

## Attachments (please list):

Annexation Agreement
Recommendation/Suggested Action (briefly explain):
Conduct the public hearing; close if all testimony has been received.

## FOURTH AMENDMENT TO ANNEXATION AGREEMENT (BRICHER COMMONS PUD - PRAIRIE WINDS)

THIS FOURTH AMENDMENT to an Annexation Agreement (hereinafter the "Amendatory Agreement") is made as of this $\qquad$ day of $\qquad$ 2017, by the City of St. Charles, an Illinois home rule municipal corporation (hereinafter the "CITY"), Prairie Winds, LLC, a Delaware Limited Liability Company (hereinafter the "DEVELOPER") and Todd L. Dempsey Declaration of Trust (hereinafter the "OWNER") (the CITY, DEVELOPER, and OWNER are hereinafter sometimes collectively referred to as the "Parties").

## WITNESSETH:

WHEREAS, the CITY has previously entered into a certain Annexation Agreement dated August 4, 1999 ("1999 Annexation Agreement") by and between the CITY OF ST. CHARLES and FIRSTAR BANK ILLINOIS as Trustee under the provisions of Trust No. 2640 dated December 7, 1987 and DGT PARTNERSHIP, recorded as Document Number 1999K094392 in Kane County, Illinois; and

WHEREAS, the CITY has previously entered into a certain Amended Annexation Agreement dated November 15, 1999 ("First Amendment") by and between the CITY OF ST. CHARLES and FIRSTAR BANK of ILLINOIS as Trustee under the provisions of Trust No. 2640 dated December 7, 1987 and DGT PARTNERSHIP, recorded as Document Number 2000K037389 in Kane County, Illinois; and

WHEREAS, the CITY has previously entered into a certain Amended Annexation Agreement dated March 20, 2006 ("Second Amendment") by and between the CITY OF ST. CHARLES and DGT, LLC, recorded as Document Number 2006K056293 in Kane County, Illinois; and

WHEREAS, the CITY has previously entered into a certain Amended Annexation Agreement dated January 19, 2016 ("Third Amendment") by and between the CITY OF ST.

CHARLES, METRO STORAGE ST. CHARLES, LLC, AND UNBEL, LLC, recorded as Document Number 2016K003108 in Kane County, Illinois; and

WHEREAS, the 1999 Annexation Agreement, First Amendment, Second Amendment, and Third Amendment shall hereinafter collectively be referred to as the "Amended Annexation Agreement"; and

WHEREAS, the OWNER is the owner of record of certain real property (hereinafter the "Subject Property") heretofore annexed to the CITY pursuant to the Amended Annexation Agreement, the Subject Property being legally described in Exhibit "A", attached hereto and incorporated herein by reference; and

WHEREAS, the DEVELOPER is the purchaser under contract of the Subject Property and, following its closing on the Subject Property, shall undertake and be fully responsible for the development of the Subject Property in full compliance with the terms and provisions of this Agreement and shall thereupon become the OWNER hereunder; and

WHEREAS, the DEVELOPER, with permission granted from the OWNER, has filed petitions with the CITY (a) to amend the Amended Annexation Agreement, and (b) to amend the Special Use for Planned Unit Development described in Ordinance No. 1999-Z-11 entitled "An Ordinance Granting a Special Use as a Planned Unit Development (Bricher Commons PUD)", ("Bricher Commons PUD") and for approval of PUD Preliminary Plans (including a Subdivision Preliminary Plat) in conjunction therewith; and

WHEREAS, pursuant to the provisions of 65 ILCS 5/11-15.1 et seq., a proposed amendment to the Amended Annexation Agreement, substantially in the form of an Amendatory Agreement, was submitted to the CITY, and a public hearing was held thereon by the CITY on April 17, 2017, pursuant to the notice duly published in the Daily Herald newspaper, being a newspaper of general circulation, on March 31, 2017, all as required by law.

NOW, THEREFORE, in consideration of the foregoing premises and of the mutual covenants, conditions and agreements hereinafter set forth, IT IS HEREBY AGREED BY AND BETWEEN THE CITY, DEVELOPER, and OWNER as follows:

1. APPLICABILITY. Except as hereinafter otherwise expressly provided, upon the execution of this Agreement, the provisions of the Amended Annexation Agreement shall be superseded by this Agreement with respect to the Subject Property and shall thereafter become null and void and shall have no further force or effect with respect to the Subject Property.
2. ZONING. As soon as reasonably practicable and legally permissible following the execution of this Agreement, the CITY shall adopt and approve all ordinances and take such actions as necessary and appropriate to:
A. RM-3 ZONING: Rezone the Subject Property from the existing BR Regional Business District zoning classification under Chapter 17.14 of Title 17 of the St. Charles Municipal Code to RM-3 General Residential District zoning classification under Chapter 17.12 of Title 17 of the St. Charles Municipal Code.
B. PUD: Amend the Bricher Commons PUD with respect to the Subject Property, which amending ordinance shall be in the form and substance of Exhibit "B" attached hereto, entitled "An Ordinance Amending Ordinance No. 1999-Z-11 (Bricher Commons PUD) and Granting Approval of a New Planned Unit Development and PUD Preliminary Plan for Prairie Winds of St. Charles" ("Prairie Winds PUD Ordinance"). Following the adoption of said ordinances, the Subject Property shall be developed only in accordance with the provisions of this Agreement, the Prairie Winds PUD Ordinance (as from time to time amended by the CITY pursuant to application by DEVELOPER), applicable provisions of the CITY'S Municipal Code, to the extent not modified or varied pursuant to this Agreement or the Prairie Winds PUD Ordinance, and all other applicable statutes, rules and regulations of the State of Illinois and Kane County, as the same may, from time to time, apply to the development of the Subject Property.
3. TERM. This Agreement shall be effective beginning on the date hereof and shall continue in full force and effect until August 4, 2019, which constitutes a period of twenty (20) years following the date of the 1999 Annexation Agreement.
4. BINDING EFFECT. If OWNER and/or DEVELOPER sells or conveys all or any portion of the Subject Property or otherwise transfers or assigns any of its rights and/or duties hereunder during the term of this Agreement, all of OWNER's and/or DEVELOPER'S obligations specified in this Agreement shall devolve upon and be assumed by such purchaser, grantee, successor or assignee in interest ("Transferee"), as to the portion of the Subject Property so conveyed or the specific rights and/or duties so transferred.
5. COVENANT RUNNING WITH THE LAND. This Agreement shall constitute a covenant running with the land and shall be binding upon and inure to the benefit of the Parties hereto and all of their grantees, successors in interest, assignees, and ground lessees.
6. AMENDMENTS AND MODIFICATIONS. OWNER and DEVELOPER agree that the CITY and other appropriate parties may elect to modify the terms of the Amended Annexation Agreement for portions of the Bricher Commons Property, other than the Subject Property, without the consent of OWNER or DEVELOPER or either of them.
7. RECORDING. This Agreement may be recorded in the office of the Kane County Recorder's Office by either party; DEVELOPER shall pay for the recording fee.
8. COUNTERPARTS. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one (1) and the same document.

