

Meeting Held Electronically



COMMITTEE OF THE WHOLE MEETING
Monday, September 21, 2020
(Immediately following the Village Board Meeting)

AGENDA

CALL TO ORDER

ROLL CALL

AUDIENCE COMMENTS

TRUSTEE COMMENTS

DISCUSSION

- Petition #20-05 I-1 District Text Amendment for Red's Garage
- Petition #20-04 Forest Ridge Townhome Development
- Village Clerk Discussion

EXECUTIVE SESSION

- Pending Litigation

ADJOURN

Initials: sb

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: PETITION 20-05: I-1 DISTRICT TEXT AMENDMENT
AGENDA: SEPTEMBER 21, 2020 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

On August 17, 2020, the Village Board approved a six-month temporary use Ordinance to allow Red's Garage to operate on the property located at 119 Butterfield Road until they've received proper zoning approval. After discussing the various zoning options with staff, the business owner believes that the text amendment will allow them greater flexibility as the potential future owner of the property. The business owner decided to pursue a text amendment to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 District.

A public hearing was held on this item before the Plan Commission at their September 1, 2020 meeting. After staff presented the background information on the topic, the Plan Commission asked several questions of the petitioner as it relates to their on-site business operations. The Plan Commission ultimately did not have any objections to the proposed text amendment and unanimously recommended approval to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 District.

For additional background information on the Plan Commission discussion, the draft September 1, 2020 Plan Commission meeting minutes have been attached to the Forest Ridge Townhome Committee of the Whole item (Petition #20-04).

Staff Report to the Village of North Aurora Plan Commission

Prepared By: Mike Toth, Community & Economic Development Director

Petition Number: 20-05

Hearing Date: September 1, 2020

Petitioner: Derek Knuth (d.b.a Red's Garage)

Request(s): Amendment to Chapter 9 of the Zoning Ordinance to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District.

BACKGROUND

Red's Garage has been operating in Oswego for the past 12 years. They recently moved their operations to 119 Butterfield Road in North Aurora, the location of the former Backyard Builders. The zoning classification of their use would be Motor Vehicle Repair and/or Service. The property at 119 Butterfield is located in the I-1 Limited Industrial District. Motor Vehicle Repair and/or Service is classified as a special use in the I-1 District. On August 17, 2020, the Village Board approved a six-month temporary use Ordinance to allow Red's Garage to operate on the subject property until they have resolved the zoning matter. After discussing the various zoning options with staff, the petitioner believes the text amendment to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District will allow them greater flexibility as the future owner of the property.

The petitioner is now requesting an amendment to Chapter 9 of the Zoning Ordinance to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District. As a quasi-commercial/industrial use, Motor Vehicle Repair and/or Service is included in three zoning classifications – Business, Industrial and Office/Industrial districts. The following table illustrates how the Motor Vehicle Repair and/or Service is currently classified:

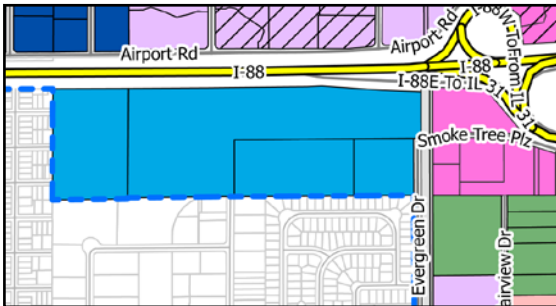
Zoning District	Permitted Use	Special Use	Prohibited
B-1			X
B-2		X	
B-3		X	
I-1		X	
I-2	X		
I-3			X
O-R			X
O-R-I		X	

Section 11.2.D.9 of the Zoning Ordinance already contains specific use standards for the Motor Vehicle Repair and/or Service use. Whether the use is classified as a permitted or special use, the following use standards would apply:

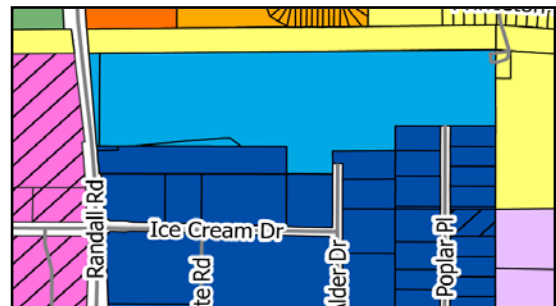
9. Motor Vehicle Repair and/or Service.

- a. *Motor vehicle repair and/or service shops may not store the same vehicles outdoors on the site for longer than five days unless fully screened and enclosed.*
- b. *All driveways must be located and designed to ensure that they will not adversely affect the safety and efficiency of traffic circulation on adjoining streets.*
- c. *All repair operations shall be fully enclosed. Wrecked or junked vehicles shall not be stored for longer time periods than those specified above and shall be screened from the public right-of-way and any adjacent residential districts.*

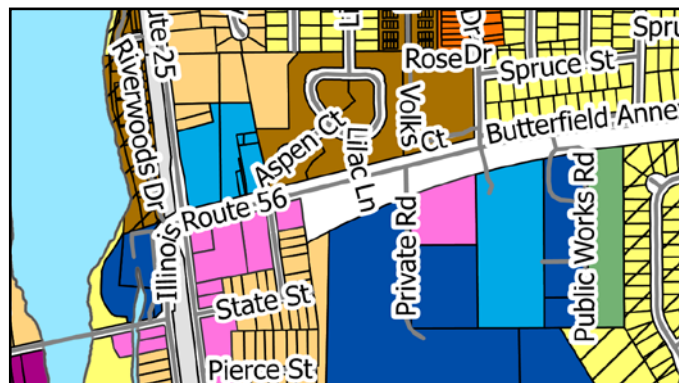
There are only four areas of the Village that make up the I-1 Limited Industrial District, which are illustrated in light blue:



Dart Container Property



Village-Owned Wetlands



**NE Corner Illinois Rte. 25 & Butterfield Road
&
North Aurora Fire District Training Property**

APPLICATION FOR TEXT AMENDMENT

VILLAGE OF NORTH AURORA
25 East State Street
North Aurora, IL 60542

PETITION NO. 20-05

FILE NAME 1-1 District Text Amendment

DATE STAMP

RECEIVED

I. APPLICANT DATA

AUG 06 2020

**VILLAGE OF
NORTH AURORA**

Name of Applicant Derek Kruth

Address of Applicant 338 W Center St, Sandwich IL 60598

Telephone Numbers 630-550-3850

Email Address dman1192@gmail.com

Specific Requested Amendment Proposed Auto Repair/ service permitted use under I-1

Ordinance Section to be Amended Chapter 9

II. TEXT AMENDMENTS STANDARDS

Attach hereto a statement with supporting data that the proposed special use will conform to the following standards:

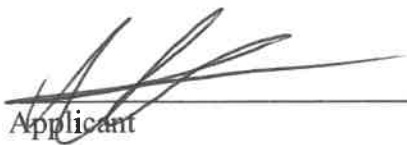
1. Does the proposed amendment promote the public health, safety, comfort, convenience and general welfare of the Village?
2. Does the proposed amendment provide a relative gain to the public, as compared to the hardship imposed upon the applicant?
3. Is the proposed amendment consistent with the Comprehensive Plan?
4. Is the proposed amendment consistent with the intent and general regulations of this Ordinance?
5. Does the proposed amendment correct an error or omission, add clarification to existing requirements, or reflect a change in policy?
6. Does the proposed amendment benefit the residents of the Village as a whole, and not just the applicant, property owner(s), neighbors of any property under consideration, or other special interest groups?
7. Does the proposed amendment provide a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan?
8. Does the proposed amendment avoid creating nonconformities?

The Applicant is responsible for publishing a legal notice in the newspaper advertising the public hearing. This shall be in accordance with public notice provisions in the Zoning Ordinance.

The filing fee in the amount of \$4,300 is submitted with this application, unless otherwise directed by the Village.

The undersigned hereby agrees to reimburse the Village for all costs of court reporter fees for attendance at and transcript of hearing(s) and other professional service fees for services rendered in connection with this application as defined in Appendix B of the North Aurora Zoning Ordinance. Such reimbursement shall be made promptly upon receipt of invoices from the Village, whether or not this application for amendment is approved.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.


Applicant

8-6-2020
Date

Red's Garage statement with supporting data regarding special use zoning

- 1) Does the proposed amendment promote the public health, safety, comfort, convenience and general welfare of the village?**

Yes, the proposed amendment broadens the types of businesses that can take place in I 1 industrial district resulting in the likelihood of vacant buildings being rented thereby reducing crime. Also, by being allowed to provide automotive repair services the possibility of inoperable vehicles being abandoned is reduced. Improving the safety and welfare of the village.

- 2) Does the proposed amendment provide a relative gain to the public, as compared to the hardship imposed upon the applicant?**

Yes, this amendment broadens the use of I 1 industrial district allowing for the creation of more jobs, tax revenue and community growth.

- 3) Is the proposed amendment consistent with the Comprehensive Plan?**

Yes, this amendment will help create jobs and thriving businesses attracting potential industrial developers resulting in growth and employment for the Village.

- 4) Is the proposed amendment consistent with the intent and general regulations of this Ordinance?**

Yes, this amendment will promote industrial growth creating jobs without creating any addition nuisances or hazards.

- 5) Does the proposed amendment correct an error or omission, add clarification to existing requirements, or reflect a change in policy?**

The proposed amendment would amend Chapter 9 of the Zoning Ordinance; Allowing I 1 district to perform motor vehicle repair and/ or service.

- 6) Does the proposed amendment benefit the residents of the Village as a whole, and not just the applicant, property owner(s) neighbors of any property under consideration, or other special interest groups?**

This proposed amendment would provide the following to the residents of the village

- 1) An automotive repair services
- 2) Jobs to the community
- 3) Tax revenue to the village

7) Does the proposed amendment provide a more workable way to achieve the intent and purposes of this Ordinance and the Comprehensive Plan?

Yes, this amendment provides a way to create jobs, safety and growth to the village as stated above.

8) Does the proposed amendment avoid creating nonconformities?

No, this is the most efficient and correct way to accomplish zoning changes.

**VILLAGE OF NORTH AURORA
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
CC: STEVE BOSCO, VILLAGE ADMINISTRATOR
FROM: MIKE TOTH, COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR
SUBJECT: PETITION 20-04: FOREST RIDGE TOWNHOMES
AGENDA: SEPTEMBER 21, 2020 COMMITTEE OF THE WHOLE MEETING

DISCUSSION

The subject property is currently located in unincorporated Kane County. The petitioner plans to annex the property into the Village and subsequently develop the property with five (5) residential townhouse buildings, consisting of six units each, and one (1) two-family dwelling, together providing a total of thirty-two (32) residential units. According to the submitted plans, the townhomes will be two stories and consist of three-bedroom and four-bedroom units that range from 1,998 square feet and 2,366 square feet of living space. A cell tower measuring 156 in height is located on the southwest corner of the subject property. The concept development plans were presented to the Village Board at their April 15, 2019 Committee of the Whole meeting.

A public hearing was held on this item before the Plan Commission at their September 1, 2020 meeting. Prior to the Plan Commission meeting staff was in contact with several residents living near the proposed development. While staff was able to address a number of questions from the public, there were a number of residents who spoke during the public hearing portion of the Plan Commission with regard to the proposed development. Staff has included the draft September 1, 2020 Plan Commission meeting minutes in order to provide content and context of the entire discussion.

Parking

Parking was one of the main topics of concern discussed during the public hearing. The Zoning Ordinance requires two (2) off-street parking spaces per townhome dwelling. Each townhome units within the proposed development would include a two-car garage and a 16 foot wide dedicated driveway, for a minimum of four (4) off-street parking spaces per unit.

Staff conducted a parking analysis in order to better understand the amount of on-street parking that would be available within the development. Based upon the findings, there would be an estimated 101 on-street parking spaces available. If each unit already provides a minimum of four (4) off-street parking spaces and there would be 101 on-street parking spaces available, the total number of parking spaces available would be seven (7) spaces per unit. Of the 101 on-street parking spaces, there are an estimated twenty-three (23) spaces that would be available on the east side of Forest Ridge Drive. If the west side of Forest Ridge were to develop in the future with townhomes, and an assumption was made that the number of on-street parking spaces would mirror that of the east side of Forest Ridge Drive, there would be an estimated 64 on-street spaces available (23 along the east side of Forest Ridge Drive, 23 along the west side of Forest Ridge Drive and 18 along Hearthstone Lane).

Density

Excessive density was another concern mentioned during the Plan Commission public hearing. The American Planning Association's *Planning and Urban Design Standards*, lists the typical densities of select housing types, which includes the following:

Housing Types	Typical Gross Density Range (Units/Acre, Including Streets)
Single-Family, detached (generally 1 to 2 story)	4 to 10
<u>Single-Family, rowhouses (2 to 3 story)</u>	<u>8 to 20</u>
Three to Six Family Houses (3 to 4 story)	8 to 25

With a total of eight (8) acres of land and thirty-two (32) total units, the gross density of the proposed development would be four (4) units per acre. While there are also two (2) outlots included in the gross acreage, the proposed development would still be within the APA's typical gross density for attached single-family housing.

The Plan Commission concluded by recommending approval of Petition #20-04 with two (2) additional conditions:

5. Construction traffic shall be limited to Forest Ridge Drive with restricted emergency access at Hearthstone Lane.
6. All ground cell tower equipment shall be screened with a solid fence to be approved by the Community Development Director.

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
SEPTEMBER 1, 2020**

CALL TO ORDER

Vice Chairperson Duncan called the meeting to order.

