

ORDINANCE NO. O2019-05

AN ORDINANCE APPROVING SPECIAL USE PERMITS FOR A PLANNED UNIT DEVELOPMENT FOR THE ENTIRE PROPERTY, THE SITE WORK PHASE, AND PHASE I AND A FINAL PLAT OF SUBDIVISION FOR THE EVERTON MIXED-USE DEVELOPMENT AT THE SOUTHEAST CORNER OF ROUTE 59 AND IVAN ALBRIGHT STREET

WHEREAS, Chicago Title Land Trust Company, as successor trustee to Oak Brook Bank, as Trustee under Trust Agreement dated September 3, 2002, also known as Trust Number 3261, the beneficiaries of which are Charlene L. Keilman and Carol A. McNeal ("**Lot 77 Owner**"), is the owner of that certain real property consisting of 2.164 acres in lot 77 in the Second Addition to Warrenville Estates, commonly known as 29W741 Ivan Albright Street, Warrenville, Illinois, and legally described in **Exhibit A ("Lot 77")**; and

WHEREAS, Sia Panos, as Trustee under the Sia Panos Trust dated June 16, 2016, Trifon G. Fillis, and Sophia Fillis (collectively, "**Lot 78 Owner**") are the owners of that certain property consisting of 2.748 acres in Lot 78 in the Second Addition to Warrenville Estates, commonly known as 3S525 Route 59, Warrenville, Illinois, and legally described in **Exhibit B ("Lot 78")**; and

WHEREAS, Chicago Title Land Trust Company, as successor trustee to American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated December 20, 1976, also known as Trust Number 39813, the beneficiaries of which are (i) Kathryn A. Peot, (ii) Annette R. Kleinman, not individually, but as Trustee of the Bernard Kleinman Revocable Living Trust, and (iii) Ronald W. French, not individually, but as Trustee of the Ronald W. French Declaration of Trust dated May 27, 1994 ("**Lot 79 Owner**"), is the owner of that certain real property consisting of approximately 27.935 acres in lot 79 in the Second Addition to Warrenville Estates, and legally described in **Exhibit C ("Lot 79")**; and

WHEREAS, M/I Homes of Chicago, LLC, a Delaware limited liability company ("**Applicant**"), is the contract purchaser of Lot 77, Lot 78, and Lot 79 (collectively, the "**Property**"); and

WHEREAS, Applicant desires to demolish the existing structures on the Property and redevelop the Property with (i) 17 townhouse buildings containing a total of 89 townhouse units (each a "**Townhouse Building**"); (ii) seven three-story apartment buildings with a total of 259 units (each an "**Apartment Building**"); (iii) a community clubhouse and pool complex ("**Club House**"); (iv) detached garage buildings (each a "**Detached Garage**"); (v) surface off-street parking areas; (vi) a 3.52-acre commercial area ("**Commercial Area**"); (vii) a stormwater detention facility/wetland mitigation improvements (collectively "**Stormwater Facilities**"); and (viii) associated public rights-of-way (collectively, (i) through (viii) are the "**Proposed Development**"); and

WHEREAS, on August 20, 2018, the City Council adopted Ordinance No. 2018-36, approving (i) a preliminary planned development plan for the Property; (ii) a map amendment and re-zoning of the Property; (iii) a preliminary plat of subdivision for the Property; (iv) certain Subdivision Control Ordinance modifications and variations within the proposed planned development; (v) certain variations from the City's stormwater regulations; and (vi) certain modifications and variations from the Zoning Ordinance within the proposed planned development; and

WHEREAS, the Applicant proposes that the Proposed Development be constructed in four phases as follows: (i) the overall site work, including mass grading, perimeter landscape improvements, construction of all public infrastructure, the Stormwater Facilities, and the proposed public and private roadways, bike path, and related improvements (collectively, the "**Site Work Phase**"); (ii) the Townhouse Buildings ("**Phase I**"); (iii) the Apartment Buildings, Club House, Detached Garages, and surface parking areas ("**Phase II**"); and (iv) the Commercial Area ("**Phase III**"); and

WHEREAS, the Applicant desires to construct the Site Work Phase and Phase I concurrently; and

WHEREAS, Phase II and Phase III may be constructed by a different applicant at a later date; and

WHEREAS, in order to construct the Site Work Phase and Phase I of the Proposed Development on the Property, pursuant to the applicable sections of the Warrenville Zoning Ordinance ("**Zoning Ordinance**") and the Subdivision Control Ordinance for the City of Warrenville ("**Subdivision Control Ordinance**"), the Applicant, with the consent of the Lot 77 Owner, the Lot 78 Owner, and the Lot 79 Owner, filed an application with the City for approval of: (i) a final planned unit development plan for the entire 32.8-acre Property ("**Final Everton PUD Plan**"); (ii) a special use permit for a planned unit development plan for the entire 32.8-acre Property ("**Everton Special Use Permit**"); (iii) a final planned unit development plan for the Site Work Phase ("**Final Site Work Phase PUD Plan**"); (iv) a special use permit for a planned unit development plan for the Site Work Phase ("**Site Work Phase Special Use Permit**"); (v) a final planned unit development plan for Phase I ("**Final Phase I PUD Plan**"); (vi) a special use permit for a planned unit development for Phase I ("**Phase I Special Use Permit**"); and (vii) a final plat of subdivision for the Property ("**Final Plat of Subdivision**") (collectively, (i) through (vii) are the "**Requested Approvals**"); and

WHEREAS, on February 21, 2019, the Plan Commission, at its regularly scheduled meeting, considered the Requested Approvals and heard public comments; and

WHEREAS, on February 21, 2019, the Plan Commission adopted Findings of Fact, Project Number 2018-0887, recommending that the Mayor and the City Council approve the Requested Approvals; and

WHEREAS, the Mayor and the City Council have determined that, subject to and contingent upon the conditions, restrictions, and provisions of this Ordinance, (i) the Final Everton PUD Plan, the Final Site Work Phase PUD Plan, and the Final Phase I PUD Plan comply with the required standards for planned unit developments as set forth in Section 8 of the Zoning Ordinance; (ii) the Everton Special Use Permit, the Site Work Phase Special Use Permit, and the Phase I Special Use Permit comply with the required standards for planned unit developments and special use permits as set forth in Sections 7 and 8 of the Zoning Ordinance; and (iii) the Final Plat of Subdivision complies with the required standards for subdivisions as set forth in Article 6 of the Subdivision Control Ordinance; and

WHEREAS, consistent with the Plan Commission recommendation, and pursuant to the City's powers under applicable law, including its home rule powers under the Illinois Constitution of 1970, the Mayor and the City Council have determined that it is in the best interest of the City and the public to approve the Requested Approvals, in accordance with, and subject to and contingent upon, the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF WARRENVILLE, DUPAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Recitals. The recitals listed above are incorporated in this Ordinance as if fully set forth in this Ordinance.

SECTION 2: Approval of Everton Special Use Permit. In accordance with Sections 7 and 8 of the Zoning Ordinance, and subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 7 and 8 of this Ordinance, the City Council approves the Everton Special Use Permit to allow the Proposed Development on the Property to be developed in four phases: the Site Work Phase, Phase I, Phase II, and Phase III. Each phase shall be approved by individual special use permits authorized by ordinance duly adopted by the City Council.

SECTION 3: Approval of the Final Everton PUD Plan. In accordance with Section 8 of the Zoning Ordinance, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 7 and 8 of this Ordinance, the City Council approves the Final Everton PUD Plan for the Property, consisting of the Final PUD Plan, consisting of one sheet, prepared by Gary R. Weber Associates, Inc., and dated January 29, 2019 ("**Final PUD Plan**"), attached to and, by this reference, made a part of this Ordinance as **Exhibit D**.

SECTION 4: Approval of Site Work Phase and Phase I Special Use Permits. In accordance with Sections 7 and 8 of the Zoning Ordinance, and subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 7 and 8 of this Ordinance, the City Council approves (i) the Site Work Phase Special Use Permit to allow the construction of the Site Work Phase of the Proposed Development; and (ii) the Phase I Special Use Permit to allow the construction of Phase I of the Proposed Development.

SECTION 5: Approval of Final Site Work Phase PUD Plan and Final Phase I PUD Plan. In accordance with Section 8 of the Zoning Ordinance, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 7 and 8 of this Ordinance, the City Council approves (i) the Final Site Work Phase PUD Plan, and (ii) the Final Phase I PUD Plan for the Property, both of which plans consist of the documents referred to collectively as the "**Final Site Work Phase and Phase I PUD Documents**" and listed on **Exhibit E** attached to this Ordinance. The Final Site Work Phase and Phase I PUD Documents and Exhibit E are, by this reference, made a part of this Ordinance.

SECTION 6: Approval, Execution, and Recordation of the Final Plat of Subdivision.

A. **Approval of the Final Plat of Subdivision.** Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 7 and 8 of this Ordinance and in accordance with Article 6 of the Subdivision Control Ordinance, the Final Plat of Subdivision, titled "Final Plat of Everton Subdivision", consisting of six sheets, prepared by Cemcon, Ltd., and dated January 24, 2019 attached to and, by this reference, made a part of this Ordinance as **Exhibit F**, which contemplates the consolidation and resubdivision Lot 77, Lot 78, and Lot 79 into 25 lots of record and the dedication of certain public rights of way, including, without limitation, Everton Drive, Cambridge Street, and Camden Street, is hereby, approved, subject to the revisions thereto required by Section 7 of this Ordinance.

B. Execution of the Final Plat of Subdivision. The City Council hereby authorizes and directs the Mayor, the City Clerk, the Chairman and Secretary of the Plan Commission, and the City Engineer to execute, on behalf of the City, the final Plat of Subdivision following its execution and delivery to the City Clerk by the Applicant and all other required parties.

C. Recordation of Final Plat of Subdivision. The City Council directs the City Clerk to record the executed Final Plat of Subdivision with the DuPage County Recorder of Deeds upon satisfactory completion of all administrative details relating thereto.

SECTION 7: Conditions. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the City Code, the Zoning Ordinance, or the Subdivision Control Ordinance or any other rights the Applicant may have, the approvals granted in Sections 2, 3, and 4 of this Ordinance are hereby expressly subject to and contingent upon the conditions, concepts, restrictions, limitations, and provisions set forth in this Section (collectively, the "**Conditions**").

A. Standard Conditions.

1. Compliance with Regulations. The redevelopment, use, operation, and maintenance of the Property shall comply with all applicable City codes and ordinances as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

2. Compliance with Plans. The redevelopment, use, and maintenance of the Property must be in strict accordance with the Final PUD Plan, the Final Site Work Phase PUD Plan, the Final Phase I PUD Plan, the Final Site Work Phase and Phase I PUD Documents, and the Final Plat of Subdivision, as each is revised to address the conditions set forth in Subsection B of this Section and except for minor changes and site work approved in accordance with all applicable City ordinances and standards.

B. Other Conditions.

1. Ownership and Maintenance Responsibility. All items identified on the Ownership and Maintenance Responsibility of Key Common Everton Subdivision Improvements Exhibit, listed on Exhibit E to this Ordinance, as responsibility of the Everton Subdivision owners shall be clearly documented in the Declaration for Everton Townhomes, listed on Exhibit E to this Ordinance ("**Townhome Declaration**"), and/or the Declaration of Cross Easements and Cost Sharing Provisions Re: Everton, listed on Exhibit E to this Ordinance ("**Declaration of Easement**").

2. Townhome Declaration. The Applicant shall revise the Townhome Declaration to incorporate and/or update provisions to address the following comments to the satisfaction of City staff and City Attorney prior to the City recording of this Ordinance and the Final Plat of Subdivision:

a. Expand definition of "Common Area" as set forth in Section 1.06 of the Townhome Declaration and the maintenance provisions set forth in Section 3.02 of the Townhome Declaration to include open space, transitional yard fence, benches, trellises, parkway turf areas, emergency access and monument sign(s).

b. Incorporate the Landscape Covenant Agreement and Long Term Landscape Maintenance Plan by reference.

c. Provide an exhibit to the Townhome Declaration illustrating storm sewer maintenance responsibility, delineating the responsibilities of the City versus private parties, and including the identity of parties responsible for maintenance of storm sewer sections not maintained by the City.

d. Incorporate provisions in the Townhome Declaration that identify the party responsible for, and outline the specific duties regarding, snow removal activities on Camden Street and within the parking spaces along Camden Street.

e. Clarify whether the installation of solar energy equipment would be allowed on the roof of the Townhome Buildings. The City strongly recommends that provisions accommodating potential installation of solar energy equipment on the roof of Townhouse Buildings be included in the Townhome Declaration.

f. Document that it is the townhome owner association responsibility to maintain turf in the parkway areas, including mowing and fertilizing.

g. Attach all exhibits referenced in the Townhome Declaration to the Townhome Declaration.

3. Declaration of Cross Easements and Cost Sharing Provisions Re: Everton.
The Applicant shall revise the Declaration of Easement to incorporate and/or update provisions to address the following to the satisfaction of City staff and the City Attorney prior to the City recording of the document and the Final Plat of Subdivision:

a. Expand maintenance provisions and applicable exhibits to reference open space, flood plain, wetlands, transitional yard, east path connection to the Illinois Prairie Path, decorative lights along Route 59, and monument sign(s).

b. Revise Section 3.05 to extend the non-exclusive public access over all pathways connecting to the Illinois Prairie Path. (Currently, such easement covers only the path along Route 59 and does not include the eastern path connection).

c. Incorporate by reference the Long Term Landscape Maintenance Plan and Landscape Covenants Agreement.

d. Revise Exhibit D to the Declaration of Easement, currently titled "Common and shared area landscape maintenance exhibit", prepared by Gary Weber Associates, dated February 12, 2019, to remove "landscape" from the title since the document includes elements not limited to landscaping only.

e. Include provisions requiring proper maintenance at all times of the emergency vehicle access drive including the gate/bollards at Ivan Albright Street, identify the party responsible for such maintenance, and update exhibits accordingly.

f. Replace the reference to "Development Control Regulations" with "Zoning Ordinance" in Article 4, Section 4.01.

g. Clarify that that the bike path along Route 59 will be maintained by the City and the decorative lighting along the Route 59 frontage of the Proposed Development will be maintained privately.

h. Document that it is the owner's responsibility to maintain turf in the parkway areas, including mowing and fertilizing.

i. Clarify that, although three "Maintenance Providers" with different contributing responsibilities for various maintenance activities are listed, unless otherwise specifically approved by the City, the City will hold the underlying property owner responsible for any maintenance issues occurring on their property.

j. Incorporate provisions prohibiting amendments to the document that would not be consistent with the approved Final Site Work Phase and Phase I PUD Documents and/or applicable City Ordinances, or materially alter maintenance responsibilities of private parties without approval by the City.

4. Consistency of Documents. Update all Final Site Work Phase and Phase I PUD Documents to consistently reference proposed right of way names and other information prior to recording. The Final Plat of Subdivision shall be updated to refer to Camden as "Street" rather than "Drive" for consistency.

5. Documents Referencing and Recording. Final copies of the Townhome Declaration and the Declaration of Easements shall be referenced on the face of Final Plat of Subdivision and shall be executed and recorded with DuPage County Recorder's Office prior to or concurrently with the Final Plat of Subdivision.

6. Long-Term Landscape Maintenance Standards. The proposed Everton Landscape Long-Term Maintenance Standards, listed on Exhibit E to this Ordinance, shall be revised to address the following:

a. Reference the approved Final PUD Landscape Plan, listed on Exhibit E to this Ordinance, including the date.

b. Incorporate by reference and attach the Everton Landscape Maintenance Area Exhibit, listed on Exhibit E to this Ordinance.

7. Landscape Covenant Agreement. A Landscape Covenant Agreement satisfying the requirements of Section 11.B.4 of the Zoning Ordinance shall be prepared, executed and recorded with the DuPage County Recorder's Office prior to the first Certificate of Occupancy issuance for Proposed Development. Both the approved Final PUD Landscape Plan and Long Term Maintenance Plan shall be referenced in, and become part of, the Landscape Covenant Agreement.

8. Decorative lights along Route 59 Frontage. The underlying property owner (or an assigned designee) shall be responsible for maintaining and operating the decorative lights along the Route 59 frontage of Everton Subdivision from dusk to dawn.

All fixtures shall be maintained in operable condition at all times and repaired/replaced promptly as needed.

9. Civil Engineer Review. The Applicant shall comply with the review comments and recommendations outlined in the Civil Engineering Review Memo, consisting of 12 pages, prepared by Senior Civil Engineer Kristine Hocking and Engineering Resource Associates, and dated February 14, 2019, attached to and, by this reference, made a part of this Ordinance as **Exhibit G** ("**Engineering Review Memo**").

10. Traffic Engineer Review. The Applicant shall comply with the review comments and recommendations outlined in the City Consulting Traffic Engineer J.J. Benes and Associates Review Memo, consisting of four sheets, prepared by Daniel H. Schoenberg, and dated February 8, 2019, attached to and, by this reference, made a part of this Ordinance as **Exhibit H** ("**Traffic Engineer Review Memo**").

11. Warrenville Fire Protection District Review. The Applicant shall address and comply with City Code-supported comments outlined in the Warrenville Fire Protection District's Review Memo, consisting of three sheets, prepared by Fire Marshall Lee Westrom, and dated February 5, 2019.

12. Path Connections. The Applicant shall coordinate with and secure necessary permits from the DuPage Division of Transportation to construct path connections to the Illinois Prairie Path as illustrated on the Final PUD Plan.

13. Phasing. Townhouse Buildings 2 and 6 as illustrated on the Final PUD Plan shall not be built prior to Camden Street construction.