Prairie Winds LLC
A Delaware Limited Liability Company

By:
Title: $\qquad$

Attest: $\qquad$
Title: $\qquad$

STATE OF ILLINOIS )
COUNTY OF_ ) SS

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO

HEREBY CERTIFY that $\qquad$ , $\qquad$ , and
$\qquad$ ,
, who are personally known to me to be the same persons whose names are subscribed to the foregoing instruments as such $\qquad$ and $\qquad$ respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth; and the said $\qquad$ then and there acknowledged that _he, as custodian of the records of the corporation, did affix the corporate seal of said corporation to said instrument as h__ own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this $\qquad$ day of $\qquad$ 2016.

Todd L. Dempsey Declaration of Trust an Illinois Limited Liability Company

By: Gerard R. Dempsey
Its sole trustee

By:
Title:

STATE OF ILLINOIS )
) SS
COUNTY OF $\qquad$ )

I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that $\qquad$ , Trustee of Todd L. Dempsey Declaration of Trust, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered this instrument as his own free and voluntary act, and as the free and voluntary act of UNBEL, LLC, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this $\qquad$ day of $\qquad$ 2016.

The CITY OF ST. CHARLES

By:
Mayor

Attest:
City Clerk

STATE OF ILLINOIS )
) SS
COUNTY OF KANE )
I, the undersigned, a Notary Public, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Raymond P. Rogina, personally known to me to be the Mayor of the City of St. Charles, a municipal corporation, and Nancy Garrison, personally known to me to be the City Clerk of the City of St. Charles, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Mayor and City Clerk of said municipal corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to the authority given by the City Council of the City of St . Charles as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and official seal, this $\qquad$ day of $\qquad$ 2016.

Notary Public

EXHIBIT "A"<br>Legal Description of Subject Property

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST $1 / 4$ OF SAID SECTION 32, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO FIRSTAR BANK OF GENEVA, SUCCESSOR TRUSTEE TO THE FIRST NATIONAL BANK OF GENEVA, AS TRUSTEE UNDER TRUST NUMBER 2640 AS RECORDED IN DOCUMENT NO. 1884216; THENCE NORTH 00 DEGREES, 13 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 418.83 FEET TO A PLACE OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES, 13 MINUTES 24 SECONDS WEST, ALONG SAID WEST LINE, 281.02 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS EAST, 30.05 FEET; THENCE NORTH 47 DEGREES 46 MINUTES 45 SECONDS EAST, 51.14 FEET; THENCE NORTH 76 DEGREES 35 MINUTES 36 SECONDS EAST, 456.07 FEET, THENCE NORTH 88 DEGREES 25 MINUTES 56 SECONDS EAST, 846.63 FEET TO THE WEST LINE OF LOT 1 IN RESUBDIVISION \# 2 OF THE RESUBDIVISION OF MEIJER \#182 SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 2002 AS DOCUMENT NUMBER 2002K140590; THENCE SOUTH 01 DEGREES 34 MINUTES 04 SECONDS EAST ALONG SAID WEST LINE AND ALONG WEST LINE OF LOT 2 IN RESUBDIVISION \# 1 OF THE RESUBDIVISION OF MEIJER \#182 SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 18, 2002 AS DOCUMENT NUMBER 2002K115360, A DISTANCE OF 782.90 FEET TO THE NORTHEAST CORNER OF PROPERTY CONVEYED TO THE CITY OF GENEVA BY DEED DOCUMENT RECORDED AS 2000K028065; THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE NORTH LINE OF SAID CONVEYED PROPERTY: 1) WESTERLY ALONG A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 3190.04 FEET, HAVING A CHORD BEARING NORTH 89 DEGREES 40 MINUTES 02 SECOND WEST, FOR AN ARC LENGTH OF 255.20 FEET TO A POINT OF TANGENCY; 2) SOUTH 88 DEGREES 02 MINUTES 28 SECONDS WEST, 352.67 FEET TO THE NORTHWEST CORNER OF SAID CONVEYED PROPERTY; THENCE SOUTH 88 DEGREES 25 MINUTES 20 SECOND WEST ALONG LINE 48.85 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 32, A DISTANCE OF 349.59 FEET; THENCE NORTH 01 DEGREES 57 MINUTES 32 SECONDS WEST, 234.95 FEET; THENCE NORTH 53 DEGREES 15 MINUTES 53 SECONDS WEST, 208.23 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 36 SECONDS WEST, 246.25 FEET TO THE PLACE OF BEGINNING; IN KANE COUNTY, ILLINOIS.

