



## AGENDA ITEM EXECUTIVE SUMMARY

Title: **Pine Ridge Business Park ( Lot – 19)**

Presenter: Matthew O'Rourke

*Please check appropriate box:*

|   |                                 |  |                     |
|---|---------------------------------|--|---------------------|
|   | Government Operations           |  | Government Services |
| X | Planning & Development – 5/9/11 |  | City Council        |
|   | Public Hearing                  |  |                     |

|                 |    |           |     |  |    |  |
|-----------------|----|-----------|-----|--|----|--|
| Estimated Cost: | NA | Budgeted: | YES |  | NO |  |
|-----------------|----|-----------|-----|--|----|--|

If NO, please explain how item will be funded:

**Executive Summary:**

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.

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:

- 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 Planned Unit Development.

The Plan Commission recommended **APPROVAL** of the applications on 4-19-11. The vote was unanimous 5-AYE to 0-NAY.

**Attachments:** *(please list)*

Staff Report and Attachments, Plan Commission Resolution, Applications

**Recommendation / Suggested Action** *(briefly explain):*

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.

*For office use only:*

*Agenda Item Number:*

Community Development  
 Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman, Daniel P. Stellato and  
 The Members of the Planning & Development Committee

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

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

**DATE:** April 29, 2011

**I. APPLICATION INFORMATION:**

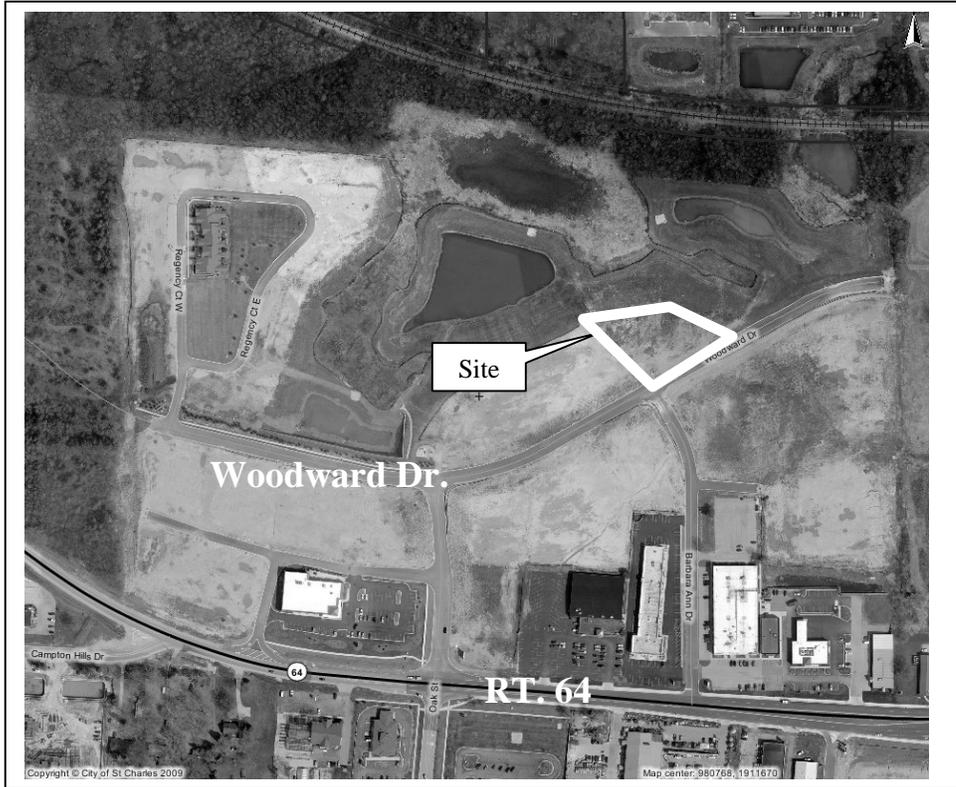
**Project Name:** Pine Ridge – Lot 19

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

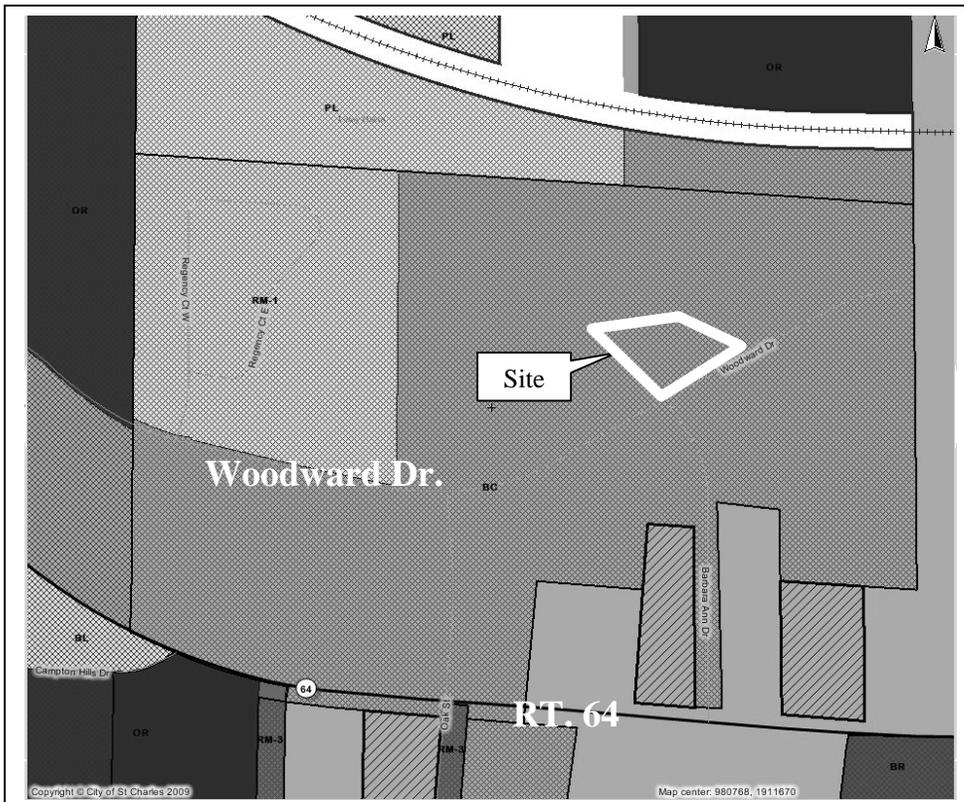
**Purpose:** Applications for an Amendment to a Special Use for a Planned Unit Development (Pine Ridge Park) and Final Plat of Subdivision to create one additional commercial lot (Lot – 19).

| General Information:                               |   |                         |
|--|---|-------------------------|
| <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><br><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    |
|------------------------------------|--|--------------------------------------|-------------|
| <b>Minimum Lot Area</b>            | None   | 1 - Acre                             | 1.639 Acres |
| <b>Minimum Lot Width</b>           | 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. PLAN COMMISSION**

The Plan Commission held a public hearing on the application for a Special Use to amend a the Pine Ridge Business Park for a PUD on 12-7-2010. The Plan Commission did not state any concerns with the proposal.

The Plan Commission made a recommendation for the Application for a Special Use to amend to the Pine Ridge Business Park and the Application for a Final Plat of Subdivision to create a 19<sup>th</sup> commercial lot on 4-19-11

The Vote was unanimous

5 - AYE

0 - NAY

### **VII. 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.

## **VI. 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 a PUD that contains 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 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).

- 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

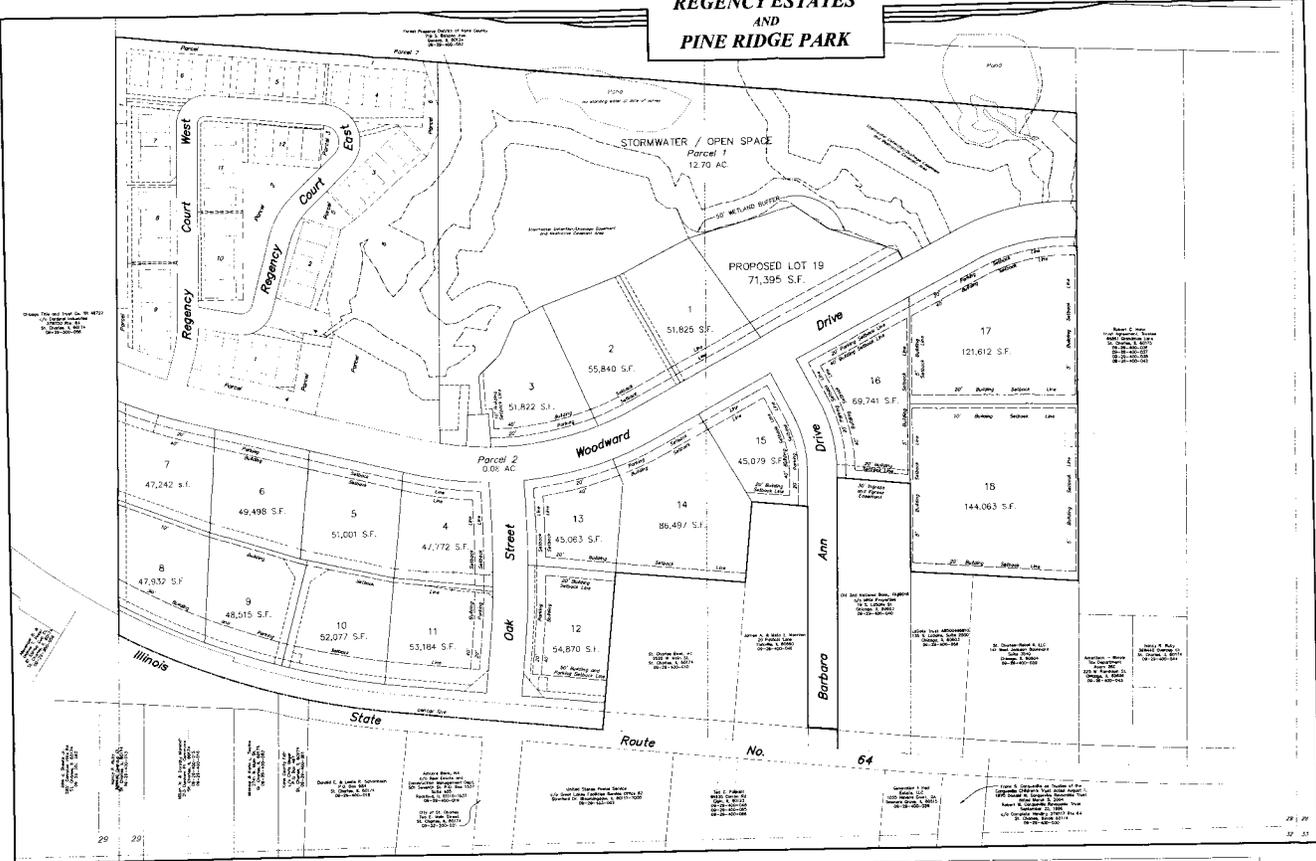
Use as a Planned Unit Development for Pine-Ridge Park and Regency Estates PUD (A Portion of the West Gateway PUD) are consistent with the Retail and Service uses specified in the Comprehensive Plan.

## **VIII. ATTACHMENTS**

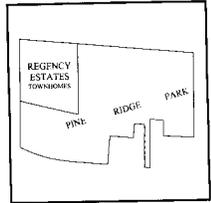
Concept Plan Regency Estates and Pine Ridge Park; Transland, Ltd.; Dated 9-24-10  
Pine Ridge Park – Lot 19 Grading & Utility Plan; Western Surveying & Engineering, P.C., Dated 3-10-11  
Final Plat of Subdivision, Western Surveying & Engineering, P.C., Received on 3-31-11  
Public Hearing Transcripts 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



**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.  | TOWNSHIP AREA               | 13.17 AC.    |
| OPEN SPACE/STORMWATER AREA                    | 12.78 AC. | NUMBER OF TOWNSHIP UNITS    | 62 UNITS     |
| AREA IN PROPOSED RIGHT-OF-WAY                 | 67.99 AC. | TOWNSHIP AREA GROSS DENSITY | 4.7 D.U./AC. |

PREPARED BY:  
**TRANSLAND, LTD.**  
116 S. 13TH STREET  
ST. CHARLES, ILLINOIS 60174  
(630) 265-1199 (630) 845-6601 FAX  
COPYRIGHT, 2006, BY TRANSLAND, LTD.

PREPARED FOR:  
CUSTOM TOWNSHIP AREA:  
**REGENCY ESTATES, L.L.C.**  
975 N. 2ND AVENUE  
ST. CHARLES, ILLINOIS 60174  
(630) 513-2864

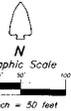
COMMERCIAL AREA:  
**PINE RIDGE PARK, L.L.C.**  
975 N. 2ND AVENUE  
ST. CHARLES, ILLINOIS 60174  
(630) 513-2220

N  
SCALE: 1" = 100'

PROJECT NO. 06-001  
DATE: 10/11/06  
REVISED: 02/23/07  
10/07  
10/07



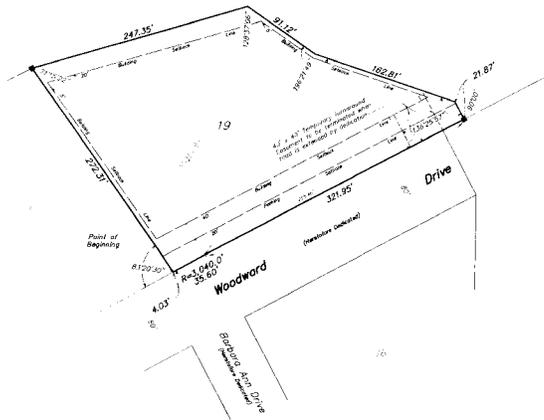
# Resubdivision of part of Parcel 1 Pine Ridge Park Phase I Planned Unit Development City of St. Charles Kane County Illinois



■ indicates concrete monument  
 ∠ indicates 90° angle  
 Run size shall be set of 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 2008071587.  
 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 herein.

Lot Number: 19  
 Square Footage: 71,395

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



State of Illinois )  
 County of Kane ) ss I, Western Engineering, P.C. (Illinois Professional Design Firm No. 04-002667), have surveyed, subdivided and plotted 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 northwesterly along a southeasterly line of said Parcel 4.03 feet to a point of curvature thereon, thence northwesterly along a southeasterly line of said Parcel being along a curve to the right having a radius of 304.61 feet tangent to the last described course 15.80 feet to a point of tangency, thence northwesterly along a southeasterly line tangent to the last described curve at the last described point 121.55 feet, thence northwesterly along a line perpendicular to the last described course 21.82 feet, thence westerly along a line forming an angle of 125°22'57" from the last described course (measured clockwise therefrom) 162.01 feet, thence northwesterly along a line forming an angle of 109°21'49" from the last described course (measured clockwise therefrom) 91.12 feet, thence westerly along a line forming an angle of 108°17'06" from the last described course (measured clockwise therefrom) 247.35 feet to the northerly corner of said Lot 1, thence southeasterly along the northerly line of said Lot 1 forming an angle of 27°52'21" from the last described course (measured clockwise therefrom) 272.33 feet to the point of beginning in the City of St. Charles, Kane County, Illinois and containing 1,639 acres as shown on the plot hereto 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 Forest 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 416, Community-Plan Number 1708650267, 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 )  
 County of Kane ) ss This is to certify that Real Property Holding, St. Charles, Illinois, LLC is the owner of the land described in the foregoing surveyor's certificate and has caused the same to be surveyed, subdivided and plotted as shown by the plot hereto drawn, for the uses and purposes therein set forth as allowed and provided for herein, 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 I hereby acknowledge and accept 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: \_\_\_\_\_ Manager Attest: \_\_\_\_\_ Secretary

State of Illinois )  
 County of Kane ) ss I, \_\_\_\_\_ a Notary Public in and for the County and County of Kane ) do hereby certify that \_\_\_\_\_ Secretary, who is 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 aforesaid 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.

**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., New Gas Company, Comcast Cable and to their successors and assigns (hereinafter "Utilities") in, across, under and through the Lot shown herein, for the purpose of installing, constructing, reconstructing, inspecting, operating, repairing, renewing, altering, enlarging, removing, replacing, cleaning and maintaining electrical, cable television, communication, gas, telephone or other utility lines or apparatuses, sanitary sewers, storm sewers, drainage ways, storm water detention or retention, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, vaults, valves, and without limitation, such other installations as may be required to furnish public utility service to the subdivided area, and such apparatuses and additions thereto as said City and Utilities may deem reasonably necessary, together with the right of access thereon 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 as a general matter 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, or, 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.

Prepared by:  
**Western Engineering, P.C.**  
 6044 E. Rue 25  
 St. Charles, Illinois 60174  
 (224) 238-3277 (224) 532-9123 Fax

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

State of Illinois )  
 County of Kane ) ss I, \_\_\_\_\_ a Notary Public in and for the County and State of Illinois do 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 aforesaid 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 )  
 County of Kane ) ss This is to certify that I, John A. Cunningham, County Clerk in and for the County of Kane, do hereby certify that there are no unpaid forbearance 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 )  
 County of Kane ) ss I, \_\_\_\_\_ Collector of Special Assessments for the City of St. Charles, Illinois, do hereby certify that there are no delinquent or unpaid current or forfeited special assessments or any delinquent amounts 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 )  
 County of Kane ) ss Approved by the City of St. Charles Plan Commission at a meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
 By: \_\_\_\_\_ Chairman Attest: \_\_\_\_\_ Secretary

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

State of Illinois )  
 County of Kane ) ss Approved and accepted by the Mayor and City Council of the City of St. Charles at a meeting held the \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
 By: \_\_\_\_\_ Mayor Attest: \_\_\_\_\_ City Clerk

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

1  
2  
3  
4  
5  
6  
7  
8  
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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.

1           **PRESENT:**

2                   **MR. TODD WALLACE, Chairman;**

3                   **MR. TIM KESSLER, Vice Chairman;**

4                   **MR. BRIAN DOYLE, Member;**

5                   **MR. CURT HENNINGSON, Member; and**

6                   **MR. TOM SCHUETZ, Member.**

7           **ALSO PRESENT:**

8                   **MS. RITA TUNGARE, Community Development Director;**

9                   **MR. RUSSELL COLBY, Planner; and**

10                  **MR. MATTHEW O'ROURKE, Planner.**

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

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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

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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

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

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

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

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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

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

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."

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

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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

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

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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

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

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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

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

11

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

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

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

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

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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 --

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

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

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

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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

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

16

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

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

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

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

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?

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

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

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

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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

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

21

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



**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

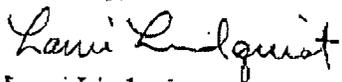
Dear Mr. Nutt,

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.



