AGENDA CITY OF ST. CHARLES PLANNING & DEVELOPMENT COMMITTEE ALD. DAN STELLATO – CHAIRMAN

MONDAY, DECEMBER 8, 2014 - 7:00 PM CITY COUNCIL CHAMBERS 2 E. MAIN STREET

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. COMMUNITY & ECONOMIC DEVELOPMENT
 - a. Presentation of a Concept Plan for Lexington Club.
 - b. Recommendation to approve an Amendment to Special Use for PUD and Minor Change to PUD for the Firethorne Apartments, 1320-1370 Brook St. (Firethorne PUD).
 - c. Recommendation to approve an Ordinance Amending Chapter 12.40 of the City Code "City Corridor Improvement Program".
- 4. ADDITIONAL BUSINESS
- 5. EXECUTIVE SESSION
 - Personnel
 - Pending Litigation
 - Probable or Imminent Litigation
 - Property Acquisition
 - Collective Bargaining
- 6. ADJOURNMENT

			AGENDA I	TEM EXI	ECU'	TIVE SU	MMAR	Y	
		Title:	Presentation of	a Concept	t Plar	for Lexi	ngton C	llub	
4	KK	Presenter:	Russell Colby						
ST.	CHARLES								
SIN	N C E 1834								
Pleas	e check approp	oriate box:							
	Government	Operations			Gove	rnment S	ervices		
X	Planning & I	Development (12	2/8/14)	(City (Council			
Estim	nated Cost:			Budgete	ed:	YES		NO	
If NC), please explain	n how item will	be funded:	1					
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Exec	utive Summar	y:							
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Provide feedback on the Concept Plan. The staff memo lists a number of questions the Committee may

Agenda Item Number: 3a

consider when providing feedback.

For office use only:

Community & Economic Development Planning Division

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



STAFF MEMO

TO: Chairman Daniel P. Stellato

And the Members of the Planning & Development Committee

FROM: Russell Colby, Planning Division Manager

RE: Concept Plan – Lexington Club

DATE: December 8, 2014

I. APPLICATION INFORMATION:

Project Name: Lexington Club

Applicant: Lexington Homes, LLC

Purpose: Concept Plan review for redevelopment of the former Applied

Composites industrial site as a residential development.

General Information:

Site Information				
Location	North of State and Dean Streets, south of Chicago & NW Railroad, west of N. 5 th Street, east of N. 12 th Street.			
Acres	27.3 acres			

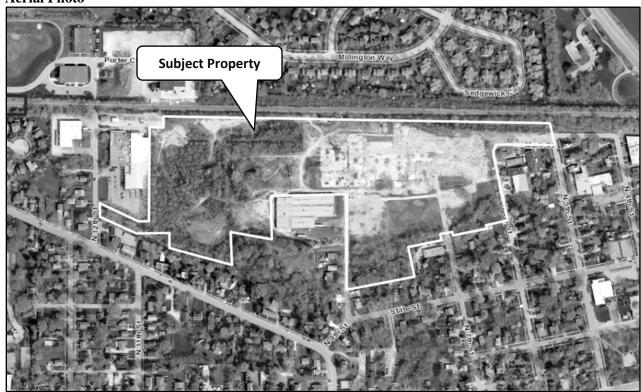
Applications	Concept Plan
Applicable	17.04 Administration
Zoning Code	17.12 Residential Districts
Sections &	Ordinance No. 2013-Z-2
Ordinances	

Existing Conditions					
Land Use	Vacant industrial facility				
Zoning	RM-2 Medium Density Multi-Family Residential				
	RT-3 Traditional Single-Family Residential				
	Lexington Club PUD				

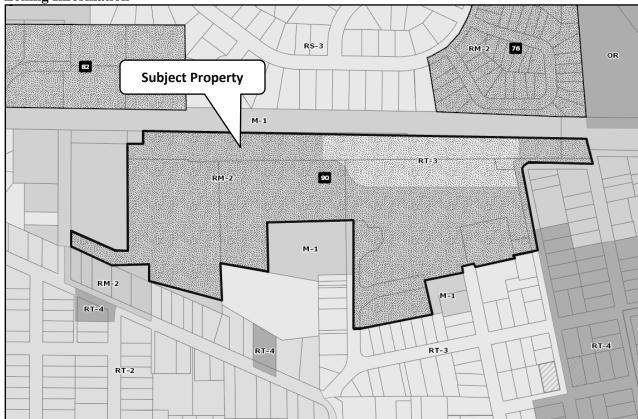
Zoning Summary				
North	M-2	Porter Business Park (industrial redevelopment)		
	RS-3	Timbers Subdivision (single-family)		
	RM-2 PUD	Timbers Subdivision (townhomes)		
East	M-1	Mixed industrial, residential		
	RT-4	Residential		
South	RT-2, RT-3, RM-2	Residential		
	M-1	Mixed industrial, residential		
West	M-1	Industrial		

Comprehensive Plan Designation
Single-Family Attached Residential & Single-Family Detached Residential

Aerial Photo



Zoning Information



II. BACKGROUND

The subject property is a 27-acre former industrial site. The Applied Composites Company ceased operations on the site in 2005 and the property has been vacant since.

Approved Development Plans

In January 2013, City Council adopted Ordinance No. 2013-Z-2 "Ordinance Granting Approval of Map Amendment, Special Use for a Planned Unit Development, and Approval of a PUD Preliminary Plan (Lexington Club PUD)". This ordinance rezoned the property from M-1 Special Manufacturing to the current zoning designations of RT-3 Traditional Single-Family Residential and RM-2 Medium Density Multi-Family Residential. It also established the PUD and PUD Preliminary Plan which included 102 townhome units and 28 single-family homes.

The Final Plat of Subdivision was approved by City Council in April 2013.

Current Status of Property

The project was enrolled in the Illinois Environmental Protection Agency (IEPA) Site Remediation Program on 10/4/13 and the Site Remediation Plan for the property has been approved by IEPA. The developer is continuing to sample areas of the site and plans to prepare the required site investigation reports this winter in preparation for remediation work in Spring 2015.

II. CONCEPT PLAN PROPOSAL

The applicant, Lexington Homes, LLC, is proposing a modified development scheme for Lexington Club that consists only of single-family homes. Details of the Concept Plan are as follows:

- 112 single-family homes on 112 lots (4.1 dwelling units per acre).
 - o 101 three-bedroom homes & 11 four-bedroom homes
- Average lot size of 4,823 sq. ft.
- Two-story houses with attached two-car garages, either side- or front-loaded.
 - o 8 character elevations; 4 with front-loaded garages and 4 with side-loaded garages.
- 9.7 acres of open space/detention.

The overall site layout proposed in the Concept Plan is very similar to the previously approved PUD plans. The following important features included in the PUD plans are also incorporated in this Concept Plan:

- Four access points from the existing street network and interconnection of N. 7th, N. 9th, and Mark Streets.
- Preservation of the floodplain area along State Street Creek.
- Potential future street access west to N 12th St. (to access Dean St.)
- Pedestrian access to the potential regional trail along the railroad line to the north and St. Charles Park District site to the south (Belgium Town Park).

III. PLAN COMMISSION REVIEW

The Plan Commission reviewed the Concept Plan on 11/18/14. Commissioners' reactions and comments are summarized as follows:

• General support for the entirely single-family proposal and removal of the townhomes currently approved under the PUD.

- The lot size is too small, particularly for the proposed size of the homes.
- The development does not reflect the character of the adjacent residential areas.
- The architecture is attractive; the level of detail adds visual interest, but the size and massing of the buildings is too regular/consistent.
- The following elements should be incorporated in the development:
 - o Greater variety of home and lot sizes, in keeping with the adjacent neighborhood
 - Larger front porches
 - o Shared driveways to allow for detached garages, at least for some of the lots
 - Roadway connection into The Timbers to the north

IV. ANALYSIS OF CONCEPT PLAN

The following table compares unit type, count and density information for the development as approved under the PUD plans and the proposed Concept Plan:

	Approved PUD Plan	Proposed Concept Plan	
Total Units	130	112	
Units Type and Count	102 townhomes, 28 single-family	112 single-family	
Gross Density Based on Concept Plan Site Area*	4.8 dwelling units per acre	4.1 dwelling units per acre	

^{*}This area does not include right-of-way adjacent to the site.

ZONING

The subject property is currently zoned RM-2 and RT-3. Staff has advised the applicant that the zoning designation most appropriate for the proposed single-family development would be RT-3, since that is the Zoning District with the lowest minimum lot area requirement (5,000 sq. ft.). Therefore, the area of the property currently zoned RM-2 and intended for townhomes would need to be rezoned to RT-3.

The following table compares the bulk standards under the RT-3 Zoning District, the approved PUD, and the proposed Concept Plan. *Bold italics* denote deviations from the RT-3 Zoning District and/or the approved PUD.

		Approved PUD Plans		
	RT-3 Zoning District	RT-3 Area (Single Family)	RM-2 Area (Townhomes)	Proposed Concept Plan
Minimum Lot Area	5,000 sf	5,884 sf	3,912 sf per unit	4,284 sf (average 4,823 sf)
Minimum Lot Width	50 ft.	56 ft.	24 ft.	42 ft.
Maximum Building Coverage	Buildings over 1½ stories: 25%	45%	35%	45%
Max. Building Height	Lesser of 32 ft. or 2 stories	32 ft.	35 ft.	Greater of 37 ft. 10 in. or 2 stories
Min. Front Yard	20 ft.	20 ft.	15-20 ft.	20 ft.

Min. Interior Side Yard	Buildings over 1½ stories: greater of 6 ft. or 10% lot width	5 ft.	9 ft.	1 ft. minimum on one side, 10 ft. total side yards ¹
Min. Exterior Side Yard	15 ft.	15-20 ft.	15 ft.	15 ft. (10 ft. for Lot 29 only)
Min. Rear Yard	30 ft.	25 ft.	25 ft.	25 ft.
Max. Width of Attached, Front- Loaded Garage	50% of overall building width	Meets requirement	Requirement does not apply	66.7% of overall building width
Set Back of Attached, Front-Loaded Garage	Garage 5 ft. back from front of house	Meets requirement	Requirement does not apply	Not met

COMPREHENSIVE PLAN

The 2013 Land Use Plan designates the west side of the subject property as "Single Family Attached Residential" and the east side as "Single Family Detached Residential." These land use categories are defined as follows:

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

"Single Family Detached" – Single family detached residential areas should consist primarily of single family detached homes on lots subdivided and platted in an organized and planned manner. Downtown, single family residential areas consist primarily of older buildings, many rehabilitated, with small yards and minimal garage space. Single family residential detached homes are the most prevalent building type in the community, and should continue to be so.

Residential Land Use Policies

Staff has identified the following Residential Land Use Policies as most relevant to the proposal. Other policies may also apply and can be viewed here: http://www.stcharlesil.gov/sites/default/files/planning/comprehensive/ch4landuseplan.pdf (p.43-44).

Preserve the character of the City's existing single-family residential neighborhoods.

The City's residential areas are composed of a number of unique and distinct neighborhoods. While they may differ in configuration, unit type, and lot size, these neighborhoods are well established and have their own character. Development and reinvestment within these neighborhoods should be context sensitive, and compatible with the established neighborhood character and fabric. Regardless of the location or housing type, residential development or redevelopment should be carefully regulated to ensure compatibility with the scale and character of surrounding and adjacent residential neighborhoods. New infill development, teardown redevelopment, and

¹ The applicant has indicated that the site plan will be modified to provide two five (5) ft. side yards for each lot.

alterations to existing development should maintain a setback, height, bulk and orientation similar to its surroundings.

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

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

Transition densities to maximize compatibility.

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

Staff Comments:

- Eight character elevations are proposed. These elevations are different than the elevations approved under the PUD plans. One of the primary differences is that the front entrances on the approved PUD elevations are more defined and provide a focal point for each house; some include a full-width front porch. The front entrances on the Concept Plan elevations are set back from the front of the house. The former is more in keeping with the existing neighborhood than the latter.
- A variety of building materials and textures are proposed, as well as traditional architectural detailing including wide window and door trim.
- The houses have a strong orientation to the street, similar to the surrounding area.
- Attached garages are proposed. Half of the elevations depict front-loaded garages and half depict side-loaded garages. Garages in the surrounding neighborhood are generally detached and less visible from the street.
- The development may feel slightly more dense than the surrounding neighborhood due to the smaller lot size, greater percentage of lot coverage, and shorter setbacks. However, the overall density of the site is comparable to the density of the adjacent neighborhoods to the south. Staff has provided a memo with more information related to density (see attached).
- The moderate sizes of the homes (1,875-2,494 sq. ft.) are generally in keeping with the surrounding neighborhood.

Transportation

The proposal follows the general transportation-related objectives of the Comprehensive Plan. The Transportation Plan chapter can be viewed here:

http://www.stcharlesil.gov/sites/default/files/planning/comprehensive/ch7transportationpl an.pdf.

Staff Comments:

- Network connectivity:
 - Existing streets that terminate at the site are connected into the overall modified grid pattern of the development, supporting local street network connectivity and reflecting the layout of lots and blocks in the adjacent neighborhood.
- Trails and pedestrian access:
 - Sidewalks that provide connectivity to the existing sidewalk network are incorporated.
 - Additional trails connections are proposed which provide pedestrian and bicycle linkages at:
 - From Mark St. north to access the railroad line, which is proposed for a future trail.
 - From Ryan St. south, connecting to the future Belgium Town Park.
 - From Ryan St. west, connecting to N. 12th St.

However, the following off-site sidewalk connections proposed under the approved PUD plans are not shown on the Concept Plan:

- Along N. 9th Street, from the southern edge of the site to State Street.
- Along N. 7th Street, from the southern edge of the site to State Street.

STAFF REVIEW COMMENTS ON SITE PLAN

- Staff has discussed with the applicant a potential issue with the Building Code related to separation between the houses and the lots, due to the shorter side yards proposed for one side of each lot. Because of this, the applicant has indicated the lot layout will be modified to center the house on the lots.
- The private road easement between 9th St. and Ryan St. must be posted as a fire lane. Parking will not be allowed on this road.
- The City operates an electric substation adjacent to the northwest corner of the site. The approved PUD plan includes electric utility access to this substation from Mark St. The Concept Plan depicts a trail connection to the railroad line in this location instead. However, the applicant has indicated that access to the substation will be provided.
- The Concept Plan shows Mark St. stubbing out towards toward the northern end of the industrial property to the west of the site. If Mark St. were extended to 12th St. in the future, this location may have implications for future redevelopment of the industrial site.
- Lot 78 may need to be resized in length to match Lot 77 in order to provide space for future connection of Ryan St. to 9th St.
- Comments from Development Engineering and Public Works have been provided in the attached memo.

TRAFFIC STUDY

The applicant submitted a traffic study as part of the PUD Ordinance approval process. This study analyzed the site's existing conditions, anticipated development-generated traffic in terms of directional distribution and trip generation, potential future conditions due to regional growth, and recommendations regarding site access and circulation to the surrounding roadway network.

The applicant has submitted a memo from KLOA, Inc. that compares the site traffic generation between the development as approved under the PUD Ordinance and the proposed Concept Plan. The developer will be required to submit a full traffic study if the proposal moves forward through the zoning approval process.

DEVELOPMENT AGREEMENT

The property is located in a Tax Increment Financing (TIF) district. At the time the PUD Ordinance was approved, the City entered into a development agreement with the developer. The development agreement was approved to provide financial assistance to the developer from the new incremental property taxes generated by the development in order to offset the costs of site cleanup. This includes demolition of existing structures, clearing of debris, mass grading or leveling of the property, and environmental remediation. If the development were to move forward as proposed in the Concept Plan, the agreement would need to be changed to reflect the new unit type and count. Otherwise, staff has not identified the need for any changes to the terms of the development agreement.

PARK / SCHOOL DEDICATIONS

The developer is proposing a full cash contribution to the Park District and School District based on the City's park land/cash and school land/cash requirements. Under the approved PUD plans, the developer also agreed to donate a small outparcel on N. 9th St. that would enable the Park District to construct a wider access drive into the future Belgium Town Park site.

INCLUSIONARY HOUSING/AFFORDABLE UNITS

As part of the PUD Ordinance approval, the City Council, upon recommendation of the Housing Commission, entered into an Affordable Housing Agreement with the developer. This agreement granted the developer an exemption from the requirements of the City's Inclusionary Housing Ordinance, with the condition that the developer must apply for grant funding in order to finance construction of on-site affordable units.

However, in late 2013, staff calculated St. Charles' affordable housing percentage and found that percentage to exceed 25% of the City's housing stock. Per the Inclusionary Housing Ordinance, when the affordable housing percentage is over 25%, the requirement to provide affordable units is suspended. Thus as things currently stand, the developer would not be required to provide any affordable units and could choose not to follow the Affordable Housing Agreement.

Staff is in the process of calculating the City's current affordable percentage. If the percentage is found to be less than 15% affordable, the ordinance will be reinstated and the developer will either need to provide the number of affordable units required by the ordinance, or follow the Affordable Housing Agreement.

CONDITIONS FROM PUD APPROVAL

The following conditions were placed upon approval of the PUD plans by City Council in January 2013. The developer agreed to these conditions at that time and revised the plans accordingly. Obligations not identified on the plans were included in the PUD Ordinance. Thus the approved PUD plans and PUD Ordinance reflect these conditions:

- 1. Use of fiber cement is required; vinyl siding is prohibited.
- 2. Off-site improvements including full improvement of N. 9th St. north of State St. (including street, curbs, gutter, and sidewalk).
- 3. Off-site sidewalk installation on State St. from N. 7th to N. 9th St. and on N. 7th St. north of State St.
- 4. \$200,000 contribution from the developer for future off-site street/intersection improvements to be done at the City's discretion.
- 5. Designated construction route into the site from Main St. to N. 9th St. to State St. to N. 9th St.
- 6. An Affordable Housing Agreement requiring the developer to pursue funding to make units in the development affordable.

Although they currently exist in either the PUD Ordinance or are reflected on the PUD plans, the proposed Concept Plan does not address these conditions.

V. APPROVAL PROCESS

The applicant would need to gain approval of the following to permit the development as proposed in the Concept Plan:

- 1. Map Amendment: To rezone the portion of the property currently zoned RM-2 to RT-3.
- 2. PUD Amendment: To amend Ordinance No. 2013-Z-2 to change the unit type and count, necessary zoning deviations, inclusionary housing, and any other necessary provisions.
- 3. PUD Preliminary Plan: To approve the physical development of the property, including revised site plan, elevations, landscape plan, and engineering plans.
- 4. PUD Final Plat: To review for conformance with the PUD Preliminary Plan prior to final recording with the County.

VI. SUGGESTED ACTION

Review the Concept Plan and provide feedback to the applicant. Committee members may wish to consider the following:

- ✓ Is the change in land use from a mixture of single-family and townhomes to only single-family acceptable?
- ✓ Is the proposed density appropriate for the site?
- ✓ Is the architecture of the homes acceptable?
- ✓ Should the conditions placed upon PUD approval in 2013 continue to be applicable?
- ✓ What additional information would be necessary for the Committee to review a future application for this project?

VII. ATTACHMENTS

- Density Memo
- Development Engineering & Public Works Review Memo
- Application for Concept Plan for Lexington Club
- Ordinance No. 2013-Z-2

Community & Economic Development Planning Division

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



STAFF MEMO

TO: Chairman Daniel P. Stellato

And the Members of the Planning & Development Committee

FROM: Russell Colby, Planning Division Manager

RE: Lexington Club Concept Plan & Surrounding Neighborhood Density

DATE: December 8, 2014

As stated in the Staff Memo, a policy in the Comprehensive Plan recommends that density of redevelopment within established neighborhoods be similar to the density of the adjacent existing residential areas. In response to this policy, staff has performed an analysis to determine how the densities of the adjacent neighborhoods to the south of the Lexington Club site compare to the density proposed in the Concept Plan.

The attached map, titled "Density-Lexington Club & Neighborhoods", shows boundaries of two neighborhoods to the south of the Lexington Club site. Staff selected these areas by:

- Identifying residentially-zoned properties directly adjacent to the site.
- Excluding properties along W. Main St. due to the mixed nature of land uses.
- Excluding industrial land uses adjacent to the site.

The acreage included in the density calculation for the Lexington Club site and the two neighborhoods includes public right-of-way. Where a property adjacent to a street forms the neighborhood boundary, half of the street right-of-way was included.

Township Assessor data was used to determine the number of residential structures and residential units within the two neighborhoods. The attached maps titled "Density- SW Neighborhood" and "Density- SE Neighborhood" identify the locations of multi-unit structures.

The density proposed for Lexington Club is slightly lower than the density of the surrounding neighborhoods. These densities are as follows:

- Lexington Club Concept Plan: 3.95 units per acre (112 units on 28.3 acres)
- Adjacent neighborhood to the southeast: 4.1 units per acre (90 units on 22 acres)
- Adjacent neighborhood to the southwest: 4.04 units per acre (93 units on 23 acres)

Density-Lexington Club & Neighborhoods

RAYMOND ROGINA

MARK KOENEN City Administrator







Density- SE Neighborhood

RAYMOND ROGINA Mayor

MARK KOENEN City Administrator





ata Source: Ity of St. Charles, Illinois ane County, Illinois UPage County, Illinois Opjection: Transverse Mercator oordinate System: Illinois State Plane East orth American Datum 1983



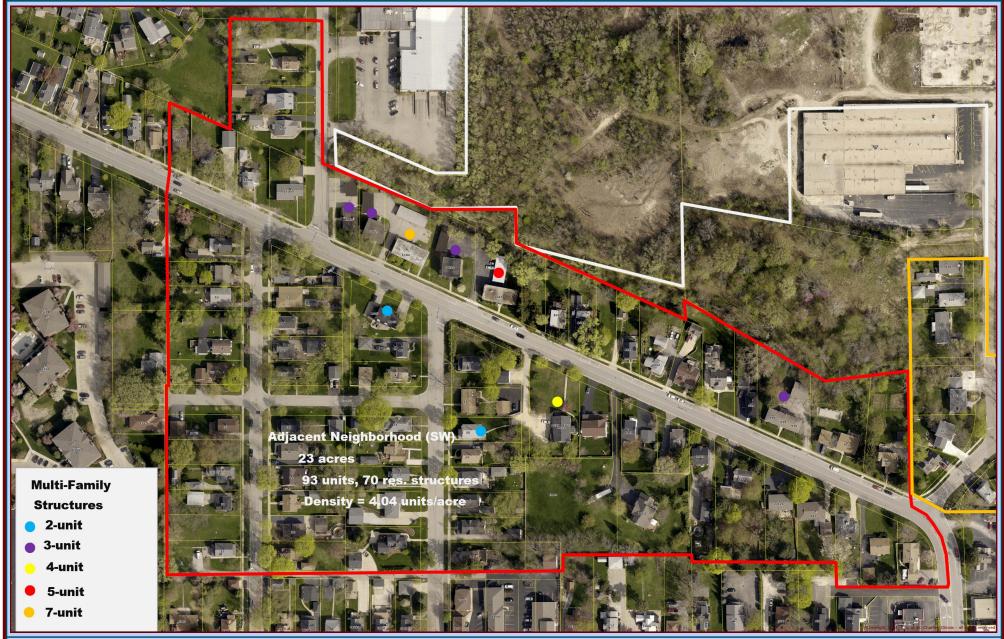
White outline = Lexington Club Orange outline = Adjacent neighborhood (SE) Red outline = Adjacent neighborhood (SW)

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Density- SW Neighborhood

RAYMOND ROGINA Mayor

MARK KOENEN City Administrator





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White outline = Lexington Club Orange outline = Adjacent neighborhood (SE) Red outline = Adjacent neighborhood (SW)

Community & Economic Development Development Engineering Division

Phone: (630) 443-3677 Fax: (630) 377-4062

ST. CHARLES

Memo

Date: 11/11/14

To: Russ Colby

Ellen Johnson

From: Christopher Tiedt, P.E.

RE: Lexington Club Concept Plan

I have reviewed the submitted Concept Plan for the Lexington Club project. The following document was reviewed.

Concept Plan- Lexington Club prepared by JEN Land, LLC. Dated 10-15-14 (1-page)

I have reviewed the above documents for conformance with the City of St. Charles Ordinances, Kane County Stormwater Ordinances and general engineering and construction practices. The following comments are offered up for the applicant's consideration and are inclusive of Development and Public Works Engineering:

- 1. General utility locations have not been shown on the concept plan. Given that the proposed road layout is similar to the layout previously reviewed and approved, it will be assumed that utility locations will generally be in the same area and size, but exact locations and layouts will need to be reviewed during preliminary Engineering to insure compliance with all City codes and separation requirements.
- 2. The previously approved plan with townhome units contained a blanket utility easement over the entire area except for the TH unit buildings themselves. The change from a blanket utility easement to perimeter easements for each lot will require the adjustment of some utilities within these common areas or possibly additional easement needing to be granted.
- 3. Based on the previously submitted engineering plans, some side and rear yards had proposed utilities and overland drainage routes located between units. These will need to be re-evaluated as part of the revised Preliminary Engineering and revised stormwater report. Given the Typical Lot Details, the 10' minimum separation between homes will not be adequate to properly maintain these utilities and drainage routes. Originally proposed utilities and drainage routes will either need to be relocated or additional separation between homes provided.

- 4. The Typical Lot Details will not allow a 5' side yard perimeter easement as required per City Code.
- 5. The applicant needs to provide access to the City of St. Charles electric substation located at the NW corner of this property as was shown on previous plans. The applicant should coordinate with the City Electric Department as to the specific access requirements and incorporate these changes on this plan.
- 6. The proposed "trail" at the NW corner of the site must be relocated further east. As it currently is shown, the proposed trail extended will go through the City's electric substation.
- 7. Depending on how proposed grades are modified from the original proposed grades, the slope of the center path will need to be rechecked to insure that maximum slopes are not exceeded. If they are and grading cannot be modified, then the path may need to be shifted either further west to reduce proposed slopes.
- 8. It is suggested that a connection point at the east side of the property be incorporated now that the Row Homes have been removed and there is additional property to work with.
- 9. With the removal of the Row homes at the east side of the property, it is suggested that the "kink" in Mark Street be removed from its point of connection by 5th Street to the west buy realigning the existing Mark Street and sliding portions of it further north.
- 10. Mark Street is now shown to be straight for several blocks, where before there was some meandering that was introduced to achieve some traffic calming measures and help reduce speeds. It is suggested that some traffic calming measures be incorporated back in to this design, especially if Mark Street is extended out to 12th St.
- 11. With the completion of Belgium Town Park, it is suggested that a trail link be added along the south side of Pond A, and if feasible along State Street Creek between 9th Street and 6th Street.
- 12. Previously agreed upon off-site improvements were agreed upon, but are not shown on this Concept Plan. Are these improvements still being contemplated with this revised Concept Plan? These off-site improvements included the extension of the public watermain down 9th Street, the reconstruction of 9th Street from 7th Street to State Street to current City standards, the addition of sidewalk along the north side of State Street between 7th Street and 9th Street as well as filling in sidewalk gaps along 7th Street.

PW Comments:

- 13. The typical lot details pose potential issues with installation of utilities and the allowance for any foundation plantings along the side of the home. Consider centering the homes on the lot.
- 14. Are there any other options to eliminate the inclusion of a private road easement along lots 105-112? This area in general is going to be a potential concern with lack of a sidewalk, future maintenance and snow removal.
- 15. The City may require the developer to enter into a backup SSA for the open space, detention pond, etc. areas. This is being further reviewed by the City, but the developer should be aware of and comply with this request.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve the applicant's design professionals of the duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.

