



## **NOTICE AND AGENDA**

**NOTICE IS HEREBY GIVEN  
THAT A REGULAR VILLAGE BOARD MEETING**

**WILL BE HELD ON**

**February 18, 2020**

**7:00 PM**

**Location: Oswego Village Hall**

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- A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**
  
- B. ROLL CALL**
  
- C. CONSIDERATION OF AND POSSIBLE ACTIONS ON ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING**
  
- D. RECOGNITIONS/APPOINTMENTS**

D.1. Appointments

Economic Development Commission

- a. Appoint Donald Howard II for a Term to Expire April 30, 2022

Historic Preservation Commission

- a. Appoint Joe Werth for a Term to Expire April 30, 2021

Posted: \_\_\_\_\_  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Place: \_\_\_\_\_  
Initials: \_\_\_\_\_

Tina Touchette  
Village Clerk

**E. PUBLIC FORUM**

**F. STAFF REPORTS**

**G. CONSENT AGENDA**

G.1. February 4, 2020 Committee of the Whole Minutes

[2-4-20 COTW.docx](#)

G.2. February 4, 2020 Regular Village Board Meeting Minutes

[2-4-20 RegVB.docx](#)

G.3. February 4, 2020 Closed Session Minutes

G.4. Resolution Authorizing Final Acceptance of Public Improvements for Ashcroft Place Unit 1, Effective February 19, 2020, and Release of Project Surety

[JH021820.PBOT Ashcroft Place Unit 1 - Final Acceptance.docx](#)

[20-R- Final Acceptance of Ashcroft Place Unit 1.docx](#)

G.5. Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #3 to the Construction Contract with H. Linden & Sons, in the Amount of \$58,058.20 for the Construction of the Reserve at Hudson Crossing Public Improvements

[SQ021820.pbot Reserve at Hudson Crossing Change Order 3\(1\)DDSRev.docx](#)

[20-R- Reserve at Hudson Crossing Change Order 3DDSRev.docx](#)

[Exhibit A.pdf](#)

G.6. Ordinance Authorizing the Disposal of Surplus Property Owned by the Village of Oswego.

[Memo - Disposal of Surplus 02182020.docx](#)

[Ordinance - Disposal of Surplus 02182020.docx](#)

[EXHIBIT A - Police Department Vehicle Replacement Evaluation Form – PD Squad 13.pdf](#)

[EXHIBIT B - Public Works Department Surplus Items.pdf](#)

**H. BILL LIST**

H.1. Approve Bill List Dated February 18, 2020 in the Amount of \$941,251.32.

**I. OLD BUSINESS**

**J. NEW BUSINESS**

J.1. 3525 US Highway 34

- a. Ordinance Rezoning 3525 US Highway 34 to a B3 Community Service and Wholesale District to Allow for the Development of a Commercial Building; and
- b. Ordinance Granting a Final PUD for 3525 US Highway 34 to Allow for the Development of a Commercial Building.

[1055.20 3525 Route 34 PUD Rezone VBIDDSRev.docx](#)  
[Ord 1055.20 3525 Route 34 Rezoning.docx](#)  
[Exhibit B location map.pdf](#)  
[Exhibit C zoning plat.pdf](#)  
[Ord # 1055.20 3525 Route 34 Final PUD.docx](#)  
[Exhibit B location map.pdf](#)  
[Exhibit C site plan.pdf](#)  
[Exhibit D elevations.pdf](#)  
[1055.20 3525 Route 34 Rezoning PreliminaryFinal PUD.PC.2.6.20.docx](#)

- J.2. Ordinance Granting a Preliminary and Final PUD to Allow for the Development of a Restaurant at 121 S. Main Street, Subject to Final Engineering Approval; Dairy Barn.

[1049.19 121 Main Street Dairy Barn Prel-Final PUD.VB.02.18.2020.docx](#)  
[Ord 20 - 121 S. Main Street Dairy Barn Preliminary-Final PUD.docx](#)  
[Exhibit B - Location Map 121 S. Main Street.pdf](#)  
[Exhibit C - Preliminary-Final PUD.pdf](#)  
[Exhibit D - Elevations.pdf](#)  
[1049.19 121 Main Street Dairy Barn Prel-Final PUD.PC.12.5.2019.docx](#)

**K. PRESIDENT'S REPORT**

**L. TRUSTEE REPORTS**

**M. CLOSED SESSION**

- M.1. a. Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- b. Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- c. Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- d. Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

- e. Security Procedures and the Use of Personnel and Equipment to Respond to an Actual, Threatened, or a Reasonably Potential Danger to the Safety of Employees, Staff, the Public, or Public Property [5 ILCS 120/2(c)(8)]

**N. POSSIBLE ACTION OF CLOSED SESSION ITEMS INCLUDING:**

**O. ADJOURNMENT**

**MINUTES OF A COMMITTEE OF THE WHOLE MEETING  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
February 4, 2020**

**CALL TO ORDER**

President Troy Parlier called the meeting to order at 6:01 p.m.

**ROLL CALL**

Physically Present: President Troy Parlier and Trustees James Marter, Terry Olson, Pam Parr, Judy Sollinger and Brian Thomas.

Absent: Trustee Luis Perez.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, Asst. Village Administrator/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Horton, Finance Director; Jennifer Hughes, Public Works Director; Susan Quasney, Village Engineer; Rod Zenner, Community Development Director; Julie Hoffman, Community Engagement Coordinator, Special Events; Joe Renzetti, IT/GIS Manager; Jay Hoover, Building & Zoning Manager; Carri Parker, Purchasing Manager; Corinna Cole, Economic Development Director; and Ryan Morton, Village Attorney.

**CONSIDERATION OF AND POSSIBLE ACTIONS ON-ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING**

There was no one who requested to electronically participate.

**PUBLIC FORUM**

Public Forum was opened at 6:01 p.m. There was no one who requested to speak; the Public Forum was closed at 6:01 p.m.

**OLD BUSINESS**

There was no Old Business.

**NEW BUSINESS**

F.1. Village Code Amendments for Mobile Food Vending

- a) Food & Beverage Tax
- b) Vending on Private Property

Director Horton and Clerk Touchette addressed the Board regarding mobile food vending. The Village adopted an Ordinance establishing a Food & Beverage Tax effective October 1, 2017. The tax was imposed on all retail food facilities and retail liquor facilities with some exemptions. Food trucks and mobile food vending are not exempt. Staff has had trouble the past two years with getting mobile food vendors to remit the tax. Many of the mobile food vendors are out of town businesses which leaves staff with limited enforcement power in getting them to pay the tax. Staff put forth a number of enforcement ideas including requiring the mobile food vendors to have a valid Village registration and licensing permit; putting the responsibility on the brick and mortar businesses to make sure the mobile food vendors complied. Staff also had the Police stop and ask for the Village registration/license. None of the ideas had much success. Additional staff discussion led to the idea of exempting mobile food vendors from the Food & Beverage Tax and registration requirements for vending on private property. Mobile food vendors would still be required to get a license from the Village if vending on public property. The license is \$200/year; which more than offsets the loss of any Food & Beverage Tax the Village may receive from the mobile food vendors.

Food Trucks have gained in popularity with several businesses allowing them to locate on their property as a marketing tool for their business. Oswego local merchants have not expressed any major concerns about the mobile food vendors, but, rather, have welcomed them as they are bringing more foot traffic to the downtown. Mobile food vendors are increasing in popularity at many events as patrons welcome the food choices and price while attending. Staff believes the increase in attendance at events, in the downtown or in Oswego, is a positive step for the local economy. Staff provided a spreadsheet showing the amount of taxes collected over the past two years:

- FY19 total revenue= \$496.27
- FY20 total revenue= \$1,564.52

Staff recommended the exemption of the Food & Beverage Tax and the elimination of the need to register if vending on private property. This relieves the burden on staff, the business contracting mobile food vendors and to the mobile food vendors themselves. The City of Yorkville recently passed an amendment at their January 28, 2020 meeting removing the need for mobile food vendors to register if vending on private property. A code amendment for the elimination of the registration is on the Regular Village Board meeting for vote. Staff will be bringing the request for a vote on the tax exemption at a future meeting.

Board and staff discussion focused on businesses concerned with mobile food vendors blocking businesses during special events; needing to have a conversation with Azavar; Oswego Brewing Company requested elimination of the requirements; mobile food vendors do not need to register if they are vending as part of a permitted special event; locally collected tax; examples of public property would be Adams St. or Harrison St.; keeping the public property licensing process; Village Clerk is creating efficiencies; saving money on the backend; Clerk has done a great job; elimination of the tax and registration requirement makes sense. There was no further discussion.

#### F.2. Provide Direction on an Architect/Engineer RFP and the Plan for Summer 2020 Related to the Entertainment Venue Site.

Administrator Di Santo addressed the Board regarding an architect/engineer for the entertainment venue site. On October 1, 2019, the Village Board authorized the execution of a donation agreement for Lot 7 in Oswego Junction Phase 2, by local business owner Kevin Fialko. The donation agreement requires the Village to develop “a venue for outdoor live performance and music entertainment and events to be enjoyed by the general public” on the site within 3 years. On January 14, 2020, the Village Board discussed the plan to design, construct and operate the future entertainment venue site during the Committee of the Whole. The only direction received during the discussion was to proceed with design and acoustical engineering contracts. During the Village Board meeting that evening, the Village Board authorized the execution of an agreement with Schoppe Design, Inc. for design services. Based on the discussion during the January 14, 2020 Committee of the Whole, staff recommends beginning a Request for Proposals (RFP) process to select the project architect and engineer. Staff from various departments, as well as Schoppe Design, weighed in on the RFP.

The RFP seeks architects and engineers that have significant, current experience in the development, design, and construction of similar buildings and projects. The responding firms will be asked to prepare schematic design plans, traffic engineering, cost estimates, construction documents for public bidding, and construction oversight. The firm will also work cooperatively with Schoppe Design to first develop a Master Plan for the property. A steering team comprised of staff and Village Board members will first review and evaluate the proposals and then review the proposed cost of services. Should the decision be made to move forward with one of the firms, staff would then present a contract to the Village Board for consideration and approval. The proposed construction completion date is May 10, 2021.

Board and staff discussion focused on the intent of the project is for a community concert venue with a covered stage and park; anything further is not the intent; small, easy and cheap; no interest in a Rivers Edge type of venue; of the 66 items in the priority list, this venue didn't rank; currently have budget and water issues; huge difference between management and permanent venue; may be room for an in between; RFP is for a smaller venue; willing to go bigger if someone else was running it and paying for it; band shell for use by schools; pumpkin patch; not a band every weekend; used for other things; understanding the water issues; spending \$750,000 and possible

revenue booster for the Village; could spend hundreds of thousands to find out how big to go with the venue; band shell only; not a Rivers Edge; can expand later; need basic site plans; small scale to begin with and the ability to expand later; modular; opportunity to grow; user friendly. Staff to move forward with modular aspect. There was no further discussion.

**CLOSED SESSION**

A motion was made by Trustee Sollinger and seconded by Trustee Olson to enter into Closed Session for the purposes of discussing the following:

- Pending and Probable Litigation [5 ILCS 120/2(c)(11)]
- Appointment, Employment, Compensation, Discipline, Performance, or Dismissal of Personnel [5 ILCS 120/2(c)(1)]
- Collective Bargaining, Collective Negotiating Matters, Deliberations Concerning Salary Schedules [5 ILCS 120/2(c)(2)]
- Sale, Lease, and/or Acquisition of Property [5 ILCS 120/2(c)(5) & (6)]

Aye: James Marter II  
Pam Parr  
Brian Thomas

Terry Olson  
Judy Sollinger

Absent: Luis Perez  
Nay: None

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

The Board adjourned to Closed Session at 6:25 p.m.

The Board returned to open session at 7:02 p.m.; all remaining members still present.

**ADJOURNMENT**

The meeting adjourned at 7:02 p.m.

Tina Touchette  
Village Clerk

**MINUTES OF A REGULAR MEETING  
OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES  
OSWEGO VILLAGE HALL  
100 PARKERS MILL, OSWEGO, ILLINOIS  
February 4, 2020**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

President Troy Parlier called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance to the Flag of the United States of America.

**ROLL CALL**

Physically Present: President Troy Parlier and Trustees James Marter, Terry Olson, Pam Parr, Judy Sollinger and Brian Thomas.

Absent: Trustee Luis Perez.

Staff Present: Dan Di Santo, Village Administrator; Christina Burns, Asst. Village Administrator/HR Director; Tina Touchette, Village Clerk; Jeff Burgner, Police Chief; Mark Horton, Finance Director; Jennifer Hughes, Public Works Director; Susan Quasney, Village Engineer; Rod Zenner, Community Development Director; Julie Hoffman, Community Engagement Coordinator, Special Events; Joe Renzetti, IT/GIS Manager; Jay Hoover, Building & Zoning Manager; Carri Parker, Purchasing Manager; Corinna Cole, Economic Development Director; and Ryan Morton, Village Attorney.

**CONSIDERATION OF AND POSSIBLE ACTIONS ON ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING**

None

**RECOGNITIONS/APPOINTMENTS**

D.1. Employee Service Awards

a. Cathleen Nevara- 15 Years of Service (Police Department)

She was unable to attend. President Parlier recognized her for her 15 years of service.

D.2. Proclamation- 100th Anniversary of The League of Woman Voters

President Parlier read the proclamation and presented a copy of the proclamation to Tania Traverso, a member of The League of Woman Voters. Several other members were present and were called up to the podium to have a group picture taken with President Parlier and Tania Traverso.

D.3. Character Counts Awards

Susan McMahon read the awards summaries, and along with President Parlier, presented the awards to the recipients and had their pictures taken.

**PUBLIC FORUM**

Public Forum was opened at 7:13 p.m. There was no one who requested to speak; the Public Forum was closed at 7:13 p.m.

**CONSENT AGENDA**

G.1. January 14, 2020 Committee of the Whole Minutes

G.2. January 14, 2020 Regular Village Board Minutes





## **OLD BUSINESS**

There was no Old Business.

## **NEW BUSINESS**

J.1. Resolution Approving an Intergovernmental Agreement with the Chicago Metropolitan Agency for Planning (CMAP) to Update the Village's Zoning Ordinance and Subdivision Regulations to Create a Unified Development Ordinance. **Resolution No. 20-R-12**

Director Zenner addressed the Board regarding an agreement with CMAP for the updating of the zoning ordinance and subdivision regulations. The Village utilizes two main sets of requirements for the development of property within the Village of Oswego:

- Zoning Ordinance
  - Lists permitted and special uses within each of the various zoning districts and establishes bulk regulations, such as height and setback requirements
  - Has existed for several decades and has been amended from time to time to address specific issues that come before the Village
  - Last updated in 2008
- Subdivision and Development Regulations
  - Provides the technical aspects for development including right-of-way design, engineering requirements, and various construction detail specifications

The Village is looking to update both of these regulations and to create a single Unified Development Ordinance (UDO) to provide the development community with a single document to determine the rules and regulations for development within the Village of Oswego. In Spring 2019, the Village applied to CMAP to participate in their Local Technical Assistance program to assist in the creation of a new Unified Development Ordinance. The Village's proposal to CMAP was to develop a Unified Development Ordinance. The new Ordinance would update the Zoning Ordinance and Development Regulations by incorporating principles of best management practices for new development, consider environmental impacts and mitigating techniques for new development, and to strategically grow consistently with the goals and objectives of the Village's 2015 Comprehensive Plan. The Ordinance would also consider process changes that could simplify the development process and provide opportunity to establish regulations to assist the redevelopment of the Downtown.

The Village learned that CMAP had selected Oswego as a recipient of their assistance program. The project could take up to 24 months to complete and would include participation of the Village, residents, and the development community in drafting of the new regulations. The total project cost is estimated to be between \$100,000 and \$120,000. The Village is being asked to provide a total of \$30,000 (two payments of \$15,000 each) plus staff assistance as the Village's contribution. The remainder of the cost will be covered by CMAP.

Board and staff discussion focused on staff, residents, development community, ad-hoc committees and Planning & Zoning members would have input in the drafting of the new regulations. There was no further discussion.

A motion was made by Trustee Sollinger and seconded by Trustee Parr to approve a Resolution Approving an Intergovernmental Agreement with the Chicago Metropolitan Agency for Planning (CMAP) to Update the Village's Zoning Ordinance and Subdivision Regulations to Create a Unified Development Ordinance.

Aye: James Marter II  
Pam Parr  
Brian Thomas

Terry Olson  
Judy Sollinger

Nay: None  
Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

J.2. Resolution Authorizing the Execution of an Agreement Frank Marshall Electric, Aurora, IL, for the Well 6 & 8 Electrical Upgrade Project Construction Phase in the Amount Not to Exceed \$302,170.00. **Resolution No. 20-R-13**

Director Hughes addressed the Board regarding an agreement for Well 6 & 8.

- Well 6
  - Located at 245 Lennox
  - Been in service since 1992
  - Produces 1,000 gallons per minute and was last serviced in 2010
  - A generator, switchgear, and transformers were added to the site in 2016
  - Master control center and associated components are at the end of their useful life and need to be replaced
- Well 8
  - Located at 3700 Grove Rd.
  - Been in service since 2001
  - Produces 1,000 gallons per minute and was last serviced in 2017
  - Step-up transformer is original, and the variable frequency drive needs to be replaced

Public Works has been working with consultant Baxter & Woodman on the necessary repairs needed to Well 6 & 8. The design phase of the project and the bid process has been completed. The Village opened two bids on January 28, 2020. AMS was the low bidder at \$269,750 for the base work. Frank Marshall was second with a bid of \$274,700 which is \$4,950 above AMS' bid. The contract contemplates conductor and conduit that may be required and will be paid at the contract unit price for materials and installation. AMS bid ranged from \$703.89 to \$1,804.82 for 10 feet of conductor of various sizes and \$5,637.96 to \$13,505.35 for 10' of conduit in various sizes. Frank Marshall's bid ranged from \$56.00 to \$124.00 per foot for conductor and \$268.00 to \$541.00 per foot for conduit in various sizes. If the Village were to install just 10' of conduit, Frank Marshall would be the cheaper alternative. Frank Marshall has performed work satisfactorily for the Village in the past.

Board and staff discussion focused on why Well 8 was not addressed in 2017; needed to budget for Well 8; too expensive; how long the repairs will take; whether there were additional wells that need repair; last five years staff has been pulling wells for routine maintenance; addressing through capital programs. There was no further discussion.

A motion was made by Trustee Marter and seconded by Trustee Parr to approve a Resolution Authorizing the Execution of an Agreement Frank Marshall Electric, Aurora, IL, for the Well 6 & 8 Electrical Upgrade Project Construction Phase in the Amount Not to Exceed \$302,170.00.

Aye: James Marter II  
Pam Parr  
Brian Thomas

Terry Olson  
Judy Sollinger

Nay: None

Absent: Luis Perez

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

**PRESIDENT'S REPORT**

He noted the upcoming events:

LunaFest (benefit for Mutual Ground); Pam Parr is attending; 6 <sup>th</sup> year she has attended; a lot of fun.	Feb. 8 <sup>th</sup> ; 3pm-8pm	Village Hall	Purchase tickets in advance by 2/7= \$23.91 At the door= \$28
Oswego Senior Center Valentine Dinner Dance	Feb. 8th; 5pm-9:30pm; buffet at 6pm	at American Legion	Purchase tickets by 2/5; \$20 each/2 for \$35
State of the Village; come out and hear all the exciting things.	Feb. 19 <sup>th</sup> at 3:30pm	at Kendall 11	

Midwest Conflicts Wall of Honor is coming to Oswego May 22<sup>nd</sup>-May 31<sup>st</sup>. This is the first time the Wall will leave the state of Oregon; working with Herschel Luckinbill on all the events planned; event schedule coming soon.

Thoughts and prayers go out to the family of Noah McIntyre.

**TRUSTEE REPORTS**

Trustee Thomas- condolences to Noah's family; inquired into the procedures when a homeowner's mailbox is damaged due to snow or a plow; Director Hughes explained the process as stated in Village Code.