14. Snow Storage Plan. Some of the proposed "primary snow storage areas" illustrated on the submitted Snow Storage Exhibit, listed on Exhibit E to this Ordinance, are in conflict with the landscape design illustrated on the Final PUD Landscape Plan. The areas of concern are the landscape beds at the termination of private drives between Townhouse Buildings 2 and 4, 5 and 6, 6 and 8, 14 and 15 and 16 and 17, where evergreen tree groupings are proposed. The Snow Storage Exhibit shall be revised to eliminate the conflicts with the proposed materials.

15. Building Materials. The exterior finish building materials shall be consistent with those illustrated on the Preliminary Character Elevations, listed on Exhibit E to this Ordinance, and include brick veneer, fiber cement siding, overhead garage doors with glass window top panels, architectural shingles, steel insulated entry doors, and cast stone moldings.

16. Townhome Color Scheme along Albright Street. Darker blue/green-colored siding illustrated on Preliminary Character Elevations, listed on Exhibit E to this Ordinance, shall be used on the townhouse buildings facing Albright Street.

17. Enhanced Building Elevations. Enhanced side building elevations identified on the Preliminary Character Elevations as "Key Lot" and including box windows shall be provided on both side elevations of Townhome Buildings 1, 4, 5, 8 and 9, on the east side of Townhome Buildings 12 and 13, and on the west side of Townhome Buildings 14, 15 and 16, as illustrated on the Enhanced Elevation Location Exhibit, listed on Exhibit E to this Ordinance

18. Commercial Lot Design Requirements. The Commercial Lot Development Design Guidelines, listed on Exhibit E to this Ordinance, shall be revised to address the staff comments outlined in the Staff Requested Revisions to Commercial Lot Development Design Requirements, consisting of four pages, prepared by the City of Warrenville, and dated February 21, 2019, attached to and, by this reference, made a part of this Ordinance as ***Exhibit I.***

19. Landscaping, Screening and Buffer.

a. Interim Landscape Plan. The Interim Landscape Plan drawing on page 4 of the Final PUD Landscape Plan shall be updated to limit the area of the interim landscaping to approximately 260 feet along the entire north property line of Lot 19 (Apartment Lot).

b. Camden Street Landscaping. A small shade tree shall be provided in each landscape island at the end of each row of parallel and angled parking on Camden Street.

20. Signage.

a. Everton Monument Sign Height. As illustrated on the Final PUD Site Development Plans, listed on Exhibit E to this Ordinance, the proposed monument signs for the Proposed Development would be installed on the proposed berm. The height of the monument signs shall not exceed seven feet. The height shall be measured as a vertical distance between the average grade level at the base of the sign face and the highest point of the sign structure.

b. New City of Warrenville Entrance Sign. Final PUD documents shall include provisions that clearly accommodate and allow the City to install a new City entrance monument sign along the Route 59 frontage of the site at the southwest corner of the project's apartment component. Provisions for this sign shall be illustrated on the Final Plat of Subdivision, Final PUD Plan, and Final PUD Landscape Plan for the project.

21. Access to Future Apartment Building Clubhouse. Residents of the Townhome Buildings shall have full access to and use of the various amenities contained within the Clubhouse at either no charge or reasonable fees that would be competitive for access to similar off-site private improvements.

22. School, Park and Library Contributions. The Applicant shall pay all required school, park and library contributions for Phase I at the time of building permit issuance for each Townhome Building.

23. Recapture Agreement. The Applicant shall pay all recapture fees required by the recapture agreement for Duke Parkway/Route 59 intersection improvements prior to the City issuance of any permits for Phase I.

24. Fees and Security Guaranteeing Completion of Public Improvements. The Applicant shall pay/submit all applicable review and inspection fees and the required security guaranteeing completion of public improvements prior to the recording of Final Plat of Subdivision and this Ordinance.

25. Traffic Enforcement Agreement. A Private Property Traffic Enforcement Agreement, in a form acceptable to the City, shall be executed by the legal owner(s) of the applicable portions of the Property for the Commercial Area and Apartment Building components of the Proposed Development prior to any building permit issuance for those components.

26. DuPage County Traffic Impact Fee. The DuPage County Traffic Impact Fee must be paid prior to the City's issuance of a building permit for Proposed Development.

27. IDOT Permit. IDOT requires a permit be obtained prior to performing any work within Route 59. A copy of the issued IDOT Permit shall be provided to City staff prior to commencement of such work.

SECTION 8: Invalidation of Approvals. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, in addition to all other remedies available to the City, the approvals granted in Sections 2, 3, 4, 5 and 6 of this Ordinance ("***Approvals***") may, at the sole discretion of the City Council, by ordinance duly adopted, be revoked and become null and void; provided, however, that the City Council may not so revoke the Approvals unless it first provides the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the City Council. In the event of such revocation, the City Administrator and City Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Owners or their respective successors required by this Section is given.

SECTION 9: Amendments. Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance and the Subdivision Control Ordinance, as applicable to the affected items of relief.

SECTION 10: Effective Date.

A. This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the City Council by a majority vote and approval in the manner required by law;
2. Publication in pamphlet form in the manner required by law;
3. The filing by the Applicant with the City Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit J** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the City for any claims that may arise in connection with the approval of this Ordinance;

4. The Applicant holds legal title to the entire Property and has tendered proof of such title to the City Clerk.

5. Recordation of this Ordinance, together with such exhibits as the City Clerk deems appropriate for recordation, with the office of the Recorder of DuPage County.

B. In the event that the Applicant does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 10.A.3 of this Ordinance within 90 days after the date of passage of this Ordinance by the Mayor and City Council, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED THIS 4th day of March, 2019.

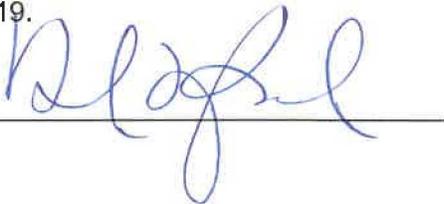
AYES: Ald. Barry, Davolos, Goodman, Wilson, and Mayor Brummel

NAYS: Ald. Aschauer, Bevier, and Weidner

ABSENT: Ald. Hoffmann

ABSTAIN: None

APPROVED THIS 4th day of March, 2019.



MAYOR

ATTEST:



CITY CLERK

#64587126_v3

EXHIBITS

Exhibit A – Legal Description of Lot 77

Exhibit B – Legal Description of Lot 78

Exhibit C – Legal Description of Lot 79

Exhibit D – Final PUD Plan

Exhibit E – Final Site Work Phase and Phase I PUD Documents

Exhibit F – Final Plat of Subdivision

Exhibit G – Engineering Review Memo

Exhibit H – Traffic Engineer Review Memo

Exhibit I – Staff Requested Revisions to Commercial Lot Development Design Requirements

Exhibit J – Unconditional Agreement and Consent

EXHIBIT A

LEGAL DESCRIPTION OF LOT 77

LOT 77 (EXCEPT THE WEST 35.0 FEET, AS MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF) IN SECOND ADDITION TO WARRENVILLE ESTATES, BEING A PART OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO A RESUBDIVISION OF LOTS 45 TO 49, INCLUSIVE, OF FIRST ADDITION TO WARRENVILLE ESTATES; ACCORDING TO THE PLAT OF SAID SECOND ADDITION TO WARRENVILLE ESTATES, RECORDED OCTOBER 7, 1936 AS DOCUMENT 373758, IN DUPAGE COUNTY, ILLINOIS.

Common address:

29W741 Ivan Albright Street, Warrenville, IL 60555

PIN: 04-34-302-001

EXHIBIT B

LEGAL DESCRIPTION OF LOT 78

LOT 78 (EXCEPT THE WEST 35.0 FEET AS MEASURED AT RIGHT ANGLES TO THE WEST LINE THEREOF) IN SECOND ADDITION TO WARRENVILLE ESTATES, BEING A RESUBDIVISION OF LOTS 45 TO 49 INCLUSIVE OF FIRST ADDITION TO THE WARRENVILLE ESTATES, AND ALSO A PART OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SECOND ADDITION TO WARRENVILLE THEREOF, RECORDED OCTOBER 7, 1936 AS DOCUMENT 373758, IN DUPAGE COUNTY, ILLINOIS.

Common address:

3S525 Route 59, Warrenville, IL 60555

PIN: 04-34-302-002

EXHIBIT C

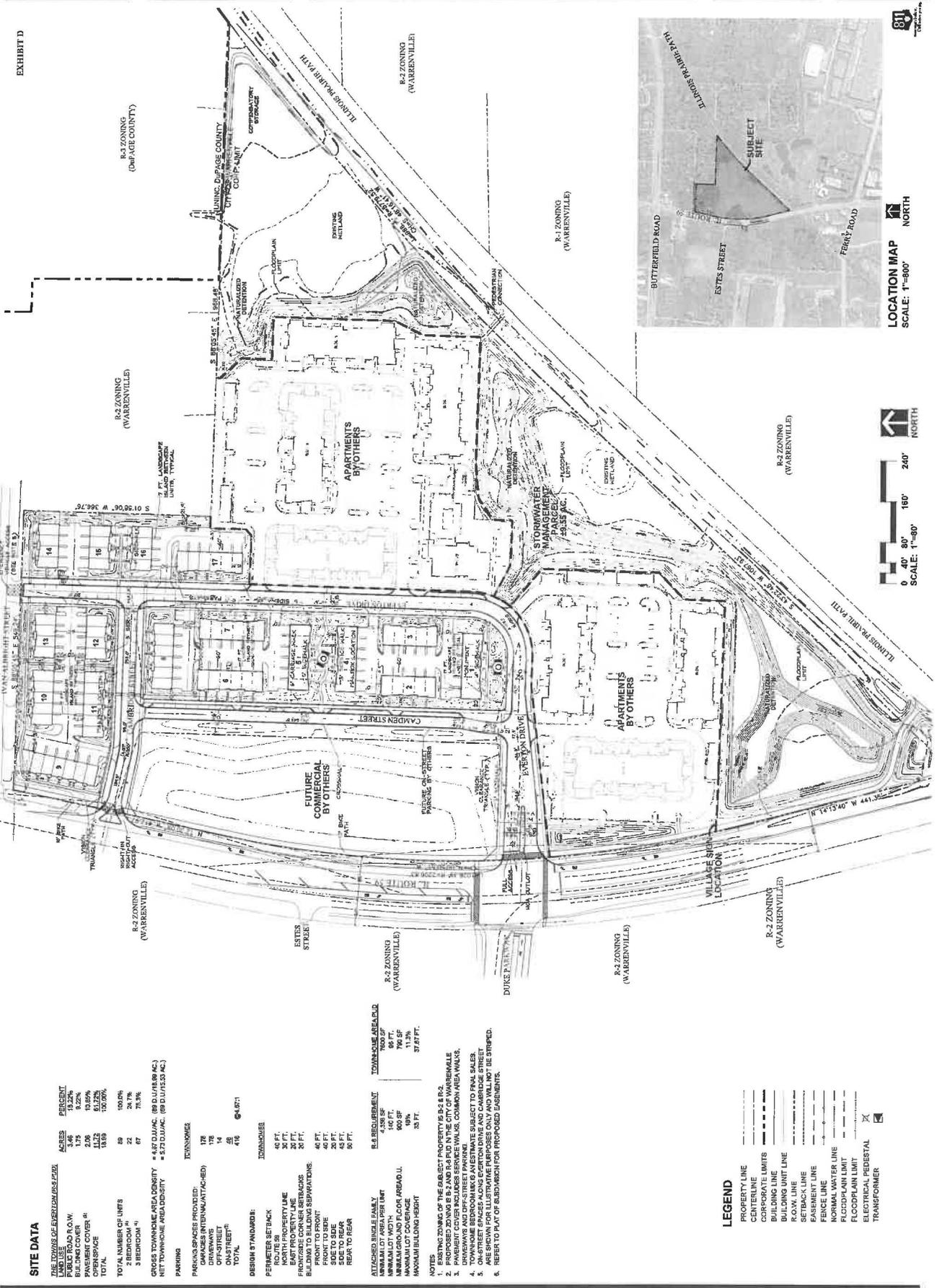
LEGAL DESCRIPTION OF LOT 79

LOT 79 (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 79, EASTERLY OF AND 50 FEET PERPENDICULARLY DISTANT FROM THE SURVEY LINE FOR A HIGHWAY DESIGNATED FEDERAL AID ROUTE NUMBER 77, OPPOSITE STATION 1828+93.16; THENCE SOUTHERLY ON THE WEST LINE OF SAID LOT 79 TO THE MOST SOUTHERLY CORNER OF SAID LOT 79; THENCE NORTHEASTERLY ON THE SOUTHEASTERLY LINE OF SAID LOT 79, TO A POINT EASTERLY OF AND 85 FEET PERPENDICULARLY DISTANT FROM THE SAID SURVEY LINE FOR FEDERAL AID ROUTE NUMBER 77; THENCE NORTHERLY PARALLEL WITH THE SAID SURVEY LINE, 443.43 FEET TO A POINT OF CURVE OPPOSITE STATION 1839+94.52; THENCE CONTINUING NORTHERLY PARALLEL WITH THE SAID SURVEY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 2,206.33 FEET A DISTANCE OF 1,028.39 FEET TO A POINT OF TANGENT OPPOSITE STATION 1829+26.52; THENCE CONTINUING NORTHERLY PARALLEL WITH THE SAID SURVEY LINE, 39.62 FEET TO THE NORTH LINE OF SAID LOT 79, OPPOSITE STATION 1828+86.90; THENCE WESTERLY ON THE SAID NORTH LINE 35.6 FEET, MORE OR LESS, TO THE SAID POINT OF BEGINNING), IN SECOND ADDITION TO WARRENVILLE ESTATES, BEING A PART OF SECTION 34, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO A RESUBDIVISION OF LOTS 45 TO 49 INCLUSIVE, OF FIRST ADDITION TO WARRENVILLE ESTATES, ACCORDING TO THE PLAT OF SAID SECOND ADDITION TO WARRENVILLE ESTATES, RECORDED OCTOBER 7, 1936 AS DOCUMENT NO. 373758, IN DUPAGE COUNTY, ILLINOIS.

Kleinman Property - PIN: 04-34-302-010

EXHIBIT D

FINAL PUD PLAN



SITE DATA

LAND USE	ACRES	PERCENT
PUBLIC ROAD R.O.W.	3.48	13.24%
OFF-STREET PARKING	1.20	4.55%
PAVEMENT COVER ⁴¹	2.08	10.56%
OPEN SPACE	11.72	51.72%
TOTAL	18.89	100.00%

TOTAL NUMBER OF UNITS	PERCENT
2 BEDROOM ⁴¹	100.0%
3 BEDROOM ⁴¹	24.7%
TOTAL	75.3%

GROSS TOWNHOME AREA DENSITY = 4.87 DU/AC. (89 DU/18.89 AC.)
 NET TOWNHOME AREA DENSITY = 5.72 DU/AC. (89 DU/15.52 AC.)

DESIGN STANDARDS:

DESIGN STANDARDS:	TOWNHOME
PERIMETER SETBACK	12'
ROUTES IN	12'
OFF-STREET PARKING	14
OFF-STREET PARKING	14
TOTAL	416

DESIGN STANDARDS:

DESIGN STANDARDS:	TOWNHOME
PERIMETER SETBACK	46 FT.
ROUTES IN	46 FT.
EAST PROPERTY LINE	20 FT.
FRONT/REAR CORNER SETBACKS	20 FT.
FRONT/REAR CORNER SETBACKS	46 FT.
FRONT TO FRONT	46 FT.
FRONT TO SIDE	46 FT.
SIDE TO SIDE	46 FT.
REAR TO REAR	56 FT.

R-2 REQUIREMENT

MINIMUM LOT AREA PER UNIT	TOWNHOME AREA/LOT
4,308 SF <td>7,000 SF</td>	7,000 SF
100 FT. <td>66 FT.</td>	66 FT.
10% <td>11.3%</td>	11.3%
19% <td>37.67 FT.</td>	37.67 FT.

NOTES

- EXISTING ZONING OF THE SUBJECT PROPERTY IS R-2 & R-2.
- PROPOSED ZONING IS R-2 AND R-2A IN THE CITY OF WARRENVILLE.
- PROPOSED ZONING IS R-2 AND R-2A IN THE CITY OF WARRENVILLE.
- TOWNHOME BEDROOM MIX IS ESTIMATE SUBJECT TO FINAL SALES, DRIVWAYS AND OFF-STREET PARKING.
- PROPOSED ZONING IS R-2 AND R-2A IN THE CITY OF WARRENVILLE.
- ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND SHALL NOT BE STRIPPED.
- REFER TO PLAN OF SUBDIVISION FOR PROPOSED EASEMENTS.

