

	<b>PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY</b>			
	<b>Project Title/ Address:</b>	<b>Pine Ridge Park – Lot 19</b>		
	<b>City Staff:</b>	Matthew O'Rourke, Planner		
<b>Please check appropriate box (x)</b>				
	<b>PUBLIC HEARING</b>		<b>MEETING 4/19/2011</b>	<b>X</b>
<b>APPLICATIONS UNDER CONSIDERATION:</b>				
Amendment to a Special Use for a Planned Unit Development		Final Plat of Subdivision		
<b>ATTACHMENTS AND SUPPORTING DOCUMENTS</b>				
Staff Report, Dated 4-15-2011		Letter dated 7-18-07 from the Army Corps of Engineers		
Application for Final Plat of Subdivision		Letter dated 9-26-07 from the Midwest Office of The Conservation Fund		
Lot 19 Grading and Utility Plan dated 3-10-08 and received 3-31-11		Revised Concept Plan for Regency Estates Pine Ridge Park dated 3-10-08 received 9-27-10		
Public Hearing Transcripts, 12-7-11				
<b>EXECUTIVE SUMMARY:</b>				
<p>In 2006, the City Council approved the Pine Ridge Park/ Regency Estates Planned Unit Development. The Pine Ridge Park portion of that PUD was approved for 18 commercial lots. Since the development was approved, ownership of the property has been turned over to the Real Property Holding St. Charles LLC.</p> <p>That group, represented by James Cooke, have submitted a Applications for an Amendment to a Special Use for a Planned Unit Development and Final Plat of Subdivision to allow for the creation of a 19<sup>th</sup> commercial lot. The salient features of this proposal are:</p> <ul style="list-style-type: none"> <li>• The applicant is proposing to create a new commercial lot in the area approved for stormwater/open space</li> <li>• This lot will be created at the southwest portion of the open space area, immediately east of lot 3</li> <li>• The lot will utilize the already constructed infrastructure, and access will be provided from Woodward Drive</li> <li>• The applicant is not proposing any additional changes or modifications to the approved Planned Unit Development.</li> </ul>				
<b>RECOMMENDATION / SUGGESTED ACTION (briefly explain):</b>				
Staff is recommending approval of the Application for a Special Use to amend the Pine Ridge Business Park and the Application for a Final Plat of Subdivision to create a 19 <sup>th</sup> commercial lot.				
<i>For office use only:</i>		<i>Agenda Item Number:</i>		

**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

**FINAL PLAT APPLICATION**

<b>CITYVIEW</b>
Project Name: _____
Project Number: <u>2010</u> -PR- <u>008</u>
Application Number: <u>2010</u> -AP- <u>012</u>

Received Date  
**RECEIVED**  
St. Charles, IL  
  
APR 15 2011  
  
CDD  
Planning Division

*Instructions:*

*To request approval of Final Plat for a Subdivision or Planned Unit Development (PUD), complete this application and submit it with all required attachments to the Planning Division. For PUDs, a PUD Final Plan Application should normally be submitted at the same time. For all other subdivisions, a Subdivision Final Engineering Plan Application should normally be submitted at the same time.*

*When the application is complete and the engineering plans are substantially in compliance with requirements, the final plat will be placed on a Plan Commission agenda for review.*

<b>1. Property Information:</b>	Parcel Number (s): part of 09-29-426-001	
	Proposed Subdivision Name: Proposed Lot 19 in Pine Ridge Park	
<b>2. Applicant Information:</b>	Name Real Property Holding - St. Charles, IL, LLC	Phone 913-253-9644
	Address c/o David B. Ruisch, Vice President 10851 Mastin Blvd. Overland, KS 66210	Fax 913-253-9717
		Email druisch@pnc.com
<b>3. Record Owner Information:</b>	Name Real Property Holding - St. Charles, IL, LLC	Phone 913-253-9644
	Address c/o David B. Ruisch, Vice President 10851 Mastin Blvd. Overland, KS 66210	Fax 913-253-9717
		Email druisch@pnc.com
<b>4. Billing:</b> <i>To whom should costs for this application be billed?</i>	Name Real Property Holding - St. Charles, IL, LLC	Phone 913-253-9644
	Address c/o David B. Ruisch 10851 Mastin Blvd. Overland, KS 66210	Fax 913-253-9717
		Email druisch@pnc.com

## *Attachment Checklist*

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

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).
- LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- FINAL PLAT SUBMITTAL CHECKLIST (Completed)**
- 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 Planning Commission - Twenty-Two (22) full size copies, Three (3) 11" by 17" and a PDF electronic file on a CD-ROM.
- COVENANTS:** One copy of proposed agreements, provisions, or covenants which will govern the use, maintenance, and continued protection of the planned development and any of its common open space.
- WORKSHEETS (For residential developments):**
  - Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.
  - Inclusionary Housing Worksheet
- ADDITIONAL APPLICATION:**
  - For Planned Unit Developments, a PUD Final Plan Application has been submitted.
  - For all other Subdivisions, a Subdivision Final Engineering Plan Application has been submitted.

**ITEMS TO BE SUBMITTED PRIOR TO CITY COUNCIL APPROVAL:**

- Guarantee for completion of Land Improvements, consisting of proposed form, amount and provider of completion guarantee collateral (bond, cash, or letter of credit)
- Illinois EPA Water Pollution Control Permit for sanitary sewer extension
- Illinois EPA Division of Public Water Supplies Permit for water mains
- Notice of Intent (NOI) letter/permit for NPDES Stormwater Discharge for sites 5 acres and larger
- IDNR Office of Water Resources Permit (for work in flood plain)
- Wetlands Permit from Army Corps of Engineers
- Kane County DOT and/or IDOT signature on Final Plat (if applicable)
- Offsite easements and right of way necessary to construct the required Land Improvements

**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.**

  
\_\_\_\_\_  
Record Owner 8-26-10  
Date

  
\_\_\_\_\_  
Applicant or Authorized Agent 8-26-10  
Date

# FINAL PLAT SUBMITTAL CHECKLIST

Proposed Lot 19 in Pine Ridge Park

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*Name of Development*

*Note: To properly complete this application:*

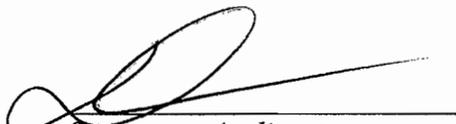
1. *Submit all documents and information required;*
2. *Indicate compliance with each item by initialing next to the item;*
3. *If any item is considered by the applicant to be "not applicable," place "NA" in the space.*

## **Final Plat:**

15 copies of the Final Plat, which shall include the following information:

- a. North direction is shown.
- b. Scale is shown (minimum one inch equals 100 feet).
- c. Section corners and section lines are accurately tied into subdivision by distances and angles.
- d. Official survey monuments are shown and dimensioned.
- e. All necessary easements are shown and dimensioned.
- f. An accurate legal description of the entire area under immediate development within the Planned Unit Development/Subdivision.
- g. Location and dimensions of the building lots, common permanent open space, existing permanent buildings, easements and rights-of way.
- h. An open space easement on the common area assuring that the open space shall remain open for perpetuity.
- i. Tabulations on each separate un subdivided use area, including land area, number of buildings, number of dwellings per acre (PUD).
- j. Building setback lines are shown and dimensioned.
- k. Lot areas are shown.
- l. Street names are shown.

- \_\_\_ m. Areas to be dedicated or reserved for public use are shown and described and the purpose is designated.
- \_\_\_ n. Protective covenants are lettered on the plat or are appropriately referenced.
- \_\_\_ o. Required certificates are shown as provided in Title 16, "Subdivisions and Land Improvements":
  - \_\_\_ 1. Surveyor's certificates (including signature and seal).
  - \_\_\_ 2. Owner's certificate (including signature).
  - \_\_\_ 3. Notary certificate (including signature and seal).
  - \_\_\_ 4. County clerk certificate (including signature).
  - \_\_\_ 5. Certificate as to special assessments.
  - \_\_\_ 6. Certificate of county superintendent of highways, if applicable (including signature).
  - \_\_\_ 7. Certificate of Public Works and Buildings, Division of Waterways, State of Illinois, if applicable (including signature).
  - \_\_\_ 8. Plan Commission certificate.
  - \_\_\_ 9. Director of Public Works certificate.
  - \_\_\_ 10. City Council certificate.
  - \_\_\_ 11. Special Flood Hazard Area Certificate.
  - \_\_\_ 12. Mortgagee Certificate, as required.

  
\_\_\_\_\_  
*Signature – Applicant*

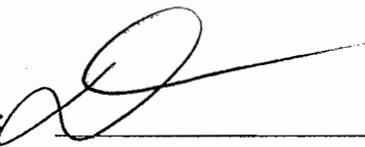
\_\_\_\_\_  
*Date* 8-26-10

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

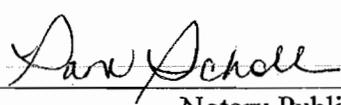
STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

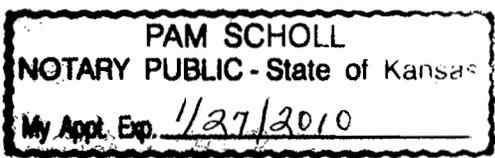
I, David B. Ruisch, being first duly sworn on oath depose and say that I am  
Vice President  
~~Manager~~ of Real Property Holding-St. Charles, IL, LLC, an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

<u>Land Holdings, LLC</u>	<u>100%</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: , ~~Manager~~ Vice President

Subscribed and Sworn before me this 26<sup>th</sup> day of  
AUGUST, 2010.

