

CITY OF BATAVIA
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COMMUNITY DEVELOPMENT COMMITTEE AGENDA

Tuesday, January 15, 2013

7:30 p.m. – City Council Chamber 1st Floor

1. Roll Call
2. 1. Approve Minutes November 13, December 11, 2012 And CDC/City Services Joint Meeting Minutes For December 15, 2012

Documents: [COMMUNITY DEVELOPMENT COMMITTEE WITH CITY SERVICES DECEMBER 15 2012 MINUTES \(PDF\).PDF](#), [CDC 12-11-13M.PDF](#), [CDC 12-12-11M.PDF](#)

3. Items Removed/Added/Changed
4. Discussion: Kirk Road And Wilson Street (Scott Buening 1/9/13)

Documents: [WILSON AND KIRK RD \(PDF\).PDF](#)

5. Discussion: City Development Incentives (Jason Bajor 1/15/13)

Documents: [CITY DEVELOPMENT INCENTIVES \(PDF\).PDF](#)

6. Ordinance 13-01: Amending The Zoning Code And Subdivision Regulations Regarding Driveways And Driveway Approaches (Joel Strassman 1/9/13)

Documents: [ORDINANCE 13-01 DRIVEWAY WIDTHS \(PDF\).PDF](#)

7. Ordinance 13-06: Variance For A Covered Front Porch Setback, 610 Ritter Drive (Joel Strassman 1/11/13)

Documents: [ORDINANCE 13-06 PORCH SETBACK 610 RITTER \(PDF\).PDF](#)

8. Streetscape
9. Project Status Update
10. Other
11. Matters From The Public
12. Adjournment

City of Batavia

Community Development Committee and City Services Committee Joint Meeting Minutes for December 15, 2012

Members Present: CDC: Ald. Brown, Wolff , Clark, Thelin-Atac, and Stark
City Services: Ald. Volk, Liva, O'Brien, and Tenuta

Also Present: Bill McGrath, City Administrator; Gary Holm, Director of Public Works;
John Dillon, Rich Searle; Meredith Hannah, Mayor Schielke

The meetings convened at 10:01 am in the north entrance to the First Baptist Church at Wilson Street and Washington Ave. The purpose of the meeting was to allow for Council members to tour this city owned facility and the Thomle Building at 2 East Wilson Street.

The First Baptist Church has at least three distinct parts the original sanctuary, a north side addition circa 1940's, and a later 1960's addition to the north and west of the main building. There are various levels and many small rooms in all parts of the building. The property was purchased by the City in anticipation of the Route 25 re-alignment that never occurred. Staff has proposed putting the building on the market via an RFP process.

There were questions regarding the salvage value of the kitchen equipment, the pipe organ, wood work in the older parts of the building and the tin plate on the walls and ceilings of the sanctuary. Staff pointed out some of the various problems such as the poor state of the roof over the sanctuary and the fact that there are both asphalt shingles and wood shakes on that roof.

In the basement access ports to view the foundation were opened to allow the Council members to view the state of the foundation. Various wall cracks and evidence of roof leaks were observed. Staff stated that at this time there are no known roof leaks but further patching may not be possible due to the very poor condition of the roof.

The group then proceeded to the Thomle Building at 2 East Wilson Street. This building was acquired some 15 years ago via a condemnation process. It was restored by use of Kane County grants and TIF funds. It has been used as a business incubator and the Main Street office over the years. It is a 2 story limestone building with a basement and subbasement. The building is in stable condition.

Questions were asked regarding the extent and shape of the property, the lot lines goes as far south as the parking lot. Various concepts for use of the building were discussed by Staff and Council members. In addition some reminiscences of past uses of the building were done by members of the Council.

The meetings adjourned at 10:58 am with many present moving on to the ribbon cutting ceremony at the newly opened McDonalds on West Wilson Street.

Submitted by Ald. Jim Volk
December 16, 2012

MINUTES
November 13, 2012
Community Development Committee
City of Batavia

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Brown called the meeting to order at 7:47 pm.

1. Roll Call

Members Present: Chair Brown; Vice-Chair Wolff; Aldermen Sparks, Chanzit, Clark, Atac and Stark

Members Absent:

Also Present: Ald. O'Brien, Volk, Jungels, Frydendall, Liva, and Tenuta; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Scott Buening, Community Development Director; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Karen Young, Assistant City Engineer; Jason Bajor, Assistant City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for September 11, 2012 and October 29, 2012

Motion: To approve the minutes for September 11 and October 29, 2012 minutes

Maker: Wolff

Second: Sparks

Voice Vote: 7 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

3. Items Removed/Added/Changed

There were no items to be removed, added or changed.

4. Discussion: Annexation of Randall Road Detention Pond (Buening 11/9/12)

Buening reported that the Randall Road Detention Pond is completely surrounded by City limits. The property is owned by Kane County and staff has inquired whether Kane County would have any objections to the City of Batavia annexing this property. The County stated that they would remain neutral on the matter of annexation. Staff is questioning whether the Committee and Council would like to annex this property. If the City were to annex this property it would have to be under the Involuntary Annexation Statute, which means we have to publish a notice and have a technical public hearing in front of the City Council (CC) to annex the property into the City limits.

Buening continued that staff feels that annexing this property follows the goals and objectives of the Comprehensive Plan and the recommendation would be to proceed with the annexation process. Staff would then bring this back to the Committee and the CC for formal action.

Vice-Chair Wolff questioned if the City annexes this property if the County still retains ownership. Buening responded that the County would retain ownership of the property. Redevelopment issues would be discussed with the County.

Motion: To direct staff to proceed with the annexation of the Randall Road Detention Pond
Maker: Stark
Second: Wolff
Voice Vote: 7 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Ordinance 12-33: Conditional Use for Automobile Repair Services, Pep Boys, 837 North Randall Road (Strassman 11/9/12)

Strassman reported that Aetna Development Corporation is seeking approval of an ordinance for a conditional use and a separate approval for a minor change to a planned development. The conditional use would allow operation of a vehicle service establishment at 837 North Randall Road. The second request is for a minor change to the existing planned development to allow for modified building footprints and parking lot design from what was approved as part of the original planned development.

The property is zoned General Commercial (GC) as are all surrounding properties. The Comprehensive Plan classifies the property as General Commercial. The commercial area containing Wal-Mart and extending east to Randall Road was annexed in 2003 with an approval for a planned development. In addition to having preliminary site and landscape plans, the planned development established site specific lists of permitted, prohibited, and allowed conditional uses. Automobile service is allowed on the subject property with conditional use approval. The preliminary site and landscape plans show particular building footprints. Modifications to these plans for alternate building footprints such as what's now being proposed may be considered and approved by the City Council as a minor change. The Plan Commission (PC) is responsible for approving the specific building and landscape design through design review, based on a Council-approved minor change to the planned development.

Last week the PC held the public hearing for the requested conditional use. The Commission found that the proposed automobile use would be consistent with the approved planned development. Their findings are listed in draft Ordinance 12-33. No members of the public spoke at the hearing. By a vote of 8-0, the Commission recommended approval of the conditional use subject to the following conditions:

1. All vehicle diagnostic and repair services to be performed inside the building; and
2. No inoperable or unlicensed vehicles parked in the parking lot when the business is not open to the public.

The second item for the Committee's consideration is the requested minor change to the planned development. The approved preliminary site and landscape plans show building footprint and parking lot designs for the property. The exact buildings and uses, however, were not part of the planned development approval. The City Council can consider use and design alternates as a minor change to the approved planned development.

The proposed changes to the site plan include 2 buildings of different sizes to replace the 2 approved building footprints. These buildings would occupy roughly the same space as the ones in the planned development approval, and make use of the existing service drive to be shared with the multi-tenant building to the south. The parking lot would be modified to add access points from the internal roadways and to ease access to the 6 Pep Boys service bays.

Staff feels the proposed changes to the building footprints and parking lot design would be an appropriate fit in the context of the surrounding commercial area. Quality of building and landscape material, and City Code compliance would be part of the Plan Commission's subsequent design review and approval, and building permit review and approval.

As part of its design review, the Commission discussed the site, landscape, and building plans that were distributed to the Committee with the draft ordinance, finding them to be generally in keeping with the approved planned development and a good fit in the context of the surrounding commercial area. The Commission noted that the revised Pep Boys building proposes a good balance of corporate identity and contextual design. The Commission suggested that hip roofs be added above the corner elements to the proposed multi-tenant building to better relate to the other multi-tenant buildings in the planned development. The Commission continued the design review to its meeting scheduled on November 28th allowing for consideration of their design suggestion and to give time for staff to review the plans shown that were debuted at the hearing. Staff notes that in general, these plans address most issues staff had identified with the original submittal. Issues unaddressed will be discussed with the applicant in preparation for the November 28th resuming of the Plan Commission's design review.

Staff recommends the Committee recommend approval of Ordinance 12-33 for the automobile service conditional use. The draft ordinance includes use conditions recommended by the Plan Commission.

Staff also recommends the Committee recommend approval a minor change to the Southwest Corner of Fabyan and Randall Planned Development, consistent with the proposed site plan. Again, approval of the specific designs for the buildings and landscape is the responsibility of the Plan Commission through its design review approval.

David Mangurten, project architect, addressed the Committee. Mangurten presented to the Committee a three dimensional scale model, the footprint prototype, elevations, and the proposed Pep Boys building. He explained the activities that would be performed in the Pep Boys service area, number of employees, hours, and architecture (height, branding, and masonry). Mangurten stated that the second building would be a retail building, smaller in size with the same color

awnings as the buildings to the east of the structure. Mangurten discussed the landscape plan (perennial plantings, trees, shrubbery), and parking.

The Committee discussed parking, details on the Ordinance and whether the two buildings would be built at the same time. Mangurten stated that the buildings will be built simultaneously.

Motion: To recommend to Council approval of Ordinance 12-33: Conditional Use for Automobile Repair Services, Pep Boys, 837 North Randall Road

Maker: Stark

Second: Chanzit

Roll Call Vote: **Aye:** Brown, Wolff, Sparks, Chanzit, Clark, Atac, Stark

Nay: None

7-0 Vote, 0 Absent; All in favor, motion carried.

6. Approval: Minor Change to the Southwest Corner of Fabyan and Randall Planned Development (Ordinance 03-15) 837 and 849 North Randall Road (Strassman 11/9/12)

Strassman noted that the Committee would be recommending approval of a minor change to Ordinance 03-15. This is the process specified in this Ordinance to approve a minor change.

Motion: To recommend to Council approval of a minor change to Ordinance 03-15 for the properties at 837 and 849 North Randall Road, consistent with the site plan proposed for the property.

Maker: Stark

Second: Chanzit

Roll Call Vote: **Aye:** Brown, Wolff, Sparks, Chanzit, Clark, Atac, Stark

Nay: None

7-0 Vote, 0 Absent; All in favor, motion carried.

7. Draft RFP for 2 East Wilson Street (Thomle Building) (Bajor 11/13/12)

Bajor discussed with the Committee the redevelopment goals as it relates to this particular RFP. He stated that staff would like to stress some type of mixed-use (commercial and residential) component if appropriate for this location. Discussions have also been held regarding combining 2 and 4 East Wilson which would also be desirable. The desire of the City is for the building to remain in place. Bajor stated that we are looking to get this property back into private ownership and back to generating revenue for the City. If needed, the building could be used as a business incubator until the market improves.

The Committee discussed details of the building, the importance of the return on investment, and the timeline. Bajor stated that they would have the RFP out before the end of 2012. Staff envisions a deadline by the end of the first quarter in 2013. Staff would like to give the development market sufficient time to review and deliver a quality proposal to the City.

Motion: To direct staff to proceed with the RFP for 2 East Wilson Street

Maker: Wolff

Second: Chanzit

Voice Vote: 7 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

McGrath added that staff may be returning in the next couple of months with an RFP for the Baptist Church Property. Discussions on possible RFPs will be held regarding the southeast corner of River and Wilson Street and the empty lot at the corner of Spring and Wilson Street at a future Committee meeting.

8. Proposed Assistance for River Street Businesses (Bajor 11/13/12)

McGrath stated that staff is no longer proposing assistance for River Street businesses. Staff had suggested some utility bill relief. There were issues relating to “proof” of impact. Some businesses’ utility bills are a smaller part of their operations. There was the issue of record keeping and the ability to accurately estimate impacts. There was also the issue of drawing boundaries which is always difficult. On the same hand, there is the reality that different businesses along River Street are impacted because of the way in which they choose to deal with the streetscape project. Staff has determined that we simply can’t see a way to set up a support program that can satisfy all of the reasonable concerns that arose. The hope is that the businesses will benefit greatly from the City’s streetscape project. The Committee accepted staff’s recommendation to no longer propose assistance for River Street businesses.

9. Discussion: City Development Incentive Programs (Bajor 11/13/12)

Bajor reported that staff is aware that there are concerns with the development incentive programs. Staff would like to hear insights and dialogue with the City Council members and take the concerns and make them into changes within the programs. Bajor discussed the programs that the City currently has: the Façade Grant Program, Downtown Improvement Grant Program, Redevelopment Agreements, Utility Funded Programs, State Funded/Locally Administered Programs, and the Micro-Loan Program. Bajor asked for input from the Committee.

Sparks expressed that he is not against economic development or grants. He explained that his concern is with how the City distributes the grants. He is concerned that the City is putting money towards business-specific items with grant funding. He questioned how do we determine what is business-specific or not.

In regards to the Façade Grant, Sparks feels that maintenance should be part of the grant to help people maintain the buildings and help it look good. When the buildings look good, our streetscape looks good; this will bring people to the downtown. Sparks fully supports the Façade Grant and the TIF grants because they are for redevelopment. He feels that the Downtown Improvement Grant are good for sprinklers and items that the business owner did not know that he or she would encounter. Examples of these items are ADA accessibility, code compliance issues, and code upgrades. He suggested developing a standardized evaluation system for applicants such as a sliding scale to determine the value-added of the business (will it bring in foot traffic, retail tax, etc.). We should be focusing on businesses in the downtown area that will bring more people in. He would like to see more attention made towards retail businesses versus office space.

Stark assessed that it is important that businesses have a strong business plan. She would like to see businesses that have a strong business and financial plan in the form of one, three and five years. Stark stated that having come from a small business background and owning two of her own businesses without any City funded support, she wants to make sure that the City using money with some form of ROI. The ROI could be in the form of some sales tax revenue or a micro-loan in which the City gets its money back. She would like to see something stronger than what we are currently doing. Additionally, she feels that there needs to be stronger criteria for need. Stark suggested that staff share with the Committee the criteria in which staff looks for with applicants for funding. She added that she is not looking for a list of items but a general overview of what staff looks for in applicants.

Stark continued that she would like to have updates on past grants and if the grant money helped the businesses and the City or not. She would like to know if grants have been lost because they were too business-specific. McGrath noted that it is staff's responsibility to review business plans. Stark agreed that reviewing business plans should be staff's responsibility. Stark would like to see more follow-throughs regarding the investments the City has made. She would like to hear success stories and know that the funding is benefiting businesses and the community.

Tenuta is supportive of fine-tuning the Downtown Improvement Grant. The inquiry she has received from business owners is what the City does to control duplicate businesses in close proximity of each other. She would like to have a conversation on whether the City should control how many of the same type of business resides in Batavia. Volk stated that it is up to the market to decide what business is successful and how many of the same businesses the City will support. All businesses should be treated equally and have a decent plan. Staff should be filtering the businesses and coaching them prior to addressing the Committee with business prospects. Chanzit stated that maintaining programs like this and keeping the restrictions down as low as possible will allow the market to determine which duplicate business will stay open. By keeping the bar low and letting the market figure things out should be something the City continue.

The Committee discussed the difference between start-up businesses and established businesses, as well as loan criteria. Chanzit discussed lending centers and suggested getting lenders to discuss how loans get approved and how the City can help. Bajor agreed and stated that staff is interested in reevaluating the SBA loan process.

Buening shared that his experience with TIF in the several communities he has worked in mostly focused on enhancing the tax-based value. At the end of the TIF, the communities wanted to make sure that the school districts and everyone else benefits from these projects. The TIF grants the other communities focused on were façade improvements and redevelopment agreements. Buening explained that they wanted to make sure that the money was used towards enhancing the buildings and the downtown itself. The communities did not focus on contributing towards business development. The only exception was for items that were for code improvements, such as a sprinkler system, ADA accessibility, and building code violations. Signs were another thing that the communities gave grants to. Funding for signs allowed for people to be more creative and have better signs such as wood carved signs versus boxed signs. Redevelopment grants were used towards building a new building or a substantial addition to a structure. Those were the

items that were enhancing the value and improving the downtown by making it look better and more attractive for people to come and patronize those businesses.

Clark shared that she liked the details Buening discussed and stated that if a business wants something business-specific they could get a loan from the City but not a grant. She believes need should be considered as well. Clark explained that grants should be based on need. Stark and Clark agreed that allowing signs within the grant program should be discussed.

O'Brien noted that he visited the Kluber building recently and it is a great example of public private partnerships. He feels that we should encourage that. However, staff needs to set parameters to sift through subjective information. We need to keep encouraging grants and supporting local businesses.

Bajor discussed possibility of forming an economic development commission. He will confer with staff and return to CDC with more details on how this would be set up and how it would operate.

In summary, the Committee's discussion of the City's grant programs led to the following suggestions by individual Committee members:

- Grants not to be used towards business-specific items
- Have loans available for business-specific items
- Discussion should be held regarding loan programs
- Grants should be used towards building maintenance, sprinkler systems, code compliance issues, ADA accessibility, code upgrades and business signage
- Grants should have some form of ROI
- Grants should be based on need
- Encourage public/private partnerships
- Updates from staff on past grants
- Develop a standardized evaluation system for grants
- Businesses should have a strong business and financial plan
- Attention should be focused on retail businesses

10. Discussion: Streetscape Program Priorities (WRM 11/9/12)

McGrath shared that future streetscapes cannot be done the same way as River Street in terms of putting resources in them. The cost estimates of Houston Street indicate that we cannot go on if we want to get the real value of the TIF resources available to the City. McGrath created a matrix to start the conversation on measurements of safety, economic development, utilities, aesthetic values and other items. These have been put together for the Committee to review and help to prioritize what is needed for future streetscapes. McGrath stated that there is no need for any upgraded utilities in the downtown except for the water main on Houston. The goal is to stretch the TIF money out and place it where it is most needed. Safety issues are the highest priorities on the matrix. McGrath discussed the safety issues on Houston, Water and First Street. McGrath asked the Committee to consider what are the important elements or priorities of future streetscapes.

