



## MEMO

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### Community & Economic Development Department

**To:** Plan Commission

**From:** Russell Colby, Assistant Director of Community & Economic Development

**Date:** April 30, 2021

**Re:** **First Street Redevelopment PUD – First Floor Uses (William F. Bochte)  
Application for Special Use (PUD Amendment)  
Request for Continuation to May 18, 2021**

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At the March 30, 2021 Plan Commission meeting, the Public Hearing for this application was opened and continued, without discussion, to the May 4, 2021 meeting. The applicant, William Bochte, requested the continuation in order to meet the St. Charles Business Alliance.

In an email dated April 28, 2021, Mr. Bochte has requested that the public hearing be continued to the May 18, 2021 meeting, to provide additional time for St. Charles Business Alliance Executive Board to further communicate with their members.

The applicant has submitted modifications to the application. The Staff Memo for the project will be reissued for the May 18, 2021 meeting.

#### **SUGGESTED ACTION:**

**Staff recommends the Plan Commission continue the Public Hearing for this item to May 18, 2021 meeting.**

#### **Attachments:**

- Continuation request email from William Bochte, 4/28/21
- Continuation request email from William Bochte, 3/30/21
- Letter from St. Charles Business Alliance, 3/30/21
- Application for Special Use, 3/3/2021, updated 4/30/21
- First Street PUD ordinances

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**From:** William Bochte <wbochte@bknlaw.com>  
**Sent:** Wednesday, April 28, 2021 9:01 AM  
**To:** Colby, Russell  
**Cc:** Keith Kotche; Bob Rasmussen; jklein@jkeinlaw.com; jsawicki@stcalliance.org; lpurdy@stcalliance.org  
**Subject:** First Street Application PUD Amendment

Russ

Regarding the requested a PUD Amendment on behalf of First Street Development LLC and First Street Development II LLC (collectively "First Street") as the same relates to certain ground floor uses in the Downtown First Street Redevelopment District. A public hearing on the application is set for May 4, 2021 at 7:00 pm. We were prepared and ready to proceed, however, we have met with St. Charles Business Alliance ("Alliance") and are requesting that the meeting remain open and be continued to May 18, 2021 at 7:00 pm in an effort to give the Alliance additional time for their Executive Board to meet and further communicate with their members. I will be available the evening of May 4 to present the request for continuance and to answer any questions that the Commission may have. Please call me if you have any questions or comments.

Thanks

Bill B

William F. Bochte  
BOCHTE, KUZNIAR & NAVIGATO, P.C.  
2580 Foxfield Road, Suite 200  
St. Charles, IL 60174  
Office: 630-377-7770  
Facsimile: 630-377-3479  
E-mail: [wbochte@bknlaw.com](mailto:wbochte@bknlaw.com)  
Firm Website: [www.bknlaw.com](http://www.bknlaw.com)

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**From:** William Bochte <wbochte@bknlaw.com>  
**Sent:** Tuesday, March 30, 2021 2:32 PM  
**To:** Colby, Russell  
**Cc:** jsawicki@stcalliance.org  
**Subject:** PUD Amendment// PUD Ordinances 2006-Z-29 and 2016-Z 18

Dear Russ,

As you know I have requested a PUD Amendment on behalf of First Street Development LLC and First Street Development II LLC (collectively "First Street") as the same relates to certain ground floor uses in the Downtown First Street Redevelopment District. A public hearing on the application is set for this evening March 30, 2021 at 7:00 pm. We were prepared and ready to proceed, however, we are now in receipt of a copy of correspondence received by the City from the St. Charles Business Alliance ("Alliance"). It was apparently sent this very morning. Had my client been aware of any formal concerns or objections we would have made an effort to reach out to the Alliance for a meeting prior to proceeding. In spite of the untimely request from the Alliance seeking more time, First Street is agreeing and requests that the meeting be opened and then continued to a future date, May 4 2021 if possible. I will be available this evening to answer any questions that the Commission may have.

Thanks

Bill Bochte  
William F. Bochte  
BOCHTE, KUZNIAR & NAVIGATO, P.C.  
2580 Foxfield Road, Suite 200  
St. Charles, IL 60174  
Office: 630-377-7770  
Facsimile: 630-377-3479  
E-mail: [wbochte@bknlaw.com](mailto:wbochte@bknlaw.com)  
Firm Website: [www.bknlaw.com](http://www.bknlaw.com)

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Dear Chairman Todd Wallace,

On behalf of the St Charles Business Alliance, I want to reach out with some concerns about the proposed changes being considered to the PUD approval ordinance.

The Alliance, who was formally the Downtown St Charles Partnership, was heavily involved in the creation of the original Overlay document. The intent of the original document was to insure that we keep checks and balances on the amount of retail, restaurants, and office businesses on our first floor buildings. Our Downtown is the heartbeat of the City, retail sales are an important economic indicator because consumer spending drives much of our economy. If we do not have a thriving downtown, it will affect everything from our residents, tourism, future businesses that come to St. Charles and even our current businesses.

We understand that the original document was created 15 years ago, and should be reviewed for possible updates and changes. We are proposing that we complete an in-depth review, and take the time to make sure the changes to the ordinance are the best option for the future of our Downtown. This would include bringing in more key stakeholders, as well, into the process.

As we are just coming out of a pandemic, all past findings or research isn't viable anymore. Everything has changed, from people's work habits, to eating patterns. The changes being proposed to the ordinance, is removing the 25% cap of office (banks, insurance offices, investment offices etc.) use, to allowing 100% capacity on the amount of these types of businesses. This may be detrimental to our downtown, as these types of businesses do not drive people to come shop, dine, or engage in the community, particularly during evening hours and on weekends. To have no cap on how many offices can be placed on the first floor of our downtown businesses could make for a totally desolate downtown.

As, the City's DMO (Destination Marketing Organization), our mission is to promote, protect and improve our businesses and community and keep our stakeholders informed and inspired. The original vision that was "sold" to the current existing businesses and to the community on and around 1<sup>st</sup> street, was that of mixed- use of retail and restaurant to create a vibrant atmosphere, that would enhance foot traffic and business. We continuously get feedback from the current businesses about how their

neighboring businesses have a major influence. For instance, if Brunch Café has a long wait, people tend to spend their waiting time shopping at Jeans and a Cute Top shop. Or someone attending a Pilate's class at St Charles Pilates, then walks next-door to pick up a dessert at Kilwins. There is a current synergy that needs to keep building and not be cut short.