**City of St. Charles, Illinois**

**Ordinance No. 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)**

**Adopted by the  
City Council  
of the  
City of St. Charles  
January 17, 2006**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, January 20, 2006**

  
City Clerk



DATE OF PUBLICATION 1/20/06  
NEWSPAPER *perplex*

REFER TO  
MINUTES 1/17/06  
PAGE \_\_\_\_\_

ORDINANCE NO. 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)**

WHEREAS, a petition for rezoning from the R-1 Single Family Residence District to the R-4A Attached Single Family Residence District for the real estate described in Exhibit I attached hereto and made a part hereof (hereinafter sometimes referred to as "Regency Estates") has been filed by Regency Estates, L.L.C., being the owner of record of Regency Estates; and

WHEREAS, a petition for rezoning from the R-1 Single Family Residence District to the B-3 Service Business District for the real estate described in Exhibit II attached hereto and made a part hereof (hereinafter sometimes referred to as "Pine Ridge Park") has been filed by Pine Ridge Park, L.L.C., being the owner of record of Pine Ridge Park; and

WHEREAS, a petition for granting a Special Use as a Planned Unit Development for Regency Estates and Pine Ridge Park, being the real estate described in Exhibit "III" attached hereto and made a part hereof, (hereinafter sometimes referred as "Subject Realty") has been filed by Pine Ridge Park, L.L.C. and Regency Estates, L.L.C., being the owners of record (hereinafter sometimes collectively referred to as "OWNERS") of the Subject Realty; and

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

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

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

**FINDINGS OF FACT FOR REZONING:**

**1. Existing uses of property within the general area of the Subject Realty.**

The property to the north is owned by Kane County Forest Preserve District and is passive open space, not currently used for active recreation use. At the southeast corner of the Subject Realty, several retail uses already exist along Main Street, including a bowling alley and a tavern. To the south, across Main St. there are several service uses, including the Post Office, a bank, a vending service company, and a rental company. Additional retail uses are planned as part of the recently approved Zylstra Center PUD, at the NE corner of Main Street

and Randall Road. The property to the west is currently industrial and vacant, and the property to the east is vacant.

**2. The zoning classification of property within the general area of the Subject Realty.**

The property to the North is zoned R-1 PUD, the property to the south is B-3 Service Business and E-1 Single Family Estate. The E-1 parcels are recently annexed properties that either contain business uses (such as St. Charles Bowl), or are planned for office use. The property to the east is zoned M-1, Manufacturing. The property to the west is zoned R-1 PUD which permits commercial and residential uses.

**3. The suitability of the Subject Realty to the uses permitted under the existing zoning classification.**

The R-1 classification does not accommodate the uses contemplated under the existing or proposed PUD, or in the Comprehensive Plan, and the Subject Realty is not well suited to a large lot single family development due to its topography and its proximity to commercial and industrial uses. The City's practice in 1990 was to assign R-1 zoning or other restrictive districts to PUD's, and to grant additional uses and standards via the PUD. City policy has changed, and it is now considered more appropriate for the underlying zoning district(s) in PUD's to more closely align with the uses and standards as the Subject Realty will be developed.

**4. The trend of development, if any, in the general area of the Subject Realty.**

The trend of development in the area is for commercial and other business uses, for areas either fronting on or in close proximity to Rt. 64. Some multifamily uses are being proposed as one moves further away from the intersection of Randall and Rt. 64 (Remington Glen is under construction).

**5. Projected use of the Subject Realty, as indicated in the Comprehensive Plan.**

The Comprehensive Plan designation for the Subject Realty is for Retail and Service – a mix of retail, services and other similar business uses.

**FINDINGS OF FACT FOR SPECIAL USE:**

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

The Special Use for a PUD is already in place. This proposal calls for the modification of the specific location of the permitted residential and retail commercial areas (legal descriptions) already approved within the existing PUD. The site plan indicates that the site will be developed in an orderly manner, and will not be detrimental to or endanger the public health,

safety, comfort or general welfare.

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

The Special Use will offer a planned opportunity for retail to develop along the Route 64 corridor and in the interior of the Subject Realty. Retail and office uses along Rt. 64 are anticipated in the City's Comprehensive Plan. The Special Use will compliment other retail development in the vicinity. The residential portion of the proposed PUD will be tucked away in the north-west corner, and eventually will be connected to other residential uses to the west.

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

The Special Use will promote the orderly development of the surrounding property by the proposed extension of roads and utilities. The proposed uses will not impede the development or improvement of surrounding properties. On the contrary, it is hoped that the proposed PUD will function as a catalyst.

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

The necessary infrastructure in terms of roads and utilities will be constructed as part of this PUD. The site is proposed to be served by the planned extension of Oak Street and via the existing Barbara Ann Drive off of Rt. 64. Additionally, there is a right-in-right-out access proposed at the western corner of the Subject Realty. A new road (Woodward Drive), running in the east-west direction along the length of the Subject Realty will provide future connections to Randall Road to the east, as well as a future connection to the property to the west and to Peck Rd. On-site detention will be provided as part of this PUD.

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

As mentioned above, the site will be adequately served by roads with direct access off of Rt. 64. Access will consist of a right in/right out, a full access at Oak Street, and a full access at the existing Barbara Ann Drive, which is proposed to be dedicated. The new east-west road will assist in relieving congestion at the intersection of Main Street and Randall Road, once it is connected to Randall and Peck via adjoining developments.

- 6. That the Special Use shall, in all other respects, conform to the applicable regulations of the B-3 Service Business District and the R-4A Single Family Attached Residence District, as appropriate, except as such regulations may in each instance be modified by**

**the City Council pursuant to recommendations of the Plan Commission.**

The Special Use will conform to all other applicable regulations of the B-3 and R-4A Districts as well as the provisions of the Special Use granting the Planned Unit Development.

**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 17.02.180 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 by: a) rezoning Pine Ridge Park to the B-3 Business Service District, b) rezoning Regency Estates to the R-4A Attached Single Family Residence District and c) the granting of a Special Use as a Planned Unit Development for the entire Subject Realty, pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended, all of the Subject Realty being subject to the additional conditions, variations and restrictions hereinafter set forth.

**SECTION 2.** That the Subject Realty may be developed only in accordance with the St. Charles Municipal Code as now in effect or as hereafter amended (except as specifically varied herein), the requirements of the B-3 or R4A zoning district, as appropriate, together with the requirements of the Special Use for the Planned Unit Development being granted (except as specifically varied herein), and in accordance with the additional procedures, definitions, uses, and restrictions contained herein and set forth in Exhibits "IV-A", "IV-B", "V", "VI-A", "VI-B", "VI-C", "VI-D", "VI-E", "VI-F" and "VI-G", all as attached hereto and made a part hereof..

**A. Zoning Requirements and Standards**

1. Permitted and Special Uses: Only those uses listed in Exhibit "IV-A" as to Pine Ridge Park and Exhibit "IV-B" as to Regency Estates shall be allowed as permitted and special uses within those respective portions of the Subject Realty, as set forth therein.
2. Residential Density: A maximum of 61 attached single family dwelling units shall be

permitted within Regency Estates. Moderately priced dwelling units (affordable to persons making 80-120% of the Area Median Income of the City of St. Charles, as determined by the City) shall be permitted on the second and third floors of lots 1 through 7 of the Pine Ridge Park; there shall be a maximum of 40 such units.

3. Yard and Setback Requirements: The yard and setback requirements set forth in Exhibit "IV-A" as to Pine Ridge Park and Exhibit "IV-B" as to Regency Estates shall apply to the development of the Subject Realty.
4. Signs: Signs shall be permitted as set forth in the provisions of Title 17 of the St. Charles Municipal Code and of Exhibits "IV-A", "IV-B", "VI-F" and "VI-G".
5. Maximum Floor Area: The maximum floor area of non-residential uses shall be as provided in Exhibit "IV-B".
6. Building Height: The maximum building height in Pine Ridge Park and Regency Estates shall be as provided in Title 17 of the St. Charles Municipal Code, except as specifically provided in Exhibit "IV-A" and "IV-B".
7. Commercial Area Architecture: Buildings and structures constructed from time to time within Pine Ridge Park shall incorporate external materials and features in substantial conformity with Exhibit "IV-A" attached hereto and made a part hereof.

**B. Approval**: The following plans for Pine Ridge Park and Regency Estates are hereby approved:

1. A one page plan entitled "P.U.D. Concept Plan Regency Estates and Pine Ridge Park" prepared by Trans/Land, Ltd., dated January 13, 2006, a reduced copy of which is attached hereto and made a part hereof as Exhibit "VI-A"; and
2. A one page plan entitled "P.U.D. Preliminary Engineering Plan Regency Estates" prepared by Western Engineering, P.C., dated January 13, 2006, a reduced copy of which is attached hereto and made a part hereof as Exhibit "VI-B"; and
3. A one page plan entitled "P.U.D. Preliminary Plan Regency Estates" prepared by Trans/Land, Ltd., dated July 28, 2005, a reduced copy of

- which is attached hereto and made a part hereof as Exhibit "VI-C"; and
4. Six page landscape plan entitled "Pine Ridge Park Entry Rte 64 & Oak St.", "Pine Ridge Park Frontage Route 64 & Oak Street", "Regency Estates Overall Planting Plan Woodward Drive", "Regency Estates Entrance Woodward Drive", "Regency Estates Common Area Regency Court", and "Regency Estates Townhome Unit Planting Plan Woodward Drive", prepared by Rebecca Eisele of Forstar Landscaping, dated March 25, 2005, a reduced copy of which is attached hereto and made a part hereof as Exhibit "VI-D"; and
  5. A two-page building elevation drawing entitled "Regency Estates" prepared by Michael J. Grimson and Associates, dated April 15, 2004, a reduced copy of which is attached hereto and made a part hereof as Exhibit "VI-E"; and
  6. A two-page signage plan entitled "Pine Ridge Park" prepared by Aurora Sign Company, dated March 22, 2005, attached hereto and made a part hereof as Exhibit "VI-F"; and
  7. A one-page drawing showing a monument sign entitled "Regency Estates" received July 7, 2005, attached hereto and made a part hereof as Exhibit "VI-G".

These plans constitute a PUD Concept Plan for Pine Ridge Park, a PUD Preliminary Plan for Regency Estates, and a Preliminary Plan of Subdivision for Pine Ridge Park.

The OWNERS shall be entitled to all rights and remedies concerning the Regency Estates PUD Preliminary Plans which are provided by City of St. Charles Zoning Code Section 17.42.080 C, and applicable laws of the State of Illinois with respect to preliminary plans following approval thereof by the CITY.

**D. Landscaping**

Landscaping for a phase or subphase of the development of the Subject Realty shall be completed prior to the occupancy of any structure for that phase or subphase. However, if

conditions beyond the control of the OWNERS of the phase or subphase prohibit the installation of the landscaping prior to a request for occupancy of a structure, a temporary certificate of occupancy may be issued for a period not to exceed nine months. If the landscaping is not completed as of the expiration of the temporary certificate of occupancy, the Building Commissioner shall not be required to issue a final certificate of occupancy or any additional temporary certificates of occupancy, but may do so in his discretion as governed by the St. Charles Municipal Code.

**E. Temporary Facilities**

OWNERS may utilize model sales facilities and temporary parking facilities on the residential portion of the Subject Realty from the time a final plat is recorded for a phase of unit of the Subject Realty until one hundred eighty (180) days after occupancy permits have been issued for ninety percent (90%) of the dwelling units permitted within each such phase or unit; such temporary parking facilities shall be removed by OWNER at the end of such 90 day period, at the request of the CITY.

**F. Miscellaneous**

Provisions of the Annexation Agreement set forth in Exhibit "V" are incorporated herein by reference as if fully set forth herein.

**SECTION 3. HOLD HARMLESS AND INDEMNIFICATION**

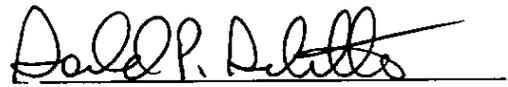
In the event a claim is made against the CITY, its officers, other officials, agents and employees or any of them, or if the CITY is made a party-defendant in any proceeding arising out of or in connection with the approval and issuance of a Special Use Permit for a Planned Unit Development for the Subject Realty, or the development of the Subject Realty, the OWNER shall defend and hold the CITY and such officers, other officials, agents and employees harmless from all claims, liabilities, losses, taxes, judgments, costs and fees, including expenses and reasonable attorney's fees, in connection therewith. The CITY and such officers, other officials, agents and employees shall reasonably cooperate in the defense of such proceedings.

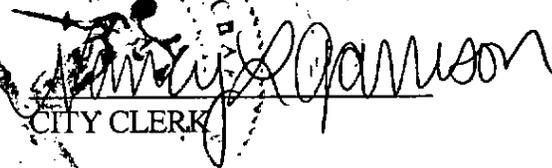
**SECTION 4.** That this Ordinance shall become effective from and after its passage and approval in accordance with law.

**PRESENTED** to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 17 day of January, 2006.

**PASSED** by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 17 day of January, 2006.

**APPROVED** by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 17 day of January, 2006.

  
MAYOR

ATTEST  
  
CITY CLERK

COUNCIL VOTE:

AYES: 10

NAYS: 0

ABSENT: 1

August 5, 2005  
Project No. 366.002

**Exhibit "I-A"**

Greg Nutt's tract, St. Charles, Kane County, Illinois

That part of the Southeast Quarter of Section 29, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of said Quarter; thence northerly along the West line of said Quarter 1822.35 feet to the westerly extension of the northerly line of a tract of land conveyed from Janus and Sarah Brown to Robert Banford by Warranty Deed executed May 2, 1853 and recorded June 20, 1853 in Book 30, Page 365 for the point of beginning; thence easterly along said westerly extension and said northerly line and its easterly extension forming an angle of 85°18'28" from the last described course (measured counterclockwise therefrom) 2153.05 feet to the westerly line of a tract of land conveyed to Robert C. Hahn, trustee under trust agreement dated November 13, 1998 by Document 1999K108466; thence southerly along the westerly line of said Hahn tract forming an angle of 94°38'18" from the last described course (measured counterclockwise therefrom) 1044.34 feet to the northerly line of a tract of land conveyed to Joseph and Myra Heger by Warranty Deed recorded December 2, 1957 as Document 850530; thence westerly along the northerly line of said Heger tract forming an angle of 86°54'25" from the last described course (measured counterclockwise therefrom) 375.12 feet to the northwest corner of said Heger tract; thence northerly along the northerly extension of the westerly line of said Heger tract forming an angle of 93°06' from the last described course (measured counterclockwise therefrom) 196.07 feet to a point that is 601.07 feet northerly (as measured along said westerly line and extension thereof) of the center line of Illinois State Route No. 64 to the northeast corner of a tract of land conveyed to American National Bank and Trust Company of Chicago as trustee under Trust No. 5049-AH by Document 96K062242; thence westerly along the northerly line of said tract forming an angle of 94°49' from the last described course (measured clockwise therefrom) 163.25 feet to the northwest corner thereof; thence southerly along the westerly line of said tract parallel with the westerly line of said Heger tract forming an angle of 85°11' from the last described course (measured clockwise therefrom) 602.13 feet to said center line; thence westerly along said center line forming an angle of 85°11' from the last described course (measured counterclockwise therefrom) 0.51 feet to the southeast corner of a tract of land conveyed to the People of the State of Illinois by Document 2004K087894; thence northerly along the easterly line of said tract forming an angle of 85°12'50" from the

prolongation of the last described course (measured clockwise therefrom) 43.41 feet to the northeast corner thereof; thence westerly along the northerly line of said tract forming an angle of  $93^{\circ}28'18''$  from the last described course (measured clockwise therefrom) 65.71 feet to the easterly line of a tract of land conveyed to James and Meta Mannion by Document 1999K072828; thence northerly along the easterly line of said Mannion tract forming an angle of  $93^{\circ}30'08''$  from the last described course (measured counterclockwise therefrom) 489.98 feet to the northeast corner thereof; thence westerly along the northerly line of said Mannion tract forming an angle of  $94^{\circ}49'$  from the last described course (measured clockwise therefrom) 125.87 feet to the northwest corner thereof; thence southerly along the westerly line of said Mannion tract perpendicular to the last described course 179.60 feet to a point that is 350.40 feet northerly (as measured along the westerly line of said Mannion tract) of said center line; thence westerly along a line perpendicular to the last described course 290.0 feet; thence southerly along a line perpendicular to the last described course 350.40 feet to said center line; thence westerly along said center line perpendicular to the last described course 455.57 feet to a point of curvature therein; thence westerly and northwesterly along a curve to the right tangent to the last described course having a radius of 1719.12 feet, 657.14 feet to the West line of said Quarter; thence northerly along said West line 1330.77 feet to the point of beginning in the City of St. Charles, Kane County, Illinois and containing 61.253 acres.

August 5, 2005  
Project No. 366.002

**Exhibit "I-B"**

Proposed Pine Ridge Park, St. Charles, Kane County, Illinois (zoning)

That part of the Southeast Quarter of Section 29, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of said Quarter; thence northerly along the West line of said Quarter 1822.35 feet to the westerly extension of the northerly line of a tract of land conveyed from Janus and Sarah Brown to Robert Banford by Warranty Deed executed May 2, 1853 and recorded June 20, 1853 in Book 30, Page 365; thence easterly along said westerly extension and said northerly line and its easterly extension forming an angle of  $85^{\circ}18'28''$  from the last described course (measured counterclockwise therefrom) 722.42 feet for a point of beginning; thence continuing easterly along the last described course 1430.63 feet to the westerly line of a tract of land conveyed to Robert C. Hahn, trustee under trust agreement dated November 13, 1998 by Document 1999K108466; thence southerly along the westerly line of said Hahn tract forming an angle of  $94^{\circ}38'18''$  from the last described course (measured counterclockwise therefrom) 1044.34 feet to the northerly line of a tract of land conveyed to Joseph and Myra Heger by Warranty Deed recorded December 2, 1957 as Document 850530; thence westerly along the northerly line of said Heger tract forming an angle of  $86^{\circ}54'25''$  from the last described course (measured counterclockwise therefrom) 375.12 feet to the northwest corner of said Heger tract; thence northerly along the northerly extension of the westerly line of said Heger tract forming an angle of  $93^{\circ}06'$  from the last described course (measured counterclockwise therefrom) 196.07 feet to a point that is 601.07 feet northerly (as measured along said westerly line and extension thereof) of the center line of Illinois State Route No. 64 to the northeast corner of a tract of land conveyed to American National Bank and Trust Company of Chicago as trustee under Trust No. 5049-AH by Document 96K062242; thence westerly along the northerly line of said tract forming an angle of  $94^{\circ}49'$  from the last described course (measured clockwise therefrom) 163.25 feet to the northwest corner thereof; thence southerly along the westerly line of said tract parallel with the westerly line of said Heger tract forming an angle of  $85^{\circ}11'$  from the last described course (measured clockwise therefrom) 602.13 feet to said center line; thence westerly along said center line forming an angle of  $85^{\circ}11'$  from the last described course (measured counterclockwise therefrom) 0.51 feet to the southeast corner of a tract of land conveyed to the People of the State of Illinois by Document 2004K087894; thence northerly along

the easterly line of said tract forming an angle of  $85^{\circ}12'50''$  from the prolongation of the last described course (measured clockwise therefrom) 43.41 feet to the northeast corner thereof; thence westerly along the northerly line of said tract forming an angle of  $93^{\circ}28'18''$  from the last described course (measured clockwise therefrom) 65.71 feet to the easterly line of a tract of land conveyed to James and Meta Mannion by Document 1999K072828; thence northerly along the easterly line of said Mannion tract forming an angle of  $93^{\circ}30'08''$  from the last described course (measured counterclockwise therefrom) 489.98 feet to the northeast corner thereof; thence westerly along the northerly line of said Mannion tract forming an angle of  $94^{\circ}49'$  from the last described course (measured clockwise therefrom) 125.87 feet to the northwest corner thereof; thence southerly along the westerly line of said Mannion tract perpendicular to the last described course 179.60 feet to a point that is 350.40 feet northerly (as measured along the westerly line of said Mannion tract) of said center line; thence westerly along a line perpendicular to the last described course 290.0 feet; thence southerly along a line perpendicular to the last described course 350.40 feet to said center line; thence westerly along said center line perpendicular to the last described course 455.57 feet to a point of curvature therein; thence westerly and northwesterly along a curve to the right tangent to the last described course having a radius of 1719.12 feet, 657.14 feet to the West line of said Quarter; thence northerly along said West line 605.80 feet to a point that is 724.97 feet southerly of the westerly extension of the northerly line of said Brown's tract (as measured along said West line); thence easterly along a curve to the left having a radius of 960.0 feet tangent to a line forming an angle of  $114^{\circ}10'20''$  from the last described course (measured clockwise therefrom) 182.94 feet; thence easterly along a line tangent to the last described curve at the last described point 508.57 feet; thence easterly along a curve to the left tangent to the last described course having a radius of 690.0 feet, 52.96 feet to a line parallel with said West line from the point of beginning; thence northerly along said parallel line 851.23 feet to the point of beginning in the City of St. Charles, Kane County, Illinois and containing 48.086 acres.

