| • | 2000 E Ma | | | |
|--------------------------------------|---|---|--|--|
| Address: | | Main Street (McDonald's) O'Rourke, Planner | | |
| | | | | |
| | | X | MEETING (5/7/13) | X |
| NDER CONSI | DERATION | • | | |
| Jnit Developmen | t and Drive- | PUD Prelin | minary Plan | |
| ATTACHMENTS AND SUPPORTING DOCUMENTS | | | | |
| /13) | | Application | ns | |
| s; Watermark Eng | gineering; | _ | | |
| | Please check ap PUBLIC HI (5/7/1 NDER CONSI Unit Development AND SUPPOR' (/13) | Please check appropriate box PUBLIC HEARING (5/7/13) NDER CONSIDERATION Unit Development and Drive- AND SUPPORTING DOCU (13) S; Watermark Engineering; | Please check appropriate box (x) PUBLIC HEARING (5/7/13) NDER CONSIDERATION: Unit Development and Drive- PUD Prelimand Supporting DOCUMENTS AND SUPPORTING DOCUMENTS (13) Application Building Plance Bui | PUBLIC HEARING (5/7/13) NDER CONSIDERATION: Unit Development and Drive- Pub Preliminary Plan AND SUPPORTING DOCUMENTS Applications S; Watermark Engineering; Building Plans and Architectural Elevations; McDonald's USA, LLC.; dated 3/22/2013 |

EXECUTIVE SUMMARY:

The owner of the McDonald's restaurant located at 3900 E. Main Street is proposing to update the existing restaurant. The applicant has submitted petitions for amendments to the approved Special Uses for a Planned Unit Development and Drive-Through Facility and approved PUD Preliminary Plan. The details of the proposal are as follows:

- New Drive-Through Facility with dual-order stations.
 - o 15 drive-through stacking spaces.
 - o Removal of 8 off-street parking spaces to make room for dual order-stations.
- Revised and updated architectural features for the entire exterior of the existing building.
- Deviation requests through the amended PUD (detailed in staff analysis).
- Approval of a new PUD ordinance specific to the McDonald's lot.

RECOMMENDATION / SUGGESTED ACTION (briefly explain):

Conduct the public hearing and close if all the testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation.

Staff recommends approval of the applications contingent upon resolution of any outstanding staff comments, and has provided draft findings of fact to support that recommendation.

CITY OF ST. CHARLES

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



COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

SPECIAL USE APPLICATION

CITYVIEW

Project Name:
Project Number:

3900 E. Main St. Mc Donald S 2013 -PR-006

Application Number:

2013 -AP-015

Recirch Pete St. Charles, IL

APR 0 4 2013

CDD

Planning-Division

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

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

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

| 1. | Property | Parcel Number (s): | | |
|--|---------------------------|---|-----------------------|--|
| | Information: | O1-30-101-019 Street Address (or common location if no address is assigned): | | |
| | | | | |
| | | 3900 E. Main Street | | |
| | | St. Charles, IL 60174 | | |
| 2. | Applicant Information: | Name McDonald's USA, LLC | Phone 630-836-9090 | |
| | information: | Address | Fax 630-836-9191 | |
| popular company con a del del del | | Oak Brook, IL 60523 | Email | |
| 3. | Record Owner | Name McDonald's USA, LLC, successor by merger to Golden Arch Limited Partnership | Phone 630-836-9090 | |
| The state of the s | Information: | Address One McDonald's Plaza | Fax 630-836-9191 | |
| The second secon | | Oak Brook, IL 60523 | Email | |
| 4. | Billing: | Name PCA Team, Dept. 212 | Phone | |
| | costs for this | for this Address | Fax | |
| | application be billed? | 2111 McDonald's Drive Oak Brook, IL 60523 | Email | |

| Information | Regarding | Proposed | Special | Use: |
|-------------|-----------|----------|---------|------|
|-------------|-----------|----------|---------|------|

| • | hensive Plan designation of the property: |
|-----------|---|
| Is the pr | operty a designated Landmark or in a Historic District? No |
| What is | the property's current zoning? |
| What is | the property currently used for? McDonald's Restaurant with drive-thru |
| | pecial Use(s) are you applying for? Please select from the list of Special Uses in the Zoning Ordinance for opriate zoning district. |
| PUD | , Restaurant with Drive-Thru Facility |
| If the pr | oposed Special Use is approved, what improvements or construction are planned? |
| - | odel the existing building and construct a new side-by-side drive-thru |
| | |
| What St | e Amendments only: Decial Use ordinance do you want to amend? Ordinance No. Decial Use ordinance do you want to amend? Ordinance No. Decial Use ordinance no. 1996-M-71, also termination Decial Use ordinance no. 1991-Z-13, as amended, as applied to the subject property and creation of a new PUD. |
| | the proposed change necessary? |

Retail and Service (6 - East Gateway)

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

- APPLICATION: Completed application form signed by the applicant
- APPLICATION FEE: Application fee in accordance with Appendix B of the Zoning Ordinance.
- **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.

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%).

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.

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/

■ ENDANGERED SPECIES REPORT:

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

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

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 Fifteen (15) full size copies, Three (3) 11" by 17", and a PDF electronic file on a CD-ROM.
- Revision Submittal for Plan Commission Twenty-Two (22) full size copies, Three (3) 11" by 17" and a PDF electronic file on a CD-ROM.

□ 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.

McDonald's USA, LLC, successor by merger to Golden Arch Limited Partnership

BY:

Record/Owner SHELLY Z HURTA SENIOR COUNSEL

McDonald's USA, LLC, successor by merger to Golden Arch Limited Partnership

BY:

Applicant or Authorized Agent SHELLY Z. HURTA, SENIOR COUNSEL

Date

FINDINGS OF FACT SHEET - SPECIAL USE

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



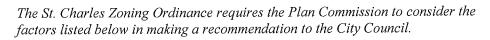
As the applicant, the "burden of proof" is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to "make your case" by explaining specifically how your project meets each of the following standards.

| 3900 E. Main Street, St. Charles, IL 60174 | March 2013 |
|---|--|
| Project Name or Address | Date |
| finds that the proposed Special Use or amenda standards. The Plan Commission shall submit | shall be recommended by the Plan Commission unless it nent to Special Use will conform with each of these its written findings together with its recommendations to ablic Hearing, and also may recommend such conditions as |
| On the basis of the evidence presented at the p for recommending approval or denial of the pestandards: | public hearing, the Plan Commission shall record its reasons etition (findings of fact) in accordance with the following |
| A. Public Convenience: The Special Us location. | se will serve the public convenience at the proposed |
| This facility has operated at this location for more | e than a decade and has been serving the public convenience. The new facility |
| | ng a more efficient drive-thru facility and significantly improve the aesthetic |
| qualities of the area. | |
| | |
| B. Sufficient Infrastructure: That adec facilities have been, or are being, pr | quate utilities, access roads, drainage and/or necessary ovided. |
| These utilities are in place and have served this | facility. |
| | |
| | |
| | |
| enjoyment of other property in the | e Special Use will not be injurious to the use and immediate vicinity for the purposes already permitted, r property values within the neighborhood. |

City of St. Charles Findings of Fact for Special Use

| This use has been established for more than a decade. Commercial uses and commercial zoning surround this area. |
|--|
| Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. |
| The surrounding properties have already been developed. This use would not impede any redevelopment of the surrounding area. |
| |
| 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. Again, this use has existed for more than a decade without detrimental effect or endangerment to the public health, safety and welfare. This use will enhance the general welfare by providing a more efficient drive-thru facility and a more contemporate. |
| building elevation. |
| |
| 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 |
| Conformance with Codes: That the proposed Special Use conforms to all existing Federal, |
| 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 Developmen |

FINDINGS OF FACT SHEET – SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT (PUD)





As the applicant, the "burden of proof" is on you to show how your proposed Planned Unit Development meets the applicable standards. Therefore, you need to "make your case" by explaining specifically how the project meets each of the following standards.

| McDonald's | March 2013 | |
|------------|------------|--|
| PUD Name | Date | |

