CITY OF BATAVIA
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Batavia, IL 60510
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CITY COUNCIL AGENDA
Monday, April 18, 2016
7:30 p.m. – Council Chambers 1st Floor

1. **MEETING CALLED TO ORDER**
2. **INVOCATION Followed By PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ITEMS REMOVED/ADDED/CHANGED**
5. **CONSENT AGENDA:**

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

Accept and Place on File

A. Committee of the Whole Minutes for November 5, 2015, January 26, February 23, March 8, March 15, and March 22, 2016
B. March 2016 Building Report
C. Historic Preservation Minutes for February 22, March 14, and March 28, 2016
D. Plan Commission Minutes and/or Zoning Board of Appeals for January 20, February 3, and March 16, 2016

Approvals:

E. April 8, 2016 Payroll $828,004.44
F. Accounts Payable Check Register $3,799,848.79
G. City Council Minutes for March 21, and April 4, 2016
H. **RESOLUTION 16-34-R:** Authorizing Execution of an Intergovernmental Agreement with
Illinois Department of Transportation for Routine Maintenance of Certain State Routes
(Gary Holm 3/23/16 COW 4/5/16 11/0) CS
I. **ORDINANCE 16-17:** Amending the Official Zoning Map - 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail. City of Batavia, Applicant (Drew Rackow 3/21/16 COW 4/5/16 11/0) CD
J. **ORDINANCE 16-18:** Amending the Text of the Zoning Code
(Drew Rackow 3/31/16 COW 4/5/16 12/0) CD
K. **APPROVAL:** Purchase of a Replacement Staff Vehicle
(Chief Randy Deicke 3/29/16 COW 4/5/16 12/0) CS
L. **RESOLUTION 16-36-R:** Budget Amendment for the Purchase of Software
(Peggy Colby 3/3/1/16 COW 4/5/16 12/0) GS

M. **RESOLUTION 16-41-R:** Approving Task Order #3 with Engineering Enterprises Inc. for development of a Water Works System Master Plan for an amount not-to-exceed $136,143.00 (Gary Holm 4/7/16 COW 4/12/16 13/0) PU

Documents: COW-M.pdf, BuildingActivity_March.pdf, HPC-M.pdf, PC-ZB-M.pdf, RES 16-34-R Authorizing Execution of an IGA with IDOT .pdf, ORD 16-17 Approve Zoning Map --Hart Rd at Ridgelawn Trail.pdf, ORD 16-18 Zoning Code.pdf, Fire Dept Vehicle Purchase.pdf, RES 16-36-R Budget Amendment.pdf, RES 16-41-R Approving Task Order 3 with EEI for Water System Master Plan.pdf

6. **PROCLAMATION: Valley Sheltered Workshop--Scott Hagemann**

   Documents: PROC VSW.pdf

7. **RECOGNITION: Officer Brian Nallenwag--Retirement 26 Years Of Service (Chief Schira)**

8. **PROCLAMATION: Arbor Day--Gary Holm (Scott Haines 4/13/16)**

   Documents: Procl 16 Arbor Day.pdf

9. **RECOGNITION: Emergency Management Certification (Chief Deicke)**

   Documents: CertificateESDA.pdf

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

11. **MAINSTREET MINUTE**

12. **APPOINTMENT: Reappoint Dennis Anderson To The Batavia Board Of Fire & Police (Cheryl Shimp 4/6/16)**

    Documents: Appt F-P Brd.pdf

13. **ORDINANCE 16-19: Revising Title 3 Of The Batavia Municipal Code Creating New Class B Liquor Licenses (Chief Schira 3/30/16)**

    Documents: ORD 16-19 - Liquor Sales at Gas Stations.pdf

14. **RESOLUTION 16-32-R: Authorizing Execution Of The Contract For Drainage Investigation With WBK Engineering, LLC For An Amount Not-To-Exceed $27,472.37 (AMP 3/30/16 COW 4/5/16 12/0) CS**

    Documents: RES 16-32-R Ward 1 Drainage w WBK.pdf

15. **RESOLUTION 16-37-R: Authorize Execution Of An Easement Agreement For Riverbank Erosion Investigation (WRM 3/31/16 COW 4/5/16 12/0) CS**

    Documents: RES 16-37-R Easement Agtreement.pdf

16. **APPROVAL: Motion Authorizing Mayor And City Clerk To Sign A Deed For Property On Walnut Street (Scott Buening 3/24/16) CD**

    Documents: Walnut Street Land Sale-Kraft Combined MEM.pdf

17. **RESOLUTION 16-39-R: Downtown Improvement Matching Grant For The Tea Tree, 29 N. River St (Chris Aiston 4/8/16 COW 4/12/16 13/0) GS**

    Documents: RES 16-39-R TEA TREE-29 N River.pdf

18. **APPROVAL: Class F Liquor License For Water Street Studios Music Performance May 27, 2016 (Chief Schira)**

    Documents: Class F LiqLicWSS-Music.pdf

19. **ADMINISTRATOR'S REPORT**

20. **COMMITTEE REPORTS**

21. **OTHER BUSINESS**

22. **MAYOR'S REPORT**

23. **CLOSED SESSION:**

    a. **Purchase and Sale of Electric Power**
    b. **Purchase of Real Property**
    c. **Personnel**

24. **RESOLUTION 16-42-R: Authorizing Execution Of An Employment Agreement Between The City Of Batavia And John Dillon (Gary Holm 4/6/16 COW 4/12/16)**

25. **ADJOURNMENT**

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

MINUTES
November 5, 2015
Committee of the Whole
City of Batavia

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

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

1. Roll Call

Members Present: **Ald. Brown, Russotto, Atac, Wolff, Fischer, O'Brien (entered the meeting at 7:01pm), Callahan, Hohmann, Mueller, Botterman, Cerone and McFadden**

Members Absent: **Aldermen Stark and Chanzit**

Also Present: **Mayor Schielke; Chief Deicke, Batavia Fire Department; Chief Schira; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Peggy Colby, Director of Finance; Scott Buening, Director of Community Development; Wendy Bednarek, Director of Human Resources; Scott Haines, Street Superintendent; Rahat Bari, City Engineer; Howard Chason, Information Systems Director; Byron Ritchason, Wastewater Division Superintendent; and Jennifer Austin-Smith, Recording Secretary**

2. 2016 Proposed Budget

McGrath stated that this budget is all about a high level look as far as balancing reserves and revenues with the expenditures. The budget tries to balance short-term savings and long-term savings. We are trying to balance our obligation to efficiently operate the City by carrying out the policies and services that the City Council has determined. Colby presented on the City of Batavia 2016 Annual Budget. The presentation included:

- Revenues, Expenditures and Deficit
- Deficit, Reserves, Ending Reserves
- Total Budget by Fund
- Key Points – Proposed Revenues
- Key Points – Proposed Spending
- Commodities - $3.7 Million
- R&M/Contracts
- Capital - $14.3M
- Capital Changes to 2015
- Potential Cuts to Spending – General Fund (GF)
- Potential Cuts to Spending – GF Capital Projects
- Potential Cuts to Spending – Utilities

- Property Tax Options
- Property Tax Extension and Rate by Levy year
- Property Tax Extension and Rate by Levy Year – NO INCREASE
- Other GF Revenue Options
- Revenue Option Recommendations
- General Fund Status
- Recommendation for Storm Water
- Recommendation for Electric
- Recommendation for Water
- Recommendation for Wastewater
- Concerns for 2016 and Beyond
- 2016 Budget Discussion

Brown stated that tonight's meeting is for the Committee to ask questions and make comments. The following budget meeting would be a time to discuss any changes. Brown suggested going around the room for questions and comments. He asked the Mayor to begin the discussion.

Mayor Schielke stated he supports tapping into the reserves to pay down the tax increase. He thinks we have healthy reserves and we could do it. Mayor Schielke stated that he would support the liquor tax. Between those two, we could greatly reduce the proposed increase to property tax. Mayor Schielke stated that we could postpone the stair work in City Council and the fire department signage to add more money to the budget. He continued that we do need to get the role of the Fire Marshall filled. It is a key role for enforcing all the codes by the state and the federal government. The Communications Officer position could be tabled. Mayor Schielke commented that stormwater management is very important for this community. Getting the stormwater fixed would be a great improvement for our town and there probably is a stormwater issue in every area of the City. Mayor Schielke discussed the City tax rate. He announced that the City of Batavia has the lowest City tax rate in the area. If an increase were proposed we would still be in the lower five percent of the region. Mayor Schielke stated that he would defer these decisions to the Council.

Russotto would like to see the increase in liquor tax. Russotto stated that one thing that we don't have that other towns have is a transfer tax. He suggested that the transfer tax could fund a portion of a water and sewer. McGrath stated that it would require a citywide referendum, which we could always do.

Atac stated that given the infrastructure expenses we are looking at down the road, she is not supportive of using the reserves. She supports the liquor tax for revenue. We have to start making infrastructure improvements in our town, we can't hold it off any longer. Atac noted that she is in support of the wellness program that the HR Director suggested.

Wolff stated that if there was a time to do a property tax increase, this might be it. He noted that the State of Illinois is considering a property tax freeze and if the state freezes increases we could not continue with infrastructure repair. We need to program infrastructure repairs into the budget to make sure that these repairs happen. We need to make sure that if we are going to provide a

service, such as brush pick up, we have to cover the cost with the fee for that. Wolff is okay with the liquor tax increase. Wolff stated that he does not want to cut funding to BATV. BATV could be used as a tool to inform the public but we do not have the funding to do any more than we do now. Wolff commented that he does not want to see increased taxes.

Fischer stated that there would be unfortunately a need for some tax increase but it could be smaller based on the other things we could do. He does not want to see taxes go up period but we are in a spot where we have to consider it. He does not know enough about the stormwater utility and funding so he recommends more discussion on this topic. He feels that the gas tax and liquor tax both make sense to subsidize some of the increase. Fischer stated that he would say no to the signs for the fire department this year. He would be in support of the Fire Marshall position. Fischer commented that it is imperative to have someone doing prevention. He does agree with the increase of the leaf and brush fee. He does not support video gambling and vehicle registration. Fischer agrees with the Mayor on some of the City Hall improvements. He is in favor of using some of the reserves. He stated that BATV serves a great service here and should be supported.

Wolff stated that the Fire Marshall should be shared personnel with other cities. Colby stated that it would be a difficult position to share because it would be a fire pension employee. She stated that we could bill back other cities but they would draw a pension from us. McGrath stated that just because the budget is approved that does not mean that there would be no further conversation, especially when it comes to personnel. McGrath suggested that the Communications position be put on hold for the new City Administrator to make a decision on whether that position is combined as part of an executive assistant position. Further discussion could be had on the Fire Marshall position as well as the workload at a later date.

O'Brien stated that he would agree the liquor tax and would like to see the motor fuel tax go up. He is opposed to raising taxes. He agrees about the brush pickup, the cost is $6 to the City and we are charging $3 a month. Our taxes are still paying for it. He suggested finding a middle ground between the $3 and the $6. He approves of the tax on gasoline. The tax would not be concentrated on Batavia residents. O'Brien stated that it is real important that we hire the electric manager. For the stormwater utility, we don't know how we would fund it but we will have to pay for it either way. It is an important utility that we should undertake because it gives us a proactive approach rather than reactive.

Callahan agrees about using the reserves. Callahan stated that this budget is a good budget for discussing policy decisions and thought processes. He supports the liquor tax because it provides for some relief. He would like to explore the Fire Marshall position from a shared services point of view. Callahan stated that the communications position is very important but could be postponed for this coming year along with the Fire Department signs. Callahan asked about the Ride in Kane program. Mayor Schielke stated that we are doing a lot of picking up people from the train station and dropping them off at the industrial park or Fermi lab and then picking them up and bringing them back to the train station. That is starting to generate a lot of revenue and it is a program that is being built. It is also a retention and attraction tool for businesses. He hopes in the future years there would be less funding needed. Callahan stated that our strategy should be tied to are we economically growing and positively economically impacting the City because

of a program. That is an added benefit. Colby noted that the township shares in half the cost and there is a revenue line item in the budget for half the cost. She noted that Ride in Kane is a great social service for us to have. Callahan suggested paying off the bridge debt and reducing the levy on that. He stated that the City could save on interest as well. Colby noted that the bridge was financed at a very low interest rate so there is not much interest savings. McGrath commented that the residents voted by referendum to go into debt for the bridge project. Callahan stated that the funding for BATV and Batavia MainStreet should be discussed in the future.

Hohmann stated from a policy perspective, we have the General Fund (GF) and the utilities and the increases that we are going to see there. He would not be supporting any property tax increase. From a utility standpoint, the increases we are seeing now are more warranted. People could also conserve usage. Hohmann stated that the Communication position not necessary at this time and he agrees with what Mr. McGrath about the new administrator deciding what should be done with that position. The signs at the fire station are a great idea but not critical. City hall improvements, any of those not a safety issue could be put off for a year or two. Hohmann would like to see us get creative with a Fire Marshall position. As for the stormwater utility, he is not convinced it is the right thing. You can’t change or adjust your usage. He is not convinced that we need to spend the money to continue with that study. Hohmann stated that we have the money from Speedway in the reserves, he suggested using that money towards alleviating the other issues we have going on.

Mueller stated she is not an advocate for a property tax increase. She has no problem with the liquor tax or gas tax increases. She would like to see the Fire Marshall position filled. She spoke with the Chief and he feels that the position could have made a big difference in a couple of the past fires. The communications position, city hall improvements and signs are not necessary at this time.

Botterman does not support property tax increase at this time but in August we will have a new City Administrator, once that person is here we should have a discussion on that to cover infrastructure points. He has heard good arguments for a stormwater utility but at this point he cannot support further expenditures for a study at this time. However, the infrastructure does need to be addressed. To do it on a patchwork basis is not the proper way to address it. It has been twenty years in the making and to say that the residents have to cover those costs right now is inappropriate and unfair. The infrastructure issues need to be covered over a period of time and defined steps and may be appropriate with property tax but not this year. He asked about the liquor tax and how did we fix on 2%. Colby answered St. Charles has 2%. Botterman asked staff to look into 3%. He is in support of dipping into the reserves but have a conversation on how comfortable we are with the reserves. Botterman is looking into 2016 and beyond and would like the new City Administrator to have input on the future budgets. The fees on leaf and brush pick up are worth looking at more and he thinks this is what most residents could absorb. He is in favor of postponing the Communications position, the fire department signs, and doing something creative for the Fire Marshall position. He is not saying to not do any improvements to City Hall. We do have a responsibility to maintain this building. If the improvements have to be scaled back he is in favor of that instead of doing nothing at all. He stated that if we could stretch another year with replacing the public works vehicles than we should consider that as an option.

Cerone stated he would like to focus on alternative revenue sources and is not supportive of a property tax. He is not supportive of going into reserves and we have to be cautionary with the reserves. Looking at the trends in pension costs, he thinks that will be a major issue in the future. It would behoove us to cut where we can and look into any other alternative for funding.

McFadden stated that he agrees with Mr. McGrath on the Communications position and he is in support of finding a creative way to fill the Fire Marshall position. McFadden stated that the Fire Department signs could be cut out of this year's budget. We could scale back on the City hall capital projects scale back and spread the repairs over time. He does not support video gambling. The dollar increase on the brush pickup fees makes sense to help cover the cost for that program. We need to make sure the EAV continues to grow and businesses continue to thrive in town. As we look at what we are going to cut and increase, we need to make sure we don't increase things that impede us from growth. He is not supportive of property taxes. We need to make Batavia a great place for business.

Colby noted that even if the EAV is growing, if we levy the same dollar amount, that is all we get. We would not be capturing new money on that growth. If we maintain the same tax rate, we can capture revenues from new growth.

Brown stated that he has heard that further discussion is needed on some items. He noted that if we do not have the money in the budget then there is no opportunity to have further discussion. McGrath added that the Council could always do budget amendments. If it is important, we could always do a budget amendment. Brown stated that the City Hall improvements are a necessity. We expect our residents and developers to be in compliance with the code, and the City Hall building is no different. Brown acknowledged that many people are asking 'why haven't you been taking care of this issue' and if we keep kicking the can down the road, the next year we will have the same question asked, 'why haven't you been taking care of this issue'. He would like to see the carpet in this room replaced since this room is used by a lot of different people. He would like to see the audio system in this room replaced since it is faulty and viewers at home cannot hear on BATV. Brown is in support of video gambling. He noted that a lot of other communities nearby have it and this could make our businesses competitive. He would like the City to be as business friendly as we could possibly be. The more business we have in town the more revenue and sales tax we have. We need to look at how we could be more accommodating to businesses. Brown gave the example of signage for businesses. He does agree with the liquor and gas tax increases. As for property taxes, no one wants to raise anything. He thinks that a little bit everywhere is what we should do. We might not have the opportunity to increase the property tax again if the governor puts a freeze on the increases. We need to take care of City Hall, take care of what needs to be done, and have the new City Administrator to make the decision on the Communications position. Brown stated that we need to add audio and carpeting to the budget. We have to maintain the services the citizens expect and a little bit everywhere is where we should go, including using the reserves and Speedway money.

Colby addressed the City Hall improvement funding. She stated that a few years ago the City transferred a million dollars into the capital improvements fund for City Hall from the GF. There is money available. The building has been neglected since we did the improvements since we

first remodeled the building and there are things that need to be done. The funds have been set aside already to do those improvements.

McGrath stated that staff could come back with two options, one being a property tax increase and the other being no property tax increase. Colby noted that the small property tax increase option is already available for discussion. The proposed $280,000 is still lower than what it was in 2014. Colby noted that the $280,000 budget on property tax would be about $30 on a $300,000 home.

The Committee discussed the sign ordinance and the advertising sign issues within the City. McGrath stated that the sign ordinance should be discussed and possibly made more lenient for a few years.

The Committee discussed items that they wanted staff to bring back at the next budget meeting. The general consensus decisions were as follows:

- Liquor tax: 2%
- Gas tax: add 1 cent
- Leaf and Brush Pick Up: $1 increase
- No natural gas increase
- No vehicle stickers
- Video gambling – Seven committee members wanted to look at the numbers. Callahan stated that this changes the character of the town and suggested having a referendum for community input.
- Improvements to stormwater utility: O'Brien stated that the issue needs to be addressed and we do need to invest the money. Colby asked how much the Committee would like to have funded. The answer was to leave it at $400,000 funding. Colby noted that it could be changed once we determine what work needs to be done next year.
- The audio system in City Hall: Staff would return with an estimate
- Fire Marshall position: Be creative with the position so it is not quite so expensive
- Remove the Fire Department signs from the budget
- Staff will review the public safety aspects of City Hall improvements

The Committee discussed future plans. McGrath discussed a possible community-wide project on how to save the Depot Pond if the deteriorating dam is ever removed. Mueller stated that Crime-Free Housing program is important and necessary. McGrath stated that hook up fees for water and sewer need to be discussed again.

Botterman asked if there has been a straw poll for property tax. Brown answered that there was not. Colby noted that the budget is still $300,000 short. Brown asked the Committee if they would be in favor of a $150,000 property tax and taking $150,000 out of reserves. Botterman and Hohmann stated that they are opposed to a property tax increase. Botterman stated that he is willing to see the numbers. The consensus was to have staff bring back the numbers.

Alderman Wolff stated that some members would like to address the Committee. Chair Brown asked if there were any comments.

Sylvia Keppel, 1420 Becker Ave, stated that she hopes that the Committee reviews the budget line by line. She stated that she would not like the Committee to rubberstamp what staff has suggested and it helps to have other eyes on the budget. She stated that postage for promotional items was too much allotted. Keppel stated that she would like to see which line items are necessities and which could be put off until later. She encouraged the Committee to ask questions. Keppel asked why the City uses tapes versus digital. Chason answered that City staff are looking into the costs and the storage capabilities of digital files. He stated that they are looking into going digital. Keppel stated that going digital would be an improvement that is well worth the money. She suggested that people mulch their leaves versus leaf pick-up. She would like a big effort to be made to have people experiment with mulching. She questioned if it would be possible to start moving employees from pensions to 401k plans or some kind of hybrid system to reduce our cost. Colby stated that there is no local control except for the salaries. Keppel asked about health insurance and have employees pay a percentage of the health increases. Colby stated that in the last round of contracts employees were helping with a greater share of the cost. Keppel asked to work in more flexibility. These are the long-term items that would swamp us in the future.

Russotto asked about the revenues on page I-15. Colby stated that the revenues are decreasing because the chart has the sales tax ending in 2017.

Botterman asked about the personnel and if it was considered to reduce some full-time positions to part-time positions and if that is an option. Colby stated that the majority of our GF employees are Police and Fire and we would not be able to reduce. The Street Department works in crews and that would be difficult. That is something that could be studied and reviewed but there are not a lot of positions that would be subject to that. Botterman asked if the numbers would be brought back with a reduction in vehicle replacements. McGrath warned if you postpone purchasing vehicles the vehicle budget would need to increase over the years. It could be $150,000 one year versus $30,000. There needs to be some kind of order so you could even your expenses every time. McGrath stated that we get more years out of our trucks and squads. Colby noted that the police and fire cut other line items in their budget specifically to maintain the vehicle replacement. She clarified that the items in her list were items that the City has some control over. There are some things that the City has no control over, such as the Tri-Com agreement. McGrath stated that if you want to cut a certain amount out of the budget to give him a number. Botterman stated that he would like to close the gap after the increases are made.

3. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:51pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
January 26, 2016
Committee of the Whole
City of Batavia

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

1. Roll Call

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

Members Absent: **Ald. Chanzit**

Also Present: **Mayor Schielke; Chief Schira, Batavia Police Department; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; Brian Bettin, Manager of Electric Operations; and Jennifer Austin-Smith, Recording Secretary**

2. Items to be Removed/Added/Changed
Brown stated that agenda item number eight would be moved after the Consent Agenda for discussion. There was no objection from the Committee.

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

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

a. **Ordinance 16-08: Vacating a Portion of South Harrison Street (SCB 1/15/16) CD**
b. **Resolution 16-07-R: Accepting a Plat of Dedication of a Portion of Main Street (SCB 1/5/16) CD**
c. **Resolution 16-02-R: Adoption of 2015 Kane County Natural Hazards Mitigation Plan (Gary Holm 12/29/15) CS**

Motion: To approve the minutes the Consent Agenda as presented
Maker: Atac

Second: Stark
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

5. Resolution 16-04-R: Authorizing Sale of Municipally Owned Real Estate on Walnut Street (SCB 1/6/16)

Rackow reported that in October and November the Council discussed inquiring if the adjacent property owners of this area were interested in purchasing some of the property along the trail. One property owner stated that they were interested in buying the property at the appraised value. This resolution initiates the sales process and it would be put out to bid in the newspaper and they would have to come in through the bid process for the purchase price of property. This is not an action to sell the property yet, just to facilitate the first step. There is no buildable aspect to the property.

O'Brien commented that all of this work is not generating a large income to the City. He understands that we are short on staff and suggested that other projects get more focus. McGrath concurred and stated that this project is going to be part of a future discussion with staff. Brown noted that the report states that there was no staffing impact but he wonders how many hours were spent working on something like this. McGrath stated that Buening would report on the hours spent with the Committee. McGrath noted that this project was one of the goals placed on the City's Strategic Plan.

Motion: To recommend approval of Resolution 16-04-R: Authorizing sale of municipally owned real estate on Walnut Street
Maker: Callahan
Second: Wolff
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

6. Ordinance 16-06: Amending Title 11 Chapter 5, Section 9 of the Batavia Municipal Code – Subdivision Regulations (DMR 1/20/16) GS

Rackow reported that this was brought to the Plan Commission (PC) for their review since it is an amendment to the subdivision code. The PC was supportive of the proposed amendment. Rackow stated that a parcel that applies for a fee in lieu would have to be 1,000 feet away from a school, park district, or Pace bus route. It would also have to be further than 500 feet from existing sidewalk segments on a nearby parcel. The process would be that the resident would make a request to the City Engineer and the City Engineer would evaluate it with a budget estimate for how much the sidewalk would cost and collect that as a fee in lieu.

Botterman asked if it would be applied linearly. Rackow agreed that it would be linearly. Callahan questioned the fairness to those who are redeveloping an older house or starting from scratch and improving the neighborhood. He stated that they would be paying an inequitable property tax in doing so. Callahan explained that he feels that it is inequitable since the homeowner is already paying City taxes. Holm stated that the notion that one's tax is going to pay for a sidewalk might be true over one hundred years. McFadden asked about if the resident were to tear down a house and rebuild. Rackow stated that then the sidewalk would have to be

built or paid in lieu as part of the home improvements. McFadden asked about remodels and additions. Rackow stated that currently this only applies to new construction and new homes. O'Brien noted that sidewalks are a safety issue and help make the City more walkable.

Motion: To recommend approval of Ordinance 16-06: Amending Title 11 Chapter 5, Section 9 of the Batavia Municipal Code – Subdivision Regulations as written
Maker: Wolff
Second: Stark

Discussion was held on the motion. Atac asked how many subdivisions in Batavia are like this and how many could fall into this category. Rackow stated that he could not speculate but he could give an answer at a later date. Fischer asked how many times has this circumstance occurred. Rackow stated that it would only come up in instances with infill without a sidewalk. Holm noted that this is the first instance in which someone has questioned it. Over the past ten years we have been doing it.

Roll Call Vote: **Aye:** Brown, Atac, Stark, Wolff, O'Brien, Mueller
Nay: Russotto, Fischer, Callahan, Hohmann, Botterman, Cerone, McFadden
6-7 Vote, 1 Absent, Motion failed.

7. Discussion: Delivery Model for Wastewater Treatment Facility Improvements (Gary Holm 1/21/16) GS

Holm reported on his memo. He stated that we are about to formally embark on the design process and we need to know the end process as we begin the starting process. The wastewater treatment facility will be about a sixty million dollar project. The two fire stations were constructed with a construction management methodology. Holm stated that staff would be comfortable going forward with either the design-bid-build or construction manager not at risk methodology. Holm discussed the positives and negatives of both methods. Staff is recommending the traditional design-bid-build methodology. The Committee discussed the methodology options. O'Brien expressed concerns with oversight and supports the construction manager at-risk method but likes construction manager not at risk. He would like controls on quality and getting what you pay for.

Atac asked if staff would like a vote and Holm stated that no vote is needed if there is a general consensus. Atac asked if there was anyone not comfortable with going with staff's recommendation. No one stated that they were not comfortable. The general consensus was in favor of staff's recommendation.

8. Discussion: Draft of Narrative Portion of Recruitment Profile for City Administrator

Bill Balling and Adriane Johnson from WRB LLC addressed the Committee. Balling asked the Committee for their recommendation on the recruitment profile outline for the City Administrator and the final summary of the themes from the engagement meetings, which also includes City Council comments.

Johnson overviewed the recruitment profile for the City Administrator with the Committee. She noted that this is a marketing piece to highlight the City as it is informative about the position. Johnson stated that compensation would be discussed during the closed session this evening. She stated that applications are due March 21, 2016. Recruitment is expected to begin immediately after that close date. An interview team of four people would be created to do the initial screening and the team would work with the Department Heads and the Mayor as well. Early April there should be a pool of candidates to present to City Council for approval. She asked for questions and feedback.

Stark discussed the process for application. She stated that it states that the City Council is responsible for the hiring of the City Administrator. That is not accurate because it is the Mayor's responsibility. She explained that we give a recommendation to the Mayor. Stark stated that George Sheetz from the library tracked down what the definition of Batavia is and it means "good and land near water or island from the times of the Roman empire" and it is not from the Dutch as listed in the recruitment profile. Mayor Schielke commented that he would not hire someone against Council's recommendation. Stark stated that the profile should be written in concurrence to the statutes. Callahan stated that the Council is involved in the hiring process because without Council's approval there is no hiring of the person. Wolff asked if anyone wanted to change the wording. Atac asked if the sentence could be removed that states that the City Council is charged with hiring of the new City Administrator. Johnson stated that it could be removed. Atac commented that she feels that there is some redundancy and so many different qualities that it looks like we don't know what we are looking for. After discussion, the Committee entered into closed session.

Motion: To enter into closed session for the purpose of purchase and sale of electric power and deliberations for salary schedule for a class of employees
Maker: O'Brien
Second: Callahan
Voice Vote: 12 Ayes, 1 Nays, 1 Absent
Motion carried.

Wolff was the nay vote.

The Committee entered into closed session at 7:53pm and entered regular session at 8:29pm.

9. Approval: Authorization to Purchase Police Department Vehicles (GJS 01/13/16) CS

Chief Schira discussed his memo with the Committee. He would like authorization to purchase three utility police interceptor vehicles and one 2016 Ford Fusion S to replace a vehicle being used for investigations. Chief Schira stated that this is part of our ongoing fleet replacement program and it has been approved in the budget. Going through the Northwest Municipal Conference Suburban Purchasing Cooperative has fulfilled the bidding requirement. The total price, for the four vehicles, was off on the budget by $500 over what was budgeted.

Motion: To recommend approval to authorize the purchase of three 2016 interceptor vehicles and one 2015 Ford Fusion Police Department Vehicle as part of the ongoing replacement program

Maker: O'Brien
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

10. Resolution 16-01-R: Authorizing Execution of a One-Year Renewable Contract for 2016 East Side Property Maintenance with W.A. Management, Inc. for $40,204.00 (Scott Haines 1/20/16) CS

Holm reported that this is for the property maintenance for the east side of Batavia. It is a one-year renewable contract. W.A. Management was competitively bid and they know the scope of the work.

Motion: To recommend approval of Resolution 16-01-R: Authorizing execution of a one-year renewable contract for 2016 East Side Property Maintenance with W.A. Management, Inc. for $40,204.00
Maker: Hohmann
Second: Cerone
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

11. Ordinance 16-05: Declaring Surplus Property (Scott Haines 1/20/16) CS

Holm reported that this is a formal ordinance to surplus out the vehicles and other equipment.

Motion: To recommend approval of Ordinance 16-05: Declaring surplus property
Maker: Hohmann
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

12. Fox River Issues CD

McGrath announced that he sent a memo last week and today. Staff met with the Park District last week and they will be working internally with their staff and board. A meeting will be set up in the future for further discussion. The dam project is part of a longer term planning issue as opposed to erosion issues. Our plans are to start drafting an RFQ for an engineering firm to start looking at the erosion. The City needs to stabilize the erosion as soon as possible. McGrath anticipates being able to update the Committee in a couple weeks. Staff is considering the area between the bridge and the pedestrian bridge because there is a sewer line in that location. Brown noted that it has been talked about to put a bike lane in there also. He asked the staff to have the engineering firm consider that option as well.

13. Project Status

McGrath announced that status memos have gone out. He reported on the following:

- The Dunkin Donuts project went to the PC and got a negative recommendation on a majority of the variances. The Historic Preservation Commission (HPC) needs to review

before coming to the COW. The impact on the negative recommendations is that the CC would have to pass the variances by a super majority.