  
Notary Public



# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois



Name of Development	Proposed Lot 19 in Pine Ridge Park
Date Submitted:	
Prepared by:	Attorney James F. Cooke

Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom	0	DU x 2.899	= 0
➤ 4 Bedroom	0	DU x 3.764	= 0
➤ 5 Bedroom	0	DU x 3.770	= 0
<b>Attached Single Family</b>			
➤ 1 Bedroom	0	DU x 1.193	= 0
➤ 2 Bedroom	0	DU x 1.990	= 0
➤ 3 Bedroom	0	DU x 2.392	= 0
➤ 4 Bedroom	0	DU x 3.145	= 0
<b>Apartments</b>			
➤ Efficiency	0	DU x 1.294	= 0
➤ 1 Bedroom	0	DU x 1.758	= 0
➤ 2 Bedroom	0	DU x 1.914	= 0
➤ 3 Bedroom	0	DU x 3.053	= 0

Totals 0 Total Dwelling Units 0 Estimated Total Population

## Park Site Requirements

Estimated Total Population 0 x .010 Acres per capita = 0 Acres

## Cash in lieu of requirements -

Total Site Acres 0 x \$240,500 (Fair Market Value per Improved Land) = \$ 0.00

# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois



Name of Development: Proposed Lot 19 in Pine Ridge Park  
 Date Submitted: \_\_\_\_\_  
 Prepared by: Attorney James F. Cooke

## Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)	Middle (Grades 6 to 8)	High (Grades 9 to 12)	
<b>Detached Single Family</b>					
> 3 Bedroom	0	DU x .369 = 0	DU x .173 = 0	DU x .184 = 0	
> 4 Bedroom	0	DU x .530 = 0	DU x .298 = 0	DU x .360 = 0	
> 5 Bedroom	0	DU x .345 = 0	DU x .248 = 0	DU x .300 = 0	
<b>Attached Single Family</b>					
> 1 Bedroom	0	DU x .000 = 0	DU x .000 = 0	DU x .000 = 0	
> 2 Bedroom	0	DU x .088 = 0	DU x .048 = 0	DU x .038 = 0	
> 3 Bedroom	0	DU x .234 = 0	DU x .058 = 0	DU x .059 = 0	
> 4 Bedroom	0	DU x .322 = 0	DU x .154 = 0	DU x .173 = 0	
<b>Apartments</b>					
> Efficiency	0	DU x .000 = 0	DU x .000 = 0	DU x .000 = 0	
> 1 Bedroom	0	DU x .002 = 0	DU x .001 = 0	DU x .001 = 0	
> 2 Bedroom	0	DU x .086 = 0	DU x .042 = 0	DU x .046 = 0	
> 3 Bedroom	0	DU x .234 = 0	DU x .123 = 0	DU x .118 = 0	
<b>Totals</b>	0	TDU 0	TE 0	TM 0	TH 0

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	0	x .025	= 0
Middle (TM)	0	x .0389	= 0
High (TH)	0	x .072	= 0
<b>Total Site Acres</b>			<b>0</b>

Cash in lieu of requirements -

0 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 0.00

# INCLUSIONARY HOUSING ORDINANCE WORKSHEET



Name of Development	<u>Proposed Lot 19 in Pine Ridge</u> Park
Date Submitted:	_____
Prepared by:	<u>Attorney James F. Cooke</u>

## Inclusionary Housing Calculation

Inclusionary Housing Ordinance Affordable Units Required	# of Units Proposed in Development		% of Affordable Units Required		# of Affordable Units Required
1 to 10 Units	0	X	5%	=	0
11 to 50 Units	0	X	10%	=	0
More Than 50 Units	0	X	15%	=	0

## Fee In-Lieu Calculation

Inclusionary Housing Ordinance Affordable Units Required	# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit		Total Fee-In-Lieu Amount
1 to 10 Units <i>(Maximum 100% of Required Affordable Units)</i>	0	0	X	\$140,000	=	0
11 to 50 Units <i>(Maximum 50 % of Required Affordable Units)</i>	0	0	X	\$140,000	=	0
More Than 50 Units <i>(Maximum 50 % of Required Affordable Units. Only allowed with a recommendation from the Housing Commission)</i>	0	0	X	\$140,000	=	0

**What is the justification for requesting a to pay the fee-in-lieu to reduce the number of affordable units constructed?**

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Legal Description  
Pine Ridge Park Lot 19

Beginning at the easterly corner of Lot 1 of said Pine Ridge Park; thence northeasterly along a southeasterly line of said Parcel 4.03 feet to a point of curvature therein; thence northeasterly along a southeasterly line of said Parcel being along a curve to the right having a radius of 3040.0 feet tangent to the last described course 35.60 feet to a point of tangency; thence northeasterly along a southeasterly line tangent to the last described curve at the last described point 321.95 feet; thence northwesterly along a line perpendicular to the last described course 21.87 feet; thence westerly along a line forming an angle of 136°25'57" from the last described course (measured clockwise there from) 162.81 feet; thence northwesterly along a line forming an angle of 196°21'49" from the last described course (measured clockwise there from) 91.12 feet; thence westerly along a line forming an angle of 128°37'06" from the last described course (measured clockwise there from) 247.35 feet to the northerly corner of said Lot 1; thence southeasterly along the northeasterly line of said Lot forming an angle of 71°15'22" from the last described course (measured clockwise there from) 272.31 feet to point of beginning in the City of St. Charles, Kane County, Illinois and containing 1.639 acres

Community Development  
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman, Todd Wallace and  
 the Members of Plan Commission

**FROM:** Matthew O'Rourke, AICP  
 Planner

**RE:** Public Hearing for Pine Ridge Lot - 19

**DATE:** April 15, 2011

**I. APPLICATION INFORMATION:**

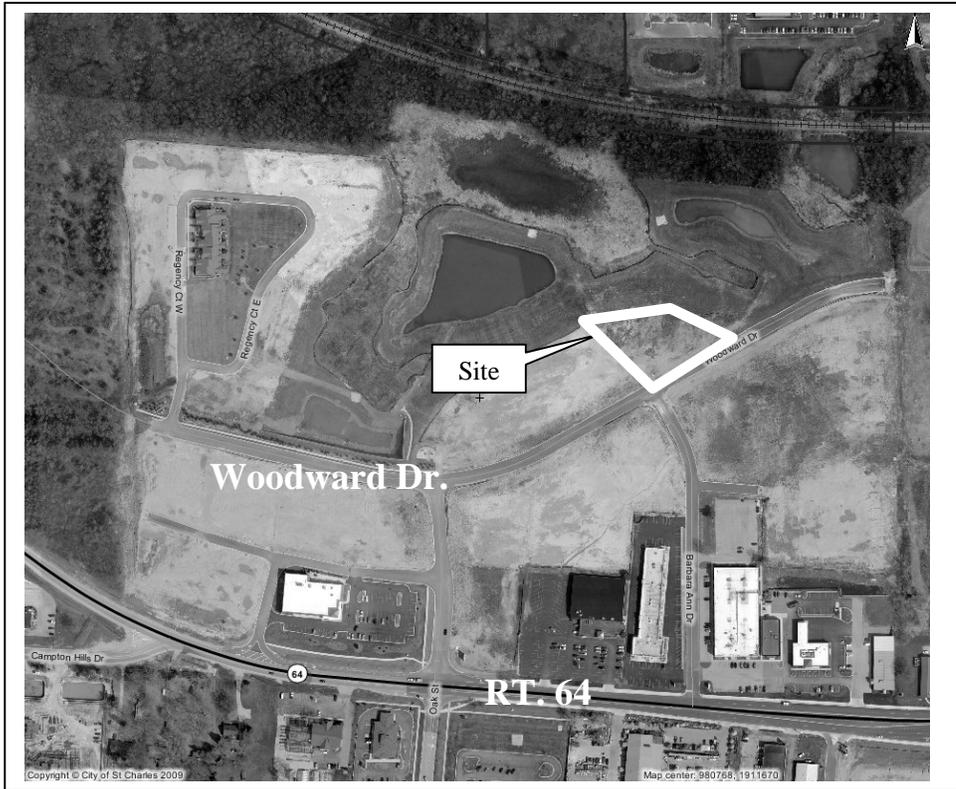
**Project Name:** Pine Ridge – Lot 19

**Applicant:** Real Property Holding – St. Charles LLC

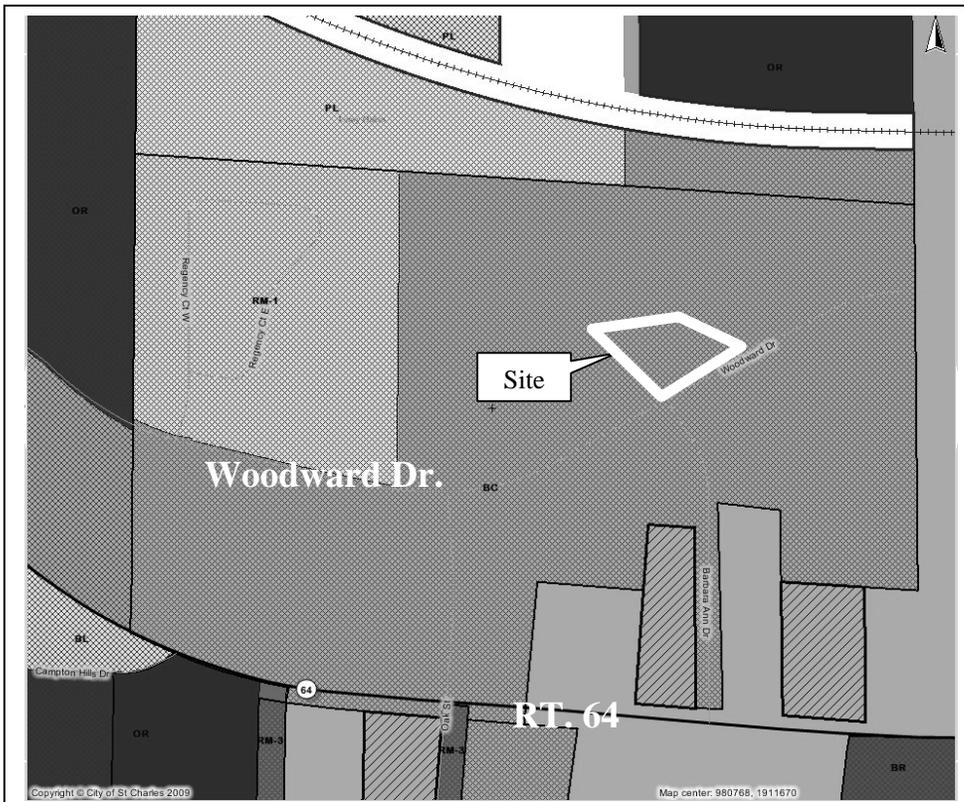
**Purpose:** Applications for an Amendment to a Special Use for a Planned Unit Development (Pine Ridge Park) and Final Plat of Subdivision to create one additional commercial lot (Lot – 19).