From the St. Charles Zoning Ordinance, Section 17.04.410.3:

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

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

| The proposed development results in a distinctive and attractive development as evidenced by the elevations, which |
|--|
| contains brick veneer and cultured stone. This plan also promotes economic development and efficient use of land, |
| utilities, street improvements and drainage facilities by modernizing this facility and improves the overall site plan |
| by making the drive-thru more efficient. |
| |
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| |

| zor | e proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying ning district or districts in which the PUD is located and to the applicable Design Review and ards contained in Chapter 17.06, except where: |
|-----|--|
| A. | Conforming to the requirements would inhibit creative design that serves community goals or |
| В. | Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements. |
| Fa | ctors listed in Section 17.04.400.B shall be used to justify the relief from requirements: |
| 1. | The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public are, pedestrian and transit facilities. |
| 2. | The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation. |
| 3. | The PUD will provide superior landscaping, buffering or screening. |
| 4. | The buildings within the PUD offer high quality architectural design. |
| 5. | The PUD provides for energy efficient building and site design. |
| 6. | The PUD provides for the use of innovative stormwater management techniques. |
| 7. | The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes. |
| 8. | The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances. |
| 9. | The PUD preserves historic buildings, sites or neighborhoods. |
| Th | e PUD provides community amenities with the playplace. It provides superior landscaping, buffering and |
| sc | reening with a generous landscape plan and a high quality architectural design. The new building will comply wi |
| | regulations for building efficiency. |
| Th | e departures from the Code are listed in Section F of the Findings of Fact Sheet. |
| | e increase in the wall signage is required because in essence this site has three frontages. Additionally, the Playpl |
| | nenity needs signage to alert customers it exists. The "M" logos on the east and west elevations are the only addition |
| | gns being requested. These signs are an integral part of the stone arcade feature. |
| Th | ne increase in free-standing signage is required to allow for a pre-sale menu board which allows customers to rev |
| a | menu while in line and before arriving at the custom order display to place their order. This further improves the |
| ef | ficiency of the drive-thru system. |

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

 $Submit\ responses\ on\ form:\ ``Findings\ of\ Fact\ Sheet-Special\ Use"$

| e | |
|---|---|
| ٦ | he proposed PUD will provide a more efficient drive-thru system and will continue to provide sales tax revenue |
| t | he City. |
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| _ | |
| - | The proposed PUD conforms to the purposes and intent of the Comprehensive Plan. |
| - | The proposed PUD conforms to the purposes and intent of the Comprehensive Plan. The Comprehensive Plan identifies this site as Retail and Service which include restaurants. |
| - | The proposed PUD conforms to the purposes and intent of the Comprehensive Plan. The Comprehensive Plan identifies this site as Retail and Service which include restaurants. |
| - | |
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LEGAL DESCRIPTION

PARCEL 1:

LOT 2 IN WAL-MART SUBDIVISION IN PART OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING A SUBDIVISION OF LOTS 1, 2, 3 AND PART OF LOT 13 OF PETKAUSKAS' SUBDIVISION, EXCEPTING THEREFROM THAT PART OF SAID LOT 2 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 88 DEGREES 50 MINUTES 07 SECONDS EAST ALONG THE SOUTH LINE OF SAID LOT 2, 13.03 FEET; THENCE NORTH 01 DEGREES 09 MINUTES 53 SECONDS WEST, 19.03 FEET TO THE SOUTHWEST CORNER OF AN EXISTING SIGN BASE FOR THE POINT OF BEGINNING; THENCE NORTH 04 DEGREES 06 MINUTES 13 SECONDS EAST, 2.50 FEET; THENCE SOUTH 85 DEGREES 53 MINUTES 47 SECONDS EAST, 2.50 FEET; THENCE SOUTH 04 DEGREES 06 MINUTES 13 SECONDS WEST 2.50 FEET; THENCE NORTH 85 DEGREES53 MINUTES 47 SECONDS WEST, 2.50 FEET TO THE POINT OF BEGINNING, ALSO EXCEPTING THEREFROM THAT PART OF SAID LOT 2 DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 00 DEGREES 08 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 2, 35.94 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 47 SECONDS EAST, 13.74 FEET TO THE NORTHWEST CORNER OF AN EXISTING SIGN BASE FOR THE POINT OF BEGINNING: THENCE SOUTH 85 DEGREES 53 MINUTES 47 SECONDS EAST, 2.50 FEET; THENCE SOUTH 04 DEGREES 06 MINUTES 13 SECONDS WEST, 2.50 FEET; THENCE NORTH 85 DEGREES 53 MINUTES 47 SECONDS WEST, 2.40 FEET; THENCE NORTH 04 DEGREES 06 MINUTES 13 SECONDS EAST, 2.50 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

NON-EXCLUSIVE EASEMENT RESERVED AND GRANTED FOR THE BENEFIT OF OWNER OF PARCEL 1, UPON, ACROSS, OVER AND THROUGH THE AREA SHOWN AS "INGRESS AND EGRESS EASEMENT" ON WAL-MART SUBDIVISION RECORDED AS DOCUMENT R92-165313.

CITY OF ST. CHARLES

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



COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

PUD PRELIMINARY PLAN APPLICATION

CITYVIEW

Project Name:

3900 E. Mainst. - McDonalds

Project Number:

2013 -PR-006

Application Number:

2013 -AP-014

R**Received Do**je St. Charles, IL

APR 0 4 2013

CDD Planning Division

Instructions:

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

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

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

| 1. Property Information: | Parcel Number (s): 01-30-101-019 | | |
|--|--|----------------------------------|--|
| | Proposed Name of PUD: McDonald's | | |
| 2. Applicant: | Name McDonald's USA, LLC | Phone 630-836-4940 | |
| | Address | Fax 630-836-9191 | |
| | Warrenville, IL. 60555 | Email Libby.Fisher@us.mcd.com | |
| 3. Record Owner: | Name McDonald's USA, LLC, successor by merger to Golden Arch Limited Partnership | Phone | |
| | Address One McDonald's Plaza | Fax | |
| Volume in the second se | Oak Brook, IL 60523 | Email | |
| 4. Billing: Who is responsible | Name PCA Team, Dept. 212 | Phone | |
| for paying application fees | Address 2111 McDonald's Drive | Fax | |
| and reimbursements? | Oak Brook, IL 60523 | Email | |

□ PUBLIC BENEFITS, DEPARTURES FROM CODE: (See Special Use Application)

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

- □ SCHEDULE: Construction schedule indicating:
 - a. Phases in which the project will be built with emphasis on area, density, use and public facilities, such as open space, to be developed with each phase. Overall design of each phase shall be shown on the plat and through supporting material.
 - b. Approximate dates for beginning and completion of each phase.
 - c. If different land use types are to be included within the PUD, the schedule must include the mix of uses to be built in each phase.
- □ INCLUSIONARY HOUSING SUMMARY: For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing, including:
 - The number and rental/for sale status of Market-Rate Units and Affordable 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.
 - A description of the marketing plan that the Applicant proposes to utilize and implement to promote the sale or rental of the Affordable Units within the development; and,
 - Any proposal to pay fees in lieu of providing the required Affordable Unit, per section 17.18.050.

SUBDIVISION PRELIMINARY PLAN CHECKLIST:

If the PUD Preliminary Plan involves the subdivision of land, a completed Subdivision Preliminary Plan Checklist must be submitted. This Subdivision Checklist may reference the same set(s) of plans as the preceding checklists for Site/Engineering, Sketch Plan, Tree Preservation, and Landscape Plans, but the additional information required by the Subdivision Preliminary Plan Checklist must be included, where applicable.

△ APPLICATION FOR SPECIAL USE FOR A PUD:

The application for PUD Preliminary Plan must be accompanied by an application for a Special Use for a PUD, unless the Special Use was previously granted and no amendment is needed. Documentation required for both applications need not be duplicated.

HISTORIC DESIGNATION: Is the property a designated Landmark or in a Historic District?