## EXHIBIT "B"

Prairie Winds PUD Ordinance

# City of St. Charles, Illinois 

## Ordinance No. 2017-Z-

# An Ordinance Amending Ordinance Nos. 1999-Z-11 and 2006-Z-7 (Bricher Commons PUD) and Granting Approval of a Map Amendment, New Special Use for Planned Unit Development, and PUD Preliminary Plan for Prairie Winds of St. Charles 

WHEREAS, on or about February 28, 2017, Prairie Winds, LLC (the "Applicant" and "Contract Purchaser"), filed petitions for 1) Map Amendment from BR Regional Business District to RM-3 General Residential District, 2) Special Use for Planned Unit Development to establish a new Planned Unit Development, and 3) PUD Preliminary Plan, all for the real estate legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Property"), for the purpose of constructing a 250 -unit multi-family residential complex on the Subject Property; and,

WHEREAS, on or about August 2, 1999, the City Council passed and approved Ordinance No. 1999-Z-11 "An Ordinance Granting a Special Use as a Planned Unit Development (Bricher Commons PUD)" which ordinance approved a planned unit development called Bricher Commons, which was subsequently amended by Ordinance No. 2006-Z-7; and,

WHEREAS, from and after the date of passage and approval of this Ordinance, Ordinance No. 1999-Z-11 and Ordinance No. 2006-Z-7 shall be null, void and of no further force or effect with respect to the Subject Property; and,

WHEREAS, Notice of Public Hearing on said petitions for Map Amendment and Special Use for Planned Unit Development was published on or about March 6, 2017 in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission conducted a public hearing on or about March 21, 2017 on said petitions in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

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

WHEREAS, the Plan Commission recommended approval of said Map Amendment, Special Use for Planned Unit Development, and PUD Preliminary Plan petitions on or about March 21, 2017; and,

WHEREAS, the Planning \& Development Committee of the City Council recommended approval of said petitions on or about April 10, 2017; and,

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

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

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.
2. That passage of this Ordinance shall constitute approval of the petition for a Map Amendment for the Subject Property from the BR Regional Business District to the RM-3 General Residential District, and the Findings of Fact for Map Amendment attached hereto and incorporated herein as Exhibit "B" are expressly adopted by the corporate authorities of the City.
3. That passage of this Ordinance shall constitute approval of a Special Use for Planned Unit Development pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended, and based upon the Applicant's petitions and the evidence presented at the Public Hearing, the City Council hereby finds that the Special Use for Planned Unit Development is in the public interest and adopts the Criteria for Planned Unit Developments, set forth on Exhibit "C", which is attached hereto and incorporated herein.
4. That the Special Use for Planned Unit Development heretofore granted with respect to the Subject Property by Ordinance No. 1999-Z-11 "An Ordinance Granting a Special Use as a Planned Unit Development (Bricher Commons PUD)", which was subsequently amended by Ordinance No. 2006-Z-7; which ordinances approved a planned unit development, and hereafter Ordinance No. 1999-Z-11 and Ordinance No. 2006-Z-7 shall be null, void and of no further force or effect with respect to the Subject Property.
5. That passage of this Ordinance shall constitute conditional approval of the PUD Preliminary Plan, incorporated herein as Exhibit "D", and further shall constitute approval of the following documents, illustrations, plans, plats, diagrams, easements, and elevations, all of which are hereby approved, and reduced copies of which are attached hereto. The approvals within this paragraph shall be subject to satisfactory resolution of all outstanding staff review comments and compliance with such conditions, corrections, and modifications as may be required by the Director of Community \& Economic Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code (collectively the "Comments, Conditions, Corrections and Modifications". The Comments, Conditions, Corrections and Modifications are incorporated herein in their entirety as Exhibit "E" attached hereto).

- Site Plan; Humphreys \& Partners Architects, LP (the "Site Plan"); dated $\qquad$
- Preliminary Engineering Plans; V3 Companies; dated $\qquad$
- Preliminary Landscape Plan; Watermark Engineering Resources, LTD; dated
- Preliminary Plat of Subdivision; V3 Companies, dated $\qquad$
- Plat of Easement for Sanitary Sewer; V3 Companies, dated $\qquad$
- Schematic Elevations; Humphreys \& Partners Architects, LP; dated $\qquad$
- Site Photometric Plan; dated $\qquad$

6. The Subject Property shall be developed only in accordance with all ordinances of the City as now in effect and as hereafter amended (except as specifically varied herein), and subject to the terms, conditions and restrictions set forth herein, as follows:
a. Zoning: The Subject Property shall be subject to the requirements of the RM-3 General Residential District, as amended, and all other applicable requirements of the St. Charles Zoning Ordinance, as amended, except as specifically varied in the "PUD Deviations" attached hereto and incorporated herein as Exhibit "F".
b. Bricher Road Improvements:
i. A right-turn lane shall be provided into the main/eastern development access, as shown on the attached Site Plan.
ii. Public sidewalk shall be installed along Bricher Road, extending from the east property line of the Subject Property to the secondary/western access, as shown on the attached Site Plan.
iii. Resolution of comments by the City of Geneva.
c. Special Service Area: Following a recording of the Final Plat of Subdivision, the City shall initiate the formation of a Special Service Area for the purpose of maintaining and repairing stormwater management facilities and other facilities serving the Subject Property.
d. Inclusionary Housing: The Applicant shall provide a one-time and non-recurring fee in-lieu of Affordable Units in the amount of $\$ 5,000.00$ per required Affordable Unit (determined to be 25 Affordable Units), resulting in a one-time payment of $\$ 125,000.00$, in accordance with the provisions of Title 19 of the St. Charles Municipal Code, as the same may be amended from time to time ("Title 19 "). Payment of the $\$ 125,000.00$ one-time fee forever, fully and finally satisfies the requirements of Title 19 with respect to any required Affordable Units provided that the Applicant does not, following the adoption of this Ordinance, increase the number of housing units proposed to be constructed by Applicant within the Site Plan
e. School Contributions: The Applicant shall provide a one-time and non-recurring cash payment in lieu of land contribution in accordance with the provisions of Title 16 of the St. Charles Municipal Code, as the same may be amended from time to time ("Title 16"). The total one-time cash payment in lieu of land contribution is $\$$ $\qquad$ . Payment of the one-time cash payment forever, fully and finally satisfies the requirements of Title 16 with respect to any required payment or land contribution to the School District provided that the Applicant does not, following the adoption of this Ordinance, increase the number of housing units proposed to be constructed by Applicant within the Site Plan.
f. Park Contributions: The Applicant shall provide a one-time and non-recurring cash payment in lieu of land contribution in accordance with the provisions of Title 16 of the St. Charles Municipal Code, as the same may be amended from time to time ("Title 16"). Payment of the one-time cash payment and the
provision of the private recreation facilities described in subparagraph (g) below, fully and finally satisfies the requirements of Title 16 with respect to any required payment or land contribution to the Park District provided that the Applicant does not, following the adoption of this Ordinance, increase the number of housing units proposed to be constructed by Applicant within the Site Plan.
Subject to a determination from the City Council regarding acceptance of the private recreational amenities described below.
g. A portion of the land contribution requirement shall be provided in the form of private recreation facilities, as follows:
i. Playground/recreational area: 17,500 square feet
ii. Outdoor pool area: 9,000 square feet
iii. Dog park: 6,000 square feet
iv. Clubhouse: 8,000 square feet TOTAL: 40,500 square feet / 0.93 acres

