

**DRAFT**  
**COUNCIL OF THE CITY OF ELGIN, ILLINOIS**  
**COUNCIL-MANAGER FORM OF GOVERNMENT**  
**REGULAR MEETING**

The regular meeting of the Council of the City of Elgin, Illinois, was held on April 11, 2007, in the Council Chambers. The meeting was called to order by Mayor Schock at 7:15 p.m. The Invocation was given by Ms. Ina Dews and the Pledge of Allegiance was led by Councilmember David Kaptain.

**ROLL CALL**

Roll call was answered by Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters and Mayor Schock. Absent: None.

**MINUTES OF THE MARCH 14, 2007, AND MARCH 21, 2007 COUNCIL MEETING**  
**APPROVED AS DISTRIBUTED**

Councilmember Figueroa made a motion, seconded by Councilmember Gilliam, to approve the March 14, 2007, and March 21, 2007, Council Meeting Minutes as distributed. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters and Mayor Schock. Nays: None.

**COMMUNICATIONS**

**Proclamation Recognizing “Hiawatha Week”**

Mayor Schock read a proclamation expressing appreciation to Dr. Robert Hanson, Music Director of the Elgin Symphony Orchestra, for completion of the major musical work *Hiawatha*, and to the Elgin Choral Union for commissioning said new piece, which will be performed by the Elgin Choral Union and the Elgin Symphony Orchestra on April 27 and 28, 2007, at the Hemmens Cultural Center. Mayor Schock declared the week of April 23-27 as “Hiawatha Week” in celebration of this musical work and the 60<sup>th</sup> Anniversary of the Elgin Choral Union.

**Proclamation in Appreciation for Generosity of Prairie Rock Brewery, Jewel Foods, and Paul’s Restaurant**

Mayor Schock read a proclamation commending Prairie Rock, Jewel Foods, and Paul’s Restaurant for their generosity to Senior Services in furnishing a luncheon each Friday for 30 of their clients in the absence of Coordinator Jennifer Almanza who has recently been ill.

**RECOGNIZE PERSONS PRESENT**

Darlene Arias and Renee Sweeney, parents of students at Lowrie School and members of the Southwest Area Neighborhood organization, addressed the Council regarding the fact that they were recently informed they are losing their neighborhood officer. They believe their neighborhood is safe because of the presence of the neighborhood officer. The crime rate has gone down and the comfort level of the residents has gone up. They requested that the issue of eliminating an officer in their neighborhood be reconsidered.

Deborah Allen stated that her County Board District includes the aforementioned neighborhood, having the ROPE and NOPE programs has worked very well. She requested that assistance be given to the neighborhood regarding this issue.

**BID 06-112A AWARDED TO FREEWAY FORD FOR THE PURCHASE OF ONE (1) FULL SIZED FOUR WHEEL DRIVE UTILITY TRUCK WITH PLOW**

Councilmember Walters made a motion, seconded by Councilmember Figueroa, to approve the purchase of one full-size, four wheel drive truck with a service body and a plow to Freeway Ford for \$43,713 after trade-in. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**BID 07-005 AWARDED TO DAVEY TREE EXPERT COMPANY TO PROVIDE CITY-WIDE TREE PLANTING AND PRUNING SERVICES**

Councilmember Rodgers made a motion, seconded by Councilmember Gilliam, to award the bid for municipal tree trimming and planting services in the amount of \$233,875 to Davey Tree Expert Company. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**BID 07-011 AWARDED TO CENTRAL STATES FIREWORKS FOR THE JULY 4TH FIREWORKS DISPLAY**

Councilmember Figueroa made a motion, seconded by Councilmember Walters, to approve an agreement with Central States Fireworks in the amount of \$30,000 for the July 4<sup>th</sup> fireworks display. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**BID 07-032 AWARDED TO BERTHOLD ELECTRIC POWER SERVICES, LLC FOR ELECTRICAL SWITCHGEAR REPAIRS AT RIVERSIDE WATER TREATMENT PLANT**

Councilmember Kaptain made a motion, seconded by Councilmember Walters, to approve a contract with Berthold Electric Power Services, LLC in the amount of \$10,852 for repairs and service to the electrical switchgear for the Riverside Water Treatment Plant. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**BID 07-042 AWARDED TO STRATHMORE PRINTING FOR THE PRINTING OF THE QUARTERLY SPIRIT NEWSLETTER**

Councilmember Rodgers made a motion, seconded by Councilmember Figueroa, to approve a contract with Strathmore Printing in an amount not to exceed \$15,400 for the printing of the quarterly Spirit Newsletter. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**PUBLIC HEARING REGARDING A FIRST AMENDMENT TO AN ANNEXATION AGREEMENT, AND AN AMENDMENT TO PMFR PLANNED MULTIPLE FAMILY RESIDENCE DISTRICT ORDINANCE NO. G31-03 TO AMEND THE PLANNED DEVELOPMENT PLAN FOR PHASE 3D OF PROVIDENCE SUBDIVISION; PROPERTY LOCATED AT 3201 WATER ROAD; BY TOWN AND COUNTRY HOMES, AS APPLICANT AND OWNER (PETITION 05-07)**

Mayor Schock declared the public hearing open. Community Development Director Deering stated that Phase D of Providence Subdivision encompasses approximately 11 acres. The applicant proposes to amend the development plan to introduce a new building design featuring garage access on the front elevation of the townhome units. The Planning and Development Commission recommended approval.

Ed Fitch, Area President of Town & Country Homes, stated that they are requesting the change from rear garage access because of a changing market. Buyers have mentioned what they don't like about the previous product.

No one else chose to speak, and Mayor Schock declared the public hearing closed.

**PETITION 05-07 APPROVED REQUESTING A FIRST AMENDMENT TO AN ANNEXATION AGREEMENT, AND AN AMENDMENT TO PMFR PLANNED MULTIPLE FAMILY RESIDENCE DISTRICT ORDINANCE NO. G31-03 TO AMEND THE PLANNED DEVELOPMENT PLAN FOR PHASE 3D OF PROVIDENCE SUBDIVISION; PROPERTY LOCATED AT 3201 WATER ROAD; BY TOWN AND COUNTRY HOMES, AS APPLICANT AND OWNER**

Councilmember Figueroa made a motion, seconded by Councilmember Walters, to approve Petition 05-07 subject to conditions. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**PETITION 109-06 APPROVED REQUESTING CONDITIONAL USE APPROVAL TO PERMIT A PROGRAM FOR GRAPHICS IN THE ORI OFFICE RESEARCH INDUSTRIAL DISTRICT; PROPERTY LOCATED AT 1450 BOWES ROAD BY TERRY LYNN, INC., AS APPLICANT, AND JOSEPH C. GRAZIANO, AS OWNER**

Community Development Director Deering stated that the subject property is allowed to have one freestanding graphic, which it currently has. The petitioner is proposing that it be allowed to have two freestanding monument style signs on the subject property adjacent to McLean Boulevard to accommodate the advertising needs of the retail outlet store that belongs to one of two businesses that occupy the subject property. Mr. Deering stated that the Zoning and Subdivision Hearing Board removed the condition that the current nonconforming graphic be brought into conformance with the ordinance, and recommended approval subject to the remaining conditions.

The petitioner and Kelly Olcott, coordinator with Whiteway Signs, asked that they not be required to bring the existing sign into conformance at this time in that it was conforming when it was approved. Councilmembers stated that it is their policy to bring nonconforming signs into conformance whenever departures from requirements of the graphic ordinance are requested.

Councilmember Gilliam made a motion, seconded by Councilmember Kaptain, to approve Petition 109-06 subject to conditions, including Condition #3 requiring the lawful nonconforming graphic to be brought into conformance with the ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Sandor, Walters, and Mayor Schock. Nays: Councilmember Rodgers.

**PUBLIC HEARING SET FOR MAY 9, 2007, REGARDING PROPOSED ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT 955 MARSHALL ROAD; BY HPI ELGIN, LLC, AS APPLICANT AND OWNER (PET 02-07)**

Councilmember Walters made a motion, seconded by Councilmember Gilliam, to set a hearing date on the proposed annexation agreement for the May 9, 2007, City Council meeting. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**PETITION 15-07 APPROVED REQUESTING A ZONING MAP AMENDMENT FROM CF COMMUNITY FACILITY DISTRICT TO PCF PLANNED COMMUNITY FACILITY DISTRICT TO APPROVE A CAMPUS SITE MASTER PLAN, AND TO PERMIT THE CONSTRUCTION OF A MEDIA, SCIENCE AND FINE ARTS CENTER IN THE ARC ARTERIAL ROAD CORRIDOR DISTRICT; PROPERTY LOCATED AT 350 PARK STREET; BY THE ELGIN ACADEMY, AS APPLICANT AND OWNER**

Community Development Director Deering stated that the subject property is at the northeast corner of Dundee Avenue and Kimball Street. The Planning and Development Commission recommended approval.

Councilmember Figueroa made a motion, seconded by Councilmember Gilliam, to approve Petition 15-07 subject to conditions. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**PETITION 06-07 APPROVED REQUESTING FINAL PLAT APPROVAL FOR THE 860 SUMMIT STREET SUBDIVISION; PROPERTY LOCATED AT 860 SUMMIT STREET, BY DAP ELGIN LLC AS APPLICANT AND SLS MANAGEMENT, INC., ON BEHALF OF NORTHERN TRUST COMPANY AS TRUSTEE, AND OWNER**

Councilmember Figueroa made a motion, seconded by Councilmember Kaptain, to approve Petition 06-07 subject to conditions. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Walters, and Mayor Schock. Nays: Councilmember Sandor.

**ORDINANCE S2-07 PASSED PROVIDING FOR THE ISSUANCE OF \$5,665,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2007, OF THE CITY OF ELGIN, KANE AND COOK COUNTIES, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS**

Fiscal Services Director Nowicki reported that there were seven bidders at the City's bond sale. The bidding was very competitive, and the lowest interest rate was 4.02 percent. Mr. Nowicki gave a synopsis of comments from the three rating agencies and reported on what ratings were given by the agencies.

Councilmember Figueroa made a motion, seconded by Councilmember Gilliam, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

ORDINANCE S2-07 IS NOT INCLUDED IN THESE MINUTES.  
THE ORIGINAL IS ON FILE IN THE CITY CLERK'S OFFICE.

**RESOLUTION 07-95 ADOPTED AUTHORIZING EXECUTION OF AN AGREEMENT WITH URS CORPORATION FOR THE WILLARD/ILLINOIS/VAN NOSTRAND/ERIE SPECIAL ASSESSMENT PROJECT**

Councilmember Rodgers made a motion, seconded by Councilmember Kaptain, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, and Mayor Schock. Nays: None. Councilmember Walters abstained due to a conflict of interest.

Resolution No. 07-95

RESOLUTION  
AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
URS CORPORATION  
FOR THE WILLARD/ILLINOIS/VAN NOSTRAND/ERIE  
SPECIAL ASSESSMENT PROJECT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Olufemi Folarin, City Manager, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute an agreement on behalf of the City of Elgin with URS Corporation., for the Willard/Illinois/VanNostrand/Erie Special Assessment Project, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
\_\_\_\_\_  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
\_\_\_\_\_  
Dolonna Mecum, City Clerk

**AUTHORIZATION OF PAYMENTS TO VARIOUS VENDORS**

Councilmember Sandor made a motion, seconded by Councilmember Gilliam, to authorize the following payments. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters and Mayor Schock. Nays: None.

