

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. **PUBLIC HEARING: 7:30 PM: Annexation Of Part Of BNSF Railroad Right Of Way**  
Documents: [ORD 16-14 Annex part of BNSF Railroad.pdf](#)
6. **MATTERS FROM THE PUBLIC: (For Items NOT On The Agenda)**
7. **APPOINTMENTS: Batavia Chamber, Main Street And Environmental Commission (JDS 3/18/16)**  
Documents: [Volunteer Positions.pdf](#)
8. **MAINSTREET MINUTE**
9. **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](#)
10. **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](#)
11. **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](#)
12. **ADMINISTRATOR'S REPORT**
13. **COMMITTEE REPORTS**
14. **OTHER BUSINESS**
15. **MAYOR'S REPORT**
16. **CLOSED SESSION:**
  - a. Purchase and Sale of Electric Power
  - b. Purchase of Real Property
17. **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.

# CITY OF BATAVIA

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**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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-14

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

ATTEST:

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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.



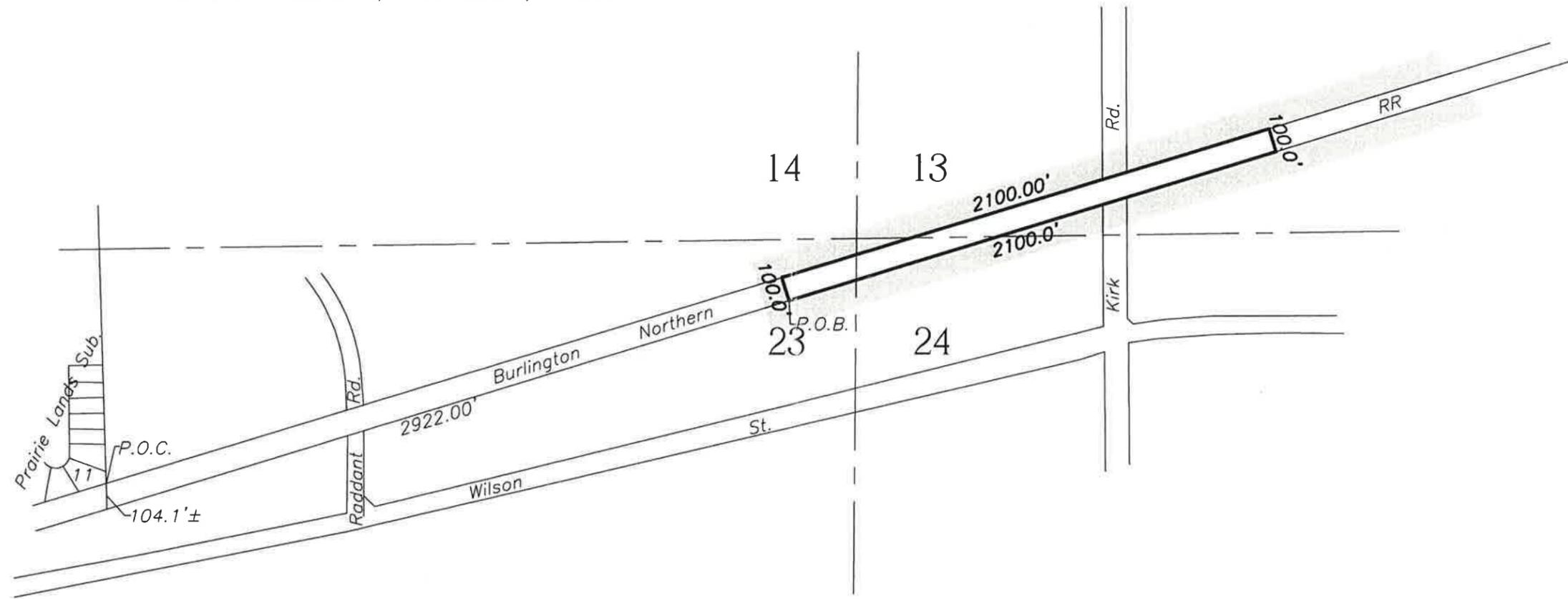
SOURCE: ESRI, DIGITAL GLOBE, GEACON, ESRI/ENR GEOGRAPHICS, CNES/AIRBUS DS, USGS, USGS/ALEX, ESRI/SPRINGFIELD, ILL., USA, SWISSOP, AND THE CHESAPEAKE REGIONAL COMMUNITY

# 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



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

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**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 15<sup>th</sup> 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 6<sup>th</sup> 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 21<sup>st</sup> 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 15<sup>th</sup>. 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 21<sup>st</sup> 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 22<sup>nd</sup> 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;

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-09

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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.

<b>Exhibit</b>	<b>Plan</b>	<b>Dated</b>	<b>Prepared by</b>
<b>A</b>	Plat of Survey	9/12//12	Todd Surveying
<b>B</b>	Concept Plan	1/11/16	Engineering Resources, Inc.
<b>C</b>	Landscape Plan	Revised 12/16/15	Wingren Landscape
<b>D</b>	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
<b>E</b>	Monument Sign	11/2/15	“
<b>F</b>	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 21<sup>st</sup> day of March, 2016.

**APPROVED** by me as Mayor of the City of Batavia, Illinois, this 21<sup>st</sup> day of March, 2016.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-09

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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

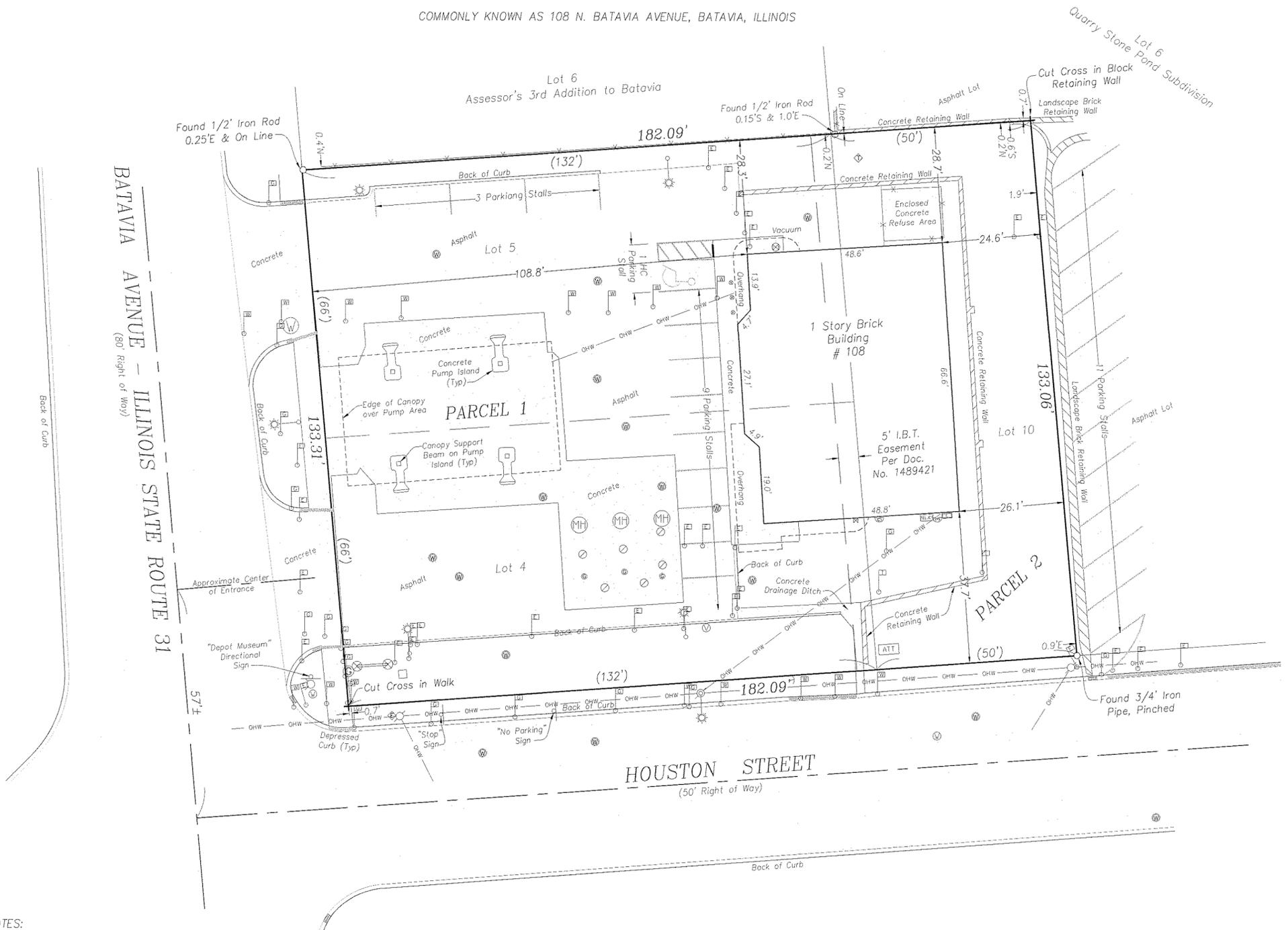
P.I.N.'s  
12-22-132-018  
12-22-132-024

## 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



SCALE 1" = 20'

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

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

Fence = - - - -

Concrete/Asphalt = [shaded box]

Ballard = [circle with dot]

Utility Pole = [circle with cross]

Sign = [square with X]

Telephone Pedestal = [circle with T]

Telephone Junction Box = [square with T]

Utility Pole Anchor = [circle with dot]

AT&T Cabinet = [square with AT&T]

Curb Inlet = [circle with T]

Electric Meter = [circle with M]

Electric Pedestal = [circle with E]

Electric Junction Box = [square with E]

Fire Hydrant = [circle with H]

Fuel Port = [circle with P]

Gas Valve = [circle with V]

Gas Meter = [circle with G]

Handhole = [circle with H]

J.U.L.I.E. Marker, Electric = [circle with E]

J.U.L.I.E. Marker, Gas = [circle with G]

J.U.L.I.E. Marker, Telephone = [circle with T]

J.U.L.I. Marker, Water = [circle with W]

Overhead Light Mast Arm = [circle with L]

Light Pole (No light) = [circle with L]

Fuel Manhole = [circle with M]

MICHEL C. ENSALADO 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.

Vent = [circle with V]

Monitoring Well = [circle with M]

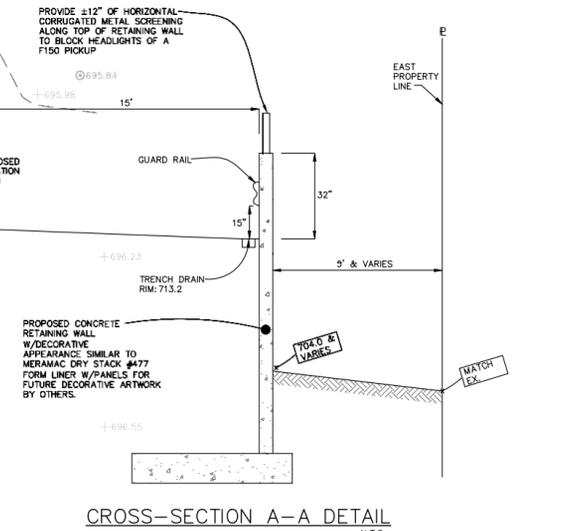
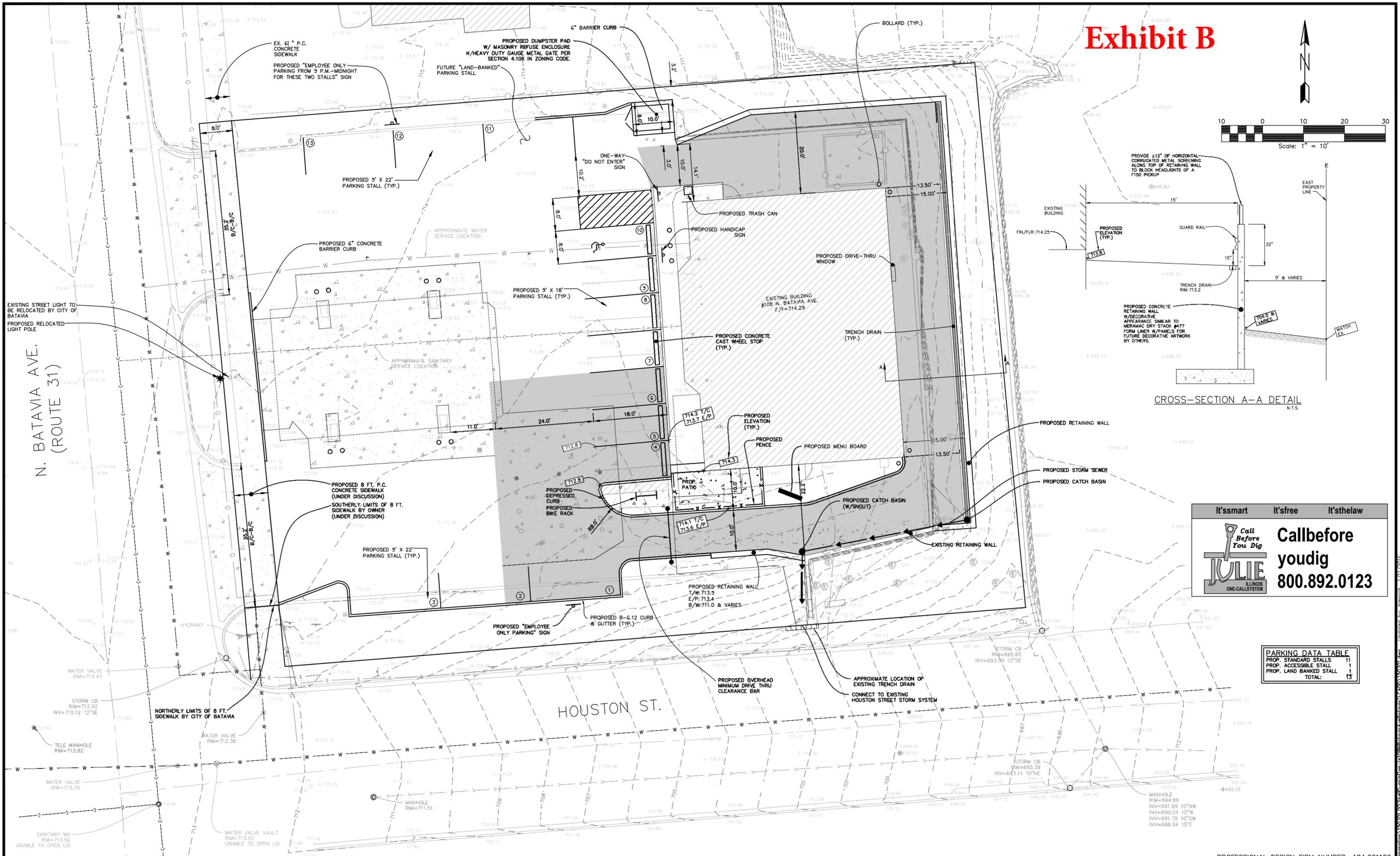
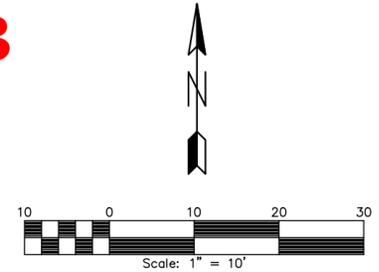
Water Valve = [circle with W]

B-Box = [circle with B]

Utility Pole w/Overhead Light Mast Arm = [circle with L]

Client: Tallwood Properties, Inc.	
Book #: 2151	Drawn By: PM.EP/Plat #: 08/08/12
Reference:	
Field Work Completed: 08/08/12	
Rev. Date	Rev. Description
Project Number: 2012-0592	