ROLL CALL

In attendance: Vice Chairperson Jennifer Duncan, Commissioners Anna Tuohy, Aaron Anderson, Tom Lenkart, Doug Botkin, Mark Bozik and Connie Holbrook

Not in attendance: Chairman Mike Brackett

Staff in attendance: Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth and Information Technology Manager Dave Arndt

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated March 3, 2020

Motion for approval made by Commissioner Bozik and seconded by Commissioner Lenkart. All in favor.
Motion approved.

PUBLIC HEARING

1. Petition #20-04 (38W229 Oak Street): The petitioner, LMN Opportunities, Inc., requests the following actions on the subject property:

- 1) Establishment of the R-3 General Residence District zoning
- 2) Special use to allow a Planned Unit Development with deviations from the Zoning Ordinance
- 3) Site Plan Approval
- 4) Preliminary Final Plat of Subdivision

Vice Chairperson Jennifer Duncan opened the public hearing.

Valerie Shoger, 1473 Hearthstone Lane, stated that she is concerned about the number of units in each building. At the April 15, 2019 meeting, it was stated that the proposed development would consist of luxury units. Shoger feels that the excessive number of units and decreased square footage does not appear to be luxurious and will not enhance the surrounding neighborhoods. She is concerned that there is not much staggering of the units and they give off a “building blocks” appearance.

Keely, (Zoom screen name), stated that she also has the same concerns as Shoger. She asked what the benefit is to connecting Hearthstone Lane to Forest Ridge Drive. Keely asked how the units can be advertised as luxury but still be reasonably priced. She stated that she is also concerned about the storm water and asked what the plan is for drainage.

Austin Curran, 1417 Hearthstone Lane, stated that he had similar concerns as the previous residents since it impacts their neighborhood more than any other. Curran asked why the Village is considering townhomes over single family residences. He is also concerned about water drainage in the area and would like to hear more about the retention pond that is proposed. Curran stated that he is concerned about how it will impact the value of homes in the area and how it could also lead to an increase of traffic.

Cheryl Stetter, resident in Windstone Place, stated that one of her biggest concerns is the impact of drainage. Stetter agrees with the other residents about the townhomes being classified as luxurious when they will be facing an empty field. She asked if they are planning on allowing renters since that deters away from the luxury feel.

Sonja Flores-Gomez, 87 Windstone Drive, stated that she has the same concerns as everyone else. Flores-Gomez believes that the number of units is excessive for such a small parcel of land. Reducing the number of units or adding a park should be considered. She is concerned that there is going to be a large increase of traffic and that drainage is going to become an issue.

The petitioner, Nick Lamagna, LMN Opportunities, Inc., responded to the concerns and questions of the residents in attendance. He stated that the layout of the townhomes cannot be avoided in order to accommodate drainage. The Comprehensive Plan for this particular area supports the development of townhomes, which is why the developer chose to pursue this route. Lamagna stated that the size of the townhome does not determine whether or not the units are luxurious. Rather, it's the façade, open floor plan, and the materials that create the luxury feel. Lamagna explained that the units will not be renter-occupied and will be buyer owned. There is a lack of premium quality homes in the area and they are hoping to fill that void.

Community and Economic Development Director Mike Toth, displayed an image from the Comprehensive Plan showing the parcel in which the townhomes will be located. He stated that there is an intergovernmental agreement with the Village of North Aurora and Kane County Department of Transportation for Oak Street in between Randall Road and Orchard Road, which does call for an intersection at Forest Ridge Drive. This is continued south to connect with Hearthstone Lane and to allow secondary access to the property.

Ray Sikkema, Webster, McGrath & Ahlberg, Ltd., discussed the drainage concerns brought up by the residents. He stated that the wetlands exist above the northern drainage basin on the property. Since the wetland is protected, unfortunately there is nothing that can be done for drainage for that particular portion of the property. Drainage will flow into the north detention basin and the overflow will then travel through the drain tile. Sikkema explained they will be improving drainage flow by incorporating a 12" storm sewer that will be connected to the existing drain tile. He stated that the units will be similar in height to the adjacent properties on Windstone.

2. **Petition #20-05:** The petitioner, Derek Knuth, requests an amendment to the Zoning Ordinance to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District.

Vice Chairperson Jennifer Duncan opened the public hearing. There were no public comments. Jennifer Duncan then closed the public portion of the hearing.

NEW BUSINESS

1. **Petition #20-04 (38W229 Oak Street):** The petitioner, LMN Opportunities, Inc., requests the following actions on the subject property:

- 1) Establishment of the R-3 General Residence District zoning

- 2) Special use to allow a Planned Unit Development with deviations from the Zoning Ordinance
- 3) Site Plan Approval
- 4) Preliminary Final Plat of Subdivision

Community and Economic Development Director Mike Toth stated that this item was previously presented to the Village Board on April 15, 2019 for a concept review only. At that time no action was taken and the project was favored by the Village Board. Since then, the petitioner has worked on the proposed development to get it where it is today. The 8.63 acre property is currently zoned as a Farming District in unincorporated Kane County. The applicant is proposing five (5) townhouse buildings, each consisting of six (6) units, and one (1) two-family dwelling. Toth stated that the comprehensive plan does recommend single-family attached dwellings for this area of land.

The petitioner is requesting that the property shall be zoned as R-3 General Residence District. At this time, a map amendment is not being pursued since the property has not been annexed into the Village. The property meets all of the bulk requirements for the R-3 General Residence District. Toth stated that the special use request is required since the property is greater than two (2) acres. There are two (2) deviations from the zoning code being requested for the development. The use standards in Chapter 11 of the Zoning Ordinance state that garages shall be rear or side loaded. Toth stated that the proposed development will be oriented towards the west (Forest Ridge Drive) and will therefore be front loaded garages. The deviation is supported to have the garages as front loaded in order to minimize the traffic to the east and keep everything on Forest Ridge Drive. Toth explained that parking is permitted on Forest Ridge Drive, but the larger driveways should accommodate more vehicles which will eliminate excessive parking on the street. The second deviation relates to onsite trees. Per the Zoning Ordinance, multi-family properties shall have one (1) tree per 500 square feet of lot area. Toth stated that the landscape plan represents a barrier to the east and also factors in drainage for the property. Deviations have been granted in the past for lot landscaping. Toth stated that there is a condition that the parkway trees will be of variety per the subdivision ordinance. Site plan approval is required for all townhome developments. Toth explained that the building footprints were included in order to allow the engineers to consider site detention and storm water management.

Toth acknowledged that staff recommends approval for the special use request based on the understanding that four (4) conditions are met. Any unit that has a side wall facing the street shall include a front façade in order to eliminate the appearance of blank walls. All site improvements shall be confined within the building footprints. Trees that meet a specific standard will be evaluated by the Village for preservation. Finally, all parkway tree species will be provided per the Subdivision Ordinance. Toth recommended an additional condition that the entrance to Hearthstone Lane be blocked off during construction and that it be used for emergency purposes only.

Nick Lamagna stated that he has been working closely with Mike Toth and the Village of North Aurora in order to meet all criteria and guidelines set by the Village. He stated that the proposed townhomes will have a luxury appeal and will be comparable to the other multi-family developments in the area. Lamagna believes there is a shortage of luxury rentals in the area and stated that this development will provide people with a larger living space, especially in a time where many people are working from home. Matt Haylock, Archamerica, Inc., stated that they created a fresh looking façade with cooler hues of color. Various types of material are being used including stone along the base, cement board, and standing seam aluminum on the eaves, along with other textures and materials to create a contemporary appearance. Haylock described the interior of the townhomes, which include three (3) and four (4) bedroom units, both with an open concept. The units range from 2,000 – 2,400 square feet, depending on the number of bedrooms.

Plan Commission Comments:

Commissioner Bozik stated that he shares concerns with the lack of on-street parking. He asked what the plan is for Outlot B, which is the cell tower. Bozik asked if anything will be done to make that area aesthetically pleasing. He stated that the location of the two-unit building seems awkward and suggests a single-family residence instead. Lamagna responded that the driveways had already been readjusted to accommodate the parking concerns. He stated that the cell tower will remain in the same location. Lamagna explained that the Comprehensive Plan called for attached homes, so the duplex made sense.

Toth stated that when a property is annexed into the Village, there are certain fees that are paid to the Village of North Aurora. When this development comes in, a fee will be paid that will go to the Park District and School District within North Aurora. Toth asked about the possibility of having a cul-de-sac installed and Sikkema responded that Fire Departments are not in favor of cul-de-sacs if longer than 1,000 feet, which would be the case for this development. Bozik stated that North Aurora's Fire District does not allow cul-de-sacs over 300 feet.

Commissioner Botkin stated that his questions had been answered and he had no further comments.

Commissioner Lenkart stated that the presentation was very thorough and thought the exterior looked nice. Lenkart asked if anyone has reached out to the property owner of the parcel to the west. Toth responded that he spoke to the property owner years ago and has not heard of any developments on the property. Toth stated that the west side of Forest Ridge Drive does not have sidewalks or parkway trees. This will be discussed during the hearing process. Lenkart stated that a four (4) bedroom townhome could potentially have multiple vehicles, which means cars could be parked all along the street, creating congestion. Sikkema responded that the driveways are 16' wide, which will accommodate for two (2) cars in the driveway and two (2) cars in the garage. Lenkart asked how wide the street was. Sikkema responded that the street from curb to curb is 28'. It will be tight, but there is room to accommodate traffic.

Toth reminded the Plan Commission that the engineering still has to go through final engineering, so this is not the final plan for the development.

Commissioner Holbrook stated that her questions had been answered and she had no further comments.

Commissioner Tuohy asked what the cost point will be for the units. Lamagna responded that they do not have the information right now due to the market changing with COVID-19. He stated that a ballpark range would be \$275,000 - \$325,000. Tuohy stated she shares the same concerns about parking and would like to have the concern looked into. She asked if a traffic study has been completed. Toth responded that it has not. He stated that there is a density formula in the subdivision ordinance that calculates the fees for developments. Based on the density formula, the townhomes could bring in 71 new residents. Toth indicated that staff would look into the road width of Forest Ridge Drive to see if this could be accommodating for parking concerns. Tuohy asked if there will be a sidewalk on the property. Toth responded there is one proposed on the eastern side of the property and along Oak Street. Tuohy asked if a crosswalk was being installed from the south side to the north side. Toth responded that the plan does not call for a crosswalk. Tuohy stated that children will be crossing the street to Jewel Middle School and it could be a hazard. Toth responded that a stop sign was installed at White Oak Drive to the east to help move pedestrians safely. Tuohy asked if there will be a Homeowners Association (HOA). Toth responded that there will be an HOA which will be included in the annexation agreement. Tuohy asked if garbage will be picked up at the end of the driveways. Lamagna responded yes. Tuohy stated she agrees that the front elevation makes it hard to differentiate one unit from the other. Lenkart stated that the development area has enough room to stagger the buildings so it creates more depth to the townhomes. Haylock responded that the buildings will be staggered 8' and the individual units are staggered 2' to 3'. Tuohy stated she had no more questions.

Commissioner Anderson asked how long LMN Opportunities has been in business and how many projects have been completed similar to this. Jared Osmond, LMN Opportunities, responded that he has completed many projects in the area, including townhome developments. Lamagna stated they use different entities for their developments and collectively, they have over 50 years of experience. Anderson asked if financing has been secured for the project. Osmond responded that they have the money secured for the development. Anderson asked if there are turn lanes coming off of Oak Street. Toth responded there will be a turn lane into the property both east and west bound. Toth asked if there will be a decelerated lane for people turning right into the property going eastbound. Sikkema responded that there currently is not one being proposed, but it could be looked into if necessary.

Bozik asked how they will accommodate on-street parking. Toth responded that staff recommended the proposed layout of the townhomes, since it would make the most sense for traffic. He explained that staff will look into the width of Forest Ridge Drive.

Toth recommended that the fifth condition be added for the special use approval which would state that the entrance to Hearthstone Lane be blocked off during construction and that it be used for emergency purposes only. Bozik recommended a sixth condition to add fencing around the cell tower.

Motion for approval for the establishment of the R-3 General Residence District zoning made by Commissioner Lenkart and seconded by Commissioner Botkin. Vote: Tuohy – Yes, Holbrook – Yes, Anderson – Yes, Bozik – Yes. **Motion approved.**

Motion for approval of the special use to allow a Planned Unit Development with deviations from the Zoning Ordinance with the two (2) conditions being added, for a total of six (6) conditions, made by Commissioner Lenkart and seconded by Commissioner Holbrook. Vote: Tuohy – Yes, Anderson – Yes, Bozik – No, Botkin – Yes. **Motion approved.**

Motion for approval of the site plan made by Commissioner Lenkart and seconded by Commissioner Botkin. Vote: Tuohy – Yes, Holbrook – Yes, Anderson – Yes, Bozik – No. **Motion approved.**

Motion for approval of the preliminary final plat of subdivision made by Commissioner Lenkart and seconded by Commissioner Holbrook. Vote: Tuohy – Yes, Anderson – Yes, Bozik – No, Botkin – Yes. **Motion approved.**

2. **Petition #20-05:** The petitioner, Derek Knuth, requests an amendment to the Zoning Ordinance to allow Motor Vehicle Repair and/or Service as a permitted use in the I-1 Limited Industrial District.

Mike Toth presented the background information on the petition. Toth stated that the property at 119 Butterfield is located in the I-1 District and is the location of the former Backyard Builders business. The motor vehicle repair business is operating under a temporary use Ordinance that was granted by the Village Board as the zoning wasn't approved when they moved onto the property. Toth then explained the various zoning options afforded to the business operator. The business operator chose to go through the text amendment. Establishing the use as a permitted use would allow them greater flexibility if they one day owned the property. Toth then went through the various I-1 District properties in the Village. The motor repair use is quasi-commercial/industrial. Toth then listed the classification status of the use in other zoning districts. Toth stated that he did not advise that the business operator pursue the rezoning of the property, but could support the text amendment as the use is commercial in nature. Toth noted the three (3) use standards included in the Zoning Ordinance, which would still apply if the use was a permitted use.

