	AGENDA ITEM EXECUTIVE SUMMARY					
	Title:		Recommendation to Approve a Minor Change to PUD Preliminary Plan - 2057 Lincoln Hwy.			
	Presenter:		Matthew O'Rourke			
Please check appropriate box:						
	Government Operations				Government Services	
X	Planning & Development – (1/13/14)				City Council	
	Public Hearing					
Estimated Cost: N/A Budgeted: YES NO						
If NO, please explain how item will be funded:						
Executive Summary:						
<p>The applicant, Kolbrook Design, has submitted an application for a Minor Change to the approved Goody's PUD Preliminary Plan. The applicant intends to modify the existing building into a two-tenant building. The details of the proposal are as follows:</p> <ul style="list-style-type: none"> • Convert the existing single-tenant restaurant into a two-tenant building. <ul style="list-style-type: none"> ○ One proposed tenant is a Dunkin Donuts that will utilize the existing Drive-Through Facility. ○ The second space will be available for lease. • Update the exterior appearance of the facility. <ul style="list-style-type: none"> ○ Updates include new signage and painting of the exterior facades. 						
Attachments: <i>(please list)</i>						
Application for Minor Change to PUD Preliminary Plan, received 12/20/2013; Ordinance No. 1982-Z-6; PUD Preliminary Plans; Kolbrook Design, dated 12/19/2013						
Recommendation / Suggested Action <i>(briefly explain):</i>						
Recommendation to approve application for Minor Change to PUD Preliminary Plan at 2057 Lincoln Hwy.						
For office use only:		Agenda Item Number: 5a				

Community & Economic 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 and Development Committee

FROM: Matthew O'Rourke, AICP
Planner

RE: Proposed Minor Change to PUD Preliminary Plans for 2057 Lincoln Hwy.

DATE: January 2, 2014

I. APPLICATION INFORMATION:

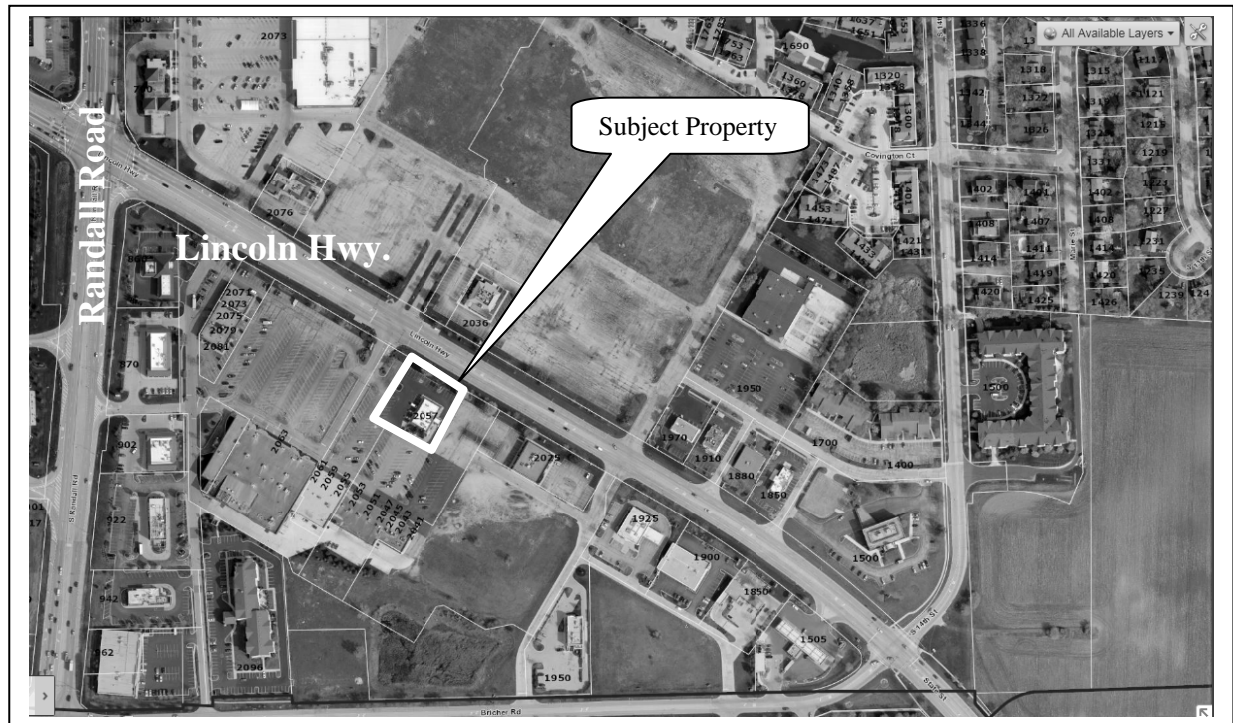
Project Name: 2057 Lincoln Hwy.

Applicant: Steven Kolber, Kolbrook Design.

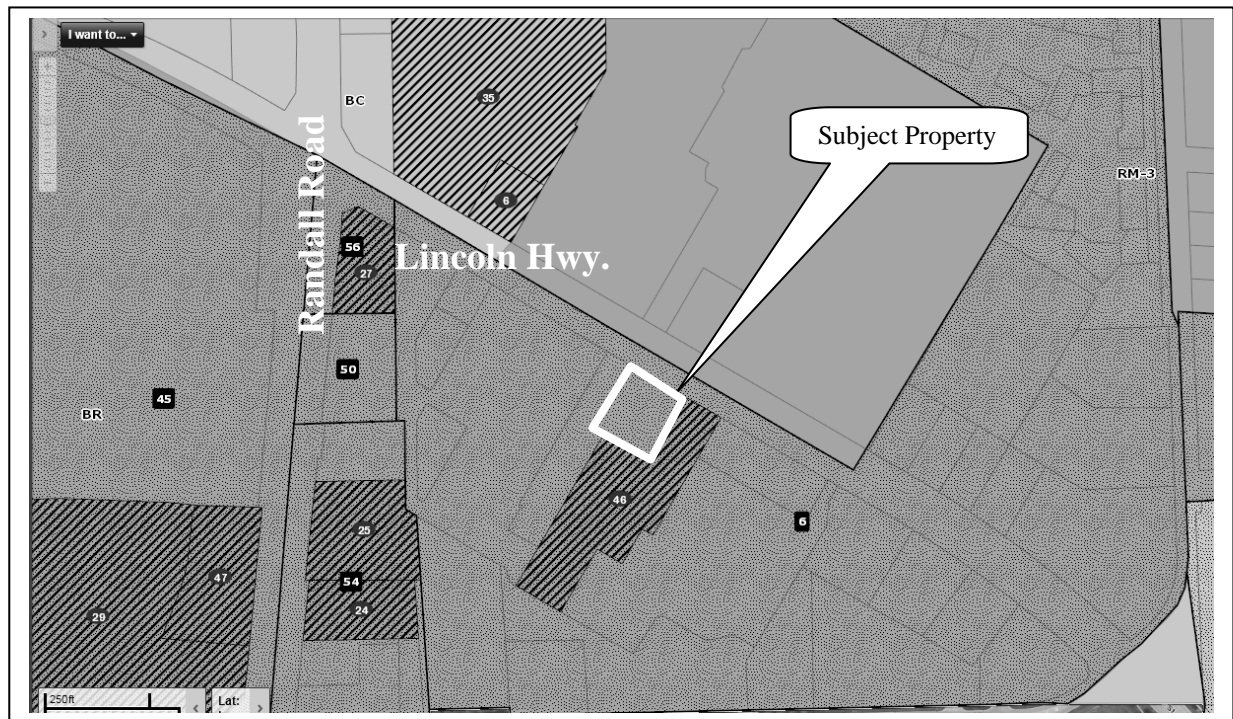
Purpose: Minor change to modify the existing single-tenant building into a two-tenant building and cosmetic changes to the exterior facades.

General Information:		
Site Information		
Location	2057 Lincoln Hwy.	
Acres	0.74	
Applications	1) Minor Change to PUD Preliminary Plan	
Applicable Ordinances and Zoning Code Sections	17.04 Administration 17.06 Design Review Standards & Guidelines 17.28 Signs Ordinance No. 1982-Z-6 "An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property"	
Existing Conditions		
Land Use	Existing Restaurant Building	
Zoning	BR- Regional Business (St. Charles Commercial PUD)	
Zoning Summary		
North	BR- Regional Business	Vacant Lot/Former Mall
East	BR- Regional Business (St. Charles Commercial PUD)	Vacant Building/Former Blockbuster
South	BR- Regional Business (St. Charles Commercial PUD)	Multiple Tenant Building
West	BR- Regional Business (St. Charles Commercial PUD)	Multiple Tenant Building
Comprehensive Plan Designation		
Corridor/Regional Commercial		

Aerial Photograph



Surrounding Zoning



II. BACKGROUND

In 1982, the City Council approved Ordinance No. 1982-Z-6 “An Ordinance Rezoning Property to the R-5 Multiple Residence District and B-3 Service Business District and Granting a Special Use as a Planned Unit Development for the St. Charles Commercial Center Property”. This ordinance established the basic framework and standards for all properties developed in the St. Charles Commercial Center PUD. 2057 Lincoln Hwy. is located on Lot 11 of the St. Charles Commercial Center PUD.

Under these provisions, Resolution No. 85-13 “Resolution Approving a Minor Change and Final Plans for St. Charles Commercial Center Unit 2 (Hardee’s Restaurant)” for a stand-alone fast food restaurant with a Drive-Through-Facility at 2057 Lincoln Hwy. was approved in 1985.

In 1997, resolution No. 1997-60 “Resolution Approving a Minor Change for St. Charles Commercial Center P.U.D Unit 2 (Goody’s)” was approved to modify the Hardee’s restaurant into the existing Goody’s.

III. PROPOSAL

The applicant, Kolbrook Design, has submitted an application for a Minor Change to the approved Goody’s PUD Preliminary Plan. The applicant intends to modify the existing building into a two-tenant building. The details of the proposal are as follows:

- Convert the existing single-tenant restaurant into a two-tenant building.
 - One proposed tenant is a Dunkin Donuts that will utilize the existing Drive-Through Facility.
 - The second space will be available for lease.
- Update the exterior appearance of the facility.
 - Updates include new signage and painting of the exterior facades.