<b>General Information:</b>		
<b>Site Information</b>		
<b>Location</b>	Intersection of Woodward Dr. and Regency Ct.; North of Rt.64 and East of Oak St.	
<b>Acres</b>	1.639	
<b>Applications</b>	<b>1) Application for a Special Use (Amendment to Special Use for a Planned Unit Development)</b> <b>2) Application for Final Plat of Subdivision</b>	
<b>Applicable Zoning Code Sections/ Ordinances</b>	17.04.430 – Changes in Planned Unit Developments	
	ORD 2006-Z-4 An Ordinance Rezoning Property and Granting a Special Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West Gateway PUD	
	ORD 2006-M-8 Twelfth Amendment to and Restatement of Annexation Agreement City of St. Charles and West Gateway property owners (Regency Estates/Pine Ridge PUD)	
<b>Existing Conditions</b>		
<b>Land Use</b>	Open Space –Stormwater Detention	
<b>Zoning</b>	BC – Community Business	
<b>Zoning Summary</b>		<b>Current Land Uses</b>
<b>North</b>	BC- Community Business (PUD)	Open Space (Pine Ridge)
<b>East</b>	BC- Community Business (PUD)	Vacant (Pine Ridge)
<b>South</b>	BC- Community Business (PUD)	Vacant (Pine Ridge)
<b>West</b>	BC- Community Business (PUD)	Vacant (Pine Ridge)
<b>Comprehensive Plan Designation</b>		
Retail and Service		

### Aerial Photo



### Zoning Map



## II. BACKGROUND:

In 2006, the City Council approved the Pine Ridge Park/Regency Estates Planned Unit Development. The PUD included the following:

- The total site is 60.17 acres.
- Pine Ridge Park was approved as a 27.43 acre, 18 lot commercial development
  - At that time, this portion of the site was zoned as B-3 Service Business District
- Regency Estates was approved as a 13.17 acre, 61 unit townhome development
  - At that time, this portion of the site was zoned as R-4-A Attached Single Family-Residence District
- 14.39 acres of open space/stormwater retention
- 7.98 acres of public right-of-way
  - Woodward Drive has already been constructed

Typically, when a PUD is approved there is an associated PUD Preliminary Plan approved for the entire development. However, the City’s Zoning Ordinance does contain provisions to allow a developer to request that a PUD Preliminary Plan be approved for a first phase of the development and a Concept Plan for the remainder of the property. In this case, there was a PUD Preliminary Plan approved for the Regency Estates portion of the development and a Concept Plan entitled, “Concept Plan Regency Estates and Pine Ridge Park” that generally approved the layout of Regency Estates and Pine Ridge Park.

### 1. ZONING ENTITLEMENTS

The Council approved the following ordinances/agreements/resolutions in relation to this PUD development:

- **Ordinance 2006-M-8** “Twelfth Amendment to and Restatement of Annexation Agreement City of St. Charles and West Gateway property owners (Regency Estates/Pine Ridge PUD)
- **Ordinance 2006-Z-4** “An Ordinance Rezoning Property and Granting a Special Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West Gateway PUD)”

Both properties were rezoned in 2006 as part of the City’s Zoning Ordinance update. The Pine Ridge development was rezoned to the BC Community Business District and Regency Estates was rezoned to the RM-1 Mixed Medium Residential District.

### 2. COMPREHENSIVE PLAN

The Comprehensive Plan land use designation for the area proposed as Lot-19 is Retail Service. The Retail Service designation encapsulates most businesses such as stores, restaurants, and professional offices and is consistent with the uses permitted in the Pine Ridge Park PUD.

### 3. DEVELOPMENT HISTORY

Since the PUD was approved, there has been limited development activity in both the commercial and residential sections. An ALDI was constructed on lots 10 & 11 in Pine Ridge Park, and one townhome building, containing 5 units, was constructed in Regency Estates. At this time none of those units has been purchased.

The original developer does not own this development. Real Property Holding St. Charles, LLC became the owner of all the properties and assets in 2009.

### III. PROPOSAL:

Real Property Holding St. Charles LLC., represented by James Cooke, has submitted an application for an Amendment to a Special Use for a Planned Unit Development to modify the approved Concept Plan for Regency Estates and Pine Ridge Park to create one additional commercial lot. The salient features of this proposal are as follows:

- The applicant is proposing to create a new commercial lot in the area approved for stormwater/open space
- This lot will be created at the southwest portion of the open space area, immediately east of lot 3
- The lot will utilize the already constructed infrastructure, and access will be provided from Woodward Drive
- The applicant is not proposing any additional changes or modifications to the approved PUD or Approved Concept Plan

### IV. ANALYSIS:

#### 1. ZONING

The underlying zoning district for this property is BC- Community Business District. However, the approved PUD includes specific regulations for permitted uses, bulk, and architectural design. Staff has reviewed the submitted revised Concept Plan for conformance with the relevant standards of the Pine Ridge Park PUD and the BC Zoning District. **Table 1** details Staff’s review. The proposed lot does conform to the standards established in the Pine Ridge Park PUD and underlying zoning district.

**Table 1**

ZONING CATEGORY	STANDARDS ESTABLISHED PER ORD 2006-Z-4 (PINE RIDGE PARK PUD)	STANDARDS PER THE BC ZONING DISTRICT	LOT - 19
Minimum Lot Area	None	1 - Acre	1.639 Acres
Minimum Lot Width	None	50’	350’
<b>Building Setbacks:</b>			
<i>Setback from Woodward Drive</i>	40’	20’	80’
<i>Interior Side</i>	5’	5’	42’
<i>Exterior Side</i>	N/A	N/A	N/A
<i>Rear</i>	5’	25’	58’

#### 2. REDUCTION IN OPEN SPACE

The approved Concept Plan showed the area where Lot-19 is proposed as part of a 14.39-acre stormwater/open space area. The creation of Lot-19 will result in a reduction of this area by 1.63-acres to 12.70-acres. The percentage of open space for the PUD will be reduced from 23.9% to 21.2%. There was no specific greenspace requirement listed in the Pine Ridge Park PUD. However, the minimum greenspace requirement of the current zoning ordinance is 20%.

## **Army Corp of Engineers Review**

This stormwater/open space area is considered a wetland by the Army Corps of Engineers. The creation of Lot-19 will require fill within this wetland. However, it was discovered after mass grading of the entire development that a majority of this site is at a higher topographical elevation than the wetlands area, and would be considered low-quality wetlands by the Army Corps. The previous property owner had the Army Corps of Engineers review this proposal in 2007. That property owner had received a letter from the Army Corps dated July 18, 2007 (Attached to this Memo) stating that they approved this fill. The previous owner was required to pay \$179,010.00 to mitigate the loss of wetlands. A letter from The Conservation Fund dated September 26, 2007 confirms that the previous property owner paid the full amount owed to the Northeast Illinois Wetlands Conservation Account (NEIWCA).

## **V. FUTURE APPLICATIONS:**

### Application for PUD Preliminary Plan

The approved PUD was structured so that any future development on any lot within Pine Ridge Park is required to file a PUD Preliminary Plan Application for review by the Plan Commission and City Council. This provision will extend to Lot-19 if this proposal is approved.

## **VI. PUBLIC HEARING**

The Plan Commission held a public hearing on the application for an amendment to the Special Use for a PUD on 12-7-2010. The Plan Commission did not state any concerns with the proposal at that time.

## **VII. PROPOSED FINDINGS OF FACT**

### **AMENDMENT TO SPECIAL USE FOR A PUD ORDINANCE** **2006-Z-4 (An Ordinance Granting a Special Use as a Planned Unit Development for Pine-Ridge Park and regency Estates PUD (A Portion of the West gateway PUD)**

The proposed amendment to the Special Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West gateway PUD) is found to be in the public interest based on the following criteria:

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

Purpose # 5 states the following, “to promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.” The location of the proposed Lot 19 was intended to be used as part of a wetland area. However, after mass grading of the site was completed, it was discovered that this site was at a higher topographical elevation and was not suitable for those purposes. By turning this lot into a commercial property it promotes the continued economic development of the entire development, as opposed to leaving this area underutilized as a wetland. There is the potential for a well-planned commercial development as opposed to an area that will not function well as a wetland and could potentially deter development due to unsightly future conditions.

#### **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.**

The underlying zoning of this property is BC - Community Business. The proposed commercial lot will conform to the standards of the underlying Zoning District and those established in ORD 2006-Z-4 An Ordinance Rezoning Property and Granting a Special Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West Gateway PUD

**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.**

A Special Use for the PUD is already approved on this site.

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

The utilities and infrastructure already exist through the Pine Ridge Business Park.

**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 amendment to the existing Special Use for the PUD will permit the development of one additional commercial lot. This lot will have a positive effect on the nearby properties by creating a collaborative commercial business park as opposed to a wetland area that will not function properly. Therefore, the additional commercial lot will encourage development of the surrounding properties.

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

The surrounding properties are already developed or located within PUD that contain specific development standards and entitlements. This amendment to the Special Use for a PUD will not effect the orderly development of those properties as they are already developed or entitled to develop.

**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 Special use for the Pine Ridge Business Park has already been approved and entitled. This proposed amendment will simply add an additional commercial lot that will have to conform to the standards established in the approved Planned Unit Development.

**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.**

This Special Use for a PUD amendment will conform to all applicable regulations of Title 17 (Zoning Ordinance) and the development standards established in the ORD 2006-Z-4 An Ordinance Rezoning Property and Granting a Special Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West Gateway PUD).

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

The PUD is already approved in this location. This amendment will create an additional commercial lot that will be beneficial to physical development of the site by allowing a commercial development on a portion of the property that would be underutilized as a wetland.

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

The Comprehensive Plan Land Use Designation for this location is Retail and Service. The uses permitted in ORD 2006-Z-4 An Ordinance Rezoning Property and Granting a Special Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West Gateway PUD) are consistent with the Retail and Service uses specified in the Comprehensive Plan.

