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

CITY COUNCIL AGENDA
Monday, March 21, 2016
7:30 p.m. – Council Chambers 1st Floor

1. **MEETING CALLED TO ORDER**

2. **INVOCATION Followed By PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **ITEMS REMOVED/ADDED/CHANGED**

5. **CONSENT AGENDA:**

(The consent agenda is made up of items recommended by city staff or council subcommittees which require approval. This agenda is placed as a separate item on the overall City Council agenda. The items on the consent agenda usually have unanimous committee support and are voted on as a "package" in the interest of saving time on non-controversial issues. However, the Mayor or any council member may, by simple request, remove an item from the consent agenda to have it voted upon separately.)

Accept and Place on File:

A. Committee of the Whole Minutes for February 16, and March 16, 2016
B. February 2016 Building Report
C. Historic Preservation Minutes for February 8, 2016

Approvals:

D. March 25, 2016 Payroll $772,725.27
E. Accounts Payable Check Register $3,532,498.96
F. **RESOLUTION 16-28-R:** Authorizing Execution of a Contract for the 2016 Sidewalk and Curb Replacement Program with Schroeder & Schroeder, Inc. for $125,000.00 (AMP 2/29/16 COW 3/8/16 13/0) CS
G. **RESOLUTION 16-29-R:** Intergovernmental Agreement between the City of Batavia and the College of DuPage to Conduct Firefighter Testing (RD 03/02/16 COW 3/8/16 12 /0) CS
H. **RESOLUTION 16-30-R:** Approving Contract with Asphlund Tree Expert Co. for the 2016 Electric Tree Trimming Program for an Amount Not To Exceed $130,000 (Brian Bettin 3/4/16 COW 3/15/16 12/0) PU
I. **ORDINANCE 16-15:** Annexing Island 183B in the Fox River (Scott Buening 3/7/16 COW 3/15/16 12/0) CD

Documents: COW 16-02-16M.pdf, COW 16-03-01M.pdf, BuildingActivity_February 1, 2016 - February 29, 2016.pdf, HPC 16-02-08.pdf, RES 16-28-R 2016 Sidewalk-Curb.pdf, RES 16-29-R Agrmt w COD Firefighter testing.pdf, RES 16-30-R 2016 Tree Trimming Contract_ASPLUNDH.pdf, ORD 16-15 Island183B Annex.pdf

6. **PUBLIC HEARING: 7:30 PM: Annexation Of Part Of BNSF Railroad Right Of Way**

Documents: ORD 16-14 Annex part of BNSF Railroad.pdf

7. **MATTERS FROM THE PUBLIC: (For Items NOT On The Agenda)**

8. **APPOINTMENTS: Batavia Chamber, Main Street And Environmental Commission (JDS 3/18/16)**

   Documents: Volunteer Positions.pdf

9. **MAINSTREET MINUTE**

10. **ORDINANCE 16-09: Variances And Conditional Use For A Drive Through Eating Establishment – Dunkin Donuts/Shell Gas Station, 108 N. Batavia Avenue (Joel Strassman 3/16/16 COW 3/15/16 12/0) CD**

    Documents: Ords 16-09 16-10 Dunkin Donuts.pdf

11. **ORDINANCE 16-10: Variances And Conditional Use For A Drive Through Eating Establishment – Dunkin Donuts/Shell Gas Station, 108 N. Batavia Avenue (Joel Strassman 3/16/16 COW 3/15/16 12/0) CD**

    Documents: Ords 16-09 16-10 Dunkin Donuts.pdf

12. **ORDINANCE 16-14: Annex Part Of BNSF ROW Burlington Northern Railroad Right-Of-Way (Scott Buening 2/29/16 COW 3/15/16 12/0) CD**

    Documents: ORD 16-14 Annex part of BNSF Railroad.pdf

13. **ADMINISTRATOR'S REPORT**

14. **COMMITTEE REPORTS**

15. **OTHER BUSINESS**

16. **MAYOR'S REPORT**

17. **CLOSED SESSION:**
    a. Purchase and Sale of Electric Power
    b. Purchase of Real Property

18. **ADJOURNMENT**

Individuals with disabilities should notify the City Administrator's office at 630-454-2053 if they have a disability which will require special assistance or services and, if so, what services are required. This notification should occur as far as possible before the City-sponsored function, program, or meeting.

MINUTES
February 16, 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: **Ald. Brown, Russotto, Stark, Wolff, Fischer, O'Brien, Callahan, Mueller (entered at 7:33pm), Botterman, Cerone, and McFadden**

Members Absent: **Ald. Atac, Chanzit, and Hohmann**

Also Present: **Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Glen Autenrieth, Batavia Police Department; and Jennifer Austin-Smith, Recording Secretary**

2. Approve Minutes for February 2, 2016

Motion: To approve the minutes for February 2, 2016
Maker: Stark
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 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 at this time.

5. Consent Agenda
(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the "regular" agenda.)

a. Community Development Quarterly Report

Motion: To approve the Consent Agenda as presented
Maker: Stark

Second: Russotto
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

*Alderman Mueller entered the meeting at 7:33pm

6. Ordinance 16-12: Amending Title 8 of the Batavia Municipal Code Relating to Electric Service Regulations and Rates (Gary Holm 2/9/16) PU

Holm discussed the amendments in the code. He explained totalizing of the rate class, demand meters, demand charge, Purchase Power Adjustment Factor (PPAF), separating out the rate classes and rate stabilization funds. O'Brien asked about the funds and McGrath stated that he would send out some examples of real bills for better understanding. Wolff stated that he would like to have the examples so that the Committee could answer what would happen to resident's bills. Holm noted that the base and how much rate stabilization we use would affect residents bills. The use of the rate stabilization fund would ultimately affect the bills. Right now we are saying that we need to raise the base a little bit so that we could have the cushion of a rate stabilization fund. Holm stated that staff would distribute rate examples for the Committee to review.

The Committee discussed the amendments to the code, market-based rates, and the difference between the Power Factor Adjustment and the Purchase Power Adjustment Factor. Brown asked what advantages are there to the customer with the amendments. Holm stated that there are several components of this that are meant to retain existing large customers and attract new large customers. Holm explained that if the largest customers would leave Batavia, that would be the percentage that needs to be picked up by the City and its residents. We want to stay as competitive as we can to help retain our large customers. Holm discussed the energy cost adjustment and how that helps the City stay competitive and serve the role of the aggregator. Fischer asked to have Colby address the Committee on how she ran the formulas. McGrath stated that the policy is for staff to keep things as stable as we can for the residents and to attract industrial users. These are tools that we are using to try to do both. Our customers are very important and they are appreciative that the City is coming up with these tools. McGrath stated that the Council could undo any of these changes whenever they would want to.

Motion: To recommend approval of Ordinance 16-12: Amending Title 8 of the Batavia Municipal Code Relating to Electric Service Regulations and Rates
Maker: O'Brien
Second: Fischer
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

7. Resolution 16-20-R: Requesting a Permit from IDOT for the Closure of Various Roadways for 2016 Loyalty Day Parade (Gary Holm 2/12/16) CS

Holm reported that this is the same resolution used every year for the Loyalty Day Parade. It closes Route 25 and is granting City staff the ability to submit to IDOT for permission of closure of the road.

Motion: To recommend approval of Resolution 16-20-R: Requesting a Permit from IDOT for the Closure of Various Roadways for 2016 Loyalty Day Parade
Maker: Wolff
Second: Stark
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.
CONSENT AGENDA

8. Fox River Issues CD

McGrath reported on they are meeting with the Conservation Foundation regarding Thompson Farm and the larger scope of the river project. The Conservation Foundation may be a partner when working with the Army Corps of Engineers. Holm is preparing an RFQ for engineers to work on erosion.

9. Project Status

Bill reported on the following:

- Staff is having more conversation on the pedestrian crossings and the concern of efficacy and understanding. The state put more signage out, such as advance warning signs. The McKee Street crossing is of special concern. Speed studies will be done on the avenue and combine that with the fact that we do have the crossings at that location and our lanes are nonstandard lanes. McGrath will report back to the Committee on the study. There may be a need to ask IDOT to have the speed on North Batavia Avenue reduced. Callahan asked if there any issues on Route 25. There were no issues stated by staff. McGrath suggested having a traffic stop on McKee Street to educate and raise awareness of the pedestrian crossing.
- The City Engineer would spearhead the speed studies.
- The City used to be a member of the Narcotics Task Force but had to dedicate a full-time officer to that task force. The City could not continue on the task force after the recession.
- The Electric Manager candidate interviews went well. There will be one interview this Friday. Updates will be coming soon.
- Staff met with the owner of the Campana building today regarding redevelopment to get some protection to the historic structure. Aiston will see if we could come up with some design solution that would satisfy the Historic Preservation Commission (HPC) regarding the glass block windows.
- Staff is looking into a new location for the food pantry in order to expand the wastewater treatment plant. A solution needs to be found quickly and a commitment to find a new location needs to be made.
- Staff will meet with Batavia Enterprises (BEI) tomorrow regarding backfilling the Walgreen's space. A consultant is working on the analysis.
- Chris Aiston is working on finding a new restaurant space for a potential new restaurant to come into town.
- The audits for the pension funds are being worked on.
- The franchise agreements are out with Comcast.
- Staff is working on identifying revenue sources for the March 8th meeting and will try to put out materials before that if we can.

- Community signs will be discussed next week.

10. Other

Stark asked about the Campana building. She asked if it was designated as a historical landmark and if we could not do anything to the building. McGrath stated that the issue is this, either you do something with that building or in twenty years it may not be there. Stark stated that it may be an upgrade to the building to have some of those block windows removed. When she was on the HPC there was discussion on how the blocks do not match. McGrath explained the history of how the building was on the national register of historic places. One of the aldermen filed the first petition to ask that the building be protected and Council protected the building from redevelopment. The building structure was important and the view corridor on the corner was considered important. McGrath stated that in order to save this building we might have to look at the view corridor in a different way. McGrath gave the example of Bellvue Place with the view corridor in the front and having nice townhomes around it.

11. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 8:53pm; Made by O'Brien; Seconded by Stark. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 1, 2016
Committee of the Whole
City of Batavia

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

1. Roll Call

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

Members Absent: **Ald. Mueller**

Also Present: **Mayor Schielke; Chief Schira, Batavia Police Department; Bill McGrath, City Administrator; Roman Seckel, City Attorney; Rahat Bari, City Engineer; Jeff Albertson, Building Commissioner; Scott Buening, Director of Community Development; Joel Strassman, Planning and Zoning Officer; John Dillon, Water/Sewer Superintendent; Mustafa Kahvedzic, Project Engineer; and Jennifer Austin-Smith, Recording Secretary**

2. Items to be Removed/Added/Changed
The Closed Session portion was removed from the agenda.

3. Matters From The Public (For Items NOT on Agenda)
There were no matters from the public for items not on the agenda.

4. Resolution 16-24-R: Approval of 2016 Zoning Map (SCB 2-19-16) CD

Motion: To recommend approval of Resolution 16-24-R: Approval of 2016 Zoning Map
Maker: O'Brien
Second: Russotto
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

5. Ordinance 16-09: Variances for Dunkin' Donuts Drive Through at Shell Gas Station and Discussion for Conditional use for Drive Through – 108 North Batavia Ave. (JLS 2/24/16) CD
Strassman reported in January, the Zoning Board of Appeals and Plan Commission held a joint hearing to consider variances and a conditional use to add a drive through to the Shell gas station on Batavia Avenue and Houston Street. Variance requests were for:

- Separation of the subject property and the drive through lane from residential property and residences (both of these variances are needed for conditional use approval)
- The drive through lane being narrower than required
- Additional wall and monument sign area, and for canopy sign projection
- Reduced parking geometry and allowing wheel stops
- Adding pavement in 50 foot Batavia Avenue setback to add parking

Several members of the public spoke. The owner and a resident of the adjacent property to the north cited concerns with increased noise and traffic, refuse storage odors, longer hours of operation, adding parking close to the house, and potential damage to this property's fence with snow removal. Other speakers commented that the changes to the aesthetics of the building would be an improvement, drive through traffic would increase air pollution, and there would be potential for debris discarded by Dunkin' Donuts customers accumulating in the neighborhood.
The Zoning Board of Appeals recommended against the two variances needed for conditional use approval, which are the ones for the separations from the property to the north. The Board found that the property can yield a reasonable return without the proposed drive through and that the drive through would negatively impact the property to the north. The Board recommended against the drive through lane width again finding that the property can yield a reasonable return without the drive through. The Board also recommended against the increase for the monument sign area finding that there are no unique circumstances warranting an increase in sign area to an already nonconforming sign, it would have no effect on the property being able to yield a reasonable return, and approving the variance would constitute a grant of special privilege. These recommendations are consistent with staff's conclusions and its recommendation to the Board. With the Board's recommendation against the 2 variances needed for conditional use approval, the Plan Commission effectively recommended denial of the conditional use. The Commission continued its consideration of design review until after Council action.

Ordinance 16-09 is drafted consistent with Board's recommendations, and consistent with staff's recommendations. While this Ordinance is drafted to approve the variances for wall and canopy signs, parking geometry and wheel stops, and pavement in the Batavia Avenue setback, approval of the Ordinance would effectively result in the project being unable to move forward. Again, the 2 variances needed for consideration of, and approval of the conditional use would not be approved as the Ordinance is drafted.

If the Committee reaches a conclusion that the project should be approved, the Committee would need to give direction to staff to revise draft Ordinance 16-09 accordingly, and to draft an ordinance approving the conditional use. The Committee may direct staff to include in the conditional use ordinance conditions of approval for specific site improvements such as landscaping, sign and retaining wall design, and inclusion of a bicycle path, and operational restrictions such store hours and refuse collection and fuel delivery hours. Staff would present the revised variance ordinance and the draft conditional use ordinance at a Committee meeting later this month. Stark noted that there would be a need for a supermajority vote by Council to pass.

Atac asked staff how the reasonable return was calculated. Wolff added that it is bad in the fuel sales market and without another supporting enterprise he does not know how you could support the business as just a gas station. Wolff explained that he is in this field and he does not know how the reasonable return determination was found. There are two stations in the area that have closed who just relied on fuel sales alone. He does not agree that you could make enough money by just selling gas alone. Strassman answered that the reasonable return was based upon the tenure of the ownership of the current owner.

Steve Vasilion, Vasilion Architects, presented on the project to the Committee. He introduced the representatives with him tonight: Harry and Anecia Meta, owners; John Green, Civil Engineer; Jim Derr, representing the Dunkin' Donuts franchisee; and Steve Colbert, Dunkin' Donuts architect.

Vasilion stated that this project involves the addition of a new tenant, Dunkin' Donuts and the subsequent need for building signage, monument signage, and a drive-through. The building façade and canopy would undergo much-needed facelifts and parking would be added and reconfigured to accommodate the new tenant. Landscaping is also being redesigned. Vasilion stated that the impetus of this project is that the presence of Randall Road has directly affected this gas station. The improvements are needed to help this gas station be viable, as Alderman Wolff had mentioned. Vasilion commented on the reasonable return. The Meta's are the fourth owners since 2012 speaks volumes as to the viability of this station. It has been closed for three months at one time. The evidence has been presented on how the sales have declined. From peaks of 120-150,000 gallons of sales per month, it had dropped down to 70,000 gallons. Since the purchase of the gas station it has dropped to only 50-60,000 gallons. The site used to receive five tankards of gasoline per week, now there is only two. There used to be multiple weekly trash pick-ups and now there is only one. There has been a similar drop of inside sales. Vasilion stated that a neighbor presented at the Zoning Board meeting about increased traffic concerns. Vasilion stated that we would be fortunate if the addition of Dunkin' Donuts would increase the traffic levels and service levels to the levels it was when the neighbor originally purchased his property. The schedules of costumers, deliveries, and trash pick up have been carefully considered to avoid site congestion.

Vasilion listed the positive impacts of this project:

- Façade improvements
- ADA Accessibility
- Elimination of the steep slope near the front entry
- Providing all new landscaping
- New trash enclosure, much smaller than the size of the existing one
- Improve the appearance of the canopy and monument sign
- Upgrades inside the convenience store
- Increasing the amount of parking to comply with the current zoning requirements
- Bike and pedestrian friendly (addition of a patio and bike rack)
- This project would be a nice complement to the Houston Street renovation
- Generating sales tax revenue to the City
- No public funding requested

- Creation of jobs (2-3 Shell employees and 12 Dunkin' Donut employees)
- Dunkin' Donuts is a great supporter of local events.

Vasilion reported on the hours of operation. He stated that when the station functioned at its peak of sales, it was a 24-hour operation. It started closing at 11pm when Philips 66 took over. When our applicant purchased the gas station, the hours were 4:30am to 11pm, Monday through Friday, and 6am to 11pm on Saturday and 6am to 10pm on Sunday. Currently, the hours were extended from 11pm to midnight. The proposed hours of operation are 4am to midnight. Hours of operation are going to fluctuate to reflect the anticipated business. The applicant has obtained 500 signatures of Batavia residents who support this business plus over 100 signatures of non-residents.

Vasilion discussed the variances with the Committee. He explained that the drive-through width requested is identical to the approved Walgreen's drive-though width and they both do not have an escape lane. The monument sign itself predates the zoning ordinance and was modified and approved in 2012. Reducing the height would block visibility for traffic coming up Houston Street and looking to turn. Vasilion noted that some of the zoning ordinances are not business friendly. For a project that has a couple of legitimate variance items, such as this one does, there are additional variances that automatically happen resulting in an excessive amount of variance requests.

Jon Green, President of Engineering Resource Associates, went over the civil engineering and site plan with the Committee. The engineering site plan was displayed for the Committee to view and Green discussed the site circulation, curbed islands, parking, landscaping, menu board location (moved to eliminate any noise pollution to the surrounding properties), pick up window location, retaining wall (with flash on the top to block any headlights), lighting, and the masonry refuse area. Green noted that the refuse area would be half the size of the existing refuse area. Green reported that a traffic report was completed and the site is suitable for a drive-through location. An auto-turn analysis was completed and staging for deliveries on the site was set for non-peak hours. Green stated that site plans received approval by the Historic Preservation Commission. The proposed retaining wall would have a decorative stone and areas available to display artwork.

Brian Fornek, 439 Waubonsee, addressed the Committee. He stated that he thinks this is workable and reasonable plan and that it should be approved. He stated that the hardship that the owners are facing is real and it cannot be questioned. He added that even he finds himself refueling on Randall Road. He stated that if the Committee says no to this, you are sending a message to the business community that the City is not business friendly. He noted that the property has as a permitted use, a restaurant, under the zoning. The traffic circulation, odors, and trash could happen as a matter of right. He suggested that the setback be measured from the pick up window itself. He reasoned that once you get your food you are like any other customer leaving that location. He asserted that the design is well done in the effort to minimize any impacts that the drive-through may have. He does not see any headlight impact until you are leaving the property itself.

Tom Brown, 118 North Batavia Avenue, stated that he lives right next door and 4am to midnight is long hours with deliveries. The headlights are an issue. Aside from his personal issues, this is a good plan and he is sorry that the business is not viable. He feels that they are trying to fit too much onto a small site. He encouraged the Committee to look at the property. They are projecting two million a year in revenues and six to seven hundred transactions per day. He expressed his concern with traffic backing up onto Route 31. He asked the Committee to look into the volume of traffic. If a drive-through was really going to save a business, than look at Burger King and Hardees, having a drive through did not help those businesses. He concluded that his biggest concerns are the hours of operation and the traffic.

Jim Warwick, owner of 118 North Batavia Avenue, shared that he bought the two flat ten years ago. The gas station closed at 9pm and it was nice and peaceful. There was very little traffic at night. All three of the bedrooms face the gas station. He built a six-foot fence between the property and the gas station for privacy and a noise buffer. When Harry bought the gas station, business hours were extended from 5am and midnight. When asked, he said he needed the extra money and the business could not survive. Warwick asked if there are business hour regulations in downtown Batavia. He had to install black out curtains on the two flat. His tenants need to be able to sleep and should be entitled to that. He is worried about tenants moving out because the increased noise by their bedrooms. The tenants have a right to privacy and the parking is too close to their bedroom windows. He was told that the drive-through would close at 9pm at night but what is to keep him from extending those hours. He asked what is to keep them from being open 24/7 or adding a Baskin Robbins.

Warwick discussed his concerns about the dumpster. He expressed that the new dumpster and corral are way too small. However, if it were any bigger it would be an eyesore for his tenants. He listed his concern with the dumpster pick up noise from the garbage trucks, odor, pests, and how the dumpster and drive-through could hurt his business. Warwick listed other concerns such as trash, proper grease removal, car exhaust and fumes, snow removal, site safety with the storage tanks underneath the ground in conjunction with the excess weight on the property, and the safety of bicyclists and pedestrians walking to the site around the corner of his six-foot fence. He asserted that there are already a lot of donut places in town and the opening of Dunkin' Donuts might affect Dimple Donuts business. He asked the Council to protect his property, his business and his tenants. He thanked the Committee for their time.

Callahan asked how long he has owned the property. Warwick responded ten years. Callahan questioned how many units he has and if he is one hundred percent occupied. Warwick answered two units and they both are occupied. Callahan asked if he has been one hundred percent occupied the entire time and Warwick answered he has.

Laura Williams, 244 North Batavia Avenue, addressed the Committee. She stated that she currently works at the Shell gas station that is being discussed tonight. She has worked there since 2014 and the job helped her save up money to buy a used car. She does not want to see another shuttered business in the downtown. She can't see how it would be good for the person next door's business to live next to a shuttered business nor would it be good for downtown Batavia in general. The façade improvements are well needed. Customers have asked her if there is a bike rack or patio available as well as how close the nearest Dunkin' Donuts is. We have

declining sales and we have interest in this gas station and this is a viable option. It would not make any sense to close this gas station and this project would provide more jobs for the community. As long as the neighbor owned the property, there has been a gas station next door.

Don Gregory, 124 North Batavia Avenue, shared that he read an article in the Chronicle this morning and is disappointed with the alderman who represent the fifth ward. They should have talked to us and maybe then they would not have been so excited to have a Dunkin' Donuts at this location. He would not mind one in Batavia but not next door. He is only 65 feet away from the gas station.

Linda Brown, 118 North Batavia Avenue, shared that she used to work for the previous owner of this gas station. At that time, the hours were from 6am to 9:30pm. She is concerned about the longer hours and the noise and the constant annoyance it would cause. In addition, she does not think a drive-through would properly fit at this location. She added that there is no place to put the snow, even with the current configuration. She asked if they plan to move the vacuum cleaner in the parking lot. The owner stated that it would not be removed or moved.

Vasilion stated that the parking stalls along the north property line are existing and are not new parking stalls. The garbage pick up used to be three time per week and now it is down to one. They do not plan on exceeding the previous three times per week garbage pick up. He noted that the current enclosure has a small dumpster in a much too large enclosure. We are reducing the size of the enclosure. The hours of operation used to be 24/7 and we are not approaching that. A grease trap would be provided in the building to collect grease. This location and this proximity of the business has been here for a very long time.

Stark asked that since this will be primarily a drive-through function, would that provide for less trash than a sit down restaurant. Vasilion stated that it would be less trash than a sit down restaurant. At the absolute maximum the trash pick up would be three days a week. Stark asked if there would be an eat-in option. The response was that there would be seating for twelve. O'Brien asked about the snow removal. Vasilion answered that there would be a contracted snow removal service. O'Brien asked about the safety of pedestrians while exiting the site. Green stated that the cars will be pushed fourteen to fifteen feet south, further away from the north lot line so that the driver would have a wider perspective, which will actually increase the safety that exists today. O'Brien asked, to be a good neighbor, if the scheduling could be shared. Vasilion stated that they would be happy to share the schedules they have established. If we could tweak that to better accommodate him and his tenants they would be happy to do so. Brown asked if there are any regulations for hours of business. Strassman stated that there are none in the City Code that would apply here but through the conditional use you can assign particular hours. Brown asked if a six-foot fence permitted all the way up to the sidewalk. Strassman answered that it is not permissible. Wolff commented on the traffic study and 44% of the customers only use the drive-through.

Strassman commented that Walgreen's does have an escape lane that is ten feet wide and drive through lane that is ten feet drive through. He added that a canopy edge that is white is not considered signage, a canopy that has corporate branding or colors is signage. Strassman stated that the flashing on the retaining wall would not be the most attractive option but it would serve

the purpose of blocking out the headlights. Strassman stated that if the Committee feels that the property can yield a reasonable rate of return it would be acceptable to consider granting variance for the width of the drive-through lane because that was the only Finding of Fact that could not be met, thus creating the recommendation of denial. Strassman explained how staff measures the setbacks with the Committee. Buening added that there are several drive throughs in the area without an escape way which were constructed prior to the changes in the code.

O'Brien asked about the flashing on the retaining wall to reduce headlights and if they could make that wall higher. Vasilion stated that it is 32 inches of concrete with a metal panel on to of that to block the headlights. O'Brien suggested a more attractive options, such as a preformed wall. Callahan stated that it is a priority of the community to help the downtown area. It is commendable that he is doing these improvements to the business. Botterman asked if the fire department has any concerns with the absence of an escape way. Strassman stated that the fire department did not express a concern. Callahan asked how many time has a car gotten stuck in a drive-through. Bari stated that he is not aware of any car being stuck in the drive-though lane. Bari reported on the traffic count to the Committee and how the stacking of cars is planned on the plan itself.

Motion: To recommend approval of Ordinance 16-09: Variances for Dunkin' Donuts Drive Through at Shell Gas Station and Discussion for Conditional Use for Drive Through
Maker: Brown
Second: Callahan

Vasilion asked if a super-majority vote is required at the Committee level. Stark answered no. Stark clarified the motion and stated that if you would like to have the ordinance amended and brought back to staff to be revised you would vote nay. O'Brien added that amending it would be for allowing the drive-through. Brown stated that it is important to recognize all the residents who spoke tonight and the business owner for trying to do this project. They all made very valid points. Personally, he would like to see this project happen. The only thing he does not like about this project is the location of the dumpster but unfortunately there is no other place for it to go. He does not believe that it would be allowed to build up with garbage because that would be detrimental to their business. He noted that this used to be a full service gas station, which fixed cars at all hours of the night. It used to be a three bay gas station and if it were to return to that function he is not sure that would be the best for the neighboring residents either. He is in favor of what they are looking to do and hope that it moves forward and that everyone works together to make it the best it can possibly be. Callahan asked if there are any code violations for trash. Stark stated that it is written in the code that there cannot be any overflowing trash. Callahan stated that this could be enforced as a violation of the zoning code. Buening stated that if there is a problem they would address it. O'Brien likes the civil design of this. This is an old river town and the streets are small and narrow. We as a Council need to be more flexible with our ordinances to make things work. This business owner is making an investment in his business. O'Brien stated that he will be an advocate for this project. He stated that this would add value to our City and hopefully this project will help establish this business.

Roll Call Vote: **Aye:** Chanzit

Nay: Brown, Russotto, Atac, Stark, Wolff, Fischer, O'Brien, Callahan, Hohmann, Botterman, Cerone, McFadden
1-12 Vote, 1 Absent, Motion carried.

Staff was directed to rewrite the ordinance so that it allows for the drive-through as long as it meets the criteria. Buening stated that staff would return in two weeks with a revised ordinance and a conditional use ordinance. A list of conditions would be assembled.

6. Fox River Issues CD

There were no updates at this time.

7. Resolution 16-25-R: Police Authorized Tow Contract (GJS 2/25/16) GS

Chief Schira referred the Committee to the February 25th memo. This would be the third three-year contract with Police Authorized Tows. The City sent out twenty-nine RFPs and five responded back. We are recommending that three be selected which are the three we are using now and plug in a fourth in case one of the three has some deficiencies so that we continue to have a choice of three. The companies are rotated per tow due to State Legislation. This is at no cost to the City. The Resolution has the option that if everything goes well in 2016 the Police Chief would have the option to extend it for 2017 and 2018. This is similar to what we have done twice already, with a three-year contract.

Motion: To recommend approval of Resolution 16-25-R: Police Authorized Tow Contract
Maker: O'Brien
Second: Callahan
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

8. Resolution 16-26-R: Authorizing Task Order #19 with RJN Group for Engineering Study of the First St. Sewer Basin (JD 2/25/16) PU

Dillon reported that this task order is with RJN Group from Wheaton Illinois who we have done work with in the past on issues related to the sewer collection system. The first basin is a major lift station for the City and has sub-basins that are a tributary to First Street. This proposal is to help prevent basements and sewer back ups from overflowing. We are proposing to start off with flow monitoring.

This proposal includes six meters that would be monitor the areas and another meter would be put in for the gravity flows. This will help us identify the areas that contribute the most in flow so that you could target those neighborhoods for further investigation. Within this proposal, the City is proposing to buy a couple of meters that could be used on an ongoing, annual basis. These would be placed in areas on VanNortwick at the Colonial Village basin. We know that there are excess flows at that basin and we want to quantify where the flow is coming from. Another meter would be placed on Harrison Street, where there is an area on Blaine and Morton where there are combined sewers. Purchasing the meters will be an advantage to the City in regards to data collection. The RJN personnel will train our personnel on the meters.

Wolff asked for a map showing which way the different basins flow. O'Brien agreed that it would be helpful. Dillon stated that all the GIS maps have directional flow and he could provide that to the Committee. Cerone asked if this is all in the budget for this year. Dillon stated that it is, it is under collection systems. O'Brien discussed the twelve scope items with Dillon.

Motion: To recommend approval of Resolution 16-26-R: Authorizing Task Order #19 with RJN Group for Engineering Study of the First St. Sewer Basin
Maker: Stark
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

9. Resolution 16-27-R: Award of Contract for NE and SE Substation Maintenance to Siemens Industries, Inc. (Mustafa Kahvedzic 2/25/16)

Kahvedzic reported that these two substations enforce all the NERC requirements for the protection system. We received a quote from Siemens and we have worked with them before and were happy with their work. The amount of this project was approved in the 2016 budget for the substation maintenance. Staff is recommending that the agreement be entered with Siemens Industry. O'Brien asked about the pricing per mile. Kahvedzic answered that this is specialized work and is usually completed in two weeks. The price is estimated, it could be less but it would not be exceeded. Wolff added that they have to bring out so much specialized equipment to do this project and that is why it is not a typical mileage charge. O'Brien asked if this is a T&M project. Kahvedzic answered yes. He stated that our guys would be there along with them at the substation. O'Brien noted that just for clarity sake, the City employees would be at the substation working along with this company so that it costs more than what is written in the memo. Kahvedzic stated that our alignments are not included in this work.

Motion: To recommend approval of Resolution 16-27-R: Award of Contract for NE and SE Substation Maintenance to Siemens Industries, Inc.
Maker: McFadden
Second: Cerone
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

10. Presentation: Process to Decrease Size of City Council

City Attorney Seckel reported on his memo and the four different options: 1) citizen-driven (getting signatures and getting a referendum on the ballot), 2)the City Council could take the initiative to do that, 3) wait until the census in 2020 and under that statute create an ordinance to reduce the number of aldermen down, or 3) since Batavia is home rule you could place an advisory referendum on the ballot and if it does pass than the number of aldermen could be reduced based upon the referendum. Seckel stated that it is really up to the discretion of the Council.

Hohmann stated that we have one of the largest councils for the surrounding communities and our size range. He continued that studies have shown that the ideal working group is no more than ten people, it fosters better communication and questions and more conversations. There is a cost savings though it would not be a lot of money. The cost savings could be used towards a communications position that we have been looking to fund. Staff has commented in the past that there is so many of us around the table that it is difficult to communicate with us. Some of the citizens feel that it would be an acceptable thing to happen. Overall, he envisioned going down to ten aldermen, drawing four wards, and having two aldermen per ward, and having two elected at large from the whole population from the City. There has been uncontested races and prodding to fill the seats. Hopefully there would be some contested races if the size went down.

Callahan agrees that there is value of having a discussion on this. We disagree on format because he would like to keep the ward system and is not in favor of at large. He would suggest waiting for the next census but if residents really felt strongly about it they should know what their options are. Callahan stated that the Council should not decide on anything without the full understanding on what the community wants.