Applicant will pay a total one-time cash payment in lieu of land contribution in the amount of \$ $\qquad$ _.
Subject to a determination from the City Council regarding acceptance of the private recreational amenities described below.
h. Per-Acre Land Value: The fair market land value which shall be used in the calculation of the required School and Park cash contributions shall be per acre. The fair market land value shall be used to calculate the cash payment in lieu of contribution land contribution, as provided is subparagraph (e), (f) and (g) above.
7. That after the adoption and approval hereof, the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 17th day of April, 2017.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 17th day of April, 2017.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 17th day of April, 2017.

Ordinance No. 2017-Z-
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## Attest:

## Nancy Garrison, City Clerk

Vote:
Ayes:
Nays:
Absent:
Abstain:
Date:

## APPROVED AS TO FORM:

City Attorney

DATE:

## EXHIBIT "A"

## LEGAL DESCRIPTION

THAT PART OF THE SOUTHEAST $1 / 4$ OF SECTION 32, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 32, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO FIRSTAR BANK OF GENEVA, SUCCESSOR TRUSTEE TO THE FIRST NATIONAL BANK OF GENEVA, AS TRUSTEE UNDER TRUST NUMBER 2640 AS RECORDED IN DOCUMENT NO. 1884216; THENCE NORTH 00 DEGREES, 13 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 418.83 FEET TO A PLACE OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES, 13 MINUTES 24 SECONDS WEST, ALONG SAID WEST LINE, 281.02 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 36 SECONDS EAST, 30.05 FEET; THENCE NORTH 47 DEGREES 46 MINUTES 45 SECONDS EAST, 51.14 FEET; THENCE NORTH 76 DEGREES 35 MINUTES 36 SECONDS EAST, 456.07 FEET, THENCE NORTH 88 DEGREES 25 MINUTES 56 SECONDS EAST, 846.63 FEET TO THE WEST LINE OF LOT 1 IN RESUBDIVISION \# 2 OF THE RESUBDIVISION OF MEIJER \#182 SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 31, 2002 AS DOCUMENT NUMBER 2002K140590; THENCE SOUTH 01 DEGREES 34 MINUTES 04 SECONDS EAST ALONG SAID WEST LINE AND ALONG WEST LINE OF LOT 2 IN RESUBDIVISION \# 1 OF THE RESUBDIVISION OF MEIJER \#182 SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 18, 2002 AS DOCUMENT NUMBER 2002K115360, A DISTANCE OF 782.90 FEET TO THE NORTHEAST CORNER OF PROPERTY CONVEYED TO THE CITY OF GENEVA BY DEED DOCUMENT RECORDED AS 2000K028065; THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG THE NORTH LINE OF SAID CONVEYED PROPERTY: 1) WESTERLY ALONG A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 3190.04 FEET, HAVING A CHORD BEARING NORTH 89 DEGREES 40 MINUTES 02 SECOND WEST, FOR AN ARC LENGTH OF 255.20 FEET TO A POINT OF TANGENCY; 2) SOUTH 88 DEGREES 02 MINUTES 28 SECONDS WEST, 352.67 FEET TO THE NORTHWEST CORNER OF SAID CONVEYED PROPERTY; THENCE SOUTH 88 DEGREES 25 MINUTES 20 SECOND WEST ALONG LINE 48.85 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF SECTION 32, A DISTANCE OF 349.59 FEET; THENCE NORTH 01 DEGREES 57 MINUTES 32 SECONDS WEST, 234.95 FEET; THENCE NORTH 53 DEGREES 15 MINUTES 53 SECONDS WEST, 208.23 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 36 SECONDS WEST, 246.25 FEET TO THE PLACE OF BEGINNING; IN KANE COUNTY, ILLINOIS.

## EXHIBIT "B"

## FINDINGS OF FACT FOR MAP AMENDMENT

1. The existing uses and zoning of nearby property.

The property to the south of the site (located in Geneva) is strictly residential in nature and is comprised of single family homes and multi-family townhomes. The property to the west of the site houses the courthouses of the Sixteenth Judicial Circuit of Kane County, Illinois and is owned by Kane County and is zoned "F" Farming District. The adjacent property to the east is zoned "BR" Regional Business \& PUD (Meijer PUD) and is commercial and retail in nature, including the Lowes and Meijer stores. The property to the north is zoned "BR" Regional Business \& PUD (Bricher Commons PUD). The proposed RM-3 zoning and use of the site as general residential will serve as good transitional land use between the adjacent commercial and lower density residential areas.
2. The extent to which property values are diminished by the existing zoning restrictions.

The proposed RM-3 zoning classification will generate significant tax revenue for the City of St. Charles and Kane County generally including significant revenue to the school district, the park district, the utility districts, and all other taxing bodies. The Subject Property has remained underdeveloped for an extended period and the use of the land as multi-family residential will greatly increase the value of the Subject Property and increase the amount of tax revenue for the City.

The Applicant's proposed upscale multi-family development further will enhance and significantly increase the property values in the neighboring areas, with the most notable positive impact being upon the adjacent and nearby retail, restaurant, grocery store and commercial uses, all of which will benefit by the increased residential density. The Applicant's proposed development will further increase property values and will increase demand for the remaining property adjacent to the Subject Property to the north owned by BEI.
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 current zoning restrictions with the residential density as limited in the current Planned Unit Development Ordinances (including Ordinance 2006-Z-7) do not produce any perceptible public benefits. The property has remained vacant for a significant amount of time and in its current zoning classification does not promote the health, safety, morals or general welfare of the public. Applicant's proposed PUD increases residential density to more appropriate levels, while providing appropriate residential density in an area that is transitional to commercial and retail uses and is consistent with the long term 2013 Comprehensive Plan for the City of Saint Charles.
4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.

