

AGENDA
CITY OF ST. CHARLES
PLANNING & DEVELOPMENT COMMITTEE
ALD. DAN STELLATO – CHAIRMAN
MONDAY, NOVEMBER 11, 2013 - 7:00 PM
CITY COUNCIL CHAMBERS
2 E. MAIN STREET

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. COMMUNITY DEVELOPMENT**
 - a. Recommendation to Approve a Petition for Annexation (Imming Property, Greenwood Lane).
 - b. Recommend approval of a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding permitted uses in the Downtown Overlay District.
 - c. Recommendation to Approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) Regarding Parking Lot Setbacks and Landscape Requirements for Existing Parking Lots and Public Street Frontage Landscaping Requirements.
 - d. Recommendation to approve an amendment to the 2012 Property Maintenance Code.
 - e. Recommendation to approve a Facade Improvement Grant Agreement for 213 S. 3rd St. (David Saelens, Saelens Insurance).
 - f. Update on the Lexington Club Project-Information Only.
 - g. Presentation by SMN Development regarding First Street Redevelopment PUD Building 9 (One West Main building).
- 4. ADDITIONAL BUSINESS**
- 5. EXECUTIVE SESSION**
 - Personnel
 - Pending Litigation
 - Probable or Imminent Litigation
 - Property Acquisition
 - Collective Bargaining
- 6. ADJOURNMENT**



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a Petition for Annexation (Imming Property, Greenwood Lane)
Presenter:	Matthew O'Rourke, Planner

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development – (11/11/13)		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

The applicant, Havlicek Builders, Inc., has submitted a Petition for Annexation on the behalf of the Imming family, who are under contract to the purchase this property. The details of the proposal are as follows:

- Annex the property into the City of St. Charles corporate limits.
- The property will be automatically zoned **RE-1 Single-Family Estate** upon annexation.
- Extend City of St. Charles utilities to the property and construct one single-family home on the lot.

Attachments: *(please list)*

Petition for Annexation; received 10/2/2013; Plat of Annexation; ASM Consultants, Inc.; dated 9/18/2013

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve a Petition of Annexation.

<i>For office use only:</i>	<i>Agenda Item Number: 3a</i>
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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

PETITION FOR ANNEXATION APPLICATION

Received Date
RECEIVED
St. Charles, IL

OCT 02 2013

CDD
Planning Division

CITYVIEW
Project Name: Imming Property - Red Gate lot
Project Number: 2013 -PR- 014
Application Number: 2013 -AP- 023

Instructions:

To request annexation of property, complete this application and submit it with all required attachments to the Planning Division.

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): <u>09-16-400-055 + 09-21-201-028</u>	
	Street Address (or common location if no address is assigned): <u>Red Gate Lot, St Charles, IL</u>	
2. Applicant Information:	Name <u>Havlicek Builders, Inc.</u>	Phone <u>430-232-4000</u>
	Address <u>321 Stevens Street, Suite A</u> <u>Meneva, IL 60134</u>	Fax <u>430-232-8558</u>
		Email <u>Kerry@HavlicekBuilders.com</u>
3. Record Owner Information:	Name <u>Jeffrey Q + Anne C. Imming</u>	Phone <u>847-922-3620</u>
	Address <u>211 Campbell Court</u> <u>Meneva, IL 60134</u>	Fax <u>430-715-7314</u>
		Email <u>Jeff@Car-mon.com</u> <u>Anne@Car-mon.com</u>
4. Billing: <i>To whom should costs for this application be billed?</i>	Name <u>Havlicek Builders, Inc.</u>	Phone <u>430-232-4000</u>
	Address <u>321 Stevens Street, Suite A</u> <u>Meneva, IL 60134</u>	Fax <u>430-232-8558</u>
		Email <u>Kerry@HavlicekBuilders.com</u>

Application Checklist

- ❑ **APPLICATION:** Completed application form signed by the applicant
- ❑ **APPLICATION FEE:** Refer to attached Schedule of Application Fees
- ❑ **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City.
- ❑ **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 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.

- ❑ **ANNEXATION PETITION (Complete either Form #1 for Electors, or Form #2 for No Electors).**

Petition to include the following information:

 - Addressed to: Mayor and Members of the City Council, City of St. Charles, 2 E. Main Street, St. Charles, Illinois 60174
 - A common address of the property and tax parcel number are included in the petition
 - Signatures of all of the owners of record of the territory to be annexed and also by the majority of electors, if any, residing in the territory. Petition shall be signed under oath.
- ❑ **ONE MYLAR PRINT OF THE PLAT OF ANNEXATION.** The Plat shall contain the following information:
 - Survey of property to be annexed
 - Legal description of property to be annexed
 - Present corporate limits
 - Number of acres to be annexed
 - Name and address of person who prepared plat
 - Indicate that the new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed.
 - Certificate for signature by Mayor and the City Clerk as follows:

This is to certify that this Accurate Map of Territory Annexed is identified as that incorporated into and made a part of the City of St. Charles Ordinance No. _____ adopted by the City Council of said City on the _____ day of _____, 20_____.

By: _____ Attest: _____
Mayor City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

BEFORE THE MAYOR AND CITY COUNCIL
OF THE CITY OF ST. CHARLES, ILLINOIS

PETITION FOR ANNEXATION

The undersigned Petitioners hereby respectfully petition to annex to the City of St. Charles, Kane and DuPage Counties, Illinois, the territory described as follows:

See Exhibit "A" attached hereto and made a part hereof

Commonly know as: Red Gate Lot, St Charles, IL

Parcel Number(s): 09-16-400-055 & 09-21-201-028

And under oath state (s) as follows:

1. Your undersigned Petitioner (s) is (are) the sole owner (s) of record of the territory hereinbefore described, and *have) (has) also executed this Petition as such owner.
2. The territory hereinbefore described is not within the corporate limits of any municipality.
3. The territory hereinbefore described is contiguous to the City of St. Charles, Kane and DuPage Counties, Illinois.
4. There are no electors residing within the territory hereinbefore described.

WHEREFORE, Petitioner(s) respectfully request(s) that the corporate authorities of the City of St. Charles, Kane and DuPage Counties, Illinois, annex the territory hereinbefore described to said City in accordance with the provisions of the Petition and in accordance with law.

The undersigned petitioner(s) and elector(s), being first duly sworn on oath, state(s) that the statements set forth in the petition for annexation above are true and correct.

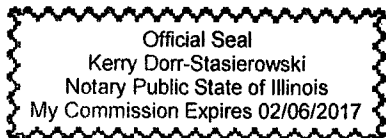
Dated this 2nd day of October, 2013.

OWNER(S)

[Handwritten Signature]

Subscribed and sworn to
Before me this 10th
Day of October, 2013

[Handwritten Signature: Kerry Dorr-Stasierowski]
Notary Public



October 8, 2013

City of St. Charles
2 E. Main Street
St. Charles, Illinois 60174
Attn: Mr. Matthew O'Rourke, AICP

Re: Annexation of residential lots in the Red gate Subdivision
PIN #'s 09-16-400-055 and 9-21-201-028

Dear Mr. O'Rourke

I, Mr. Gerard R. Dempsey, am the owner of the above-referenced property.

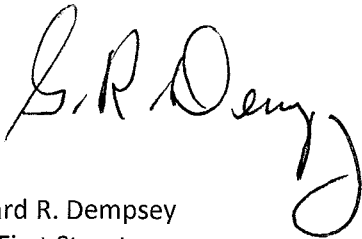
Jeffrey Q. and Anne C. Imming are the contract purchasers of the property and the sale is contingent upon annexation into the corporate limits of the City of St. Charles.

Havlicek builders will be constructing a custom home on the property in question for the Imming's so they have my permission, as owner, to present the Petition of Annexation Application on my behalf.

I have also attached a copy of the deed for the property proving ownership.

Please feel free to contact me with any questions on this matter.

Respectfully,

A handwritten signature in black ink that reads "G. R. Dempsey". The signature is written in a cursive style with a large, looped "D" at the end.

Gerard R. Dempsey
140 First Street
Batavia, Illinois 60510
630-879-3680

CC: Mr. George Havlicek

Community Development
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES
 SINCE 1834

STAFF REPORT

TO: Chairman Daniel P. Stellato
 And the Members of the Planning & Development Committee

FROM: Matthew O'Rourke, AICP
 Planner

RE: Imming Annexation

DATE: November 1, 2013

I. APPLICATION INFORMATION:

Project Name: Imming Annexation

Applicant: Havlicek Builders, Inc.

Purpose: To annex the property into the city of St. Charles for the purpose of constructing one single-family home.

General Information:		
Site Information		
Location	West of Greenwood Lane.	
Acres	2.011	
Applications:	1) Petition for Annexation	
Applicable Zoning Code Sections	Chapter 17.02 – Title, Purpose and Interpretation	
	Chapter 17.12 - Residential Districts	
Existing Conditions		
Land Use	Vacant/Undeveloped Property	
Zoning	E-3 Estate Family Residential District (Kane County)	
Zoning Summary		
North	RE-1 Single-Family Estate (PUD)	Red Gate Unit #2
East	RE-1 Single-Family Estate (PUD)	Red Gate Units # 2 & 8
South	E-3 Estate Family (Kane County)	Crane Road Estates
West	E-3 Estate Family (Kane County)	Single-Family Homes
Comprehensive Plan Designation		
Rural Single-Family Residential		

II. OVERVIEW

A. PROPOSAL

The applicant has submitted a Petition for Annexation on the behalf of the Imming family, who are under contract to the purchase this property. The details of the proposal are as follows:

- Annex the property into the City of St. Charles corporate limits.
- The property will be automatically zoned **RE-1 Single-Family Estate** upon annexation.
- Extend City of St. Charles utilities to the property and construct one single-family home on the lot.

