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|  CITY OF ST. CHARLES ILLINOIS • 1834 | AGENDA ITEM EXECUTIVE SUMMARY | | Agenda Item Number: 4g |
| | Title: | Plan Commission recommendation to approve a Zoning Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes | |
| | Presenter: | Ellen Johnson, Planner | |
| Meeting: Planning & Development Committee | | Date: April 11, 2022 | |
| Proposed Cost: \$0 | | Budgeted Amount: \$0 | Not Budgeted: <input type="checkbox"/> |
| Executive Summary <i>(if not budgeted please explain):</i> | | | |
| <p>Background – D.R. Horton has filed development applications for Charlestowne Lakes, a residential development proposed for the 28.5-acre site known as the Oliver Hoffman property, located northeast of Charlestowne Mall and south of Foxfield Rd. Details are as follows:</p> <ul style="list-style-type: none"> • Rezoning to the RM-2 Medium Density Multi-Family Residential District. • Establishment of a PUD with unique development standards to accommodate the project. • Construction of King Edward Ave. extension through the site • 167 total units: <ul style="list-style-type: none"> • 105 townhomes (21 buildings); 3 story, rear-loaded garages. • 62 duplexes (31 buildings); 2-story, front-loaded garages. • Stormwater detention and preservation of the wetlands at the north end of the site. • Pedestrian connectivity within the site and to neighboring properties. <p>The plan is similar to a Concept Plan reviewed for this development in Spring 2021.</p> <p>The applicant is requesting approval of a Zoning Map Amendment to RM-2, Special Use for Planned Unit Development, and PUD Preliminary Plan. Preliminary site, engineering and landscape plans, preliminary plat of subdivision, and building elevations have been submitted for approval.</p> <p>The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as “Corridor/Regional Commercial” (west portion) and “Multi-Family Residential” (east portion). The property is also part of the East Gateway subarea plan.</p> <p>Consent Decree – The property is subject to a 2009 Consent Decree settlement agreement between the City and property owner. The current alignment of the collector street and the current lot layout and zoning districts reflect the terms of this agreement. The Consent Decree will need to be modified to facilitate the proposed development. That process will occur after City Council approval of the zoning applications and will be coordinated by the City Attorney and the developer.</p> <p>Plan Commission Recommendation – Plan Commission held a public hearing on 4/5/22 and voted 6-0 to recommend approval, subject to resolution of staff comments. Neighboring residents commented during the hearing and provided written comments. Concerns were expressed regarding traffic impacts on the surrounding roadway network, particularly Foxfield Dr., density, maintenance of ponds and landscaping, and parking. Plan Commissioners expressed a preference for prohibiting parking on King Edward Ave. due to safety concerns.</p> | | | |
| Attachments <i>(please list):</i> | | | |
| Plan Commission Resolution, Staff Report, Application, Plans, Traffic Study, Correspondence from Neighbors | | | |
| Recommendation/Suggested Action <i>(briefly explain):</i> | | | |
| Plan Commission recommendation to approve a Zoning Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes, subject to resolution of staff comments. | | | |

City of St. Charles, Illinois
Plan Commission Resolution No. 7-2022

A Resolution Recommending Approval of Zoning Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes (D.R. Horton, Inc.)

Passed by Plan Commission on April 5, 2022

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

WHEREAS, the Plan Commission held a public hearing and reviewed the Applications for Zoning Map Amendment, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes (D.R. Horton, Inc.); and,

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

FINDINGS OF FACT FOR MAP AMENDMENT

1. The existing uses and zoning of nearby property.

The existing uses of nearby properties consist of multi-family (RM-2 PUD) and single-family residences (RS-4) to the north and single-family residences (R3 in West Chicago) to the northeast, open space and commercial (BR PUD) to the west and south, and office (OR) and vacant land to the east (R-4 in DuPage County). The proposed Rowhomes and Villas are consistent with and will complement the residential uses to the north and east and provide a transition from the higher intensity commercial uses along Main Street to the lower intensity residential uses to the north.

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

The Property has not developed since it was annexed into the City in 1991, and more importantly since the Consent Decree in 2007 established the existing BC and RM-3 Zoning classifications. The rezoning of the Property from BC and RM-3 to RM-2 will permit the development of the Property as a single-family residential community, which will increase the value of the Property, adding homes to increase the consumer base in the immediate area and throughout the City. Enhancing the City's housing stock will provide for the improvement of the City's real estate tax base while also bringing new families to the community to live and work. The gain to the City and the public as described above will be significant.

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

The existing zoning classification does not promote the health, safety, morals, or general welfare of the public. The vacant, underproductive Property does nothing to support the general public or the City. The current market for commercial development is non-existent. The proposed rezoning with residential uses, however, will increase the value of the Property, add homes to increase the consumer base, increase the tax base, and will not be detrimental to the public health, safety, morals, or general welfare.

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

The Property is unsuitable for the present BC zoning classification. Since the Consent Decree established the zoning classification of BC in 2007, the Property has not developed, and will likely remain undeveloped with the BC zoning classification for a number of years. The current market for new commercial development is non-existent, while the residential market in the Chicago suburban areas is growing. The existing RM-3 Zoning classification for the 10-acre property to the east of the extension of King Arthur Avenue would allow 20 dwelling units per acre or over 200 dwelling units on that 10-acre parcel alone. Petitioner is only seeking 167 units for the entire 30-acre property for a density of less than 5 dwelling units per acre. Consistent with the surrounding uses, Petitioner felt that the RM-2 Zoning classification with its lower density is more appropriate than the current RM-3 Zoning classification.

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

As stated above, the Property has not developed since it was annexed in 1991 nor under the current zoning established pursuant to the Consent Decree entered by the Kane County Court in 2007. With the redevelopment of Charlestowne Mall and the effect that the climate and the pandemic has had on the retail and commercial markets, the likelihood of the Property developing as commercial is extremely slim. Further the Property is tucked back off of the main arterial street, making it unsuitable for commercial development. The overarching development in the area north of Charlestowne Mall has been single and multi-family residential.

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

The influx of new homebuyers into the suburban markets is clear evidence of the necessity for suburban single-family housing in the City as opposed to a higher density

housing product. As a result of the pandemic and the ability of employees to work from home, the suburban housing market has seen a rapid influx of buyers. Charlestowne Lakes will attract new young professionals, young couples, and empty nesters to the City.

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

The City's Comprehensive Land Use Plan shows the property as Corridor/Regional Commercial west of King Edward Avenue, extended, and Multi-Family Residential east of King Edward Avenue, extended. The eastern townhome portion of Charlestowne Lakes is consistent with the Multi-Family Residential zoning designation, with a lower density. The residential portion of the Property on the west side of King Edward Avenue is not consistent with the Corridor/Regional Commercial designation on the Future Land Use Plan. This portion of the Property has been zoned Community Business District since the 2007 Consent Decree, but it has not developed under this zoning classification. In fact, commercial users in the area, including the Charlestowne Mall, are looking at redevelopment as the commercial climate has changed dramatically to more on-line commerce in recent years and more recently in light of the pandemic. While the proposed RM-2 zoning is not consistent with the Comprehensive Plan, it is much more consistent with the surrounding single family attached and detached homes in the area and more consistent with the trend of development in the area.

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

The proposed amendment does not correct an error or omission in the Zoning Map.

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

The Property is vacant so no nonconformities will be created as a result of the Map Amendment. Petitioner is seeking a Planned Unit Development to address any variances or deviations from the Zoning Code that may be required for the development of Charlestowne Lakes.

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

The trend of development in the area is Single-Family detached residential and Multi-Family residential uses. Very little commercial development on vacant land that is not on the major arterial roadways is occurring in the City. This parcel is tucked back off of Main Street, and it is not a prime location for commercial or retail development. Therefore, Petitioner feels that the proposed residential development that will support the commercial uses located on Main Street is the highest and best use of the Property.

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

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

- i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A.**
 - 1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.**
 - 2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.**
 - 3. To encourage a harmonious mix of land uses and a variety of housing types and prices.**
 - 4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.**
 - 5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.**
 - 6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.**
 - 7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community**

The proposed PUD advances the purposes of the Planned Unit Development procedure by promoting a creative approach to building design that results in an attractive development that will become an integral part of the community. The PUD will also create a pedestrian-oriented community with walkable neighborhoods, useable open space, and promote social interaction by providing interconnectivity with the Charlestowne Mall. The existing, environmentally-sensitive wetland on the Property will be preserved. D.R. Horton is promoting the economical development and efficient use of land with townhomes and villas, while providing the much-needed connection from Foxfield Drive to Smith Road via the extension of King Edward Avenue through the development as contemplated by the City and mandated in the Court Decree. While the PUD does not encourage redevelopment of property it does provide for the development of underperforming vacant parcels of land. D.R. Horton has collaborated with the City and has utilized many of the Planning Commission and City Council's comments in finalizing its design of Charlestowne Lakes.

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

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

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

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

The proposed PUD shall comply with the RM-2 zoning district except as delineated in this Petition. There is a fairly large wetland on the Property that Developer is not going to disturb which definitely lessens the available space for housing on the Property. In addition, King Edward Avenue, as required by the Court in the Consent Decree, cuts a wide swath through the center of the Property which created the need for Petitioner to seek deviations under the PUD zoning. Conforming to the RM-2 Zoning Requirements would inhibit creative design and be impractical in some instances, given the unique geometries and conditions presented by the site. The proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the RM-2 zoning district Requirements. Pursuant to Section 17.04.400B, Petitioner will preserve open space and the environmentally sensitive wetlands area on the Property, provide enhanced landscaping and buffering from adjacent commercial uses, provide the much-needed extension of King Edward Avenue connecting Foxfield Drive to Smith Road, and provide a visually appealing

streetscape with strategically positioned buildings utilizing rear-loading garages along the extension of King Edward Avenue.

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

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

The Petitioner is seeking a Special Use for a Planned Unit Development. The request is consistent with the original residential zoning of the Property at the time of annexation and is complementary to the surrounding uses which include residential, commercial, and recreational uses. Further the Consent Decree required that the property come in as a PUD. D.R. Horton's proposed PUD at this particular location is situated to provide desirable housing in the interest of the City and the general public and will contribute to the general welfare of the community. Notably, there has been an influx of suburban, single-family attached homebuyers, and a lack of housing stock to satisfy the recent demand. D.R. Horton believes that its proposed subdivision will be very successful at this location. D.R. Horton's proposed PUD will contribute to the general welfare of the neighborhood and community by providing diverse housing stock and additional residents to continue to support the City's tax base and the business community.

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

All public services, facilities, and utilities are adequate and available to service the site. Any new on-site facilities necessary will be provided as part of the development of the Property. As shown on the Preliminary PUD Plan submitted with this Petition, D.R. Horton will provide adequate utilities, access roads and drainage for its proposed development. King Edward Avenue will be extended through the Property to meet the stub street off of Smith Road. Adequate roadways will be provided throughout Charlestowne Lakes as depicted on the PUD Plan. City water and sanitary sewer will be extended through the Property, along with electricity, gas, phone, cable and other utilities. The stormwater management facilities will be located along the northern portion of the Property, providing open areas along Foxfield Drive. The stormwater management areas have been designed to operate efficiently with the topography of the Property and are optimized to provide sufficient stormwater storage for the Charlestowne Lakes Subdivision.

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

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

The residential uses will be consistent with the residential uses to the north and will complement the commercial uses to the south by increasing the consumer base for the commercial uses. The PUD will not affect the OR zoned property to the east, nor the vacant land in DuPage County with residential zoning. The property to the west is stormwater detention facilities, so the PUD will have no effect on this property. The proposed PUD with Rowhomes and Villas will not be injurious to the use and enjoyment of the surrounding properties for the uses permitted, nor will the PUD negatively diminish or impair property values in the area.

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.

Most of the surrounding property is already developed, except for the property to the east, which is zoned residential in DuPage County. The proposed residential PUD will not impede the development of the vacant land to the east with residential uses in DuPage County. Conversely, D.R. Horton's development of the Property will enhance and improve the existing uses, value, and enjoyment of the surrounding properties by making use of an underperforming vacant parcel of land with a complementary residential use. D.R. Horton's proposed development is less intensive than the currently approved CB, Commercial, and RM-3, high density residential zoning for the Property. Because D.R. Horton's use will be less intensive than the previously approved commercial and high-density residential uses for the Property, D.R. Horton anticipates a lesser impact on traffic with its proposed lesser density residential uses than the traffic currently anticipated for the Property under its current zoning classifications. Further, the residential PUD proposed will aid in any redevelopment of the commercial properties on Main Street by increasing the consumer base.

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

The establishment, maintenance, and operation of the proposed residential PUD will not be detrimental to or endanger the public health, safety, comfort, or general welfare. Instead, the residential community will positively impact the Community. Since annexation thirty (30) years ago, the Property has not developed and has remained vacant and underperforming, contributing little to the City's economy. Today, the Property provides an excellent opportunity for a new residential community that will complement the nearby residential uses and commercial uses.

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.

D.R. Horton's proposed PUD will conform to all regulations in the RM-2 zoning district except for any variations or deviations requested in more detail on Exhibit B attached to this Petition.

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

D.R. Horton's proposed PUD is complementary to the surrounding uses which include residential, commercial and recreational uses. The proposed PUD is to be located on vacant, underperforming land. D.R. Horton's proposed PUD at this particular location is situated to provide desirable and diverse housing in the interest of the public and will contribute to the general welfare of the community. Notably, there has been an influx of single family attached homebuyers to the suburban markets, and a lack of housing stock to satisfy the recent demand. D.R. Horton believes that its proposed subdivision will be very successful at this location. D.R. Horton's proposed PUD will contribute to the general welfare of the neighborhood and community by providing a diverse housing stock and additional homeowners to continue to support the City's tax base and the business community. The proximity to shopping, restaurants, and recreational uses makes this property ideal for residential uses and support for the nearby commercial and recreational uses. Therefore, the proposed PUD will be beneficial to the development, diversity, tax base and economic well-being of the City.

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

The stated purpose of the Comprehensive Plan is as follows:

The Comprehensive Plan serves as the City's official policy guide for physical improvement and development. At its most basic level, the Comprehensive Plan is intended to direct orderly growth and change as well as maintain and enhance the livability of the City. The Comprehensive Plan provides a vision for the future to describe an ideal St. Charles, based on community input and consensus, to ensure that quality of life remains high. In addition, plans and recommendations are provided for key focus areas, including West Gateway, East Gateway, Downtown, and Main Street.