**VIII. RECOMMENDATION:**

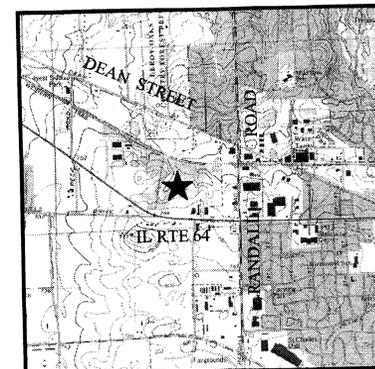
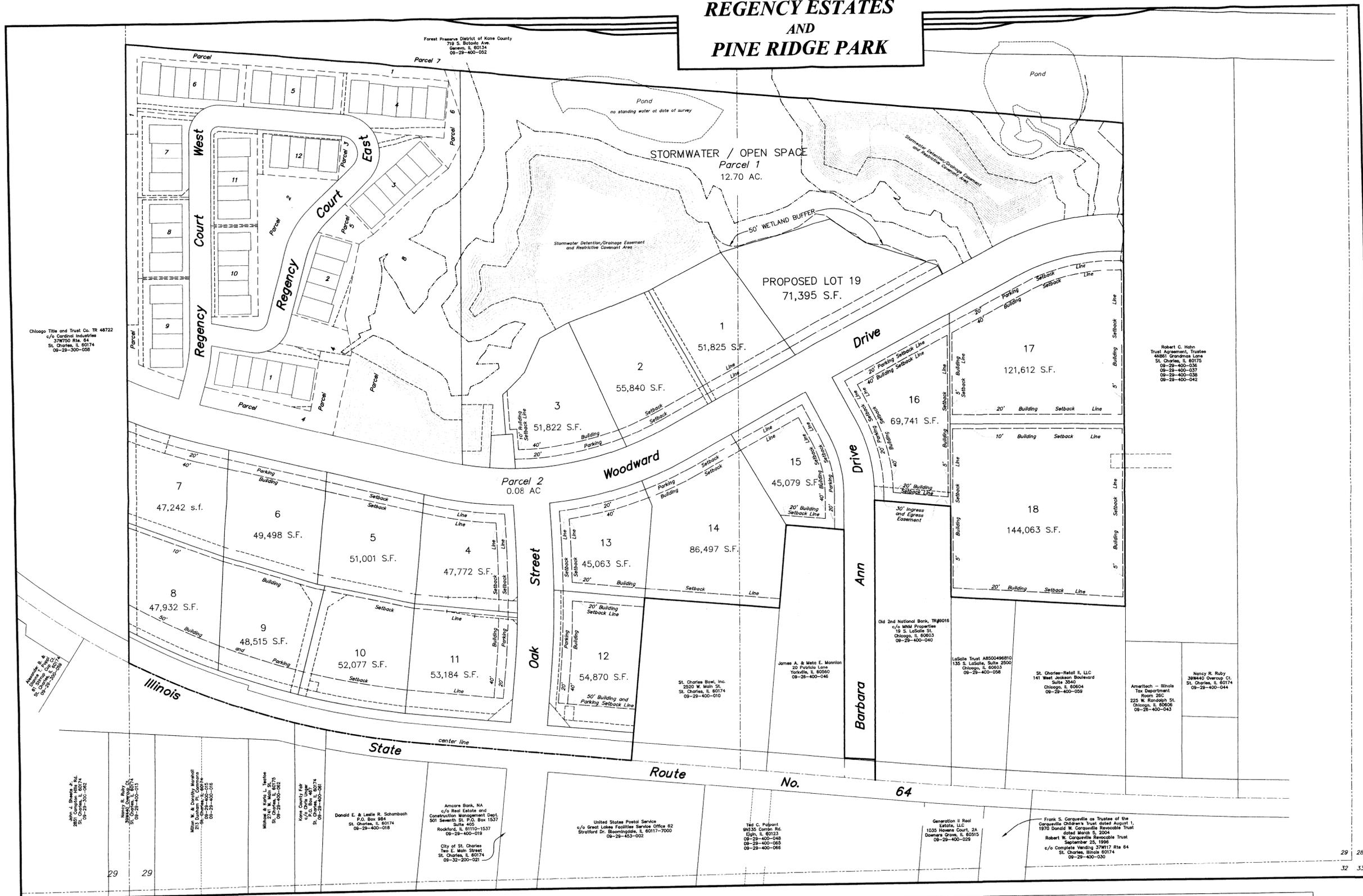
Staff is recommending approval of the Application for a Special Use to amend the Pine Ridge Business Park and the Application for a Final Plat of Subdivision to create a 19<sup>th</sup> commercial lot.

**IX. ATTACHMENTS**

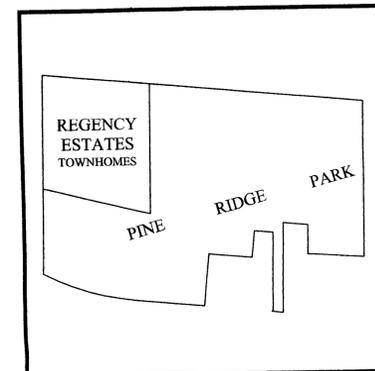
Concept Plan Regency Estates and Pine Ridge Park; Transland, Ltd.; Dated 9-24-10  
Pine Ridge Park – Lot 19 Grading & Utility Plan; Western Surveying & Engineering, P.C., Dated 3-10-11  
Final Plat of Subdivision, Western Surveying & Engineering, P.C., Received on 3-31-11  
Public Hearing Transcripts from the 12-7-11 Public Hearing  
Letter dated 7-18-07 from the Army Corps of Engineers  
Letter dated 9-26-07 from the Midwest Office of The Conservation Fund

Cc: Rita Tungare, Director of Community Development  
James Cooke, Law Offices of James Cooke

# CONCEPT PLAN REGENCY ESTATES AND PINE RIDGE PARK



**VICINITY MAP**  
NOT TO SCALE



Chicago Title and Trust Co. TR 48722  
c/o Cardinal Industries  
379750 Rte. 64  
St. Charles, IL 60174  
09-29-2008-055

Robert C. Mohr  
Trust Agreement, Trustee  
48851 Grandview Lane  
St. Charles, IL 60175  
09-29-2008-036  
09-29-2008-037  
09-29-2008-038  
09-29-2008-042

John J. Shewz, Jr.  
2517 Campbell Rd.  
St. Charles, IL 60174  
09-29-2008-052

Nancy R. Ruby  
3511 Chestnut St.  
St. Charles, IL 60174  
09-29-2008-011

Ellen W. & Dorothy Muehl  
98 S. Main Street  
St. Charles, IL 60174  
09-29-2008-018

Michael & Nancy L. Lierise  
3511 Chestnut St.  
St. Charles, IL 60174  
09-29-2008-051

Korn County Fair  
P.O. Box 487  
St. Charles, IL 60174  
09-29-2008-051

Donald E. & Leslie R. Schombach  
P.O. Box 984  
St. Charles, IL 60174  
09-29-2008-018

Ancora Bank, NA  
c/o Real Estate and  
Construction Management Dept.  
501 Seward St., Suite 402  
Rockford, IL 61110-1537  
09-29-2008-019

City of St. Charles  
Two E. Main Street  
St. Charles, IL 60174  
09-29-2008-021

United States Postal Service  
c/o Great Lakes Facilities Service Office 62  
Stratford Dr. Bloomington, IL 60117-7000  
09-29-2008-022

140 C. Polpan  
19130 Canyon Rd.  
Elyse, IL 60123  
09-29-2008-048  
09-29-2008-085  
09-29-2008-086

Generation II Real  
Estate, LLC  
1035 Havana Court 2A  
Downers Grove, IL 60515  
09-29-2008-029

Frank S. Caravello as Trustee of the  
Caravello Children's Trust dated August 1,  
1970 David W. Caravello Revocable Trust  
dated March 5, 2004  
Robert W. Caravello Revocable Trust  
September 23, 1998  
c/o Complete Vending 378117 Rte 64  
St. Charles, Illinois 60174  
09-29-2008-030

**SITE DATA TABLE**

SITE AREA (EXCLUSIVE OF RTE. 64 RIGHT-OF-WAY)	60.17 Ac.	COMMERCIAL AREA	27.43 Ac.
AREA IN RTE. 64 RIGHT-OF-WAY	1.09 Ac.	TOWNHOME AREA	13.17 Ac.
OPEN SPACE/STORMWATER AREA	12.78 Ac.	NUMBER OF TOWNHOME UNITS	62 Units
AREA IN PROPOSED RIGHT-OF-WAY	6.79 Ac.	TOWNHOME AREA GROSS DENSITY	4.7 DU/Acre