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

CONCEPT PLAN APPLICATION

CITYVIEW
Project Name:

Project Number:

Application Number:

2007 PR-0

_-AP-<u>037</u>

RReceived Date St. Charles, IL

OCT 2 8 2014

CDD
Planning Division

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

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

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

1.	Property Information:	Parcel Number (s): 09-27-303-001, 09-28-452-003, 09-28-476-008, 09-28-479-019, 09-28-477-003, 09-28-477-008, 09-28-478-011, 09-28-477-014 09-28-400-002, 09-28-400-003 Street Address (or common location if no address is assigned): 26 Acres at Mark and 9th Street, St. Charles, IL				
2.	Applicant Information:	Name Lexington Homes, LLC	Phone (773) 360-0300			
	٠. ٠.	Address 1731 N. Marcey Street, #200 Chicago, IL 60614	Fax (773)360-0301			
		Gridago, iz 00014	Email brotolo@lexingtonchicago.com			
3.	Record Owner Information:	Name Lexington Homes, LLC	Phone (773) 360-0300			
		Address 1731 N. Marcey Street, #200	Fax (773)360-0301			
		Chicago, IL 60614	Email brotolo@lexingtonchicago.com			
4.	Billing: To whom should costs for this application be billed?	Name Lexington Homes, LLC	Phone (773) 360-0300			
		Address 1731 N. Marcey Street, #200	Fax (773)360-0301			
		Chicago, IL 60614	Email brotolo@lexingtonchicago.com			

Zoning and Use Information:
Current zoning of the property: RM-Z PUD & RT-3PUD
ls the property a designated Landmark or in a Historic District? <u>No</u>
Current use of the property: VACANT
Proposed zoning of the property: RT-3 PUD? YES
Proposed use of the property: SINGLE FAMILY
Comprehensive Plan Designation: ATTACHED SINGLE FAMILY &
CIE VECTOD SINGLE TEMILY

Attachment Checklist

APPLICATION: Completed application form signed by the applicant

□ PROOF OF OWNERSHIP and DISCLOSURE:

a) a current title policy report; orb) 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.

D AERIAL PHOTOGRAPH:

Aerial photograph of the site and surrounding property at a scale of not less than 1"=400', preferably at the same scale as the concept plan.

D PLANS:

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

Copies of Plans:

12

- Initial Submittal Fifteen (187) 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.

Concept Plans shall show:

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



≤ SUMMARY OF DEVELOPMENT:

Written information including:

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

INCLUSIONARY HOUSING SUMMARY: For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing.

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.

St. Charles-333 N. 6th St	LLC	10.28.2014	Ronald	Benach,	Manager
Record Owner		Date		•	,
-lin		10.28.2014			
Applicant or Authorized Agent	Manufacture.	Date			

SUMMARY OF PROPOSED DEVELOPMENT



Name of Development LEXINGTON	CLUB	
Number of years expected for build out	3-445	
Acreage or Square Ft. Breakdown:		
Area of residential development	17.61	
Area of nonresidential development		
Area of private open space	6.70	
Area of stormwater ponds/basins	3.00	
Park land dedication		
School land dedication		
Total Acres	27.31	
Residential Breakdown:	Number of units	
Single Family Detached:	112	
Attached Single Family (Townhomes):		
Multi-Family:		
Other:		
Total Dwelling Units	112	
Gross Density (Total D.U./Total Reside	ential Acres)	4.10 D.U.LAC.
Estimated Total Population (from Park	Worksheet)	334
Estimated Student Population (from Sci	hool Worksheet)	86

RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: LEXINGTON CLUB

RT-3				
	Zoning District Requirement	Existing PUD Requirement (if applicable)	Down	
	District:	Ordinance #: 2013-Z-2 S.F. PORTION	FOR ENTINE	
Minimum Lot Area	5,000 S.F.	6160 S.F.	4284 MIN.	
Minimum Lot Width	50 FT.	56FT.	* 42 FT.	
Maximum Building Coverage	11257 - 30 % 11257 - 25 %	* 45%	* 45%	
Maximum Building Height	32FT ZST.	32 PT. 2ST.	37-10"/25T * GNEATER	
Minimum Front Yard	ZOFT.	ZOFT.	ZOFT.	
Interior Side Yard	11257-5'1106 W	5mw/10 TUNZ	1mm 10 TOA	
Exterior Side Yard	ISFT.	ISFT.	(10FT. LOT 29)	
Minimum Rear Yard	30FT.	* 25FT.	* 25	
Yards Adjoining Major Arterials ¹	N.A.	N.A.	N.A.	
% Overall Landscape Area	20%	20%	35.8%	
Building Foundation Landscaping	N.A.	N.A.	N.L.	
% Interior Parking Lot Landscape	N.A.	N.A.	N.A.	
Landscape Buffer Yards ²	N.A.	N.A.	N.A.	
# of Parking spaces	2:1	4:1	4:1	

* DENOTES DEVIATIONS. ALSO SEE SUPPLEMENTAL INFORMATION REGARDING SECTION 17.22.020-B.S & B.G. REGARDING GARAGES

¹ For purposes of this Section, Major Arterials include Randall Road, Main Street west of Randall Road, Main Street East of Tyler Road, and Kirk Road.

² Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers.

RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: LEXINGTON CLUB

		RM-2	
*	Zoning District Requirement	Existing PUD Requirement (if applicable)	SAME AS
٠.	District:	Ordinance #: 2013-Z-2 T.H. PORTION	Proposed RT3 FOR ENTINE SITE
Minimum Lot Area	43005Flou	* 3912 SP/DU	4284 MIN
Minimum Lot Width	ZUFTIDU	24 FT. 1 DV	¥ 42FT.
Maximum Building Coverage	35°/0	35%	* 45%
Maximum Building Height	35 FT. 35T.	35 FT. ZST.	37-10" /257
Minimum Front Yard	20FT.	CONVEY LUT WITH CONDITIONS	ZOFT.
Interior Side Yard	10 eA.	9 en	X I'MIN 10 TOTAL
Exterior Side Yard	20FT.	15=1	15.FT. TYP.
Minimum Rear Yard	25FT.	ZSFT.	X ZSFT.
Yards Adjoining Major Arterials ¹	N.A.	N.A.	NA.
% Overall Landscape Area	20%	ACTRAL GREATE	35.8%
Building Foundation Landscaping	YES.	PER APPROVISO PLANS	N.A.
% Interior Parking Lot Landscape	NA	NA	NA
Landscape Buffer Yards ²	NA	NA	NA
# of Parking spaces	2:1	4:1	4:1

* DENOTES DEVIATIONS, ALSO SEE SUPPLEMENTAL INFORMATION REGARDING SECTION 17.22.020-B.S. B.G REGARDING GARAGES.

¹ For purposes of this Section, Major Arterials include Randall Road, Main Street west of Randall Road, Main Street East of Tyler Road, and Kirk Road.

² Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers.

PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development Date Submitted: Prepared by: LEXINGTON CLUB PER 10-15-14 CONCEPT PLAN JEN LAND LLC



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
Detached Single Fam	ily		
> 3 Bedroom	101	DU x 2.899	= 292.799
> 4 Bedroom	11	DU x 3.764	= 41.404
> 5 Bedroom		DU x 3.770	=
Attached Single Fami	ily		
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom		DU x 1.990	=
➤ 3 Bedroom		DU x 2.392	=
> 4 Bedroom		DU x 3.145	
Apartments			
> Efficiency		DU x 1.294	=
> 1 Bedroom		DU x 1.758	=
> 2 Bedroom	•	DU x 1.914	=
> 3 Bedroom		DU x 3.053	=

Totals

Total Dwelling Units

334.203
Estimated Total Population

Park Site Requirements

Estimated Total Population 334. 203 x .010 Acres per capita = 3.342 Acres

Cash in lieu of requirements -

Total Site Acres 3.342 x \$240,500 (Fair Market Value per Improved Land) = \$803,751

SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development Date Submitted: Prepared by:

LEXINGTON CLUB PER 10-15-14 CONCEPT PLAN SEN LAND LLC



Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)		ementary des K to 5)	-	Middle des 6 to 8)		High les 9 to 12)
Detached Single Fami	ily	ž	_		,		
> 3 Bedroom	101	DU x .369	= 37.269	DU x .173	= 17.473	DU x .184	= 18.534
> 4 Bedroom	11	DU x .530	= 5.830	DU x .298	= 3.278	DU x .360	= 3.960
> 5 Bedroom		DU x .345	=	DU x .248	=	DU x .300	=
Attached Single Fami	ly		-				
➤ 1 Bedroom		DU x .000	=	DU x .000	=	DU x .000	=
➤ 2 Bedroom		DU x .088	=	DU x .048	= ,	DU x .038	=
➤ 3 Bedroom		DU x .234	=	DU x .058	=	DU x .059	= 4
> 4 Bedroom		DU x .322	=	DU x .154	=	DU x .173	=
Apartments							
> Efficiency		DU x .000	=	DU x .000	=	DU x .000	= '
> 1 Bedroom		DU x .002	=	DU x .001	=	DU x .001	=
> 2 Bedroom		DU x .086	=	DU x .042	=	DU x .046	=
➤ 3 Bedroom		DU x .234		DU x .123	=	DU x .118	, =

Totals

112 TDU

43.099 TE

20.751 TM

22.544 TH

School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	43.099	x .025	= 1.077
Middle (TM)	20,751	x .0389	= 0.807
High (TH)	22.544	x .072	= 1,623

Total Site Acres

3.507

Cash in lieu of requirements -

3.507

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

\$ 843 434



October 15,2014

Lexington Club / Concept Plan / Planning Summary

The Lexington Club is an approved 130 unit PUD containing 27.3 acres. The northeast approximate 5.7 acres is zoned RT-3 and is approved for 28 single family detached lots. The remaining 21.6 acres is zoned RM-2 and is approved for 102 attached single family (townhome) units.

The proposed Concept Plan contemplates amending the current PUD for a 112 unit all single family detached development on the entire site. The RM-2 portion of the property is proposed to be rezoned to RT-3 with certain deviations to the bulk standards from table 17.12-2 as shown in the Residential Zoning Compliance Table, some deviations of which have been previously granted on the approved plan. In addition, in order to accommodate the proposed product, deviations from section 17.22.02-B regarding Detached and Attached Garages Accessory to One and Two Family Dwellings is proposed for Item 5 to allow the width of a front facing attached garage to be 66.7% vs the required 50% of the overall width of the dwelling and item 6 to allow the proposed architectural elevation details as a substitute for requiring a front facing garage to be setback 5 ft. from the front of the main dwelling.

The prior approved plan demonstrated that utilities were both available and adequate to service the proposed development. The approved plan also included several planning elements that have been incorporated into the proposed Concept Plan as follows:

- The road pattern is almost identical to the approved plan
- The primary open space, stormwater management, and the State Street Creek preservation corridor areas are as engineered for the approved plan.
- The R.O.W. reservation along the west property line for the extension of Ryan Street to 12th Street has been relocated north as an extension of Mark Street.
- The pedestrian connections north to the railroad ROW, west to 12th Street and south to the park site are provided.



Lexington Club: St. Charles Single Family Homes

The new BSB Design unique home plans are designed for the way people are living today and want to advance in the future. New homeowners consisting of first time buyers, empty nesters, move-ups and millenial's are searching for homes that value quality over quantity and emphasize efficiency, new technology, comfort and sophisticated detail. The homes are designed in both plan and elevation to be better, not bigger.

Each plan offers a variety of open room concepts and features creative and distinct relationships that are conducive to individual change and flexibility. Designing with fewer hallways and unused traditional formal rooms, the new method of home designs offer definitive family gathering and social spaces that drive unique and adaptive solutions for personal expression.

The narrow lot plan with the forward aligned garage allows the social and private rooms of the home to be aligned in larger connected spaces rather than designed linearly adjacent to the garage. Pulling the garage forward allows the home to grow behind it in creative new ways; deemphasizing the plan location of the garage rather than accentuating it as a central component. These exceptional layouts feature captivating thematic elevations enabling the new homeowners to not only choose a plan for their lifestyle but also individualize their home's exterior. A variety of different historical and trend setting exterior elevation styles are provided for each home design. With color, texture, detailed facades, multiple fenestration and door patterns, usable front porches and high quality material choices the streetscape will be diverse, uncommon and inventive. The individuality expressed through the creative plans and elevations will create a truly walkable and livable pedestrian friendly environment.



HAEGER ENGINEERING
consulting engineers — I land surveyors
issu in fine-case Associate profession is 1827 stated in 1827 state

EXHIBIT
EXINGTON CLUB
XINGTON HOMES

Project Manager: LAK Engineer: TJB Date: 10/16/2014 Project No. 14189 Sheet 1





Typical Lot Details

Note-All external side yards are 15 feet except Lot 29, which is 10 feet.

Site Data

	<u>Acres</u>	Percent
Total Area*	27.31	100.00
Public R.O.W.	4.94	18.09
Private Road	0.27	0.99
Open Space	9.70	35.52
Area in Lots	12.40	45.40

Total Number of Lots = 112

= 4.10 D.U./Ac. Gross Density

= 4,284 Sq. Ft. (42x102) = 4,620 Sq. Ft. (42x110) Minimum Lot Size Typical Lot Size Average Lot Size = 4,823 Sq. Ft.

*Note:

Total Area includes 0.45 Ac. In Ryan Street Storm-water Detention Easement

Concept Plan LEXINGTON CLUB St. Charles, Illinois





Typical Streetscape

Lexington Club St. Charles, IL

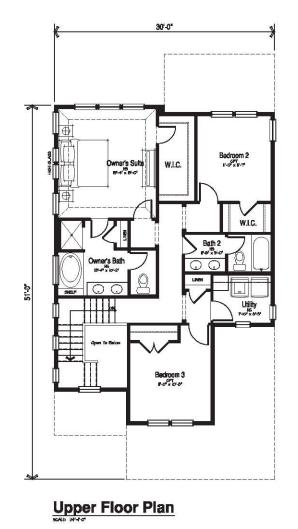


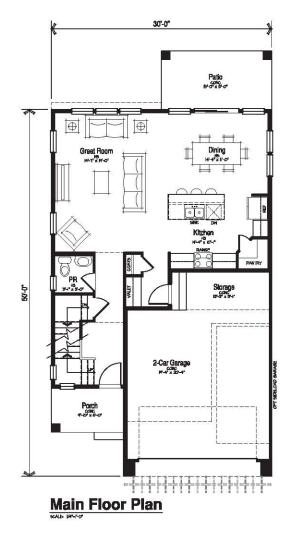
Craftsman
Front Elevation

Unit A









Unit A: 1875 S.F.

Lexington Club

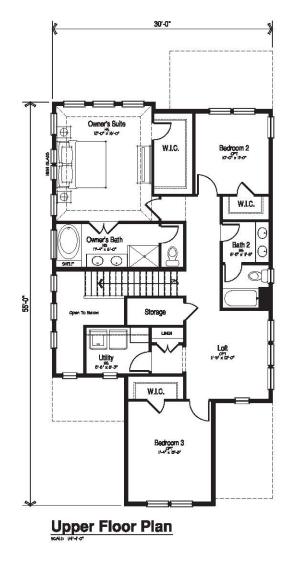
St. Charles, IL

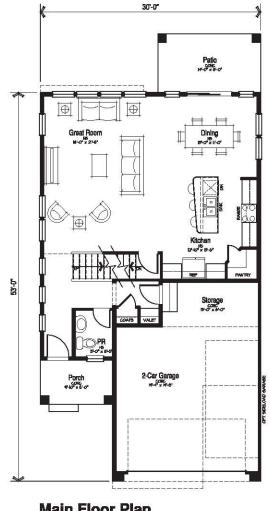




Unit B

Lexington Club St. Charles, IL





Main Floor Plan

Unit B: 2148 S.F.

Lexington Club

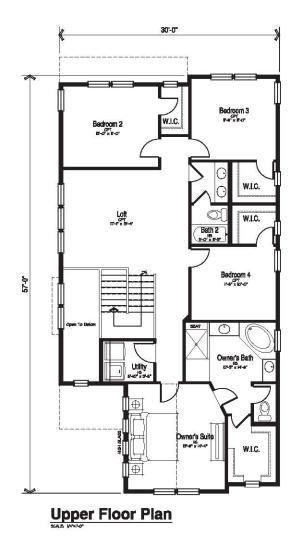
St. Charles, IL

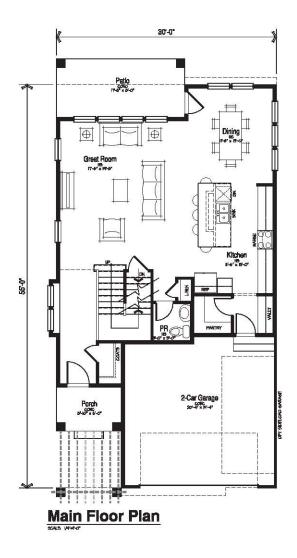




Unit C1







Unit C1: 2431 S.F.

Lexington Club St. Charles, IL

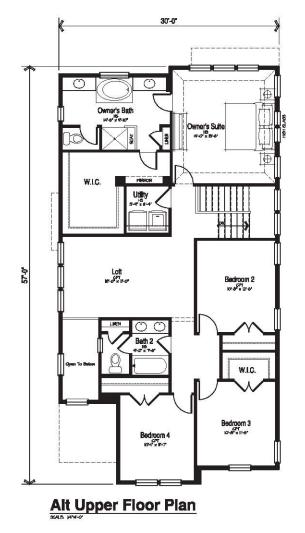


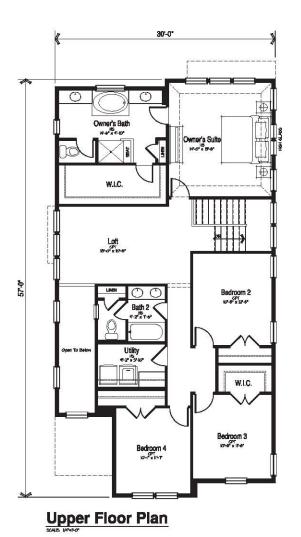


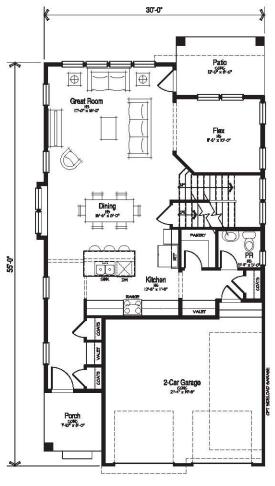
English Country
Front Elevation

Unit C2









Main Floor Plan

Unit C2: 2494 S.F.

Lexington Club

St. Charles, IL



DESIGN

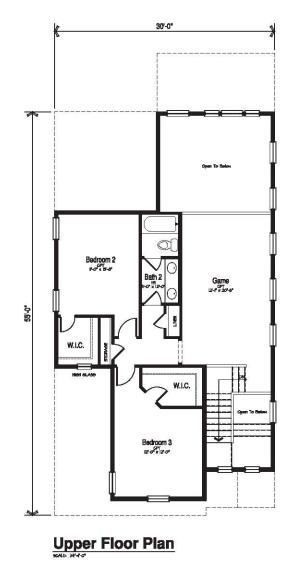


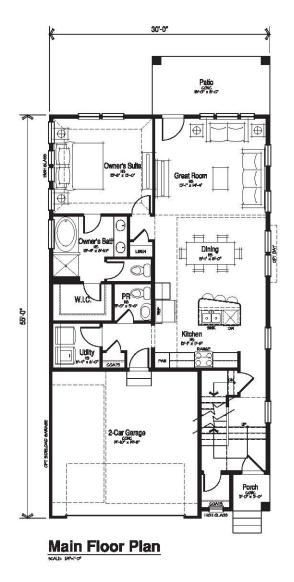
French Country
Front Elevation

French Country (SL)
Front Elevation

Unit D







Unit D: 2098 S.F.

Lexington Club St. Charles, IL





Typical Streetscape



Lexington Homes





MEMORANDUM TO: Bill Rotolo

Lexington Chicago

FROM: Javier Millan

Luay R. Aboona, PE

DATE: November 14, 2014

SUBJECT: Comparison of Site Traffic Generation

At the request of the City of St. Charles, Illinois, and at your direction, Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA, Inc.) prepared a trip generation comparison between the last reviewed plan and the most current plan. The last plan assumed 28 single-family homes and 102 multi-family homes. The new plan calls for 112 single-family homes.

Table 1 shows the estimated vehicle trip generation under the last reviewed plan.

Table 1 SITE-GENERATED TRAFFIC VOLUMES OF LAST REVIEWED PLAN

		Weekday A.M.		Weekday P.M.				
	_	Peak Hour			Peak Hour			
ITE Land- Use Code	Type/Size	In	Out	Total	In	Out	Total	Daily
210	Single-Family – 28 units	7	22	29	21	12	33	322
230	Multi-Family – 102 units	<u>8</u>	<u>44</u>	<u>52</u>	<u>41</u>	<u>20</u>	61	654
	Total Trips:	15	66	81	62	32	94	976

Comparison of Site Traffic Generation for the Proposed The Lexington Club Development

The current plan now proposes only 112 single family homes. **Table 2** shows the estimated trip generation for the new plan.

Table 1 SITE-GENERATED TRAFFIC VOLUMES OF CURRENT PLAN

		Weekday A.M.		Weekday P.M.				
	_	Peak Hour		Peak Hour				
ITE Land- Use Code	Type/Size	In	Out	Total	In	Out	Total	Daily
210	Single-Family – 112 units	22	66	88	73	43	116	1,166
	Total Trips Previous Plan	<u>15</u>	<u>66</u>	<u>81</u>	<u>62</u>	<u>32</u>	94	<u>976</u>
	Difference	7	0	7	11	11	22	190

As can be seen, the proposed current plan will generate approximately seven (7) more total trips (in and out) during the morning peak hour and 22 more total trips (in and out) during the P.M. peak hour.

City of St. Charles, Illinois

Ordinance No. 2013-Z-2

Ordinance Granting Approval of Map Amendment, Special Use for a Planned Unit Development, and Approval of a PUD Preliminary Plan (Lexington Club PUD)

Adopted by the
City Council
of the
City of St. Charles
January 7, 2013

Published in pamphlet form by authority of the City Council of the City of St. Charles, Kane and Du Page Counties, Illinois, January 11, 2013

City Clerk

(SEAL)





City of St. Charles, Illinois Ordinance No. 2013-Z- 2

An Ordinance Granting Approval of Map Amendment, Special Use for a Planned Unit Development, and Approval of a PUD Preliminary Plan (Lexington Club PUD)

WHEREAS, on or about December 8, 2009, the Lexington Homes LLC ("Applicant") and St. Charles-333 North Sixth Street, LLC ("Record Owner") filed applications for (i) Map Amendment to rezone the property legally described on Exhibit "A" attached hereto and made a part hereof ("Single Family Parcel") from the M-1 Special Manufacturing District to the RT-3 Traditional Single Family Residential District and to rezone the property legally described on Exhibit "B" attached hereto and made a part hereof ("Townhome Parcel") from the M-1 Special Manufacturing District to the RM-2 Medium Density Multi-Family Residential District; (ii) Special Use for a Planned Unit Development so as to permit a residential development project on the property legally described on Exhibit "C" attached hereto and made a part hereof ("Subject Realty"), with deviations from the regulations of the St. Charles Zoning Ordinance; and (iii) PUD Preliminary Plan for the Subject Realty; and

WHEREAS, Notice of Public Hearing on said petitions for Map Amendment and Special Use for Planned Unit Development were published on or about July 30, 2011, in a newspaper having general circulation within the City, to-wit, the <u>Kane County Chronicle</u> newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted public hearings on or about August 16, 2011, September 20, 2011 and October 4, 2011(collectively, the "Public Hearing"), on said application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said application and all interested parties were afforded an opportunity to be heard; and,

WHEREAS, on October 18, 2011, the Plan Commission made all required Findings of Fact and forwarded them to the City Council together with its recommendation that the relief requested in said petitions be approved subject to the conditions stated therein; and,

WHEREAS, the Planning & Development Committee of the City Council recommended approval of said applications subject to conditions on or about May 14, 2012; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and Planning and Development Committee 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:

Ordinance No.	2013-Z-2
Page 2	-

Section 1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as though fully set out in this Section 1.

Section 2. That the Official Zoning Map of the City, which is on file in the Office of the City Clerk, is hereby amended by rezoning the property legally described in Exhibit "A" from the "M-1 Special Manufacturing District" to "RT-3 Traditional Single Family Residential District" and rezoning the property legally described in Exhibit "B" from the "M-1 Special Manufacturing District" to the "RM-2 Medium Density Multi-Family Residential District". Said rezoning is based upon Petitioner's application and the evidence presented at the Public Hearing. The City Council hereby finds that the Zoning Map Amendments are in the public interest and adopts the Findings of Fact set forth on Exhibit "D-1" which is attached hereto and incorporated herein.

Section 3. That a Special Use for a Planned Unit Development is hereby granted for the Subject Realty, pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended. Based upon the Petitioner's application and the evidence presented at the Public Hearing, the City Council hereby finds that the Planned Unit Development is in the public interest and adopts the Findings of Fact set forth on Exhibit "D-2", which is attached hereto and incorporated herein.

Section 4. That passage and approval of this Ordinance shall constitute approval of the PUD Preliminary Plan, consisting of the following documents:

- Preliminary Site Plan prepared by BSB Design dated 4/18/12
- Preliminary Subdivision Plans prepared by TFW Surveying & Mapping Inc. dated 12/17/10 and last revised 9/6/12
- Preliminary Engineering Plans prepared by Wills Burke Kelsey Associates Ltd. dated 12/17/10 and last revised 10/9/12
- Preliminary Landscape Plans prepared by Pugsley & Lahaie Ltd. dated 11/25/09 and last revised 4/18/12
- Preliminary Architectural Elevations prepared by BSB Design dated 7/21/11, including three sheets of Character Elevations for the detached single-family buildings and two sheets of Character Elevations for the attached single family buildings.

reduced copies of which are attached hereto and incorporated herein as Exhibit "E" (PUD Preliminary Plan), subject to the terms, conditions and restrictions set forth herein and subject to compliance with such conditions, corrections, and modifications as may be required by the Director of Community Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code.

Section 5. The Subject Realty shall be developed only in accordance with all ordinances of the City as now in effect and as hereafter amended (except as specifically varied herein), and subject to the terms, conditions and restrictions set forth herein, as follows:

- a. Dwelling Units: A maximum of one-hundred thirty (130) dwelling units may be constructed on the Subject Realty, comprised of one-hundred two (102) attached single family dwellings on the Townhome parcel and twenty-eight (28) detached single-family dwellings on the Single Family Parcel.
- b. Single Family Parcel: The development shall comply with the standards of the RT-3 zoning district, except that the following deviations are hereby approved:
 - 1. The maximum building coverage for one-and-one-half and two-story structures is hereby increased to 45%.
 - 2. The minimum interior side yard requirement is hereby reduced to 5 feet.
 - 3. The minimum rear yard requirement is hereby reduced to 25 ft.
- c. Townhome Parcel: The development shall comply with the standards of the RM-2 zoning district, except that the following deviations are hereby approved:
 - 1. The minimum lot area per dwelling unit requirement is hereby reduced to 3,912 square feet.
 - 2. The minimum front yard requirement is hereby reduced to 15 ft. for corner or building end units, where the garage door for the unit faces the exterior side yard.
 - 3. The minimum interior side yard requirement is hereby reduced to 9 ft.
 - 4. The minimum exterior side yard requirement is hereby reduced to 15 ft.; however, no garage door shall be less than 20 ft. from the street right-of-way.
- d. Design Review Standards and Guidelines: The development shall comply with the Design Review Standards and Guidelines of Chapter 17.06 of the Zoning Ordinance, and with the following conditions:
 - 1. Uniform building materials as required by Section 17.06.050(F)(3) of the Zoning Ordinance shall not be required for the townhome buildings, provided that the elevations otherwise conform to the PUD Preliminary Plans.
 - 2. In addition to the building materials requirements and restrictions listed in Section 17.06.050(F)(1) and 17.06.050(F)(2) of the Zoning Ordinance, all exterior siding materials on buildings constructed on the Subject Realty shall be cedar or equivalent wood or fiber cement siding and trim. Vinyl, aluminum or equivalent material shall not be used for siding or trim.
 - 3. All garage doors shall be "Designer Series" as shown on the PUD Preliminary Plans or an equivalent with comparable details and glass window panels.
 - 4. Detached Single-Family building elevations facing exterior side yards or pedestrian access ways (Lots 3, 4, 16, 17, 28 as shown in the PUD Preliminary Plan) shall include architectural detailing equivalent or better than the Character Side elevations shown in the PUD Preliminary Plans.
 - 5. The PUD Preliminary Plans have identified eight (8) character elevations for the detached single-family buildings and two (2) character elevations for the townhome buildings. The character elevation styles shall be interspersed such that a detached single-family building is not adjacent to more than one of the same

- character elevation and the townhome buildings are approximately 50% of each character elevation.
- 6. Variations to the Character Elevations shown in the PUD Preliminary Plans may be reviewed and approved by the Director of Community Development as an Authorized Administrative Change in accordance with the provisions of Section 17.04.430.C of the Zoning Ordinance. Rearrangement/substitution of townhome unit types within the buildings shall be reviewed as an Administrative Change.

e. Landscaping

- 1. Perimeter site landscaping and all landscaping shown on common lots shall be reviewed as a part of the Final PUD Plan. All perimeter site landscaping, including any landscape bufferyards, shall be completed for each phase prior to the occupancy of any building, or portion thereof, in the phase.
- 2. Lot landscaping for the townhomes shall be reviewed as part of the building permit submittals.
- 3. Final Landscape Plans which provide comparable quality, quantity, and character but do not strictly comply with the Preliminary Plan may be reviewed and approved by the Director of Community Development as an Authorized Administrative Change in accordance with the provisions of Section 17.04.430.C of the Zoning Ordinance.

f. Owner's Association:

The Applicant will create one or more Owners Associations and create a Master Declaration of Covenants, Conditions & Restrictions that clearly identifies all responsibilities of the Owners Associations with respect to the use, maintenance and continued protection of common open space and improvements in the development, including, but not limited to, stormwater management facilities. The Declaration shall also regulate modifications to building architecture following the initial construction of the development. Such Declaration shall be in a form reasonably acceptable to the City and shall be recorded immediately following the recording of the Final Plat of Resubdivision for the Subject Realty.

g. School and Park Contributions:

The Applicant has agreed to convey, and the St. Charles Park District has agreed to accept, the .09-acre parcel fronting on 9th Street shown as Lot 59 on the PUD Preliminary Plan. The remainder of the Park and School contribution shall be provided as cash in lieu of land contribution in accordance with the provisions of Title 16 of the St. Charles Municipal Code, as the same may be amended from time to time. If the bedroom count used to calculate the initial cash contribution changes, the amount of the contribution shall be adjusted at the time of building permit.

h. Inclusionary Housing:

The Applicant has requested a deviation to the requirements of Chapter 17.18 of the Zoning Ordinance, Inclusionary Housing, to enable the development to begin construction without designating any affordable units or providing a fee-in-lieu contribution. The deviation request is hereby granted conditioned upon the Applicant executing and complying with the attached Affordable Housing Agreement, attached at Exhibit "F" for the duration of the project build out. In the event the Applicant fails to comply with the Affordable Housing Requirement at any time during the project build out, the requirements of Chapter 17.18 shall apply to the remaining housing units to be constructed.