IV. STAFF ANALYSIS

A. MINOR CHANGE

Based on the details of the proposal, staff has determined that this project meets the criteria of a minor change to a PUD. **Section 17.04.430.B Minor Changes** of the Zoning Ordinance states that a change to the PUD plan constitutes a minor change under the following circumstances:

“The City Council may, without review and recommendation of the Plan Commission, approve minor changes in the PUD plans that do not change the concept or intent of the PUD. Minor changes are defined as any change not defined as a major change (see Paragraph A above) or an authorized administrative change (see Paragraph C below).”

B. PROPOSED USES

The St. Charles Commercial Center PUD ordinance contains a detailed list of permitted uses pertaining to lot 11 in Exhibit “B”. Specifically, Drive-in restaurants are listed as a permitted use. Any use seeking to occupy the second tenant space will need to be listed in Exhibit “B”.

C. SITE PLAN

The applicant is not proposing any changes to the physical layout of the site. The Dunkin Doughnuts tenant will utilize the existing drive-through windows and will not alter the existing drive-through layout or stacking spaces. The applicant is not proposing any changes to the parking layout of the site.

D. BUILDING ELEVATIONS

The applicant is planning cosmetic changes to the façade of the existing building. These changes involve painting the façade and replacing the existing window/door awnings. The new color scheme is comprised of earth tone colors with small orange accent bands. The proposed modifications comply with **Section 17.06.030 Standards and Guidelines – BL, BC, BR, & O/R Districts** of the City's Zoning Ordinance.

V. **RECOMMENDATION**

Staff recommends approval of the application for Minor Change to PUD Preliminary Plan.

VI. **ATTACHMENTS**

- Application for Minor Change to PUD Preliminary Plan; received 12/20/2013
- Ordinance No. 1982-Z-6
- PUD Preliminary Plans; Kolbrook Design; dated 12/19/2013

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

MINOR CHANGE TO PUD APPLICATION

CITYVIEW

Project Name:

2057 Lincoln Hwy.

Project Number:

2013 -PR- 019

Application No.

2013 -AP- 028

RECEIVED
St. Charles, IL

DEC 20 2013

CDD
Planning Division

Instructions:

A Minor Change to PUD is one that modifies an approved PUD Preliminary Plan in a manner that complies with all standards of the Special Use for PUD Ordinance applicable to the property and meets the definition of a Minor Change as contained either in Section 17.04.430 of the Zoning Ordinance or the Special Use for PUD Ordinance.

To request approval of a Minor Change, complete this application and submit it with all required attachments to the Planning Division. When the application is complete, City staff will schedule a review by the Planning and Development Committee of the City Council. The Committee's recommendation will be forwarded to the City Council for final action.

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): **0933351021**

Street Address: 2057 Lincoln Highway. Saint Charles, IL 60174

2. Applicant Information:

Name: Steve Kolber, Kolbrook Design

Phone: 847-492-1992

Address: 828 Davis Street, Suite 300. Evanston, IL 60201

Fax: 312-453-0699

Email: skolber@kolbrook.com

3. Record Owner Information:

Name: L.R.G.A., LLC

Phone

Address: 2057 Lincoln Highway
St. Charles, IL 60174

Fax

Email

4. Billing:

To whom should costs for this application be billed?

Name: Kolbrook Design

Phone: 847-492-1992

Address: 828 Davis Street, Suite 300
Evanston, IL 60201

Fax: 312-453-0699

Email: skolber@kolbrook.com

INFORMATION FOR PROPOSED MINOR CHANGE:

NAME OF PUD: St. Charles Commercial Center

PUD ORDINANCE #: 1982-Z-6

Identify Specific PUD Plans to be changed:

1. Subdivide existing outlot building into two tenant spaces.
2. Addition of signage
3. _____

Description of Proposed Changes

- Interior and exterior renovation to divide existing standalone building into two leasable tenant spaces. One tenant (Dunkin Donuts) shall re-use existing drive thru.
- Replacement of exiting Drive Thru menu board with new, larger menu board and speaker tower canopy.
- Addition of building signage to support two tenants.
- Replacement of existing pylon sign to support two tenants.

Attachment Checklist

- ☐ **APPLICATION:** Completed application form signed by the applicant
- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **PROOF OF OWNERSHIP and DISCLOSURE:**
 - a) a current title policy report; or
 - b) a deed and a current title search.

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

- ☐ **LEGAL DESCRIPTION:** For entire subject property, on 8 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.

- ☐ **COVER LETTER:** describing the proposed minor change requested, why it is necessary, and how it is different from the currently approved plan.

U PLANS:

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

Copies of Plans:

- Initial Submittal - Fifteen (15) full size copies, Three (3) 11" by 17", and a PDF electronic file on a CD-ROM.

Plans Shall include the following:

- Site Plan indicating location of proposed change.
- Existing streets on and adjacent to the tract.
- Architectural elevations showing existing/approved and proposed building design, color and materials (if applicable)
- If change is proposed to landscaping, show approved and proposed drawings, indicate species and quantities of plant material to replace existing/approved materials.

Additional information may be necessary depending on the specific change proposed.

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

Forenza to Alba 12-19-13
Record Owner Date

JK 12-19-13
Applicant or Authorized Agent Date

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

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Lorenzo G. Alba, being first duly sworn on oath depose and say that I am
Manager of GOODY'S L.R.G.A., LLC, an Illinois Limited Liability
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

Lorenzo G. Alba
Luis M. Alba
Gilberto Alba
Ruben Alba

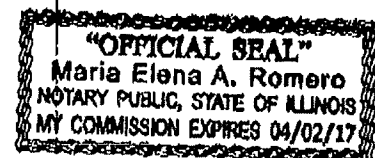
Lorenzo G. Alba
Luis M. Alba
Gilberto Alba
Ruben Alba

By: Lorenzo G. Alba, Manager

Subscribed and Sworn before me this 19 day of

December, 2013

[Signature]
Notary Public





December 19, 2013

Matthew O'Rourke
City of St. Charles
2 E. Main Street
St. Charles, IL 60174

Re: Minor Change to PUD Application
2057 Lincoln Highway
St. Charles, IL 60174

Dear Mr. O'Rourke:

Please consider this petition to make minor changes to the St. Charles Commercial Center PUD; specifically to the Goody's Restaurant property.

We are looking to divide this existing single tenant restaurant into a dual tenant building by demising the space approximately in half. As shown in the attached proposal, Dunkin Donuts potentially will be taking up the East portion of the building to utilize the existing drive thru amenities, leaving the East portion open for an undetermined commercial tenant. In order to accommodate two tenants, additional signage will also be required as illustrated on the attached building elevation proposals.

Given this building's unique location within the PUD, we wish to be assured that subdividing the building will be permitted, use of the existing drive thru is acceptable and that the necessary signage be allocated to provide identity for each tenant while allowing business recognition from both Lincoln Highway and the commercial shopping center to the South. We hope that you find this proposal to be acceptable upon review and we look forward to hearing your response.

Respectfully Submitted

Steven Kolber, AIA
Principal
Kolbrook Design, Inc.

828 Davis Street
Suite 300
Evanston, IL 60201

www.kolbrook.com

EXHIBIT "A"

Legal Description

Permanent Index Number(s): 09-33-351-021

Commonly Known As: 2057 Lincoln Highway, St Charles, Illinois

PARCEL ONE:

LOT 4 IN ST. CHARLES COMMERCIAL CENTER UNIT TWO, ST. CHARLES, KANE COUNTY, ILLINOIS, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PARCEL TWO:

EASEMENT FOR INGRESS AND EGRESS CONTAINED IN A DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS DATED MAY 11, 1984 AND RECORDED JUNE 8, 1984 AS DOCUMENT 1683201 MADE BY STATE BANK OF ST. CHARLES AS TRUSTEE UNDER TRUST NUMBER LT-1691 AND STATE BANK OF ST. CHARLES AS TRUSTEE UNDER TRUST NUMBER LT-1727 FOR THE BENEFIT OF PARCEL ONE OVER PARKING AREAS, DRIVEWAYS, SIDEWALKS, AISLES AND STREETS LOCATED ON THE FOLLOWING DESCRIBED REAL ESTATE: THAT PART OF THE SOUTHWEST 1/4 OF SECTION 33, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF KNELL SUBDIVISION, ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS; THENCE NORTHERLY ALONG THE EAST LINE OF SAID KNELL SUBDIVISION EXTENDED NORTHERLY 224.37 FEET TO THE SOUTHWESTERLY LINE OF ILLINOIS STATE ROUTE NO. 38; THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE 1343.42 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 50.0 FEET; THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 156 DEGREES 53 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 54.36 FEET; THENCE SOUTHWESTERLY PARALLEL WITH THE PENULTIMATE DESCRIBED COURSE 369.0 FEET; THENCE NORTHWESTERLY PARALLEL WITH SAID SOUTHWESTERLY LINE 63.0 FEET; THENCE ~~CLWY~~ ALONG A LINE FORMING AN ANGLE OF 135 DEGREES 00 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 73.54 FEET; THENCE NORTHWESTERLY PARALLEL WITH SAID SOUTHWESTERLY LINE 129.0 FEET; THENCE SOUTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 135 DEGREES 00 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 22.63 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO THE PENULTIMATE DESCRIBED COURSE 114.0 FEET; THENCE NORTHWESTERLY PARALLEL WITH SAID SOUTHWESTERLY LINE 373.46 FEET; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 135 DEGREES 00 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 39.60 FEET; THENCE NORTHWESTERLY PARALLEL WITH SAID SOUTHWESTERLY LINE 330.0 FEET TO THE EAST LINE OF BRICHER ADDITION TO ST. CHARLES TOWNSHIP, KANE COUNTY, ILLINOIS; THENCE NORTHERLY ALONG THE EAST LINE OF SAID BRICHER ADDITION 123.16 FEET TO THE NORTHEAST CORNER THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID BRICHER ADDITION 1.01 FEET TO THE SOUTHEAST CORNER OF KNELL SUBDIVISION; THENCE NORTHERLY ALONG THE EAST LINE OF SAID KNELL SUBDIVISION 378.75 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

4/19/82

ORDINANCE NO. 1982-Z-6

AN ORDINANCE REZONING PROPERTY
TO THE R-5 MULTIPLE RESIDENCE DISTRICT
AND B-3 SERVICE BUSINESS DISTRICT
AND GRANTING A SPECIAL USE AS A
PLANNED UNIT DEVELOPMENT FOR THE
ST. CHARLES COMMERCIAL CENTER PROPERTY

DATE OF PUBLICATION Not
NEWSPAPER published

REFER TO:
MINUTES 4-19-82
PAGE 1479

WHEREAS, a petition for rezoning to R-5 Multiple Residence District and B-3 Service Business District with a special use as a planned unit development has been filed by the State Bank of St. Charles as Trustee under Trust No. T-303, owner of the property described in Exhibit "A" (hereafter the Subject Realty), attached hereto and made a part hereof; and

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

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

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

Section 1. That the zoning map of the City of St. Charles pursuant to Section 17.07.040, "Official Map-Adopted", of the St. Charles Municipal Code be and is hereby amended by rezoning the property legally described as Lot 1 in Exhibit "A" to R-5 Multiple Residence District and the property legally described as Lot 2, Lot 3, Lots 4 through 9 and PARCEL TWO in Exhibit "A" to B-3 Service Business District with all of the Subject Realty being granted a special use as a Planned Unit Development.