The St Charles Initiative, which includes the 1st Street Plaza Expansion project, has many goals of making First Street a place where the community gathers and engages. However, if there are only banks, offices, and brokers, this will not bring people into the downtown area to enjoy this \$4 million dollar project.

We continuously hear from City leadership that St Charles is on the cusp, and that we are truly becoming a destination. If we make these changes too hastily, and without more research, we could be could halt the progress being made.

Everyone has heard that about our housing market in the Fox Valley and how many new families are moving in rapidly. We are about to have a whole new demographic, and we need time to find out their needs, their patterns, and to find what amenities or businesses they are missing or in need of.

Again, more time is needed, and stakeholder opinions are needed. We recommend we table these changes until more research and time is given, so that we can set St Charles up for a successful future.



**Jenna Sawicki**  
Executive Director  
St. Charles Business Alliance

Direct: (630) 443-3964  
Main: (630) 443-3967  
[Jsawicki@stcalliance.org](mailto:Jsawicki@stcalliance.org)

**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)

<b>For City Use</b>	
Project Name:	First Street Redevelopment- First Floor Uses
Project Number:	2021 -PR- 007
Cityview Project Number:	PLS4202100011



*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.*

<b>1. Property Information:</b>	Location:	First Street Downtown Development District		
	Parcel Number (s):	See Schedule I attached		
	Proposed Name:	First Street Downtown Redevelopment		
<b>2. Applicant Information:</b>	Name	William F. Bochte	Phone	(630) 377-7770
	Address	2580 Foxfield Road, Suite 200 St. Charles, IL 60174	Fax	(630) 377-3479
			Email	wbochte@bknlaw.com
<b>3. Record Owner Information:</b>	Name	First Street Development; First Street Development LLC; First Street Development II, LLC	Phone	(630) 587-5595
	Address	423 S. 2nd Street St. Charles, IL 60174	Fax	None
			Email	dave@pcwinvest.com

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** First Street Redevelopment
- New PUD
- Amendment to existing PUD- Ordinance #: 2016-Z-18 & 2006-Z-20
- PUD Preliminary Plan filed concurrently
- Other Special Use (from list in the Zoning Ordinance):** \_\_\_\_\_
- Newly established Special Use
- Amendment to an existing Special Use Ordinance #: \_\_\_\_\_

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Mixed Use

Is the property a designated Landmark or in a Historic District? Yes, Historic District

What is the property's current zoning? CBD-1 Downtown Overlay

What is the property currently used for? Residential, Financial, Bank, Retail, Restaurant, Business, Office

If the proposed Special Use is approved, what improvements or construction are planned?  
All building completed with exception of residential condominium interior build-outs and interior build-out  
for commercial tenants

**For Special Use Amendments only:**

Why is the proposed change necessary?  
To allow for the leasing of commercial ground floor space in a difficult market and provide for efficient  
administration of ground floor uses in First Street Downtown Development District

What are the proposed amendments? (Attach proposed language if necessary)  
See Schedule II attached

**Note for existing buildings:**

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

**Attachment Checklist:**

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

**☑ APPLICATION FEE:**

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

**☑ REIMBURSEMENT OF FEES AGREEMENT:**

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

**☑ REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

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

**☑ PROOF OF OWNERSHIP and DISCLOSURE:**

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

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

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

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

**☑ PLAT OF SURVEY:**

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

**☑ FINDINGS OF FACT:**

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

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

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

**SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

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.*

**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

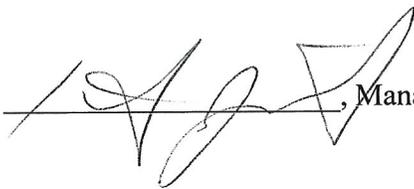


**OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)**

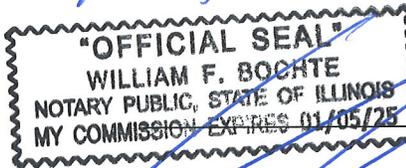
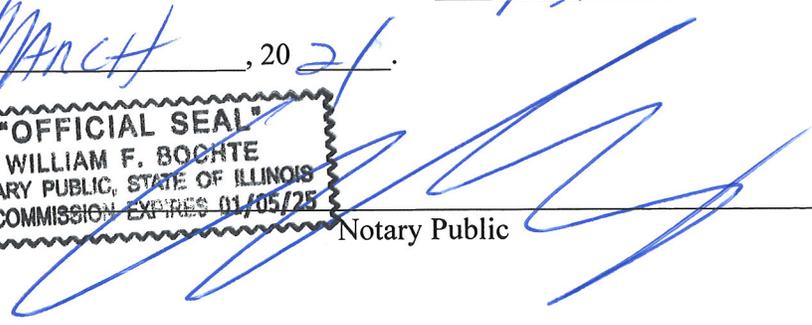
STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

I, Keith Kotche, being first duly sworn on oath depose and say that I am  
Manager of First Street Development 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.:

- Keith Kotche \_\_\_\_\_
- Charles Wolande \_\_\_\_\_
- Phil Corcoran \_\_\_\_\_
- Phil Wilmington \_\_\_\_\_
- Ed Levato \_\_\_\_\_
- Bob Rasmussen \_\_\_\_\_
- \_\_\_\_\_

By: , Manager

Subscribed and Sworn before me this 15<sup>th</sup> day of  
MARCH, 2021.

   
Notary Public



Two East Main Street  
St. Charles, IL 60174  
630.377.4400

Raymond P. Rogina *Mayor*  
Mark Koenen, P.E. *City Administrator*

March 12, 2021

The City of St. Charles is record owner of the properties commonly known as First Street Redevelopment, Lot 6 and 8:

Lot #6- 110 Indiana Street

- Vacant parcel at the southwest corner of S. First Street and Illinois Street; PIN 09-34-128-011
- Vacant parcel at the northwest corner of S. First Street and Indiana Street; PIN 09-34-132-019

Lot #8- 122 S. Second Street

- Vacant parcel at the northeast corner of S. Second Street and Illinois Street; PIN 09-34-126-021

I hereby authorize inclusion of these parcels in the Special Use for PUD Amendment application filed on March 3, 2021 by William Bochte on behalf of First Street Development, LLC and First Street Development II, LLC.

