 <p>ST. CHARLES S I N C E 1 8 3 4</p>	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	Amendment to Special Use for a Planned Unit Development (Foxfield Commons PUD; 2650-2778 E. Main St.)		
	City Staff:	Russell Colby, Planning Division Manager Ellen Johnson, Planner		
Please check appropriate box (x)				
	PUBLIC HEARING (9/2/14)	X	MEETING (9/2/14)	X
APPLICATIONS UNDER CONSIDERATION:				
Special Use (Amendment to PUD)				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report (dated 9/2/14)		Application (received 8/7/14)		
Excerpt from Ordinance No. 1991-Z-4		Ordinance No. 2001-Z-36		
EXECUTIVE SUMMARY:				
<p>Background</p> <p>The subject property, 2650-2778 E. Main St., was developed as part of the Foxfield Commons PUD. Two multi-tenant retail buildings were constructed on the property in 1991. The PUD ordinance from 1991 establishes the uses permitted in the subject portion of the Foxfield Commons PUD; motor vehicle rental was not among the permitted uses.</p> <p>A 2001 ordinance added outdoor sales area for parking, storage and display of rental vehicles as a permitted accessory use to an automobile rental office within the subject property. This ordinance placed several conditions on motor vehicle rentals, including limiting the type of rental vehicles to cars, minivans, and light trucks (under 6,500 lbs.).</p> <p>Proposal</p> <p>William F. Bochte, representing owners Foxfield Partners II, is proposing to amend the 1991 PUD ordinance to permit motor vehicle rental in the subject portion of the PUD. Details of the proposal are as follows:</p> <ul style="list-style-type: none"> • Amend Section 1.01 of Exhibit V of Ordinance No. 1991-Z-4 to add Motor Vehicle Rental as a permitted use on the subject portion of the Foxfield Commons PUD. • The proposed amendment would nullify Ordinance No. 2001-Z-36 and the restrictions that ordinance placed upon motor vehicle rentals. 				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
<p>Conduct the public hearing and close if all the testimony has been taken.</p> <p>Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation.</p> <p>Staff recommends approval of the application. The applicant has provided draft findings of fact to support that recommendation.</p>				

Community & Economic Development Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Wallace
And Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: Amendment to Special Use for Planned Unit Development – Foxfield Commons PUD
(2650-2778 E. Main Street)