The City's Comprehensive Land Use Plan shows the property as Corridor/Regional Commercial west of King Edward Avenue, extended, and Multi-Family Residential east of King Edward Avenue, extended. The eastern townhome portion of Charlestowne Lakes is consistent with the Multi-Family Residential zoning

designation. The residential portion of the Property on the west side of King Edward Avenue is not consistent with the Corridor/Regional Commercial designation on the Future Land Use Plan. This portion of the Property has been zoned Community Business District since the 2007 Consent Decree, but it has not developed under this zoning classification. In fact, commercial users in the area, including the Charlestowne Mall, are looking at redevelopment as the commercial climate has changed dramatically to more on-line commerce in recent years and more recently in light of the pandemic. While the proposed RM-2 Zoning west of King Edward Avenue extended is not consistent with the Comprehensive Plan, it is much more consistent with the surrounding single family attached and detached homes in the area and more consistent with the trend of development in the area.

The proposed PUD will assist in the orderly growth of this area and enhance the livability of the City. The Property was annexed into the City in 1991 with a zoning classification of R-2A PUD, Single Family Residence District, but was rezoned pursuant to a Consent Decree from Kane County Circuit Court case, City of St. Charles v. West Suburban Bank, Case Number in 07 ED 07 to BC Community Business District and RM-3 General Residence District, and since that time has remained vacant and underperforming. Since the Comprehensive Plan was approved by the City, there have been some major changes to the office, commercial, and retail markets, which changes were already entrenched before the pandemic. During the pandemic, the on-line shopping trend has continued and intensified, extending to encompass almost every commercial and retail market. This shift to on-line purchasing and work from home has had a major effect on the commercial and office market, making it unlikely that this parcel, tucked back off of Main Street, will develop with commercial or office uses. The proposed PUD will assist the City in meeting the challenge of changing conditions in the area and in the City. While the entire Property is not consistent with the Comprehensive Plan, it is definitely more consistent with the market and the trend of development in the area. The proximity to shopping, restaurants, institutional, and recreational uses makes this Property ideal for residential uses and support for nearby commercial uses.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to the City Council approval of a Zoning Map Amendment to RM-2 Medium Density Multi-Family Residential District, Special Use for Planned Unit Development and PUD Preliminary Plan for Charlestowne Lakes (D.R. Horton, Inc.), subject to resolution of staff comments.

Roll Call Vote:

Ayes: Wiese, Funke, Melton, Ewoldt, Hibel, Vargulich

Nays: None

Abstain: None

Absent: Macklin-Purdy, Moad, Becker

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Motion carried: 6-0

PASSED, this 5th day of April 2022.

Chairman
St. Charles Plan Commission



| | | |
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| Applicant: | D.R. Horton, Inc. | <p>Charlestowne Lakes</p>  <p><i>Subject Property</i></p> |
| Property Owner: | Gompers Lewis II LLC | |
| Location: | NE of Charlestowne Mall, south of Foxfield Dr. | |
| Purpose: | Residential development | |
| Applications: | <ul style="list-style-type: none"> • Zoning Map Amendment • Special Use for PUD • PUD Preliminary Plan | |
| Public Hearing: | Yes, required | |
| Zoning: | BC Community Business, RM-3 Multi-Family Res. | |
| Current Land Use: | Vacant | |
| Comprehensive Plan: | Corridor/Regional Commercial & Multi-Family Res. | |
| Summary of Proposal: | <p>D.R. Horton, Inc. is proposing to develop the subject property with a 167-unit residential development. Details:</p> <ul style="list-style-type: none"> • Rezoning to the RM-2 District and a Planned Unit Development (PUD). • 105 townhomes (21 buildings); 3-story, rear-loaded garages. • 62 duplexes (31 buildings); 2-story, front-loaded garages. • Construction of King Edward Ave. extension through the site. • Stormwater detention facilities at the north end of the site. • Pedestrian connectivity within the site and to neighboring properties. <p>A Concept Plan similar to this proposal was reviewed in Spring 2021.</p> | |
| Info / Procedure on Application: | <p>Zoning Map Amendment:</p> <ul style="list-style-type: none"> • Revision to the zoning map to change the zoning district of a specific property. • Public hearing is required, with a mailed notice to surrounding property owners. • All findings need not be in the affirmative to recommend approval – recommendation based on the preponderance of evidence. <p>Special Use for Planned Unit Development:</p> <ul style="list-style-type: none"> • Approval of development project with specific deviations from the Zoning Ordinance standards. (Establishes a PUD ordinance with unique zoning or subdivision standards that apply to a single development site) • Public hearing is required, with a mailed notice to surrounding property owners. | |

- Single finding – Is the PUD in the public interest? Criteria are considered in reaching a decision. Responses to the criteria need not be in the affirmative to recommend approval of a PUD or PUD Amendment.
- The Plan Commission may recommend conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation and other elements of the PUD as deemed necessary to secure compliance with the standards specified in the Zoning Ordinance.
- The Plan Commission may recommend exceptions and deviations from the requirements of the Zoning and Subdivision Codes requested by the applicant, to the extent that it finds such exceptions and deviations are supportive of the standards and purposes for PUDs.

PUD Preliminary Plan:

- Approval of plans for development of property within a PUD to ensure compliance with the PUD ordinance and applicable provisions of the Zoning Ordinance. Includes building elevations and site, landscape, and engineering plans.
- Recommendation is based on compliance with the concurrently approved Special Use for PUD standards and other city code requirements (including Zoning and Subdivision codes).

Suggested Action:

Conduct the public hearing on the Zoning Map Amendment and Special Use for PUD and close if all testimony has been taken. Review the PUD Preliminary Plan.

The Plan Commission may vote on this item should the Commission feel that they have enough information to make a recommendation.

The applicant has provided responses to the Findings of Fact for Map Amendment and Criteria for PUD for the Commission’s consideration.

Staff Contact: Ellen Johnson, Planner

I. PROPERTY INFORMATION

A. History / Context

The subject property is a 28.55-acre, five-parcel site located northeast of Charlestowne Mall and south of Foxfield Dr. The property has historically been known as the Oliver-Hoffmann property, which is the name of the development company that owned the site when annexed into the City in 1991.

In order to improve traffic circulation and connectivity to the residential neighborhoods to the north, the City has identified a need for a collector street connection between Smith Road and Foxfield Drive, which would traverse the property. A stub portion of this street (now known as King Edward Ave.) was constructed from Smith Road north to facilitate this connection.

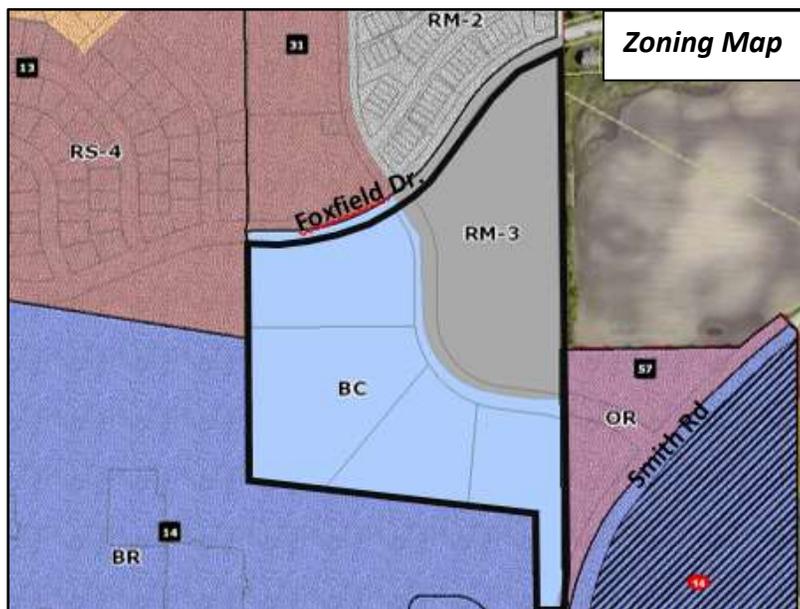
In 2006, a proposal was submitted for development of a Walmart Supercenter on the property, which would have limited the potential for the planned collector street connection. In 2007, the City filed a Complaint of Condemnation to acquire through eminent domain a strip of property for completion of the collector street. A settlement was reached between the City and property owner in 2009, resulting in a Consent Decree document.

The Consent Decree defines development parameters that the City and property owner agreed to follow, including a collector street route, subdivision lot layout and zoning classifications. The current lot layout and zoning districts reflect the terms of the Consent Decree. The Consent Decree further requires that any future development proposal be submitted as a Planned Unit Development (PUD) and the project include construction of the collector street.

B. Zoning

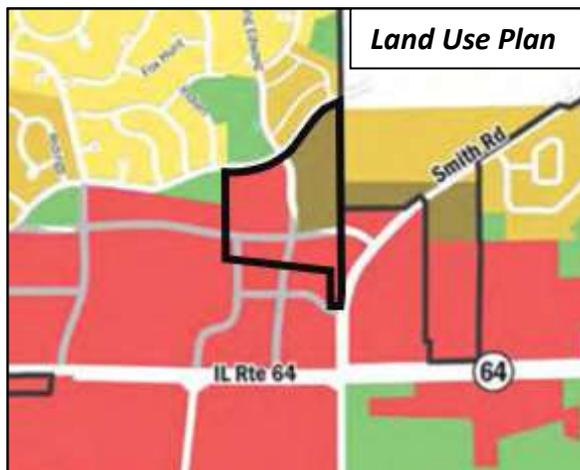
The subject property has split zoning, with the four parcels closest to Charlestowne Mall zoned BC Community Business and the eastern parcel zoned RM-3 General Residential. Residential zoning exists to the north with commercial and office zoning generally south and west. The property is located at the eastern boundary of the City limits, with unincorporated agricultural land to the east. The Springs at St. Charles apartment development is currently proposed for that property and if approved, would be annexed to the City under RM-2 zoning.

| | Zoning | Land Use |
|-------------------------|---|---|
| Subject Property | RM-3 General Residential BC Community Business | Vacant |
| North | RM-2 Medium Density Multi-Family Residential / PUD RS-4 Suburban Single-Family Residential / PUD | Kingswood Townhomes / detention pond |
| East | Unincorporated Kane County OR Office/Research | Agricultural, office building, bank |
| South | BR Regional Business / PUD | Charlestowne Mall |
| West | BR Regional Business / PUD RS-4 Suburban Single-Family Residential / PUD | Charlestowne Mall, Charlemagne detention pond |



C. Comprehensive Plan

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as “Corridor/Regional Commercial” (west portion) and “Multi-Family Residential” (east portion).



The Corridor/Regional Business land use is described as follows:

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

Multi-Family Residential land use is described as follows:

Multi-family residential structures contain multiple housing units, are usually stacked vertically and attached horizontally, and typically have common hallways and other amenities. Examples of multi-family residential developments include apartments, condominiums, and senior housing. Most multifamily developments are located in or near areas of intense commercial development with access to goods, services, and the transportation network. Because of market pressures, many single-family residences Downtown have been converted to multi-family. In addition to areas designated Multi-Family Residential, the land use plan also provides for multi-family units within the Mixed-Use land use designation.

Chapter 4 of the Comprehensive Plan provides the following Residential and Mixed-Use land use policies relevant to the proposed development: (p. 43-44):

Prioritize infill development over annexation and development. *While the era of substantial residential growth is over in St. Charles, there remain some isolated opportunities for residential development on the City’s west side. While most of these opportunities are within unincorporated Kane County, they fall within the City’s 1.5-mile extraterritorial planning jurisdiction defined by State statute. It is recommended that the City carefully consider annexation and growth into these areas while vacant and/or*

underutilized residential properties exist within the City’s boundaries. When residential development does occur within the City’s growth areas, it should occur in areas immediately adjacent to existing developed areas so as to prevent “leap frog” development and the resulting costs and burdens of unnecessarily extending infrastructure systems in an unwise manner.

Locate new multi-family residential developments in appropriate locations within the City and consider the implications of concentrating units in one location or area of the City. *In addition to assisting with the community’s goals to provide affordable housing in the community, multi-family housing contributes to residential density which can improve the viability of shopping areas in the community. Recognizing that this Plan is dynamic and not “set in stone”, the City should promote multi-family housing in areas identified in the Land Use and Residential Areas Plans, but consider proposals in other areas provided any significant impact on schools, traffic, and other infrastructure can be mitigated.”*

Ensure residential areas are adequately screened/ buffered from adjacent non-residential uses and activity. *The composition of the City’s commercial districts along corridors that transect the City means that there are many areas where commercial uses abut residential properties and neighborhoods. The use of horizontal and vertical buffering and screening, including berms, fencing, and landscaping, should be promoted to protect neighborhoods from abutting commercial or industrial land uses. The City should identify areas where land use conflicts are problematic and explore solutions to mitigate the conflicts, including buffering and screening. Additionally, the City’s landscape ordinance could be revised to require enhanced screening and an amortization schedule to ensure compliance for non-conforming properties within a set time frame.*

Chapter 8 of the Comprehensive Plan contains the East Gateway Subarea Plan. The subject property is located within the East Gateway Subarea, which is centered at the intersection Kirk Rd. and Main St. The Subarea Plan notes the East Gateway represents a significant piece of the local economy and a unique opportunity for revitalization and stabilization. The following Subarea Goals and Objectives are relevant to the proposed development (p. 102):

Subarea Goals

The East Gateway subarea represents a unique opportunity for economic development, revitalization and stabilization with for a specific context within the City of St. Charles. The overall vision for the subarea includes the following:

- *Revitalization of the Subarea’s retail areas that maximizes the locational assets within this area of the City.*
- ***Improved connectivity and circulation within the Subarea providing logical and efficient connections between compatible uses.***
- *Better separation of incompatible land uses to protect residential neighborhoods while at the same time help define the City’s business areas.*
- *Attractive streets and sites to distinguish this Subarea and key corridors from neighboring communities.*
- *A mix of uses that that help diversify the City’s economy and provide places to live, work, and shop.*

Subarea Objectives

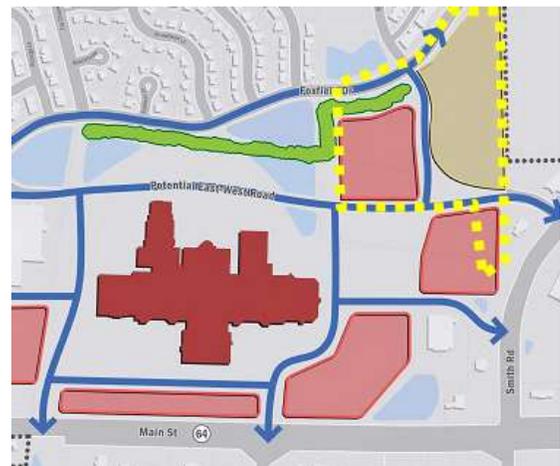
- *Improve the appearance of the Kirk Road and Main Street Corridors to assist in strengthening the community’s identity and appearance through installation of streetscaping, wayfinding and gateway elements.*
- *Use landscaping appropriately to enhance commercial areas, screen unsightly areas, and provide an attractive streetscape and overall setting for the area.*
- ***Improve the overall connectivity and mobility within the Subarea through both public streets and internal connection to provide a predictable and navigable environment.***
- ***Preserve surrounding neighborhoods through the use of screening, buffering, and better separation from commercial development.***
- *Create market-responsive development parcels that can accommodate projects of an appropriate scale and phasing over time.*
- *Take advantage of proximity to DuPage Airport and Pheasant Run as activity generators.*
- *Reposition the Charlestowne Mall site to foster its renaissance or its redevelopment.*
- ***Enhance the character of both existing and new development through site improvements, façade enhancements, consistent signage regulation, and attractive building design and materials***

The Corridor/Regional Commercial portion of the Subject Property is identified as Catalyst Site “D” (Charlestowne Mall) within the East Gateway Subarea (p. 104).