III. ANALYSIS

A. COMPREHENSIVE PLAN

Future Land Use Map

The Comprehensive Plan recommends Rural Residential for this property.

Rural Residential is described in the Comprehensive Plan as follows:

“The Rural Residential land use designation is intended to accommodate large-lot single-family development on the outer limits of the City. Rural Residential areas are characterized by large lots that may have developed as part of a formal subdivision or independently in unincorporated Kane County prior to annexation. These areas are typically located on the periphery of the City, removed from the busier commercial areas, providing a unique opportunity to live in a rural setting near a vibrant city.”

Proposal

Per **Section 17.02.030.B Zoning of Annexed Land** of the Zoning Ordinance, “*Unless requested otherwise, land being annexed shall automatically be zoned RE-1 Single Family Estate District upon annexation.*” The applicant has not filed a map amendment application to change the zoning district from RE-1.

The proposal does comply with the land use recommendations of the Comprehensive Plan based on the following:

1. The proposed lot will remain in the RE-1 Single-Family Estate Zoning District which is the least dense residential district in the City of St. Charles’ Zoning Ordinance.
2. This property is surrounded by residential lots that are of a similar size and comparable density.

B. ZONING REVIEW

Staff has reviewed the proposed Petition for Annexation for conformance with the Standards of the **RE-1 Single-Family Estate District** established in **Table 17.12-2 Residential Bulk Requirements** of the Zoning Ordinance. The following table summarizes Staff’s review:

	Minimum Zoning Code Standards for the RE-1 Zoning District	Proposal
Minimum Lot Area	1.25 Acres	2.011 Acres
Minimum Lot Width	250 ft	The lot is 250.72’ wide
Minimum Front Yard	40 ft	Per Zoning Standard
Minimum Rear Yard	50 ft	Per Zoning Standard
Minimum Interior Side Yard	20 ft per side	Per Zoning Standard
Minimum Exterior Side Yard	N/A	Per Zoning Standard

C. SITE ACCESS & UTILITIES

The property will be accessed off of an existing private drive that serves the unincorporated residential property to the west.

In order to receive a building permit the home owners are required to serve the property with City of St. Charles utilities. The necessary utilities are accessible to this property from Greenwood Lane. The property owner will be responsible for the cost of extending the utilities.

IV. RECOMMENDATION

Staff recommends approval of the Petition for Annexation.

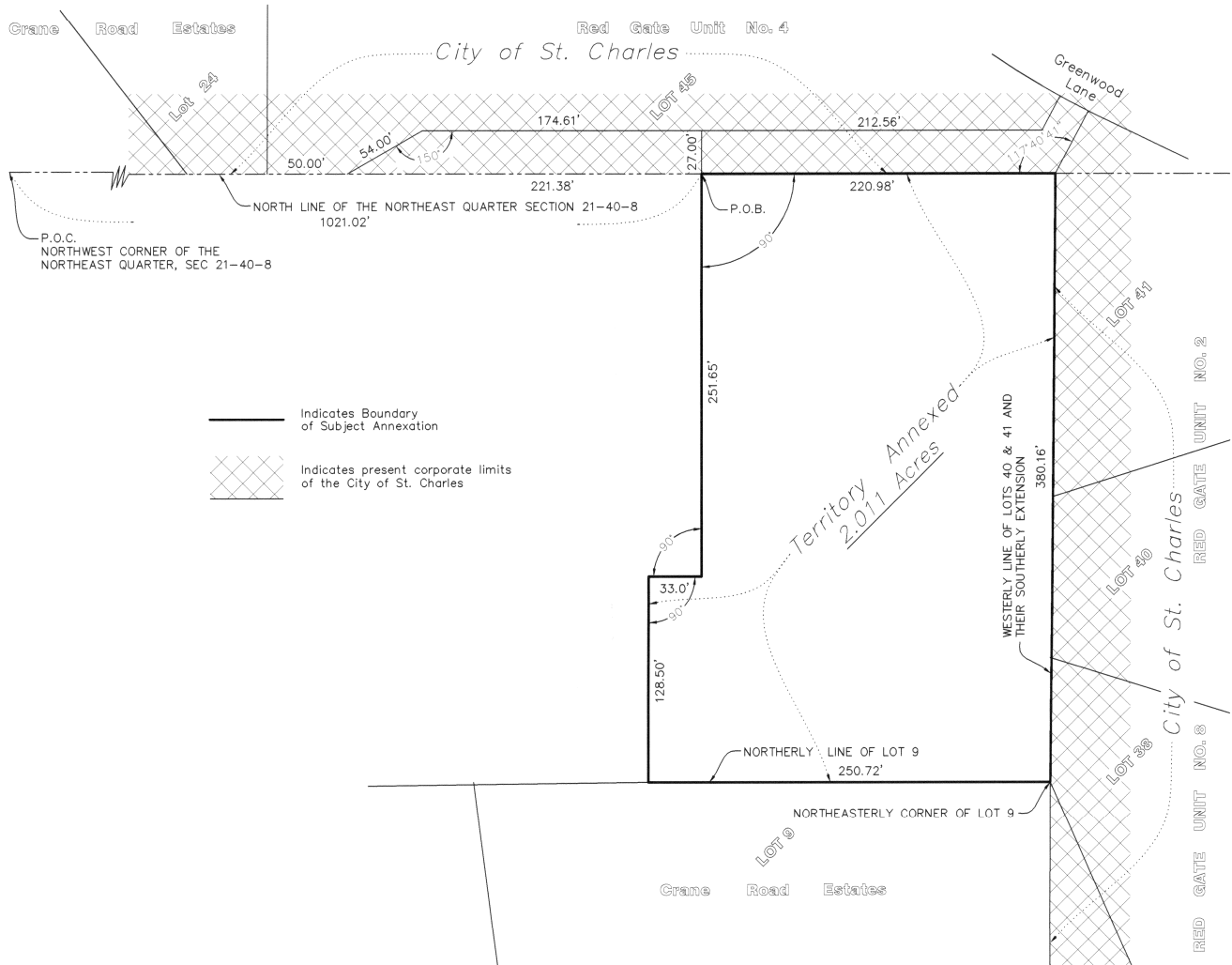
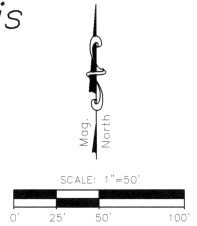
V. ATTACHMENTS

- Petition for Annexation; received 10/2/2013
- Plat of Annexation; ASM Consultants, Inc.; dated 9/18/2013

Cc: Russell Colby, Planning Division Manager

Accurate Map of Territory Annexed to the
 City of St. Charles Kane County Illinois

RECEIVED
 St. Charles, IL
 OCT 03 2013
 CDD
 Planning Division



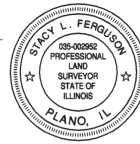
State of Illinois)
 County of Kane) ss This is to certify that this Accurate Map of Territory Annexed
 is identified as that incorporated into and made a part of the
 City of St. Charles Ordinance No. _____ adopted
 by the City Council of said City on the _____ day of _____, 20____

By: _____ Attest: _____
 Mayor City Clerk

State of Illinois)
 County of Kendall) ss This is to certify that the plat hereon drawn is a correct
 representation of that part of the Northeast Quarter of Section
 21, Township 40 North, Range 8 East of the Third Principal
 Meridian described as follows: Commencing at the northwest corner of said Northeast
 Quarter; thence easterly along the north line of said Northeast Quarter 1021.03 feet to
 the point of beginning; thence southerly at right angles to said north line 251.65 feet;
 thence westerly parallel with said north line 33.0 feet; thence southerly at right angles
 to the last described course 128.50 feet to the northerly line Lot 9, Crane Road
 Estates, St. Charles Township, Kane County, Illinois; thence easterly along the northerly
 line of said Lot 9, 250.72 feet to the northeasterly corner of said Lot 9, being also on
 the westerly line extended southerly of Lots 40 and 41, Unit No. 2, Red Gate, St.
 Charles, Kane County, Illinois; thence northerly along said westerly line extended and
 said westerly line 380.16 feet to said north line; thence westerly along said north line
 220.98 feet to the point of beginning, in St. Charles Township, Kane County, Illinois.

PIN# 09-21-201-028
 Dated at Plano, Illinois on this 18th day of September, A.D., 2013.

Stacy L. Ferguson
 Illinois Professional Land Surveyor No. 2952
 License Expires 11/30/2014



RETURN TO:

ASM Project No. 747001AP

PREPARED BY:

ASM Consultants, Inc.
 PO Box 7, Plano, IL 60545
 Tel (630) 273-2500 Fax (630) 273-2600
 advanced@advct.com
 Professional Design Firm #184-006014
 expires 4/30/2015





AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommend approval of a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding permitted uses in the Downtown Overlay District
Staff:	Russell Colby

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (11/11/13)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

Background:

The Downtown Overlay District was adopted in 2006 to limit the type of businesses that can occupy a first floor/street level space to businesses that are expected to generate pedestrian activity. The ordinance provides a staff-level exemption process based on specific findings by the Community Development Director.

In August, staff presented options to the Committee to modify the requirements of the Downtown Overlay District in response to long term storefront vacancies and frequent inquiries regarding permitting professional office uses. The Committee supported implementing changes to allow for limited office uses that are expected to generate pedestrian traffic. The Committee supporting allowing for this change during an initial two-year period.