- The City signed off on the evolution restaurant on River Street by Pal Joeys. They hope to be open by spring.
- New low profile streetlights are going in on Houston.
- City Hall projects memo sent out. The security system project will start in two to three weeks

O'Brien asked about the PC meeting and how it went. Rackow reported that the hearing had five to six people that spoke. Most spoke about concerns about ownership to the north. In terms of variances, some of the PC expressed concerns about access and dimensions of the drive through. The vote was split on the conditional use discussion. Some felt that there was an opportunity for a drive through at this location. McGrath stated that overall it is a tight site. He noted that the PC has far less discretion than the CC has because they have to make their decisions based on the Findings of Fact. Stark asked if the drive through dimensions is based on the code. McGrath stated that it is based on our code and City engineers reviewed the plans.

14. Other

Atac asked about the new street light on North Avenue. Holm responded that the streetlight would have to be custom fabricated because the form no longer exists to match the Mooseheart lights. McGrath stated that staff could research how much it would cost to fabricate them and maybe the neighborhood would pay for it through a SSA.

Atac reported that a member of the Environmental Commission expressed concern about the commission's role in Batavia. She had suggested that they come to a COW meeting. Atac asked staff to communicate to the Environmental Commission about their role and staff's role and how we could work together and have the Environmental Commission grow.

Atac stated that communication falls within our strategic plans. We need a communications plan and in that plan we need a social media plan and policy. We need to protect our brand and we need to set a policy. She would like this put on the agenda and have a discussion. The City Administrator cannot be the social media communicator. The planning and vision part is Council's responsibility and we need to get that going. Fischer noted that communication should be a full time position. Atac agreed and stated that we need to have a policy in the interim. Botterman suggested that when next year's budget is discussed in April that might be a good time to address this. We could discuss how we could pay for such a position and what do we want to include. Brown suggested putting this on the agenda for March or April to consider how we could pay for this position. Atac stated that we need to start a plan because social media is happening whether or not we have a position in place. There needs to be some control and a consensus on how that would happen. O'Brien stated that in March or April we should start that discussion.

Mayor Schielke stated that the gas station on Fabyan and Route 25 is going to close on February 1st and reopen the next day under new ownership.

Chair Brown reported that Flag Day conversation would be held in the City Council Chambers tomorrow evening at 7pm.

15. Closed Session:

a. Purchase and Sale of Electric Power

b. Deliberations for salary schedule for a class of employees

The Committee went into closed session after discussion on the recruitment profile for the City Administrator (agenda item number 8).

16. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 9:53pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
February 23, 2016
Committee of the Whole
City of Batavia

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

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

1. Roll Call

Members Present: **Ald. Russotto, Stark (entered at 8:10pm), Atac, Wolff, Fischer (via telephone), Callahan, Hohmann, Mueller, Botterman, Cerone, and McFadden**

Members Absent: **Chair Brown; Ald. O'Brien and Chanzit**

Also Present: **Mayor Schielke; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; Drew Rackow, Planner;**

2. Approve Minutes for February 9, 2016

Motion: To approve the minutes for February 9, 2016
Maker: Atac
Second: Wolff
Voice Vote: 0 Ayes, 0 Nays, 0 Absent
Motion carried.

3. Items to be Removed/Added/Changed
There were no items to be removed, added or changed.

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

5. Ordinance 16-11: A Variance for a Detached Garage – Spillane & Sons, Inc., Applicant, 514 Main Street (DMR 2/15/16) CD
Rackow reported that this ordinance is to grant two variances for setbacks. The first for an interior side setback of two feet rather than five feet that is required and the rear setback to be two feet rather than the required five feet. The Zoning Board of Appeals (ZBA) approved the variances at their meeting on February 3rd. The ZBA was receptive to the proposal by the applicant and felt that was the best location for a garage on the property. They did consider other options but felt that the proposed location by the applicant was the best fit. The ZBA voted 4-1 to recommend approval of the variance. One condition was that the garage door face internally to the property, on the east elevation, which is included in the ordinance. Wolff agreed with the

ZBA recommendation and added that with the shared driveway he does not know how else it could be done.

Motion: To recommend approval of Ordinance 16-11: A Variance for a Detached Garage – Spillane & Sons, Inc., Applicant, 514 Main Street
Maker: Hohmann
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.
CONSENT AGENDA

6. Ordinance 16-13: Update to 2015 Property Maintenance Code (JSA 2/15/16) CS

Albertson reported that staff has been working on updating our various code series. This one is the Property Maintenance Code, which is used for maintenance and repair for all properties in the City. These items include painting, weeds, junk storage and all those various issues. Currently, we are under the 2006 edition of the property maintenance code. Our last adoption was in 2007 and staff tries to do these every six years. The format and requirements have remained similar and the significant changes are highlighted in the memo. There are changes to what is considered a dangerous structure, in the criteria for unsafe conditions both for interior and exterior structures, and changes to overcrowding. Standards were put in the code for how many occupants could occupy a room. The code we have now is very vague; the revision is more specific to make it easier to enforce. Callahan questioned the defacement of property section. Albertson stated that this addresses graffiti and makes the property owner responsible for cleaning up the vandalism immediately.

Motion: To recommend approval of Ordinance 16-13: Update to 2015 Property Maintenance Code
Maker: Mueller
Second: Callahan
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.
CONSENT AGENDA

7. Resolution 16-06-R: Authorization to Purchase One 2016 International 7400 4x2 Dump Truck Chassis from Rush Truck Centers for $75,992.00 (Scott Haines 2/16/16) CS

Holm reported that the chassis are coming from the State Purchase Process and there is no formal waiving of bid. Staff is recommending approval for this resolution.

Motion: To recommend approval of Resolution 16-06-R: Authorization to Purchase One 2016 International 7400 4x2 Dump Truck Chassis from Rush Truck Centers for $75,992.00
Maker: McFadden
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

8. Resolution 16-23-R: Authorization to Purchase Truck Equipment from Monroe Truck Equipment for $63,064.00 (Scott Haines 2/16/16) CS

Holm reported that this resolution is for all the equipment to outfit the truck and this would need to officially waive formal bidding. The City received three bids. Holm noted that we are under budget.

Motion: To waive formal bidding
Maker: Cerone
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

Motion: To recommend approval of Resolution 16-23-R: Authorization to Purchase Truck Equipment from Monroe Truck Equipment for $63,064.00
Maker: Cerone
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

9. Resolution 16-22-R: Authorization to Purchase Truck Equipment from Henderson Truck Equipment for $42,300.00 (Scott Haines 2/3/16) CS

Holm reported that this is the equipment to outfit the truck previously purchased by the City. We are five thousand less than the total budget amount. Holm noted that this would require a waiver of formal bidding.

Motion: To waive formal bidding
Maker: McFadden
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

Motion: To recommend approval of Resolution 16-22-R: Authorization to Purchase Truck Equipment from Henderson Truck Equipment for $42,300.00
Maker: Hohmann
Second: McFadden
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

10. Discussion: Homes for a Changing Region Community Land Trust (Scott Buening 1/26/16) CD

Buening reported that this is another part of the housing study done with St. Charles, Geneva and North Aurora. There were local priorities and regional priorities that were part of that project. A Community Land Trust is to have a consortium of multiple municipalities to create an organization that would help provide land, housing or assistance for affordable and attainable housing. This housing would house police, fire, and local people working in the community that

are not making a large wage. Buening stated that the state requires having at least ten percent affordable housing in the community. That is a State mandate and we are right above that number. It is a concern that that we might drop below that requirement. Staff is looking to do a study to see if it is feasible to do a Community Land Trust with other communities and if such a land trust should be run as a non-profit or run as part of the municipalities.

Buening reported that staff has found an advocacy firm that has worked on the Highland Park Community Land Trust, which is the most successful in the state. Staff would like to have this study conducted. The cost of the study is about $12,000 and it does not require us to establish a Community Land Trust but it would help to figure out the framework and what we would need to do to establish one. The cost would be shared with the other communities, which would come out to roughly $3,000 apiece. Staff is looking at other sources to offset some of those costs, such as grant funding. This is no money budgeted this year for this but it is not a large sum of money. Staff would like the Committee's thoughts and direction on if they would be willing to be a part of that study. All the other towns are addressing their councils and feedback would be given when the communities meet again in April.

Cerone asked if this decision could be tabled until the Committee gets to see the presentation. Buening stated that if the Committee would like to postpone this until after the presentation, that would be fine. Cerone asked if the senior restricted housing would help towards the affordable housing component. Buening answered that senior housing is considered affordable under the guidelines. Atac stated that she is in favor of the study because it is very expensive to build in our town now. Atac asked what is the threshold for affordable housing as defined by the state. Buening stated that for purchased housing it is $168,000 and anything below that is affordable. A rental is $900 a month or below. Cerone asked if we have the option to not do the study and then participate at a later time. Buening stated that we would have to share in the cost later just to be fair. Cerone asked what are the advantages of going along with the other municipalities. Buening stated that if we go with other communities than we use all that area as part of our zone. If there is an affordable housing built in partnering community that would go towards our affordable housing requirement. Buening stated that if North Aurora was in, they have more affordable housing than us. We would be able to use that as a partnership to get any other amounts that we need to have. Geneva fell under the 10% and it had to do the housing plan, St. Charles has always been right at the requirement, and we are at 11% affordable housing. Cerone stated that he is not against affordable housing but is against paying for a study. He explained that we have tools in our toolbox now to help developers create affordable housing. The trusts have a lot of fraud involved and a lot of problems. He would be open to wait until the presentation but at this time he would not support it. Buening noted that the other communities would not have their meetings on this until March. Callahan suggested that since other communities are not having this discussion until March, to wait until the Committee sees the presentation to give us a better idea from there. Mayor Schielke encouraged the Committee to consider doing the study.

*Alderman Stark entered the meeting at 8:10pm

Callahan asked about the taxes and affordability. Buening answered that as part of a Community Land Trust, we could own the land and therefore the taxes would be lower by being either

exempt or buying down the taxes. The consensus of the Committee was to wait until after the March 14th presentation before a decision on the study is made.

Motion: To table the discussion until after the presentation on March 14th
Maker: Cerone
Second: Botterman
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

Buening asked if the discussion could be held on the 15th. There was no objection by the COW. Buening stated that he would send out details on the presentation on March 14, 2016 in St. Charles. McGrath stated that it would be nice to have the presentation recorded so that it could be put onto the website. Wolff stated that if St. Charles allows for cameras than BATV would record the presentation.

11. Discussion: Continued Discussion Regarding Sidewalk Requirements (SCB 2/12/16) CD

Buening reported that this was originally brought to the Committee of the Whole in October and November of 2015 and staff was directed to proceed with an option drafted in the ordinance. It was brought to the Plan Commission (PC) and the PC approved the changes in the Subdivision Code. This allowed for a waiver of sidewalks in areas at least five hundred feet from an existing sidewalk and are one thousand feet away from parks, schools and bus routes. Staff did bring this back to the COW on 1-26-16 and there was a motion that failed on a vote of 6-7 and City Council had discussion on it on 2-1-16. Staff was asked to bring back further options. A series of options have been provided:

1) Keep the subdivision ordinance as is, require sidewalks to be constructed on all infill lots.
2) Follow the ordinance, require sidewalk segments only for lots within a certain distance of parks, schools, bus routes or other sidewalks. Outside those areas there would be an option to do cash in lieu. The sidewalks could then be built by the City in other places.
3) To follow the draft ordinance to allow for sidewalk segments only within those certain distances and outside those areas require cash escrow to be submitted to be held by the City until a future sidewalk in front of that property is built when a neighboring walk is built.
4) Follow the ordinance regarding sidewalk segment differences but outside of those areas to allow for a full waiver without reimbursement. If sidewalks are desired at some point in the future by the City or by the neighborhood it would have to be done by tax payers as a whole or by a Special Service Area (SSA) special assessment.
5) To amend the setback distances for sidewalk segments in some manner and follow one of the reimbursement procedures in numbers 2, 3, or 4.
6) Only require sidewalks as part of a development proposal. Define what development means. When it is adjacent to an existing sidewalk follow one of the reimbursement protocols.
7) Do not require sidewalks be constructed at all.

Buening stated that staff continues to recommend the current policy but is supportive of the draft ordinance that was presented to the Committee. If that is not acceptable staff does concur with

the escrow deposits as well. The least preferred would be option 4, to waive the sidewalk requirement reimbursement outside of those boundaries. The Committee held a discussion on the options. McGrath noted that every new homeowner paid for the sidewalk outside of their house. He asserted that the sidewalk outside of a house is not for just the homeowner, it is for everyone, it is for every child and pedestrian. It is on City, public property. He stated that does not understand the ownership concept we have. The City is short on money and there is a necessity for sidewalks. People coming in are a revenue source. Callahan asked if it is a necessity or is it a luxury. Callahan stated that there are people that do not believe that it is a necessity. Callahan stated that if we truly value the need for sidewalks as a community than we need to consider how much it would cost to do it all at once or in piece mail and raise taxes to pay for it. McGrath stated that is a policy issue and the Committee could decide to do so. Callahan stated that this would be more equitable and would get more done. Stark gave the example that if she built a home in Batavia she would have to connect to the City's water and sewer. She would not have an option to build her own well or septic system. It is part of being part of the City. That also speaks to the fact that I have to have a sidewalk in front of my house, the code requires it. Stark would like things to be consistent for all people. It does not seem fair that some do have to build a sidewalk and some do not.

Mike Spillane addressed the Committee. He stated that as a member of the community, he enjoys the sidewalk in front of his house. It is a reasonable expectation that when you build you have to put sidewalks in. When you redevelop a piece of property that does not have sidewalks and has not had sidewalks for the past seventy years then it is unreasonable to ask that new homeowner to put sidewalks in because by the time the City Council gets around to that whole entire neighborhood, the sidewalk that was put in is probably going to be failing and broken and needed to be replaced anyway. He does not want to see a homeowner taxed twice or have the homeowner pay twice. If there are no sidewalks in the neighborhood, don't make people put them in. That is a reasonable expectation.

Botterman stated that he supports number four. He stated that until the sidewalks become a priority again by the Council or the circumstances exist where it could be a priority again, until that point he can not support the other provisions.

Motion: To have staff draft the resolution for option four
Maker: Callahan
Second: Hohmann

Discussion was held on the motion. Atac stated that at this meeting we are considering a policy change that is against what has been decided by the community that have worked on approving the code, developing our Comprehensive Plan and developing our Strategic Plan. We are considering changing policy for a very specific situation, which is very arbitrary. We understand that the people, in this particular case, should not have to put a sidewalk in and pay for it. She would rather see a variance for the whole thing and not change the policy. Atac feels that this policy is so important for connectivity for sidewalks in our community. Everyone uses the sidewalks. They are not just for the people building a house. She feels that we are going down a slippery slope. Callahan stated that option four is recognizing the people who came before us. The people who came before us created the goals and the Comprehensive Plan but in the

intervening years the Council made the decision to not fund it anymore. The Council changed it as a priority and stopped funding that. Atac responded that it was changed because there wasn't any money. Callahan stated that we don't have money for numerous reasons but there should be a better way to find money that if we believe that the true community goal is that than we should have never stopped funding that. It is one way or the other. You can't say that it is a priority and then stop funding it. That does not mean that we don't care about sidewalks. Wolff stated that if we have the opt out for a waiver for the sidewalk and contribute the money it is over and done with. The money could be spent on the specific ward if we so choose. Unless the City Council approves otherwise we could always waive that for them. They could petition and we could say that they would not have to pay for it. Atac stated that when we were cutting costs it was not a light decision. Callahan asked if we want more staff to do a number of things or do we want more sidewalks. There is only so much money in order to do all of those things. Cerone stated that these are all good points. The biggest problem he has is being equitable. He does not want to have money sitting there for thirty years causing an administrative problem. He would like to keep the policy as is and have the option for variances. Mueller stated that a variance would be the easiest way to go. This is a minute detail on two properties. Wolff stated that this is more of a policy issue. Mueller stated that she would rather have a variance than change policy forever. McGrath stated that the Council should not have to spend time working with individual people on one sidewalk on one house. A variance would take a lot of staff time and homeowners time. The CC'c shoupdn;t have to deal with individual sidewalks. Its job is to draft policy. It has to be something staff could administer and administer easily. Russotto stated that the two properties that we could collect from now would not make a big difference in funding the sidewalks. Fischer stated he supports all of the plans we have put together. He agrees with Spillane's comments and would support number four.

Roll Call Vote: **Aye:** Fischer, Callahan, Hohmann, Botterman, Cerone, Russotto, McFadden
Nay: Wolff, Stark, Mueller, Atac
7-4 Vote, 3 Absent, Motion carried.

Buening stated that the resolution would be brought to the March 7, 2016 City Council meeting.

12. Fox River Issues CD

McGrath reported that staff met with the Conservation Foundation this week and discussed the river and working with stormwater. Discussion on managing the open spaces was held due to the Thompson Farm being put on the market. There is a lot of water and movement and terrain on the Thompson Farm. Staff should consider a conservation easement over that property. McGrath discussed the process of a conservation easement with the Committee. Firm contacts will be sent to Gary Holm to contact prior to the RFQ. The dam removal and keeping the Depot Pond was discussed. The Conservation Foundation would serve as a consultant with that process.

13. Community Boundary Signage (WRM 2/15/16) GS

McGrath stated that he would like to know the Committee's preference with the submitted designs. Staff is proposing a single-sided Peachtree Foamcraft monument sign. This is a synthetic EPS Foam sign. It is virtually indestructible with zero to little maintenance. Callahan stated that he likes the ideas that Atac sent out to the Committee because of its simplistic nature.

Cerone stated that he would like to see the pricing. McGrath stated that he could get price estimates. Wolff noted that 4a is too busy for a monument sign. Callahan stated that he likes the image number two, the green sign with the limestone sides but he does not think that the sign itself has the timeless character needed for a sign. Wolff added that he likes the limestone sides. Fischer asked if we could compare the new signage with the sign on Fabyan and Route 25 to ensure consistency. He likes 5a right now. McGrath stated that he will bring this discussion back and get some cost estimates. Stark asked if the sale of the land could be used towards the signs. McGrath stated that some of the money for the sale of the land is planned on being used towards signage. Stark noted that she does not want to go cheap just so that we could have signs. Several Committee members voiced their agreement to Stark's comment. Atac questioned with the rebranding if the windmill should remain on the sign.

14. Project Status

Bill McGrath reported on the following:

- Staff has been working on property acquisition
- Bridge sculpture discussion would be held at the Committee meeting next Tuesday
- Personnel issues and succession planning is being worked on while being cognizant of a new City Administrator coming shortly
- City staff and the Chief of Police are going to have a meeting with the resident on State Street regarding her concerns.
- Revenues will be discussed next week.
- Staff is working with Comcast on the agreement and discussing WiFi boosters and will be meeting with them next week.
- Buening will be asked to have a discussion about the types of housing the Council would like to see in this town. Atac asked for the staff to bring the cost of City fees in order to build a single-family home. Atac stated that she would like some hard facts on the trend towards smaller-sized homes. McGrath agreed.

Scott Buening reported on the following:

- The Building Activity Report that had some skewed numbers has been redone to show some revenues classified as Utility Permit (including materials reimbursement) as opposed to a Single Family Permit and the corrected version has been distributed to the Committee.
- Siemens has submitted the IEPA report and initial feedback has been received. They did a thorough investigation and it is a comprehensive report. Once the report is accepted by IEPA then they could do the actual remediation of the site.
- Surplus Land Disposal Project: Staff was directed to do this several years ago and this has been a long-term project. This project has not taken a lot of staff time. We are down to the last three parcels and then we would be done with that project.

Botterman stated that a resident asked if we could put in speed bumps along Route 31 in conjunction with the flashing light pedestrian walkway. He asked staff if this would be possible. McGrath stated that there is no way that the State would allow for speed bumps on Route 31. McGrath noted that the intersection of Fabyan and Batavia Avenue is going to be discussed with KDOT and City Staff. The meeting is next week. Wolff noted that he has been driving on

Batavia Avenue and suggested doing something about the signs on southbound Route 31 before McKee Street. The sign that states you have to stop is covered by another sign. You cannot see the sign until you are on top of the sign. There are so many signs on that block they stack up and you cannot see them. McGrath would have staff check into that with IDOT.

Hohmann asked if legal counsel updated staff on the reduction of alderman and the discussion we are supposed to have on that. McGrath stated that he would contact Kevin Drendel. McGrath will try to have him attend the next COW meeting for discussion. Stark noted that Drendel sent out an email asking for more direction. Wolff stated that we would like to know what our options are and what we could do legally or go to referendum. McGrath will schedule this discussion for a future COW meeting.

15. Closed Session

a. Purchase and Sale of Electric Power

b. Property Acquisition – Addition (WRM)

Motion: To enter into closed session for the purpose of purchase and sale of electric power and property acquisition
Maker: Callahan
Second: Stark
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

16. Adjournment

There being no other business to discuss, Wolff asked for a motion to adjourn the meeting at 10:15pm; Made by Cerone; Seconded by Wolff. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 8, 2016
Committee of the Whole
City of Batavia

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

1. Roll Call

Members Present: **Ald. Brown, Russotto, Stark, Atac (entered at 7:31pm), Wolff, Chanzit, Fischer, O'Brien, Callahan, Mueller, Botterman, Cerone, and McFadden**

Members Absent: **Ald. Hohmann**

Also Present: **Mayor Schielke (entered at 7:34pm); Chief Deicke, Batavia Fire Department; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Chris Aiston, Economic Development Consultant; Rahat Bari, City Engineer; Andrea Podraza, Senior Civil Engineer; Wendy Bednarek, Human Resources Director; Peggy Colby, Finance Director; and Jennifer Austin-Smith, Recording Secretary**

2. Items to be Removed/Added/Changed
There were no items to be removed, added or changed.

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

4. Resolution 16-28-R: Authorizing Execution of a Contract for the 2016 Sidewalk and Curb Replacement Program with Schroeder & Schroeder, Inc. for $125,000.00 (AMP 2/29/16) CS
Podraza reported that the bids are all comparable. Staff would like to utilize the total budgeted amount for $125,000 and award the contract to the lowest bidder, which was Schroeder and Schroeder. Notices would go out to the residents to inform them of the work and staff is looking at an April 15th start date. References were checked and they have come highly recommended.

Motion: To recommend approval of Resolution 16-28-R: Authorizing Execution of a Contract for the 2016 Sidewalk and Curb Replacement Program with Schroeder & Schroeder, Inc. for $125,000.00
Maker: O'Brien
Second: Fischer
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

5. Resolution 16-29-R: Intergovernmental Agreement between the City of Batavia and the College of DuPage to Conduct Firefighter Testing (RD 03/02/16) CS

Chief Deicke reported that the testing is held at the College of DuPage for five to six departments at a time. There is a cost savings to have the testing held at the College of DuPage. O'Brien asked if this is done every two years. Chief Deicke answered that it is.

Motion:	To recommend approval of Resolution 16-29-R: Intergovernmental Agreement between the City of Batavia and the College of DuPage to Conduct Firefighter Testing
Maker:	O'Brien
Second:	Stark
Voice Vote:	12 Ayes, 0 Nays, 2 Absent Motion carried. CONSENT AGENDA

6. Fox River Issues CD

McGrath reported that staff will have the RFQ this by the end of this week and he will be meeting with the Park District regarding the river project. Stark asked if anything about the river has come out of the Metro West meetings and McGrath answered no.

Mayor Schielke expressed that one of our priorities should be maintaining the integrity of the Fox River. There has been millions of dollars donated by the citizens of this town and thousands of hours of community service donated when we built the river walk. He recently saw documents from a group who suggested that the Depot Pond be turned into a bio-swale and let grass grow in it. He personally thinks that would be an insult to the people of Batavia who have left thousands of dollars in their wills and memorials and the thousands of volunteer hours on the river walk to turn the Depot Pond into some natural grass area. He talked to the Park District about this and was informed the Park District is making an investment to enhance the small recreational boats that we have in the pond for this coming year.

Mayor Schielke stated that he just hopes that the City's position continues to remain against some alternative as it applies to the Depot Pond. There has been too much commitment made by the City and money and volunteer hours spent to make this area a very community-friendly and participatory place. He added that a lot of people who bought units next to the river would be negatively impacted by any change to the Depot Pond.

Brown agreed with the Mayor's comments. He stated that we need to get that message out to the public. We need to preserve the pond, the river and the riverbanks. We need to get the public buy-in on this in order to make something happen. McGrath stated that someone has to decide on who is going to pay because the Park District owns the Pond and no matter what, this project would be a lot of money. O'Brien stated that we need to start planning something to save the Depot Pond and plan on saving money towards this project. Stark added that the dam needs to be planned as well because when the dam fails the Depot Pond would no longer exist. The funding source needs a plan.

Botterman suggested making a formal action to put the Council on record stating that we would not be in favor of altering the Depot Pond into a bio-swale. Chanzit suggested that when the Council is visiting Springfield that they have a meeting with the Illinois Department of Natural Resources (IDNR) and ask if there still is some money available for us to take down the dam. Chanzit noted that IDNR would like us all in agreement. McGrath stated that IDNR have been going up and down the river looking for communities who would like to take their dam down. McGrath continued that the City should get a consultant to help with the plan and this could be a big sub part of the plan. McGrath stated that the money to build a berm to save the Depot Pond would be the biggest issue.

Mayor Schielke stated he does not have a confident viewpoint that IDNR is going to help pay for the removal of the dam. With the closing down of the State Government and the financial status that they have now, it does not seem that anything could move forward. Mayor Schielke noted that the deed of the dam has been presented to IDNR but they never have formally accepted that deed. There has been talk about developing a causeway that would go from the gazebo on the river walk and north to the forest preserves and the Homestead and that would separate the Depot Pond out as a separate body of water. A certain amount of water would be taken out of the Fox River and distributed into the Depot Pond to maintain the water level. Mayor Schielke stated that is the best solution that is on the table but the Park District, the City and the Forest Preserve would all have to be contributing partners in building the causeway going out there. He is not sure if IDNR would approve the causeway to begin with.

Mayor Schielke gave a history of the dam. He stated that the dam did not go down due to a referendum. Mayor Schielke reported that supposedly there is another dam behind the dam that is there. There are remnants of the old dam that was there originally before the one that is there now, which was put in around 1911. There may be two forms of a dam structure. The east bank of the river right by the dam is twenty to thirty feet deep in water depth. That was done in the 1870's, someone dug that out extremely deep to have the water flow on that side of the river in order to flow under the Challenge (windmill factory) building to flow into the water wheels. There are a lot of things hidden in the water at that location.

Brown stated that we have to start the process to help protect the Depot Pond. Mayor Schielke added that is his focus and agreed with Brown. Callahan agreed that the Depot Pond is the priority.

7. Discussion: City Revenue and Priorities (WRM 3/4/16)

McGrath overviewed his memo March 4, 2016 titled "Revenues, priorities and project updates" with the Committee. Stark asked what the City owes Water Street Studios. Colby answered that the City doesn't owe the City anything. The landlord, Batavia Enterprises has a forgivable loan for the build out of Water Street Studios, which will be fully forgiven in two years. McGrath stated that staff could give a list of the budget revenues that we give or we forgive. Stark stated that she is asking, not that she doesn't support these items, but in terms of when certain programs should become self-sustaining. She explained that the $40,000 given to Batavia MainStreet could pay for a staff position such as the Communications position. Callahan agreed that a lot of what Batavia MainStreet does is economic development and we are paying for an economic development consultant as well. At some point they will have to be on their own. Stark

commented that we do not fund the Chamber. Colby added that the payment to MainStreet comes out of the TIF. None of the money used towards the payment of MainStreet could be used towards a staff position. McGrath noted that the funding of MainStreet conversation would have to be held in 2017 because of the ending of the SSA.

Stark asked about transfer taxes. Podraza noted that Wheaton does that. Stark stated that she is surprised at the list of communities that have real estate transfer taxes. Chanzit noted that he would not vote in favor of a transfer tax if it were to go to referendum.

O'Brien commented that in order to raise revenues there has to be an increase in taxes. Some communities are implementing a storm water utility. McFadden stated that another way to raise revenue is through growth but it would not be as fast. We could follow that path but it would take money to do. McFadden explained that we would have to allocate money towards marketing and branding and economic development to bring businesses in. Whatever we do revenue wise, a growth strategy and a plan for economic development needs to be front and center. There is organic opportunity to bring more money through the door that does not affect anyone's pocket book and makes the City a better place.

Brown mentioned that we could use a retreat so that we could identify our priorities and deficiencies. Atac added that we need to refer to the Strategic Plan in our decision making process. Chanzit concurred. Stark noted that the Strategic Plan is very difficult to find on the City's website. Stark commented that the City Council sets policy and the policy that we are trying to set now is an additional revenue source. Colby asked that the Committee get the information and priorities set no later than early August because they are already starting the budget process at that time and it would be very difficult to incorporate anything if you wait any later than that date.

Botterman suggested that the first step would be scheduling a date for the retreat. McGrath suggested having a mediator at the retreat. Brown commented that one of the first places we should look is economic development. Russotto stated that he would like to have more discussion on the budget, such as a preliminary presentation and discussion similar to what we are doing tonight.

Mayor Schielke read a memo from Dave Bennett, Executive Director of the Metropolitan Mayor's Caucus, to the Committee regarding the Market Place Fairness Act (MPFA). The MPFA allows for states and local governments to collect sales tax on e-commerce transactions occurring in their communities. Mayor Schielke stated that this could be a potential revenue source for the City.

O'Brien suggested that the Mayor write a letter in support of the LGDF to our governor. Mayor Schielke suggested a resolution that states that we would like to keep the LGDF and not have any reduction in it. O'Brien and Wolff asked staff to draft a resolution in support of the LGDF.

Botterman commented that Alderman Brown's January 1st memo was very helpful as a guide to follow. He would like to meet on March 22nd and discuss this list and what items that we still want to do and an assessment of where things are. He likes that this memo gives the Committee

some guideline and self-discipline. Brown stated that he would resend the memo for the Committee to review.

Botterman asked for the Committee consider setting a date for a retreat or take the retreat discussion off the table. Chair Brown asked the Mayor to set a date for the retreat. McGrath stated that staff would help set up a place to hold the retreat. McGrath suggested following Geneva's retreat model. Brown asked Mayor Schielke to organize the event.

*Chanzit exited the meeting

8. Project Status

Bill McGrath reported on the following:

- Staff continues to work on the Baptist Church project (update in Closed Session)
- Upcoming discussion would be held on stormwater improvements and lack of grant funding
- Staff is working on parking
- Staff is working on the potential Blue Goose Market
- Wendy Bednarek, HR Director, is working on health insurance and electric negotiations
- Working with John Dillon, Water/Sewer Superintendent, over the next phase for the building
- The elevator broke on late Saturday night, the repair work has been completed
- Staff has worked on an incentive with one of the big electric customers
- Staff is working on real estate for parcels the City would like to acquire (update in Closed Session)

Brown asked that McGrath continue to send out a weekly update on projects. McGrath stated that he would send it out regularly.

9. Other

Mayor Schielke suggested that Batavia consider hosting organic markets on City property. He stated that an organic market could set us apart from other cities.

Mayor Schielke stated that the Kirk Road Corridor could be an interesting piece to develop in the future.

Mayor Schielke stated that there is interest in building gas stations in Batavia. The Acosta store is looking into expanding. There are exciting things happening in the City.