Due to the late hour of the meeting, Brown suggested that the Committee consider the matrix and what was discussed and hold a discussion on this matter at an upcoming Committee meeting. McGrath stated that he will return at either the November 27th or December 11th Committee meeting.

11. Resolution 12-110-R: Authorizing Easement Agreement Related to Public Parking and Valley Sheltered Workshop (WRM 11/13/12)

McGrath reported that this is a request to enter into an easement agreement with Tom and Felice Jones, the owners of property along Main Street to 1) allow a portion of paved City parking lot to remain where it is in the rear of the south 100 block of Batavia Avenue, 2) to obtain a second easement which connects that City lot to the rear of the Valley Sheltered Workshop so that its clients and deliveries bringing materials for the clients to work with can more safely access the building as well, and 3) to contribute \$2,500 (matching the Workshop's \$2,500) to share in the paving costs for the driveway. There is no compensation being asked for by the Jones'. The parking area behind the businesses on the west side of the south 100 block of Batavia Avenue has always been confusing at best. A host of strange lot lines, alleys, easements surround a City parking lot on the far west edge of the open area, used partially as driveway and for parking. During the investigation by the Workshop to obtain a walkway/driveway easement to serve its rear entry, it was discovered that the City has paved and has been tacitly allowing others to use someone else's property, being the Jones', who own the small industrial-type building just west of the alley entry to the lot off Main Street.

Motion: To recommend to Council approval of Resolution 12-110-R
Maker: Wolff
Second: Chanzit
Voice Vote: 7 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

12. Streetscape

There was no discussion held on this agenda item.

13. Project Status Update

Buening reported that Chick-fil-A will be opening at the beginning of February.

McDonald's will be opening on November 28th.

Wal-Mart has started construction. Internal work has begun so far.

Golden Corral expected to open next week.

Phillips 66 on Houston and Batavia are working on a Certificate of Appropriateness for the Shell conversion.

BP on Randall Road is working on a Design Review for a relocation of their car wash. They are buying the Salt Creek BBQ site to allow additional access to that site and then lease the property to someone interested in a restaurant or commercial venture.

The Plan Commission will be reviewing Walgreens variances. Pep Boys will be on the agenda as well as a Conditional Use approval for an accelerated physical therapy next to the Delnor site.

14. Other

There were no other items to be discussed at this time.

15. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 10:03pm; Made by Stark; Seconded by Clark. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith.

MINUTES
December 11, 2012
Community Development Committee
City of Batavia

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Brown called the meeting to order at 7:30 pm.

1. Roll Call

Members Present: Chair Brown; Aldermen Sparks, Chanzit, Clark, Atac (arrived at 7:44pm) and Stark

Members Absent: Vice-Chair Wolff

Also Present: Ald. Volk, Jungels, Liva, and Tenuta; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Scott Buening, Community Development Director; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Noel Basquin, City Engineer; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes

There were no minutes to approve at this time.

3. Items Removed/Added/Changed

There were no items to be removed, added or changed.

4. Ordinance 12-41: An Ordinance Amending Historic District Review Interval (Jeff Albertson 12/5/12)

Albertson stated that this Ordinance is based on the Historic Preservation Commission's (HPC) review of the downtown Historic District and the classifications of the properties. The HPC discussed the interval in which the review is done. Currently, the Ordinance requires a two-year interval. The HPC felt that two years is a short time frame and it should be lengthened. The reasoning is that very little happens to these properties in a two-year time frame. The HPC feels that four years is a more reasonable interval and staff concurs. This Ordinance changes the interval from two years to four years. Staff and the HPC are in support of this change.

Phil Bus, 615 Winnebago Trail, Chair of the HPC, addressed the Committee. Bus stated that the HPC is in support of the four-year time frame. He stated that the Commission is made of volunteers who meet twice a month in order to review Certificates of Appropriateness that come before the Commission. The HPC feels that the four-year time frame is sufficient and they recommend approval.

Motion: To recommend to Council approval of Ordinance 12-41: An Ordinance amending Historic District Review Interval

Maker: Stark

Second: Sparks

Voice Vote: 5 Ayes, 0 Nays, 2 Absent
All in favor. Motion carried.

*Alderman Atac entered the meeting at 7:44pm.

5. Ordinance 12-42: An Ordinance Updating Historic District Classifications for 5 Properties (Jeff Albertson 12/5/12)

Albertson reported that the HPC has gone through all the properties in the district and used criteria to decide which classification the properties should be. The HPC recommends four properties to be upgraded from Contributing to Significant and the downgrade of one property from Contributing to Non-Contributing. The properties are listed in the exhibit within the memo distributed to the Committee. The building that is recommended for a downgrade more than likely was listed as Contributing by error. Albertson clarified that the building was built in the nineties.

Albertson continued that a public meeting was held on November 26th. Notice was given to all the property owners of these properties to allow them to attend and speak to the Commission. One property owner attended the meeting. The resident was concerned that the upgrade would result in more restrictive measures for upgrades. The Commission views the upgrade as a way to protect the integrity of the property. The HPC does acknowledge the concerns of the resident that spoke to the Commission regarding the upgrade. The Commission would like to preserve the historic property and feel that they are very flexible when working with property owners. Staff spoke to the owner of the property recommended for a downgrade and they had no objection. The HPC and staff recommend approval of Ordinance 12-42. Chair Brown opened the floor for public comment.

Susan Witson, 2359 Kane Lane, stated that she is here to represent Bethany Lutheran Church as Vice-President of the Church Council. Bethany Lutheran Church owns the 335 First Street property that is being considered for an upgrade this evening. She thanked the Community Development Committee (CDC) for letting her speak this evening. Witson shared that Bethany Lutheran Church has 670 members, 75% are Batavia residents. They currently accepted 26 new members two-weeks ago and have the possibility of an additional 13 more members joining. Bethany has always been an integral part of the history of Batavia. Bethany participated in a three-way-land-swap between the Batavia School District, Park District and the Library ten years ago. Bethany bought the old school district property. The school district still owns 30 parking spaces on Bethany's property.

As part of the ministry of Bethany, we are financially subsidizing the elder day program, AID program, boy scout troop, and a residence of a single mom. Bethany has found it difficult to retain and attract new tenants. The current resident may not stay even with the subsidized rent we are providing. Bethany wants to meet the needs of the Batavia community. Bethany now participates with three other locations, with a total of four locations providing a free meal once a

month for anyone who shows up. Bethany does this the last Friday of every month. Bethany is looking for current gaps and needs for the City of Batavia. They would like to utilize the structures of Bethany more by the City of Batavia other than its current uses. Bethany truly wants to be an integral part of the City of Batavia.

Currently, the 335 First Street property is listed as Contributing. Tonight, the Committee is considering designating this property as Significant. Witson stated that a church representative attended last night's HPC meeting and was informed that the upgrade is not based on a historic business or person, it is based on style. She asked the Committee to postpone voting on this property because Bethany does not have a vision as to how they would like to use this property. Additionally, they do not fully understand the criteria in which this property was designated to be upgraded to Significant. She noted that their representative is out of town otherwise he would be addressing the Committee this evening. Bethany would like additional time to discuss this matter further.

Clark questioned if they are concerned with improvements becoming more costly if they are upgraded to Significant. Witson answered that they are concerned about the cost of improvements since they do not ultimately know how they would like to use the property. Albertson noted that the upgrade to Significant does have stricter guidelines to make improvements or changes. It is hard to say if the implications of the upgrades will be more expensive or the same without knowing what improvements would be made. Witson added that they would like to know what architectural elements would make this property Significant. They would like to have more clarity and time to investigate what the financial implications that will affect us as a non-profit organization. She added that they will abide by what the Committee decides because they would like to be an integral participant to the City. Stark expressed her concern that this structure may be removed to create additional parking. Witson stated that initially that was the reason for purchasing the property ten years ago. The ministry center has made the church landlocked.

Motion: To recommend to Council approval of Ordinance 12-42: An Ordinance Updating Historic District Classifications, omitting 335 First Street to go back to the HPC for further discussion

Maker: Clark

Second: Stark

Roll Call Vote: **Aye:** Brown, Sparks, Chanzit, Clark, Atac, Stark
Nay: None
6-0 Vote, 1 Absent; Motion carried.
Consent Agenda

Witson asked the Committee if they knew of any need that Bethany's structures could be used for to let Bethany Lutheran Church know.

6. Resolution 12-119-R: Contract Amendment Christopher B. Burke Engineering for the River St. Streetscape Project and Wilson Street Streetscape Project (Noel Basquin 12/6/12)

Basquin reported that a couple things came up during the design and construction process: irrigation system, project coordination with IDOT for the Interconnect Project, and the redesign for the foundation for Newsboy Alley and the Self-Made Man statue for a total of \$19,958.

The Committee discussed the irrigation system, foundations, what staff can approve without City Council approval, and subcommittee action. Stark wondered why an amendment has been brought to the Committee if the work has already been completed. Stark added that the subcommittee was informed about some of these amendments but we are discussing Wilson Street and the scope of the subcommittee is River Street only. Brown stated that discussion should be held on whether there will be a need for a continuance of the subcommittee for future streetscape projects.

Motion: To recommend to Council approval of Resolution 12-119-R: Contract amendment with Christopher B. Burke Engineering for the River St. Streetscape Project and Wilson Street Streetscape Project in the amount not to exceed \$19,958.00.

Maker: Clark

Second: Stark

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

CONSENT AGENDA

7. Resolution 12-118-R: Authorizing Temporary Construction Easement Agreement with Batavia Enterprises Inc. (WRM 12-6-12)

McGrath stated that staff met with Batavia Enterprises (BEI) this past Wednesday in order to discuss an orderly approach to its request to obtain some or all of the City property behind the former bike store to accommodate a new Walgreens facility.

Due to the fact that the area has been filled in, that McDonald's experienced some difficulties with foundation work due to the nature of the fill in its recent project, and the presence of a large storm water line that might have to be moved, it is in everyone's interest to get an accurate idea of just what lies beneath the surface. As in most real estate transactions, successful or not, there is usually an opportunity for a party to exercise due diligence. As BEI will be asking for TIF assistance as part of the project, getting accurate costs is very important. The work would be done at BEI's expense and the City would receive copies of all reports and underlying data. The agreement has been reviewed by the City Engineer, Public Works and the City Attorney. Staff recommends approval of Resolution 12-118-R.

Austin Dempsey, BEI, addressed the Committee. He requested that BEI have more time on the timeline. McGrath suggested that the date be changed to April 15th. There were no objections by BEI or the Committee.

Motion: To recommend to Council approval of Resolution 12-118-R: Authorizing temporary construction easement agreement with Batavia Enterprises Inc, amending the completion date from 1-15-12 to 4-15-13

Maker: Clark

Second: Atac

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

8. Downtown Improvement Grant Program – Updated Award Information (Jason Bajor 12/11/12)

McGrath reported that Bajor has been negotiating labor agreements and would like to discuss the Downtown Improvement Grant Program at a meeting in January. McGrath discussed the memo from Bajor with the Committee. He noted that all the businesses that have received the Downtown Improvement Grants from the City are still in business. Brown stated that it would be good to see where the money is going for all of the grants and a summary or identification of the properties and how successful they have been. Brown would like to know what the benefits have been in the opinion of staff and the business owners. Atac would like to have data from other communities who have similar programs and how these grants improved their community development. Sparks asked if the Downtown Improvement Grant is still accepting applications even though the Committee has not formally discussed the program. McGrath stated that staff is not accepting applications for this program since the program is under discussion. Brown stated that discussion on this program will continue when Bajor attends the January 15th CDC meeting.

9. Streetscape

McGrath distributed a spreadsheet titled “12-11-12 Another Way to look at Future Streetscape Priorities.” He stated that staff would like to acquire the priorities of the Committee to develop a program that is acceptable. Based on the input received this evening, staff would like to return with a listing of possible improvements for CDC approval. The important concepts to consider are safety (sidewalks and crossings), the City’s ‘front door’ streets, development and utilities.

The CDC considered the concepts listed in the spreadsheet handout. Atac stated that she likes the idea of beginning with Batavia Avenue but she would like to see sidewalk and bike path connection on Houston and Route 31 intersection and on Water Street. The sidewalk and bike path connections in those areas are based on safety concerns and should be a priority. Volk suggested that the matrix include the number of doorways that face out to any particular street. He explained that the number of doorways would point towards the number of people utilizing the area. He would like objective numbers such as quantifying the number of events happening on each street. Brown noted that the sidewalk on Water between First and Main Street is in terrible condition, it is very narrow and the trees have overgrown it. He would like staff to investigate if it is BEI’s or the City’s responsibility to repair the condition the sidewalks in that area.

Tenuta suggested revisiting the framework of the five neighborhoods and five streets that came before the Council. She feels the Council did set a schedule of what was a priority. She agrees that Batavia Avenue is important. She also feels that Houston Street is a priority as well. If staff continues with the matrix, she would like the streetscape framework be considered. The cost and what we are getting for the cost is also important. She would like to revisit the streetscape framework and would like staff to include the ideas in which the community contributed and information the City had already acquired. Stark added that it is important to have dollar amounts attached to projects.

Brown questioned when a decision would have to be made on Houston Street as it is already planned to begin Houston Street in 2014. Basquin responded that if there are no changes, Fall of 2013 is fine. If changes are made, staff would have to start from scratch. Brown noted that if we start from scratch there would be redundant spending since the plan for Houston Street has already been created.

Brown stated that City Council has approved the streetscape project order as follows: River Street, Wilson Street, and then Houston Street. He added that City Council approved Houston Street as drawn. Tenuta stated that the streetscape committee identified five streets in five neighborhoods to perform streetscape improvements on as well such as Batavia Avenue and Water Street, in that order. Stark would like to see how much the City thought the River Street streetscape would cost and how much it actually cost. Tenuta agreed that it would be helpful to have those numbers. Basquin stated that they will be under budget. He could get the numbers to the Committee in the next few months.

The Committee discussed improvements on the hillside by the library. Brown asked for a probable cost for that area. Basquin stated that a probable cost has been developed due to the retaining wall. Tenuta asked if the sidewalk and retaining wall will be included in the Wilson Street project. McGrath stated that it could because it is a relatively minor project.

McGrath stated that staff will return with the neighborhoods and how long it will take to get costs, lay out the time-frame over the years and come up with numbers for some of the other projects. They will add safety and access concepts to the five neighborhoods and remove projects that are not included within the five neighborhoods. He noted that City Council decided to ensure that sidewalks are included. Staff will return with a narrowed down version and recommendations on what can be done and in what year it could be done.

10. Project Status Update

Buening reported McDonald's is open. A ribbon cutting is scheduled for this Saturday. Golden Corral is open and operating. Chick-fil-A is under construction and anticipates being open in February. Wal-Mart is under construction. They are hoping to finish during the winter. O Sole Mio, 27 North River, a gelato restaurant, is under a demolition permit and working on the building permit. 8 West Wilson, Limestone Coffee Shop, is under construction. \$10 Yoga is under construction. Final inspection is scheduled for tomorrow morning and they plan on opening the same day.

11. Other

Sparks asked for clarification on the Downtown Improvement Grant. He wanted to know if the allotted money for the grant would be distributed prior to the Committee having further discussion on the program. Buening stated that staff's position on the program is that the program is frozen until further notice.

12. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 9:10pm; Made by Chanzit; Seconded by Stark. Motion carried.

CITY OF BATAVIA

DATE: January 9, 2013
TO: Community Development Committee
FROM: Scott Buening, Community Development Director
SUBJECT: Discussion of Land at the Northeast Corner of Wilson Street and Kirk Road

Background and Analysis

The property at the northeast corner of Wilson Street and Kirk Road was deeded to the City in November of 2010. There had been development proposals on this land but due to various circumstances, the property owner instead elected to deed the property to the City. There was a deed restriction on this land that prohibited selling it before November 30, 2012; however this restriction has now lapsed. The property is approximately 6.0 acres in size and is zoned CC Community Commercial. About 25% of the property has wetland on it, mostly on the eastern and northern parts of the property. The property generated approximately \$30,000 in annual property tax revenues for all taxing bodies before it was filed as an exempt property.

Staff has been discussing the property and what should be done with it. Staff feels that the highest and best use would be to sell the property and to get it back on the tax rolls as commercial property. The best case scenario would be for this to be redeveloped with a gas station as there are few such facilities in this area. Local trucks could benefit from such a facility on the way to the industrial parks to the north. That type of use is a permitted use in this district. However, there are a number of other uses that may fit well on this property, with a target towards sales tax generating uses.

That being said, the CC Community Commercial zoning has a number of uses that are permitted that may or may not be desirable for future uses. Many of these consist of service uses that will not generate sales taxes. Our suggestion would be to impose a deed restriction to prohibit certain uses that are currently permitted in the CC district. The deed restriction should be crafted such that the City could release the restriction if a future use seems to be acceptable in the future.

There are essentially two ways that the land can be sold. The first and most common way is to put out an advertisement to receive bids on the land. The highest bid received then will be the successful bidder and the land can be sold to that party. This usually yields the best price for the land, but can be cumbersome when there is someone specific interested in the land. This requires $\frac{3}{4}$ of the corporate authorities to approve the sale.

The other option is to have an appraisal made of the land value in an open market sale. The appraisal is required to be available for public inspection. There is a resolution passed to authorize the sale, and can be done either internally by staff, through a licensed real estate broker or public auction. The City can then sell the land to an interested party provided that their offer is at least 80% of the appraised price. Due to the nature of this land, this seems to be the preferable way to sell the property.

Recommendation

Staff recommends the following for this property:

1. Discuss the possible uses that should be restricted (if any) and direct staff to come back to the CDC with a proposed list and deed restriction document. Said restriction would be releasable upon City Council approval.
2. Direct staff to proceed with putting the property on the market by obtaining an appraisal for the land and posting a sign advertising the parcel for sale.

Attachments:

1. Deed
2. Clean Use List for CC-Community Commercial District
3. Redlined Use List for CC-Community Commercial District
4. Wetland Map of Property

Cc: Mayor & City Council
City Administrator
City Attorney
Press
File



2010K082857
SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 12/7/2010 12:44 PM
REC FEE: 35.00 RHSPS FEE: 10.00
PAGES: 7

**SPECIAL WARRANTY DEED
Limited Liability Company to
Municipal Corporation**

CTSA3483046 DBK 1af1

UNOFFICIAL

BY THIS SPECIAL WARRANTY DEED (the "Deed"), executed and delivered by BCP Realty, L.L.C. and JCC Realty, L.L.C., both being limited liability companies created and existing under and by virtue of the laws of the State of Illinois ("Grantor") to the City of Batavia, an Illinois municipal corporation ("Grantee"), Grantor, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration, in hand paid, and pursuant to authority given by the members of said limited partnership, GRANT, BARGAIN, SELL and CONVEY to Grantee, the following described land situated in the County of Kane in the State of Illinois, to wit:

See attached Exhibit "A"

together with all tenements, appurtenances, right of ways, privileges, licenses and easements thereunto belonging, if any.