These parcels are being included to enable the City Council to consider whether to adjust the first floor use requirements applicable to these parcels in the same manner being proposed for the already developed buildings within the remainder of the First Street project.

Alternately, if no substantive changes are made to the regulations with respect to these City-owned parcels, the percentage restrictions on specific first floor uses will need to be changed to a per-building basis calculation for Lot 6 and Lot 8, as opposed to cumulatively across the First Street project buildings, to reflect the differing ownership of the properties.

Sincerely,

Mark Koenen, City Administrator

**SCHEDULE I**  
**BUILDINGS, ADDRESSES, PARCEL NUMBERS**

Building #1- 190 S. First Street, first floor address numbers 30-132 S. First St.;  
PIN 09-34-127-022

Building #2- 50 S. First Street, first floor address numbers 12-92 S. First St.;  
PIN 09-34-127-080

Building #3- 10 Illinois Street, first floor address numbers Suite 110 and Suite 120;  
PIN 09-34-127-083; 09-34-127-084

Building #4- 100 Illinois Street, first floor address numbers 21-181 S. First Street;  
PIN 09-34-126-030; 09-34-126-027; 09-34-126-032

Building/Lot #6- 110 Indiana Street

Vacant lot at the southwest corner of S. First Street and Illinois Street; PIN 09-34-128-011

Vacant lot at the northwest corner of S. First Street and Indiana Street; PIN 09-34-132-019

Building/Lot #8- 122 S. Second Street

Vacant lot at the northeast corner of S. Second Street and Illinois Street; PIN 09-34-126-021

**Location Map- First Street Project- Subject Property for PUD Amendment:**

- Building #1- 190 S. First St, first floor address numbers 30-132 S. First St.; PIN 09-34-127-022
- Building #2- 50 S. First St., first floor address numbers 12-92 S. First St.; PIN 09-34-127-080
- Building #3- 10 Illinois St., first floor address numbers Suite 110 and Suite 120; PIN 09-34-127-083; 09-34-127-084
- Building #4- 100 Illinois St., first floor address numbers 21-181 S. First St.; PIN 09-34-126-030; 09-34-126-027; 09-34-126-032
- Building/Lot #6- 110 Indiana St.; PIN 09-34-128-011; 09-34-132-019
- Building/Lot #8- 122 S. Second St.; PIN 09-34-126-021



## SCHEDULE II

Proposed Amendment Language

## Proposed Amendment Language

### To amend City of Saint Charles Ordinance Number 2006- Z- 29 as amended by Ordinance Numbers 2013-Z -17 and 2016-Z-18 as follows:

Section Six. Subsection A of Ordinance No. 2006-Z-29 "An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval. Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the First Street Redevelopment" as amended by Ordinance Numbers 2013-Z -17and 2016-Z-18 are hereby deleted in their entirety and replaced by the following.

(A) Uses on the first floor of enclosed buildings within the First Street Redevelopment PUD shall be per the underlying zoning district regulations of the City's Zoning Ordinance, Title 17 of the St. Charles Municipal Code, as amended.

(B) Uses existing, as of the effective date of this amendment, on the first floor of any enclosed building in the Subject Property previously approved by the City of St. Charles are and shall continue as permitted uses in the Subject Property include but not by way of limitation.

(a) Building 3: Bank and Financial Institution. Office- Business or Professional, meeting the following criteria:

(i) The business will be open to the public during normal business hours and may require that customers make an appointment for service.

(ii) The primary function of the business establishment will be to provide direct services to customers that are physically present.

(iii) The interior space of the business will be configured such that  
a) the street-level storefront entrance will serve as the public entrance and  
b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.

(iv) Street and riverwalk-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view or the interior office visible to pedestrians on the street or Riverwalk. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.

(b) Building 1: Indoor Recreation and Amusement:

(i) Pilates Fitness Studio.

(c) Building 4: Indoor Recreation and Amusement, Personal Services

(i) Gym and fitness Center

(ii) Salon and Spa

# CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDS)



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

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

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

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

First Street Downtown Redevelopment  
*PUD Name*

March 1, 2021  
*Date*

## **From the St. Charles Zoning Ordinance, Section 17.04.410.3:**

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

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

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

It remains the applicant's desire to create uses oriented to pedestrians that promote physical activity, convenience, dining, banking, shopping, and social interaction for all to enjoy in the First Street Downtown Redevelopment District. Currently, the following uses, Bank and Financial Institutions, Office – Business or Professional, and Medical/ Dental Clinics are restricted to Building 7A, the Blue Goose, Building 7B, and Building 3 (Sterling Building). In addition, the following permitted uses, Cultural Facility Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, and Bank Financial Institution are limited in that said uses cannot occupy more than 25% of the gross leasable floor area on the first floor of the buildings located in the First Street Downtown Redevelopment District.

The manner in which the 25% reduction is calculated is cumbersome and difficult to administer at both the City and landlord levels. Allowing for Bank and Financial Institutions, Office – Business or Professional, and Medical/Dental Clinic uses and eliminating the cumbersome 25% restriction on Bank and Financial Institutions, Office – Business or Professional, and Medical/Dental Clinics will allow for a more efficient leasing in a timely manner. This will allow for the further normal and orderly leasing of space and better serve the needs and desires of our 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.

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NOT APPLICABLE

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

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

The Special Use will enhance the overall business environment of the First Street project and therefore benefit the public.

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

All infrastructure including utilities, access points, and drainage are in place.

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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 adjoining property, but rather increase property values by allowing the property to be occupied.

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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 Special Use will allow for the orderly development of the property with the completion of building 2, thereby completing this phase of the First Street project.

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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 Special Use will not endanger the public health, safety, or general welfare, but rather benefit the public by allowing the vacant structure to be occupied.

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

The Special Use if granted will conform to all state and local requirements.

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

Eliminating restrictions as requested above will be beneficial to the physical development and diversity of the First Street Downtown Redevelopment District. We certainly do not need any more vacant stores. The uses being requested and the elimination of the burdensome 25% restriction will allow applicant to enter into leases that lend to a more cosmopolitan place where folks will more readily gather and support businesses that they would otherwise seek out elsewhere or online. More pedestrians drawn to the area could arguably increase tax revenue in that the people visiting uses such as requested will also visit other existing establishments. One could argue that 25% limitation and other use restrictions, although well intentioned, are having the opposite effect of what was originally intended.

