

CITY OF BATAVIA
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**PLAN COMMISSION
AGENDA**

**Wednesday, January 18, 2017
7:00 PM
City Council Chambers - First Floor**

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Approval Of Minutes
December 7, 2016 Plan Commission

Documents:

[PC 12-07-16_DRAFT.PDF](#)

5. Proposed Duplex Residence: 1095-1097 First Street
 - Design Review
 - Variation from the Subdivision Code for a recorded building line
John and Gretchen Hubbe, Applicants

Documents:

[PC-MEMO-DESIGN REVIEW-011317.PDF](#)

6. Approval: Preliminary/Final Plat Of Subdivision For Consolidation Of Lots 87 And 88 Of
Batavia Business Park
Southwest Corner of Fabyan Parkway and Louis Bork Drive
Batavia Land Venture, LLC, Applicant

Documents:

[PC-CONSOLIDATION-011217.PDF](#)

7. Public Hearing: Amending The Text Of The Zoning Code Regarding Recreational Vehicles
On Residential Properties
City of Batavia, applicant

Documents:

[PC RV AMEND.PDF](#)

8. Other Business

9. Adjournment

Plan Commission

Tom Gosselin

Sara Harms

Joan Joseph

Tom LaLonde, Chair

Sue Peterson

Gene Schneider, Vice-Chair

MINUTES
December 7, 2016
Plan Commission
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.

1. Meeting Called to Order for the Plan Commission

Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Vice-Chair Schneider; Commissioners Gosselin, Joseph, and Peterson

Members Absent: Commissioner Harms

Also Present: Laura Newman, City Administrator; Scott Buening, Director of Community Development; Chris Aiston, Economic Development Consultant; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

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

4. Variation to the Subdivision Regulations to Not Require a Public Sidewalk 1327 Goldenrod Drive – Thomas and Deborah Doyle, Owners/Applicants

Rackow reported that the owners/applicants are requesting a variation from the subdivision code to request a waiver from constructing a sidewalk in front of the home that they are currently building. The City does have in the subdivision code a staff reviewable allowance to waive a sidewalk when it is 1,000 feet away from parks, schools and Pace Bus Routes and 500 feet away from an existing sidewalk. This property does not fall under these criteria because there is a sidewalk along Woodland Hills to the west. They are requesting a variation to the subdivision code through our subdivision process. The Doyles would be willing to put in a fee in lieu instead of constructing a sidewalk due to the fact that there are no sidewalks immediately near this property. Keeping the character of this property's neighborhood was a reason for this request. This property was originally developed in unincorporated Kane County and was annexed into the City later. Staff has reviewed the request and due to the close proximity of sidewalks to the west and the trail to the east, staff is recommending denial of this request.

Tom Doyle, applicant, stated that they agree with most said but wanted to address some issues. It is to his understanding that if there is a hardship or peculiar conditions of the site or the surrounding areas where the variance would not destroy the intent of the regulation. It is his understanding that the intent of the regulation is two-fold; it is for pedestrian safety and interconnected sidewalks. Their property is a one block dead-end street. We would have the

sidewalk in the middle of the street and there are no sidewalks anywhere else. He stated that you would not have many pedestrians, if any, utilize this sidewalk. If we are trying to promote pedestrian safety he does not see that benefit at all if you put a sidewalk in front of his house. The discussion also is about the importance of interconnecting sidewalks and trails. This would not connect to anything. There is a trail of Kirk Road but everyone in the area uses Pine Street. The intent of the regulations do not apply to his property as it exists today. He clarified that they did not say that they would put cash in lieu, they meant that when there is a sidewalk program and when the sidewalks are going in Goldenrod, they would pay 100% for the sidewalk in front of our home. They would not ask the City or the neighbors to pay for the sidewalk and they understand it is their responsibility. They are very willing to fund the sidewalk when the sidewalks are installed.

Schneider stated he supports a request that includes cash in lieu. Buening stated that the City Council had a lengthy discussion regarding policy on this matter. Most of the time sidewalks come in when there is a new development happening and this is a new development. The concern is that most new houses that are built in the community build a sidewalk as part of the public improvements that are required. If they did cash in lieu that could address the situation but depending on when the sidewalk is built depends on how much money the sidewalk would ultimately cost.

Peterson stated that she fully supports the waiver. She observed that many of the streets that go off of Woodland Hills Drive have no sidewalks and this would be very unique place to put a sidewalk in, in the middle of the block where it connects with nothing. As far as the path goes, there is a fence at the end of the street and the path itself is in very poor condition. She does not see that it is a major concern that the sidewalk leads to the path. She thinks it is within reason that the applicants asked for this waiver. Gosselin stated that he is more in line with Peterson's comments but a cash in lieu does make sense.

Joseph was concerned that we are setting a precedent if we approve this request. She noted that there is a developable lot that would connect across the street if a sidewalk were to be built. Gosselin commented that even in both of these lots were developed, it would be his opinion that streets such as Goldenrod should be very low on the schedule of streets that the City should be adding sidewalks to.

Chair LaLonde opened the floor for public comment.

Joanne Gustafson, 1235 Nary Court, stated that she lives in a neighborhood where the houses in the front have sidewalks. She asked about her liability as a taxpayer in Batavia. If this man builds a sidewalk and someone injures themselves on that short little piece of sidewalk, from what she understands, the City of Batavia is responsible for injuries on their sidewalks. If that is the case, are you putting the City open for liability or risk for a sixty-foot long sidewalk with no beginning or end but a piece of concrete sitting in the middle of the field. It seems very unjust from where she is sitting. Stating that the City would cover their neighbors' sidewalk but would take money from the applicant, which may or may not be used, is not right. Gustafson clarified that she does not know the applicant but as a taxpayer this does not sit right by her. There are many areas like this in Batavia that do not have sidewalks.

Buening commented that there would be no additional liability other than a typical sidewalk. Buening stated that the question of fairness is would it be fair for this development to pay for their sidewalk coming into the City as other developments do (e.g. Tanglewood) or should the entire City pay for the sidewalks.

Motion: To approve the variance for 1327 Goldenrod Drive provided that there is cash in lieu of the sidewalk

Maker: Joseph

Second: Gosselin

Roll Call Vote: **Aye:** Gosselin, Joseph, LaLonde, Schneider

Nay: Peterson

4-1 Vote, 1 Absent, Motion carried.

5. One Washington Place, 111-133 East Wilson Street and 20 North River Street, 1 N. Washington, LLC, applicant

- **Public Hearing: Amendments to the Zoning Map for the Downtown Building Height Overlay District and Planned Development Overlay District**
- **Design Review**

Buening discussed the process of the public hearing. He noted that this public hearing would be continued until January 4th to allow for further public testimony and answers to more complex questions that may be brought up tonight. Chair LaLonde added that there would be no action taken tonight and this would not be the last opportunity to discuss this topic.

Motion: To open the public hearing

Maker: Joseph

Second: Schneider

Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Rackow reported that this is a public private partnership with the City participating in the project. The site is 2.2 acres and it is zoned Downtown Mixed Use (DMU), which is what the downtown district is zoned. There is a Building Height Overlay District over portions of the property. The proposal would include a two-story public parking deck that would be partially in ground. The garage would allow for 348 parking spaces. This would be financed through the TIF District and a Special Service Area (SSA) would be put into place to provide additional funding if necessary. The proposal does include six additional spaces being added with on street public parking on State Street. The proposal would add commercial space on River and Wilson Street. The proposal would have 92 one-bedroom apartments and 93 two bedroom apartments in a four story building above the parking deck. There would be public courtyards, vehicle turnabout and parking area for emergency vehicles and pick up and drop off, and deliveries.

Rackow continued that one part of the request is a Zoning Map Amendment to remove the downtown building height overlay. Some of the current building frontages do comply with the height but because of the topography there are sections that are taller and sections that are under

those height requirements. The other action related to the Zoning Map would be to amend the Zoning Map for a planned development overlay. There are five noted requests for relief:

1. Zoning Code Section 2.405.A for providing less than the required vision glass on street facing elevations. (Staff notes that much of the Wilson and River store fronts meet the requirements and residential frontages are only slightly less than required amounts.)
2. Zoning Code Section 2.405.B for not providing the required pedestrian building entrances every 75 feet along State Street and Washington Avenue.
3. Zoning Code Table Section 4.205 for providing parking space and aisle dimensions having minimums of approximately 8 feet by 17.5 feet and 22 feet, respectively, less than the required 9 feet by 18 feet and 24 feet, respectively.
4. Zoning Code Table 4.204 for providing 0 parking spaces where 402 is required. (Staff notes that because all 348 parking spaces are public and not exclusive to this development, the development is not providing the Code required parking.)
5. Zoning Code Table 2.404 to allow a maximum building height of approximately 81 feet where 50 is allowed. (This assumes removal of the DBH Overlay.)

Chair LaLonde swore in those who wanted to address the Plan Commission (PC).

Don McKay, Principal and President with Nagel Hartray Architecture, addressed the PC. He stated the firm has been in business for fifty years and he has been with the firm for thirty-two years. They do a lot of work in urban areas on sites similar to the one addressed here in Batavia where there are tight site constraints and unusual topography conditions. They have been working with Shodeen for fifteen years. McKay's presentation included the following:

- Aerial site image
- Site plan
- Topography and bedrock
- Four elevations of the building
- Lower garage and upper garage (three elevators, public access elevator access between the two floors of the parking garage)
- First Floor Residential/Upper Floors Residential
- Typical Unit Plans
- Landscape drawings
- Furnishing and Site Features

Chris Aiston, Economic Development Consultant, addressed the PC. He shared that he is President and CEO of CC Aiston Consulting, Ltd and has served the City of Batavia as its Economic Development Consultant since July 2013. His past experience includes: Kane County Economic Development Director; DeKalb County Planning and Zoning Director; and Economic Development Director for the City of Geneva and for the City of St. Charles. It should also be noted, for the record, that his principal roles with respect to this project are to act as an advocate, having shepherded the Redevelopment Agreement between the City and the developer in accordance with state TIF statues, and as the project manager in the creation of a proposed new Washington-Wilson TIF District, comprising all of the real estate subject to the proposed PUD zoning application.

From an economic development perspective, he finds at least three solid reasons why this project, in both its composition and size, makes very good sense for Batavia. They are: Its location; its efficient use of land; and its application of the State TIF Law.

First and foremost, the project is ideally located to create the greatest benefit to the City of Batavia. Siting this project at its proposed downtown location creates economic activity right in the City's central business district.

With respect to the project itself, the addition of 185 households, or "rooftops" in the shopping center vernacular, will increase sales of goods and services within the regional market place and, no doubt, in a significant way for the local business community as well. Think of your own spending patterns.

Yes, of course, you'll occasionally drive 15, 20 even 30 minutes to visit an exceptional restaurant or to shop at a particular store, whether be it a unique, independent retailer or larger store of national reputation and product lines. Additionally, purchasing big ticket items like automobiles and large appliances would naturally compel the buyer to "shop around", often traveling a half hour or more. But that said, most of your daily shopping trips, whether for groceries, medicine, general apparel or small house ware items, and trips to obtain personal services like going to the barber, to get your nails polished or pick up your dry cleaning, are within a 5-10 minute drive time. Where does 5-10 minute drive time take the One Washington Place residents? Likely somewhere in Batavia - whether downtown, Randall Road or the various shops and small shopping centers scattered about the city's neighborhoods.