Grantor covenants with Grantee, its successors and assigns, that the granted premises are free from all encumbrances made by Grantor, and that it does warrant and will defend the same to Grantee, and its successors and assigns, forever, against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other; provided, however, that the real property described above is conveyed subject to, and there are excepted from the limited warranty covenants of Grantor, all of the following: (i) general real estate taxes and assessments (whether general or special) not yet due and payable at the time of closing, if any; (ii) those easements, restrictions, encumbrances and matters set forth on Exhibit "B" attached (the "Permitted Encumbrances"); (iii) liens and encumbrances arising out of the acts of Grantee; and (iv) the deed restriction set forth on Exhibit "C".

Permanent Real Estate Index Number(s): 12-24-126-003-0000 (affects part of the property); and
12-24-126-046-0000 (affects part of the property)

Address of Real Estate: Northeast corner of Kirk Road and Wilson Street, Batavia, Illinois

Chicago Title Insurance Company
1795 West State Street
Geneva, IL 60134

cas

7

45 -

Dated: November __, 2010

BCP Realty, L.L.C.
an Illinois limited liability company

By: [Signature]
Manager

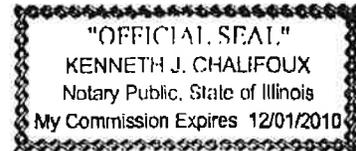
JCC Realty, L.L.C.
an Illinois limited liability company

By: [Signature]
Manager

STATE OF ILLINOIS)
COUNTY OF COOK (LAKE) ss.

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY, that Bill Anest and Peter Anest, personally known to me to be the Managers of BCP Realty, L.L.C. and JCC Realty, L.L.C., and personally known to me to be the same persons whose names are subscribed to the forgoing instrument, appeared before me this day in person and acknowledged that as such Managers, that they signed and delivered the said instrument, pursuant to authority given by the members of the limited liability companies, as their free and voluntary act, and as the free and voluntary act and deed of said limited liability companies, for the uses and purposes therein set forth.

Given under my hand and seal this 30th day of November, 2010



[Signature] (Notary Public)

EXEMPT UNDER PROVISIONS OF PARAGRAPH E, SECTION 31-45, REAL ESTATE TRANSFER TAX LAW

DATE: November 30th, 2010

[Signature]
Signature of Grantor, Grantee or Representative

Prepared by:

Mitchell M. Iseberg,
180 N. LaSalle Street #2900
Chicago, IL 60601

After Recording, Mail To:

John Noble
c/o John Noble
City Attorney
City of Batavia
100 North Island Avenue
Batavia, Illinois 60510

Grantor's Address
Name and Address of Taxpayer:
City of Batavia
100 North Island Avenue
Batavia, Illinois 60510

Unofficial

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL ONE:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 13 AND PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF ARTHUR T. MCINTOSH'S WOODLAND HILLS; THENCE NORTH 0 DEGREES 26 MINUTES 00 SECONDS WEST ALONG THE EAST LINE EXTENDED NORTHERLY OF SAID WOODLAND HILLS AND ALONG THE CENTER LINE OF KIRK ROAD 577.82 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BURLINGTON NORTHERN, INC. (FORMERLY CHICAGO, BURLINGTON AND QUINCY RAILROAD) BEING 50.0 FEET SOUTHERLY OF THE CENTERLINE (MEASURED AT RIGHT ANGLES THERETO) OF SAID RAILROAD; THENCE NORTH 73 DEGREES 07 MINUTES 14 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 291.15 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTH 73 DEGREES 07 MINUTES 14 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 221.54 FEET; THENCE SOUTH 0 DEGREES 26 MINUTES 00 SECONDS EAST PARALLEL WITH SAID EAST LINE EXTENDED NORTHERLY 673.77 FEET TO THE CENTER LINE OF WILSON STREET; THENCE WESTERLY ALONG SAID CENTER LINE 212.92 FEET TO A LINE DRAWN SOUTH 0 DEGREES 26 MINUTES 00 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 26 MINUTES 00 SECONDS WEST 624.42 FEET TO THE POINT OF BEGINNING IN CITY OF BATAVIA KANE COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 13 AND PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF ARTHUR T. MCINTOSH'S WOODLAND HILLS; THENCE NORTH 0 DEGREES 26 MINUTES 00 SECONDS WEST ALONG THE EAST LINE EXTENDED NORTHERLY OF SAID WOODLAND HILLS AND ALONG THE CENTER LINE OF KIRK ROAD 577.82 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BURLINGTON NORTHERN, INC. (FORMERLY CHICAGO, BURLINGTON AND QUINCY RAILROAD) BEING 50.0 FEET SOUTHERLY OF THE CENTERLINE (MEASURED RIGHT ANGLES THERETO) OF SAID RAILROAD FOR A POINT OF BEGINNING; THENCE NORTH 73 DEGREES 07 MINUTES 14 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 291.15 FEET; THENCE SOUTH 0 DEGREES 26 MINUTES 00 SECONDS EAST PARALLEL WITH SAID EAST LINE EXTENDED NORTHERLY 624.42 FEET TO THE CENTER LINE OF WILSON STREET; THENCE WESTERLY ALONG SAID CENTER LINE 281.59 FEET TO A LINE DRAWN SOUTH 0 DEGREES 26 MINUTES 00 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 0 DEGREES 26 MINUTES 00 SECONDS WEST 577.82 FEET TO THE POINT OF BEGINNING, IN CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

EXHIBIT "B"

PERMITTED ENCUMBRANCES

1. RIGHTS OF WAY FOR DRAINAGE TILES, DITCHES, FEEDERS, LATERALS AND UNDERGROUND PIPES, IF ANY.
2. RIGHTS OF THE PUBLIC, THE STATE OF ILLINOIS AND THE MUNICIPALITY IN AND TO THAT PART OF THE LAND, IF ANY, TAKEN OR USED FOR ROAD PURPOSES.
3. COUNTY OF KANE RESOLUTION RECORDED MAY 22, 1974 AS DOCUMENT 1298985 THAT KIRK ROAD IS FREEWAY WITH ACCESS LIMITED.
4. TERMS, CONDITIONS AND PROVISIONS CONTAINED IN AN EASEMENT AGREEMENT RECORDED JANUARY 19 2006 AS DOCUMENT 2006K006980 GRANTING A EASEMENT FOR DRAINAGE OVER, UNDER AND ACROSS THAT PART OF THE LAND FALLING WITHIN THE LAND DESCRIBED IN EXHIBIT C-1 ATTACHED THERETO AND DEPICTED IN EXHIBIT C-2 ATTACHED THERETO.
5. TERMS, CONDITIONS AND PROVISIONS CONTAINED IN EASEMENT AGREEMENT FOR INGRESS AND EGRESS, RECORDED AUGUST 23, 2002 AS DOCUMENT NUMBER 2002K104261 MADE BY AND BETWEEN THE PAUL J. SALCE FAMILY TRUST DATED DECEMBER 19, 1999 AND COMMUNICATIONS SERVICES INC.

EXHIBIT "B"

DEED RESTRICTION

GRANTEE, ITS SUCCESSORS AND ASSIGNS, OR ANY OF THEM, SHALL NOT SELL OR OTHERWISE DISPOSE OF THE ABOVE DESCRIBED PROPERTY PRIOR TO NOVEMBER 20, 2012.

Unofficial

RECORDER - KANE COUNTY, ILLINOIS

PLAT ACT AFFIDAVIT - METES AND BOUNDS DESCRIPTION

STATE OF ILLINOIS

COUNTY OF KANE } SS.

Jennifer Brower @ Chicago Title Insurance Co., being duly sworn on oath, states that she resides at 1795 W State St. Geneva, IL 60134

And further states that: (please check the appropriate box)

- A. [X] That the attached deed is not in violation of 765 ILCS 205/1 (a) in that the sale or exchange is of an entire tract of land not being a part of a larger tract of land; or
B. [] That the attached deed is not in violation of 765 ILCS 205/1 (b) for one of the following reasons: (please circle the appropriate number)

Please circle the number of the paragraph which is applicable to attached deed.

- 1. The division or subdivision of land is into parcels or tracts of five acres or more of size which does not involve any new streets or easements of access;
2. The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access;
3. The sale or exchange of parcels of land between owners of adjoining and contiguous land;
4. The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access;
5. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;
6. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;
7. Conveyances made to correct descriptions in prior conveyances;
8. The sale or exchange of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959, and not involving any new streets or easements of access;
9. The sale is of a single lot of less than five acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that his exemption does not invalidate any local requirements applicable to the subdivision of land.

Affiant further states that she makes this affidavit for the purpose of inducing the Recorder of Deeds of Kane County, Illinois, to accept the attached deed for recording, and that all local requirements applicable to the subdivision of land are met by the attached deed and the tract described therein.

[Signature]
Signature of Affiant

SUBSCRIBED AND SWORN TO BEFORE ME

this 6th day of December, 2010.

[Signature of Notary Public]
Signature of Notary Public



Table 2.303: Land Use Regulations – Commercial Districts

Use Classification	CC	Additional Regulations
Animal Services		
<i>Animal Grooming</i>	P	
<i>Small Animal Clinics</i>	P	
Automated Teller Machine (ATM)	A	See Section: 2.305.F
Automated Teller Machine (ATM), Remote	A	See Section: 2.305.F
Banks and Other Financial Institutions		
<i>Without Drive Through Facilities</i>	P	
<i>With Drive Through Facilities</i>	P	
Banquet Facility	P	
Building Material and Home Improvement Sales and Service, Retail	P	
Business Services	P	
Carnival	T	See Section: 4.509
Child Day Care	P	
Conference Center	C	
Cultural Institutions	P	
Dry Cleaning and Laundry Outlet	P, L2	
Eating and Drinking Establishments		
<i>Bars/Taverns/Nightclubs/Lounges</i>	P	
<i>Restaurants, Full Service</i>	P	
<i>Restaurants, Limited Service</i>	P	
Entertainment and Recreation, Indoor		
<i>Large-Scale</i>	C	
<i>Small-Scale</i>	P	
Entertainment and Recreation, Outdoor	C	
Farmers' Market	A	
Food Preparation		
<i>Small-Scale</i>	P	
Funeral and Undertaking Services	C	
Garden Supply Stores and Plant Nurseries	P	
Government Offices and Facilities	P	
Haunted House	T	See Section: 4.509
Health Care Facilities		
<i>Urgent Care Facility</i>	P	
<i>Medical Offices and Clinics</i>	P	
Hotels and Commercial Lodging	P	
Instructional Services, Specialized	P	
Laboratories, Commercial	P	
Laundry Services	P	
Offices, General	P	
Over-The-Air Reception Device	P	See Chapter 4.8
Pawn Shops	P	See Title 3-5-C
Personal Services	P	
Residential, Permanent		
<i>Loft Unit</i>	P	
Retail Sales, Convenience	P	
Retail Sales, Furniture	P	
Retail Sales, General	P	
Satellite Dish Antenna, Large	P, L5	See Chapter 4.8
Seasonal Sales	T	See Section: 4.509

Table 2.303: Land Use Regulations – Commercial Districts

<i>Use Classification</i>	<i>CC</i>	<i>Additional Regulations</i>
Swap Meet, Flea Market and Auction, Indoor	P	
Swap Meet and Auction, Outdoor	T	
Tattoo Parlor / Piercing Studio	P	
Teen Nightclub	C	
Utilities		
<i>Facilities</i>	C	
<i>Well Site</i>	P	
Vehicle and Equipment Sales, Leasing and Services		
<i>Car Wash</i>	P	See Section: 4.512
<i>Commercial Vehicle/Equipment Sales and Rental; New and Used</i>	C	
<i>Fueling Facility</i>	P	
<i>Fueling Facility, Alternative</i>	P	
<i>Motor Vehicle Sales and Leasing, New and Used</i>	C	
<i>Non-Commercial Vehicle Rental</i>	C	
<i>Tent Sale, Vehicle</i>	T	
<i>Vehicle and Equipment Services, Light</i>	P	See Section: 4.509
Wireless Communication Facilities	C	

L2: Drive-through Dry Cleaning and Laundry Outlets require Administrative Design Review

L5: Only as a use incidental to the principal use of the property

Table 2.303: Land Use Regulations – Commercial Districts

Use Classification	CC	Additional Regulations
Animal Services		
<i>Animal Grooming</i>	▼	
<i>Small Animal Clinics</i>		
Automated Teller Machine (ATM)	A	See Section: 2.305.F
Automated Teller Machine (ATM), Remote	A	See Section: 2.305.F
Banks and Other Financial Institutions		
<i>Without Drive Through Facilities</i>	▼	
<i>With Drive Through Facilities</i>		
Banquet Facility	P	
Building Material and Home Improvement Sales and Service, Retail	P	
Business Services	▼	
Carnival	▼	▼
Child Day Care	▼	
Conference Center	▼	
Cultural Institutions	▼	
Dry Cleaning and Laundry Outlet	▼	
Eating and Drinking Establishments		
<i>Bars/Taverns/Nightclubs/Lounges</i>	P	
<i>Restaurants, Full Service</i>	P	
<i>Restaurants, Limited Service</i>	P	
Entertainment and Recreation, Indoor		
<i>Large-Scale</i>	C	
<i>Small-Scale</i>	P	
Entertainment and Recreation, Outdoor	▼	
Farmers' Market	A	
Food Preparation		
<i>Small-Scale</i>	P	
Funeral and Undertaking Services	▼	
Garden Supply Stores and Plant Nurseries	▼	
Government Offices and Facilities	C	
Haunted House	▼	▼
Health Care Facilities		
<i>Urgent Care Facility</i>	▼	
<i>Medical Offices and Clinics</i>	▼	
Hotels and Commercial Lodging	P	
Instructional Services, Specialized	▼	
Laboratories, Commercial	▼	
Laundry Services	C	
Offices, General	▼	
Over-The-Air Reception Device	▼	▼
Pawn Shops	▼	▼
Personal Services	▼	
Residential, Permanent		
<i>Loft Unit</i>	▼	
Retail Sales, Convenience	P	
Retail Sales, Furniture	P	
Retail Sales, General	P	
Satellite Dish Antenna, Large	▼	▼
Seasonal Sales	▼	▼

Deleted: P|
P

Deleted: P|
P

Deleted: P

Deleted: T

Deleted: See Section: 4.509

Deleted: P

Deleted: C

Deleted: P

Deleted: P, L2

Deleted: C

Deleted: C

Deleted: P

Deleted: P

Deleted: T

Deleted: See Section: 4.509

Deleted: P|
P

Deleted: P

Deleted: P

Deleted: P

Deleted: P

Deleted: P

Deleted: See Chapter 4.8

Deleted: P

Deleted: See Title 3-5-C

Deleted: P

Deleted: P

Deleted: P, L5

Deleted: See Chapter 4.8

Deleted: T

Deleted: See Section: 4.509

Table 2.303: Land Use Regulations – Commercial Districts

<i>Use Classification</i>	<i>CC</i>	<i>Additional Regulations</i>
Swap Meet, Flea Market and Auction, Indoor	▼	
Swap Meet and Auction, Outdoor	▼	
Tattoo Parlor / Piercing Studio	▼	
Teen Nightclub	▼	
Utilities		
Facilities	C	
Well Site	▼	
Vehicle and Equipment Sales, Leasing and Services		
Car Wash	▼	See Section: 4.512
Commercial Vehicle/Equipment Sales and Rental; New and Used	C	
Fueling Facility	P	
Fueling Facility, Alternative	P	
Motor Vehicle Sales and Leasing, New and Used	C	
Non-Commercial Vehicle Rental	C	
Tent Sale, Vehicle	▼	
Vehicle and Equipment Services, Light	▼	See Section: 4.509
Wireless Communication Facilities	C	
<p>L2: Drive-through Dry Cleaning and Laundry Outlets require Administrative Design Review L5: Only as a use incidental to the principal use of the property</p>		

Deleted: P

Deleted: T

Deleted: P

Deleted: C

Deleted: P

Deleted: P

Deleted: T

Deleted: P



SOURCE: AERIAL PHOTOGRAPH KANE COUNTY SIDWELL IMAGE, 2010

SCALE: 1" = 200'



- WETLAND 1 (1.91 ACRES)

CLIENT CITY OF BATAVIA 100 N. ISLAND AVENUE BATAVIA, IL 60510	TITLE WILSON STREET WETLAND DELINEATION	DWN.	EAM	CHKD.	PVH
		JOB# 120129			
WILLS BURKE KELSEY ASSOCIATES LTD. 116 West Main Street, Suite 201 St. Charles, Illinois 60174 (630) 443-7755	AERIAL PHOTOGRAPH				
					EXHIBIT 6

CITY OF BATAVIA

DATE: January 15, 2013
TO: Community Development Committee
FROM: Jason Bajor, Assistant City Administrator
SUBJECT: Discussion of City Development Incentives

Issue: At the November 13, 2012, Community Development Committee (CDC) meeting, the Committee reviewed and discussed the various grant and incentive programs the City currently utilizes to assist new and expanding businesses within the TIF districts and other areas of the City. As a follow-up to that meeting, on December 11, 2012 staff provided the CDC with a memo and supporting documentation depicting information on Downtown Improvement Grant recipients and amounts dating back to 2009.

Based upon the feedback from these conversations, staff presents the following suggested changes with regard to use and level of funding to the two programs that appear to be of most concern to the CDC: the Façade Grant Program and the Downtown Improvement Grant Program.

Analysis: The following are the current provisions and recommended changes to the Façade Grant Program (i.e. external building improvements):

- Maintain the 50/50 match provision between property/business owner and the City.
- Maintain the minimum project budget of \$1,000 (i.e. minimum grant of \$500) but raise the maximum project budget amount from \$10,000 to \$20,000 (i.e. maximum grant of \$10,000).
- Property owner must be co-applicant with any business requesting assistance.
- Include an economic development assessment of the project's impact/value for the City Council's consideration prior to approval.
- Include tuck pointing as an allowable improvement for grant eligibility, however, under a one-time only provision.
- Include business signage as an allowable improvement for grant eligibility; with guidelines as to permitted and non-permitted signage types and a claw back/refund provision should the business close prior to a suitable time period (3yrs?).