Trustee Marter- condolences to Noah's family; enjoys 30-minute meetings.

**CLOSED SESSION**

There was no Closed Session held.

**ADJOURNMENT**

A motion was made by Trustee Marter and seconded by Trustee Sollinger to adjourn the meeting; upon a voice vote with all remaining members present voting aye, the meeting was adjourned at 7:28 p.m.

Tina Touchette  
Village Clerk

**AGENDA ITEM**

**MEETING TYPE:** Village Board  
**MEETING DATE:** February 18, 2020  
**SUBJECT:** Ashcroft Place Unit 1 – Final Acceptance and Release of Project Surety

**ACTION REQUESTED:**

Approve a Resolution Authorizing Final Acceptance of Public Improvements for Ashcroft Place Unit 1, Effective February 19, 2020, and Release of Project Surety

**BOARD/COMMISSION REVIEW:**

N/A

**ACTION PREVIOUSLY TAKEN:**

Date of Action	Meeting Type	Action Taken
6/14/04	Village Board	<b>Ordinance No. 04-47</b> Approving a Final Planned Unit Development and Subdivision Plat for Ashcroft Place Unit 1
7/17/18	Village Board	<b>Resolution 18-R-35</b> Approving an Agreement Regarding Final Lift and Security for Ashcroft Unit 1 and Ashcroft Place Subdivisions
4/9/19	Village Board	Resolution 19-R-18 Authorizing Initial Acceptance of Public Improvements for Ashcroft Place Unit 1, Effective March 1, 2019, and Reduction of Project Surety

**DEPARTMENT:** Public Works

**SUBMITTED BY:** Public Works Director/Village Engineer Jennifer M. Hughes, P.E., CFM

**FISCAL IMPACT:**

None

**BACKGROUND:**

The east end of Ashcroft Place Unit 1 had been abandoned until D.R. Horton came in and purchased the remaining lots last year. The Village entered into an agreement with D.R. Horton in July 2018 to facilitate the completion of improvements in Ashcroft Place Unit 1. D.R. Horton

posted \$123,200 in surety to secure the developer's obligations to complete the road improvements.

**DISCUSSION:**

The D.R. Horton has completed the road improvements, including all punch list items. The Village initially accepted the improvements effective March 1, 2019. The developer provided the project surety at 10% (\$12,320) in the form of Bond # 9309364 from Fidelity & Deposit Company of Maryland.

The developer is now requesting final acceptance. Staff has inspected the improvements and does not object to this request. The surety will be released at this time.

**RECOMMENDATION:**

Staff recommends approval of a resolution for Final Acceptance of the improvements for Ashcroft Place Unit 1, and release of the project surety.

**ATTACHMENTS:**

1. 20-R-\_\_ Final Acceptance of Ashcroft Place Unit 1.docx

**RESOLUTION NO. 20 - R - \_\_**

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**RESOLUTION AUTHORIZING THE FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR ASHCROFT PLACE UNIT 1 EFFECTIVE FEBRUARY 19, 2020, AND RELEASE OF PROJECT SURETY**

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**WHEREAS**, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

**WHEREAS**, the Village granted Preliminary Planned Unite Development and Subdivision Plat Approval for Ashcroft Place Unit 1 by Ordinance 03-77 on August 11, 2003; and

**WHEREAS**, the Village granted Final Planned Unite Development and Subdivision Plat Approval for Ashcroft Place Unit 1 by Ordinance 04-47 (Rec. 200400019249) on June 14, 2004; and

**WHEREAS**, the Village authorized an agreement with D.R. Horton regarding installation and security or the remainder of public improvements in Ashcroft Unit 1 and Ashcroft Place Subdivisions, more particularly described in Exhibits 1 and 2 of Exhibit A in Ordinance 18-52 approved on July 17, 2018; and

**WHEREAS**, the Village granted Initial Acceptance of public improvements in Ashcroft Place Unit 1 by Resolution 19-R-18 approved on April 9, 2019; and

**WHEREAS**, D.R. Horton, the “Owner”, has submitted a request for “Final Acceptance” of public improvements for Ashcroft Place Unit 1; and

**WHEREAS**, the Village Engineer has reviewed the Owner’s request and recommends “Final Acceptance” in accordance with Section 8.16 Final Processing and Initial/Final Acceptance of the Subdivision and Development Control Regulations of the Village of Oswego; and

**WHEREAS**, the Village is currently holding surety of \$12,320.00 in the form of Bond #9309364 from Fidelity & Deposit Company of Maryland; and

**WHEREAS**, it is in the best interest of the Village of Oswego to complete the following tasks for this project:

- 1) Grant “Final Acceptance” for Ashcroft Place Unit 1; and,
- 2) Release the project surety of \$12,320.00 in its entirety.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**, as follows:

**SECTION 1. INCORPORATION OF RECITAL**

That the recitals set forth above are incorporated here by reference.

**SECTION 2. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS**

The Village grants “Final Acceptance” for the following public improvements in Ashcroft Place Unit 1 in accordance with Section 8.16 Final Processing and Initial/Final Acceptance of the Subdivision and Development Control Regulations of the Village of Oswego:

- Potable water system including fire hydrants and service lines to the b-box
- Sanitary sewer sewers
- Roads including pavement and curb and gutter
- Sidewalks
- Parkway trees
- Street signs
- Street lights

**SECTION 3. RELEASE OF LETTER OF CREDIT**

The Village Administrator is hereby authorized to take all actions necessary to release the project surety in its entirety.

**SECTION 4. REPEALER**

All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution shall be, and the same hereby repealed to the extent of the conflict.



**SECTION 5. SEVERABILITY**

This Resolution and every provision thereof shall be considered severable. If any section, paragraph, clause or provision of this Resolution is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of any other provisions of this Resolution.

**SECTION 6. EFFECTIVE DATE**

This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

**PASSED** by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this \_\_\_ day of \_\_\_ 2020.

JAMES MARTER	_____	LUIS PEREZ	_____
TERRY OLSON	_____	JUDY SOLLINGER	_____
PAM PARR	_____	BRIAN THOMAS	_____

**APPROVED** by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
TROY PARLIER, VILLAGE PRESIDENT

\_\_\_\_\_  
Tina Touchette, Village Clerk

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )            SS

**CLERK'S CERTIFICATE**  
**(RESOLUTION)**

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of a Resolution entitled:

**RESOLUTION AUTHORIZING THE FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS  
FOR ASHCROFT PLACE UNIT 1 EFFECTIVE FEBRUARY 19, 2020, AND RELEASE OF  
PROJECT SURETY**

which Resolution was duly adopted by said Board of Trustees at a meeting held on the \_\_\_ day of \_\_\_\_\_ 2020, and thereafter approved by the Village President on the \_\_\_ day of \_\_\_\_\_ 2020.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_ day of \_\_\_\_\_ 2020.

\_\_\_\_\_  
Tina Touchette, Village Clerk  
Village of Oswego

(Seal)



**AGENDA ITEM**

**MEETING TYPE:** Village Board

**MEETING DATE:** February 18, 2020

**SUBJECT:** Reserve at Hudson Crossing Public Improvements – Change Order #3

**ACTION REQUESTED:**

Approval of a Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #3 to the Construction Contract with H. Linden & Sons, Plano, IL, in the Amount of \$58,058.20 for the Construction of the Reserve at Hudson Crossing Public Improvements

**BOARD/COMMISSION REVIEW:**

N/A

**ACTION PREVIOUSLY TAKEN:**

Date of Action	Meeting Type	Action Taken
4/9/2019	Village Board	Approved Resolution 19-R-24 authorizing execution of a construction contract with H. Linden & Sons, Plano, IL, in the amount of \$4,007,178.00 for the construction of the Reserve at Hudson Crossing Public Improvements and Assignment of Contract to Reserve at Hudson Crossing, L.L.C., in accordance with the accompanying resolution
10/15/19	Village Board	Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #1 in the Amount of \$151,598.06 for the Construction of the Reserve at Hudson Crossing Public Improvements
12/14/19	Village Board	Resolution Authorizing Reserve at Hudson Crossing, L.L.C. to Execute Change Order #2 in the Amount of \$59,460.00 for the Construction of the Reserve at Hudson Crossing Public Improvements

**DEPARTMENT:** Public Works

**SUBMITTED BY:** Public Works Director/Village Engineer Jennifer M. Hughes, P.E., CFM

**FISCAL IMPACT:**

TIF – Public Improvements – Acct. # 2503500 – 572000

**BACKGROUND:**

The Village entered into a Redevelopment Agreement (“RDA”) with Reserve at Hudson Crossing, L.L.C. (commonly known as “Shodeen”) for the properties commonly known as 13, 15, 19, 27 and 59 S. Adams Street. Per the RDA, Shodeen is constructing the public improvements and will be reimbursed by the Village. State law requires that since public funds will be spent, the project must follow a public bidding process and workers must be paid prevailing wages. To facilitate public bidding, the Village followed the competitive bidding process as if the Village were constructing the improvements.

On March 5, 2019, the Village opened three bids for the Public Improvements exclusive of the parking decks. The Village authorized execution of a construction contract with the lowest responsible bidder, H. Linden & Sons (Plano), to construct the project for \$4,007,178.00 on April 9, 2019. Change order #1 was approved by the Village Board on October 15, 2019 in the amount of \$151,598.06 and Change order #2 was approved by the Village Board on 12/14/19 in the amount of \$59,460.

**DISCUSSION:**

The public infrastructure work has required quantity adjustments to the contract. These are not due to any changes in scope of the project. Additional costs included in this change order relate to the handling of light poles, installation of underground conduit, and relocation of a directional bore pit. Additional costs from Change Orders #1 and #2 have been offset by some credits. At the current time the net contract cost is more than \$10,000 below the original bid price.

**RECOMMENDATION:**

Staff recommends approving the resolution authorizing the Reserve at Hudson Crossing L.L.C. to execute Change Order #3 to the construction contract with H. Linden & Sons, Plano, IL, in the amount of \$58,058.20.

**ATTACHMENTS:**

- 20-R-\_ Reserve at Hudson Crossing Change Order 3.doc
- Exhibit A – Change Order #3

RESOLUTION NO. 20 - R - \_\_\_\_

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**RESOLUTION AUTHORIZING RESERVE AT HUDSON CROSSING, L.L.C. TO EXECUTE CHANGE ORDER #3 TO THE CONSTRUCTION CONTRACT WITH H. LINDEN & SONS, PLANO, IL, IN THE AMOUNT OF \$58,058.20 FOR THE CONSTRUCTION OF THE RESERVE AT HUDSON CROSSING PUBLIC IMPROVEMENTS**

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**WHEREAS**, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village Board approved on December 11, 2017 Ordinance 17-85 (Doc. #201800000195) approving a redevelopment agreement (“*Redevelopment Agreement*”) with the Reserve at Hudson Crossing LLC (“*Developer*”) concerning the properties commonly known as 13, 15, 19, 27, and 59 S. Adams Street (collectively, the “*Subject Property*”); and

**WHEREAS**, the Village Board approved on June 5, 2018 Ordinance 18-34 (Doc. #201800008401) approving the First Amendment to the Redevelopment Agreement to provide additional time for development financing, property acquisition, and project coordination; and

**WHEREAS**, the Village Board approved on July 17, 2018 Ordinance 18-54 (Doc. #201800013281) approving the Second Amendment to the Redevelopment Agreement to provide for phased construction, accommodate design changes, and adjust certain construction milestones; and

**WHEREAS**, the Village Board approved on November 13, 2018 Ordinance 18-95 Doc. #201800016805) approving the Third Amendment to the Redevelopment Agreement to address development financing; and

**WHEREAS**, the Redevelopment Agreement obligates the Developer to construct certain Public Improvements (“*Public Improvements*”), as defined and described in the Redevelopment Agreement; and

**WHEREAS**, the Village Board approved on April 9, 2019 Ordinance 19-R-24 authorizing execution of a construction contract with H. Linden & Sons, Plano, IL (“*Contractor*”), in the amount of \$4,007,178.00 for the construction of the Public Improvements and assignment of the contract to the Developer: and

**WHEREAS**, the Village Board approved Change Order #1 on October 15, 2019 and Change Order #2 on December 14, 2019; and

**WHEREAS**, the Developer has requested a change order to address additional costs due to engineering modifications after the project was bid and some field modifications; and

**WHEREAS**, the Village has determined that this additional work is germane to the original contract; and

**WHEREAS**, the Contractor has provided a proposal for additional work, identified as Change Order #3, substantially in the form attached hereto marked “Exhibit A”; and

**WHEREAS**, it is in the best interest of the Village of Oswego to authorize Reserve at Hudson Crossing L.L.C. to execute Change Order #3 to H. Linden & Sons.

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**, in exercise of its home rule powers, as follows:

**SECTION 1. INCORPORATION OF RECITALS**

That the recitals set forth above are incorporated here by reference.

**SECTION 2. CHANGE ORDER APPROVED**

The Village President and Village Board of Trustees hereby authorize and direct Reserve of Hudson Crossing L.L.C. to execute Change Order #3 to H. Linden & Sons substantially in the form attached as “Exhibit A”. The Village Administrator is authorized and directed to take all steps and sign all document necessary to implement this Ordinance’s terms.

**SECTION 3. REPEALER**

All resolutions and ordinances, or any parts thereof, in conflict with any of the provisions of this Resolution are hereby repealed.

**SECTION 4. SEVERABILITY**

If any part, subsection, or clause of this Resolution shall be deemed to be unconstitutional or otherwise invalid, the remaining parts, subsections, and clauses shall not be affected thereby.

**SECTION 5. EFFECTIVE DATE**

This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

**PASSED** by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 18<sup>th</sup> day of February 2020.

JAMES MARTER \_\_\_\_\_

LUIS PEREZ \_\_\_\_\_

TERRY OLSON \_\_\_\_\_

JUDY SOLLINGER \_\_\_\_\_

PAM PARR \_\_\_\_\_

BRIAN THOMAS \_\_\_\_\_

**APPROVED** by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 18<sup>th</sup> day of February 2020.

\_\_\_\_\_  
TROY PARLIER, VILLAGE PRESIDENT

\_\_\_\_\_  
TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )       SS

**CLERK'S CERTIFICATE**  
**(RESOLUTION)**

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of a Resolution entitled:

**RESOLUTION AUTHORIZING RESERVE AT HUDSON CROSSING, L.L.C. TO EXECUTE CHANGER ORDER #3 TO THE CONSTRUCTION CONTRACT WITH H. LINDEN & SONS, PLANO, IL, IN THE AMOUNT OF \$58,058.20 FOR THE CONSTRUCTION OF THE RESERVE AT HUDSON CROSSING PUBLIC IMPROVEMENTS**

which Resolution was duly adopted by said Board of Trustees at a meeting held on the 18<sup>th</sup> day of February 2020, and thereafter approved by the Village President on the 18<sup>th</sup> day of February 2020.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 18<sup>th</sup> day of February 2020.

\_\_\_\_\_  
Tina Touchette, Village Clerk  
Village of Oswego

(Seal)



# Exhibit A

## CHANGE ORDER NO. 2

Date: January 23, 2020 Date of Agreement: October 8, 2019  
Project: Village of Oswego  
2019 Reserve at Hudson Crossing – Roadway Improvements  
Job Number: SHO002  
Owner: Shodeen Construction L.L.C. Contractor: H. Linden & Sons Sewer & Water Inc.  
77 North First Street 722 E. South Street, Unit D  
Geneva, Illinois 60134 Plano, Illinois 60545

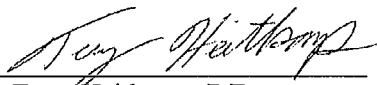
The following changes are hereby made to the CONTRACT DOCUMENTS: Work associated with Contract Modification Request (CMR) #2 thru #8.

Justification: See attached CMR #2 thru #8.

Original Contract Price	\$4,007,178.00
Amount of Previous Change Order(s)	<b>\$151,598.06</b>
Current Contract Price adjusted by Previous Change Order(s)	\$4,158,776.06
Change in Contract Price Due to this Change Order	<b>-\$166,206.80</b>
Contract Price Including this Change Order	\$3,992,569.26

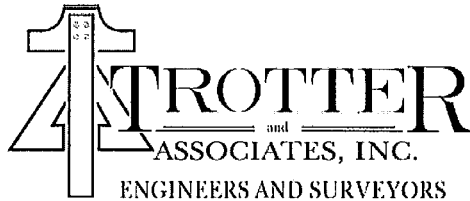
Original Contract Substantial Completion Date		Novemeber, 15, 2019
Previous Changes to Contract Time	336	Calendar Days
Current Contract Sub. Completion Date adjusted by Previous CO(s)		October 15, 2020
Current Contract Final Completion Date adjusted by Previous CO(s)		May 15, 2021
Change to Contract Time Due to this Change Order	0	Calendar Days
Contract Substantial Completion Date Including this Change Order		October 15, 2020
Contract Final Completion Date Including this Change Order		May 15, 2021

Approvals:

Requested by:   
Terry Heitkamp, P.E.  
Project Engineer  
Trotter and Associates, Inc.

Recommended by: \_\_\_\_\_  
Dave Patzelt  
President  
Shodeen Construction L.L.C.

Accepted by: \_\_\_\_\_  
Steve Linden  
Secretary/Treasurer  
H. Linden & Sons Sewer & Water  
Inc.



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 002      **Date:** January 23, 2020

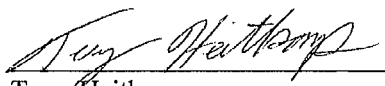
**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

- 1. Scope of Work (Provide Attachments if Needed):** Provide all labor and materials necessary to break up and dispose of existing concrete solar light poles removed. This work shall be paid for per each light pole.
- 2. Reason for Modification:** The contract line item and specifications were to remove the existing solar lighting units calls for the units and to be salvaged. When the units were delivered to the Village to be salvaged, only small parts from the lighting units were salvaged and the units were delivered back to the site. The existing concrete light poles will need to be broken and disposed of by the contractor.
- 3. Approximate Cost Change to Contract Price:** **\$2,100.00**  
6 poles @ \$350/each
- 4. Additional Contract Time to Complete Modification:** **0 days**
- 5. Attachments:**

Prepared by:       Approved by: \_\_\_\_\_  
Terry Heitkamp      Dave Patzelt  
Project Engineer      President,  
Shodeen Construction L.L.C.

Date: January 23, 2020      Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 003      **Date:** January 23, 2020

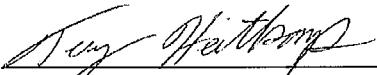
**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

- 1. Scope of Work (Provide Attachments if Needed):** The location of the bore pit on Harrison Street for the sanitary sewer jack and bore across Washington Street shall be moved to the north side of Washington Street. The plan location for the bore pit is the south side of Washington Street.
- 2. Reason for Modification:** Two-lane traffic must be maintained south of the intersection of Harrison Street and Washington Street. Per IDOT's Bureau of Local Roads and Streets Manual; Chapter 31, the minimum local streets lane width is 10'. If the bore pit is located at the plan location south of Washington Street, two-lane traffic will not be maintainable. Moving the bore pit to the north side of Washington Street will help maintain two-way traffic and minimize public safety concerns with an open pit. Due to space restrictions, the bore pit will be 25 feet in length requiring 10-foot casing pipes instead of 20-foot. Additional welding is required with the shorter casing pipes.
- 3. Approximate Cost Change to Contract Price:** **\$10,000.00**
- 4. Additional Contract Time to Complete Modification:** **0 days**
- 5. Attachments:**

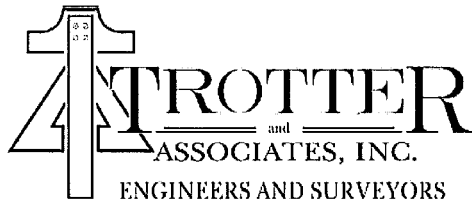
Prepared by:   
Terry Heitkamp  
Project Engineer

Approved by: \_\_\_\_\_  
Dave Patzelt  
President,  
Shodeen Construction L.L.C.