- i. Subdivision Improvements: The following shall be constructed as a part of the initial Land Improvements for the development:
 - 1. Installation of a 10 inch water main as shown on the PUD Preliminary Plans (generally along Mark Street from 6th Street to 9th Street, along 9th Street south to State Street, continuing to the existing 10" water main near Dean Street, to complete a 10" water main loop through the development site). Following acceptance of the water main by the City, the City shall reimburse the Applicant for the actual cost to install the portion of the water main located offsite, including the cost to resurface existing streets which are not required to be reconstructed as a part of the development. Improvements to be reimbursed and the total maximum reimbursement shall be as specified in Exhibit G.
 - 2. Full improvement of 9th Street from State Street north into the development site, improved to the same standards as the streets within the development, including curb and gutter, storm sewer, sidewalks, street trees, and street lighting.
 - 3. Installation of a 5 ft. wide sidewalk on the north side of State Street, between 9th and 7th Streets, connecting to existing sidewalks at both intersections.
 - 4. Installation of missing sidewalk segments on 7th Street north of State Street.
- j. Off-site traffic contribution: Prior to the 65th occupancy permit, the applicant shall deposit with the City a cash contribution of \$200,000 to be used for off-site street or intersection improvements, at the sole discretion of the City Council.
- k. Ryan Street Right-of-Way: As a part of the Final Plat of Subdivision for the project, the City shall vacate the existing Ryan Street right-of-way located east of 9th Street and convey title of the property to the applicant. The City shall retain easements over any public utilities existing in the right-of-way.
- 1. Future Ryan Street extension: As a part of the Final Plat of Subdivision for the project, applicant shall dedicate right-of-way for a future Ryan Street extension at the western end of the site (shown on the PUD Preliminary Plans as Lot 54). This property shall be maintained by the Owner's Association for the development until such time the street is constructed and accepted by the City.

- m. Access Easements: As a part of the Final Plat of Subdivision for the project, the applicant shall provide public access easements for pedestrian paths shown on the PUD Preliminary Plans (paths connecting Ryan Street to 12th Street, Ryan Street to the St. Charles Park District site, and the two paths connecting Mark Street to the railroad right-of-way).
- n. Construction Route: Construction related traffic shall access the site by following a route from Main Street, to 9th Street, to State Street to 9th Street into the site. No construction traffic shall utilize Mark Street east of 5th Street; 5th, 6th or 7th Street south of the Subject Realty; or State Street east of 9th Street.
- o. Site Cleanup: Complete demolition and clearing of debris and structures and environmental remediation of the property shall occur in accordance with a schedule to be mutually agreed upon by the parties, as set forth in a separate development agreement with the City.
- p. The Applicant shall execute a Developer's Undertaking/Land Improvement Agreement in the City's standard form, and tender the security required therein prior to the recording of the Final Plat of Subdivision.
- q. Stormwater Special Service Area: Following recording of the Final Plat of Subdivision, the City shall initiate the formation of a Special Service Area for the purpose of maintaining and repairing stormwater management facilities and other facilities serving the Subject Realty. The Record Owner shall not sell or transfer ownership of any portion of the Subject Realty until such Special Service Area has been established. Such Special Service Area shall be of perpetual duration with a maximum rate sufficient to provide for maintenance, repair, and reconstruction of such facilities. Such Special Service Area may provide for maintenance by the City in the event that stormwater management facilities or other facilities are not adequately maintained by the Owner or successors.

Section 6. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 7. That this Ordinance shall become effective from passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this <u>7th</u> day of <u>January</u>, 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this __7th day of __January___, 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 7th day of January , 2013.

Ordinance No. 2013-Z-2 Page 7	
	Donald P. DeWitte, Mayor & State And Andrews
Attest: Manage Games City Clerk COUNCIL VOTE: Ayes: 6 Nays: 5 Absent: Abstain:	INCC STATE OF THE PROPERTY OF
APPROVED AS TO FORM:	

City Attorney

DATE: ______, 2013

EXHIBIT "A" LEGAL DESCRIPTION OF SINGLE FAMILY PARCEL

PARCEL TO BE ZONED RT-3:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF SECTION 28. TOWNSHIP 40 NORTH. RANGE 8. EAST OF THE THIRD PRINCIPAL MERIDIAN. BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTHWESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST, BEING AN ASSUMED BEARING AND THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION, ALONG SAID LAST DESCRIBED SOUTH LINE, 362.12 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF 6TH STREET, AS DELINEATED ON THE PLAT OF T.E. RYAN'S ADDITION TO THE CITY OF ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED JULY 11, 1889 AS DOCUMENT NUMBER 24117, ALSO BEING THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE SOUTH 11 DEGREES 43 MINUTES 06 SECONDS EAST ALONG SAID LAST DESCRIBED WEST RIGHT OF WAY LINE, 186.93 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 610.92 FEET; THENCE SOUTH 86 DEGREES 11 MINUTES 29 SECONDS WEST, 58.19 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 14 SECONDS WEST, 108.55 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE CENTER LINE OF 9TH STREET, AS DELINEATED ON THE PLAT OF MILLINGTON THIRD ADDITION TO ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1926 AS DOCUMENT NUMBER 272865; THENCE NORTH 00 DEGREES 55 MINUTES 11 SECONDS WEST ALONG SAID LAST DESCRIBED NORTHERLY EXTENSION, 120.17 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A NON TANGENT CURVED LINE, CONCAVE NORTH, HAVING A RADIUS OF 101.50 FEET, AN ARC LENGTH OF 43.61 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 74 DEGREES 51 MINUTES 47 SECONDS WEST, 43.28 FEET) TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG A CURVED LINE, CONCAVE SOUTH, HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 60.42 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 75 DEGREES 52 MINUTES 06 SECONDS WEST, 59.88 FEET); THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 58.51 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 00 SECONDS EAST, 140.96 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (A.K.A. UNION PACIFIC RAILROAD): THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 932.55 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 00 SECONDS WEST, 97.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886 AFORESAID; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST ALONG SAID LAST DESCRIBED SOUTH LINE, 33.30 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "B" LEGAL DESCRIPTION OF TOWNHOME PARCEL

PARCEL TO BE ZONED RM-2:

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET), ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.
-- TOGETHER WITH --

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTHEAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES 13 MINUTES 00 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET, 1043 FEET; THENCE NORTH 2 DEGREES 44 MINUTES 00 SECONDS EAST, 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES 34 MINUTES 00 SECONDS EAST, 149.92 FEET; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 31 MINUTES 00 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS WEST, 135.80 FEET; THENCE NORTH, 7.90 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 00 SECONDS WEST, 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST, 106 FEET; THENCE SOUTH, 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES 34 MINUTES 00 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES 34 MINUTES 00 SECONDS EAST, 19.73 FEET; THENCE SOUTH 74 DEGREES 16 MINUTES 30 SECONDS EAST, 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST 1/4; THENCE EAST, 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 13 MINUTES 00 SECONDS EAST, PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST, 69 FEET; THENCE NORTH 00 DEGREES 27 MINUTES 10 SECONDS EAST, 60 FEET; THENCE WEST, 56.84 FEET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES 13 MINUTES 00 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTHEAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE, 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. -- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES 37 MINUTES 00 SECONDS WEST ALONG THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78 DEGREES 46 MINUTES 00 SECONDS EAST, 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES 48 MINUTES 00 SECONDS WEST

ALONG SAID WESTERLY LINE, 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES 37 MINUTES 00 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET; THENCE NORTH 66 DEGREES 07 MINUTES 00 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET, 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND, 174 FEET: THENCE NORTH 60 DEGREES 19 MINUTES 00 SECONDS WEST, 168.19 FEET; THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS WEST, 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 01 DEGREES 29 MINUTES 00 SECONDS WEST, 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY; THENCE NORTH 89 DEGREES 31 MINUTES 00 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 01 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION, 285 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS WEST, 132 FEET; THENCE SOUTH 01 DEGREE 04 MINUTES 00 SECONDS EAST, 255.77 FEET TO A POINT SOUTH 80 DEGREES 02 MINUTES 00 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES 02 MINUTES 00 SECONDS WEST, 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS; THENCE SOUTH 1 DEGREE 04 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION, 285.0 FEET; THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS WEST, 132.0 FEET; THENCE SOUTH 01 DEGREES 04 MINUTES 00 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 01 DEGREE 04 MINUTES 00 SECONDS WEST ALONG THE LAST DESCRIBED COURSE, 255.77 FEET: THENCE SOUTH 89 DEGREES 31 MINUTES 00 SECONDS WEST, 100.00 FEET; THENCE SOUTH 01 DEGREE 04 MINUTES 00 SECONDS EAST PARALLEL WITH SAID WEST LINE, 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES 06 MINUTES 00 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES 06 MINUTES 00 SECONDS EAST, 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- TOGETHER WITH --

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE; THENCE

NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127.46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND: THAT PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE: THENCE SOUTH 01 DEGREES 53 MINUTES EAST, 60.06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272; THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 01 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

-- EXCEPTING THEREFROM ALL OF THE ABOVE --

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTHWESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST, BEING AN ASSUMED BEARING AND THE BASIS OF BEARINGS FOR THIS LEGAL DESCRIPTION, ALONG SAID LAST DESCRIBED SOUTH LINE, 362.12 FEET TO AN INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF 6TH STREET, AS DELINEATED ON THE PLAT OF T.E. RYAN'S ADDITION TO THE CITY OF ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED JULY 11, 1889 AS DOCUMENT NUMBER 24117, ALSO BEING THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE SOUTH 11 DEGREES 43 MINUTES 06 SECONDS EAST ALONG SAID LAST DESCRIBED WEST RIGHT OF WAY LINE, 186.93 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 610.92 FEET; THENCE SOUTH 86 DEGREES 11 MINUTES 29 SECONDS WEST, 58.19 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 14 SECONDS WEST, 108.55 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE CENTER LINE OF 9TH STREET, AS DELINEATED ON THE PLAT OF MILLINGTON THIRD ADDITION TO ST. CHARLES, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1926 AS DOCUMENT NUMBER 272865; THENCE NORTH 00 DEGREES 55 MINUTES 11 SECONDS WEST ALONG SAID LAST DESCRIBED NORTHERLY EXTENSION, 120.17 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A NON TANGENT CURVED LINE, CONCAVE NORTH, HAVING A RADIUS OF 101.50 FEET, AN ARC LENGTH OF 43.61 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 74 DEGREES 51 MINUTES 47 SECONDS WEST, 43.28 FEET) TO A POINT OF REVERSE CURVATURE; THENCE WESTERLY ALONG A CURVED LINE, CONCAVE SOUTH, HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 60.42 FEET (THE CHORD TO SAID CURVED LINE BEARS NORTH 75 DEGREES 52 MINUTES 06 SECONDS WEST, 59.88 FEET); THENCE NORTH 89 DEGREES 11 MINUTES 00 SECONDS WEST, 58.51 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 00 SECONDS EAST, 140.96 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY (A.K.A. UNION PACIFIC RAILROAD); THENCE SOUTH 89 DEGREES 11 MINUTES 00 SECONDS EAST ALONG SAID LAST DESCRIBED PARALLEL LINE, 932.55 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 00 SECONDS WEST, 97.84 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886 AFORESAID; THENCE SOUTH 89 DEGREES 41 MINUTES 25 SECONDS WEST ALONG SAID LAST DESCRIBED SOUTH LINE, 33.30 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "C"

LEGAL DESCRIPTION OF SUBJECT REALTY

SUBJECT PROPERTY:

PARCEL ONE:

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET); ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL TWO:

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT

PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL THREE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTH EAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET 1043 FEET; THENCE NORTH 2 DEGREES, 44 MINUTES, 0 SECONDS EAST 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 149.92 FEET; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES, 45 MINUTES, 0 SECONDS WEST 135.80 FEET; THENCE NORTH 7.90 FEET; THENCE SOUTH 89 DEGREES, 20 MINUTES, 0 SECONDS WEST 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST 106 FEET; THENCE SOUTH 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES, 34 MINUTES, 0 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 19.73 FEET; THENCE

SOUTH 74 DEGREES, 16 MINUTES, 30 SECONDS EAST 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL FOUR:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH EAST 1/4; THENCE EAST 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET, FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST 69 FEET; THENCE NORTH 0 DEGREES, 27 MINUTES, 10 SECONDS EAST 60 FEET; THENCE WEST 56.84 FEET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES, 13 MINUTES, 0 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL FIVE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES, 37 MINUTES, 0 SECONDS WEST ALONG THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78

DEGREES, 46 MINUTES, 0 SECONDS EAST 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES, 48 MINUTES, 0 SECONDS WEST ALONG SAID WESTERLY LINE 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES, 30 MINUTES, 0 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES, 37 MINUTES, 0 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET: THENCE NORTH 66 DEGREES, 07 MINUTES, 0 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND 174 FEET; THENCE NORTH 60 DEGREES, 19 MINUTES, 0 SECONDS WEST, 168.19 FEET: THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY: THENCE NORTH 89 DEGREES, 31 MINUTES, 0 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 285 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST 255.77 FEET TO A POINT SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS: THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION 285.0 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132.0 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 04 MINUTES, 0 SECONDS WEST ALONG THE LAST DESCRIBED COURSE 255.77 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 100.00 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES, 06 MINUTES, 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES, 06 MINUTES, 0 SECONDS EAST 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL SEVEN:

EASEMENT FOR PRIVATE ROADWAY RESERVED BY DEED RECORDED JULY 16, 1957, IN BOOK 1855, PAGE 119, AS DOCUMENT 839306, MADE BY HAWLEY PRODUCT COMPANY TO CARL E. SODERQUIST AND SONS FOR THE BENEFIT OF THE NORTH 30 FEET OF LOT 11 IN BLOCK 5 OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES IN PARCEL TWO, OVER THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 535 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE EAST 30 FEET; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 134.45 FEET; THENCE NORTH 1 DEGREE WEST PARALLEL WITH THE WEST LINE OF SAID ADDITION

30 FEET; THENCE SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST 134.45 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL EIGHT:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 282.85 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127.46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND THAT PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE; THENCE SOUTH 1 DEGREES 53 MINUTES EAST, 60.06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272; THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 1 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "D-1"

FINDINGS OF FACT FOR MAP AMENDMENT

Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

1. The existing uses and zoning of nearby property.

The property is surrounded by both residential and manufacturing uses and zoning. Areas to the north and south of the site are primarily residential. Areas to the east and west contain a mix of residential and industrial land uses.

2. The extent to which property values are diminished by the existing zoning restrictions.

It is not known if the existing zoning restriction is diminishing property values in the area. Industrial uses are generally considered to be incompatible with single-family residential uses, which may cause property values surrounding the site to be diminished.

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.

The current zoning restriction has not produced any perceptible public benefits during the last 5 years that the property has remained vacant. The property is in a deteriorated state and is environmentally contaminated. Under the existing zoning, the property could be developed with industrial uses that may be incompatible with the surrounding neighborhood, which is primarily residential.

- 4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.
 - The property is not well suited for industrial use. The property was originally used for industrial purposes because of its proximity to the railroad. The railroad line is no longer active and is in the process of abandonment. Access to the site requires use of minor streets and crossing through a residential neighborhood. The site has limited visibility from any arterial or collector street.
- 5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.
 - Applied Composites closed and vacated the property in 2005. The property has remained vacant. Some of the structures on the site were torn down in 2008 and other structures were recently demolished in 2011. The area surrounding the site is mostly developed.
- 6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.

Higher quality and better suited industrial sites surrounded by similar land uses are available elsewhere in the community. The proximity of the property relative to the Downtown area makes the property more desirable for residential use.

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

In 2008 the City adopted an amendment to the Comprehensive Plan which designated a future land use for the site of "Medium Residential", with a gross density range of 2.5 to 6.5 dwelling units per acre. The proposed zoning districts of RT-2 (net 8.7 du/acre) and RM-2 (net 10 du/acre), after accounting for street rights-of-way and land for stormwater detention, will result in an overall gross density within the range recommended by the Comprehensive Plan.

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

No, the proposed amendment does not correct an error or omission in the Zoning Map.

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

No non-conformities will be created by the Map Amendment.

10. The trend of development, if any, in the general area of the property in question.

There is no perceptible trend of development in the area. The subject property represents a substantial portion of the land area of the neighborhood and has been vacant for 5 years. The neighborhood surrounding the site is otherwise stable.

EXHIBIT "D-2"

FINDINGS OF FACT FOR SPECIAL USE FOR PLANNED UNIT DEVELOPMENT

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

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

- 1. 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.
 - The PUD Preliminary Plans provide for a modified grid street pattern connected to existing access locations. The development plan is more "suburban" in layout and building form than recommended in the Comprehensive Plan.
 - 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.
 - The PUD Preliminary Plans interconnect all existing streets that currently terminate at the site. Complete sidewalks systems connect with the existing sidewalk grid in the neighborhood. Off-site sidewalks will be constructed on 7th Street, 9th Street, and along State Street between 7th and 9th Street to complete the sidewalk grid between the site and the neighborhood. The PUD Preliminary Plans provide recreational facilities in the form of the pedestrian/bike path connections off site to a future regional trail on the railroad right-of-way, a trail to the St. Charles Park District park site, and a trail connecting to 12th Street.
 - 3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
 - The PUD provides residential land uses that are compatible with the adjacent residential neighborhood. The residential land uses are not compatible with isolated industrial properties that adjoin the site. However, the Comprehensive Plan recommends a future land use of "Medium Residential" for the properties at 229 N. 9th Street and 602 N. 12th Street.
 - The PUD provides two different housing types within the site, but with limited variation within each category. The PUD does not provide any affordable residential units, which is a requirement of the Zoning Ordinance.
 - 4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
 - The property has been previously developed. The PUD Preliminary Plans generally leave the State Street Creek and wooded areas south of the creek undisturbed.

5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.

The PUD Preliminary Plans include engineering plans for infrastructure facilities to serve the site. The plans follow City Code requirements for subdivisions and stormwater management. The Illinois EPA will require that environmental contamination of the property be remediated prior to development for residential use.

6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.

The Planned Unit Development will facilitate the redevelopment of a vacant site containing obsolete and deteriorated site improvements.

7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community.

Neighborhood meetings were held in 2006 and 2007 to consider the future land use of the subject property. A Comprehensive Plan amendment was reviewed and adopted by the City Council in 2008.

Consideration of this development as a PUD has allowed a public hearing process and input from neighboring property owners and residents, governmental bodies, and the community. The PUD was discussed during Concept Plan review meetings before the Plan Commission and Planning and Development Committee of the City Council in 2008 and 2009. The Plan Commission held 2 public hearings to review the PUD.

- 2. 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.
 - The PUD Preliminary Plans provide recreational facilities in the form of the pedestrian/bike path connections off site to a future regional trail on the railroad right-of-way, a trail to the St. Charles Park District park site, and a trail connecting to 12th Street. Off-site sidewalks will be constructed on 7th Street, 9th Street, and State Street.
- 2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
 - The PUD Preliminary Plans will leave the wooded area south of State Street Creek mostly undisturbed.
- 3. The PUD will provide superior landscaping, buffering or screening.

The PUD Preliminary Plans provide landscaping in compliance with the City's Zoning Ordinance. Landscape buffering is provided along the property lines adjoining existing industrial uses.

4. The buildings within the PUD offer high quality architectural design.

The single-family detached houses are traditional in form as recommended by the Comprehensive Plan, however the buildings are uniform in terms of mass and orientation on the lot. Garages are set back from the façade and porches are provided on some elevations. The elevations have varied architectural style treatments.

The townhome buildings are more suburban in form than recommended by the Comprehensive Plan, with garage entrances on the front elevations. The architectural elevations for the townhomes include more articulation, detailing, and variation in building materials and textures than is required by the Design Standards of the Zoning Ordinance. The PUD proposes elevations with masonry materials that do not continue around the entire building, which deviates from the Design Standard of continuous materials on all elevations. The PUD proposes two townhome buildings containing six units attached in a row, which exceeds the Design Standard maximum of five units attached in a row.

5. The PUD provides for energy efficient building and site design.

Energy efficient features of the building and site design have not been identified.

6. The PUD provides for the use of innovative stormwater management techniques.

The PUD Preliminary Plans include a stormwater management system in compliance with City Code requirements. The property is not currently served by a stormwater management system. The detention basins will be naturalized, which can improve water quality.

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.

No accessible dwelling units have been proposed as part of the PUD.

8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.

The PUD deviates from the requirements of the City's Zoning Ordinance with respect to providing affordable dwelling units. The PUD does not include any affordable dwelling units and no fee-in-lieu of constructing the units is proposed. The developer will follow the recommendation of the City's Housing Commission to actively seek grant funding assistance that can reduce the cost of the residential units to a level that is closer to a level considered "affordable" by the City's Zoning Ordinance.

9. The PUD preserves historic buildings, sites or neighborhoods.

The proposed PUD is not within a Historic District, but is located approximately two blocks from the Central Historic District. The property is a former industrial facility that is located within an older neighborhood which contains two designated Landmark buildings located approximately two blocks south of the subject property. The buildings and other site improvements on the subject property have not been identified as having any unique historic value and have been substantially demolished.

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

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 location is desirable for residential development due to its proximity to downtown. The Comprehensive Plan recommends more residential housing in close proximity to downtown to enhance the Downtown's viability.

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

The following studies have been completed to determine infrastructure improvements necessary to support the development:

- Traffic Impact Study prepared by KLOA dated September 27, 2011, indicates that adequate access roads will be provided.
- Water Supply Modeling Study prepared by Trotter and Associates dated December 27, 2010 indicates that adequate water supply will be provided.
- Sanitary Sewer Evaluation prepared by Wills Burke Kelsey Associates dated December 17, 2010 indicates that adequate sanitary sewer utilities will be provided.

PUD Preliminary Engineering Plans have been reviewed by City staff for compliance with City Codes and Ordinances, including the Kane County Stormwater Ordinance. Based on these reviews, adequate on-site utilities, access roads, drainage, and related facilities have been provided on the plan documents,.

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.

Evaluations and studies were conducted to identify potential impacts of the proposed development. The studies, which were entered into the record at the public hearing, identified any necessary improvements or measures to be taken to mitigate those impacts, and concluded with these improvements or measures, there would be no negative effect on nearby property.

With respect to traffic, there was significant testimony regarding existing delays encountered for vehicles exiting the neighborhood on to IL Route 64 and IL Route 31. The proposed development is expected to increase these delays. The traffic study for the project concluded that all intersections analyzed would operate at an overall acceptable level of service in 2015 when the project is fully constructed. However, the study also identified that the level of service for individual traffic movements out of the neighborhood and on to IL Route 64 and 31 would be degraded to an unacceptable level for certain locations. The developer will provide a contribution for off-site traffic

improvements in the amount of \$200,000 to be used for improvements to these intersections, as determined by the City.

Residential land uses surrounding the subject property are compatible and complementary to the land uses proposed for the PUD. The PUD will not diminish or impair residential property values in comparison to the existing property value and condition of the site.

Existing industrial land uses surrounding the subject property are not compatible with the proposed land uses for the PUD. The isolated industrial properties surrounding the site are already located in close proximity to other residential uses. The industrial properties located immediately to the west and south have existing legal non-conforming building setbacks from the development site. The Zoning Ordinance requires that where two incompatible uses adjoin along a property line, buffering and screening are the responsibility of the more intensive use (the industrial property). Any future development of the industrial sites under the existing zoning will require additional buffering and screening.

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.

Evaluations and studies were conducted to identify potential impacts of the proposed development. The studies, which were entered into the record at the public hearing, identified any necessary improvements or measures to be taken to mitigate those impacts, and concluded with these improvements or measures, there would be no negative effect on surrounding property.

Residential land uses surrounding the subject property are compatible and complementary to the land uses proposed for the PUD, as discussed in Item C. above.

Industrial land uses surrounding the subject property are not compatible with the proposed land uses for the PUD, as discussed in Item C. above.

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.

Evaluations and studies were conducted to identify potential impacts of the proposed development. The studies, which were entered into the record at the public hearing, identified any necessary improvements or measures to be taken to mitigate those impacts, and concluded with these improvements or measures, there would be no negative effect on surrounding property.

For the reasons stated under Item C. above, further traffic analysis is recommended.

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 PUD complies will all City Codes, with the exception of any Zoning Ordinance deviations requested through the Planned Unit Development. The City will not authorize the construction of residential dwelling units on the property until the Illinois Environmental Protection Agency issues No Further Remediation letter(s) indicating that the site has been appropriately cleaned of environmental contaminants.

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

The City has adopted policy through the Comprehensive Plan to support development of the subject property with residential uses within a specified density range. The proposed development meets this objective and is within the recommended density range.

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

The subject property is classified in the Comprehensive Plan, Future Land Use Map #14 as "Medium Residential." The PUD Preliminary Plans conform to the Future Land Use Designation.

The Comprehensive Plan includes the following Goals and Objectives to be used when evaluating development proposals in this location:

Provide for future redevelopment while preserving the character of the surrounding neighborhood

- Maintain the existing typology of the surrounding residential neighborhood through the interconnection of streets and similar types of housing styles.
- Residential housing in close proximity to Downtown St. Charles is encouraged, to provide residents the opportunity to enjoy downtown amenities and to enhance Downtown's viability.
- Provide buffers or transition areas between different uses such as industrial and residential.
- Locate any areas of redevelopment that have a higher density away from existing lower density development, and provide appropriate transitions between dissimilar uses.
- Avoid land use and street patterns that result in heavy trucks using residential streets to access industrial or retail businesses.

The development provides interconnected streets. The architectural style treatments are similar to those in the neighborhood; however the building forms are dissimilar to those found in the neighborhood. The development is more regular and uniform than the existing neighborhood.

Higher density townhomes have been located adjacent to the neighboring industrial uses.

Only limited buffers and transition areas have been provided adjacent to the isolated industrial uses on 9th and 12th Streets. The Comprehensive Plan recommends a long term future land use of "Medium Residential" for these properties.

Provide Public open space to serve the neighborhood needs

- Look for opportunities to address changes to State Street Creek where possible.
- Provide for adequate park space to serve local needs.