<u>PAYEE</u>	<u>AMOUNT</u>	<u>REASON</u>
Lake County Sheriff's Dept Waukegan IL	\$16,564.14	Salary and overtime from 7/1/06 – 9/30/06 for KCAT employee
Elgin Police Department Elgin, IL	\$94,397.24	Reimbursement for Salary for 4 employees from April 2006 through December 2006

**CONSENT AGENDA**

By unanimous consent, Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass Ordinance Nos. G19-07 through G22-07, and S3-07 through S5-07 and adopt Resolution Nos. 07-82 through 07-94 by omnibus vote. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

**RESOLUTION 07-82 ADOPTED AUTHORIZING EXECUTION OF AN AGREEMENT WITH ROBERT FISCHER FOR SPONSORSHIP OF THE ELGIN RACERS BASKETBALL TEAM**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-82

RESOLUTION  
AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
ROBERT FISCHER FOR SPONSORSHIP OF  
THE ELGIN RACERS BASKETBALL TEAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Olufemi Folarin, City Manager, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute an agreement on behalf of the City of Elgin with Robert Fischer for sponsorship of the Elgin Racers Team, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-83 ADOPTED AUTHORIZING EXECUTION OF AN AGREEMENT WITH CRAWFORD MURPHY & TILLY, INC. FOR THE U.S. ROUTE 20 CORRIDOR STUDY**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-83

RESOLUTION  
AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
CRAWFORD MURPHY & TILLY, INC.  
FOR THE U.S. ROUTE 20 CORRIDOR STUDY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Olufemi Folarin, City Manager, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute an agreement on behalf of the City of Elgin with Crawford Murphy & Tilly, Inc., for the U.S. Route 20 Corridor Study, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock

Ed Schock, Mayor

Presented: April 11, 2007

Adopted: April 11, 2007

Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum

Dolonna Mecum, City Clerk

**RESOLUTION 07-84 ADOPTED APPROVING THE ANNUAL BUDGET FOR THE NORTHERN ILLINOIS SPECIAL RECREATION ASSOCIATION**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-84

RESOLUTION  
APPROVING THE ANNUAL BUDGET FOR THE  
NORTHERN ILLINOIS SPECIAL RECREATION ASSOCIATION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that the City of Elgin hereby approves the fiscal year 2007/2008 budget for the Northern Illinois

Special Recreation Association, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-85 ADOPTED AUTHORIZING EXECUTION OF AN AGREEMENT WITH STANDARD EQUIPMENT COMPANY FOR PURCHASE OF ELGIN STREET SWEEPERS**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-85

RESOLUTION  
AUTHORIZING EXECUTION OF AN AGREEMENT WITH  
STANDARD EQUIPMENT COMPANY FOR PURCHASE OF  
ELGIN STREET SWEEPERS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Olufemi Folarin, City Manager, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute an agreement on behalf of the City of Elgin with Standard Equipment Company, for purchase of two Elgin Pelican Street Sweepers, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-86 ADOPTED AUTHORIZING EXECUTION OF A REAL ESTATE SALES CONTRACT (507 N. STATE STREET)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-86

RESOLUTION  
AUTHORIZING EXECUTION OF A REAL ESTATE SALES CONTRACT  
(507 N. State Street)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Ed Schock, Mayor, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute a Real Estate Sales Contract on behalf of the City of Elgin with Bharat Lilwani, for the purchase of property commonly known as 507 N. State Street, Elgin, for \$335,000, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock

Ed Schock, Mayor

Presented: April 11, 2007

Adopted: April 11, 2007

Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum

Dolonna Mecum, City Clerk

**RESOLUTION 07-87 ADOPTED AUTHORIZING EXECUTION OF A REAL ESTATE SALES CONTRACT (523 N. STATE STREET)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-87

RESOLUTION  
AUTHORIZING EXECUTION OF A REAL ESTATE SALES CONTRACT  
(523 N. State Street)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Ed Schock, Mayor, and Dolonna Mecum, City Clerk, be and are hereby authorized and

directed to execute a Real Estate Sales Contract on behalf of the City of Elgin with First American Bank, as Trustee under Trust No 1-06-116, for the purchase of property commonly known as 523 N. State Street, Elgin, for \$395,000, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-88 ADOPTED APPROVING FINAL PLAT FOR NEIGHBORHOOD "A" OF HIGHLAND WOODS SUBDIVISION (900 COOMBS ROAD)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-88

RESOLUTION  
APPROVING FINAL PLAT FOR  
NEIGHBORHOOD "A" OF  
HIGHLAND WOODS SUBDIVISION  
(900 Coombs Road)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that it hereby approves the final plat prepared by Cemcon, Ltd. dated November 22, 2005 and last revised March 28, 2007 for Neighborhood "A" of Highland Woods Subdivision.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-89 ADOPTED APPROVING FINAL PLAT FOR NEIGHBORHOOD "B" OF HIGHLAND WOODS SUBDIVISION (900 COOMBS ROAD)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-89

RESOLUTION  
APPROVING FINAL PLAT FOR  
NEIGHBORHOOD "B" OF  
HIGHLAND WOODS SUBDIVISION  
(900 Coombs Road)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that it hereby approves the final plat prepared by Cemcon, Ltd. dated November 18, 2005 and last revised June 29, 2006 for Neighborhood "B" of Highland Woods Subdivision.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-90 ADOPTED APPROVING PRELIMINARY PLAT FOR CAPITAL CORPORATE CENTER**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-90

RESOLUTION  
APPROVING PRELIMINARY PLAT FOR CAPITAL CORPORATE CENTER

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that it hereby approves the preliminary plat prepared by Spaceco, Inc., dated January 30, 2006, and last revised on December 8, 2006, for Capital Corporate Center. The approval granted by this resolution is tentative in nature, involving the general acceptability of the layout as submitted, and shall not qualify the plat for recording. Application for final approval shall be made not later than one year after the date of this resolution and must be supported by such drawings, specifications and monetary assurance as may be necessary to demonstrate compliance with applicable statutes and ordinances.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-91 ADOPTED AUTHORIZING EXECUTION OF A SPECIAL EVENT CO-SPONSORSHIP AGREEMENT WITH THE OUTDOOR EXHIBIT GROUP FOR A RIB FESTIVAL**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-91

RESOLUTION  
AUTHORIZING EXECUTION OF A SPECIAL EVENT CO-SPONSORSHIP  
AGREEMENT WITH THE OUTDOOR EXHIBITION GROUP  
FOR A RIB FESTIVAL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Ed Schock, Mayor, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute a Special Event Co-Sponsorship Agreement on behalf of the City of Elgin with the Outdoor Exhibition Group for a Rib Festival to be held at Festival Park on May 28, 2007, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-92 ADOPTED AUTHORIZING EXECUTION OF A SPECIAL  
EVENT CO-SPONSORSHIP AGREEMENT WITH THE DOWNTOWN  
NEIGHBORHOOD ASSOCIATION FOR A CINCO DE MAYO PARADE, CARNIVAL  
AND FESTIVAL**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-92

RESOLUTION  
AUTHORIZING EXECUTION OF A SPECIAL EVENT CO-SPONSORSHIP AGREEMENT  
WITH THE DOWNTOWN NEIGHBORHOOD ASSOCIATION  
FOR A CINCO DE MAYO PARADE, CARNIVAL AND FESTIVAL

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that Ed Schock, Mayor, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute a Special Event Co-Sponsorship Agreement on behalf of the City of Elgin

with the Downtown Neighborhood Association for a Cinco de Mayo parade, carnival and festival in Elgin's Center City on May 3-6, 2007, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-93 ADOPTED AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BTE VIDEO, INC.**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-93

RESOLUTION  
AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT  
WITH BTE VIDEO, INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that pursuant to Elgin Municipal Code Section 5.02.020B(9) the City Council hereby finds that an exception to the requirements of the procurement ordinance is necessary and in the best interest of the city; and

BE IT FURTHER RESOLVED that Olufemi Folarin, City Manager, and Dolonna Mecum, City Clerk, be and are hereby authorized and directed to execute an agreement on behalf of the City of Elgin with BTE Video, Inc. for local programming, a copy of which is attached hereto and made a part hereof by reference.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**RESOLUTION 07-94 ADOPTED SUPPORTING THE IMPACT FEE ADVISORY COMMITTEE DRAFT REVISIONS TO THE KANE COUNTY ROAD IMPROVEMENT IMPACT FEE PROGRAM**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to adopt the following resolution. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Resolution No. 07-94

RESOLUTION  
SUPPORTING THE IMPACT FEE ADVISORY COMMITTEE  
DRAFT REVISIONS TO THE KANE COUNTY ROAD  
IMPROVEMENT IMPACT FEE PROGRAM

WHEREAS, the Kane County Road Improvement Impact Fee Program went into effect in April, 2004; and

WHEREAS, an Impact Fee Advisory Committee has been established to review the Kane County Road Improvement Impact Fee Program and to recommend revisions for consideration by the Kane County Board; and

WHEREAS, the Impact Fee Advisory Committee has prepared draft revisions to the Kane County Road Improvement Impact Fee Program, undated, a copy of which is attached hereto; and

WHEREAS, the proposed revisions to the Kane County Road Improvement Impact Fee Program as drafted and recommended by the Impact Fee Advisory Committee are appropriate and in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS, that the City of Elgin hereby expresses its support for the draft revisions to the Kane County Road Improvement Impact Fee Program as recommended by the Impact Fee Advisory Committee.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Adopted: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**ORDINANCE S3-07 PASSED GRANTING A VARIANCE FROM CERTAIN PROVISIONS OF THE STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY COMMONLY KNOWN AS 1000 SOUTH RANDALL ROAD (WAL-MART/SAM'S CLUB)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Ordinance No. S3-07

AN ORDINANCE  
GRANTING A VARIANCE FROM CERTAIN PROVISIONS OF THE  
STORMWATER MANAGEMENT ORDINANCE  
FOR THE PROPERTY COMMONLY KNOWN AS  
1000 SOUTH RANDALL ROAD (WAL-MART/SAM'S CLUB)

WHEREAS, the city has adopted a Stormwater Management Ordinance to promote effective, equitable, acceptable and legal stormwater management measures by establishing reasonable rules and regulations for development that include managing and mitigating the effects of urbanization on stormwater drainage through planning, appropriate engineering practices and proper maintenance, and through the promulgation of rules and regulations for protecting the public health and safety and reducing the potential for loss of human life and property from flood damage; and

WHEREAS, the Stormwater Management Ordinance is codified in Title 21 of the Elgin Municipal Code and includes standards and procedures for granting variances from the provisions of the Stormwater Management Ordinance when strict compliance with the requirements of the Stormwater Management Ordinance are impracticable; and

WHEREAS, the Stormwater Management Ordinance requires new construction to be made at the flood protection elevation (FPE); and

WHEREAS, the development of 1000 South Randall Road (the "Subject Site") by Wal-Mart Stores, Inc., Sam's West, Inc. and Sam's Real Estate Business Trust (the "developer")

contemplates the construction of commercial retail structures with adjoining off-street parking facilities; and

WHEREAS, the Subject Site has been significantly impacted by required right-of-way for highway improvements, detention for those highway improvements and necessary treatments for the man-made drainage channel, including wetland enhancements, buffers and bridges); and

WHEREAS, the developer of the Subject Site has applied, pursuant to Petition 75-06, for a variance from the provisions of Section 203(h)(12) of the Stormwater Management Ordinance which establishes a maximum allowable water level fluctuation in the detention basins to five (5) feet; and

WHEREAS, the variance from the provisions of Section 203(h)(12) of the Stormwater Management Ordinance requested in Petition 75-06 seek a three and one-half (3 ½) foot increase in the maximum water fluctuation in the detention basins on the Subject Site to eight (8) feet from the five (5) feet established under Section 203(h)(12); and

WHEREAS, the stormwater management system on the Subject Site has been designed to incorporate a series of “best management” practices to improve overall water quality of the stormwater runoff generated by the development on the Subject Site, including bio-swale parking islands; wet-bottom retention basins for primary settling; and, a wet-bottom detention pond for infiltration prior to the ultimate discharge to on-site Waters of the United States; and

WHEREAS, the detention volume within the stormwater retention ponds satisfies all requirements of the city’s Stormwater Management Ordinance; and

WHEREAS, the Subject Site’s stormwater management system and detention facilities have been designed in accordance with the requirements of the city’s Stormwater Management Ordinance as it relates to allowable release rates under the fully developed state so that the overall runoff of the Subject Site decreases under developed conditions; and

WHEREAS, the existing Waters of the United States on the Subject Site is being preserved and enhanced with a fifty-foot buffer on each side in accordance with United States Army Corps of Engineers requirements and the enhanced area will be subject to a deed restriction and is noted as a drainage and conservation easement on the plat of subdivision for the Subject Site; and

WHEREAS, the city’s Planning and Development Commission unanimously recommended approval of the city’s variance request under Petition 75-06 during its August 21, 2006 meeting, the Planning and Development Commission’s finding of facts for Petition 75-06 being incorporated into this ordinance by reference as if set out herein in full.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elgin, Illinois as follows:

Section 1. Incorporation of Preambles. The preambles of this ordinance are hereby incorporated into this ordinance as if set out herein in full.

Section 2. In accordance with the procedures set forth in Article 9 of the Stormwater Management Ordinance, Petition 75-06, seeking a variance from the provisions of 203(h)(12) of the Stormwater Management Ordinance to construct commercial retail structures with adjoining off-street parking facilities, at 1000 South Randall Road, is hereby granted, subject to the developer's substantial conformance with the Statement and Purpose and Application for Variance dated May 17, 2006, as prepared by Atwell-Hicks Development Consultants.