Section 2. That the development of the Subject Realty as a planned unit development pursuant to this Ordinance shall be in accordance with all applicable ordinances of the City of St. Charles as now in effect or as hereafter amended, including but not limited to, Title 17 entitled "Zoning" and Title 16 entitled "Subdivisions and Land Improvement" of the St. Charles

1614145

1982 AUG 17 PM 3:30

FILED FOR RECORD
KANE COUNTY, ILL.

RECORDED
OF DEEDS

Thomas E. Jorgensen

1614145

(31)

4/19/82

Ordinance No. 1982-Z-6
Page 2

Municipal Code (sometimes respectively referred to as the "Zoning Title" and "Subdivision Title") and in accordance with the additional procedures, definitions, uses and restrictions contained herein and set forth in Exhibits "B", "C", and "D", attached hereto and made a part hereof.

A. Concept Plan

The concept plan for the Subject Realty, attached hereto as Exhibit "C", is hereby approved. Said approval does not constitute authority to proceed with construction. Rather it is an approval of the general features of the development and is a basis for preparing more detailed preliminary plans for each phase. More restrictive standards and site design criteria than those shown on Exhibit "C" and described herein or set forth in the underlying zoning district may be required by the City Council at the time of presentation of a preliminary plan or final plan. Approval of the concept plan in no way obligates the City Council to approve preliminary plans and final plans which do not conform to this Ordinance and all other ordinances of the City and such additional standards and site design criteria required by the City except for the standards set or variations granted herein at the time of City Council action on such preliminary and final plans

B. Uses

Only those uses listed in Exhibit "B", Paragraph I, "Permitted Uses", shall be permitted.

C. Phases

The Planned Unit Development shall be developed in no more than eleven (11) phases in the order shown and described in Exhibit "D".

D. Density

The maximum density for residential uses and the maximum total square footage of buildings for non-residential uses allowed for each lot shall be as provided in Exhibit "B".

161445

2

4/19/82

Ordinance No. 1982-Z-6

Page 3

E. Building Permits

No building permit shall be issued for construction or reconstruction of any structure or addition until after the preliminary plans, engineering plans, landscaping plans, architectural plans and final plans have been approved and a final plat recorded for the phase or subphase in which the building permit or permits are requested. Plans and specifications for any construction shall in all respects conform to the applicable ordinances of the City of St. Charles. At his option, the Building Commissioner of the City of St. Charles may require submission of plans to and the approval of Building Officials and Code Administrators International, Inc, (BOCA), or comparable organization before a building permit shall be issued. The cost of such BOCA review shall be borne by the applicant and shall be paid prior to the issuance of a building permit.

F. Curb Cuts

Curb cuts shall be permitted only as shown on the Concept Plan shown in Exhibit "D". Specifically, no more than one (1) curb cut shall be allowed on Prairie Street. No more than two (2) curb cuts shall be allowed on 14th Street and no more than three (3) curb cuts shall be allowed on Bricher Road (not shown on Concept Plan). Curb cuts allowed on Illinois Route 38 shall be as follows:

1. One (1) access to the southerly side as a "right-in, right-out" approximately 430 feet easterly of Randall Road centerline.
2. One (1) full access main entry way to the southerly side directly aligned with the existing main entrance to the north which is approximately 950 feet easterly of the Randall Road centerline.
3. One (1) full access main entry way to the southerly side aligned with the existing entrance to the north which is approximately 1650 feet easterly of the Randall Road centerline.

161445

3

4/19/82

Ordinance No. 1982-Z-6
Page 4

4. One (1) "right-in, right-out only" access to the northerly side with the centerline between Lots 6 and 7 approximately 1890 feet easterly of the Randall Road centerline. A barrier curb island to control unauthorized entry shall be provided by Owner.

5. One (1) full access to the northerly side having a centerline coinciding with the lot line between Lots 4 and 5 approximately 440 feet westerly of 14th Street.

6. One (1) full access to the southerly side having a centerline coinciding with the extension of the lot line between Lots 4 and 5 approximately 440 feet westerly of 14th Street.

G. Access

Emergency access for fire and police vehicles shall be provided on all sides of all buildings.

H. Off-Street Loading and Parking

Loading berths and parkings spaces shall be provided in accordance with the provisions set forth in the Zoning Title except as otherwise provided in Exhibit "B".

I. Yards

No yard or setback shall be less than the requirements of the Zoning Title or as shown in Exhibit "B", as the case may be, unless the City Council shall have determined otherwise at the time of approval of the preliminary plan. The City Council may reasonably require a greater yard or setback than shown in the Zoning Title or Exhibit "B".

J. Streets

1. The Owner shall be responsible for the construction and cost of all required street improvements for a 38-foot wide street in accordance with the standards for subdivision streets as set forth

1614145

4

4/19/82

Ordinance No. 1982-Z-6
Page 5

in the Subdivision Title including pavement and the curbs, gutters, storm sewers, sidewalks, street lights, street trees and other related improvements on the following streets:

- a. The south half of Prairie Street between the west property line of Lot 1 and the easterly line of 14th Street including acceleration and deceleration lanes, if required by City, and not including sidewalks east of the east property line of Lot 1 on Prairie Street.
- b. The west half of 14th Street between the northerly line of Prairie Street and the southerly line of Illinois Route 38 including acceleration and deceleration lanes, if required by City.
- c. The north half of Bricher Road between the westerly property line of Lot 11 and the easterly line of the intersection of Bricher Road, Illinois Route 38 and 14th Street including acceleration and deceleration lanes.

The City may at its option delay installation of the improvements on Bricher Road by requiring the Owner to establish an escrow account based on the developer's consulting engineer's estimated cost to be approved by the City Council. Such escrow account shall be in a form and amount acceptable to the City Council to allow the City to procure the funds solely for the construction of improvements on Bricher Road and shall be established prior to execution of a final plat. Owner shall not be required to pay any additional funds once the escrow account has been established nor shall Owner be entitled to interest on the escrow or to any refund of funds in excess of actual cost of construction.

1614145

5

4/19/82

Ordinance No. 1982-Z-6
Page 6

A required street improvement shall be made at the time a phase or subphase which abuts that street is developed and the entire length of the street shall be improved regardless of whether or not the phase being developed abuts the entire length of the street. Prior to the construction of any improvements, or the escrowing of funds in the case of Bricher Road, the Owner shall dedicate the additional right-of-way required to provide at least forty (40) feet of right-of-way along the southerly and easterly edge of Subject Realty unless more or less than one-half ($\frac{1}{2}$) of the road right-of-way is on Subject Realty in which event Owner shall dedicate the right-of-way for all of the road and right-of-way easterly and southerly of the centerline which is part of Subject Realty. Owner shall, however, be responsible only for the installation of improvements along the northerly one-half ($\frac{1}{2}$) of Bricher Road. In the event Owner is able to obtain an agreement with the property owner southerly of Subject Realty for purposes of centering the improved Bricher Road and installation of same and provided such agreement is acceptable to City, the location of Bricher Road as improved in relation to Subject Realty may be modified. Owner shall not be required to pay for acquisition costs of additional right-of-way not on Subject Realty as part of the development.

2. The Owner shall be responsible for the construction and cost of all street improvements on Illinois Route 38 required by the City or the Illinois Department of Transportation including entranceway improvements and the following;

1614145

6

4/19/82

Ordinance No. 1982-Z-6
Page 7

- a. Additional widening of pavement to 38 feet at 14th Street to install an east-bound left-turn lane.
- b. Painted median striping modifications and additions to delineate the left-turn lanes as phasing of the development requires.

K. Utilities

1. As necessary for this development, the Owner shall construct and pay for all on-site and off-site extensions and improvements for:

- a. water mains;
- b. sanitary sewer lines;
- c. storm water facilities;
- d. retention and detention basins;
- e. surface drainage ways and facilities;
- f. electric facilities in accordance with City policy in effect at time of construction.

Owner shall also construct and pay for related appurtenances for the foregoing, and shall obtain for and grant to or cause to be granted to the City, at no cost to the City, on-site and off-site easements for said utilities and for any other utilities and communication facilities that the City may request. Prior to the approval of a final plat for a phase, the City shall have the right to designate which easements, on-site and off-site extensions, and improvements for water mains, sanitary sewers, storm sewers, surface drainage facilities, retention and detention basins and other utilities will be accepted by the City for that phase. For those easements and improvements accepted, the Owner shall transfer to the City or cause to be transferred to the City (free and clear of all liens and encumbrances) title to all on-site and off-site exten-

1614145

7

4/19/82

Ordinance No. 1982-Z-6
Page 8

sions (except domestic service connections) for water mains, sanitary sewer lines and storm sewer lines, electric lines and the related appurtenances for each of the foregoing.

2. For those improvements not to be accepted by the City, Owner shall, however, comply with all provisions of the Subdivision Title including the posting of a proper guarantee and collateral to assure installation.

3. As of the date of this Ordinance, the Subject Realty has been placed on restrictive status by the Illinois Environmental Protection Agency (IEPA), prohibiting future sanitary sewer extensions in certain areas. No sanitary sewer extensions requiring IEPA permits shall be extended to serve the Subject Realty without the approval of the Illinois Environmental Protection Agency. The City shall have no obligation to assist or participate in any proceedings, construction of improvements, or other activities for the purposes of expediting the receipt of a permit for sanitary sewer or water extension or connection from the Illinois Environmental Protection Agency or other regulatory agencies. The Owner of the Subject Realty or its agent shall have no right to enforce speedier action by the City on projects related to such Illinois Environmental Protection Agency approval or such other regulatory agency approval.