# Exhibit B



It'ssmart It'sfree It'sthelaw

Call Before You Dig  
**JULIE**  
 ILLINOIS ONE-CALL SYSTEM

**Call before you dig**  
 800.892.0123

**PARKING DATA TABLE**

PROP. STANDARD STALLS	11
PROP. ACCESSIBLE STALL	1
PROP. LAND BANKED STALL	1
<b>TOTAL:</b>	<b>13</b>

**REVISIONS:**

DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

**ENGINEERING RESOURCE ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, SCIENTISTS & SURVEYORS

3570 WEST AVENUE, SUITE 150  
 WARRENVILLE, ILLINOIS 60055  
 PHONE: (630) 393-3060  
 FAX: (630) 393-2152

105 RIVERSIDE PLAZA, SUITE 875  
 CHICAGO, ILLINOIS 60606  
 PHONE: (312) 474-7841  
 FAX: (312) 474-6099

2416 GALENDRIVE  
 CHAMPAIGN, ILLINOIS 61821  
 PHONE: (217) 351-6268  
 FAX: (217) 355-1902

**HM1 CORPORATION**

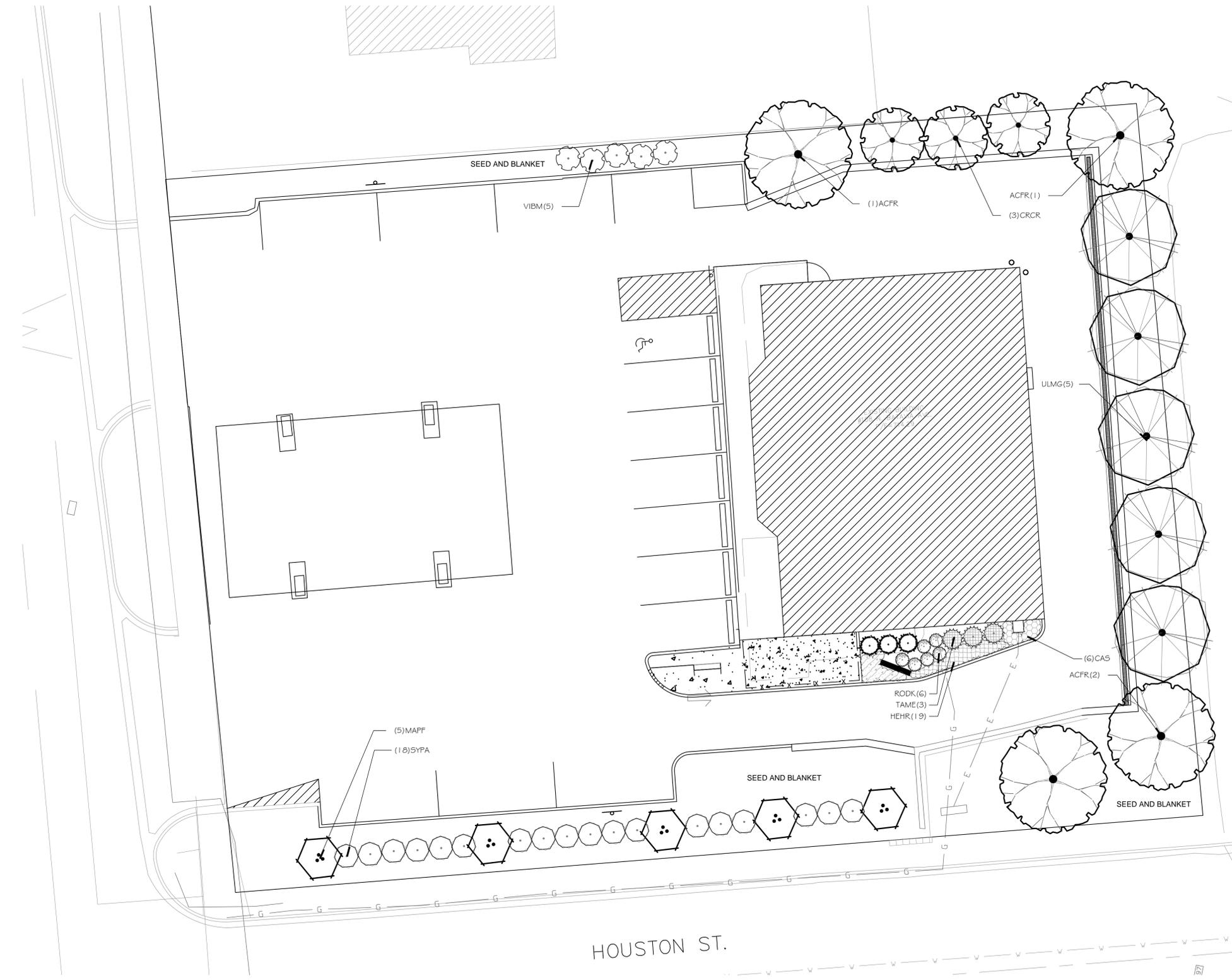
**TITLE:** CONCEPT PLAN SHELL OF BATAVIA BATAVIA, ILLINOIS

PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

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

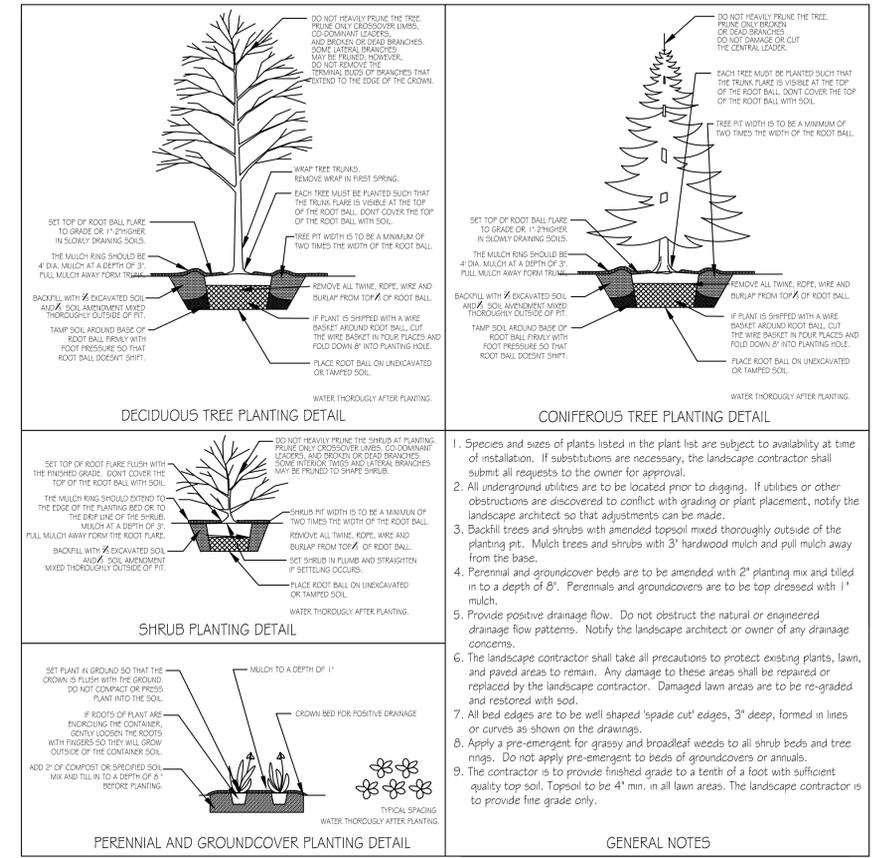
All base information & dimensions are approximate only. All layout to be verified in the field.

# Exhibit C

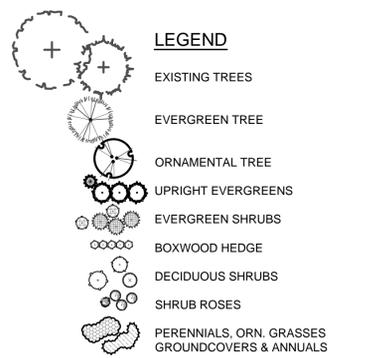


TREES	Quantity	Botanical	Common	Size
ACFR	4	Acer freemanii 'Jeffersred' TM	Autumn Blaze Maple	2.5' BB
CRCR	3	Crataegus crugallii var. inermis TM	Thornless Cockspur Hawthorn	6' BB
MAPF	5	Malus hybrid 'Prairiefire'	Prairiefire Crab	6' BB
ULMG	5	Ulmus x Morton Glossy TM	Triumph Elm	2.5' BB
EVERGREEN TREES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

Spacing  
18" o.c.

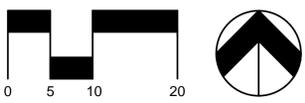


- GENERAL NOTES**
- Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
  - All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
  - 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.
  - 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.
  - Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
  - 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.
  - All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
  - 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.
  - 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.



LANDSCAPE PLAN

SCALE: 1" = 10'-0"



**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 herein are the sole property of Wingren Landscape. Reproduction of the design or concept embodied herein in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

**Dunkin' Donuts**  
Batavia, IL

**REVISIONS:**

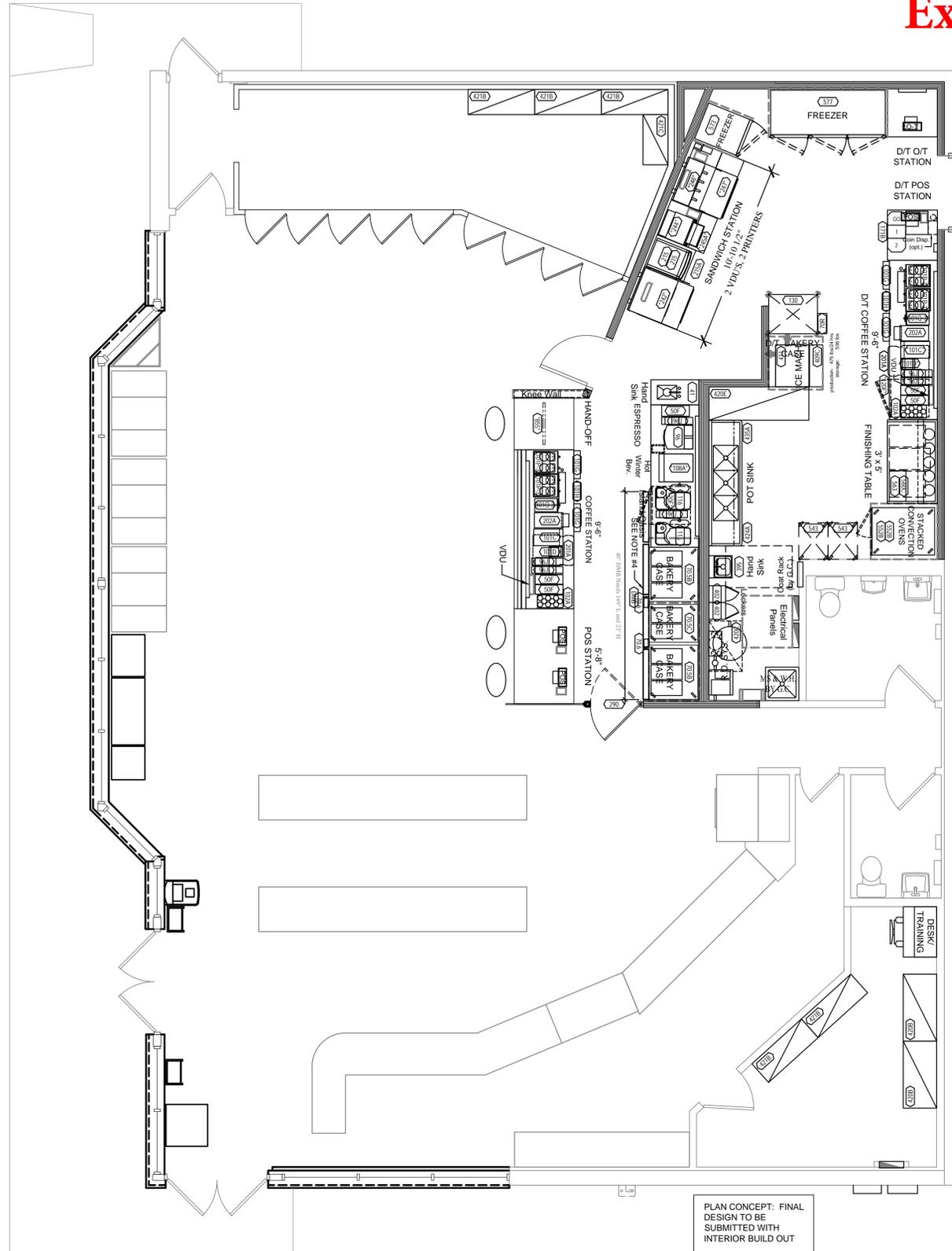
REVISION NUMBER	DATE	COMMENTS
12-16-15		

**SHEET TITLE:**  
LANDSCAPE PLAN

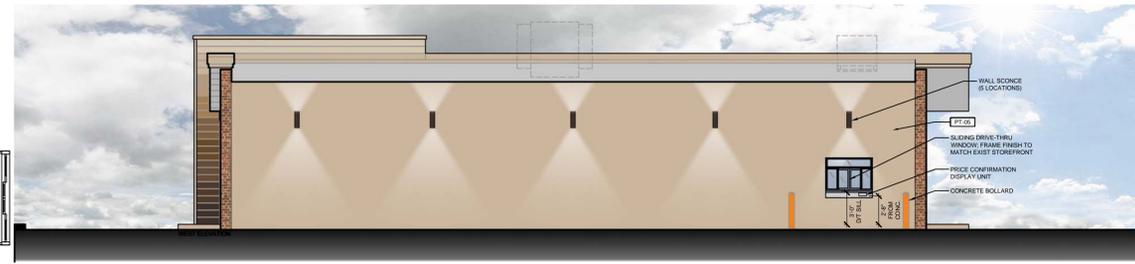
**DATE:** 10.28.15  
**JOB:** P-  
**SCALE:** 1"=10'  
**BY:** JZ, EB  
**SHEET** L1 OF 1

# Exhibit D

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



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



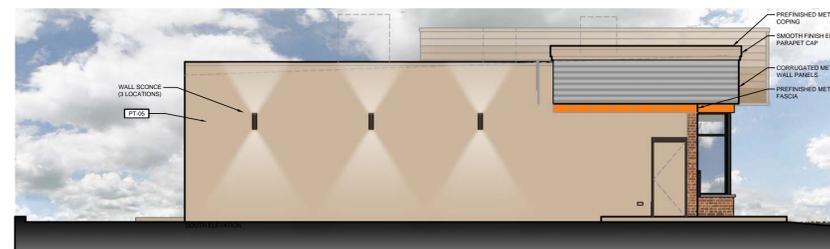
2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



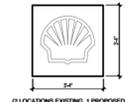
3 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



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

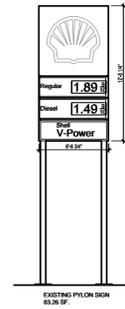


5 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



6 LOCATIONS EXISTING & PROPOSED  
SCALE: 1/16" = 1'-0" (IF APPLICABLE)

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



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



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

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

ARCHITECT:

**kolbrook design**

Copyright © 2015 Kolbrook Design, Inc.

828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992

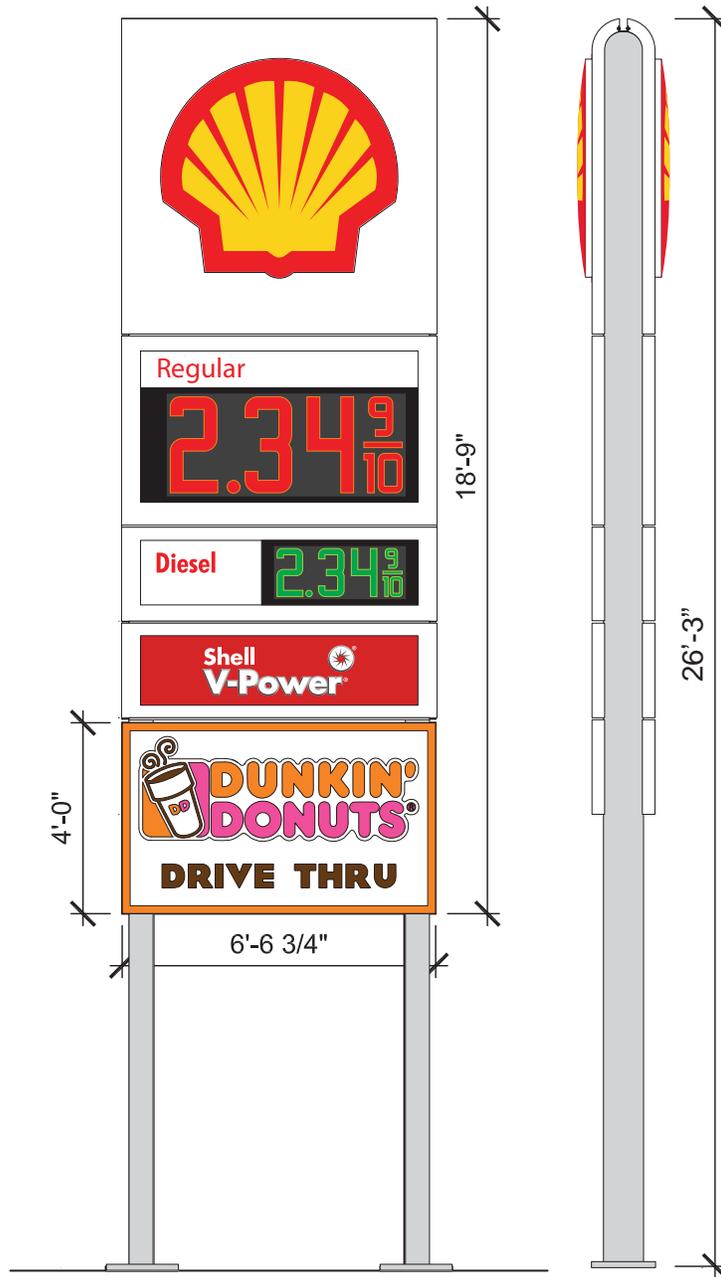


DUNKIN DONUTS CONCEPT PLAN

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:



828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992

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.