Proposal:

Staff has filed General Amendment application to modify the Downtown Overlay District. The following changes are proposed:

1. Create a staff level certification process to review and permit specific offices uses. Criteria to be considered:
 - The tenant space has not been leased and has been marketed for rent for at least 180 days.
 - The proposed office use will generate customer traffic.
 - The office will provide a public entrance and reception area visible from the street.
 - Storefront windows/doors will not be obstructed and will be illuminated in the evening.
2. Create a City Council appeal process for Exemptions and Office Certifications that are denied by staff.

Plan Commission Recommendation:

The Plan Commission held a public hearing and recommended approval of the amendment on 11/5/13. The vote was 5 to 1. The dissenting commissioner expressed an interest in keeping Main St. primarily retail and only allowing for office uses in locations off of Main St.

Attachments: *(please list)*

General Amendment Application.

Recommendation / Suggested Action *(briefly explain):*

Recommend approval of a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding permitted uses in the Downtown Overlay District.

For office use only:

Agenda Item Number: 3b

Community Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



STAFF REPORT

TO: Chairman Dan Stellato
And Members of the Planning and Development Committee

FROM: Russell Colby, Planning Division Manager

RE: General Amendment to Title 17 (Zoning Ordinance) regarding Permitted and Special Uses and exemptions in the Downtown Overlay District

DATE: November 7, 2013

I. GENERAL INFORMATION

Project Name: General Amendment – Permitted and Special Uses and Exemptions in the Downtown Overlay District

Applicant: City of St. Charles

Purpose: Amend the Downtown Overlay District to permit certain office uses that generate pedestrian traffic.

II. BACKGROUND

In 2006, the City adopted a completely new Zoning Ordinance, which included a zoning “overlay” district within the downtown to “preserve economic vitality and the pedestrian character of the downtown’s shopping core.” The Downtown Overlay District (often incorrectly referred to as the “Retail Only” district) limits the type of businesses that can locate in the first floor/street level spaces to a set of businesses that are expected to generate pedestrian activity. The concept of a “Retail Only” district within the downtown was discussed and promoted by the Downtown Partnership for a number of years prior to 2006.

Business uses allowed on the First Floor in the Downtown Overlay District:	Business uses not allowed on the First Floor, but allowed on the 2nd floor and elsewhere in Downtown:
Art Gallery/Studio	Business and Professional Office
Theater	Medical/Dental Office
Indoor Recreation	Bank
Hotel	Financial Institution (such as mortgage service)
Personal Services (Salons, Funeral Home, Tailor, Pet Grooming, Dry Cleaner, etc)	
Retail	
Restaurant	
Tavern	

EXISTING BUSINESSES

A number of banks, offices and other uses no longer permitted on the first floor within the Downtown Overlay District existed at the time the ordinance went into effect in 2006. Those businesses are considered “legal non-conforming”, meaning the business can continue to operate and may be replaced by the same business (bank replacing a bank, for example), as long as the space does not stay vacant for more than 180 days. After 180 days of the business leaving the site, any new business that moves into the location must be one listed on the Downtown Overlay District first floor permitted use list.

EXEMPTIONS TO THE OVERLAY DISTRICT

The Downtown Overlay District provides for an exemption to the business restrictions in very limited circumstances. The criteria to be considered are solely based on the physical characteristics of a given tenant space. A finding must be made by the Director of Community Development that the space is “Unsuitable for occupancy for any of the first floor uses permitted in the Downtown Overlay District”, and that altering the space to make it suitable for the permitted uses would either:

1. Be inconsistent with Historic Preservation requirements, OR,
2. Impose an undue financial burden on the property owner (cost exceeding 25% of building value)

Criteria that may be considered in making this determination:

- Inappropriate placement, size, or orientation of doors or windows
- A floor level which is not of a similar elevation to the adjoining sidewalk
- Lack of window area for display of goods
- Lack of street frontage
- Interior space which is not adaptable to the permitted uses because of structural components or limitations on accessibility

EXEMPTION REQUESTS

Over the past five years, the Community Development Department has received multiple inquiries from property owners and brokers regarding whether a given tenant space can be exempted from or removed from the Downtown Overlay District. Most who have contacted the City have stated that the only prospective tenants interested in their property are office users and that they have not had any interest from retailers.

Exemptions Granted:

<u>Address</u>	<u>Name</u>	<u>Date of Exemption</u>
10-12 S. Riverside Ave.	Arcada Building space on Riverside	5/2/11
200 W. Main Street	Foote, Meyers, Mielke & Flowers	6/8/12
111 E. Main Street	Serwinski – Riverview Counseling	9/17/12
314 W. Main Street	Justiniano (former High Def. System)	1/7/13

Serious inquiries, did not qualify:

<u>Address</u>	<u>Name</u>	<u>Month of Inquiry</u>
1 W. Illinois St.	Fox Island Square (2 spaces)	11/11, 5/12, 5/13
11 E. Main St.	Harris Bank vacant office space	7/12, 2/13

116 Cedar Ave.	SG Too (west of Townhouse Books)	4/11
210 Cedar Ave.	Formerly Panache	8/12, 6/13
201 Cedar Ave.	Formerly Stonehouse on Cedar	6/13

Properties removed from Downtown Overlay by Zoning Map Amendment:

108 State Ave.	Former antique store	2008
116 State Ave.	Former antique store	2008

COMPREHENSIVE PLAN

Over the past few years, staff has observed that a number of downtown storefront spaces have consistently remained vacant and staff continues to receive inquiries regarding office uses for these spaces. In response to this trend, staff approached the Planning and Development Committee first in July 2011 to obtain direction as to whether there was interest in changing the Downtown Overlay District requirements in some manner. The Committee initially recommended holding off on proposing any changes until the Comprehensive Plan was adopted. In August 2013, with the Comprehensive Plan nearing adoption, the Committee gave staff direction to pursue an amendment to permit offices uses that generate pedestrian traffic for an initial period of 2 years.

Text from the Comprehensive Plan, p. 89 (Downtown Subarea Framework Plan):

“The Downtown Overlay District is intended to preserve the economic vitality and pedestrian character of Downtown’s shopping core by limiting uses on the first floor that “typically generate relatively little pedestrian activity or are otherwise incompatible with a pedestrian oriented shopping area.” While this is an admirable objective, defining “typical” can result in missed opportunities. In addition, while all successful and vibrant downtowns have a large component of retail, they are also characterized by a varying mix of uses that generate activity at all periods of the day. Furthermore a detailed market analysis conducted as part of this process found that key retail categories are fairly saturated within the Downtown’s trade area. Given the number of vacancies Downtown, along with current market and economic conditions, the City should consider relaxing use restrictions in the District to fill storefronts on a temporary basis until demand for downtown retail space is stronger.”

III. PROPOSAL

1. Create a staff level certification process to review and permit specific offices uses based on criteria. An applicant (a property owner or proposed office tenant) will need to provide documentation to substantiate that the following criteria will be met:
 - The tenant space has not been leased and has been continuously marketed for rent for at least 180 days.
 - The proposed office use will generate customer traffic.
 - The proposed office will provide a public entrance and reception area visible from the street.
 - Storefront windows/doors will not be obstructed and will be illuminated in the evening.

2. Create a City Council appeal process for Exemptions and Office Certifications that are denied by staff. The City Council would consider the same criteria as staff in making a determination whether to uphold or reverse the decision.

The existing and proposed ordinance text is attached as Exhibit “A”.

No specific timeline would be written into the ordinance. Staff intent’s is to monitor changes to vacancy rates and tenant mix over the course of the next two years and revisit the issue with the City Council within two years or earlier, if warranted.

IV. RECOMMENDATION

Plan Commission

The Plan Commission held a public hearing and recommended approval of the amendment on 11/5/13. The vote was 5 to 1. The dissenting commissioner expressed an interest in keeping Main St. primarily retail and only allowing for office uses in locations off of Main St.

Staff Recommendation

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

V. ATTACHMENTS

- Exhibit “A”: Amendment Draft.
- Exhibit “B”: Findings of Fact.

EXHIBIT “A”

PROPOSED AMENDMENT TEXT

Revisions to existing code are shown in italicized text

17.14.010 Purpose Statements

F. Downtown Overlay District

The purpose of the Downtown Overlay District is to preserve the economic vitality and pedestrian character of downtown’s shopping core within the CBD-1 and CBD-2 Districts by encouraging the continuous flow of pedestrian movement. This is accomplished by limiting uses on the first floor that typically generate relatively little pedestrian activity or are otherwise incompatible with a pedestrian oriented shopping area. Only those uses listed in Table 17.14-1 shall be permitted on the street level or first floors of buildings/structures within the Downtown Overlay District.

17.14.020 Permitted and Special Uses; Downtown Overlay Exemptions

- A. Table 17.14-1 lists permitted and special uses for the business districts, and for the first floor level of the Downtown Overlay District.
- B. Buildings within the Downtown Overlay District are restricted with respect to the uses permitted on the first floor level, as provided in Table 17.14-1.
 - a. Exemptions. Notwithstanding these restrictions, the first floor level of a building within the Downtown Overlay District may be occupied for any use permitted within the underlying zoning district (i.e., CBD-1 or CBD-2), upon certification by the Director of Community Development that its physical characteristics make it unsuitable for occupancy for any of the first floor uses permitted within the Downtown Overlay District, and that altering such physical characteristics would either 1) be incompatible with the purpose of Chapter 17.32 (Historic Preservation) of this Title, or 2) impose an undue financial burden on the property owner. Such physical characteristics may include but shall not be limited to: Inappropriate placement, size or orientation of doors or windows, a floor level which is not of a similar elevation to the adjoining sidewalk, lack of window area for display of goods, lack of street frontage, and interior space which is not adaptable to the permitted uses because of structural components or limitations on accessibility. For purposes of this section, an undue financial burden shall mean where the estimated cost of altering the building exceeds 25% of the current appraised value of the property.