What of the additional commercial space? It is true that there are currently storefront vacancies in downtown Batavia. This begs the question as to why then would the City want to create additional commercial space at this time? He would suggest to you that a contrary position. It may not always be the amount of vacant space in a downtown that is indicative of its success but rather the amount of all available space for business to thrive, and for a commercial district to be established. To that end, this project will bring much needed additional commercial mass to the downtown, serving to bolster occupancies, and by extension, rental rates and property values, of other existing downtown commercial buildings. The project may also result in additional commercial building construction and occupancies, as absorption takes place. Like indoor malls, outdoor "lifestyle centers", or even neighborhood strip centers, downtowns thrive when there are sufficient amounts and varieties of commercial spaces. This context, often referred to as a commercial area's "critical mass" offers consumers the benefits of having expanded choices in product lines and services, being able to take multi-purpose trips and, in the end, enjoying a more efficient use of their time.

Secondly: The proposed redevelopment will result in efficiencies and economies of land use. This project is not development sprawl into the urban periphery but rather well-planned redevelopment and infill of the existing built-up environment. This project is not single user in type, with all the inherent redundancies in land cover and the increased traffic generated from single-user development patterns, but rather it is a mixed-use plan, co-locating residential with commercial, and public parking occupancies.

Turning briefly to parking, creating public parking assets in a city's downtown business district can be a very expensive proposition. Obviously, there are the actual construction costs, particularly when building a parking garage. But additionally, these projects tend to remove valuable real estate out of direct economic production and off the property tax rolls. Through implementing this redevelopment project plans, however, the city and developer are co-locating a 350-space public parking garage with a private development. The ground covered by an otherwise tax-exempt public asset is also being covered by a private real estate development, paying property tax and generating two critical components in any economic development plan, namely residents – read as the consumers of goods and services – and 13,850 SF of commercial space that will be occupied by businesses intending to provide such goods and services to these and other consumers.

The third reason for supporting the project: As a redevelopment proposal, One Washington Place is a textbook case for TIF. TIF law was created largely with the intent of causing the redevelopment of properties that are located within an already developed area, have or will likely become blighted and/or underutilized, and where one hasn't seen any real private investment, nor would such investment likely occur but for the municipal authorities vested under the TIF Act. These characteristics define the redevelopment site in its current state. Further, in this unique case, not only is the proposed redevelopment a public-private partnership financially, it also is one geographically. By creating a vertical subdivision, the vast amount of land will be owned and utilized by both investment entities, the private developer and the City of Batavia and its constituents.

Some will no doubt oppose this project on the grounds that it is just too big. Certainly the mass of the building alone will dramatically change the physical appearance of the downtown. However, he believes, like elsewhere in the western suburbs (Oak Park, Elmhurst, LaGrange, Wheaton, come to mind), that people will get used to the building mass and height over time and, while they do, the project will become an economic engine for the downtown like nothing this City has experienced before.

In more than thirty years of regional, urban and economic development planning he has personally participated in the development of dozens of projects causing real change to a given area's economy. These projects widely differed in type and locations, from the Illini Farms multi-million dollar hog confinement facilities in DeKalb County to forging the PUD entitlements and sales tax reimbursement program that secured the Geneva Commons project. However, the projects that stick in my mind as real game changers are those approved for and built on historic downtown properties, such as The Herrington Inn and accompanying Pump House (formerly a creamery and public works facilities); The interior and exterior improvements to St. Charles Arcade Theater, including the acquisition of and adaptive re-use plans for the adjacent, former sporting goods store to enhance the theater experience. In fact to date, the completed project of which I feel most proud is the public-private partnership that resulted in the redevelopment of the abandoned former Delnor Hospital and Seigle Lumber Yard properties along South Third Street in Geneva. These sites are now the Dodson Place commercial/residential buildings and the multi-level public parking deck along the Metra line.

Securing necessary approvals for site design, PUD approval and the land swap incentive were challenging experiences.

Change can be difficult and challenging for any community but, if done right – including often in a big way – the change can be something very special and, in the case of the proposed One Washington Place, a possible “game-changer” for the downtown central business district.

Chris Aiston introduced Dave Burr of Rich Associates, who prepared a Parking Study for the City. Mr. Burr addressed the PC. He explained that Rich and Associates is a parking consulting design and engineering firm who has been in business since 1963. He has been with the firm since 1979. He gave a presentation on the brief analysis of the parking needs of the City of Batavia looking at One Washington Place and the influence area around the site (2 block radius around the site). The presentation included the following:

- Presentation agenda
- Aerial of the site
- Methodology
- Parking supply within the nineteen blocks
- Total Parking Supply
- City of Batavia – Zoning Code Requirements
- Parking Requirements per Zoning Ordinance (no distinction on how the parking should be provided, such as hours)
- Gross Surplus/ Deficit vs. Net Surplus/ Deficit
- Current Supply vs. Demand Using Existing Zoning Code Requirements
- Blocks that would have a deficit (existing conditions)
- Shared Parking
- Projected Parking Requirements by Use, City of Batavia Mixed Use Development
- Projected Development Shared Use Model City of Batavia Mixed Use Development – Existing
- Current Supply vs. Demand Using Shared-Use Values
- Existing Condition – Shared Use
- Existing Condition – Zoning Code
- Future Conditions with One Washington Place Project
- Future Demand vs. Supply using Shared-Use Analysis
- Future Condition with Development
- Future Condition Shared Use
- Existing Condition Shared Use

Mr. Burr presented the findings of the study to the Commission and presented an analysis of parking within the study area under the current Zoning Code requirements and under a Shared Use Model, which takes into account changes in demand from various uses throughout daily activity. Parking was reviewed under both scenarios. The conditions are improved with the additional public parking added to the site, despite the increase in demand, when using a Shared Use Analysis. The net deficit is improved by 30 or so spaces from the existing conditions.

The PC asked questions of the presenter. LaLonde inquired if parking displaced by the proposed project was included. Burr noted that revisions from the site along with increases in the demand were applied. Peterson asked if the on street parking was considered in the presentation. Burr answered the entire on street and off street parking in that nineteen-block area was considered.

Dr. Brian Richard, Northern Illinois University, Assistant Director of Community Economic and Workforce Development at the Center for Governmental Studies presented on the Economic Impacts of the Construction of a Mixed Use Development in Downtown Batavia. He shared that he has been doing economic analysis for economic development projects for about twenty years. The presentation included the following:

- Project Summary
- Economic Impacts of Construction (create new economic activity in the City, 2.5 year construction phase, 80 workers on the site on average, 80 jobs created in the local economy, total of 160 jobs created because of the construction project with total payroll of 23 million in direct and indirect payroll generated.)
- Potential Expenditures of Residential Tenants (14 million in total expenditures)
- Potential Sales of Commercial Tenants (2.7 million in sales, with an estimated \$869,000 in payroll, based on industry averages).

Chair LaLonde asked how would the development impact the balance of the businesses in the downtown and the vacancy rates that we have. Richard stated that there are vacancies in the downtown and there is validity to Aiston's prediction that the more activity downtown there would be more likely to move in. From the academic viewpoint, these things are hard to predict. It is difficult to project what is going to come just from building storefronts. Retail activity generates additional retail activity because of foot traffic. Retail activity is based on foot traffic and the more varied shopping opportunities you could have within a business district the better.

Buening reported that staff has received the final report for the traffic impact. Buening gave a brief summary of the report. Overall, the report indicates the development itself would have a very small impact on the traffic operations on the Wilson Street corner and adjacent streets. The am peak hour they found would be from 7:15 AM and 8:15 AM and evening peak would be 4:45 PM and 5:45 PM. The morning peak generates a total of 96 trips in and out of the development for all of the uses. That gives you one and a half trips per minute during that peak hour. The PM peak has 117 trips, which equates to 2 trips per minute. Overall, during the peak hour that is not a significant impact on the adjacent roadways. Buening continued that trips would be distributed east and west on Wilson Street and north and south on River Street and Washington Avenue. The trips would be distributed throughout the roadway network as part of the development.

The mixed-use element of this project causes a reduction of the normal trip amount because it is in a downtown area and there is a mix of uses and people could walk to uses nearby. This development would have less of an impact of a single-family development or a typical apartment development. Most of the impact would be by background development. This is background growth and development that happens as a natural situation in the community, such as the new

development in Batavia as well as other areas. The 2024 projected study period shows that the worst impact would be eastbound Wilson, where the level of service would go from E to F. The level of service goes from A to F, F being the worst. However, this would happen whether the development happens or not. That increase happens just by virtue of the background traffic that is happening in the area. The City would have to look into improving this traffic situation as part of trying to improve the traffic flow regardless of whether this development went forward or not.

Buening continued that the study does give recommendations for things that could be done in regards to Wilson Street traffic and lesson impacts in general. One of the recommendations is to coordinate the traffic signal for Wilson Street and the various signals that are on there. They are coordinated but they may need to be recalibrated based on what traffic is happening in the area and what situations may be happening with new development and other impacts. The other suggestion that they have are to promote land uses that are complementary to the proposed development such as grocery stores, shopping, and other things that people might do. Also, they recommend adding or changing the bus routes to provide more service to the downtown area. Buening noted that staff will continue to review the study and if there is more information they would provide it at the January 4th meeting. Chair LaLonde noted that the report would be posted on the City's website for everyone to review.

Chair LaLonde opened the floor for public comments at 8:45pm. Chair LaLonde stated that public testimony would be taken until 9:30pm and the remainder of public comments would be taken at the January 4th continuance of this public hearing. Chris Aiston asked that those with questions to address the Commission first so that the consultants could answer them at this meeting. Aiston noted that several of the consultants live out of state. Chair LaLonde asked for those who had questions for the consultants specifically be the first to approach the Commission.

Laura O'Brien, 504 Young Avenue, stated that she has a lot of notes but she would wait until January 4th to discuss them. She asked the consultant in regards to the parking analysis, were employees for all these businesses taken into account because they need to park? There are other apartments in the downtown area and were they taken into account? She was confused with the office parking because in the east side of town she cannot think of many offices in that area that would have a parking need and she wondered where the numbers came from.

Burr answered that where the numbers came from is the City was asked to provide us with the parking supply but with the land use within the nineteen blocks and how much square footage was applied to office, retail, and residential. That is factored into the analysis. The Zoning requirement is you have to provide x number of spaces for 1,000 square feet which is designed to accompany visitors and employees. The analysis did reflect that.

O'Brien stated that she read the parking spaces are smaller than what we currently have to get more spaces. She has concerns about that in regards to preventing car dings. McKay answered that what she is referring to are a couple of isolated conditions in the parking garages relative to building structure, getting columns down to support the floors of the building. Out of the 348 spaces, we have fewer than a dozen that are smaller than the City requirements. O'Brien suggested that those smaller parking spots have signs attached to them promoting the parking of small cars only.

Michael Marconi, 1N605 Turnberry Lane, Winfield and property owner in Batavia, asked about the parking garage pedestrian exits. McKay stated that there are pedestrian exits that would allow for access to Wilson Street. Marconi asked Richard about the statement for every one job that goes to work at that project is going to create one more job in the downtown. Richard answered that it would create one more job in the region. Richard explained it comes from both the employee at the site spending their income at the local economy but also the construction company buying things in the local economy or hiring consultants. It is the combination of those two things. It is essentially one job but it is five percent at a business here and ten percent at a business there and they all total up to one job. It is based on industry averages. Marconi asked when you looked at the incomes of those who are coming to this project, was it based on incomes of people you think are going to come to Batavia or based on the potential asking price for those apartments. Richard stated that it was based on what the rental rates might be.

David Patzelt, 77 N First St, Geneva Shodeen Group, showed on the illustration the pedestrian accesses in and out of the parking garage. He explained that they are trying to provide access on all four walls of the parking site. Peterson asked if the walkway on Wilson Street has refuse bins. McKay stated that it would not be in the walkway. There is a separate refuse area that is enclosed that is beyond the pedestrian entryway into the garage. The refuse would be inside the building behind a door.

