

CITY OF BATAVIA
100 N. Island Avenue, Batavia, IL 60510
(630) 454-2000 <http://cityofbatavia.net>

Committee of the Whole Agenda
Tuesday, November 15, 2016
7:30 PM Council Chambers 1st Floor

1. Roll Call
2. Approve Minutes For October 11, And October 18, 2016

Documents:

[COW 16-10-11M.PDF](#)

3. Items Removed/Added/Changed
4. Matters From The Public (For Items NOT On Agenda)
5. Resolution 16-38-R: Authorization To Purchase A 2017 John Deere 410L Combination Loader/Backhoe For \$140,700.00 (Scott Haines 11/8/16) CS

Documents:

[RES 16-38-R JD 410L LOADER BACKHOE.PDF](#)

6. Ordinance 16-72: Amending The Land Use Map Of The City Of Batavia, 1600 West Wilson Street, SJR Inc. Applicant (Rackow 11/9/16) CD

Documents:

[ORD16-72--ORD 16-73 SPUHLER--WILSON.PDF](#)

7. Ordinance 16-73: Amending The Official Zoning Map For A Planned Development Overlay, 1600 West Wilson Street, SJR Inc., Applicant (Rackow 11/9/16) CD

Documents:

[ORD16-72--ORD 16-73 SPUHLER--WILSON.PDF](#)

8. Ordinance 16-68: Vacation For A Portion Of A Public Alley Behind 639 Main Street (SCB 10/31/16) CD

Documents:

[ORD 16-68 VACATE ALLEY AT 639MAINST.PDF](#)

9. Ordinance 16-69: Establishing Special Service Area Number 60 For The Windmill Lakes Development (SWC Main St And Randall Road)(SCB 11/4/16) CD

Documents:

[ORD 16-69 WINDMILL LAKES SSA 60 ESTABLISH.PDF](#)

10. Approval Of Liquor License For Salsa Verde Batavia, Inc. D.b.a. Salsa Verde Restaurant--107 N. Batavia Ave. (Chf. Schira 11/4/16) GS

Documents:

[SALSA VERDE BATAVIA, INC.PDF](#)

11. Approval Of Liquor License For Energy City Brewing LLC D.b.a. Energy City Brewing--2 ½ W. Wilson St., Suite A1 (Chf. Schira 11/4/16) GS

Documents:

[ENERGY CITY BREWING.PDF](#)

12. Resolution 16-88-R: Authorizing City Administrator To Bind Insurance Coverage (Peggy Colby 11/4/16) GS

Documents:

[RES 16-88-R AUTHORIZE CITY ADMINISTRATOR TO BIND INSURANCE.PDF](#)

13. Ordinance 16-70: Revising Title 3 And Title 5 Of The Batavia Municipal Code Authorizing Video Gaming (Laura Newman 11/9/16) GS

Documents:

[ORD 16-70 AUTHORIZING VIDEO GAMING.PDF](#)

14. Discussion: Waterfowl Hunting On Fox River
15. Project Status
16. Other
17. Adjournment

MINUTES
October 11, 2016
Committee of the Whole
City of Batavia

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

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

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Stark, Chanzit, O'Brien, Callahan, Hohmann, Mueller, Botterman, Cerone, and McFadden

Members Absent: Alderman Wolff

Also Present: Mayor Schielke (entered at 7:34pm); Chief Schira, Batavia Police Department; Laura Newman, City Administrator; Scott Haines, Street Superintendent; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for August 30, September 13, September 20 and September 27, 2016

Motion: To approve minutes for August 30, September 13, September 20, and September 27, 2016

Maker: Chanzit

Second: Stark

Voice Vote: 12 Ayes, 0 Nays, 1 Absent
Motion carried.

3. Items to be Removed/Added/Changed

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

4. Matters From the Public (For Items NOT on Agenda)

There were no matters from the public for items not on the agenda.

5. Ordinance 16-62: Creating Class J Liquor License for Sale and Consumption of Liquor in Movie Theaters (Chief Schira 10/4/16)

Chief Schira reported that Goodrich Theaters would like to pursue liquor licenses for movie theaters. They have rolled out liquor in their Oswego theaters. Goodrich Theaters wants to be competitive but also wants to maintain the family atmosphere in the theaters. Chief Schira explained that in order to consume alcohol you must purchase a movie ticket. They will have tamper proof wrist bans that are unique for every day. There is a limitation of one drink per visit to the liquor stand. Alcohol could be consumed where it was purchased, in the lobby or in the theater. No one is allowed to carry out liquor. Liquor could be served one hour before the first movie starts and one hour after the last movie ends. Liquor would not be served if there were

only PG and G movies being shown before 8pm. Mayor Schielke noted that beyond the liquor, Goodrich Theaters plan on adding a food element such as salads and sandwiches to offer as a meal selection.

Chanzit noted that there are issues currently in the parking lot. He stated that there currently is drag racing and drinking and he is concerned about the policing of the parking lot. Stark expressed concern with underage workers having to tell adults not to walk out of the theater with a drink. She stated that she would not support this license because she does not like the whole concept. Chief Schira stated that if there were any abuse found, the Goodrich Theater would be reprimanded with a liquor violation. Atac stated that she understands the theater's interest in diversifying their menu. Callahan stated that in Florida all of the theaters have liquor offered. He asserted that the trained over twenty-one employees would be the ones responsible for handling any liquor issues, such as someone trying to leave with a beverage. Cerone and McFadden shared their support for it.

Motion: To recommend to Council approval of Ordinance 16-62: Creating Class J Liquor License for Sale and Consumption of Liquor in Movie Theaters
Maker: McFadden
Second: Cerone
Voice Vote: 10 Ayes, 2 Nays, 1 Absent
Motion carried.

Aldermen Stark and Chanzit were the nay votes.

6. Discussion: Overnight Parking Ban GS

Callahan stated that he is in support of maintaining the overnight parking ban but defining the undefined sections. He explained that we need to clearly define some of the ambiguity, such as the three days allowance for parking overnight. Atac stated that safety and aesthetics should be considered. She is concerned that lifting the parking ban would create more cars in the street. Stark questioned if this is a convenience factor or an overflow factor. She stated that the ban has always worked because it was all or nothing. Hohmann suggested a hotline or text number that downtown bars could call to have a patron leave their car overnight without getting a ticket.

Chief Schira stated that the police department is willing to do what the Council directs them. He suggested that the overnight parking ban from 1am-6am is quite long and suggested reducing it to 2am-5am. The consensus of the Committee was in favor of changing the hours. Scott Haines stated that there would be 35 to 40 signs to change. He does not think that the change of hours would effect his operations.

Chanzit stated he would be in favor of leaving the ban in place and codifying the practices that are currently in place that are not defined. Callahan suggested extended parking for six months at a time. He explained that Oak Park now issues extended parking to their residents. McFadden stated that he would support what Chanzit has suggested. He gave an example of a resident that has a short driveway who has trouble with cars hanging over the sidewalk and receiving tickets. This family has been calling the police department every three days to ensure that they do not receive tickets. McFadden stated that to be able to provide relief for certain circumstances would

be good. Stark stated that we do need to consider which would you rather have, someone parked over the sidewalk or parked in the street. Mayor Schielke commented that he has heard from residents who are concerned with neighbor rights. Some do not want their neighbors parked on the street due to maneuverability concerns. Mayor Schielke continued that there is concern with street parking and snow removal.

Haines stated that services the City provides would be affected by overnight parking. He explained that overnight parking would affect street sweeping and flooding is a potential. Refuse collection and snow removal would also be affected. Enforcement of how long vehicles are going to be there is a necessity. Allowing for overnight parking would bring a whole host of issues and he asked the Committee to consider all the issues. O'Brien fully agreed with Haines' comments. O'Brien stated that there are a lot of safety factors to consider and safety is the most important issue. O'Brien noted that he got a message from a retired police officer that asked the City not to remove the overnight parking ban due to safety concerns. Botterman stated that he would not support a permit to have a car on the street unmoved for a six-month duration or any duration. Botterman stated that this discussion is to alleviate one set of problems but he sees this leading to a whole set of other problems. He does not want the police department using their time to enforce this. Cerone asked the Committee if there was a consensus that no one would like to lift the ban. There was no opposition to that statement.

The Committee's consensus was not to lift the overnight parking ban. Chanzit added the process should be codified within the code. Callahan and Chanzit asked staff to bring some options to tighten up the ambiguity. Chief Schira asked for the Committee to send him an email listing circumstances in which a permit would be justified. He would like the Committee to spell out the circumstances to make it clear as to what the Committee wants.

Chief Schira suggested changing the ordinance so that the Chief of Police has the authority to grant permits versus going to the COW for permission. Callahan agreed and stated that if we spell out the conditions with officer discretion that would be acceptable. Chanzit agreed with removing the decision from the Council and allowing for the Chief's discretion. Chief Schira added that the appeal authority should then go to the City Administrator.

Chair Brown opened the floor for public comment.

Eric Polmnair, 1195 Hanover Drive, stated that this is a good discussion but we are dealing with a very small percentage of residents and a majority does not have an issue. He agrees with what Botterman has stated, you are going to create more issues. He suggested limiting the amount of permits one person could have.

Chief Schira suggested not allowing parking of any kind overnight on the streets from November 1st until April 1st as per the street department has suggested. Chief Schira also suggested removing the term emergency. He explained that overnight parking is not an emergency. He stated that it is a predicament.

Summary of tasks to do:

- COW to email Chief Schira with language and suggestions on which situations would justify a permit
- Language should be added to codify processes already in place
- Change the overnight parking hours from 1-6am to 2-5am.
 - Change signage
- Chief of Police to have the authority to grant permits
 - Appeal authority with the City Administrator
- Chief Schira would put something together and bring it back to the COW for review and editing

7. Discussion: To Allow First Baptist Church Congregation the Right of First Refusal to the Organ Pipes in the First Baptist Church and to Offer them Next to any Batavia Religious Congregation before Offering them for Disposition to the General Public CD

Mayor Schielke would like to start with the First Baptist Church that owns the building and then offer the organ pipes to the Batavia Ministerial Association. After that we could then make it available to the public. Mayor Schielke commented that the organ does not appear to work in its current condition. There was no objection from the Committee.

Mayor Schielke stated that the First Baptist Church is in the process of having the stained glass windows taken out and then used in one of their facilities. Newman stated that anyone who works on the building would have to sign a waiver and release in order to do any work on the building or to take anything out.

8. Project Status

Newman reported that she would like to move forward in contracting with Sigma Performance Solutions. The event would be held on November 5th at the Lincoln Inn. Communication assessments and discussion on strategic planning would be included in this meeting.

Newman announced that the parking analysis and economic impact analysis would be placed on the City Website as well as the One Washington Place page, and Facebook. Newman gave a summary of the results (600ft surrounding the redevelopment site):

- Demand at peak hours is 1,237 spaces, the current is 1,056 parking spaces, we currently have a deficit of 181 parking spaces
- Post development the supply is expected to increase to 1,265 parking spaces, and the demand increase is 1,370, this would result in the deficit being decreased from 181 spaces to 105 spaces
- Building the project would not completely cure the deficit in our downtown area but it does decrease the deficit.
- It would be advantageous to utilize the Larsen Becker property as temporary parking while the project is being built and hang on to it after the project is built so that we could better understand the increased need for parking in the area

Callahan asked if the deficit took into account the public parking proposed on the Larsen Becker property. Newman answered that it did not. Brown noted that the Octoberfest event had sufficient parking.

Newman discussed the economic impact analysis for One Washington Place. She highlighted the following information:

- The temporary economic impacts of the construction phase will be significant. About 400 jobs will result from the project. Persons filling those jobs will earn nearly \$23.4 million. Economic activity will increase by more than \$67 million in Kane County.
- A 2014 report examining housing stock in the Fox River Valley suggested that this type of housing would be in short supply in Batavia. Once complete, residential tenants will potentially have annual expenditures of nearly \$15 million. While the majority of this spending will go towards housing, transportation, and healthcare, significant expenditures will occur in retail and service sectors that are present in Batavia. For example, building residents will likely spend over \$750,000 eating at restaurants. A similar amount could be spent in entertainment venues.
- Sales at potential commercial tenants of the building could be in the neighborhood of \$2.7 million. This includes retail store sales of about \$1.5 million and restaurant receipts of \$1.2 million. Employees of these businesses may earn a total of nearly \$870,000.

9. Other

Newman announced brush pick up dates:

- East side: Already completed
- West side: October 17th
- November 28th is the citywide last brush collection

10. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:05pm; Made by O'Brien; Seconded by Stark. Motion carried.

CITY OF BATAVIA

DATE: November 8, 2016
TO: Committee of the Whole – City Services
FROM: Scott A. Haines, Street Superintendent
SUBJECT: Resolution 16-38-R: Authorization to Purchase a 2017 John Deere 410L Combination Loader/Backhoe for \$140,700.00

Summary

The Street Division is recommending the purchase of a 2017 John Deere 410L Combination Loader/Backhoe for \$140,700.00 to replace our 2002 Caterpillar 430 Combination Loader/Backhoe.

Background

The new Combination Loader/Backhoe will replace a 2002 Caterpillar 430 Combination Loader/Backhoe. The 2016 budget includes \$105,000.00 to be split evenly among the Electric, Water, and Street Divisions of Public Works. As part of the proposal, West Side Tractor Sales has provided us with a trade allowance of \$31,000.00. Nearer to the delivery date, we will plan to post the 2002 backhoe on the Public Surplus auction site to see if we can sell it for more than the trade allowance. Whether the loader/backhoe is sold through the Public Surplus site or we accept the trade allowance of \$31,000.00, the expenditure will be very close to the total budgeted amount of \$105,000.00 to be split among the three divisions.

Proposals

The proposal from West Side Tractor Sales, with additional customer loyalty discounts, exceeds discounts available through the GSA and NJPA purchasing co-ops. West Side Tractor Sales Company of Naperville, Illinois, is the local vendor but the purchase would be directly from John Deere Retail Sales of Moline, Illinois. We have used this process a few times over the years, and staff feels it was cost-effective.

2017 John Deere 410L Combination Loader/Backhoe	\$140,700.00
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Staff Recommendation

Staff recommends the purchase of a 2017 John Deere 410L Combination Loader/Backhoe for an amount not to exceed \$140,700.00.

Recommended Committee Action

Approve Resolution 16-38-R, authorizing the purchase of a 2017 John Deere 410L Combination Loader/Backhoe for an amount not to exceed \$140,700.00 from John Deere Retail Sales of Moline, Illinois

Memo to City Services Committee
November 8, 2016
Page 2

Recommended Council Action

Motion 1: Waive formal bidding and purchase a 2017 John Deere 410L Combination Loader/Backhoe

Motion 2: Approve Resolution 16-38-R, authorizing the purchase of a 2017 John Deere 410L Combination Loader/Backhoe for an amount not to exceed \$140,700.00 from John Deere Retail Sales of Moline, Illinois

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-38-R**

**AUTHORIZING THE PURCHASE OF
ONE 2017 JOHN DEERE 410L COMBINATION LOADER/BACKHOE
FROM JOHN DEERE RETAIL SALES OF MOLINE, ILLINOIS
FOR AN AMOUNT NOT TO EXCEED \$140,700.00**

WHEREAS, the City of Batavia has determined that it has the need for one replacement combination loader/backhoe for the Public Works Department;

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

SECTION 1. That the Mayor and City Clerk are hereby authorized to purchase one 2017 John Deere 410L Combination Loader/Backhoe from John Deere Retail Sales of Moline, Illinois, for an amount not to exceed \$140,700.00

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Vacant					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		0 Ayes	0 Nays	0 Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Christine Simkins, Deputy City Clerk



1400 W. Ogden Ave • Naperville, IL 60563

(630) 355-7150 • Fax (630) 355-7173

11/9/2016

DATE

CUSTOMER ORDER#

Tate VanOvermeiren
SALESPERSON

PURCHASER NAME: CITY OF BATAVIA - ST DEPT
 ADDRESS: 100 N ISLAND AVE
 CITY, STATE, ZIP: BATAVIA IL, IL 60510 PHONE#: (630) 454-2000

QTY	DESCRIPTION	PRICE
1	2017 John Deere 410L Backhoe Loader	LIST \$194,003.00
	EXCEEDS NJPA DISCOUNT (42%) or	
	EXCEEDS GSA DISC GS30-F-0013U (38.5%)	
	Net Price	\$115,041
	5 Yr or 2000 Hr Power Train and Hydraulic Warranty	Net Additional \$25,659
	PLUMBING KITS, BOOM PROTECTION PLATE, HAND HELD HYDRAULICS	
	WAIN ROY COUPLER, WAIN ROY SD HICAP BUCKET, PDI, LABOR FOR KITS	
	2nd AUX HYD TO DIPPERSTICK, MANUALS, AND DELIVERY	
	INDECO HP1100 HAMMER WITH HOSES, COUPLERS, MOIL POINT, BRACKET CAP	
TRADE-IN:		
	2002 CAT 430D IT with 7000 hours	\$ 31,000.00
		\$ -
		\$ -

TAXES*			
SALES	\$ -	SELLING PRICE	\$ 140,700.00
TIRE USER FEE	\$ -	LESS TRADES-IN(S)	\$ (31,000.00)
COOK COUNTY USE	\$ -	SUBTOTAL	\$ 109,700.00
COOK COUNTY RETAIL	\$ -		
GROSS FET (12%)	\$ -	TOTAL TAXES*	\$ -
- Tire Credit	\$ -	SUBTOTAL	\$ 109,700.00
NET FET	\$ -		
C. OF CHICAGO	\$ -	TOTAL RENT TO APPLY	\$ -
TOTAL TAXES*	\$ -	PAYOFF OF TRADES	\$ -
RENT TO APPLY**	\$ -	CASH DOWN PAYMENT	\$ -
RENTALS BILLED	\$ -	SECURE	\$ -
RENT TAX BILLED	\$ -	PM PLUS	\$ -
LESS SERVICE CHARGE	\$ -	OTHER	\$ -
TOTAL RENT TO APPLY**	\$ -	BALANCE DUE	\$ 109,700.00

TERMS: CASH ON DELIVERY _____ CONDITIONAL SALES CONTRACT _____ MAKE CHECKS PAYABLE TO: "WEST SIDE EXCHANGE"
 NOTES: _____

WARRANTY CODE: _____ F.O.B. _____

ALL NEW EQUIPMENT IS SOLD UNDER THE STANDARD WARRANTY, IF ANY, OF THE MANUFACTURER.
 ALL DELIVERIES ARE SUBJECT TO DELAYS CAUSED BY ACTS OF GOD, FIRES, STRIKES, WAR, INSURRECTIN OR ANY OTHER CAUSE BEYOND THE REASONABLE CONTROL OF OURSELVES OR THE MANUFACTURER
 IT IS UNDERSTOOD THAT THIS ORDER CONSTITUES THE ENTIRE CONTRACT AND SHALL NOT BE BINDING UNTIL OFFICIALLY ACCEPTED BY THE WEST SIDE TRACTOR SALES CO. PURCHASER HAS READ AND UNDERSTANDS WARRANTY TERMS AND REVERSE SIDE.
 IF A TRADE-IN IS A PART OF THIS PURCHASE ORDER, "PURCHASER" HEREBY CERTIFIES THAT SUCH TRADE-IN(S) IS FREE AND CLEAR OF ALL LIENS OR ENCUMBRANCES EXCEPT AS SHOWN ABOVE.

YOUR ARE HEREBY AUTHORIZED TO ENTER THE ABOVE ORDER FOR THE UNDERSIGNED

SALESPERSON: TATE VAN OVERMEIREN PURCHASER: _____

ACCEPTED FOR WEST SIDE TRACTOR SALES CO. BY: _____

BY: _____ DATE: _____

Sales Manager

Revision 8/1/05

CITY OF BATAVIA

DATE: November 9, 2016

TO: Committee of the Whole

FROM: Drew Rackow AICP, Planner

SUBJECT: Proposed Multi-Family Residential Building

- **Ordinance 16-72:** Amending the Land Use Map of the Comprehensive Plan of the City of Batavia
- **Ordinance 16-73:** Amending the Official Zoning Map for a Planned Development Overlay 1600 West Wilson Street - SJR Inc., Applicant

Summary: The attached draft Ordinances would approve Land Use and Zoning Map amendments for a Planned Development to allow the use of vacant City owned property at 1600 West Wilson Street (the former west side water tower site) for a proposed 12 unit multi-family building.

- **Ordinance 16-72** would approve an amendment to the Comprehensive Plan Land Use Map, putting the property in a land use designation more compatible with the existing zoning district of R4, Multiple Family Residential, rather than the existing Public Facilities and Institutional designation.
- **Ordinance 16-73** would approve a planned development, with modifications to the Zoning Code for overall site density and building setbacks to allow a 12 unit multi-family building.

The Plan Commission recommended approval of the Land Use Map amendment but denial of a Planned Development Overlay.

Background: In July 2015, the City Council authorized a process to seek a buyer for the former west side water tower site. The property has been vacant since 2008, when the water tower was demolished. The property was declared surplus in 2013. SJR Inc (represented by Arney Silvestri) was the successful bidder of the property, with sale being contingent on approval for development of the property for 12 dwelling units. The proposed 12 unit building would have 8 two bedroom and 4 one bedroom units. Each of the units would have a one car garage with parking available for one additional car in front of each garage bay.

The Planned Development would modify several requirements of the Zoning Code. The most significant modifications are to reduce setbacks (these setbacks include distances from balconies rather than the front walls) and to reduce the minimum land area per unit of 1,777 square feet instead of the required 2,333 required by the Zoning District. The requested modifications would allow greater density for a development than the base district allows. Other modifications would allow the wider proposed driveways, and to reduce landscape area requirements and other common space requirements specified in the Zoning Code.

For a detailed description of the issues related to the proposed zoning actions, please see the attached staff reports to the Plan Commission. The Plan Commission took action to approve of the Comprehensive Plan change as stated in Ordinance 16-72. While the Plan Commission took action to recommend denial of the Planned Development, the attached Ordinance 16-73 is structured in the affirmative for the review and discussion by the Committee.

The recommendation for denial by the Plan Commission does not increase the number of votes required to approve the proposed actions; only a simple majority vote of the City Council is required. Council approval of the sale of the property will require a 3/4 majority affirmative vote by the City Council.

Plan Commission Review and Action: The Plan Commission opened a Public Hearing for the proposed actions on August 17th. At the hearing, Mr. Silvestri presented the proposal and fielded questions from the Commission. During the hearing, five members of the public spoke against the proposed project. Concerns included overall density, traffic and impacts of rental populations. In their discussion of the project, the Commission shared concerns presented about the bulk and overall density of the proposal. They also felt that the setback requests were excessive. The Commission continued the Public Hearing to allow for the applicant to consider alternate plans to reduce the project

to the allowed density under the Zoning Code (9 units) and meet the setbacks. The Commission continued the Hearing to October 19th.

At the October 19th Hearing, four members of the Public spoke, sharing concerns about the proposed use and their possible effects on the existing neighborhood. Concerns were noted about additional traffic, effects on the land value of adjoining properties and the requested relief resulting in a structure that would not fit the neighborhood. The Commission concluded their review, indicating that while they believed a Land Use classification based on the allowed Zoning District was appropriate, the proposed development, due to the requested modifications to the Zoning Code, was not in keeping with the residential character of the neighborhood.

The Commission, by a vote of 4-2, voted to recommend approval of the requested Comprehensive Plan Land Use Map Amendment.

Plan Commission by a vote of 0-6, effectively recommend denial of the proposed Zoning Map Amendment for a Planned Development Overlay. The Commission recommended tabling the Design Review with no action being taken to approve Design Review. Minutes for both meetings are included in the packet.

Alternatives: The COW can recommend approval of the Ordinance as presented, add or remove approval conditions, recommend denial, or continue its review with direction to staff for revisions.

- **Pros:** Approval of Ordinances 16-72 and 16-73 would allow development of the applicant's proposed project, removing a property from the City's holdings and placing it on the tax rolls and adding to the unit mix within the City.
- **Cons:** Not approving Ordinance 16-72 would keep the property with the present use designation, inconsistent with the zoned designation for the property. Not approving Ordinance 16-73 would reject the proposed development leaving this property off the tax rolls, undeveloped, and unsold.
- **Budget Impact:** The City would collect fees for building permits and utility connections. The Water Utility would receive payment for the property, if the Council agrees to sell the property for this project.
- **Staff Impact:** Staff time has and would be used to complete the entitlement process and the building permit process.

Timeline for Actions: With COW recommendations, both Ordinances could be placed on the City Council's agenda for the November 21st meeting. Due to the action of the Plan Commission to table Design Review, a new notice and meeting would need to occur for additional Plan Commission review. Any action to sell the property would have to occur after this action. Sale of the property has been extended under the contract through the end of the year.

Staff Recommendations: Attached Ordinance 16-72 has been drafted per the action of the Plan Commission. Ordinance 16-73 has been drafted in the affirmative for the consideration by the Committee. Staff recommends approval of both Ordinances with a condition of subsequent review and approval of Design Review by the Plan Commission.

Attachments

1. Draft Ordinance 16-72
2. Draft Ordinance 16-73
3. Plan Commission Memos
4. Plan Commission Minutes

c Mayor
Department Heads
Applicant
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-72**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE
COMPREHENSIVE PLAN OF THE CITY OF BATAVIA**

SJR INC., APPLICANT

1600 WEST WILSON STREET

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21ST DAY OF NOVEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 22nd day of November, 2016

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-72**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE
COMPREHENSIVE PLAN OF THE CITY OF BATAVIA
SJR INC., APPLICANT**

2110 MAIN STREET

WHEREAS, an application, by SJR Inc., contract purchaser and authorized by the City of Batavia as the legal owner of record of the subject property has been filed with the City Clerk of the City of Batavia, Kane County, Illinois, requesting a Comprehensive Plan Land Use Map Amendment proposing to change the existing land use classifications of Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre for the subject property as shown on Exhibit A, attached hereto and legally described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING OF THE NORTHWEST CORNER OF SAID QUARTER, THENCE EASTERLY ALONG THE NORTH LINE OF SAID QUARTER 663.68 FEET, THENCE SOUTHERLY ALONG A LINE FORMING ON ANGLE OF 86°07'52" WITH SAID NORTH LINE (MEASURED FROM WEST TO SOUTH) 1648.63 FEET TO THE SOUTH LINE OF WILSON STREET FOR THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 168.0 FEET TO A NORTHWESTERLY CORNER OF WEST WINDS SUBDIVISION, BATAVIA, KANE COUNTY, ILLINOIS, THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF WILSON STREET, BEING ALSO ALONG A NORTHERLY LINE OF SAID WEST WINDS SUBDIVISION FORMING ON ANGLE OF 87°15' 52" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 131.09 FEET TO THE EAST LINE OF SPUHLER DRIVE; THENCE NORTHERLY ALONG SAID EAST LINE FORMING AN ANGLE OF 90°01'22" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 167.81 FEET TO SAID SOUTH LINE; THENCE WESTERLY ALONG SAID SOUTH LINE 123.14 FEET TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS TOGETHER WITH THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED THEREON. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

COMMONLY KNOWN AS 1600 WEST WILSON STREET (PIN 12-21-100-026)

WHEREAS, all required public notification regarding the intention of the City to amend the Land Use Map of the Comprehensive Plan, were executed as required by the Batavia City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia Municipal Code by the Batavia Plan Commission on August 17, 2016 which was subsequently continued to October 19, 2016; and

WHEREAS, following said hearing, the Plan Commission recommended approval of such Comprehensive Plan amendment; and

WHEREAS, on November 15, 2015, the Committee of the Whole reviewed the application, the record of the public hearing, and the action of the Plan Commission and recommended approval of such Comprehensive Plan amendment in accordance with the Plan Commission recommendation; and

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

WHEREAS, it is in the best interest of the City of Batavia that the Land Use Map of the Comprehensive Plan be amended as requested by the contract purchaser;

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

SECTION 1: That the Land Use Map of the Comprehensive Plan is hereby amended in conformance with the terms of this Ordinance.

SECTION 2: That the approximately 0.50 acres that comprise 1600 West Wilson Street are hereby designated on the Land Use Map of the Comprehensive Plan as the Residential 8 to 15 Dwelling Units per Acre land use classification, as shown on Exhibit A, subject to all terms and conditions under the Municipal Code relating thereto.

