

**AGENDA  
CITY OF ST. CHARLES  
PLANNING & DEVELOPMENT COMMITTEE  
ALD. TODD BANCROFT – CHAIRMAN  
MONDAY, OCTOBER 10, 2016 - 7:00 PM  
CITY COUNCIL CHAMBERS  
2 E. MAIN STREET**

**1. CALL TO ORDER**

**2. ROLL CALL**

**3. ADMINISTRATIVE**

- a. Update on Beekeeping - Information only.

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Recommendation to approve a Commercial Corridor and Downtown Buildout Incentive Award for 104 E. Main Street (Crazy Fox).
- b. Corridor Improvement Commission recommendation to approve a Corridor Improvement Grant for 1315 W. Main Street (Lundeen's).
- c. Corridor Improvement Commission recommendation to approve a Corridor Improvement Grant for 1625 E. Main Street (Colonial Cafe).
- d. Plan Commission recommendation to approve a Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O.
- e. Presentation of a Concept Plan for The Petkus Property.

**5. POLICE DEPARTMENT**

- a. Nuisance Abatement Discussion.

**6. ADDITIONAL BUSINESS**

**7. EXECUTIVE SESSION**

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

**8. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS.**

**9. ADJOURNMENT**

### ***ADA Compliance***

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at [jmcmahon@stcharlesil.gov](mailto:jmcmahon@stcharlesil.gov). Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 3a

Title: Beekeeping-Information only

Presenter: Bob Vann, Building & Code Enforcement Manager

Meeting: Planning & Development Committee

Date: October 10, 2016

Proposed Cost: \$ N/A

Budgeted Amount: \$ N/A

Not Budgeted:

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

At the September P&D Committee meeting, staff presented an ordinance regulating beekeeping in the City of St. Charles. The Committee made a motion to postpone consideration of the ordinance and directed staff to research this topic further and engage stakeholders to obtain further education. Bob Vann is coordinating this effort with Pam Otto from the St. Charles Park District to facilitate an ad-hoc task force of stakeholders who can contribute to the educational component and offer balanced and valuable information. Amongst others, the ad-hoc group may include stakeholders with interests as follows: an insurance person (with an interest in the risks), a professional beekeeper (knowledge about honeybee ecology) and someone with a health concern resulting from the honey bee sting. After communication with the Park District, staff anticipates that this process will be concluded by January/February 2017 and the findings of this group will be presented to the Committee at that time.

**Attachments** *(please list):* **None.**

**Recommendation/Suggested Action** *(briefly explain):* **None.**



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4a

Title:	Recommendation to Approve a Commercial Corridor and Downtown Business Economic Incentive Award for 104 E. Main Street (Crazy Fox)
Presenter:	Matthew O'Rourke

Meeting: Planning & Development Committee

Date: October 10, 2016

Proposed Cost: \$20,250.45

Budgeted Amount: \$20,250.45

Not Budgeted:

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

Peter Zilkowski, owner of the building located at 104 E. Main Street, has applied for a Tier 2 Commercial Corridor and Downtown Business Economic Incentive Program Award that exceeds the \$10,000 Tier 1 limit. Peter is installing these modifications to this building to facilitate the build-out of a new restaurant named the Crazy Fox. The grant funds will be applied to necessary repairs and updates to the following:

- New rough plumbing to supply water and sewer to the kitchen and equipment - \$13,830.00.
- Required upgrades to the fire alarm and fire sprinkler systems - \$3,570.87.
- New duct work to properly vent basement refrigeration and water heater - \$7,600.00.
- Installation of and repair of outdated electrical systems and emergency exit lighting - \$3,500.00.
- New vent/duct work for required hood in the remodeled kitchen - \$12,000.00.

Staff has reviewed the grant eligible improvements and recommends approval of the award. The total cost of the improvements is \$40,500 and the City's share will be a maximum of \$20,250.44.

**Attachments** *(please list):*

Draft Commercial Corridor and Downtown Business Incentive Award Agreement

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to Approve a Commercial Corridor and Downtown Business Economic Incentive Award for 104 E. Main Street (Crazy Fox)

**City of St. Charles**

**Commercial Corridor and Downtown Business Economic Incentive Award Agreement**

104 E. Main Street

Peter Zilkowski (Crazy Fox Restaurant)

**THIS AGREEMENT**, entered into this 17th day of October, 2016, between the City of St. Charles, Illinois (hereinafter referred to as "CITY") and the following designated APPLICANT, to wit:

APPLICANT Name: **Peter Zilkowski**

Address of Property to be Improved: **104 E. Main Street**

PIN Number(s): **09-27-386-004**

Property Owner's Name: **Peter Zilkowski**

**WITNESSETH:**

**WHEREAS**, the CITY has established a **Commercial Corridor and Downtown Business Economic Incentive Award Program** to provide matching grants for permanent Building Improvements within the Commercial Corridor and Downtown Business Economic Incentive Program Boundary Area of the CITY as described in Exhibit I; and

**WHEREAS**, Peter Zilkowski, APPLICANT(S), desires to install related Building Improvements to the above-described property that are eligible for reimbursement under the Commercial Corridor and Downtown Business Economic Incentive Award; and

**WHEREAS**, said Commercial Corridor and Downtown Business Economic Incentive Program is administered by the CITY and is funded from the general fund for the purposes of improving the commercial building stock along the major commercial corridor and downtown area of the CITY and preventing blight and deterioration; and

**WHEREAS**, the above-described property for which the APPLICANT seeks a grant is located within the area eligible for participation in the Commercial Corridor and Downtown Business Economic Incentive Award Program.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements obtained

herein, the CITY and the APPLICANT do hereby agree as follows:

**SECTION 1:** The APPLICANT understands and agrees that only the cost of eligible Building Improvements located on the parcels with the following PIN(s) 09-27-386-004, shall be considered reimbursable as described in Exhibit II. The CITY will reimburse the APPLICANT up to 50% of the cost of labor, materials and equipment necessary to install Building Improvements in accordance with the approved plans, specifications and cost estimates attached hereto as Exhibit “II” (the “Eligible Building Improvements Cost Estimate”), but in no event more than the maximum amounts as defined below:

Building Improvements cost: \$40,500.87      City’s Share @ 50% up to a maximum of \$20,250.44

Labor by the APPLICANT (“sweat equity”) is not a reimbursable expense. All Building Improvements shall be installed in accordance with approved building permit plans, subject to minor revisions as may be approved by a representative of the CITY due to field conditions not known at the time of design, and similar circumstances beyond the APPLICANT’s control.

**SECTION 2:** The Director of Community & Economic Development, or designee, shall inspect the Building Improvements installed pursuant to this Agreement and shall include any required permit inspections by the CITY. All work that is not in conformance with the approved plans and specifications shall be remedied by the APPLICANT and deficient or improper work shall be replaced and made to comply with the approved plans and specifications and the terms of this Agreement.

**SECTION 3:** Upon completion of the Building Improvements and upon their final inspection and approval by the Director of Community & Economic Development, or designee, the APPLICANT shall submit to the CITY a properly executed and notarized contractor statement showing the full cost of the Building Improvements as well as each separate component amount due to the contractor and each and every subcontractor involved in furnishing labor, materials or equipment in the work. In addition, the APPLICANT shall submit to the CITY proof of payment of

the contract cost pursuant to the contractor's statement and final lien waivers from all contractors and subcontractors. The CITY shall, within thirty (30) days of receipt of the contractor's statement, proof of payment and lien waivers, and “before” and “after” pictures of the property, reimburse the APPLICANT for the 50% of the actual construction and materials cost or the maximum amount specified in this Agreement, whichever is less.

At its sole discretion, CITY may reimburse APPLICANT in two payments. The first reimbursement may be made only

1) Upon completion of Building Improvements representing 40% or more of the maximum reimbursement specified in Section 1 hereof and,

2) Upon receipt by CITY of the all invoices, contractor's statements, proof of payment and notarized final lien waivers for the completed Building Improvements and,

3) Upon a determination by the Director of Community & Economic Development, or designee, that the remainder of the Building Improvements are expected to be delayed for thirty days or more following completion of the initial work due to weather, availability of materials, or other circumstances beyond the control of the APPLICANT. The second, final reimbursement payment shall be made by CITY only upon submittal of all necessary documents as described herein.

**SECTION 4:** All Building Improvements must be completed within 270 days after the approval of this Agreement. Extensions may be approved by the Director of Community & Economic Development, prior to the expiration of the said 270 days. Projects which have not received an extension and have not been completed within 270 days will not receive funding.

**SECTION 5:** If the APPLICANT or his contractor fails to complete the Building Improvements provided for herein in conformity with the approved plans and specifications and the terms of this Agreement, then upon written notice being given by the Director of Community & Economic Development to the APPLICANT, by certified mail to the address listed above, this Agreement shall terminate and the financial obligation on the part of the CITY shall cease and become null and void.

**SECTION 6:** Upon completion of the Building Improvements pursuant to this Agreement

and for a period of five (5) years thereafter, the APPLICANT shall be responsible for properly maintaining such Building Improvements in finished form and without change or alteration thereto, as provided in this Agreement, and for the said period of five (5) years following completion of the construction thereof, the APPLICANT shall not enter into any Agreement or contract or take any other steps to alter, change or remove such Building Improvements, or the approved design thereof, nor shall APPLICANT undertake any other changes, by contract or otherwise, to the Building Improvements provided for in this Agreement unless such changes are first approved by the Director of Community & Economic Development, Designee, or City Council, whichever the case may be. Such approval shall not be unreasonably withheld if the proposed changes do not substantially alter the original design concept of the Building Improvements as specified in the plans, design drawings and specifications approved pursuant to this Agreement.

In the event that any of the Building Improvements are removed during the term of this agreement the APPLICANT and/or the Owner shall repay the CITY all grant funds received pursuant to this Agreement and shall pay any costs and fees including reasonable attorney's fees incurred by the CITY to collect said grant funds. The amount of repayment required to be paid by the APPLICANT and the OWNER shall be reduced by 20% for every full year that this Agreement has been in effect at the time of the required repayment.

If within the 5-year maintenance period improvement is damaged by automobiles, wildlife, acts of nature, or stolen or any other cause, the APPLICANT shall install and pay for replacements.

In the event of inadequate maintenance, the CITY shall give the owner reasonable notice of conditions to be corrected. In the event that substandard maintenance still exists after thirty (30) days, OWNER shall repay the CITY all grant funds received pursuant to this Agreement and pay all costs and fees, including attorney fees, of any legal action taken to enforce the maintenance of the Building Improvements.

**SECTION 7:** The APPLICANT covenants and agrees to indemnify and hold harmless the CITY and its officials, officers, employees and agents from and against, any and all losses, claims, damages, liabilities or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from or in any way connected with directly or indirectly with the Commercial Corridor and Downtown Business Economic Incentive Award(s) which are the subject of this

Agreement. The APPLICANT further covenants and agrees to pay for or reimburse the CITY and its officials, officers, employees and agents for any and all costs, reasonable attorneys' fees, liabilities or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities, or causes of action. The CITY shall have the right to select legal counsel and to approve any settlement in connection with such losses, claims, damages, liabilities, or causes of action. The provisions of this section shall survive the completion of said building improvement(s).

**SECTION 8:** Nothing herein is intended to limit, restrict or prohibit the APPLICANT from undertaking any other work in or about the subject premises, which is unrelated to the Building Improvements provided for in this Agreement.

**SECTION 9:** This Agreement shall be binding upon the CITY and upon the APPLICANT and its successors and assigns with respect to the property on which the Building Improvements are installed, for a period of five (5) years from and after the date of completion and approval of the building improvement provided for herein. It shall be the responsibility of the APPLICANT to inform subsequent owners and lessees of the provisions of this Agreement.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

**APPLICANT**

**PROPERTY OWNER**  
(if different from APPLICANT)

\_\_\_\_\_

**CITY OF ST. CHARLES:** \_\_\_\_\_

**Mayor or Director of Community & Economic Development**

**ATTEST:** \_\_\_\_\_

**City Clerk**

Applicant contact information:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner's information, if different than applicant:

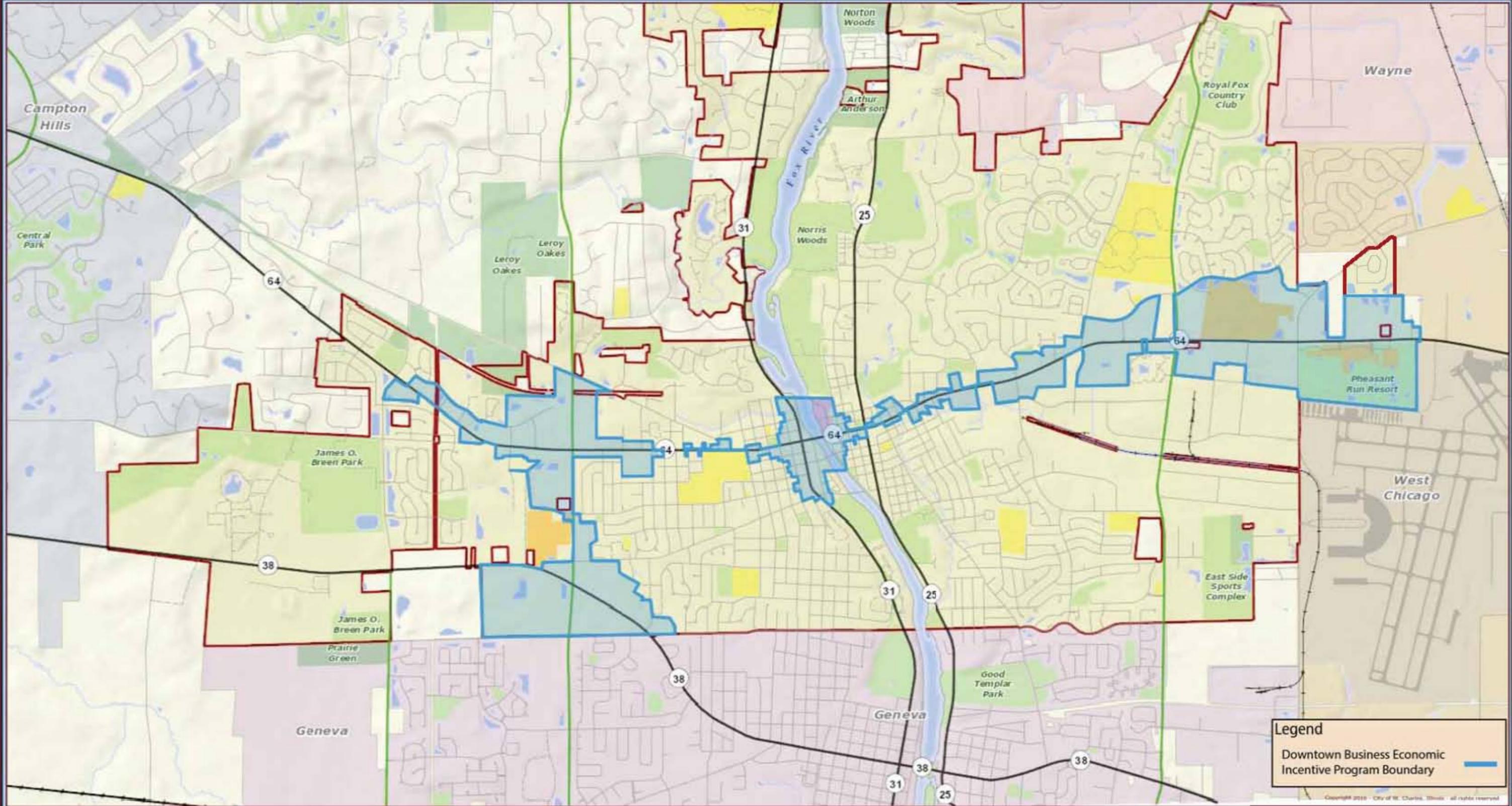
Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## **Exhibit I**

Map of the Downtown Economic Incentive Program Eligible Properties Boundary



**Legend**

Downtown Business Economic Incentive Program Boundary —

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Data Source:  
City of St. Charles, Illinois  
Kane County, Illinois  
DuPage County, Illinois

Coordinate System: Illinois State Plane East  
Projection: Eastward Mercator  
North American Datum 1983

Printed On: May 3, 2010 02:17



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Revised by Precision GIS

## **Exhibit II**

### Eligible Building Improvements Cost Estimate

JL Wagner Plumbing	13,830.00
Fox Vally	3,570.87
Deluxe HVAC	7,600.00
RC Electrical	3,500.00
Construction by Tony	12,000.00
Total	40,500.87

# PROPOSAL

**JL Wagner Plumbing and Piping, Inc.**  
920 Cedar Ave Suite 4b  
P.O. Box 3117  
St. Charles, IL 60174-9098  
P:630-584-1181 F:630-584-2783

No. 080916-01  
Date: 8/9/2016  
Sheet No.

**Proposal Submitted To:**

**Name** Pete Szaikowski  
**Street** 104 E Main Street  
**City** St. Charles **State:** IL  
**Phone** 630.513.7312

**Work to be Performed at:**

**Street** 104 E Main Street  
**City:** St. Charles **State** IL  
**Date of Plans** **Arch**

NO  
equipment  
rough  
plumbing  
only

We hereby propose to furnish the materials and perform the labor necessary for the completion of plumbing work per jobsite and visit and discussion with tenant. (Budget Only)

**Phase 1**

Cap existing lines at old 3 compartment sink  
Replace missing stops at bar  
Check for leaks on lines and repair as needed  
Check 3 toilets and urinal and repair valves as needed Budget \$750.00

**Phase 2**

Install owner supplied 3 compartment sink  
Install owner supplied sink behind bar  
Install owner supplied ice machine with filter  
Install owner supplied 2 lavatories Budget \$4,075.00

**Phase 3**

New Sump pump and check valve  
Filter for existing housing  
Furnish and Install AO Smith BTR – 197 commercial water heater (\$7,550 included in Budget below)  
Budget \$8,225.00

**Phase 4**

Furnish and Install new water softener complete No price – need more info

Sewer Jetting Budget \$780.00 (2 hours  
of service – each additional hour \$250.00)

Notes: There are no backflow preventers onsite at this time – City May require some

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum **Base Bid Dollars \$See Above**

with payments as follows:

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond your control. Owner to carry fire, tornado, and other necessary insurance upon above work. Work-Men Compensation and Public Liability Insurance on above work to be taken out by:

Respectfully submitted: **J.L. Wagner Plumbing and Piping, Inc**

Per: \_\_\_\_\_

Note-This proposal may be withdrawn by us if not accepted within 30 days \_\_\_\_\_

**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

total 13,830



ONE COMPANY DOES IT ALL

Fire Alarm • 24-Hour Monitoring • Fire and Safety Products • Security • Engineered Fire Suppression • Sprinkler Service  
2730 Pinnacle Drive • Elgin, IL 60124-7943 • 847-695-5990 • Fax 847-695-3699 • www.foxvalleyfire.com

July 21<sup>st</sup>, 2016

Attn: Peter Zaikowski  
104 E Main Street  
St. Charles, Illinois  
Via Email: [peterz@westchicago.org](mailto:peterz@westchicago.org)

Dear Peter,

Fox Valley Fire & Safety is please to submit our proposal for the installation of a 4.5 gallon Ansul R-102 wet chemical fire suppression system for the protection of your kitchen hood and appliances. Based on the information that you have provided me, please find below what Fox Valley Fire & Safety proposes.

Fox Valley Fire & Safety will supply all Ansul R-102 equipment including, control automan, tanks, wet chemical agent, expellant cartridge, nozzles, detectors, fusible links, remote pull station, mechanical gas valve of 2" or smaller, alarm initiating switch, microswitch, pipe/fittings, and non-union labor to install a 4.5-gallon Ansul R-102 wet chemical fire suppression system to protect the exhaust hood and cooking appliances.

<b>Investment Required</b> .....	<b>\$ 3,193.67</b>
<b>Test with Fire Department</b> .....	<b>\$ 185.00</b>
<b>Sales Tax</b> .....	<b>\$ 192.20</b>
<b>Total</b> .....	<b>\$ 3,570.87</b>

**Exclusions:** union labor, fire alarm labor, electrical labor, installation of exhaust hood/ductwork, installation of gas valve

Please sign, date and return this proposal to my attention at your earliest opportunity. Upon receipt of your approval we can begin to engineer drawings for submittal into the Village of Sandwich.

Pete, we appreciate the opportunity to quote the above mentioned work. I look forward to partnering with you on this project and appreciate your careful consideration. Please contact me if you have any questions or if I may be of further assistance.



# Deluxe HVAC/R Business and Home Services

1133 South Second St, St Charles IL 60174 (630) 377-2257

Service Ticket: DR-0008512  
Sep 23, 2016

**Customer: Pete Z**  
New Restaurant  
104 East Main Street  
Saint Charles, IL 60174  
630-512-7312

**Bill to: Pete Z**  
New Restaurant  
104 East Main Street  
Saint Charles, IL 60174  
630-512-7312

**Technicians:** Tony Passaglia

**Notes:**

We propose to install new Trenton, Pre-assembled Evaporator assembly including new thermostat, solenoid valve and expansion valve and new Tenton roof-mounted condensing unit.

We will install evaporator in basement cooler on the ceiling near the South-West corner of the cooler blowing Eastward We will pipe the refrigeration line-set from the evaporator, through the cooler's West wall, to a point North and West of the cooler, to a point along the South side of existing chimney, penetrating 1st floor, 2nd floor and roof remaining along the South side of the chimney, ending at the new condensing unit. We will mount the condensing unit on equipment rails on the South side of the chimney on the roof. All of the described work we be completed according to industry common practices and local codes.. After installing equipment we will run, check and adjust to ensure reliability and efficiency.

DeLuxe HVAC/R, Inc. will provide all Manufacturer warranty descriptions and instructions for registration.

All above described work to be completed by DeLuxe HVAC/R Inc. for the amount of \$5700.00. The customer will remit the total amount in 2 payments. The deposit (\$4200.00) is due when accepting this estimate. The remaining balance (\$1500.00) is due as soon as the equipment is installed and ready to be run. If some condition exists that prevents us from starting the equipment at that point a 5% hold-out of the remaining balance will be allowed until the conditions have been remedied and the final run-and-check can be performed.

DeLuxe HVAC/R Inc. has and will maintain at least \$1,000,000.00 liability insurance and workman's compensation.

Respectfully Submitted: Anthony W. Passaglia Accepted: \_\_\_\_\_ date \_\_\_\_\_

\_\_\_\_\_ Initial for Option #1: Full Ke2Therm monitoring and control package: \$850.00, Prepaid with deposit

Initial for Option #2: Electrical supply to evaporator and Condensing unit: \$1900.00, Prepaid with deposit

Base Charge represents initial travel and first hour diagnosis/repair labor

**Make checks payable to:** Deluxe HVAC/R, 1133 South Second St, St Charles IL 60174 (630) 377-2257

\*Misc: Any specific part pricing includes Parts, Parts Warranty, Handling, Sourcing, and all related charges. Sales tax does not apply as above described work has been offered as an all inclusive Parts and Labor service and as such is not subject to any additional retail sales tax. Parts/Labor breakdown does not represent any actual parts sale but is provided only as a convenience to the customer for the sole purpose of justifying the final total dollar amount.

90 DAYS PARTS GUARANTEE - 30 DAY LABOR GUARANTEE \* NO GUARANTEE ON CUSTOMER PURCHASED PART \* TERMS - C.O.D. 2% MONTHLY FINANCE CHARGE WILL BE ADDED TO BALANCE AFTER 60 DAYS. \* CUSTOMER SHALL ASSUME ALL LEGAL FEES DUE TO FAILURE OF PAYMENT.

**Conditions of Repair Order:**

Add to secure payment of the amount aforesaid and interest, the undersigned and each of them does hereby, jointly, generally and irrevocably, authorized any attorney of any Court of Record to appear for the undersigned, or any of them, if any such court in term time or vacation, at any time after maturity and confess judgment without process against a undersigned, or any of them, in favor of the payee or the holder of this note, for such amount as may appear to be paid or owing hereon, together with costs and reasonable attorney fees and to waive the release all errors which may intervene in any such proceeding, and to consent to immediate execution upon any such judgment and at any execution that may be issued on any such judgment may be immediately levied upon and satisfied out of any personal property of the undersigned, or any of them, and to waive all right to the undersigned, or any of them, to have personal property also taken levied upon to satisfy and such execution, hereby ratifying and confirming all that said attorney may do by virtue hereof. If this note is signed by more than one person, they shall be liable jointly and generally hereunder, but the words "jointly" and "severally" as used in this note shall be disregarded in case it is used by a corporation or by only one person.

Authorized Signature \_\_\_\_\_

Date 9-20-16

Copyright 2014 Deluxe HVAC/R, Inc.

5,700  
1,900  

---

7,600 total

Initial Here \_\_\_\_\_

# RC ELECTRICAL LLC

## RC Electrical LLC

The only choice for all your electrical needs



Roy Cantu Jr  
Owner  
224-239-6443

rcelectrical.llc@gmail.com

### Proposal Submitted To:

### Work To Be Performed At:

Peter Zaikowski  
1-630-512-7312  
peterzaikowski@gmail.com

Crazy Fox Bar & Grill  
104 E. Main St  
St. Charles, ILL 60174

**We hereby propose to furnish all materials and labor to complete the following:**

Service Electrical as follows:

Repair exit signs and emergency lighting

Add two outdoor emergency lighting on sidewalk ( per fire department)

Add filler plates to existing electrical panel in back room

Fix lights hanging in back room

Cap all exposed electrical outlets

Verify and tag all kitchen area outlets as needed

Verify and tag all bar area outlets as needed

Connect basement lights and walk-in cooler lights

Exclusions: Any permits, bonds or fee's that may be charged by the City of St. Charles

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Any changes in specifications that alter the cost of labor and materials, must be approved in writing by

Roy Cantu

Peter Zaikowski agrees to pay the sum of 3,500 for the above-described work.

Payment shall be made according to the following schedule:

\$1,500.00 down payment - balance due on completion

Acceptance of Proposal

Peter Zaikowski

9-20-16

# CONSTRUCTION BY TONY

# PROPOSAL

1450 Plymouth Lane #602  
 Elgin, IL. 60123  
 Office: 847-323-6173  
 jtonybarajas@yahoo.com

Proposal NO. 160806  
 DATE August 6, 2016  
 CUSTOMER ID  
 EXPIRATION DATE

TO PETER  
PETEZ@WESTCHICAGO.ORG

Job CRAZY FOX BAR & GRILL  
 ST CHARLES, IL

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
	RESTAURANT BAR		

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
	EXHAUST		
	HOOD/MOTOR/ CONDUIT		12,000.00
	CHAIR RAIL- MASONRY PANELING		1,400.00
	RESTROOM		
	RESTROOM TILE		3,500.00
	RESTROOM VANITIES (INSTALL ONLY)		175.00
	RESTROOM MIRRORS		175.00
	RESTROOM WALL DIVIDERS		4,000.00
	FRP - PREPARATION ROOM		4,275.00
	BAR - TOP SURFACE		1,200.00
	CROWN MOLDING		1,400.00

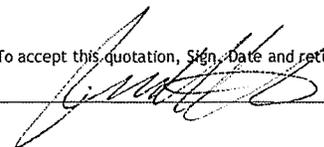
ventilation  
 only/not  
 @equipment  
 fol grant  
 only  
 not  
 included  
 in grant

Prepared by: *JB*

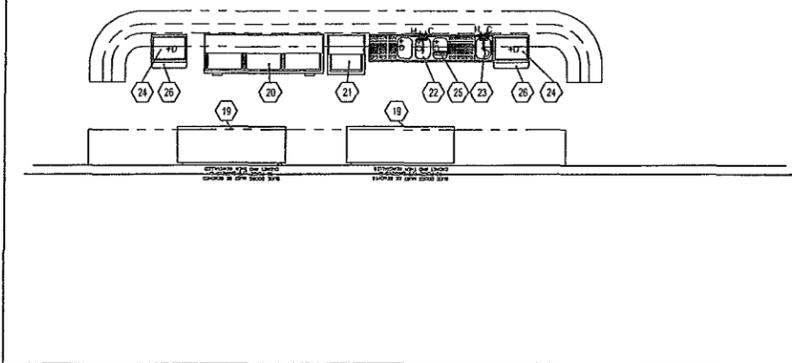
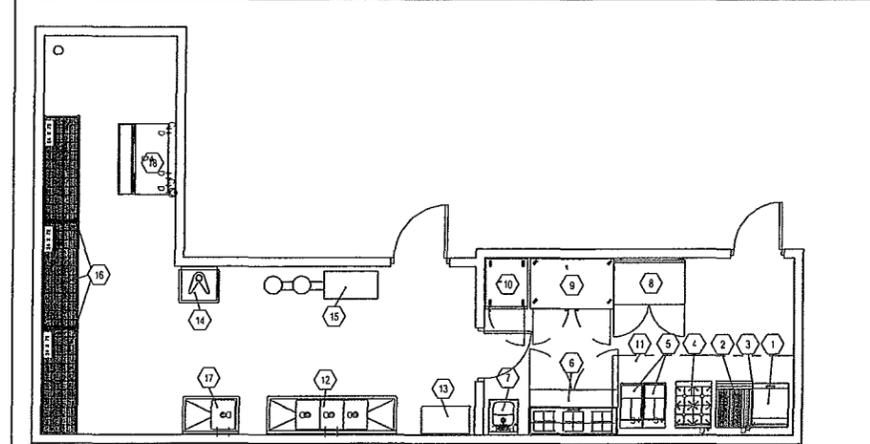
This is a quotation on the goods and services named above only, and is subject to change in the case of unforeseen circumstances.

SUBTOTAL	
Arch./Admin. Fees	
TOTAL \$	28,125.00

To accept this quotation, Sign, Date and return:

 8-8-2016

THANK YOU FOR YOUR BUSINESS!



FOOD SERVICE EQUIPMENT				
ITEM NUMBER	QUANTITY	ITEM DESCRIPTION	MODEL NUMBER	MANUFACTURER
1	1	FLAT GRIDDLE	824MF	STAR
2	1	UNDERFRED GAS BROILER	81RRCBF	STAR
3	1	EQUIPMENT STAND	252495	STARTEC
4	1	4-BURNER RANGE	8824	ROYAL RANGE
5	2	FRYERS	3521S	PHICO
6	1	SANDWICH REFRIGERATOR	15350-15	TRIE
7	1	HAND SINK	EXISTING TO REMAIN	EXISTING TO REMAIN
8	1	REFRIGERATED WORKTABLE	1W1-48HC	TRIE
9	1	REACH-IN REFRIGERATOR	26	COMMERCIAL
10	1	REACH-IN FREEZER	1F	COMMERCIAL
11	1	EXHAUST HOOD	OTHERS	OTHERS
12	1	3-COMPARTMENT SINK	381834-01E-X	JOHN BOOS
13	1	GREASE TRAP	EXISTING	EXISTING
14	1	MOP SINK	EXISTING	EXISTING
15	1	HEATER	EXISTING	EXISTING
16	3	WIRE SHELVING	S1872PS	STARTEC
17	1	SINGLE COMPARTMENT SINK	18204-1010H	JOHN BOOS
18	1	ICE MAKER/WASHER	BY OTHERS	BY OTHERS
19	2	BACKBAR COOLERS	18624-72G-S2-LD	TRIE
20	1	BOTTLE COOLER	1142-21	TRIE
21	1	GLASS AND PLATE CHILLER	1-214-50	TRIE
22	1	3-COMP. SINK	87	KNOWNE
23	1	HAND SINK	18-10	KNOWNE METAL
24	2	ICE BINS	OTHERS	OTHERS
25	1	GLASSWASHER	80W-100	KNOWNE
26	2	SPEED RAILS	S-24	KNOWNE

FOOD SERVICE EQUIPMENT		MECHANICAL SCHEDULE										SYMBOLS						
ITEM NUMBER	QUANTITY	ITEM DESCRIPTION	WATER CONNECTIONS		DRAINS		GAS		STEAM		REMARKS		REMARKS					
			HOT WATER SIZE	COLD WATER SIZE	STUMP HEIGHT	EQUIP. HEIGHT	PHX. CONSUMPTION	NO. WASTE SIZE	DIRECT WASTE SIZE	WASTE HEIGHT	GAS USE SIZE	GAS INDOOR/OUTDOOR	WATER COLUMN	STEAM SUPPLY SIZE	COND. RETURN SIZE	HEAT. INLET	HEAT. OUTLET	
1	1	FLAT GRIDDLE						3/4"	18"	56.6								
2	1	UNDERFRED GAS BROILER						3/4"	18"	49								REC. TO PROVIDE QUICK DISCONNECT HOSE
3	1	EQUIPMENT STAND																
4	1	4-BURNER RANGE						3/4"	18"	147								REC. TO PROVIDE QUICK DISCONNECT HOSE
5	2	FRYERS						3/4"	18"	50								REC. TO PROVIDE QUICK COOL GAS HOSE
6	1	SANDWICH REFRIGERATOR																
7	1	HAND SINK	*	*	*	*	*	*	*	*								*EXIST. GOING TO REMAIN
8	1	REFRIGERATED WORKTABLE																
9	1	REACH-IN REFRIGERATOR																
10	1	REACH-IN FREEZER																
11	1	EXHAUST HOOD																
12	1	3-COMPARTMENT SINK	1/2"	1/2"	14"		3/4"	ES										MANIFOLD DRAINS
13	1	GREASE TRAP																*EXISTING TO REMAIN AS IS
14	1	MOP SINK	*	*	*	*	*	*	*	*								
15	1	HEATER																
16	3	WIRE SHELVING																
17	1	SINGLE COMPARTMENT SINK	1/2"	1/2"	14"		3/4"	ES										*VERIFY REQUIREMENTS BY OTHERS
18	1	ICE MAKER/WASHER	*	*	*	*	*	*	*	*								
19	2	BACKBAR COOLERS																
20	1	BOTTLE COOLER																
21	1	GLASS AND PLATE CHILLER																
22	1	3-COMP. SINK	1/2"	1/2"	14"		3/4"	ES										
23	1	HAND SINK	1/2"	1/2"	14"		3/4"	ES										
24	2	ICE BINS																
25	1	GLASSWASHER																
26	2	SPEED RAILS																

FOOD SERVICE EQUIPMENT		ELECTRICAL SCHEDULE										SYMBOLS						
ITEM NUMBER	QUANTITY	ITEM DESCRIPTION	ELECTRICAL CONNECTIONS						REMARKS		REMARKS							
			VOLTAGE	PHASE	AMPERAGE	WIRE SIZE	WIRE TYPE	CONDUIT	TYPE OF CONN.	HEIGHT/DEPTH	EQUIP. HEIGHT	INJECTION POINT (IN)	ADJUT. EQUIPMENT					
1	1	FLAT GRIDDLE																
2	1	UNDERFRED GAS BROILER																
3	1	EQUIPMENT STAND																
4	1	4-BURNER RANGE	120	1	20		DGR	2"										CONVENIENCE OUTLET
5	2	FRYERS	120	1	20		DGR	2"										CONVENIENCE OUTLET
6	1	SANDWICH REFRIGERATOR	120	1	7.8		DGR	2"										CONVENIENCE OUTLET
7	1	HAND SINK																
8	1	REFRIGERATED WORKTABLE	120	1	3		DGR	2"										
9	1	REACH-IN REFRIGERATOR	120	1	6.5		DGR	2"										
10	1	REACH-IN FREEZER	120	1	3.3		DGR	2"										
11	1	EXHAUST HOOD																
12	1	3-COMPARTMENT SINK																
13	1	GREASE TRAP																
14	1	MOP SINK																
15	1	HEATER																
16	3	WIRE SHELVING																
17	1	SINGLE COMPARTMENT SINK																
18	1	ICE MAKER/WASHER																
19	2	BACKBAR COOLERS	120	1	5.2		DGR	2"										*VERIFY REQUIREMENTS BY OTHERS
20	1	BOTTLE COOLER	120	1	8.7		DGR	2"										
21	1	GLASS AND PLATE CHILLER	120	1	2.8		DGR	2"										
22	1	3-COMP. SINK																
23	1	HAND SINK																
24	2	ICE BINS																
25	1	GLASSWASHER	120	1	15		DGR	2"										
26	2	SPEED RAILS																



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 PHONE (708) 692-2020 FAX (708) 692-2032  
 www.scullysupply.com

CRAZY FOX  
 ST. CHARLES, IL  
 FOODSERVICE EQUIPMENT  
 KITCHEN & BAR REMODEL

DATE  
 01/08/16  
 DRAWN  
 SCALE  
 1/4" = 1'-0"  
 PROJECT NUMBER  
 -  
 SHEET NUMBER  
 FS-1

REVISIONS

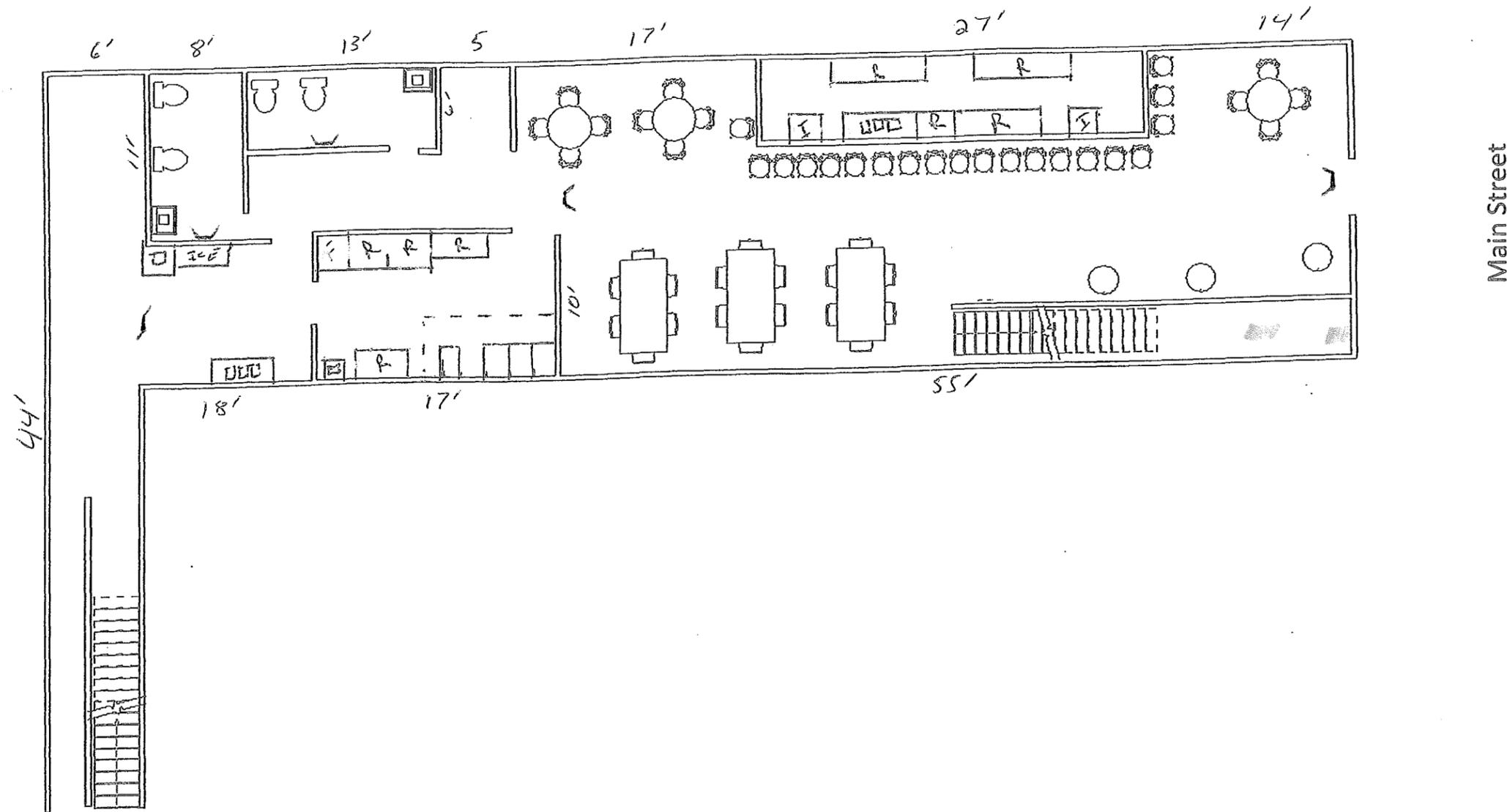
No Modifications to Electric  
No Modifications to Plumbing

Furniture and equipment added

Exit lights with emergency lights  
Emergency lights

Replace old Hood  
Install new fire ansil system

 Replace Sump Pump  
 Replace Hot water heater



North River Side Road



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4b

Title:	Corridor Improvement Commission Recommendation to approve a Corridor Improvement Grant for 1315 W. Main Street (Lundeen's)
Presenter:	Matthew O'Rourke

Meeting: Planning & Development Committee Date: October 10, 2016

Proposed Cost: \$7,346.50	Budgeted Amount: \$7,346.50	Not Budgeted: <input type="checkbox"/>
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**Executive Summary** *(if not budgeted please explain):*

Julie Lundeen, owner of the property located at 1315 W. Main Street, has applied for a Corridor Improvement Grant for landscape improvements associated with their site redevelopment. The applicant is proposing to remove existing paved areas and install new landscape features starting at the intersection of Rt. 64 and 14<sup>th</sup> Street. The proposed plan includes a mix hardscape (pavers) features and new vegetation the along both streets that will provide an abundance of new vegetation and visual interest from Rt. 64. A portion of this landscaping is required as part of the proposed redevelopment; therefore, the proposal includes an amount of landscaping in excess of the minimum code requirements to comply with the program's guidelines. The Lundeen's landscape architect has provided a plan that illustrates the minimum code requirements for comparative purposes.