Section 3. That this ordinance shall be in full force and effect immediately upon its passage and publication in the manner provided by law.

s/ Ed Schock  
\_\_\_\_\_  
Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published: April 13, 2007

Attest:

s/ Dolonna Mecum  
\_\_\_\_\_  
Dolonna Mecum, City Clerk

**ORDINANCE S4-07 PASSED GRANTING A VARIANCE FROM CERTAIN PROVISIONS OF THE STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY COMMONLY KNOWN AS 1350 EAST CHICAGO STREET (HIGH POINT PLAZA)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Ordinance No. S4-07

AN ORDINANCE  
GRANTING A VARIANCE FROM CERTAIN PROVISIONS OF THE  
STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY COMMONLY  
KNOWN AS 1350 EAST CHICAGO STREET (HIGH POINT PLAZA)

WHEREAS, the city has adopted a Stormwater Management Ordinance to promote effective, equitable, acceptable and legal stormwater management measures by establishing reasonable rules and regulations for development that include managing and mitigating the

effects of urbanization on stormwater drainage through planning, appropriate engineering practices and proper maintenance, and through the promulgation of rules and regulations for protecting the public health and safety and reducing the potential for loss of human life and property from flood damage; and

WHEREAS, the Stormwater Management Ordinance is codified in Title 21 of the Elgin Municipal Code and includes standards and procedures for granting variances from the provisions of the Stormwater Management Ordinance when strict compliance with the requirements of the Stormwater Management Ordinance are impracticable; and

WHEREAS, the Stormwater Management Ordinance requires new construction to be made at the flood protection elevation (FPE); and

WHEREAS, the development by Dearborn Construction and Development, Ltd. (the “developer”) of High Point Plaza at 1350 East Chicago Street contemplates the construction of a new Multiple-Tenant Commercial Building (the “Subject Site”); and

WHEREAS, the proposed stormwater discharge from the Subject Site will be less than the existing stormwater discharge in its undeveloped state and will prevent any potential downstream flooding; and

WHEREAS, the proposed stormwater management system for the Subject Site is a closed system that will eliminate any potential safety concerns related to an exposed detention basin; and

WHEREAS, open bottom catch basins will be used on all drainage structures within the Subject Site and the islands located at the ends of the parking stalls will also be designed to catch stormwater; and

WHEREAS, the topography of the Subject Site is such that an underground, pre-cast-concrete vault storm water detention system must be constructed; and

WHEREAS, the creation of the underground pre-cast-concrete vault storm water detention system will sufficiently accommodate higher release rate and water level fluctuations of the detention basin and will also permit a small detention volume of stormwater intended to create infiltration and evaporation to be eliminated; and

WHEREAS, the developer has applied, pursuant to Petition 78-06, for a variance from the provisions of Sections of the of the Stormwater Management Ordinance, such sections being Section 203(b) which sets requirements for the site run-off storage requirements, 203(h)(12) which sets requirements for maximum allowable water level fluctuation, and 203(g)(1) which sets requirements for runoff from a 0.75 inch rainfall event over the hydraulically connected impervious area; and

WHEREAS, the city’s Planning and Development Commission unanimously recommended approval of the variance request under Petition 78-06 during its September 5,

2006 meeting, the Planning and Development Commission’s finding of facts for Petition 78-06 being incorporated into this ordinance by reference as if set out herein in full.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Elgin, Illinois as follows:

Section 1. Incorporation of Preambles. The preambles of this ordinance are hereby incorporated into this ordinance as if set out herein in full.

Section 2. In accordance with the procedures set forth in Article 9 of the Stormwater Management Ordinance, Petition 78-06, in which Dearborn Construction and Development, Ltd. applied for a variance from the provisions of Sections 203(b), 203(h)(12) and 203(g)(1) of the Stormwater Management Ordinance to construct a multiple-tenant commercial building at Highpoint Plaza, 1350 East Chicago Street, is hereby granted, subject to the developer’s substantial conformance with the Statement and Purpose and Application for a Variance dated September 22, 2005, and prepared by Marchris Engineering Limited.

Section 3. That this ordinance shall be in full force and effect immediately upon its passage and publication in the manner provided by law.

s/ Ed Schock  
\_\_\_\_\_

Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published: April 13, 2007

Attest:

s/ Dolonna Mecum  
\_\_\_\_\_

Dolonna Mecum, City Clerk

**ORDINANCE S5-07 PASSED ANNEXING CERTAIN TERRITORY TO THE CITY OF ELGIN (CAPITAL CORPORATE CENTER - 2451 MASON ROAD)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Ordinance No. S5-07

AN ORDINANCE  
ANNEXING CERTAIN TERRITORY TO THE CITY OF ELGIN  
(Capital Corporate Center - 2451 Mason Road)

WHEREAS, a petition signed by all the owners of record of certain territory has been filed with the City Clerk requesting annexation of said territory to the City of Elgin, Illinois; and

WHEREAS, said petition includes therein a statement under oath by all the owners of record that no electors reside on the subject territory; and

WHEREAS, said territory is contiguous to the City of Elgin and is not within the corporate limits of any municipality; and

WHEREAS, legal notices of the intent of the City of Elgin to annex said territory have been forwarded to all public bodies required to receive said notice in the manner provided by law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That the territory and lands described as follows be and are annexed to and made a part of the City of Elgin and the boundaries of the City of Elgin be and are hereby enlarged and extended to include in the corporate boundaries of the City of Elgin said territory:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A "MAG NAIL" AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH 00 DEGREES 42 MINUTES 09 SECONDS WEST ALONG AN ASSUMED BEARING, BEING THE EAST LINE OF SAID SECTION A DISTANCE OF 971.76 FEET TO A POINT ON THE EASTERLY EXTENSION ON THE NORTH LINE OF WESTFIELD BUSINESS PARK PLAT NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1989 AS DOCUMENT NUMBER 2012687; THENCE NORTH 89 DEGREES 58 MINUTES 43 SECONDS WEST ALONG SAID EASTERLY EXTENSION 400.96 FEET TO THE NORTHEAST CORNER OF PROPERTY CONVEYED BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2005K019712, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 58 MINUTES 43 SECONDS WEST ALONG THE NORTH LINE OF SAID WESTFIELD BUSINESS PARK PLAT NO. 2, A DISTANCE OF 2240.99 FEET TO THE NORTHWEST CORNER OF SAID WESTFIELD BUSINESS PARK PLAT NO. 2, SAID POINT BEING ON THE WEST LINE OF SAID

NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 36 MINUTES 23 SECONDS EAST ALONG SAID WEST LINE 985.61 FEET TO A "PK NAIL" AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER PER DOCUMENT NUMBER 94K009395; THENCE SOUTH 89 DEGREES 40 MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 1635.21 FEET TO A POINT 1008.28 FEET WEST (AS MEASURED ALONG SAID NORTH LINE) OF THE AFOREMENTIONED NORTHEAST CORNER OF SAID NORTHEAST QUARTER, SAID POINT BEING ON THE WEST LINE OF THE NORTHWEST TOLLWAY (I-90) ACCORDING TO CIRCUIT COURT GENERAL NUMBER S6-1213 FILED MAY 27, 1957; THENCE SOUTH 00 DEGREES 20 MINUTES 09 SECONDS WEST ALONG THE LAST DESCRIBED LINE 23.27 FEET; THENCE SOUTH 67 DEGREES 10 MINUTES 51 SECONDS EAST 116.50 FEET ALONG THE LAST DESCRIBED LINE; THENCE SOUTH 47 DEGREES 45 MINUTES 51 SECONDS EAST ALONG THE LAST DESCRIBED LINE 118.24 FEET TO A POINT ON THE WEST LINE OF ISTHA PARCEL N-4D-105 PER FINAL JUDGMENT RECORDED AS DOCUMENT NUMBER 2002K018471; THENCE SOUTH 31 DEGREES 22 MINUTES 12 SECONDS EAST ALONG THE LAST DESCRIBED LINE 251.01 FEET; THENCE SOUTH 22 DEGREES 47 MINUTES 59 SECONDS EAST ALONG THE LAST DESCRIBED LINE 358.42 FEET; THENCE SOUTH 26 DEGREES 20 MINUTES 32 SECONDS EAST ALONG THE LAST DESCRIBED LINE 295.72 FEET TO THE SOUTHWEST CORNER OF ISTHA PARCEL N-4D-105 PER SAID FINAL JUDGMENT; THENCE SOUTH 00 DEGREES 32 MINUTES 26 SECONDS WEST 19.53 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

ALSO, THAT PART OF MASON ROAD LYING NORTH AND EAST OF THE ABOVE DESCRIBED PROPERTY, IN KANE COUNTY, ILLINOIS.

Section 2. That a certified copy of this ordinance together with an accurate map of said territories shall be filed with the Recorder of Deeds, Kane County, Illinois.

Section 3. That this ordinance shall be in full force and effect immediately after its passage in the manner provided by law.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published:

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**ORDINANCE G19-07 PASSED AMENDING CHAPTER 6.37 OF THE ELGIN MUNICIPAL CODE, 1976, AS AMENDED, ENTITLED "RENTAL RESIDENTIAL PROPERTY"**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Ordinance No. G19-07

AN ORDINANCE  
AMENDING CHAPTER 6.37  
OF THE ELGIN MUNICIPAL CODE, 1976, AS AMENDED,  
ENTITLED "RENTAL RESIDENTIAL PROPERTY"

WHEREAS, the City Council of the City of Elgin has determined it is necessary and desirable to provide for the licensing and inspection of rental residential properties within the city; and

WHEREAS, the City of Elgin is a home rule municipality as defined in Article VII, Section 6A of the 1970 Constitution of the State of Illinois; and

WHEREAS, a home rule unit may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the licensing and inspection of rental residential property pertains to the government and affairs of the City of Elgin.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That Section 6.37.050, subsection B of the Elgin Municipal Code, 1976, as amended, entitled "License Application," be and is hereby amended to read as follows:

- B. Each application for a new license or a renewal of an existing license shall be accompanied by a fee as determined by the number of dwelling units or rooming units established within the rental residential property, as set forth in the table below:

<u>NUMBER OF DWELLING UNITS OR ROOMING UNITS</u>	<u>NEW LICENSE OR LICENSE RENEWAL APPLICATION FEE</u>
1-5	\$71.00
6-10	\$107.00
11-15	\$143.00
16-20	\$178.00
21-25	\$214.00
26-30	\$250.00
31-35	\$285.00
36-40	\$320.00
41-45	\$356.00
46-50	\$392.00
51-55	\$428.00
56-60	\$463.00
61-65	\$499.00
66-70	\$535.00
71-75	\$570.00
76-80	\$606.00
81-85	\$642.00
86-90	\$677.00
91-95	\$713.00
96-100	\$748.00

For the purposes of this subsection, the calculation of the total number of dwelling units or rooming units within any rental residential property established within a single building using more than one street address shall be determined by counting the total the number of such dwelling units or rooming units existing within such building (i.e., not per street address within such building), provided that more than two dwelling units or two rooming units have been established in the building. All such fees shall be payable at the office of the department. Each application for a new license or a renewal license shall also be accompanied by copy or copies of the written notice or notices required under subsection 6.37.100C of this chapter advising each tenant or occupant of the maximum number of persons allowable by the occupancy standards of the city's property maintenance code. Applications for a new license shall be assigned an annual license renewal date determined by the date on which their application for a new license was filed with the city. All licenses shall expire on the day following that annual license renewal date.

Section 2. That Section 6.37.060, subsection D and subsection F of the Elgin Municipal Code, 1976, as amended, entitled "Inspection Requirements," be and are hereby amended to read as follows:

- D. When a licensing inspection of a rental residential property reveals any violations of applicable codes, a compliance time frame will be set by the code official. In establishing a compliance time frame, the code official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The code official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. Said notice shall include the following:
1. Description of the property sufficient for identification;
  2. A statement listing the violations of applicable codes;
  3. A statement of the date upon which the licensing reinspection will occur; and
  4. An explanation that if upon completion of the licensing reinspection that the requirements of applicable city codes have not been met, the license will be suspended or revoked.
- F. A rental residential property which is in total compliance at the time of the licensing inspection shall receive a two year extension of the license at no additional charge and with no additional inspections being required, provided the owner or property agent of the rental residential property has successfully completed the landlord training class required under section 6.37.100 of this chapter.