Botterman stated that just reducing the amount of aldermen but keeping the wards as they are might be more appropriate for a referendum. One of the aspects of reducing the wards to four is that each of the four wards would have a portion of the downtown, which would be beneficial. This would need more of an extensive discussion. For tonight's point, we should have a consensus on whether we want a referendum or wait until the 2020 census and building a plan based on those numbers.

Brown proposed a third option, which is not to do anything. Brown stated that he sees the pros and cons on each of the options. Brown continued if we are concerned about small committees, then we should go back to the committee structure. If he were to vote on it tonight he would leave it alone.

Stark stated that as our population increases it is odd to her that we would consider decreasing their representation. We spend a lot of time talking about how the residents of the town don't want it to seem that there is a select and small group of people making decisions for the City. Atac stated that there has to be a compelling reason why we would want to do this to make a change at this time. She does not feel that we have identified this reason.
Wolff stated that he does not want to see us go to an at-large committee. Wolff expressed concern with voter turn out for a referendum. Wolff agreed with Atac and would like to see a compelling argument as to why. He feels that the larger number leads to better discussions and better decisions.

Russotto stated that alderman at large or changing the wards would cause more people to vote. He is doubtful that changes to the system would create contested races.
Fischer stated that the only compelling reason he heard was to save some money. He agreed with Wolff, if it went to a reduction he would like to see it kept with wards and not at-large but he does not see a compelling enough reason.

McFadden stated that there are good arguments for and against. He is in favor of maintaining the ward system as opposed to the at-large. He likes that there is someone in your area to go to. This is not something that we should drive through referendum at this point. It makes sense to wait until the 2020 census and if there is interest or a compelling reason then that is the time to reopen the discussion again. Botterman stated that this ought to be citizen driven.

O'Brien stated that there needs to be a compelling reason to do it. We should have more in-depth discussions on things as a COW now. O'Brien stated that he is an advocate for the small committee structure because topics could be covered in more detail with a smaller group of people. However, everyone is invited to attend the Committee meetings and could be represented. The discussions were detailed and a lot of people talked and there were more interaction with staff and wrap our heads around issues because we have time to do it. Tonight we have sixteen items and we are not wrapping our heads around this. We are not doing a service to the people we represent because of the COW structure.

Brown asked if any option would be a big cost to the City. McGrath answered it would not be. Mayor Schielke stated that he has seen all different compilations of the Council. With his past knowledge he asserted that it is best to have as much representation as we have had. There are a lot of different viewpoints on items. With our City growing in size and the amount of issues our City faces, reducing the number would put a lot more responsibility onto the ten aldermen. Our City has a strong Council and weak mayor form of government. When you get elected as an alderman here, you have a lot of responsibility. If it were made as at-large there is the potential to not have representation in certain areas in town so he would caution against that structure. Mayor Schielke expressed his support of the current structure as it is today.

Brown opened the floor for public comment.

Joyce Keane, 2030 Wagner Road, stated that she wrote the COW an email regarding this subject. She stated from a citizen's perspective she empathizes knowing and feeling that you are doing the best possible job. As a citizen, she read through the Municipal Code. For Batavia, once you hit the 20,000 threshold you go to fourteen alderman. But if within a year the City says they want to do something else (like Geneva, St. Charles and Naperville) you could but Batavia didn't do it. From a citizen standpoint, there are two reasons why she is addressing the Committee. One is a quote from Steve Heronymous "productivity of groups more than ten declines." There is forty percent more of you that need to discuss anything at any point of time. Another is the fairness to the citizens. There should be contested elections in order to give residents choices. Keane calculated that 73% of all aldermen elected in Batavia over the last fifteen years were uncontested. She advocated for having at least two people running for office in order to give people choices.

Wolff asked if we reduced the size of the Council that would motivate more people to run. He stated that if they do not want to run now, why would they run with a reduced Council. Keane responded that at least if the two aldermen from each ward ran against each other then the citizens could at least look at the issues. Keane concluded that if you dilute the stock of potential aldermen you take democracy out of the process. There is a lot of inefficiency in a group over ten. Callahan stated that he would like to inspire more people to run. The most that he would like

to run in this seat is eight years. We need find two people out of five thousand to run in each ward.

The discussion was tabled until there is a need for further discussion.

11. Discussion: Implementing Contractor Registration in the City of Batavia (Continued) (SCB 2/10/16) CS

Due to the late hour, this discussion was tabled and would be brought back to the Committee in two weeks.

12. Discussion: Science Bridge Sculpture (WRM 2/23/16) GS

Due to the late hour, this discussion was tabled and would be brought back to the Committee in two weeks.

13. Project Status

Bill McGrath reported on the following:

- Walgreen's plans to open on April 11, 2016
- Community Land Trust Meeting on March 14th in St. Charles City Council Hall

Mayor Schielke reported on the possibility of the Federal Tiger Grants. Mayor Schielke stated that he would be meeting with Congressman Hultgren on whether or not Batavia would be a good applicant for a Tiger grant to fund the construction of railroad crossing gates on the southeast side of the seven crossings where the trains to though town in the middle of the night. Mayor Schielke would report back to the Committee. Mayor Schielke asked if there was anyone on the Council opposed to exploring this further. There was no objection.

14. Closed Session

a. Purchase and Sale of Electric Power

b. Purchase and Sale of Real Property

This item was removed from the agenda.

15. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:59pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

Building Activity Report Summary

February 1, 2016 - February 29, 2016

Type of Permit	This Month			Year To Date			This Month Last Year			Year To Date Last Year		
	No. of Permits	Constr. Cost	Permit Fees	No. of Permits	Constr. Cost	Permit Fees	No. of Permits	Constr. Cost	Permit Fees	No. of Permits	Constr. Cost	Permit Fees
Single Family												
Addition	0	$0	$0.00	0	$0	$0.00	1	$38,000	$550.00	1	$38,000	$550.00
Modification	28	$188,486	$3,606.00	43	$324,267	$6,600.58	27	$396,593	$7,015.00	45	$529,868	$9,888.00
New	2	$577,298	$22,126.68	5	$1,529,894	$52,341.79	0	$0	$0.00	0	$0	$0.00
Other	17	$181,252	$1,165.00	34	$312,144	$2,205.00	18	$127,203	$1,100.00	27	$181,620	$1,625.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	47	$947,036	$26,897.68	82	$2,166,305	$61,147.37	46	$561,796	$8,665.00	73	$749,488	$12,063.00
Two Family												
Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	1	$3,700	$45.00	1	$3,700	$45.00	2	$17,700	$793.00	2	$17,700	$793.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	1	$6,338	$55.00	2	$17,020	$110.00	0	$0	$0.00	0	$0	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	2	$10,038	$100.00	3	$20,720	$155.00	2	$17,700	$793.00	2	$17,700	$793.00
Single Family Attach												
Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Multifamily												
Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00

Modification	1	$1,500	$43.00	7	$742,232	$5,451.00	3	$31,328	$621.00	8	$199,195	$3,102.00
New	3	$329,000	$13,447.33	4	$425,500	$18,150.57	0	$0	$0.00	0	$0	$0.00
Other	3	$28,429	$170.00	5	$30,429	$230.00	1	$300	$60.00	1	$300	$60.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	7	$358,929	$13,660.33	16	$1,198,161	$23,831.57	4	$31,628	$681.00	9	$199,495	$3,162.00

Mixed Use

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	1	$15,000	$55.00	1	$15,000	$55.00	0	$0	$0.00	0	$0	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	1	$15,000	$55.00	1	$15,000	$55.00	0	$0	$0.00	0	$0	$0.00

Commercial Office

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	2	$380,000	$1,601.00	3	$402,723	$1,686.00	0	$0	$0.00	1	$9,000	$120.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	0	$0	$0.00	2	$300	$110.00	1	$10,000	$0.00	1	$10,000	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	2	$380,000	$1,601.00	5	$403,023	$1,796.00	1	$10,000	$0.00	2	$19,000	$120.00

Commercial Retail

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	2	$40,000	$967.00	3	$70,000	$1,543.00	1	$1,867,601	$22,689.00	2	$1,875,601	$23,248.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	2	$1,100	$110.00	3	$1,300	$135.00	6	$5,088	$295.00	7	$6,388	$370.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	4	$41,100	$1,077.00	6	$71,300	$1,678.00	7	$1,872,689	$22,984.00	9	$1,881,989	$23,618.00

Industrial

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	5	$189,500	$2,354.58	7	$241,000	$2,623.58	3	$627,491	$2,761.00	4	$630,471	$3,408.00

New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	7	$21,094	$225.00	9	$22,094	$225.00	3	$6,276	$75.00	8	$72,776	$1,900.80
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	12	$210,594	$2,579.58	16	$263,094	$2,848.58	6	$633,767	$2,836.00	12	$703,247	$5,308.80

Institutional

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	2	$120,000	$1,286.00	2	$120,000	$1,286.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	1	$0	$241.00	3	$125	$406.00	0	$0	$0.00	2	$100	$55.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	1	$0	$241.00	3	$125	$406.00	2	$120,000	$1,286.00	4	$120,100	$1,341.00

Unknown

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	0	$0	$0.00	1	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	0	$0	$0.00	1	$0	$0.00	0	$0	$0.00	0	$0	$0.00

Utility

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00

MINUTES
February 8, 2016
Historic Preservation 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 Bus called the meeting to order at 5:30pm.

2. Roll Call

Members Present: **Chair Bus; Vice-Chair Hagemann; Commissioners Sherer, Roller and Sullivan**

Members Absent:

Also Present: **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. Approve Minutes for December 14, 2015

Motion: To approve the minutes for December 14, 2015
Maker: Sherer
Second: Sullivan
Voice Vote: 5 Ayes, 0 Nays, 0 Absent
Motion carried.

5. Matters From the Public (for items not on the agenda)

Historic Preservation Commission (HPC) Chair Bus asked if there were matters from the public for items not on the agenda. There were none.

6. COA Review: 108 North Batavia Avenue – Dunkin Donuts Drive Thru (Steve Vasilion, applicant)

Chair Bus welcomed Steve Vasilion, Vasilion Architects, to address the Commission. The slide titled "A.L.T.A./A.C.S.M. Land Title Survey" was presented for the Commission to view. Vasilion explained that there would be a drive through that wraps around the perimeter of the building. He assured the Commission that there is enough land to accommodate a drive through and a concrete retaining wall would be installed. The retaining wall would have the same stone pattern as used on the bridge. Paneled areas would be utilized for art displays to exhibit artwork. Vasilion stated that they are following the Dunkin Donuts corporate architecture design work and this is not his personal architectural work. There would be prefinished painted panels that

cover the range of colors from a light cream to a darker brown. The soffit materials would be a corrugated metal with an anodized finish on them. The signage is illuminated channel letters. The drive through canopy would have a standard Shell red bar detail. Civil engineering components would address drainage.

Albertson stated that this is a non-contributing building. This project was presented at the Plan Commission (PC) and Zoning Board of Appeals (ZBA) meeting. It does require eight variances to the City's zoning code. Some of those variances were recommended for approval and some were recommended for denial. This has to go to the Committee of the Whole (COW) and then to the City Council (CC). The design review was continued until the variances and the conditional use makes it way through the CC process. He suggested that the Commission look at this as if the variances and the conditional use were approved. If they were not approved then the project would not move forward.

The Commission reviewed all the presentation slides that were distributed to the Commission. The Commission reviewed the retaining wall. Vasilion stated that the grading would be evened out. A new landscape plan is proposed to replace all of the current landscaping. The Commission reviewed the signage. Roller asked if the signage is one of the things the ZBA did not approve. Vasilion stated that they are contesting because this sign existed before the ZBA established the sizes for the signs and it should be grandfathered. John Green, Engineering Resource Associates and site Civil Engineer and surveyor, stated this sign was reconstructed in 2012 and made much smaller. The signage is consistent with the franchise. They would like to add one panel to the signage that was approved in 2012.

The Commission reviewed the north, south, east and west elevations. Roller expressed her concern with light pollution. Vasilion stated that if it is the desire of the Commission to have a down light then that is fine with them.

John Green reported that there is going to be significant improvements to the site. The site will be brought up to 88 compliance, there would be proper signage and ramping. Since Batavia is a bike friendly community, they will be building a bike rack and an outdoor eating and patio area. There will also be considerable improvements to the site such as a new concrete barrier to improve the separation of bike traffic and vehicle traffic. There is an existing refuse area that will be revamped. The old wooden fence would be removed and a new masonry refuge enclosure would be made that would be smaller than the existing one. It would be much more aesthetically pleasing.

Chair Bus welcomed those from the public to address the Commission.

Jim Warwick, 118 North Batavia Avenue, shared that when he first moved to Batavia ten years ago, the gas station closed at 9pm and it was quiet and peaceful. It felt like a tight knit, friendly community. All three of the bedrooms of his building face the gas station property. He was able to leave the windows open in the summer. Nine years ago he built a six-foot fence between the property and the gas station. It provided privacy and a noise buffer. It looked nice and still does and benefits the gas station. With the new owner, business hours were extended from 5am to midnight. The station owner said he could not adjust the hours. Warwick stated that he has had to

install blackout curtains. His tenants need to be able to sleep. The shell station is interfering with the need for quiet and the Dunkin Donuts would interfere with that even more. Bus sated that the Historic Preservation Commission (HPC) are not able to deal with questions of hours of operation. The HPC is limited to discussions on the building appearance. Warwick expressed concern about the lighting on his side of the property (north side). He does not want any additional light pollution.

Green stated that the current space in the building is being repurposed to be a Dunkin Donuts. The gas station has been losing business over the years and sells only half of what it used to years ago. Warwick stated that he would like to have the life at his two flat property preserved as well, to a peaceful nature of living. Albertson reported that these types of issues are a part of what the CC and the COW would consider as part of the processes. Albertson stated that would be the time to voice those concerns. He noted that Warwick could approach him with any questions, including the meeting CC and COW dates and times.

Motion: To approve the COA as presented
Maker: Hagemann

Sullivan asked for a friendly amendment to the motion. Hagemann agreed. The amended motion is below.

Motion: To approve the COA with lighting that faces down on the north wall of the building to minimize light pollution
Maker: Roller
Second: Sullivan

Discussion was held on the motion. Albertson stated that staff would have brought this up during the design review with the PC. Vasilion stated that they have every intention of complying with the City's zoning ordinances which clearly establishes the spread of light and light levels that could be established along the property line so we would comply with that.

Roll Call Vote: **Aye:** Hagemann, Sherer, Roller, Sullivan, Bus
Nay:
5-0 Vote, 0 Absent, Motion carried.

7. Design Guidelines Review: Section H – Moving of Historic Structures, Section J – Repairs, In-Kind Replacement & Restoration

Roller discussed the improvements. Section H had no suggested improvements. Moving of Historic Structures was discussed. There were no changes.

Bus stated that he would like to wrap up the review of the design guidelines in the spring.

Sherer would like the Commission to discuss the Olmstead review. She asked if there were drawings submitted. Albertson stated no. Sherer commented that the repair should not have been completed before the drawings were submitted. She would like the guidelines to stipulate that when the structure of a significant building is to be changed than an architect would have to be

involved. Roller stated that she would go back through this and send the revisions to Hagemann Roller stated that she would ensure that the language Sherer suggested is added to the document.

Roller stated that Commission wanted to revisit the windows section in regards to window replacement. Roller asked when someone is replacing windows on a significant building would the Commission like the replacement windows to mimic the old windows. She added that the Commission was concerned with the economic hardship that this could incur. Sullivan asked if people could replace windows in kind if someone has already replaced the windows with lower quality windows. Albertson stated that the City Hall windows are a great example. The windows chosen were a simulated divided style. Bus stated that to have custom mutten windows made would be of a great cost to the property owner. He continued that windows are the toughest subject that we face. Hagemann stated that he likes the classification of significant to be stated in the guidelines. He is comfortable with a statement of a significant structure in the text. The contributing and non-contributing could be at the discretion of the HPC. Sullivan asked if the designation of a significant historic structure is disclosed during a real estate transaction. Albertson stated that he is not aware. Sullivan stated that is something we might want to consider. Bus stated that the district does not include a majority of the significant residential homes. Bus stated that the Commission should consider this after we wrap up the review. Roller noted that this was the last of the sections to review.

8. Updates:

- **7 East Wilson Street – Historic Inspection**
- **Anderson Block Building – Masonry Maintenance**
- **Significant Historic Building Inspection Program**
- **10/12 North River Street – Historic Inspection**
- **227 West Wilson Street – Historic Inspection**
- **109 South Batavia Avenue – Historic Inspection**
- **8 North River Street – Historic Inspection**
- **16 East Wilson Street – Historic Inspection**

Albertson reported that he sent out the inspection reports today. There is no work going on now due to the weather. Staff will be getting in touch with the property owners and get them on a timeline to complete some of these projects. Bus commented that he likes the more aggressive language because we need to get going with some of this work. Albertson commented that the Council would like staff to be more business friendly so it is a delicate balance working on this progress.

Bus announced that 12 North River completed the parapet. Bus commented that the manufactured stone and the color looked good. Hagemann commented that the whole building overall looks better than it did six months ago.

Sullivan asked about the Folto’s building. Albertson answered that the owner is still in the adjudication process.

9. Other Business

Bus stated that the City of Geneva was considering a $500 fee for a property owner to ask for land-marking approval. Bus stated that here in Batavia that would be a disincentive to us. We should see if the CC would consider paying for a plaque on significant structures. Roller stated that the HPC talked about a residential historic district. She asked if the Commission would be interested in a post card campaign to see if there is interest in a historic district. Bus stated that we also discussed land-marking individual houses. Sherer suggested that the collective group could be named something. Bus stated that we should complete the design guideline review and then we could consider other homes outside the historic district and discuss land-marking possibilities.

Sherer asked about the Louise White School and the Richard Driehaus award. Hagemann asked Albertson to resend the award information to him. Hagemann stated that we needed to move forward on the application.

Albertson reported that Mark Foster officially resigned from the Commission. The Mayor is trying to find two additional Commission members. Bus asked the Commission to spread the word to those who would be interested. The names of interested parties could be forwarded to the Mayor.

10. Adjournment

There being no other business to discuss, Chair Bus asked for a motion to adjourn the meeting at 6:22pm; Made by Sullivan; Seconded by Sherer. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

CITY OF BATAVIA

DATE: February 29, 2016
TO: Committee of the Whole – City Services 3/8
FROM: Andrea M. Podraza, P.E., CFM, Senior Civil Engineer
SUBJECT: Resolution 16-28-R: Authorizing Execution of a Contract for the 2016 Sidewalk and Curb Replacement Program with Schroeder & Schroeder, Inc. for $125,000.00

Summary

Every year, staff identifies sidewalks that are in need of replacement due to poor condition. These are addressed in the 2016 Sidewalk and Curb Replacement Program.

Background

The budget for the annual Sidewalk and Curb Replacement Program is $125,000.00. Estimated quantities are based on unit prices from last year.

Proposals

Bids were opened on February 29, 2016, with the following results.

1.	Schroeder & Schroeder, Inc.	Bid:	$123,424.05
2.	Suburban Concrete *	Bid:	$127,894.21
3.	Strada Construction	Bid:	$133,421.80
4.	Mondi Construction	Bid:	$139,436.70
5.	Globe Construction Inc. *	Bid:	$156,055.86
6.	Geneva Construction	Bid:	$171,686.40
7.	G & M Cement Construction Inc.	Bid:	$192,430.60

The low bidder for the 2016 Sidewalk and Curb Replacement Program was Schroeder & Schroeder, Inc. of Skokie, Illinois. Note * indicates prices adjusted due to contractors math error in their bid tabs.

Staff Recommendation

Staff has checked references for Schroeder & Schroeder, Inc., and they were found to be satisfactory. Construction would begin in late March or April after documents have been processed and notice is given to affected residents. In addition, staff has since identified additional locations of sidewalk to be replaced and requests that quantities be increased up to the budgeted amount of $125,000.00.

Recommended Committee/Council Action

Recommend the approval of Resolution 16-28-R authorizing execution of a contract for the 2016 Sidewalk and Curb Replacement Program with Schroeder & Schroeder, Inc. of Skokie, Illinois, for an amount not to exceed $125,000.00.

CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-28-R

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH SCHROEDER & SCHROEDER, INC., OF SKOKIE, ILLINOIS, FOR THE 2016 SIDEWALK AND CURB REPLACEMENT PROGRAM IN THE AMOUNT OF $125,000.00

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

SECTION 1: that the Mayor and City Clerk are hereby authorized to execute the contract between the City and Schroeder & Schroeder, Inc. attached hereto as **EXHIBIT 1**.

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

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

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Clark				
7	McFadden					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Heidi Wetzel, City Clerk

1 page excluding Exhibit 1

CONTRACT

1. **THIS AGREEMENT**, made and concluded this 21st day of March, 2016, between the **City of Batavia** acting by and through **the City Council of the City of Batavia**, known as the party of the first part, and **Schroeder & Schroeder, Inc. of Skokie, Illinois,** their executors, administrators, successors, or assigns, known as the party of the second part.

2. **WITNESSETH:** That for and in consideration of the payments and agreements mentioned in the Proposal, attached hereto, to be made and performed by the part of the first part and, according to the terms expressed in the Contract Bond referring to these presents, the party of the second part agrees with said party of the first part, at their own proper cost and expense, to do all the work, furnish all materials, and all labor necessary to construct the **2016 Sidewalk and Curb Replacement Program** in accordance with the plans, specifications, and special provisions hereinafter described and in full compliance with all of the parts of this agreement and the requirements of the Engineer under it.

3. And it is also understood and agreed to that the Contract Documents for the **2016 Sidewalk and Curb Replacement Program** attached hereto, constitute all essential documents of this contract and are a part thereof.

4. **IN WITNESS WHEREOF**, the said parties have executed these presents on the date above mentioned.

For the Owner,
Party of the First Part **City of Batavia**

_____ By:_____
Attest: Heidi Wetzel, City Clerk Jeffery D. Schielke, Mayor
(Corporate Seal)

For the Contractor,
Party of the Second Part **Schroeder & Schroeder of Skokie, IL**

Printed Name:_____

Signature:_____
President, Party of Second Part

_____
Attest: Secretary

CITY OF BATAVIA

TO: Joint Committee of the Whole (CS)

FROM: Randy Deicke, Fire Chief

DATE: March 2, 2016

RE: Resolution 16-29-R, Intergovernmental Agreement between the City of Batavia and the College of Dupage to Conduct Firefighter Testing

The Board of Fire and Police Commissioners have again agreed to employ the College of Dupage for firefighter applicant testing. This will be the seventh time that we will utilize their services and both the fire department and the Board have been very pleased. The Board of Fire and Police Commissioners have funding in their budget to handle this expense.

Please ask the Joint Committee of the Whole to approve Resolution 16-29-R at your March 8, 2016 meeting and send it to the full City Council for final approval at their March 21, 2016 meeting.

If you have any questions or require additional information, please do not hesitate to contact me.

RD/cjc

cc: Jeffery D. Schielke, Mayor
City Council
William McGrath, City Administrator
Heidi Wetzel, City Clerk
Wendy Bednarek, Human Resource Director
Peggy Colby, Finance Director

Attachments

CITY OF BATAVIA
RESOLUTION 16-29-R

Authorizing Execution of Intergovernmental Agreement Between the City of Batavia and the College Of DuPage to Conduct Firefighter Applicant Testing

WHEREAS, the City of Batavia Fire Department receives applications from prospective applicants to join the City of Batavia Fire Department; and

WHEREAS, in conformance with required standards and procedures, it is necessary for such applicants to be tested to determine their physical and mental qualifications for performing as firefighters; and

WHEREAS, conducting the appropriate testing requires certain expertise and facilities; and

WHEREAS, it is economically advantageous to the City to engage the services of the College of DuPage Fire Science Technology Services to conduct such testing; and

WHEREAS, it is in the best interest of the City of Batavia that the College of DuPage be retained to conduct such testing on its behalf;

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 Mayor and City Clerk are authorized to execute the Intergovernmental Agreement for Firefighter Applicant Testing, a copy of which is attached hereto as Exhibit "1"

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					Fischer				
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:

_____
Heidi Wetzel, City Clerk

COLLEGE OF DUPAGE
FIRE FIGHTER APPLICANT TESTING

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**

TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

INTERGOVERNMENTAL AGREEMENT

Whereas, **Batavia Fire Department** hereinafter **"Department"** is required by law to conduct certain firefighter applicant testing before a candidate for employment may be hired;

and

Whereas, **College of DuPage**, hereinafter **"COD"** is equipped to conduct such testing on behalf of the **Department** on a more economical basis than if such tests were conducted by the **Department**;

and

Whereas, the Intergovernmental Cooperation Act (5 ILCS 220/1 et. seq.) permits governmental bodies to cooperate together to accomplish certain common goals;

and

Whereas, the parties hereto believe it is mutually desirable, advantageous and beneficial to enter into this Intergovernmental Agreement;

NOW, THEREFORE, IT IS AGREED by and between the **Department** and **COD** as follows:

1. **COD** will conduct Firefighter Applicant Testing on behalf of the **Department** in accordance with the Letter of Agreement attached hereto and made a part hereof as Exhibit A and the Calendar attached hereto and made a part hereof as Exhibit B.

2. The **Department** agrees to pay **COD** according to the Fee Structure attached hereto and made a part hereof as Exhibit C.

3. The **Department** and **COD** are committed to affirmative action and equal opportunities and do not discriminate on the basis of race, color, national origin, sex, disability, ancestry, marital status, religion, unfavorable military discharge, or sexual orientation.

4. This agreement sets forth all the promises, agreements, conditions, and understandings between the parties relative to the subject matter hereof, and there are no promises, agreements or undertakings, either oral or written, expressed or implied between them other than as herein set forth.

5. Except as otherwise provided, no subsequent alteration, amendment, change or addition to this agreement shall be binding upon the parties hereto unless reduced to writing and duly authorized and signed by each of them.

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**
TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

IN WITNESS WHEREOF, the parties have executed this Intergovernmental Agreement.

Batavia Fire Department	**College of DuPage**
_____	_____
Authorized Signatory	Daniel Krakora EMS/Fire Science Manager
_____	_____
Title	Date
_____	_____
Date	Chief Financial Officer
	_____
	Date

COLLEGE OF DUPAGE
FIRE FIGHTER APPLICANT TESTING

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**

TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

LETTER OF AGREEMENT

This letter shall stand as an agreement between the **Batavia Fire Department** and **College of DuPage** regarding the responsibilities of the Firefighter Applicant Testing program. The Written Test will be completed by September 23, 2016 through the Specialized Testing Office at COD. The Candidate Physical Ability Test (CPAT) is the responsibility of the candidate.

COD agrees to coordinate all activities pertaining to the administration of Firefighter Applicant Testing in the following manner:

1. Provide staff, proctors, and administrators for the test date/s
2. Provide test supplies and test materials for computer based testing
3. Coordinate advertising
4. Coordinate on line registration
5. Provide information of online registration to each village, District, or Department
6. Have staff member available to accept phone calls, emails, etc.
7. Send letters or emails to applicants prior for each testing session
8. Conduct a mandatory orientation prior to the written test period
9. Obtain necessary certifications and documentation from applicants at orientation
10. Prior to testing, obtain release forms and assign identification number to each applicant. (These release forms allow COD and/or the testing company to release results to the village, department, or Departments)
11. Identify and verify each applicant has proper identification prior to testing.
12. Coordinate administration of testing.
13. Record and report written test results to participating agencies by the stated deadlines
14. Provide all final test results to villages, departments, or Departments and applicants in a timely fashion

In cooperation with College of DuPage, the **Batavia Fire Department** agrees to:

1. Return signed agreements to College of DuPage, Fire Science Technology, 425 Fawell Boulevard, Glen Ellyn, IL 60137 by **June 9, 2016.**
2. Designate a primary contact person who will receive test results.
3. Submit cancellations via mail, email (krakora@cod.edu), or fax (630) 942-2856
4. Designate a contact person who will be available to communicate with COD personnel regarding administrative questions on a daily basis.
5. Pay COD designated fee upon receipt of invoice.

***Cancellations must be submitted on or before June 30, 2016 to avoid administrative fee for non-cancelled applicant**.

COLLEGE OF DUPAGE
FIRE FIGHTER APPLICANT TESTING

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**

TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

The responsibilities and dates, as outlined in the above Letter of Agreement, are hereby agreed upon by the undersigned.

Batavia Fire Department	**College of DuPage**
_____	_____
Authorized Signatory	Daniel Krakora EMS/Fire Science Manager
_____	_____
Title	Date
_____	_____
Date	Chief Financial Officer
	_____
	Date

COLLEGE OF DUPAGE
FIRE FIGHTER APPLICANT TESTING

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**

TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

CALENDAR
Fall 2016

June & July College of DuPage will advertise for fire fighter applicants

June 9 Deadline for fire departments to submit application requirements to Fire Fighter Applicant Testing at College of DuPage.

June 9 Signed Letters of Agreement are due to Fire Fighter Applicant Testing at College of DuPage

June 30 Deadline to submit cancellations to Fire Fighter Applicant Testing. Cancellations must be in writing and mailed, emailed, or faxed. An administrative fee will be charged for cancellations not received by this date.

July 6 Online application will be available at www.publicsafetyrecruitment.com at 9:00 a.m. local time

July 29 Final date for online registration by applicants at 12:00 p.m. local time

August 15 Mandatory orientation for all participating fire department applicants at College of DuPage, SRC 2000 at 7:00 p.m. local time

August 22 Written Test information emailed to

1. Applicant: Admission Information/requirements, test dates, times, and location.

September 23 Written Test cut off/due date.

October 10 Written Test information emailed to:

1. Applicant: qualified or not qualified to continue in the process.
2. Primary contact person: applicants identified by name, social security number, and identification number with test results.
3. Posted on College of DuPage Fire Science webpage by 9:00 a.m. local time, listed by identification number, if the applicant is qualified or not qualified to continue the process.

Candidate Physical Agility Test (CPAT) is the responsibility of the candidate.

October 28 Total test results and invoice summary to contact person

COLLEGE OF DUPAGE
FIRE FIGHTER APPLICANT TESTING

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**

TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

FIRE FIGHTER APPLICANT TESTING 2016
*FEE STRUCTURE

1. Basic Administration Cost $15.00

For all applicants who are not cancelled by cancellation date
For all applicants who are no-shows for the written test

2. Written test cost per applicant:

1 agency	$50.00
2 agencies	$35.00
3 or more agencies	$25.00

3. For departments testing out of normal cycles

An administration fee of $300.00 and a $75.00 charge for all candidates appearing on the initial roster. NO DISCOUNT FOR NO-SHOWS

4. Candidate Physical Ability Testing

For information on testing and schedules contact:
Northeastern Illinois Public Safety Training Academy at (847)998-8090
or
Southwest United Fire Departments at www.sufd.org.

***Fees include ad set up and placement on Firefighter employment web sites such as: Public Safety Recruitment, Fire Hire, The Blue Line, Fire Careers, College of DuPage job opportunity line and web site.**

COLLEGE OF DUPAGE
FIRE FIGHTER APPLICANT TESTING

FIRE SCIENCE TECHNOLOGY **DUPAGE COUNTY FIRE CHIEFS' ASSOCIATION**

TEL: (630)942-2107 **krakora@cod.edu** **FAX: (630)942-2856**

Contact Information

Name of Fire Department/Department**:**

Name_____

Address_____

City_____State_____Zip_____

Phone _____Fax_____

Department/Department Email_____

Chief_____

Chief Email_____

Name of Office/Administrative Contact person:

Name_____

Phone Number_____

Email_____

Name of Primary Contact person to receive test results:

Name_____

Title_____

Complete the following if the Primary Contact's address is different**:**

Address_____

City_____State_____Zip_____

Phone _____Fax_____

Email_____

Application requirements: Please email your minimal requirements for candidates to krakora@cod.edu as soon as possible.

CITY OF BATAVIA

DATE: March 04, 2016
TO: Committee of the Whole
FROM: Brian Bettin
SUBJECT: RESOLUTION 16-30-R; AWARDING CONTRACT TO ASPLUNDH TREE EXPERT CO. FOR AN AMOUNT NOT TO EXCEED $ 130,000 FOR THE 2016 TREE TRIMMING CONTRACT.