Joanne Gustafson, 1235 Nary Court, asked how many apartments are on each floor. McKay answered that there are about forty-five. She asked if this building had three residential floors you would have more parking spaces available and it would get rid of the variance for height. She noted that there is a gorgeous property on the river (Quarystone Pond) which she observed is mostly vacant. In Wheaton, the high rises are removed from the lower commercial area and the high rises are set off and they don't envelop the commercial area. Her concerns are can we indeed fill 195 apartments when there are vacancies across the river. The traffic on a Saturday morning can take you twenty minutes from east of Route 31 to west of the river. She is not against the project but there are considerations that need to be made to ensure that we get people to live there and not have high vacancy rates, by cutting down the floors you get a better parking and traffic perspective, and this project is threatening the existing businesses by taking away parking. She would like to see the downtown grow but not be killed.

McKay spoke to the ability to rent the number of units that are being proposed. He stated that the developer would not be proposing the number of units to be proposed if he had any doubt of the ability to rent out those units. It is rooted in a financial report that makes the project worth doing.

She asked what is the time frame for renting all the apartments. Dave Patzelt stated that they anticipate a 24-month lease and the different parts of the development would be available for leasing at different periods of times. For example, the furthest north wing may open while construction is being completed on the furthest south wing. Gustafson asked about parking. Dave Patzelt stated that relative to parking, there are several aspects. There is a financial pro forma that goes with this. This is an ideal case of TIF and the reality is that the residential units and the property taxes that they are generating for the City are paying for the parking spaces. If you remove an apartment you remove an asset that is there to be able to pay for the parking spaces,

so you would not be able to afford the number of parking spaces that the builder could provide. Gustafson stated that the plan is eliminating parking that is supporting current merchants and your plan requires an additional fifty to support the merchants produced from this development. She asked how are these proposed parking spaces going to support the current local businesses. Patzelt stated that the parking consultant that was hired by the City concluded that there is a net benefit of parking spaces once the garage is built to the community as a whole. Patzelt stated that the building is being built from the bottom up and the parking deck would be built in twelve and eighteen months.

Charlie Corey, 1311 Towne Avenue, stated that he went to a City Council meeting and heard the development is supposed to attract millennials and empty nesters. He asked as part of the lease agreement are the project residents going to have a reserved parking space for their cars. Aiston answered that the entire parking deck is public parking on a 24-hour basis. 200 permits for overnight parking would be made available for residents in and out of the project. Corey asked why are there doors on the parking garage? McKay answered that they would be automatic garage doors and would be used to help with maintaining a comfortable climate in the units above. Corey asked about the City's liability if an accident occurs in the parking garage. Buening stated that it would be similar of what happens on the street. Corey asked if the fire department has been involved. Buening stated that they have and are satisfied with the building as proposed.

Sylvia Keppel, 1420 Becker Avenue, read a letter from Carl Dinwiddie to the Committee. The letter is below:

I don't support any variances on this property for the 1 North Washington project. The structure is too large for that location (bulky and too high). The architecture is not consistent with the styles of architecture in the City. The zoning should not be approved because the plan does not provide for enough parking. The location is an improper place for high-density housing. (4. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?)

The building will take away the quality of life for homeowners to the North who live on Washington Street and the residences to the east all the way to Prairie Street.
(5. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?)

Construction will be disruptive at the two already busy intersections at Route 25 and Wilson Street. Construction could last 3 to 5 years. These are euphemistically called "Construction delays" by construction companies.

Traffic flow in this area is already unacceptably jammed during morning and evening rush hours. A second bridge will not solve the problem as there are a limited number of east/west/north/south major roadways and a second bridge would just back up traffic on those roadways even more. Additional traffic generated by the additional residents of the project will add to the already overcrowded intersections described above.

The skyline of Batavia from both sides of the river will be irreparably destroyed forever.

Part of the project includes new commercial space and there is already a glut of vacant commercial property in Batavia all along Wilson Street, in the BEI shopping center (old Walgreens) and even on Randall Road and Fabyan Parkway. And there are vacancies in the shopping center near McDonalds.

(10. Is there a community need for the proposed zoning or use?)

Failure to have arms-length transactions to purchase property to give the property to a developer smacks of lack of ethics and morals on the part of Batavia's leadership. Pictures and personal viewing of the Frydendall property show that the property was in need of major repairs and therefore would not have commanded the price paid if the property was sold by a willing seller to a willing buyer in an arms-length transaction. Similarly, the price paid for the Fischer property without an internal appraisal (inside the building) by the City and paying a price for the property as if it was a functioning dental office completely defies logic when the city had already agreed to move all the dental equipment and set Fischer up in another office in another location. At best the City should have only paid for the building shell, especially since it is going to be torn down at taxpayer expense as is the Frydendall property. Again, adding insult to injury to the taxpayers price wise. And the fact that the purchase was brought to a City Council meeting without previously being discussed in a committee meeting smacks of more backdoor unethical deals with no transparency to the public.

(7. Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?) e.g. Expenses of property purchases to give to developer for \$10, GO bonds to fund construction, interest on GO bonds, demolition costs, and environmental cleanup costs.

Similar conclusions can be drawn for the Larson Becker property due to failure to pay the real estate taxes – although this is not related to the 1 North Washington project except that the City wants to use part of the property to cover the loss of parking in our parking in our parking garage during construction for possibly for 3 to 5 years.

The fact that Batavia taxpayers are even being cheated out of rent revenue until closing due to the sweetheart deals given to Fischer and Frydendall, along with the fact that we will have to pay to tear down the buildings that we paid a premium for also makes this a rotten deal for the citizens and a sweetheart deal for Shodeen and opens the door for other developers to take Batavia citizens for a ride on the TIF gravy train.

I noticed a number of studies in Mr. Strassman's 57-page cover memo. However, there were professional studies before TIF 1 and TIF 3 were voted on and now for over 23 years, neither TIF has yet to generate one tax dollar back to relieve taxpayers' burdens to the other taxing bodies in the City. The two TIF failures were so great that now both TIFs have had to be extended. So much for the value of "professional" studies. The organizations that generate these studies are not on the hook or ultimately responsible for the success or failure of this project. We, the Batavia taxpayers are.

My last comment is more of a question. Why is this public hearing so late in the process? Big projects I've worked on identify the timing of critical items and approval of the zoning would be

early in the critical path analysis. Good business would dictate that the amount of money and resources expended to date would not have taken place until the critical items were in place. It's beyond me how an agreement could have been signed before the Plan Commission had voted on the needed zoning. What gives here?

Sylvia Keppel provided her personal comments. She wanted to address the size of the building overlay. It is a very large building, so large that it needs an ordinance to be built in the downtown. It is a very nice building, but it would be nice for Chicago, not for Batavia. It is really big and you are cutting off the views for some residents. Keppel stated that she created a survey and placed it on Nextdoor.com for responses from local people. Within two days the survey garnered 216 responses. Keppel distributed copies of the survey questions and the responses to the Commission.

Keppel stated that the survey had three simple questions:

1. Do you think the proposed apartment complex is too big for Batavia, a good addition size-wise to the downtown, or I don't really care and trust my aldermen to decide. (72% of the responses stated that it was too big for Batavia)
2. If you answered "Too big for Batavia, what would make it acceptable? Check all that apply:
 - Smaller height, no taller than the other buildings in downtown (40.63%)
 - Smaller footprint size, taking up less of the block (26.88%)
 - Nothing, I don't think high density apartments fit the character of that location at all (49.38% of the responses)
3. What would best describe your feelings and thoughts on the project as proposed?
 - 44% say I strongly oppose it
 - 19.91% state I somewhat oppose it
 - 5% didn't care either way
 - 13.43% say they somewhat support it
 - 20% say I strongly support it

Keppel stated that even those that support the project would prefer to have a smaller height, based on their survey answers. She asked the Commission to consider the size when you are changing your zoning. Do you really want this in downtown Batavia? The quality of living and feel that the town has could just be as important to people as the economic impact. People really do care what happens to them and according to this survey a lot of people do not think that it fits.

Keppel asked what good does a Washington entrance do when you cannot park on Washington Street. Balconies are proposed to be on Wilson. She stated that unless there is something in the rental agreement that they could put nothing on the balconies, it could end up looking very sloppy with chairs and wind chimes. She asked the Commission to consider how that would look. She stated that she noticed that there was inconvenient pedestrian exits from the parking. She is thinking about the older population and people with young children that could be a very long walk to get from parking to the stores. She asked if resident elevators are accessible to the public. McKay answered no. Keppel asked if there was only one public elevator in the entire parking lot. McKay answered yes, for two levels of parking. He noted that there are also

stairways to get to the different levels. Keppel asked the Commission to consider the convenience. Keppel stated that the City is hanging too much onto this development. This is primarily a residential development. There are not that many stores. A few more stores are not going to turn into a mall. The economic study does not emit much promise, all the economic study shows is what would be produced during the construction phase. Where people will spend their money is all speculation. She stated that she did not see in the economic study what is happening to retail. She asked if the impact of Amazon and internet sales were considered as part of the economic study. Keppel stated that the dentist and the insurance offices were functioning and in practice. There were no vacancies in those buildings. The Baptist Church was only vacant because the City made it so and they let it fall into ruin despite the historic significance. Keppel stated that she spoke to someone on the church council and was informed that they felt pressure to move. They were feeling the threat of eminent domain because at that time the City was talking about straightening Route 25. The Baptist congregation moved to property given to them by Shodeen in Geneva. After straightening Route 25 fell through the City decided to hold onto the property for a project such like this. Keppel stated that as for the parking, she understands that it would be paid back, but still fourteen million dollars in general obligation bonds for a 30 space gain using the shared parking analysis. That comes out to \$450,000 per parking space. Is it worth it? If it were by code we would be losing 65 parking spaces. Keppel agreed with the other resident that spoke that the parking seems to be ample enough only for the complex residents and not commercial space. The City would be building a private enterprise parking facility and calling it public. As a citizen she objects to that. She asked who maintains the elevators, who pays for the electricity, who pays for the cleaning and maintenance of the parking garage. She assumes that it would fall onto the taxpayers. Keppel stated that she will reserve her traffic comments until she sees the traffic report.

Chair LaLonde welcomed those who could not attend the continuance of the public hearing (January 4, 2017 at 7pm) to address the Commission. There were none. Chair LaLonde thanked all that spoke at tonight's meeting and encouraged everyone to attend the January 4th portion of the meeting.

Motion: To continue the public hearing to Wednesday, January 4, 2017
Maker: Joseph
Second: Schneider
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

6. Other Business

There was no other business to discuss.

7. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Schneider moved to adjourn the meeting, Gosselin seconded. The meeting was adjourned at 9:35pm.

Minutes respectfully submitted by Jennifer Austin-Smith

CITY OF BATAVIA

DATE: January 13, 2017
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: Proposed Duplex Residence 1095-1097 First Street

- Design Review
- Variation from the Subdivision Code for a recorded building line
John and Gretchen Hubbe, Applicants

Background and Information Supplied by the Applicant

John and Gretchen Hubbe have submitted plans for a proposed duplex residence on an existing lot in the Brivek Subdivision. The Brivek Subdivision was approved in 1987 and this is the last unimproved lot in the development. The Subdivision plat includes recorded front building lines and a building line thirty (30) feet west of the east property line effectively requiring a 30 foot side setback, equivalent to a typical rear setback. The applicant is requesting a variation from the Subdivision Code to build to the current interior side zoning setback of 10 feet rather than a specified building (setback) line from the east property line of 30 feet. This request would allow construction of the duplex meeting current R2, Two Family Residence District requirements, rather than the larger recorded side setback line.