Revised August 5, 2005  
Project No. 366.002

**Exhibit "I-C"**

Proposed Townhome Area for Regency Estates, St. Charles, Kane County, Illinois  
(zoning)

That part of the Southeast Quarter of Section 29, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of said Quarter; thence northerly along the West line of said Quarter 1822.35 feet to the westerly extension of the northerly line of a tract of land conveyed from Janus and Sarah Brown to Robert Banford by Warranty Deed executed May 2, 1853 and recorded June 20, 1853 in Book 30, Page 365 for a point of beginning; thence easterly along said westerly extension and said northerly line forming an angle of 85°18'28" from the last described course (measured counterclockwise therefrom) 722.42 feet; thence southerly along a line parallel with the penultimate described course 851.23 feet; thence westerly along a curve to the right having a radius of 690.0 feet tangent to a line forming an angle of 98°51'22" from the last described course (measured clockwise therefrom) 52.96 feet; thence westerly along a line tangent to the last described course at the last described point 508.57 feet; thence westerly along a curve to the right having a radius of 960.0 feet tangent to the last described course 182.94 feet to said West line; thence northerly along said West line 724.97 feet to the point of beginning in the City of St. Charles, Kane County, Illinois and containing 13.167 acres.

## EXHIBIT "IV-A"

### Development Standards and Design Criteria - Pine Ridge Park

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A. The provisions of Chapter 17.24 "B3 Service Business District" shall apply to Pine Ridge Park except that the following provisions for permitted and special uses, floor area ratio, maximum building height, minimum yards and setbacks, sign regulations, landscaping requirements, and architectural standards shall apply in lieu of any conflicting provisions of Chapter 17.24:

1. Permitted and Special Uses

(a) Permitted Uses

- Amusement establishments, including bowling alleys, pool halls, gymnasiums, swimming pools and skating rinks
- Amusement game device arcade provided the arcade meets all the standards and requirements specified for such arcades in the St. Charles Zoning Ordinance
- Antique shops
- Apparel shops
- Art and school supply stores
- Art galleries
- Auction rooms
- Automobile accessory stores
- Automotive vehicle and automotive equipment sales;
- Bakeries, where not more than fifty percent of the floor access is devoted to processing, and not employing more than eight persons
- Banks and financial institutions with or without drive-in lanes
- Barbershops
- Beauty parlors
- Bicycle sales, rental and repair
- Blueprinting and photocopying establishments
- Book/stationery/greeting card stores
- Building material sales, with accessory outside storage, provided outside storage does not exceed sixteen feet in height;
- Contractors' and construction offices
- Camera and photographic supply stores
- Candy and ice cream stores
- Carpet and rug stores
- Caskets and casket supplies
- Catering establishments
- China and glassware stores
- Churches

- Clothing establishments
- Clubs and lodges, private, fraternal, or religious
- Coffee shop
- Coin and philatelic stores
- Computer sales and service
- Convenience stores
- Currency exchanges
- Custom dressmaking
- Department stores
- Drive-in establishments and facilities
- Drug stores
- Dry-cleaning and laundry
- Electronics and household appliance stores
- Employment agencies
- Exterminating shops
- Feed stores
- Fire stations
- Flower shops and greenhouses
- Food stores - including grocery stores, meat markets, bakeries, and delicatessens (retail only)
- Frozen food shops, including locker rental in conjunction therewith
- Fuel and ice sales, retail only
- Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use
- Furrier shops, including incidental storage and conditioning of furs
- Garden supply and seed stores
- Gift shops
- Haberdasheries
- Hardware stores
- Hobby shops
- Interior decorating shops, including upholstery and making of draperies, slipcovers, or other similar articles when conducted as part of the retail operations and secondary to the principal use
- Jewelry stores, including watch repair
- Job printing shops, using presses having beds of not more than fourteen inches and twenty inches
- Landscape contractors
- Laundromats
- Leather goods and luggage store
- Libraries
- Libraries, branch
- Liquor stores, retail sales
- Loan offices
- Machinery and equipment sales, but not including service, repair,

or reconditioning and storage of all machinery shall be within enclosed buildings

- Mail order houses
- Meat markets, including the sale of meat and meat products to restaurants, motels, clubs and other similar establishments when conducted as part of the retail business on the premises
- Medical and dental clinics
- Meeting halls
- Millinery shops
- Monument sales
- Motels
- Museums
- Musical instrument sales and repair
- Newspaper offices, but not including printing
- Nurseries
- Nursery schools and day care centers
- Office supply stores
- Offices, business, professional and public
- Opticians and optometrists
- Orthopedic and medical appliance stores, but not including the assembly or manufacture of such articles
- Parking lots and storage garages (automobile)
- Paint and wallpaper stores
- Pet shops
- Physical fitness, gymnasiums and reducing salons
- Photocopying and photography studios
- Picture framing, when conducted on the premises for retail trade
- Plumbing showrooms and shops
- Police stations
- Post office
- Radio and television service and repair shops
- Recording studios
- Recreational buildings, community centers, and meeting halls
- Restaurants with or without drive-in lanes
- Schools, commercial or trade, not involving any danger of fire, explosion, nor of offensive noise, vibration, smoke, dust, odor, glare, heat, or other objectionable influences
- Schools, music, dance or business
- Secondhand stores and rummage shops
- Sewing machine sales and service, household machines only
- Shoe and hat repair stores
- Sporting goods stores
- Tailor shops
- Taxidermists

- Telegraph offices
- Telephone exchanges and telephone transmission equipment buildings and electric distribution centers
- Temporary buildings for construction purposes for a period not to exceed the duration of such construction
- Tobacco shops, retail sales
- Toy shops
- Travel bureaus and transportation ticket offices
- Typewriter and adding machine sales and service establishments
- Undertaking establishments and funeral parlors
- Variety stores
- Vehicle service facilities
- Veterinary clinics
- Video and audio tape and supply stores
- Accessory uses to the permitted uses listed above in this section
- Other accessory uses: Communication antennas

(b) Special Uses

- Outdoor dining
- Outdoor entertainment
- Outdoor sales areas

2. Floor Area Ratio (FAR): The Maximum Building Coverage shall be 0.40.
3. Building Height: The maximum building height shall be 3 stories or 40 feet, not including screening devices for roof top mechanical equipment, whichever is greater.
4. Minimum Yards and Setbacks:
  - (a) Minimum building and parking setback along West Main Street: 50 feet
  - (b) Minimum building setback along collector and arterial streets (other than Main Street): 40 feet
  - (c) Minimum parking setback along collector and arterial streets (other than Main Street): 20 feet
  - (d) Minimum interior side and rear yard for parking along the easterly and northerly property lines of Pine Ridge Park: 5 feet

5. **Signs**

(a) **Freestanding Signs**

(i) **Number and Size:**

(aa) **Adjacent to Main Street:**

- One double-faced 200 sq. ft. sign at the full access on Main Street;
- One double-faced 100 sq. ft. sign at the right-in-right-out on Main Street;
- Five monument signs (one for each outlot, fronting Main Street) – 32 sq. ft. size, with maximum height not to exceed 8 feet above grade.

(bb) **Adjacent to Woodward Drive:** One double-faced freestanding monument sign is permitted for each lot – 32 sq. ft. in size with a maximum height of 8 ft. above grade.

(ii) **Setback:** All freestanding signs shall be setback from the nearest right-of-way a minimum of ten (10) feet.

(iii) **Exterior Materials and Design:** The base, framing, and display area of a freestanding monument sign shall be architecturally compatible with the materials, colors and design of the building to which it is accessory. There shall be no restriction on the color or any lettering, logos, or other advertising on the sign.

(b) **Other Provisions**

(i) Other signs including wall signs and awnings are permitted. The surface area of a sign or signs attached to a wall shall not exceed one and one half square feet for each linear foot of frontage of the wall on which the sign or signs are located. Lettering on awnings or canopies shall not exceed one square foot for each linear foot of frontage of the awning or canopy on which the lettering is located. In the case of a use which does not have any exterior wall frontage, the surface area of such sign shall not exceed one and one half (1.5%) percent of the floor area occupied by such use.

(ii) There shall be no flashing lights or moving parts on any sign within the Commercial Parcel.

(iii) Use of awning signage is encouraged to compliment and

harmonize with the building design, materials and colors.

- (iv) Temporary Signs shall comply with the provisions of Section 17.02.150 C. of the St. Charles Zoning Code, except as modified by the provisions of Exhibit "V" to this Ordinance.

6. Landscape Standards: Landscaping shall comply with the provisions of the St. Charles Zoning ordinance and with the following additional requirements:

(a) General Provisions

- (i) The preservation of existing trees and other vegetation shall be considered in the landscape design. Grading and other site improvements shall be designed so as to preserve existing trees whenever practical, while allowing permitted development, in accordance with the provisions of Chapter 8.30 of the St. Charles Municipal Code, "Tree Preservation on Private Property".
- (ii) Landscape design shall provide for appropriate proportion, balance, unity, variety of species, and variety of color and texture evident throughout the four seasons.
- (iii) Landscaping materials native to the region shall be used whenever feasible.
- (iv) Landscaping shall be designed to complement the massing of buildings, screen parking and service areas, and to provide visual relief.
- (v) Landscaping shall be designed so as to reduce the intrusion of headlights and other glare.
- (vi) Landscaping shall be designed with attention to the long-term maintenance of the plant materials. Irrigation systems shall be installed when necessary to ensure long-term maintenance.
- (vii) Earth mounds and berming are encouraged, where appropriate. Berms should be no steeper than a 1 to 3 proportion.

(b) Parking Lot and Vehicle Use Area Internal Planting

- (i) Landscape islands shall be provided so that not more than 20 consecutive parking spaces adjoin each other.

- (ii) The minimum size of landscape islands shall be 9 feet in width and 18 feet in length, and should be graded to provide a crown of approximately 6-12 inches.
- (c) Building Foundation Landscaping
  - (i) Foundation plantings may be formal and uniform, or uneven and naturalistic. Foundation plantings should respond to the materials and form of a building.
  - (ii) Consideration of the mature size of plants is important in the design of foundation plantings. In particular, the relationship of the plant's mature size to the placement and size of windows, architectural features and the height of the building is important.
  - (iii) Foundation plantings for retail buildings should be installed where reasonably practicable across the front facade and along the building at the corner side yards, excepting entrance walks and drives, drive-in facilities and approaches, pedestrian areas and other such features and amenities which are not conducive to foundation plantings.
- (d) Landscaping Signage: Monument signs should have a landscape bed surrounding the base.

## 7. **Architectural Standards**

### A. *Articulation of Building Facades*

*Intent: To reduce the apparent bulk of buildings and relate them to a human scale.*

1. Building walls that are visually prominent as viewed from any public street, or from an internal circulation road that provides access to two or more buildings, should conform with the following standards:
  - a. Walls that are over one-hundred (100) feet in length should incorporate offsets, projections or recesses a minimum of three (3) feet in depth, extending over twenty percent (20%) of the façade, as measured in square feet of wall area.
  - b. Architectural features such as arcades, arbors, windows, doors, entryways, awnings, pilasters, cornices, decorative banding, and other decorative features should comprise at least fifty percent (50%) of visually prominent building walls, as measured in square feet of wall area.
2. All building walls that face the street should have at least two (2) of the following architectural features to avoid the appearance of blank walls facing the street:

- i. change in wall plane of at least two (2) feet,
  - ii. change in wall texture or masonry patterns,
  - iii. transparent windows,
  - iv. columns or pilasters.
3. Building entryways should offer protection from weather such as overhangs, awnings, canopies, etc.
  4. Building design should include features to add identity and architectural interest such as projecting cornices, medallions, lighting fixtures, art work, belt courses of a different color or texture, pilasters, etc.
  5. Predominant façade colors should be subtle, neutral or earth-tones. Primary colors, high-intensity colors, metallic or fluorescent colors, and black are prohibited as predominant façade colors. Building trim and accent areas may be brighter and include primary colors (as detailed in Section G. Colors, below).

#### ***B. Windows and Transparency***

*Intent: Allow people outside commercial buildings to see activity within, and allow people inside to see activity and weather conditions outside.*

1. Retail buildings and tenant spaces with 30,000 square feet or less of gross floor area should provide windows so that the first floor is transparent from a height of eighteen (18) inches to a minimum of seven (7) feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the facade, and should include a public entrance. Windows shall be clear glass (no tinted or reflective glass), recessed or projected in the wall plane to create shadow and visual interest, and should include visually prominent sills or other appropriate forms of framing. Awnings, pilasters or columns may be used to accentuate window openings and add interest to the design of the building.
2. Development of the outlots should help define and enhance the character of the public street frontage by placing outlot buildings near the street with showcase windows and architectural features oriented toward the street as well as to the interior parking lot.

#### ***C. Building Entrances and Pedestrian Walkways***

*Intent: People should be able to tell where building entrances are located, and walking into the building should be a pleasant experience.*

1. Buildings should have a public entrance on a façade that faces a public street or private drive that provides primary access.
2. All public entrances should be articulated from the building mass. Examples of such

articulation include: canopies or porticos, overhangs, arcades, raised corniced parapets over the door, peaked roof forms, arches, outdoor patio or seating areas, display windows, details such as tile work and moldings integrated into the building design, and integral planters or wing walls that include landscaping or seating.

3. Facades which abut parking areas and contain a public entrance should provide pedestrian walkways and foundation landscape areas parallel to the foundation not less than six (6) feet in width. Sidewalks in this area should have a minimum width of six (6) feet.
4. Pedestrian routes to building entrances should be marked with pavers, striping, or delineated by the design and location of landscape features.

#### ***D. Roof Design***

*Intent: Roofs should be designed to add visual interest to the building, to conceal necessary service equipment, and to establish the building's identity.*

1. Roof lines should either be varied with a change in height or the incorporation of a major focal point feature, such as a dormer, gable or projected wall feature, minimum of every one-hundred (100) linear feet in building length.
2. Exposed roof materials shall be similar to, or an architectural equivalent of asphalt or fiberglass shingle, wood shingle, standing seam metal roof or better. The roof of any building may be flat.
3. Parapets should feature three-dimensional cornices or other shadow-creating detail elements along their tops.
4. Mansard roof designs are discouraged.
5. "Green roof" designs are encouraged.
6. Pipe stacks and similar appurtenances that are required by code and cannot reasonably be hidden should be concealed as much as possible by location and coloring.

#### ***E. Building Wall Materials***

*Intent: Buildings should be constructed of quality materials that reduce maintenance costs over the life of the building, relate to traditional building materials used historically in Kane County, and reinforce the character of the community. Approved and prohibited building materials are:*

1. Approved Materials
  - a. Brick
  - b. Wood
  - c. Native or architectural cast stone

- d. Tinted and/or textured concrete masonry units
  - e. Cement based Stucco
  - f. Tilt-up concrete panels designed with an architectural pattern or a brick veneer are permitted; plain concrete panels are prohibited
2. Prohibited Materials
- a. Smooth-faced, untinted concrete masonry units
  - b. Exterior Insulation Finish Systems
  - c. Vinyl
  - d. Plain tilt-up concrete panels

***F. Screening of Mechanical Equipment***

As viewed from ground levels at a variety of locations, all mechanical equipment located on the roof or around the perimeter of a structure shall be screened by a raised parapet or with a structure comparable and compatible with the exterior building materials.

- a) A raised parapet or other architectural feature that is an integral part(s) of the building may be required as screening for rooftop mechanical equipment or to soften rooftop views.
- b) Screening for rooftop mechanical equipment shall incorporate similar architectural features of the building and/or be constructed of a material and color compatible with other elements of the building.
- c) Incidental rooftop equipment deemed unnecessary to be screened by the Director of Community Development or a designee shall be of color to match the roof or the sky, whichever is more effective.
- d) Equipment used for mechanical, processing, bulk storage tanks, or equipment used for suppressing noise, odors, and the like that protrudes from a side of a building or is located on the ground adjacent to a building shall be screened from public view as much as practical with materials matching the design of the building. Where miscellaneous exterior equipment cannot be fully screened with matching building materials, landscaping may be used as additional screening.

***G. Colors***

Garish or bright accent colors (i.e., orange, bright yellow, or fluorescent colors) on any portion of the building such as trim, banding or patterns on walls, cloth or metal awnings, entryway features shall be minimized, but in no case shall such coloring exceed 10% of each wall area.

***H. Compatibility within the Development***

The buildings to be developed within the Pine Ridge Property shall be compatible and harmonious with each other in their exterior architectural design features. Compatibility of architectural design features may be achieved by similarity of some design elements, while allowing dissimilarity of others. Buildings shall be considered compatible if at least three of the following five design elements are similar, as determined by the City Council, when comparing any proposed building with the previously approved buildings:

- a. Type of materials (brick, stone, wood, metal, etc.)
- b. Colors and textures of exterior surfaces
- c. Architectural scale (size and height of buildings, both actual and perceived)
- d. Placement and rhythm of doors, windows, wall planes, visible wall joints, and visible roof elements.

***I. Refuse enclosures***

Refuse enclosures should be made of the same building materials as the building they are to serve, and should be gated.

## EXHIBIT "IV-B"

### Development Standards and Design Criteria – Residential Area (Regency Estates)

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A. The provisions of Chapter 17.15 "R4A Attached Single Family Residence District" shall apply to Regency Estates except that the following provisions for permitted and special uses, development standards, signs, and landscape standards shall apply in lieu of any conflicting provisions in Chapter 17.15:

#### 1. Permitted and Special Uses

(a) Permitted Uses

- Accessory uses
- Attached single-family dwellings (townhomes)
- Parks and playgrounds
- Swimming pools, tennis courts and related recreational facilities managed by a homeowners' association, access to a residential development
- Temporary buildings for construction purposes for a period not to exceed the period of such construction
- Two-family dwellings
- Group Home for persons with disabilities (small)

(b) Special Uses

- Group home for persons with disabilities (large)

#### 2. Development Standards

(a) No residential building shall contain more than 6 dwelling units

(b) The standards and requirements for yards, setbacks, building height and percentage of common open space shall be in accordance with the following:

- (i) Minimum Perimeter Setback: 25 ft.
- (ii) Minimum Setback on Collector Street (Woodward Drive): 40 ft.
- (iii) Minimum distance from garage door to back of curb of local streets: 20 ft.
- (iv) Minimum Townhome to townhome building separation: 20 ft.
- (v) Minimum common or public open space: 25%

- (vi) Common open space shall be defined as the area within Regency Estates, as legally described in "Exhibit I-C", which is not occupied by buildings, structures, off-street parking, or off-street loading, and which is available for use by residents. Common open space shall not be deemed to include any part of required setback areas or required front, rear or side yards.
- (vii) Maximum building height: 35 ft.