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.

| McDonald's USA, LLC, successor by merger to Golden Arch Limited Partne | rship |
|--|----------------|
| Cilles Aturn | Malch 27, 2013 |
| Record Owner SHELLY 4. HURTA, SENIOR COUNSEL | Date |
| McDonald's USA, LLC, successor by meyger to Golden Mch Limited Partnership | |
| Hiller Mush | March 27,2013 |
| Applicant of Authorized Agent SHELLY Z. HURTA, SENIC | R COUNSELDate |
| \circ | |



McDonald's Corporation Campus Office Building 2915 Jorie Boulevard Oak Brook, Illinois 60523 Direct Dial Number (630) 623-7636 Fax (630) 623-7370

Email: shelly.hurta@us.mcd.com

March 26, 2013

City of St. Charles Community Development/Planning Division Two East Main Street St. Charles, Illinois 60174-1984

Re:

McDonald's Restaurant - St. Charles, IL

Application for PUD and Final Plan with Special Use

3900 E. Main Street

L/C: 012-1700 - File# 15845

To Whom This May Concern:

McDonald's USA, LLC, successor by merger to Golden Arch Limited Partnership, as owner of the above-referenced property, hereby authorizes Henry S. Stilwell III and Rathje Woodward LLC, as its attorney, to attend and give testimony at all public hearings and meetings and obtain all necessary permits and approvals for the above-referenced location, so long as all permits are issued in the name of McDonald's USA, LLC.

Should you have comments or questions regarding the foregoing, please do not hesitate to contact me.

Very truly yours,

McDONALD'S CORPORATION

Shelly Z. Hurta, Senior Counsel (Major Remode, Legal Team Lead

CC:

Libby Fisher (via email) Tracy Cox (via email) Vanessa Garcia (via email) Doreen Evans (via email)

STATE OF ILLINOIS

ss (

COUNTY OF DUPAGE

)

I, Teresa Cook a Notary Public in and for the county and state aforesaid, DO HEREBY CERTIFY that Shelly Z. Hurta Senior Counsel of McDONALD'S USA, LLC, a Delaware limited liability company, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such authorized party appeared before me this day in person and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act as such authorized party and as the free and voluntary act of said company for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 27_day of March_, 2013

Notary Public

My commission expires July 1,2015

OFFICIAL SEAL TERESA COOK RY PUBLIC - STATE OF II

NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/07/15

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

| STATE OF ILLINOIS) Do Page) SS. KANE COUNTY) | |
|--|---|
| I, Shelly Z. Hurta, being first duly Senior Counsel Manager of McDonald's USA, LLC | y sworn on oath depose and say that I am Delaware , an Illinois Limited Liability |
| Company (L.L.C.), and that the following persons a | are all of the members of the said L.L.C.: |
| sec attachment "A" | |
| | |
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| | |
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| | |
| | |
| By: Shelly Z. Hurta | nior Counsel |
| Subscribed and Sworn before me this | day of |
| March, 20 B. | OFFICIAL SEAL TERESA COOK NOTARY PUBLIC - STATE OF ILLINOIS MY COMMISSION EXPIRES:07/07/15 |
| Notary Public | |

Attach Ment A

Data Sheet Report

McDonald's USA, LLC

Status:

Active

Incorporation:

Delaware

Date of Incorporation:

September 17, 2004

Shareholder:

McDonald's Corporation

Percentage Held: 100%

Entity Type:

Limited Liability Company

Federal ID #:

73-1719185

Fiscal Year End:

December 31

Primary Address

One McDonald's Plaza Oak Brook, IL 60523

Registered Agent

Corporation Service Company 2711 Centerville Road, Suite 400 Wilmington, DE 19808

Purpose of Business

McDonald's USA, LLC is McDonald's U.S. business unit subsidiary.

Note: McDonald's USA, LLC. is listed as an affiliated entity of McDonald's Corporation ("McD Corp") under McD Corp's registration under Illinois' "pay to play" law. Please notify Global Compliance if this entity is dissolved or merged out of existence.

DIRECTORS

Bensen, Peter J

Santona, Gloria

Stratton, Jeffrey P

OFFICERS

Amble, Marcelyn M

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Andersen, Timmy D

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Angelotti, Gerald A

U.S. Vice President - QSC

Ashton, Sharon A

U.S. Assistant Secretary

Bacon, Richard T

U.S. Vice President - Quality Systems

Ball, Martha A

U.S. Vice President - QSC

Barnett, Danitra A

U.S. Vice President - Human Resources

Bonta, Alvaro F

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Ituen, Ubong E

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U.S. Assistant Secretary

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U.S. Vice President - Information Systems Management

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U.S. Vice President - General Manager

Marshall, Robert C

U.S. Vice President - Operations

Matusinec, Karen A

U.S. Vice President - Treasury

McCabe, James E

U.S. Vice President - Operations Development

McDermott, Brian P

U.S. Vice President - Business Research

McKernan, William J

U.S. Vice President - QSC

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U.S. Assistant Secretary - Tax

Molloy, Padraic G

U.S. Assistant Secretary

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U.S. Vice President - Supply Chain Management

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Noronha, Atila

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U.S. Vice President - QSC

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U.S. Vice President - Controller

Peleo-Lazar, Marlena D

U.S. Vice President - Creative

Pfeifer, Gina K

U.S. Vice President - Restaurant System Business Integration

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U.S. Vice President - USA IT

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U.S. Vice President - QSC

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Roberts, Debbie S

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Robeson, Charles T

U.S. Senior Vice President - Restaurant Support Officer

Rockwell, Scott W

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Rogers-Reece, Shirley A

U.S. Vice President - General Manager

Russell, Stephen W

U.S. Senior Vice President - Chief People Officer

Sconiers, Wendell

U.S. Vice President - Operations Execution

Scott, Chuck

U.S. Vice President - Franchise Relations

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Smedstad, Heather L

U.S. Vice President - U.S. General Counsel and Assistant Secretary

Smith, Martha M

U.S. Assistant Treasurer

Smith, Sharlene M

U.S. Vice President - General Manager

Smoot, Mason T

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Soenke, Michael L

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Sterling, Peter A

U.S. Vice President - Marketing Administration

Stratton, Jeffrey P

President, McDonald's USA

Stringfellow, J Benjamin

U.S. Vice President - Communications

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U.S. Vice President and Assistant Secretary

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U.S. Vice President - General Manager

Thoma, Wade W

U.S. Vice President - Menu Management

Thomas, Diana J

U.S. Vice President - Training, Learning and Development

Thomas, Harry L

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Tice, William R.

U.S. Vice President - General Manager

Velez-Valenzuela, Remedios S

U.S. Vice President - QSC

Watson, Greg D

U.S. Senior Vice President - Menu Innovation Team

Wilfong, Jeff M

U.S. Vice President - General Manager

Williams, Alex D

U.S. Vice President - General Manager

Yates, Irene W

U.S. Vice President - Tax

QUALIFICATIONS

Jurisdiction
Alabama
Alaska
Arizona
Arkansas
California

Date 09/28/2004 10/04/2004 09/28/2004 09/28/2004 09/28/2004

| Colourds | 10/12/2004 |
|---------------------------|------------|
| Colorado Connecticut | 09/28/2004 |
| District of Columbia | 09/28/2004 |
| Florida | 10/12/2004 |
| Georgia | 10/12/2004 |
| Hawaii | 10/13/2004 |
| Idaho | 09/30/2004 |
| Illinois | 09/27/2004 |
| Indiana | 09/29/2004 |
| Iowa | 09/29/2004 |
| Kansas | 10/12/2004 |
| Kentucky | 10/13/2004 |
| Louisiana | 09/29/2004 |
| Maine | 10/12/2004 |
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| Maryland Massachusetts | 10/18/2004 |
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| Michigan Minnesota | 09/30/2004 |
| Mississippi | 10/05/2004 |
| Missouri | 09/29/2004 |
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| Montana Navia Nation | 12/06/2007 |
| Navajo Nation Nebraska | 10/21/2004 |
| Nevada | 10/12/2004 |
| | 10/18/2004 |
| New Hampshire | 10/07/2004 |
| New Jersey | 09/29/2004 |
| New Mexico New York | 10/12/2004 |
| | 09/30/2004 |
| North Carolina | 10/12/2004 |
| North Dakota | 10/12/2004 |
| Ohio Oklahoma | 10/07/2004 |
| | 10/06/2004 |
| Oregon | 10/06/2004 |
| Pennsylvania | 10/05/2004 |
| Rhode Island | 10/14/2004 |
| South Carolina | 10/13/2004 |
| South Dakota | 10/06/2004 |
| Tennessee | 10/18/2004 |
| Texas | 10/06/2004 |
| Utah | 10/00/2004 |