As a catalyst site important to the vitality of the East Gateway, it is noted that intervention is needed to reposition the site to improve the mall’s future viability or redevelopment.

The subject property is also included in the Charlestowne Mall Framework Plan (p. 105). This plan includes high-level recommendations for the mall site and surrounding area. The eastern portion of the subject property is noted as outlot commercial/retail/office with improved connectivity through the site, while the western portion is noted as single-family attached/multi-family residential, which would complement existing housing in the area and would increase the area’s residential population to support commercial uses at the mall site.



Staff Comment:

- ✓ The recommendations for the Oliver-Hoffman property were based on the entire mall building remaining or the entire site being revitalized as a commercial center. These

assumptions no longer appear likely, given the current state of the mall property and retail market conditions. Given recent concept plans for the mall, it is now more likely that the north side of the mall property will be residential, therefore the recommendations for commercial use of the Oliver-Hoffman site in combination with the mall property may no longer be relevant.

II. PROPOSAL

A. Concept Plan Review

In Spring 2021, D.R. Horton submitted a Concept Plan proposing a 164-unit residential development consisting of townhomes on the east side of the property and duplexes on the west side, with completion of King Edward Ave. bisecting the site. Plan Commission expressed support for the proposed land use, density and site layout. Commissioners offered suggestions including:

- Provide a buffer (landscaping and/or fencing) from adjacent non-residential uses.
- Explore options for additional guest parking.
- Provide additional bike trails/sidewalks within the site, such as around the detention ponds.
- Consider reserving land at the northeast corner for a potential future connection from Foxfield Dr. to the undeveloped property to the east (Petkus property).
- Look into aligning the townhome private drives with the public streets.

B. Current Proposal

D.R. Horton has submitted zoning applications to facilitate a residential development similar to last year's Concept Plan. Details of the proposal are as follows:

- 167 total units
 - 105 townhomes (21 buildings); 3-story, rear-loaded garages.
 - 62 duplexes (31 buildings); 2-story, front-loaded garages.
- Construction of King Edward Ave. extension through the site.
- Stormwater detention facilities at the north end of the site.
- Pedestrian connectivity within the site and to neighboring properties.

The following zoning applications have been submitted:

1. Zoning Map Amendment – Requesting rezoning to the RM-2 Medium Density Multi-Family Residential District.
2. Special Use for Planned Unit Development – Requesting approval of a PUD for the site with unique development standards and deviations from certain zoning and subdivision requirements.
3. PUD Preliminary Plan – Requesting approval of site plan, preliminary engineering, preliminary plat of subdivision, landscape plan, and building elevations.

The following changes have been made to the plans, some of which are in response to the feedback provided during Concept Plan review:

- Increase in 3 townhome units/1 building, from 102 units in 20 buildings to 105 units in 21 buildings.
- A walking path was added along the east property line connecting to Foxfield Dr.

- Guest parking stalls for the townhomes were added; 4 spaces on the east side and 7 spaces on the west side.
- The townhome private drives align with public streets.
- Landscaping added around site perimeter.
- Seating areas added within triangular open space on either side of King Edward Ave.

As previously stated, the property is subject to a Consent Decree. The Consent Decree will need to be modified to facilitate the proposed development. That process will occur after City Council approval of the zoning applications and will be coordinated by the City Attorney and the development team.

III. PLANNING ANALYSIS

Staff has analyzed the submitted applications and plans for conformance with the standards established in applicable sections of the Zoning and Subdivision ordinances, including:

- Title 16 Subdivisions & Land Improvements
- Ch. 17.06 Design Review
- Ch. 17.24 Off-Street Parking
- Ch. 17.12 Residential Districts
- Ch. 17.26 Landscaping & Screening
- Ch. 17.28 Signs

A. Proposed Zoning

Rezoning of the property from BC and RM-3 to the RM-2 Medium Density Multi-Family Residential District is requested. The purpose of the RM-2 District is as follows:

“To accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately 10 units per acre.”

RM-2 zoning is appropriate for the proposed development. RM-2 zoning exists to the north (Kingswood Townhomes) and allows for a lower maximum density than the RM-3 zoning which currently exists on a portion of the property. Based on the size of the property and number of units, the proposed density is 5.47 units/acre (including ROW; 6.59 units/acre excluding ROW).

A PUD is also requested to allow for certain zoning deviations as outlined in the following sections. The Consent Decree which applies to this property also requires that any development proposal be submitted as a PUD.

B. Proposed Uses

The proposed development comprises 105 townhomes and 62 duplexes (referred to as “two-family dwelling” in the Zoning Ordinance). Both uses are permitted in the RM-2 District. The uses are defined in the Zoning Ordinance as follows:

“Dwelling, Two-Family. A building containing two dwelling units attached either vertically or horizontally.”

“Dwelling, Townhouse. A building with three or more dwelling units arranged side-by-side, sharing common fire-resistive walls without openings, where each dwelling unit

occupies an exclusive vertical space with no other dwelling unit above or below, and where each dwelling unit has at least one individual exit directly to the outdoors.”

The proposed unit types meet the definitions of Two-Family and Townhouse dwellings. The proposed duplexes are attached vertically and contain two stories with front-loaded garages. The townhomes are arranged side-by-side in 21 buildings containing 4-6 units each, with rear-loaded garages.

C. Bulk Standards

The table below compares the proposed plan with the bulk standards applicable to the RM-2 District. For the duplexes, compliance with the bulk standards was analyzed based on a lot layout consisting of one lot per duplex building with surrounding yard. For the townhomes, the Preliminary Plat of Subdivision proposes individual lots covering each townhome unit. Open space and driveways between buildings are on common area lots. The townhome/common area portions of the property were considered single zoning lots for the purpose of determining zoning compliance. Deviations from the bulk standards requested as part of the PUD are denoted in ***bold italics*** and are explained below the table.

| Category | RM-2 District (proposed zoning) | Proposed |
|------------------------|---|---|
| Min. Lot Area | Two-Family & Townhouse: 4,300 sf/unit | Two-Family: 4,320 sf/unit Townhomes: 5,052 sf/unit (including common areas, ponds, wetlands) |
| Min. Lot Width | Two-Family & Townhouse: 24 ft/unit | Two-Family: 32 ft/unit Townhomes: <i>20 ft./unit</i> |
| Max. Building Coverage | 35% | Two-Family: 30% Townhomes: 25% |
| Max. Building Height | 35 ft. or 3 stories, whichever is less | Two-Family: 30 ft., 2 stories Townhomes: 35 ft., 3 stories |
| Front Yard | 30 ft., 20 ft. when adjoining a local street | Two-Family: 30 ft. Townhomes: <i>25 ft. from King Edward Ave.</i> |
| Interior Side Yard | 10 ft. | Two-Family: 10 ft. Townhomes: 20 ft. between buildings |
| Exterior Side Yard | 30 ft. abutting an arterial or collector street; 20 ft. abutting all other streets | Two-Family: 30 ft Townhomes: <i>20 ft. from King Edward Ave.</i> |
| Rear Yard | 25 ft. | Two-Family: 30 ft. Townhomes: Meets; 34 ft. from east lot line |
| Landscape Buffer | Not required | Buffer not platted; landscaping provided around site perimeter |
| Parking Spaces | 2 per unit | Two-Family: 2 garage & 2 driveway spaces/unit |

| | | |
|--|--|---|
| | | Townhomes: 2 garage & 2 driveway spaces/unit; 11 guest stalls |
|--|--|---|

Due to the subdivision layout which plats lots over each individual townhome unit, the width of each townhome lot is the width of the townhome unit itself, which is 20 ft. Front and exterior side setbacks from some townhome buildings along King Edward Ave. range from 20-25 ft., while 30 ft. setbacks are required along collector streets. Zoning deviations have been requested for these items.

D. Site Access / Traffic

Access to the development is provided via construction of a collector street through the site which was previously planned for and is required under the terms of the Consent Decree. The collector is an extension of King Edward Ave. to the north and will connect Foxfield Dr. and Smith Rd.

Proposed pavement width for King Edward Ave. through the site is 33 ft. The collector was originally planned with a pavement width of 40 ft. reflecting previous City requirements. Current City standards call for pavement width of 33 ft. for residential collectors. Public Works and the Police Dept. have expressed support for a 33 ft. width and site speeding concerns with a 40 ft. width. The 33 ft. width will match King Edward Ave. to the north, however the existing stub out to Smith Rd. is 40 ft., requiring a taper of the pavement width into the subject property. Parking will be permitted on one side of King Edward Ave.

Secondary public streets will be constructed to provide access to the duplexes and townhomes on the west side. These streets will be 27 ft. in width, allowing for on-street parking on one side.

Traffic Study

A Traffic Impact Study was prepared by GHA Associates Inc., dated 7/2/21. The study provides data on existing traffic at intersections in the vicinity, estimates vehicle trip generation from the development, and intersection capacity analyses. The study concludes that the development is anticipated to have a minimal effect on the operations of the area roadway network. Peak hour trips to and from the development are expected to cause a delay increase of under 3 seconds at surrounding intersections.

The study was reviewed on the City’s behalf by HLR Engineering. Review comments were provided by HLR and responded to by the developer’s traffic engineering consultant. A supplemental Technical Memorandum was prepared providing the additional information requested by HLR.

One item of note was discussion of whether a 4-way stop would be warranted at the intersection of King Edward and Foxfield Dr., or whether it should remain a two-way stop. The analysis found that the additional traffic from the development nor the redistributed traffic to utilize the King Edward extension are significant enough to warrant a 4-way stop, but that traffic volumes can be monitored to determine if a 4-way stop is warranted in the future.

HLR concurred with the findings of the applicant’s studies and has no outstanding comments.

E. Pedestrian Connectivity

Sidewalks are proposed on both sides of the public streets, connecting into existing sidewalk along Foxfield Dr. and the King Edward Ave. stub to the east. Each townhome unit has a walkway leading to public sidewalk. Sidewalk is also shown around the eastern detention/wetland area.

A sidewalk connection south to the Charlestowne Mall site is also proposed between duplex lots 10 and 11 allowing for pedestrian connectivity between developments. A sidewalk connection to the Springs development directly east is shown at the northeast corner, with the intention to tie into sidewalk on the Springs property north of the detention pond in order to provide a pedestrian connection to the proposed public park site east of the Springs.

Staff Comments:

- ✓ The location of the sidewalk connection to the Springs needs to be modified based on the current Springs plans which include preserving the wetland at the NW corner of the Springs site. The Springs has been asked to make modifications to the pathway surrounding their detention pond to provide a means of pedestrian connection from Charlestowne Lakes to the park site. This would allow pedestrians to access the park site from Foxfield Dr., through Charlestowne Lakes and the Springs.

F. Landscaping

A landscape plan has been submitted. Based on the site layout, a significant amount of open space is proposed at the north end of the site along Foxfield Dr. This area incorporates street frontage plantings, detention ponds, native planting areas and preservation of the existing wetland near the northeast corner.

Street frontage landscaping is also provided along King Edward Ave. Two triangular open space areas on either side of Foxfield between the townhomes will function as community gathering spaces and incorporate bench seating, decorative pavers and landscaping along with open grass. In addition, street trees are depicted as required in the parkway between the sidewalks and streets.

Plantings are also shown around the site’s perimeter adjacent to neighboring commercial (Charlestowne Mall to the south and west) and residential uses (proposed Springs development to the east). Building foundation landscaping is provided around the townhomes and duplexes. The applicant has indicated the homeowners’ association will maintain all landscaping, including for the duplexes.

The table below compares the proposed landscape plan with the standards of Ch. 17.26 “Landscaping & Screening”. Zoning deviations have been requested for the items that are not in compliance.

| | Zoning Ordinance Standard | Proposed |
|---|---|---|
| Overall Landscape Area | 20% | 44% |
| Public Street Frontage Landscaping | 1 tree / 50 ft. of public street frontage | Meets requirement along Foxfield & King |

| | | |
|--|---|---|
| | Landscaping along 75% of public street frontage | Edward; <i>Does not meet for local streets</i> |
| Foundation Landscaping – Townhomes & Duplexes | | |
| <i>Foundation Planting Beds</i> | 50% of total building walls, 50% of walls facing a public street 5 ft. wide planting beds | Meets requirement |
| <i>Foundation Plantings</i> | 20 shrubs/bushes/perennials per 50 ft. of planting bed | Meets requirement |
| <i>Foundation Trees</i> | 2 trees per 50 ft. of planting bed | Meets requirement |
| Monument Sign Landscaping | 3 ft. around sign (4 signs) | Meets requirement |

Public Street Frontage Landscaping

1 tree is required per 50 feet of public street frontage (on private property, not parkway). In addition, at least 75% of the public street frontage shall be planted with a combination of shrubs and perennials. This requirement may be reduced to 40% if the design includes permanent usable open space or a focal feature visible from the street. Along King Edward Ave., it has been determined that the reduction in street frontage landscaping to 40% may be utilized given the triangular grassed areas with seating in front of the townhomes on either side of King Edward. The street frontage landscaping requirements also apply along local streets (internal public streets on the west side) due to the multi-family residential zoning. Staff has suggested a zoning deviation from this requirement be requested for the local streets, as the layout is more similar to a single-family development as opposed to multi-family. Some street frontage landscaping is proposed in the exterior side yards of the duplexes and townhomes. Street trees within the parkway are still required.