### 3 Signs

- (a) Number of Signs: One freestanding entry monument including an identification sign and entry features is permitted at the entrance to the residential area; entrance piers are permitted in conjunction with the entry monument and at each street entrance into the residential area.
- (b) Height: The maximum height of the identification sign shall be 5 feet above average finished grade of the yard within 25 feet of the sign in which the sign is located. The maximum height of the entry monument and coordinating piers shall be 7 feet above average finished grade of the yard within 25 feet of the sign in which they are located.
- (c) The area of the identification sign display surface shall not exceed 32 square feet.

### 4 Landscape Standards: Landscape requirements shall be in accordance with provisions set forth in Chapter 17.38 of the St. Charles Municipal Code, and with the following:

- (a) General
  - (i) The preservation of existing trees and other vegetation shall be considered in the landscape design. Grading and other site improvements shall be designed so as to preserve existing trees whenever practical, while allowing permitted development, in accordance with the provision of Chapter 8.30 of the St. Charles Municipal Code, "Tree Preservation on Private Property".
  - (ii) Landscape design shall provide for appropriate proportion, balance, unity, variety of species, and variety of color and texture evident throughout the four seasons.

- (iii) Landscaping materials native to the region shall be used whenever feasible.
  - (iv) Landscaping shall be designed to complement the massing of the buildings, screen parking and service areas, and to provide visual relief.
  - (v) Landscaping shall be designed so as to reduce the intrusion of headlights and other glare.
  - (vi) Landscaping shall be designed with attention to the long-term maintenance of the plant materials. Irrigation systems shall be installed when necessary to ensure long-term maintenance.
  - (vii) Earth mounds and berming are be encouraged, where appropriate. Berms should be no steeper than 1 to 3 proportion.
- (b) Building Foundation Landscaping
- (i) Foundation plantings may be formal and uniform, or uneven and naturalistic. Foundation plantings should respond to the materials and form of a building.
  - (ii) Consideration of the mature size of plants is important in the design of foundation plantings. In particular, the relationship of the plant's mature size to the placement and size of windows, architectural features and the height of the building is important.
- (c) Landscaping of Signage
- (i) Monument signs should have a landscape bed surrounding the base.

## Exhibit “V”

### **Paragraphs in the Eleventh Amendment Incorporated Into and Made a Part of This Ordinance**

2. ZONING. Subsequent to the execution of this AGREEMENT, the CITY’S Corporate Authorities shall adopt and approve an ordinance amending the West Gateway PUD with respect to the Subject Property which amending ordinance is entitled “An Ordinance Amending Ordinance No. 1990-Z-3 entitled ‘An Ordinance Granting a Special Use as a Planned Unit Development for the West Gateway PUD’ (Twelfth Amendment)” (the “Regency Estates/Pine Ridge Park PUD Ordinance”) in form and substance substantially similar to the form of said Ordinance attached hereto and incorporated herein as Exhibit B-1. Thereafter, the Subject Property shall be developed only in accordance with the provisions of this AGREEMENT, the Regency Estates/Pine Ridge Park PUD Ordinance, the CITY’S Municipal Code, to the extent not modified herein, and all other applicable statutes, rules and regulations of the State of Illinois and Kane County, as the same may, from time to time, apply to the development of the Subject Property.

3. SPECIAL USE WITH PRELIMINARY PLAN.

A. FIRST PHASE PUD PRELIMINARY PLAN: RECORD OWNERS have submitted to the CITY for its approval a first phase PUD Preliminary Plan for Regency Estates with a PUD Concept Plan for the balance of the Subject Property, as permitted by Section 17.42.080 B (3) (b) of the St. Charles Municipal Code (the “First Phase PUD Preliminary Plan”). The First Phase PUD Preliminary Plan is attached to, and incorporated in, the Regency Estates/Pine Ridge Park PUD Ordinance heretofore incorporated herein as Exhibit B-1. The CITY agrees that the First Phase PUD Preliminary Plan depicted on Exhibits VI-A through VI-E to Exhibit B-1 constitutes a PUD Preliminary Plan for Regency Estates, a Preliminary Plan of Subdivision for Pine Ridge Park, and a PUD Concept Plan for Pine Ridge Park. The First Phase PUD Preliminary Plan

depicted on Exhibits VI-A through VI-E to Exhibit B-1 will be approved with the approval of the Regency Estate/Pine Ridge Park PUD Ordinance (Exhibit B-1).

B. FIRST PHASE PUD PRELIMINARY PLAN LAND IMPROVEMENTS: The First Phase PUD Preliminary Plan includes all required offsite Land Improvements (as defined in Chapter 16 of the St. Charles Municipal Code) required for the development of the Subject Property. All such required offsite Land Improvements shall be designed and completed as part of the said First Phase.

C. PINE RIDGE PARK PUD PRELIMINARY PLANS: PUD Preliminary Plans for Pine Ridge Park shall be submitted for review by the Plan Commission and City Council for any building or site development within Pine Ridge Park. If a re-subdivision is proposed, a Preliminary Plan of Subdivision and a Final Plat shall also be submitted. Each such additional PUD Preliminary Plan shall conform with the provisions of Exhibit B-1 as the same may be amended from time to time, the St. Charles Municipal Code in effect as of the date of submittal including but not limited to Title 17 (Zoning), Title 16 (Subdivisions and Land Improvements) and Title 18 (Stormwater Management). Required Land Improvements shall be those remaining on-site Land Improvements which, in the opinion of the City Engineer, reasonably relate to the land which is the subject of each such additional PUD Preliminary Plan.

D. MAJOR OR MINOR CHANGES: Any proposed change or amendment to an approved PUD Preliminary Plan shall be classified as a major or minor change in the manner, provided in Title 17 of the St. Charles Municipal Code. The Corporate Authorities may approve a change as a minor change as therein provided.

E. REVISED PUD PRELIMINARY PLAN: The City Engineer may require submittal of a revised PUD Preliminary Plan covering the entire Subject Property to the extent he reasonably determines, in his sole and exclusive discretion,

that a proposed change in the approved PUD Preliminary Plan for Regency Estates or in the PUD Concept Plan for Pine Ridge Park, or any PUD Preliminary Plan for any portion of Pine Ridge Park affects onsite and/or offsite electrical system improvements or Land Improvements (as defined in Section 16.08.150 of the St. Charles Municipal Code) including but not limited to (1) onsite and offsite road improvements and traffic signalization, (2) water supply mains, (3) sanitary sewers, including a lift station, to be connected to an existing sanitary sewer west of the Subject Property and (4) storm water management facilities.

F. REQUIRED ENGINEERING PLANS & FINAL PLATS: Required Engineering Plans (as defined in Section 16.08.090 of the St. Charles Municipal Code) and Final Plats (as defined in Section 16.08.110 of the St. Charles Municipal Code) must be submitted either in conjunction with or following the submittal of PUD Preliminary Plans and Preliminary Plans of Subdivision for the Subject Property. Engineering Plans shall include all required onsite and offsite Land Improvements.

G. RECORD OWNERS APPROVAL: The RECORD OWNERS approve of, and agree to abide by, all of the provisions of Exhibit B-1.

4. COMMENCEMENT OF CONSTRUCTION AND MODEL HOMES.

A. LAND IMPROVEMENTS: Except as hereinafter provided in Subsection B. hereof, no construction of Land Improvements shall be commenced prior to approval of Engineering Plans for the Land Improvements to be constructed for the First Phase PUD Preliminary Plan or, as appropriate, a PUD Preliminary Plan for a subsequent unit or phase, and the approval and recording of a Final Plat for such unit or phase.

B. EXCAVATION AND GRADING PERMIT: The CITY has heretofore issued a storm water permit for site grading, soil erosion control and related work. Notwithstanding Section 4 A., upon proper application, the CITY may approve an additional storm water permit for storm water management

outlets and grading, soil erosion control measures, seeding and restoration on some or all of the Subject Property prior to approval of Engineering Plans for construction of the Land Improvements required to be constructed for the First Phase PUD Preliminary Plan. In order to secure such approval, the RECORD OWNERS must submit, and obtain the CITY'S approval of, the following:

1. A County Permit Letter for the outfall sewer.
2. An appropriate and acceptable easement for the Hahn property for the outfall sewer.
3. An appropriate and acceptable license agreement from the Union Pacific Railroad.
4. Compliance with any other conditions imposed by Title 18 of the St. Charles Municipal Code.

The issuance of the additional excavation and grading permit as herein provided does not constitute approval of all or any part of the Final Engineering Plans. Any work undertaken by the RECORD OWNERS pursuant to a permit issued under the authority of this Subsection and prior to approval of the Final Engineering Plans shall be performed at the risk of the RECORD OWNER or RECORD OWNERS, as may be appropriate.

C. BUILDING PERMITS: No building permit shall be issued for construction of any structure (including model homes) within the Subject Property until after the Engineering Plans and a Final Plat have been approved and a Final Plat has been recorded for the unit or phase in which the building permit or permits are requested. Further, no building permit shall be issued prior to the construction of streets, including the bituminous binder course, in locations sufficient to provide access for emergency and inspection vehicles to the lot or parcel for which the building permit is sought, and required fire flow is available to such property from a public hydrant located within the distance from said property as required by Title 15 of the St. Charles Municipal Code. The determination as to whether the roads and fire flow are available and in acceptable

condition shall be made by the CITY'S Building Commissioner, in consultation with the Director of Public Works and the Fire Chief.

D. MODEL HOMES: Notwithstanding the foregoing, the CITY will issue a building permit for one attached single family model building (containing two or more model dwelling units) within Regency Estates, only, prior to construction of the bituminous binder course and availability of required fire flow, subject to the condition that access is made available by a stone base course sufficient to provide inspection and emergency vehicle access. The determination as to whether this condition has been met shall rest in the sole and exclusive discretion of the CITY'S Building Commissioner, in consultation with the Director of Public Works and the Fire Chief. In addition, the RECORD OWNER shall provide CITY with a written indemnification, release and discharge of liability with respect to all building construction activity prior to availability of bituminous base and required fire flow.

The RECORD OWNER may utilize model sales facilities and temporary accessory parking facilities in connection with the development of Regency Estates, only, from the time a Final Plat is recorded for a phase or unit until the sales for all dwelling units (excepting dwelling units containing model home sales facilities) have been closed. Within one hundred and eighty days of the closing of the sale of the last unit (excepting model units), the use of dwelling units as model home sales facilities shall cease and the accessory temporary parking facilities shall be removed. In addition, the RECORD OWNER may utilize one temporary sales trailer and temporary accessory parking lot within Subject Property from the date hereof until thirty days after a temporary or permanent occupancy certificate has been issued for a model home sales facility. Any such temporary sales trailer shall be located a reasonable distance (not less than 75 feet) from the nearest adjacent arterial street right-of-way and shall require a storm water permit to be issued prior to any pavement or any site work.

E. MODEL HOME TEMPORARY SIGNAGE – REGENCY ESTATES: Temporary illuminated or non-illuminated double faced marketing and identification signs, with a maximum height of fifteen (15) feet and a maximum total cumulative sign face area of two hundred (200) square feet, and non-illuminated temporary directional turn signs not exceeding a maximum total cumulative sign face area of twenty-four (24) square feet and eight (8) feet in height may be installed and maintained by RECORD OWNER for Regency Estates at any location within the Subject Property. The location of such signs shall otherwise be in conformance with the provisions of Section 17.02.150 of the St. Charles Municipal Code. RECORD OWNER may also install and maintain temporary model identification signs and temporary parking signs for each model home sales unit, of totaling not more than twenty-four (24) square feet each, within the same time period. The signage provided for herein shall be subject to permitting, shall be constructed in compliance with all applicable CITY codes and may be erected and maintained from the date hereof until the sale of the last dwelling unit with Regency Estates has been closed. When the last dwelling unit with Regency Estates has been closed, the RECORD OWNER shall cause all such temporary signage to be removed.

F. TEMPORARY SIGNAGE - PINE RIDGE PARK: The RECORD OWNER of Pine Ridge Park may install and maintain temporary illuminated or non-illuminated, double-faced “For Sale” or “For Lease” signs which may also indicate future users and identify the project for subdivided lots of Pine Ridge Park not exceeding five (5) in total, provided each such sign shall not exceed ten (10) feet in height with a total sign face area not exceeding one hundred twenty-five (125) square feet. The exact location of such signs shall be subject to CITY approval. The signage provided for herein shall be subject to permitting, shall be constructed in compliance with all applicable CITY codes and may be erected and maintained from the date hereof until the sale of the last lot or unit within Pine Ridge Park has been closed. When the sale of the last lot or unit within Pine

Ridge Park has been closed, the RECORD OWNER shall cause all such temporary signage to be removed.

5. COMPLETION OF IMPROVEMENTS PRIOR TO OCCUPANCY. No occupancy permit shall be issued for any building on the Subject Property until the City Council has accepted all of the offsite Land Improvements and all of the onsite Land Improvements related to such unit or phase with the exception of sidewalks, street trees, parkway seeding, and final surface course of streets.

Each of the RECORD OWNERS, with respect to Regency Estates and Pine Ridge Park, as appropriate, shall maintain all public streets within such portion of the Subject Property in an acceptable condition until the Corporate Authorities shall accept them. Further, said RECORD OWNERS shall be responsible for snow removal on all public streets until the Corporate Authorities shall accept same. The Corporate Authorities may accept said streets prior to the installation of the final surface course provided that the CITY shall continue to hold security sufficient to assure the completion of said street.

At all times, each RECORD OWNER shall be responsible for removal of construction debris and waste related to that portion of the Subject Property being developed by them.

6. OFFSITE EASEMENTS AND EMINENT DOMAIN. The RECORD OWNERS are responsible for obtaining all offsite dedications, easements and licenses sufficient to accommodate the construction, maintenance, repair and replacement of all Land Improvements and of the electric distribution system improvements as described in Exhibit "L" hereto required in connection with the development of any portion of the Subject Property encompassed by a final plat. The easements shall be, in form and substance, acceptable to the CITY. In the event the RECORD OWNERS are unable to obtain such off-site easements, dedications or licenses under terms and conditions deemed reasonable by the CITY, the CITY may, at the request of the RECORD OWNERS, or either of them, exercise its power of eminent domain to acquire such interests. The CITY'S decision to utilize its eminent domain powers is expressly reserved to its sole and exclusive discretion. In the event the CITY elects to exercise the

powers of eminent domain for the purposes described herein, the RECORD OWNER or RECORD OWNERS, if such request has been made by both of them, shall reimburse the CITY for all reasonable costs, judgments, settlements and expenses, including reasonable attorneys' and expert witness' fees which are incurred by the CITY and are associated with, or arise out of, the acquisition of such rights.

The CITY shall from time to time provide an estimate for all such costs and expenses, settlements or judgments, including reasonable attorney's and witness fees. A guarantee of payment (in the form of a letter of credit or cash deposit as designated by the appropriate RECORD OWNER) shall be submitted to, approved and retained by the CITY prior to the CITY incurring any such expense. The RECORD OWNERS agree to reimburse the CITY for eligible expenses within thirty days after the invoicing of same. The invoice shall be mailed to the RECORD OWNERS at the address specified herein, United States mail, postage prepaid. Such mailing shall constitute conclusive evidence that notice has been made as herein required. Should the RECORD OWNERS fail to make such reimbursement payment to the CITY within thirty days of the invoice, the CITY may, in addition to securing reimbursement through the collateralization herein provided, discontinue any further action on behalf of the RECORD OWNERS, or either of them as may be appropriate. Further, the CITY may refuse to issue any additional building, occupancy or other permits requested by either RECORD OWNER who has failed to make timely reimbursement as herein required.

The CITY shall make available to the RECORD OWNERS any dedicated rights-of-way, or easements or licenses over real estate owned by the CITY or in which it has an interest to the extent the CITY may determine those interests are necessary for the construction or installation of Land Improvements and electric distribution system improvements to service any portion of Subject Property; provided, however, that any and all costs and expenses incurred by the CITY in connection therewith from the effective date of this AGREEMENT shall be repaid to the CITY by the RECORD OWNERS.

With respect to land over which the CITY has no power of eminent domain, such as land owned by the State or other units of local government, it shall be the

responsibility of the RECORD OWNERS, or either of them as the case may be, to obtain all such offsite dedications, easements or licenses as may be necessary to accommodate all Land Improvements and electric distribution system improvements which are reasonably determined by the Corporate Authorities to be necessary for the development of Subject Property. Such dedications, easements or licenses shall be acquired in the name of, and for the use and benefit of, the CITY and shall be acquired prior to approval by the Corporate Authorities of any Final Plat.

7. UTILITY IMPROVEMENTS.

A. SEWER AND WATER UTILITY SERVICE: The CITY acknowledges that once final engineering has been approved and all third party easements and licenses are granted, the RECORD OWNERS may connect to the CITY wastewater and water systems. The RECORD OWNERS shall apply for all required connection permits and shall pay the CITY'S required tap-on or connection fees as, from to time to time, may be provided by ordinance. Each approved connection shall be performed in accordance with the CITY'S rules and regulations pertaining thereto. Except as otherwise set forth herein, the RECORD OWNERS shall be responsible for the payment of all costs associated with extending the aforesaid utilities to the approved locations on the Subject Property. The CITY shall accept the dedication of such improvements in accordance with the provisions of Title 16 of the St. Charles Municipal Code.

The CITY and the RECORD OWNERS believe that, at the present time, the CITY has sufficient conveyance and treatment capacity to provide wastewater treatment for the Subject Property when fully developed and, further, that at the present time, the CITY is not under any order restricting its right to connect the Subject Property to its wastewater treatment facility. CITY further states its belief that, at the present time, the CITY'S municipal water distribution system has sufficient line and supply capacity to serve the Subject Property, when fully developed with potable water and fire flow protection. Notwithstanding the foregoing, the CITY may require that a fire pump be provided for a specific

building when consideration is given to a specific use proposed for the building and the building construction type. The CITY does not make any representation that a fire pump will not be required. The CITY agrees that, during the term of this AGREEMENT, it shall own and operate its water system and wastewater treatment facilities in a reasonable and prudent manner but does not thereby guarantee that, throughout the term of this AGREEMENT, sufficient water supply or wastewater treatment capacity will always be available or that the Illinois EPA, under current standards or under standards subsequently adopted, will not order a restriction upon additional connections to the CITY'S utilities. Subject to the foregoing reservation, the CITY agrees to cooperate with RECORD OWNERS in obtaining such permits as may be required from time to time under both federal and state law, including (without limitation) the Illinois Environmental Protection Agency, permitting the connection on to the sanitary sewer and water mains of the CITY in order to develop and use the Subject Property.

The CITY shall not be responsible for its inability to provide any of the utility services identified herein, or for any loss or damage, including consequential damage, or delay in installation caused by strikes, riots, the elements, embargos, the failure of carriers or the inability to obtain materials or other acts of God or by virtue of any other cause beyond CITY'S reasonable control, including but not limited to inability to acquire necessary easements or permits subject to review and issuance by other agencies.

B. ELECTRIC UTILITY IMPROVEMENTS: The Subject Property shall receive electrical service by being connected to the CITY owned electric utility. The CITY shall design and construct the facilities necessary to provide electrical service to the Subject Property and to each lot or parcel developed within the Subject Property. The design and construction of the electrical system facilities shall be at the expense of the RECORD OWNERS.

