

ORDINANCE NO. O2020-11

AN ORDINANCE APPROVING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AND A FINAL PLAT OF SUBDIVISION FOR THE WARRENVILLE HORIZON SENIOR LIVING COMMUNITY (28W620, 28W642, 28W646 Batavia Road)

WHEREAS, 28W620 Batavia Road, LLC, an Illinois limited liability company of which Mudhukant A. Shah a/k/a Mike Shah is the managing member ("**Parcel 1 Owner**"), is the owner of that certain real property commonly known as 28W620 Batavia Road, Warrenville, Illinois, and legally described in **Exhibit A ("Parcel 1")**; and

WHEREAS, Joan M. Aletto, as Trustee under the Joan M. Aletto Revocable Trust dated March 30, 1987 ("**Parcel 2 Owner**"), is the owner of that certain property commonly known as 28W642 Batavia Road, Warrenville, Illinois, and legally described in **Exhibit A ("Parcel 2")**; and

WHEREAS, Philip Adler and Megan Adler (collectively, "**Parcel 3 Owner**") are the owners of that certain property commonly known as 28W620 Batavia Road, Warrenville, Illinois, and legally described in **Exhibit A ("Parcel 3")**; and

WHEREAS, David E. Franklin and Yuan Yu Franklin (collectively, "**Parcel 4 Owner**") are the owners of that certain property commonly known as 28W620 Batavia Road, Warrenville, Illinois, and legally described in **Exhibit A ("Parcel 4")**; and

WHEREAS, the Alden Foundation, an Illinois not-for-profit corporation ("**Applicant**"), is the contract purchaser of Parcel 1, Parcel 2, Parcel 3, and Parcel 4 (collectively, the "**Property**"); and

WHEREAS, Applicant desires to demolish the existing structures on the Property and redevelop the Property with: (i) a three-story age-restricted senior housing building with 71 apartment-style units and common area amenities ("**Building**"); (ii) 71 surface off-street parking spaces; (iii) outdoor common area improvements including a patio and seating areas; and (iv) designated open space along the West Branch of the DuPage River (collective, (i) through (iv) are the "**Proposed Development**"); and

WHEREAS, on July 15, 2019, the City Council adopted Ordinance No. O2019-40 ("**Preliminary PUD Ordinance**"), approving: (i) a preliminary planned development plan for the Property; (ii) a map amendment and rezoning of the Property to the R-6 Multi-Family Residential District; (iii) a preliminary plat of subdivision for the Property; (iv) a variation from Chapter 14 of Title 8 of the City Code ("**Sign Ordinance**"); and (v) certain exceptions and variations from the Zoning Ordinance within the proposed planned development; and

WHEREAS, in order to construct the Proposed Development on the Property, pursuant to the applicable sections of the Warrenville Zoning Ordinance ("**Zoning Ordinance**") and the Subdivision Control Ordinance for the City of Warrenville ("**Subdivision Control Ordinance**"), the Applicant, with the consent of the Parcel 1 Owner, the Parcel 2 Owner, the Parcel 3 Owner, and the Parcel 4 Owner, filed an application with the City for approval of: (i) a final planned unit development plan for the Property ("**Final PUD Plan**"); (ii) a special use permit for a planned unit development plan for the Property ("**Special Use Permit**"); (iii) a final plat of subdivision for the Property, which contemplates the consolidation and resubdivision of the Property into two lots of record, an approximately 2.35-acre parcel ("**Lot 1**") and an approximately 1.58-acre parcel ("**Lot**

2”) (**“Final Plat of Subdivision”**) (collectively, (i) through (vii) are the **“Requested Approvals”**); and

WHEREAS, Applicant proposes the Proposed Development will be constructed on Lot 1 and owned by Warrenville Horizon Limited Partnership (**“Developer”**); and

WHEREAS, the Developer will consist of a general partner, Warrenville Horizon, Inc., which will be wholly owned by Applicant, and a limited partner; and

WHEREAS, Applicant proposes that Lot 2 will be conveyed to the Forest Preserve of DuPage County and preserved as open space; and

WHEREAS, Applicant also requested a waiver of the required school land dedication or cash contribution and a reduction of the required park land dedication or cash contribution, as set forth in Section 8-12-1 of the City Code (collectively, **“Donation Reduction Request”**), which Donation Reduction Request included demographic data based on the fact that the Proposed Development will be restricted to residents of at least 62-years of age; and

WHEREAS, on November 11, 2019, the Community Development Committee of the Whole (**“CDC Committee”**), at its regularly scheduled meeting, considered the Donation Reduction Request and the data submitted by the Applicant and made a recommendation to the Mayor and the City Council to approve the Donation Reduction Request; and

WHEREAS, on February 20, 2020, the Plan Commission, at its regularly scheduled meeting, considered the Requested Approvals, received testimony, and heard public comments; and

WHEREAS, on February 20, 2020, the Plan Commission adopted Findings of Fact, Project Number 2019-0028, recommending that the Mayor and the City Council approve the Requested Approvals; and

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

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

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

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

**SECTION 2: Approval of Special Use Permit.** In accordance with Sections 7 and 8 of the Zoning Ordinance, and subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 6 and 7 of this Ordinance, the City Council approves the Special Use Permit to allow the Proposed Development on the Property.

**SECTION 3: Approval of the Final PUD Plan.** In accordance with Section 8 of the Zoning Ordinance, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 6 and 7 of this Ordinance, the City Council approves the Final PUD Plan, which consists of: (i) the Geometry Plan, labeled Sheet C.3 of the Final Engineering Plans prepared by Engineering Resource Associates, and dated January 23, 2020, attached to and, by this reference, made a part of this Ordinance as **Exhibit B (“PUD Site Plan”)**; and (ii) the documents referred to collectively as the **“Final PUD Documents”** and listed on **Exhibit C** attached to this Ordinance. The Final PUD Documents and Exhibit C are, by this reference, made a part of this Ordinance.

**SECTION 4: Approval, Execution, and Recordation of the Final Plat of Subdivision.**

A. Approval of the Final Plat of Subdivision. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 6 and 7 of this Ordinance, and in accordance with Article 6 of the Subdivision Control Ordinance, the Final Plat of Subdivision, titled “Alden Warrenville Subdivision”, consisting of two sheets, prepared by Edward J. Molloy & Associates, and dated January 9, 2020 attached to and, by this reference, made a part of this Ordinance as **Exhibit D**, which contemplates the consolidation and resubdivision of Parcel 1, Parcel 2, Parcel 3, and Parcel 4 into two lots of record, is hereby, approved, subject to the revisions thereto required by Section 6 of this Ordinance.

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

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

**SECTION 5: Approval of Donation Reduction Request.** Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in this Ordinance, including specifically, but without limitation, Sections 6 and 7 of this Ordinance, and in accordance with Section 8-12-1 of the Code, the City Council approves the Donation Reduction Request to: (i) waive the school land donation or cash equivalent contribution; and (ii) reduce the park land donation or cash equivalent required for the Project from .75 acres or a cash equivalent contribution of \$112,500 to .579 acres or cash equivalent contribution of \$86,850.

**SECTION 6: Conditions.** Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the City Code, the Zoning Ordinance, or the Subdivision Control Ordinance or any other rights the Applicant may have, the approvals granted in Sections 2, 3, and 4 of this Ordinance are hereby expressly subject to and contingent upon the conditions, concepts, restrictions, limitations, and provisions set forth in this Section (collectively, the **“Conditions”**).