The petitioner, Derek Knuth, stated that he is the owner of Red's Garage. He stated that he wants this property to be his 'forever home' and eventually would like to purchase the property.

Plan Commission Comments:

Commissioner Tuohy asked about internal site circulation. Knuth responded, there is an access drive located next to the building. Tuohy asked about chemical removal. Knuth stated that they have a company that comes to remove the chemicals.

Toth reminded the Plan Commission that the petition is not a special use and the motor vehicle repair use would become a permitted use on all I-1 District properties.

Commissioner Lenkart asked about the hours of operations. Knuth responded, Monday through Friday 8:00 a.m. – 6:00 p.m. and Saturday 8:00 a.m. - noon. Lenkart then mentioned the previous Walmart petition and how they made them move the auto repair from the east side of the building to the west side of the building to keep it away from the townhomes. He then asked how the noise will be kept low. Knuth responded, all work will be inside and the lifts are located on the other side of the building. The doors will also remain closed. Lenkart asked about the north end of the property. Knuth responded, that area is gravel. Lenkart stated that he wouldn't want any storage there. Toth mentioned that the use has to operate inside and the area to the north is a deteriorated limestone. Parking would be prohibited there unless they were to install asphalt or concrete. Lenkart stated that noise travels and he doesn't want to inconvenience the neighbors. Vice Chairperson Duncan mentioned that the property is an industrial property.

Commissioner Anderson asked about the \$4,300 filing fee. He asked if there was a way to lower that fee. Toth responded, \$4,000 is an escrow deposit and the filing fee is \$300. The petitioner was only asked to deposit \$1,000 into an escrow account.

Commissioner Bozik stated they've done nice improvements and welcomed them to town.

Motion for approval of the special use made by Commissioner Bozik and seconded by Commissioner Anderson. Vote: Tuohy – Yes, Holbrook – Yes, Lenkart – Yes, Botkin – Yes. **Motion approved.**

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Mike Toth noted the two items for the October 6th Plan Commission agenda. Those items include a new restaurant in Orchard Commons and a craft cannabis growing facility on South Street. Commissioner Tuohy asked about the mixed use building at Randall Crossing. Toth stated that the foundation is in and some of the underground plumbing work has been completed on that project. Toth then gave a brief update on the North Aurora Smiles project.

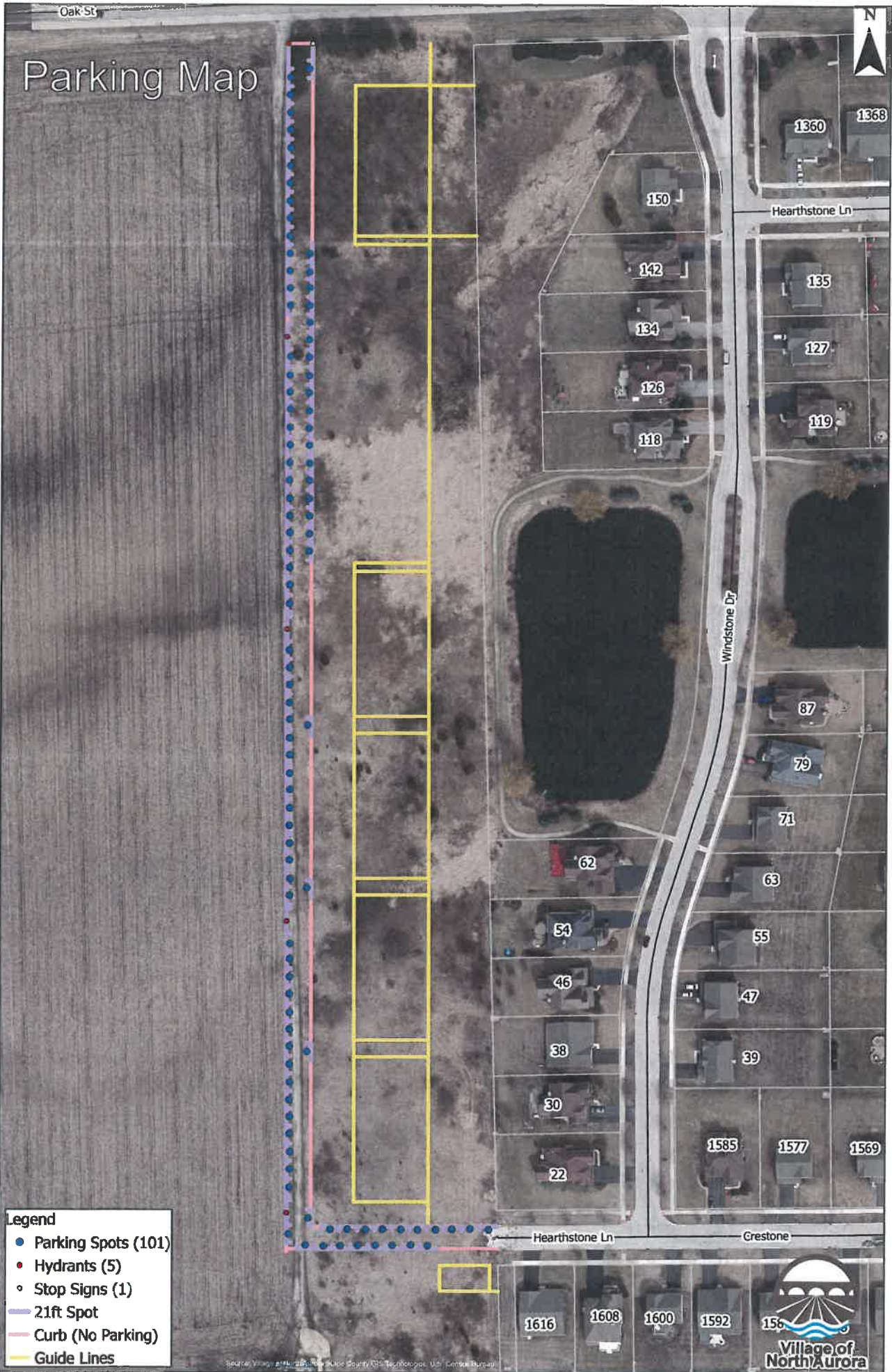
ADJOURNMENT

Motion to adjourn made by Commissioner Lenkart and seconded by Commissioner Bozik. All in favor. **Motion approved.**

Respectfully Submitted,

Natalie Stevens
Acting Village Clerk

Parking Map



**STAFF REPORT TO THE VILLAGE OF NORTH AURORA PLANNING COMMISSION
FROM: MIKE TOTH, COMMUNITY & ECONOMIC DEVELOPMENT DIRECTOR**

GENERAL INFORMATION

Meeting Date: September 1, 2020

Petition Number: #20-04

Petitioner: LMN Opportunities, Inc.

Requests: 1) Establish R-3 General Residence District zoning 2) Special Use - Planned Unit Development with deviations 3) Site Plan Approval 4) Preliminary Final Plat of Subdivision

Parcel Number(s): 15-06-200-008

Size: 8.63 acres

Current Zoning: F - Farming District (Kane County)

Contiguous Zoning: North: R-2 Single Family Residence District, South: R-1 Single Family Residence District (ComEd Right-of-Way), East: R-1 Single Family Residence District, West: F – Farming (Unincorporated Kane County)

Current Land Use: Vacant Land

Comprehensive Plan Designation: ‘Single Family-Attached’

BACKGROUND

The subject property is currently located in unincorporated Kane County. The petitioner plans to annex the property into the Village and subsequently develop the property with five (5) residential townhouse buildings, consisting of six units each, and one (1) two-family dwelling, together providing a total of thirty-two (32) residential units. According to the submitted plans, the townhomes will be two stories and consist of three-bedroom and four-bedroom units that range from 1,998 square feet and 2,366 square feet of living space. A cell tower measuring 156 in height is located on the southwest corner of the subject property.

COMPREHENSIVE PLAN

The future land use designation for the property, as contained within the Comprehensive Plan, is single-family attached dwellings. The Comprehensive Plan also illustrates the continuation of Forest Ridge Drive and Hearthstone Lane to service the property and states: *the area should provide higher density development that would support commercial uses to the west. Townhomes and multi-family apartments should also be considered in order to increase the population around the Orchard Road Corridor.*



REQUESTED ACTIONS

Establish R-3 General Residence District Zoning

The Dwelling, Townhouse use is classified as a permitted use in the R-3 General Residence District. For a historical perspective, townhouses have been developed in the R-3 General Residence District. Such examples include: Randall Highlands, Summer Wind, Fairway View and Waterford Oaks. Staff notes that Waterford Oaks is located directly to the north of the subject property. Given historic classification of townhouses in the R-3 General Residence District and the density applicability in the R-3 General Residence District, staff believes the subject property should be designated as the R-3 General Residence District to accommodate the proposed townhouses. As previously mentioned, one (1) two-family dwelling is also being proposed. Two-family dwellings are also classified as a permitted use in the R-3 District.

For reference purposes, the table below illustrates the yard requirements of the R-3 General Residence District.

Yard	R-3 District Yard Requirements	Proposed Yard
Front	25'	30'
Rear	30'	51.4' (Lots 1-5) 37.9' (Lot 6)
Interior Side	10'	10'
Corner Side	30'	30'

Staff notes that the setbacks included on the proposed site plan include a maximum building footprint area, which means that building footprints could actually be smaller than illustrated, but never larger. The footprint would also include any landings or patios; as such, the green space within the development could only increase.

Special Use –Planned Unit Development with deviations

Per Chapter 5.4 of the Zoning Ordinance, any nonresidential or multiple-family parcel, or parcels of land two acres or more in size shall be required to be a planned unit development. As the subject property is greater than two (2) acres, a special use for a planned unit development is required. The following deviations are being considered as part of the planned unit development:

Garage Orientation

Per Section 11.2.A.3.d of the Zoning Ordinance, townhouses shall be designed with either detached garages located in the rear yard or attached garages oriented to the rear, or side, of the units. The proposed townhouses include front-loaded attached garages, which are oriented towards the front yard. Given the linear configuration of the subject property, designing townhouses with detached garages in the rear yard or attached garages oriented to the rear would be physically limited. Further, restricting vehicular access to the front yard will ensure that vehicles will not have an adverse impact on the residential neighborhood located to the east.

On-Site Trees

Section 14.5.B.1 of the Zoning Ordinance requires shade trees to be provided for all multi-unit developments, at a minimum of one tree per five hundred (500) square feet of total lot area, minus the area of the building. Given the dedication of lot area to the building footprints, driveways and drainage topography, the ability to meet this provision is physically unmanageable. Staff finds the proposed landscape plan to adequately address on-site landscaping.

SITE PLAN APPROVAL

Per Section 17.4.4(B) of the Zoning Ordinance, site plan review shall be required for each building permit application for multi-family, townhouse, commercial, and industrial development for which a site plan has not already been approved. As the proposed phase plan includes the development of the residential townhouse units, site plan review approval is required.

As the submitted site plan illustrates, the right-of-way located on the east side of Forest Ridge Drive will include sidewalks and parkway trees. Conversely, parkway trees and sidewalks are not shown on the west side of Forest Ridge Drive. As there are no units being proposed on the west side of Forest Ridge Drive, nor are there any indications as to how the property to the west will develop at this time, discussions involving the installation, cost and maintenance of any improvements on the west side of Forest Ridge Drive will continue through the annexation process.

PRELIMINARY FINAL PLAT OF SUBDIVISION

A Plat of Subdivision is being proposed to subdivide the subject property into seven (7) lots and two (2) outlots. Lot #1-5 would include the five (5) townhouse buildings, Lot #6 will include the two-family dwelling, Lot #7 would include the existing cell tower and the two (2) outlots would include the stormwater detention basins. The proposed plat also includes the dedication of Forest Ridge Drive and Hearthstone Lane.

FINDINGS

The Community Development Department finds that the information presented **meets** the Standards for Special Use as submitted by the petitioner, made part of this petition and as set forth in the Zoning Ordinance. Additionally, the proposed site plan meets site plan review standards of the North Aurora Zoning Ordinance. Based on the above considerations, staff recommends that the Plan Commission make the following motion recommending **approval** of Petition #20-04, subject to the following conditions:

1. Units having side walls facing a street shall be designed with elements of a front façade, including doors and/or windows, to avoid the appearance of blank walls.
2. All site improvements, including, but not limited to decks, patios and porches, shall be confined within the building footprints, as depicted on the Preliminary Engineering Site Plan, dated July 21, 2020, prepared by Webster, McGrath & Ahlberg, Ltd.
3. Any tree of good quality larger than six inches in diameter when measured twelve (12) inches above the ground, which are not located within fifteen (15) feet of or within a building footprint, within the road footprint or in those areas listed Section 16.12.010.C.3.a of the Subdivision Ordinance, shall be tagged by the petitioner and evaluated by the Village for preservation.

4. Parkway tree species shall be provided in accordance with Section 16.12.190.C.8 of the North Aurora Subdivision.

LMN Opportunites, Inc.
1921 W Wilson St
Ste A
#151
Batavia, IL 60510

Application Special Use Introduction Letter

Dear Sir or Madam:

LMN Opportunities are the owner of the land located at 38W229 Oak Street in North Aurora IL, 60542. The PIN on this land is 1506200015 and is located between Randall Rd and Orchard behind Woodman's Market in North Aurora.