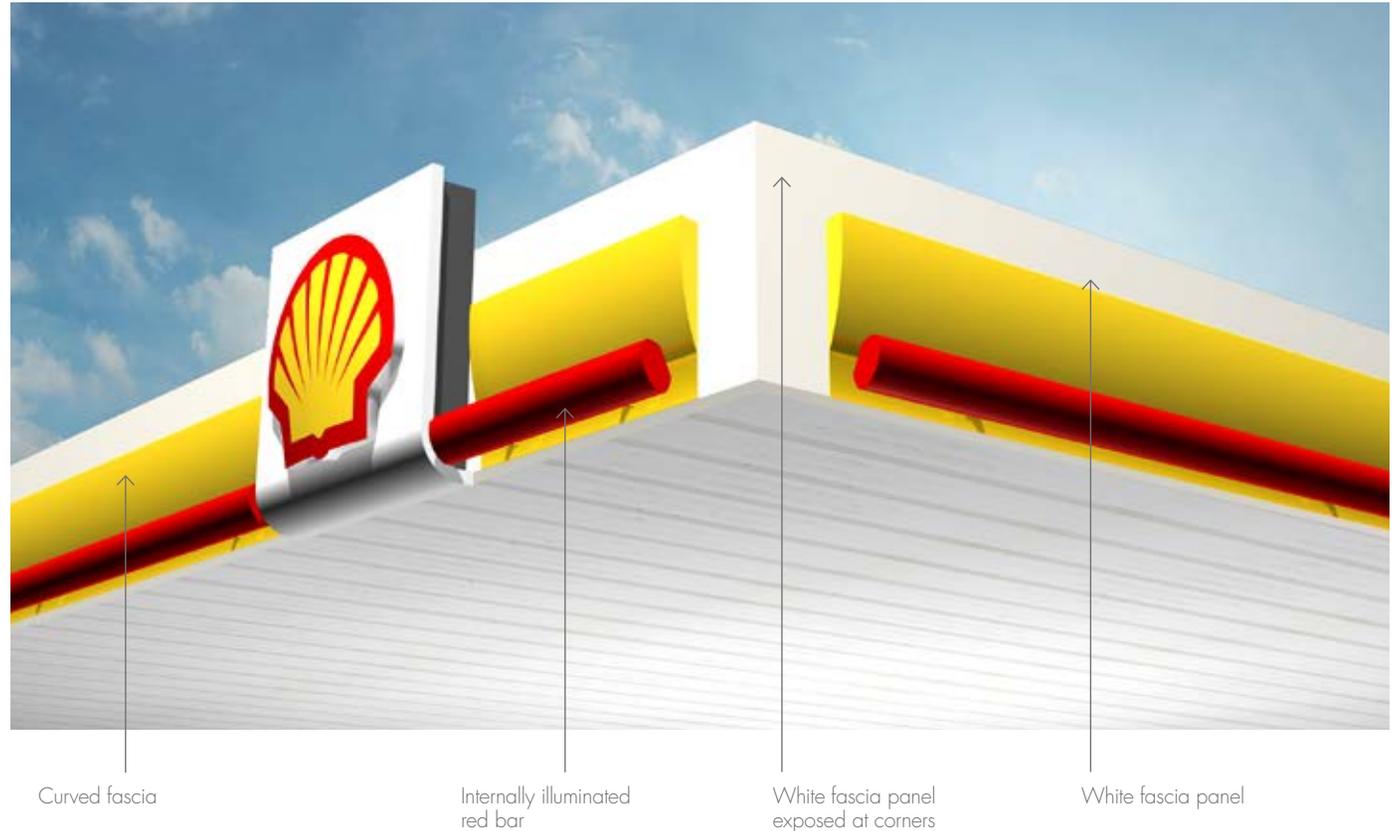
The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

### 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.



**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 21<sup>st</sup> 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 22<sup>nd</sup> 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:

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-10

---

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.
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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:

<b>Exhibit</b>	<b>Plan</b>	<b>Dated</b>	<b>Prepared by</b>
<b>A</b>	Plat of Survey	9/12/12	Todd Surveying
<b>B</b>	Concept Plan	1/11/16	Engineering Resources, Inc.
<b>C</b>	Landscape Plan	Revised 12/16/15	Wingren Landscape
<b>D</b>	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
<b>E</b>	Monument Sign	11/2/15	“
<b>F</b>	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 21<sup>st</sup> day of March, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 21<sup>st</sup> day of March, 2016.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-10

---

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

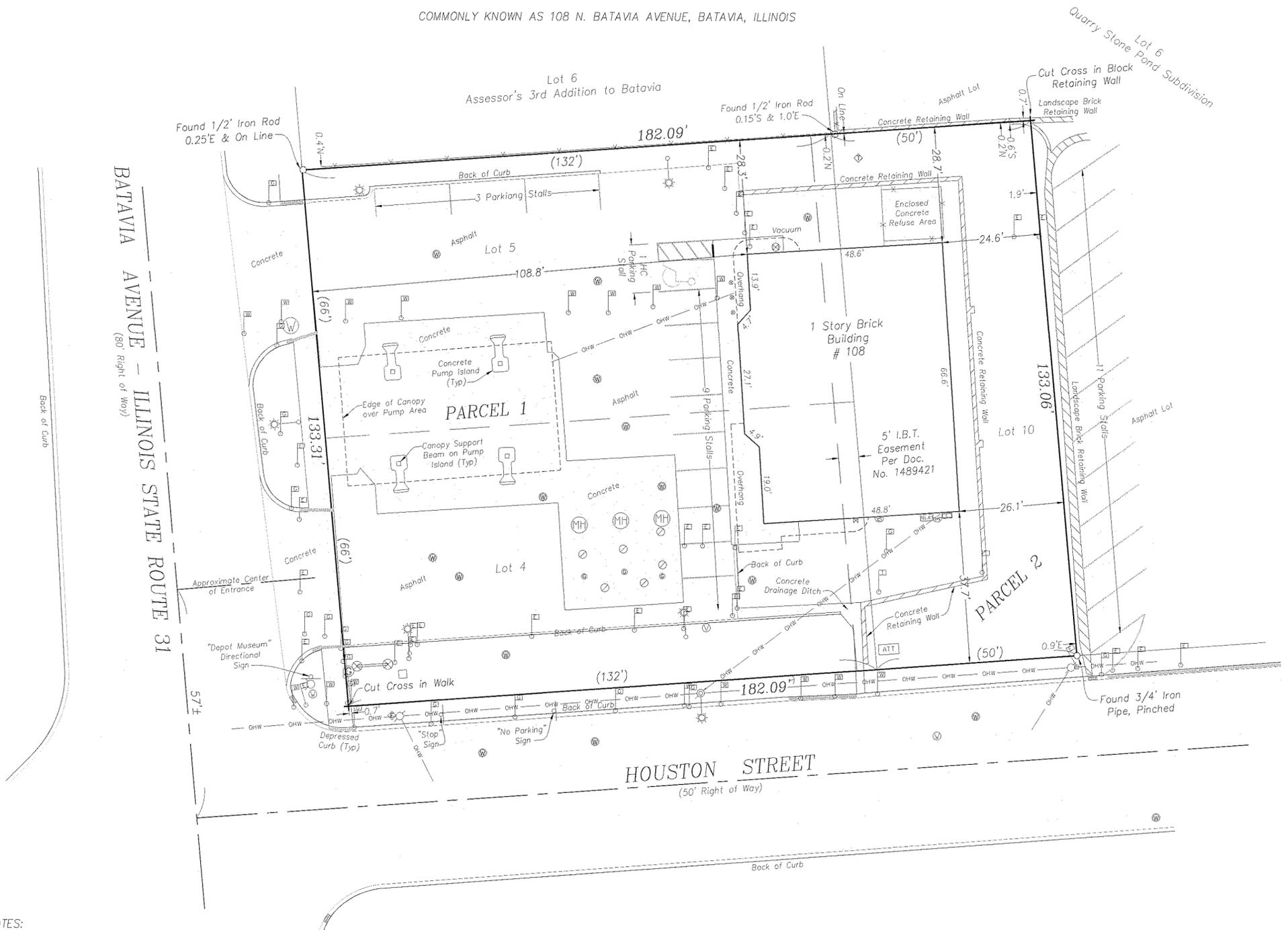
P.I.N.'s  
12-22-132-018  
12-22-132-024

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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



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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:

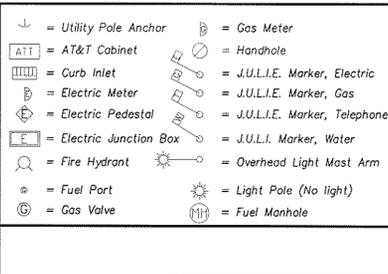
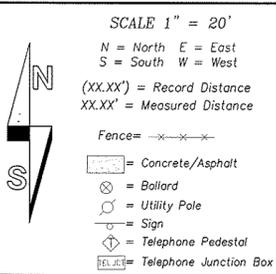
PARKING STALLS - 12  
HANDICAP PARKING STALL - 1  
TOTAL PARKING STALLS - 13

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



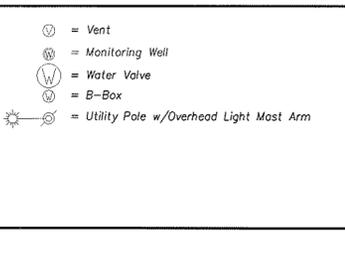
MICHEL C. ENSALADO P.L.S. 2768 EXP. 11/30/2012  
ERIC C. POKORNY P.L.S. 3818 EXP. 11/30/2012

# 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 #: 08/08/12

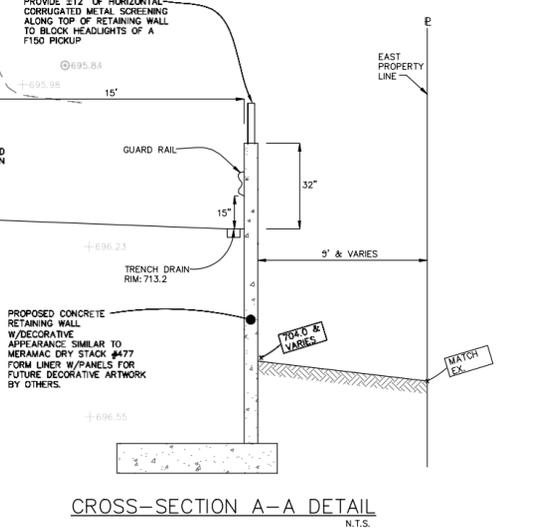
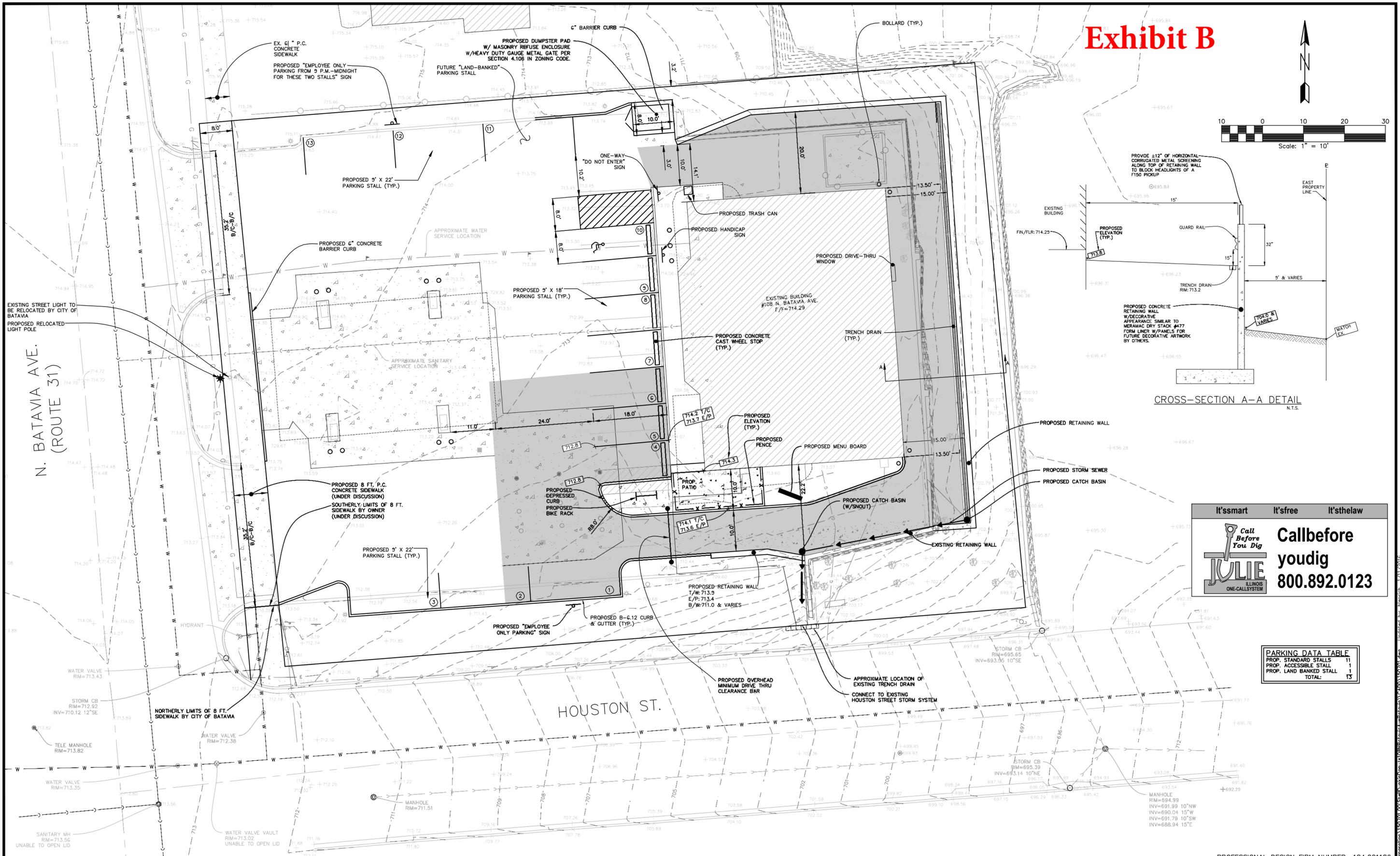
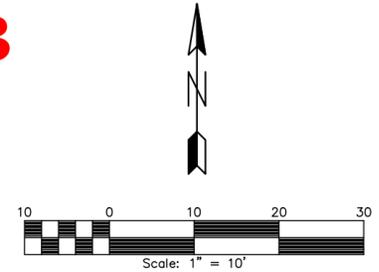
Reference:

Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

# Exhibit B



It'ssmart It'sfree It'sthelaw

Call Before You Dig  
**JULIE**  
 ILLINOIS ONE-CALL SYSTEM

**Call before you dig**  
 800.892.0123

PARKING DATA TABLE	
PROP. STANDARD STALLS	11
PROP. ACCESSIBLE STALL	1
PROP. LAND BANKED STALL	1
<b>TOTAL:</b>	<b>13</b>

REVISIONS:	
DATE	DESCRIPTION

**ENGINEERING RESOURCE ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, SCIENTISTS & SURVEYORS

3570 WEST AVENUE, SUITE 150  
 WARRENVILLE, ILLINOIS 60055  
 PHONE: (630) 393-3060  
 FAX: (630) 393-2152

105 RIVERSIDE PLAZA, SUITE 875  
 CHICAGO, ILLINOIS 60606  
 PHONE: (312) 474-7841  
 FAX: (312) 474-6099

2416 GALENDRIVE  
 CHAMPAIGN, ILLINOIS 61821  
 PHONE: (217) 351-6268  
 FAX: (217) 355-1902

**HM1 CORPORATION**

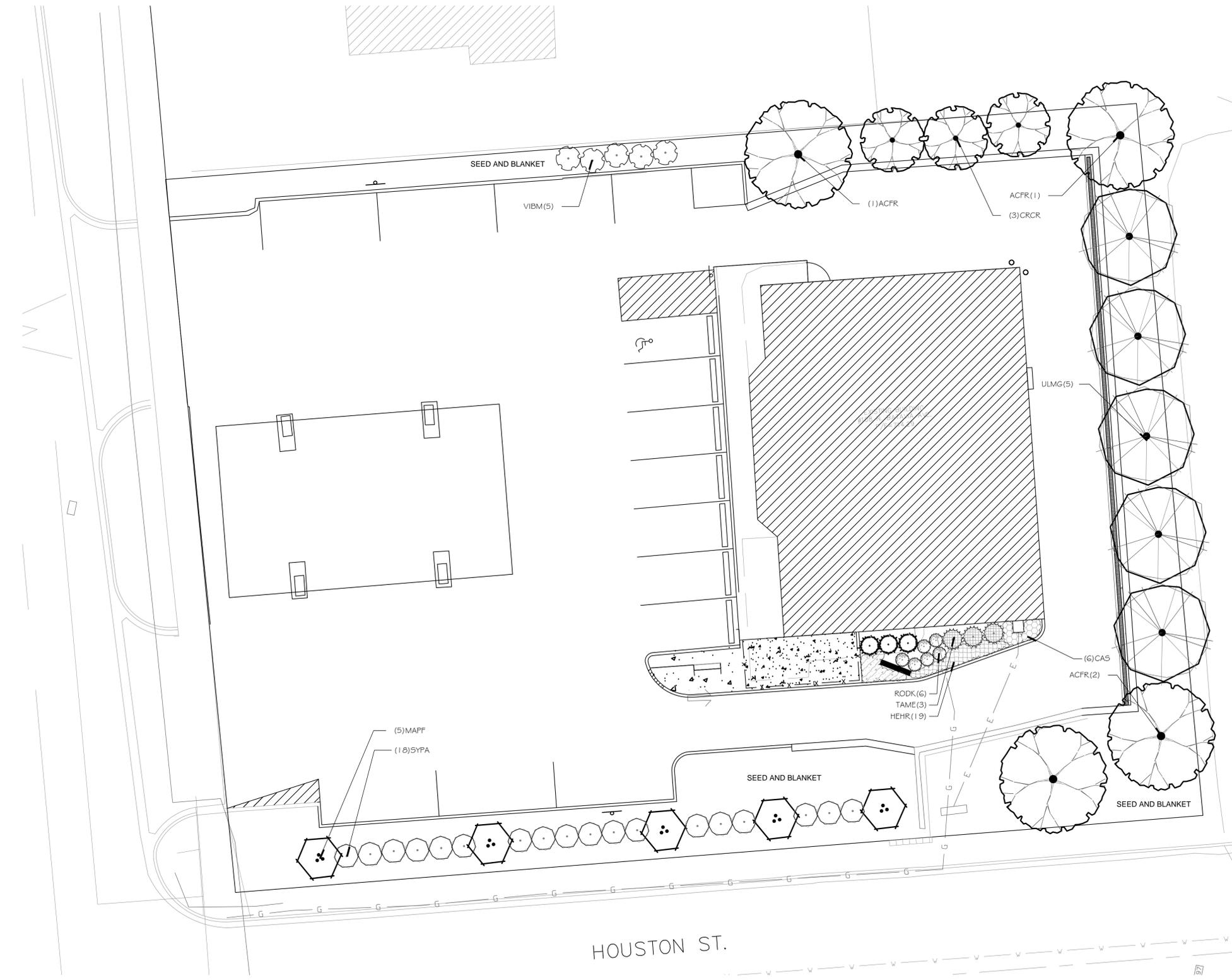
**CONCEPT PLAN SHELL OF BATAVIA BATAVIA, ILLINOIS**

PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

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

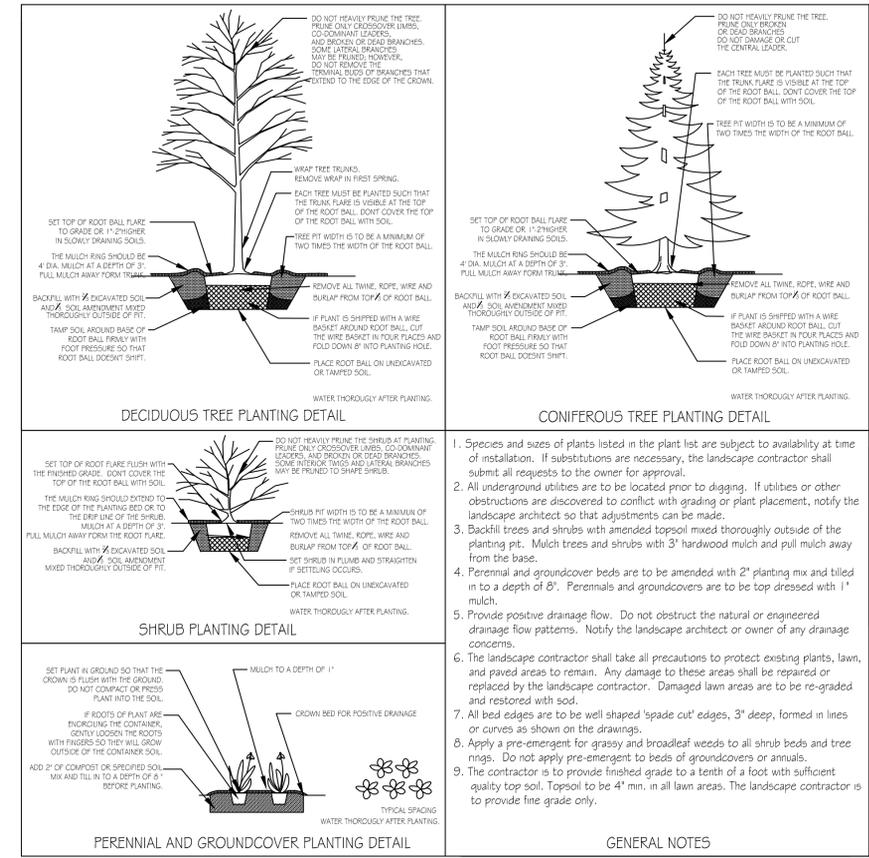
All base information & dimensions are approximate only. All layout to be verified in the field.

# Exhibit C

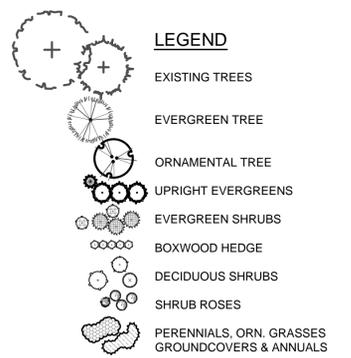


TREES	Quantity	Botanical	Common	Size
ACFR	4	Acer freemanii 'Jeffersred' TM	Autumn Blaze Maple	2.5' BB
CRCR	3	Crataegus crugallii var. inermis TM	Thornless Cockspur Hawthorn	6' BB
MAPF	5	Malus hybrid 'Prairiefire'	Prairiefire Crab	6' BB
ULMG	5	Ulmus x Morton Glossy TM	Triumph Elm	2.5' BB
EVERGREEN TREES				
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 pabula 'Miss Kim'	Miss Kim Lilac	30" BB
VIBM	5	Viburnum dentatum 'Blue Muffin'	Southern Arrowwood	5 gal
GROUND COVERS				
GEHR	13	Geranium hybrid 'Rozanne' TM	Hybrid Cranesbill	1 gal
HEHR	19	Hemerocallis hybrid 'Happy Returns'	Happy Returns Daylily	1 gal

Spacing  
18" o.c.

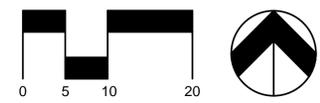


- ### GENERAL NOTES
- Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
  - All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
  - 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.
  - 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.
  - Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
  - 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.
  - All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
  - 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.
  - 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.



## LANDSCAPE PLAN

SCALE: 1" = 10'-0"



**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 herein are the sole property of Wingren Landscape. Reproduction of the design or concept embodied herein in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

**Dunkin' Donuts**  
Batavia, IL

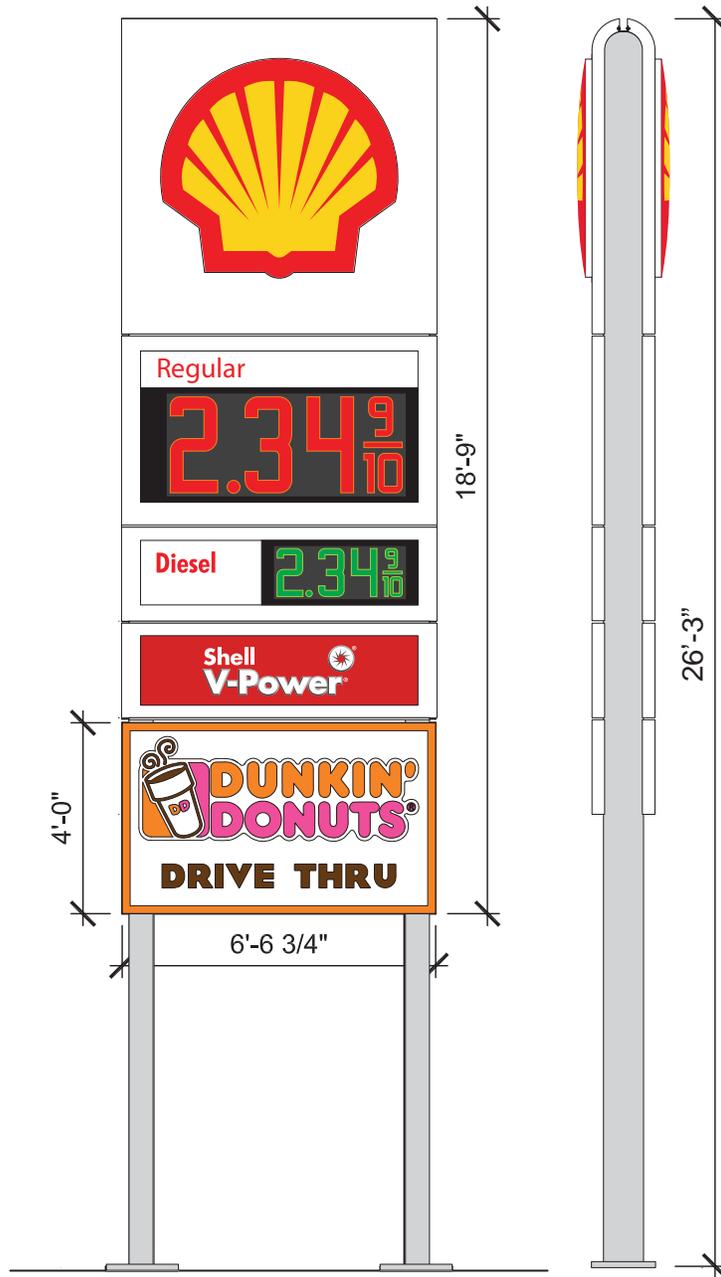
REVISIONS:
REVISION #   DATE   DESCRIPTION

SHEET TITLE:  
**LANDSCAPE PLAN**

DATE: 10.28.15  
JOB: P-  
SCALE: 1"=10'  
BY: JZ, EB  
SHEET **L1** 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:



828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992

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.

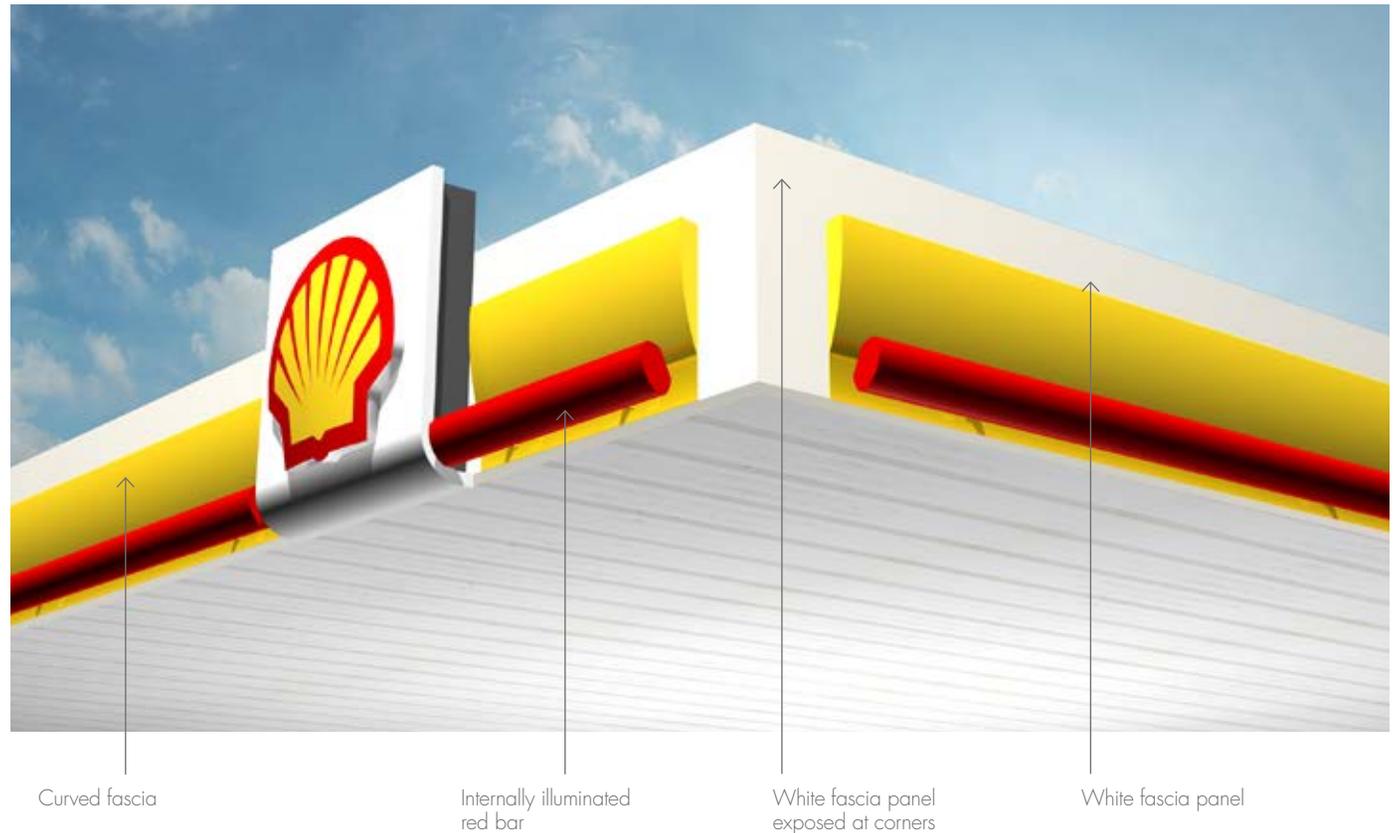
The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

### 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.



# 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 15<sup>th</sup> 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 6<sup>th</sup> 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 21<sup>st</sup> 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 15<sup>th</sup>. 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 21<sup>st</sup> 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 22<sup>nd</sup> 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;

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-09

---

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.

<b>Exhibit</b>	<b>Plan</b>	<b>Dated</b>	<b>Prepared by</b>
<b>A</b>	Plat of Survey	9/12//12	Todd Surveying
<b>B</b>	Concept Plan	1/11/16	Engineering Resources, Inc.
<b>C</b>	Landscape Plan	Revised 12/16/15	Wingren Landscape
<b>D</b>	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
<b>E</b>	Monument Sign	11/2/15	“
<b>F</b>	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 21<sup>st</sup> day of March, 2016.