Section 3. That Section 6.37.080 of the Elgin Municipal Code, 1976, as amended, entitled "Violations," be and is hereby amended to read as follows:

- A. Failure of the owner or owners of the rental residential property to license such property with the code official.
- B. Failure of the owner or owners of the rental residential property to schedule a licensing inspection with the city after filing an application for a new license or after filing an application for renewal of an existing license.
- C. Failure of the occupants of the rental residential property to vacate such property within sixty (60) days after receiving notice from the code official that such property is not properly licensed or that the license has been revoked.
- D. Failure of the owner of the rental residential property to vacate all tenants from said property within sixty (60) days after the license has been revoked.

- E. Failure of the owners of the rental residential property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances.
- F. Any person other than an inspector from the department who removes or defaces any notices which have been posted pursuant to this chapter without the approval of the code official shall be liable for the penalties provided for by this chapter.
- G. Failure of the owner of the rental residential property to comply with any other applicable provision of this chapter or this code.

Section 4. That Section 6.37.100 of the Elgin Municipal Code, 1976, as amended, entitled "Owner Responsibility," be and is hereby amended to add the following new subsection to read as follows:

- E. After June 30, 2006, the owner of any rental residential property, and when applicable, the property agent of any residential property, shall attend and successfully complete a landlord training class conducted by the city within one year from the date of the issuance of a license or renewal license for a rental residential property.
  1. The fee for such landlord training class shall be \$22.00 per person.
  2. An owner or property agent of any rental residential property who successfully completes the city's landlord training class shall not be required to attend and complete a landlord training class following the issuance of any subsequent license or renewal license for any rental residential property.
  3. When a new property agent is hired for a rental residential property and that property agent has not previously attended and successfully completed a landlord training class conducted by the city, the new property agent shall attend and successfully complete a landlord training class conducted by the city within one year from that person's date of hiring as the property agent for the rental residential property.
  4. An owner or property agent of any rental residential property who has successfully completed prior professional training commensurate with the city's landlord training class may apply to the code official and seek a waiver from the landlord training class requirement. The code official, in his or her sole discretion, shall determine whether the applicant's prior professional training constitutes the substantial equivalent of the city's landlord training class. A representative example of substantially equivalent prior professional training includes, but it is not limited to, the "Master Property Manager (MPM)" designation conferred by the National Association of Residential Property Managers (NARPM) and must minimally include coursework regarding tenancy-related issues as well as habitability standards and maintenance.

- F. For any lease for rental residential property executed after June 30, 2006, the owner or property agent of any rental residential property shall utilize the crime free lease addendum set forth below, or have a clause in a lease substantially utilizing the language in the crime free lease addendum:

CRIME FREE LEASE ADDENDUM

In consideration of the execution or renewal of a lease of the dwelling unit identified as [PROPERTY NAME, ADDRESS], unit number \_\_\_\_\_, \_\_\_\_\_, Owner and Resident agree as follows:

1. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. 802)).
2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate criminal activity, including, but not limited to drug-related criminal activity, on or near the said premises.
3. Resident or members of the household shall not permit the dwelling unit to be used for, or to facilitate criminal activity, including but not limited to drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Resident, any member of the resident's household or a guest, or another person under the resident's control shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the dwelling unit premises or otherwise.
5. Resident, any member of the resident's household, or a guest or another person under the resident's control shall not engage in and/or facilitate any illegal activity, including but not limited to the following: prostitution; criminal street gang activity; threatening or intimidating; assault, including but not limited to, the unlawful discharge of firearms on or near the dwelling unit premises; or any breach of the lease agreement that otherwise jeopardizes the health, safety and welfare of the landlord, the landlord's agent or other tenant or involving imminent or actual serious property damage.

6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and a material and irreparable non-compliance. It is understood that a single violation shall be good cause for immediate termination of the lease. There is no "good cause" requirement in the State of Illinois for lease terminations. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by a preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.

8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, between Owner and Resident.

Date:

Resident Signature

Date:

Property Manager's Signature

Section 5. That Section 6.37.120 of the Elgin Municipal Code, 1976, as amended, entitled "No Effect On Leases," be and is hereby amended to read as follows:

With the exception of the provisions set forth in Section 6.37.100 of this chapter, this chapter is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, of a rental residential property.

Section 6. That Chapter 6.37 of the Elgin Municipal Code, 1976, as amended, entitled "Rental Residential Property," be and is hereby amended to add Section 6.37.135, entitled "Miscellaneous Fees," to read as follows:

The fees set forth below shall be imposed on the owner of any rental residential property upon the occurrence of the described activity:

Reinspection, following a prior reinspection:	\$ 50.00
Late payment on any imposed fee that is 30-60 days overdue:	\$ 50.00
Late payment on any imposed fee that is more than 60 days overdue:	\$ 50.00
Cancelled inspection or missed inspection: (Scheduled inspections must be cancelled not later than the business day immediately preceding the inspection date in order to avoid a cancellation fee.)	\$ 50.00
Suspended license:	\$100.00
Revoked license:	\$500.00

Section 7. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed.

Section 8. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published: April 13, 2007

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**ORDINANCE G20-07 PASSED AMENDING CHAPTER 16.48 OF THE ELGIN MUNICIPAL CODE, 1976, AS AMENDED, ENTITLED "FEE SCHEDULE FOR INSPECTIONS AND PERMITS"**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

AN ORDINANCE  
 AMENDING CHAPTER 16.48 OF THE ELGIN MUNICIPAL CODE, 1976,  
 AS AMENDED, ENTITLED “FEE SCHEDULE FOR INSPECTIONS AND PERMITS”

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS,

Section 1. That Chapter 16.48 of the Elgin Municipal Code, 1976, as amended, entitled “Fee Schedule for Inspections and Permits,” be and is hereby further amended to add new section 16.48.065, entitled “Fire Prevention,” to read as follows:

16.48.065: FIRE PREVENTION:

A. Fire Alarm Plan Review:

1-25 alarm devices in approved plan	\$300.00
26-50 alarm devices in approved plan	\$400.00
51-75 alarm devices in approved plan	\$500.00
Over 75 alarm devices in approved plan	\$100.00 per hour of plan review

B. Fire Sprinkler System Plan Review:

1-20 sprinkler heads in approved plan	\$200.00
21-50 sprinkler heads in approved plan	\$300.00
51-100 sprinkler heads in approved plan	\$400.00
101-300 sprinkler heads in approved plan	\$600.00
Over 300 sprinkler heads in approved plan	\$100.00 per hour of plan Review

C. Standpipe System Plan Review

Per standpipe approved	\$200.00
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D.	Fire Pump Plan Review	
	Per fire pump plan approved	\$200.00
E.	Water Flow Test	
	Per water flow test conducted	\$240.00
F.	High-Piled Combustible Storage Plan Review	
	Per hour of review for approved plan	\$100.00
G.	Hood Suppression System Plan Review	
	Per approved plan	\$200.00
H.	Gas Suppression System Plan Review	
	1-50 pounds of agent in approved plan	\$200.00
	51-100 pounds of agent in approved plan	\$300.00
	101-200 pounds of agent in approved plan	\$400.00
	201-300 pounds of agent in approved plan	\$600.00
	Over 300 pounds of agent in approved plan	\$100.00 per hour of plan review
I.	Hazardous Materials Management Plan Review	
	Storage of 11 gallons or more of Class I flammable liquid within interior occupancies in approved plan	\$100.00
	Storage of 61 gallons or more of Class I flammable liquid on exterior property in approved plan	\$100.00
	Storage of 26 gallons or more of Class II or Class III Combustible liquid within interior occupancies in approved plan	\$100.00
	Storage of 61 gallons or more of Class II or Class III combustible liquid on exterior property in approved plan	\$100.00

	Any refining, mixing or blending of flammable or combustible liquids in approved plan	\$100.00
J.	Above-Ground Storage Tank Permit Fee	
	Per above-ground storage tank approved	\$200.00
K.	Fire Safety Plan Review	
	Per hour of review for approved plan	\$100.00
L.	Pre-Fire Plan Review	
	Per hour of review for approved plan	\$100.00
M.	Evacuation Plan Review	
	Per hour of review for approved plan	\$100.00
N.	Facility Closure Plan Review	
	Per hour of review for approved plan	\$100.00
O.	Reinspection Fees	
	First reinspection conducted by a fire company	\$75.00
	Second or greater reinspection conducted by a fire company	\$100.00
	First reinspection by fire marshal or other fire department representative	\$125.00
	Second reinspection by fire marshal or other fire department representative	\$300.00
	Third or more reinspection by fire marshal or other fire department representative	\$500.00
P.	Plan Review Amendments	\$100.00 per hour of plan review

Q. Permit Renewal (Following Permit’s Expiration) \$50.00

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and are hereby repealed.

Section 3. That this ordinance shall be in full force and effect upon its passage and publication in the manner provided by law.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published: April 13, 2007

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**ORDINANCE G21-07 PASSED CLASSIFYING NEWLY ANNEXED TERRITORY IN THE PORI PLANNED OFFICE RESEARCH INDUSTRIAL DISTRICT (CAPITAL CORPORATE CENTER-2451 MASON ROAD)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Ordinance No.G21-07

**AN ORDINANCE  
CLASSIFYING NEWLY ANNEXED TERRITORY IN THE  
PORI PLANNED OFFICE RESEARCH INDUSTRIAL DISTRICT  
(Capital Corporate Center – 2451 Mason Road)**

WHEREAS, the territory herein described has been annexed to the City of Elgin; and

WHEREAS, written application has been made to classify said territory in the PORI Planned Office Research Industrial District; and

WHEREAS, after due notice in the manner provided by law the Planning and Development Commission conducted public hearings concerning said application and has submitted its written findings and recommendations; and

WHEREAS, the City Council of the City of Elgin, Illinois, has reviewed the findings and recommendations of the Planning and Development Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELGIN, ILLINOIS:

Section 1. That the City Council of the City of Elgin hereby adopts the Findings of Fact, dated November 20, 2006, made by the Planning and Development Commission, a copy of which is attached hereto and made a part hereof by reference as Exhibit A.

Section 2. That Chapter 19.07, Section 19.07.600 entitled "Zoning District Map" of the Elgin Municipal Code, 1976, as amended, be and the same is hereby further amended by adding thereto the following paragraph:

"The boundaries herein before laid out in the 'Zoning District Map', as amended, be and are hereby altered by including in the PORI Planned Office Research Industrial District, the following described property:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A "MAG NAIL" AT THE NORTHEAST CORNER OF SAID SECTION 31; THENCE SOUTH 00 DEGREES 42 MINUTES 09 SECONDS WEST ALONG AN ASSUMED BEARING, BEING THE EAST LINE OF SAID SECTION A DISTANCE OF 971.76 FEET TO A POINT ON THE EASTERLY EXTENSION ON THE NORTH LINE OF WESTFIELD BUSINESS PARK PLAT NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 6, 1989 AS DOCUMENT NUMBER 2012687; THENCE NORTH 89 DEGREES 58 MINUTES 43 SECONDS WEST ALONG SAID EASTERLY EXTENSION 400.96 FEET TO THE NORTHEAST CORNER OF PROPERTY CONVEYED BY WARRANTY DEED RECORDED AS DOCUMENT NUMBER 2005K019712, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 58 MINUTES 43 SECONDS WEST ALONG THE NORTH LINE OF SAID WESTFIELD BUSINESS PARK PLAT NO. 2, A DISTANCE OF 2240.99 FEET TO THE NORTHWEST CORNER OF SAID WESTFIELD BUSINESS PARK PLAT NO. 2, SAID POINT BEING ON THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 36 MINUTES 23 SECONDS EAST ALONG SAID WEST LINE 985.61 FEET TO A "PK NAIL" AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER PER DOCUMENT NUMBER 94K009395; THENCE SOUTH 89 DEGREES 40

MINUTES 41 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 1635.21 FEET TO A POINT 1008.28 FEET WEST (AS MEASURED ALONG SAID NORTH LINE) OF THE AFOREMENTIONED NORTHEAST CORNER OF SAID NORTHEAST QUARTER, SAID POINT BEING ON THE WEST LINE OF THE NORTHWEST TOLLWAY (I-90) ACCORDING TO CIRCUIT COURT GENERAL NUMBER S6-1213 FILED MAY 27, 1957; THENCE SOUTH 00 DEGREES 20 MINUTES 09 SECONDS WEST ALONG THE LAST DESCRIBED LINE 23.27 FEET; THENCE SOUTH 67 DEGREES 10 MINUTES 51 SECONDS EAST 116.50 FEET ALONG THE LAST DESCRIBED LINE; THENCE SOUTH 47 DEGREES 45 MINUTES 51 SECONDS EAST ALONG THE LAST DESCRIBED LINE 118.24 FEET TO A POINT ON THE WEST LINE OF ISTHA PARCEL N-4D-105 PER FINAL JUDGMENT RECORDED AS DOCUMENT NUMBER 2002K018471; THENCE SOUTH 31 DEGREES 22 MINUTES 12 SECONDS EAST ALONG THE LAST DESCRIBED LINE 251.01 FEET; THENCE SOUTH 22 DEGREES 47 MINUTES 59 SECONDS EAST ALONG THE LAST DESCRIBED LINE 358.42 FEET; THENCE SOUTH 26 DEGREES 20 MINUTES 32 SECONDS EAST ALONG THE LAST DESCRIBED LINE 295.72 FEET TO THE SOUTHWEST CORNER OF ISTHA PARCEL N-4D-105 PER SAID FINAL JUDGMENT; THENCE SOUTH 00 DEGREES 32 MINUTES 26 SECONDS WEST 19.53 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

ALSO, THAT PART OF MASON ROAD LYING NORTH AND EAST OF THE ABOVE DESCRIBED PROPERTY, IN KANE COUNTY, ILLINOIS.

