

AFFIDAVIT

Presentation to Sugar Grove Planning Commission Board Meeting January 23, 2019

My name is Anthony Basile and I reside at 2S303 Green Road, Elburn, Illinois. My wife and I have been residents at this address for the last 23 years. Our farm consists of approximately 126 acres, bordered on the south by phase 2 lot 1 of the Crown Planned Development District, and bordered on the north by Green Road.

My background experience includes over 30 years of constructing and operating businesses throughout Michigan, and portions of Illinois. I am personally constructing and will own portions of two Planned Urban Developments (PUD) in Western Michigan, that will include a senior assistant living facility, high-end restaurants, a Hilton Branded hotel, a medical office building, and other retail facilities, all of which compliment the neighboring community. I have worked very closely over the past two years with the Planning and Zoning Boards and the neighboring residents to ensure that they are involved in what the developments will include and how they will appear.

I respectfully ask the Sugar Grove Planning and Zoning Commission Board to take a similar approach of community involvement in what will be a significant impact on the neighboring residents.

Exhibit J

A massive warehouse complex is not consistent with the neighboring community or what Sugar Grove should be known for.

1. The first issue I would like to Point out to the Planning and Zoning Commission Board is that the Official Rezoning Notice was not received at our correct address. The notice was sent to my wife as trustee, but it was addressed to 2S233 Green Road, which is not our residence. This was not proper notification to my wife and me since our property borders the north side of the proposed rezoned property. The residence at 2S233 Green Rd. is approximately ¼ mile from the proposed property to be rezoned (Exhibit 1).

2. I would like to point out that the Sugar Grove Planning and Zoning Commission Board has identified in its own zoning documents several zoning standards (Exhibit 2), which include:

--Any rezoning change should promote the public health, safety, comfort, convenience and general welfare of the Village, and comply with the policies of a comprehensive land use plan and other plans adopted by the village.

--Is the trend of development in the area consistent with this request?

--Are the permitted uses allowed by the rezoning more suitable for the property than the permitted uses allowed by the current zoning designation?

-- And will the rezoning alter the character of the neighborhood or be detrimental to adjacent property?

I suggest to the Board that what is being proposed in the Crown Planned Development is inconsistent with all of the above standards set forth in your own zoning guidelines.

3. The portion of the Crown Planned Development identified as phase 2 lot 1 comes up to the south boundary line of our property. The topographical survey of this property drops over 48 feet from its high point to where it touches the south edge of my property line (Exhibit 3). The proposed Crown Planned Development will have a devastating impact on my property use and value with the high probability of flooding on my land because of the significant drop of over 48 feet. The proposed retention Pond is not adequate when you consider converting over 96 acres of agricultural land to concrete and asphalt. Also, I see no provision for controlled spillage from the retention pond when it overflows, other than coming onto our property. The run-off from all this asphalt will undoubtedly contain petroleum contaminants from all of the trucks on the warehouse property. This situation presents a significant probability of contaminating my farm crops and nearby residents Wells.

4. I have had several discussions in the past with the Kane County Development Department about turning our farm into an equestrian community consisting of Estate Homes, each having 4 to 5 acres of land (Exhibit 4). We currently have an indoor riding arena and a heated horse barn with 15 horse stalls. Our intent is to create an equestrian community with approximately 18 Estate Homes and horse riding trails throughout the development. We believe this would be consistent with the surrounding homes and community including the forest preserve across from our property. The Crown Planned Development will render my property useless for anything other than industrial growth, which is inconsistent with the neighboring community. It is not conceivable that anyone would build an Estate Home next to a massive warehouse complex.

I respectfully ask the Sugar Grove Planning and Zoning Commission Board to seriously consider whether you want Sugar Grove to be known as a beautiful and welcoming community for families to live in or a massive warehouse district. This proposed rezoning will change the character and appeal to future residents of Sugar Grove.

A handwritten signature in cursive script, appearing to read "Anthony P. Basile". The signature is written in black ink and is positioned above a horizontal line.

Anthony P Basile
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Elburn, Illinois 60119
630-330-9504



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[Sugar Grove, IL webpage](#) / (630) 466-4507

Chapter 11 PLANNED UNIT DEVELOPMENTS

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2 S 303 Green Road
ELBURN, IL 60119

Chapter 11

PLANNED UNIT DEVELOPMENTS

11-11-1: PURPOSE:**11-11-2: SPECIAL USE:****11-11-3: PERMITTED USES:****11-11-4: GENERAL PROVISIONS:****11-11-5: RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS:****11-11-6: APPLICATION AND APPROVAL:****11-11-7: CHANGES IN THE PLANNED UNIT DEVELOPMENT:****11-11-1: PURPOSE:**  

- A. The purpose of the planned unit development provisions which follow is to promote efficient land patterns which provide site amenities; secure large parcels of permanent open space, characteristic of Sugar Grove's existing semirural environment; and preserve trees, wetlands and other natural resources.
- B. These provisions are intended to encourage and accommodate more creative and imaginative design for land development than would otherwise be possible under the strict application of Sugar Grove's conventional zoning and subdivision ordinance provisions.
- C. Implementation of this chapter will result in efficient land patterns and, therefore, more economical land development, that:
1. Fosters high quality development by allowing flexibility in land use and design standards, thereby encouraging innovative site planning;
 2. Promotes more efficient land patterns, which not only preserve open space and natural resources, but also provide for more economical networks of utilities, streets and other facilities;
 3. Promotes diverse, high quality, residential environments, which include a mixture of dwelling unit types;
 4. Promotes a land use pattern with a mixture of residential and nonresidential uses that will mutually support each other;
 5. Provides for the permanent preservation of open space for the continued use and enjoyment of residents of each subdivision and the Village;
 6. Provides usable and suitably located public and private recreational facilities;
 7. Encourages developers to provide amenities that enhance the quality of life, both within the planned unit development, as well as within the community as a whole;
 8. Encourages a land use pattern which promotes the public health, safety, comfort, morals and welfare;
 9. Allows more than one building per zoning lot, when determined to be of benefit to the residents of a proposed subdivision; and (Ord. 2002-01-15B, 1-15-2002)
 10. Allows the creation of a mixed use residential, commercial, or industrial planned unit development, pursuant to criteria set forth in this chapter. (Ord. 2014-08-05B, 8-5-2014)

11-11-2: SPECIAL USE:  

- A. Planned unit developments are of such substantially different character from conventional subdivisions or development on individual zoning lots and, therefore, require administrative processing as special uses, under the provisions of section [11-13-12](#) of this title. (Ord. 2002-01-15B, 1-15-2002)
- B. Because planned unit developments are complex and of a different character than other special uses, the Village has established more specific procedures and standards, and criteria for exceptions from regulations of the underlying zoning district than those included in [chapter 13](#) of this title. Procedures, standards and criteria for exceptions which follow are intended to guide the recommendations of the Planning Commission/Zoning Board of Appeals and Village Board during their review of preliminary and final plans. (Ord. 2018-03-20B, 3-20-2018)

11-11-3: PERMITTED USES:  

Planned unit developments may include uses and structures not otherwise permitted in the underlying zoning district, provided landscape screening is provided between dissimilar land uses, and the petitioner shows the planned unit development: accomplishes the standards set forth in this chapter; achieves the planning goals and objectives of the Village, as defined in this chapter and the Comprehensive Land Use Plan; and is compatible with adjacent land uses.