SECTION 3: That this Ordinance 16-72 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-72

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

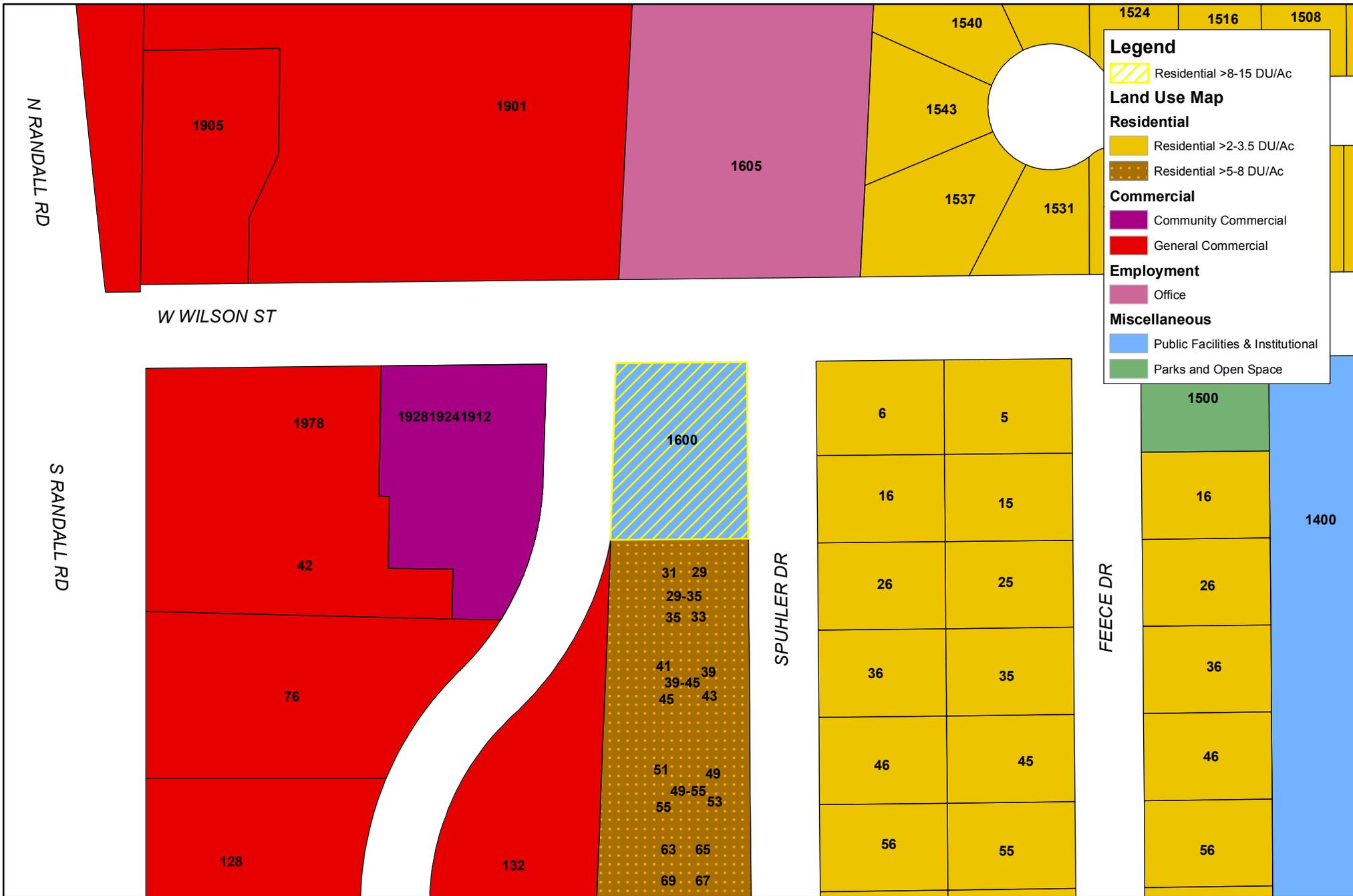
APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Vacant					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Heidi L. Wetzel, City Clerk



Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.

SOURCE: BATGIS, KANEGIS



Exhibit "A" of Ordinance 16-72



DATE: 11/10/2016

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-73**

**AMENDING THE OFFICIAL ZONING MAP FOR A
PLANNED DEVELOPMENT OVERLAY
(1600 WEST WILSON STREET)**

SJR INC., APPLICANT

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21ST DAY OF NOVEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 22nd day of November, 2016

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-73**

**AMENDING THE OFFICIAL ZONING MAP FOR A
PLANNED DEVELOPMENT OVERLAY
(1600 WEST WILSON STREET)**

WHEREAS, SJR Inc., as contract purchaser, has filed an application for Planned Development Overlay on the property located at 1600 West Wilson Street, and legally described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING OF THE NORTHWEST CORNER OF SAID QUARTER, THENCE EASTERLY ALONG THE NORTH LINE OF SAID QUARTER 663.68 FEET, THENCE SOUTHERLY ALONG A LINE FORMING ON ANGLE OF 86°07'52" WITH SAID NORTH LINE (MEASURED FROM WEST TO SOUTH) 1648.63 FEET TO THE SOUTH LINE OF WILSON STREET FOR THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 168.0 FEET TO A NORTHWESTERLY CORNER OF WEST WINDS SUBDIVISION, BATAVIA, KANE COUNTY, ILLINOIS, THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF WILSON STREET, BEING ALSO ALONG A NORTHERLY LINE OF SAID WEST WINDS SUBDIVISION FORMING ON ANGLE OF 87°15' 52" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 131.09 FEET TO THE EAST LINE OF SPUHLER DRIVE; THENCE NORTHERLY ALONG SAID EAST LINE FORMING AN ANGLE OF 90°01'22" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 167.81 FEET TO SAID SOUTH LINE; THENCE WESTERLY ALONG SAID SOUTH LINE 123.14 FEET TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS TOGETHER WITH THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED THEREON. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

COMMONLY KNOWN AS 1600 WEST WILSON STREET (PIN 12-21-100-026)

with the City Clerk of the City of Batavia, Kane County, Illinois, said application requests an amendment to the Official Zoning Map for a Planned Development Overlay pursuant Chapter 3.1 of the Zoning Code with final plan approval through Design Review; and

WHEREAS, the applicant has also sought approval, but did not receive final action from the Batavia Plan Commission, concurrent with this Planned Development Overlay Map Amendment; and

WHEREAS, all public notification regarding the intention of the City to amend the Official Zoning Map and for said Planned Development Overlay and for Design Review approval was executed as required by City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia City Code by the Batavia Plan Commission on August 17, 2016 and continued to October 19, 2016; and

WHEREAS, the Plan Commission has reviewed the application and has recommended denial of such Zoning Map Amendment for a Planned Development Overlay to the City Council and took no action on Design Review; and

WHEREAS, on November 15, 2016, the Committee of the Whole reviewed and considered the application, the record of the public hearing and the actions of the Plan Commission, and recommended approval of said Zoning Map Amendment; and

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

WHEREAS, it is in the best interest of the City of Batavia that the Property, as described above, be zoned as requested by the applicant and owner of record;

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

SECTION 1: That the application submitted by SJR Inc., for the approval of a Zoning Map Amendment for a Planned Development Overlay is approved, with modifications to the Zoning Code and conditions of approval listed below, and in substantial conformance with the Exhibits attached hereto.

1. Modification from Table 2.204 for a Minimum Perimeter building setback, corner(east) of approximately 23.12' instead of the required 30 feet.
2. Modification from Table 2.204 for a Minimum Perimeter building setback, corner(west) of approximately 25.16' instead of the required 30 feet.
3. Modification from Table 2.204 for a Minimum Perimeter building setback, rear of approximately 10.26' instead of the required 20 feet.
4. Modification from Table 2.204 for a Minimum Perimeter landscape area for the rear of approximately 9.25' instead of the required 20 feet.
5. Modification from Table 2.204 for private open space for four ground floor units, being provided 24 square feet rather than the required 60 square feet.
6. Modification from Table 2.204 for common open space amenities, 600 square foot playground.
7. Modification from Table 2.204 for a Minimum Perimeter building setback, front of approximately 21.53 instead of the required 30 feet.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-73

8. Relief from Table 2.204 for Minimum net land area per unit of approximately 1,777 square feet instead of the required 2,333 square feet.
9. Relief from 4.207.A to allow a driveway width of approximately 61' instead of 18'.
10. And other relief necessary from the Zoning Code to grant approval of the proposed site plans, in general conformance with the plans depicted for review by the Plan Commission; and

Subject to the following conditions of approval:

- A. Driveways providing full access to interior units, with provision of a small landscape area, subject to City Staff approval.
- B. Replacement of removed tree at Independence with the replacement of trees at a one to one inch caliper rate on site, and/or equivalent contribution to the City Parkway Tree program.
- C. All trees to be of the required minimum sizing, as required by Zoning Code.
- D. Public Sidewalks other than along Spuhler Road to be five feet in width.
- E. Approval of Final Engineering Plans by City Staff.
- F. Approval of Design Review by the Batavia Plan Commission

Exhibit	Plan	Dated	Prepared by
A	Site Plan	July 6, 2016	Donahue & Thornhill
B	Landscape Plan	June 6, 2016	RLS Landscape and Nursery Co.
C	Exterior Building Elevations	July 18, 2016	Michael J. Grimson and Associates

SECTION 2: That this Ordinance 16-73 shall become effective after passage and approval and publication as required by law contingent upon acquisition of the property located at 1600 West Wilson Street by SJR Inc., If the Acquisition does not occur before January 30, 2017 this Ordinance 16-73 shall be automatically terminated and be of no force or effect as if this Ordinance was not ever effective without any further action by the City of Batavia and the zoning of the of the properties located at 1600 West Wilson Street (as legally described herein) existing prior to this Ordinance shall continue in force and effect as if they were never changed.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-73

Jeffery D. Schielke, Mayor

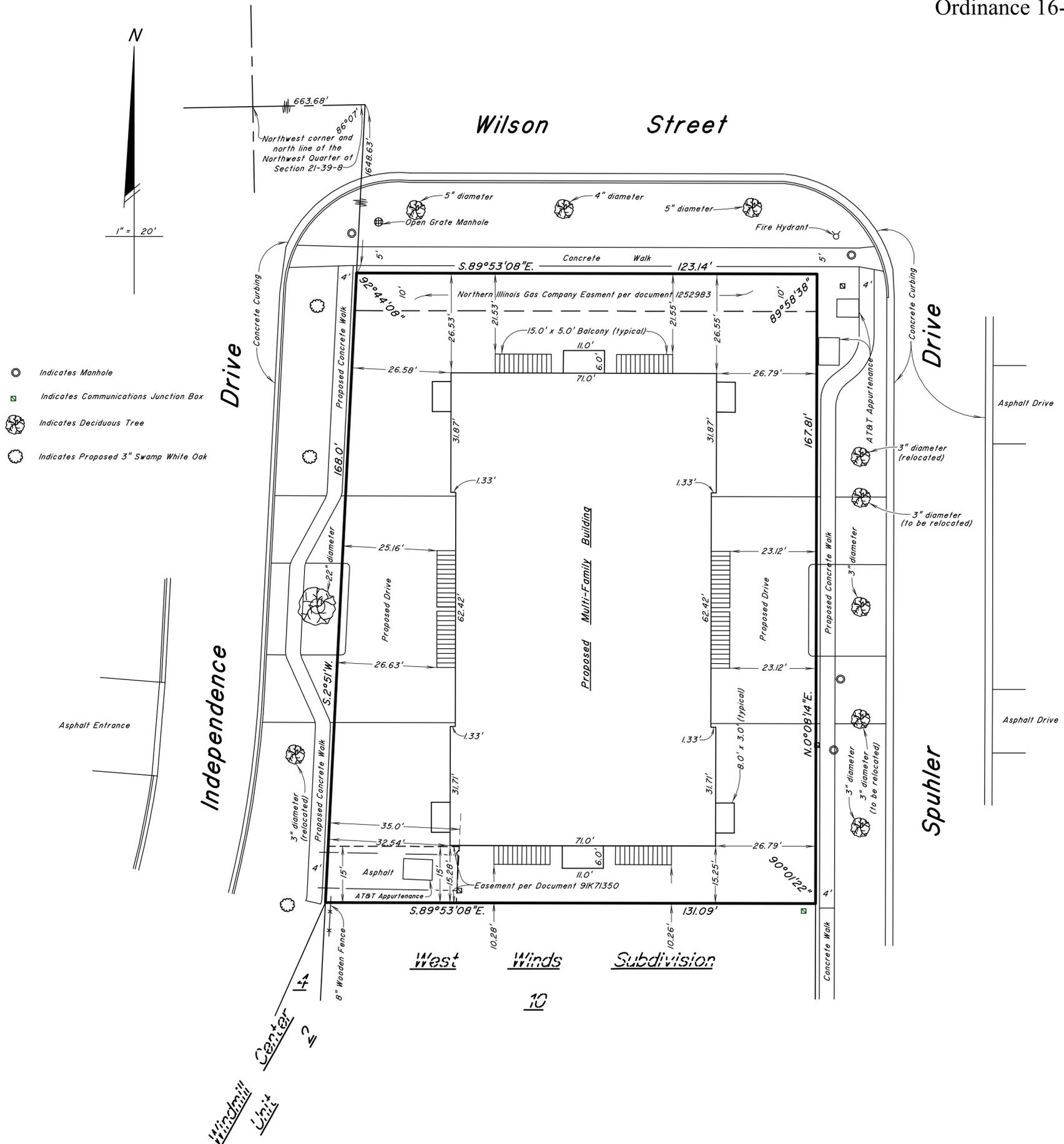
Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Vacant					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Chris Simpkins, Deputy City Clerk

Plat of
Part of the Northwest Quarter of Section 21-39-8
Batavia Kane County Illinois

Exhibit "A" of
 Ordinance 16-73



- Indicates Manhole
- Indicates Communications Junction Box
- ⊗ Indicates Deciduous Tree
- ⊙ Indicates Proposed 3" Swamp White Oak

State of Illinois)
)ss
 County of Lee)

This is to certify that the plat hereon drawn is a correct representation of that part of the Northwest Quarter of Section 21, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Quarter; thence easterly along the north line of said Quarter 663.68 feet; thence southerly along a line forming an angle of 86°07' with said north line (measured from west to south) 1648.63 feet to the south line of Wilson Street for the point of beginning; thence continuing southerly along the prolongation of the last described course 168.0 feet to a northwesterly corner of West Winds Subdivision, Batavia, Kane County, Illinois; thence easterly parallel with the south line of Wilson Street, being also along a northerly line of said West Winds Subdivision forming an angle of 87°15'52" with the last described course (measured clockwise therefrom) 131.09 feet to the east line of Spuhler Drive; thence northerly along said east line forming an angle of 90°01'22" with the last described course (measured clockwise therefrom) 167.81 feet to said south line; thence westerly along said south line 123.14 feet to the point of beginning, in the City of Batavia, Kane County, Illinois together with the improvements proposed to be constructed thereon. All distances are given in feet and decimal parts thereof.

Dated at Lee, Illinois, March 1, 2016

Illinois Professional Land Surveyor No. 2411
 DONAHUE and THORNHILL, INC.
 (Illinois Professional Design Firm No. 2713)
 1321 Woodlawn Road
 Lee, Illinois 60530
 (630) 561-1567



License Renewal/Date of
 Expiration = 11/30/2016

Plat revised July 6, 2016 to
 address May 23, 2016 City
 of Batavia review comments.



FRONT ELEVATION



REAR ELEVATION

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:45 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

5

SCALE 3/16"=1'-0"

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:50 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

1



WEST ELEVATION



EAST ELEVATION

CITY OF BATAVIA

DATE: August 12, 2016
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: **Public Hearing:** Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre
- Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District
- Design Review for a New Residential Building
SJR Inc, Applicant

Background and Information Supplied by the Applicant

Arney Silvestri, representing SJR Inc., has submitted applications for several actions to allow for a proposed 12 unit multiple family residence building at the former west side water tower site at the intersection of Wilson Street with Spuhler and Independence Drives. The property is approximately ½ acre. The Comprehensive Plan Land Use Map Amendment would place the property under a land use category consistent with the proposed multiple family residence use and current zoning, rather than the present designation of Public Facilities and Institutional. The proposed Planned Development is to allow for relief from the Zoning Code for several aspects of the development, including a lesser amount of lot area per unit and allowing narrower setbacks among other proposed site conditions. Design Review is required to approve the exterior elevations and design of the site.

The applicant proposes a 12 unit building with 8 two bedroom units and 4 one bedroom units. Six units would access Spuhler Drive and six units would access Independence Drive. Each unit would have one garage parking place and one space in a common driveway. Landscaping is proposed around the perimeter of the site. The parcel is currently zoned R4, Residential Multiple Family Residence Medium Density. Abutting properties to the south share this zoning district. Properties to west are zoned CC, Community Commercial. Properties to the north are O, Office. Properties to the east are zoned R1-L, Single Family Residential. The applicant notes the unique layout of the site and the identified needs for rental housing as factors to consider as part of the review of the request for a Planned Development. As a rental building, it would be subject to the City's Apartment Licensing and Inspection Program.

Staff Analysis

Comprehensive Plan: The proposed amendment to the Comprehensive Plan is to place the property into a classification to reflect the conversion to residential. The property is currently designated as Public Facilities and Institutional. The Comprehensive Plan established a Gross Density (area prior to street dedication) for the proposed Multiple Family Residential, Medium Density District designation. An analysis of the change relative to the Comprehensive Plan Goals is as follows:

Land Use: The amendment would address goal 1 “Maintain Batavia as an attractive place to live, work, shop and play, with a balance of land uses” through Policy C: “Encourage mixed uses of land where they are compatible and integrated with the neighborhood”. Goal 4 “Maintain a diversity of housing types, prices and styles for all segments of the community” would be met by Policy E to “Effectively use information from studies of the Batavia housing market to better address City-wide housing needs” Goal 5 of “Coordinate land use and transportation planning” would be facilitated through Policy C: “Locate higher density residential uses convenient to transit corridors and employment centers” The amendment would reinforce Goal 8, Policy B, of “Provide gradual land use transitions and buffers between lower intensity and higher intensity uses” and Policy E to “Consider transitional zoning district designations to effectively separate incompatible land use s when amending the Official Zoning Map”, by placing an appropriate designation on the existing zoning of the property.

Housing, Neighborhood Conservation and Historic Preservation: The proposed development would assist in accomplishing Goal 1, “Provide a wide range of housing opportunities for people in all life circumstances” by accomplishing Policy A: “Provide a diversity of quality rental and owner occupied housing” and Policy D: “Encourage varied housing styles, densities and types within neighborhoods”. Goal 2 “Preserve the character of established residential neighborhoods” could be accomplished through Policy B: “Prevent commercial encroachment into residential neighborhoods”, by providing a transition from existing commercial and office uses.

Utility Impacts – The proposed change is not expected to have a negative impact on the City’s infrastructure or its ability to serve development in the immediate area or the city as a whole. Sufficient utilities/infrastructure is in place to serve the proposed use.

Overall, the proposed Comprehensive Plan Land Use Map Amendment places the property in a Land Use category consistent with the current zoning district and proposed use. The proposed designation would align more closely with the actual proposed residential density requested through the planned development.

Building/Setbacks/Density (Planned Development Request): The building would be composed of vinyl sided elevations with an asphalt shingle roof. Second floor units would have individual balconies. Ground units would have smaller concrete patios. An articulated entrance corridor is provided at the north and south elevations. Building setbacks would require relief under the Zoning Code, specifically to allow narrower setbacks. Setbacks are at 21.53 feet on Wilson Street and 23.12 on Spuhler, while the Independence setback is at 25.16 feet. These dimensions are from the balconies. Effectively the building setback is approximately 26 feet on these three elevations. In order to provide greater distance from Wilson Street, the south (rear) setback proposes a greater amount of relief with a setback of 10.26 instead of the required 20 feet. The

proposed building height meets zoning requirements. The applicant intends to provide material and color samples at the Plan Commission meeting.

The applicant does propose density greater than the base district regulations. The R4 Zoning District permits a minimum lot square footage of 2,333 per unit (18.67 units per acre). This base district allowance would permit 9 units on the property. The proposed density would be at a rate of approximately 1,777 square feet per unit (24.53 units per acre). The multiple family developments to the south are approximately 12.41 units per acre (3,510 square foot per unit). The Homes for a Changing Region Plan does forecast a need for additional residential apartments within the community, projecting a need, under a “balanced housing profile” of 1,085 additional multiple family dwellings in the community by 2040.

The Planned Development Overlay allows for greater increases in density, setbacks and other standards for unique developments and to advance Comprehensive Plan goals. The applicant notes the unique configuration of the site as being a factor for the Planned Development request. Three frontages ultimately have an effect of reducing the amount of land available for development on the parcel, as the Zoning Code is not written to contemplate a triple frontage configuration. For this reason a planned development is a suitable solution. The submitted plans would determine the future development of the site. Additionally, by providing the proposed housing mix in the community with one and two bedroom apartments, the building would also further advance City development goals. For these reasons, staff is supportive of the Planned Development request. The increase in the number of units allowed on the property from 9 to 12 under the Zoning District is a reasonable request for the Commission to consider.

Landscape: The proposed landscaping generally meets Zoning Code requirements, with trees provided along the perimeter of the site and for parkway plantings. Trees counts do result in one tree per unit. Separate detention areas are not provided as this site was accounted for in the West Winds Subdivision.

Lighting: No specific site lighting is proposed other than that required by building code.

Access: Access is provided with two driveways, one that faces Spuhler Drive and the other that faces Independence Drive. The proposed driveway as depicted would provide a break in pavement. The consensus of staff upon review of the current plans has concluded that this may create access issues for the center garages, especially if driveway parking places are occupied by larger vehicles. Staff would recommend the replacement of these trees elsewhere on site or if not feasible as a contribution to the parkway tree program. The tree along Independence is 22”, staff would recommend an inch per inch replacement of this tree with additional trees on site. Additionally, the Commission may consider requiring a smaller landscape area to break up the driveway. Relief from driveway requirements would be a Planned Development request. Access to units would be provided by doors with a common hallway oriented north and south. Some garages would also have access to the common hallway. The new public sidewalks are currently depicted at four feet. Staff recommends a condition that all sidewalks other than Spuhler Drive, which is presently four feet, be revised to five feet, consistent with City Code.

Parking: The site plan depicts 24 parking places (12 in driveways and 12 in garages). This meets the Zoning Code requirements for multi-family units. As individual garages with storage areas are provided, there is no requirement for bicycle parking.

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:

Design Review Findings:

A. The project is consistent with applicable design guidelines: The proposed improvements would be generally consistent with the Multi-Family Design Guidelines, some aspects where differences exist are also considered as part of the Planned Development, or would otherwise not be applicable to a property of this scale.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: As a proposed the proposed plan would conform to the proposed Land Use Map Amendment and advance goals of the Land Use Element. The project does not conflict with Urban Design element goals and policies.

C. The project is consistent with all applicable provisions of the Zoning Code: The project requests relief from the Zoning Code through the planned development. In all other regards it will be consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: The proposed development would provide a transitional buffer from adjacent Office and Commercial Districts to the Single Family Districts to the east. It would be similar to adjacent multiple family development.

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 conduct the Public Hearing for the requested Comprehensive Plan and Zoning actions and conduct the Design Review. Staff has provided positive findings for each, consistent with the Staff Recommendation. Staff recommends the following actions:

1. Open and Conduct a Public Hearing for the proposed Comprehensive Plan and Zoning Map (Planned Development) amendments.
 - a. After conducting the Public Hearing, if no further information is to be considered, close the hearing.
 - b. If the Plan Commission requires additional information, or would like to see revisions, continue the hearing to a date certain.
2. After the Conclusion of the Public Hearing, staff recommends the Plan Commission review and take action on the Findings of Approval for Design Review

3. Approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential, 8 to 15 dwelling units per Acre.
4. Approve the Planned Development and Design Review subject to the following conditions:
 - a. Development shall be substantially in compliance with the plans submitted by Michael J. Grissom and Associates, Donahue and Thornhill Inc. and RLS Landscape dated July 18, 2016 and July 6, 2016.
 - b. Revision of the driveways to provide full access to interior units, with provision of a small landscape area, subject to City Staff approval.
 - c. Replacement of removed tree at Independence with the replacement of trees at a one to one inch caliper rate on site, and/or equivalent contribution to the City Parkway Tree program.
 - d. All trees to be of the required minimum sizing, as required by Zoning Code.
 - e. Public Sidewalks other than along Spuhler Road be revised to five feet in width.
 - f. Approval of Final Engineering Plans by City Staff.
 - g. If the City and petitioner do not complete the sale of the property, the approval shall be null and void.

Attachment: Application Submittal

C: Mayor and City Council
Arney Silvestri, SJR Inc. – Applicant
Kate McCracken, Applicant Attorney
Media

Requested Relief from the Zoning Code for a Planned Development

1. Relief from Table 2.204 for a Minimum Perimeter building setback, corner(east) of approximately 23.12' instead of the required 30 feet.
2. Relief from Table 2.204 for a Minimum Perimeter building setback, corner(west) of approximately 25.16' instead of the required 30 feet.
3. Relief from Table 2.204 for a Minimum Perimeter building setback, rear of approximately 10.26' instead of the required 20 feet.
4. Relief from Table 2.204 for a Minimum Perimeter landscape area for the rear of approximately 9.25' instead of the required 20 feet.
5. Relief from Table 2.204 for private open space for four ground floor units, being provided 24 square feet rather than the required 60 square feet.
6. Relief from Table 2.204 for common open space amenities, 600 square foot playground.
7. Relief from Table 2.204 for a Minimum Perimeter building setback, front of approximately 21.53 instead of the required 30 feet.
8. Relief from Table 2.204 for Minimum net land area per unit of approximately 1,777 square feet instead of the required 2,333 square feet.
9. Relief from 4.207.A to allow a driveway width of approximately 61' instead of 18'.
10. And other relief necessary from the Zoning Code to grant approval of the proposed site plans, in general conformance with the plans depicted for review by the Plan Commission.

Law Offices
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.
1001 East Main Street, Suite G
Saint Charles, Illinois 60174-2203

John J. Hoscheit
John M. McGuirk
Kate L. McCracken
Douglas R. Cuscaden

Telephone: 630-513-8700
Facsimile: 630-513-8799
Email: kate@hmcpc.com

July 15, 2016

Via Email: drackow@cityofbatavia.net

Mr. Drew Rackow, Planner
City of Batavia
100 North Island Avenue
Batavia, IL 60510

Re: SJR, Inc. Apartment Project Narrative– Former Water Tower Site

Dear Mr. Rackow:

As you know, this firm represents SJR, Inc. (“SJR”), with respect to its anticipated application for approval of a Planned Unit Development providing for the construction of 12 residential rental units (the “Project”) on that certain property commonly known as the former Municipal Water Tower Site (the “Water Tower”). I have been asked to assist the applicant, SJR, with respect to the Project narrative.

As you know, this is an approximately 20,000 sq. foot infill parcel. In conjunction with the removal of the Water Tower, it is my understanding the City made a determination to declare the parcel as surplus property. While there may have been more than one declaration of surplus property for purpose of the solicitation of acceptable bids, ultimately SJR, Inc. was the successful bidder. While it may appear from earlier surveys that SJR was acquiring and developing a lot with a 131 +/- foot lot width to the north, in reality, the true width of the northerly lot line has been determined to be only 123.14 feet in width, requiring certain Project adjustments relating thereto. When the Water Tower was removed several years ago the parcel became a vacant parcel surrounded by commercial uses on Wilson Street to the north, Westwinds Subdivision to the south, single family residential on Spuhler Drive to the east and commercial uses west of Independence.

As stated above, the Project will consist of a 12-unit apartment building comprised of eight 2-bedroom units and four 1-bedroom units. The Project is intended to provide a small, atypical apartment complex with a look much more in keeping with a traditional condominium or townhome development. Garages will be attached as opposed to detached and each unit will have an exterior patio.