Tree Preservation Plan

A Tree Preservation Plan has been provided as part of the landscape plan. 944 trees, 6” or more in diameter, were inventoried with species, size, and condition identified. Some of the inventoried trees are off-site near the property lines. A total of 118 trees are to be preserved. Most of these existing trees are along the east property line near the detention pond and wetland, as well as within Lot 501 (shown as Outlot B), on which no improvements are planned.

Landscape Buffer

A landscape buffer is not required for the RM-2 District. However, the property is adjacent to commercial and office zoning to the south, west, and east. These adjacent properties would have been required to provide a landscape buffer if developed after the residential use. A mixture of ornamental, evergreen, and shade trees are proposed along the rear lot lines of the duplexes to provide a buffer from adjacent commercial uses, as well as along the east lot line to provide a buffer between the townhomes and Springs development.

Staff Comments:

- ✓ Much of the landscaping along the rear lot lines are within public utility and drainage easements where storm sewer lines are to run. Trees and landscaping are not allowed within the easements. The plantings may be shifted closer to the houses to avoid the utility conflict and still provide the desired screening.

G. Building Design

Architectural elevations have been submitted for the townhomes and duplexes. The two products coordinate with use of vinyl siding as the predominant façade material with stone accents, window casings and shutters, etc.

The townhomes front on public streets or open space with two-car garages at the rear accessed from common alleyways interior to the buildings. The duplexes have two-car, front loaded garages directly accessed from the internal public streets. The two driveways for each building are separated by a 2' strip of grass.

Townhomes and duplexes in the RM-2 District are subject to the Design Review standards and guidelines contained in Ch. 17.06, however most of the design requirements do not apply to duplexes. Deviations from the following design requirements have been requested for the townhomes:

- Use of vinyl siding, which is a prohibited exterior material (Cedar or fiber-cement siding is permitted).
- No more than five townhome units can be attached to one another in a row. Six of the 21 townhome buildings contain six units. The remainder of the buildings contain 4-5 units.
- A private yard of at least 200 sf in area is required for each townhome unit. Proposed private yards for each unit are 65 sf. In addition to the private yards, there is additional common area open space around the buildings and extensive open space throughout the site.

Staff Comments:

- ✓ While the design guidelines approve cedar or fiber-cement siding, another equivalent material could be used such as LP siding or similar synthetic board. These may be considered as an alternative to the vinyl siding being proposed.
- ✓ Uniform exterior building materials are required on all facades.
 - Townhomes- the stone veneer should wrap around the side and rear walls. Vertical siding should also be incorporated on the rear. Window design (divided light pattern) should be consistent on all sides. Consider shutters on the rear elevation for consistency with the front and sides.
 - Duplexes- the stone veneer should wrap around the full side and rear walls. Window design (divided light pattern) should be consistent on all sides. Accent materials should be considered for the gable ends. Gables are also suggested on the rear elevation.
- ✓ Windows and door should be added to the right elevation of the duplexes.

H. Signage

Monument signs identifying Charlestowne Lakes are proposed at both sides of King Edward Ave. at the Foxfield Dr. entrance. These signs also incorporate ornamental fencing which attach to an additional pier along Foxfield and a masonry bridge along King Edward. A rendering of the sign and fencing is included with the landscape plan, depicting precast concrete and natural stone veneer for the sign materials. At the east entrance, pier monuments are proposed on each side of King Edward Ave.

Two entryway signs are permitted for residential developments. The applicant has requested a zoning deviation to allow two entry signs plus two small entry piers.

I. Plat of Subdivision

A Preliminary Plat of Subdivision has been submitted, which establishes lots for each duplex and individual lots for each townhome unit. Commonly owned lots, to be owned and managed by a homeowners' association, cover the landscaping and parking areas surrounding the townhomes, the detention and open space areas, as well as the pedestrian connection to the south. The narrow portion of the development that runs south reaching Smith Rd. is proposed as commonly owned open space as well (Lot 501).

The plat also depicts dedication of 80' ROW for King Edward Ave. bisecting the site and 66' ROW through the western portion of the development, shown as "Court A" and "Drive A".

Blanket utility, drainage and detention easements cover the common areas. Perimeter utility and drainage easements are shown around the duplex lots.

A Final Plat of Subdivision will be required with submittal of a PUD Final Plat/final engineering plans, after approval of the PUD Preliminary Plan.

Staff Comments:

- ✓ Staff has inquired whether the applicant has considered selling off Lot 501 to an adjacent commercial property (Charlestowne Mall property to the west or US Bank to the east). The applicant intends to retain Lot 501 through development and sales, but would consider selling it off if a party expresses interest.
- ✓ It is suggested that Lot 501 be divided into two parcels. A separate parcel could be created for the portion directly east of the mall site, which is the "flag" portion running south. This parcel could then be readily sold for other development. This parcel may also be excluded from the rezoning so that it retains commercial zoning. The PUD could also include a provision allowing the parcel to be removed from the PUD without requiring a PUD amendment.
- ✓ Plat documents should show Charter One Ave. as renamed to King Edward Ave. on all documents.
- ✓ Public access easements over the sidewalk along the east property line connecting to Foxfield Dr. and King Edward Ave. should be considered. This will be of further importance if a sidewalk connection is made from the Springs which then connects to a pedestrian route through the Springs to the new park site.

IV. DEPARTMENTAL REVIEWS

A. Engineering Review

Revised preliminary engineering plans responding to the latest round of comments were submitted on 4/1/22 and have not yet been reviewed. All outstanding comments regarding wetlands, drainage/stormwater, and site engineering will require resolution prior to City Council approval of the PUD Preliminary Plan.

B. Fire Dept. Review

All comments from the Fire Department have been addressed by the developer; the Fire Dept. has no further comments.

C. Public Works

Public Works has no outstanding comments requiring resolution prior to PUD Preliminary Plan approval. All remaining comments are technical in nature and are to be resolved at Final Engineering. Water modeling is underway.

V. DEVELOPER CONTRIBUTIONS**A. Inclusionary Housing**

This development is subject to the Inclusionary Housing Ordinance, Title 19 of the City Code. The affordable unit requirement for this development is 16.7 units (10% of the total number of units). A fee worksheet has been submitted indicating the applicant's intent to pay a fee in-lieu of providing affordable units. Based on a fee in-lieu amount of \$27,766.03 per required affordable townhome or two-family unit, a total fee in-lieu amount of \$463,692.70 will be due at the time of building permit.

B. School District

This development is subject to Ch. 16.10 "Dedications" of the Subdivision Code which requires a land or cash contribution to St. Charles CUSD 303. The developer has provided a land-cash worksheet proposing a cash contribution. Based on the anticipated bedroom count of 25 2-bedroom units, 135 3-bedroom units and 7 4-bedroom units, a total contribution of \$486,623.85 will be due at the time of building permit.

C. Park District

Also per Ch. 16.10 of the Subdivision Code, a land or cash contribution is required for the St. Charles Park District. The developer has provided a land-cash worksheet proposing a cash contribution. Based on the proposed bedroom count and resulting estimated population, a total contribution of \$949,217.43 will be due at the time of building permit.

VI. OPTIONS FOR PLAN COMMISSION ACTION**1. Public Hearing – Close or Continue**

If the Plan Commission feels they have adequate information the public hearing may be closed. The public hearing may be continued if additional information is deemed necessary to provide a recommendation.

If Public Hearing is closed-

2. Make a Recommendation to Planning & Development Committee

Map Amendment- There are 10 Findings of Fact for Zoning Map Amendment. All findings need not be made in the affirmative to recommend approval. Recommendation shall be based on the preponderance of evidence. The applicant has provided responses to the Findings of Fact for Map Amendment (attached).

Special Use for PUD- For PUDs, there is a single finding – Is the PUD in the public interest? Responses to the PUD Criteria are to be considered in reaching this finding. The applicant has provided responses to the Criteria for PUDs (attached).

PUD Preliminary Plan- Recommendation to be based on compliance with the PUD standards and other city code requirements.

- a. Recommend approval** of the applications for Zoning Map Amendment, Special Use for PUD and PUD Preliminary Plan.
- Include a condition requiring resolution of outstanding staff comments prior to City Council action. The staff comments are outlined in this report.
 - As a PUD, Plan Commission has the ability to require plan changes above and beyond code requirements. Plan Commission may require changes to the plans if such changes are deemed necessary to meet the PUD criteria.
 - In particular, Plan Commission may choose to address the following item that does not directly relate to City Code requirements but is important to the site planning for this development:
 - Public access of the eastern sidewalk and pedestrian connection between the Charlestowne Lakes and the Springs.

OR

- b. Recommend denial** of the applications.
- Plan Commission must substantiate how certain findings for the Zoning Map Amendment and/or Special Use for PUD are not being met in order to recommend denial.

VII. ATTACHMENTS

- Findings of Fact / PUD Criteria provided by applicant
- Applications for Map Amendment, Special Use for PUD, PUD Preliminary Plan; received 12/16/21
- Preliminary Plans
- GHA Traffic Impact Study (dated 7/2/21); HLR Review Memo (dated 1/11/22); Kimley-Horn Comment Response Letter (dated 2/24/22); Kimley-Horn Technical Memo (dated 2/24/22); HLR Review Memo (dated 3/10/22)
- Public comment correspondence

FINDINGS OF FACT – MAP AMENDMENT

The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed zoning is more appropriate than the existing zoning. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the property in question, indicate “not applicable” and explain why it does not apply.

Project Name or Address:

From the St. Charles Zoning Ordinance, Section 17.04.320.D:

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

- 1. The existing uses and zoning of nearby property. *(Relate the proposed land use and zoning to the land use and zoning of other properties in the area)***

- 2. The extent to which property values are diminished by the existing zoning restrictions. *(Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.)***

- 3. The extent to which the reduction of the property’s value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public. *(If the existing zoning decreases the value of the subject realty, does it also produce any perceptible public benefits?)***

4. **The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification. *(Can the subject property reasonably be used for any of the uses currently permitted? Physical and market conditions may be considered.)***

5. **The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located. *(If a property has been vacant longer than other similar properties in the area, it may be an indicator that the existing zoning is inappropriate.)***

6. **The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district. *(Development trends, market forces, and the Comprehensive Plan may be considered.)***

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

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

9. The extent to which the proposed amendment creates nonconformities. *(Generally it is not appropriate to rezone a property unless it can comply with the requirements of the new zoning.)*

10. The trend of development, if any, in the general area of the property in question. *(New development, redevelopment, changes in use, or other changes in the area may help to justify a change in zoning.)*

Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

Use this form 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 the 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.

PUD Name:

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

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

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

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

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.

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

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

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.

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.

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.

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

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

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



COMMUNITY DEVELOPMENT DIVISION

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

ZONING MAP AMENDMENT APPLICATION

| | |
|--------------------------|-----------------------------|
| CITYVIEW | |
| Project Name: | <u>Charlestowne Lakes</u> |
| Project Number: | <u>2021</u> -PR- <u>011</u> |
| Cityview Project Number: | <u>PLMA202100074</u> |



Instructions:

To request a zoning map amendment (rezoning) for a property, complete this application and all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a Plan Commission public hearing or meeting date.

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.

City of St. Charles
Community Development

| | | | |
|-------------------------------------|--------------------|---|------------------------------|
| 1. Property Information: | Location: | Northeast of Charlestowne Mall; North of Main St. and west of Smith Rd. | |
| | Parcel Number (s): | 09-25-245-002; 09-25-250-003; 09-25-250-004; 09-25-250-005; 09-25-250-006 | |
| | Proposed PUD Name: | Charlestowne Lakes | |
| 2. Applicant Information: | Name | D.R. Horton, Inc.-Midwest | Phone 630-244-3101 |
| | Address | 750 E. Bunker Ct., Ste. 500 Vernon Hills, IL 60061 | Fax |
| | | | Email PRCOOK@drhorton.com |
| 3. Record Owner Information: | Name | Gompers-Lewis II LLC | Phone |
| | Address | 6140 Joliet Road Countryside, IL 60525 | Fax |
| | | | Email |

Zoning and Use Information:

Comprehensive Plan Land Use Designation of the property: Corridor/Regional Commercial/Multi-Family Residential

Current zoning of the property: BC Community Business & RM-3 General Resident District

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

Current use of the property: Vacant

Proposed zoning of the property: RM-2 PUD

Proposed use of the property: Residential - single family & multi-family

If the proposed Map Amendment is approved, what improvements or construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

See attached petition

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. (\$500)

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 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.

SITE PLAN:

Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

FINDINGS OF FACT:

Fill out the attached form or submit responses on a separate sheet.

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:

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.

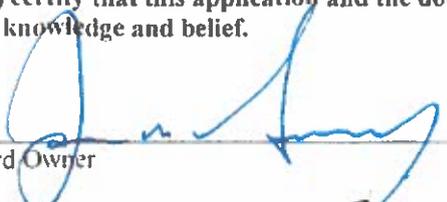
ENDANGERED SPECIES REPORT:

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecocat.state.il.us/ecopublic/>

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

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

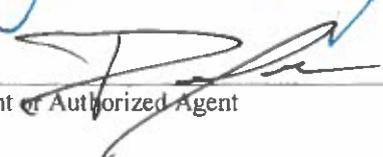
Record Owner



Date

12/03/2021

Applicant or Authorized Agent



Date

12/17/2021

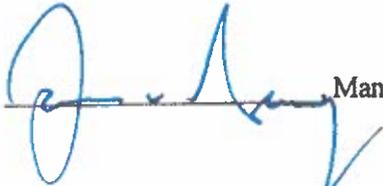
**OWNERSHIP DISCLOSURE FORM
LIMITED LIABILITY COMPANY (L.L.C.)**

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, James M. Sweeney, being first duly sworn on oath depose and say that I am
Manager of Gompers-Lewis II, LLC, an Illinois Limited Liability
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

International Union of Operating Engineers, Local 150 AFL-CIO

No other members of the LLC

By:  Manager

Subscribed and Sworn before me this 19th day of
Apr, 20 21.