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

The proposed Amendment conforms to the overall purpose and intent of business diversity within the entire downtown area of St. Charles.

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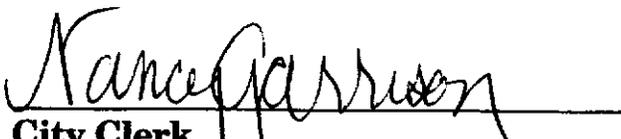
**City of St. Charles, Illinois**

**Ordinance No. 2006-Z-29**

**Ordinance Granting Certain Special Use Permits,  
Granting Certain Exceptions and Deviations from the  
Requirement of the Zoning Ordinance and the  
Subdivisions Regulations Granting Preliminary  
Planned Unit Development Plan Approval, Granting  
Conditional Approval of the Final Plat of Subdivision  
for Phase 1 and Related Matters for the "First Street  
Redevelopment"**

**Adopted by the  
City Council  
of the  
City of St. Charles  
December 4, 2006**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, December 8, 2006**

  
**City Clerk**



DATE OF PUBLICATION 12/8/06  
NEWSPAPER Pamphlet

REFER TO:  
SITELINES 12/4/06  
PAGE \_\_\_\_\_

ORDINANCE NO. 2006-Z-29

AN ORDINANCE GRANTING CERTAIN SPECIAL USE PERMITS, GRANTING CERTAIN EXCEPTIONS AND DEVIATIONS FROM THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE SUBDIVISIONS REGULATIONS, GRANTING PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL, GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF SUBDIVISION FOR PHASE 1 AND RELATED MATTERS FOR THE "FIRST STREET REDEVELOPMENT"

WHEREAS, on or about July 13, 2006, various owners of record and First Street Development, LLC (collectively, the "Applicant"), filed a special use application for a Planned Unit Development and a PUD Preliminary Plan application with the City of St. Charles with respect to the property legally described on Exhibit "A-1", attached hereto and incorporated herein by reference ("Subject Realty"); and,

WHEREAS, on or about August 29, 2006, the City of St. Charles filed a special use application for a drive through facility for Harris Bank with respect to the property legally described on Exhibit "A-2", attached hereto and incorporated herein by reference ("Harris Bank Parcel"); and,

WHEREAS, on or about September 16, 2006, First Street Development, LLC, the City of St. Charles and Daniel C. Lasse filed a Phase 1 Final Plat application with respect to the property legally described on Exhibit "A-3", attached hereto and incorporated herein by reference ("Phase 1 Parcels"); and,

WHEREAS, as a portion of the Subject Realty is located within a designated City Historic Preservation District, the Historic Preservation Commission reviewed the application and provided comments to the Plan Commission on or about September 20, 2006; and,

WHEREAS, Notice of Public Hearing on said applications for a special use for a Planned Unit Development and special use for a drive through facility was published on or about September 2, 2006, in a newspaper having general circulation within the City, to-wit, the *Kane County*

*Chronicle* newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission of the City of St. Charles conducted a Public Hearing on or about September 19, 2006, and continued said hearing to October 3, 2006, all as required by 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 application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission made the required Findings of Fact and recommended approval of the application on or about October 17, 2006; and,

WHEREAS, the City Planning and Development Committee recommended approval of the application on or about November 1, 2006; and

WHEREAS, the City Council received the recommendation of the Historic Preservation Commission, the Plan Commission and the Planning and Development Committee, and has considered same; and,

WHEREAS, all other public hearings required by law have been conducted, in all respects conforming to law and pursuant to notice duly given in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

**SECTION ONE:** The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

**SECTION TWO:** That there is hereby granted with respect to the Subject Realty a special use for a Planned Unit Development and the Preliminary PUD Plan, as outlined in Section 6(B) hereof, is hereby approved. In connection with such approval, and based upon the application and

the evidence presented at the public hearing, the City Council hereby finds that the PUD is in the public interest and adopts the Findings of Fact set forth on Exhibit "B" attached hereto and incorporated herein.

**SECTION THREE:** That there are hereby granted certain exceptions and deviations from the provisions of the City's Zoning Ordinance and Subdivision Regulations, as set forth on Exhibit "C" attached hereto and made a part hereof. In connection with such approval, the City Council hereby finds that said exceptions and deviations satisfy the standards of the City's Zoning Ordinance applicable to special uses and planned unit developments.

**SECTION FOUR:** That there is hereby granted to the Harris Bank Parcel a special use for a drive through facility associated with a bank. In connection with such approval, the City Council hereby finds that said special use will conform to each of the standards set forth in the Findings of Fact adopted by the Plan Commission, attached hereto as Exhibit "D".

**SECTION FIVE:** That there is hereby granted a Conditional Approval of the final subdivision plat for the Phase 1 Parcels of the First Street Redevelopment Subdivision, as prepared by Marchese and Sons, Inc., consisting of two (2) sheet(s) and dated October 12, 2006, subject to compliance of the following conditions:

- a) Submittal of a copy of the Illinois Environmental Protection Agency permits for the water main and sanitary sewer installation as required by the provisions of Chapter 16.12 (Section 16.12.190) of the St. Charles Municipal Code.
- b) Approval from Illinois Department of Transportation

**SECTION SIX:** That the relief granted in Sections Two, Three, Four and Five is expressly conditioned upon the Subject Realty at all times being constructed, used, operated and maintained in accordance with the following terms, conditions and provisions:

(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses. In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of buildings 7A, 7B and the Blue Goose, as shown on the Preliminary PUD Plan: Bank and Financial Institution.

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas and the Blue Goose: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas and the Blue Goose.

(B) That all construction, use, development and maintenance of the Subject Realty be substantially in accordance with the following documents which are on file with the City, subject to compliance with such conditions, corrections and modifications as may be required by the Director of Community Development and Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

1. Engineering Plans, as prepared by K-Plus Engineering, consisting of twelve (12) pages and dated November 13, 2006.
2. Streetscape Plan, as prepared by DLK Civic Design, consisting of twenty (20) pages, and bearing various dates between September, 2006 and November 14, 2006.
3. Building plans and elevations for Buildings 1, 2 & 3, as prepared by Knauer Incorporated, Job No. 2633, consisting of twenty three (23) pages, and bearing various dates.
4. Building plans and elevations for Building 4, as prepared by Knauer Incorporated, Job No. 2633, consisting of twenty one (21) pages, and bearing various dates.
5. Building plans and elevations for Building 6, as prepared by Knauer Incorporated, Job No. 2633, consisting of fourteen (14) pages, and bearing various dates.
6. Building plans and elevations for Buildings 7a and 7b, as prepared by Knauer Incorporated, Job No. 2633, consisting of fifteen (15) pages, and bearing various dates.
7. Building plans and elevations for Building 8, as prepared by Knauer Incorporated, Job No. 2633, consisting of seven (7) pages, and bearing various dates.