Date: January 23, 2020

Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 004      **Date:** January 23, 2020

**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

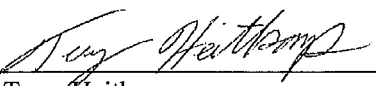
**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

- 1. Scope of Work (Provide Attachments if Needed):** Provide all labor and materials necessary to remove and reinstall the existing solar lighting structure on Harrison Street at station 7+53. Provide all labor and materials necessary to disconnect and remove the damaged section of wire between the existing lighting controller on the north end of Adams Street and the east side of Adams Street.
- 2. Reason for Modification:** The existing solar lighting structure on Harrison Street at station 7+53 is directly in between the proposed sanitary sewer and the proposed storm sewer. The pole shall be removed in order to prevent the lighting structure from falling over due to lack of support. The pole shall be reinstalled upon completion of the storm sewer and sanitary sewer installation on the east and west side of the pole.

An unmarked conduit was hit and broken when installing storm sewer on Adams Street near station 26+80. No utility agencies claimed ownership of the conduit, including the Village. The contractor shall disconnect the conduit from the existing lighting controller to where the conduit was damaged for safety purposes.

- 3. Approximate Cost Change to Contract Price:** \$1,894.20
- 4. Additional Contract Time to Complete Modification:** 0 days
- 5. Attachments:**

Prepared by:   
Terry Heitkamp  
Project Engineer

Approved by: \_\_\_\_\_  
Dave Patzelt  
President,  
Shodeen Construction L.L.C.

Date: January 23, 2020

Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 005      **Date:** January 23, 2020


**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

- 1. Scope of Work (Provide Attachments if Needed):** Provide all labor and materials necessary to install additional 2", 4" and 6" conduits for Metro Net, ComEd, and Comcast.
- 2. Reason for Modification:** Per request from Metro Net, ComEd, and Comcast, additional underground conduits will need to be installed in order to relocate the overhead lines underground. Comcast requested installation of both 2" and 4" conduits. ComEd requirements only allow for two connections at each utility pole. Therefore, the location of Metro Net and Comcast conduits will have to be modified to meet these requirements. Both Comcast and Metro Net conduits have been rerouted to utility poles on the north end of Adams Street resulting in larger 2" and 4" conduit lengths. The locations of all conduit connections to the utility poles in Hudson Crossing Park were also modified to meet these requirements (additional lengths to 2", 4", & 6")
- 3. Approximate Cost Change to Contract Price:** **\$44,064.00**  
  
(Item No. 104A) Underground Conduit, PVC, 2" Dia. – 569' @ \$19.00/FT = \$10,811.00  
(Item No. 104B) Underground Conduit, PVC, 4" Dia. – 969' @ \$29.00/FT = \$28,101.00  
(Item No. 105) Underground Conduit, PVC, 6" Dia. – 161' @ \$32.00/FT = \$5,152.00
- 4. Additional Contract Time to Complete Modification:** **0 days**
- 5. Attachments:**

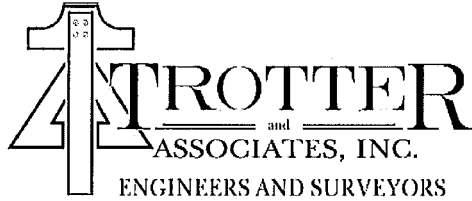
Prepared by:   
Terry Heitkamp  
Project Engineer

Approved by: \_\_\_\_\_  
Dave Patzelt  
President,  
Shodeen Construction L.L.C.

Date: January 23, 2020

Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 006      **Date:** January 23, 2020

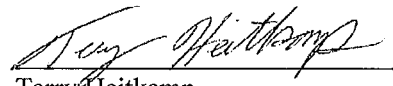
**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

- 1. Scope of Work (Provide Attachments if Needed):** Remove a portion of the Segmental Concrete Block Retaining Wall quantity from the contract.
- 2. Reason for Modification:** A retaining wall was designed at the northeast corner of Harrison Street & Washington Street intersection wrapping around the southwest corner of the proposed building. The building contractor will construct this retaining wall section as part of the building.
- 3. Approximate Cost Change to Contract Price:** (\$37,814.00)  
(Item No. 171) Segmental Concrete Block Retaining Wall. <sup>511 SF</sup> -511' @ \$74.00/SF = \$37,814.00 (credit)
- 4. Additional Contract Time to Complete Modification:** 0 days
- 5. Attachments:**

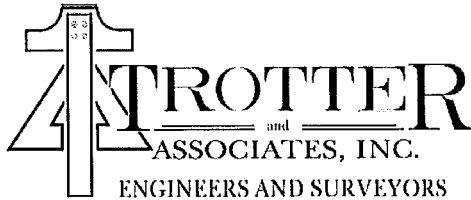
Prepared by:   
Terry Heitkamp  
Project Engineer

Approved by: \_\_\_\_\_  
Dave Patzelt  
President,  
Shodeen Construction L.L.C.

Date: January 23, 2020

Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 007      **Date:** January 23, 2020

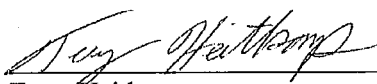
**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

1. **Scope of Work (Provide Attachments if Needed):** Remove Precast Concrete Switchgear Pad from the contract.
2. **Reason for Modification:** A ComEd switchgear was designed at the southeast corner of Adam Street & Jackson Street intersection. As part of the ComEd utility improvements, they will provide and install the proposed switchgear.
3. **Approximate Cost Change to Contract Price:** (\$4,000.00)  
(Item No. 100) Precast Concrete Switchgear Pad. – 1 @ \$4,000/EA = \$4,000.00 (credit)
4. **Additional Contract Time to Complete Modification:** 0 days
5. **Attachments:**

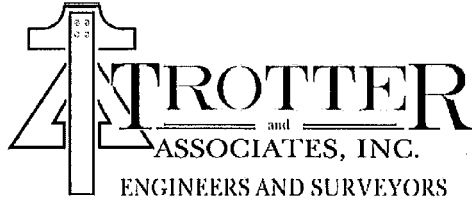
Prepared by:   
Terry Heitkamp  
Project Engineer

Approved by: \_\_\_\_\_  
Dave Patzelt  
President,  
Shodeen Construction L.L.C.

Date: January 23, 2020

Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



40W201 Wasco Road, Suite D – St. Charles, Illinois, 60175  
Phone: 630/587-0470 – Fax: 630/587-0475

**Contract Modification Request No.** 008      **Date:** January 23, 2020

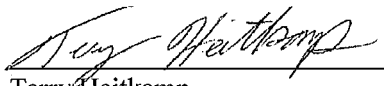
**To:** Steve Linden      **From:** Terry Heitkamp  
Secretary/Treasurer      Project Engineer

**Project:** Village of Oswego – 2019 Reserve at Hudson Crossing – Roadway Improvements  
SHO002

**Owner:** Shodeen Construction L.L.C.      **Contractor:** H. Linden & Sons Sewer & Water Inc.  
77 North First Street      722 E. South Street, Unit D  
Geneva, Illinois 60134      Plano, Illinois 60545

**It has been requested that a Contract Modification be initiated to the above referenced contract. The following information is provided as backup data:**

1. **Scope of Work (Provide Attachments if Needed):** Remove a portion of the Removal and Disposal of Unsuitable Material and Porous Granular Embankment quantity from the contract.
2. **Reason for Modification:** As part of the roadway/parking pavement design a 12” uncut of material and then replacement with Porous Granular Embankment material was included within the contract. The use of these quantities is determined based on a proof-roll test. The test was completed on Adams Street and Jackson Street, and found to be structurally sound except an area (27’x16’) on north end of Adam Street. The remaining balance of the Removal and Disposal of Unsuitable Material and Porous Granular Embankment quantities are being removed from the contract.
3. **Approximate Cost Change to Contract Price:** **(\$182,451.00)**  
  
(Item No. 26) Removal and Disposal of Unsuitable Material – 2,991 CY @ \$30.00/CY = \$89,730.00 (credit)  
(Item No. 28) Porous Granular Embankment – 2,991 CY @ \$31.00/CY = \$92,721.00 (credit)
4. **Additional Contract Time to Complete Modification:** **0 days**
5. **Attachments:**

Prepared by:   
Terry Heitkamp  
Project Engineer

Approved by: \_\_\_\_\_  
Dave Patzelt  
President,  
Shodeen Construction L.L.C.

Date: January 23, 2020

Date: \_\_\_\_\_

Cc: File (SHO002-7.28)



**AGENDA ITEM**

**MEETING TYPE:** Village Board

**MEETING DATE:** February 18, 2020

**SUBJECT:** Disposal of Surplus Property

**ACTION REQUESTED:**

Ordinance Authorizing the Disposal of Surplus Property Owned by the Village of Oswego.

**BOARD/COMMISSION REVIEW:**

N/A

**ACTION PREVIOUSLY TAKEN:**

Date of Action	Meeting Type	Action Taken
N/A	N/A	N/A

**DEPARTMENT:** Administration

**SUBMITTED BY:** Carri Parker, Purchasing Manager

**FISCAL IMPACT:**

The Purchasing Manager or her designee will auction, donation, sale, scrap, garbage or an online transaction of all pieces of item(s) listed in Exhibit A and B. The money recovered will be credited to the General Fund.

**BACKGROUND:**

During the budgeting process, staff evaluates its department fleet based on the Fleet Replacement Policy. Staff uses the Vehicle Replacement Evaluation Form to determine if a vehicle should continue its service within the said department or be repurposed or replaced/dispose of. In addition to vehicles, staff also looks at the condition of its current equipment to determine its life cycle and future use. Once the determination is reached to replace or dispose of the vehicle or equipment, the Village Board must declare it surplus prior to sale or disposal.

**DISCUSSION:**

During recent staff evaluations of the Village’s fleet and equipment, several items have been identified that are no longer needed or useful for Village operations and are ready to be declared surplus. Those items are outlined below.

The fleet replacement analysis determined Squad 13 is eligible for replacement with a score of 31. Staff has planned to cycle Squad 13, 2013 Ford Sedan Interceptor, out of the Village vehicle inventory. This vehicle when originally purchased was used as a front-line patrol squad. Once reaching the end of life use for that purpose, it was then transferred to an administrative vehicle driven by Command staff. Upon approval of the disposal of Squad 13 it will be donated to the Kendall County CPAT to be used by the Criminal Intelligence Team. This vehicle was replaced with a new Ford Utility Police Interceptor which was delivered in January of 2020.

The Public Works Department has been storing landscaping equipment inside the base of the water tower at Well #11. A majority of the Village's mowing and sidewalk snow removal has been contracted out to outside companies eliminating the use of this equipment. The Public Works Department has no need to store and maintain this equipment any longer. The flagpole was removed from the old Village Hall building years ago and stored at the Public Works yard. The pole is no longer in usable condition due to the deterioration of the material and many dents and scratches.

In 2019, the Public Works Department remodeled the office area that housed 6 cubicle workstations. This remodel provided for an open space concept that currently provides staff with 8 workstations, a conference table with chairs, area for file cabinets and the copy machine. These cubicle workstations are no longer needed at Public Works and would not be useable in any other Village department.

**RECOMMENDATION:**

Staff recommends the approval of this ordinance declaring these items as surplus and direct the Purchasing Manager or her designee to dispose of the item(s) listed in Exhibit A and B through auction, donation, sale, scrap, garbage or an online transaction.

**ATTACHMENTS:**

- Ordinance
- Exhibit A – Police Department Vehicle Replacement Evaluation Form – PD Squad 13
- Exhibit B – Public Works Equipment Listing

**VILLAGE OF OSWEGO  
KENDALL AND WILL COUNTY, ILLINOIS**

---

**ORDINANCE NO. 20-- \_\_**

**AN ORDINANCE  
AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY  
OWNED BY THE VILLAGE OF OSWEGO, KENDALL & WILL COUNTIES, ILLINOIS**

---

**ADOPTED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF OSWEGO**

This 18<sup>th</sup> day of February 2020

Prepared by and Return to:  
Village of Oswego  
100 Parkers Mill  
Oswego, IL 60543

This published in pamphlet form by authority of the President  
and Board of Trustees of the Village of Oswego on February 18, 2020.

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**AN ORDINANCE  
AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY  
OWNED BY THE VILLAGE OF OSWEGO, KENDALL & WILL COUNTIES, ILLINOIS**

---

**WHEREAS**, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

**WHEREAS**, the Village of Oswego is the owner of this property which no longer serves a useful purpose; and

**WHEREAS**, the Village wished to dispose of said property as described on Exhibit A attached hereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS IN THE EXERCISE OF THEIR HOME RULE, STATUTORY AND OTHER POWERS, as follows:**

**Section 1:** That pursuant to authority granted the Village and the findings of the Village corporate authorities, the Village Administrator is hereby authorized to dispose of the surplus property described on Exhibit A by sale or auction.

**Section 2: SEVERABILITY**

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**Section 3: REPEALER**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: EFFECTIVE DATE**

This Ordinance shall be in full force and effect immediately upon its passage, approval and Publication in pamphlet form which is hereby authorized, as provided by law.

**PASSED** by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this 18<sup>th</sup> day of February 2020.

JAMES MARTER \_\_\_\_\_

LUIS PEREZ \_\_\_\_\_

TERRY OLSON \_\_\_\_\_

JUDY SOLLINGER \_\_\_\_\_

PAM PARR \_\_\_\_\_

BRIAN THOMAS \_\_\_\_\_

**APPROVED** by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois this 18<sup>th</sup> day of February 2020.

\_\_\_\_\_  
TROY PARLIER, VILLAGE PRESIDENT

\_\_\_\_\_  
Tina Touchette, Village Clerk

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )     SS

**CLERK'S CERTIFICATE**  
**(ORDINANCE)**

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will County, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE**  
**AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY**  
**OWNED BY THE VILLAGE OF OSWEGO, KENDALL & WILL COUNTIES, ILLINOIS**

which Ordinance was duly adopted by said Board of Trustees at a special meeting held on the 18<sup>th</sup> day of February 2020, approved by the Village President on the 18<sup>th</sup> day of February 2020 and thereafter published in pamphlet form.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 19<sup>th</sup> day of February 2020.

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Tina Touchette, Village Clerk  
Village of Oswego

(Seal)

EXHIBIT A

<b>Vehicle #</b>	13	<b>Year</b>	2013	<b>VILLAGE OF OSWEGO</b>		
<b>Make</b>	Ford	<b>Model</b>	Squad Interceptor			
<b>Miles</b>	101,100	<b>Hours</b>	N/A	<b>Vehicle Replacement Guideline Evaluation Form</b>		
<b>Original \$</b>	23,504.00	<b>in (date)</b>	09/04/12			
<b>Budgeted Replacement \$</b>				<b>Replacement Point Range:</b>		
<b>Sale /Auction / Estimated Trade-in \$</b>				Under 18 points	Condition I	Excellent
<b>Life Expectancy</b>	3-5 Years			18 - 22 points	Condition II	Good
<b>Type of Service</b>	Police Patrol			23 - 27 points	Condition III	Qualifies for replacement
<b>Division</b>	Field Operations			28+ points	Condition IV	High Priority replacement

FACTOR	POINTS	DESCRIPTION	VEHICLE SCORE
AGE	1	Each year of chronological age	7
MILES / HOURS	1	Each 10,000 miles of usage	10
	1	Each 700 hours of usage (priority over miles on heavy duty and off-road equipment)	
TYPE OF SERVICE	1	Standard sedans and light pickups	5
	2	Standard vehicles with the occasional off-road usage	
	3	Vehicles that pull trailers, haul heavy loads, has continued off-road usage, and police administration	
	4	Any vehicle involved in snow removal	
	5	Police emergency response vehicles	
RELIABILITY (PM work is not included)	1	In shop one time within a three month time period, no major breakdowns or road calls	3
	2	In shop one time within a three month time period, 1 breakdown or road call within a three month period	
	3	In shop more than twice within a one month time period, no major breakdown or road call	
	4	In shop more than once within one month time period, two or more breakdowns/road calls within the same time period	
	5	In shop more than twice monthly, two or more breakdowns within one month time period	
MAINTENANCE AND REPAIR COSTS (Accident Repairs not included)	1	Maintenance costs (cumulative total) are ≤ 10% of purchase cost	3
	2	Maintenance costs (cumulative total) are ≤ 25% of purchase cost	
	3	Maintenance costs (cumulative total) are ≤ 45% of purchase cost	
	4	Maintenance costs (cumulative total) are ≤ 60% of purchase cost	
	5	Maintenance costs (cumulative total) are ≥ 61% of purchase cost	
CONDITION	1	Good drive train and minor body imperfections (road chips, scratches)	3
	2	Imperfections in body & paint, paint fading & dents, interior fair (no rips, tears, burns), and a good drive train	
	3	Noticeable imperfections in body and paint surface, some minor rust, minor damage from add-on equipment, worn interior (one or more rips, tears, burns), and a weak or noisy drive train	
	4	Previous accident damage, poor paint and body condition, rust (holes), bad interior (tears, rips, cracked dash), major damage from add-on equipment, and one drive train component bad	
	5	Previous accident damage, poor paint, bad interior, drive train that is damaged or inoperative, major damage from add-on equipment	
<b>TOTAL</b>			<b>31</b>

**EXHIBIT B:**

**Public Works Department Surplus:**

- (1) 2004 Hustler Zero Turn Lawn Mower Super Z
- (1) Frontier Snow Blower 1130
- (1) John Deere F125
- (1) Aaladin Power Washer
- (1) Flagpole
- (6) Cubicle Workstations