Notary Public



December 1, 2021

From: Gompers-Lewis II LLC
6140 Joliet Road
Countryside, IL 60525

To: City of St. Charles
Two East Main Street
St. Charles, IL 60174-1984

Re: Authorization Letter for: Approximately 30.5 acres located south of Foxfield Drive and northeast of the Charlestown Mall in St. Charles, Illinois

To whom it may concern:

As the record owner of the above-stated property I hereby affirm that I have full legal capacity to authorize D.R. Horton, Inc.-Midwest, a California corporation, and its representatives, to act as the owner's agent through the entitlement process with the City of St. Charles for said property.

Signature:

By:

Date:

Its:

Subscribed and sworn to before me this 8 day of ~~October~~ ^{DECEMBER}, 2021.

Notary Signature

Michelle M Spencer



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



COMMUNITY DEVELOPMENT DIVISION

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

SPECIAL USE APPLICATION

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

| | |
|--------------------------|---------------------------|
| For City Use | |
| Project Name: | <u>Charlestowne Lakes</u> |
| Project Number: | <u>2021 -PR- 011</u> |
| Cityview Project Number: | <u>PLSU202100076</u> |



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: | Northeast of Charlestowne Mall; North of Main St. and west of Smith Rd. | |
| | Parcel Number (s): | 09-25-245-002; 09-25-250-003; 09-25-250-004; 09-25-250-005; 09-25-250-006 | |
| | Proposed Name: | Charlestowne Lakes | |
| 2. Applicant Information: | Name | D.R. Horton, Inc.-Midwest | Phone 630-244-3101 |
| | Address | 750 E. Bunker Ct., Ste. 500 Vernon Hills, IL 60061 | Fax |
| | | | Email PRCOOK@drhorton.com |
| 3. Record Owner Information: | Name | Gompers-Lewis II LLC | Phone |
| | Address | 6140 Joliet Road Countryside, IL 60525 | Fax |
| | | | Email |

Please check the type of application:

- Special Use for Planned Unit Development - PUD Name:** Charlestowne Lakes
- New PUD
- Amendment to existing PUD- Ordinance #: _____
- 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:

Corridor/Regional Commercial west of King Edward Ave.
Multi-Family Residential east of King Edward Ave.

Comprehensive Plan designation of the property: _____

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

What is the property's current zoning? BC and RM-3

What is the property currently used for? Vacant

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

See attached Petition

For Special Use Amendments only:

Why is the proposed change necessary?

n/a

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

n/a

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 are 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:

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:

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

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

☒ TRAFFIC STUDY: If requested by the Director of Community Development.

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:

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.

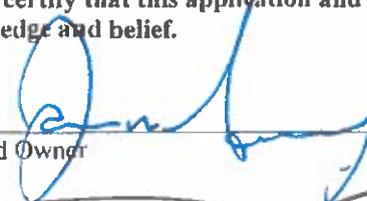
☒ SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)

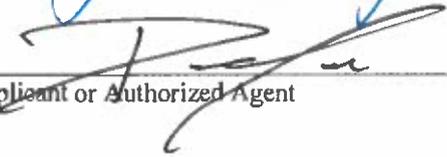
A plan or plans showing the following information:

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.


Record Owner _____ Date 12/03/2021


Applicant or Authorized Agent _____ Date 12/17/2021

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

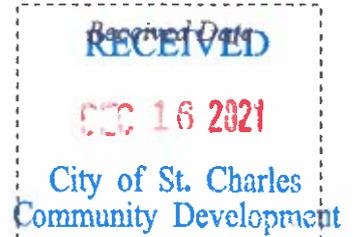


COMMUNITY DEVELOPMENT DIVISION

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

PUD PRELIMINARY PLAN APPLICATION

| | |
|--------------------------|---------------------------|
| For City Use | |
| Project Name: | <u>Charlestowne Lakes</u> |
| Project Number: | <u>2021 -PR- 011</u> |
| Cityview Project Number: | <u>PLPUD202100075</u> |



To request approval of a PUD Preliminary Plan, complete this application and submit it with all required plans and attachments to the Planning Division. Normally this application will track with an application for Special Use for a PUD, unless a Special Use for a PUD has previously been granted and no amendment is necessary.

When the application is complete staff will distribute the plans to other City departments for review. When the staff has determined that the plans are ready for Plan Commission review, we will place the PUD Preliminary Plan on a Plan Commission meeting agenda.

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: | Northeast of Charlestowne Mall; North of Main St. and west of Smith Rd. | |
| | Parcel Number (s): | 09-25-245-002; 09-25-250-003; 09-25-250-004; 09-25-250-005; 09-25-250-006 | |
| | Proposed PUD Name: | Charlestowne Lakes | |
| 2. Applicant Information: | Name | D.R. Horton, Inc.-Midwest | Phone 630-244-3101 |
| | Address | 750 E. Bunker Ct., Ste. 500 Vernon Hills, IL 60061 | Fax |
| | | | Email PRCOOK@drhorton.com |
| 3. Record Owner Information: | Name | Gompers-Lewis II LLC | Phone |
| | Address | 6140 Joliet Road Countryside, IL 60525 | Fax |
| | | | Email |

Please check the type of application:

- New proposed PUD- Planned Unit Development** (Special Use Application filed concurrently)
- Existing PUD-Planned Unit Development**
 - PUD Amendment Required for proposed plan (Special Use Application filed concurrently)

Subdivision of land:

- Proposed lot has already been platted and a new subdivision is not required.
- New subdivision of property required:
 - Final Plat of Subdivision Application filed concurrently
 - Final Plat of Subdivision Application to be filed later

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.

Note: The City Staff, Plan Commission, or City Council, may request other pertinent information during the review process.

APPLICATION FEE: Application fee in accordance with Appendix B of the Zoning Ordinance. (\$500)

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 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.

☒ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

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:**

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.

☒ **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:

Initial Submittal - Ten (10) full size copies for non-residential projects OR Twelve (12) full size copies for residential projects; Three (3) 11" by 17"; and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

☒ **SITE/ENGINEERING PLAN:**

PRELIMINARY ENGINEERING PLANS – DRAWING REQUIREMENTS/CHECKLIST:

Complete the attached checklist and ensure that all required information is included on the Preliminary Engineering Plans:

1. Accurate boundary lines with dimensions
2. Existing and proposed easements: location, width, purpose
3. Streets on and adjacent to the tract: Name and right-of-way width, center line elevation, and culverts
4. Location, size, shape, height, and use of existing and proposed structures
5. Location and description of streets, sidewalks, and fences
6. Surrounding land uses
7. Legal and common description
8. Date, north point, and scale
9. Existing and proposed topography
10. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with

the proposal indicated

11. Location of utilities
12. Building/use setback lines
13. Location of any significant natural features
14. Location of any 100-year recurrence interval floodplain and floodway boundaries
15. Location and classification of wetland areas as delineated in the National Wetlands Inventory
16. Existing zoning classification of property
17. Existing and proposed land use
18. Area of property in square feet and acres
19. Proposed off-street parking and loading areas
20. Number of parking spaces provided, and number required by ordinance
21. Angle of parking spaces
22. Parking space dimensions and aisle widths
23. Driveway radii at the street curb line
24. Width of driveways at sidewalk and street curb line
25. Provision of handicapped parking spaces
26. Dimensions of handicapped parking spaces
27. Depressed ramps available to handicapped parking spaces
28. Location, dimensions and elevations of freestanding signs
29. Location and elevations of trash enclosures
30. Provision for required screening, if applicable
31. Provision for required public sidewalks
32. Certification of site plan by a registered land surveyor or professional engineer
33. Geometric plan showing all necessary geometric data required for accurate layout of the site
34. Grading plans showing paving design, all storm sewers, and detention/retention facilities including detention/retention calculations) and erosion control measures
35. Utility plans showing all storm sewers, sanitary sewers, watermains, and appropriate appurtenant structures
36. Exterior lighting plans showing:
 - Location, height, intensity and fixture type of all proposed exterior lighting
 - Photometric information pertaining to locations of proposed lighting fixtures
37. Typical construction details and specifications
38. Certification of site engineering plans by a registered professional engineer
39. Proof of application for Stormwater Management Permit

☒ SKETCH PLAN FOR LATER PHASES OF PUD:

For phased PUD's, where a sketch plan is permitted, it shall include, at minimum, the following:

- General location of arterial and collector streets
- Location of any required landscape buffers
- Location of proposed access to the site from public streets
- Maximum number of square feet of floor area for nonresidential development
- Maximum number of dwelling units for residential development
- Open space and storm water management land

☒ **ARCHITECTURAL PLANS:**

Architectural plans and data for all principal buildings shall be submitted in sufficient detail to permit an understanding of the exterior appearance and architectural style of the proposed buildings, the number, size and type of dwelling units, the proposed uses of nonresidential and mixed use buildings, total floor area and total building coverage of each building.

☒ **TREE PRESERVATION PLAN:**

Tree Preservation Plan when required in accordance with Chapter 8.30 of the St. Charles Municipal Code. The information required for this plan may be included as part of the Landscape Plan set. See attachment, "Tree Preservation Requirements for Preliminary Plans".

☒ **LANDSCAPE PLAN:**

Landscape Plan showing the following information:

1. Delineation of the buildings, structures, and paved surfaces situated on the site and/or contemplated to be built thereon
2. Delineation of all areas to be graded and limits of land disturbance, including proposed contours as shown on the Site/Engineering Plan.
3. Accurate property boundary lines
4. Accurate location of proposed structures and other improvements, including paved areas, berms, lights, retention and detention areas, and landscaping
5. Site area proposed to be landscaped in square feet and as a percentage of the total site area
6. Percent of landscaped area provided as per code requirement
7. Dimensions of landscape islands
8. Setbacks of proposed impervious surfaces from property lines, street rights-of-way, and private drives
9. Location and identification of all planting beds and plant materials
10. Planting list including species of all plants, installation size (caliper, height, or spread as appropriate) and quantity of plants by species
11. Landscaping of ground signs and screening of dumpsters and other equipment

☒ **STORMWATER MANAGEMENT:**

Written information (reports, calculations, etc.) as described in the Stormwater Management Requirements for Preliminary Plans (attached)

☒ **SUBDIVISION PLAT DRAWING REQUIREMENTS/CHECKLIST:**

If the PUD Preliminary Plan involves the subdivision of land, a completed Subdivision Plat Drawing Requirements Checklist must be submitted.

☒ PUBLIC BENEFITS, DEPARTURES FROM CODE:

A description of how the PUD meets the purposes and requirements set out in Section 17.04.400 of the Zoning Ordinance. Any requests for departures from the requirements of Title 16, "Subdivisions and Land Improvement," and Title 17, "Zoning," shall be listed and reasons for requesting each departure shall be given.

☒ SCHEDULE: Construction schedule indicating:

- a. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.
- b. Approximate dates for beginning and completion of each phase.
- c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.

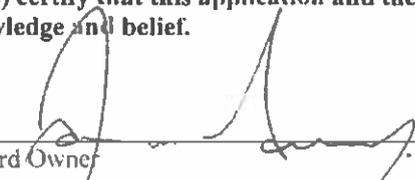
☒ PARK AND SCHOOL LAND/CASH WORKSHEETS

For residential developments, Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.

☒ INCLUSIONARY HOUSING SUMMARY

For residential developments, submit information describing how the development will comply with the requirements of Title 19, "Inclusionary Housing" of the St. Charles Municipal Code.

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



 Record Owner 12/8/2021
Date



 Applicant or Authorized Agent 12/17/2021
Date

RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Charlestowne Lakes Two-Family

| | Zoning District Requirement | Existing PUD Requirement (if applicable) | Proposed |
|-------------------------------------|---|---|---|
| | District:RM 2 | Ordinance #: | |
| Minimum Lot Area | Two-Family= 4,300 SF DU | | Two-Family = 8,640 s.f. total (4,320 per unit) |
| Minimum Lot Width | Two-Family = 24' | | Two-Family = 72' (36' Per dwelling unit) |
| Maximum Building Coverage | 35% Maximum | | Two Family= 30% maximum per lot |
| Maximum Building Height | 35' or 3 Stories | | 35' |
| Minimum Front Yard | 30', 20' when adjoining a local street | | Two-family = 30' |
| Interior Side Yard | 10' each side (20' Total) | | 10' minimum |
| Exterior Side Yard | Abutting arterial/collector = 30' Abutting all other streets=20' | | Abutting Collector = 30' minimum Abutting all other streets=20' minimum |
| Minimum Rear Yard | 25'; 5' for garages accessed by alley | | Two Family=30' |
| Landscape Buffer Yards ¹ | N/A | | N/A |
| % Overall Landscape Area | 20% of a lot or parcel with on-site stormwater storage | | 44% of the overall site |
| Building Foundation Landscaping | N/A | | N A |
| Public Street Frontage Landscaping | 1 Tree per 50 LF of Street Frontage 75% Landscape Coverage, 40% with Feature | | 1 Tree per 50 LF of Street Frontage 75% Landscape Coverage, 40% with Feature |
| Parking Lot Landscaping | N/A | | N A |
| # of Parking Spaces | 2 Spaces Per Unit | | Two-Family= 4 Per Unit |

RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Charlestowne Lakes Townhomes

| | Zoning District Requirement | Existing PUD Requirement (if applicable) | Proposed |
|-------------------------------------|---|--|--|
| | District: RM 2 | Ordinance #: | |
| Minimum Lot Area | Townhome = 4,300 SF/DU | | Townhomes: 5052 s.f. <i>(includes common open space, ponds and preserved wetland)</i> |
| Minimum Lot Width | Townhome = 24' | | Townhomes: 20' |
| Maximum Building Coverage | 35% Maximum | | Townhomes= 25% <i>(includes adjacent common areas)</i> |
| Maximum Building Height | 35' or 3 Stories | | 35' |
| Minimum Front Yard | 30'. 20' when adjoining a local street | | Townhomes = 25' typical |
| Interior Side Yard | 10' each side (20' Total) | | 20' Total building side to side 0' between units with a shared wall |
| Exterior Side Yard | Abutting arterial/collector – 30' Abutting all other streets=20' | | Abutting Collector – 20' Abutting all other streets=20' |
| Minimum Rear Yard | 25'; 5' for garages accessed by alley | | Townhomes = 5' <i>(garages accessed by alley)</i> |
| Landscape Buffer Yards ¹ | N/A | | N/A |
| % Overall Landscape Area | 20% of a lot or parcel with on-site stormwater storage | | 44% of overall site |
| Building Foundation Landscaping | N/A | | N/A |
| Public Street Frontage Landscaping | 1 Tree per 50 LF of Street Frontage 75% Landscape Coverage, 40% with Feature | | 1 Tree per 50 LF of Street Frontage 75% Landscape Coverage, 40% with Feature |
| Parking Lot Landscaping | N/A | | N/A |
| # of Parking Spaces | 2 Spaces Per Unit | | Townhomes=4.1 Per Unit |

SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

| | |
|----------------------|--------------------|
| Name of Development: | Charlestowne Lakes |
| Date Submitted: | |
| Prepared by: | Patti A. Bernhard |

Total Dwelling Units: 167

A credit for existing residential lots within the proposed subdivision shall be granted. Deduct one (1) unit per existing lot.