RECEIVED  
St. Charles, IL

ODD  
Planning Division

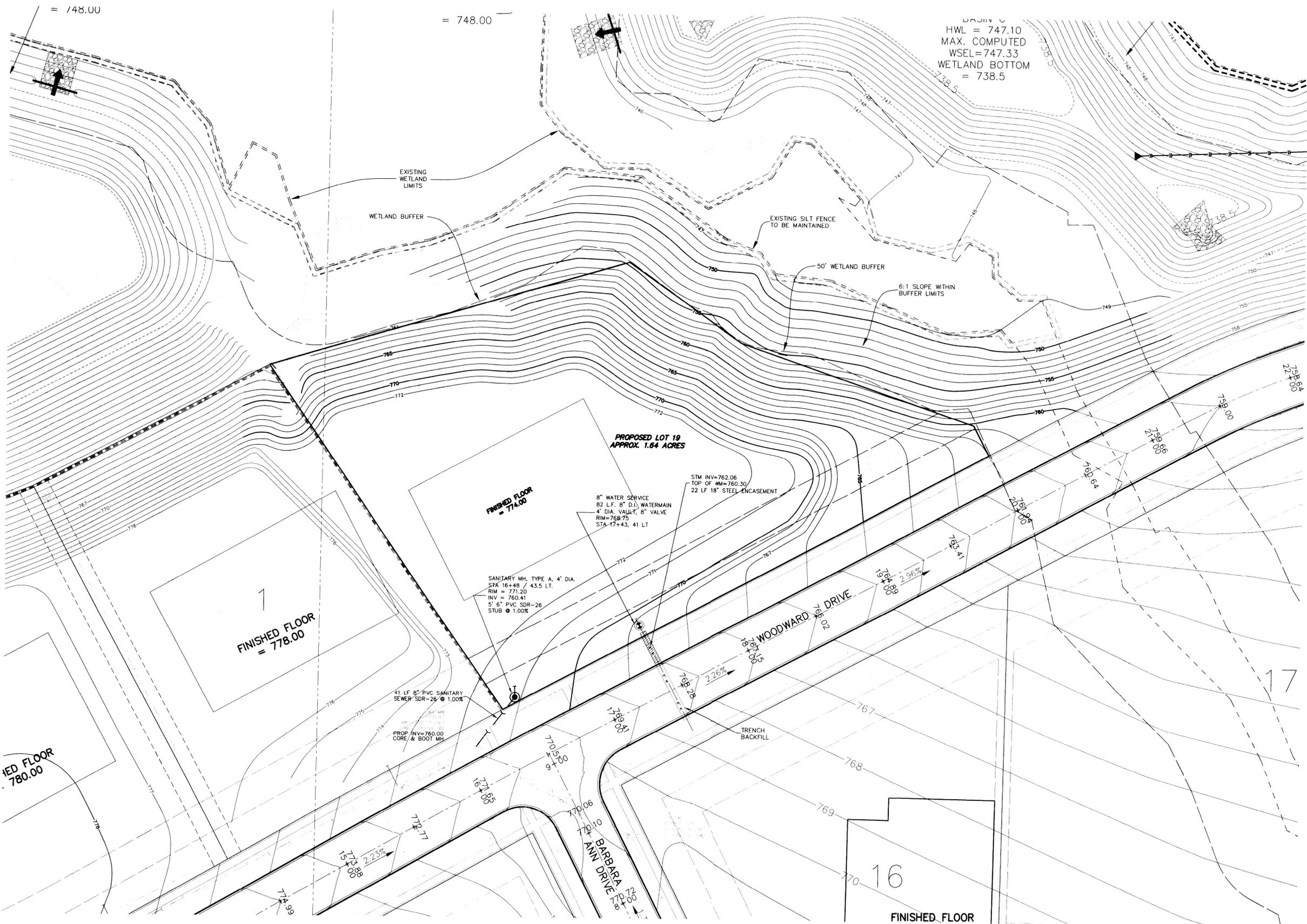
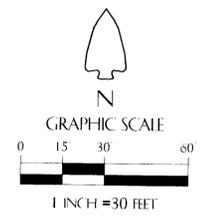
N  
SCALE: 1" = 100'

DIRECTORY: CAD4/36602  
FILE NAME:  
CONCEPT-LOT19  
JOB NO.: 366.001  
DATE: 10-01-04  
REVISED: 10-22-04  
1-11-04  
1-06-05  
3-10-08

PREPARED BY:  
**TRANS/LAND, LTD.**  
116 S. 13TH STREET  
ST. CHARLES, ILLINOIS 60174  
(630) 205-1198 (630) 845-0-601 FAX  
COPYRIGHT©2008, BY: TRANS/LAND, LTD.

PREPARED FOR:  
CUSTOM TOWNHOME AREA:  
**REGENCY ESTATES, L.L.C.**  
975 N. 2ND AVENUE  
ST. CHARLES, ILLINOIS 60174  
(630) 513-1264

COMMERCIAL AREA:  
**PINE RIDGE PARK, L.L.C.**  
975 N. 2ND AVENUE  
ST. CHARLES, ILLINOIS 60174  
(630) 513-5220



PROPOSED LOT 19  
APPROX. 1.04 ACRES

FINISHED FLOOR  
= 774.00

FINISHED FLOOR  
= 778.00

FINISHED FLOOR  
780.00

8" WATER SERVICE  
82 LF 8" DIA. WATERMAIN  
4' DIA. VAULT, 8" VALVE  
RIM=768.75  
STA 17+43, 41 LT

STM INV=762.06  
TOP OF WM=760.30  
22 LF 18" STEEL ENCASEMENT

SANITARY MH, TYPE A, 4' DIA.  
SFA 16+48 / 43.5 LT.  
RIM = 771.20  
INV = 760.41  
5' 6" PVC SDR-26  
STUB @ 1.00%

41 LF 8" PVC SANITARY  
SEWER SDR-26 @ 1.00%

PROP INV=760.00  
CORE & BOOT MH

WOODWARD DRIVE  
15.74% 2.96%

BARBARA ANN DRIVE  
15.74% 2.23%

TRENCH  
BACKFILL

PREPARED FOR:  
PINE RIDGE PARK, L.L.C.  
975 N. 2ND AVENUE  
ST. CHARLES, IL 60174  
(630) 513-5220

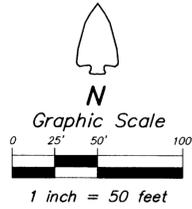


PREPARED BY:  
WESTERN ENGINEERING, P.C.  
6NS43 ROUTE 25  
ST. CHARLES, ILLINOIS 60174  
(624) 238-3293 (624) 535-9123 FAX  
PROFESSIONAL DESIGN FIRM NO. 184-002967  
COPYRIGHT © 2011, WESTERN ENGINEERING, P.C.

NUMBER		DATE	DESCRIPTION	REVISIONS	
1		5/7/11	Per Client Request	NUMBER	DATE

PINE RIDGE PARK - LOT 19 GRADING & UTILITY PLAN  
ST. CHARLES, KANE COUNTY, ILLINOIS

FILE NAME: LOT 19 GRAD & UTIL	DESIGN BY: DGW	JOB NO.: 366.001	XREF: NONE
DIRECTORY: CAD7/366002	DRAWN BY: DGW	DATE: 3/10/08	SCALE: 1"=30'



# Resubdivision of part of Parcel 1 Pine Ridge Park Phase I Planned Unit Development City of St. Charles Kane County Illinois

■ Indicates concrete monument.

└┘ Indicates 90° angle.

Iron pipe shall be set at all lot corners, angle points and points of curvature unless shown otherwise.

Distances shown along curved lines are true arc distances and curves are tangent, unless indicated otherwise.

Pine Ridge Park, Phase I, Planned Unit Development, City of St. Charles, Kane County, Illinois recorded as Document 2006K011887.

Protective covenants shall be recorded separately from this instrument.

A Utility Easement is hereby established across Lot 19 in accordance with the appropriate easement provisions contained hereon.

State of Illinois )  
 ) ss This is to certify that I, Western Engineering, P.C. (Illinois Professional Design  
 County of Kane) Firm No. 184-002967), have surveyed, subdivided and platted that part of  
 Parcel 1, Pine Ridge Park, Phase I, Planned Unit Development, City of St.  
 Charles, Kane County, Illinois described as follows: Beginning at the easterly corner of Lot 1 of  
 said Pine Ridge Park; thence northeasterly along a southeasterly line of said Parcel 4.03 feet to a  
 point of curvature therein; thence northeasterly along a southeasterly line of said Parcel being  
 along a curve to the right having a radius of 3040.0 feet tangent to the last described course  
 35.60 feet to a point of tangency; thence northeasterly along a southeasterly line tangent to the  
 last described curve at the last described point 321.95 feet; thence northwesterly along a line  
 perpendicular to the last described course 21.87 feet; thence westerly along a line forming an  
 angle of 136°25'57" from the last described course (measured clockwise therefrom) 162.81 feet;  
 thence northwesterly along a line forming an angle of 196°21'49" from the last described course  
 (measured clockwise therefrom) 91.12 feet; thence westerly along a line forming an angle of  
 128°37'06" from the last described course (measured clockwise therefrom) 247.35 feet to the  
 northerly corner of said Lot 1; thence southeasterly along the northeasterly line of said Lot  
 forming an angle of 71°15'22" from the last described course (measured clockwise therefrom)  
 272.31 feet to the point of beginning in the City of St. Charles, Kane County, Illinois and  
 containing 1.639 acres as shown on the plat hereon drawn which is a correct representation of  
 said survey and subdivision. I further certify that the foregoing described tract is located within  
 the corporate limits of the City of St. Charles which has adopted an official comprehensive plan  
 and is exercising the special powers authorized by the laws of the State of Illinois according to  
 65 ILCS 5/11-12-6, and that said tract appears to be located within a Zone X (areas determined  
 to be outside 500-year floodplain) special flood hazard areas as identified by the Federal  
 Emergency Management Agency, Flood Insurance Rate Map, Panel 262 of 410, Community-Panel  
 Number 17089C0262F dated December 20, 2002. All distances are given in feet and decimal parts  
 thereof.

Dated at Geneva, Illinois, March 8, 2011.

Illinois Professional Land Surveyor No. 2753  
 License Expiration Date: November 30, 2012

State of Illinois )  
 ) ss This is to certify that Real Property Holding, St. Charles, Illinois, LLC is the owner of  
 County of Kane) the land described in the foregoing surveyor's certificate and has caused the same to  
 be surveyed, subdivided and platted as shown by the plat hereon drawn, for the uses  
 and purposes therein set forth as allowed and provided by statute, the subdivision to be known as  
 "RESUBDIVISION OF PART OF PARCEL 1, PINE RIDGE PARK, PHASE I, PLANNED UNIT DEVELOPMENT, CITY OF ST.  
 CHARLES, KANE COUNTY, ILLINOIS", and it hereby acknowledges and adopts the same under the style and title  
 aforesaid. Said premises are located within Community Unit School District No. 303.

Dated at St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

Pine Ridge Park, L.L.C.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Manager Secretary

State of Illinois )  
 ) ss I, \_\_\_\_\_ a Notary Public in and for the County and  
 County of Kane) State aforesaid hereby certify that \_\_\_\_\_, Secretary, who are  
 personally known to me to be the same persons whose names are subscribed to in the foregoing  
 owner's certificate, appeared before me this day in person and acknowledged the execution of the  
 annexed plat and accompanying instrument as their free and voluntary act and the free and voluntary  
 act of the corporation.