LMN Opportunities has business hours from 9am to 6pm Monday to Friday, we also conduct business between 10am and 5pm Saturday and 10am to 3pm on Sunday. There are two owners and one executive assistant who helps run the business and coordinate with clients and other various tasks.

Both owners live in the area and have been long time residents of North Aurora. We are excited to take the land purchased and bring in utilities and infrastructure. We plan to build 32 attached townhomes between 1600-1800 sq. ft. These units will have higher end finishes, a basement and a two car garage with a good size driveway to make sure parking is no issue. The street across from the land is Forest Ridge Dr. and will continue right across and go smoothly into the street running from the subdivision to the East and Hearthstone Lane will connect to Forest Ridge.

This Subdivision correlates directly with the comprehensive plans the Village of North Aurora have in place. There is a number of similar properties in the area that are at or near capacity and this development will fit in with the look and feel of the area and provide much needed housing to bring more residents North Aurora.

We look forward to moving forward with the annexation process following any and all guidelines put in place from the Village or the County.

Sincerely,



Nick Lamagna
President LMN Opportunites, Inc.

APPLICATION FOR SPECIAL USE

VILLAGE OF NORTH AURORA
Board of Trustees
25 East State Street
North Aurora, IL 60542

PETITION NO. 20-04

FILE NAME FOREST RIDGE TOWNHOMES

DATE STAMP

RECEIVED

JUL 09 2020

**VILLAGE OF
NORTH AURORA**

I. APPLICANT AND OWNER DATA

Name of Applicant **LMN Opportunities, Inc.**

Applicant Address **1921 W Wilson St, Ste A #151 Batavia IL 60510**

Applicant Telephone # **516.286.9598**

Email Address **Nick@NickNickNick.com**

Property Owner(s) **Nicholas Lamagna and Nicole Marshall**

Owner Address **1921 W Wilson St, Ste A #151 Batavia IL 60510**

Owner Telephone # **516.286.9598**

II. ADDRESS, USE AND ZONING OF PROPERTY

Address of Property **612 Forest Ridge Townhomes (Formerly 38W229 Oak Street) N. Aurora, IL 60542**
(indicate location if no common address)

Legal Description: **See attachment**

Parcel Size **8.5 Acres**

Present Use **Raw Land, Agricultural**
(business, manufacturing, residential, etc.)

Present Zoning District **Raw Land, Agricultural**
(Zoning Ordinance Classification)

NL

III. PROPOSED SPECIAL USE

Proposed Special Use **Special use for a Planned Unit Development**
(Zoning Ordinance Classification)

Code Section that authorizes Special Use _____

Has the present applicant previously sought to rezone or request a special use for the property or any part thereof? **NO, there has not been any prior request for special use**

If so, when? _____ to what district? _____

Describe briefly the type of use and improvement proposed We will be bringing roads and utilities in from Orchard in line with Forest Ridge. The use will change to attached residential fully planned unit development of 32 luxury town homes will be built on the land with full roads and utilities within the requirements of the county and village.

What are the existing uses of property within the general area of the Property in question? Surrounding areas are mostly attached and detached single family residential as well fitting the proposed future use of the property. According to the comprehensive plan and from physical inspections of the area there is mostly used as single family, single family attached, and commercial.

To the best of your knowledge, can you affirm that there is a need for the special use at the particular location? (Explain) Yes neighboring developments are at or near full capacity. This land is directly next to another development and the land is serving no purpose right now in current condition. The new homes would be in demand and be a positive financial and visual addition to the area.

Attach hereto a statement with supporting data that the proposed special use will conform to the following standards:

- 1. The proposed special use is, in fact, a special use authorized in the zoning district in which the property is located. The PUD is authorized by the zoning ordinance as a special use. It also follows in line with the comprehensive plan and neighboring subdivisions and demand.**
- 2. The proposed special use is deemed necessary for the public convenience at that location. Development is in line w comprehensive plan for continuation of Forest Ridge that was already planned to run from the subdivision on the other side of Oak Street running into this project.**
- 3. The proposed special use does not create excessive additional impacts at public expense for public facilities and services, and will be beneficial to the economic welfare of the community. The impacts and costs to bring in the roads, utilities and build out the units will be privately funded and have positive impacts on the community and public at no expense to them.**
- 4. The proposed use is in conformance with the goals and policies of the Comprehensive Plan, and all Village codes and regulations. The use is completely in conformance with the Comprehensive Plan and all village codes. The map shows the plan for the land was already zoned for attached single family and the developers will be working closely with the village to make sure the codes for the village are all followed.**

NL

5. The proposed special use will be designed, located, operated, and maintained so as to be harmonious and compatible in use and appearance with the existing or intended character of the general vicinity. The land is transitional piece in line with the comprehensive plan showing commercial flowing to attached single family leading into single family and going back the other way toward Randall Rd. The location is perfect for it and the elevation docs submitted show the appearance and design will conform well with the surrounding styles and tastes of the village already present at Springs at Orchard and the neighboring Summer Wind development.
6. The proposed special use will not significantly diminish the safety, use, enjoyment, and value of other property in the neighborhood in which it is located. The surrounding area has similar homes and are at capacity. The codes will be followed so the safety will not be an issue in the neighborhood and we believe a nicely done development will provide enjoyment and value there is a need for rather than unused land that is vacant and serving no present purpose or generating income for the village or creating jobs.
7. The proposed special use is compatible with development on adjacent or neighboring property. Yes there are two single family attached developments on the same road that match this very closely located at The Springs at Orchard and the Summer Wind development on the same street.
8. The proposed special use minimizes potentially dangerous traffic movements, and provides adequate and safe access to the site. This project absolutely poses no threat to dangerous traffic or safety as it is a Preapproved intersection by KDot and the Village
9. The proposed special use provides the required number of parking spaces and maintains parking areas, in accordance with the requirements of this Ordinance. Correct, we will meet ordinance for parking and already adjusted the plans to do so based on village feedback.
10. The proposed special use is served by adequate utilities, drainage, road access, public safety, and other necessary facilities. We have already done preliminary engineering dictating adequate utilities, drainage etc. We are located adjacent to subdivisions and retail that has close by utilities and facilities we can match and connect with.
11. The proposed special use conforms with the requirements of this Ordinance and other applicable regulations. Correct, we have already had plans and designs run by the city and the feedback from the city suggests it conforms with the Ordinance, regulations and comprehensive plans in place by the Village for present and future use.

IV CHECKLIST FOR ATTACHMENTS

The following items are attached here to and made a part hereof:

1. Introduction Letter. Please include information relevant to the proposed use of the property and business operations (hours of operation, number of employees, etc.).
2. Legal Description of the subject property(s).
3. Illinois Land Surveyor's plat of survey.
4. Site Plan illustrating all existing and proposed improvements.
5. Statement and supporting data regarding Standards for Special Uses (above).
6. Filing fee in the amount of \$300.00, if paid by check make payable to the Village of North Aurora.
7. Specified escrow deposit (\$4,000 minimum). May be included with filing fee. Remaining funds refundable upon project completion.
8. Visit the Illinois Department of Natural Resources' website www.dnr.state.il.us and initiate a consultation using DNR's EcoCat online application.
9. Visit the Kane DuPage Soil and Water Conservation District's website www.kanedupageswcd.org for a Land Use Opinion Application

The Applicant authorizes the Village of North Aurora representatives to enter on to the property to make inspection during the hearing process.

The Applicant is responsible for publishing a legal notice in the newspaper, sending United States mail notices to properties within 250 feet, and posting a sign on the property advertising the public hearing. These shall be in accordance with village Ordinances at the times decided by the Village of North Aurora.


The undersigned hereby agrees to reimburse the Village for all costs of court reporter fees for attendance at and transcript of hearing(s) and other professional service fees for services rendered in connection with this application as defined in Appendix B of the North Aurora Zoning Ordinance. Such reimbursement shall be made promptly upon receipt of invoices from the Village, whether or not this application for special use is approved.

I (we) certify that all of the above statements and the statements contained in any documents submitted herewith are true to the best of my (our) knowledge and belief.



Applicant or Authorized Agent

5/28/2020
Date



Owner

5/28/2020
Date



STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, NICHOLAS LAMAGNA, being first duly sworn on oath depose
and say that I am trust officer of _____ and that the following are all of the
beneficiaries of the _____.

TRUST OFFICER

SUBSCRIBED AND SWORN TO

Before me this _____ day of _____, 20_____.

A Notary Public in and for such County

VL

Following are the names and addresses of all properties within 250 feet of the property in questions for which the Map Amendment is being requested.

TAX PARCEL NO.	NAME	MAILING ADDRESS
1506200008	LMN OPPORTUNITIES LLC	1718 CAPITOL AVE, Cheyenne WY 82001
1506200015	ELIZABETH BRUNCKHORST	5497 ROUNDTREE DR APT A Concord CA 94521
1506203049	THOMAS M & JOSEPHINE A GILLETTE	1600 ABINGTON LN N Aurora IL 60542
1506203051	CAROLYN M KOEBEL	1620 ABINGTON LN N Aurora IL 60542
1506203052	CANDICE D SANTOYO	1624 ABINGTON LN N Aurora IL 60542
1506203053	RYAN & AMY SCHULTZ	1628 ABINGTON LN N Aurora IL 60542
1506203055	JOHN H CHASE	1608 ABINGTON LN N Aurora IL 60542
1506203058	MICHAEL R NORRIS	1612 ABINGTON LN N Aurora IL 60542
1506203059	MATTHEW D KARTH	1604 ABINGTON LN N Aurora IL 60542
1506203074	WATERFORD OAKS TOWNHOMES HOA	P O BOX 46 Aurora IL 60507
1506227029	NORTH AURORA VILLAGE OF	25 E STATE ST N Aurora IL 60542
1506278001	WINDSTONE PLACE HOMEOWNERS HOA	536 N SYCAMORE LN N Aurora IL 60542
1506278002	DAVID & NEVILLE, KRISTINA PARKINSON	150 WINDSTONE DR N Aurora IL 60542
1506278003	TERRALL & DELVAKINE JORDAN	142 WINDSTONE DR N Aurora IL 60542
1506278004	GARCIA, BERTHA DECLIN OF TRUST	6401 S ELM ST Burr Ridge, IL 60527
1506278005	EDWARD & CHERYL STETTER	126 WINDSTONE DR N Aurora IL 60542
1506278006	DEBORAH L NICOLAI	118 WINDSTONE DR N Aurora IL 60542
1506279001	MARTHA LAGE	62 WINDSTONE DR N Aurora IL 60542
1506279002	IAN & MONTEZ, ANNA M HALLIGAN	54 WINDSTONE DR N Aurora IL 60542
1506279003	ANDREW HARDING	46 WINDSTONE DR N Aurora IL 60542
1506279004	GREGORY P & BARBARA A LAROCO	38 WINDSTONE DR, N Aurora IL 60542
1506279005	EMILIA MENDICINO	30 WINDSTONE DR N Aurora IL 60542
1506279006	STANLEYS & HENRY, TANYA M SANGAR	22 WINDSTONE DR N Aurora IL 60542
1506282004	BERNIE W & ALICIA J MATEJ ROSS	63 WINDSTONE DR N Aurora IL 60542
1506282005	JUSTIN T & MONIKA JERNIGAN	55 WINDSTONE DR N Aurora IL 60542
1506282006	ROBERT & MONTALBANO, MICHELLE PETERS	47 WINDSTONE DR N Aurora IL 60542
1506282007	PAVITARPUNEET K & SAMEER B JAGGI	39 WINDSTONE DR N Aurora IL 60542
1506282015	EDGARDO A & JUANITA TORRES NORTH	1583 HEARTHSTONE LN N Aurora IL 60542
1506284001	AURORA, VILLAGE OF	25 E STATE ST N Aurora IL 60542
1506284002	DRENDEL, CAROL O LIVING TR, TRUSTEE	1616 HEARTHSTONE LN N Aurora IL 60542
1506284003	GEORGE WHITE	1608 HEARTHSTONE LN N Aurora IL 60542
1506284004	SHINJI & KUMIKO FUKUSHIMA	1600 HEARTHSTONE LN N Aurora IL 60542

Following are the names and addresses of all property owners within 250 feet of the property in questions for which the special use being is being requested.

TAX PARCEL NO.	PROPERTY OWNER	MAILING ADDRESS
1506284005	JAMES R & BERDONNA K ANKROM	1592 HEARTHSTONELNN Aurora IL 60542
1506400001	COMMONWEALTH EDISON CO	3 LINCOLN CTR FL 4 Oakbrook Terrace IL 60181
1506426001	RUBLOFF NORTH AURORA, LLC	949 HARRISON AVE Rockford IL 61108

I, Nicholas Lapagne, being first duly sworn on oath certifies that all of the above statements and the statements contained in any papers or plans submitted herewith are true and correct.

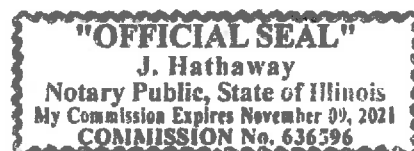
[Signature]
Applicant Signature

5/28/20
Date

SUBSCRIBED AND SWORN TO

Before me this 28 day of May, 20 20.