**APPROVED** by me as Mayor of the City of Batavia, Illinois, this 21<sup>st</sup> day of March, 2016.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-09

---

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

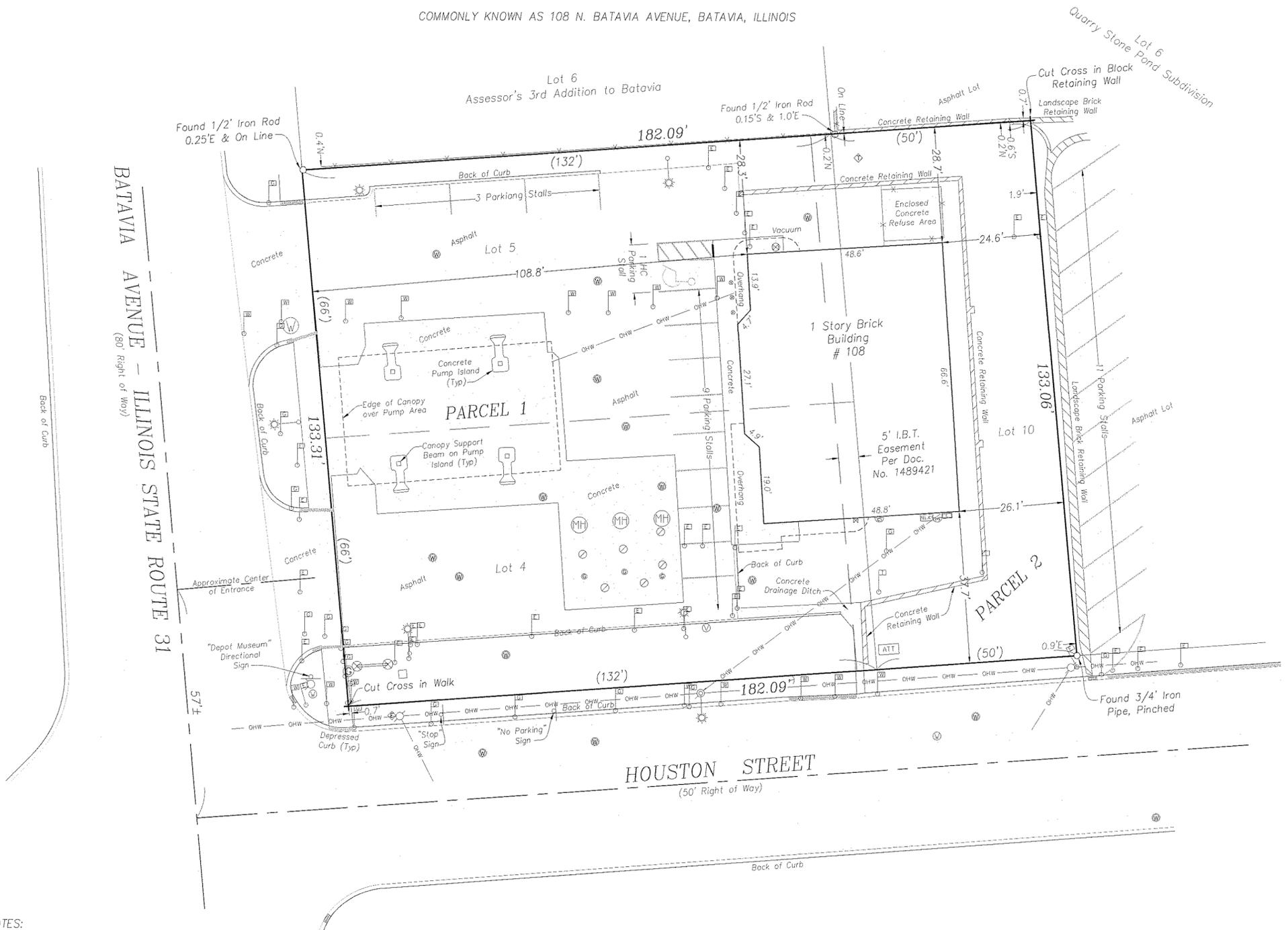
P.I.N.'s  
12-22-132-018  
12-22-132-024

## 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:

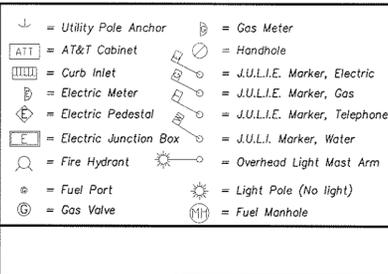
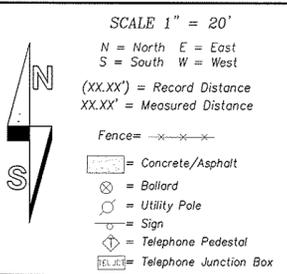
PARKING STALLS - 12  
HANDICAP PARKING STALL - 1  
TOTAL PARKING STALLS - 13

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



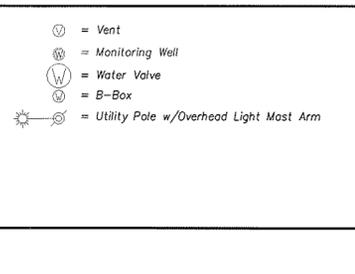
MICHEL C. ENSALADO P.L.S. 2768 EXP. 11/30/2012  
ERIC C. POKORNY P.L.S. 3818 EXP. 11/30/2012

# 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 #: 08/08/12

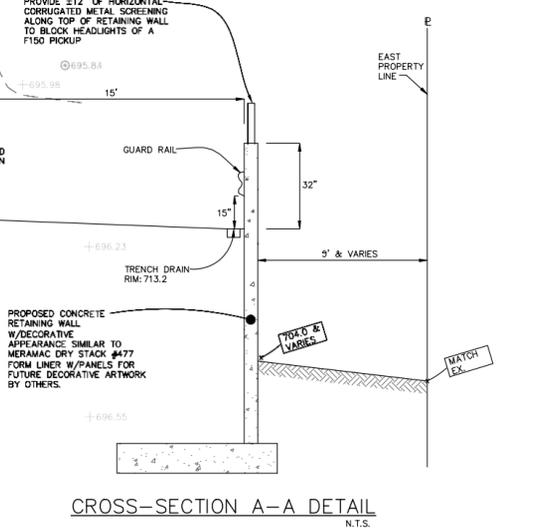
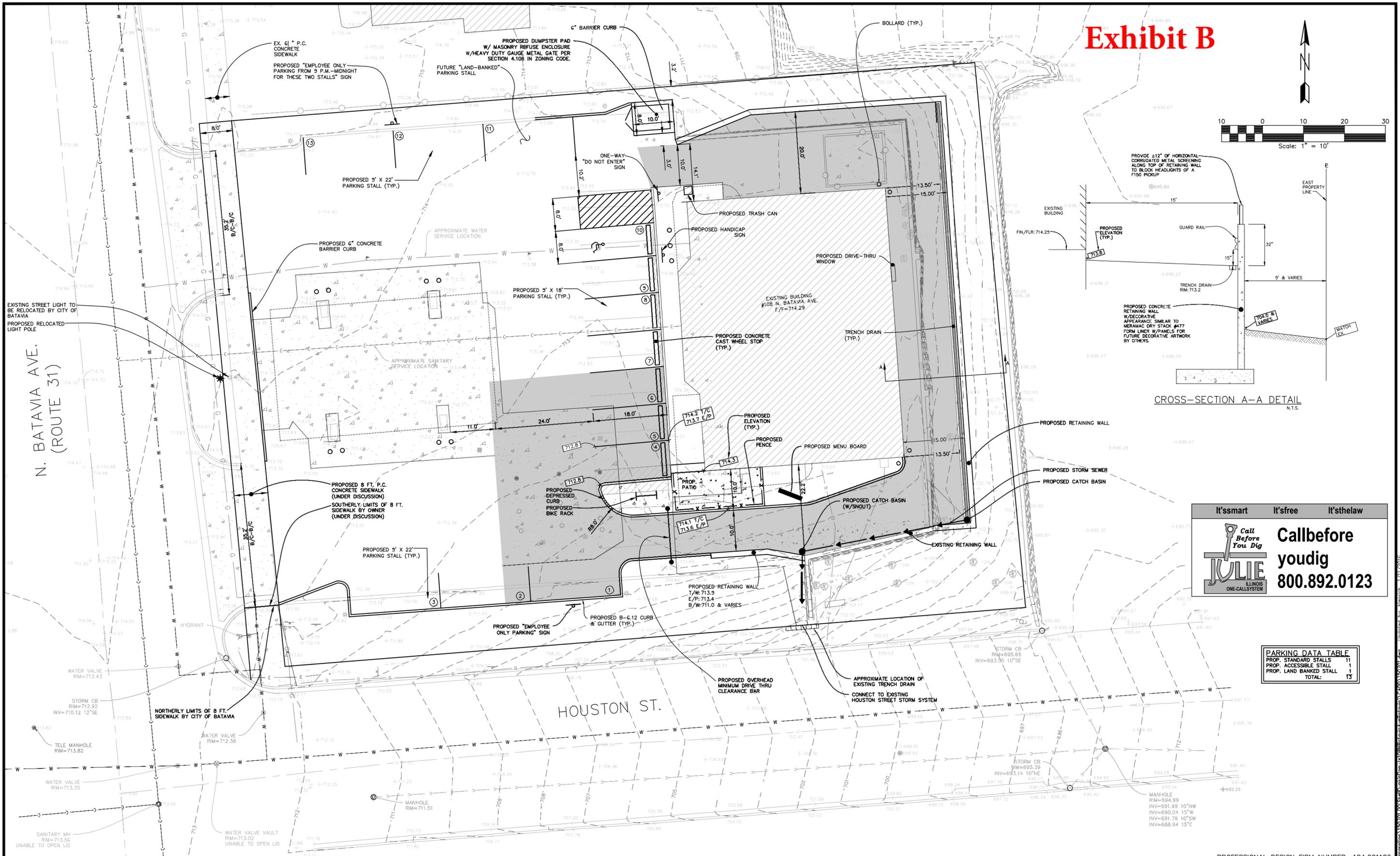
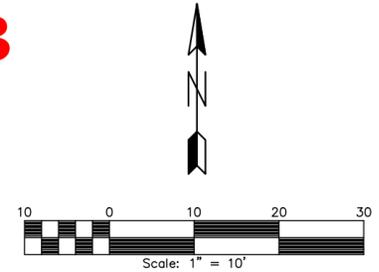
Reference:

Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

# Exhibit B



CROSS-SECTION A-A DETAIL  
N.T.S.

It'ssmart It'sfree It'sthelaw

Call Before You Dig  
**JULIE**  
ILLINOIS ONE-CALL SYSTEM

Call before you dig  
**800.892.0123**

PARKING DATA TABLE	
PROP. STANDARD STALLS	11
PROP. ACCESSIBLE STALL	1
PROP. LAND BANKED STALL	1
<b>TOTAL:</b>	<b>13</b>

REVISIONS:	
DATE	DESCRIPTION

ENGINEERING RESOURCE ASSOCIATES, INC.  
CONSULTING ENGINEERS, SCIENTISTS & SURVEYORS

3570 WEST AVENUE, SUITE 150  
WARRENVILLE, ILLINOIS 60055  
PHONE: (630) 393-3060  
FAX: (630) 393-2152

105 RIVERSIDE PLAZA, SUITE 875  
CHICAGO, ILLINOIS 60606  
PHONE: (312) 474-7841  
FAX: (312) 474-6099

2416 GALENDRIVE  
CHAMPAIGN, ILLINOIS 61821  
PHONE: (217) 351-6268  
FAX: (217) 355-1902

**HM1 CORPORATION**

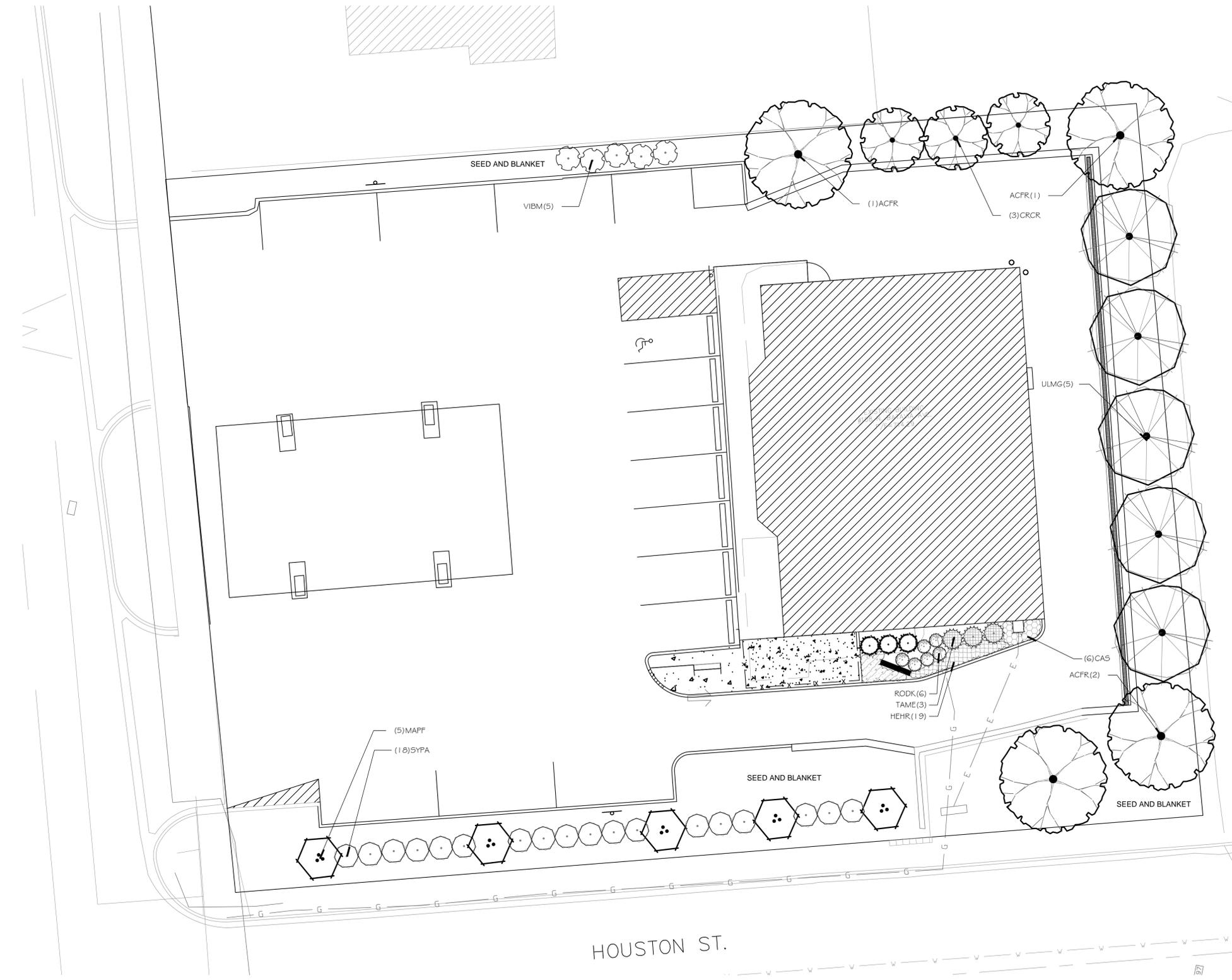
PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

TITLE: **CONCEPT PLAN SHELL OF BATAVIA BATAVIA, ILLINOIS**

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

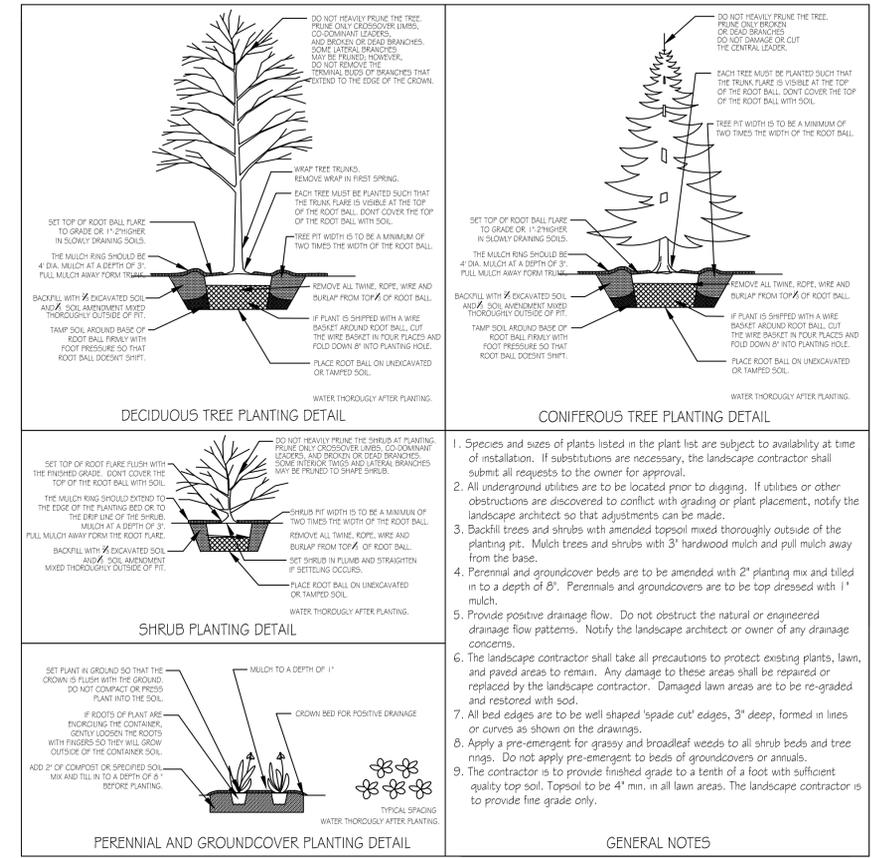
All base information & dimensions are approximate only. All layout to be verified in the field.

# Exhibit C

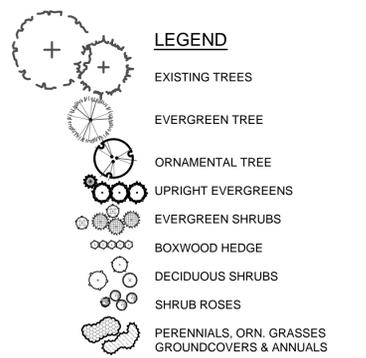


TREES	Quantity	Botanical	Common	Size
ACFR	4	Acer freemanii 'Jeffersred' TM	Autumn Blaze Maple	2.5' BB
CRCR	3	Crataegus crusgalli var. inermis TM	Thornless Cockspur Hawthorn	6' BB
MAPF	5	Malus hybrid 'Prairiefire'	Prairiefire Crab	6' BB
ULMG	5	Ulmus x Morton Glossy TM	Triumph Elm	2.5' BB
EVERGREEN TREES				
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				
GEHR	13	Geranium hybrid 'Rozanne' TM	Hybrid Cranesbill	1 gal
HEHR	19	Hemerocallis hybrid 'Happy Returns'	Happy Returns Daylily	1 gal

Spacing  
18" o.c.

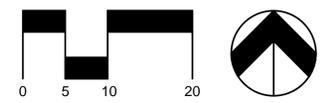


- ### GENERAL NOTES
- Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
  - All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
  - 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.
  - 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.
  - Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
  - 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.
  - All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
  - 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.
  - 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.