The RECORD OWNERS agree to comply with the CITY'S electric utility ordinances of general applicability in effect from time to time throughout the term

of this AGREEMENT. The RECORD OWNERS agree to pay any current or future electrical connection charges or fees, for the respective phases of their development, as the same may be in effect at the time of connection on a basis equivalent to that imposed on other similar users in the CITY. The CITY, its electric utility and the RECORD OWNERS acknowledge that, as applied to the Subject Property, the St. Charles Municipal Electric Utility's practice with respect to payment and responsibility for improvements under the current electric utility ordinances is described in Exhibit "L" attached hereto and incorporated herein. The RECORD OWNERS hereby waive all causes of action against CITY, its officials, officers and employees and agents, and the City of St. Charles Electric Utility, its officials, officers, employees and agents challenging the validity of Sections 13.08.010 through 13.08.150 of the St. Charles Municipal Code as currently in effect or as they may be in effect from time to time throughout the term of this AGREEMENT. The CITY shall not be required to refund any electric connection charges paid by Owners in the event CITY'S ordinances are ruled invalid.

The RECORD OWNERS shall not request electric service from any electric utility other than the City of St. Charles Electric Utility, unless CITY shall determine, by resolution of the Corporate Authorities, that the CITY is unable to provide electric service to Subject Property.

C. STORM WATER MANAGEMENT FACILITIES: The RECORD OWNERS shall cause the Subject Property to be improved with storm water management, detention and other storm water drainage facilities. The storm water management and detention facilities shall include, without limitation, storm sewers, inlets, structures and drainage swales, retaining walls, storm sewers connecting detention basins, wetlands and wetland buffers and the off-site outfall storm sewer for the project and/or the parcel or lot within the Regency Estates/Pine Ridge Park PUD (the "Storm Water Management Facilities"). The Storm Water Management Facilities shall be designed and constructed in full compliance with the provisions of the St. Charles Municipal Code and, to the

extent appropriate, the rules and regulations of County of Kane, Illinois. The Storm Water Management Facilities and all appurtenant facilities not dedicated to and accepted by the CITY shall be owned and maintained by the RECORD OWNERS and their successors and assigns. The RECORD OWNERS shall provide for the long-term ownership, maintenance, repair and replacement of such private Storm Water Management Facilities shall be assumed by a joint property ownership association.

D. SPECIAL SERVICE AREA: While the preceding subsection requires that the long-term ownership and responsibility for the maintenance, repair and replacement for the non-dedicated Storm Water Management Facilities responsibilities shall be assumed by a joint property ownership association to be formed by the RECORD OWNERS and their successors and assigns, the CITY will require that this obligation be collateralized through the formation of a Special Service Area (“SSA”) or Areas (“SSAS”) comprising all or any part of the Subject Property, as may be appropriate. The RECORD OWNERS, together with their successors and assigns, shall cooperate with the CITY in the formation of, and shall not object to the establishment of, or any amendment to, such “SSA” or SSAS. The purposes of the SSA or SSAS shall be to make financial provision for the maintenance, repair, reconstruction or replacement of the non-dedicated Storm Water Management Facilities in the event that the joint property ownership association or associations fail to properly perform these functions. Each such SSA or SSAS shall be for a perpetual duration with a maximum rate of 1.00 percent per annum (\$1.00 per \$100 of equalized assessed valuation) on all of the taxable property within each such SSA.

If and when the RECORD OWNERS, or their successors and assigns, record any one or more declaration of covenants, conditions or restrictions upon the Subject Property or any portion thereof, they shall include provisions implementing this covenant which shall be binding upon the future owners of record of the Subject Property, or portion thereof, which may be subjected to the terms of the declaration.

E. STORM WATER MANAGEMENT FACILITIES -

ENGINEERING: The Phase I Preliminary Engineering Plan shall provide for Storm Water Management Facilities to be located along the northerly portion of the Regency Estate/Pine Ridge Park PUD. These Storm Water Management Facilities are designed to provide sufficient storm water detention capacity to serve all of the Regency Estates/Pine Ridge Park PUD when fully developed. Each phase of development within the Regency Estates/Pine Ridge Park PUD shall utilize these detention facilities to meet all of the storm water detention requirements for that phase as a part of the overall drainage plan and shall incorporate such additional Storm Water Management Facilities as may be required to fully implement the over all drainage plan. The overall drainage plan shall be subject to the review and approval of the CITY.

At the time of the recording of each Final Plat, the RECORD OWNER of that portion of the Subject Property so platted shall grant to the CITY an easement over all Storm Water Management Facilities to be constructed within that portion of the Subject Property and within easements over those portions of other property not included within the Subject Property which are to be improved with Storm Water Management Facilities. The terms of each such easement shall provide that the appropriate RECORD OWNER, its successors and assigns, are to remain responsible for the maintenance of these Storm Water Management Facilities. Further, if, in the reasonable judgment of the City Engineer, the appropriate RECORD OWNER, its successors and assigns, fail to do so, the easement will provide that the CITY will be authorized to go upon that portion of the Subject Property for the purpose of performing such work as the City Engineer may deem reasonably appropriate or necessary to maintain such Storm Water Management Facilities or to correct any deficiencies with respect thereto. The CITY shall have the right to bill the appropriate RECORD OWNER, or its successors or assigns, for the reasonable cost of all such work together with an additional reasonable amount necessary to compensate the CITY for undertaking and managing said work.

F. SOIL EROSION CONTROL: Upon five days' notice to the RECORD OWNERS, or either of them, the CITY shall have the right to issue a stop work order halting any construction of Land Improvements, buildings and other structures if the City Engineer determines that the soil erosion control measures required by Title 18 of the St. Charles Municipal Code, as shown on an approved erosion control plan, are not being adequately maintained; provided, however, that if the City Engineer determines that an emergency exists and that immediate action is necessary, the five day notice shall not be required. The RECORD OWNERS each agree that a stop work order may be issued on such grounds against either of them with respect to the portion of the Subject Property on which the violation occurs. Any such stop work order will not be lifted until all violations are corrected. Each RECORD OWNER agrees that they shall indemnify and hold the CITY harmless from any and all losses, claims, expenses, and penalties, including attorneys' fees, arising out of the CITY'S issuance of a stop work order on such grounds, unless the stop work order was improperly issued as determined by a court of competent jurisdiction.

G. SANITARY SEWER LIFT STATION: The RECORD OWNERS propose the installation of a sanitary sewer lift station to provide wastewater collection and conveyance service for the Subject Property. The lift station will be designed and constructed by the RECORD OWNERS subject to CITY approval of the specifications, layout, material and all other matter relating to the operation of the lift station. When completed, the lift station will be inspected and, if accepted by the City Council, conveyed and dedicated to the CITY, and thereafter shall thereafter be owned and operated by the CITY. The lift station shall include an emergency power generator and telemetry meeting all CITY requirements.

The RECORD OWNERS shall designate a separate lot or parcel upon which the lift station shall be constructed and that lot or parcel will be so designated on the plat of subdivision covering that portion of the Subject Property within which the lift station lot or parcel is located. The RECORD OWNERS

shall convey said lot or parcel to the CITY by Special Warranty Deed, free of all liens and encumbrances. Said conveyance shall be at no cost to the CITY. The RECORD OWNERS shall procure title insurance on the lift station site naming the CITY as the owner and insured party subject only to such exceptions to title as the CITY may reasonably agree. The closing of this conveyance shall be subject to payment of all customary pro-rations, and the closing costs related to this transaction shall be shared between the parties as is customary in St. Charles, Illinois. Further, said conveyance shall occur when, in the reasonable judgment of the CITY, no further infrastructure construction will occur in and around the said lot or parcel but in no event later than 2 years after the recordation of a final plat covering that portion of the Subject Property where the lift station is located.

8. ROAD IMPROVEMENTS.

A. RIGHT-OF-WAY DEDICATIONS: Each final plat covering portions of the Subject Property located adjacent to the existing right-of-way of Illinois Route 64 shall provide for the dedication and conveyance of sixty (60') feet of right-of-way north of the centerline of Illinois Route 64. In addition, each final plat shall provide an easement for public roadway, traffic control equipment, sidewalks, bicycle paths, and utility purposes within additional triangular areas at the northeast and northwestern corners of Oak Street and Illinois Route 64 measuring fifty (50') feet in length along each right-of-way, and within a fifteen (15) ft. wide strip of land parallel to and immediately adjacent to the right of way required to be dedicated for IL Route 64. The dedications and easements described in this Section A shall be provided at no cost to the City and in accordance with Section 16.12.210 ("Transfer of Dedications and Easements") of the St. Charles Municipal Code.

B. ROADWAY CONSTRUCTION STANDARDS: The RECORD OWNERS shall design, construct, pay for and, where appropriate, dedicate to the CITY, or the State of Illinois, as the case may be, the road improvements identified in this Section 8 and on Exhibit "VI-A" to Exhibit "B-1". The

construction of the road improvements shall be in accordance with the roadway classifications and relevant specifications set forth in the CITY'S subdivision regulations for Land Improvements or in accordance with State of Illinois standards, as appropriate.

C. INTERSECTION IMPROVEMENTS - IL. ROUTE 64 (Main Street):

Access to the Subject Property from Illinois Route 64 shall be limited to the type, number and general locations identified in Exhibit "VI-C" to Exhibit "B-1", except such additional locations as the City Council in its sole discretion may determine. The CITY and RECORD OWNERS acknowledge that all access to Illinois State Route 64 is subject to the approval of the Illinois Department of Transportation.

The RECORD OWNERS shall improve the intersections along IL. Route 64 that will provide access to the Subject Property. These intersection locations include a private right in/right out, Oak Street extended and Barbara Ann Drive, all at Illinois Route 64. The nature and scope of the on site and off site improvements shall be as determined and required by IDOT and may include right turn lanes, pavement marking, shoulder improvements and storm sewer improvements. The CITY shall not be required to issue any building permit except for one building for model homes until RECORD OWNERS have obtained an IDOT permit for construction and have submitted all financial guarantees as may be required by IDOT.

D. CONTRIBUTION FOR FUTURE RT. 64 WIDENING: The RECORD OWNERS shall, as a precondition to the recording of the first final plat for any portion of the Subject Property, contribute \$865,000.00 to the CITY for the future widening of the existing three lane section of Illinois Route 64 into a five lane section as depicted on Exhibit M.

E. WOODWARD DRIVE EXTENSION: Notwithstanding any contrary provision of this Section 8 to the contrary, the RECORD OWNERS shall

cause the dedication and completion of the construction of the east end of Woodward Drive, as depicted upon the Preliminary Plan, to the eastern boundary of the Subject Property in accordance with the provisions of this Subsection E.

(i) The dedication and construction of the east end of Woodward Drive shall be completed within four (4) years from the date of this Agreement; or

(ii) In the event (a) KDOT and the CITY come to an agreement related to access to Randall Road as the same relates to the Subject Property and relevant adjacent property and (b) the CITY approves a preliminary plan or a PUD for the "Hahn Property", then the dedication and construction of the east end of Woodward Drive shall be completed within eighteen (18) months of the last to occur of the KDOT agreement or the approval of the preliminary plan or a PUD for the "Hahn Property".

The completion of the extension of east Woodward Drive, as hereinabove provided, may only occur subsequent to the approval of such extension by the United States Army Corps of Engineers. As of the date hereof, the RECORD OWNERS have made application to the Corps. If, for any reason, they fail to secure the approval of the Corps, the RECORD OWNERS shall nonetheless dedicate the right-of-way for the extension (as per Subsection 8 A. above) and tender to the CITY a financial guarantee covering the estimated cost of the construction of the eastern extension of Woodward Drive as reasonably may be determined by the City Engineer in the exercise of good engineering practice.

The RECORD OWNERS shall submit a financial guarantee in the form of a cash escrow or letter of credit within 60 days of the first to occur of (i) or (ii) above, and shall maintain such guarantee for a period of three years, or until completion of the easterly extension of Woodward Drive, whichever shall first occur. The terms of the required guarantee shall provide that the CITY will have the right to use the cash escrow or draw on the letter of credit to improve the

easterly extension of Woodward Drive if RECORD OWNERS have not completed the improvement within one year of the submittal of the letter of credit.

In addition to the foregoing, and prior to the dedication of the right-of-way for the eastern extension of Woodward Drive, the RECORD OWNERS shall grant to the CITY, its officers, agents and contractors, a permanent twenty (20') foot easement within the proposed right-of-way permitting the CITY to install and construct, own, operate, repair, replace and maintain Storm Water Management Facilities as hereinbefore defined.

F. CROSS ACCESS – ST. CHARLES BOWL: The RECORD OWNERS shall provide cross access to St. Charles Bowl from Woodward Drive through adjacent lots. The conceptual location of this point of cross access is as depicted on the final exhibits attached to the Regency Estates/Pine Ridge Park PUD Ordinance heretofore incorporated herein as Exhibit B-1. The final location and configuration of said point of cross access shall be acceptable to the CITY and shall be depicted upon the PUD Preliminary Plan for Lots 12, 13 or 14, whichever shall first occur.

The establishment of the Cross Access Agreement with any adjoining parcel shall be contingent and conditioned upon the owner of the adjoining parcel entering into a mutual and reciprocal easement agreement with the applicable RECORD OWNER which will provide for: a) reciprocal access easement for egress of pedestrians and vehicles over and across those portions of each parcel thereby affected; b) reimbursement to the applicable RECORD OWNER by the adjacent parcel owner of a pro rata share based upon relative traffic generation of each parcel, of the design and construction costs incurred by RECORD OWNER with respect to the intersection, street and driveway improvements located within or servicing the access easement parcel; c) the sharing of maintenance and snow removal costs on the aforementioned pro rata basis; d) the reservation by the applicable RECORD OWNER of the right to, from time to time, limit or close the access easement parcel from use as may be necessary to prevent the vesting of

rights beyond those expressly provided in the Agreement; and e) such other terms and conditions as are customarily contained in such Agreements. The Agreement shall be prepared by RECORD OWNER and subject to review and approval by the CITY's attorney, however such approval shall not be unreasonably withheld. The RECORD OWNER shall exercise good faith and due diligence in seeking to obtain the approval and execution of the Agreement by the owners of all property affected or benefited thereby, and following such proper execution the Agreement shall be recorded against all of the land being affected. In no event, however, shall any adjoining parcel be connected to any private drive within Pine Ridge Park until an Agreement has been agreed to and effectuated with respect thereto.

G. COMBINED PARCEL ACCESS. The RECORD OWNERS agree to minimize curb cuts on Woodward Drive and to combine and share cross access between adjacent lots. *(For example Lots 1 and 2 or 2 and 3, 4 and 5, 6 and 7, etc. would share an access drive).*

9. MAINTENANCE AND RESTORATION OF LAND IMPROVEMENTS. Each of the RECORD OWNERS shall be jointly and severally liable for the maintenance, repair, restoration and replacement, of any and all improvements intended to be dedicated to the CITY which are damaged or disturbed by reason of construction traffic or activity related the development of Subject Property. This obligation shall terminate upon the acceptance by the CITY of the dedication except where the acceptance of the dedication is a partial acceptance, as where the CITY accepts the dedication of a street prior to the installation of the final surface course or lift. Such repair and/or replacement shall cause the damaged Land Improvements to be restored to a condition which meets and complies with their originally designed sizes, standards and topography; all of said work to be performed in a manner satisfactory to the CITY. Should the RECORD OWNERS fail to perform any maintenance, repair, restoration and replacement, as herein required, the CITY may do so and, in that event, the cost thereof shall be a liability of the RECORD OWNERS.

10. FINANCIAL GUARANTEES. The RECORD OWNERS shall each

submit to the CITY a financial performance guarantee in the form of a letter of credit conforming to the provisions of Title 16 of the St. Charles Municipal Code to guarantee completion of Land Improvements, mass grading and erosion control installation, storm water detention, and any other improvements required herein in connection with the approval of the First Phase PUD Preliminary Plan or any subsequent Final Plat for all or any portion of Regency Estates or Pine Ridge Park. The financial performance guarantee shall be released upon the satisfactory completion and acceptance of the Land Improvements guaranteed thereby and the posting with the CITY of an acceptable maintenance guarantee securing the maintenance of the Land Improvements for a period of one (1) year after CITY'S acceptance of same. Periodic partial draw-downs of the financial guarantee will be allowed subject to the reasonable approval of the City Engineer.

11. FACILITIES TO BE UNDERGROUND. The RECORD OWNERS shall cause all utilities and communications facilities intended to serve Subject Property including, but not by way of limitation, all telephone, electric and cable television lines, to be installed underground. This requirement shall be affixed to all final plats.

12. LIMIT ON CITY RESPONSIBILITY FOR UTILITIES. 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 inability to obtain financing upon such terms as the City Council may determine, 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, modifications of Facilities Planning Area boundaries, Army Corps of Engineers permits, railroad licenses and permits, Kane County permits and easements, and Illinois environmental Protection Agency permits.

13. RECAPTURE AGREEMENTS. Each RECORD OWNER shall pay its pro-rata share of improvement costs for other eligible improvements which, in the opinion of the CITY'S Corporate Authorities, may be used for the benefit of the Subject Property (hereinafter "Existing Reimbursement Obligations") to the extent such Existing

Reimbursement Obligations are reflected in other recapture or reimbursement agreements heretofore entered into by the CITY with others. The Existing Reimbursement Obligations attributable and chargeable against the Subject Property are summarized in Exhibit "G-5" attached hereto and made a part hereof. As of January 31, 2006 such obligations total approximately two hundred twelve thousand eight hundred ninety-six dollars and five cents (\$212,896.05), and the RECORD OWNERS agree to cause said sum plus any additional interest as provided in the recapture or reimbursement agreements, to be paid over to the CITY within sixty (60) days of the execution of this Agreement. The CITY has no knowledge of any additional or other reimbursement obligations currently affecting Subject Property other than as identified in said Exhibit "G-5".

14. REQUIREMENTS OF OTHER JURISDICTIONS. Notwithstanding any contrary covenant or condition contained herein, the CITY shall not be deemed to be in breach of this AGREEMENT if its performance of any such covenant or condition is not consistent with, or is precluded by, a legal duty, rule, regulation or requirement which is imposed by any other governmental bodies or agencies having jurisdiction over Subject Property, the CITY or the RECORD OWNERS.

15. SCHOOL AND PARK CONTRIBUTIONS. The RECORD OWNERS of the Subject Property, heretofore legally described on Exhibit A-1, hereby agrees to comply with the provisions of Chapter 16.32 of the St. Charles Municipal Code in effect as of the date of the recording of any final plat by making the cash contributions in lieu of the land contributions for said school and park purposes as therein required. Prior to the recording of any such final plat, said RECORD OWNER shall provide the CITY with a letter from the appropriate school and/or park district setting forth the calculation of the cash contribution and confirming that the sum so calculated has been paid to the respective district or that alternative and acceptable arrangements for the payment of the cash contribution to the respective district have been made. The RECORD OWNER of the Subject Property further agrees that all such cash contributions for schools and parks may be used by the recipient school or park district for land acquisition, building construction, site improvements, capital improvements, equipment, operations, or any

other purpose which will serve the immediate or future needs of the residents of the subdivision for which the contribution was received, as determined by the recipient school or park district. The school and park cash contributions shall constitute the sole and exclusive obligation of the RECORD OWNER of the Subject Property for contributions and donations to the applicable school and park districts and said RECORD OWENR shall have no obligation to donate, by conveyance or otherwise, any land to either of the applicable school and/or park districts. The RECORD OWNER of that portion of the Subject Property referred to as Pine Ridge Park, heretofore legally described on Exhibit A-4, shall have no obligation to make any contribution of land, cash or otherwise to or for the benefit of any school and park districts with respect to the platting or development of Pine Ridge Park, provided Pine Ridge Park is developed only for those non-residential uses provided under this AGREEMENT, or any other non-residential use of Pine Ridge Park hereafter approved by CITY.