DATE: September 2, 2014

I. APPLICATION INFORMATION

Project Name: Foxfield Commons PUD Amendment- Motor Vehicle Rental

Applicant: William F. Bochte

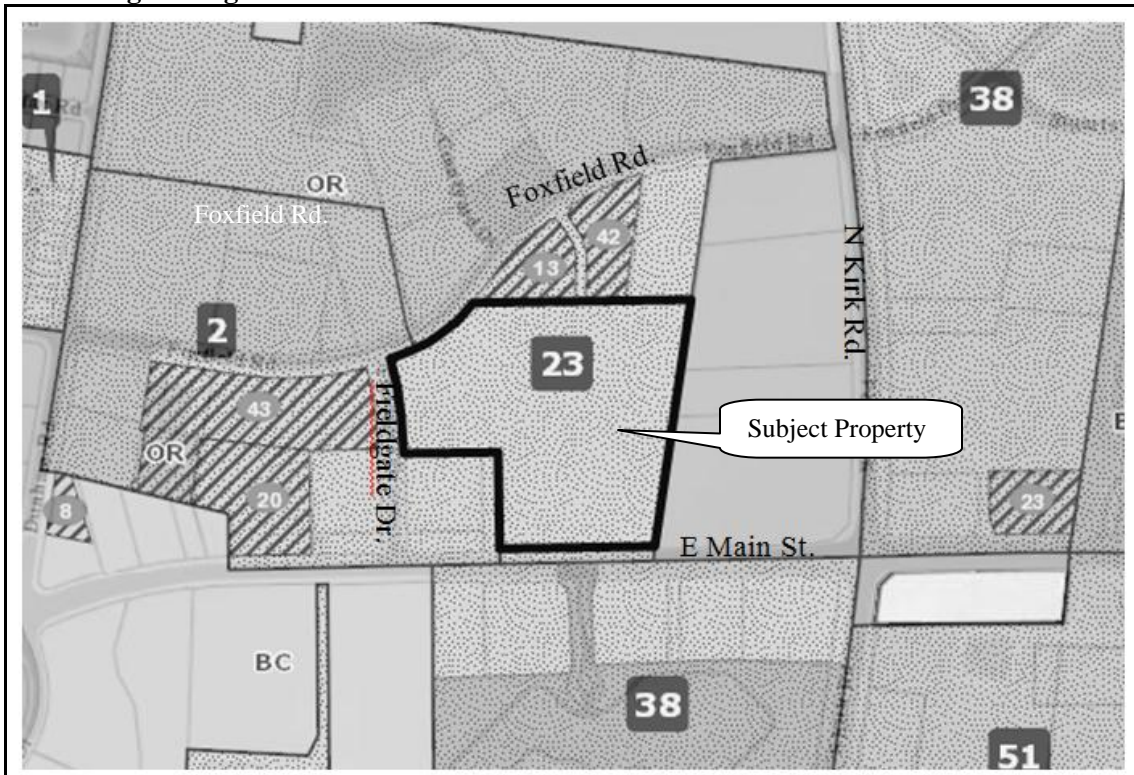
Purpose: Amend the Foxfield Commons PUD to allow motor vehicle rental, replacing the existing PUD ordinance language that limits the scope of vehicle rentals to cars and light trucks.

General Information:		
Site Information		
Location	2650-2778 E. Main St.	
Acres	13.3 acres	
Applications	1) Special Use for a Planned Unit Development	
Applicable Ordinances and Zoning Code Sections	17.04 Administration Ordinance No. 1991-Z-4 “An Ordinance Amending Ordinance No. 1975-Z-16 and Ordinance No. 1990-Z-11 (Foxfield PUD Amendments)” Ordinance No. 1993-Z-21 “An Ordinance Amending Ordinance No. 1991-Z-4 (Foxfield PUD – Automobile Laundries)” Ordinance No. 2001-Z-36 “An Ordinance Amending Special Use Ordinance No. 1991-Z-4 (Foxfield Commons PUD – Outdoor Sales Area for Storage of Rental Vehicles)”	
Existing Conditions		
Land Use	Multi-tenant shopping center	
Zoning	BC- Community Business District (Foxfield Commons PUD)	
Zoning Summary		
North	OR- Office/Research & BC- Community Business Districts (Foxfield Commons PUD)	Existing businesses
East	OR- Office/Research District	St. John Neumann Catholic Church
South	BC- Community Business District (Stuarts Crossing PUD)	Existing businesses
West	BC- Community Business & OR- Office/Research Districts (Foxfield Commerce Center PUD)	Existing businesses
Comprehensive Plan Designation		
Neighborhood Commercial		

Aerial



Surrounding Zoning



II. BACKGROUND

The subject property, 2650-2778 E. Main St., was developed as part of the Foxfield Commons PUD. Two multi-tenant retail buildings were constructed on the property in 1991. Current tenants of the building on the eastern portion of the property include Sears Appliance Showroom, Subway, Butera Market, and Goodwill. DG Ace Hardware, Dollar Tree, and Avis Car Rental are among the businesses located in the building on the western portion of the property.

Ordinance No. 1991-Z-4 “An Ordinance Amending Ordinance No. 1975-Z-16 and Ordinance No. 1990-Z-11 (Foxfield PUD Amendments)” established the permitted uses in the commercial portion of the Foxfield Commons PUD, within which the subject property is located. In addition to the subject property, the commercial portion of the Foxfield Commons PUD includes three additional parcels directly north of the subject property, which front on Foxfield Rd. Motor vehicle rentals were not among the permitted uses listed in the 1991 ordinance.