Stark asked if there would be a quorum during spring break. Several Committee members were uncertain if they would be able to attend. Chair Brown suggested taking a poll next Tuesday. McGrath stated that if there are no agenda items then the meeting could be cancelled.

Stark pointed out there would be a number of aldermen gone for the Springfield trip on the May 3rd meeting. She suggested that meeting be canceled. There was no objection from the Committee.

O'Brien asked about the gas station on Wilson and Washington. He asked if it would be cleaned up. McGrath stated that April 1st is the date the City would take action to have the canopy taken out. He would work with Scott Buening, Director of Community Development, to see what other improvements would be made. Wolff asked if there is a requirement to remove the tanks as well. McGrath stated that he does not know but he would look into it. Wolff suggested getting the information from the State Fire Marshall.

O'Brien asked if anything has been done with DS Container. McGrath stated that the electric rate passed last night was for them and they want to build a new parking lot. The location that they want to build the parking lot cannot be built on so we are looking into the property next door. O'Brien stated that whatever we can do, we should not lose them. McGrath stated absolutely. He added that, bottom line, it is about electric rates.

10. Closed Session

a. Purchase and Sale of Electric Power

b. Purchase of Real Property

Motion: To enter into closed session for the purpose of purchase and sale of electric power and purchase of real property
Maker: O'Brien
Second: Callahan
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

Closed session began at 9:47pm.

11. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:06pm; Made by O'Brien; Seconded by McFadden. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 15, 2016
Committee of the Whole
City of Batavia

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

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

1. Roll Call

Members Present: **Ald. Brown, Russotto, Atac, Stark (entered at 8:11pm); Wolff, Fischer, Callahan, Hohmann, Mueller, Botterman, Cerone (entered at 8:04pm); and McFadden**

Members Absent: **Ald Chanzit and O'Brien**

Also Present: **Mayor Schielke (entered at 8:24pm); Bill McGrath, City Administrator (entered at 8:18pm); Scott Buening, Director of Community Development; Rahat Bari, City Engineer; Wendy Bednarek, Human Resources Director; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary**

2. Approve Minutes for February 16 and March 1, 2016

Motion: To recommend approval of COW minutes from February 16, 2016 and March 1, 2016
Maker: Mueller
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

3. Items to be Removed, Added or Changed

Agenda item number nine was moved to number six for discussion purposes. There were no objections by the Committee regarding this change.

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

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

5. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier

meetings and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the "regular" agenda.)

a. **Resolution 16-30-R: Approving Contract with Asphlund Tree Expert Co. for the 2016 Electric Tree Trimming Program for an Amount Not to Exceed $130,000 (Brian Bettin 3/4/16) PU**
b. **Ordinance 16-15: Annexing Island 183B in the Fox River (Scott Buening 3/7/16) CD**

Motion: To approve the consent agenda as presented
Maker: McFadden
Second: Hohmann
Voice Vote: 10 Ayes, 0 Nays, 4 Absent
Motion carried.

6. Discussion: Homes for Changing Region Community Land Trust (continued) (Scott Buening 1/26/16) CD

Stark stated that this is a discussion is on whether to obtain a further study on a Community Land Trust (CLT). Stark stated that we met about this already. In 2015 a Housing Study was approved with St. Charles, North Aurora, Geneva and CMAP. There were recommendations of additional actions to be taken. The first priority was to encourage employer assisted housing. The second priority was to create a CLT. We received a presentation from Scott Buening and it discussed exploring of a CLT.

Buening reported that the City of St. Charles held a presentation in regards to a CLT. It is very similar to the program in Highland Park and was extended to the adjacent communities. Buening stated that he was informed that St. Charles is in favor of doing a study of this, which would cost $12,000 divided amongst the communities ($3,000 for the City of Batavia to fund). A CLT could either be run by a non-profit agency or an intergovernmental group to provide affordable, attainable housing that would remain in the communities wherever they are. There are different ways to do this, you could own the land and rent the properties, you could own the land and sell the rights to use the land, and there are other possibilities. Buening stated that the study would give us the possibilities for our community and we could decide whether or not we would like to pursue them.

Stark asked if there are other communities where this has been successful in Illinois other than Highland Park. Buening stated that there are not many in Illinois but he has viewed a successful program that was in Seattle that had twenty different communities. Some provided land, some provided funding, some provided zoning relief and each town was able to decide what was comfortable for them. There are 280 of these in 45 states. Stark asked how the study would be funded. Buening answered that the initial study would be funded through the general fund and the second phase would be different. It would be part of the analysis on how the second phase could be funded. Fischer stated that he saw, through the presentation, what the positives are and asked what are the cons. Buening answered that you have to ensure that the affordable housing stays and does not get sold for profit. One of the ways to do that is to have the land trust own the

physical land and they sell the rights to build on it. Other ways it could be done is by deed restrictions.

Cerone stated that the mission is a good one and noble. However, he does not feel that this is a good fit. He does not see any capital gains for the potential homeowners. Cerone asked if we have any inventory of affordable homes. Buening stated that there is still an inventory of affordable homes out there. He added that it seems that they have all the information already and what exactly would they be studying. Buening answered that the study would include what each specific community would want and the format. Callahan stated that he attended the St. Charles' presentation and noted that no one wants to take the lead and do a $12,000 study by themselves. He suggested that we take a step back and find out what the other municipalities want to do first so we could decide whether or not we want to be a part of it. There are too many moving pieces to go forward with the study right now.

Callahan suggested having the mayors get together to discuss this further, such as this is our need and this is what we want to gain out of it. He would like to see more conversation on this matter. Russotto and Fischer agreed with Callahan's suggestion. He added that if we did phase one then we would have to do phase two. There is so much that has to be involved with this, it would take years to put it together. Wolff stated that he was at the presentation as well. The more he listened last night, he thought that if we all do phase one and only one community decides to do phase two it is not worth it. He does not want to spend the money when the cities are not all in. There are still some more questions. Would we have to keep going and would we have to convince other cities continue further. Buening stated that at any time we could abandon this and get out of it. If we think that at the end of the study that this is not for us and then we could do it at a later time. He noted that Highland Park was the only community that did this and then other communities were added on after that.

Cerone stated that for our communities there are other avenues that we could take to support affordable and attainable housing. McGrath stated that if we don't think that we have an issue with affordable and attainable housing than why go forward with the study. He suggested having someone from Highland Park to discuss what was going on in their community that had them have this conversation. McFadden stated that there are areas that are zoned and a potential project that would bring more affordable housing to the City. There are things in the unknown future that would address that need.

Mayor Schielke stated that he applauds what we are trying to do here but there is no easy answer to it. He questioned how a lender would react to this proposal with the constraints on the deal. He is not sure if lending would be very attractive. Mayor Schielke noted that in Highland Park there was King Harris who provided incentives towards this project. He stated that without his help it would be a lot harder to implement a program like this. Callahan stated that they put as a positive that the lenders would be motivated to have these bought out. Callahan stated that he does not believe that to be true and that part of the presentation seemed to be disingenuous. McFadden asked about the staffing it would take to run this. Russotto stated that it would take years to implement and who would fund this. Callahan stated that they said that you could pick and choose what you want later. He stated that there are currently seventeen board members on the Highland Park Community Trust.

Stark stated that since she is in sales she always looks for the sales aspect in things. She explained that the Housing Study stated that our number two priority is to create a Community Land Trust and amazingly there is a company that could perform a study on this for us for $12,000. It is a large cost for knowledge that is already known. It is also not guaranteed that it will go anywhere. In addition, trying to get something like this off the ground would be a difficult endeavor. Callahan stated that we should know why we are doing this for our community, not just because the study said we should do it. Stark stated that this is a revolving door of studies. McGrath stated that we have known that we have had a housing problem here. We have talked about losing our seniors, not having college-aged-people coming back into town, and we have talked about the state statute on affordable housing. Atac asked if this is a priority for this Council and we need to define affordable and we need to understand the Batavia market. Atac stated that we have to discuss this as a Council and see if this is a priority and then obtain more information. Atac noted that there are tiny home communities and homes that are smaller and homes that have smaller densities. She suggested that the City pursue those types of developments. Buening noted that Bigalow Homes is building products such as that in the east side of Aurora. Stark stated that what used to be affordable in the City are being remodeled and being sold for a higher price. She asked about Habitat for Humanity homes in the Fox Valley. Buening stated that a lot of what they are doing is rehab. They do a lot more rehabs than building.

Jason Stubbes, 1051 Crystal Court, addressed the Committee. He stated that he flips houses in the tri-cities and he knows the inventory that is out there. He suggested that Batavia focus on not only the seniors and empty nesters but also the Generation X people who are trying to relocate into the area. Those are the fastest growing market places that we have all over. DuPage County and Kane County have a lot of affordable homes being bought by families and rehabbed. The flipper market is coming back and he has been doing real estate for twenty years. If you need a real estate perspective, he feels that this kind of study is throwing money at something that we already have realized. We have known this for ten plus years yet we continue to build developments, such as Tanglewood. We need starter homes in this community and that would help us with empty nesters and seniors to transition out of large family homes and stay in the community. We are community-centric and we don’t want to drive our residents out. We need to see what our opportunity cost is. We already know the answer without doing a study like this. We need more affordable housing. That does not mean we have to designate it all to section 8 or that we have to offer incentives. He suggested approaching some of our major employers here to see if this is something that they would be interested in. Have the public sector have some responsibility and the social conscious of this. He thanked the Committee for their time.

Callahan agreed with what he was saying. The discussion here tonight is do we want to do this to address our affordable housing issue. He wants people in this town to feel that they could live here and could afford to live here. We want to make it as affordable as possible. He does not think that the CLT is the direction we should be going. He believes that there are other options out there and he would like to see those options presented, more tailored to our community and more community specific. The more towns we have involved in it we get bogged down.

Buening stated that at this point, it does not seem that there is enough interest by the Committee to proceed with the study at this point of time. However, the Committee would like to explore options locally with incentives. Stark stated that she is hearing, as of right now, we do not want to pursue paying for the CLT study. We do need to have further discussion so that we can give staff direction in terms of staying with our comprehensive plan, helping to decide what we are going to do with the pieces of land long term. Stark asked the Committee to ponder the 'not in my backyard' issue that we always seem to come up against.

7. Ordinance 16-14: Annex Part of BNR ROW Burlington Northern Railroad Right-of-Way (Scott Buening 2/29/16) CD

The COW referred to the memo.

Motion: To recommend approval of Ordinance 16-14: Annex Part of BNR ROW Burlington Northern Railroad Right-of-Way
Maker: Hohmann
Second: Mueller
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

Buening noted that on the 21st there would be a Public Hearing on the annexation.

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

Wolff reported that this discussion has been held in the past. He stated that he has no problem with the City going with this because it would provide a better service to the community. He noted that even though staff states that there would be no impact if we are adding something to their jobs it would impact them. Callahan stated that he is in support of this based on what he has heard from contractors and developers. He has heard also from residents in town. There should be an extra layer of municipal government over those who are already licensed. The state already licenses them but currently there are no regulations on the municipal level. He stated that a person should be able to hire someone who is not on the list without any extra cost. There should be a waiver stating that they know that the contractor is not on the list and they do not have to be.

Jason Stubbes, 1051 Crystal Court, commented that he works with contractors in town and out of town and he likes working with people he knows. He sees the benefit but he feels that there are some negatives to this. He asked how the average homeowner would even know that there is a list. Buening stated that if someone inquired then staff would be able to provide the list. The list is not a recommendation. On a regular basis we get contractors contacting the City assuming we have contractor registration and a lot of contractors expect that there is that program. Stubbes asked what happens if there is a bad contractor on the list. Buening stated that there would be an ability to revoke a contractor from the list. Stubbes asked if there would any liability to the City. Buening stated that these would be registered contractors but the City could not recommend anyone. Stubbes suggested that the language be very clear on something like that.

McGrath stated that we need to ask how much do we protect a person to demand an insurance policy. He would have to talk to other towns but he could see the City being pulled into the

middle of a contractor-homeowner conflict. He would like to talk to other towns to see how it really works. Mueller asked how common is this type of program. Buening answered that Sugar Grove and North Aurora has this currently. There are a lot of towns that have this. Mueller stated that her contractor husband does this often and she feels that it is a common program. Stark stated that South Elgin does not do this. St. Charles, Geneva and Yorkville do not and there are as many who don't than do. Her husband has been a contractor for a number of years and he does carry liability insurance and has an insurance bond and he doesn't need to City to tell him to. Mueller stated that a program like this weeds out the contractors who do not have those things. Fischer stated that you may not call it a preferred vendor list but it looks like that with this list and the City would then become the middleman for the complaints.

Brown stated that he is not in support of this. This was brought up last year and we told staff to go back and keep track of instances that if we had required people to be licensed then it would have solved the problems. This was brought up again due to the Town Hall meeting and he does not see any compelling reason as to why this should be done. Stark questioned that, when we consider a subcontractor, who has to be licensed. She stated that this would be much more work than what it is worth. McFadden stated that this program offers a lot for companies that operate with proper insurance.

The Committee decided to table this discussion for three months. Brown stated that he would like to see some solid reasons why this should go into effect. Cerone stated that he would like to have time to talk to contractors about this and do research. McGrath noted that the larger the community the more likely they have contractor registration.

9. Ordinances 16-09 and 16-10: Variances and Conditional Use for a Drive Through Eating Establishment – Dunkin Donuts/Shell Gas Station, 108 N. Batavia Avenue (Joel Strassman 3/10/16) CD

This discussion was moved to number six. Buening reported that staff prepared revised ordinances for the variances and a new ordinance for the conditional use. Staff has met with the petitioner and there are several conditions that we need direction from the Committee of the Whole (COW). Buening discussed the recommended conditions with the Committee:

1. Additional landscaping is added adjacent to the north parking spaces, with Plan Commission design review approval;
   - Buening stated that this would go to the Plan Commission (PC) for consideration as part of the design review process.
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, with Plan Commission design review approval;
   - Buening stated that this would go back to the PC as part of the Design Review, especially regarding the location of the tree.
3. The area south and west of the west end curb for the new south parking spaces shall be suitably landscaped, including a tree, with Plan Commission design review approval.
   - Buening stated that this would go back to the PC as part of the Design Review.
4. No illuminated elements are allowed to be added to the north canopy edge;

- Buening stated that under our ordinance we do not allow for signs to be lighted adjacent to a residential area. Staff would like guidance from the COW on this.

5. Replace and/or widen the Batavia Avenue sidewalk with an 8-foot wide sidewalk;
   - Buening stated that the City has agreed to amend this to be done in conjunction with a widening that the City would do between McKee and would link in with the Houston Street bike path area. This would be done together so that there would be a complete element.
6. The owner/applicant shall be responsible for relocating any City utility in the Batavia Avenue right-of-way necessary for completion of the project;
   - Buening stated that there is a light pole in the middle of the sidewalk and staff has agreed to not require the petitioner to remove that and it would be paid through TIF funds as an improvement.
7. Removal of the proposed metal panel on top of the proposed retaining wall and increasing the height of the retaining wall by approximately 1 foot, with Plan Commission design review approval of the wall's decorative finish;
   - Staff would like direction on material from the Committee.
8. Refuse pick-up shall be limited to between the hours of 7:00 am and 10:00 pm, and shall be conducted a minimum of 2 times per week, and may be limited further at staff direction;
   - Buening stated that the petitioner would like the hours to be as early as possible so that it would not interfere with the drive-through peak hours of operation.
9. Fuel deliveries shall be limited to between the hours of 7:00 pm and 10:00 pm and may be limited further at staff direction;
   - Buening stated that the petitioner would like hours of 7:00pm to midnight.
10. Drive through operation hours shall be limited to between the hours of 5:00 am and Midnight. The owner/applicant may request City Council approval of alternate hours without requiring an amendment to this conditional use, provided such request is accompanied by approval of the owner of the property to the north;
    - The petitioner would like the hours extended to 4:00am for the Dunkin Donuts operation being an early morning operation. Buening stated that staff would like the Committee's direction on this matter.
11. A water faucet shall be added to the exterior of the building in close proximity to the proposed refuse enclosure;
    - The operation has a spigot on the south side of the building and the concern is that they would be running a house along the entire building to get to the trash enclosure to do any cleaning. This is an item that the COW would have to decide on.
12. The site plan shall identify, and signs shall be installed on site for employee only parking to facilitate fuel deliveries and refuse pickups;
    - Buening stated that this condition has been agreed upon and is fine.
13. Stairs shall be built from the Houston Street sidewalk to the entrance area of the drive through lane;
    - Buening reported that staff has agreed to withdraw this condition.
14. The owner/applicant shall dedicate ten (10) feet of right-of-way along the south property line for future improvements to Houston Street upon request by the City of Batavia. The City may alternately request an easement in lieu of dedication;

- This also has been withdrawn by the City.

15. The owner/applicant shall have the Illinois Bell utility easement (Document #1489421) that crosses the building vacated or relocated prior to issuance of any permits.
    - Buening reported that the City has agreed to withdraw that and the applicant stated that they would do their best effort in order to resolve it.
16. The development of the property shall be in substantial compliance with the plans submitted.
17. Lower the sign height to be more in compliance with our current sign ordinance.
    - Buening stated that there is no agreement on this particular issue.

After hearing staff's presentation, Chair Brown stated that any testimony from the audience should be new testimony and not repeating what was brought up at the last meeting since it has been heard and recorded. Chair Brown opened the floor for public comment.

Jim Warwick, 118 North Batavia Avenue, stated that he likes the compromised business hours of 7am to 10pm. He stated that if this plan goes through he would be upset and disappointed because he thought that variances were put into place to protect the little guy like him. He is upset that no one took him up on his offer to see his residence to see his perspective but the offer still stands. He is mostly upset about the location of the dumpster. If this plan was approved this would help, he asked if there could be a dumpster that has a key lock bar to keep out people from utilizing the dumpster in the middle of the night. The dumpster should lock when you close it and unlock when you open it. He thanked the Committee for their time. The Committee reviewed each condition.

Conditions one and two, there were no problems from the Committee.

The Committee discussed condition number three. Callahan agreed to staff's recommendation and voiced reservations he has about trees and placement regarding the type of trees. He stated that it is a tricky intersection and it does not need additional line of sight issues. He hopes that the line of sight would be taken into consideration. Brown agreed and stated that we all want trees but we don't want them where they do not belong. Brown asked that this concern be brought to the PC.

The Committee discussed condition number four. Vasilion stated that it is the corporate standard that the canopy be illuminated on all sides. The concern is that not illuminating the north face would give the appearance of being a burnt out light, which would actually look worse. The illumination from the canopy is insignificant and they would like to see the canopy illuminated on all sides. Wolff asked if there are photometric plans on this. Vasilion stated that photometric plans are not required and that is an extra expense and extra delay in the plan. Vasilion sated that he could guarantee that there would be no change to the light at the property line. Brown stated that the illumination on all sides is important for continuity. Mueller stated that she saw a similar canopy in St. Charles and it doesn't shine off the property. Brown asked if this would have to go back to the PC and Buening answered that it would not have to. The Committee agreed that the canopy should be lit all around.

The COW discussed condition number five. Brown stated that the frontage of that property is already concrete. He asked why would we remove good concrete to put in good concrete. He asked if we would have to remove trees or if there are utilities in the way. Buening stated that staff would be able to do this as part of the sidewalk replacement program. Buening continued that there are trees there and they are small trees in that section and there is one utility with the fire hydrant but we could work the sidewalk around the fire hydrant. Most of the work would be done by the City. Brown suggested that this not be added as part of the conditional use. He explained that we should wait on this and look into it further to see if we want to do it. If we do want to do it, then it could become part of the sidewalk program. The consensus of the Committee was in agreement with Brown's comments and recommended to remove this condition.

Condition number six was removed.

The COW discussed condition number seven. Vasilion stated that they have talked about having the top eighteen inches of the wall to be in metal as a cost saving item. It was discussed to do it in all concrete. Vasilion stated that they would like to do the most cost efficient way to block the headlights. Vasilion stated that an overall better appearance for the wall is not to do a slip form but rather mimic the adjacent retaining walls and match the eight-foot grid. In addition, we would plant ivy on the base and after a few seasons the ivy would cover the wall completely. The landscape plans would be adjusted to show that. The consensus of the Committee was that it was reasonable and to let the PC work on this. Buening asked for the applicant to bring a photograph to the PC meeting to show how the wall would appear. Brown stated that he wants to ensure that the wall is high enough to make sure that there are no headlights going into the neighbor's property. Brown and Wolff asked for the applicant to consider the height of Ford F250s.

The COW discussed condition number eight. Vasilion stated that the applicant would like to see the pick up as early as 5:00am to give the owner maximum flexibility. Brown stated that having the garbage picked up at 5:00am is too early next to a residence. The Committee agreed with the proposed 7am to 10pm hours.

The Committee discussed condition number nine. Vasilion stated that it would be more reasonable if we recognized our drive-through peak hours of 7am to 10am and to make the fuel delivery hours from 10am to midnight. That is not inconsistent to what is done now. Wolff stated that he has no problem with this request. Vasilion noted that the employee only parking stalls would have signs stating the hours allowed for parking (10am-midnight). The consensus of the Committee was in support of the hours of 10am to midnight.

*Cerone entered the meeting at 8:04pm

The COW discussed condition number ten. Callahan referenced Ordinance 4-4-6 noise standards and stated if noise became a problem that there is a remedy. Callahan is supportive of 4am. McFadden stated that he does not anticipate the drive-through to be any louder than when it was a 24-hour gas station. The Committee was in support of the 4am opening.

The Committee discussed condition number eleven. Vasilion commented that this would be an additional cost of $3-5,000 to do this. There have been no complaints about the trash enclosure or its cleanliness. There are already City ordinances in place regarding cleanliness and there is a spigot available. He noted that Shell does quarterly inspections to make sure that things are up to the cleanliness code and they feel that it is not a necessary expense to this project. Cerone stated that there are remedies if they could not keep it up to standard. The Committee requested that condition eleven be eliminated.

*Stark entered the meeting at 8:11pm

The Committee discussed condition number twelve. Chair Brown stated that this was discussed and all agreed upon.

Chair Brown stated that conditions thirteen, fourteen, and fifteen could be removed.

Chair Brown stated that number sixteen makes sense. The exhibits have to be changed to reflect the changes.

The Committee discussed condition number seventeen. Brown asked how high is it above what is allowed right now. Buening answered that it is four feet above. When the sign was originally built it was supposed to be 22 feet in height and it was built as 26 feet in height. Brown noted that the compromise would still leave the sign as non-conforming. Brown stated that since it is not being brought into conformance he does not see the merit in the extra expense. McFadden agreed. McFadden stated that the only change to the sign is adding an additional panel into the existing framework. It is not getting higher. Wolff stated that if you bring the signage closer to the ground then you are taking away line of sight. That is what he does not like about dropping the height. The COW decided to leave the sign the way it is.

Motion: To recommend approval of Ordinance 16-09 as amended by the Committee
Maker: Mueller
Second: Hohmann
Roll Call Vote: **Aye:** Brown, Russotto, Atac, Stark, Wolff, Fischer, Callahan, Hohmann, Mueller, Botterman, Cerone, McFadden
Nay:
12-0 Vote, 2 Absent, Motion carried.

Motion: To recommend approval of Ordinance 16-10 as amended by the Committee
Maker: Mueller
Second: Fischer
Roll Call Vote: **Aye:** Brown, Russotto, Atac, Stark, Wolff, Fischer, Callahan, Hohmann, Mueller, Botterman, Cerone, McFadden
Nay:
12-0 Vote, 2 Absent, Motion carried.

10. Project Status
Bill McGrath reported on the following:

- He will send out a formal update every week with project updates, activity updates and thoughts.
- A memo was distributed regarding alcohol sales in convenience stores who also sell fuel for next Tuesday. If there are strong feelings from people who would not be in attendance to let him know. He would have a representative from the Pride station regarding liquor sales at that COW meeting.
- There would be no meeting on March 29th
- Staff has a meeting with a potential business owner of bulk teas, essential oils and vinegars. There are some issues with the rules and regulations of the health department.
- The contract for the Deerpath Road Bridge was approved by IDOT. There is a preconstruction meeting on March 22nd. Staff has prepared a plan. Once the timeline is formulated it would be distributed to Council and to the residents affected.
- Public works is working with the professional building on Houston Street. There was a leak coming from the ceiling.
- Staff is waiting on a response from Len Davis and a development agreement for a banquet facility on the second floor. Accessibility will need to be discussed.
- The Park District has an RFP for conceptual work to be done by Hitchcock and they are all on board to work on the river. They know the erosion part will be handled by the City. The Park District supports protecting the Depot Pond and they are in support of a long-term plan for the entire river. They will meet with the COW in the future. An outline for this joint meeting will be presented to the COW prior to the meeting for approval.
- Staff will have some news on the Baptist Church soon. A discussion about taking down the church this summer will be conducted. Brand new building construction costs are not TIF eligible. The project may be changed a little bit and that would be reported back to the Committee.
- Staff is still bargaining with the electric union.
- The top candidate for the Engineering and Business Manager position withdrew his application. This position will be revamped and brought back to the Committee for review.
- The franchise agreement with Comcast is being worked on. Comcast will contact the Mayor or City Administrator by the end of this month. Wolff noted that BATV has no capital money and this agreement needs to be finalized.

Buening reported:

- An application has been received for an assisted living center on South Drive. Staff is still working through the details. It would be market rate based and would not be subsidized. That should be coming to the Committee soon.

Callahan asked about paving at Walgreens and when that would be done. Albertson stated that as soon as the weather breaks they are planning on that work.

McGrath stated that the crosswalk at Foltos is a concern of the Batavia Police Department because there is no twenty-foot clear space upstream of the crossing. The City will not lose

parking spaces and will restripe when the weather is good. The City would be restriping the first block of Shumway to make things safer as well.

11. Other

There were no other items discussed at this time.

12. Closed Session

a. Setting the Price of Land for Sale (SB)

b. Purchase and Sale of Electric Power

Motion: To enter into closed session for the purpose of setting the price of land for sale and purchase and sale of electric power
Maker: Cerone
Second: Callahan
Voice Vote: 12 Ayes, 0 Nays, 2 Absent
Motion carried.

Closed session began at 9:58pm.

13. Adjournment

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

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 22, 2016
Committee of the Whole
City of Batavia

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

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

1. Roll Call

Members Present: **Ald. Russotto, Chanzit, Wolff, Fischer (entered at 7:46pm), Callahan, Hohmann, Mueller, Botterman, Cerone, and McFadden**

Members Absent: **Chair Brown; Aldermen Atac, Stark**

Also Present: **Mayor Schielke; Chief Schielke, Batavia Police Department; and Jennifer Austin-Smith, Recording Secretary**

2. Items to be Removed/Added/Changed
The closed session portion of the meeting was removed. There was no objection by the Committee.

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

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

a. Resolution 16-31-R: Authorization to Execute a One-Year Renewable Contract with Clarke Environmental Mosquito Management, Inc. in the Amount of $30,900.00 (Scott Haines 3/17/16) CS

Motion: To approve the consent agenda as presented
Maker: Hohmann
Second: Callahan
Voice Vote: 9 Ayes, 0 Nays, 5 Absent
Motion carried.

5. Discussion: Change to Liquor Code to Allow Sale at Fuel Station Convenience Store (WRM 3/14/16) GS

Chief Schira reported that owners of gas stations/mini marts would like the Council to reconsider the prohibition on the sale of alcohol where petroleum products are sold. From a public safety standpoint, he does not feel that there are any issues or police/safety problems. Chief Schira stated that this is a policy decision rather than a public safety decision. He listed the other communities that allow the sale of alcohol at gas stations/mini marts such as: unincorporated Kane County, Elburn, Sugar Grove, and Geneva. Botterman asked if this includes hard liquor and beer. Chief Schira stated that McGrath wrote in his memo a point to consider by the Council is to limit the license to beer and wine sales. From a police standpoint, he does not see the necessity in limiting sales. He commented that he is not familiar with what other towns do.

Chanzit stated that every year since he has been on the Council there has been a request like this but it has never made it to a memo. He asked if there is any reason why this is being considered now. Mayor Schielke answered that he has been watching other communities around us doing this and this is constantly is being requested. Mayor Schielke stated that he has backed off his hard stand on this because we have a great police department who does compliance checks on our local businesses. Everyone should be carding and making sure that they are not selling to minors. We have had great success over the past couple of years here with the detectives verifying that carding is happening in all our businesses. Chanzit stated that he appreciates the Mayor's change of opinion.

Chief Schira stated that another item for the Committee to consider is if they would like to do a square footage restriction. He noted that from a police standpoint it does not make a difference what the square footage is. Chair Wolff opened the floor for public comment.

Mario Spina , Pride Stores, addressed the Committee. He stated that in the past three years they have received six beer and wine gas stations in areas such as: Carol Stream, Geneva, Hinsdale, Cicero, and soon to be allowed in Aurora. At all those locations we only sell beer and wine because some municipalities are more stringent on what could be sold at gas stations. They structure it based off of the building's square footage and the percentage of floor space. He explained that the reasoning is so that not all gas stations would be allowed to sell alcohol. He continued that the margin on gas is slim and there is always a need to make more revenue.

*Alderman Fischer entered at 7:46pm

The Committee asked about carding to ensure that liquor is being properly sold, scanning of drivers licenses for carding purposes, and training of employees. Chief Schira noted that in the liquor code, anyone who sells liquor has to be Basset Certified. Every person who could ring up liquor sales would have to do the training. Otherwise they would be in violation. Chief Schira noted that this requirement could be made for gas station liquor sales. Chief Schira asked if would make a difference if individual cans of craft beer are sold and he does not feel that it would make any difference. Chair Wolff asked if there were any other questions. There were none. Mario Spina stated that if there are any questions in the future to feel free to contact him.

Chief Schira asked the Committee what direction they would like to go. Wolff stated that if there were a legal reason for having a limitation on square footage then the Committee would consider it. Otherwise, he does not see any need to limit square footage. There was no objection from the Committee. Hohmann suggested leaving it as open as possible and let the market figure it out. Callahan stated that he supports the police department and trusts the policing of this. Therefore, he supports offering both liquor licenses to the business owners. The Committee directed staff to write up an ordinance.

6. Project Status

There was no project status at this time.

7. Other

Botterman asked about the former Marathon gas station. Mayor Schielke stated that the bank has taken it as a foreclosure and the bank will remove the tanks and canopy. They filed for a permit to shut off the sewer and water lines to the building. The bank intends on selling the land. The tires are being cleaned out. No trespassing signs have been put up. Cerone asked if there is a time frame. Mayor stated that they are working on the permits.

Mayor Schielke stated that a lot of people have been asking about the Golden Corral property, which is also in the hands of the bank. The building may be torn down to do some other type of business. Mayor Schielke stated that he would like to see a restaurant stay in that location.

Wolff asked about the gas station on Route 25 and Fabyan. Mayor Schielke stated that it appears that it is being kept up for someone else to take over the business.

8. Closed Session

a. Setting the Price of Land for Sale (SB)

b. Purchase and Sale of Electric Power

The Closed Session was removed from the agenda.