4. Except as provided in Paragraph K, 5, below, in the event the City requests Owner to over-size certain on-site water mains installed on Subject Realty, such over-sizing shall take place on the following basis: the developer's consulting engineer shall have prepared cost estimates subject to City Council approval indicating the cost for the normal sewer or water main size and that requested by

1614145

8

4/19/82

Ordinance No. 1982-Z-6

Page 9 :

the City for over-sizing. Such actual cost difference and no more will be assumed by the City, and such reimbursement made upon acceptance by the City Council and receipt of a Bill of Sale conveying title to such mains to the City free and clear of all liens and encumbrances. At City's election, Owner shall pay for over-sizing provided City shall enter a recapture agreement pursuant to Chapter 24, Section 9-5-1, of the Illinois Revised Statutes, providing for recovery of the over-sizing costs with a maximum time period of six (6) years with interest at the rate of eight percent (8%) per annum on the amount unpaid. At the end of six (6) years, the City shall pay for any unrecovered over-sizing costs. City may, however, recover such payment from those properties which would have been required to pay but for the 6-year payoff by City. All engineering and construction costs shall be paid by Owner.

5. The Owner shall procure an easement for City and construct a 12-inch sanitary sewer from the existing sanitary sewer on Gray Street to the east property line of the Subject Realty. The City shall reimburse the Owner for one-half ($\frac{1}{2}$) the cost of installing said sanitary sewer or \$25,000, whichever is less provided Owner shall have obtained an easement for City in a form acceptable to City extending easterly from 14th Street to Gray Street at or prior to the time of presentation of engineering plans. In the event such easement shall not have been procured, Owner shall pay for the necessary extensions to alternative sewer lines.

6. In the event the City desires to install utilities to service areas beyond the Subject Realty sooner than the Owner is required to install such utilities, the Owner shall grant the necessary easements on or across the Subject Realty at such time as City shall request.

The City shall pay for and install such utilities and be reimbursed

161445

9

4/19/82

Ordinance No. 1982-Z-6

Page 10 ;

by Owner for Owner's share of the cost of installation of such utilities at or prior to the time of approval of a final plat or plats for portions of the subject property benefiting from the utilities. Owner shall pay City eight percent (8%) interest per annum on Owner's share of such cost.

7. Owner shall not object to the establishment of a special service area covering Subject Realty for the purpose of care, maintenance, replacement and reconstruction of storm water distribution system and storm water facilities and sanitary sewers or for the engineering and construction of traffic signals with the maximum levy of \$.10 per \$100.00 of assessed value per year.

8. Prior to the approval of a final plat for any phase of the planned unit development, the Owner shall have provided City a release in a form acceptable to City, releasing City from any and all obligations of certain agreements if applicable to the real estate involved it would have acquired by virtue of accepting land within the planned unit development and any amendments to said agreements, said agreements being an agreement entitled "Declaration of Easements and Agreement for Use and Maintenance of Storm Drainage System" recorded February 13, 1979, as Document No. 1494073 and agreement entitled "Reciprocal Construction Operating and Easement Agreement" recorded February 13, 1979, as Document No. 1494080.

L. Signalization

Prior to approval of a final plat for any phase of the planned unit development, Owner and any mortgagee or other encumbrancer shall have approved and executed a recordable document signifying their approval of and the Owner's agreement to pay for the proportionate share of the cost of signalization for the intersection on Illinois Route 38 approximately 950 feet easterly of Randall Road based on standard origin/destination procedures at such time as warranted. Said

1614145

10

4/19/82

Ordinance No. 1982-Z-6
Page 11

agreement shall create a lien against Lot 11 as shown on Exhibit "C" which shall be enforceable as a foreclosure of a mortgage and shall be in a form acceptable to City.

M. Signs

Upon submittal of the final plans for each phase, the Owner and/or Developer shall submit written and graphic descriptions of the sign standards, including location, for each phase. Such sign standards shall be subject to the review and approval of the City Council and shall be as set forth in Exhibit "B" and provisions of all City ordinances.

N. Landscaping

All unpaved areas shall be landscaped in accordance with the plans reviewed by the Plan Commission and approved by the City Council. Landscaping for a phase or subphase shall be completed prior to the occupancy of any structure for that phase or subphase. However, if conditions beyond the control of the Developer prohibit the installation of the landscaping prior to a request for occupancy of a structure, a performance bond or irrevocable letter of credit in a form and amount given by a firm acceptable to the City shall be posted until such time as the landscaping is completed.

O. Land/Cash Donation

The Owner shall dedicate land or cash in accordance with the provisions of Chapter 16.32 entitled "Dedications" of the St. Charles Municipal Code as in effect at the time a final plat is completed for any phase.

P. Variations Granted

The following variations from the Zoning Title and Subdivision Title are granted:

1. A variation from Section 16.16.040 of the St. Charles Municipal Code, "Proposed Subdivision Design Features", paragraph A, 2, to

1614145

11

4/19/82

Ordinance No. 1982-Z-6

Page 12:

permit private streets to serve the project as shown on the Concept Plan. For those improvements not to be accepted by the City, Owner shall, however, comply with all provisions of the Subdivision Title including the posting of a proper guaranty and collateral to assure installation.

2. A variation from Section 16.16.040, C, 3, to allow Lot 9 to not abut a publicly dedicated street, provided there are easements for ingress and egress which are in conformity with State law.

3. A variation to eliminate the installation of sidewalks along the north and south sides of Illinois Route 38, provided there is a network of sidewalks within the Subject Realty and provided there shall be a continuous sidewalk along 14th Street, Prairie Street and Bricher Road for the full frontage of Subject Realty, all in a form acceptable to the City Council.

4. A variation to permit one (1) sign for Lot 9 to be located on Lot 8.

Q. Dedication of Land

Upon request by the City, the Owner shall dedicate to the City a 33-foot wide strip of land along the westerly edge of Lot 11 between Illinois Route 38 and Bricher Road. Such dedication shall be for street purposes and those public and quasi-public utilities deemed necessary by the City Council. Such dedication shall be free and clear of all liens and encumbrances, covenants and restrictions, and at no cost to the City.

Section 3. Hold Harmless and Indemnification. In the event a claim is made against the City, or if the City is made a party-defendant in any legal proceeding arising out of the approval of this Ordinance or the development of the Subject Realty, the Owner shall at City's election defend the City and

1614145

12

4/19/82

Ordinance No. 1982-Z-6
Page 13

hold the City harmless from all losses, judgments, costs, fees, including attorney fees, and expenses in connection therewith. The City shall reasonably cooperate in the defense of such proceedings.

Section 4. List of Exhibits

- A. Legal Description of the Subject Realty
- B. Standards and Site Design Criteria
- C. Concept Plan for the Subject Realty
- D. Phasing Schedule
- E. Consent

Section 5. The provisions of this Ordinance shall be deemed not to be separable and if any provision which limits Owner or requires payment to City shall be held invalid, then at the option of the City, any unplatted areas of Subject Realty shall not be developed other than at a density or for the non-residential uses permitted in the R-1 Single Family Residence District.

Section 6. Upon petition and full compliance with all applicable ordinances, the City at its sole discretion may amend this Ordinance for all of Subject Realty or a portion thereof.

Section 7. This Ordinance shall constitute a covenant running with the land and is binding upon the owners, lessees, other grantees, successors in interest, and assigns. This Ordinance may be recorded in the Recorder of Deeds Office, Kane County, Illinois.

Section 8. This Ordinance shall be in full force and effect from and after its passage and approval in accordance with law, but only if all owners, lessees, and mortgagees of Subject Realty shall have consented in writing and delivered such written consent in the form attached as Exhibit "E" to the City within thirty (30) days after the date hereof.

1614145

13

4/19/82

Ordinance No. 1982-Z-6



Page 14

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 19th day of April, 1982.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 19th day of April, 1982.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, this 19th day of April, 1982.


MAYOR



CITY CLERK

Council Vote:
Ayes: 9
Nays: 0
Absent: 1

This document prepared by:
Allen L. Landmeier
City Attorney
City of St. Charles
2 East Main Street
St. Charles, IL 60174

1614145

14



DONAHUE and THORNHILL

REGISTERED LAND SURVEYORS

SUBDIVISION — INDUSTRIAL — FARMS
 TOPOGRAPHICAL — RESIDENTIAL — MORTGAGE
 CALCULATING — LEGAL DESCRIPTIONS — MAPPING
 RIGHT-OF-WAY
 ELECTRONIC DISTANCE MEASUREMENT

20 SOUTH SECOND STREET

GENEVA, ILLINOIS 60134

232-7418

RECEIVED

APR 06 1982

PLANNING OFFICE
 ST. CHARLES, ILL.