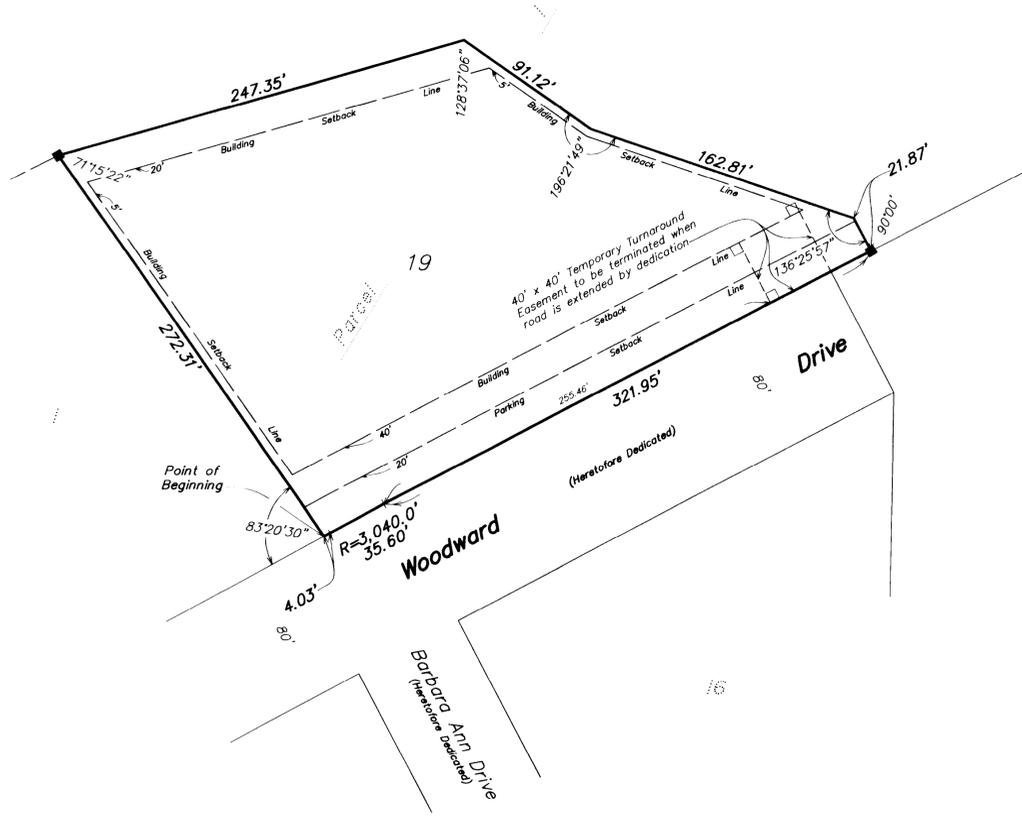
Given under my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires \_\_\_\_\_

Ordered by & Prepared for:  
 Real Property Holding, St.  
 Charles, Illinois, L.L.C.

Lot Number	Square Footage
19	71,395

Note: Calculated square footage of lot is for informational purposes only and is not to be used for boundary reconstruction.



### UTILITY EASEMENT PROVISIONS

A permanent, non-exclusive easement is hereby reserved for and granted to the City of St. Charles (hereinafter "City"), and to all public utility companies of any kind operating under franchise agreement granting them easement rights from the City of St. Charles, including but not limited to, S.B.C., A. T. & T., Nicor Gas Company, Comcast Cable and to their successors and assigns (hereafter Utilities) in, upon, across, under and through the Lot shown hereon, for the purpose of installing, constructing, reconstructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning and maintaining electrical, cable television, communication, gas, telephone or other utility lines or appurtenances; sanitary sewers, storm sewers, drainage ways, storm water detention or retention, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, buffer boxes, valves, and without limitation, such other installations as may be required to furnish public utility service to the subdivided area, and such appurtenances and additions thereto as said City and Utilities may deem reasonably necessary, together with the right of access thereto for the necessary personnel and equipment to do any or all of the above work, provided that no such easement shall extend into any area either now or hereafter improved with a permanent structure approved by the City. Further, all such franchises shall be required to restore the easement premises by properly grading and restoring the surface treatment (i.e., paving, sod, etc.) to pre-disturbance condition in a prompt manner upon the substantial completion of such work. The right is also hereby granted to said City and Utility Companies to cut down, trim, or remove any trees, shrubs or other plants and objects that interfere with the operation of or access to said utility installations, in, on, upon, across, under or through said easement. Said easement may be used for planting of shrubs and landscaping and other purposes in accordance with final plan approval by said City of St. Charles, and provided such planting, landscaping or other purposes do not then or later interfere with the aforesaid uses and rights. Where said easement is used for storm or sanitary sewers, other utility installations shall be subject to the prior approval of said City of St. Charles, so as not to interfere with the gravity flow in said sewer or sewers.

State of Illinois )  
 ) ss Accepted and approved by PNC Bank, Mortgagee.  
 County of Kane) Dated at: \_\_\_\_\_ this \_\_\_\_\_ day  
 of \_\_\_\_\_, 2011.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Title: \_\_\_\_\_ Title: \_\_\_\_\_

State of Illinois )  
 ) ss I, \_\_\_\_\_ a Notary Public in and for the County and State  
 County of Kane) aforesaid hereby certify that \_\_\_\_\_ and \_\_\_\_\_  
 who are personally known to me to be the same persons whose names are  
 subscribed to in the foregoing owner's certificate, appeared before me this day in person and  
 acknowledged the execution of the annexed plat and accompanying instrument as their free and  
 voluntary act and the free and voluntary act of the corporation.

Given under my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
 Notary Public  
 My Commission Expires \_\_\_\_\_

State of Illinois )  
 ) ss This is to certify that I, John A. Cunningham, County Clerk in and for the  
 County of Kane) County and State aforesaid, find no redeemable tax sale, unpaid forfeiture  
 taxes or unpaid current taxes against any of the real estate described in the  
 foregoing surveyor's certificate.

Dated at St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
 County Clerk

State of Illinois )  
 ) ss I, \_\_\_\_\_, Collector of Special Assessments for the  
 County of Kane) City of St. Charles, Illinois, do hereby certify that there are no delinquent or  
 unpaid current or forfeited special assessments or any deferred installments  
 thereof that have been apportioned against the tract of land included in the annexed plat.

Dated at St. Charles, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
 Collector of Special Assessments

State of Illinois )  
 ) ss Approved by the City of St. Charles Plan Commission at a meeting held  
 County of Kane) the \_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Chairman Secretary

State of Illinois )  
 ) ss Approved by the Director of Public Works for the City of St. Charles on  
 County of Kane) this \_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Director of Public Works Secretary

State of Illinois )  
 ) ss Approved and accepted by the Mayor and city council of the City of St.  
 County of Kane) Charles at a meeting held the \_\_\_\_ day of \_\_\_\_\_, 2011.

By: \_\_\_\_\_ Attest: \_\_\_\_\_  
 Mayor City Clerk

State of Illinois )  
 ) ss This Instrument No. \_\_\_\_\_, was filed for record in the  
 County of Kane) Recorder's Office of Kane County, Illinois, on the \_\_\_\_ day of  
 \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_ M, and was  
 recorded in Plat Envelope No. \_\_\_\_\_.

\_\_\_\_\_  
 County Recorder

Prepared by:  
**Western Engineering, P.C.**  
 6N543 IL Rte. 25  
 St. Charles, Illinois 60174  
 (224) 238-3521 (224) 535-9123 Fax

**THE CONSERVATION FUND**

---

MIDWEST OFFICE  
P.O. BOX 506  
SAWYER, MI 49125  
(269) 426-8825  
FAX (269) 426-4067

September 26, 2007

Greg Nutt  
Pine Ridge Park LLC  
975 N. 2<sup>nd</sup> Ave.  
St. Charles, IL 60174

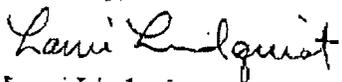
Dear Mr. Nutt,

The Conservation Fund confirms the receipt of payment from Pine Ridge Park LLC on September 5, 2007 of \$179,000 to the Northeastern Illinois Wetlands Conservation Account (NEIWCA).

NEIWCA funds the restoration of wetlands and natural habitats throughout the Chicago area through an innovative partnership program. Since 1997, the conservation account has contributed over \$3.8 million to groups working on over 100 individual projects in Illinois' six northeastern counties--Cook, Lake, McHenry, Kane, DuPage and Will. Utilizing settlement funds from a corporate wetlands infraction, The Conservation Fund, in cooperation with the U.S. Fish & Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Department of Justice, created the conservation account to provide matching grants to local groups committed to the conservation of wetland ecosystems.

We are pleased to be able to dedicate your payment to the important wetland restoration work made possible by NEIWCA.

Sincerely,



Lauri Lindquist  
Grants Administrator

CC: Margaret Kohring, Midwest Director, The Conservation Fund  
Alisa Borland, The Conservation Fund



DEPARTMENT OF THE ARMY  
CHICAGO DISTRICT, CORPS OF ENGINEERS  
111 NORTH CANAL STREET  
CHICAGO, ILLINOIS 60606-7206

REPLY TO  
ATTENTION OF:

Technical Services Division  
Regulatory Branch  
200000007  
LRC-2000-20587

JUL 18 2007

SUBJECT: Modification to the Non-Judicial Settlement Agreement  
for the Pine Ridge Park Violation in St. Charles, Kane County,  
Illinois

Greg Nutt  
Pine Ridge Park, LLC  
975 N. Second Ave.  
St. Charles, IL 60174

Dear Mr. Nutt:

This is in reference to a letter submitted on your behalf by Christopher B. Burke Engineering, Ltd. (CBBEL), dated June 18, 2007, in which you requested a modification to your Regional Permit Program authorization granted on August 22, 2005.

This office has reviewed your plans to retain an additional 1.326 acres of wetland fill due to the nature of the material involved, with mitigation in the form of a payment of \$179,010.00 (One hundred seventy nine thousand and ten dollars) to the Northeast Illinois Wetlands Conservation Account within 30 days of the date of this letter, and has no objection to the proposed revisions. Except as changed herein, all terms and conditions of the original authorization remain in full force and effect, including the expiration date of the authorization.

You are directed to attach this letter and the revised plans to all copies of the permit, including those at the work site.

It is your responsibility to obtain or modify required state or local approvals for the revision before commencing any work. Furthermore, if it becomes necessary to request further modification of the authorized project, this office reserves the right to re-evaluate the project pursuant to new regulations, procedures, or policies.