9. Adjournment

There being no other business to discuss, Wolff asked for a motion to adjourn the meeting at 8:01pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

Building Activity Report Summary

March 1, 2016 - March 31, 2016

Type of Permit	This Month			Year To Date			This Month Last Year			Year To Date Last Year		
	No. of Permits	Constr. Cost	Permit Fees	No. of Permits	Constr. Cost	Permit Fees	No. of Permits	Constr. Cost	Permit Fees	No. of Permits	Constr. Cost	Permit Fees
Single Family												
Addition	0	$0	$0.00	0	$0	$0.00	1	$42,000	$100.00	2	$80,000	$650.00
Modification	46	$223,742	$5,130.00	88	$531,009	$11,314.00	55	$651,691	$26,097.25	100	$1,181,559	$35,985.25
New	1	$325,000	$11,099.41	6	$1,854,894	$63,516.20	1	$280,000	$11,675.43	1	$280,000	$11,675.43
Other	60	$385,286	$5,459.16	95	$714,430	$8,080.74	37	$248,711	$2,200.00	64	$430,331	$3,825.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	107	$934,028	$21,688.57	189	$3,100,333	$82,910.94	94	$1,222,402	$40,072.68	167	$1,971,890	$52,135.68
Two Family												
Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	1	$3,700	$45.00	1	$2,000	$75.00	3	$19,700	$868.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	2	$6,813	$130.00	4	$23,833	$240.00	1	$6,300	$75.00	1	$6,300	$75.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	2	$6,813	$130.00	5	$27,533	$285.00	2	$8,300	$150.00	4	$26,000	$943.00
Single Family Attach												
Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Multifamily												
Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00

Modification	25	$1,545,923	$20,199.00	32	$2,288,155	$25,650.00	0	$0	$0.00	8	$199,195	$3,102.00
New	0	$0	$0.00	4	$425,500	$18,450.57	0	$0	$0.00	0	$0	$0.00
Other	1	$3,000	$60.00	6	$33,429	$290.00	3	$18,448	$175.00	4	$18,748	$235.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	26	$1,548,923	$20,259.00	42	$2,747,084	$44,390.57	3	$18,448	$175.00	12	$217,943	$3,337.00

Mixed Use

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

Commercial Office

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	2	$1,800	$83.00	5	$404,523	$1,769.00	0	$0	$0.00	1	$9,000	$120.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	2	$6,200	$140.00	4	$6,500	$250.00	0	$0	$0.00	1	$10,000	$0.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	4	$8,000	$223.00	9	$411,023	$2,019.00	0	$0	$0.00	2	$19,000	$120.00

Commercial Retail

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	3	$98,500	$1,851.00	6	$168,500	$3,394.00	1	$2,500	$85.00	3	$1,878,101	$23,333.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	4	$3,100	$205.00	7	$4,400	$340.00	6	$21,000	$785.00	13	$27,388	$1,155.00
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	7	$101,600	$2,056.00	13	$172,900	$3,734.00	7	$23,500	$870.00	16	$1,905,489	$24,488.00

Industrial

Addition	1	$125,000	$300.00	1	$125,000	$300.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	7	$241,000	$2,623.58	0	$0	$0.00	4	$630,471	$3,408.00

New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	3	$6,350	$162.00	12	$28,444	$387.00	4	$19,910	$130.00	12	$92,686	$2,105.80
Special Event	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Totals	4	$131,350	$462.00	20	$394,444	$3,310.58	4	$19,910	$130.00	16	$723,157	$5,513.80

Institutional

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	2	$127,500	$2,161.00	4	$247,500	$3,447.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	1	$100	$55.00	4	$225	$461.00	3	$67,400	$122.50	5	$67,500	$177.50
Special Event	0	$0	$0.00	0	$0	$0.00	3	$0	$1,130.52	3	$0	$1,130.52
Totals	1	$100	$55.00	4	$225	$461.00	8	$194,900	$3,414.02	12	$315,000	$4,755.02

Unknown

Addition	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Modification	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
New	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Other	1	$0	$0.00	2	$0	$0.00	0	$0	$0.00	0	$0	$0.00
Special Event	7	$0	$1,486.88	7	$0	$1,486.88	0	$0	$0.00	0	$0	$0.00
Totals	8	$0	$1,486.88	9	$0	$1,486.88	0	$0	$0.00	0	$0	$0.00

Utility

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

MINUTES
February 22, 2016
Historic Preservation Commission
City of Batavia

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

1. Meeting Called to Order

Chair Bus called the meeting to order at 5:30pm.

2. Roll Call

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

Members Absent: **None**

Also Present: **Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed

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

4. Approve Minutes for February 8, 2016

Motion: To approve the minutes for February 8, 2016
Maker: Sherer
Second: Sullivan
Voice Vote: 5 Ayes, 0 Nays, 0 Absent
Motion carried.

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

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

6. COA Review: 8 North Batavia Avenue – Roof & Siding Replacement (Marshall Architects, Applicant)

Chet Zabka, 1078 Pueblo Drive, addressed the Commission. He shared that he is a trustee member and also in attendance tonight is the Chair of the trustee members, John Cunningham. Zabka stated that they are here to discuss the roof replacement for the Batavia Methodist Church.

Bus announced that the Batavia Methodist Church is a significant structure and gave a brief history for the record, sourced from Wikipedia. The United Methodist Church of Batavia is a historical church in Batavia, Illinois. Funds for the church were donated by Rev. E. H. Gammon and Cpt. Don Carlos Newton in 1887 to replace the First Methodist Church of Batavia. It was

designed by famed local architect Solon Spencer Beman in the Romanesque Revival style. It was added to the National Register of Historic Places in 1983. Most of the boulders were sourced from local sources.

Cunningham, 366 North Van Nortwick, addressed the Historic Preservation Commission (HPC). He stated that the roof has current leaks and there is a need to clean up the asbestos. The copper hips were not believed to be original to the roofing and will not be replaced. There will be copper valleys installed that are typical of that structure. The peak would also be copper and they are considering installing a finial on the top. It is unknown if the structure originally had a finial. Cunningham and Zabka stated that they would return to the HPC for approval of the finial if the Trustees decide upon installing one.

Roller and the Commission agreed that they would like to approve the finial prior to installation. Hagemann asked if there would be any changes to the roofline of the structure. Cunningham answered that there would be no changes to the roofline. Sherer asked if the curved areas are being kept. Cunningham answered that the curved areas are called 'eyebrows' and they will stay. Cunningham added that they are not doing the soffits or the gutters because it is not necessary to repair at this time.

Cunningham and Zabka showed the Commission color samples of the Grand Manor Luxury Shingles chosen for this project. The objective was to have the color complement the colors in the historic stone on the building. The color options, in order of Commission preference, were as follows:

1) Stone Gate Gray
2) Colonial Slate
3) Gatehouse Slate (the least recommended of the three options, not preferred due to its green hue)

Cunningham showed the HPC pictures of the building where the siding needs to be replaced, which also requires asbestos removal. The siding would be on the addition to the church. Samples of the Hardie Plank Panels were shown to the Commission. Cunningham shared that they chose this product because of its durability and it should last for a long time. They would like to minimize the maintenance as much as possible. The preferred Hardie Plank Panel color was Night Grey and there was no objection from the Commission on this color choice.

Cunningham and Zabka stated that they would take the Commission's recommendations back to the Trustees for their final vote. Bus reminded them to return to the HPC if the Trustees decide on installing a finial for approval prior to installation.

Motion: To approve the COA with the Commission's preference in the order of Stonegate Gray, Colonial Slate, Gatehouse Slate for the roof color and the Night Gray as the color for the siding

Maker: Hagemann

Discussion was held on the motion. Roller asked if it was necessary to add the copper peak in the motion. Albertson stated that the COA addresses the copper replacements so it is not necessary in the motion.

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

7. Updates:

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

Albertson stated that there were no updates and there were no questions from the Committee.

8. Other Business

Hagemann stated that the property owner of the Old Louise White School building has agreed to be submitted for the Richard Driehaus award. Hagemann suggested that the HPC ask for the help of Batavia MainStreet in submitting the application for this award. Bus agreed. Bus stated that we should help move this forward. Hagemann stated that he would take the lead on his and work with MainStreet for the submittal. Albertson announced that he sent an email today to Landmarks Illinois asking for the when the updated award information would be put up. He also queried when someone could discuss the Certified Local Government process at an upcoming HPC meeting. He is waiting on a response to the email.

Bus asked for next steps. Albertson suggested waiting for the 2016 information. July 1st was the deadline for the last Richard Driehaus award. Roller stated that she might be able to help and asked for the guidelines to be sent out. Hagemann stated that he would send out the guidelines and added that a timeline should be created. Bus suggested adding the Preservation Partners of the Fox Valley as a resource to help with the application process because they may have experience working with the Driehaus group.

Bus asked for additional information on the Richard Driehaus award for the next HPC meeting. He asked for someone from MainStreet to attend the meeting or at least have a name of who has offered their support to help with the Richard Driehaus award process at the next HPC meeting.

Roller stated that the final draft of the Design Guidelines would be ready for discussion and review at the March 21, 2016 HPC meeting. Albertson asked Roller to let him know when it is ready a week prior to the meeting so that he could place it on the agenda.

9. Adjournment

There being no other business to discuss, Chair Bus asked for a motion to adjourn the meeting at 6:15pm; Made by Sherer; Seconded by Hagemann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 14, 2016
Historic Preservation Commission
City of Batavia

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

1. Meeting Called to Order

Chair Bus called the meeting to order at 5:30pm.

2. Roll Call

Members Present: **Chair Bus; Vice-Chair Hagemann; Commissioners Sherer, Roller (entered at 5:32pm) and Sullivan**

Members Absent: **None**

Also Present: **Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed

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

4. Approve Minutes for February 22, 2016

Motion: To approve the minutes for February 22, 2016
Maker: Hagemann
Second: Sherer
Voice Vote: 4 Ayes, 0 Nays, 1 Absent
Motion carried.

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

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

*Roller entered the meeting at 5:32pm

6. COA Review: 143 South Batavia Avenue – Wall Signage (Catherine Sanzeri, applicant)

Chair Bus noted that this building is a significant building in the historic district. He welcomed the applicant to address the Commission.

Catherine Sanzeri, 766 Hickory Lane, reported that she is moving to a larger location and needs new signs made to fit the location. Roller asked if there was anything planned for the left or the right of where the sign would be placed. Sanzeri answered that it would be painted beige. The

signs would be made of wood and are identical to the current signs she has now, just different dimensions.

Sanzeri noted that she would like to put some signage in the windows in the future. Albertson commented that window signage can only be 25% of the window and window signage is not something that requires a permit.

Motion: To approve the COA as presented
Maker: Sullivan
Second: Hagemann
Roll Call Vote: **Aye:** Hagemann, Sherer, Sullivan, Roller, Bus
Nay:
5-0 Vote, 0 Absent, All in favor, Motion carried.

7. **COA Review: 14 North VanBuren Street – Roof and Exterior Renovations (Williams Architects, applicant)**

Jim Eby, 30 North Albert Avenue, addressed the Committee. He announced that along with him were Doug Holzrichter, Project Principal on this job, and Tom LaLonde, Principal with Williams Architect. Eby stated that the current roof was installed in 1928 and it was the second roof put onto the building. The original shake shingles are under the current roofing system. The roof system contains asbestos. There would be masonry renovations as well. They would like to begin this process in May and be completed by early fall.

Holzrichter, Williams Architects, showed the Commission a sample of the roof material. The shingles were from GAF and were Sienna Shingle in the color of Harbor Mist. Harbor Mist is described as a slate coloration close to the existing and the shingle structure mimics the appearance of wood. He continued that the building stone needs to have tuck-pointing and cleaning. The cleaning would take off the organic material that is growing on the stones. A local stone will be used for in kind replacement. Bus asked who is doing the stone masonry. Holzrichter stated an RFQ is out and they expect to have three or four contractors to qualify. Once collected they will be soliciting bids.

Bus asked for Jim Eby to stay in contact with Jeff Albertson throughout this process. He is especially interested in hearing updates on the stone masonry. Bus stated that for the stone replacement, the fact that they would be making an effort to use the local limestone for in kind replacement is a great thing. Bus noted that it would be interesting to see the stone mason do the work. Eby stated that Jeff would be kept up to date. Bus asked if there is a seal for the limestone. Holzrichter stated that there are products that consolidate the limestone. The representative stated that the condition was that there was no need for a sealer at this time. At this time we would be using a gentle cleaner on the stone to remove the organic growth. Sealing it is not needed at this time. He noted that some of the products out there have a negative effect on the stone so we were pleased to hear that it was in adequate condition with some localized replacement. Bus asked if you are replacing copper with copper and he stated that they are. Holzrichter stated that they would maintain the detail on the downspout gutters as well. They will also be making minor repairs to the bell tower roof to repair a couple of holes. Eby explained that they feel the holes

are from lightening damage. Roller asked about the bell tower roofing and Holzrichter answered that the roofing on the bell tower is not going to be replaced, only repaired.

Motion: To approve the COA as presented with the shingles from GAF, Sienna Shingle in the color of Harbor Mist
Maker: Hagemann
Second: Roller

Discussion was held on the motion. Sullivan asked if there was any follow up needed once the permit application has been submitted. He asked if the HPC review is enacted once a permit review is submitted. Albertson answered that HPC review is not tied to permit applications. Bus asked for progress updates to the HPC with this project. Hagemann stated that it would be great to have an update at the meetings on this. Eby noted that the website and Facebook page would have updates.

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

8. Informal Discussion: 27 North River Street – Front Glass Enclosure Replacement (Mary Claire Harris, applicant)

Chair Bus reported that this building is a significant building.

Bruce Harris, Geneva IL, applicant, reported that the front glass enclosure that is currently on the building is rotted out and needs to be replaced. He, Mary Claire Harris, and John Hamel (owner of Pal Joeys) are all in attendance tonight to discuss a possible replacement to the front vestibule. Harris reported that Mr. Hamel is putting in a wine/piano bar at that location and they would like to install something that is more energy efficient and more practical. Harris continued that they would like to give the Commission an idea of what they would like to do and get the Commission's input prior to submission of the final drawings.

Mary Claire Harris distributed a handout to the Commission titled '27 North River Street, Batavia IL Storefront Replacement.' The hand out gave the south, east, and north elevations along with a floor plan, roof drainage picture, and information on the metal roof system. Bruce Harris stated that the framing would be anodized aluminum and the color of the building would be painted a taupe color. Frame and paint color examples were provided to the Commission. The windows would be double paned glass. Hamel stated that he would prefer to not have a tint to the glass used on the enclosure. Examples of the bug screens and colors were shown to the Commission.

Bruce Harris stated that he would like to have the application filled out and an architectural drawing available to the HPC by the next meeting. They would like to get onto the next meeting's agenda to give them ample time to order the products so that it could be installed early spring. Harris explained that River Street is very viable from April to October and they would like this business open as soon as possible to take advantage of that time.

Bus asked if there were any zoning issues. Albertson answered not with an in kind replacement. Bus asked if there was an HPC meeting scheduled for the 28th. Albertson stated that the HPC could meet if there were agenda items. Albertson added that as long as the applicant files the application a week from today it would be on the next meeting's agenda.

The Commission asked the applicant for the following:

- Submission of drawings with color renderings
- Pictures of the adjacent buildings
- Installation of Low E windows are acceptable
- Albertson noted that an 18 inch knee wall is acceptable in the code
- Electronic application submittal due a week from today in order to be on the March 28th meeting

Hamel asked if they came with all the needed information at the next meeting if it could be approved at that meeting to move this project forward. Hagemann stated that a decision could be made on the March 28th meeting if all the necessary documents are submitted.

9. Updates:

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

Albertson stated that there were no updates.

Bus reported that the 10/12 North River Street put up the artificial stone.

10. Other Business

Hagemann reported that no response has been received from the Richard Driehaus award foundation. Hagemann stated that the executive director from Batavia MainStreet will look into additional information and Jeff Albertson will call to get more information and schedule a presentation on the certified local government.

11. Adjournment

There being no other business to discuss, Chair Bus asked for a motion to adjourn the meeting at 6:17pm; Made by Sherer; Seconded by Sullivan. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 28, 2016
Historic Preservation Commission
City of Batavia

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

1. Meeting Called to Order

Chair Bus called the meeting to order at 5:30pm.

2. Roll Call

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

Members Absent: **None**

Also Present: **Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed

Albertson observed that there was no applicant in attendance for the COA on 107 North Batavia Avenue. He suggested discussing the COA for 27 North River Street first. There was no objection from the Commission.

4. Approve Minutes for March 14, 2016

Motion: To approve the minutes for March 14, 2016
Maker: Sullivan
Second: Roller
Voice Vote: 5 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

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

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

6. COA Review: 107 North Batavia Avenue
Partial Siding Replacement (Integrity Remodeling, applicant)

The applicant did not attend the meeting. Albertson reported that the building is noncontributing. There is a problem with the siding on the back refrigeration enclosure. They would like to replace the damaged siding. The current siding on the enclosure does not match the siding on the side of the building. They would like to use the fiber cement siding on the enclosure to match the rest of the building.

Albertson clarified that this was brought to the Commission because it is not a like-for-like replacement. The building is still vacant and for sale, it is currently being fixed.

Albertson asked if anyone objects to acting on this without the applicant present. There were no objections. Bus stated that any improvement to this building would be desirable. Hagemann asked if the siding would match what is on the rest of the building. Albertson answered that it would.

Motion: To approve the COA as presented
Maker: Sullivan
Second: Sherer

Discussion was held on the motion. Sullivan asked if the color and the material from the main building would be used in the repaired section. Hagemann answered yes. Sullivan asked if the material is acceptable. Bus stated that the proposed material is an improvement over the existing material.

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

7. **COA Review: 27 North River Street**
Front Glass Enclosure Replacement (Mary Claire Harris, applicant)

Mary Claire Harris, 731 Ellis Lane, Geneva, gave a summary of the work to be completed:

- Tear down existing glass atrium and rebuild it
- Repainting of exterior walls in the Benjamin Moore color 'Durango'
- Replacing the glass framing with anodized aluminum
- Replacing glass with 1 inch low E
- Putting in a new LaCantina bi-fold window system, the color would be 'bronze'
- Replacing existing metal roof with pre-finished metal interlocking system with snow locks. The color of the metal roofing will be 'Colonial Red' by Firestone Building Projects
- Putting in new 18 inch knee wall, will be faced with brick to match the existing brick
- Foundation will be the original cement foundation

North River Street pictures were shown to the Commission to demonstrate how the colors would tie in. Harris explained that they would paint the front and the sides of the building. Whatever could be viewed from the street would be painted. The storefront concept drawing was shown to the Commission. Samples were distributed for the Commission to view.

Roller asked about the snow guards on the metal roof. She stated that sometimes snow guards fall off because they are attached with adhesive. Harris was not aware of how the snow guards were going to be attached at that time.

Bus announced that this is a significant building in the City of Batavia and the inside of the building dates back to the 1850's. He stated that he visited the building and got to see the inside personally. He speculated that there might have been a fire in the building due to the red hue of the limestone. Bus stated that this project is a very positive improvement for the street and he likes that the historic feel will be accentuated. Hagemann agreed. There were no other questions or comments from the Commission.

Motion: To approve the COA as presented.
Maker: Hagemann
Second: Roller
Roll Call Vote: **Aye:** Hagemann, Sherer, Sullivan, Roller, Bus
Nay:
5-0 Vote, 0 Absent, All in favor, Motion carried.

8. Updates:

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

Albertson stated that they are working on sending out letters and setting up meetings for the buildings that are still on the list. There are still remaining items on all of the buildings to be completed. He noted that there has been some work done on all the buildings on the list.

9. Other Business

Roller stated that the Invitations Etc has moved and the sign could come down.

Bus stated that the capping on O'Brien's building on River Street does not quite match but it is not bad. He thinks that it would hold up quite well. It looks a little unnatural because of the overhang. Roller noted that when they presented they did not present that much information. Our design review should request significant building applicants to have more information. Sherer noted that the color is off. Roller stated that in a season or two it would get dirty and blend better.

Sherer noted that the tin ceiling in Stosh's former building is destroyed. It is pitted and she is not sure if it could be saved. She said that it is a shame. Albertson reported that the building is under new ownership and he expects to hear from the owner this spring to discuss the necessary repairs. He is not sure if the tin ceiling would remain.

10. Adjournment

There being no other business to discuss, Chair Bus asked for a motion to adjourn the meeting at 6:00pm; Made by Sullivan; Seconded by Hagemann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
January 20, 2016
PLAN COMMISSION & ZONING BOARD OF APPEALS
City of Batavia

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

1. MEETING CALLED TO ORDER

Chair LaLonde called the meeting of the Plan Commission & Zoning Board of Appeals to order at 7:00 p.m.

2. ROLL CALL

Members Present: Tom LaLonde, Chair; Gene Schneider, Vice-Chair; Tom Gosselin, Commissioner; Sara Harms, Commissioner; Joan Joseph, Commissioner; Sue Peterson, Commissioner (arrived 7:04 p.m.)

Members Absent: None

Others Present: Scott Buening, Director of Community Development; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; Joel Strassman, Planning & Zoning Officer; and Cheryl Shimp, Recording Secretary

3. ITEMS REMOVED/ADDED/CHANGED

None

4. APPROVE MEETING MINUTES

Motion: To accept the minutes of the January 6, 2016 Meeting as presented.
Maker: Joseph
Second: Schneider
Voice Vote: 5 Ayes, 0 Nays, 1 Absent. All in Favor. Motion Carried.

5. PUBLIC HEARING: Proposed Dunkin Donuts Drive-Through at Shell Gas Station located at 108 North Batavia Avenue

Motion: To open Public Hearing for Variances & Public Hearing for Conditional Use
Maker: Schneider
Second: Joseph
Voice Vote: 5 Ayes, 0 Nays, 1 Absent. All in Favor. Motion Carried.

The Public Hearing was opened at 7:03 p.m.

Strassman explained that Harry Mehta, operator of the Shell gas station at Batavia Avenue and Houston Street is seeking to add a Dunkin' Donuts franchise in the building and to add a drive through. To

accomplish the proposal, the City Council will need to approve several variances and a conditional use. Additionally, Plan Commission approval of design review is needed.

The property is zoned DMU Downtown Mixed Use, as are all corners of this intersection. The property immediately to the north is designated for residential use in the Comprehensive Plan and is zoned R-2 Two Family Residential; it is improved with a single family residence.

The Zoning Board of Appeals (ZBA) has the responsibility of conducting the public hearing and determining if the findings for approval for each variance have been met. The ZBA must take a narrow view of the proposal – one that is limited to the findings for approval as stated in the Zoning Code. The City Council may take into consideration other factors.

The Findings for Approval for variances as stated in the Zoning Code are as follows:

A. There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district; and
B. Such unique circumstances were not created by the current or previous owners or applicant; and
C. The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located; and
D. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
E. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

There are 2 variances that must be approved by the City Council in order to approve the conditional use for the drive through. The first one is for the lack of separation between the subject property and residential property. Properties with drive throughs must be at least 50 feet from properties designated for residential use in the Comprehensive Plan. The proposed property abuts the residential property to the north. Additionally, drive through aisles need to be at least 100 feet from residentially designated property. Only 50 feet would be provided to the residence to the north.

Except for altering the site for product rebranding, fuel/convenience-type retail has been continuous at this location for many years. While business may increase with the proposed drive through, it is not within the parameters of a variance to grant them solely for the purpose of survivability of a business as the applicant suggests in his submitted material.

Applying the required Findings for Approval for these 2 variances, staff feels that Findings A and B can be met, due to the site's slope. The current business operator acquired the business within the past year or two. Since then, no gas stations have opened in Batavia and one in downtown has ceased selling gas. Staff believes the property has the ability to house a viable a gas station, essentially as has been continuous for many years, therefore Finding C cannot be met. Finding D may be met considering the long-time presence of the former Burger King and Hardee's nonconforming site across Batavia Avenue. Finding E is difficult to meet due to the property being contiguous to residential and the drive through lane being only 50 feet away from the house. While the property-to-property condition is similar to the drive through situation across Batavia Avenue, the distance to the neighboring house is much less, and

there is a public alley located between the properties. Despite proposed landscaping to shield the drive through lane and even if a solid fence or wall would be erected, the lack of distance increases the possibility of the drive through negatively affecting the property to the north. Staff feels Finding E cannot be met.

Since staff believes all findings cannot be met, staff would recommend the ZBA not recommend approval of the variances for these separation distances.

Drive through lanes must be at least 20 feet wide to provide by-pass capability. A variance is requested to provide a minimum 10 foot wide lane. The Code does not specify a minimum width for lanes without bypass capability.

The applicant contends the slope of the site makes it cost-prohibitive to extend the drive through lane further east, and that the proposed aisle width is functional and safe. Other drive through businesses in town lack a by-pass lane. Staff is concerned that vehicle length and driver ability factors will affect this site more than others. Minimal turning area is proposed, and drivers that lack ability or do not obey posted maximum vehicle length limits may get stuck in one of the required 90 degree turns. The 20 foot minimum would provide added turning area.

The property's slope address Findings A and B that can be met, however, staff feels Finding C cannot be met. Having a unique slope, Finding D may be met. Staff feels an instance of a vehicle being stuck in the drive through lane would have minimal lasting impact on the general public, therefore, Finding E can be met.

Since staff believes all findings cannot be met, staff would recommend the ZBA not recommend approval of the aisle width variance.

Canopy edge signage is counted as part of the allowable wall sign area. Multi-colored canopy edges displaying brand identity is signage. Most or all of the allowed wall sign area is already taken by the existing canopy edge treatment. Adding signs to this building's walls requires a variance.

Staff has consistently deemed multi-colored canopy edges displaying brand identity as signage. The applicant suggests this unfairly restricts the amount of signage on the building's walls, resulting in a competitive disadvantage for this property compared to other multi-tenant locations. Requesting a variance to display building wall signage is reasonable, and the requested amount of square footage is also reasonable. The HPC would review the designs of proposed signs. Staff is concerned with adding illumination to the north facing canopy edge as it would affect the residence to the north.

The Batavia Zoning Code's assigning canopy edge sign area to the allowable wall sign area effectively eliminates the opportunity for this site to display effective signage on the building's walls. For this reason, staff believes Findings A and B can be met. Building signage is an important factor in the success of a business and is generally available to all business locations, therefore, Findings C and D can be met. The proposed canopy edge changes visually will be minimal and would not affect others, except for the proposed illuminated bar on the north canopy edge. If this were non-illuminated, Finding E could be met.

With a ZBA condition of no added illuminated elements to the north canopy edge, all Findings can be met, and staff would recommend approval of the requested wall sign variance.

Monument signs are limited to 6 feet in height and 32 square feet. The existing sign's height of approximately 26 feet and area of approximately 83 square feet are nonconforming. The variance request is to increase the sign area by approximately 26.5 square feet, by adding an illuminated Dunkin' Donuts panel below the existing sign panels. The applicant states that the sign is necessary due to corporate requirements and would identify the additional tenant. Sign height would not increase. The added sign would help with increased competition from the additional Randall Road gas stations.

Staff recognizes the importance of providing tenant identification on freestanding signs. Staff feels the existing sign is overly tall and out of place in downtown Batavia. While added sign area would help the new business and allow the existing Shell messages to remain, the sign should be lowered in height to 8 feet, the allowed height for fuelling facility signs. Lowering the sign to offset the impact of added sign area may be a better compromise than reducing the amount of Shell's sign area.

Despite staff supporting additional sign area, staff believes that Findings A, B, C, and D cannot be met. Additional sign area would not result in a significant change, therefore Finding E can be met. Lowering the sign strengthens this opinion.

Since staff believes all findings cannot be met, staff would recommend the ZBA not recommend approval of the sign height and area variances. Staff encourages the ZBA to consider noting for the record that if the City Council feels adding sign area is appropriate, the City Council should require the sign to be lowered to not exceed 8 feet.

Sign element projections are limited to 2 inches from the canopy edge. The applicant states that Dunkin's corporate requirements for signage would project by more that allowed. There would be no negative effect by the added projection. The City's 2 inch limit is arbitrary and projection by an additional 2 inches would be similar to signage other gas stations have.

Staff feels that the 2 inch projection can be limiting and feels the requested projection is reasonable. Similar to the wall sign variance, staff feels the projection for the north canopy edge should not include any new illuminated sign elements.

With a ZBA condition of no added illuminated elements to the north canopy edge, all Findings can be met, and staff would recommend approval of the sign projection variance.

Ninety (90) degree parking spaces must be a minimum of 19 feet long and parallel spaces must be 10 feet wide. The proposed parking space dimensions replicate the existing dimensions and would be applied to the added parking along the south side of the site. The applicant notes these dimensions have functioned for years without incident. The addition of the drive through would not affect the parking spaces.

Staff feels there will be increased site traffic and vehicle maneuvering with a drive through. Staff is concerned about site maneuverability and reducing parking geometry exacerbates this concern. The south spaces may be widened, reducing potential conflicts. This would eliminate the need for a variance, but could trigger the need for an additional retaining wall due to the property's slope.

The slope along Houston is a limiting factor. The other reduced geometry would simply match what exists - nonconforming conditions. Findings A, B, C, and D may be met. The effect to the "public welfare in general" could exclude persons on this property being affected by the proposed changes, therefore, there may be no adverse impact elsewhere. Finding E can be met. Since staff believes all

findings can be met, staff would recommend the ZBA recommend approval of the parking geometry variances with the conditions that:

1. Additional landscaping be added adjacent to the north parking spaces;
2. A curb be added to the west end of the north parking area, similar to what's proposed for the south parking with landscaping; and
3. That the area south and west of the west end curb for the new south parking spaces be suitably landscaped.

Thirteen (13) parking spaces are required. The applicant notes that 12 spaces would be provided with one space landbanked. Landbanking parking does not require a variance; it may be sought through an administrative use approval. Staff feels that since the landbanked parking space would remain paved and not be landscaped, the space simply should be striped as shown. Staff may approve an application for landbanked parking if that area was landscaped.

The applicant notes that the required amount of parking is excessive. If the ZBA feels fewer parking spaces would be acceptable, this could allow for increased circulation area and reduce potential conflicts. The ZBA can continue consideration of this variance to allow a revised proposal to be submitted. Staff encourages exploration of solutions to this and other noted issues.

Staff feels unique circumstances have not yet been demonstrated applicable to the required Findings. Since staff believes all findings cannot be met, staff would recommend the ZBA not recommend approval of the parking supply variance.

The Zoning Code requires landscaping within 50 feet of Batavia Avenue. The addition of the south parking encroaches into this area. The applicant notes the impossibility of providing additional parking elsewhere. Parking in this area is common in the vicinity. The location of these proposed spaces does not alter the function of the site.

Staff acknowledges the limited opportunities to locate additional parking. Reducing parking in front of the store forces the parking to go elsewhere. Staff Findings A, B, C, D, and E may be met. Staff would recommend approval of this variance, subject to the area south and west of the west end curb for the south parking spaces be suitably landscaped, including a tree.

The Zoning Code prohibits wheel stops. Wheel stops are proposed for parking spaces along the storefront. The applicant wishes to retain the existing walkway space along the storefront without vehicle overhang. Wheel stops can provide for this space. Pedestrian convenience and safety would be enhanced.