Total Dwelling Units w/ Deduction:

**If the proposed subdivision contains an existing dwelling unit, a credit is available calculated as a reduction of the estimated population for the dwelling. Please request a worksheet from the City.*

Estimated Student Yield by Grades:

| Type of Dwelling | # of dwelling Units (DU) | Elementary (Grades K to 5) | | Middle (Grades 6 to 8) | | High (Grades 9 to 12) | |
|-------------------------------|--------------------------|----------------------------|---------|------------------------|---------|-----------------------|---------|
| Detached Single Family | | | | | | | |
| > 3 Bedroom | | DU x .369 | = | DU x .173 | = | DU x .184 | = |
| > 4 Bedroom | | DU x .530 | = | DU x .298 | = | DU x .360 | = |
| > 5 Bedroom | | DU x .345 | = | DU x .248 | = | DU x .300 | = |
| Attached Single Family | | | | | | | |
| > 1 Bedroom | | DU x .000 | = | DU x .000 | = | DU x .000 | = |
| > 2 Bedroom | 25 | DU x .088 | = 2.2 | DU x .048 | = 1.2 | DU x .038 | = 0.95 |
| > 3 Bedroom | 135 | DU x .234 | = 31.59 | DU x .058 | = 7.83 | DU x .059 | = 7.965 |
| > 4 Bedroom | 7 | DU x .322 | = 2.254 | DU x .154 | = 1.078 | DU x .173 | = 1.211 |
| Apartments | | | | | | | |
| > Efficiency | | DU x .000 | = | DU x .000 | = | DU x .000 | = |
| > 1 Bedroom | | DU x .002 | = | DU x .001 | = | DU x .001 | = |
| > 2 Bedroom | | DU x .086 | = | DU x .042 | = | DU x .046 | = |
| > 3 Bedroom | | DU x .234 | = | DU x .123 | = | DU x .118 | = |

Totals: 167 TDU (with deduction, if applicable) 36.044 TE 10.108 TM 10.126 TH

School Site Requirements:

| Type | # of students | Acres per student | Site Acres |
|-----------------|---------------|-------------------|------------|
| Elementary (TE) | 36.044 | x .025 | = .9011 |
| Middle (TM) | 10.108 | x .0389 | = .3932012 |
| High (TH) | 10.126 | x .072 | = .729072 |

Total Site Acres: 2.023384

Cash in lieu of requirements:

2.023384 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 486,623.85

PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development: **Charlestowne Lakes**
 Date Submitted:
 Prepared by: **Patti A. Bernhard**

Total Dwelling Units: **167**

A credit for existing residential lots within the proposed subdivision shall be granted. Deduct one (1) unit per existing lot.

Total Dwelling Units w/ Deduction:

**If the proposed subdivision contains an existing residential dwelling unit, a credit calculated as a reduction of the estimated population for the dwelling is available. Please request a worksheet from the City.*

Estimated Population Yield:

| Type of Dwelling | # Dwelling Units (DU) | Population Generation per Unit | Estimated Population |
|-------------------------------|-----------------------|--------------------------------|----------------------|
| Detached Single Family | | | |
| › 3 Bedroom | | DU x 2.899 = | |
| › 4 Bedroom | | DU x 3.764 = | |
| › 5 Bedroom | | DU x 3.770 = | |
| Attached Single Family | | | |
| › 1 Bedroom | | DU x 1.193 = | |
| › 2 Bedroom | 25 | DU x 1.990 = | 49.75 |
| › 3 Bedroom | 135 | DU x 2.392 = | 322.92 |
| › 4 Bedroom | 7 | DU x 3.145 = | 22.015 |
| Apartments | | | |
| › Efficiency | | DU x 1.294 = | |
| › 1 Bedroom | | DU x 1.758 = | |
| › 2 Bedroom | | DU x 1.914 = | |
| › 3 Bedroom | | DU x 3.053 = | |

Totals: **167** Total Dwelling Units (with deduction, if applicable) **394.685** Estimated Total Population

Park Site Requirements:

Estimated Total Population: **394.685** x .010 Acres per capita = **3.94685** Acres

Cash in lieu of requirements:

Total Site Acres: **3.94685** x \$240,500 (Fair Market Value per Improved Land) = \$ **949,217.43**

INCLUSIONARY HOUSING WORKSHEET

Name of Development: Charlestowne Lakes

Date Submitted:

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

1) Calculate the number of affordable units required:

| Unit Count Range | # of Units Proposed In Development | | % of Affordable Units Required | | # of Affordable Units Required |
|--------------------|------------------------------------|---|--------------------------------|---|--------------------------------|
| 1 to 15 Units | | X | 5% | = | |
| More than 15 Units | 167 | X | 10% | = | 16.7 |

2) How will the Inclusionary Housing requirement be met?

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

Fee In-Lieu Payment Calculation

Multi-Family Development:

| # of Affordable Units Required | # of Affordable Units Proposed to Pay the Fee-In-Lieu | | Fee-In-Lieu Amount Per Affordable Unit | | Total Fee-In-Lieu Amount |
|--------------------------------|---|---|--|---|--------------------------|
| | | X | \$39,665.75 | = | |

Single-Family Attached (Townhouse) / Two-Family Development:

| # of Affordable Units Required | # of Affordable Units Proposed to Pay the Fee-In-Lieu | | Fee-In-Lieu Amount Per Affordable Unit | | Total Fee-In-Lieu Amount |
|--------------------------------|---|---|--|---|--------------------------|
| 16.7 | 16.7 | X | \$27,766.03 | = | 463,692.70 |

Single-Family Development:

| # of Affordable Units Required | # of Affordable Units Proposed to Pay the Fee-In-Lieu | | Fee-in-Lieu Amount Per Affordable Unit | | Total Fee-In-Lieu Amount |
|--------------------------------|---|---|--|---|--------------------------|
| | | X | \$15,866.30 | = | |

STATE OF ILLINOIS)
)
COUNTY OF KANE)
)
CITY OF ST. CHARLES)

**PETITION TO THE CITY OF ST. CHARLES FOR ENTITLEMENTS REGARDING
LAND LOCATED NORTHEAST OF CHARLESTOWNE MALL, SOUTH OF
FOXFIELD DRIVE IN ST. CHARLES, ILLINOIS**

THE UNDERSIGNED Petitioner, D.R. Horton, Inc.-Midwest, a Delaware corporation (hereinafter, “D.R. Horton” or the “Petitioner”), respectfully petitions the City of St. Charles (hereinafter, the “City”) to grant the following entitlements pursuant to the appropriate provisions of the St. Charles Municipal Code (hereinafter, the “Code”):

(a) Map Amendment rezoning the Property from RM-3 General Residential District, and BC, Community Business District, to RM-2, Medium Density Multi-Family Residential District;

(b) Special Use Permit for a Planned Development (PUD) in the RM-2, Medium Density Multi-Family Residential District with variations to the district regulations and the subdivision design standards as specified herein and as shown on the Preliminary Plat, Preliminary Engineering Plans and Preliminary PUD Plan;

(c) Preliminary Subdivision Plat approval;

(d) Preliminary PUD Plan approval; and

(e) Such other exceptions, variances, departures, and deviations as may be necessary and appropriate to develop the property legally described on **Exhibit A** (hereinafter, the “Property”), and as depicted on the plans and plats submitted herewith pursuant to the appropriate provisions of the Code.

BACKGROUND INFORMATION

In support of this petition, the Petitioner represents to the City of St. Charles as follows:

1. The owner of the Property is Gompers Lewis II LLC, an Illinois limited liability company (hereinafter, the “Owner”).
2. The Petitioner, D.R. Horton, whose address is 750 E. Bunker Court, Suite 500, Vernon Hills, IL 60061, is the contract purchaser of the Property.
3. The Property consists of approximately thirty and five tenths (30.5) acres of vacant land located south of Foxfield Drive and northeast of the Charlestowne Mall property and will be known as Charlestowne Lakes.
4. The existing zoning districts and land uses surrounding the Property are as follows:
 - a. North: RS-4 Suburban Single Family; and RM-2 PUD Medium Density Multi-Family Residential District (Single Family/Multifamily Residential uses);
 - b. East: OR, Office/Research PUD (Commercial/Office uses); R-4, Single Family Residence District in DuPage County (Vacant Land); and R3 PUD Single Family Residence District in West Chicago (Single Family Residential uses);
 - c. South: BR, Regional Business PUD (Open Space and Charlestowne Mall);
 - d. West: BR, Regional Business PUD (Open Space and Charlestowne Mall).
5. The Property was annexed into the City in 1991 with a zoning classification of R-2A PUD, Single Family Residence District, but was rezoned pursuant to a Consent Decree from Kane County Circuit Court case, City of St. Charles v. West Suburban Bank, Case Number is 07 ED 07, to BC Community Business District and RM-3 General Residence District, and since that time has remained vacant.
6. In order to amend the Consent Decree to change the zoning of the Property, a Court Order will be required. Pursuant to the terms of the Consent Decree, Petitioner is seeking a Joint Motion to Amend the Consent Decree to rezone the Property to RM-2 PUD.

7. Since annexation thirty (30) years ago, the Property has not developed and has remained vacant and underperforming, contributing little to the City's economy.

8. Today, the Property provides an excellent opportunity for a new residential community that will complement the nearby residential uses and commercial uses.

9. The City's Comprehensive Land Use Plan shows the property as Corridor/Regional Commercial west of King Edward Avenue, extended, and Multi-Family Residential east of King Edward Avenue, extended. The eastern townhome portion of Charlestowne Lakes is consistent with the Multi-Family Residential zoning designation. The residential portion of the Property on the west side of King Edward Avenue is not consistent with the Corridor/Regional Commercial designation on the Future Land Use Plan. This portion of the Property has been zoned Community Business District since the 2007 Consent Decree, but it has not developed under this zoning classification. In fact, a number of commercial uses in the area, including the Charlestowne Mall are looking at redevelopment as the commercial climate has changed dramatically to more on-line commerce in recent years and more recently in light of the pandemic.

SUMMARY OF DEVELOPMENT

The Petitioner and builder is D.R. Horton. D.R. Horton was founded in 1978 and has been the largest home builder in the United States since 2002, with operations in 98 markets in 31 states across the United States. D.R. Horton builds and sells high-quality homes through a diverse portfolio, closing on more than 80,000 homes over the previous fiscal year (2021). D.R. Horton is currently active in more than 35 communities around Chicagoland, closing on over 750 new homes in the most recent fiscal year (2021). It has recently opened in Schaumburg on the Motorola Campus redevelopment, as well as North Aurora with the Fox Valley Golf Course conversion into an age-targeted clubhouse community.

D.R. Horton brings decades of home construction and development experience to each project and has found success building communities that offer a variety of quality housing options designed to serve individuals at various stages of their lives. D.R. Horton looks forward to providing new housing options for existing residents of St. Charles, as well as those that would like to live in a well-respected municipality with excellent schools, shopping, dining, recreation, and park facilities.

D.R. Horton envisions three-story, rear-loading garage, single-family townhomes (the “Rowhomes”) east and west of King Edward Avenue, with open space in the Rowhome areas along King Edward Avenue. D.R. Horton further proposes traditional front-loading single family two-story paired homes (the “Villas”) on the western and southern portions of the Property. Many of these Villas back up to open space.

Petitioner is requesting City approval of the Charlestowne Lakes Subdivision which consists of sixty-two (62) single-family paired homes and 105 townhomes on 20 acres with almost 10 acres of open space. The Property currently consists of vacant land, surrounded by a mix of uses, including single and multifamily residences, US Bank and office uses, vacant land, and the Charlestowne Mall. Given its location and surrounding uses, the Property presents an excellent canvas on which to meet a significant community need by creating a housing opportunity that is suitable for many types of homebuyers, including the two fastest growing segments of the population, young professionals and empty nesters.

The site plan has been designed to complement the surrounding area and to create a welcoming feel. The front entries of the Rowhomes will face open space or a center courtyard area with rear-load garages to enhance the look of the overall area, keeping all driveways and garages internal to the site, creating a scenic streetscape throughout the development, which

streetscape will include open space, detention facilities, and wetland features. The Villas will have front-load garages, with many of the paired units backing up to open space on the adjacent property to the south and west. The future residents will benefit from the proximity to nearby shopping, restaurants, entertainment, institutional, and recreational uses. As part of the new community, internal sidewalks throughout the Property are anticipated with pedestrian connectivity to the Charlestowne Mall area, enhancing the overall appeal of the area.

Landscape treatments will be utilized to enhance the visual appeal of the community, including a mix of parkway trees, decorative trees and shrubs. The landscape design enhancements will include decorative plantings around the on-site storm water management areas, foundation plantings and appealing entrance monuments. Charlestowne Lakes will be enhanced with landscape buffers along the perimeter of the community to create the feel of a residential enclave. The stormwater management facilities will be located along the northern portion of the Property, providing open areas along Foxfield Drive. The stormwater management areas have been designed to operate efficiently with the topography of the Property and are optimized to provide sufficient stormwater storage for the Charlestowne Lakes Subdivision. The homeowner's association will be responsible for maintenance of the stormwater facilities, monument signage, and common area landscaping.

The proposed architecture draws inspiration from the surrounding area to create a consistent and complementary design with the overall area. Overall, Charlestowne Lakes will feature architecture consistent with current consumer demand, as well as market trends in the area. The architecture will further ensure lasting value through the use of quality materials that require low maintenance and withstand the test of time. Home sizes will range from 1,600 to 2,000 square feet and offer between two to four bedrooms and two to four bathrooms. Each Rowhome will also

have a rear-loaded two-car garage standard. In addition to garage parking, there will be guest parking areas dispersed throughout the Property. The Villas will have a front-loaded two-car garage with plenty of parking in the neighborhood. Primary vehicular access will be from Foxfield Drive to the north and Smith Road to the South once King Edward Avenue is extended through the subdivision. The community will be served by the City's water and sanitary sewer systems.