The Subject Property is currently zoned BR-Regional Business District with a PUD overlay that is outdated and covers a portion of land not owned by Applicant. The current zoning restrictions that are currently in place incorporate zoning classifications that no longer exist. The property will require a map amendment to allow multifamily residential and new PUD in order to be developed. The 2006 Planned Unit Development (adopted by Ordinance 2006-Z-7) was specific to a development that was never built. Applicant's proposed PUD increases residential density to more appropriate levels, while providing appropriate residential density in an area that is transitional to commercial and retail uses and is consistent with the long term 2013 Comprehensive Plan of the City of Saint Charles.
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.

The Subject Property has remained vacant for a significant amount of time and remains subject to its original use. The Subject Property is part of the Bricher Commons PUD which was initially approved for commercial use, and later amended in 2006 to include residential in addition to the commercial use already permitted. The development as contemplated by the 2006 amendment never came to fruition and the property has remained underdeveloped, underutilized and underrepresented on the tax rolls of Kane County. The subject property is ripe for multi-family residential development as proposed by Applicant given its close proximity to the Randall Road retail corridor.
6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.

The proposed development will fulfil the City's goal of development of a vacant, underutilized parcel that cannot otherwise be readily redeveloped and which continues to be utilized as agricultural in an area in immediate proximity to the Randall Road retail and commercial corridor. The Subject Property has remained undeveloped for an extended period of time and the proposed use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The 2013 Comprehensive Plan calls for more apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community.

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

The proposed amendment to RM-3 zoning is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan identifies the Subject Property as "Industrial/Business Park", however, it recommends that the City promote multi-family type housing, and it urges the City to consider proposals in areas
other than those specifically designated for high density residential development. The Plan calls for residential development in vacant/underutilized areas and states that there are many suitable and available infill parcels that are situated between established residential districts and commercial districts. The Subject Property is such an area. The Plan recommends higher density residential on these parcels that are near commercial areas. This would provide additional density and serve as good transitional land use to commercial areas.

The City's Residential Areas Framework Plan acknowledges that while the Bricher Commons Parcel is designated as "Industrial/Business Park", the site may also be appropriate for residential use. Further, the Subarea Plan names the Bricher Commons Parcel a "Catalyst Site", designating it as a site that could have a catalytic impact on the surrounding area. This Plan recommends that the northern half of the site should develop with commercial use (due to its immediate access to Route 38) while the interior and southern portion should be used for multifamily or single family attached housing. Developing the Subject Property into luxury rental apartments meets the City's goal of providing much needed rental units and increasing residential density as a transitional land use in an area that is otherwise undeveloped and underutilized, all in accordance with the 2013 Comprehensive Plan.

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

The Subject Property is currently zoned BR-Regional Business District with a PUD overlay that is outdated and incorporates zoning classifications that no longer exist. A map amendment will correct this error and will allow multifamily residential and a new PUD that is consistent with the Comprehensive Plan.
9. The extent to which the proposed amendment creates nonconformities.

None.

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

The proposed zoning classification is consistent with the trend of development in the area of the subject property. The Subject Property is surrounded by single family and townhome residential and commercial uses, all of which support the development of multi-family residential as an ideal transition between the uses and the nearby retail and commercial uses. Further, the Subject Property is an infill parcel and due to limited access to major roadways is not suitable for large commercial applications similar to those adjacent uses.

## EXHIBIT "C"

## CRITERIA FOR PLANNED UNIT DEVELOPMENTS

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

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

The proposed PUD will develop the Subject Property into Prairie Winds of St. Charles, a distinctive and attractive upscale rental community which will become an integral part of the City. It will take a vacant and underdeveloped property and transform it into usable space that will serve as an ideal transition between the neighboring residential neighborhoods and the surrounding commercial uses. Prairie Winds of St. Charles will offer its residents a commercial-grade, high-end fitness center and indoor and outdoor pools, as well as an $8,000-\mathrm{sq}$. ft. clubhouse, outdoor grilling space, and a fireside sitting area, all of which promote physical activity and social interaction between members of the community. Prairie Winds of St. Charles will also offer open space and parks, further encouraging active lifestyles for its residents. The development will allow the City to provide much needed rental housing stock for young professionals, families, single parents, and active seniors. The increased residential density in the propose location will increase foot traffic to surrounding businesses which will boost the local economy, and further, the development will help support the school district which is in need of additional population.
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, orB. 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 areas, pedestrian and transit facilities.
Applicant proposes to develop the Subject Property into Prairie Winds of St. Charles, an upscale rental community. The facility will offer approximately 250 "big house" style apartment units comprised of approximately 50 one-bedroom units, 150 twobedroom units and 50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of Prairie Winds of St. Charles will enjoy such amenities as a commercial-level fitness center, indoor and outdoor pools, gas burning fireplaces, and state-of-the-art kitchens featuring granite countertops and stainless steel appliances. Residents will also have access to an $8,000-$ sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area.

Applicant's propose development will provide community amenities beyond those required by ordinance including the commercial work-out facility for residents housed within an 8,000 square foot clubhouse as well as common areas, open space, walking paths, sidewalks, and other amenities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
Applicant proposes to develop the Subject Property into Prairie Winds of St. Charles, an upscale rental community. The facility will offer approximately 250 "big house" style apartment units comprised of approximately 50 one-bedroom units, 150 twobedroom units and 50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of Prairie Winds of St. Charles will enjoy such amenities as a commercial-level fitness center, indoor and outdoor pools, gas burning fireplaces, and state-of-the-art kitchens featuring granite countertops and stainless steel appliances. Residents will also have access to an $8,000-$ sq. ft. clubhouse, outdoor grilling space, and a fireside sitting area. Applicant proposed site plan includes a storm water detention facility that incorporates two small lakes that provide aesthetic beauty to the site while preserving all existing wetlands and environmentally sensitive areas, if any, located on the Subject Property.