March 18, 1982

PARCEL ONE

Lot 1

That part of the Southwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of Joe Keim's Randall Road Subdivision, St. Charles Township, Kane County, Illinois; thence southeasterly along the northeasterly line of Illinois State Route No. 38, 1440.0 feet; thence northeasterly at right angles to the last described course 935.0 feet for a point of beginning; thence southwesterly along the last described course 275.0 feet; thence southeasterly at right angles to the last described course 310.0 feet; thence southeasterly along a line forming an angle of $175^{\circ}42'43''$ with the last described course (measured clockwise therefrom) 217.38 feet to the west line of Fourteenth Street South; thence northerly along said west line 1024.06 feet to a point that is 208.67 feet southerly of the center line (measured along said west line) of Prairie Street; thence westerly parallel with said center line 283.67 feet; thence northerly parallel with said west line 168.67 feet to a point that is 40.0 feet southerly of said center line (measured at right angles thereto); thence westerly parallel with said center line 581.84 feet to a point that is 1134.54 feet easterly of the east line of said Subdivision (measured along said center line); thence southerly parallel with said east line 321.03 feet to a line drawn parallel with said northeasterly line from the point of beginning; thence southeasterly parallel with said northeasterly line 677.64 feet to the point of beginning in the City of St. Charles, Kane County, Illinois, and containing 13.782 acres.*

Lot 2

That part of the Southwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of Joe Keim's Randall Road Subdivision, St. Charles Township, Kane County, Illinois; thence southeasterly along the northeasterly line of Illinois State Route No. 38, 1440.0 feet; thence northeasterly at right angles to the last described course 660.0 feet; thence southeasterly at right angles to the last described course 310.0 feet; thence southeasterly along a line forming an angle of $175^{\circ}42'43''$ with the last described course (measured clockwise therefrom) 217.38 feet to the west line of Fourteenth Street South for a point of beginning; thence northwesterly along the last described course 217.38 feet; thence southwestwardly along a line drawn at right angles to said northeasterly line 450.0 feet; thence southeasterly at right angles to the last described course 230.05 feet; thence easterly along a line forming an angle of $147^{\circ}24'40''$ with the last described course (measured clockwise therefrom) 239.93 feet to said west line of Fourteenth Street South; thence northerly along said west line 400.0 feet to the point of beginning in the City of St. Charles, Kane County, Illinois, and containing 3.452 acres.*

Lot 3

That part of the Southwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of Joe Keim's Randall Road Subdivision, St. Charles Township, Kane County, Illinois; thence southeasterly along the northeasterly line of Illinois State Route No. 38, 1440.0 feet; thence northeasterly at right angles to the last described course 210.0 feet; thence southeasterly at right angles to the last described course 510.0 feet; thence southwestwardly at right angles to the last described course 227.60 feet to said north-

*and also that part of the west half of 14th Street South, lying easterly of and adjacent to the foregoing described tract.

1614145

15

easterly line for a point of beginning; thence northeasterly along the last described course 227.60 feet; thence southeasterly at right angles to the last described course 30.05 feet; thence easterly along a line forming an angle of 147°24'40" with the last described course (measured clockwise therefrom) 239.93 feet to the west line of Fourteenth Street South; thence southerly and southwesterly along said west line 445.70 feet to said northeasterly line; thence northwesterly along said northeasterly line 331.37 feet to the point of beginning in the City of St. Charles, Kane County, Illinois, and containing 2.416 acres.*

Lots 4 through 9

That part of the Southwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of Joe Keim's Randall Road Subdivision, St. Charles Township, Kane County, Illinois; thence southeasterly along the northeasterly line of Illinois State Route No. 38, 1440.0 feet for a point of beginning; thence northeasterly at right angles to the last described course 660.0 feet; thence southeasterly at right angles to the last described course 310.0 feet; thence southwesterly at right angles to the last described course 450.0 feet; thence southeasterly at right angles to the last described course 200.0 feet; thence southwesterly at right angles to the last described course 227.60 feet to said northeasterly line; thence northwesterly along said northeasterly line 510.61 feet to the point of beginning in the City of St. Charles, Kane County, Illinois, and containing 5.706 acres.

PARCEL TWO

Tract Lying South of Route 38

That part of the Southwest Quarter of Section 33, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the northeast corner of Knell Subdivision, St. Charles Township, Kane County, Illinois; thence northerly along the easterly line of said Knell Subdivision extended northerly 224.37 feet to the southwesterly line of Illinois State Route No. 38; thence southeasterly along said southwesterly line 1541.09 feet to a point of curvature; thence continuing southeasterly along said southwesterly line, being along a curve to the right having a radius of 3123.23 feet that is tangent to the last described course at the last described point 630.73 feet to the most northerly corner of tract No. 91C as described in Circuit Court Case 64-1473; thence southwesterly along the northwesterly and northerly lines of said tract 308.65 feet to the most westerly corner of said tract; thence westerly along the south line of said Quarter 1546.31 feet to the easterly line of Bricher Addition to St. Charles Township, Kane County, Illinois; thence northerly along the easterly line of said Bricher Addition 689.79 feet to the northeast corner thereof; thence westerly along the northerly line of said Bricher Addition 1.01 feet to the southeast corner of Knell Subdivision; thence northerly along the easterly line of said Knell Subdivision 378.75 feet to the point of beginning in the City of St. Charles, Kane County, Illinois, and containing 30.352 acres.

*and also that part of the west half of 14th Street South, lying easterly of and adjacent to the foregoing described tract.

EXHIBIT "B"

STANDARDS AND SITE DESIGN CRITERIAI. PERMITTED USES

A. The following uses are permitted on Lots 4, 5 6, 7, 8, 9, 10 and 11 as shown on the Concept Plan:

1. Amusement establishments including bowling alleys, pool halls, dance halls, skating rinks
2. Animal hospitals
3. Antique shops
4. Art galleries and museums
5. Art and school supply stores
6. Auction rooms
7. Automobile accessory stores
8. Automobile laundries
9. Automotive vehicle and automotive equipment sales
10. Bakeries where not more than 50% of the floor area is devoted to processing, and not employing more than eight (8) persons
11. Banks and financial institutions
12. Barber shops
13. Beauty parlors
14. Bicycle stores, sales, rental and repair
15. Blueprinting and photocopying establishments
16. Book and stationery stores
17. Business machine sales and service
18. Camera and photographic supply stores
19. Candy and ice cream stores
20. Carpet and rug stores
21. Caskets and casket supplies
22. Catering establishments
23. China and glassware stores
24. Churches, rectories and parish houses
25. Clothing establishments
26. Clubs and lodges, private, fraternal or religious
27. Coin and philatelic stores
28. Contractors and construction offices
29. Costume rental
30. Currency exchanges
31. Custom dressmaking
32. Department stores
33. Drive-in restaurants
34. Drugstores
35. Dry cleaning establishments, retail, employing not more than four persons
36. Dry goods store
37. Electrical and household appliance stores including radio and television sales
38. Employment agencies
39. Exterminating shops
40. Flower shops and conservatories
41. Food stores, including grocery stores, meat markets, bakers and delicatessens (retail sales only)

4/19/82

Exhibit "B" (cont.)

Page 2

42. Frozen food stores, including locker rental in conjunction therewith
43. Fuel and ice sales, retail only
44. Furniture stores, including upholstery
45. Furrier shops, including the incidental storage and conditioning of furs
46. Garden supply, tool and seed stores
47. Accessory uses
48. Gift shops
49. Greenhouses
50. Haberdasheries
51. Hardware stores
52. Health centers
53. Hobby shops
54. Hospital
55. Interior decorating shops, including upholstery and making of draperies, slipcovers, and other similar articles when conducted as part of the retail operations and secondary to the principal use
56. Hotels
57. Jewelry stores, including watch repair
58. Job printing shops, using presses having beds of not more than 14 inches and 20 inches
59. Laboratories, medical and dental, also research and testing
60. Laundries, coin-operated or automatic self-service type or hand, employing not more than two persons in addition to one owner or manager
61. Leather goods and luggage stores
62. Libraries
63. Liquor stores, retail sales
64. Loan offices
65. Locksmith shops
66. Machinery and equipment sales, but not including service repair or reconditioning and storage of all machinery shall be within enclosed buildings
67. Mail order service storage
68. Meat markets, including the sale of meat and meat products to restaurants, motels, clubs, and other similar establishments when conducted as part of the retail business on the premises
69. Meeting halls
70. Medical and dental clinic
71. Millinery shops
72. Musical instrument sales and repair
73. Newspaper offices, but not including printing
74. Offices, business, professional and public
75. Office machine sales and servicing
76. Office supply stores
77. Open sales lots
78. Opticians and optometrists
79. Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles
80. Paint and wallpaper

1614145

18

Exhibit "B" (cont.)
Page 3

81. Pet shops
82. Phonograph record and sheet music stores
83. Photography studios, including developing and printing of photographs when conducted on the premises as a part of the retail business
84. Physical culture and health services, gymnasiums
85. Picture framing when conducted on the premises for retail trade
86. Plumbing showrooms and shops
87. Post offices
88. Radio and television broadcasting studios and towers
89. Radio and television service and repair shops
90. Recording studios
91. Restaurants, including live entertainment and dancing
92. Restricted production and repair limited to the following: art needlework, clothing, custom manufacturing and alterations for retail only
93. Schools, commercial or trade not involving any danger of fire, explosion, nor of offensive noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences
94. Schools of music, dance or business
95. Second-hand stores and rummage shops
96. Sewing machine sales and services, household machines only
97. Shoe stores
98. Shoe and hat repair stores
99. Signs as regulated in this Ordinance
100. Sporting Goods stores
101. Tailor shops
102. Taverns and cocktail lounges
103. Taxidermists
104. Telegraph offices
105. Temporary buildings for construction purposes for a period not to exceed the duration of such construction
106. Theaters - indoor
107. Ticket agencies, amusements
108. Tobacco shops, retail sales
109. Toy shops
110. Travel bureaus and transportation ticket office
111. Typewriter and adding machine sales and service establishments
112. Undertaking establishments and funeral parlors
113. Variety stores
114. Wearing apparel shops

B. The following uses are permitted on Lot 1 as shown on the Concept Plan:

1. Multiple-family dwellings

C. The following uses are permitted on Lot 2 as shown on the Concept Plan:

Business service establishments which perform services on the premises:

1. Better business bureau

4/19/82

Exhibit "B" (cont.)
Page 4

2. Business and/or management consultant
3. Business office, in which chattels or goods, wares or merchandise are not displayed or sold on the premises
4. Chamber of commerce
5. Credit agency
6. Funeral parlor or undertaking establishment
7. Insurance office
8. Interior decorating studio
9. Investment company
10. Labor union and/or organization
11. Mail order house
12. Photographic studio
13. Real estate office
14. Secretarial service
15. Social and fraternal association
16. Trade association

Professional office establishments:

1. Accounting, auditing and bookkeeping
2. Architect's office
3. Artist and industrial designer's office
4. Attorney and law office
5. Chiropodist's office
6. Chiropractor's office
7. Dentist's office
8. Doctor's, surgeon's and/or physician's office
9. Engineering office
10. Landscape architect's office
11. Land surveyor's office
12. Minister's office.
13. Optician's office
14. Osteopath's office

Retail business, which supply commodities on the premises limited to:

1. Art gallery
2. Antique shop
3. Bookstore
4. Gift shop
5. Flower shop
6. Leather and luggage goods stores
7. Equestrian riding apparel shops

Public, quasi-public and governmental buildings or facilities:

1. Church
2. Off-street parking facility
3. Museums, art gallery

D. The following uses are permitted on Lot 3 as shown on the Concept Plan:

1. The uses permitted on Lot 2 listed in Paragraph I, C, above

1614145

20

2. Antique shop
3. Art galleries or collector shop
4. Camera and photography store
5. Clock shop
6. Clothing stores -- men's, women's
7. Clothing stores -- sports
8. Crystal, china or glass shop
9. Furniture stores
10. Gift shop with specialty theme
11. Home entertainment center store
12. Jewelry
13. Leather goods and luggage stores
14. Linen or lace shop
15. Restaurant
16. Shoe stores
17. Tobacco shop
18. Travel bureaus
19. Banks and financial institutions

II. DENSITY

The maximum density for residential use and the maximum total square footage of building for non-residential use allowed for each lot shown on the Concept Plan shall be as follows:

- A. Lot 1 - 15 units per acre for a maximum of 210 units
- B. Lot 2 - 12,000 square feet
- C. Lot 3 - 25,000 square feet
- D. Lot 4 - 10,000 square feet
- E. Lot 5 - 10,000 square feet
- F. Lot 6 - 10,000 square feet
- G. Lot 7 - 10,000 square feet
- H. Lot 8 - 10,000 square feet
- I. Lot 9 - 19,000 square feet
- J. Lot 10 - 75,000 square feet
- K. Lot 11 - 180,000 square feet

III. YARDS

There shall be a minimum setback of thirty feet (30') from Prairie and 14th Streets and twenty feet (20') from Route 38. No parking or structures, including but not limited to, all accessory buildings, swimming pools, signs and fences over six feet (6') tall shall be permitted within said setback areas. Said setback areas shall be suitably landscaped and planted so as to provide open green space. Buildings shall be set back at least thirty feet (30') from all public rights-of-way.

Any yard adjoining residential property shall be a minimum of thirty feet (30') in depth.

IV. SIGNS

All signs exceeding 12 square feet in surface area shall be submitted to the Plan Commission for review and approval prior to issuance of a building permit.

- A. Non-flashing but illuminated business signs with no moving parts, awnings and marquees are permitted on Lots 4, 5, 6, 7, 8, 9, 10 and 11 subject to regulations set forth elsewhere in City ordinances and the following:
1. The illumination of any exterior sign shall be only during business hours or 11:00 pm - whichever is later. Where a sign is illuminated by light reflected upon it, direct rays of light shall not beam upon any part of any existing residential buildings, nor into a Residence District, nor into a street. A sign in direct line of a traffic signal shall not be in red, green, or amber illumination.
 2. The gross surface area in square feet of all signs on a lot or building shall not exceed three (3) times the number of lineal feet of the building frontage; and each side of a building which abuts a street or frontage road shall be considered as a separate frontage; and the gross area of all signs located on a side of a lot or building abutting a street shall not exceed the number of lineal feet of such building frontage.
 3. Signs shall not project into the public way.
 4. Any sign located within ten feet (10') of the paved surface of a street or within ten feet (10') of a sidewalk or driveway, or within fifty feet (50') of the intersection of two (2) or more streets shall have the lowest elevation at least twelve feet (12') above curb level.
 5. A sign affixed to a building shall not project higher than the building height, or thirty feet (30') above the curb level, whichever is lower, except in the case of a one-story building where the sign may project not more than three feet (3') above the building height. A ground sign shall not exceed forty feet (40') in height above curb level.
 6. No more than one (1) free standing ground sign may be erected on each of the following lots: 4, 5, 6, 7, 8, 9, and 10 and no more than four (4) such signs on Lot 11, one (1) of which may be erected having a total gross display area of not more than .75/1.00 of the gross

4/19/82

Exhibit "B" (cont.)

Page 7

floor area of the building situated on the property, provided, however, that no one display surface shall contain more than 300 square feet, and the total area of all display surfaces shall not exceed 600 square feet; such sign structure shall be set back at least half the required yard depth from the abutting street, and the bottom edge of any display surface shall be at least eight feet (8') above the level of the ground, and its overall height shall not exceed 24 feet above the curb level. Its overall width shall not exceed twenty feet (20').

- B. Non-flashing but illuminated business signs with no moving parts are permitted on Lots 2 and 3 subject to all City Ordinances and the following:
1. The illumination of any sign shall be only during business hours. Where a sign is illuminated by light reflected upon it, the lighting shall be shielded in such a manner as to prevent direct rays of light from shining on buildings other than those on the immediate premises, or from shining into a street.
 2. The gross surface area in square feet of all signs on a lot or building shall not exceed the number of lineal feet of the building frontage; except, that on a corner lot the gross surface area of all signs on a side street frontage shall not exceed one-half square foot area for each lineal foot of the building frontage on such side street. Each street frontage shall be considered a separate frontage and the separate permitted gross surface sign areas shall not be combined.
 3. Signs shall be affixed flat against the building walls and shall not project therefrom for more than twelve inches (12") except in the case of a yard sign.
 4. A single free-standing yard sign on each of the said two lots is permitted. Such yard sign shall not exceed thirty-two (32) square feet in gross surface area, nor shall it exceed the gross surface area permitted in Subsection 2 of this Section. No yard sign shall be permitted within the required setback adjoining a street.
 5. No sign shall project higher than twelve feet (12') above the established grade of the building.
- C. Signs located on Lot 1 shall be in accordance with the underlying zoning district.

1614145

23

4/19/82

Exhibit "B" (cont.)

Page 8

V. OFF-STREET PARKING AND LOADING

Off-street parking spaces and loading berths shall be provided in accordance with the provisions set forth in the Zoning Title except the parking spaces for uses other than grocery stores and multiple family dwellings may be 9 feet by 18½ feet. The size of parking spaces for grocery stores and multiple family dwellings shall conform to the provisions of the Zoning Title.

1614145

24

4/19/82

EXHIBIT "D"

P H A S I N G

The Subject Realty shall be developed in no more than eleven (11) phases. A phase shall consist of one or more lots as described on the Concept Plan. Subject to Council approval, there may be subphases, in which case the final plan shall constitute only that portion of the approved preliminary plan which the applicant proposes to record and develop. For any subphase all improvements shall be completed for the entire phase unless the City Council approves otherwise.

The Owner may vary the following phasing schedule provided all off-site extensions and improvements for streets, access drives, water mains, sanitary sewers, storm water facilities, retention and detention basins, surface drainage ways and facilities and electrical facilities necessary, as determined by the City Council, to service the phase being presented shall be completed and paid for by Owner as part of that phase, including the applicant's obtaining and granting all necessary off-site easements and dedication of rights-of-way. If there is concurrent phasing or subphasing, the completion schedule of all the aforesaid extensions and improvements shall require a sequence which provides for usage by the phase or subphase furthest from the existing utilities at the time such phase or subphase is completed. If there are two or more phases being developed at one time the sequence shall provide for service to the phase first requiring such service.

All on-site and off-site extensions and improvements for water mains, sanitary sewers, storm water facilities, retention and detention basins, surface drainage ways and facilities and electrical facilities shall be installed as necessary to serve each phase. In addition certain on-site and off-site improvements shall occur in accordance with the following schedule:

1. The development of Lots 9 and 6 (Phase 1) shall include the following improvements:
 - a. Construction of the full width access road between Lot 9 and Lots 6, 7 and 8.
 - b. Construction of the full width access road between Lots 6 and 7 and installation of the barrier curb and necessary widening of Illinois Route 38 for the "right-in, right-out" curb cut on Route 38.
 - c. Completion and restoration of detention basin on Lots 1 and 2 in accordance with the requirements of the City.
2. The development of Lot 10 shall include the following improvements:
 - a. All required improvements to Illinois Route 38 along the frontage of Lot 10 or a subphase of Lot 10, including intersection improvements on Route 38 at Bricher Road.

1614145

26

4/19/82

Exhibit "D" (cont.)

Page 2

- b. Dedication of right-of-way and escrowing of funds for future Bricher Road improvements based on the frontage of Lot 10 or a subphase of Lot 10 along Bricher Road as more fully described in the body of this Ordinance.
3. The development of Lot 11 shall include the following improvements:
 - a. All remaining improvements to Illinois Route 38.
 - b. All remaining dedications of right-of-way and escrowing of funds for the future improvement of Bricher Road.
 - c. The dedication of a 33-foot wide strip of land along the west property line of Lot 11.
4. When Lots 1, 2 or 3 are developed, or the access drive between Lots 2 and 3 is completed to 14th Street, whichever occurs first, the Owner shall complete the following improvements:
 - a. The dedication of right-of-way and improvement to the west half of 14th Street from Illinois Route 38 to Prairie Street. In the event the necessary right-of-way along the east side of 14th Street is attained and the City Council decides the full width of 14th Street should be improved, the Owner shall improve the full width of 14th Street and be reimbursed by the City for the costs of improving the east half of 14th Street.
 - b. Installation of the water main loop along 14th Street.
5. The development of Lot 1 shall include the improvement of the south half of Prairie Street along the north property line of Lot 1.
6. The development of Lots 3 or 4, whichever occurs first, shall include the construction of the full width of the access drive between Lots 3 and 4 including any required improvements to Illinois Route 38 for said access drive.

1614145

27

4/19/82

EXHIBIT "E"

C O N S E N T

We, the Owners and Lessees of the Subject Realty described in Exhibit "A", approve of accept and agree to the terms and conditions set forth in the Ordinance to which this Consent is attached.