The following are the current provisions and recommended changes to the Downtown Improvement Grant Program (i.e. internal building improvements):

- Maintain the 50/50 match provision between property/business owner and the City.
- Reduce the minimum project budget to \$1,000, down from \$2,500 (i.e. minimum grant of \$500) and also reduce the maximum project budget amount from \$50,000 down to \$20,000 (i.e. maximum grant of \$10,000).

- Include an economic development assessment of the project's impact/value for the City Council's consideration prior to approval.
- Restrict the allowable improvements for grant eligibility to permanent, code-related construction and remodeling (i.e. electric, plumbing, etc.).
- Property owner must be co-applicant with any business requesting assistance.

In addition, an applicant would still be able to request funding under both grant programs within a single project as long as the improvements meet the applicable grant criteria (i.e. allowable internal and external improvements). However, applicants requesting amounts in excess of the single or combined grant amounts (\$10,000 or \$20,000) would be required to submit a TIF Assistance Application, and proceed through the associated financial review and analysis which would ultimately culminate into a Redevelopment Agreement being approved by the City Council.

Conclusion: Staff welcomes a dialogue with the CDC to determine whether these suggested changes are acceptable. At the culmination of this discussion, staff will then review these matters with the Batavia Mainstreet and the Batavia Chamber of Commerce, then incorporate the changes within a draft revision of the policies and applications for the CDC's review before proceeding to the City Council for final approval.

Please feel free to contact me if you have questions.

attachments: Façade Improvement Program – Policy/Application (Current)
Downtown Improvement Grant Program - Policy/Application (Current)

cc: Bill McGrath, City Administrator
Peggy Colby, Director of Finance
Scott, Buening, Director of Community Development
Jeff Albertson, Building Commissioner
Meredith Hannah, Economic Development Analyst

City of Batavia Façade Improvement Program

INTRODUCTION

The façade Improvement Program is designed to enhance the overall appearance and image of Batavia's Downtown Historic District. The City of Batavia will provide matching grants to encourage façade improvements of storefronts in the Downtown_Historic District. Under the program building/business owners are eligible for up to 50% of the actual façade improvement costs, up to the maximum amount established by the Batavia City Council. If more applications are received than current funding levels will allow, the City reserves the right to prioritize the applications or prorate the funds awarded on the basis of the location of the project, the extent of the work, the level of private funding, and the relative impact of the proposed improvements on the area.

The Director of Community Development, (hereinafter referred to as "Director"), is responsible for staff administration of the Façade Improvement Program.

APPLICATION POLICIES

A. Eligibility

1. Projects must be located in the Downtown [Historic District](#) and in an active [Tax Increment Finance District](#).
2. Projects must have a minimum budget of \$1,000.00.
3. Projects eligible for grants may receive reimbursement for up to 50% of the actual façade improvement costs to a maximum of \$5,000 except that the Historic Preservation Commission (HPC) reserves the right to propose the allocation of grants in excess of the \$5,000 maximum for noteworthy projects per calendar year.
4. Projects must include improvements to a building façade consisting of a front, side or rear of a building adjacent to a public street.
5. Eligible improvements include, but are not necessarily limited to:
 - Awnings, canopies, and shutters
 - Doors
 - Landscaping
 - Lighting (exterior)
 - Specialty Painting
 - Restoration of original architectural features
 - Stairs, porches, railings, and exits
 - Windows
6. Projects and expenses such as the following are not eligible:

- Projects that are essentially maintenance, including, but not limited to cleaning of masonry, tuckpointing, and roof repair and replacement
- New construction or expansion projects
- Signs
- Furnishings, equipment or personal property not affixed to the real estate
- Interior remodeling or utilities upgrades
- Pest extermination
- Parking lot resurfacing
- Building or land acquisition
- Any permit or legal fees
- Work begun prior to application submittal; work done after application submittal may be eligible for grant funding
- Emergency, safety-related demolition expenses
- Work proposed on property with an active code compliance citation

B. Design Services Grant

An additional grant for services of an appropriate design professional of up to \$1,000 per project is available for schematic design, contingent upon the approval of the Façade Grant Application.

C. Evaluation Criteria

The Secretary of the Interior's Standards for Rehabilitation, in conjunction with the Batavia Historic Preservation Commission Design Guidelines, shall be used as the evaluation criteria, pending approval by the City Council of local design guidelines.

The Secretary of the Interior's Standards for Rehabilitation

The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and its environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and reserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy history materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

D. Demolition

While emergency, safety-related and minor exploratory demolition may be necessary, such demolition may prohibit inclusion in the Program.

E. Contractors

Qualified Applicants may serve as their own contractor, but in this case, only materials cost may be covered by the grant.

APPLICATION PROCEDURES

1. Applicants shall contact the Community Development Department to establish potential eligibility of proposed improvements and the availability of grant program funds.
2. A completed application form shall be submitted to the Community Development Department, including appropriate drawings, budget estimates, and proof of ownership or executed lease with owner's written consent.
3. To be considered in the initial grant cycle, complete grant applications must be submitted on or before the last regular business day of February, unless the application deadline is extended by the City Council. Applications may be submitted after the deadline, but cannot be formally accepted or begin application procedure steps 4 through 12 below until after step 8 is completed for applications accepted for the initial grant cycle, provided annual program funds are available, based on grants awarded by the City Council. These later applications will be considered on a first come-first served basis.
4. The Applicant or a designated representative is expected to attend the meeting of the HPC when the application is being discussed, to present and explain proposed

improvements and to receive review comments. The HPC shall not take action on an application unless the Applicant or a representative is present.

5. The HPC shall make a formal recommendation to the Community Development Committee on each application.
6. Revised and completed plans shall be submitted to the Director. Applicants shall also submit at least two competitive bids for all work being proposed in the project, with names of contractors, copies of all bids and anticipated dates of construction and completion. Sole source bidding may be approved by the HPC for specialized work if reasonable attempts to obtain a second bid have been unsuccessful. Eligible contractor Applicants shall submit copies of estimates for all materials, along with anticipated dates of construction and completion, as part of the application.
7. If the CDC recommends approval, the application and Agreement shall be forwarded to the City Council for approval as provided in sections 7 & 8 under “Administrative Procedures”, herein.
8. If approved by the City Council, the Agreement shall be signed by the Applicant and the City of Batavia as provided in section 7 of “Administrative Procedures,” herein.
9. The building permit fee will be waived for all work approved under the Façade Improvement Program.
10. Construction shall proceed according to the approved plans and subject to periodic inspections. Construction must be completed within 1 year of execution of the Agreement, unless a written extension is granted by the City Council.
11. Applicants shall submit contractors’ certified payroll forms, final receipts and lien waivers to the Community Development Department to request reimbursement.
12. Applicants shall maintain the property without changes or alterations to work funded by the Façade Improvement Program for a minimum period of three (3) years from the date of project completion.

ADMINISTRATIVE PROCEDURES

1. Upon submittal, the Director shall inform the applicant of the availability or anticipated availability of funds in the grant program’s budget. If funds could be available, the Director will review the application to ensure that it contains all necessary information, including drawings and specifications, preliminary cost estimates and proof of ownership or executed lease with owner’s written consent. The Director will prepare written notification to the Applicant confirming receipt of the application. If the application is incomplete, a detail of all remaining items will be included. The Director will also advise the Applicant of the submittal deadline for all material needed to make the application complete. When the application is complete the Director will accept the application and will notify each Applicant of the HPC meeting when the application will be discussed.

2. If, in the opinion of the Director the application requires additional design work before it can be reviewed, the Director will forward notification of this requirement as part of the written confirmation of the application.
3. A Design Services Grant up to \$1,000 for professional design services may be awarded as part of the Façade Grant Application approval. An application for a Design Services Grant shall contain a cost estimate from a licensed design professional along with the scope of work for the design of the project. This application, together with the complete Façade Grant Application, will be reviewed as a single application.
4. Once the deadline to receive all application submittals, as set forth under section 3 of "Application Procedures," has been reached, the Director shall forward all applications to the HPC. The HPC shall review the applications and make comments. The HPC shall review the applications at a public meeting and make comments on the application. The HPC may meet with Applicants and arrange for site visits to the properties. Upon completion of its review process, the HPC shall forward its comments to the Director, along with any other appropriate or related information.
5. The Director shall prepare a report to the CDC transmitting the HPC recommendation, including a Resolution for the awarding of grant and applicable Agreement for each application. All reports shall include bid information and any revisions requested by the HPC.
6. The CDC shall review each application, together with the Resolution, and make its recommendation for approval or disapproval to the City Council. The Applicant or a representative shall attend the CDC meeting when the application is being discussed. The CDC shall not take action on an application unless the Applicant or a representative is present.
7. If the CDC recommends approval, the Director shall prepare the Façade Improvement Program Agreement, as an exhibit to the Resolution, and forward to the City Council.
8. If approved by City Council, the Agreement shall be signed by the Applicant and the City of Batavia as provided in section 9 of "Application Procedures," herein.
9. When the project is completed, the HPC shall inspect all work done and provide notification to the Director, confirming that the Applicant has made the improvements as per the Agreement.
10. Upon confirmation by the HPC that the work has been satisfactorily completed; the Director shall approve the release of a check in the amount of the approved grant to the Applicant.



City of Batavia
 Community Development Department
 100 North Island Avenue
 Batavia IL 60510
 Phone (630) 454-2700
 Fax (630) 454-2775

Application for Façade Improvement Program

Property / Project
 Address _____

Name of Tenant _____

Lease Expiration Date _____

Submittal Date ____/____/____

Project Description :

Property Owner's Name

Phone Number _____

Mobile Number _____

E-Mail _____

Business/Applicant Name _____

Business Address _____

Phone Number _____

Mobile Number _____

E-Mail _____

Business/Applicant
 Signature * _____

Property Owner
 Signature _____

***By signing this application I acknowledge this project is subject to the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.)**

Additional Information to be Submitted with Application Check Each Completed Item

- Total Anticipated Budget: \$ _____
- Total Anticipated Grant Request: \$ _____
- Completed Certificate of Appropriateness (COA) Application Form (attached)
- Itemized List of Proposed Improvements
- Completed Bids, Based on Prevailing Wage, From Two Contractors For Work Specified on the Itemized List
- Digital Photographs of Façade Elevations (include CD or flash memory, or copies of photos already sent to the City of Batavia via email)
- Drawings and/or Modified Photographs Showing Proposed Improvements
- Paint and Material Samples
- Proof of Ownership of Property or Executed Lease



City of Batavia
 Community Development Department
 100 North Island Avenue
 Batavia IL 60510
 Phone (630) 454-2700
 Fax (630) 454-2775

Application for Certificate of Appropriateness

Property Address _____

Owner's Name _____

Property Identification Number ____-____-____-____

Phone Number _____

Existing/Proposed Use Ordinances ____ Yes ____ No

Mobile Number _____

Zoning _____

E-Mail _____

Submittal Date ____/____/____

Project Description :

Applicant's Name _____

Applicant Address _____

Phone Number _____

Mobile Number _____

E-Mail _____

Applicant Signature _____

Owner Signature _____

TYPE OF WORK

(Check All That Apply)

- | | | |
|---|---|--|
| <input type="checkbox"/> Exterior Alteration/Repair | <input type="checkbox"/> New Construction | <input type="checkbox"/> Demolition |
| | <input type="checkbox"/> Primary Structure | <input type="checkbox"/> Whole Primary Structure |
| | <input type="checkbox"/> Addition | <input type="checkbox"/> Part Primary Structure |
| | <input type="checkbox"/> Garage/Outbuilding | <input type="checkbox"/> Garage/outbuilding |
| | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Relocation of Building |

Additional Information to be Submitted with Application – Digital Format If Available

- | | |
|---|--|
| <input type="checkbox"/> Exterior Alteration/Repair | <input type="checkbox"/> Porch – Maintenance and Minor Repair |
| <input type="checkbox"/> Architectural Feature (Decorative Ornamentation) | <input type="checkbox"/> Porch – Major Repair and Reconstruction |
| <input type="checkbox"/> Awning or Canopy | <input type="checkbox"/> Retaining Walls |
| <input type="checkbox"/> Deck | <input type="checkbox"/> Roof (Change in Shape, Features, Materials) |
| <input type="checkbox"/> Door | <input type="checkbox"/> Satellite Dish |
| <input type="checkbox"/> Fence | <input type="checkbox"/> Security Doors or Windows |
| <input type="checkbox"/> Gutters | <input type="checkbox"/> Sidewalks |
| <input type="checkbox"/> Light Fixture | <input type="checkbox"/> Shutters |
| <input type="checkbox"/> Mechanical System Units | <input type="checkbox"/> Siding |
| <input type="checkbox"/> Masonry Cleaning, Repointing, Painting | <input type="checkbox"/> Signs |
| <input type="checkbox"/> Material Change (wood, brick, etc) | <input type="checkbox"/> Solar Collectors |
| <input type="checkbox"/> Painting (paint removal etc) | <input type="checkbox"/> Storm Doors or Windows |
| <input type="checkbox"/> Paving (Parking Lot, Driveways, Landscaping) | <input type="checkbox"/> Windows, Skylights |
| | <input type="checkbox"/> Others _____ |

Attach a detailed description of all work to be done for each item. Include the following materials where appropriate and check appropriate box if included

- A. Drawings, photographs, specifications, manufacturer's illustrations or other description of proposed changes to the building's exterior, to-scale drawings with dimensions will be required for major changes in design (e.g., roofs, facades, porches, and other prominent architectural features)
- B. If application is for any feature not on the primary structure, include a site plan. A site plan will not be required if there is no change to the existing structure or any proposed new structure.
- C. If changes to building materials are proposed, include samples.

New Construction/Additions

Include the following materials where appropriate and check appropriate box if included.

- For primary structure, outbuilding or addition:
 - 1. Fully dimensioned site plan
 - 2. Elevation drawings of each façade with dimensions and specifications
 - 3. Drawings, photographs, samples and manufacturer's illustrations
- Drawings or other descriptions of site improvements, e.g., fences sidewalks, lighting, pavements, decks.

Structure Demolition

1. Photographic evidence supporting the reason for demolition
2. Describe the proposed reuse of the site, including drawings of any proposed new structure
3. If economic hardship is claimed, include evidence that hardship exists (Criteria set forth in Section 7-2 of Title 12)

Structure Relocation

1. Explain what will be moved, where and why .
2. If a structure will be moved into the district from outside, include photographs.
3. Include a site plan showing proposed location of the structure on the new parcel. Describe any site features that may be altered or disturbed (e.g., foundations, walls)

FOR OFFICE USE ONLY BELOW

THIS FORM IS NOT A BUILDING PERMIT APPLICATION

Signature of Historic Preservation Commission Chair

Date of Commission Review

City Council Action: **Date** _____ **Vote Record** _____
Conditions YES*/ NO

*See Attachment

The Batavia Historic Preservation Commission, or its authorized agent, has reviewed the proposed work and has determined that it is in accordance with the applicable criteria set forth in Section 6-2 of Title 12 of the Code of the City of Batavia. Accordingly, this Certificate of Appropriateness is issued.

Any change in the proposed work after issuance of this Certificate of Appropriateness shall require inspection by Commission staff to determine whether the work is still in substantial compliance with the Certificate of Appropriateness.

This certificate is not a permit, does not authorize work to begin, does not ensure building code compliance, and does not imply that any zoning review has taken place.



City of Batavia
 Community Development Department
 100 North Island Avenue
 Batavia IL 60510
 Phone (630) 454-2700
 Fax (630) 454-2775

Downtown Improvement Grant Program Application

Property / Project
 Address _____

Owner's Name _____

Current Zoning _____

Owner's Address _____

P. I. N. Number ____ - ____ - _____

Phone Number _____

Mobile Number _____

Historic District Designation _____

E-Mail _____

Submittal Date ____/____/____

Property Owner
 Signature _____

Project Description:

Additional Information to be Submitted with Application

- Number of tenants: _____
- Number of commercial units: _____
- Number of residential units: _____
- Total grant request (Maximum 50% of total cost): \$ _____
- Minimum two (2) bids from licensed installers
- Current / Proposed use of building
- Affidavit of tenant notification of proposed work from each tenant

INTRODUCTION

The Downtown Improvement Grant Program is designed to enhance the overall economic viability and appearance of downtown Batavia by assisting in the funding of improvements that will lead to additional business activity in the downtown. The City of Batavia will provide matching grants to encourage improvements to the interior and exterior of downtown buildings to make them more attractive for new and expanding businesses. Under the program building or business owners are eligible for up to 50% of the actual improvement costs, up to a maximum amount of \$25,000. Applications will be accepted on an ongoing basis and grants will be awarded based on goals for the downtown contained in adopted Redevelopment Plans, the Comprehensive Plan and other City Council objectives. Grants will be awarded depending on the availability of funds.

The Director of Community Development (the Director), is responsible for staff administration of the Downtown Improvement Program.

APPLICATION POLICIES

A. Eligibility

1. Projects must be located in a Tax Increment Finance (TIF) district.
2. Projects must have a minimum total budget of \$2,500.00.
3. Projects eligible for grants may receive reimbursement for up to 50% of the actual improvement costs to a maximum grant of \$25,000.
4. Eligible improvements include, but are not necessarily limited to:
 - Accessibility improvements for handicapped persons
 - Energy conservation improvements
 - Electrical work, including service upgrades
 - Fire alarm systems
 - Fire sprinkler system installation or upgrade, including any needed water service improvements
 - Heating, ventilation and air conditioning
 - Lighting
 - Painting
 - Plumbing
 - Restoration of historic interior architectural features, including ceilings, light fixtures, floors and architectural detailing

- Tenant improvements for a new, expanding or relocated business
 - Utility service upgrades, including water and sewer
 - Exterior improvements eligible under the Façade Grant Program, only in conjunction with eligible interior improvements
5. Projects and expenses such as the following are not eligible:
- Building or land acquisition
 - Design services, including architectural and interior design
 - Emergency or safety-related demolition expenses
 - Flood or water damage repairs
 - Furnishings, equipment or personal property not affixed to the real estate
 - Legal fees
 - Maintenance work
 - New construction or building expansion projects
 - Parking lot resurfacing
 - Pest extermination
 - Structural repairs
 - Work begun prior to application submittal or done without a required building permit; work done after application submittal may be eligible for grant funding at the discretion of the City Council
 - Work proposed on property with an active code compliance citation

B. Evaluation Criteria

The Secretary of the Interior's Standards for Rehabilitation, in conjunction with the Batavia Historic Preservation Commission Design Guidelines, shall be used as the evaluation criteria for exterior work. Interior work will be evaluated based on the contribution the project will make to downtown redevelopment and business expansion goals.