This Project is intended to address, to the extent allowed by the size of the parcel, the gap in the housing profile for the market segment in need of moderately priced rental homes near employment and large areas of vehicular access consistent with the recent CMAP

recommendations. The Project further contemplates the addition of landscaping along with proposed sidewalks along Independence and Spuhler Drive and provides an ideal transition between Windmill Center, Westwind Subdivision, Spuhler residential uses and businesses along Wilson Street. Building material samples are being submitted by the Developer and we will be available to continue to respond to comments and to answer any questions Staff may have moving forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate L. McCracken". The signature is fluid and cursive, with the first name "Kate" being more prominent and the last name "McCracken" following in a similar style.

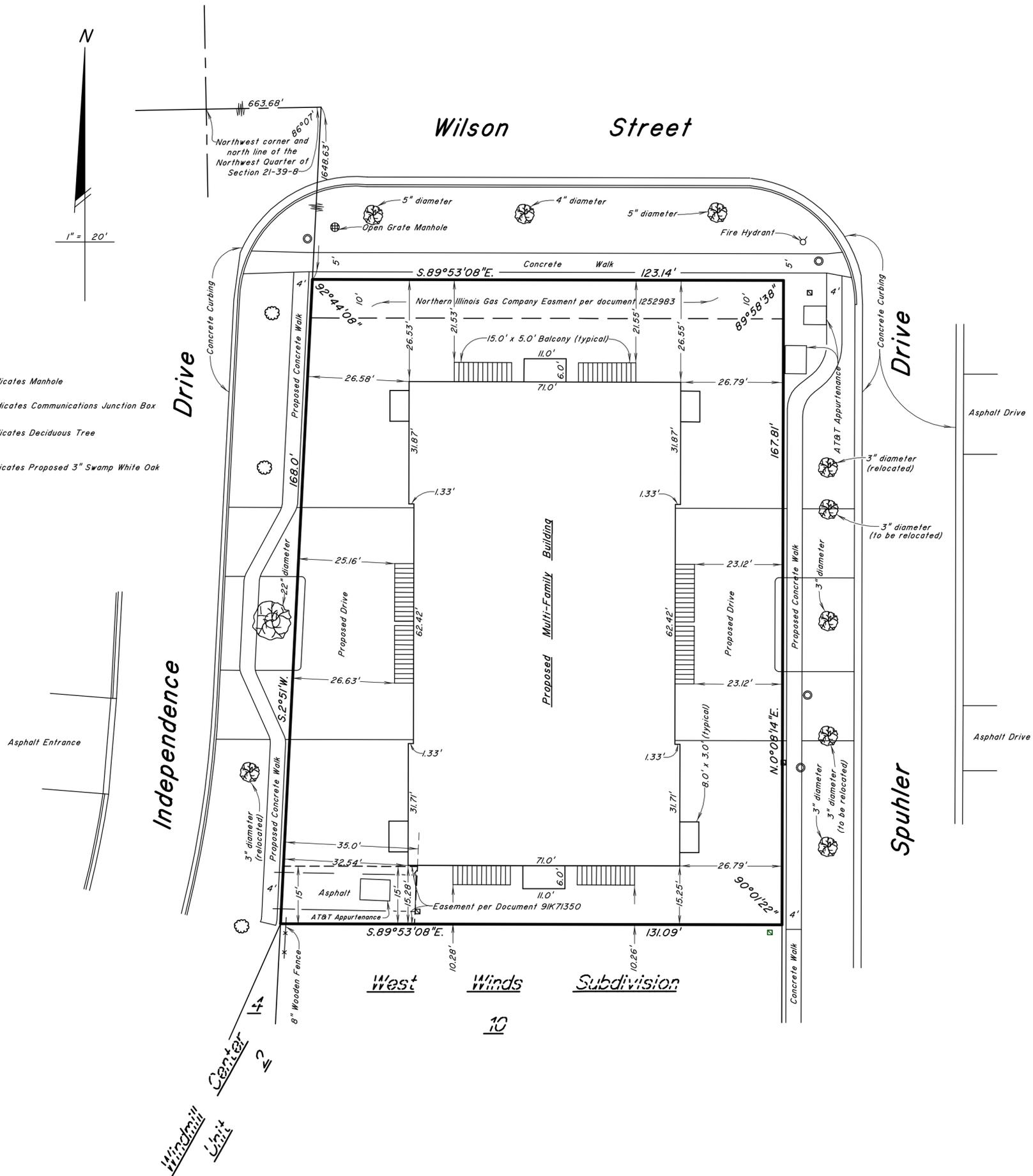
Kate L. McCracken

KLM:dlj

Plat of
Part of the Northwest Quarter of Section 21-39-8
Batavia Kane County Illinois



- Indicates Manhole
- Indicates Communications Junction Box
- Indicates Deciduous Tree
- Indicates Proposed 3" Swamp White Oak



State of Illinois)
)ss
 County of Lee)

This is to certify that the plat hereon drawn is a correct representation of that part of the Northwest Quarter of Section 21, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Quarter; thence easterly along the north line of said Quarter 663.68 feet; thence southerly along a line forming an angle of 86°07' with said north line (measured from west to south) 1648.63 feet to the south line of Wilson Street for the point of beginning; thence continuing southerly along the prolongation of the last described course 168.0 feet to a northwesterly corner of West Winds Subdivision, Batavia, Kane County, Illinois; thence easterly parallel with the south line of Wilson Street, being also along a northerly line of said West Winds Subdivision forming an angle of 87°15'52" with the last described course (measured clockwise therefrom) 131.09 feet to the east line of Spuhler Drive; thence northerly along said east line forming an angle of 90°01'22" with the last described course (measured clockwise therefrom) 167.81 feet to said south line; thence westerly along said south line 123.14 feet to the point of beginning, in the City of Batavia, Kane County, Illinois together with the improvements proposed to be constructed thereon. All distances are given in feet and decimal parts thereof.
 Dated at Lee, Illinois, March 1, 2016

Illinois Professional Land Surveyor No. 2411
 DONAHUE and THORNHILL, INC.
 (Illinois Professional Design Firm No. 2713)

1321 Woodlawn Road
 Lee, Illinois 60530
 (630) 561-1567



License Renewal/Date of Expiration = 11/30/2016

Plat revised July 6, 2016 to address May 23, 2016 City of Batavia review comments.



FRONT ELEVATION



REAR ELEVATION

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:45 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

5

SCALE 3/16"=1'-0"

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:50 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

1

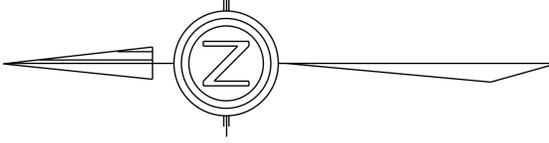


WEST ELEVATION



EAST ELEVATION

SCALE 3/16"=1'-0"

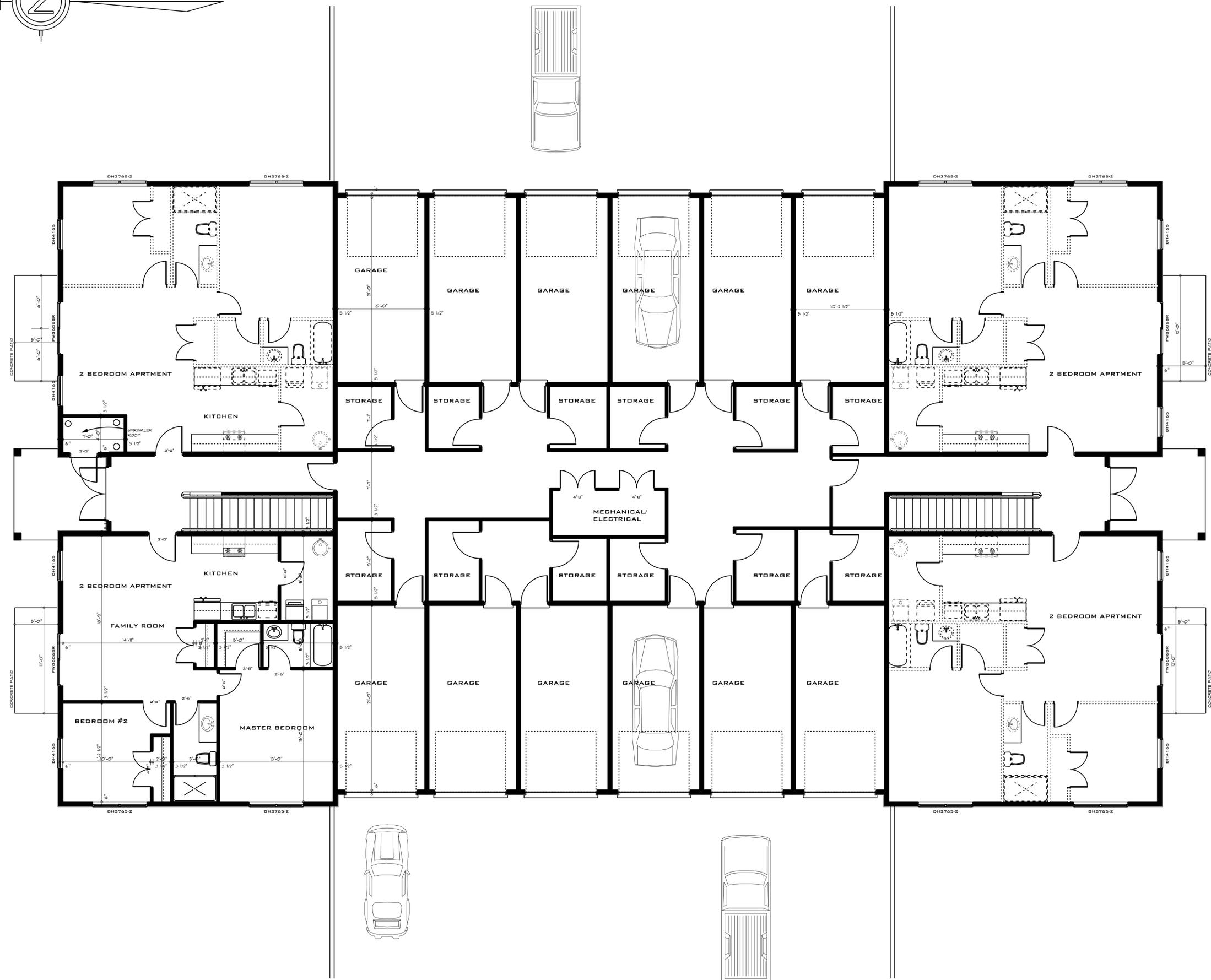


MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:39 AM
14.4.4



SILVESTRI CUSTOM HOMES

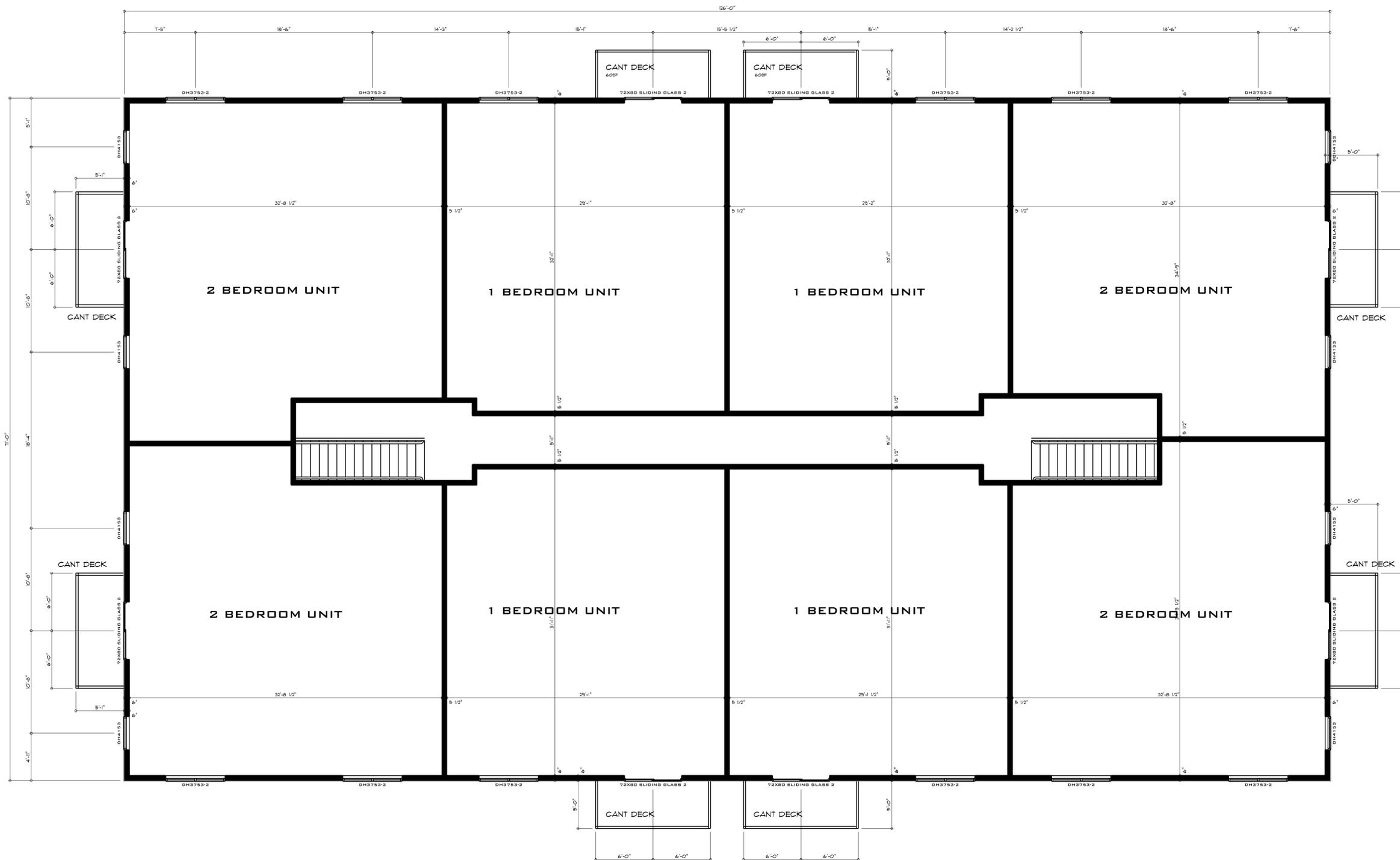
WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

INDEPENDENCE DR

SCALE 3/16"=1'-0

SHEET:
3



MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:40 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

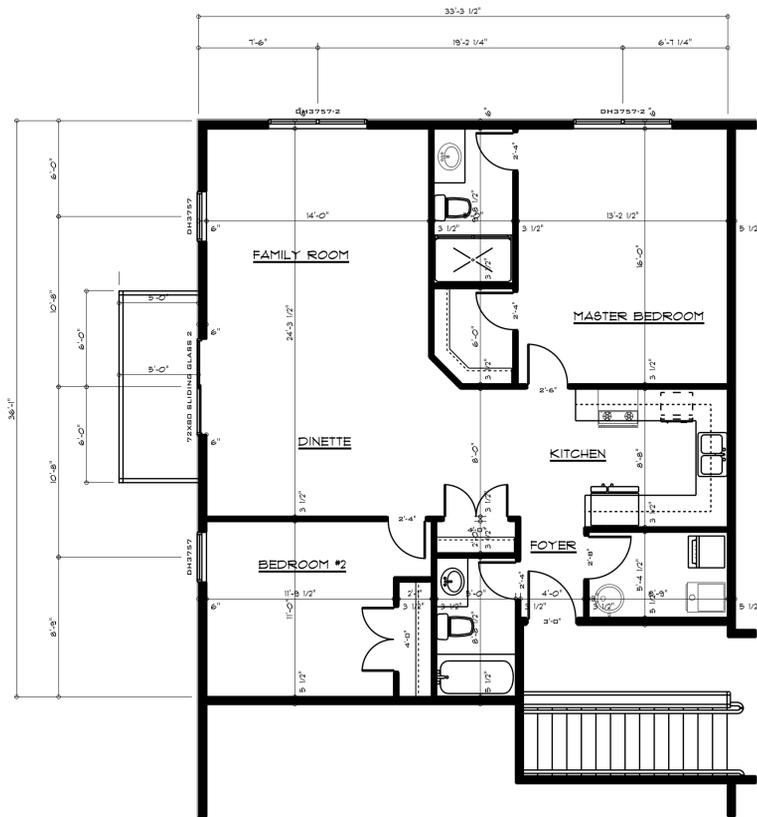
DRAWN: MJG

SECOND FLOOR PLAN

SCALE 3/16"=1'-0"

SHEET:

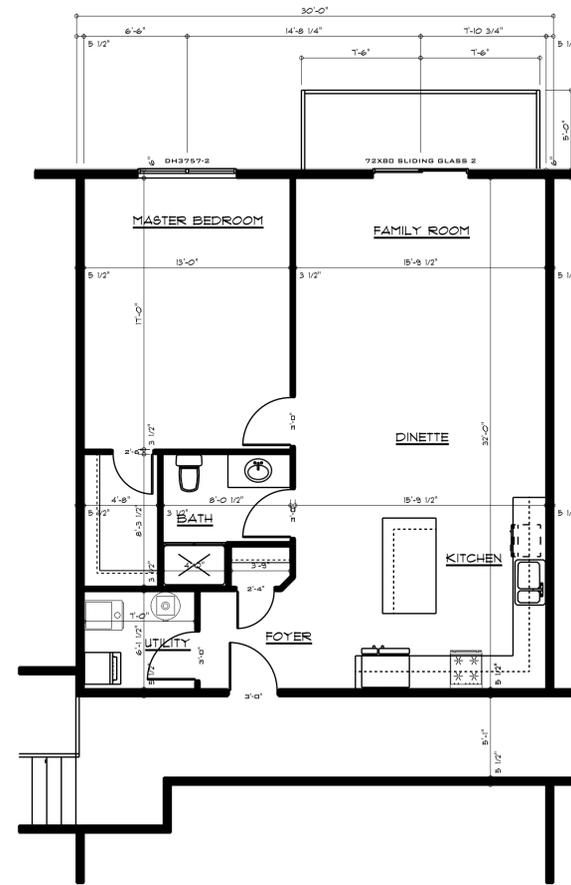
4



FIRST FLOOR PLAN

FIRST FLOOR 12008F

- CROSS BRIDGING SHALL BE PROVIDED IN ALL FLOOR JOISTS SPACED A MAXIMUM OF 8'-0" O.C. BRIDGING SHALL BE EITHER 1X3" WITH A DOUBLE NAIL AT EACH END OR SOLID BLOCKING FULL DEPTH 2" NOMINAL LUMBER.
- CROSS BRIDGING SHALL BE PROVIDED IN ALL CEILING JOISTS SPACED A MAXIMUM OF 8'-0" O.C. BRIDGING SHALL BE SOLID BLOCKING FULL DEPTH 2" NOMINAL LUMBER. FOR CEILING JOISTS 2X8 OR LARGER 1" X 3" WITH A DOUBLE NAIL IS ALLOWABLE.
- APPROVED PLANS SHALL BE ON-SITE AT ALL TIMES.



FLOOR PLAN 1 BEDROOM

FLOOR PLAN: 10008F

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:41 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

5

SCALE 3/16"=1'-0"

CITY OF BATAVIA

DATE: October 14, 2016
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: **Continuation of a Public Hearing:** Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre
- Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District
- Design Review for a New Residential Building
SJR Inc, Applicant

SUMMARY OF AUGUST 17th HEARING

On August 17th, the Plan Commission opened a Public Hearing for consideration of a proposed 12 unit apartment building at the former west water tower property at 1600 West Wilson Street. At the Hearing, Mr. Silvestri, representing SJR Inc. presented the proposed project to the Commission. Commissioners inquired about the proposed design and proposed materials to be used. Commissioners questioned the applicant about the amount of storage and parking available for each unit. The Commission discussed the driveway configuration required to allow interior units to access parking and garages.

The Commission received testimony from five members of the public, each were residents of Spuhler or Feece Drives. The residents each spoke in opposition to the project highlighting concerns about the proposed density of the project, parking, additional traffic, snow storage, effect on property values and impacts of renters vs. homeowners.

Speakers noted that the multi-family residential to the south consisted of four unit buildings, which is the established character of the multiple family neighborhood. Residents felt that the increased number of units being requested on the property added to the apparent bulk of the building, and lead to the requests for setback relief.

Residents expressed concerns that additional traffic would increase accidents and incidents of speeding within the neighborhood, which is already subject to cut through traffic from Main to Wilson Streets. Speakers requested that a traffic study be considered for the proposed project, and noted high accident rates in the area for a residential subdivision.

After concluding the receipt of testimony for the evening, the Plan Commission discussed the project. Commissioners were in agreement that they believed that the proposed building was too big and contained too many units for the surrounding neighborhood. Commissioners felt that the proposed density resulted in a structure that needed too much relief from the Zoning Code. The Commission requested that the applicant consider reducing the proposed project to at least the

maximum number of units allowed by the Zoning District of nine units. Mr. Silvestri noted that the economics of the property (cost of land and development costs, such as utilities) were a factor in requesting 12 units. He noted that the dimensions of the property, and the three frontages were factors in requesting the zoning relief through the planned development.

Commissioners requested that the applicant return after reviewing whether he would be able to reduce the size and number of units for the proposed project. The applicant requested a continuation of the hearing to review the results of this meeting. The Commission continued the Public Hearing to October 19th. Please review the attached meeting minutes from August 17th for additional detail from the Public Hearing testimony.

UPDATE SINCE THE PUBLIC HEARING

Since the Hearing, the applicant has reviewed his pro-forma, and been in contact with City Staff. He has indicated to Staff that a reduction of density to 9 or 10 units would require a commensurate reduction to the price of the property or City development fees for the project to remain feasible. No new plans or designs have been proposed for Staff or the Commission to review. The applicant indicated to staff that he would request that the Plan Commission provide a recommendation to the City Council, based on the current proposal. A two-thirds affirmative decision from the City Council to allow the sale of City owned property in conjunction with this proposal.

As there is no additional information to review, please review the Staff Report from August 12th, attached for a review of the proposed project. Staff remains supportive of the proposed concept, with the proposal effectively having six units that impact the adjoining residences. Staff believes that the requests for setback relief are appropriate given the three frontages, and existing utilities limiting placement of the structure. Based on the discussion and consensus of the Plan Commission at the last meeting, staff is providing a set of Findings of Approval written in both the affirmative and the negative for the Commission's evaluation in their deliberations.

Findings for Approval:

Design Review Findings (Affirmative)

Design Review Findings:

A. The project is consistent with applicable design guidelines: The proposed improvements would be generally consistent with the Multi-Family Design Guidelines, some aspects where differences exist are also considered as part of the Planned Development, or would otherwise not be applicable to a property of this scale.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: As a proposed the proposed plan would conform to the proposed Land Use Map Amendment and advance goals of the Land Use Element. The project does not conflict with Urban Design element goals and policies.

C. The project is consistent with all applicable provisions of the Zoning Code: The project requests relief from the Zoning Code through the planned development. In all other regards it will be consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: The proposed development would provide a transitional buffer from adjacent Office and Commercial Districts to the Single Family Districts to the east. It would be similar to adjacent multiple family development.

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

Design Review Findings (Negative):

A. The project is consistent with applicable design guidelines: The proposed improvements are consistent with some, but not all aspects of the Multi-Family Design Guidelines. The building, being significantly larger than neighboring residential buildings, would not be compatible and integrated with the neighborhood, a primary objective of the design guidelines.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: The proposed project does not conform to the proposed Land Use Map Amendment and advance goals of the Land Use Element. The project conflicts with Urban Design element goals and policies, as it is not well integrated with the surrounding development.

C. The project is consistent with all applicable provisions of the Zoning Code: The number of dwelling units proposed exceeds that permitted and does not conform to some setback or driveway requirements. It is the consensus of the Plan Commission that the requested project should not be granted Code relief for said conditions under the Planned Development Overlay. For these reasons, it is not consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: The proposed development, due to the increased density and building bulk is not compatible with the adjacent Single Family Districts to the east and multiple family to the south.

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 resume the Public Hearing, and request any new or additional testimony that does not address items already in the public record. After the receipt of testimony, the Commission should continue their discussion and consider the applicant's request to advance the proposal. Staff recommends the following actions:

1. Open and Continue the Public Hearing for the proposed Comprehensive Plan and Zoning Map (Planned Development) amendments.
2. After the Conclusion of the Public Hearing, staff recommends the Plan Commission
 - a. Approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential, 8 to 15 dwelling units per Acre.
 - b. Approve the Planned Development subject to the following conditions:
 - i. Development shall be substantially in compliance with the plans submitted by Michael J. Grissom and Associates, Donahue and Thornhill Inc. and RLS Landscape dated July 18, 2016 and July 6, 2016.

- ii. Revision of the driveways to provide full access to interior units, with provision of a small landscape area, subject to City Staff approval.
- iii. Replacement of removed tree at Independence with the replacement of trees at a one to one inch caliper rate on site, and/or equivalent contribution to the City Parkway Tree program.
- iv. All trees to be of the required minimum sizing, as required by Zoning Code.
- v. Public Sidewalks other than along Spuhler Road be revised to five feet in width.
- vi. Approval of Final Engineering Plans by City Staff.
- vii. If the City and petitioner do not complete the sale of the property, the approval shall be null and void.

3. Review and approve the Findings of Approval for Design Review.
4. Approve Design Review, subject to the Planned Development and its conditions of approval.

Attachment: Plan Commission Packet
August 17, 2016 Plan Commission Minutes

C: Mayor and City Council
Arney Silvestri, SJR Inc. – Applicant
Kate McCracken, Applicant Attorney
Media

MINUTES
August 17, 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 7:00 pm.

2. Roll Call:

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

Members Absent:

Also Present: Joel Strassman, Planning and Zoning Officer; 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. Approval of Minutes: July 20, 2016, Plan Commission Minutes

Motion: To approve the minutes from July 20, 2016, Plan Commission minutes

Maker: Joseph

Second: Schneider

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc Applicant

- **Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 dwelling**
- **Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District**
- **Design Review for New Residential Building**

Motion: To open the public hearing

Maker: Schneider

Second: Joseph

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Rackow reviewed the memo from August 12, 2016 titled "Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant. Comprehensive Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units Per Acre. Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District. Design Review for a New Residential Building, SJR, applicant." The proposed project would have 8 two bedroom and 4 one bedroom units. Each unit would have a one car garage and one parking place in a driveway. Driveways would need to be modified to permit full access to the driveway and parking stall for each unit.

Arney Silvestri, Silvestri Custom Homes, 234 Planters Row, Geneva, representing SJR Inc., addressed the Commission. He explained that the design takes advantage of the street frontages by orienting the building to two streets. Chair LaLonde asked for an overview of the materials he plans on using for the building. Silvestri described the building materials to the Commission as well as passed around a color sample of the architectural design shingle. The roofing would be weathered wood color. The siding color would be natural clay with white trim and white vinyl windows with grids. He passed around the natural clay color sample. The balconies would be wolmanized wood with black metal spindles.

Joseph expressed her concern about the parking. She stated that oftentimes the garages are used for storage. Silvestri stated that they have 9x10 storage areas designed in the building as well as the single car garages are longer than standard. LaLonde stated that he shares the same concern with parking that staff brought up. Silvestri stated that he is willing to work with staff to ensure that everyone gets what they need.

Chair LaLonde opened the floor for public comment and swore in all those who were going to speak.

Thomas Wilson, 56 Spuhler Dr. stated that the whole block is all four units and the developer wants to put in a twelve unit building. He asked where are they going to put the snow from plowing. He stated there are going to be more than 24 cars there. People will block the other garage doors.