No changes are proposed to State Street Creek. Stormwater basins will be constructed north of the creek. Most trees will be preserved on the south side of the creek.

The subject property represents the most significant development site within the neighborhood, and therefore is the only opportunity for a significant park land donation. The St. Charles Park District has acquired the 2.76 acre site located at 229 N. 9th Street, to be called "Belgium Town Park". The Park District will accept a small parcel on 9th Street as a land donation to improve access to the Belgium Town Park site. The rest of the requirement will be met as a cash donation to the Park District that can be used to improve the park.

The City's Subdivision Ordinance requires a land or cash donation based on the expected population of the subdivision (Population of 307, with a requirement at 10 acres per 1,000 population, equals a donation size of 3.07 acres). The park site acquired by the Park District is less than the recommended preferred size for the proposed development. A private park for the residents of the PUD is proposed on the north side of Mark Street between 5th and 6th Streets.

Provide a range of housing that is available, accessible and affordable

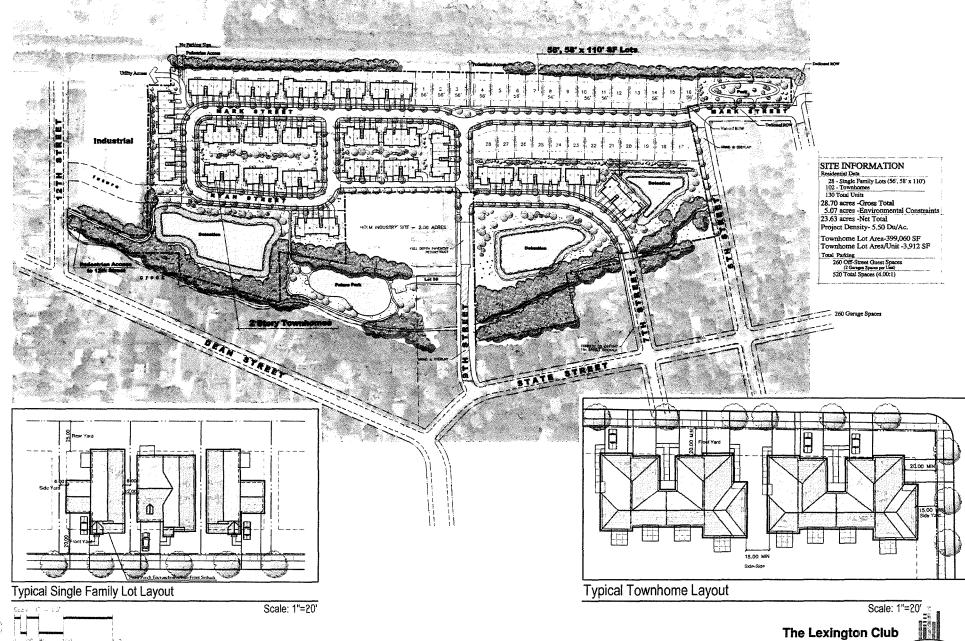
- Maintain the quality of the existing housing stock.
- Look for opportunities to add Senior housing to the area.
- Require high quality construction for new development.
- Promote subdivision design that creates desirable and cost efficient residential neighborhoods.

The PUD provides two distinct housing types- single-family detached houses and townhome units. No units are specifically designed to be accessible. No units are considered "affordable" by the City's Zoning Ordinance. No units have been designed specifically for senior housing.

In terms of construction and design quality, the proposed townhomes comply with the City's Design Standards, with deviations requested to allow the use of masonry materials on front and side elevations only.

The overall subdivision layout is desirable, but it is unknown how cost efficient the development plan is without comparison to an alternate plan.

EXHIBIT "E" PUD PRELIMINARY PLANS



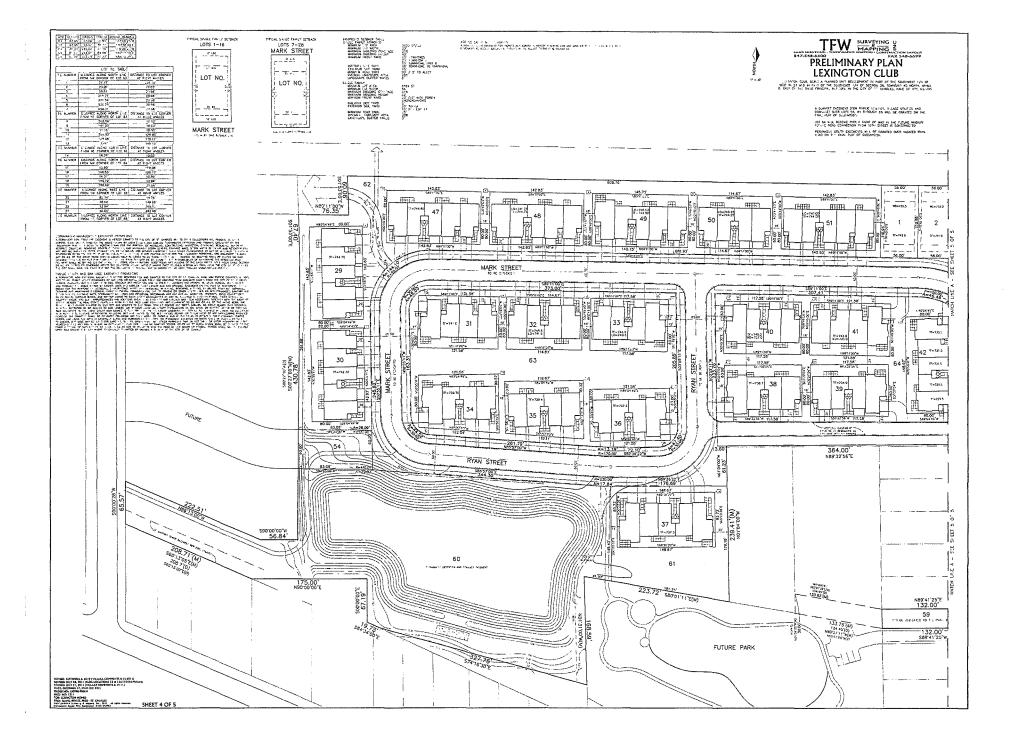
Lexington Homes 1731 North Marcey Suite 200 Chicago, IL 60614 312-280-0980

Concept Site Plan

St. Charles, Illinois

Date: April 18, 2012

BSB



PRELIMINARY ENGINEERING PLANS for

LEXINGTON CLUB

ST. CHARLES, ILLINOIS PROJECT NO: 06-941D

SURVEYOR

TFW SURVEYING & MAPPING, INC. 888 E. BELVIDERE RD., SUITE 413 GRAYSLAKE, IL 60030 (847) 548-6600

CALL J.U.L.I.E. 1-800-892-0123 WITH THE FOLLOWING:

COUNTY KANE
CITY TOWNSHIP ST CHARLES, ST. CHARLES SEC & 1/4 SEC NO ____ 27 & 28

48 HOURS BEFORE YOU DIG. EXCLUDING SAT., SUN. & HOLIDAYS

INDEX

SHEET	SHEET I.D.	SHEET DESCRIPTION
1	C1	COVER SHEET
2	ET1	EXISTING CONDITIONS AND DEMOLITION PLAN
3	GR1	GRADING PLAN
4	UT1	UTILITY PLAN
5-8	PP1-PP2	PLAN & PROFILES
7-10	TP1-TP4	TREE PRESERVATION PLAN
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AREA - 27.8 ACRES

BENCHMARK

ELEVATION

DESCRIPTION: SEE SHEET GR1 FOR BENCHMARK INFORMATION

EXISTING ZONING: INDUSTRIAL TOWNSHIP: 40N RANGE: BE SECTION: 28

LOCATION MAP



NOTE:

WILLS BURKE KELSEY ASSOCIATES, LTD. IS TO BE NOTIFIED AT LEAST THREE (3) DAYS PRIOR TO STARTING CONSTRUCTION AND SHALL BE INCLUDED IN THE PRECONSTRUCTION MEETINGS

LEGEND LINETYPES

PROPOSED

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	ORAINAGE SLOPE		3
	GUARDRAIL		ä
약	TREE, EVERGREEN, SHRUB & PROPOSED TREE TO REMOVE	⊠	200000

PLANNER

BSB DESIGN 3436 N. KENNICOTT, SUITE 100 ARLINGTON HEIGHTS, IL 60004 (847) 705-2200

DEVELOPER

LEXINGTON HOMES 1731 N. MARCEY ST., SUITE 200 CHICAGO, IL 60614 (773) 360-0300

ENGINEER JOHN W. WITTE, P.E.

ILLINOIS REGISTRATION NO : 062-058599 EXPIRATION DATE: 11/30/2011 THESE PLANS OR ANY PARY THEREOF SHALL BE CONSIDERED VOID WITHOUT THE SIGNATURE . SEAL, AND EXPIRATION DATE OF SEAL OF THE ENGINEER

REVISIONS ORIGINAL PLAN DATE: 12/17/2010

#	SHEET #	REMARKS	DATE
1	3-6	REVISIONS PER CITY OF ST CHARLES COMMENTS	02/25/201
2	3-6	REVISIONS PER CITY OF ST. CHARLES JUNE 14, 2011 LETTER	07/20/201
3	1,3-5.9	UPDATED LAND PLAN - REMOVED ROW HOMES	04/20/201
4	2-4	UPDATED PER CITY OF ST. CHARLES MEMORANDUM DATED 8/15/12	09/25/201
S	3.4,6	PER CITY REVIEW MEETING 10/09/12	10/09/201

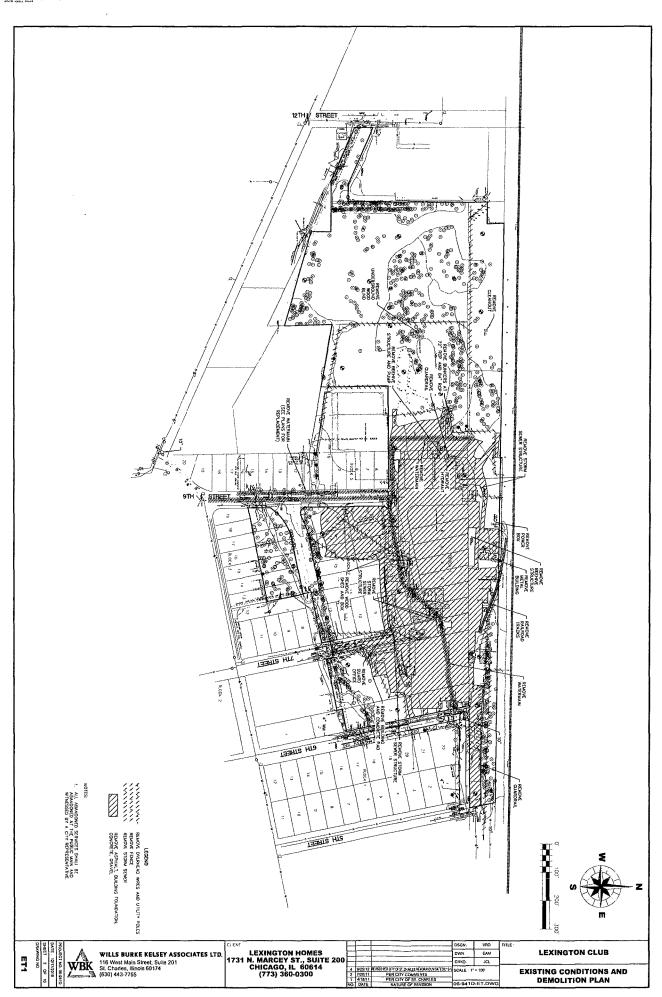
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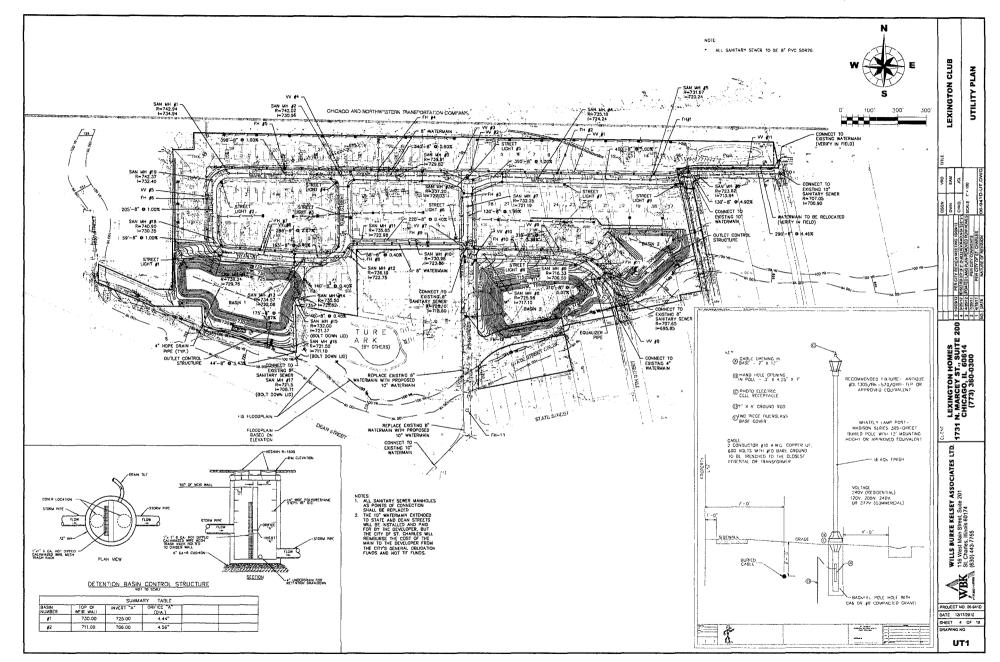


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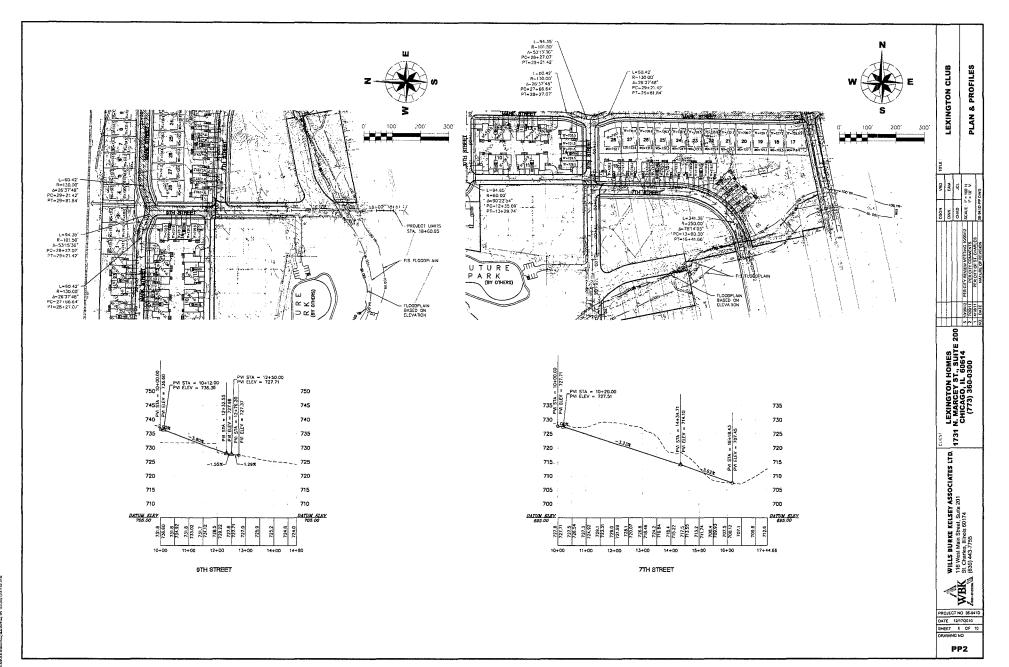
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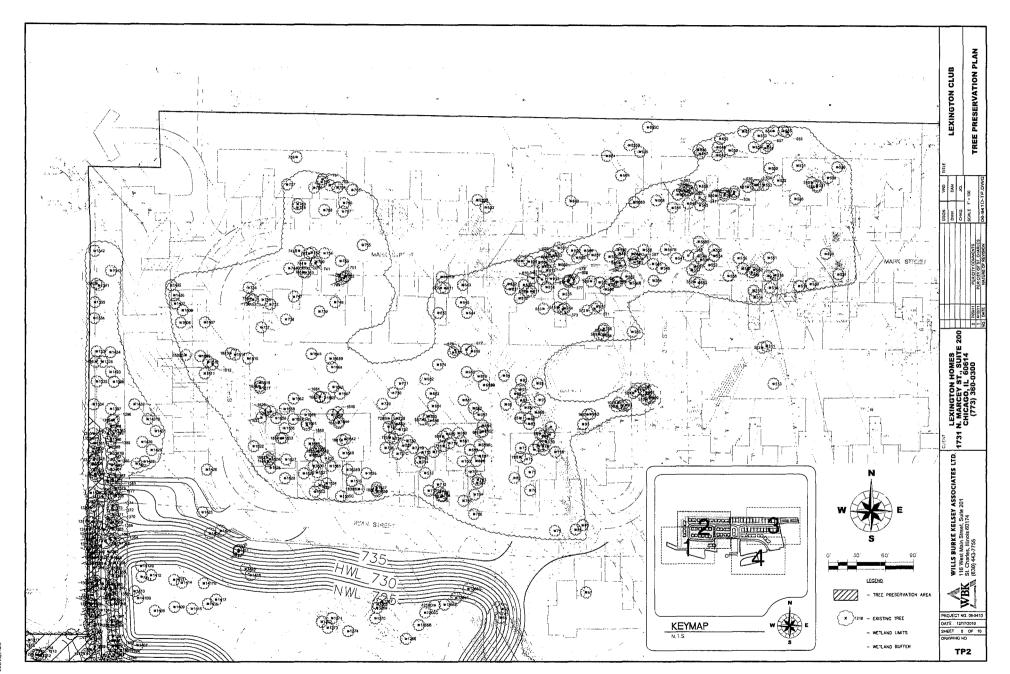


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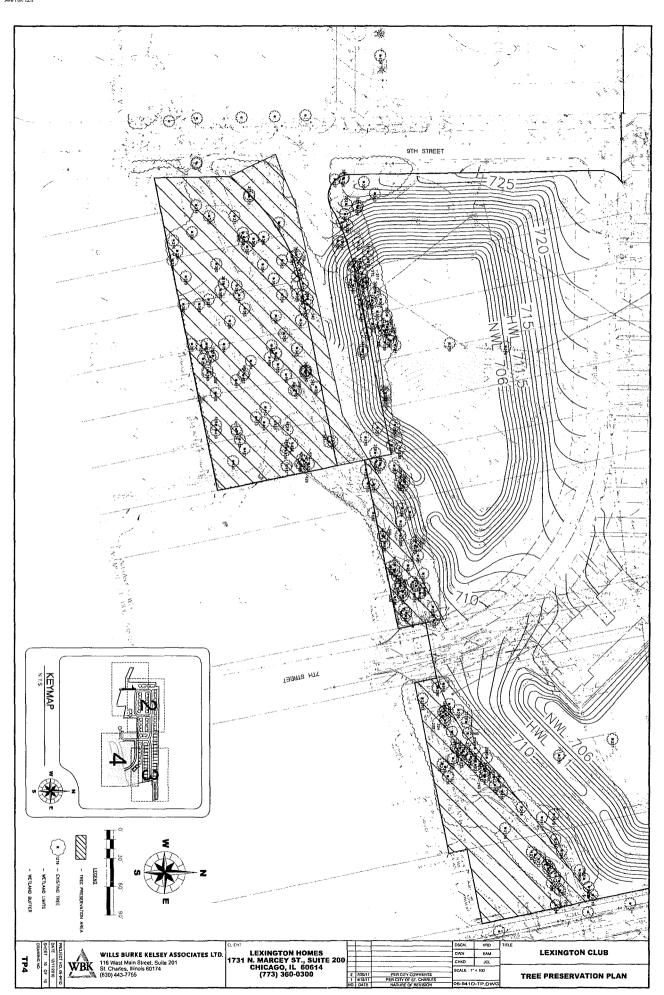
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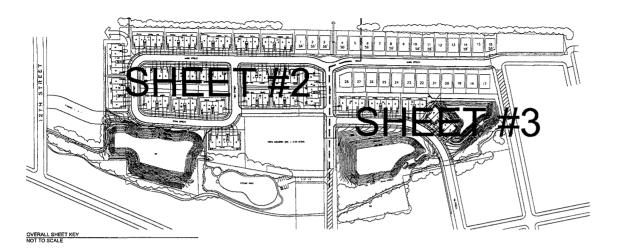




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PLANT KEY

NOTE! ALL PARKWAY SHADE TREES WILL BE INSTALLED AT 2.5" CALIPER, WHILE COMMON AREA SHADE TREES WILL BE INSTALLED IN A RANGE OF SIZES, VARVING FROM 2.5" CALIPER TO 4" CALIPER.



EVERGREEN TREE, 6-10: COLORADO SPRUCE, NORWAY SPRUCE, AUSTRIAN PINE, DOUGLAS FIR, & ARBORVITAE



ORNAMENTAL TREES, 8'-8': SERVICEBERRY, CORNELIANCHERRY DOGWOOD, FLOWERING CRABAPPLE, RIVER BIRCH EUROPEAN BLACK ALDER, JAPANESE TREE LILAC, & BLACKHAW VIBURNUM



EVERGREEN SHRUBS, 24": KALLAY COMPACT JUNIPER, DENSE YEW, EMERALD & COLD EUONYMUS, & EMERALD



LARGE, DECIDIOUS SHRUBS, 35"; VIBURNUM, REDTWIG DOGWOOD, PEXING COTONEASTER, RED CHCKEBERRY, MEADOWLARK FORSYTHIA, LILAC, BURNING BUSH, HYDRANGEA, & WEIGELA



SMALL, DECIDIOUS SHRUBS, 241; SPIREA, ALPINE CURRANT, CRANBERRY COTONEASTER, CUTLEAF STEPHANANDRA DIERVILLA, & GROLIOW SIMAC



ORNAMENTAL QRASSES, 1 OAL.-3 QAL.: MAIDEN GRASS, KARL FOERSTER FEATHER REED GRASS, SWIYCH GRASS, DWARF FOUNTAIN GRASS, & PRAIRIE DROPSEED PERENNIALS & GROUNDCOVER, 3" POT-1 GAL,: DAYLILY, ASTER, COREOPSIS, BLACK EYED SUSAN, PURPLE CONEFLOWER, CRANESBILL, HOSTA, SEDUM, BLAZING STAR, & PURPLELEAF WINTERCREEPER





WET-MESIC NATIVE SEED MIX & EROSION CONTROL BLANKET (DETENTION AREA SLOPES); ACTUAL SPECIES & SIZES TO BE DETERMINED AT TIME OF FINAL PLANS

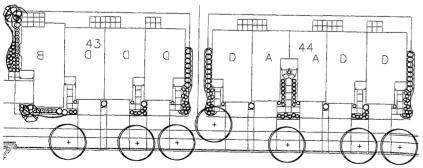


EMERGENT PLANTINGS (DETENTION AREA BASIN BOYTOMS); ACTUAL SPECIES & SIZES TO BE DETERMINED AT TIME OF FINAL PLANS



EXISTING TREES, WITH THE POTENTIAL TO BE PRESERVED

NOTE: REFER TO CIVIL ENGINEERING PLANS FOR ACTUAL TREE PRESERVATION & REMOVAL PLAN



Park

PARK SCALE: 1" = 20'-0

PUGSLEY & LAHAIE LTD.
LANDSCAPE ARCHITECTS AND CONTRACTORS
244.4 N. OG MENENDY RR. Lide Zarch, liftors 60047-8004
Pr. 807.88003 IN 817.88004 - 1-1-5 PRESENDANCES

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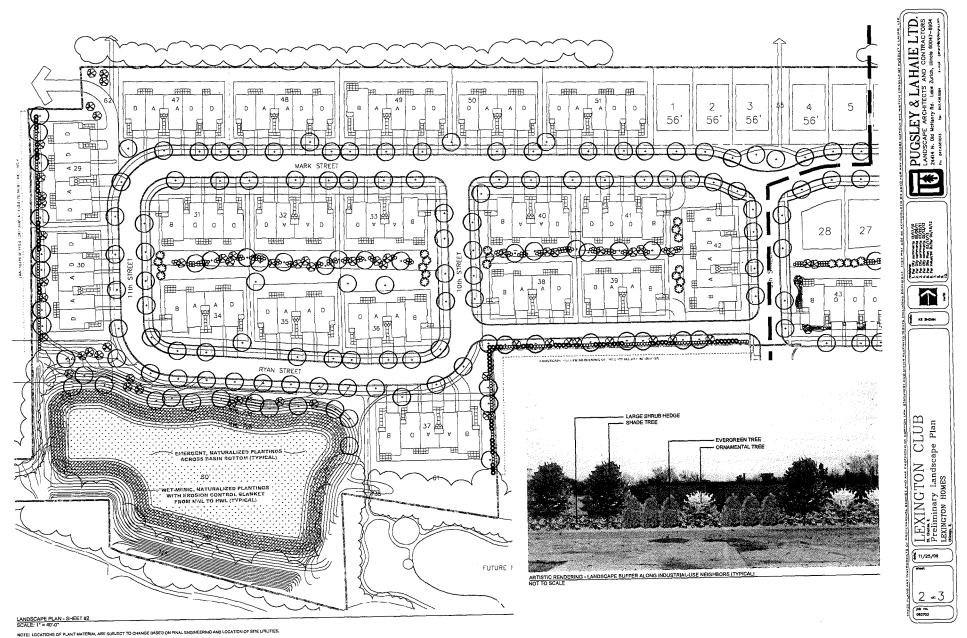
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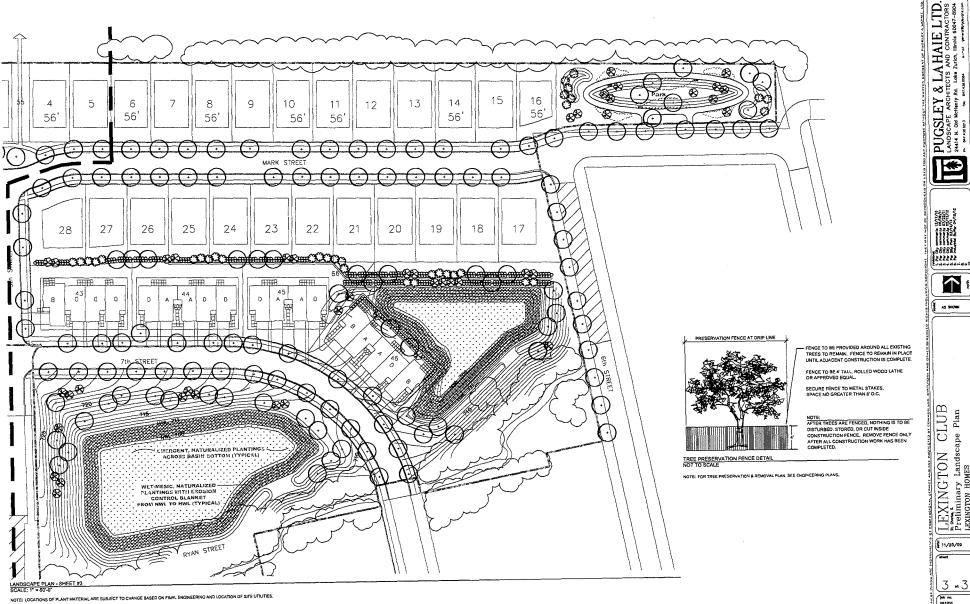
CLUB LEXINGTON CL. Preliminary Landscape Flexington Homes

11/25/00

1 -3 Job no.