Staff encourages pedestrian safety. Vehicles overhanging the walkway can limit safe passage. Little space exists to lengthen parking or widen the existing walkway. Having these existing conditions, the situation warrants consideration of code relief. Staff feels all Findings A-E can be met, therefore, staff would recommend approval of this variance.

The Plan Commission must review the requested conditional use. While drive through businesses generally is less desirable in downtown, this property is at the edge of the DMU District and is already designed as an automobile-oriented site. Staff agrees with the submitted Traffic Impact Analysis regarding traffic generation, but feels the limited front area space for maneuverability among gas, convenience store, and drive through customers, coupled with parking essentially surrounding this area

will challenge drivers to get to and from the various site facilities. At times of high demand this difficulty may extend to vehicles trying to enter the site, thus potentially affecting traffic on Batavia Avenue.

A requirement of the conditional use is that drive through business properties must be at least 50 feet away from properties designated for residential use in the Comprehensive Plan and drive through aisles must be at least 100 feet from away from residentially designated property.

The Plan Commission must consider conditional uses in light of the Findings Required for Approval. These Findings are:

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.

Unlike how the ZBA must apply its Findings, the Commission does not need to find in the affirmative for any of the Findings in order to recommend approval; the Commission must simply reach conclusions of whether each Finding has been met.

For Finding #1, staff feels the residential property immediately to the north and its inhabitants may potentially be negatively affected by the increased traffic being brought closer to the residence. While proposed landscaping can provide some buffering, and adding a solid fence or wall can increase screening, neither would work as well as distance. Staff believes Finding #1 cannot be met.

For Finding #2, staff believes the drive through business, with approved variances requiring added buffering features such as more landscaping and a wall along the north property line, is aligned with Comprehensive purposes of enhancing commerce in the downtown. The use would, however, be contrary to principles of providing transitions between non-residential and residential uses. In balance, staff believes Finding #2 cannot be met.

For Finding #3, with approved variances as conditioned, the use would conform generally with applicable codes and requirements. Staff believes Finding #3 can be met.

For Finding #4, as stated above most nearby properties would not be unreasonably affected, but the property immediately to the north, being single-family residential, could be. In balance, staff believes Finding #4 cannot be met.

The Commission must also conduct the design review. Due to the number of variances needed and staff's beliefs of the inability to meet the required Findings for variances and conditional use, staff cannot support the design review. Several positive site changes are proposed and itemized in the staff report to the Commission. Additional details, however, are needed.

Refuse enclosures specifications comply with Code, but the site plan must include elevations. The enclosure walls should mimic the building's finishes. Design elevations for the proposed retaining walls need to be provided, along with the specified corrugated metal screening added to the top of the wall. The HPC would review the design of these too. The site plan notes the City of Batavia to relocate the Batavia Avenue streetlight; this specification must be removed from the plan.

Staff feels the proposed patio area would be enhanced by a stair connection to the Houston Street sidewalk. The Commission may consider the merits of this feature. Other revisions to the site and landscape plans would be needed to reflect conditions of variance and conditional use approvals. The Fire Department has reviewed the plan and auto-turn, and feels what is proposed would be adequate. Specific turning radii would need to be provided with the final site plan/engineering.

Design Review consideration involves the Commission determining the following Findings for Approval:

A. The project is consistent with applicable design guidelines.
B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements.
C. The project is consistent with all applicable provisions of the Zoning Code.
D. The project is compatible with adjacent and nearby development.
E. The project design provides for safe and efficient provision of public services.

Staff recommends the Commission and ZBA simultaneously conduct the open meeting for the design review and the public hearing for the variances and conditional use. If the Commission and/or ZBA feel that it would like to continue the hearing to allow for revisions to be made to any part of the proposal, the Commission and ZBA should continue the hearing for variances and conditional use, and continue the design review to a date specific. Only after all information has been offered and speakers have spoken, the Commission and ZBA should close the hearing.

The ZBA must act on the requested variances before Plan Commission action. The ZBA must first reach its findings for each variance. If the ZBA can find in the affirmative for each variance, the ZBA can recommend City Council approval of those variances. If the ZBA cannot find in the affirmative for each of the Findings, the ZBA cannot recommend approval of those variances. As an alternative to taking action now, the ZBA may continue the public hearing for one or all of the variances to a specific date and provide direction to staff and the applicant for design modifications.

Staff recommendations for each variance are based on staff's determination of whether Findings can be made in the affirmative.

1. Section 4.205.E – to allow a drive through business less than 50 from property designated for residential use in the Comprehensive Plan. Staff Recommends Denial
2. Section 4.506 – to allow a drive through aisle to be at least 100 feet from away from residentially designated property. Staff Recommends Denial
3. Section 4.209.A.1 – to allow a drive through lane less than 20 feet wide. Staff Recommends Denial
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. Staff Recommends Approval with the condition of no added illuminated elements to the north canopy edge

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 – Staff Recommends Denial
6. Section 4.407.B.2.f(3) – to allow canopy sign elements to project more than 2 inches from the canopy edge. Staff Recommends Approval with the condition of no added illuminated elements to the north 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. Staff Recommends Approval, with the following conditions:
    - Additional landscaping be added adjacent to the north parking spaces, with design review approval
    - 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; and
    - 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.
8. Table 4.204 – to allow 12 parking spaces where 13 are required. Staff Recommends Denial
9. Zoning Code Section 3.303.B – to omit landscaping within 50 feet of Batavia Avenue – Staff Recommends Approval subject to 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
10. Section 4.203.Q to allow wheel stops – Staff Recommends Approval

For the conditional use, the Commission must open and conduct the public hearing the same as the ZBA hearing and reach conclusions for each Finding. As with the variances, the Commission may continue the hearing. Since staff recommends denial of the 2 variances needed for the distance separating residential from the drive through, staff recommends denial of the conditional use

For the design review, the Commission should consider and discuss the merits of the proposed plan. If the Commission wishes to take action, it must first reach conclusions for each Finding. Due to the number of design items yet to be addressed and needed revisions, many due to potential changes with variance and/or conditional use approval, staff recommends a continuance.

At this time, Chair LaLonde swore in audience members wishing to give testimony.

Steve Vasilion, Vasilion Architects – Introduced all team members involved in the proposal. Vasilion stated that there is clearly a viability issue on this site, having had 4 owners within the last 5 years. At the peak of gasoline operations, this site sold approximately 150,000 gallons of fuel per month. Currently the site is experiencing between 50,000 and 60,000 gallons per month. Vasilion reported this is due to the creation and development of the Randall Road corridor, which takes traffic away from the downtown area. He believes this is a huge factor and is puzzled that survivability of a business cannot be considered. Every gas station within the City offers some kind of supplementary service in order to be viable. The applicant is looking to put $700,000 to $800,000 into this site for upgrades and improvements. This is also the applicant's one and only business. Without the drive-through there is no Dunkin' Donuts and without Dunkin' Donuts there won't be a viable business. The increase in having Dunkin' Donuts will not return traffic to the 150,000 gallons of fuel sold per month level. This site has supported much heavier traffic. Route 31 has approximately 16,000 vehicles a day traversing it, which dwarfs the impact this proposal. Vasilion said that he was troubled by the fact that the presence of a canopy, regardless of how it is decorated, is still considered signage in the Zoning Code and he finds this discouraging to any business. He

appreciates that Staff finds the signage request appropriate, however, encourages the code should be revisited and possibly changed. The monument sign issue didn't mention that the current sign predates the current 3-tier criteria for establishing building signs. Now Staff wants to change the sign. In 2012, the nearly exact proposal for signage revision was approved. Why was it okay in 2012 to do it but not now? Why is it that a pre-existing sign that works very well now needs to be removed in order to add additional signage (Dunkin' Donuts) to it. There is a perfectly functioning sign that Staff wants to take down. Vasilion noted that the applicant has not come to the City asking for money. Everything that is being done is being funded by the owner. The amount of money to remove the sign and replace with a smaller sign is counter-productive to the challenges that a small businessman faces when trying to improve to improve his site and make it viable. The current proposal includes outdoor seating and a bike rack area. Amenities the applicant has voluntarily included to tie in with the bike and pedestrian traffic from Houston Street. The cost of the sign change will make these improvements impossible and creates an unrealistic hardship. He appreciates that Staff is supportive of the canopy edge treatment and parking stall dimensions and landscaping improvements. Vasilion stated that the original plan submitted had 13 parking stalls (as required) and it was at the recommendation of the City that it be changed to 12 stalls with 1 land banked in order to improve circulation on the site. Now, after the applicant compiled, Staff has rejected this proposal. As such, the applicant will go back to the original plan and keep the 13 parking stalls, which would not require a variance. Applicant is fine with the landscaping at Batavia Avenue, curbing and wheel stops along the front of the building. Positive improvements to the site include: updating the building elevations all the way around; repainting and updating of the plain concrete block walls; lighting improvements; the east and south elevations of the project will be improved; a wider sidewalk will be created along Batavia Avenue to function as an extension of the bike/walk; removal of all the unpleasant planting materials and providing real landscaping; the current refuse enclosure is unsightly and will be replaced with a masonry with lockable gates and the applicant has agreed to provide a curb along Route 31 separating the gas pumping area from the sidewalk. Vasilion noted that the applicant has made several revisions based on Staff's recommendations to include concrete stamping on the retaining walls to mimic limestone. He believes there is plenty of detail provided to warrant a vote this evening and would like to get a "thumbs up or thumbs down" in order to move on.

Jon Green, President Engineering Resource Associates, Warrenville, Illinois – Green stated that he prepared the site survey and civil engineering drawings for this project. He stated that the existing site could comply with fewer variances if it were starting from scratch. There are existing, natural topographical features that are unique to this part of Batavia. The property slopes off, or falls off, approximately 15 to 20 feet towards the river. The $2.4M Houston Street project is to the south and believes when this project is complete, will be a nice welcome and enhancement to Batavia or even an extension of the Streetscape project. The traffic circulation patterns will remain similar to what is current with the 2 main curb cuts on Route 31 remaining. Traffic engineers and traffic studies have been completed to show that circulation will be adequate for both the drive-through and the fueling operations. The project further reviewed first responders needs, which were approved by the Fire Chief. Although there are some parking stall conflicts with the stalls on the north side of the property with concerns of fuel trucks being able to turn around. Green noted that these stalls are not new to the site and fuel trucks have been able to maneuver through the site in the past. The applicant has, however, agreed to sign the stalls in question as employee only parking stalls. This would allow, if a conflict were to arise, the employee to move their vehicle. The applicant has also

agreed to have fuel deliveries during off peak hours. Green noted that they have worked over the past 8 to 12 months with Staff and with the experts on the team and have located the ordering board on the south side of the building away from the residential property. This should alleviate any concerns of noise. The pick-up window will be located on the north side of the east face of the building. With an office building to the east of this site, there shouldn't be any concerns for noise and circulation due to that orientation. The retaining walls to the rear and south of the site will be rebuilt. The existing concrete wall will be removed and pushed out approximately 5-6 feet to the east. The existing pavement on the north side of the building is already 16 feet north of the existing building and only about 2-3 feet will be added. Although the existing pavement of 16 feet would be adequate the studies have indicated that additional space would make traversing this area easier. The retaining walls will include a screening area on the top of the wall extending up 36-40 inches to screen any headlights, including larger vehicles such as a Ford F150 Pickup. An overhead bar or limiting size bar at the entrance to the drive-through will limit any large commercial trucks from using the drive-through, which is consistent to what is already being used throughout the City. The refuse area will be relocated to the north and although it will be smaller, it will still be able to adequately service the property owner needs. Additional landscaping will be added along the north side of the property to supplement the current fence. The relocation of the refuse area will provide better screening and visual enhancement to the property. The front elevation will be flattened out and will provide a handicapped stall to include striping and a ramp to comply with ADA standards. Green stated that once the landscaping is improved and the outdoor seating is complete, this will provide a better scenic overlook off the south face of the building. This will allow residents to dine outside and take advantage of the new Houston Street gateway. The traffic analysis showed adequate parking for the site. Some of the fuel bays may also offer additional parking or vehicle storage area. There are currently paved areas on the north and south ends of the site that will be striped to code and show off the proposed landscaping. The property owner, as well as members of the team, have reached out to the neighbors to the north as well as other residents in the area and have submitted a petition in support of the project. Although many of the items on the site have been there for many years and are grandfathered in, the capital improvements of this project has the potential to expand the tax base back to 2005-2006 levels. Green noted that they are agreeable to many of the recommended changes and encourages a vote. They need a recommendation one way or the other in order to move forward. Expect that this project should add 12-15 additional jobs. There is a snow plow removal plan and if necessary, have the snow hauled off premises. Green space along Houston Street and to the north of the property will be utilized for snow removal. Storm water improvements will include additional catch basins and connection to the recent Houston Street infrastructure improvements.

Joseph Kohn, Parent Petroleum, St. Charles, Illinois – Stated he is the vendor for the fuel supply for this business and they provide fuel to over 300 gas stations within the Chicagoland area. Parent Petroleum became involved with this business approximately 2 years ago when it was sold by Gas Mart. When they first became involved, they noted that the site was built poorly and was run poorly generally because the owner/operator was interested more in making the lease payments than making a successful business. Kohn stated that Parent Petroleum is a strong support of the small business. Every one of their customers is a small business. When they saw the project being branded Shell, they were relieved because being based in St. Charles, they want the suburb business. They have many prime locations on Randall Road and they want to see the suburbs come back to life and succeed especially the Randall Road and Route 31 corridors. He believes that the

success of the Randall Road corridor has taken away from that small business feel. One of the most frustrating things they see in their business going forward is the fact of joint ventures of business such as Circle K and Shell or the large Speedways. The one consistency seen in these ventures are the large sites with multiple profit centers. The days of a 1000 sq. foot convenience store with 3 or 4 pumps outside does not work in the suburbs. It works in the inter-city neighborhoods of Chicago, but not in the suburbs. There is too much competition and too many choices. When Harry (Mehta) was able to buy the property from the 2 previous owners, they saw an individual who knew how to operate a convenience store and what it would take to get it to its full potential. Currently, the potential of the site has maxed out and it cannot go any further. Dunkin' Donuts is an opportunity to try to increase the business, increase the small business traffic and essentially improve the business in the downtown Batavia area. Kohn noted that they brand a lot of gas stations and they just branded a station in the historic district of St. Charles that had a similar issue with the canopy. It is a backlit canopy, which means there is no light which intrudes out. It only highlights and shines a little bit of a yellow color. If the members would like to see an example of this lighting, Kohn invited them to the location at Fourth Street and Main in St. Charles. Kohn thanked everyone for their time.

Jim Duerr, Dunkin' Donuts – Stated that Harry (Mehta) approached them about the site. One of the reasons they (Dunkin' Donuts) is drawn to the site is that there is going to be a significant amount of money into improvements. Dunkin' Donuts has spent in excess of $500,000 before upgrading a site and interior with all the equipment to do the buildup. Dunkin' Donuts believes they have the potential to generate an estimated $1.2M in sales once this store is stabilized. They are proud to be part of this development and working with Harry. They have worked with landlords who make no improvements to their property.

Tom Brown stated that he has lived in the property to the north of this site since September 2011 and rents from the owner, Jim Warwick. Since they have lived here, there have been 3 (gas station) owners. Brown stated that he and his wife love downtown Batavia and take advantage of everything they can. As long as Harry (Mehta) has been the owner, he has been a good neighbor. Mr. Brown stated he has had an opportunity to read the plan and it sounds like a good plan. As a tenant, however, he would like to point out (fan of Dunkin' Donuts) some concerns such as when they first moved in, the hours of operation were from 6 a.m. to 10 p.m. Just before the previous owner left, the hours of operation were from 4:30 a.m. to midnight. He is concerned if these hours are going to remain, and if it will be an all night drive-thru. He is unsure if there are any ordinances governing this. There has been talk about the deliveries being done off-hours. The garbage is picked up around 5 a.m., Coke delivers at 5 a.m., gas may be delivered at any time. Yesterday (01/19/16) it was 6 p.m. He is concerned about deliveries and the fuel trucks being able to turn. What the plans don't show is that the fuel trucks don't actually pull in and turn. It pulls in and parks to unload fuel. It pulls up to the sidewalk and in order for it to leave, it has to backup and when it turns, it utilizes all the parking spaces. If there are vehicles parked in these spaces, the fuel truck has to wait. Sometimes, the fuel trucks back in off of Route 31. When this occurs, there is a backup of traffic on Route 31 from McKee to Houston. There is also a school bus drop off next door. There is pedestrian traffic in addition to whatever traffic will be added. He requested more information about the trees being proposed. Basic concerns are deliveries during the day and operating hours. He doesn't want to see 4:30 a.m. to midnight with deliveries all day and night. The garbage pickup and Coke deliveries are actually 23 feet from Brown's bedroom and with a garbage enclosure half the size, this could result in additional pickups during the week. He inquired if this could mean 2 or 3

pickups during the week. Inquired where 12-15 additional employees would be parking. He believes that with the more fuel efficient vehicles, this can also be a contributing factor to the drop off in fuel consumption. Voiced concerns about the trees being used in the landscaping again. Noted that they have a patio out back and enjoy sitting out there in the summertime, which is right along the property line. He inquired if the vacuum machine would remain. (It was noted that this machine will remain).

Harry Mehta, owner/operator of the Shell gas station, noted that Mrs. Linda Brown worked for him for approximately a year. He further noted that he employs residents of Batavia. He stated that if anyone had any questions about the site plan, he would be more than happy to go over everything with them. Mehta noted that not all of the 12-15 employees would be working at the same time. At peak times, they could have as many as 4-6. Currently there are 2 employees working at any given time. Mehta has requested that deliveries be made after 10 a.m. (after the morning rush). He noted that this station has been in business for over 30 years and have been getting fuel deliveries at all times. Mehta has requested that Parent Petroleum conduct fuel deliveries between the hours of 10 p.m. and 12 a.m. They will monitor the situation to determine if this is an appropriate time frame.

LaLonde inquired about additional refuse pickup times. Mehta stated that additional pickups may be necessary; it will depend on the size of the container. A smaller container is being proposed to fit in a smaller enclosure.

LaLonde inquired about landscaping details. Green stated that the proposed landscaping supplements the existing green-wall type landscaping that currently exists along the north property line. The first 2 stalls will have some arbor type screening. Five (5) additional arbor binding type plant materials will be used in front of the refuse enclosure. Immediately behind the refuse area and extending along the balance of the north property line are 4 more proposed trees. These will be planted to the City standards so they have an opportunity to mature and grow. Discussion continued on the plantings. It was noted that the fence is owned by the neighbor to the north. The area around the order board and along Houston Street is designed to enhance the newly constructed bike lane. Green stated that they have agreed to construct a new retaining wall with a concrete stamped pattern and will provide a means for public art to be displayed on the wall. Felt this was a nice feature as a welcome to Houston Street, welcome to Batavia, you have arrived. Green noted that the outdoor seating is located on the south/east corner of the building, north of the drive-thru. It is about 10 feet wide and 18-20 feet long. The bike rack is just adjacent to the outdoor seating. Curbing and decorative fencing will be added for safety. There are a set of double glass doors that will provide direct access to the outdoor seating. Customers will not have to traverse around any of the drive-thru lane to get to the seating area. Green noted they want to be a bicycle and pedestrian friendly business. Discussion continued on the size of the refuse enclosure and the amount of pickups that will be required.

Jim Warwick, owner/landlord 118 N. Batavia Avenue, stated he was completely opposed to the building of a Dunkin' Donuts drive-thru for a variety of reasons:

1) The tenants' bedrooms all front the gas station. The drive-thru will create more light, noise, traffic and pollution for his 3 tenants. The current owner has extended his business hours without consulting them, which affects his tenants' ability to sleep. He was informed by the owner that should they get the Dunkin' Donuts drive-thru, the hours of operation will

increased with the business opening even earlier (4:30 a.m.) and doesn't believe the owner will close the drive-thru at 8:30 p.m. He stated his tenants have the right to sleep in peace and quiet and darkness, and noted he bought this property because the business closed at 9 p.m. and opened at 6 a.m.

2) The refuse will be moved from the back of the property to the middle of the property along the fence line and only 5 feet from the property line. He is unsure if this meets City Code. He is concerned that the new refuse container will be smaller than the current container and that there will be an increase in its use and believes it will either be built bigger than shown or have to be emptied all the time. The dumpster will be moved from entire shade to full sunlight. The food products will attract raccoons, opossums, rats, mice, bugs, etc. The tenants will have to put up with the smell of rotting food and grease in the hot sun. The enclosure will be lined up with the property's backyard and will be seen over the top of the fence. The smells will make it unpleasant for the first floor tenants to enjoy their patio area, barbeque and gardening that they have been accustomed to. The second floor tenant, with a spectacular view of the Fox River and historic buildings, will have to see the top of the dumpster all the time. The smells will make it unpleasant to enjoy a deck party. The garbage trucks doing pickup will be extremely noisy right next to the tenant's bedrooms. With a dumpster located right along the fence, no one will want to rent his apartments any longer. His apartments will go from desired, to undesirable.
3) The owner plans to build 3 parking spaces along his fence line, which will be located right next to the tenant's bedrooms. Not only will it be an invasion of privacy, there will be noise from the cars turning on and off and radios.
4) Cars will leave the drive-thru from the back of the store and build up speed while driving along the fence. His fence, built for privacy, is built all the way to the sidewalk. People walking or cycling are going to get hurt or killed traveling from his property line to the Shell station because cars won't see them approaching from around the fence.
5) If the owner wishes a Dunkin' Donuts business, he should be encouraged to build it on the vacant Hardee's property. It has all the infrastructure needed.
6) The property north of the Hardee's property is a business. The property north of the Shell is a residence. A business the size of a Dunkin' Donuts should not be allowed next to a residence.
7) The Shell station is planned for 12 spaces plus 1 handicapped space. He is concerned about where the snow will be stored. How are the plows going to get around the drive-thru? He is concerned the 6 parking spaces on the side will become giant snow mounds. He is worried the decorative fence will be destroyed from snow plows and storage. Employees will have to park in the customer spots when the other spots are filled with snow. There is not enough parking. He is concerned about big trucks parking in front of his 2-flat, illegally, and making noise.
8) He has owned the property for 10 years. The owner of the Shell gas station has only been there for 2 years. This should matter for something.
9) The proposed concept plan makes the 2-flat look tiny and insignificant. This is deceptive. His property should be shown in full detail. The bedrooms, 2nd floor deck and 1st floor patio are not shown on these plans.
10) He encourages the members of the committee to take a tour of his property before any decisions are made, and doesn't believe this project has been thought through and stated that negatives far out way the positives. Thanked everyone for their time.

Angela Febles, 212 N. Van Buren Street, stated she was new to Batavia and commended the owner for the investment in the business and the efforts they are making to improve their property. However, there is a bit of a conflict with the neighbors next door. She appreciates the opportunity to speak. From an environmental aspect, she has a son with asthma, and is concerned with the additional traffic. This is an area where individuals are encouraged to walk and exercise and this proposal is looking to increase traffic. She is unaware of any other downtown areas that have a gas station so close to residential. She wants the Committee to consider the aesthetics and the population of the community that would support this proposal.

Duerr noted that Dunkin' Donuts does not build walk-up only stores in this area. Walk-in only locations are located at train stations, downtown Chicago CTA stops, etc. They don't work in the suburbs. The current desire is for a drive-thru facility and 2/3 of their business is done by way of a drive-thru. If there is no drive-thru, there will not be a Dunkin' Donuts. It was further noted that donuts would be delivered once a day to this location. There would not be any donut making at this site. Duerr reported that Dunkin' Donuts has no intention of having poor sanitation on the site. If additional pickups are required as business increases, this will be done. They are consistently inspected at all their locations. Employees are instructed in proper sanitation. Green stated that they are open to other locations for the refuse. He further noted that it will be an upgraded and masonry enclosed structure.

Mehta stated that they have made changes to the plan to help buffer the noise, parking is as it has always been, safety is always a major concern, the site isn't making enough money as it is, and he is willing to work with the site plan, etc.

Discussion continued about the site always being difficult, especially with the topography, and businesses not doing well on this site; traffic concerns; the applicant only visioning 2 variances and there now being 9; working constructively with everyone involved; what it takes for this site to be viable; pushing the retaining wall further out; snow removal plan; drive-thru designed to standards; single lane drive-thru; etc.

Don Gregory, 124 N. Batavia Avenue, voiced concerns about the trash that is consistently left in his yard from patrons of the Shell. Patrons get drinks, candy, and cigarettes from the convenience store and leave that trash in his yard as they walk by. This includes a number of cigarette butts and candy wrappers. Burger King promised to keep the area clean, but it didn't happen. Smell of gasoline and noise from Batavia Avenue is a great concern. Batavia Avenue is so noisy, they cannot use their front porch.

Motion: To close the public hearing
Maker: Joseph
Second: Harms
Voice Vote: 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

The public hearing was closed at 9:12 p.m.

Motion: To conclude the Findings for the variance to Section 4.205.E – to allow a drive though business less than 50 feet from property designated for residential use as recommended by Staff as follows: Findings A, B & D can be met and Findings C & E cannot be met.
Maker: Schneider
Second: Harms
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.205.E – to allow a drive though business less than 50 feet from property designated for residential use.
Maker: Schneider
Second: Joseph
Roll Call: Gosselin – Nay, Harms – Nay, Joseph – Nay, LaLonde – Nay, Peterson – Nay, Schneider – Nay. 0 Ayes, 6 Nays, 0 Absent. Motion failed.

Motion: To conclude the Findings for the variance to Section 4.506 – to allow a drive through aisle to be at least 100 feet away from residentially designated property – as recommended by Staff as follows: Findings A, B & D can be met and Findings C & E cannot be met.
Maker: Joseph
Second: Peterson
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.506 – to allow a drive through aisle to be at least 100 feet away from residentially designated property.
Maker: Peterson
Second: Joseph
Roll Call: Gosselin – Nay, Harms – Nay, Joseph – Nay, LaLonde – Nay, Peterson – Nay, Schneider – Nay. 0 Ayes, 6 Nays, 0 Absent. Motion failed.

Motion: To conclude the Findings for the variance to Section 4.209.A.1 – to allow a drive through lane less than 20 feet wide – as recommended by Staff as follows: Findings A, B, D & E can be met and Finding C cannot be met.
Maker: Joseph
Second: Peterson
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Nay, Peterson – Aye, Schneider – Aye. 5 Ayes, 1 Nays, 0 Absent. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.209.A.1 – to allow a drive through lane less than 20 feet wide.
Maker: Joseph
Second: Peterson

Roll Call: Gosselin – Nay, Harms – Nay, Joseph – Nay, LaLonde – Aye, Peterson – Nay, Schneider – Nay. 1 Aye, 5 Nays, 0 Absent. Motion failed.

Motion: To conclude the Findings for the variance to Section 4.407.B.1.e(2) – to allow an increase in wall sign area up to an additional 41 sq ft on the south wall and up to 46 sq ft on the west wall with condition of no added illuminated elements to the north canopy edge – as recommended by Staff as follows: Findings A, B, C, D & E can be met.
Maker: Joseph
Second: Peterson
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.407.B.1.e(2) – to allow an increase in wall sign area up to an additional 41 sq ft on the south wall and up to 46 sq ft on the west wall subject to the condition of no added illuminated elements to the north canopy edge.
Maker: Joseph
Second: Schneider
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To conclude the Findings for the variance to Section 4.407.B.2.a(3) – to allow a monument sign area in excess of the allowed 32 sq ft by adding approximately 27 sq ft to existing sign – as recommended by Staff as follows: Findings A, B, C & D cannot be met and Finding E can be met.
Maker: Joseph
Second: Peterson
Roll Call: Gosselin – Aye, Harms – Nay, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 5 Ayes, 1 Nays, 0 Absent. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.407.B.2.a(3) – to allow a monument sign area in excess of the allowed 32 sq ft by adding approximately 27 sq ft to existing sign**.**
Maker: Joseph
Second: Gosselin
Roll Call: Gosselin – Nay, Harms – Nay, Joseph – Nay, LaLonde – Nay, Peterson – Nay, Schneider – Nay. 0 Aye, 6 Nays, 0 Absent. Motion failed.

Consensus of the members was that if the City Council feels additional sign area is appropriate, the Council should require the sign to be lowered to not exceed 8 feet to allow more sign area. The sign would be set back to allow for visibility of Batavia Avenue.

Motion: To conclude the Findings for the variance to Section 4.407.B.2.f(3) – to allow canopy sign elements to project more than 2 inches from the canopy edge with the

condition of no added illuminated elements to the north canopy – as recommended by Staff as follows: Findings A, B, C, D & E can be met.

Maker: Joseph
Second: Peterson
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.407.B.2.f(3) – to allow canopy sign elements to project more than 2 inches from the canopy edge with the condition of no added illuminated elements to the north canopy.

Maker: Joseph
Second: Gosselin
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To conclude the Findings for the variance to Table 4.205.A – to allow parallel parking stalls to be 9 ft wide and perpendicular spaces to be 18 ft long – as recommended by Staff as follows: Findings A, B, C, D & E can be met with the following conditions: 1) Additional landscaping be added adjacent to the north parking spaces; 2) A curb be added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk; 3) That the area south and west of the west end curb for the new south parking spaces be suitably landscaped.

Maker: Joseph
Second: Peterson
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Table 4.205.A – to allow parallel parking stalls to be 9 ft wide and perpendicular spaces to be 18 ft long with the following conditions: 1) Additional landscaping be added adjacent to the north parking spaces; 2) A curb be added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk; 3) That the area south and west of the west end curb for the new south parking spaces be suitably landscaped.

Maker: Peterson
Second: Schneider
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Jon Green, President Engineering Resource Associates, Warrenville, Illinois, formally withdrew the applicant's request for a variance to Table 4.204 – to allow 12 parking spaces where 13 are required.

Motion: To conclude the Findings for the variance to Section 3.303.B – to omit landscaping within 50 ft 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, with design review approval – as recommended by Staff as follows: Findings A, B, C, D & E can be met.

Maker: Joseph
Second: Gosselin
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 3.303.B – to omit landscaping within 50 ft 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, with design review approval.

Maker: Peterson
Second: Gosselin
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To conclude the Findings for the variance to Section 4.203.Q – to allow wheel stops – as recommended by Staff as follows: Findings A, B, C, D & E can be met.

Maker: Joseph
Second: Gosselin
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Motion: To recommend to City Council approval of the variance to Section 4.203.Q – to allow wheel stops.

Maker: Joseph
Second: Gosselin
Roll Call: Gosselin – Aye, Harms – Aye, Joseph – Aye, LaLonde – Aye, Peterson – Aye, Schneider – Aye. 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

Strassman noted that the public hearing is closed so the Members would have to consider the Conditional Use as presented. Discussion continued on options available for the Conditional Use as well as Design Review. The following Members noted that they could find in favor of this Plan and/or not necessarily against it with some additional improvements: Gosselin & LaLonde. The remaining Members (Joseph, Harms, Peterson, Schneider) were not in favor. Discussion continued on whether or not to send the Plan back to the applicant or move forward with the conditional use.