McDonald's USA, LLC

| Vermont | 10/12/2004 |
|---------------|------------|
| Virginia | 10/06/2004 |
| Washington | 10/06/2004 |
| West Virginia | 10/12/2004 |
| Wisconsin | 10/15/2004 |
| Wyoming | 10/15/2004 |

DATE OF LAST REVISION

03/01/2013

CONTACT

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Community Development
Planning Division
Phone: (630) 377-4443

Fax: (630) 377-4062

Staff Report

TO: Chairman Todd Wallace

And the Members of the Plan Commission

FROM: Matthew O'Rourke, AICP

Planner

RE: Proposed Amendment to Special Uses for a Planned Unit Development and Drive-Through

Facility at 3900 E. Main Street (McDonald's)

DATE: May 3, 2013

I. APPLICATION INFORMATION:

Project Name: 3900 E. Main Street (McDonald's)

Applicant: McDonald's USA, LLC.

Purpose: Proposed renovations and addition of dual ordering stations for the existing

McDonald's restaurant.

General Information:

| Site Information | | |
|------------------------------|--|--|
| Location 3900 E. Main Street | | |
| Acres 1.4 | | |

| Applications | 1) Special Use for a Planned Unit Development and Drive-Through | |
|----------------|---|--|
| | Facility | |
| | 2) PUD Preliminary Plan | |
| Applicable | 17.04 Administration | |
| Ordinances and | 17.14 Business and Mixed Use Districts | |
| Zoning Code | 17.24 Off Street Parking, Loading & Access | |
| Sections | 17.06.030 Standards and Guidelines – BL, BC, BR, & O/R Districts | |
| | Ordinance No. 1996-M-71 "An Ordinance Granting a Special Use for a Drive- | |
| | In Establishment in the Dunham Club/Rt.64 PUD (McDonald's)" | |

| Existing Conditions | | |
|---|--------------------------------|--|
| Land Use | Existing McDonald's Restaurant | |
| Zoning BR- Regional Business (PUD) and Special Use for a Drive-Through Facility | | |

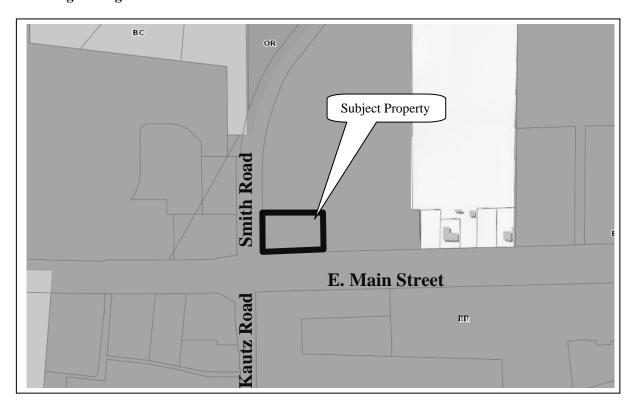
| Zoning Summary | | |
|----------------|--------------------------|--------------------------|
| North | BR-Regional Business PUD | Wal-Mart |
| East | BR-Regional Business PUD | Wal-Mart (Parking Lot) |
| South | BR-Regional Business | Pheasant Run |
| West | BR-Regional Business PUD | Multiple Commercial Uses |

| | Comprehensive Plan Designation | |
|--------------------|--------------------------------|--|
| Retail and Service | | |

Aerial Photograph



Surrounding Zoning



II. BACKGROUND

In 1991, the City of St. Charles approved Ordinance 1991-Z-13 entitled, "An Ordinance Granting a Special Use as a Planned Unit Development for the Dunham Club/Rt.64 PUD". This PUD encompassed the existing Wal-Mart facility which was developed in 1992.

In 1996, a Plat of Subdivision was approved to create the lot on which McDonald's is currently situated. In conjunction with the subdivision, Ordinance 1996-M-71 entitled, "An Ordinance Granting a Special Use for a Drive-In Establishment in the Dunham Club/Rt.64 PUD (McDonald's)" was approved to permit the construction of the McDonald's Restaurant. The restaurant has existed at this location since this approval.

III. PROPOSAL:

The owner of the McDonald's restaurant located at 3900 E. Main Street is proposing to update the existing restaurant. The applicant has submitted petitions for amendments to the approved Special Uses for a Planned Unit Development and Drive-Through Facility and approved PUD Preliminary Plan. The details of the proposal are as follows:

- New Drive-Through Facility with dual-order stations.
 - o 15 drive-through stacking spaces.
 - o Removal of 8 off-street parking spaces to make room for dual order-stations.
- Revised and updated architectural features for the entire exterior of the existing building.
- Deviation requests through the amended PUD (detailed in staff analysis).
- Approval of a new PUD ordinance specific to the McDonald's lot.

IV. STAFF ANALYSIS

Staff performed an analysis of the proposed amendment to the PUD and amended PUD Preliminary Plans for conformance with all relevant standards of the City' Ordinances. The following is a detailed description of Staff's analysis:

A. PLANNED UNIT DEVELOPMENT

Since the original Dunham Club/Rt.64 PUD was approved in 1991 there have been several revisions and amendments to that ordinance. In 2010, when the Wal-Mart store was expanded, all of the property owned by Wal-Mart was removed from the Dunham Club/Rt. 64 PUD. Therefore, the only property still under the provisions of the original Dunham Club/Rt. 64 PUD is the McDonald's site.

In 2006, the City Council approved an entirely new Zoning Ordinance which has rendered the majority of the Dunham Club/Rt. 64 PUD provisions obsolete.

As part of this amendment request, staff and the applicant are proposing to replace the Dunham Club/Rt.64 PUD with a new PUD since the majority of the existing PUD standards do not coincide with the underlying BR-Regional Business Zoning District. The new PUD ordinance will contain provisions specific to this site and will be more in line with the City's current zoning standards. The PUD Preliminary Plan will also be incorporated in the new PUD ordinance.

B. BULK AND SETBACK STANDARDS

The majority of the site will not be modified as part of this proposal with the exception of the new dual ordering-stations. Staff has reviewed the submitted plans to ensure conformance with the applicable regulations per **Table 17.14-2 Business and Mixed Use Districts Bulk Regulations.** The following table summarizes this review:

| Category | Zoning Ordinance Standard | Proposed |
|---------------------|---|---|
| Parking Stall Size | 9' wide by 18' long (2' overhang allowed where parking stalls abut green space) | 9' wide by 19' angled parking stalls. |
| Drive-Aisle Width | 24' or 14' One Way | Minimum 15.8' (one way proposed around entire site) |
| Parking Requirement | 10 Spaces per 1,000 SQ FT of GFA - (47 required) | 47 |

C. DRIVE-THROUGH FACILITY

Staff has reviewed the proposed Drive-Through Facility for conformance with the standards of **Section 17.24.100 Drive-Through Facilities**. The following table details that review:

| Category | Zoning Ordinance Standard | Proposed |
|-----------------------------|-------------------------------|-----------------------------|
| Required Stacking Spaces | 15 | 15 |
| Required Parking Stall Size | 9' X 20' | 9' X 20' |
| Screened from Public Street | Must not be along or screened | Drive-Through is located |
| Screened from Fublic Street | from public street | away from the public street |

D. LANDSCAPE PLAN

Staff reviewed the submitted landscape plan for conformance with the relevant standards of **Chapter 17.26 Landscaping and Screening**. The majority of the existing landscaping will remain and will conform to the approved PUD Preliminary Landscape Plans. The applicant will be adding additional landscaping to the east of the building around the new dual order-stations.