Summary
Enter into agreement with Asplundh Tree Expert Company for the 2016 Batavia Municipal Electric Utility Annual Tree Trimming Contract

Background
This years' bid for electrical line clearance is for the entire West section of the City, including our fiber optic cables. For the past many years we have performed line clearance on one- half of the City every other year. Staff believes that this bi-yearly trimming has served to keep the lines clear, safe and has resulted in less of a visual impact on our customers and increased our system reliability. Our process has greatly reduced the number of outages caused by tree contact with the power lines.

A comprehensive bid packet was posted on the City of Batavia's Web site and the Invitation to Bid was posted in the Dailey Herald. We requested each bidder supply us with hourly wages for a manual crew (for rear lot power lines) and a bucket crew. Bidders were also to supply us with equipment used, and the pricing per hour.

We will conduct our Tree Trimming contract under the premises of maintenance work: trimming trees from existing power lines and removal of trees, if needed, due to the compromised integrity of the tree on a case-by-case basis.

Asplundh Tree Expert Co. was the lowest and only bidder. Asplundh completed our 2015 Tree Trimming Contract with satisfactory results. We have allocated $130,000 in the 2016 Budget for tree trimming (21-64-6357). Comparisons between bids from 2015 and 2016 show only a slight increase in wages and no increase in equipment cost. Therefore, I am comfortable with the bid received from Asplundh.

Staff Recommendation*:*
Award the 2016 Tree Trimming Contract to Asplundh Tree Expert Company as Resolution 16-30-R.

Recommended Committee Action:
Motion to City Council for approval of Resolution #16-30-R, 2016 Tree Trimming Contract with Asplundh Tree Expert Company.

Required Action by City Council:
Approval of Resolution #16-30-R, 2016 Tree Trimming Contract with Asplundh Tree Expert Company.

c: Mayor Schielke | City Council | Kevin Drendel
Bill McGrath | Gary Holm | Heidi L. Wetzel

Public Utilities Committee-Jeanette Armbrust
03/15/2016 COMMITTEE OF THE WHOLE
03/21/2016 CITY COUNCIL
S:\WPWIN60\File Cabinet\Tree Trimming\2015/2015TREEBID.MEMO.doc

CITY OF BATAVIA
RESOLUTION 16-30-R

APPROVING CONTRACT WITH ASPLUNDH TREE EXPERT CO. FOR 2016 TREE TRIMMING

WHEREAS, the City of Batavia is in need of conducting tree trimming and line clearance following the project description as outlined in the City of Batavia Municipal Electric Utility 2016 Tree Trimming Contract.

WHEREAS, it is necessary, at this time, to secure a contractor to perform work as described in the above contract and follow the City of Batavia Arboricultural Specifications Manual and the Batavia Municipal Electric Utility Line Clearance Tree Pruning Specification, performing work in a specified time and cost and

WHEREAS, bids were sought and received from qualified companies and following bid review, it was determined that Asplundh Tree Expert Co. has submitted the lowest responsible bid, and further, that Asplundh Tree Expert Co. has the experience and qualifications necessary to provide the work in a satisfactory and safe manner; and

WHEREAS, it is in the best interests of the City of Batavia that the bid from Asplundh Tree Expert Co. be accepted, and a Contract with Asplundh Tree Expert Co. be executed;

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 enter into the Contract with Asplundh Tree Expert Co. for Tree Trimming in an amount not-to-exceed $130,000 – said Contract being attached hereto as Exhibit #1.

PRESENTED to the City Council of the City of Batavia, Illinois, on the 21st day of March, 2016

PASSED by the City Council of the City of Batavia, Illinois, on the 21st day of March, 2016

CITY OF BATAVIA RESOLUTION 16-30-R

APPROVED by me as Mayor of said City of Batavia, Illinois, on the 21st day of March, 2016

_____
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFallen					Brown				
Mayor Schielke										

VOTE: Ayes 0 Nays Absent 0 Abstention(s) counted as _____
Total holding office: Mayor and 14 aldermen

ATTEST:

_____
Heidi L. Wetzel, City Clerk

EXHIBIT I

AGREEMENT
The City of Batavia
2016 Batavia Tree Trimming Contract

This AGREEMENT, made on the 21st day of March, 2016 by and between the City of Batavia (referred to in the Contract Documents as "Owner") and the Asplundh Tree Expert Company (referred to in the Contract Documents as "Contractor")

A. Description of Work:
2016 Batavia Tree Trimming Contract

For the purpose of this bid, a MANUAL CREW will be defined as: 1- Foreman 3-Climbers/Trimmers 1- Split Dump 1-Chipper					
LABOR	Per Hour	Overtime/Hr	Double OT/Hr	EQUIPMENT	Per Hour
Foreman	51.37	73.97		Truck	9.25
Climber/Trimmer #1	46.87	67.49		Chipper/Dump	4.75
Climber/Trimmer #2	41.02	59.07			
Climber/Trimmer #3	41.02	59.07			

For the purpose of this bid, a BUCKET TRUCK CREW will be defined as: 1- Foreman 1-Climber/Trimmer 1- Bucket/Split Dump 1-Chipper					
LABOR	Per Hour	Overtime/Hr	Double Time/Hr	EQUIPMENT	Per Hour
Forman	51.37	73.97		Truck	16.00
Climber/Trimmer #1	46.87	67.49		Chipper/Dump	4.75

B. Owner shall pay Contractor for the performance of the Work, in accordance with the General Conditions, the unit prices.

C. Adjustment Unit Price: Adjustment Unit Prices that will be used for increases or decreases in the Contract Price, along with the associated units of work listed on Bid Page shall be valid until December 31, 2016.

D. Contract Time: Time is of the essence of this Agreement. The Work shall be carried out continuously and at such a rate that will ensure full completion thereof within the Contract Time. The Contract Time is reasonable in consideration of the ordinary delays and hindrances usually encountered in the performance of such work.

E. 2016 City of Batavia Tree Trimming Contract amount to be paid not-to-exceed $130,00.00

The Contract Time is as follows: The Work shall be completed before December 31, 2016

If Contractor should neglect, refuse, or fail to complete all Work within the time set forth above, or any proper extension thereof granted by Owner, Contractor shall pay $500 to Owner for each and every day Contractor is in default in accordance with the General Conditions.

AGREEMENT: (Continued)

F. Execution: This Agreement is executed in (4) four copies, each of which shall be deemed original.

In faith whereof, witness the signature of both parties:

CONTRACTOR

ASPLUNDH TREE EXPERT CO.

By_____

_____

Title _____

Date_____

OWNER

THE CITY OF BATAVIA

By_____

Jeffery D. Schielke

Title Mayor

Date_____

ATTEST

By _____

Heidi L. Wetzel

Title City Clerk

Date _____

END OF AGREEMENT

CITY OF BATAVIA

DATE: March 7, 2016
TO: Committee of the Whole-CD
FROM: Scott Buening, Community Development Director
SUBJECT: Ordinance 16-15 Annexing Island 183B in the Fox River

1. **Summary:** Annexation of Island 183B in the Fox River.

2. **Background:** The City acquired Island 183B in the Fox River by tax sale in November 2015. A property tax exemption was filed shortly after acquisition. This property is not within the City limits, but is contiguous and can be annexed. The parcel is about 17,000 square feet in size, and is contiguous to the City limits on the north, east and west sides. The property will be zoned R0 upon annexation, and no rezoning is contemplated at this time.

   The City Council will need to pass the attached Ordinance in order to annex the property into the City limits.

3. **Alternatives, including no action if viable:**

   - Annex the property
   - Do not annex the property

   - **Pros** Annexing the property will square off the City boundary and will bring this City-owned parcel into the City limits.
   - **Cons** There are no cons associated with this proposal.
   - **Budget Impact** The plat of annexation and recording costs will be approximately $325.00.
   - **Staffing Impact** No impact on staffing.

4. **Timeline for actions:** If the Ordinance is passed by the City Council, the annexation would be effective upon recording the Ordinance.

5. **Staff recommendation:** Staff recommends approval of Ordinance 16-15 Annexing Island 183B in the Fox River.

Attachments:

1. Ordinance 16-15 Annexing Island 183B in the Fox River.
2. Plat of Annexation.

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-15

AN ORDINANCE ANNEXING AND ZONING ISLAND 183B IN THE FOX RIVER TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

ADOPTED BY THE
MAYOR AND CITY COUNCIL
____ 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

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-15

AN ORDINANCE ANNEXING AND ZONING ISLAND 183B IN THE FOX RIVER TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois, has acquired a parcel of land known as Island 183B in the Fox River to be used for utilities and open space; and

WHEREAS, the City of Batavia ("City") desires to annex this parcel into the City limits; and

WHEREAS, the property is designated by PIN 12-33-203-002 and is legally described in **EXHIBIT "A"** and the Plat of Annexation is attached as **EXHIBIT "B"** ("Territory"); and

WHEREAS, the said Territory is not within the corporate limits of any municipality but is contiguous to the City of Batavia; and

WHEREAS, the City is desirous of having this property annexed into the City of Batavia; and

WHEREAS, legal notices regarding the intention of the City to annex said Territory have been sent to all public bodies required to receive such notice by State Statute including the Fire District Trustees, the Township Supervisor, Clerk and Trustees and the Corporate Authorities of Kane County; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the terms of said annexation, the Statutes of the State of Illinois, specifically 65 ILCS 5/7-1-9, and the requirements of the Batavia Municipal Code; and

WHEREAS, it is in the best interest of the City of Batavia that the Territory described and depicted in **EXHIBITS "A" and "B"** be annexed thereto and the territory be zoned R0 Single Family pursuant to the City of Batavia Municipal Code;

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

SECTION 1: That the Territory described as attached hereto on **EXHIBITS "A" and "B"** is hereby annexed to the City of Batavia, Kane and DuPage Counties, Illinois.

SECTION 2: That said Territory described as attached on **EXHIBITS "A" and "B"** is hereby zoned R0 Single Family, under the terms and conditions of the Batavia Municipal Code.

SECTION 3: That the City Clerk is hereby directed to record with the Kane County Recorder and to file with the County Clerk a certified copy of this Ordinance, together with an accurate map of the Territory annexed appended to said Ordinance.

SECTION 4: That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

SECTION 5: This Ordinance 16-15 shall be in full force and effect upon its passage, presentation and approval according to law.

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					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerrone					Rusotto				
7	McFadden					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent Abstention(s)
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Heidi Wetzel, City Clerk

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MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

DESCRIPTION OF PROPERTY HEREBY ANNEXED:

ISLAND 183B LOCATED IN THE FOX RIVER IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

P.I.N. 12-33-203-002

Scale 1"=100'

==========LEGEND==========

Boundary of property annexed

Indicates existing City of Batavia corporate limits

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT I, SHAWN R. VanKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710 HAVE PREPARED THE ATTACHED PLAT FOR ANNEXATION PURPOSES AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID ANNEXATION.

DATED AT DEKALB, ILLINOIS THIS 17TH DAY OF FEBRUARY, 2016.

SHAWN R. VanKAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

FOR: CITY OF BATAVIA
JOB NO. WES 13384E

Prepared by:
William E. Hanna Surveyors
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com
License # 1842807

EXHIBIT A

ISLAND 183B LOCATED IN THE FOX RIVER IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

MAP OF TERRITORY TO BE ANNEXED TO THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

DESCRIPTION OF PROPERTY HEREBY ANNEXED:

ISLAND 183B LOCATED IN THE FOX RIVER IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

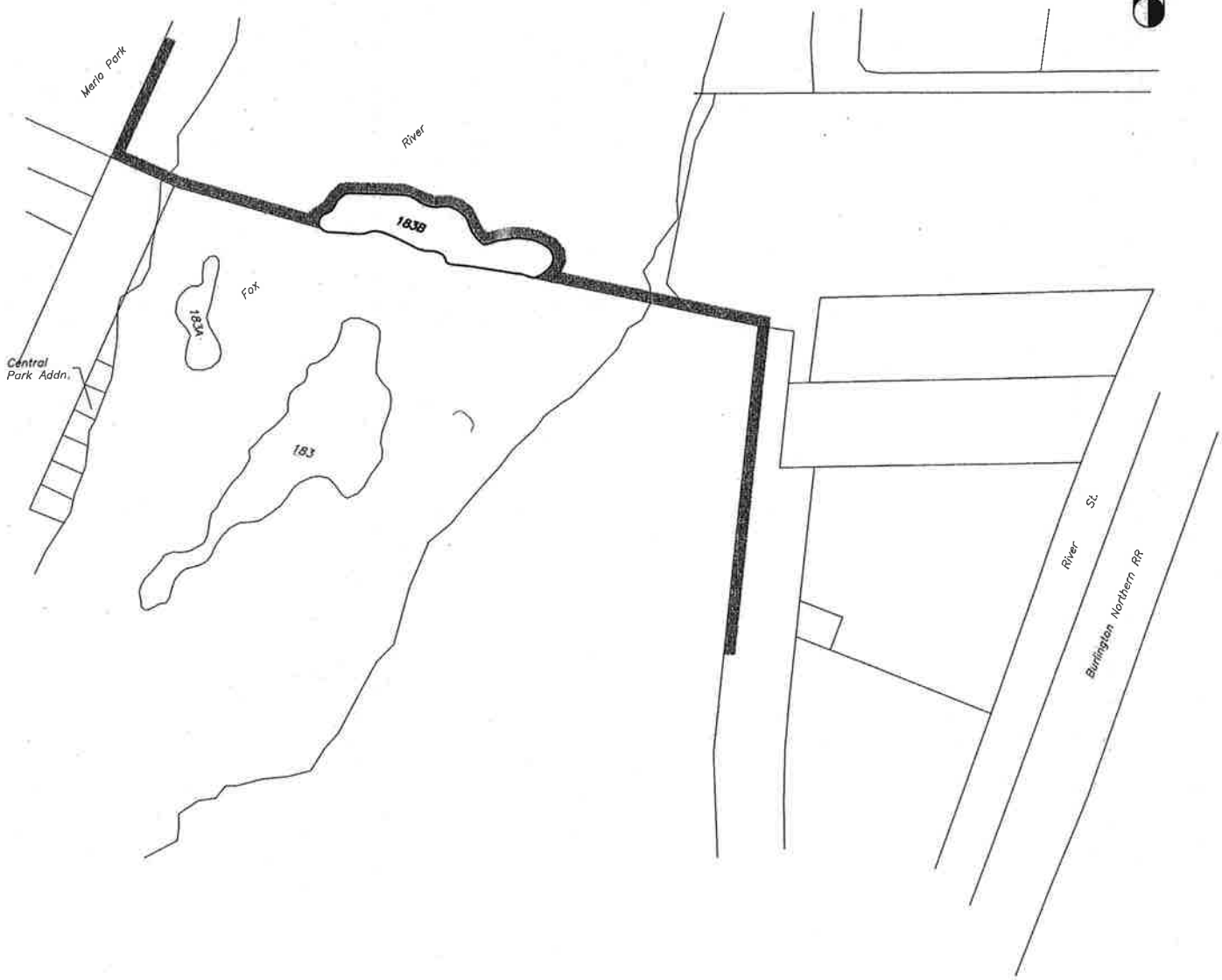
P.I.N. 12-33-203-002

Scale 1"=100'

==========LEGEND==========

Boundary of property annexed

Indicates existing City of Batavia corporate limits



STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT I, SHAWN R. VanKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710 HAVE PREPARED THE ATTACHED PLAT FOR ANNEXATION PURPOSES AND THAT SAID PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID ANNEXATION.

DATED AT DEKALB, ILLINOIS THIS 17TH DAY OF FEBRUARY, 2016.

Shawn R. VanKampen
SHAWN R. VanKAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

PROFESSIONAL LAND SURVEYOR
SHAWN R. VANKAMPEN
035-002710
DEKALB, ILLINOIS
STATE OF ILLINOIS

Prepared by:
William E. Hanna Surveyors
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com
License # 1842807

FOR: CITY OF BATAVIA
JOB NO. WES 13384E

CITY OF BATAVIA

DATE: **February 29, 2016**
TO: **Committee of the Whole-CD**
FROM: **Scott Buening, Community Development Director**
SUBJECT: **Ordinance 16-14—Annexing the Eastern section of the Burlington Northern Railroad Right-of-Way**

Summary: Ordinance annexing the eastern portion of the Burlington Northern Railroad Right-of-Way (ROW).

Background: The City has annexed properties that surround the eastern portion of the Burlington Northern Railroad ROW, located east and west of Kirk Road. The City limits are directly abutting the north, south and west sides of this property. The eastern end is bounded by the Mahoney Creek. Under State Statutes, this property is considered "surrounded" and since it is under 60 acres in size, can be annexed to the City. Staff did try to make an initial contact with the railroad about annexation back in late 2014. However, we received no response to the request for annexation.

This property traverses both sides of Kirk Road. The majority of this ROW is not located in any fire district, including the intersection of Kirk Road and the Railroad ROW. Thus technically there would be no responsible fire department/district that would respond to an accident at this location. While that would not happen in reality, we feel that the area should be annexed so that the City can provide fire/rescue and police services to this important location. In addition, the annexation would give the City the ability to control other land uses such as billboards on this property.

In order to proceed with the annexation, staff felt that an "involuntary" annexation would be the best way to annex the property in question. A plat of annexation is attached showing the area to be annexed. The annexation will put this property into the City limits and allow us to provide emergency services within the property annexed. The property will initially be zoned R0, but we will rezone the property to (a) more appropriate zoning district(s) in the future.

Alternatives:

a. **Pros-** This annexation more closely rounds out the City boundaries at the northeast part of the community, and allows the City to provide emergency services within the property annexed.

b. **Cons-** There are no negatives to this annexation as the property has a $0.00 tax obligation.

c. **Budget Impact-** The property is and will remain tax exempt as a railroad property, so there is no effect on property taxes. The plat of annexation and recording costs will be approximately $250.00.

d. **Staffing Impact-** No staffing impact.

Timeline for actions: Due to the public notice requirements, a public hearing on the annexation is required. This is scheduled in front of the City Council on March 21, 2016 at 7:30 PM.

Staff recommendation: Staff recommends the Committee approve of Ordinance 16-14 Annexing the the eastern portion of the Burlington Northern Railroad Right-of-Way.

Attachments:

1. Ordinance 16-14 Annexing the eastern portion of the Burlington Northern Railroad Right-of-Way.
2. Public Notice.
3. Plat of Annexation.
4. Area Map.

Cc: Mayor & City Council
File

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-14

AN ORDINANCE ANNEXING AND ZONING PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

ADOPTED BY THE
MAYOR AND CITY COUNCIL
___ 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

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-14

AN ORDINANCE ANNEXING AND ZONING PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois, has found a portion of the Burlington Northern Railroad Right-of-Way along Kirk Road is completely surrounded by the City limits of Batavia and a creek and is under 60 acres in size; and

WHEREAS, the property is designated by PINs 12-23-501-004, 12-24-501-001 and 12-13-501-001 (part), is legally described in **EXHIBIT "A"** and the Plat of Annexation is attached as **EXHIBIT "B"** ("Territory"); and

WHEREAS, the said Territory is not within the corporate limits of any municipality but is contiguous to and surrounded by the City of Batavia; and

WHEREAS, the City is desirous of having this property annexed into the City of Batavia as the City provides police and fire services to all properties that surround this property; and

WHEREAS, legal notices regarding the intention of the City to annex said Territory have been sent to all public bodies required to receive such notice by State Statute including the Fire District Trustees, the Township Supervisors, Clerks and Trustees and the Corporate Authorities of Kane County; and

WHEREAS, publication of the proposed annexation has occurred at least 10 days prior to the annexation as required by Statute; and

WHEREAS, a public hearing on the annexation to take testimony on the proposed annexation was conducted on March 21, 2016; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the terms of said annexation, the Statutes of the State of Illinois, specifically 65 ILCS 5/7-1-13, and the requirements of the Batavia Municipal Code; and

WHEREAS, it is in the best interest of the City of Batavia that the Territory described and depicted in **EXHIBITS "A" and "B"** be annexed thereto and the territory be zoned R0 Single Family pursuant to the City of Batavia Municipal Code;

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

SECTION 1: That the Territory described as attached hereto on **EXHIBITS "A" and "B"** is hereby annexed to the City of Batavia, Kane and DuPage Counties, Illinois.

SECTION 2: That said Territory described as attached on **EXHIBITS "A" and "B"** is hereby zoned R0 Single Family, under the terms and conditions of the Batavia Municipal Code.

SECTION 3: That the City Clerk is hereby directed to record with the Kane County Recorder and to file with the County Clerk a certified copy of this Ordinance, together with an accurate map of the Territory annexed appended to said Ordinance.

SECTION 4: That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

SECTION 5: This Ordinance 16-14 shall be in full force and effect upon its passage, presentation and approval according to law.

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					Fischer				
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 Abstention(s)
Total holding office: Mayor and 14 aldermen

ATTEST:

Heidi Wetzel, City Clerk

PUBLIC NOTICE

PUBLIC NOTICE is hereby given to all persons concerned that on the 21st day of March, 2016 at 7:30 p.m., in the City Council Chambers of the Municipal Building, at 100 North Island Avenue, Batavia, Illinois, there will be held a Public Hearing wherein the City Council of the City of Batavia will conduct a Public Hearing on a proposed involuntary annexation of land, pursuant to 65 ILCS 5/7-1-13 of the Illinois Compiled Statutes. The property being considered for annexation is completely surrounded by the City limits of Batavia and a creek, is approximately 4.82 acres in size and is legally described as follows:

See Exhibit A

The property, which is the subject matter of the Public Hearing, is part of the Burlington Northern Railroad located east and west of Kirk Road. The property will be zoned R0 Single family residential after annexation.

All persons interested in this matter are invited to attend and speak at the Public Hearing. The Public Hearing may be continued to a further date, time and place without further notice or publication such as this notice.

Heidi Wetzel, City Clerk
City of Batavia

Exhibit "A"

DESCRIPTION OF PROPERTY HEREBY ANNEXED:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, THE NORTHWEST QUARTER OF SECTION 24 AND THE SOUTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 11 OF PRAIRIE LANDS SUBDIVISION, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE SOUTHERLY, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 104.1 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 2,922.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE 2,100.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID SOUTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 2,100.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO SAID NORTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE POINT OF BEGINNING, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

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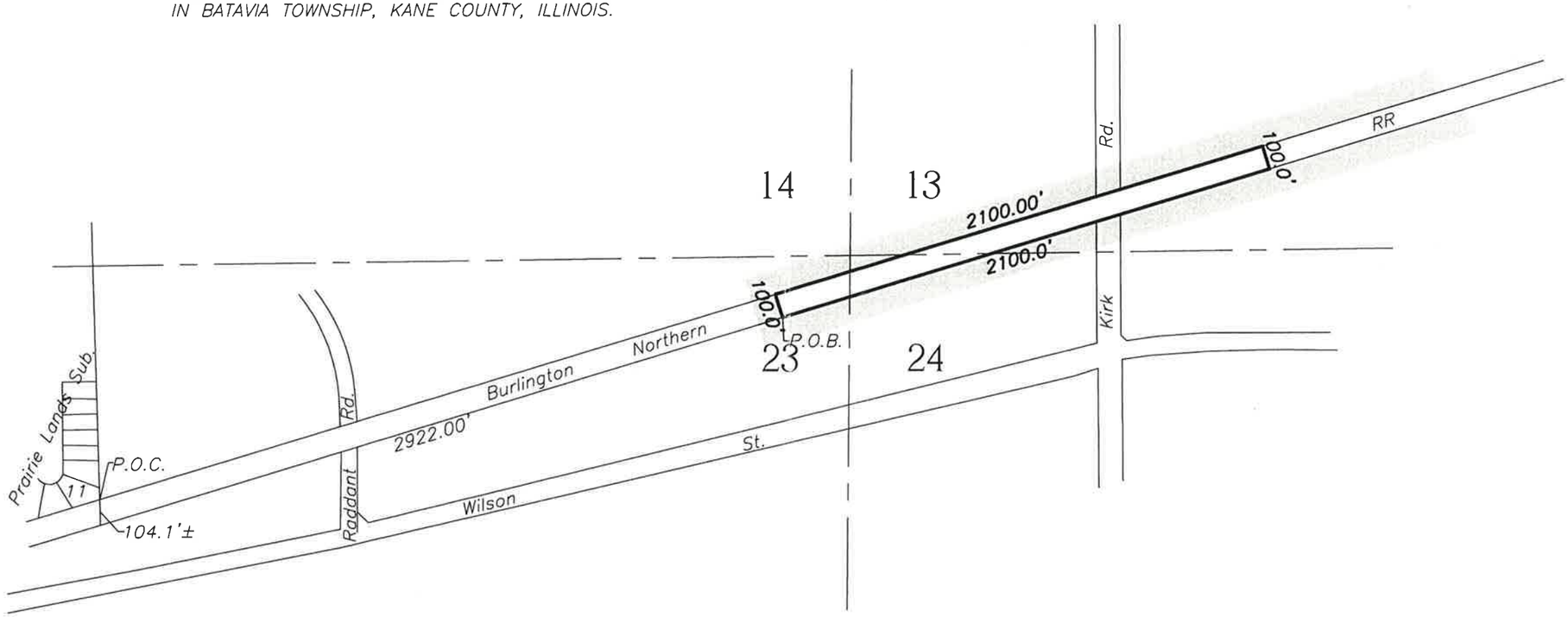
MAP OF TERRITORY HEREBY ANNEXED TO THE CITY OF BATAVIA, ILLINOIS.

DESCRIPTION OF PROPERTY HEREBY ANNEXED:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, THE NORTHWEST QUARTER OF SECTION 24 AND THE SOUTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 11 OF PRAIRIE LANDS SUBDIVISION, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE SOUTHERLY, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT, 104.1 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 2922.00 FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 2100.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID SOUTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 2100.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO SAID NORTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE POINT OF BEGINNING, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

Not to scale



==========LEGEND==========

Boundary of property hereby annexed

Indicates existing corporate limits

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT I, SHAWN R. VanKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710 HAVE PREPARED THE ATTACHED PLAT FOR ANNEXATION PURPOSES. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

DATED AT DEKALB, ILLINOIS THIS 8TH DAY OF DECEMBER, 2015.

Shawn R. Van Kampen
SHAWN R. VanKAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

PROFESSIONAL LAND SURVEYOR
SHAWN R. VANKAMPEN
035-002710
DEKALB, ILLINOIS
STATE OF ILLINOIS

Prepared by:
William E. Hanna Surveyors
License No. 1842807
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com ©

FOR: CITY OF BATAVIA
JOB NO. WES 13384C

Exhibit _____

JEFFERY D. SCHIELKE, MAYOR

TO: Aldermen
DATE: March 18, 2016
FROM: Jeffery Schielke, Mayor
SUBJECT: Volunteer Position Appointments

We have been asked over the years to appoint representatives to the Board of Directors for both Batavia Main Street and the Batavia Chamber of Commerce.

Martin Callahan and Paula Mueller are both interested in the Batavia Chamber representative position and have decided between themselves to hold a one year position. Marty Callahan will represent the City the first year and Paula Mueller will hold the position the following year. I will appoint Marty to be the representative to the Chamber of Commerce.

Kyle Hohmann was the first to express interest in the Main Street Board position. I will appoint Kyle to be the representative to Main Street.

We also have an Environmental Commission opening. Abby Beck, 305 S. Jefferson, has expressed interest in this position. She comes to us with an environment science background and has attend meetings and volunteered with this year's Green Fair on the Fox. I am appointing Abby to the Environmental Commission.

It is important to note that these positions are volunteer and require some minor commitment of time, some of which is during weekday business hours. Included are assignments for such tasks as board and committee meetings, event support services, and possibly some fund-raising activities.

These appointments will be on the March 21, 2016 City Council agenda. Please call if you have any questions.

CITY OF BATAVIA

DATE: March 16, 2016

TO: Mayor and City Council

FROM: Joel Strassman, Planning and Zoning Officer

SUBJECT: **Ordinance 16-09:** Variances
Ordinance 16-10: Conditional Use for a Drive Through Eating Establishment
Dunkin Donuts at the Shell Gas Station,108 North Batavia Avenue
(3-15-16 COW-CD Vote 12-0)

Summary: At its March 15, 2016 meeting, the Committee of the Whole (COW) reviewed revised draft ordinances that would grant variances and conditional use approval for the addition of a Dunkin' Donuts drive through to the Shell gas station at the northeast corner of Batavia Avenue and Houston Street. Staff informed the COW of a meeting with the business owner earlier that day that resulted in revisions to, and deletions of several of the conditions of approval in the revised draft ordinances.

The owner of the residence to the north spoke at the March 15th meeting, emphasizing his concerns about the proposed refuse area. He stated that the proposed pick up hours are acceptable and suggested that a lock be added to keep people from accessing the dumpsters.

The COW asked about the pending design review by the Plan Commission. Staff noted that this would take place on April 6th and would include site landscaping. The COW stated concern with the number conditions in the draft conditional use ordinance. The COW agreed that landscaping issues can be left to the Plan Commission. The COW decided to eliminate the conditions regarding the sidewalk width, utility relocation, stairs from Houston Street, right-of-way dedication, and the private utility easement.

Steve Vasilion, speaking on behalf of Harry Mehta, the business owner, informed the COW that the proposed illuminated red bar is a Shell corporate requirement and that it would generate negligible light trespass to the neighboring property. If it were non-illuminated, it would appear "burnt out." He requested that the retaining wall not use the "slip form" texture that was discussed previously and instead use a chamfered retaining wall will have detailing similar to the wall on the adjacent property. Ivy would be planted at the base, providing wall coverage in a few years. Mr. Vasilion requested that fuel deliveries be extended to 10am to midnight with employee parking restriction signage to match, drive through hours to begin at 4am daily, and that the faucet requirement be eliminated.

The COW agreed that the red bar would have little impact, the retaining wall proposal is adequate and details can be decided by the Plan Commission through design review, provided lights from a vehicle the height of a Ford F-250 can be blocked. The COW also agreed that fuel delivery and drive through times requested are reasonable, and with an existing faucet on the south side of the building, the additional faucet requirement can be eliminated.

COW Action: By a votes of 12-0, the COW recommended approval of Ordinances 16-09 and 16-10, with revisions added to each to accommodate the COW's discussion. The COW directed staff to revise the Ordinances accordingly and place them on the City Council's March 21st agenda for final action.

Alternatives: Attached Ordinances 16-09 and 16-10 have been revised per the COW's direction. As a reminder, Ordinance 16-09 requires a 2/3 majority vote (10 votes) of the City Council due to the negative ZBA recommendation for several of the variances. The Council can approve the Ordinances as presented, approve either subject to revisions per Council direction, or deny one or both.

- **Pros:** Approval of revised Ordinance 16-09 and 16-10 grants all requested variances and the required conditional use, allowing the drive through that would increase commerce (sales tax revenue) on the property. The Ordinances include some site improvement and operational conditions to enhance the appearance of the site and lessen its impact to neighboring residents.

- **Cons:** Denial of either Ordinance will effectively stop the project from moving forward.
- **Budget Impact:** Approval of the Ordinances provides potential for increased revenue from additional sales tax.
- **Staff Impact:** Staff time has and would be used to complete the entitlement process and to complete the building permit process.

Recommendation: Both attached Ordinances have been drafted per direction given by COW on March 15th. Staff therefore recommends approval of Ordinances 16-09 and 16-10 as presented.