A. Standard Conditions.

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

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

B. Other Conditions.

1. Age-Restricted Development Requirement. The amount of on-site parking for the Proposed Development and the Donation Reduction Request were approved based upon, and in consideration of, the Applicant's representation that the Proposed Development will be a senior housing community in which only residents at least 62-years old may reside ("**Age-Restricted Development**"). Applicant and the Developer, and their respective heirs, successors, legatees, and assigns, including any future owner of the Property, shall operate the Proposed Development as an Age-Restricted Development. Any proposal to use the Proposed Development for another use shall require the approval of the City Council.

2. Land Donation or Cash Contribution Reconciliation. In the event that Applicant obtains City Council approval to use the Proposed Development for a use other than as an Age-Restricted Development, Applicant shall pay to the City the difference between the cash contribution paid to the City pursuant to this Ordinance and cash contribution for both school and park purposes that is required for the proposed use, using either the standards and ratios applicable on the effective date of this Ordinance or the standards and ratios applicable at the time of the proposed change in use, whichever results in the greater cash contribution.

3. No Tax Exemption. Lot 1 shall not become a tax-exempt property.

4. Occupancy Data. As part of its Donation Reduction Request, Applicant submitted an estimated occupancy for the Proposed Development of 75 residents ("**Estimated Occupancy**"). Within 45 days after the final certificate of occupancy is issued for the Proposed Development ("**Reassessment Period**"), Applicant shall submit to the Community Development Department a chart detailing the actual number of occupants of the Proposed Development ("**Actual Occupancy**"). If the Actual Occupancy during the Reassessment Period is greater than the Estimated Occupancy, the Applicant shall pay the applicable park cash contribution required pursuant Donation Reduction Request for each and every resident that exceeds the Estimated Occupancy ("**Cash Contribution Reassessment**"). The obligations set forth in this Subsection 4 shall terminate upon the occurrence of both of the following: (i) the expiration of the Reassessment Period, and (ii) the payment of the Cash Contribution Reassessment to the City.

5. Civil Engineer Review. The Applicant and the Developer shall comply with the review comments and recommendations outlined in the Civil Engineering Review Memo, consisting of six pages, prepared by Senior Civil Engineer Kristine Hocking, and dated February 12, 2020, attached to and, by this reference, made a part of this Ordinance as **Exhibit E (“Engineering Review Memo”)**.

6. Warrenville Fire Protection District Review. The Applicant and the Developer shall address and comply with City Code-supported comments outlined in the Warrenville Fire Protection District’s Review Memo, consisting of three sheets, prepared by Fire Marshall Lee Westrom, and dated January 31, 2020.

7. City Arborist Review. The Applicant and the Developer shall address all review comments outlined in the Consulting City Arborist Review Memo, consisting of two pages, prepared by Charles Steward, and dated February 12, 2020, attached to and, by this reference, made a part of this Ordinance as **Exhibit F (“City Arborist Review Memo”)**.

8. Landscaping.

a. Tree Removal and Preservation Plan. The Applicant and the Developer shall submit a revised Tree Removal and Preservation Plan that addresses the comments set forth in the City Arborist Review Memo to the City for review and approval by the Consulting City Arborist prior to the issuance by the City of a permit for the site work for the Proposed Development. The revised Tree Removal and Preservation Plan must be prepared by a certified forester or a certified arborist.

b. Transitional Yard Landscaping.

1. The transitional yard shrubs along the northwest property line of the Property as depicted on the Landscape Plan, listed on Exhibit C to this Ordinance, shall be moved or removed based upon the recommendations set forth in the Tree Removal and Preservation Plan. If the transitional yard shrubs along the northwest property line of the Property are not planted in substantial conformance with the Landscape Plan, additional landscape relief may be required.

2. A certified arborist or certified forester shall identify and evaluate the health and quality of the trees proposed for preservation along the northwest property line of the Property and only high quality and healthy trees shall be preserved. The northern 50 feet along the northwest property line of the Property, along the chain link section of the fence, as shown on the Landscape Plan, listed on Exhibit C to this Ordinance, shall be planted with evergreen trees to create a dense landscape buffer for the residential property to the north.

c. Landscape Covenant Agreement. A Landscape Covenant Agreement satisfying the requirements of Section 11.B.4 of the Zoning Ordinance shall be prepared, executed and recorded with the DuPage County Recorder’s Office prior to the first Certificate of Occupancy issuance for Proposed

Development. The approved Landscape Plan shall be referenced in, and become part of, the Landscape Covenant Agreement.

9. Parking Lot Lights. Three parking lot lights along the northwest property line shall be equipped with house side shields to minimize light spillage and glare onto the adjacent residential property.

10. Ground Sign. The proposed sign plans contained within the Landscape Plan listed on Exhibit C to this Ordinance shall include dimensions confirming compliance with the four-foot minimum ground sign setback approved by the Preliminary PUD Ordinance. The ground lights proposed to illuminate the ground sign shall be designed, shielded, and directed to illuminate only the sign face and to prevent casting of glare or direct light upon the adjacent right of way. Applicant must obtain a building permit prior to installing the ground sign and associated lighting.

11. Trash Enclosure. The trash enclosure shall be constructed of high-quality materials consistent with those used in the Building and have a minimum height of six feet. A trash enclosure detail shall be submitted with the plans submitted as part of the building permit application for City staff review and approval.

12. Roof Top Equipment. All roof top equipment must be fully screened. The top of the parapet walls or roof screens shall be at least as high as all roof top equipment. Screens must be consistent with the architecture and color scheme of the Building. Details illustrating the locations of all roof top equipment, its height, and screening design shall be provided for staff review and approval prior to the issuance of Building Permit for the Proposed Development.

13. Building Materials. The exterior finish building materials shall be consistent with those illustrated on the Building Elevations, listed on Exhibit C to this Ordinance, and include brick, natural stone, and cement siding.

14. Park and Library Contributions. The Applicant shall pay all required park and library cash contributions, in accordance with the Donation Reduction Request for the Proposed Development at the time the City issues the first building permit for the Proposed Development.

15. Fees and Security Guaranteeing Completion of Public Improvements. The Applicant shall pay/submit all applicable review and inspection fees and the required security guaranteeing completion of public improvements prior to the recording of this Ordinance and prior to the issuance of any permit for the Proposed Development.

16. Traffic Enforcement Agreement. A Private Property Traffic Enforcement Agreement, in a form acceptable to the City, shall be executed by the legal owner of the Property and recorded by the City prior to the issuance of any building permit for Proposed Development.

17. IDOT Permit. IDOT requires a permit be obtained prior to performing any work within the Route 56 right of way, including the emergency access drive, is required from IDOT. A copy of the issued IDOT Permit shall be provided to City staff prior to commencement of such work.

**SECTION 7: Binding Effect.** This Ordinance and the privileges, obligations, and provisions contained herein run with the Property and inure to the benefit of, and are binding upon, the Owner and its personal representatives, successors, and assigns.

**SECTION 8: Invalidation of Approvals.**

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

B. Pursuant to Section 2.B.8.c(1) of the Zoning Ordinance, and notwithstanding anything in Section 8.A of this Ordinance to the contrary, the Approvals shall automatically become invalid if the Applicant or the Developer fails to establish the use for which the Approvals were granted or obtain a building permit for and begin construction on the Proposed Development within the time limit set forth in Section 2.B.8.c(1) of the Zoning Ordinance.