[Signature]
Notary Public

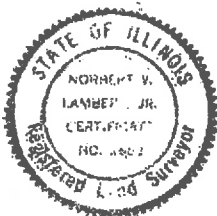
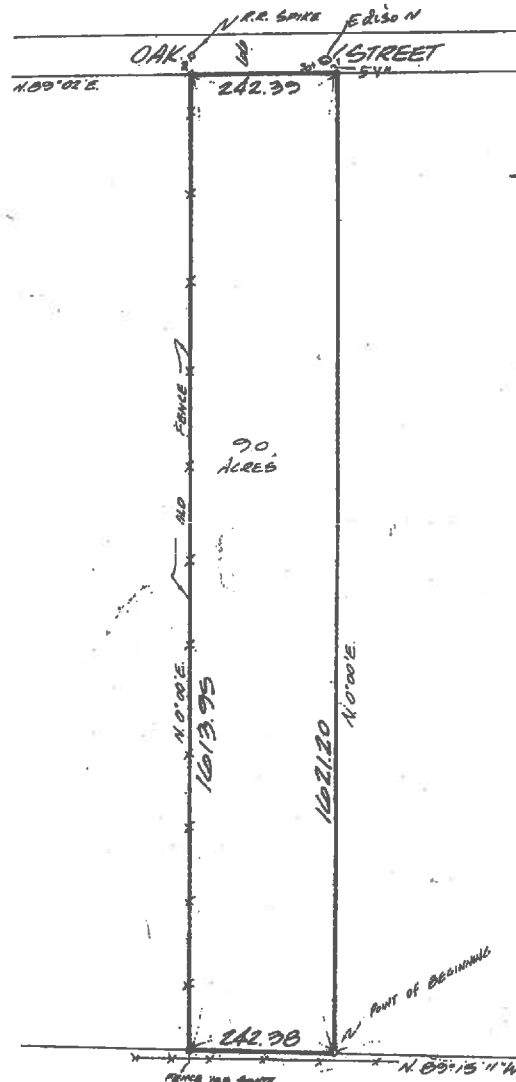


AK

PLAT OF SURVEY

15-06-200-008

OF THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89° 15' 11" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER 929.09 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89° 15' 11" WEST ALONG SAID SOUTH LINE 242.38 FEET; THENCE DUE NORTH 1613.95 FEET TO THE SOUTH LINE OF OAK STREET; THENCE NORTH 89° 02' EAST ALONG SAID SOUTH LINE 242.39 FEET TO A LINE DRAWN DUE NORTH FROM THE POINT OF BEGINNING; THENCE DUE SOUTH 1621.20 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.



COMMONWEALTH EDISON COMPANY

SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 6-38-8

ORDERED BY: LA GRANGE FARM SAVING & LOAN

ORDER NO. 77141

FILE NO. 771066

STATE OF ILLINOIS }
COUNTY OF DU PAGE } 55

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS THIS 2nd DAY OF DECEMBER, A.D. 1972.

Norbert V. Lambert, Jr.
Illinois Land Surveyor No. 1582

STATE OF ILLINOIS }
COUNTY OF DU PAGE } 55

BUILDINGS LOCATED AS SHOWN ON THIS DAY OF _____ A.D. 197__

• IRON STAKE FOUND
• IRON STAKE SET

Illinois Land Surveyor No. 1582

LAMBERT AND ASSOCIATES
LAND SURVEYORS
524 W. ROOSEVELT ST.

612 Forest Ridge Town Homes: Formerly 38W229 Oak Street North Aurora IL 60542

Legal Description:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 15 MINUTES 11 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER 929.09 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 15 MINUTES 11 SECONDS WEST ALONG SAID SOUTH LINE 242.38 FEET, THENCE DUE NORTH 1,613.95 FEET TO THE SOUTH LINE OF OAK STREET, THENCE NORTH 89 DEGREES 02 MINUTES EAST ALONG SAID SOUTH LINE 242.39 FEET TO A LINE DRAWN DUE NORTH FROM THE POINT OF BEGINNING, THENCE DUE SOUTH 1,621.20 FEET TO THE POINT OF BEGINNINGS THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.

PLAT OF ANNEXATION TO THE VILLAGE OF NORTH AURORA

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 TOWNSHIP 38 NORTH, RANGE 8 EAST
OF THE THIRD PRINCIPAL MERIDIAN IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.

P.L.M. 15-06-300-008

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 8 EAST
OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST
CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89°15'11" WEST ALONG THE SOUTH LINE
OF SAID NORTHEAST QUARTER 828.06 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89°15'11"
WEST ALONG SAID SOUTH LINE 242.38 FEET; THENCE DUE NORTH 1813.95 FEET TO THE SOUTH LINE
OF OAK STREET; THENCE NORTH 89°15'11" EAST ALONG SAID SOUTH LINE 242.38 FEET TO A LINE OF OAK
DUE NORTH FROM THE POINT OF BEGINNING; THENCE DUE SOUTH 1621.20 FEET TO THE POINT OF
BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS.



BASIS OF BEARINGS

ILLINOIS STATE PLANE, NAD 83, EAST ZONE

LAND AREA

384,454 SQUARE FEET = 8.85 ACRES

WATERFORD OAKS
RESUBDIVISION

ABINGTON LANE
(HERETOFORE DEDICATED)

FOREST RIDGE DRIVE
(HERETOFORE DEDICATED)

ALEXANDRIA COURT
(HERETOFORE DEDICATED)

WATERFORD OAKS
PHASE 1

STREET
(DEDICATED)

OAK
(HERETOFORE DEDICATED)

UNSUBDIVIDED LAND

PLACE

WINDSTONE

HEARTHSTONE
LANE
(HERETOFORE DEDICATED)

COMMONWEALTH EDISON COMPANY ROW

STATE OF ILLINOIS
COUNTY OF JES

THIS IS TO CERTIFY THAT ENCLOSING MANAGEMENT, INC. AS OWNER OF THE PROPERTY
DESCRIBED IN THE FOREGOING PLAT, HAS CAUSED THE SAME TO BE PLACED AS INDICATED
HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY
ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED AT ILLINOIS THIS DAY OF

A.D. 20

BY ENCLOSING MANAGEMENT, INC.

PRINTED:

TITLE:

STATE OF ILLINOIS
COUNTY OF JES

I, A NOTARY PUBLIC IN AND FOR

SAID COUNTY IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT

BY ME VOTING TO BE
APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SIGNED AND
DELIVERED THE SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE
FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES
THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE THAT HE IS
CUSTOMER OF THE CORPORATE SEAL OF SAID CORPORATION, DO AFTER SAID CORPORATION'S
SEAL TO SAID INSTRUMENT AS HIS OWN FREE AND VOLUNTARY ACT AND AS THE FREE
AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN
SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL AT ILLINOIS

THIS DAY OF A.D. 20

BY NOTARY PUBLIC

CITY COMMISSIONER

LINE LEGEND

- BOUNDARY LINE
- LOT LINE
- EASEMENT LINE
- SETBACK LINE

LEGEND

- ENCLOSING MANAGEMENT, INC.
- STATE OF ILLINOIS
- COUNTY OF JES
- ENCLOSING MANAGEMENT, INC.
- ENCLOSING MANAGEMENT, INC.

STATE OF ILLINOIS
COUNTY OF JES

APPROVED AND ACCEPTED BY THE VILLAGE OF NORTH AURORA, ILLINOIS

AS ORIGINATOR NO.

THIS DAY OF A.D. 20

BY VILLAGE PRESIDENT

ATTEST: VILLAGE CLERK

STATE OF ILLINOIS
COUNTY OF JES

THIS IS TO CERTIFY THAT WE, WEBSTER, MCGRATH & AHLBERG LTD., HAVE PREPARED
THE MAP HEREON FROM OFFICIAL RECORDS FOR THE PURPOSE OF ANNEXING THE SAME
TO THE VILLAGE OF NORTH AURORA, ILLINOIS, AND THE MAP HEREON IS A CORRECT
REPRESENTATION OF THE PROPERTY TO BE ANNEXED.

GIVEN UNDER MY HAND AND SEAL AT WEBSTER, ILLINOIS THIS DAY OF

A.D. 20

WEBSTER, MCGRATH & AHLBERG LTD.

ILLINOIS LAND SURVEYOR NO. 3861
JAMES L. VETTER
307 S. BROADWAY STREET
WEBSTER, ILLINOIS 61597
(815) 968-1901



PLAT OF ANNEXATION			
LOCATION		38W22N OAK STREET NORTH AURORA, IL	
PREPARED FOR		ENCLOSING MANAGEMENT, INC. 143 S. BROADWAY, SUITE 101 WEBSTER, IL 61597	
PREPARED BY		WEBSTER, MCGRATH & AHLBERG LTD. 143 S. BROADWAY, SUITE 101 WEBSTER, IL 61597	
DATE	ATTEST	DATE	BY
01-29-18	BC	01-29-18	BC
COUNTY		JES	
TOWNSHIP		38N	
RANGE		8E	
SECTION		8	
SHEET		1 of 1	





Scale: 1" = 40'

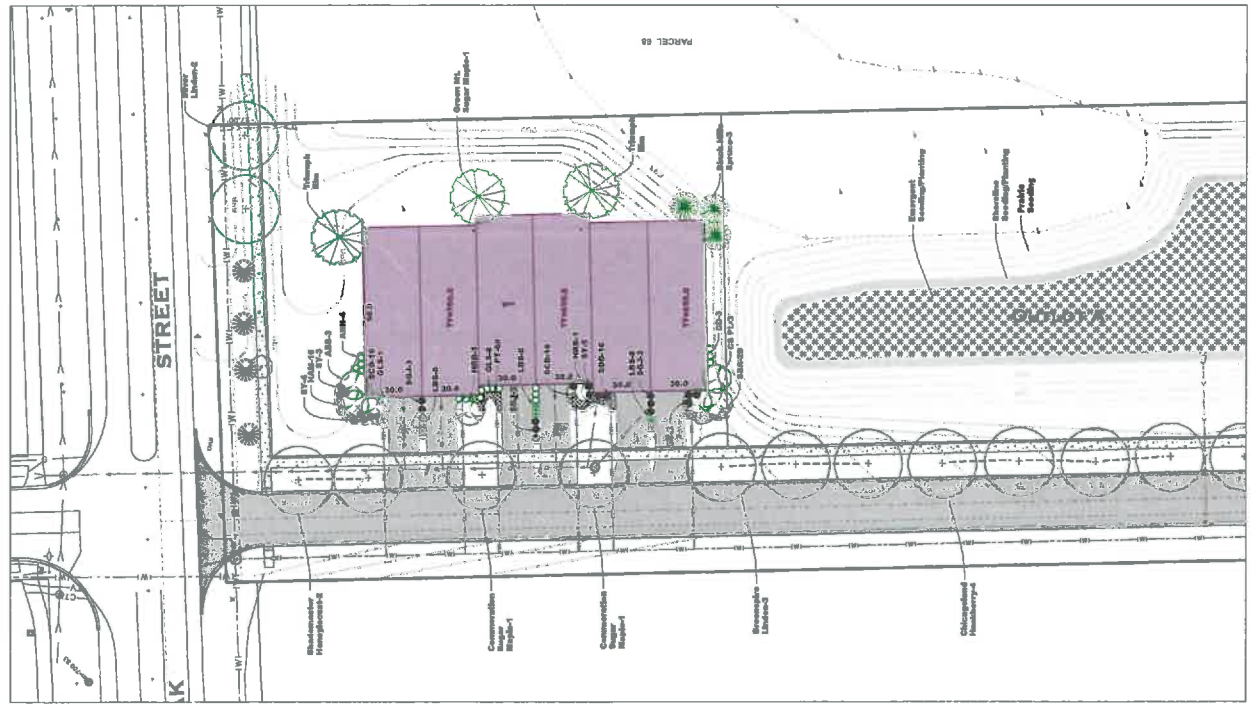
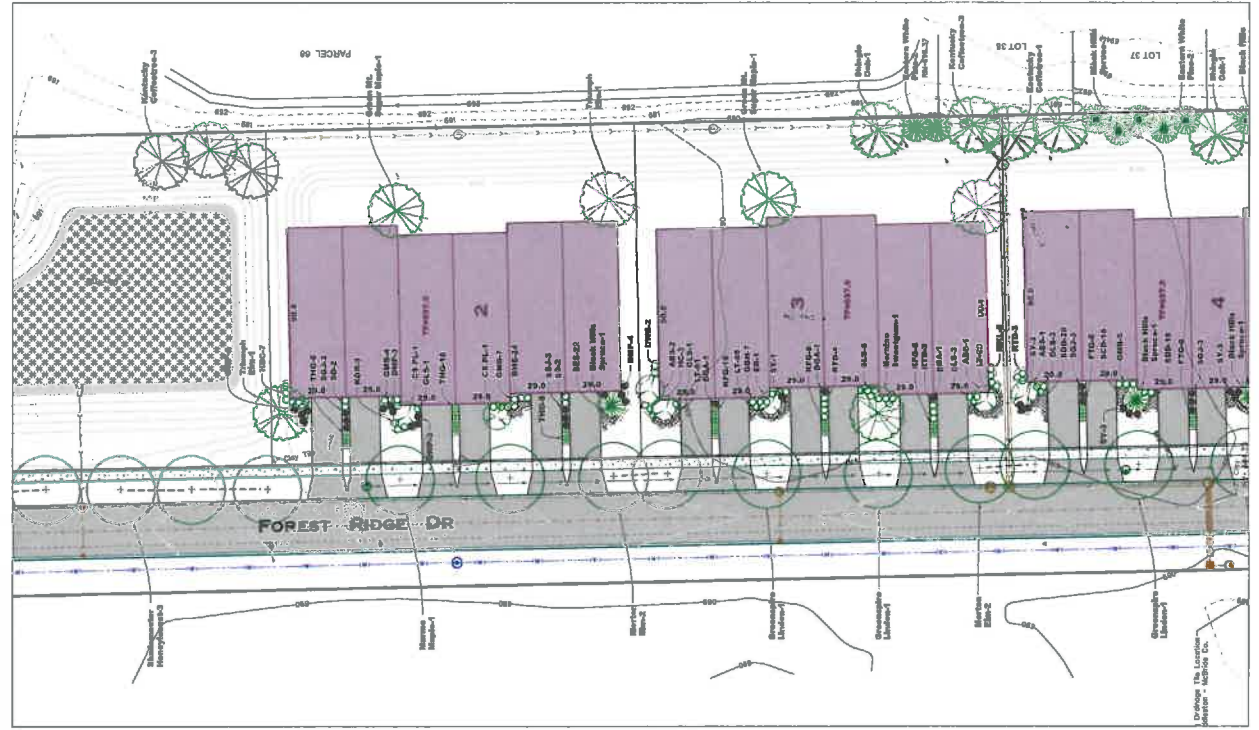
FOREST RIDGE TOWNHOMES
FOREST RIDGE & OAK STREET, NORTH AURORA, IL
Project No. 142
ENJOYING MANAGEMENT, INC.
142 N. Forest Road, Suite 101
North Aurora, IL 60062
312.333.3333