The proposed residential development is also consistent with the residential nature of the surrounding area to the north and east and the trend of development in the area. The gross density of +/-5.5 homes per acre is consistent with the adjacent subdivisions and the nature of the surrounding area given the proximity of the Property to the commercial uses along Main Street, and is considerably less than the twenty (20) dwelling units per acre density allowed under the current RM-3 Zoning District on the eastern portion of the Property. Therefore, the proposed development provides for a logical transition from the higher intensity commercial uses along Main Street to similar or less intense uses to the north and east. Following up from the Petitioner's Plan Commission and City Council concept review comments, the Petitioner has added landscaping along the southern Property line, aligned streets for better access, and added extra parking for the Rowhomes. Keeping all the parking and garages for the Rowhomes internal to the site will also ensure the best aesthetic look of the community and surrounding areas.

ZONING REQUESTS AND STANDARDS

A. **Map Amendment.** Approval of a Map Amendment from RM-3 and BC to RM-2 is appropriate based on the following factors:

1. The existing uses and zoning of nearby property.

The existing uses of nearby properties consist of multi-family (RM-2 PUD) and single-family residences (RS-4) to the north and single-family residences (R3 in West Chicago) to the

northeast, open space and commercial (BR PUD) to the west and south, and office (OR) and vacant land to the east (R-4 in DuPage County). The proposed Rowhomes and Villas are consistent with and will complement the residential uses to the north and east and provide a transition from the higher intensity commercial uses along Main Street to the lower intensity residential uses to the north.

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

The Property has not developed since it was annexed into the City in 1991, and more importantly since the Consent Decree in 2007 established the existing BC and RM-3 Zoning classifications. The rezoning of the Property from BC and RM-3 to RM-2 will permit the development of the Property as a single-family residential community, which will increase the value of the Property, adding homes to increase the consumer base in the immediate area and throughout the City. Enhancing the City's housing stock will provide for the improvement of the City's real estate tax base while also bringing new families to the community to live and work. The gain to the City and the public as described above will be significant.

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

The existing zoning classification does not promote the health, safety, morals, or general welfare of the public. The vacant, underproductive Property does nothing to support the general public or the City. The current market for commercial development is non-existent. The proposed rezoning with residential uses, however, will increase the value of the Property, add homes to increase the consumer base, increase the tax base, and will not be detrimental to the public health, safety, morals, or general welfare.

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

The Property is unsuitable for the present BC zoning classification. Since the Consent Decree established the zoning classification of BC in 2007, the Property has not developed, and will likely remain undeveloped with the BC zoning classification for a number of years. The current market for new commercial development is non-existent, while the residential market in the Chicago suburban areas is growing. The existing RM-3 Zoning classification for the 10-acre property to the east of the extension of King Arthur Avenue would allow 20 dwelling units per acre or over 200 dwelling units on that 10-acre parcel alone. Petitioner is only seeking 167 units for the entire 30-acre property for a density of less than 5 dwelling units per acre. Consistent with the surrounding uses, Petitioner felt that the RM-2 Zoning classification with its lower density is more appropriate than the current RM-3 Zoning classification.

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

As stated above, the Property has not developed since it was annexed in 1991 nor under the current zoning established pursuant to the Consent Decree entered by the Kane County Court in 2007. With the redevelopment of Charlestowne Mall and the effect that the climate and the pandemic has had on the retail and commercial markets, the likelihood of the Property developing as commercial is extremely slim. Further the Property is tucked back off of the main arterial street, making it unsuitable for commercial development. The overarching development in the area north of Charlestowne Mall has been single and multi-family residential.

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

The influx of new homebuyers into the suburban markets is clear evidence of the necessity for suburban single-family housing in the City as opposed to a higher density housing product.

As a result of the pandemic and the ability of employees to work from home, the suburban housing market has seen a rapid influx of buyers. Charlestowne Lakes will attract new young professionals, young couples, and empty nesters to the City.

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

The City's Comprehensive Land Use Plan shows the property as Corridor/Regional Commercial west of King Edward Avenue, extended, and Multi-Family Residential east of King Edward Avenue, extended. The eastern townhome portion of Charlestowne Lakes is consistent with the Multi-Family Residential zoning designation, with a lower density. The residential portion of the Property on the west side of King Edward Avenue is not consistent with the Corridor/Regional Commercial designation on the Future Land Use Plan. This portion of the Property has been zoned Community Business District since the 2007 Consent Decree, but it has not developed under this zoning classification. In fact, commercial users in the area, including the Charlestowne Mall, are looking at redevelopment as the commercial climate has changed dramatically to more on-line commerce in recent years and more recently in light of the pandemic. While the proposed RM-2 zoning is not consistent with the Comprehensive Plan, it is much more consistent with the surrounding single family attached and detached homes in the area and more consistent with the trend of development in the area.

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

The proposed amendment does not correct an error or omission in the Zoning Map.

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

The Property is vacant so no nonconformities will be created as a result of the Map Amendment. Petitioner is seeking a Planned Unit Development to address any variances or deviations from the Zoning Code that may be required for the development of Charlestowne

Lakes.

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

The trend of development in the area is Single-Family detached residential and Multi-Family residential uses. Very little commercial development on vacant land that is not on the major arterial roadways is occurring in the City. This parcel is tucked back off of Main Street, and it is not a prime location for commercial or retail development. Therefore, Petitioner feels that the proposed residential development that will support the commercial uses located on Main Street is the highest and best use of the Property.

B. **Planned Unit Development.** The improvement and innovative development of the Property for the benefit of the St. Charles community, necessitates developing the Property as a Planned Unit Development pursuant to the Code. D.R. Horton's PUD has been designed to stimulate the development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through the traditional separation of use and density zones, to protect natural resources, to protect and improve the social and economic environment and to protect the investment in both the City and development. The approval of a PUD pursuant to the Code is appropriate based on the following factors:

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

The proposed PUD advances the purposes of the Planned Unit Development procedure by promoting a creative approach to building design that results in an attractive development that will become an integral part of the community. The PUD will also create a pedestrian-oriented community with walkable neighborhoods, useable open space, and promote social interaction by providing interconnectivity with the Charlestowne Mall. The existing, environmentally-sensitive wetland on the Property will be preserved. D.R. Horton is

promoting the economical development and efficient use of land with townhomes and villas, while providing the much-needed connection from Foxfield Drive to Smith Road via the extension of King Edward Avenue through the development as contemplated by the City and mandated in the Court Decree. While the PUD does not encourage redevelopment of property it does provide for the development of underperforming vacant parcels of land. D.R. Horton has collaborated with the City and has utilized many of the Planning Commission and City Council's comments in finalizing its design of Charlestowne Lakes.

2. 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.

The proposed PUD shall comply with the RM-2 zoning district except as delineated in this Petition. There is a fairly large wetland on the Property that Developer is not going to disturb which definitely lessens the available space for housing on the Property. In addition, King Edward Avenue, as required by the Court in the Consent Decree, cuts a wide swath through the center of the Property which created the need for Petitioner to seek deviations under the PUD zoning. Conforming to the RM-2 Zoning Requirements would inhibit creative design and be impractical in some instances, given the unique geometries and conditions presented by the site. The proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the RM-2 zoning district Requirements. Pursuant to Section 17.04.400B, Petitioner will preserve open space and the environmentally sensitive wetlands area on the Property, provide enhanced landscaping and buffering from adjacent commercial uses, provide the much-needed extension of King Edward Avenue connecting Foxfield Drive

to Smith Road, and provide a visually appealing streetscape with strategically positioned buildings utilizing rear-loading garages along the extension of King Edward Avenue.

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

In order to use, improve, and develop the Property in an innovative way for the benefit of the St. Charles community, D.R. Horton specifically seeks a Special Use Permit for a Planned Unit Development (PUD) as allowed under the Code. The approval of the Special Use for a PUD pursuant to the City's Code is appropriate based on the following factors:

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

The Petitioner is seeking a Special Use for a Planned Unit Development. The request is consistent with the original residential zoning of the Property at the time of annexation and is complementary to the surrounding uses which include residential, commercial, and recreational uses. Further the Consent Decree required that the property come in as a PUD. D.R. Horton's proposed PUD at this particular location is situated to provide desirable housing in the interest of the City and the general public and will contribute to the general welfare of the community. Notably, there has been an influx of suburban, single-family attached homebuyers, and a lack of housing stock to satisfy the recent demand. D.R. Horton believes that its proposed subdivision will be very successful at this location. D.R. Horton's proposed PUD will contribute to the general welfare of the neighborhood and community by providing diverse housing stock and additional residents to continue to support the City's tax base and the business community.

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

All public services, facilities, and utilities are adequate and available to service the site. Any new on-site facilities necessary will be provided as part of the development of the Property. As shown on the Preliminary PUD Plan submitted with this Petition, D.R. Horton will provide adequate utilities, access roads and drainage for its proposed development. King Edward Avenue will be extended through the Property to meet the stub street off of Smith Road. Adequate roadways will be provided throughout Charlestowne Lakes as depicted on the PUD Plan. City water and sanitary sewer will be extended through the Property, along with electricity, gas, phone, cable and other utilities. The stormwater management facilities will be located along the northern portion of the Property, providing open areas along Foxfield Drive. The stormwater management areas have been designed to operate efficiently with the topography of the Property and are optimized to provide sufficient stormwater storage for the Charlestowne Lakes Subdivision.

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

The residential uses will be consistent with the residential uses to the north and will complement the commercial uses to the south by increasing the consumer base for the commercial uses. The PUD will not affect the OR zoned property to the east, nor the vacant land in DuPage County with residential zoning. The property to the west is stormwater detention facilities, so the PUD will have no effect on this property. The proposed PUD with Rowhomes and Villas will not be injurious to the use and enjoyment of the surrounding properties for the uses permitted, nor will the PUD negatively diminish or impair property values in the area.

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;

Most of the surrounding property is already developed, except for the property to the east, which is zoned residential in DuPage County. The proposed residential PUD will not impede the development of the vacant land to the east with residential uses in DuPage County. Conversely, D.R. Horton's development of the Property will enhance and improve the existing uses, value, and enjoyment of the surrounding properties by making use of an underperforming vacant parcel of land with a complementary residential use. D.R. Horton's proposed development is less intensive than the currently approved CB, Commercial, and RM-3, high density residential zoning for the Property. Because D.R. Horton's use will be less intensive than the previously approved commercial and high-density residential uses for the Property, D.R. Horton anticipates a lesser impact on traffic with its proposed lesser density residential uses than the traffic currently anticipated for the Property under its current zoning classifications. Further, the residential PUD proposed will aid in any redevelopment of the commercial properties on Main Street by increasing the consumer base.

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

The establishment, maintenance, and operation of the proposed residential PUD will not be detrimental to or endanger the public health, safety, comfort, or general welfare. Instead, the residential community will positively impact the Community. Since annexation thirty (30) years ago, the Property has not developed and has remained vacant and underperforming, contributing little to the City's economy. Today, the Property

provides an excellent opportunity for a new residential community that will complement the nearby residential uses and commercial uses.

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.

D.R. Horton's proposed PUD will conform to all regulations in the RM-2 zoning district except for any variations or deviations requested in more detail on Exhibit B attached to this Petition.

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

D.R. Horton's proposed PUD is complementary to the surrounding uses which include residential, commercial and recreational uses. The proposed PUD is to be located on vacant, underperforming land. D.R. Horton's proposed PUD at this particular location is situated to provide desirable and diverse housing in the interest of the public and will contribute to the general welfare of the community. Notably, there has been an influx of single family attached homebuyers to the suburban markets, and a lack of housing stock to satisfy the recent demand. D.R. Horton believes that its proposed subdivision will be very successful at this location. D.R. Horton's proposed PUD will contribute to the general welfare of the neighborhood and community by providing a diverse housing stock and additional homeowners to continue to support the City's tax base and the business community. The proximity to shopping, restaurants, and recreational uses makes this property ideal for residential uses and support for the nearby commercial and recreational uses. Therefore, the proposed PUD will be beneficial to the development, diversity, tax base and economic well-being of the City.

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

The stated purpose of the Comprehensive Plan is as follows:

The Comprehensive Plan serves as the City's official policy guide for physical improvement and development. At its most basic level, the Comprehensive Plan is intended to direct orderly growth and change as well as maintain and enhance the livability of the City. The Comprehensive Plan provides a vision for the future to describe an ideal St. Charles, based on community input and consensus, to ensure that quality of life remains high. In addition, plans and recommendations are provided for key focus areas, including West Gateway, East Gateway, Downtown, and Main Street.

The City's Comprehensive Land Use Plan shows the property as Corridor/Regional Commercial west of King Edward Avenue, extended, and Multi-Family Residential east of King Edward Avenue, extended. The eastern townhome portion of Charlestowne Lakes is consistent with the Multi-Family Residential zoning designation. The residential portion of the Property on the west side of King Edward Avenue is not consistent with the Corridor/Regional Commercial designation on the Future Land Use Plan. This portion of the Property has been zoned Community Business District since the 2007 Consent Decree, but it has not developed under this zoning classification. In fact, commercial users in the area, including the Charlestowne Mall, are looking at redevelopment as the commercial climate has changed dramatically to more on-line commerce in recent years and more recently in light of the pandemic. While the proposed RM-2 Zoning west of King Edward Avenue extended is not consistent with the Comprehensive Plan, it is much more consistent with the surrounding single family attached and detached homes in the area and more consistent with the trend of development in the area.

The proposed PUD will assist in the orderly growth of this area and enhance the livability of the City. The Property was annexed into the City in 1991 with a zoning classification of R-2A PUD, Single Family Residence District, but was rezoned pursuant to a Consent Decree from Kane County Circuit Court case, City of St. Charles v. West Suburban Bank, Case

Number in 07 ED 07 to BC Community Business District and RM-3 General Residence District, and since that time has remained vacant and underperforming. Since the Comprehensive Plan was approved by the City, there have been some major changes to the office, commercial, and retail markets, which changes were already entrenched before the pandemic. During the pandemic, the on-line shopping trend has continued and intensified, extending to encompass almost every commercial and retail market. This shift to on-line purchasing and work from home has had a major effect on the commercial and office market, making it unlikely that this parcel, tucked back off of Main Street, will develop with commercial or office uses. The proposed PUD will assist the City in meeting the challenge of changing conditions in the area and in the City. While the entire Property is not consistent with the Comprehensive Plan, it is definitely more consistent with the market and the trend of development in the area. The proximity to shopping, restaurants, institutional, and recreational uses makes this Property ideal for residential uses and support for nearby commercial uses.

C. **Approval of Preliminary Plat.** The Preliminary Plat meets the requirements pursuant to the City Codes and has been submitted with this Petition for approval.