Attachments:

1. Ordinance 16-09
2. Ordinance 16-10

c Mayor and City Council
Department Heads
Jon P. Green, applicant
Harry Mehta, Shell owner
Media

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-09

GRANT OF VARIANCES FOR DUNKIN' DONUTS-SHELL

Harry Mehta, HM1 Batavia, LLC, Property Owner
(108 North Batavia Avenue)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21st DAY OF MARCH, 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 March, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-09

GRANT OF VARIANCES FOR DUNKIN' DONUTS-SHELL

(108 North Batavia Avenue)

WHEREAS, HM1 Batavia, LLC owns the property located at 108 North Batavia Avenue, and has authorized Jon P. Green to submit an application, on its behalf, for variances to the City of Batavia Zoning Code for property legally described as:

Parcel 1: Lots 4 and 5 in Block 3 in Joseph Orr McKee's Addition to Batavia, in the City of Batavia, Kane County, Illinois (PIN 12-22-132-018); and
Parcel 2: Lot 10 in Assessor's Third Addition to Batavia, in the City of Batavia, Kane County, Illinois (PIN 12-22-132-024); and

WHEREAS, said application requests relief from various Sections of the Batavia Zoning Code, to allow site and building improvements for consideration of approval of a conditional use for the addition of a drive-through eating establishment to a fuel and retail facility, for the following:

1. Section 4.205.E – to allow a drive through business less than 50 from property designated for residential use in the Comprehensive Plan;
2. Section 4.506 – to allow a drive through aisle to be at least 100 feet from away from residentially designated property;
3. Section 4.209.A.1 – to allow a drive through lane less than 20 feet wide;
4. Section 4.407.B.1.e(2) – to allow an increase in wall sign area up to an additional 41 square feet on the south wall and up to 46 square feet on the west wall;
5. Section 4.407.B.2a(3) – to allow a monument sign area in excess of the allowed 32 square feet by adding approximately 27 square feet to the existing sign;
6. Section 4.407.B.2.f(3) – to allow canopy sign elements to project more than 2 inches from the canopy edge;
7. Table 4.205.A – to allow parallel parking stalls to be 9 feet wide and perpendicular spaces to be 18 feet long;
8. Zoning Code Section 3.303.B – to omit landscaping within 50 feet of Batavia; and
9. Section 4.203.Q to allow wheel stops; and

WHEREAS, notice was duly executed and the Batavia Zoning Board of Appeals held a public hearing on January 20, 2016; and

WHEREAS, following said hearing, the Zoning Board of Appeals made the following positive findings for the above variances numbered 4, 6, 7, 8, and 9:

1. There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district;
2. Unique circumstances exist that were not created by the current or previous owners or applicant;

3. The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located;
4. The variance, if granted, would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;
5. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general; and

WHEREAS, following said hearing, the Zoning Board of Appeals did not make positive findings for the above variances numbered 1, 2, 3, and 5 and subsequently did not recommend that variances numbered 1, 2, 3, and 5 be granted; and

WHEREAS, following said hearing, the Zoning Board of Appeals recommended that the variances numbered 4, 6, 7, 8, and 9 as listed above be granted, with conditions as noted:

1. For variances numbers 4 and 6, no added illuminated elements are allowed to the north canopy; and
2. For variance number 7:
   a. Additional landscaping be added adjacent to the north parking spaces, with design review approval;
   b. A curb be added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what's proposed for the south parking and inside this area should be suitable landscaping, including a tree, with design review approval;
   c. That the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree, with design review approval; and
3. For variance number 9, the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree, with design review approval; and

WHEREAS, on March 1 and 15, 2016, the Batavia City Council's Committee of the Whole reviewed the application and record of the hearing, and the findings and actions of the Zoning Board of Appeals; and

WHEREAS, the Committee of the Whole determined that, with appropriate site and building improvements and business operational restrictions, the proposed drive through and associated building and site improvements can balance providing an opportunity for increased commerce with limiting impacts to neighboring properties and adjacent street traffic; and

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

SECTION 1: That the application for the below listed variances, submitted on behalf of property owner Harry Mehta, HM1 Batavia, LLC, to allow site and building improvements for consideration of approval of a conditional use for the addition of a drive-through eating establishment to a fuel and retail facility at 108 North Batavia Avenue, with conditions for approval as specified herein, and compliance with all other codes and ordinances, and in substantial conformance to the Exhibits attached hereto, with Plan Commission design review approval, is approved.

1. Section 4.205.E – to allow a drive through business at 0 feet from property designated for residential use in the Comprehensive Plan rather than the required 50 feet;
2. Section 4.506 – to allow a drive through aisle approximately 47 feet from residentially designated property rather than the required 100 feet;
3. Section 4.209.A.1 – to allow a drive through lane having varying widths as little as 10 feet, less than the required 20 feet, as shown on Exhibit B herein;

4. Section 4.407.B.1.e(2) – to allow an increase in wall sign area up to an additional 41 square feet on the south wall and up to 46 square feet on the west wall;
5. Section 4.407.B.2a(3) – to allow a monument sign area in excess of the allowed 32 square feet by adding approximately 27 square feet to the existing sign;
6. Section 4.407.B.2.f(3) – to allow canopy sign elements to project 4 inches from the canopy edge rather than the allowed 2 inches;
7. Table 4.205.A – to allow parallel parking stalls to be 9 feet wide and perpendicular spaces to be 18 feet long, subject to the following conditions and Plan Commission design review approval:
   a. Additional landscaping be added adjacent to the north parking spaces;
   b. A curb be added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what's proposed for the south parking and inside this area should be suitable landscaping, including a tree subject to Plan Commission design review approval;
   c. That the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree;
8. Zoning Code Section 3.303.B – to omit landscaping within 50 feet of Batavia Avenue with the condition that the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree subject to Plan Commission design review approval; and
9. Section 4.203.Q to allow parking wheel stops.

Exhibit	Plan	Dated	Prepared by
A	Plat of Survey	9/12//12	Todd Surveying
B	Concept Plan	1/11/16	Engineering Resources, Inc.
C	Landscape Plan	Revised 12/16/15	Wingren Landscape
D	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
E	Monument Sign	11/2/15	"
F	Canopy Edge Design	-	Shell International Petroleum Co.

SECTION 2: That this Ordinance 16-09 shall be in full force and effect upon its presentation, passage and publication according to law.

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

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

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					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 Wetzel, City Clerk

A.L.T.A \ A.C.S.M. LAND TITLE SURVEY

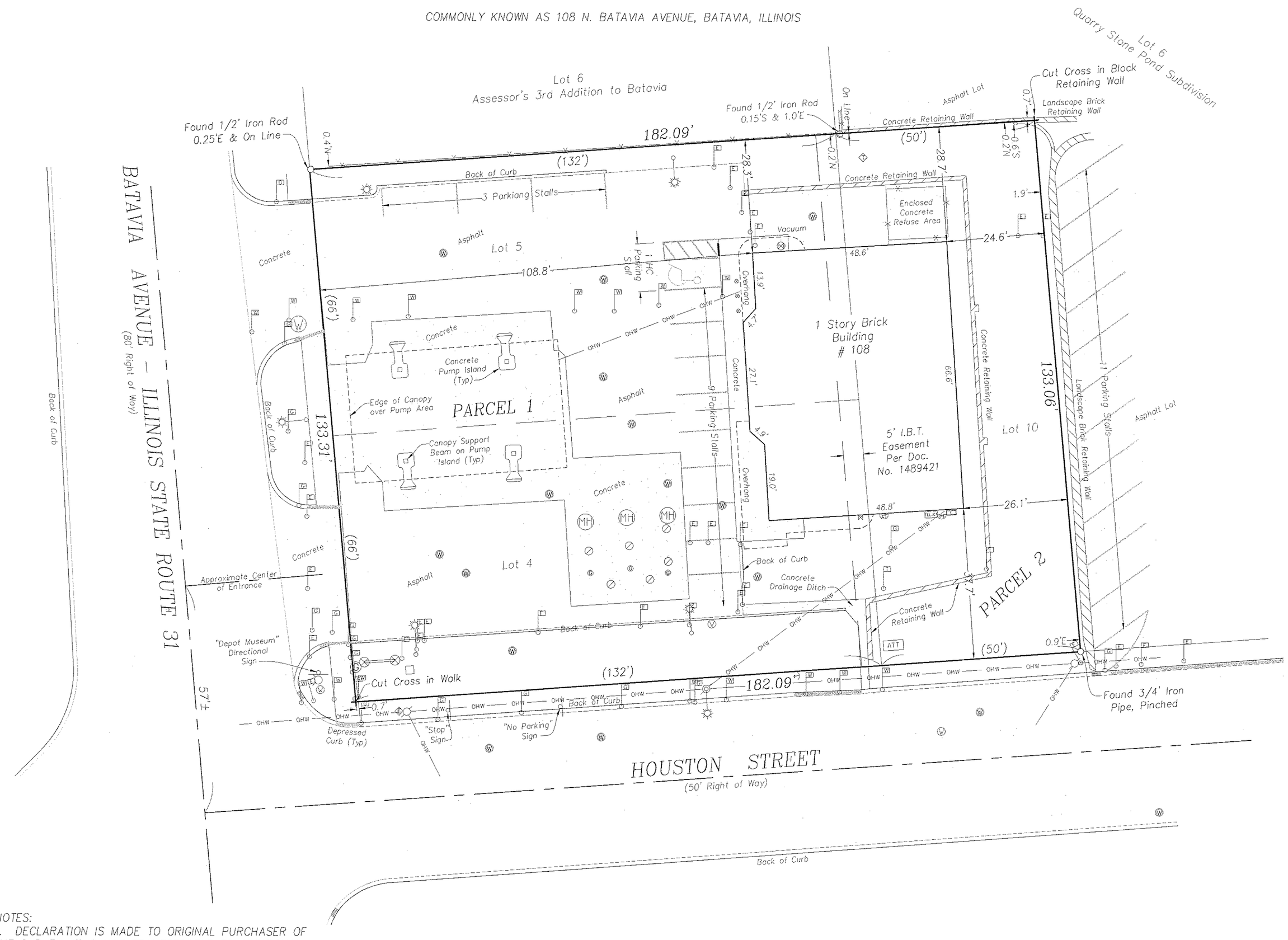
P.I.N.'s
12-22-132-018
12-22-132-024

Exhibit A

PARCEL 1: LOTS 4 AND 5 IN BLOCK 3 IN JOSEPH ORR MCKEE'S ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

PARCEL 2: LOT 10 IN ASSESSOR'S THIRD ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS 108 N. BATAVIA AVENUE, BATAVIA, ILLINOIS



NOTES:

1. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

2. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.

3. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

5. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/ STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/ STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS: TELEPHONE, ELECTRIC, WATER, SEWER, STORM, AND CABLE T.V.

6. THIS IS AN ALTA/ACSM SURVEY. IT IS NOT INTENDED TO BE USED AS THE BASIS FOR ENGINEERING/STRUCTURAL DESIGN.

7. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO. 008873903 PREPARED BY CHICAGO TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF MAY 22, 2012. THE FOLLOWING COMMENTS CORRESPOND TO THE ITEMS NUMBERED IN THE ABOVE REFERENCED COMMITMENT.

SCHEDULE B, ITEM L:

IN OUR OPINION, AN EASEMENT GRANTED TO ILLINOIS BELL TELEPHONE COMPANY RECORDED JANUARY 2, 1979 AS DOCUMENT 1489421, DOES AFFECT THIS PROPERTY, TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF. (PLOTTED)

TABLE A, ITEM 4:

GROSS LAND AREA – 24,248.40 SQ.FT.
– 0.557 ACRES, MORE OR LESS

TABLE A, ITEM 9:

PARKING STALLS – 12
HANDICAP PARKING STALL – 1

TOTAL PARKING STALLS – 13

TO: WAHEED ULLAH;
TALLWOOD PROPERTIES, INC.;
CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 7(a), 8, 9, 11(a), 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 8, 2012.

DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 12, 2012.

Eric C. Pokorny

ERIC C. POKORNY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3818

PROFESSIONAL LAND SURVEYOR ERIC C. POKORNY 3818 YORKVILLE, IL. STATE OF ILLINOIS

SCALE 1" = 20'

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

(XX.XX') = Record Distance
XX.XX' = Measured Distance

Fence
Concrete/Asphalt
Bollard
Utility Pole
Sign
Telephone Pedestal
Telephone Junction Box
Utility Pole Anchor
AT&T Cabinet
Curb Inlet
Electric Meter
Electric Pedestal
Electric Junction Box
Fire Hydrant
Fuel Port
Gas Valve
Gas Meter
Handhole
J.U.L.I.E. Marker, Electric
J.U.L.I.E. Marker, Gas
J.U.L.I.E. Marker, Telephone
J.U.L.I. Marker, Water
Overhead Light Mast Arm
Light Pole (No light)
Fuel Manhole
Vent
Monitoring Well
Water Valve
B-Box
Utility Pole w/Overhead Light Mast Arm

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

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

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

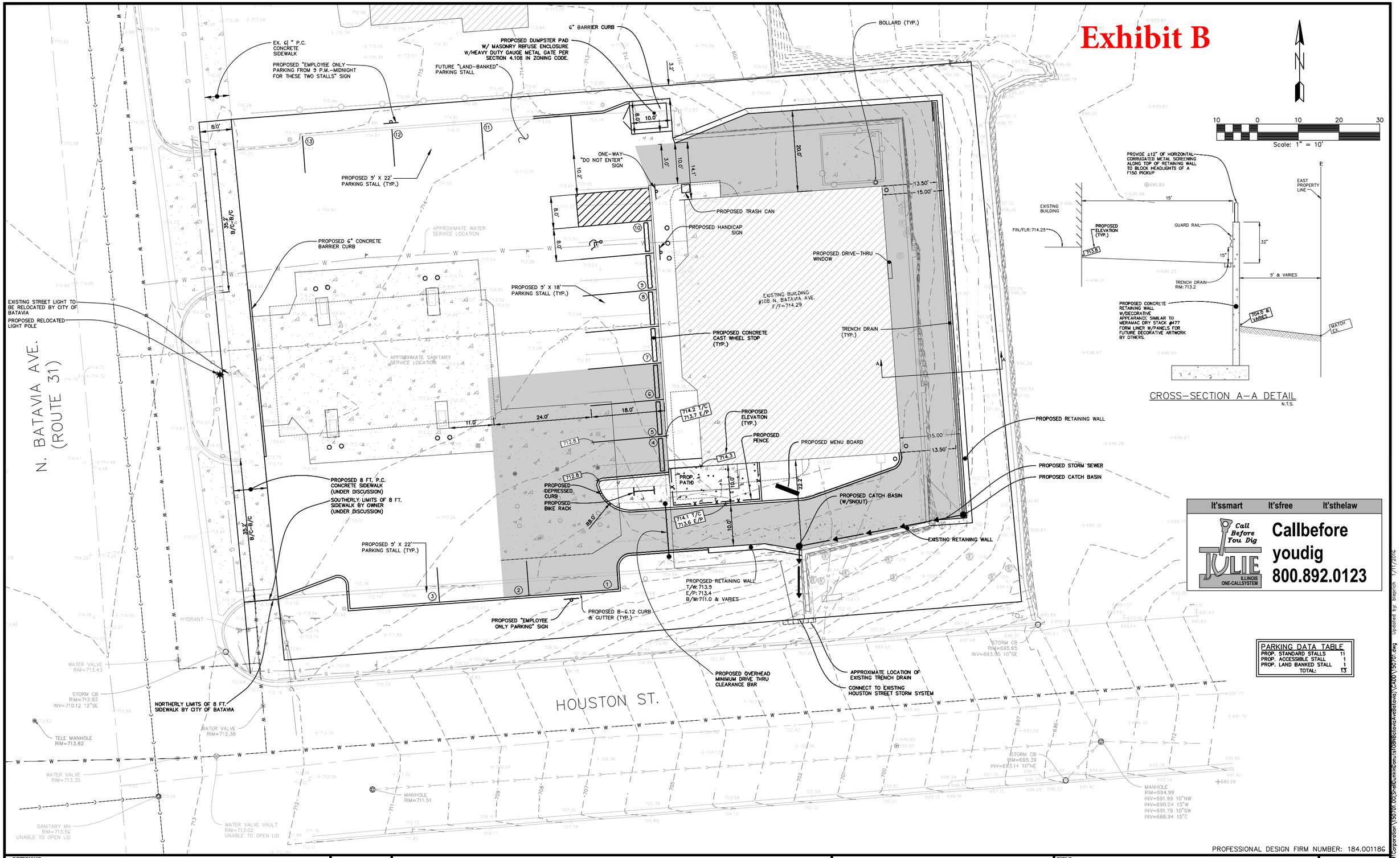
Client: Tallwood Properties, Inc.

Book #: 2151 | Drawn By: PM.EP | Plat #: 7919/2767 11356
Reference:
Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

Exhibit B



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRAWN BY: BL
CHECKED BY: AK
APPROVED BY: JG

ENGINEERING RESOURCE ASSOCIATES,INC.
CONSULTINGENGINEERS,SCIENTISTS &SURVEYORS

3S701WESTAVENUE,SUITE150
WARRENVILLE,ILLINOIS60555
PHONE(630)393-3060
FAX(630)393-2152

10S.RIVERSIDEPLAZA,SUITE875
CHICAGO,ILLINOIS60606
PHONE(312)474-7841
FAX(312)474-6099

2416GALENDRIVE
CHAMPAIGN,ILLINOIS61821
PHONE(217)351-6268
FAX(217)355-1902

HM1 CORPORATION

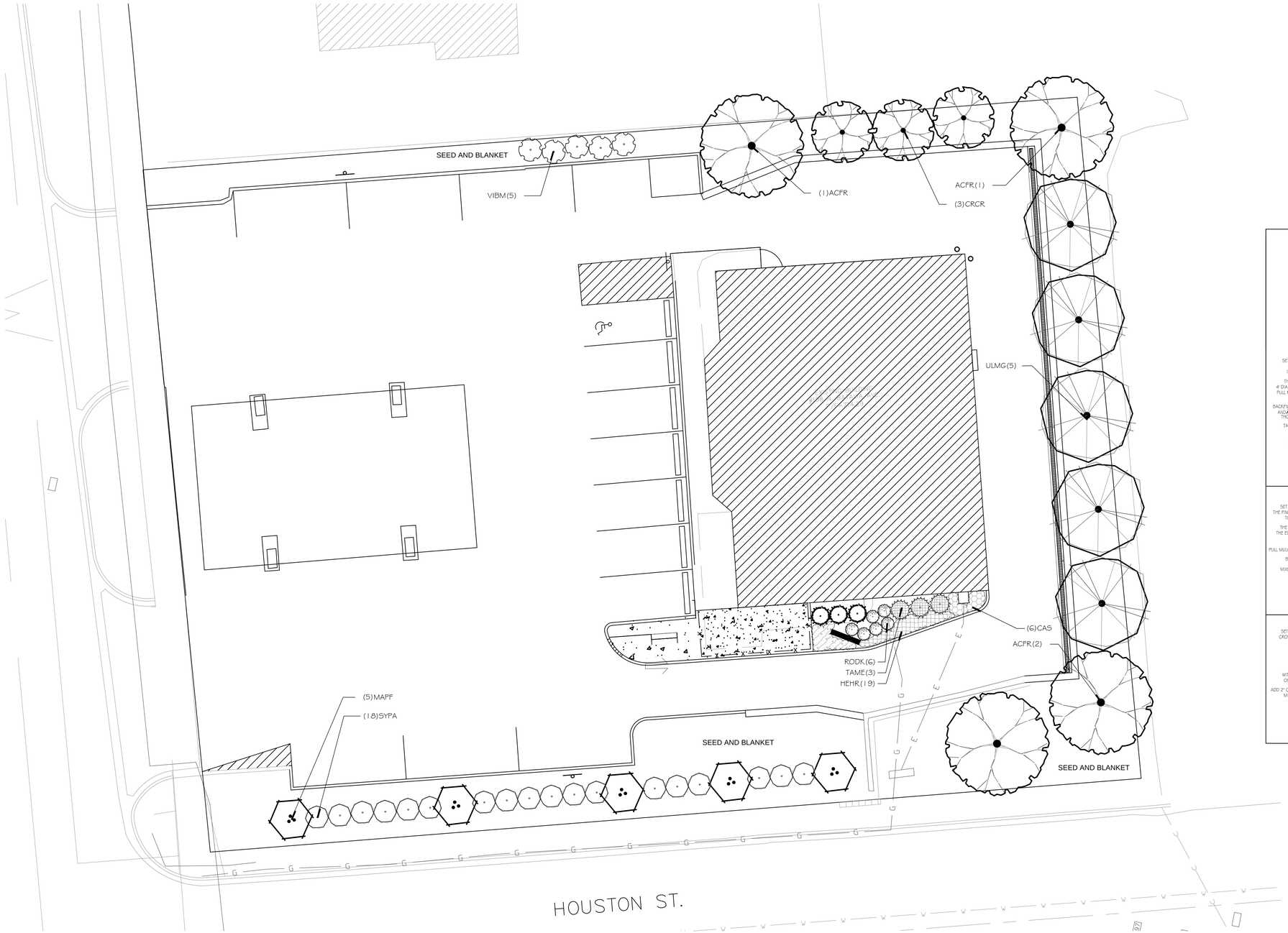
TITLE: CONCEPT PLAN
SHELL OF BATAVIA
BATAVIA, ILLINOIS

SCALE: 1"=10'
DATE: 01/11/16
JOB NO: 150701
SHEET 1 OF 1

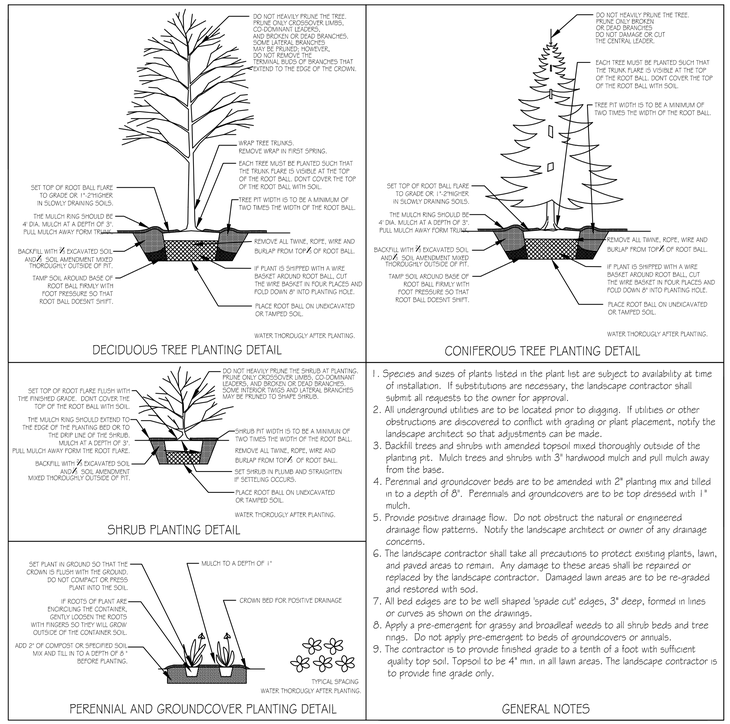
G:\PROJECTS\HM1Corporation\150701.00\SmallUnkindonuts108NBataviaAveBatavia\CADD\150701.dwg Updated by: bleprich 1/11/2016

All base information & dimensions are approximate only. All layout to be verified in the field.

Exhibit C

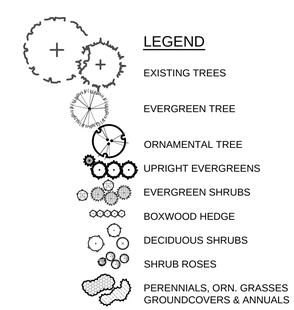


TREES	Quantity	Botanical	Common	Size	
ACFR	4	Acer freemanii `Jeffersred` TM	Autumn Blaze Maple	2.5" BB	
CRCR	3	Crataegus crusgalli var. inermis TM	Thornless Cockspur Hawthorn	6' BB	
MAPF	5	Malus hybrid `Prairifire`	Prairifire Crab	6' BB	
ULMG	5	Ulmus x `Morton Glossy` TM	Triumph Elm	2.5" BB	
EVERGREEN TREES					
THOC	3	Thuja occidentalis `Mission or Techny`	Mission or Techny Arborvitae	6` Ht.	
SHRUBS					
RODK	6	Rosa hybrids `Double Knockout`	Knockout Rose	3 gal	
SYPA	18	Syringa patula `Miss Kim`	Miss Kim Lilac	30" BB	
VIBM	5	Viburnum dentatum `Blue Muffin`	Southern Arrowwood	5 gal	
GROUND COVERS					**Spacing**
GEHR	13	Geranium hybrid `Rozanne` TM	Hybrid Cranesbill	1 gal	18" o.c.
HEHR	19	Hemerocallis hybrid `Happy Returns`	Happy Returns Daylily	1 gal	18" o.c.



1. Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
2. All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
3. Backfill trees and shrubs with amended topsoil mixed thoroughly outside of the planting pit. Mulch trees and shrubs with 3" hardwood mulch and pull mulch away from the base.
4. Perennial and groundcover beds are to be amended with 2" planting mix and tilled in to a depth of 8". Perennials and groundcovers are to be top dressed with 1" mulch.
5. Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
6. The landscape contractor shall take all precautions to protect existing plants, lawn, and paved areas to remain. Any damage to these areas shall be repaired or replaced by the landscape contractor. Damaged lawn areas are to be re-graded and restored with sod.
7. All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
8. Apply a pre-emergent for grassy and broadleaf weeds to all shrub beds and tree rings. Do not apply pre-emergent to beds of groundcovers or annuals.
9. The contractor is to provide finished grade to a tenth of a foot with sufficient quality top soil. Topsoil to be 4" min. in all lawn areas. The landscape contractor is to provide fine grade only.

GENERAL NOTES



LANDSCAPE PLAN

SCALE: 1" = 10'-0"

0 5 10 20

WINGREN LANDSCAPE
ALL THINGS OUTDOOR

5126 Walnut Ave.
Downers Grove, IL 60515
TEL 630.759.8100
www.wingrenlandscape.com

Copyright Wingren Landscape, all rights reserved. The design and any and all ideas contained herin are the sole property of Wingren landscape. Reproduction of the design or concept embodied herin in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

Dunkin' Donuts

Batavia, IL

REVISIONS:
REVISED PER ARCHITECTS COMMENTS 12.16.15

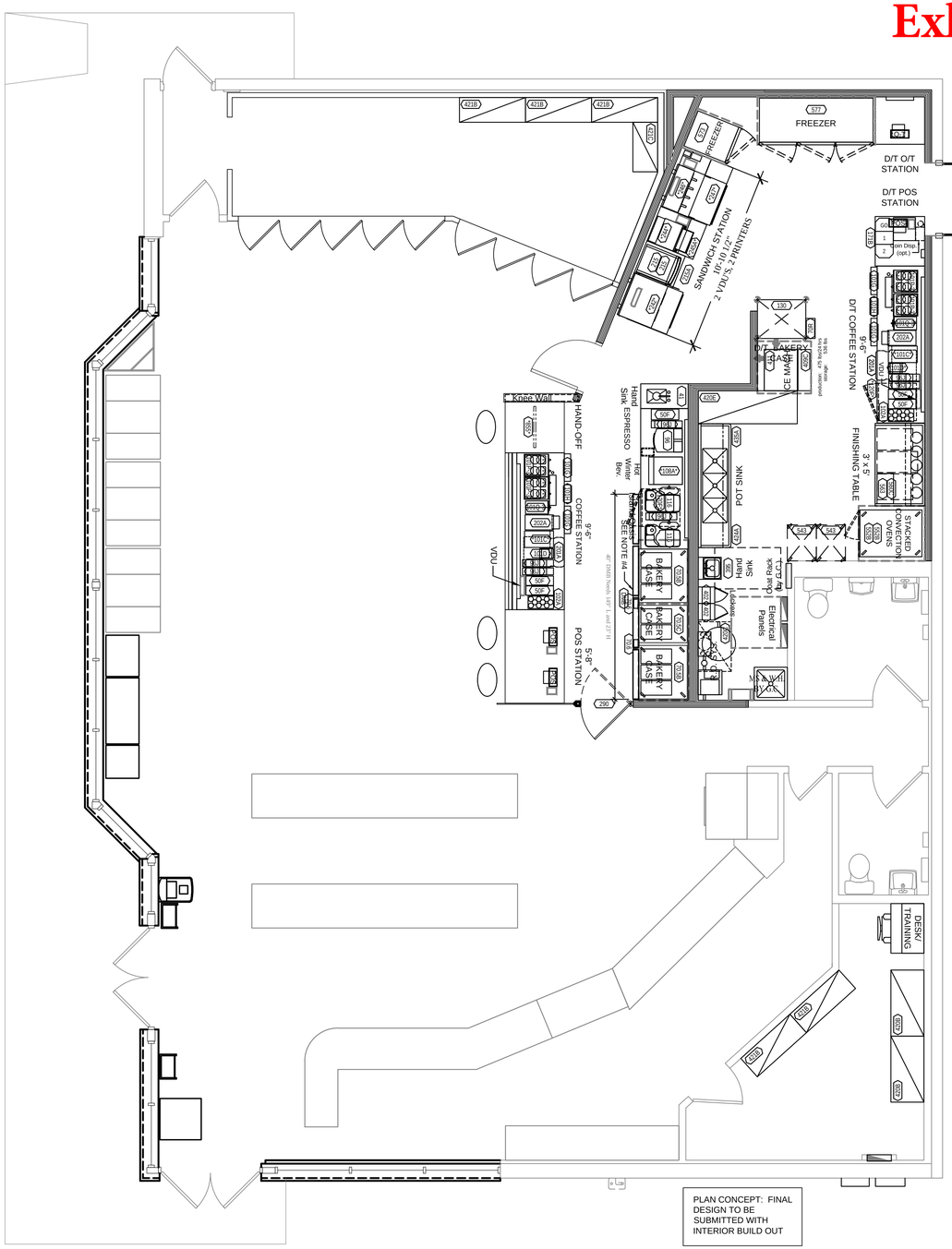
SHEET TITLE:
LANDSCAPE PLAN

DATE: 10.28.15
JOB: P-
SCALE: 1"=10'
BY:JZ, EB

SHEET L1 OF 1

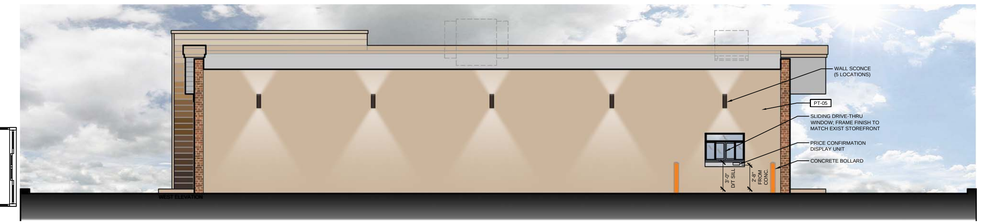
Exhibit D

ELEVATION CONCEPTS: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT



PLAN CONCEPT: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT

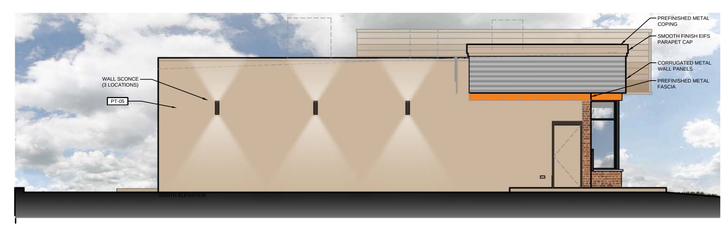
1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



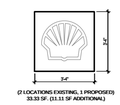
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

4 WEST ELEVATION
SCALE: 1/8" = 1'-0"

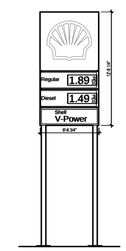


5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



(7 LOCATIONS (EXISTING, 1 PROPOSED)
33.33 SF. (33.33 SF ADDITIONAL)

6 PECTEN LOGO
SCALE: 1/8" = 1'-0"



EXISTING PYLON SIGN
83.26 SF.