- b. *Certification for Office Use. The first floor level of a building within the Downtown Overlay District may be occupied by certain office uses (Bank, Financial Institution, Office- Business and Professional, and Medical/Dental Clinic) upon certification by the Director of Community Development that the proposed office use will meet the purpose of the Downtown Overlay District, as identified in Section 17.14.010.F, to generate pedestrian activity and be compatible with a pedestrian oriented shopping area. **To be eligible for the certification, a property owner must demonstrate that the property has been vacant, not under lease, and publicly listed for lease for a minimum of 180 days by providing documentation demonstrating the space was listed on a public listing service.***

The proposed office user shall demonstrate that the following criteria will be met:

- i. **The business will be open to the general public during normal business hours and may require that customers make an appointment for service.***
- ii. **The primary function of the business establishment will be to provide direct services to customers that are physically present.***
- iii. **The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.***
- iv. **Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.***

A Certification for Office Use shall apply to the specific business only. A new Certification for Office Use shall be required for any new business to occupy a space. The Certification for Office Use may be revoked if the Director of Community Development finds the business is not operating in accordance with the certification.

- c. *Appeal. If a property owner or business tenant has formally requested an Exemption or a Certification for an Office Use pursuant to subsections “a” or “b” above, and if the request has been formally denied by the Director of Community Development, the property owner or business may request an appeal of the decision before the City Council. The City Council shall consider only the criteria listed above and may uphold or reverse the decision of the Director of Community Development.*

EXHIBIT “B”

FINDINGS OF FACT
GENERAL AMENDMENT

1. The consistency of the proposed amendment with the City’s Comprehensive Plan.

The Comprehensive Plan Downtown Subarea Plan addresses the Downtown Overlay District on p. 89 and states: “...*Given the number of vacancies Downtown, along with current market and economic conditions, the City should consider relaxing use restrictions in the District to fill storefronts on a temporary basis until demand for downtown retail space is stronger.*” The proposed amendment will relax the use restrictions in the Downtown Overlay District on a limited basis, with the intent of only permitting office uses that meet the purpose of the Overlay District to generate pedestrian traffic. Staff will monitor the impact of this change and consider adjusting the requirements within two years following the amendment.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment will relax the use restrictions in the Downtown Overlay District on a limited basis, with the intent of only permitting office uses that meet the purpose of the Overlay District to generate pedestrian traffic.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment represents a change in policy adopted with the Comprehensive Plan.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendment will apply to all properties in the Downtown Overlay District.

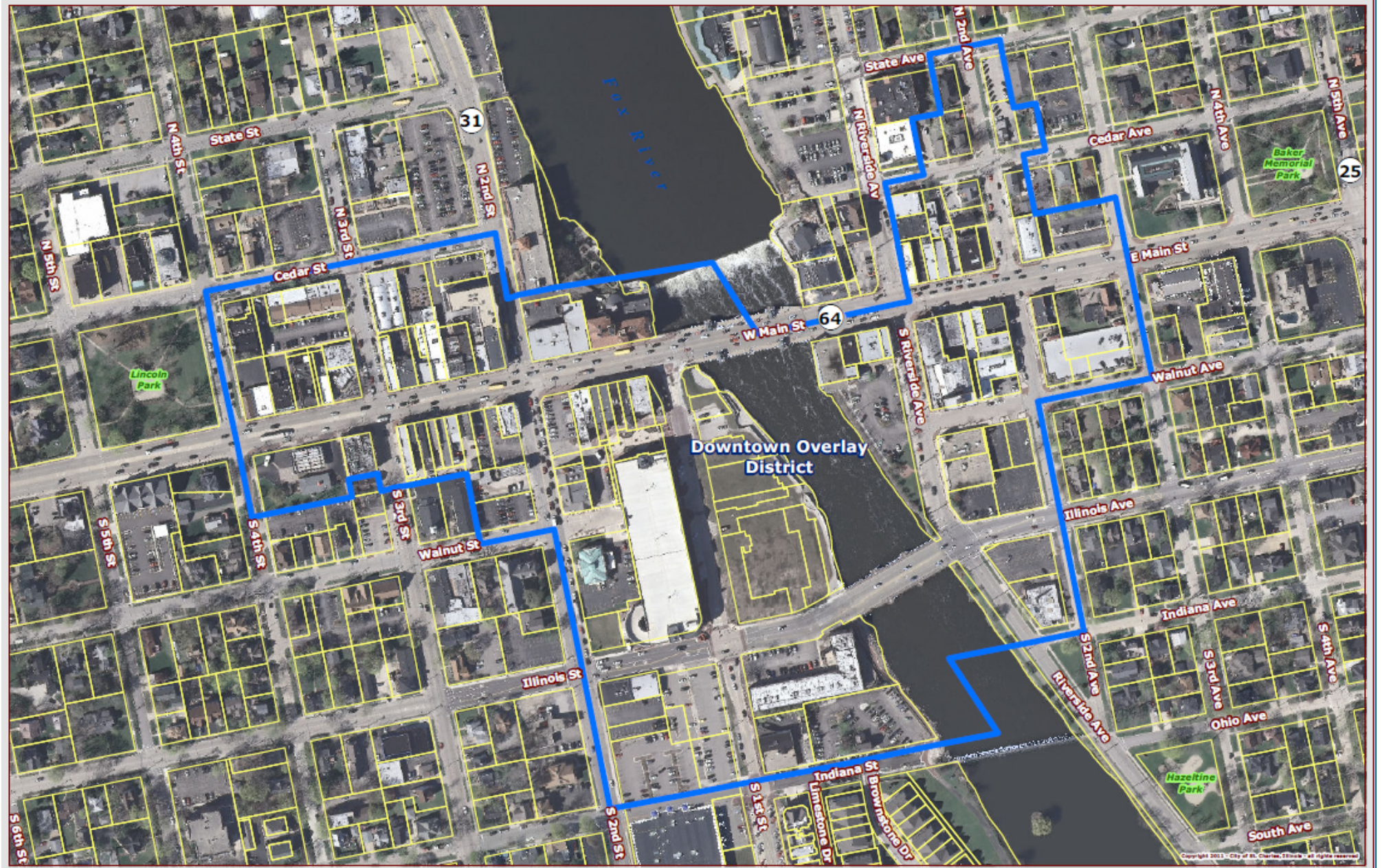
5. The extent to which the proposed amendment creates nonconformities.

This amendment will not create any new nonconformities. The amendment may enable locations of existing non-conforming office uses in the Downtown Overlay District to be reoccupied by office uses meeting the proposed criteria.

6. The implications of the proposed amendment on all similarly zoned property in the City.

The amendment will apply to all properties in the Downtown Overlay District.

Downtown Overlay District





AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) Regarding Parking Lot Setbacks and Landscape Requirements for Existing Parking Lots and Public Street Frontage Landscaping Requirements
Staff:	Matthew O'Rourke, Planner

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (11/11/13)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

Staff has routinely updated the current Zoning Ordinance since its adoption in 2006. As staff has applied the ordinance to review development proposals, ordinance sections are identified that are too restrictive discourage the redevelopment of existing facilities.

Staff is also reviewing Zoning Ordinance standards for conflicts with the recommendations stated in the recently updated Comprehensive Plan. Staff is presenting the following amendments based on these reviews.

Proposal:

- Amend **Section 17.24.010.A Existing Facilities, 17.26.020.3.C, and Table 17.14-2 Business and Mixed Use Districts Bulk Regulations** to modify the parking setback and landscaping standards as it relates to the resurfacing and reconstruction of existing parking lots to grant additional flexibility and encourage the installation of landscaping along the City's Commercial Corridors.
- Amend **Section 17.26.090.A Public Street Frontage Landscaping** to reduce the amount of landscaping required along commercial streets to align these standards with common practices and the recommendations of the recently adopted Comprehensive Plan.

Plan Commission Recommendation:

The Plan Commission held a public hearing and recommended approval of the proposed amendments on 11/5/2013. The vote was 6-aye to 0-nay.

The Plan Commission forwarded the following comment along with their recommendation:

That staff investigate methods of incentivizing interior parking lot landscaping while not specifically requiring it in existing parking lots. One existing method is to promote the Corridor Improvement Program. Corridor grants can be used for any landscaping between a roadway and the front of a building for properties with frontage on Main Street, Kirk Road, Randall Road, and Rt.38. This can include interior parking lot landscaping.

Attachments: *(please list)*

Staff Report; Application for General Amendment; Attachment A (Parking Lot Property Setbacks and Greenspace Analysis Table)

Recommendation / Suggested Action *(briefly explain):*

Recommend approval of the proposed application for a General Amendment to Title 17.

For office use only:

Agenda Item Number: 3c

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

GENERAL AMENDMENT APPLICATION (ZONING ORDINANCE)

CITYVIEW PROJECT NO: 2013PRO15
CITYVIEW APPLICATION NO: 2013AP024
PROJECT NAME: GA - Parking Set-backs

Received Date
RECEIVED
St. Charles, IL
OCT 17 2013
CDD
Planning Division

Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance, complete this application and submit it with all required attachments to the Planning Office.