In 2001, outdoor sales area for parking, storage and display of rental vehicles was added as a permitted accessory use to an automobile rental office within the subject property, under Ordinance No. 2001-Z-36. This ordinance placed several conditions on motor vehicle rentals, including limiting the type of rental vehicles to cars, minivans and light trucks (under 6,500 lbs.).

III. PROPOSAL:

William F. Bochte, representing owners Foxfield Partners II, is proposing to amend the 1991 Foxfield Commons PUD Ordinance to permit motor vehicle rental in the subject portion of the PUD. Details of the proposal are as follows:

- Amend Section 1.01 of Exhibit V of Ordinance No. 1991-Z-4 to add Motor Vehicle Rental as a permitted use on the subject portion of the Foxfield Commons PUD.
- The proposed amendment would nullify Ordinance No. 2001-Z-36 which placed restrictions on motor vehicle rental.

IV. ANALYSIS

A. PROPOSED USE

The applicant is proposing that the following use, as defined in **Chapter 17.30 Definitions** of the Zoning Ordinance, be permitted on the subject property:

Motor Vehicle Rental. *An establishment that offers motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation vehicles for rent to the general public.*

This category is a permitted use in the underlying zoning district: BC- Community Business. The Zoning Ordinance does not specify any use standards applicable to Motor Vehicle Rental.

B. PUD AMENDMENT LANGUAGE

Below is the proposed addition to Section 1.01 “Permitted Uses” of Exhibit V of Ordinance No. 1991-Z-4, which adds Motor Vehicle Rental as a permitted use only within the subject property:

(C). The following use is permitted on that portion of the Subject Realty legally described in Exhibit 1:

1. *Motor Vehicle Rental*

IV. RECOMMENDATION

Staff recommends approval of the application. The findings of fact to support that recommendation were provided by the applicant as part of their Special Use application and are attached.

The Commission must find all findings of fact in the affirmative to recommend approval of the amendment to Special Use.

V. ATTACHMENTS

- Application for Special Use (with findings of fact); received 8/7/14
- Excerpt from Ordinance No. 1991-Z-4
- Ordinance No. 2001-Z-36

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

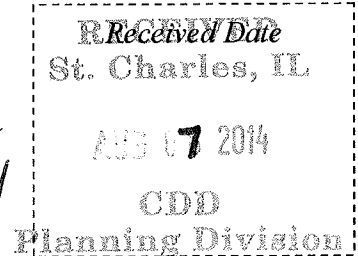


COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

SPECIAL USE APPLICATION

CITYVIEW	
Project Name:	<i>Foxfield Commons PUD-Amend.-Motor Vehicle Rental</i>
Project Number:	<i>2014 -PR- 017</i>
Application Number:	<i>2014 -AP- 030</i>



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

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

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

1. Property Information:	Parcel Number (s): 09-25-152-005	
	Street Address (or common location if no address is assigned): 2650-2778 E. Main Street, St. Charles, IL 60174	
2. Applicant Information:	Name William F. Bochte	Phone 630-377-7770
	Address Bochte, Kuzniar & Navigato, LLP 2580 Foxfield Road, Suite 200 St. Charles, IL 60174	Fax 630-377-3479
		Email wbochte@bknlaw.com
3. Record Owner Information:	Name Chicago Title Land Trust Company as Successor Trustee U/T/N 8467	Phone 312-223-4110
	Address 10 South LaSalle Street, Suite 2750 Chicago, IL 60603-1108	Fax 312-223-4139
		Email ctltc@ctt.com
4. Billing: <i>To whom should costs for this application be billed?</i>	Name William F. Bochte	Phone 630-377-7770
	Address Bochte, Kuzniar & Navigato, LLP 2580 Foxfield Road, Suite 200 St. Charles, IL 60174	Fax 630-377-3479
		Email wbochte@bknlaw.com

Information Regarding Proposed Special Use:

Comprehensive Plan designation of the property: _____

Is the property a designated Landmark or in a Historic District? _____

What is the property's current zoning? _____

What is the property currently used for? _____

What Special Use(s) are you applying for? Please select from the list of Special Uses in the Zoning Ordinance for the appropriate zoning district.