LEGEND

- PROPERTY LINE
- CENTERLINE
- CORPORATE LIMITS
- BUILDING UNIT LINE
- BUILDING UNIT LINE
- ROW LINE
- SETBACK LINE
- FENCE LINE
- NORMAL WATER LINE
- FLOODPLAIN LIMIT
- ELECTRICAL PEDESTAL TRANSFORMER

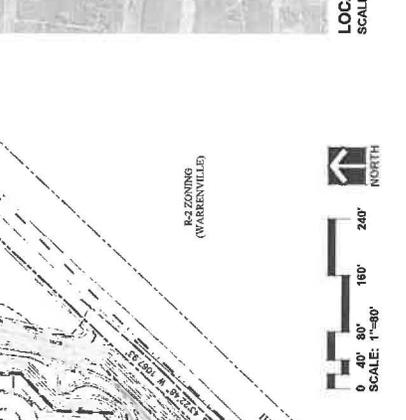
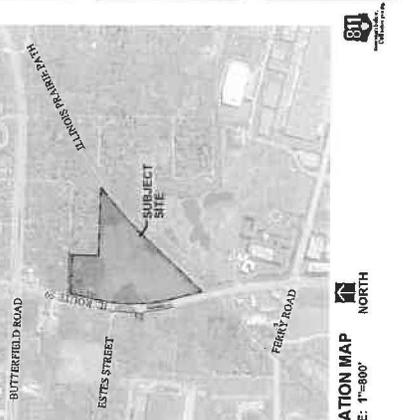


EXHIBIT D

EXHIBIT E

FINAL SITE WORK PHASE AND PHASE I PUD DOCUMENTS

1. ***Final Plat of Subdivision*** (See Exhibit F).
2. ***Final PUD Plan*** (see Exhibit D).
3. ***Final PUD Landscape Plan*** (see Exhibit G).
4. ***Everton Revised Final Site Development Engineering Plans***, consisting of 41 sheets, prepared by Cemcon, Ltd, and dated January 24, 2019.
5. ***Everton (Townhome & Common Area) Final Landscaping Plan***, consisting of 11 sheets, prepared by Gary R. Weber Associates, and dated January 29, 2019.
6. ***Comment Response letter***, consisting of 30 pages, prepared by M/I Homes, and dated January 31, 2019.
7. ***Everton Dry Utility Layout***, consisting of three sheets, prepared by Cemcon, Ltd., and dated January 29, 2019.
8. ***Rt 59 Entrance Geometry***, consisting of one sheet, prepared by Cemcon, Ltd., and dated December 5, 2018.
9. ***Drain Tile Survey***, consisting of one sheet, prepared by Huddleston-McBride Co., and dated November 13, 2018.
10. ***Townhome Elevation Renderings 1-5 Unit***, consisting of five sheets, prepared by BSB Design, dated May 23, 2018.
11. ***Townhome Elevation Renderings 1-6 Unit***, consisting of two sheets, prepared by BSB Design, and dated May 29, 2018.
12. ***Exterior Lighting Spec Sheet***, consisting of one page, prepared by Progress Lighting, and with a latest revision date of February 17, received January 25, 2019.
13. ***Monument Light Spec Sheet***, consisting of three pages, prepared by Hubbell Lighting, and with a latest revision date of March 17, 2017.
14. ***Tree Assessment Exhibit with Photos***, consisting of two pages, prepared by Gary R. Weber Associates, and dated January 16, 2019.
15. ***USFWS Endangered Species Consultation***, consisting of one page, prepared by Gary R. Weber Associates, and submitted to the City on January 31, 2019.

16. **Army Corp Letter of No Objection**, consisting of three pages, prepared by Department of the Army, and dated January 17, 2019.
17. **Final Stormwater Report**, consisting of 563 pages, prepared by Cemcon, Ltd., and dated January 23, 2019.
18. **Final Stormwater Management Report Exhibits**, consisting of 15 pages, prepared by Cemcon, Ltd., and dated January 24, 2019.
19. **Everton Commercial Design Guidelines**, consisting of five pages, and submitted to the City on November 28, 2018.
20. **Common Area Landscape Maintenance Specifications**, consisting of four pages, prepared by Gary R. Weber Associates, Inc., and submitted to the City on November 28, 2018.
21. **Specifications for Native Landscape Work, Stormwater BMPs, Wetland Creation & Enhancement**, consisting of 19 pages, prepared by Gary R. Weber Associates, Inc., and dated November 26, 2018.
22. **Snow Storage Exhibit**, consisting of one sheet, prepared by Gary R. Weber Associates, Inc., and dated February 6, 2019.
23. **Declaration of Cross Easements and Cost Sharing Provisions**, consisting of 30 pages, prepared by Meltzer, Purtil & Stelle LLC, and with a final revision date of February 11, 2019
24. **Declaration for Everton Townhomes**, consisting of 55 pages, prepared by Meltzer, Purtil & Stelle, LLC, and submitted to the City on February 7, 2018.
25. **Final PUD Application**, consisting of 15 pages, prepared by M/Homes dated October 1, 2018.
26. **Enhanced Elevation Locations**, consisting of one sheet, submitted by M/I Homes February 13, 2019.
27. **Everton Landscape Maintenance Areas Exhibit**, consisting of one sheet, prepared by Gary R. Weber, Inc., and dated February 12, 2019.
28. **Everton Long-Term Landscape Maintenance Standards**, consisting of four pages, prepared by Gary R. Weber, Inc., and submitted to the City on February 12, 2019.
29. **Ownership and Maintenance Responsibility of Key Common Everton Subdivision Improvements Exhibit**
30. **Preliminary Character Elevations**, consisting of seven sheets, prepared by BSB Design, and dated May 23 and 29, 2018.

31. ***M/I Homes Everton Community Solar Feasibility Study***, consisting of five pages, prepared by M/I Homes, and dated February 19, 2019.

Full-size and complete versions of the Final Site Work Phase and Phase I PUD Documents are available for review from the City of Warrenville City Clerk's office and Community Development Department. All documents listed in this Exhibit E (regardless of whether the document itself is attached to this Ordinance) shall be deemed incorporated by reference, and made a part of, this Ordinance.

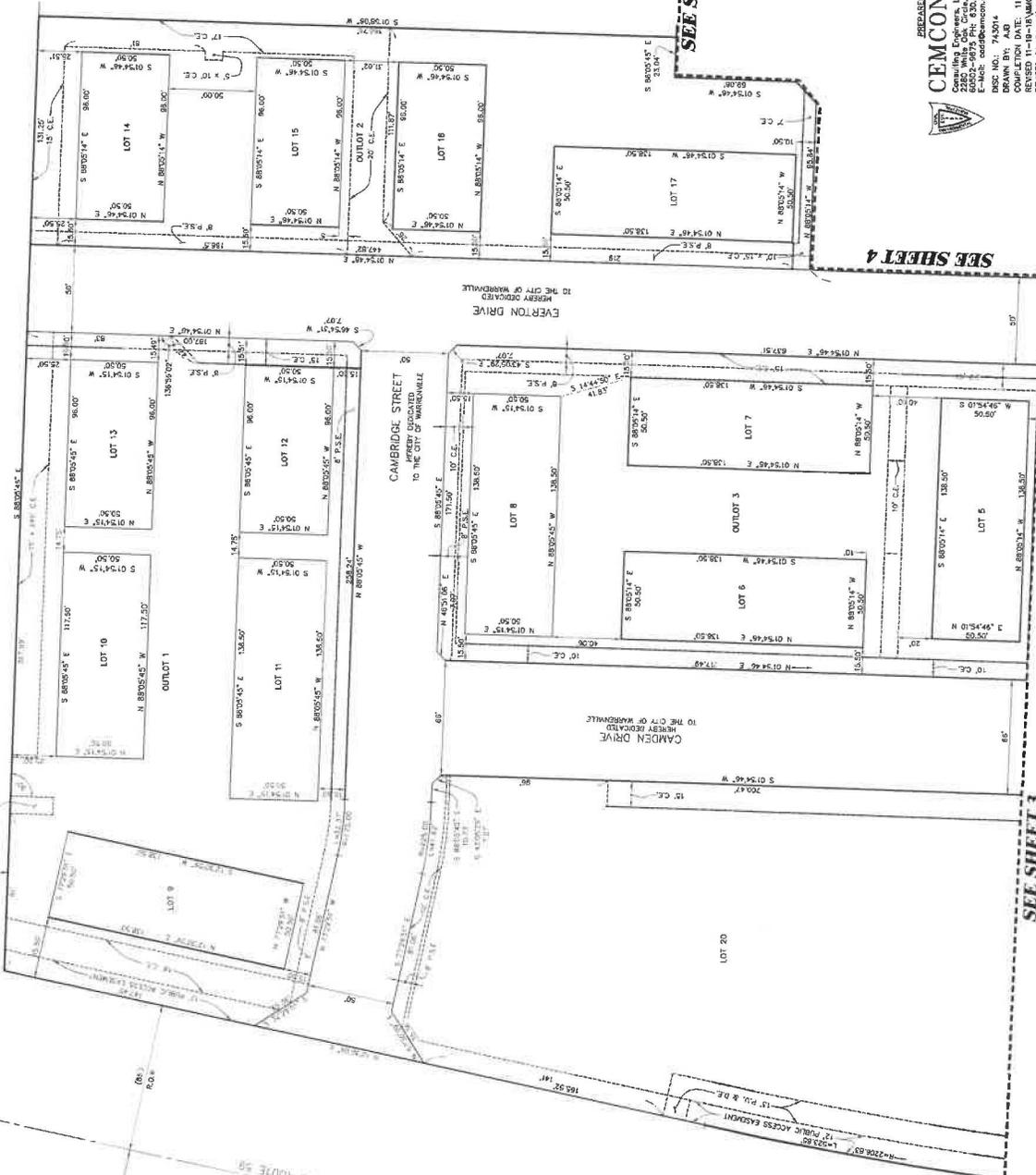
EXHIBIT F

FINAL PLAT OF SUBDIVISION



SCALE: 1 INCH = 30 FEET

ALBRICHT STREET
HERETOFORE DEDICATED
PDF DOC: 337359



SEE SHEET 4

SEE SHEET 4

SEE SHEET 3



PREPARED BY:
CEMCON, Ltd.

Consulting Engineers, Land Surveyors & Planners
2800 White Oak, Circle Suite 100 Aurora, Illinois 61704
Tel: 630-261-1111 Fax: 630-261-1112
E-Mail: info@cemcon.com Website: www.cemcon.com
DISC NO: 743014 FILE NAME: 508PLAT
DRAWN BY: AAB P.L. BK. / P.C. NO.: 073/4-17, 52-58
REVISED 11-19-18/18/18/18 - PER CITY REVIEW
REVISED 01-24-19/19/19/19 - PER CITY REVIEW

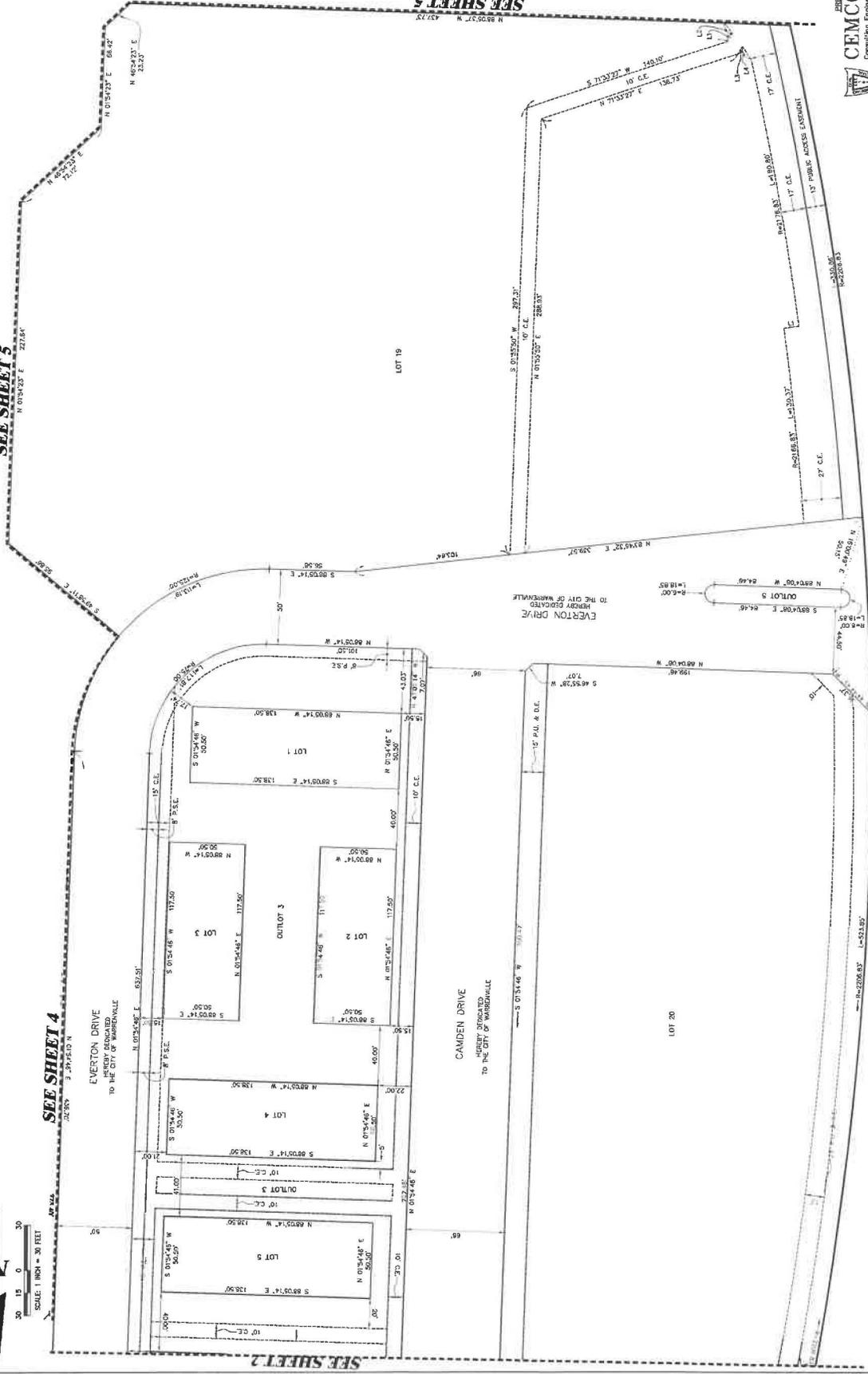
SEE SHEET 4

EVERTON DRIVE
TO THE CITY OF WARRENDALE



SCALE: 1" = 30 FEET

LINE	BEARING	LENGTH
1-1	N. 01°34'48" E.	138.50'
1-2	S. 89°05'14" W.	138.50'
1-3	N. 01°34'48" E.	23.48'
1-4	N. 10°10'20" W.	9.95'



SEE SHEET 2

SEE SHEETS 5



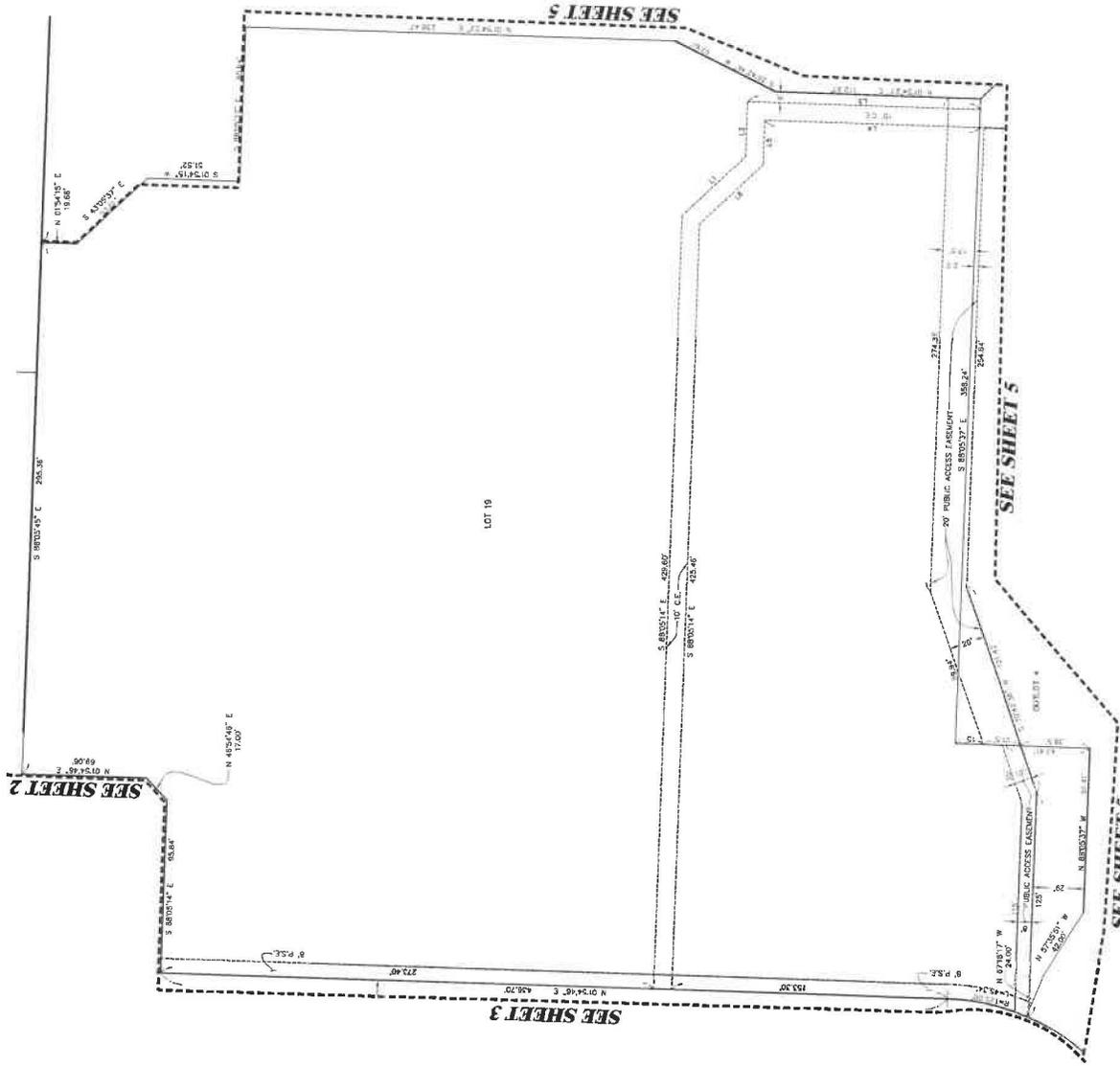
CEMCON, Ltd.