16. BLANKET AND OTHER ONSITE EASEMENTS. At CITY's request, the RECORD OWNERS shall provide one or more blanket easement(s) over, under and upon all common open space, private common driveways and parking areas within Subject Property permitting the access of emergency vehicles and further permitting the ownership, operation, maintenance, repair, replacement and customary servicing of all electricity lines, all sanitary sewer, storm drainage, storm water detention and retention, and water main systems, telephone lines, natural gas supply systems, communication facilities (including cable television and other cabled communication facilities) and other utilities, on all final plats. The blanket easement(s) shall be granted to the CITY and, as appropriate, to all other utility providers which now hold, or which may in the future hold, a CITY franchise. Further, said blanket easement(s) shall extend to the City and its franchisees together with their respective officers, employees, and agents, together with related emergency and service vehicles and equipment.

Said easements shall expressly exclude all building pad areas as the same may, from time to time, be established, modified or relocated. The blanket easement(s) shall contain terms which will permit relocation of existing utility facilities located within an easement area as may be required, from time to time, to facilitate the development or

redevelopment of any portion of Subject Property provided, however, that the cost of the relocation shall be born by the respective RECORD OWNER, successor or assign, or other party seeking such relocation and, in each case, shall be further subject to the approval of the owner of the utility as to the proposed site of the utility relocation. Said easements shall further require any CITY franchisee which carries out work within the easement premises to indemnify, defend and hold harmless the CITY and the RECORD OWNER(S) or their successors or assigns from any claim, liability, cost and/or expense, including reasonable attorneys fees, arising directly or indirectly from such work. 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.

17. WELL AND SEPTIC PROHIBITED. There shall be no private wells or septic systems constructed within the Subject Property. Further, there shall be no private wastewater treatment facilities serving Subject Property. Within 10 days after City Council acceptance of any water mains on Subject Property, the RECORD OWNERS shall plug any existing wells on Subject Property in conformity with the regulations of the Illinois Department of Mines and Minerals and any other applicable State or Federal requirements and shall provide documentation to the CITY that such plugging has been accomplished, all in form and substance acceptable to the City Council.

18. BUILDING CODE. The RECORD OWNERS shall comply in all respects with the applicable provisions of Title 15 of the St. Charles Municipal Code which are in effect at the time the CITY issues to the RECORD OWNERS, or any of their successors or assigns, a building or other permit or permits in connection with the construction buildings and structures on Subject Property. This requirement shall be expressly deemed to include any future amendment to the provisions of Title 15 of the St. Charles Municipal Code.

19. NO REQUIREMENT TO DEVELOP. The RECORD OWNERS and their respective successors and assigns shall not be required to develop or plat any of Subject Property. In the event, however, that the either of the RECORD OWNERS, or

any of their respective successors and assigns, develop or plat any portion of the Subject Property, such development and platting shall be in accordance with this Agreement and the Regency Estates/Pine Ridge Park PUD Ordinance.

20. MAINTENANCE OF PRIVATE FACILITIES. Each RECORD OWNER, as to its respective portion of Subject Property, agrees to repair and maintain all private retention and 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 CITY, or any other governmental entity. In the event of the conveyance or assignment of all or part of Subject Property, the record titleholders shall be responsible for such repair and maintenance as contemplated in this paragraph.

21. ACCEPTANCE OF RIGHTS-OF-WAY DEDICATIONS AND CONVEYANCE OF LAND IMPROVEMENTS. Upon the submittal of any final plat for any portion of the Subject Property, the RECORD OWNERS shall cause each of said plats to include provisions for the dedication of public rights-of-way for streets covering those portions of the Subject Property being platted together with any additional rights-of-way dedication reasonably deemed necessary or appropriate with respect to the portions of the Subject Property being finally platted. Contemporaneously with the submittal of any final plat for any portion of the Subject Property, the RECORD OWNERS shall cause the plat reflecting the additional right-of-way dedication covering the Annexation Parcel to be submitted to the CITY'S for its acceptance and approval.

Upon the request of a RECORD OWNER, the CITY shall consider the acceptance of the dedication and conveyance of the completed portions of the required Land Improvements (as that term is defined in the City's Subdivision Control Regulations) including all public streets, and all sanitary sewers, storm drainage sewers, inlets and structures, and water mains lying within public dedicated rights-of-way or publicly dedicated easements. If the City Engineer, upon review, determines that the tendered Land Improvements have been constructed in conformance with this AGREEMENT, the exhibits incorporated in this AGREEMENT and, as appropriate, approved engineering plans and specifications, said Engineer shall recommend acceptance thereof to the City Council which shall consider accepting all of the

satisfactorily completed portions and elements of the Land Improvements. As a precondition to the acceptance of any of the Land Improvements, the RECORD OWNERS, or either of them as may be appropriate, shall convey and transfer said Land Improvements to the CITY free of all liens or encumbrances by appropriate bills of sale and other conveyance documents as required by the CITY.

Upon the receipt of a complete written request by the RECORD OWNERS, or either of them as appropriate, the CITY shall act upon said request for acceptance of the tendered Land Improvements within 30 days. If the CITY refuses to accept the dedication and conveyance of the Land Improvements, the CITY shall provide the applicable RECORD OWNER with a letter of rejection citing the deficiencies within 40 days from receipt of such complete submittal.

22. PERMANENT SIGNS AND ENTRY FEATURES. Permanent, illuminated signage shall be permitted for Subject Property, including a monument style entry sign and entry features for Regency Estates and monument and wall signs for each of the users within Pine Ridge Park, as provided in Exhibit "IV-A" and "IV-B" of Exhibit "B-1". To the extent the foregoing exhibits do not modify or require relief from the CITY'S code provisions related to signage, said code provisions shall control.

23. CONTRIBUTION FOR AFFORDABLE HOUSING. REGENCY ESTATES L.L.C. shall contribute to the CITY \$1,000 per dwelling unit to be constructed within Regency Estates, at the time of issuance of each building permit for residential buildings within Regency Estates. This contribution shall be used for the purpose of providing affordable housing within the CITY, in a manner to be determined by the CITY. If the CITY does not use the contributions for the purpose of providing affordable housing within the CITY within five years of the date received, it shall return the contributions to REGENCY ESTATES L.L.C.

24. REIMBURSEMENT. The RECORD OWNERS shall reimburse the CITY for its reasonable attorney's fees, engineering and planning consultants, and CITY staff review time incurred by the CITY in connection with the processing and review of

any and all matters pertaining to this AGREEMENT, including the drafting and negotiation hereof. Payment by the RECORD OWNERS to the CITY shall occur promptly after receipt by the RECORD OWNERS of invoices for such work.

## **EXHIBIT "VI"**

### **PLANS**

Exhibit VI-A: A one page plan entitled "P.U.D. Concept Plan Regency Estates and Pine Ridge Park" prepared by Trans/Land, Ltd., dated January 13, 2006.

Exhibit VI-B: A one page plan entitled "P.U.D. Preliminary Engineering Plan Regency Estates" prepared by Western Engineering, P.C., dated January 13, 2006.

Exhibit VI-C: A one page plan entitled "P.U.D. Preliminary Plan Regency Estates" prepared by Trans/Land, Ltd., dated July 28, 2005

Exhibit VI-D: A six-page landscape plan entitled "Pine Ridge Park Entry Rte 64 & Oak St.", "Pine Ridge Park Frontage Route 64 & Oak Street", "Regency Estates Overall Planting Plan Woodward Drive", "Regency Estates Entrance Woodward Drive", "Regency Estates Common Area Regency Court", and "Regency Estates Townhome Unit Planting Plan Woodward Drive", prepared by Rebecca Eisele of Forstar Landscaping, dated March 25, 2005

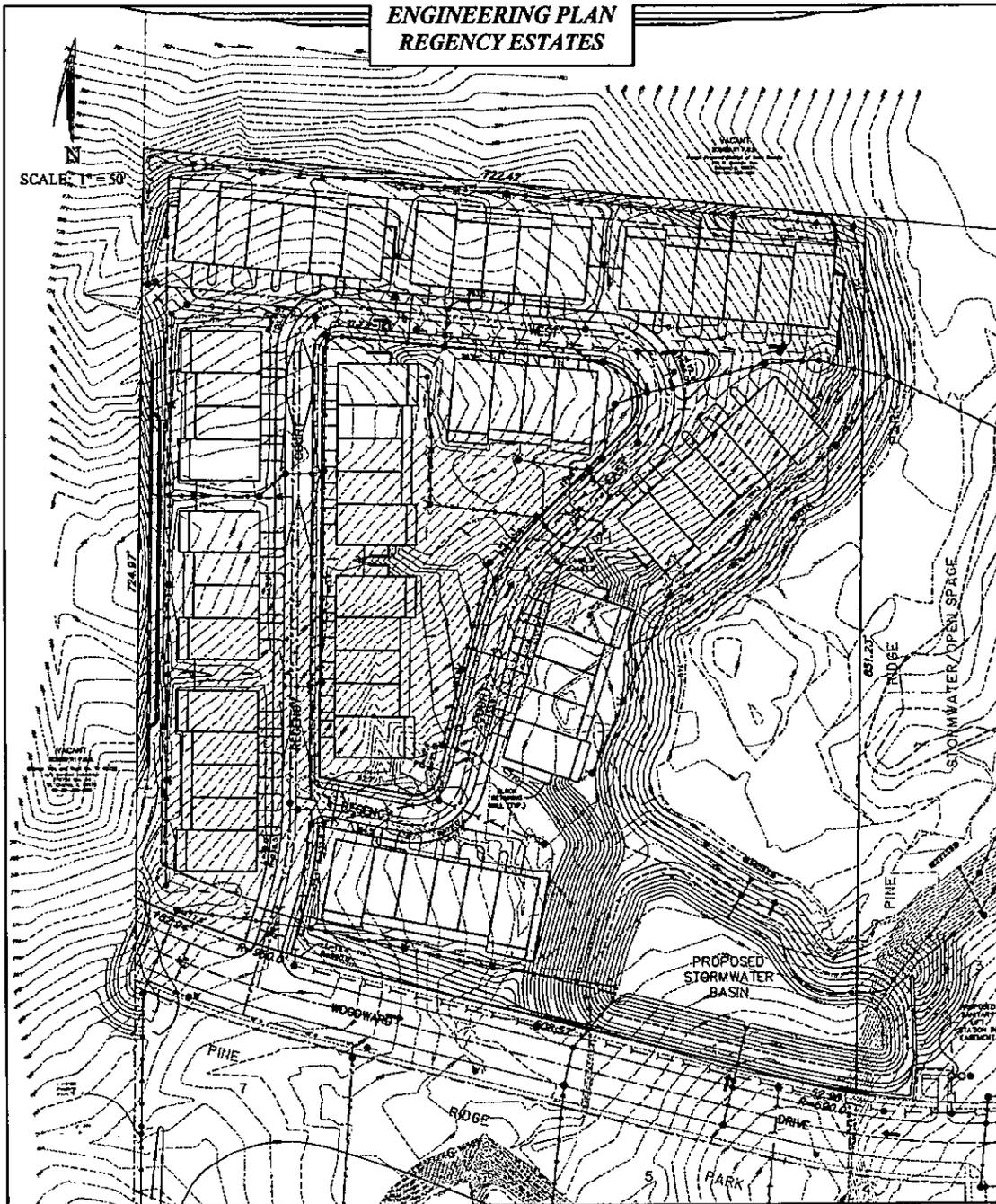
Exhibit VI-E: A two-page building elevation drawing entitled "Regency Estates" prepared by Michael J. Grimson and Associates, dated April 15, 2004

Exhibit VI-F: A two-page signage plan entitled "Pine Ridge Park" prepared by Aurora Sign Company, dated March 22, 2005

Exhibit VI-G: A one-page drawing showing a monument sign entitled "Regency Estates" received July 7, 2005



**"EXHIBIT VI-B"**  
**P.U.D. PRELIMINARY**  
**ENGINEERING PLAN**  
**REGENCY ESTATES**



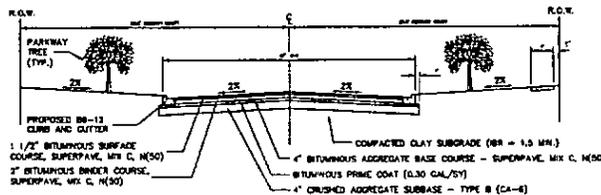
**VICINITY MAP**  
 NOT TO SCALE

**PROPOSED LEGEND**

- ☒ Fire hydrant
- Water shut off valve
- Water valve vault
- Sewer manhole
- Flared and section
- Catch basin
- Curb inlet
- Underground water line (data not indicated)
- Sanitary sewer line
- Storm sewer line
- Concrete curb
- Direction of surface drainage
- ➔ Overland Flood Route

**EXISTING LEGEND**

- ☒ Utility pole
- Phone pedestal
- Fire hydrant
- Water shut off valve
- Water valve vault
- Telephone manhole
- Sanitary sewer manhole
- Storm catch basin
- Flared and section
- Underground gas line
- Underground water line
- Center line of fence (not supported to show direction)
- Overhead wires
- Sanitary sewer line
- Storm sewer line
- Concrete curb



**TYPICAL SECTION - REGENCY COURT**  
 N.T.S.

PREPARED FOR:  
 CUSTOM TOWNHOME AREA:  
**REGENCY ESTATES, L.L.C.**  
 973 N. 2ND AVENUE  
 ST. CHARLES, ILLINOIS 60114  
 (630) 513-1264

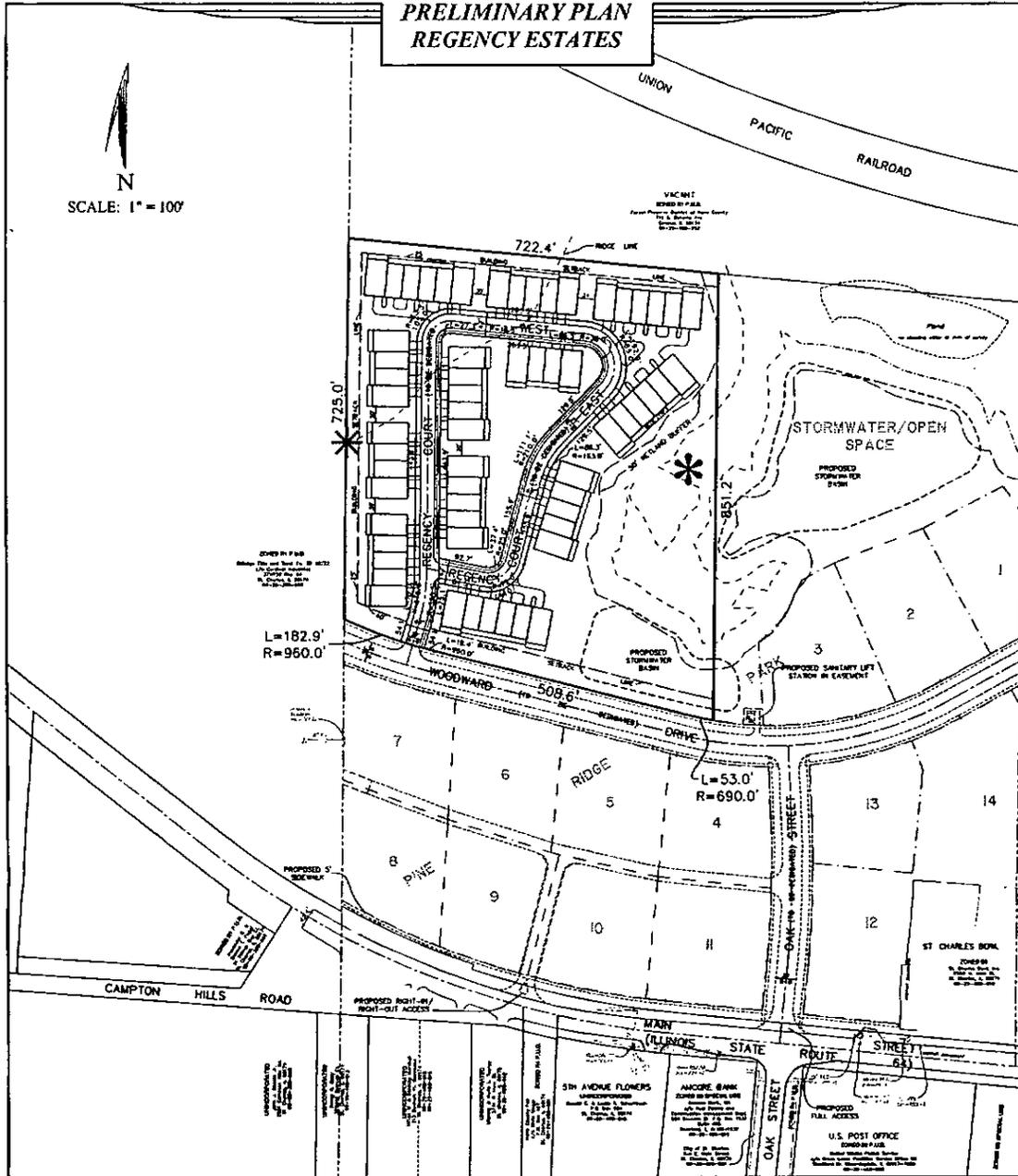
PREPARED BY:  
**WESTERN SURVEYING & ENGINEERING, P.C.**  
 331 STEVENS STREET  
 SUITE A  
 GENEVA, ILLINOIS 60134  
 (630) 845-0600 (630) 845-0601 FAX  
 COPYRIGHT © 2004, BY: WESTERN SURVEYING & ENGINEERING, P.C.

BOUNDARY AND TOPOGRAPHIC SURVEY  
 DATA PROVIDED BY WESTERN  
 SURVEYING & ENGINEERING, P.C.

OBJECTIVE CADD/TEXT  
 FILE NAME: EXHIBIT VI-C  
 PRINTED: 10/08/04  
 DATE: 6-13-04

**"EXHIBIT VI-C"**  
**P.U.D.**  
**PRELIMINARY PLAN**  
**REGENCY ESTATES**

N  
 SCALE: 1" = 100'



**VICINITY MAP**  
 NOT TO SCALE

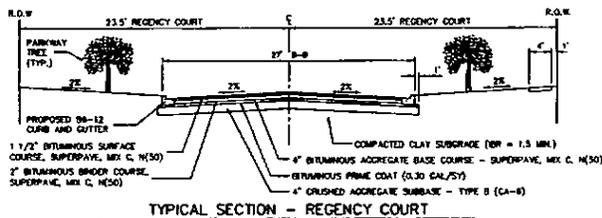
| SITE DATA TABLE               |              |
|-------------------------------|--------------|
| EXISTING ZONING               | R1 P.U.D.    |
| PROPOSED ZONING               | RAA P.U.D.   |
| GROSS SITE AREA               | 13.16 Ac.    |
| AREA IN PROPOSED RIGHT-OF-WAY | 1.72 Ac.     |
| OPEN SPACE AREA               | 3.39 Ac.     |
| NUMBER OF TOWNHOME UNITS      | 61           |
| TOWNHOME AREA GROSS DENSITY   | 4.63 DU/Acre |

**EXISTING LEGEND**

- Indicates utility pole
- Indicates phone pedestal
- ⊕ Indicates fire hydrant
- ⊙ Indicates meter shut off valve
- ⊖ Indicates water valve vault
- ⊗ Indicates telephone manhole
- ⊙ Indicates sanitary sewer manhole
- ⊕ Indicates storm catch basin
- ⊖ Indicates barrel and section
- Indicates underground gas line
- Indicates underground water line
- Indicates center line of fence (if not designated to show direction)
- Indicates overhead wires
- Indicates sanitary sewer line
- Indicates storm sewer line
- Indicates concrete curb

- \* Indicates high point
- \* Indicates low point

BOUNDARY AND TOPOGRAPHIC SURVEY DATA  
 PROVIDED BY WESTERN ENGINEERING, P.C.