A. Residential Planned Unit Developments:

1. A residential planned unit development may be processed for only one type of dwelling unit, but is intended to also allow a mixture of dwelling unit types, thereby offering a choice in lifestyle to residents of the development. Nonresidential land uses of a religious, institutional, cultural, recreational, or commercial character may be permitted in a residential planned unit development, to the extent that they can be integrated with the residential land use. Where provided, nonresidential uses in a residential planned unit development shall: (Ord. 2002-01-15B, 1-15-2002)
 - a. Reserved.
 - b. Be compatible in appearance and scale with the residential structures. They shall not be established prior to the construction of residential units, unless specifically authorized by the Planning Commission/Zoning Board of Appeals and the Village Board. (Ord. 2018-03-20B, 3-20-2018)
2. Residential developments in the E-1, R-1, R-2, R-3, and SR Districts shall be processed as planned unit developments when any of the following apply: (Ord. 2014-08-05B, 8-5-2014)
 - a. More than one dwelling unit type is proposed. Unless otherwise authorized by the Village Board, pursuant to recommendations of the Planning Commission/Zoning Board of Appeals, multi-family dwellings shall not exceed ten percent (10%) of the total number of dwelling units proposed in a residential PUD. For the purpose of this chapter, "dwelling unit type" shall mean: (Ord. 2018-03-20B, 3-20-2018)
 - (1) Single-family detached dwellings.
 - (2) Single-family attached dwellings.
 - (3) Multi-family dwellings.
 - b. More than one principal building is proposed on a single zoning lot. (Ord. 2014-08-05B, 8-5-2014)
 - c. Any residential development is proposed consisting of three (3) acres or more. (Ord. 2014-08-05B, 8-5-2014; amd. Ord. 2018-03-20B, 3-20-2018)

- d. More than one land use is proposed for the development (i.e., residential, commercial, recreational or institutional).
- e. A "cluster subdivision", as defined in section [11-3-2](#) of this title or zero lot line subdivision is proposed. (Ord. 2014-08-05B, 8-5-2014)
- f. A multi-family development in the R-3 District consisting of three (3) acres or more is proposed. (Ord. 2018-03-20B, 3-20-2018)
- g. A type 2 use is proposed in the SR District. (Ord. 2014-08-05B, 8-5-2014)
- h. A mobile home park. Allowed only in E-1 Estate Residential. (Ord. 2016-10-18A, 10-18-2016)

B. Commercial Planned Unit Developments:

1. Commercial planned unit developments may include any of the permitted or special uses allowed in the B-1, B-2, and B-3 Districts, provided it can be demonstrated that the uses proposed are compatible with one another and with adjacent land uses. Commercial developments shall be encouraged to be processed as a planned unit development in order to: (Ord. 2018-03-20B, 3-20-2018)
 - a. Promote cooperative development of business centers with adequate off street parking, controlled access to highways and other thoroughfares.
 - b. Provide safe pedestrian linkages between businesses.
 - c. Aid in stabilizing property values.
 - d. Develop centers of such size and location as to be compatible with the market potential.
 - e. Buffer adjacent residential areas with landscape screening.
 - f. Foster harmonious architecture between adjacent commercial structures, and between homes and commercial structures.
 - g. Promote unified signage. (Ord. 2002-01-15B, 1-15-2002)
2. Commercial developments in the B-1, B-2, and B-3 Districts shall be processed as planned unit developments when any of the following apply: (Ord. 2014-08-05B, 8-5-2014)
 - a. More than one building is proposed on a zoning lot. (Ord. 2014-08-05B, 8-5-2014; amd. Ord. 2018-03-20B, 3-20-2018)
 - b. Any commercial development is proposed consisting of three (3) or more acres or includes more than one type of business use, such as retail, office and/or service uses.
 - c. More than one land use is proposed for the development (i.e., commercial, residential or institutional).
 - d. Uses more intense than those listed as permitted or special in the B-1, B-2, or B-3 District are proposed as part of the overall project. (Ord. 2014-08-05B, 8-5-2014)
3. Commercial planned unit developments shall comply with all standards of development identified in this chapter as well as those included in [chapter 8](#) of this title. (Ord. 2002-01-15B, 1-15-2002)

C. Industrial Planned Unit Developments:

1. An industrial planned unit development may include any of the permitted or special uses allowed in the BP, OR-2, M-1, and I-1 Districts provided it can be demonstrated that the uses proposed are compatible with one another and with adjacent land uses. Industrial developments shall be encouraged to be processed as planned unit developments in order to: (Ord. 2018-03-20B, 3-20-2018)

- a. Promote the establishment of industrial or business parks.
 - b. Permit the grouping of industrial buildings with integrated design and a coordinated development plan.
 - c. Buffer adjacent residential areas with landscape screening. (Ord. 2002-01-15B, 1-15-2002)
2. Industrial or business developments in the BP, OR-2, M-1, and I-1 Districts shall be processed as a planned unit development when any of the following apply: (Ord. 2014-08-05B, 8-5-2014)
- a. More than one building is proposed on a zoning lot. (Ord. 2014-08-05B, 8-5-2014; amd. Ord. 2018-03-20B, 3-20-2018)
 - b. Any industrial development is proposed consisting of ten (10) or more acres.
 - c. The development is proposed with uses listed as permitted or special uses in one of the four (4) applicable districts in addition to uses listed as permitted or special uses in at least one other of the four (4) applicable districts. (Ord. 2014-08-05B, 8-5-2014)
 - d. The planned unit development will include commercial or other support services not listed in the M-1 District that warrant special consideration by the Village Board to assure that potential hazards associated with integrating large trucks and customers or employees in motor vehicles are minimized.
3. Industrial planned unit developments shall comply with all standards of development identified in this chapter, as well as chapters 9 and 10 of this title, as applicable. (Ord. 2018-03-20B, 3-20-2018)

11-11-4: GENERAL PROVISIONS:

A. General:

1. Traditional development controls, as set forth in the zoning and subdivision ordinances, may restrict imaginative development. Therefore, it is the intent of these provisions to permit review of integrated site proposals on their own merits, where they afford the Village amenities and benefits that enhance the quality of life due to unified planning and design.
2. These provisions are not intended, and shall not be used, as a means to circumvent the procedures or standards of the zoning and subdivision control ordinances, and thereby allow a lower standard of development than otherwise permitted under the strict interpretation of these codes. Rather, they are intended to take advantage of particular site characteristics, to increase the flexibility and originality of design in large scale projects, to provide more open space and recreational opportunities than would otherwise be required, to promote the protection of high quality natural resources, and to establish better transitions between dissimilar land uses.
3. The unique characteristics of the area, and the uniqueness of the approach to development, will determine the degree of flexibility afforded from regulations of the underlying zoning district. (Ord. 2002-01-15B, 1-15-2002)

B. Standards: Unless otherwise approved by the Village Board, pursuant to recommendations of the Planning Commission/Zoning Board of Appeals, the following standards shall apply. Approval of exceptions from these standards is intended to be granted only when it is determined appropriate or necessary to achieve one of the objectives of section [11-11-1](#) of this chapter: (Ord. 2018-03-20B, 3-20-2018)

1. Ownership: The proposed planned unit development shall be under the unified control of the petitioner.
2. Comprehensive Plan: The proposed planned unit development shall conform to the land uses, intent, and spirit of the comprehensive plan and other planning objectives established for the Village.
3. Compatibility: Uses permitted in a planned unit development shall be compatible with surrounding land

uses. (Ord. 2002-01-15B, 1-15-2002)

4. **Subdivided:** Unless otherwise approved by the Village Board, only one principal building shall be constructed per parcel. Preliminary and final plats of subdivision shall be required in accordance with procedures set forth in the Subdivision Code, as may be amended from time to time.
5. **Yards:** The required yards along the periphery of a planned unit development shall be at least equal in depth to those of the underlying zoning district, or the adjacent zoning district, whichever is greater. The Planning Commission/Zoning Board of Appeals may recommend greater setbacks from the boundary line of a planned unit development when determined necessary to protect the privacy of residents in both existing and proposed subdivisions.
6. **Landscaping:** At a minimum, the proposed planned unit development shall conform to the landscaping requirements set forth in this title. The Planning Commission/Zoning Board of Appeals may recommend landscaping in excess of these minimum standards where determined necessary to achieve the objectives set forth in this chapter.
7. **Sidewalks:** Sidewalks shall be constructed as required by the Village Engineer in residential, commercial, and industrial planned unit developments. In addition, walks shall be provided for convenient access for pedestrians between residential blocks and cul-de-sacs, as well as between differing land uses.
8. **Public Streets:**
 - a. All streets shall be publicly dedicated, and constructed in accordance with applicable standards contained in the Subdivision Code, as may be amended from time to time.
 - b. The Planning Commission/Zoning Board of Appeals may recommend, and the Village Board approve, reduced rights-of-way or pavement width in residential subdivisions, but only in those instances where documentation is submitted that shows proposed widths will accommodate anticipated traffic associated with the planned unit development, as well as traffic that is expected to be generated by existing and planned development in the vicinity of the proposed project.
9. **Vehicular Access:** Points of vehicular ingress and egress to the site shall be minimized to maintain the safety and operational efficiency of arterial streets and collector roadways. Where possible, cross access between properties shall be provided.
10. **Screening:** Where a nonresidential use abuts a residential use, landscape screening shall be provided. Screening shall be a minimum of six feet (6') in height, and shall include evergreen trees, not less than six feet (6') tall. Screening may also include walls, fences, berms, deciduous and ornamental trees, shrubs, or any combination thereof, in addition to the required evergreen trees. (Ord. 2018-03-20B, 3-20-2018)
11. **Underground Utilities:** All utilities (including electric, telephone, gas and cable TV) shall be installed underground. (Ord. 2002-01-15B, 1-15-2002)
12. **Tree Replacement/Mitigation:** Where determined appropriate by the Planning Commission/Zoning Board of Appeals, trees greater than six inches (6") in caliper, as measured six inches (6") in diameter at breast height (dbh), which are identified to be removed for construction shall be replaced in accordance with a tree replacement plan that is subject to review by the Planning Commission/Zoning Board of Appeals and approval by the Village Board: (Ord. 2018-03-20B, 3-20-2018)
 - a. The tree preservation plan shall show:
 - (1) Protective fencing planned to be installed around the critical root zone of those trees identified for preservation, on both grading and landscape plans.
 - (2) Trees that will have their roots pruned by a certified arborist, to avoid tearing and other damage during construction.