7 EXISTING SIGN ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

8 PYLON SIGN ELEVATION
SCALE: 1/8" = 1'-0"

ISSUE			
NO	DESCRIPTION	DATE	
1	CONCEPT PROPOSAL	09/30/2015	

ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

Copyright © 2015 Kolbrook Design, Inc.

dunkin' brands

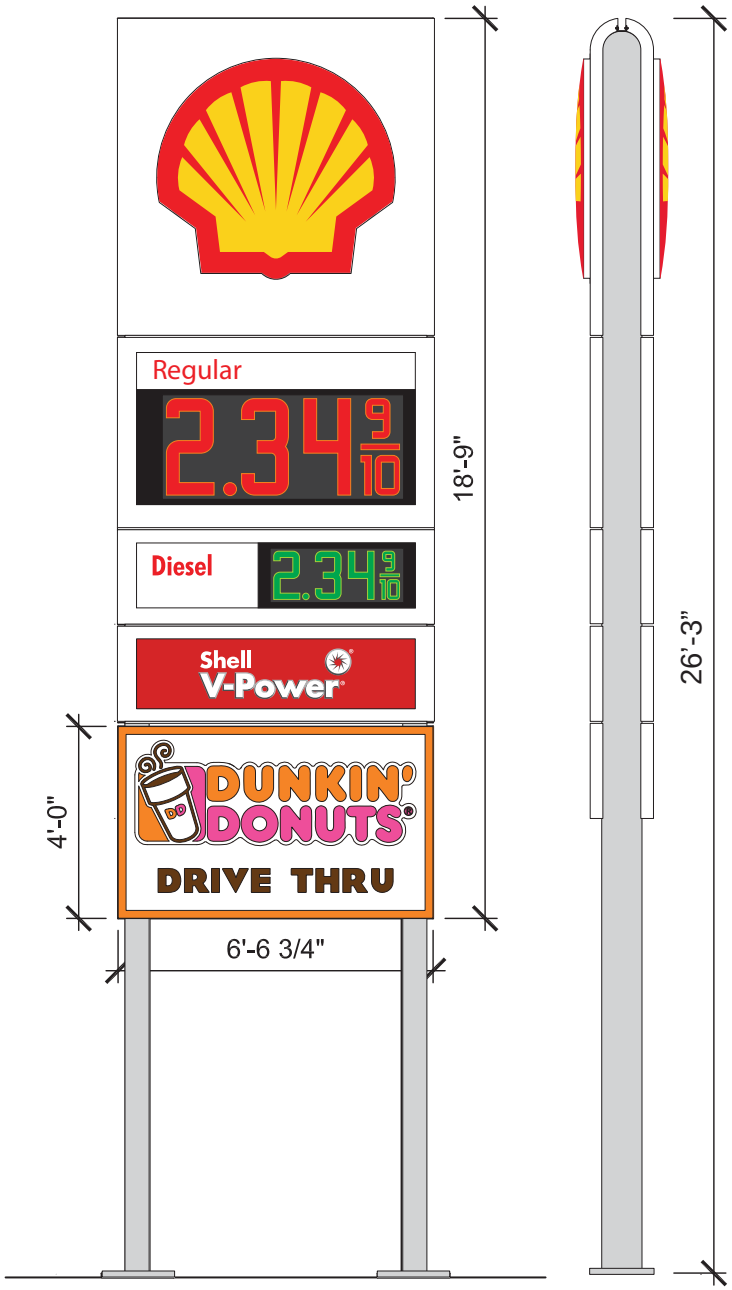
DUNKIN DONUTS CONCEPT PLAN

BATAVIA SHELL
108 N. BATAVIA AVE.
BATAVIA, IL 60510

Job No.	1425.038
Issue Date	01/21/2016
Project Area	TBD.

SHEET: 1 OF 1

Exhibit E



PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

1 PYLON SIGN ELEVATION
SCALE: 1/4" = 1'-0"

ARCHITECT:

kolbrook design
828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

Copyright © 2015 Kolbrook Design, Inc.

PROJECT:
Dunkin Donuts - Batavia
108 North Batavia Ave.
Batavia, IL 60510

Job No.	1425.038
Issue Date	11/02/2015
Project Area	

Exhibit F

2.2.5 **LEVEL 1 FASCIA**

LEVEL 1

Level 1 is intended for all NTIs and KDRs unless prohibited by local legislation. Level 1 is also intended for all primary and strong secondary competitive conversion sites.

The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

CANOPY FASCIA

The Level 1 canopy edge treatment consists of a Shell Yellow curved fascia panel attached to a Shell White flat fascia, while an internally illuminated LED Shell Red bar provides both red illumination to the bar and face illumination to the yellow field.

PECTEN PANEL ILLUMINATION

The illumination of the Pecten is mandatory on all levels.

© Shell International Petroleum Company 2014

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-10

CONDITIONAL USE PERMIT FOR AN EATING ESTABLISHMENT WITH DRIVE-THROUGH IN THE DMU DOWNTOWN MIXED USE DISTRICT

Harry Mehta, HM1 Batavia, LLC, Property Owner
(108 North Batavia Avenue)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21st DAY OF MARCH, 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 March, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-10

CONDITIONAL USE PERMIT FOR AN EATING ESTABLISHMENT WITH DRIVE-THROUGH IN THE DMU DOWNTOWN MIXED USE DISTRICT

Harry Mehta, HM1 Batavia, LLC, Property Owner
(108 North Batavia Avenue)

WHEREAS, HM1 Batavia, LLC owns the property located at 108 North Batavia Avenue, and has authorized Jon P. Green to submit an application for a Conditional Use Permit to the City of Batavia Zoning Code for property legally described as:

Parcel 1: Lots 4 and 5 in Block 3 in Joseph Orr McKee's Addition to Batavia, in the City of Batavia, Kane County, Illinois; and
Parcel 2: Lot 10 in Assessor's Third Addition to Batavia, in the City of Batavia, Kane County, Illinois; and

WHEREAS, said Applicant is requesting a Conditional Use Permit to allow the operation of an eating establishment with drive through in the DMU Downtown Mixed Use District concurrent with requests for variances that would address key requirements for drive through use; and

WHEREAS, notice was duly executed and the Batavia Plan Commission held a public hearing on January 20, 2016; and

WHEREAS, the Batavia Zoning Board of Appeals, after conducting a public hearing and not reaching findings needed for variance approvals, did not recommend City Council approval of the key variances needed for the conditional use approval; and

WHEREAS, following said Plan Commission hearing, the Plan Commission failed to find in the affirmative for the following findings:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use, as conditioned, conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties; and

WHEREAS, after failing to find in the affirmative for the required findings, the Plan Commission failed to recommended that the City Council approve the Conditional Use Permit; and

WHEREAS, on March 1 and March 15, 2016, the City Council's Committee of the Whole reviewed the application, the record of the public hearing, and the actions and findings of the Plan Commission; and

WHEREAS, the Committee of the Whole determined that, with appropriate building, sign, and site improvement requirements and business operational allowances and restrictions, it was in the best interests of the City of Batavia to allow the addition of said drive through facility; and

WHEREAS, on March 15, 2016, the City Council's Committee of the Whole recommended approval of the Conditional Use Permit to allow the operation of an eating establishment with drive through with the following conditions:

1. Additional landscaping is added adjacent to the north parking spaces, with Plan Commission design review approval;
2. A curb is added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what is proposed for the south parking; inside this area shall be suitable landscaping, including a tree subject to Plan Commission design review approval;
3. The area south and west of the west end curb for the new south parking spaces shall be suitably landscaped, including a tree subject to Plan Commission design review approval.
4. Retaining wall design shall be determined by Plan Commission design review approval;
5. Refuse pick-up shall be limited to between the hours of 7:00 am and 10:00 pm;
6. Fuel deliveries shall be limited to between the hours of 10:00 am and Midnight;
7. Drive through operation hours shall be limited to between the hours of 4:00 am and Midnight;
8. The site plan shall identify, and signs shall be installed on site for employee only parking to facilitate fuel deliveries and refuse pickup hours; and
9. The development of the property shall be in substantial compliance with the plans presented; and

WHEREAS, the City Council of the City of Batavia has considered the recommendations of both the Plan Commission and the Committee of the Whole.

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

SECTION 1: The application for a Conditional Use Permit submitted on behalf of property owner Harry Mehta, HM1 Batavia, LLC, to allow the operation of an eating establishment with drive through in the DMU Downtown Mixed Use District, under City Code Title 10, Chapter 5.4, in substantial conformance as reflected in the Exhibits listed below, is hereby approved with the following conditions:

1. Additional landscaping is added adjacent to the north parking spaces, with Plan Commission design review approval;
2. A curb is added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what is proposed for the south parking; inside this area shall be suitable landscaping, including a tree subject to Plan Commission design review approval;
3. The area south and west of the west end curb for the new south parking spaces shall be suitably landscaped, including a tree subject to Plan Commission design review approval.
4. Retaining wall design shall be determined by Plan Commission design review approval;
5. Refuse pick-up shall be limited to between the hours of 7:00 am and 10:00 pm;
6. Fuel deliveries shall be limited to between the hours of 10:00 am and Midnight;
7. Drive through operation hours shall be limited to between the hours of 4:00 am and Midnight;
8. The site plan shall identify, and signs shall be installed on site for employee only parking to facilitate fuel deliveries and refuse pickup hours; and
9. The development of the property shall be in substantial compliance with the plans per the Exhibits as follows:

Exhibit	Plan	Dated	Prepared by
A	Plat of Survey	9/12/12	Todd Surveying
B	Concept Plan	1/11/16	Engineering Resources, Inc.
C	Landscape Plan	Revised 12/16/15	Wingren Landscape
D	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
E	Monument Sign	11/2/15	“
F	Canopy Edge Design	-	Shell International Petroleum Co.

SECTION 2: That this Ordinance 16-10 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 March, 2016.

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

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					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 Wetzel, City Clerk

A.L.T.A \ A.C.S.M. LAND TITLE SURVEY

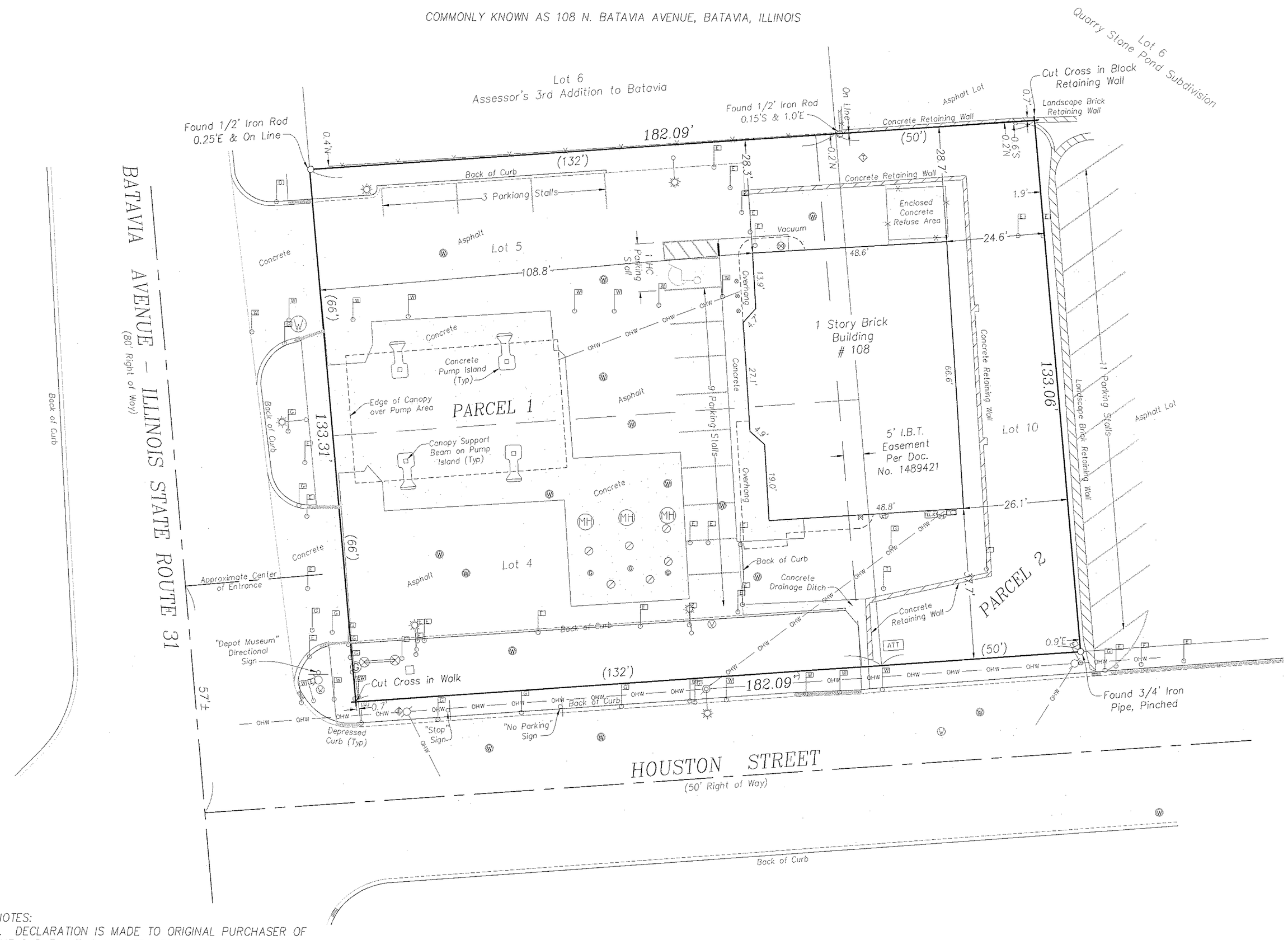
P.I.N.'s
12-22-132-018
12-22-132-024

Exhibit A

PARCEL 1: LOTS 4 AND 5 IN BLOCK 3 IN JOSEPH ORR MCKEE'S ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

PARCEL 2: LOT 10 IN ASSESSOR'S THIRD ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS 108 N. BATAVIA AVENUE, BATAVIA, ILLINOIS



NOTES:

1. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

2. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.

3. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

5. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/ STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/ STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS: TELEPHONE, ELECTRIC, WATER, SEWER, STORM, AND CABLE T.V.

6. THIS IS AN ALTA/ACSM SURVEY. IT IS NOT INTENDED TO BE USED AS THE BASIS FOR ENGINEERING/STRUCTURAL DESIGN.

7. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO. 008873903 PREPARED BY CHICAGO TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF MAY 22, 2012. THE FOLLOWING COMMENTS CORRESPOND TO THE ITEMS NUMBERED IN THE ABOVE REFERENCED COMMITMENT.

SCHEDULE B, ITEM L:

IN OUR OPINION, AN EASEMENT GRANTED TO ILLINOIS BELL TELEPHONE COMPANY RECORDED JANUARY 2, 1979 AS DOCUMENT 1489421, DOES AFFECT THIS PROPERTY, TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF. (PLOTTED)

TABLE A, ITEM 4:

GROSS LAND AREA – 24,248.40 SQ.FT.
– 0.557 ACRES, MORE OR LESS

TABLE A, ITEM 9:

PARKING STALLS – 12
HANDICAP PARKING STALL – 1

TOTAL PARKING STALLS – 13

TO: WAHEED ULLAH;
TALLWOOD PROPERTIES, INC.;
CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 7(a), 8, 9, 11(a), 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 8, 2012.

DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 12, 2012.

Eric C. Pokorny

ERIC C. POKORNY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3818

PROFESSIONAL LAND SURVEYOR ERIC C. POKORNY 3818 YORKVILLE, IL. STATE OF ILLINOIS

SCALE 1" = 20'

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

(XX.XX') = Record Distance
XX.XX' = Measured Distance

Fence
Concrete/Asphalt
Bollard
Utility Pole
Sign
Telephone Pedestal
Telephone Junction Box
Utility Pole Anchor
AT&T Cabinet
Curb Inlet
Electric Meter
Electric Pedestal
Electric Junction Box
Fire Hydrant
Fuel Port
Gas Valve
Gas Meter
Handhole
J.U.L.I.E. Marker, Electric
J.U.L.I.E. Marker, Gas
J.U.L.I.E. Marker, Telephone
J.U.L.I. Marker, Water
Overhead Light Mast Arm
Light Pole (No light)
Fuel Manhole
Vent
Monitoring Well
Water Valve
B-Box
Utility Pole w/Overhead Light Mast Arm

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

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

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

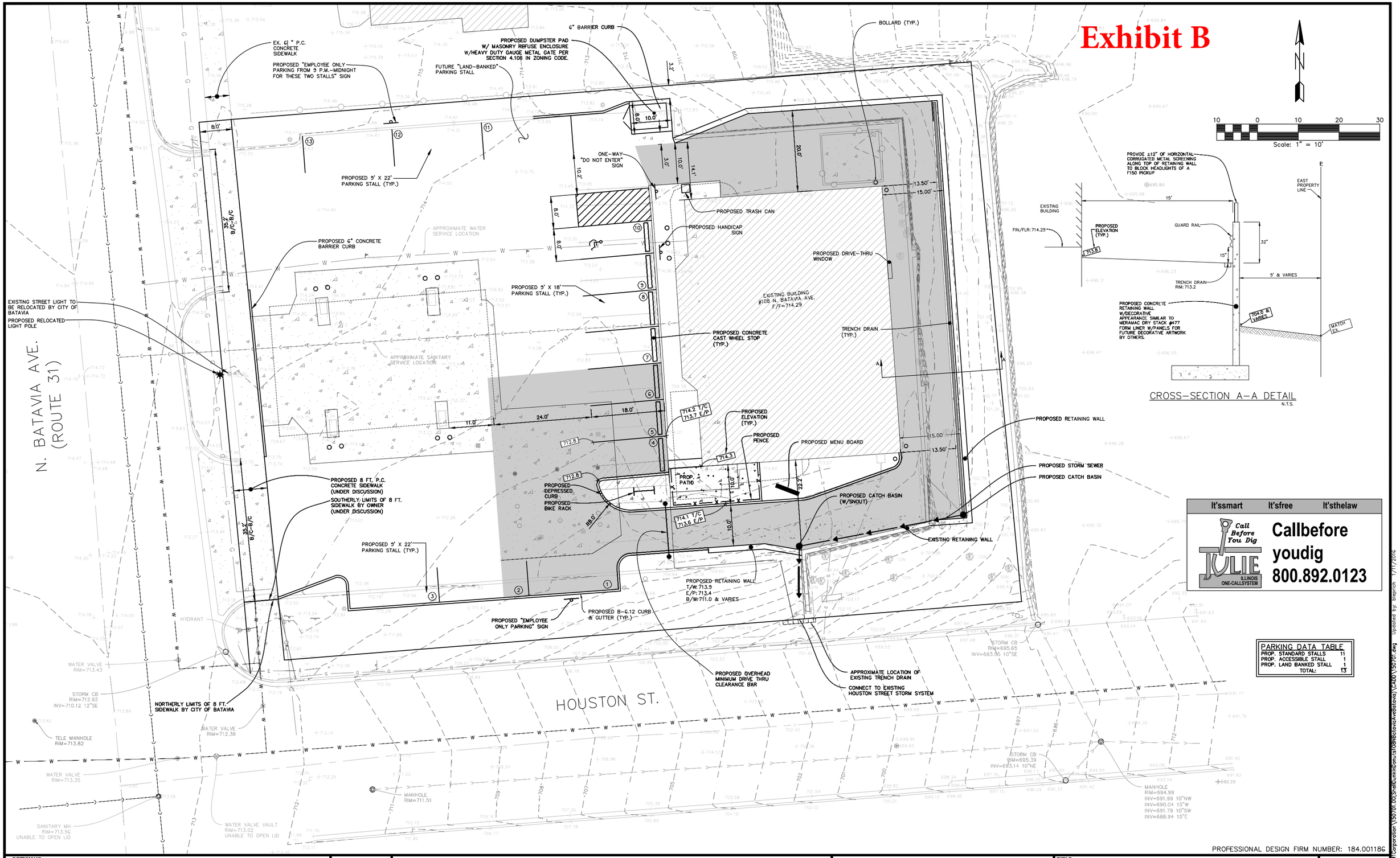
Client: Tallwood Properties, Inc.

Book #: 2151 | Drawn By: PM.EP | Plat #: 7919/2767 11356
Reference:
Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

Exhibit B



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRAWN BY: BL
CHECKED BY: AK
APPROVED BY: JG

ENGINEERING RESOURCE ASSOCIATES,INC.
CONSULTINGENGINEERS,SCIENTISTS &SURVEYORS

3S701WESTAVENUE,SUITE150
WARRENVILLE,ILLINOIS60555
PHONE(630)393-3060
FAX(630)393-2152

10S.RIVERSIDEPLAZA,SUITE875
CHICAGO,ILLINOIS60606
PHONE(312)474-7841
FAX(312)474-6099

2416GALENDRIVE
CHAMPAIGN,ILLINOIS61821
PHONE(217)351-6268
FAX(217)355-1902

HM1 CORPORATION

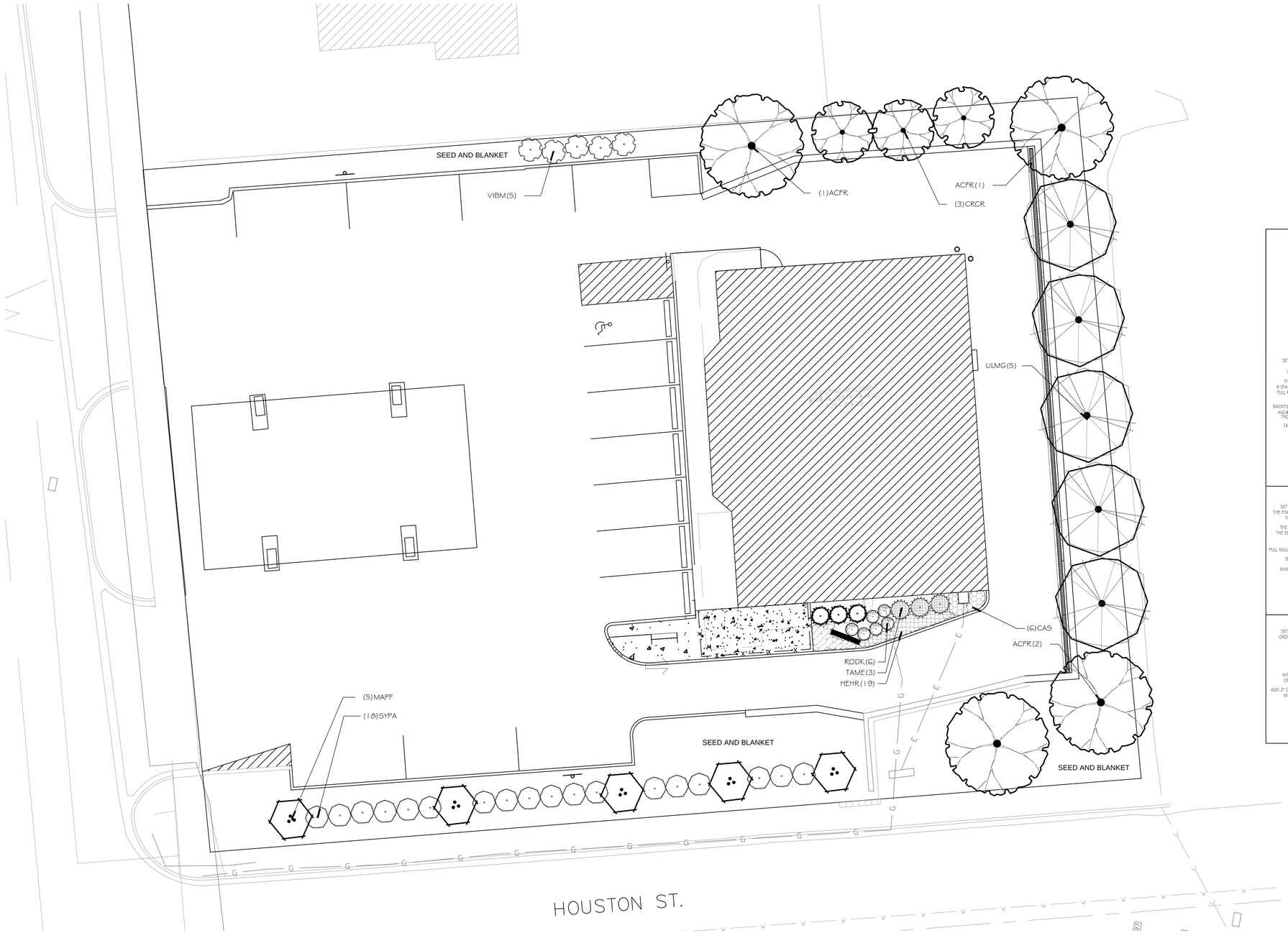
TITLE: CONCEPT PLAN
SHELL OF BATAVIA
BATAVIA, ILLINOIS

SCALE: 1"=10'
DATE: 01/11/16
JOB NO: 150701
SHEET 1 OF 1

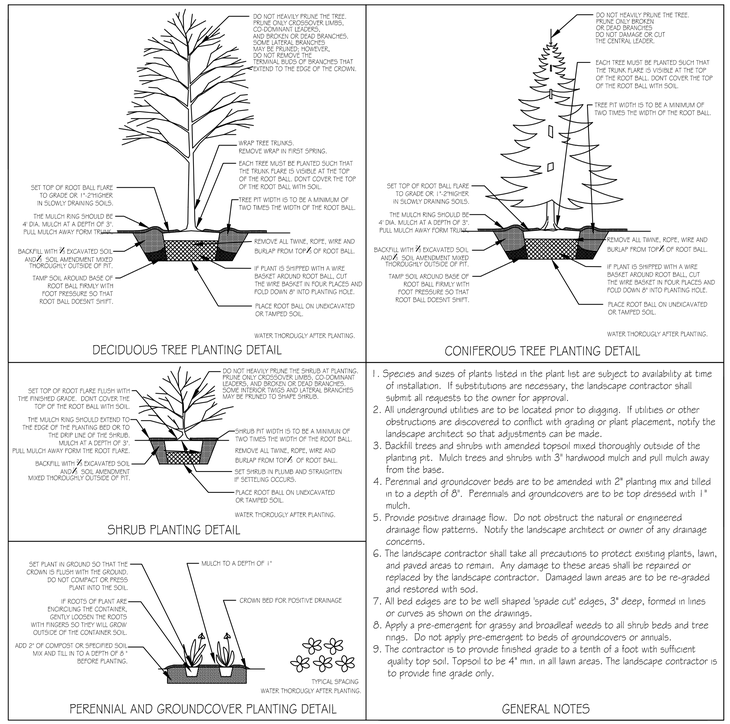
G:\PROJECTS\HM1Corporation\150701.00\SmallUnkindonuts108NBataviaAveBatavia\CADD\150701.dwg Updated by: bleprich 1/11/2016

All base information & dimensions are approximate only. All layout to be verified in the field.

Exhibit C

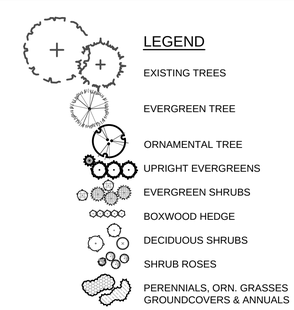


TREES	Quantity	Botanical	Common	Size	
ACFR	4	Acer freemanii `Jeffersred` TM	Autumn Blaze Maple	2.5" BB	
CRCR	3	Crataegus crusgalli var. inermis TM	Thornless Cockspur Hawthorn	6' BB	
MAPF	5	Malus hybrid `Prairifire`	Prairifire Crab	6' BB	
ULMG	5	Ulmus x `Morton Glossy` TM	Triumph Elm	2.5" BB	
EVERGREEN TREES					
THOC	3	Thuja occidentalis `Mission or Techny`	Mission or Techny Arborvitae	6` Ht.	
SHRUBS					
RODK	6	Rosa hybrids `Double Knockout`	Knockout Rose	3 gal	
SYPA	18	Syringa patula `Miss Kim`	Miss Kim Lilac	30" BB	
VIBM	5	Viburnum dentatum `Blue Muffin`	Southern Arrowwood	5 gal	
GROUND COVERS					**Spacing**
GEHR	13	Geranium hybrid `Rozanne` TM	Hybrid Cranesbill	1 gal	18" o.c.
HEHR	19	Hemerocallis hybrid `Happy Returns`	Happy Returns Daylily	1 gal	18" o.c.



1. Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
2. All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
3. Backfill trees and shrubs with amended topsoil mixed thoroughly outside of the planting pit. Mulch trees and shrubs with 3" hardwood mulch and pull mulch away from the base.
4. Perennial and groundcover beds are to be amended with 2" planting mix and tilled in to a depth of 8". Perennials and groundcovers are to be top dressed with 1" mulch.
5. Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
6. The landscape contractor shall take all precautions to protect existing plants, lawn, and paved areas to remain. Any damage to these areas shall be repaired or replaced by the landscape contractor. Damaged lawn areas are to be re-graded and restored with sod.
7. All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
8. Apply a pre-emergent for grassy and broadleaf weeds to all shrub beds and tree rings. Do not apply pre-emergent to beds of groundcovers or annuals.
9. The contractor is to provide finished grade to a tenth of a foot with sufficient quality top soil. Topsoil to be 4" min. in all lawn areas. The landscape contractor is to provide fine grade only.