TYPICAL FOUNDTION LANDSCAPE PLAN - TOWN HOUSES SCALE: 1" = 20'-0"





y comments 12/17/0 y comments 05/09/11 y comments 07/22/11 y comments 07/22/11 y per 03/12/12 deethal Buffer 04/18/12 个 AS SHOWN

LEXINGTON CL Preliminary Landscape P LEXINGTON HOMES

11/25/09

3 *3



Plan 500 & 503 : Prairie



Plan 500: Craftsman



Plan 501: Farmhouse



Plan 501: French Country

Character Elevations

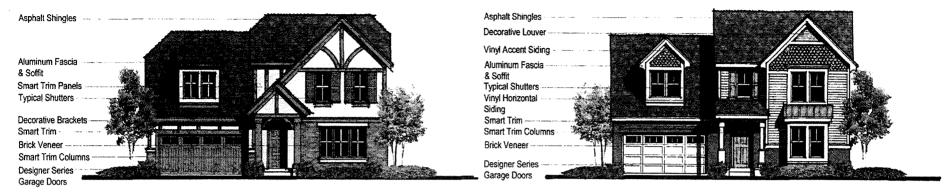
Lexington Club

St. Charles, IL

Lexington Homes Chicago, IL

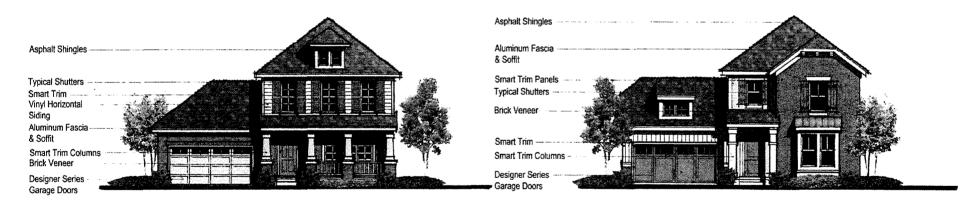
July 21, 2011





Plan 502: Tudor

Plan 502: Victorian



Plan 503: Four Square

Plan 503: Old English scale: 3/16" = 1'-0"

Character Elevations

Lexington Club

St. Charles, IL

BSB

Lexington Homes Chicago, IL

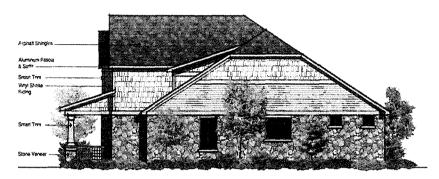
July 21, 2011



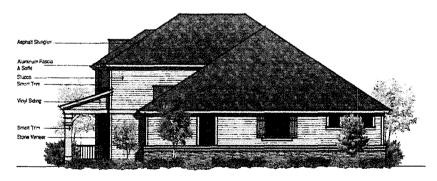
Plan 500 & 503: Prairie - Side Elevation



Plan 501: Farmhouse - Side Elevation



Plan 500: Craftsman - Side Elevation



Plan 501: French Country - Side Elevation

Character Elevations

Lexington Club

St. Charles, IL

BSB



Front Elevation - 4 Unit Building

Asphalt Shingles Vinyl Vertical Siding Aluminum Fascia & Soffit Typical Shutters Vinyl Horizontal Siding Stone Veneer Smart Trim Columns

Front Elevation - 5 Unit Building

Designer Series Garage Doors

Character Elevations

Lexington Club

St. Charles, IL

BSB

Lexington Homes Chicago, IL



Side Elevation - Unit B

Asphalt Shingles Aluminum Fascia & Soffit Typical Shutters Vinyl Horizontal Siding Brick Veneer Smart Trim Columns

Side Elevation - Unit C

Designer Series Garage Doors



Rear Elevation - 4 Unit Building

Character Elevations

Lexington Club

St. Charles, IL

BSB

EXHIBIT "F"

AFFORDABLE HOUSING AGREEMENT

This Affordable Housing Agreement (hereinafte	r referred to as the "Agreement") is made
and entered into as of the day of	, 2013, by and between the City of St.
Charles, a municipal corporation (the "City"), organize	ed and incorporated under the laws of the
State of Illinois and Lexington Homes, LLC, an Illinois l	imited liability company (the "Developer";
the City and the Developer each known individually as a	"Party" and collectively as the "Parties").

RECITALS

WHEREAS, the Developer is the owner of the real estate legally described on Exhibit "A", attached hereto and made a part hereof (the "Subject Realty"); and

WHEREAS, the Developer has filed applications with the City regarding the Subject Realty for, among other things, (a) a zoning map amendment, (b) a special use for a planned unit development, and (c) certain deviations from the City's Zoning Ordinance, in order to allow construction of a residential development consisting of 102 two-story townhomes and 28 single family detached homes, all as more specifically described in Ordinance No. 2013-Z-_____, passed by the City on ______, 2013 (the "Project"); and

WHEREAS, one of the deviations requested by the Developer is exemption from the requirements of Chapter 17.18 of the City's Zoning Ordinance regarding inclusionary housing; and

WHEREAS, as a condition of approving such a deviation, the Developer is required to take certain actions to seek funding for providing Affordable Housing (as defined in the Zoning Ordinance) on the Subject Realty, and to enter in to this Agreement in connection therewith.

- **NOW, THEREFORE**, in consideration of the foregoing premises and in further consideration of the mutual covenants, conditions and agreements herein contained, the Parties hereto agree as follows:
- **Section 1. Incorporation of Recitals.** The recitals set forth in the foregoing recitals are material to this Agreement and are hereby incorporated into and made a part of this Agreement as though they were fully set forth in this Section 1, and this Agreement shall be construed in accordance therewith.
- Section 2. Application for Affordable Housing Funding. Commencing with the execution of this Agreement, and until the last certificate of occupancy is granted for the Project, the Developer shall apply for grant funding for the purpose of obtaining financing for the construction of Affordable Housing as part of the Project. At a minimum, application shall be made to Kane County Office of Community Reinvestment, Illinois Housing Development Authority, and the U.S. Department of Housing and Urban Development for all programs for which the project may qualify.

Applications shall be made each calendar year, or grant funding cycle, whichever is more frequent. The Developer shall provide copies of each funding application to the City for review prior to filing such application. In the event the project does not qualify for any program offered during the calendar year or grant funding cycle, the developer shall provide documentation demonstrating that the project does not qualify or shall provide a letter confirming such from each respective agency.

- **Section 3.** Use of Funds. Should the Developer obtain any of the grant funding applied for, it shall utilize the funds to construct Affordable Housing on the Subject Realty as part of the Project, in conformance with all applicable laws, ordinances and regulations.
- **Section 4. Meeting with Housing Commission.** Upon filing the first grant application, the Developer shall meet with the Housing Commission of the City to discuss strategies and activities related to the Developer's obligations hereunder. Additional meetings shall occur periodically thereafter, pursuant to the request of either Party.
- Section 5. Failure to Comply. Should the Developer fail to comply with the terms of this Agreement at any time during construction of the Project, the City may declare the Developer to be in default by providing written notice to the Developer. Upon such written notice, the requirements of Chapter 17.18 of the City's Zoning Ordinance shall apply to all remaining housing units comprising the Project which have not, at the time of such written notice, received a final occupancy permit.

Section 6. Miscellaneous Provisions.

- (a) *Mutual Cooperation*. The Parties shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in furthering the objectives of this Agreement and the intent of the Parties as reflected by the terms of this Agreement.
- (b) *Disclaimer*. Nothing contained in this Agreement, nor any act of the City, shall be deemed or construed by any of the Parties, or by third persons, to create any relationship of third Party beneficiary, or of principal or agent, or of limited or general partnership, or of joint venture, or of any association or relationship involving the City or the Developer.
- (c) Covenants Running with the Land. It is intended and agreed that all covenants provided in this Agreement on the part of the Developer to be performed or observed shall be covenants running with the land binding to the fullest extent permitted by law and equity for the benefit and in favor of, and enforceable by the City, and any successor in interest to the Subject Realty, other than individual owners of residential units constructed on the Subject Realty.
- (d) Paragraph Headings. The paragraph headings and references are for the convenience of the parties and are not intended to limit, vary, define or expand the terms and provisions contained in this Agreement and shall not be used to interpret of construe the terms and provisions of this Agreement.

- (e) Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same Agreement.
- (f) Recordation of Agreement. The Parties agree to execute and deliver the original of this Agreement in proper form for recording in the office of the Recorder of Deeds, Kane County, Illinois.
- (g) *Notices*. Notices herein required shall be in writing and shall be served upon the Parties, either personally or mailed by certified or registered mail, return receipt requested:

If to the City:

City Administrator City of St. Charles 2 East Main Street St. Charles, Illinois 60174

with a copy to:

Gorski & Good, LLP 211 South Wheaton Avenue, Suite 305 Wheaton, Illinois 60187 Attn: Ms. Robin Jones

If to Developer: Lexington Homes, LLC 1731 N. Marcey Street, Suite 200 Chicago, Illinois 60614

with a copy to:

Rathje & Woodward, LLC 300 E. Roosevelt Road, Suite 300 Wheaton, IL 60187 Attn: Mr. Henry Stillwell

If to any Mortgagee: To the person and address designated to the City in writing by the Mortgagee.

A Party's address may be changed from time to time by such Party giving notice as provided above to the other Parties noted above.

(h) *Integration*. This Agreement together with all Exhibits and attachments thereto, constitute the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City or the Developer.

- (i) Amendment. This Agreement, and any Exhibit attached hereto, may be amended only by written instrument properly executed by the Parties or their successors in interest. Execution of any such amendment by the City shall first have been authorized by the Ordinance or Resolution duly adopted by the corporate authorities of the City.
- (j) Successors and Assignees. The terms and conditions of this Agreement are to apply to and bind and inure to the benefit of the City, the Developer and their successors and assignees.
- (k) Severability. If any provision of this Agreement, or any paragraph, sentence, clause, phrase or word, or the application thereof, in any circumstances, is held invalid, the remainder of the Agreement shall be construed as if such invalid part were never included herein and the Agreement shall be and remain valid and enforceable to the fullest extent permitted by law.
- (l) Term. This Agreement shall be in full force and effect from and after the execution hereof by the last Party to execute the same and shall remain in full force and effect until final completion of the Project, as evidenced by issuance of a final occupancy certificate for the last unit comprising the Project.
- (m) Governing Law. The laws of the State of Illinois shall govern the interpretation and enforcement of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed on or as of the day and year first above written.

	CITY OF ST. CHARLES, an Illinois municipal corporation,	
ATTEST:	By:	
City Clerk	, an Illinois limit	ed
ATTEST:	By: Its:	

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Donald P. DeWitte, Mayor of the City of St. Charles, and Nancy Garrison, City Clerk of said City, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Mayor and City Clerk, 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 City, for the uses and purposes therein set forth; and the City Clerk then and there acknowledged that she, as custodian of the corporate seal of said City, did affix the corporate seal of said City to said instrument, as her own free and voluntary act and as the free and voluntary act of said City, for the uses and purposes therein set forth.

GIVEN	under	•	hand 2013.	and	Notarial	Seal	this	 day	of
Notary Public									

STATE OF ILLINOIS)			
) SS.			
COUNTY OF KANE)			
,	•		• *	State aforesaid, DO
HEREBY CERTIFY that _		,	of	, an Illinois
limited liability company,	and	,	of said of	company, personally
known to me to be the san				
such and _		, respectively	appeared before m	ne this day in person
and acknowledged that th				
voluntary act and as the fre	e and voluntary	act of said com	pany, for the uses	and purposes therein
set forth.	·		•	
GIVEN und	ler my hand and	d Notarial Seal	this day of	9
2013.	•	•		
Notary Public				

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT REALTY

SUBJECT PROPERTY:

PARCEL ONE:

LOT 2 (EXCEPT THE SOUTHERLY 116 FEET); ALL OF LOTS 3 AND 4 IN BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL TWO:

LOTS 1, 2, 3, 4, 5, 6 AND 7 IN BLOCK 1 AND LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18 IN BLOCK 2; LOTS 1, 2, 3, 4, 5 AND 6 IN BLOCK 3 AND LOTS 1, 2, 3, 4, 5 (EXCEPT THAT PART OF LOT 5 CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986) AND THE NORTH 30 FEET OF LOT 11 IN BLOCK 5, AND THAT

PART OF VACATED NINTH STREET NORTH OF THE SOUTH LINE EXTENDED EASTERLY OF LOT 5 IN SAID BLOCK 5 AND VACATED MARK STREET, AND THE NORTH 1/2 OF VACATED RYAN STREET LYING EASTERLY OF THE WESTERLY LINE OF LOT 13, BLOCK 2 EXTENDED AND LYING WESTERLY OF THE WESTERLY LINE OF SEVENTH STREET, ALL IN MILLINGTON'S THIRD ADDITION TO ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL THREE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE WEST LINE OF SAID SOUTH EAST 1/4 WITH THE NORTHERLY LINE OF DEAN STREET; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID DEAN STREET 1043 FEET; THENCE NORTH 2 DEGREES, 44 MINUTES, 0 SECONDS EAST 150 FEET (SAID POINT HEREINAFTER REFERRED TO AS POINT "A"); THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 149.92 FEET; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 62 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 31 MINUTES, 0 SECONDS WEST, 651.43 FEET; THENCE SOUTH 89 DEGREES, 45 MINUTES, 0 SECONDS WEST 135.80 FEET; THENCE NORTH 7.90 FEET; THENCE SOUTH 89 DEGREES, 20 MINUTES, 0 SECONDS WEST 282.40 FEET; THENCE SOUTH 00 DEGREES, 27 MINUTES, 10 SECONDS WEST 490.78 FEET; THENCE EAST 106 FEET; THENCE SOUTH 67.19 FEET TO A LINE DRAWN NORTH 64 DEGREES, 34 MINUTES, 0 SECONDS WEST FROM POINT "A" AFORESAID; THENCE SOUTH 64 DEGREES, 34 MINUTES, 0 SECONDS EAST 19.73 FEET; THENCE

SOUTH 74 DEGREES, 16 MINUTES, 30 SECONDS EAST 327.76 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL FOUR:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH EAST 1/4; THENCE EAST 396.08 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4 TO A POINT 150 FEET NORTH OF THE NORTHERLY LINE OF DEAN STREET, FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES, 13 MINUTES, 0 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF DEAN STREET, 208.7 FEET (THIS COURSE HEREINAFTER REFERRED TO AS LINE "A") THENCE EAST 69 FEET; THENCE NORTH 0 DEGREES, 27 MINUTES, 10 SECONDS EAST 60 FEET; THENCE WEST 56.84 FEET TO A LINE DRAWN PARALLEL WITH AND 60 FEET NORTHERLY OF, MEASURED AT RIGHT ANGLES THERETO, LINE "A" AFORESAID; THENCE NORTH 66 DEGREES, 13 MINUTES, 0 SECONDS WEST ALONG SAID PARALLEL LINE, 222.51 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE WEST LINE OF SAID SOUTH EAST 1/4, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE 65.57 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL FIVE:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF BLOCK 2 OF MILLINGTON'S ADDITION TO THE TOWN OF ST. CHARLES; THENCE NORTH 11 DEGREES, 37 MINUTES, 0 SECONDS WEST ALONG THE EASTERLY LINE OF WEST

SEVENTH STREET EXTENDED, 356 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 78 DEGREES, 46 MINUTES, 0 SECONDS EAST 186.2 FEET TO THE WESTERLY LINE OF BLOCK 2 OF T. E. RYAN'S ADDITION TO ST. CHARLES; THENCE NORTH 11 DEGREES, 48 MINUTES, 0 SECONDS WEST ALONG SAID WESTERLY LINE 481.9 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND GREAT WESTERN RAILWAY; THENCE SOUTH 89 DEGREES, 30 MINUTES, 0 SECONDS WEST ALONG SAID RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID MILLINGTON'S THIRD ADDITION TO THE SOUTHEAST CORNER OF BLOCK 2 IN SAID ADDITION; THENCE EASTERLY ALONG THE SOUTHERLY LINE EXTENDED EASTERLY OF SAID BLOCK 2 TO THE EASTERLY LINE OF WEST SEVENTH STREET EXTENDED; THENCE SOUTH 11 DEGREES, 37 MINUTES, 0 SECONDS EAST ALONG SAID EASTERLY LINE TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL SIX:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, ON THE NORTHERLY LINE OF DEAN STREET; THENCE NORTH 66 DEGREES; 07 MINUTES, 0 SECONDS WEST ALONG SAID NORTHERLY LINE OF DEAN STREET 335.3 FEET TO THE SOUTHEAST CORNER OF THE TRACT OF LAND CONVEYED TO JULES VANOVERMEIREN BY DEED DATED DECEMBER 18, 1925, AND RECORDED DECEMBER 26, 1925 IN BOOK 788, PAGE 548, AS DOCUMENT 266367; THENCE NORTH ALONG THE EAST LINE AND THE EAST LINE EXTENDED OF SAID TRACT OF LAND 174 FEET; THENCE NORTH 60 DEGREES, 19 MINUTES, 0 SECONDS WEST, 168.19 FEET; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 188.59 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 29 MINUTES, 0 SECONDS WEST 479.71 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY; THENCE NORTH 89 DEGREES, 31 MINUTES, 0 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 456.2 FEET TO THE NORTHWEST CORNER OF SAID MILLINGTON'S THIRD ADDITION; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 285 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST 255.77 FEET TO A POINT SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST 325.65 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES, KANE COUNTY, ILLINOIS; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST ALONG THE WEST LINE OF SAID ADDITION 285.0 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 132.0 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 255.77 FEET FOR A POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 04 MINUTES, 0 SECONDS WEST ALONG THE LAST DESCRIBED COURSE 255.77 FEET; THENCE SOUTH 89 DEGREES, 31 MINUTES, 0 SECONDS WEST 100.00 FEET; THENCE SOUTH 1 DEGREES, 04 MINUTES, 0 SECONDS EAST PARALLEL WITH SAID WEST LINE 237.41 FEET TO A LINE DRAWN NORTH 80 DEGREES, 06 MINUTES, 0 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 80 DEGREES, 06 MINUTES, 0 SECONDS EAST 101.86 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED BY DOCUMENT 1788487 RECORDED AUGUST 19, 1986), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL SEVEN:

EASEMENT FOR PRIVATE ROADWAY RESERVED BY DEED RECORDED JULY 16, 1957, IN BOOK 1855, PAGE 119, AS DOCUMENT 839306, MADE BY HAWLEY PRODUCT COMPANY TO CARL E. SODERQUIST AND SONS FOR THE BENEFIT OF THE NORTH 30 FEET OF LOT 11 IN BLOCK 5 OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES IN PARCEL TWO, OVER THAT PART OF THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF MILLINGTON'S THIRD ADDITION TO ST. CHARLES; THENCE SOUTH 1 DEGREE EAST ALONG THE WEST LINE OF SAID ADDITION 535 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE EAST 30 FEET; THENCE NORTH 80 DEGREES, 02 MINUTES, 0 SECONDS WEST

134.45 FEET; THENCE NORTH 1 DEGREE WEST PARALLEL WITH THE WEST LINE OF SAID ADDITION 30 FEET; THENCE SOUTH 80 DEGREES, 02 MINUTES, 0 SECONDS EAST 134.45 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS. PARCEL EIGHT:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND THE SOUTH EAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF FIFTH STREET (STATE ROUTE 31) AS PLATTED IN THE CITY OF ST. CHARLES WITH THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN A WARRANTY DEED DATED JUNE 2, 1886, BETWEEN JOHN WARNE, AND OTHERS, AND THE MINNESOTA AND NORTH WESTERN RAILROAD COMPANY, FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY ON JUNE 4, 1886, IN BOOK 243 ON PAGE 17; THENCE WESTERLY ALONG THE SOUTH LINE BY SAID WARRANTY DEED, BEING ALONG THE SOUTH RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN TRANSPORTATION COMPANY, A DISTANCE OF 1857.64 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID JOG, A DISTANCE OF 7.90 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE OF 282.85 FEET TO A JOG IN SAID SOUTH RIGHT OF WAY LINE; THENCE NORTHERLY, ALONG SAID JOG, A DISTANCE OF 127,46 FEET TO A POINT ON A LINE THAT IS 50.0 FEET SOUTH OF AND PARALLEL WITH THE CENTER LINE OF THE MAIN TRACK OF THE CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY; THENCE EASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 2126.02 FEET TO THE CENTER LINE OF 5TH STREET (STATE ROUTE 31) AS AFORESAID; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE, A DISTANCE OF 93.59 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LAND THAT PART OF THE SOUTHEAST QUARTER OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LAND CONVEYED TO THE CITY OF ST. CHARLES BY DOCUMENT NO. 910272, SAID POINT BEING 50.00 FEET NORMALLY DISTANT SOUTHERLY FROM THE UNION PACIFIC RAILROAD MAIN TRACK CENTER LINE; THENCE SOUTH 89 DEGREES 11 MINUTES EAST, 76.35 FEET, PARALLEL WITH SAID MAIN TRACK CENTER LINE; THENCE SOUTH 1 DEGREES 53 MINUTES EAST, 60,06 FEET, PARALLEL WITH THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT NO. 910272: THENCE NORTH 89 DEGREES 11 MINUTES WEST, 76.35 FEET TO THE SOUTHEAST CORNER OF SAID DOCUMENT NO. 910272; THENCE NORTH 1 DEGREE 53 MINUTES WEST, 60.06 FEET ALONG THE EAST LINE OF SAID DOCUMENT NO. 910272 TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT G REIMBURSEMENT FOR OFF-SITE WATER MAIN IMPROVEMENTS

	ASPHALT ROADS			
	Street Name	<u>Unit</u>	Quantity	Cost
	State St., 9th to Dean St	FT	250	\$ 13,863.33
	WATERMAIN			
		<u>Unit</u>	Quantity	<u>Cost</u>
1	10" DIP, Class 52, Water Main	LF	820	\$65,600.00
2	Fire Hydrant Assembly, With Auxillary Valve and Box	EA	1	\$3,200.00
3	1" Type "K" Copper Water Service, With B-Box Assembly	EA	6	\$12,000.00
4	Curb and Gutter Removal and Replacement	LF	30	\$630.00
5	Restoration	LS	1	\$2,000.00
				\$83,430.00
	TOTAL FOR ALL WORK			<u>\$97,293.33</u>

State of Illinois)	
)	SS
Counties of Kane and DuPage)	

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on January 7, 2013, the Corporate Authorities of such municipality passed and approved Ordinance No. 2013-Z-2, entitled

"Ordinance Granting Approval of Map Amendment, Special Use for a Planned Unit Development, and Approval of a PUD Preliminary Plan (Lexington Club PUD),"

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

The pamphlet form of Ordinance No. 2013-Z-2, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 11, 2013, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this ___7th__ day of January 2013.

//auCy Gamusum Municipal Glerk

AGENDA ITEM EXECUTIVE SUMMARY Title: Recommendation to approve an Amendment to Special Use for PUD and Minor Change to PUD for the Firethorne Apartments, 1320-1370 Brook St. (Firethorne PUD) Ellen Johnson Presenter: Please check appropriate box: **Government Operations** Government Services X Planning & Development -(12/8/14)City Council Public Hearing **Estimated Cost:** N/A Budgeted: YES NO If NO, please explain how item will be funded: **Executive Summary:** The subject property is a six-building, 72-unit apartment complex located east of N. 15th St. between Dean St. and Main St. The property was developed under the Firethorne PUD, Ordinance No. 1987-Z-4. Under this ordinance, the only vehicular access to the property for residents is from Brook St., via 15th St. Access to the property from Dean St. is limited to emergency vehicle and pedestrian use. The applicant, Firethorne Apartments, LLC, is seeking approval of an amendment to the PUD ordinance to allow a paved vehicular access drive to Dean St. for both resident and emergency vehicle use. The proposed access drive runs north from the northern portion of the complex's parking lot to Dean St. Staff has reviewed the Minor Change to PUD proposal and determined that, if the PUD amendment is approved, it is not in conflict with the specifications of the PUD ordinance (Ordinance No. 1987-Z-4). **Plan Commission Recommendation** The Plan Commission held a public hearing for the Amendment to Special Use for PUD on 11/18/14. The Commission voted to recommend approval, with the condition that a stop sign be erected for vehicles exiting the

The Plan Commission held a public hearing for the Amendment to Special Use for PUD on 11/18/14. The Commission voted to recommend approval, with the condition that a stop sign be erected for vehicles exiting the drive to Dean St. and installation of landscaping to screen the drive from adjacent properties to the east and west. The vote was 5-aye to 2-nay.

In response to public hearing testimony from neighboring residents who expressed opposition to the proposed access drive due to traffic issues on Dean St., Police Commander Mahan prepared a memo summarizing crash, speed, vehicle count, and enforcement data for Dean St. Commander Mahan concluded there does not appear to be an issue with intersection or driveway sight lines or interference, based on the location of the proposed drive and traffic data.

Attachments: (please list)

Plan Commission Resolution, Staff Report & Design Review Comments, Police Dept. Memo, Applications for Special Use for PUD and Minor Change to PUD, PUD Ordinance No. 1987-Z-4

Recommendation / Suggested Action (briefly explain):

Recommendation to approve an Amendment to Special Use for PUD and Minor Change to PUD for Firethorne PUD

For office use only:	Agenda Item Number: 3b
	b

City of St. Charles, Illinois Plan Commission Resolution No. 17-2014

A Resolution Recommending Approval of an Application for an Amendment to a Special Use for PUD, Ordinance 1987-Z-4 to allow a paved vehicular access drive to Dean St. for 1320-1370 Brook St. (Firethorne Apartments, LLC)

Passed by Plan Commission November 18, 2014

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

WHEREAS, the Plan Commission held a public hearing and has reviewed the petitions for a Special Use requesting an amendment to PUD Ordinance 1987-Z-4 to allow a paved vehicular access drive to Dean St. for 1320-1370 Brook St. (Firethorne Apartments, LLC) and;

WHEREAS, the Plan Commission finds approval of said petitions to be in the public interest of the City of St. Charles based up on the following findings of fact:

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

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

 Existing PUD development. Modification is being done to add another access driveway to
 provide a second means of ingress and egress from the complex.
- 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.

N/A.

- iii. The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2):
 - **A.** Public Convenience: The Special Use will serve the public convenience at the proposed location.

Construction of a permanent additional access drive to Dean Street will allow an additional means of ingress and egress to the property.

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

The land is available now only as an emergency access. A paved driveway with curb and gutter will now be provided.

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

The additional drive access will allow the site generated traffic an alternate means of entering and exiting the property.

- 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 area is already developed with residential uses.
- 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 revision of the Special Use to add a new paved permanent driveway will create a safer development rather than a detrimental effect by having an additional all weather access for emergency vehicles and the residents of the apartment complex.

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 new driveway will be designed and constructed to comply with the ordinances of the City of St. Charles.

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

The modification of the existing PUD site plan to allow for an additional paved driveway access will be safer for the residents in the development by having another way in and out of the apartment complex and a more useable emergency vehicle access.

v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan. The existing PUD is in conformance with the Comprehensive Plan.

Resolution 17-2014

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of an Amendment to a Special Use for PUD to allow a paved vehicular access drive to Dean St. for Firethorne Apartments, 1320-1370 Brook St. (Firethorne Apartments, LLC), based upon the above Findings of Fact, and subject to the following conditions:

- 1. A stop sign must be erected at the northern edge of the access drive for vehicles exiting the property onto Dean St.
- 2. Landscaping must be installed along the east and west sides of the access drive to provide screening from adjacent properties.

Roll Call Vote:

Ayes: Doyle, Kessler, Schuetz, Gaugel, Holderfield

Nays: Wallace, Pretz Absent: Amatangelo, Purdy Motion carried: 5-2

PASSED, this 18th day of November 2014.

 Chairman
St. Charles Plan Commission

Community & Economic Development Planning Division

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



STAFF MEMO

TO: Chairman Daniel P. Stellato

And the Members of the Planning & Development Committee

FROM: Ellen Johnson, Planner

CC: Russell Colby, Planning Division Manager

RE: Amendment to Special Use for Planned Unit Development and Minor Change to PUD – Firethorne

PUD (Firethorne Apartments, 1320-1370 Brook St.)

DATE: December 8, 2014

I. APPLICATION INFORMATION:

Project Name: Firethorne Apartments – Access drive

Applicant: Firethorne Apartments, LLC

Purpose: Review Special Use application requesting an amendment to the Firethorne

Apartments PUD to permit a paved vehicular access drive from the existing apartment

complex to Dean St.