- (3) Locations where limestone and other materials that might negatively affect trees planned to be preserved will be stored on the property.
- b. Where it is determined that trees six inches (6") dbh or greater must be removed to allow for proposed development, tree replacement will be required:
- (1) Not less than one (1) 3-inch caliper tree shall be required for each six inches (6") of tree proposed to be removed, as measured at breast height. However, in no instance shall more than three (3) 3-inch caliper replacement trees be required for any tree removed.
 - (2) Replacement trees shall be required in addition to any other landscaping that may be required by this title, except landscape screening. In this instance replacement trees can be used for screening a planned unit development and properties planned, zoned or used for residential purposes.
 - (3) The number of trees that an individual property can support, according to good forestry practices, shall determine the number of replacement trees that will be required on an individual lot. (Ord. 2002-01-15B, 1-15-2002)
13. **Performance Standards:** All activities associated with a commercial, industrial, or mixed use planned unit development shall conform to standards established by the Illinois Pollution Control Board or the Illinois Environmental Protection Agency, as may be amended from time to time, for noise, vibration, glare, odor, heat, etc. (Ord. 2014-08-05B, 8-5-2014)
14. **Preliminary Approval:** Preliminary approval of a planned unit development by the Village Board shall be null and void in the event that the petitioner has failed to obtain final planned unit development approval for at least the first phase of the development within eighteen (18) months of the date of the preliminary approval.
15. **Completion:** The planned unit development shall be substantially completed within the period of time specified by the petitioner, unless an extension is requested by the petitioner and approved by the Village Board. All planned unit development phases shall be completed within two (2) years of final planned unit development approval for that phase, except when the size or complexity dictates a longer period, as may be granted by the Village Board, upon request by the petitioner.
16. **Compliance With Zoning Or Other Codes And Ordinances:** Where there is a conflict, or difference between the provisions of this chapter and those of other chapters of this title, or other codes and ordinances, the provisions of this chapter shall prevail. Except as otherwise set forth herein, all other applicable Village Code provisions shall apply. (Ord. 2002-01-15B, 1-15-2002)
17. **Exceptions:** The Planning Commission/Zoning Board of Appeals may recommend, and the Village Board approve, exceptions to standards and criteria as part of a planned unit development, when determined necessary to achieve the planning objectives set forth in this chapter.
18. **Natural Features:** Natural features worthy of preservation within the planned development district shall be identified on preliminary and final plans and shall be left unimproved. Where parks and environmental corridors illustrated on the land use plan pass through a proposed planned development district, that land shall be perpetually preserved in a manner prescribed by the Village Board. (Ord. 2018-03-20B, 3-20-2018)

11-11-5: RESIDENTIAL PLANNED UNIT DEVELOPMENT STANDARDS:

The following is applicable to residential developments, with the exception of those which would be exclusively SR District uses: (Ord. 2014-08-05B, 8-5-2014)

- A. **Environmental Corridors/Open Space:** Open space shall be provided for Village residents in the form of parks, corridors, open space and recreational facilities, consistent with regulatory and policy directives of the Village Board and the provisions of this chapter:

1. Unless otherwise recommended by the Planning Commission/Zoning Board of Appeals and approved by the Village Board, not less than forty percent (40%) of the land within a residential planned unit development shall be reserved and designated as open space, greenbelt and/or recreational facilities.
2. Where parks and environmental corridors illustrated on the land use plan pass through a proposed residential subdivision, land, in lieu of cash, shall be provided in instances where the Village Board has determined that the dedication of land in these areas is essential for implementing the continuous environmental corridor and open space system adopted as part of the Sugar Grove comprehensive land use plan. (Ord. 2018-03-20B, 3-20-2018)
3. Designated open space, environmental corridors or public recreational facilities reserved under a planned unit development shall be held and maintained by a homeowners' association, unless conveyed to a public authority approved by the Village Board.
4. All designated open space, environmental corridors and/or recreational facilities shall be dedicated as open space in perpetuity, and shall be so designated in the development ordinance and final plat of subdivision(s) recorded for the planned unit development. (Ord. 2002-01-15B, 1-15-2002)
5. The cost for improving open space or environmental corridors, or constructing recreational facilities proposed as part of a planned unit development, shall be included in the letter of credit or other surety required for the public or quasi-public improvements as more fully described in the Subdivision Code. (Ord. 2018-03-20B, 3-20-2018)
6. Open space shall be suitably improved for its intended use. However, open space containing natural features worthy of preservation, including traditional agricultural uses, may be left unimproved:
 - a. Agricultural lands may continue to be farmed.
 - b. Where they are provided, buildings, structures, and improvements approved for construction shall be compatible in design with dwellings approved for the planned unit development. (Ord. 2002-01-15B, 1-15-2002)
7. No portion of a planned unit development shall be conveyed or dedicated as public open space, environmental corridor or recreational use or facility to any public body until such conveyance or dedication is reviewed by the Planning Commission/Zoning Board of Appeals and approved by the Village Board. (Ord. 2018-03-20B, 3-20-2018)
8. For the purpose of this chapter, recreational facilities and open space provided as part of the planned unit development shall include, but not be limited to, the following:
 - a. Agricultural lands.
 - b. Community center.
 - c. Environmental corridors/greenbelts.
 - d. Golf courses.
 - e. Health clubs.
 - f. High quality native plant communities, such as oak savannas and prairies.
 - g. Historic and archaeological sites.
 - h. Jogging trails.
 - i. Major stands of trees or woodlots.
 - j. Parks that are sized and improved according to NPRA Standards.
 - k. Physical fitness courses.

I. Scenic areas.

m. Surface waters, including streams, lakes and ponds.

n. Swimming pools.

o. Tennis courts.

p. Wetlands, floodplains and stormwater retention or detention ponds, provided they are improved with trails and landscaping. (Ord. 2002-01-15B, 1-15-2002)

B. Density Transfer, Residential Planned Unit Developments:

1. Where a minimum of forty percent (40%) of a parcel is set aside for open space and/or recreational facilities, the following shall apply:
 - a. The gross residential density allowed by the underlying zoning district on land proposed for open space or recreation may be transferred to the remaining net developable acreage.
 - b. The net developable acres exclude open space, recreation, environmental corridors, greenbelts, natural features and street rights-of-way. For the purpose of this chapter, fifteen percent (15%) of the gross acres of a planned unit development will be set aside for street rights-of-way and easements. (Ord. 2018-03-20B, 3-20-2018)
2. The Village finds that at least forty percent (40%) of a property should be set aside as permanent open space in order to break the cycle of "wall to wall houselots", provide amenities for Village residents, and maintain the rural character that is valued by both residents and Municipal officials. Accordingly, allowable densities set forth in the underlying zoning district shall be reduced by fifty percent (50%), if open space is not provided as part of a residential planned unit development according to tables 1, 2 and 3 of this section that follow.
3. The average lot size for estate residential planned unit developments and the maximum number of units per net acre for low density residential planned unit developments, and medium density residential planned unit developments are identified in tables 1, 2, and 3 of this section respectively. (Ord. 2002-01-15B, 1-15-2002)
 - a. Both the average lot size in an estate residential planned unit development and the maximum number of units per net acre in a low density, medium density, or high density residential planned unit development are based upon the net developable acres which remain after land for open space, recreation, and street rights-of-way are subtracted from the gross acreage. (Ord. 2018-03-20B, 3-20-2018)
 - b. Subsection C of this section identifies the minimum lot size that will be allowed for each type of residential dwelling unit each of the four (4) residential planned unit developments. (Ord. 2002-01-15B, 1-15-2002)

**TABLE 1
ESTATE RESIDENTIAL
PLANNED UNIT DEVELOPMENTS**

Percent Open Space Recreation	Maximum Units Per Net Acre¹	Average Lot Size (Square Feet)
40	1.7	25,623
45	1.8	24,200

50	2.0	21,780
55	2.2	19,800
60	2.5	17,424

Note:

1. Based upon net developable acres, which excludes at least 40 percent open space reserve and 15 percent of the total acreage for street rights-of-way.