## 3. The PUD will provide superior landscaping, buffering or screening.

Applicant incorporates herein by reference its proposed Landscape Plan which plan exceeds the landscape requirements as imposed within the building code and zoning ordinances of the City of Saint Charles. Additionally, Applicant states that the Subject Property is bordered by the jail, and high intensity retail and commercial uses along the Randall Road retail corridor. Additionally, the nearby residential property to the South is sufficiently insulated by Bricher Road and Applicant's proposed residential units are primarily set-back from Bricher Road and placed further to the North on the site plan.

## 4. The buildings within the PUD offer high quality architectural design.

Applicant incorporates herein by reference its proposed building elevations. Applicant's multi-family units are unique and novel and do not exist in their current configuration anywhere within the municipal limits of the City of Saint Charles. Applicant is utilizing an award-winning architect and proven design that is aesthetically pleasing and innovative. The building configurations allow for multiple access points both through the garage and through the common entryways, which is a novel configuration providing significant utility for Chicago winters and serves as peace of mind with respect to safety.

## 5. The PUD provides for energy efficient building and site design.

Applicant incorporates herein by reference its proposed building elevations. Applicant's proposed buildings will meet and exceed the energy efficiency requirements as set forth within the Building Code of the City of Saint Charles.

## 6. The PUD provides for the use of innovative stormwater management techniques.

Applicant incorporates herein by reference its proposed Stormwater Management Plan. Applicant's proposed detention and stormwater plan will meet and exceed the requirements as set forth within the Building Code of the City of Saint Charles and the Kane County Stormwater Ordinance as applicable.
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.
Applicant incorporates herein by reference its proposed building elevations and states that all of its proposed structures will fully comply with the Americans with Disabilities Act, including parking requirements.

## 8. The PUD provides affordable dwelling units in conformance with, or in excess of,

 City policies and ordinances.Applicant incorporates herein by reference its Site Plan. Applicant will comply with all ordinances applicable to affordable dwelling units as required by the City of Saint

Charles.

## 9. The PUD preserves historic buildings, sites or neighborhoods.

Not Applicable.

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

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

Applicant proposes to develop the Subject Property into Prairie Winds of St. Charles, an upscale rental community. The facility will offer approximately 250 "big house" style apartment units comprised of approximately 50 one-bedroom units, 150 two-bedroom units and 50 three-bedroom units. All units will have an attached garage with a private, indoor stairway leading from the garage to the unit. Residents of Prairie Winds of St. Charles will enjoy such amenities as a commercial-level fitness center, indoor and outdoor pools, and state-of-the-art kitchens featuring granite countertops and stainless steel appliances. Residential will also have access to an $8,000 \mathrm{sq}$. ft. clubhouse, outdoor grilling space, and a fireside sitting area.

Applicant intents to develop the Subject Property into sophisticated rental units to allow the residents of St. Charles the opportunity to enjoy an exceptional living experience in an upscale community environment. Applicant intends to provide St. Charles with luxury apartments which will allow residents to live in a high-end community without the long-term commitment of a mortgage and with access to premium amenities. Applicant will be meeting the growing need for rental housing for young professionals of St. Charles, as well as families, single parents, and active seniors who want the flexibility and freedom of living without maintenance and mortgage obligations. Prairie Winds of St. Charles will attract a discerning population of individuals looking for upscale living in St. Charles.

The proposed development will fulfil the City's goal of development of a vacant, underutilized parcel that cannot otherwise be readily redeveloped. The Subject Property has remained undeveloped for an extended period of time and the use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan recommends that the City investigate new methods to improve the conditions of all residential neighborhoods, including incentives for developing vacant properties. It calls for more apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community. No multi-family residential has been developed in St. Charles since 1999.

The proposed location for the Special Use will encourage foot traffic to surrounding retail stores and will boost the population for School District 303 which has seen a declining number of students in recent years. The use of the Subject Property as multi-family residential at the proposed site will not require the addition of any schools and will not burden the current school district.
Conversely, it will actually help support the school district which is currently in need of additional population to continue to serve the community in a manner of excellence.
B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

Adequate utilities, access roads, drainage and/or necessary facilities have been or will be provided for the site. The Subject Property has 2 proposed access points from Bricher Road which will provide a safe and efficient means of ingress and egress to the development. Applicant incorporates the findings in the traffic study performed by V3 Engineering.

The Subject Property is served by the City's Westside Treatment Facility and sewer connections will be provided from the site northward to an existing sanitary sewer along Route 38. The water main will connect to the site from the east, will loop through the site and will be connected through future connection locations provided along the north and west property lines.
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 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 other property in the immediate area is commercial in nature and will benefit from the additional population brought to the area by the proposed development. The other adjacent properties located in Geneva area also residential in nature and will not be negatively affected by the Applicant's proposed use. Further, the property values in the neighborhood will not be negatively affected by the intended use.
D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The use as multi-family residential is consistent with the long term
goals of the City of St. Charles which includes the development of higher density residential on parcels that are near commercial areas. The establishment of the Special Use will provide additional density and serve as good transitional land use to commercial areas and will not inhibit the development of surrounding property.
E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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 Special Use will allow Applicant to develop the Subject Property into sophisticated rental units to allow the residents of St. Charles the opportunity to enjoy an exceptional living experience in an upscale community environment. The proposed development will fulfil the City's goal of development of vacant, underutilized parcel that cannot otherwise be readily redeveloped. The Subject Property has remained undeveloped for an extended period of time and the use as upscale multi-family rental units will be beneficial to the general welfare of the community.
F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

The proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of Title 17, 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.

The proposed PUD will be highly beneficial to the physical development, diversity, tax base and economic well-being of the City. Applicant's development of Subject Property into sophisticated rental units will attract a young professional population to the City by offering an exceptional living experience in an upscale community environment. It will further attract families, single parents, and active seniors who want the flexibility and freedom of living without maintenance and mortgage obligations. Prairie Winds of St. Charles will bring to the City a diverse, discerning population of individuals looking for upscale apartment living in St. Charles. The proposed RM-3 zoning classification will generate significant tax revenue for the City of St. Charles and Kane County generally including significant revenue to the school district, the park district, the utility districts, and all other taxing bodies. The subject property has remained underdeveloped for an extended period and the use of the land as multi-family development will greatly increase the value of the Subject Property and increase the amount of tax revenue for the City. In
addition, the Applicant's proposed upscale multi-family development will enhance and significantly increase the property values in the neighboring areas, with the most notable positive impact being upon the adjacent and nearby retail, restaurant, grocery store and commercial uses, all of whom will benefit by the increased residential density. The Applicant's proposed development will further increase property values and will increase demand for the remaining property adjacent to the Subject Property to the north and owned by BEI.