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

**SECTION 10: Effective Date.**

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

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

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

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

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

PASSED THIS 2nd day of March, 2020.

AYES: Ald.: Krischel, Wilson, Bevier, Barry, Goodman, Davolos, Weidner, and Aschauer

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED THIS 2nd day of March, 2020.

MAYOR



ATTEST:

  
CITY CLERK

#64587126\_v3

## **EXHIBITS**

**Exhibit A – Legal Descriptions of Parcel 1, Parcel 2, Parcel 3, and Parcel 4**

**Exhibit B – Final PUD Site Plan**

**Exhibit C – Final PUD Documents**

**Exhibit D – Final Plat of Subdivision**

**Exhibit E – Engineering Review Memo**

**Exhibit F – City Arborist Review Memo**

**Exhibit G – Unconditional Agreement and Consent**

## EXHIBIT A

### LEGAL DESCRIPTIONS OF PARCEL 1, PARCEL 2, PARCEL 3, PARCEL 4

#### **PARCEL 1:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT A POINT IN THE NORTHEASTERLY LINE OF BATAVIA ROAD, 75 FEET NORTHWESTERLY FROM THE NORTHWESTERLY LINE OF THE RIGHT OF WAY OF CHICAGO, AURORA & ELGIN RAILWAY (SAID 75 FEET BEING MEASURED AT RIGHT ANGLES TO SAID RIGHT OF WAY); THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF BATAVIA ROAD, 166.9 FEET FOR A PLACE OF BEGINNING; THENCE WEST ALONG THE NORTHEASTERLY LINE OF BATAVIA ROAD, 75 FEET; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF PROPERTY OWNED BY ROSCO D. RODGERS, 429.2 FEET TO THE CENTER OF THE DUPAGE RIVER; THENCE EAST ALONG THE CENTER OF SAID DUPAGE RIVER, 240 FEET TO THE NORTHWESTERLY LINE OF THE RIGHT OF WAY OF BUTTERFIELD ROAD (ALSO KNOWN AS FEDERAL AID ROUTE 131 DEDICATED BY INSTRUMENT RECORDED MAY 13, 1937, AS DOCUMENT 379795); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY, 146.7 FEET TO AN IRON STAKE AT AN ANGLE IN SAID RIGHT OF WAY; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID RIGHT OF WAY 304.62 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

#### **PARCEL 2:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT A POINT ON THE NORTHERLY LINE OF BATAVIA ROAD, 75 FEET (AS MEASURED AT RIGHT ANGLES) NORTHWESTERLY FROM THE NORTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO, AURORA AND ELGIN RAILROAD; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF BATAVIA ROAD 241.9 FEET FOR A PLACE OF BEGINNING; THENCE NORTHEASTERLY AND AT RIGHT ANGLES TO SAID BATAVIA ROAD TO THE CENTER OF THE DUPAGE RIVER; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF THE DUPAGE RIVER, 75 FEET, MORE OR LESS, TO A POINT WHERE A LINE DRAWN PARALLEL TO THE SOUTHEASTERLY LINE OF THE PREMISES HEREIN DESCRIBED AND 75 FEET NORTHWESTERLY THEREOF (AS MEASURED ALONG BATAVIA ROAD) INTERSECTS THE CENTER OF THE SAID DUPAGE RIVER; THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE TO THE NORTHERLY LINE OF THE SAID BATAVIA ROAD; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF THE SAID BATAVIA ROAD, A DISTANCE OF 75 FEET TO THE PLACE OF BEGINNING. IN DUPAGE COUNTY, ILLINOIS

#### **PARCEL 3:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT A POINT ON THE NORTHERLY LINE OF THE BATAVIA ROAD, 75 FEET (MEASURED AT RIGHT ANGLES) NORTHWESTERLY FROM THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, AURORA AND ELGIN RAILROAD; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF BATAVIA ROAD 316.9 FEET FOR A PLACE OF BEGINNING; THENCE NORTHEASTERLY AND AT RIGHT ANGLES TO SAID BATAVIA ROAD TO THE CENTER OF THE DUPAGE RIVER; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF THE DUPAGE RIVER 75 FEET, MORE OR LESS, TO A POINT WHERE A LINE DRAWN PARALLEL TO THE SOUTHEASTERLY LINE OF THE PREMISES HEREIN DESCRIBED AND 75 FEET NORTHWESTERLY THEREOF (AS MEASURED ALONG BATAVIA ROAD) INTERSECTS THE CENTER OF SAID DUPAGE RIVER; THENCE SOUTHWESTERLY ALONG SAID PARALLEL LINE TO THE NORTHERLY LINE OF THE BATAVIA ROAD; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID BATAVIA ROAD, A DISTANCE OF 75 FEET TO THE PLACE OF BEGINNING. IN DUPAGE COUNTY, ILLINOIS.

#### **PARCEL 4:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT A POINT ON THE NORTHERLY LINE OF BATAVIA ROAD, 75 FEET (MEASURED AT RIGHT ANGLES) NORTHWESTERLY FROM THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, AURORA, AND ELGIN RAILROAD; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF THE BATAVIA ROAD, 466.9 FEET FOR A PLACE OF BEGINNING; THENCE NORTHEASTERLY ALONG A LINE FORMING A RIGHT ANGLE WITH THE NORTHERLY LINE OF BATAVIA ROAD TO THE CENTER LINE OF THE WEST BRANCH OF THE DUPAGE RIVER; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID RIVER TO ITS INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT 25 FEET FROM (MEASURED AT RIGHT ANGLES) THE SOUTHEASTERLY LINE OF THE PREMISES HEREIN DESCRIBED; THENCE SOUTHWESTERLY AND AT RIGHT ANGLES TO BATAVIA ROAD TO THE NORTHERLY LINE OF SAID BATAVIA ROAD; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID BATAVIA ROAD TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