Craig Crawford 15 Feece Dr. shared that he lives directly across the street from the unit. He stated that he has a number of concerns. He is concerned that the building will house "transient" residents. This is transient population is near our high school. Batavia has history of crime problems with apartment complexes. Parking is a concern. The number of small garages in the same vicinity could be hazardous. If one person stored something improperly and there was a fire this would be a large problem. He asked if any traffic studies have been done, especially on Randall. The number of accidents in this neighborhood is quite large for a fairly small neighborhood. He asked the City to upgrade the traffic light timing on Randall and Main and Randall and Wilson. There are people trying to make those lights because they back up so badly and would like to know if there are accident statistics. Spuhler and Feece have speeders, especially during the school year. As a resident that worries him. There is a lot of litter on Wilson and there is no investment in living in the City by transient residents. He is concerned with creating a noise issue in the neighborhood. If you move that many people it almost has to increase the noise. He would like to keep the sense of the neighborhood and noted that Batavia

does not have a great history of civic planning. We have a closed border city. Why would we want to increase the density? That is clearly a curiosity of planning. Mid-day traffic in downtown Batavia is a nightmare and especially when school is in session. This would exasperate that. The whole street is four flats and why would we want a larger building is beyond him. Snow removal is also a concern. The City does not do snow removal on adjacent lots. He asked would this property have snow removal. The additional users on the street would increase the difficulty navigating Independence. Between the speeding and the potential for crime, this development is something we should be concerned about. He asked if a feasibility study has been done and if so, distribute it, and if not it should be done. He needs to know more than just the information shared at tonight's meeting. He has concerns that the building would not match the neighborhood. He would request that everyone in that neighborhood be mailed with a transcript of this hearing and have a chance to respond. A plat of the property should also be distributed and have another hearing to have a decision as a community. He would not want this in the area where his kids stand and wait to catch the bus.

Diane Anderson 16 Spuhler Dr. stated she lives directly across the lot being referred to this evening. She is worried about the value of her house. She stated that the market is rebounding and now her home value would go down again. The traffic is now bad and would be even worse with this development.

Mark Larson 6 Spuhler Dr. stated he lives directly across the street from the proposed development. Property value is the number one issue. It would not help the property value to have a building like that in that on the property. Apartment buildings would not help the property values in the neighborhood. Additional parking would be needed. On-street parking is only available on the resident side of the street. When the football team is doing well the streets are all full. He asked what is the potential rental of these units. If it is a year-to-year lease it might help. He asked if this goes through how long it would take for construction. When he has visitors going to his house for the holidays, where he pays property taxes, would they have to fight for a parking spot.

Randy Castor 26 Spuhler Dr. stated he is adjacent and south of the proposed building. This land has been vacant since 2007. He was hoping that it would be built similar to what the Martin's built on the block. This building is too big for the lot. The setback requirements would have to be changed to fit a car in the front. He asked the developer if he could have built a 4 to 6 unit building on this land.

Commissioner Schneider commented that this building is very large for the area. He asked if the applicant has a plan b for this development.

Kate McCracken, 1001 East Main Street, St. Charles. representing the applicant, stated that this property was declared surplus from the City. Bids were accepted and taken and SJR was the successful bidder. If the City were willing to reduce the purchase price as part of the bid there would be a corresponding reduction in the building's size. This is a unique site since there are three frontages and the property is bounded by commercial and office. Typically in a land planning context, that is the type of property that is appropriate for a buffer type of development. These are intended to be long-term leases. The longer the rental period the better it is for

ownership. Year to year or longer is always the number one objective for any community. This is not a series of apartment buildings. There would be six units on one frontage and six units on the other to keep it consistent with the adjacent usages. SJR would be willing to consider a reduction in the density with a corresponding reduction in the bid that was accepted by the City. McCracken stated that, for the record, they have agreed with all of staff's recommendations for the adjustments and conditions.

Chair LaLonde asked for discussion from the Commission. Schneider stated that he does not think this building would fit and he would not like to live across from it. Joseph agreed that it is too big a building for this area. Snow and parking could be an issue. She would like to see the density reduced. Peterson agreed. She stated that the design is wonderful for that neighborhood. She thinks that we made too many considerations for this plan. This type of building is in a residential area of 4 unit buildings and here it would be 12. Strassman stated that this property, zoned R4, would allow up to nine dwelling units whether it is in one building or a combination of buildings. Peterson stated that we are giving a lot of latitude with the setbacks to conform to the Comprehensive Plan. Gosselin stated that a smaller building would pose fewer problems and could better with the R4. LaLonde concurs that it is too much building for this size of property. He could understand some leniency of setbacks. He suggested a smaller building with parking on Independence so that the frontage would better fit with the neighborhood on Spuhler.

Silvestri stated that R4 is nine units and we are asking for twelve. The higher density is to offset the costs for labor and materials. If you do more density you could make the things work. It was all about cost. When you add up the fees and load them into the price of the property the City was asking for and the cost of the building that is where we came up with this building. This is a matter of making the numbers work. He is not opposed for a nine unit or an eight unit building.

Schneider asked them to go back and talk to the City staff to make that decision. Schneider stated that this public hearing should be continued to get discussion going with staff.

Silvestri stated that we might need some setback relief to add parking to one side or slide the building and easements due to the electrical box. He may come back with nine or eight units.

Strassman asked the Commission if they would be willing to consider any density above what the R4 District allows and/or any relief to building bulk requirements. The Commission generally agreed that greater density is not preferred, but they may consider relief to bulk requirements. LaLonde stated that he would certainly consider that. LaLonde asked when the developer would like to reconvene the public hearing. Silvestri requested sixty days. Strassman asked Silvestri to change the date on the notice signs for the next public hearing date of October 19, 2016.

Motion: To continue this public hearing to October 19, 2016

Maker: Joseph

Second: Harms

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

Nay:

6-0 Vote, 0 Absent, All in Favor. Motion carried.

MINUTES
October 19, 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

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

2. Roll Call:

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

Members Absent:

Also Present: Scott Buening, Community Development Director; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; 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. Approval of Minutes: September 21, 2016, Plan Commission

Motion: To approve the minutes from September 21, 2016, Plan Commission minutes

Maker: Schneider

Second: Peterson

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Continuation of a Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- **Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units Per Acre**
- **Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District**
- **Design Review for a New Residential Building**

Rackow summarized the first public hearing meeting, held on August 17, 2016, and the resident's concerns stated at that meeting. At that meeting the PC felt that the proposed building was too large for the site. The Plan Commission (PC) asked that a reduced number of units of nine or ten be considered. Rackow stated that there are no new materials to consider and a

negative recommendation by the PC would require a 2/3 vote from City Council to approve the plan as proposed.

Motion: To open the Public Hearing
Maker: Joseph
Second: Schneider
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Kate McCracken, attorney, explained why there were no changes to the proposed plan. She stated that this is a unique situation because it is a function of a contract with the City. When the City declared this as surplus property her client was the successful bidder. McCracken stated that the contract cannot be renegotiated until we move forward to City Council. McCracken stated that this meeting tonight is to allow us to go forward so that we could have discussions about what the PC has requested, such as the PC preference of nine units. We need to move forward to start the discussion and the dialogue.

Chair LaLonde opened the floor for public comment. He swore in all of those who wanted to address the Commission.

Mark Larson, 6 Spuhler Drive, stated that the negative findings outweigh the positive, except for item e. For the past 16 years he has looked out onto an empty lot. He would much rather look at a like unit or a storage facility instead of looking at an apartment complex too big for the lot and the neighborhood. Those on Spuhler Drive strongly object to the plan as presented.

Ben Oleson, 36 Spuhler Drive, asked if there would be more police protection with more people in the area. This development is too close to stoplights. It would cause traffic back up. He asked where are the children going to play if there are children there. He is concerned about safety of children in the neighborhood now and in the future. There are too many concessions on the easements. If these adjustments to the setbacks are not accepted then they would have to go to the smaller.

Thomas Wilson, 56 Spuhler Drive, shared his concern with losing money on their properties. Wilson specified that the developer stated that he has to have the high density in order to make money. Wilson questioned why do we have to give up our money for the developer to make money. That is not right.

Gale Kastor, 26 Spuhler Drive, looked over the numbers of the setbacks and the average percentage of the footage for the setbacks was 65% of what it should be. One of them is 46% so it is half of what is recommended in the current zoning. They want 24 square feet out of the required 60 ft for private open space, that is 40%. There is requested relief for a play area for children in these apartments. There is no area for the children to play. The City is making too many concessions. The size of this building would not preserve the character of our established residential neighborhood.

Chair LaLonde asked if there was anyone else who wanted to speak. There were none.

Motion: To close the Public Hearing
Maker: Schneider
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Motion: To approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre.

Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
Nay: Gosselin, Joseph
4-2 Vote, 0 Absent. Motion carried.

Motion: To approve the planned development as presented with conditions recommended by staff

Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:**
Nay: Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
0-6 Vote, 0 Absent. Motion failed.

Motion: To table the design review

Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson
Nay: Schneider
5-1 Vote, 0 Absent. Motion carried.

Rackow announced that this would then go to the Committee of the Whole meeting on November 15th.

6. Public Hearing: Crash Champions Auto Body Repair, 2080 Main Street and Vacant Property, 2150 Main Street

- Amendments to the Comprehensive Plan Land Use Map and Amendments to the Zoning Map, 2080 and 2150 Main Street
- Conditional Use for Heavy Vehicle Services (Body Shop) and Planned Development Overlay 2080 Main Street,
My Properties LLC – 2080 E. Main St., Batavia, applicant

Strassman reported that My Properties, owner of Crash Champions collision repair, is looking to open an auto body shop in the former Aldi retail building in Windmill Creek shopping center and to add 7,000 square feet to the building. To accomplish this, the City's Comprehensive Plan Land Use Map and Zoning Map must be amended to propose service business land use and zoning. Auto bodywork requires a conditional use in the Service Business zoning District. To

CITY OF BATAVIA

DATE: November 9, 2016

TO: Committee of the Whole

FROM: Drew Rackow AICP, Planner

SUBJECT: Proposed Multi-Family Residential Building

- **Ordinance 16-72:** Amending the Land Use Map of the Comprehensive Plan of the City of Batavia
- **Ordinance 16-73:** Amending the Official Zoning Map for a Planned Development Overlay 1600 West Wilson Street - SJR Inc., Applicant

Summary: The attached draft Ordinances would approve Land Use and Zoning Map amendments for a Planned Development to allow the use of vacant City owned property at 1600 West Wilson Street (the former west side water tower site) for a proposed 12 unit multi-family building.

- **Ordinance 16-72** would approve an amendment to the Comprehensive Plan Land Use Map, putting the property in a land use designation more compatible with the existing zoning district of R4, Multiple Family Residential, rather than the existing Public Facilities and Institutional designation.
- **Ordinance 16-73** would approve a planned development, with modifications to the Zoning Code for overall site density and building setbacks to allow a 12 unit multi-family building.

The Plan Commission recommended approval of the Land Use Map amendment but denial of a Planned Development Overlay.

Background: In July 2015, the City Council authorized a process to seek a buyer for the former west side water tower site. The property has been vacant since 2008, when the water tower was demolished. The property was declared surplus in 2013. SJR Inc (represented by Arney Silvestri) was the successful bidder of the property, with sale being contingent on approval for development of the property for 12 dwelling units. The proposed 12 unit building would have 8 two bedroom and 4 one bedroom units. Each of the units would have a one car garage with parking available for one additional car in front of each garage bay.

The Planned Development would modify several requirements of the Zoning Code. The most significant modifications are to reduce setbacks (these setbacks include distances from balconies rather than the front walls) and to reduce the minimum land area per unit of 1,777 square feet instead of the required 2,333 required by the Zoning District. The requested modifications would allow greater density for a development than the base district allows. Other modifications would allow the wider proposed driveways, and to reduce landscape area requirements and other common space requirements specified in the Zoning Code.

For a detailed description of the issues related to the proposed zoning actions, please see the attached staff reports to the Plan Commission. The Plan Commission took action to approve of the Comprehensive Plan change as stated in Ordinance 16-72. While the Plan Commission took action to recommend denial of the Planned Development, the attached Ordinance 16-73 is structured in the affirmative for the review and discussion by the Committee.

The recommendation for denial by the Plan Commission does not increase the number of votes required to approve the proposed actions; only a simple majority vote of the City Council is required. Council approval of the sale of the property will require a 3/4 majority affirmative vote by the City Council.

Plan Commission Review and Action: The Plan Commission opened a Public Hearing for the proposed actions on August 17th. At the hearing, Mr. Silvestri presented the proposal and fielded questions from the Commission. During the hearing, five members of the public spoke against the proposed project. Concerns included overall density, traffic and impacts of rental populations. In their discussion of the project, the Commission shared concerns presented about the bulk and overall density of the proposal. They also felt that the setback requests were excessive. The Commission continued the Public Hearing to allow for the applicant to consider alternate plans to reduce the project

to the allowed density under the Zoning Code (9 units) and meet the setbacks. The Commission continued the Hearing to October 19th.

At the October 19th Hearing, four members of the Public spoke, sharing concerns about the proposed use and their possible effects on the existing neighborhood. Concerns were noted about additional traffic, effects on the land value of adjoining properties and the requested relief resulting in a structure that would not fit the neighborhood. The Commission concluded their review, indicating that while they believed a Land Use classification based on the allowed Zoning District was appropriate, the proposed development, due to the requested modifications to the Zoning Code, was not in keeping with the residential character of the neighborhood.

The Commission, by a vote of 4-2, voted to recommend approval of the requested Comprehensive Plan Land Use Map Amendment.

Plan Commission by a vote of 0-6, effectively recommend denial of the proposed Zoning Map Amendment for a Planned Development Overlay. The Commission recommended tabling the Design Review with no action being taken to approve Design Review. Minutes for both meetings are included in the packet.

Alternatives: The COW can recommend approval of the Ordinance as presented, add or remove approval conditions, recommend denial, or continue its review with direction to staff for revisions.

- **Pros:** Approval of Ordinances 16-72 and 16-73 would allow development of the applicant's proposed project, removing a property from the City's holdings and placing it on the tax rolls and adding to the unit mix within the City.
- **Cons:** Not approving Ordinance 16-72 would keep the property with the present use designation, inconsistent with the zoned designation for the property. Not approving Ordinance 16-73 would reject the proposed development leaving this property off the tax rolls, undeveloped, and unsold.
- **Budget Impact:** The City would collect fees for building permits and utility connections. The Water Utility would receive payment for the property, if the Council agrees to sell the property for this project.
- **Staff Impact:** Staff time has and would be used to complete the entitlement process and the building permit process.

Timeline for Actions: With COW recommendations, both Ordinances could be placed on the City Council's agenda for the November 21st meeting. Due to the action of the Plan Commission to table Design Review, a new notice and meeting would need to occur for additional Plan Commission review. Any action to sell the property would have to occur after this action. Sale of the property has been extended under the contract through the end of the year.

Staff Recommendations: Attached Ordinance 16-72 has been drafted per the action of the Plan Commission. Ordinance 16-73 has been drafted in the affirmative for the consideration by the Committee. Staff recommends approval of both Ordinances with a condition of subsequent review and approval of Design Review by the Plan Commission.

Attachments

1. Draft Ordinance 16-72
2. Draft Ordinance 16-73
3. Plan Commission Memos
4. Plan Commission Minutes

c Mayor
Department Heads
Applicant
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-72**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE
COMPREHENSIVE PLAN OF THE CITY OF BATAVIA**

SJR INC., APPLICANT

1600 WEST WILSON STREET

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21ST DAY OF NOVEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 22nd day of November, 2016

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-72**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE
COMPREHENSIVE PLAN OF THE CITY OF BATAVIA
SJR INC., APPLICANT**

2110 MAIN STREET

WHEREAS, an application, by SJR Inc., contract purchaser and authorized by the City of Batavia as the legal owner of record of the subject property has been filed with the City Clerk of the City of Batavia, Kane County, Illinois, requesting a Comprehensive Plan Land Use Map Amendment proposing to change the existing land use classifications of Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre for the subject property as shown on Exhibit A, attached hereto and legally described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING OF THE NORTHWEST CORNER OF SAID QUARTER, THENCE EASTERLY ALONG THE NORTH LINE OF SAID QUARTER 663.68 FEET, THENCE SOUTHERLY ALONG A LINE FORMING ON ANGLE OF 86°07'52" WITH SAID NORTH LINE (MEASURED FROM WEST TO SOUTH) 1648.63 FEET TO THE SOUTH LINE OF WILSON STREET FOR THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 168.0 FEET TO A NORTHWESTERLY CORNER OF WEST WINDS SUBDIVISION, BATAVIA, KANE COUNTY, ILLINOIS, THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF WILSON STREET, BEING ALSO ALONG A NORTHERLY LINE OF SAID WEST WINDS SUBDIVISION FORMING ON ANGLE OF 87°15' 52" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 131.09 FEET TO THE EAST LINE OF SPUHLER DRIVE; THENCE NORTHERLY ALONG SAID EAST LINE FORMING AN ANGLE OF 90°01'22" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 167.81 FEET TO SAID SOUTH LINE; THENCE WESTERLY ALONG SAID SOUTH LINE 123.14 FEET TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS TOGETHER WITH THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED THEREON. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

COMMONLY KNOWN AS 1600 WEST WILSON STREET (PIN 12-21-100-026)

WHEREAS, all required public notification regarding the intention of the City to amend the Land Use Map of the Comprehensive Plan, were executed as required by the Batavia City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia Municipal Code by the Batavia Plan Commission on August 17, 2016 which was subsequently continued to October 19, 2016; and

WHEREAS, following said hearing, the Plan Commission recommended approval of such Comprehensive Plan amendment; and

WHEREAS, on November 15, 2015, the Committee of the Whole reviewed the application, the record of the public hearing, and the action of the Plan Commission and recommended approval of such Comprehensive Plan amendment in accordance with the Plan Commission recommendation; and

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

WHEREAS, it is in the best interest of the City of Batavia that the Land Use Map of the Comprehensive Plan be amended as requested by the contract purchaser;

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

SECTION 1: That the Land Use Map of the Comprehensive Plan is hereby amended in conformance with the terms of this Ordinance.

SECTION 2: That the approximately 0.50 acres that comprise 1600 West Wilson Street are hereby designated on the Land Use Map of the Comprehensive Plan as the Residential 8 to 15 Dwelling Units per Acre land use classification, as shown on Exhibit A, subject to all terms and conditions under the Municipal Code relating thereto.

SECTION 3: That this Ordinance 16-72 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-72

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

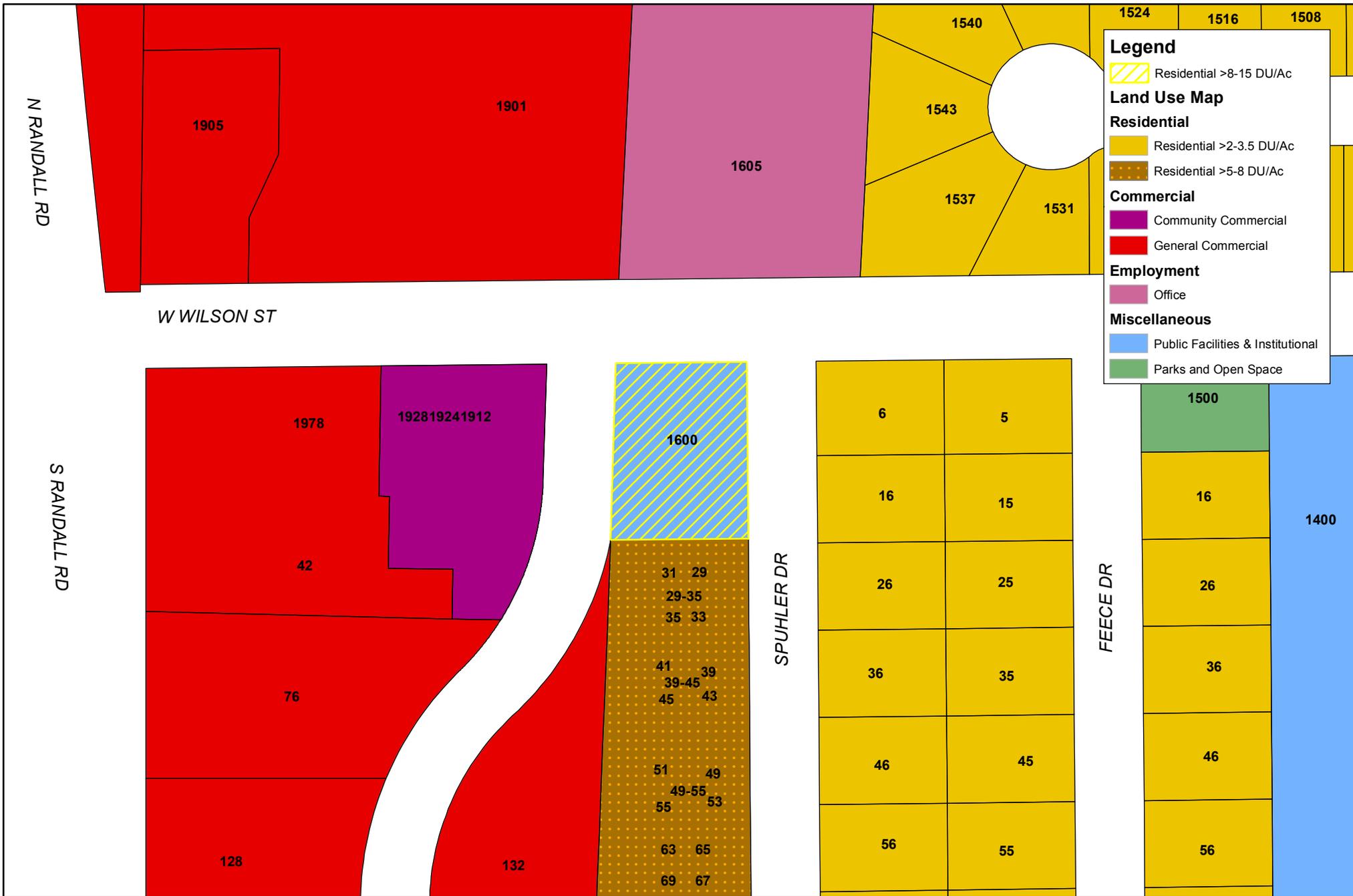
APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Vacant					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi L. Wetzel, City Clerk



Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.



Exhibit "A" of Ordinance 16-72



SOURCE: BATGIS, KANEGIS

DATE: 11/10/2016

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-73**

**AMENDING THE OFFICIAL ZONING MAP FOR A
PLANNED DEVELOPMENT OVERLAY
(1600 WEST WILSON STREET)**

SJR INC., APPLICANT

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21ST DAY OF NOVEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 22nd day of November, 2016

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-73**

**AMENDING THE OFFICIAL ZONING MAP FOR A
PLANNED DEVELOPMENT OVERLAY
(1600 WEST WILSON STREET)**

WHEREAS, SJR Inc., as contract purchaser, has filed an application for Planned Development Overlay on the property located at 1600 West Wilson Street, and legally described as:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING OF THE NORTHWEST CORNER OF SAID QUARTER, THENCE EASTERLY ALONG THE NORTH LINE OF SAID QUARTER 663.68 FEET, THENCE SOUTHERLY ALONG A LINE FORMING ON ANGLE OF 86°07'52" WITH SAID NORTH LINE (MEASURED FROM WEST TO SOUTH) 1648.63 FEET TO THE SOUTH LINE OF WILSON STREET FOR THE POINT OF BEGINNING, THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 168.0 FEET TO A NORTHWESTERLY CORNER OF WEST WINDS SUBDIVISION, BATAVIA, KANE COUNTY, ILLINOIS, THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF WILSON STREET, BEING ALSO ALONG A NORTHERLY LINE OF SAID WEST WINDS SUBDIVISION FORMING ON ANGLE OF 87°15' 52" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 131.09 FEET TO THE EAST LINE OF SPUHLER DRIVE; THENCE NORTHERLY ALONG SAID EAST LINE FORMING AN ANGLE OF 90°01'22" WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 167.81 FEET TO SAID SOUTH LINE; THENCE WESTERLY ALONG SAID SOUTH LINE 123.14 FEET TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS TOGETHER WITH THE IMPROVEMENTS PROPOSED TO BE CONSTRUCTED THEREON. ALL DISTANCES ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF.

COMMONLY KNOWN AS 1600 WEST WILSON STREET (PIN 12-21-100-026)

with the City Clerk of the City of Batavia, Kane County, Illinois, said application requests an amendment to the Official Zoning Map for a Planned Development Overlay pursuant Chapter 3.1 of the Zoning Code with final plan approval through Design Review; and

WHEREAS, the applicant has also sought approval, but did not receive final action from the Batavia Plan Commission, concurrent with this Planned Development Overlay Map Amendment; and

WHEREAS, all public notification regarding the intention of the City to amend the Official Zoning Map and for said Planned Development Overlay and for Design Review approval was executed as required by City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia City Code by the Batavia Plan Commission on August 17, 2016 and continued to October 19, 2016; and

WHEREAS, the Plan Commission has reviewed the application and has recommended denial of such Zoning Map Amendment for a Planned Development Overlay to the City Council and took no action on Design Review; and

WHEREAS, on November 15, 2016, the Committee of the Whole reviewed and considered the application, the record of the public hearing and the actions of the Plan Commission, and recommended approval of said Zoning Map Amendment; and

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

WHEREAS, it is in the best interest of the City of Batavia that the Property, as described above, be zoned as requested by the applicant and owner of record;

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

SECTION 1: That the application submitted by SJR Inc., for the approval of a Zoning Map Amendment for a Planned Development Overlay is approved, with modifications to the Zoning Code and conditions of approval listed below, and in substantial conformance with the Exhibits attached hereto.