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

For Special Use Amendments only:

What Special Use ordinance do you want to amend? Ordinance No. 2001-Z-36

Why is the proposed change necessary?

To be able to rent vehicles including trucks and accessory uses as provided in BC Community District Zoning in which the subject property is currently located.

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

See attached (Proposed Amendment Language Exhibit)

Note for existing buildings:

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

Attachment Checklist

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

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

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

❑ **PLAT OF SURVEY:**

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

❑ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

❑ **ENDANGERED SPECIES REPORT:**

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

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

❑ **PLANS:**

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

Copies of Plans:

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


❑ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance

17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
 - a. Location, height, intensity and fixture type of all proposed exterior lighting
 - b. Photometric information pertaining to locations of proposed lighting fixtures

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

FOX FIELD PARTNERSHIP II
by  Date *8/7/14*

Record Owner

Date


Applicant or Authorized Agent

8/7/14
Date

FINDINGS OF FACT SHEET – SPECIAL USE

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



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

Foxfield Commons PUD Amendment
Project Name or Address

Date

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

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

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

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

The public will have convenient access to truck rentals and accessory uses without the necessity of traveling outside the immediate area as is somewhat recognized by the fact that this is currently a permitted use in the zoning district within which the property is located.

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

The car/truck rental facility and outdoor accessory use areas will utilize existing utilities, access roads, drainage and other facilities that are already in place.

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

Similar types of retail and outdoor sales uses exist in the shopping center. The requested amendment will have no effect on property values in the neighborhood. The addition of truck rentals and accessory uses will in no way detract from the enjoyment of the property, but will complement the shopping center, be a convenience for residents. The request is for uses that are provided in the current Zoning ordinance

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

The outdoor accessory use areas will utilize existing parking spaces and will have no effect on the surrounding property and therefore will not impede the normal and ordinary development of the surrounding property for uses permitted in the district.

E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposed addition of truck rentals to the existing vehicle rental facilities will continue to be a low impact, office type use with normal operating hours from approximately 7 AM to 6 PM Monday through Saturday. The requested amendment will in no way endanger the public health, safety, comfort or general welfare.

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

The proposed special use amendment conforms to all existing Federal, State and local legislation

And regulation and meets all applicable provisions of this Title. The property is located in a BC Community District in which the rental of vehicles including trucks and accessory uses are currently allowed.

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



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

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

Foxfield Commons PUD Amendment
PUD Name

Date

From the St. Charles Zoning Ordinance, Section 17.04.410.3:

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

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

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

The PUD is already established and the proposed amendment does not in any way adversely or negatively impact on the purposes that are advanced by its creation in the first instance.

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

- A. **Conforming to the requirements would inhibit creative design that serves community goals, or**
- B. **Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

This section does not appear applicable to the requested Special Use Amendment in that no Plans are being submitted and no changes of any kind are being made to the land or improvements.

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

Submit responses on form: "Findings of Fact Sheet – Special Use"

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

The shopping center located at 2650- 2778 E Main Street, St. Charles Illinois is in a BC Community Business District which allows for Motor Vehicle Rental and Accessory Uses. Avis now Avis/ Budget is and has been a tenant in the Center. Since the merger of Avis and Budget truck rental is a service offered by Avis/ Budget nationwide. The proposed amendment to the Special Use Ordinance 2001-Z-36 will allow for a use that is currently permitted in a BC Community Business District namely the rental and outside storage of u-haul type moving trucks. The requested amendment does not in any way detract from the initial purpose of the PUD but furthers the promotion economic development and efficient use of the land and provides a needed service to residents and businesses on the east side of St. Charles which is currently unavailable.

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

The shopping center located at 2650- 2778 E Main Street, St. Charles Illinois is in a BC Community Business District which allows for Motor Vehicle Rental and Accessory Uses.