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S59037A

CERTIFIED ORIGINAL

STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF KANE )

BEFORE THE CITY OF ST. CHARLES PLAN COMMISSION

In Re the Matter of: )  
 )  
Pine Ridge/Regency Estates )  
PUD Lot 19 (Real Property )  
Holding - St. Charles, IL, )  
LLC) Application for Amendment )  
to Special Use Ordinance )  
2006-Z-4, to create an )  
additional lot for commercial )  
use. )

RECEIVED  
St. Charles, IL  
DEC 16 2010  
CDD  
Planning Division

REPORT OF PROCEEDINGS had at the hearing of  
the above-entitled matter, before the City of  
St. Charles Plan Commission, taken in the offices  
of City of St. Charles, 2 East Main Street,  
St. Charles, Illinois, on December 7, 2010, at  
the hour of 7:00 p.m.

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**PRESENT:**

- MR. TODD WALLACE, Chairman;**
- MR. TIM KESSLER, Vice Chairman;**
- MR. BRIAN DOYLE, Member;**
- MR. CURT HENNINGSON, Member; and**
- MR. TOM SCHUETZ, Member.**

**ALSO PRESENT:**

- MS. RITA TUNGARE, Community Development Director;**
- MR. RUSSELL COLBY, Planner; and**
- MR. MATTHEW O'ROURKE, Planner.**

REPORT OF PROCEEDINGS -- 12/07/2010  
PINE RIDGE/REGENCY ESTATES PUD LOT 19

3

1 CHAIRMAN WALLACE: This meeting of  
2 the St. Charles Plan Commission will come to  
3 order.

4 I need a roll call.

5 VICE CHAIRMAN KESSLER: Do you want  
6 me to do the roll?

7 CHAIRMAN WALLACE: Sure.

8 Tim, roll call.

9 VICE CHAIRMAN KESSLER: Doyle?

10 MEMBER DOYLE: Here.

11 VICE CHAIRMAN KESSLER: Schuetz?

12 MEMBER SCHUETZ: Here.

13 VICE CHAIRMAN KESSLER: Henningson?

14 MEMBER HENNINGSON: Here.

15 VICE CHAIRMAN KESSLER: Wallace?

16 CHAIRMAN WALLACE: Here.

17 VICE CHAIRMAN KESSLER: Kessler,

18 here.

19 CHAIRMAN WALLACE: All right.

20 Item No. 3 on your agendas is presentation  
21 of the minutes of the October 5th, 2010, meeting.

22 Is there a motion to approve?

23 MEMBER DOYLE: So moved.

24 MEMBER SCHUETZ: Second.

REPORT OF PROCEEDINGS -- 12/07/2010  
PINE RIDGE/REGENCY ESTATES PUD LOT 19

4

1 CHAIRMAN WALLACE: It's been moved  
2 and seconded.

3 All in favor?

4 (The ayes were thereupon heard.)

5 CHAIRMAN WALLACE: Opposed?

6 (No response.)

7 CHAIRMAN WALLACE: The motion passes  
8 unanimously.

9 And now we are moving on to the public  
10 hearing portion of the meeting. Items No. 4 and  
11 5 on your agenda are public hearings.

12 Neither of these are continued -- no, these  
13 are both new public hearings.

14 During the public hearing portion of our --  
15 of our meeting, this is a time for an Applicant  
16 to present an application before the City, and  
17 the Plan Commission's job is to solicit testimony  
18 under oath both from the Applicant and from  
19 Plan Commissioners and members of the public who  
20 wish to testify either for or against the  
21 application.

22 During the course of tonight's meeting, we  
23 will have the Applicant make a presentation  
24 regarding his application, we will have

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5

1 Plan Commissioners ask questions, and then  
2 members of the audience ask questions.

3 At the end of the meeting, we will not vote  
4 on this item. The only motion that will be in  
5 order is to either close the public hearing or  
6 continue the public hearing to a future date, and  
7 at some date in the future, we will vote on both  
8 of these items, as neither of them are up for  
9 action tonight.

10 Any questions?

11 (No response.)

12 CHAIRMAN WALLACE: All right. If I  
13 could now have anyone who plans to give any  
14 testimony or ask any questions on either  
15 Nos. 4 or 5, stand, raise your right hand, and be  
16 sworn in.

17 Matt.

18 (Three witnesses were thereupon  
19 duly sworn.)

20 CHAIRMAN WALLACE: Thank you. You  
21 may be seated.

22 All right. And the only thing I would ask  
23 is for those who plan on giving testimony or  
24 asking any questions, please do not speak until

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1 recognized by the Chairman. We have a Court  
2 Reporter here in the room, and he can only take  
3 down the words of one person at a time.

4 And if anyone becomes unruly, we will ask  
5 you to leave the room.

6 All right? And, also, I would ask you to  
7 stand, approach the lectern, state your name,  
8 spell your last name for the record, and also  
9 state your address for identification.

10 And do we have items -- I believe we do  
11 have items for the record.

12 First of all, we have No. 4 on your agenda,  
13 which is Pine Ridge/Regency Estates PUD Lot 19,  
14 Real Property Holding - St. Charles, IL, LLC,  
15 application for amendment to Special Use  
16 Ordinance 2006-Z-4 to create an additional lot  
17 for commercial use.

18 Supporting plans: Concept plan revised  
19 3/10/08 and received 9/27/10; Lot 19 grading and  
20 utility plan dated 3/10/08 and received 9/27/10.  
21 Let's see what we have here.

22 And for the record, we have Exhibit A,  
23 which is a special use application.

24 "Property Information: Proposed Lot 19 in

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7

1 Pine Ridge Park."

2 "Applicant Information: Real Property  
3 Holdings - St. Charles, IL, LLC."

4 The Comprehensive Plan Designation of the  
5 property is "Commercial."

6 The property's current zoning is BC PUD.

7 "What is the property currently used for?"  
8 "Vacant, proposed detention/wetlands; no longer  
9 necessary."

10 "What Special Use are you applying for?"  
11 "Amendment to PUD."

12 "If the proposed Special Use is approved,  
13 what improvements or construction are planned?"  
14 "Additional commercial building."

15 "What Special Use Ordinance do you want to  
16 amend?" "Ordinance No. 2006-Z-4."

17 "Why is the proposed change necessary?"  
18 "Property no longer required for detention/  
19 wetlands. Developer made payments for wetland  
20 mitigation in lieu of contributing 1.64 acres of  
21 wetlands."

22 "What are the proposed amendments?"  
23 "Create additional lot of approximately  
24 1.36 acres in Pine Ridge Park."

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1                   Attached to that is a Findings of Fact  
2                   Sheet - Special Use for a Planned Unit  
3                   Development and a Findings of Fact Sheet -  
4                   Special Use, Ownership Disclosure Form, and a  
5                   staff memo to Chairman Todd Wallace and members  
6                   of the Plan Commission from Matthew O'Rourke,  
7                   AICP, Planner, regarding the public hearing for  
8                   Pine Ridge Lot 19 dated December 3rd, 2010.

9                   I'm sorry. That's not attached. That's  
10                  actually Plan Commission Exhibit B.

11                  And we have Plan Commission Exhibit C,  
12                  which is also a memorandum dated 11/10/10,  
13                  received on 11/15/10, to Matthew O'Rourke, from  
14                  Christopher Tiedt, P.E., regarding Pine Ridge  
15                  Park Lot 19 concept plan.

16                  Those are the only items for the record on  
17                  No. 4.

18                  Is there anything -- actually, we'll go  
19                  ahead with the Applicant.

20                  I'm sorry. I'm a little rusty as it's been  
21                  a while since we had any meetings lately.

22                  MR. COOKE: My name is Jim Cooke.  
23                  I'm the attorney for the Applicant, and that's  
24                  spelled C-o-o-k-e. My address is 215 West

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1 Illinois Street, St. Charles, Illinois.

2 I don't really have much to add to what  
3 you've already said.

4 Basically, the Applicant seeks the  
5 additional Lot 19. From all accounts, the  
6 engineering -- there needs to be some additional  
7 engineering that the staff points out in their  
8 presentation but that's certainly doable.

9 The reason for the additional -- of course,  
10 the reason for the request is to enhance the  
11 value of the property, and, sure, it's a benefit  
12 to all of us because it increases the tax base,  
13 et cetera, so I guess I can respond to questions  
14 you will have.

15 CHAIRMAN WALLACE: Sure.

16 Any questions from members of the Plan  
17 Commission?

18 Go ahead, Brian.

19 MEMBER DOYLE: I have a couple of  
20 questions.

21 The materials we received indicate that an  
22 amount of \$179,000 was paid by the previous owner  
23 to mitigate loss of wetlands.

24 I guess my first question is understanding

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1 the terms of that transaction.

2 Was that to mitigate loss for wetlands that  
3 were within the boundaries of the existing PUD,  
4 outside the boundaries of the existing PUD, or  
5 both?

6 MR. COOKE: My understanding is it  
7 was to mitigate the loss within the existing --  
8 the boundaries of the existing PUD --

9 MEMBER DOYLE: Okay.

10 MR. COOKE: -- not outside.

11 MEMBER DOYLE: Not outside, okay.

12 MR. COOKE: That's my understanding  
13 but I wanted to clarify that. I'm not that  
14 conversant with exactly the terms of that  
15 payment.

16 MEMBER DOYLE: Okay.

17 MR. COOKE: It was pursuant to an  
18 agreement with the Army Corps of Engineers as to  
19 the wetland area that's immediately to the north  
20 and west of Lot 19 and comprises -- some of which  
21 is the wetland adjacent to the detention within  
22 the entire Pine Ridge Park and Regency Estates  
23 detention.

24 MEMBER DOYLE: The second question in

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1 my -- you might also -- I'll just ask it. It  
2 stems from that agreement with the Army Corps of  
3 Engineers, that we have a letter here dated  
4 July 2007, the subject of which reads,  
5 "Modification to the nonjudicial settlement  
6 agreement for the Pine Ridge Park violation,  
7 St. Charles, Kane County, Illinois."

8 The letter doesn't really specify -- it  
9 implies that there was some violation made but  
10 doesn't say what it was. It simply says that  
11 they're planning to retain an additional  
12 1.326 acres due to the nature of the material  
13 involved with mitigation in the form of payment  
14 of \$179,000.

15 Let me just sort of back up a step here,  
16 and the reason why I'm asking this question is so  
17 there -- the findings of fact that we have --  
18 basically, the way I'm reading it, the argument  
19 is that an amount has been paid for mitigation  
20 already, and, therefore, the Applicant is  
21 requesting an amendment to the PUD in  
22 consideration of that -- of that amount.