1. Modification from Table 2.204 for a Minimum Perimeter building setback, corner(east) of approximately 23.12' instead of the required 30 feet.
2. Modification from Table 2.204 for a Minimum Perimeter building setback, corner(west) of approximately 25.16' instead of the required 30 feet.
3. Modification from Table 2.204 for a Minimum Perimeter building setback, rear of approximately 10.26' instead of the required 20 feet.
4. Modification from Table 2.204 for a Minimum Perimeter landscape area for the rear of approximately 9.25' instead of the required 20 feet.
5. Modification from Table 2.204 for private open space for four ground floor units, being provided 24 square feet rather than the required 60 square feet.
6. Modification from Table 2.204 for common open space amenities, 600 square foot playground.
7. Modification from Table 2.204 for a Minimum Perimeter building setback, front of approximately 21.53 instead of the required 30 feet.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-73

8. Relief from Table 2.204 for Minimum net land area per unit of approximately 1,777 square feet instead of the required 2,333 square feet.
9. Relief from 4.207.A to allow a driveway width of approximately 61' instead of 18'.
10. And other relief necessary from the Zoning Code to grant approval of the proposed site plans, in general conformance with the plans depicted for review by the Plan Commission; and

Subject to the following conditions of approval:

- A. Driveways providing full access to interior units, with provision of a small landscape area, subject to City Staff approval.
- B. Replacement of removed tree at Independence with the replacement of trees at a one to one inch caliper rate on site, and/or equivalent contribution to the City Parkway Tree program.
- C. All trees to be of the required minimum sizing, as required by Zoning Code.
- D. Public Sidewalks other than along Spuhler Road to be five feet in width.
- E. Approval of Final Engineering Plans by City Staff.
- F. Approval of Design Review by the Batavia Plan Commission

Exhibit	Plan	Dated	Prepared by
A	Site Plan	July 6, 2016	Donahue & Thornhill
B	Landscape Plan	June 6, 2016	RLS Landscape and Nursery Co.
C	Exterior Building Elevations	July 18, 2016	Michael J. Grimson and Associates

SECTION 2: That this Ordinance 16-73 shall become effective after passage and approval and publication as required by law contingent upon acquisition of the property located at 1600 West Wilson Street by SJR Inc., If the Acquisition does not occur before January 30, 2017 this Ordinance 16-73 shall be automatically terminated and be of no force or effect as if this Ordinance was not ever effective without any further action by the City of Batavia and the zoning of the of the properties located at 1600 West Wilson Street (as legally described herein) existing prior to this Ordinance shall continue in force and effect as if they were never changed.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-73

Jeffery D. Schielke, Mayor

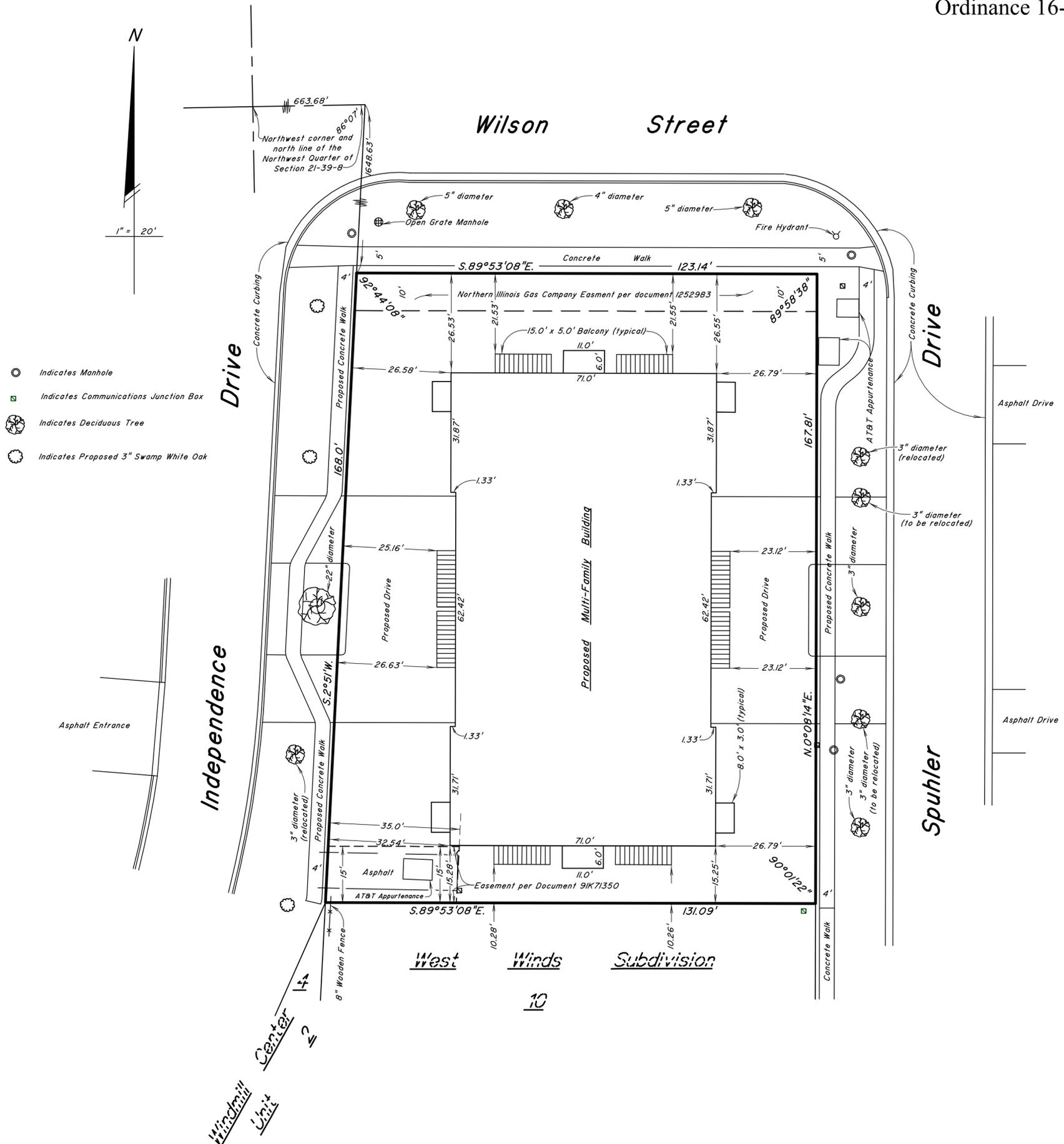
Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Vacant					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Chris Simpkins, Deputy City Clerk

Plat of
Part of the Northwest Quarter of Section 21-39-8
Batavia Kane County Illinois

Exhibit "A" of
 Ordinance 16-73

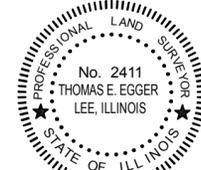


State of Illinois)
)ss
 County of Lee)

This is to certify that the plat hereon drawn is a correct representation of that part of the Northwest Quarter of Section 21, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Quarter; thence easterly along the north line of said Quarter 663.68 feet; thence southerly along a line forming an angle of 86°07' with said north line (measured from west to south) 1648.63 feet to the south line of Wilson Street for the point of beginning; thence continuing southerly along the prolongation of the last described course 168.0 feet to a northwesterly corner of West Winds Subdivision, Batavia, Kane County, Illinois; thence easterly parallel with the south line of Wilson Street, being also along a northerly line of said West Winds Subdivision forming an angle of 87°15'52" with the last described course (measured clockwise therefrom) 131.09 feet to the east line of Spuhler Drive; thence northerly along said east line forming an angle of 90°01'22" with the last described course (measured clockwise therefrom) 167.81 feet to said south line; thence westerly along said south line 123.14 feet to the point of beginning, in the City of Batavia, Kane County, Illinois together with the improvements proposed to be constructed thereon. All distances are given in feet and decimal parts thereof.
 Dated at Lee, Illinois, March 1, 2016

Illinois Professional Land Surveyor No. 2411
 DONAHUE and THORNHILL, INC.
 (Illinois Professional Design Firm No. 2713)

1321 Woodlawn Road
 Lee, Illinois 60530
 (630) 561-1567



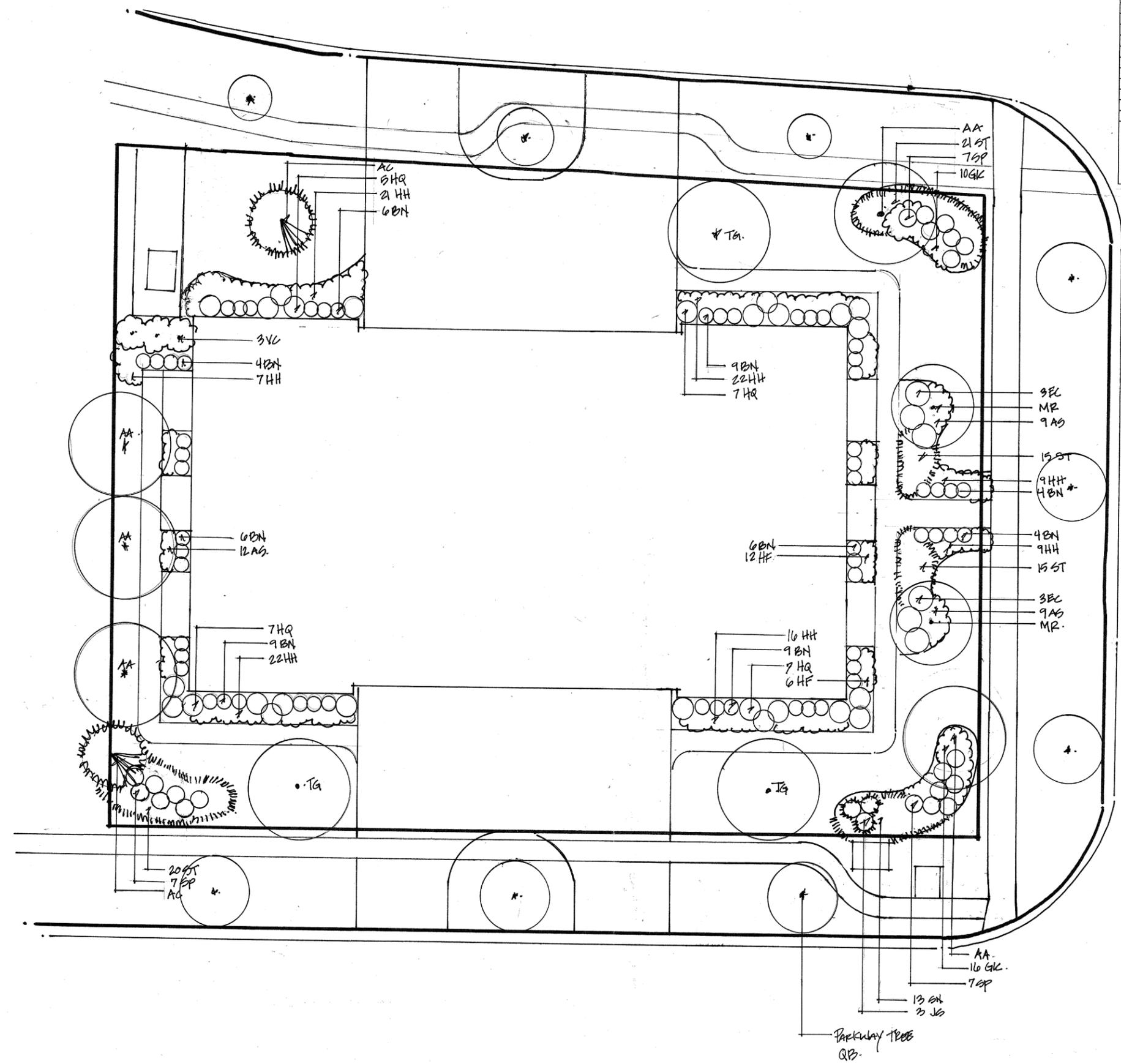
License Renewal/Date of
 Expiration = 11/30/2016

Plat revised July 6, 2016 to
 address May 23, 2016 City
 of Batavia review comments.

Exhibit "B" of Ordinance 16-73

Planting Key				
symbol	quantity	botanical name	common name	minimum installed size
HQ	26	Hydrangea 'quickfire'	quickfire tardiva hydrangea	5 gallon
SP	21	Spirea 'tor'	birch leaf spirea	5 gallon
BN	51	Buxus 'northern charm'	northern charm boxwood	5 gallon
EC	6	Euonymus 'compactus'	dwf burning bush	30"bb
JS	3	Juniper 'sea green'	sea green juniper	5 gallon
TG	3	Tillia 'green spire'	little leaf linden	3" bb
AC	2	Abies concolor	concolor fir	8' bb
AA	5	Acer 'autumn blaze'	autumn blaze maple	3" bb
MR	2	Malus 'red jewel'	red jewel flowering crabapple	2" bb
HH	106	Hemerocallis 'happy returns'	yellow daylily	1 gallon
AS	30	Allium 'summer beauty'	allium	1 gallon
HF	18	Hosta 'francee'	green and white hosta	1 gallon
GK	26	Geranium 'karmina'	pink perennial geranium	1 gallon
ST	71	Sporobolus 'tara'	dwf prairie dropseed	1 gallon
SN	13	Sorghastrum nutans	indian grass	1 gallon
QB	1	Quercus bicolor	swamp white oak	3" bb

Notes:
 Mulch all new planting areas with 3" hardwood shredded bark mulch.
 Mulch all parkway trees with 3" hardwood shredded bark mulch.
 Amend all perenial and shrub beds with mushroom compost.
 Fine grade and seed all remaining lawn areas, sloped areas blanket and seed
 All plant material to be warranted for one year from installation.



↑ WILSON ST. ↓

REVISIONS	BY

LANDSCAPE PLANTING PLAN.

RLS Landscape and Nursery Co.
 630.365.4769
 rllandscapeandnursery.com

Date 4/10/2016
 Scale 1"=10'
 Drawn DMK.
 Job
 Sheet 1 of 1
 Of Sheets

Revised
 6/6/2016
 DMK.

North →



FRONT ELEVATION



REAR ELEVATION

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:45 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

5

SCALE 3/16"=1'-0"

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:50 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

1



WEST ELEVATION



EAST ELEVATION

CITY OF BATAVIA

DATE: August 12, 2016
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: **Public Hearing:** Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre
- Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District
- Design Review for a New Residential Building SJR Inc, Applicant

Background and Information Supplied by the Applicant

Arney Silvestri, representing SJR Inc., has submitted applications for several actions to allow for a proposed 12 unit multiple family residence building at the former west side water tower site at the intersection of Wilson Street with Spuhler and Independence Drives. The property is approximately ½ acre. The Comprehensive Plan Land Use Map Amendment would place the property under a land use category consistent with the proposed multiple family residence use and current zoning, rather than the present designation of Public Facilities and Institutional. The proposed Planned Development is to allow for relief from the Zoning Code for several aspects of the development, including a lesser amount of lot area per unit and allowing narrower setbacks among other proposed site conditions. Design Review is required to approve the exterior elevations and design of the site.

The applicant proposes a 12 unit building with 8 two bedroom units and 4 one bedroom units. Six units would access Spuhler Drive and six units would access Independence Drive. Each unit would have one garage parking place and one space in a common driveway. Landscaping is proposed around the perimeter of the site. The parcel is currently zoned R4, Residential Multiple Family Residence Medium Density. Abutting properties to the south share this zoning district. Properties to west are zoned CC, Community Commercial. Properties to the north are O, Office. Properties to the east are zoned R1-L, Single Family Residential. The applicant notes the unique layout of the site and the identified needs for rental housing as factors to consider as part of the review of the request for a Planned Development. As a rental building, it would be subject to the City's Apartment Licensing and Inspection Program.

Staff Analysis

Comprehensive Plan: The proposed amendment to the Comprehensive Plan is to place the property into a classification to reflect the conversion to residential. The property is currently designated as Public Facilities and Institutional. The Comprehensive Plan established a Gross Density (area prior to street dedication) for the proposed Multiple Family Residential, Medium Density District designation. An analysis of the change relative to the Comprehensive Plan Goals is as follows:

Land Use: The amendment would address goal 1 “Maintain Batavia as an attractive place to live, work, shop and play, with a balance of land uses” through Policy C: “Encourage mixed uses of land where they are compatible and integrated with the neighborhood”. Goal 4 “Maintain a diversity of housing types, prices and styles for all segments of the community” would be met by Policy E to “Effectively use information from studies of the Batavia housing market to better address City-wide housing needs” Goal 5 of “Coordinate land use and transportation planning” would be facilitated through Policy C: “Locate higher density residential uses convenient to transit corridors and employment centers” The amendment would reinforce Goal 8, Policy B, of “Provide gradual land use transitions and buffers between lower intensity and higher intensity uses” and Policy E to “Consider transitional zoning district designations to effectively separate incompatible land use s when amending the Official Zoning Map”, by placing an appropriate designation on the existing zoning of the property.

Housing, Neighborhood Conservation and Historic Preservation: The proposed development would assist in accomplishing Goal 1, “Provide a wide range of housing opportunities for people in all life circumstances” by accomplishing Policy A: “Provide a diversity of quality rental and owner occupied housing” and Policy D: “Encourage varied housing styles, densities and types within neighborhoods”. Goal 2 “Preserve the character of established residential neighborhoods” could be accomplished through Policy B: “Prevent commercial encroachment into residential neighborhoods”, by providing a transition from existing commercial and office uses.

Utility Impacts – The proposed change is not expected to have a negative impact on the City’s infrastructure or its ability to serve development in the immediate area or the city as a whole. Sufficient utilities/infrastructure is in place to serve the proposed use.

Overall, the proposed Comprehensive Plan Land Use Map Amendment places the property in a Land Use category consistent with the current zoning district and proposed use. The proposed designation would align more closely with the actual proposed residential density requested through the planned development.

Building/Setbacks/Density (Planned Development Request): The building would be composed of vinyl sided elevations with an asphalt shingle roof. Second floor units would have individual balconies. Ground units would have smaller concrete patios. An articulated entrance corridor is provided at the north and south elevations. Building setbacks would require relief under the Zoning Code, specifically to allow narrower setbacks. Setbacks are at 21.53 feet on Wilson Street and 23.12 on Spuhler, while the Independence setback is at 25.16 feet. These dimensions are from the balconies. Effectively the building setback is approximately 26 feet on these three elevations. In order to provide greater distance from Wilson Street, the south (rear) setback proposes a greater amount of relief with a setback of 10.26 instead of the required 20 feet. The

proposed building height meets zoning requirements. The applicant intends to provide material and color samples at the Plan Commission meeting.

The applicant does propose density greater than the base district regulations. The R4 Zoning District permits a minimum lot square footage of 2,333 per unit (18.67 units per acre). This base district allowance would permit 9 units on the property. The proposed density would be at a rate of approximately 1,777 square feet per unit (24.53 units per acre). The multiple family developments to the south are approximately 12.41 units per acre (3,510 square foot per unit). The Homes for a Changing Region Plan does forecast a need for additional residential apartments within the community, projecting a need, under a “balanced housing profile” of 1,085 additional multiple family dwellings in the community by 2040.

The Planned Development Overlay allows for greater increases in density, setbacks and other standards for unique developments and to advance Comprehensive Plan goals. The applicant notes the unique configuration of the site as being a factor for the Planned Development request. Three frontages ultimately have an effect of reducing the amount of land available for development on the parcel, as the Zoning Code is not written to contemplate a triple frontage configuration. For this reason a planned development is a suitable solution. The submitted plans would determine the future development of the site. Additionally, by providing the proposed housing mix in the community with one and two bedroom apartments, the building would also further advance City development goals. For these reasons, staff is supportive of the Planned Development request. The increase in the number of units allowed on the property from 9 to 12 under the Zoning District is a reasonable request for the Commission to consider.

Landscape: The proposed landscaping generally meets Zoning Code requirements, with trees provided along the perimeter of the site and for parkway plantings. Trees counts do result in one tree per unit. Separate detention areas are not provided as this site was accounted for in the West Winds Subdivision.

Lighting: No specific site lighting is proposed other than that required by building code.

Access: Access is provided with two driveways, one that faces Spuhler Drive and the other that faces Independence Drive. The proposed driveway as depicted would provide a break in pavement. The consensus of staff upon review of the current plans has concluded that this may create access issues for the center garages, especially if driveway parking places are occupied by larger vehicles. Staff would recommend the replacement of these trees elsewhere on site or if not feasible as a contribution to the parkway tree program. The tree along Independence is 22”, staff would recommend an inch per inch replacement of this tree with additional trees on site. Additionally, the Commission may consider requiring a smaller landscape area to break up the driveway. Relief from driveway requirements would be a Planned Development request. Access to units would be provided by doors with a common hallway oriented north and south. Some garages would also have access to the common hallway. The new public sidewalks are currently depicted at four feet. Staff recommends a condition that all sidewalks other than Spuhler Drive, which is presently four feet, be revised to five feet, consistent with City Code.

Parking: The site plan depicts 24 parking places (12 in driveways and 12 in garages). This meets the Zoning Code requirements for multi-family units. As individual garages with storage areas are provided, there is no requirement for bicycle parking.

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:

Design Review Findings:

A. The project is consistent with applicable design guidelines: The proposed improvements would be generally consistent with the Multi-Family Design Guidelines, some aspects where differences exist are also considered as part of the Planned Development, or would otherwise not be applicable to a property of this scale.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: As a proposed the proposed plan would conform to the proposed Land Use Map Amendment and advance goals of the Land Use Element. The project does not conflict with Urban Design element goals and policies.

C. The project is consistent with all applicable provisions of the Zoning Code: The project requests relief from the Zoning Code through the planned development. In all other regards it will be consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: The proposed development would provide a transitional buffer from adjacent Office and Commercial Districts to the Single Family Districts to the east. It would be similar to adjacent multiple family development.

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 conduct the Public Hearing for the requested Comprehensive Plan and Zoning actions and conduct the Design Review. Staff has provided positive findings for each, consistent with the Staff Recommendation. Staff recommends the following actions:

1. Open and Conduct a Public Hearing for the proposed Comprehensive Plan and Zoning Map (Planned Development) amendments.
 - a. After conducting the Public Hearing, if no further information is to be considered, close the hearing.
 - b. If the Plan Commission requires additional information, or would like to see revisions, continue the hearing to a date certain.
2. After the Conclusion of the Public Hearing, staff recommends the Plan Commission review and take action on the Findings of Approval for Design Review

3. Approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential, 8 to 15 dwelling units per Acre.
4. Approve the Planned Development and Design Review subject to the following conditions:
 - a. Development shall be substantially in compliance with the plans submitted by Michael J. Grissom and Associates, Donahue and Thornhill Inc. and RLS Landscape dated July 18, 2016 and July 6, 2016.
 - b. Revision of the driveways to provide full access to interior units, with provision of a small landscape area, subject to City Staff approval.
 - c. Replacement of removed tree at Independence with the replacement of trees at a one to one inch caliper rate on site, and/or equivalent contribution to the City Parkway Tree program.
 - d. All trees to be of the required minimum sizing, as required by Zoning Code.
 - e. Public Sidewalks other than along Spuhler Road be revised to five feet in width.
 - f. Approval of Final Engineering Plans by City Staff.
 - g. If the City and petitioner do not complete the sale of the property, the approval shall be null and void.

Attachment: Application Submittal

C: Mayor and City Council
Arney Silvestri, SJR Inc. – Applicant
Kate McCracken, Applicant Attorney
Media

Requested Relief from the Zoning Code for a Planned Development

1. Relief from Table 2.204 for a Minimum Perimeter building setback, corner(east) of approximately 23.12' instead of the required 30 feet.
2. Relief from Table 2.204 for a Minimum Perimeter building setback, corner(west) of approximately 25.16' instead of the required 30 feet.
3. Relief from Table 2.204 for a Minimum Perimeter building setback, rear of approximately 10.26' instead of the required 20 feet.
4. Relief from Table 2.204 for a Minimum Perimeter landscape area for the rear of approximately 9.25' instead of the required 20 feet.
5. Relief from Table 2.204 for private open space for four ground floor units, being provided 24 square feet rather than the required 60 square feet.
6. Relief from Table 2.204 for common open space amenities, 600 square foot playground.
7. Relief from Table 2.204 for a Minimum Perimeter building setback, front of approximately 21.53 instead of the required 30 feet.
8. Relief from Table 2.204 for Minimum net land area per unit of approximately 1,777 square feet instead of the required 2,333 square feet.
9. Relief from 4.207.A to allow a driveway width of approximately 61' instead of 18'.
10. And other relief necessary from the Zoning Code to grant approval of the proposed site plans, in general conformance with the plans depicted for review by the Plan Commission.

Law Offices
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.
1001 East Main Street, Suite G
Saint Charles, Illinois 60174-2203

John J. Hoscheit
John M. McGuirk
Kate L. McCracken
Douglas R. Cuscaden

Telephone: 630-513-8700
Facsimile: 630-513-8799
Email: kate@hmcpc.com

July 15, 2016

Via Email: drackow@cityofbatavia.net

Mr. Drew Rackow, Planner
City of Batavia
100 North Island Avenue
Batavia, IL 60510

Re: SJR, Inc. Apartment Project Narrative– Former Water Tower Site

Dear Mr. Rackow:

As you know, this firm represents SJR, Inc. (“SJR”), with respect to its anticipated application for approval of a Planned Unit Development providing for the construction of 12 residential rental units (the “Project”) on that certain property commonly known as the former Municipal Water Tower Site (the “Water Tower”). I have been asked to assist the applicant, SJR, with respect to the Project narrative.

As you know, this is an approximately 20,000 sq. foot infill parcel. In conjunction with the removal of the Water Tower, it is my understanding the City made a determination to declare the parcel as surplus property. While there may have been more than one declaration of surplus property for purpose of the solicitation of acceptable bids, ultimately SJR, Inc. was the successful bidder. While it may appear from earlier surveys that SJR was acquiring and developing a lot with a 131 +/- foot lot width to the north, in reality, the true width of the northerly lot line has been determined to be only 123.14 feet in width, requiring certain Project adjustments relating thereto. When the Water Tower was removed several years ago the parcel became a vacant parcel surrounded by commercial uses on Wilson Street to the north, Westwinds Subdivision to the south, single family residential on Spuhler Drive to the east and commercial uses west of Independence.

As stated above, the Project will consist of a 12-unit apartment building comprised of eight 2-bedroom units and four 1-bedroom units. The Project is intended to provide a small, atypical apartment complex with a look much more in keeping with a traditional condominium or townhome development. Garages will be attached as opposed to detached and each unit will have an exterior patio.

This Project is intended to address, to the extent allowed by the size of the parcel, the gap in the housing profile for the market segment in need of moderately priced rental homes near employment and large areas of vehicular access consistent with the recent CMAP

recommendations. The Project further contemplates the addition of landscaping along with proposed sidewalks along Independence and Spuhler Drive and provides an ideal transition between Windmill Center, Westwind Subdivision, Spuhler residential uses and businesses along Wilson Street. Building material samples are being submitted by the Developer and we will be available to continue to respond to comments and to answer any questions Staff may have moving forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate L. McCracken". The signature is fluid and cursive, with the first name "Kate" being the most prominent.

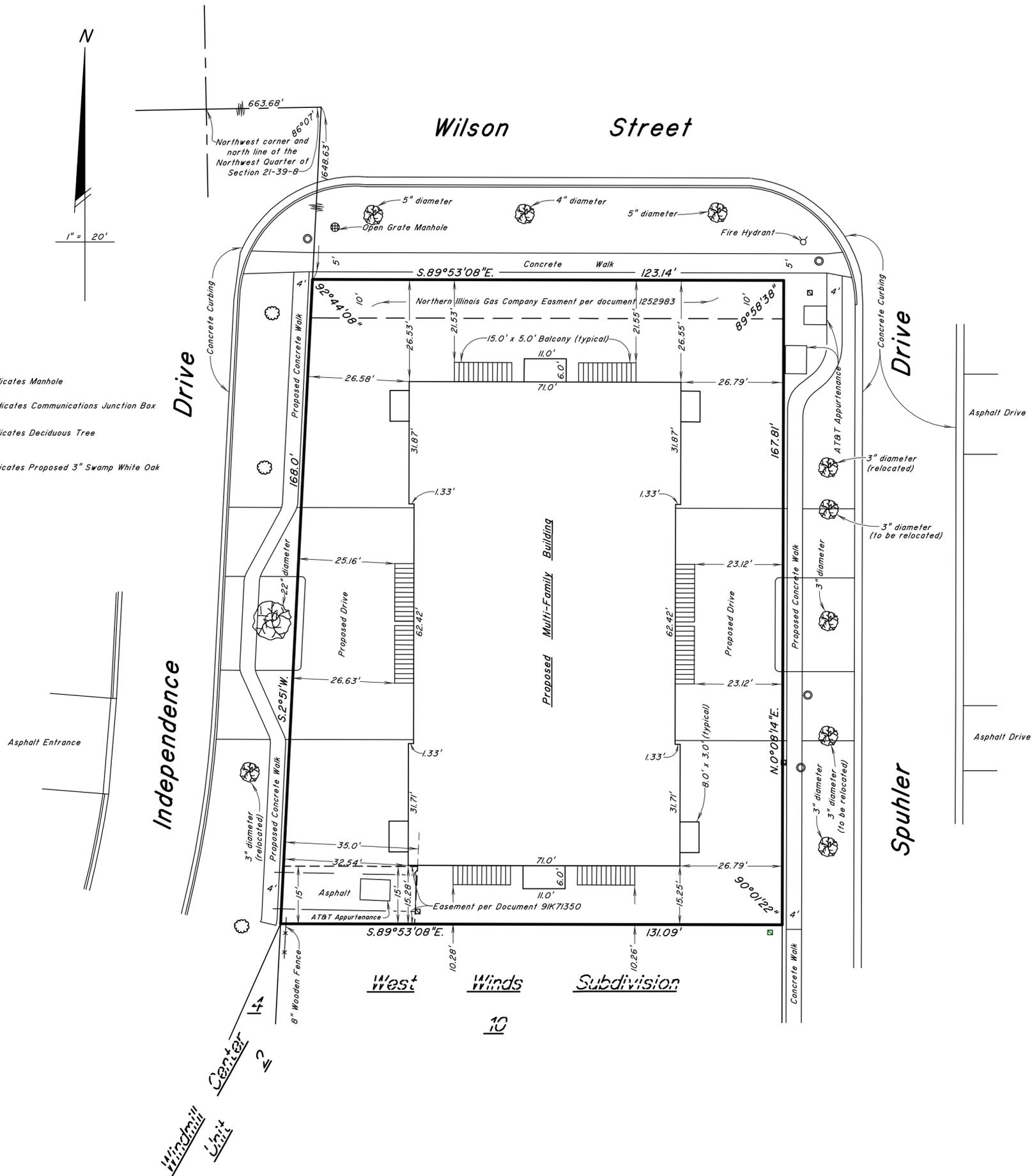
Kate L. McCracken

KLM:dlj

Plat of
Part of the Northwest Quarter of Section 21-39-8
Batavia Kane County Illinois



- Indicates Manhole
- Indicates Communications Junction Box
- ⊗ Indicates Deciduous Tree
- ⊙ Indicates Proposed 3" Swamp White Oak



State of Illinois)
)ss
 County of Lee)

This is to certify that the plat hereon drawn is a correct representation of that part of the Northwest Quarter of Section 21, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Quarter; thence easterly along the north line of said Quarter 663.68 feet; thence southerly along a line forming an angle of 86°07' with said north line (measured from west to south) 1648.63 feet to the south line of Wilson Street for the point of beginning; thence continuing southerly along the prolongation of the last described course 168.0 feet to a northwesterly corner of West Winds Subdivision, Batavia, Kane County, Illinois; thence easterly parallel with the south line of Wilson Street, being also along a northerly line of said West Winds Subdivision forming an angle of 87°15'52" with the last described course (measured clockwise therefrom) 131.09 feet to the east line of Spuhler Drive; thence northerly along said east line forming an angle of 90°01'22" with the last described course (measured clockwise therefrom) 167.81 feet to said south line; thence westerly along said south line 123.14 feet to the point of beginning, in the City of Batavia, Kane County, Illinois together with the improvements proposed to be constructed thereon. All distances are given in feet and decimal parts thereof.
 Dated at Lee, Illinois, March 1, 2016

Illinois Professional Land Surveyor No. 2411
 DONAHUE and THORNHILL, INC.
 (Illinois Professional Design Firm No. 2713)

1321 Woodlawn Road
 Lee, Illinois 60530
 (630) 561-1567



License Renewal/Date of Expiration = 11/30/2016

Plat revised July 6, 2016 to address May 23, 2016 City of Batavia review comments.