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

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

1. Applicant Information:	Name City of St. Charles	Phone 630-377-4443
	Address 2 E. Main Street St. Charles IL, 60174	Fax 630-377-4062
		Email morourke@stcharlesil.gov

2. Billing: <i>To whom should costs for this application be billed?</i>	Name City of St. Charles	Phone 630-377-4443
	Address 2 E. Main Street St. Charles IL, 60174	Fax 630-377-4062
		Email morourke@stcharlesil.gov

Attachment Checklist

Application Fee (make checks payable to the City of St. Charles)

Chapter 17.14 “Business and Mixed Use Districts”
Chapter 17.24 “Off-Street Parking, Loading & Access”
Chapter 17.26 “Landscaping and Screening”

Pertaining to requirements for existing parking lots and requirements for public street frontage landscaping.

Community Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES
SINCE 1834

STAFF REPORT

TO: Chairman Daniel P. Stellato
And Members of the Planning & Development Committee

FROM: Matthew O'Rourke, AICP, Planner

RE: General Amendments to Tile 17 (Zoning Ordinance) Requirements for
Resurfacing/Reconstruction of Existing Parking Lots and Public Street Frontage
Landscaping

DATE: November 7, 2013

I. GENERAL INFORMATION

Project Name: General Amendments to Tile 17 (Zoning Ordinance) Requirements for
Resurfacing/Reconstruction of Existing Parking Lots and Public Street
Frontage Landscaping

Applicant: City of St. Charles, Planning Division

Purpose: Ordinance amendments to multiple sections of the Zoning Ordinance to
encourage the redevelopment of older parking facilities in need of
resurfacing/reconstruction and commercial corridor landscaping and to
created public street frontage landscaping requirements that are more
flexible and comply with the polices stated in the newly adopted St.
Charles Comprehensive Plan.

II. BACKGROUND

Staff has routinely updated the current Zoning Ordinance since its adoption in 2006. As staff has applied the ordinance to review development proposals, ordinance sections are identified that are too restrictive or do not encourage the redevelopment of existing facilities.

Staff is also reviewing Zoning Ordinance standards for conflicts with the recommendations stated in the recently updated Comprehensive Plan.

Staff is presenting the following amendments based on this review.

**III. AMENDMENTS TO MULTIPLE CHAPTERS REGARDING LANDSCAPING
AND PARKING SETBACKS FOR EXISTING PARKING LOTS**

A. BACKGROUND & ISSUES

Commercial property owners often submit building permit applications to resurface and replace their existing parking lots in the same location with the same layout. Typically, these parking lots are older and do not conform the current landscaping and setback standards contained in the Zoning Ordinance and are considered legal nonconforming. Separate provisions require that when an application to significantly rebuild these parking lots is filed, that these facilities be brought into compliance with the current zoning standards.

The combination of increased interior parking lot landscaping and increased parking setbacks cause the property to lose off-street parking spaces. In certain instances, this could require the property owner to reduce the number of onsite parking spaces below the minimum required in the Zoning Ordinance and create unanticipated expenses to install landscaping. Instead of reconstructing the parking facilities, property owners choose to patch and sealcoat their parking lots and retain their legal nonconforming status.

Chapter 17.08 “Nonconformities” of the Zoning Ordinance states that property owners who apply for a permit to repave more than 50% of their parking facility must bring that parking facility into compliance with all applicable requirements of the ordinance. In particular, **Section 17.26.020.C** in **Chapter 17.26 Landscaping and Screening** requires that 10% of the interior of a parking facility be converted to greenspace. The resurfaced/reconstructed parking facility will also be required to conform to the required parking facility setback of the underlying zoning district.

However, this requirement conflicts with **Section 17.24.010.A Existing Facilities** which requires the property owner to maintain the minimum number of off-street parking spaces required by ordinance.

B. STAFF ANALYSIS

Staff has included an analysis of a sample of properties on East and West Main Street developed before the current Zoning Ordinance was adopted (See Exhibit A). This analysis illustrates the results of nonconforming parking facilities being required to meet the setback and interior parking facility greenspace requirements. This analysis shows that conforming to these requirements typically reduce the number of off-street parking spaces below the minimum required by the Zoning Ordinance.

Comprehensive Plan

Chapter 4 Land Use Plan of the City’s newly adopted Comprehensive Plan states the following under Commercial Area Polices:

“Evaluate commercial landscaping requirements to ensure landscaping is appropriately used to enhance the appearance of a site and screen unsightly uses.

Requiring commercial development to install trees, shrubs and other landscaping at the time of their development serves to improve its appearance and the appearance of the community. Along corridors, parkway landscaping helps beautify the area, complementing site architecture, screening utilities and softening views to large fields of parking. The City of St. Charles is current facing two issues with its commercial landscaping: (1) in the older commercial areas that developed prior to landscaping requirements, the landscaping is too sparse and the areas are unattractive; and, (2) in the newer commercial areas some landscaping is screening commercial businesses and restricts their visibility and exposure.

The City should evaluate their current landscaping requirements to make sure requirements are not too excessive and detrimental to commercial visibility. Additionally, the City should consider an amortization schedule requirement nonconforming sites to become compliant with the City’s landscaping requirements within a specified time period to improve the appearance of the City’s older commercial areas.”

C. PROPOSED AMENDMENTS

Staff is proposing the following amendments to facilitate the reconstruction of deteriorated parking facilities and enhance the aesthetic appearance of the City’s commercial corridors through landscape improvements. These amendments will encourage property owners to reconstruct their parking facilities and install landscaping along commercial corridors while minimizing negative impacts by preserving existing off-street parking spaces.

1. **Section 17.24.010 A. Existing Facilities**

Staff is proposing the following amendments highlighted in *bold italics*:

Existing off-street parking and loading facilities shall not be reduced below the requirements of this Chapter with respect to the number of spaces provided or the design of such facilities. If an existing facility provides less than the required number of parking or loading spaces, no parking or loading spaces shall be removed. If an existing facility provides less than the dimensions, landscaping, or other characteristics regulated by this Chapter, no nonconforming dimension, landscaping or other characteristic regulated by this Chapter shall be further decreased. Existing off-street parking and loading facilities which do not conform to the requirements of this Title, but were lawfully existing when the parking or loading facilities were established or substantially modified, may be allowed to continue as legal nonconforming uses, subject to the limitations of the provisions of Chapter 17.08, “Nonconformities”. *Notwithstanding the previous sentence, if an existing parking lot is proposed to be resurfaced or reconstructed, and the parking lot does not meet the current parking setback requirement, the required setback may be reduced by fifty percent (50%). If the existing parking lot is setback at a distance greater than fifty percent (50%) of the required parking lot setback of the underlying Zoning District, the existing parking lot setback shall not be reduced further than the distance the existing parking lot is setback from the property line.*

2. **Section 17.24.030.A Permit Required**

Staff is proposing that the following be removed from the ordinance to clarify the difference between when a permit is required:

A Building Permit is required prior to any construction, alteration or addition of any parking facility providing five (5) or more parking spaces, and for any loading facility. For purposes of this Section, construction, alteration or addition shall include all paving of previously unpaved surfaces, replacement of pavement, binder and/or surface courses, construction of curbing, installation of new parking lot landscaping, and similar activities. Construction, alteration or addition shall not include maintenance activities such as replacement of existing landscaping, repair of existing curbing, pavement repairs, sealing, re-stripping, ~~or placement of surface course pavement over previously paved areas,~~ or other maintenance activities.

3. Section 17.26.020.C.3

To encourage the improvement of existing parking facilities and to facilitate landscape improvement between the existing parking facility and the property line Staff is proposing the Section 17.26.020.C.3 be removed and replaced with a new subsection D:

D. Resurfacing/Reconstruction of Existing Parking Facilities

- 1. When an existing parking facility or Drive-Through Facility is resurfaced or reconstructed such that: 1) the amount pavement to be resurfaced exceeds 50% of the parking facility, 2) the pavement is located within a required parking setback and/or within ten feet (10') of the required parking setback line, the resurfaced/reconstructed parking facility shall conform to the following:*
 - a. The setback of the parking facility shall conform to the standards established in Section 17.24.010.A Existing Facilities.*
 - b. The greenspace within the required setback area shall be landscaped in accordance with the standards established in Section 17.26.090.A Public Street Frontage Landscaping and Section 17.26.090.B Screening of Parking Lots, Motor Vehicle Displays, and Drive-Through Facilities.*
 - c. No existing landscaping shall be eliminated, unless it exceeds the minimum requirements of this chapter.*

4. Table 17.14-2 Business and Mixed Use Districts Bulk Regulations

Staff is proposing that a footnote be added to this Table 17.14-2 to highlight the parking setback exception as proposed in Section 17.24.010.A Existing Facilities. The note will read as follows:

If an existing parking facility is resurfaced or reconstructed, and the parking facility does not meet the current parking setback requirement, the required setback may be reduced by fifty percent (50%). If the existing parking facility is setback at a distance greater than fifty percent (50%) of the required parking facility setback of the underlying Zoning District, the existing parking facility setback shall not be reduced.

IV. SECTION 17.26.090.A “PUBLIC STREET FRONTAGE LANDSCAPING”

A. BACKGROUND & ISSUES

In 2010, staff presented amendments to the Chapter 17.26 Landscaping and Screening. These amendments created the standards established in **Section 17.26.090.A Public Street Frontage Landscaping**. After working with these requirements, staff has determined that they are too restrictive and require too much vegetation along public streets. The City’s recently adopted Comprehensive Plan also recommends that landscape standards be reviewed so commercial properties are not overly landscaped.

B. STAFF ANALYSIS

Section 17.26.090.A requires:

- One shade tree 40 lineal feet of public street frontage.

- Two ornamental or evergreen trees per every 40 lineal feet of public street frontage.
- 75% of the public street frontage is planted with a combination of ornamental shrubs, evergreen shrubs, and perennials.