PREPARED BY:
CEMCON, Ltd.
2280 White Oak Circle, Suite 100, Aurora, Illinois
CEMCON, Inc. is a subsidiary of CEMCON, Ltd.
DSC NO: 743014 FILE NAME: SUBPLAT
DRAWN BY: AB P.L. BK. / P.C. NO: 012/74-17, 52-58
COMPLETION DATE: 11-16-18 JOB NO: 743.014
REVISED 01-24-19 NAB PER COMMENT LETTER DATED 01-11-19



SCALE: 1 INCH = 30 FEET

LINE	LINE TABLE	LENGTH
L1	S 43°05'37" E	48.13'
L2	S 89°05'37" E	30.48'
L3	S 01°51'23" W	128.41'
L4	N 89°05'37" W	24.63'
L5	N 43°05'37" W	48.13'



PREPARED BY:
CEMCON, Ltd.
 Consulting Engineers, Land Surveyors & Planners
 2280 White Oak, Clark, Suite 100 Aurora, Illinois 60009
 Phone: 630-261-2200 Fax: 630-261-2201
 E-Mail: ccm@cemcon.com Website: www.cemcon.com
 DISC NO: 743014 FILE NAME: SUBPLAT
 DRAWN BY: AJB P.L. NO. 16 DATE: 07/14/17
 REVISION: 11-19-18 NCMC - PER CITY BOARD
 REVISED: 01-24-19 AUB - PER COMMENT LETTER DATED 01-11-19



EXHIBIT G

ENGINEERING REVIEW MEMO



City of Warrenville
3S258 Manning Avenue
Warrenville, IL 60555

(630) 836 3050 tel
(630) 393 1531 fax
www.warrenville.il.us



ENGINEERING RESOURCE ASSOCIATES
3s701 West Avenue, Suite 150
Warrenville, Illinois 60555
Tel. (630) 393-3060

MEMORANDUM

Date: February 14, 2019

To: Mike May, PE, CFM
Project Manager
CEMCON

From: Kristine Hocking, P.E., CFM
Senior Civil Engineer
City of Warrenville

Mike Maslowski, P.E., CFM
Project Engineer
ERA

Erin Pande
Ecological Services Director
ERA

Re: Everton Subdivision
Illinois Route 59 and Duke Parkway
Final Engineering Plan Review
ERA Project No. 632.752

We have completed our third review of the final engineering for the proposed Everton subdivision development with regards to the DuPage County Stormwater and Flood Plain Ordinance, as well as Warrenville's Subdivision Control Ordinance. We have reviewed the following documents related to this project:

1. "Final Stormwater Report for Everton," dated September 28, 2018, revised January 23, 2019 prepared by CEMCON, LTD.
2. "Final Site Development Plan for Everton," 39 Sheets, dated September 28, revised January 24, 2019 prepared by CEMCON, LTD.
3. "Final Plat of Everton Subdivision" 6 sheets, Dated November 16, 2018, revised January 24, 2019, prepared by CEMCON LTD.
4. "Final PUD Plan" 1 sheet, dated March 02, 2018, revised January 29, 2019, Prepared by Gary R. Weber Associates, Inc.
5. "Final Landscape Plan" 10 sheets, dated January 29, 2019, prepared by Gary R. Weber Associates
6. "Utility Exhibit" 2 sheets, dated January 29, 2019, prepared by CEMCON, LTD.
7. Future Entrance Geometric Exhibit, dated December 5, 2018, prepared by CEMCON, LTD.
8. "Existing Agricultural Drain Tile Investigation Plan" dated November 13, 2018, prepared by Huddleston McBride Professional Drain Tile Services.
9. "USFWS Section 7 Endangered Species Consultation" dated April 20, 2017, prepared by Gary R. Weber Associates, Inc.
10. "Tree Assessment" dated January 16, 2019, prepared by Gary R. Weber Associates, Inc.,
11. "Letter of No Objection" and follow-up email, dated January 17, 2019, prepared by U.S. Army Corps of Engineers, Chicago District.
12. Comment response letter, dated January 31, 2019, prepared by CEMCON, LTD.

ENGINEERING SUMMARY

ACCESS: The site is located on the east side of IL RT-59 just south of Albright Street and north of the Prairie Path. There are only two vehicular access points proposed for the site. One full access and one right-in/ right-out access from IL RT-59 to the subject site is proposed. IL RT-59 is under the jurisdiction of IDOT and a permit will be required for any proposed work in their right-of-way. Two pedestrian connections are proposed with the Batavia Branch of the Illinois Prairie Path (DuPage County Highway - 47). The path is under the jurisdiction of DuDOT and a permit will be required for any proposed work in their right-of-way.

GRADING: In existing conditions the site drains generally from west to east. The Applicant has stated that in existing conditions there are three discharge points from the site; one from the onsite depressional area at the north, one to the south via culverts under the Prairie Path towards the unnamed tributary to Ferry Creek, and one towards the northeast along the north side of the Prairie Path towards Ferry Creek. The site drainage from the disturbed area is handled by two proposed detention facilities throughout the site. In general, the existing drainage patterns will remain in proposed conditions.

PERMITS: A City of Warrenville Stormwater and Flood Plain Certification is required. City of Warrenville Building Permits will be required as each unit is constructed. A Notice of Intent (NOI) must be submitted to the Illinois Environmental Protection Agency (IEPA) before the start of construction and a copy should be provided to the City for our records. IEPA permits are required for the proposed sanitary sewer and water main improvements for this project.

STORMWATER DETENTION: The entire 32.9-acre site will be developed, and the proposed improvements will exceed 25,000 SF of new impervious area, thus site runoff storage is required in accordance with the DuPage County Countywide Stormwater and Flood Plain Ordinance (CSFPO). The total discharge from onsite areas shall be restricted to 3.29 cfs based on the allowable release rate of 0.1 cfs/acre of disturbed area for all tailwater conditions to determine the required site runoff storage volume. Additional volume was provided on the subject property as required due to the Duke Parkway/Route 59 Improvements completed in 2017.

EROSION CONTROL: Final Engineering plans include an erosion control plan and Stormwater Pollution Prevention Plan, depicting proposed sediment and erosion control measures.

BEST MANAGEMENT PRACTICES: Post Construction Best Management Practices (PCBMPs) for Water Quality are required for this development. In lieu of providing volume control for PCBMPs, the Applicant is providing native vegetated wetland bottom site runoff storage basins. Each site runoff storage facility includes a native wetland bottom and a detailed design and planting plan for the PCBMPs.

SPECIAL MANAGMENT AREAS: Regulatory mapped Zone A floodplain exists at multiple locations onsite. Compensatory storage is required for all floodplain fill at a rate of at least 1.5 times the floodplain volume filled. The Applicant determined the BFE(s) of the impacted Zone A floodplain areas using a FEMA-accepted model and methodology. Compensatory storage was

provided for all fill below the determined BFE(s). A CLOMR was approved by FEMA to allow the applicant to perform earthwork.

The Applicant has stated in the report that there are wetlands present onsite. There is an existing 0.367-acre wetland (named 'wetland 1' in report) located on-site near the northern property limits. There is a 0.968-acre existing wetland (named 'wetland 2' in report) located on the east portion of the property and partly offsite. There is also an existing farmed wetland onsite with an area of 0.087-acres (named 'farmed wetland 1'). Impacts are proposed to wetland 1 only, and are proposed to be mitigated onsite.

SEWER & WATER: The Applicant is proposing to make three connections to the City's water main system and one stub on the east side of the Prairie Path that will allow for City offsite watermain interconnection. Flow tests must be conducted by the Applicant at the proposed connections to verify available water pressure. The Applicant is proposing to connect to the City's sanitary sewer system approximately 400 ft south of the south Everton Drive entrance along IL RT-59. The diameter of the City sewer being connected to is a 12" PVC sewer. The site will be served by gravity sewer.

SITE LIGHTING: Street, parking lot and bike path lighting is being provided for this development.

REVIEW COMMENTS

The Everton Plat of Subdivision has been stamped "**APPROVED WITH CONDITIONS**" and the following comments should be addressed prior to recording the Plat.

1. **New Comment:** Include existing and proposed zoning designation (the approved zoning is outlined in Ordinance #2018-36).
2. **New Comment:** Include existing address(es) of the property.
3. **New Comment:** Outlot 5 shape should match the engineering plans.
4. **New Comment:** Add the sidewalk along Building 19 to the Plat as a P.S.E
5. **New Comment:** Camden Drive should be Camden Street to match plans.
6. **New Comment:** Revise the City Easement provision to "...BUT THE PREMISES MAY BE USED FOR PAVED AREAS, DRIVEWAY, SIDEWALK, AND CITY MONUMENT SIGNS."
7. **New Comment:** See Plat markup for additional comments (attached).

The Everton Final Engineering Plan has been stamped “APPROVED WITH CONDITIONS” and the following comments should be addressed during the building permit process:

1. Sheet 10 does not indicate any SESC measures between Wetland 2 and the proposed construction access. Double row silt fence should be proposed along this boundary. The construction access is also shown on the SESC details sheet as a minimum of 20’ wide but is indicated as having a maximum 15’ width on the water resources management plan as provided by Gary R. Weber & Associates. Please revise plan or management sheet to reflect the other. **Comment not addressed. It is unlikely that the double row silt fence in addition to the 20’ wide construction entrance will fit within the property bounds and wetlands as silt fence should be trenched a minimum of 1’ away from flagged wetland boundaries. Please consider reducing the width of the stabilized access route to ensure the wetlands remain undisturbed. Add dimensions for construction entrance on plan.**
2. Provide a drain tile survey. Modifications to existing drain tiles shall be addressed per Section 15-77 of the Ordinance. **Comment partially addressed. The existing drain tiles are now show on the engineering plans. Two drain tiles are shown to come from offsite locations west of Rt. 59 near Estes Street and Duke Parkway. The offsite drain tiles shall be replaced or intercepted and connected to the proposed stormwater system such that the rerouted drain tile system has the same capacity as in existing conditions. Show additional proposed storm sewer intercepting the offsite drain tiles and provide capacity calculations.**
3. Provide a ‘Dry Utility Plan’ showing the approximate locations of ComEd, Nicor, and other utility lines. **Comment not addressed at this time. Applicant waiting on utilities.**
4. On Sheet 13, revise the provided ditch check detail to the most current detail provided in the Illinois Urban Manual. **Comment partially addressed. It appears that the detail was added to Sheet 13, but it did not print correctly. Please review and revise.**
5. Provide an aerial photo-based exhibit to the City regarding the proposed landscaping along the northern border of the project adjacent to the wetland creation area. It is unclear how many existing trees will remain and how many will be removed. The exhibit should clearly show the extent of trees to be removed. As part of the wetland creation/enhancement area, can trees be planted to maintain this ‘buffer’ between the northern parcels and this development? Provide this information ASAP for the City’s review and comment prior to the next re-submittal. **Comment Addressed. Trees are not proposed to be removed in the wetland enhancement area. This area will be enhanced with herbaceous vegetation and shrubs. The existing trees will remain and provide screening for the neighboring properties to the north as well as wildlife. New trees cannot be planted in the enhancement area as they will overcrowd the existing trees present. However, please provide a note on the plans that states that trees present within the enhancement area will remain for screening and wildlife habitat.**

6. **New Comment:** Title Page: Add the list of all permits required and approval numbers if received already.
7. **New Comment:** Add the streetlight locations to the Drainage & Grading sheets and Plan & Profile sheets for reference.
8. **New Comment:** Sheet 14 - The bollards at the end of Everton Drive at the fire lane should be placed about 3' from the edge of pavement to prevent cars from driving around the bollards.
9. **New Comment:** Sheet 14 - Adjust the sidewalk at the end of Everton Drive near the fire lane to go around the pavement and not cross the road due to the potential of parked cars blocking the pedestrian path.
10. **New Comment:** Sheet 14 - The bike path on the north end of the project should extend and terminate at Albright Street. Create a detail for this ramp and add detectable warnings.
11. **New Comment:** Sheet 15 – There are 23 parking spots, so 1 ADA spots on Camden is required. Remove the ADA spot at 45+75.
12. **New Comment:** Connect the private sidewalk to the bike path at the north end of the project near Albright.
13. **New Comment:** The existing watermain crossing Route 59 south of Duke Parkway is a 12" PVC pipe not a 16" ductile iron pipe. It does not continue east into the site as it connects to the existing 10" watermain. Add a callout regarding the existing watermain size and type.
14. **New Comment:** The watermain from Everton Drive through the apartment parking lot to the terminus on the east side of the Prairie Path should be 10". This should be built with the first phase of this project. Remove from CG2.
15. **New Comment:** The 12" watermain running through the parking lots of apartment buildings 1,2, & 3 should be built within 1 year of start of construction if the apartments haven't begin construction. Add watermain line to CG1 and an easement to the Plat. This 12" line is the backbone of the area. Another option is to revise the watermain from V1-V4 to be a 12" watermain and update the location of the upsized watermain on Route 59.
16. **New Comment:** Add the Valve Vault and a stub under Route 59 path to apartment parking lot.
17. **New Comment:** Check and fix all watermain protection hatching.
18. **New Comment:** Add the size and type of sanitary sewer that the proposed sanitary sewer connects to (12").

19. **New Comment:** Check and fix all trench backfill hatching. Add TB for storm sewer along west side of project north of Cambridge.
20. **New Comment:** Pavement patch along Albright should be 6" at least or shall match the existing asphalt depth.
21. **New Comment:** Add "Required TBF" hatch to legend on plan and profile sheets.
22. **New Comment:** CG2 – Remove the 100 LF of N-S PVC Watermain and add a stub instead for the remainder to be built with the apartments. Limestone screening callout should note that screening should go from Everton Drive sidewalk to Prairie Path per grading sheets.
23. **New Comments:** Sheets 36 & 37 ADA Details
 - a. Use a different scale for the ramp details. Consider using 1"=10' (or 1"=5' if clarity cannot be achieved) in order to provide the level of detail necessary.
 - b. Break up large intersections, such as Everton Drive at Camden Drive, into individual street crossing details. For example, one for the south side, one for the east side and one for the north side.
 - c. The list below references requirements in the attached IDOT ADA ramp example:
 - i. Add existing elevations at tie in points of existing sidewalk and curb and gutter.
 - ii. Provide all proposed elevations at back of depressed curb, gutter flowline, edge of gutter flag.
 - iii. Both existing and proposed elevations should be to the hundredths place (if the hundredths place is a zero, add it, don't drop it).
 - iv. Dimensions of curb ramps, blended transitions, turning spaces/landings, cross walk .
 - v. Provide all proposed cross slopes and running slopes (calculated from proposed elevations) for all different elements of the Pedestrian Accessible Route (i.e. curb ramps, blended transitions, turning spaces/landings, crosswalks, depressed curbs etc.) in order to show that the route within the detail is meeting PROWAG/IDOT requirements.
 - vi. The City of Warrenville doesn't require a separate benchmark for each intersection or crossing, however reference the closest benchmark for the development. IDOT may have different requirements.
 - vii. Symbols of utilities/structures, signs etc. within the near vicinity that provides helpful information for the review and construction process.
 - d. Depressed curb and gutter at ADA ramps shall have a height no greater than 1/2" between the back of curb and flowline. Refer to IDOT depressed curb and gutter detail.
 - e. Counter slope of gutter flag shall not be greater than 5%. Refer to IDOT depressed curb and gutter detail.
 - f. Per PROWAG section 304, grade breaks at the top and bottom of curb ramps need to be perpendicular to the direction of ramp run. There cannot be grade brakes on the surface of ramp runs or turning spaces. It's unclear at some ADA ramps whether a curb ramp or blended transition ramp is being combined with a turning space.

- g. For the curb ramps/blended transitions it appears that there still needs to be a perpendicular grade break at the bottom, and the detectable warnings placed behind the grade break.
 - h. Curb ramps or detectable warning locations should not be in any handholes (see NE corner of Everton Drive and Route 59).
 - i. Consider providing a key map, or referencing a particular grading sheet in order to have a perspective of where each detail falls in the overall site plans.
24. Bike path lighting should be located on the east side of the path only.
25. Move L16 east to the location of stop sign. Mount the stop sign to light pole.
26. Remove L17.
27. Move L18 to SE corner of Camden and Cambridge to the location of the stop sign. Mount the stop sign to the light pole.
28. Move L9 to the stop sign on Cambridge. Mount the stop sign to the light pole.
29. Move L3 to the west side of Camden. Mount the stop sign to the light pole.
30. General Lighting:
- a. General notes for the electrical work should be provided within the general notes section of the plans. Add a note in the general notes that underground splicing is not permitted.
 - b. A separate lighting layout plan should be provided. Information such as conduit, electrical cable routing, controller and electrical service shall be shown and detailed.
 - c. Lighting plans should include a one-line diagram.
 - d. The lighting controller and/or service connection needs to be shown and schematic details included.
 - e. The lighting system needs to be differentiated from ComEd's primary electrical system.
 - f. Describe the electrical conduit layout routings. Are junction boxes intended at each location where the conduit shows a tee?
 - g. For light locations at the end of a proposed circuit, the contractor shall install at least two conduit sleeve in both directions in the concrete foundation.
 - h. Check to ensure that light pole foundations do not conflict with underground utilities.
31. Note that the bike path will be maintained by the City and the bike path lighting to be maintained by the owner/developer.
32. Outside Agency Permits:
- a. Provide DuDOT approval.
 - b. Provide IDOT permit approval.
 - c. Provide IEPA permit approvals (Sanitary, Watermain, NPDES).