The requested amendment will allow a use that is currently provided in a BC Community Business District and therefore conforms to the purposes and intent of the Comprehensive Plan.

OWNERSHIP DISCLOSURE FORM LAND TRUST

STATE OF ILLINOIS)
WILL) SS.
KANE COUNTY)

I, Patricia L. Alvarez, being first duly sworn on oath depose and say that I am

Trust Officer of Chicago Title Land Trust Company, and that the following persons are all of

the beneficiaries of Land Trust No. 8467:

Foxfield Partners II 100%

888 Fox Glenn Drive

St. Charles, IL 60174

By: Phil Womack, Trust Officer

Subscribed and Sworn before me this 5th day of

August, 20 14.

Maureen Paige
Notary Public



**OWNERSHIP DISCLOSURE FORM
PARTNERSHIPS**

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Keith J. Kotche, being first duly sworn on oath depose and say that I am a
General Partner of Foxfield Partners II, an Illinois
(General) (Limited) Partnership and that the following persons are all of the partners thereof:

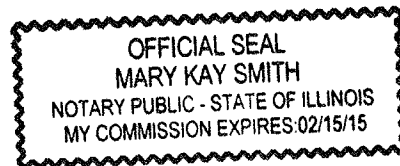
<u>Hudson Harrison</u>	<u>(General)</u> (Limited) Partner
<u>Edward N. Levato</u>	<u>(General)</u> (Limited) Partner
<u>Keith J. Kotche</u>	<u>(General)</u> (Limited) Partner
_____	(General)(Limited) Partner
_____	(General)(Limited) Partner
_____	(General)(Limited) Partner

By:  (General)(Limited) Partner

Subscribed and Sworn before me this 1st day of

August, 20 14.


Notary Public



AUTHORIZATION

KNOWN ALL MEN BY THESE PRESENTS THAT, Foxfield Partners BY THESE PRESENTS does grant authority **William F. Bochte** of the law firm of **Bochte, Kuzniar & Navigato, LLP** for us and in our names place, and stead to present an Application for a Special Use Amendment to amend City of St. Charles Ordinance No. 2001-Z-36 which amended Special Use Ordinance 1991-Z-4 to allow for Motor Vehicle Rental and Accessory Uses as currently permitted in the BC Community Business District as provided in Chapter 17.14 *et. seq.* of the City of St Charles Municipal Ordinance as additional permitted uses to be added as No. 73 and No. 74 respectively to Section 1.01 (B) Exhibit "V" Ordinance 1991-Z-4 and to delete Section 1.01(C) previously added by Ordinance No. 2001-Z-36 in all respects as we could do personally, giving and granting unto him, **WILLIAM F. BOCHTE**, full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done to effectuate the aforesaid amendment, as fully, to all intents and purposes, as we might or could do if personally present at the doing thereof.

Dated this 1st day of August, 2014.

FOXFIELD PARTNERS II

By: _____

A handwritten signature in black ink, appearing to be 'W. F. Bochte', written over a horizontal line.

EXHIBIT A

LEGAL DESCRIPTION

LOT 1 OF UNIT NO. 1, FOXFIELD COMMONS, ST. CHARLES, KANE COUNTY,
ILLINOIS, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "V"

1.00 Property Contained on Exhibit III -- Commercial

This phase of the PUD is designed to accommodate the needs of a much larger consumer population than is served by the Neighborhood Business District; thus a wider range of uses is permitted for both daily and occasional shopping.

1.01 Permitted Uses

A. Uses permitted in this Phase are subject to the following conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing, processing, except off-street parking and loading, shall be conducted within completely enclosed buildings.
- (3) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are allowed only by special use permit in accordance with the provisions of Chapter 17.42 of the St. Charles Municipal Code.
- (4) The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over 1-1/2 tons of capacity when located within 75 feet of a residential lot in a residential zoning district.