**Pictures:**



**Village of Oswego  
Bill List  
February 18, 2020**

<u>Fund/Department:</u>	<u>Vendor Name:</u>	<u>Description:</u>	<u>Amount:</u>	<u>Department Totals:</u>
<b>General Fund:</b>				
Corporate:				
1001100	Azavar Audit Solutions	Electric Audit-Feb 2020	77.71	
1001100	Azavar Audit Solutions	Telecom Audit-Feb 2020	34.60	
1001100	Azavar Audit Solutions	Telecom Audit back tax -Jan 2020	84.56	
1001100	Azavar Audit Solutions	Telecom Audit-Jan 2020	34.60	
1001100	Discovery Benefits	FSA Monthly Payments	98.00	
1001100	Maurine D Patten	Professional Coaching, December	355.00	
1001100	Maurine D Patten	Professional Coaching, January	255.00	
1001100	Metro West Council	January Board Meeting	80.00	
1001100	Metro West Council	Legislative Breakfast	22.00	
1001100	Oswegoland Seniors	Senior Center Funding	10,000.00	
				<b>Corporate Total: 11,041.47</b>
Building & Zoning:				
1002500	Kendall County Recorders Office	Release: 27 W Van Buren St	67.00	
1002500	Oswego Printing Services	2000 "Approved" Labels	165.00	
1002500	South Suburban Building Officials	2020 Annual Membership Fees	40.00	
1000000	South Suburban Building Officials	2020 Annual Membership Fees	80.00	FY21
1002500	Thompson Elevator Inc	Elevator Inspections, Re-Inspect, Certificate	136.00	
1002500	Thompson Elevator Inc	Permit Inspection, Certificate	107.00	
1002500	TPI	December Plumbing Inspections	480.00	
				<b>Building &amp; Zoning Total: 1,075.00</b>
Community Development:				
1003000	Cirone, Dominick	PZ Commission Meeting	25.00	
1003000	Guist, Thomas	PZ Commission Meeting	25.00	
1003000	Kuhn, Rick	PZ Commission Meeting	25.00	
1003000	Novy, Karen E	PZ Commission Meeting	25.00	
1003000	Pajor, Charles	PZ Commission Meeting	25.00	
1003000	Stine, Rebecca	PZ Commission Meeting	25.00	
				<b>Community Development 150.00</b>
Information Technologies:				
1004500	CDW Government, INC	Microsoft EA WIN SVR DC CORE	22,418.40	
1004500	GovITC	Baracuda E-mail Archiver, 3-Year	2,500.00	
1004500	Interdev, LLC.	InterDev - Onsite Support	11,953.39	
1004500	Tyler Technologies, INC	ERP - SaaS Application Service	50,730.25	
				<b>Information Technologies Total: 87,602.04</b>
Police:				
1005030	Elvin, Ron	Police Commission Meetings	25.00	
1005030	IL Tollway Authority	Toll Fee in Indiana	2.65	
1005030	Kendall County Assoc Chiefs of Police	January 2020 Meeting Fee	64.00	
1005040	Kendall County Assoc Chiefs of Police	January 2020 Meeting Fee	32.00	
1005030	Niesman, Carrie	Police Commission Meetings	25.00	
1005040	Oswego Cleaners	OPD Patches, Hemming	30.00	
1005040	Oswego Cleaners	Sewing OPD Patches	12.00	
1005030	Oswego Printing Services	Business Cards	150.00	
1005030	Oswego Printing Services	Original Statement Envelopes, Qty 1000	171.50	
1005030	Ray O'Herron Co., Inc	Bulk Ammunition Order - State	7,455.00	
1005030	Trotsky Investigative Services	Polygraph Testing for Applicants	155.00	
1005040	Uniform Den East	Ballistic Vest for New Officer	407.50	
				<b>Police Total: 8,529.65</b>
Public Works:				
1006050	Al Warren Oil Co, INC	Diesel Fuel for Fleet	1,017.21	
1006050	Al Warren Oil Co, INC	Diesel Fuel for Fleet	778.52	
1006050	Al Warren Oil Co, INC	Diesel Fuel for Fleet	818.50	
1006050	Al Warren Oil Co, INC	Diesel Fuel for Fleet	633.60	
1006050	Al Warren Oil Co, INC	Gasoline for Fleet	672.67	
1006050	Al Warren Oil Co, INC	Gasoline for Fleet	518.95	
1006050	Al Warren Oil Co, INC	Gasoline for Fleet	123.83	
1006030	Beverly Snow & Ice INC	Snow Removal	1,899.00	
1006060	Citadel Lock & Safe	New PD - Repaired Sally Port Door	194.00	
1006060	Citadel Lock & Safe	PW - Repair Locks on Doors 2 & 12	194.00	
1006030	Comed	104 E. Jackson St Lights	164.08	
1006030	Comed	1945 Wiesbrook Controller	60.98	
1006030	Comed	Master Account Traffic Signals	528.14	
1006030	Compass Minerals America	Bulk Road Salt	15,578.93	
1006030	Compass Minerals America	Bulk Road Salt	7,023.48	

**Village of Oswego  
Bill List  
February 18, 2020**

<u>Fund/Department:</u>	<u>Vendor Name:</u>	<u>Description:</u>	<u>Amount:</u>	<u>Department Totals:</u>
1006030	Compass Minerals America	Bulk Road Salt	5,089.46	
1006030	Compass Minerals America	Bulk Road Salt	16,617.37	
1006060	Compliance Signs	VH - Restroom Compliance Signs	110.50	
1006030	Constellation Newenergy	692 Canton Ct. Lights	9,069.70	
1006040	Groot Industries, INC	PW Dumpster	125.04	
1006030	K-Tech Specialty Coatings	BEET HEET Concentrate	6,558.30	
1006030	Meade Electric Company	Street Light Repair	351.02	
1006030	Meade Electric Company	Traffic Signal Repair	1,707.09	
1006030	Meade Electric Company	Traffic Signal Repair	323.92	
1006030	Meade Electric Company	Traffic Signal Repair	501.98	
1006030	Meade Electric Company	Traffic Signal Repair	722.46	
1006030	Meade Electric Company	Traffic Signal Repair	542.26	
1006030	Meade Electric Company	Traffic Signal Repair	2,978.93	
1006030	Meade Electric Company	Traffic Signal Repair	2,995.32	
1006030	Meade Electric Company	Traffic Signal Repair	296.97	
1006030	Meade Electric Company	Traffic Signal Repair	1,084.38	
1006030	Meade Electric Company	Traffic Signal Repair	291.72	
1006030	Meade Electric Company	Traffic Signal Repair	437.58	
1006010	Midwest Occ Health Management	DOT Random Mgmt Fees, 2020	140.00	
1000000	Midwest Occ Health Management	DOT Random Mgmt Fees, 2020	280.00	FY21
1006030	Precision Pavement Markings	Pavement Striping	50,651.80	
1006060	State Fire Marshal	VH - State Boiler Inspections	200.00	
1006040	The Garden Faire	Leaf Disposal	5,936.00	
1006060	Trico Mechanical, Inc	PW - Clean 2 Boilers, Replace Gaskets	2,422.00	
1006060	Trico Mechanical, Inc	PW - HVAC Service Work	1,403.00	

Public Works Total: 141,042.69  
General Fund Total: 249,440.85

**Water & Sewer Fund:**

5006070	Al Warren Oil Co, INC	Diesel Fuel for Fleet	1,243.27	
5006070	Al Warren Oil Co, INC	Diesel Fuel for Fleet	951.53	
5006070	Al Warren Oil Co, INC	Diesel Fuel for Fleet	1,000.39	
5006070	Al Warren Oil Co, INC	Diesel Fuel for Fleet	774.41	
5006070	Al Warren Oil Co, INC	Gasoline for Fleet	822.15	
5006070	Al Warren Oil Co, INC	Gasoline for Fleet	634.28	
5006070	Al Warren Oil Co, INC	Gasoline for Fleet	151.35	
5006070	Comed	107A Rt 25 PRV Well 1	85.10	
5006070	Comed	3523 Rt 34 Booster 1	25.19	
5006070	Comed	405A Chicago Rd Pump Valve Well 2	40.95	
5006070	Dynergy Energy Services	Well Pumping Electric	47,166.69	
5006070	Fox Metro Water Reclamation District	Sanitary Televis and Cleaning	750.00	
5006070	Hawkins Water Treatments	Emergency Repairs to Well 9	850.00	
5006070	Hawkins Water Treatments	Replacement Phosphate Scale, Indicator	4,580.00	
5006070	Hawkins Water Treatments	Well 10-Chlorine Water Treatment	172.50	
5006070	Hawkins Water Treatments	Well 10-Polyphosphate Water Treatment	589.79	
5006070	Hawkins Water Treatments	Well 11-Chlorine Water Treatment	249.00	
5006070	Hawkins Water Treatments	Well 11-Polyphosphate Water Treatment	747.06	
5006070	Hawkins Water Treatments	Well 6-Chlorine Water Treatment	96.00	
5006070	Hawkins Water Treatments	Well 6-Polyphosphate Water Treatments	344.04	
5006070	Hawkins Water Treatments	Well 7-Chlorine Water Treatment	325.50	
5006070	Hawkins Water Treatments	Well 7-Polyphosphate Water Treatment	943.66	
5006070	Hawkins Water Treatments	Well 8-Chlorine Water Treatment	249.00	
5006070	Hawkins Water Treatments	Well 8-Polyphosphate Water Treatment	688.09	
5006070	JULIE, INC	JULIE Invoice 2019 Transmissions	7,440.74	
5006070	Layne Christensen Co	Well 9 Maintenance and Repairs	187,580.40	
5006070	Metropolitan Industries	Pump Maintenance, Hunt Club Lift Station	3,502.00	
5006070	Mid America Energy Services	Water Service Replacement	4,400.00	
5006070	RJN Group, INC	Sewer Video Review	810.00	
5006070	Suburban Laboratories	Bacteriological Samples	667.00	
5006070	Suburban Laboratories	THM / HAA Water Samples	300.00	
5006070	Water Remediation Technolgies	Base Treatment Charge	3,807.73	
5006070	Water Remediation Technolgies	Base Treatment Charge	6,258.92	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Base Treatment Charge	4,873.90	
5006070	Water Remediation Technolgies	Excess Volume Credit	-7,087.03	

Water & Sewer Fund: 300,403.11

**Village of Oswego  
Bill List  
February 18, 2020**

<u>Fund/Department:</u>	<u>Vendor Name:</u>	<u>Description:</u>	<u>Amount:</u>	<u>Department Totals:</u>
<b>Water &amp; Sewer Capital Fund:</b>				
5106070	Baxter & Woodman Co	Well 6 & 8 Electrical Upgrades	3,090.00	
5106070	Ferguson Waterworks	Water Meter Purchase	63.20	
5106070	RJN Group, INC	Sanitary Sewer Inspection & Cleaning	7,953.94	
			Water & Sewer Capital Fund:	<u>11,107.14</u>
<b>Capital Fund:</b>				
3003000	Alfred Benesch & Company	Wolf's Crossing Phase 1	5,194.76	
3003000	Christopher B Burke	Traffic Study of Washington St	11,463.24	
3003000	ClientFirst Consulting Group	Project Oversight: Implementation	2,907.50	
3003000	HR Green, INC.	2019 Bridge Repairs	5,634.06	
3003000	Kasper & Nottage, PC	Lobbyist Fees	7,000.00	
3003000	Schoppe Design Associates	Amphitheater Consulting	4,078.00	
3003000	Tyler Technologies, INC	ERP Implementation Phase 4	5,802.17	
3003000	Tyler Technologies, INC	ERP Implementation Phase 5	17,960.43	
			Capital Fund:	<u>60,040.16</u>
<b>Public Improvement/Roads Fund:</b>				
2006030	HR Green, INC.	Street Resurfacing Construction	3,980.00	
2006030	HR Green, INC.	Street Resurfacing Construction	27,262.50	
			Public Improvement/Roads Fund:	<u>31,242.50</u>
<b>Garbage Fund:</b>				
5606010	Groot Industries, INC	Garbage Services	215,465.00	
			Garbage Fund:	<u>215,465.00</u>
<b>Subdivision Escrow Fund:</b>				
9000000	Baxter & Woodman Co	171030.80-The Springs	450.00	
9000000	Calatlantic/Lennar	Bond Refund-223 Lakeshore Dr	250.00	
9000000	Calatlantic/Lennar	Bond Refund-223 Lakeshore Dr	1,000.00	
9000000	Calatlantic/Lennar	Bond Refund-223 Lakeshore Dr	2,000.00	
9000000	Calatlantic/Lennar	Bond Refund-237 Lakeshore Dr	250.00	
9000000	Calatlantic/Lennar	Bond Refund-237 Lakeshore Dr	1,000.00	
9000000	Calatlantic/Lennar	Bond Refund-237 Lakeshore Dr	2,000.00	
9000000	Calatlantic/Lennar	Bond Refund-830 Shadowbrook Ct	250.00	
9000000	Calatlantic/Lennar	Bond Refund-830 Shadowbrook Ct	1,000.00	
9000000	Calatlantic/Lennar	Bond Refund-830 Shadowbrook Ct	1,080.00	
9000000	Calatlantic/Lennar	Bond Refund-830 Shadowbrook Ct	2,000.00	
9000000	Calatlantic/Lennar	Bond Refund-836 Shadowbrook	250.00	
9000000	Calatlantic/Lennar	Bond Refund-836 Shadowbrook	1,000.00	
9000000	Calatlantic/Lennar	Bond Refund-836 Shadowbrook	3,080.00	
9000000	Calatlantic/Lennar	Bond Refund-836 Shadowbrook	2,000.00	
9000000	K. Hovnanian Homes	Bond Refund-654 Otter Way	500.00	
9000000	K. Hovnanian Homes	Bond Refund-654 Otter Way	1,000.00	
9000000	K. Hovnanian Homes	Bond Refund-654 Otter Way	3,080.00	
9000000	K. Hovnanian Homes	Bond Refund-654 Otter Way	2,000.00	
			Sub Escrow Fund:	<u>24,190.00</u>
<b>Agency Fund:</b>				
9100000	Oswego Comm Unit School Dist 308	Intergovernmental Fees - December	13,092.68	
9100000	Oswego Comm Unit School Dist 309	Intergovernmental Fees - December	17,858.66	
9100000	Oswego Fire Protection District	Intergovernmental Fees - December	806.18	
9100000	Oswego Public Library District	Intergovernmental Fees - December	1,001.82	
9100000	Oswegoland Park District	Intergovernmental Fees - December	7,778.08	
9100000	Oswegoland Park District	Intergovernmental Fees - December	1,512.18	
			Agency Fund:	<u>42,049.60</u>
<b>TIF Fund:</b>				
2503500	Robinson Engineering	17-R0347.01-Reserve at Hudson Crossing	3,823.00	
			TIF Fund:	<u>3,823.00</u>
<b>Other General Fund:</b>				
1000000	I.U.O.E. Local 150	Union Dues	211.86	
1000000	I.U.O.E. Local 150	Union Dues	953.27	
1000000	I.U.O.E. Local 150	Union Dues	32.00	
1000000	Trustmark	Additional Voluntary Insurance	203.13	
1000000	Trustmark	Additional Voluntary Insurance	456.66	
1000000	Trustmark	Additional Voluntary Insurance	1,633.04	
			Other General Fund:	<u>3,489.96</u>

Village of Oswego  
Bill List  
February 18, 2020

Fund/Department:   Vendor Name:

Description:

Amount:   Department Totals:  
Grand Total:   941,251.32



**AGENDA ITEM**

**MEETING TYPE:** Village Board

**MEETING DATE:** February 18, 2020

**SUBJECT:** 3525 Route 34 Rezoning to B-3 and Preliminary and Final PUD

**ACTION REQUESTED:**

3525 US Highway 34

- a. Ordinance Rezoning 3525 US Highway 34 to a B3 Community Service and Wholesale District to Allow for the Development of a Commercial Building.
- b. Ordinance Granting a Final PUD for 3525 US Highway 34 to Allow for the Development of a Commercial Building.

**BOARD/COMMISSION REVIEW:**

The Planning and Zoning Commission held a public hearing on February 6, 2020 to review the request for Rezoning and a Preliminary/Final PUD. After some discussion, a motion was made to accept the findings of fact and to recommend approval of the request (approved 6-0).

**ACTION PREVIOUSLY TAKEN:**

Date of Action	Meeting Type	Action Taken
NA		

**DEPARTMENT:** Community Development

**SUBMITTED BY:** Community Development Director Rod Zenner

**FISCAL IMPACT:**

NA

**BACKGROUND:**

The petitioner, Property Concepts Inc., is requesting approval to redevelop the property located at 3525 Route 34 as a commercial space. The site was formally the Oswego Police Facility, but it has been vacant for some time with the opening of the new Police Facility on Woolley Road. The petitioner does not anticipate any major changes to the exterior of the site.

**DISCUSSION:**

**Rezoning**

The property is currently zoned R-1 Single-Family Residential to allow for the previous Police Facility. To utilize the property for commercial use, the property would have to be rezoned to B-3 Community Service and Wholesale District. The B-3 District is the zoning designation for the existing commercial areas along the Village's major arterial roads such as Route 34 and Orchard Road.

The property's location along Route 34 will support commercial traffic in and out of the site. The north and east side of the site is adjacent to open space and the south side is across Route 34 from the Fox bend Golf Course maintenance facility. The open space provides a buffer from the potential commercial use of the property and adjacent residential uses in that area.

The western side of the site is directly adjacent to the Windcrest residential subdivision. The site has used the area along the west and north sides of the site adjacent to the residence as a parking lot for the building. The petitioner does not anticipate any changes to the existing conditions of the site. Proposed commercial uses should not generate any more intensity of use to the site than what has been experienced by the residents through the past use of the property as a police station.

With the property's proximity to the residential area, staff would recommend the following Permitted and Special Uses as allowed in the Zoning Ordinance for a B-3 use be prohibited for this site. These include:

B-3 Permitted Uses to be prohibited

- Automobile service
- Automobiles and truck repair
- Automotive service stations
- Battery and tire service stations
- Silver plating and repair shops
- Taverns

B-2 permitted uses to be prohibited

- Auto accessory store
- Motels

B-3 Special Uses to be prohibited

- Automobile laundries
- Garages including painting, body and fender work and motor rebuilding
- Open sales lots

These uses could potentially have an adverse impact to the neighboring residential uses and would be difficult to conduct due to site constraints and parking requirements. The remaining uses in the B-3 District would allow for retail, office, and restaurant uses that would not create a conflict with the surrounding properties. Staff will include the list of restricted uses in the Planned Unit Development Agreement for the property.

### ***Parking***

The property currently contains 83 parking spots. There are an additional 9 spots in the tandem parking area and 4 spots in the interior garage area for a total of 92 parking spots. The building is approximately 23,500 square feet in size. The following table provides a comparison of the existing parking provided and the parking requirements per the Village Code.

	Proposed Use				
	Retail	restaurant	furniture	office	Medical
	5 per 1000	1 per 100	1 per 600	3.3 per 1000	1 per 200 +
Required	116	233	39	77	117
Provided	92	92	92	92	92

As seen in the table, the site could accommodate a furniture store or an office use. Based on the size of the building, it is likely that a mix of uses could use the existing building. For example, with the existing parking provided, the site could accommodate a 9,000 square foot restaurant and a 14,000 square foot office use. The potential tenant make-up of the site would therefore be guided by the parking demands of that use. As the property does not contain an elevator, it is likely that there could be at least 2 uses on the site (one for each floor).

The property is isolated from the neighboring parcels and uses. Therefore, the parking demand for the site would affect the site independently than the surrounding road network. If parking demand became an issue, it is unlikely that patrons would park on neighboring parcels to access this site as there are no convenient pedestrian connections. Therefore, staff is of the opinion that parking would be self-regulation by the tenants of the property and the conditions of their leases.

As the property is self-contained and will utilize a shared parking model, staff would support deviation to the parking requirement of up to 5% to allow flexibility in the required parking requirements (92-97 total spaces). The Village Code requirements are a general standard in parking demand and may not reflect the requirements for a specific use (for example, some restaurants require more parking for their use than the Village Code requires). This will allow the property owner to work specifically with individual tenants to address the parking demands either through the hours of operation of the tenants or the specific parking demand of a specific tenant. The PUD agreement outlines the parking requirement regulations for the site.

The petitioner has also requested relief from the parking requirements for medical uses. Medical uses would require 117 spaces per Code compared to the 92 spaces provided. Staff is open to allowing the medical use for the site as the medical operator would have control on the number of patients and doctors on the site at one time. They could therefore control the number of vehicles on site utilizing the parking. As stated earlier, if parking becomes an issue, it is unlikely that



patients would park in the neighboring residential subdivisions or across the street at the golf course as those locations are not convenient for the patrons.

***Planning and Zoning Commission Review***

The Planning and Zoning Commission met on February 6<sup>th</sup> to review the request. Twelve residents were in attendance and three spoke during the public hearing. They asked questions about the need for screening, hours of operation, and that the parking lot currently has people driving in and turning around. The responses to the questions were that the property currently exceeds the required landscaping requirements, the hours of operation have not been determined but could be 24 hours depending on the type of medical use that could locate there, and once the building is occupied, it is less likely that vehicles will randomly come into the parking lot unless they belong on site.

After some discussion, a motion was made to accept the findings of fact and recommend approval of the rezoning to B-3 (approved 6-0). Then a motion was made to recommend approval of the proposed PUD subject to consideration of adding additional landscaping along the parking lot where needed (approved 6-0).

**RECOMMENDATION:**

Staff recommends adoption of the Ordinance approving the Rezoning of the subject property to B-3 Community Shopping and Wholesale District and the Ordinance approving the Preliminary/Final PUD for the property located at 3525 Route 34.

**ATTACHMENTS:**

Ordinance Rezoning

Exhibit B Location Map

Exhibit C Zoning Plat

Ordinance Approving PUD

Exhibit B – Location Map

Exhibit C – Site Plan

Exhibit D – Elevations

Planning and Zoning Commission Memo

**VILLAGE OF OSWEGO  
KENDALL AND WILL COUNTIES, ILLINOIS**

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**ORDINANCE NO. 20 -- \_\_\_\_**

**AN ORDINANCE REZONING 3525 ROUTE 34 TO B3 COMMUNITY SERVICE AND  
WHOLESALE DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A COMMERCIAL  
BUILDING LOCATED IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(3525 Route 34)

---

**ADOPTED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF OSWEGO**

This \_\_\_\_\_ day of \_\_\_\_\_, 2020

Prepared by and Return to:  
Village of Oswego  
100 Parkers Mill  
Oswego, IL 60543

Published in pamphlet form by authority of the President  
and Board of Trustees of the Village of Oswego on \_\_\_\_\_, 2020.