C. Demolition

While emergency, safety-related and minor exploratory demolition may be necessary, such demolition may prohibit inclusion in the Program.

D. Contractors

Qualified Applicants may serve as their own contractor, but only the cost of materials will be considered eligible expenses to be funded by the grant.

APPLICATION PROCEDURES

1. Applicants shall contact the Community Development Department to establish potential eligibility of proposed improvements.
2. A complete application form shall be submitted to the Community Development Department, including appropriate drawings, budget estimates, two current bids for the proposed work, and proof of ownership or executed lease with owner's written consent.
3. Grant applications may be submitted at any time.
4. Applicants shall submit at least two formal written bids for all work being proposed in the project. The application shall contain the names of contractors, copies of all bids and anticipated dates of construction and completion. Sole source bidding may be approved by the CDC for specialized work if reasonable attempts to obtain a second bid have been unsuccessful. Contractor Applicants shall submit copies of estimates for all materials, along with anticipated dates of construction and completion, as part of the application.
5. The Applicant or a designated representative is expected to attend all meetings of the Community Development Committee (CDC) when the application is being discussed. The CDC will not take action on an application unless the Applicant or a representative is present.
6. The CDC shall make a formal recommendation to the City Council on each application.
7. Revised plans shall be submitted to the Director prior to scheduling the application for a City Council agenda if the CDC requests changes.
8. If the CDC recommends approval, the application and a Grant Agreement shall be forwarded to the City Council for approval.
9. If approved by the City Council, the Agreement shall be signed by the Applicant and the City of Batavia as provided in section 6 of Administrative Procedures, below.
10. Applicants shall apply for and receive a building permit prior to undertaking any work requiring a permit under the Building Code. The building permit fee will be waived for all work approved under the Downtown Improvement Grant Program.
11. Construction shall proceed according to the approved plans and subject to periodic inspections. Construction must be completed within 180 days of

execution of the Agreement, unless a written extension is granted by the Director.

12. Applicants shall submit final receipts and lien waivers to the Community Development Department to request reimbursement.
13. Applicants shall maintain the property without changes or alterations to work funded by the Downtown Improvement Grant Program for a period of three years from the date of completion. The City Council may require the owner of the benefiting property to consent to imposition of a lien on the property to insure that the property continues to be maintained in accordance with the terms of the grant and that there are no alterations or removal of improvements funded by the grant without the express written consent of the City. In the event there are unauthorized alterations or removal of improvements funded by the grant that result in diminution of value of the grant, the owner shall reimburse the City for the lost value. In the event the owner refuses to so compensate the City, the City shall have the right but not the obligation to foreclose the lien in order to collect the debt. The lien shall be released by the City at the end of the period of three years from the date of completion unless foreclosure activity is taking place, it appears reasonably likely that foreclosure will be necessary or there has been a refusal by the owner to compensate the City and the City has chosen to defer foreclosure of the lien.

ADMINISTRATIVE PROCEDURES

1. Upon submittal, the Director will review the application to ensure that it contains all necessary information, including drawings and specifications, preliminary cost estimates, bids and proof of ownership or executed lease with owner's written consent. The Director will prepare written notification to the Applicant confirming receipt of the application. If the application is incomplete, a detail of all remaining items will be included. When the application is complete the Director will notify the Applicant of the date of the CDC meeting when the application will be discussed.
2. If the application proposes exterior work, the Director will schedule that portion of the application for a Historic Preservation Commission (HPC) meeting for review. The Applicant is expected to attend this meeting to discuss the proposal with the HPC. The HPC may schedule a site visit to assist in their review. The HPC comments will be forwarded to the CDC for their consideration.
3. The Director shall prepare a report to the CDC transmitting the application, staff recommendation, the HPC recommendation, if any, and a draft Resolution for the awarding of the grant. All reports shall include bid information and any revisions requested by the HPC.

4. The CDC shall review each application, together with the Resolution, and make a recommendation for approval or disapproval to the City Council.
5. If the CDC recommends approval, the Director shall prepare a Downtown Improvement Grant Program Agreement, as an exhibit to the Resolution, and forward to the City Council for approval.
6. If approved by City Council, the Agreement shall be signed by the Applicant and the City of Batavia.
7. When the project is completed, the Director shall inspect all work done and document that the Applicant has made the improvements as per the Agreement and approved plans. The Director shall consult with the HPC regarding exterior work.
8. Upon determination that the work has been satisfactorily completed and all lien waivers have been received, the Director shall approve the release of a check in the amount of the approved grant to the Applicant.
9. The Director shall maintain a permanent record of each complete application.

CITY OF BATAVIA

DATE: January 9, 2013
TO: Community Development Committee
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: **Ordinance 13-01:** Amending Zoning Code Sections 4.207 and 5.603.1 Regarding Driveways and Administrative Design Review, and Amendment of Subdivision Regulations Section 11-5-9.B Regarding Curb Cuts and Driveways

Background

The City Council requested the Plan Commission review controls in the [Zoning Code](#) for driveways and in the Subdivision Regulations ([City Code](#) Title 11) for driveway approaches (aprons). The request was to consider allowing wider driveways and driveway approaches. On December 19, 2012, the Plan Commission held a public hearing to consider amendments to the Zoning Code and Subdivision Regulations to allow wider driveways and driveway approaches.

Summary of Zoning Code and Subdivision Regulations

The Zoning Code regulates improvements on private property. For single family residences, driveways can be up to 14 feet wide for a one car garage, and up to 18 feet wide at the property line, widening to a maximum of 4 feet wider than the door opening(s) for two or more car garages. The Code does not address driveways for single family residences that do not have a garage. Driveways for other properties (duplexes, multiple family, and non-residential properties) whether they lead to a garage or not, must be a minimum of 14 feet wide for one-way traffic and 20 feet for two-way traffic. There is no stated maximum width.

The Subdivision Regulations addresses improvements in the right-of-way. The portion of the driveway in the right-of-way (the “approach”) is limited to 22 feet at the curb or street pavement, and must narrow to 18 feet at the sidewalk or to 14 feet if the garage doors are more than 45 feet from the property line. There is no maximum width for approaches that do not lead to driveways beyond the right-of-way; however, curb cuts are generally limited to 22 feet wide.

Staff Analysis of Driveway Regulations

Staff opinion is that the maximum driveway widths at the property line as stated in the Zoning Code and Subdivision Regulations are appropriate. For single family lots, an additional parking space can be provided pursuant to Section 4.203.X in Zoning Code [Chapter 4.2: Off-Street Parking and Loading Regulations](#) that allows hard surface parallel strips or a full hard surface pad for parking adjacent to the driveway (essentially allowing the driveway to be wider by a full car width) or garage. There are potential stormwater management impacts to allowing wider driveways, and since the City typically replaces a portion of a driveway approach as part of street resurfacing/replacement projects, a wider approach would cost the City more to replace. The codes can, however, be refined to better regulate driveway widths. Staff prepared draft amendments to City codes for the Plan Commission to consider, attached to the [December 13, 1012 memorandum to the Commission](#).

Plan Commission Review and Recommendation

At the public hearing, the Commission reviewed draft changes to the Zoning Code that would:

- add a requirement for a driveway to access garages;
- create separate criteria for residential, non-residential/non-industrial driveways, and for industrial driveways; and
- add an administrative design review opportunity to consider wider non-residential driveways.

The Commission also reviewed a draft change to the Subdivision Regulations to provide for the same administrative design review opportunity to consider wider non-residential driveway approaches.

The Commission noted that the Zoning Code and Subdivision Regulations can be amended to better regulate driveway widths as staff had proposed. The consensus of the Commission was that driveways for single family residences having a 2 or more car garage should be allowed to be a bit wider on private property; the Commission suggested increasing the overall width to be up to 6 feet wider than the door opening(s). The Commission was generally supportive of the administrative design review option to allow some wider driveways and driveway approaches. There was some concern about allowing more pavement, due to its potential effect to stormwater management, cost to the City to replace portions of driveways, and aesthetic impacts to properties and neighborhoods. No citizens spoke at the hearing.

By a vote of 5-2, the Commission recommended amending the Zoning Code as drafted by staff, with the additional amendment to allow the wider, 2 car garage driveway as discussed. By a vote of 6-1, the Commission recommended amending the Subdivision Regulations as drafted by staff.

Staff Recommendation

Attached is draft Ordinance 13-01 that would amend the Zoning Code and Subdivision Regulations as recommended by the Plan Commission. Exhibit A of draft Ordinance 13-01 is a mark-up of the existing Code section showing the proposed changes; the Exhibit will be replaced by the final Code section for Council action. Staff recommends the Community Development Committee approve draft Ordinance 13-01 as presented.

Attachment: Draft Ordinance 13-01

C City Council
Department Heads
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-01
AMENDING THE CITY OF BATAVIA
ZONING CODE AND SUBDIVISION REGULATIONS
TITLES 10 AND 11 OF THE CITY CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 22ND DAY OF JANUARY, 2013**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 23rd day of January, 2013

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-01
AMENDING THE CITY OF BATAVIA
ZONING CODE AND SUBDIVISION REGULATIONS
TITLES 10 AND 11 OF THE CITY CODE

WHEREAS, the City of Batavia's Zoning Code (City Code Title 10) and Subdivision Regulations (City Code Title 11) contain definitions and provisions relating to the use and development of land in the City of Batavia; and

WHEREAS, said provisions have been reviewed and it has been determined that certain existing provisions and requirements should be amended in order to better regulate the use and development of land in the City of Batavia; and

WHEREAS, public notice of proposed amendments to Title 10 of the Batavia City Code was duly given and published as required by law; and

WHEREAS, the Plan Commission of the City of Batavia did, on December 19, 2012, conduct a public hearing with respect to proposed amendments that would accomplish the appropriate changes to Title 10, and review related changes to Title 11, and voted to recommend approval of said amendments to both titles of the City Code to the Community Development Committee; and

WHEREAS, the City Council of the City has received the recommendation of both the Batavia Plan Commission and Community Development Committee and has considered same; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane County, Illinois:

SECTION 1: That the City of Batavia Zoning Code (Title 10 of the City Code) and City of Batavia Subdivision Regulations (Title 11 of the City Code), are hereby amended in conformance with the terms of this Ordinance.

SECTION 2: That the City of Batavia Zoning Code Section 4.207 be amended in its entirety as shown in Exhibit "A."

SECTION 3: That the City of Batavia Zoning Code Section 5.603.B be amended by adding a new Subsection "i" as follows: "wider driveways allowed by Section 4.207.B.2."

SECTION 3: That the City of Batavia Subdivision Regulations Section 11-5-9-B be amended by adding a new Subsection "7" as follows: "Where additional curb cut or driveway width is needed to provide safe and efficient vehicle maneuvering space to accommodate existing

CITY OF BATAVIA, ILLINOIS ORDINANCE 13-01

conditions, the wider improvements may be considered pursuant to City Code Section 10-4.207.B.2 (Zoning Code).”

SECTION 4: That this Ordinance 13-01 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this 23rd day of January, 2013.

PASSED by the City Council of the City of Batavia, Illinois, this 23rd day of January, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 23rd day of January, 2013.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Schmitz				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Heidi Wetzell, City Clerk

Exhibit A of Ordinance 13-01

4.207 Driveway Widths

A. Single, Two and Attached Multi Family Residential Driveways accessing Individual Properties. Family Residential. A driveway is required for all vehicle accesses to individual residential properties, units, and garages. The minimum driveway width is 10 feet. The maximum width of a driveway for a:

1. Single car garage or for a driveway that does not access a garage shall be 14 feet.
2. Two or more car garage shall be 18 feet at the property line and shall not exceed the width of the garage door openings by more than 4-6 feet.

B. Other than Single Family Residential Driveways.

1. Non-industrially Zoned Properties. Single lane driveways shall be a minimum of 14 feet and a maximum of 18 feet wide. Driveways shall ~~be have~~ a minimum ~~width~~ of 14 feet and a maximum of 18 feet wide. Driveways having more than one lane shall be a minimum of 12 feet wide per lane, and cannot exceed 40 feet wide, inclusive of barrier islands.

~~B. —~~ 2. Industrially Zoned Properties. Driveways shall not exceed 40 feet in width, unless it is demonstrated through Administrative Design Review that additional width is needed to provide safe and efficient vehicle maneuvering space to accommodate existing conditions. ~~for one-way traffic and 20 feet for 2-way traffic. One-way driveways shall be clearly identified by signs and pavement markings.~~

CITY OF BATAVIA

DATE: January 11, 2013
TO: Community Development Committee
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: **Ordinance 13-06:** Variance for a Covered Porch Front Setback, 610 Ritter Drive, Dan and Stephanie Lambert, applicants

BACKGROUND & INFORMATION PROVIDED BY THE APPLICANT

Dan and Stephanie Lambert, owners of the house under construction at 610 Ritter Drive are seeking approval for a variance from Section 4.101.K in Zoning Code [Chapter 4.1: Site Regulations](#). This is the section that allows covered porches on single family residences to project up to six (6) feet into the required front building setback area. The variance seeks to allow use of the foundation that projects up to nine (9) feet into the 30 foot front building setback area for their covered front porch. For a complete review of the facts and issues for this variance proposal, please see the [staff memorandum to the Zoning Board of Appeals](#).

During the design phase of the residence, the Lambert's architect met with City staff and reviewed the porch projection allowance. The Lamberts state that due to a misunderstanding, the residence was designed with a porch that projects eight (8) feet into the front setback area. The building permit application included conflicting information on the configuration of the foundation for the residence and porch. City staff erred in approving the building permit plans that included information showing that the porch foundation would exceed the setback. The Lambert's foundation plan prepared by their surveyor that was part of the building permit application did not include the foundation for the porch and verified that the foundation complied with the required setbacks. The building permit was issued based on this surveyor-prepared foundation plan.

The Lambert's state that due to another misunderstanding, the foundation was poured to result in a front setback even less than their approved building plans proposed. The porch foundation now projects up to nine (9) feet, resulting in their applying for the three (3) foot porch setback variance.

SUMMARY OF PUBLIC HEARING

On January 9, 2013 the Zoning Board of Appeals (ZBA) held the public hearing for the requested variance. Attorney Mark Valley, representing the Lamberts, urged the ZBA to view the request openly, and not to limit their consideration to the findings in the Zoning Code. He opined that if approved, this variance would go unnoticed to the general public, therefore, there would be no consequence to the ZBA in not adhering to the Zoning Code. Mr. Valley stated that those findings are from State law and may not be relevant to the Lambert's situation. Mr. Valley informed the ZBA of the financial and practical hardship the Lamberts would face if the foundation needs to be changed. Mr. Valley also opined that there would be no real impact to the neighborhood with a porch closer to the property line since the porch would be setback from the street by not only the proposed 21 foot setback, but by the sidewalk and parkway too.

Mr. and Mrs. Lambert addressed the ZBA citing the care they had taken in designing a quality residence to fit into a neighborhood of uniquely designed residences. The residence would be energy efficient, and the architectural style, including the front porch details, was their own design. Mr. Lambert showed drawings of how the design of the porch roof support columns would need to be changed to support a larger roof overhang if the foundation needs to be moved back. Steel would need to be added to the columns, thus

compromising the columns' design. In addition to the financial impact to change the foundation, Mr. Lambert explained that the porch roof trusses had been manufactured for the residence and would need to be changed if the foundation is to change. This would result in additional substantial cost.

Two (2) neighboring residents spoke in favor of the Lambert's proposal noting that there would be no impacts to area. Three (3) letters from neighbors (attached) supporting the proposal were entered into the record.

The ZBA acknowledged its responsibility to review the variance in light of the findings for approval for a variance in Section 5.503 in Zoning Code [Chapter 5.5: Variances](#). Despite Mr. Valley's request to the ZBA to not limit itself to the findings, the ZBA pronounced its commitment to adhere to them. The ZBA questioned if the financial impact that would result if the variance was not granted would constitute the hardship referenced in Finding A. Staff explained that the referenced hardship, as stated in Finding A, refers to the property itself – its size, shape, topography, location, or surroundings. Staff answered financial hardship is not the hardship that needs to be established in this finding.

The ZBA complimented the Lamberts on the design of the residence. The ZBA noted that even if it would like the residence to be built using the existing foundation, being limited to the Zoning Code's findings will make it difficult to approve all the findings in the affirmative.

ZONING BOARD ACTION

The ZBA reviewed the findings and unanimously agreed to take action on each per the analysis in the [staff memorandum to the Zoning Board of Appeals](#). Specifically, action on each is as follows:

Finding A: There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.

Action: ZBA does not find in the affirmative.

Finding B: Such unique circumstances were not created by the current or previous owners or applicant.

Action: ZBA finds in the affirmative. The circumstance of the City's issuing a building permit that it should not have issued was not created by the Lamberts.

Finding C: The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located.

Action: ZBA does not find in the affirmative.

Finding D: The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Action: ZBA does not find in the affirmative.

Finding E: The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

Action: ZBA finds in the affirmative. There would be no negative impacts to the public welfare if the porch and residence were to be completed per the approved building permit.

On a motion to recommend approval for the requested variance, the ZBA voted 1 yes and 6 no, thus the ZBA's recommendation effectively is not to approve the variance. In reaching this recommendation the ZBA noted that it could not find in the affirmative for all findings, therefore it must recommend to not approve the variance. The ZBA stated that with factors beyond those specific in the findings being considered, the ZBA hopes the Community Development Committee recommends, and the City Council approves the variance.

STAFF RECOMMENDATION

Staff agrees with the ZBA's conclusion that with other factors being considered, the CDC can reasonably consider recommending approval of the variance. The CDC can take into consideration the fact that staff erred by issuing the permit. Additionally, both staff and the ZBA are sensitive to the financial impact removing and replacing the non-compliant portion of the foundation would cause. For these reasons, and the fact that there would be no negative impacts to the surrounding neighborhood, staff is supportive of the City Council granting a variance to allow the porch foundation to exceed the allowed front yard setback.

The CDC has the following 3 options:

1. In line with the ZBA recommendation, the CDC can recommend the City Council not approve the variance;
2. The CDC can recommend the City Council approve a variance to allow an eight (8) foot front setback for the porch foundation, as approved with the building permit issued (this would require removal and replacement of approximately 1-1.5 feet of the existing foundation of the porch foundation); or
3. The CDC can recommend the City Council approve the variance requested, to allow the existing porch foundation with a nine (9) foot projection into the front setback, rather than the allowed six (6) feet.