**Corridor Commission Review**

The Corridor Improvement Commission reviewed the design at their 10/5/2016 meeting and recommended approval of the grant proposal. The total cost of the improvements is \$14,693.00 and the City's share of the total project cost will be a maximum of \$7,346.50.

**Attachments** *(please list):*

- Draft Corridor Improvement Agreement; CIC Resolution 5-2016
- Plan Illustrating Minimum Zoning Ordinance Code Requirements

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve a Corridor Improvement Grant for 1315 W. Main Street (Lundeen's).

**City of St. Charles**  
**CORRIDOR IMPROVEMENT AGREEMENT**

1315 W. Main Street  
Lundeen's

**THIS AGREEMENT**, entered into this 17th day of October, 2016, between the City of St. Charles, Illinois (hereinafter referred to as "CITY") and the following designated APPLICANT, to wit:

APPLICANT Name: **Julie Lundeen**

Address of Property to be Improved: **1315 W. Main Street**

PIN Number(s): **09-33-127-018**

Property Owner's Name: **Julie Lundeen**

**WITNESSETH:**

**WHEREAS**, the CITY has established a **Corridor Improvement Program** to provide matching grants for landscaping and related improvements within the Randall Road, Main Street, Kirk Road, Lincoln Hwy, Special Service Tax District SSA-1B, or designated entryway areas of the CITY; and

**WHEREAS**, Julie Lundeen, APPLICANT(S), desires to install landscaping and related improvements to the above-described property that are eligible for reimbursement under the Corridor Improvement Program; and

**WHEREAS**, said Corridor Improvement Program is administered by the CITY with the advice of the Corridor Improvement Commission and is funded from the general fund for the purposes of improving the aesthetics of the commercial corridors of the CITY and preventing blight and deterioration; and

**WHEREAS**, the above-described property for which the APPLICANT seeks a grant is located within the area eligible for participation in the Corridor Improvement Program.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements obtained herein, the CITY and the APPLICANT do hereby agree as follows:

**SECTION 1:** The APPLICANT understands and agrees that only the cost of eligible improvements located east of the right-of-way on parcels with the following PIN(s) 09-33-127-018 and landscape design fees associated with those improvements, shall be considered reimbursable as shown in Exhibit II and Exhibit III. The CITY will reimburse the APPLICANT up to 75% of the cost for landscape design services and up to 50% of the cost of labor, materials and equipment necessary to install landscaping and related improvements in accordance with the approved plans, specifications and cost estimates attached hereto as Exhibit "I" (the "Improvements"), but in no event more than the maximum amounts as defined below:

Landscape improvements cost: \$14,693.00 City's Share @ 50% up to a maximum of \$7,346.50

Labor by the APPLICANT ("sweat equity") is not a reimbursable expense. All Improvements shall be installed in accordance with Exhibit I, subject to minor revisions as may be approved by a representative of the Corridor Improvement Commission due to availability of landscape plants, field conditions not known at the time of design, and similar circumstances beyond the APPLICANT's control.

**SECTION 2:** The Director of Community & Economic Development, or designee, shall inspect the Improvements installed pursuant to this Agreement. Such inspection shall not replace any required permit inspections by the CITY. All work that is not in conformance with the approved plans and specifications shall be remedied by the APPLICANT and deficient or improper work shall be replaced and made to comply with the approved plans and specifications and the terms of this Agreement.

**SECTION 3:** Upon completion of the Improvements and upon their final inspection and approval by the Director of Community & Economic Development, or designee, the APPLICANT shall submit to the CITY a properly executed and notarized contractor statement showing the full cost of the Improvements as well as each separate component amount due to the contractor and each and every subcontractor involved in furnishing labor, materials or equipment in the work. In addition, the APPLICANT shall submit to the CITY proof of payment of the contract cost pursuant

to the contractor's statement and final lien waivers from all contractors and subcontractors. The CITY shall, within thirty (30) days of receipt of the contractor's statement, proof of payment and lien waivers, the landscape architect's statement, and “before” and “after” pictures of the property, reimburse the APPLICANT for the 50% of the actual construction and materials cost or the maximum amount specified in this Agreement, whichever is less, and for 75% of the landscape designer’s fee or the maximum amount specified in this Agreement, whichever is less.

At its sole discretion, CITY may reimburse APPLICANT in two payments. The first reimbursement may be made only

- 1) upon completion of Improvements representing 40% or more of the maximum reimbursement specified in Section 1 hereof and,
- 2) upon receipt by CITY of the landscape designer’s invoices, contractor's statements, proof of payment and notarized final lien waivers for the completed Improvements and,
- 3) upon a determination by the Director of Community & Economic Development, or designee, that the remainder of the Improvements are expected to be delayed for thirty days or more following completion of the initial work due to weather, availability of materials, or other circumstances beyond the control of the APPLICANT. The second, final reimbursement payment shall be made by CITY only upon submittal of all necessary documents as described herein.

**SECTION 4:** All Improvements must be completed within 270 days after the approval of this Agreement by the City Council, unless otherwise authorized by the CITY. Extensions may be approved by the Director of Community Development, prior to the expiration of the said 270 days. Projects which have not received an extension and have not been completed within 270 days will not receive funding.

**SECTION 5:** If the APPLICANT or his contractor fails to complete the Improvements provided for herein in conformity with the approved plans and specifications and the terms of this Agreement, then upon written notice being given by the Director of Community & Economic Development to the APPLICANT, by certified mail to the address listed above, this Agreement shall terminate and the financial obligation on the part of the CITY shall cease and become null and void.

**SECTION 6:** Upon completion of the Improvements pursuant to this Agreement and for a period of five (5) years thereafter, the APPLICANT shall be responsible for properly maintaining such Improvements in finished form and without change or alteration thereto, as provided in this Agreement, and for the said period of five (5) years following completion of the construction thereof, the APPLICANT shall not enter into any Agreement or contract or take any other steps to alter, change or remove such Improvements, or the approved design thereof, nor shall APPLICANT undertake any other changes, by contract or otherwise, to the Improvements provided for in this Agreement unless such changes are first approved by the Corridor Improvement Commission. Such approval shall not be unreasonably withheld if the proposed changes do not substantially alter the original design concept of the Improvements as specified in the plans, design drawings and specifications approved pursuant to this Agreement.

If within the 5-year maintenance period plant materials are damaged by automobiles, wildlife, acts of nature, or stolen or any other cause, the APPLICANT shall install and pay for replacements.

OWNER agrees to provide regular maintenance of the property for a minimum of five years following completion of construction in a condition that is weed free, properly edged and mulched as specified in the original design, and maintained with the same type and quantity of plant material initially installed, unless a modification to the plan is approved by the Corridor Improvement Commission.

In the event of inadequate maintenance, the CITY shall give the owner reasonable notice of conditions to be corrected. In the event that substandard maintenance still exists after thirty (30) days, OWNER shall repay the CITY all grant funds received pursuant to this Agreement and pay all costs and fees, including attorney fees, of any legal action taken to enforce the maintenance of the Improvements.

**SECTION 7:** The APPLICANT covenants and agrees to indemnify and hold harmless the CITY and its officials, officers, employees and agents from and against, any and all losses, claims, damages, liabilities or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from or in any way connected with directly or indirectly with the Corridor Improvement(s) which are the subject of this Agreement, including but not limited to actions arising

from the Prevailing Wage Act (820 ILCS 30/0.01 et seq.) The APPLICANT further covenants and agrees to pay for or reimburse the CITY and its officials, officers, employees and agents for any and all costs, reasonable attorneys' fees, liabilities or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities, or causes of action. The CITY shall have the right to select legal counsel and to approve any settlement in connection with such losses, claims, damages, liabilities, or causes of action. The provisions of this section shall survive the completion of said Corridor improvement(s).

**SECTION 8:** Nothing herein is intended to limit, restrict or prohibit the APPLICANT from undertaking any other work in or about the subject premises, which is unrelated to the Improvements provided for in this Agreement.

**SECTION 9:** This Agreement shall be binding upon the CITY and upon the APPLICANT and its successors and assigns with respect to the property on which the Improvements are installed, for a period of five (5) years from and after the date of completion and approval of the Corridor improvement provided for herein. It shall be the responsibility of the APPLICANT to inform subsequent owners and lessees of the provisions of this Agreement.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

**APPLICANT**

**PROPERTY OWNER**  
(if different from APPLICANT)

\_\_\_\_\_

**CITY OF ST. CHARLES:** \_\_\_\_\_

**Mayor**

**ATTEST:** \_\_\_\_\_

**City Clerk**

Applicant contact information:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner's information, if different than applicant:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## Exhibit I

**The Corridor Improvement Grant Program will reimburse property owners for design consultant fees according to which of the three grant programs the property owner has applied for:**

### **Corridor & Downtown Grants**

Corridor Grants are chosen each year by the Corridor Improvement Commission and approved by the City Council. The grant recipient will pay for the first 25% of the design cost and the grant would pay up to a cap amount based upon linear footage of the property along the Corridor Roadway (Main, Kirk, Lincoln Highway, or Randall, SSA1B); as noted in the chart below:

<b>Grant Funding for Design of Corridor Grants</b>		
<b>Linear Footage of Property on a Corridor Roadway (Main, Kirk, Randall, SSA1B)</b>	<b>Owner Pays</b>	<b>Commission will Pay</b>
< 200 feet	First 25% of Total design Costs	Up to \$2,000
201 – 500 feet	First 25% of Total design Cost	Up to \$3,000
501 + feet	First 25% of Total design Cost	Up to \$4,000

### **Four Season Grants**

The Corridor Improvement Program does not pay for design services. These grants provide up to \$1,000 for soil, labor, plant materials and mulch.



**NERI LANDSCAPE & MAINTENANCE, INC.**  
 PO BOX 1053  
 SAINT CHARLES, IL 60174  
 (630) 443-4722

9/7/2016

6790

Lundeen's St. Charles - West  
 137 S 16th St  
 St Charles, IL 60174

Updated 10/5/16			
Coreopsis, Zagreb #5	17	15.00	255.00
Salvia, Marcus	9	15.00	135.00
Hydrangea Quick Fire #5	6	54.00	324.00
Weigela, Fine Wine #3B	9	48.00	432.00
Karl Forester, Feather Reed Grass #1	23	15.00	345.00
Black Eyed Susan "Viette's Little Suzy" #1	11	14.00	154.00
Juniper, Gold Lace #5	3	54.00	162.00
Serviceberry, Autumn Brilliance 7ft	1	400.00	400.00
Blue Spruce 6ft	3	310.00	930.00
Allium, Summer Beauty #1	19	16.00	304.00
Little Bluestem, Carousel #1	9	15.00	135.00
Russian Sage	3	14.00	42.00
Fondulac - 2 man outcrops - 2 tons	2	440.00	880.00
Top Soil - 20 yards	1	560.00	560.00
Mushroom Compost, Peat Moss, Sand	5	45.00	225.00
Premium Hardwood Mulch - Shredded Natural	10	45.00	450.00
Dark Brown Color - 10 yards			
Labor for top soil grading, soil amend, outcropping installation, planting and finishing with Premium hardwood mulch.	1	5,500.00	5,500.00
Sod	1	484.00	484.00

630-443-4722

geno@nerilandscape.com



**NERI LANDSCAPE & MAINTENANCE, INC.**  
PO BOX 1053  
SAINT CHARLES, IL 60174  
(630) 443-4722

9/7/2016

6790

Lundeen's St. Charles - West  
137 S 16th St  
St Charles, IL 60174

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Old Quarry wall, Unilock (with labor)	1	2,976.00	2,976.00
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\$14,693.00

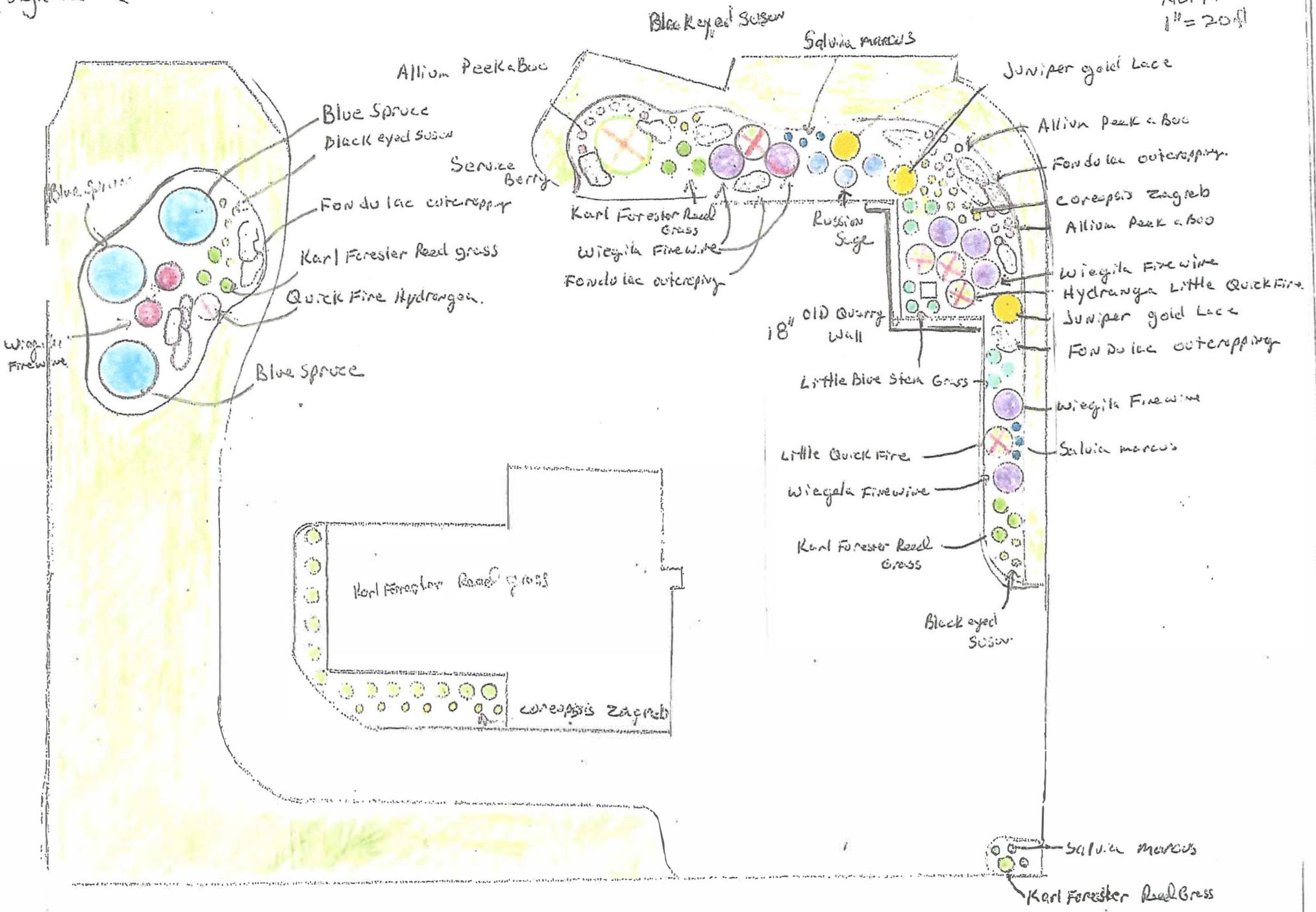
630-443-4722

[geno@nerilandscape.com](mailto:geno@nerilandscape.com)

Appendix 2

Exhibit III

North →  
1" = 20 ft





Hydrangea, Quick Fire



Weigela, Fine Wine



Karl Forester, Reed Grass



Black Eyed Susan



Juniper, Gold Lace



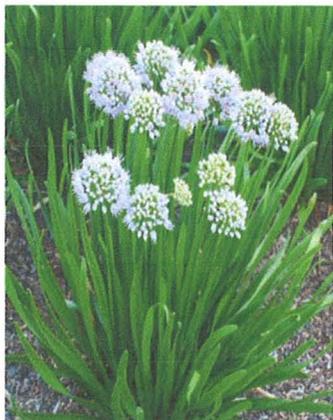
Blue Spruce



Serviceberry, Autumn Brilliance



Salvia, Marcus



Allium, Summer Beauty



Little Bluestem, Carousel



Russian Sage



Coreopsis, Zagreb



Outcropping Stones



Olde Quarry Wall

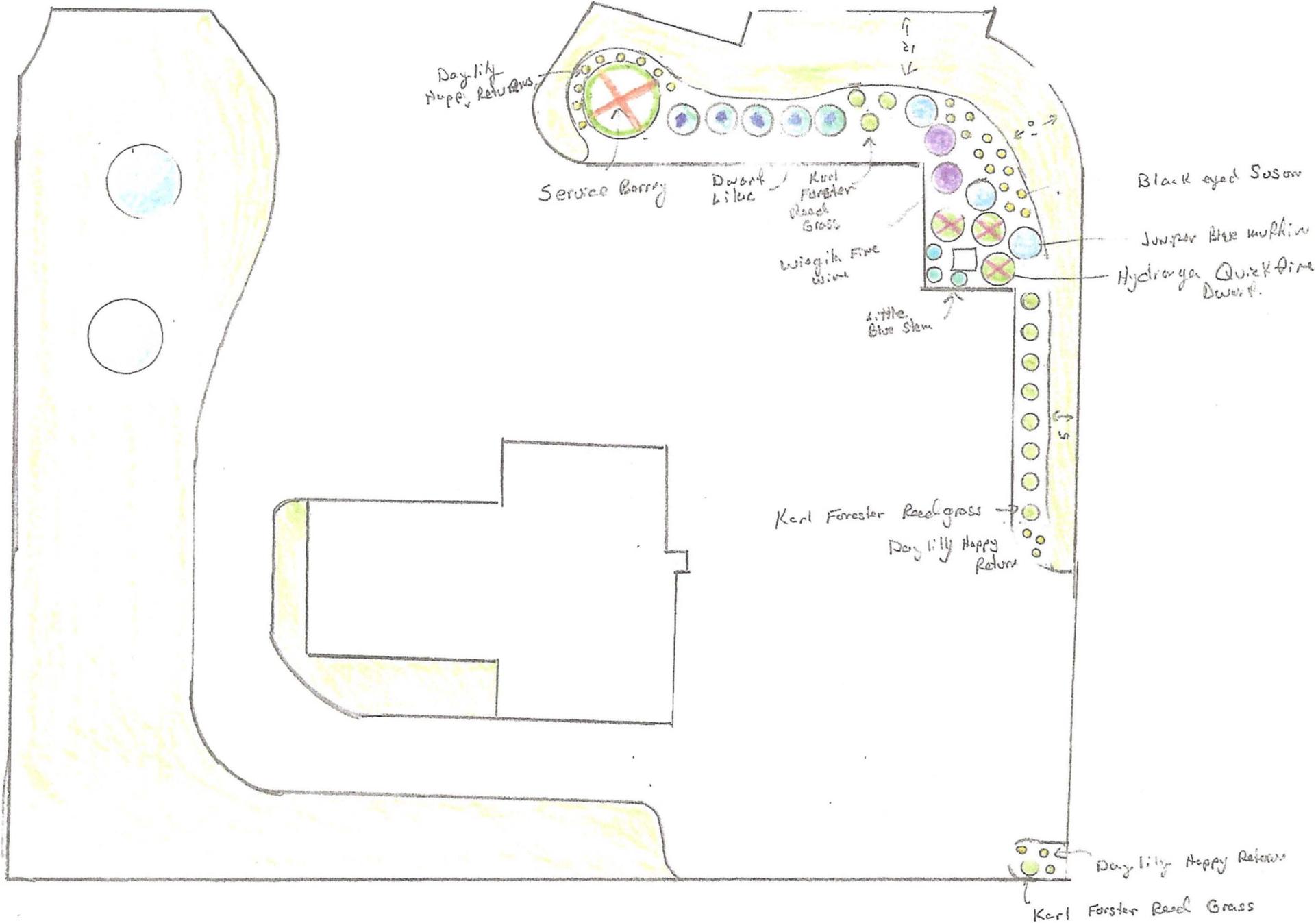
**Exhibit IV**  
**Agreement to Engage in Maintenance for Five Years**

OWNER agrees to maintain the property in a condition substantially similar to the condition prevalent when final inspection is made by the City's Landscape Architect Consultant and approval is granted by the City's Community & Economic Development Director for a period of at least five (5) years. The property will remain weed free, properly edged and mulched, as specified in the original design, and maintained at a minimum with the same type and quantity of plan material initially installed unless a modification to the plan is brought to and agreed upon by the Commission.

In the event of substandard maintenance, the CITY shall give the owner reasonable notice of conditions to be corrected within thirty (30) days. In the event that substandard maintenance still exists, OWNER agrees to repay the CITY the monies initially allocated to the OWNER by the CITY and to pay all costs and fees, including attorney fees, of any legal action taken to enforce this maintenance agreement.

Plan Illustrating Minimum Code Requirements

North  
1" = 20 ft





**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4c

Title:

Corridor Improvement Commission Recommendation to approve a Corridor Improvement Grant for 1625 E. Main Street (Tom Anderson)

Presenter:

Matthew O'Rourke

Meeting: Planning & Development Committee

Date: October 10, 2016

Proposed Cost: \$3,861.21

Budgeted Amount: \$3,861.21

Not Budgeted:

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

Tom Anderson, owner of the property located at 1625 E. Main Street, has applied for a Corridor Improvement Grant for landscape improvements associated with modification to the Colonial Café restaurant. The applicant is proposing new landscape featuring along the foundation of the building to complement recent completed renovations to the building. The proposed plan includes a mix decorative boulders and new vegetation the along the main entrance of the building that faces Rt.64 to enhance the physical changes to the structure.

**Corridor Commission Review**

The Corridor Improvement Commission reviewed the design at their 10/5/2016 meeting and recommended approval of the grant proposal. The total cost of the improvements is \$7,722.41 and the City's share of the total project cost will be a maximum of \$3,861.21.

**Attachments** *(please list):*

Draft Corridor Improvement Agreement; CIC Resolution 6-2016

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve a Corridor Improvement Grant for 1625 E. Main Street (Tom Anderson).

**City of St. Charles**  
**CORRIDOR IMPROVEMENT AGREEMENT**

1625 E. Main Street  
Tom Anderson (Colonial Cafe)

**THIS AGREEMENT**, entered into this 17th day of October, 2016, between the City of St. Charles, Illinois (hereinafter referred to as "CITY") and the following designated APPLICANT, to wit:

APPLICANT Name: **Tom Anderson**

Address of Property to be Improved: **1625 E. Main Street**

PIN Number(s): **09-26-402-036**

Property Owner's Name: **Tom Anderson**

**WITNESSETH:**

**WHEREAS**, the CITY has established a **Corridor Improvement Program** to provide matching grants for landscaping and related improvements within the Randall Road, Main Street, Kirk Road, Lincoln Hwy, and Special Service Tax District SSA-1B corridors, or designated entry way areas of the CITY; and

**WHEREAS**, Tom Anderson, APPLICANT(S), desires to install landscaping and related improvements to the above-described property that are eligible for reimbursement under the Corridor Improvement Program; and

**WHEREAS**, said Corridor Improvement Program is administered by the CITY with the advice of the Corridor Improvement Commission and is funded from the general fund for the purposes of improving the aesthetics of the commercial corridors of the CITY and preventing blight and deterioration; and

**WHEREAS**, the above-described property for which the APPLICANT seeks a grant is located within the area eligible for participation in the Corridor Improvement Program.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements obtained herein, the CITY and the APPLICANT do hereby agree as follows:

**SECTION 1:** The APPLICANT understands and agrees that only the cost of eligible improvements located east of the right-of-way on parcels with the following PIN(s) 09-26-402-036 and landscape design fees associated with those improvements, shall be considered reimbursable as shown in Exhibit II and Exhibit III. The CITY will reimburse the APPLICANT up to 75% of the cost for landscape design services and up to 50% of the cost of labor, materials and equipment necessary to install landscaping and related improvements in accordance with the approved plans, specifications and cost estimates attached hereto as Exhibit "I" (the "Improvements"), but in no event more than the maximum amounts as defined below:

Landscape improvements cost: \$7,722.41      City's Share @ 50% up to a maximum of \$3,861.21

Labor by the APPLICANT ("sweat equity") is not a reimbursable expense. All Improvements shall be installed in accordance with Exhibit I, subject to minor revisions as may be approved by a representative of the Corridor Improvement Commission due to availability of landscape plants, field conditions not known at the time of design, and similar circumstances beyond the APPLICANT's control.

**SECTION 2:** The Director of Community & Economic Development, or designee, shall inspect the Improvements installed pursuant to this Agreement. Such inspection shall not replace any required permit inspections by the CITY. All work that is not in conformance with the approved plans and specifications shall be remedied by the APPLICANT and deficient or improper work shall be replaced and made to comply with the approved plans and specifications and the terms of this Agreement.

**SECTION 3:** Upon completion of the Improvements and upon their final inspection and approval by the Director of Community & Economic Development, or designee, the APPLICANT shall submit to the CITY a properly executed and notarized contractor statement showing the full cost of the Improvements as well as each separate component amount due to the contractor and each and every subcontractor involved in furnishing labor, materials or equipment in the work. In addition, the APPLICANT shall submit to the CITY proof of payment of the contract cost pursuant

to the contractor's statement and final lien waivers from all contractors and subcontractors. The CITY shall, within thirty (30) days of receipt of the contractor's statement, proof of payment and lien waivers, the landscape architect's statement, and “before” and “after” pictures of the property, reimburse the APPLICANT for the 50% of the actual construction and materials cost or the maximum amount specified in this Agreement, whichever is less, and for 75% of the landscape designer’s fee or the maximum amount specified in this Agreement, whichever is less.

At its sole discretion, CITY may reimburse APPLICANT in two payments. The first reimbursement may be made only

- 1) upon completion of Improvements representing 40% or more of the maximum reimbursement specified in Section 1 hereof and,
- 2) upon receipt by CITY of the landscape designer’s invoices, contractor's statements, proof of payment and notarized final lien waivers for the completed Improvements and,
- 3) upon a determination by the Director of Community & Economic Development, or designee, that the remainder of the Improvements are expected to be delayed for thirty days or more following completion of the initial work due to weather, availability of materials, or other circumstances beyond the control of the APPLICANT. The second, final reimbursement payment shall be made by CITY only upon submittal of all necessary documents as described herein.

**SECTION 4:** All Improvements must be completed within 270 days after the approval of this Agreement by the City Council, unless otherwise authorized by the CITY. Extensions may be approved by the Director of Community Development, prior to the expiration of the said 270 days. Projects which have not received an extension and have not been completed within 270 days will not receive funding.

**SECTION 5:** If the APPLICANT or his contractor fails to complete the Improvements provided for herein in conformity with the approved plans and specifications and the terms of this Agreement, then upon written notice being given by the Director of Community & Economic Development to the APPLICANT, by certified mail to the address listed above, this Agreement shall terminate and the financial obligation on the part of the CITY shall cease and become null and void.

**SECTION 6:** Upon completion of the Improvements pursuant to this Agreement and for a period of five (5) years thereafter, the APPLICANT shall be responsible for properly maintaining such Improvements in finished form and without change or alteration thereto, as provided in this Agreement, and for the said period of five (5) years following completion of the construction thereof, the APPLICANT shall not enter into any Agreement or contract or take any other steps to alter, change or remove such Improvements, or the approved design thereof, nor shall APPLICANT undertake any other changes, by contract or otherwise, to the Improvements provided for in this Agreement unless such changes are first approved by the Corridor Improvement Commission. Such approval shall not be unreasonably withheld if the proposed changes do not substantially alter the original design concept of the Improvements as specified in the plans, design drawings and specifications approved pursuant to this Agreement.

If within the 5-year maintenance period plant materials are damaged by automobiles, wildlife, acts of nature, or stolen or any other cause, the APPLICANT shall install and pay for replacements.

OWNER agrees to provide regular maintenance of the property for a minimum of five years following completion of construction in a condition that is weed free, properly edged and mulched as specified in the original design, and maintained with the same type and quantity of plant material initially installed, unless a modification to the plan is approved by the Corridor Improvement Commission.

In the event of inadequate maintenance, the CITY shall give the owner reasonable notice of conditions to be corrected. In the event that substandard maintenance still exists after thirty (30) days, OWNER shall repay the CITY all grant funds received pursuant to this Agreement and pay all costs and fees, including attorney fees, of any legal action taken to enforce the maintenance of the Improvements.

**SECTION 7:** The APPLICANT covenants and agrees to indemnify and hold harmless the CITY and its officials, officers, employees and agents from and against, any and all losses, claims, damages, liabilities or expenses, of every conceivable kind, character and nature whatsoever arising out of, resulting from or in any way connected with directly or indirectly with the Corridor Improvement(s) which are the subject of this Agreement, including but not limited to actions arising

from the Prevailing Wage Act (820 ILCS 30/0.01 et seq.) The APPLICANT further covenants and agrees to pay for or reimburse the CITY and its officials, officers, employees and agents for any and all costs, reasonable attorneys' fees, liabilities or expenses incurred in connection with investigating, defending against or otherwise in connection with any such losses, claims, damages, liabilities, or causes of action. The CITY shall have the right to select legal counsel and to approve any settlement in connection with such losses, claims, damages, liabilities, or causes of action. The provisions of this section shall survive the completion of said Corridor improvement(s).

**SECTION 8:** Nothing herein is intended to limit, restrict or prohibit the APPLICANT from undertaking any other work in or about the subject premises, which is unrelated to the Improvements provided for in this Agreement.

**SECTION 9:** This Agreement shall be binding upon the CITY and upon the APPLICANT and its successors and assigns with respect to the property on which the Improvements are installed, for a period of five (5) years from and after the date of completion and approval of the Corridor improvement provided for herein. It shall be the responsibility of the APPLICANT to inform subsequent owners and lessees of the provisions of this Agreement.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

**APPLICANT**

**PROPERTY OWNER**  
(if different from APPLICANT)

\_\_\_\_\_

**CITY OF ST. CHARLES:** \_\_\_\_\_

**Mayor**

**ATTEST:** \_\_\_\_\_

**City Clerk**

Applicant contact information:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Property Owner's information, if different than applicant:

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

## Exhibit I

**The Corridor Improvement Grant Program will reimburse property owners for design consultant fees according to which of the three grant programs the property owner has applied for:**

### **Corridor & Downtown Grants**

Corridor Grants are chosen each year by the Corridor Improvement Commission and approved by the City Council. The grant recipient will pay for the first 25% of the design cost and the grant would pay up to a cap amount based upon linear footage of the property along the Corridor Roadway (Main, Kirk, Lincoln Highway, or Randall, SSA1B); as noted in the chart below:

<b>Grant Funding for Design of Corridor Grants</b>		
<b>Linear Footage of Property on a Corridor Roadway (Main, Kirk, Randall, SSA1B)</b>	<b>Owner Pays</b>	<b>Commission will Pay</b>
< 200 feet	First 25% of Total design Costs	Up to \$2,000
201 – 500 feet	First 25% of Total design Cost	Up to \$3,000
501 + feet	First 25% of Total design Cost	Up to \$4,000

### **Four Season Grants**

The Corridor Improvement Program does not pay for design services. These grants provide up to \$1,000 for soil, labor, plant materials and mulch.



**EverGreen Landscape Associates LLC**

48 W 811 Melms Rd  
Hampshire, IL 60140

[www.evergreenlandscape.net](http://www.evergreenlandscape.net)

Phone: (847) 683-9933 Fax: (847) 683-9991

**Tom Anderson**  
333 N Randall Rd  
St. Charles, IL 60174

August 30, 2016  
Estimate: I903

**Colonial Cafe Rt 64 Landscape**

EverGreen Landscape Associates LLC proposes to supply and install the following:

**01. ROCK ADDITIONS**

*Materials*

Qty	Name
1 Ton	WI Granite Boulders - 12-18"
1 Ton	WI Granite Boulders - 18-24"
170 FT <sup>2</sup>	Typar Heavyduty landscape fabric
3 Ton	American Heritage Wash Stone - ton

**Subtotal for 01. ROCK ADDITIONS: \$1,554.26**

**02. PLANTINGS**

**Labor to divide and transplant ex. daylily**

**Mulch- 9 CuYd**

*Plants*

Qty	Name	Size
13	Creeping Lilyturf	10 Flat
9	Wintergreen Boxwood	24"w
6	Grow Low Fragrant Sumac	#3/18"
5	Dwarf Korean Lilac	#5/24"
1	Compact Koreanspice Viburnum	36"
8	First Editions Strawberry Sundae Panicule Hydrangea	#3
8	Pixie Fountain Tufted Hair Grass	#1

13	Purple Leaf Wintercreeper Euonymus	24 Flat
7	Little Bluestem	#1
11	Magnus Purple Coneflower	#1
14	Black-Eyed Susan	#1
7	Stella de Oro Daylily	#1
9	Little Princess Spirea	#5

**Materials**

Qty	Name	
22 SqYd	Sod	
9 CuYd	Premium Blended Mulch	
<b>Subtotal for 02. PLANTINGS:</b>		<b>\$6,168.15</b>
<b>Grand Total for Colonial Cafe Rt 64 Landscape</b>		<b>\$7,722.41</b>

: \_\_\_\_\_ Date: \_\_\_\_\_  
 Becca LaBarre

Customer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Payment Schedule:**

Upon Contract Signing 30% \$2,316.72  
 Upon Completion 70% \$5,405.69

**Plant Warranty:**

- (3) year warranty on trees and shrubs from date of installation.
- (1) year warranty on spaded trees, perennials, shrub roses, bulbs, groundcover, and aquatic plants.
- If a specific plant is unavailable, we reserve the right to substitute with comparable plant material.
- There will be no warranty on seed, sod, or transplanted materials.
- These warranties are in effect providing that the owner supplies proper care, watering, and maintenance. There will be a one-time replacement only during the warranty period on plant material.