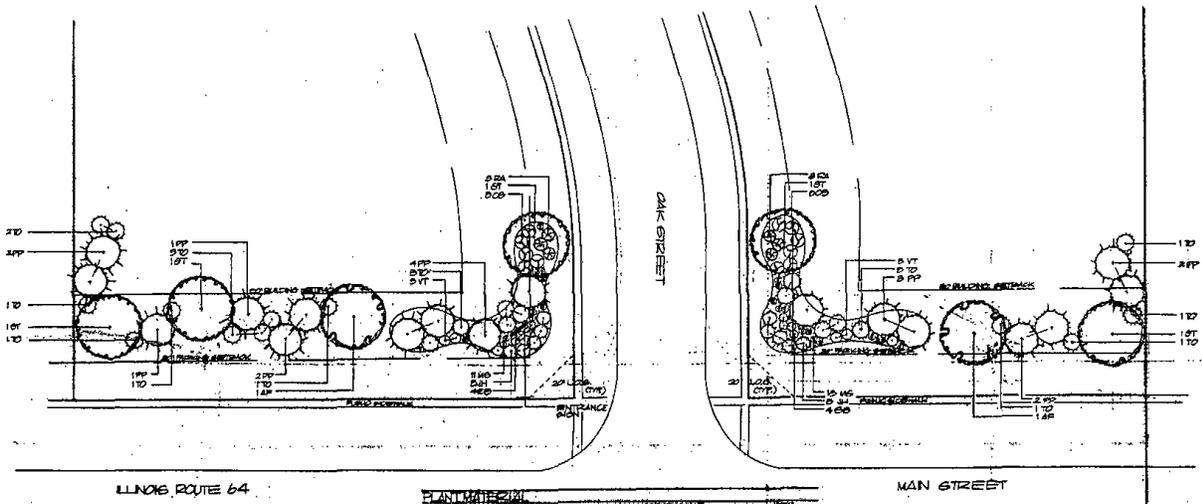


PREPARED FOR:  
 CUSTOMER TOWNHOME AREA:  
**REGENCY ESTATES, L.L.C.**  
 975 N. 2ND AVENUE  
 ST. CHARLES, ILLINOIS 60174  
 (630) 513-1264

PREPARED BY:  
**TRANSLAND, LTD.**  
 116 S. 13TH STREET  
 ST. CHARLES, ILLINOIS 60174  
 (630) 205-1196 (630) 443-6954 FAX  
 COPYRIGHT © 2006, BY: TRANSLAND, LTD.

ORIGINATOR: CADSWH/ING  
 FILE NAME: EXHIBIT VI-C  
 JOB NO.: 06049  
 DATE: 7-28-06

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**PLANT MATERIAL**

| QTY                     | SYMBOL | PLANT NAME       | SIZE       |
|-------------------------|--------|------------------|------------|
| 2                       | AP     | ARIZONA SANDPINE | 2 1/2' GAL |
| 3                       | BT     | BURRLEAF YEW     | 2 1/2' GAL |
| <b>EVERGREEN TREES</b>  |        |                  |            |
| 1                       | PP     | PIKEA PARSONSII  | 6" UC      |
| 2                       | SA     | SAXIFRAGA        | 6" UC      |
| 3                       | WA     | WAX MYRTLE       | 6" UC      |
| <b>DECIDUOUS TREES</b>  |        |                  |            |
| 1                       | AP     | ARIZONA SANDPINE | 2 1/2' GAL |
| 2                       | BT     | BURRLEAF YEW     | 2 1/2' GAL |
| 3                       | PP     | PIKEA PARSONSII  | 6" UC      |
| 4                       | SA     | SAXIFRAGA        | 6" UC      |
| 5                       | WA     | WAX MYRTLE       | 6" UC      |
| 6                       | AP     | ARIZONA SANDPINE | 2 1/2' GAL |
| 7                       | BT     | BURRLEAF YEW     | 2 1/2' GAL |
| 8                       | PP     | PIKEA PARSONSII  | 6" UC      |
| 9                       | SA     | SAXIFRAGA        | 6" UC      |
| 10                      | WA     | WAX MYRTLE       | 6" UC      |
| <b>EVERGREEN SHRUBS</b> |        |                  |            |
| 1                       | PP     | PIKEA PARSONSII  | 6" UC      |
| 2                       | SA     | SAXIFRAGA        | 6" UC      |
| 3                       | WA     | WAX MYRTLE       | 6" UC      |
| <b>DECIDUOUS SHRUBS</b> |        |                  |            |
| 1                       | AP     | ARIZONA SANDPINE | 2 1/2' GAL |
| 2                       | BT     | BURRLEAF YEW     | 2 1/2' GAL |
| 3                       | PP     | PIKEA PARSONSII  | 6" UC      |
| 4                       | SA     | SAXIFRAGA        | 6" UC      |
| 5                       | WA     | WAX MYRTLE       | 6" UC      |
| 6                       | AP     | ARIZONA SANDPINE | 2 1/2' GAL |
| 7                       | BT     | BURRLEAF YEW     | 2 1/2' GAL |
| 8                       | PP     | PIKEA PARSONSII  | 6" UC      |
| 9                       | SA     | SAXIFRAGA        | 6" UC      |
| 10                      | WA     | WAX MYRTLE       | 6" UC      |

EXHIBIT III-D

**PINE RIDGE PARK**  
 975 NORTH 2ND AVE.  
 ST. CHARLES, IL. 60174

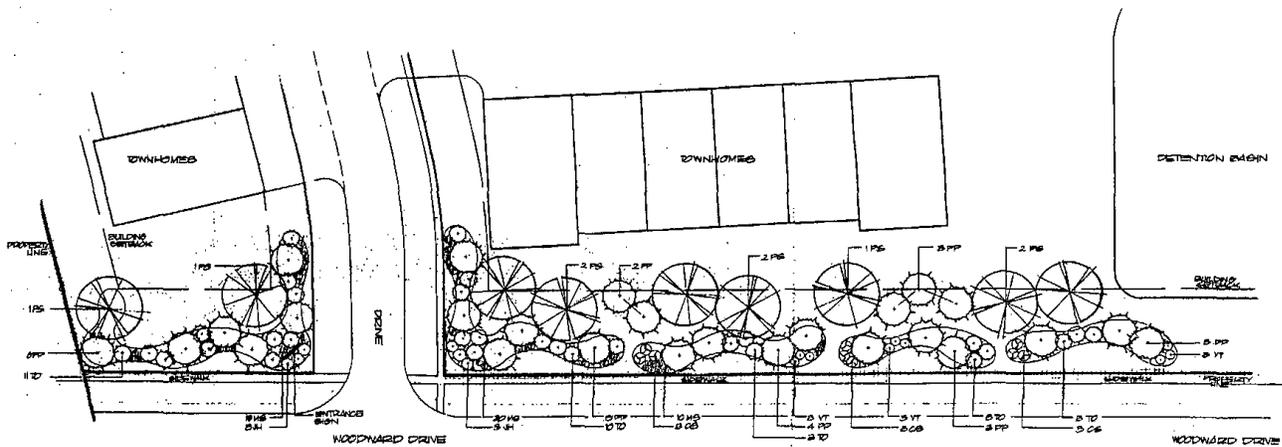


OWNER: PINE RIDGE PARK  
 DATE: MARCH 2008  
 SCALE: 1" = 20' 0"  
 BY: REBECCA A. SCHLES

PROJECT NORTH



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| PLANT MATERIAL          | COMMON NAME                     | HEIGHT |
|-------------------------|---------------------------------|--------|
| <b>EVERGREEN TREES</b>  |                                 |        |
| PP 22                   | PIPER PLUMBAGO F. PLUMM         | 6' HT. |
| PS 9                    | PALE GREEN PALM                 | 8' HT. |
| TD 80                   | TAXUS OCCIDENTALIS VARIETAL     | 8' HT. |
| <b>DECIDUOUS SHRUBS</b> |                                 |        |
| CS 2                    | CRABAPPLE (COMMON)              | 8' HT. |
| VT 9                    | VIBURNUM VITIFOLIUM (COMMON)    | 7' HT. |
| <b>EVERGREEN SHRUBS</b> |                                 |        |
| J1 5                    | JUNIPERUS HORIZONTALIS (COMMON) | 6' HT. |
| <b>PERENNIALS</b>       |                                 |        |
| MS 30                   | MISCANTHUS FLORENTINUS (COMMON) | 2' HT. |

DESIGNED FOR  
 SOUTHWESTERN HOMES  
 975 NORTH 2ND AVE.  
 ST. CHARLES, IL 60174

FORSTNER  
 LANDSCAPING  
 1000 S. 10TH ST.  
 ST. CHARLES, IL 60174

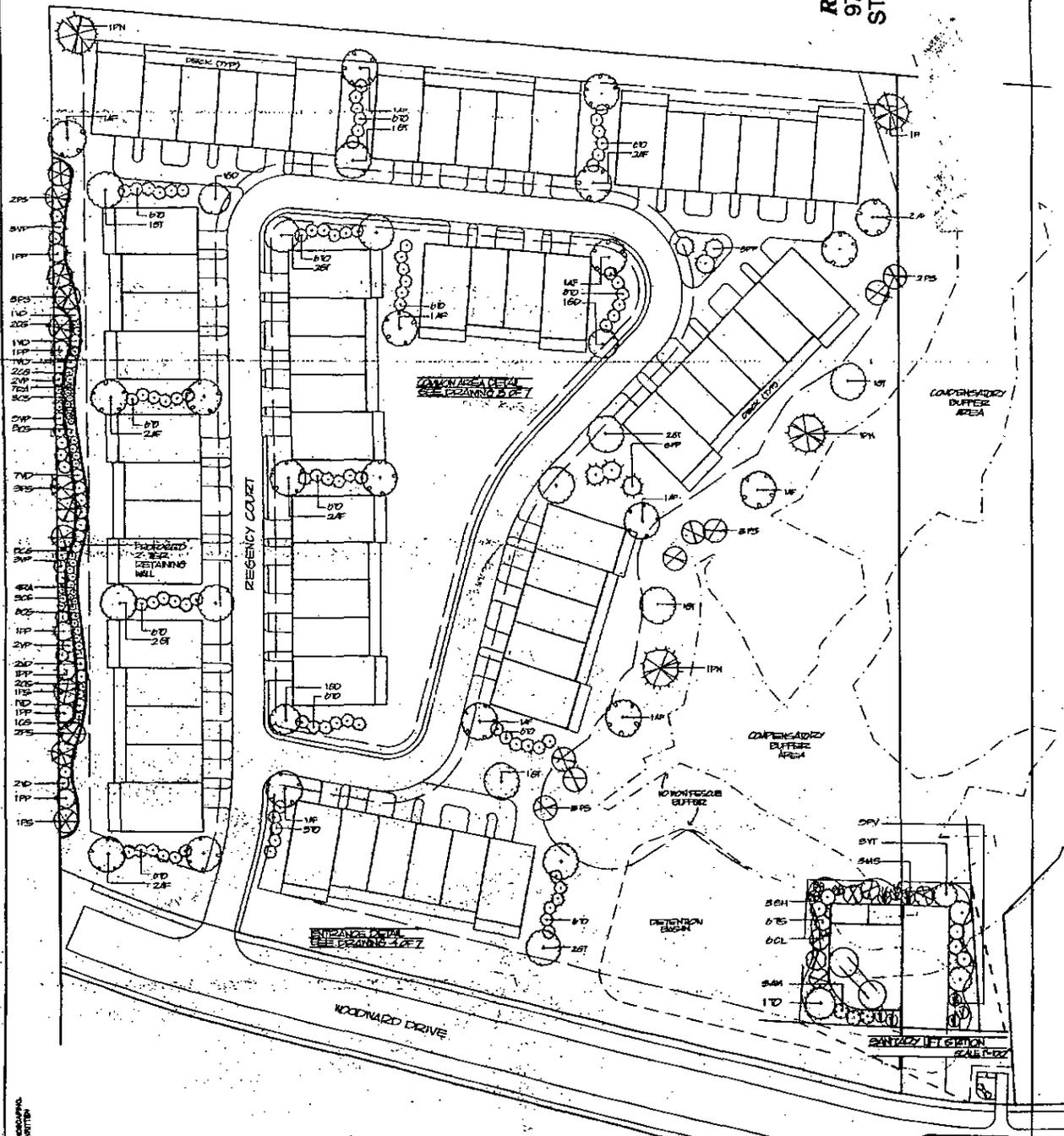
**PINE RIDGE PARK**  
 975 NORTH 2ND AVE.  
 ST. CHARLES, IL 60174

DRAWING NUMBER: 14-PP-0  
 DATE: MARCH 22, 2005  
 SCALE: 1" = 20'-0"  
 BY: WENDY A. FORSTNER

| REV.                                 | BY | REVISION NAME                         | QUANTITY               | SIZE    |
|--------------------------------------|----|---------------------------------------|------------------------|---------|
| <b>PLANT MATERIAL - OVERALL PLAN</b> |    |                                       |                        |         |
| <b>DECIDUOUS TREES</b>               |    |                                       |                        |         |
| 01                                   | B  | ACER FREEMAN HYBRID                   | ARLBERGZE MAPLE        | 25' CAL |
| 02                                   | B  | QUERCUS CRUA                          | HEALTHY OXFERTREE      | 25' CAL |
| 03                                   | B  | QUERCUS PRINCEPS ED. NORTON 'SPICOLE' | ROYAL OAKLEAF          | 25' CAL |
| <b>EVERGREEN TREES</b>               |    |                                       |                        |         |
| 04                                   | B  | PODOPHYLLUM F. ALBA                   | COLORADO BLUE SPRUCE   | 8' HT   |
| 05                                   | B  | PRUNUS AFRICA                         | AMERICAN PINE          | 8' HT   |
| 06                                   | B  | PRUNUS PENSILVANA                     | NORFOLK WHITE PINE     | 8' HT   |
| 07                                   | B  | TRIAULIS OCCIDENTALIS MESSON          | REDY ARBORVITAE        | 8' HT   |
| <b>DECIDUOUS SHRUBS</b>              |    |                                       |                        |         |
| 08                                   | B  | CORNUS STOLONIFERA                    | CORNEL REDSTEM DOGWOOD | 8' HT   |
| 09                                   | B  | SPARGANGLIA ANTHOIS                   | SPRING BRANCH SHAW     | 10' HT  |
| 10                                   | B  | VERONICA HENRIETTA CRAN CONER         | ALBION MAZ. HYDRANGEA  | 7' CAL  |
| 11                                   | B  | VERONICA HENRIETTA CRAN CONER         | BLACKHAWK HYDRANGEA    | 10' HT  |

**REGENCY ESTATES**  
 975 NORTH 2ND AVE.  
 ST. CHARLES, IL. 60174

DRAWING NUMBER: 10-10-00  
 DATE: MARCH 24, 2000  
 SCALE: 1/4"=1'-0"  
 BY: REGGIO & GIBBLE

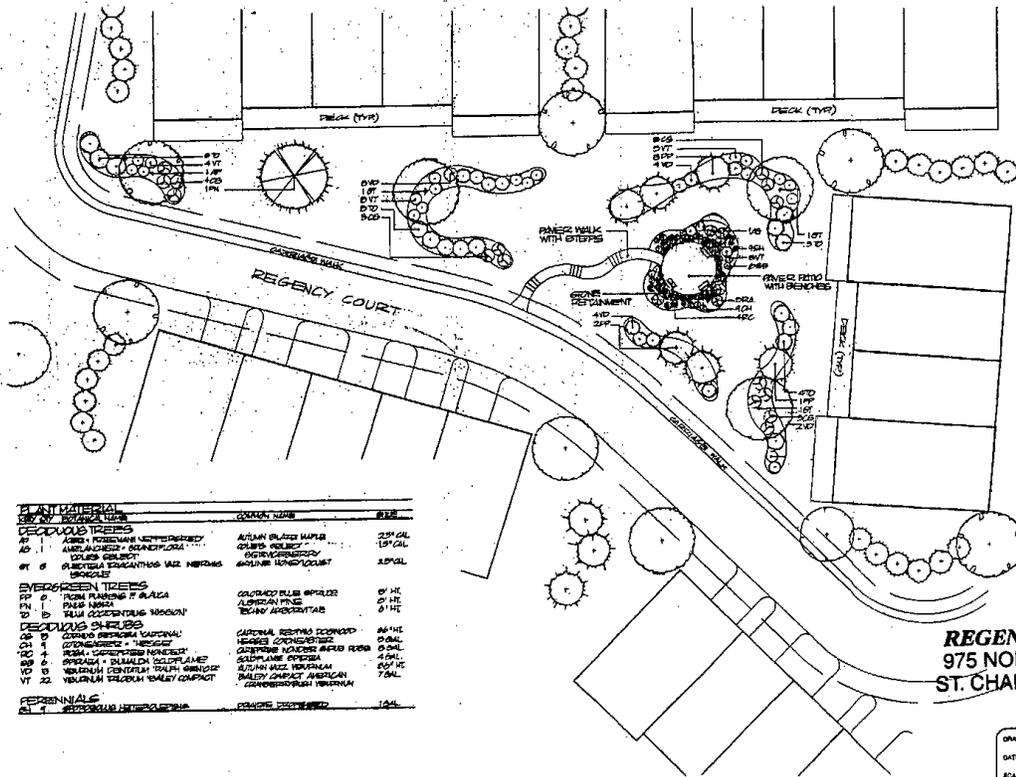


| REV.  | BY | REVISION NAME                 | QUANTITY                      | SIZE   |
|---|----|-------------------------------|-------------------------------|--------|
| <b>PLANT MATERIAL - SANITARY LIFT STATION</b> |    |                               |                               |        |
| <b>EVERGREEN TREES</b>                        |    |                               |                               |        |
| 01  | B  | TRIAULIS OCCIDENTALIS MESSON  | REDY ARBORVITAE               | 8' HT  |
| 02  | B  | TRIAULIS OCCIDENTALIS MESSON  | EMERALD ARBORVITAE            | 8' HT  |
| <b>DECIDUOUS SHRUBS</b>                       |    |                               |                               |        |
| 03  | B  | VERONICA HENRIETTA CRAN CONER | BLACKHAWK HYDRANGEA           | 10' HT |
| 04  | B  | VERONICA HENRIETTA CRAN CONER | ALBION MAZ. HYDRANGEA         | 7' CAL |
| 05  | B  | VERONICA HENRIETTA CRAN CONER | SPRING BRANCH SHAW            | 10' HT |
| <b>PERENNIALS</b>                             |    |                               |                               |        |
| 06  | B  | VERONICA HENRIETTA CRAN CONER | VERONICA HENRIETTA CRAN CONER | 1.00   |
| 07  | B  | VERONICA HENRIETTA CRAN CONER | VERONICA HENRIETTA CRAN CONER | 1.00   |
| 08  | B  | VERONICA HENRIETTA CRAN CONER | VERONICA HENRIETTA CRAN CONER | 1.00   |

DESIGNED FOR: REGGIO & GIBBLE  
 OVERALL LAYOUT PLAN  
 MARCH 24, 2000  
 ST. CHARLES, IL. 60174

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 CONSENT IS SUBJECT TO LEGAL ACTION.