Staff recommends the CDC recommend option #3. While the ZBA could not consider factors such as the unintentional errors on the parts of the applicant's architect and foundation contractor, or staff error, the City Council can consider these. The Lamberts would incur considerable expense to correct a situation that, if completed with the existing foundation, would have no negative impact to the neighborhood.

Attached is draft Ordinance 13-06 that is written having a CDC recommendation and City Council approval of the requested variance for a nine (9) foot front porch setback. Staff has included draft conclusions for the CDC in the Ordinance that would lead to a recommendation for approval.

Since the ZBA recommended denial, City Council approval of a variance will require a two-thirds majority vote (minimum of 10 yes votes, not 2/3 of quorum). CDC action does not alter this requirement.

Attachments

1. Draft Ordinance 13-06
2. Neighbors' Letters of Support
3. Lambert Variance Application
4. City of Batavia exhibits and supplied plan copies

c Mayor and City Council
Department Heads
Dan and Stephanie Lambert, applicants
James Vanderheyden
Mark Valley

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-06**

**GRANT OF VARIANCE FOR FRONT PORCH SETBACK
Dan and Stephanie Lambert, Applicants
(610 Ritter Drive)**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 22ND DAY OF JANUARY, 2013**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 23rd day of January, 2013

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-06**

**GRANT OF VARIANCE FOR FRONT PORCH SETBACK
Dan and Stephanie Lambert, Applicants
(610 Ritter Drive)**

WHEREAS, Daniel J. Lambert, record Owner of 610 Ritter Drive, legally described as:

Lot 8 in Ritter Subdivision, P.U.D., a resubdivision of part of the southwest quarter of Section 26 and the northwest quarter of Section 35, all in Township 39 North, Range 8 East of the third principal meridian, according to the Plat thereof recorded December 16, 2005 as document number 2005K150310, in the City of Batavia, Kane County, Illinois (PIN 1235106016)

has filed an application for a Zoning Variance from Section 4.101.K in Zoning Code, to allow a covered porch on single family residence to project up to nine (9) feet into the required front building setback area that is three (3) feet farther than the allowed six (6) feet; and

WHEREAS, notice was duly executed and a public hearing held by the Zoning Board of Appeals on January 9, 2013; and

WHEREAS, the Zoning Board of Appeals made the following findings of fact:

1. There are unique circumstances, but none that are applicable to the property, including its size, shape, topography, location or surroundings, strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.
2. Such unique circumstances were not created by the current or previous owners or applicant;
3. The property can yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located;
4. The variance, if granted, would constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;
5. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

WHEREAS, following said hearing, the Zoning Board of Appeals recommended that the requested variance not be granted; and

WHEREAS, on January 15, 2013, the Community Development Committee reviewed the application and record of the hearing, and concurred with the findings of the Zoning Board of Appeals, but due to other circumstances the Committee concluded that:

1. Errors by the applicant in proposing, and City staff in approving a structure that does not comply with the Zoning Code were unintentional.
2. Applicants have incurred considerable expense in constructing the structure according to the approved plan.
3. Requiring changes to the built conditions to render the structure compliant would create a financial hardship for the applicants.
4. Requiring changes to the built conditions to render the structure compliant would unduly compromise the architectural integrity of the structure's design.

WHEREAS, following arriving at said conclusions, the Community Development Committee recommended approval of the proposed variance;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION 1: That the application of Dan and Stephanie Lambert, for approval of a Zoning Variance from Section 4.101.K in Zoning Code, to allow a covered porch to project up to nine (9) feet into the required front building setback area that is three (3) feet farther than the allowed six (6) feet, filed with the City, is approved.

SECTION 2: That this Ordinance 13-06 shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED the City Council of the City of Batavia, Illinois, this 23rd day of January, 2013.

PASSED by the City Council of the City of Batavia, Illinois, this 23rd day of January, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 23rd day of January, 2013.

CITY OF BATAVIA, ILLINOIS ORDINANCE 12-08

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Heidi Wetzal, City Clerk

JAMES & DEANNA VANDERHEYDEN
627 RITTER DRIVE
BATAVIA, ILLINOIS 60510
(708) 278-2891

January 1, 2013

Mr. Gene Schneider, Chairman
Zoning Board of Appeals
City of Batavia
100 North Island Ave.
Batavia, IL. 60510

Dear Mr. Schneider;

In our absence, please accept this letter as our personal public statement expressing our approval of the House Construction at 610 Ritter Drive (Lot 8) in Ritter Subdivision.

It is our understanding that, through no fault of the Owners, Dan and Stephanie Lambert, the foundation was placed 3 feet too close to the front lot line. It is our opinion that the error will cause no harm or danger to anyone at all. We feel that the Zoning Board should approve the requested variance.

Sincerely yours,

A handwritten signature in cursive script that reads "James & Deanna Vanderheyden". The signature is written in dark ink and is positioned below the typed name.

James & Deanna Vanderheyden

Submitted 1/9/13

Michael & Lonnie Kunert

613 Ritter Drive.

BATAVIA, ILLINOIS

January 4, 2013

Mr. Gene Schneider, Chairman

Zoning Board of Appeals

City Of Batavia

Dear Mr. Schneider

In our absence, please accept this letter as our personal public statement expressing our approval of the house construction at 610 Ritter Drive (lot 8) In Ritter subdivision.

It is our understanding that, through no fault of the owners, Dan & Stephanie Lambert, the foundation was placed 3 feet to close to the front lot line. It is our opinion that the error will cause no harm or danger to anyone. We feel the Zoning Board should approve the requested variance.

Sincerely yours,

A handwritten signature in blue ink that reads "Michael & Lonnie Kunert". The signature is written in a cursive style.

Michael & Lonnie Kunert

Submitted 1/9/13

J.P. and Teresa Zurek
639 Ritter Dr.
Batavia, IL 60510
904-654-5081

Jan. 4, 2013

Mr. Gene Schneider, Chairman
Zoning Board of Appeals
City of Batavia
100 North Island Ave.
Batavia, IL 60510



Dear Mr. Schneider,

In our absence, please accept this letter as our personal public statement expressing our approval of the house construction as 610 Ritter Dr. (lot 8) in Ritter Subdivision.

It is our understanding that through no fault of the owners, Dan and Stephanie Lambert, the foundation was placed three feet too close to the front lot line. It is our opinion that the error will cause no harm or danger to anyone at all.

Sincerely,

J.P. and Teresa Zurek

APPLICATION FOR ZONING VARIANCE

RE: Dan and Stephanie Lambert
610 Ritter Drive, Batavia, IL
Permit No. 20120871

**Narrative And Additional Evidence In Support
Of Request For Variance In Front Setback**

The owners, Dan and Stephanie Lambert, are building a house at 610 Ritter Drive, Batavia (the Ritter Farm Subdivision). They are a young married couple and have been saving for the construction of this house for several years. The zoning for the property is RO (Single Family)

The house is located on a large lot consisting of 15,124 square feet. The houses in the subdivision are generally on similar sized lots. The current circumstances warrant the granting of a zoning variance in order to avoid extreme hardship and expense to the homeowners. The zoning variance will not impact the subdivision or the surrounding homes because of the size of the lots and the general character of the houses in the subdivision.

Jim Vanderheyden is the architect for the home. He met with City representatives on December 16, 2011 and showed the site plans for the house. Originally, the plans included a thirty foot front yard setback to the front porch foundation. During the initial meeting, the City representative pointed out that the new zoning ordinance allowed for a covered front porch to project forward onto the required front setback area. Due to a misunderstanding, the plans were submitted with the front terrace extending eight feet into the front yard - not six feet as permitted (Section 14.101K of the City of Batavia Zoning Code). The house was moved forward on the lot with the intention to satisfy the thirty foot setback requirement.

Section 2.103 of the City of Batavia Zoning Code provides for a front setback in an RO district of 30 feet. Section 14.101 K of the City of Batavia Zoning Code provides:

“K. For single family uses in single family residential districts, covered porches may project up to 6 feet into the required front setback area. In no case shall the front porch be set back less than 10 feet.”

This Section has a specific restriction that “In no case shall the front porch be set back less than 10 feet.” In this case, the front porch when completed would have a setback of 21 to 23 feet (the front lot line is on a diagonal), instead of 24 feet.

The land surveyor also misunderstood the required placement of the terrace foundation and inadvertently detailed the house foundation another foot closer to the street on the Site Plan which he submitted to the Building Department.

The first plan review occurred on August 20, 2012. The second plan review occurred on September 4, 2012. The plans were stamped approved by the City on September 7, 2012, and the permit issued thereafter.

On September 28, 2012 (twelve days after the completion of the concrete foundation system and one day after the entire first floor framing system was built), Dan Lambert received a call from the City that the foundation placement was too close to the front lot line. On the eastern portion of the porch foundation, the front setback is off by one foot, and on the west portion of the foundation system the front setback is off by three feet. See the terrace foundation plan captioned D1 - Detail Terrace Plan - Setback Information attached hereto as Exhibit A. The discrepancy of the foundation footprint on the property ranges between one foot to three feet off (the front lot line is on a diagonal and the discrepancy amount varies). The issue affects the stone column bases which will support the timber columns supporting the roof. Including the parkway between the property line and the curb, the distance from the foundation of the porch to the curb ranges from 39'8" on the east side to 41'5" on the west side. The placement of the house and its porch on the lot is not cramped or overbuilt in any way. The stone column bases and timber columns are the most important design feature of this arts and crafts style house. Compromising the design will negatively impact the architectural character of the house. See drawing A4 captioned Custom Residence which is attached hereto as Exhibit B.

Photos of the house, the foundation system, and the neighboring houses to the east are included with the Application for Variance as Group Exhibit C (5 photos).

Additional matters in support of the Application for Variance are as follows:

1. The discrepancy in the front setback (ranging from 1 foot to 3 feet) was unintentional. A strict application of the Zoning Code would create an extreme hardship on the homeowners because the front part of the concrete foundation would have to be jack hammered out, and the stone column bases and timber columns moved back. As a result, the most important design feature of the house would be compromised. The design of the house relies significantly on the existing design and character of the covered terrace. See Plan D1 - Detailed Terrace Plan which is attached hereto as Exhibit A. Also, the owners would be required to spend substantial, unbudgeted money in doing so. In all practicality, there would be no benefit to the City or its residents in requiring that to occur. On information and belief, the current residents (including the architect who resides across the street) have no objection to the completion of the house using the poured foundation for the front porch.

2. The requested variance would not result in a grant of any special privileges inconsistent with limitations on other properties in the vicinity. The small amount of the requested variance will not be noticeable to other property owners. Further, there are many homes in the City which has front setbacks of substantially less than twenty-four feet (after subtracting the permitted six foot projection for the porch).

3. The unique circumstances applicable to the property were or are not self-imposed by the current or previous property owners. The inadvertent situation developed. The

completion of the concrete foundation system and the completion of the first floor framing system was a result of the circumstances and has nothing to do with the current or prior owners.

4. The variance will substantially satisfy the intent and purpose of the zoning district in which the house is located for the reasons set forth herein. The variance will not be detrimental in any way to the health, safety and general welfare of the persons living or working in the neighborhood, and it will not be detrimental to the general welfare of the City. The requested relief is necessary to permit the use of the property without incurring substantial money in removing the front concrete foundation and other related work. There are other properties in the City with smaller front setbacks.

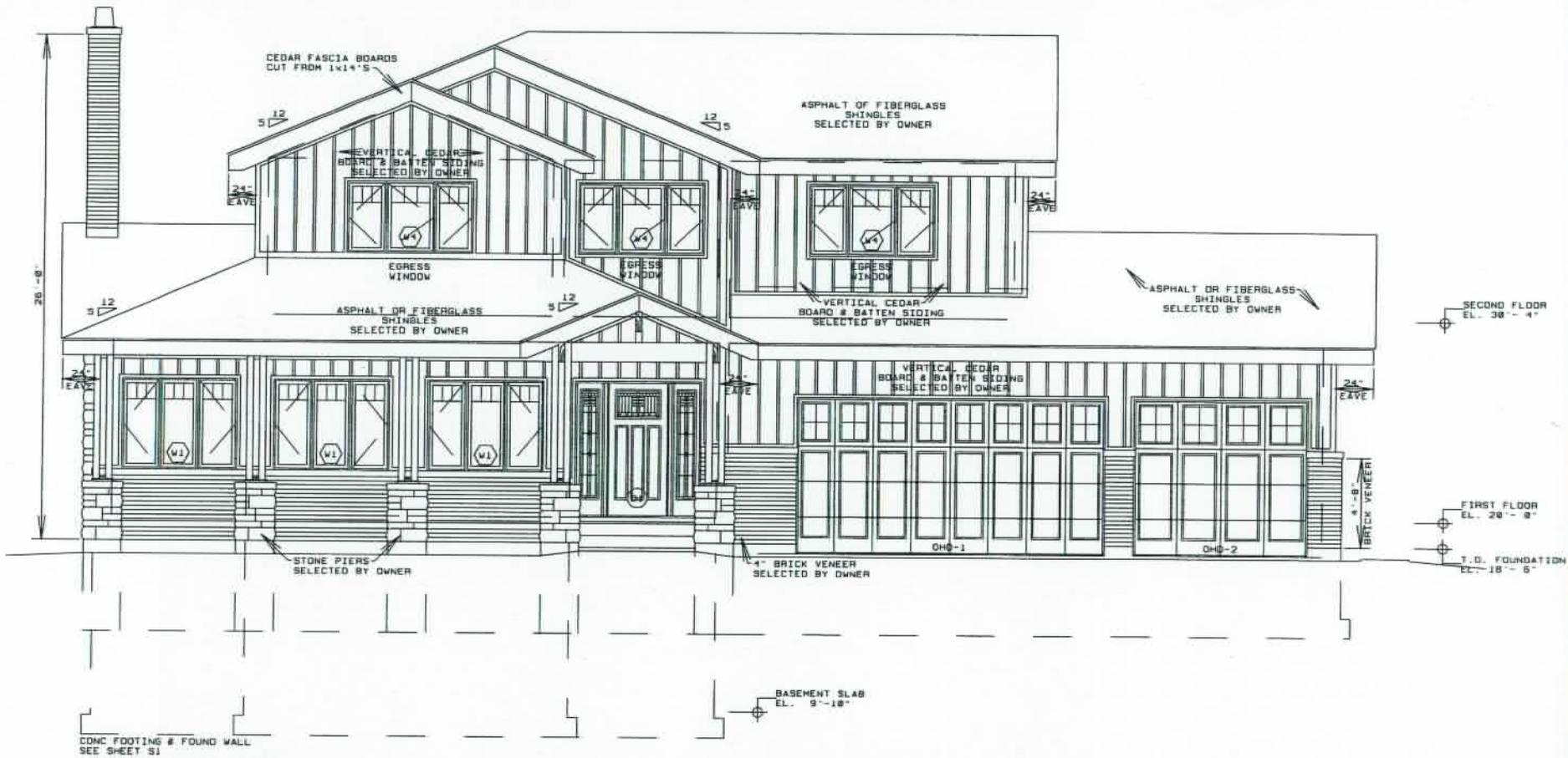
Dan and Stephanie Lambert, the owners, respectfully request that the Application for Zoning Variance be granted. It will result in substantial savings for them, will be fully consistent with the intent and purpose of the zoning in the area, and, most importantly not compromise the architectural character of the house. Thank you for your consideration of the requested variance.

Respectfully submitted,

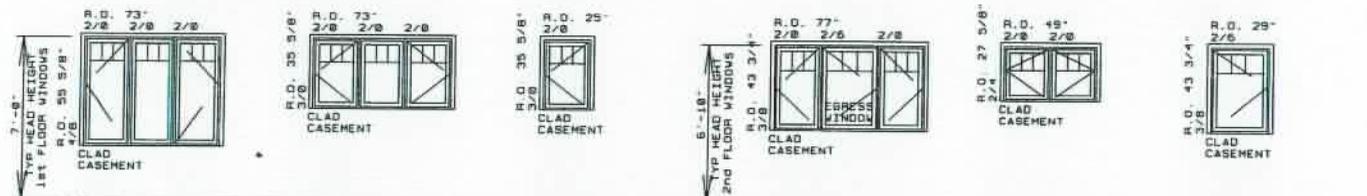
Dan and Stephanie Lambert

EXHIBIT A

EXHIBIT B



NORTH ELEVATION
SCALE: 1/4" = 1'-0"



- W1 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDL" GRILLE
SCREENS
HARDWARE
- W2 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDL" GRILLE
SCREENS
HARDWARE
- W3 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDL" GRILLE
SCREENS
HARDWARE
- W4 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDL" GRILLE
SCREENS
HARDWARE
- W5 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDL" GRILLE
SCREENS
HARDWARE
- W6 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDL" GRILLE
SCREENS
HARDWARE

LIGHT: 23.11 S.F.
VENT: 13.88 S.F.

WINDOW ELEVATIONS
SCALE: 1/4" = 1'-0"

WINDOW NOTES: A: EXTERIOR CLADDING - SELECTED BY OWNER.
B: INTERIOR HARDWARE - SELECTED BY OWNER.