The proposed residence is a duplex, with a shared driveway. Elevations propose a pre-finished wood siding with brick accents. Photographs of submitted building materials are attached to this report. The property is zoned R2, Two Family Residence District, as are properties to the south and west. Property to the east is zoned R3, Multiple Family Residential Low Density and used for storage use. Property to the north is SB, Service Business.

Analysis

General/Building/Setbacks: The proposed building design and construction is consistent with the architecture present on First Street, in which duplex residents are predominant. The proposed materials and presentation of the structure fit contextually. A review of a proposed grading plan will occur with building permit. Division of the property is not currently depicted on plans; staff would recommend a condition of approval of Staff review of the deed division prior to recording with the County Recorder to assure that lot minimums of the divided lot will be met.

Staff believes the proposed variation from the recorded building line is appropriate. The existing building line applies a rear lot line standard to what is effectively a side setback. The present building line severely limits the ability to construct a duplex residence as contemplated with this development. This clearly has been a factor for this lot being vacant for the past 30 years. The Plan Commission may consider this as a hardship factor under the requirements of Subdivision Variations and Exceptions. To follow the required building lines unnecessarily limits the ability

to develop this property. The request would allow the lot to be built to present zoning standards. Staff believes it is an appropriate application of the ability to vary from the Subdivision Code to deviate from this recorded building line. The request for variation from the Subdivision Code is transmitted as a recommendation to the City Council.

Landscape: The proposed landscaping meets landscape requirements for a duplex property. The applicant proposes two parkway trees, as required by City Code. The plan also provides planting areas along the driveway, front and rear of the property. Planting beds, as depicted on plans would need to be scaled back to stay out of the recorded drainage easement areas.

Access: Access would be provided by a shared driveway apron serving two separate driveways. The two car garages provide sufficient parking under the Zoning Code to each unit. A sidewalk would provide a connection for existing walks on either side of this lot.

The Zoning Code has several findings for the Plan Commission to consider for approval of a Design Review. Staff has drafted responses to the findings for the Commission to consider.

Findings for Approval:

A. The project is consistent with applicable design guidelines: The proposed improvements would be generally consistent with the applicable Multi-Family Design Guidelines.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: As a proposed single story duplex the project adds to the residential mix of homes in the community, fulfilling a market need. The project advances Land Use goals of providing infill development and Urban Design goals for quality residential architecture.

C. The project is consistent with all applicable provisions of the Zoning Code: The project will be consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: Site improvements are compatible with the adjacent development and are designed in a manner consistent with the adjoining duplex residential uses.

E. The project design provides for safe and efficient provision of public services: As approved, public services can be delivered safely and efficiently.

Staff Recommendation

Staff recommends that the Plan Commission review this proposal in accordance to the Findings for Approval for Design Review. Staff believes that the Plan Commission can accept the Findings in the affirmative, and approve this design review request in general conformance with the provided plans subject to conditions. Staff recommends the following actions:

1. Recommend approval of a Variation to the Subdivision Regulations to waive a 30 foot building line along the east property line, allowing construction within the R2, Two Family Residence District requirements.
2. Approve the Findings of Approval for Design Review.
3. Approve Design Review subject to the following conditions:
 - a. Staff Review of the proposed deed division prior to recording.
 - b. Adjustment of landscape plans to remove plant beds from easement areas.
 - c. Approval of Grading/Engineering Plans by City Staff with Building Permit.

Attachment: Design Review Submittal

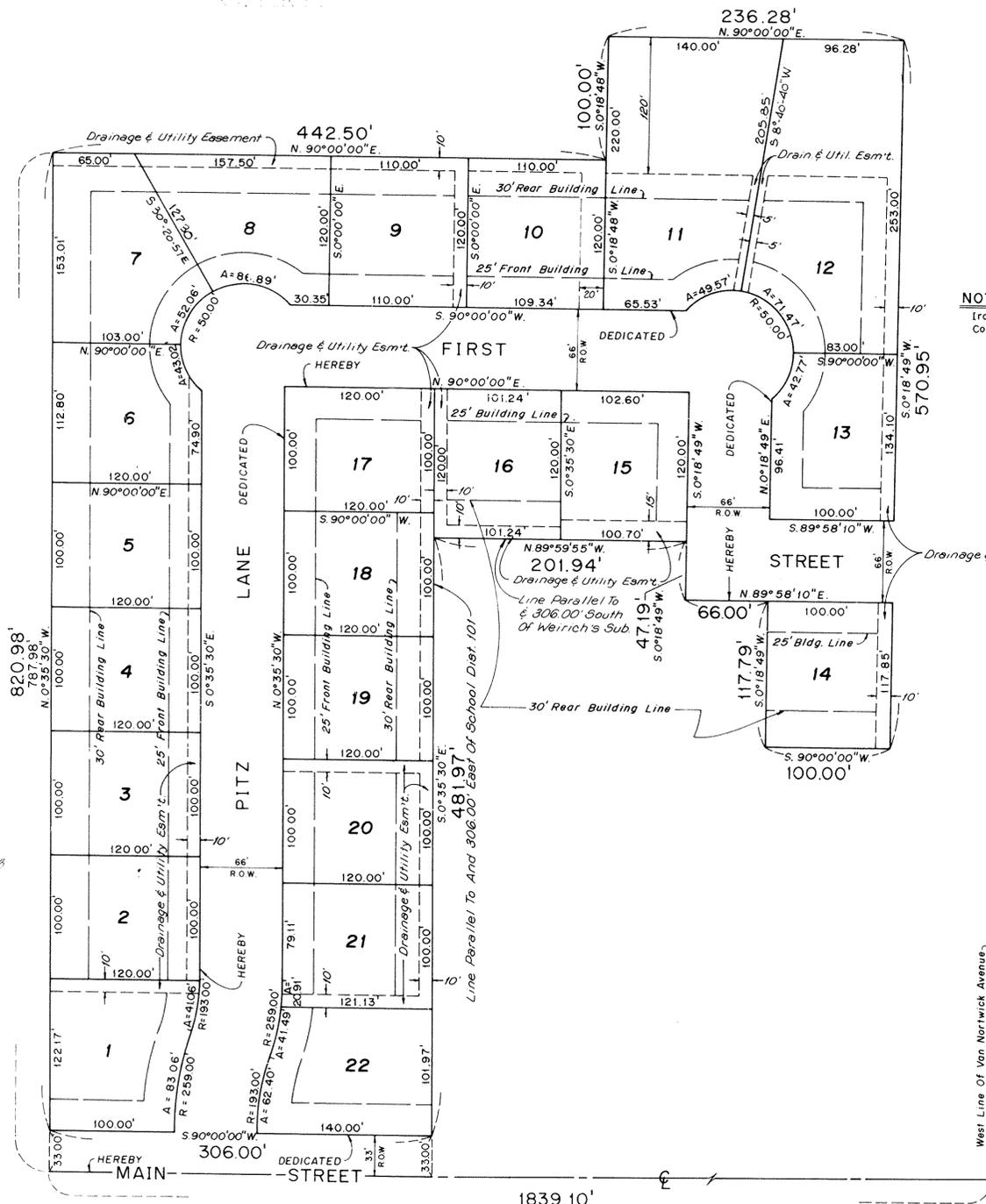
C: Mayor and City Council
John and Gretchen Hubbe, Applicants
Media



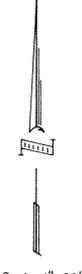


PLAT OF SUBDIVISION of BRIVEK

PLAT OF SUBDIVISION OF PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.



NOTE:
Iron Pipe Set At All Property
Corners, Curve P.C.'s, P.R.C.'s, & P.T.'s



COUNTY CLERK CERTIFICATE
STATE OF ILLINOIS
COUNTY OF KANE
I, _____, COUNTY CLERK OF KANE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THE FOREGOING INSTRUMENT WAS RECORDED IN THE RECORDS OF THE COUNTY OF KANE, ILLINOIS, ON THE 30th DAY OF OCTOBER, 1987, AT 9:45 O'CLOCK A.M., AND IS INCLUDED IN THE BOOK OF PLATS AT PAGE 335-B.

HERBERT A. JENSEN
COUNTY CLERK

PLAT ORDER
STATE OF ILLINOIS
COUNTY OF KANE
THIS INSTRUMENT NO. 1875538 WAS RECORDED IN THE RECORDS OF THE COUNTY OF KANE, ILLINOIS, ON THE 30th DAY OF OCTOBER, 1987, AT 9:45 O'CLOCK A.M., AND IS INCLUDED IN THE BOOK OF PLATS AT PAGE 335-B.

Eleanor E. Jungels
KANE COUNTY, ILLINOIS

CITY CLERK COMMISSION

APPROVED BY THE CITY CLERK OF THE CITY OF BATAVIA, ILLINOIS, ON THE 24th DAY OF JULY, 1987.

Raymond D. Ulrich
CITY CLERK

7/20/87
20th JULY
L. Joy Hill

THAT PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF MAIN STREET WITH THE WEST LINE OF VAN NORTWICK AVENUE EXTENDED SOUTHERLY; THENCE WESTERLY ALONG SAID CENTERLINE 1839.10 FEET TO A POINT ON THE EAST LINE OF A TRACT CONVEYED TO SCHOOL DISTRICT NO. 101 BY DOCUMENT 828105, FOR A POINT OF BEGINNING; THENCE NORTHERLY ALONG THE AFOREMENTIONED EAST LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES 30 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 820.98 FEET TO A POINT ON A LINE WHICH IS PARALLEL TO AND 100.00 FEET SOUTHERLY (AS MEASURED AT RIGHT ANGLES THERETO) THE WESTERLY EXTENSION OF THE SOUTH LINE OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION, CITY OF BATAVIA, KANE COUNTY, ILLINOIS; THENCE EASTERLY ALONG THE AFOREMENTIONED WESTERLY EXTENSION OF THE SOUTH LINE OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION FORMING AN ANGLE OF 90 DEGREES 35 MINUTES 30 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 442.50 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 41 MINUTES 12 SECONDS WITH A PROLONGATION OF THE LAST DESCRIBED COURSE, 100.00 FEET TO THE SOUTHWEST CORNER OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION; THENCE EASTERLY ALONG SAID SOUTH LINE OF WEIRICH'S SUBDIVISION, 236.28 FEET TO A POINT; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF A TRACT CONVEYED TO SCHOOL DISTRICT NO. 101 BY DOCUMENT 828105, 570.95 FEET TO A POINT; THENCE WESTERLY ALONG A LINE PARALLEL TO THE SOUTH LINE OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION, 100.00 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE PARALLEL TO SAID TRACT CONVEYED TO SCHOOL DISTRICT NO. 101, 117.79 FEET TO A POINT; THENCE WESTERLY ALONG A LINE PARALLEL TO THE AFOREMENTIONED SOUTH LINE OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION, 66.00 FEET TO A POINT; THENCE NORTHERLY ALONG A LINE PARALLEL TO SAID TRACT CONVEYED TO SCHOOL DISTRICT NO. 101 TO A POINT ON A LINE WHICH IS PARALLEL TO AND 306.00 FEET SOUTHERLY OF (AS MEASURED AT RIGHT ANGLES THERETO) THE SOUTH LINE OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION; THENCE WESTERLY ALONG SAID LINE PARALLEL TO AND 306.00 FEET SOUTHERLY OF THE SOUTH LINE OF UNIT NO. 2 OF WEIRICH'S SUBDIVISION TO A POINT ON A LINE WHICH IS PARALLEL TO AND 306.00 FEET SOUTHERLY (AS MEASURED AT RIGHT ANGLES THERETO) THE AFOREMENTIONED EAST LINE OF A TRACT CONVEYED TO SCHOOL DISTRICT NO. 101; THENCE SOUTHERLY ALONG SAID LINE PARALLEL TO AND 306.00 FEET SOUTHERLY OF THE EAST LINE OF A TRACT CONVEYED TO SCHOOL DISTRICT NO. 101 TO A POINT ON THE CENTERLINE OF MAIN STREET; THENCE WESTERLY ALONG THE CENTERLINE OF MAIN STREET, 306.00 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

City of Batavia
Utility Easement Provisions
Easements are reserved for and granted to the City of Batavia and to those public utility companies operating under franchise from the City of Batavia, including but not limited to Illinois Bell Telephone Company, Northern Illinois Gas Company, and their successors and assigns over all of the areas as described below for the perpetual right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate various utility transmission and distribution systems and including storm and/or sanitary sewers together with any and all necessary manholes, catch basins, connections, appurtenances, and other structures and appurtenances as may be deemed necessary by said City over, upon, across, under, and through said indicated easement, together with right of access across the property for necessary men and equipment to do any of the above work and the right is also granted to cut down, trim or remove any trees, shrubs or other plants on the easement that interfere with the operation of drainage or utilities.