8. Building plans and elevations for Building 9, as prepared by Dan Marshall Architects, consisting of nine (9) pages, and dated on or about August 25, 2006.
9. Building plans and elevations for Building 10, as prepared by Design Services Group, Job No. 02636-0, consisting of four (4) pages, and dated November 10, 2006.
10. The First Street Redevelopment Tenant Design Criteria consisting of twenty (20) pages.
11. The First Street Downtown Redevelopment Development Data, dated November 15, 2006, attached hereto and incorporated herein as Exhibit "E".

(C) The Applicant and its successors and assigns shall be and remain in compliance with the terms and provisions of the Redevelopment Agreement (First Street Project) dated December 4, 2006 (the "Development Agreement"), entered into between the City and the Applicant. To the extent of any conflict between the provisions of this Ordinance and the provisions of the Development Agreement, the provisions of this Ordinance shall prevail.

(D) Prior to the issuance of building permits for any of the buildings located within the Historic Preservation District, a Certificate of Appropriateness by the Historic Preservation Commission be obtained.

(E) The Applicant shall provide necessary building, interior space, elevator capacity, conduit and funding to install and maintain electric transformers and other equipment within and to serve buildings 1, 2, 3 and 9, as shown on the Preliminary PUD Plan. Electric meters shall be located so that 24 hour access is provided for the City, but electric meters shall not be visible from public streets, public plazas, or the Fox River. Determination as to whether the locations and access for electric meters and transformers is acceptable shall be made by the Director of Public Works.

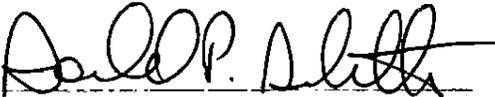
**SECTION SEVEN:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

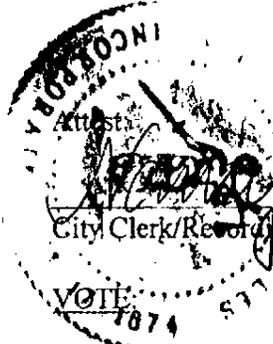
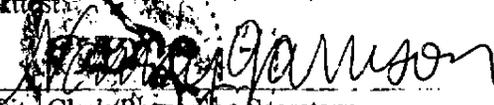
**SECTION EIGHT:** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4 day of December, 2006.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois  
this 4 day of December, 2006.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois  
this 4 day of December, 2006.

  
Donald P. DeWitte, Mayor

  
Attest:  
  
City Clerk/Recording Secretary

AYES: 10  
NAYS: 0  
ABSENT:  
ABSTAIN:

## EXHIBIT "B"

### FINDINGS OF FACT REGARDING THE PUD

**A. The proposed PUD advances the purposes of the Planned Unit Development procedure.**

The proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements. These benefits include:

1. A coordinated, comprehensive design for redevelopment of the area rather than a piecemeal approach
2. Two parking decks providing additional public parking for existing and new businesses
3. Reconstructed public utilities and elimination of overhead electric lines
4. A well designed bi-level river walk
5. Opportunity for outdoor dining for enjoyment of the riverfront
6. Streetscape improvements to create a pedestrian friendly environment
7. Public Plazas provide a gathering place that promotes social interaction
8. Opportunities for placement of public art
9. 16 units of affordable rental housing
10. A variety of high quality retail space to expand the available tenant mix
11. High quality office space to facilitate employment opportunities
12. Unique housing that helps to foster a 24 hour downtown

**B. The proposed PUD Preliminary Plans conform to the applicable Design Review Standards (Chapter 17.06).**

The proposed special use meets the applicable design review standards, except for the deviations being requested. Avoiding these deviations, including maximum building height and maximum floor area per building, would be impractical because it would impact the economic viability of the project. The standard ordinance requirements are intended to regulate developments that are not subject to the PUD review process. In this instance, building architecture and other positive design elements/public benefits of the plan can be used to justify the need for the planned unit development and the proposed deviations.

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

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

Over the past 15 years, the City and the community have engaged in a series of studies, plans, improvement projects, organizational efforts, and programs to revitalize downtown St. Charles. The project area is mostly vacant, is in need of redevelopment, and in its present condition does not meet the goals of the Comprehensive Plan or the various

revitalization efforts. Granting the special use for the PUD will enable the property to be redeveloped, which in turn will help realize the goal of revitalizing downtown St. Charles.

The proposed pedestrian oriented, mixed use development will host a variety of uses that will complement the downtown area and provide new shopping, dining, working, and living opportunities. Therefore, the public convenience will be served by the proposed development.

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

Infrastructure improvements planned along the First Street corridor include new water and sanitary sewer mains, new storm sewers, and new underground electric utility installations. First Street will be completely reconstructed, its right of way width will be increased from 60 to 80 feet (for the most part), and the street will include angle parking as well as public sidewalks and streetscape enhancements. Traffic improvements include reconfiguration and realignment of First Street at Main Street, and improvements to IL 31. A traffic study was conducted, and it recommends various improvements to minimize the traffic impact of the project.

Any development of this site that generates traffic will add somewhat to existing traffic congestion, but leaving the area undeveloped is not an appropriate option. Congestion may result in additional delays, but is not projected to be a safety issue.

**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 proposed development will provide amenities, including the public plaza and parking, which will enhance the usability of existing development along Main Street, including the buildings on the south side of Main, west of First Street and the Hotel Baker. The residential and office components will bring potential customers for existing retail establishments and other uses. The project is expected to have a positive impact on the use and enjoyment of surrounding properties and is expected to enhance property values.

**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 surrounding properties are already developed, and the proposed uses are compatible with the mix of uses in the surrounding area. The proposed redevelopment could be a catalyst in coming years for more redevelopment to occur.