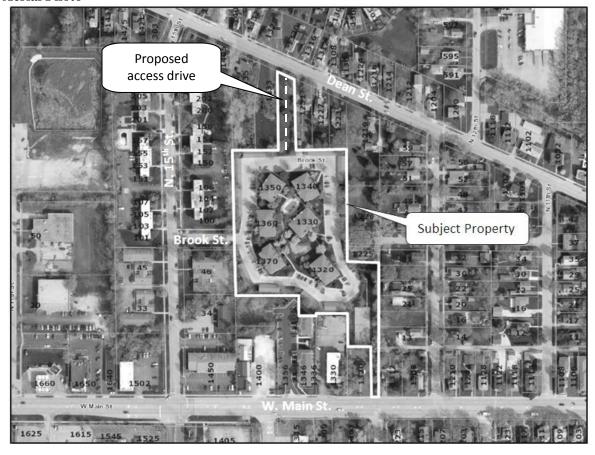
Site Information			
Location	1320-1370 Brook St.		
Acres	5.2 acres		
Applications	1) Special Use for Planned Unit Development		
Applicable	17.04 Administration		
Ordinances and	17.12 Residential Districts		
Zoning Code	17.26 Landscaping and Screening		
Sections	Ordinance No. 1987-Z-4		

Existing Conditions		
Land Use	Multi-family residential – six buildings, 72 units	
Zoning	RM-3 General Residential, RT-3 Traditional Single-Family Residential, and Planned Unit Development	

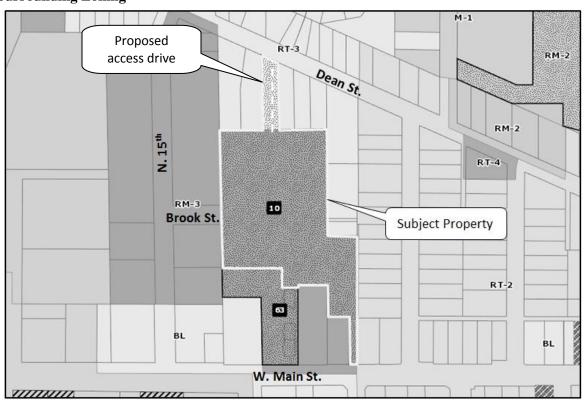
Zoning Summary				
North	RT-3 Traditional Single-Family Residential	Single-family homes		
East	RT-3 & RT-2 Traditional Single-Family Residential	Single-family homes		
South	RM-3 General Residential & Planned Unit Development	Apartments buildings		
West	RM-3 General Residential	Apartment buildings		

	Comprehensive Plan Designation
Multi-Family Residential	

Aerial Photo



Surrounding Zoning



II. BACKGROUND

Property History

Development of the subject property was approved under the Firethorne Apartments PUD, Ordinance No. 1987-Z-4. The six-building, 72-unit apartment complex approved under this ordinance was constructed in 1989. Per the ordinance, the only paved vehicular access to the property for residents is from Brook St. Access to the property from Dean St. is limited to emergency vehicles and pedestrian use.

Emergency Access

The St. Charles Fire Department has been in contact with the property owner, Firethorne Apartments, LLC, over the past several months regarding access to the apartment complex from Dean St. Per the PUD Preliminary Plan approved under Ordinance No. 1987-Z-4, a gravel drive was to be constructed from the complex to Dean St. in order to provide a secondary means of access for emergency vehicles. Aerial imagery from 1990 depicts this gravel drive. However, the drive was either removed or grass has covered the gravel due to lack of maintenance and/or use. The Fire Department requested Firethorne reinstall the gravel drive. (See Fire Department memo for more background). The City issued a Notice of Zoning Violation to the property owner regarding the emergency access drive on 10/3/14.

Proposal

Rather than installing the gravel drive from the apartment complex to Dean St. for emergency access only, Firethorne Apartments, LLC, applicant and owner, is proposing to amend the PUD ordinance to permit a paved vehicular access drive in the same location. Currently, residents are limited to vehicular access from the site's Brook St. entrance, just east of N. 15th St. This requires an Amendment to the Special Use for PUD and Minor Change to PUD for the physical addition of the paved access drive. Details of the proposal are as follows:

- Amend Section 2.H of Ordinance No. 1987-Z-4 by removing language limiting the vehicular access to Dean Street as emergency and pedestrian access only.
- The proposed amendment would permit an additional paved access drive to the complex from Dean St. The area proposed for the drive is currently mowed grass.
- The proposed drive is 24 ft. wide, the standard width for a two-way parking lot drive aisle.

III. PLAN COMMISSION PUBLIC HEARING & RECOMMENDATION

The Plan Commission held a public hearing for the Amendment to Special Use for PUD on 11/18/14. Several residents expressed concerns about the proposal, primarily related to the safety of adjacent property owners and traffic issues on Dean St.

The Commission voted to recommend approval of the Special Use for PUD Amendment to allow the paved vehicular access drive, with the condition that a stop sign be erected for vehicles exiting the drive to Dean St. and installation of landscaping to screen the drive from adjacent properties to the east and west. The vote was 5-aye to 2-nay.

IV. STAFF ANALYSIS

A. PUD AMENDMENT LANGUAGE

Currently, Section 2.H of Ordinance No. 1987-Z-4 states:

H. Limitations on Access-There shall be no vehicular access to the Subject Realty from West Main Street, and access to the Subject Realty from Dean Street shall be limited to emergency and pedestrian access only.

The proposed amended language of Section 2.H of Ordinance No. 1987-Z-4 is as follows:

H. Limitations on Access- There shall be no vehicular access to the Subject Realty from West Main Street.

B. TRAFFIC IMPACTS

Applicant's Findings

The applicant has submitted a memo authored by engineering firm CEMCON, Ltd., which provides information regarding trip generation and sight distance from the proposed access drive. The primary findings are as follows:

- Approx. 192 vehicles per day are anticipated to utilize the proposed access drive onto Dean St.
 - O The apartment complex is estimated to generate about 479 trips per. 60% of these vehicles are expected to use the current entrance off of 15th St. and 40% are expected to use the proposed new entrance on Dean St., based on IDOT traffic count data.
- There will be no significant obstructions to the line of sight for drivers exiting the apartment complex onto Dean St.

Police Dept. Findings

In response to public hearing (11/18/14) testimony from residents who expressed opposition to the proposed access drive due to traffic issues on Dean St., Police Commander Mahan prepared a memo summarizing crash, speed, vehicle count, and enforcement data for Dean St. The primary findings are as follows:

- From the 1000 block to the 1600 block of Dean St., there was one crash in 2011, one crash in 2012, no crashes in 2013, and one crash in 2014.
- In spring 2009 and 2010, the average speed was 30.6 and 30.2 mph, respectively. The 85% speed was 35 mph for both years.
- Total daily traffic volume was 4,181 vehicles in 2012 and 4,134 vehicles in 2013.
- 122 citations and/or warnings were issued in 2013 and 60 in 2014 (Jan. 1 Oct. 31). About 40% of these were for speed related offenses.

Commander Mahan concluded that for the proposed access drive from Firethorne Apartments, there does not appear to be an issue with intersection or driveway sight lines or interference, based on the location of the proposed drive and traffic data.

Staff Comments

• The City does not require traffic-related signage on private access drives. However, the Committee may wish to consider placing conditions upon a recommendation for approval related to such signage, for example installation of a stop sign for cars exiting the drive onto Dean St.

C. <u>LANDSCAPING</u>

Per Section 17.12.030 Bulk Regulations, where a property within the RM-3 Zoning District abuts or is across a street from property in any RE, RS, or RT Zoning District, a 30 ft. landscape buffer yard is required to provide screening between the uses.

Most of the subject property is zoned RM-3 and the parcel abuts property within RT Districts to the north and east. However, the portion of the subject property on which the proposed access drive is to be constructed is zoned RT-3. Landscape buffering is not required for RT zoned properties. Thus per the Zoning Ordinance, the applicant is not required to provide a landscape buffer along the proposed access drive.

However, the landscape plan approved under the PUD ordinance includes landscaping along the gravel access drive to Dean St. A total of nine (9) shade trees and an unspecified number of deciduous shrubs were to be planted on either side of the drive. There are a few existing trees in the vicinity, but the amount of plantings depicted on the landscape plan either no longer exist or were never planted.

Staff Comments

- The Committee may consider placing a condition upon a recommendation for approval that landscape buffering be provided along the proposed access drive due to the fact that the drive will be utilized as a primary access point for an RM-3 zoned property and is adjacent to RT-3 zoned property on three sides, and because landscaping was supposed to have been installed per the PUD ordinance.
 - Since the landscape plan from the PUD ordinance did not specify the number and size of plantings, the Plan Commission may wish to require a revised landscape plan for the subject portion of the property in accordance with the requirements of Section 17.26.070 Landscape Buffers.

IV. RECOMMENDATION

Staff recommends approval of the applications for Amendment to Special Use for PUD and Minor Change to PUD, contingent upon compliance with staff comments.

V. ATTACHMENTS

- Design Review Comments: Fire Department, Development Engineering, Electric Utility
- Police Dept. Memo
- Photos of proposed access drive location; taken by staff 9/29/14
- Application for a Special Use; received 10/8/14 (includes findings of fact, site plan, and traffic impact memo)
- Ordinance No. 1987-Z-4

Fire Department



Memo

Date: 10/30/2014

To: Ellen Johnson

From: Lt. Brian Byrne

Project: 2014PR019 -Firethorne Apartments

Application Number: 2014AP034

Site Plan-Review

The Fire Department approves the new access from Dean St. as drawn.

The following is some background information on the project:

This past spring 2014 or fall 2013 (not sure of the exact date) the City public works department repaved the section of Brook St. between N. 5th St. and the Firethorne Apartments and during that time we had difficulty accessing the site for emergency calls. The research into secondary access then ensued; we discovered the language in the PUD that required the secondary access off Dean St. We then started the conversation about this secondary access with the manager of the property and sent a subsequent letter on June 4th asking that this gravel emergency access road be restored by July 7, 2014. From previous years aerial photos you could see that the road once existed. During that time frame the management was also trying to solve their own parking and access issues, parking on Brook St. that can sometimes limit access for their own tenants. They felt that additional access would be desirable for them as well, not only for use for emergency vehicles. In conclusion, their management and ownership felt that since they were required to re-establish the emergency access, they would approach the City for an additional full access drive off Dean St. in addition to the current access off Brook St..

Community & Economic Development Development Engineering Division

Phone: (630) 443-3677 Fax: (630) 377-4062

ST. CHARLES

Memo

Date: 11/18/14

To: Ellen Johnson

Russ Colby

From: Christopher Tiedt, P.E. 7

RE: Firethorne Apartments

I have reviewed the revised submitted site plan for the proposed access drive out to Dean Street for the Firethorne Apartments located at 1350 Brooks Street. The following document was reviewed.

 Revised Site Plan for Firethorne Apartments prepared by CEMCON, Ltd. Received on 11-7-2014 (2-pages)

I have reviewed the above documents for conformance with the City of St. Charles Ordinances, Kane County Stormwater Ordinances and general engineering and construction practices. The following comments are offered up for the applicant's consideration:

For Final Engineering Approval and Building Permit Application:

- 1. The diameter of the proposed restrictor structure is shown as only 2' in diameter. City standards call for this to be an 8' diameter structure. This should be revised accordingly.
- 2. A stormwater permit application, application fee and associated stormwater report will be required as disturbance is greater than 5,000 sf.
- 3. The stormwater report should also include a long term maintenance plan for the underground stormwater vault being shown.
- 4. Restrictor sizing calculations need to be included with the report.
- 5. A blocked restrictor analysis should also be included.
- 6. Confirmation that the proposed underground storm chambers can support the 75,000 lb loading identified in the Appendix D of the Fire Code.
- 7. Final engineering plans will need to be submitted for review and approval at time of the building permit application. These plans at a minimum shall include all SWPPP, Specifications, and details for the proposed improvements.

- 8. An engineer's estimate for the proposed stormwater management improvements and all work taking place in the public ROW will need to be prepared and submitted for review.
- 9. Prior to the start of construction a financial guarantee in the amount of 115% of the approved engineer's estimate will need to be submitted.
- 10. A stormwater detention easement will need to be provided over the proposed underground stormwater management system prior to final approval.

The applicant's design professionals are responsible for performing and checking all design computations, dimensions, details and specifications in accordance with all applicable codes and regulations, and obtaining all permits necessary to complete this work. In no way does this review relieve the applicant's design professionals of the duties to comply with the law and any applicable codes and regulations, nor does it relieve the Contractors in any way from their sole responsibility for the quality and workmanship of the work and for strict compliance with the permitted plans and specifications.



Firethorne Apartments Thomas Bruhl to: Ellen Johnson

ruhl to: Ellen Johnson 10/14/2014 08:41 AM

History:

This message has been replied to.

Hi Ellen,

Please pass the following comments on to the applicant:

The City of St. Charles has a 7,200V overhead system that crosses Dean Street at the proposed intersection and then continues south along the proposed driveway.

There also appears to be overhead services to the house at 1233 Dean Street that cross the new intersection. Should any of these overhead facilities be in conflict or require increased height, the cost of said relocation will be the responsibility of the customer.

Thanks Tom

Thomas Bruhl, P.E. | Electric Services Manager 2 E. Main Street, St. Charles, IL 60174-1984 phone: 630.377.4407 | fax: 630.377.7009 | www.stcharlesil.gov tbruhl@StCharlesIL.gov

CITY OF ST CHARLES, ILLINOIS

Police Department

Memo



Date: 11/24/2014

To: Chief Keegan From: Cmdr. Mahan

Re: Dean Street Traffic Issues

Cc: Russell Colby, Deputy Chief Huffman

This memo is intended to give some historical information and data regarding traffic issues on Dean Street, as well as some suggestions for future efforts. It is my understanding that concerns were raised about Dean Street during a Plan Commission hearing on 111814, concerning the proposed Dean Street access to Firethorne Apartments.

Ofc. Clark had corresponded with Chris Tiedt (Development Engineering Division Manager) prior to 111814 and had received a copy of an analysis/study done by Cemcon. Ltd. In reference to that proposal. A copy of that has been attached.

It was brought to my attention on 111914, that concerns regarding traffic on Dean Street were voiced by residents at that meeting. I later spoke with Planning Division Manager, Russell Colby, in attempt to learn what had been expressed. In summary, he related that there were complaints of speeding, to include improper passing, as well as observations of crashes which involved vehicles waiting to turn left. There was also some discussion about the possibility of making a formal request through the City's Traffic Calming Policy.

Based on this information, Ofc. Clark and I compiled some traffic crash and traffic enforcement data regarding Dean Street. In doing so, we focused on the portion of Dean street between 9th St. and 17th Street.

The following crash data was compiled by Ofc. Clark:

Per your request, the following is the data as it relates to Dean St. and the pending access road to Brook St.

• I reviewed crash data from 2011-2014, from the 1000 Block of Dean St. to the 1600 block. This would take into consideration the area surrounding the proposed access and sight lines.



2014- There was **one** crash in June, and it was the result of a truck with a trailer backing from a driveway into a parked car.

2013- No crashes at all

2012- One minor crash and was related to a vehicle sideswiping a parked vehicle in the 1400 block. This was a hit and run.

2011- One crash involving a vehicle turning right off of N.15th St. and striking a bicyclist who was riding westbound in the eastbound lane.

- Regarding speed and speed enforcement, we have had our departments speed box placed in both the 1200 and 1300 block of Dean St. The following speed data was downloaded from the speedboxes at that time.
- In the spring of **2009**, we determined the average speed was **30.6 mph**, and the 85% speed was **35 mph**. As you know, this is a **30mph** speed zone.
- In the spring of 2010, we determined the average speed was down to 30.2 mph, and the 85% was still 35 mph.
- Traffic volumes or counts were taken for Dean St. between 9th and 11th St. in 2012 and 2013. Here are those results:

2013- Westbound, 2,167 - Eastbound, 1,967 - Total- 4,134

2012- Westbound, 2,252 - Eastbound, 1,929 - Total- 4,181

I compiled the following information regarding enforcement efforts in this area, Dean Street between 9th Street and 17th Street, Throughout 2013 and year to date in 2014:

2013:

- 122 Citations and/or warnings issued
 - o 50 were for speed related offenses
 - o 29 were for other moving violations
 - o **3** were for DUI
 - o 20 were for equipment or registration related offenses
 - o 6 were for offenses related to drivers licensing
 - o 14 were for operating an uninsured motor vehicle

2014 (January 1-October 31):

- **60** Citations and/or warnings issued
 - o 22 were for speed related offenses
 - o 12 were for other moving violations
 - o 3 were for DUI
 - o 14 were for equipment or registration related offenses
 - o 1 was for offenses related to drivers licensing
 - o 6 were for operating an uninsured motor vehicle

Going forward, I think it would be prudent to complete an updated speed survey. Although the results from the last two were consistent, it has been 4 years since the last one was done. The previous studies show an 85th percentile speed of 35 mph, meaning 85% percent of the traffic on Dean Street is traveling at or below that speed. It would be good to measure whether or not that has changed. At that last measured level this street would likely not qualify for traffic calming measures under the City policy. Along with that updated speed survey. I would also recommend that we do some visual observation of this area at various times in an unmarked vehicle, to monitor the complaint of improper passing, which reportedly includes overtaking of vehicles on the right. I would also recommend that we coordinate some special enforcement details at peak travel times, and utilize the speed display boxes at intermittent periods.

In regards to the proposed access from Firethorne Apartments, it appears that sight distances along this stretch in general are adequate. There are a number of intersecting streets including, 11th Street, 12th Street (in two locations), Debruyne Street, and 15th Street. With an AADT of over 4,000 vehicles and average of less than one moter vehicle crash per year over the last 4 years, and given the nature of those crashes, there does not appear to be an issue with intersection or driveway sight lines or interference.

1. Proposed location of paved access drive-looking north from Firethorne Apartments parking lot



2. Proposed location of paved access drive- looking south from Dean St.



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: Filethorne Hartments

Project Number:

2014 -PR-019

Application Number: 2014 -AP-034

REC Received Date St. Charles,
UCT U 8 2014
CDD Planning Division

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

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

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

1.	Property Information:	Parcel Number (s): 09-28-378-156 Street Address (or common location if no address is assign 1350 Brook Street St. Charles, Illinois 60174	ed):
2.	Applicant Information:	Name Firethorne Apartments, LLC Address 1350 Brook Street St. Charles, Illinois 60174	Phone 630-513-1113 Fax Email
3.	Record Owner Information:	Name Firethorne Apartments, LLC Address 1350 Brook Street St. Charles, Illinois 60174	Phone 630-513-1113 Fax Email
4.	Billing: To whom should costs for this application be billed?	Name Firethorne Apartments, LLC Address 1350 Brook Street St. Charles, Illinois 60174	Phone 630–513–1113 Fax Email

Information Regarding Proposed Special Use:

Comprehensive Plan designation of the property: Multi-Family Residential

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

What is the property's current zoning? RT-3; RM-3 PUD

What is the property currently used for? Multi family residential rental apartments

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.

Special Use for PUD revision

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

Construct a permanent paved access drive to Dean Street

For Special Use Amendments only:

What Special Use ordinance do you want to amend? Ordinance No. 1987-Z-4

Why is the proposed change necessary?

To allow for an additional vehicular access for residents and emergency vehicles to Dean Street.

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

Modify Section 2, H to remove language limiting the vehicular access to Dean Street as emergency and pedestrian access only.

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.

	10/2/14
Record Owner	Date
Applicant or Authorized Agent	Date

4

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.

Fi	rethorne Apartments	
Projec	t Name or Address	Date
No Spe finds th standar the City it may	at the proposed Special Use or amends. The Plan Commission shall submy Council after the conclusion of the deem necessary to ensure conforman basis of the evidence presented at the ommending approval or denial of the	se shall be recommended by the Plan Commission unless it dment to Special Use will conform with each of these at its written findings together with its recommendations to Public Hearing, and also may recommend such conditions as
Α.	Public Convenience: The Special location.	Use will serve the public convenience at the proposed
		nt additional access drive to Dean Street
	will allow an additional	means of ingress and egress to the property.
В.	Sufficient Infrastructure: That ad facilities have been, or are being,	equate utilities, access roads, drainage and/or necessary provided.
	The land is available now	only as an emergency access.
	A paved driveway with cur	b and gutter will now be provided.

C. Effect on Nearby Property: That the Special Use will not be injurious to the use and

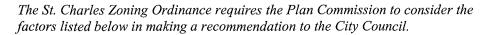
nor substantially diminish or impair property values within the neighborhood.

enjoyment of other property in the immediate vicinity for the purposes already permitted,

	The additional drive access will allow the site generated traffic an alternate means of entering and exiting the property.
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 area is already developed with residential uses.
Е.	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 revision of the Special Use to add a new paved permanent
	driveway will create a safer development rather than a detrimental
	effect by having a additional all weather access for emergency
	vehicles and the residents of the apartment complex.
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 new driveway will be designed and constructed to comply with the
	ordinances of the City of St. Charles.

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

Firethorne Apartments





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.

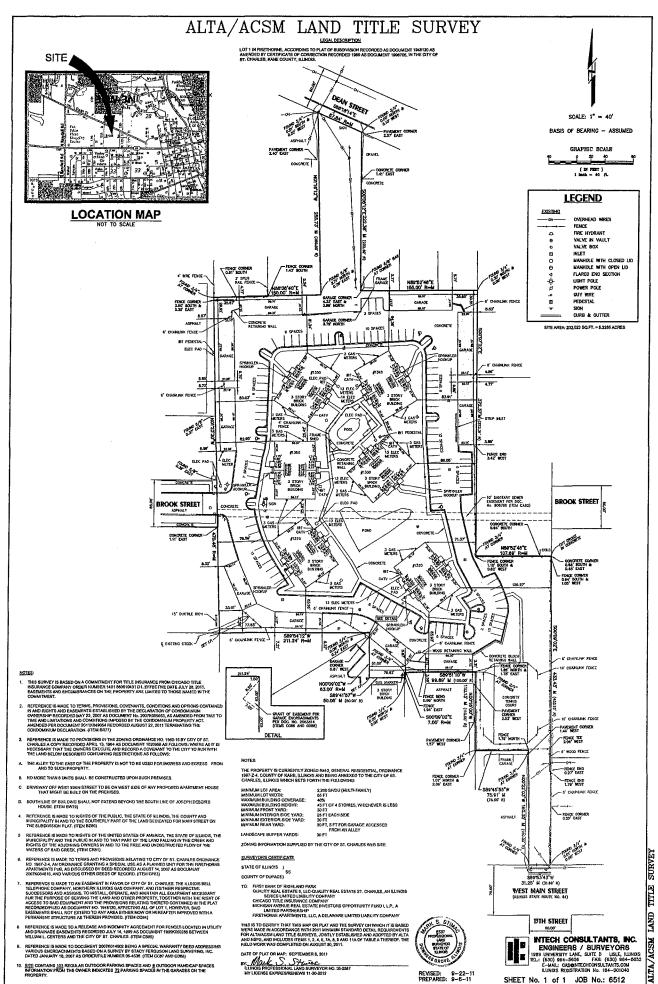
\overline{PU}	JDΛ	Date Date
Th Us on	e Pla se for the	the St. Charles Zoning Ordinance, Section 17.04.410.3: an Commission shall not favorably recommend, and the City Council shall not approve, a Special ra PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based application and the evidence presented at the public hearing that the PUD is in the public interest, on the following criteria:
i.		e proposed PUD advances one or more of the purposes of the Planned Unit Development occdure 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
		Existing PUD development. Modification is being done to add
		another access driveway to provide a second means of ingress
		and egress from the complex.
	_	

Sta	ning district or districts in which the PUD is located and to the applicable Design Review and ards contained in Chapter 17.06, except where:
A.	Conforming to the requirements would inhibit creative design that serves community goal
В.	or Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.
Fa	ctors listed in Section 17.04.400.B shall be used to justify the relief from requirements:
1.	The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public are, pedestrian and transit facilities.
2.	The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3.	The PUD will provide superior landscaping, buffering or screening.
4.	The buildings within the PUD offer high quality architectural design.
5.	The PUD provides for energy efficient building and site design.
6.	The PUD provides for the use of innovative stormwater management techniques.
7.	The PUD provides accessible dwelling units in numbers or with features beyond what is require 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. N/A
	N/ II

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

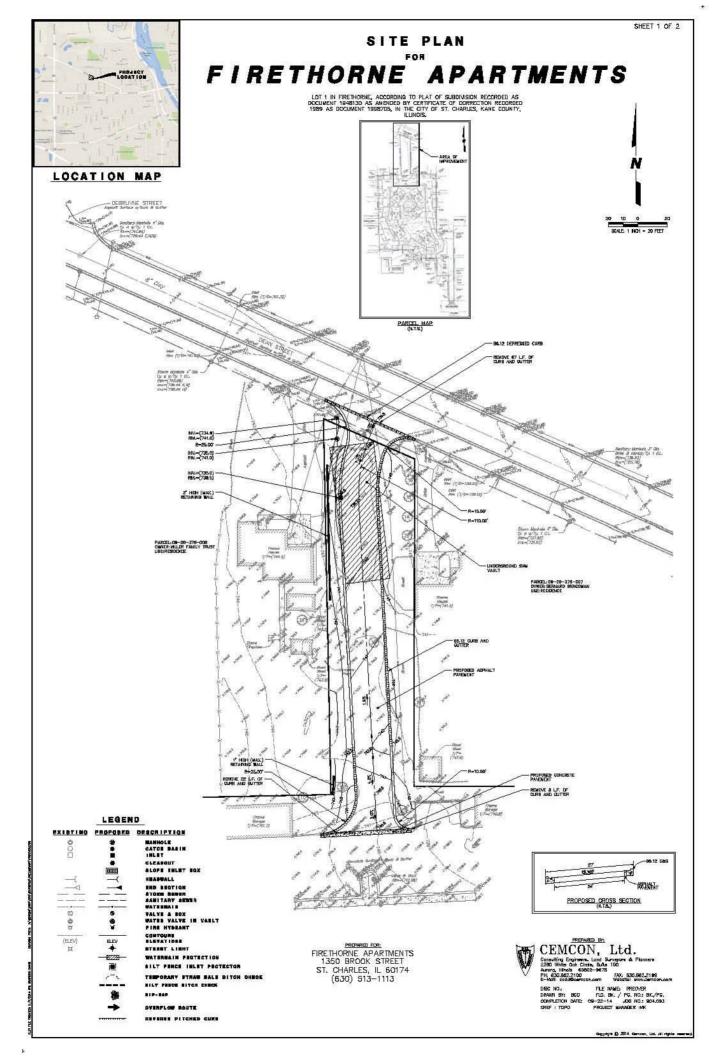
Submit responses on form: "Findings of Fact Sheet – Special Use"

econo	omic well-being of	f the City	7.		-		ty, tax base	
The	modification	of the	existing	PUD site	e plan	to allow	v for an	
add:	itional paved	drivev	ay access	will be	safer :	for the	residen	ts
in	the developmen	nt by h	naving and	ther way	in and	out of	the apa	rtment
com	olex and a mor	re usea	ble emers	ency veh:	icle ac	cess.		
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T	he proposed PUD) conforr	ns to the pu	poses and i	ntent of t	he Compr	ehensive P	lan.
	he proposed PUD existing PUD							



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November 5, 2014

Ms. Ellen Johnson, Planner City of St. Charles Planning Department 2 E. Main Street St. Charles, IL 60174

Re: Firethorne Apartments

904.093

Dear Ms. Johnson:

Firethorne Apartments is an existing apartment complex located at 1850 Brook Street, in St. Charles, Illinois. They are proposing to add a second driveway to their property via Dean Street (see attached Site Plan). The second access will be a full functioning driveway to allow residents to use Dean Street as an alternate route. This access will also function as a second point of ingress and egress for emergency vehicles. CEMCON, Ltd. has estimated the number of trips that would be used by this access and sight distance issues that will be encountered at the intersection with Dean Street. Below is a summary of our findings.

TRIP USING NEW DRIVEWAY:

Firethorne Apartments currently has 72 - 2 bedroom units. Based on the ITE Trip Generation Manual, 8th Edition, the rates for an Apartment (ITE Land Use 220) is 6.65 trips per day per unit. Therefore, Firethorne Apartments should generate about 479 trips per day. Based on our analysis the new entrance should create a 60/40 split of traffic, where 60% of the vehicles (287 vehicles per day) will use the current main entrance on 15th Street and 40% of the vehicles (192 vehicles per day) will use the new entrance on Dean Street. These percentages were derived using the Illinois Department of Transportation Average Daily Traffic counts at the intersection of Route 64 (W. Main Street) and Randall Road. See Figure 1 to see where this intersection is located in relationship to the site and traffic volumes. Based on the IDOT counts, approximately 29,800 vehicles per day (26% of the total) travel north on Randall Road and north of Dean Street; 39,000 vehicles per day (34%) travel south on Randall Road; 24,100 vehicles per day (21%) travel east on Route 64; and 22,400 vehicles per day (19%) travel west on Route 64. Based on these percentages, it is estimated 26% of the vehicles will use Dean Street to access Randall Road. The remaining 74% of the vehicles, from this site, will head toward Main Street. Since Main Street could also be accessed via Dean Street, a conservative approach was used to create the 60/40 split. Therefore, the estimated traffic using this new entrance will be 192 vehicles per day.