Staff has reviewed the Zoning Ordinances of area communities to analyze typical tree requirements abutting public streets. The following table details that analysis:

Table 2: Comparable Communities Tree Requirements Abutting Public Streets	
City	Requirements
Geneva	One shade tree for each sixty feet (60') along the lot lines.
Batavia	Minimum tree size shall be planted in the quantity of 1 tree per 25 feet of lineal street frontage, exclusive of driveways.
Aurora	Provide 3 Canopy trees per every 100 lineal feet of lot abutting a right-of-way.
Naperville	Shall be spaced at the equivalent of not more than seventy (70) feet apart along all property lines, exclusive of access drives perpendicular to the lot lines.
South Elgin	Continuous landscaping shall be provided across not less than 60% of the parking lot frontage to a minimum height of three feet. Such landscaping shall consist of any combination of berms, shade and ornamental trees, evergreens, shrubbery, hedges, and/or other live planting material.

Comprehensive Plan

Chapter 4 Land Use Plan of the City’s newly adopted Comprehensive Plan states the following under Commercial Area Polices:

“Evaluate commercial landscaping requirements to ensure landscaping is appropriately used to enhance the appearance of a site and screen unsightly uses.

Requiring commercial development to install trees, shrubs and other landscaping at the time of their development serves to improve its appearance and the appearance of the community. Along corridors, parkway landscaping helps beautify the area, complementing site architecture, screening utilities and softening views to large fields of parking. The City of St. Charles is current facing two issues with its commercial landscaping: (1) in the older commercial areas that developed prior to landscaping requirements, the landscaping is too sparse and the areas are unattractive; and, (2) in the newer commercial areas some landscaping is screening commercial businesses and restricts their visibility and exposure. The City should evaluate their current landscaping requirements to make sure requirements are not too excessive and detrimental to commercial visibility. Additionally, the City should consider an amortization schedule requirement nonconforming sites to become compliant with the City’s landscaping requirements within a specified time period to improve the appearance of the City’s older commercial areas.”

“Improve the appearance of the public right-of-way through streetscape improvements.

The City should continue its installation of the streetscape program consisting of elements that strengthen the unified theme of commercial areas such as benches, bus shelters, trash cans, streetlights, way finding signage and other amenities. In coordination with IDOT and KDOT where appropriate, the City should facilitate desired right-of-way improvements including improved landscaping, lighting, and gateway signage consistent with the Sub Area Plans.

C. PROPOSED AMENDMENT

Staff is proposing the following amendments to align the Zoning Ordinance with practices observed in surrounding communities and to enact the commercial area policies stated in the Comprehensive Plan.

Staff is proposing the following amendments to Section 17.26.090.A.3 are identified in *bold italics*.

3. Required Landscape Materials
 - a. *One shade, ornamental, or evergreen tree is required per every 50 lineal feet of public street frontage.*
 - b. No less than 75% of the public street frontage as measured horizontally along the lot lines abutting the street shall be planted with a combination of ornamental shrubs, evergreen shrubs, and perennials. If a minimum of 50% of the street frontage is supplemented with decorative walls, ornamental fencing, or sculptured berming, *or the design includes permanent quasi-public usable open space or a visual focal feature is placed in the area abutting the right-of-way such as water features, public art, public seating areas complete with public benches, or a similar improvement of visual interest*, then the requirement for trees and shrubs shall be reduced to 40%, provided the landscaping is designed to enhance the aesthetics of the wall, fence or berm provided.”

V. **PLAN COMMISSION**

The Plan Commission held a public hearing and recommended approval of the proposed amendments on 11/5/2013. The vote was 6-aye to 0-nay.

The Plan Commission forwarded the following comment along with their recommendation: That staff investigate methods of incentivizing interior parking lot landscaping while not specifically requiring it in existing parking lots. One existing method is to promote the Corridor Improvement Program. Corridor grants can be used for any landscaping between a roadway and the front of a building for properties with frontage on Main Street, Kirk Road, Randall Road, and Rt.38. This can include interior parking lot landscaping.

VI. **RECOMMENDATION**

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

VII. ATTACHMENTS

1. Table: Parking Lot Property Setbacks and Greenspace Analysis

FINDINGS OF FACT
GENERAL AMENDMENT

(Amendments to the Requirements for Resurfacing/Reconstruction of Existing Parking Lots and Public Street Frontage Landscaping)

1. The consistency of the proposed amendment with the City’s Comprehensive Plan.

The proposed amendments are consistent with the policies stated in the “Commercial Area Policies” of Chapter 4 “Land Use Plan” in the City’s Comprehensive Plan. Specifically, amendments are directly related to the following Comprehensive Plan policies:

“Evaluate commercial landscaping requirement to ensure landscaping is appropriately used to enhance the appearance of a site and screen unsightly uses.”

“Improve the appearance of the public right-of-way through streetscape improvements.”

The proposed amendments to existing parking lot landscaping and setbacks will encourage property owners to reconstruct rather than repair dilapidated parking lots and create landscape areas along the City’s commercial corridors. Both improvements will increase the aesthetic appeal of these corridors through the increase of landscaping in sparse areas.

The proposed amendments to the public street frontage requirements will reduce excessive standards that may be detrimental the viability of the City’s commercial corridors and continue to require a sufficient amount of landscaping to create visual interest but not block the commercial properties completely from view.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendments fit within the structure and framework of the Zoning Ordinance and do not change the intent of the existing ordinance requirements. The changes to Chapter 17.26 Landscaping and Screening and 17.24 Off-Street Parking, Loading, & Access will promote the improvement of the City’s commercial corridors by enhancing its character and scenic beauty.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendments reflect a change in policy as stated in the City’s newly adopted Comprehensive Plan. These amendments specifically reflect the following policies stated in the “Commercial Area Policies” of Chapter 4 “Land Use Plan” of the Comprehensive Plan.

“Evaluate commercial landscaping requirement to ensure landscaping is appropriately used to enhance the appearance of a site and screen unsightly uses.”

“Improve the appearance of the public right-of-way through streetscape improvements.”

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendments will apply to all properties within the applicable zoning districts and will be applied to all existing parking lot resurfacing/reconstruction projects or projects that require landscaping abutting a public street.

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

The proposed amendments will not create any new nonconformities. The proposed amendments for parking lot resurfacing/reconstruction only apply to existing parking lots that are legal nonconforming structures. These proposed amendments will only reduce the degree of nonconformity that currently exists.

The proposed amendments to public street landscaping will reduce the amount of landscaping required to a more sustainable amount and will require less than the current standards.

6. The implications of the proposed amendment on all similarly zoned property in the City.

These amendments will apply to all business, mixed-use, and manufacturing zoning districts. The amendments will be applied evenly to all existing parking lots in the process of resurfacing/reconstruction and developments that require public street frontage landscaping.

Parking Lot Property Setbacks and Greenspace Analysis

Address	Distance From Property Line to Parking Lot (Feet)	Total Off-Street Parking Spaces Onsite	Parking Requirement	# Of Off Street Parking Spaces Required	Parking Lot Area Square Feet	Existing Interior Green Space (SQFT)	Interior Green Space Required (SQFT)	Total Parking Spaces After Potential Parking Lot Reconstruction
2550 E. Main Street	18	147	10 Spaces per 1,000 GFA	192.35	66,522	5,721	6,652	130
2540 E. Main Street	0	17	10 Spaces per 1,000 GFA	16.43	9,596	0	960	10
2536 E. Main Street	0	24	10 Spaces per 1,000 GFA	11.48	9,060	0	906	17
2526 E. Main Street	13	44	10 Spaces per 1,000 GFA	26.15	26,789	783	2,678	26
2520 E. Main Street	0	73	10 Spaces per 1,000 GFA	49.07	28,618	0	2,862	47
1712 W. Main Street	13.5	13	4 Spaces per 1,000 GFA	9.936	5095	248	509	7



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to approve an amendment to the 2012 Property Maintenance Code
Presenter:	Bob Vann, Building & Code Enforcement Division Manager

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (11/11/13)		City Council
	Public Hearing		

Estimated Cost:	\$0	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

The Building and Code Enforcement Division staff has been reviewing the City's Property Maintenance Enforcement Procedures with legal counsel. The City's adopted Code, the 2012 International Property Maintenance Code (IPMC), has a standardized appeal process in the base code. The City has adopted an Administrative Adjudication procedure that allows individuals the opportunity to due process and appeal any property maintenance violation. The proposed amendment will reduce redundancy by deleting the standard procedure of the 2012 IPMC code and allowing the City's Administrative Adjudication system as the required appeal process required by law.

Attachments: *(please list)*

- Section III Means of Appeal – 2012 Property Maintenance Code
- Proposed Ordinance

Recommendation / Suggested Action *(briefly explain):*

City staff is requesting the Planning & Development Committee review the proposed amendment to the 2012 Property Maintenance Code and make a recommendation to approve the same.

<i>For office use only:</i>	<i>Agenda Item Number:</i> 3d
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[A] **109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

[A] **109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

[A] **109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

SECTION 110 DEMOLITION

[A] **110.1 General.** The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

[A] **110.2 Notices and orders.** All notices and orders shall comply with Section 107.

[A] **110.3 Failure to comply.** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

[A] **110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION 111 MEANS OF APPEAL

[A] **111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] **111.2 Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] **111.2.1 Alternate members.** The chief appointing authority shall appoint a minimum of two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] **111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

[A] **111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] **111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **111.2.5 Compensation of members.** Compensation of members shall be determined by law.

