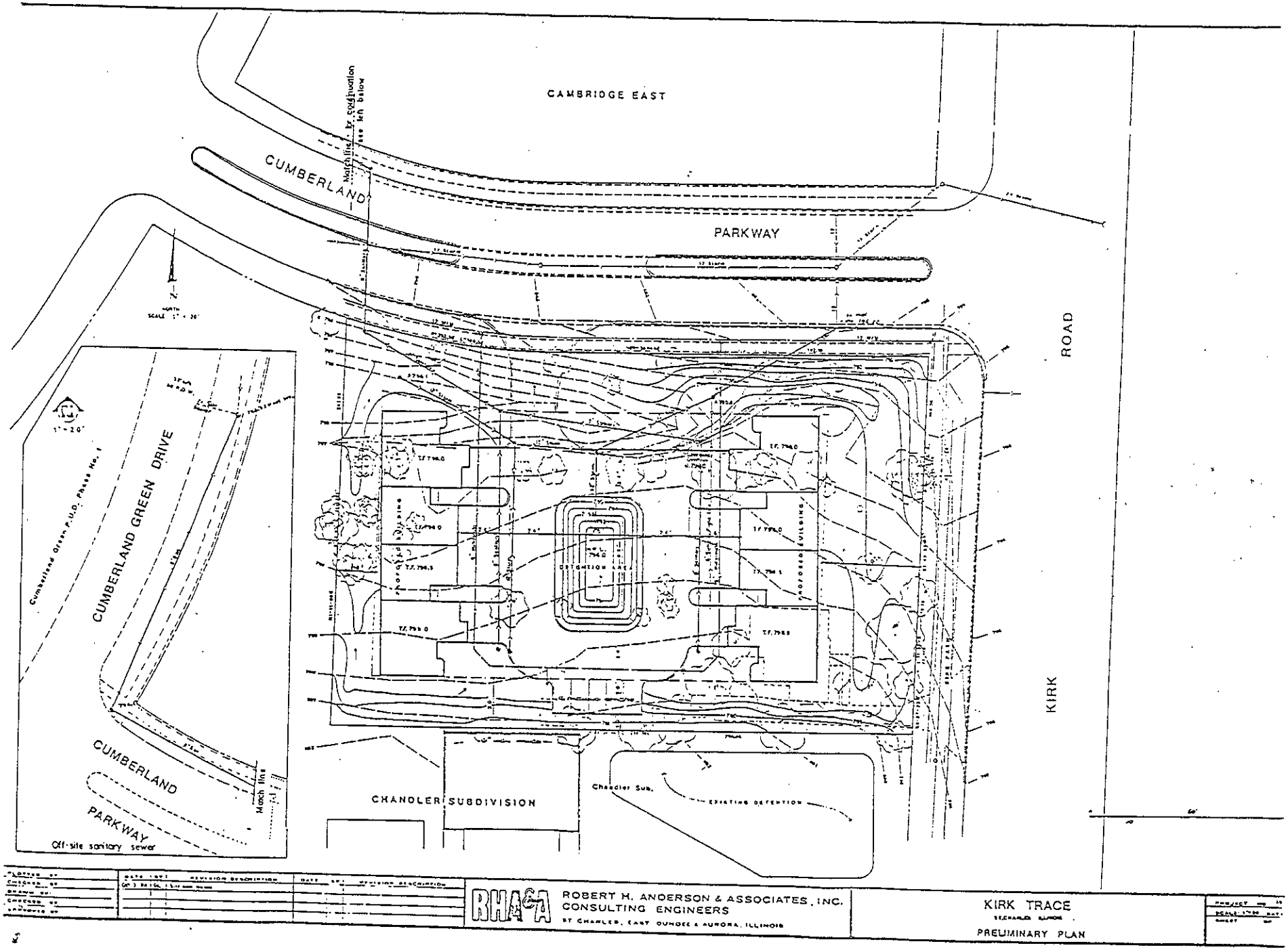

CAMBRIDGE EAST
CUMBERLAND
PARKWAY
KIRK
ROAD
CUMBERLAND GREEN DRIVE
CUMBERLAND
PARKWAY
Off-site sanitary sewer
CHANDLER SUBDIVISION
Chandler Sub.
ROBERT H. ANDERSON & ASSOCIATES, INC.
CONSULTING ENGINEERS
KIRK TRACE
PRELIMINARY PLAN

EXHIBIT "D"