**Hardscape Warranty:**

- (5) year warranty on workmanship of hardscapes.
- (1) year warranty on hardscapes installed in the over dig of the foundation.
- This warranty does not extend to damage resulting from vandalism, rodents, owner's neglect, and other factors beyond the control of EverGreen Landscape.

**Terms and Conditions:**

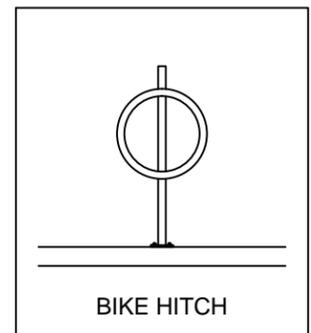
- Homeowner is responsible for village or city permit fees above and beyond contract amount.
- The marking of any "private" underground utility lines are the responsibility of the property owner (irrigation, landscape lighting, pet fences, gas lines, electric lines, etc). These lines are NOT marked by our required J.U.L.I.E. locate number. EverGreen Landscape is not responsible for any damaged unmarked private underground lines.
- We take precautions to prevent damage to driveways, but minor surface blemishes may result from construction.
- Any deletions or additions to this proposal will alter final amount. Deletions will be credited on the final invoice. Additions will also be shown on the final invoice and will be due upon receipt. Owner is responsible for any additional charges they have incurred.
- A fuel surcharge of 5% will be added to the cost of this proposal if fuel prices are \$4.00 per gallon or higher at the time of service.

**Payment:**

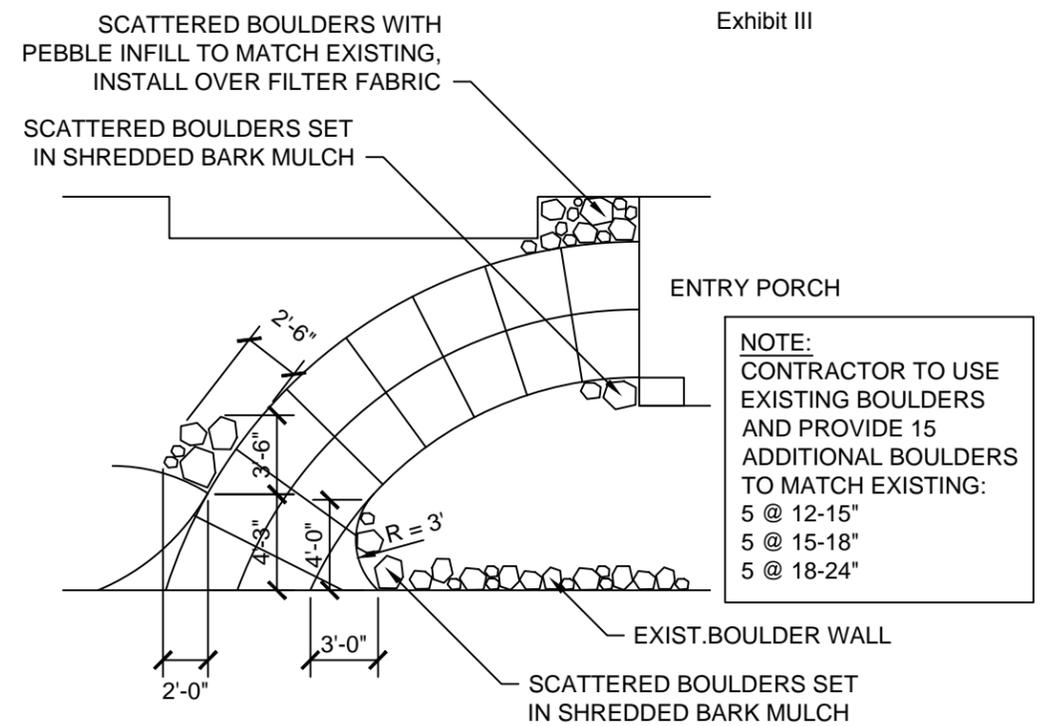
- Owner shall pay EverGreen Landscape 30% of the proposal amount upon the execution of this agreement and balance in full upon issuance of the final invoice.
- Visa and Mastercard accepted up to \$2500. Any charges above this amount placed on a credit card will be charged a 3% processing fee.
- If final payment is not received as described above, the warranty will be null and void and the owner will pay interest on the balance due at the rate of 1.5% per month, an annual rate of 18%. Owner also agrees to pay expenses incurred in collecting unpaid balances, including but not limited to, court costs and attorney's fees.

**To accept this agreement, please sign, date, and return the enclosed duplicate of this contract with your deposit.**

**Work will be scheduled upon receipt of deposit and signed contract.**



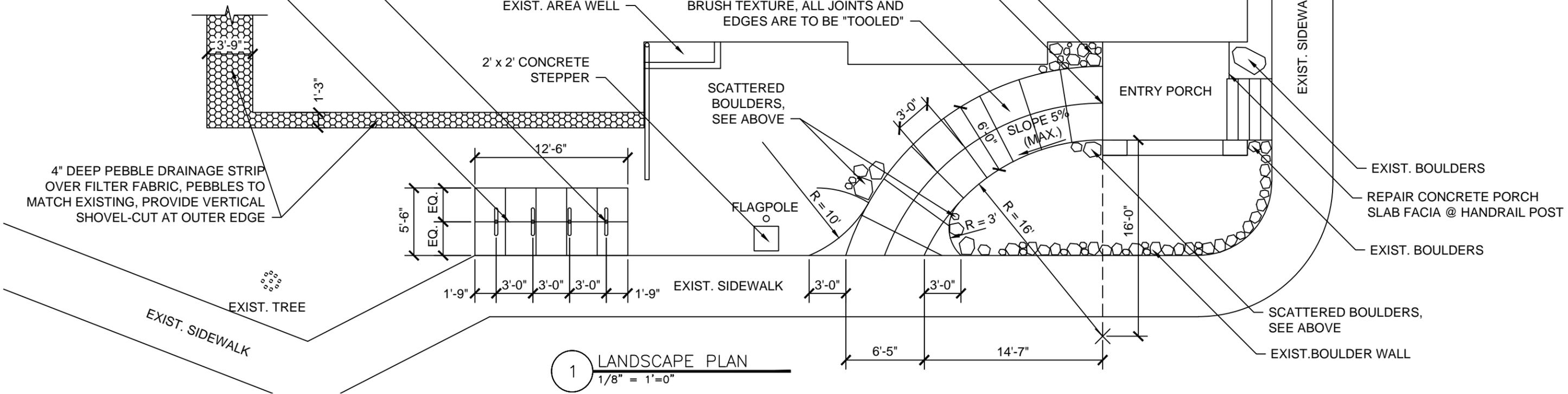
**GEN. NOTES ON CONCRETE PAVING:**  
 1. MAX. SLOPE FOR ENTRY WALK TO BE 5% FROM PORCH TO EXIST. SIDEWALK  
 2. MAX. CROSS-SLOPE FOR ENTRY WALK TO BE 2% (1/4"/FOOT)  
 3. MAX. SLOPE OF BIKE RACK PAD TOWARD EXIST. SIDEWALK TO BE 2% (1/4"/FOOT)



**NOTE:**  
 CONTRACTOR TO USE EXISTING BOULDERS AND PROVIDE 15 ADDITIONAL BOULDERS TO MATCH EXISTING:  
 5 @ 12-15"  
 5 @ 15-18"  
 5 @ 18-24"

4 - POWDER COAT BLACK POST & RING BIKE HITCHES, SURFACE MOUNTED WITH STAINLESS STEEL FASTENERS, (DERO, MINNEAPOLIS, MN 55414, 888.337.6729)  
 STANDARD 5" THICK CONCRETE SLAB OVER 5" THICK (MIN.) COMPACTED GRAVEL BASE, SURFACE TO BE STEEL TROWELED WITH MEDIUM BRUSH TEXTURE, ALL JOINTS AND EDGES ARE TO BE "TOOLED", SCORE @ 30" O.C.

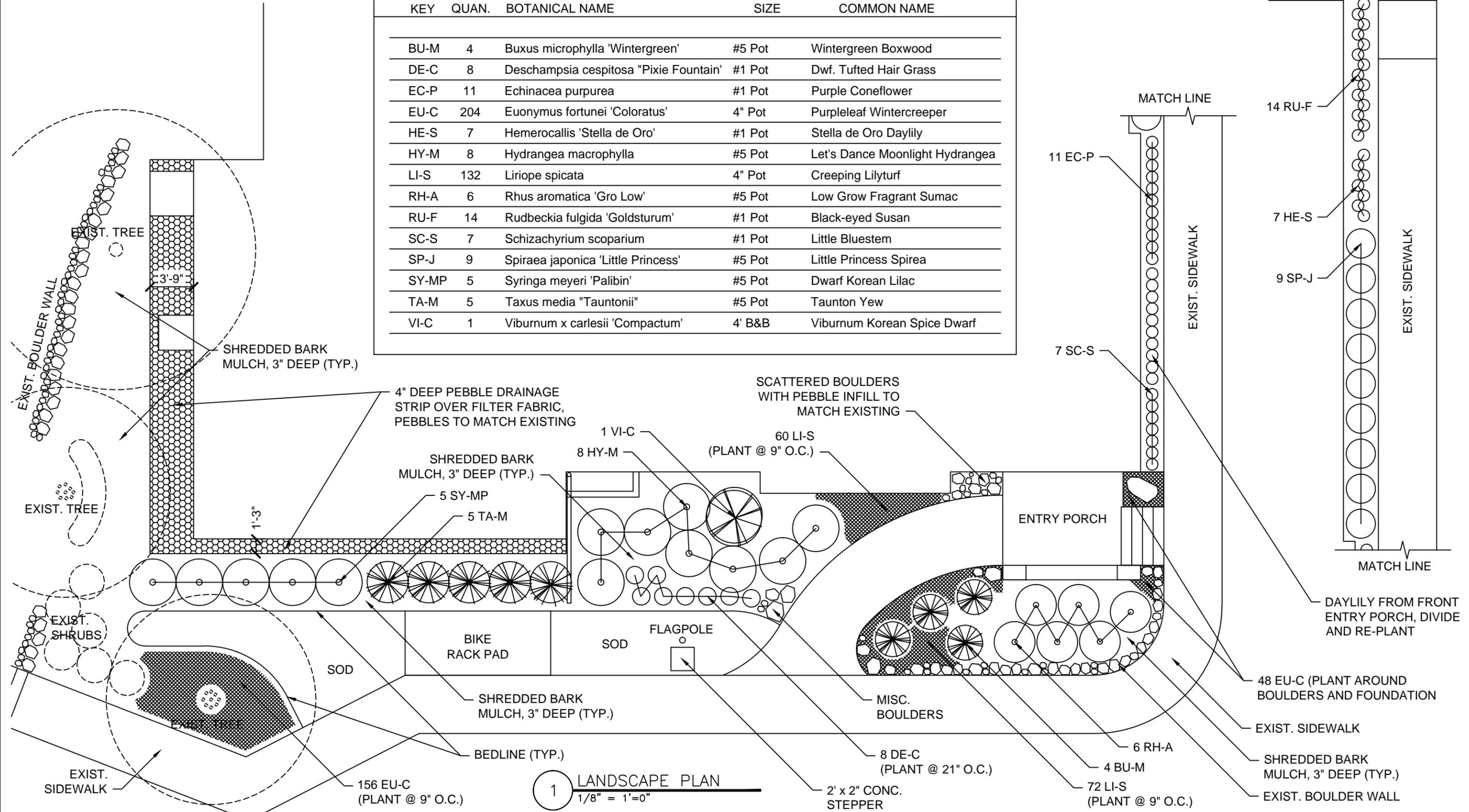
SCATTERED BOULDERS SEE ABOVE  
 PIN NEW SLAB TO PORCH WITH 3/4" DIA. DOWELS @ 24" O.C. (3 MIN. REQ.), SECURE WITH EPOXY GROUT  
 STANDARD 5" THICK CONCRETE SLAB OVER 5" THICK (MIN.) COMPACTED GRAVEL BASE, SURFACE TO BE STEEL TROWELED WITH MEDIUM BRUSH TEXTURE, ALL JOINTS AND EDGES ARE TO BE "TOOLED"



1 LANDSCAPE PLAN  
 1/8" = 1'-0"

Subject: <b>PROPOSED LANDSCAPE PAVING</b>	Date: 08/06/16	Revision:	Sketch No.: <b>L-1</b>
	Scale: 1/8" = 1'-0"		
Project: <b>COLONIAL CAFE - 1625 E. MAIN STREET - ST.CHARLES, IL</b>	Project No.:	Drawing No.:	

KEY	QUAN.	BOTANICAL NAME	PLANTED SIZE	COMMON NAME
BU-M	4	Buxus microphylla 'Wintergreen'	#5 Pot	Wintergreen Boxwood
DE-C	8	Deschampsia cespitosa 'Pixie Fountain'	#1 Pot	Dwf. Tufted Hair Grass
EC-P	11	Echinacea purpurea	#1 Pot	Purple Coneflower
EU-C	204	Euonymus fortunei 'Coloratus'	4" Pot	Purpleleaf Wintercreeper
HE-S	7	Hemerocallis 'Stella de Oro'	#1 Pot	Stella de Oro Daylily
HY-M	8	Hydrangea macrophylla	#5 Pot	Let's Dance Moonlight Hydrangea
LI-S	132	Liriope spicata	4" Pot	Creeping Lilyturf
RH-A	6	Rhus aromatica 'Gro Low'	#5 Pot	Low Grow Fragrant Sumac
RU-F	14	Rudbeckia fulgida 'Goldsturm'	#1 Pot	Black-eyed Susan
SC-S	7	Schizachyrium scoparium	#1 Pot	Little Bluestem
SP-J	9	Spiraea japonica 'Little Princess'	#5 Pot	Little Princess Spirea
SY-MP	5	Syringa meyeri 'Palibin'	#5 Pot	Dwarf Korean Lilac
TA-M	5	Taxus media 'Tauntonii'	#5 Pot	Taunton Yew
VI-C	1	Viburnum x carlesii 'Compactum'	4' B&B	Viburnum Korean Spice Dwarf



Subject: **PROPOSED LANDSCAPING**

Project: **COLONIAL CAFE - 1625 E. MAIN STREET - ST.CHARLES, IL**

Date:	08/06/16	Revision:		Sketch No.:	L-2
Scale:	1/8" = 1'-0"				
Project No.:		Drawing No.:			

**Exhibit IV**  
**Agreement to Engage in Maintenance for Five Years**

OWNER agrees to maintain the property in a condition substantially similar to the condition prevalent when final inspection is made by the City's Landscape Architect Consultant and approval is granted by the City's Community & Economic Development Director for a period of at least five (5) years. The property will remain weed free, properly edged and mulched, as specified in the original design, and maintained at a minimum with the same type and quantity of plan material initially installed unless a modification to the plan is brought to and agreed upon by the Commission.

In the event of substandard maintenance, the CITY shall give the owner reasonable notice of conditions to be corrected within thirty (30) days. In the event that substandard maintenance still exists, OWNER agrees to repay the CITY the monies initially allocated to the OWNER by the CITY and to pay all costs and fees, including attorney fees, of any legal action taken to enforce this maintenance agreement.

**City of St. Charles, Illinois**

**Corridor Improvement Commission Resolution No. 6-2016**

**A Resolution Recommending Approval of a Corridor Improvement Grant Application**

**(1625 E. Main Street – Tom Anderson)**

**WHEREAS**, it is the responsibility of the St. Charles Corridor Improvement Commission to review applications for the Corridor Improvement Grant Program; and

**WHEREAS**, the Corridor Improvement Commission has reviewed the following Corridor Improvement proposal for: 1625 E. Main Street; and

**WHEREAS**, the Corridor Improvement Commission finds approval of said Corridor Improvement proposal to be in the best interest of the City of St. Charles and provided the applicant complies with the specific conditions listed in Exhibit "A" attached hereto:

**NOW THEREFORE**, be it resolved by the St. Charles Corridor Improvement Commission to recommend to the City Council approval of the Corridor Improvement application listed above with the conditions listed in Exhibit "A".

Roll Call Vote:

Ayes: English, Kane, Dechene, and Hauser.

Nays: None

Abstain: Potts

Absent: Schuetz and Pietryla

Motion Carried.

**PASSED**, this 5th day of October, 2016.

---

Chairman

**EXHIBIT A**

**REVIEW COMMENTS**

1. Follow plan as presented. Any changes must be reviewed and approved by the Corridor Improvement Commission



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4d

Title:	Plan Commission recommendation to approve a Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O
Presenter:	Ellen Johnson

Meeting: Planning & Development Committee

Date: October 10, 2016

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

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

Pastor Raul Laracuenta of Maranatha House of Prayer has applied for Special Use to establish a Place of Worship at the Tyler Ridge Business Park.

Services will be held on Tuesdays at 7:00 p.m. and Sundays at 9:00 a.m.

No changes to the exterior of the building or the site are proposed.

Special Use approval is required to permit a Place of Worship in the M-2 Limited Manufacturing zoning district.

**Plan Commission Review**

The Plan Commission held a public hearing on the Special Use on 9/20/16. The Commission voted 8-0 to recommend approval, with two conditions:

1. The maximum number of people at any given church service shall not exceed 45.
2. Church services shall not be held before 7:00 p.m. on weekdays or before 12:00 p.m. on Saturdays.

**Attachments** *(please list):*

Plan Commission Resolution, Staff Report, Application

**Recommendation/Suggested Action** *(briefly explain):*

Plan Commission recommendation to approve a Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O.

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 16-2016**

**A Resolution Recommending Approval of Application for Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O (Raul Laracuate)**

**Passed by Plan Commission September 20, 2016**

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

WHEREAS, the Plan Commission held a public hearing and has reviewed the Application for Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O (Raul Laracuate) and;

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

**FINDINGS OF FACT FOR SPECIAL USE**

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

The space is located inside the Tyler Ridge Business Park, near Main Street, which is a major road. There is adequate parking inside the business park which will not impact the surrounding streets.

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

The space was previously used as a business and it has been fitted with all the necessary facilities.

**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.**

This space is not going to be used for a large church. We are a young church with less than 30 members. The congregation will place no burden on the immediate vicinity or affect property values.

**Resolution 16-2016**

- 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.**

This special use request is to use the space until we outgrow it; we will not expand to the nearby spaces. The use will not impede any future development within the business park.

- 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 church will provide any and all who attend, or live nearby, with a place of refuge and spiritual comfort.

- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

We are a church registered with the state and federal government.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O (Raul Laracuate) subject to the following conditions:

1. The maximum number of people at any given church service shall not exceed 45.
2. Church services shall not be held before 7:00 p.m. on weekdays or before 12:00 p.m. on Saturdays.

Roll Call Vote:

Ayes: Kessler, Spruth, Holderfield, Schuetz, Wallace, Doyle, Frio, Macklin-Purdy

Nays: None

Absent: Pretz

Motion carried: 8-0

PASSED, this 20th day of September 2016.

---

Chairman  
St. Charles Plan Commission

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Todd Bancroft  
 And the Members of the Planning and Development Committee

**FROM:** Ellen Johnson, Planner

**RE:** Special Use for a Place of Worship – 525 S. Tyler Rd. Units O & N-2

**DATE:** October 4, 2016

**I. APPLICATION INFORMATION:**

**Project Name:** Maranatha House of Prayer

**Applicant:** Raul Laracuate

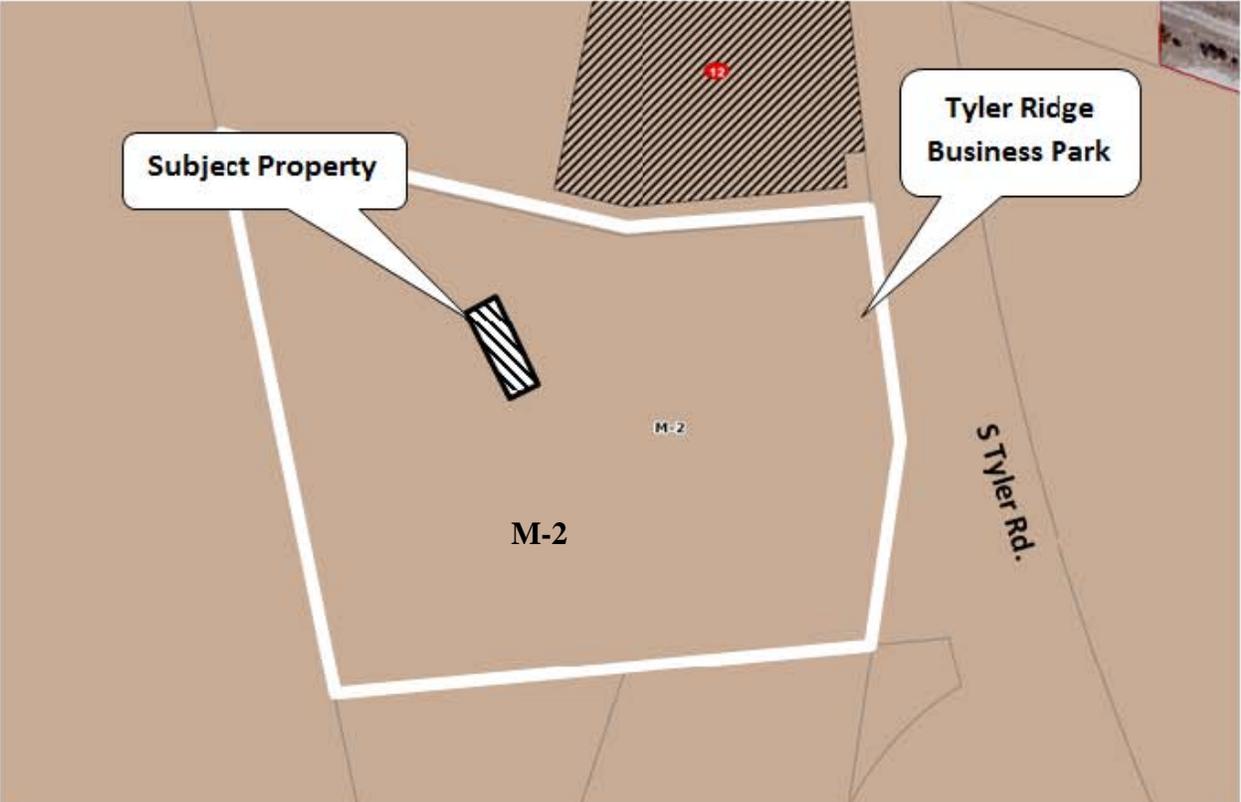
**Purpose:** Special Use for a Place of Worship

<b>General Information:</b>		
<b>Site Information</b>		
Location	525 S. Tyler Rd. Units O & N-2 (Tyler Ridge Business Park)	
Acres	4.3 acres (Tyler Ridge Business Park)	
Applications	<b>Special Use for a Place of Worship</b>	
Applicable Ordinances and Zoning Code Sections	17.04.330 – Special Uses and Amendments to Special Uses 17.16 Office/Research, Manufacturing and Public Lands Districts 17.24 Off Street Parking, Loading & Access	
<b>Existing Conditions</b>		
Land Use	Multi-tenant office building	
Zoning	M-2 Limited Manufacturing	
<b>Zoning Summary</b>		
North	M-2 Limited Manufacturing & Special Use for Car Wash	Office, car wash
East	M-2 Limited Manufacturing	Vacant (Ryder Truck facility planned for site)
South	M-2 Limited Manufacturing	Vacant, single-family home
West	M-2 Limited Manufacturing	Vacant
<b>Comprehensive Plan Designation</b>		
Industrial/Business Park		

**Aerial**



**Zoning**



## II. BACKGROUND

### A. PROPERTY HISTORY

The Tyler Ridge Business Park consists of five buildings. The eastern three buildings were constructed in 1990, while the western two buildings were completed in 1996. The buildings are divided into several units which are separately owned as condominium units. Most of the units house general offices and medical clinics.

### B. PROPOSAL

Pastor Raul Laracuente of Maranatha House of Prayer, applicant, is proposing to utilize Units O and N-2 in the Tyler Ridge Business Park for his church. He will be leasing the space from the property owner. The size of the space is 1,890 sf.

Services will be held on Tuesday evenings at 7:00 p.m. and Sunday mornings at 9:00 a.m. The church has approximately 30 members.

No changes to the exterior of the building or the site are proposed.

## II. ANALYSIS

Staff has performed an analysis of the Special Use for Place of Worship application for conformance with all relevant standards in the Zoning Ordinance. No physical changes are proposed to the exterior of the building or to the site. As such, the two review items to be considered are the Special Use itself and whether there is adequate parking provided on site to accommodate the proposed use.

### A. SPECIAL USE

The property is zoned M-2 Limited Manufacturing. A Place of Worship is a Special Use in the M-2 district, meaning that the use may be acceptable if established in an appropriate manner and location with the zoning district.

The Zoning Ordinance defines “Place of Worship” as follows:

*A church, temple, synagogue, mosque or other religious place of assembly, which may or may not include schools and/or meeting facilities and accessory uses such as a parish house, recreational facilities and other non-profit operations that serve members of the religious organization.*

The applicant has provided Findings of Fact to support the Special Use request.

### B. PARKING

Parking for the Tyler Ridge Business Park is shared among the various businesses. Based on Township Assessor data of unit sizes and the current uses of the units, a total of 212 parking spaces are required per the Zoning Ordinance. Only 180 spaces are provided on-site. It is not certain why the business park was initially approved with the amount of parking provided, however it is an existing non-conforming condition.

The table below compares the Zoning Ordinance parking requirement for a Place of Worship with the proposed use:

	<b>Requirement</b>	<b>Proposed Use</b>
<b>Parking Requirement</b>	1 per 3 seats based on the maximum capacity in the main place of worship	Based on Fire Dept. Max. Occupancy of 45 people: 15 parking spaces required

The unit Maranatha House of Prayer will be occupying was constructed for office purposes, and therefore does not have the type of worship hall found in buildings specifically constructed for churches. Folding chairs will be set up for church seating. The Fire Dept. conducted a site visit and determined the maximum occupancy load for the assembly area is 45 people. The applicant has indicated there are currently about 30 members of the church, however the parking requirement will be based on the maximum occupancy load.

While there are not 15 parking spaces available to be dedicated solely to the church, the Zoning Ordinance does permit shared parking, per Section 17.24.050 “Shared Parking”, as follows: *The same off-street parking spaces may be shared between two or more separate use on the same lot, but only to the extent that the demand for such spaces by the separate uses will not occur at the same hours during the same days of the week.*”

The applicant has indicated that church services will be held on Tuesday evenings at 7:00 p.m. and Sunday mornings at 9:00 a.m. Staff collected the hours of operation for each existing business in the business park to determine if adequate parking will be available during those times. Staff found the following:

- On weekdays, only one business, a hair and nail salon, is open past 7:00 p.m.
- No businesses are open on Sundays.
- Most of the businesses that are open on Saturdays close by noon. Two businesses, a hair and nail salon and a dentist, stay open into the afternoon.

Based on this information, parking demand will be very low at the business park during the times the proposed church plans to hold services. Due to the existing nonconforming parking count for the business park, it would be appropriate to place a limitation on the times that church services may be held to ensure availability of adequate parking for the church and to avoid a negative impact on parking availability for existing businesses.

#### **IV. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing for the Special Use on 9/20/16. The Commission voted 8-0 to recommend approval, with two conditions which were recommended by staff:

1. The maximum number of people at any given church service shall not exceed 45.
2. Church services shall not be held before 7:00 p.m. on weekdays or before 12:00 p.m. on Saturdays.

#### **V. ATTACHMENTS**

- Aerial image of Tyler Ridge Business Park
- Application for Special Use; received 8/19/16
- Letter of support from Condo Association



City of St. Charles, Illinois

Two East Main Street St. Charles, IL 60174-1984  
Phone: 630-377-4400 Fax: 630-377-4440 - www.stcharlesil.gov

# Tyler Ridge Business Park

RAYMOND ROGINA *Mayor*

MARK KOENEN *City Administrator*



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Data Source:  
City of St. Charles, Illinois  
Kane County, Illinois  
DuPage County, Illinois  
Projection: Transverse Mercator  
Coordinate System: Illinois State Plane East  
North American Datum 1983  
Printed on: September 16, 2016 12:19 PM



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



COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

**SPECIAL USE APPLICATION**

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

<b>For City Use</b>	
Project Name:	Maranatha House of Prayer
Project Number:	2016 -PR- 010
Application Number:	2016 -AP- 028



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: 525 S. Tyler Rd.	
	Parcel Number (s): Unit 0, N2; 09-26-378-016; 09-26-378-018	
	Proposed Name:	
<b>2. Applicant Information:</b>	Name Raul Laracuenta MARANATHA HOUSE OF PRAYER	Phone (312) 420-8202
	Address 1907 JEANETTE AVE ST. CHARLES, IL 60174	Fax
		Email RAUL@MHOPUSA.COM
<b>3. Record Owner Information:</b>	Name MARTIN J. FASEN	Phone (906) 289-4306
	Address P.O. BOX COPPER HARBOR, MI 49918	Fax
		Email MARTY@HIGHWAY-41.COM

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** \_\_\_\_\_
  - New PUD
  - Amendment to existing PUD- Ordinance #: \_\_\_\_\_
  - PUD Preliminary Plan filed concurrently
- \*  **Other Special Use (from list in the Zoning Ordinance):** Place of Worship
  - Newly established Special Use
  - Amendment to an existing Special Use Ordinance #: \_\_\_\_\_

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Industrial / Business Park

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

What is the property's current zoning? M2

What is the property currently used for? Office

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

TWO TEMPORARY WALLS WILL BE REMOVED AND THE WALLS WILL BE PAINTED.

**For Special Use Amendments only:**

Why is the proposed change necessary?

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

\* **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)**

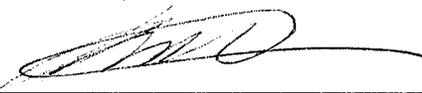
A plan or plans showing the following information:

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

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

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

  
Record Owner \_\_\_\_\_ Date 5/19/16

  
Applicant or Authorized Agent \_\_\_\_\_ Date 8-19-16

**Martin J. Faassen**  
**P.O. Box 48**  
**Copper Harbor, MI 49918**

August 19, 2016

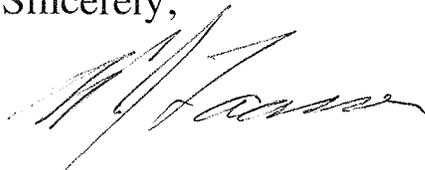
City of St Charles  
2 E. Main Street  
St. Charles, IL 60174

To Whom it May Concern,

The following person has permission to act on my behalf for the process of applying for a special use permit at 525 Tyler Rd., St. Charles, IL, Units O/N-2.

Pastor Raul Laracuenta  
Maranatha House of Prayer  
1907 Jeanette Ave  
Saint Charles, IL 60174

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Faassen', written in a cursive style.

Martin J. Faassen  
Owner, Units O/N-2

# FINDINGS OF FACT – SPECIAL USE



*\*Use this form for all Special Uses, except for PUDs or PUD Amendments\**

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

*As the applicant, the "burden of proof" is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to "make your case" by explaining specifically how your project meets each of the following standards.*

5255 TYLER RD.  
Project Name or Address

8/19/16  
Date

**From the Charles Zoning Ordinance, Section 17.04.430.C.2:**

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

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

THIS SPACE IS LOCATED INSIDE A BUSINESS PARK, NEAR MAIN STREET, WHICH IS A MAJOR ROAD. INSIDE THIS BUSINESS PARK, THERE IS ADEQUATE PARKING WHICH WILL NOT IMPACT THE SURROUNDING STREETS.

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

THE SPACE WAS USED AS A BUSINESS AND IT HAS BEEN FITTED WITH ALL THE NECESSARY FACILITIES. IT'S LOCATION IS VERY CLOSE TO MAIN STREET AND IS INSIDE OF TYLER RIDGE BUSINESS PARK, WHICH IS AWAY FROM THE NEIGHBORHOOD HOMES.

**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.**

THIS SPACE ISN'T GOING TO BE USED FOR A LARGE CHURCH. WE ARE A YOUNG CHURCH WITH LESS THAN 30 MEMBERS. THIS YOUNG CONGREGATION WILL PLACE NO BURDEN ON THE IMMEDIATE VICINITY OR AFFECT PROPERTY VALUES.

- 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.

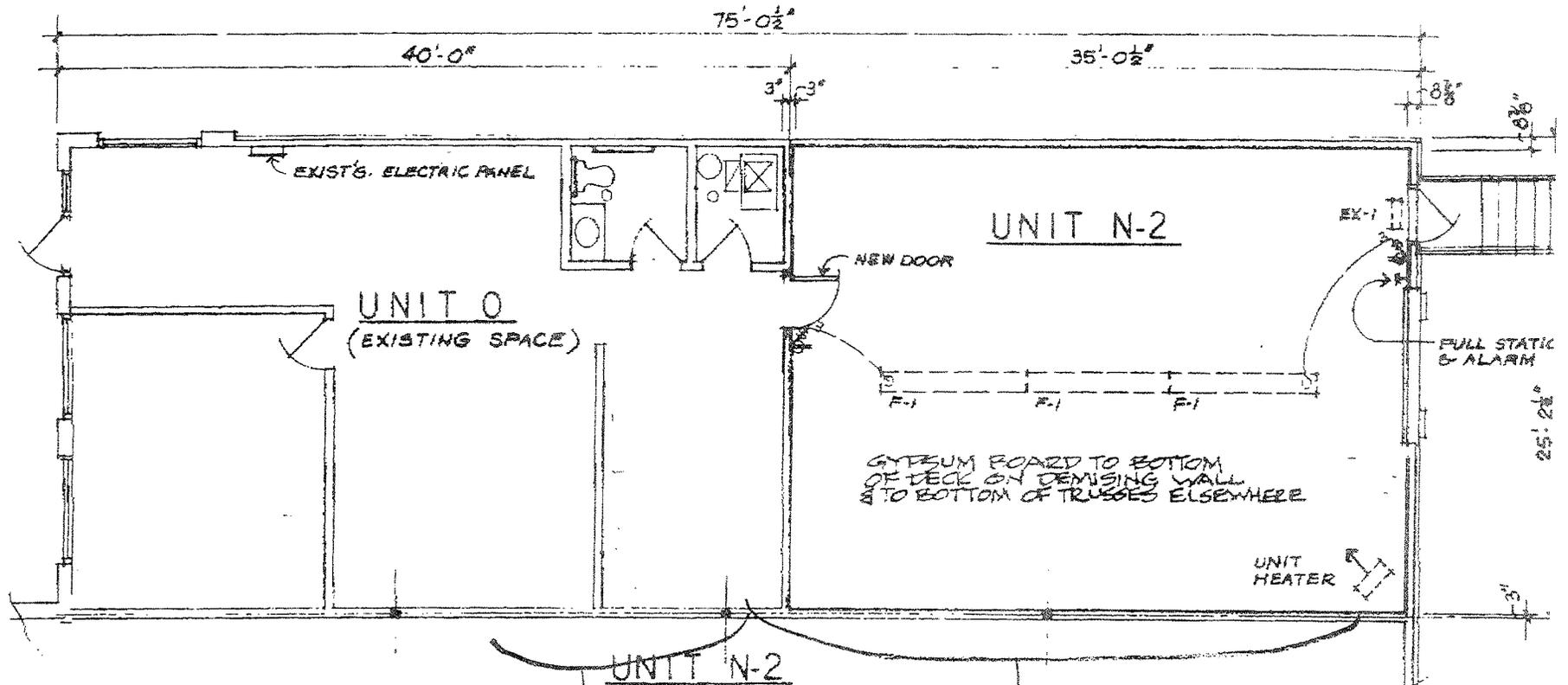
THIS SPECIAL USE REQUEST IS TO USE THE SPACE TILL WE OUTGROW IT. WE WILL NEVER EXPAND TO THE NEARBY SPACES SINCE IT IS ONLY ~~SO~~ SUITABLE FOR A SMALL CHURCH. THIS WON'T AFFECT ANY FUTURE DEVELOPEMENT TO THIS BUSINESS PARK.

- 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.

THIS SPACE IS INTENDED TO BE USED AS A CHURCH THAT WILL PROVIDE ANY AND ALL WHO ATTEND, OR LIVE NEARBY, WITH A PLACE OF REFUGE AND SPIRITUAL COMFORT.

- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.

WE ARE A CHURCH REGISTERED IN THE STATE AND FEDERAL GOVERNMENT.