GENERAL NOTES



LANDSCAPE PLAN

SCALE: 1" = 10'-0"

0 5 10 20

WINGREN LANDSCAPE
ALL THINGS OUTDOOR

5126 Walnut Ave.
Downers Grove, IL 60515
TEL 630.759.8100
www.wingrenlandscape.com

Copyright Wingren Landscape, all rights reserved. The design and any and all ideas contained herin are the sole property of Wingren landscape. Reproduction of the design or concept embodied herin in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

Dunkin' Donuts

Batavia, IL

REVISIONS:
REVISED PER ARCHITECTS COMMENTS 12.16.15

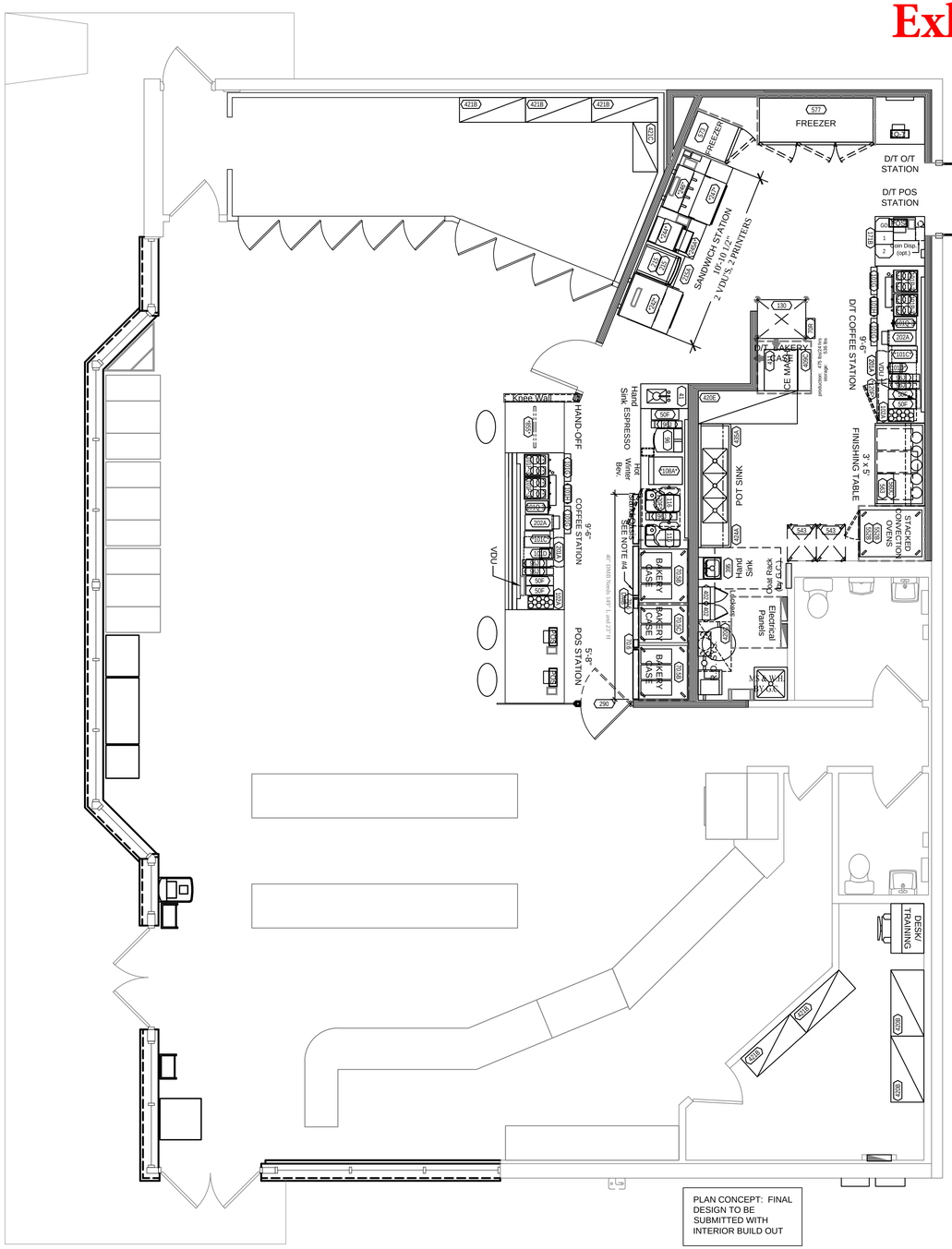
SHEET TITLE:
LANDSCAPE PLAN

DATE: 10.28.15
JOB: P-
SCALE: 1"=10'
BY:JZ, EB

SHEET L1 OF 1

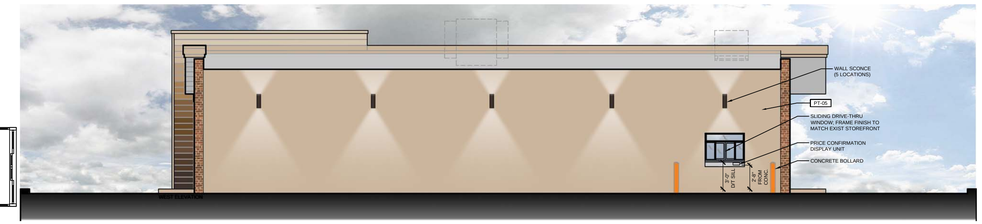
Exhibit D

ELEVATION CONCEPTS: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT



PLAN CONCEPT: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT

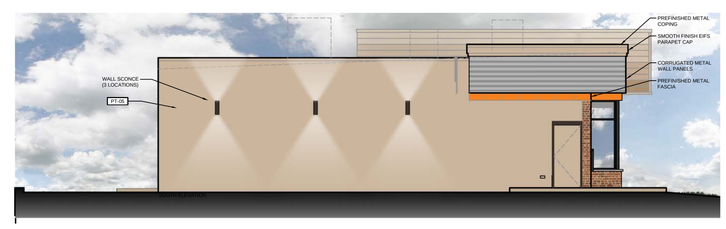
1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



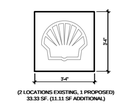
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

4 WEST ELEVATION
SCALE: 1/8" = 1'-0"

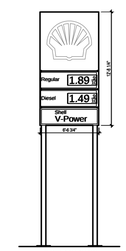


5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



(7 LOCATIONS (EXISTING, 1 PROPOSED)
33.33 SF. (33.33 SF ADDITIONAL)

6 PECTEN LOGO
SCALE: 1/8" = 1'-0"



EXISTING PYLON SIGN
83.26 SF.

7 EXISTING SIGN ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

8 PYLON SIGN ELEVATION
SCALE: 1/8" = 1'-0"

ISSUE			
NO	DESCRIPTION	DATE	
1	CONCEPT PROPOSAL	09/30/2015	

ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

Copyright © 2015 Kolbrook Design, Inc.

dunkin' brands

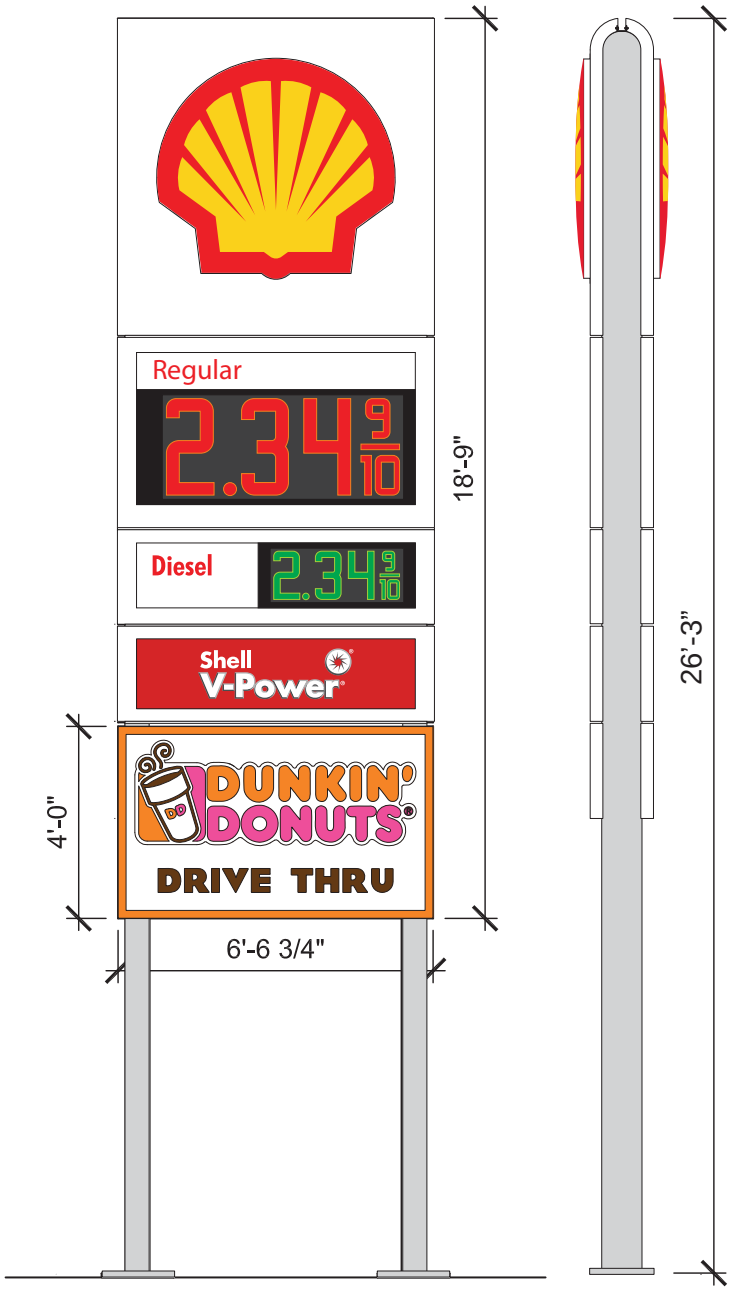
DUNKIN DONUTS CONCEPT PLAN

BATAVIA SHELL
108 N. BATAVIA AVE.
BATAVIA, IL 60510

Job No.	1425.038
Issue Date	01/21/2016
Project Area	TBD.

SHEET: 1 OF 1

Exhibit E



PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

1 PYLON SIGN ELEVATION
SCALE: 1/4" = 1'-0"

ARCHITECT:

kolbrook design
828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

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PROJECT:
Dunkin Donuts - Batavia
108 North Batavia Ave.
Batavia, IL 60510

Job No.	1425.038
Issue Date	11/02/2015
Project Area	

Exhibit F

2.2.5 **LEVEL 1 FASCIA**

LEVEL 1

Level 1 is intended for all NTIs and KDRs unless prohibited by local legislation. Level 1 is also intended for all primary and strong secondary competitive conversion sites.

The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

CANOPY FASCIA

The Level 1 canopy edge treatment consists of a Shell Yellow curved fascia panel attached to a Shell White flat fascia, while an internally illuminated LED Shell Red bar provides both red illumination to the bar and face illumination to the yellow field.

PECTEN PANEL ILLUMINATION

The illumination of the Pecten is mandatory on all levels.

© Shell International Petroleum Company 2014

CITY OF BATAVIA

DATE: March 16, 2016

TO: Mayor and City Council

FROM: Joel Strassman, Planning and Zoning Officer

SUBJECT: **Ordinance 16-09:** Variances
Ordinance 16-10: Conditional Use for a Drive Through Eating Establishment
Dunkin Donuts at the Shell Gas Station,108 North Batavia Avenue
(3-15-16 COW-CD Vote 12-0)

Summary: At its March 15, 2016 meeting, the Committee of the Whole (COW) reviewed revised draft ordinances that would grant variances and conditional use approval for the addition of a Dunkin' Donuts drive through to the Shell gas station at the northeast corner of Batavia Avenue and Houston Street. Staff informed the COW of a meeting with the business owner earlier that day that resulted in revisions to, and deletions of several of the conditions of approval in the revised draft ordinances.

The owner of the residence to the north spoke at the March 15th meeting, emphasizing his concerns about the proposed refuse area. He stated that the proposed pick up hours are acceptable and suggested that a lock be added to keep people from accessing the dumpsters.

The COW asked about the pending design review by the Plan Commission. Staff noted that this would take place on April 6th and would include site landscaping. The COW stated concern with the number conditions in the draft conditional use ordinance. The COW agreed that landscaping issues can be left to the Plan Commission. The COW decided to eliminate the conditions regarding the sidewalk width, utility relocation, stairs from Houston Street, right-of-way dedication, and the private utility easement.

Steve Vasilion, speaking on behalf of Harry Mehta, the business owner, informed the COW that the proposed illuminated red bar is a Shell corporate requirement and that it would generate negligible light trespass to the neighboring property. If it were non-illuminated, it would appear "burnt out." He requested that the retaining wall not use the "slip form" texture that was discussed previously and instead use a chamfered retaining wall will have detailing similar to the wall on the adjacent property. Ivy would be planted at the base, providing wall coverage in a few years. Mr. Vasilion requested that fuel deliveries be extended to 10am to midnight with employee parking restriction signage to match, drive through hours to begin at 4am daily, and that the faucet requirement be eliminated.

The COW agreed that the red bar would have little impact, the retaining wall proposal is adequate and details can be decided by the Plan Commission through design review, provided lights from a vehicle the height of a Ford F-250 can be blocked. The COW also agreed that fuel delivery and drive through times requested are reasonable, and with an existing faucet on the south side of the building, the additional faucet requirement can be eliminated.

COW Action: By a votes of 12-0, the COW recommended approval of Ordinances 16-09 and 16-10, with revisions added to each to accommodate the COW's discussion. The COW directed staff to revise the Ordinances accordingly and place them on the City Council's March 21st agenda for final action.

Alternatives: Attached Ordinances 16-09 and 16-10 have been revised per the COW's direction. As a reminder, Ordinance 16-09 requires a 2/3 majority vote (10 votes) of the City Council due to the negative ZBA recommendation for several of the variances. The Council can approve the Ordinances as presented, approve either subject to revisions per Council direction, or deny one or both.

- **Pros:** Approval of revised Ordinance 16-09 and 16-10 grants all requested variances and the required conditional use, allowing the drive through that would increase commerce (sales tax revenue) on the property. The Ordinances include some site improvement and operational conditions to enhance the appearance of the site and lessen its impact to neighboring residents.

- **Cons:** Denial of either Ordinance will effectively stop the project from moving forward.
- **Budget Impact:** Approval of the Ordinances provides potential for increased revenue from additional sales tax.
- **Staff Impact:** Staff time has and would be used to complete the entitlement process and to complete the building permit process.

Recommendation: Both attached Ordinances have been drafted per direction given by COW on March 15th. Staff therefore recommends approval of Ordinances 16-09 and 16-10 as presented.

Attachments:

1. Ordinance 16-09
2. Ordinance 16-10

c Mayor and City Council
Department Heads
Jon P. Green, applicant
Harry Mehta, Shell owner
Media

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-09

GRANT OF VARIANCES FOR DUNKIN' DONUTS-SHELL

Harry Mehta, HM1 Batavia, LLC, Property Owner
(108 North Batavia Avenue)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21st DAY OF MARCH, 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 March, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-09

GRANT OF VARIANCES FOR DUNKIN' DONUTS-SHELL

(108 North Batavia Avenue)

WHEREAS, HM1 Batavia, LLC owns the property located at 108 North Batavia Avenue, and has authorized Jon P. Green to submit an application, on its behalf, for variances to the City of Batavia Zoning Code for property legally described as:

Parcel 1: Lots 4 and 5 in Block 3 in Joseph Orr McKee's Addition to Batavia, in the City of Batavia, Kane County, Illinois (PIN 12-22-132-018); and
Parcel 2: Lot 10 in Assessor's Third Addition to Batavia, in the City of Batavia, Kane County, Illinois (PIN 12-22-132-024); and

WHEREAS, said application requests relief from various Sections of the Batavia Zoning Code, to allow site and building improvements for consideration of approval of a conditional use for the addition of a drive-through eating establishment to a fuel and retail facility, for the following:

1. Section 4.205.E – to allow a drive through business less than 50 from property designated for residential use in the Comprehensive Plan;
2. Section 4.506 – to allow a drive through aisle to be at least 100 feet from away from residentially designated property;
3. Section 4.209.A.1 – to allow a drive through lane less than 20 feet wide;
4. Section 4.407.B.1.e(2) – to allow an increase in wall sign area up to an additional 41 square feet on the south wall and up to 46 square feet on the west wall;
5. Section 4.407.B.2a(3) – to allow a monument sign area in excess of the allowed 32 square feet by adding approximately 27 square feet to the existing sign;
6. Section 4.407.B.2.f(3) – to allow canopy sign elements to project more than 2 inches from the canopy edge;
7. Table 4.205.A – to allow parallel parking stalls to be 9 feet wide and perpendicular spaces to be 18 feet long;
8. Zoning Code Section 3.303.B – to omit landscaping within 50 feet of Batavia; and
9. Section 4.203.Q to allow wheel stops; and

WHEREAS, notice was duly executed and the Batavia Zoning Board of Appeals held a public hearing on January 20, 2016; and

WHEREAS, following said hearing, the Zoning Board of Appeals made the following positive findings for the above variances numbered 4, 6, 7, 8, and 9:

1. There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district;
2. Unique circumstances exist that were not created by the current or previous owners or applicant;

3. The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located;
4. The variance, if granted, would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located;
5. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general; and

WHEREAS, following said hearing, the Zoning Board of Appeals did not make positive findings for the above variances numbered 1, 2, 3, and 5 and subsequently did not recommend that variances numbered 1, 2, 3, and 5 be granted; and

WHEREAS, following said hearing, the Zoning Board of Appeals recommended that the variances numbered 4, 6, 7, 8, and 9 as listed above be granted, with conditions as noted:

1. For variances numbers 4 and 6, no added illuminated elements are allowed to the north canopy; and
2. For variance number 7:
   a. Additional landscaping be added adjacent to the north parking spaces, with design review approval;
   b. A curb be added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what's proposed for the south parking and inside this area should be suitable landscaping, including a tree, with design review approval;
   c. That the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree, with design review approval; and
3. For variance number 9, the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree, with design review approval; and

WHEREAS, on March 1 and 15, 2016, the Batavia City Council's Committee of the Whole reviewed the application and record of the hearing, and the findings and actions of the Zoning Board of Appeals; and

WHEREAS, the Committee of the Whole determined that, with appropriate site and building improvements and business operational restrictions, the proposed drive through and associated building and site improvements can balance providing an opportunity for increased commerce with limiting impacts to neighboring properties and adjacent street traffic; and

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

SECTION 1: That the application for the below listed variances, submitted on behalf of property owner Harry Mehta, HM1 Batavia, LLC, to allow site and building improvements for consideration of approval of a conditional use for the addition of a drive-through eating establishment to a fuel and retail facility at 108 North Batavia Avenue, with conditions for approval as specified herein, and compliance with all other codes and ordinances, and in substantial conformance to the Exhibits attached hereto, with Plan Commission design review approval, is approved.

1. Section 4.205.E – to allow a drive through business at 0 feet from property designated for residential use in the Comprehensive Plan rather than the required 50 feet;
2. Section 4.506 – to allow a drive through aisle approximately 47 feet from residentially designated property rather than the required 100 feet;
3. Section 4.209.A.1 – to allow a drive through lane having varying widths as little as 10 feet, less than the required 20 feet, as shown on Exhibit B herein;

4. Section 4.407.B.1.e(2) – to allow an increase in wall sign area up to an additional 41 square feet on the south wall and up to 46 square feet on the west wall;
5. Section 4.407.B.2a(3) – to allow a monument sign area in excess of the allowed 32 square feet by adding approximately 27 square feet to the existing sign;
6. Section 4.407.B.2.f(3) – to allow canopy sign elements to project 4 inches from the canopy edge rather than the allowed 2 inches;
7. Table 4.205.A – to allow parallel parking stalls to be 9 feet wide and perpendicular spaces to be 18 feet long, subject to the following conditions and Plan Commission design review approval:
   a. Additional landscaping be added adjacent to the north parking spaces;
   b. A curb be added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what's proposed for the south parking and inside this area should be suitable landscaping, including a tree subject to Plan Commission design review approval;
   c. That the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree;
8. Zoning Code Section 3.303.B – to omit landscaping within 50 feet of Batavia Avenue with the condition that the area south and west of the west end curb for the new south parking spaces be suitably landscaped, including a tree subject to Plan Commission design review approval; and
9. Section 4.203.Q to allow parking wheel stops.

Exhibit	Plan	Dated	Prepared by
A	Plat of Survey	9/12//12	Todd Surveying
B	Concept Plan	1/11/16	Engineering Resources, Inc.
C	Landscape Plan	Revised 12/16/15	Wingren Landscape
D	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
E	Monument Sign	11/2/15	"
F	Canopy Edge Design	-	Shell International Petroleum Co.

SECTION 2: That this Ordinance 16-09 shall be in full force and effect upon its presentation, passage and publication according to law.

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

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

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					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 Wetzel, City Clerk

A.L.T.A \ A.C.S.M. LAND TITLE SURVEY

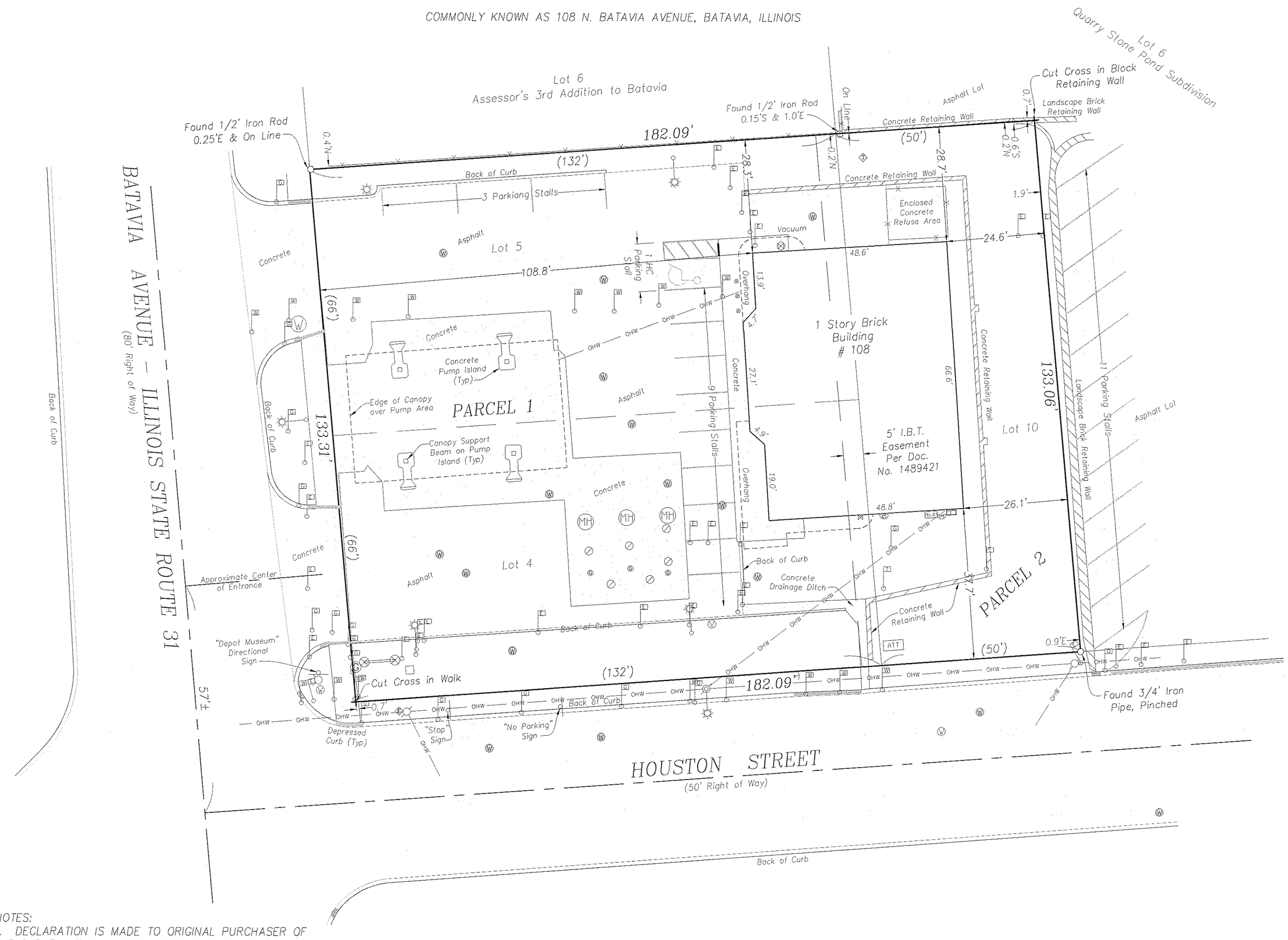
P.I.N.'s
12-22-132-018
12-22-132-024

Exhibit A

PARCEL 1: LOTS 4 AND 5 IN BLOCK 3 IN JOSEPH ORR MCKEE'S ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

PARCEL 2: LOT 10 IN ASSESSOR'S THIRD ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS 108 N. BATAVIA AVENUE, BATAVIA, ILLINOIS



NOTES:

1. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

2. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.

3. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

5. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/ STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/ STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS: TELEPHONE, ELECTRIC, WATER, SEWER, STORM, AND CABLE T.V.

6. THIS IS AN ALTA/ACSM SURVEY. IT IS NOT INTENDED TO BE USED AS THE BASIS FOR ENGINEERING/STRUCTURAL DESIGN.

7. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO. 008873903 PREPARED BY CHICAGO TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF MAY 22, 2012. THE FOLLOWING COMMENTS CORRESPOND TO THE ITEMS NUMBERED IN THE ABOVE REFERENCED COMMITMENT.

SCHEDULE B, ITEM L:

IN OUR OPINION, AN EASEMENT GRANTED TO ILLINOIS BELL TELEPHONE COMPANY RECORDED JANUARY 2, 1979 AS DOCUMENT 1489421, DOES AFFECT THIS PROPERTY, TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF. (PLOTTED)

TABLE A, ITEM 4:

GROSS LAND AREA – 24,248.40 SQ.FT.
– 0.557 ACRES, MORE OR LESS

TABLE A, ITEM 9:

PARKING STALLS – 12
HANDICAP PARKING STALL – 1

TOTAL PARKING STALLS – 13

TO: WAHEED ULLAH;
TALLWOOD PROPERTIES, INC.;
CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 7(a), 8, 9, 11(a), 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 8, 2012.

DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 12, 2012.

Eric C. Pokorny

ERIC C. POKORNY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3818

PROFESSIONAL LAND SURVEYOR ERIC C. POKORNY 3818 YORKVILLE, IL. STATE OF ILLINOIS

SCALE 1" = 20'

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

(XX.XX') = Record Distance
XX.XX' = Measured Distance

Fence
Concrete/Asphalt
Bollard
Utility Pole
Sign
Telephone Pedestal
Telephone Junction Box
Utility Pole Anchor
AT&T Cabinet
Curb Inlet
Electric Meter
Electric Pedestal
Electric Junction Box
Fire Hydrant
Fuel Port
Gas Valve
Gas Meter
Handhole
J.U.L.I.E. Marker, Electric
J.U.L.I.E. Marker, Gas
J.U.L.I.E. Marker, Telephone
J.U.L.I. Marker, Water
Overhead Light Mast Arm
Light Pole (No light)
Fuel Manhole
Vent
Monitoring Well
Water Valve
B-Box
Utility Pole w/Overhead Light Mast Arm

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

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

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

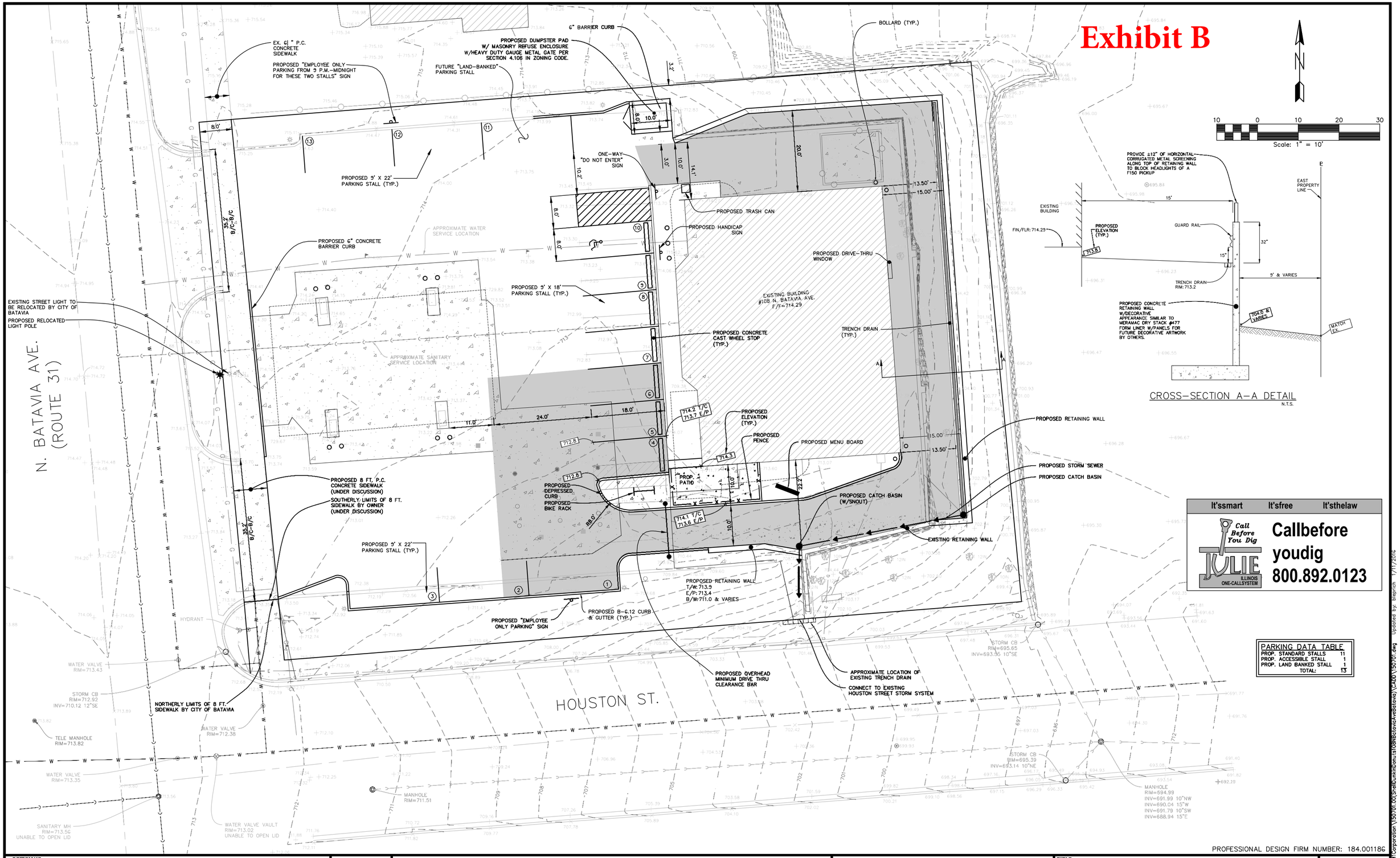
Client: Tallwood Properties, Inc.

Book #: 2151 | Drawn By: PM.EP | Plat #: 7919/2767 11356
Reference:
Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

Exhibit B



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRAWN BY: BL
CHECKED BY: AK
APPROVED BY: JG

ENGINEERING RESOURCE ASSOCIATES,INC.
CONSULTINGENGINEERS,SCIENTISTS &SURVEYORS

3S701WESTAVENUE,SUITE150
WARRENVILLE,ILLINOIS60555
PHONE(630)393-3060
FAX(630)393-2152

10S.RIVERSIDEPLAZA,SUITE875
CHICAGO,ILLINOIS60606
PHONE(312)474-7841
FAX(312)474-6099

2416GALENDRIVE
CHAMPAIGN,ILLINOIS61821
PHONE(217)351-6268
FAX(217)355-1902

HM1 CORPORATION

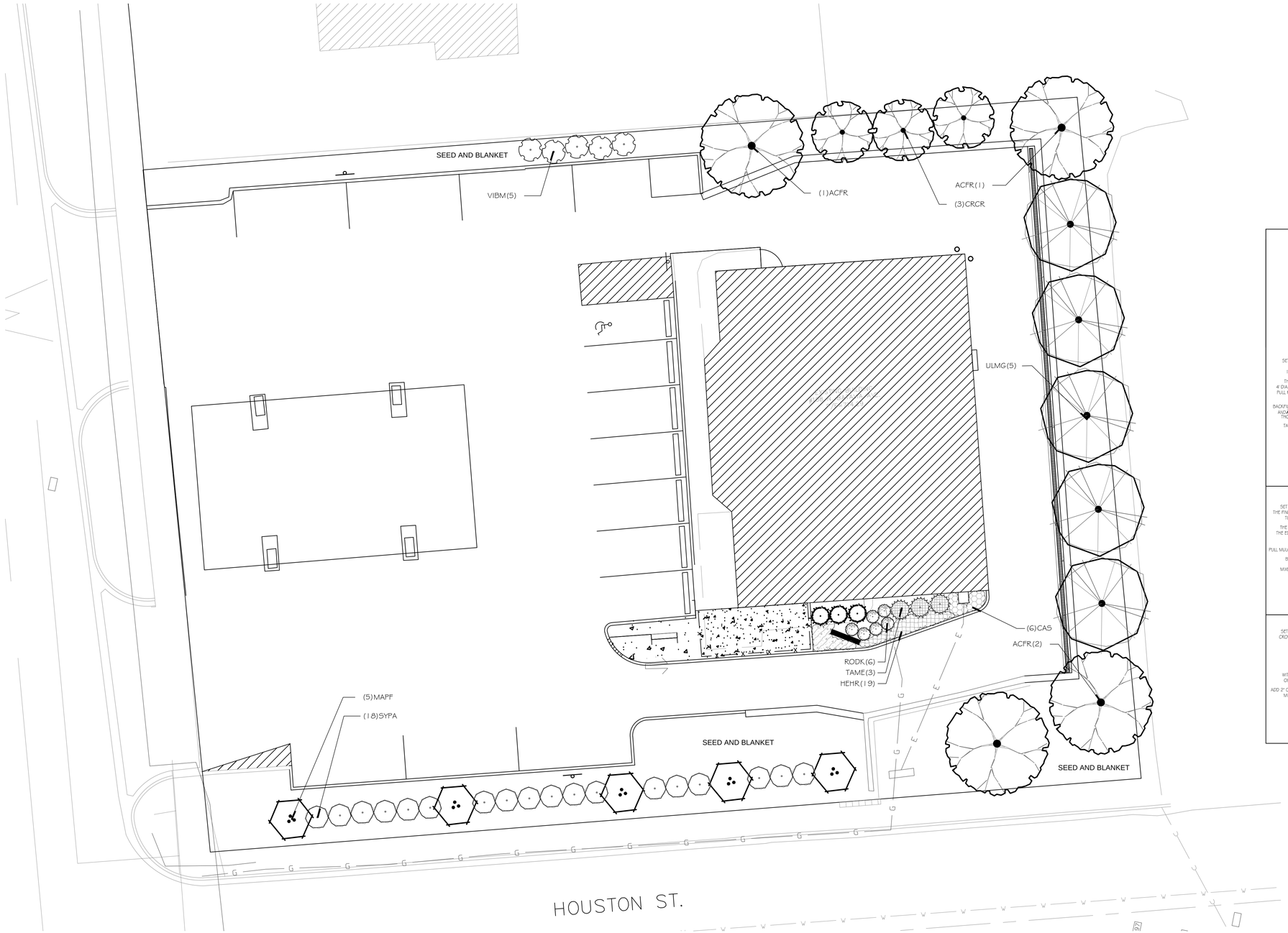
TITLE: CONCEPT PLAN
SHELL OF BATAVIA
BATAVIA, ILLINOIS

SCALE: 1"=10'
DATE: 01/11/16
JOB NO: 150701
SHEET 1 OF 1

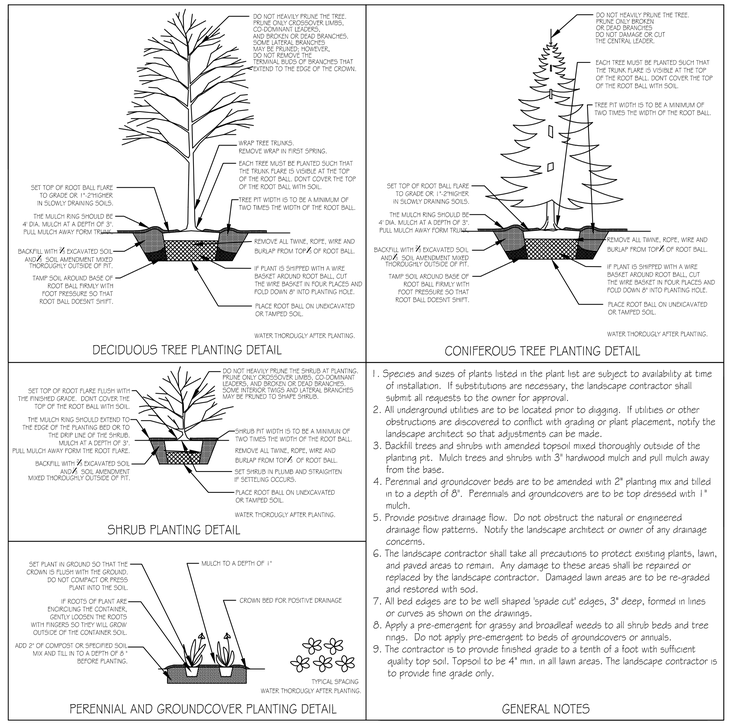
G:\PROJECTS\HM1Corporation\150701.00\SmallUnkindonuts108NBataviaAveBatavia\CADD\150701.dwg Updated by: bleprich 1/11/2016

All base information & dimensions are approximate only. All layout to be verified in the field.