ORDINANCE NO. 20 -- \_\_

---

**AN ORDINANCE REZONING 3525 ROUTE 34 TO B3 COMMUNITY SERVICE AND WHOLESALE DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A COMMERCIAL BUILDING LOCATED IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(3525 Route 34)

---

**WHEREAS**, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

**WHEREAS**, the petitioner, Property Concepts Inc., has submitted an application for rezoning to B-3 Community Service and Wholesale District to allow for the redevelopment of the property located at 3525 Route 34 for a commercial use; and

**WHEREAS**, The Planning and Zoning Commission shall not recommend, nor shall the Village Board grant, an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it in each specific case:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare. *The proposed rezoning from residential to commercial use recognizes the intensity of the use of the property in its history. The space will be reused to provide goods and services for the community incorporating an existing building that would otherwise go to waste.*
2. The amendment complies with the policies and official land use map and other official plans of the Village. *The proposed rezoning is in keeping with the past use of the property as a police facility. The intensity of the site will be similar to the past use of the property as allowed by the Zoning Ordinance. The Comprehensive Plan did not anticipate the adaptive reuse of the property from its past use as a police facility.*
3. The trend of development in the area of the subject property is consistent with the required amendment. *The property had been used for some time as a non-single-family residential use. The commercial use of the property is consistent with other properties that have a single access point to Route 34.*

4. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.  
*The property's current zoning classification for R-1 Single-Family Residential is not the highest and best use as the property is limited to a single access point to Route 34, a highly traveled arterial road within the Village. The size of the existing building is greater than the size typical for a single-family residential home. The B3 commercial zoning reflects the intensity of the historical use of the site and permits the continued use of the property for uses consistent with the existing conditions of the site.*
  
5. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.  
*The current zoning designation would allow for single-family residential uses or other non-residential uses that the site could not accommodate due to parking restrictions, such as a church. Rezoning the existing commercial structure to B-3 like the other commercial properties recognizes the existing development of the site and will allow uses that are consistent with the existing structure. Utilizing the property for a single-family residence would not allow for a reasonable return.*
  
6. The subject property has not been utilized under the existing zoning classification for a substantial period of time.  
*The property has not been used for a single-family residence. The previous use of the property as a police station has been discontinued due to the construction of the village's new Police Facility.*
  
7. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.  
*The proposed commercial zoning would allow for uses similar in intensity and character of the previous use of the property as a Police Facility.*

**WHEREAS**, the Planning and Zoning Commission reviewed the request at a Public Hearing on February 6, 2020, accepted the finding of fact, and recommended approval of the request; and

**WHEREAS**, this ordinance shall be recorded in Kendall County, Illinois.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**, as follows:

**Section 1:** That the recitals set forth above are incorporated here by reference, and the application for an ordinance rezoning the property from R-1 Single Family Residential to B-3 Community Shopping and Wholesale District is approved and that the Village Clerk is hereby directed to record with the Kendall County Clerk a certified copy of this Ordinance, together with an accurate map of the property hereby made a part hereof, identified and enumerated on the following exhibits:

*Exhibit A – Legal description*

*Exhibit B – Location Map*

*Exhibit C – Zoning Plat*

**Section 2: SEVERABILITY**

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**Section 3: REPEALER**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: EFFECTIVE DATE**

This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

**PASSED** by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this \_\_\_\_ day of \_\_\_\_, 2020.

JAMES MARTER	_____	LUIS PEREZ	_____
TERRY OLSON	_____	JUDY SOLLINGER	_____
PAM PARR	_____	BRIAN THOMAS	_____

**APPROVED** by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois, this \_\_\_\_ day of \_\_\_\_, 2020.

\_\_\_\_\_  
TROY PARLIER, VILLAGE PRESIDENT

\_\_\_\_\_  
TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS)

) SS

COUNTY OF KENDALL )

**CLERK'S CERTIFICATE**

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE REZONING 3525 ROUTE 34 TO B3 COMMUNITY SERVICE AND WHOLESALE DISTRICT TO ALLOW FOR THE DEVELOPMENT OF A COMMERCIAL BUILDING LOCATED IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(3525 Route 34)

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020, approved by the Village President on the \_\_\_\_ day of \_\_\_\_ 2020 and thereafter published in pamphlet form.

I do further certify in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tina Touchette, Village Clerk  
Village of Oswego

(Seal)

Exhibit "A"  
Legal Description

A PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 9; THENCE SOUTH 89 DEGREES 29 MINUTES EAST 1,316.0 FEET; THENCE SOUTH 2,648.0 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES EAST 237.0 FEET; THENCE SOUTH 0 DEGREES 6 MINUTES EAST, 446.5 FEET; THENCE SOUTH 89 DEGREES 28 MINUTES EAST 1,620 FEET; THENCE SOUTH 0 DEGREES 42 MINUTES WEST, 1,140.3 FEET; TO THE CENTERLINE OF WAUBONSEE CREEK, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE 898.70 FEET (RECORD 855.20 FEET MEASURED) TO A CONCRETE RIGHT OF WAY MARKER; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE 43.50 FEET TO A POINT IN THE CENTERLINE OF U.S.ROUTE 34; THENCE NORTHEASTERLY ALONG THE SAID CENTERLINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 3,243.29 FEET; 468.5 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF WAUBONSEE CREEK; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF WAUBONSEE CREEK TO THE POINT OF BEGINNING, ALL IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS. EXCEPT THAT PART LYING WITHIN THE EXISTING RIGHT OF WAY OF U.S. ROUTE 34.

(EXCEPT THAT PART TAKEN FOR HIGHWAY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6 OF WINDCREST SUBDIVISION UNIT 7 IN SAID SECTION 9; THENCE SOUTH 0 DEGREES 58 MINUTES 34 SECONDS EAST, 40.132 METERS (131.67 FEET) ALONG THE EAST LINE OF SAID WINDCREST SUBDIVISION UNIT 7 TO THE POINT OF BEGINNING; THENCE NORTH 68 DEGREES 29 MINUTES 53 SECONDS EAST, 48.593 METERS (159.43 FEET); THENCE NORTH 61 DEGREES 57 MINUTES 50 SECONDS EAST, 19.677 METERS (64.56 FEET) THENCE NORTH 51 DEGREES 32 MINUTES 05 SECONDS EAST, 39.686 METERS (130.20 FEET); THENCE NORTH 59 DEGREES 22 MINUTES 48 SECONDS EAST, 20.077 METERS (65.87 FEET) TO THE CENTERLINE OF WAUBONSEE CREEK, ALSO BEING THE SOUTHWESTERLY LINE OF OUTLET "E" OF MILL RACE CREEK UNIT 3 IN SAID SOUTHEAST QUARTER OF SECTION 9; THENCE SOUTH 31 DEGREES 59 MINUTES 34 SECONDS EAST, 10.269 METERS (33.69 FEET) ALONG SAID CENTERLINE OF WAUBONSEE CREEK, ALSO BEING THE SOUTHWESTERLY LINE OF SAID OUTLET "E" OF MILL RACE CREEK UNIT 3 TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S. ROUTE 34); THENCE SOUTH 58 DEGREES 20 MINUTES 01 SECONDS WEST, 16.131 METERS (52.92 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 59 DEGREES 16 MINUTES 21 SECONDS WEST, 15.736 METERS (51.63 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S. ROUTE 34); THENCE SOUTH 59 DEGREES 00 MINUTES 43 SECONDS WEST, 14.922 METERS (49.19 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 57 DEGREES 34 MINUTES 24 SECONDS WEST, 15.026 METERS (49.30 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 56 DEGREES 08 MINUTES 56 SECONDS WEST, 15.094 METERS (49.52 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.S.ROUTE 34); THENCE SOUTH 61 DEGREES 39 MINUTES 52 SECONDS WEST, 15.034 METERS (49.32 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 59 DEGREES 04 MINUTES 37 SECONDS WEST, 15.092 METERS (49.51 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 57 DEGREES 17 MINUTES 50 SECONDS WEST, 12.147 METERS (39.85 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S. ROUTE 34); THENCE SOUTH 71 DEGREES 52 MINUTES 31 SECONDS WEST, 15.164

METERS (49.75 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34) TO THE EAST LINE IF SAID WINDCREST SUBDIVISION UNIT 7; THENCE NORTH 0 DEGREES 58 MINUTES 34 SECONDS WEST, 13.603 METERS (44.63 FEET) ALONG SAID EAST LINE OF SAID WINDCREST SUBDIVISION UNIT 7 TO THE POINT OF BEGINNING) IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3525 U.S. HIGHWAY 34, OSWEGO, ILLINOIS.

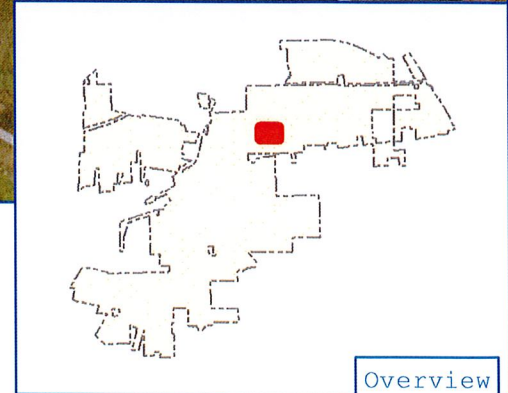
DRAFT



3525 US Route 34



EXHIBIT  
tabbies' B



Overview

Date Printed: 2/6/2020



200

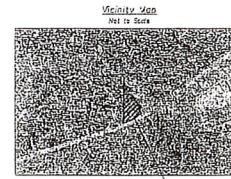


Feet



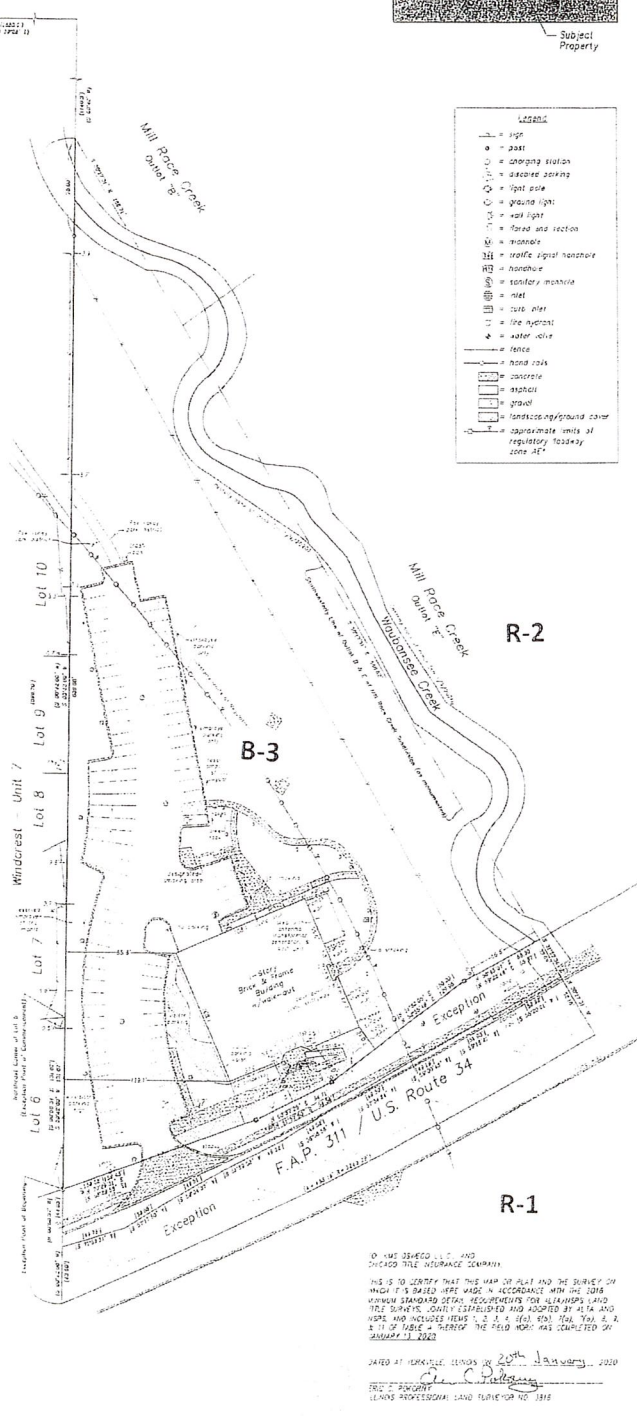
The requested map will be created for study purposes only. Please refer to the official recorded plats or deeds for the actual legal descriptions and property dimensions. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by the Village of Oswego or its employees. This work is protected by the United States Copyright Act of 1976 (17 U.S.C. Sec101 et seq). You are not permitted to use and/or reproduce any part of a copyrighted work of the Village of Oswego in violation of Federal Copyright Law. Doing so may result in prosecution under such law. If you wish to use property in which the Village of Oswego owns a copyright, you must obtain written permission through the Community Development Department in the Village of Oswego, located at 100 Parkers Mill, Oswego, Illinois 60543.

Zoning Plat



Legend table listing symbols for features like sign, post, changing station, etc.

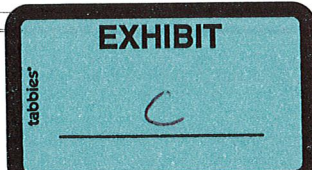
LEGAL DESCRIPTION
A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, SUBSECTED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2...



- TABLE 1 - SPECIAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS
ITEM 1 - MONUMENTS FOUND, SET AS SHOWN ON SURVEY
ITEM 2 - PROPERTY ADDRESS AS SHOWN ON SURVEY
ITEM 3 - PORTIONS OF THE SURVEY SUBJECT TO WHICH UNIMPOSED ZONE 'T' AND REGULATORY FLOODWAY ZONE 'M' WITH A BASE FLOOD ELEVATION BETWEEN 443.3 AND 523.3 FEET (NAVD 88) PER MAP NUMBER...

DRAWER'S NOTES
1. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY IT IS NOT TRANSFERABLE TO ADDITIONAL PURCHASERS OR SUBSEQUENT OWNERS
2. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN
3. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR OBTAIN DATA CONCERNING EXISTENCE...

TODD SURVEYING logo and contact information, including address, phone, and website.



**VILLAGE OF OSWEGO  
KENDALL AND WILL COUNTIES, ILLINOIS**

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**ORDINANCE NO. 20 -- \_\_\_\_**

**AN ORDINANCE GRANTING A FINAL PUD FOR 3525 ROUTE 34 TO ALLOW FOR THE  
DEVELOPMENT OF A COMMERCIAL BUILDING LOCATED IN THE VILLAGE OF  
OSWEGO, KENDALL COUNTY, ILLINOIS**

(3525 Route 34)

---

**ADOPTED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF OSWEGO**

This \_\_\_\_\_ day of \_\_\_\_\_, 2020

Prepared by and Return to:  
Village of Oswego  
100 Parkers Mill  
Oswego, IL 60543

Published in pamphlet form by authority of the President  
and Board of Trustees of the Village of Oswego on \_\_\_\_\_, 2020.

ORDINANCE NO. 20 -- \_\_

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**AN ORDINANCE GRANTING A FINAL PUD FOR 3525 ROUTE 34 TO ALLOW FOR THE DEVELOPMENT OF A COMMERCIAL BUILDING LOCATED IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(3525 Route 34)

---

**WHEREAS**, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

**WHEREAS**, the petitioner, Property Concepts Inc., has submitted an application for a Final PUD to allow for the redevelopment of the property located at 3525 Route 34 for a commercial use; and

**WHEREAS**, The Planning and Zoning Commission shall not vary the regulations of this Ordinance unless the Planning and Zoning Commission shall make findings of fact based upon the evidence as presented that:

1. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the best interest of the public convenience and will contribute to the general welfare of the neighborhood or community.

*The proposed PUD will bring into compliance the commercial structure and be in-keeping with the use of the property.*

2. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matter affecting the public health, safety, and general welfare.

*The building and parking will be utilized in a similar intensity to the past use of the property as a Police Facility. The use will not generate conditions that will adversely affect the surrounding properties or the traffic conditions along Route 34.*

3. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

*The building already exists, and the surrounding properties have already been developed. The use of the subject property will not impact the use of the neighboring properties.*

4. The proposed building or use has been considered in relation to the goals and objectives of the Official Plan of the Village.

*The proposed building will not change from its existing size or bulk with this PUD.*

5. There shall be reasonable assurance that the proposed building or use will be completed and maintained in a timely manner, if authorized.

*The building is in existence and is available for lease.*

**WHEREAS**, the Planning and Zoning Commission reviewed the request at a Public Hearing on February 6, 2020, accepted the findings of fact and recommended approval of the request; and

**WHEREAS**, this ordinance shall be recorded at Kendall County, Illinois.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**, as follows:

**Section 1:** That the recitals set forth above are incorporated here by reference, and the application for an ordinance granting a Final PUD for 3525 Route 34 to allow for commercial uses is approved subject to the restriction to not allow the following permitted or special uses as allowed by the B-3 Community Service and Wholesale District:

Permitted uses to be prohibited

- Automobile service
- Automobiles and truck repair
- Automotive service stations
- Battery and tire service stations
- Silver plating and repair shops
- Taverns
- Auto accessory store
- Motels

Special Uses to be prohibited

- Automobile laundries
- Garages including painting, body and fender work and motor rebuilding
- Open sales lots

And that the future uses of the property shall have a parking requirement as required by the Village of Oswego's Zoning Ordinance that are within 105% of the parking provided on the site except for medical use which would allow for a 122% deviation from the Village Code parking requirement.

The Village Clerk is hereby directed to record with the Kendall County Clerk a certified copy of this Ordinance, together with an accurate map of the property hereby made a part hereof, identified and enumerated on the following exhibits:

*Exhibit A – Legal description*

*Exhibit B – Location Map*

*Exhibit C – Site Plan*

*Exhibit D – Elevation Plan*

**Section 2: SEVERABILITY**

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**Section 3: REPEALER**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: EFFECTIVE DATE**

This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

**PASSED** by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2020.

JAMES MARTER	_____	LUIS PEREZ	_____
TERRY OLSON	_____	JUDY SOLLINGER	_____
PAM PARR	_____	BRIAN THOMAS	_____

**APPROVED** by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
TROY PARLIER, VILLAGE PRESIDENT

\_\_\_\_\_  
TINA TOUCHETTE, VILLAGE CLERK

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )       SS

**CLERK'S CERTIFICATE**

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE GRANTING A FINAL PUD FOR 3525 ROUTE 34 TO ALLOW FOR THE DEVELOPMENT OF A COMMERCIAL BUILDING LOCATED IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(3525 Route 34)

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020, approved by the Village President on the \_\_\_\_ day of \_\_\_\_ 2020 and thereafter published in pamphlet form.

I do further certify in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tina Touchette, Village Clerk  
Village of Oswego

(Seal)

Exhibit "A"  
Legal Description

A PART OF THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 9; THENCE SOUTH 89 DEGREES 29 MINUTES EAST 1,316.0 FEET; THENCE SOUTH 2,648.0 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES EAST 237.0 FEET; THENCE SOUTH 0 DEGREES 6 MINUTES EAST, 446.5 FEET; THENCE SOUTH 89 DEGREES 28 MINUTES EAST 1,620 FEET; THENCE SOUTH 0 DEGREES 42 MINUTES WEST, 1,140.3 FEET; TO THE CENTERLINE OF WAUBONSEE CREEK, FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE 898.70 FEET TO A CONCRETE RIGHT OF WAY MARKER; THENCE CONTINUING ALONG THE LAST DESCRIBED COURSE 43.50 FEET TO A POINT IN THE CENTERLINE OF U.S.ROUTE 34; THENCE NORTHEASTERLY ALONG THE SAID CENTERLINE ON A CURVE TO THE LEFT HAVING A RADIUS OF 3,243.29 FEET; 468.5 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF WAUBONSEE CREEK; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF WAUBONSEE CREEK TO THE POINT OF BEGINNING, ALL IN OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS. EXCEPT THAT PART LYING WITHIN THE EXISTING RIGHT OF WAY OF U.S. ROUTE 34.