FRONT ELEVATION



REAR ELEVATION

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:45 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

5

SCALE 3/16"=1'-0"

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:50 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

1

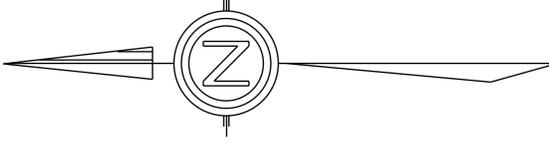


WEST ELEVATION



EAST ELEVATION

SCALE 3/16"=1'-0"

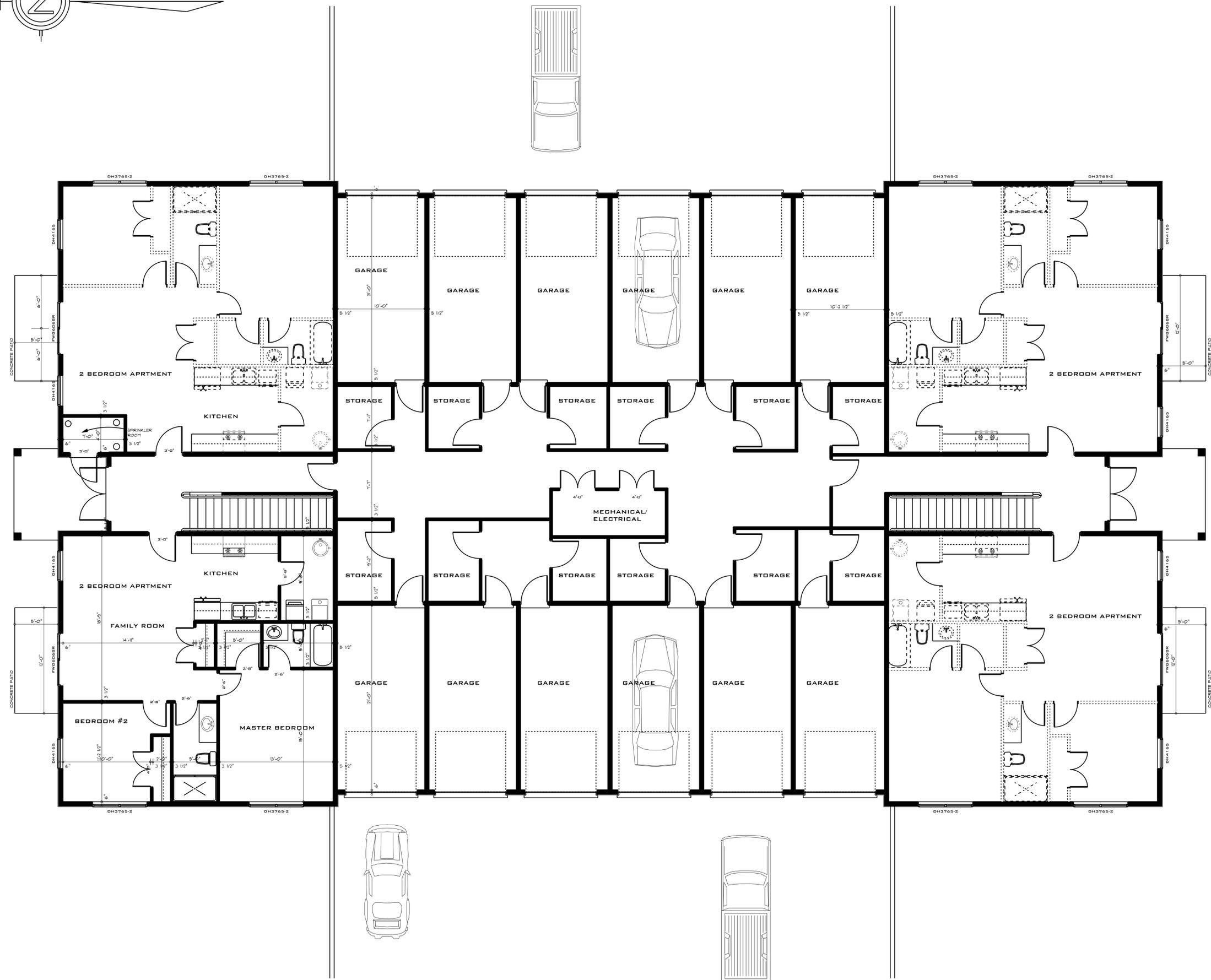


MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:39 AM
14.4.4



SILVESTRI CUSTOM HOMES

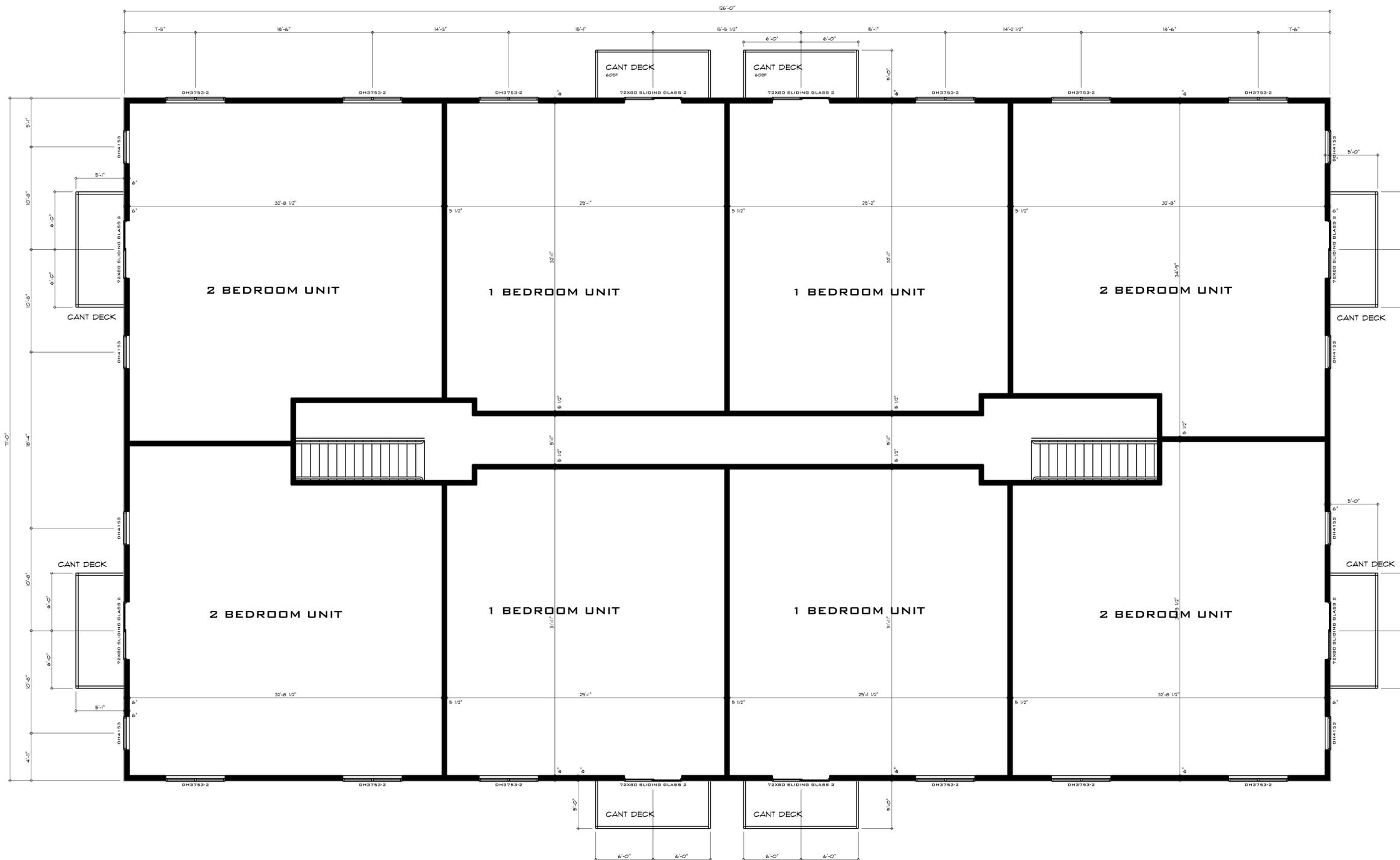
WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

INDEPENDENCE DR

SCALE 3/16"=1'-0

SHEET:
3



MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:40 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

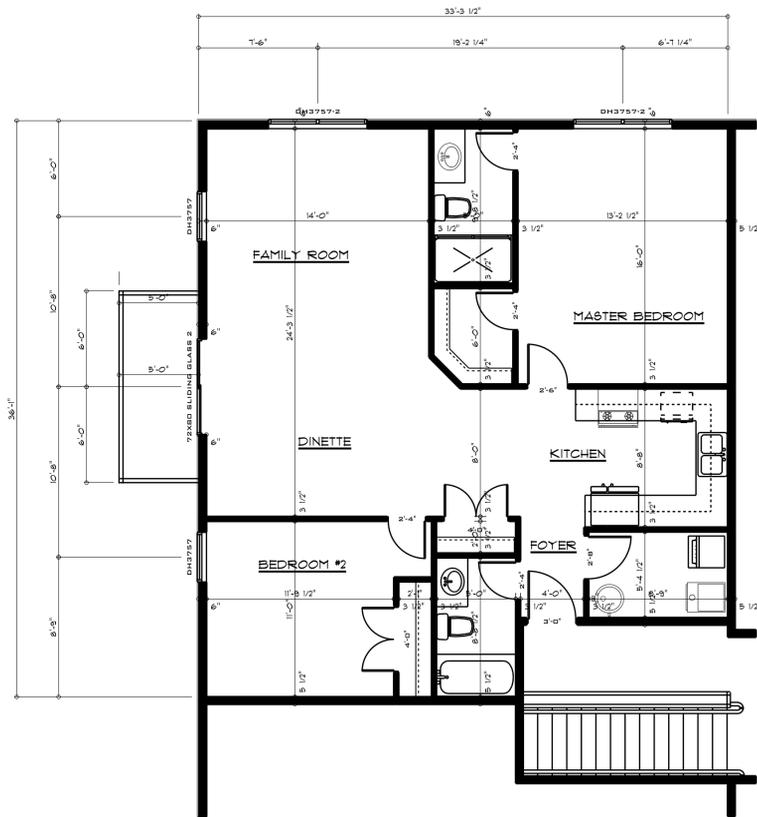
DRAWN: MJG

SECOND FLOOR PLAN

SCALE 3/16"=1'-0"

SHEET:

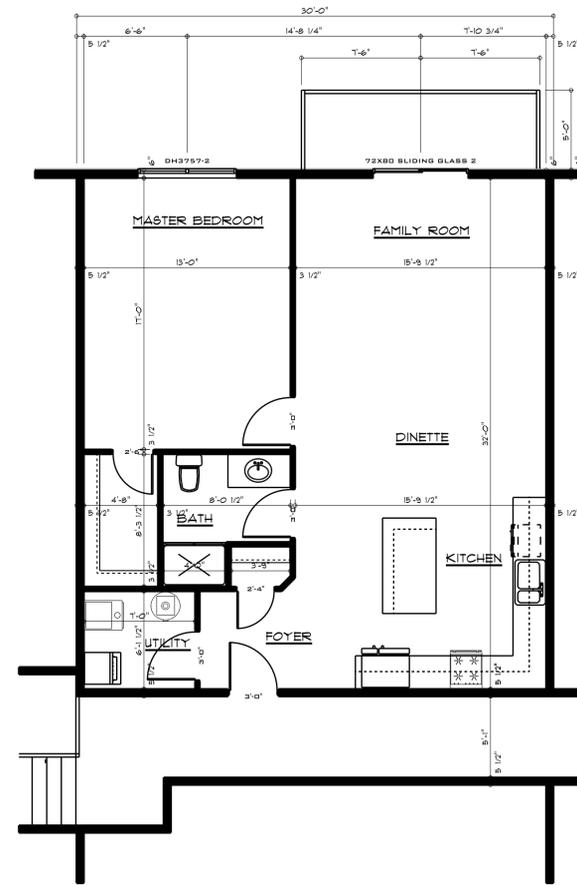
4



FIRST FLOOR PLAN

FIRST FLOOR 12008F

- CROSS BRIDGING SHALL BE PROVIDED IN ALL FLOOR JOISTS SPACED A MAXIMUM OF 8'-0" O.C. BRIDGING SHALL BE EITHER 1X3" WITH A DOUBLE NAIL AT EACH END OR SOLID BLOCKING FULL DEPTH 2" NOMINAL LUMBER.
- CROSS BRIDGING SHALL BE PROVIDED IN ALL CEILING JOISTS SPACED A MAXIMUM OF 8'-0" O.C. BRIDGING SHALL BE SOLID BLOCKING FULL DEPTH 2" NOMINAL LUMBER. FOR CEILING JOISTS 2X8 OR LARGER 1" X 3" WITH A DOUBLE NAIL IS ALLOWABLE.
- APPROVED PLANS SHALL BE ON-SITE AT ALL TIMES.



FLOOR PLAN 1 BEDROOM

FLOOR PLAN: 10008F

MICHAEL J. GRIMSON
AND ASSOC.

920-D PRAIRIE DRIVE
SYCAMORE ILLINOIS

TEL 815/895-5695
FAX 815/991-2999

July 18, 2016
11:41 AM
14.4.4

SILVESTRI CUSTOM HOMES

WILSON STREET
BATAVIA ILLINOIS

DRAWN: MJG

SHEET:

5

SCALE 3/16"=1'-0"

CITY OF BATAVIA

DATE: October 14, 2016
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: **Continuation of a Public Hearing:** Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre
- Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District
- Design Review for a New Residential Building
SJR Inc, Applicant

SUMMARY OF AUGUST 17th HEARING

On August 17th, the Plan Commission opened a Public Hearing for consideration of a proposed 12 unit apartment building at the former west water tower property at 1600 West Wilson Street. At the Hearing, Mr. Silvestri, representing SJR Inc. presented the proposed project to the Commission. Commissioners inquired about the proposed design and proposed materials to be used. Commissioners questioned the applicant about the amount of storage and parking available for each unit. The Commission discussed the driveway configuration required to allow interior units to access parking and garages.

The Commission received testimony from five members of the public, each were residents of Spuhler or Feece Drives. The residents each spoke in opposition to the project highlighting concerns about the proposed density of the project, parking, additional traffic, snow storage, effect on property values and impacts of renters vs. homeowners.

Speakers noted that the multi-family residential to the south consisted of four unit buildings, which is the established character of the multiple family neighborhood. Residents felt that the increased number of units being requested on the property added to the apparent bulk of the building, and lead to the requests for setback relief.

Residents expressed concerns that additional traffic would increase accidents and incidents of speeding within the neighborhood, which is already subject to cut through traffic from Main to Wilson Streets. Speakers requested that a traffic study be considered for the proposed project, and noted high accident rates in the area for a residential subdivision.

After concluding the receipt of testimony for the evening, the Plan Commission discussed the project. Commissioners were in agreement that they believed that the proposed building was too big and contained too many units for the surrounding neighborhood. Commissioners felt that the proposed density resulted in a structure that needed too much relief from the Zoning Code. The Commission requested that the applicant consider reducing the proposed project to at least the

maximum number of units allowed by the Zoning District of nine units. Mr. Silvestri noted that the economics of the property (cost of land and development costs, such as utilities) were a factor in requesting 12 units. He noted that the dimensions of the property, and the three frontages were factors in requesting the zoning relief through the planned development.

Commissioners requested that the applicant return after reviewing whether he would be able to reduce the size and number of units for the proposed project. The applicant requested a continuation of the hearing to review the results of this meeting. The Commission continued the Public Hearing to October 19th. Please review the attached meeting minutes from August 17th for additional detail from the Public Hearing testimony.

UPDATE SINCE THE PUBLIC HEARING

Since the Hearing, the applicant has reviewed his pro-forma, and been in contact with City Staff. He has indicated to Staff that a reduction of density to 9 or 10 units would require a commensurate reduction to the price of the property or City development fees for the project to remain feasible. No new plans or designs have been proposed for Staff or the Commission to review. The applicant indicated to staff that he would request that the Plan Commission provide a recommendation to the City Council, based on the current proposal. A two-thirds affirmative decision from the City Council to allow the sale of City owned property in conjunction with this proposal.

As there is no additional information to review, please review the Staff Report from August 12th, attached for a review of the proposed project. Staff remains supportive of the proposed concept, with the proposal effectively having six units that impact the adjoining residences. Staff believes that the requests for setback relief are appropriate given the three frontages, and existing utilities limiting placement of the structure. Based on the discussion and consensus of the Plan Commission at the last meeting, staff is providing a set of Findings of Approval written in both the affirmative and the negative for the Commission's evaluation in their deliberations.

Findings for Approval:

Design Review Findings (Affirmative)

Design Review Findings:

A. The project is consistent with applicable design guidelines: The proposed improvements would be generally consistent with the Multi-Family Design Guidelines, some aspects where differences exist are also considered as part of the Planned Development, or would otherwise not be applicable to a property of this scale.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: As a proposed the proposed plan would conform to the proposed Land Use Map Amendment and advance goals of the Land Use Element. The project does not conflict with Urban Design element goals and policies.

C. The project is consistent with all applicable provisions of the Zoning Code: The project requests relief from the Zoning Code through the planned development. In all other regards it will be consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: The proposed development would provide a transitional buffer from adjacent Office and Commercial Districts to the Single Family Districts to the east. It would be similar to adjacent multiple family development.

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

Design Review Findings (Negative):

A. The project is consistent with applicable design guidelines: The proposed improvements are consistent with some, but not all aspects of the Multi-Family Design Guidelines. The building, being significantly larger than neighboring residential buildings, would not be compatible and integrated with the neighborhood, a primary objective of the design guidelines.

B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements: The proposed project does not conform to the proposed Land Use Map Amendment and advance goals of the Land Use Element. The project conflicts with Urban Design element goals and policies, as it is not well integrated with the surrounding development.

C. The project is consistent with all applicable provisions of the Zoning Code: The number of dwelling units proposed exceeds that permitted and does not conform to some setback or driveway requirements. It is the consensus of the Plan Commission that the requested project should not be granted Code relief for said conditions under the Planned Development Overlay. For these reasons, it is not consistent with the Zoning Code.

D. The project is compatible with adjacent and nearby development: The proposed development, due to the increased density and building bulk is not compatible with the adjacent Single Family Districts to the east and multiple family to the south.

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 resume the Public Hearing, and request any new or additional testimony that does not address items already in the public record. After the receipt of testimony, the Commission should continue their discussion and consider the applicant's request to advance the proposal. Staff recommends the following actions:

1. Open and Continue the Public Hearing for the proposed Comprehensive Plan and Zoning Map (Planned Development) amendments.
2. After the Conclusion of the Public Hearing, staff recommends the Plan Commission
 - a. Approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential, 8 to 15 dwelling units per Acre.
 - b. Approve the Planned Development subject to the following conditions:
 - i. Development shall be substantially in compliance with the plans submitted by Michael J. Grissom and Associates, Donahue and Thornhill Inc. and RLS Landscape dated July 18, 2016 and July 6, 2016.

- ii. Revision of the driveways to provide full access to interior units, with provision of a small landscape area, subject to City Staff approval.
- iii. Replacement of removed tree at Independence with the replacement of trees at a one to one inch caliper rate on site, and/or equivalent contribution to the City Parkway Tree program.
- iv. All trees to be of the required minimum sizing, as required by Zoning Code.
- v. Public Sidewalks other than along Spuhler Road be revised to five feet in width.
- vi. Approval of Final Engineering Plans by City Staff.
- vii. If the City and petitioner do not complete the sale of the property, the approval shall be null and void.

3. Review and approve the Findings of Approval for Design Review.
4. Approve Design Review, subject to the Planned Development and its conditions of approval.

Attachment: Plan Commission Packet
August 17, 2016 Plan Commission Minutes

C: Mayor and City Council
Arney Silvestri, SJR Inc. – Applicant
Kate McCracken, Applicant Attorney
Media

MINUTES
August 17, 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 7:00 pm.

2. Roll Call:

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

Members Absent:

Also Present: Joel Strassman, Planning and Zoning Officer; 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. Approval of Minutes: July 20, 2016, Plan Commission Minutes

Motion: To approve the minutes from July 20, 2016, Plan Commission minutes

Maker: Joseph

Second: Schneider

Voice Vote: 6 Ayes, 0 Nays, 0 Absent

All in favor. Motion carried.

5. Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc Applicant

- **Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 dwelling**
- **Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District**
- **Design Review for New Residential Building**

Motion: To open the public hearing

Maker: Schneider

Second: Joseph

Voice Vote: 6 Ayes, 0 Nays, 0 Absent

All in favor. Motion carried.

Rackow reviewed the memo from August 12, 2016 titled "Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant. Comprehensive Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units Per Acre. Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District. Design Review for a New Residential Building, SJR, applicant." The proposed project would have 8 two bedroom and 4 one bedroom units. Each unit would have a one car garage and one parking place in a driveway. Driveways would need to be modified to permit full access to the driveway and parking stall for each unit.

Arney Silvestri, Silvestri Custom Homes, 234 Planters Row, Geneva, representing SJR Inc., addressed the Commission. He explained that the design takes advantage of the street frontages by orienting the building to two streets. Chair LaLonde asked for an overview of the materials he plans on using for the building. Silvestri described the building materials to the Commission as well as passed around a color sample of the architectural design shingle. The roofing would be weathered wood color. The siding color would be natural clay with white trim and white vinyl windows with grids. He passed around the natural clay color sample. The balconies would be wolmanized wood with black metal spindles.

Joseph expressed her concern about the parking. She stated that oftentimes the garages are used for storage. Silvestri stated that they have 9x10 storage areas designed in the building as well as the single car garages are longer than standard. LaLonde stated that he shares the same concern with parking that staff brought up. Silvestri stated that he is willing to work with staff to ensure that everyone gets what they need.

Chair LaLonde opened the floor for public comment and swore in all those who were going to speak.

Thomas Wilson, 56 Spuhler Dr. stated that the whole block is all four units and the developer wants to put in a twelve unit building. He asked where are they going to put the snow from plowing. He stated there are going to be more than 24 cars there. People will block the other garage doors.

Craig Crawford 15 Feece Dr. shared that he lives directly across the street from the unit. He stated that he has a number of concerns. He is concerned that the building will house "transient" residents. This is transient population is near our high school. Batavia has history of crime problems with apartment complexes. Parking is a concern. The number of small garages in the same vicinity could be hazardous. If one person stored something improperly and there was a fire this would be a large problem. He asked if any traffic studies have been done, especially on Randall. The number of accidents in this neighborhood is quite large for a fairly small neighborhood. He asked the City to upgrade the traffic light timing on Randall and Main and Randall and Wilson. There are people trying to make those lights because they back up so badly and would like to know if there are accident statistics. Spuhler and Feece have speeders, especially during the school year. As a resident that worries him. There is a lot of litter on Wilson and there is no investment in living in the City by transient residents. He is concerned with creating a noise issue in the neighborhood. If you move that many people it almost has to increase the noise. He would like to keep the sense of the neighborhood and noted that Batavia

does not have a great history of civic planning. We have a closed border city. Why would we want to increase the density? That is clearly a curiosity of planning. Mid-day traffic in downtown Batavia is a nightmare and especially when school is in session. This would exasperate that. The whole street is four flats and why would we want a larger building is beyond him. Snow removal is also a concern. The City does not do snow removal on adjacent lots. He asked would this property have snow removal. The additional users on the street would increase the difficulty navigating Independence. Between the speeding and the potential for crime, this development is something we should be concerned about. He asked if a feasibility study has been done and if so, distribute it, and if not it should be done. He needs to know more than just the information shared at tonight's meeting. He has concerns that the building would not match the neighborhood. He would request that everyone in that neighborhood be mailed with a transcript of this hearing and have a chance to respond. A plat of the property should also be distributed and have another hearing to have a decision as a community. He would not want this in the area where his kids stand and wait to catch the bus.

Diane Anderson 16 Spuhler Dr. stated she lives directly across the lot being referred to this evening. She is worried about the value of her house. She stated that the market is rebounding and now her home value would go down again. The traffic is now bad and would be even worse with this development.

Mark Larson 6 Spuhler Dr. stated he lives directly across the street from the proposed development. Property value is the number one issue. It would not help the property value to have a building like that in that on the property. Apartment buildings would not help the property values in the neighborhood. Additional parking would be needed. On-street parking is only available on the resident side of the street. When the football team is doing well the streets are all full. He asked what is the potential rental of these units. If it is a year-to-year lease it might help. He asked if this goes through how long it would take for construction. When he has visitors going to his house for the holidays, where he pays property taxes, would they have to fight for a parking spot.

Randy Castor 26 Spuhler Dr. stated he is adjacent and south of the proposed building. This land has been vacant since 2007. He was hoping that it would be built similar to what the Martin's built on the block. This building is too big for the lot. The setback requirements would have to be changed to fit a car in the front. He asked the developer if he could have built a 4 to 6 unit building on this land.

Commissioner Schneider commented that this building is very large for the area. He asked if the applicant has a plan b for this development.

Kate McCracken, 1001 East Main Street, St. Charles. representing the applicant, stated that this property was declared surplus from the City. Bids were accepted and taken and SJR was the successful bidder. If the City were willing to reduce the purchase price as part of the bid there would be a corresponding reduction in the building's size. This is a unique site since there are three frontages and the property is bounded by commercial and office. Typically in a land planning context, that is the type of property that is appropriate for a buffer type of development. These are intended to be long-term leases. The longer the rental period the better it is for

ownership. Year to year or longer is always the number one objective for any community. This is not a series of apartment buildings. There would be six units on one frontage and six units on the other to keep it consistent with the adjacent usages. SJR would be willing to consider a reduction in the density with a corresponding reduction in the bid that was accepted by the City. McCracken stated that, for the record, they have agreed with all of staff's recommendations for the adjustments and conditions.

Chair LaLonde asked for discussion from the Commission. Schneider stated that he does not think this building would fit and he would not like to live across from it. Joseph agreed that it is too big a building for this area. Snow and parking could be an issue. She would like to see the density reduced. Peterson agreed. She stated that the design is wonderful for that neighborhood. She thinks that we made too many considerations for this plan. This type of building is in a residential area of 4 unit buildings and here it would be 12. Strassman stated that this property, zoned R4, would allow up to nine dwelling units whether it is in one building or a combination of buildings. Peterson stated that we are giving a lot of latitude with the setbacks to conform to the Comprehensive Plan. Gosselin stated that a smaller building would pose fewer problems and could better with the R4. LaLonde concurs that it is too much building for this size of property. He could understand some leniency of setbacks. He suggested a smaller building with parking on Independence so that the frontage would better fit with the neighborhood on Spuhler.