The Everton Stormwater Report has been stamped “APPROVED WITH CONDITIONS” and the following comments should be addressed during the building permit process:

1. Provide calculations for the emergency overflow weirs. They shall be sized to safely convey 1.0 cfs/acres of tributary area. There should be a foot of freeboard over the conveyance depth to the lowest entry of proposed adjacent structures. Provide armoring of emergency overflow weirs. Comment not addressed. In the report narrative, callout the upstream tributary to each detention facility. Provide calculations for the required flow the emergency weirs shall be sized for (1cfs/acres trib. area). Provide separate calculations for the capacity of the proposed emergency weirs exceeding the required flow. **Comment not addressed. In the report narrative, callout the upstream tributary to each detention facility. Overflow weir calculations were not included in Tab 2G as stated in applicant’s responses. Provide calculations and adjust length of weir as necessary.**

The Everton Final Landscape Plan has been stamped “APPROVED WITH CONDITIONS” and the following comments should be addressed during the building permit process:

1. See Staff Report for comments.

Fees – Required Prior to Recording of Plat

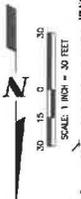
1. Submit an EOPCC for all Public Improvements per Subdivision Control Ordinance (including all improvements outline on Contingent Grading and Utility Plan sheets CG1 and CG2.
2. Stormwater Management Review Fee: \$10,000 is required per City code section 8-5-3. **This has been paid.**
3. Stormwater Inspection Fee: **\$500 plus 2.5% of EOPCC for Public Improvements (Stormwater Management & Erosion Control).**
4. Final Engineering Review and Inspection: **Based upon the EOPCC for Public Improvements (Non-Stormwater Management/Erosion Control).**
5. Duke Parkway & Route 59 Intersection Improvements Recapture: **\$359,090.**
6. Development Security: **110% of the total EOPCC for Public and Stormwater Improvements. This can be a cash bond, Letter of Credit, or a Performance and Payment Surety Bond.**

Attachments:

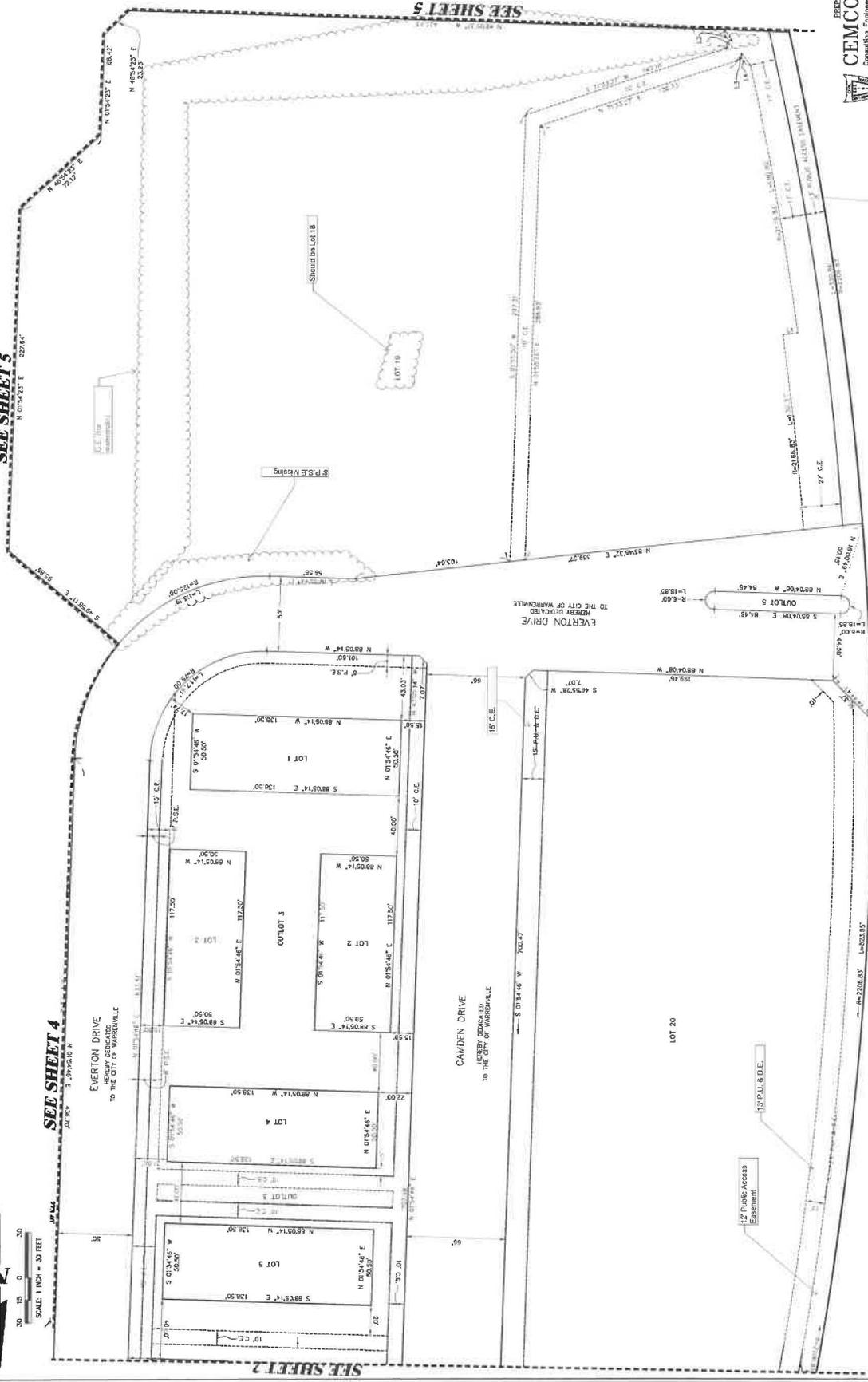
1. Plat Markup
2. IDOT ADA Detail Template

SEE SHEET 4
N 0°34'32" E 227.64'

SEE SHEET 4
N 0°34'32" E 227.64'



LINE	BEARING	LENGTH
L1	S 88°03'14" W	8.87
L2	S 21°12'02" E	23.48
L3	N 21°12'02" E	23.48
L4	N 38°12'02" W	9.94



Is there a reason why this is a 12' public access easement instead of a 10' easement? North arrow 127'



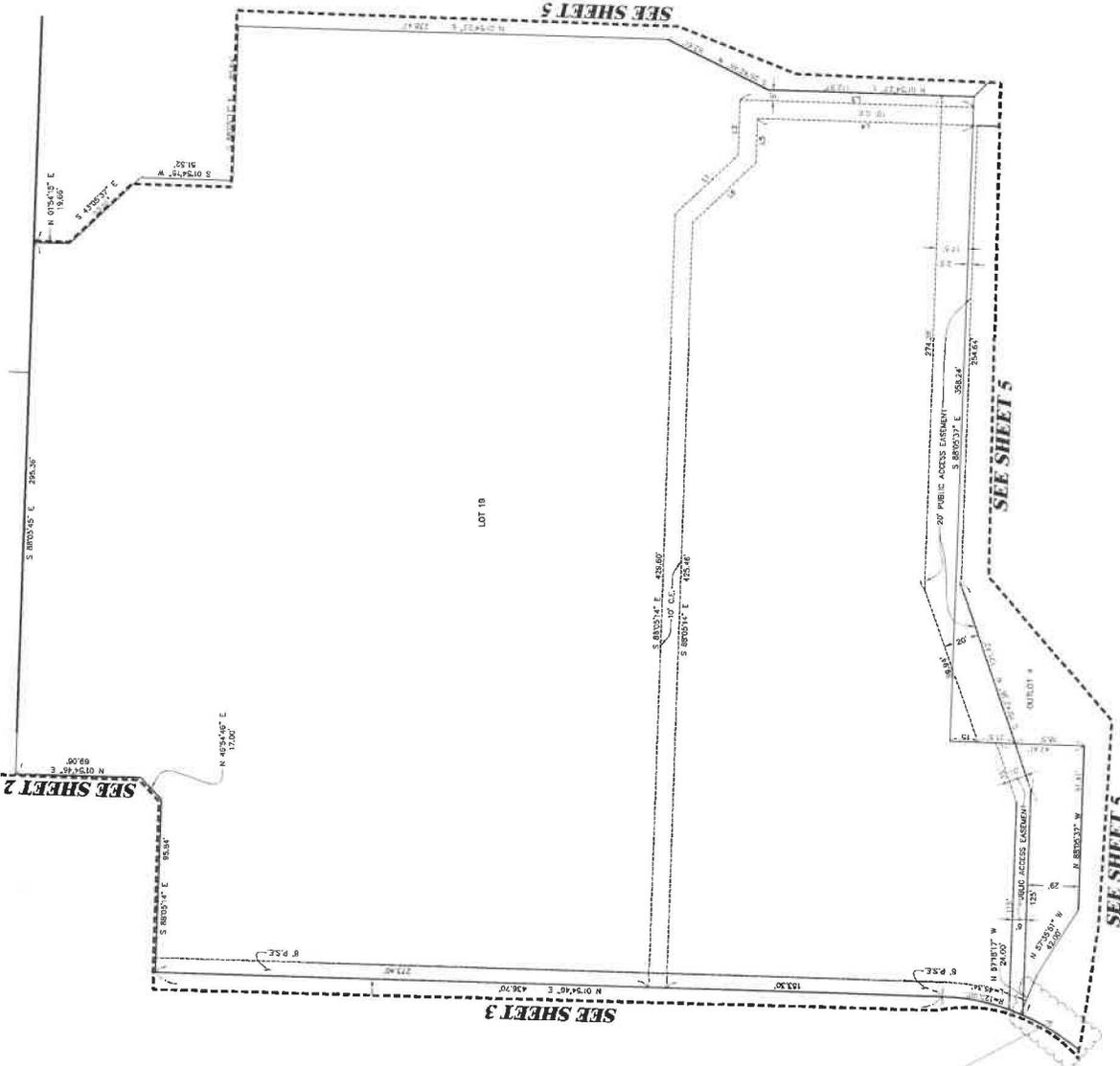
CEMCON, Ltd.
 2280 White Oak Circle, Suite 100, Aurora, Illinois
 630.882.2199
 www.cemcon.com
 CAD: cad@cemcon.com

PREPARED BY:
 DSC NO: 743014 FILE NAME: SUBPLAT
 DRAWN BY: ABE ELD BK / PC NO: D73/4-17, 52-58
 COMPLETION DATE: 11-16-18 JOB NO: 743014
 REVISION: 01-24-19 VAS PER COMMENT LETTER DATED 01-11-19



SCALE: 1 INCH = 30 FEET

LINE	LINE TABLE	LENGTH
L1	S 43°05'37" E	484.13'
L2	S 88°05'37" E	30.48'
L3	S 01°54'23" W	128.41'
L4	N 88°05'37" W	24.83'
L5	N 43°05'37" W	484.13'



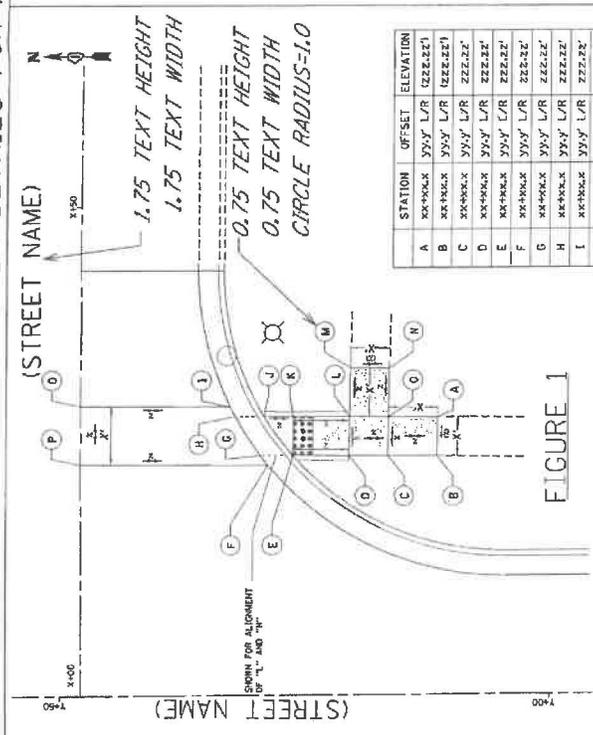
LOT 10



CEMCON Ltd.

Prepared by:
 Consulting Engineers, Land, Surveyors & Planners
 2280 White Oak Circle, Suite 100, Aurora, Illinois 61704
 E-Mail: info@cemcon.com Website: www.cemcon.com
 DSC NO.: 743014 FILE NAME: SUBPLAT
 DRAWN BY: A.B. P.L.D. / PC. NO. D75/74-17, 52-58
 CHECKED BY: J.L. DATE: 01-11-19
 REVISION: 01-24-19 A/B PER COMMENT LETTER DATED 01-11-19

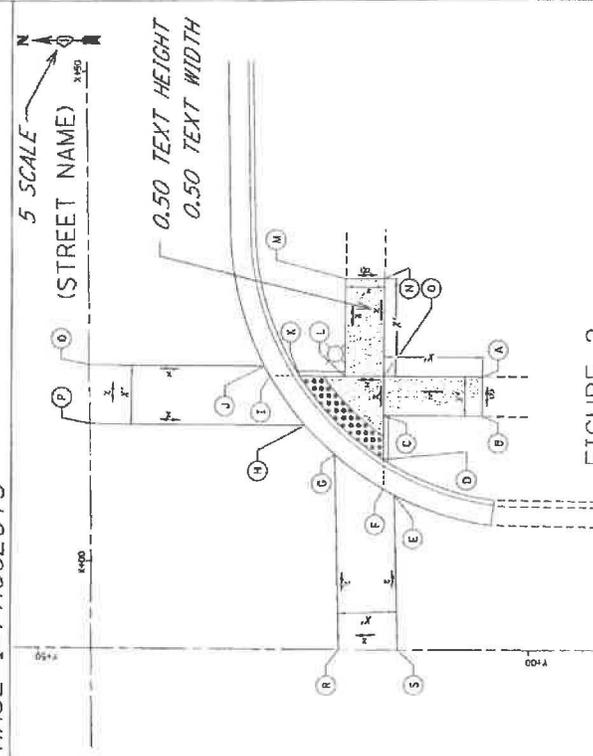
ADA DETAILS FOR PHASE 1 PROJECTS



STATION	OFFSET	ELEVATION
A	xx+xx.x	yy.y' L/R (zzz.zz')
B	xx+xx.x	yy.y' L/R (zzz.zz')
C	xx+xx.x	yy.y' L/R (zzz.zz')
D	xx+xx.x	yy.y' L/R (zzz.zz')
E	xx+xx.x	yy.y' L/R (zzz.zz')
F	xx+xx.x	yy.y' L/R (zzz.zz')
G	xx+xx.x	yy.y' L/R (zzz.zz')
H	xx+xx.x	yy.y' L/R (zzz.zz')
I	xx+xx.x	yy.y' L/R (zzz.zz')
J	xx+xx.x	yy.y' L/R (zzz.zz')
K	xx+xx.x	yy.y' L/R (zzz.zz')
L	xx+xx.x	yy.y' L/R (zzz.zz')
M	xx+xx.x	yy.y' L/R (zzz.zz')
N	xx+xx.x	yy.y' L/R (zzz.zz')
O	xx+xx.x	yy.y' L/R (zzz.zz')
P	xx+xx.x	yy.y' L/R (zzz.zz')
Q	xx+xx.x	yy.y' L/R (zzz.zz')

FIGURE 1

- NOTES:
- 1.) THESE ADA DETAILS ARE FOR PRESENTATION PURPOSES. REFER TO THE CURRENT BOE MANUAL AND ADAPTING GUIDELINES FOR DESIGN REQUIREMENTS.
 - 2.) FOLLOW LEGEND FOR LABELING EXISTING ELEVATIONS, SLOPES, AND LENGTHS.
 - 3.) ESTABLISH STATIONING/OFFSETS BASED ON 1' CENTERLINE FOR EACH CORNER.
 - 4.) SHOW EXISTING PROPOSED ABOVE GROUND UTILITIES AND SIGNS ASSOCIATED PROFILE.
 - 5.) IN ORDER TO ALLOW FOR CONSTRUCTION TOLERANCES THE CROSS SLOPES AND RAMP RUNNING SLOPES SHOULD NOT BE ASSIGNED TO THEIR MAXIMUM VALUE. CROSS SLOPES SHOULD BE ASSIGNED TO THEIR MAXIMUM VALUE AT 15% FLARE OR FLATTER. RAMP RUNNING SLOPES SHOULD BE ASSIGNED TO 15% FLARE OR FLATTER.
 - 6.) SUBMIT DETAILS ON 11"x17" SIZED PLAN SHEETS AND AT A SCALE OF 1"=10'. ONLY 1' OR 2' HIGHT OF RETURN SHOULD BE PROVIDED PER SHEET.
 - 7.) IF PARALLEL SIDEWALK SLOPES DO NOT MATCH LABEL BOTH SLOPES. FOR EXAMPLE, IN FIGURE 1, IF 4% DOES NOT MATCH 4% BOTH SLOPES SHOULD BE LABELED.