(EXCEPT THAT PART TAKEN FOR HIGHWAY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 6 OF WINDCREST SUBDIVISION UNIT 7 IN SAID SECTION 9; THENCE SOUTH 0 DEGREES 58 MINUTES 34 SECONDS EAST, 40.132 METERS (131.67 FEET) ALONG THE EAST LINE OF SAID WINDCREST SUBDIVISION UNIT 7 TO THE POINT OF BEGINNING; THENCE NORTH 68 DEGREES 29 MINUTES 53 SECONDS EAST, 48.593 METERS (159.43 FEET); THENCE NORTH 61 DEGREES 57 MINUTES 50 SECONDS EAST, 19.677 METERS (64.56 FEET) THENCE NORTH 51 DEGREES 32 MINUTES 05 SECONDS EAST, 39.686 METERS (130.20 FEET); THENCE NORTH 59 DEGREES 22 MINUTES 48 SECONDS EAST, 20.077 METERS (65.87 FEET) TO THE CENTERLINE OF WAUBONSEE CREEK, ALSO BEING THE SOUTHWESTERLY LINE OF OUTLET "E" OF MILL RACE CREEK UNIT 3 IN SAID SOUTHEAST QUARTER OF SECTION 9; THENCE SOUTH 31 DEGREES 59 MINUTES 34 SECONDS EAST, 10.269 METERS (33.69 FEET) ALONG SAID CENTERLINE OF WAUBONSEE CREEK, ALSO BEING THE SOUTHWESTERLY LINE OF SAID OUTLET "E" OF MILL RACE CREEK UNIT 3 TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S. ROUTE 34); THENCE SOUTH 58 DEGREES 20 MINUTES 01 SECONDS WEST, 16.131 METERS (52.92 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 59 DEGREES 16 MINUTES 21 SECONDS WEST, 15.736 METERS (51.63 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S. ROUTE 34); THENCE SOUTH 59 DEGREES 00 MINUTES 43 SECONDS WEST, 14.922 METERS (49.19 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 57 DEGREES 34 MINUTES 24 SECONDS WEST, 15.026 METERS (49.30 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF



WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 56 DEGREES 08 MINUTES 56 SECONDS WEST, 15.094 METERS (49.52 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.S.ROUTE 34); THENCE SOUTH 61 DEGREES 39 MINUTES 52 SECONDS WEST, 15.034 METERS (49.32 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 59 DEGREES 04 MINUTES 37 SECONDS WEST, 15.092 METERS (49.51 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34); THENCE SOUTH 57 DEGREES 17 MINUTES 50 SECONDS WEST, 12.147 METERS (39.85 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S. ROUTE 34); THENCE SOUTH 71 DEGREES 52 MINUTES 31 SECONDS WEST, 15.164 METERS (49.75 FEET) ALONG SAID EXISTING NORTHERLY RIGHT OF WAY LINE OF F.A.P. 311 (U.S.ROUTE 34) TO THE EAST LINE IF SAID WINDCREST SUBDIVISION UNIT 7; THENCE NORTH 0 DEGREES 58 MINUTES 34 SECONDS WEST, 13.603 METERS (44.63 FEET) ALONG SAID EAST LINE OF SAID WINDCREST SUBDIVISION UNIT 7 TO THE POINT OF BEGINNING) IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 3525 U.S. HIGHWAY 34, OSWEGO, ILLINOIS.

DRAFT

3525 US Route 34



Date Printed: 2/6/2020



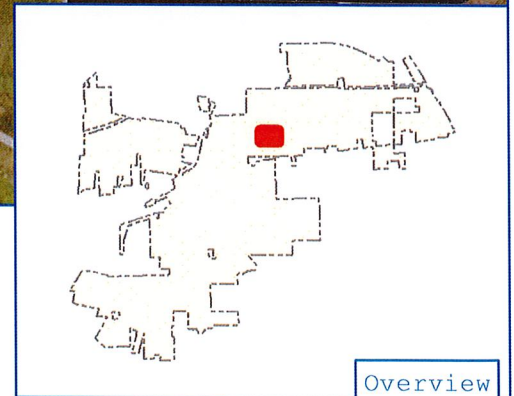
200



Feet



The requested map will be created for study purposes only. Please refer to the official recorded plats or deeds for the actual legal descriptions and property dimensions. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by the Village of Oswego or its employees. This work is protected by the United States Copyright Act of 1976 (17 U.S.C. Sec101 et seq). You are not permitted to use and/or reproduce any part of a copyrighted work of the Village of Oswego in violation of Federal Copyright Law. Doing so may result in prosecution under such law. If you wish to use property in which the Village of Oswego owns a copyright, you must obtain written permission through the Community Development Department in the Village of Oswego, located at 100 Parkers Mill, Oswego, Illinois 60543.



Overview







**COMMUNITY DEVELOPMENT DEPARTMENT**

100 Parkers Mill • Oswego, IL 60543  
(630) 554-3622 • Fax: (630) 551-3975  
www.oswegoil.org

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**STAFF REPORT**

**DATE:** January 13, 2020

**TO:** Chairman and Planning and Zoning Commission

**FROM:** Rod Zenner, Community Development Director

**SUBJECT:** Staff Report for the February 6, 2020 Planning and Zoning Commission Meeting  
3525 Route 34  
Rezoning to B-3 Preliminary/Final PUD  
Project #1055.20

**Applicant**

Property Concepts Inc.

**Requested Action**

The applicant is requesting approval of a rezoning to B-3 Community Service and Wholesale District and a Preliminary/Final PUD to allow for the reuse of the former Oswego Police facility.

**Controlling Agreements**

NA

**Location, Existing Zoning and Land Use**

The 3.6-acre site is located at 3525 Route 34. The subject property is currently zoned R-1 Single-Family residence District and improved with the Village of Oswego’s former Police Facility.

**Surrounding Zoning and Land Uses**

**NORTH:** R-2 Single Family Residence District – Open Space  
**SOUTH:** R-1 Single Family Residence District – Fox Bend Golf Course  
**EAST:** R-2 Single Family Residence District – Open Space  
**WEST:** R-3 Two Family Dwelling District – Windcrest Subdivision

**Relationship to Village Comprehensive Plan**

The Comprehensive Plan designates the subject area as “Parks Open Space”. The proposed and previous use does not comply with the Comprehensive Plan designation.

### **Donation Requirements**

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None.

### **Staff Analysis**

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The petitioner is requesting approval to redevelop the property located at 3525 Route 34 as a commercial space. The site was formally the Oswego Police Facility, but it has been vacant for some time with the opening of the new Police Facility on Woolley Road. The petitioner does not anticipate any major changes to the exterior of the site.

### **Rezoning**

The property is currently zoned R-1 Single-Family Residential to allow for the previous Police Facility. To utilize the property for commercial use, the property would have to be rezoned to B-3 Community Service and Wholesale District. The B-3 District is the zoning designation for the existing commercial areas along the Village's major arterial roads such as Route 34 and Orchard Road.

The property's location along Route 34 will support commercial traffic in and out of the site. The north and east side of the site is adjacent to open space and the south side is across Route 34 from the Fox bend Golf Course maintenance facility. The open space provides a buffer from the potential commercial use of the property and adjacent residential uses in that area.

The western side of the site is directly adjacent to the Windcrest residential subdivision. The site has used the area along the west and north sides of the site adjacent to the residence as a parking lot for the building. The petitioner does not anticipate any changes to the existing conditions of the site. Proposed commercial uses should not generate any more intensity of use to the site than what has been experienced by the residents through the past use of the property as a police station.

With the property's proximity to the residential area, staff would recommend the following Permitted and Special Uses as allowed in the Zoning Ordinance for a B-3 use be prohibited for this site. These include:

#### B-3 Permitted Uses to be prohibited

- Automobile service
- Automobiles and truck repair
- Automotive service stations
- Battery and tire service stations
- Silver plating and repair shops
- Taverns

#### B-2 permitted uses to be prohibited

- Auto accessory store
- Motels

#### B-3 Special Uses to be prohibited

- Automobile laundries
- Garages including painting, body and fender work and motor rebuilding
- Open sales lots

These uses could potentially have an adverse impact to the neighboring residential uses and would be difficult to conduct due to site constraints and parking requirements. The remaining uses in the B-3 District would allow for retail, office, and restaurant uses that would not create a conflict with the surrounding properties. Staff will include the list of restricted uses in the Planned Unit Development Agreement for the property.

**Parking**

The property currently contains 83 parking spots. There are an additional 9 spots in the tandem parking area and 4 spots in the interior garage area for a total of 92 parking spots. The building is approximately 23,500 square feet in size. The following table provides a comparison of the existing parking provided and the parking requirements per the Village Code.

	Proposed Use				
	Retail	restaurant	furniture	office	Medical
	5 per 1000	1 per 100	1 per 600	3.3 per 1000	1 per 200 +
Required	116	233	39	77	117
Provided	92	92	92	92	92

As seen in the table, the site could accommodate a furniture store or an office use. Based on the size of the building, it is likely that a mix of uses could use the existing building. For example, with the existing parking provided, the site could accommodate a 9,000 square foot restaurant and a 14,000 square foot office use. The potential tenant make-up of the site would therefore be guided by the parking demands of that use. As the property does not contain an elevator, it is likely that there could be at least 2 uses on the site (one for each floor).

The property is isolated from the neighboring parcels and uses. Therefore, the parking demand for the site would affect the site independently than the surrounding road network. If parking demand became an issue, it is unlikely that patrons would park on neighboring parcels to access this site as there are no convenient pedestrian connections. Therefore, staff is of the opinion that parking would be self-regulation by the tenants of the property and the conditions of their leases.

As the property is self-contained and will utilize a shared parking model, staff would support deviation to the parking requirement of up to 5% to allow flexibility in the required parking requirements (92-97 total spaces). The Village Code requirements are a general standard in parking demand and may not reflect the requirements for a specific use (for example, some restaurants require more parking for their use than the Village Code requires). This will allow the property owner to work specifically with individual tenants to address the parking demands either through the hours of operation of the tenants or the specific parking demand of a specific tenant. The PUD agreement outlines the parking requirement regulations for the site.

The petitioner has also requested relief from the parking requirements for medical uses. Medical uses would require 117 spaces per Code compared to the 92 spaces provided. Staff is open to allowing the medical use for the site as the medical operator would have control on the number of patients and doctors on the site at one time. They could therefore control the number of vehicles on site utilizing the parking. As stated earlier, if parking becomes an issue, it is unlikely that patients would park in the neighboring residential subdivisions or across the street at the golf course as those locations are not convenient for the patrons.

## **Standards**

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The Planning and Zoning Commission shall not recommend, nor shall the Village Board grant an amendment to alter the zoning district boundary lines unless it shall make findings based upon the evidence presented to it in each specific case:

1. The amendment promotes the public health, safety, comfort, convenience and general welfare.  
*The proposed rezoning from residential to commercial use recognizes the intensity of the use of the property in its history. The space will be reused to provide goods and services for the community incorporating an existing building that would otherwise go to waste.*
2. The amendment complies with the policies and official land use map and other official plans of the Village.  
*The proposed rezoning is in keeping with the past use of the property as a police facility. The intensity of the site will be similar to the past use of the property as allowed by the Zoning Ordinance. The Comprehensive Plan did not anticipate the adaptive reuse of the property from its past use as a police facility.*
3. The trend of development in the area of the subject property is consistent with the required amendment.  
*The property had been used for some time as a non-single-family residential use. The commercial use of the property is consistent with other properties that have a single access point to Route 34.*
4. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.  
*The property's current zoning classification for R-1 Single-Family Residential is not the highest and best use as the property is limited to a single access point to Route 34, a highly traveled arterial road within the Village. The size of the existing building is greater than the size typical for a single-family residential home. The B-3 commercial zoning reflects the intensity of the historical use of the site and permits the continued use of the property for uses consistent with the existing conditions of the site.*
5. The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.



*The current zoning designation would allow for single-family residential uses or other non-residential uses that the site could not accommodate due to parking restrictions, such as a church. Rezoning the existing commercial structure to B-3 like the other commercial properties recognizes the existing development of the site and will allow uses that are consistent with the existing structure. Utilizing the property for a single-family residence would not allow for a reasonable return.*

6. The subject property has not been utilized under the existing zoning classification for a substantial period of time.

*The property has not been used for a single-family residence. The previous use of the property as a police station has been discontinued due to the construction of the village's new Police Facility.*

7. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

*The proposed commercial zoning would allow for uses similar in intensity and character of the previous use of the property as a Police Facility.*

Applications for approval of a Planned Unit Development shall be made in accordance with the provisions and Standards for Special Uses. The Village Board shall not vary the regulations of this Ordinance unless the Planning and Zoning Commission shall make findings of fact based upon the evidence as presented that:

1. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the best interest of the public convenience and will contribute to the general welfare of the neighborhood or community.

*The proposed PUD will bring into compliance the commercial structure and be in-keeping with the use of the property.*

2. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matter affecting the public health, safety, and general welfare.

*The building and parking will be utilized in a similar intensity to the past use of the property as a Police Facility. The use will not generate conditions that will adversely affect the surrounding properties or the traffic conditions along Route 34.*

3. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

*The building already exists, and the surrounding properties have already been developed. The use of the subject property will not impact the use of the neighboring properties.*

4. The proposed building or use has been considered in relation to the goals and objectives of the Official Plan of the Village.

*The proposed building will not change from its existing size or bulk with this PUD.*

5. There shall be reasonable assurance that the proposed building or use will be completed and maintained in a timely manner, if authorized.

*The building is in existence and is available for lease.*

### **Recommendation**

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Staff recommends the Planning and Zoning Commission accept the findings of fact and recommends approval of the rezoning of 3525 Route 34 from R-1 Single Family residential to B-3 Community Service and Wholesale District.

Staff recommends the Planning and Zoning Commission accept the findings of fact and recommend approval of the final PUD to allow for the commercial use of the property subject to the following conditions:

That the following uses be prohibited

- Automobile service
- Automobiles and truck repair
- Automotive service stations
- Battery and tire service stations
- Silver plating and repair shops
- Taverns
- Auto accessory store
- Motels
- Automobile laundries
- Garages including painting, body and fender work and motor rebuilding
- Open sales lots

That the parking requirement provide for a 5% deviation from the Village of Oswego's Zoning Ordinance minimum parking requirements and a 22% deviation in the required parking for medical uses.

**AGENDA ITEM**

**MEETING TYPE:** Village Board  
**MEETING DATE:** February 18, 2020  
**SUBJECT:** Dairy Barn Preliminary/Final PUD

**ACTION REQUESTED:**  
 Approval of an Ordinance Granting a Preliminary and Final PUD for 121 S Main Street

**BOARD/COMMISSION REVIEW:**  
 The Planning and Zoning Commission reviewed the request with a public hearing at their December 5, 2019 Meeting (staff report attached). The applicant spoke briefly about the project, discussed the construction of the building, and showed the Commission an example of the interior concept. One member of the public spoke at the public hearing and expressed opposition to the building elevations. No additional audience members wished to speak at the public hearing.

After some additional discussion regarding the parking, setbacks, and square footage of the building, the Commission recommended acceptance of the findings of fact and approval of the Preliminary/Final PUD for the Dairy Barn at 121 Main Street (approved 6-1). The dissenting vote had concerns with the longevity and architectural standards of the proposed building elevations.

**ACTION PREVIOUSLY TAKEN:**

Date of Action	Meeting Type	Action Taken
N/A		

**DEPARTMENT:** Community Development  
**SUBMITTED BY:** Natalie Zine, Planner  
**FISCAL IMPACT:** Not Applicable

**BACKGROUND:**

The 0.21-acre site located at 121 Main Street. The subject property is currently zoned B-2 Community Shopping District and is improved with the one-story “Dairy Hut” building. The Comprehensive Plan designates the subject area as part of the “Downtown Core”, which is to include commercial, residential, and mixed uses. The proposed project is consistent with the Comprehensive Plan vision for this area.

**DISCUSSION:**

The petitioner is requesting approval of a preliminary and final PUD to allow for the development of 121 Main Street. This lot is currently improved with the one-story Dairy Hut building. The request would allow for the development of an approximately 4,200 square foot two-story commercial building. The proposed use will be a restaurant and ice cream shop, to be called the “Dairy Barn.” The building will seat approximately 122 guests inside and accommodate an additional 48 guests outside under a porch. This will be a quick service restaurant concept and will include a stage where they will host live music occasionally. The building will also include a 500 square foot party room for birthday parties, etc. Expected hours of operation are Tuesday – Sunday from 11am to 9pm.

The main access to the restaurant use will be along Main Street. The site will have reduced front, rear, and side yard setbacks as indicated in PUD Plan. The front of the building (Main Street) will be set back 16 feet; the rear of the building will be set back 15 feet, the south side will be setback 3 feet, and the north side will be setback 10 feet with an additional 10 feet for the open porch seating area. Parking will be provided by on-street parking within the downtown and the new parking lot that the Village is constructing on this block as part of the redevelopment of Block 11. The restaurant/creamery will also use the shared trash compactor for the block.

The proposed building will be constructed with stone on the first story and board/batten vertical siding on the second floor, with a hi-rib metal roof. The building has a gambrel style roof with cupolas reminiscent of livestock barns. A shed roof extends along the length of the building.

The Petitioner has been working with the Village’s efforts for re-engineering the entire block and the proposed Mexican restaurant that will be located adjacent to this property at 63 Washington. The proposed development has been incorporated in the overall engineering plans for the block and will not prohibit the current and future plans for the remaining parcels. The proposed preliminary/final PUD is consistent with the future land use designation and redevelopment plans as outlined in the Village’s Comprehensive Plan.

**RECOMMENDATION:**

Staff is recommending approval of the Ordinance Granting a Final PUD for the Dairy Barn at 121 Main Street subject to final engineering approval.

**ATTACHMENTS:**

- Ordinance
- Exhibit A: Legal Description
- Exhibit B: Location Map
- Exhibit C: Final PUD Plan
- Exhibit D: Elevations
- Planning & Zoning Commission Memo

**VILLAGE OF OSWEGO  
KENDALL AND WILL COUNTIES, ILLINOIS**

---

**ORDINANCE NO. 20 -- \_\_\_\_**

**AN ORDINANCE GRANTING A PRELIMINARY AND FINAL PUD FOR THE  
DEVELOPMENT OF A RESTAURANT LOCATED AT 121 S. MAIN STREET, IN THE  
VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(Project #1049.19 – Preliminary and Final PUD – “Dairy Barn” – 121 S. Main Street)

---

**ADOPTED BY  
THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE  
VILLAGE OF OSWEGO**

This \_\_\_\_\_ day of \_\_\_\_\_, 2020

Prepared by and Return to:  
Village of Oswego  
100 Parkers Mill  
Oswego, IL 60543

Published in this pamphlet form by authority of the President  
and Board of Trustees of the Village of Oswego on \_\_\_\_\_, 2020.