**ALSO**

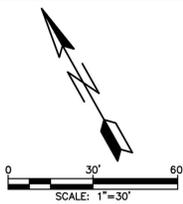
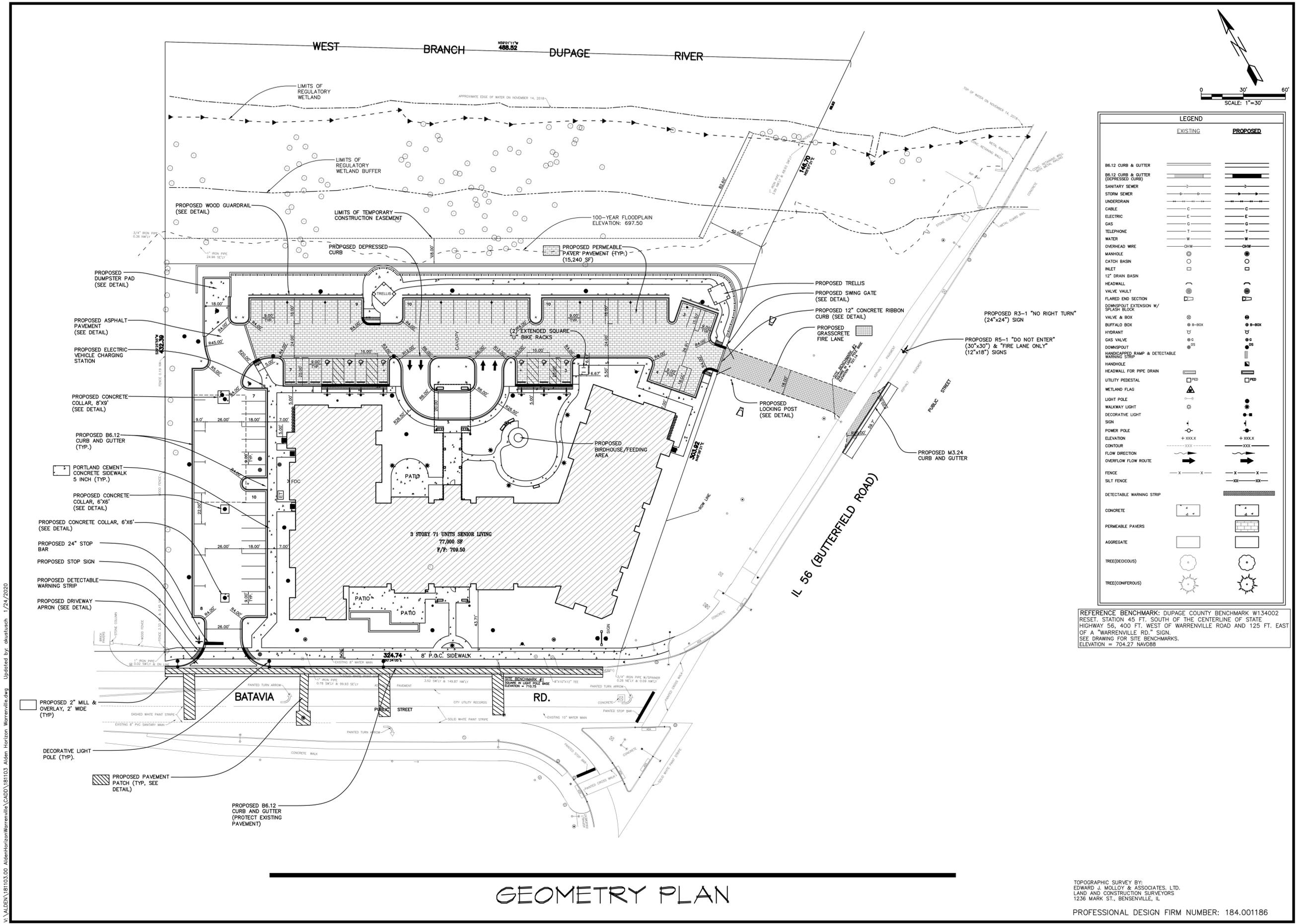
THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, COMMENCING AT A POINT ON THE NORTHERLY LINE OF BATAVIA ROAD, 75 FEET (MEASURED AT RIGHT ANGLES) NORTHWESTERLY FROM THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, AURORA, AND ELGIN RAILROAD; THENCE NORTHWESTERLY ALONG THE NORTHERLY LINE OF THE BATAVIA ROAD, 391.9 FEET FOR A PLACE OF BEGINNING; THENCE NORTHEASTERLY AND AT RIGHT ANGLES TO BATAVIA ROAD 287 FEET, AND CONTINUING THENCE NORTHEASTERLY IN THE SAME DIRECTION TO THE CENTER OF THE DUPAGE RIVER; THENCE NORTHWESTERLY ALONG THE CENTER OF THE DUPAGE RIVER TO A POINT WHERE A LINE DRAWN PARALLEL TO AND MEASURED AT RIGHT ANGLES NORTHWESTERLY FROM THE SOUTHEASTERLY LINE OF THE PREMISES HEREIN DESCRIBED AND 75 FEET FROM WHERE IT INTERSECTS THE SAID CENTER OF THE DUPAGE RIVER; THENCE SOUTHWESTERLY AND PARALLEL TO THE SOUTHEASTERLY LINE OF THE PREMISES HEREIN DESCRIBED TO THE NORTHERLY LINE OF THE BATAVIA ROAD; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF THE BATAVIA ROAD, 75 FEET TO THE PLACE BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

**Or more commonly known as:** 28W620 Batavia Road, Warrenville, IL 60555 (Parcel 1)  
28W642 Batavia Road, Warrenville, IL 60555 (Parcel 2)  
28W646 Batavia Road, Warrenville, IL 60555 (Parcel 3)  
28W650 Batavia Road, Warrenville, IL 60555 (Parcel 4)

**LEGAL DESCRIPTION OF THE PROPERTY AFTER RECORDING OF THE FINAL PLAT**

LOTS 1 AND 2 OF THE ALDEN WARRENVILLE SUBDIVISION BEING A SUBDIVISION IN THE NORTHWEST ¼ OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

**EXHIBIT B**  
**FINAL PUD SITE PLAN**



LEGEND	
EXISTING	PROPOSED
B6.12 CURB & GUTTER	B6.12 CURB & GUTTER (DEPRESSED CURB)
SANITARY SEWER	STORM SEWER
UNDERDRAIN	CABLE
ELECTRIC	GAS
TELEPHONE	WATER
OVERHEAD WIRE	MANHOLE
CATCH BASIN	INLET
12\"/>	

REFERENCE BENCHMARK: DUPAGE COUNTY BENCHMARK W134002  
 RESET STATION 45 FT. SOUTH OF THE CENTERLINE OF STATE HIGHWAY 56, 400 FT. WEST OF WARRENVILLE ROAD AND 125 FT. EAST OF A "WARRENVILLE RD." SIGN.  
 SEE DRAWING FOR SITE BENCHMARKS.  
 ELEVATION = 704.27 NAVD88

ALDEN HORIZON WARRENVILLE  
WARRENVILLE

ADG ALDEN DESIGN GROUP, INC.  
ARCHITECTS  
4200 W. Peterson Ave.  
Chicago, IL 60646  
Phone: 773-286-1546  
Fax: 773-286-1562

ISSUED FOR PERMIT

Date: 01/23/20  
 Job:  
 Drawn: A.J.

Sheet  
C-3.0

# GEOMETRY PLAN

TOPOGRAPHIC SURVEY BY:  
 EDWARD J. MOLLOY & ASSOCIATES, LTD.  
 LAND AND CONSTRUCTION SURVEYORS  
 1236 MARK ST., BENSENVILLE, IL  
 PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

V:\ALDEN\181103.00 Alden Horizon Warrenville\CADD\181103 Alden Horizon Warrenville.dwg Updated by: akertash 1/24/2020

## EXHIBIT C

### FINAL PUD DOCUMENTS

1. ***Final Plat of Subdivision*** (See Exhibit D).
2. ***Final PUD Site Plan*** (see Exhibit B).
3. ***Final Engineering Plans***, consisting of 18 sheets, prepared by Engineering Resource Associates, and dated January 23, 2020.
4. ***Landscape Plan***, consisting of seven sheets, prepared by Ives Ryan Group, Inc., and dated January 2, 2019.
5. ***Photometric Layout***, consisting of one sheet, prepared by PG Enlighten, and dated January 20, 2020.
6. ***Site Electrical Plan***, consisting of two sheets, prepared by WT Group, and dated January 14, 2020.
7. ***Tree Removal and Protection Plan***, consisting of one sheet, prepared by Ives Ryan Group, Inc., and dated January 14, 2020.
8. ***Modular Retaining Wall Example***, consisting of 39 pages, prepared by Highland Engineering, P.C., and dated August 26, 2016.
9. ***Fixture Unit Schedule***, consisting of one page and submitted to the City on October 18, 2019.
10. ***Delivery Truck Auto-Turn Exhibit***, consisting of one sheet, prepared by Alden Design Group, Inc., and dated October 14, 2019.
11. ***Fire Truck Auto-Turn Exhibit***, consisting of one sheet, prepared by Alden Design Group, Inc., and dated October 14, 2019.
12. ***Trash Truck Auto-Turn Exhibit***, consisting of one sheet, prepared by Alden Design Group, Inc., and dated October 14, 2019.
13. ***Building Elevations***, consisting of one sheet, prepared by Alden Design Group, Inc., and dated May 8, 2019.
14. ***Bike Rack Cut Sheet***, consisting of three pages, prepared by Alden Design Group, Inc., and submitted to the City on January 21, 2020.