Section 3. That the City Council of the City of Elgin hereby classifies the subject property in the PORI Planned Office Research Industrial District in accordance with the following provisions:

- A. Purpose and Intent.** The purpose of the PORI Office Research Industrial District is to provide a planned industrial environment that fosters a sense of place and destination within a coordinated campus or park setting, subject to the provisions of Chapter 19.60, Planned Developments. A PORI zoning district is most similar to, but departs from the standard requirements of the ORI zoning district.
- B. Supplementary Regulations.** Any word or phrase contained herein, followed by the symbol “(SR)”, shall be subject to the definitions and the additional interpretive requirements provided in Chapter 19.90, Supplementary Regulations, of the Elgin Municipal Code, as amended. The exclusion of such symbol shall not exempt such word or phrase from the applicable supplementary regulation.
- C. General Provisions.** In this PORI zoning district, the use and development of land and structures shall be subject to the provisions of Chapter 19.05, General Provisions, of the Elgin Municipal Code, as amended.

- D. Zoning Districts - Generally.** In this PORI zoning district, the use and development of land and structures shall be subject to the provisions of Chapter 19.07, zoning Districts, of the Elgin Municipal Code, as amended.
- E. Land Use.** In this PORI zoning district, the use and development of land and structures shall be subject to the provisions of Chapter 19.10 Land Use, of the Elgin Municipal Code, as amended.
- 1. Land Use Regulations for Lot 3, as identified on the Preliminary Plat of Subdivision, prepared by Spaceco Inc., and dated January 30, 2006, with the latest revisions dated December 8, 2006:**

The "PORI Land Uses", as identified in Section E.5.A & B, below, shall be the only land uses allowed as a "permitted use" (SR) or as a "conditional use" (SR) on Lot 3 of this PORI district.

- 2. Land Use Regulations for Lots 1, 2, 4, and 5 as identified on the Preliminary Plat of Subdivision, prepared by Spaceco, Inc., and dated January 30, 2006, with the latest revisions dated December 8, 2006:**

a. The "PORI Land Uses", as identified in section E.5.A & B, below, and the "AB Land Uses", as identified in section E.6.A & B, below, shall be the only land uses allowed as a "permitted use" (SR) or as a "conditional use" (SR) on Lots 1, 2, 4 and 5 of this PORI district.

b. No Bracketed PORI Land Use (as hereafter defined) shall be located on Lot 2 where Bracketed AB Land Uses have been established on Lots 1 and 4 unless otherwise approved by the City's zoning administrator or by the corporate authorities if the City of Elgin.

c. Similarly, no Bracketed PORI Land Use (as hereafter defined) shall be located on Lot 4 where Bracketed AB Land Uses have been established on Lots 2 and 5 unless otherwise approved by the City's zoning administrator or by the corporate authorities if the City of Elgin.

- 3. Land Use Regulations for Lots 6 and 7 as identified on the Preliminary Plat of Subdivision, prepared by Spaceco, Inc., and dated January 30, 2006, with the latest revisions dated December 8, 2006:**

a. The "PORI Land Uses", as identified in section E.5.A & B, below, and the "AB Land Uses", as identified in section E.6.A & B, below, shall be the only land uses allowed as a "permitted use"

(SR) or as a “conditional use” (SR) on Lots 6 and 7 of in this PORI district.

- b. No Bracketed PORI Land Use (as hereafter defined) shall be established on either Lot 6 or 7 when a Bracketed AB Land Use (as hereafter defined) has been established first on either lot.

**4. Land Use Regulations for Lot 8 as identified on the Preliminary Plat of Subdivision, prepared by Spaceco, Inc., and dated January 30, 2006, with the latest revisions dated December 8, 2006:**

- a. The “PORI Land Uses”, as identified in Section E.5.A & B, below, and the “AB Land Uses”, as identified in section E.6.A & B, below, shall be the only land uses allowed as a “permitted use” (SR) or as a “conditional use” (SR) on Lot 8 of this PORI district.

**5. PORI Land Uses.** The following “land uses” (SR) shall be the only land uses allowed as a “permitted use” (SR) or as a “conditional use” (SR) in this PORI district.

**A. Permitted Uses.** The following enumerated land uses shall be the only land uses allowed as a permitted use in this PORI zoning district. Those uses set forth in brackets “[use]” shall herein be referred to as “Bracketed PORI Land Uses”:

- i. Municipal Services Division:**  
Public parks, recreation, open space (UNCL) on a “zoning lot” [SR] containing less than two (2) acres of land.
- ii. Offices Division:**  
“Offices” [SR] (UNCL).
- iii. Finance, Insurance, And Real Estate Division:**  
“Development sales offices” [SR] (UNCL).  
Finance, insurance, and real estate (H), subject to the provision that there be no more than one banking institution in the subdivision.
- iv. Services Division:**  
Advertising (731).  
Carpet and upholstery cleaning agents without plants on the premises (7217).  
Commercial, economic, sociological, and educational research (8732).  
Commercial physical and biological research (8731).  
Computer programming, data processing, and other computer-related services (737).  
Computer rental and leasing (7377).  
Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies (732).

Detective and guard services (7381).  
 Electrical and electronic repair shops (7629).  
 Engineering, accounting, research, management, and related services (87).  
 Home health care services (808).  
 "Hotels and motels" [SR] (701).  
 Job training and vocational rehabilitation services (833).  
 Legal services (811).  
 Libraries (823).  
 Linen supply (7213).  
 Mailing, reproduction, commercial art and photography, and stenographic services (733).  
 Management and public relations services (874).  
 Medical and dental laboratories (807).  
 Membership organizations (86).  
 Motion picture distribution and allied services (782).  
 Motion picture production and allied services (781).  
 News syndicates (7383).  
 Noncommercial research organizations (8733).  
 Offices and clinics of dentists (802).  
 Offices and clinics of doctors of medicine (801).  
 Offices and clinics of doctors of osteopathy (803).  
 Offices and clinics of other health practitioners (804).  
 Other schools and educational services (829).  
 Outdoor advertising services (7312).  
 Personnel supply services (736).  
 [Photofinishing laboratories (7384)].  
 Physical Fitness Facilities (7999)  
 Professional sports operators and promoters (7941).  
 [Refrigerator and air-conditioning service and repair (7623).]  
 [Reupholstery and furniture repair (764).]  
 Security systems services (7382).  
 Tax return preparation services (7291).  
 [Testing laboratories (8734).]  
 Theatrical producers (792).  
 Vocational schools (824).

- v. **Retail Trade Division:**
  - Automatic merchandising machine operators (5962).
  - Catalog and mail-order houses (5961).
  
- vi. **Agricultural Division:**
  - Crop services (072).
  - Farm labor and management services (076).
  - Landscape counseling and planning (0781).
  - Soil preparation services (071).

- vii. Construction Division:**
  - ["Contractor's office and equipment areas" [SR] (UNCL).]
- viii. Manufacturing Division:**
  - [Apparel and other finished products made from fabrics and similar materials (23).]
  - [Computer and office equipment (357).]
  - [Electronic and other electrical equipment and components (36).]
  - [Fabricated metal products (34).]
  - [Furniture and fixtures (25).]
  - [Industrial and commercial machinery and equipment (35).]
  - [Leather and leather products (31).]
  - [Measuring, analyzing, and controlling instruments;] photographic, medical, and optical goods; and watches and clocks (38).]
  - [Primary metal industries (33).]
  - [Printing, publishing, and allied industries (27).]
  - [Stone, clay, glass and concrete products (32).]
  - [Tobacco products (21).]
  - [Transportation equipment (37).]
- ix. Wholesale Trade Division:**
  - Apparel piece goods and notions (513).
  - Beer, wine and distilled alcoholic beverages (518).
  - Drugs, drug proprietary and druggists' sundries (512).
  - Chemicals and allied products (516).
  - Electrical goods (506).
  - [Farm product raw materials (515).]
  - Furniture and home furnishings (502).
  - Groceries and related products (514).
  - [Hardware, and plumbing and heating equipment and supplies (507).]
  - [Lumber and other construction materials (503).]
  - [Machinery, equipment, and supplies (508).]
  - [Metals and minerals, except petroleum (505).]
  - Motor vehicles and motor vehicle parts and supplies (501).
  - Paper and paper products (511).
  - [Petroleum and petroleum products (517)].
  - Professional and commercial equipment and supplies (504).
- x. Transportation, Communication And Utilities Division:**
  - "Amateur radio antennas" [SR] (UNCL).
  - Arrangement of passenger transportation (472).
  - Arrangement of transportation of freight and cargo (473).
  - Branch United States post offices (4311).
  - Bus charter service operators offices (414).
  - Cable and other pay television services (484).
  - "Commercial antennas and antenna structures mounted on existing structures" [SR] (UNCL).
  - Communication services not elsewhere classified (489).

Courier services (4215).

Freight forwarding in general (4731), subject to the provision that it is allowed as a permitted use on lot 3, and as a conditional use on all other lots.

Intercity and rural bus transportation operators' offices (413).

Local and suburban passenger transportation operators' offices (411).

[Natural gas transmission and distribution (4922) (4924).]

[Packing and crating (4783).]

[Public warehousing and storage (422), subject to the provision that it is allowed as a permitted use on lot 3, and as a conditional use on all other lots]

"Radio and television antennas" [SR] (UNCL).

Radio and television broadcasting stations (483).

Railroad operators' offices (401).

"Satellite dish antennas" [SR] (UNCL).

School bus operators' offices (415).

Taxicab operators' offices (412).

Telegraph and other message communications (482).

Telephone communications (481).

"Treatment, transmission and distribution facilities: poles, wires, cables, conduits, laterals, vaults, pipes, mains and valves" [SR] (UNCL).

**xi. Miscellaneous Uses Division:**

"Accessory structures" [SR] (UNCL) to the permitted uses allowed in the ORI Office Research Industrial District, subject to the provisions of Section 19.12.500 of this Title.

"Accessory uses" [SR] (UNCL) to the permitted uses allowed in the ORI Office Research Industrial District to the provisions of Section 19.10.400 of this Title.

"Fences and walls" [SR] (UNCL).

"Loading facilities" [SR] (UNCL), exclusively "accessory" [SR] to a permitted use allowed in the ORI Office Research Industrial District, subject to the provisions of Chapter 19.47 of this Title.

"Parking lots" [SR] (UNCL), exclusively "accessory" [SR] to a permitted use allowed in the ORI Office Research Industrial District, subject to the provisions of Chapter 19.45 of this Title.

"Parking structures" [SR] (UNCL), exclusively "accessory" [SR] to a permitted use allowed in the ORI Office Research Industrial District, subject to the provisions of Chapter 19.45 of this Title.

"Refuse collection area" [SR].

"Signs" [SR] (UNCL), subject to the provisions of Chapter 19.50 of this Title.

"Storage tanks" [SR] (UNCL).

"Temporary uses" [SR] (UNCL).