E. BUILDING ARCHITECTURE

The applicants are proposing to modify the existing exterior of the building. The proposal includes adding new cultured stone wall sections, painting the building a new color scheme, and adding new overhangs and fenestration details. The existing mansard roofs will be removed.

Staff has reviewed the submitted building elevations for conformance with the standards established in **Section 17.06.030 Standards and Guidelines – BL, BC, BR, & O/R Districts** and existing PUD Preliminary Plan. The elevations conform to these standards with the exception of the amount of EIFS. **Section 17.06.030.E.2 Prohibited Materials** states that EIFS panels cannot comprise more than 10% of any façade. The amount of existing EIFS exceeds this limit. However, the applicant is not replacing any of the existing EIFS or adding and new EIFS area. Therefore, the elevations still meet the standards established by the approved PUD Preliminary Plan.

F. SIGNAGE

Staff reviewed the proposed signage detailed on the architectural elevations for conformance with the relevant standards of **Table 17.28-2 Permitted Signs for Business and Mixed Use Districts**. The following table details that review (deviation requests are highlighted in *bold italics*:

| Wall Signage Area | Zoning Ordinance Standard | Proposed |
|---|---------------------------|-----------|
| Front Elevation/West | 57 SQ FT | 47 SQ FT |
| Non-Drive Through Elevation/South | 200 SQ FT | 195 SQ FT |
| Drive-Through Elevation/North | 200 SQ FT | 33 SQ FT |
| Rear Elevation/East | 57 SQ FT | 14 SQ FT |
| Number of Wall Signs | | |
| Front Elevation/West | 1 | 2 |
| Non-Drive Through Elevation/South | 1 | 1 |
| Drive-Through Elevation/North | 1 | 1 |
| Rear Elevation/East | 1 | 1 |
| Number of Identification Signs | 1 | 2 |
| Pre-Sell Drive- Through Additional Sign | N/A | 7.8 SQ FT |
| Pre-Sell Drive- Through Additional Sign | 10' | 6.75' |

Proposed Deviations

Per **Table 17.28-2 Permitted Signs for Business and Mixed Use Districts** one wall sign is permitted for each street frontage of a zoning lot. This property is considered to have 4 street frontages and 4 wall signs are permitted. There are 5 wall signs shown on the proposed elevations. The applicant has requested a deviation to permit the 5 walls signs.

Per **Table 17.28-2 Permitted Signs for Business and Mixed Use Districts** 1 freestanding business identification sign is permitted per lot. There is an existing business identification sign co-located with the Wal-Mart sign at the intersection of Smith Road and Rt. 64 which will remain. The applicant is proposing a pre-sell sign in front of the drive-through order-stations. Per the Zoning Ordinance this sign is considered a second business identification sign. Therefore, the applicant is requesting a deviation for the second sign. The PUD ordinance will limit the location and size of this sign.

IV. RECOMMENDATION

Conduct the public hearing and close if all the testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation.

Staff recommends approval of the applications contingent upon resolution of any outstanding staff comments, and has provided draft findings of fact to support that recommendation.

V. ATTACHMENTS

- Application for a Special Use; received 4/4/2013
- Application for PUD Preliminary Plan; received 4/4/2013
- PUD Preliminary Plans; Watermark Engineering; dated 4/29/2013
- Building Plans and Architectural Elevations; McDonald's USA, LLC.; dated 3/22/2013
- Ordinance No. 1996-M-71

SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT AT 3900 E. MAIN STREET (MCDONALD'S)

From the St. Charles Zoning Ordinance, Section 17.04.410.D.3:

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

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

This property is locating in the existing Dunham Club/Rt.64 PUD. The proposed amendment does not alter the purpose of the PUD as approved in 1991, but will align the provisions of the PUD with the current underlying zoning requirements.

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

This property is located in the existing Dunham Club/Rt.64 PUD. The revised PUD Preliminary Plan illustrates that the new dual order-station Drive-Through Facility meets the standards for Drive-Through Facilities as stated in **Section 17.24.100 Drive-Through Facilities** of the Zoning Ordinance. The applicant has requested the following new deviations to the existing PUD to **Table 17.28-2 Permitted Signs for Business and Mixed Use Districts:**

- 1. To permit 5 wall signs instead of the 4 permitted.
- 2. To permit 2 business identification signs instead of the 1 permitted.
- a) Conforming to the requirements would inhibit creative design that serves community goals, or
- b) Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.
- iii. The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330.C.2).
 - a. Public Convenience: The Special Use will serve the public convenience at the proposed location.

This amendment does not alter the intent or scope of the approved PUD. The business will continue to exist where it is currently located. The proposed dual order-stations will improve the ability of the restaurant to serve customers in a more timely fashion.

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

The use is already constructed. The utilities and infrastructure already exist on and around the site and will not be altered by these modifications.

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

The proposed amendment will permit the construction of dual order-stations and upgrades to the facades of the existing restaurant. These modifications will improve the function of the Drive-Through Facility and enhance the architectural aesthetics of the site.

d. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The surrounding properties are already developed.

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 business already exists on this property. Since this use is already established there will not be any new impacts created by this PUD amendment.

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

The development will conform to all applicable regulations with the exception of the deviations requested as part of the proposed PUD.

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

The modern facades will enhance the aesthetic character of the development and serve as a model for the redevelopment of similar lots in this area. Encouraging the reinvestment of existing businesses promotes retention of businesses and the economic well-being of the City.

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

The Comprehensive Plan land use designation for this property is Retail and Service and is defined as "*Includes most business uses such as stores, restaurants, consumer and business services and professional office. The maximum Floor Area Ratio is 0.35.*" The proposed use is a restaurant that meets the definition of Retail and Service.

FINDING OF FACT FOR SPECIAL USE FOR A DRIVE-THROUGH FACILITY AT 3900 E. MAIN SREET (MCDONALD')

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

The proposed amendment to the Special Use will permit the construction of a dual orderstation for an existing Drive-Through Facility. This Special Use currently exists on this property and the proposed modifications will permit the restaurant to serve patrons in a more timely manner.

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

The utilities and infrastructure already exist on or are immediately adjacent to the site. The traffic patterns and access points to the site will not be altered by the proposed amendment.

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

The proposed amendment to the Special Use for a Drive-Through Facility will permit the construction of a dual order-station to serve customers of the existing restaurant. These modifications will improve the function of the Drive-Through Facility, reduce wait times, and facilitate better traffic circulation on the site.

d. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The surrounding properties are already developed.

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 property is already in use by this specific business. Since this use is already established, and the dual order-station will facilitate improved traffic circulation, there will not be any new impacts created by this amendment to the Special Use for a Drive-Through Facility.

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

The Special Use for a Drive-Through Facility will conform to all applicable regulations of the Zoning Ordinance. In particular, Drive-Through Facilities are required to provide 15 stacking-spaces and 15 stacking-spaces are provided. Despite the reduction of 8 off-street parking stalls there will be 47 off-street parking spaces provided onsite as required by the Zoning Ordinance.