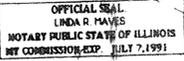
No permanent buildings shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights and said grantee shall replace and restore the surface to its existing condition at any time in the future that said surface is disturbed by grantee in the course of repairing, maintaining and operating said utilities. Where an easement is used both for sewer and other utilities, the other utility installation shall be subject to the approval of the City, as to design and location and all installations are subject to the ordinances of the City of Batavia.

Ten foot (10') wide utility and drainage easements are hereby granted on all sides of every lot adjacent to and parallel with the front, rear, and side lot lines except where shown wider.

THE PLAT HEREON DRAWN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY, DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND TEMPERATURE OF 68 DEGREES FAHRENHEIT.
I FURTHER CERTIFY THAT THE SURVEY HEREON DRAWN IN THE PLAT HEREON DRAWN IS SITUATED WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY WHICH HAS ADOPTED A COMPREHENSIVE PLAN AND WHICH IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF ILLINOIS MUNICIPAL CODE AS HERETOFORE AND HEREAFTER AMENDED AND THAT SAID SAID PROPERTY IS NOT WITHIN 500 FEET OF A WATER COURSE SERVING A TRIBUTARY AREA OF 640 ACRES OR MORE.

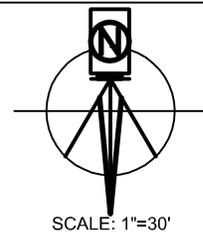
GIVEN UNDER MY HAND AND SEAL THIS 24th DAY OF July, 1987. SUBD-1987-005

ILLINOIS REGISTERED LAND SURVEYOR NO. 2348

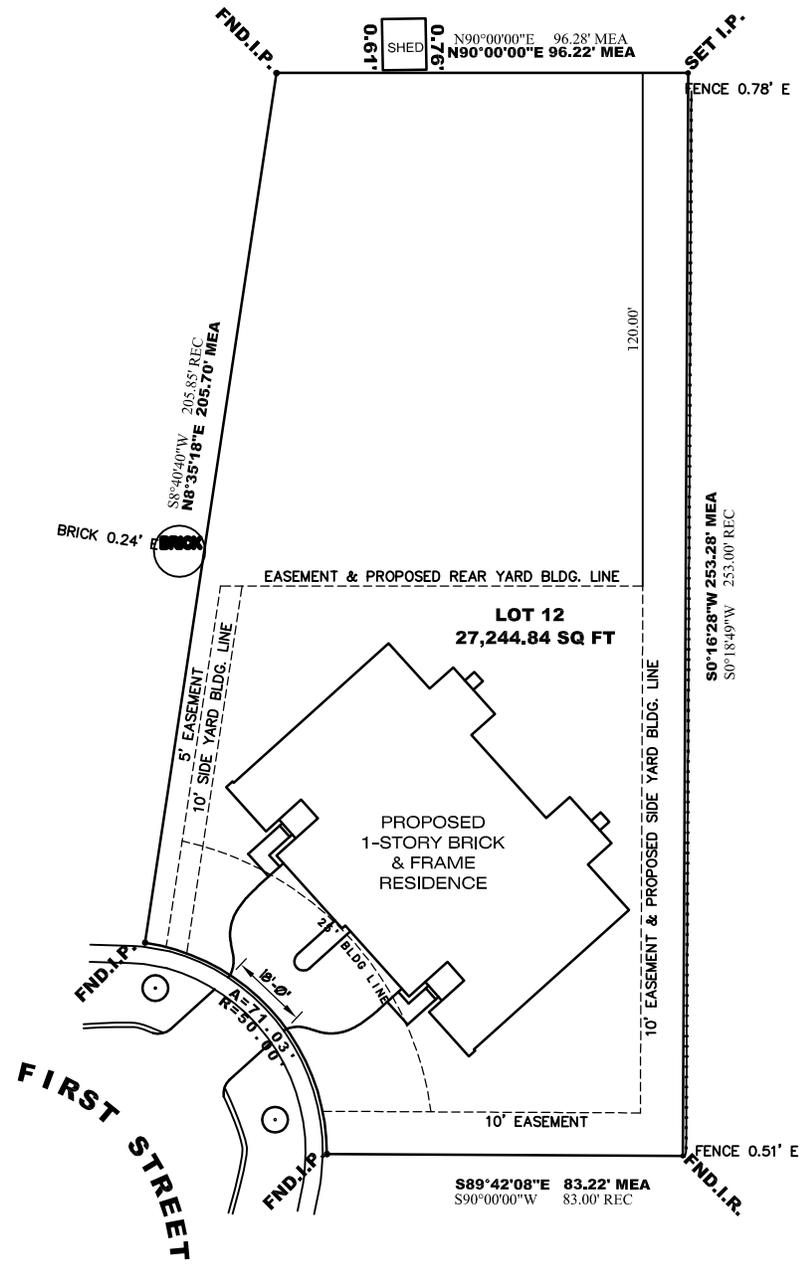


PLAT OF SURVEY D.F.L.S.

DALE FLOYD LAND SURVEYING L.L.C.
2600 KESLINGER ROAD SUITE A
GENEVA, ILLINOIS 60134
PHONE: 630-232-7705 FAX: 630-232-7725
E-MAIL: DFLS @SBCGLOBAL.NET



LOT 12 OF BRIVEK, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS
COMMONLY KNOWN AS: LOT 12 VACANT LAND, BATAVIA, ILLINOIS



LEGEND

FND.I.R.	= FOUND IRON ROD
FND.I.P.	= FOUND IRON PIPE
---	FENCE
---	BLDG. TIE
---	BLDG. LINE
---	EASEMENT

STATE OF ILLINOIS
S.S.
COUNTY OF KANE
WE, DALE FLOYD LAND SURVEYING L.L.C., A
PROFESSIONAL DESIGN FIRM, LICENSE NO. 184-004129
DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED
PROPERTY HAS BEEN SURVEYED IN THE MANNER
REPRESENTED ON THE PLAT HEREON DRAWN.

THIS PROFESSIONAL SERVICE CONFORMS
TO THE CURRENT ILLINOIS MINIMUM STANDARDS
FOR A BOUNDARY SURVEY.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS
THEREOF.

COMPARE ALL POINTS BEFORE
BUILDING BY THE SAME AND AT
ONCE REPORT ANY DIFFERENCE.
JOB NO. 916-27

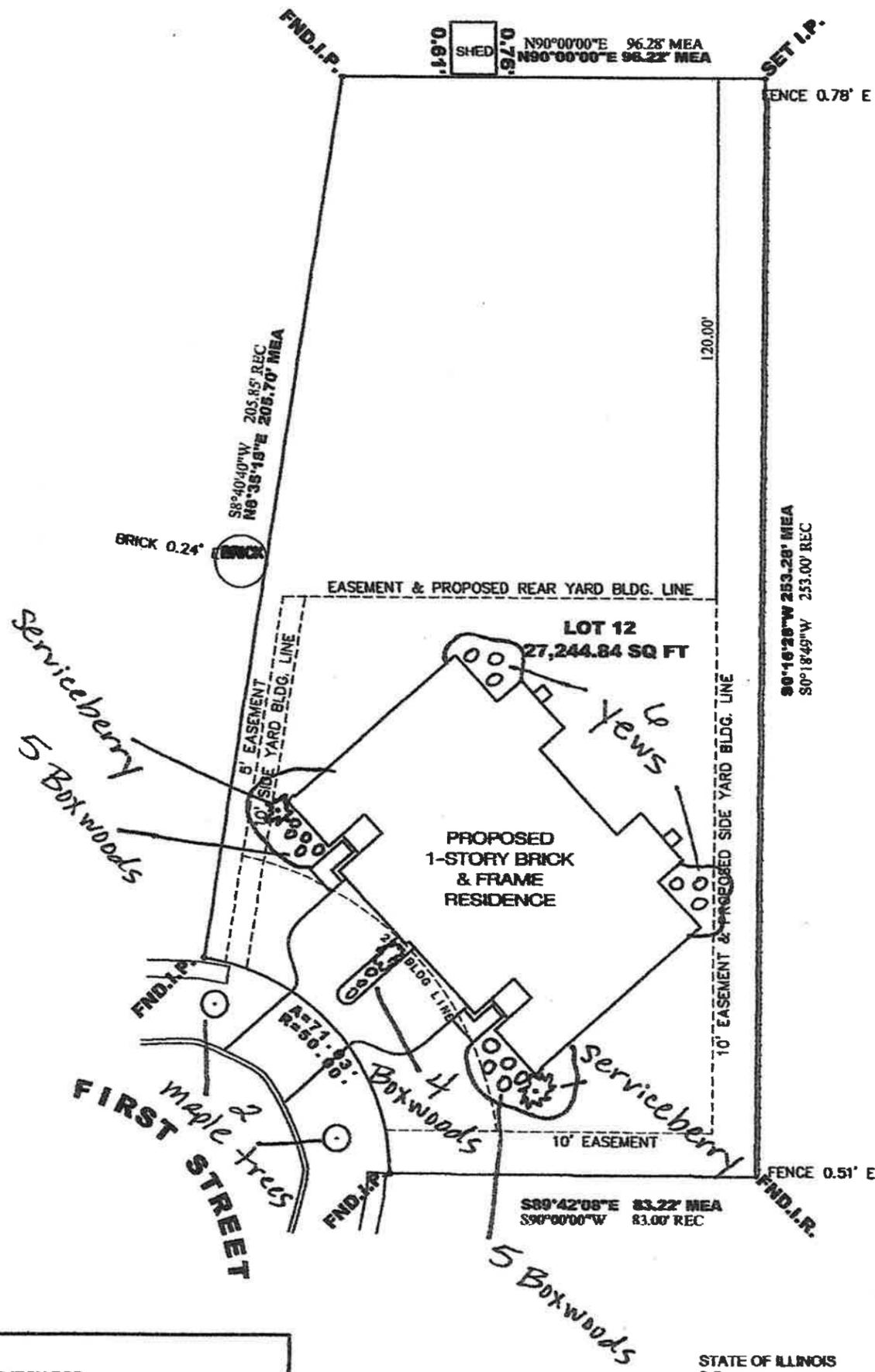
License expiration date 11-30-2016
FIELD WORK COMPLETED: 9-28-2016
PREPARED FOR JOHN HUBBE

GENEVA, ILLINOIS _____ A.D. 2016
ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 035-003908

LANDSCAPE PLAN



LOT 12 OF BRIVEK, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS
 COMMONLY KNOWN AS: LOT 12 VACANT LAND, BATAVIA, ILLINOIS



LEGEND	
FND.I.R.	= FOUND IRON ROD
FND.I.P.	= FOUND IRON PIPE
---	FENCE
---	BLDG. TIE
---	BLDG. LINE
---	EASEMENT

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

COMPARE ALL POINTS BEFORE BUILDING BY THE SAME AND AT ONCE REPORT ANY DIFFERENCE.