**TABLE 2
LOW DENSITY RESIDENTIAL
PLANNED UNIT DEVELOPMENTS**

Percent Open Space Recreation	Maximum Units Per Net Acre¹	Average Lot Size (Square Feet)
40	3.60	12,000
45	3.90	11,000
50	4.35	10,000
55	4.80	9,000
60	5.40	8,000

Note:

1. Based upon net developable acres, which excludes at least 40 percent open space reserve and 15 percent of the total acreage for street rights-of-way.

**TABLE 3
MEDIUM DENSITY RESIDENTIAL
PLANNED UNIT DEVELOPMENTS**

Percent Open Space Recreation	Maximum Units Per Net Acre¹	Average Lot Size (Square Feet)
40	4.50	9,600
45	4.80	9,000
50	5.30	8,200
55	5.80	7,400
60	6.60	6,600

Note:

1. Based upon net developable acres, which excludes at least 40 percent open space reserve and 15 percent of the total acreage for street rights-of-way.

(Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2018-03-20B, 3-20-2018)

C. **Minimum Lot Size:** Minimum lot size shall be as set forth in [chapter 7](#) of this title, unless forty percent (40%) or more of the total gross acres of a property has been set aside for: active recreational areas and/or facilities; open space; or preservation of major stands of trees, or other natural areas. The Village finds that flexibility in its standards are warranted only when such amenities are proposed as part of a planned unit development. (Ord. 2018-03-20B, 3-20-2018)

1. **Estate Residential Planned Unit Development:** In an estate residential planned unit development, the minimum lot size shall not be less than sixteen thousand five hundred (16,500) square feet.

2. **Low Density Residential Planned Unit Development:**

a. A low density residential planned unit development shall be limited to single-family detached dwellings, as defined in this title. (Ord. 2014-08-05B, 8-5-2014)

b. Unless otherwise recommended by the Planning Commission/Zoning Board of Appeals and approved by the Village Board, the net lot size for single-family detached dwellings shall not be reduced below eight thousand seven hundred fifty (8,750) square feet.

c. The Planning Commission/Zoning Board of Appeals may recommend, and the Village Board may require minimum lot sizes for single-family detached dwellings that are larger than the minimum sizes presented above, if determined necessary to achieve the objectives of the land use plan or those of this title. (Ord. 2018-03-20B, 3-20-2018)

3. **Medium Density Residential Planned Unit Development:**

a. The medium density residential planned unit development may consist of a mixture of dwelling unit types, including single-family detached dwellings, single-family attached dwellings, and multi-family dwellings, as defined in this title. (Ord. 2014-08-05B, 8-5-2014)

b. Unless otherwise recommended by the Planning Commission/Zoning Board of Appeals and approved by the Village Board, the net lot size for single-family detached dwellings, or net lot area for each single-family attached dwelling, and multi-family dwelling shall not be less than the following: (Ord. 2018-03-20B, 3-20-2018)

(1) Single-family detached dwelling: Eight thousand seven hundred fifty (8,750) square feet.

(2) Single-family attached dwelling: Three thousand seven hundred fifty (3,750) square feet.

(3) Multi-family dwelling: Two thousand seven hundred fifty (2,750) square feet. (Ord. 2014-08-05B, 8-5-2014)

c. The Planning Commission/Zoning Board of Appeals may recommend, and the Village Board may require minimum lot sizes or net lot area for single-family and/or multi-family dwellings that are larger than minimum sizes listed above, if determined necessary to achieve the objectives of the land use plan or those of this chapter.

D. **Design:** Dwellings in a residential planned unit development shall be designed to blend with the landscape of which they are a part. Both visual and acoustical privacy for residents shall be provided by means of site and architectural design. The Planning Commission/Zoning Board of Appeals will require architectural controls to set guidelines and standards for such planned unit developments, to create harmony between the architectural style of dwellings and avoid monotony. (Ord. 2018-03-20B, 3-20-2018)

E. Landscape Requirements: The following shall be the minimum landscape requirements for planned unit developments: (Ord. 2002-01-15B, 1-15-2002)

- 1. **Street Tree Plantings:** Not less than one (1) 2¹/₂-inch caliper shade tree per fifty (50) linear feet shall be installed in the rights-of-way along all streets in a residential planned unit development. Where the right-of-way is not sufficiently wide to accommodate required tree plantings, trees shall be installed in the front yard.
- 2. **Landscape Easements:** A minimum forty foot (40') landscape easement shall be installed along the perimeter of residential planned unit developments adjacent to any public right-of-way and/or any other boundary line as required by the Planning Commission/Zoning Board of Appeals and Village Board. Plantings shall be sufficient in number and size to provide buffering: (Ord. 2018-03-20B, 3-20-2018)
 - a. Where possible, the easement shall be bermed, with slopes averaging four to one (4:1), but in no case greater than three to one (3:1).
 - b. Not less than three (3) shade trees, three (3) ornamental trees, five (5) evergreen trees and twenty (20) shrubs shall be installed for each one hundred (100) linear feet. Minimum sizes shall be as follows:

Shade trees	2.5 inch caliper
Evergreen trees	6 feet to 10 feet tall (average 8 feet)
Ornamental trees	8 feet tall

- c. Fencing shall be required to be installed on the resident side of the easement, rather than the public right-of-way, and along the toe of the slope of the berm, so that landscaping is the dominant visual element along the public street. Where fencing is proposed on individual single-family residential lots, the design, height, and color of said fencing shall be the same. (Ord. 2002-01-15B, 1-15-2002)
- d. Unless otherwise approved by the Village Board, the landscape easement shall be deemed common area of the residential planned unit development, and maintained by a homeowners' association or management agency. Where rental units are included as part of a residential planned unit development, a credentialed management agency shall be employed to manage the rental units for the life of the units.

3. Detention/Retention Ponds:

- a. All detention and retention basins shall be suitably landscaped with a variety of plant material, so they fit within the context of their environment. Deciduous shade trees shall measure at least two and one-half inch (2¹/₂") caliper in size, and evergreen and ornamental trees not less than six feet (6') in height at the time of planting.
- b. The Planning Commission/Zoning Board of Appeals and Village Board may require the construction of paths and the provision of benches around dry bottom or wet ponds, in addition to landscaping, so that they may be enjoyed by residents of the planned unit development. (Ord. 2018-03-20B, 3-20-2018)

4. Foundation Plantings:

- a. **Single-Family Detached, Two-Family, Patio Homes, And Mobile Homes:** Not less than one (1) 2¹/₂-inch shade, or six foot (6') tall ornamental or evergreen tree, and five (5) shrubs shall be installed in the front or corner side yard of a single-family detached dwelling, two-family dwelling, patio home or mobile home. (Ord. 2016-10-18A, 10-18-2016)

b. Other Dwelling Unit Types:

- (1) Landscaping shall be installed in sufficient quantities to provide privacy for residents of dwelling units and reduce the scale of the larger, multiple-family dwellings.
- (2) Deciduous shade trees shall be at least two and one-half inches (2^{1/2}") in caliper, and evergreen and ornamental trees not less than six feet (6') tall. Larger size trees than the minimum required shall be interspersed throughout the planned unit development to provide a diversity in landscape and enhance the quality of life for residents of the medium or high density PUD. (Ord. 2002-01-15B, 1-15-2002)

5. Parking Lot:

- a. Regulated by [chapter 12](#) of this title. (Ord. 2018-03-20B, 3-20-2018)

F. Additional Standards For Mobile Home Parks:

1. Minimum zoning lot for mobile home park: Ten (10) acres.
2. Minimum mobile home site: Six thousand (6,000) square feet.
3. Minimum mobile home site street yard: Ten feet (10').
4. Minimum mobile home site side yard: Five feet (5').
5. Minimum building separation: Ten feet (10'). (Ord. 2016-10-18A, 10-18-2016)
6. Each mobile home site shall have frontage on a public or private street and shall have unobstructed access to that street.
7. Requirements for State license shall be met per Illinois Compiled Statutes¹.
8. Adherence to tiedown requirement per Illinois Compiled Statutes².
9. Each site shall have separate metered connections to electrical service, water service and sewer service.
10. Each site shall be improved with at least two (2) off-street parking spaces set back at least one foot (1').
11. The mobile home park shall be operated by a resident manager.
12. Porches, carports, garages, sheds, awnings and additions shall be constructed of compatible materials with the mobile home dwelling and meet setback requirements set forth previously in this section.
13. No temporary structures are permitted on mobile home sites.
14. Mobile home dwellings shall be skirted with concrete panels.
15. An annual property maintenance inspection will be made by the zoning official or designee. All property maintenance issues shall be satisfied within six (6) months of notification. In the event property maintenance issues continue, the special use for planned unit development will expire and the property will revert to the underlying E-1 zoning classification.
16. Management shall institute a pest-free, water-tight garbage collection system which provides at least weekly collection and disposal by a licensed waste hauler.
17. Each mobile home dwelling shall be anchored/tied down in compliance with the most restrictive industry standard. (Ord. 2018-03-20B, 3-20-2018)