[A] **111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] **111.4 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] **111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

[A] **111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

[A] **111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

SECTION 112 STOP WORK ORDER

[A] **112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

[A] **112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] **112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

[A] **112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

City of St. Charles, Illinois
Ordinance No. 2013-M-

**An Ordinance Amending Chapter 9.65 “Administrative Adjudication”,
Section 9.65.010 and Section 9.65.030 and Chapter 15.04 “Property
Maintenance Code”, Section 15.40.010 of the St. Charles Municipal Code.**

WHEREAS, the City Council has adopted the 2012 edition of the International Property Maintenance Code published by the International Code Council, subject to the amendments set forth in Section 15.40.010; and,

WHEREAS, not less than three (3) copies of said codes have been and are on file in the Office of the Clerk of the City of St. Charles, Illinois for more than thirty (30) days prior to the passage and approval of this Ordinance; and,

WHEREAS, the City Council finds it to be in the interest of the City of St. Charles to periodically clarify and update codes regulating the applicable administrative adjudication and appeal process within the City of St. Charles;

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

SECTION ONE: That Chapter 9.65 “Administrative Adjudication”, Section 9.65.010 be and is hereby amended by adding the following as paragraph 9.65.010 A 4:

“4. Proceedings governed by Chapter 2.19 and Title 17 of the St. Charles Municipal Code”.

SECTION TWO: That Chapter 9.65 “Administrative Adjudication”, Section 9.65.030 be and hereby is amended by adding the following as paragraph 9.65.030 A 4:

“4. Proceedings governed by Chapter 2.19 and Title 17 of the St. Charles Municipal Code”.

SECTION THREE: Section 15.40.010 D “Property Maintenance Code Regulations Added and Modified”, as amended by Ordinance No. 2012-M-42, shall be deleted in its entirety.

PRESENTED to the City Council of the City of St. Charles, Illinois this ____ day of _____, 2013.

PASSED by the City Council of the City of St. Charles, Illinois this ____ day of _____, 2013.

APPROVED by the Mayor of the City Council of the City of St. Charles, Illinois this ____ day of _____, 2013.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

Ordinance No. _____
Page 2

COUNCIL VOTE:

Ayes:

Nays:


Absent:

Abstain

APPROVED AS TO FORM:

City Attorney

DATE: _____

 ST. CHARLES <small>SINCE 1834</small>		AGENDA ITEM EXECUTIVE SUMMARY						
		Title:	Recommendation to approve a Façade Improvement Grant Agreement for 213 S. 3 rd St. (David Saelens, Saelens Insurance)					
		Presenter:	Russell Colby					
<i>Please check appropriate box:</i>								
	Government Operations				Government Services			
X	Planning & Development (11/11/13)				City Council			
Estimated Cost:	\$8,000			Budgeted:	YES	X	NO	
If NO, please explain how item will be funded:								
Executive Summary:								
<p>David Saelens, owner of the building at 213 S. 3rd St., has applied for Façade Improvement Grant funding. His business, Saelens Insurance, is located in the building.</p> <p>The Façade Improvement Grant program provides assistance to property owners and commercial tenants to rehabilitate and restore the exterior of buildings in the downtown. Grant funding is available first for buildings located in Special Service Area 1B (Downtown Revitalization) and secondarily for other properties located outside SSA 1B but within the Central Historic District. Applications are first reviewed by the Historic Preservation Commission for appropriateness of design. The grants are provided as a reimbursement for up to 50% of the funds invested into an exterior rehabilitation project, up to \$10,000 for a 30 ft. length of building façade. There is a limit of \$20,000 of grant funds per property in any 5 year period. The program budget for FY 13-14 is \$40,000.</p> <p>The project scope includes residing the building with fiber cement (hardie board) siding to match the existing appearance of the building. The Historic Preservation Commission recommended approval of the grant on 10/16/13. The Commission determined the existing siding, which includes a large amount of wood shake shingles, was deteriorated beyond the point of repair.</p> <p>The proposed cost of work is approximately \$24,500. The Façade Grant would fund a maximum of \$8,000 based on the 24 ft. width of the facade. The property is not located within SSA 1B but is located in the Central Historic District. The property has not previously received a grant.</p>								
Attachments: <i>(please list)</i>								
Façade Improvement Grant Application Photo of the building Façade Improvement Grant Agreement								
Recommendation / Suggested Action <i>(briefly explain):</i>								
Recommendation to approve a Façade Improvement Grant Agreement for 213 S. 3 rd St. (David Saelens, Saelens Insurance).								
<i>For office use only:</i>		<i>Agenda Item Number: 3e</i>						

OCT 07 2013

CITY OF ST. CHARLES
FACADE IMPROVEMENT PROGRAM
APPLICATION FORM

CDD
Planning Division

A non-refundable fee of \$50.00 must accompany this application. Checks should be made payable to the City of St. Charles.

1) Applicant: DAVID L. SAELENS
(Name)

Home Address: 213 S. 3RD ST ST. CHARLES, IL 60174
(Street) (City/State/Zip)

Business Address: SAME
(Street) (City/State/Zip) (Phone)

Federal Tax ID Number: _____

2) Building or establishment for which the reimbursement grant is sought

213 S. 3RD ST ST. CHARLES, IL 60174
(Street Address)

09-34-113-005.000
(Property Identification Number)

4) Is this property listed on the National Registry or designated as a Local Landmark: Yes No

3) Proposed Improvements(Check all that apply):

- | | |
|-------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Canopy/Awning | <input type="checkbox"/> Signage |
| <input type="checkbox"/> Windows/Doors | <input type="checkbox"/> Exterior Lighting |
| <input type="checkbox"/> Tuck pointing/Masonry Repair | <input type="checkbox"/> Restoration of Architectural Features |
| <input type="checkbox"/> Masonry Cleaning | <input type="checkbox"/> Rear Entrance Improvements(Please specify below) |
| <input type="checkbox"/> Painting | |
| <input checked="" type="checkbox"/> Other(Please Specify) <u>SIDING</u> | |

Describe the scope and purpose of the work to be done:

REMOVE & REPLACE SIDING

Preliminary Cost Estimate: \$ 24500⁰⁰

City's Grant Amount: \$ _____

4) Statement of Understanding:

- A. I agree to comply with the guidelines and procedures of the St. Charles Façade Improvement Program.
- B. I understand that I must submit detailed cost documentation, copies of bids, contracts, invoices, receipts, and contractor's final waivers of lien upon completion of the approved improvements.
- C. I understand that work done before a Façade Improvement Agreement is approved by the City Council is not eligible for a grant.
- D. I understand the Façade Improvement reimbursement grants are subject to taxation and that the City is required to report the amount and recipient of said grants to the IRS

Signature *Paul J. Salsano*
Applicant

If the applicant is other than the owner, you must have the owner complete the following certificate:

I certify that I am the owner of the property at _____, and that I authorize the applicant to apply for a reimbursement grant under the St. Charles Facade Improvement Program and undertake the approved improvements.

Signature _____ Date _____
Owner



+

-

SAELEN'S RESTAURANTS
732 N. 14TH ST.
630-604-4744

LA VIE
ENCORE
ANTIQUES
Antiques
Furniture
Decorative Objects
630-604-4744



**City of St. Charles
Facade Improvement Agreement**

THIS AGREEMENT, entered into this 18th day of November, 2013, between the City of St. Charles, Illinois (hereinafter referred to as "CITY") and the following designated OWNER/LESSEE, to wit:

Owner/Lessee's Name:	David Saelens
Name of Business:	Saelens Insurance
Tax ID#/Social Security #	
Address of Property to be Improved:	213 S. 3 rd St., St. Charles, IL 60174
PIN Number:	09-34-113-005

WITNESSETH:

WHEREAS, the CITY has established a Facade Improvement Program for application within the St. Charles Facade Improvement Business District ("District"); and

WHEREAS, said Facade Improvement Program is administered by the CITY with the advice of the Historic Preservation Commission and is funded from the general fund for the purposes of controlling and preventing blight and deterioration within the District; and

WHEREAS, pursuant to the Facade Improvement Program CITY has agreed to participate, subject to its sole discretion, 1) in reimbursing Owners/Lessees for the cost of eligible exterior improvements to commercial establishments within the District up to a maximum of one-half(1/2) of the approved contract cost of such improvements and 2) in reimbursing Owners/Lessees for 100% of the cost

of the services of an architect for such facade improvements up to a maximum of \$4,000 per building, as set forth herein, but in no event shall the total CITY participation exceed ten thousand dollars (\$10,000) per facade, as defined herein, for eligible improvements to the front and/or side of a building, and ten thousand dollars (\$10,000) per building for eligible rear entrance improvements, with a maximum reimbursement amount of twenty thousand dollars(\$20,000) per building; and

WHEREAS, the OWNER/LESSEE's property is located within the Facade Improvement Business District, and the OWNER/LESSEE desires to participate in the Facade Improvement Program pursuant to the terms and provisions of this Agreement.

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

SECTION 1:

A. With respect to facade improvements to the front and side of a building and related eligible improvements, the CITY shall reimburse OWNER/LESSEE for the cost of improvements to the OWNER/LESSEE's property at the rate of fifty percent (50%) of such cost, and shall reimburse OWNER/LESSEE for 100% of the cost of fees for architectural services pertaining to such improvements, up to a maximum amount of \$4,000 per building as defined herein, provided that the total reimbursement for improvements to the front and side of a building and related eligible improvements and architectural services shall not exceed ten thousand dollars (\$10,000) per facade as defined herein.

B. With respect to improvements to rear entrance(s) of a building and related eligible improvements, the CITY shall reimburse OWNER/LESSEE for the cost of improvements to the OWNER/LESSEE's property at the rate of fifty percent(50%) of such cost, and shall reimburse OWNER/LESSEE for 100 % of the cost of fees for architectural services pertaining to such improvements, up to a maximum amount of \$4,000 per building, provided that reimbursement for

landscaping materials and installation shall not exceed \$1,000 per building, and provided that the total reimbursement for rear entrance and related eligible improvements and architectural services shall not exceed ten thousand dollars(\$10,000) per building.