**FLOOR PLAN - UNIT N-2**

SCALE -  $\frac{1}{8}'' = 1'-0''$

6 Sures  
3 Probes

LIGHTING FIXTURES

EX-1 SURELITES EP H-1-RIC SINGLE FACE  
EXIT SIGN WITH EMERGENCY LIGHTS.

16 ~~8~~ 8' panels for T's etc + more

**H. James Hestrup & Associates**  
Architects • Land Planning  
Interiors • Landscape Architecture  
ST. CHARLES, ILLINOIS

**TYLER RIDGE CONDOMINIUM ASSOCIATION  
525 TYLER ROAD, SUITE Q2  
ST. CHARLES, IL 60174**

City of St. Charles  
Zoning Board  
2 E. Main St.  
St. Charles, IL 60174

RE: Special Use Permit for Maranatha Church Group

To Whom It May Concern:

Martin Faassen, the owner of a unit in our business condominium park, is hoping to rent his open unit to a group known as Maranatha, to hold religious services on Sunday mornings and Tuesday evenings. The owner notified our board of directors of this and requested feedback on any concerns the board might have with regard to such a tenant.

We asked and received assurances from owner and tenant on three issues of concern to us:

1. This is not a cult organization.
2. The group size is reasonable for the premises.
3. The activities will not affect parking for other businesses in the complex.

After discussion following their answer, we see no problem having this organization as a tenant in Mr. Faassen's unit. We have no objection to the issuance of a special use permit for them.



Rachel J. Hess, Director  
Tyler Ridge Condominium Association



**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4e

Title:	Presentation of a Concept Plan for the Petkus Property
Presenter:	Russell Colby

Meeting: Planning & Development Committee

Date: October 10, 2016

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted:

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

The subject property is a 27-acre unincorporated site on the north side of Smith Road. The property is within the City of St. Charles future planning area per a boundary line agreement with the City of West Chicago. The agreement sets specific parameters for development of the subject property, which are discussed in the staff memo.

The property owner, Albert Petkus, has submitted a Concept Plan application for feedback regarding annexation of the property to the City of St. Charles for multi-family residential development. At this time a specific developer/builder or residential housing product has not been identified. The property owner is seeking general feedback on the proposed land use of multi-family residential.

The site plan submitted is not a proposed development plan, but rather a Land Use Capacity plan illustrating how the property could potentially be developed based on compliance with the restrictions of the Boundary Agreement and a proposed residential zoning classification of RM-3 General Residential District. The site plan submitted shows 416 residential units in 3 and 4 story multi-family buildings.

The land use proposed in the Concept Plan differs from the City’s Comprehensive Plan. The Comprehensive Plan designates the majority of the property as “Single-Family Attached Residential”, with only the southern portion of the site designated as “Multi-Family Residential.”

The Plan Commission reviewed the Concept Plan on Sept. 20. A memo summarizing their comments along with the meeting transcript is attached.

**Attachments** (please list):

Staff Memos, Letter from St. Charles Park District, Concept Plan, Plan Commission meeting transcript

**Recommendation/Suggested Action** (briefly explain):

Provide comments on the Concept Plan. Given the Plan Commission and public comments, staff is recommending the Committee provide comments on the following:

- Should the City annex the property for residential use?
- The Comprehensive Plan provides a split land use designation for the property. Should the land use, in terms of the type of buildings, follow the Comprehensive Plan? (If the land uses were followed, then only townhomes could be placed along the northern portion of the site)
- Alternately, given the site information presented by the applicant, should the City consider amending the Comprehensive Plan to reflect the stormwater detention area as a green space “buffer”, and adjust the land use areas on the site to follow the two development “pods” shown on the Concept Plan?
- What zoning and density is appropriate? How might the density be divided across the site?

Community & Economic Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
SINCE 1834

**STAFF MEMO**

**TO:** Chairman Todd Bancroft  
And the Members of the Planning & Development Committee

**FROM:** Russell Colby  
Planning Division Manager

**RE:** Petkus Property Concept Plan – Plan Commission comments

**DATE:** October 4, 2016

---

The Plan Commission reviewed the Concept Plan for the Petkus Property at their meeting on September 20, 2016.

Below is a summary of the comments that were shared by a majority of the Plan Commission members. Please see the attached transcripts for additional detail.

1. Zoning and Density
  - a. Residential land use is appropriate for this site.
  - b. The proposed density is too high- RM-1 or RM-2 zoning was suggested.
  - c. The development should more closely follow the Comprehensive Plan land use designations and provide a transition of density across the site, from south to north.
2. Stormwater detention
  - a. Commissioners appreciated the effort that was by made to address the existing drainage issues on the property.
  - b. The stormwater area could serve as a site feature or amenity.
3. Traffic
  - a. Due to the existing roadway network, access is only available from Smith Road, which limits the ability to distribute traffic from the site.
  - b. A traffic study will need to be conducted, including analyzing:
    - i. Impacts of local school traffic in the area
    - ii. Impacts of regional traffic on Smith Road travelling between Rt.64 and Rt. 59
    - iii. The intersection of Smith and Powis Roads and the adjacent railroad crossing

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**STAFF MEMO**

**TO:** Chairman Todd Bancroft  
 And the Members of the Planning & Development Committee

**FROM:** Russell Colby  
 Planning Division Manager

**RE:** Petkus Property Concept Plan

**DATE:** October 4, 2016

**I. APPLICATION INFORMATION:**

**Project Name:** Petkus Property

**Applicant:** Albert M. Petkus

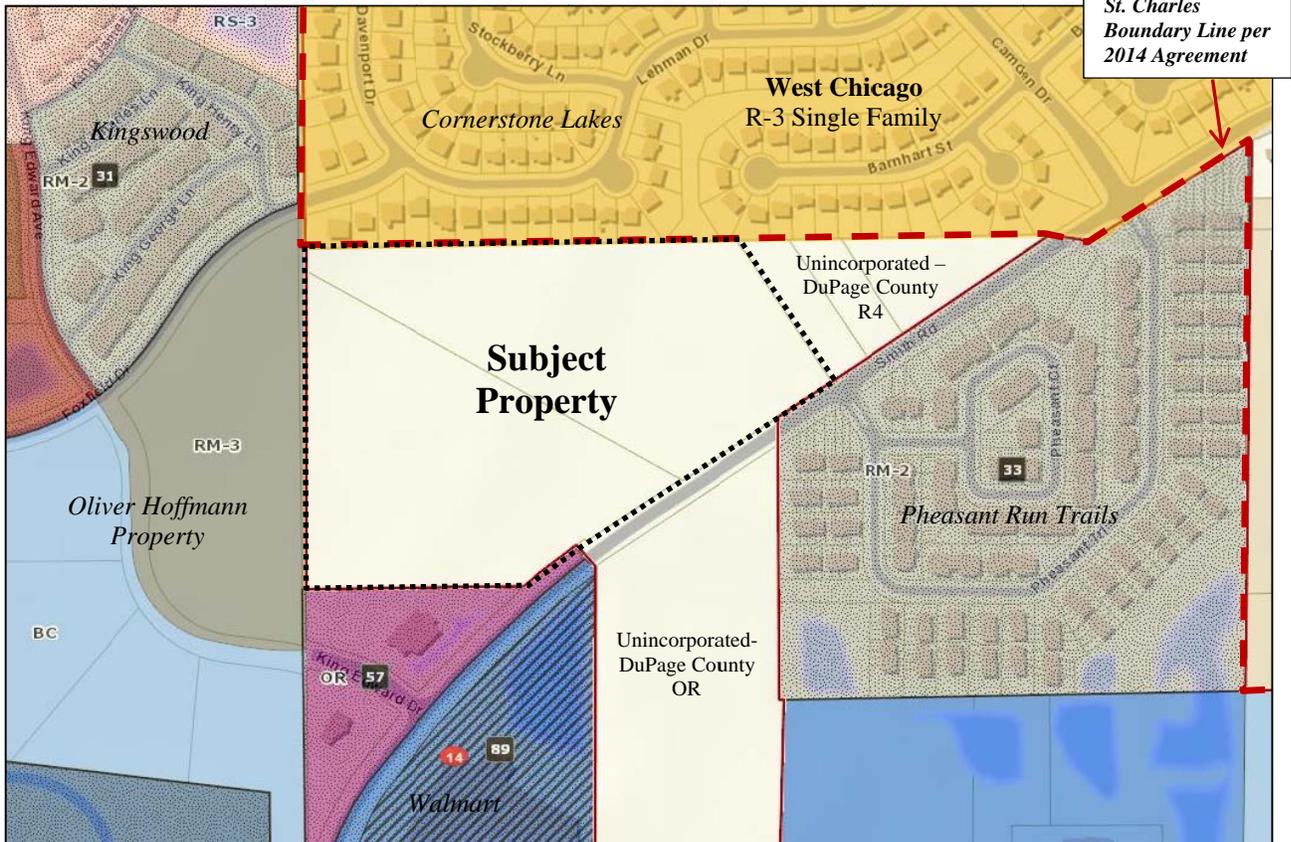
**Purpose:** Concept Plan review for potential annexation to the City of St. Charles for multi-family residential development

<b>General Information:</b>		
<b>Site Information</b>		
Location	North side of Smith Road, south of Cornerstone Lakes Subdivision	
Acres	27 acres	
Applications	<b>Concept Plan</b>	
Applicable Zoning Code Sections	17.04 Administration 17.12 Residential Districts	
<b>Existing Conditions</b>		
Land Use	Agricultural	
Zoning	DuPage County – R4 zoning district	
<b>Zoning Summary</b>		
North	City of West Chicago – R3	Cornerstone Lakes single-family subdivision
East	Unincorporated- DuPage Co.- R4 City of St. Charles- RM-2 PUD	Vacant property Pheasant Run Trails Townhomes
South	City of St. Charles -OR Office/Research -BR Regional Business District Unincorporated- DuPage Co.- OR	Office building Walmart Agricultural property
West	City of St. Charles- RM-3	Oliver-Hoffmann Property
<b>Comprehensive Plan Designation</b>		
Single Family Attached Residential (north 2/3 of site)		
Multi-family residential (south 1/3 of site)		

**Aerial Photo**



**Zoning Map**



## II. BACKGROUND

### SITE CONTEXT

The subject property is a 27-acre property comprised of two parcels on the north side of Smith Road. The property is currently used for agricultural purposes. The property is contiguous to both the City of West Chicago (to the north) and the City of St. Charles (to the south, west and east).

- To the north is the Cornerstone Lakes Subdivision in West Chicago. This subdivision is comprised of single-family detached lots.
- To the west is property owned by the Oliver-Hoffmann Corporation. The parcel immediately adjacent to the subject property is a 10.6 acre parcel zoned RM-3. Per a Consent Decree between the City and the property owner, the parcel can be developed with residential uses, with up to 217 multi-family residential units.
- Immediately south is an office building, zoned OR Office Research
- To the south and east across Smith Road:
  - Walmart, zoned BR-PUD
  - Unincorporated agricultural property (shown in the City’s Comprehensive Plan with a land use of “Multi-Family Residential”)
  - Pheasant Run Trails townhomes, zoned RM-2 PUD
- To the east on the north side of Smith Road are 3 parcels of unincorporated vacant property under common ownership (shown in the City’s Comprehensive Plan with a land use of “Single-Family Attached Residential”).

### JURISDICTION

The subject property is located in unincorporated Wayne Township and is currently under the zoning and subdivision jurisdiction of DuPage County.

The Cities of West Chicago and St. Charles have entered into a boundary agreement which sets a future boundary line between the two municipalities. The subject property is located on the St. Charles side of the boundary line, meaning the two cities have agreed that St. Charles has the ability to annex the property. The agreement sets specific parameters for development of the subject property, which are discussed in the next section of the report.

The subject property is located within Community Unit School District #303 and the St. Charles Public Library District. The property is not located within a Park District.

The subject property is located in the Fox River and Countryside Fire District but if annexed to St. Charles would be served by the City of St. Charles Fire Department.

The subject property has frontage along Smith Road, which is a City street under the jurisdiction of the City of St. Charles. Further to the east of the subject property, Smith Road is under the jurisdiction of the City of West Chicago.

## PROPOSAL

The property owner, Albert Petkus, has submitted a Concept Plan application for feedback regarding annexation of the property to the City of St. Charles for residential development. At this time a specific developer/builder or residential housing product has not been identified. The property owner is seeking general feedback on the proposed land use of multi-family residential.

**The site plan submitted is not a proposed development plan, but rather a Land Use Capacity plan illustrating how the property could potentially be developed based on compliance with the restrictions of the West Chicago-St. Charles Boundary Agreement and a proposed residential zoning classification of RM-3 General Residential District.**

The site plan submitted shows 416 residential units in 3 and 4 story multi-family buildings.

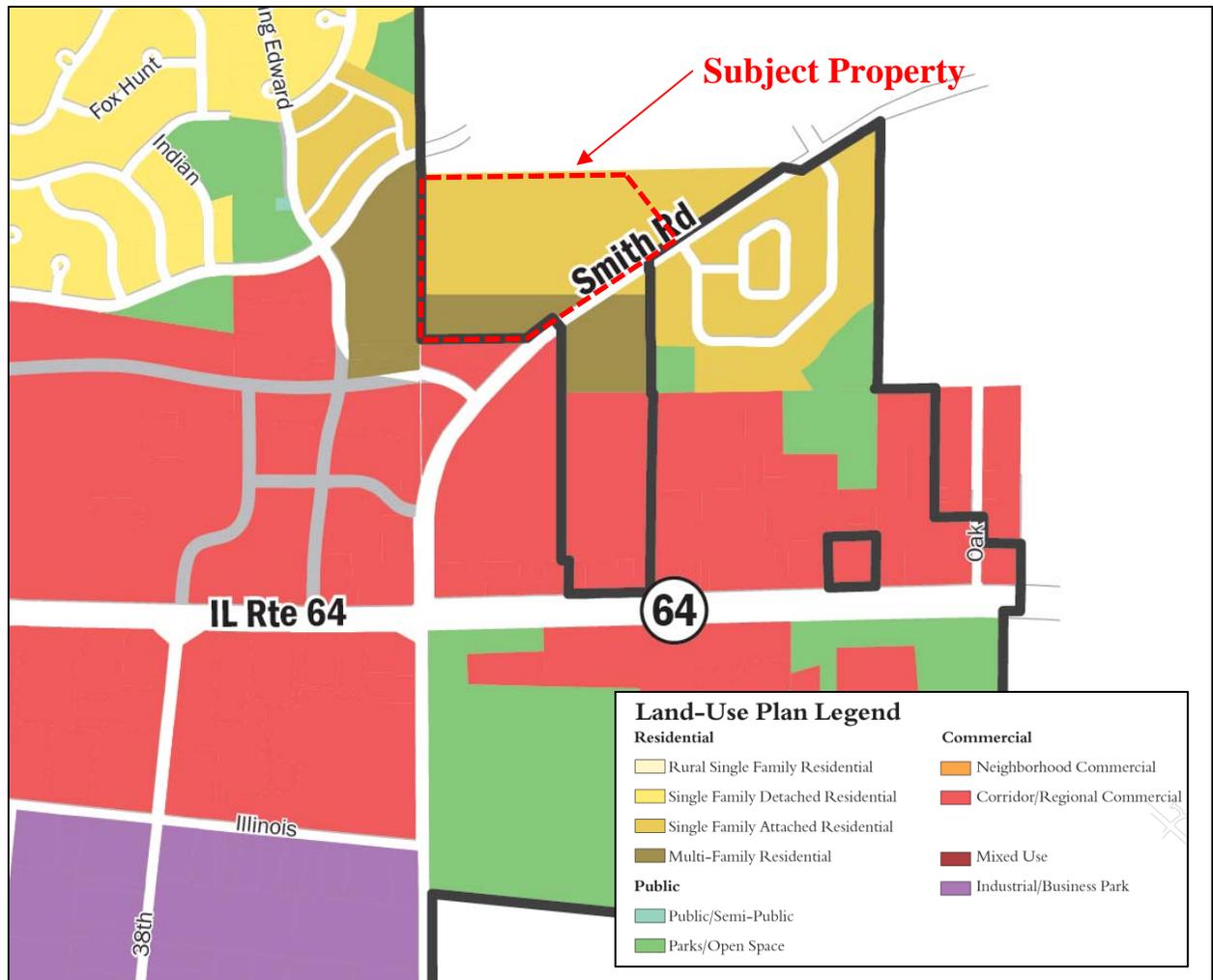
## DEVELOPMENT RESTRICTIONS IN 2014 BOUNDARY AGREEMENT

The West Chicago-St. Charles Boundary Agreement sets certain restrictions on the subject property and the adjacent 3 undeveloped parcels to the east:

- Land Uses: Limited to:
  - Residential uses (subject to density restrictions)
  - Office-Research uses (per an attached list, which is similar to the City’s O-R Office Research zoning district)
  
- Residential Density: Within 300 ft. of the Cornerstone Lakes Subdivision (north line of the subject property), residential density cannot exceed 7.5 dwelling units per acre, and the maximum building height cannot exceed the lesser of 35 ft. or 3 stories. (As “Assisted Living Facility” is not subject to the density restriction.)
  
- Buffer along the Cornerstone Lakes subdivision: 30 ft. landscape buffer per the St. Charles Zoning Ordinance requirements for landscape buffers. This buffer is to be in addition to any other setback or yard requirement.
  
- Stormwater: Development to follow the DuPage or Kane County stormwater ordinance, whichever is more restrictive at the time. West Chicago is granted the right to review all engineering and stormwater information to determine compliance with a maximum run off rate (0.1 cfs per development acre up to a 100 year storm) and to ensure that stormwater is discharged in a location that will not adversely impact adjacent properties.

### III. COMPREHENSIVE PLAN

Land Use Map – p. 40



On the Comprehensive Plan Land Use Map, the Subject Property is split between two land use areas: the northern two-thirds is shown as “Single-Family Attached Residential.” The southern one-third is shown as “Multi-Family Residential.”

Text discussing residential land uses from Page 41 of the Comprehensive Plan:

#### ***Single Family Attached***

*Single family attached structures are connected horizontally, typically two stories high, but individual units do not stack vertically. Single family attached homes can serve as transitional areas between single family homes and commercial or multi-family development, and also act as an intermediate step for residents between apartment/condo living and home ownership. These types of units are also popular for empty nesters and others looking to downsize to a smaller home.*

### ***Multi-Family***

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

### ***Recommendations for Residential Land Uses***

*Detached single family homes are the most common type of residential use within St. Charles. While this is often the most desirable use for a given area, the City should ensure that housing options continue serve the diverse population of the St. Charles community. In particular, development that meets the specific needs of elderly residents, ranging from multi-family units to independent living, should be encouraged to allow residents to age in place. Where multi-family developments are suggested, the City should work to make sure they occur in a more coordinated and organized fashion.*

*The City should investigate new methods to improve the conditions of all residential neighborhoods, including maintenance programs and incentives for developing vacant properties, while continuing to enforce building and design codes, regulations, and standards.*

The following Residential Land Use Policies on pg. 43-44 are relevant to the review of the Concept Plan:

### ***Maintain a diverse and affordable mix of housing types to allow St. Charles to continue to attract and retain families and residents.***

*The City defines affordable housing as “housing in which mortgage, amortization, taxes, insurance, and condominium or association fees, if any, constitute no more than 30% of the gross annual household income for a household of the size that may occupy the unit.” Making affordable housing available also provides workforce housing – housing that is affordable to “critical service” employees that contribute to the quality of life in the City, as well as providing a range of housing options for first time home buyers, young families and to facilitate “aging in place”. Title 17.18 [Now Title 19] Inclusionary Housing of the City Code seeks to provide Affordable Dwelling Units within new residential developments by requiring developers to provide a proportionate share of affordable housing, or fees in lieu thereof, to ensure that an adequate stock of affordable housing is, and remains, available in the City of St. Charles.*

### ***Locate new multi-family residential developments in appropriate locations within the City and consider the implications of concentrating units in one location or area of the City.***

*Throughout the outreach exercises associated with the Comprehensive Plan, residents expressed concerns over the concentration of apartments on the City’s west side. Citing issues such as traffic, lack of pride in ownership, transient school children, and straining municipal infrastructure, residents are opposed to more “rentals” in the community. Apartments, however, are an important component of a healthy housing stock, expanding housing options for those wishing to live in St. Charles but cannot afford, or have chosen not to, own their home. Apartments are also only a subset of the dwelling types that comprise multi-family housing, which can be owner occupied (i.e. condominiums). In addition to assisting with the community’s goals to provide affordable housing in the community, multi-family housing contributes to residential density which can improve the viability of shopping areas in the community. Recognizing that this Plan is dynamic and not “set in stone”, the City should promote multi-family housing in areas identified in the Land Use and*

*Residential Areas Plans, but consider proposals in other areas provided any significant impact on schools, traffic, and other infrastructure can be mitigated.*

***Seek opportunities to provide senior housing within the City considering locations that are within close proximity to recreation, public transit, healthcare, and daily goods and services.***

*The City seeks to provide opportunities for residents to “age in place”, meaning that housing within the community accommodates all stages of life. As members of the community become older, and their lifestyles change, the City’s diverse housing stock should provide opportunities to remain in the City of St. Charles. Although the Residential Areas Plan does not call out specific locations for senior housing, the Plan does recognize the importance of developing additional senior housing within the community to accommodate the City’s existing and future senior population. From active living through assisted living, the City will continue to provide a wide range of housing types to accommodate its seniors.*

***Consider the potential impact of new residential development on schools, municipal services and traffic.***

*As a mature community, the City’s infrastructure is well established, particularly in the older areas of the community. Unlike emerging suburbs that are continuously growing, widening roads and building schools as necessary, the community infrastructure in St. Charles is well established and not as easily adaptable. Although road and intersections can be widened, and schools expanded, a less costly approach would be to work within the framework of the City’s well established infrastructure, evaluating proposed development’s impact on City systems and working with developers to mitigate and minimize strains on local systems.*

***Continue to work with the St. Charles Park District to ensure the residential areas of the City are well served by neighborhood parks and recreation.***

*Parks are a contributing factor to the high quality of life in St. Charles. To ensure the community continues to be well served by parks and recreation, the City should continue to administer its parkland dedication as specified in Title 16.10 Dedications of the City Code. Although the existing parkland dedication requirements may satisfy the provision of open space for larger subdivisions, a provision in the Code allows for cash-in-lieu of a park dedication if the park size is not “practical.” As the City matures, it is expected that most of the future growth will consist of smaller infill development with smaller dedication requirements, and accepting cash donations may leave these developments under served by “close to home” park space. The City should work with the Park District to better define “practical” and better align this policy to reflect the changing character of residential development within the City and consider accepting smaller park dedications to provide adequate open space for infill subdivisions.*

***Prioritize infill development over annexation and development***

*While the era of substantial residential growth is over in St. Charles, there remain some isolated opportunities for residential development on the City’s west side. While most of these opportunities are within unincorporated Kane County, they fall within the City’s 1.5-mile extraterritorial planning jurisdiction defined by State statute. It is recommended that the City carefully consider annexation and growth into these areas while vacant and/or underutilized residential properties exist within the City’s boundaries. When residential development does occur within the City’s growth areas, it should occur in areas immediately adjacent to existing developed areas so as to prevent “leap frog” development and the resulting costs and burdens of unnecessarily extending infrastructure systems in an unwise manner.*

***Transition densities to maximize compatibility***

*As St. Charles approaches its full build-out, its new growth and investment will shift from new development in outlying areas to redevelopment of infill sites, and many of the available infill parcels are situated between established residential areas and the City’s busy commercial districts. This shift will create new challenges and obstacles for development not associated with easier “green-field” development, including: adaptive reuse, fixed/smaller parcel sizes, greater neighborhood sensitivity, and increased density/intensity. A recommended strategy for improved compatibility is place similar density and lot sizes adjacent to existing residential areas and then to transition to high residential densities moving closer to commercial areas and busy streets. This approach assists with compatibility of adjacent use areas and provides additional density to serve as a transitional land use.*

**IV. ANALYSIS OF CONCEPT PLAN**

LAND USE

The land use proposed in the Concept Plan differs from the City’s Comprehensive Plan. The Comprehensive Plan designates the majority of the property as “Single-Family Attached Residential”, with only the southern portion of the site designated as “Multi-Family Residential.”

ZONING

Zoning to the RM-3 General Residential District is proposed.

- ***RM-3 District Purpose Statement:***  
*The purpose of the RM-3 General Residential District is to accommodate a range of housing densities, including higher density residential up to approximately twenty (20) units per acre, at locations that will provide efficient use of land and infrastructure. The RM-3 District also provides for limited institutional uses that are compatible with surrounding residential neighborhoods.*

RM-3 is the City’s highest density residential district outside of downtown, at a maximum of 20 dwelling units per acre. The gross density shown on the Concept Plan Land Use Capacity Study is 15.64 dwelling units per acre (416 units on 26.59 acres).

RM-3 zoning also permits residential land uses other than multi-family, including townhomes and single-family residential uses. Assisted Living Facilities and Independent Living Facilities (age-restricted multi-family) are also permitted in the RM-3 district.

RM-3 zoning is adjacent to the site to the west (Oliver Hoffmann Property). Other nearby residential townhome developments are zoned RM-2 (Kingswood and Pheasant Run Trails).

STORMWATER & DRAINAGE

At a minimum, the development will be required to follow the Kane County Stormwater Ordinance, which has been adopted by the City of St. Charles and applies to all properties within the City’s corporate limits. The development will also need to comply with the stormwater-related conditions of the West Chicago- St. Charles Boundary Agreement discussed above.

A large area of property to the west drains through the subject property and continues to the east through the drainage way that runs northeast through the Cornerstone Lakes Subdivision. Flooding occasionally occurs along the north boundary of the subject property, impacting the residential lots to the north. The proposed site layout would place the stormwater detention basin along the north property line. All on and off site stormwater flows would be directed to the basin and discharged into the existing drainage system through Cornerstone Lakes, bypassing the residential properties to the north.

The developer has been in conversation with West Chicago regarding the stormwater system design and connection to storm sewer within Cornerstone Lakes.

### SITE DESIGN/ACCESS

Along the north lot boundary of the site, the stormwater detention basin and the 30 ft. landscape buffer required by the Boundary Agreement form a greenbelt that separates the developed portion of the subject site and the single-family homes to the north. The Concept Plan shows this greenbelt along the north property line ranging from 200 to 300 feet in depth.

The site has been laid out as two development areas that share access from a primary entrance from Smith Road. A secondary access is provided further east on Smith Road. Depending on the ultimate land use, a more improved secondary access may be necessary.

If possible, access to this property and the vacant properties to the east should be shared or coordinated in some manner. A shared access point along the common property line could be provided to align with the intersection of Pheasant Trail.

A Traffic Study will be required in connection with any development or zoning entitlement request for the property. The study will need to consider the proposed site access locations and off-site intersections that will be impacted by site-generated traffic.

### UTILITIES

If annexed, the site would be provided with utility service from the City of St. Charles. City utilities exist in the vicinity of the property, including along Smith Road. However, the utility system has not been sized to serve future development of the subject property.

Therefore, utility studies will be required in connection with any development or zoning entitlement request for the property. The studies will determine the adequacy of the existing systems to accommodate the development and identify if any off-site capacity improvements are necessary. Studies will include sanitary sewer capacity analysis and water system modeling. The City's Electric Utility will also need to assess system capacity to serve the development.

### SCHOOL & PARK DISTRICT

The Concept Plan and Land-Cash Worksheets submitted by the developer have been forwarded to St. Charles School District #303 and the St. Charles Park District for review and comment.

The property is not currently located within a Park District. However, the adjacent residential developments within the City of St. Charles are within the St. Charles Park District boundary. The City has requested the St. Charles Park District provide feedback as to whether they would be interested in annexing this property to the park district, and if so, would they desire a land donation for a park site at this location.

### INCLUSIONARY HOUSING

The City has an Inclusionary Housing Ordinance, Title 19 of the City Code, that requires construction of, or fee-in-lieu for, affordable units as a percentage of any new residential development. The decision as to whether to accept affordable units or a fee-in-lieu is determined by the City Council.

Per the City's Inclusionary Housing Ordinance, "Affordable Housing" is defined as housing that is within the means of households at 80% Area Median Income (AMI) for ownership units and 60% AMI for rental units, adjusted for household size. In order to be considered affordable, housing costs cannot make up more than 30% of a household's annual income. For example, the household income for a family of four at 80% AMI is \$60,800. The affordable purchase price for that family would be \$168,889. Household income for a family of four at 60% AMI is \$45,600. The affordable monthly rent for a three-bedroom apartment for that family would be \$1,185.

The applicant submitted the required Inclusionary Housing Summary worksheet as a part of the Concept Plan application. The form shows that the code requirement could be met through either providing 42 units within the development as affordable units, or paying a fee-in-lieu amount of \$3,029,291.20.

Because a development plan has not been presented, the applicant has not indicated whether units, fee-in-lieu, or a combination of the two will be provided. This information will be required at the time a development is formally proposed.

## **V. SUGGESTED ACTION**

Review the Concept Plan and provide feedback to the applicant.



**ST. CHARLES PARK DISTRICT**

101 South Second Street • St. Charles, IL 60174 • Ph: 630-584-1055 • Fax: 630-584-1396 • stcparks.org

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October 05, 2016

Mr. Russell Colby  
Planning Division Manager  
City of St. Charles  
Community Development Department  
2 East Main Street  
St. Charles, IL 60174

RE: Concept Plan for Petkus Property residential development

Dear Russell:

In response to your request for comment and our review of the concept plan rendering for the Petkus Property dated September 7<sup>th</sup>, 2016, the Park District has the following comments and requests with regard to the proposed plan'

In the event that this property and residential concept were successfully annexed into the City of St. Charles, the St. Charles Park District would be interested in annexing the site as well. We feel this site also has the potential to be a key piece in providing better connectivity between our existing Pheasant Run Trail residents and our existing east-side parks system.

With regard to the site plan, while being a well-executed design, the usable open spaces are small and quite exclusive with regard to a public park site application. In their current configuration, the designated internal open space areas are challenging for Park District maintenance staff, and lend themselves better to HOA management. The Park District would be more inclined to accept cash in lieu of a land contribution in this scenario.

If the Owner/Developer would be interested in pursuing acceptance of land as a portion of the Land/Cash obligation, the Park District would be most interested in an open area minimally 2-3 acres in size to provide greater public recreation opportunities. A more ideal configuration might be located more to the perimeter of the development and along the Smith Road public ROW or eastern boundary where it's recreational amenities could better serve not only this development but also be more easily accessible to the community as a whole.

The Park District would also be interested in exploring immediate and future opportunities to provide better connectivity and safe pedestrian/bike routes within and surrounding this area, to provide more convenient access to our existing east-side parks.

If you have any questions or comments, or if the developer would be interested in meeting to discuss these proposed ideas, please contact me at your convenience. Thank you.

Sincerely,

ST. CHARLES PARK DISTRICT

A handwritten signature in brown ink that reads "John F. Wessel". The signature is fluid and cursive, with the first name "John" being the most prominent.

John Wessel RLA  
Assistant Superintendent of Planning, Design & Construction

PC:  
Laura Rudow; Board of Park Commissioners

# CITY OF ST. CHARLES

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

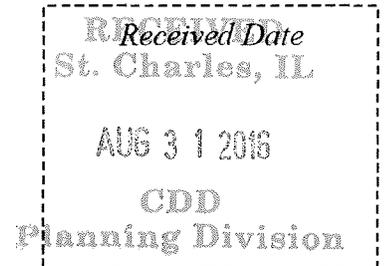


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

## CONCEPT PLAN APPLICATION

<b>CITYVIEW</b>	
Project Name:	<u>Petkus Property</u>
Project Number:	<u>2016 -PR- 011</u>
Application Number:	<u>2016 -AP- 029</u>



*To request review of a Concept Plan for a property, complete this application and submit it with all required attachments to the Planning Division.*

*When the application is complete and has been reviewed by City staff, we will schedule a Plan Commission review, as well as a review by the Planning and Development Committee of the City Council. While these are not formal public hearings, property owners within 250 ft. of the property are invited to attend and offer comments.*

*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: <b>Smith Road, North of Route 64</b>	
	Parcel Number (s): <b>0130100016, 0130100009</b>	
	Proposed Project Name: <b>Petkus Property</b>	
<b>2. Applicant Information:</b>	Name Albert M. Petkus, Trustee	Phone (630) 654-4310
	Address 5 Regent Court Burr Ridge, IL 60527	Fax
		Email alpet@comcast.net
<b>3. Record Owner Information:</b>	Name Albert M. Petkus, Sole Trustee of the Albert M. Petkus Trust Under Trust Agreement dated February 1, 1999	Phone same as above
	Address same as above	Fax
		Email same as above

**Please check the type of application:**

- PUD Concept Plan:** Proposed Name: Petkus Property
- Subdivision Concept Plan** Proposed Name: \_\_\_\_\_
- Other Concept Plan** \_\_\_\_\_

**Zoning and Use Information:**

Current zoning of the property: R-4 (DuPage County)

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

Current use of the property: Vacant/Agriculture

Proposed zoning of the property: RM-3 General Residential PUD? YES

Proposed use of the property: Multi-Family

Comprehensive Plan Designation: Multi-Family / Single-Family Attached

**Attachment Checklist**

**REIMBURSEMENT OF FEES AGREEMENT:**

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

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

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

**PROOF OF OWNERSHIP and DISCLOSURE:**

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

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

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that*

*you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**  
A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- ❑ **AERIAL PHOTOGRAPH:**  
Aerial photograph of the site and surrounding property at a scale of not less than 1"=400', preferably at the same scale as the concept plan.
- ❑ **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. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

**Copies of Plans:**

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

**Concept Plans shall show:**

1. Existing Features:
  - Name of project, north arrow, scale, date
  - Boundaries of property with approximate dimensions and acreage
  - Existing streets on and adjacent to the tract
  - Natural features including topography, high and low points, wooded areas, wetlands, other vegetative cover, streams, and drainage ways.
  - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development.
2. Proposed Features:
  - Name of project, north arrow, scale, date
  - Boundaries of property with approximate dimensions and acreage
  - Site plan showing proposed buildings, pedestrian and vehicular circulation, proposed overall land use pattern, open space, parking, and other major features.
  - Architectural elevations showing building design, color and materials (if available)
  - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development



LOTS 1 AND 2 IN PETRAUSKAS' SECOND ASSESSMENT PLAT OF PART OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 22, 1979 AS DOCUMENT R79-95865, EXCEPT THOSE PARTS DEDICATED OR TAKEN FOR ROAD, IN DUPAGE COUNTY, ILLINOIS, CONTAINING 27.00 ACRES, MORE OR LESS.

**Ownership Disclosure Form  
Revocable Trust**

State of Illinois        )  
                                  )  
County of Kane         )        SS.

I, Albert M. Petkus, being first duly sworn on oath depose and say that I am sole Trustee of the Albert M. Petkus Trust Under Trust Agreement Dated February 1, 1999 and that the following person is sole beneficiary of the Albert M. Petkus Trust Under Trust Agreement Dated February 1, 1999:

Albert M. Petkus

Albert M. Petkus Trust Under Trust  
Agreement Dated February 1, 1999

By: Albert M. Petkus, Trustee  
Albert M. Petkus, Trustee

Subscribed and Sworn before me this 31<sup>st</sup>  
day of August, 2016.

Jennifer E. Ryan  
Notary Public



## RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Petkus Property

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District: 3RM-3	Ordinance #:	
Minimum Lot Area	2,200 sf/du		*2
Minimum Lot Width	65 ft		*2
Maximum Building Coverage	40%		*2
Maximum Building Height	45 ft or 4 stories, whichever is less		*2
Minimum Front Yard	30 ft		*2
Interior Side Yard	25 ft, each side		*2
Exterior Side Yard	30 ft		*2
Minimum Rear Yard	30 ft, 5 ft for garages accessed from an alley		*2
% Overall Landscape Area	20% for a lot or parcel with on-site stormwater management		*2
Building Foundation Landscaping	As required by ordinance		*2
% Interior Parking Lot Landscape	10%		*2
Landscape Buffer Yards <sup>1</sup>	30'		*2
# of Parking spaces	650		*2

166    1BR    199.2 Spaces  
 166    2BR    282.2 Spaces  
 84    3BR    168.0 Spaces  
**416    Total    649.4 Spaces**

<sup>1</sup> Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

<sup>2</sup> The attached density study is presented for development consideration for initiation of the annexation and zoning process for the City of St. Charles. A more detailed study including proposed zoning standards will be presented by the ultimate developer of the site. See narrative for additional details.

<sup>3</sup> The Petkus Property is subject to additional zoning criteria as contained in the certain Boundary Line Agreement by and between the City of St. Charles and the City of West Chicago recorded as Document Number R2014-113800.

# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development Pettkus Property  
 Date Submitted: 8/31/16  
 Prepared by: \_\_\_\_\_



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom		DU x 2.899	=
➤ 4 Bedroom		DU x 3.764	=
➤ 5 Bedroom		DU x 3.770	=
<b>Attached Single Family</b>			
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom		DU x 1.990	=
➤ 3 Bedroom		DU x 2.392	=
➤ 4 Bedroom		DU x 3.145	=
<b>Apartments</b>			
➤ Efficiency		DU x 1.294	=
➤ 1 Bedroom	166	DU x 1.758	= 291.828
➤ 2 Bedroom	166	DU x 1.914	= 317.724
➤ 3 Bedroom	84	DU x 3.053	= 256.452
<b>Totals</b>	<u>416</u>		<u>867</u>
	Total Dwelling Units		Estimated Total Population

## Park Site Requirements

Estimated Total Population 867 x .010 Acres per capita = 8.67 Acres

## Cash in lieu of requirements -

Total Site Acres 8.67 x \$240,500 (Fair Market Value per Improved Land) = \$ 2,085,135

# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development  
Date Submitted:  
Prepared by:

Petkus Property  
8/31/16



ST. CHARLES  
SINCE 1834

## Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)	Middle (Grades 6 to 8)	High (Grades 9 to 12)
<b>Detached Single Family</b>				
➤ 3 Bedroom		DU x .369 =	DU x .173 =	DU x .184 =
➤ 4 Bedroom		DU x .530 =	DU x .298 =	DU x .360 =
➤ 5 Bedroom		DU x .345 =	DU x .248 =	DU x .300 =
<b>Attached Single Family</b>				
➤ 1 Bedroom		DU x .000 =	DU x .000 =	DU x .000 =
➤ 2 Bedroom		DU x .088 =	DU x .048 =	DU x .038 =
➤ 3 Bedroom		DU x .234 =	DU x .058 =	DU x .059 =
➤ 4 Bedroom		DU x .322 =	DU x .154 =	DU x .173 =
<b>Apartments</b>				
➤ Efficiency		DU x .000 =	DU x .000 =	DU x .000 =
➤ 1 Bedroom	166	DU x .002 =0.332	DU x .001 =0.166	DU x .001 =0.166
➤ 2 Bedroom	166	DU x .086 =14.276	DU x .042 =6.972	DU x .046 =7.636
➤ 3 Bedroom	84	DU x .234 =19.656	DU x .123 =10.332	DU x .118 =9.912
<b>Totals</b>	<u>416</u> TDU	<u>34.264</u> TE	<u>17.470</u> TM	<u>17.714</u> TH

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	34.264	x .025	=0.8566
Middle (TM)	17.470	x .0389	=0.679583
High (TH)	17.714	x .072	=1.275408
<b>Total Site Acres</b>			<u>2.811591</u>

## Cash in lieu of requirements -

2.811591 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 676,187.64

# INCLUSIONARY HOUSING SUMMARY

Name of Development Petkus Property  
 Date Submitted: 8/31/16  
 Prepared by: \_\_\_\_\_



## Background:

St. Charles Municipal Code Title 19 “Inclusionary Housing”, requires developers of new residential developments to provide a proportionate share of affordable housing units within the development, or to pay a fee in-lieu of providing affordable housing units. Developers may also provide a mix of affordable housing units and fee in-lieu.

Affordable housing is defined as housing that has a sales price or rental amount that is within the means of a household with income at or below 80% Area Median Income (AMI) for for-sale units and at or below 60% AMI for rental units, adjusted for household size. See Title 19 for complete definitions.

The maximum price of affordable for-sale units and affordable rental units required by Title 19 shall be no greater than the affordable purchase price and affordable rent established annually by the Illinois Housing Development Authority (IHDA). Contact the Planning Division for the most recent affordable prices from IHDA.

## Submission Requirements:

Submit information describing how the residential development will comply with the requirements of Title 19, “Inclusionary Housing”. **Use this worksheet** to calculate the number of required affordable units to be incorporated within the residential development, or the required fee in-lieu payment.

If the development will include affordable units, submit the following additional information:

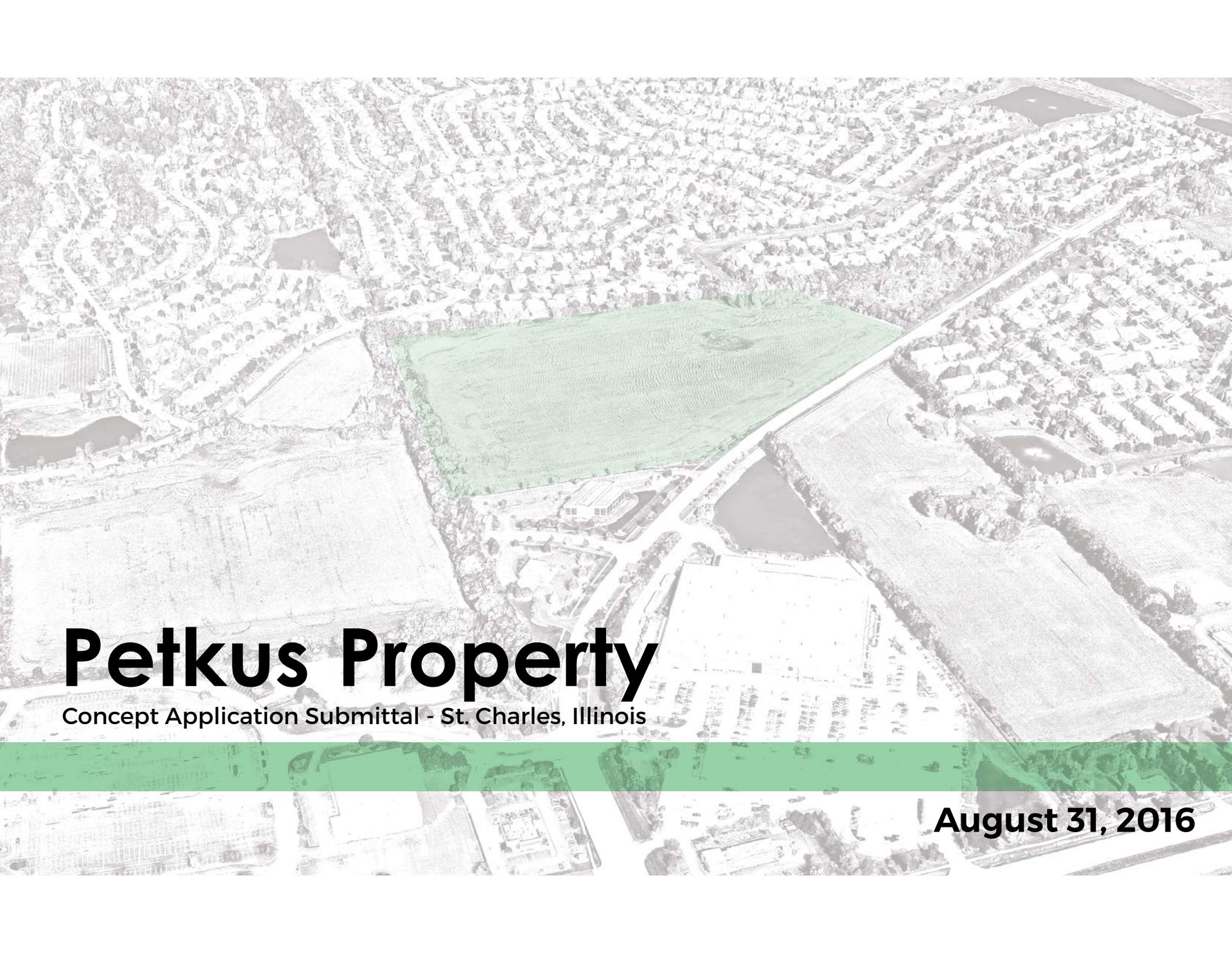
- The number of market-rate and affordable for-sale and rental units to be constructed, including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
- Documentation and plans regarding locations of affordable units and market-rate units, and their exterior appearance, materials, and finishes.

## Affordable Unit Requirement Calculation

Unit Count Range	# of Units Proposed in Development		% of Affordable Units Required		# of Affordable Units Required
1 to 15 Units		X	5%	=	
More than 15 Units	416	X	10%	=	41.6

## Fee In-Lieu Payment Calculation

# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit		Total Fee-In-Lieu Amount
41.6	41.6	X	\$72,819.50	=	\$3,029,291.20



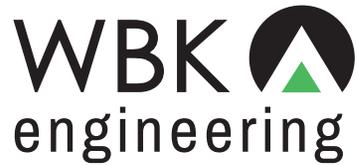
# Petkus Property

Concept Application Submittal - St. Charles, Illinois

August 31, 2016



**Rathje | Woodward**  
300 E. Roosevelt Road, Suite 300  
Wheaton, IL 60187



**WBK Engineering, LLC**  
116 West Main Street, Suite 201  
St. Charles, IL 60174



**Gary R. Weber Associates, Inc.**  
212 S. Main Street  
Wheaton, Illinois 60187

**Joseph H. Abel & Associates**  
200 Forest Avenue  
Glen Ellyn, Illinois 60137

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# Development Summary

## **Subject Property**

The subject property is known as the Petkus Property owned by Albert M Petkus as Trustee. The property is a 27 acre parcel currently in agricultural use located along the west side of Smith Road just north of Main Street. The property is covered in a boundary agreement between the City of St. Charles and the Village of West Chicago.

## **Land Ownership History**

The Petkus and Petruaskas Family names have long been associated with the City of St. Charles as both residents and land owners since the early 1950s. Individually, these families at one point in time, owned a number of notable properties in the immediate area including a dairy farm stretching along Smith Road to Main Street as well as the property home to Walmart and McDonald's properties, long before these developments were considered.

In 1978, the Petkus Property (formerly the Petruaskas' Family Dairy Farm) was divided in half and distributed among two separate parties within the Petkus Family. Between 1999 and 2002, the property was assembled by the current landowner Al Petkus who is the sole beneficiary of the Albert M. Petkus Trust under Trust Agreement dated February 1, 1999. The Petkus Property is located along Smith Road northeast of the intersection with IL Route 64 and is currently located within unincorporated DuPage County bordering Kane County and the City of St. Charles.

## **Project Objective**

The primary goal of this process is to initiate and complete the annexation and zoning process with the City of St. Charles for an RM-3 PUD zoning, which will in turn allow the property to be marketed to developers with a clear direction for future development options and opportunities. This initial study will have taken into consideration the site's physical design characteristics, site access, and site development carrying capacity in an effort to clarify requirements for implementation of the stated objectives within the St. Charles / West Chicago boundary agreement.

## **Land-Use**

The subject property is located within close proximity to the Main Street corridor and the redevelopment of the St. Charles mall recently renamed "The Quad". The subject properties size and location is very suitable for multi-family development to compliment surrounding land-uses and zoning, and to support efforts to increase population in proximity to retail opportunities at The Quad and the east Main Street corridor. As called out within the boundary agreement assisted living and care units are alternative land uses which would work well in this location. The parcel is sized and configured in a manner in which two development types can be accommodated with shared infrastructure at this site.



### **City of St. Charles & Village of West Chicago Boundary Agreement**

In 2014, a boundary line agreement (Ordinance No. 13-O-0025) set forth specific requirements whose aim was to minimize potential impact upon the Cornerstone Lakes Subdivision located along the north boundary of the Property in nearby West Chicago. The agreement outlined a number of restrictions and guidelines for future development of the property, summarized below:

- **Land-Use** – A list of specific land uses is included within the boundary agreement including PUD, Assisted Living and Institutional uses.
- **Density** – For development within 300 feet of the Cornerstone Lakes Subdivision, density shall not exceed 7.5 units/acre.
- **Height** – For buildings within 300 feet of the Cornerstone Lakes Subdivision, maximum building height shall be the lesser of 35 feet or 3 stories.
- **Landscaping** – In addition to required building setbacks, an additional 30 foot landscape buffer is required along the property line adjoining the single-family residential homes located on Lehman Drive and Barnhart Street within the Cornerstone Lakes Subdivision.
- **Drainage** – Stormwater runoff shall be restricted to 0.1 cfs/development acre, all bypass flow shall be designed to be channeled through on-site stormwater management systems.

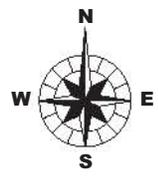
Through initial due-diligence, discussions with neighbors and monitoring of existing physical conditions on the site, it was observed the Cornerstone Lakes Subdivision adjacent to the Property has experienced water drainage issues for many years. It is anticipated that future development and engineering improvements associated with the development of the Property may improve or greatly mitigate the existing negative drainage impacts. The ultimate approval and implementation of the development for the Property can be a win-win situation for all stakeholders.

As demonstrated by the Land Use Capacity Study in the attached submittal, the property seeks an RM3 zoning designation with a Planned Unit Development (PUD) overlay. Development according to the RM3 classification can accommodate the restrictions outlined in the boundary line agreement matching the zoning classification of vacant property to the west while remaining compatible to nearby townhome and commercial properties. At this stage, it is too early to predict any deviations or departures from the City's zoning or subdivision ordinance but by utilizing a PUD overlay, future developers of the property can implement a creative design solution while the City maintains their right to input and approval of future development of the Property.





TOTAL PROPERTY  
AREA = 26.98 ACRES



<b>WBK engineering</b> 116 WEST MAIN STREET, SUITE 201 ST CHARLES, ILLINOIS 60174 (630) 749-1775		CLIENT: <b>ALBERT M. PETKUS 5 REGENT COURT BURR RIDGE, IL 60527 (630) 654-4310</b>	TITLE: <b>PETKUS PROPERTY AERIAL PHOTOGRAPH</b>
PROJECT NO. <b>1624</b>	DATE: 08/31/2016	DRAWING NO. <b>AP</b>	SHEET: <b>1 OF 1</b>
NO. DATE NATURE OF REVISION _____ _____ _____		DESIGNED: _____ DRAWN: _____ CHECKED: _____ SCALE: 1" = 100' DATE: 08/31/2016	WORKBOOK: _____ WORKBOOK: _____ WORKBOOK: _____





**SITE DATA**

LAND USE	AREA	UNITS	DU/AC
WEST DEVELOPMENT	14.30 AC.	272	19.0
EAST DEVELOPMENT	12.29 AC.	144	11.7
<b>TOTAL</b>	<b>26.59 AC.</b>	<b>416 UNITS</b>	<b>15.7</b>

NOTE: EACH BUILDING CONTAINS BELOW GRADE PARKING AT 1:1

**DENSITY CALCULATION**

LOCATION	AREA	MAX ALLOWABLE DENSITY	MAX ALLOWABLE UNITS
AREA WITHIN 300' OF CORNERSTONE LAKES	9.17 AC.	7.5 DU/AC	68
BALANCE OF SITE	17.42 AC.	20 DU/AC*	348
<b>TOTAL</b>	<b>26.59 AC.</b>		<b>416</b>

\*BASED ON RM-3 ZONING

**LAND USE CAPACITY STUDY**  
 SMITH ROAD PROPERTY  
 ST. CHARLES, ILLINOIS

5/3/2016



**Joseph H. Abel & Associates**  
 Land Use Planning Zoning Economic Development Expert Testimony  
 200 Forest Avenue  
 Glen Ellyn, Illinois 60137  
 (630) 858-5085  
 Fax (630) 668-9693



**GARY R. WEBER ASSOCIATES, INC.**  
 LAND PLANNING  
 BIOLOGICAL CONSERVATION  
 LANDSCAPE ARCHITECTURE  
 212 SOUTH MAIN STREET  
 WHEATON, ILLINOIS 60187  
 PHONE: 630-668-7197

**Land Use Capacity Study**

The Land Use Capacity Study exhibit is a demonstration of the site capacity taking into account the physical site, the proposed RM-3 PUD zoning standards and the stipulations included within the City of St. Charles and Village of West Chicago Boundary Agreement. It should be noted as described previously, that a final PUD plan will be presented to the City of St. Charles following the initial annexation process. Therefore the included Land Use Capacity Study demonstrates a logical development pattern establishing points of access, location and sizing of stormwater management infrastructure, understanding of surface drainage flows and sanitary sewer and water main connections, as well as taking into account density, building heights, drainage and landscape requirements as described within the boundary agreement.

The site is designed to locate a primary Smith Road access point which divides the Petkus Property into two distinct development areas. This would allow for either a single development or two separate developments bisected by a landscaped boulevard primary entrance roadway. If the site is developed as two separate developments the current site analysis and design efforts will document and design the primary elements of the shared infrastructure and shared maintenance responsibilities. A second access point is located further north along Smith Road allowing a second option for resident and emergency services access.

The site generally drains from south to north towards the existing homes in the Cornerstone Lakes subdivision at the Petkus Property north property line. This is the natural location for a stormwater management basin proposed with a wetland bottom. The stormwater management basin is linear in the east-west direction which will allow surface drainage from the entire site to be drained into the basin and discharge at the east end into an existing West Chicago storm sewer and designated overland flow route. Pending final design and permitting, the plan will also bypass off-site tributary surface water from the west into the storm water management basin to mitigate current drainage problems along the common property line with the Cornerstone Lakes residential lots.

It should be noted that the boundary agreement limits density within 300 feet from the Cornerstone Lakes south property line (or backs of residential lots) which is called out on the Land Use Capacity Study. The boundary agreement also limits structure to a maximum of three stories with an additional thirty (30) foot planted landscape buffer. The Land Use Capacity Study complies with all of these requirements. The balance of the property beyond the 300 foot zone consists of four (4) story buildings arranged in asymmetrical pattern in the western portion of the site. The balance of the eastern portion of the site also includes four story buildings arranged around a landscaped courtyard with the three story buildings to the north. With these building types there would be both interior building parking and surface parking for residents and guests.

A total of 416 multi-family units are proposed for the site ranging from one to three bedrooms. Based on preliminary assumptions a mix of 40-40-20 yields a total of 166 one-bedroom, 166 two-bedroom, and 84 three-bedroom units. A total of 9.16 acres of land falls within 300 feet of the Cornerstone Lakes Subdivision. Maximum allowable density per the boundary agreement is governed at 7.5 units per acre yielding a total of 68 units with a maximum of three-story structures. The balance of the site is 17.42 acres yielding 348 units at 20 units per acre (RM-3 zoning) for a total maximum land use capacity of 416 multi-family residences.



Proposed Density			
Location	Area	Max. Allowable Density	Max. Allowable Units
Area Within 300' of Cornerstone Lakes	9.17 acres	7.5 du/ac	68 units
Balance of Site	17.42 acres	20 du/ac	348 units
<b>Total</b>	<b>26.59 acres</b>		<b>416 units</b>



**CONCEPT PLAN APPLICATION**

**CITYVIEW**  
Project Name: \_\_\_\_\_  
Project Number: \_\_\_\_\_ -PR- \_\_\_\_\_  
Application Number: \_\_\_\_\_ -AP- \_\_\_\_\_

Received Date

To request review of a Concept Plan for a property, complete this application and submit it with all required attachments to the Planning Division.

When the application is complete and has been reviewed by City staff, we will schedule a Plan Commission review, as well as a review by the Planning and Development Committee of the City Council. While these are not formal public hearings, property owners within 250 ft. of the property are invited to attend and offer comments.

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: <b>Smith Road, North of Route 64</b>	
	Parcel Number (s): <b>0130100016, 0130100009</b>	
<b>2. Applicant Information:</b>	Proposed Project Name: <b>Petkus Property</b>	
	Name <b>Albert M. Petkus, Trustee</b>	Phone <b>(630) 654-4310</b>
<b>3. Record Owner Information:</b>	Address <b>5 Regent Court Burr Ridge, IL 60527</b>	
	Email <b>alpet@comcast.net</b>	
<b>3. Record Owner Information:</b>	Name <b>Albert M. Petkus, Sole Trustee of the Albert M. Petkus Trust Under Trust Agreement dated February 1, 1999</b>	
	Address <b>same as above</b>	
<b>3. Record Owner Information:</b>	Phone <b>same as above</b>	
	Fax <b>same as above</b>	
<b>3. Record Owner Information:</b>	Email <b>same as above</b>	

**Please check the type of application:**

**PUD Concept Plan:** Proposed Name: Petkus Property

**Subdivision Concept Plan** Proposed Name: \_\_\_\_\_

**Other Concept Plan** \_\_\_\_\_

**Zoning and Use Information:**

Current zoning of the property: R-4 (DuPage County)

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

Current use of the property: Vacant/Agriculture

Proposed zoning of the property: RM-3 General Residential PUD? YES

Proposed use of the property: Multi-Family

Comprehensive Plan Designation: Multi-Family / Single-Family Attached

**Attachment Checklist**

**REIMBURSEMENT OF FEES AGREEMENT:**

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

**REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

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

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

**PROOF OF OWNERSHIP and DISCLOSURE:**

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

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

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that*

you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.

- **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- **PLAT OF SURVEY:**  
A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- **AERIAL PHOTOGRAPH:**  
Aerial photograph of the site and surrounding property at a scale of not less than 1"=400', preferably at the same scale as the concept plan.
- **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. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

**Copies of Plans:**

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

**Concept Plans shall show:**

1. Existing Features:
  - Name of project, north arrow, scale, date
  - Boundaries of property with approximate dimensions and acreage
  - Existing streets on and adjacent to the tract
  - Natural features including topography, high and low points, wooded areas, wetlands, other vegetative cover, streams, and drainage ways.
  - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development.
2. Proposed Features:
  - Name of project, north arrow, scale, date
  - Boundaries of property with approximate dimensions and acreage
  - Site plan showing proposed buildings, pedestrian and vehicular circulation, proposed overall land use pattern, open space, parking, and other major features.
  - Architectural elevations showing building design, color and materials (if available)
  - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development

□ **SUMMARY OF DEVELOPMENT:**

Written information including:

- List of the proposed types and quantities of land use, number and types of residential units, building coverage, floor area for nonresidential uses and height of proposed buildings, in feet and number of stories.
- Statement of the planning objectives to be achieved and public purposes to be served by the development, including the rationale behind the assumptions and choices of the applicant
- List of anticipated exceptions or departures from zoning and subdivision requirements, if any

□ **PARK AND SCHOOL LAND/CASH WORKSHEETS**

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

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

□ **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.

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

Albert M. Pelkus, Sole Trustee of the Albert M. Pelkus Trust under Trust Agreement dated February 1, 1999. \_\_\_\_\_  
Record Owner Date

\_\_\_\_\_  
Applicant or Authorized Agent Date

**CITY OF ST. CHARLES  
REIMBURSEMENT OF FEES AGREEMENT**



City of St. Charles Acct. # \_\_\_\_\_

**I. Owner:**

Owner of Property: Albert M. Petkus, Trustee Date: 08/26/2016

Owner's Address: 5 Regent Court, Burr Ridge, IL 60527

Owner's Phone Number: (630) 654-4310

If Owner is a Land Trust, the names and addresses of the beneficiaries of the Trust:  
Albert M. Petkus, Sole Trustee of the Albert M. Petkus Trust Under Trust Agreement dated February 1, 1999

**II. Person Making Request (Petitioner/Applicant):**

Name of Petitioner/Applicant: Albert M. Petkus, Trustee

Petitioner's/Applicant's Address: 5 Regent Court, Burr Ridge, IL 60527

Petitioner's /Applicant's Phone Number: (630) 654-4310

**III. Location of Property:**

General Location of Property: Smith Road, North of Route 64

Acreage of Parcel: 26.98 Acres

Permanent Index Number(s): 0130100016, 0130100009

Legal Description (attach as Exhibit A)

**IV. Reimbursement of Fees:**

If the City determines, in its sole and exclusive discretion, that it is necessary to obtain professional services, including, but not limited to, attorneys; engineers; planners; architects; surveyors; court reporters; traffic, drainage or other consultants, and/or to incur costs related to any required notices or recordings, in connection with any Petition or Application filed by the Petitioner/Applicant, then the Petitioner/Applicant and Owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the City.

The City Administrator is hereby authorized to assign the above described services to the City staff or to consultants, as they deem appropriate. When the City staff renders any services contemplated by this agreement, then in such case the City shall be reimbursed for its cost per productive work hour for each staff person providing said services.

At the time the Petitioner/Applicant requests action from the City, he shall deposit the following amounts with the City as an initial deposit to collateralize the obligation for payment of such fees and expenses:

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

As the review proceeds, the City shall deduct incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$500.00, the petitioner/applicant, upon notice by the City, shall be required to replenish the deposit to its original amount. The Petitioner/ Applicant shall replenish the deposit amount within fifteen (15) days of receipt of an invoice directing the replenishment of said deposit. Failure to remit payment within fifteen (15) days will cause all reviews to cease.

A petitioner/applicant who withdraws his petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Administrator may, in his sole discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

Upon the failure to the Petitioner/Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Mayor and City Council, or by any other official or quasi-deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Further, the City may deny any application for a grading, building or other permit if such amounts have not been paid in full.

Upon any failure to reimburse the City in accordance with this section, the City may in its discretion, apply any or all of the initial deposit to the outstanding balance due and/or elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the City, such amounts due shall be deemed delinquent and finance charges in accordance the City's policy for accounts receivable shall be added to the amount due until such amount due, including all delinquency charges, is received by the City. Said lien shall be in an amount equal to the outstanding amount owed to the City.



**RESIDENTIAL ZONING COMPLIANCE TABLE**

Name of Development: \_\_\_\_\_

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District: ³RM-3	Ordinance #:	
Minimum Lot Area	2,200 sf/du		*2
Minimum Lot Width	65 ft		*2
Maximum Building Coverage	40%		*2
Maximum Building Height	45 ft or 4 stories, whichever is less		*2
Minimum Front Yard	30 ft		*2
Interior Side Yard	25 ft, each side		*2
Exterior Side Yard	30 ft		*2
Minimum Rear Yard	30 ft, 5 ft for garages accessed from an alley		*2
% Overall Landscape Area	20% for a lot or parcel with on-site stormwater management		*2
Building Foundation Landscaping	As required by ordinance		*2
% Interior Parking Lot Landscape	10%		*2
Landscape Buffer Yards <sup>1</sup>	30'		*2
# of Parking spaces	650		*2

166 1BR 199.2 Spaces  
 166 2BR 282.2 Spaces  
 84 3BR 168.0 Spaces  
**416 Total 649.4 Spaces**

<sup>1</sup> Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

<sup>2</sup> The attached density study is presented for development consideration for initiation of the annexation and zoning process for the City of St. Charles. A more detailed study including proposed zoning standards will be presented by the ultimate developer of the site. See narrative for additional details.

<sup>3</sup> The Petkus Property is subject to additional zoning criteria as contained in the certain Boundary Line Agreement by and between the City of St. Charles and the City of West Chicago recorded as Document Number R2014-113800.

# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development	_____
Date Submitted:	_____
Prepared by:	_____



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom		DU x 2.899	=
➤ 4 Bedroom		DU x 3.764	=
➤ 5 Bedroom		DU x 3.770	=
<b>Attached Single Family</b>			
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom		DU x 1.990	=
➤ 3 Bedroom		DU x 2.392	=
➤ 4 Bedroom		DU x 3.145	=
<b>Apartments</b>			
➤ Efficiency		DU x 1.294	=
➤ 1 Bedroom	166	DU x 1.758	= 291.828
➤ 2 Bedroom	166	DU x 1.914	= 317.724
➤ 3 Bedroom	84	DU x 3.053	= 256.452

**Totals**                      416    867  
    Total Dwelling Units    Estimated Total Population

**Park Site Requirements**

Estimated Total Population 867 x .010 Acres per capita = 8.67 Acres

**Cash in lieu of requirements -**

Total Site Acres 8.67 x \$240,500 (Fair Market Value per Improved Land) = \$ 2,085,135

# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development	_____
Date Submitted:	_____
Prepared by:	_____



## Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)		Middle (Grades 6 to 8)		High (Grades 9 to 12)	
<b>Detached Single Family</b>							
> 3 Bedroom		DU x .369	=	DU x .173	=	DU x .184	=
> 4 Bedroom		DU x .530	=	DU x .298	=	DU x .360	=
> 5 Bedroom		DU x .345	=	DU x .248	=	DU x .300	=
<b>Attached Single Family</b>							
> 1 Bedroom		DU x .000	=	DU x .000	=	DU x .000	=
> 2 Bedroom		DU x .088	=	DU x .048	=	DU x .038	=
> 3 Bedroom		DU x .234	=	DU x .058	=	DU x .059	=
> 4 Bedroom		DU x .322	=	DU x .154	=	DU x .173	=
<b>Apartments</b>							
> Efficiency		DU x .000	=	DU x .000	=	DU x .000	=
> 1 Bedroom	166	DU x .002	=0.332	DU x .001	=0.166	DU x .001	=0.166
> 2 Bedroom	166	DU x .086	=14.276	DU x .042	=6.972	DU x .046	=7.636
> 3 Bedroom	84	DU x .234	=19.656	DU x .123	=10.332	DU x .118	=9.912

**Totals**                      416      TDU                      34.264      TE                      17.470      TM                      17.714      TH

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	34.264	x .025	= 0.8566
Middle (TM)	17.470	x .0389	= 0.679583
High (TH)	17.714	x .072	= 1.275408

**Total Site Acres**                      2.811591

## Cash in lieu of requirements -

2.811591 (Total Site Acres)      x      \$240,500 (Fair Market Value per Improved Land)      =      \$ 676,187.64

## INCLUSIONARY HOUSING SUMMARY

Name of Development	_____
Date Submitted:	_____
Prepared by:	_____



### Background:

St. Charles Municipal Code Title 19 "Inclusionary Housing", requires developers of new residential developments to provide a proportionate share of affordable housing units within the development, or to pay a fee in-lieu of providing affordable housing units. Developers may also provide a mix of affordable housing units and fee in-lieu.

Affordable housing is defined as housing that has a sales price or rental amount that is within the means of a household with income at or below 80% Area Median Income (AMI) for for-sale units and at or below 60% AMI for rental units, adjusted for household size. See Title 19 for complete definitions.

The maximum price of affordable for-sale units and affordable rental units required by Title 19 shall be no greater than the affordable purchase price and affordable rent established annually by the Illinois Housing Development Authority (IHDA). Contact the Planning Division for the most recent affordable prices from IHDA.

### Submission Requirements:

Submit information describing how the residential development will comply with the requirements of Title 19, "Inclusionary Housing". Use this worksheet to calculate the number of required affordable units to be incorporated within the residential development, or the required fee in-lieu payment.

If the development will include affordable units, submit the following additional information:

- The number of market-rate and affordable for-sale and rental units to be constructed, including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
- Documentation and plans regarding locations of affordable units and market-rate units, and their exterior appearance, materials, and finishes.

### Affordable Unit Requirement Calculation

Unit Count Range	# of Units Proposed in Development		% of Affordable Units Required	=	# of Affordable Units Required
1 to 15 Units		X	5%	=	
More than 15 Units	416	X	10%	=	41.6

### Fee In-Lieu Payment Calculation

# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit	=	Total Fee-In-Lieu Amount
41.6	41.6	X	\$72,819.50	=	\$3,029,291.20

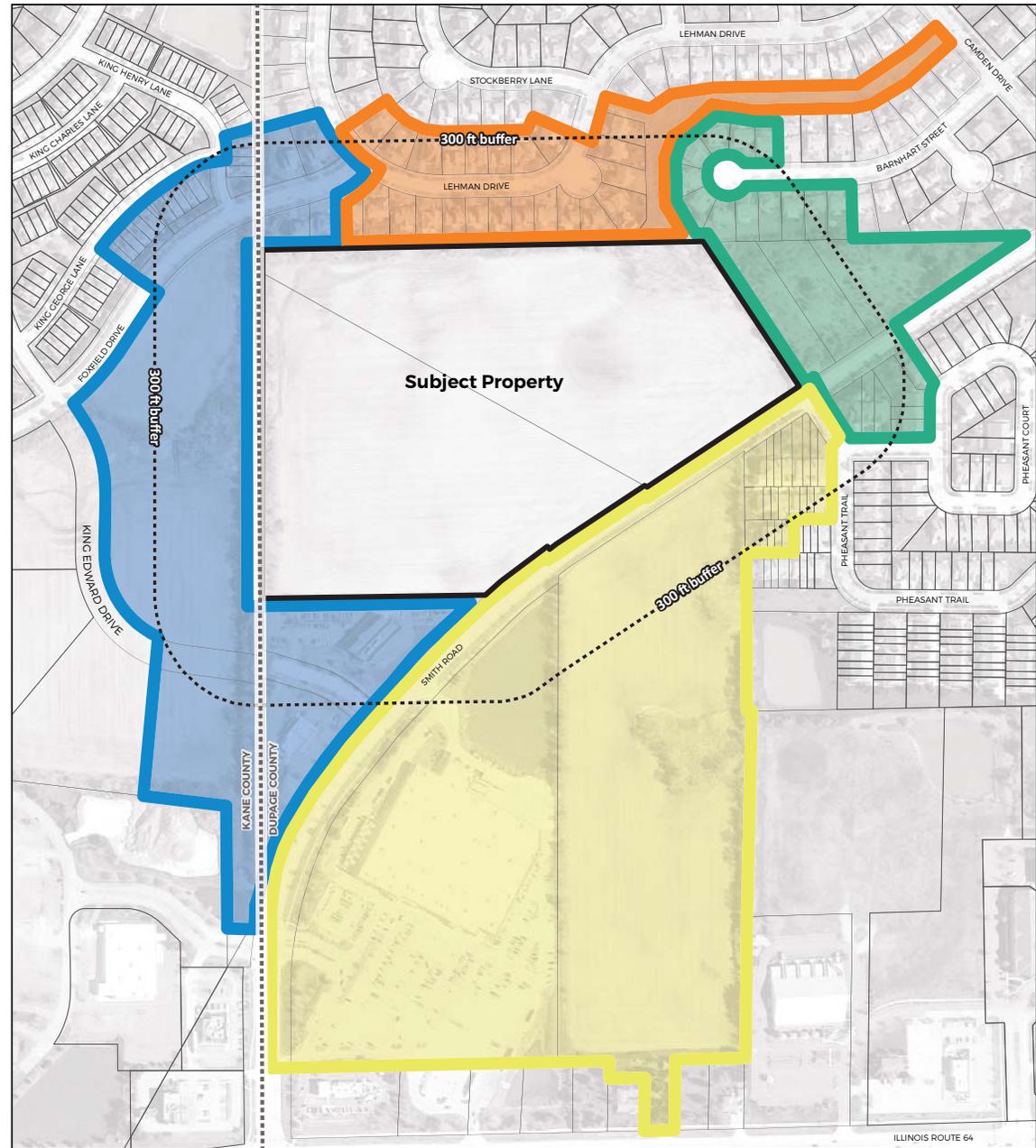
## Adjacent Property Owners Overview

Adjacent property owners and mailing addresses for Petkus Property

- Petkus Property PINs: 01-30-100-009 and 01-30-100-016

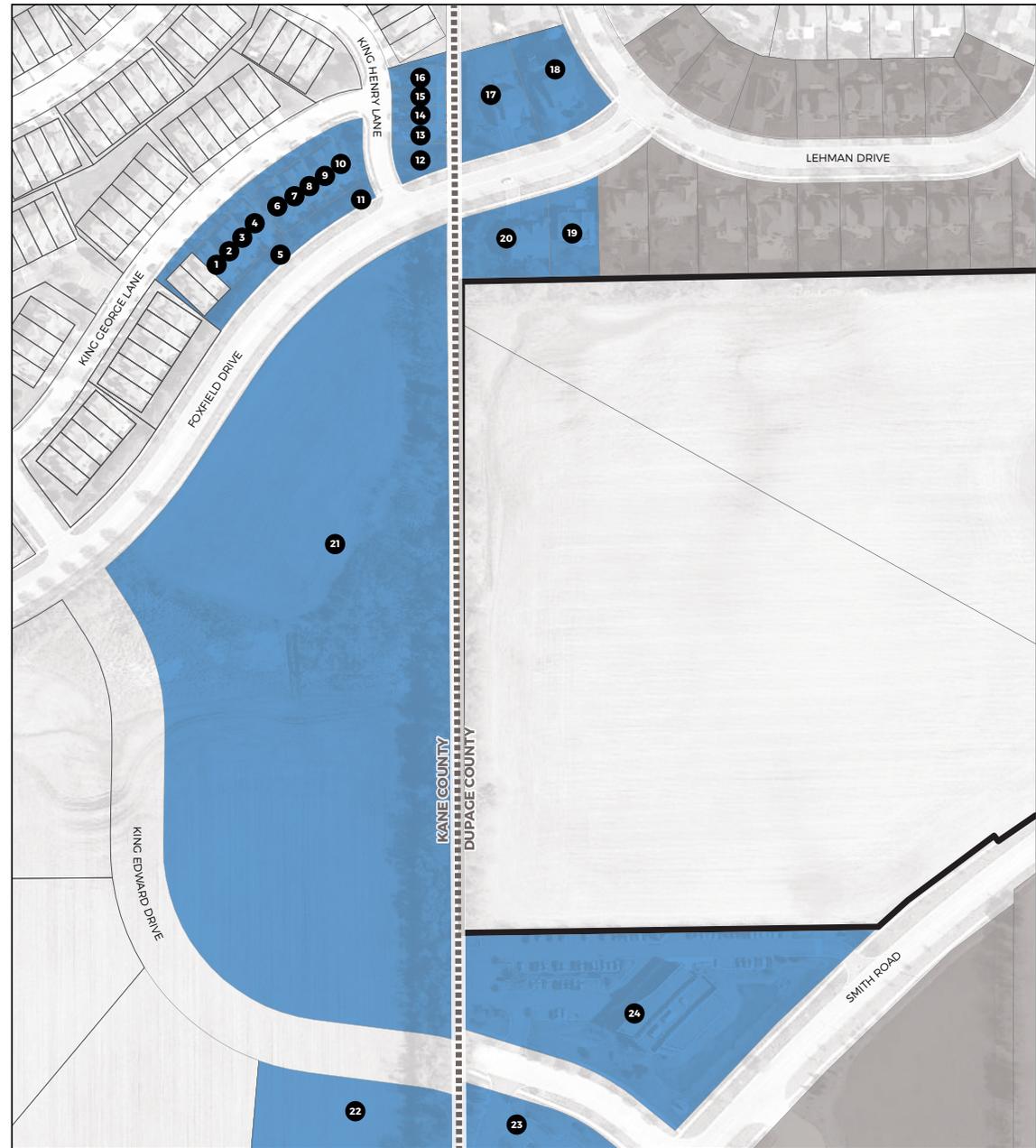
### Map Legend

- Page One Adjacent Property Owners
- Page Two Adjacent Property Owners
- Page Three Adjacent Property Owners
- Page Four Adjacent Property Owners
- ⊙ 300 ft buffer around Petkus Property (including R.O.W.)