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REVISION #1: DATED 08/28/12: PLAN REVIEW

NORTH ELEVATION	
CUSTOM RESIDENCE DAN & STEPHANIE LAMBERT RITTER SUBDIVISION, LOT B BATAVIA, ILLINOIS 60810	JOB NO: 0903 DATE: 06/20/12 SHEET:
ARCHITECT JAMES MICHAEL VANDERHEYDEN BATAVIA, ILLINOIS PHONE: (708) 278-2891	A4 OF: EIGHT

GROUP EXHIBIT C



610

NO
TRESPASSING

LOT B







WILKINSON
ENTERPRISES
850.417.8671

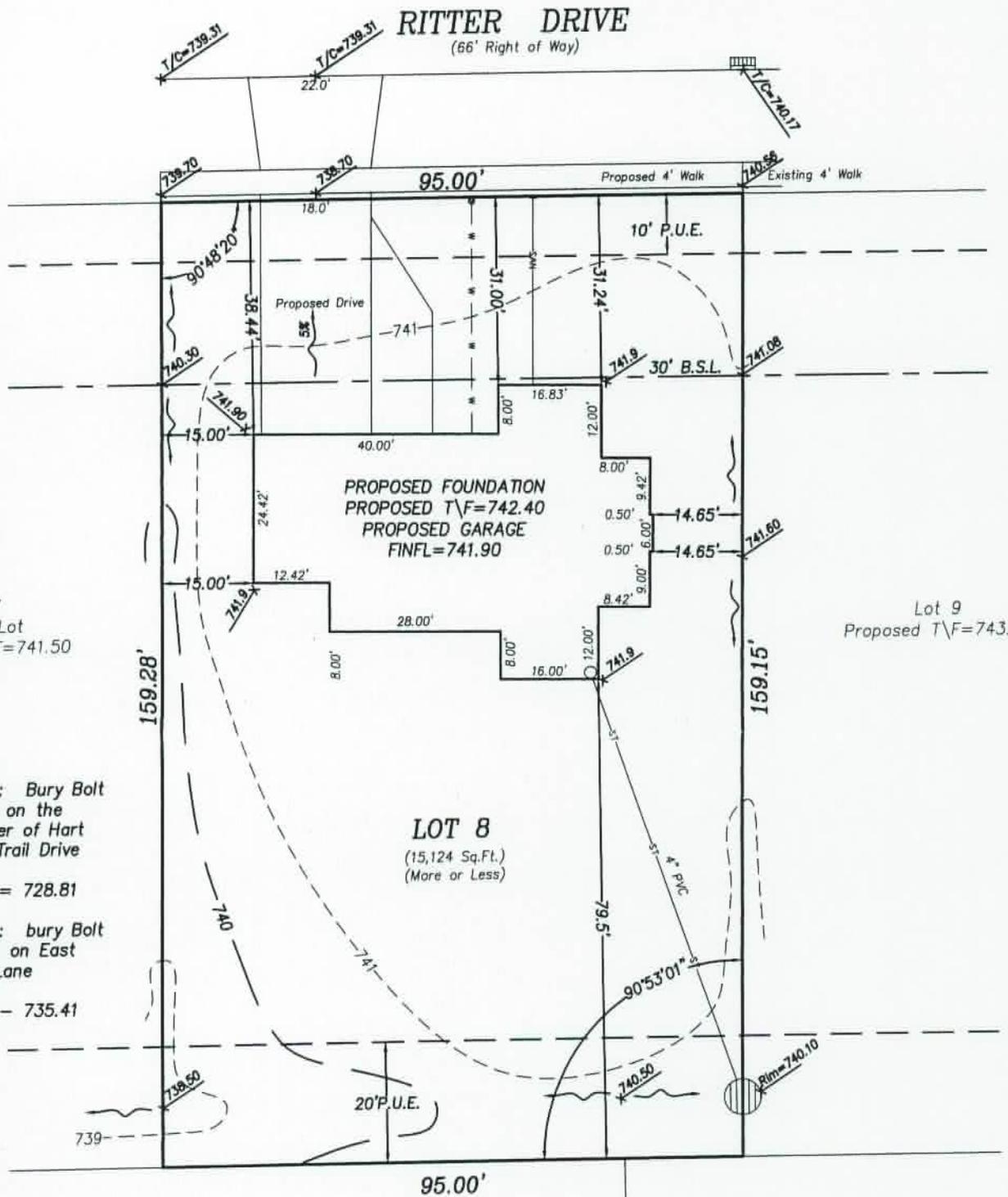
WILKINSON
ENTERPRISES



SITE PLAN

LOT 8 IN RITTER SUBDIVISION, P.U.D., A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 26 AND THE NORTHWEST QUARTER OF SECTION 35, ALL IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 2005 AS DOCUMENT NUMBER 2005K150310, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS 610 RITTER DRIVE, BATAVIA, ILLINOIS



Benchmark:

No. 1 - Offsite: Bury Bolt on fire Hydrant on the Northwest Corner of Hart Road and Fox Trail Drive

Elevation = 728.81

No. 2 - Onsite: bury Bolt on Fire Hydrant on East Side of Perna Lane

Elevation - 735.41

NOTES:

All Lot Dimensions and Bearings are Record

Building Lines as Shown on Plat of Subdivision

Driveway and Approach to be Constructed of 5" Reinforced Concrete

Proposed Sanitary Service = 6" PVC SDR

Proposed Water Service = 1-1/4" Type "K" Copper

PREPARED ON JULY 17, 2012 BY:



Michel C. Ensalaco
Michel C. Ensalaco I.P.L.S. NO. 2768

MICHEL C. ENSALACO P.L.S. 2768 EXP. 11/30/2012
ERIC G. POKORNY P.L.S. 3818 EXP. 11/30/2012

TODD SURVEYING

PROFESSIONAL LAND SURVEYING SERVICES
SITE SURVEYING, INC
1304 SUNSET AVENUE, SUITE E
YORKVILLE, ILLINOIS 60560
PHONE 630-892-1309 FAX 630-892-5544

Survey is valid only if original seal is shown in red.

Client: Dan Lambert

Book #: NB Drawn By: PM Plat #: 1132

Reference:

Field Work Completed: NA

Rev. Date Rev. Description

Project Number:

2012-0500 SITE

SCALE 1" = 20'

N = North E = East
S = South W = West

B.S.L. = Building Setback Line
P.U.E. = Public Utility Easement

Concrete/Asphalt

GRADES: PROPOSED AS-BUILT

KEY TO ABBREVIATIONS

- A/C AIR CONDITIONING
- A.F.F. ABOVE FINISH FLOOR
- BD BOARD
- B.O. BOTTOM OF
- CAR CARPET
- CB CATCH BASIN
- CJ CONTROL JOINT
- CL CEILING
- CLOS CLOSET
- CNTR CENTER
- CO CLEANOUT
- CONC CONCRETE
- CT CERAMIC TILE
- DIA DIAMETER
- DN DOWN
- DS DOWNSPOUT
- DW DISHWASHER
- EJ EXPANSION JOINT
- ELEV ELEVATION
- ELEC ELECTRICAL
- EX EXISTING
- FD FLOOR DRAIN
- FP FIREPLACE
- GYP GYPSUM
- HC HOSE CONNECTION
- HORIZ HORIZONTAL
- LAM LAMINATE
- LAV LAVATORY
- LN LINEN
- MAS MASONRY
- MECH MECHANICAL
- MH MANHOLE
- N.T.S. NOT TO SCALE
- O.C. ON CENTER
- P PAINT
- PL PLASTIC
- PLAS PLASTER
- PLUMB PLUMBING
- PNL PANEL
- REF REFRIGERATOR
- SAN SANITARY (SEWER)
- SH SHOWER HEAD
- SK SINK
- SV SHEET VINYL
- T.O. TOP OF
- TUB BATHTUB
- TYP TYPICAL
- UH UNIT HEATER
- V VINYL
- W/ WITH
- WC WATER CLOSET
- WD WOOD
- W/D WASHER & DRYER
- WH WATER HEATER
- WT WHIRLPOOL TUB

INDEX TO DRAWINGS

- ARCHITECTURAL DRAWINGS
- A1 SITE PLAN & ROOF PLAN
GENERAL REQUIREMENTS
- A2 FIRST FLOOR PLAN
- A3 SECOND FLOOR PLAN
- A4 SOUTH ELEVATION
WINDOW ELEVATIONS
- A5 EAST ELEVATION
DOOR ELEVATIONS
- A6 SOUTH ELEVATION
- A7 WEST ELEVATION
- A8 TYPICAL WALL SECTIONS
- STRUCTURAL DRAWINGS
- S1 FOUNDATION PLAN
- S2 TERRACE FOUNDATION PLAN
FOUNDATION DETAILS
1st FLOOR FRAMING DIAGRAM
- S3 2nd FLOOR FRAMING DIAGRAM
1st FLOOR ROOF DIAGRAMS
- S4 2nd FLOOR CEILING DIAGRAM
ROOF FRAMING DIAGRAM
- ELECTRICAL DRAWINGS
- E1 BASEMENT ELECTRICAL
- E2 FIRST FLOOR ELECTRICAL
- E3 SECOND FLOOR ELECTRICAL

GENERAL NOTES:

- A. IT IS THE OWNER'S INTENTION TO ACT AS THE GENERAL CONTRACTOR AND COORDINATE THE FOLLOWING WORK:
CONCRETE WORK
STEEL WORK
CARPENTRY WORK
MASONRY WORK
ROOFING WORK
HVAC WORK
PLUMBING WORK
ELECTRICAL WORK
- B. THESE DRAWINGS ARE INTENDED TO DEFINE THE SCOPE OF WORK FOR A SINGLE FAMILY RESIDENCE IN COMPLIANCE W/GENERALLY ACCEPTED BUILDING CODE REQUIREMENTS. EACH SUB-CONTRACTOR SHALL EXAMINE THE DRAWINGS TO DETERMINE COMPLIANCE WITH SPECIFIC LOCAL CODE REQUIREMENTS AND REPORT DEFICIENCIES TO THE GENERAL CONTRACTOR BEFORE SUBMITTING PROPOSALS. EACH SUB-CONTRACTOR, BY SUBMITTING A PROPOSAL OR BY DOING ANY WORK, REPRESENTS THAT THE WORK CONFORMS TO ALL LOCAL BUILDING CODES AND REGULATIONS.
- C. THE GENERAL CONTRACTOR SHALL COORDINATE ALL WORK BETWEEN SUB-CONTRACTOR'S.
- D. ALL MATERIALS AND FIXTURES INSTALLED BY THE CONTRACTORS SHALL BE NEW, UNLESS SPECIFICALLY NOTED ON THESE DRAWINGS OR APPROVED BY THE OWNER IN WRITING.
- E. ALL WORK SHALL BE PERFORMED IN AN ORDERLY AND WORKMAN-LIKE MANNER. ALL DEBRIS SHALL BE CLEANED UP ON A DAILY BASIS. DEBRIS FROM DEMOLITION SHALL BE REMOVE FROM THE SITE BY THE CONTRACTOR IN A LEGALLY AND ORDERLY MANNER. MATERIALS TO BE INSTALLED SHALL BE PROTECTED AGAINST THEFT OR DAMAGE FROM WEATHER CONDITIONS.
- F. ALL WORK PERFORMED, INCLUDING MATERIALS AND LABOR, SHALL BE GUARANTEED FREE OF DEFECT FOR A MINIMUM PERIOD OF ONE YEAR. THE CONTRACTOR SHALL AGREE TO CORRECT ANY DEFECT IN MATERIALS AND WORKMANSHIP WITHOUT COST TO THE OWNER DURING THIS PERIOD.

ELECTRICAL REQUIREMENTS:

GENERAL NOTES:

- A. PROVIDE A NEW 200 AMP UNDERGROUND SERVICE AND METER IN A LOCATION DIRECTED BY THE OWNER. THE ELEC CONTRACTOR SHALL PROVIDE A COMPLETE AND WORKING ELEC SYSTEM IN COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE ELEC CONTRACTOR SHALL DESIGN AND SIZE EACH CIRCUIT, AND LABEL CIRCUITS IN THE NEW PANEL BOX. PROVIDE A BOX LARGE ENOUGH FOR SIX (6) SPACES, MINIMUM, FOR FUTURE USE.
- B. ALL ELEC FIXTURES SHALL BE SELECTED BY THE OWNER AND INSTALLED BY THE ELEC CONTRACTOR IN THE GENERAL LOCATIONS SHOWN ON THE DRAWINGS.
- C. PROVIDE SMOKE DETECTORS ON EACH LEVEL WIRED IN PARALLEL WITH BATTERY BACK-UP IN ACCORDANCE WITH LOCAL CODES AND REGULATIONS. CONTACT THE LOCAL FIRE DEPARTMENT FOR ANY ADDITIONAL REQUIREMENTS.

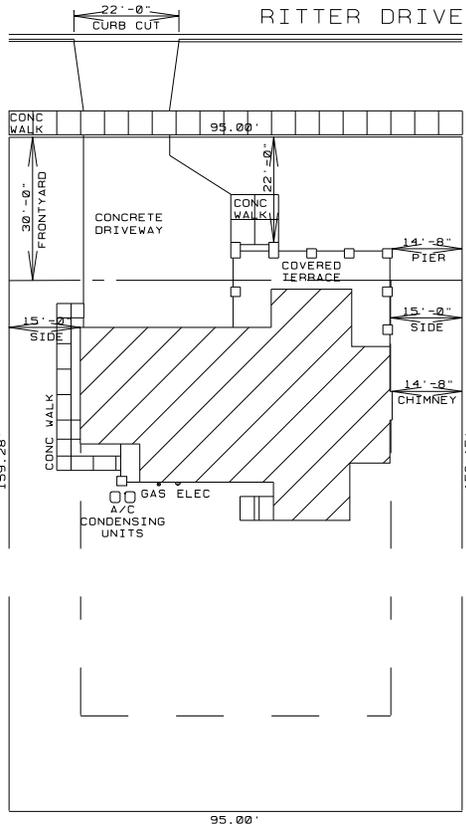
KEY TO ELECTRICAL SYMBOLS:

- ☉ SURFACE MOUNTED CEILING FIXTURE
- ☉_R RECESSED CEILING FIXTURE
- ☉_P SURFACE MOUNTED CEILING PENDENT
- ☉_W WALL MOUNTED FIXTURE
- ⊕ GROUNDED DUPLEX OUTLET
- ⊕₄ GROUNDED 4-GANG OUTLET
- ⚡ SWITCH
- ⚡₂ DIMMER SWITCH
- ⚡₃ 3-WAY SWITCH
- ⚡₄ MASTER SWITCH
ELEC CONTROL PANEL
- ☎ TELEPHONE JACK
- ☎_{TV} TV CABLE/ANTENNA
- ⊗ DISCONNECT
- ⊗_M MOTOR
- GFI GROUND FAULT INTERRUPTER - INTERIOR
- GFCI GROUND FAULT INTERRUPTER - EXTERIOR
WITH PROTECTIVE PLASTIC COVER
- ⊕_{SD} SMOKE DETECTOR
⊕_{SD} FIRST ALERT - HARD WIRE - INTER-CONNECT
- ⊕_{CO} SMOKE/CARBON MONOXIDE DETECTOR
⊕_{CO} FIRST ALERT - HARD WIRE - INTER-CONNECT

HVAC SYSTEM:

GENERAL NOTES:

- A. IT IS THE INTENTION OF THIS DESIGN TO INSTALL ONE (1) FORCED AIR COMBINED HEATING & COOLING SYSTEMS IN THE BASEMENT.
- A. IT IS THE INTENTION OF THIS DESIGN TO PLAN FOR A RADIANT HEATING SYSTEM TO BE INSTALLED IN THE FUTURE TO HEAT THE BASEMENT FLOOR SLAB. VERIFY WITH OWNER.
- C. THE HVAC CONTRACTOR SHALL PROVIDE ANY MFR INFORMATION REQUIRED BY THE BUILDING DEPARTMENT AND SUBMIT ANY DRAWINGS OR DIAGRAMS REQUESTED BY THE BUILDING DEPARTMENT FOR PERMITS.

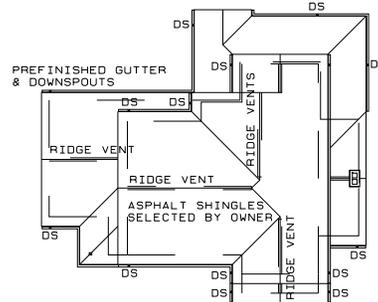


SITE PLAN

SCALE: 1" = 20'-0" NORTH

SITE PLAN NOTES:

- A. THE EXCAVATION CONTRACTOR SHALL SCRAPE OFF TOPSOIL IN BUILDING AREA AND STOCKPILE SOIL IN A LOCATION SELECTED BY THE OWNER.



ROOF PLAN

SCALE: 1" = 20'-0" NORTH

ROOFING NOTES:

- A. PROVIDE NEW ASPHALT SHINGLES OVER ENTIRE ROOF AREA. PROVIDE MATERIAL SAMPLES TO THE OWNER FOR SELECTION.
- B. PROVIDE 30 LB ICE & WATER SHIELD IN VALLEYS AND AT EAVES - ICE SHIELD SHALL EXTEND 24" INSIDE EXTERIOR WALL LINES.
- C. THE ROOFING CONTRACTOR SHALL GUARANTEE MATERIALS & INSTALLATION FOR ONE (1) YEAR.

REQUIRED CODES:

- BATAVIA MUNICIPAL CODE 97-34 & 03-17
- 2006 INTERNATIONAL RESIDENTIAL CODE - IRC
- 2006 INTERNATIONAL MECHANICAL CODE - IMC
- 2005 NATIONAL ELECTRIC CODE - NEC
- 2004 ILLINOIS STATE PLUMBING CODE - IPC
- 2009 INTERNATIONAL ENERGY CONSERVATION CODE - IECC

PLUMBING REQUIREMENTS:

GENERAL NOTES:

- A. FOR THE PURPOSE OF PREPARING BIDS FOR PLUMBING WORK, THE PLUMBING CONTRACTOR SHALL OMIT THE COST OF PLUMBING FIXTURES. THE OWNER SHALL SELECT ALL PLUMBING FIXTURES AND EITHER PURCHASE FIXTURES THEMSELVES OR GIVE THE LIST TO THE PLUMBING CONTRACTOR FOR PURCHASE AND THE COST ADDED TO THE PLUMBING CONTRACT. THIS CONTRACTOR SHALL PROVIDE WASTE & VENT PIPING, HOT AND COLD WATER SUPPLY PIPING, TIE-IN TO THE CITY IN ACCORDANCE WITH ALL LOCAL CODES AND REGULATIONS AND INSTALL FIXTURES SELECTED OR PURCHASED BY THE OWNER IN THE GENERAL LOCATIONS SHOWN.
- B. THE PLUMB CONTRACTOR SHALL DESIGN & SIZE THE WASTE & VENT PIPING AND HOT & COLD WATER SYSTEM IN STRICT ACCORDANCE WITH STATE & LOCAL CODE REQUIREMENTS AND PROVIDE ANY ADDITIONAL DIAGRAMS REQUIRED BY THE BUILDING DEPT FOR PERMITS.
- C. THE PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR ANY GAS PIPING FOR APPLIANCES AND HVAC WORK. VERIFY WITH HEATING & A/C CONTRACTORS & OWNER THE INSTALLATION OF NEW EQUIPMENT REQUIRING GAS PIPING. VERIFY LOCATION OF ANY UNDERGROUND GAS PIPING BEFORE EXCAVATION WORK.