STATION	OFFSET	ELEVATION	STATION	OFFSET	ELEVATION
A	xx+xx.x	yy.y' L/R (zzz.zz')	L	xx+xx.x	yy.y' L/R (zzz.zz')
B	xx+xx.x	yy.y' L/R (zzz.zz')	M	xx+xx.x	yy.y' L/R (zzz.zz')
C	xx+xx.x	yy.y' L/R (zzz.zz')	N	xx+xx.x	yy.y' L/R (zzz.zz')
D	xx+xx.x	yy.y' L/R (zzz.zz')	O	xx+xx.x	yy.y' L/R (zzz.zz')
E	xx+xx.x	yy.y' L/R (zzz.zz')	P	xx+xx.x	yy.y' L/R (zzz.zz')
F	xx+xx.x	yy.y' L/R (zzz.zz')	Q	xx+xx.x	yy.y' L/R (zzz.zz')
G	xx+xx.x	yy.y' L/R (zzz.zz')	R	xx+xx.x	yy.y' L/R (zzz.zz')
H	xx+xx.x	yy.y' L/R (zzz.zz')	S	xx+xx.x	yy.y' L/R (zzz.zz')
I	xx+xx.x	yy.y' L/R (zzz.zz')			
J	xx+xx.x	yy.y' L/R (zzz.zz')			
K	xx+xx.x	yy.y' L/R (zzz.zz')			

FIGURE 2

LEGEND

- EXISTING LENGTH/ELEVATION
- PROPOSED SIDE CURB
- EXISTING SLOPE
- PROPOSED SIDEWALK
- DETECTABLE WARNINGS
- SIDEWALK REMOVAL
- REPLACE W/TOPSOIL & 5:00

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

FILE NAME: [] DESIGNER: [] DATE: []
 DRAWN BY: [] CHECKED BY: [] DATE: []
 PROJECT NO.: [] SHEET NO.: [] OF [] SHEETS
 CONTRACT NO.: []

BORDER = 5 SCALE
CELLS = 20 SCALE

EXHIBIT H

TRAFFIC ENGINEER REVIEW MEMO

**JAMES J. BENES AND ASSOCIATES, INC.**

950 Warrenville Road ▪ Suite 101 ▪ Lisle, Illinois
▪ 60532 Tel. (630) 719-7570 ▪ Fax (630) 719-7589

MEMORANDUM

Date: February 8, 2019

To: Kristine Hocking, PE, CFM
Senior Civil Engineer
City of Warrenville

From: Daniel H. Schoenberg, PE
Project Engineer

Re: Final PUD Site Plan for Everton MI Homes
Traffic Review
Project No. 632.761

At your request, we have reviewed the final site plan documents for development of the Kleinman property on the east side of IL-59 just north of its intersection with the Illinois Prairie Path prepared for MI Homes. A development with 89 townhouse dwelling units, seven apartment structures with 259 dwelling units and a 34K GFA commercial area is proposed.

A full access onto IL-59 opposite the Duke Parkway signalized intersection is proposed as well as a right-in-right-out (RIRO) access near the north end of the site. Dedicated right-of-way extends to Albright Street for an emergency-access point. We reviewed the following documents:

1. Final Site Development Plans prepared by Cemcon Ltd. and dated January 24, 2019.
2. Response letter form MI Homes dated January 31, 2019
3. Future Entrance Geometric Exhibit prepared by Cemcon Ltd. and dated December 5, 2018
4. Final Plat of Everton Subdivision prepared by Cemcon Ltd. dated January 24, 2019
5. Final PUD Plan prepared by Gary R. Weber Associates Inc. dated January 29, 2019
6. Final Landscape Plan prepared by Gary R. Weber Associates Inc. dated January 29, 2019
7. IDS prepared by CEMCON ltd, dated December 5, 2018.

The first phase under consideration now includes the townhomes only. The commercial and apartment areas will be in future phases. Since the receipt of the last plans, some public sidewalk has been moved to easements outside the rights-of-way to create larger parkways. The Everton entrance was reconfigured to accommodate future outbound dual left turn lanes. The pavement cross-section has been strengthened.

Access

IDOT has required revised signalization at the Everton-IL59 intersection and has discussed the need to provide for future southbound and westbound dual left turn lanes at Duke-IL59. An IDS has been submitted to confirm a WB-65 truck can enter and exit the site at the signalized intersection

Continuing east on Everton, the proposed eastbound lane alignment shift is still too abrupt at Curve 2 which should have a length of 100 feet. This will result in moving the south curb south about 2' and creating a short painted median east of Camden. The painted median west of Camden also should be truncated so as not to extend into the westbound lane. Dotted line markings should define the eastbound left turn lane.

Circulation

The pavement layout beyond the Everton entrance is unchanged from previous submittals. More details of the emergency access gate near Albright Street have been provided.

Parking

Each townhouse dwelling unit will have two inside and two outside parking spaces on site which complies with code. An additional 11 off-street spaces are provided for townhouse visitors, one of which is accessible. There is enough room to conform to the parking space and aisle dimensional requirements of Table 5A in the Subdivision Control Ordinance.

The construction of recessed on-street parking on the east side of Camden Street and on Everton Drive is part of this phase. The parking spaces are now marked, and one is accessible per Public Rights of Way Accessibility Guidelines (PROWAG) and ADA requirements.

We understand our previous comments about the number and configuration of apartment and commercial parking spaces will be addressed when the layouts of those phases are finalized.

Vision Clearance Triangles

Since the major streets at the internal Camden Street intersections and at Everton-Cambridge are posted as 25 mph, Table 10-1 Of the Zoning Ordinance requires the Vision Clearance Triangles to be based upon a 30 mph design speed. This translates to 335' lengths of triangle along Everton. However, the Cambridge Street blocks and the Everton Drive block between IL59 and Camden Street are shorter than the triangle. The sight lines provided are adequate.

Westbound vehicles approaching Everton-Camden are traveling at 15 mph per posted signage for the nearby curve. The landscaping choices for the westbound approach to Everton-Camden including the Seating Area 2 monument sign placement (page 3) provide adequate vision clearance triangles.

The use of 3' mature height Kallys Compact Pfitzer Junipers at the east end of the

February 8, 2019

Everton-IL59 median do not conform to the 2' height restriction of the Vision Clearance Triangle. The happy returns daylilies and the prairie dropseed conform. However, other guides suggest objects less than 3.5' above pavement should not block sight lines between drivers. One concern is the mature 15' spread of the proposed ivory silk Japanese tree lilacs within the not as wide central island.

We checked the choice of planting materials within the driveway vision clearance triangles. Three foot high Judd Viburnums do not conform with the 2'-7' clear sight provisions. Newly planted 8' Pagoda Dogwoods, Royal Raindrops Crabapple, and Eastern White Pines may obstruct sight lines until they mature. Mature dogwoods and white pine are not usually trimmed up over 7' and may also obstruct sight lines.

REVIEW COMMENTS

Final Engineering Plan The Final Engineering Plan has been stamped "**APPROVED WITH CONDITIONS**" and the following comments are to be addressed during the site/building permit process:

1. Increase the length of Everton Drive Curve 2 to 100 feet. Create a short painted median east of Camden. Truncate the painted median west of Camden so as not to extend into the westbound lane. Dotted line markings should define the eastbound left turn lane. See the attached sketch.

Intersection Design Study The IDS has been stamped "**APPROVED WITH CONDITIONS**" and the following comments are to be addressed during the site/building permit process:

Sheet 1:

1. IDOT will determine if the review comments of their November 8, 2018 internal review memo have been met acceptably.
2. The traffic in and out of Everton and the signal phasing match the December 2018 TIS.
3. The eastbound left turns out of Duke and the southbound right turns into Duke on the IDS are lower than shown on the TIS. This affects LOS.
4. The angles of the Everton approach are located incorrectly.

Sheet 6:

1. Southbound left turn movements into Everton should be on two diagrams, not one. The multiple lines make the plans indecipherable. The first layout should show a WB-65 in the single southbound left turn lane. The second layout should show a WB-65 in the inside left turn lane and a passenger vehicle in the outside turn lane. (Simultaneous WB-65s are unlikely). The passenger car enters the south lane on Everton. The inbound throat of Everton will need to be widened when the dual lefts are installed.
2. The WB-65 about to make an outbound left turns from Everton should start outside the painted median.
3. If the WB-65s work, all the smaller trucks should have no difficulty.

February 8, 2019

Final Landscaping Plans The Final Landscaping Plans have been stamped “**APPROVED WITH CONDITIONS**” and the following comments are to be addressed during the site/building permit process. Substitute the tree/shrub species noted below with types that will not obstruct sight lines:

1. On the vision clearance triangle extending north from the Cambridge-Everton eastbound approach change the two Judd Viburnum. On the vision triangle extending south, change the Pagoda Dogwood. (page 2 of plans)
2. On the vision clearance triangle extending south from the westbound driveway approach between buildings 14 and 15 change the two Judd Viburnum and the Pagoda Dogwood.(page 2 of plans)
3. On the vision clearance triangle extending north from the eastbound driveway approach between buildings 3 and 4 change the Eastern White Pine and Royal Raindrops Crabapple. (page 2 of plans)
4. Change the 3’ mature height Kallys Compact Pfitzer Junipers at the east end of the Everton-IL59 median to Gro-low Sumac. (page 4 of plans) or agree to comply with City clearance provisions.
5. Change the proposed ivory silk Japanese tree lilacs with plants whose mature spread is not as wide as the Everton Drive central island. (page 4 of plans).

-end-

EXHIBIT I

**STAFF REQUESTED REVISIONS TO
COMMERCIAL LOT DEVELOPMENT DESIGN REQUIREMENTS**

2.21.19. Staff Requested Revisions to Everton Commercial Design Guidelines (last revised by RM on 2/21/19)

1. Add the following “Purpose and Use” language at the beginning of the document:

“Purpose and Use

The criteria contained in this document is intended as a guideline for the design of commercial, retail, and restaurant buildings and their supporting parking and pedestrian improvements in and adjacent to the Everton Commercial Area located along the east side of Route 59 between Everton Drive on the south and Cambridge Street on the north.

These design guidelines have been approved by the City of Warrenville and will be applied by the City in its preliminary and final plan reviews of commercial, retail and restaurant buildings in the Everton Commercial Area. Failure to comply with these guidelines shall be a basis for the City to withhold preliminary or final plan approval. It is recognized that certain commercial users, such as restaurants, may have a specific architectural identity that is part of their “theme” or “brand” which may not be fully consistent with these guidelines. Users with prototype designs are encouraged to adapt their prototype to these guidelines as much as possible. However, the City will consider exceptions to these guidelines on a case by case basis giving due consideration to other alternative approaches which still represent the level of quality and achieve the same general outcomes inherent in these guidelines.

The overall goals of these guidelines include:

- Support the creation of a high quality, interconnected commercial development that would complement the adjacent Everton residential housing uses.
- Invite safe and efficient pedestrian and bicycle access into and throughout the Everton Commercial Area.
- Present an aesthetically attractive and inviting pedestrian oriented streetscape along the Camden Drive frontage of the Commercial Area.
- Accommodate the construction of buildings with individual identity while working in harmony with the other commercial and residential buildings in the Everton Project.
- Minimize the negative impacts commonly associated with drive-through facilities and generic prototypical designs of larger national retail goods and service and restaurant users.”

2. **Revise the third bullet point on the “Building Placement” page to read as follows:**
“Buildings should be placed close to the Camden Drive angled parking to reinforce the pedestrian orientation of the Camden Drive streetscape.”

3. **Revise the “Building Placement” page to incorporate the following modifications:**
 - a. Revise the first bullet point to (i) change “Road” to “Drive” and (ii) eliminate the last section that reads as follows: “and a maximum of two points of access to the commercial.”
 - b. Revise the second and fourth bullet points to (i) change “Road” to “Drive” and (ii) specify “vehicular” access.
 - c. Begin the third bullet point with the word “Interconnected” and change “Road” to “Drive”.
 - d. Revise the fifth bullet point to read as follows: “Buildings should be placed close to the Camden Drive angled parking in order to eliminate or significantly reduce the need for an secondary internal service access road along the east side of the Commercial Area”
 - e. Add a new bullet point that reads as follows: “On-Street parking along Camden Drive can be used to satisfy City Zoning Ordinance parking requirements for retail and restaurant uses in the Commercial Area.”
 - f. Revise the graphic exhibit to specifically identify “Camden Drive Pedestrian Crossing”

4. **Revise the “Pedestrian Circulation” page to incorporate the following modifications:**
 - a. Revise the first bullet point to read as follows: “Pedestrian spaces shall include planted areas, high quality commercial grade seating, and professional landscaped hardscapes.”
 - b. Revise the second and third bullet points to change “Road” to “Drive”.
 - c. Revise the third bullet point to (i) change “Road” to “Drive” and (ii) to insert the word “minimum” in front of the word “5ft”.
 - d. Revise the fourth bullet point to read as follows: “Appropriate sidewalk connections to the Route 59 bike path shall be provided to facilitate safe and efficient pedestrian and bicycle access to the various uses that locate in the Commercial Area.”
 - e. Revise the fifth bullet point to change the word “need” to “shall”.

5. **Revise the “Building / Property Character” page to incorporate the following modifications:**
 - a. Add a new second bullet point to read as follows: “Building must be designed with similar materials and design details on all sides. The “service” side of the building must be of a quality level compatible with the primary elevation.”

- b. Revise existing second bullet point to read as follows: "Entrances shall be identified by prominent architectural elements and/or features. Examples include entrance towers, special roof features, and metal or fabric canopies and awnings. Building facades should incorporate an inviting pedestrian entrance orientated towards Camden Drive."
- c. Add a new third bullet point to read as follows: "In general, building facades and roof lines in excess of 100 feet shall have a major architectural feature incorporated into the façade to create architectural interest in the building. The combination of flat walls and flat roof/eave lines shall be prohibited. Buildings shall include some relief from plain facades by incorporating architectural elements such as punched windows, storefront glazing, alcoves, masonry details and projections. Masonry details shall create three-dimensional relief from the plane of the wall. Examples of such details may include, but is not limited to engaged piers or columns, arches, rowlock, soldier courses, and cast stone sills and headers."
- d. Revise third bullet point to read as follows: "Building materials, site signage and monumentation should complement the architectural design of the residential component of the overall Everton Project. Primary exterior building materials shall include brick, stone, and cementitious siding related materials. Other materials may be used as accent or secondary materials but the amount of such materials shall be subject to the City's approval during the final PUD process. The use of bold colors and non-traditional brick color such as grey and charcoal are encouraged."
- e. Add a new fourth bullet point to read as follows: "Building roof/eave lines shall include some kind of roof feature such as broken or interrupted coping and eave lines, towers, dormer windows, significant variations in parapet heights, et cetera. Residential-style shingles are not permitted."
- f. Add a new fifth bullet point to read as follows: "Unless otherwise approved by the City, canopies and awnings on a multi-tenant building shall be of a consistent design and color".
- g. Add a new sixth bullet point to read as follows: "Trees/landscape planters and/or special pavement and/or other special treatment shall be required to breakup large expanses of concrete between the façade of a multi-tenant building and adjacent parking areas."
- h. Add a new seventh bullet point to read as follows: "Outdoor seating is strongly encouraged for restaurants and other similar uses. Decorative concrete or brick pavers shall be incorporated into the design to define these areas. No outdoor sound systems shall be permitted unless approved by the City at Final PUD or a subsequent PUD minor amendment."
- i. Add a new eighth bullet point to read as follows: "All roof top equipment must be fully screened. Top of parapet walls must be at least as high as all roof top

equipment, including HVAC units, antennas, satellite dishes, and roof exhausts. Independent roof screens must be consistent with the architecture of the building.”

- j. Revise existing fifth bullet point to read as follows: “Refuse and recycle collection areas must be fully screened by a solid wall composed of the same materials as the building. These walls must be a minimum of six feet in height. A solid gate shall be provided to secure the entrance of the enclosure and fully screen the interior.”
- k. Add a new tenth bullet point to read as follows: “Smooth concrete masonry units are prohibited as an exterior building material.”

6. Revise “Parking/Vehicular Circulation” page to remove the following limitation:

“No direct access to Cambridge Road and Everton Drive will be allowed”.

EXHIBIT J

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Warrenville, Illinois ("**City**");

WHEREAS, Chicago Title Land Trust Company, as successor trustee to Oak Brook Bank, as Trustee under Trust Agreement dated September 3, 2002, also known as Trust Number 3261, the beneficiaries of which are Charlene L. Keilman and Carol A. McNeal, is the owner of that certain real property consisting of 2.164 acres in lot 77 in the Second Addition to Warrenville Estates, commonly known as 29W741 Ivan Albright Street, Warrenville, Illinois ("**Lot 77**"); and

WHEREAS, Sia Panos, as Trustee under the Sia Panos Trust dated June 16, 2016, Trifon G. Fillis, and Sophia Fillis are the owners of that certain property consisting of 2.748 acres in Lot 78 in the Second Addition to Warrenville Estates, commonly known as 3S525 Route 59, Warrenville, Illinois ("**Lot 78**"); and

WHEREAS, Chicago Title Land Trust Company, as successor trustee to American National Bank and Trust Company of Chicago, as Trustee under Trust Agreement dated December 20, 1976, also known as Trust Number 39813, the beneficiaries of which are (i) Kathryn A. Peot, (ii) Annette R. Kleinman, not individually, but as Trustee of the Bernard Kleinman Revocable Living Trust, and (iii) Ronald W. French, not individually, but as Trustee of the Ronald W. French Declaration of Trust dated May 27, 1994, is the owner of that certain real property consisting of approximately 27.935 acres in lot 79 in the Second Addition to Warrenville Estates ("**Lot 79**"); and

WHEREAS, M/I Homes of Chicago, LLC, a Delaware limited liability company, ("**Applicant**") is the contract purchaser of Lot 77, Lot 78, and Lot 79 (collectively, the "**Property**"); and

WHEREAS, Applicant desires to demolish the existing structures on the Property and redevelop the Property with (i) 17 townhouse buildings containing a total of 89 townhouse units (each a "**Townhouse Building**"); (ii) seven three-story apartment buildings with a total of 259 units (each an "**Apartment Building**"); (iii) a community clubhouse and pool complex ("**Club House**"); (iv) detached garage buildings (each a "**Detached Garage**"); (v) surface off-street parking areas; (vi) a 3.52-acre commercial area ("**Commercial Area**"); and (vii) a stormwater detention facility/wetland mitigation (collectively "**Stormwater Facilities**") (collectively, (i) through (vii) are the "**Proposed Development**"); and

WHEREAS, on August 20, 2018, the City Council adopted Ordinance No. 2018-36, approving (i) a preliminary planned development plan for the Property; (ii) a map amendment and re-zoning of the Property; (iii) a preliminary plat of subdivision for the Property; (iv) certain Subdivision Control Ordinance modifications and variations within the proposed planned development; (v) certain variations from the City's stormwater regulations; and (vi) certain modifications and variations from the Zoning Ordinance within the proposed planned development; and

WHEREAS, the Applicant proposes that the Proposed Development will be constructed in four phases as follows: (i) the overall site work, including mass grading, perimeter landscape improvements, construction of all public infrastructure, the Stormwater Facilities, and the proposed public and private roadways, bike path, and related improvements (collectively, the

"Site Work Phase"); (ii) the Townhouse Buildings (**"Phase I"**); (ii) the Apartment Buildings, Club House, Detached Garages, and surface parking areas (**"Phase II"**); and (iii) the Commercial Area (**"Phase III"**); and

WHEREAS, in order to construct the Site Work Phase and Phase I of the Proposed Development on the Property, pursuant to the applicable sections of the Warrenville Zoning Ordinance (**"Zoning Ordinance"**) and the Subdivision Control Ordinance for the City of Warrenville (**"Subdivision Control Ordinance"**), the Applicant, with the consent of the Lot 77 Owner, the Lot 78 Owner, and the Lot 79 Owner, filed an application with the City for approval of: (i) a final planned unit development plan for the entire 32.8-acre Property (**"Final Everton PUD Plan"**); (ii) a special use permit for a planned unit development plan for the entire 32.8-acre Property (**"Everton Special Use Permit"**); (iii) a final planned unit development plan for the Site Work Phase (**"Final Site Work Phase PUD Plan"**); (iv) a special use permit for a planned unit development plan for the Site Work Phase (**"Site Work Phase Special Use Permit"**); (v) a final planned unit development plan for Phase I (**"Final Phase I PUD Plan"**); (vi) a special use permit for a planned unit development for Phase I (**"Phase I Special Use Permit"**); and (vii) a final plat of subdivision for the Property (**"Final Plat of Subdivision"**) (collectively, (i) through (vii) are the **"Requested Approvals"**); and

WHEREAS, Ordinance No. O2019-____, adopted by the City Council on _____, 2019 (**"Ordinance"**), approved the Requested Approvals; and

WHEREAS, Section 10 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant has filed, within 90 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accept, and consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right, provided that the notice to the Applicant required by Section 8 of the Ordinance is given.