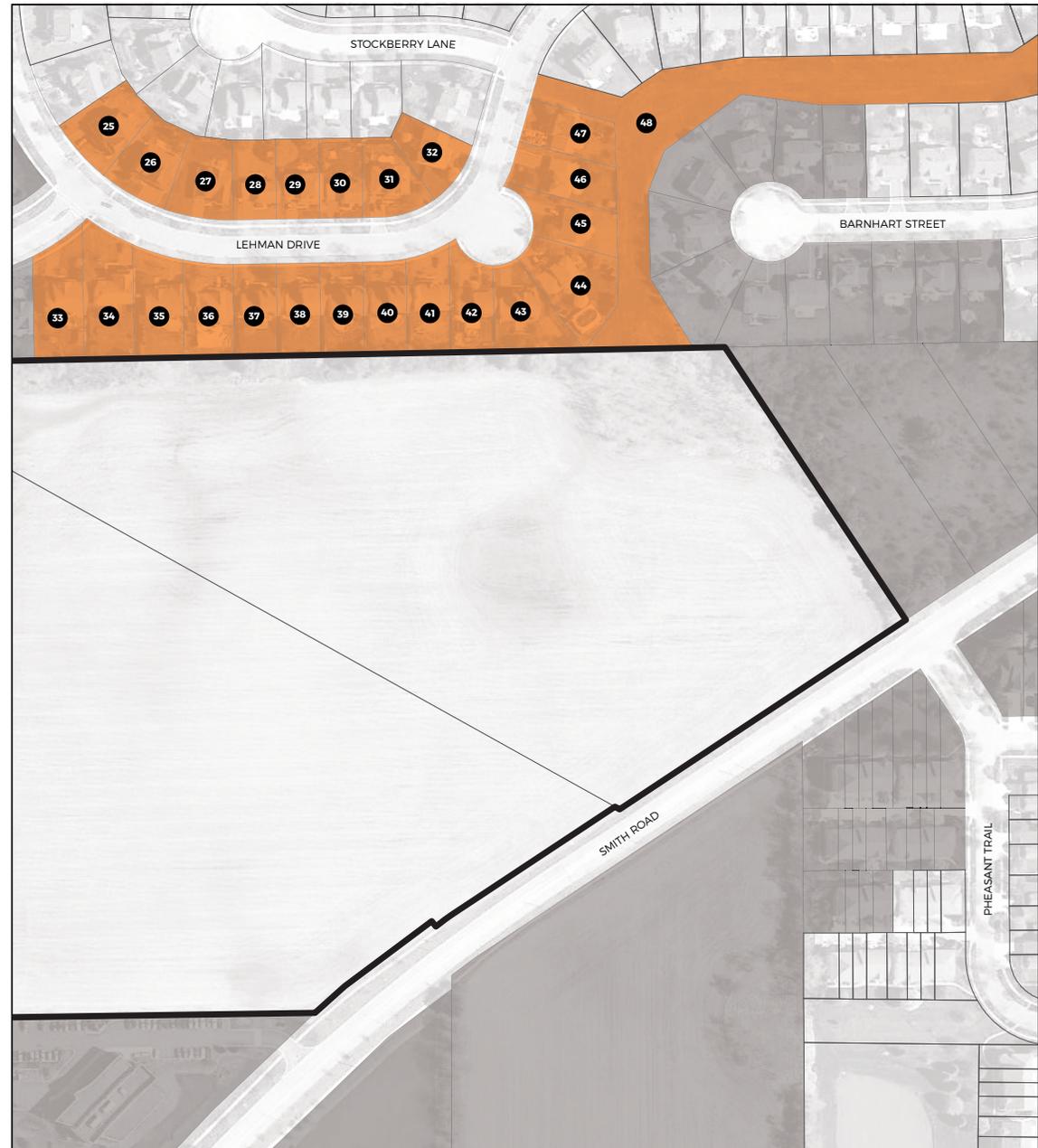
## Adjacent Property Owners Page One

- |  |   |
|--|---|
| 1 09-24-478-107<br>PRAHL, ROBERT J & MARY L LIVING TRS<br>3731 KING GEORGE LN, SAINT CHARLES, IL 60174-7839    | 15 09-24-478-127<br>DUVALL, JERRY L DCLRN OF TRUST . TRUSTEE<br>702 KING HENRY LN, ST CHARLES, IL 60174                   |
| 2 09-24-478-108<br>LA VALLE, RONALD E & ANGELA L .<br>3733 KING GEORGE LN, ST CHARLES, IL 60174                | 14 09-24-478-126<br>BENNERDO, ANTHONY R & MARIE J .<br>704 KING HENRY LN, ST CHARLES, IL 60174                            |
| 3 09-24-478-109<br>TRUST # 8002347653, , TRUDY E BOURASSA<br>3735 KING GEORGE LN, SAINT CHARLES, IL 60174-7839 | 16 09-24-478-125<br>SANTA-MARIA, JOSE L.<br>706 KING HENRY LN, SAINT CHARLES, IL 60174-7842                               |
| 4 09-24-478-110<br>WHITFIELD, HELEN .<br>3737 KING GEORGE LN, ST CHARLES, IL 60174                             | 17 09-24-478-124<br>NICHOL, FRANK J & THERESE E .<br>708 KING HENRY LN, ST CHARLES, IL 60174                              |
| 5 09-24-478-149<br>KINGSWOOD TOWNHOME OWNERS ASSOCIATION INC<br>PO BOX 4333, ST CHARLES, IL 60174              | 18 01-19-310-001<br>PATEL, HEMANT & PINAL<br>2801 FOXFIELD DR, WEST CHICAGO IL 60185                                      |
| 6 09-24-478-112<br>COTTE, MARLA SCHECKMAN<br>3741 KING GEORGE LN, ST CHARLES, IL 60174                         | 19 01-19-310-002<br>VANDERMEY, ERIK & TAMMY L<br>2791 FOXFIELD DR, WEST CHICAGO IL 60185                                  |
| 7 09-24-478-113<br>CONNELLY, SCOTT A & EVELYN M .<br>3743 KING GEORGE LN, SAINT CHARLES, IL 60174-7839         | 20 01-19-302-002<br>DEPAEPE FAMILY LTD PRTRNS, C/O CASEY DEPAEPE<br>2449 ALAMANCE DR WEST CHICAGO IL 60185                |
| 8 09-24-478-114<br>SCHUCK, ELIZABETH C .<br>3745 KING GEORGE LN, SAINT CHARLES, IL 60174-7839                  | 21 01-19-302-001<br>NGUYEN, LIEU<br>2800 FOXFIELD DR, WEST CHICAGO IL 60185   |
| 9 09-24-478-115<br>VIVACQUA, JOSEPH G .<br>3747 KING GEORGE LN, SAINT CHARLES, IL 60174-7839                   | 22 09-25-245-002<br>WEST SUBURBAN BANK TR # 2580, AMCO PROPERTIES<br>2863 95TH ST UNIT 143-373, NAPERVILLE, IL 60564-9005 |
| 10 09-24-478-116<br>ILIE, DORIN & MIHAELA .<br>3749 KING GEORGE ST, ST CHARLES, IL 60174                       | 23 09-25-245-002<br>WEST SUBURBAN BANK TR # 2580, AMCO PROPERTIES<br>2863 95TH ST UNIT 143-373, NAPERVILLE, IL 60564-9005 |
| 11 09-24-478-148<br>KINGSWOOD TOWNHOME OWNERS ASSOCIATION INC<br>PO BOX 4333, ST CHARLES, IL 60174             | 24 01-30-108-001<br>US BANK<br>2800 E LAKE ST, MINNEAPOLIS MN 55406   |
| 12 09-24-478-138<br>KINGSWOOD TOWNHOME OWNERS ASSOCIATION INC<br>PO BOX 4333, ST CHARLES, IL 60174             | 25 01-30-107-001<br>DJG REAL ESTATE OF IL, ATTN D SERGI<br>225 SMITH RD ST CHARLES IL 60174                               |



## Adjacent Property Owners Page Two

- |    |  |    |  |
|----|--|----|--|
| 25 | 01-19-301-012<br><b>CHAUDHRY, FOZIAE TR</b><br>2775 DAVENPORT DR, WEST CHICAGO IL 60185                | 37 | 01-19-302-007<br><b>WINOKUR FAMILY TR</b><br>2740 LEHMAN DR, WEST CHICAGO IL 60185             |
| 26 | 01-19-301-011<br><b>BHATIA, SATISH ET AL</b><br>2745 LEHMAN DR, WEST CHICAGO IL 60185                  | 38 | 01-19-302-008<br><b>BUNDY, RYAN J &amp; TERESA B</b><br>2730 LEHMAN DR, WEST CHICAGO IL 60185  |
| 27 | 01-19-301-010<br><b>CRANDELL, WALTER &amp; MARIA</b><br>414 PINE LAKE CIR, VERNON HILLS, IL 60061-1202 | 39 | 01-19-302-009<br><b>SANDS, KENNETH B &amp; SHERYL</b><br>2720 LEHMAN DR, WEST CHICAGO IL 60185 |
| 28 | 01-19-301-004<br><b>BAMBERGER, HERBERT &amp; EDEN</b><br>2735 LEHMAN DR, WEST CHICAGO IL 60185         | 40 | 01-19-302-010<br><b>THOMPSON, LANCE &amp; MARGIE</b><br>2710 LEHMAN DR, WEST CHICAGO IL 60185  |
| 29 | 01-19-301-005<br><b>SCIORTINO, SAMUEL &amp; E</b><br>2725 LEHMAN DR, WEST CHICAGO IL 60185             | 41 | 01-19-302-011<br><b>NUNES, ANTHONY &amp; JOANNA</b><br>2700 LEHMAN DR, WEST CHICAGO IL 60185   |
| 30 | 01-19-301-006<br><b>CANNISTRA, JULIE &amp; MARIO</b><br>2715 LEHMAN DR, WEST CHICAGO IL 60185          | 42 | 01-19-302-012<br><b>MIKUTIS, JOEL &amp; DEBORAH</b><br>2690 LEHMAN DR, WEST CHICAGO IL 60185   |
| 31 | 01-19-301-007<br><b>PATEL, KETAN &amp; DIPIKA</b><br>2705 LEHMAN DR, WEST CHICAGO IL 60185             | 43 | 01-19-302-013<br><b>MALORNY, DOUGLAS &amp; KELLY</b><br>2680 LEHMAN DLN, WEST CHICAGO IL 60185 |
| 32 | 01-19-301-008<br><b>DOREN, CHARLES &amp; ELIZABETH</b><br>2665 LEHMAN DR, WEST CHICAGO IL 60185        | 44 | 01-19-302-014<br><b>SCHREIBER, ROBERT R &amp; L</b><br>2670 LEHMAN DR, WEST CHICAGO IL 60185   |
| 33 | 01-19-302-003<br><b>TAN LIM, CHARLIES C &amp; J</b><br>2780 FOXFIELD DR, WEST CHICAGO IL 60185         | 45 | 01-19-302-015<br><b>STRAHL, JULIE A</b><br>2660 LEHMAN DR, WEST CHICAGO IL 60185               |
| 34 | 01-19-302-004<br><b>ABDIN, IADEDDIN &amp; HIYAM</b><br>2770 LEHMAN DR, WEST CHICAGO IL 60185           | 46 | 01-19-302-016<br><b>DUNFE, JAMES A &amp; CARRIE A</b><br>2650 LEHMAN DR, WEST CHICAGO IL 60185 |
| 35 | 01-19-302-005<br><b>MC CABKE, JESSE &amp; RACHEL</b><br>2760 LEHMAN DR, WEST CHICAGO IL 60185          | 47 | 01-19-302-017<br><b>SIDDIQUI, ALI &amp; FAIZ</b><br>2640 LEHMAN DR, WEST CHICAGO IL 60185      |
| 36 | 01-19-302-006<br><b>BENHART, NICHOLAS &amp; TARA TR</b><br>2750 LEHMAN DR, WEST CHICAGO IL 60185       | 48 | 01-19-302-018<br><b>WEST CHICAGO PARK DIST</b><br>157 W WASHINGTON ST, WEST CHICAGO IL 60185   |



## Adjacent Property Owners Page Three

**49** 01-19-302-040  
**ZILLA, ANTHONY J**  
 2585 BARNHART ST, WEST CHICAGO IL 60185

**50** 01-19-302-062  
**DUSSIAS, THOMAS & PENELOPE**  
 2595 BARNHART ST, WEST CHICAGO IL 60185

**51** 01-19-302-063  
**SCHUMAN, TAMARA & THOMAS**  
 2597 BARNHART ST, WEST CHICAGO IL 60185

**52** 01-19-302-043  
**PATEL, HETAL & YOGINI**  
 2599 BARNHART ST, WEST CHICAGO IL 60185

**53** 01-19-302-044  
**ANDRE ROBERTS, YVONNE**  
 2598 BARNHART ST, WEST CHICAGO IL 60185

**54** 01-19-302-045  
**WILSON, JERRY H & EUGENIA**  
 2596 BARNHART ST, WEST CHICAGO IL 60185

**55** 01-19-302-049  
**ROA, ROLANDO D & RUTH M**  
 2592 BARNHART ST, WEST CHICAGO IL 60185

**56** 01-19-302-047  
**DE NICOLO, GIUSEPPE & P**  
 2588 BARNHART ST, WEST CHICAGO IL 60185

**57** 01-19-302-048  
**PATEL, VINAY C & SONAL V**  
 2584 BARNHART ST, WEST CHICAGO IL 60185

**58** 01-19-302-049  
**AGANON, JESSE & DIANE**  
 2580 BARNHART ST, WEST CHICAGO IL 60185

**59** 01-19-302-050  
**HARRIS BK HINSDALE L3798**  
 2570 BARNHART ST, WEST CHICAGO IL 60185

**60** 01-19-302-051  
**BRANDT, JAMES & KRISTINA**  
 2560 BARNHART ST, WEST CHICAGO IL 60185

**61** 01-30-100-004  
**CHEHADE, E & J GORECKA**  
 4N060 WOODLAND CT, WAYNE IL 60184

**62** 01-30-100-003  
**CHEHADE, E & J GORECKA**  
 4N060 WOODLAND CT, WAYNE IL 60184

**63** 01-30-100-002  
**CHEHADE, E & J GORECKA**  
 4N060 WOODLAND CT, WAYNE IL 60184

**64** 01-30-105-038  
**CALISTRO, RALPH P & ROSA**  
 4087 PHEASANT CT, ST CHARLES IL 60174

**65** 01-30-105-037  
**STEINKE LIVING TRUST**  
 4089 PHEASANT CT, ST CHARLES IL 60174

**66** 01-30-105-036  
**SKIBICKI, LOUIS & CORRINNE**  
 4091 PHEASANT CT, ST CHARLES IL 60174

**67** 01-30-105-035  
**WADE, DELORES D**  
 4093 PHEASANT CT, ST CHARLES IL 60174

**68** 01-30-104-004  
**COLE, DEBBY L**  
 4020 PHEASANT CT, ST CHARLES IL 60174-8804

**69** 01-30-104-003  
**NOVAK, DONALD L**  
 4018 PHEASANT CT, ST CHARLES IL 60174

**70** 01-30-104-002  
**JAEGER, RONALD J & L L**  
 4016 PHEASANT CT, ST CHARLES IL 60174

**71** 01-30-105-003  
**BACINO TR, JAMES & ROSE**  
 500 PHEASANT TR, ST CHARLES IL 60174



## Adjacent Property Owners Page Four

**72** 01-30-103-018  
**KARA, ANDREW J**  
 501 PHEASANT TR, ST CHARLES IL 60174

**73** 01-30-103-017  
**TOMASINO, DONALD A**  
 13210 VINEYARD DR, HUNTLEY IL 60142

**74** 01-30-103-016  
**BANDUCCI, SIMONE ET AL**  
 505 PHEASANT TR, ST CHARLES IL 60174

**75** 01-30-103-015  
**LAVOIE, JOHN R P**  
 507 PHEASANT TR, ST CHARLES IL 60174

**76** 01-30-103-014  
**ROMANOW, PREEDARAT & J**  
 509 PHEASANT TRL, ST CHARLES IL 60174

**77** 01-30-103-013  
**MAJJIGA, T & T PENMETCHSA**  
 511 PHEASANT TR, ST CHARLES IL 60174

**78** 01-30-103-012  
**TROCKI II, JOHN & M**  
 513 PHEASANT TR, ST CHARLES IL 60174

**79** 01-30-103-011  
**SOUMAR, CINDY & PETER**  
 33W505 BREWSTER CIR, WAYNE IL 60184

**80** 01-30-103-019  
**MAZZIO, ANITA & L LONG**  
 531 PHEASANT TR, ST CHARLES IL 60174

**81** 01-30-103-020  
**MRUK, STEPHEN A**  
 529 PHEASANT TRAIL, ST CHARLES IL 60174

**82** 01-30-103-021  
**HORNECK JR, JAMES & ETAL**  
 527 PHEASANT TR, ST CHARLES IL 60174

**83** 01-30-103-022  
**MALACK, LEROY & JEANETTE**  
 525 PHEASANT TRL, ST CHARLES IL 60174

**84** 01-30-103-023  
**PRZYBYLSKI, MOLLY B**  
 523 PHEASANT TR, ST CHARLES IL 60174

**85** 01-30-103-024  
**CASSELL, JOANNE M**  
 521 PHEASANT TR, ST CHARLES IL 60174

**86** 01-30-103-025  
**LOPEMAN, MICHAEL P**  
 519 PHEASANT TR, ST CHARLES IL 60174

**87** 01-30-103-026  
**LU, JI ZONG & YAN XI ZHU**  
 517 PHEASANT TRL, ST CHARLES IL 60174

**88** 01-30-103-027  
**APPLE, MICHAEL G**  
 547 PHEASANT TR, ST CHARLES IL 60174

**89** 01-30-103-028  
**NEUMAN, MOLLY**  
 545 PHEASANT TR, ST CHARLES IL 60174

**90** 01-30-103-029  
**ANDERSON, J & R CALISTRO**  
 543 PHEASANT TR, ST CHARLES IL 60174

**91** 01-30-103-030  
**DAVILA, OSCAR & E SALAZAR**  
 541 PHEASANT TRL, ST CHARLES IL 60174

**92** 01-30-102-019  
**BARBARA PETKUS**  
 32W642 NORTH AVE, WEST CHICAGO IL 60185

**93** 01-30-101-020  
**WALMART STORES INC, C/O WALMART PROPERTY TAX**  
 PO BOX 8050 BENTONVILLE AR 72716



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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
Petkus Property, 27 acres, :  
north side of Smith Road :  
(Albert Petkus) :  
Application for Concept Plan. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois  
Tuesday, September 20, 2016  
7:00 p.m.

Job No.: 97799A  
Pages: 1 - 87  
Reported by: Paula M. Quetsch, CSR, RPR

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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Report of proceedings held at the location of:

ST. CHARLES CITY HALL  
2 East Main Street  
St. Charles, Illinois 60174  
(630) 377-4400

Before Paula M. Quetsch, a Certified Shorthand  
Reporter, Registered Professional Reporter, and a  
Notary Public in and for the State of Illinois.

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- LAURA MACKLIN-PURDY, Member
- TOM SCHUETZ, Member
- MICHELLE SPRUTH, Member

ALSO PRESENT:

- RUSS COLBY, Planning Division Manager
- RITA TUNGARE, Community and Economic  
Development Director

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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P R O C E E D I N G S

CHAIRMAN WALLACE: This meeting of the  
St. Charles Plan Commission will come to order.

Tim, roll call.

VICE CHAIRMAN KESSLER: Spruth.

MEMBER SPRUTH: Here.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Doyle.

MEMBER DOYLE: Here.

VICE CHAIRMAN KESSLER: Schuetz.

MEMBER SCHUETZ: Here.

VICE CHAIRMAN KESSLER: Frio.

MEMBER FRIO: Here.

VICE CHAIRMAN KESSLER: Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: Item 3 on the agenda is  
presentation of minutes of the August 16th, 2016,  
meeting. Is there a motion to approve?

VICE CHAIRMAN KESSLER: So moved.

MEMBER SCHUETZ: Second.

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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1 CHAIRMAN WALLACE: It's been moved and  
2 seconded. All in favor.

3 (Ayes heard.)

4 CHAIRMAN WALLACE: Opposed.

5 (No response.)

6 CHAIRMAN WALLACE: Before we move on with  
7 tonight's business, since this is our -- this is the  
8 first meeting since September 11th, I would like to  
9 invite you all to take a moment of silence and  
10 remember.

11 (Moment of silence observed.)

12 CHAIRMAN WALLACE: All right. Thank you.

13 Item 4 on the agenda is the Petkus Property,  
14 North Side of Smith Road (Albert Petkus) Application  
15 for Concept Plan.

16 I'd like to welcome you all here tonight, and  
17 I want to give a summary of what the Plan Commission  
18 is and what we do.

19 We are tasked by the City Council -- first  
20 of all, we're appointed as volunteers to serve on  
21 the Plan Commission, and we're tasked by the City  
22 Council to review applications that come before us  
23 and conduct public hearings.

24 That's not what we're doing tonight. This

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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1 is actually prior to a public hearing because there  
2 hasn't been any application filed.

3 So what we do as a courtesy to people who are  
4 considering making an application is we'll conduct a  
5 concept plan review. And at this point in the  
6 process, the developer presents what they may come  
7 before the City with, and we provide constructive  
8 comments both in favor of and not in favor of in the  
9 potential application.

10 So the way that we're going to run this  
11 tonight is, first of all, the developer is going to  
12 make a presentation, and following the presentation  
13 members of the Plan Commission will ask questions of  
14 the developer. Following that anyone in the audience  
15 who wishes to may ask a question.

16 After that, at the end of the process the  
17 Plan Commission will give comments to the developer  
18 on what they do and do not like about the plan.  
19 This enables a developer to go back and incorporate  
20 those changes before making a final application with  
21 the City.

22 We have a court reporter here in the room,  
23 and she can only take down one voice at a time. So  
24 I would ask that anyone who wishes to speak first be

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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1 recognized by me, and when speaking, I would ask  
2 that you come up to the lectern and state your name  
3 and your address and then ask questions or make  
4 comments as you see fit.

5 Now, there are a lot of people here tonight,  
6 and it's not our intention to have this go until  
7 midnight. So I would ask for a courtesy in making  
8 comments brief, asking questions that are on point,  
9 and if someone else has already asked a question or  
10 made a comment that you intend to make, it's been  
11 made and heard by the Plan Commission, and I would  
12 ask that you just let it be at that. Unfortunately,  
13 we don't have time for 100 different people to make  
14 speeches. So I would just ask that you give us the  
15 information that you think is important and allow  
16 other people to do that, too.

17 And then after this -- sorry -- I lost my  
18 train of thought. After this meeting we will take  
19 no action. We will conduct this hearing -- this  
20 meeting, this concept plan review, and then we won't  
21 do anything further. It will be before the planning  
22 and development committee of the City Council for a  
23 similar meeting. That's on, I believe October 10th.  
24 It will be similar to this one, and that will be a

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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1 time to be heard by City Council members.

2 So as I said, we don't do anything following  
3 this meeting. As soon as the applicant feels that  
4 they are in a position to come before the City, they  
5 will file an application, and at that point we'll  
6 have a public hearing, and that will be another time  
7 to be heard.

8 That being said, when an application comes  
9 before the City, we consider what the application is  
10 asking for. At this point in time, we can give the  
11 developer suggestions as to what that application  
12 would be. And I would ask -- the smart thing to do  
13 is to keep to the zoning ordinance, the zoning  
14 classification, what type of application you'd like  
15 to come before the City because that's what we  
16 consider. We don't consider anything regarding  
17 policy, just regarding the application itself.

18 Any questions?

19 (No response.)

20 CHAIRMAN WALLACE: All right. Seeing none,  
21 staff, anything before we begin?

22 MR. COLBY: No.

23 CHAIRMAN WALLACE: Okay. And how long do  
24 you expect your presentation to take?

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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1 MR. CARRARA: 10 to 15 minutes, Mr. Chairman.

2 CHAIRMAN WALLACE: All right. I'll be  
3 timing you.

4 MR. CARRARA: Thank you, Mr. Chairman,  
5 Commissioners. My name is Kevin Carrara. I'm with  
6 the law firm of Rathje & Woodward, and I represent  
7 the property owner on this concept application.  
8 Thank you for your time this evening, and we look  
9 forward to your input as we work through this  
10 process.

11 Before we begin the meat of the presentation,  
12 I'd like to take a few moments and try to address  
13 what may be some misconceptions or misunderstanding  
14 as to our concept application.

15 In meeting with the surrounding neighbors  
16 prior to coming before you tonight, we determined  
17 that we think there's a misunderstanding in the  
18 reading of our concept application. Any reference  
19 to a PUD or a planned unit development, as we're  
20 aware in the zoning world, those initials mean  
21 something, and we believe they've been confused with  
22 the initials HUD or the Housing and Urban  
23 Development department of the Federal government and  
24 have even gone so far as to confuse it with us

In Re: Petkus Property, North Side of Smith Road  
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1 seeking approval of Section 8 housing before you  
2 this evening. I think, as the Chair recognized,  
3 none of that is before this Commission today.

4 I think you've read our application. I  
5 think staff will agree with us, nowhere at any time  
6 have we discussed any type of Section 8 housing nor  
7 have we discussed any HUD housing programs. That's  
8 not why we're here this evening. We're here this  
9 evening for your input on our concept application  
10 for a planned unit designation and RM rezoning.

11 With that a little bit of backdrop, I'll go  
12 ahead and introduce the team tonight to explain our  
13 concept to you.

14 First, I have Al Petkus. He's the property  
15 owner. The Petkus family has owned property in the  
16 area since the 1950s. In fact, most of the area you  
17 see around the green screen, all the houses and  
18 commercial developments were built on land that was  
19 at one time probably the Petkus family's dairy farm.

20 Al purchased the first half of the 27 acres  
21 in 1998 from his family, and he then purchased the  
22 remaining half in 2002. The property is not for  
23 sale. It's not being marketed. We're just here to  
24 try to get information and work with the City through

In Re: Petkus Property, North Side of Smith Road  
Conducted on September 20, 2016

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1 this concept process.

2 As the Chair said, should this process ever  
3 get to an application or at some point an actual  
4 development, the developer will have to go through  
5 the planned unit process, have the public hearings,  
6 prove the necessary standards that would be both  
7 within the annexation agreement, as well as the  
8 zoning code for whatever the end use may be a part  
9 of the development at some point in the future.

10 Now, there's been some concern that people  
11 suggest we're not being truthful with the City, that  
12 we have some kind of deal hidden away in our pocket.  
13 That's not the case. Some have said, "Why are they  
14 spending so much money to get to the process if  
15 there isn't anything down the road?"

16 Well, it's a very simple question, and Al will  
17 be the first to admit it. He's not a builder; he's  
18 not a developer; this is his first foray into this  
19 process, and he doesn't understand the zoning context.  
20 When we first met with him, he didn't understand what a  
21 PUD was either. He didn't understand what RM-3 was.  
22 We had to work through that process. So Al wanted  
23 to hire the experts to help him understand that.

24 One of the understandings he wanted to try

In Re: Petkus Property, North Side of Smith Road  
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1 to get a baseline on is the 2014 boundary line  
2 agreement between the cities of Charles and West  
3 Chicago and what impact that boundary line agreement  
4 and some of the terms and conditions within there  
5 have on his property. He wanted to understand those  
6 variables and what that meant, but he also wanted to  
7 understand the engineering variables that should  
8 development happen in the future, can it be  
9 sustained on this property.

10 So with that little bit of background, today  
11 we have -- with me this evening I have Rich Olson  
12 and Joe Abel. They're the land planning side of the  
13 team. They're here to help explain to you the how  
14 and why our request for annexation, the planned unit  
15 development, and the underlying zoning make sense.

16 Additionally, we have Chuck Hanlon and  
17 Chris Lindy from WBK Engineers. They're here to  
18 help explain the reasons why the engineering also  
19 makes sense in terms of the planned unit development  
20 and zoning classification that we are seeking.

21 Now, this is probably a perfect time for me  
22 to then go ahead and transition over. I'm going to  
23 bring up Mr. Abel. Joe Abel, some of you may have  
24 seen him before you. He's been a planner for over

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1 40 years. He's been involved with the initial  
2 drafting of ordinances, the implementation of  
3 ordinances, amendments to ordinances at both the  
4 municipal and county level. He's been a key party  
5 in preparing concept plans for municipalities as  
6 well as counties. He has served as a staff member  
7 of the Lake County Regional Plan Commission and  
8 ultimately was the director of the DuPage County  
9 Regional Plan Commission and the director of their  
10 department of development.

11 Joe's going to come up, and he's going to  
12 explain to you how he begins the zoning analysis to  
13 determine whether the requests that we're asking for  
14 can be validated under the guidelines that planners  
15 use to make those decisions.

16 Joe, can you come on up?

17 MR. ABEL: Good evening. As the attorney has  
18 said, I have been doing this for quite some time,  
19 and I'm very familiar with their area, as being  
20 planner of planning for DuPage County for 17 years.  
21 The plan that we developed with the County was  
22 rather unique. This was back in the '70s, and it  
23 included not just the incorporated area, but it was  
24 a plan for every municipality. It took us about

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1 seven years to get it signed off on. And one of the  
2 communities was St. Charles, the part that is in  
3 DuPage. We also planned a mile-and-a-half in every  
4 direction. So I've been very familiar with this  
5 site starting in 1970. So it's been an ongoing  
6 relationship with this area and with the city of  
7 St. Charles.

8 I was asked to do a land use capacity study.  
9 I do a lot of this work in terms of determining what  
10 is the highest and best use of the property not only  
11 for court cases, but I do an awful lot of work for  
12 condemnation cases, and it's my role in the  
13 condemnation case, either representing government or  
14 the property owner, to determine what is the highest  
15 and best use, and then the appraisers use that to  
16 determine value.

17 So that's basically what we're looking at  
18 tonight is in terms of what represents the highest  
19 and best use from a zoning and planning standpoint  
20 for the subject property.

21 The location, I'm not going to spend a lot  
22 of time on that, but you're here for a reason. You  
23 know your community better than me, obviously, even  
24 after I've been involved this length of time. But

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1 we are just directly north of the Walmart facility.  
2 We are directly east of the Oliver Hoffman property;  
3 many of you are familiar with that. I did have a  
4 small involvement in that case back -- I forget how  
5 many years it's been now. So I was also involved in  
6 that with the Walmart, spent a lot of time on the  
7 DuPage Airport. So this entire area is very, very  
8 familiar.

9 The slide you're looking at shows the 27-acre  
10 parcel, and you can see the residential areas that  
11 surround the property to the north. The northwest  
12 we have the Kingswood subdivision, and I'm going to  
13 switch to another exhibit which will show you, more  
14 importantly, all the jurisdictions that are involved  
15 here. We have the city of St. Charles; we have the  
16 city of West Chicago, and we have the County that  
17 still has unincorporated land in this area.

18 THE COURT REPORTER: Can you speak into the  
19 microphone?

20 MR. ABEL: Sure.

21 CHAIRMAN WALLACE: Can you pull the  
22 microphone down a little? Thank you.

23 MR. ABEL: All right. More importantly, now  
24 we come to the existing land use and the zoning.

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1 This is the kind of map that normally we prepare  
2 either for testimony on a condemnation case for  
3 highest and best use for a rezoning case, or working  
4 with a municipality, as our attorney said, I've  
5 probably prepared over 100 comprehensive plans,  
6 zoning ordinances, and have done the redistricting  
7 for communities of their entire zoning. So there  
8 are certain rules that we follow, and especially in  
9 a court case there's -- I'm sure you've heard the  
10 term LaSalle factors. One of the most important  
11 factors most judges rely on is the existing land use  
12 and the zoning surrounding the subject property.

13 So I'm going to start with to the north. As  
14 I said, we have the Cornerstone Lakes subdivision,  
15 which is in the city of West Chicago. West Chicago  
16 continues to the east along the city of St. Charles  
17 Pheasant Run Trails. On their eastern boundary is  
18 also the city of West Chicago, and then you can see  
19 that the subject property in the area, the long  
20 narrow piece that goes from Smith Road down to  
21 North Avenue is also still in DuPage County. It is  
22 zoned OR. It's zoned OR because the comprehensive  
23 plan that I was responsible for developing and  
24 keeping up to date for 17 years always indicated

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1 that this area would be nonresidential and would be  
2 either commercial or office and research.

3 As you come around to the -- directly south  
4 there are some OR in there with an office use and  
5 then US Bank, and then directly south on the south  
6 side of Smith Road is the Walmart property, which  
7 has a long, rich history in itself.

8 Directly to the west is the Charlestowne  
9 Mall which is now called The Quad, and that's probably  
10 the most dominant land use feature other than the  
11 Walmart that's existing at the present time.

12 Now, as you circle around to the west side  
13 of the subject property, we have the RM-3 zoning  
14 that was put in place as part of the Oliver Hoffman  
15 solution, I guess is the best way to refer to it,  
16 and then directly to the west of that is additional  
17 land set aside for community business and then the  
18 regional center which is zoned BR, which is your  
19 regional business.

20 The rules that I want to go over with you  
21 are pretty typically used by planners. I'm sure  
22 your staff eventually, if you ask them, will agree  
23 with most of these. I've used them, again, as I  
24 said, over and over in all kinds of cases, and

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1 they've normally been supported in motion decisions  
2 that have been ruled on.

3 The number one rule is, especially in this  
4 particular situation, considering the City of West  
5 Chicago. As was mentioned, there is an agreement, a  
6 boundary agreement between St. Charles and the City  
7 of West Chicago. I'd at least like to say I take  
8 credit for your entering into that because one of  
9 the last things I did in the 17 years, after years  
10 and years of municipalities constantly fighting one  
11 another for land, it was determined that maybe it  
12 was time to be rational and not giving the store  
13 away to get something in your community, and we  
14 eventually convinced all the municipalities in  
15 DuPage County to enter into a boundary line agreement.

16 We actually did the first cut-up. We took  
17 the entire county and gave our professional opinion  
18 from the county standpoint where land should go.  
19 After that municipalities worked on it, and I'm proud  
20 to say almost every municipality in DuPage County  
21 has a boundary line agreement with their neighbors.

22 So at this point the subject property is  
23 within your planning jurisdiction, and as part of  
24 that boundary line agreement, there were certain

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1 conditions that had to be met. From a planning  
2 standpoint the most important for me was the  
3 transition from the single-family area to the north  
4 and the subject property.

5 My first rule is that similar usage should  
6 face one another, and you'll see that we have the  
7 subject property facing additional land that's in  
8 the county zoned OR, but on your comprehensive plan  
9 that strip right up to the boundary line between  
10 St. Charles and the south end of Pheasant Run is  
11 designated for multiple-family development. So the  
12 subject property and the north third of the property  
13 is zoned -- or is recommended for zoning into the  
14 multiple-family RM-3 district.

15 The setback that's there has a density  
16 requirement of 7.5 dwelling units per acre.  
17 Interestingly enough, in your own zoning  
18 classification, whether it's the RM-2 or RM-3,  
19 townhouses, attached housing can go to about -- I  
20 think it's 10, but it works out to 10.13 dwelling  
21 units per acre. In this agreement that 300-foot  
22 strip cannot exceed 7.5 dwelling units per acre. So  
23 there is a built-in transition.

24 So in addition to the idea that wherever

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1 possible land use transitions should take place at a  
2 rear line, we've got the perfect situation here in  
3 terms of the subject property because it does back  
4 up to single-family.

5 You'll hear later that there are also some  
6 drainage problems in there that are going to be  
7 resolved within that 300-foot area. Your own  
8 ordinance requires in addition to the 300-foot  
9 setback for this density that there has to be a  
10 30-foot landscape buffer.

11 So you've got rear yard transition taking  
12 place; you have a 30-foot landscape buffer, and then  
13 you have control over the density within that  
14 development. You'll see that the density is not  
15 going to play a big role because based on a land use  
16 study that we did, we determined that based on the  
17 RM-3 zoning and the type of development that's close  
18 to the subject property that that area will almost  
19 have to be exclusively used for detention, but I'm  
20 going to leave that up to the engineers to talk about.

21 So in reality, in my mind as I analyzed how  
22 to make the proper transition from every direction  
23 on this property, the north is probably the best  
24 transition. Number one, it's a rear lot line.

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1 Number two, there's a landscape buffer, and,  
2 number three, there's a land use density that's even  
3 less than would be permitted under your zoning  
4 ordinance.