11-11-6: APPLICATION AND APPROVAL:

A. Administrative:

1. **Application:** Applications for planned unit developments shall be made on forms provided by the zoning official, and shall be accompanied by plans, drawings, documents and other information required by this title. Applications and other required documentation shall be reviewed by the zoning official, or designee, for compliance with submittal requirements set forth herein for preapplication, preliminary or final plan review, before forwarding to the Planning Commission/Zoning Board of Appeals or Village Board.
2. **Development Ordinances:**
 - a. Planned unit developments shall be controlled by means of development ordinances prepared by the Village Attorney and adopted by the Village Board subsequent to approval of preliminary and final plans. Said development ordinances shall include graphics and other support documentation upon which Village Board approval is based. The development ordinances shall specify any conditions of approval established by the Village Board.
 - b. Ordinances approving preliminary and final plans may provide for exceptions from district regulations governing use, density, area, bulk, parking, and subdivision design standards, as determined to be desirable to achieve the objectives of the proposed planned unit development, provided such exceptions are consistent with the standards and criteria contained in this title.

B. Preapplication Procedure:

1. Prior to the filing of an application for approval of a planned unit development, the petitioner shall contact the zoning official to arrange an informal meeting.
2. The purpose of the preapplication meeting is to discuss how the proposed development is consistent with Village planning and zoning objectives, as expressed in the Comprehensive Plan, and this title.
3. Not less than thirty (30) days before the preapplication meeting, the petitioner shall provide six (6) large format paper copies and a pdf copy of: (Ord. 2018-03-20B, 3-20-2018)
 - a. **Concept Plan:** A concept plan at a scale necessary to describe the proposed development and surrounding area in sufficient detail to demonstrate the relationship of the planned unit development to adjoining uses, both existing and proposed, and to the topography and natural features of the adjoining land uses. The concept plan shall include:
 - (1) North arrow, scale and date of preparation.
 - (2) Name and address of the planner or surveyor who prepared the plan.
 - (3) Proposed name of the planned unit development.
 - (4) Proposed land uses.
 - (5) Total acreage, and percent of the site devoted to each land use.
 - (6) Proposed layout of streets, lots and blocks.
 - (7) Proposed dedication of land for school and park sites, if applicable.
 - (8) Proposed dedication of land for the greenbelt, if applicable, and other open space or developed recreation areas.
 - (9) Proposed building footprints and estimated floor area for all nonresidential structures, if any.

- (10) Approximate densities of dwellings, if any.
 - (11) Wetlands, floodplain, floodways and surface waters, including lakes, ponds, streams and drainage swales.
 - (12) Major stands of trees and other existing vegetation.
 - (13) Existing topographic data and contour lines with a minimum of two foot (2') intervals.
 - (14) Proposed water, sanitary and storm sewer systems.
 - (15) Any other data reasonably necessary to provide an accurate overview of the proposed development.
- b. **Written Statement:** A brief written statement shall be submitted that includes a general description of the planned unit development, and addresses:
- (1) Statement of ownership, including:
 - (A) Disclosure of interest.
 - (B) Letters of authorization.
 - (C) Identification of owners of beneficial interest.
 - (D) Title insurance policy, or most recent deed of record.
 - (2) A description of contiguity, when proposed for annexation.
 - (3) Economic benefits to the Village, which are attributable to the proposed planned unit development.
 - (4) Preliminary implementation schedule.
- c. **Exceptions From Ordinances:** A comprehensive list of all requested exceptions to applicable ordinances and codes. (Ord. 2007-08-21A, 8-21-2007)
- d. **Other:** Information other than that identified above may be requested by the zoning official or designee, if it is determined necessary to clearly describe the planned unit development.
4. The zoning official or designee shall evaluate the proposed concept plan and other documentation and shall advise the petitioner as to the compatibility of the planned unit development with the comprehensive plan, this zoning ordinance, subdivision control ordinance, and the goals and policies for planning of the Village. Recommendations relative to a preapplication review are advisory only, and shall not constitute a waiver from the requirements contained in applicable codes and ordinances.
 5. The zoning official or designee may require plans and support documentation to be revised before referring the proposed planned unit development to the Planning Commission/Zoning Board of Appeals and the Village Board. This may require additional meetings with the petitioner, to assure that the proposed planned unit development conforms, to the maximum extent possible, with applicable code provisions, goals, and policies of the Village Board.
 6. The zoning official or designee shall prepare a written report, which shall be forwarded to the Planning Commission/Zoning Board of Appeals and Village Board. The report shall:
 - a. Evaluate the compatibility of the planned unit development with comprehensive plan. (Ord. 2018-03-20B, 3-20-2018)
 - b. Identify and comment on exceptions from applicable codes and ordinances which have been requested by the petitioner. (Ord. 2002-01-15B, 1-15-2002)

- c. Summarize recommendations regarding the proposed planned unit development. (Ord. 2018-03-20B, 3-20-2018)
- d. Summarize the petitioner's proposed schedule for submitting preliminary and final plans according to procedures set forth herein. (Ord. 2002-01-15B, 1-15-2002)

C. Preliminary Plan:

1. Purpose:

- a. The purpose of the preliminary plan is to obtain a recommendation from the Planning Commission/Zoning Board of Appeals and preliminary approval by the Village Board that all plans and programs which the petitioner intends to build and follow are acceptable, and that the petitioner can reasonably proceed with preparation of detailed architecture, engineering site, and landscape plans. (Ord. 2018-03-20B, 3-20-2018)
- b. The preliminary plan is more detailed than the concept plan required for preapplication. This plan is meant to assure the petitioner that final plans will be approved by the Village Board, provided these plans substantially conform to the approved preliminary plans. (Ord. 2002-01-15B, 1-15-2002)

2. Procedure:

- a. A request for preliminary plan approval, signed by the owner of record of a planned unit development, shall be submitted to the zoning official, or designee, who will forward the request to the Village Board. The Village Board will refer the matter to the Planning Commission/Zoning Board of Appeals for public hearing, report, and recommendation.
- b. Preliminary and final plans may be filed and processed simultaneously.
- c. Preliminary plats of subdivision may be processed along with the preliminary plan submittal, according to procedures and submittal requirements set forth in the subdivision ordinance, as may be amended from time to time.

3. Distribution Of Plans And Required Documentation:

- a. The petitioner shall file six (6) large format paper copies and a pdf copy of plans and other support documentation, as identified below, with the zoning official or designee.
- b. Once all required drawings and information have been received, the zoning official shall distribute the preliminary plan submittal to the Planning Commission/Zoning Board of Appeals.
- c. Required plans and support documentation shall be submitted no later than ten (10) days before the regularly scheduled meeting of the Planning Commission/Zoning Board of Appeals, to assure adequate time for review by members of the Planning Commission/Zoning Board of Appeals, Village staff and Village consultants. (Ord. 2018-03-20B, 3-20-2018)

4. Required Submittals: Unless specific submittal requirements are waived by the Director of Development, the following plans and drawings shall be submitted at the scale necessary to clearly indicate what is planned for the property:

- a. Map: Location map.
- b. Site Plan: The proposed site plan shall be superimposed upon the topographic map prepared for the site. The proposed site plan shall contain all the information required at the preapplication stage, as well as the following:
 - (1) Location of the subject site by section, town and range, or by other approved legal description.
 - (2) Name and address of the site planner, engineer, architect and landscape architect.