Motion: To conclude the Findings for the Conditional Use to allow a drive through on this site as presented by Staff, Findings 1, 2, and 4 canot be met and Finding 3 can be met.

Maker: Schneider
Second: Joseph
Roll Call: Gosselin – Nay, Harms – Aye, Joseph – Aye, LaLonde – Nay, Peterson – Aye, Schneider – Aye. 4 Ayes, 3 Nays, 0 Absent.

Motion: To recommend to City Council approval of the Conditional Use to allow a drive through on this site.
Maker: Schneider
Second: Joseph
Roll Call: Gosselin – Aye, Harms – Nay, Joseph – Nay, LaLonde – Aye, Peterson – Nay, Schneider – Nay. 2 Ayes, 4 Nays, 0 Absent. Motion failed.

Discussion was held on options for the Design Review, City Council approval, Appeal process, procedure for moving through the process, etc.

Motion: To continue the Design Review of the Shell/Dunkin' Donuts to the February 17, 2016 Plan Commission Meeting.
Maker: Joseph
Second: Harms
Voice Vote: 6 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

ADJOURNMENT

There being no further business, a motion was made by Gosselin to adjourn the meeting at 10:10 p.m. Seconded by Schneider. All in favor. Motion carried.

Ayes 6 Nays 0 Absent 0

The meeting was adjourned at 10:10 p.m. The next meeting will be held Wednesday, February 17, 2016.

Respectfully submitted,

Cheryl A. Shimp, Recording Secretary

MINUTES
February 3, 2016
ZONING BOARD OF APPEALS
City of Batavia

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

1. Meeting Called to Order of the Zoning Board of Appeals
Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

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

Members Absent:

Also Present: **Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed
There were no items to be removed, added or changed.

4. Public Hearing: Variances for a Replacement Garage at 514 Main Street; Spillane and Sons, Mike Spillane, Applicant
514 Main Street

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

Tom Gosselin recused himself from this Public Hearing due to being the applicant's attorney.

Rackow reported that tonight's hearing is for a replacement garage at 514 Main Street. Mike Spillane, applicant, would like a variance for a 2 ft rear variance and a 2 ft setback to the interior side property line versus the required 5 ft for both. The existing 16 x 18 garage is proposed to be replaced with a 20 x 20 garage. The shed on the property would remain at the current location. The close proximity to the existing home would limit the movements out of the proposed garage and moving the garage further to the east would diminish the amount of backyard on the property. The property was built in 1925 and is zoned R1H. Staff concurs with the request for a 2 ft side setback but recommends a 4.5 ft setback for the rear, reflective of the existing condition on the site.

Joseph asked if they are required to have a utility easement. Rackow stated that there is no easement on the plat of survey and there are not easements on either side. LaLonde asked if the applicant replaced the garage in the exact footprint would they still need a variance. Rackow answered they would still need a variance due to the nonconforming status of the structure.

Chair LaLonde swore in the applicant. Mike Spillane, Spillane and Sons, shared that he lives around the corner and owns this building in question. He pointed out that the letters of support from the neighborhood were unsolicited and he does not know the people who wrote them. The suggested 4.5 ft would make it difficult to get in and out of the garage because of the existing screened porch. There is no problem with the proposed condition for the service door location. To make it easier for the cars to exit and enter the garage they plan on removing the existing fence. The whole home will be rehabbed and brought down to the studs. There will be a whole new home inside the building. The driveway is in relatively good shape and they would like to leave as much as they can. He shared that no one has lived in that home for nine years. The driveway is shared with the neighbors and that is another reason for the variance request, to increase the safety and maneuverability of the vehicles.

LaLonde stated that he appreciates what Spillane's company has done in town with the older homes. LaLonde asked if the applicant considered turning the garage slightly. Spillane answered that it would create space in the backyard that would be unusable. There would be a pie shape in one corner of the lot and another pie in the back. Joseph stated that the garage would be 2.5 ft closer to the house and asked if it would be a small garage. Spillane stated that there is a not a lot of room in that location to work with and it is a small two car garage.

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

LaLonde stated that, due to maneuverability, he could see the validity of having a variance of 2 ft for both property lines. Rackow stated that the Commission could consider if the 2 ft setback is enough and could recommend approval of the variances. LaLonde stated that he is in support of the applicant's request. Strassman noted that the Findings of Fact were written with the four-foot setback and the approval of the Findings of Fact would have to be adjusted to the applicant's requested two-foot setback.

Motion: To approve the Findings of Fact in the affirmative, with the setbacks requested by the applicant
Maker: Peterson
Second: Harms

Discussion was held on the motion. Joseph commented that she is not comfortable approving the adjusted Findings of Fact at this time. She explained that she does not have enough time to review each finding in regards to the two-foot setback.

Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
Nay: Joseph
4-1 Vote, 0 Absent, 1 Recusal, Motion carried.

Motion: To approve the variances for the garage with a two-foot setback and a two-foot side-yard setback with the condition that the service door be located on the east elevation
Maker: Peterson
Second: Schneider
Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
Nay: Joseph
4-1 Vote, 0 Absent, 1 Recusal, Motion carried.

Tom Gosselin returned to the meeting 7:25 pm.

5. Other Business

Strassman reported that the Dunkin Donuts discussion would be at the Historic Preservation Commission (HPC) meeting on Monday, February 8, 2016. The HPC would be reviewing the proposed signs and changes to the building. The Committee of the Whole (COW) should discuss the zoning issues at the first COW meeting in March.

6. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Zoning Board of Appeals meeting. Harms moved to adjourn the meeting, Gosselin seconded. All were in favor. The motion carried. The meeting was adjourned at 7:26 pm.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
March 16, 2016
Plan Commission
City of Batavia

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

1. Meeting Called to Order for the Plan Commission Meeting
Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: **Chair LaLonde; Commissioners Gosselin, Peterson, and Joseph**

Members Absent: **Vice-Chair Schneider; Commissioner Harms;**

Also Present: **Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary**

3. Items to be Removed, Added or Changed
There were no items to be removed, added or changed.

4. Approval of Minutes: January 20, 2016 Plan Commission & Zoning Board of Appeals and February 3, 2016, Zoning Board of Appeals
Chair LaLonde noted that the wrong tally is on the motion on page 18 in the January 20, 2016 minutes.

Motion: To approve the minutes from for January 20, 2016 Plan Commission & Zoning Board of Appeals (with amendment) and February 3, 2016, Zoning Board of Appeals
Maker: Gosselin
Second: Peterson
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

5. PUBLIC HEARING: Conditional Use for a Massage Establishment, Sunshine Massage, 11 East Wilson Street (Yune Zhou, applicant)

Motion: To open the public hearing
Maker: Joseph
Second: Gosselin
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

Strassman reported that the property is zoned Downtown Mixed Use (DMU) and the zoning district allows massage establishments with City Council (CC) approval of the conditional use. Strassman stated that personal care businesses fit the mixed-use environment of downtown Batavia. The conditional use that is required allows the Plan Commission (PC) to recommend and the CC to approve operational allowances and restrictions for businesses. Staff has found that it is a tendency for massage businesses to cover windows – a practice contrary to the to the Zoning Code's requirement of vision glass. Much of the character of downtown Batavia relies on one's ability to look inside businesses.

Strassman stated that the conditional use may be limited to operation of the business solely by Ms. Zhou doing business as Sunshine Massage as long as she maintains her state license. Strassman stated that staff recommends that the Commission recommend approval of the Conditional Use with the following conditions:

- Providing a clear view of the entire proposed reception/waiting area by maintaining clear vision glass through store front windows and door, without adding any appliqués, tinting, or other opaque or translucent coating or finish to the glass, or by placing anything on or in the windows except for permitted window signs.
- Use of interior window or door treatments such as, but not limited to, curtains, blinds, valances, or shades that restrict the visibility required in Condition 1 is prohibited.
- Placement of periodical display racks, customer coat/bag storage, or customer seating shall not unreasonably restrict the visibility required in Condition 1.
- Yune Zhou, and all personnel engaged in performing massage, at all times shall maintain current State of Illinois licensure as massage therapists.
- Hours of operation shall be limited to 8 am through 10 pm, daily.
- If the City adopts licensing requirements for massage establishments, the applicant must apply for, and obtain the City license per the adopted requirements.

LaLonde asked about the provision of providing a clear view in the storefront windows. Strassman explained that, some Batavia massage business cover their front windows. Staff feels that it is the character of the downtown area to have clear vision into the reception/waiting area of businesses. He noted that this is the first conditional use for a massage business that has come to the Commission. Staff recommends that the Commission consider and require keeping the windows clear.

Chair LaLonde asked if there was anyone in the audience that wanted to give testimony. There were none.

Motion: To close the public hearing
Maker: Peterson
Second: Joseph
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

Peterson commented that there seems to be a lot of these types of businesses in the downtown area. LaLonde stated that it would be up to the City Council to determine restrictions. We need to ensure that this business meets all the requirements of the applicable codes.

Motion: To approve all four findings of fact
Maker: Gosselin
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Joseph, LaLonde, Peterson
Nay: None
4-0 Vote, 2 Absent, Motion carried.

Motion: To recommend to City Council approval of the conditional use for this massage establishment, to Yune Zhou, subject to the six conditions outlined by staff
Maker: Gosselin
Second: Peterson
Roll Call Vote: **Aye:** Gosselin, Joseph, LaLonde, Peterson
Nay: None
4-0 Vote, 2 Absent, Motion carried.

Strassman stated that this would go to the Committee of the Whole on Tuesday, April 5th at 7:30pm in the City Council Chamber.

6. PUBLIC HEARING – Amendment to the Official Zoning Map from R0, Single Family Residential to POS, Parks & Open Space District
500 & 501 Wind Energy Pass, 502 &503 Pottawatomie Trail and 427 Ridgelawn Trail – City of Batavia, Owner and Applicant

Motion: To open the public hearing
Maker: Joseph
Second: Peterson
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

Rackow stated that this item is to rezone several of the detention parcels along Hart Road at Wind Energy Pass and Ridgelawn Drive. There were a few ponds that were not transferred to the Home Owners Association (HOA) or the City and were still under the ownership of the original developers. Transfer of the property to the City was received. They are now City owned and serving as detention areas. We would like to review the appropriate zoning classification for these ponds changing it from R0, Single Family Residential, to POS, Parks and Open Space district. This would limit the land's future use to the more limited uses to those in the allowed uses for the POS District. The property will otherwise be continued to be used as it was platted, which is for detention areas.

Chair LaLonde asked if there were any comments from the PC. There were none. LaLonde asked if there was anyone in the audience who wished to speak. He swore in Steve Rakers, 472 Ridgelawn Trail.

Rakers asked how the property would be maintained around that area. Rackow stated that there would be no change to the maintenance of the land. The Public Works Department does mowing and maintenance of those areas. Rakers asked if the funding is still paid for by the City. Rackow stated that the City Council did not implement a Special Service Area (SSA) for this area so the funding is taken out of the City's General Fund and that is not a change from the current funding program. Rakers asked what kind of uses would be allowed on the property. Rackow answered that this change would limit the type of uses that would be allowed on the property. Rackow explained that the Zoning Code has a list of allowed uses. The proposed zoning district has a much more limited list. A detention use is allowed. LaLonde added that the change is focused on development and what could be developed on that property. Rakers asked if fishing could still be done. Rackow stated that rezoning would not change a person's ability to fish on that property.

Chair LaLonde swore in Joe Krafka of 1644 Derby Drive. Krafka commented that anytime the City wants to rezone something that raises a red flag. He asked why you are doing this if no one could build on it anyway. Krafka inquired if this action was a step toward the activation of the SSA. Rackow stated that the City Council (CC) discussed the possibility of activating an SSA in 2012 and through that discussion they determined that they do not wish to activate the SSA. A SSA does require a public hearing and if the CC decides to return to that discussion they would have to contact residents. There has not been further discussion in CC to levy the SSA. Krafka stated that the residents would not be happy with an SSA.

LaLonde asked if anyone else wanted to speak. There were none.

Motion: To close the public hearing
Maker: Peterson
Second: Joseph
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

Chair LaLonde asked if there were any questions for staff. There were none.

Motion: To approve the findings for a Zoning Map amendment, as drafted in the 3-3-16 staff report
Maker: Joseph
Second: Peterson
Roll Call Vote: **Aye:** Gosselin, Joseph, LaLonde, Peterson
Nay: None
4-0 Vote, 2 Absent, Motion carried.

Motion: To approve the zoning map amendment to reclassify the properties from R0 to POS
Maker: Peterson
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Joseph, LaLonde, Peterson
Nay: None

4-0 Vote, 2 Absent, Motion carried.

7. PUBLIC HEARING – Amendments to the Text of the Zoning Code

- **Chapter 2.1: Single Family Residential Districts**
- **Chapter 2.2: Multi-Family Districts**
- **Chapter 2.3: Commercial Districts**
- **Chapter 2.4: Downtown Mixed Use District**
- **Chapter 2.5: Mixed Use District**
- **Chapter 2.6: Employment Districts**
- **Chapter 2.7: Public Facilities and Institutional District**
- **Chapter 2.8: Parks and Open Space District**
- **Chapter 4.2: Off-Street Parking and Loading Regulations**
- **Chapter 6: Use Definitions**
- **Chapter 7: Glossary of General Terms**

Motion: To open the Public Hearing
Maker: Joseph
Second: Peterson
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried

Rackow reported that this is a proposed set of Zoning Map amendments. Chair LaLonde requested that Rackow discuss each amendment with the Commission. Rackow overviewed each amendment, as listed in the memo, with the Commission.

The PC asked questions on the amendments to the Zoning Code. Peterson asked about the drive through and general commercial change. Rackow stated that right now in the General Commercial district drive-throughs are only discussed with restaurants, banks and dry cleaners. The change would be to add a list item of a drive-through category for Community Commercial and General Commercial. For example, Walgreen's was allowed through an interpretation as a similar use to a restaurant drive-through. Staff wanted a catchall for drive-throughs in the future that could be reviewed as a conditional use in those two districts.

Peterson asked about shared parking. Rackow stated that they would have to have an easement and only parking stalls that immediately connected into the aisle created would be allowed. The change is specific to the Commercial District table and not the DMU.

Peterson asked about additions and accessory structures. Rackow stated that an accessory structure has reduced setbacks. In Employment Districts, an accessory structure needs to be behind the principal structure. The size ratio is being put out right now to have some connection to the principle structure. LaLonde asked about the square footage regarding 7% or maximum of 10,000. Rackow explained that the first 100,000 square foot it would be up to 7% and anything larger than that would be taken down to 3% with the maximum being 10,000 square feet. It would allow for bigger buildings. LaLonde asked if there was an issue in the past. Rackow stated

that industrial users have been inquiring about an accessory structure for storage being placed on their property. Rackow explained that staff is trying to address those in need for a larger structure on their properties to allow for extra space other than in the original footprint. Rackow noted that this is in Chapter 2.6, page nine under letter F, number 2. The change is highlighted.

LaLonde asked about location requirements for an accessory building. Rackow answered that it is located in Chapter 2.6, page six, letter E. Strassman stated that as long as the Light Industrial or General Industrial district property is not adjacent to a residential property then you can go into the setback area but if you are adjacent to residential the accessory structure has to be setback as far as the principal building. Rackow added an accessory structure would require extra parking areas as well.

Chair LaLonde asked about section C, 1.B and 1.C for Electric Charging Stations. Rackow explained that if a private lot owner that is of the mind that they are going to tow people, you could have a sign that states you are going to have prohibitions or limitations. Rackow continued that the signage should not exceed six feet in height and six square feet. He noted that the language would have to be clarified in the Zoning Code.

Chair LaLonde asked if there was anyone in the audience that wanted to address the Commission. Chair LaLonde swore in Janet DiCosola, 1844 Matthews Court. DiCosola stated that she is affected by the retention pond (503 Ridgelawn Trail). She asked what can you do with POS that you can't do with the current property designation. Rackow explained that the R0 district has a larger number of zoning uses than the POS. The POS has a more limited list of uses allowed. The use of it as a detention area would be allowed to continue. Chair LaLonde stated that it is a benefit to the surrounding area to make the zoning change because it would prohibit development. The change is to properly fit what is there currently and there would be no change to the property itself.

Motion: To close the Public Hearing
Maker: Peterson
Second: Gosselin
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

Motion: To recommend to the Committee of the Whole to approve the revisions with the two changes to clarify the language regarding height and area for Signs at Charging Stations

Maker: Joseph
Second: Gosselin
Roll Call Vote: **Aye:** Gosselin, Joseph, LaLonde, Peterson
Nay: None
4-0 Vote, 2 Absent, Motion carried.

8. Design Review: Proposed Dunkin Donuts Drive-Through at Shell Gas Station, 108 North Batavia Avenue. Jon P. Green, PE, CFM, Engineering Resources Associates Inc., applicant
Continue to April 6, 2016

Strassman reported that the Committee of the Whole (COW) reviewed the PC recommendations. The COW made a recommendation for approval of two ordinances, one to address variances and the other for the conditional use. The approval to address the variances is recommending City Council approval of all the variances requested. There were a number of conditions put on some of those variances, most notably to add curbing and landscaping. The approval to address the conditional use application the COW recommended approval of granting a conditional use with a number of conditions to that. There were conditions on limiting the hours of operation of the drive-through from 4am to midnight. There was another limitation that prohibited trash pick up too early in the morning. Other conditions were to put the final decision on the design of the retaining wall into the hands of the PC through Design Review. Strassman noted that the applicant would not use a form for the wall to give it an appearance of blocks of stones. They would like to use a smooth finish and plant ivy at the base.

Motion: To continue the Design Review Discussion to April 6, 2016
Maker: Gosselin
Second: Joseph
Voice Vote: 4 Ayes, 0 Nays, 2 Absent
Motion carried.

9. Other Business

There was no other business at this time.

10. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, Joseph seconded. The motion carried. The meeting was adjourned at 8:24pm.

Minutes respectfully submitted by Jennifer Austin-Smith

CITY OF BATAVIA

DATE: March 23, 2016
TO: Committee of the Whole - CS
FROM: Gary Holm
SUBJECT: Resolution 16-34-R Authorizing Execution of an Intergovernmental Agreement with Illinois Department of Transportation for Routine Maintenance of Certain State Routes

Attached is Resolution 16-34-R authorizing the Mayor to execute an intergovernmental agreement with IDOT for routine maintenance of certain state routes.

This memo and resolution are being submitted to you for your action as a house cleaning measure. The Mayor already executed the subject IGA on May 27, 2015. City Staff has attempted to locate a resolution authorizing the Mayor to sign the IGA but we have been unable to do so. Staff takes full responsibility for this error.

The subject IGA contains terms and conditions that are consistent with our previous IGA with IDOT. The City has been providing routine maintenance of certain State routes for many, many years. We feel it is in our best interest to continue to provide the routine maintenance because it gives us a certain level of local control. Maintenance items, such as snow removal, can be performed on our schedule, not the State's.

Once again, Staff acknowledges responsibility for the error and requests that City Council approve Resolution 16-34-R officially authorizing the Mayor to sign the IDOT IGA.

CITY OF BATAVIA
RESOLUTION 16-34-R

A RESOLUTION AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH ILLINOIS DEPARTMENT OF TRANSPORTATION FOR ROUTINE MAINTENANCE OF CERTAIN STATE ROUTES

WHEREAS, the City of Batavia and the Illinois Department of Transportation desire to enter into an Intergovernmental Agreement for routine maintenance of certain State routes; and

WHEREAS, the City of Batavia has been maintaining the routes for many years under the terms of an Intergovernmental Agreement that was previously executed between the parties; and

WHEREAS, the City of Batavia feels it is in the best interest of its citizens to continue maintaining the State routes under the terms of the proposed Intergovernmental Agreement; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Batavia as follows**:**

1. That the Mayor is hereby authorized to execute the Intergovernmental Agreement with Illinois Department of Transportation as attached hereto as Exhibit I

PRESENTED to the City Council of the City of Batavia, Illinois, on the 4th day of April, 2016.

PASSED by the City Council of the City of Batavia, Illinois, on the 4th day of April, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, on the 4th day of April, 2016.

_____

Mayor

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

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

ATTEST:

_____
Heidi Wetzel, City Clerk

AM 9:56 06/30/15 OPS

Illinois Department of Transportation

Intergovernmental Agreement

Governmental Body Name **City of Batavia**			
Address 200 North Raddant Road			
City, State, Zip Batavia, Illinois 60510			
Remittance Address (if different from above)			
City, State, Zip			
Telephone Number (630) 454-2300	Fax Number None	FEIN/TIN 36-6005785	DUNS NA

Brief Description of Service (full description specified in Part 5) Routine maintenance of State routes.			
Compensation Method (full details specified in Part 6) Lump Sum			Agreement Term From: July 01, 2015
Total Compensation Amount $527,800 Estimate		Advance Pay ☐ Yes ☒ No	To: June 30, 2025

REQUIRED SIGNATURES

By signing below, the GOVERNMENTAL BODY and the DEPARTMENT agree to comply with and abide by all provisions set forth in Parts 1-8 herein and any Appendices thereto.

FOR THE GOVERNMENTAL BODY:

Jeffery D. Schielke, Mayor — Jeffery D. Schielke — 6-22-15
(Name and Title of Authorized Representative) (Signature of Authorized Representative) Date

FOR THE DEPARTMENT:

Amy Eller, Acting Engineer of Operations — 6-30-15 Date

William M. Barnes, Chief Counsel (Approved as to form) — 7/14/15 Date

Omer M. Osman, P.E., Director, Division of Highways & Chief Engineer
Date: 7/15/15

By: Jim J. Ofcarcik, Interim Chief Financial Officer — 7/15/2015 Date

By: Randall S. Blankenhorn, Secretary of Transportation — 7/17/15 Date

By: _____

By: _____
Print Name

_____
Print Title

INTERGOVERNMENTAL AGREEMENT
FOR
ROUTINE MAINTENANCE OF STATE ROUTES

This Agreement is by and between

City of Batavia
Please type or print legibly the GOVERNMENTAL BODY'S legal name and address

200 North Raddant Road

Batavia, IL 60510

Attn: Gary Holm

Email: gholm@cityofbatavia.net

hereinafter called the GOVERNMENTAL BODY, and the State of Illinois, acting by and through its Department of Transportation, hereinafter called the DEPARTMENT.

Part 1	Scope/Compensation/Term
Part 2	General Provisions
Part 3	Federally Funded Agreements
Part 4	Specific Provisions
Part 5	Scope of Services/Responsibilities
Part 6	Compensation for Services
Part 7	Certification Regarding Lobbying
Part 8	Agreement Award Notification

PART 1
SCOPE / COMPENSATION / TERM

A. **Scope of Services and Responsibilities.** The DEPARTMENT and the GOVERNMENTAL BODY agree as specified in Part 5.

B. **Compensation.** Compensation (if any) shall be as specified in Part 6.

C. **Term of Agreement.** The term of this Agreement shall be from **July 01, 2015** to **June 30, 2025**.

D. **Amendments.** All changes to this Agreement must be mutually agreed upon by the DEPARTMENT and the GOVERNMENTAL BODY and be incorporated by written amendment, signed by the parties.

E. **Renewal.** This Agreement may not be renewed.

PART 2
GENERAL PROVISIONS

A. Changes. If any circumstance or condition in this Agreement changes, the GOVERNMENTAL BODY must notify the DEPARTMENT in writing within seven days.

B. Compliance/Governing Law. The terms of this Agreement shall be construed in accordance with the laws of the State of Illinois. Any obligations and services performed under this Agreement shall be performed in compliance with all applicable state and federal laws.

C. Availability of Appropriation. This Agreement is contingent upon and subject to the availability of funds. The Department, at its sole option, may terminate or suspend this Agreement, in whole or in part, without penalty or further payment being required, if (1) the Illinois General Assembly or the federal funding source fails to make an appropriation sufficient to pay such obligation, or if funds needed are insufficient for any reason, (2) the Governor decreases the Department's funding by reserving some or all of the Department's appropriation(s) pursuant to power delegated to the Governor by the Illinois General Assembly; or (3) the Department determines, in its sole discretion or as directed by the Office of the Governor, that a reduction is necessary or advisable based upon actual or projected budgetary considerations. GOVERNMENTAL BODY will be notified in writing of the failure of appropriation or of a reduction or decrease.

D. Records Inspection. The DEPARTMENT or a designated representative shall have access to the GOVERNMENTAL BODY's work and applicable records whenever it is in preparation or progress, and the GOVERNMENTAL BODY shall provide for such access and inspection.

E. Records Preservation. The GOVERNMENTAL BODY, shall maintain for a minimum of **three years** after the completion of the Agreement, adequate books, records and supporting documents to verify the amounts, recipients and uses of all disbursements of funds passing in conjunction with the Agreement.

F. Cost Category Transfer Request. For all transfers between or among appropriated and allocated cost categories, DEPARTMENT approval is required. To secure approval, the GOVERNMENTAL BODY must submit a written request to the DEPARTMENT detailing the amount of transfer, the cost categories from and to which the transfer is to be made, and rational for the transfer.

G. Subcontracting/Procurement Procedures/Employment of Department Personnel

1. Subcontracting. Subcontracting, assignment or transfer of all or part of the interests of the GOVERNMENTAL BODY concerning any of the obligations covered by this Agreement is prohibited without prior written consent of the DEPARTMENT.

2. Procurement of Goods or Services – Federal Funds. For purchases of products or services with any Federal funds that cost more than $3,000.00 but less than the simplified acquisition threshold fixed at 41 U.S.C 403(11), (currently set at $100,000.00) the GOVERNMENTAL BODY shall obtain price or rate quotations from an adequate number (at least three) of qualified sources. Procurement of products or services with any Federal funds for $100,000 or more will require the GOVERNMENTAL BODY to use the Invitation for Bid process or the Request for Proposal process. In the absence of formal codified procedures of the GOVERNMENTAL BODY, the procedures of the DEPARTMENT will be used, provided that the procurement procedures conform to the provisions in Part 3(K) below. The GOVERNMENTAL BODY may only procure products or services from one source with any Federal funds if: (1) the products or services are available only from a single source; or (2) the DEPARTMENT authorizes such a procedure; or, (3) after solicitation of a number of sources, competition is determined inadequate.

3. Procurement of Goods or Services – State Funds. For purchases of products or services with any State of Illinois funds that cost more than $20,000.00, ($10,000.00 for professional and artistic services) but less than the small purchase amount set by the Illinois Procurement Code Rules, (currently set at $50,000.00 and $20,000.00 for professional and artistic services) the GOVERNMENTAL BODY shall obtain price or rate quotations from an adequate number (at least three) of qualified sources. Procurement of products or services with any State of Illinois funds for $50,000.00 or more for goods and services and $20,000.00 or more for professional and artistic services) will require the GOVERNMENTAL

BODY to use the Invitation for Bid process or the Request for Proposal process. In the absence of formal codified procedures of the GOVERNMENTAL BODY, the procedures of the DEPARTMENT will be used. The GOVERNMENTAL BODY may only procure products or services from one source with any State of Illinois funds if: (1) the products or services are available only from a single source; or (2) the DEPARTMENT authorizes such a procedure; or, (3) after solicitation of a number of sources, competition is determined inadequate.

The GOVERNMENTAL BODY shall include a requirement in all contracts with third parties that the contractor or consultant will comply with the requirements of this Agreement in performing such contract, and that the contract is subject to the terms and conditions of this Agreement.

4. EMPLOYMENT OF DEPARTMENT PERSONNEL. The GOVERNMENTAL BODY will not employ any person or persons that are employed by the DEPARTMENT for any work required by the terms of this Agreement while they are still employed by the DEPARTMENT.

PART 3
FEDERALLY FUNDED AGREEMENTS

[Not applicable to this Agreement.]

PART 4
SPECIFIC PROVISIONS

A. Invoices. Invoices submitted by the GOVERNMENTAL BODY will be based on the approved annual lump sum amount for completion of Part 5, Scope of Services and as described in Part 6, Compensation for Services. Furthermore, if any of the deliverables in Part 5 are not satisfactorily completed as determined by the DEPARTMENT, the DEPARTMENT will advise the municipality of the deficiencies to be corrected before invoicing will be authorized.

Any invoices/bills issued by the GOVERNMENTAL BODY to the DEPARTMENT pursuant to this Agreement shall be sent to the following address:

Illinois Department of Transportation
District 1,
Attn.: Operations Supervisor
18 W 027 Route 38
St. Charles, IL 60175

All invoices shall be signed by an authorized representative of the GOVERNMENTAL BODY.

B. Billing and Payment. All invoices for services performed and expenses incurred by the GOVERNMENTAL BODY prior to July 1st of each year must be presented to the DEPARTMENT no later than ***July 31st*** of that same year for payment under this Agreement. Notwithstanding any other provision of this Agreement, the DEPARTMENT shall not be obligated to make payment to the GOVERNMENTAL BODY on invoices presented after said date. Failure by the GOVERNMENTAL BODY to present such invoices prior to said date may require the GOVERNMENTAL BODY to seek payment of such invoices through the Illinois Court of Claims and the Illinois General Assembly. No payments will be made for services performed prior to the effective date of this Agreement. The DEPARTMENT will direct all payments to the GOVERNMENTAL BODY's remittance address listed in this Agreement.

C. Termination. If the DEPARTMENT is dissatisfied with the GOVERNMENTAL BODY'S performance or believes that there has been a substantial decrease in the GOVERNMENTAL BODY'S performance, the DEPARTMENT may give written notice that remedial action shall be taken by the GOVERNMENTAL BODY within seven (7) calendar days. If such action is not taken within the time afforded, the DEPARTMENT may terminate the Agreement by giving seven (7) days written notice to the GOVERNMENTAL BODY. Additionally, the DEPARTMENT or the GOVERNMENTAL BODY may terminate the Agreement by giving the other party ninety (90) days written notice.

In either instance, the GOVERNMENTAL BODY shall be paid for the value of all authorized and acceptable work performed prior to the date of termination, based upon the payment terms set forth in the Agreement.

D. Location of Service. Service to be performed by the GOVERNMENTAL BODY shall be performed as described in Part 5.

E. Ownership of Documents/Title to Work. [Not Applicable To This Agreement]

F. Software. [Not Applicable To This Agreement]

G. Confidentiality Clause. Any documents, data, records, or other information given to or prepared by the GOVERNMENTAL BODY pursuant to this Agreement shall not be made available to any individual or organization without prior written approval by the DEPARTMENT. All information secured by the GOVERNMENTAL BODY from the DEPARTMENT in connection with the performance of services pursuant to this Agreement shall be kept confidential unless disclosure of such information is approved in writing by the DEPARTMENT.

H. Reporting/Consultation. The GOVERNMENTAL BODY shall consult with and keep the DEPARTMENT fully informed as to the progress of all matters covered by this Agreement.