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

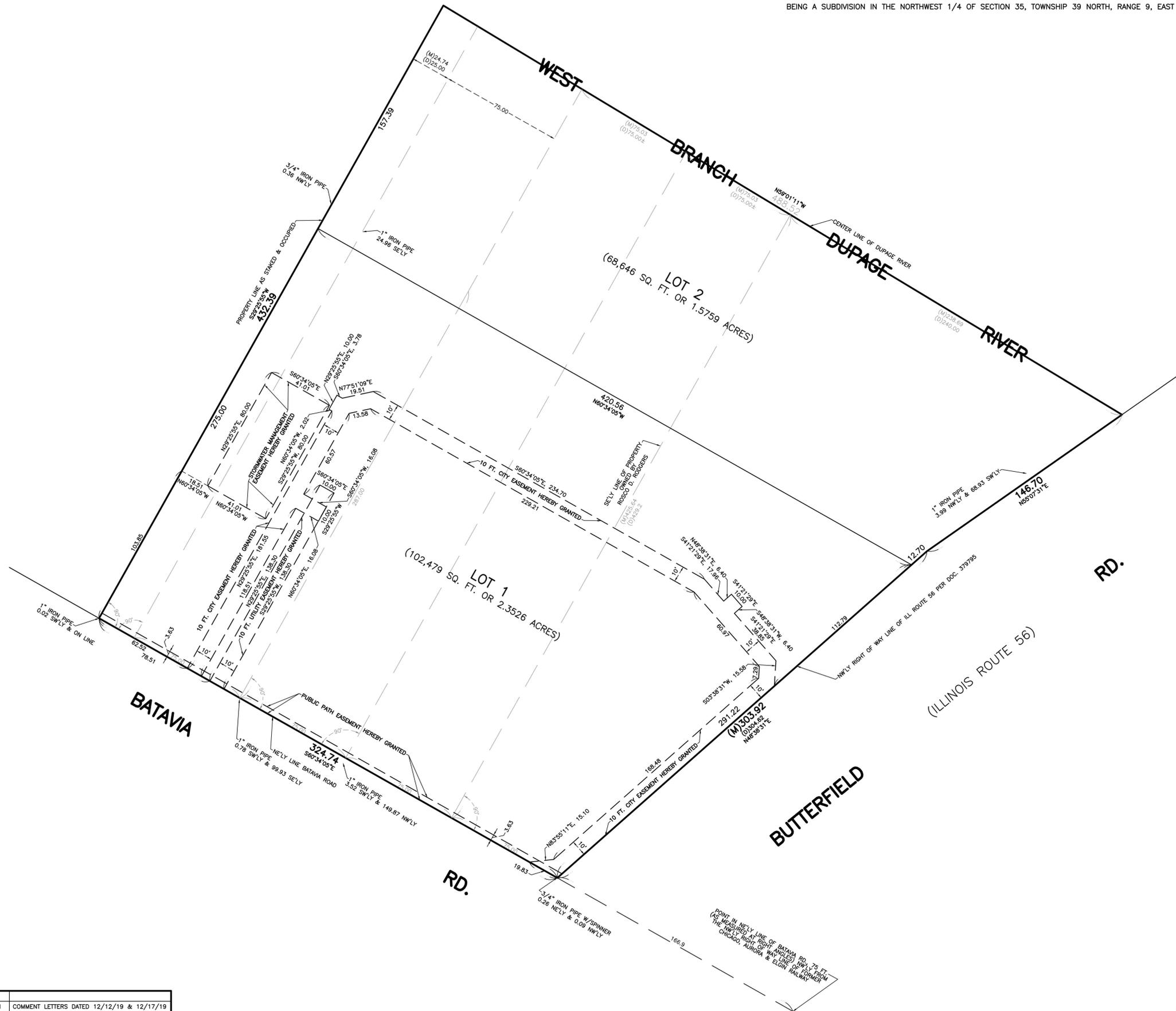
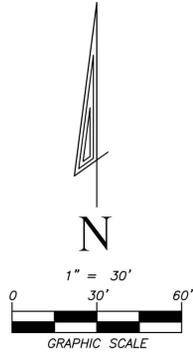
listed in this Exhibit C are subject to further revision as may be required to conform to the conditions stated in Section 6 of this Ordinance.

**EXHIBIT D**

**FINAL PLAT OF SUBDIVISION**

# ALDEN WARRENVILLE SUBDIVISION

BEING A SUBDIVISION IN THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS



DRAFTED BY: BJE			
<b>PAGE: 1 OF 2</b>			
<b>ORDER NO.: 180266</b>			
<b>FILE: 35-39-9</b>			
<b>PROJECT NO.: 2529</b>			
REVISION DATE	ORDER NO.	REVISION	
JAN. 9, 2020	200001	COMMENT LETTERS DATED 12/12/19 & 12/17/19	
OCT. 14, 2019	190187	ADD EASEMENTS HEREBY GRANTED	
MAY 29, 2019	190111	REVISED LOT CONFIGURATION	
JAN. 15, 2019	180242	INITIAL PLAT OF SUBDIVISION	

PREPARED BY:  
**EDWARD J. MOLLOY & ASSOCIATES**  
 A DIVISION OF THOMAS A. MOLLOY, LTD. — PROFESSIONAL LAND SURVEYING  
 1236 MARK STREET, BENSENVILLE, ILLINOIS 60106 (630) 595-2600 FAX:(630) 595-4700  
 E-MAIL: TMOLLOY@EJMOLLOY.COM



**EXHIBIT E**  
**ENGINEERING REVIEW MEMO**



City of Warrenville  
3S258 Manning Avenue  
Warrenville, IL 60555

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



JAMES J. BENES AND ASSOCIATES, INC.  
1011 Warrenville Road ▪ Suite 420  
Lisle, Illinois 60532  
Tel. (630) 719-7570

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## MEMORANDUM

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Date: February 12, 2020

To: Michael Bailey  
ADG Design

From: Kristine Hocking, P.E., CFM    Lynn Kroll, P.E., CFM    Dan Schoenberg, P.E.  
Senior Civil Engineer    Project Engineer    Project Engineer  
City of Warrenville    James J. Benes    James J. Benes

Valerie Jakobi, CPESC  
Senior Ecologist  
Bollinger Environmental

Re: Alden Horizon Senior Living  
Illinois Route 56 and Batavia Road  
Final Engineering Plan Review #2  
Benes Project No. 632.770 – SWM #19-32-0021

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The proposed development will be constructed on an existing 3.93 acre site located at the northeast corner of Illinois Route 56 and Batavia Road. The existing site of four lots contains two houses, broken asphalt and concrete pavement and West Branch DuPage River regulatory floodplain. The site is proposed to be subdivided into two lots. The proposal includes the construction of a 26,018 square foot (building area), 3 story senior living center with 71 dwelling units and 71 parking spaces on Lot 1. Lot 2 will include the West Branch DuPage River regulatory floodplain. No development is proposed within floodplain. Stormwater detention storage is not required.