**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 proposed redevelopment will be a very significant component of the revitalization of downtown St. Charles and therefore will benefit the entire community. It will serve as a catalyst for other redevelopment opportunities within downtown, while supporting and complementing existing businesses. The existing infrastructure is old and will be upgraded. The project will also provide new public and private options for enjoying the river and the downtown area. In other words, the project will not be detrimental to or endanger the public health, safety, comfort or general welfare, but will instead have a positive impact.

**D. 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 beneficial to the physical development, diversity, tax base, and economic well-being of the City.

The proposed redevelopment will draw more people of all ages and backgrounds to downtown in offering some unique opportunities for shopping, restaurants, working, and living, thereby expanding the City's tax base. The project will also enable the enlargement of the Blue Goose market - a key element in the downtown area and the community. As such, the proposed PUD will be beneficial to the physical development, diversity, tax base, and economic well-being of the City.

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

The 2000 Downtown Strategy Plan establishes goals for development within downtown. The PUD plan supports the goal of creating a streetscape focused on pedestrian activity – it advances patterns of development that support the community's vision of a mixed use walkable district. The integration of parking structures in the plan furthers the goal of creating a strong pedestrian environment.

**F. The proposed PUD conforms to all existing Federal, State and local legislation and regulation.**

The proposed PUD will conform to all Federal, State and local legislation and regulation with the exception of the deviations being requested to the St. Charles City Code and the relief requested to the Floor Protection Elevation for Bldgs 1, 2, 3 and 4 adjacent to the Fox River floodplain.

The regulation requires the floodplain protection elevation to be three feet for areas adjacent to the Fox River. The relief sought is to lower the FPE to the 500 year flood elevation. This elevation is still above the 2 foot FPE that is required on every other floodplain in the County. The variance is necessary to have the proposed buildings relate to the existing roadways and other adjacent buildings, in order to create a pedestrian oriented district.

**EXHIBIT "C"**

**EXCEPTIONS AND DEVIATIONS FROM THE ZONING ORDINANCE AND  
SUBDIVISION REGULATIONS**

a) DEVIATIONS FROM ZONING ORDINANCE:

PROVISION	ORDINANCE REQUIREMENT	DEVIATION GRANTED
Maximum floor area per building	Table 17.14-2 - 40,000 SF per building	Bldg 1 – 85,422 SF Bldg 2 – 47,128 SF, plus 90,000 SF parking garage Bldg 3 - 55,650 SF Bldg 4 – 55,717 SF building area plus 169,744 SF parking garage Bldg 6- 70,351 SF
Parking lot setbacks	Table 17.14-2 - Minimum 5 feet setback where a surface parking lot adjoins a street	The angled parking spaces south of Bldg 7A have a zero setback off of First Street. The parking lot north of Bldg 7B has a four foot setback.
Maximum Building Height	Table 17.14-2 - 50 feet	Bldg 1 – 71 feet Bldg 2 – 68 feet Bldg 3 – 69 feet Bldg 4 – 55 feet Bldg 6 – 55 feet
Off-street parking spaces	Table 17.24-3 - 300 spaces required for area outside SSA boundary	Deviation required for 180 spaces for area outside the SSA boundary. Total number of off-street parking spaces provided per plan on Subject Realty: 830 spaces

Minimum dimensions of parking spaces for grocery	Section 17.24.070(B) - Minimum 9.5' wide spaces required for grocery stores	The proposed spaces for Blue Goose are 9 feet wide
Residential parking location	Section 17.24.060(B) - Required parking facilities accessory to uses in CBD-1 and CBD-2 Districts may be located on same lot, or on a different lot within 200 feet walking distance for residential uses	Residential units in Bldg 7A do not have parking on the same lot
Non-Residential parking location	Section 17.24.060(B) - Required parking facilities accessory to uses in CDB-1 and CBD-2 Districts may be located on same lot, or on a different lot within 500 feet walking distance for non-residential uses	Non-residential uses in Bldgs 7A and 7B do not meet this requirement
Design standards and guidelines – Location of surface parking lots	Section 17.06.040(2a) - Surface parking lots shall not be located between buildings and the street, but may instead be located behind or beside buildings	The parking lots east of the Blue Goose building and west of Bldg 6 are located adjacent to streets

**b) DEVIATION FROM TITLE 16 ( SUBDIVISION AND LAND IMPROVEMENTS)**

- 1) To allow the pavement width of a public street to be reduced from 33 ft (back of curb width) to 20 ft (edge of pavement width) and for the parking stall depth for the angled on-street parking spaces to be 14.5 ft instead of 16 ft.

2) To exempt the 16 affordable housing units in Building 7A (as more fully described in the Development Agreement) from the requirements regarding land/cash dedication to school and parks.

**FIRST STREET DOWNTOWN REDEVELOPMENT  
ST. CHARLES, ILLINOIS  
DEVELOPMENT DATA  
11/15/2006**

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<u>Building 1</u>	Retail	1 <sup>st</sup> Level	19,236 S.F.
	Office	2 <sup>nd</sup> Level	19,996 S.F.
	Residential (8 - 2 Bedroom)	3 <sup>rd</sup> Level	17,562 S.F.
	Residential (2 - 2 Bedroom; 3-1 Bedroom; 1-3 Bedroom)	4 <sup>th</sup> Level	15,214 S.F.
	Residential (5 - 2 Bedroom)	5 <sup>th</sup> Level	13,414 S.F.
	<b>Total</b>		<b>85,422 S.F.</b>
	<u>Building 2</u>	Retail	1 <sup>st</sup> Level
Residential (5 - 2 Bedroom)		2 <sup>nd</sup> Level	10,031 S.F.
Residential (5 - 2 Bedroom)		3 <sup>rd</sup> Level	10,031 S.F.
Residential (5 - 2 Bedroom)		4 <sup>th</sup> Level	9,602 S.F.
Residential (5 - 2 Bedroom)		5 <sup>th</sup> Level	8,900 S.F.
<b>Total</b>			<b>47,128 S.F.</b>
<u>Building 3</u>		Retail	1 <sup>st</sup> Level
	Office	2 <sup>nd</sup> Level	11,703 S.F.
	Residential (3 - 1 Bedroom) (3 - 2 Bedroom)	3 <sup>rd</sup> Level	11,704 S.F.
	Residential (3 - 1 Bedroom) (3 - 2 Bedroom)	4 <sup>th</sup> Level	11,704 S.F.
	Residential (3 - 1 Bedroom) (3 - 2 Bedroom)	5 <sup>th</sup> Level	9,602 S.F.
	<b>Total</b>		<b>55,650 S.F.</b>