Silvestri stated that R4 is nine units and we are asking for twelve. The higher density is to offset the costs for labor and materials. If you do more density you could make the things work. It was all about cost. When you add up the fees and load them into the price of the property the City was asking for and the cost of the building that is where we came up with this building. This is a matter of making the numbers work. He is not opposed for a nine unit or an eight unit building.

Schneider asked them to go back and talk to the City staff to make that decision. Schneider stated that this public hearing should be continued to get discussion going with staff.

Silvestri stated that we might need some setback relief to add parking to one side or slide the building and easements due to the electrical box. He may come back with nine or eight units.

Strassman asked the Commission if they would be willing to consider any density above what the R4 District allows and/or any relief to building bulk requirements. The Commission generally agreed that greater density is not preferred, but they may consider relief to bulk requirements. LaLonde stated that he would certainly consider that. LaLonde asked when the developer would like to reconvene the public hearing. Silvestri requested sixty days. Strassman asked Silvestri to change the date on the notice signs for the next public hearing date of October 19, 2016.

Motion: To continue this public hearing to October 19, 2016

Maker: Joseph

Second: Harms

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

Nay:

6-0 Vote, 0 Absent, All in Favor. Motion carried.

MINUTES
October 19, 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

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

2. Roll Call:

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

Members Absent:

Also Present: Scott Buening, Community Development Director; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; 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. Approval of Minutes: September 21, 2016, Plan Commission

Motion: To approve the minutes from September 21, 2016, Plan Commission minutes

Maker: Schneider

Second: Peterson

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Continuation of a Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- **Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units Per Acre**
- **Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District**
- **Design Review for a New Residential Building**

Rackow summarized the first public hearing meeting, held on August 17, 2016, and the resident's concerns stated at that meeting. At that meeting the PC felt that the proposed building was too large for the site. The Plan Commission (PC) asked that a reduced number of units of nine or ten be considered. Rackow stated that there are no new materials to consider and a

negative recommendation by the PC would require a 2/3 vote from City Council to approve the plan as proposed.

Motion: To open the Public Hearing
Maker: Joseph
Second: Schneider
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Kate McCracken, attorney, explained why there were no changes to the proposed plan. She stated that this is a unique situation because it is a function of a contract with the City. When the City declared this as surplus property her client was the successful bidder. McCracken stated that the contract cannot be renegotiated until we move forward to City Council. McCracken stated that this meeting tonight is to allow us to go forward so that we could have discussions about what the PC has requested, such as the PC preference of nine units. We need to move forward to start the discussion and the dialogue.

Chair LaLonde opened the floor for public comment. He swore in all of those who wanted to address the Commission.

Mark Larson, 6 Spuhler Drive, stated that the negative findings outweigh the positive, except for item e. For the past 16 years he has looked out onto an empty lot. He would much rather look at a like unit or a storage facility instead of looking at an apartment complex too big for the lot and the neighborhood. Those on Spuhler Drive strongly object to the plan as presented.

Ben Oleson, 36 Spuhler Drive, asked if there would be more police protection with more people in the area. This development is too close to stoplights. It would cause traffic back up. He asked where are the children going to play if there are children there. He is concerned about safety of children in the neighborhood now and in the future. There are too many concessions on the easements. If these adjustments to the setbacks are not accepted then they would have to go to the smaller.

Thomas Wilson, 56 Spuhler Drive, shared his concern with losing money on their properties. Wilson specified that the developer stated that he has to have the high density in order to make money. Wilson questioned why do we have to give up our money for the developer to make money. That is not right.

Gale Kastor, 26 Spuhler Drive, looked over the numbers of the setbacks and the average percentage of the footage for the setbacks was 65% of what it should be. One of them is 46% so it is half of what is recommended in the current zoning. They want 24 square feet out of the required 60 ft for private open space, that is 40%. There is requested relief for a play area for children in these apartments. There is no area for the children to play. The City is making too many concessions. The size of this building would not preserve the character of our established residential neighborhood.

Chair LaLonde asked if there was anyone else who wanted to speak. There were none.

Motion: To close the Public Hearing
Maker: Schneider
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Motion: To approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential 8 to 15 Dwelling Units per Acre.

Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
Nay: Gosselin, Joseph
4-2 Vote, 0 Absent. Motion carried.

Motion: To approve the planned development as presented with conditions recommended by staff

Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:**
Nay: Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
0-6 Vote, 0 Absent. Motion failed.

Motion: To table the design review

Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson
Nay: Schneider
5-1 Vote, 0 Absent. Motion carried.

Rackow announced that this would then go to the Committee of the Whole meeting on November 15th.

6. Public Hearing: Crash Champions Auto Body Repair, 2080 Main Street and Vacant Property, 2150 Main Street

- Amendments to the Comprehensive Plan Land Use Map and Amendments to the Zoning Map, 2080 and 2150 Main Street
- Conditional Use for Heavy Vehicle Services (Body Shop) and Planned Development Overlay 2080 Main Street,
My Properties LLC – 2080 E. Main St., Batavia, applicant

Strassman reported that My Properties, owner of Crash Champions collision repair, is looking to open an auto body shop in the former Aldi retail building in Windmill Creek shopping center and to add 7,000 square feet to the building. To accomplish this, the City's Comprehensive Plan Land Use Map and Zoning Map must be amended to propose service business land use and zoning. Auto bodywork requires a conditional use in the Service Business zoning District. To

CITY OF BATAVIA

DATE: October 31, 2016
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 16-68 Vacation for a Portion of a Public Alley Behind 639 Main Street

Summary: Approval of Ordinance 16-68 Vacation for a Portion of a Public Alley Behind 639 Main Street.

Background: The Committee of the Whole gave direction to staff to proceed with a Plat of Vacation for this section of public alley. This alley is enclosed by a fence and is being used by the adjacent private property owner as a storage yard. The COW advised staff to proceed with the vacation but to reserve a public utility and drainage as well as a full ingress, egress and access easement over the property being vacated. While the City is not using this alley now, we wanted to reserve access rights to this in the future if it is needed. The vacation will put the property into the hands of the adjacent owner, as well as responsibility for the land is something would occur there. Staff has sent notice to the owner advising them of the impending vacation.

Alternatives:

1. Vacate the alley with reservation of drainage, utility and access easements.
2. Do not vacate the alley, give alternative direction to staff.
 - a. **Pros-** Vacating the alley would put the property on the tax rolls and eliminate any liability issues for private use of a public alley. The easements reserved would still allow for public use of this area if needed in the future.
 - b. **Cons-** The City would lose some level of control over the property though reservation of the easements minimizes this issue.
 - c. **Budget Impact-** The City will pay about \$500 in plat preparation and recording fees. The City also previously paid for the City Attorney work on this matter.
 - d. **Staffing Impact-** No staff impact.

Timeline for actions: This issue has been ongoing for two and half years, it is ready to be closed out.

Staff recommendation: Approval of Ordinance 16-68 Vacation for a Portion of a Public Alley Behind 639 Main Street.

Attachments:

1. Ordinance 16-68 Vacation for a Portion of a Public Alley Behind 639 Main Street.
2. Plat of Vacation.
3. Map of Area being vacated.
4. Letter to property owner.

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-68
APPROVING A PLAT OF VACATION FOR A PORTION OF A PUBLIC ALLEY
NORTH OF 639 MAIN STREET

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS ____ DAY OF _____, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the
City of Batavia,
Kane & DuPage Counties, Illinois,
this ____ day of _____, 2016

CITY OF BATAVIA, ILLINOIS

ORDINANCE 16-68

**APPROVING A PLAT OF VACATION FOR A PORTION OF A PUBLIC ALLEY
NORTH OF 639 MAIN STREET**

WHEREAS, the City of Batavia has determined that a portion of a public alley north of 639 Main Street, as described on the Plat of Vacation, attached as **Exhibit "A"** is no longer necessary to be retained as public right-of-way; and

WHEREAS, the City has determined that the public interests will be served by vacating said portion of the alley; and

WHEREAS, the City is vacating this property such that each segment will go in equal proportions to the adjacent property owners; and

WHEREAS, said City will reserve a drainage, public utility, ingress, egress and access easement over all of that portion of the alley so vacated; and

WHEREAS, 65 ILCS 5/11-91-1 provides that the corporate authorities of any municipality may vacate a portion of a street or alley, provided same is done by ordinance and passed by an affirmative vote of at least 3/4ths of the aldermen then holding office; and

WHEREAS, it is in the best interests of the City of Batavia that the City vacate the above-described portion of the alley north of 639 Main Street;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BATAVIA, KANE COUNTY AND DUPAGE COUNTY, ILLINOIS, as follows:

SECTION 1: The recitals set forth above are incorporated as if fully stated herein as a material term of this Ordinance.

SECTION 2: The Plat of Vacation of the property in the form attached as Exhibit "A" is hereby approved and accepted.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-68

SECTION 3: The City hereby reserves a drainage, public utility, ingress, egress and access easement over all of that portion of the alley so vacated. Said easement runs to the City of Batavia and any other Public Utility under franchise with the City of Batavia.

SECTION 4: The area vacated shall revert to the properties that are directly adjacent to the area vacated as follows: north 10 feet to PIN 12-22-162-001; south 10 feet to PIN 12-22-162-019.

SECTION 5: The Mayor and City Clerk are hereby authorized to sign and record the Plat of Vacation.

SECTION 6: This Ordinance shall become effective from and after its approval.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Christine Simkins, Deputy City Clerk



CITY OF BATAVIA

JEFFERY D. SCHIELKE
Mayor

October 31, 2016

US BANK NA, TRUSTEE,
JOSEPH S MURANYI & CAROL R FLOCK
43W231 SMITH RD
ELBURN, IL 60119

RE: City Alley Behind 639 Main Street

Dear Mr. Muranyi and Ms. Flock:

I am writing to follow up on my prior letters regarding the City alley that splits your property at 639 Main Street. We had previously discussed vacating this alley and then later entering into a license agreement for the alley usage. After further discussion with the City Council regarding this issue, the City is going to proceed with vacating this alley at this time. The City Committee of the Whole will discuss this at their meeting on November 15, 2016 at 7:30 PM, with final action anticipated on November 21, 2016 also at 7:30 PM. The City will reserve an easement over the vacated property for public utilities, drainage and full ingress egress to and from the area. While we are not currently using this area for public access, we are reserving the right to do so at any time in the future at our discretion.

After the vacation has been approved and recorded, the ownership of the property will revert to you, subject to the easements as described herein. You will then be responsible for payment of property taxes as well as responsible for any liability issues that may arise from owning this land. If you have any questions about this matter, please contact me at (630) 454-2710, or by email at sbuening@cityofbatavia.net. Thank you.

Sincerely,

Scott Buening
Community Development Director
City of Batavia

CC: Complete Electric, 639 Main Street, Batavia, IL 60510
Gabrielle Gosselin, Attorney, 133 S. Batavia Av, Batavia, IL 60510
File



Area to be vacated

CITY OF BATAVIA

DATE: November 4, 2016
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 16-69: Establishing Special Service Area Number 60 for the Windmill Lakes Development (SWC Main Street and Randall Road)

- 1. Summary:** Should the City establish a Special Service Area (SSA) for the Windmill Lakes Development at the Southwest Corner of Main Street and Randall Road.
- 2. Background:** The Committee of the Whole approved of Ordinance 16-55 Proposing the Establishment of SSA 60 on September 19, 2016 for the area at the southwest corner of Randall and Main Street. This then set in motion a 60 day waiting period for the public hearing on the proposed SSA. The Public Hearing is proposed for November 21, 2016 in front of the City Council. That evening the Council will also consider approval of Ordinance 16-69 Establishing SSA 60. The property owners will then have until January 21, 2017 to submit a petition objecting to the SSA establishment. This petition will need 51% of the property owners and electors (if any) of record in order to be overturned. The ordinance provides for an initial levy of \$0.00, this being a “dormant” SSA. Below is additional background information on this project:

+++++

City staff has been working with the various property owners of the Windmill Lakes Development on maintenance of common areas for the last year. This development was unusual in that instead of having a Property Owners Association (POA), it instead had an Administrative Owner (AO) that managed the common improvements of the development. The AO was the owner of a particular lot in the development (now Lot 14) and they managed the common area improvements similar to a POA. This worked well when the original developer was the AO. However, after all his properties were sold, he conveyed the AO lot to the largest landowner, in this case the owners of the Golden Corral. Unfortunately these owners ran into financial issues and never actively managed the common areas. A bank has taken over control of the Golden Corral property, but have not assumed the duties of the AO. Meanwhile the common areas particularly the driveways accessing the properties have continued to deteriorate. In addition, fees to pay for the detention maintenance had to be billed to individual property owners instead of the AO, and several properties are in arrears.

City staff has since been working with the owners to try to rectify this situation. The City has an interest in seeing this area succeed first for the appearance this development has on the Randall Road corridor, but also because we are a landowner attempting to sell a vacant lot in this development. We have had several meetings with a number of the property owners and have attempted to work up solutions to this problem. We investigated creating a POA, but this requires participation from all the property owners, and we believe this may be difficult. Another option is to have one of the property owners acquire the AO Lot (Lot 14) and then assume the AO duties. However, this is costly; the property owes around

\$25,000 in back taxes (which also have been sold and may be redeemed in the near future) and the bank has asked to have a portion of the mortgage indebtedness repaid in exchange for selling the property. A third option would be to amend the declaration to change the structure of who has control of the common elements, but this will involve some substantial legal work to determine if and how this can happen.

The other option is for the City to create an active or dormant Special Service Area. If active, the City would manage the common area improvements and collect a tax to pay for such work. Improvements to be paid for include: paving of the main driveways and the common parking lot, plowing of the main driveway and parking lot, payment of detention basin maintenance including mowing and/or burns, sign and streetlight maintenance, electric charges for signs and streetlights, insurance, legal costs and management fees. The City would then levy a tax based upon the actual cost of this maintenance. We have estimated that the cost would be around \$1.10 per \$100 of Equalized Assessed Valuation (EAV) for regular maintenance, and \$5.00 per \$100 for initial maintenance including the repaving costs.

Staff feels that we should at this time establish the SSA, but do so with a \$0.00 levy. This allows us to fulfill the legal requirements to create the SSA, but does not establish the levy and does not require the City to manage the development at this time. The City would need to have a subsequent hearing to increase the levy from the \$0.00 level. We feel that additional negotiations should continue with the owners to try to have them self manage the development, as we would prefer not to be the de facto property manager for a private development. At the same time, we want to have a mechanism in place to ensure that the City's costs such as electric usage and detention maintenance can be recouped from the development.

3. Alternatives, including no action if viable:

- **Approve of Ordinance 16-69 to Establish SSA 60 with a dormant levy**
- **Deny approval of Ordinance 16-69 and do not establish SSA 60**

- **Pros** Establishing the SSA would give the City more influence and control over the maintenance of this development, and would ensure the City's costs get paid. The active management of the common areas would improve the appearance of the development and raise property values on this section of Randall Road.
- **Cons** We would possibly need to manage what is a private development if the property owners cannot work out an independent arrangement. However, even if we do actively manage it, we are under no obligation to do so, and can discontinue this at our discretion.
- **Budget Impact** All expenses incurred by management of the development, if any, would be recovered by the tax levy on the individual property owners. Annual maintenance costs could be around \$33,735, not including one time paving costs.
- **Staffing Impact** There will be the need to participate in active management of the development, so some staff time will be required for that activity. However, we have planned for some fees to offset the costs of management efforts.

4. **Timeline for actions:** If the Ordinance is passed to establish the SSA, we will need to record this by January 21, 2017.

Staff recommendation: Staff recommends approval of Ordinance 16-69 Establishing Special Service Area Number 60 for the Windmill Lakes Development subject to a \$0.00 levy.

Attachments:

1. Public Hearing Notice.
2. Ordinance 16-69 Establishing SSA 60.
3. SSA 60 Map.

NOTICE OF HEARING - CITY OF BATAVIA
SPECIAL SERVICE AREA NUMBER 60

NOTICE is given that on the 21st day of November, 2016 at 7:35 p.m. in the City Council Chambers of the Batavia City Hall, 100 North Island Avenue, Batavia, Illinois, a Public Hearing will be held by the City Council to consider the establishment of a Special Service Area (SSA 60) consisting of certain portions of the City of Batavia, Kane County, Illinois.

The area is generally located in the southwest quadrant of the City, located south of Main Street and west of Randall Road

The property is legally described as follows:

Lot 4 in Windmill Lakes Unit Number 1, Lots 5, 6, 7, 8, 9 and the North 5.0 feet of Lot 10 in Windmill Lakes Unit Number 2, Lots 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Resubdivision of Windmill Lakes Unit Number 2, and that part of Windmill Lakes Unit Number 1 described as follows: Commencing at the most northerly northeast corner of said lot; thence southerly along an easterly line of said lot 100.0 feet to an angle point therein for a point of beginning; thence westerly along a westerly extension of a northerly line of said lot forming an angle of 89° 50' 48" from the prolongation of the last described course (measured clockwise therefrom) 22.52 feet; thence southerly along a line forming an angle of 103° 07' 38" from the last described course (measured clockwise therefrom) 68.68 feet; thence southerly, southwesterly and westerly along a curve to the right having a radius of 51.91 feet tangent to the last described course 53.60 feet; thence westerly along a line tangent to the last described curve at the last described point 88.46 feet; thence westerly, southwesterly and southerly along a curve to the left having a radius of 22.67 feet tangent to the last described course 27.58 feet; thence southerly along a line tangent to the last described curve at the last described point 57.90 feet; thence southerly along a line forming an angle of 174° 29' 24" from the last described course (measured clockwise therefrom) 53.31 feet; thence southerly and southwesterly along a curve to the right having a radius of 73.0 feet tangent to the last described course 62.54 feet to a southerly line of said lot; thence easterly along said southerly line forming an angle of 34° 54' 51" from a line tangent to the last described curve at the last described point (measured clockwise therefrom) 318.20 feet to the southeast corner of said lot; thence northerly along an easterly line of said lot forming an angle of 99° 06' 19" from the last described course (measured clockwise therefrom) 270.0 feet to an angle point therein; thence westerly along a northerly line of said lot forming an angle of 89° 50' 48" from the last described course (measured clockwise therefrom) 120.0 feet to the point of beginning in the City of Batavia, Kane County, Illinois; along with the South 50 feet of Main Street and the West 50 feet of Randall Road adjacent to the above described premises, all in the Northeast ¼ of the Southeast ¼ of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian, in the City of Batavia, Kane County, Illinois.

The permanent tax index numbers of the proposed Special Service Area Number 60 are 12-20-401-034, 12-20-401-033, 12-20-401-024, 12-20-401-035, 12-20-401-017, 12-20-401-025, 12-20-401-020, 12-20-401-004, 12-20-401-021, 12-20-401-022, 12-20-401-026, 12-20-401-027, 12-20-401-023, 12-20-401-005, 12-20-401-029, 12-20-401-030, 12-20-401-007 and 12-20-401-008.

All interested parties will be given an opportunity to be heard regarding the formation of, and the boundaries of, proposed SSA 60 and may object to the formation of the area and the levy of taxes affecting the area.

The purpose of the formation of the SSA 60 in general is to provide special municipal services to the area including the maintenance of certain improvements, including but not limited to maintenance and landscaping of the detention and common areas (which may include herbicides and burning of prairie style plantings), paving, patching and maintenance (including snow and ice removal) of commonly used parking lots and driveways, sign and streetlight maintenance, electric energy costs for signs and commonly used streetlights, insurance, legal costs and management fees. Such actions are only as a back-up in the event that the Administrative Owner or Property Owners Association, as the case may be, dissolves or otherwise fails to maintain said improvements.

There will be considered at the public hearing a special tax to be levied only if necessary against the real property included within the special service area. The tax will be levied only in the event the Administrative Owner or Property Owners Association, as the case may be, dissolves or otherwise fails to maintain said improvements.

The special tax levied shall not exceed a rate of five dollars (\$5.00) per \$100 of assessed valuation, as equalized, of the real property included in the special service area. The initial proposed levy shall be an annual rate of zero dollars (\$0.00) per \$100 of assessed valuation, as equalized, of the property in the Special Service Area.

At the hearing, all persons will be given an opportunity to be heard. The hearing may be adjourned by the City Council to another date without further notice other than a motion to be entered upon the minutes affixing the date and place of its adjournment.

If a petition signed by at least 51% of the electors (registered voters) residing within the proposed Special Service Area Number 60 **and** a petition by at least 51% of the owners of record of the land included within the boundaries of the proposed Special Service Area Number 60 are filed with the City Clerk no later than sixty (60) days following the final adjournment of the Public Hearing, which petitions object to the formation of the SSA, the levy or imposition of a tax or the provision of the special services to the area, no such district may be created or tax may be imposed.

Dated this 4th day of November, 2016

Scott Buening
Community Development Director

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-69**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 60
THE WINDMILL LAKES DEVELOPMENT**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21ST DAY OF NOVEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day November, 2016

Prepared by and mail to:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-69**

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

SECTION 1 - Authority to Establish Special Service Area: Special Service Areas are established by the City pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, which provides that home rule units have the power to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas , and pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5, et seq.) which sets forth procedures by which Special Service Areas may be established and taxes levied.

SECTION 2 – Findings:

- A. The question of the establishment of the Area hereinafter described as a Special Service Area is considered by the City Council pursuant to Ordinance 16-55 entitled, "An Ordinance Proposing Establishment of a Special Service Area Number 60 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Connection With the Windmill Lakes Development" adopted September 6, 2016, and is considered pursuant to a Hearing held on November 21, 2016, by the City Council, pursuant to Notice duly published in the Daily Herald, a newspaper published in the City of Batavia, at least fifteen (15) days prior to the Hearing, and pursuant to Notice by mail addressed to the person or persons or trustee in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Special Service Area. Said Notice was given by depositing said Notice in the United States Mail not less than ten (10) days prior to the time set for Public Hearing. A Certificate of Publication of said Notice and Receipts of Mailing of said Notice are attached to this Ordinance as EXHIBITS 1 and 2.
- B. A Public Hearing on the questions set forth in the Notice was held on November 21, 2016. All interested persons were given an opportunity to be heard on the question of an annual tax for maintenance and landscaping of detention and common areas, as set forth in the Notice. The Public Hearing was closed on November 21, 2016.
- C. Petitions objecting to the formation of Special Service Area Number 60 were not filed by at least 51% of the electors residing within the proposed Special Service Area Number 60 or by at least 51% of the owners of record of the land included within the boundaries of the proposed Special Service Area 60.
- D. After considering the information, as presented at the Public Hearing, the City finds that it is in the public interest and in the interest of the City of Batavia Special Service Area Number 60 that said Special Service Area, as hereinafter described, be established.
- E. Said Area is compact and contiguous and constitutes a unique area of Batavia.

- F. It is in the best interests of said Special Service Area that the furnishing of the municipal services proposed be provided. The proposed municipal services are unique and in addition to the municipal services provided to the City of Batavia as a whole.

SECTION 3 - The City of Batavia Special Service Area Number 60 Established: A Special Service Area to be known and designated as "City of Batavia Special Service Area Number 60" is hereby established and shall consist of the territory legally described on Exhibit 3 and map of territory depicted on Exhibit 4 and attached hereto.

SECTION 4 – Purpose of Area: City of Batavia Special Service Area Number 60 is established to provide special municipal services to the Area in addition to services provided to the City generally. The purpose of the formation of the City of Batavia Special Service Area Number 60 in general is to provide special municipal services to the area including the maintenance of certain improvements, including but not limited to maintenance and landscaping of the detention and common areas (which may include herbicides and burning of prairie style plantings), paving, patching and maintenance (including snow and ice removal) of commonly used parking lots and driveways, sign and streetlight maintenance, electric energy costs for signs and commonly used streetlights, insurance, legal costs and management fees. Such actions are only as a back-up in the event that the Administrative Owner or Property Owners Association, as the case may be, dissolves or otherwise fails to maintain said improvements.

Annual taxes may be levied for the special services enumerated herein, on property in said Special Service Area Number 60, for said Special Service Area, in addition to all other City taxes; provided, that the special annual taxes shall be limited so that the total of said tax does not exceed an annual amount of five dollars (\$5.00) per \$100.00 of assessed value, as equalized, to be levied against the property included in Special Service Area Number 60.

An initial levy shall be set at zero dollars and zero cents (\$0.00) per \$100.00 of assessed value, as equalized.

SECTION 5 – Effective Date: This Ordinance 16-69 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

CITY OF BATAVIA ORDINANCE 16-69

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

Jeffery D. Schielke, Mayor

ATTEST:

Heidi Wetzel, City Clerk

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	VACANT					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 Aldermen										

EXHIBIT 1: CERTIFICATE OF PUBLICATION

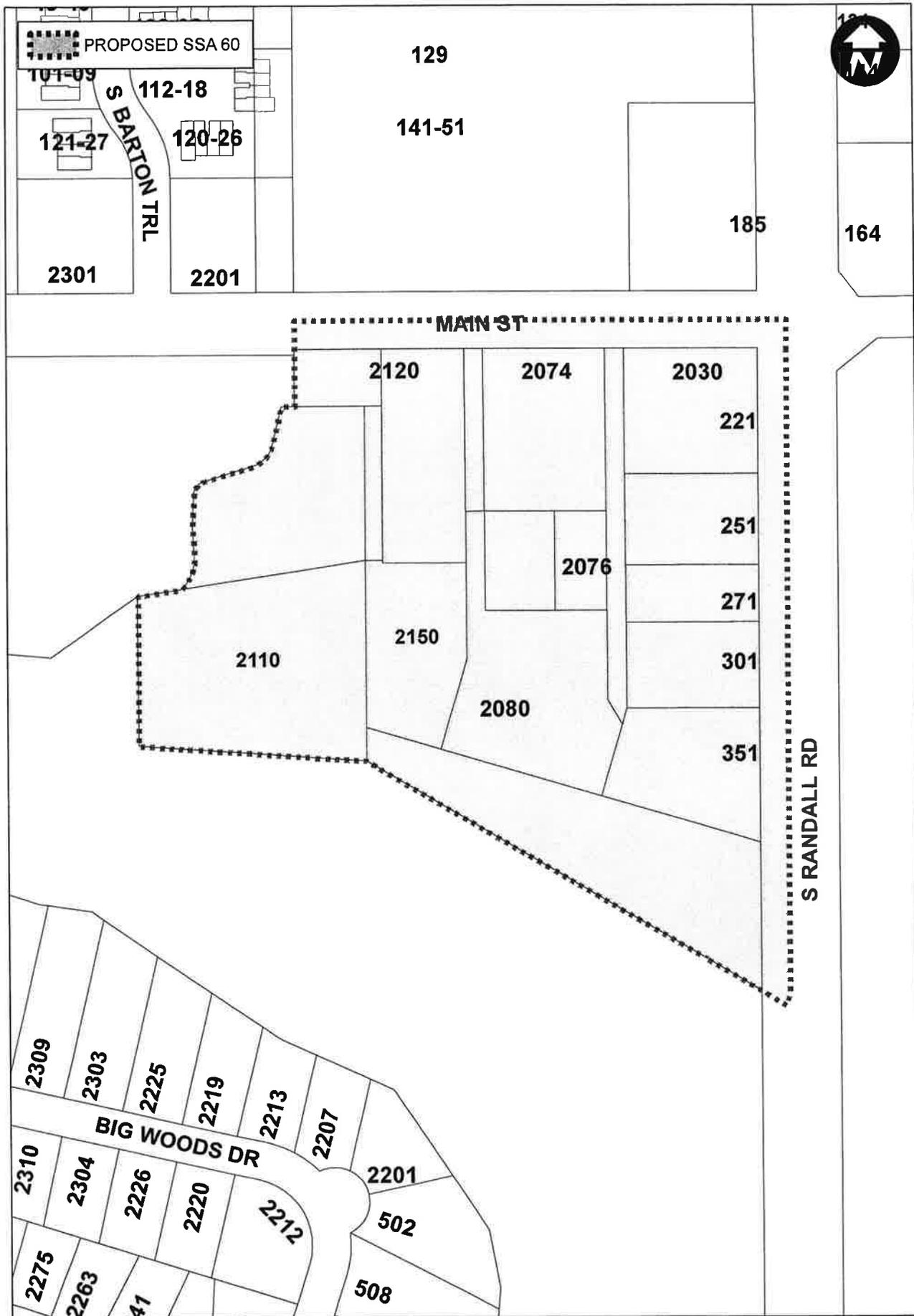
EXHIBIT 2: RECEIPT OF MAILING

EXHIBIT 3: LEGAL DESCRIPTION

Lot 4 in Windmill Lakes Unit Number 1, Lots 5, 6, 7, 8, 9 and the North 5.0 feet of Lot 10 in Windmill Lakes Unit Number 2, Lots 10, 11, 12, 13, 14, 15, 16, 17 and 18 in the Resubdivision of Windmill Lakes Unit Number 2, and that part of Windmill Lakes Unit Number 1 described as follows: Commencing at the most northerly northeast corner of said lot; thence southerly along an easterly line of said lot 100.0 feet to an angle point therein for a point of beginning; thence westerly along a westerly extension of a northerly line of said lot forming an angle of 89° 50' 48" from the prolongation of the last described course (measured clockwise therefrom) 22.52 feet; thence southerly along a line forming an angle of 103° 07' 38" from the last described course (measured clockwise therefrom) 68.68 feet; thence southerly, southwesterly and westerly along a curve to the right having a radius of 51.91 feet tangent to the last described course 53.60 feet; thence westerly along a line tangent to the last described curve at the last described point 88.46 feet; thence westerly, southwesterly and southerly along a curve to the left having a radius of 22.67 feet tangent to the last described course 27.58 feet; thence southerly along a line tangent to the last described curve at the last described point 57.90 feet; thence southerly along a line forming an angle of 174° 29' 24" from the last described course (measured clockwise therefrom) 53.31 feet; thence southerly and southwesterly along a curve to the right having a radius of 73.0 feet tangent to the last described course 62.54 feet to a southerly line of said lot; thence easterly along said southerly line forming an angle of 34° 54' 51" from a line tangent to the last described curve at the last described point (measured clockwise therefrom) 318.20 feet to the southeast corner of said lot; thence northerly along an easterly line of said lot forming an angle of 99° 06' 19" from the last described course (measured clockwise therefrom) 270.0 feet to an angle point therein; thence westerly along a northerly line of said lot forming an angle of 89° 50' 48" from the last described course (measured clockwise therefrom) 120.0 feet to the point of beginning in the City of Batavia, Kane County, Illinois; along with the South 50 feet of Main Street and the West 50 feet of Randall Road adjacent to the above described premises, all in the Northeast ¼ of the Southeast ¼ of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian, in the City of Batavia, Kane County, Illinois.