At your request we have reviewed the following preliminary documents:

1. Plat of Subdivision dated January 9, 2020 and prepared by Edward J. Molloy & Associates
2. Final Engineering Plans (18 sheets) dated January 23, 2020 and prepared by Engineering Resource Associates of Warrenville, Illinois and Alden Design Group, Inc. (ADG) of Chicago, Illinois
3. Site Photometric Plan (1 sheet) prepared by PG Enlighten and dated January 20, 2020
4. Site Electrical Plan (2 sheets) prepared by WT Group of Hoffman Estates, Illinois and dated January 14, 2020
5. Landscape Plan (8 sheets) prepared by Ives/Ryan Group, Inc. (IRG) of Lombard, Illinois and dated January 14, 2020

6. Stormwater Permit Submittal / Tabular Report prepared by Engineering Resource Associates and dated January 10, 2020
7. Engineering and Landscape Opinion of Construction Costs, prepared by Alden Design Group, dated January 13 & 14, 2020.

## **ENGINEERING SUMMARY**

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**VEHICULAR ACCESS:** The proposed driveway is located at the far northwest end of the site. This maximizes separation from the intersection of Batavia Road and IL 56, minimizes the potential for vehicle queues from the traffic signal at IL 56 to impact site access, and closely aligns with an anticipated access driveway for future development of the northwest corner of Batavia and IL 56. The emergency access is now a right-in-right-out (RIRO) access onto Butterfield Road, gated at the parking lot and an improvement over the previous submittal.

**CIRCULATION:** Senior attached housing typically has low traffic volumes during morning and evening network peak hours. The number and distribution of site generated trips in Figure 1 and Table 2 of the TIS are reasonable. We found the trips generated at a similar site are very close to 10<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The number of site generated trips is far below the anticipated background growth of traffic over the next seven years.

**PARKING:** The submittal calls for 56 one-bedroom units, 15 two-bedroom units and 2 full time staff. According to Table 5D of the Zoning Ordinance, this development would require 159 parking spaces. A total of 71 spaces are proposed or one space per dwelling unit. See staff report for further comments.

**PERMITS:** The site proposed disturbed area will be 2.28 acres, so a City of Warrenville Stormwater and Flood Plain Certification is required. An Illinois Department of Transportation (IDOT) permit will be required for the proposed work within the Illinois Route 56 right-of-way. An IEPA permit will be required for the proposed watermain loop around the development. An IEPA permit will be required for the sanitary connection.

**STORMWATER DETENTION:** The site (existing parcels 1-4) currently contains two houses and asphalt and concrete pavement. In addition, the site previously contained a house on parcel 1 which was removed in 2012. The site existing impervious area is 27,055 square feet and the proposed impervious area is 50,055 square feet. The net increase in impervious area is 23,000 square feet. The proposed development will not result in greater than 25,000 square feet of increase in impervious area. In accordance with Section 15-72.A of the DuPage County Stormwater and Floodplain Ordinance (DCSFPO), site runoff storage (stormwater detention) is not required. 15,240 square feet of permeable paver surface is proposed at the northeast parking lot.

**EROSION CONTROL:** The project site is greater than one acre in size, so a National Pollutant Discharge Elimination System (NPDES) permit is required for the discharge of storm water during construction. The Owner will have to implement the Storm Water Pollution Prevention Plan (SWPPP) to effectively manage the discharge of pollutants from the site. The Owner must submit the SWPPP and a Notice of Intent (NOI) to the Illinois Environmental Protection Agency (EPA) in accordance with ILR10 requirements at least 30 days prior to the start of construction. A signed copy of the SWPPP and a signed copy of the NOI must be provided to the IEPA and City prior to the start of construction. A signed copy of SWPPP and NOI must also be kept at the construction site from the start of construction until such time that ground cover is re-established.

**BEST MANAGEMENT PRACTICES:** The proposed development will create more than 2,500 square feet of impervious area. In accordance with the City of Warrenville Stormwater and Floodplain Ordinance, Post Construction Best Management Practices (PCBMPs) for water quality are required.

Per Section 15-64 of the DCSFPO, PCBMPs shall provide volume control calculated as the New Impervious Area of 50,055 square feet multiplied by 1.25" rainfall event which yields 5,214 cubic feet of BMP storage required. The proposed dry well should be expanded to meet this requirement.

**SPECIAL MANAGEMENT AREAS:** Per the 2019 FEMA FIRM panel 17043C0133J the site includes the Zone AE floodplain of the West Branch DuPage River. The 100-year base flood elevation is 697.50. The proposed finished floor elevation is 709.50 and is located at least 90 feet from the regulatory floodplain. The proposed Lot 1 which will contain the development will not include the floodplain. The regulatory floodplain will be on Lot 2.

Existing asphalt pavement removal and possible retaining wall construction will include work within the regulatory floodplain but outside of the regulatory floodway. No permanent fill or increase in ground elevation is proposed within the regulatory floodplain

The site contains wetlands and waters of DuPage County. The development proposed to stay outside any wetlands, wetland buffers, waters, waterway buffers, and riparian buffers. However existing broken asphalt pavement is proposed for removal within the wetland and riparian buffer.

A buffer of 50 feet area is required for the existing wetland. The existing asphalt and impervious area is not considered buffer. Impacts to the buffer or wetlands are not proposed, however any incidental impacts to the buffer to remove the asphalt may require buffer mitigation and monitoring.

**WATER DISTRIBUTION:** The Final Engineering Plans show an existing 8 inch watermain along the north side of Batavia Road. An 8 inch watermain loop is proposed around the building with two connections to the existing 8 inch Batavia Road watermain. The

proposed 8 inch watermain loop is required to be owned and maintained by the City of Warrenville.

**SANITARY SEWER:** The Final Engineering Plan shows an existing 8 inch sanitary sewer main along the south side of Batavia Road. There are three existing sanitary sewer service connections to the development site shown on the existing condition plan which should be verified. The three service connections are proposed to be removed and plugged. One sanitary sewer connection is proposed approximately 300 feet west of Butterfield Road.

**SITE LIGHTING:** The parking lot can be considered a medium activity level per Section 9.1 of the Zoning Ordinance. The minimum illumination at any point, the minimum and maximum average and the average/minimum uniformity comply. Mounting heights comply code. Three decorative light poles have been provided along the bike path on Batavia Road.

### **REVIEW COMMENTS**

**Plat of Subdivision** The Plat of Subdivision has been stamped “**APPROVED WITH CONDITIONS**”. Once approved, a Mylar should be provided to the City with Owner and Engineer signatures.