* B. Any use permitted in the present B-1 District of Title 17 of the St. Charles Municipal Code, as amended, shall be permitted herein; and in addition, the following uses shall be permitted:

1. Antique Shops.
2. Apartment hotels.
3. Art shops or galleries, but not including auction rooms.
4. Automobile accessory stores.

5. Banks and financial institutions.
6. Bicycle sales, rental and repair stores.
7. Bowling Alleys
8. Business machine sales and service.
9. Camera and photographic supply stores.
10. Carpet and rug stores.
11. Catering establishments.
12. China and glassware stores.
13. Clothing and costume rental.
14. Clubs and lodges, non-profit and fraternal.
15. Coin and philatelic stores.
16. Custom dressmaking.
17. Department stores.
18. Dry-cleaning establishments, employing not more than four persons.
19. Electrical and household appliance store, including radio and television sales.
20. Employment agencies.
21. Florist shops.
22. Frozen food stores, including locker rental in conjunction therewith.
23. Furniture stores, including upholstering when conducted as part of the retail operations, and accessory to the principal use.
24. Furrier shops, including incidental storage and conditioning of furs.
25. Garden supply, tool and seed stores.
26. Gift shops.
27. Interior decorator shops, including upholstering and making of draperies, slipcovers and other similar articles, when conducted as part of the retail operation and accessory to the principal use.
28. Jewelry stores, including watch repair.
29. Leather goods and luggage stores.
30. Locksmith shops.
31. Medical and dental clinics and offices.
32. Meeting halls.
33. Millinery shops.
34. Musical instrument sales and repair.
35. Office machine sales and servicing.
36. Office supply stores.
37. Optical sales, rental.
38. Orthopedic and medical appliance stores.
39. Paint and wallpaper stores.
40. Phonograph record and sheet music stores.
41. Photography studios, including the developing of film and pictures, when conducted either as part of the retail business on the premises or off-site.
42. Picture framing, when conducted for retail trade on the premises only.

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43. Radio and television stations and studios.
44. Radio and television sales, service, and repair shops.
45. Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principal activity.
46. Schools - music, dance and business.
47. Sewing machine sales and service - household appliances only.
48. Shoe stores.
49. Sporting goods stores.
50. Tailor shops.
51. Telegraph offices.
52. Theaters, indoor.
53. Ticket agencies, amusement.
54. Toy shops.
55. Travel bureaus and transportation ticket offices.
56. Undertaking establishments and funeral parlors.
57. Wearing apparel shops.
58. Bakeries.
59. Book and stationery stores.
60. Currency exchanges.
61. Haberdasheries.
62. Hardware stores.
63. Hotels - including dining and meeting rooms, provided that business uses, other than those which are commonly incidental to a hotel business, shall not occupy space fronting on a hotel hall or lobby.
64. Laundries - automatic self-service type or by hand, employing not more than two persons in addition to the owner or manager.
65. Loan offices.
66. Locksmith shops.
67. Mail order service stores.
68. Newspaper offices - but not including printing.
69. Offices - business, professional and public.
70. Physical culture and health services, gymnasiums, reducing salons, masseurs, and public baths.
71. Post offices.
72. Restricted production and repair limited to the following: art needlework, clothing, custom manufacturing and alterations for retail only of jewelry from precious metals and watches.

Requirements

0355 0457

91X29741

City of St. Charles, Illinois

Ordinance No. 2001-Z-36

**An Ordinance Amending Special Use Ordinance 1991-Z-4
(Foxfield Commons PUD – Outdoor Sales Area for
Storage of Rental Vehicles)**

**Adopted by the
City Council
of the
City of St. Charles
November 5, 2001**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, November 9, 2001**


City Clerk

(S E A L)

ORDINANCE NO. 2001-Z-36

PRESENTED AND PASSED BY THE
CITY COUNCIL ON November 5, 2001

AN ORDINANCE AMENDING SPECIAL USE ORDINANCE 1991-Z-4
(Foxfield Commons PUD – Outdoor sales area for storage of rental vehicles)