D. **Approval of Preliminary Planned Unit Development Plan.** The Preliminary Planned Unit Development Plan meets the requirements pursuant to the City Codes and has been submitted with this Petition for approval.

E. **Exceptions from District Regulations.** To more easily facilitate the planning and development of the Property as a PUD, D.R. Horton requests the exceptions to the City's Code as applicable to the Property delineated on Exhibit B, attached hereto and incorporated herein.

WHEREFORE, by reason of the foregoing, and based on any testimony that may be proffered at the public hearing, the undersigned Petitioner requests the City take the necessary steps to

- (a) Rezone the Property from RM-3 General Residential District, and BC, Community Business District, to RM-2, Medium Density Multi-Family Residential District;
- (b) Grant a Special Use Permit for a Planned Development (PUD) in the RM-2, Medium Density Multi-Family Residential District, with deviations and variations to the district regulations and the subdivision design standards as specified in Exhibit B and as shown on the Preliminary Plat, preliminary Engineering Plan and Preliminary PUD Plan;
- (c) Grant Preliminary Subdivision Plat approval;
- (d) Grant Preliminary PUD Plan approval;
- (e) Grant such other variances, departures, and deviations as may be necessary and

appropriate to develop the Property as depicted on the plans submitted herewith pursuant to the appropriate provisions of the Code.

RESPECTFULLY SUBMITTED this 25th day of March, 2022.

**PETITIONER:
D.R. HORTON, INC.-MIDWEST**



Patti A. Bernhard
Attorney for Petitioner

EXHIBIT A
LEGAL DESCRIPTION

LOTS 1, 2, 3, 4 AND 5 OF THE PLAT OF RESUBDIVISION OF OLIVER-HOFFMAN CHARLESTOWN RESUBDIVISION BEING A RESUBDIVISION OF LOTS 1, 2 AND 3 OF THE OLIVER-HOFFMAN CHARLESTOWN DEVELOPMENT A SUBDIVISION OF THAT PART OF THE SOUTHEAST 1/4 OF SECTION 24, TOWNSHIP 40 NORTH, RANGE 8 EAST, AND PART OF THE NORTHEAST 1/4 OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 20, 2010 AS DOCUMENT NO. 2010K046244, IN KANE COUNTY, ILLINOIS.

PINS: 09-25-245-002; 09-25-250-003; 09-25-250-004; 09-25-250-005; 09-25-250-006

EXHIBIT B
EXCEPTIONS FROM DISTRICT AND CODE REGULATIONS AND RATIONALE

D.R. Horton is proposing a Planned Unit Development for Charlestowne Lakes to develop the community with a creative approach to site improvements, resulting in a attractive integral part of St. Charles, promote social interaction with walking paths and open spaces, provide a harmonious mix of housing types, to preserve topographic features and environmentally sensitive areas, and promote economic development and efficient land use.

Conforming to the Code and the requirements of the RM2 Zoning District would inhibit the creative design that serves the community goals and would be impractical. Charlestowne Lakes will preserve open space and the wetlands on the property and provide 15 acres of open space with paths throughout the subdivision, will provide landscaping and buffering throughout the development, will provide architectural design in accordance with the market trends, and will provide pedestrian connectivity from the subdivision to Charlestowne Centre Mall. Additionally, Charlestowne Lakes will provide the much needed and desired connection from Foxfield Drive to Smith Road extending King Edward Avenue to Charter One Avenue. These benefits will outweigh the benefits realized by conforming to the Zoning Code and Subdivision Code.

In order to develop Charlestowne Lakes as a Planned Unit Development to meet the above purposes, a number of Exceptions from the Zoning and Subdivision Code will be required. Below is the list of Exceptions sought and the rationale for each.

Exception from Section 16.08.30 to allow a block of 1,927' including one pedestrian way.

***Rationale:** The development parcel is fairly small and a large part of the parcel contains open space, wetlands and the extension of King Edward Avenue through the property as directed by the Consent Decree from the Court. This limits the ability to layout the parcel with short block lengths.*

Exception from the Section 16.08.060A to allow 5' wide interior side public utility and drainage easements for each residential lot.

***Rationale:** The Code allows for a 5' interior side easement on single family detached lots as long as the combined interior side easements between lots totals 10'. 20' easements between two-family lots in this subdivision is unnecessary and will reduce the size of the two family homes constructed on each lot. The two-family home will not have any more utilities than necessary for a single family detached home. The interior side easements between lots will total 10'.*

Exception from Section 17.06.050.A.3 to allow a private yard of 65 sq. ft. for each townhome.

***Rationale:** The proposed development has approximately 15 acres of open space. There is open space adjacent to the front and side yards of the townhomes, providing for an adjusted lot size of approximately 5,052 sq. ft. per townhome lot. The homeowners' association will be maintaining the common open space surrounding each lot.*

Exception from Section 17.06.050.A.4 to allow a building with 6 townhome units.

Rationale: As stated above, the development parcel is fairly small and a large part of the parcel contains open space, wetlands and the extension of King Edward Avenue through the property as directed by the Consent Decree from the Court. This limits the ability to layout the parcel limiting the number of buildings. Therefore, some of the buildings had to be 6-unit buildings to make the geometry and layout of the site work.

Exception from Section 17.06.050.C.5.2.k to allow for horizontal vinyl siding on the townhomes and two-family units.

Rationale: As stated above, the development parcel is fairly small and a large part of the parcel contains open space, wetlands and the extension of King Edward Avenue through the property as directed by the Consent Decree from the Court. The Petitioner is presenting a high level of architectural detail and feels that the use of masonry, complementary siding styles, articulation, and lack of street-facing garages for the townhomes will make this a great addition to the East Gateway sub-area, as well as the broader City. The use of vinyl siding is prevalent in many of the communities surrounding the development parcel and will not have a negative effect on the area.

Exception from Section 17.12.2 to allow a lot width of 20' per dwelling unit for the townhomes.

Rationale: The 20' lot width is for each individual townhome unit. Rather than platting townhome buildings on a lot, D.R. Horton plats each townhome unit as a lot, which means that the lot width is only the width of the townhome unit.

Exception from Section 17.2.2 to allow a front yard setback of 25' for the townhomes fronting on King Edward Avenue (Building #15).

Rationale: The extension of King Edward Avenue through Charlestowne Lakes cuts a large swath through the development parcel. There is one corner of a townhome lot that is 25' from King Edward Avenue, but then the roadway curves away from the townhome building. This is a minimal deviation. Additionally, the townhomes have rear-loaded garages so the shorter front yard will not create any issues with cars parking over the setback line.

Exception from Section 17.2.2 to allow a side yard setback of 0' for the townhomes.

Rationale: Rather than platting townhome buildings on a lot, D.R. Horton plats each townhome unit as a lot, which means that there is no interior side yard. There is at least a 10' building to building interior side yard.

Exception from Section 17.2.2 to allow an exterior side yard of 20' abutting a collector for the townhomes.

Rationale: The extension of King Edward Avenue through Charlestowne Lakes cuts a large swath through the development parcel. There is one corner of a townhome lot that is 20' from King

Edward Avenue, but then the roadway curves away from the townhome building. This is a minimal deviation.

Exception from Section 17.22.010.D to allow reductions in the interior and exterior side yards above for the townhomes.

***Rationale:** See above rationales for the yard deviations. In order to develop Charlestowne Lakes with almost 50% of the property as open space, and providing the connectivity from Foxfield Drive to Smith Road, the minimal exterior side yard Exceptions is necessary. The interior side yard Exceptions are a result of the platting of the townhomes on individual lots. The building-to-building side yards are at least 10'.*

Exception from Section 17.22.010 to permit yards to be utilized for the required 200 sq. ft. private yard for the townhomes.

***Rationale:** The nature of the way that D.R. Horton plats its townhomes is that it plats each individual unit as a lot. Each individual townhome lot will only have 65 sq. ft. of private yard. D.R. Horton will establish a townhome owners' association that will maintain the exterior yards for each unit. Charlestowne Lakes has open space in excess of the required open space and most of the townhome units front on open space. The paths and open space will help create connectivity and a sense of community. A portion of the open space consists of an environmentally sensitive wetland that D.R. Horton is preserving surrounded with the required 15' buffer area. This area along with the 80' right-of-way for the extension of King Edward Avenue have been instrumental in the needed Exceptions.*

Exception from Section 17.24.060 to permit required parking spaces to be located on a different lot that the lot served for the townhomes

***Rationale:** The nature of the way that D.R. Horton plats its townhomes is that it plats each individual unit as a lot. Therefore, the required exterior parking spaces will not be located on the townhome lot, but on the common area lots. These spaces will still be limited common elements for each unit. Additionally, D.R. Horton has provided additional guest parking spaces for the development.*

Exception from Section 17.24.070.A.1.b to permit driveways for the Two-Family homes to cover 50% of the front yard.

***Rationale:** The Two-Family homes have a driveway width of 38' for the two driveways. The Code permits one 18' driveway for each driveway. To provide the driveway width to match the driveways, the driveways are 19' instead of the permitted 18'.*

Exception from Section 17.26.090 to permit required landscaping in the front yard to be provided in the rear yard.

Rationale: *The Two-Family homes do not have sufficient space in the front yards for front yard landscaping. Additional landscaping will be provided in the rear yards to provide additional screening.*

Exception from Section 17.28.050 to permit 4 entryway signed for the residential development.

Rational: *D.R. Horton places entrance monuments on each side of the entryway of a development at each street frontage so that they can be seen from either side of the external street frontage road. D.R. Horton's entrance monuments are very tastefully designed and will not be distracting.*

Exception from IV.A.2 to allow a minimum horizontal centerline radius of 90' for a local street.

Rationale: *For low-speed roadways, the Illinois Department of Transportation Bureau of Design & Environment in their BDE Manual, Chapter 48 establishes the minimum radii for design speeds of 20 mph as 90-feet (Figure 48-5.B).*

Exception from IV.A.2 to allow a minimum horizontal centerline radius of 275' for a collector street.

Rationale: *For low-speed roadways, the Illinois Department of Transportation Bureau of Design & Environment in their BDE Manual, Chapter 48 establishes the minimum radii for design speeds of 30 mph as 250-feet (Figure 48-5.B).*

Exception from Section R-311.2 to allow 1 exit door at ground level for the townhomes.

Rationale: *The townhome units will be 3 stories and be sprinklered so the additional exit is not necessary, nor should it be required. D.R. Horton will put the fire suppression head above the rear deck door, allowing the rear deck to be utilized as an area of refuge.*

LIST OF DEPARTURES

TITLE 16 - SUBDIVISIONS AND LAND IMPROVEMENTS

| Code Section: | Standard: | Regulation: | Proposed Variation: |
|---------------|-----------------|--|---|
| 16.08.30 | Block Standards | 1200', greater than 900' may require pedestrian ways | 1,927' (buildings 1-23, 18 and 19), includes 1 pedestrian way between lots 10 and 11 |
| 16/08.060A | Easements | A minimum 10' wide perimeter easement shall be provided around each lot in a subdivision | Minimum 5' utility easement is provided on the side lot lines on the Two-Family lots so that total easement width between lots is 10' |

TITLE 17 - ZONING

| | | | |
|------------------|---|---|--|
| 17.06.050A.3. | A private yard of 200 sf required for each townhome unit, located adjacent to a front, rear or side wall. | 200 s.f. | 5,052 s.f. per unit of common open space adjacent to townhome fronts and side (includes commons open space, ponds and wetland. Excludes, walks, drives and ROW) |
| 17.06.050A.4. | No more that 5 townhouse units shall be attached to one another in a row | 5 units | 6 units |
| 17.06.050C.5.2.k | Building material | Vinyl and aluminum horizontal siding is prohibited exterior building material for townhomes | Use of horizontal vinyl siding is allowed on townhomes |
| 17.12.2 | Minimum Lot Width | 24' per dwelling unit | 20' per dwelling unit for townhomes |
| 17.12.2 | Minimum Front Yard | 30 Ft | 25' for townhomes fronting on Kind Edward Avenue (building 15) |
| 17.12.2 | Minimum Interior Side Yard | 10' each side | 0' for townhome lots. 20' minimum provided between townhome buildings. |
| 17.12.2 | Minimum Exterior Side Yard | Abutting arterial/collector = 30' Abutting all other streets=20' | Abutting Collector = 20' |
| 17.22.010D | Reductions | No reductions allowed below the required yard minimums | Interior Side and Exterior Side Yard are reduced along collector and local streets |
| 17.22.010 | Yard Requirements | No required yards can be used for the minimum 200 sq. ft. yard requirement for a townhome | 5,052 s.f. per unit of common open space adjacent to townhome fronts and sides (includes commons open space, ponds and wetland. Excludes, walks, drives and ROW) |
| 17.24.060 | Location of Off Street Parking | Located on same lot as use served | Located immediately adjacent to townhome units, but not on the same lot due to the nature of townhome lots |
| 17.24.070A.1.b | Driveway lot coverage | Driveways cannot cover more than 40% of front yard, but each unit allowed an 18' driveway | Two-family driveways cover 50% of lot with one 18' drive per unit. |

| | | | |
|-----------|---|---|---|
| 17.26.090 | Public Street Frontage Landscaping | Landsaping required in front and exterior side yard adjoining and public street | Landscaping is not provided in the front yard of the Duplex lots due to space constraints. Additional landscaping is provided along the rear of the duplex units to provide screening |
| 17.28.050 | Entryway Signs for Residential Developments or 10 or more Units | max number: 2 plus 1 for each additional external street frontage | 2 per entrance for a total of 4 entrance monuments. Foxfield Entrance: 1 monument on each side of the entrance with ornamental fencing and an ornamental pier terminating the fencing. East Entrance: 1 monument pier on either side of the entrance. |

CITY OF ST. CHARLES ENGINEERING DESIGN AND INSPECTION MANUAL SECTION IV PAVEMENT/ROADWAYS

| Code Section: | Standard: | Regulation: | Proposed Variation: |
|-----------------|------------------------|---|---------------------|
| SECTION IV.A.2) | Residential: Local | Minimum Horizontal Centerline Radius = 200' | 90' |
| SECTION IV.A.2) | Residential: Collector | Minimum Horizontal Centerline Radius = 300' | 275' |

| FIRE CODE | | | |
|------------------|------------------|---|--|
| R-311.2 | Fire Suppression | 2 exits required at ground level (not including garage) | 1 exit door at ground level; fire suppression head above rear deck door (with rear deck as area of refuge) |