ARCHITECT'S CERTIFICATION:

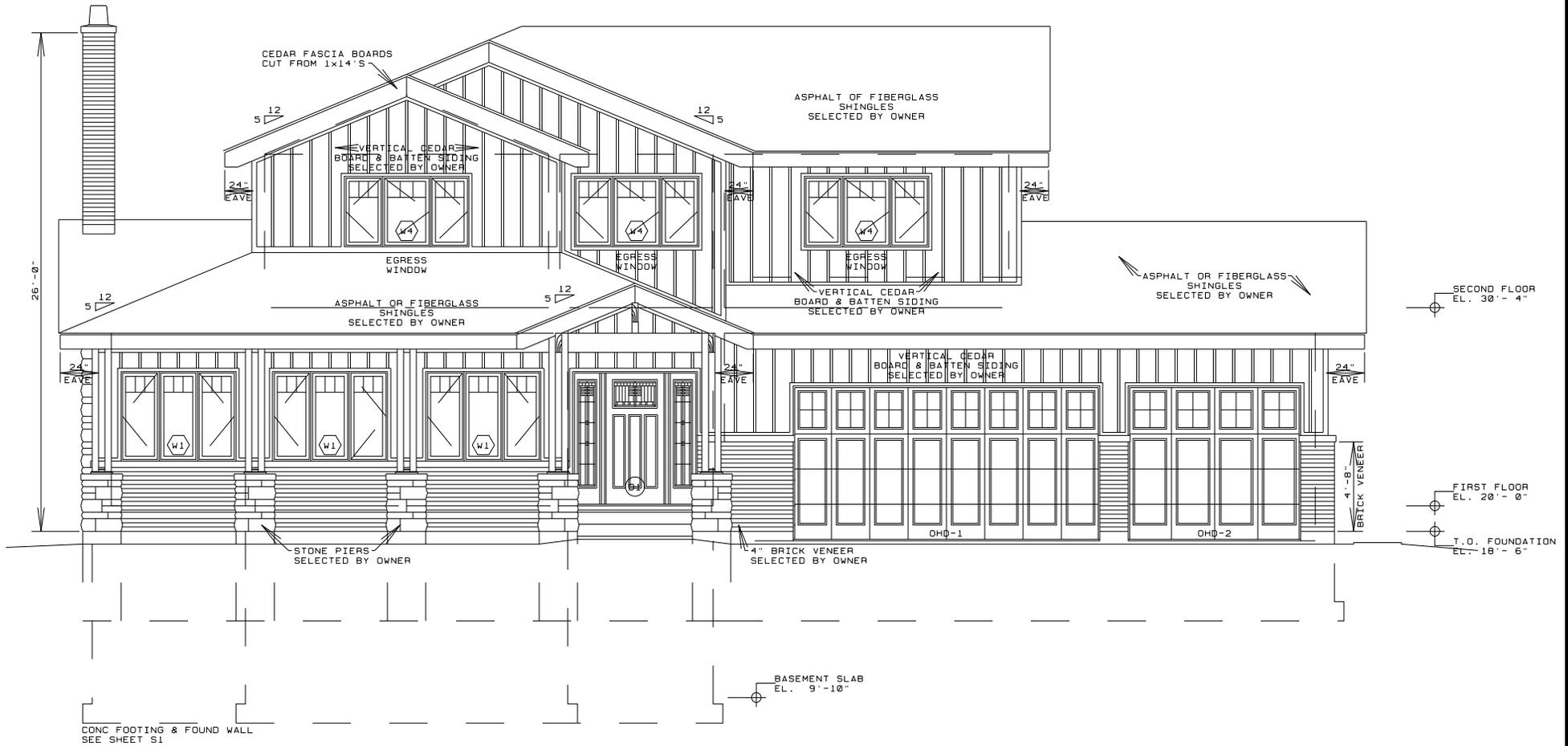
I DO HEREBY CERTIFY THAT THE FOLLOWING DRAWINGS HAVE BEEN PREPARED UNDER MY PERSONAL SUPERVISION AND, TO THE BEST OF MY KNOWLEDGE AND UNDERSTANDING, COMPLY WITH ALL CODES AND REGULATIONS OF THE CITY OF BATAVIA, ILLINOIS.

JAMES MICHAEL VANDERHEYDEN, ARCHITECT
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REVISION #1: DATED 08/28/12: PLAN REVIEW

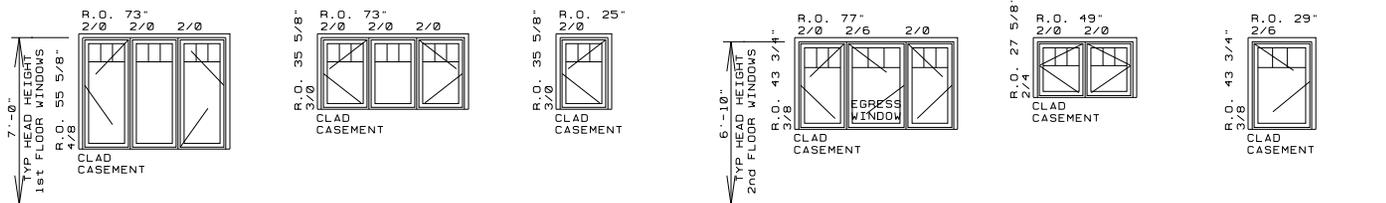
SITE PLAN, ROOF PLAN, & GENERAL REQ'TS.	
CUSTOM RESIDENCE DAN & STEPHANIE LAMBERT RITTER SUBDIVISION, LOT 8 BATAVIA, ILLINOIS 60510	JOB NO: 0903 DATE: 06/20/12 SHEET:
ARCHITECT JAMES MICHAEL VANDERHEYDEN BATAVIA, ILLINOIS PHONE: (708) 278-2891	
A1	
OF: EIGHT	

Batavia
Exhibit 1



NORTH ELEVATION

SCALE: 1/4" = 1'-0"



- W1 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDI" GRILLE
SCREENS
HARDWARE
- W2 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDI" GRILLE
SCREENS
HARDWARE
- W3 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDI" GRILLE
SCREENS
HARDWARE
- W4 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDI" GRILLE
SCREENS
HARDWARE
- W5 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDI" GRILLE
SCREENS
HARDWARE
- W6 "MARVIN" INTEGRITY WINDOW SELECTED BY OWNER
INSUL "LOW E"
"SDI" GRILLE
SCREENS
HARDWARE

LIGHT: 23.11 S.F.
VENT: 13.00 S.F.

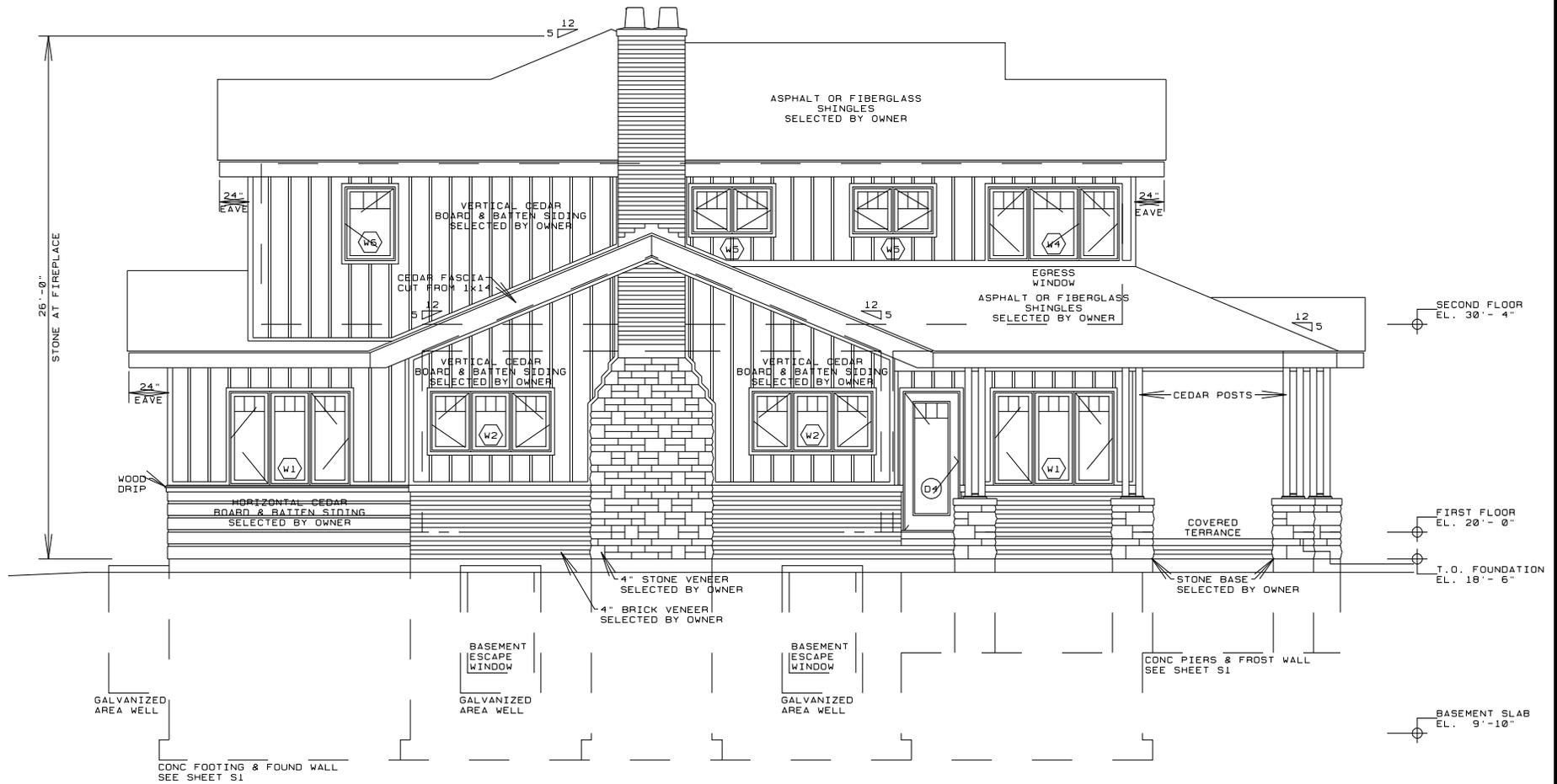
WINDOW ELEVATIONS

SCALE: 1/4" = 1'-0"

WINDOW NOTES: A: EXTERIOR CLADDING - SELECTED BY OWNER.
B: INTERIOR HARDWARE - SELECTED BY OWNER.

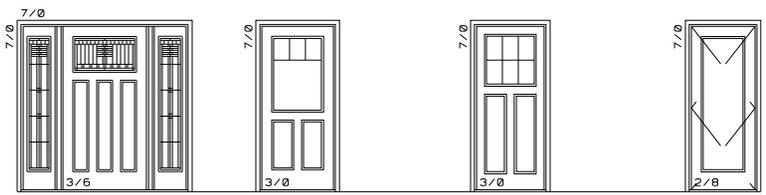
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NORTH ELEVATION	
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A4	
OF: EIGHT	



EAST ELEVATION

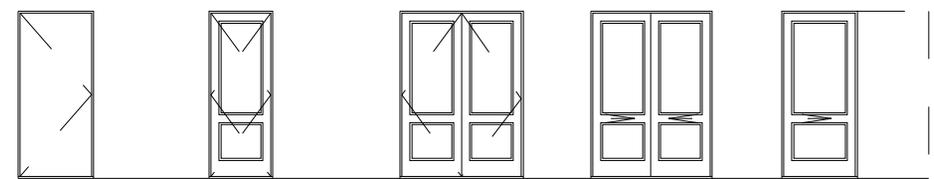
SCALE: 1/4" = 1'-0"



- D1** "SIMPSON" CRAFTSMAN COLLECTION SOLANO II SOLANO SIDELIGHTS SOLID "FIR" ENTRY HARDWARE SELECTED BY OWNER
- D2** "SIMPSON" EXTERIOR SASH DOOR INSUL "LOW E" GLASS SIM DIVIDED LITES SOLID "FIR" ENTRY HARDWARE SELECTED BY OWNER
- D3** "MFR" SELECTED BY OWNER METAL EMBOSSED PANEL ENTRY DOOR WITH LIGHT INSUL "LOW E" GLASS HARDWARE SELECTED BY OWNER
- D4** "MFR" SELECTED BY OWNER INSWING FRENCH DOOR INSUL "LOW E" GLASS 7/8" "SDL" GRILLE HINGED SCREEN DOOR HARDWARE SELECTED BY OWNER
- D5** "MFR" SELECTED BY OWNER WOOD "OAK" FLUSH UL "B" LABEL (1 HR) SEALED & GASKETED INSULATED CORE FIRE RATED DOOR HARDWARE SELECTED BY OWNER & INCLUDE SELF CLOSING HINGES

DOOR ELEVATIONS

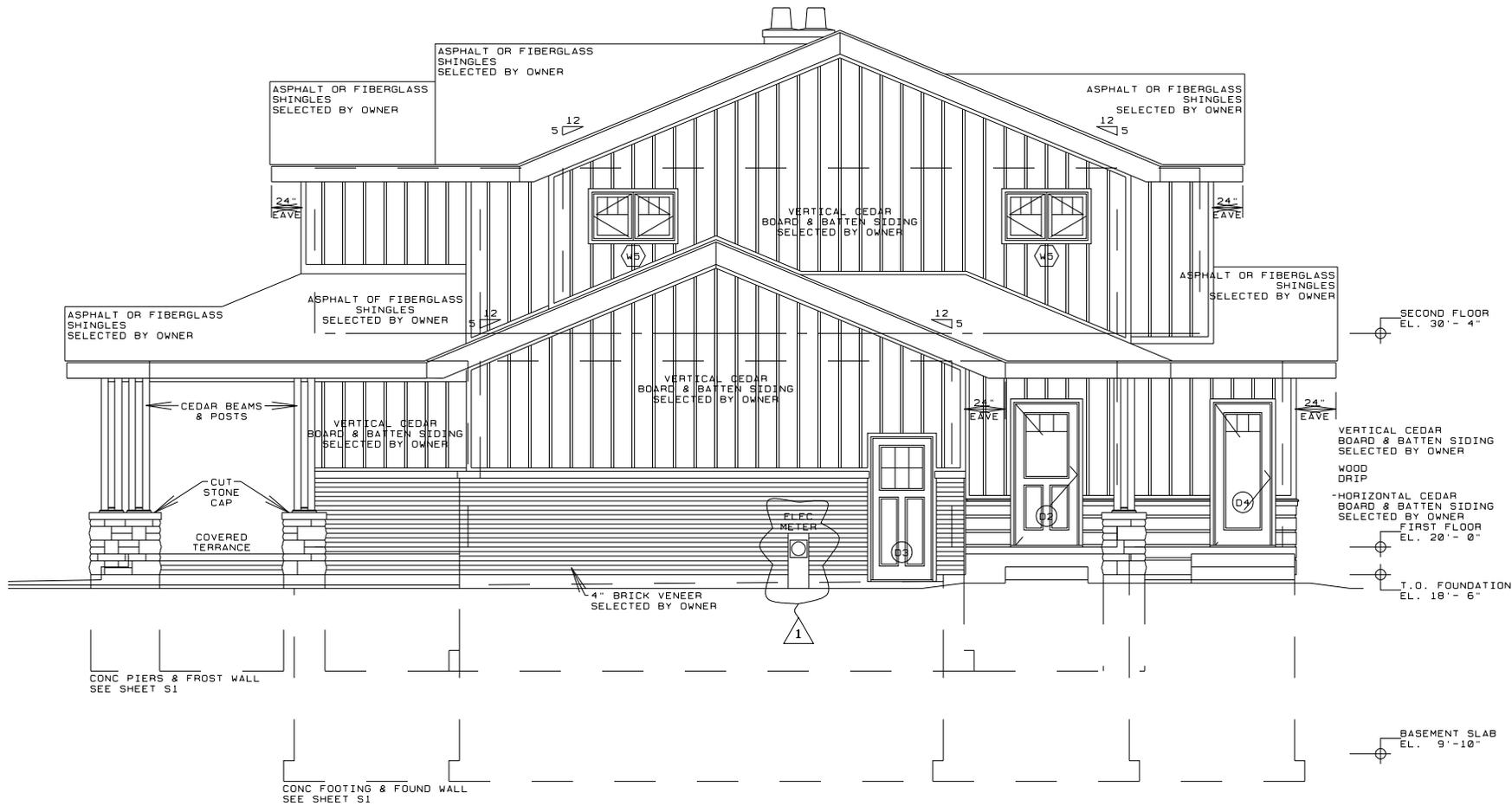
SCALE: 1/4" = 1'-0"



- D6** "MFR" SELECTED BY OWNER PRE-HUNG HINGED INTERIOR PANEL DOOR SOLID WOOD OAK VENEER HARDWARE SELECTED BY OWNER
- D7** "MFR" SELECTED BY OWNER PRE-HUNG HINGED INTERIOR PANEL DOOR SOLID WOOD OAK VENEER HARDWARE SELECTED BY OWNER
- D8** "MFR" SELECTED BY OWNER PRE-HUNG BI-PASS INTERIOR PANEL DOOR SOLID WOOD OAK VENEER HARDWARE SELECTED BY OWNER
- D9** "MFR" SELECTED BY OWNER PRE-HUNG POCKET SLIDER INTERIOR PANEL DOOR SOLID WOOD OAK VENEER HARDWARE SELECTED BY OWNER

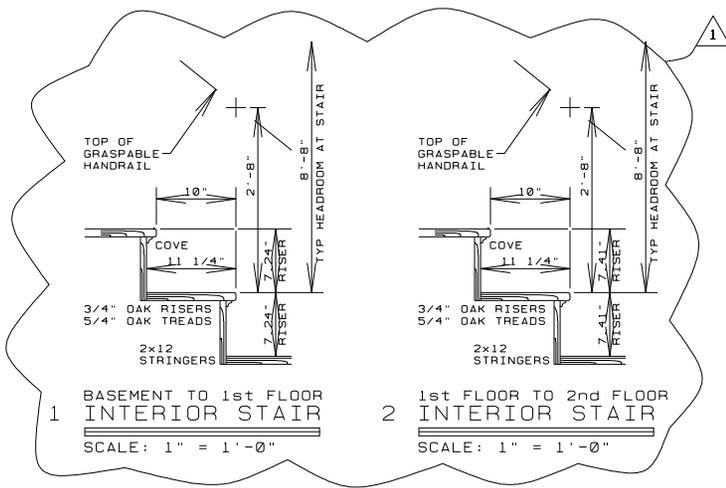
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EAST ELEVATION		JOB NO: 0903
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ARCHITECT JAMES MICHAEL VANDERHEYDEN BATAVIA, ILLINOIS PHONE: (708) 278-2891		SHEET: A5
		OF: EIGHT



WEST ELEVATION

SCALE: 1/4" = 1'-0"



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		OF: EIGHT