1. Add “Final Plat of Subdivision” to the title of the Plat.

**Final Engineering Plans** The Final Engineering Plans have been stamped “**APPROVED WITH CONDITIONS**” and should be revised and resubmitted to address the following comments during the Site Permit process:

1. Enlarge the note regarding the tree preservation plan and place a box around it to emphasize.
2. Delineate and label the regulatory floodway on plan sheets C3.0.
3. The Geometric Plan C-3.0 should specify 2’ from the edge of the sidewalk curb to the front of the wheel stops to ensure 5’ of sidewalk width is provided.
4. Remove the “protect existing pavement” note on C3.0 since the edge will include a pavement patch. Add a width of the patch.
5. At the north end of the curb, transition from the full head of curb of 6” to 0”, 2’ further north from the property line. Curb should be installed first than pavement patched around the limits of the curb so that the pavement/shoulder ties into the curb. Add this note and also add to coordinate with Public Works during construction.
6. The proposed decorative path lighting along Batavia Road should be placed on the private (northeast) side of the path.
7. C4.0 – Replace all 2 watermain and 1 water service callouts from “DIP Watermain” to “PVC C-900 Watermain”

8. On the Grading Plan C-5.0, label the overland flow route through the site and towards the PCBMP structure per the TAB 2 narrative. Where will the 100-year overflow from the permeable paver parking lot area outlet or overtop?
9. Add grades to the proposed Batavia Road curb and gutter. Will the Batavia Road C&G drain to the parking lot or continue towards the north/northwest?
10. The IAC does not require detectable warnings for non-transportation sites like private parking lots. Furthermore, the detectable warnings at the ADA spots could make it challenging for wheelchair turning movements. If detectable warnings are placed, place them at the bottom of the ramps near the parking spaces. Instead of depressed curb for these spaces, use a flat 'ribbon curb'.
11. Change the cross slopes of the sidewalk in the parking lot and along the bike path to be a 1.5% slope to allow for construction tolerances. Add more grades at all turning spaces along the sidewalk and path to ensure the 1.5% cross slope in all directions.
12. The Permeable Paver Detail should correlate with the Utility Plan and show a 4" PVC underdrain.
13. The impervious area has increased since the last submittal. The updated required BMP volume is 5,214 CF. The calculations state that the provided BMP depth is 5.3'. Since the Dry Well BMP is sloped, the average bottom elevation is 701.30 per the Dry Well Detail on C-12.0. The top of weir elevation is 706.30. Therefore, the actual provided BMP depth is  $706.30 - 701.30 = 5.0'$ . The provided BMP storage volume is  $76' \times 37' \times 5.0' \times 0.36 = 5,062$  CF which is slightly less than the 5,214 CF required. The BMP needs to account for the sloped bottom. A solution would be to lower the upstream end of the BMP to 701.0.
14. The Proposed Rock Outlet Protection at the retaining wall references a detail but the detail not provided.
15. Update the Autoturn and Landscaping plans to match the revised geometry of the emergency access road off Route 56. Design will be as directed by IDOT.
16. As a reminder, the retaining wall design should be submitted during permit review and stamped and sealed by a Structural Engineer. Wall design should incorporate the 4" PVC underdrains that drain the permeable paver parking area.
17. Add the existing floodplain elevation to the cross section of the permeable paver parking lot in the details sheet.
18. Based on the plans, it appears that wetland, wetland buffers, waters, waterway buffers, and riparian buffers will not be permanently impacted by the proposed development. Please discuss the temporary and/or permanent impacts to the wetland and riparian buffer from the asphalt removal. It is noted that an IDOT Class 4 seed mix will be planted in the disturbed buffer areas. The response letter prepared by ADG dated 1/20/20 stated that there will be no temporary impacts to the buffer. However, if temporary impacts do occur within the buffer, the area shall be restored and reseeded using a native seed mix. Depending on

the amount of temporary impact, maintenance and monitoring may be required after construction at the discretion of the City.

19. A USFWS Consultation was conducted and is included in the submittal. It states that the Northern long-nosed bat (*Myotis septentrionalis*) has potential habitat on the site. The response letter prepared by ADG dated 1/20/20 stated that tree removal will occur prior to June 1<sup>st</sup> to avoid maternity roost trees. In addition, IDNR commented in a letter dated January 31, 2019 that Kirtland's snake (*Clonophis kirtlandii*) has been noted in the vicinity of the project. IDNR listed recommendations for protecting this species which includes a separate tree removal time frame. Please respond about what the project will do to meet the recommendations of IDNR and provide a schedule of a tree removal to the City that meets the recommendations of both USFWS and IDNR in regards to each of their species of concern.

**Site Photometric Plan and Site Electrical Plan** The Site Photometric Plan and Site Electrical Plan has been stamped "**APPROVED WITH CONDITIONS**" and should be revised and resubmitted to address the following comments during the Site Permit process:

1. The proposed decorative path lighting along Batavia Road should be placed on the private (northeast) side of the path.

**Landscape Plan** See Staff Report for comments.

**Stormwater Permit Submittal / Tabular Report** The Stormwater Permit Submittal / Tabular Report has been stamped "**APPROVED WITH CONDITIONS**" and should be revised and resubmitted to address the following comments during the Site Permit process:

1. The TAB 2 narrative states that the proposed 24" pipe downstream of the BMP is sized for the 100-year event. The 100-year calculation for this pipe should then be included in the TAB 2.
2. Explain how the permeable paver parking area will handle the 100-year event. Where is the overflow?

**Fees – Required Prior to Recording of Plat**

1. Stormwater Management Review Fee: \$6,000 is required per City code section 8-5-3. **This has been paid.**
2. Stormwater Inspection Fee: \$500 plus 2.5% of EOPCC for Public Improvements (Stormwater Management & Erosion Control): **\$3,693.38**
3. Final Engineering Review and Inspection: Based upon the EOPCC for Public Improvements (Non-Stormwater Management/Erosion Control): **\$14,820.03**  
Development Security: 110% of the total EOPCC for Public and Stormwater Improvements. This can be a cash bond, Letter of Credit, or a Performance and Payment Surety Bond. LOC and Bond templates can be provided by the City. These drafts must be reviewed by the City prior to execution. **\$524,085.65**

**EXHIBIT F**

**CITY ARBORIST REVIEW MEMO**



February 12, 2020

Mr. Ron Mentzer  
Director of Community and Economic Development  
City of Warrenville  
3S258 Manning Avenue  
Warrenville, IL 60555

**RE: Alden Horizon Warrenville Senior Living  
Final Engineering Plans  
Review #1**

Dear Mr. Mentzer:

As requested, I have reviewed the FINAL ENGINEERING PLANS dated JANUARY 23, 2020 and prepared by Engineering Resource Associates. The following comments summarize my review:

1. Sheet TP-1 for the TREE REMOVAL & PRESERVATION PLAN dated 12/19/18 and last submitted 01/14/20 included a tree inventory listing for 288 trees (tag numbers 162-450), indicating tag number, size and type. Of the trees inventoried, one hundred fifty-one (151) do not include species identification; they are shown as 'deciduous', 'conifer', or 'dead'. Aside from the trees identified as 'dead', no other condition information was included in the inventory listing. There are 79 trees shown in bold type in the inventory listing, indicating these trees are proposed to be saved. Because condition information is not included, it is difficult to determine if the tree preservation efforts are being concentrated on healthy trees, or what remedial efforts might be best applied.
2. Many of the existing trees along the northwest property line are going to be significantly damaged by implementing the proposed Engineering Plan. Seventeen trees are shown to be saved along the northwest property line. The trees in the first 260 feet of the northwest property line are now going to exist in a space of 25 feet from the property line to the back of the proposed curb. The diameter of six of these trees are 40", 40" 36", 36", 40" and 30"; the impact to the critical root zones of these trees in particular will be significant and the degree of probable root loss could create long-term survivability and/or stability issues.

The existing trees that are in the last 120 feet of the northwest property line up to the Temporary Construction Easement limits have significant critical root zone impact as currently drawn on the proposed engineering plan. The width of the space up to the Temporary Construction Easement to construct these walls varies from 10' to 40'. In addition to the curb, additional impacts to the critical root zones of the trees in this area include the placement of PVC pipe, manholes, the location of the end of the pipe and the T-shaped rock outlet for stormwater flow control.