City of St. Charles, Illinois

Ordinance No. 1996-M-71

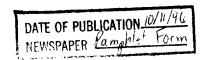
An Ordinance Granting a Special Use for a Drive-In Establishment in the Dunham Club/Route 64 PUD (McDonald's)

Adopted by the
City Council
of the
City of St. Charles
this 7th day of October, 1996

Published in pamphlet form by authority of the City Council of the city of St. Charles, Kane and Du Page Counties, Illinois, this 11th day of October, 1996

City Clerk

(SEAL)



ORDINANCE NO. ___1996**-**M-71

| RE | FER TO: |
|---------|---------|
| MINUTES | 10/7/96 |
| PAGE | |

AN ORDINANCE GRANTING A SPECIAL USE FOR A DRIVE-IN ESTABLISHMENT IN THE DUNHAM CLUB/ROUTE 64 PUD (McDonald's)

WHEREAS, a petition for a Special Use for a "drive-in establishment" within the R-2A District for the real estate described as follows:

Lot 2 in Wal-Mart Subdivision, part of the Northwest Quarter of Section 30, Township 40 North, Range 9 East of the Third Principal Meridian, Lots 1, 2 and 3 and part of Lot 13 of Petrauskas's Subdivision, in DuPage County, Illinois

(hereinafter sometimes referred to as the "Subject Realty") has been filed by Wal-Mart Stores, Inc., applicant and owner of record of the Subject Realty (hereinafter, "OWNER"); and

WHEREAS, a Special Use as a Planned Unit Development was granted for the Subject Realty and for other real estate by Ordinance No. 1991-Z-13 entitled "AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR THE DUNHAM CLUB/ROUTE 64 PUD", as amended by Ordinance 1992-Z-2 and Ordinance 1993-Z-7 (hereinafter, the "Ordinance") and said Ordinance provided for Special Uses including "drive-in establishments"; and

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

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

WHEREAS, the City Council of the City of St. Charles hereby makes the following findings of fact:

1. 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.

| Ordinance No. | 1996 - M-71 |
|---------------|--------------------|
| Page 2 | |

Adequate stacking is provided for the drive-through per the zoning requirements. The stacking lane does not block any access or parking spaces. Pavement markings will be provided to guide traffic in and out of the drive-through.

2. That the special use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood.

The special use will not infringe on adjacent properties. The stacking for the drive-through will be contained entirely on the site. There is a drive-through bank directly to the west of the subject site and has not been detrimental to surrounding properties. A five foot high fence will be installed along the east property line to provide screening for the adjacent residence. The site meets the guidelines set out in the East Gateway Design Standards.

3. 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.

Much of the surrounding area is already developed. Areas to the north, west and south are zoned for commercial uses including drive-through facilities.

4. That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.

Adequate utilities and drainage facilities will be provided per city ordinance requirements. The existing full access to Smith Road serving the Wal-Mart site, which is located northerly of the McDonald's site, will provide adequate ingress and egress in all directions for the proposed Special Use, and will avoid congestion and related hazards in the public streets by providing for left turns for southbound traffic at a location where appropriate provisions have been made for all turning movements.

5. That adequate measures have been, or will be, taken to provide ingress and egress so designed as to minimize traffic congestion in public streets.

The owner has agreed to eliminate the right-out only vehicular egress at Smith Road, which will prevent vehicles exiting the site from attempting an improper left turn via the right-out egress. The elimination of this right-out vehicular egress represents a significant change from the plan reviewed by the Plan Commission. It justifies changes to the Plan Commission's

Ordinance No. 1996-M-71
Page 3

findings per its Resolution No. 20-96. Elimination of this egress will rectify the concerns over hazardous traffic movements anticipated in the Plan Commission's findings.

6. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Council pursuant to the recommendations of the Plan Commission.

The special use will meet all applicable regulations of the underlying zoning requirements as provided in the Special Use as a Planned Unit Development that exists on this property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

SECTION 1. That a Special Use for a "drive-in establishment" be and is hereby granted for the Subject Realty, subject to the additional requirements and restrictions provided herein.

SECTION 2. That the Special Use for a drive-in establishment within the Subject Realty may be developed and used only in accordance with all ordinances of the City as now in effect or hereafter amended, and in conformance with Exhibit "A" attached hereto and made a part hereof, and with the following:

That the OWNER shall construct and pay for all improvements necessary to eliminate the right-out-only egress lane onto Smith Road, as shown in Sheet C-5 of Exhibit "A" attached hereto, and as determined by the City Engineer in accordance with the St. Charles Municipal Code. All such improvements shall be completed no later than April 1, 1997. Prior to issuance of a building permit, OWNER shall provide CITY with a cash escrow or an undertaking and letter of credit in form, amount and provider acceptable to the City Council, to guarantee

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completion of all such improvements within the Smith Road right of way. If the improvements to eliminate the right-out-only egress lane are not completed by April 1, 1997, the City may draw on the cash escrow or Letter of Credit to complete them. The letter of credit shall not expire earlier than October 1, 1997.

SECTION 3. That the Preliminary Plan, a reduced copy of which is attached hereto as Exhibit "A" consisting of sheets C-5, C-1, C-2, CE-1, L-1, Lighting, A1, and A3 prepared by McDonald's Corporation, and sign elevation received September 18, 1996 entitled "Concept 1" is hereby approved, with the condition that the access to Smith Road shall be configured as shown in Sheet C-5.

SECTION 4. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties,

Illinois, this 7th day of October , 1996.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 7th_day of_October_____, 1996.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, this 7th day of October , 1996.

MAYOR

ATTEST:

| Ordinance No | 1996 -M- 71 |
|--------------|--------------------|
| Page 5 | |

COUNCIL VOTE:

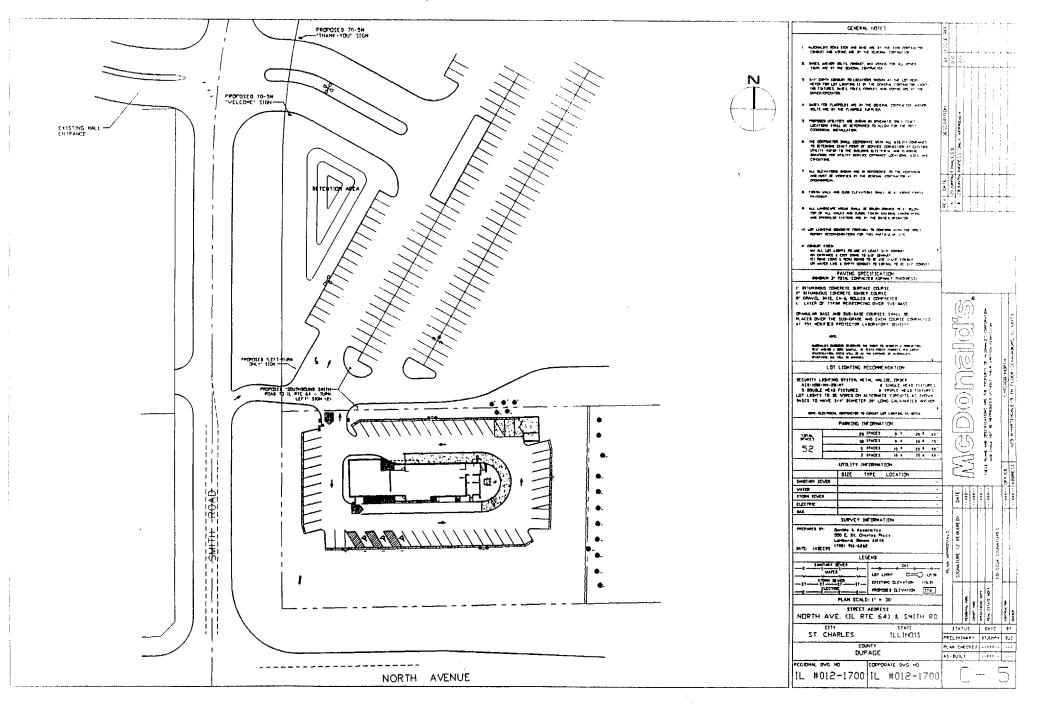
Ayes: ___13_

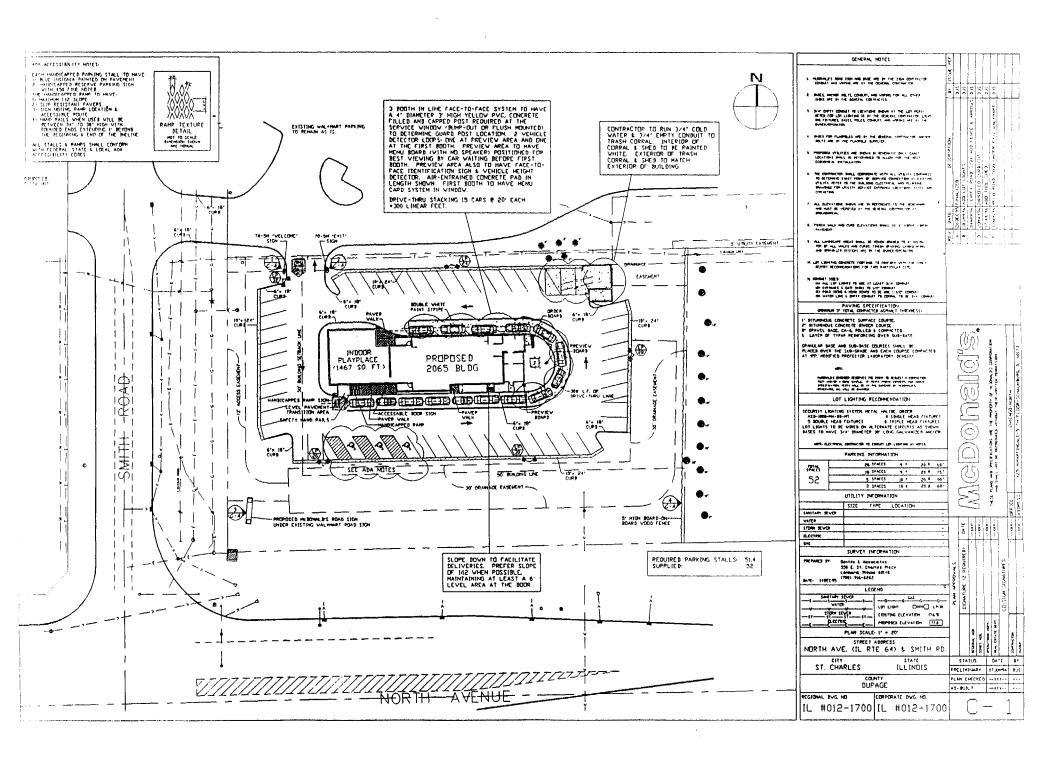
Nays: 0 Absent: 0

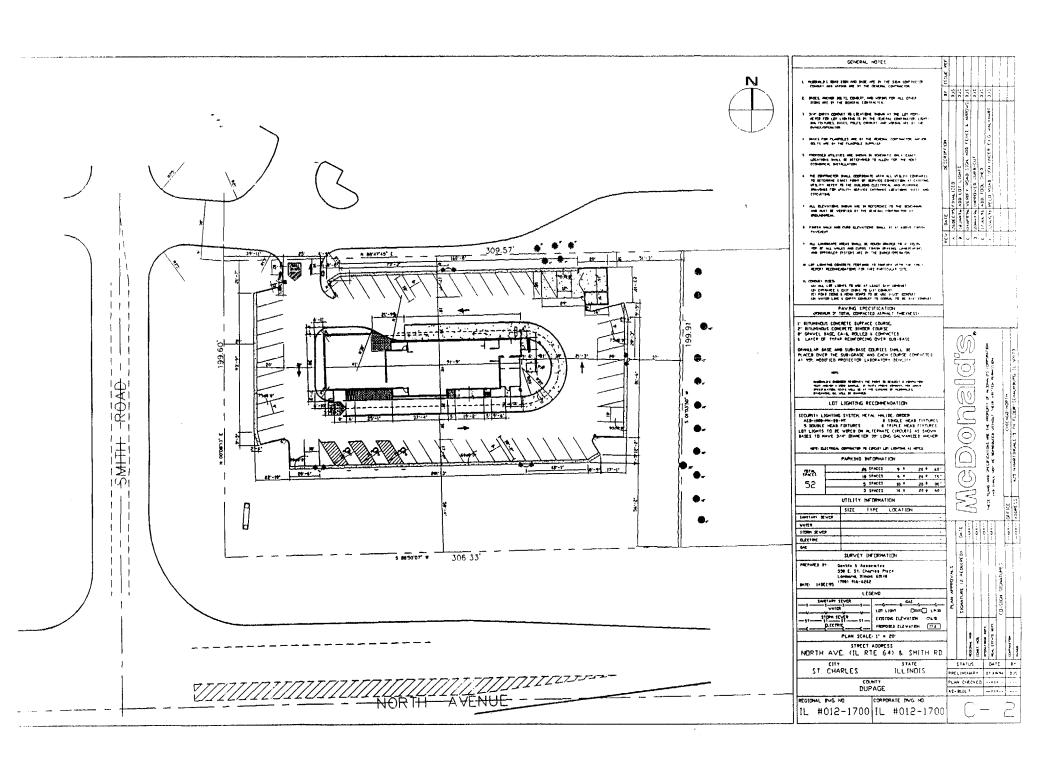
Approved as to form:

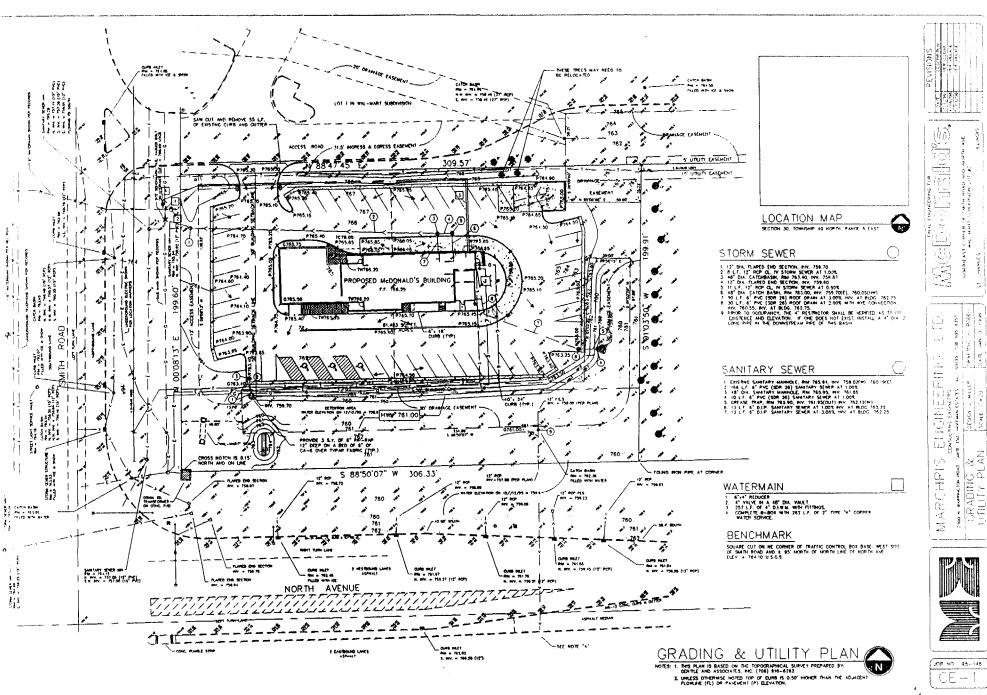
City Attorney

EXHIBIT A







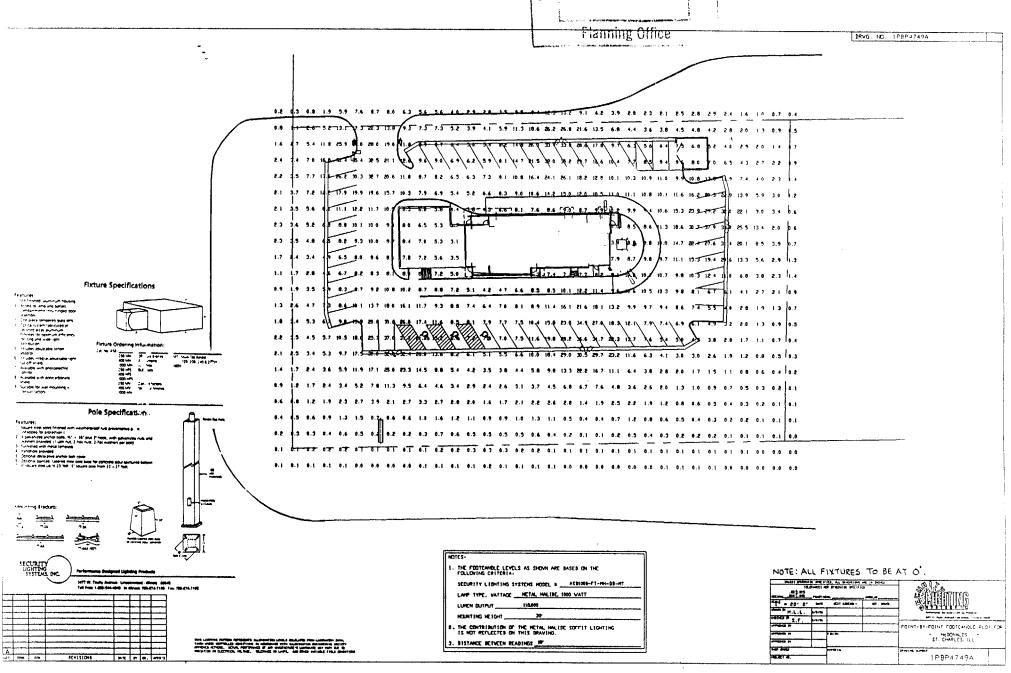


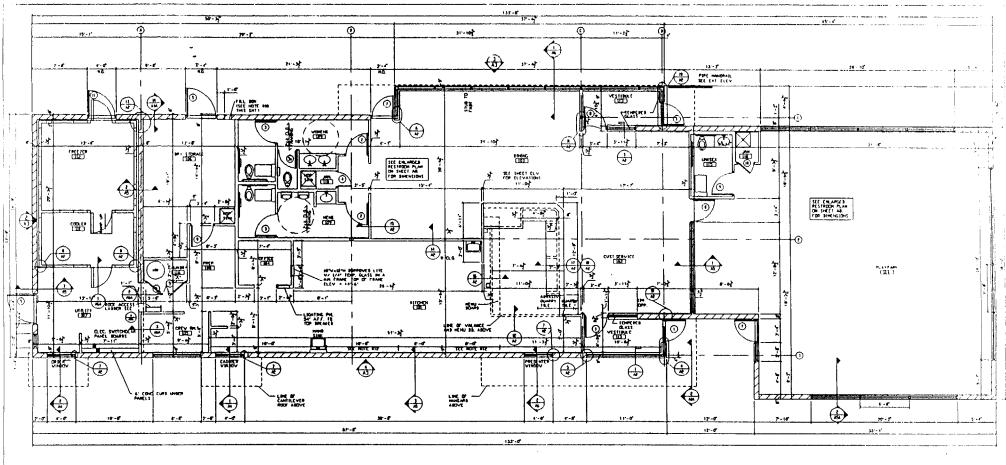
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JOB NO. 95-146

AUG 2 7 1996
Flanning Office





GENERAL NOTES:

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- VISCO CABINET & LOCKERS SUPPLIES BY OPERATOR INSTRUCED BY GC.
- MANAGER'S SEFICE PACKAGE SUPPLIES BY SPERATOR INSTALLED BY GZ.
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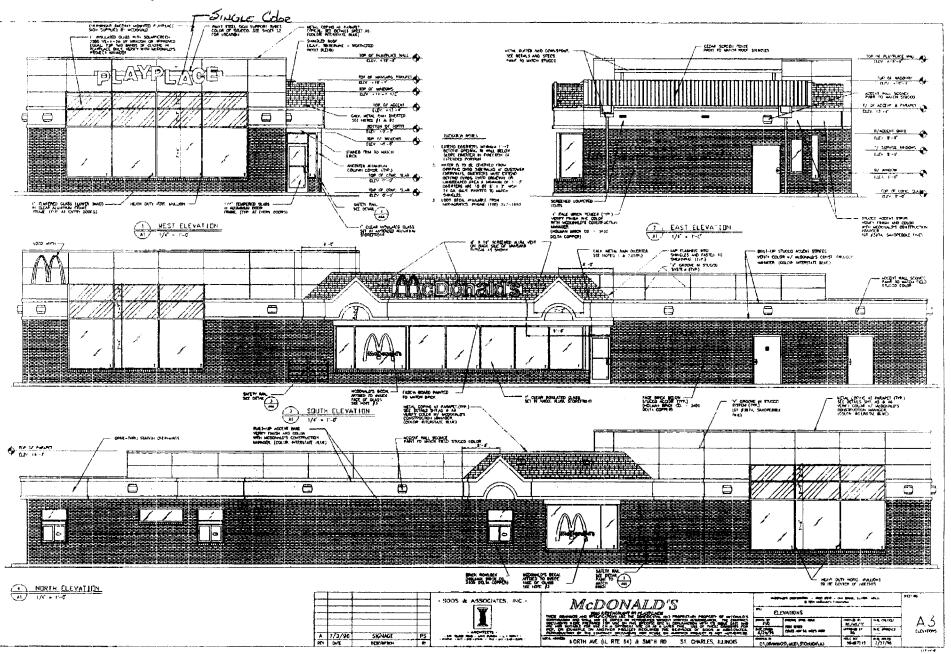
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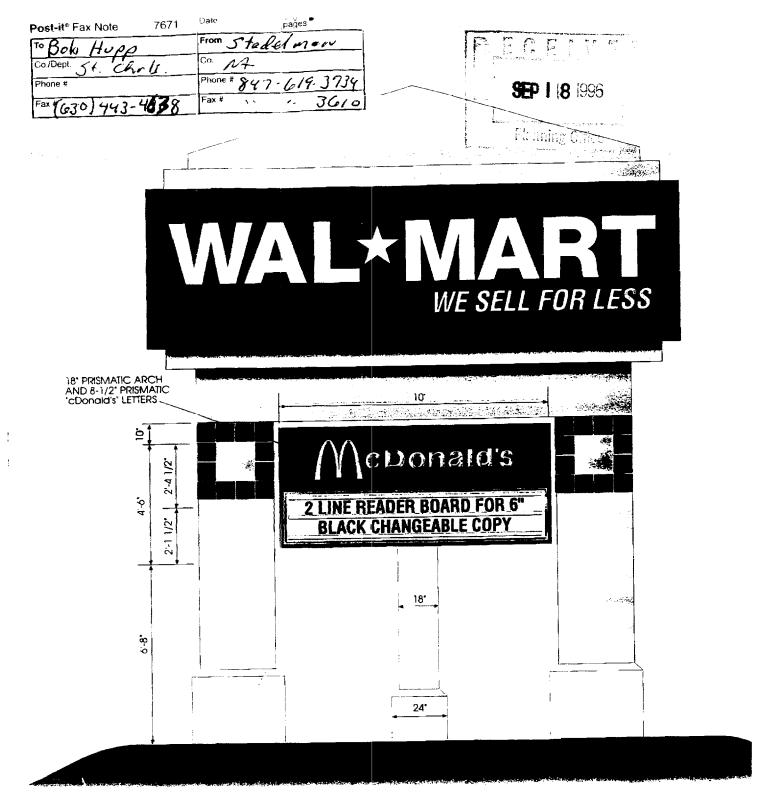
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* Note: "Phypluse's ign to match accent trand single cubor





Scale: 3/8'=1'-0"

CONCEPT 1

D/F McDonald's I.D. sign with single pole structure to be installed between existing pillars of Walmart sign; Pan formed faces; Fluor. illum.; Cabinet and pole ptd. McD's dk. brown; Pole cladding to match columns on Wal-mart sign.

| State of Illinois |) | |
|-----------------------------|---|-----|
| |) | ss. |
| Counties of Kane and DuPage |) | |

Certificate

I, KRISTIE A. DARULA, certify that I am the duly elected and acting municipal clerk of the city of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on October 7, 1996, the Corporate Authorities of such municipality passed and approved Ordinance No. 1996-M-71, entitled

"An Ordinance Granting a Special Use for a Drive-In Establishment in the Dunham Club/Route 64 PUD (McDonald's)",

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

The pamphlet form of Ordinance No. 1996-M-71, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on October 11, 1996, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this _____ day of October, 1996.

Mustic Laruk Municipal Clerk

(S E A L)