JOB NO. 916-27

License expiration date 11-30-2016

FIELD WORK COMPLETED: 9-28-2016

PREPARED FOR JOHN HUBBE

STATE OF ILLINOIS
 S.S.
 COUNTY OF KANE
 WE, DALE FLOYD LAND SURVEYING L.L.C., A PROFESSIONAL DESIGN FIRM, LICENSE NO. 184-004129 DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED IN THE MANNER REPRESENTED ON THE PLAT HEREON DRAWN.

DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

GENEVA, ILLINOIS _____ A.D. 2016

ILLINOIS PROFESSIONAL LAND SURVEYOR
 NO. 035-003908

Project No.	16630
Drawn By	J.N.
Design	9/9/18
Client Revisions	9/29/18
	11/1/18
Construction	
Village Revisions	

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 Tel: (630) 397-5122 Fax: (630) 233-1135
 tim@timnelsonarchitect.com



PROPOSED LEFT ELEVATION
 SCALE: 1/4" = 1'-0"



PROPOSED FRONT ELEVATION
 SCALE: 1/4" = 1'-0"

A DUPLEX FOR:
 JOHN & GRETCHEN HUBBE
 BATAVIA, ILLINOIS

PROPOSED FRONT
 & LEFT ELEVATIONS



PROPOSED REAR ELEVATION

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



PROPOSED RIGHT ELEVATION

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

Project No.	18030
Drawn By	T.N.
Design	9/8/16
Client Revisions	9/29/16
Construction	11/1/16
Village Revisions	

TIM NELSON ARCHITECT, LTD.
 Custom Homes • Additions • Remodeling
 421 James Garraway, IL 60134
 Tel: (630) 997-5122 Fax: (630) 282-1135
 tim@timnelsonarchitect.com

A DUPLEX FOR:
 JOHN & GRETCHEN HUBBE
 BATAVIA, ILLINOIS

PROPOSED REAR & RIGHT ELEVATIONS

CITY OF BATAVIA

DATE: January 12, 2017
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: Approval: Preliminary/Final Plat of Subdivision for Consolidation of Lots 87 and 88 of Batavia Business Park
Southwest Corner of Fabyan Parkway and Louis Bork Drive
Batavia Land Venture, LLC, Applicant

Background & Summary of Information

Batavia Land Venture, owner of lots 87 and 88 in Batavia Business Park requests to consolidate the two lots into one development lot. The property was originally subdivided in 2000 with the Batavia Business Park, and re-subdivided in 2002.

The submitted plat would vacate easements along the line that now separates the lots and that extend to the north and south into the lots. New easements would be established along the south lot line of the consolidated lot, and to extend an existing easement that partially bisects existing lot 87 to encompass an existing water line. The intention is to create one larger development lot with the ability to relocate the existing water main that bisects lot 87 prior to development.

Staff Analysis

Staff has been working with the applicant to place the existing water line under an easement, and to eventually relocate the water line to the south property line. Staff believes that the proposed consolidation plat to create a larger development lot is an appropriate approach to remove easements that would then otherwise impede development of the larger site. The proposed easement for the existing water line will appropriately place the water line in an easement until such time that the main is relocated to the south property line. That easement will then be vacated after the water line is relocated. The plat will create new easements in locations to facilitate future development of the property.

Staff Recommendation

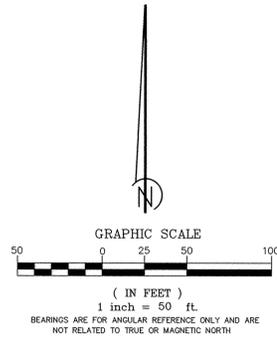
Staff recommends that the Plan Commission recommend approval of the submitted Plat of Subdivision, consolidating lots 87 and 88 of Batavia Business Park.

Attachments: Plat of Subdivision

C: Mayor & City Council
Department Heads
Stan Carlson, Batavia Land Venture

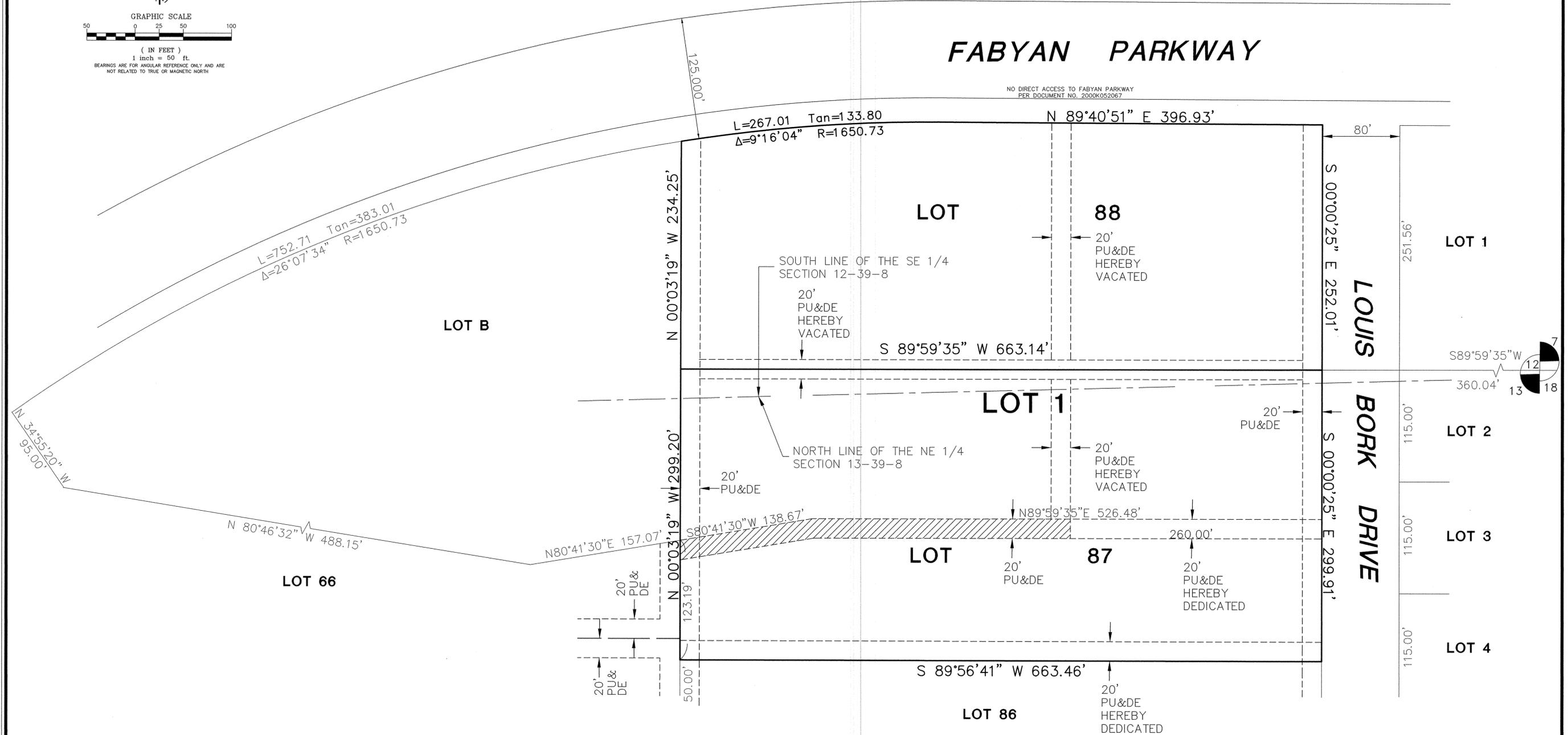
LOT 87, 88 RESUBDIVISION

OF BATAVIA BUSINESS PARK RESUBDIVISION, BEING A RESUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 12 AND PART OF THE EAST HALF OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN KANE COUNTY, ILLINOIS.



FABYAN PARKWAY

NO DIRECT ACCESS TO FABYAN PARKWAY
PER DOCUMENT NO. 2000K052067



LEGEND:
 PU = PUBLIC UTILITY
 DE = DRAINAGE EASEMENT
 [Hatched Box] = EXISTING EASEMENT PER DOCUMENT NOS. 2000K052067 & R2000099708

P.I.N.'S
 LOT 87, 12-12-226-043, 12-12-226-044
 LOT 88, 12-12-475-005, 12-12-475-006

JLH Land Surveying Inc.
 Land Surveying Construction Services
 7222 Courtwright Drive, Plainfield, Illinois 60586
 (815) 729-4000 E-Mail: www.jlhsurvey.com

DATE	REVISIONS
10/4/16	CITY REVIEW
10/26/16	CLIENT REVIEW

BATAVIA BUSINESS PARK
BATAVIA, ILLINOIS
BATAVIA LAND VENTURE, LLC

PROJ. MGR. JLH
 DRAWN BY. JAH
 CHECKED BY. JLH
 DATE: 9/8/2016
 SCALE: 1"=50'

SHEET
1 OF 2
 16-314-102A

CITY OF BATAVIA

DATE: January 12, 2017
TO: Plan Commission
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: PUBLIC HEARING: Amending the Text of the Zoning Code Regarding Recreational Vehicles on Residential Properties, City of Batavia, applicant

Background

On November 16, 2016, the Plan Commission discussed issues related to keeping recreational vehicles (RVs) on residential properties. Attached is the staff memorandum to the Commission introducing this topic and an excerpt of the draft minutes of the November 16 meeting.

The Commission agreed that the existing zoning controls for keeping RVs on single family and R2 Two Family Residential zoned properties should remain. These are:

- the RV is owned by the occupant of the residence on the property
- the RV is unoccupied
- the RV is located entirely over a hard surface (paved or paver blocks)
- the hard surface beneath the RV connects to a driveway that extends to the street
- the RV is no closer than 5 feet to an interior side or rear property line

Commissioner comments acknowledged frequent RVs use during the summer warrants ease of access, but during the winter storage does not need to be in the front of a lot. Staff suggested, and the Commission agreed that a number of additional controls present in the City of St. Charles regulations be considered.

Proposed Zoning Code Text Amendments

To address Commission comments at the November meeting, staff has drafted the following regulations to add to Zoning Code Sections 2.106.H (single family districts) and 2.205.C (applicable to the R2 Two Family Residential D):

1. One (1) recreational vehicle is permitted on single family zoned lots (Section 2.106.H only).
2. One (1) recreational vehicle is permitted for each unit on an R2 Two Family Residential zoned lot, up to a maximum of two (2) recreational vehicles total on the zoning lot (Section 2.205.C only).
3. The recreational vehicle cannot be located in the required front or corner side setback areas between October 15 and April 15 of the following year, except for a single occurrence of up to 48 hours, for a maximum of 2 occurrences per month, for loading and unloading. (staff notes this is to accommodate winter use).
4. The recreational vehicle cannot extend over a property line, into a right-of-way, or over a sidewalk for public use.
5. Recreational vehicles located in the required rear setback on double frontage lots shall be screened by a 6 foot tall, solid fence (including fence gates) located in general proximity to the rear and side property lines that are adjacent to the rear setback area.