- (3) Name and address of the owner and/or trust beneficiary.
 - (4) Site data, including as applicable:
 - (A) Total acreage, and acreage of each proposed lot, outlot, and open space, greenbelt or recreation areas.
 - (B) Acres and percent of the planned unit development devoted to each land use.
 - (C) Percent of land devoted to streets and public rights-of-way.
 - (D) Percent of impervious surface.
 - (E) Percent of the site devoted to usable open space.
 - (F) Net residential densities (if any).
 - (G) Minimum lot size.
 - (H) Existing zoning on and adjacent to the site.
 - (5) Existing and proposed zoning.
 - (6) Municipal and school district boundaries.
 - (7) Utility easements.
 - (8) Proposed lotting and footprints of all nonresidential structures.
 - (9) Maximum lot coverage by buildings and other impervious surfaces, for all residential and nonresidential areas within the planned unit development.
 - (10) Off street parking and loading areas, including number and dimensions of parking spaces, drive aisles, and loading zones.
 - (11) Configuration and acreage of all land proposed to be dedicated as open space or greenbelts, and all sites to be conveyed, dedicated, or reserved for parks, playgrounds, school sites, public buildings, and similar public and quasi-public uses.
 - (12) Pedestrian and/or bicycle circulation systems. (Ord. 2002-01-15B, 1-15-2002)
 - (13) Greenbelt and other open space systems. (Ord. 2002-01-15B, 1-15-2002; amd. Ord. 2018-03-20B, 3-20-2018)
 - (14) Proposed phasing.
 - (15) Location of trash bins and enclosures for all multiple-family residential and nonresidential uses, if any. (Ord. 2002-01-15B, 1-15-2002)
 - (16) All other information determined necessary by the Planning Commission/Zoning Board of Appeals to clearly show the proposed elements of the planned unit development. (Ord. 2018-03-20B, 3-20-2018)
- c. Grading Plan: The grading plan shall show both existing and proposed contours and elevations for the entire planned unit development, and shall identify all areas proposed for excavation and/or filling of the property.
- d. Landscape Plan: The landscape plan shall be superimposed on the grading plan, and shall include:
- (1) Any proposed fences, walls, berms and entry monuments.

- (2) Contours for any landscaped berms.
 - (3) One or more sections through the site to illustrate the relationship between the landscape materials, the landform, proposed buildings, and nearby properties.
 - (4) Location of all trees and shrubs, keyed into a plant list, which identifies species, sizes and quantities for proposed plantings.
 - (5) Method of screening any trash bins and enclosures.
- e. Photometric Plan: The photometric plan shall be superimposed on the site plan, and shall:
- (1) Identify the location and heights of all light standards.
 - (2) Identify foot-candle intensities on the site of the planned unit development, and ten feet (10') beyond proposed property lines.
 - (3) Include specifications for proposed lighting, including wattage, method of illumination, and color of light standards and luminaires.
- f. Development Schedule: A development schedule shall be submitted which addresses:
- (1) Approximate dates for initiating project construction.
 - (2) Phasing, and anticipated date of completion for each phase.
 - (3) The area and location of open space and/or greenbelt areas that will be provided with each phase.
 - (4) The mix of uses proposed for implementation within each phase of a mixed use planned unit development.
- g. Architectural Drawings: Preliminary architectural drawings for all primary buildings shall be submitted which include:
- (1) Typical elevations (front, rear and side) for proposed residential and nonresidential buildings, which identify materials and color styling proposed for all elements of the building.
 - (2) Gross floor area for all nonresidential buildings.
 - (3) Minimum habitable floor areas for residential buildings, excluding garages, basements, porches and patios.
 - (4) Proposed building heights.
 - (5) Roof plan for all nonresidential structures, which shows the proposed location of all roof mounted mechanical equipment.
 - (6) Cross sections of all nonresidential structures which show the relation of the roof structure and/or parapet wall to the proposed roof mounted mechanical equipment.
- h. Proposed Covenants: Proposed covenants shall be prepared and submitted which include:
- (1) Architectural controls for residential dwellings, including:
 - (A) Minimum floor area, excluding garages, basements, porches and patios.
 - (B) Maximum lot coverage.
 - (C) Materials.
 - (D) Antimonotony code.

(E) Required landscaping for individual lots.

(2) Gross floor area and maximum lot coverage for all other structures.

(3) Provisions for dedication and maintenance of all open space, greenbelt and recreation areas.

i. Utility Plan: A proposed utility plan shall be superimposed on the proposed site plan, and shall:

(1) Show the approximate location and dimensions of all sanitary sewer, storm sewer, and water lines for all proposed land uses.

(2) Show drainage ditches, culverts, water retention areas, and any utility easements.

(3) Be accompanied by a statement from the petitioner's engineer attesting to the capability of existing water and sewer systems to service the proposed development. (Ord. 2002-01-15B, 1-15-2002)

j. Traffic Impact Study: A traffic study, prepared by a traffic engineer, shall be prepared when determined necessary by the Planning Commission/Zoning Board of Appeals to: (Ord. 2018-03-20B, 3-20-2018)

(1) Identify anticipated volumes of traffic to be generated by each phase of the planned unit development.

(2) Includes required public roadway improvements and/or traffic regulation devices needed to ensure the proper safety or traffic circulation to, through and around the planned unit development.

k. Written Statement: A written statement shall be submitted by the petitioner which describes:

(1) How the proposed planned unit development meets the objectives of the comprehensive plan.

(2) How the project is compatible with adjacent development or planned land uses.

(3) How the project will economically benefit or otherwise affect Sugar Grove, including information regarding additional public facilities and/or services that will be needed as a result of the proposed project.

(4) The mix of land uses proposed for development.

(5) The type and number of dwelling units for any residential land uses.

(6) Proposed phasing, and estimated dates of project initiation and completion.

l. School/Park: The petitioner shall prepare an estimate of land and/or cash that will be required for the development, based on formulas included in the adopted land/cash ordinance for parks, schools and public areas, as may be amended from time to time. (Ord. 2002-01-15B, 1-15-2002)

m. Other: The Planning Commission/Zoning Board of Appeals may require preparation and submittal of the following for review and evaluation: (Ord. 2018-03-20B, 3-20-2018)

(1) Tax impact study, detailing the estimated cost which the planned unit development will have on all taxing bodies, and anticipated revenues which will be realized from each phase of development.

(2) A school demographic study. (Ord. 2002-01-15B, 1-15-2002)

(3) Other information that may be required by the Planning Commission/Zoning Board of Appeals.

5. Public Meeting:

a. Upon receipt of all required submittals, the zoning official, or designee, shall notify the petitioner of the next available regularly scheduled meeting of the Planning Commission/Zoning Board of Appeals. At that time, the petitioner may present the proposed planned unit development to the Planning

Commission/Zoning Board of Appeals for review and recommendation on an informal basis. With the consent of the Chairperson of the Planning Commission/Zoning Board of Appeals, this informal meeting may be waived and the petition shall be scheduled for public hearing.

- b. The Village staff and/or Village consultants shall prepare staff reports, which evaluate the proposed planned unit development for compliance with applicable codes, ordinances and the comprehensive plan:
 - (1) Staff reports shall be made available to the petitioner on the Friday before the scheduled meeting or public hearing.
 - (2) Reports may be obtained from the zoning official or designee. (Ord. 2018-03-20B, 3-20-2018)
 - c. At the public meeting, the petitioner shall:
 - (1) Provide an overview of the proposed planned unit development. (Ord. 2002-01-15B, 1-15-2002)
 - (2) Respond to questions raised by commissioners, Village staff, consultants, and members of the public. (Ord. 2018-03-20B, 3-20-2018)
 - d. Plans and other supporting documentation shall be revised as necessary to respond to questions and concerns. (Ord. 2002-01-15B, 1-15-2002)
 - e. The petitioner shall present revised submittals to the Planning Commission/Zoning Board of Appeals at a date determined to be mutually acceptable by the commission, Village staff, Village consultants, and the petitioner. Meetings shall be scheduled to allow the Village staff and Village consultants a minimum of thirty (30) days to review revised submittals and to prepare supplemental reports for Planning Commission/Zoning Board of Appeals distribution.
 - f. The Planning Commission/Zoning Board of Appeals shall, after receiving a preliminary development plan complete in all respects, direct the zoning official to schedule a public hearing.
6. Public Hearing: The public hearing shall be scheduled according to procedures set forth in [chapter 13](#) of this title.
7. Planning Commission/Zoning Board Of Appeals' Recommendation: After the close of the public hearing, the Planning Commission/Zoning Board of Appeals shall recommend to the Village Board the approval, approval with conditions, or denial of the proposed planned unit development. The recommendation may include conditions of approval intended for incorporation into final plans and supporting documentation.
8. Planning Commission/Zoning Board Of Appeals Statement Of Findings Of Fact: The Chairperson shall prepare a written statement of findings of fact, which shall be submitted to the Village Board with the Planning Commission/Zoning Board of Appeals recommendation:
- a. The Planning Commission/Zoning Board of Appeals statement of findings of fact shall include, but not be limited to: (Ord. 2018-03-20B, 3-20-2018)
 - (1) Name and address of the petitioner, and the petitioner's attorney.
 - (2) The petitioner's request.
 - (3) A description of the project.
 - (4) A list of requested exceptions from zoning or planned unit development standards, if any, and the basis for recommending approval or denial of each exception. (Ord. 2002-01-15B, 1-15-2002)
 - (5) A list of exhibits upon which the Planning Commission/Zoning Board of Appeals recommendation is based.
 - (6) Recommendation of the Planning Commission/Zoning Board of Appeals, including conditions of approval, if any. (Ord. 2018-03-20B, 3-20-2018)

(7) The roll call vote.

b. The statement of findings of fact shall also specify in what respects the proposal would, or would not be in the public interest, and shall, at a minimum, address:

(1) The extent to which the proposed planned unit development departs from the zoning and subdivision regulations otherwise applicable to the subject property, including, but not limited to, density, setbacks, lot area, bulk and use, and the reasons why such departures are, or are not in the public interest.