ORDINANCE NO. 20 -- \_\_

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**AN ORDINANCE GRANTING A PRELIMINARY AND FINAL PUD FOR THE DEVELOPMENT OF A RESTAURANT LOCATED AT 121 S. MAIN STREET, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(Project #1049.19 – Preliminary and Final PUD – “Dairy Barn” – 121 S. Main Street)

---

**WHEREAS**, the Village of Oswego (“Village”) has a population of more than 25,000 and is therefore a “Home Rule Unit” under the 1970 Illinois Constitution; and

**WHEREAS**, the Illinois Constitution of 1970 provides that a Home Rule Unit may exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; to license, to tax; and to incur debt; and

**WHEREAS**, the Village has in full force and effect a codified set of those ordinances of the Village which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Oswego, as amended; and

**WHEREAS**, the petitioner, **Imperial Investments**, has submitted an application for a Preliminary and Final PUD to allow for the development of a restaurant at 121 S. Main Street; and

**WHEREAS**, the property is currently zoned B-2 Community Shopping District and is currently improved with the one-story Dairy Hut building; and

**WHEREAS**, the Planning and Zoning Commission reviewed the request at a Public Hearing on December 5, 2019; and

**WHEREAS**, this ordinance shall be recorded at Kendall County, Illinois.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF OSWEGO, KENDALL AND WILL COUNTIES, ILLINOIS**, as follows:

**Section 1:** That the recitals set forth above are incorporated here by reference, and the application for an ordinance granting a Preliminary and Final PUD to allow for the development of a restaurant at 121 S. Main Street, in the Village of Oswego, Kendall County, Illinois, is approved subject to staff approval of final engineering plans and that the Village Clerk is hereby directed to record with the Kendall County Clerk a certified copy of this Ordinance, together with an accurate map of the property hereby made a part hereof, identified and enumerated on the following exhibits:

*Exhibit A – Legal description*

*Exhibit B – Location Map*

*Exhibit C – Preliminary/Final PUD Plan*

*Exhibit D – Elevations*

**Section 2: SEVERABILITY**

This ordinance and every provision thereof shall be considered severable. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

**Section 3: REPEALER**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4: EFFECTIVE DATE**

This Ordinance shall be in full force and effect immediately upon its passage and approval. Publication in pamphlet form is hereby authorized, as provided by law.

**PASSED** by the Board of Trustees of the Village of Oswego, Kendall and Will Counties, Illinois this \_\_\_\_ day of \_\_\_\_, 2020.

JAMES MARTER	_____	LUIS PEREZ	_____
TERRY OLSON	_____	JUDY SOLLINGER	_____
PAM PARR	_____	BRIAN THOMAS	_____

**APPROVED** by me, Troy Parlier, as President of the Village of Oswego, Kendall and Will Counties, Illinois, this \_\_\_\_ day of \_\_\_\_, 2020.

\_\_\_\_\_  
TROY PARLIER, VILLAGE PRESIDENT

\_\_\_\_\_  
TINA TOUCHETTE, VILLAGE CLERK



STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )        SS

**CLERK'S CERTIFICATE**

I, Tina Touchette, the duly qualified and acting Village Clerk of the Village of Oswego, Kendall and Will Counties, Illinois, do hereby certify that I am the keeper of its books and records and that the attached hereto is a true and correct copy of an Ordinance entitled:

**AN ORDINANCE GRANTING A PRELIMINARY AND FINAL PUD FOR THE DEVELOPMENT OF A RESTAURANT LOCATED AT 121 S. MAIN STREET, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS**

(Project #1049.19 – Preliminary and Final PUD – “Dairy Barn” – 121 S. Main Street)

which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2020, approved by the Village President on the \_\_\_\_ day of \_\_\_\_ 2020 and thereafter published in pamphlet form.

I do further certify in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the Board complied with all requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Tina Touchette, Village Clerk  
Village of Oswego

(Seal)

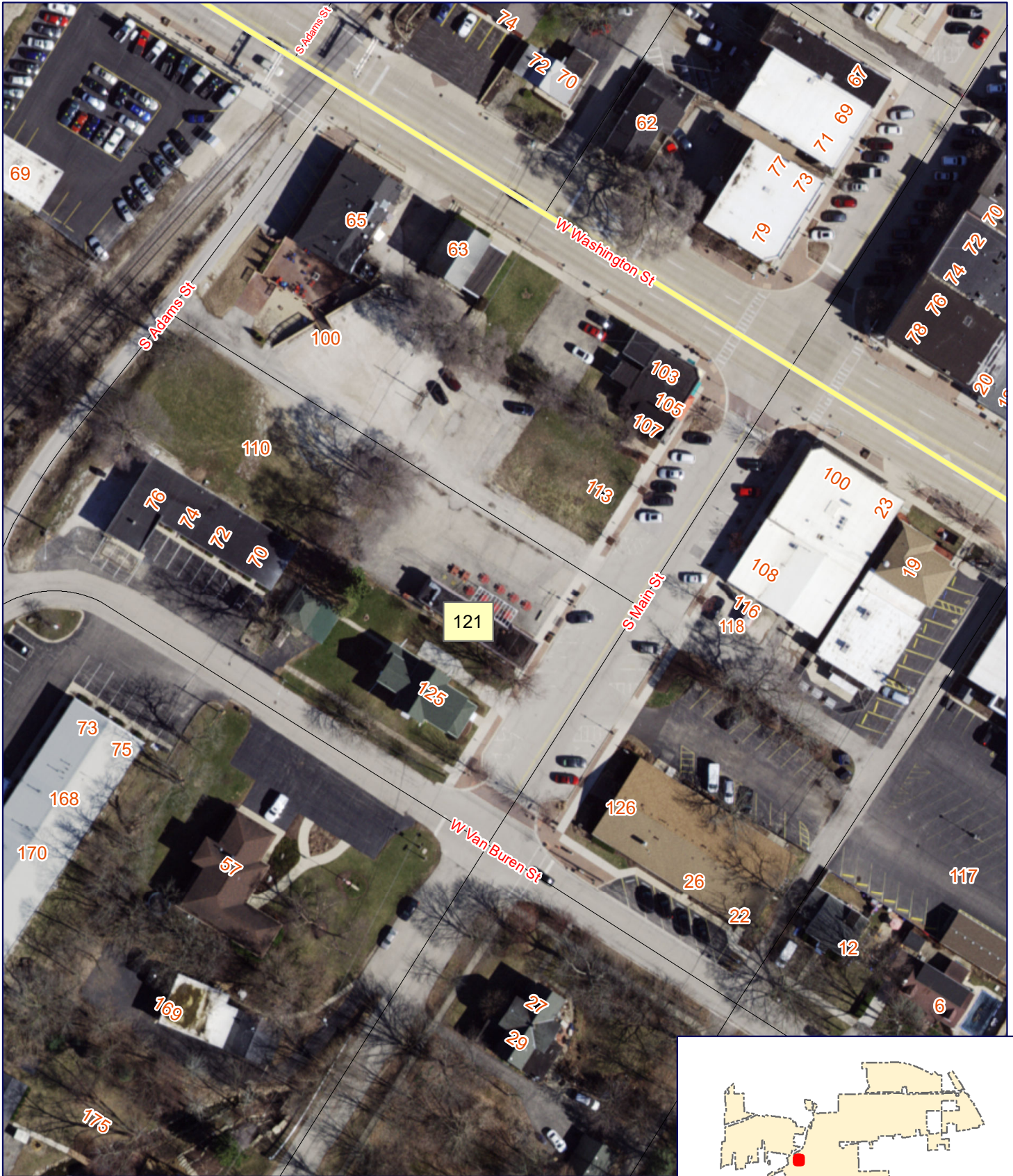
Exhibit "A"  
Legal Description

LOT 5 AND THE EASTERLY HALF OF THE VACATED ALLY LYING WESTERLY OF  
AND ADJOINING LOT 5 IN BLOCK 11 OF THE ORIGINAL TOWN OF OSWEGO, IN THE  
VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

Commonly known as: 121 S. Main Street

DRAFT

# 121 S Main Street



Date Printed: 2/11/2020



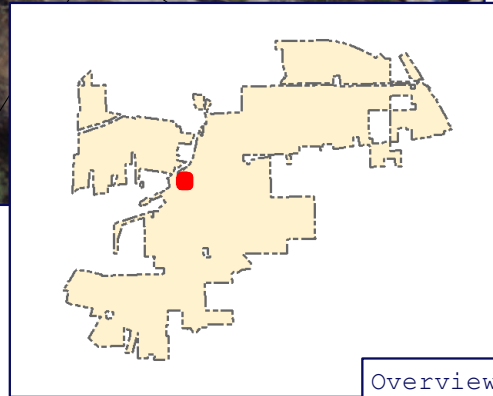
100



Feet



The requested map will be created for study purposes only. Please refer to the official recorded plats or deeds for the actual legal descriptions and property dimensions. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by the Village of Oswego or its employees. This work is protected by the United States Copyright Act of 1976 (17 U.S.C. Sec 101 et seq). You are not permitted to use and/or reproduce any part of a copyrighted work of the Village of Oswego in violation of Federal Copyright Law. Doing so may result in prosecution under such law. If you wish to use property in which the Village of Oswego owns a copyright, you must obtain written permission through the Community Development Department in the Village of Oswego, located at 100 Parkers Mill, Oswego, Illinois 60543.



Overview

# FINAL PLANNED UNIT DEVELOPMENT

## DAIRY BARN - 121 MAIN STREET - OSWEGO, ILLINOIS

### OWNER'S CERTIFICATE

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

THIS IS TO CERTIFY THAT \_\_\_\_\_ IS THE OWNER OF PROPERTY DESCRIBED ABOVE AND AS SUCH OWNER, HAS CAUSED THE SAME TO BE PLATTED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED AND PROVIDED BY STATUTES, AND SAID OWNER, DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID.

DATED AT \_\_\_\_\_ CITY \_\_\_\_\_, ILLINOIS, THIS \_\_\_\_\_ DATE \_\_\_\_\_ DAY OF \_\_\_\_\_ MONTH \_\_\_\_\_, A.D., 20\_\_\_\_.

BY: \_\_\_\_\_ SIGNATURE \_\_\_\_\_ ATTEST: \_\_\_\_\_ SIGNATURE \_\_\_\_\_

TITLE: \_\_\_\_\_ PRINT TITLE \_\_\_\_\_ TITLE: \_\_\_\_\_ PRINT TITLE \_\_\_\_\_

### NOTARY'S CERTIFICATE

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

I, \_\_\_\_\_ PRINT NAME \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ PRINT NAME \_\_\_\_\_ AND \_\_\_\_\_ PRINT NAME \_\_\_\_\_, OF SAID OWNER, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FORGOING INSTRUMENT AS SUCH \_\_\_\_\_ AND \_\_\_\_\_ TITLE \_\_\_\_\_, RESPECTFULLY, APPEARED BEFORE ME THIS \_\_\_\_\_ DAY IN PERSON AND JOINTLY AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID OWNER FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS \_\_\_\_\_ DATE \_\_\_\_\_ DAY OF \_\_\_\_\_ MONTH \_\_\_\_\_, A.D. 20\_\_\_\_.

SIGNATURE \_\_\_\_\_

PRINT NAME \_\_\_\_\_

MY COMMISSION EXPIRES ON \_\_\_\_\_ MONTH \_\_\_\_\_ DATE \_\_\_\_\_, 20\_\_\_\_.

### VILLAGE PRESIDENT'S CERTIFICATE

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

APPROVED BY THE VILLAGE PRESIDENT OF THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ VILLAGE PRESIDENT

**BENCHMARK:**  
 SITE BENCHMARK NUMBER 401  
 FOUND CUT CROSS IN EAST CURBLINE OF MAIN STREET AT 26 W. VAN BUREN STREET. SAID CROSS IS 23.9"± WEST OF THE NORTHWEST BUILDING CORNER AND 5.6"± SOUTHWEST OF A LIGHT POLE STANDARD ELEVATION=633.94' NAVD88

STATE OF ILLINOIS } SS  
 COUNTY OF DEKALB }

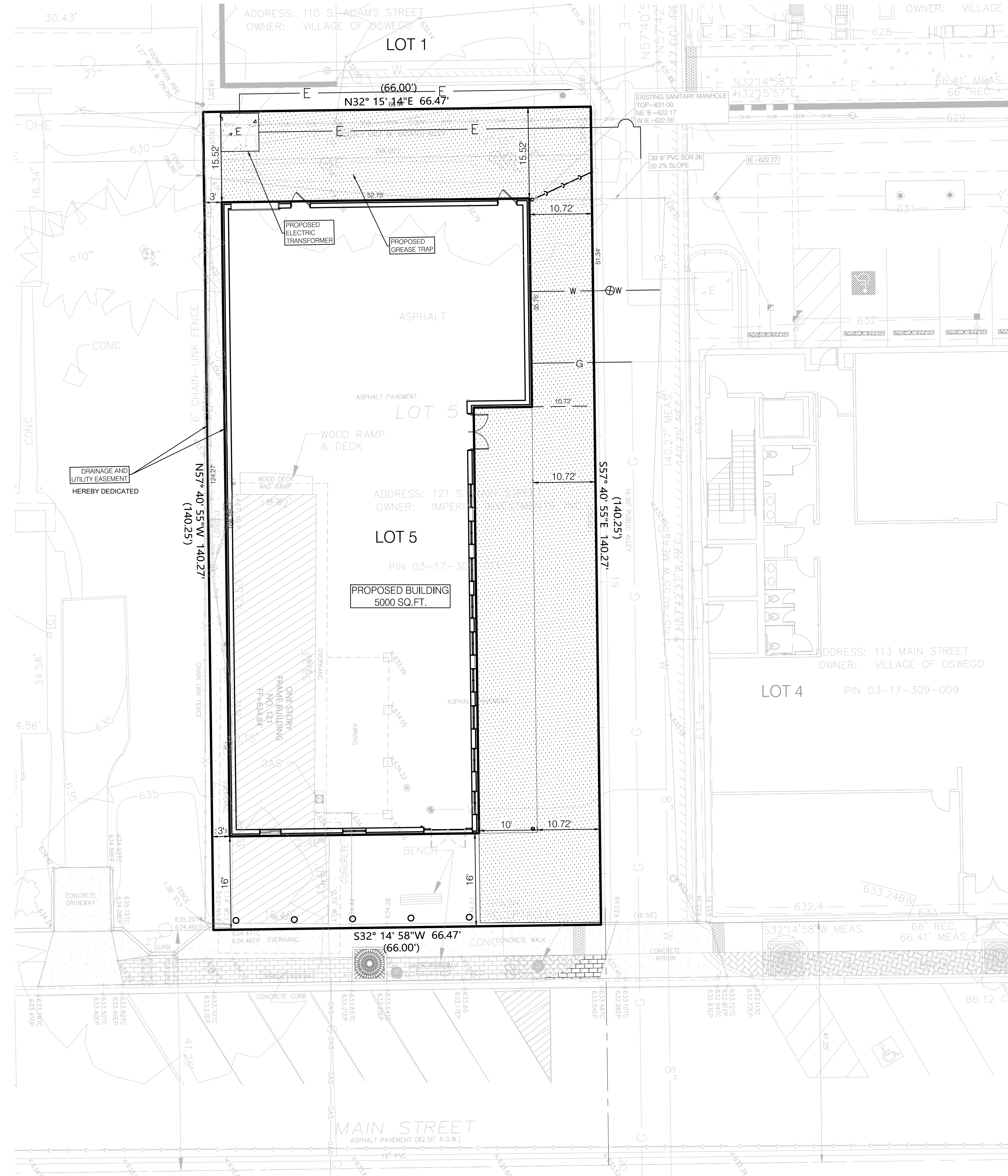
WE, REGIONAL LAND SERVICES, LLC, ILLINOIS PROFESSIONAL DESIGN FIRM NUMBER 184-007858-0010, DO HEREBY DECLARE THAT WE HAVE SURVEYED THE TRACT OF LAND SHOWN HEREON AND THIS PLAT IS A CORRECT REPRESENTATION OF SAID TRACT.

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2019, AT SYCAMORE, ILLINOIS.



### LEGAL DESCRIPTION

LOT 5 AND THE EASTERLY HALF OF THE VACATED ALLEY LYING WESTERLY OF AND ADJOINING LOT 5 IN BLOCK 11 OF THE ORIGINAL TOWN OF OSWEGO, IN THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS.



### CERTIFICATE OF PLAT OFFICER

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_ KENDALL COUNTY PLAT OFFICER

### COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

THIS INSTRUMENT NUMBER \_\_\_\_\_ WAS FILED FOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 20\_\_\_\_, AT \_\_\_\_\_ O'CLOCK AND WAS RECORDED IN CABINET \_\_\_\_\_ OF PLATS AT SLOT \_\_\_\_\_.

\_\_\_\_\_ KENDALL COUNTY RECORDER

### OSWEGO PLAN COMMISSION

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

REVIEWED BY THE PLAN COMMISSION OF THE VILLAGE OF OSWEGO, KENDALL COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ CHAIRMAN

### VILLAGE CLERK'S CERTIFICATE

STATE OF ILLINOIS } SS  
 COUNTY OF KENDALL }

I, \_\_\_\_\_ VILLAGE CLERK OF THE VILLAGE OF OSWEGO, ILLINOIS, HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND DULY APPROVED BY THE BOARD OF TRUSTEES OF SAID VILLAGE AT ITS MEETING HELD ON \_\_\_\_\_, 20\_\_\_\_, IN WITNESS WHEREOF I HAVE HERETO SET MY HAND AND THE SEAL OF THE VILLAGE OF OSWEGO, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_ VILLAGE CLERK

**EASEMENT PROVISIONS**  
 A NONEXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO Illinois Bell Telephone Company, Northern Illinois Gas Company, Commonwealth Edison Company, Cablevision, other public utilities and holders of existing franchises granted by the Village of Oswego, Illinois, and their respective successors and assigns within the areas shown on the plat as, "Drainage and Utility Easement," to construct, install, reconstruct, repair, remove, replace, inspect, maintain and operate underground transmission and distribution systems and lines under the surface of the, "Drainage and Utility Easement," including without limitation telephone cables, gas mains, electric lines, and cable television lines and all necessary facilities appurtenant thereto, together with the right of access thereto for the personnel and equipment necessary and required for such uses and purposes, and together with the right to install required service connections under the surface of each lot to serve improvements thereon. A nonexclusive easement is also hereby reserved for and granted to the Village of Oswego, Illinois to construct, install, reconstruct, repair, remove, replace and inspect facilities for the transmission and distribution of water, storm sewers and sanitary sewers, within the areas shown on the plat as, "Drainage and Utility Easement," together with a right of access thereto for the personnel and equipment necessary and required for such uses and purposes.

The above named entities are hereby granted the right to enter upon the easements herein described for the uses herein set forth and the right to cut, trim, or remove any trees, shrubs or other plants within the areas designated as, "Drainage and Utility Easement," which interfere with the construction, installation, reconstruction, repair, removal, replacement, maintenance and operation of their underground transmission and distribution systems and facilities appurtenant thereto. No permanent buildings, structures, or obstructions shall be constructed in, upon, or over any areas designated as, "Drainage and Utility Easement," but such areas may be used for gardens, shrubs, trees, landscaping, driveways, and other related purposes that do not unreasonably interfere with the uses herein described.

The occupation and use of the nonexclusive easements herein granted and reserved for the above named entities by each of such entities shall be done in such a manner so as not to interfere with or preclude the occupation and use thereof by other entities for which such easements are granted and reserved. The crossing and re-crossing of said easements by the above named entities shall be done in such a manner so as not to interfere with, damage, or disturb any transmission and distribution systems and facilities appurtenant thereto existing within the easements being crossed or re-crossed. No use or occupation of said easements by the above named entities shall cause any change in grade or impair or change the surface drainage patterns.

Following any work to be performed by the Village of Oswego in the exercise of its easement rights herein granted, said Village shall have no obligation with respect to surface restoration, including but not limited to the restoration, repair or replacement of pavement, curb, gutters, trees, lawn or shrubbery; provided, however, that said Village shall be obligated following such maintenance work to backfill and mound all trenches created so as to retain suitable drainage, to cold patch any asphalt or concrete surface, to remove all excess debris and spoil, and to leave the maintenance area in a generally clean and workmanlike condition.