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<u>Building 1,2,3 Parking Garage</u>			
	Parking	1 <sup>st</sup> Level	21,120 S.F./ 32 spaces
	Parking	2 <sup>nd</sup> Level	21,120 S.F./ 57 spaces
	Parking	3 <sup>rd</sup> Level	21,120 S.F./ 60 spaces
	Parking	4 <sup>th</sup> Level	21,120 S.F./ 60 spaces
	Parking	5 <sup>th</sup> Level	5,520 S.F./ 9 spaces
	<b>Total</b>		<b>90,000 S.F./218 spaces</b>
<u>Building 4</u>			
	Retail	1 <sup>st</sup> Level	25,112 S.F.
	Office	2 <sup>nd</sup> Level	30,273 S.F.
	<b>Total</b>		<b>55,385 S.F.</b>
<u>Building 4 Parking Garage</u>			
	Parking	1 <sup>st</sup> Level	19,304 S.F./ 47 spaces
	Parking	2 <sup>nd</sup> Level	22,881 S.F./ 56 spaces
	Parking	3 <sup>rd</sup> Level	22,881 S.F./ 57 spaces
	Parking	4 <sup>th</sup> Level	52,339 S.F./ 145 spaces
	Parking	5 <sup>th</sup> Level	52,339 S.F./ 155 spaces
	<b>Total</b>		<b>169,744 S.F./460 spaces</b>
<u>Building 6</u>			
	Parking	Below Grade Level	35 spaces
	Retail	1 <sup>st</sup> Level	13,753 S.F.
	Office	2 <sup>nd</sup> Level	18,866 S.F.
	Residential (4 – 1 Bedroom)	3 <sup>rd</sup> Level	18,866 S.F.
	Residential (7 – 2 Bedroom)	4 <sup>th</sup> Level	18,866 S.F.
	Residential (4 – 1 Bedroom)		
	Residential (7 – 2 Bedroom)		
	<b>Total</b>		<b>70,351 S.F.</b>
<u>Building 7A</u>			
	Retail	1 <sup>st</sup> Level	6,391 S.F.
	Apartments (8 -1 Bedroom)	2 <sup>nd</sup> Level	6,512 S.F.
	Apartments (8 -1 Bedroom)	3 <sup>rd</sup> Level	6,512 S.F.
	<b>Total</b>		<b>19,415 S.F.</b>
<u>Building 7B</u>			
	Retail	1 <sup>st</sup> Level	6,327 S.F.
	Office	2 <sup>nd</sup> Level	6,572 S.F.
	Office	3 <sup>rd</sup> Level	6,540 S.F.
	<b>Total</b>		<b>19,439 S.F.</b>

<b>BUILDING No.</b>	<b>TYPE</b>	<b>FLOOR LEVEL</b>	<b>AREA/UNITS</b>
<u>Building 8</u>	Retail	1 <sup>st</sup> Level	4,387 S.F.
	Office	2 <sup>nd</sup> Level	4,660 S.F.
	Office	3 <sup>rd</sup> Level	4,660 S.F.
	<b>Total</b>		<b>13,707 S.F.</b>
<u>Building 9</u>	Restaurant	1 <sup>st</sup> Level	5,500 S.F.
	Office	2 <sup>nd</sup> Level	5,850 S.F.
	Office	3 <sup>rd</sup> Level	5,850 S.F.
	<b>Total</b>		<b>17,200 S.F.</b>
<u>Blue Goose</u>	Retail	1 <sup>st</sup> Level	30,508 S.F.
	Office	Mezzanines	5,778 S.F.
	<b>Total</b>		<b>36,286 S.F.</b>

**Knauer Incorporated**  
**720 N. Waukegan Road, Suite 200, Deerfield, Illinois 60015**  
**Ph 847-948-9500 Fax 847-948-9599**

IC4

Refer to:	
Minutes	9-6-16
Page	

# City of St. Charles, Illinois

**Ordinance No. 2016-Z-18**

**An Ordinance Amending Ordinance 2006-Z-29 (First Street Redevelopment PUD) regarding first floor bank/office uses and approving a PUD Preliminary Plan for First Street Building #3 (10 Illinois Street)**

**Adopted by the  
City Council  
of the  
City of St. Charles  
September 6, 2016**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, September 12, 2016**

*Nancy Garrison*  
\_\_\_\_\_  
City Clerk



**(SEAL)**

**City of St. Charles, IL  
Ordinance No. 2016-Z-18**

**An Ordinance Amending Ordinance 2006-Z-29 (First Street Redevelopment PUD) regarding first floor bank/office uses and approving a PUD Preliminary Plan for First Street Building #3 (10 Illinois Street)**

WHEREAS, on or about July 11, 2016, First Street Development II, LLC (the "Applicant") filed application for: 1) Amendment to Special Use for PUD Ordinance No. 2006-Z-29, "An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the 'First Street Redevelopment'" for the purpose of allowing first floor bank and office uses; and 2) PUD Preliminary Plan; all for real estate commonly known as First Street Building #3 as legally described on Exhibit "A" attached hereto and incorporated herein (the "Subject Property"); and,

WHEREAS, Notice of Public Hearing on said Special Use Application was published on or about July 16, 2016, in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission conducted a public hearing on or about August 2, 2016 on said Special Use Application 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 Special Use Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Applications on or about August 2, 2016; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the Applications on or about August 8, 2016; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and 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 if fully set out in this Section 1.

2. The City Council of the City of St. Charles hereby finds that the Amendment to Special Use for Planned Unit Development is in the public interest and adopts the Criteria for Planned Unit Developments, set forth on Exhibit "B", which is attached hereto and incorporated herein.

3. That Section Six, Subsection A of Ordinance No. 2006-Z-29 "An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the 'First Street Redevelopment'" is hereby deleted in its entirety and replaced by the following:

"(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses.