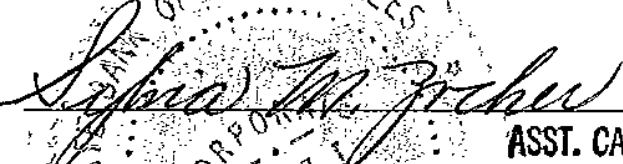
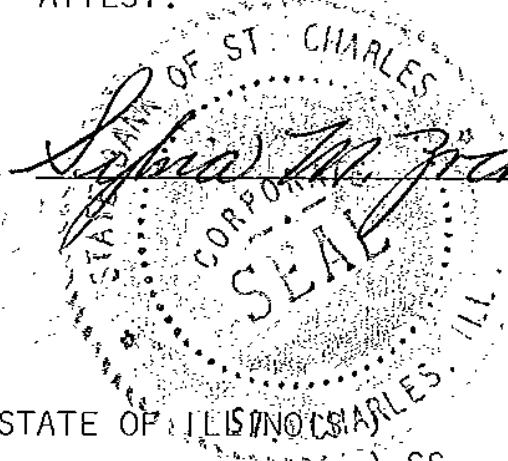
State Bank of St. Charles as Trustee
under the Provisions of a Trust
Agreement dated November 22, 1972, and
known as Trust No. T-303

(SEAL)

ATTEST:

BY: 

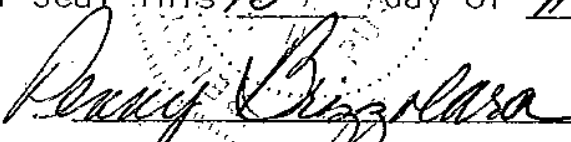
VICE PRESIDENT & TRUST OFFICER


ASST. CASHIER

STATE OF ILLINOIS)
COUNTY OF KANE) SS

I, THE UNDERSIGNED, a NOTARY PUBLIC in and for said County, in the state aforesaid, DO HEREBY CERTIFY that CARL W. RUDOLPH Vice President - Trust Officer of STATE BANK OF ST. CHARLES AND SYLVIA M. ZOCHER and ASST. CASHIER Assistant Secretary of said bank, personally known to me to be the said persons whose names are subscribed to the foregoing instrument as such Vice President - Trust Officer and ASST. CASHIER ~~Assistant Secretary~~ respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of said bank, for the uses and purposes therein set forth and the said ASST. CASHIER ~~Assistant Secretary~~ did also then and there acknowledge that he as custodian of the corporate seal of said bank, did affix the said corporate seal of said bank to said instrument as his own free and voluntary act and as the free and voluntary act of said bank, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 13th day of May, 1982.

1614145

 NOTARY PUBLIC

4/19/82

Exhibit "E" (cont.)
Page 2 of 3

C O N S E N T

We, the Mortgagees of the Subject Realty described in Exhibit "A", approve, accept and consent to the terms, and conditions set forth in the Ordinance to which this Consent is attached.

Batavia Savings & Loan Association as
Mortgagee under Document No. 1537805,
dated this 14th day of May,
1982.

By: [Signature]

STATE OF ILLINOIS)
COUNTY OF Kane) SS

I, the undersigned, in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Gary E. Orr personally known to me to be the President of the Batavia Savings & Loan Association corporation, and Bob H. Kesson personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such _____ President and _____ Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

GIVEN under my hand and seal this 14 day of May, 1982.

1614145

[Signature]
NOTARY PUBLIC

29

Exhibit "E" (cont.)
Page 3 of 3

By :

ATTEST:

STATE OF ILLINOIS)
COUNTY OF Kane) SS

I, Leticia Ann Dymal, in and for said County, in the State
aforesaid, DO HEREBY CERTIFY that JOHN W. Modaff
personally known to me to be the Ex. Vice-President of the
THE FIRST NATIONAL BANK of Elgin corporation, and Linda L. FENNER
personally known to me to be the Asst. Secretary
of said corporation, and personally known to me to be the same persons whose
names are subscribed to the foregoing instrument, appeared before me this day
in person and severally acknowledged that as such Ex Vice-President and
Asst. Secretary, they signed and delivered the said instrument as Ex Vice
President and Asst. Secretary of said corporation, and caused the corporate
seal of said corporation to be affixed thereto, pursuant to authority, given
by the Board of Directors of said corporation as their free and
voluntary act, and as the free and voluntary act and deed of said corporation,
for the uses and purposes therein set forth.

GIVEN under my hand and seal this 14th day of May, 1982.

NOTARY PUBLIC

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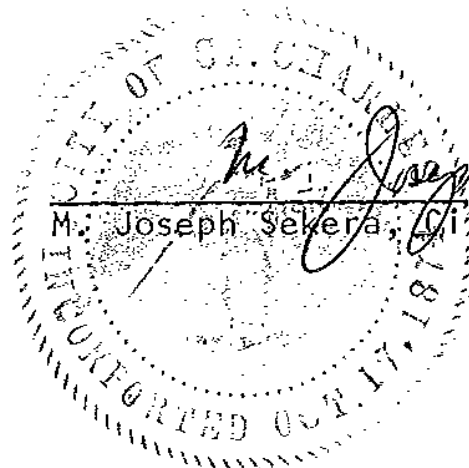
30

STATE OF ILLINOIS)
COUNTIES OF KANE AND DUPAGE) SS.
CITY OF ST. CHARLES)

This is to certify that the foregoing is a true and correct
copy of Ordinance No. 1982-Z-6 entitled AN ORDINANCE REZONING
PROPERTY TO THE R-5 MULTIPLE RESIDENCE DISTRICT & B-3 SERVICE
BUSINESS DISTRICT & GRANTING A SPECIAL USE AS A PLANNED UNIT
DEVELOPMENT FOR THE ST. CHARLES COMMERCIAL CENTER PROPERTY

passed by the City Council of the City of St. Charles on the 19th
day of April, 19 82 A.D., as morefully appears from the
records and files of said City in my custody.

Given under my hand and the official seal of said City of
St. Charles, this 17th day of May, 1982 A.D.



Mr. Joseph Sekera
M. Joseph Sekera, City Clerk

jrj
11/19/80
1614145

FILED FOR RECORD
KANE COUNTY ILL.

1614145

1992 AUG 17 PM 3:30

Elemer E. Jungs

RECORNER OF DEEDS

*City of A. Winkler
Don. J. J. J.
1311 W. 1st St.
St. Louis, Mo. 63101
Pd 34.00*



EXISTING STREET FRONTAGE



EXISTING PYLON SIGN

CONTENTS:

- 1. COVER SHEET AND SITE PHOTOS
- 2. ADDITIONAL SITE PHOTOS
- 3. PLAT OF SURVEY
- 4. PROPOSED SITE PLAN
- 5. EXISTING ELEVATIONS
- 6. EXISTING ELEVATIONS
- 7. PROPOSED ELEVATIONS
- 8. PROPOSED ELEVATIONS
- 9. DRIVE THRU SIGNS
- 10. DRIVE THRU MENU
- 11. BUILDING SIGNAGE



EXISTING EXTERIOR FRONTAGE



EXISTING MAIN ENTRANCE



EXISTING DRIVE THRU



EXISTING DRIVE THRU MENU

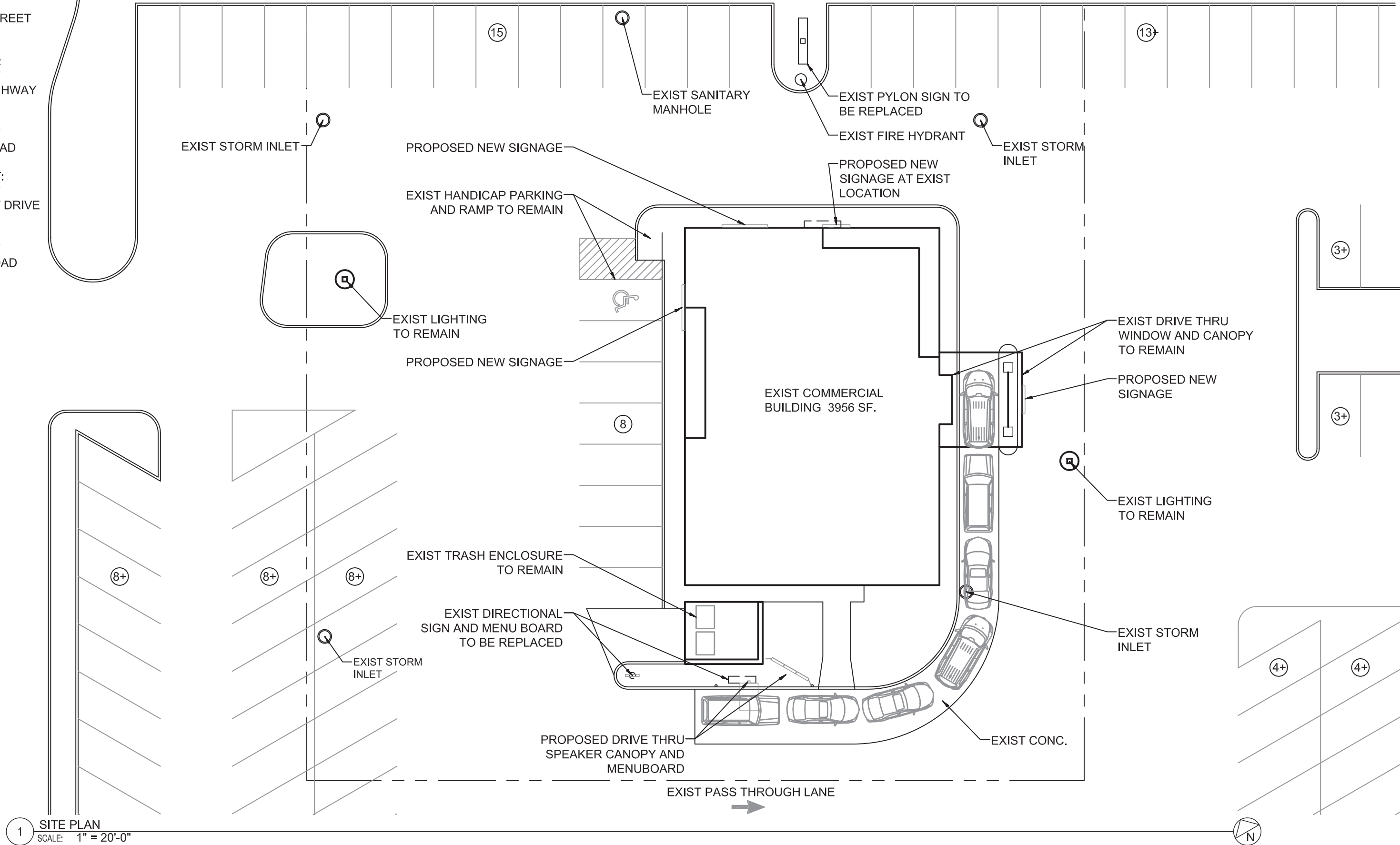
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LINCOLN HIGHWAY