Staff feels the above additions balance existing property rights and restrictions regarding RVs with providing regulations to better address neighborhood aesthetics, particularly for off-season storage.

Staff Recommendation

Staff recommends the Commission open and conduct the public hearing. After all attendees wanting to be heard have been given an opportunity to speak, the Commission may discuss the matter. If the Commission feels no additional information is needed, the Commission should close the hearing. If the Commission feels additional information is needed, the Commission may continue the hearing to a date certain for acceptance of new information.

After all information is gathered and the hearing has been closed, the Commission may take action in the form of a recommendation to the City Council to amend the text of the Zoning Code. The Commission may consider the additions listed herein, modify these additions in any way, or recommend no change.

Attachments

1. Staff memorandum to the Plan Commission, dated November 8, 2016
2. Excerpt of the draft minutes of the November 16, 2016 Plan Commission meeting

c Mayor and City Council
Department Heads
Media

CITY OF BATAVIA

DATE: November 8, 2016
TO: Plan Commission
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: Discussion – Recreational Vehicles on Residential Properties

Background

Last year, the Plan Commission recommended, and the City Council approved amendments to the Zoning Code ([Ordinance 15-10](#) and [Ordinance 15-37](#)) addressing recreational vehicles (RVs) on residential properties. The Zoning Code allows RVs on single family and R2 Two Family Residential zoned properties provided:

1. the RV is owned by the occupant of the residence on the property;
2. the RV is unoccupied;
3. the RV is located entirely over a hard surface (paved or paver blocks);
4. the hard surface beneath the RV connects to a paved driveway that extends to the street, and
5. the RV is no closer than 5 feet to an interior side or rear property line.

In response to an RV complaint received by an Alderman, the City Council requested the Plan Commission review the Zoning Code's regulations regarding RVs and to recommend changes if warranted. The Commission can determine if the existing regulations sufficiently address the issue of RVs on residential properties and if not, it can recommend amendments to the Zoning Code to sufficiently address the issue.

To aid in the conversation, staff suggests the Commission consider the following issues that are applicable to RVs on residential properties:

- Appropriateness of allowing any RVs on the property, other than in an enclosed building
- Regulating RVs based on vehicle length
- General location on the property (e.g. rear setback area only)
- Proximity to front and corner side, and to rear and interior side property lines
- Visual impact from streets and/or adjacent properties
- Length of duration the RV remains on the property or in a specific location on the property (i.e. time limits for periodic loading/unloading and/or seasonal preparation)

Staff provides no specific recommendations on what, if anything should be changed. As stated in the current regulation, RVs should continue to be owned by the occupant of the dwelling, not be occupied, be located on and accessed directly from the street by a hard surface, and be no closer than 5 feet from interior side and rear property lines. New requirements, if deemed appropriate, may further restrict RVs.

Attached is a selection of RV regulations from neighboring municipalities. The Commission may consider specifics of what these municipalities require and whether any is appropriate to consider for Batavia.

Staff Recommendation

Staff recommends the Commission discuss the issue of RVs on single family and two family zoned properties. If the Commission feels any change to the Zoning Code should be considered, the Commission should specify such changes and direct staff to schedule a public hearing to take testimony from the public on potential Zoning Code text amendments. Staff would schedule this hearing in December or January.

Attachment: Selection of Zoning Regulations for Recreational Vehicles on Residential Properties

c Mayor and City Council
Department Heads
Media

Selection of Municipal Zoning Code Regulations for Recreational Vehicles on Residential Properties

Aurora, IL (population 198,151)

G. Additional Regulations for outdoor storage, parking or standing of personal or commercial recreational vehicles, boats or trailers.

- i. Purpose. The presence of recreational vehicles, boats or trailers, and other certain motor vehicles that, by virtue of their design, type, or characteristics, are not customary and incidental to the use or occupancy in a residential district may be detrimental to the surrounding area. These said vehicles intrude upon the visual aesthetics, may create excessive noise, and can impair the free flow of traffic within a residential neighborhood. The purpose of this section is to provide regulations that would prohibit or restrict the ways in which recreational vehicles are parked or stored, thereby reducing such negative impacts upon the adjacent property owners or the neighborhood as a whole.
- ii. Location and Storage. No recreational vehicles, boats or trailers may be parked on public right of way. As such, vehicles, boats or trailers shall be in an unused, unoccupied fully stored state and at no time shall a parked or stored recreational vehicle be used for living, sleeping, or other purposes while on the zoning lot. In addition, no recreational vehicle shall be connected to electric, gas, water, or sanitary sewer service.
- iii. Surfacing. Any recreational vehicles, boats or trailers parked or stored outside shall be accessible only from a residential driveway and on an approved all-weather surface no more than 30 feet in length and consisting of either asphalt, brick, or concrete in the form of continuous ribbon strips a maximum of 2 feet in width or grass pavers, either for the full width of the vehicle or in the form of continuous ribbon strips a minimum of 2 feet in width. Surfacing requirements shall also meet the lot coverage requirements contained in specific zoning district.
- iv. Screening. Any recreational vehicles, boats or trailers parked or stored outside shall be reasonably screened from adjoining properties as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, be a minimum of six (6) feet above grade, and not exceed eight (8) feet in height. Screening may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, solid fencing, or wall construction. For fencing limitations in residential districts refer to the Fencing and Wall Section under Residential Specific Regulations of Chapter B.
- v. Required Setbacks. The above stated required setback regulations shall apply with the exception that recreational vehicles may be parked in required front and exterior side yards only if the following conditions are satisfied:
 - a. The vehicle is used daily and is the owner's principal means of transportation to and from their place of employment.
 - b. The length of the vehicle shall not exceed twenty-five (25) feet.
- vi. Loading and Unloading. For a period not to exceed 48 hours prior and subsequent to a trip, a recreational vehicles, boats or trailers may be parked in the driveway in the required front yard or exterior side yard for the purposes of loading and unloading. Parking of a recreational vehicles, boats or trailers for a five-day time frame per each calendar month for loading and unloading purposes may take place in the required front yard without the necessity of complying with the above stated Surfacing, Screening or Required Setbacks provision. This time frame may be reasonably extended by the zoning administrator to accommodate additional loading and unloading.

Geneva, IL (population, 21,517)

11-11A-5: - PARKING AND STORAGE OF CERTAIN VEHICLES:

- A. Only one *recreational vehicle* may be parked or stored behind the established setback line on a residential lot. A *recreational vehicle* may be parked or stored in a side or rear yard only. Only one *recreational vehicle* may be parked in the street yard for a period not to exceed twenty four (24) hours for loading and unloading. No recreational vehicle shall be used for living, sleeping or housekeeping purposes on any zoning lot within the city.
- B. On corner lots, the required street setback shall not be used for the parking or storing of passenger vehicles and/or recreational vehicles.
- C. All parking and storage of vehicles (passenger vehicles and recreational vehicles) shall be on an improved surface (concrete paved, blacktop or brick pavers).

(Ord. 95-28, 5-1-1995; Ord. 95-79, 12-18-1995; Ord. 96-54, 9-16-1996)

Naperville, IL (Population 142,310)

6-2-7: - TRAILERS AND RECREATIONAL VEHICLES:

1.

Applicability: These regulations shall apply to all trailers and recreational vehicles as defined below, in all zoning districts, except the R5 district. They shall apply to all trailers and recreational vehicles other than the mobile homes permanently affixed to the ground and used as a principal residence.

RECREATIONAL VEHICLE: Any camping trailer, motor home, mini-motor home, travel trailer, truck camper or van camper used primarily for recreational purposes, as defined in the Illinois Motor Vehicle Code; as well as vehicles including, but not limited to, all-terrain vehicles, boats, snowmobiles, watercraft, and other similar vehicles.

TRAILER: Every vehicle without motive power in operation designed for carrying persons or property and so constructed that no part of its weight rests upon the towing vehicle.

2.

Location Of Trailers And Recreational Vehicles: Storage and parking of trailers and recreational vehicles shall be regulated as follows, except as otherwise provided in Subsections 6-2-7.3 and 6-2-7.4 of this Section:

2.1.

Only one trailer or *recreational vehicle* shall be located outside of a fully enclosed building or structure on any lot or parcel of land, provided however, that when such trailer or *recreational vehicle* is provided in conjunction with a use located in the business or industrial districts, said restriction shall not be applicable.

2.2.

The storage and parking of said trailer or *recreational vehicle* is subject to the following location requirements:

2.2.1.

Trailers and recreational vehicles shall only be located in the rear or interior side yard;

2.2.2.

Trailers and recreational vehicles shall not be located in the required front or corner side yard, except as provided in Subsections 6-2-7.3 and 6-2-7.4 of this Section; and

2.2.3.

Trailers and recreational vehicles shall not be located closer than five (5) feet to any lot line.

2.3.

Trailers or recreational vehicles, which are located outside of a fully enclosed building or structure, shall be screened from the property line with fences or walls six (6) feet in height, or landscaping of at least seventy-five percent (75%) opacity, such as nondeciduous plantings, six (6) feet in height at time of planting. Said screening shall be located either along the perimeter of the lot where the trailer or recreational vehicle is stored, or along the perimeter of said trailer or *recreational vehicle*.

2.4.

In any zoning district, the wheels or any similar transporting devices of trailers or recreational vehicles shall not be removed except for repairs; nor shall said trailer or *recreational vehicle* be otherwise immobilized or affixed to the ground, unless it is stored in a fully enclosed building or structure.

2.5.

The use of any trailer or *recreational vehicle* shall be in accordance with the provisions of Titles 5, "Building Regulations", and 8, "Public Utilities", of this Code.

3.

Parking Of Recreational Vehicles: Recreational vehicles may be parked on the driveway within the required front yard or corner side yard setback, provided:

3.1.

The *recreational vehicle* shall be used daily and shall be its owner's principal means of transportation; and

3.2.

The length of the *recreational vehicle* shall not exceed twenty-five (25) feet in length; and

3.3.

The *recreational vehicle* does not exceed the maximum curb weight for motor vehicles in residential districts as set forth in Subsection 6-2-20.2.1 of this Chapter.

4.

Temporary Storage And Parking Of Trailers And/Or Recreational Vehicles: A trailer or *recreational vehicle* may be temporarily placed, kept or maintained upon any lot or parcel of land for a period not to exceed the following:

4.1.

Time Period: Three (3) times per month for no more than forty-eight (48) hours per occurrence for loading and unloading purposes.

4.2.

Recreational Vehicles: An aggregate of fourteen (14) days (which may or may not be consecutive) within a period of thirty (30) days for storage if such recreational vehicle is owned by a guest of the occupants of the residence.

4.3.

Trailers: Trailers associated with an approved permit from the City of Naperville which are located on property during the allowable construction hours as defined in Subsection 6-14-4.1 of this Title and Subsection 5-2B-8.5 of this Code.

(Ord. 07-011, 1-16-2007)

North Aurora, IL (population, 16,760)

13.12 – Recreational vehicles in residential districts.

For the purposes of this section, recreational vehicles shall include campers, motor homes, boats (and other watercraft), pop-up campers, and utility trailers.

- A. No *recreational vehicle* shall be parked or stored in front yard or corner side yard off-street parking facilities on residential premises except during the following periods:
 - 1. Friday noon to Monday noon, inclusive.
 - 2. April 15 to April 30 and October 1 to October 15, both inclusive.
 - 3. Upon written request by permit issued by the code enforcement office, for a continuous period not to exceed fourteen (14) days for the parking of recreational vehicles owned by temporary house guests. Such special circumstance permits shall be limited to one per guest family during each six-month period.
- B. No recreational vehicles shall be parked or stored on property in any zoning district unless located in a fully enclosed permanent structure; except that one recreational vehicle not located in a fully enclosed permanent structure may be parked or stored behind the front building elevation on a residential lot. Temporary storage tents for recreational vehicles shall not be considered such a structure.
- C. All parking and storing of recreational vehicles shall be on a hard surface as identified in [section 13.8](#)(C).
- D. No *recreational vehicle* shall be used for living, sleeping, or housekeeping purposes in any zoning district.