MMA
WESTERN, HODGKIN & ANDERSON, LTD.
Landscape Architecture
1000 West 10th Street, Suite 100
Chicago, IL 60608
312.467.1000

SY	PLANT	QUANTITY	NOTES
1	1" WHITE	100	1" WHITE
2	2" WHITE	100	2" WHITE
3	3" WHITE	100	3" WHITE
4	4" WHITE	100	4" WHITE
5	5" WHITE	100	5" WHITE
6	6" WHITE	100	6" WHITE
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100	100" WHITE	100	100" WHITE

LANDSCAPE PLAN - NORTH

L-1





FOREST RIDGE TOWNHOMES
FOREST RIDGE & OAK STREET, NORTH AURORA, IL

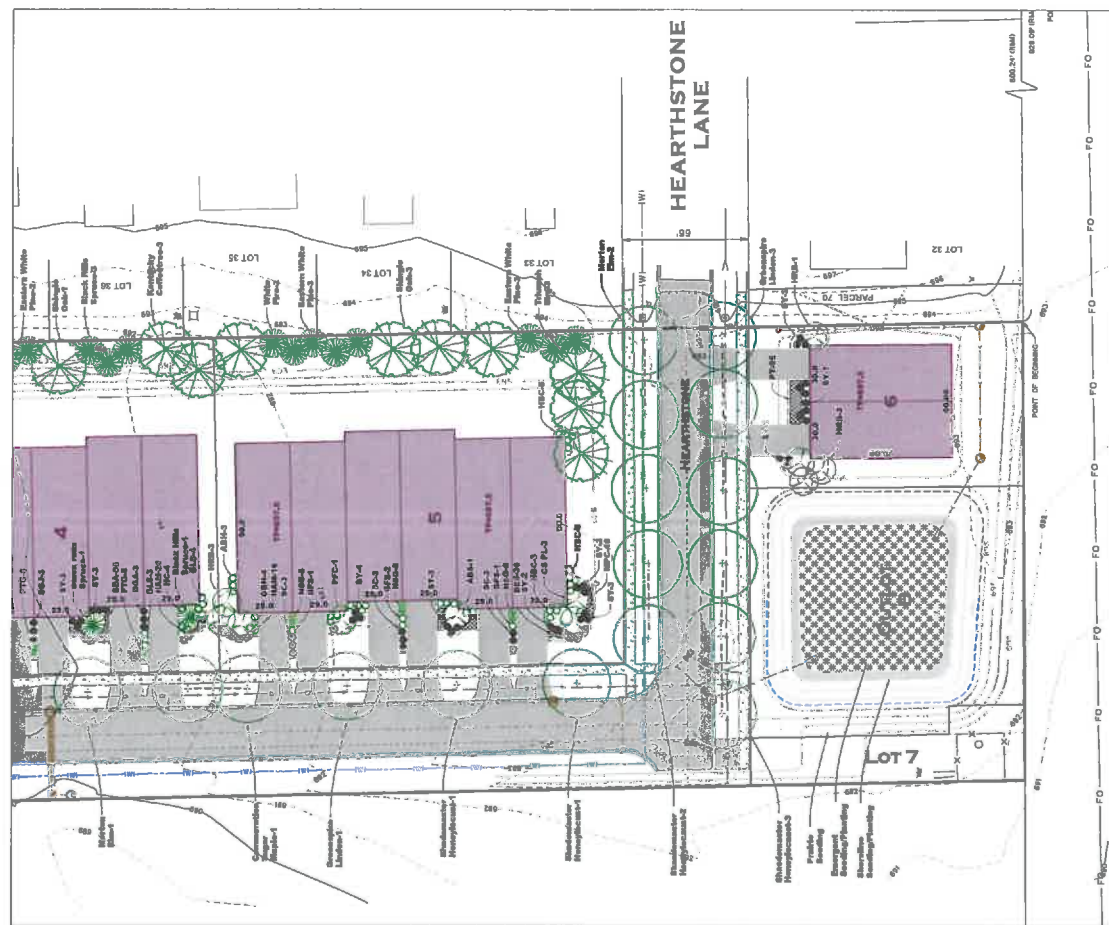
ENRURING MANAGEMENT, INC.
142 E. RANDALL ROAD, SUITE 101
GRANDVIEW, IL 60030
630-299-0700



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[illegible]LANDSCAPE
PLAN - SOUTH

L-2

[illegible]

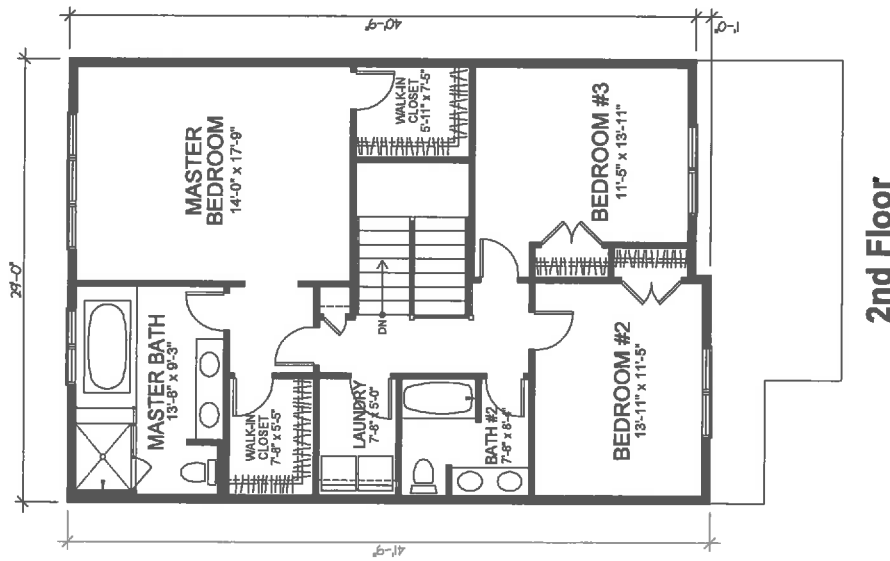
NAME	ADDRESS	CITY	STATE	ZIP	DATE	TIME	REMARKS
JOHN A. BROWN	1234 Main St.	Springfield	MA	01103	10/15/78	10:30	Arrived on time, good work.
MARY K. WHITE	5678 Oak Ave.	Springfield	MA	01103	10/15/78	11:00	Left early, family emergency.
ROBERT L. GREEN	9101 Elm St.	Springfield	MA	01103	10/15/78	11:30	Arrived late, traffic jam.
JANE D. BLACK	2345 Pine St.	Springfield	MA	01103	10/15/78	12:00	Arrived on time, good work.
WILLIAM H. BLUE	6789 Maple St.	Springfield	MA	01103	10/15/78	12:30	Arrived on time, good work.
CHARLES E. RED	10110 Cedar St.	Springfield	MA	01103	10/15/78	13:00	Arrived on time, good work.
BARBARA J. YELLOW	11111 Birch St.	Springfield	MA	01103	10/15/78	13:30	Arrived on time, good work.
THOMAS M. PURPLE	12122 Spruce St.	Springfield	MA	01103	10/15/78	14:00	Arrived on time, good work.
ANGELA R. PINK	13133 Fir St.	Springfield	MA	01103	10/15/78	14:30	Arrived on time, good work.
DAVID L. BROWN	14144 Ash St.	Springfield	MA	01103	10/15/78	15:00	Arrived on time, good work.
SARAH K. WHITE	15155 Hickory St.	Springfield	MA	01103	10/15/78	15:30	Arrived on time, good work.
JOHN A. GREEN	16166 Walnut St.	Springfield	MA	01103	10/15/78	16:00	Arrived on time, good work.
MARY K. BLUE	17177 Chestnut St.	Springfield	MA	01103	10/15/78	16:30	Arrived on time, good work.
ROBERT L. RED	18188 Sycamore St.	Springfield	MA	01103	10/15/78	17:00	Arrived on time, good work.
JANE D. YELLOW	19199 Poplar St.	Springfield	MA	01103	10/15/78	17:30	Arrived on time, good work.
WILLIAM H. PURPLE	20200 Magnolia St.	Springfield	MA	01103	10/15/78	18:00	Arrived on time, good work.
CHARLES E. PINK	21211 Dogwood St.	Springfield	MA	01103	10/15/78	18:30	Arrived on time, good work.
BARBARA J. BROWN	22222 Redwood St.	Springfield	MA	01103	10/15/78	19:00	Arrived on time, good work.
THOMAS M. WHITE	23233 Cypress St.	Springfield	MA	01103	10/15/78	19:30	Arrived on time, good work.
ANGELA R. GREEN	24244 Juniper St.	Springfield	MA	01103	10/15/78	20:00	Arrived on time, good work.
DAVID L. BLUE	25255 Cedar St.	Springfield	MA	01103	10/15/78	20:30	Arrived on time, good work.
SARAH K. RED	26266 Birch St.	Springfield	MA	01103	10/15/78	21:00	Arrived on time, good work.
JOHN A. YELLOW	27277 Spruce St.	Springfield	MA	01103	10/15/78	21:30	Arrived on time, good work.
MARY K. PURPLE	28288 Fir St.	Springfield	MA	01103	10/15/78	22:00	Arrived on time, good work.
ROBERT L. PINK	29299 Ash St.	Springfield	MA	01103	10/15/78	22:30	Arrived on time, good work.
JANE D. BROWN	30300 Hickory St.	Springfield	MA	01103	10/15/78	23:00	Arrived on time, good work.
WILLIAM H. WHITE	31311 Walnut St.	Springfield	MA	01103	10/15/78	23:30	Arrived on time, good work.
CHARLES E. GREEN	32322 Chestnut St.	Springfield	MA	01103	10/15/78	24:00	Arrived on time, good work.
BARBARA J. BLUE	33333 Sycamore St.	Springfield	MA	01103	10/15/78	24:30	Arrived on time, good work.
THOMAS M. RED	34344 Poplar St.	Springfield	MA	01103	10/15/78	25:00	Arrived on time, good work.
ANGELA R. YELLOW	35355 Magnolia St.	Springfield	MA	01103	10/15/78	25:30	Arrived on time, good work.
DAVID L. PURPLE	36366 Dogwood St.	Springfield	MA	01103	10/15/78	26:00	Arrived on time, good work.
SARAH K. PINK	37377 Redwood St.	Springfield	MA	01103	10/15/78	26:30	Arrived on time, good work.
JOHN A. BROWN	38388 Cypress St.	Springfield	MA	01103	10/15/78	27:00	Arrived on time, good work.
MARY K. WHITE	39399 Juniper St.	Springfield	MA	01103	10/15/78	27:30	Arrived on time, good work.
ROBERT L. GREEN	40400 Cedar St.	Springfield	MA	01103	10/15/78	28:00	Arrived on time, good work.
JANE D. BLUE	41411 Birch St.	Springfield	MA	01103	10/15/78	28:30	Arrived on time, good work.
WILLIAM H. RED	42422 Spruce St.	Springfield	MA	01103	10/15/78	29:00	Arrived on time, good work.
CHARLES E. YELLOW	43433 Fir St.	Springfield	MA	01103	10/15/78	29:30	Arrived on time, good work.
BARBARA J. PURPLE	44444 Ash St.	Springfield	MA	01103	10/15/78	30:00	Arrived on time, good work.
THOMAS M. PINK	45455 Hickory St.	Springfield	MA	01103	10/15/78	30:30	Arrived on time, good work.
ANGELA R. BROWN	46466 Walnut St.	Springfield	MA	01103	10/15/78	31:00	Arrived on time, good