The actual total reimbursement amounts per this Agreement shall not exceed **\$8,000** for facade improvements to the front and side of a building and related eligible improvements and \$0 for improvements to rear entrance(s) of a building and related eligible improvements. The improvement costs which are eligible for City reimbursement include all labor, materials, equipment and other contract items necessary for the proper execution and completion of the work as shown on the plans, design drawings, specifications and estimates approved by the City. Such plans, design drawings, specifications and estimates are attached hereto as Exhibit I.

SECTION 2: No improvement work shall be undertaken until its design has been submitted to and approved by the City Council. Following approval, the OWNER/LESSEE shall contract for the work and shall commence and complete all such work within six months from the date of such approval.

SECTION 3: The Director of Community Development shall periodically review the progress of the contractor's work on the facade improvement pursuant to this Agreement. Such inspections shall not replace any required permit inspection by the Building Commissioner and Building Inspectors. All work which is not in conformance with the approved plans, design drawings and specifications shall be immediately remedied by the OWNER/LESSEE and deficient or improper work shall be replaced and made to comply with the approved plans, design drawings and specifications and the terms of this Agreement.

SECTION 4: Upon completion of the improvements and upon their final inspection and approval by the Director of Community Development, the OWNER/LESSEE shall submit to the CITY a properly executed and notarized contractor statement showing the full cost of the work 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 OWNER/LESSEE 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 OWNER/LESSEE shall also submit to the CITY a copy of the architect's statement of fees for professional services for preparation of plans and specifications. The CITY shall, within fifteen (15) days of receipt of the contractor's statement, proof of payment and lien waivers, and the architect's statement, issue a check to the OWNER/LESSEE as reimbursement for one-half of the approved construction cost estimate or one-half of the actual construction cost, whichever is less, and for 100% of architectural services fee, subject to the limitations set forth in Section 1 hereof.

In the alternative, at its sole discretion, CITY may reimburse OWNER/LESSEE in two payments. The first reimbursement may be made only 1) upon completion of work representing 50% or more of the maximum reimbursement specified in Section 1 hereof and 2) upon receipt by CITY of the architect's invoices, contractor's statements, invoices, proof of payment and notarized final lien waivers for the completed work and 3) upon a determination by the Director of Community Development that the remainder of the work is 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 OWNER/LESSEE. The second, final reimbursement payment shall be made by CITY only upon submittal of all necessary documents as described herein.

SECTION 5: If the OWNER/LESSEE or his contractor fails to complete the improvement work provided for herein in conformity with the approved plans, design drawings and specifications and the terms of this Agreement, then upon written notice being given by the Director of Community Development to the OWNER/LESSEE, 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 improvement work pursuant to this Agreement and for a period of five (5) years thereafter, the OWNER/LESSEE 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 OWNER/LESSEE 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 OWNER/LESSEE undertake any other changes, by contract or otherwise, to the improvements provided for in this Agreement unless such changes are first submitted to the Director of Community Development, and any additional review body designated by the Director, for approval. 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. OWNER/LESSEE shall execute and record a restrictive covenant, in a form substantially the same as Exhibit "II" hereto, at City's request.

SECTION 7: The OWNER/LESSEE releases the CITY from, and covenants and agrees that the CITY shall not be liable for, and 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 facade improvement(s), including but not limited to actions arising from the Prevailing Wage Act (820 ILCS 30/0.01 et seq.) The OWNER/LESSEE 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 facade improvement(s).

SECTION 8: Nothing herein is intended to limit, restrict or prohibit the OWNER/LESSEE from undertaking any other work in or about the subject premises which is unrelated to the facade improvement provided for in this Agreement.

SECTION 9: This Agreement shall be binding upon the CITY and upon the OWNER/LESSEE and its successors, to said property for a period of five (5) years from and after the date of completion and approval of the facade improvement provided for herein. It shall be the responsibility of the OWNER/LESSEE to inform subsequent OWNER(s)/LESSEE(s) of the provisions of this Agreement.

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

OWNER/LESSEE

CITY OF ST. CHARLES

Mayor

ATTEST: _____
City Clerk

EXHIBIT "I"

Proposal from Garelli Roofing, Siding & Windows:

Total Estimated Cost: \$24,500

Maximum Grant: \$8,000

Historic Preservation Commission Certificate of Appropriateness No. 13-26



GARELLI ROOFING SIDING & WINDOWS *CeH*

HOME IMPROVEMENT AGREEMENT

NAME: David Saelens (Owner)

ADDRESS: 213 S 3rd St DATE: _____

CITY: St Charles STATE: IL ZIP CODE: 60174

PHONE: [REDACTED] ALT PHONE: _____

The undersigned Seller agrees to furnish the following materials, improvements, labor, and/or services:

Hardie - Belly Band, Corners Post. 4" x 4" straight stake
No charge for rotted wood = Capping on all W/W Dows.

Cedar 4" x 4" / Cedar Hardie 26,891.00
29,811.00
27,000.00
40% down 60% upon completion 24,500.00

Price includes all materials, labor, permits, tax, warranty, clean up, and haul away old debris. (permits where applicable)
 GRSW to furnish and install all above products.
 100% Lifetime parts and labor warranty on applicable products
THIS CONTRACT IS ALL INCLUSIVE. ANY CHANGES MAY INVOLVE AN EXTRA COST AND ARE TO BE IN WRITING & SIGNED BY BOTH THE SELLER AND THE OWNER.
This job to start approximately November ("commencement date") to be completed approximately 7 to 9 days
These dates are approximations and may vary slightly. Total Sale Price of work to be performed \$ _____ Deposit
Today \$ _____ (cash, ck# _____, other) Payment of balance will be made in one equal payment of
\$ _____ due on completion. CC# _____ Exp: _____ CVV _____
Requested financing? Y N Type: _____

OWNER HAS READ AND FULLY UNDERSTANDS THE TERMS AND CONDITIONS OF SALE CONTAINED HEREIN AND ON THE REVERSE SIDE, ACKNOWLEDGES RECEIPT OF A COMPLETED COPY OF THIS AGREEMENT AND OF NOTICE OF CANCELLATION, AND HAS INSTRUCTED CONTRACTOR TO PROCEED WITH WORK ACCORDING TO THE TERMS OF THE AGREEMENT. OWNER ACKNOWLEDGES RECEIPT OF A COPY OF THE PAMPHLET, "PROTECT YOUR FAMILY FROM LEAD IN YOUR HOME", AND A COPY OF THE PAMPHLET, "HOME REPAIR: KNOW YOUR CONSUMER RIGHTS".

GRSW
BY: [Signature]
AUTHORIZED REPRESENTATIVE

OWNER'S APPROVAL (BUYER)
Approval: _____
OWNER SIGNATURE

OWNER SIGNATURE



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Update on the Lexington Club Project
-Information Only

Presenter: Christopher Tiedt

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development (11/11/13)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:


The Lexington Club PUD was approved by City Council on 1/7/2013 and the Final Plat of Subdivision for the same project was approved on 4/15/2013. Staff wanted to take a moment to apprise the Council Committee on the status of the overall project, the environmental remediation and milestones outlined in the Lexington Club Development Agreement.

Attachments: *(please list)*

Recommendation / Suggested Action *(briefly explain):*

Information only

For office use only: Agenda Item Number: 3f

		AGENDA ITEM EXECUTIVE SUMMARY					
		Title:		Presentation by SMN Development regarding First Street Redevelopment PUD Building 9 (One West Main building)			
		Presenter(s):		SMN Development			
<i>Please check appropriate box:</i>							
	Government Operations				Government Services		
X	Planning & Development (11/11/13)				City Council		
Estimated Cost:		N/A		Budgeted:	YES	NO	
If NO, please explain how item will be funded:							
Executive Summary:							
<p>Phase 3 of the First Street Redevelopment PUD includes the riverfront property east of First Street, south of Main St. and north of Illinois St. Phase 3 includes Building 1 (River Terrace), Buildings 2 and 3 and the second parking deck (River Loft), the east plaza and river walk, and Building 9 (One West Main St./former Manor site).</p> <p>SMN Development owns the former Manor Restaurant building site, which is now Lot #1 of First Street Phase 3.</p> <p>Additionally, SMN Development has a purchase agreement to acquire from the City Lot #2, an additional 52 ft. wide parcel immediately to the south of Lot 1. The purchase agreement was first entered into in 2008 and has been subsequently extended by the City Council. The purchase agreement is set to expire on Nov. 19, 2013, unless SMN Development secures both a building permit and financial commitment to construct the building, and opens a constructed escrow at the time of closing of the sale.</p> <p>The PUD Preliminary Plans approved in 2008 for the proposed “One West Main” building show a 4 story structure, with a restaurant use on the first floor and office spaces on the upper floors, located on Lots #1 and #2.</p> <p>SMN has requested an opportunity to provide a status update to the Committee.</p>							
Attachments: <i>(please list)</i>							
Aerial photo of the Phase 3 site							
Recommendation / Suggested Action <i>(briefly explain):</i>							
Presentation by SMN Development regarding First Street Redevelopment PUD Building 9 (One West Main building).							
<i>For office use only:</i>		<i>Agenda Item Number: 3g</i>					



Building 4/Parking Deck

West Plaza

First Street

Main Street

Lot 2-
SMN to
purchase
From City

SMN
Dev.

East
Plaza

First Street LLC

Illinois Street

First Street
Redevelopment
Phase 3 Property