In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of the following buildings, as shown in the PUD Preliminary Plan:

- (a) Buildings 7B and the Blue Goose: Bank and Financial Institution
- (b) Building 7A: Bank and Financial Institution, Office- Business or Professional, and Medical/ Dental Clinic.
- (c) Building 3 (Phase 3): Bank and Financial Institution, Office- Business or Professional, and Medical/ Dental Clinic meeting the following criteria:
  - a. The business will be open to the general public during normal business hours and may require that customers make an appointment for service.
  - b. The primary function of the business establishment will be to provide direct services to customers that are physically present.
  - c. The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.
  - d. Street and riverwalk-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street or riverwalk. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas, the Blue Goose, and building 7A: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a

cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas, the Blue Goose, and building 7A.”

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

- Development Data for Phase 3, dated July 29, 2016
- Site Plan: “Geometric/Phase Plan” prepared by County Engineers, dated July 24, 2016.
- Preliminary Plat of Subdivision: “Plat of Subdivision” prepared by County Engineers dated July 24, 2016.
- Architectural Elevations for Building #3: “Proposed New Office/Condominiums”, Sheets A-2 to A-9, prepared by Marshall Architects, dated July 27, 2016.

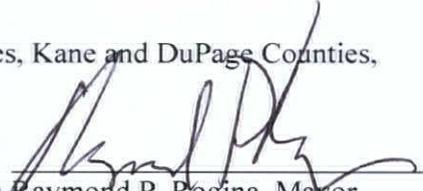
5. That the subject property may be developed and used only in accordance with all ordinances of the City now in effect of hereafter amended or enacted, including previously approved Special Use for PUD Ordinance Nos. 2006-Z-29, 2008-Z-22 and 2013-Z-17, as amended, and PUD Preliminary Plan approval Ordinance No. 2015-Z-5, as amended.

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

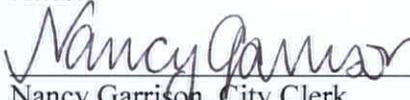
PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of September, 2016.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of September, 2016.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 6th day of September, 2016.

  
Raymond P. Rogina, Mayor

Attest:

  
Nancy Garrison, City Clerk

Vote:



Ayes: 10

Nays: 0

Absent: 0

Abstain: 0

Date: \_\_\_\_\_

EXHIBIT A  
LEGAL DESCRIPTION

LOTS 3, 4 AND 5 IN THE RESUBDIVISION OF FIRST STREET PHASE III SUBDIVISION,  
RECORDED AS DOCUMENT #2015K039582, IN THE CITY OF ST. CHARLES, KANE  
COUNTY, ILLINOIS.

PIN NUMBERS: 09-34-127-008, 09-34-127-010, 09-34-127-012

EXHIBIT B  
FINDINGS OF FACT

**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 Amendment meets the original intent of the PUD focusing on harmonious mixed use in an attractive building design. The plan is sensitive to the Riverwalk and promotes social interaction and enjoyable use of the open space.

The Amendment requests the change of use on the first floor to allow office use in addition to possible retail use in accordance with the current Downtown Overlay District which did not exist when the original PUD was granted.

**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 building is to be constructed pursuant to the requirements of Ordinance 2006-Z-29 (First Street PUD).

The proposed building 3 exhibits high quality architectural design providing mixed use of residential units, office use, and potential retail use. The Amendment to allow office use on the first floor in accordance with the Downtown Overlay District will benefit the overall development by creating a daytime population utilizing existing businesses and create daytime use of the Riverwalk and open space.

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

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

The Special Use will enhance the overall business environment of the First Street project and therefore benefit the public.

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

All infrastructure including utilities, access points and drainage are in place.

- 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 adjoining property but rather increase property values by allowing the property to be occupied.

- 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 Special Use will allow for the orderly development of the property with the completion of buildings 2 and 3 thereby completing this phase of the First Street project.

- 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 Special Use will not endanger the public health, safety, or general welfare but rather benefit the public by allowing the vacant structure to be occupied.

- 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 Special Use if granted will conform to all state and local requirements.

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

The proposed Amendment will provide economic wellbeing to the City including increase of the tax base and overall business diversity within the First Street Development.

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

The proposed amendment conforms to the overall purpose and intent of business diversity within the entire downtown area of St. Charles.

EXHIBIT "C"  
PUD PRELIMINARY PLAN

- Development Data for Phase 3, dated July 29, 2016
- Site Plan: "Geometric/Phase Plan" prepared by County Engineers, dated July 24, 2016.
- Preliminary Plat of Subdivision: "Plat of Subdivision" prepared by County Engineers dated July 24, 2016.
- Architectural Elevations for Building #3: "Proposed New Office/Condominiums", Sheets A-2 to A-9, prepared by Marshall Architects, dated July 27, 2016.

**FIRST STREET PHASE 3 DEVELOPMENT DATA**  
 7/29/16

<b>Building No.</b>	<b>Type</b>	<b>Floor Level</b>	<b>Area/Units</b>
<b>Building 1</b>	Parking	Basement	29 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,865 sf
	Office	2 <sup>nd</sup> level	11,865 sf
	Office	3 <sup>rd</sup> level	11,865 sf
	Office	4 <sup>th</sup> level	11,865 sf
	<i>Total Office</i>		
<b>Total Building area</b>			<b>47,460 sf</b>
<b>Parking Deck</b>	Parking	1 <sup>st</sup> level	57 spaces
	Parking	2 <sup>nd</sup> level	53 spaces
	<b>Total Parking Count</b>		
<b>Building 2</b>	Parking	Basement	27 spaces
	Retail/Commercial	1 <sup>st</sup> level	11,898 sf
	Residential	2 <sup>nd</sup> level	12,000 sf
	Residential	3 <sup>rd</sup> level	12,000 sf
	Residential	4 <sup>th</sup> level	12,000 sf
	Total Residential (12 Studio, 12 1-Bedroom, 12 2-Bedroom)		
<b>Total Building area</b>			<b>47,898 sf</b>
<b>Building 3</b>	Parking	Basement	28 spaces
	Bank/office	1 <sup>st</sup> level	13,092 sf
	Bank/residential	2 <sup>nd</sup> level	11,573 sf
	Bank/residential	3 <sup>rd</sup> level	12,602 sf
	Bank/residential	4 <sup>th</sup> level	12,602 sf
	Residential	5 <sup>th</sup> level	8,343 sf
	Total Residential (Bedroom Count TBD)		
<b>Total Building area</b>			<b>58,212 sf</b>