Proposed changes

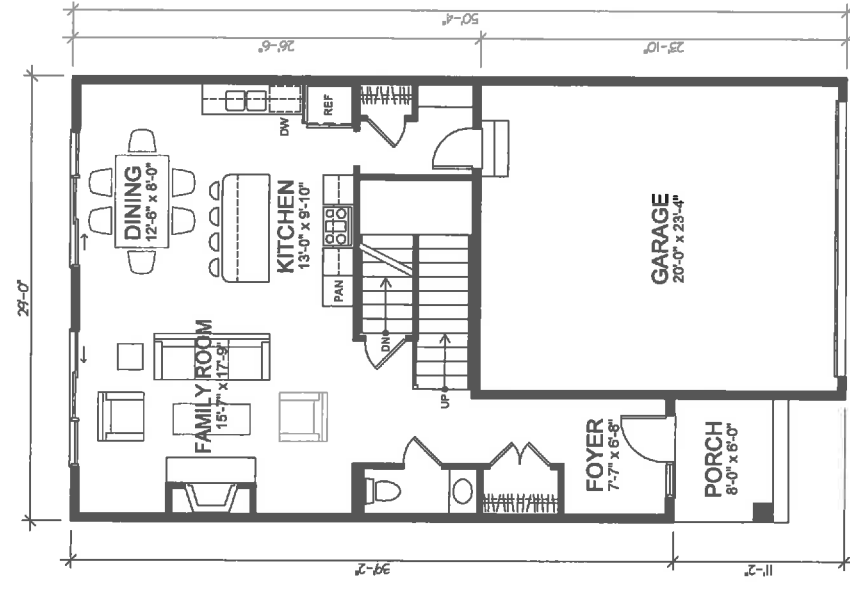
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Species List	2020 Species Checklist
1. American Robin	25/03/20
2. House Sparrow	26/03/20
3. Starling	27/03/20
4. Pigeon	28/03/20
5. Magpie	29/03/20
6. Crow	30/03/20
7. Jackdaw	31/03/20
8. Raven	01/04/20
9. Magpie	02/04/20
10. Starling	03/04/20
11. Pigeon	04/04/20
12. House Sparrow	05/04/20
13. American Robin	06/04/20
14. Jackdaw	07/04/20
15. Crow	08/04/20
16. Raven	09/04/20
17. Magpie	10/04/20
18. Starling	11/04/20
19. Pigeon	12/04/20
20. House Sparrow	13/04/20
21. American Robin	14/04/20
22. Jackdaw	15/04/20
23. Crow	16/04/20
24. Raven	17/04/20
25. Magpie	18/04/20
26. Starling	19/04/20
27. Pigeon	20/04/20
28. House Sparrow	21/04/20
29. American Robin	22/04/20
30. Jackdaw	23/04/20
31. Crow	24/04/20
32. Raven	25/04/20
33. Magpie	26/04/20
34. Starling	27/04/20
35. Pigeon	28/04/20
36. House Sparrow	29/04/20
37. American Robin	30/04/20
38. Jackdaw	01/05/20
39. Crow	02/05/20
40. Raven	03/05/20
41. Magpie	04/05/20
42. Starling	05/05/20
43. Pigeon	06/05/20
44. House Sparrow	07/05/20
45. American Robin	08/05/20
46. Jackdaw	09/05/20
47. Crow	10/05/20
48. Raven	11/05/20
49. Magpie	12/05/20
50. Starling	13/05/20
51. Pigeon	14/05/20
52. House Sparrow	15/05/20
53. American Robin	16/05/20
54. Jackdaw	17/05/20
55. Crow	18/05/20
56. Raven	19/05/20
57. Magpie	20/05/20
58. Starling	21/05/20
59. Pigeon	22/05/20
60. House Sparrow	23/05/20
61. American Robin	24/05/20
62. Jackdaw	25/05/20
63. Crow	26/05/20
64. Raven	27/05/20
65. Magpie	28/05/20
66. Starling	29/05/20
67. Pigeon	30/05/20
68. House Sparrow	31/05/20
69. American Robin	01/06/20
70. Jackdaw	02/06/20
71. Crow	03/06/20
72. Raven	04/06/20
73. Magpie	05/06/20
74. Starling	06/06/20
75. Pigeon	07/06/20
76. House Sparrow	08/06/20
77. American Robin	09/06/20
78. Jackdaw	10/06/20
79. Crow	11/06/20
80. Raven	12/06/20
81. Magpie	13/06/20
82. Starling	14/06/20
83. Pigeon	15/06/20
84. House Sparrow	16/06/20
85. American Robin	17/06/20
86. Jackdaw	18/06/20
87. Crow	19/06/20
88. Raven	20/06/20
89. Magpie	21/06/20
90. Starling	22/06/20
91. Pigeon	23/06/20
92. House Sparrow	24/06/20
93. American Robin	25/06/20
94. Jackdaw	26/06/20
95. Crow	27/06/20
96. Raven	28/06/20
97. Magpie	29/06/20
98. Starling	30/06/20
99. Pigeon	01/07/20
100. House Sparrow	02/07/20
101. American Robin	03/07/20
102. Jackdaw	04/07/20
103. Crow	05/07/20
104. Raven	06/07/20
105. Magpie	07/07/20
106. Starling	08/07/20
107. Pigeon	09/07/20
108. House Sparrow	10/07/20
109. American Robin	11/07/20
110. Jackdaw	12/07/20
111. Crow	13/07/20
112. Raven	14/07/20
113. Magpie	15/07/20
114. Starling	16/07/20
115. Pigeon	17/07/20
116. House Sparrow	18/07/20
117. American Robin	19/07/20
118. Jackdaw	20/07/20
119. Crow	21/07/20
120. Raven	22/07/20
121. Magpie	23/07/20
122. Starling	24/07/20
123. Pigeon	25/07/20
124. House Sparrow	26/07/20
125. American Robin	27/07/20
126. Jackdaw	28/07/20
127. Crow	29/07/20
128. Raven	30/07/20
129. Magpie	31/07/20
130. Starling	01/08/20
131. Pigeon	02/08/20
132. House Sparrow	03/08/20
133. American Robin	04/08/20
134. Jackdaw	05/08/20
135. Crow	06/08/20
136. Raven	07/08/20
137. Magpie	08/08/20
138. Starling	09/08/20
139. Pigeon	10/08/20
140. House Sparrow	11/08/20
141. American Robin	12/08/20
142. Jackdaw	13/08/20
143. Crow	14/08/20
144. Raven	15/08/20
145. Magpie	16/08/20
146. Starling	17/08/20
147. Pigeon	18/08/20
148. House Sparrow	19/08/20
149. American Robin	20/08/20
15	

UUT7T0-9801187734644-003002-KennethOB-SAT0411SLCv2App Model L2 Date : 7/9/2020



2nd Floor



1st Floor

1st Floor	876 s.f.
2nd Floor	1,122 s.f.
2nd Floor	1,998
Garage	482 s.f.

ARCHAMERICA
 34121 N. US 45, Suite 213
 Graylake, Illinois 60030
 Phone 847-336-6600
 Fax 847-336-6601

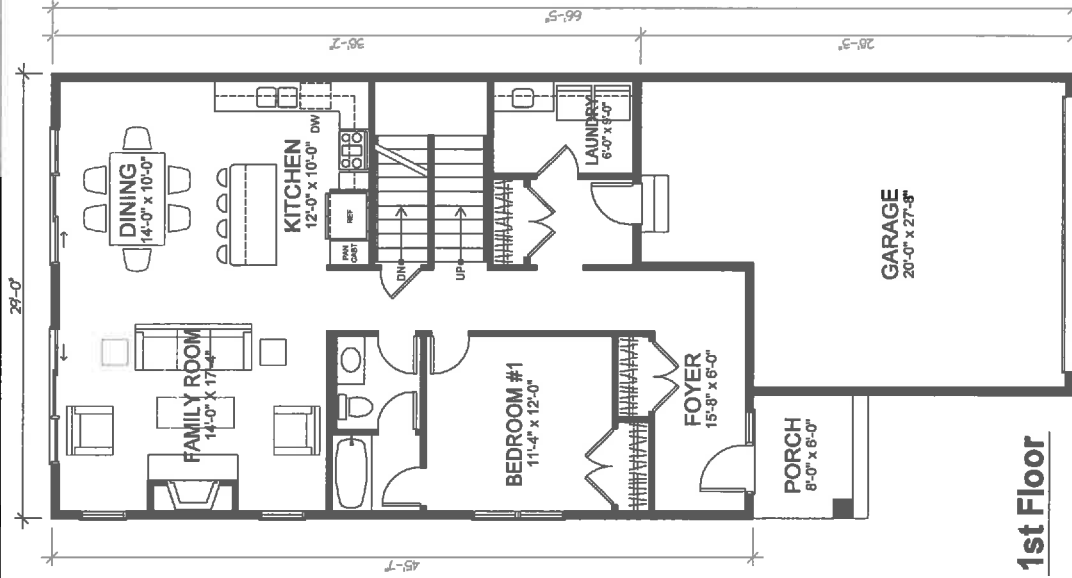
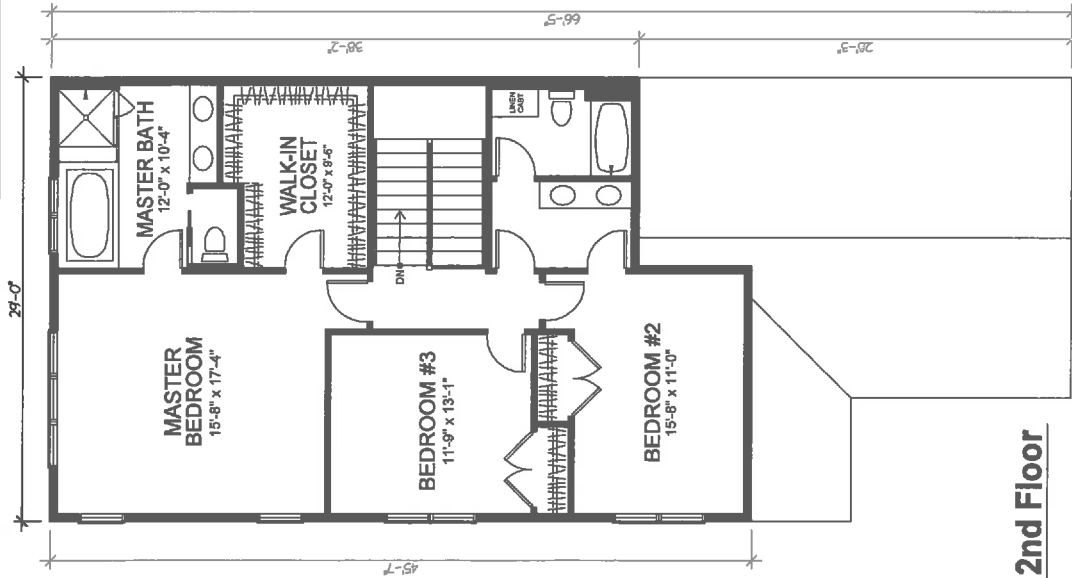
3 Bedroom Townhome



PROPOSED TOWNHOME DEVELOPMENT

Forest Ridge Townhomes

FOREST RIDGE & OAK STREET NORTH AURORA, ILLINOIS
 SEPTEMBER 1, 2020
 ARCHAMERICA JOB NO. 19113



1st FLOOR	1,229 s.f.
2nd FLOOR	1,137 s.f.
2nd FLOOR	2,366 s.f.
GARAGE	527 s.f.