## LANDSCAPE PLAN

SCALE: 1" = 10'-0"



**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 herein are the sole property of Wingren Landscape. Reproduction of the design or concept embodied herein in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

**Dunkin' Donuts**  
Batavia, IL

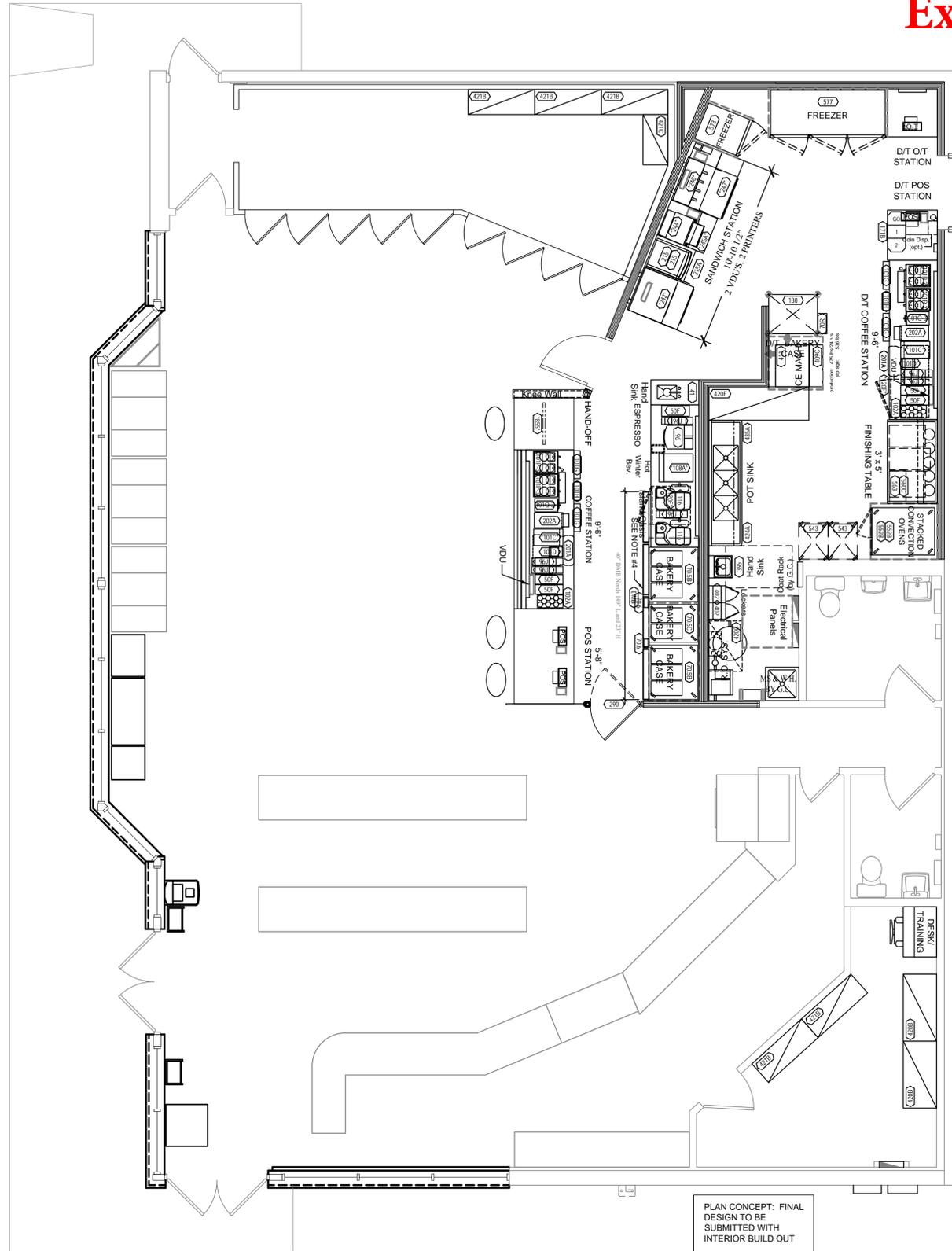
REVISIONS:
REVISION #   DATE   DESCRIPTION

SHEET TITLE:  
**LANDSCAPE PLAN**

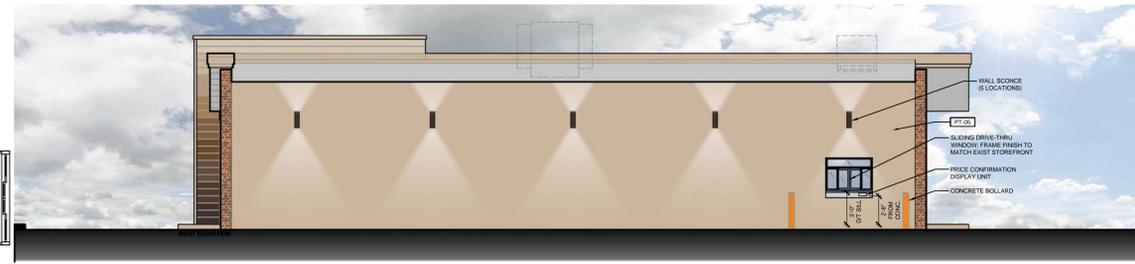
DATE: 10.28.15  
JOB: P-  
SCALE: 1"=10'  
BY: JZ, EB  
SHEET **L1** OF 1

# Exhibit D

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



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



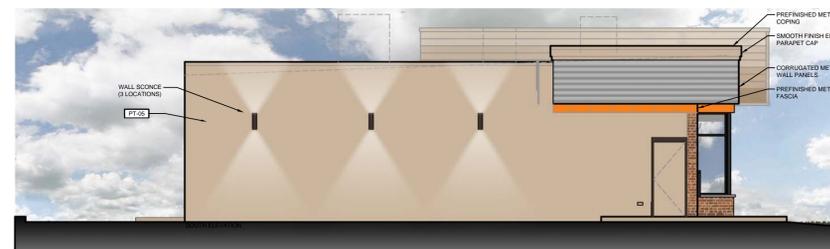
2 EAST ELEVATION  
SCALE: 1/8" = 1'-0"



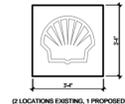
3 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



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

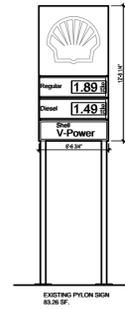


5 NORTH ELEVATION  
SCALE: 1/8" = 1'-0"



6 LOCATIONS EXISTING & PROPOSED  
SCALE: 1/16" = 1'-0" (IF APPLICABLE)

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



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



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

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

ARCHITECT:  
**kolbrook design**  
Copyright © 2015 Kolbrook Design, Inc.

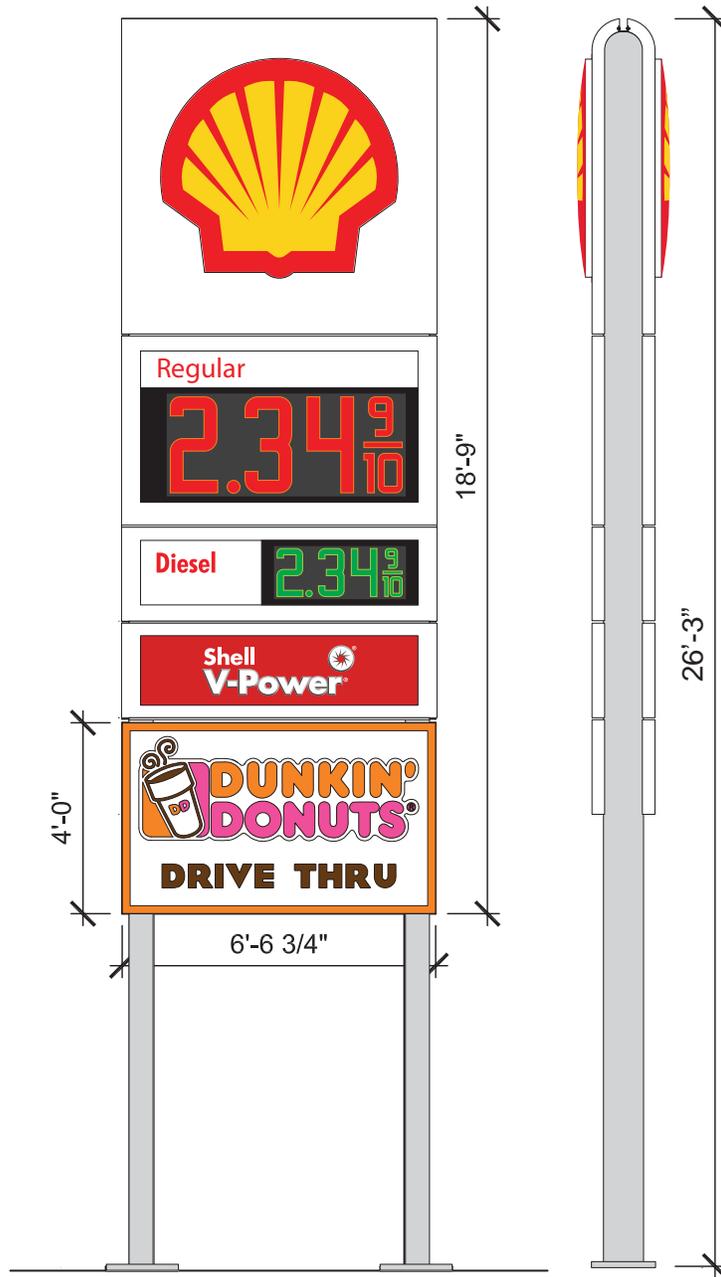
828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992



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:



828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992

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.

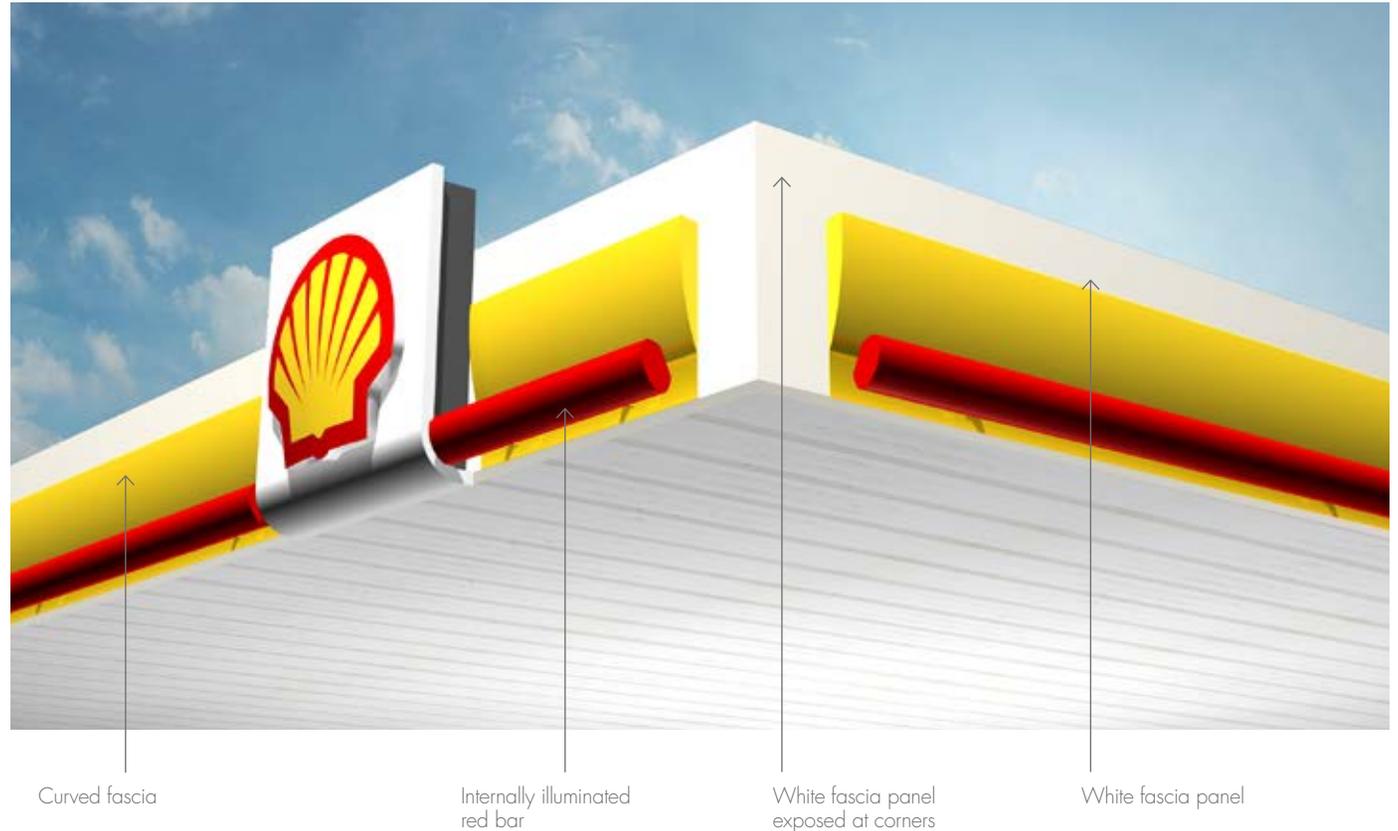
The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

### 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.



**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 21<sup>st</sup> 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 22<sup>nd</sup> 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:

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-10

---

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.
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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:

<b>Exhibit</b>	<b>Plan</b>	<b>Dated</b>	<b>Prepared by</b>
<b>A</b>	Plat of Survey	9/12/12	Todd Surveying
<b>B</b>	Concept Plan	1/11/16	Engineering Resources, Inc.
<b>C</b>	Landscape Plan	Revised 12/16/15	Wingren Landscape
<b>D</b>	Exterior Elevations/Wall Signs	1/21/16	Kolbrook Design
<b>E</b>	Monument Sign	11/2/15	“
<b>F</b>	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 21<sup>st</sup> day of March, 2016.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 21<sup>st</sup> day of March, 2016.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-10

---

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

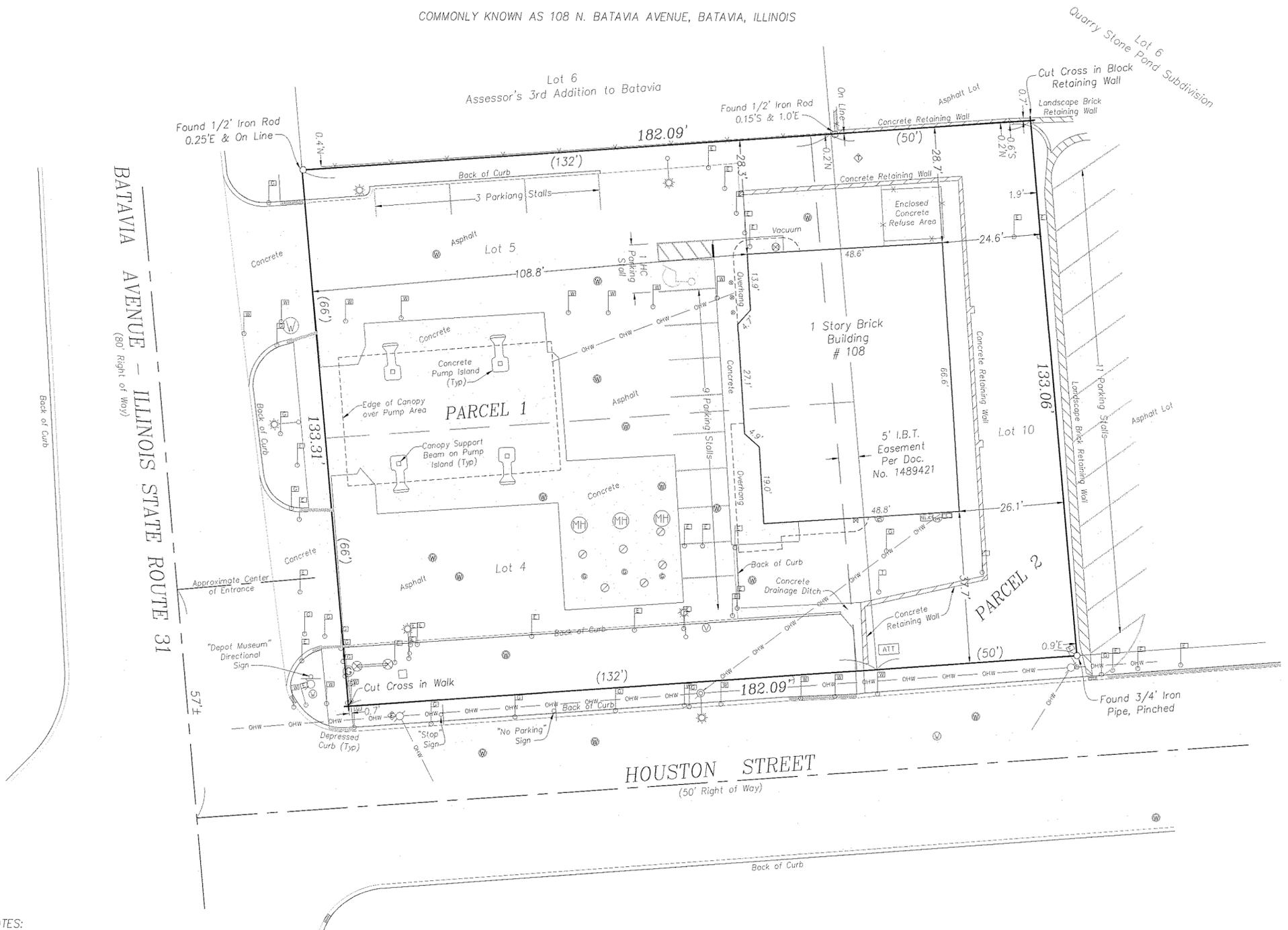
P.I.N.'s  
12-22-132-018  
12-22-132-024

## 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:
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
  - THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
  - 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.
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  - THIS IS AN ALTA/ACSM SURVEY. IT IS NOT INTENDED TO BE USED AS THE BASIS FOR ENGINEERING/STRUCTURAL DESIGN.