(2) The extent to which the proposed planned unit development meets the requirements and standards of the planned unit development regulations, and the reasons why such departures are, or are not deemed to be in the public interest.

(3) The physical design of the proposed planned unit development, and the manner in which said design does, or does not:

(A) Make adequate provision for public services;

(B) Provide adequate control over vehicular traffic;

(C) Provide for and protect designated open space; and

(D) Furnish the amenities of light and air, recreation and visual enjoyment.

(4) Compatibility of the proposed planned unit development with adjacent properties and neighborhoods.

(5) The desirability of the proposed planned unit development, or lack thereof, for the Village's tax base and economic well being.

(6) The adequacy of the methods by which the proposed planned unit development:

(A) Provides control over pedestrian and vehicular traffic;

(B) Makes provision of landscaping and open space;

(C) Provides adequate parking, loading and lighting; and

(D) Furnishes the amenities of light, air and visual enjoyment.

(7) Compatibility with the comprehensive plan and the goals and policies for planning within the Village. (Ord. 2002-01-15B, 1-15-2002)

9. Village Board Review:

a. Subsequent to receiving the Planning Commission/Zoning Board of Appeals statement of findings of fact, the zoning official or designee shall schedule the proposed planned unit development for review by the Village Board. (Ord. 2018-03-20B, 3-20-2018)

b. The petitioner shall present all exhibits and testimony applicable for review and action by the Village Board. (Ord. 2002-01-15B, 1-15-2002)

c. The Village Board shall approve, approve with conditions or disapprove the preliminary plan for the proposed planned unit development.

10. Action By The Village Board:

a. Upon approval of the preliminary plan, the Village Board shall authorize the Village Attorney to prepare a development ordinance for the preliminary plan. The ordinance shall identify all applicable

exhibits and support documentation upon which Village Board action is based, and shall include any conditions of approval.

D. Final Plan:

1. Procedure:

- a. Subsequent to the adoption of the preliminary plan development ordinance, the petitioner shall file all required final plan submittals with the zoning official, or designee. The submittal shall address all conditions of approval that are set forth in the preliminary plans and development ordinance.
- b. The request for final approval of a planned unit development shall be submitted to the zoning official who, upon receipt of all required submittals, will forward the request to the Planning Commission/Zoning Board of Appeals for review and recommendation during a scheduled public meeting. Final plan approval may be obtained in phases, in accordance with the petitioner's development schedule.
- c. Final plats of subdivision may be processed along with the final plan submittal in accordance with the subdivision control ordinance, as may be amended from time to time.
- d. Final plan submittals shall demonstrate compliance with the preliminary plan development ordinance. The petitioner shall file six (6) paper copies and a pdf copy of plans and other required supporting documentation with the zoning official.
- e. Required plans and documentation shall be submitted no later than thirty (30) days before the regularly scheduled meeting of the Planning Commission/Zoning Board of Appeals to assure adequate time for review. (Ord. 2018-03-20B, 3-20-2018)

2. Submittals: Required submittals shall include, but not necessarily be limited to, the following, as applicable:

- a. An accurate legal description of the entire area under immediate development within the planned unit development.
- b. A final site plan which includes:
 - (1) Identification of all use areas, including open space, environmental corridors, greenbelts and recreation areas;
 - (2) Approved building setbacks and separation;
 - (3) Footprints of all nonresidential buildings.
- c. An accurate legal description of each separate unsubdivided use area, such as open space, environmental corridors and greenbelts.
- d. Tabulations of each use area, including land area, and number of dwelling units per acre, if any.
- e. Final landscape plan, superimposed on a grading plan.
- f. Final utilities and drainage plan.
- g. Final agreements, bylaws, provisions, or covenants which govern the use, maintenance, and continued protection of the planned unit development and its open space, greenbelts, or other recreational facilities.
- h. Final development and construction schedule.
- i. Detailed elevations of buildings, excluding custom homes.

j. Final engineering drawings.

k. A certificate from the County which documents that no delinquent taxes exist, and that all special assessments constituting a lien on the whole or any part of the property of the planned unit development have been paid.

l. Current title commitment for areas to be dedicated as open space showing that there are no liens or encumbrances.

3. Process: The final plan shall be processed as follows: (Ord. 2002-01-15B, 1-15-2002)

a. The Planning Commission/Zoning Board of Appeals shall review the final plan submittal at a public meeting, and shall recommend approval if it is in substantial compliance with the preliminary plan development ordinance. Their recommendation may include such additional conditions as shall be appropriate, based on the final documentation submitted.

b. If the final plan is substantially different from the approved preliminary plan, the Planning Commission/Zoning Board of Appeals shall either: (Ord. 2018-03-20B, 3-20-2018)

(1) Recommend disapproval of the final plan submittal; or

(2) Recommend that a new hearing be held according to procedures established for preliminary plan approval. (Ord. 2002-01-15B, 1-15-2002)

c. With a recommendation of approval, the commission shall submit to the Village Board, a written statement of findings of fact and recommendation which: (Ord. 2018-03-20B, 3-20-2018)

(1) Confirms that final plan submittals are in conformity with the preliminary plan development ordinance; and

(2) Identifies any additional conditions of approval. (Ord. 2002-01-15B, 1-15-2002)

4. Action By Village Board: If the Village Board decides to approve the final development plan, it shall authorize the Village Attorney to prepare the final plan development ordinance. If the Village Board determines that the final development plan shall be disapproved, it shall do so by a motion of the Board. In lieu of denial, the Village Board may grant the petitioner additional time to remedy any deficiencies. (Ord. 2018-03-20B, 3-20-2018)

5. Approval Required: No plats shall be recorded, and no building permits issued, until final plan submittals have been approved by the Village Board. (Ord. 2002-01-15B, 1-15-2002)

6. Recording Of Final Plat: Final plats shall be recorded by the zoning official or designee. The petitioner shall reimburse the Village all costs associated with recording the final plat and planned unit development ordinance.

E. Guarantees: In all cases where special use permits for a planned unit development are granted, the Village Board shall require such evidence and guarantees as it shall determine necessary as proof that the conditions stipulated in connection with the planned unit development are being, and will be complied with. (Ord. 2018-03-20B, 3-20-2018)

11-11-7: CHANGES IN THE PLANNED UNIT DEVELOPMENT:

A. The planned unit development shall be implemented only according to the approved final plan development ordinance and recorded final plats of subdivision recorded for the planned unit development. The recorded final plats and supporting data, together with all recorded documents and amendments, if any, shall be binding on the owners, successors, heirs, and assigns. (Ord. 2002-01-15B, 1-15-2002)

B. Changes to a planned unit development shall be made as follows:

1. Major Changes:

- a. Changes which alter the concept or intent of the planned unit development may be approved by the Village Board only by submission of a new final plan and final plats of subdivision for the planned unit development. All revisions shall be reviewed by the Planning Commission/Zoning Board of Appeals at a public hearing, in accordance with procedures set forth in [chapter 13](#) of this title. (Ord. 2018-03-20B, 3-20-2018)
- b. Major changes include, but are not limited to, the following: (Ord. 2002-01-15B, 1-15-2002)
 - (1) Increases in density. (Ord. 2018-03-20B, 3-20-2018)
 - (2) Increases in the heights of buildings.
 - (3) Reductions in approved open space, environmental corridors, or preservation areas. (Ord. 2002-01-15B, 1-15-2002)
 - (4) Modifications to the approved uses, and/or a change by more than ten percent (10%) in the acreage allocated to each use. (Ord. 2018-03-20B, 3-20-2018)
 - (5) Rearrangement of lots, blocks, and building tracts. (Ord. 2002-01-15B, 1-15-2002)

2. Minor Changes: Minor changes may be approved by the Village Board, after review and recommendation by the Planning Commission/Zoning Board of Appeals at a scheduled public meeting, provided said changes do not alter the spirit and intent of the approved planned unit development. Minor changes include, but are not limited to: (Ord. 2018-03-20B, 3-20-2018)

- a. Minor modifications to the location of buildings, provided all setbacks established for the planned unit development are met.
- b. Minor changes to the location and configuration of streets and rights-of-way, which are made to preserve natural features.
- c. Minor changes to the location and configuration and size of approved open space, environmental corridors, greenbelts and recreational facilities, due to circumstances that were not foreseen at the time the final plans were approved. (Ord. 2002-01-15B, 1-15-2002)

3. Incidental Field Changes: Incidental field changes may be approved by the zoning official, after review by appropriate staff.