(Ord. No. 12-08-20-02, § 2, 8-20-2012; Ord. No. 13-10-07-02, § 1, 10-7-2013; Ord. No. 14-04-21-02, § 1, 4-21-2014)

St. Charles, IL (population, 32,982)

17.24.130 – Recreational vehicles

- A. No recreational vehicle shall be parked on private property in such a manner as to impair the safety of pedestrians or vehicular traffic, for example, by obstructing visibility in such a manner that could impair the safe entrance and exit of any vehicle from and upon adjacent properties, or the safety of pedestrians in the public right of way or on private property.
 - B. Not more than one recreational vehicle may be parked or stored outdoors on a lot in an RE, RS, or RT district. Between October 15 and April 15, a recreational vehicle parked or stored out of doors on a lot in an RE, RS, or RT district shall not be located within the required front yard or required exterior side yard, except for a period not to exceed forty-eight (48) hours within any one week period for loading and unloading.
 - C. All parking and storing of recreational vehicles shall be on a hard surface such as portland cement concrete, bituminous concrete, or concrete or clay pavers; parking on gravel or crushed stone shall not be considered a hard surface.
 - D. No recreational vehicle shall be used for living, sleeping or housekeeping purposes in any zoning district, except in an RE, RS, RT or RM residential district a recreational vehicle may be so used for a period not to exceed (7) seven consecutive days and no more than three (3) times per calendar year. ([2008-Z-36](#): § 3; [2005-Z-3](#): § 1; [2000-Z-26](#): § 1; [1999-Z-7](#): § 1; [1960-16](#))
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Warrenville (Population 13,190)

A. In Residential Districts - General

A single recreational vehicle as defined herein may be parked or stored on a lot having a minimum area of 7,000 square feet and containing a single-family detached dwelling unit. One additional recreational vehicle may be parked or stored on such lot for each additional 20,000 square feet of lot area over 7,000 square feet. No more than three recreational vehicles shall be parked or stored on any single residential lot. Outdoor overnight parking and storage of recreational vehicles is not permitted on lots containing attached single-family dwelling units (town homes) or apartments unless it involves the parking of a travel van, 20' or less in length, regularly used for daily personal transportation unrelated to recreation or camping, in which case the City Council, by motion, may authorize such overnight outdoor parking.

B. Parking in Residential Districts

Recreational vehicle parking (as defined herein) shall either be (1) in a garage or (2) on the driveway or widening thereof, (3) in rear yards, interior side yards, front yards and corner side yards provided all portions of such vehicles are parked a minimum of 3' from the garage and/or principal building and 5' from all lot lines (see Appendix) unless the Recreational Vehicle being parking is 5' or less in height, in which case it may be parked not less than 1' from a side or rear lot line if adjacent to a solid wood fence with a minimum height of 1' foot taller than the height of the adjacent Recreational Vehicle and installed on the same property on which the Recreational Vehicle is parked.

C. Storage in Residential Districts

Recreational Vehicle storage (as defined herein) is not permitted in (actual) front yards or (actual) corner side yards. All portions of street legal motorized travel trailers shall be on the driveway or widening thereof. Other recreational vehicles may be stored on a nonpaved surface, provided that the yard area is not torn up and no permanent ruts are created. All recreational vehicles shall be stored a minimum of 3' from the garage and/or principle building, and 5' from interior side lot lines and rear lot lines (see Appendix) unless the Recreational Vehicle being stored is 5' or less in height in which case it may be stored not less than 1' from a side or rear lot line if adjacent to a solid wood fence with a minimum height of 1' taller than the height of the adjacent Recreational Vehicle and installed on the same property on which the Recreational Vehicle is stored.

D. Storage/Parking in Other Districts

Storage and Parking of one Recreational Vehicle on a single lot in the M District and in non-residential districts shall be subject to the requirements related to outdoor storage and parking setback regulations.

E. Temporary Use of Recreational Vehicles

Occasional use of travel trailers, camping trailers, truck campers and similar vehicles for not more than seven (7) days out of a thirty (30) day period twice per calendar year as sleeping quarters will be permitted. No connections or use for living quarters will be allowed as listed below:

1. Connection to sewer
 2. Connection to water for other than filling or maintenance equipment
 3. Cooking with equipment
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West Chicago (Population 27,086)

(14) Recreational vehicles.

- a. The following types of recreational vehicles shall be restricted in size as follows:
 1. Travel trailer, thirty-five (35) feet or less in length and not to exceed eight (8) feet in width.
 2. Camper trailer (pop-up), twenty-four (24) feet or less in length and not to exceed five (5) feet six (6) inches in height, stored in a collapsed position.
 3. Watercraft, thirty-five (35) feet or less in length, but not to exceed twelve (12) feet in height, either mounted on a boat trailer or not mounted; also boat trailer without boat mounted.
 4. Motor home, forty (40) feet or less in length and not to exceed twelve (12) feet in height.
- b. Not more than one (1) recreational vehicle shall be parked on any one (1) lot. No recreational vehicle shall be parked on any one (1) lot where the outdoor overnight storage of a commercial vehicle is present.
- c. The parking of a recreational vehicle shall be prohibited in the required front yard, actual front yard, and required corner side yard between October 15 and April 15.
- d. A recreational vehicle shall not be located closer than five (5) feet to the rear lot line and shall not be located closer than three (3) feet to the side lot lines.
- e. The parking area, permanent or temporary, shall be paved.
- f. Outdoor overnight parking and storage of recreational vehicles shall not be permitted on lots containing apartment units/condominiums.
- g. Occasional use of travel trailers or other recreational vehicles shall be permitted as set forth in [Section 6.8](#).
- h. Any recreational vehicle that does not comply with regulations established herein shall be removed or made to comply with said regulations by May 1, 2008.

Wheaton (Population 53,022)

2. Recreational Vehicle Parking Restrictions.

On any residential lot within any residential or institutional zoning district, a maximum of one (1) recreational vehicle per dwelling unit on said lot may be parked out-of-doors in conformance with the following restrictions:

- a. The owner of the recreational vehicle must be an occupant of the home where the vehicle is parked.
- b. Any non-motorized or motorized recreational vehicle shall be parked or stored only behind the front of a house and shall be set back at least five feet (5') from the rear lot line, and three feet (3') from the side lot line. On corner lots, the vehicle shall also be located behind the wall of the house adjacent to the side yard facing a street.
- c. Any recreational vehicle owned by guests of the home may be parked anywhere on a lot up to fourteen (14) days every six (6) months.
- d. Notwithstanding anything in this section to the contrary, any recreational vehicle may be parked anywhere on a lot for a period not to exceed seventytwo (72) hours for the purpose of loading, unloading, maintenance or repairs of said vehicle. A recreational vehicle may be parked for a greater period of time for the purpose of loading, unloading, maintenance or repairs, provided the owner of said recreational vehicle receives permission from the Director of the City's Building & Code Enforcement Department.
- e. All recreational vehicles shall be properly licensed and registered.
- f. All boats must be covered with a boat cover designed for its intended purpose; tarps are not permitted.

MINUTES
November 16, 2016
Plan Commission and Zoning Board of Appeals
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.

1. Meeting Called to Order

Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Commissioners Gosselin, Harms, and Peterson

Members Absent: Vice-Chair Schneider; Commissioner Joseph

Also Present: Mayor Schielke; Scott Buening, Community Development Director; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

7. Discussion- Recreational Vehicles on Residential Properties

Strassman reported that recently an alderman received a complaint about an RV parked on single-family property. Staff notes that the City regulates recreational vehicles on single-family residential property by requiring the RV be owned by the occupant of the residence. The RV is to be unoccupied and located entirely over a hard surface. The hard surface beneath the recreational vehicle must connect to a paved driveway that extends to the street and the RV cannot be closer than five feet to an exterior side or rear property line. We do allow recreational vehicles to be parked in front of the house on the driveway. The Committee of the Whole has requested that the Plan Commission (PC) review the Zoning Code's recommendations and to change any of the recommendations if warranted. The Commission can determine if the regulations sufficiently address the issue of RVs on residential properties and if not the Commission could recommend amendments to the Zoning Code to address any issues that you uncover. Strassman stated that staff recommends that the Commission discuss the issue of recreational vehicles on these properties and if they feel any change to the Zoning Code should be considered they could then specify what changes they would like to see from staff. Staff would then schedule a public hearing to take testimony from the public and continue that discussion. Strassman continued that staff is not looking for any action this evening, only if you wish to change anything to the Zoning Code.

The Commission asked if there were many complaints. Mayor Schielke answered that they don't get a lot of complaints but there are several recreational vehicles in the Kingsberry Court area. The PC viewed the area utilizing Google Maps. Mayor Schielke shared that he has heard some

complaints that one RV in the City is being used as a spare house during the holidays. Gosselin asked for clarification on what is objectionable about the RVs. Buening answered that it was aesthetics.

Harms stated that she understands how RVs would be parked outside in the summertime but in the wintertime it should be stored in some way. Buening stated that the other communities he has worked in have prohibited RVs in the front yard except for two weeks in the spring and two weeks in the fall for loading and there were exceptions given in between where they could have a forty eight hour period. Those regulations would help to relocate the RVs off of the driveways. Peterson stated that she likes that. Gosselin stated that if there is something extending off of their property it is in the City's right to send notification about the necessity of having the RV on their own property and not in the right-of-way. Gosselin commented that the setback of five feet is really small and if we are looking to do a setback change we could increase it to possibly ten feet. Harms stated that we could also limit the time frame that it could be there. Harms commented that North Aurora has regulations that no RVs be parked or stored on property in any zoning district unless located in a fully enclosed permanent structure. Buening noted that they also have exceptions for the loading.

Chair LaLonde asked what are the next steps. Buening answered that staff is looking for direction from the PC. Peterson stated that she is inclined on moving towards the St. Charles ordinance because they have a limit on the number of RVs, restrictions on how long an RV could be outside a home, and setback regulations. The Commission was in agreement to not remove any of the current requirements, such as the RV has to be owned by the occupant of the house, the RV would not be occupied and has to be located over a hard surface and the hard surface is to extend to the street. Buening asked if residents could have a guest RV on the property. Peterson stated that she thinks that it shouldn't be allowed. Strassman stated that if it is not allowed no change is needed. Gosselin stated that he personally does not see these as an eyesore but it is obvious that some people do.

Buening stated that staff could put together something and it could change after the public hearing since we would be receiving public testimony from citizens as well. Buening stated so far he has heard that St. Charles' ordinance section B, which limits the number of RVs allowed to one and has certain periods where they cannot be parked out front and no guest vehicles which keeps our existing prohibition in place sounds to be a start for proposing something. Chair LaLonde agreed that it is a good start. Buening added that we would have the ability, as we go through the public hearing, to make further changes to it. There was no objection by the Committee. Gosselin stated that he would be curious if other municipalities had any issue with the time frame of April 15th through October 15th. Buening stated that he worked with North Aurora and if someone needed an extra day they approached the City.

Buening stated that staff would draft something and then administer the public notice for the public hearing on this matter. Peterson asked how the public hearing would be advertised. Buening stated that since it is a text amendment he would put it on the City website and send out an e-blast. Albertson suggested notifying the press.