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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:

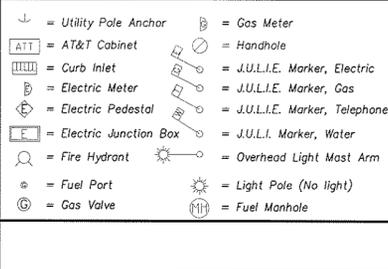
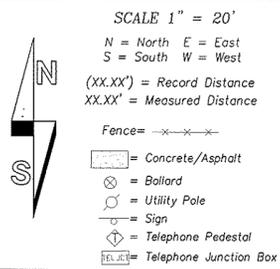
PARKING STALLS - 12  
HANDICAP PARKING STALL - 1  
TOTAL PARKING STALLS - 13

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



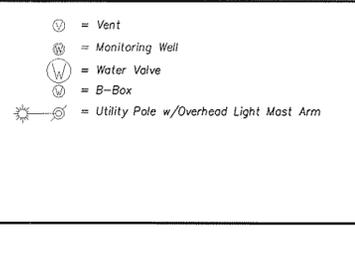
MICHEL C. ENSALADO P.L.S. 2768 EXP. 11/30/2012  
ERIC C. POKORNY P.L.S. 3818 EXP. 11/30/2012

# 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 #: 08/08/12

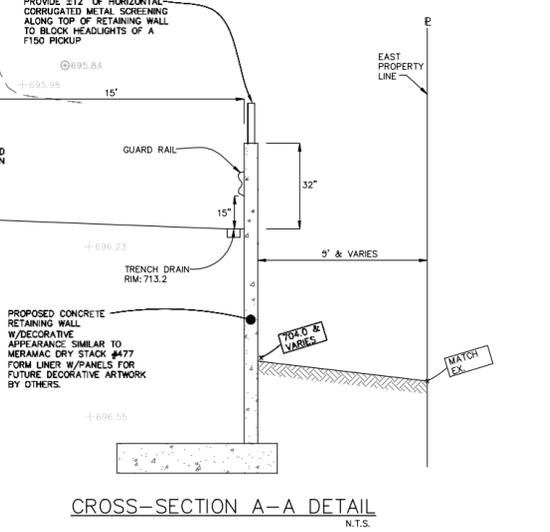
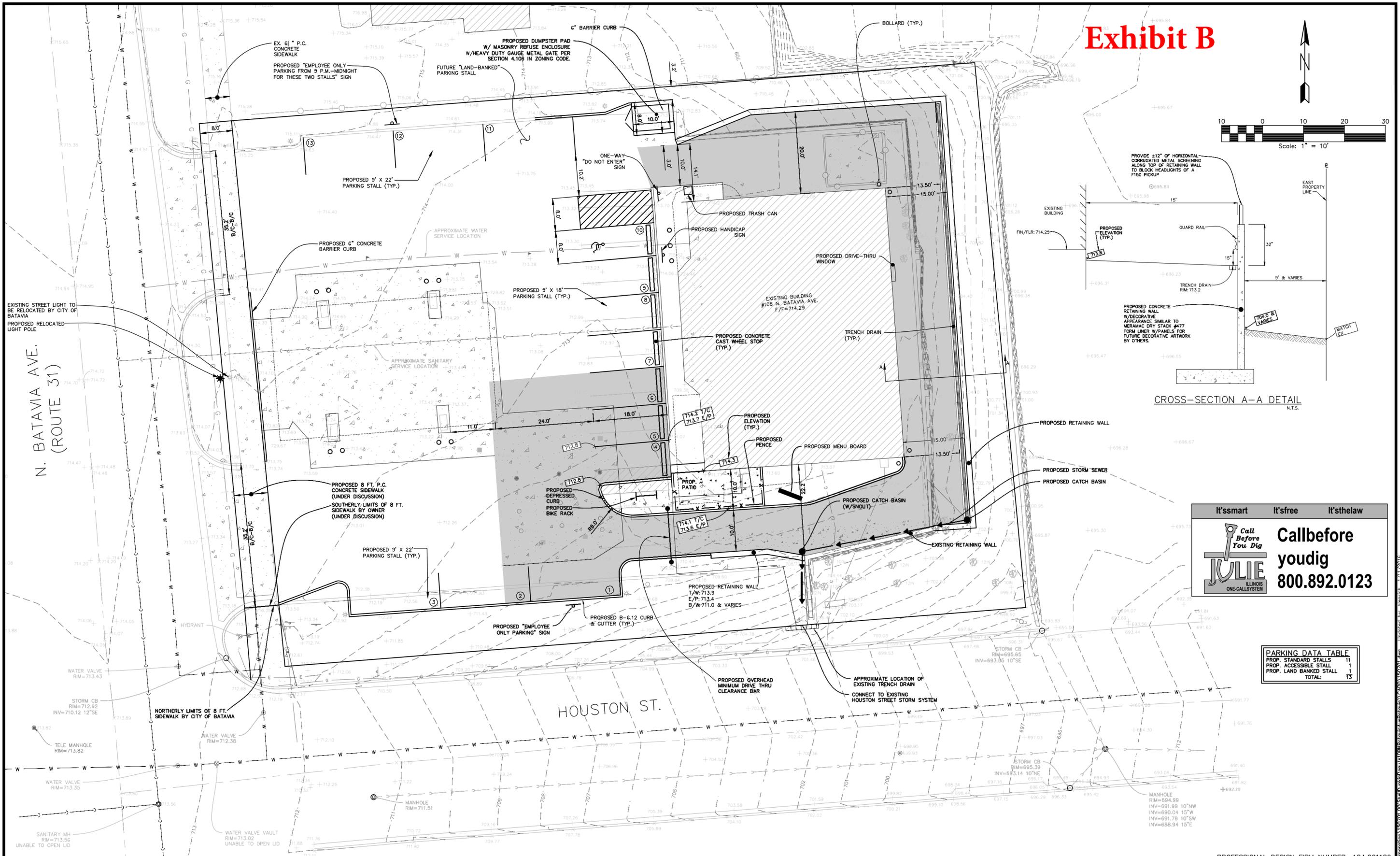
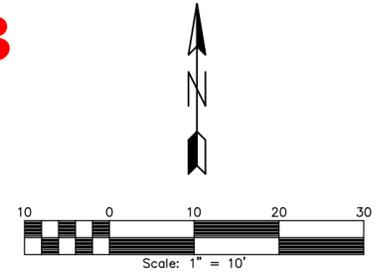
Reference:

Field Work Completed: 08/08/12

Rev. Date	Rev. Description

Project Number: 2012-0592

# Exhibit B



It'ssmart It'sfree It'sthelaw

Call Before You Dig  
**JULIE**  
 ILLINOIS ONE-CALL SYSTEM

**Call before you dig**  
 800.892.0123

PARKING DATA TABLE	
PROP. STANDARD STALLS	11
PROP. ACCESSIBLE STALL	1
PROP. LAND BANKED STALL	1
<b>TOTAL:</b>	<b>13</b>

REVISIONS:					
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

**ENGINEERING RESOURCE ASSOCIATES, INC.**  
 CONSULTING ENGINEERS, SCIENTISTS & SURVEYORS

3570 WEST AVENUE, SUITE 150  
 WARRENVILLE, ILLINOIS 60055  
 PHONE: (630) 393-3060  
 FAX: (630) 393-2152

105 RIVERSIDE PLAZA, SUITE 875  
 CHICAGO, ILLINOIS 60606  
 PHONE: (312) 474-7841  
 FAX: (312) 474-6099

2416 GALENDRIVE  
 CHAMPAIGN, ILLINOIS 61821  
 PHONE: (217) 351-6268  
 FAX: (217) 355-1902

**HM1 CORPORATION**

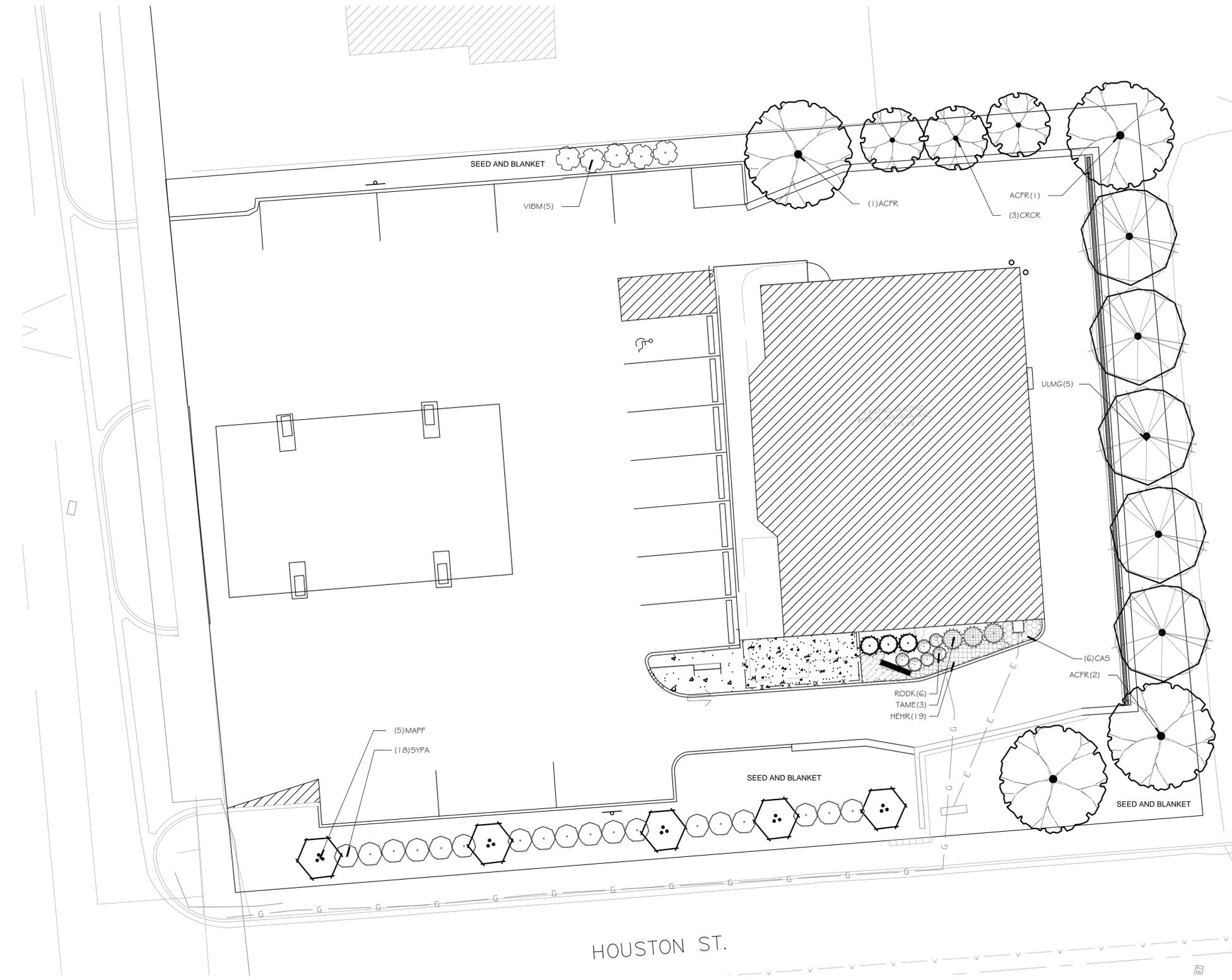
PROFESSIONAL DESIGN FIRM NUMBER: 184.001186

TITLE: **CONCEPT PLAN SHELL OF BATAVIA BATAVIA, ILLINOIS**

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

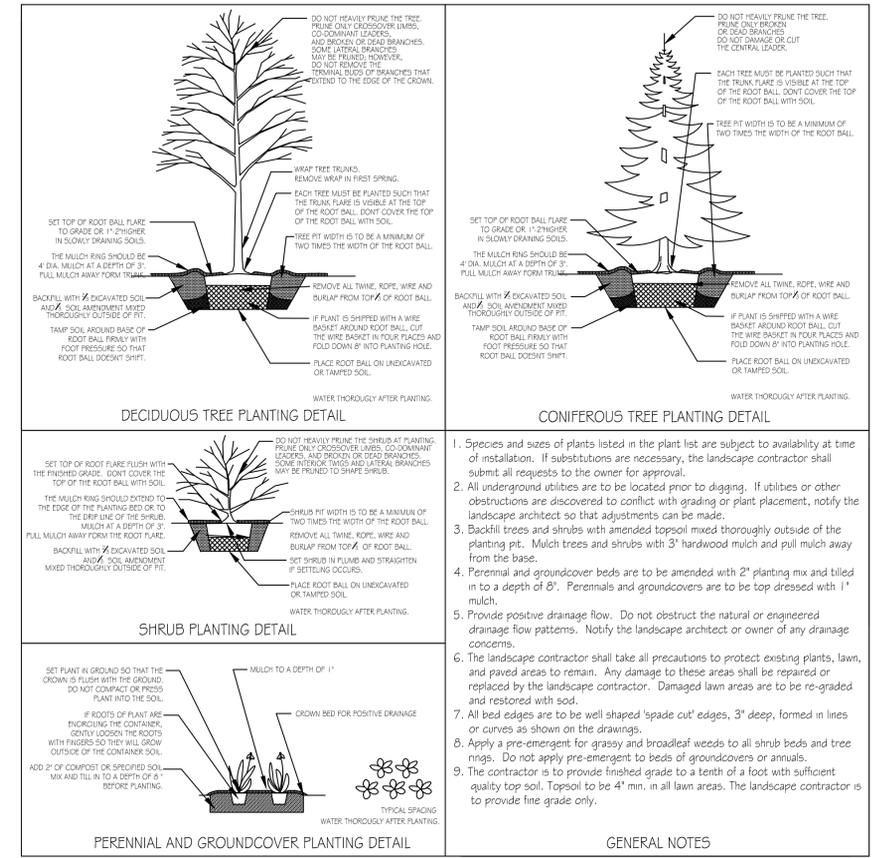
All base information & dimensions are approximate only. All layout to be verified in the field.

# Exhibit C

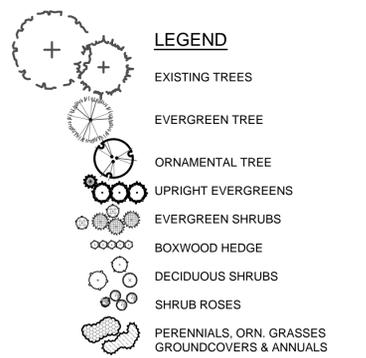


TREES	Quantity	Botanical	Common	Size
ACFR	4	Acer freemanii 'Jeffersred' TM	Autumn Blaze Maple	2.5' BB
CRCR	3	Crataegus crugallii var. inermis TM	Thornless Cockspur Hawthorn	6' BB
MAPF	5	Malus hybrid 'Prairiefire'	Prairiefire Crab	6' BB
ULMG	5	Ulmus x Morton Glossy TM	Triumph Elm	2.5' BB
EVERGREEN TREES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

Spacing  
1 gal 18" o.c.  
1 gal 18" o.c.

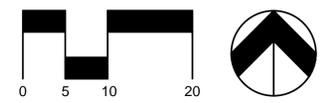


- GENERAL NOTES**
- Species and sizes of plants listed in the plant list are subject to availability at time of installation. If substitutions are necessary, the landscape contractor shall submit all requests to the owner for approval.
  - All underground utilities are to be located prior to digging. If utilities or other obstructions are discovered to conflict with grading or plant placement, notify the landscape architect so that adjustments can be made.
  - 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.
  - 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.
  - Provide positive drainage flow. Do not obstruct the natural or engineered drainage flow patterns. Notify the landscape architect or owner of any drainage concerns.
  - 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.
  - All bed edges are to be well shaped 'spade cut' edges, 3" deep, formed in lines or curves as shown on the drawings.
  - 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.
  - 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.