- B. Conditional Uses:** The following enumerated land uses shall be the only land uses allowed as a conditional use in this PORI Planned Office Research Industrial District:
- i. Municipal Services Division:**  
"Municipal facilities" [SR] (UNCL) on a zoning lot containing less than two (2) acres of land.
  - ii. Public Administration Division:**  
Public administration (J) on a zoning lot containing less than two (2) acres of land.
  - iii. Services Division:**  
Armored car service (7381).  
Carpet or rug cleaning, dying, or repairing plants (7217).  
Child daycare services (835).  
Dry-cleaning plants (7216).  
Individual and family social services (832).  
Industrial launderers (7218).  
Power laundries (7211).  
Truck route laundry and dry cleaning not operated by laundries or cleaners (7212).
  - iv. Manufacturing Division:**  
Chemicals and allied products (28).  
Food and kindred products (20).  
Lumber and wood products (24).  
Paper and allied products (26).  
Petroleum refining and related industries (29).  
Rubber and miscellaneous plastics products (30).  
Textile mill products (22).
  - v. Transportation, Communication And Utilities Division:**  
"Commercial antenna tower" [SR] (UNCL).  
"Conditional commercial antenna tower" [SR] (UNCL).  
"Conditional commercial antennas and antenna structures mounted on existing structures" [SR] (UNCL).  
Heliports (458).  
Natural gas storage.  
"Other radio and television antennas" [SR] (UNCL).  
"Other satellite dish antennas" [SR] (UNCL).  
Pipelines, except natural gas (461).  
Public warehousing and storage (422).  
Railroad tracks (401).  
"Treatment, transmission and distribution facilities: equipment, equipment buildings, towers, exchanges, substations, regulators" [SR] (UNCL).  
Water transportation (44).
  - vii. Miscellaneous Uses Division:**  
"Accessory package liquor sales establishment" [SR] (UNCL).

"Accessory structures" [SR] (UNCL) to the conditional uses allowed in the ORI Office Research Industrial District, subject to the provisions of Section 19.12.500 of this Title.

"Accessory uses" [SR] (UNCL) to the conditional uses allowed in the ORI Office Research Industrial District, subject to the provisions of Section 19.10.400 of this Title.

"Commercial operations yard" [SR] (UNCL).

"Master signage plan" [SR], subject to the provisions of Chapter 19.50 of this Title.

"Outdoor display areas" [SR] (UNCL)

"Outdoor display lots" [SR] (UNCL)

"Parking lots" [SR] (UNCL), subject to the provisions of Chapter 19.45 of this Title.

"Parking structures" [SR], subject to the provisions of Chapter 19.45 of this Title.

"Planned developments" [SR] (UNCL) on a zoning lot containing less than two (2) acres of land, subject to the provisions of Chapter 19.60 of this Title.

6. **AB Land Uses.** The following "land uses" (SR) shall be the only land uses allowed as a "permitted use" (SR) or as a "conditional use" (SR) in this PORI district. Those uses set forth in brackets "[use]" shall herein be referred to as "Bracketed AB Land Uses":

- A. **Permitted Uses:** The following enumerated AB Area Business land uses shall be the only land uses allowed as a permitted use in this PORI District:

i. **Services Division:**

Automotive renting and leasing without drivers (751).

Barbershops (724).

Beauty shops (723).

Garment pressing, and agents for laundries and dry cleaners (7212).

Miscellaneous equipment rental and leasing (735).

Motion picture theaters (7832).

Physical fitness facilities (7999)

Photographic studios, portrait (722).

Radio and television repair shops (7622).

Videotape rental (784).

ii. **Retail Trade Division:**

[Apparel and accessory stores (56).]

Building materials, hardware and garden supply (52).

[Carryout restaurants (5812).]

[Drinking places (alcoholic beverages) (5813).]

Drugstores and proprietary stores (591).

[Eating places (5812).]

[Florists (5992).]  
 Food stores (54).  
 [General merchandise stores (53).]  
 [Home furniture, furnishings and equipment stores (57).]  
 Miscellaneous retail stores not elsewhere classified (5999).  
 [Miscellaneous shopping goods stores (594).]  
 Motor vehicle dealers (5994).  
 [News dealers (5994).]  
 [Optical goods stores (5995).]  
 ["Outdoor eating and drinking facilities" [SR] (UNCL).]

**iii. Agricultural Division:**

Dog grooming (0752).  
 Farm labor and management services (076).  
 Landscape counseling and planning (0781).  
 Lawn and garden services (0782).  
 Ornamental shrub and tree services (0783).  
 Veterinary services for household pets (0742).

**iv. Wholesale Trade Division:**

Apparel piece goods and notions (513).  
 Drugs, drug proprietaries, and druggists' sundries (512).  
 Electrical goods (506).  
 Furniture and home furnishings (502).  
 Groceries and related products (514).  
 Hardware, and plumbing and heating equipment and supplies (507).  
 Machinery, equipment, and supplies (508).  
 Metals and minerals, except petroleum (505).  
 Motor vehicles and motor vehicle parts and supplies (501).  
 Paper and paper products (511).  
 Professional and commercial equipment and supplies (504).

**v. Miscellaneous Uses Division:**

"Accessory structures" [SR] (UNCL) to the permitted uses allowed in the AB Area Business District, subject to the provisions of Section 19.12.500 of this Title.

"Accessory uses" [SR] (UNCL) to the permitted uses allowed in the AB Area Business District, subject to the provisions of Section 19.10.400 of this Title.

"Drive-through facilities" [SR], subject to the provisions of Chapter 19.45 of this Title, specifically limited to one drive thru facility associated with an economically valued fast food restaurant such as McDonald's, Wendy's, Burger King, Taco Bell, Arby's, Dunkin Donuts, etc., for the entire subdivision. Drive-through facilities for mid-valued fast food restaurants such as Starbuck's or Portillo's, and other non-restaurant land uses (such as, by way of example only, drug stores) shall be permitted and not limited.

"Fences and walls" [SR] (UNCL).  
 "Loading facilities" [SR] (UNCL), exclusively "accessory" [SR] to a permitted use allowed in the AB Area Business District, subject to the provisions of Chapter 19.47 of this Title.  
 "Parking lots" [SR] (UNCL), exclusively "accessory" [SR] to a permitted use allowed in the AB Area Business District, subject to the provisions of Chapter 19.45 of this Title.  
 "Parking structures" [SR] (UNCL), exclusively "accessory" [SR] to a permitted use allowed in the AB Area Business District, subject to the provisions of Chapter 19.45 of this Title.  
 "Refuse collection area" [SR].  
 "Signs" [SR] (UNCL), subject to the provisions of Chapter 19.50 of this Title.  
 "Storage tanks" [SR] (UNCL).  
 "Temporary uses" [SR] (UNCL).

**B. Conditional Uses:** The following enumerated AB Area Business District land uses shall be the only land uses allowed as a conditional use in this PORI District:

**i. Services Division:**

Amusement parks (7996).  
 Arenas, sports fields, and stadiums (UNCL).  
 Ballrooms (7911).  
 Bowling centers (7933).  
 "Car washes" [SR] (7542)  
 Child daycare services (835).  
 Coin-operated amusement establishments (7993).  
 Dance halls (7911).  
 Discotheques (7911).  
 Drive-in motion picture theaters (7833).  
 "Home child daycare services" [SR] (8351).  
 Individual and family social services (832).  
 Membership organization (86)  
 Membership sports and recreation clubs (7997)

Power laundries (7211).

**ii. Retail Trade Division:**

Convenience food stores, operated on a twenty four (24) hour basis (5411).  
 Drive-in restaurants (5812).  
 Firearms sales (5941).  
 "Package liquor sales establishments" [SR] (5921).

**iii. Wholesale Trade Division:**

Beer, wine, and distilled alcoholic beverages (518)  
 Lumber and other construction materials (503).

- iv. **Transportation, Communication, And Utilities Division:**
  - "Conditional commercial antenna tower" [SR] (UNCL).
  - "Conditional commercial antennas and antenna structures mounted on existing structures" [SR] (UNCL).
  - Courier services (4215).
  - Heliports (458).
  - Pipelines, except natural gas (461).
  - Public warehousing and storage (422) subject to the provision that it is allowed as a permitted use on lot 3, and as a conditional use on all other lots.
  - "Other radio and television antennas" [SR] (UNCL).
  - "Other satellite dish antennas" [SR] (UNCL).
  - Railroad tracks (401).
  - "Treatment, transmission, and distribution facilities: equipment, equipment buildings, towers, exchanges, substations, regulators" [SR] (UNCL).
  - Water transportation (44).
- v. **Miscellaneous Uses Division:**
  - "Accessory package liquor sales establishment" [SR] (UNCL).
  - "Accessory structures" [SR] (UNCL) to the conditional uses allowed in the AB Area Business District, subject to the provisions of Section 19.12.500 of this Title.
  - "Accessory uses" [SR] (UNCL) to the conditional uses allowed in the AB Area Business District, subject to the provisions of Section 19.10.400 of this Title.
  - "Commercial operations yards" [SR] (UNCL).
  - "Master signage plan" [SR], subject to the provisions of Chapter 19.50 of this Title.
  - "Outdoor display areas" [SR] (UNCL).
  - "Outdoor display lots" [SR] (UNCL).
  - "Parking lots" [SR] (UNCL), subject to the provisions of Chapter 19.45 of this Title.
  - "Parking structures" [SR] (UNCL), subject to the provisions of Chapter 19.45 of this Title.
  - "Planned developments" [SR] (UNCL) on a zoning lot containing less than two (2) acres of land, subject to the provisions of Chapter 19.55 of this Title.

**F. Site Design.** In this PORI zoning district, the use and development of land and structures shall be subject to the provisions of Chapter 19.12, Site Design, of the Elgin Municipal Code, as amended, except as may be otherwise provided in this section. In this PORI zoning district, the site design regulations shall be as follows:

- 1. **General Conditions.** The following general conditions will apply to the development of land and structures within this PORI zoning district:

- a. Substantial conformance to the preliminary plat of subdivision for Capital Corporate Center prepared by Spaceco, Inc., dated January 30, 2006, and last revised on December 8, 2006.
  - b. Substantial conformance with the preliminary site improvement plans for Capital Corporate Center prepared by Spaceco, Inc., dated February 9, 2006, and last revised on October 18, 2006, with such further revisions required by the City Engineer in the memorandum entitled "Capital Corporate Center-Bartels Property at Mason Road Preliminary Plan Review".
2. **Zoning Lots.** In this PORI zoning district, "zoning lots" shall be subject to the provisions of Section 19.12.300, zoning Lots - Clarifications and Exceptions, of the Elgin Municipal Code, as amended.
  3. **Lot Area.** In this PORI zoning district, the minimum required "zoning lot area" shall be 40,000 square feet, except for lot 8, which shall be approximately 19,375 square feet.
  4. **Lot Width.** In this PORI zoning district, there shall be no minimum required lot width for a zoning lot.
  5. **Setbacks - Generally.** In this PORI zoning district, "setbacks" shall be subject to the provisions of Section 19.12.400, Setbacks - Clarifications and Exceptions, of the Elgin Municipal Code, as amended.
  6. **Setbacks by Lot Line.** In this PORI zoning district, the minimum required "building" setbacks" and "vehicle use area setbacks" from a "lot line" for a zoning lot shall be as follows:
    - a. **Building Setbacks.** In this PORI zoning district, the minimum required "building setbacks" for a zoning lot shall be as follows:
      - (1) **Street Setback.** The minimum required building setback from Mason Road "street lot line" and from Capital Street "street lot line" [SR] shall be as follows:
 

From Mason Road (60 feet ROW)	25 feet
From Capital Street (52 feet ROW)	30 feet

 If the land which abuts the easterly boundaries of each of lots 6, 7 and 8 is acquired by the Illinois Toll Highway Authority and used as a toll road off-ramp, then from this Illinois Toll Highway right of way:

Lot 6 (as identified on the "Preliminary Plat"): 75 feet

Lots 7 and 8 (as identified on the "Preliminary Plat"): 50 feet

- (2) Interior Setback. The minimum required building setback from an "interior lot line" [SR] shall be 20 linear feet.

**b. Vehicle Use Area Setbacks by Lot Line.** In this PORI zoning district, the minimum required "vehicle use area setbacks" for a zoning lot shall be as follows:

- (1) Street Setback. The minimum required vehicle use area setback from Mason Road shall be 10 linear feet and from Capital Street shall be 15 linear feet.
- (2) Interior Setback. The minimum required vehicle use area setback from an interior lot line shall be 6 linear feet
- (3) If the land which abuts the easterly boundaries of each of lots 6, 7 and 8 is acquired by the Illinois Toll Highway Authority and used as a toll road off-ramp, then from the future Illinois Toll Highway right of way adjoining the east boundaries of Lots 6, 7 and 8 the minimum required vehicle use setback shall be 10 linear feet.

**7. Accessory Structures and Buildings.** In this PORI zoning district, "accessory structures and buildings" shall be subject to the provisions of Section 19.12.500, Accessory Structures and Buildings.