Figure #1: Site Location Map

SIGHT DISTANCE AND NEW DRIVEWAY:

This new entrance will be cut into an existing road. In doing this, CEMCON, Ltd. has reviewed the sight distance that will be encountered by vehicles exiting the site. Attached is a site plan and profile detailing out the sight distance. The posted speed limit on Dean Street is 30 mph so a design speed of 35 mph has been used for this analysis. Based on IDOT's Bureau of Local Road and Streets Manual, the intersection sight distance for this road should be 390 feet (Section 28-3.03 Figure 28-3D). As shown in the attached plan and profile, using a height of eye and object of 3.5 feet, there are no grade or geometry obstructions to the line of sight.

In addition to the line of sight plan and profile analysis, a visual inspection has been done from this proposed intersection point. Based on the pictures below, it appears there are no obstructions to the line of sight looking left (west). Please note that the tree in the foreground will



be removed with the construction of the road. Looking right (east) there is a tree that overhangs into the line of sight that will need to be trimmed back to allow vehicles a clear line of sight.





Looking Left (West)

Looking Right (East)

Please feel free to contact me with any questions or if you need additional information. I can be reached by phone at (630) 862-2100 or by email at michael.keith@cemcon.com.

Sincerely, CEMCON, Ltd.

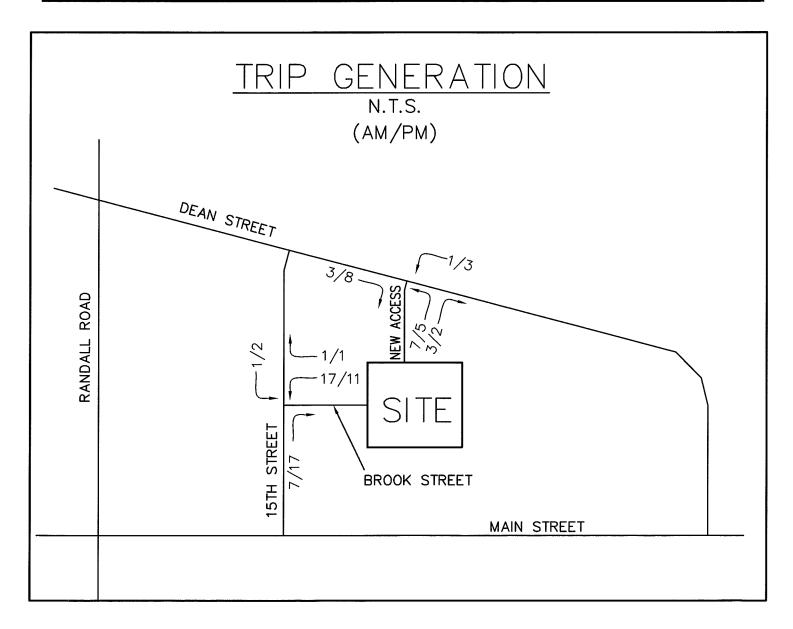
Michael B. Keith, P.E. Senior Project Manager

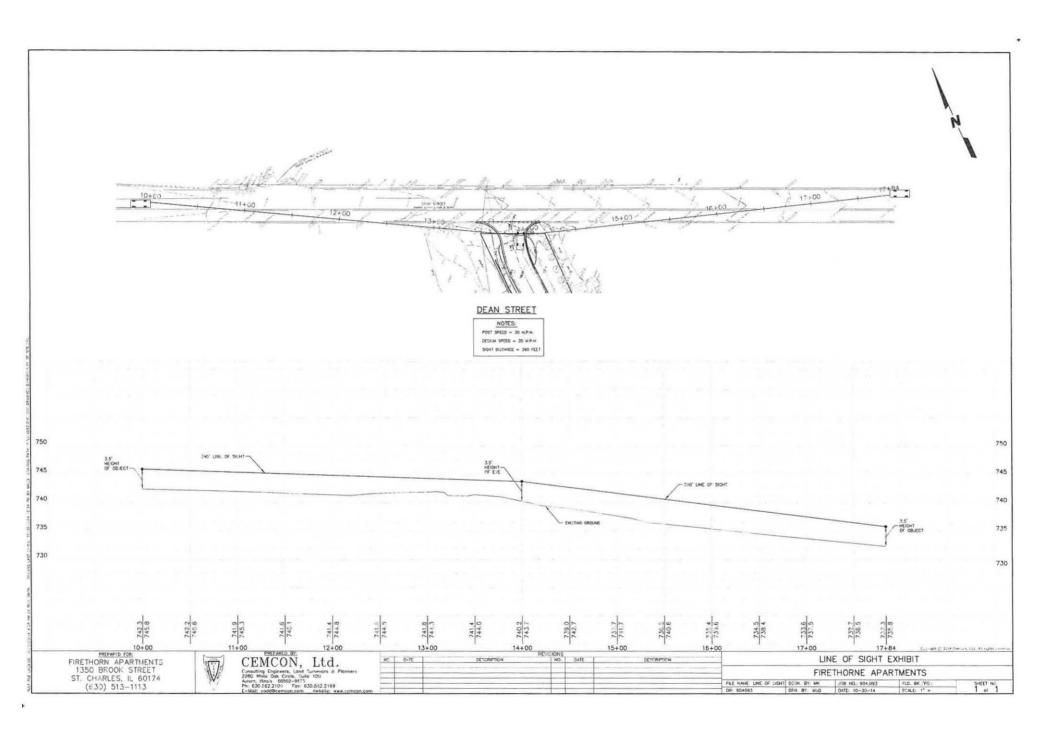
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ORDINANCE NO. 1987-Z-4

AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR THE FIRETHORNE APARTMENTS PUD

ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 18th DAY OF MAY, 1987

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE CITY COUNCIL OF THE CITY OF ST. CHARLES, ; KANE AND DU PAGE COUNTIES, ILLINOIS, THIS 21st DAY OF MAY, 1987

CITY CLERK COUNTS

Ordinance No. 1987-Z-4
Page 1

ORDINANCE NO. 1987-Z-4

AN ORDINANCE GRANTING A SPECIAL USE AS A PLANNED UNIT DEVELOPMENT FOR THE FIRETHORNE APARTMENTS PUD

REFER TO:
MINUTES 5-18-87
PAGE 2380

DATE OF PUBLICATION 5/21/87 NEWSPAPER *Pamphlet* form

WHEREAS, the Gary Wheaton Bank as Trustee under Trust
Agreement #4408, owner of record, (hereinafter referred to as
"OWNER", which shall include all successors and assigns) and
James F. Cooke, as agent and attorney for applicants Myron
Andersen and Donn Nelson, contract purchasers, have filed a
petition for a Special Use as a Planned Unit Development in the
R-5 Multiple Residence District, for the property legally
described in Exhibit "A", attached hereto and made a part hereof,
(hereinafter referred to as "Subject Realty") and an application
for approval of a preliminary plan; 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 recommendation of the Plan Commission and has considered 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 Section 17.06.020 of Title 17 of the St. Charles Municipal Code, as amended, and as set forth in the

Zoning District Map as described therein and on file in the Office of the City Clerk, is hereby amended to grant a Special Use as a Planned Unit Development in the R-5 Multiple Residence District for the Subject Realty, subject to the additional requirements and restrictions provided herein.

SECTION 2. That the Subject Realty may be developed only in accordance with all ordinances of the City as now in effect or hereafter amended (except as specifically varied herein), and in accordance with the following added definitions, procedures and restrictions:

A. Preliminary Plan

Except as specifically stated herein, the Subject Realty shall be developed only in conformance with the preliminary plan consisting of:

- 1. The drawing entitled "Preliminary Plan" revised April 6, 1987 prepared by The Lannert Group; and
- 2. The drawing entitled "Landscape Plan" revised April 6, 1987 prepared by The Lannert Group; and
- 3. The drawing entitled "Engineering Plan" prepared by Robert H. Anderson and Associates and the Lannert Group, revised April 1, 1987; and
- 4. The cover sheet entitled "Firethorne Luxury
 Apartments" and two sheets of architectural concept
 drawings prepared by Myron Andersen Construction,
 Inc. received March 11, 1987.

B. Phasing

The Subject Realty shall be developed in no more than one phase.

C. Building Permits

No building permit shall be issued for construction of any structure on the Subject Realty until after the preliminary plan, landscape plan, architectural plans, engineering plans, and final plan have been approved and a final plat has been recorded for the Subject Realty.

C. Height

The maximum building height (as defined in Title 17 of the St. Charles Municipal Code) of any building on the Subject Realty shall be three stories or forty feet (40'), whichever is lower.

D. Setbacks

A setback of five (5) feet from all exterior property lines of the Subject Realty, as shown on the Preliminary Plan, shall be provided. No building of any kind shall be constructed or placed within this setback. Fencing and landscaping may be located within such setback, as shown in the preliminary plan described in paragraph "A" hereof, and as otherwise approved by the City Council.

E. Number of Buildings - Single Lot

A variation from the provisions of Section 17.18.040 of the St. Charles Municipal Code is hereby allowed to permit a maximum of six buildings on the Subject Realty, which shall be considered as one lot. The Subject Realty shall not be resubdivided.

F. Number of Units

There shall be not more than seventy-two (72) dwelling units on the Subject Realty.

G. Uses

Only the uses permitted in the R-5 Multiple Residence District shall be permitted on the Subject Realty.

H. Limitations on Access

There shall be no vehicular access to the Subject Realty from west Main Street, and access to the Subject Realty from Dean Street shall be limited to emergency and pedestrian access only.

I. Soil Erosion

OWNER shall adhere to measures for the prevention of soil erosion during the construction of the development pursuant to the ordinances and any other applicable rules and regulations of the CITY, the "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois", published in October 1981, and recommended procedures of the Kane-DuPage Soil and Water Conservation District and any other applicable regulatory agency, whichever is more restrictive.

J. <u>Maintenance of Private Facilities</u>

The OWNER shall repair and maintain all private drives, parking lots, detention basins, storm sewer lines, surface drainage facilities, and any other land improvements, common areas or facilities which are not conveyed to and accepted by the CITY. In the event of the conveyance or assignment of all or any part of the Subject Realty, any such conveyance or assignment shall contain an agreement between the parties involved as to the responsibility for repair and maintenance as contemplated in this paragraph.

K. Landscaping

All unpaved areas adjoining a building and its accessory parking shall be landscaped prior to occupancy of such building, in accordance with the landscape plan approved herein, compliance being determined by the Director of City Planning. Landscaping of the Subject Realty shall be completed prior to occupancy of the final multiple family residential building on the Subject Realty in accordance with the landscape plan approved herein, compliance being determined by the Director of City Planning.

L. Storm Water Drainage.

All storm water collected by the on-site storm sewer system shall be tributary to the on-site detention basin.

M. Architectural Plan Modifications.

Modifications to the architectural plans for the garages, including typical elevation drawings showing exterior materials and design of the walls facing the property adjoining the Subject Realty, shall be submitted for review prior to approval of the Final Plat, and shall be subject to approval of the Plan Commission and City Council.

N. Required Land Improvements

- 1. OWNER shall construct and pay for all land improvements, including but not limited to on-site and off-site improvements, extensions, and related appurtenances necessary for the development of the Subject Realty, for:
- a) water main systems;
- b) sanitary sewer systems, lifting stations and force mains;
- c) storm sewer systems;
- d) retention and detention basins;
- e) grading and surface drainage ways and facilities;
- f) electric facilities, including installation of underground conduit as specified by the City; and
- g) streets, curbs, sidewalks, street lights, street signs, parkway landscaping, tree plantings, and related improvements.

All such land improvements (the "Required Land Improvements") shall be completed within two years of the date of recording of the final plat for the Subject OWNER shall grant to the CITY, at no cost to the CITY, all easements for any utilities and communication facilities that the CITY may request. Prior to the approval of the final plat for the Subject Realty the CITY shall have the right to designate which easements, dedications, and land improvements will be accepted by the CITY. The OWNER shall transfer to the CITY title, free and clear of all liens and encumbrances, to all on-site and off-site Required Land Improvements which the City has so designated for acceptance. In connection with any sale, assignment, or transfer of any interest in the land or improvements thereto by OWNER to another entity, the CITY may require the OWNER to retain, or the recipient in such sale, assignment, or transfer to assume or acquire such interest in any such easement, extension, repair, maintenance, and replacement at the sole cost of the OWNER, and as may be required from time to time by the CITY.

2. OWNER shall repair and replace, in accordance with the original sizes, standards and topography in a manner satisfactory to the CITY, all CITY property damaged or disturbed by reason of its work in connection with the

development of the Subject Realty.

- 3. A blanket easement over, under and upon all unimproved common open space and all private streets and private common driveways and parking areas within the Subject Realty for access for police and fire protection and for the operation of and access for maintenance, repair, replacement and customary servicing of all electricity and telephone lines, natural gas supply systems, and all sanitary sewer, storm drainage and water main systems, communication facilities and other utilities, shall be provided by plat in favor of the CITY and all of the involved utility companies, now or in future receiving a CITY franchise, their respective officers, employees, and agents, together with related emergency and service vehicles and equipment.
- 4. After approval of the Final Plat for the Subject Realty and prior to signature by the Mayor and City Engineer, the OWNER shall present a guarantee for completion of the land improvements as required by ordinance including but not limited to the "Required Land Improvements" or in lieu thereof at OWNER'S election, an undertaking by OWNER as secured by an irrevocable letter of credit, escrow account or irrevocable commitment certifying that adequate funds are and will be available at a sound and reputable

banking or financial institution authorized to do business in the State of Illinois. Such irrevocable letter of credit, escrow account or irrevocable commitment shall be in effect for a period of two and one half (2 1/2) years from the date of recording of the final plat for the Subject Realty, shall run in favor of the CITY and shall indicate there are sufficient funds available for one hundred fifteen percent (115%) of the estimated cost of all the Required Land Improvements of the final plat being presented to the CITY for approval and that such funds are held for such purposes only and for no other purposes. Such undertaking, irrevocable letter of credit, escrow account or irrevocable commitment shall be in a form to allow the CITY to procure the funds irrevocably committed to complete the aforedescribed land improvements if construction of said improvements is not completed in accordance with ordinance or the schedule approved by the City, whichever first occurs, and shall otherwise be in a form acceptable to the CITY.

5. OWNER shall reimburse CITY for inspection and engineering costs and reasonable attorneys' fees incurred by CITY in connection with the construction and installation of the Required Land Improvements described in this Ordinance and the processing of matters

pertaining to this Ordinance. Payment by OWNER's representative and agent to CITY shall occur promptly after receipt by OWNER of invoices for such work. In the event CITY requests OWNER to oversize any Required Land Improvement such oversizing shall take place on the following basis: The City Engineer and the Owner's Engineer shall prepare cost estimates indicating the construction cost for the Required Land Improvement and for the oversized improvement requested by the CITY. The actual cost difference for construction will be assumed by the CITY. Reimbursement for such cost difference shall be made to the OWNER upon acceptance of such improvements by the City Council subject to budget and timing as may be in accordance with law and as may be agreed on by OWNER and City, or otherwise approved by the City, and provided City shall be in receipt of a general contractor's affidavit and lien waivers in accordance with the Illinois Mechanics Lien Act and a Bill of Sale conveying title to the CITY free and clear of all liens and encumbrances. All engineering and inspection costs shall be paid by OWNER. The operation of any State law or City ordinance having general applicability to all entities in a class including OWNER shall not be deemed to be a request by CITY as herein described.

permits.

7. OWNER shall provide that all existing and new utilities and communications facilities including telephone, electric, and cable television to serve the Subject Realty shall be underground, and this requirement shall be affixed to the final plat.

8. The CITY shall not be held responsible for its inability to install any utility, or for any loss or damage including consequential damage or delay in installation caused by strikes, riots, elements, embargoes, failure of carriers, inability to obtain material, or other acts of God, or any other cause beyond CITY's reasonable control, including but not limited to the acquisition of easements and IEPA

O. Hold Harmless and Indemnification

In the event a claim is made against the City of St. Charles, or if the City is made a party-defendant in any legal proceeding arising out of or in connection with the approval of this Ordinance for a Planned Unit Development or the development of the Subject Realty, the OWNER shall defend the City, at City's election, and hold the City harmless from and against all liabilities, losses, judgments, costs, fees, including reasonable attorneys fees, and reasonable expenses incurred in connection therewith. The City shall reasonably

cooperate in the defense of such proceedings.

SECTION 3. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles,

Kane and DuPage Counties, Illinois, this 18th day of May,

1987.

PASSED by the City Council of the City of St. Charles, Kane

and DuPage Counties, Illinois, this 18th day of May,

1987.

APPROVED by the Mayor of the City of St. Charles, Kane

and DuPage Counties, Illinois, this 18th day of May,

MAYOR

ATTEST:

1987.

CITY CLERK

Ordinance No. 1987-Z-4
Page 13

COUNCIL VOTE:

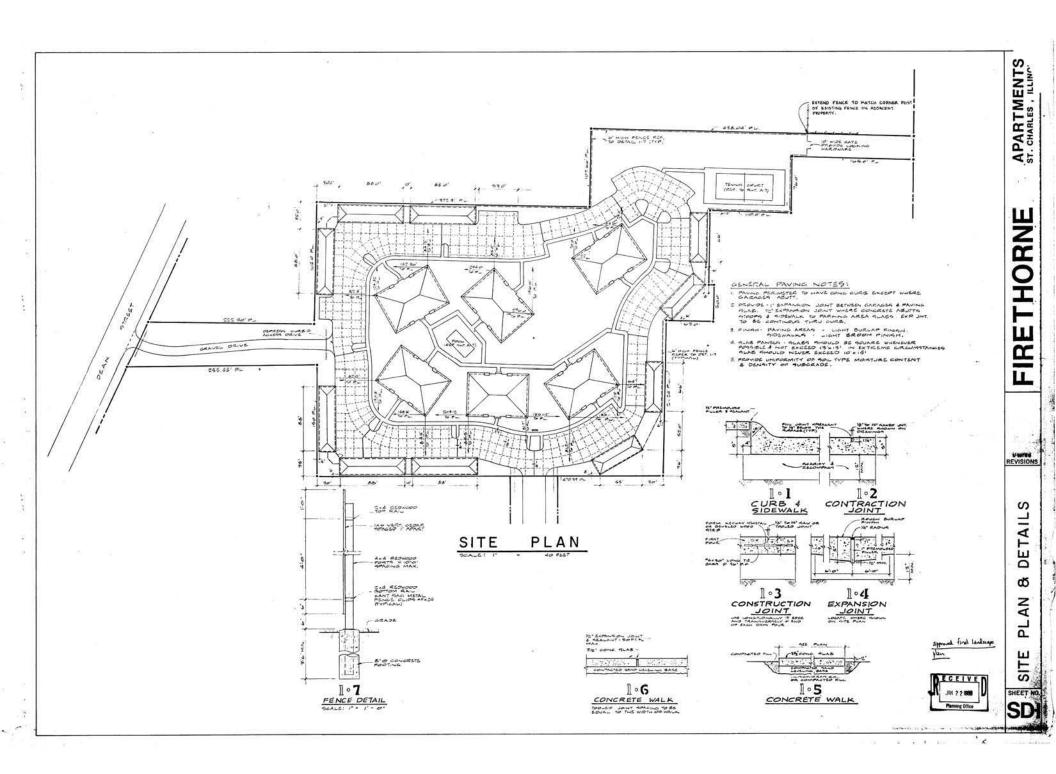
Ayes: 9
Nays: 0
Absent: 1

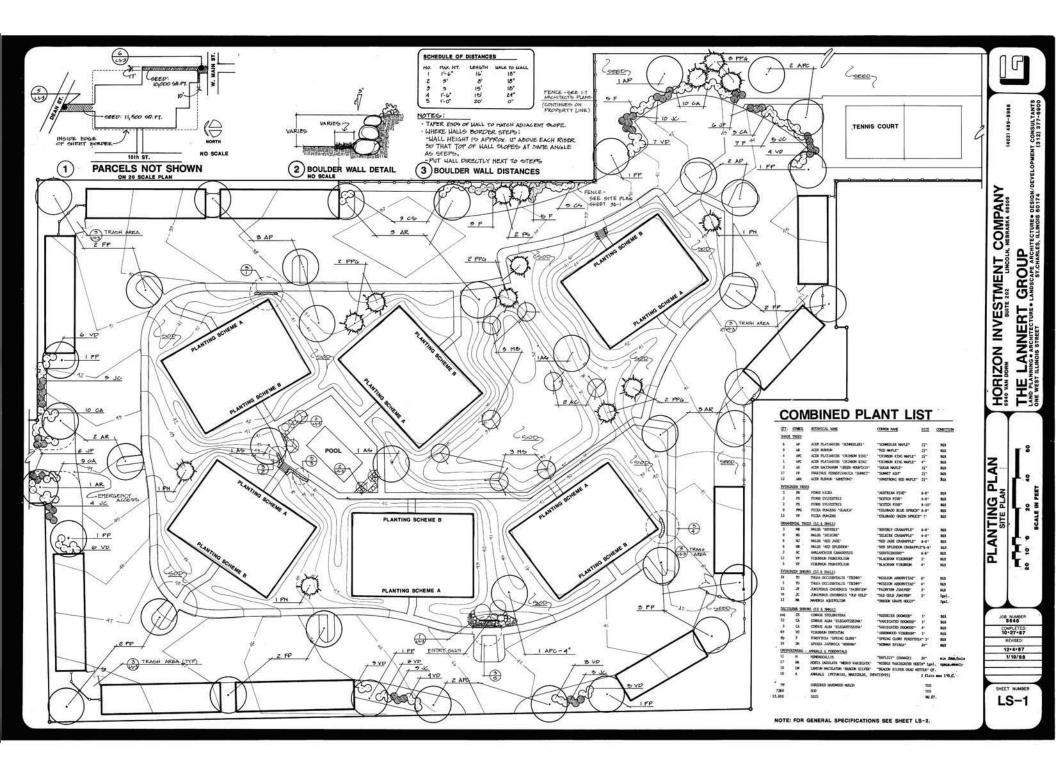
PARCEL 1: THAT PART OF LOT 1 OF THE DEAN FERSON HEIR'S FIRST ADDITION TO ST. CHARLES, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 89° 57′ 40″ WEST ALONG THE SOUTH LINE OF SAID LOT 50 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT 810.35 FEET TO A POINT 150 FEET SOUTH OF THE SOUTHERLY LINE OF DEAN AVENUE (MEASURED ALONG THE LAST DESCRIBED COURSE EXTENDED); THENCE NORTH 89° 57′ 40″ WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 165 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89° 57′ 40″ EAST PARALLEL WITH THE EAST LINE OF SAID LOT 535.35 FEET TO A POINT 275 FEET NORTH OF, MEASURED ALONG THE EXTENSION OF THE LAST DESCRIBED COURSE. THE SOUTH LINE OF SAID LOT; THENCE NORTH 89° 57′ 40″ WEST PARALLEL WITH THE SOUTH LINE

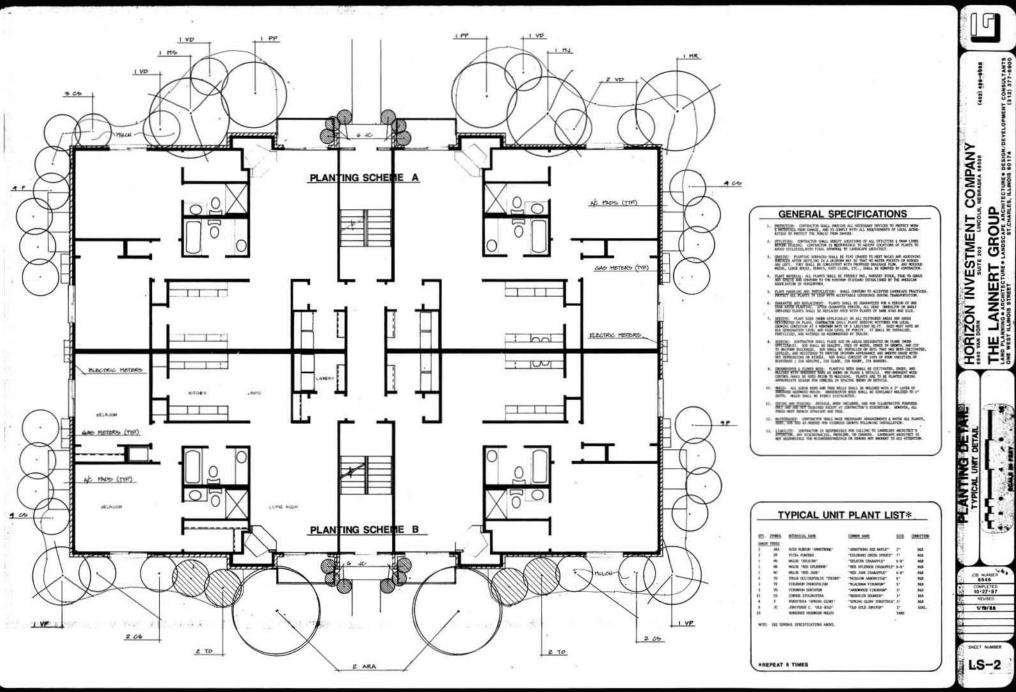
WITH THE SOUTH LINE OF SAID LOT 165 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT, 535.35 FEET TO A POINT 275 FEET NORTH OF, MEASURED ALONG THE EXTENSION OF THE LAST DESCRIBED COURSE, THE SOUTH LINE OF SAID LOT; THENCE NORTH 89° 57′ 40″ WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 100 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT 7 FEET; THENCE NORTH 89° 57′ 40″ WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 50 FEET; THENCE NORTH PARALLEL WITH THE EAST LINE OF SAID LOT 63 FET; THENCE NORTH 89° 57′ 40″ WEST PARALLEL WITH THE SOUTH LINE OF SAID LOT 211.24 FEET TO THE WEST LINE OF SAID LOT; THENCE NORTH 1° 15′ WEST ALONG SAID WEST LINE 470.39 FEET TO A POINT 325.50 FEET SOUTH OF THE HORTHWEST CORNER OF SAID LOT; THENCE NORTH 88° 45′ EAST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 150 FEET; THENCE NORTH 1° 15′ WEST PARALLEL WITH THE WEST LINE OF SAID LOT 255.55 FEET TO THE SOUTHERLY LINE OF DEAN AVENUE; THENCE SOUTH 66° 14′ 50″ EAST, ALONG SAID SOUTHERLY LINE 67.84 FEET TO A LINE DRAWN NORTH, PARALLEL WITH THE EAST LINE AND EAST LINE EXTENDED OF SAID LOT, FROM THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID PARALLEL LINE 222.50 FEET TO THE POINT OF BEGINNING; IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