I. Travel Expenses. Expenses for travel, lodging, or per diem is NOT allowed pursuant to this Agreement.

J. Indemnification. Unless prohibited by State law, the GOVERNMENTAL BODY agrees to hold harmless and indemnify the DEPARTMENT, and its officials, employees, and agents, from any and all losses, expenses, damages (including loss of use), suits, demands and claims, and shall defend any suit or action, whether at law or in equity, based on any alleged injury or damage of any type arising from the actions or inactions of the GOVERNMENTAL BODY and/or the GOVERNMENTAL BODY'S employees, officials, agents, contractors and subcontractors, and shall pay all damages, judgments, costs, expenses, and fees, including attorney's fees, incurred by the DEPARTMENT and its officials, employees and agents in connection therewith.

GOVERNMENTAL BODY shall defend, indemnify and hold the DEPARTMENT harmless against a third-party action, suit or proceeding ("Claim") against the DEPARTMENT to the extent such Claim is based upon an allegation that a Product, as of its delivery date under this Agreement, infringes a valid United States patent or copyright or misappropriates a third party's trade secret.

K. Equal Employment Opportunities, Affirmative Action, Sexual Harassment. The GOVERNMENTAL BODY will comply with the Illinois Human Rights Act with respect to public contracts, including equal employment opportunity, refraining from unlawful discrimination and having a written sexual harassment policy.

L. Tax Identification Number.

GOVERNMENTAL BODY certifies that:

1. The number shown on this form is a correct taxpayer identification number (or it is waiting for a number to be issued.), **and**
2. It is not subject to backup withholding because: (a) it is exempt from backup withholding, or (b) has not been notified by the Internal Revenue Service (IRS) that it is subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified the GOVERNMENTAL BODY that it is no longer subject to backup withholding, **and**
3. It is a U.S. entity (including a U.S. resident alien).

NAME OF GOVERNMENTAL BODY: City of Batavia

Taxpayer Identification Number: 36-6005785

Legal Status ___ (check one):

☐ Tax-exempt ☒ Government

☐ Nonresident Alien ☐ Other _____

M. International Boycott. The GOVERNMENTAL BODY certifies that neither GOVERNMENTAL BODY nor any substantially owned affiliate is participating or shall participate in an international boycott in violation of the U.S. Export Administration Act of 1979 or the applicable regulations of the U.S. Department of Commerce. This applies to contracts that exceed $10,000 (30 ILCS 582).

N. Forced Labor. The GOVERNMENTAL BODY certifies it complies with the State Prohibition of Goods from Forced Labor Act, and certifies that no foreign-made equipment, materials, or supplies furnished to the DEPARTMENT under this Agreement have been or will be produced in whole or in part by forced labor, or indentured labor under penal sanction (30 ILCS 583).

PART 5
SCOPE OF SERVICE/RESPONSIBILITIES

A. The GOVERNMENTAL BODY agrees to operate and maintain specific portions of the State Highway system that are currently under the DEPARTMENTS jurisdiction, specifically the portions of that system located within the GOVERNMENTAL BODY's boundary as shown in Attachment A:

This maintenance location listing may be modified as appropriate and mutually agreed to by both parties. Such modification shall be reduced to writing and must be approved by the Regional Engineer or his or her designee on behalf of IDOT and by _____ on behalf of the Governmental Body. It is understood these modifications may result in a modification to the total payments under this agreement. However, the parties hereby agree that a formal amendment to the agreement is not necessary to modify the locations nor is a formal amendment necessary to modify a change in cost associated with the change in locations provided the change in amount of total payments is less than 10%.

MAYOR AND CITY COUNCIL

GPH 4/25/15

B. Maintenance Requirements. The GOVERNMENTAL BODY's maintenance responsibilities include, but are not limited to the following routine services, as necessary:

AJE 6-30-15

- routine surface and pothole repairs
- temporary full depth patching;
- removing expansion bumps on bituminous surfaces;
- sealing cracks and joints;
- cleaning;
- picking up litter;
- controlling snow and ice; and
- all other routine operational services.

Note: Median maintenance, when applicable, includes the following:

- sweeping;
- picking up litter;
- mowing; and
- repairing surface.

C. Responsibilities. The GOVERNMENTAL BODY agrees to the following:

- must obtain written approval from the DEPARTMENT before cutting or opening the curb or the pavement of any highway, which is covered in this AGREEMENT;
- must undertake all measures, including notifying the DEPARTMENT of the need for legal action, to require utility owners or permit holders to adjust, maintain, repair, and restore all pavement

cuts, curb openings, utility frames, municipal frames, grates, and covers that are disturbed by settlement, construction, or repair;

- must notify the DEPARTMENT of the need to inform utility owners or permit holders to pay all costs of adjustment, maintenance, repair and restoration;
- must ensure that the work adheres to all applicable laws, rules and regulations, as well as the DEPARTMENT's standards (the most recent edition of Standard Specifications for Road and Bridge Construction, and subsequent updates); and
- must request and obtain written approval from the DEPARTMENT's Regional Engineer or his designee before doing any extra work not specifically identified in this AGREEMENT.

PART 6
COMPENSATION FOR SERVICES

A. Funding: State Funds (Appropriation Code: 011-49405-4472-0200) $527,800 (Estimate) 100% Share

B. Terms and Conditions:

1. GOVERNMENTAL BODY agrees that total payment for each fiscal year from 2016 through 2025 must not exceed the previous year's total payment **plus** cost adjustment. [Cost adjustment means the previous year's total payment x % change of the Construction Cost Index, which is published in the Engineering News Record (January edition for each year)]. Payment for the cost of approved extra work will be added to the total funding as provided in Part 5, last paragraph;

2. The DEPARTMENT will calculate the compensation for services according to the DEPARTMENT's Bureau of Operations Maintenance Policy Manual, Section 11-800.2.4 Rate of Compensation; and Section 11-800.2.5 Empirical Formula – Municipal Maintenance of State Highways, and send an annual letter to the GOVERNMENTAL BODY notifying it of the new annual Lump Sum approved amount according to the attached Computation Sheet – Municipal Maintenance (Attachment A) under the conditions stated in Section B.1 above;

3. The GOVERNMENTAL BODY must submit an invoice voucher every 3 months (quarterly), based on the approved annual Lump Sum amount; and

4. The DEPARTMENT will pay the GOVERNMENTAL BODY's quarterly invoice vouchers on or about September 30, December 31, March 31, and June 30 of each fiscal year, subject to the DEPARTMENT's inspection for satisfactory operation and maintenance of covered streets.

PART 7
CERTIFICATION REGARDING LOBBYING
(49 CFR PART 20)
[NOT APPLICABLE TO THIS AGREEMENT]

PART 8

AGREEMENT AWARD NOTIFICATION

REQUIRED FOR ALL PROJECTS

Does this project receive Federal funds? ☐ Yes ☒ No

Amount of Federal funds: None

Federal Project Number: NA

Name of Project: State Routes Maintenance Agreement

CFDA Number*, Federal Agency, Program Title: NA

*For CFDA (Catalog of Federal Domestic Assistance) Number, refer to original Federal Award/Grant Agreement.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

COMPUTATION SHEET - MUNICIPAL MAINTENANCE
For the Period beginning July 1, 2015, ending June 30, 2016

LINE NO.	ROUTE	SECTION	STREET NAME	INTERSECTING STREETS FROM	INTERSECTING STREETS TO	TOTAL WIDTH	BUILT BY	WIDTH	NO. LANES	PORTIONS UNDER AGREEMENT LOCATION	LENGTH IN FEET	LANE MILES	ADT/ LANE	SOURCE	RATE/ LN. MI.	ADJ. FACTOR
1	Ill. 25	48CS	Washington	Gore	Wilson	31'	S	20'	2	Center	3588	1.36	5200	C-'97	604	5.91
2	Ill. 25	1977-401N	Washington	@ Wilson (N)		37'	C-S	21'	2	Center	169	0.06	5200	C-'97	604	5.91
3	Ill. 25	1977-401N	Wilson	Washington	River	47' V	C-S	24'	2	Center	431	0.16	5200	C-'97	604	5.91
4	Ill. 25	1977-401N	River	Wilson	Alley	38' V	C-S	26' V	2	Center	200	0.08	5200	C-'97	604	5.91
5	FA 860	Ar-Ext Q (79)	Batavia	C & NW RR	Fabyan Parkway	36'	S	36'	4	Full Roadway	254	0.19	4538	C-'97	577	5.91
6	Ill. 31	201-1 MFT	Batavia	@ Fabyan Parkway		56' V	C	56' V	4	Full Roadway	398	0.30	4538	C-'97	577	5.91
7	FA 860	Ar-Ext Q (79)	Batavia	Fabyan Parkway	1701' S/o Fabyan Parkway	56' V	S	56' V	4	Full Roadway	1521	1.15	4538	C-'97	577	5.91
8	FA 860	Ar-Ext RS (85)	Batavia	1701' S/o Fabyan Parkway	Illinois	36'	S	36'	4	Full Roadway	1877	1.42	4535	C-'97	577	5.91
9	FA 860	36RS(85)	Batavia	Illinois	Houston	40'	S	40'	4	Full Roadway	1070	0.81	4538	C-'97	577	5.91
10	FA 860	36RS(89)	Batavia	Houston	Main	50'-61'	S	40'	4	Center	1396	1.06	4538	C-'97	577	5.91
11	Ill. 31	16CS	Batavia	Main	Morton	40'	S	40'	4	Full Roadway	2132	1.62	4538	C-'97	577	5.91
12	Ill. 31	AR-RS	Batavia	Morton	South Corporate Limits	36'	S	36'	4	Full Roadway	4643	3.52	4538	C-'97	577	5.91
13	Ill. 25	201-1 MFT	Washington	@ Fabyan Parkway		44' V	C	44'	4	Full Roadway	315	0.24	5200	C-'97	604	5.91

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

COMPUTATION SHEET - MUNICIPAL MAINTENANCE
For the Period beginning Jul 1, 2015, ending June 30, 2016

LINE NO.	ROUTE	SECTION	STREET NAME	INTERSECTING STREETS FROM	INTERSECTING STREETS TO	TOTAL WIDTH	BUILT BY	WIDTH	NO. LANES	PORTIONS UNDER AGREEMENT LOCATION	LENGTH IN FEET	LANE MILES	ADT/ LANE	SOURCE	RATE/ LN. MI.	ADJ. FACTOR
14	Ill. 25	44MFT	Washington	Fabyan Parkway	Gore	24'	C-S	24'	2	Full Roadway	2043	0.77	5200	C-'97	604	5.91
15	Ill. 25	19CS	River	Alley	Chestnut	24'	S	24'	2	Full Roadway	1528	0.58	5200	C-'97	604	5.91
										TOTALS		13.32	Lane Miles			TOTAL AM

CITY OF BATAVIA

DATE: **March 21, 2016**

TO: **Committee of the Whole**

FROM: **Drew Rackow AICP, Planner**

SUBJECT: **Ordinance 16-17** Amending the Official Zoning Map of the City of Batavia – 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail – City of Batavia, Applicant

Summary: The Plan Commission held a Public Hearing on March 16th to review a proposed Zoning Map amendment for several existing stormwater management parcels along Hart Road and one along Ridgelawn Trail. Ordinance 16-17 amends the Official Zoning Map designation for the properties from R0, Single Family Residential to POS, Parks and Open Space District.

Background: The City acquired the Ridgelawn Trail property from the original developer in 2013. The parcel had been maintained by the City for detention purposes. In reviewing the status of this parcel, staff identified other similarly situated parcels in the vicinity (parcels owned by the City and maintained for detention purposes) that could be rezoned. All of the subject parcels are designated for Parks and Open Space use on the Comprehensive Plan Land Use Map.

Two members of the public addressed the Plan Commission at the Public Hearing regarding the proposed changes. One additional resident spoke after the Hearing. Questions from the public were general as to the impact of the zoning change on use of the property. One member of the public questioned whether the change would be in conjunction with a change to the maintenance of the parcel. One member of the public spoke against a levy of the existing Special Service Areas to fund maintenance of the facility. The Plan Commission agreed that it was appropriate to place the properties in a district consistent with the existing use and Land Use designation.

Alternatives: The City Council can approve the Ordinances as presented, request the Plan Commission review alternative zoning classifications, or reject the proposed change.

- **Pros:** The proposed action places property acquired by the City under a Zoning Map District consistent with the Comprehensive Plan and the continuing use of the property.

- **Cons:** Staff has not identified any negative circumstances to this action.

- **Budget Impact:** No additional impact beyond costs incurred for publication and mailing that occurred for the Public Hearing.

- **Staff Impact:** None

Timeline for Actions: There is no required timeline for this action. COW approval of Ordinance 16-17 will allow for final action by the City Council on April 18.

Recommendations: By a vote of 4-0, the Plan Commission recommended approval of the Zoning Map amendment, as presented.

Staff recommends approval of draft Ordinance 16-17, as presented.

Attachment: Draft Ordinance 16-17

C: Department Heads
Media

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-17

AMENDING THE OFFICIAL ZONING MAP
CITY OF BATAVIA, APPLICANT

500 & 501 WIND ENERGY PASS, 502 & 503 POTTAWATOMIE TRAIL AND 427 RIDGELAWN TRAIL

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 18TH DAY OF APRIL, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 19th day of April, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-17

AMENDING THE OFFICIAL ZONING MAP
CITY OF BATAVIA, APPLICANT

500 & 501 WIND ENERGY PASS, 502 & 503 POTTAWATOMIE TRAIL AND 427 RIDGELAWN TRAIL

WHEREAS, the Community Development Director of the City of Batavia, as authorized by Section 5.702.C of the City of Batavia Zoning Code has initiated a Zoning Map Amendment for property that is owned by the City of Batavia located at 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail, requesting that said Property, legally described as:

> LOTS 101 AND 102 OF PRAIRIE TRAIL SOUTH SUBDIVISION; AND LOT 201 AND 202 OF PRAIRIE TRAIL WEST SUBDIVISION; AND LOT 37 OF FOX TRAIL SOUTH UNIT 1 AND ADJOINING RIGHTS OF WAY. ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS;

and currently zoned as R0, Single Family Residential on the Official Zoning Map be rezoned to POS, Parks and Open Space under the Batavia Municipal Code; and

WHEREAS, all required public notification regarding the intention of the City to amend the Official Zoning Map for said Property, as legally described above, was executed as required by the Batavia City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia City Code by the Batavia Plan Commission on March 16, 2016, and

WHEREAS, following said hearing, the Plan Commission made the following findings of fact:

1. **Finding A** - All required public notice has been conducted in accordance with applicable state and local laws;

Finding – City staff executed the notice mailing and posting of the property pursuant to City Code. Notice was published in the Daily Herald on February 29, 2016. Sign posting and mailing also occurred on February 26, 2016.

2. **Finding B** - All required public meetings and hearings have been held in accordance with applicable state and local laws.

Finding – The Plan Commission on March 16, 2016 conducted a public hearing in accordance with state and local law.

3. **Finding C** - The extent to which the proposed amendment to the Official Zoning Map conforms generally to the goals and policies of the Comprehensive Plan and Comprehensive Plan Land Use Map.

Finding – The proposed amendment to the Zoning Map is consistent with several goals and policies of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the present use and by indicating the important storm water function it provides. The proposed classification matches the Comprehensive Plan Land Use Map designation for the properties.

4. **Finding D.1** - Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?

Finding: Parks and Open Space, and the use of the parcels as detention has existed since the parcels were initially developed and are compatible with the adjacent uses.

5. **Finding D.2** - Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?

Finding: There is no evidence to suggest that property values will be diminished by the restriction. The value of the property already takes into account the present use of the parcel.

6. **Finding D.3** - If any property values are diminished, does the diminishment promote the health, safety, morals, or general welfare of the public?

Finding: While there is no diminishment, the health, safety, morals and general welfare will be promoted by placing the properties under a Zoning District tailored to the present use.

7. **Finding D.4** - Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?

Finding: The zoning change will provide greater gain to the general public, by placing further use limitations on the property. The City of Batavia owns the properties and there would be no hardship to the owner. The general public benefits from use of these properties as storm water management facilities.

8. **Finding D.5** - Is the subject property is suitable for the zoned purpose?

Finding: The properties and their existing use are suitable for the zoned purpose.

9. **Finding D.6** - Has the length of time the property has been vacant as zoned been excessive, considering the context of land development in the area in the vicinity of the subject property?

Finding: The properties have already been developed for the proposed purpose. There has not been any vacancy.

10. **Finding D.7** - Is there a community need for the proposed zoning or use?

Finding: The use of the parcel as detention areas provides and fulfills an important community need for detention within a residential area.

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

WHEREAS, on April 5, 2016, the Committee of the Whole reviewed the request, the record of the public hearing, and the actions and the findings of fact of the Plan Commission and recommended approval of such zoning map amendment in accordance with the Plan Commission recommendation; and

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

WHEREAS, it is in the best interest of the City of Batavia that the Zoning Map, for the properties described above**,** be zoned POS, Parks and Open Space;

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

SECTION 1: That the Properties, as legally described and depicted on Exhibit "A" is hereby zoned POS, Parks and Open Space subject to all terms and conditions under the City Code.

SECTION 2: That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

SECTION 3: That this Ordinance 16-17 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 18th day of April, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 18th day of April, 2016.

_____

Jeffery D. Schielke, Mayor

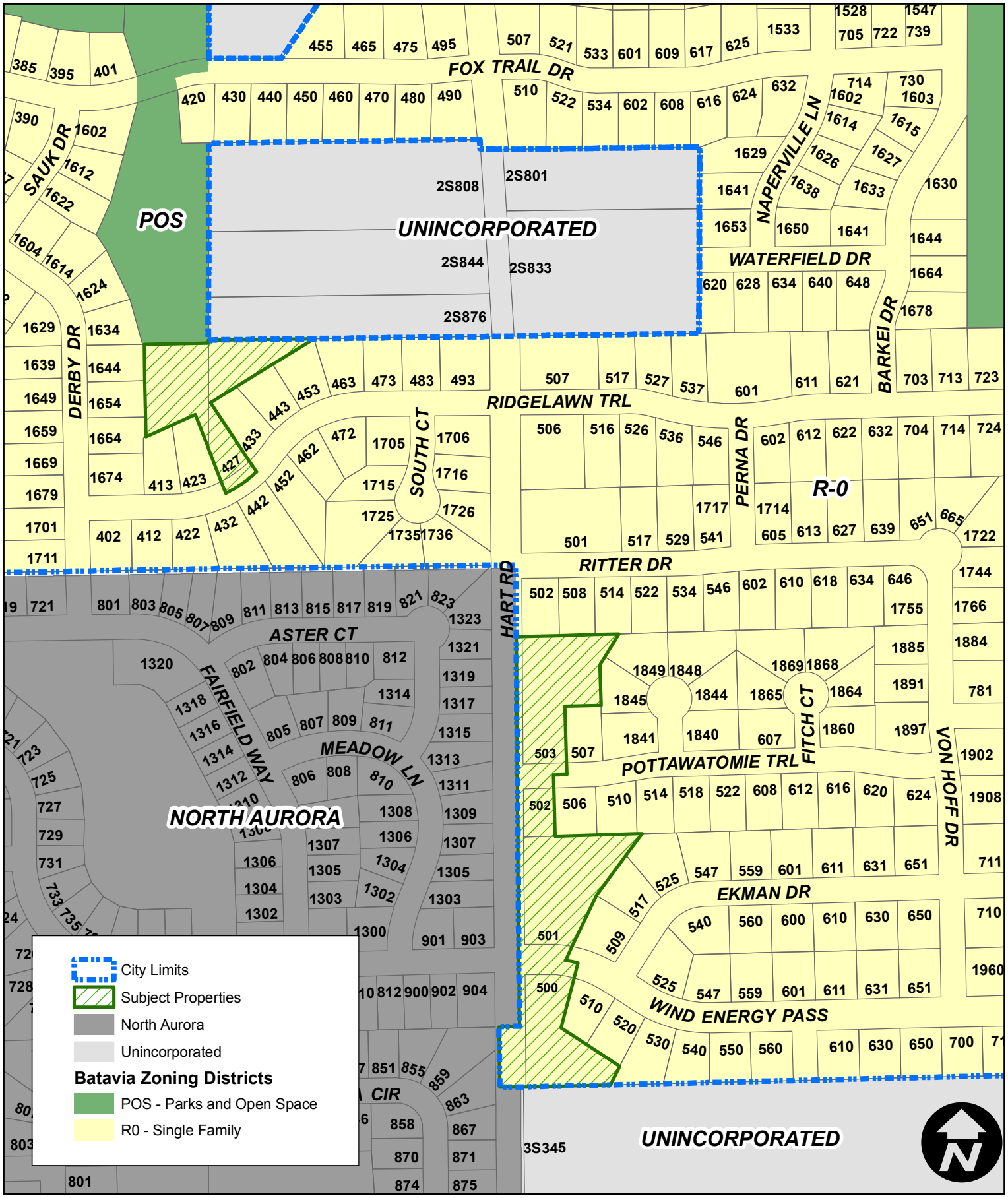
Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										

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

ATTEST:

_____

Heidi L. Wetzel, City Clerk



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

BATAVIA Since 1833 CITY OF ENERGY

Exhibit "A" of Ordinance 16-17

0 125 250 500 Feet

SOURCE: BATGIS, KANEGIS DATE: 3/21/2016

CITY OF BATAVIA

DATE: March 31, 2016

TO: Committee of the Whole

FROM: Drew Rackow AICP, Planner

SUBJECT: Ordinance 16-18: Amending the Text of the Zoning Code, Title 10 of the City Code

Summary: On March 16, 2016, the Plan Commission reviewed a series of amendments to eight Chapters of the Zoning Code. These amendments would address a number of items that have been the subject of variances in commercial development projects over the past six years. Other revisions address matters that have arisen in discussions with potential developers, or have been identified by staff for addition to the Code. The intent of many of these revisions is to increase code flexibility and remove items that could return as variance requests. Please see the attached March 9th staff report to the Plan Commission for a detailed overview of the proposed changes. The Plan Commission recommended approval of these changes at the Public Hearing. The attached draft Ordinance is presented for review by, and recommendation from the Committee of the Whole (COW).

Background: At their meeting, the Plan Commission reviewed each of the proposed changes by topic type. Changes to the commercial districts would add additional uses for the MU, Mixed Use District, add allowances for drive throughs for uses not already addressed in the GC and CC districts, and increase fueling canopy heights to be reflective of the Speedway approval. Revisions would allow certain parking and access aisles to be present in perimeter landscape areas (as allowed in the Chick-Fil-A approval). New definitions and allowances for Indoor Firing Ranges are added. This would place the use in the GC, LI and GI districts, subject to a Conditional Use and being in a separate free-standing building.

Revisions to the Off-Street Parking and Loading Chapter address several items that required geometry variances for access aisles in the Walgreens project. Language would reduce certain dimensional requirements in the DMU and allow use of Design Review for consideration of other dimensional deviations. The draft proposes to remove prohibitions for wheel stops (Shell and Park Auto variances). Additional allowances for Electric Charging Stations have been added, allowing for signage and clearance requirements unique to these new uses.

Changes in the Employment districts would waive enclosure requirements for refuse enclosures already located behind a screen fence and would clarify fence requirements, removing a rule that required a shorter fence at the property line shared with other industrial properties.

Sign chapter revisions revise the Projecting Sign requirements allowing additional opportunity for such signs on larger multi-tenant buildings, and allowing reduced heights from private sidewalks. Language is also proposed to allow greater flexibility in the review of free-standing sign landscaping, especially in the instances of a replacement sign.

At the Public Hearing, no members of the public addressed the Commission regarding these proposed amendments.

The Plan Commission suggested clarifications of language for signage requirements for Electric Vehicle parking, but recommended no further changes. Overall, the Commission agreed that the proposed revisions effectively address matters that may return in future variance requests. The Plan Commission recommended that the proposed amendments be forwarded to the COW for approval.

Alternatives: The City Council can approve or deny the Ordinance as presented, propose changes to the Ordinance, remand the changes back to the Commission for further review, or take no action.

- **Pros** – The proposed amendment will adjust or remove several portions of the Zoning Code that have required development projects to seek variance, reducing the necessity for variances for future development projects.

- **Cons** – Staff has not identified any negative circumstances with the proposed action.

- **Budget Impact** – None.

- **Staff Impact** – None.

Timeline for Actions: There is no required timeline for this action. If the COW provides a recommendation for approval, Ordinance 16-18 will be placed on the City Council agenda for final action on April 18th.

Recommendations: By a vote of 4-0, the Batavia Plan Commission recommended approval of the text amendments, as amended at the Plan Commission meeting.

Staff recommends approval of draft Ordinance 16-18 as presented.

Attachment: Draft Ordinance 16-18: Amending the Text of the Zoning Code
Staff Report to the Plan Commission
Redlined Chapters

c Mayor and City Council
Department Heads
Media

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-18
AMENDING THE CITY OF BATAVIA ZONING CODE
TITLE 10 OF THE CITY CODE

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 18TH DAY OF APRIL, 2016

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 19th day of April, 2016

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-18
AMENDING THE CITY OF BATAVIA ZONING CODE
TITLE 10 OF THE CITY CODE

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

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

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

WHEREAS, the Plan Commission of the City of Batavia did, on March 16, 2016 conduct a public hearing with respect to proposed amendments that would accomplish the appropriate changes to Title 10, and voted to recommend approval of said amendments to Title 10 of the City Code to the City Council's Committee of the Whole; and

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

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

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

SECTION 1: That the City of Batavia Zoning Code (Title 10 of the City Code) is hereby amended in conformance with the terms of this Ordinance.

SECTION 2: That the City of Batavia Zoning Code, Chapter 2.3, is hereby amended as follows:

- Table 2.303 is amended to add the following Use Classifications, placed alphabetically to the existing table, to state:

Table 2.303: Land Use Regulations – Commercial Districts				
Use Classification	**NC**	**CC**	**GC (L6)**	**Additional Regulations**
Drive-Through	--	C	--	Unless otherwise regulated in this table
Firing Range, Indoor	--	--	C	L8

- Table 2.304 is amended to state:

Table 2.304 Site Development Regulations – Commercial Districts				
Standards	***NC***	***CC***	***GC***	***Additional Regulations***
Maximum Size of Use or User (sq. ft.)	10,000	25,000	--	
Maximum Building Height (ft.) / (Stories)	25/1 30/2	 35/2	 45	
Building Step-back	No	No	Yes	(A)
Minimum Setbacks (ft.)				
Front	20	20	25	(B)
Side (Corner)	15	20	20	
Side (Transitional to Residential)	15	30	75	
Side (Nonresidential)	10	15	20	
Rear (Transitional to Residential)	15	40	75	
Rear (Nonresidential)	15	15	20	
Separation between Buildings (ft.)				
Single story	10	15	15	
Multiple story	--	20	20	
Minimum Required Perimeter Landscape Area (ft.)				
Front	20	20	25	(C)
Side (Corner)	15	20	20	
Side (Residential)	15	25	40	
Side (Nonresidential)	10	15	20	(D)
Rear (Residential)	15	30	40	
Rear (Nonresidential)	15	15	20	(D)
Landscaping (% of net lot area)	15	15	15	See Chapter 4.3
Transitional Setback Landscaping				As Specified by Required Setback, See 4.303.N.4
Exterior Lighting Standards, maximum height (ft.)	15	20	25	See Section 4.211.B.3
Building Setback to Parking (ft.)	7	10	10	See Section 4.203.N

(A) ***Building Step-back.*** Where a building in a GC district is within 50 feet of property designated for residential use in the General Plan, a building step-back of one foot for every one foot of building height above 2 stories or 35 feet is required.

(B) ***Commercial Uses Adjacent to Residential Districts.*** Commercial activity occurring within 50 feet of property designated for residential use in the Comprehensive Plan shall be conducted within an enclosed building.

(C) ***Street Frontage Landscape.*** Unless otherwise permitted by the Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs, stormwater management areas and lighting.

(D) ***Shared Access Aisles and Shared Parking in Perimeter Landscape Areas.*** *Shared access aisles and shared parking accessed from shared aisles may occupy Required Perimeter Landscape Areas on a Side or Rear Setback, when such facilities are located in recorded easements for such purposes.*

- Section 2.305.D.1.a is revised to read as follows:

  a. The clear height of a canopy over fuel pumps shall be a minimum of 13'-6" and shall not exceed 16’-6”. Clearance height shall be measured from finished grade to the bottom of the fuel canopy fascia.

SECTION 3: That the City of Batavia Zoning Code Chapter 2.5 is hereby amended as follows:

- Table 2.503 is amended to add the following Use Classifications, placed alphabetically to state:

Table 2.503 Land Use Regulations – Mixed Use		
Use Classification	**MU**	**Additional Regulations**
Banquet Facility	C	
Brewery	C	
Colleges, Public or Private	C	
Media Studio	P	
Utilities		
Customer Service Center	P	
Facilities	P	
Well Sites	P	

SECTION 4: That the City of Batavia Zoning Code Chapter 2.6 is amended as follows:

- Table 2.603 is amended to add the following Use Classification, placed alphabetically to state:

Table 2.603 Land Use Regulations – Employment Districts					
Use Classification	**O**	**SB**	**LI**	**GI**	**Additional Regulations**
Firing Range, Indoor	--	--	C	C	

- Table 2.604 is amended to revise the entry for Transitional Setback Landscaping to state:

Transitional Setback Landscaping	As Specified by Required Setback, See 4.303.N.4

- Section 2.605.F. 2 is revised to read as follows:

  2. Area. An Accessory Building cannot exceed 7% of the size of the Principal Structure on the Zoning Lot. On Zoning Lots containing Principal Structures in excess of 100,000 square feet, the Accessory Building may be a minimum of 7,000 square feet up to a maximum of 3% of the size of the Principal Structure; however, in no event can the Accessory Building exceed 10,000 square feet.

SECTION 5: That the City of Batavia Zoning Code Chapter 4.1 is amended as follows:

- Section 4.106.A is revised to read as follows:

  A. ***Applicability.*** Enclosures for refuse and recycling container storage are required for all multi-family residential and all nonresidential developments, except as otherwise provided in the City Code. Enclosures shall not be required in the Service Business, Light Industrial, or General Industrial Districts when refuse and recycling containers are

located in an Outdoor Storage Area that is fully enclosed by a fence, including a solid fence where required.

- Section 4.106.C is revised to read as follows:

  1. Enclosures shall be constructed of solid masonry or concrete with a decorative exterior, except where permitted in 4.106.C.4.

  2. Gates shall be constructed of solid heavy gauge metal or a heavy gauge metal frame with an opaque covering. Chain link and wood gates are prohibited.

  3. Enclosures shall be protected from adjacent vehicle parking and driveways by a 6-inch, poured-in-place concrete curb, bollards painted to match the enclosure, or other approved method.

  4. Refuse and Recycling Enclosures fully enclosed within a conforming Outdoor Storage Area in the Service Business, Light Industrial, or General Industrial Districts with a solid fence shall not be required to be constructed of masonry.

- Section 4.108.D.3 is revised to read as follows:

  4. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area, or on the side or rear property line when adjacent to property in the Limited Industrial or General Industrial districts, shall not exceed a height of 12 feet from finished grade on either side of the fence. A fence located on, or within 5 feet of a side or rear property line when adjacent to property not in the Limited Industrial or General Industrial districts cannot exceed 8 feet in height.

SECTION 6: That the City of Batavia Zoning Code Chapter 4.2 is amended as follows:

- Sub-Section 4.203.I.5.a is deleted in its entirety and subsequent sub-sections are renumbered accordingly.