**8. Yards - Generally.** In this PORI zoning district, a "street yard" [SR], a "side yard" [SR], a "rear yard" [SR], or a "transition yard" [SR] established by a required building setback or by the actual location of a building shall be subject to the provisions of Section 19.12.600, Obstructions in Yards, with the following exceptions:

**9. Landscape Yards.** In this PORI zoning district, landscape yards shall be as follows:

- a. Landscaping - Generally.** All "yards" [SR] established by a required building setback or by the actual location of a building and not occupied by allowable improvements constructed in conformance to all applicable codes and ordinances shall be landscaped with grass, shrubs, trees, or other suitable pervious groundcover, as follows:

- (1) Street Yard. Street yards shall be fully landscaped.
- (2) Side and Rear Yard. Side and rear yards shall be fully landscaped.
- (3) Foundation Yards. A minimum 10 linear foot wide landscaped area shall be provided along the front of a building, and a minimum 5 linear foot wide landscaped area shall be provided along the sides and rear of building. These planting areas need not be uniform in shape so long as the required amount of space is landscaped.

Sidewalks shall be located outside of required foundation yard areas, with the exception of direct building access or courtyard use.

No foundation yard shall be required at loading and services entries to a building.

- (5) Parking and Drives. With the exception of entrance drives and motor vehicle overhangs, no parking or drive shall be located within any required landscaped area.
- (6) Irrigation. Irrigation requirements for landscape yards shall be as follows:
  1. Lots 6 and 7: All landscape areas shall be fully irrigated.
  2. Lots 1, 2, 4, and 5: only street yards shall be fully irrigated.
  3. Lot 3. No irrigation will be required.

**b. Landscaping.** Landscaping within the aforesaid setback areas shall satisfy the following minimum requirements:

- (1) Parking Landscape Area. Where a parking lot is located adjacent to Mason Road or Capital Street, the Vehicle Use Setback shall be landscaped with that minimum number of trees and shrubs that is 50% percent greater than that required by Section 19.12.700 C. of the Elgin Municipal Code. The required number of trees shall be comprised of both deciduous and coniferous trees. Where parking is located adjacent to other street rights of way, there shall be a minimum 12 shrubs (each at least 2.5 feet in height) per 100 linear feet, and 2.5 trees (each having at least a 3 inch caliper) per 100 linear feet.

- (2) **Building Landscape Area.** Where a building is located adjacent to a street right of way, there shall be a minimum of 6 shrubs (each at least a 2.5 feet in height) per 100 linear feet, 2 trees (each having at least a 3 inch caliper) per 100 linear feet, and 2 ornamental trees (each having at least a 2 inch caliper) per 100 linear feet.
- (3) **Grouping of Trees.** Grouping of required trees and shrubs shall be encouraged in combination with berming.
- (4) **Curbed Tree Islands.** A curbed tree island shall be required after every 20 parking spaces. The island must measure at least 9 feet by 18 feet and contain at least one tree (having at least a 3 inch caliper).

**9. Floor Area: Building Height.** In this PORI District, the maximum "floor area" for a zoning lot shall not exceed 100% of the zoning lot area. There shall be no maximum building height.

**10. Building Coverage.** In this PORI District, the maximum "building coverage" [SR] for a zoning lot shall not exceed 70% of the zoning lot area.

**G. Off Street Parking.** In this PORI zoning district, off street parking shall be subject to the provisions of Chapter 19.45, Off-street Parking, of the Elgin Municipal Code, 1976, as amended.

**a. Required Number of Parking Stalls.** The required number parking stalls shall be subject to provisions of Chapter 19.45, Off Street Parking, of the Elgin Municipal Code, except as follows:

For Warehouse, storage, and distribution facilities, the parking stall requirements shall be based on the following stepped parking requirements:

<b>Area in Square Feet</b>	<b>Parking Stalls Required</b>
1 to 20,000	1 stall per 1,500/SF
20,001 to 50,000	1 stall per 1,750/SF
50,001 to 75,000	1 stall per 2,000/SF
75,001 and over	1 stall per 2,500/SF

**b. Land Reservation for Parking Not Provided.** For zoning lots where the initial occupant can document that the land use requires less parking than required in this subsection, only the number of stalls required by the occupant shall be required to be constructed, provided that this number is

not less than 1/3 of the total required number of parking stalls. Adequate land area for the required number of off street parking stalls in accordance with this subsection shall be designated and reserved for off street parking purposes. A written covenant agreeing to construct the additional required parking stalls shall be submitted to the zoning officer.

Such covenant shall be reviewed by the Zoning Officer, approved as to content and form by the Corporation Counsel, and filed by the property owner for record in the office of the County Recorder.

Upon subsequent certification by the Zoning Officer that the full number of parking stalls required under this subsection are needed because the demand for off street parking stalls exceeds the capacity of the off street parking facility and that such demand is of a continuing and regular nature, the owner of the building shall construct the full number of parking spaces required under this subsection.

- c. **Collective Parking Facilities.** Off street parking facilities for separate uses may be provided collectively, if the total number of stalls so provided is not less than the sum of the separate requirements of each sum "land use" [SR], and if all the regulations governing the location of accessory off street facilities in relation to the use served are observed. The off street parking facilities may be provided jointly or collectively within the property or on contiguous properties controlled by the owners of the zoning lots by written covenant or agreement between the owners of such zoning lots and adjacent properties.
- d. **Stalls and Aisles.** "Parking aisles" [SR] shall be a minimum of 24 linear feet in width, or an equivalent for angle parking. "Parking stalls" [SR] shall be a minimum of 9 linear feet in width by 18 linear feet in length, or an equivalent for angle parking.

Parking spaces for the physically handicapped shall be provided in proximity to building entrances. The parking requirements and related curb cuts and ramps for the physically handicapped shall comply with the Illinois Handicapped Accessibility Code.

There shall be a back of curb parking lot dimension of 43 feet for single loaded aisles and 61 feet for double loaded aisles. Where there is a landscaped area immediately adjacent to the parking lot, a deduction of 1.5 foot per car for overhang shall be allowable.

- e. **Striping and Markings.** All parking lot striping and other markings shall be white.

- f. Landscape Islands.** Landscaped islands shall be 9 linear feet wide and provided every 20 parking spaces.
- g. Approaches.** The maximum width of an approach at the curb line shall be as approved by the City Engineer. The minimum radius shall be 10 feet.
- h. Curb.** All landscaped islands, drives and edges of paving shall be defined with B6:12 curb and gutter.
- i. Paving.** Vehicular access to or from a public right of way shall be provided on a concrete approach and "driveway" [SR] within a public right of way leading from a "zoning lot" [SR] to an improved "street" [SR]. At a minimum, the approach shall be paved with concrete for the first fifteen 15 feet, beginning at the street curb. the design of approaches and driveway crossing a public right of way shall also be subject to the provisions and requirements of Title 13, Streets and Sidewalks; Chapter 13.08, Driveways.

For bituminous concrete surfaces, there shall be a minimum of two inches of bituminous concrete over eight inches of compacted gravel. Equivalent thicknesses of bituminous concrete may be substituted for gravel provided that the total pavement thickness is a minimum of ten inches.

For Portland Cement concrete surfaces, there shall be a minimum of four inches of Portland cement concrete over four inches of compacted gravel. Equivalent thicknesses of Portland cement concrete may be substituted for gravel provided that the total pavement thickness is a minimum of eight inches.

Service areas are subject to abuse, such as dumpster service areas, shall be constructed with concrete paving. Paved walks or pedestrian areas near or adjacent to buildings shall be of appropriate materials other than bituminous paving.

- H. Off Street Loading.** In this PORI zoning district, off street loading shall be subject to the provisions of Chapter 19.47, Off Street Loading, of the Elgin Municipal Code, as may be amended.
- I. Signs.** In this PORI zoning district, signs shall be subject to the provisions of Chapter 19.50, Signs, of the Elgin Municipal Code, as may be amended.
- J. Nonconforming Uses and Structures.** In this PORI zoning district, nonconforming uses and structures shall be subject to the provisions of Chapter 19.52, Nonconforming Uses and Structures, of the Elgin Municipal Code, as may be amended.

- K. Planned Developments.** This PORI zoning district shall be subject to the provisions of Chapter 19.60, Planned Developments, of the Elgin Municipal Code, as may be amended. A conditional use for a planned development may be requested by an individual property owner for a zoning lot without requiring an amendment to this PORI zoning district and without necessitating that all other property owners authorize such an application.
- L. Conditional Uses.** In this PORI zoning district, conditional uses shall be subject to the provisions of Chapter 19.65 Conditional Uses, of the Elgin Municipal Code, as may be amended. A conditional use may be requested by an individual property owner for a zoning lot without requiring an amendment to this PORI zoning district and without necessitating that all other property owners authorize such an application.
- M. Variations.** Any of the requirements of this ordinance may be varied, subject to the provisions of Section 19.70, Variations, of the Elgin Municipal Code, as may be amended. A variation may be requested by an individual property owner for a zoning lot without requiring an amendment to this PORI zoning district and without necessitating that all other property owners authorize such an application.
- N. Appeals.** Any requirement, determination, or interpretation associated with the administration and enforcement of the provision of this ordinance may be appealed subject to the provisions of Chapter 19.75, Appeals, of the Elgin Municipal Code, as may be amended.
- O. Subdivisions - Generally.** In this PORI zoning district, subdivisions shall be subject to the provisions of Title 18, Subdivisions, of the Elgin Municipal Code, as may be amended, except as may be specifically provided otherwise in this planned industrial district ordinance or in the preliminary plat approved by the corporate authorities as part of the annexation of the subject property.

The final plats and the final engineering plans and specifications shall be in substantial conformance with this PORI district and the Preliminary Plat for Capital Corporate Center, prepared by Spaceco, Inc., dated January 30, 2006, last revised dated December 8, 2006, and the Preliminary Site Improvement Plans, prepared by Spaceco, Inc., dated February 9, 2006, last revised dated October 18, 2006.

- P. Subdivisions - Design Standards.** In this PORI zoning district, subdivisions shall be subject to the provisions of Chapter 18.24, Design Standards, of the Elgin Municipal Code, as may be amended, with the following exceptions:
- a. Additional Subdivision.** "Lots of record" (SR) may be platted at any number, size, width, or depth. Additional lots of record may be established subsequent to final plat approval provided that such lots of record are established in compliance with the State Plat Act and provided

that all resulting "zoning lots" (SR) conform to all of the provisions of this planned industrial district ordinance.

- b. Right of Way.** The widths of the dedicated right of way on the Subject Property shall be as set forth in the Preliminary Plat of Subdivision for the Subject Property prepared by Spaceco, Inc., dated January 30, 2006, last revised dated December 8, 2006.
- c. Easements.** The rights of way on the Subject Property shall be bounded by easements as depicted on the preliminary plat of subdivision. Such easements shall be granted to the City and shall be permanent and exclusive easements and shall include further provisions whereby the grantors and their successors and assigns shall not construct, install or maintain any buildings, structures or other improvements of any type within the Easement Premises, nor undertake any other activities in the Easement Premises which interferes with the City of Elgin's intended use thereof. Said easement areas shall be seeded after utility construction and installation is completed.

**R. Building and Construction - Generally.** In this PORI zoning district, building and construction shall be subject to the provisions of Title 16, Building and Construction, of the Elgin Municipal Code, as may be amended, except as may be specifically provided otherwise in this planned industrial district ordinance.

- 1. Design Guidelines.** The Design Guidelines prepared by Monarch Design & Construction, LLC dated November 20, 2006 and attached hereto as Exhibit 1 shall be applicable to the development of the Subject Property. All buildings constructed on the Subject Property shall be constructed in conformance with such Design Guidelines and other applicable requirements of law.
- 2.** All sanitary sewers shall be overhead sewers.
- 3.** All structures containing sump pits and pumps shall have separate lines connecting the sump pump to the storm sewer as required by the City Engineer and the Development Administrator.

Section 4. That this ordinance shall be in full force and effect from and after its passage in the manner provided by law.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published:

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

**ORDINANCE G22-07 PASSED AMENDING ORDINANCE NO. G65-00 CLASSIFYING PROPERTY IN THE PGI PLANNED GENERAL INDUSTRIAL DISTRICT (300 AIRPORT ROAD)**

Councilmember Figueroa made a motion, seconded by Councilmember Rodgers, to pass the following ordinance. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Ordinance No. G22-07

AN ORDINANCE  
AMENDING ORDINANCE NO. G65-00 CLASSIFYING PROPERTY IN THE  
PGI PLANNED GENERAL INDUSTRIAL DISTRICT  
(300 Airport Road)

WHEREAS, written application has been made to amend the PGI Planned General Industrial District Ordinance No. G65-00 to permit the development of three industrial buildings at the property located at 300 Airport Road; and

WHEREAS, the Planning and Development Commission has conducted a public hearing concerning said application and has submitted its written findings and recommendation that the subject property be reclassified; and

WHEREAS, the City Council of the City of Elgin has reviewed the findings and recommendation of the Planning and Development Commission and concurs in such recommendations.