4. Recording: Major changes which are approved for the final planned unit development shall be recorded as amendments to the recorded copy of the final plat of subdivision(s). Major planned unit development amendments shall be recorded by the zoning official or designee. The petitioner shall reimburse the Village all costs associated with recording the amended plat and planned unit development ordinance. (Ord. 2018-03-20B, 3-20-2018)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) 210 ILCS 115 Mobile Home Park Act.

[Footnote 2:](#) 210 ILCS 120 Illinois Mobile Home Tiedown Act.

EXHIBIT 3

TOPOGRAPHY AND DRAINAGE

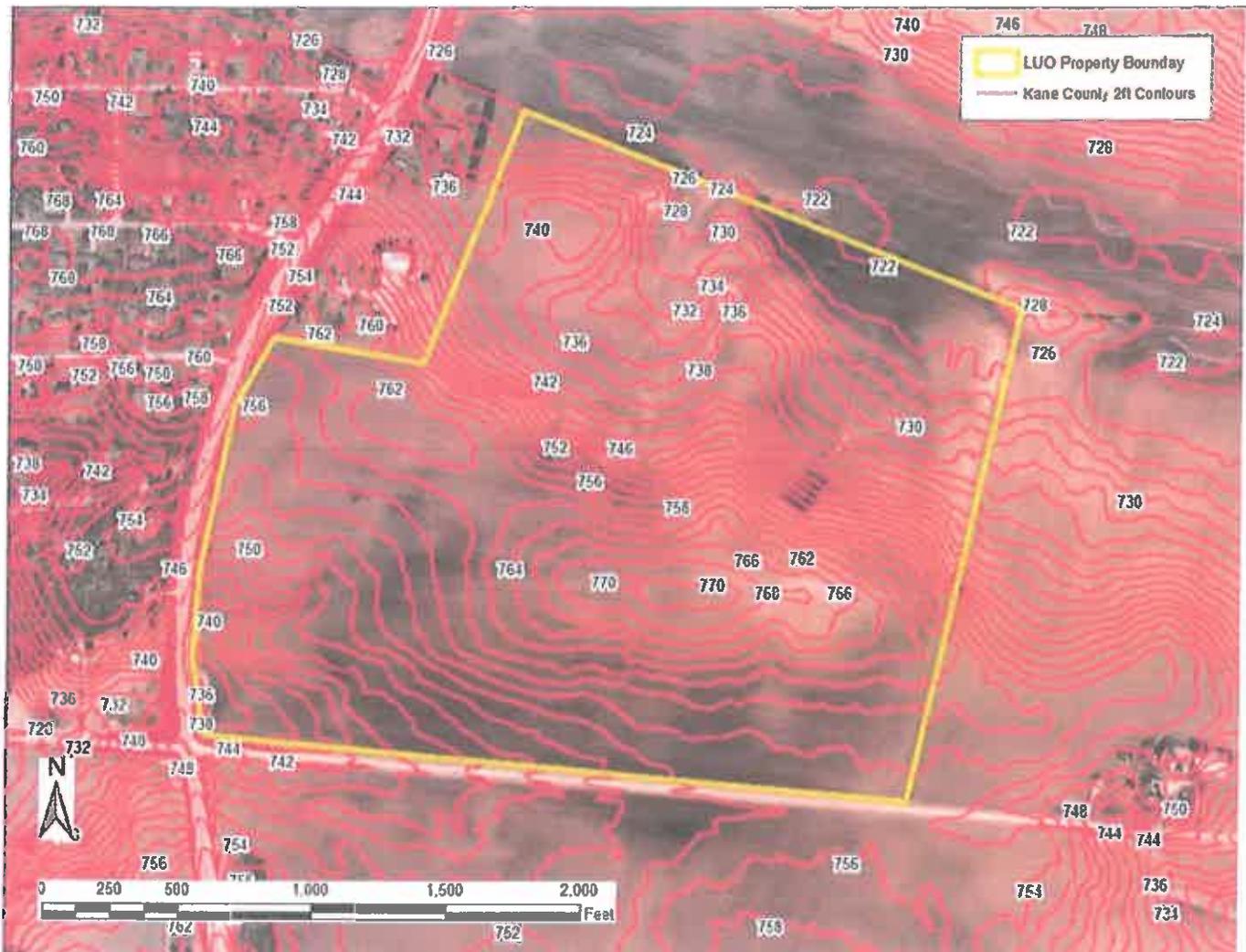


Figure 7: Municipalities 2 Ft Contours

USGS Topographic maps and other topographic surveys give information on elevations, which are important to determine slopes, natural drainage directions, and watershed information. Elevations determine the area of impact of flooding. Slope information determines steepness and erosion potential of the site. Slope has the greatest impact in determining the erosion potential of a site during construction activities. Drainage directions determine where water leaves the property in question, possibly impacting surrounding natural resources.

It is important to consider drainage during any proposed construction onsite. Any areas where water leaves the site should be monitored for potential pollutants which could contaminate downstream waters.

The high point of this property is located in the center of the site at an elevation of approximately 770 feet above mean sea level. The property generally drains in all directions via overland. The lowest elevation on the property is approximately 722 feet above sea level.

Of Omnicast

EQUESTRIAN ESTATES



EAST VIEW
2011/2010



GENERAL
VIEW
2011/2010



ST. LOUIS
VIEW
2011/2010



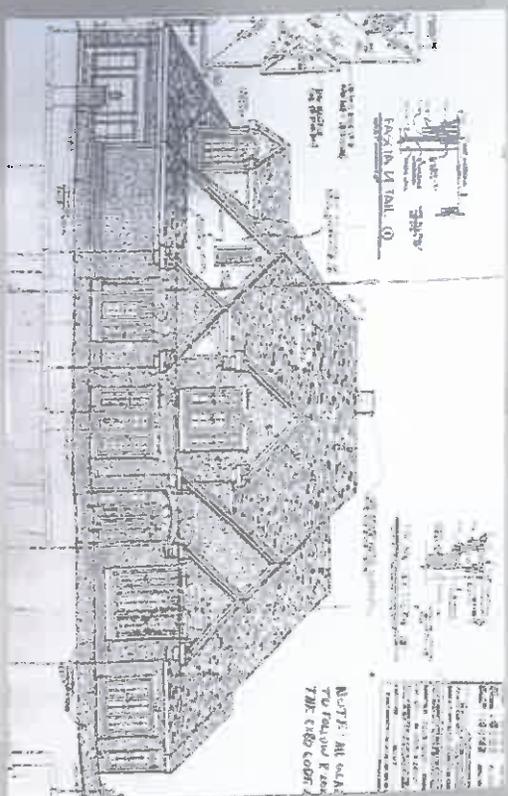
MAP
2011/2010



POV: EAST
ELEVATION
JAMES / CARTON



POV: WEST
ELEVATION
JAMES / CARTON



POV: N
ELEVATION
JAMES / CARTON

ANTHONY P. BASILE
2 S 303 Green Road
ELBURN, IL 60119

EXHIBIT 4

Acknowledgments

The taking of an acknowledgment consists of positively identifying the signer of a document. The signer need not sign in the notary's presence but must personally appear before the notary and state that the signature on the document is his or hers. Acknowledgments may be taken in an individual capacity or in a representative capacity (as an authorized representative of another – for example, as officer of a corporation for and on behalf of the corporation or as an attorney in fact for another person). These short form certificates are sufficient to meet the requirements of the law.

Acknowledgment (in an individual capacity):

State of Illinois
County of KANE

This instrument was acknowledged before me on 01-23-19
(date) by Anthony P. Spalle (name of person).

(seal)

Kristin Sudol
signature of notary public