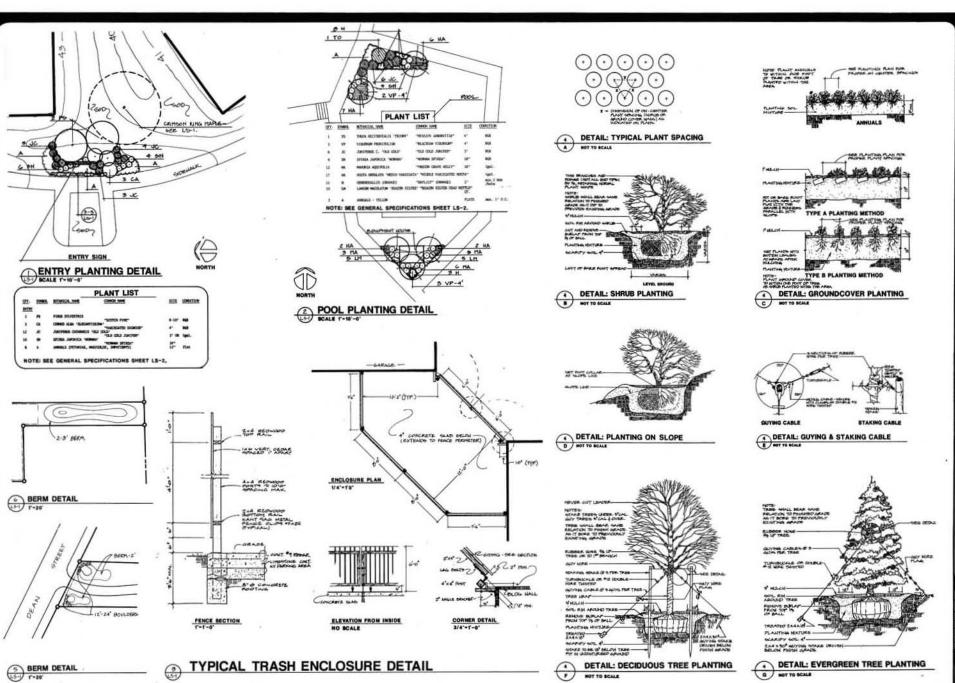
PARCEL 2: THAT PART OF LOTS 1 AND 3 OF THE DEAN FERSON HEIRS FIRST ADDITION TO ST. CHARLES, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF LOT 3; THENCE SOUTHERLY ALONG THE (EASTERLY LINE OF SAID LOT 3, 475 FEET FOR THE POINT OF BEGINNING; THENCE WESTERLY PARALLEL WITH MAIN STREET TO THE NORTH AND SOUTH CENTER LINE OF SECTION 28; THENCE CONTINUING WESTERLY ALONG SAID PARALLEL LINE 50 FEET; THENCE SOUTHERLY AND PARALLEL WITH THE HORTH AND SOUTH CENTER LINE OF SECTION 28 TO THE SOUTH LINE OF SAID LOT; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF LOT 1 AND ALONG THE SOUTHERLY LINE OF SAID LOT 3 TO THE SOUTHEASTERLY CORNER OF LOT 3; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; (EXCEPTING THEREFROM THE WEST 76.0 FEET, AS MEASURED ON THE NORTH AND SOUTH LINES THEREOF, OF THE SOUTH 165.0 FEET, AS MEASURED ON THE BAST AND WEST LINES THEREOF OF), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

STATE OF ILLINOIS)) SS.				
COUNTIES OF RANE AND DU PAGE)				
CERTIFICATE				
I, <u>Jean M. Connors</u> , certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.				
I further certify that on May 18, 1987 the Corporate Authorities of such municipality passed and approved Ordinance No. 1987-Z-4, entitled AN ORDINANCE GRANTING A SPECIAL USE				
AS A PLANNED UNIT DEVELOPMENT FOR THE FIRETHORNE APARTMENTS				
PUD				
which provided by its terms that it should be published in pamphlet form.				
The pamphlet form of Ordinance No. $\frac{1987-Z-4}{}$, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on ${}$ May 21, 1987, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.				
DATED at St. Charles, Illinois, this 20th day of May,				
Jan Minicipal Clerk				









C

(312) 377-5900

COMPANY GROUP
LANDSCAPE ARCHITECTURE DESIGN
ST.CHARLES, ILLINGIS 60174 INVESTMENT LANNERT HORIZON I

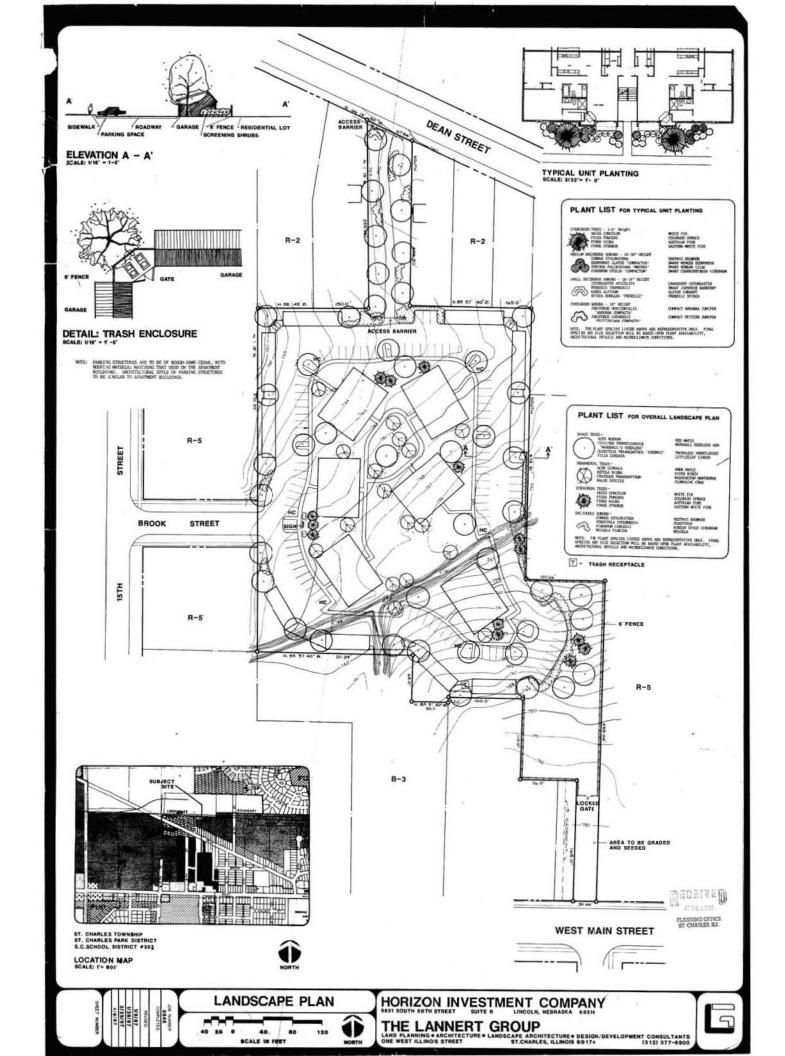
THE PLAN

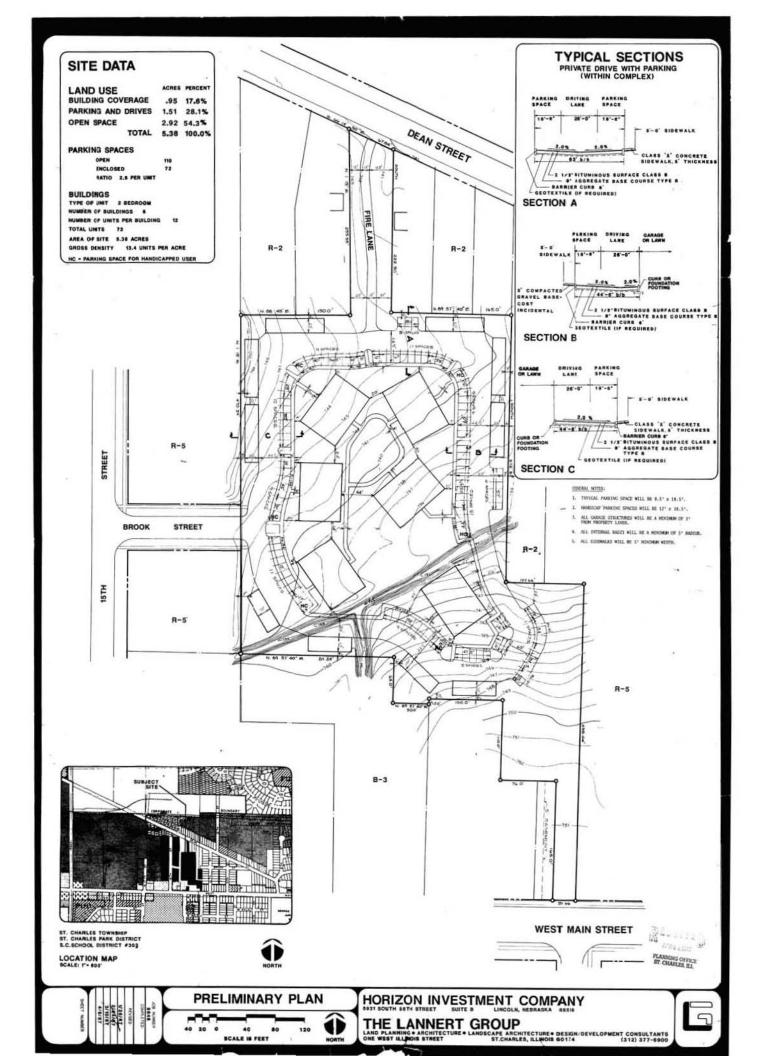
DETAILS CONSTRUCTION

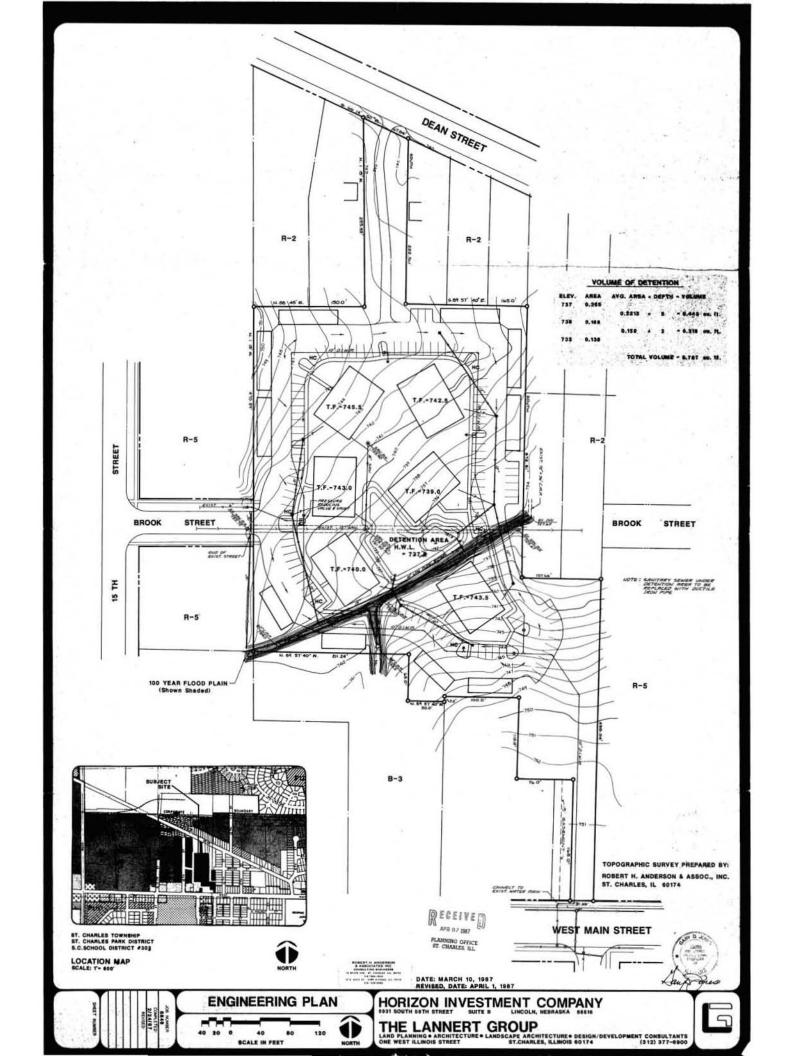
> SE NUMBER 12-4-87

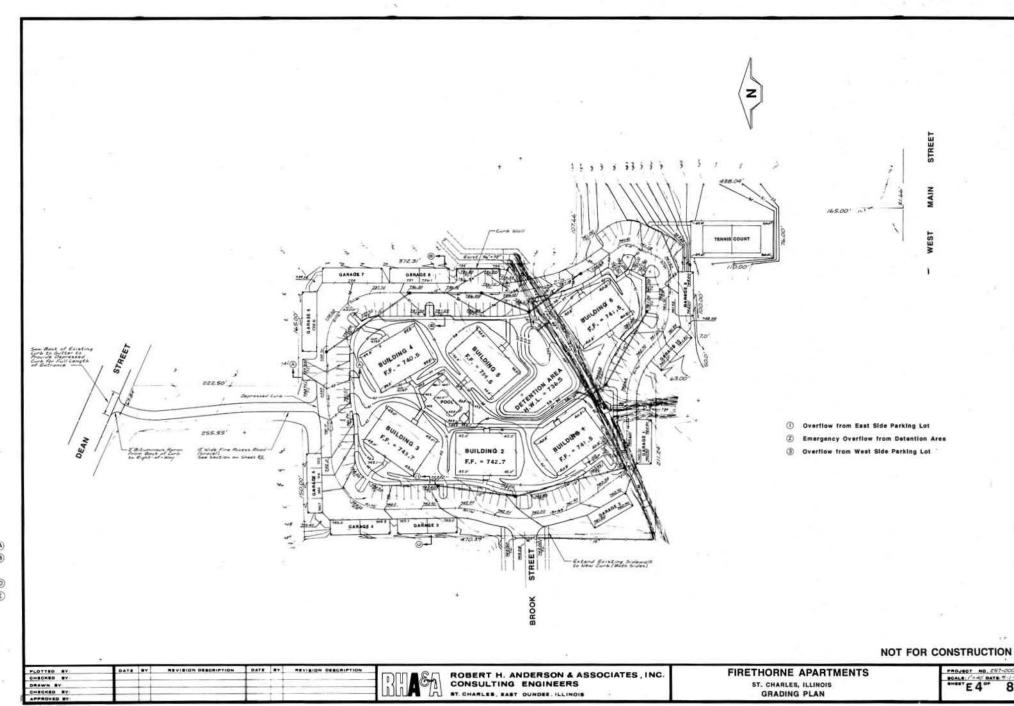
1/19/88 SHEET NUMBER

LS-3









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AGENDA ITEM EXECUTIVE SUMMARY Title: Recommendation to Approve an Ordinance Amending Chapter 12.40 of the City Code "City Corridor Improvement Program" Matthew O'Rourke, AICP Presenter: Please check appropriate box: **Government Operations** Government Services Planning & Development (12/8/14) X City Council **Public Hearing** Budgeted: Estimated Cost: N/A YES NO X If NO, please explain how item will be funded:

Executive Summary:

Over the last several months the Corridor Improvement Commission has considered certain amendments to the Corridor Improvement Program. The purpose of these amendments is to include additional gateway areas as locations that are eligible to receive Corridor Improvement Grant assistance.

The Commission has identified significant "gateway" areas that are not currently eligible to receive Corridor grants. These gateway areas are located near the City's corporate limits on both State Routes 31 and 25 (see the attached maps in Exhibit A of the revised ordinance). The Commission feels that future enhancements to these key gateways fulfills the purpose of the City's Corridor Improvement Program; particularly, "the creation and maintenance of physical characteristics that enhance community character by providing unique and familiar visual features."

The following proposed amendments to Chapter 12.40 "City Corridor Improvement Program" are highlighted in *bold italics*:

Section 12.40.020 "Definitions" – "Eligible Properties: Properties located with the corporate limits of the City of St. Charles and have frontage on Main Street (Route 64), Randall Road, Lincoln Highway (Route38), Kirk Road, are located in the Downtown Special Service Area (SSA-1B), located in a public right-of-way adjoining and Eligible Property, *or in one of the Key Gateway areas identified in Exhibit A*.

Exhibit A, Section 2 Eligible Properties, Subsection 1: The property must have frontage on Main St., Randall Rd., Lincoln Hwy., Kirk Rd, *or be located within one of the Key Gateway Areas as identified in this Exhibit*. The property may also be located in the Downtown Special Services Area (SSA1B). Landscaping may be installed within the public right-of-way adjoining an eligible property as recommended for approval by the Corridor Improvement Commission and approved by the City Council.

Attachments: (please list)

Draft Amendments to the Chapter 12.40 "City Corridor Improvement Program".

Recommendation / Suggested Action (briefly explain):

Recommendation to Approve an Ordinance Amending Chapter 12.40 of the City Code "City Corridor Improvement Program"

For office use only:	Agenda Item Number: 3C

Exhibit A



City of St. Charles Corridor Improvement Program Description

1. Program Purpose

12.40.10 Purpose

The purpose of the St. Charles Corridor Improvement Program is to provide opportunities for property owners to improve the aesthetics of major arterial streets and the downtown area through grant funds.

The intent of the Corridor Improvement Program is to promote:

- 1. The general enhancement of the overall economic vitality and character of the City through improvement of private property and the public right of way.
- 2. The protection of the general welfare by aesthetically enhancing property in the defined City corridors.
- The creation and maintenance of physical characteristics that enhance community character by providing unique and familiar visual features.

2. <u>Eligible Properties:</u>

To be eligible for a Corridor Improvement Program reimbursement grant, a property must meet the following criteria:

- 1. The property must have frontage on Main St., Randall Rd., Lincoln Hwy., Kirk Rd, <u>or be</u> <u>located within one of the Key Gateway Areas as identified in this Exhibit</u>. The property may also be located in the Downtown Special Services Area (SSA1B). Landscaping may be installed within the public right-of-way adjoining an eligible property as recommended for approval by the Corridor Improvement Commission and approved by the City Council.
- 2. Only projects that include improvements considered "above and beyond" any improvements required by the Zoning Code (Title 17 of the City Code) are eligible for reimbursement.

Properties that are subject to an approved Planned Unit Development (PUD), and meet eligibility criterion 1, are eligible for a Corridor Improvement Grant. The proposed landscaping must be an increase from the approved landscaping shown on the approved PUD landscape plan. Corridor Improvement Grants cannot be used to pay for any materials or associated costs required by the approved PUD landscape plan.

- 3. The following items are <u>not</u> eligible for reimbursement grants under the City of St. Charles Corridor Improvement Program:
 - *BUILDING PERMIT FEES AND RELATED COSTS.
 - *SWEAT EQUITY.

Improvements not specifically listed as eligible or ineligible are subject to review as to eligibility by the Corridor Improvement Commission as an advisory body and approval or disapproval by the St. Charles City Council.

3. What Grants Are Available?

Corridor Improvement Grants

Matching funds for up to 50% of plant and other approved materials, labor, and soil preparation costs will be available. The matching funds requirement may be waived for non-profit 501(c)(3) organizations by specific recommendation of the Corridor Improvement Commission and approval of the City Council. The Commission will provide funding for up to 75% of the design cost based on the following chart:

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

Design Guidelines

Guideline 1

Corridor Grants should create an interesting visual mix of landscape features along the area abutting the right-of-way of the eligible property. If the building foundation landscaping and front buffer yards fall within the area abutting the right-of-way these areas are also eligible.



Guideline 2

Corridor Grants should create a generous mix of colors and textures. Plant Species can be determined utilizing the Corridor Improvement Commission's Plant Palette.



Guideline 3

Corridor Grants can incorporate a variety of perennials, ground covers, bushes, ornamental trees, shade trees, mulch, improvements that provide vehicular screening for parking lots, (walkways/sidewalks, pavers, stamped concrete, plazas, other permanent improvements designed primarily for pedestrian use), and walls.



Downtown Improvements Grants

Funding will provide matching funds for up to 50% of plant materials, labor, and soil preparation costs. The matching funds requirement may be waived for non-profit 501(c)(3) organizations by specific recommendation of the Corridor Improvement Commission and approval of the City Council. The Commission will provide funding for up to 75% of the design cost based on the following chart:

Grant Funding for Design of Downtown Grants			
Linear Footage of Property on a Public Street Located within the SSA1B District	Owner Pays	Commission Will Pay	
< 200 feet	First 25% of Total Design Cost	Up to \$2,000	
201 – 500 feet	First 25% of Total Design Cost	Up to \$3,000	
501 + feet	First 25% of Total Design Cost	Up to \$4,000	

Design Guidelines



Guideline 1

Downtown Grants should create an interesting visual mix of landscape features along the area abutting the right-of-way of the eligible property. If the building foundation landscaping and front buffer yards fall within the area abutting the right-of-way these areas are also eligible.



Guideline 2

Downtown Grants can incorporate plants and other landscape materials to create interesting landscaped vistas. Plant Species can be determined utilizing the Corridor Improvement Commission's Plant Palette.



Guideline 3

Downtown Grants should incorporate a variety of perennials, ground covers, bushes, ornamental trees, mulch, and shade trees. These grants may also incorporate additional features such as, wrought iron fencing, decorative clocks, flower boxes, murals on blank walls, and decorative walls.

Four Season Grants

Each year the Commission will award up to five grants of \$1000 each. No cost match is required. All properties eligible for a Corridor or Downtown Improvement Grants may apply for a Four Season Grant. Any individual property can only apply for one grant.

Design Guidelines

Guideline 1

Four Season Grants should create an interesting visual mix of landscape features along the area immediately abutting the right-of-way of the eligible property. If the building foundation landscaping and front buffer yards fall within the area abutting the right-of-way these areas are also eligible. Grants should create a sense of continuity and design. Grants should create attractive, eye-catching additions of colorful perennial plantings



Guideline 2

Four Season Grants can incorporate plants and other landscape materials to create unique landscape aesthetics. Plant Species can be determined utilizing the Corridor Improvement Commission's Plant Palette. Plants should be hardy perennial, hardy woody plants or bulbs. Native plants are encouraged. Elements Chosen should vary in height and specie. No annuals.



Guideline 3

Four Season Grants should incorporate a variety of perennials, ground covers, bushes, ornamental trees, and shade trees. Each planting should offer bloom of some kind from April through October. Winter interest is encouraged (e.g. ornamental grass foliage). Mass plantings for commercial impact are allowed.



5. Approval of Corridor Improvement Agreement:

The Corridor Improvement Commission accepts applications for corridor improvement grants throughout the calendar year. Applications are processed and considered in the order in which they are received.

6. <u>Commencement of Work:</u>

Only after the Corridor Improvement Agreement is approved by the City Council, can work commence. DO NOT START BEFORE -- YOU WILL NOT BE REIMBURSED FOR WORK DONE PRIOR TO CITY COUNCIL APPROVAL OF THE CORRIDOR IMPROVEMENT AGREEMENT.

7. <u>Completion of Work:</u>

All improvements must be completed within 270 calendar days of Corridor Improvement Agreement approval, unless otherwise authorized by the City for a maximum of a one (270) day extension. If the work is not complete by the end of the extension the City's remaining obligation to reimburse the owner or tenant for the project terminates.

8. Reimbursement Payments:

Upon completion of the work, the owner or tenant must submit copies of all design invoices, contractor's statements, other invoices, proof of payment, and notarized final lien waivers to the Director of Community Development, as evidence that the owner or tenant has paid the architect and contractor(s). You should use the attached forms for the contractor's statement and final lien waivers. Payment will be authorized upon completion of all work items as originally approved and receipt of all of the required documents.

The Director of Community Development may authorize reimbursement to be made in two payments, if all of the following conditions are present: 1) The first partial payment may be made upon completion of work representing at least forty percent (40%) of the amount specified in the Corridor Improvement Agreement; 2) The architect's invoices, contractor's statements, invoices, notarized final lien waivers and proof of payment for the completed work have been submitted; 3) The remaining work is expected to be delayed for thirty days or more following completion of the initial work due to weather, availability of materials, or other circumstances beyond the control of the owner or tenant.

Reimbursement for design services will be made at the same time reimbursement is made for improvements, and only if a Corridor Improvement Agreement has been approved by the City Council.

All Improvements shall be installed in accordance with the approved plan. Minor revisions as may be approved by a representative of the Corridor Improvement Commission due to availability of landscape plants, field conditions not known at the time of design, and similar circumstances beyond the Applicant's control. THIS IS A REIMBURSEMENT PROGRAM -- YOU MUST PAY YOUR ARCHITECT, CONTRACTORS AND SUPPLIERS BEFORE YOU RECEIVE PAYMENT FROM THE CITY.

Reimbursement grants are subject to Federal and State taxes, and are reported to the Internal Revenue Service on Form 1099. You are required to provide your taxpayer ID number or social security number as part of the Corridor Improvement Agreement. Property owners and tenants should consult their tax advisor for tax liability information.

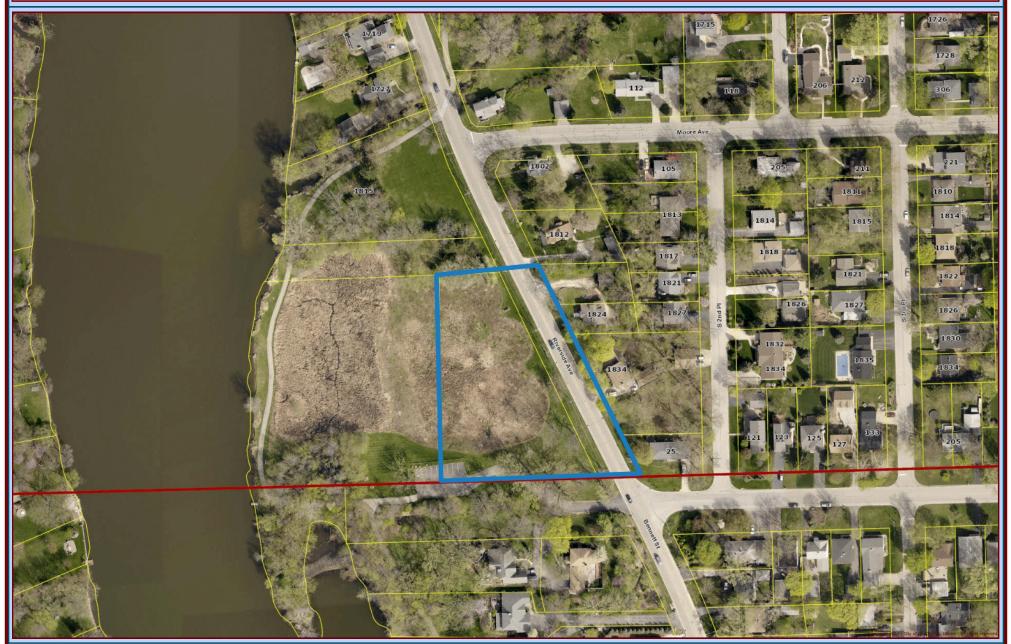
9. <u>Maintenance Period:</u>

The property owner and tenant shall be responsible for maintaining the improvements without alteration for five (5) years. A restrictive covenant limiting alterations may be required by the City Council at the time of approval of the Corridor Improvement Agreement. A waiver from this requirement may be granted by the City Council following a recommendation from the Corridor Improvement Commission and Director of Community Development, upon submittal of evidence of hardship or unusual circumstances.

Formatte

RAYMOND ROGINA

MARK KOENEN City Administrator



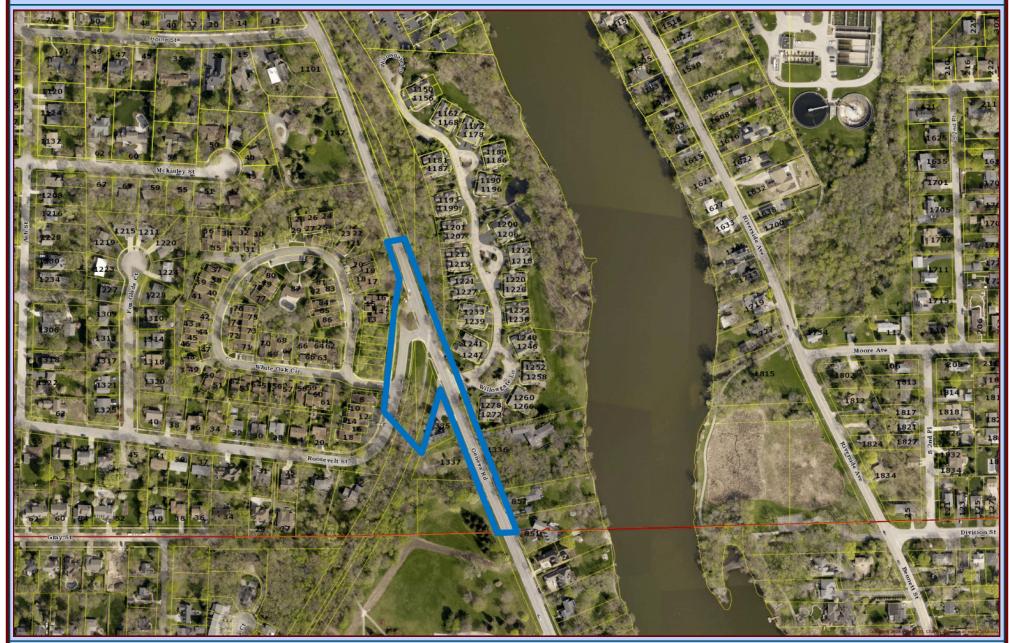


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