Exhibit C

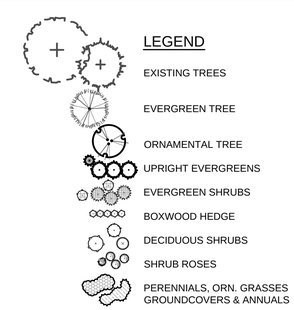


TREES	Quantity	Botanical	Common	Size	
ACFR	4	Acer freemanii `Jeffersred` TM	Autumn Blaze Maple	2.5" BB	
CRCR	3	Crataegus crusgalli var. inermis TM	Thornless Cockspur Hawthorn	6' BB	
MAPF	5	Malus hybrid `Prairifire`	Prairifire Crab	6' BB	
ULMG	5	Ulmus x `Morton Glossy` TM	Triumph Elm	2.5" BB	
EVERGREEN TREES					
THOC	3	Thuja occidentalis `Mission or Techny`	Mission or Techny Arborvitae	6` Ht.	
SHRUBS					
RODK	6	Rosa hybrids `Double Knockout`	Knockout Rose	3 gal	
SYPA	18	Syringa patula `Miss Kim`	Miss Kim Lilac	30" BB	
VIBM	5	Viburnum dentatum `Blue Muffin`	Southern Arrowwood	5 gal	
GROUND COVERS					**Spacing**
GEHR	13	Geranium hybrid `Rozanne` TM	Hybrid Cranesbill	1 gal	18" o.c.
HEHR	19	Hemerocallis hybrid `Happy Returns`	Happy Returns Daylily	1 gal	18" o.c.



1. Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
2. All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
3. Backfill trees and shrubs with amended topsoil mixed thoroughly outside of the planting pit. Mulch trees and shrubs with 3" hardwood mulch and pull mulch away from the base.
4. Perennial and groundcover beds are to be amended with 2" planting mix and tilled in to a depth of 8". Perennials and groundcovers are to be top dressed with 1" mulch.
5. Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
6. The landscape contractor shall take all precautions to protect existing plants, lawn, and paved areas to remain. Any damage to these areas shall be repaired or replaced by the landscape contractor. Damaged lawn areas are to be re-graded and restored with sod.
7. All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
8. Apply a pre-emergent for grassy and broadleaf weeds to all shrub beds and tree rings. Do not apply pre-emergent to beds of groundcovers or annuals.
9. The contractor is to provide finished grade to a tenth of a foot with sufficient quality top soil. Topsoil to be 4" min. in all lawn areas. The landscape contractor is to provide fine grade only.

GENERAL NOTES



LANDSCAPE PLAN

SCALE: 1" = 10'-0"

0 5 10 20

WINGREN LANDSCAPE
ALL THINGS OUTDOOR

5126 Walnut Ave.
Downers Grove, IL 60515
TEL 630.759.8100
www.wingrenlandscape.com

Copyright Wingren Landscape, all rights reserved. The design and any and all ideas contained herin are the sole property of Wingren landscape. Reproduction of the design or concept embodied herin in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

Dunkin' Donuts

Batavia, IL

REVISIONS:
REVISED PER ARCHITECTS COMMENTS 12.16.15

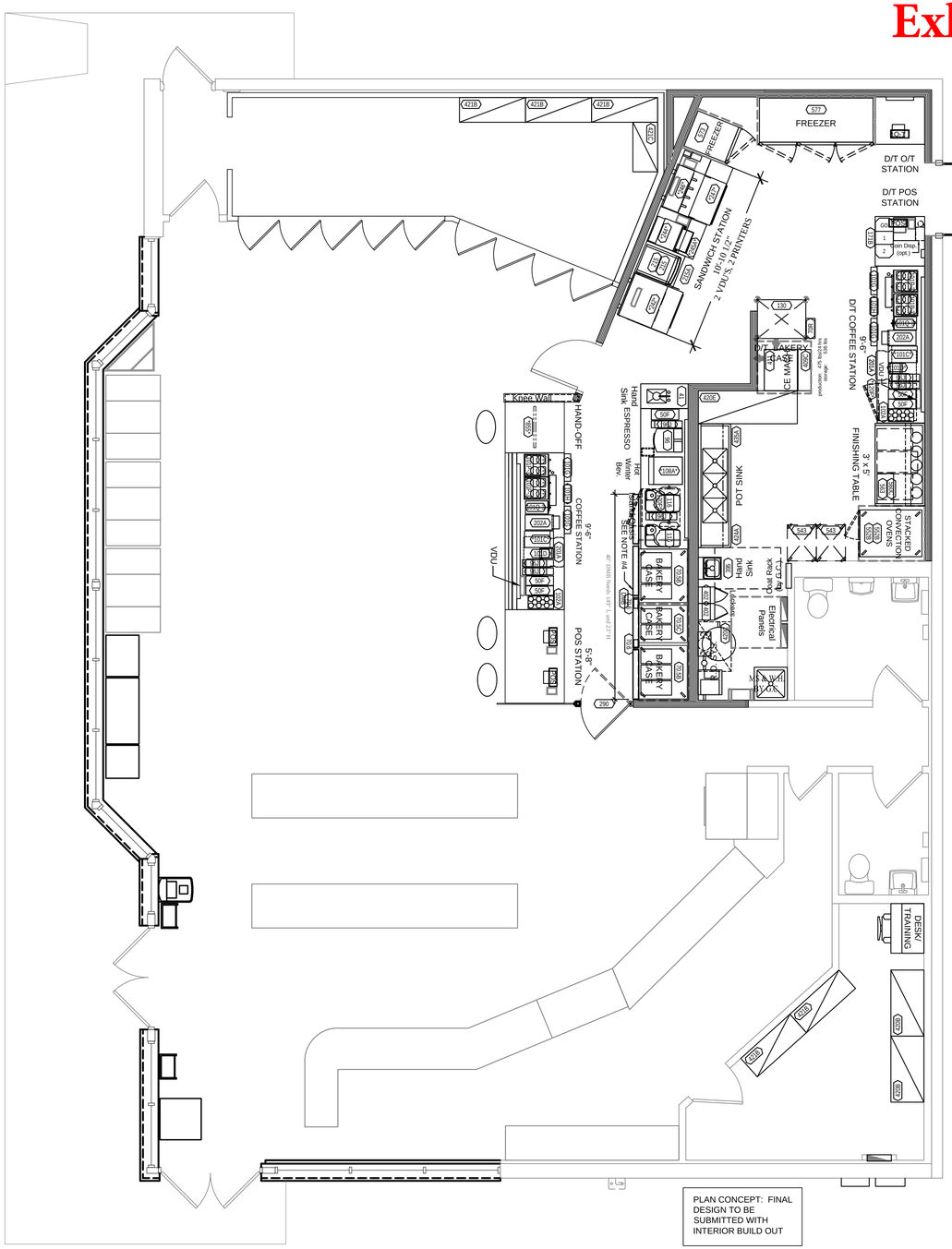
SHEET TITLE:
LANDSCAPE PLAN

DATE: 10.28.15
JOB: P-
SCALE: 1"=10'
BY:JZ, EB

SHEET L1 OF 1

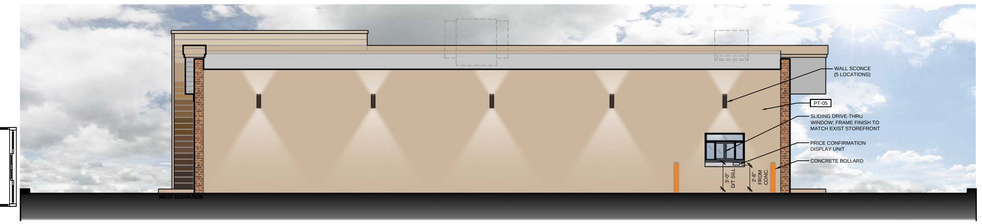
Exhibit D

ELEVATION CONCEPTS: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT



PLAN CONCEPT: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT

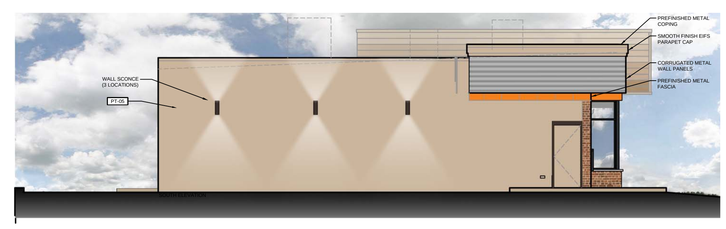
1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



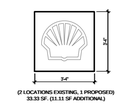
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

4 WEST ELEVATION
SCALE: 1/8" = 1'-0"

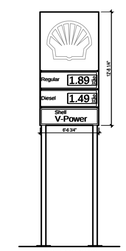


5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



(7 LOCATIONS (EXISTING, 1 PROPOSED)
33.33 SF. (33.33 SF ADDITIONAL)

6 PECTEN LOGO
SCALE: 1/8" = 1'-0"



EXISTING PYLON SIGN
83.26 SF.

7 EXISTING SIGN ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

8 PYLON SIGN ELEVATION
SCALE: 1/8" = 1'-0"

ISSUE			
NO	DESCRIPTION	DATE	
1	CONCEPT PROPOSAL	09/30/2015	

ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

Copyright © 2015 Kolbrook Design, Inc.

dunkin' brands

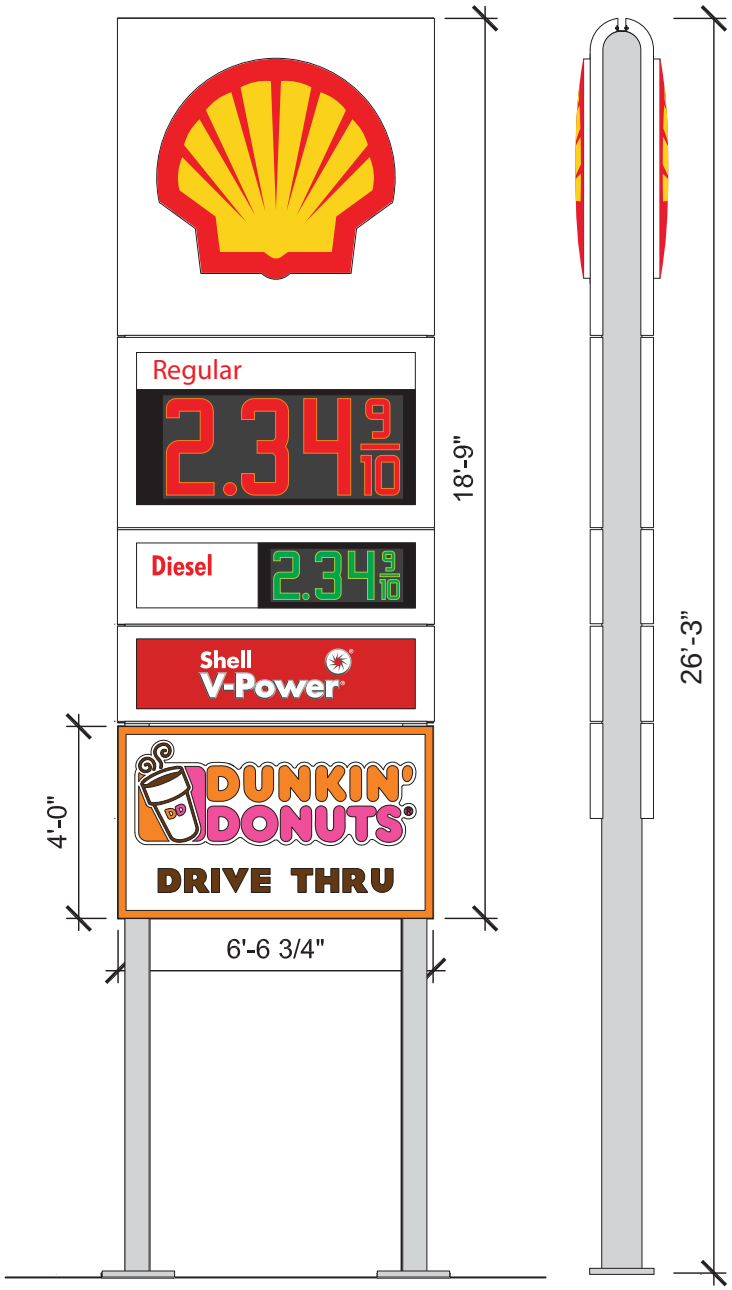
DUNKIN DONUTS CONCEPT PLAN

BATAVIA SHELL
108 N. BATAVIA AVE.
BATAVIA, IL 60510

Job No.	1425.038
Issue Date	01/21/2016
Project Area	TBD.

SHEET: 1 OF 1

Exhibit E



PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

1 PYLON SIGN ELEVATION
SCALE: 1/4" = 1'-0"

ARCHITECT:

kolbrook design
828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

Copyright © 2015 Kolbrook Design, Inc.

PROJECT:
Dunkin Donuts - Batavia
108 North Batavia Ave.
Batavia, IL 60510

Job No.	1425.038
Issue Date	11/02/2015
Project Area	

Exhibit F

2.2.5 **LEVEL 1 FASCIA**

LEVEL 1

Level 1 is intended for all NTIs and KDRs unless prohibited by local legislation. Level 1 is also intended for all primary and strong secondary competitive conversion sites.

The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

CANOPY FASCIA

The Level 1 canopy edge treatment consists of a Shell Yellow curved fascia panel attached to a Shell White flat fascia, while an internally illuminated LED Shell Red bar provides both red illumination to the bar and face illumination to the yellow field.

PECTEN PANEL ILLUMINATION

The illumination of the Pecten is mandatory on all levels.

© Shell International Petroleum Company 2014

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-10

CONDITIONAL USE PERMIT FOR AN EATING ESTABLISHMENT WITH DRIVE-THROUGH IN THE DMU DOWNTOWN MIXED USE DISTRICT

Harry Mehta, HM1 Batavia, LLC, Property Owner
(108 North Batavia Avenue)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 21st DAY OF MARCH, 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 March, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-10

CONDITIONAL USE PERMIT FOR AN EATING ESTABLISHMENT WITH DRIVE-THROUGH IN THE DMU DOWNTOWN MIXED USE DISTRICT

Harry Mehta, HM1 Batavia, LLC, Property Owner
(108 North Batavia Avenue)

WHEREAS, HM1 Batavia, LLC owns the property located at 108 North Batavia Avenue, and has authorized Jon P. Green to submit an application for a Conditional Use Permit to the City of Batavia Zoning Code for property legally described as:

Parcel 1: Lots 4 and 5 in Block 3 in Joseph Orr McKee's Addition to Batavia, in the City of Batavia, Kane County, Illinois; and
Parcel 2: Lot 10 in Assessor's Third Addition to Batavia, in the City of Batavia, Kane County, Illinois; and

WHEREAS, said Applicant is requesting a Conditional Use Permit to allow the operation of an eating establishment with drive through in the DMU Downtown Mixed Use District concurrent with requests for variances that would address key requirements for drive through use; and

WHEREAS, notice was duly executed and the Batavia Plan Commission held a public hearing on January 20, 2016; and

WHEREAS, the Batavia Zoning Board of Appeals, after conducting a public hearing and not reaching findings needed for variance approvals, did not recommend City Council approval of the key variances needed for the conditional use approval; and

WHEREAS, following said Plan Commission hearing, the Plan Commission failed to find in the affirmative for the following findings:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
2. The proposed use, as conditioned, conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council;
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements; and
4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties; and

WHEREAS, after failing to find in the affirmative for the required findings, the Plan Commission failed to recommended that the City Council approve the Conditional Use Permit; and

WHEREAS, on March 1 and March 15, 2016, the City Council's Committee of the Whole reviewed the application, the record of the public hearing, and the actions and findings of the Plan Commission; and

WHEREAS, the Committee of the Whole determined that, with appropriate building, sign, and site improvement requirements and business operational allowances and restrictions, it was in the best interests of the City of Batavia to allow the addition of said drive through facility; and

WHEREAS, on March 15, 2016, the City Council's Committee of the Whole recommended approval of the Conditional Use Permit to allow the operation of an eating establishment with drive through with the following conditions:

1. Additional landscaping is added adjacent to the north parking spaces, with Plan Commission design review approval;
2. A curb is added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what is proposed for the south parking; inside this area shall be suitable landscaping, including a tree subject to Plan Commission design review approval;
3. The area south and west of the west end curb for the new south parking spaces shall be suitably landscaped, including a tree subject to Plan Commission design review approval.
4. Retaining wall design shall be determined by Plan Commission design review approval;
5. Refuse pick-up shall be limited to between the hours of 7:00 am and 10:00 pm;
6. Fuel deliveries shall be limited to between the hours of 10:00 am and Midnight;
7. Drive through operation hours shall be limited to between the hours of 4:00 am and Midnight;
8. The site plan shall identify, and signs shall be installed on site for employee only parking to facilitate fuel deliveries and refuse pickup hours; and
9. The development of the property shall be in substantial compliance with the plans presented; and

WHEREAS, the City Council of the City of Batavia has considered the recommendations of both the Plan Commission and the Committee of the Whole.

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

SECTION 1: The application for a Conditional Use Permit submitted on behalf of property owner Harry Mehta, HM1 Batavia, LLC, to allow the operation of an eating establishment with drive through in the DMU Downtown Mixed Use District, under City Code Title 10, Chapter 5.4, in substantial conformance as reflected in the Exhibits listed below, is hereby approved with the following conditions:

1. Additional landscaping is added adjacent to the north parking spaces, with Plan Commission design review approval;
2. A curb is added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk, similar to what is proposed for the south parking; inside this area shall be suitable landscaping, including a tree subject to Plan Commission design review approval;
3. The area south and west of the west end curb for the new south parking spaces shall be suitably landscaped, including a tree subject to Plan Commission design review approval.
4. Retaining wall design shall be determined by Plan Commission design review approval;
5. Refuse pick-up shall be limited to between the hours of 7:00 am and 10:00 pm;
6. Fuel deliveries shall be limited to between the hours of 10:00 am and Midnight;
7. Drive through operation hours shall be limited to between the hours of 4:00 am and Midnight;
8. The site plan shall identify, and signs shall be installed on site for employee only parking to facilitate fuel deliveries and refuse pickup hours; and
9. The development of the property shall be in substantial compliance with the plans per the Exhibits as follows:

Exhibit	Plan	Dated	Prepared by
A	Plat of Survey	9/12/12	Todd Surveying
B	Concept Plan	1/11/16	Engineering Resources, Inc.
C	Landscape Plan	Revised 12/16/15	Wingren Landscape
D	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
E	Monument Sign	11/2/15	“
F	Canopy Edge Design	-	Shell International Petroleum Co.

SECTION 2: That this Ordinance 16-10 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 March, 2016.

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

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					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 Wetzel, City Clerk

A.L.T.A \ A.C.S.M. LAND TITLE SURVEY

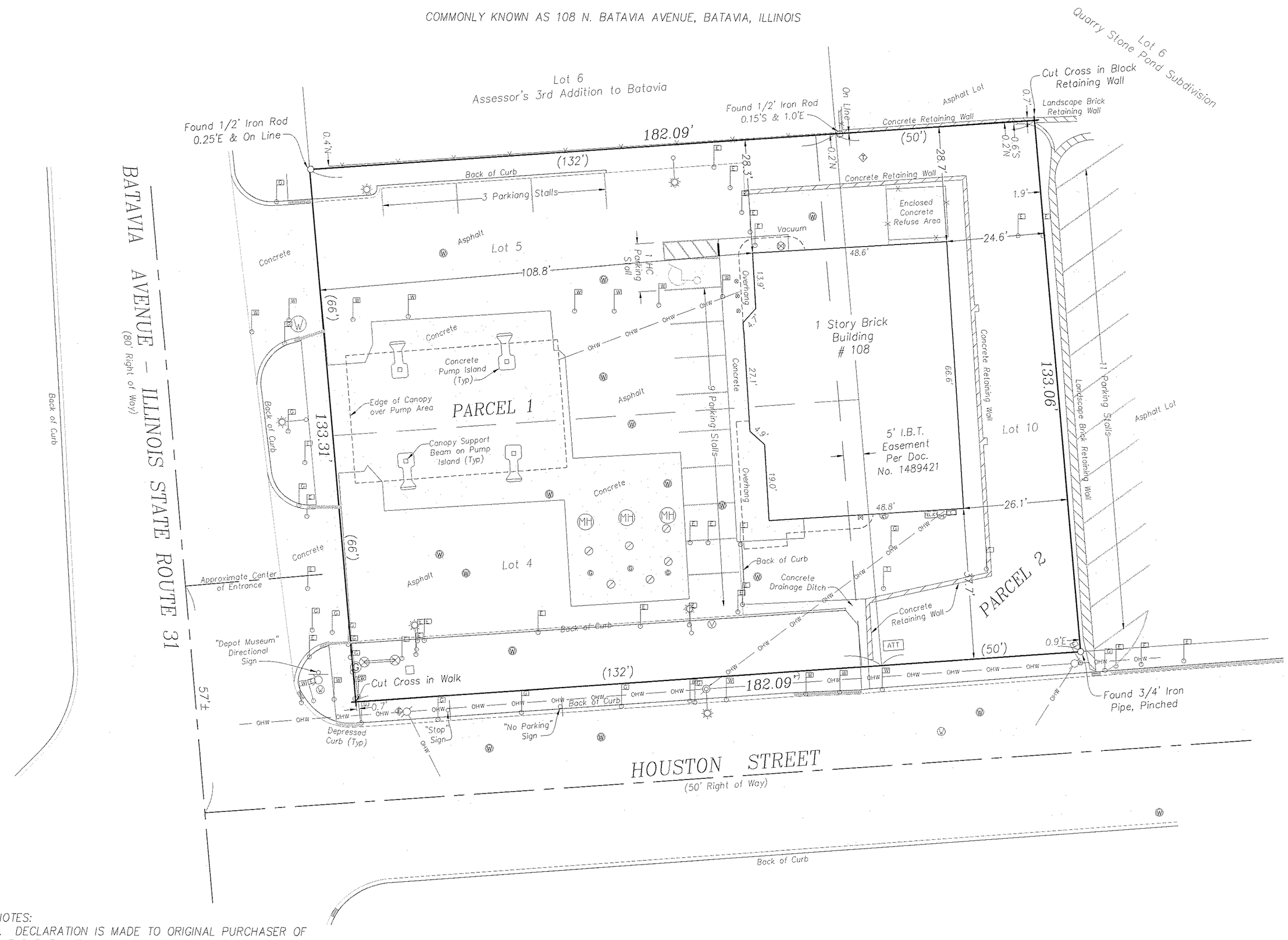
P.I.N.'s
12-22-132-018
12-22-132-024

Exhibit A

PARCEL 1: LOTS 4 AND 5 IN BLOCK 3 IN JOSEPH ORR MCKEE'S ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

PARCEL 2: LOT 10 IN ASSESSOR'S THIRD ADDITION TO BATAVIA, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS 108 N. BATAVIA AVENUE, BATAVIA, ILLINOIS



NOTES:

1. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

2. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.

3. NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCIES.

4. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

5. THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/ STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/ STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS: TELEPHONE, ELECTRIC, WATER, SEWER, STORM, AND CABLE T.V.

6. THIS IS AN ALTA/ACSM SURVEY. IT IS NOT INTENDED TO BE USED AS THE BASIS FOR ENGINEERING/STRUCTURAL DESIGN.

7. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS, AND OTHER DOCUMENTS WHICH MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN HEREON WAS GAINED FROM TITLE COMMITMENT NO. 008873903 PREPARED BY CHICAGO TITLE INSURANCE COMPANY WITH AN EFFECTIVE DATE OF MAY 22, 2012. THE FOLLOWING COMMENTS CORRESPOND TO THE ITEMS NUMBERED IN THE ABOVE REFERENCED COMMITMENT.

SCHEDULE B, ITEM L:

IN OUR OPINION, AN EASEMENT GRANTED TO ILLINOIS BELL TELEPHONE COMPANY RECORDED JANUARY 2, 1979 AS DOCUMENT 1489421, DOES AFFECT THIS PROPERTY, TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF. (PLOTTED)

TABLE A, ITEM 4:

GROSS LAND AREA – 24,248.40 SQ.FT.
– 0.557 ACRES, MORE OR LESS

TABLE A, ITEM 9:

PARKING STALLS – 12
HANDICAP PARKING STALL – 1

TOTAL PARKING STALLS – 13

TO: WAHEED ULLAH;
TALLWOOD PROPERTIES, INC.;
CHICAGO TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 7(a), 8, 9, 11(a), 14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 8, 2012.

DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 12, 2012.

Eric C. Pokorny

ERIC C. POKORNY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3818

PROFESSIONAL LAND SURVEYOR ERIC C. POKORNY 3818 YORKVILLE, IL. STATE OF ILLINOIS

SCALE 1" = 20'

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

(XX.XX') = Record Distance
XX.XX' = Measured Distance

Fence
Concrete/Asphalt
Bollard
Utility Pole
Sign
Telephone Pedestal
Telephone Junction Box
Utility Pole Anchor
AT&T Cabinet
Curb Inlet
Electric Meter
Electric Pedestal
Electric Junction Box
Fire Hydrant
Fuel Port
Gas Valve
Gas Meter
Handhole
J.U.L.I.E. Marker, Electric
J.U.L.I.E. Marker, Gas
J.U.L.I.E. Marker, Telephone
J.U.L.I. Marker, Water
Overhead Light Mast Arm
Light Pole (No light)
Fuel Manhole
Vent
Monitoring Well
Water Valve
B-Box
Utility Pole w/Overhead Light Mast Arm

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

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

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

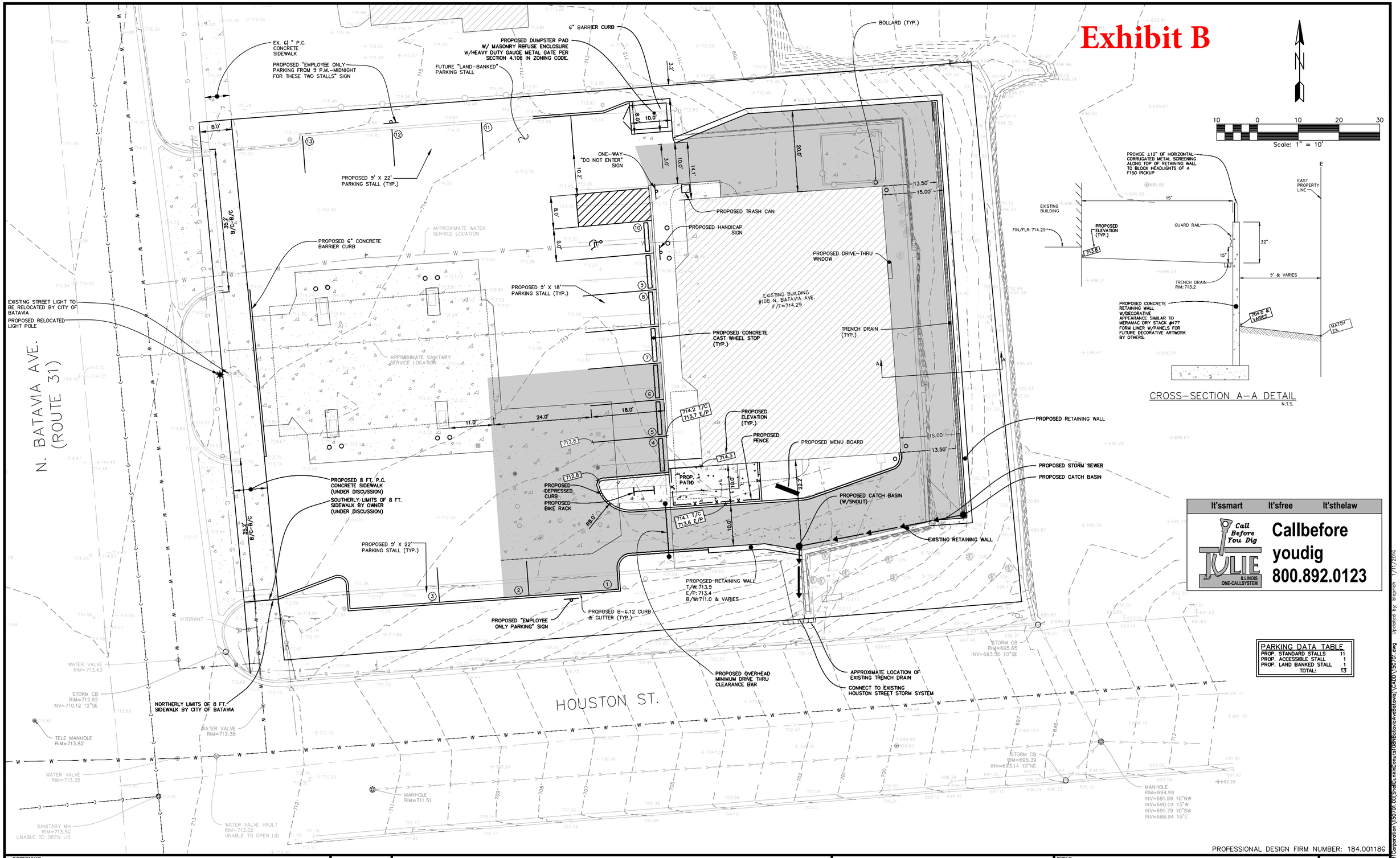
Client: Tallwood Properties, Inc.