WHEREAS, a petition to amend Ordinance 1991-Z-4 entitled “An Ordinance Amending Ordinance No. 1975-Z-16 and Ordinance No. 1990-Z-11 (Foxfield PUD Amendments)” (hereinafter, the “Ordinance”) has been filed by LaSalle Bank NA Successor Trustee U/T/N 8467, record owner; and

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

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

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

FINDINGS OF FACT:

1. **That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed car rental facility will be a low impact, office type use with normal operating hours from approximately 7 am to 6 pm Monday thru Saturday. The requested amendment to the special use will in no way endanger the public health, safety, comfort or general welfare of the community.

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

Similar type of retail and office uses exist in the shopping center.

The special use will not substantially diminish or impair property values within the neighborhood. The amendment to the special use to include the outdoor

sales area for storage of rental vehicles will not be injurious to the use or enjoyment of the property, but will complement the shopping center.

- 3. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The outdoor sales area will utilize existing parking spaces and will not impede the normal and orderly development and improvement of the surrounding property.

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

The car rental facility and the outdoor sales area will utilize existing utilities, access roads, drainage and other facilities that are already in place.

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

Points of ingress and egress that have already been constructed will be used for access to and from the car rental facility.

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

The amendment to the special use shall conform to all applicable regulations.

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 Ordinance, as amended be and is hereby further amended as follows:

- 1). Add the following paragraph "C" to Section 1.01 "Permitted Uses" of Exhibit "V" to the Ordinance as follows:

"C. The following use is permitted on that portion of the Subject Realty legally described in "Exhibit I-a":

Outdoor sales area for parking, storage and display of rental vehicles (subject to the following conditions):

1. Only one automobile rental facility shall be permitted.
2. Parking, storage and display of rental vehicles shall be located only within the area designated on the site plan attached hereto as Exhibit E-1, and shall be limited to cars, mini-vans and light trucks (under 6,500 lbs).
3. Parking, storage and display of rental vehicles shall be permitted only as an accessory use to an automobile rental office located within a building on the Subject Realty.
4. The number of rental vehicles located within the Subject Realty at one time shall not exceed the number of "extra" parking spaces available within the Subject Realty. "Extra spaces" are defined as the total number of existing parking spaces, minus the number of parking spaces required for all of the uses located within the Subject Realty. In no event, shall there be more than 22 rental vehicles on site at any one time.
5. No signage shall be displayed on or near the rental vehicles except for an identification logo of not more than one square inch on the rental vehicles.
6. There shall be no servicing, cleaning, washing, repairing or fueling of rental vehicles within the Subject Realty.
7. There shall be no sales of vehicles on the Subject Realty."

2). The legal description attached hereto as "Exhibit I-a" is hereby incorporated into said ordinance as Exhibit I-a.

SECTION 2. That Ordinance 1991-Z-4 and its amendments known as Ordinance Nos. 1993-Z-21, 1993-Z-23, 1994-Z-14, 1997-Z-15, 1998-Z-14, 1998-Z-6 and any other subsequent amendments as hereby amended shall remain in full force and effect.

SECTION 3. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 5 day of November, 2001.

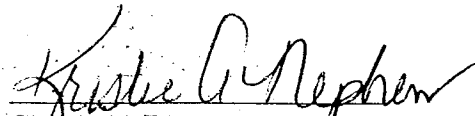
PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 5 day of November, 2001.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 5 day of November, 2001.



Susan L. Klinkhamer, Mayor

Attest:


City Clerk/Recording Secretary

Voice Vote:

Ayes: 7

Nays: 0

Absent: 1

Abstain: 0

APPROVED AS TO FORM:

City Attorney

Date: Timothy J. O'Neil

EXHIBIT I-a

Legal description of property

Lot 1 of Unit No.1, Foxfield Commons, St. Charles, Kane County, Illinois, in the City of St.
Charles, Kane County, Illinois.