3. The Applicant acknowledges and agrees that the City is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's granting of the Requested Approvals or its adoption of the Ordinance, and that the City's approvals do not, and will not, in any way, be deemed to insure, the Applicant against damage or injury of any kind and at any time.

4. The Applicant hereby agrees to hold harmless and indemnify the City, the City's corporate authorities, and all City elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's adoption of the Ordinance granting the Requested Approvals, (c) the development, maintenance and use of its obligations under this Unconditional Consent and

Agreement, and (d) the performance by the Applicant of their obligations under this Unconditional Consent and Agreement.

M/I HOMES OF CHICAGO, LLC

By: _____

Its: _____

SUBSCRIBED and **SWORN** to
before me this _____ day of
_____, 20__.

Notary Public

EVERTON MIXED USE DEVELOPMENT – PHASE I

February 14, 2019

Project Number

2018-0087

Applicant

M/I Homes of Chicago LLC

Property Owners

Chicago Land Trust Company
Trust No. 39813 (Kleinman
Property), Sia Panos, Trifon Fillis,
Sophia Fillis (3S525 Route 59),
Chicago Land Trust Company
Trust No. 3261 (29W741 Ivan
Albright Street)

Location

East of IL Route 59, south of Ivan
Albright Street, northwest of
Illinois Prairie Path

Zoning

PUD, R-6 Multi-Family zoning
district (proposed Everton
Townhouse and Apartment
components) and B-2
Community Retail zoning district
(commercial component)

Existing Land Use

Undeveloped/Vacant Single
Family Home

Comprehensive Plan

Multi-family, Commercial, Open
Space

Submitted Documents

See Exhibit A



LOCATION MAP

PROJECT DESCRIPTION AND APPLICANT REQUEST

The current requests for approval include the following components:

- (i) Final Plat of Subdivision, which would subdivide an approximately 32.8-acre land west of Route 59, northwest of Illinois Prairie Path and south of Ivan Albright Street (the Subject Property) and dedicate public right-of-way for proposed new roadways and grant various easements,
- (ii) Final Planned Unit Development (PUD) special use permit for the overall site, which would allow mass grading, underground/utility installation, and construction of public and private roadways, sidewalks, bike path, street lighting, street trees, stormwater management improvements, wetland/floodplain mitigation and enhancement improvements, private open space improvements on an approximately 32.8-acre Subject Property, and
- (iii) Final PUD special use permit for Phase I of Everton project which would allow construction of the 89-unit townhouse component of the project including associated parking and landscaping improvements. The proposed name of the subdivision is Everton.

BACKGROUND

The Preliminary Plat of Subdivision, property rezoning, and Preliminary PUD for this project were approved by the City on August 20, 2018, by Ordinance #2018-36. The Preliminary Plat/PUD Ordinance included a series of conditions the Applicant is required to address at the time of Final Plat/PUD approval process and/or during construction.

A formal public hearing for the current requests is not required under the provisions of the City of Warrenville Zoning Ordinance. The Plan Commission is responsible for making recommendations to the City Council on Final Plat/PUD approval requests.

Ordinance #2018-36, minutes and agenda back up information from all past Plan Commission and City Council meetings regarding this project are available on the City website at www.warrenville.il.us and upon request from the Community Development Department.

ANALYSIS

The revised application documents listed on attached Exhibit A have been distributed to the Plan Commission with the February 21, 2019, Plan Commission meeting agenda packets and posted on the City website under Business/Private Development Projects/Everton/M/I Homes at <http://www.warrenville.il.us/index.aspx?nid=657>.

The Warrenville Fire Protection District has reviewed the proposal and provided its review comments in the February 5, 2019, Memo, attached as Exhibit B.

Overview of the Everton Project and Phasing: The proposed development consists of the following components:

- 89 two and three-bedroom townhomes with four to six units per building (17 buildings total). The units range from 1,580 to 1,976 square feet, and are projected to sell for approximately \$330,000 per unit. This component of Everton project would be constructed in Phase I.
- 259-unit apartment community consisting of seven three-story apartment buildings, a clubhouse and community pool complex, detached garage buildings, and surface parking. The apartments include efficiency, one, two, and three-bedroom units ranging from approximately 560 to 1,350 square feet that will rent for between approximately \$1,000 per month for efficiency units to approximately \$2,500 for three-bedroom units. Apartment finishes include stainless steel appliances, granite or quartz kitchen and bath countertops, in-unit washer and dryers, and tiled kitchen backsplashes. This component of the Everton project would be constructed as a future Phase. City staff and consultants are actively reviewing the Final PUD plans for this phase of the project. A separate Staff Report and recommendation will be prepared and presented for Plan Commission consideration for this phase of the project once staff finalizes its ongoing review of the submitted Final PUD plans.
- 3.52-acre commercial component located along Route 59, which would accommodate light retail, restaurant, daycare, and/or small office uses. The commercial component of the Everton project would be constructed as a future phase of the project. No final

development plans for this phase of the project have been submitted for City review. A separate Staff Report and recommendation will be prepared and presented for Plan Commission consideration for this phase of the project.

- The required stormwater management detention facilities and wetland enhancement/mitigation improvements for the site, which are provided in the shared stormwater management/floodplain, wetland open space complex planned along the south and west edges of the Subject Property (Outlot 4). This component of the Everton project would be constructed in Phase I.
- Everton Drive, Cambridge Street and Camden Street roadways and related improvements would be constructed in Phase I of the project and dedicated to the City as public right-of-way.

Utilities: The proposed development would be connected to City sanitary sewer and water mains.

Stormwater Management: An extensive and interconnected nine-acre system of naturalized detention ponds, wetland enhancement, and floodplain protection improvements are proposed.

Site Circulation and Access: The development would have two access points off Route 59: a full access off Route 59 opposite the new signalized Duke Parkway intersection, as well as a right-in-right-out access near the north end of the site. Consistent with the approved Preliminary Plans for this project, the final plans illustrate the extension of a new dedicated public right-of-way to Ivan Albright Street. As proposed and currently planned, the only vehicular access that would be allowed to and from Ivan Albright Street would be via a new grasspave driveway that would include a lockable emergency vehicle only gate and supporting signage, per the requirements of the Warrenville Fire Protection District.

Sidewalk/Trail Improvements: A comprehensive and interconnected 1.8-mile system of sidewalks is proposed throughout the subdivision for safe and convenient pedestrian circulation to, from, and within the project. A one-third mile long, ten-foot wide, multi-use asphalt path is proposed along the entire Route 59 frontage of the site, in accordance with the recommendations of the City's Bikeway Implementation Plan. The proposed path and sidewalk system would be interconnected to the Illinois Prairie Path at two locations.

Building Design and Materials: The proposed residential components of the project reflect a coordinated and complimentary architecture design theme and incorporate a consistent pallet of high-quality building materials. The exterior materials include architectural grade shingles, brick, stone, garage doors with window panels, smart trim, and fiber cement siding.

Building Setbacks:

The proposed townhouse building setbacks illustrated on the Final PUD plans are in compliance with the minimum building setback requirements established under Preliminary PUD Ordinance #2018-36.

Camden Drive Design: The final design for Camden Street satisfies the detailed design and configuration requirements contained in the Preliminary Planned Unit Development approval ordinance for this project. The goal of these requirements is to create a human scale, inviting

street and high-quality streetscape that would intentionally connect rather than separate the commercial and townhouse areas. Rather than having the townhouse area looking at the “rear end” of the commercial area, the streetscape design of Camden Street and the orientation of the adjacent commercial uses is such that it encourages pedestrian activity and interaction between the commercial and townhouse areas. “Public” parking would ultimately be provided along both sides of Camden Street. This parking can serve the needs of both the commercial uses during peak parking periods and visitors to the townhomes in the evenings and on the weekends. As detailed on the Final PUD Engineering plans, parking within Camden Street ROW would be constructed with permeable pavement. The on-street parking along the east side of Camden would be constructed with Phase I of the project. The on-street parking along the west side of Camden would be constructed in conjunction with the final development of the commercial component of the project.

Parking for Townhomes: Parking for the townhouse component of the project exceeds the minimum requirements of the Zoning Ordinance. Each townhouse unit has two spaces in the garage and two spaces in the driveway in front of the garage. An additional 11 off-street and 43 on-street parking spaces are provided. Detailed parking calculations requirements for the townhouse development are summarized in Table 1.

Table 1. Townhouse Parking

Building/Use	Unit Count	Parking Ratio per ZO	Required Parking per ZO	Proposed Parking Ratio	Proposed Total Parking
2 Bedroom	22	3	66		
3 Bedroom	67	4	268		
Total	89		334	4.68	417

Approved PUD Variations/Exceptions: A number of PUD variation and exceptions from the Zoning Ordinance were approved with the Preliminary PUD plans and documents for Everton project by Ordinance #2018-36. The proposed Final PUD plans are consistent with the previously approved Preliminary PUD plans and related special approvals.

I. FINAL PLAT OF SUBDIVISION

The Final Plat of Subdivision for Everton prepared by Cemcon Ltd, dated January 24, 2019, is generally consistent with the Preliminary Plat of Subdivision and associated Subdivision Ordinance relief approved by the City by Ordinance #2018-36. The Final Plat of Subdivision reflects revisions made by the Applicant to address Ordinance #2018-36 approval conditions and illustrates the creation of the following lots and road right-of-way (ROW) dedications:

- Townhomes: Lot 1 through Lot 17 and Outlots 1 through 3 (5.8 acres)
- Future apartments: Lot 18 (4.4 acres) and Lot 19 (5.95 acres)
- Future commercial: Lot 20 (3.52 acres)
- Stormwater management, floodplain, wetland open space: Outlot 4 (9.6 acres)
- Landscape median in Everton Drive: Outlot 5 (.025 acre)

- Dedication of a 66-foot wide public right-of-way for Camden Street - the internal road located between and connecting the commercial area to the townhouse area
- Dedication of a 50-foot wide public right-of-way for Everton Drive and Cambridge Street. The dedicated width of Everton Drive would increase to 100 feet where it intersects with Route 59 to accommodate the additional IDOT required turning lanes. As requested by City staff, the Everton Drive right-of-way extends to and interconnects with the existing City-controlled Ivan Albright Street right-of-way located along the north side of the Subject Property to accommodate emergency vehicle only access via a locked gated permeable pavement driveway.

Staff Review and Recommendations:

Staff's detailed review comments and recommended Final Plat/Final PUD approval conditions for Phase I of the Everton Project are outlined in Section III of the "ANALYSIS" component of this Staff Report.

Based on staff's detailed review of the various application documents listed on attached Exhibit A, staff recommends the Plan Commission recommend City Council approval of the Final Plat of Subdivision prepared by Cemcon, Ltd., dated January 24, 2019, subject to the Applicant revising the Plat and addressing all conditions outlined in Section III of the Analysis component of this Staff Report prior to City execution and recording.

II. CITY OF WARRENVILLE PUD APPROVAL CRITERIA

In recommending approval or conditional approval of a Final Plan for a Planned Unit Development (PUD), the City of Warrenville Zoning Ordinance requires the Plan Commission to transmit to the City Council written findings of fact that the application meets all of the criteria below or will meet them when the Plan Commission's conditions are complied with. The City Council shall, in granting approval or conditional approval, also find that all of the following criteria are met or will be met with the conditions to which the approval is made subject to are complied with (Staff response is in *Italics*):

1. Superior Design

The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable zoning district and subdivision regulations, and solely on this basis modifications to the use and design standards established by such regulations are warranted.

Staff finds the land use allocation, building design and configuration, roadway configuration, pedestrian system, and stormwater management/wetland mitigation improvements in the proposed Everton Project:

- *Represent a creative, coordinated, attractive, amenity-rich, high-quality, walkable, and integrated design that effectively and responsibly addresses the site's unique physical characteristics including, but not limited to:*

- *The existing established Route 59 vehicular access point and the initial desire to avoid interconnecting the proposed project to the existing rural cross-section Albright Street improvements*
- *Significant areas of shallow floodplain and regulatory wetlands*
- *Established surrounding land uses in a manner that could not be achieved under otherwise applicable zoning and subdivision control regulations.*
- *Accomplishes the desirable assemblage and coordinated redevelopment of multiple lots currently under separate ownership.*
- *Would provide new housing types that are either not currently available in the City of Warrenton or would satisfy the evolving demographic trends in the residential housing market. Specifically, the housing products in this project would be attractive to younger professionals, baby boomers interested in downsizing from detached single family homes, the growing population that prefers renting versus ownership, the ongoing significant growth in single-person households and households without children.*
- *Would complement and coordinate with the existing nearby large-scale institutional and non-residential development in Naperville and Aurora.*
- *Reflects the use of high-quality building construction materials (brick and masonry-based exterior materials and architectural grade shingles) and incorporate attractive architecture that is appropriate given the location and context of the site involved.*
- *Represents a higher level of design and amenity than would be achieved under standard City regulations.*

2. Meets PUD Requirements

The PUD meets the requirements for Planned Unit Developments set forth in this Ordinance, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.

Provided the various proposed PUD plans and documents listed on Exhibit A are revised and implemented in accordance with the staff-recommended approval conditions, the proposed project will satisfy the Planned Unit Development requirements set forth in the Warrenton Zoning Ordinance and would result in a high-quality, creative, and coordinated mixed-use project.

3. Consistent with City Plan

The PUD is generally consistent with the objectives of the City Comprehensive Plan, as viewed in light of any changed conditions since its adoption.

The Southwest District Subarea Plan the City Council unanimously approved as an amendment to the Comprehensive Plan in 2016, shows the Subject Property being developed with a mix of open space, commercial, and multifamily uses in a very similar configuration to what is being proposed in the Everton project. The final design and configuration of the proposed Everton project is consistent with overall goals statements and would satisfy many of the most important

transportation, urban design, environment, and land use objectives/recommendations detailed in the Southwest District Plan.

The approval and implementation of the proposed Everton project also advances OBJECTIVES #3 (Support the Implementation of Well-Designed Development Along and Contiguous to the Route 59 Corridor, and #4 (Plan for and Encourage High-Quality, Appropriately Scaled and Located, New Higher Density Residential Development, Including Multiple-Family Housing) of the City's 2015 Economic Development Plan.

4. Public Welfare

The PUD will not be detrimental to the public health, safety, morals, or general welfare.

Based on the City staff and engineering consultant's thorough review of the project documents, careful consideration of the testimony provided at the public hearing for this project during the Preliminary PUD approval process, and extensive review of independent research and data on the impacts and benefits of higher density/more compact residential development, the proposed PUD will not be detrimental to the health, safety and welfare of the general public. Independent research and numerous reports and studies document how properly designed and located higher density/more compact residential development:

- *Does not lower property values in surrounding areas*
- *Is an integral component of a healthy local housing market by increasing the diversity and affordability of available housing in the community*
- *Creates less regional traffic congestion and parking problems than low-density development*
- *Supports the creation of walkable neighborhoods*
- *Is more environmentally responsible than low-density detached single-family development*
- *Improves community fiscal health by reducing infrastructure costs, increasing disposable income in the community, and generating substantially more net school district property tax revenue per school age resident than comparable detached single-family development*
- *Improves security in neighborhoods and does not lead to higher crime rates.*

If the project is approved and implemented in conformance with the staff-recommended approval conditions, the project will have a positive impact on the community's long-term health and general welfare.