Book #: 2151 | Drawn By: PM.EP | Plat #: 7919/2767 11356
Reference:
Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

Exhibit B



REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

DRAWN BY: BL
CHECKED BY: AK
APPROVED BY: JG

ENGINEERING RESOURCE ASSOCIATES,INC.
CONSULTINGENGINEERS,SCIENTISTS &SURVEYORS

3S701WESTAVENUE,SUITE150
WARRENVILLE,ILLINOIS60555
PHONE(630)393-3060
FAX(630)393-2152

10S.RIVERSIDEPLAZA,SUITE875
CHICAGO,ILLINOIS60606
PHONE(312)474-7841
FAX(312)474-6099

2416GALENDRIVE
CHAMPAIGN,ILLINOIS61821
PHONE(217)351-6268
FAX(217)355-1902

HM1 CORPORATION

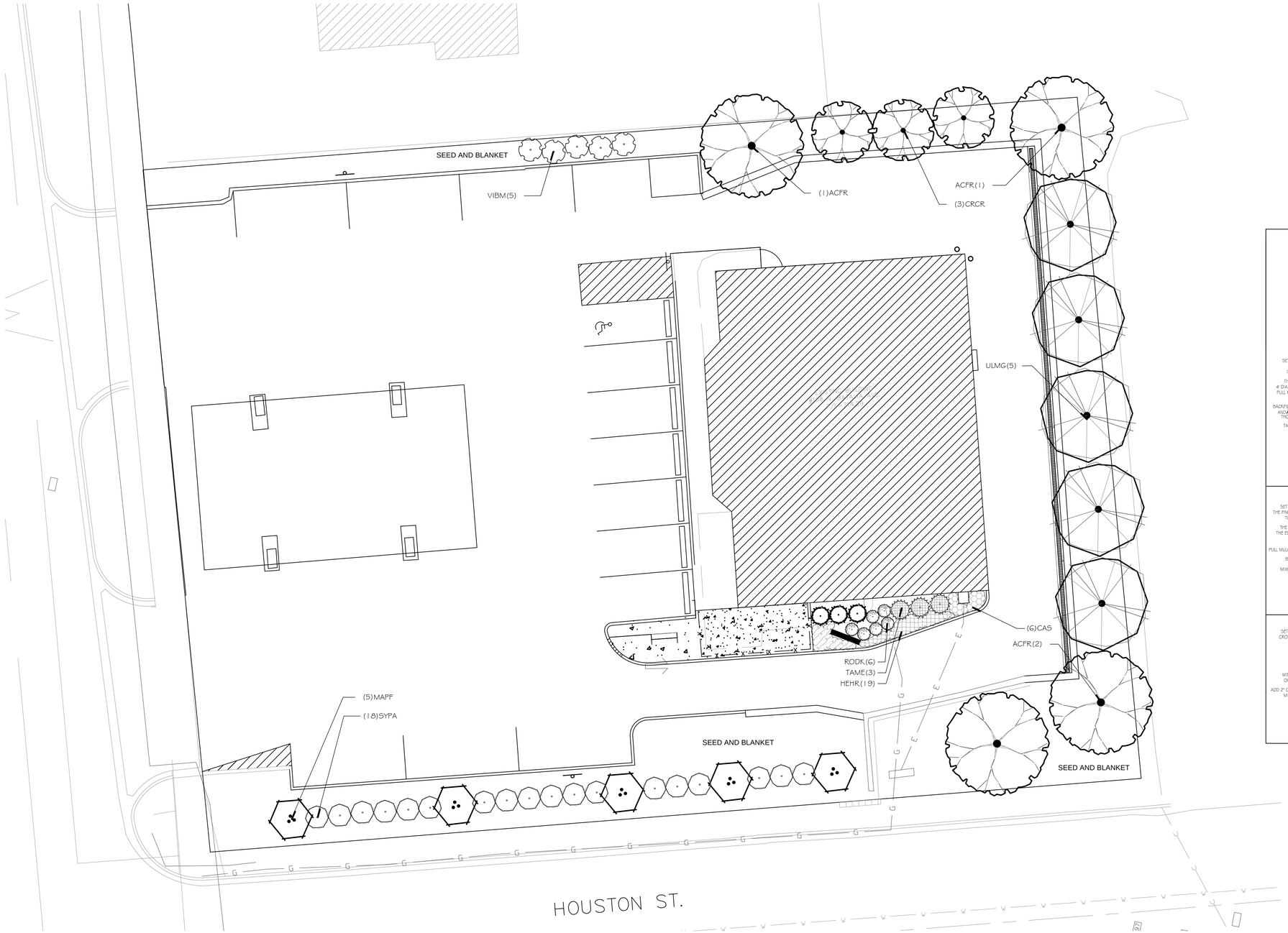
TITLE: CONCEPT PLAN
SHELL OF BATAVIA
BATAVIA, ILLINOIS

SCALE: 1"=10'
DATE: 01/11/16
JOB NO: 150701
SHEET 1 OF 1

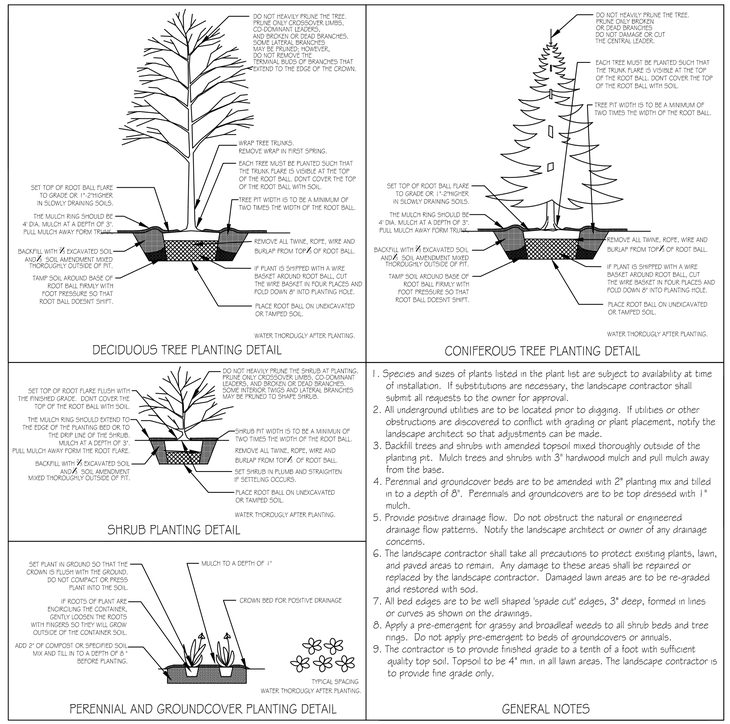
G:\PROJECTS\HM1Corporation\150701.00\SmallUnkindonuts108NBataviaAveBatavia\CADD\150701.dwg Updated by: bleprich 1/11/2016

All base information & dimensions are approximate only. All layout to be verified in the field.

Exhibit C

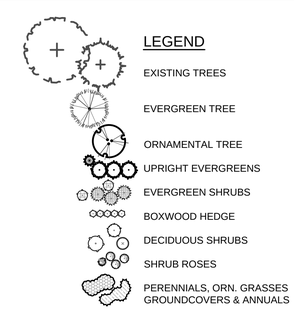


TREES	Quantity	Botanical	Common	Size	
ACFR	4	Acer freemanii `Jeffersred` TM	Autumn Blaze Maple	2.5" BB	
CRCR	3	Crataegus crusgalli var. inermis TM	Thornless Cockspur Hawthorn	6' BB	
MAPF	5	Malus hybrid `Prairifire`	Prairifire Crab	6' BB	
ULMG	5	Ulmus x `Morton Glossy` TM	Triumph Elm	2.5" BB	
EVERGREEN TREES					
THOC	3	Thuja occidentalis `Mission or Techny`	Mission or Techny Arborvitae	6` Ht.	
SHRUBS					
RODK	6	Rosa hybrids `Double Knockout`	Knockout Rose	3 gal	
SYPA	18	Syringa patula `Miss Kim`	Miss Kim Lilac	30" BB	
VIBM	5	Viburnum dentatum `Blue Muffin`	Southern Arrowwood	5 gal	
GROUND COVERS					**Spacing**
GEHR	13	Geranium hybrid `Rozanne` TM	Hybrid Cranesbill	1 gal	18" o.c.
HEHR	19	Hemerocallis hybrid `Happy Returns`	Happy Returns Daylily	1 gal	18" o.c.



1. Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
2. All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
3. Backfill trees and shrubs with amended topsoil mixed thoroughly outside of the planting pit. Mulch trees and shrubs with 3" hardwood mulch and pull mulch away from the base.
4. Perennial and groundcover beds are to be amended with 2" planting mix and tilled in to a depth of 8". Perennials and groundcovers are to be top dressed with 1" mulch.
5. Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
6. The landscape contractor shall take all precautions to protect existing plants, lawn, and paved areas to remain. Any damage to these areas shall be repaired or replaced by the landscape contractor. Damaged lawn areas are to be re-graded and restored with sod.
7. All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
8. Apply a pre-emergent for grassy and broadleaf weeds to all shrub beds and tree rings. Do not apply pre-emergent to beds of groundcovers or annuals.
9. The contractor is to provide finished grade to a tenth of a foot with sufficient quality top soil. Topsoil to be 4" min. in all lawn areas. The landscape contractor is to provide fine grade only.

GENERAL NOTES



LANDSCAPE PLAN

SCALE: 1" = 10'-0"

0 5 10 20

WINGREN LANDSCAPE
ALL THINGS OUTDOOR

5126 Walnut Ave.
Downers Grove, IL 60515
TEL 630.759.8100
www.wingrenlandscape.com

Copyright Wingren Landscape, all rights reserved. The design and any and all ideas contained herin are the sole property of Wingren landscape. Reproduction of the design or concept embodied herin in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

Dunkin' Donuts

Batavia, IL

REVISIONS:
REVISED PER ARCHITECTS COMMENTS 12.16.15

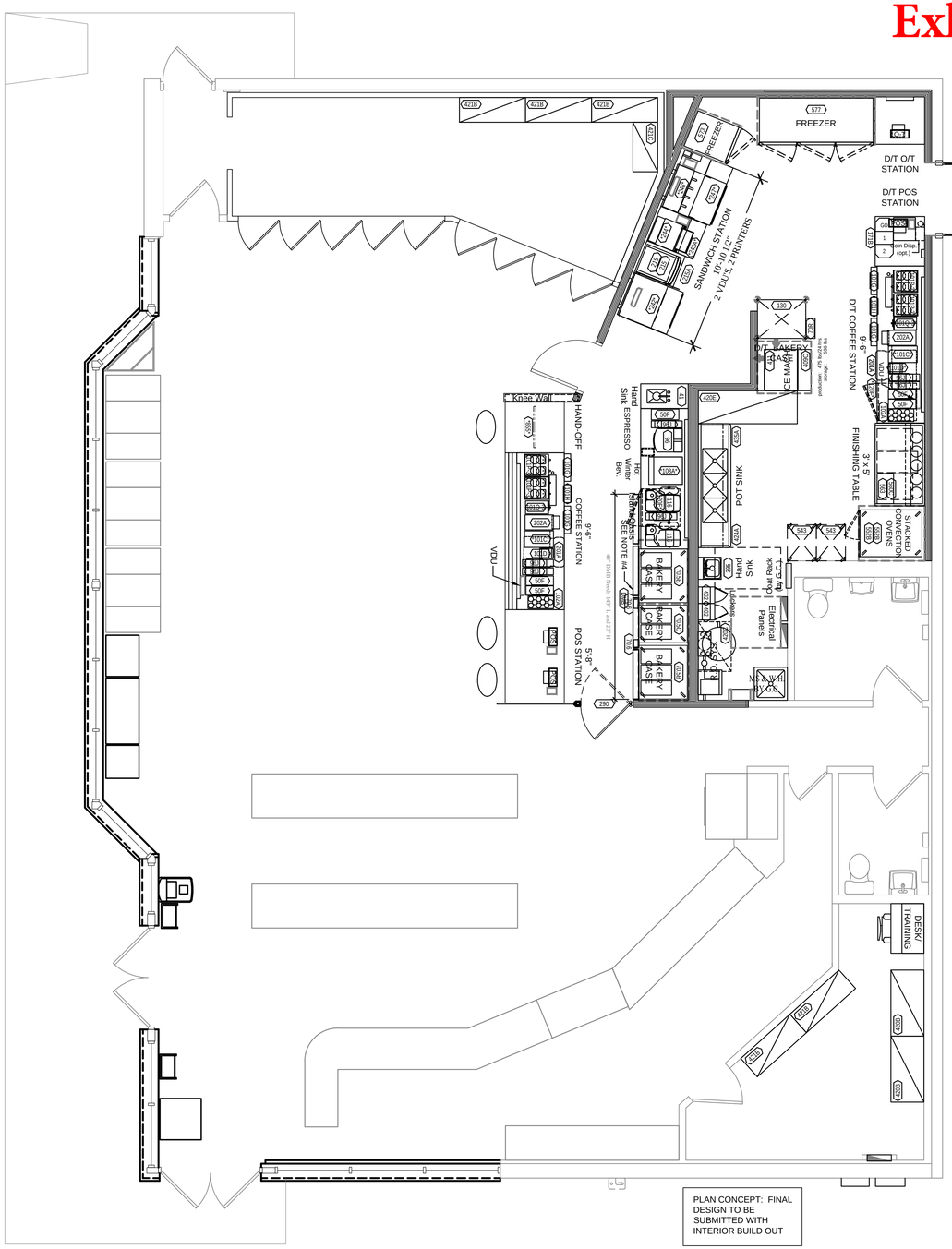
SHEET TITLE:
LANDSCAPE PLAN

DATE: 10.28.15
JOB: P-
SCALE: 1"=10'
BY:JZ, EB

SHEET L1 OF 1

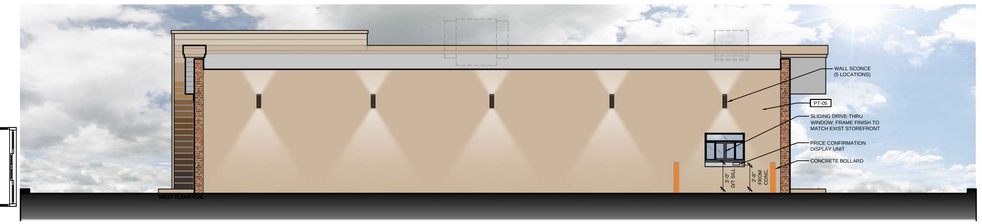
Exhibit D

ELEVATION CONCEPTS: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT



PLAN CONCEPT: FINAL DESIGN TO BE SUBMITTED WITH INTERIOR BUILD OUT

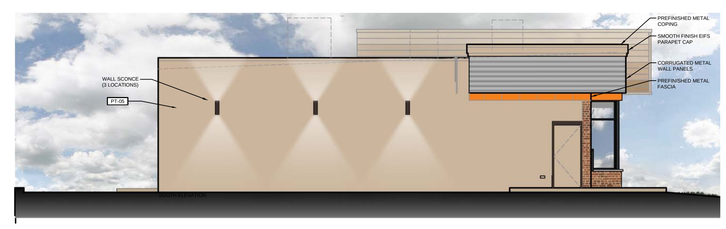
1 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



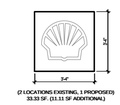
2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

4 WEST ELEVATION
SCALE: 1/8" = 1'-0"

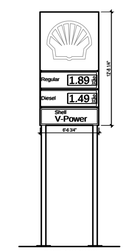


5 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



(7 LOCATIONS (EXISTING, 1 PROPOSED)
33.33 SF. (33.33 SF ADDITIONAL)

6 PECTEN LOGO
SCALE: 1/8" = 1'-0"



EXISTING PYLON SIGN
83.26 SF.

7 EXISTING SIGN ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

8 PYLON SIGN ELEVATION
SCALE: 1/8" = 1'-0"

ISSUE			
NO	DESCRIPTION	DATE	
1	CONCEPT PROPOSAL	09/30/2015	

ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

Copyright © 2015 Kolbrook Design, Inc.

dunkin' brands

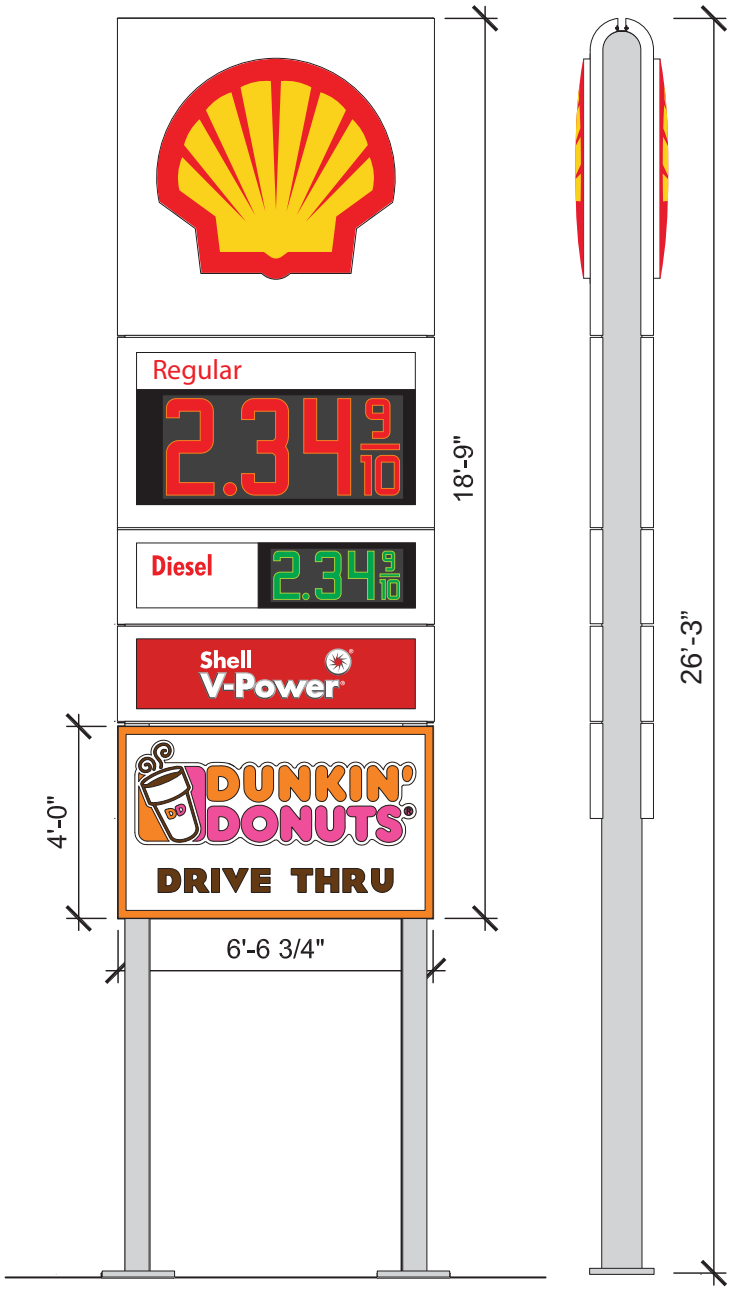
DUNKIN DONUTS CONCEPT PLAN

BATAVIA SHELL
108 N. BATAVIA AVE.
BATAVIA, IL 60510

Job No.	1425.038
Issue Date	01/21/2016
Project Area	TBD.

SHEET: 1 OF 1

Exhibit E



PROPOSED PYLON SIGN OPTION
123.05 SF. (39.79 SF. ADDITIONAL)

1 PYLON SIGN ELEVATION
SCALE: 1/4" = 1'-0"

ARCHITECT:

kolbrook design
828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

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PROJECT:
Dunkin Donuts - Batavia
108 North Batavia Ave.
Batavia, IL 60510

Job No.	1425.038
Issue Date	11/02/2015
Project Area	

Exhibit F

2.2.5 **LEVEL 1 FASCIA**

LEVEL 1

Level 1 is intended for all NTIs and KDRs unless prohibited by local legislation. Level 1 is also intended for all primary and strong secondary competitive conversion sites.

The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

CANOPY FASCIA

The Level 1 canopy edge treatment consists of a Shell Yellow curved fascia panel attached to a Shell White flat fascia, while an internally illuminated LED Shell Red bar provides both red illumination to the bar and face illumination to the yellow field.

PECTEN PANEL ILLUMINATION

The illumination of the Pecten is mandatory on all levels.

© Shell International Petroleum Company 2014

CITY OF BATAVIA

DATE: **February 29, 2016**
TO: **Committee of the Whole-CD**
FROM: **Scott Buening, Community Development Director**
SUBJECT: **Ordinance 16-14—Annexing the Eastern section of the Burlington Northern Railroad Right-of-Way**

Summary: Ordinance annexing the eastern portion of the Burlington Northern Railroad Right-of-Way (ROW).

Background: The City has annexed properties that surround the eastern portion of the Burlington Northern Railroad ROW, located east and west of Kirk Road. The City limits are directly abutting the north, south and west sides of this property. The eastern end is bounded by the Mahoney Creek. Under State Statutes, this property is considered "surrounded" and since it is under 60 acres in size, can be annexed to the City. Staff did try to make an initial contact with the railroad about annexation back in late 2014. However, we received no response to the request for annexation.

This property traverses both sides of Kirk Road. The majority of this ROW is not located in any fire district, including the intersection of Kirk Road and the Railroad ROW. Thus technically there would be no responsible fire department/district that would respond to an accident at this location. While that would not happen in reality, we feel that the area should be annexed so that the City can provide fire/rescue and police services to this important location. In addition, the annexation would give the City the ability to control other land uses such as billboards on this property.

In order to proceed with the annexation, staff felt that an "involuntary" annexation would be the best way to annex the property in question. A plat of annexation is attached showing the area to be annexed. The annexation will put this property into the City limits and allow us to provide emergency services within the property annexed. The property will initially be zoned R0, but we will rezone the property to (a) more appropriate zoning district(s) in the future.

Alternatives:

a. **Pros-** This annexation more closely rounds out the City boundaries at the northeast part of the community, and allows the City to provide emergency services within the property annexed.

b. **Cons-** There are no negatives to this annexation as the property has a $0.00 tax obligation.

c. **Budget Impact-** The property is and will remain tax exempt as a railroad property, so there is no effect on property taxes. The plat of annexation and recording costs will be approximately $250.00.

d. **Staffing Impact-** No staffing impact.

Timeline for actions: Due to the public notice requirements, a public hearing on the annexation is required. This is scheduled in front of the City Council on March 21, 2016 at 7:30 PM.

Staff recommendation: Staff recommends the Committee approve of Ordinance 16-14 Annexing the the eastern portion of the Burlington Northern Railroad Right-of-Way.

Attachments:

1. Ordinance 16-14 Annexing the eastern portion of the Burlington Northern Railroad Right-of-Way.
2. Public Notice.
3. Plat of Annexation.
4. Area Map.

Cc: Mayor & City Council
File

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-14

AN ORDINANCE ANNEXING AND ZONING PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

ADOPTED BY THE
MAYOR AND CITY COUNCIL
___ 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

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-14

AN ORDINANCE ANNEXING AND ZONING PART OF THE BURLINGTON NORTHERN RAILROAD RIGHT-OF-WAY TO THE CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois, has found a portion of the Burlington Northern Railroad Right-of-Way along Kirk Road is completely surrounded by the City limits of Batavia and a creek and is under 60 acres in size; and

WHEREAS, the property is designated by PINs 12-23-501-004, 12-24-501-001 and 12-13-501-001 (part), is legally described in **EXHIBIT "A"** and the Plat of Annexation is attached as **EXHIBIT "B"** ("Territory"); and

WHEREAS, the said Territory is not within the corporate limits of any municipality but is contiguous to and surrounded by the City of Batavia; and

WHEREAS, the City is desirous of having this property annexed into the City of Batavia as the City provides police and fire services to all properties that surround this property; and

WHEREAS, legal notices regarding the intention of the City to annex said Territory have been sent to all public bodies required to receive such notice by State Statute including the Fire District Trustees, the Township Supervisors, Clerks and Trustees and the Corporate Authorities of Kane County; and

WHEREAS, publication of the proposed annexation has occurred at least 10 days prior to the annexation as required by Statute; and

WHEREAS, a public hearing on the annexation to take testimony on the proposed annexation was conducted on March 21, 2016; and

WHEREAS, all petitions, documents, and other necessary legal requirements are in full compliance with the terms of said annexation, the Statutes of the State of Illinois, specifically 65 ILCS 5/7-1-13, and the requirements of the Batavia Municipal Code; and

WHEREAS, it is in the best interest of the City of Batavia that the Territory described and depicted in **EXHIBITS "A" and "B"** be annexed thereto and the territory be zoned R0 Single Family pursuant to the City of Batavia Municipal Code;

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

SECTION 1: That the Territory described as attached hereto on **EXHIBITS "A" and "B"** is hereby annexed to the City of Batavia, Kane and DuPage Counties, Illinois.

SECTION 2: That said Territory described as attached on **EXHIBITS "A" and "B"** is hereby zoned R0 Single Family, under the terms and conditions of the Batavia Municipal Code.

SECTION 3: That the City Clerk is hereby directed to record with the Kane County Recorder and to file with the County Clerk a certified copy of this Ordinance, together with an accurate map of the Territory annexed appended to said Ordinance.

SECTION 4: That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

SECTION 5: This Ordinance 16-14 shall be in full force and effect upon its passage, presentation and approval according to law.

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					Fischer				
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 Abstention(s)
Total holding office: Mayor and 14 aldermen

ATTEST:

Heidi Wetzel, City Clerk

PUBLIC NOTICE

PUBLIC NOTICE is hereby given to all persons concerned that on the 21st day of March, 2016 at 7:30 p.m., in the City Council Chambers of the Municipal Building, at 100 North Island Avenue, Batavia, Illinois, there will be held a Public Hearing wherein the City Council of the City of Batavia will conduct a Public Hearing on a proposed involuntary annexation of land, pursuant to 65 ILCS 5/7-1-13 of the Illinois Compiled Statutes. The property being considered for annexation is completely surrounded by the City limits of Batavia and a creek, is approximately 4.82 acres in size and is legally described as follows:

See Exhibit A

The property, which is the subject matter of the Public Hearing, is part of the Burlington Northern Railroad located east and west of Kirk Road. The property will be zoned R0 Single family residential after annexation.

All persons interested in this matter are invited to attend and speak at the Public Hearing. The Public Hearing may be continued to a further date, time and place without further notice or publication such as this notice.

Heidi Wetzel, City Clerk
City of Batavia

Exhibit "A"

DESCRIPTION OF PROPERTY HEREBY ANNEXED:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, THE NORTHWEST QUARTER OF SECTION 24 AND THE SOUTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 11 OF PRAIRIE LANDS SUBDIVISION, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE SOUTHERLY, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 104.1 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 2,922.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE 2,100.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID SOUTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 2,100.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO SAID NORTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE POINT OF BEGINNING, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

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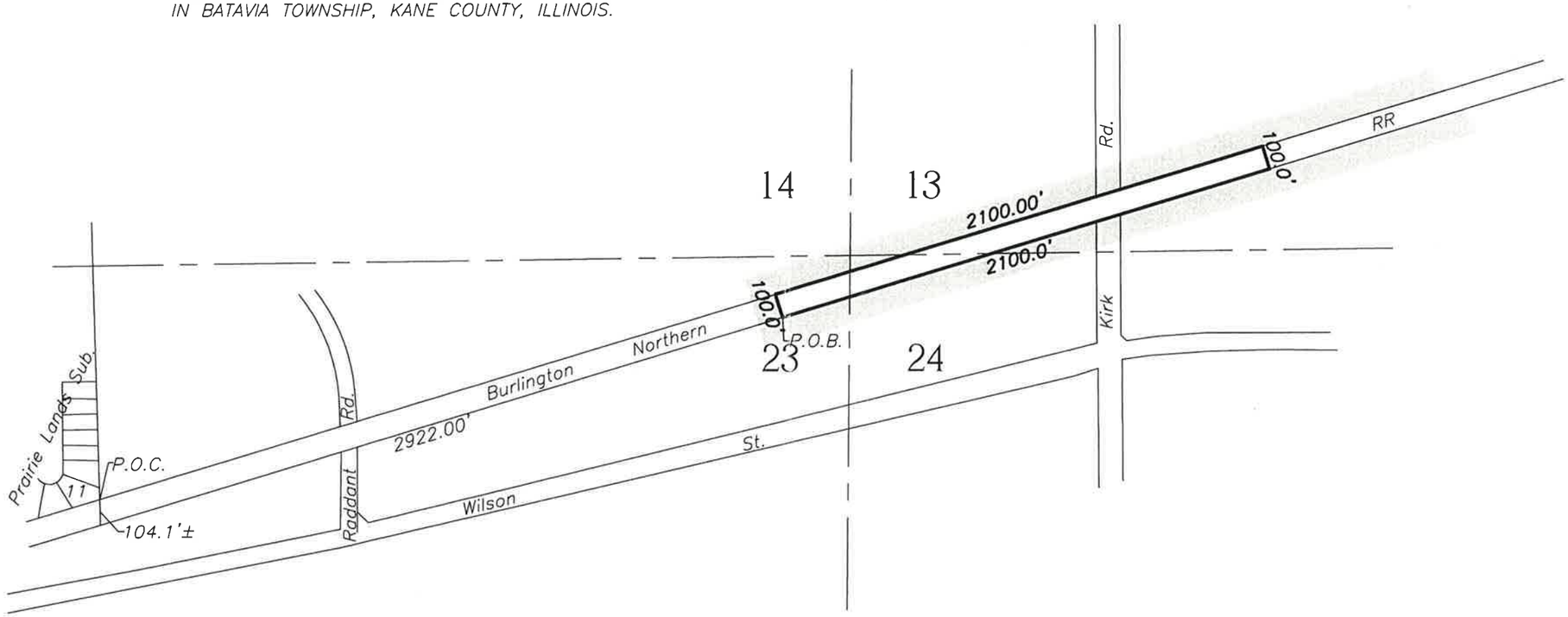
MAP OF TERRITORY HEREBY ANNEXED TO THE CITY OF BATAVIA, ILLINOIS.

DESCRIPTION OF PROPERTY HEREBY ANNEXED:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, THE NORTHWEST QUARTER OF SECTION 24 AND THE SOUTHWEST QUARTER OF SECTION 13, ALL IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF LOT 11 OF PRAIRIE LANDS SUBDIVISION, SAID POINT BEING ON THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE SOUTHERLY, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT, 104.1 FEET, MORE OR LESS, TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 2922.00 FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 2100.00 FEET; THENCE NORTHWESTERLY, AT RIGHT ANGLE TO SAID SOUTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF SAID RAILROAD; THENCE SOUTHWESTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 2100.00 FEET; THENCE SOUTHEASTERLY, AT RIGHT ANGLE TO SAID NORTHERLY RIGHT OF WAY LINE, 100.0 FEET TO THE POINT OF BEGINNING, ALL IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

Not to scale



==========LEGEND==========

Boundary of property hereby annexed

Indicates existing corporate limits

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

THIS IS TO CERTIFY THAT I, SHAWN R. VanKAMPEN, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710 HAVE PREPARED THE ATTACHED PLAT FOR ANNEXATION PURPOSES. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF.

DATED AT DEKALB, ILLINOIS THIS 8TH DAY OF DECEMBER, 2015.

Shawn R. Van Kampen
SHAWN R. VanKAMPEN
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

PROFESSIONAL LAND SURVEYOR
SHAWN R. VANKAMPEN
035-002710
DEKALB, ILLINOIS
STATE OF ILLINOIS

Prepared by:
William E. Hanna Surveyors
License No. 1842807
508 Pine Street
DeKalb, Illinois 60115
(815) 756-2189
Fax 748-2532
info@hannasurveyors.com ©

FOR: CITY OF BATAVIA
JOB NO. WES 13384C

Exhibit _____