The Engineering Plan also includes 3 proposed street lights and the associated electric lines to be installed which will create additional root zone impacts for the entire length of the northwest property line.

3. The Tree Removal and Tree Preservation plan should be modified to minimize the damage to the trees along the northwest property line. The plan should provide for the protection of the trees intended to be preserved from any proposed tree removal activities, the demolition of existing structures, grading, and the loss of roots from the implementation of the revised Engineering Plan. The tree protection plan should be prepared by a Certified Forester or a Certified Arborist to determine a need for root pruning, crown pruning, treatments such as Cambistat, implementing a maintenance plan for impacted trees, and making the decision if a tree cannot be saved.
4. Sheet L-1 is the FOUNDATION LANDSCAPE PLAN dated 10/02/19 and last submitted 10/14/20. The trees to be saved are shown on this plan. It does not explain how each tree will be protected and saved along the northwest property line or along the Temporary 18' and 40' Construction Easements. Corresponding tag numbers for existing trees included in the tree inventory are not shown on this plan sheet.
5. There are 6 trees of quality species (210, 211, 212, 232, 233, & 311) in the Temporary Construction Easement along the rear parking area. The trees should be revisited to verify the health of the trees. If they are healthy a plan to protect them should be made. The rear parking lot on the Foundation Landscape Plan shows two water collection lines. One line discharges the water directly into trees 232 and 233 and one is about 20' away from the two trees. Sheet L-7 shows the Snow Storage Plan storage on top of the two water lines. The salt and melting snow will end up on trees 232 and 233.
6. Sheet L-5 of the FOUNDATION LANDSCAPE PLAN includes the planting of DECIDUOUS TREES and EVERGREEN TREES. Both types of trees are not using wire baskets. If any of these trees show up with full wire baskets the entire wire basket should be removed or cut down to a half size.
7. The final documents should include an as-built landscape plan for inspection and record keeping purposes. A landscape maintenance plan should also be provided along with a commitment to remove and replace dead, dying, and not acceptable plants in a timely manner.

Sincerely,  
URBAN FOREST MANAGEMENT, INC.



Charles A. Stewart, SAF CF-106  
Vice-President

## EXHIBIT G

### UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, 28W620 Batavia Road, LLC, an Illinois limited liability company of which Mudhukant A. Shah a/k/a Mike Shah is the managing member ("**Parcel 1 Owner**"), is the owner of that certain real property commonly known as 28W620 Batavia Road, Warrenville, Illinois ("**Parcel 1**"); and

WHEREAS, Joan M. Aletto, as Trustee under the Joan M. Aletto Revocable Trust dated March 30, 1987 ("**Parcel 2 Owner**") is the owner of that certain property commonly known as 28W642 Batavia Road, Warrenville, Illinois ("**Parcel 2**"); and

WHEREAS, Philip Adler and Megan Adler (collectively, "**Parcel 3 Owner**") are the owners of that certain property commonly known as 28W620 Batavia Road, Warrenville, Illinois ("**Parcel 3**"); and

WHEREAS, David E. Franklin and Yuan Yu Franklin (collectively, "**Parcel 4 Owner**") are the owners of that certain property commonly known as 28W620 Batavia Road, Warrenville, Illinois ("**Parcel 4**"); and

WHEREAS, the Alden Foundation, an Illinois not-for-profit corporation ("**Applicant**"), is the contract purchaser of Parcel 1, Parcel 2, Parcel 3, and Parcel 4 (collectively, the "**Property**"); and

WHEREAS, Applicant desires to demolish the existing structures on the Property and redevelop the Property with: (i) a three-story, age-restricted senior housing building with 71 apartment-style units and common area amenities ("**Building**"); (ii) 71 surface off-street parking spaces; (iii) outdoor common area improvements including a patio and seating areas; and (iv) designated open space along the West Branch of the DuPage River (collective, (i) through (iv) are the "**Proposed Development**"); and

WHEREAS, on July 15, 2019, the City Council adopted Ordinance No. O2019-40 ("**Preliminary PUD Ordinance**"), approving: (i) a preliminary planned development plan for the Property; (ii) a map amendment and rezoning of the Property to the R-6 Multi-Family Residential District; (iii) a preliminary plat of subdivision for the Property; (iv) a variation from Chapter 14 of Title 8 of the City Code; and (v) certain exceptions and variations from the Zoning Ordinance within the proposed planned development; and

WHEREAS, in order to construct the Proposed Development on the Property, pursuant to the applicable sections of the Warrenville Zoning Ordinance ("**Zoning Ordinance**") and the Subdivision Control Ordinance for the City of Warrenville ("**Subdivision Control Ordinance**"), the Applicant, with the consent of the Parcel 1 Owner, the Parcel 2 Owner, the Parcel 3 Owner, and the Parcel 4 Owner, filed an application with the City for approval of: (i) a final planned unit development plan for the Property; (ii) a special use permit for a planned unit development plan for the Property; (iii) a final plat of subdivision for the Property, which contemplates the consolidation and resubdivision of the Property into two lots of record, an approximately 2.35-acre parcel ("**Lot 1**") and an approximately 1.58-acre parcel ("**Lot 2**") ("**Final Plat of Subdivision**") (collectively, (i) through (vii) are the "**Requested Approvals**"); and

WHEREAS, Applicant proposes the Proposed Development will be constructed on Lot 1 and owned by Warrenville Horizon Limited Partnership ("**Developer**"); and

WHEREAS, the Developer will consist of a general partner, Warrenville Horizon, Inc., which will be wholly owned by Applicant, and a limited partner; and

WHEREAS, Applicant proposes that Lot 2 will be conveyed to the Forest Preserve of DuPage County and preserved as open space; and

WHEREAS, Applicant also requested a waiver of the required school land dedication or cash contribution and a reduction of the required park land dedication or cash contribution, as set forth in Section 8-12-1 of the City Code (collectively, "**Donation Reduction Request**"), which Donation Reduction Request included demographic data based on the fact that the Proposed Development will be restricted to residents of at least 62-years of age; and

WHEREAS, Ordinance No. O2020 - 11, adopted by the City Council on March 2, 2020 ("**Ordinance**"), approved the Requested Approvals and the Donation Reduction Request; and

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

**NOW, THEREFORE**, the Applicant and the Developer do hereby agree and covenant as follows:

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

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

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

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

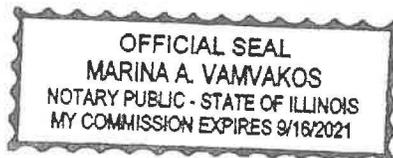
under this Unconditional Consent and Agreement, and (d) the performance by the Applicant and the Developer of their obligations under this Unconditional Consent and Agreement.

**ALDEN FOUNDATION, an Illinois not-for-profit corporation**

By: Elizabeth M. Demus  
Its: Executive Director

**SUBSCRIBED and SWORN** to  
before me this 13 day of  
April, 2020.

Marina A. Vamvakos  
Notary Public



**WARRENVILLE HORIZON LIMITED PARTNERSHIP**

By: Elizabeth M. Demus  
Its: Vice President

**SUBSCRIBED and SWORN** to  
before me this 13<sup>th</sup> day of  
April, 2020.

Marina A. Vamvakos  
Notary Public