SOUTH:
APPROX 790'
BRICHER ROAD

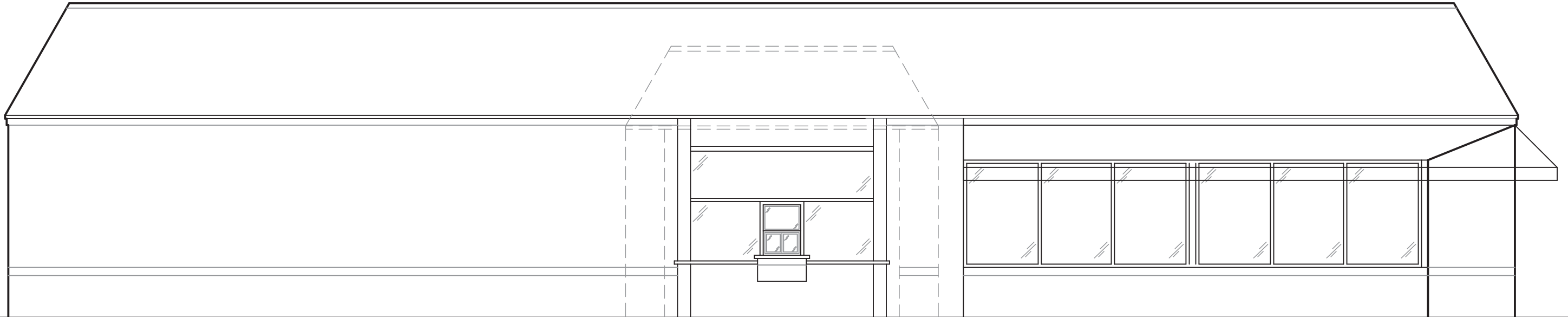
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APPROX 520'
VANDERBILT DRIVE

WEST:
APPROX 920'
RANDALL ROAD

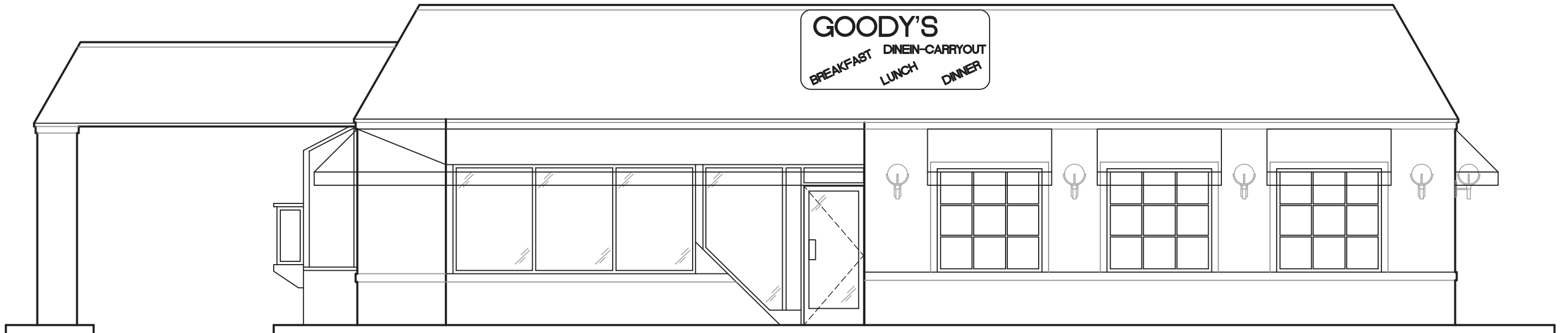


1 SITE PLAN
SCALE: 1" = 20'-0"

<div>ARCHITECT:</div> <div></div> <div>828 DAVIS STREET SUITE 300 EVANSTON, IL 60201 Ph 847.492.1992</div>	PROJECT: Dunkin St. Charles - Goody's 2057 Lincoln Highway St. Charles, IL 60174		Job Number. 1425.010
	PROPOSED SITE PLAN		Issue Date 12/17/2013
			Page Number 04



2 EAST ELEVATION
SCALE: 3/16" = 1'-0"



1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

ARCHITECT:

 **kolbrook design**
828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

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PROJECT:

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St. Charles, IL 60174

EXISTING ELEVATIONS

Job Number.

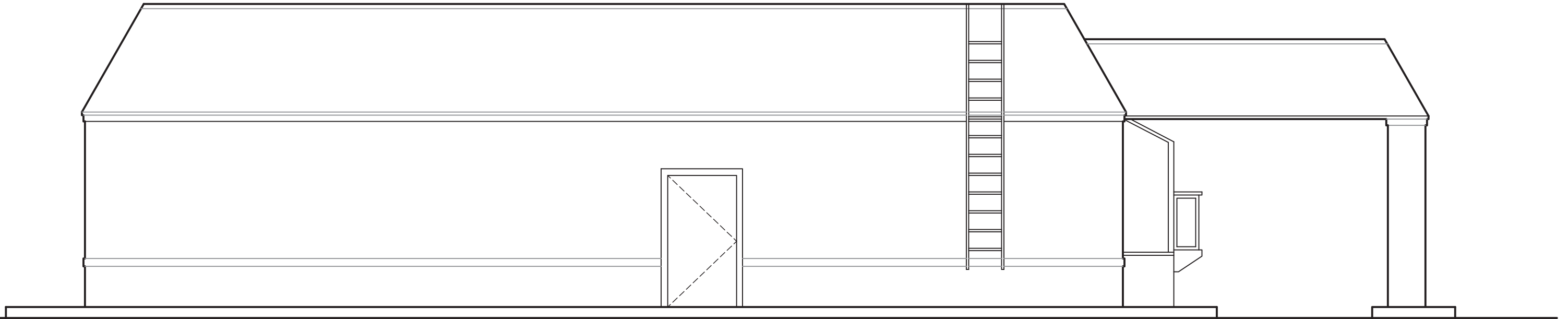
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Issue Date

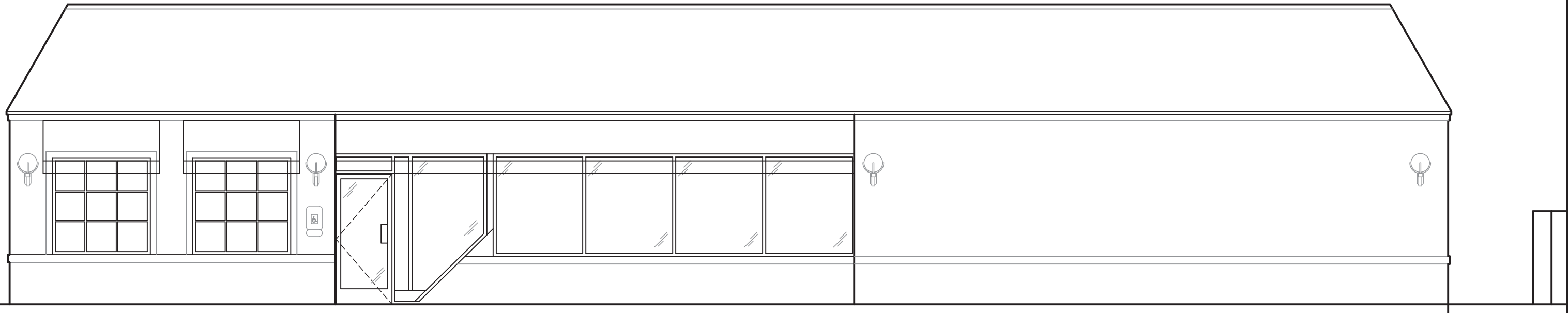
12/19/2013

Page Number

05



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



1 WEST ELEVATION
SCALE: 3/16" = 1'-0"

ARCHITECT:



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SUITE 300
EVANSTON, IL 60201
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PROJECT:

Dunkin Donuts - St. Charles

2057 Lincoln Highway
St. Charles, IL 60174

EXISTING ELEVATIONS

Job Number.

1425.010

Issue Date

12/19/2013

Page Number

06



2 EAST ELEVATION
SCALE: 3/16" = 1'-0"



1 NORTH ELEVATION
SCALE: 3/16" = 1'-0"

ARCHITECT:

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PROJECT:

Dunkin Donuts - St. Charles
2057 Lincoln Highway
St. Charles, IL 60174

PROPOSED ELEVATIONS

Project Number

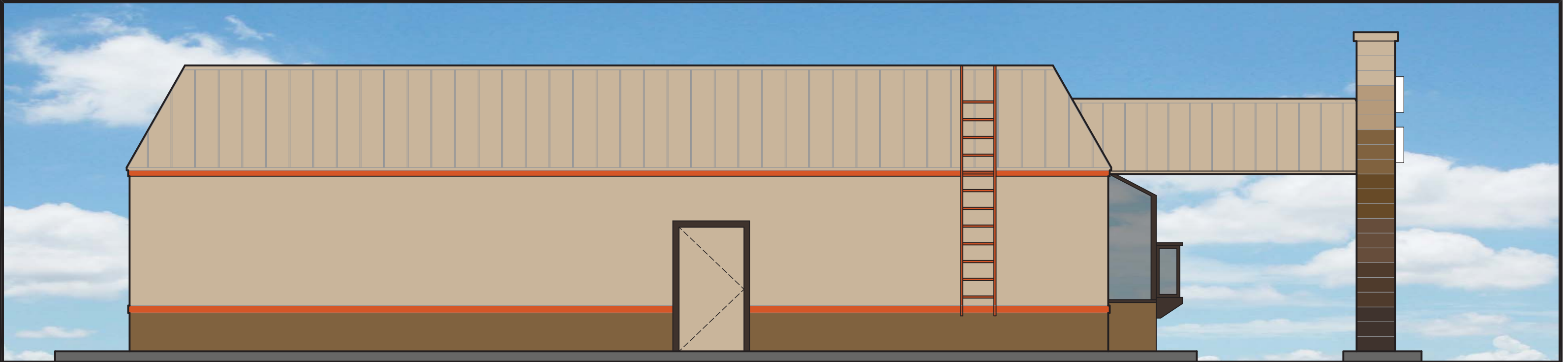
1425.010

Issue Date

12/19/2013

Page Number

07



2 SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



1 WEST ELEVATION
SCALE: 3/16" = 1'-0"

ARCHITECT:

kolbrook design
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SUITE 300
EVANSTON, IL 60201
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Dunkin Donuts - St. Charles
2057 Lincoln Highway
St. Charles, IL 60174

PROPOSED ELEVATIONS

Project Number

1425.010

Issue Date

12/19/2013

Page Number

08