**LANDSCAPE PLAN**

SCALE: 1" = 10'-0"



**WINGREN LANDSCAPE**  
ALL THINGS OUTDOOR

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

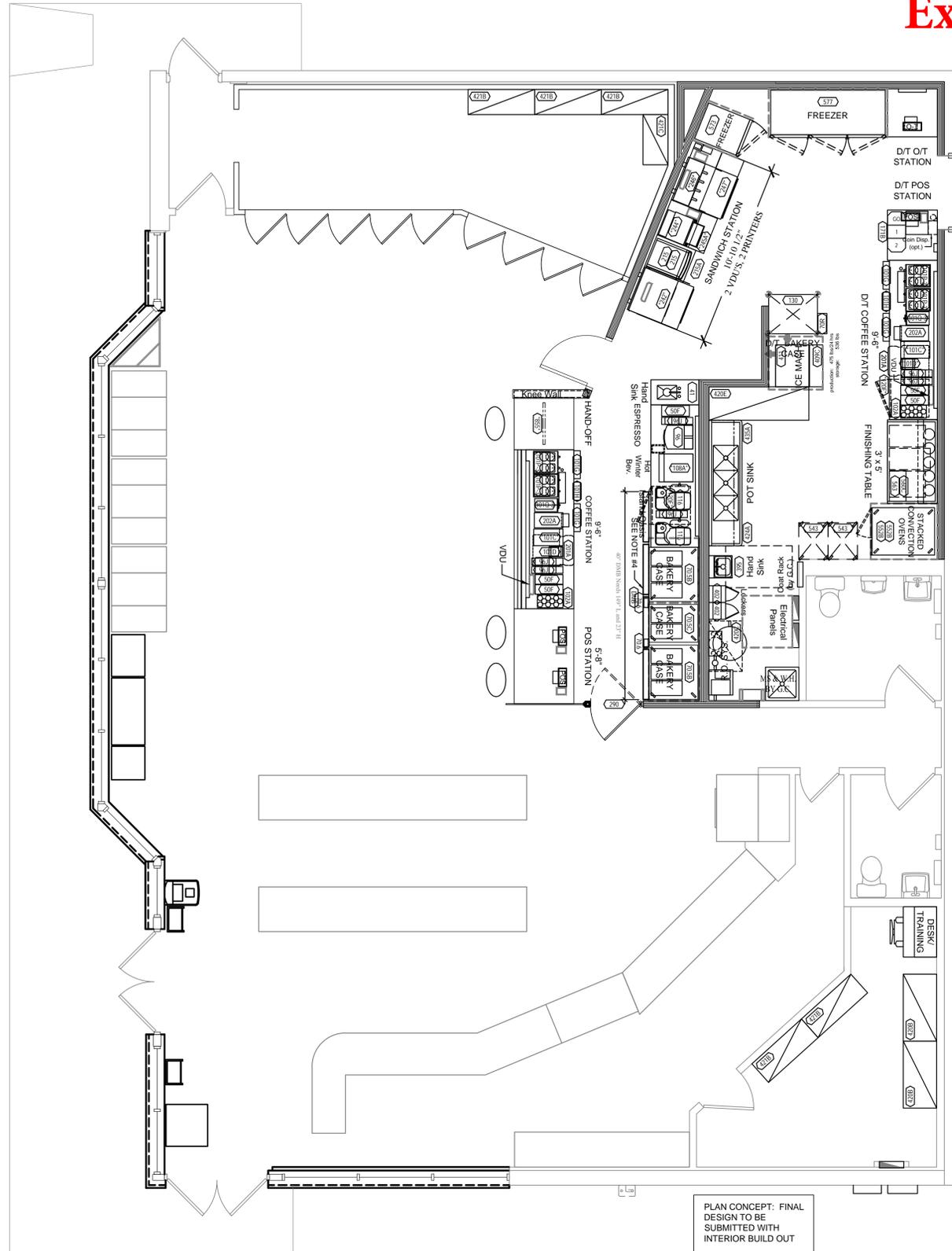
Copyright Wingren Landscape, all rights reserved. The design and any and all ideas contained herein are the sole property of Wingren Landscape. Reproduction of the design or concept embodied herein in any form, in whole or in part, without the consent of Wingren Landscape is prohibited.

**Dunkin' Donuts**  
Batavia, IL

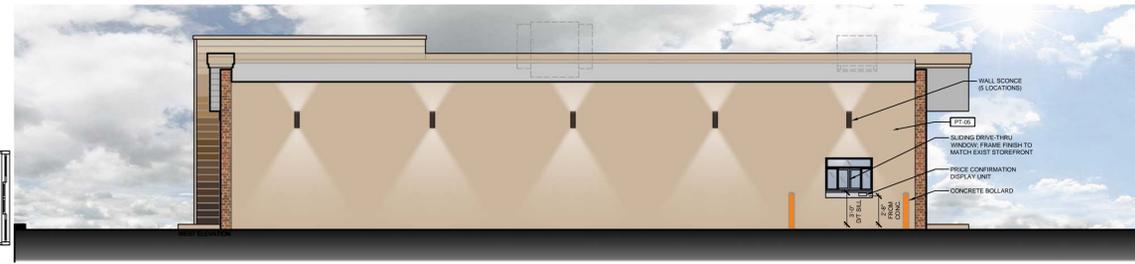
<b>REVISIONS:</b> REVISION # BY DATE COMMENTS 12.16.15	<b>SHEET TITLE:</b> LANDSCAPE PLAN	<b>DATE:</b> 10.28.15 <b>JOB:</b> P- <b>SCALE:</b> 1"=10' <b>BY:</b> JZ, EB
		<b>SHEET</b> L1 OF 1

# Exhibit D

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



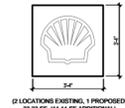
1 PROPOSED FLOOR PLAN  
SCALE: 1/4" = 1'-0"



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



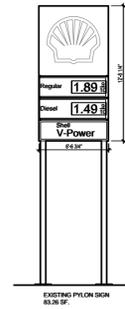
3 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



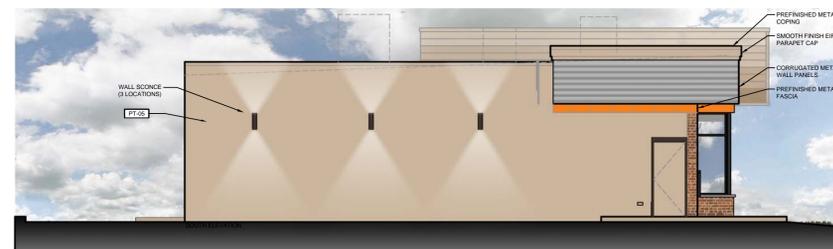
6 PECTEN LOGO  
SCALE: 1/8" = 1'-0"



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



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



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



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

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

ARCHITECT:  
**kolbrook design**  
Copyright © 2015 Kolbrook Design, Inc.

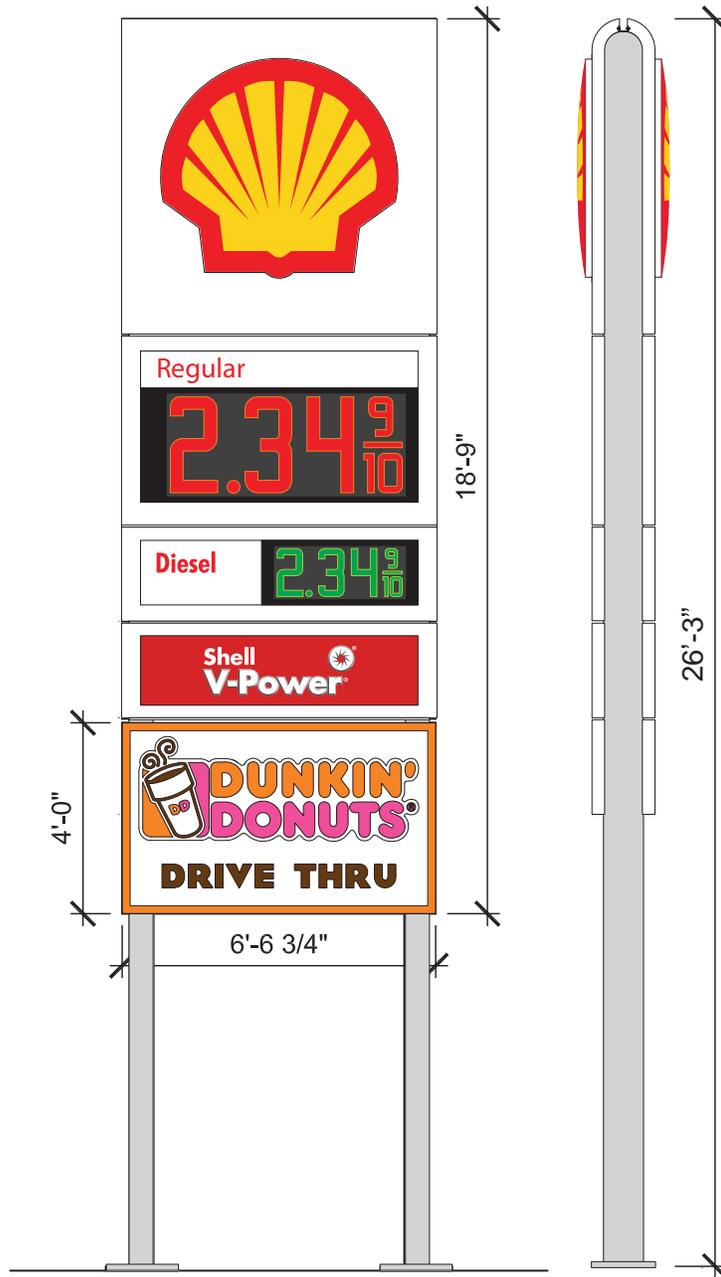
828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992



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:



828 DAVIS STREET  
SUITE 300  
EVANSTON, IL 60201  
Ph 847.492.1992

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.

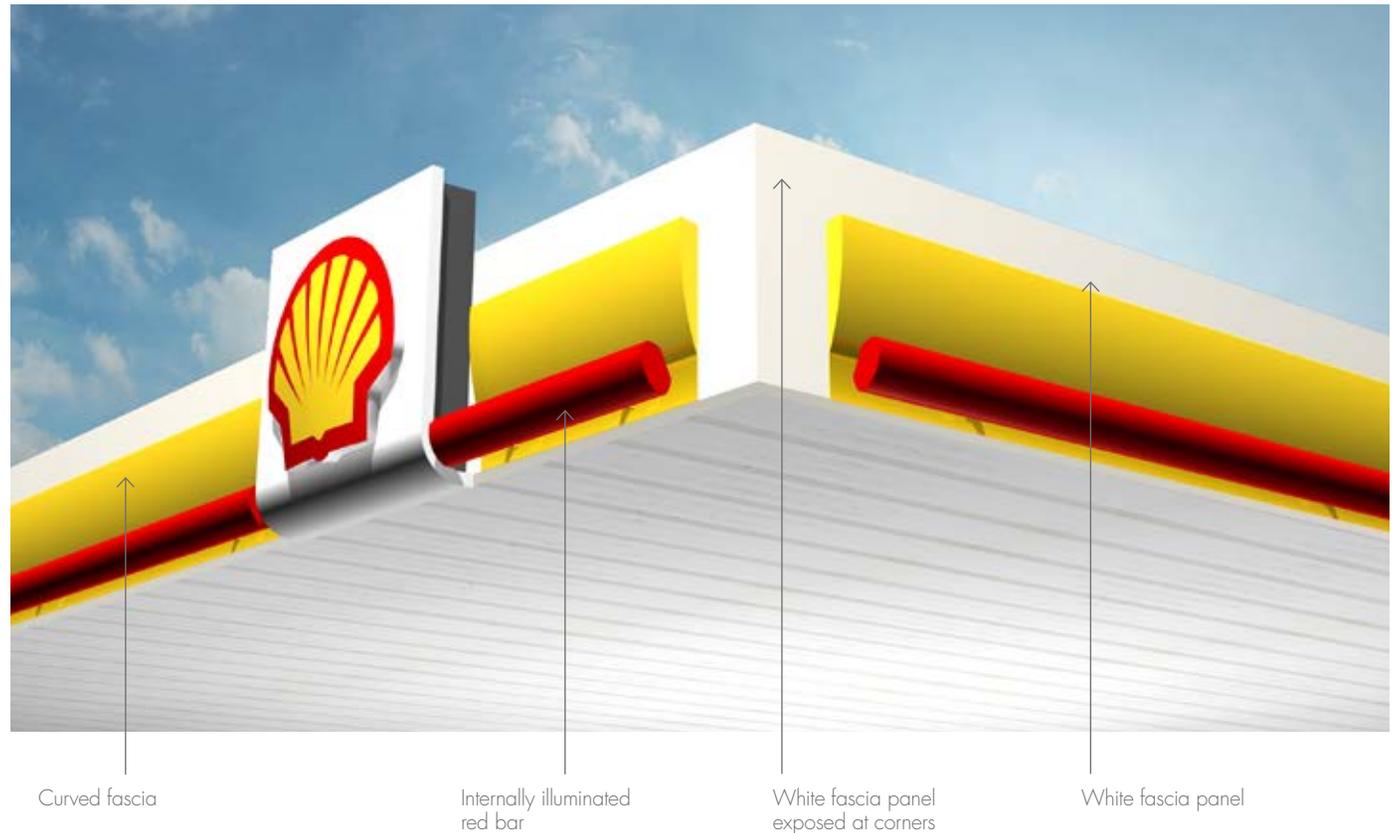
The Level 1 fascia should be used on the most prominent sides, usually the front and most visible sides. The Level 2 fascia should be applied to the less visible sides.

### 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.



# 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.

CITY OF BATAVIA, ILLINOIS ORDINANCE 16-14

---

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										
<b>VOTE:</b>		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.



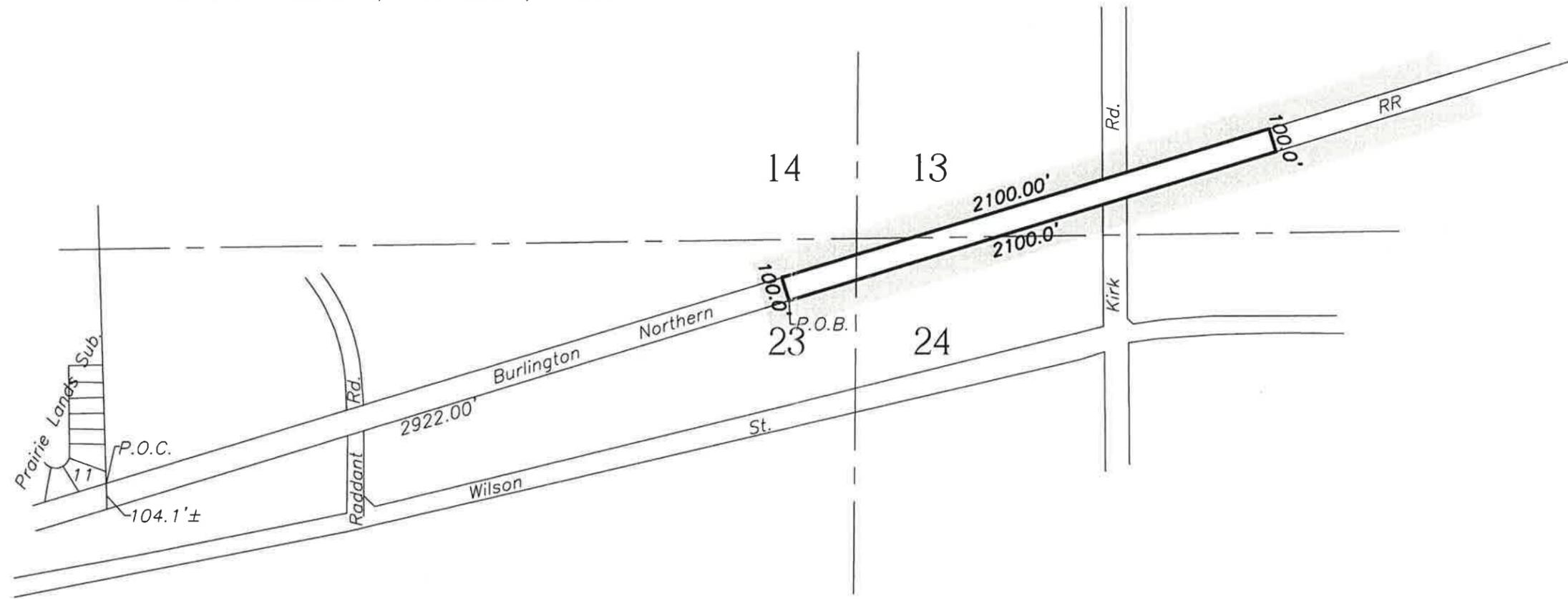
SOURCE: ESRI, DIGITAL GLOBE, GEACRYG, ESRI/ENR GEOGRAPHICS, GINSA, IRI, DE, US DA, USGS, AEX, GEORGRAPHIC, AERIAL, IRI, DE, SWISS, AND THE CS-1000

# 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



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 \_\_\_\_\_