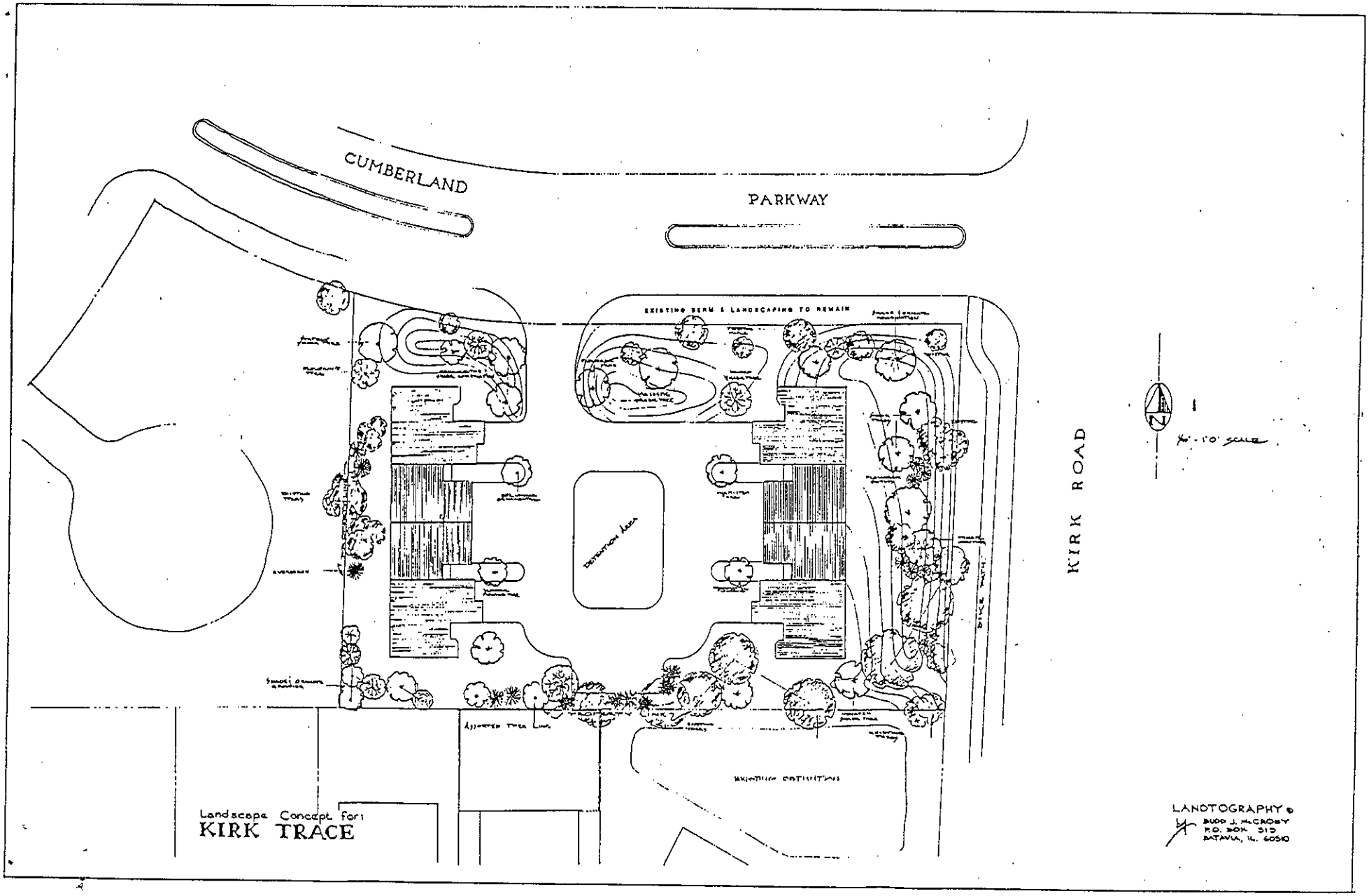

CUMBERLAND
PARKWAY
KIRK ROAD
EXISTING BERM & LANDSCAPING TO REMAIN
Landscape Concept for:
KIRK TRACE
LANDTOGRAPHY ©
BUDD J. McCROBY
P.O. BOX 313
BATAVIA, IL. 60510

EXHIBIT "E"

STATE OF ILLINOIS )
) SS.
COUNTIES OF KANE AND DU PAGE )

# CERTIFICATE

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on November 7, 1988 the Corporate Authorities of such municipality passed and approved Ordinance No. 1988-Z-14, entitled AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR KIRK TRACE PUD

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

The pamphlet form of Ordinance No. 1988-Z-14, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 10, 1988, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this 10th day of November, 1988.

Jean M. Connors
Municipal Clerk

(S E A L)