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

The Subject Property has remained undeveloped for an extended period of time and the use as multi-family residential is consistent with the long-term goals of the City in accordance with the 2013 Comprehensive Plan. The Land Use Plan recommends that the City investigate new methods to improve the conditions of all residential neighborhoods, including incentives for developing vacant properties. It calls for more apartments to be built and explains that apartments are an important part of a healthy housing stock. It further states that multifamily housing contributes to residential density which improves the viability of shopping areas in the community.

The City of Saint Charles, Illinois is without a newly constructed multi-family residential development since 1999.

The Land Use Plan identifies the Subject Property as "Industrial/Business Park", however, it recommends that the City promote multi-family type housing, and it urges the City to consider proposals in areas other than those specifically designated for high density residential development. The Plan calls for residential development in vacant/underutilized areas and states that there are many suitable and available infill parcels that are situated between established residential districts and commercial districts. The Subject Property is such an area. The Plan recommends higher density residential on these parcels that are near commercial areas. This would provide additional density and serve as good transitional land use to commercial areas.

The City's Residential Areas Framework Plan acknowledges that while the Bricher Commons Parcel is designated as "Industrial/Business Park", the site may also be appropriate for residential use. Further, the Subarea Plan names the Bricher Commons Parcel a "Catalyst Site", designating it as a site that could have a catalytic impact on the surrounding area. This Plan recommends that the northern half of the site should develop with commercial use (due to its immediate access to Route 38) while the interior and southern portion should be used for multifamily or single family attached housing. Developing the Subject Property into luxury rental apartments meets the City's goal of providing much needed rental units and increasing residential density as a transitional land use in an area that is otherwise undeveloped and underutilized, all in accordance with the 2013 Comprehensive Plan.

## EXHIBIT "D"

 PUD PRELIMINARY PLAN(18 pages)


HPA. TBD

ST. CHARLES, IL
PRAIRIE WINDS SITE PLAN

## PRAIRIE WINDS

ST. CHARLES, ILLINOIS

PROJECT TEAM
OWNER/DEVELOPER
Executive Capital Corporation
47W210 US Highway 30
Big Rock Executive Cent1
Big Rock, Illinois 60511
Big Rock, Illinois 601
6305563731
Contact: Jeff Ratzer
ENGINEER
V3 Companies of Illinois, Ltd.
Woodridge, Illinois 60517 6307249200
Project Manager: Bryan C. Rieger, P.E.

ARCHITECT
Humphreys \& Partners Architects, L.P 233 South Wacker Drive, Suite 8400

Chicago, Illinois 60
3126724260
Contact: Kurt Volkman

## INDEX OF DRAWINGS

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PRELIMINARY LAYOUT PLAN
PRELIMINARY GRADING PLAN
PRELIMINARY OFFSITE UTILITY PLAN


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## SURVEYOR'S CERTIFICATE

STATE OF LIINOIS ’





| Engineers <br> Scientists <br> Surveyors | 7325 Janes Avenue, Suite 100 Woodridge, IL 60517 630.724 .9200 voice 630.724 .0384 fax 3 3 co.com | EXECUTIVE CAPITAL CORPORATION 4 TWW210 US HIGHWAY 30 BIG ROCK EEECCUTVE CENTER BIG ROCK, 1 b0511 |
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EXHIBIT "E"
CONDITIONS, CORRECTIONS AND MODIFICATIONS

# Fire Department 

## Memo

Date:
April 13, 2017
To: Ellen Johnson
From: Lt. John Kessler, Fire Department
Project: Prairie Winds
Application: 2016PR017

Re: Preliminary Engineering

The submitted preliminary engineering drawings appear to meet site access and circulation requirements. The Fire Department offers the following comments:

1. The roadway width is such that parking will not be permitted on both sides of the roadways.
2. The turning radii appear to be adequate for Fire Department access.
3. Building construction types and total square footage per building will be required to calculate estimated fire flow requirements. This may affect water main sizes as well. While hydrant spacing appears adequate, it is dependent on this information to verify locations as well. Please provide this information

# Public Works Department 

Phone: (630) 443-3677
Fax: (630) 377-4062

## Memo

Date: April 14, 2017
To: Ellen Johnson Chris Bong

From: Karen Young, P.E., CFM
RE: Prairie Winds

The Public Works Department has reviewed the following documents for the subject project:

- Revised Preliminary Engineering Plans prepared by V3 Companies dated March 31, 2017

The following comments require resolution prior to our recommendation for preliminary engineering approval:

## Electric:

1. Proposed routing for the electric mainline primary and secondary, including structures, will be front lot distribution. The Electric infrastructure will be underground, looped type construction to minimize any outages and better allow for the maintenance and reliability of facilities. Any additional facilities that must be installed in order to meet this standard will be at the cost of the Developer and not the City. Any existing facilities that need to be modified in order to meet this standard will be at the cost of the Developer and not the City.
2. A preliminary plan for the layout for the electric would include the existing switchgears that are located behind the Lowe's store at 955 S. Randall Rd. and behind the Meijer store at 855 S Randall Rd. Tentatively the transformer loop(s) would extend from the switchgear location 6152S01 to the switchgear location 6154S01.
3. The final determination for the electric layout would consider the electric needs for each of the residential buildings and the clubhouse. Several factors such as: the voltage requirements and the multi-phase requirements (1-phase vs. 3-phase) would need to be selected ahead of time to determine the final electric layout.
4. St. Charles is a "zero standard" utility so the customer is responsible for all the costs associated with the construction and installation needed to connect to the city's electric utility.
5. The City requires a 10 foot easement on the front lots facing the road (street side) and an additional 5 foot easement on the side and rear lots.
6. Standard easement provisions require that easement areas be clear for the purpose of maintaining the utilities within them. Hence, buildings, structures, extensive landscaping or ponds would not be permitted within the easement areas. Pavement is acceptable within the easement area.
7. Streetlight design for public streets requires the use of the existing City standard light poles and fixtures. These can be submitted to the Developer upon request. The Developer is responsible for the preliminary design of the street-lighting system.
** Please note for building plans - if private street-lighting is to be used, then streetlight conduit and cable are not allowed within the primary or secondary trench. Further, private streetlight routing should maintain a five (5) foot clearance from the primary mainline cable route or secondary service mains to avoid future locating confusion. Private street-lighting also requires a separate meter and disconnect in a location designated by the utility.
8. Individual house/tenant electric services will be installed separately as Permits are received by the St. Charles Electric Department. Each service, installed by the City, will have a standard fee that includes: any conduit \& cable and the house meter. Tentatively, this project is proposed as multi-tenant residential buildings and a clubhouse.
9. St. Charles requires an external disconnect at the main breaker to allow the Fire Department to shut-off the power to each unit and to each building in emergency situations.
10. Landscaping plans should be developed to minimize interference with the operation of the electric equipment. A drawing showing required standard clearances is available.
11. If Temporary Power is required for the site during the construction phase, please submit an Electric Service Application to allow the City to determine costs and method of service.
12. Transformers, or equipment, located where there is a possibility of vehicular damage will require concrete vehicle barriers strategically located to protect the equipment. The Developer is responsible for installing these barriers as per the City's specifications.
13. The design of the electric mainline cable route has some flexibility; however, we require a separation of at least five feet ( $5^{\prime}$ ) from sewer, water and gas, except at utility crossings.
14. The Developer is allowed to provide joint trenching of the electric with the phone \& cable systems. At the appropriate time, SBC, AT\&T and Comcast (WOW) should be included to design their distribution systems. We will allow them within five feet of the electric; however, the easement language needs to be written to include them. The service plan for phone and CATV should be done at the same time as the electric to take advantage of any joint trench opportunities.
15. St. Charles will design the general location for each of the Distribution facilities: primary conduit, transformer pads, switchgear pads, pedestals.
16. The Developer installs the following: primary conduit, set splice boxes per city's specifications, transformer pad substructure, switchgear pad substructure, all secondary conduit mains from transformer to pedestals or building mains on multi-tenant buildings, install secondary cable mains to multi-tenant buildings, and approved meter fittings with an external disconnect.
17. Please submit drawings of multi-position meter main for approval. All 3-phase services require a separate CT cabinet and metering cabinet with main. CT dimensions for the city of St. Charles differ from standard (ComEd), please submit drawings for approval.
18. The city of St. Charles will install: primary cables, make primary terminations, set transformers, set any pedestals, make secondary terminations and install meters.
19. The Subdivision must be within 6 inches of Final Grade before the city of St. Charles will install any of their electric facilities in order to maintain the proper depth and locations of the electric utilities.
20. Transformers require a $10^{\prime}$ level clearance from the front for operations and $5^{\prime}$ clearance on the remaining sides. All transformers and any service pedestals will open to the street side.
21. Switchgears require a $10^{\prime}$ level clearance from the front $\&$ back for operations and $5^{\prime}$ clearance on the remaining sides for personnel.
22. Our tentative plan is to place a transformer between every two buildings provided their voltage and phasing requirements are the same. The most efficient way to service the multi- unit buildings would be to have all the meters on the end wall, and the services for the non-contiguous units would need to go under the slab and pop up in the individual units. The Developer probably needs to start to think about how that will look, and how the pipe work will get done. The service pipes obviously would need to be part of the building plans. The City does not allow the service cables \& conduit from one unit to pass through another unit.
23. The City has recently adopted the 2014 National Electric Code which has specific changes to the grounding requirements and the inclusion of an Intersystem Bond. The standard St. Charles Residential installation requirements and procedures are applicable. A copy of these standards is available in the Electric Utility Office for the customer.
24. All inspections up to and including the main disconnect are done through the City's Electric Department. Please contact Gary Sittler at 630-377-4474 at the appropriate time for each inspection.

## Engineering:

1. No comments.

## Sanitary:

1. Please show all roof drain and sump connections to storm sewer at final design.

## Water

1. Additional comments relating to hydrant, valve, and service line placement will be addressed during final engineering.

## Public Services

1. No comments.

## EXHIBIT "F" PUD DEVIATIONS

Ch. 17.04 - Administration
17.04.430.C

Authorized Administrative Changes

1) Adjustment of building locations up to 16 ft . from the locations depicted on the PUD Preliminary Plan with accompanying modifications to the locations of driveaisles and other related site improvements shall be considered an Administrative Change, subject to conformance with all applicable zoning requirements and utility separation standards. The locations of all buildings, drive aisles, and other site improvements shall be finalized upon approval of Final Engineering plans.
2) Increase in building height up to a total height of 42 ft . shall be considered an Administrative Change. The height of all buildings shall be finalized upon approval of Final Architectural plans.

## Ch. 17.22 - General Provisions

| 17.22.010.A.1 <br> Number of Buildings on a <br> Lot | More than one principal building shall be permitted per lot as <br> depicted on the Preliminary Plat of Subdivision. |
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| Chapter 17.24 - Off-Street Parking, Loading \& Access |  |
| 17.24.070.A.2.a <br> Parking facilities within yard <br> setbacks | Parking facilities may be located within the front, side, and <br> rear yards as depicted on the PUD Preliminary Plan. |
| 17.24.070.B <br> Parking space width for <br> multi-family dwellings | Parking spaces shall have a minimum width of 9 ft. |
| Chapter 17.26 - Landscaping and Screening |  |
| 17.26.080.B.3 <br> Building Foundation <br> Planting Bed Distance | Building foundation planting beds may be located more than <br> 16 ft. from the nearest building wall for the clubhouse <br> building. Foundation landscaping for the clubhouse shall be <br> provided as shown on the PUD Preliminary Plan. |
| 17.26.080.C.4 <br> Building Foundation <br> Planting Bed Width | Building foundation planting beds may be less than 8 ft. in <br> width. Foundation landscaping for the residential buildings <br> and the clubhouse shall be provided as shown on the PUD <br> Preliminary Plan. |
| 17.26.110.C <br> Retaining Wall Terracing | Retaining walls over four (4) feet in height shall not be <br> required to be terraced or stepped back to create a planting <br> area. |