The permanent tax index numbers of the proposed Special Service Area Number 60 are 12-20-401-034, 12-20-401-033, 12-20-401-024, 12-20-401-035, 12-20-401-017, 12-20-401-025, 12-20-401-020, 12-20-401-004, 12-20-401-021, 12-20-401-022, 12-20-401-026, 12-20-401-027, 12-20-401-023, 12-20-401-005, 12-20-401-029, 12-20-401-030, 12-20-401-007 and 12-20-401-008.

EXHIBIT 4: MAP OF SPECIAL SERVICE AREA



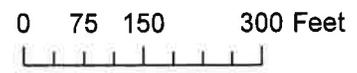
PROPOSED SSA 60



Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is". No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.



PROPOSED SSA 60



SOURCE: BATGIS, KANEGIS

DATE: 8/12/2016

CITY OF BATAVIA

MEMO TO: Committee of the Whole
Government Services

FROM: Gary J. Schira
Chief of Police



DATE: November 4, 2016

SUBJECT: Liquor License Application for Salsa Verde Batavia, Inc
d/b/a Salsa Verde Restaurant – 107 N. Batavia Ave.

The Batavia Police Department conducted an investigation and background check (Report #16-21819) to determine whether the corporation (Salsa Verde Batavia, Inc.), d.b.a. Salsa Verde located at 107 N. Batavia Ave. (in the old Hardee's location), the corporate officer (President – Clemente Arechiga) and the manager (Paul Arechiga) might be suitable to receive a liquor license in the City of Batavia. Mr. Clemente will be leasing the property. We have found no problems which would preclude the corporation, corporate officer or manager from receiving a Class D-1 (all alcohol) – Restaurant License as of this date.

I would ask that this be put on the Committee of the Whole agenda of Tuesday, November 15, 2016 and then the City Council Agenda on November 21, 2016 for final approval. Should you have any questions in this regard, please contact me.

Copy to: L. Newman, City Administrator
Department Heads
City Attorney
Economic Development
D/C Autenrieth
D/C Eul
S. Mazza
K. Bretz
T. Doggett
C. Shimp
J. Armbrust

CITY OF BATAVIA

MEMO TO: Committee of the Whole
Government Services

FROM: Gary J. Schira
Chief of Police



DATE: November 4, 2016

SUBJECT: Liquor License Application for Energy City Brewing LLC
d/b/a Energy City Brewing – 2 ½ W. Wilson St. Suite A1

The Batavia Police Department conducted an investigation and background check (Report #16-22452) to determine whether the corporation (Energy City Brewing LLC) d.b.a. Energy City Brewing located at 2 ½ W. Wilson St, Suite A1, and the corporate officers (Co-Owner/Managers – David Files and Heidi Files) might be suitable to receive a liquor license in the City of Batavia. Mr. and Mrs. Files will be leasing the property. We have found no problems which would preclude the corporation or corporate officers from receiving a Class H3 (Nano-Brewery License) Liquor License as of this date, pending the issuance of State and Federal licenses. This class allows the sale at retail of up to 2500 gallons of beer on the premises in one year (without limit as to non-retail sales), and has a \$300 fee.

I would ask that this be put on the Committee of the Whole agenda of Tuesday, November 15, 2016 and then the City Council Agenda on November 21, 2016 for final approval. Should you have any questions in this regard, please contact me.

Copy to: L. Newman, City Administrator
Department Heads
City Attorney
Economic Development
D/C Autenrieth
D/C Eul
S. Mazza
K. Bretz
T. Doggett
C. Shimp
J. Armbrust

CITY OF BATAVIA

DATE: November 4, 2016
TO: Mayor and City Council
FROM: Peggy Colby, Finance Director
SUBJECT: Resolution 16-88-R Authorization to Bind Insurance

Summary: The City's insurance coverage terminates on November 30, 2016. The expiring premiums are for property, liability and excess coverage beyond our self-insured retention for workers compensation.

Background: The City of Batavia was part of an insurance risk pool from 1994 to 2004. In 2004, the City moved to using a broker and realized substantial savings in insurance costs. The City did a broker evaluation in 2014 and a decision was made to continue with our current broker Arthur J. Gallagher (AJG).

The City has blanket coverage for all property with a value of \$86M. The deductible is \$25,000 with an exception for Substations at \$50,000 and some flood zone property at \$50,000 and \$100,000. Auto coverage is for current value for all except fire vehicles which are covered for an agreed value. The auto deductible for collision is \$5,000 and \$25,000 for liability. The deductible for all other lines of liability is \$25,000. The umbrella limits are \$10,000,000 with an excess additional \$5,000,000. The crime policy for employee theft is not under the umbrella policy and is \$500,000 with a \$5,000 deductible. Pollution liability is also not under our umbrella and has a limit of \$1,000,000 with a \$25,000 deductible for all but underground storage tanks which have a \$100,000 deductible. Cyber Liability is also not under the umbrella and has a \$2,000,000 limit with a \$15,000 deductible. There are sub-limits and exclusions for things like flood and earthquake on all the policies.

There are no major changes to the renewal with an overall increase of 2.8% for normal renewal. The pollution carrier has offered a 2-year renewal that has a minimum savings of \$9,019 if the 2nd year had no increase at renewal. I recommend that the City purchase the two-year premium to achieve the cost savings.

Workers compensation excess coverage has a high self-insured retention (SIR) of \$700,000 which is the lowest available. This means that the City would pay the first \$700,000 in expenses for a large claim and therefore the reserves are higher for this fund. . Unfortunately, Safety National is essentially the only option for an excess carrier in Illinois. Fortunately, we have only had one claim ever go over our SIR.

The total package with the 2-year pollution renewal is \$377,152. This also includes renewal of the City's third party administrator for workers compensation which is not handled by our broker. There is no increase for this contract. The higher authorization level allows for changes to coverage that may be needed during the year.

This is on the agenda for the November 15, 2016 Committee of the Whole (GS) meeting. If approved, I would ask that Resolution 16-88-R be posted to the City Council Consent Agenda on November 21, 2016.

Recommendation for Approval:

Approval of Resolution 16-88-R authorizing the City Administrator to bind insurance coverage on behalf of the City as proposed in Exhibit 1 in an amount not to exceed \$400,000 for the insurance year December 1, 2016 through November 30, 2017.

Thank-you

Attachments: Res. 16-188-R including Exhibit 1 Summary of Coverage

C: Laura Newman
File

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-88-R**

**APPROVING AUTHORIZATION TO BIND INSURANCE
FOR PROPERTY, LIABILITY AND WORKERS COMPENSATION**

WHEREAS, the City of Batavia's insurance coverage for property, liability and workers compensation expires on November 30, 2016; and

WHEREAS, the City of Batavia has charged it's broker, Arthur J Gallagher and its third party administrator, Employers Claim Service, with obtaining quotes for such coverage; and

WHEREAS, it is in the best interests of the City of Batavia that the City Administrator bind such coverage as outlined in Exhibit 1 for the Insurance Year December 1, 2016 through November 30, 2017.

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

SECTION 1: The City Administrator is hereby authorized to bind insurance coverage as outlined in the document being attached hereto as Exhibit 1.

CITY OF BATAVIA, ILLINOIS RESOLUTION 16-88-R

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3						Chanzit				
4	Mueller					Stark				
5	Botterman					Theilin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Christine Simkins, Deputy City Clerk

City of Batavia 2016 - 2017 Insurance Year Renewal Insurance Year - 12/01 - 11/30

<u>Line of Coverage</u>	<u>Expiring</u>		<u>Renewal</u>		<u>Change to Expiring</u>
	<u>Premium</u>	<u>Carrier</u>	<u>Premium</u>	<u>Carrier</u>	
Property	\$62,758	Chubb	\$62,642	Chubb	-\$116
Inland Marine	\$3,612	Chubb	\$3,630	Chubb	\$18
General Liability/EBL	\$21,795	Argonaut	\$22,699	Argonaut	\$904
Law Enforcement Liability	\$12,929	Argonaut	\$12,929	Argonaut	\$0
Public Officials/EPLI	\$14,486	Argonaut	\$15,951	Argonaut	\$1,465
Crime	\$1,905	Argonaut	\$2,165	Argonaut	\$260
Auto	\$47,589	Argonaut	\$50,639	Argonaut	\$3,050
Umbrella	\$23,164	Argonaut	\$23,875	Argonaut	\$711
Excess Liability	\$10,000	Ohio Casualty	\$10,000	Ohio Casualty	\$0
Cyber Liability ¹	\$12,854	BCS	\$12,854	BCS	\$0
Pollution Liability ²	\$16,100	Indian Harbor	\$16,500	Indian Harbor	\$400
AJG Service Fee	<u>\$42,745</u>		<u>\$44,027</u>		<u>\$1,282</u>
Renewal GL & Property	\$269,937		\$277,911		\$7,974
Excess Workers Compensation ³	\$74,995	Safety National	\$77,260	Safety National	\$2,265
TPA - Employers Claim Service	<u>\$13,000</u>	ECS	<u>\$13,000</u>	ECS	<u>\$0</u>
Renewal Work Comp & TPA	\$87,995		\$90,260		\$2,265
Other Fees ⁴	\$1,500		\$1,500		\$0
Total GL, Property & WC	<u>\$359,432</u>		<u>\$369,671</u>		<u>\$10,239</u>
					2.8%
2 year renewal for pollution			\$7,481		
			Total	<u>\$377,152</u>	

Recommended Package

	<u>Expiring</u>	<u>Renewal</u>
Deductibles and Retention - Occurrence/Aggregate		
All Liability \$1M/\$3M	\$25,000	\$25,000
Public Officials Liability \$1M/\$1M	\$25,000	\$25,000
Employment Practices \$1M/\$1M	\$25,000	\$25,000
Property \$82M Blanket	\$25,000	\$50,000
Auto Comp/Collision \$1M	\$5,000	\$5,000
Crime \$500K	\$5,000	\$5,000
Pollution \$1M/\$1M**	\$25,000	\$25,000
**Underground Storage Tanks	\$50,000	\$100,000
WC Self Insured Retention (SIR)	\$650,000	\$700,000
Umbrella Limits	\$15,000,000	\$15,000,000
EPLI	1M/1M	1M/1M

1. Cyber coverage \$15K deductible; \$1M/1M limit
2. Pollution/EMF/UST limits: \$1M/\$1M w/\$25k ded.
3. Excess workers comp \$700,000 retention, carrier mandated
4. Other fees include surety bonds and misc fees

CITY OF BATAVIA

DATE: November 9, 2016
TO: Mayor and City Council
FROM: Laura Newman, City Administrator

SUBJECT: CONSIDERATION OF ORDINANCE NO. 16-70, “REVISING TITLE 3 AND TITLE 5 OF THE BATAVIA MUNICIPAL CODE AUTHORIZING VIDEO GAMING”

Please find attached Ord. No. 16-70, “Revising Title 3 and Title 5 of the Batavia Municipal Code Authorizing Video Gaming”

Background

On October 4, 2016 the Committee of the Whole discussed whether the City should reconsider its prior decision to prohibit video gaming. After discussion and hearing from members of the public, staff was directed to draft an ordinance to be discussed and considered at a future COW meeting. Attached is the draft ordinance for your consideration.

The ordinance was drafted to conform with Section 5 of the Illinois Video Gaming Act (230 ILCS 40/5). It allows video gaming licenses for all four of the categories of establishments allowed under Illinois law: veterans establishments, truck stops, fraternal establishments and establishments with both a state and local liquor license. One matter for your consideration is whether there should be a limit on the number of licenses permitted in each category. For this reason 3-26-2 C.1-4 have been left intentionally blank.

The City plans to assess a fee of \$25 per terminal and allow only 5 terminals per establishment. Video gaming terminals may be operated only by persons over the age of 21 and they are to be located in an area of an establishment that is restricted to persons over the age of 21 by a physical barrier.

Applications are filed with the Chief of Police and the Local Liquor Commissioner has the authority to suspend, revoke, and/or fine a licensee (maximum \$500) for violating the ordinance.

Analysis

Allowing video gaming would have a positive effect on local businesses which choose to obtain the license by providing the opportunity for them to earn supplemental income. Although it is not likely to attract many additional customers to the business it is a means of encouraging them to spend more time and money at the establishment.

The City will realize the positive impact of an additional revenue stream. The State of Illinois places a 30% tax on the net income from each machine. The municipality is entitled to a one-sixth share of that 30%. A recent article about St. Charles lifting its ban on video gaming cited an earlier report by the city showing municipalities with legal video gambling earn an average of about \$1,880 per machine. South Elgin has 59 such machines at 14 establishments which in 2015 earned the municipality \$152,103, or about \$2,578 per machine.

Opponents of video gambling believe that it will attract crime as well as fuel gambling addiction. Chief Schira noted in the COW meeting on October 4, based upon his survey of fellow law enforcement agencies, where video gaming is allowed there is no perceptible increase in either crime or service calls. As for fueling gambling addiction, the availability of video gaming will provide those who have gambling problems with additional access to a means for gambling, but it already exists in most neighboring towns.

Budget Impact

The City of Batavia has issued ### liquor licenses. Of course, we do not expect all of those establishments to apply for a video gaming license and there is no way of predicting the number. If St. Charles might serve as any example, it has been one year since they lifted their ban and so far only 7 licenses have been issued and 9 more are pending.

If the City of Batavia approved 12 licenses resulting in 60 machines, it could expect revenue of \$120,000 per year (based upon a conservative ballpark figure of \$2,000 per machine per year).

Recommendation

Staff recommends approval of Ordinance 16-70, "Revising Title 3 and Title 5 of the Batavia Municipal Code Authorizing Video Gaming".

Attachments:

Ordinance 16-70, "Revising Title 3 and Title 5 of the Batavia Municipal Code Authorizing Video Gaming"

Article "First Video Gambling Machines Running in St. Charles," Daily Herald, November 8, 2016

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-70**

**REVISING TITLE 3 AND TITLE 5 OF THE BATAVIA MUNICIPAL CODE
AUTHORIZING VIDEO GAMING**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
21ST DAY OF NOVEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 22th day of November, 2016

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-70**

**REVISING TITLE 3 AND TITLE 5 OF THE BATAVIA MUNICIPAL CODE
REGARDING VIDEO GAMING**

WHEREAS, the Video Gaming Act (230 ILCS 40/1) (hereinafter the “Act”) authorizes municipalities to allow video gaming consistent with the provisions of the Act; and,

WHEREAS, the Mayor and the City Council has determined that changing the City Code to allow video gaming as authorized by the Act is in the best interests of the City.

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

SECTION 1. Title 3, Section 3-3-37 in Chapter 3 of the Batavia Municipal Code is hereby revised in its entirety as follows:

3-3-37: GAMBLING AND OTHER VIOLATIONS ON THE PREMISES:

It is unlawful to permit any gambling in or on licensed premises, except for:

- A. Licensees who are authorized to have video gaming on the licensed premises pursuant to the provisions of the Video Gaming Act (230 ILCS 40/1 *et seq.*) (Video Gaming Act”), and who have obtained a City video gaming license pursuant to Chapter 26 of Title 3 of the Batavia Municipal Code
- B. Licensees in compliance with the provisions of Chapter 26 of Title 3 of the City Code and the provisions of the Video Gaming Act.

SECTION 2. Title 3, Chapter 26 is hereby added to the Batavia Municipal Code as follows:

ARTICLE B. VIDEO GAMING DEVICES

3-26-1 DEFINITIONS

The City Code adopts and incorporates by reference all of the terms as defined in Section 5 of the Illinois Video Gaming Act (230 ILCS 40/5) (the “Video Gaming Act”).

3-26-2 LICENSE REQUIRED; LIMITATIONS

No property owner or person in possession of property in the City shall allow a video gaming terminal to be placed or maintained on the premises unless the premises qualified as a Licensed Establishment as defined in Section 25 of the Video Gaming Act, including veterans establishments, truck stop establishments, or fraternal establishments and

- A. The licensee has entered into a written use agreement with a state-licensed terminal operator for placement of the terminals and has the written use agreement(s) on file as required by Section 25(e) of the Video Gaming Act;
- B. The licensee has obtained both a State and a City license for the establishment and for each video gaming terminal.
- C. The number of licenses that may be issued in the City at any given time are limited as follows:
 - 1. Veterans Establishments – ____ (___);
 - 2. Truck Stop Establishments – ____ (___);
 - 3. Fraternal Establishments – ____ (___); and
 - 4. Licensed Establishments – ____ (___), the priority of which at any given time, if two or more applications are pending, shall be determined on the basis of the length of time the applicants have maintained a liquor license in the City and history of liquor license violations, if any; except that, once a license has been issued, the renewal applicant shall have priority in subsequent years.

3-26-3 VIDEO GAMING TERMINAL FEE; STICKER; NUMBER; & DURATION

- A. Before placing or allowing any licensed video gaming terminal on any premises in the City, a fee of Twenty Five Dollars (\$25) shall be paid to the City for the operation of each video gaming terminal in the licensed premises, and a sticker issued by the City for each video gaming terminal shall be affixed to each corresponding video gaming terminal; and
- B. The licensee shall renew the license for each video gaming terminal and affix a new sticker to each corresponding video gaming terminal by January 1 in each year after the initial year the establishment and each terminal is licensed.
- C. The number of video gaming terminals permitted on a licensed premises at any one time shall not exceed five (5).
- D. Every license granted hereunder shall expire on December 31 of the year in which it is granted. The fee shall not be prorated.

3-26-4 APPLICATION

- A. An application for a video gaming license shall be made to the Chief of Police on forms furnished by the Police Department. The application shall set forth the number of video gaming terminals for which permission is sought for a particular premises, include a copy of the license from the State of Illinois for each video gaming terminal for which an application to the City is being made, and be accompanied by payment of the appropriate fee.

- B. Applications for the licenses required above shall be filed in duplicate with the Chief of Police (with one of said copies being retained, each, by the Chief of Police and by the applicant), and shall contain the following information:
1. If the applicant is a corporation or LLC:
 - a. Corporate or LLC name and address.
 - b. Names, dates of birth, and residential addresses of corporate officers and directors or members and managers, and persons identified in 3.b below.
 - c. Names, dates of birth, and addresses of all persons, firms and organizations owning five percent (5%) or more of the corporation's stock or LLC's membership interest.
 - d. Statement of whether any officer, manager, director, or shareholder or member owning five percent (5%) or more of the stock of the corporation or membership interest of the LLC has ever been convicted of a felony charge.
 2. If the applicant is an individual, partnership, or association:
 - a. Any assumed name(s) for the business.
 - b. Names, dates of birth and residential addresses of applicant and all partners, association members and persons identified in 3.b below.
 - c. Statement of whether the applicant or any partner or associate has ever been convicted of a felony charge.
 3. For all applicants:
 - a. description of the principal business and any ancillary business to be operated on the premises.
 - b. Statement whether the premises will be left at any time without the supervision or in the absence of any individuals identified in 1.b or 2.b.
 - c. If the premises will not always be supervised by an individual identified in 1b. or 2b. who is present on the premises, identify the name, birth date and residential address of any individuals who will have the supervisory authority over the premises and employees of the business in their absence.
 - d. An accurate drawing of the area in the premises in which the video gaming terminals will be maintained for use by the public and the relation of the video gaming are to any areas of the premises where minors are allowed to gather.

- e. Any other information that the Police Department shall require in keeping with the requirements of the State law and City ordinance.
- C. Applications must be filed no later than thirty (30) days before the date on which the license is desired to be issued to ensure issuance as of the date requested, and all of the information that is required must be timely submitted with the application and the applicant must qualify for a license.

3-26-5 COMPLIANCE WITH STATE LAW

Every person owning or in possession of property in which video gaming terminals are placed and every video gaming terminal licensee shall be responsible to ensure that the video gaming terminals are placed and operated in strict compliance with the Video Gaming Act.

3-26-6 CONDITIONS OF LICENSE.

As a condition of applying for and obtaining a video gaming license in the City,

- A. All must have and maintain a valid State and local liquor license at all times; and
- B. Licensees shall not operate or maintain any coin operated amusement devices on the premises as that term is defined in Section 3-4A-1 of the Batavia Municipal Code.
- C. Licensees are deemed to have consented to allow any local law enforcement officer to enter at any time upon any building or premises licensed hereunder, and whenever licensees, their employees and/or their agents are present at the licensed premises, they shall allow law enforcement officers immediate, unrestricted entry to the licensed premises, except for residential or dwelling portions of such buildings, to determine whether or not the licensee is in compliance with the provisions of this Chapter or other State and local laws and regulations.
- D. Each and every video gaming terminal shall be licensed by the State before placement in the licensed premises and operation, and the license of each and every video gaming terminal shall be maintained at the licensed premises where the video gaming terminal is operated;
- E. No video gaming terminal may be used, operated or played at a Licensed Establishment where alcoholic liquor is sold except during the legal hours of operation allowed for the consumption of alcoholic liquor pursuant to the provisions of Title 3, Chapter 3 of the Batavia Municipal Code;
- F. No licensee shall cause or permit any person under the age of 21 years to use, operate or play a video gaming terminal; and
- G. Video gaming terminals shall be located in an area of the establishment that is restricted to persons over 21 years of age by a physical barrier, the entrance to which

restricted area shall be within the view of at least one employee who is over 21 years of age.

3-26-7 VIOLATION, PENALTY.

Any person who is found to be in violation of the provisions of this Section 26 of Chapter 3 of Title 3 of the Batavia Municipal Code may be subject to a fine of not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

3-26-8 SUSPENSION OR REVOCATION OF LICENSE

The Local Liquor Commissioner has the authority to suspend, revoke and/or fine a licensee who is violating or has violated the provisions of this Chapter pursuant to the same rules and procedures set forth in regard to liquor licenses as provided in Title 3, Chapter 3 of the Batavia Municipal Code.

SECTION 3. Title 3, Chapter 3, Section 4A-4 is hereby amended by adding the following restriction:

3-4A-4: RESTRICTIONS ON LICENSES:

No license for coin-operated amusement devices shall be issued to:

- N. A person who owns, operates or has possession of a premises on which video gaming devices are operated or maintained as defined in the Illinois Video Gaming Act (230 ILCS 40/5).

SECTION 4. Title 5, Chapter 2, Section 5-2-5, Subsection 5-2-5-1.A of the Batavia Municipal Code is amended as follows:

5-2-5-1: PROHIBITED ACTS:

It shall be unlawful for any person to commit any of the following acts:

- A. Gambling Prohibited: gambling as defined in the Illinois Criminal Code (720 ILCS 5/28-1) in the City is hereby prohibited. This provision is not intended to prohibit licensed video gaming devices that are operated or allowed to operate in compliance with State law and City ordinance.

SECTION 5. Title 5, Chapter 2, Section 5-2-5, Subsection 5-2-5-2 of the Batavia Municipal Code is amended as follows:

5-2-5-2: GAMBLING DEVICES:

- A. Gambling Devices Prohibited: It shall be unlawful for any person to keep or use in any premises open to the public within the City any gambling device as defined in the

Illinois Criminal Code (720 ILCS 5/28-2). This provision is not intended to prohibit licensed and authorized video gaming devices that are operated or allowed to operate in compliance with State law and City ordinance.

- B. Seizure of Gambling Devices: City law enforcement officers may seize any device kept or used in violation of this Section and, upon conviction of the keeper thereof, such device so seized shall be destroyed. It is a violation of this Section for any person to obstruct or resist a police officer in the performance or exercise of the authority given in this Section.
- C. Penalty: Any person violating any of the provisions of this Section shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 6. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective

SECTION 7. This Ordinance shall be in full force and effect upon its presentation, passage and publication according to law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-__

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 21st day of November, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 21st day of November, 2016.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Vacant					Chanzit				
4	Mueller					Stark				
5	Botterman					Theilin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE: ___ Ayes ___ Nays ___ Absent ___ Abstentions Total holding office: Mayor and 13 aldermen										

ATTEST:

Christine Simkins, Deputy City Clerk

News | posted: 11/8/2016 5:15 AM

First video gambling machines running in St. Charles



James Fuller

About a year after St. Charles officials reversed their ban on video gambling, a handful of establishments are hosting either a new vice or a new source of income for the city.

City officials received a report of video gambling activity in the city Monday night. Three establishments -- A' Salute, Dawn's Beach Hut, and Rookies -- began operating a total of 12 video gambling machines in September. Those 12 machines saw about \$85,500 in wagering in September.

There is a 30 percent tax on the net income from each machine, and St. Charles gets one-sixth of that for its cut. So far, that's pushed \$369 of new money into city coffers.

The dollars still don't make sense to Alderman Rita Payleitner. She was the most vocal opponent to lifting the video gambling ban last year. She wanted it noted in the official record of a committee meeting Monday night that St. Charles aldermen have not had a direct role in licensing any of the businesses that have received the machines so far.

ADVERTISING

"We have not taken any votes," Payleitner said.

Aldermen don't need to. The lifting of the ban a year ago, featuring a tiebreaking vote by Mayor Ray Rogina, gave the city staff the authority to issue licenses to would-be video gambling operations. Opponents consider video gambling a vice that could attract crime to the city as well as fuel gambling addictions.

Since the initial three businesses, the city has approved four more establishments for video gambling: Alibi Bar & Grill, Alley 64, Riverside Pizza & Pub and the St. Charles Moose lodge.

There are now a total of 30 video gambling machines operating within the city.

Nine more establishments are seeking to add a total of 45 more machines. If approved, that puts the city well within its target of raking in at least \$100,000 in new income by having at least 53 video gambling machines in operation.

An earlier report by the city staff showed municipalities with legal video gambling earn an average cut of about \$1,880 per machine annually.

The city has the potential to host about 370 video gambling machines given the number of existing businesses that would qualify as gambling locations.

City officials have a top-end income estimate of about \$700,000 a year in new income for the city.

Those dollars could be key to keeping the city's property tax levy freeze in place. Aldermen approved a preliminary 2016 property tax levy for operations of about \$12 million. It's the same amount aldermen have levied since 2009.

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