5. Compatible with Environs

Neither the PUD nor any portion thereof will be injurious to the use and enjoyment of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

The City's consulting traffic engineer previously confirmed that the traffic generated by the proposed Everton project (i) would be materially less than what would have been generated if the

property was built-out with commercial uses and at densities allowed under the B-2 Community Retail zoning the bulk of the property previously possessed and (ii) can be effectively and safely accommodated on the existing and proposed roadway network within and adjacent to the site. Independent research and numerous reports and studies document how properly designed and located higher density/more compact residential development like the proposed Everton project are environmentally responsible and do not negatively impact adjacent property values. The proposed infrastructure design would support the orderly development of surrounding properties.

If the Everton project is approved and implemented in conformance with the staff-recommended approval conditions outlined in this report and the conditions of Preliminary PUD Ordinance #2018-36, the project will not impair local property values or environmental quality in the adjacent area, be injurious to the use and enjoyment of other properties in its vicinity, or impede the orderly development of surrounding properties.

6. Natural Features

The design of the PUD is as consistent as practical with the preservation of natural features of the site such as flood plains, wooded areas, steep slopes, natural drainage ways, or other areas of sensitive or valuable environmental character.

The proposed project preserves and expands the volume of floodplain storage, enhances the quality of existing wetlands, increases the total amount of wetland acreage, and, as practical and appropriate, preserves the existing natural drainage patterns and wooded areas on the site.

7. Circulation

Streets, sidewalks, pedestrian ways, bicycle paths, off-street parking, and off-street loading as appropriate to the planned land uses are provided. They are adequate in location, size capacity, and design to ensure safe, efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks, and snow plows as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD, or unduly interfering with the safety or capacity of adjacent streets.

If the project is approved and implemented in conformance with the staff-recommended approval conditions contained in this report and the conditions of the Preliminary PUD Ordinance #2018-36, the project will:

- Include a network of public street and private drive improvements that would support safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, provide a high-quality, human scale, and inviting connection between the proposed residential and the proposed commercial uses, and will not invite or generate unnecessary through traffic in the PUD or on the adjacent residential streets.*
- Provide one-third of a mile of new ten-foot wide public multi-use trail improvements consistent with the detailed recommendations contained in the City's Bikeway Implementation Plans, approximately 1.8 miles of new public and private sidewalks, and two new interconnections to the Illinois Prairie Path. Together, these sidewalk and trail*

improvements will function as high-quality amenities for the proposed project and the overall community.

8. Open Space and Landscaping

The quality and quantity of public and common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD. The size, shape, and location of a substantial portion of the total public and common open space provided in residential areas render it useable for recreation purposes.

Approximately one half (14+ acres) of the residential component of the proposed project will be devoted to private open space improvements. The proposed open space improvements will include more than nine contiguous acres of wetland, naturalized detention, and floodplain improvements. Together, these open space improvements promote stormwater infiltration and cleansing, reduce runoff, support pedestrian activity, and allow for both active and passive recreation. Naturalized components of the open space design provide both aesthetic and functional value. The amount of landscape coverage and transitional yard landscaping/buffering exceeds what would be required under the standard provisions of the Warrenville Zoning Ordinance. The open space and landscape amenities proposed in this project are consistent with the higher standards of design and amenity required of a PUD.

9. Covenants

Where individual parcels are to be later sold, adequate provision has been made in the form of deed restrictions, homeowners or condominium association, or the like for:

- a. The preservation and maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas, and other common elements not to be dedicated to the City or another public body.
- b. Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD Plan, such provision to be binding on all future ownership.

The Applicant has submitted a Declaration for Everton Townhomes and the Declaration of Cross Easements and Cost Sharing Provisions which establishes the governing rules, ownership and maintenance obligations for the Overall project, its common space, and the private infrastructure improvements contained in it. Once the documents are revised to address staff-recommended conditions, they would be recorded with the DuPage County Recorder's Office with the Final Plat of Subdivision. The final set of covenants will provide for the efficient and appropriate maintenance of all private improvements in this subdivision, and effectively control the exterior design and improvement of structures in the subdivision.

10. Public Services

The land uses, intensities, and phasing of the PUD are consistent with the anticipated ability of the City, the school districts and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools, and other public facilities and services without placing undue burden on existing residents and businesses.

The proposed final plans accommodate a mix of higher density residential and commercial development, which is consistent with the anticipated land uses reflected in the City's comprehensive plan. Staff's research confirms:

- *The number of projected new students is relatively low due to the type of housing being proposed.*
- *The School District has the capacity to effectively handle the projected new students generated by this project.*
- *The City has sufficient sanitary sewer and water capacity to serve the proposed project.*
- *The proposed development will not have an undue effect or inordinately high demand on City, Fire Protection, Police, Public Works or Library services.*

11. Phasing

Each development phase of the PUD can, together with any phases that precede it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein, even if no subsequent phase should ever be completed. The provision and improvement of public or common area improvements, open spaces, and amenities--or the provision of financial sureties guaranteeing their improvement--is phased generally proportionate to the phasing of the number of dwelling units or amount of non-residential floor area.

Staff finds the proposed phasing schedule to be acceptable. The first phase would include mass grading of the entire site, construction of all public infrastructure, stormwater management improvements, perimeter landscape improvements, and the construction of townhouse component of Everton project. Future phases would include construction of apartments and the commercial development. As proposed, each phase of the project can exist as an independent unit that satisfies applicable PUD approval criteria and City development requirements, even if subsequent phases are not completed. The Applicant is required to post City-required development sureties before the City issues permits for any construction on the project to ensure all necessary and required public improvements are properly constructed.

It is important to note that the Plan Commission makes recommendations to the City Council on PUD approval requests.

Based on the above-noted findings, staff recommends the Plan Commission recommends City Council approval of the requested Final PUD plans for Phase I of the Everton project, subject to the conditions outlined in Section III of the "ANALYSIS" component of this Staff Report.

III. STAFF RECOMMENDED APPROVAL CONDITIONS

Staff recommends the following conditions be attached to any positive Plan Commission recommendation on the requested approvals for Phase I of the Everton Project:

1. **Documents:** The development on the Subject Property shall be consistent with the plans and documents listed on the attached Exhibit A and revised to address the approval conditions outlined in this Staff Report.

2. **Ownership and Maintenance Responsibility:** All items identified on the *Ownership and Maintenance Responsibility of Key Common Everton Subdivision Improvements Exhibit* (Exhibit C) as responsibility of the Everton Subdivision owners shall be clearly documented in the Declaration for Everton Townhomes and/or the Declaration of Cross Easements and Cost Sharing Provisions Re: Everton.
3. **Declaration for Everton Townhomes:** The Applicant shall revise the Declaration for Everton Townhomes to incorporate and/or update provisions to address the following comments to the satisfaction of City staff and City Attorney prior to the City recording of the document and the Final Plat of Subdivision for the project:
 - a. Expand definition of Common Area in Article 1, Section 1.06 and maintenance provisions in Article 3 Section 3.02 to include open space, transitional yard fence, benches, trellises, parkway turf areas, emergency access and monument sign(s).
 - b. Incorporate by reference the Landscape Covenant Agreement and Long Term Landscape Maintenance Plan.
 - c. Provide exhibit illustrating storm sewer maintenance responsibility (City versus private parties) and make it an attachment to the Declarations. Identify parties responsible for maintenance of storm sewer sections not maintained by the City of Warrenville.
 - d. Incorporate provisions in the Declaration for Everton Townhomes identifying responsible party and outlining responsibilities for snow removal activities on Camden Street and in the parking spaces along it.
 - e. Clarify whether the solar installations would be allowed on the roof of townhouse buildings. It is strongly recommended to include provisions accommodating potential solar installation on the roof of townhouse buildings.
 - f. Document the townhome owner association responsibility to maintain turf in the parkway areas, including mowing and fertilizing.
 - g. Attach all referenced exhibits.
4. **Declaration of Cross Easements and Cost Sharing Provisions Re: Everton:** The Applicant shall revise the Declaration of Cross Easements and Cost Sharing Provisions Re: Everton document to incorporate and/or update provisions to address the following to the satisfaction of City staff and City Attorney prior to the City recording of the document and the Final Plat of Subdivision for the Project:
 - a. Expand maintenance provisions and applicable exhibits to reference open space, flood plain, wetlands, transitional yard, east path connection to the Illinois Prairie Path, decorative lights along Route 59, and monument sign(s).
 - b. Revise provision of Section 3.05 to extend the non-exclusive public access over all pathways connecting to the Illinois Prairie Path. (Currently, such easement covers only the path along Route 59 and does not include the eastern path connection).
 - c. Incorporate by reference the Long Term Landscape Maintenance Plan and Landscape Covenants Agreement.
 - d. Revise Exhibit D to remove "landscape" from its title. Such document, prepared by Gary Weber Associates, dated February 12, 2019, is currently titled "Common and shared area landscape maintenance exhibit", however, it includes elements not limited to landscaping only.

- e. Identify responsible party and include provisions requiring proper maintenance at all times of the emergency vehicle access drive including the gate at Ivan Albright Street. Update exhibits accordingly.
 - f. Replace reference to "Development Control Regulations" with "Zoning Ordinance" in Article 4, Section 4.01.
 - g. Bike path along Route 59 will be maintained by the City of Warrenville, however, decorative lighting along the Route 59 frontage of the project shall be maintained privately. Update document and exhibits to reflect these responsibilities.
 - h. The provisions shall include the owner's responsibility to maintain turf in the parkway areas, including mowing and fertilizing.
 - i. The document lists three "Maintenance Providers" with different contributing responsibilities for various maintenance activities. Unless otherwise specifically approved by the City, the City will hold the underlying property owner for any maintenance issues occurring on their property.
 - j. Incorporate provisions prohibiting amendments to the document that would not be consistent with the approved PUD and/or applicable City Ordinances, or materially alter maintenance responsibilities of private parties without approval by the City.
5. **Consistency of Documents:** Update all plats, plans and documents to consistently reference proposed ROW names and other information prior to recording. The Plat of Subdivision shall be updated to refer to Camden as "Street" rather than "Drive" for consistency.
 6. **Documents Referencing and Recording:** Final copies of the Declaration for Everton Townhomes and the Declaration of Cross Easements and Cost Sharing Provisions Re: Everton shall be referenced on the face of Final Plat of Subdivision for Everton and shall be executed and recorded with DuPage County Recorder's Office prior to or concurrently with the Final Plat of Subdivision.
 7. **Long Term Maintenance Plan:** The proposed Long Term Maintenance Plan shall be revised to address the following:
 - a. Reference the approved Final PUD Landscape Plan, including the date.
 - b. Incorporate by reference and attachment an exhibit illustrating Common and shared area maintenance, prepared by Gary Weber Associates, dated February 12, 2019.
 8. **Landscape Covenant Agreement:** A Landscape Covenant Agreement satisfying the requirements of Section 11.B. 4 of the Zoning Ordinance shall be prepared, executed and recorded with the DuPage County Recorder's Office prior to the first Certificate of Occupancy issuance for this project. Both, the approval Final PUD Landscape Plan and Long Term Maintenance Plan shall be referenced in and become part of the Landscape Covenant Agreement.
 9. **Decorative lights along Route 59 Frontage:** The underlying property owner (or an assigned designee) shall be responsible for maintaining and operating the decorative lights along the Route 59 frontage of Everton Subdivision from dusk to dawn. All fixtures shall be maintained in operable condition at all times and repaired/replaced promptly as needed.

10. **Civil Engineer Review:** The Applicant shall comply with the review comments and recommendations outlined in the review memo from the City Consulting and City Senior Civil Engineer, dated February 14, 2019, attached as Exhibit D.
11. **Consulting Traffic Engineer (Benes) Review:** The Applicant shall comply with the review comments and recommendations outlined in the review memo from the City Consulting Traffic Engineer of J.J. Benes and Associates, dated February 8, 2019, attached as Exhibit E.
12. **Warrenville Fire Protection District Review:** The Applicant shall address and comply with City code-supported comments outlined in the Warrenville Fire Protection District's review memo dated February 5, 2019, attached as Exhibit B.
13. **Path Connections:** The Applicant shall coordinate with and secure necessary permits from the DuPage Division of Transportation to construct path connections to the Illinois Prairie Path as illustrated on the Final PUD plans.
14. **Phasing:** Townhouse buildings 2 and 6 shall not be built prior to Camden Street construction.
15. **Solar Energy Investigation:** The Applicant shall provide (i) a feasibility study/cost-benefit analysis performed by a professional solar energy specialist documenting the feasibility of either installing or accommodating potential installation of rooftop solar in the individual project components, and (ii) a memo documenting the Applicant's position and commitments on the solar energy implementation, as applicable. Such information shall be presented to the Plan Commission prior to Plan Commission recommendation on this request.
16. **Snow Storage Plan:** Some of the proposed "primary snow storage areas" illustrated on the submitted Snow Storage Exhibit dated February 6, 2019, is in conflict with the landscape design illustrated on the Final PUD Landscape Plan. The areas of concern are the landscape beds at the termination of private drives between townhouse buildings 2 and 4, 5 and 6, 6 and 8, 14 and 15 and 16 and 17, where evergreen tree groupings are proposed. The Snow Storage Exhibit shall be revised to eliminate the conflicts with the proposed materials.
17. **Building Materials:** The exterior finish building materials shall be consistent with those illustrated on the Preliminary Character Elevations prepared by BSB Design, dated May 23 and 29, 2018, attached on Exhibit F, and include brick veneer, fiber cement siding, overhead garage doors with glass window top panels, architectural shingles, steel insulated entry doors, and cast stone moldings.
18. **Townhome Color Scheme along Albright Street:** Darker blue/green-colored siding illustrated on the Exhibit F shall be used on the townhouse buildings facing Albright Street.
19. **Enhanced Building Elevations:** Enhanced side building elevations identified on the Preliminary Character Elevations prepared by BSB Design, dated May 23 and 29, 2018, as "Key Lot" and including box windows shall be provided on both side elevations of buildings 1, 4, 5, 8 and 9, on the east side of buildings 12 and 13, and on the west side of

buildings 14, 15 and 16, as illustrated on the undated Enhanced Elevation Location Exhibit submitted with Final PUD application.

20. **Commercial Lot Design Requirements:** The Commercial Lot Development Design Guidelines shall be revised to address the staff comments outlined in the attached Exhibit G.
21. **Landscaping, Screening and Buffer:**
 - a. **Interim Landscape Plan:** The Interim Landscape Plan drawing on page 4 of the Landscape Plan prepared by Gary Weber Associates, dated January 29, 2019, shall be updated to limit the area of the interim landscaping to approximately 260 feet along the entire north property line of Lot 19 (Apartment Lot).
 - b. **Camden Street Landscaping:** A small shade tree shall be provided in each landscape island at the end of each row of parallel and angled parking on Camden Street.
22. **Signage:**
 - a. **Everton Monument Sign Height:** As illustrated on the PUD plans, the proposed monument signs for Everton subdivision would be installed on the proposed berm. The height of the monument signs shall not exceed seven feet. The height shall be measured as a vertical distance between the average grade level at the base of the sign face and the highest point of the sign structure.
 - b. **New City of Warrenton Entrance Sign:** Final PUD documents shall include provisions that clearly accommodate and allow the City to install a new City entrance monument sign along the Route 59 frontage of the site at the southwest corner of the project's apartment component. Provisions for this sign shall be illustrated on the Final Plat of Subdivision, Final PUD Site, and Landscape Plan for the project.
23. **Access to future Everton Apartment Project Clubhouse Complex:** Residents of the Townhome complex shall have full access to and use of the various amenities contained within the planned future Everton Apartment Project Clubhouse Complex at either no charge or reasonable fees that would be competitive for access to similar off-site private improvements.
24. **School, Park and Library Contributions:** Unless otherwise approved by the City Council, the Applicant shall pay all required school, park and library contributions for the subdivision at the time of building permit issuance for each building.
25. **Recapture Agreement:** The Applicant shall pay all recapture fees required by the recapture agreement for Duke Parkway/Route 59 intersection improvements prior to the City issuance of any permits for this project.
26. **Fees and Security Guaranteeing Completion of Public Improvements:** The Applicant shall pay/submit all applicable review and inspection fees and the required security guaranteeing completion of public improvements prior to recording of Final Plat of Subdivision and Ordinance approving the Final PUD for this project.

27. **Traffic Enforcement Agreement:** A Private Property Traffic Enforcement Agreement (in a form acceptable to the City) shall be executed by the Property Owner and recorded by the City prior to any building permit issuance for this project.
28. **DuPage County Traffic Impact Fee:** Required DuPage County Traffic Impact Fees must be paid in conjunction with the City's issuance of individual building permits in this project.
29. **IDOT Permit:** A permit to perform work within Route 59 is required from IDOT. A copy of the IDOT issued permit shall be provided to City staff prior to commencement of such work.

CONCLUSION

Based on the information and findings outlined in this Staff Report, staff recommends the Plan Commission pass the following motions:

1. ***The Plan Commission recommends City Council approval of the Final Plat of Subdivision prepared by Cemcon, Ltd., dated January 24, 2019, subject to the Applicant revising the Plat and addressing all conditions outlined in Section III of the ANALYSIS component of this Staff Report;***
2. ***The Plan Commission recommends City Council special use permit approval of the requested Final PUD plans for Phase I of the Everton project as listed on Exhibit A and as outlined in this Staff Report, subject to the conditions outlined in Section III of the ANALYSIS component of this Staff Report.***

ATTACHMENTS

EXHIBIT A: List of PUD Documents

EXHIBIT B: Warrenville Fire Protection District review Memo, dated February 5, 2019

EXHIBIT C: Ownership and Maintenance Responsibility of Key Common Everton Subdivision Improvements Exhibit

EXHIBIT D: Civil Engineer Review Memo, dated February 14, 2019

EXHIBIT E: City Consulting Traffic Engineer of J.J. Benes and Associates, dated February 8, 2019

EXHIBIT F: Preliminary Character Elevations prepared by BSB Design, dated May 23 and 29, 2018

EXHIBIT G: Commercial Lot Development Design Requirements