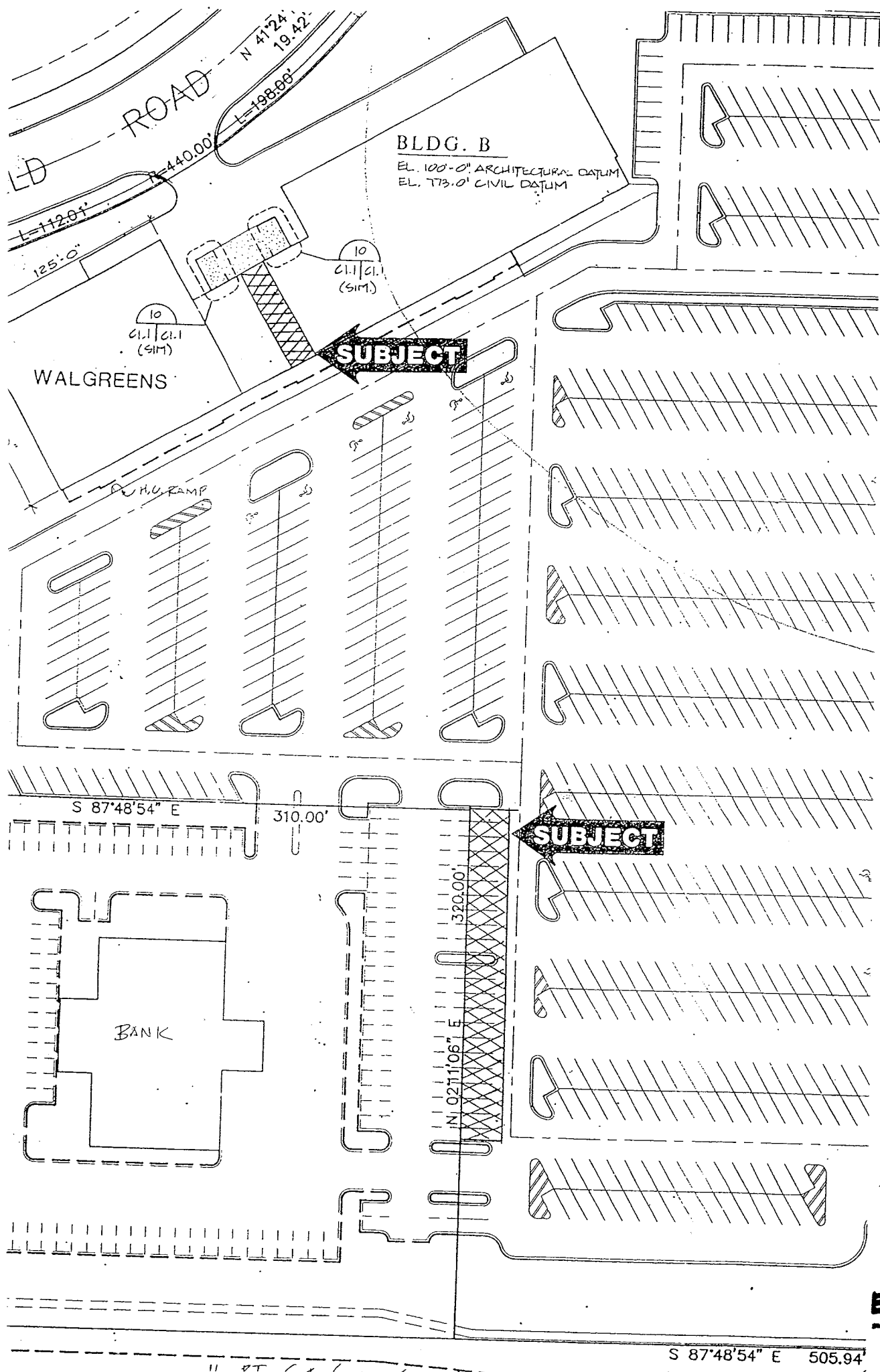


EXHIBIT E-1

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(S E A L)