23 Maybe that's not --

24 MR. COOKE: That is not really the

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12

1 argument.

2 MEMBER DOYLE: Okay.

3 MR. COOKE: We think it's an  
4 appropriate amendment to the PUD irrespective of  
5 that payment.

6 MEMBER DOYLE: Okay.

7 MR. COOKE: But I think what you need  
8 to know is that we reference that because that  
9 was done, but to go back in history some -- I  
10 can't tell you I studied up on that before making  
11 my presentation -- and pardon me for not doing  
12 so -- the violation, I don't believe, was created  
13 by the prior owner of this property.

14 It would have been Greg Nutt, who was the  
15 owner of Pine Ridge Park and Regency Estates, the  
16 initial developer. It was a violation that  
17 existed when he purchased the property from the  
18 Petkus estate, and for those of you who have  
19 lived here a long time, you may recall that that  
20 property was full of violations of that type  
21 because the then-prior owner, Mr. Petkus, who had  
22 owned it for a great number of years, had  
23 allowed, with an agreement with the City of  
24 St. Charles -- ironically -- the State of

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1 Illinois to -- strike "St. Charles" -- let's just  
2 stay with the State of Illinois -- to dump a lot  
3 of their -- well, spoil from when they a number  
4 of years ago redid Route 64 so that a lot of  
5 the -- there was -- there was a lot of -- there  
6 was -- there were a lot of violations -- let's  
7 put it that way -- and my client bought the  
8 property and cleaned it up, moved over, I think,  
9 a million cubic yards -- I'm sorry -- of -- of  
10 fill, recompact a lot of things to make that  
11 usable, and I can't quote you chapter and verse  
12 at this point, but I know it was quite an expense  
13 for him, although, from a dollar and cents  
14 perspective, it made good business sense at the  
15 time, and this violation with the Army Corps had  
16 been existing prior to his purchase, and we  
17 negotiated a resolution based upon the new  
18 development of the property and how we -- to  
19 mitigate the wetland and, also, how to put the  
20 detention in for the Pine Ridge Park and for the  
21 Regency Estates.

22 MEMBER DOYLE: Okay.

23 MR. COOKE: So I think it's sort of  
24 important that my client -- my former client --

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14

1 I represented Mr. Nutt previously, also -- that  
2 he did not create the violation but he did  
3 resolve it.

4 MEMBER DOYLE: So I just want to go  
5 back to something you said, then.

6 So, then, the application in front of us  
7 should not be regarded as in consideration for  
8 mitigation paid but on its -- on its face --

9 MR. COOKE: On its own merits.

10 MEMBER DOYLE: -- on its own merits.

11 MR. COOKE: It's not a suggestion  
12 that the City owes us anything because of money  
13 we paid. If it came across in the verbiage,  
14 I apologize. That wasn't the intention at all.

15 MEMBER DOYLE: And I'm not saying  
16 that it did come across that way. I just want to  
17 clarify what -- what we -- what the proposition is.

18 Another question I have, then, moving on to  
19 the -- some of the maps of the property, the  
20 topographical maps, has to do with trying to  
21 understand why the PUD boundary was established  
22 as it was initially.

23 So the parcel in question, No. -- No. -- I  
24 don't know if it's possible for us to see this on

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1 the screen.

2 MR. O'ROURKE: Yeah. Like an aerial?

3 MEMBER DOYLE: I have -- yes.

4 CHAIRMAN WALLACE: It's on page 21 in  
5 the packet.

6 MR. O'ROURKE: Do you want to see  
7 that or like an actual map of the surrounding  
8 area?

9 MEMBER DOYLE: Actually, it's on  
10 page 22 of 124 -- is the map in question.

11 Yes, right there.

12 So to the -- instead of being southwest of  
13 the -- of the parcel, parcel indicated No. 1,  
14 there's some contours that cross in a general  
15 north -- north/south -- yeah, exactly right  
16 there -- and I'm wondering if those -- this is  
17 sort of beyond my area of expertise, but I'm  
18 wondering if that contour formed at all the  
19 delineation of the initial PUD and what -- what  
20 the basis of the initial PUD was and what the  
21 basis of this PUD is in terms of -- in terms of  
22 land use.

23 MR. O'ROURKE: I'm not sure why this  
24 lot was graded as such. I know there's a pretty

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1 steep fall as you head this way, but you'd have  
2 to ask one of the engineers, either our review  
3 engineer or the engineer that designed it, to  
4 answer that.

5 This lot intended to be the end of the  
6 commercial property as the original PUD was  
7 proposed, and this was supposed to be part of the  
8 wetland area, so, I mean, that -- your -- it was  
9 supposed to stop here, and then the point of the  
10 public hearing tonight is to look at this, the  
11 proposal of this new lot.

12 MEMBER DOYLE: Right. Right.

13 MR. O'ROURKE: But, originally, this  
14 was supposed to be the last commercial lot.

15 MEMBER DOYLE: So let me rephrase my  
16 question, then.

17 Why is -- why is this -- this wetland  
18 space, then, or retention area no longer  
19 necessary?

20 MR. O'ROURKE: As I understand it  
21 from speaking with our review -- development  
22 review engineer, this -- when this area was  
23 graded, and as it became known and after the PUD  
24 was approved, they went out there and did the

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17

1 mass grading, found that a majority of this site  
2 was too high to hold any water and really didn't  
3 suit the purposes of a wetland, and that's when  
4 the previous owner put this proposal together to  
5 amend the PUD two years ago.

6 He had come to the City and asked about it  
7 at that time and had us look at it, but he never  
8 submitted any formal application because then he  
9 fell into other issues.

10 MEMBER DOYLE: Okay. So -- so,  
11 basically, if -- what you're saying, then, is  
12 that the majority of the proposed lot line  
13 actually doesn't constitute wetlands at all  
14 because -- because of its elevation?

15 MR. O'ROURKE: As far as what the  
16 engineer told me, is that it -- it -- when they  
17 finished the grading, it wasn't holding any water  
18 and couldn't serve that purpose, just because of  
19 the way the property was naturally graded.

20 MEMBER DOYLE: Okay.

21 CHAIRMAN WALLACE: All right.

22 VICE CHAIRMAN KESSLER: So that could  
23 have been the violation. When they did the mass  
24 grading, it's only 4 feet lower than the one next

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18

1 to it, and it drops off. It goes from 778 to  
2 774, 4 feet difference, so the mass grading would  
3 have caused the violation, and they had to  
4 mitigate it then, but it's neither here nor  
5 there. It's before they got ahold of it.

6 MR. COOKE: It was before Greg Nutt  
7 got ahold of it. It was the Petkus property.

8 VICE CHAIRMAN KESSLER: It wasn't the  
9 mass grading when it was the Petkus property?

10 MR. COOKE: No. It was the way the  
11 property had been dumped on and et cetera.

12 VICE CHAIRMAN KESSLER: It was a  
13 turkey farm.

14 MR. COOKE: That was a long time ago,  
15 but that was before -- there were existing  
16 violations of my client personally from the  
17 Petkus estate.

18 VICE CHAIRMAN KESSLER: Okay.

19 MS. TUNGARE: Those violations, if I  
20 may, preceded any mass grading that would have  
21 occurred on the property. I concur with  
22 Mr. Cooke on that.

23 CHAIRMAN WALLACE: All right. Any  
24 other questions?

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19

1 (No response.)

2 CHAIRMAN WALLACE: All right.

3 Anything from members of the public?

4 (No response.)

5 CHAIRMAN WALLACE: All right.

6 VICE CHAIRMAN KESSLER: I make a  
7 motion to adjourn the public hearing.

8 MR. O'ROURKE: Before you do that, I  
9 just wanted to add a couple of things just so  
10 everybody is aware.

11 CHAIRMAN WALLACE: Okay.

12 MR. O'ROURKE: This was outlined in  
13 my staff report, but this will constitute -- what  
14 this amendment constitutes is basically a change  
15 in the overall concept plan that showed a general  
16 layout for the property.

17 Once that -- this lot becomes -- and  
18 somebody comes to develop it, they will have to  
19 come back to the Plan Commission for a PUD  
20 preliminary plan approval, which is when some of  
21 the more design issues will come up. You can't  
22 just approve this lot and have a building built  
23 on it, a permit issued the next day. We'll come  
24 back to this Board to review it at some point in

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1 the future, so I want to make sure everyone was  
2 aware of that.

3 VICE CHAIRMAN KESSLER: Okay.

4 CHAIRMAN WALLACE: Okay. All right.

5 VICE CHAIRMAN KESSLER: So I have a  
6 motion to close the public hearing.

7 CHAIRMAN WALLACE: It's been moved to  
8 close the public hearing.

9 Is there a second?

10 MEMBER SCHUETZ: Second.

11 CHAIRMAN WALLACE: Any discussion on  
12 the motion?

13 (No response.)

14 CHAIRMAN WALLACE: Tim.

15 VICE CHAIRMAN KESSLER: Doyle?

16 MEMBER DOYLE: Aye.

17 VICE CHAIRMAN KESSLER: Schuetz?

18 MEMBER SCHUETZ: Aye.

19 VICE CHAIRMAN KESSLER: Wallace?

20 CHAIRMAN WALLACE: Aye.

21 VICE CHAIRMAN KESSLER: Henningson?

22 MEMBER HENNINGSON: Yes.

23 VICE CHAIRMAN KESSLER: Kessler, yes.

24 CHAIRMAN WALLACE: All right. The

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1                   public hearing is closed, and that concludes  
2                   Item No. 4 on your agenda.

3                   MR. COOKE: Thank you very much.

4                   CHAIRMAN WALLACE: Thank you.

5                                   (Which were all of the  
6                                   proceedings in the above-  
7                                   entitled matter at  
8                                   7:20 p.m.)

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF K A N E )

I, Glenn L. Sonntag, Certified Shorthand Reporter No. 084-002034, Registered Diplomate Reporter, do hereby certify that I reported in shorthand the proceedings had in the above-entitled matter, and that the foregoing is a true, correct, and complete transcript of my shorthand notes so taken as aforesaid.

In testimony whereof I have hereunto set my hand on this 16th day of December, 2010.



*Glenn L. Sonntag*

Certified Shorthand Reporter  
Registered Diplomate Reporter  
Certified Legal Video Specialist