NOW, THEREFORE, be it ordained by the City Council of the City of Elgin, Illinois:

Section 1. That the City Council of the City of Elgin hereby adopts the Findings of Fact, dated March 5, 2007, made by the Planning and Development Commission, a copy of which is attached hereto and made a part hereof by reference as Exhibit A.

Section 2. That Ordinance No. G65-00, entitled “An Ordinance Reclassifying Property from PAB Planned Area Business District to PGI Planned General Industrial District”, passed November 15, 2000, be and hereby is amended in its entirety as set forth in the following provisions of this ordinance.

Section 3. That Chapter 19.08, Section 19.08.020 entitled “Zoning District Map” of the Elgin Municipal Code, as amended, be and the same is hereby further amended by adding thereto the following paragraph:

The boundaries hereinafter laid out in the ‘Zoning District Map’, as amended, be and are hereby altered by including in the PGI Planned General Industrial District the following described property:

Lots 74 Through 85 Both Inclusive of Fox River Business Center, Being a Subdivision of Part of Section 34, Township 42, Range 8 East of the Third Principal Meridian, in the City of Elgin, Kane County, Illinois (Property Commonly Known as 300 Airport Road).

Section 4. That the City Council of the City of Elgin hereby grants the amendment to the development plan in the Fox River Business Center PGI Planned General Industrial District at 300 Airport Road in accordance with the following provisions:

- A. Purpose and Intent.** The purpose of this PGI Planned General Industrial District is to provide a planned industrial environment for those industrial uses that do not require the location or environment of an ORI Office Research Industrial District. A PGI zoning district is most similar to, but departs from the standard requirements of the GI zoning district.
- B. Supplementary Regulations.** Any word or phrase contained herein, followed by the symbol [SR], shall be subject to the definitions and the additional interpretive requirements provided in Chapter 19.90, Supplementary Regulations, of the Elgin Municipal Code, as amended. The exclusion of such symbol shall not exempt such word or phrase from the applicable supplementary regulation.
- C. General Provisions.** In this PGI District, the use and development of land and structures shall be subject to the provisions of Chapter 19.05, General Provisions, of the Elgin Municipal Code, as may be amended from time to time.
- D. Zoning Districts - Generally.** In this PGI Planned General Industrial District, the use and development of land and structures shall be subject to the provisions of Chapter 19.07, Zoning Districts, as may be amended from time to time.
- E. Location and Size of District.** PGI Planned General Industrial Districts should be located in substantial conformance to the official comprehensive plan. The amount of land necessary to constitute a separate PGI District exclusive of rights

of way, but including adjoining land or land directly opposite a right of way shall not be less than two acres. No departure from the required minimum size of a planned industrial district shall be granted by the City Council.

- F. Land Use.** In this PGI Planned General Industrial District, the use and development of land and structures shall be subject to the provisions of Chapter 19.10, Land Use, of the Elgin Municipal Code, as amended. The only permitted, conditional, and similar land uses allowed within this PGI zoning district shall be those permitted, conditional, and similar land uses listed in Chapter 19.40.300, GI General Industrial District.
- G. Site Design.** In this PGI Planned General District, the use and development of land and structures shall be subject to the provisions of Section 19.12, Site Design, of the Elgin Municipal Code, as amended. In this PGI Planned General Industrial District, the use and development of land and structures shall be subject to Section I., Supplementary Conditions, of this Ordinance, and shall be in substantial conformance with the following documents:
1. Preliminary Site Plan, prepared by Harris Architects Inc., dated February 14, 2007.
  2. Exterior Elevations, prepared by Heitma Architect Incorporated, dated February 1, 2007; Building 'C' building elevation illustration prepared by Heitma Architect Incorporate, dated February 19, 2007; Individual floor plans for Buildings 'A', 'B'. and 'C', prepared by Heitma Architect Incorporate, dated February 19, 2007.
  3. Landscape Plan, prepared by David R. McCallum Associates, Inc., dated February 19, 2007.
  4. Graphic plan, prepared by the Landmark Land Group, Inc., dated February 19, 2007.
- H. Off Street Parking.** In this PGI Planned General Industrial District, off street parking shall be subject to the provisions of Chapter 19.45, Off Street Parking, of the Elgin Municipal Code, as may be amended, except as provided within this section. The location and design of driveways and off street parking facilities shall be subject to Section I., Supplementary Conditions, of this ordinance, and shall be in substantial conformance with that the Preliminary Site plan., by Harris Architects Inc., dated February 14, 2007.

For warehouse, storage, and distribution facilities, the parking stall requirements shall be based on the following stepped parking requirements:

Area in square Feet Required	Parking Stalls
1 to 20,000	1 stall per 1,500/SF
20,001 to 50,000	1 stall per 1,750/SF
50,001 to 75,000	1 stall per 2,000/SF
75,001 and over	1 stall per 2,500/SF

**I. Supplementary Conditions.** The following supplementary conditions shall also apply to the use and development of land and structures within this PGI zoning district:

1. Substantial conformance to the Statement of Purpose and Conformance, prepared by Northern Builders, Inc., dated received February 16, 2007.
2. Substantial conformance to the preliminary site plan, prepared by Harris Architects, Inc. for Northern Builders, Inc., dated February 14, 2007.
3. Substantial conformance to the building elevations, prepared by Heitma Architect Incorporate, dated February 1, 2007; to the Building 'C' building elevation illustration (for design and color) prepared by Heitma Architect Incorporate for Northern Builders, Inc., dated February 19, 2007; and to the individual floor plans for Buildings 'A', 'B', and 'C', prepared by Heitma Architect Incorporate, dated February 19, 2007.
4. Substantial conformance to the landscape plan, prepared by David R. McCallum Associates, Inc., dated February 19, 2007. Landscaping in the form of trees and shrubs will be provided along the street lot line of the property in order to minimize the effects the three proposed industrial buildings will have on the surrounding area and on the Interstate 90 right of way. The truck loading court along the west side of the lot will be bermed and screened 100% with evergreen trees that will be planted and maintained at an 8 foot height.
5. Landscaping shall include the required number of trees within interior landscape yards, as specified by Section 19.12.700 C., Interior Landscape Yard, of the Elgin Zoning Ordinance. There shall be protective landscape yards at each end of all loading docks. Those landscape islands located between a street lot line and the loading docks shall be landscaped with evergreens so as to adequately provide year round screening from view. The landscape provided along the northerly property line shall be in conformance with Section 19.12.700 Landscaping (parts C.1. and C.2. specifically) of the Elgin Zoning Ordinance.
6. For all vehicle use areas located within street yards, there shall be a curb island for every 20 parking stalls. These curb islands shall be landscaped with a minimum of 1 tree and 4 shrubs.

7. All parking areas shall be defined with a 6 inch by 18 inch P.C. Concrete reinforced curb or an equivalent in design and function as may be approved by the City Engineer.
  8. All refuse collection areas shall be constructed out of masonry materials.
  9. All exterior mechanicals shall be fully screened from view and shall be similar in color to the surrounding building materials.
  10. Substantial conformance to the graphic plan, prepared by the Landmark Land Group, Inc., dated February 19, 2007, for three freestanding monument styled graphics. Required graphic landscaping for these graphics and the placement of these graphics on site will need to meet ordinance requirements and be approved by the Community Development Group. All other graphics are also subject to the provisions of the ordinance, Section 19.50 Street Graphics, as may be amended from time to time.
  11. Construction drawings and specifications shall be submitted and approved for the three industrial buildings. All building elevations shall indicate the design of and material used and shall be approved by the Development Administrator.
  12. Conformance to all other applicable codes and ordinances.
- J. Off Street Loading.** In this PGI Planned General Industrial District, off street loading shall be subject to the provisions of Chapter 19.47, Off-Street Loading, as may be amended from time to time.
- K. Signs.** In this PGI Planned General Industrial District, graphics shall be subject to the provisions of 19.50, Street Graphics, as may be amended from time to time except as may be provided within this section. In this PGI zoning district, graphics shall be developed in conformance with the following condition:
1. Substantial conformance to the graphic elevation drawings contained in the graphic plan, prepared by the Landmark Land Group, Inc., dated February 19, 2007, for three freestanding monument styled graphics. Required graphic landscaping for these graphics and the placement of these graphics on site will need to meet ordinance requirements and be approved by the Community Development Group.
- L. Planned Developments.** In this PGI Planned General Industrial District, the use and development of the land and structures shall be subject to the provisions of Chapter 19.60, Planned Developments, as may be amended from time to time. A conditional use for a planned development may be requested by an individual lot or property owner for a zoning lot without requiring an amendment to this PGI

zoning district and without necessitating that all other property owners authorize such an application.

- M. Conditional Uses.** In this PGI Planned General Industrial District, application for conditional uses shall be subject to the provisions of Chapter 19.65, Conditional Uses, as may be amended from time to time. A conditional use may be requested by an individual lot or property owner for a zoning lot without requiring an amendment to this PGI zoning district and without necessitating that all other property owners authorize such an application.
- N. Variations.** In this PGI Planned General Industrial District, application for variation shall be subject to the provisions of Chapter 19.70, Variations, as may be amended from time to time. A variation may be requested by an individual lot or property owner for a zoning lot without requiring an amendment to this PGI zoning district and without necessitating that all other property owners authorize such an application.
- O. Appeals.** Any requirement, determination, or interpretation associated with the administration and enforcement of the provisions of this ordinance may be appealed subject to the provisions of Chapter 19.75, Appeals, as may be amended from time to time.

Section 5. That this ordinance shall be in full force and effect immediately after its passage in the manner provided by law.

s/ Ed Schock  
Ed Schock, Mayor

Presented: April 11, 2007  
Passed: April 11, 2007  
Omnibus Vote: Yeas: 7 Nays: 0  
Recorded: April 12, 2007  
Published:

Attest:

s/ Dolonna Mecum  
Dolonna Mecum, City Clerk

### **REPORTS/MINUTES RECEIVED AND ORDERED PLACED ON FILE**

Councilmember Gilliam made a motion, seconded by Councilmember Figueroa, to place the following reports and minutes on file. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters, and Mayor Schock. Nays: None.

Sales Tax Report for December 2006  
 Telecommunications Tax Report for December 2006  
 Hotel/Motel Tax Report for February 2007  
 Elgin Cultural Arts Commission Minutes for September 11, 2006, November 13, 2006, and  
 December 11, 2006  
 Elgin Board of Health Minutes for October 16, 2006  
 Elgin Image Advisory Commission Minutes for March 28, 2006, April 24, 2006, May 22, 2006,  
 and October 23, 2006  
 Parks and Recreation Advisory Board Minutes for January 30, 2007  
 Planning and Development Commission Minutes for November 20, 2006, December 4, 2006,  
 and December 18, 2006  
 Zoning and Subdivision Hearing Board Minutes for January 3, 2007  
 Disbursement Report

### **ANNOUNCEMENTS**

Mayor Schock made announcements regarding forthcoming meetings.

### **ADJOURNMENT**

Councilmember Sandor made a motion, seconded by Councilmember Figueroa, to adjourn and go into the Executive Session for the purpose of discussing the following matters. Upon a roll call vote: Yeas: Councilmembers Figueroa, Gilliam, Kaptain, Rodgers, Sandor, Walters and Mayor Schock. Nays: None.

Establishment of Reserves or Settlement of Claims as Provided in the Local Governmental and Governmental Employees Tort Immunity Act - Exempt Under Section 120/2(c) (12) of the Open Meetings Act

Purchase or Lease of Real Property for the Use of the Public Body - Exempt Under Section 120/2(c) (5) of the Open Meetings Act

Selection of a Person to Fill a Vacant Office, Including a Vacancy in a Public Office, When the Public Body is Given Power to Appoint Under Law or Ordinance, or the Discipline, Performance or Removal of the Occupant of a Public Office, When the Public Body is Given Power to Remove the Occupant Under Law or Ordinance - Exempt Under Section 120/2(c) (3) of the Open Meetings Act

Appointment, Employment, Compensation, Discipline, Performance or Dismissal  
of Specific Employees of the Public Body - Exempt Under Section 120/2(c) (1) of  
the Open Meetings Act

The meeting adjourned at 8:17 p.m.

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Dolonna Mecum, City Clerk

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Date Approved