5 The transition in terms of the type of  
6 transition -- now we're talking about multiple-  
7 family as opposed to commercial. What you have here  
8 is the classic development along North Avenue, which  
9 is basically intense commercial development. And  
10 normally we follow the rule of thumb that you go  
11 from the highest intensity back to the lowest  
12 intensity.

13 So as I looked at this exhibit, realizing  
14 that the blue represents your high intensity  
15 commercial development, and then in addition that  
16 one-third that's on the south side of Smith Road  
17 that's in the county is shown on your comprehensive  
18 plan for additional multifamily became a no-brainer  
19 so to speak in terms of zoning and planning  
20 standpoint that the subject property should be used  
21 for multiple-family development.

22 Looking directly to the east you can see you  
23 go from BR, which is the very intense regional  
24 business, then to the community business, then to

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1 the RM-3 which is the multiple-family, and then to  
2 the subject property, which you can see is almost an  
3 exact continuation of that RM-3. So the existing  
4 RM-3 that's in the city of St. Charles, now you go  
5 to the east, the subject property is RM-3, and then  
6 you swing to the south and you're in RM-2, and the  
7 buffer is already there within the 300 feet.

8 So in a nutshell, from my standpoint making  
9 a professional recommendation as to the most  
10 appropriate zoning classification and the most  
11 appropriate use is first, multiple-family and then  
12 the RM-3 zoning classification.

13 All of the standards will be met. When we  
14 did our land use capacity study, everything also  
15 fell in place in terms of adequate utilities, access.  
16 We're on a main road, and you'll see an exhibit  
17 indicating that the subject property can either be  
18 developed as one unit, but in my professional opinion  
19 it will probably wind up being done in two units.

20 And the range is everything. As you know,  
21 the RM-3 includes single-family, two-family townhouse,  
22 multiple-family. In fact, there's very little  
23 difference between the RM-2 and the RM-3 other than  
24 number of dwelling units per acre, which is needed

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1 in terms of taking care of the utilities, things of  
2 that nature, and that it fits into the description  
3 I made. In terms of height, there's really only a  
4 difference of 5 feet in terms of the structures  
5 themselves.

6 So, again, in my professional opinion the  
7 RM-3 meets all of the criteria. I feel -- I won't  
8 take you through all the factors, but I think it  
9 meets all of the factors that are used in determining  
10 what is the highest and best use of the property and  
11 the proper zoning.

12 At this point I'll let our next speaker go  
13 into how that 300 feet will be used. I always have  
14 to bring up one comment, and most of us know what it  
15 is. That 300 feet is the distance of a football  
16 field. So sometimes you hear a number, and most  
17 people in the audience will think, well, 300 feet,  
18 that's not much. But when you think about it in  
19 terms of the length of a football field, that's what  
20 we're going to be talking about here in terms of the  
21 distance between the rear yards to the north, and  
22 that's not even the first structure; that's just to  
23 the buildable area line, and some buildings will be  
24 more than that.

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1           There's also, as you'll hear, some wetland  
2 on the subject property in that 300-foot area. So  
3 even if there should be a couple buildings that will  
4 be to the east of some development that might go  
5 into that 300-foot area, that would still be about  
6 180 feet.

7           So the setback will be 80 percent 300 feet  
8 in depth and about 20 percent 180 feet in depth, and  
9 you'll see that in more detail when the engineer  
10 will talk.

11           Thank you.

12           MR. CARRARA: I'm going to now bring up  
13 Chuck Hanlon; he'll go through the engineering side  
14 of this concept. Chuck.

15           MR. HANLON: Thank you, Kevin. We appreciate  
16 the time to present to the Plan Commission this  
17 evening.

18           As Kevin had mentioned, Mr. Petkus, the  
19 owner, is a land owner that is seeking knowledge on  
20 the property and will be seeking annexation zoning  
21 to at some point prepare the property to be marketed  
22 with an end user developer coming back to the City  
23 to finish off a more detailed PUD process.

24           So following the zoning analysis and working

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1 towards the land use capacity study, one of the more  
2 interesting dynamics of this property that you need  
3 to know about is the tributary off-site drainage is  
4 significant, and the impacts to both the Petkus  
5 property and some of the existing impacts to the  
6 neighbors in Cornerstone Lakes that abut property on  
7 the north is what I want to explain to you now.

8 So if you look at the diagram, that red area  
9 outlines the 234 acres of a tributary drainage.  
10 Where the big red arrow is, that's the point where  
11 all of that acreage enters onto the Petkus property  
12 really at a single point. It's not always a running  
13 creek, but at times following large rain events it  
14 turns into a creek for several days after that  
15 happens.

16 On one hand most of that upstream property  
17 as you can see is developed either residential or  
18 commercial. A little more than half the mall  
19 property is tributary to the west side of the Petkus  
20 Property. So on one hand it's all done within storm  
21 water management basins certainly. On the other  
22 hand what storm water management basins do is they  
23 let the water out, as they should, slowly over a  
24 longer period of time. So that's why that water

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1 keeps coming days and days, three days after a rain,  
2 and the sun is shining and you're still seeing this  
3 water across the Petkus Property as well as moving  
4 into the residences in Cornerstone Lakes.

5 Just to follow this sort of black arrowed  
6 line, the drainage turns directly north; it goes  
7 west, and if you notice, the arrows are north of the  
8 Petkus Property because that water is actually  
9 moving east through the neighbors' yards, and then  
10 it turns into a 60-foot corridor which was designed  
11 for overland flow as well as a storm sewer, taking  
12 it into the Cornerstone Lakes storm water management  
13 basin to the very linear basin that widens out to a  
14 larger pond here, all of this being the headwaters  
15 to Norton Creek.

16 So as we go in a little bit closer on the  
17 property, what's very important to understand with  
18 the off-site drainage that enters, again, at the  
19 location of the red arrow runs directly north, and  
20 this outlined blue shape is really the area where  
21 water is ponding and then sitting sometimes for  
22 days, again, after a heavy rain.

23 That area used to drain directly north, but  
24 after the construction of Cornerstone Lakes and The

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1 Knolls, that north overland flow that was all  
2 farmland was in a sense blocked by the homes and  
3 really kind of traps the water, overlapping in the  
4 Petkus Property predominantly but also overlapping  
5 into the neighbors' lots.

6 This ridge line, this high point prevents  
7 this water from overland flowing to the east, and  
8 what we want to show you -- and in many years of  
9 doing this, it's rare to see this type of such an  
10 obvious drainage problem that straddles this common  
11 property line between the Petkus Property and the  
12 developed Cornerstone Lakes property where there's  
13 such a good, obvious solution to be able to mediate  
14 that and fix that problem that exists today.

15 It's really very simple. We will have a large  
16 storm water management basin that's oriented  
17 longitudinally in an east/west direction. And where  
18 it goes into the yards and sort of has a dead-end,  
19 other than going into the storm pipe, the overland  
20 flow exceeds sometimes what is comfortable for  
21 somebody to have on their property for standing  
22 water. We will sort of break through this high  
23 point with the excavation of the storm water  
24 management basin and channel that water and

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1 bypass -- all of this outside flow will be channeled  
2 into a new storm water management basin that's  
3 dedicated and designed to manage that water. That  
4 water will be stored and metered out at a slow pace  
5 like all storm water management basins are, and the  
6 overland flow connection to a storm pipe then would  
7 connect into the Cornerstone Lakes system to take  
8 the water into the designated channel up into the  
9 drainage way again heading to Norton Creek.

10 All that being said, though, the new impervious  
11 areas that are created through the development of the  
12 Petkus Property will be detained with computations  
13 as they should be based on the ordinances that are  
14 in place to store water, something that the Plan  
15 Commission has certainly used on any development  
16 process.

17 So, again, we have we believe a really good  
18 way to mediate the existing drainage problems that  
19 are there today. That leads us back to sort of a  
20 land use discussion of this north line, as Mr. Abel  
21 mentioned, at this point would be about 300 feet.  
22 The boundary agreement speaks to 300 feet, just to  
23 make sure we're understanding. The boundary  
24 agreement specifies no more than 7.5 units per acre

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1 within 300 feet from the Cornerstone Lakes common  
2 property line. It turns out that that's about the  
3 same depth that we have for the storm water management  
4 basin. It's a very large space in that area.

5 That creates a green belt along the northern  
6 line that starts out at 300 feet on the western  
7 portion of the property and may be reduced to half  
8 that distance or so plus or minus on the eastern  
9 half of the property. As you go through this area,  
10 then you come into this wetland which also creates  
11 another buffer to the residential development that's  
12 to the north.

13 We looked at access points which work both  
14 we believe for this property, as well as looking  
15 across the street to the future undeveloped property.  
16 There probably only wants to be one new intersection  
17 in this area, and we wanted to make sure that it would  
18 both work for this property as well as potentially  
19 the property to the south side of Smith Road in the  
20 future.

21 This plan was put together based on initially  
22 looking at the unit count. The 416 unit count you  
23 should also understand comes from doing the math on  
24 the land area, the northern tier, that 7.5 units an

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1 acre, south of there the 300 feet discussed by the  
2 boundary agreement. South of that point we take the  
3 rest of the acres multiplied by 20 units an acre,  
4 which is the RM-3 zoning, which leaves about  
5 15.65 dwelling units per acre gross for the  
6 property.

7 So the reason we looked at that number is  
8 based on the zoning that we are requesting, that's  
9 the absolute maximum allowed by just doing the math.  
10 It's rare that any development hits that number  
11 exactly or hits that maximum number, but in order to  
12 submit the application, to go through the land cash  
13 sheet, to look at impervious area, to look at traffic  
14 concerns, we need numbers. We have to make some  
15 assumption on the numbers, and we went to the  
16 absolute maximum that it could be, understanding  
17 that it would most likely be below that number, but  
18 this seems to be the best way to make an analysis of  
19 the balance of the property.

20 So any impact that we're looking at in a  
21 sense is to the maximum. Any reduction of units  
22 would certainly be a lesser impact than that. So  
23 that's where the 416 number comes from. We created  
24 the land use capacity as a physical one way out of

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1 many ways that the property could be laid out in the  
2 future just to illustrate what it would look like if  
3 you had 416 multifamily units on the property.

4 We believe it's very likely with creating  
5 kind of a spine in the middle with a shared entrance  
6 structure that there could be two developments and  
7 two future developers, even more reason to understand  
8 the property as a whole to go through the process  
9 with the City, to coordinate with the Village of  
10 West Chicago on the drainage aspects, as they have a  
11 lot of standing with their residents in that location,  
12 as well as the boundary agreement specifies that we  
13 work with West Chicago and that really makes sense,  
14 to understand the overall needs of the property and  
15 infrastructure needs in the case that all that  
16 information can be passed down to anybody that might  
17 look at the property for development in the case  
18 that we have a west side and an east side developer  
19 in the development that might be two different  
20 groups, we understand the global needs of how the  
21 property is served through infrastructure.

22 We will note that this property also requires  
23 a lift station. So for a 27-acre parcel taking on  
24 the off-site drainage, taking on the bypass of the

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1 south-side drain, the oversizing of the storm water  
2 management basin, the extra cost related to that,  
3 the extra land dedicated for that, the expense of  
4 the lift station on a 27-acre piece of property are  
5 some overburdened costs of the development and would  
6 be offset by the density request on the property but  
7 certainly justified from a zoning standpoint Mr. Abel  
8 has gone through.

9 I just want you to understand the evolution  
10 of where the plan came from, and, again, I'll just  
11 leave the slide up of the property location and have  
12 Kevin say what he wants.

13 MR. CARRARA: Thank you, Chuck.

14 Mr. Chairman and Commissioners, I think we've  
15 tried to keep it somewhat brief but give you some  
16 bit of history as to what our process was to come  
17 before you and continue to receive your input, as  
18 well as the input of City Council as we move forward.

19 So we stand ready to address questions if  
20 you want us to address those now. Just let us know  
21 how you'd like to proceed.

22 CHAIRMAN WALLACE: All right. Thank you.

23 Plan Commissioners, questions?

24 MEMBER HOLDERFIELD: I have a question. It

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1 goes back to the point you made about the units per  
2 acre. I know you explained it, but I just want to  
3 hear it again.

4 The total size is 27 acres, and if we divide  
5 416 by 27, you get 15.4 per acre; right? What I  
6 don't understand is, the 300-foot barrier across the  
7 front. There's no houses in that area, so aren't  
8 you squeezing more homes into a smaller area? I  
9 just can't quite see what you're saying there.

10 MR. HANLON: So, actually, this is the  
11 300-foot line right here. In this particular plan  
12 we have two buildings and maybe one-third of the  
13 southern building that's here. Again, it's done by  
14 acreage, but if I take that acreage, which is  
15 9.17 acres of the property is in that 300-foot zone,  
16 times 7.5, which is the maximum --

17 MEMBER HOLDERFIELD: You take out of the 27?

18 MR. HANLON: Yes. Then the RM-3 maximum  
19 density of 20 units per acre is multiplied by the  
20 balance of 17.42 acres, which yields 348 units, and  
21 when you add those two numbers, you have the 416.

22 So there are units within that 300-foot  
23 area. Only the eastern portion of that 300-foot  
24 area has units in it.

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1 MEMBER HOLDERFIELD: I guess when I reviewed  
2 this I didn't have this plan before me, and I was  
3 looking at 27 acres and dividing by 416 units. It  
4 just seems to me like you're just squishing it into  
5 a smaller area. That's point I'm trying to make.

6 MR. HANLON: The 300-foot area has -- again,  
7 we wanted to illustrate the maximum allowable density  
8 knowing that if somebody comes back with a very  
9 specific plan, a developer or two groups, one for  
10 one-half, the other for the other half, it will  
11 probably be something different. The other uses,  
12 assisted living, memory care, those facilities are  
13 certainly possible on one-half of the property,  
14 as well.

15 MEMBER SCHUETZ: Yes, I had a few questions.  
16 You had mentioned that 300-foot area, the reservoir  
17 would contain most of the surface drainage; is that  
18 correct? Most of the runoff?

19 MR. HANLON: Well --

20 MEMBER SCHUETZ: You have a reservoir or a  
21 pond, whatever you want to call it.

22 MR. HANLON: The entirety of the 27-acre  
23 farm drains directly to the north. So all of the  
24 drainage for the after-developed condition will be

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1 contained within that storm water management basin.

2 MEMBER SCHUETZ: My question is, how will  
3 that affect Norton Creek?

4 MR. HANLON: Currently the 234 acres that I  
5 showed that is just moving through the property  
6 unchecked right now, there's nothing holding that  
7 back other than the upstream detention. That's  
8 going to be directed into the storm water management  
9 basin.

10 Right now the farm field drains completely  
11 unchecked. When you run numbers, farmland drainage  
12 is similar to concrete; it just runs off the farmland  
13 very quickly. So right now there's no detention for  
14 27 acres, and the 234 acres is moving through the  
15 property days on end after a storm.

16 All of that, on-site and off-site, will be  
17 directed into the storm water management basin with  
18 a very restricted outflow based on ordinance .01 CFS  
19 is the maximum outflow allowed. And that really  
20 results in the fact that there will be less water at  
21 a lesser rate moving north to that reservoir and  
22 creek. So there will be an overall reduction as it  
23 leaves the property.

24 MEMBER SCHUETZ: I guess my purpose for

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1 asking the question is I understand the surface  
2 through the neighborhood will be reduced significantly.  
3 That sounds great as far as reducing erosion,  
4 whatever. But as far as Norton Creek, will it  
5 affect Norton Creek in a negative way in any way?

6 MR. HANLON: Well, in this area of the  
7 property, again, after a large rain event there's  
8 water moving, but there's also many times where it's  
9 perfectly dry. This is the headwaters to Norton  
10 Creek but not to the point where -- so it's not  
11 like -- we're not cutting off sort of an ongoing  
12 stream.

13 MEMBER SCHUETZ: That's my question.

14 The other question I have is, you mentioned  
15 one entrance and maybe two owners or two developers  
16 there. What are your thoughts on emergency vehicles  
17 and fire and police coming in one entrance? It  
18 doesn't appear as though there's another exit.

19 MR. HANLON: We do have -- this one is kind  
20 of highlighted, but there is another curb cut onto  
21 Smith Road. We absolutely understand we need two curb  
22 cuts onto Smith Road from a traffic management  
23 standpoint, and we would not have a -- an emergency-  
24 only connection sometimes are difficult; you have to

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1 have a gate with key. So we would advocate a  
2 permanent second access point. It may be at the  
3 moment we feel that that second access point would  
4 be served better as right-in/right-out only, but it  
5 would be open all the time.

6 If there are two developers and  
7 two developments, certainly the west development would  
8 have rights to flow through the east development and  
9 use that second access. So it would be for the whole  
10 property, but absolutely there should be two curb cuts  
11 onto Smith Road.

12 MEMBER SCHUETZ: All right. Thank you.

13 MEMBER MACKLIN-PURDY: I have a question.  
14 I'm just curious, was this ever brought to the  
15 attention of West Chicago to have West Chicago annex  
16 this property?

17 MR. CARRARA: No. The boundary line  
18 agreement specifically set forth that in the future  
19 the two municipalities have decided that this parcel  
20 as well as some of the others will be handled by the  
21 City of St. Charles.

22 MEMBER MACKLIN-PURDY: And is there verbiage  
23 in there that you could read us getting into a little  
24 bit more detail about that as to why?

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1 MR. CARRARA: As to the why, that may be  
2 better handled by your City staff, but I believe the  
3 verbiage basically said that St. Charles will be  
4 responsible for this property and a few others that  
5 were identified within the boundary line agreement.

6 CHAIRMAN WALLACE: Russ or Rita.

7 MS. TUNGARE: Sure. The City entered into a  
8 boundary line agreement in 2014 with the City of  
9 West Chicago, and at that time, as indicated by the  
10 applicant's attorney, there was a determination made  
11 as to which parcels could potentially be annexed  
12 into which jurisdiction, and this property falls  
13 within our jurisdiction in St. Charles.

14 We have representatives from the City of  
15 West Chicago here, as well, who are present if there  
16 are any questions about the boundaries.

17 VICE CHAIRMAN KESSLER: If I may, we're  
18 looking at this slide up here, and in this slide we  
19 show buildings and a roadway, parking lots, et cetera,  
20 et cetera.

21 I just want to be clear. This is just a  
22 concept plan. There is no plan for any of those  
23 buildings, or any of those parking lots, or any of  
24 those curb cuts. This is just a concept plan to

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1 show what -- to show what could go there.

2 MR. CARRARA: Thank you, Mr. Kessler. Yes,  
3 this is just a concept, as you heard both Mr. Abel  
4 and Mr. Hanlon testify to as to why we wanted to get  
5 to the allowable units. Because we had to determine  
6 how big that detention pond was going to be, how we  
7 were going to deal with the lift station, and some  
8 of those other issues. So we wanted to show you  
9 that under the average -- I think we've heard about  
10 15 units an acre based on the boundary line setback  
11 of the 300 feet that you could fit those units  
12 within there. This is just merely one designation  
13 of how you could get those units in. It's by no  
14 means are we asking for that or are we suggesting  
15 that that should be what it is in the future. That  
16 was just one situation that we put on paper to show  
17 that it could be done.

18 As we've talked about, in the future it  
19 could be two people, and more importantly, it's very  
20 rare, as you suggested, that things ever get to the  
21 maximum number with additional -- maybe an additional  
22 curb cut, or an additional roadway through, or a  
23 connection point somewhere else. Whoever that final  
24 end user is is going to have to satisfy both you and

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1 the City Council as to what that final plan would be  
2 under the planned unit development, meet all the  
3 standards, meet all the standards that would normally  
4 be part of that development.

5 VICE CHAIRMAN KESSLER: Thank you.

6 CHAIRMAN WALLACE: Brian.

7 MEMBER DOYLE: Did you -- have you considered  
8 traffic capacity yet along Smith Road? I wondered  
9 if you could bring up page 5 of your concept plan  
10 proposal.

11 MR. CARRARA: Page 5 of the book?

12 MEMBER DOYLE: It's in the packet that we  
13 received, yes.

14 MR. CARRARA: I don't believe we have that  
15 slide readily available. Yes, we have addressed  
16 traffic, and Mr. Hanlon could step up and answer that.

17 MEMBER DOYLE: Why don't you just wait for  
18 Russ to show that.

19 MR. CARRARA: Okay.

20 MEMBER DOYLE: While Russ is bringing that  
21 up, we have a letter here that was placed on our  
22 desks here from a member of the community,  
23 Ronald H. Yeager, who was not able to be here  
24 tonight and asked that certain things be included in

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1 the record of the meeting. Having read it, most of  
2 the comments refer to traffic along Smith Road and  
3 concerns about traffic along Smith Road.

4 Particularly one that caught my eye was  
5 backups in northbound traffic in the morning towards  
6 Norton Creek elementary school and cut-through  
7 traffic -- I think I read it this way, that some  
8 motorists choose to turn right and use the Pheasant  
9 Run trails subdivision sort of to get around some of  
10 that backup because they go through the subdivision  
11 and then take another right turn onto Smith and  
12 bypass the people who are in line. That's the way I  
13 read it.

14 MR. CARRARA: Is this the correct slide?

15 MEMBER DOYLE: Yes. Thank you.

16 So I'll keep this high level. Part of the  
17 question that we have to consider tonight is the  
18 appropriate -- to what degree RM-3 is appropriate  
19 for this parcel, and traffic is always a factor in  
20 terms of determining capacity.

21 Do you have any preliminary information --  
22 obviously, you've not conducted a full traffic study  
23 yet, and that would be part of a formal application,  
24 but based on your experience, based on your knowledge

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1 of this kind of road, Smith Road, can you comment on  
2 what your thinking was regarding traffic capacity?

3 MR. HANLON: I'll let you know where we are  
4 and where we're not.

5 You're right; we've not done a completely  
6 full traffic study that would get much beyond the  
7 outskirts of the property. I will tell you on every  
8 level for a concept submittal we're way ahead in  
9 terms of engineering in terms of the storm water  
10 management to put together that physical plan, to  
11 understand the lift station and a number other  
12 things. We're way beyond what we'll say is typical  
13 for a concept level because we needed to understand  
14 especially the drainage issue that's out there.

15 On the traffic issue, our traffic engineers  
16 in the office -- I don't have their memo with all  
17 the numbers on it. What I can tell you is when they  
18 run the numbers, again, on the 416 completely  
19 maximum potential units based on the math, they're  
20 just shy of requiring a left-turn lane. They're  
21 right on the cusp of that. But I think most people  
22 are aware Smith Road has been constructed as a  
23 three-lane cross section north of the entrance to  
24 Walmart all the way up to the railroad tracks at the

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1 intersection with Powis Road.

2 So it's already a three-lane section  
3 frontage on the Petkus Property; it's just a matter  
4 of restriping the continuous center lanes there. So  
5 if you run the numbers, you're on the cusp of  
6 needing a left-turn channel dedicated. This is a  
7 matter of painting, restriping, so there's no reason  
8 you wouldn't do that.

9 They also ran the numbers on let's say a  
10 right-turn deceleration to get into the property,  
11 and they're far below numbers that would suggest  
12 that you would need, for example, a dedicated right  
13 turn into the property.

14 So the left turn wouldn't really be a  
15 discussion. That's already built into the Smith  
16 Road capacity. In terms of what's happening -- we  
17 have not gone beyond looking at the property. That  
18 will certainly be done at some point. It's a regional  
19 road; it's not a road that we can reconstruct  
20 certainly. You've got a railroad crossing that's  
21 down two lanes right at Powis. In terms of the  
22 larger picture, that's the first impediment to  
23 looking at what do you do with Smith Road, changing  
24 those two lanes by the crossing, and, of course,

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1 you've got a widened cross section as you approach  
2 Route 64 on the south.

3 So to serve the property a left-turn lane is  
4 physically already there and just a matter of  
5 striping it out. A right turn lane doesn't seem to  
6 be necessary at this point. Otherwise, the overall  
7 capacity, yes, sure the peak times there's traffic.  
8 The bigger picture will be looked at at some point,  
9 but, again, we're at concept and we did a pretty  
10 good level of due diligence but have not expanded on  
11 the traffic.

12 CHAIRMAN WALLACE: Any other questions?

13 MEMBER HOLDERFIELD: I have one. On the  
14 sheet you presented us with that's page 20, I think  
15 it is, I'm just curious about when you talked about  
16 the 300 feet inside the property -- maybe staff can  
17 explain this or you -- what is meant by the 300 that  
18 goes around -- I mean what's that to us?

19 MR. CARRARA: That's our abundance of  
20 caution. We're required under your ordinance to  
21 notify property owners within 250 feet. We went out  
22 to 300 feet just to make sure we didn't miss anybody  
23 with the public notice for our meeting that we had  
24 with the neighborhood as well as tonight's meeting.

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1 MEMBER HOLDERFIELD: I see. Thank you.

2 CHAIRMAN WALLACE: Any other questions?

3 (No response.)

4 CHAIRMAN WALLACE: Okay. Does anyone in the  
5 audience have any questions?

6 MR. BANAS: I don't have a question, but I  
7 did have some comments.

8 Good evening, Commissioners. Thank you very  
9 much for this opportunity to make some comments here.  
10 For the record, my name is name John Banas. I'm  
11 alderman of Ward 7 of West Chicago, representing  
12 Cornerstone Lakes, your neighbors, together with  
13 Alderman Ligino-Kubinski, who represents the  
14 Cornerstone Lakes subdivision, part of Ward 7. I'm  
15 here before you this evening representing  
16 West Chicago officials. Mayor Ruben Pinada and  
17 Alderman Ligino-Kubinski could not attend this  
18 evening because of prior commitments.

19 Since reviewing a copy of the concept plan  
20 two weeks ago, West Chicago elected officials have  
21 received over two dozen calls and e-mails from  
22 residents within the Cornerstone Lakes subdivision  
23 all expressing concern over the desired zoning for  
24 the site owned by Mr. Petkus.

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1           Since this proposal is just at the concept  
2 review stage, there's not enough information for  
3 West Chicago staff to do a detailed analysis to  
4 determine if the plan complies with the boundary  
5 agreement between our two cities. However, the  
6 desired zoning is simply not appropriate for the  
7 entire site.

8           The St. Charles comprehensive plan reflects  
9 that the majority of the site be zoned RM-2 like the  
10 Pheasant Run trails development. The comprehensive  
11 plan also shows that the southern one-third of the  
12 site as RM-3 zoning, which is the zoning district  
13 being sought here for the entire site, which does  
14 not conform to the comprehensive plan, which is  
15 St. Charles' long-term vision for the area.

16           The zoning designation and the contemplated  
17 land use mix in St. Charles' comprehensive plan is  
18 what was contemplated when the two municipalities  
19 entered into the boundary agreement and what is only  
20 transitional zoning moving from the single-family  
21 homes in the Cornerstone Lakes subdivision to the  
22 commercial area further south along Smith Road.

23           The multifamily zoning designated for the  
24 southern one-third of the Petkus parcel when combined

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1 with the parcel to the west and the south of it  
2 which already has a multifamily zoning designation  
3 provides for a large enough and appropriately sized  
4 area to allow for the transition from a quality  
5 townhome development on the balance of the Petkus  
6 site to Walmart, IHOP and The Quad.

7 So on behalf of Mayor Pinada and Alderman  
8 Ligino-Kubinski I hope the Plan Commission concurs  
9 with these concerns and provides feedback to the  
10 owner of the site that he should adhere to the land  
11 use mix designated in the comprehensive plan which  
12 provides for a much lower density development on the  
13 northern two-thirds of the site.

14 Thank you so much for your time. I can  
15 appreciate it being a former planning and zoning  
16 commissioner myself.

17 CHAIRMAN WALLACE: Thank you.

18 VICE CHAIRMAN KESSLER: I have a question  
19 for you. Are you representing the City of West  
20 Chicago right now? Are you speaking for the City of  
21 West Chicago right now?

22 MR. BANAS: I'm speaking for Ward 7  
23 residents.

24 VICE CHAIRMAN KESSLER: I though you said

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1 the mayor.

2 MR. BANAS: Well, the mayor is involved,  
3 as well.

4 VICE CHAIRMAN KESSLER: Okay. But are you  
5 speaking for the City of West Chicago, or are you  
6 speaking for Ward 7?

7 MR. BANAS: I'm speaking for Ward 7 right now.

8 VICE CHAIRMAN KESSLER: Okay. Great. Do  
9 you know, is your --

10 MR. BANAS: Our development director is here  
11 this evening.

12 VICE CHAIRMAN KESSLER: Is your development  
13 department talking with our planning department?

14 MR. BANAS: You know, I don't know.

15 MS. TUNGARE: Yes. Our staff has had  
16 conversations with West Chicago.

17 VICE CHAIRMAN KESSLER: Thank you.

18 MR. DEPAEPE: May I approach the podium?

19 CHAIRMAN WALLACE: Yes, sir.

20 MR. DEPAEPE: A little while ago I heard  
21 them saying that there was --

22 CHAIRMAN WALLACE: If you could just state  
23 your name.

24 MR. DEPAEPE: My name is Joe Depaepe. I

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1 live at 2790 Foxfield Drive, West Chicago.

2 CHAIRMAN WALLACE: Thank you.

3 MR. DEPAEPE: A little while ago I heard them  
4 state that there was not much difference between the  
5 two zonings. Well, there is. There's about 200 units.  
6 One is 416 if they required an R-2. If they went to  
7 an R-1, it would be 200 units on that same property.  
8 So that's quite a different number.

9 I also wanted to call your attention, there  
10 is an agreement between the cities October 2nd --  
11 October 7th where it clearly states the intent of  
12 this contract is, among other things like space  
13 preservation, whatever, population density is on the  
14 fourth paragraph of page 2 of that contract. Should  
15 there ever be litigation or a squabble between the  
16 two cities, the arbitrator in this case would  
17 certainly look at this contract, and the intent of  
18 this contract when West Chicago signed it was  
19 obviously to avoid this same exact type of project  
20 going on at that location.

21 I also don't know what the hurry is to zone  
22 this if they don't have anything proposed. Why  
23 don't they get something proposed and then bring it  
24 back and say, "Yeah, we have something here we'd

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1 like to put together, and we'd like to have the  
2 zoning." They're going for the zoning, which would  
3 limit you in the future from being able to determine  
4 what goes on your own property because then they  
5 would have carte blanche to pretty much do whatever  
6 they wanted to.

7 So those are some concerns that I have. The  
8 other thing that's a little bit concerning is that  
9 300 feet they're talking about. That 300 feet doesn't  
10 go all the way across the property. You take in the  
11 back yards of those properties, and you're going to  
12 have more than about 100 feet of property between  
13 the one portion of this project and the neighbors.  
14 So it does encroach on it.

15 The intent of this contract is very, very  
16 clear. I've read it twice, and I underlined  
17 several, several spots where the intent is clear,  
18 and should it go into an arbitration situation, the  
19 intent of this contract would be pertinent to the  
20 decision on that.

21 So I just wanted to make you aware of all of  
22 those things, and I appreciate you giving me your  
23 time. Thank you.

24 CHAIRMAN WALLACE: All right. Thank you.

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1           VICE CHAIRMAN KESSLER: Thank you for that  
2 and thanks for taking the time to read through that  
3 contract. There's not a lot of people that would  
4 enjoy it.

5           MR. DEPAEPE: Interesting reading.

6           VICE CHAIRMAN KESSLER: Sure. Anyway, I  
7 just want to make it clear, this is a concept plan  
8 and they've come before us suggesting or asking what  
9 do we think about RM-3. There is no rush to pass  
10 anything zoningwise in any way tonight. There is no  
11 formal application to set the zoning, to vote on the  
12 zoning.

13           So we're at the point where you're reading  
14 the contract; we take it into consideration; we give  
15 them what we think, our advice. In two weeks they're  
16 going to have another meeting with the planning and  
17 development committee where they will actually give  
18 their input on what they think they should do with  
19 zoning, and then it's up to the applicant to come  
20 back at some future date that's not been established  
21 yet and decide what they want to apply for as far as  
22 zoning.

23           So there is no rush at this point and we're  
24 just having -- this is like having a conversation

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1 about it. So but I appreciate the fact that you  
2 took the time to read through that. Thank you.

3 MR. DEPAEPE: Thank you for your time.

4 CHAIRMAN WALLACE: Any other questions or  
5 comments?

6 Yes, sir.

7 MR. HENKIN: My name is Brad Henkin,  
8 2311 Challen Court in Cornerstone Lakes.

9 I'm not going to belabor some of the things  
10 that were already talked about. I would talk about  
11 electricity. We've had many issues in that  
12 subdivision. I don't know where the electrical  
13 scenario would come from. That's something that  
14 they need to look at. Many outages. We have  
15 two separate units, one that uses half of  
16 Cornerstone Lakes that's in St. Charles, the other  
17 one that's in West Chicago, and in either case  
18 they're not the greatest, and they pop off all the  
19 time. So I don't know where the capacity would come  
20 from to do something that would have 416 units.

21 Other things that I think we all have to  
22 look at is on a tax base. Being a real estate broker,  
23 there really isn't as much money in the fact of  
24 doing something that is an apartment complex and

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1 usually with incentives as opposed to doing something  
2 like a townhome community that would definitely fit  
3 more into what we're trying to accomplish in the  
4 area. You also I think get a better tax basis on  
5 the townhome community. That also helps Norton Creek  
6 school, which I know we are lower in the number of  
7 kids going to that school as opposed to my child  
8 which was the first graduating class from grammar  
9 school. So we were there when it was built. I just  
10 feel we need look at all the different factors that  
11 are coming.

12 The other thing I do have a question on and  
13 maybe they can answer that is, based on the  
14 property -- I know the retention pond you're planning  
15 on putting in there. When you build all those  
16 buildings and everything else, you're going to have  
17 less places for the water to seep down. And I know  
18 you'll divert it, but if you have less places for it  
19 to go down and you divert more water theoretically  
20 into that drain tile or drain system that they're  
21 going to put there, would that then give us that  
22 overflow that we're possibly looking at in  
23 Norton Creek?

24 So that's all I have to say. Thank you.

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1 CHAIRMAN WALLACE: Thank you.

2 All right. Anyone else?

3 Yes, sir.

4 MR. KOLIMAS: Good evening. My name is  
5 Ron Kolimas. I live at 1885 Cool Creek Drive in  
6 Majestic Oaks in St. Charles.

7 I'm kind of confused about the presentation  
8 talking about RM-3, I guess zoning. Are we talking  
9 about apartment buildings? What specifically are we  
10 talking about? Apartment buildings, townhomes,  
11 condominiums? Can you answer that question?

12 CHAIRMAN WALLACE: Would you like to  
13 answer it?

14 MR. CARRARA: Sir, Mr. Chairman, I believe  
15 under your RM-3 zoning classification, that allows  
16 anything from single-family up to apartment buildings  
17 and a number of things in between. Additionally,  
18 there are some uses identified within the boundary  
19 line agreement that are considered permitted uses  
20 that are the assisted living and a bunch of other  
21 ones that are enumerated within the boundary line  
22 agreement.

23 CHAIRMAN WALLACE: That's all covered in the  
24 zoning ordinance.

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1           And correct me if I'm wrong, Rita, but the  
2 biggest difference is the allowable density of the  
3 two, with RM-3 allowing up to 20 dwelling units per  
4 acre and RM-2 allowing up to 10.

5           MR. KOLIMAS: When I did look at the drawings  
6 before, I saw big buildings which looked like  
7 condominiums, townhomes, apartment buildings. It  
8 didn't look like single-family housing to me at all.  
9 So my natural thought would be it's going to be  
10 apartments or condominiums.

11           Being a homeowner in that particular area, I  
12 can speak for some neighbors here that really  
13 wouldn't care for that type of development near our  
14 properties, our single-family dwellings. If it was  
15 a single-family detached dwelling project with  
16 single-family homes, I think we'd be agreeable to  
17 that, but I just want to let you know how we feel  
18 over at Cool Creek Drive in Majestic Oaks and that  
19 we're having problems now selling our homes since  
20 the values have gone down over the last four or  
21 five years, and having an influx of more property on  
22 the market would hurt us all.

23           So we're very concerned about the type of  
24 properties that go in there and the price point of

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1 the properties. Thank you.

2 CHAIRMAN WALLACE: Thank you. Anyone else?

3 MR. DEPAEPE: If you don't mind me saying  
4 something again, I was hoping I wouldn't have to get  
5 up here again, but nobody has talked about the traffic.  
6 Again, if you want my name, it's Joe Depaepe,  
7 2790 Foxfield Drive, West Chicago.

8 In the morning I see lines of cars taking  
9 their children to school, and they're coming out of  
10 Cornerstone Lakes and they're turning left. That  
11 traffic would be impeded greatly by another 800 cars  
12 or 600 cars minimum coming out of this proposed  
13 project and headed straight for that school, and all  
14 the people in Cornerstone Lakes are going to try to  
15 get out into that traffic, and it's going to be a  
16 constant stream of traffic.

17 It is a traffic jam and it's quite concerning  
18 to a lot of the people that live here. So nobody  
19 addressed that and I wanted to make sure that was  
20 brought up. Thank you again.

21 CHAIRMAN WALLACE: Thank you. Any other  
22 questions?

23 Yes, ma'am.

24 MS. KRAUS: Hi there. My name is

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1 Colleen Kraus. I am a resident of Cornerstone Lakes.  
2 I have lived in West Chicago for 18 years. I have  
3 certainly worked with the District 303 on boundary  
4 changes and ran a referendum that actually brought  
5 us higher taxes. Sorry everybody.