2nd Floor

1st Floor



34121 N. US 45, Suite 213
Grayslake, Illinois 60030
Phone 847-338-8600
Fax 847-338-8601

4 Bedroom Townhome



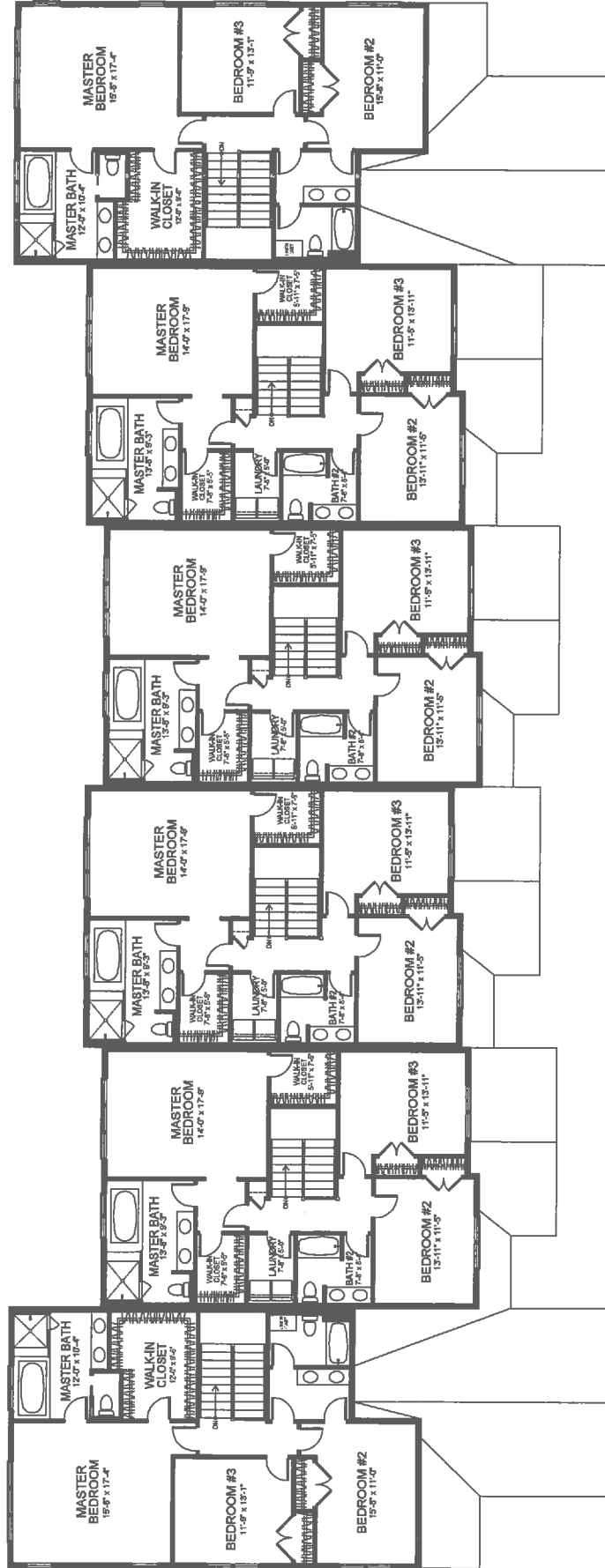
PROPOSED TOWNHOME DEVELOPMENT

Forest Ridge Townhomes

FOREST RIDGE & OAK STREET NORTH AURORA, ILLINOIS

SEPTEMBER 1, 2020

ArchAmerica Job No. 19112

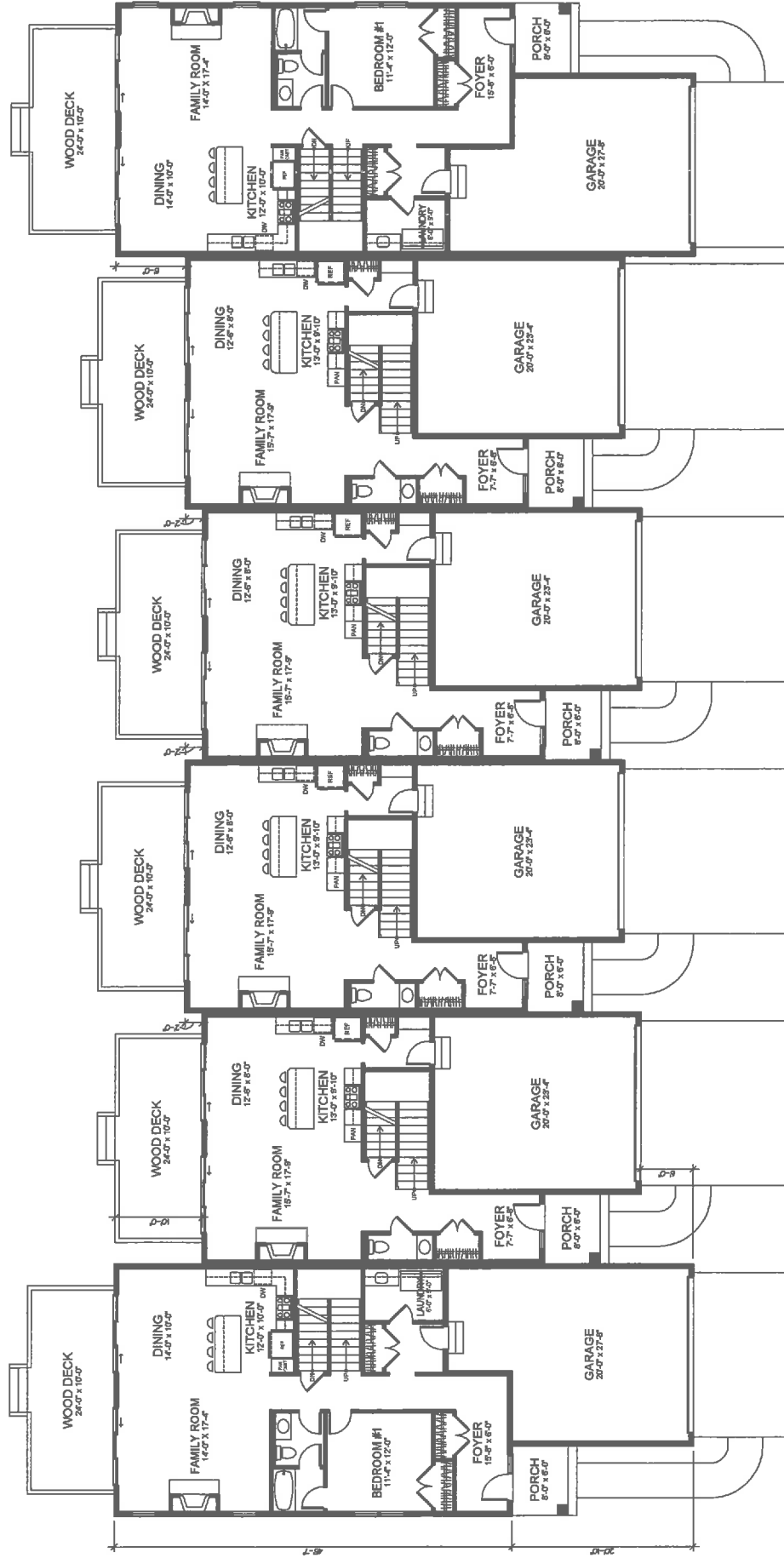


PROPOSED TOWNHOME DEVELOPMENT
Forest Ridge Townhomes
 FOREST RIDGE & OAK STREET NORTH AURORA, ILLINOIS
 SEPTEMBER 1, 2020
ArchAmerica Job No. 10118

6 Unit Building - 2nd Floor Plan



ARCHAMERICA
 Phone 847-338-9600
 Fax 847-338-9601
 34121 N. US 45, Suite 213
 Grayslake, Illinois 60030



PROPOSED TOWNHOME DEVELOPMENT
Forest Ridge Townhomes
 FOREST RIDGE & OAK STREET NORTH AURORA, ILLINOIS
 SEPTEMBER 1, 2020
 Approved Job No. 18115

6 Unit Building - 1st Floor Plan



ARCHAMERICA
 34121 N. US 45, Suite 213
 Grayslake, Illinois 60030
 Phone 847-336-6600
 Fax 847-336-6601



ARCHAMERICA
 34121 N. US 45, Suite 213
 Grayslake, Illinois 60030
 Phone 847-338-6600
 Fax 847-338-6601

6 Unit Building - Front Elevation



PROPOSED TOWNHOME DEVELOPMENT

Forest Ridge Townhomes

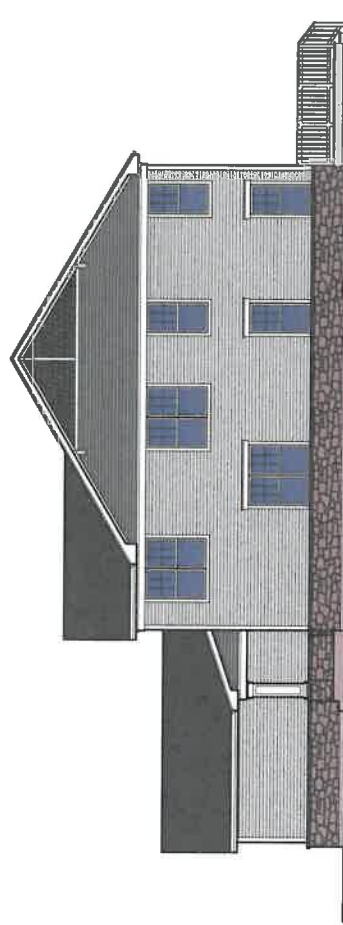
FOREST RIDGE & OAK STREET NORTH AURORA, ILLINOIS

SEPTEMBER 1, 2020

Architectural Job No. 13118



Rear Elevation



End Elevation

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Grayslake, Illinois 60030

Phone 847-336-6600
Fax 847-336-6601

6 Unit Building - Elevations



PROPOSED TOWNHOME DEVELOPMENT

Forest Ridge Townhomes

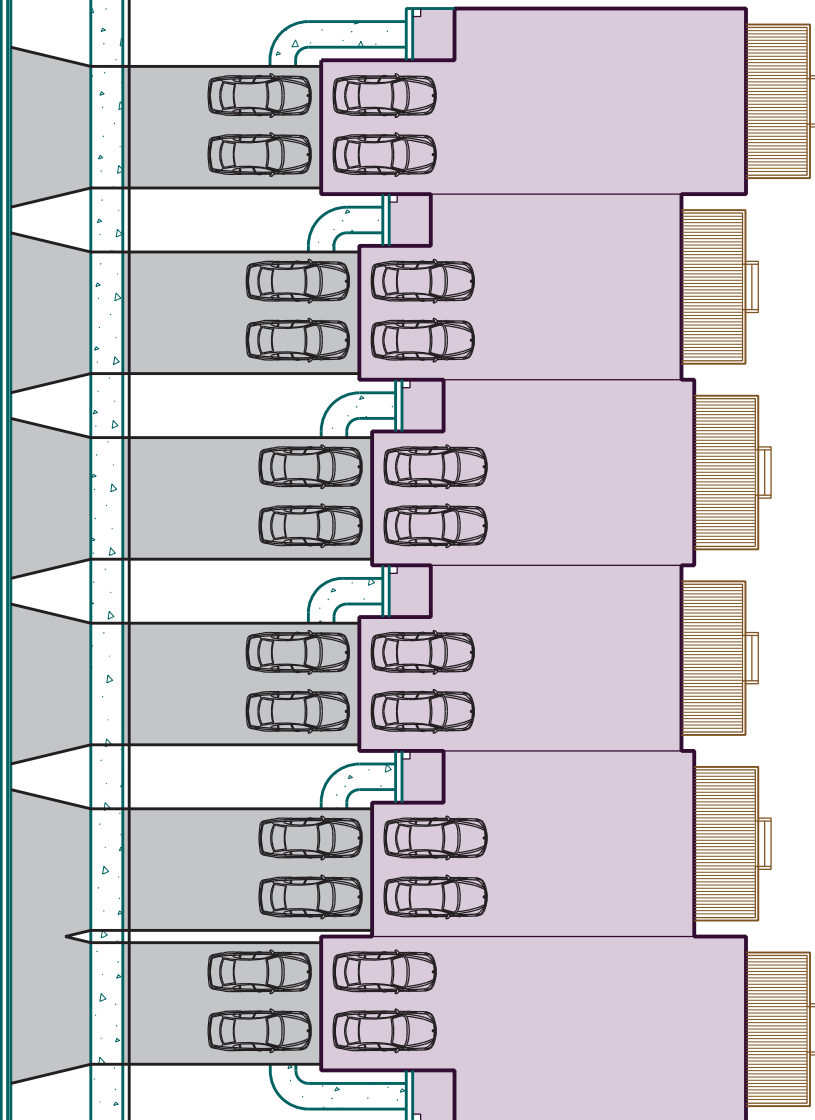
FOREST RIDGE & OAK STREET NORTH AURORA, ILLINOIS

SEPTEMBER 1, 2020

ARCHAMERICA JOB NO. 19718

TYPICAL PARKING EXHIBIT

Parking Requirement = 2 spaces per unit
Parking Proposed = 4 spaces per unit



WEBSTER, MCGRATH & AHLBERG, LTD.

WMA

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207 SOUTH NAPERVILLE ROAD, WHEATON, ILLINOIS 60187

PH: (630)668-7603 WEB: WWW.WMALTD.COM

DESIGN FIRM LICENSE No. 184-003101



MEMORANDUM

TO: Village of North Aurora

FROM: Kevin G. Drendel

DATE: 09/15/2020

RE: Changing from Elected to Appointed Clerk Position

~~~~~

The propriety of changing the Village Clerk position from an elected to appointed position has been discussed since Lori Murray moved away. Changing the Village Clerk from an elected position to an appointed position is considered a change in the form of government under the Illinois Constitution. Changing the form of government requires a referendum at a regularly scheduled general election. There are two ways to place a referendum on a general election ballot. The referendum can be prompted either by the passage of a resolution *or* the filing of a petition signed by citizens in a number that is at least eight percent (8%) of the total votes cast for candidates for Governor in the preceding gubernatorial election. 10 ILCS 5/28-7.

If the question is to be raised by the Board, a resolution initiating the referendum must be adopted not less than 79 days before a regularly scheduled election to be eligible for submission on the ballot at such election. 10 ILCS 5/28-2. Since the next election is being held on November 3, 2020, the Village would have to have passed an resolution/ordinance providing for a referendum to change the Village Clerk and Treasurer positions from elected to appointed by **August 17, 2020**, the second meeting in August. Thus, we are too late for the next election.

Not less than 68 days before a regularly scheduled election, the local election official must certify the public question to Kane County. 10 ILCS 5/28-5. The Certification must include the form of the question, the date on which the question was initiated (i.e. date of resolution), and a certified copy of the resolution.

“Regular election” is defined as the general election, general primary, consolidated election and consolidated primary elections. The even numbered year municipal primary is only a regular election when a municipal primary is required to be held on such date. No public question is to be submitted to the voters at a regular election unless voters are scheduled to cast votes for candidates for nomination for, election to, or retention in office. 10 ILCS 5/28-1. While the next election is technically February 23, 2021, it is a consolidated primary election. Village Trustees are non-partisan and will not hold a primary when an office is uncontested. An office is uncontested when not more than four (4) persons are nominated for each office. In the last two consolidated primary elections, the Village did not have more than four nominated individuals for each office.

The next consolidated election will occur on April 6, 2021, which means **the resolution/ordinance would need to be adopted by January 16, 2021 and certified by January 27, 2020.**



## MEMORANDUM

Since we are past the point in which we could get the referendum on the next general election (in November), and someone may choose to run for the office of Village Clerk, it might make sense for us to wait and see. We have until January 16, 2021, to take action to put the question to the voters in April. We can wait and see if anyone runs for the Village Clerk office.

Whether someone runs for the position may affect whether the Board wants to put the question to the voters. If no one runs for the clerk position, we would have time to approve a referendum to change to an appointed clerk position. If someone does run for the clerk position, but we still think it is a good idea to change the position, we might do it first as an advisory referendum. If the advisory referendum passes, then we can run the referendum question to change the position at a later election.

There is very little guidance regarding what the resolution/ordinance must contain. Some guidance is, however, derived from the Election Code section governing Petitions. At the very least, the resolution should contain:

1. The form of the public question;
2. Designation that it is for the voters of the Village;
3. Where and how the ordinance is submitted;
4. Date of the election;
5. Date of the ordinance.

If the Board wants to approve a referendum on the question of the elected Clerk position, this would be appropriate wording for the referendum question:

Shall the elected office of the Village Clerk of the Village of North Aurora be abolished, and the duties of the Village Clerk be assigned to Village staff at a cost savings to the Village?