**LEGEND**

	AC UNIT		WATER VALVE
	ELECTRIC METER		WATER VALVE VAULT
	GAS METER		ELECTRIC PEDESTAL
	CLEANOUT		TELEPHONE PEDESTAL
	POWERPOLE		LIGHT POLE
	STORM INLET		MAILBOX
	STORM MANHOLE		DECIDUOUS TREE
	SANITARY MANHOLE		CONIFEROUS
	FIRE HYDRANT		
	PROPERTY LINE		
	OVERHEAD WIRES		
	EXISTING SANITARY LINE		
	EXISTING STORM LINE		
	EXISTING WATERMAIN		
	EXISTING CONTOUR		
	CENTERLINE ROAD		
	BUILDING SETBACK LINE		
	EASEMENT LINE		
	EXISTING TREE LINE		
	EXISTING BUILDING		
	EXISTING CONCRETE		
	EXISTING PAVEMENT		
	PROPOSED WATER SERVICE		
	PROPOSED SANITARY SEWER		
	PROPOSED STORM SEWER		
	PROPOSED GAS SERVICE		
	PROPOSED SANITARY MANHOLE		
	PROPOSED DRAINAGE AND UTILITY EASEMENT		

**UTILITY STATEMENT**  
 THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES DECLARE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**811** Know what's below. **JULIE**  
 Call before you dig. (OUTSIDE CHICAGO AREA)  
 CALL 48 HOURS (2 WORKING DAYS) BEFORE YOU DIG  
 811 or 1-800-892-0123

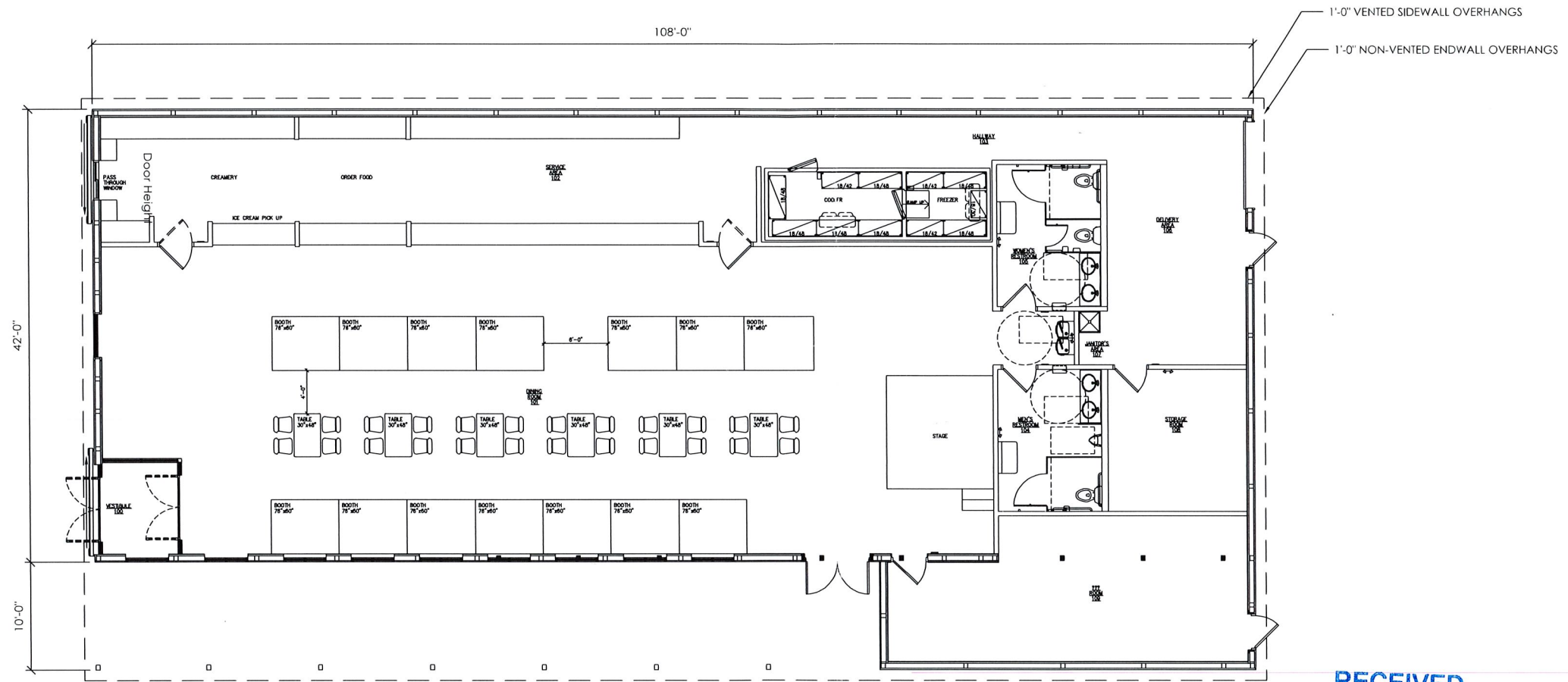
PROJECT NUMBER: \_\_\_\_\_  
 DATE: 11/15/2019  
 SHEET: 1 OF 1  
 DRAWING NUMBER: PL1

ENGINEER: **ESM CIVIL SOLUTIONS, LLC**  
 CIVIL ENGINEERING - LAND ENTAILMENTS - PROJECT FEASIBILITY  
 4320 WINDFIELD ROAD - SUITE 200 WINDFIELD, IL 60555  
 O: 630-300-0933 C: 630-624-0320

**REGIONAL LAND SERVICES**  
 270 VIDA COURT  
 SYCAMORE, ILLINOIS 60178  
 PHONE: (618) 559-2260

**SURVEYOR'S NOTES:**  
 1) ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.  
 2) BEFORE STARTING ANY CONSTRUCTION OF THE PROJECT, THE SURVEYOR SHOULD CONSULT WITH THE LOCAL GOVERNMENT AND AGENCIES FOR ANY ORDINANCES, REGULATIONS, AND REQUIREMENTS THAT MAY APPLY TO THE PROJECT.  
 3) REFER TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES FOR RESTRICTIONS, BUILDING LINES, ETC.  
 4) PARCEL DIMENSIONS AND CORNER BEARINGS WITHIN PARENTS' ABBREVIATED REC. ARE RECORDED IN THE PUBLIC RECORDS OF KENDALL COUNTY, ILLINOIS. DOCUMENT NUMBERING AND RECORD BEARINGS.

OFFICE:  
STREATOR, IL  
JOB NO.  
094-092930



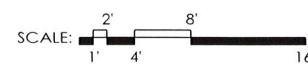
COLUMN PLAN

RECEIVED

NOV 15 2019

Community Development  
Department

(CALLED)



PRELIMINARY DRAWING  
FOR OWNER'S APPROVAL

- DRAWING APPROVED AS SUBMITTED
- DRAWING APPROVED PENDING CHANGES NOTED
- REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

OWNERS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

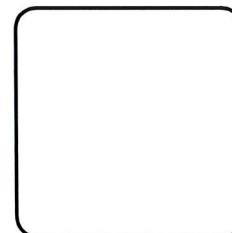
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MORTON BUILDINGS, INC.

DAIRY BARN  
OSWEGO, IL

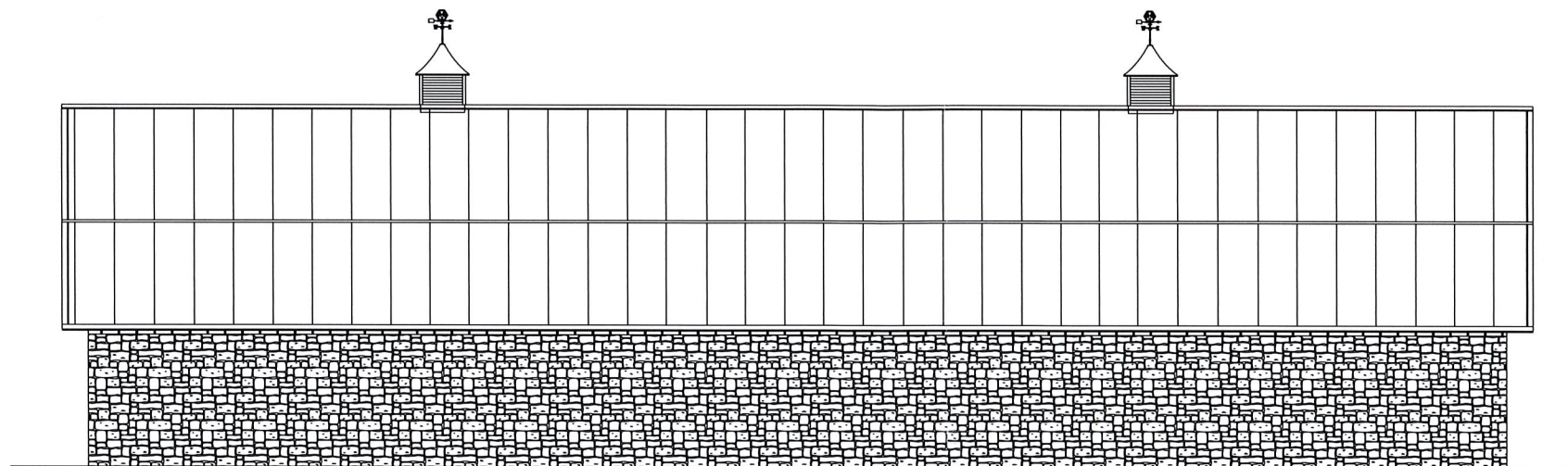
**MORTON BUILDINGS, INC.**  
© MORTON BUILDINGS, INC. P. O. BOX 399 MORTON, IL 61550-0399 309-263-7474

DRAWN BY:	RP
DATE:	9/30/2019
CHECKED BY:	----
DATE:	----
REVISED DATE:	10/29/2019
REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----

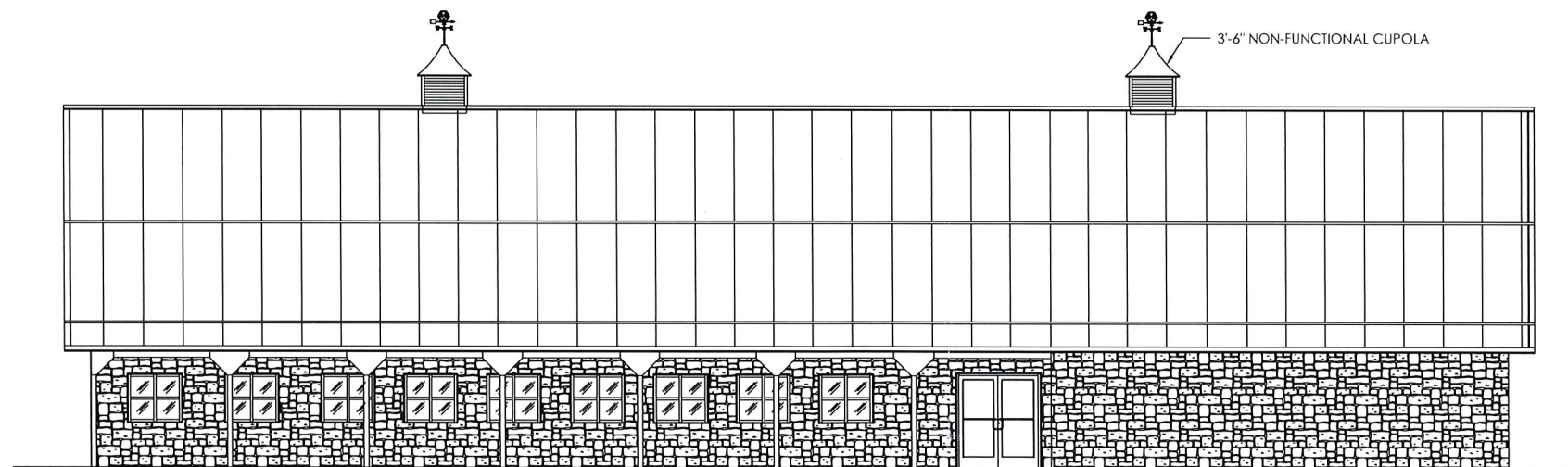


SCALE: AS NOTED  
SHEET NO.  
S1 OF S3

OFFICE:  
STREATOR, IL  
JOB NO.  
094-092930



SOUTH ELEVATION



NORTH ELEVATION

DAIRY BARN  
OSWEGO, IL



DRAWN BY:	RP
DATE:	9/30/2019
CHECKED BY:	----
DATE:	----
REVISED DATE:	10/29/2019
REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----

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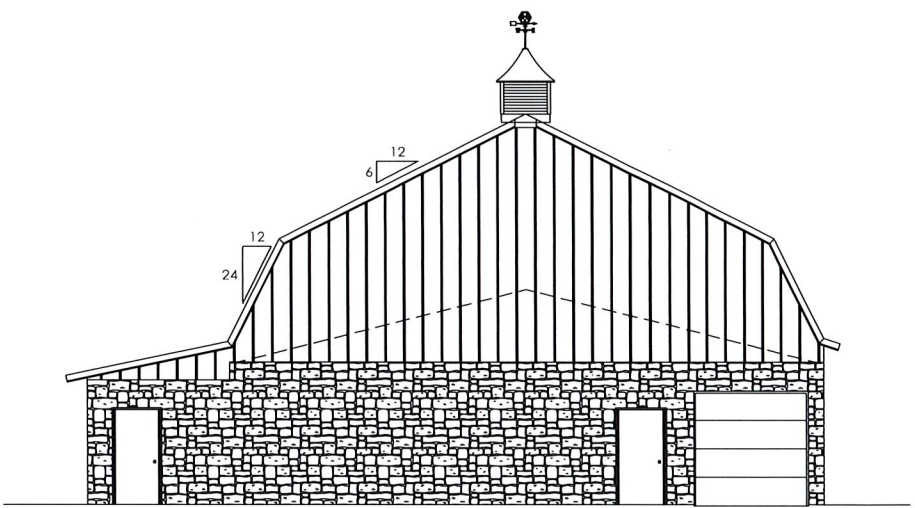
OWNERS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

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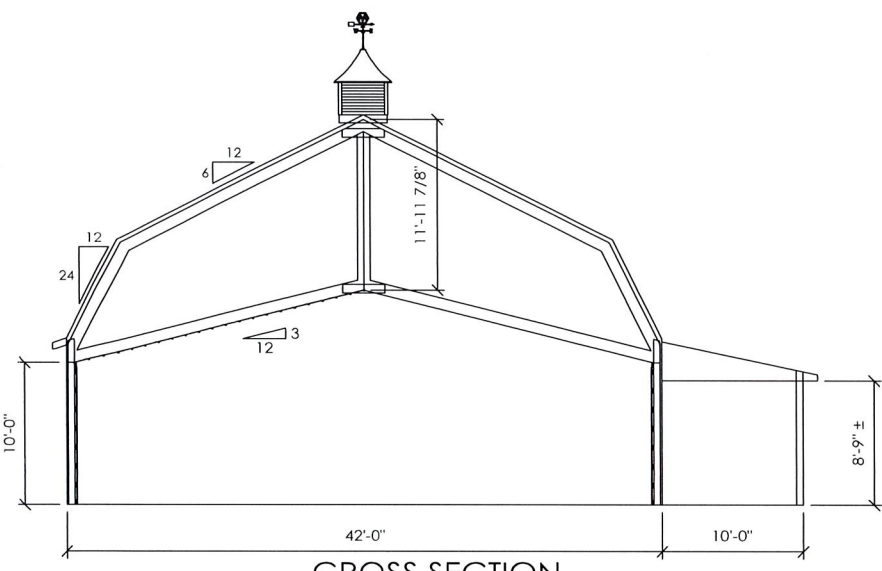


SCALE: AS NOTED  
SHEET NO.  
S2 OF S3

OFFICE:  
STREATOR, IL  
JOB NO.  
094-092930



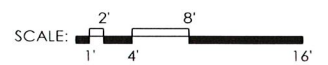
WEST ELEVATION



CROSS SECTION



EAST ELEVATION



**PRELIMINARY DRAWING  
FOR OWNER'S APPROVAL**

- DRAWING APPROVED AS SUBMITTED
- DRAWING APPROVED PENDING CHANGES NOTED
- REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

OWNERS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

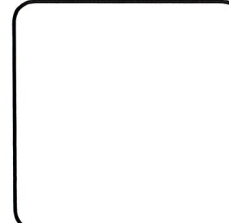
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DAIRY BARN  
OSWEGO, IL



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DATE:	----
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REVISED DATE:	----
REVISED DATE:	----
REVISED DATE:	----



SCALE: AS NOTED  
SHEET NO.  
S3 OF S3



**COMMUNITY DEVELOPMENT DEPARTMENT**

100 Parkers Mill • Oswego, IL 60543  
(630) 554-3622 • Fax: (630) 551-3975  
www.oswegoil.org

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**STAFF REPORT**

**DATE:** December 5, 2019

**TO:** Chairman and Planning and Zoning Commission

**FROM:** Natalie Zine, Planner

**SUBJECT:** Staff Report for the December 5, 2019 Planning & Zoning Commission Meeting  
113 Main Street  
Preliminary/Final PUD  
Project #1049.19

**Applicant**

Imperial Investment

**Requested Action**

The applicant is requesting approval of a Preliminary/Final PUD Plan to allow for the development of a two-story commercial building located at 121 Main Street.

**Controlling Agreements**

NA

**Location, Existing Zoning and Land Use**

The 0.21-acre site located at 121 Main Street. The subject property is currently zoned B-2 Community Shopping District and is improved with the one-story “Dairy Hut” building.

**Surrounding Zoning and Land Uses**

**NORTH:** B-2 Community Shopping District – New Restaurant, Office  
**SOUTH:** B-2 Community Shopping District – Two-Story Residence  
**EAST:** B-1 Neighborhood Business District – Retail, Office  
**WEST:** B-1 Neighborhood Business District – New Public Parking Lot

**Relationship to Village Comprehensive Plan**

The Comprehensive Plan designates the subject area as part of the “Downtown Core”, which is to include commercial, residential, and mixed uses. The proposed project is consistent with the Comprehensive Plan vision for this area.





The proposed building will be constructed with stone on the first story and board/batten vertical siding on the second floor, with a hi-rib metal roof. The building has a gambrel style roof with cupolas reminiscent of livestock barns. A shed roof extends along the length of the building.

**Figure 1: Dairy Barn Elevation**



The Petitioner has been working with the Village’s efforts for re-engineering the entire block and the proposed Mexican restaurant that will be located adjacent to this property at 63 Washington. The proposed development has been incorporated in the overall engineering plans for the block and will not prohibit the current and future plans for the remaining parcels. The proposed preliminary/final PUD is consistent with the future land use designation and redevelopment plans as outlined in the Village’s Comprehensive Plan.

### **Standards**

Applications for approval of a Planned Unit Development shall be made in accordance with the provisions and Standards for Special Uses. The Village Board shall not vary the regulations of this Ordinance unless the Planning and Zoning Commission shall make findings of fact based upon the evidence as presented that:

1. The proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the best interest of the public convenience and will contribute to the general welfare of the neighborhood or community.

*The proposed PUD will provide for a two-story commercial building consistent with the approved Comprehensive Plan. The use of retail/restaurant is consistent and compatible with the surrounding uses located in the downtown core.*

2. The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matter affecting the public health, safety, and general welfare.

*The proposed building and parking will be compatible with the planned future development of the block. The use will not generate conditions that will adversely affect the block or the downtown block.*

3. The proposed building or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

*The proposed PUD will not alter the access points on the block or adversely affect the development potential of the neighboring properties.*

4. The proposed building or use has been considered in relation to the goals and objectives of the Official Plan of the Village.

*The proposed building and uses are consistent with the proposed land use as identified in the Village's comprehensive Plan.*

5. There shall be reasonable assurance that the proposed building or use will be completed and maintained in a timely manner, if authorized.

*The building will be completed as scheduling and coordination of the block's redevelopment will allow.*

### **Recommendation**

Staff recommends the Planning and Zoning Commission accept the findings of fact and recommends approval of the Preliminary/Final PUD for 121 Main Street.