6 But, anyway, I'm here to talk about -- you  
7 made a comment, Mr. Doyle, about the traffic for  
8 Norton Creek. And I can tell you that the traffic  
9 line, the line up through our subdivision and then  
10 not only that but then on Smith Road there's parked  
11 cars waiting for that 3:00 bell to ring. So the  
12 traffic is definitely an issue between the drop-off  
13 time and the pick-up time for the kids at  
14 Norton Creek.

15 As far as the traffic throughout the  
16 subdivision, what I'm concerned about is we do have  
17 a large amount of cut-through traffic that comes  
18 through Cornerstone Lakes from, you know, Majestic  
19 Oaks, Charlemagne, Kingswood, and they come through  
20 the subdivision to exit out -- we've got two  
21 different exits onto Smith Road.

22 What I'm concerned about is those people  
23 that are going to be leaving that subject property  
24 and that will cut through our area so that they

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1 cannot have to hit all of the lights on North Avenue  
2 where they're at the Walmart or a couple of lights  
3 along the way through the mall, and that could  
4 greatly affect, of course, Cornerstone Lakes, but  
5 then going right along Foxfield through the  
6 Charlemagne and Kingswood area.

7 So just something that I wanted to bring up  
8 to you, as well. Thank you very much for your time.

9 CHAIRMAN WALLACE: Thank you.

10 Anyone else?

11 Yes, sir.

12 MR. PATEL: Thank you. My name is  
13 Hetal Patel. I live at the Cornerstone property in  
14 West Chicago.

15 I know that they were showing on the map  
16 two different zonings -- right? -- two different  
17 types of buildings that can be built. One of them  
18 there's a 300-foot space where you're talking about  
19 the pond, but on the other side there is not that  
20 spacing; there's a little bit less than that.  
21 There's a dotted line that shows 300 feet is going  
22 to be above that line. Can you explain that a  
23 little bit?

24 MR. HANLON: I'll see if I can.

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1 CHAIRMAN WALLACE: Am I correct in thinking  
2 that the intergovernmental agreement says that there  
3 is a maximum of 7.5 dwelling units per acre allowed  
4 on the 300 feet of the property?

5 MS. TUNGARE: That is correct. It talks  
6 about maximum residential density of 7.5 units per  
7 acre and a maximum building height, as well, within  
8 a 300-foot distance.

9 MR. HANLON: So to answer your question, the  
10 300-foot line that we keep hearing a lot about is  
11 not -- it's not a building setback requirement; it's  
12 a density requirement. So within that 300-foot  
13 band, the maximum number of dwelling units is going  
14 to be 7.5 units per acre within that 300-foot area.

15 So it's not a building setback line. It's  
16 very coincidental that on the west side of the  
17 property the space needed for the enlarged storm  
18 water -- the oversized storm water management basin  
19 to take the bypass flow through, it just happens to  
20 require about 300 feet, as well. As Mr. Abel  
21 mentioned, that's the depth of a football field.

22 So from the rear property line -- I don't know  
23 that I've ever seen a transition between two parcels  
24 being 300 feet. That's an incredible distance for a

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1 setback line.

2 As you go to the eastern part of the  
3 property, we still have the need for the storm  
4 management basin to kind of keep moving east to be  
5 able to link up with the overland drainage that goes  
6 through the back yards of Cornerstone Lakes, and  
7 that setback will certainly be greater than the  
8 minimum 60 feet required for the landscaping setbacks,  
9 which is 30 feet required in the boundary agreement,  
10 plus 30 feet required by the St. Charles ordinance,  
11 for a total of 60.

12 We need more depth there to make the storm  
13 water management basin work. It's by pure  
14 coincidence that the 300 feet in the agreement lines  
15 up with the 300 feet of the physical space necessary  
16 for the size storm water management basin that needs  
17 to be created through that area.

18 So, yes, we do have -- in this, again, one  
19 example of many possible development scenarios we  
20 wanted everyone to understand what the translation,  
21 the physical translation could be of the public  
22 policy document that states in the boundary  
23 agreement that it's limited to 7.5 units per acre  
24 within the 300 feet. The storm water management

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1 basin is the biggest required footprint as you go  
2 through the engineering analysis on the property  
3 that begins to already limit that development, but  
4 those 2 1/3 buildings represent 7.5 units an acre.

5 I hope that answers your question.

6 MR. PATEL: It kind of does, kind of doesn't.

7 MR. HANLON: So it's not a building setback;  
8 it's a density line.

9 MR. PATEL: I agree with the gentlemen and  
10 the folks that have talked about traffic flow and  
11 property value. One minor thing was that the  
12 parking spots you guys are showing here -- I know  
13 it's a proposal, and, obviously, it's going to  
14 change, but at any point do you guys think there's  
15 going to be a parking tower over there? Because  
16 that doesn't look like it's going to fit 400 or  
17 600 cars.

18 (Applause.)

19 MR. HANLON: In this particular scheme there's  
20 underground parking below the buildings, as well.  
21 And that's not saying it's fully -- it could be  
22 halfway underground. If someone were to --

23 THE COURT REPORTER: I can't hear you.

24 MR. HANLON: Between the surface parking and

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1 there would be one level of parking at the base of  
2 each building most likely halfway underground.

3 VICE CHAIRMAN KESSLER: I'd like to bring  
4 up -- you're making a very good point, Mr. Patel,  
5 and the gentleman over here said the same thing and  
6 the point I made earlier. We're looking at a  
7 concept drawing that has a number of three- and  
8 four-story buildings on it, and it looks as if it  
9 could appear to somebody as if this was a plan but  
10 it's not. The likelihood that something like this  
11 would be built is probably slim. But in addition to  
12 that, before anything could be built on this  
13 property, they would have to come back before the  
14 Plan Commission and planning and development to  
15 approve any densities, or building heights, or any  
16 of those things that would allow them to build on  
17 the site.

18 So I know -- I can understand why somebody  
19 looking at this would say, "I don't want that," but  
20 I think what they were attempting to do was to show  
21 what maximum possible could occur there.

22 We're not here to decide whether or not  
23 we're going to go allow it. As I've said before,  
24 this is just a concept plan, and we're going to give

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1       them feedback based on the zoning, densities, things  
2       that we might agree or disagree with. But before  
3       anything came back -- they can't build this because  
4       it's not been applied for or approved by the City of  
5       St. Charles.

6               So I just want to make that clear, but those  
7       are very good questions because it would appear that  
8       would be the case even though it's not.

9               MR. PATEL: On another note, would there be  
10       secondary or tertiary options that would be given  
11       out? The proposal says it could be townhouses,  
12       single-family houses. I assume you guys are going  
13       to bring that out to the table next time around or so.

14               I received some head shaking that way, so I  
15       don't know what to think.

16               MR. CARRARA: Mr. Chairman, again, we're not  
17       seeking approval for any use. We're seeking the  
18       zoning classification which will allow a number of  
19       uses. The end developer and the market will dictate  
20       what that end use will be for both the Plan Commission  
21       and the City to consider.

22               MR. PATEL: Thank you again.

23               CHAIRMAN WALLACE: Thank you.

24               VICE CHAIRMAN KESSLER: Thank you.

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1 Sir?

2 MR. GLENN: Good evening my name is John Glenn.  
3 I reside in St. Charles, and I'm the president of  
4 the homeowners association of Kingswood. I'm not  
5 really speaking in that capacity for the board  
6 tonight, but I just wanted to make note that I did  
7 receive -- or at least our board members received  
8 two phone calls from residents wondering what the  
9 heck is going on after they received the mailing,  
10 which is -- probably about 20 of our units are  
11 adjoining within the 300-foot area.

12 So I guess I'm just pleased to see a good  
13 turnout to hear what's going on. It's the very  
14 early stages. Our association has a long history  
15 with the City of working through the process, and we  
16 look forward to if this is developed it being done  
17 in the best possible way.

18 I would like just to correct for the record,  
19 the man addressed the association did not receive  
20 notice because the boundary addresses were  
21 incorrect. The address P.O. Box 433, St. Charles,  
22 is a post office box we no longer use. So our  
23 correct mailing address is Kingswood Townhomes  
24 Homeowners Association, care of Northwest Property

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1 and Financial Management, 780 Tek Drive, T-e-k, in  
2 Crystal Lake, Illinois 60014.

3 And I'd particularly like to thank  
4 Commissioner Kessler for a clear explanation of the  
5 process. For most people it's a very educational  
6 situation. Rumors are scary -- rumors hurt property  
7 values and we need clarity. Thank you.

8 CHAIRMAN WALLACE: All right.

9 Yes, sir.

10 MR. BUNDY: My name is Ryan Bundy. I live  
11 at 2730 Lehman Drive, West Chicago, adjacent to the  
12 property.

13 I just wanted to go on the record and say  
14 for the last 18 years the entire water system that  
15 they pointed out in one of the slides has drained  
16 into our back yard. Working with the City of  
17 West Chicago and the developer of Town and Country  
18 Homes to change some of the intakes in our yard over  
19 the past couple of years -- 18 years -- I just  
20 wanted to -- no matter what is developed here, they  
21 have -- it should be noted that the drainage needs  
22 to get fixed. It needs to be done right.

23 I have some concerns about oversized intakes,  
24 what that might mean, if the drainage is not done

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1 properly how it could affect -- continue to affect  
2 our properties and other adjacent properties. So I  
3 just wanted to state that.

4 We spend countless times -- anytime there's  
5 a rain storm my wife has to go out there for about  
6 45 minutes and rake corn silk out of the storm sewer  
7 so that it doesn't flood our back yard.

8 No matter what happens in this development,  
9 the drainage system really needs to be done right.  
10 I just wanted to say that.

11 CHAIRMAN WALLACE: Thank you.

12 All right. Any further questions, comments?

13 (No response.)

14 CHAIRMAN WALLACE: All right. If we're  
15 done, then we can go back to the Plan Commission  
16 unless the applicant has something else to add.

17 MR. CARRARA: No. We're willing to hear  
18 your input.

19 CHAIRMAN WALLACE: Okay. Staff, anything?

20 MS. TUNGARE: Nothing further.

21 CHAIRMAN WALLACE: All right. In that case  
22 what we'll do, at this point is I will poll the  
23 Plan Commission members to provide feedback to the  
24 applicant, what they like about the proposal and

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1 what they don't like, suggestions that would be  
2 helpful in coming up with an application.

3 So let's start on that end.

4 MEMBER SPRUTH: Actually, talking about the  
5 detention basin, a question came up that might be  
6 within your application. Certainly, it's within  
7 your calculations. I was just wondering, what size  
8 storm event have you sized the detention pond for?

9 MR. HANLON: As required by ordinances of  
10 the City and is pretty conventional, most are sized  
11 for a 100-year storm event, and beyond that it would  
12 overflow as every other storm water management basin  
13 is designed to do in the area.

14 MEMBER SPRUTH: Just to go back on what I  
15 like and what I don't like in the application, I  
16 think you can see this is well attended. There's a  
17 lot of interest in the community both in West Chicago  
18 and St. Charles, so the applicant should note that  
19 as part of the -- any future consultation should  
20 this application go forward.

21 Regarding the zoning, I do think that the  
22 density in the zoning is too high and it should be --  
23 this site should be looked at a little further in  
24 regards to the zoning.

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1           What I do like is the surface water management  
2 features and the detention basin. Although, you  
3 consulted within -- you exceeded your consultation  
4 range of 50 feet, as this is well attended, you  
5 should look to consult further afield for anything  
6 in the future, making sure that you have the right  
7 addresses for any future consultation, a longer  
8 period of time.

9           I believe this area does need to be  
10 developed. There is a need for development for  
11 suitably sized residences within this area.

12           I think that the surface of the detention  
13 basin can be a feature within this area, so maybe it  
14 would need to be considered to enhance that area  
15 when you revisit designing that.

16           So yes, my main concern is regarding the  
17 density of the housing, and I think that needs to be  
18 looked at again.

19           CHAIRMAN WALLACE: Jim.

20           MEMBER HOLDERFIELD: I have a concern we  
21 really haven't talked about, but I'll put it out  
22 here right now.

23           On page 7 of the memo that we received from  
24 you -- from staff in regard to policies about land

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1 use, on the bottom of page 7 it says, "Prioritizing  
2 infield development over annexation and development."

3 What I'm talking about here is that presently  
4 the City has a high density development that's going  
5 forward on the west side, and as it says here, it is  
6 recommended that the City prioritize infield  
7 developments over annexation and development of  
8 property outside the city limits.

9 So I'm just thinking from my point of view,  
10 not what the City Council might do or whatever, but  
11 since there is a high density on the docket, so to  
12 speak, you might want to consider to look at this in  
13 terms of RM-1, RM-2, or a combination of both, which  
14 I don't know if that would mean anything down the  
15 line, but I just want to put it out there.

16 I think you've done a good job in terms of  
17 meeting people with the perimeter of the community.  
18 I'm concerned, too, about the impact to schools. We  
19 haven't really talk about that, and perhaps it's too  
20 early in the ball game to think about that just like  
21 you haven't done an in-depth study about traffic,  
22 but how that's going to impact District 303's  
23 educational system I think is a concern, too, that I  
24 have. I just had a concern. I'm not sure what it's

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1 going to be, but I just want to put that on the table.

2 Outside of that I have no other comments.

3 CHAIRMAN WALLACE: All right.

4 Brian.

5 MEMBER DOYLE: So I want to thank you for  
6 your presentation and the public comments. I think  
7 that the concept plan, the format of the concept  
8 plan, obviously a lot of time and thought went into  
9 it, and I appreciate the professionalism of the plan  
10 that you put forward.

11 I especially appreciate the thought that you  
12 put into the storm water detention and drainage  
13 issue. It's something that obviously is a problem  
14 in the area, and the open space provided by the new  
15 drainage detention and the 300-foot buffer of the  
16 residents to the north is an asset to the plan, I  
17 believe.

18 I think the main challenges for you going  
19 forward are going to be density and traffic.

20 So, first of all, regarding density, our  
21 comprehensive plan, as a number of people pointed  
22 out, currently indicates on the land use plan on  
23 page 40 that the top two-thirds of the parcel would  
24 be RM-2 -- I believe it's RM-2, but it's color coded

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1 to be -- it says single-family attached, but I'm  
2 assuming what that really means is RM-2, the dark  
3 yellow. Is that correct?

4 MR. COLBY: The single-family attached is a  
5 land use designation, and the description of that  
6 type of housing is similar to a townhome development.  
7 It doesn't necessarily correspond to a zoning  
8 district, but it's a form of development, and that  
9 would be permitted in either the RM-2 or RM-3 district.

10 MEMBER DOYLE: So the context of the  
11 conversation here has been about RM-2 versus RM-3.  
12 So I'm assuming that that dark yellow refers to, for  
13 the sake of this discussion, RM-2 and the bottom  
14 part of the parcel RM-3. If you add the extra  
15 density restriction in the top third, the 300 feet,  
16 I just did a quick calculation. If you take 9 acres  
17 at 7.5 dwelling units per acre, that's 67.5 units;  
18 9 acres at 10 dwelling units per acre for RM-2,  
19 that's 90 dwelling units, and then the third 9 acres  
20 at RM-3 is 180 dwelling units per acre, for a total  
21 of approximately 238 dwelling units for the whole  
22 parcel versus 416.

23 So I think that as you go forward with an  
24 application, for the whole thing to be RM-3 the

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1 first question that the Plan Commission and the City  
2 is going to ask is, why should we revisit the land  
3 use categorization, the comprehensive plan and place  
4 out. If you suggest going for a PUD application,  
5 what extra amenities and benefits to the community  
6 is that PUD application bringing that might justify  
7 the intensified land use. That's the thing I always  
8 look at, what's the tradeoff.

9 The biggest concern I have is traffic, and  
10 as I look at the street structure in this area and  
11 around this area, if my friend the chairman of the  
12 housing commission were here, he would go off on a  
13 tear about how the grid structure is democratic, and  
14 this is absolutely the opposite of that.

15 And it really does create a huge problem from  
16 a planning standpoint because you can't get anywhere  
17 from anywhere else if you get stuck. You can't go  
18 down like in the city of Chicago or other traditional  
19 areas in the city where you can zip over and find a  
20 new route. If you're stuck, you've got to cut through  
21 a residential area. There's only one way in and one  
22 way out, and I think that presents a real challenge  
23 to developing this site at its full and best use  
24 because the traffic issue is going to be a problem,

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1 particularly because of the patterns of transportation  
2 with the school. I have a 10-year-old, and when we  
3 take my child to school in the morning, parents are  
4 backed up for blocks, and blocks, and blocks to drop  
5 off their kids and pick them up.

6 So I would really encourage you to look at  
7 that issue not just in the immediate vicinity of the  
8 entrance to the proposed development but up and  
9 downstream at Norton Creek Elementary, what's going  
10 to be the impact of an extra 400-plus households,  
11 and is there capacity in the surrounding street system  
12 to support that and people to have the quality of  
13 life they want.

14 And the last comment I want to make is about  
15 housing types. I think this is important. This is  
16 for everyone in the room, not just for the applicant.  
17 The comprehensive plan also says a lot about wanting  
18 to encourage diverse housing types and meet diverse  
19 needs of our residents. RM-3, which is already in  
20 the immediate vicinity, and RM-2 which is contemplated  
21 by our comprehensive plan includes multifamily  
22 housing; it includes attached townhomes; the  
23 assisted-living centers are contemplated in the  
24 boundary agreement. So to me it's already a

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1 foregone conclusion that multifamily housing is on  
2 the table for city of St. Charles, and the constraints  
3 upon multifamily housing are not whether or not it's  
4 in character for the city of St. Charles -- I believe  
5 it is -- it's whether or not the surrounding  
6 infrastructure can support it.

7 I'm a strong proponent of our inclusionary  
8 housing ordinance, and I would like to see you really  
9 take a hard look at what that says when you come  
10 back to us and consider whether or not that is the  
11 type of application you're putting forward to us.

12 Thank you.

13 MEMBER SCHUETZ: Yes. I just have a couple  
14 comments.

15 My initial questions on the retention pond,  
16 I know it's already been said, but I guess what I  
17 wanted to mention on that subject matter was to say,  
18 you know, I do like the idea -- I knew you'd have to  
19 have it there for drainage for your land, but I think  
20 it's a great idea to hopefully consider the other  
21 neighborhoods and work with those neighborhoods to --  
22 like the one gentleman mentioned, you really need to  
23 make sure you look at all the ramifications of doing  
24 that retention pond not just for your land but how

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1 it affects way downstream.

2 So if you could consider that. And, also,  
3 with the reservoir or retention pond, if you could  
4 incorporate some kind of interest for the property  
5 to enhance usability, whether it be for some kind of  
6 recreation -- I'm not sure what to call it; I'm not  
7 sure how big that's actually going to be, but if  
8 there could be something considered, that would be  
9 terrific.

10 When it comes to the density, I would like  
11 to consider -- or ask you to consider to make it  
12 much more interesting, that part of the property be  
13 a higher density, significantly higher density than  
14 the other portion of the property. And I think that  
15 would provide much more interest and make it more of  
16 a community feel, whether it be an urban-type  
17 feel -- I don't know, I'm just going to say  
18 brownstones or something along those lines like you've  
19 got downtown Chicago, something of more interest.

20 Many years ago I was in a different  
21 industry, and this particular design kind of looks  
22 like 20, 30 years ago. And I know this is only a  
23 concept, but I just really want to emphasize that if  
24 you could really put your design hats on and think

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1 of something much more urban and would provide more  
2 open space and more interest for the land and then  
3 the other side, if you will, not as high density.

4 I think it would maybe take some of the worry  
5 from some of the neighbors if there were a higher  
6 density in one area versus the other. And,  
7 obviously, you'd take the neighborhood into  
8 consideration, and maybe the higher density would be  
9 on the south side of the property as you enter it  
10 and then gets less density as you move north,  
11 something along those lines. So I appreciate it.

12 Last but not least, considering how the  
13 neighborhood -- it goes without saying, you know,  
14 make it pedestrian friendly, try to incorporate  
15 something within the neighborhood so everybody is  
16 together, if you will, and you're not segregated  
17 apart.

18 Thank you.

19 CHAIRMAN WALLACE: All right.

20 Tim.

21 MEMBER MACKLIN-PURDY: I'll go.

22 CHAIRMAN WALLACE: Go ahead.

23 MEMBER MACKLIN-PURDY: I'm going to keep  
24 this brief.

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1 Smith Road is also a way to get to 59, as  
2 you all know. There's a shortcut; GPS systems will  
3 tell you to take Smith Road. So that, coupled with  
4 the increased traffic, is a concern of mine.

5 I've been there at 3:00. I've been there --  
6 I have kids in the school system or did have, and  
7 I've seen the traffic there in the mornings and in  
8 the afternoons. So that coupled with the possibility  
9 of people taking that to 59 is a concern of mine.  
10 So I do ask you to consider that.

11 And I am in agreement that I personally  
12 don't find this concept attractive. I recommend  
13 that you come to us maybe with a couple different  
14 ideas on your concept plan next time. Density is  
15 definitely a concern.

16 In terms of the impact on the schools, I  
17 think that is something that we do need to consider.  
18 And, also, I don't think that all these people would  
19 be here from the community if what they saw or the  
20 fact that this is going to be isn't a concern. So  
21 possibly another neighborhood meeting would be --  
22 when you have a new idea would be appropriate.  
23 There are a lot of neighbors, a lot of neighbors in  
24 Cornerstone Lakes and the surrounding neighborhoods,

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1 and I just think that might be appropriate to  
2 consider.

3 So I'd say traffic and the RM-3 zoning are a  
4 concern of mine.

5 CHAIRMAN WALLACE: All right.

6 Dan.

7 MEMBER FRIO: It's kind of nice going  
8 almost last.

9 I have a question. I don't know if I missed  
10 this. Are you looking to rezone and then build, or  
11 are you looking to rezone and sell to a builder?

12 MR. CARRARA: Our client is not a builder or  
13 a developer. He's looking to annex, seek the PUD  
14 designation at the zoning, and then at that point if  
15 he decides to take it to market, the people will at  
16 least have an understanding of what uses they can  
17 bring back to you.

18 I think a number of you agreed you'd like to  
19 see some kind of plan, and you'll have that opportunity  
20 with whoever the end user is bringing that back to  
21 you, you can address the feature issues and all  
22 those other issues and some of the density issues.  
23 Those are all concerns that you will control as part  
24 of the public hearing process whoever should bring

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1 that to you in the future.

2 MEMBER FRIO: That's what it sounded like,  
3 you were just getting it prepped for market, and I  
4 appreciate that as a real estate investor you're  
5 trying to make as much money as you can and I get that.

6 The concern I have is pretty much with a lot  
7 of the other people sitting up here I think RM-2 is  
8 the best fit. Why? Pressure on the roads.  
9 Unfortunately, you're in the spot -- you're kind of  
10 tucked away in a spot that you really can't do much  
11 with to a point for access. If you are on North  
12 Avenue, it would be a moot point.

13 The gentleman who is a real estate agent, I  
14 agree with you, as well, the revenue produced by the  
15 apartment buildings. The community will get a  
16 bigger bang for its buck; the community will get a  
17 bigger bang for its buck on non-4-unit apartment  
18 buildings on a revenue base.

19 The price point was another kind of deterring  
20 factor for myself. The pressure on the schools,  
21 especially the High School, it's already pretty  
22 populated. So if we added another 400 units times  
23 3 people per unit, you've got another 12, 13,  
24 1400 people. You're talking hundreds of kids. Love

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1 kids but that adds a lot of pressure to the schools.

2 What I like about it is you're doing something  
3 with the property, and you're getting it prepped for  
4 market, which is awesome because it beats a vacant lot.

5 The other thing is taking care of the water  
6 system that a lot of the neighbors had issues with.  
7 I'm sure that the City is going to make that a  
8 priority if and when this gets developed.

9 So, again, I'll repeat myself. I'm more for  
10 the RM-2 because of the density and basically where  
11 it's located, and then the other issues that I said.  
12 So that's my point.

13 CHAIRMAN WALLACE: Tim.

14 VICE CHAIRMAN KESSLER: Well, one of the  
15 benefits of going at the end is I don't have to say  
16 too much. I appreciate everything that the other  
17 Plan Commissioners have said. As was pointed out,  
18 many of those issues will be discussed when a formal  
19 application does finally come before us and are all  
20 of concern.

21 Primarily, I would say to you I do have some  
22 density concerns. I'm not go to weigh in on RM-2 or  
23 RM-3 because when the application comes before us,  
24 it will be with the PUD, and we will have some control

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1 over the final density of the project at that time.  
2 I don't want to limit us or the developer to a  
3 specific type of building because there is going to  
4 be a PUD, and we can say in a PUD, even if it is  
5 RM-3, we only want 10 dwelling units per acre. So  
6 that's the flexibility that the PUD will give us.

7 So I am -- I'm not for the 20 dwelling units  
8 per acre, but I'm not going to weigh in on the  
9 RM-2, RM-3.

10 And then, of course, the water management.  
11 I know that staff -- engineering, Chris is working  
12 and will be working with the developer, and I  
13 suspect -- and I don't know if this has occurred --  
14 with the City of West Chicago, is there some  
15 intergovernmental thing that has to happen? Maybe  
16 you can speak to that. I don't know how this is  
17 going to be resolved -- you don't need to speak to  
18 it, but I don't know how it's going to be resolved,  
19 but I'm suspecting that you will have that resolved  
20 to the satisfaction of the City of Charles, the City  
21 of West Chicago, and all the surrounding residents.

22 So that's all I have to say.

23 CHAIRMAN WALLACE: All right. I think any  
24 of you that have been here at previous Plan Commission

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1 meetings know that we, being a Plan Commission, and  
2 the City Council recognize and support property  
3 owners' rights to develop property, and I think that  
4 this process is starting out on the right foot  
5 because we are having some back and forth, we're  
6 giving our opinions to the developer and listening  
7 to neighbors, and I hope that that continues through  
8 the rest of this process.

9 I agree with Tim but I do want to put more  
10 of a focus on the comprehensive plan, and I think  
11 that this particular parcel is interestingly unique  
12 in that I believe it's the only one in our  
13 comprehensive plan that is actually divided into  
14 two future land uses, and I think that that speaks  
15 to the intent that it should be a transitional  
16 parcel and transitional scaling down in density from  
17 the south to north.

18 Obviously, there's a requirement on the  
19 northern 300 feet of the property to do that, but I  
20 would suggest that that be brought further down. I  
21 don't know if, you know, the ultimate goal would be  
22 to divide -- you know, basically, in your planning  
23 divide the property into thirds and have the  
24 southern third the most dense, the northern third the

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1 least dense. But something along that line I think  
2 would receive the most support because certainly  
3 you're going from an area that would support more  
4 dense use to one that's particularly sensitive  
5 to that.

6 So I have -- so in short, I think that  
7 20 dwelling units per acre, it would take a lot of  
8 convincing to convince me that that fits with what  
9 the comprehensive plan provides. I would need to  
10 see the plan, but I would think something closer to  
11 an RM-2 density would be more appropriate. I think  
12 possibly looking at the way Pheasant Run Trail is  
13 set up with different types of units with different  
14 density focuses may be something to look at in  
15 designating where to put the higher density and  
16 lower density units in concert with each other.

17 I think that when an application does come  
18 back, there would need to be a comprehensive traffic  
19 study. I would like to see the traffic study  
20 include not only the current layout and the way the  
21 roadway currently is but also to include possible  
22 future improvements, the railroad crossing to  
23 provide a better traffic flow because I think that  
24 that would have an impact on the amount of traffic

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1 flow coming out of the site not only to the west but  
2 also to the east.

3 I don't know if there have ever been plans  
4 to make the intersection with Powis Road a better  
5 alternative route, but that's something that the  
6 traffic study could probably address, as well as a  
7 potential additional connection at the northeast  
8 corner of Cornerstone Lakes. I don't know if that's  
9 ever been suggested, and I don't know whose  
10 jurisdiction that would be, but I think that would  
11 also have an impact on more traffic flow to the  
12 east. That's the particularly sensitive area as far  
13 as traffic goes.

14 And I also -- if a traffic study came before  
15 us, I would want to see that it was done during the  
16 school year and include ratings at the beginning and  
17 the end of the school day so we get an accurate idea  
18 of what the maximum traffic flow is in that area.

19 Beyond that, those are all of my comments.  
20 Thank you for coming before us, and just to remind  
21 everyone, there will be no further action taken on  
22 this by the Plan Commission. We're done with the  
23 concept plan review, and the next time it will be  
24 before us is -- the next time it will it be discussed

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1 is it at the planning and development committee  
2 meeting of the City Council on October 10th, and  
3 then when an application is filed, it will be back  
4 before us for public hearing.

5 So thank you all for coming out. I  
6 appreciate the comments.

7 Sir, do you have a question?

8 MEMBER DOYLE: I have a correction to make  
9 to my comment.

10 I commented earlier that I thought the  
11 comprehensive plan, if you break it down 9 acres, by  
12 9 acres, by 9 acres yields 238 units. I have my  
13 math wrong. It was 338 units. 338 units is what I  
14 believe the comprehensive plan, based on my quick  
15 math, yields versus your 416.

16 So it's a little -- not quite as large a  
17 discrepancy as I said during my comments. I just  
18 wanted to make certain that's on the record.

19 Thank you.

20 CHAIRMAN WALLACE: Thank you. All right.  
21 Thank you everyone and I'd ask -- you're certainly  
22 welcome to stay for the rest of the meeting, but we  
23 do still have agenda items, so I ask that you take  
24 any conversations out in the hallway, please.

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1 Folks, if you'd please take your conversations out  
2 in the hall, I'd appreciate it.

3 (Off the record at 8:53 p.m.)  
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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 25th day of September, 2016.

My commission expires: October 16, 2017

  
\_\_\_\_\_

Notary Public in and for the  
State of Illinois

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 5a

Title:	Nuisance Abatement Discussion
Presenter:	Police Chief Keegan Bob Vann, Building & Code Enforcement Division Manager Rita Tungare, Director of Community & Economic Development

Meeting: Planning &amp; Development Committee                      Date: October 10, 2016

Proposed Cost: \$N/A                      Budgeted Amount: \$                      Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

The police department will be presenting information pertaining to the current nuisance abatement ordinance and discuss possible alternatives to enhance and improve the ordinance. A brief power point will be included in this discussion.

Modifications to the Nuisance Abatement ordinance may provide an opportunity and another potential tool to deal with chronic property maintenance issues. C&ED staff will also provide some background on the City's current code enforcement process.

**Attachments** *(please list):*

PowerPoint presentation

**Recommendation/Suggested Action** *(briefly explain):*

# Nuisance Abatement Programs

Nuisance Abatement Programs are intended to define and identify chronic nuisance property locations and then, to then hold the “person in-charge” and/or the owner for the unwanted and unlawful activities.

# Nuisance Abatement

- Nuisance Abatement is typically used as an alternative to Crime Free Housing.
- “Accountability” is achieved through the local Administrative Hearing process and/or the Circuit Court.

# Defining “Chronic Nuisances”

- Similar to the CFH *Lease Addendum*, the “teeth” of Nuisance Abatement programs comes from City Ordinances that are passed.

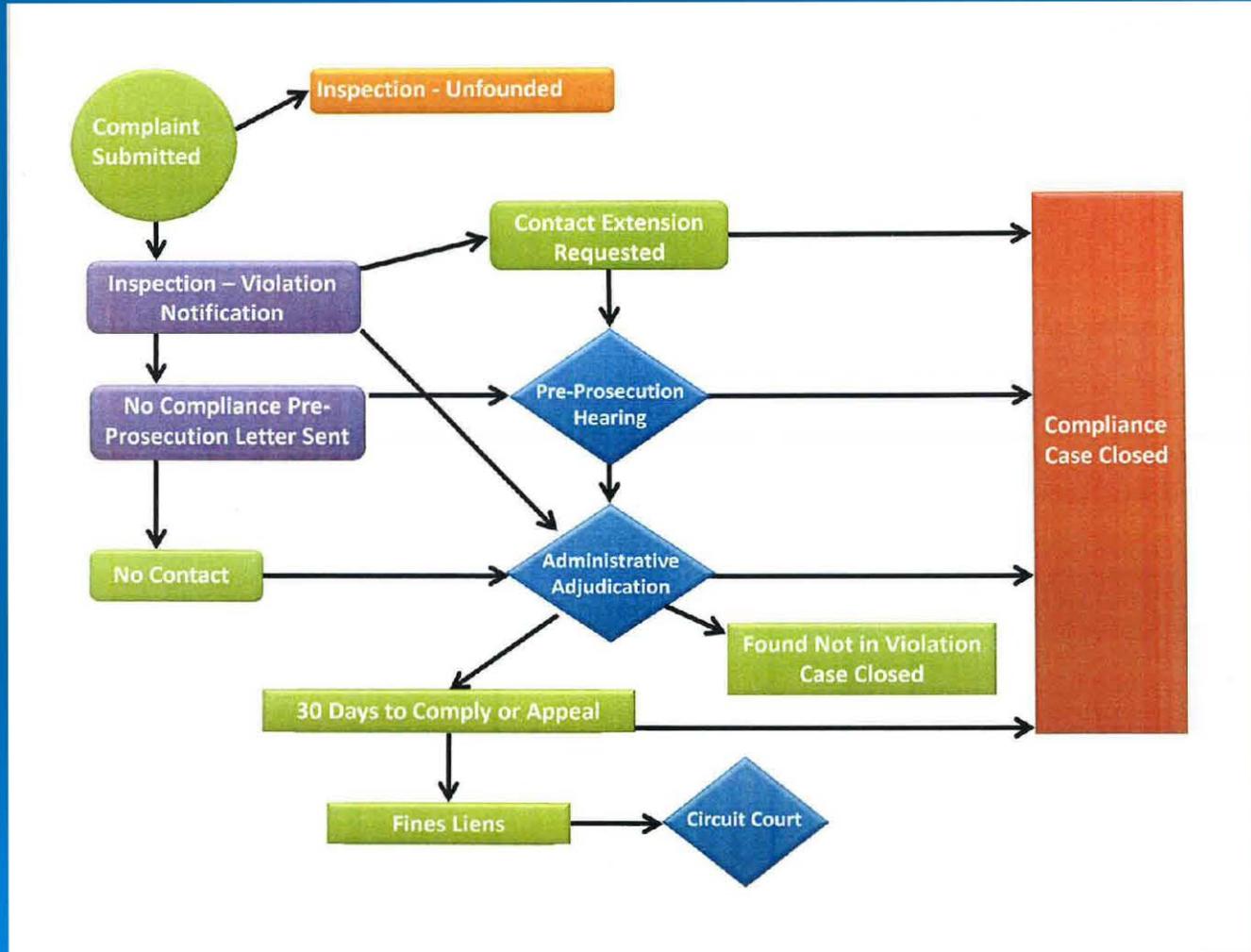
# Police Related Nuisance Activities

- Disorderly Conduct
- Unlawful Use of Weapons
- Mob Action
- Discharge of Firearms
- Public Indecency
- Possession/Manufacture/Delivery of Cannabis or Controlled substances
- Assault or Battery
- Gambling & Prostitution
- Chronic Massage or Liquor Code Violations\*
- Sexual Abuse or related offenses

# Code Enforcement Nuisance Activities

- Chronic violations of rubbish and garbage
- Chronic violations of plants and weeds
- Unfit structures/human occupancy\*
- Unlawful structures\*
- Three (3) or more separate violations of the City's property maintenance code\*

# Code Enforcement Process



# Current Nuisance Abatement Process

- Police Department monitors case activity reports and calls for service.
- After receiving 2 or more events that qualify within a **6-month period**, the PD notifies the person in-charge/property owner of “Chronic Nuisance” activities. (Written notice)
- Another qualifying violation results in a mandatory “Abatement Plan Meeting” to rectify the problem.
- A subsequent violation gives the City the option to proceed in Circuit Court. Courts can:
  - Impose fines
  - Close property (typically for 30-180 days)
  - Recover all costs associated with court action

# Proposed Nuisance Abatement Process

- Police Department monitors case activity reports and calls for service.
- After receiving 2 or more events that qualify within a **12-month** period, the PD notifies the person in-charge/property owner of “Chronic Nuisance” activities. (Written notice)
- Another qualifying violation results in a mandatory “Abatement Plan Meeting” to rectify the problem.
- A subsequent violation or the failure to attend an Abatement Meeting result in a “Notice to Appear” at our local Administrative Adjudication Hearing.
- Hearing Officer renders finding of Liable or Not Liable.
- Upon finding of Liable, a fine is imposed-up to \$750.00 for each violation.
- In cases that are beyond adjudication, the City has the option to proceed in Circuit Court. Courts can:
  - Impose fines
  - Close property (typically for 30-180 days)
  - Recover all costs associated with court action

# Pros & Cons of Nuisance Abatement

## Pros

- Can be used for privately owned or rental properties (Rental Licensing).
- Administratively less labor intensive.
- Does not inconvenience responsible landlords.
- Imposes immediate consequences in cases where violations were found to have occurred.

CAN HOLD LANDLORDS ACCOUNTABLE (similar to alcohol, tobacco and massage licensing).

## Cons

- Does not proactively promote Community Relations.
- Increases burden and caseload at local Administrative Hearings.