| PLANT MATERIAL          | COLLECTOR NAME                           | SIZE    |
|-------------------------|--|---------|
| <b>DECIDUOUS TREES</b>  |  |         |
| AT 1                    | ASHES - FRAGRANCE VARIETY                | 25' CAL |
| AS 1                    | AWALANGSIS - SCANDIPLORA                 | 15' CAL |
| CS 1                    | COLES GLOBE                              | 10' CAL |
| BT 2                    | BURDETTA - EDWARDSIA VIZ. NERFING BRONZE | 15' CAL |
| <b>EVERGREEN TREES</b>  |  |         |
| PR 2                    | PRIM PLANTS II - PALCA                   | 20' HT  |
| PN 1                    | PRIM PLANTS                              | 20' HT  |
| TD 2                    | TALL COASTING MOUNTAIN                   | 20' HT  |
| <b>DECIDUOUS SHRUBS</b> |  |         |
| CS 1                    | COLES GLOBE                              | 10' CAL |
| CS 2                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 3                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 4                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 5                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 6                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 7                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 8                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 9                    | COLES GLOBE - "RED"                      | 10' CAL |
| CS 10                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 11                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 12                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 13                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 14                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 15                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 16                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 17                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 18                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 19                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 20                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 21                   | COLES GLOBE - "RED"                      | 10' CAL |
| CS 22                   | COLES GLOBE - "RED"                      | 10' CAL |
| <b>PERENNIALS</b>       |  |         |
| AL 1                    | ALBANY                                   | 10' CAL |
| AL 2                    | ALBANY                                   | 10' CAL |

**REGENCY ESTATES**  
 975 NORTH 2ND AVE.  
 ST. CHARLES, IL. 60174



DRAWING NUMBER: D-07-D  
 DATE: MARCH 22, 2000  
 SCALE: 1" = 20'-0"  
 BY: CATERINA A. ENCHERLE

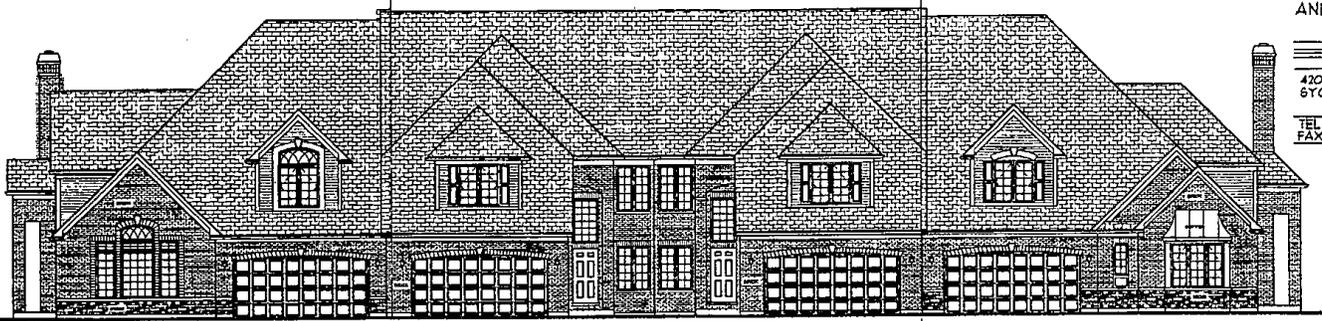


MICHAEL J. GRIMSON  
AND ASSOC.

420 SOMONAUK ROAD  
GYCAMORE ILLINOIS

TEL 815/895-5695  
FAX 815-5695

PROJECT #  
REVISION



FRONT ELEVATION

4 UNITS



RIGHT ELEVATION

REGENCY ESTATES  
ST. CHARLES ILLINOIS

EXHIBIT "D-E"  
p. 1 of 2

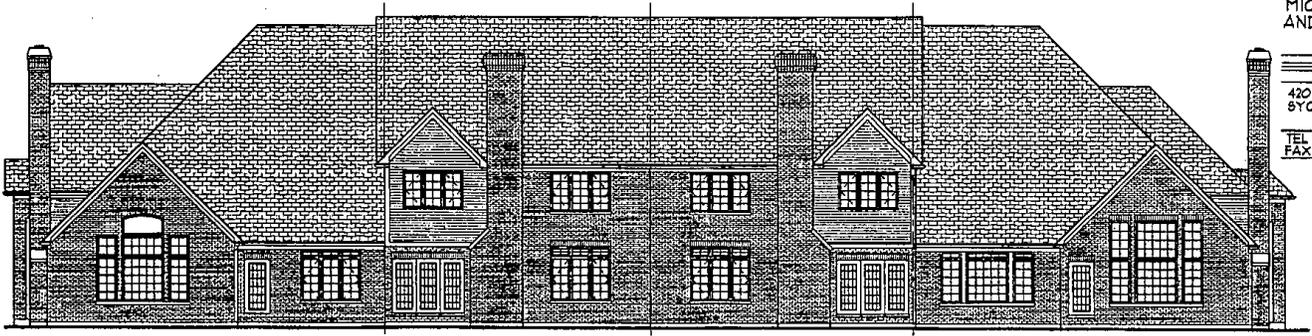
DRAWN: HJS  
DATE: 4/6/04

MICHAEL J. GRIMSON  
AND ASSOC.

420 SOMONAUK ROAD  
SYCAMORE ILLINOIS

TEL 815/895-5695  
FAX 815-5695

PROJECT #  
REVISION



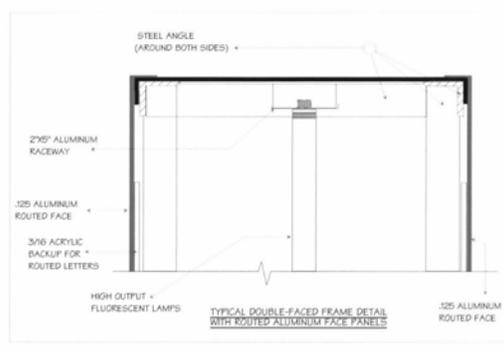
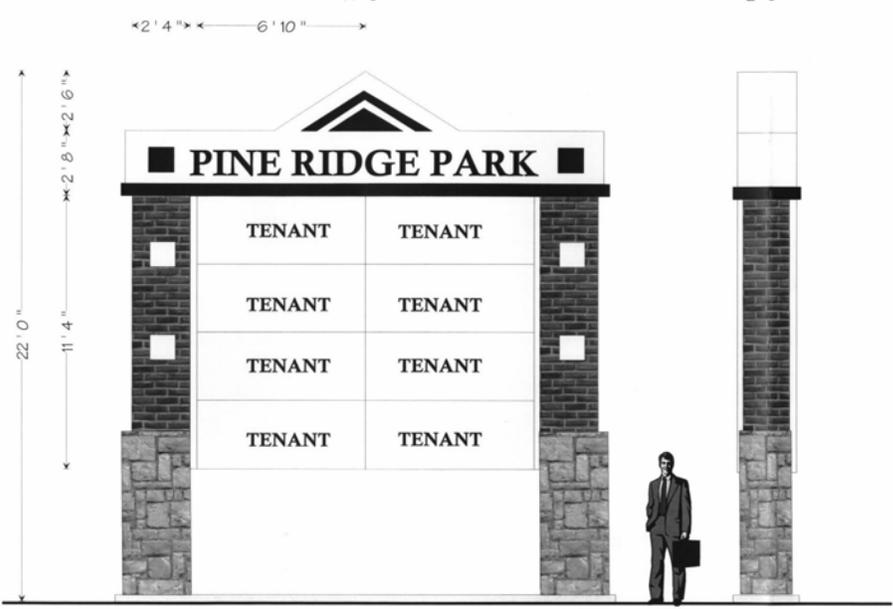
LEFT ELEVATION

REGENCY ESTATES  
ST. CHARLES ILLINOIS

EXHIBIT "VII-E"  
P. 2 of 2

DRAWING  
DATE 04/04/04

SHEET



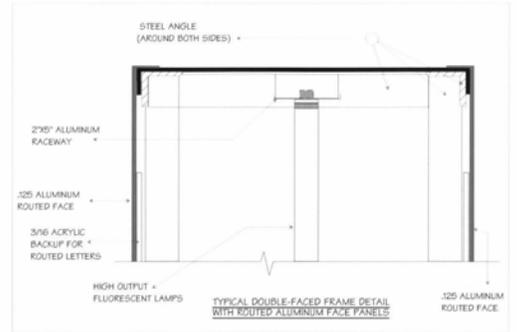
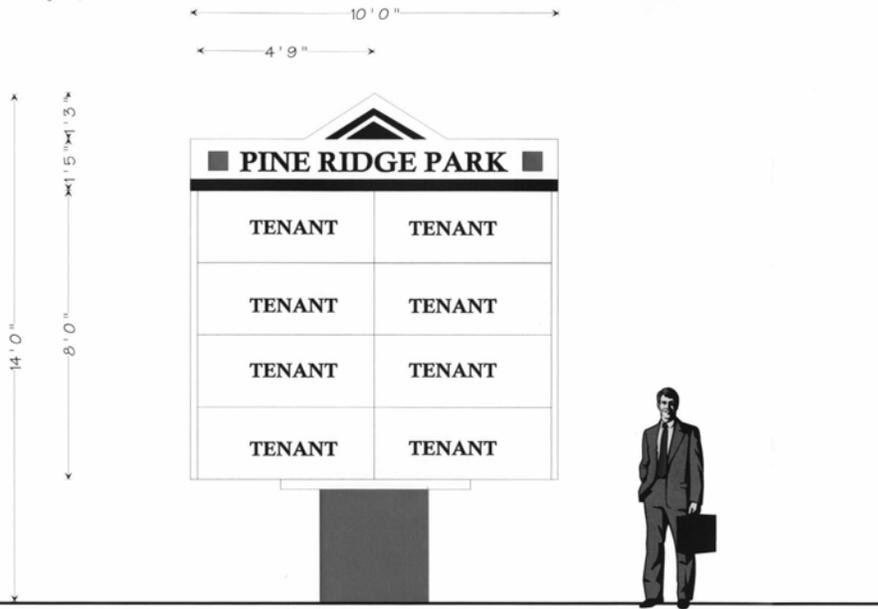
**DOUBLE-FACED ILLUMINATED SIGN**  
 FABRICATE AND INSTALL SIGN OF ALUMINUM AND STEEL ANGLE.  
 FACES TO BE ALUMINUM ROUTED FOR COPY AND BACKED WITH ACRYLIC.  
 TENANT PANELS TO BE ALUMINUM PANS ROUTED FOR COPY.  
 ALL EXPOSED METAL SURFACES TO BE COATED WITH ACRYLIC POLYURETHANE.  
 INTERNAL ILLUMINATION TO BE HIGH OUTPUT FLUORESCENT LAMPS.  
 SCALE - 1/4" = 1'

**INSTALLATION INSTRUCTIONS**  
 SET 2 - 10" X 27" STEEL PIPE IN CONCRETE FOOTING TO DEPTH OF 7'  
 SIGN TO BE PERPENDICULAR TO RT 64.  
 CONNECT TO ELECTRICAL SERVICE  
 TO BE PROVIDED BY OTHERS PRIOR TO INSTALL.  
 MASONRY TO BE PROVIDED BY OTHERS.

**EXHIBIT - VI - F pg.1**

|  |                               |                               |              |          |                      |        |
|--|-------------------------------|-------------------------------|--------------|----------|----------------------|--------|
| 1100 Route 34<br>Aurora, Illinois 60504<br>630 898 5900 office<br>630 898 6991 fax | Prepared For: PINE RIDGE PARK | Address: RT 64 AND RANDALL RD | Draw: 205092 | Sheet: 1 | Design Date: 3/22/05 | Rev 3: |
|  | Location Name:                | City/State: ST. CHARLES, IL   | Rev 1:       |          |                      | Rev 4: |
|  |                               |                               | Rev 2:       |          |                      | Rev 5: |
|  |                               |                               |              |          |                      | Rev 6: |

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**DOUBLE-FACED ILLUMINATED SIGN**  
 FABRICATE AND INSTALL SIGN OF ALUMINUM AND STEEL ANGLE.  
 FACES TO BE ALUMINUM ROUTED FOR COPY AND BACKED WITH ACRYLIC.  
 TENANT PANELS TO BE ALUMINUM PANS ROUTED FOR COPY.  
 ALL EXPOSED METAL SURFACES TO BE COATED WITH ACRYLIC POLYURETHANE.  
 INTERNAL ILLUMINATION TO BE HIGH OUTPUT FLUORESCENT LAMPS.  
 SCALE - 3/8" = 1'

**INSTALLATION INSTRUCTIONS**  
 SET 8" X 21" STEEL PIPE IN CONCRETE FOOTING TO DEPTH OF 7'  
 SIGN TO BE PERPENDICULAR TO RT 64.  
 CONNECT TO ELECTRICAL SERVICE  
 TO BE PROVIDED BY OTHERS  
 PRIOR TO INSTALL.

**EXHIBIT VI-F pg 2**

|  |                               |                               |              |          |                      |        |        |
|--|-------------------------------|-------------------------------|--------------|----------|----------------------|--------|--------|
| 1100 Route 34<br>Aurora, Illinois 60504<br>630 898 5900 office<br>630 898 6091 fax | Prepared For: PINE RIDGE PARK | Address: RT 64 AND RANDALL RD | Draw: 205092 | Sheet: 2 | Design Date: 3/22/05 | Rev 3: | Rev 6: |
|  | Location Name:                | City/State: ST. CHARLES, IL   | Rev 1:       |          |                      | Rev 4: | Rev 7: |
|  |                               |                               | Rev 2:       |          |                      | Rev 5: | Rev 8: |

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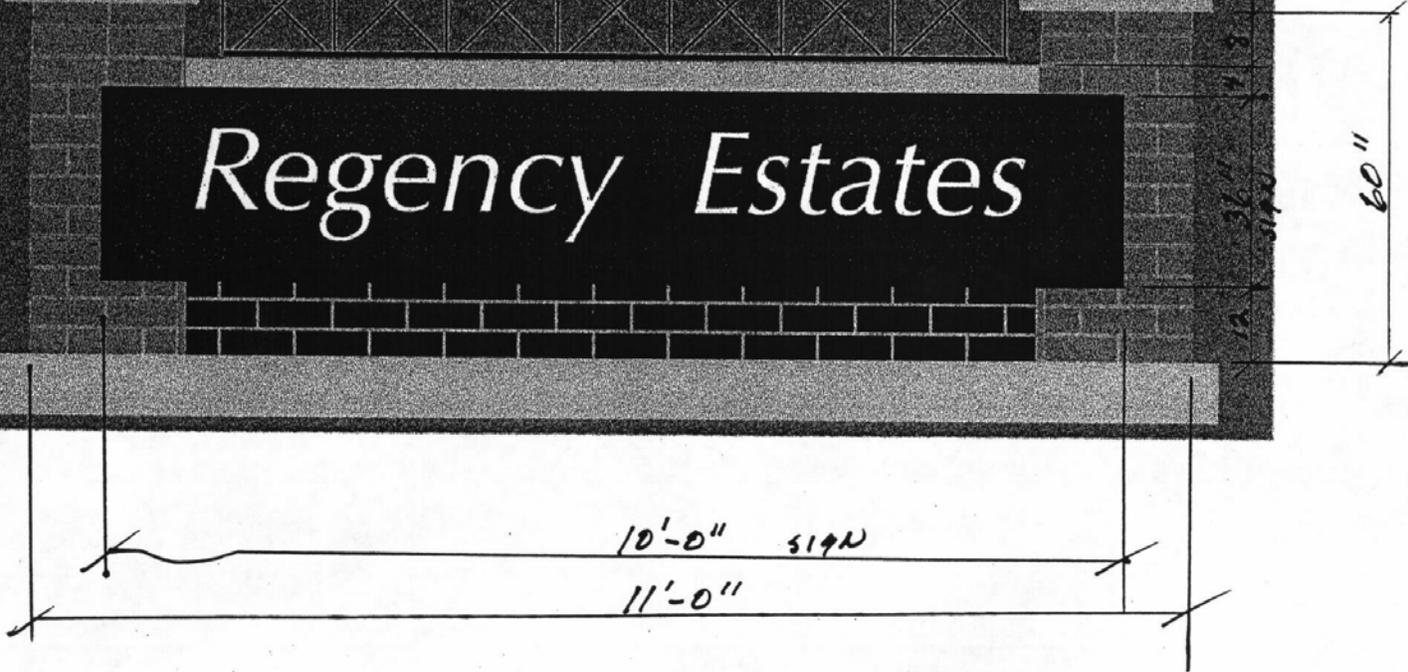
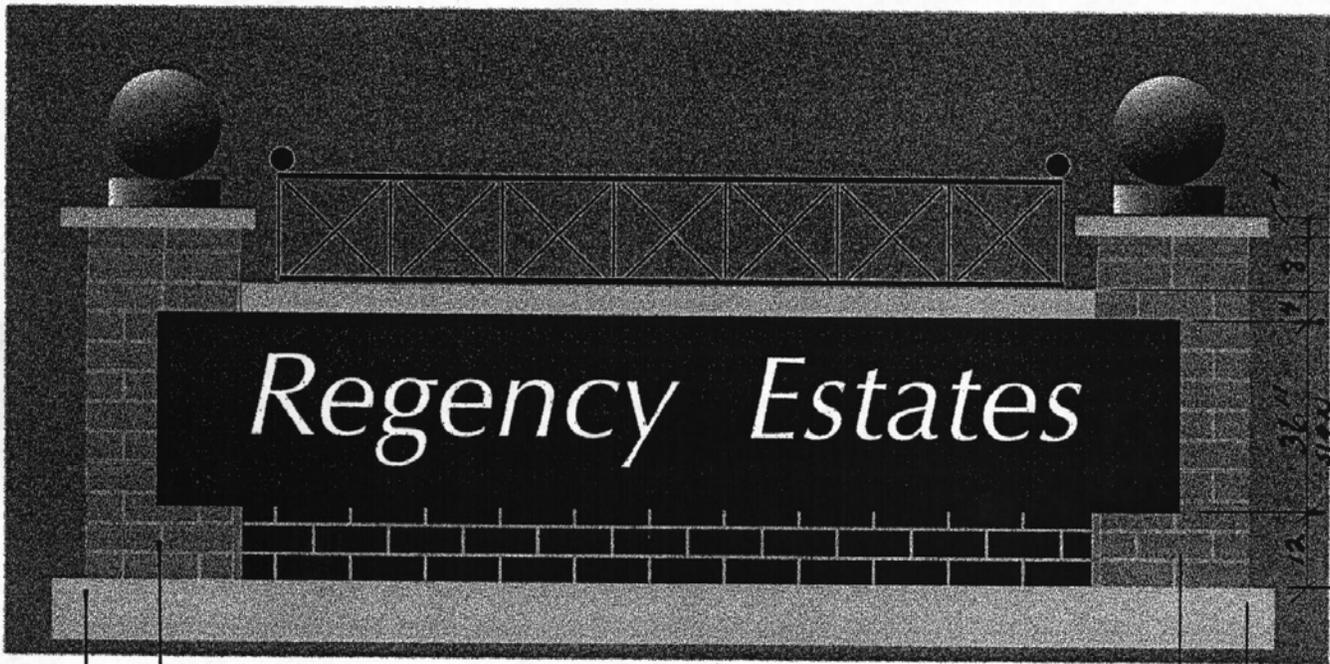
EXHIBIT "VI-G"

**REGENCY ESTATES**  
975 NORTH 2ND AVE.  
ST. CHARLES, IL. 60174  
630 513 5223

RECEIVED

JUL 7 2000

PLANNING OFFICE



State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, 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 January 17, 2006, the Corporate Authorities of such municipality passed and approved Ordinance No. 2006-Z-4, entitled

"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),"

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

The pamphlet form of Ordinance No. 2006-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 January 20, 2006, 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 17 day of January, 2006.

  
Municipal Clerk