- Sub-Section 4.203.Q is deleted in its entirety and subsequent sections are renumbered accordingly.

- Section 4.206.A.2 is revised to read as follows:

  2. *Parking Area Egress Aisles***.** Parking area egress aisles shall be perpendicular to the public street for a distance of at least 20 feet behind the sidewalk or pedestrian crossing. In the DMU District, an appropriate separation will be determined with Design Review.

- Section 4.212 is revised to read as follows:

  4.212 Parking Space and Aisle Setbacks at Driveway Entrances

  A. ***Parking Setbacks.*** Parking spaces directly served by a driveway accessed from a street shall be set back a minimum of 60 feet from the right-of-way. In the DMU District, an appropriate separation will be determined with Design Review.

B. ***Drive Aisle Setbacks.*** Parking drive aisles intersecting and crossing a major driveway accessed from a street shall be set back a minimum of 40 feet from the arterial right-of-way. In the DMU District, said aisles shall be set back a minimum of 20 feet from an arterial right of way.

- Section 4.216 is added to state the following:

4.216 Electric Vehicle Charging Station

A. Applicability to Parking Requirements. Electric Charging Station parking spaces shall contribute to the number of parking spaces provided for the purpose of Zoning Compliance.

B. Number Required. No minimum number of charging station parking spaces is required.

C. Design Criteria

1. Signage.

a. One (1) sign, located at the Charging Station and not to exceed 6 feet in height and 6 square feet in area, shall be posted designating a Charging Station for Electric Vehicles for charging purposes only.

b. Limitations on hours of operation or charging shall be included if such limits are to be enforced.

c. An additional sign of less than 6 feet in height and 6 square feet in area may be displayed to provide instructions for a charging station.

d. Contact information shall be provided for reporting purposes when equipment is not functioning or other problems are encountered.

2. Charging Station Equipment. Charging Station equipment and connection devices shall be not less than 36 inches and no higher than 48 inches from the ground or paved surface where mounted. Equipment shall include a cord retraction device or location to hang permanent cords and connectors in a manner safely above the ground. Cords shall not be located in a manner to impede pedestrian travel or create a trip hazard.

3. Equipment Protection. Charging Station Equipment shall be located behind a barrier curb in a landscape area or sidewalk area. If located in a parking area sufficient barrier protection from vehicle movements shall be provided by bollards, subject to approval by the Public Works Director or his designee.

D. Maintenance. Charging Station equipment shall be maintained in a safe and operational manner.

4. Access. In no case shall equipment be placed in a manner to not provide 36" of clear sidewalk.

SECTION 7: That the City of Batavia Zoning Code Chapter 4.3 is amended as follows:

- Section 4.303.S.1.c is hereby added to read as follows:

c. The mulched planting area may be altered, reduced or eliminated through Administrative Design Review or Design Review to:

1. Replace a sign with nonconforming height or area to a conforming sign in the same location that does not meet the mulched area requirement, with all required plant material located elsewhere in reasonable proximity to the sign;

2. Balance visibility sign with an opportunity to provide some mulched area, with all required plant material located elsewhere in reasonable proximity to the sign

SECTION 8: That the City of Batavia Zoning Code Chapter 4.4 is amended as follows:

- Section 4.407.B.1.h.(1) is amended to read as follows:

(1) Location. One projecting sign is permitted on each principal building for each street frontage. For buildings located at an intersection, one 45-degree projecting corner sign is permitted in lieu of 2 frontage projecting signs. An additional sign is allowed for a separate tenant space on a street frontage for every 50 feet of additional frontage.

- Section 4.407.B.1.h.(3) is amended to read as follows:

(3) Clearance. All projecting signs shall maintain a 10 foot vertical clearance from a public sidewalk, walkway or path A projecting sign shall maintain a 8 foot vertical clearance from a private sidewalk,, walkway or path.

SECTION 9: That the City of Batavia Zoning Code Chapter 6 is amended as follows:

- Add the following definitions:

Firing Range, Indoor. A facility, located in a principal structure, where members of the general public, or members of a club or organization, discharge firearms for target practice or competition of skills.

Firing Range, Outdoor. A facility, on a property having a principal structure, where members of the general public or members of a club or organization, discharge firearms for target practice or completion of skills in an outdoor location specifically designed for firing at targets.

- Modify the Definition of Entertainment and Recreation, Indoor to state:

  Entertainment and Recreation, Indoor. Public or private fitness centers, theaters, bowling alleys, skating rinks, billiard parlors and pool halls, amusement arcades, gymnasiums, sports courts, swimming pools, and similar uses. Incidental sales of food and beverages are permitted. The following uses are not entertainment and recreation uses: Firing Range, Indoor or Homeowners Association Facilities.

  Large-Scale. Indoor entertainment and recreation uses that are greater than 10,000 square feet of building area.

  Small-Scale. Indoor entertainment and recreation uses 10,000 square feet or less of building area.

- Modify the Definition of Smoking Lounge to state:

  Smoking Lounge: A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, herbs, liquids or chemicals to be vaporized for inhalation, and cigars, cigarettes, pipes, vaporizing devices for inhalation by mouth or nose, and other smoking devices for burning tobacco or vaporizing liquids or chemicals and related smoking accessories and in which the sale of other products is merely incidental. A Smoking Lounge is located in a free standing building and permits the consumption of tobacco products by customers on premises, consistent with the Smoke Free Illinois Act.

SECTION 10: That this Ordinance 16-18 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 18th day of April, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 18th day of April, 2016.

_____
Jeffery D. Schielke, Mayor

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

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

ATTEST:

_____
Heidi Wetzel, City Clerk

CITY OF BATAVIA

DATE: March 9, 2016

TO: Plan Commission

FROM: Drew Rackow AICP, Planner

SUBJECT: PUBLIC HEARING - Amendments to the Text of the Zoning Code
Chapter 2.3: Commercial Districts
Chapter 2.5: Mixed Use District
Chapter 2.6: Employment Districts
Chapter 4.1: Site Regulations
Chapter 4.2: Off-Street Parking and Loading Regulations
Chapter 4.3: Landscape Regulations
Chapter 4.4: Sign Regulations
Chapter 6: Use Definitions

Background

Staff has scheduled a public hearing for the review of miscellaneous changes to the Zoning Code to address items that have arisen through the application of the Zoning Code. Several of the proposed amendments address items that have been the subject of relief through planned developments or variances over the past few years. This set of changes also addresses some items not well defined in the Code, but raised through interactions with potential developers or businesses.

Below you will find a summary of the items and the proposed modifications to address them. Please see the attached modified chapters for the proposed amendment text.

Summary of Proposed Text Amendments

Chapters 2.3, 2.5 and 2.6: Commercial Districts, Mixed Use District, Employment Districts

Drive Through in General Commercial District: Staff proposes adding language in Chapter 2.3: Commercial Districts, to explicitly allow for a Conditional Use for drive through in the GC and CC districts for uses that are not explicitly addressed in the Zoning Code. This would provide for a Plan Commission recommendation and City Council approval.

Additional Uses for Mixed Use District: Staff proposes adding additional uses to the Use Table in Chapter 2.5: Mixed Use Districts. This would add several uses that are permitted/conditional uses in the DMU or Commercial Districts that may also fit in the MU District. These include Media Studio as a permitted use, and a Banquet Facility as a conditional use.

Fueling Canopy Heights: Section 2.305.D addresses fueling canopy clear area height, which was the subject of a variance request with Speedway. Staff believes that the maximum height could be raised to reflect the canopy height seen in this project. The revision would raise the maximum clear height specified in this section to 16’6”.

Gun Ranges, Indoor: Indoor Gun Ranges are not currently addressed in the Zoning Code. Recent cases in Illinois have defined gun ranges, when not otherwise defined, as being a Recreational Use. Staff is proposing to define both outdoor and indoor gun ranges, and requiring a conditional use

and that Indoor Ranges be located in a free-standing building. Staff has proposed that the Indoor range be added to the General Commercial, Light Industrial and General Industrial Districts. Definitions for both uses would be added, and the Entertainment and Recreation Indoor definition would be modified to exclude Gun Ranges.

Smoking Lounges: Staff is proposing modification of the recently added Smoking Lounge definition to more clearly state that vaping products would fall under this use definition, when creating an environment similar to a Smoking Lounge.

Transitional Setback Clarification: The City Council approved in 2014, changes that would create additional landscape requirements for Transitional setbacks from Commercial and Employment zoning to Residential. The revisions would clarify when the transitional setbacks apply in commercial districts. This change has already been made in Employment Districts. There is no effective change to the regulations. New notations are inserted in the setback portion of Table 2.304 and 2.604 to specify side and rear transitions and a notation in the Table would also direct the reader to the appropriate Landscape Regulations for additional plantings.

Perimeter Landscape Areas with Shared Parking: This particular change addresses an item that arose with the Chick-Fil-a Planned Development. The proposed language would allow a deferral of the required side and rear perimeter landscaping to allow shared parking and access aisles for common shopping centers to be located in these areas.

Accessory Structures in the Employment Districts: In 2015, Accessory Structure provisions were added to the Zoning Code to address the Employment Districts. This change, while allowing additional accessory structures created a limitation of 720 square feet. Staff is proposing adding allowances for an accessory structure to be larger, based on the size of the Principal Structure. While this would allow larger accessory structures it would insure that these larger accessory structures remain subordinate to the principal structure.

Chapter 4.1: Site Regulations

Industrial District Refuse Enclosures: Staff proposes adding language to the requirements for refuse enclosures (4.106.C), to waive a requirement for a solid masonry refuse enclosure when located in a conforming, outdoor storage area bounded by a solid fence.

Industrial Fence Requirements: This revision to Section 4.108 would allow fences in the side and rear setbacks of industrial properties to be installed to the maximum height of the district, when those properties abut an industrial use. The Code as currently written, would require that fence to not exceed 8 feet in height within five feet of the property line. This would allow these fences to be up to 12 feet in height.

Chapter 4.2: Off-Street Parking and Loading

Downtown Mixed Use Entrance and Exit Access Aisle Depths: These amendments in Chapter 4.2 would revise Sections 4.206.A.2 and 4.212 to address items that were the subject of variances with Walgreens. These particular Sections are much more difficult to address within existing development sites in the downtown. Staff proposes removing the “level” requirement (as it is just not possible given drainage requirements) and providing language to allow alternative design in the DMU with Design Review. A distance from a major street for parking lot aisles to cross an access aisle has been reduced to 20 feet.

Electric Charging Stations: Staff proposes to add some parameters to the Zoning Code to address Electric Vehicle Charging Stations. This would add allowances for additional informational signage, specifications for the location of equipment, and other items, such as equipment protection that are unique to Electric Vehicles.

Parking Wheel Stops: Variances to allow wheel Stops were granted in two recent variance cases. In both instances, variances were granted to allow existing stops to remain in place. Additionally, revisions for City Owned Temporary lots included allowances for them. Staff believes that with new facilities, Design Review will provide an opportunity minimize the use of the wheel stops, or conversely allow them when site conditions warrant them. Staff proposes deleting both references to wheel stops in Chapter 4.2.

Chapters 4.3 and 4.4: Landscape Regulations and Sign Regulations

Projecting Signs: Staff proposes revising Chapter 4.4: Sign Regulations to add an additional allowance for a projecting signs in the DMU, based on the size of the subject building. This would allow additional opportunities for businesses in larger multi-tenant buildings to also have projecting signs in the DMU. Staff also proposes allowing for a reduced height in instances where projecting signs are above a private sidewalk or entrance to 8 feet.

Free Standing Sign Landscaping: Staff is proposing to add some flexibility to the existing requirements for landscaping for signs. The proposed text would allow for consideration of alternate arrangements of landscape material on site if a sign is being replaced in a location, where the new landscape standards cannot be met, or a proposed sign location cannot otherwise fit the required 5 foot landscape planter around the sign. The required landscaping would still be required to be located in close proximity to the sign location.

Staff Recommendation

Staff recommends the Plan Commission open and conduct the public hearing. The Commission should then discuss the proposed amendments. Once discussion has concluded, the Commission may provide further direction for staff to research or prepare additional language for consideration. The Commission may elect to keep the Hearing open to gather additional information. Otherwise, the hearing may be closed and a recommendation may be made to the Committee of the Whole.

Attachment: Redlined Draft Code Sections

c Mayor and City Council
Department Heads
Media

Chapter 2.3: Commercial Districts

Sections:

2.301 Purposes
2.302 Commercial Districts
2.303 Land Use Regulations
2.304 Site Development Regulations
2.305 Additional Use and Development Regulations

2.301 Purposes

The purposes of commercial districts established in this Chapter are to:

A. Provide for a range of commercial uses at appropriate scales and locations.

B. Encourage quality and variety in building and landscape design.

C. Ensure land use compatibility with residential and other adjacent uses.

D. Provide for limited mixed commercial and residential uses.

2.302 Commercial Districts

The commercial districts are:

Neighborhood Commercial (NC). This district permits small scale neighborhood retail, office, and service uses under 10,000 square feet per user or stand-alone building.

Community Commercial (CC). This district permits small to medium scale retail, office, service and entertainment uses under 25,000 square feet per user or stand-alone building.

General Commercial (GC). This district permits a broad range of small to large scale retail, service, entertainment, and institutional uses of any size.

2.303 Land Use Regulations

A. ***Regulations.*** Table 2.303: Land Use Regulations – Commercial Districts sets forth the land use regulations for commercial districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.303: Land Use Regulations – Commercial Districts.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.509: Temporary Uses.

"A" designates uses that require an Administrative Use Permit pursuant to Chapter 5.4: Use Permits.

"C" designates uses that require a Conditional Use Permit pursuant to Chapter 5.4: Use Permits.

B. ***Unlisted Uses.*** Uses are defined in Chapter 6: Use Definitions. If a proposed use is not listed in the Use Definitions, the Planning and Zoning Officer shall determine if the proposed use is substantially similar to a permitted use; in that event, the Planning and Zoning Officer shall assign the proposed use to a permitted use definition.

C. ***Prohibited Uses.*** Uses not listed in Table 2.303: Land Use Regulations – Commercial Districts below or not assigned to a Use Definition pursuant to Section 2.303.B: Unlisted Uses are prohibited.

D. ***Additional Use and Development Regulations.*** Additional use and development regulations for commercial districts are set forth in Section 2.305: Additional Use and Development Regulations.

Table 2.303: Land Use Regulations – Commercial Districts

Use Classification	***NC***	***CC***	***GC (L6)***	***Additional Regulations***
Amplified Artistic Performance	--	P, L7	P, L7	
Animal Services				
Animal Grooming	P	P	--	
Animal Training	--	P	--	
Small Animal Clinics	P	P	--	
Automated Teller Machine (ATM)	A	A	A	See Section: 2.305.F
Automated Teller Machine (ATM), Remote	--	A	A	See Section: 2.305.F
Banks and Other Financial Institutions				
Without Drive Through Facilities	P	P	P	
With Drive Through Facilities	--	P	C, L1	
Banquet Facility	C	P	P	
Brewpub	--	P	P	
Building Material and Home Improvement Sales and Service, Retail	--	P	P	
Business Services	P	P	P	
Carnival	T	T	T	See Section: 4.509
Cannabis Dispensary, Medical	C	C	C	See Section 4.515
Child Day Care	P	P	--	
Conference Center	--	C	C	
Cultural Institutions	P	P	--	
Currency Exchange	--	C	C	
Drive Through	--	C	C	Unless otherwise regulated in this table

Table 2.303: Land Use Regulations – Commercial Districts				
Use Classification	***NC***	***CC***	***GC (L6)***	***Additional Regulations***
Dry Cleaning and Laundry Outlet	P, L2	P, L2	P, L2	
Eating and Drinking Establishments				
Bars/Taverns/Nightclubs/Lounges	C	P	P	
Restaurants, Full Service	P	P	P	
Restaurants, Limited Service	P, L3	P	P	
Entertainment and Recreation, Indoor				
Large-Scale	--	C	C	
Small-Scale	P	P	P	
Entertainment and Recreation, Outdoor	--	C	C	
Farmers' Market	A	A	A	
Firing Range, Indoor	--	--	C	L8[js1]
Food Preparation				
Small-Scale	P	P	P	
Fortune Telling Business	C	C	C	
Funeral and Undertaking Services	--	C	--	
Garden Supply Stores and Plant Nurseries	--	P	P	
Government Offices and Facilities	P	P	P	
Haunted House	--	T	T	See Section: 4.509
Health Care Facilities				
Urgent Care Facility	--	P	P	
Medical Offices and Clinics	P	P	--	
Hotels and Commercial Lodging	--	P	P	
Instructional Services, Specialized	P	P	--	
Laboratories, Commercial	P	P	--	
Laundry Services	P	P	--	
Massage Establishment	C	C	C	
Offices, General	P	P	P, L4	
Over-The-Air Reception Device	P	P	P	See Chapter 4.8
Pawn Shops	--	P	P	See Title 3-5-C
Personal Services	P	P	P	
Residential, Permanent				
Loft Unit	P	P	P	
Retail Sales, Convenience	C	P	P	
Retail Sales, Furniture	P	P	P	
Retail Sales, General	P	P	P	
Satellite Dish Antenna, Large	P, L5	P, L5	P, L5	See Chapter 4.8
Seasonal Sales	T	T	T	See Section: 4.509
Smoking Lounge	--	C, L8	--	
Swap Meet, Flea Market and Auction, Indoor	--	P	P	
Swap Meet and Auction, Outdoor	--	T	T	
Tattoo Parlor / Piercing Studio	--	P	--	
Teen Nightclub	--	C	--	
Utilities				
Customer Service Center	--	--	P	
Facilities	--	C	C	
Well Site	P	P	P	

Table 2.303: Land Use Regulations – Commercial Districts				
Use Classification	**NC**	**CC**	**GC (L6)**	**Additional Regulations**
Vehicle and Equipment Sales, Leasing and Services				
Car Wash	--	P	P	See Section: 4.512
Commercial Vehicle/Equipment Sales and Rental; New and Used	--	C	C	
Fueling Facility	C	P	P	
Fueling Facility, Alternative	A	P	P	
Motor Vehicle Sales and Leasing, New and Used	--	C	C	
Non-Commercial Vehicle Rental	--	C	C	
Tent Sale, Vehicle	--	T	T	
Vehicle and Equipment Services, Light	--	P	P	See Section: 4.509
Wireless Communication Facilities	--	C	C	

L1: Financial Service Establishments with drive-through facilities are prohibited within 250 feet of any Kane County or State of Illinois right-of-way, or right-of-way designated as an arterial in the Comprehensive Plan
L2: Drive-through Dry Cleaning and Laundry Outlets are prohibited in GC and require Administrative Design Review in other districts
L3: Drive-through restaurants require a Conditional Use Permit
L4: Offices are permitted above the first floor
L5: Only as a use incidental to the principal use of the property
L6: Non *Retail Sales Tax Producing Business* cannot occupy more than 25% of the gross square footage of a multitenant building in the GC District.
L7: Accessory Use to an Approved Use
L8: Use must be located in a free-standing building without other occupancies

2.304 Site Development Regulations

Table 2.304: Site Development Regulations – Commercial Districts sets forth the site development regulations for commercial districts, which are in addition to the development regulations set forth in Section 2.305: Additional Use and Development Regulations and Chapter 4. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.304: Site Development Regulations – Commercial Districts.

Table 2.304 Site Development Regulations – Commercial Districts				
Standards	**NC**	**CC**	**GC**	**Additional Regulations**
Maximum Size of Use or User (sq. ft.)	10,000	25,000	--	
Maximum Building Height (ft.) / (Stories)	25/1 30/2	35/2	45	
Building Step-back	No	No	Yes	(A)
Minimum Setbacks (ft.)				
Front	20	20	25	(B)
Side (Corner)	15	20	20	
Side (Transitional to Residential)	15	30	75	
Side (Nonresidential)	10	15	20	
Rear (Transitional to Residential)	15	40	75	
Rear (Nonresidential)	15	15	20	

Table 2.304 Site Development Regulations – Commercial Districts				
Standards	***NC***	***CC***	***GC***	***Additional Regulations***
Separation between Buildings (ft.)				
Single story	10	15	15	
Multiple story	--	20	20	
Minimum Required Perimeter Landscape Area (ft.)				(C)
Front	20	20	25	
Side (Corner)	15	20	20	
Side (Residential)	15	25	40	
Side (Nonresidential)	10	15	20	(D)
Rear (Residential)	15	30	40	
Rear (Nonresidential)	15	15	20	(D)
Landscaping (% of net lot area)	15	15	15	See Chapter 4.3
Transitional Setback Landscaping				As Specified by Required Setback, See 4.303.N.4
Exterior Lighting Standards, maximum height (ft.)	15	20	25	See Section 4.211.B.3
Building Setback to Parking (ft.)	7	10	10	See Section 4.203.N

(A) ***Building Step-back.*** Where a building in a GC district is within 50 feet of property designated for residential use in the General Plan, a building step-back of one foot for every one foot of building height above 2 stories or 35 feet is required.

(B) ***Commercial Uses Adjacent to Residential Districts.*** Commercial activity occurring within 50 feet of property designated for residential use in the Comprehensive Plan shall be conducted within an enclosed building.

(C) ***Street Frontage Landscape.*** Unless otherwise permitted by the Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs, stormwater management areas and lighting.

(D) ***Shared Access Aisles and Shared Parking in Perimeter Landscape Areas.*** *Shared access aisles and shared parking accessed from shared aisles ~~Common Parking Areas and shared access aisles~~ may occupy Required Perimeter Landscape Areas on a Side or Rear Setback, when such facilities are located in recorded ~~shared, by~~ easements for such purposes~~, with adjacent parcels~~.* [sb2]

2.305 Additional Development Regulations

A. ***Accessory Structures.*** Accessory structures shall be identified on an approved Final Design Review site plan and shall comply with the following regulations:

1. *Establishment*. An accessory structure shall not be constructed prior to construction of a principal structure.

2. *Location*. Accessory structures may be located:

   a. In the building envelope.

   b. In a required side or rear setback, but not within a required landscape area.

3. *Maximum Height.* The maximum height shall be 15 feet.

4. *Separation.* Accessory structures shall be separated from principal structures and other accessory structures by a minimum of 10 feet, measured from the exterior walls.

B. ***Gated Facility Entrances.*** A minimum of 40 feet of vehicle queuing area shall be provided behind each security control point. The minimum width of the vehicular entry shall be 20 feet. A vehicular turn-around area shall be provided between the control point and the security gate. The vehicular turn-around area shall have a minimum interior turning radius of 35 feet and an exterior turning radius of 55 feet.

C. ***Drive-Through Facilities.*** Drive-through facilities shall be a minimum of 50 feet from property designated for residential use in the Comprehensive Plan.

D. ***Vehicle and Equipment Sales, Leasing and Services.***

1. *Fuel Canopies.*

a. The clear height of a canopy over fuel pumps shall be a minimum of 13'-6" and shall not exceed ~~14'-6".~~ 16’-6”. Clearance height shall be measured from finished grade to the bottom of the fuel canopy fascia.

b. The fuel pump canopy shall be a minimum of 150 feet from property designated for residential use in the Comprehensive Plan.

2. *Service Bays.*

a. No part of a building within 50 feet of property designated for residential use in the Comprehensive Plan shall contain bay or roll-up doors or similar service openings.

b. Service bays located within 200 feet of property designated for residential use in the General Plan shall not face the adjacent residential property.

c. All service activities shall be conducted within the service bays. No used or discarded vehicle parts, equipment, or disabled, junked, or wrecked vehicles may be located outside the service bays.

E. ***Outdoor Dining Areas.*** Uncovered outdoor dining areas are permitted within the required setback areas adjacent to street frontages, no closer than 10 feet from the property line. Permanent installations shall require Administrative Design Review approval.

F. ***Automated Teller Machines***. Exterior Automated Teller Machines shall require an Administrative Use Permit (AUP). The location and security measures shall

be approved by the Police Department prior to issuance of the AUP. The AUP shall consider signage, pedestrian accessibility and availability of parking.

G. ***Hours of Operation.*** In the NC District, the hours that a business may be open to the public are limited to between 6:00 a.m. and 11:00 p.m. Increased hours of operation may be permitted with approval of a Conditional Use Permit to insure that there will be no significant adverse impact on nearby uses.

H. ***Outdoor Storage.*** Outdoor storage is prohibited, except for *Building Material and Home Improvement Sales and Service, Retail* uses in an area fully enclosed by a solid fence. No stored material shall exceed the height of the fence. This section does not apply to trash and recycling enclosures.

I. ***Outdoor Retail Sales and Merchandise Display.*** Outdoor retail sales and merchandise displays shall be located and conducted in compliance with the following requirements. Garden Supply Stores and Plant Nurseries and uses that are permitted to be conducted for a temporary period of time as listed in Table 2.303: Land Use Regulations – Commercial Districts are not outdoor retail sales and merchandise display under this section.

1. *Location*. Outdoor retail sales and merchandise displays shall not obstruct ingress and egress to a building, obstruct fire lanes, interfere with vehicular circulation or sight distance, be located in landscaped areas, or extend into the right-of-way. Outdoor retail sales and merchandise display areas shall be adjacent to the structure containing the business selling the merchandise. Final Design Review plans shall designate permitted areas for outdoor retail sales and merchandise display. For properties developed without design review or with Final Design Review plans approved prior to the effective date of the Zoning Code, the location of outdoor retail sales and merchandise display require Administrative Design Review approval.

2. *Maximum Area*. Other than New and Used Motor Vehicle Sales and Leasing, the maximum area of outdoor retail sales shall be the lesser of 5 percent of the gross floor area of the use or:

   a. *Neighborhood Commercial*: 250 square feet for each use.

   b. *Community Commercial*: 500 square feet for each use.

   c. *General Commercial*: 1,000 square feet for each use.

3. *Height*. Display merchandise shall not exceed a height of 10 feet above finished grade. Construction equipment including fork lifts, boom trucks, cranes, bucket trucks and similar equipment shall be displayed in an un-extended position.

4. *Temporary Use of Parking Area*. The temporary use of a parking area for sales and display is permitted pursuant to Section 4.203.J: Temporary Use of Parking Area.

J. ***Personal Property Storage.***

1. *Indoor*. Indoor Personal Property Storage units shall be used only for the storage of personal property. No residential or commercial use shall be conducted in a storage unit. No hazardous materials shall be stored in a storage unit.

2. *Outdoor*. Outdoor Personal Property Storage shall be used only for the storage of personal property. No residential or commercial use shall be conducted in vehicles, trailers or other personal property stored in an outdoor personal property storage facility.

K. ***Fueling Facility Abandonment.*** All Fueling Facility structures and tanks that are unused and/or vacant for 1 year or more are assumed to be abandoned. Abandoned structures and facilities, including canopies, shall be removed, and the fuel tanks shall be removed within 90 days from the date a notice of abandonment is mailed to the property owner.

L. ***Fueling Facility Reuse.*** Fueling Facility buildings that are occupied with a use that does not involve the dispensing of fuel shall have all underground fuel tanks removed prior to occupancy of the building. All pumps, pump islands, canopies, fuel dispensing equipment and price signs shall be removed prior to occupancy of the building, or within one year from the effective date of this code.

M. ***Access to Residential Property.*** Use of commercially zoned property to provide primary vehicular access to a residential use is prohibited.

N. ***Limitation on Nonresidential Uses in Neighborhood Commercial District.*** Non-residential uses in the Neighborhood Commercial District are limited to the first floor.

Chapter 2.5: Mixed Use Zoning District

Sections:

2.501 Purposes
2.502 Applicability
2.503 Land Use Regulations
2.504 Site Development Regulations
2.505 Additional Use and Development Regulations

2.501 Purposes

The purposes of the Mixed Use Zoning District are to:

A. Implement the policies and goals of the Comprehensive Plan and redevelopment plans of the City.

B. Create complete neighborhoods with a range of uses and activities.

C. Integrate new development into existing neighborhoods.

D. Establish high quality design in new development and redevelopment.

E. Create inviting, coherent and consistent street spaces.

2.502 Applicability

The provisions of this chapter shall apply to existing development and new projects located within areas designated for mixed use in the Comprehensive Plan and zoned as Mixed Use.

2.503 Land Use Regulations

A. ***Regulations*.** Table 2.503: Land Use Regulations – Mixed Use District sets forth the land use regulations for the Mixed Use district. The regulations are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.503: Land Use Regulations – Mixed Use District.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.509: Temporary Uses.

"A" designates uses that require an Administrative Use Permit pursuant to Chapter 5.4: Use Permits.

"C" designates uses that require a Conditional Use Permit pursuant to Chapter 5.4: Use Permits.

B. ***Unlisted Uses.*** Uses are defined in Chapter 6: Use Definitions. If a proposed use is not listed in the Use Definitions, the Planning and Zoning Officer shall determine if the proposed use is substantially similar to a permitted use; in that event, the Planning and Zoning Officer shall assign the proposed use to a permitted use definition.

C. ***Prohibited Uses.*** Uses not listed in Table 2.504: Land Use Regulations – Mixed Use District below or not assigned to a Use Definition pursuant to Section 2.503B: Unlisted Uses, are prohibited.

D. ***Additional Use and Development Regulations.*** Additional use and development regulations for the Mixed Use District are set forth in Section 2.505: Additional Use and Development Regulations.

Table 2.503 Land Use Regulations – Mixed Use

Use Classification	MU	Additional Regulations
Amplified Artistic Performance	P, L6	
Animal Service		
Animal Grooming	P	
Small Animal Clinics	P	
Automated Teller Machine (ATM)	P	
Banks and Other Financial Institutions		
Without Drive Through Facilities	P	
With Drive Through Facilities	--	
Banquet Facility	C	
Brewery	C	
Brewpub	P	
Business Services	P	
Carnival	T	See Section 4.509
Child Care Facility	P	
Clubs and Lodges	C, L1	
Colleges, Public or Private	C	
Congregate Living Facility	P	
Cultural Institutions	P	
Dry Cleaning and Laundry Outlet	P	
Eating and Drinking Establishments		
Bars/Taverns/Nightclubs/Lounges	P	
Restaurants, Full Service	P	
Restaurants, Limited Service	P, L2	
Entertainment and Recreation, Indoor		
Small-Scale	P	
Large-Scale	C	
Farmers' Market	T	See Section 4.509

Table 2.503 Land Use Regulations – Mixed Use		
Use Classification	**MU**	**Additional Regulations**
Food Preparation *Small Scale*	 P, L4	
Fortune Telling Business	C	
Government Offices and Facilities	P	
Haunted House	T	See Section 4.509
Health Care Facilities *Urgent Care Facility* *Medical Offices and Facilities*	 P P	
Hospice	P	
Hotels and Commercial Lodging	C	
Instructional Services, Specialized	P	
Laboratories, Commercial	P	
Laundry Services	P	
Mail Order, Catalog or Internet Sales	P, L4	
Maintenance and Repair Services	C	
Manufacturing and Assembly *Artisan*	 P, L5	
Massage Establishment	C	
Media Studio	P	
Offices, General	P	
Over-The-Air-Reception Device	P	See Chapter 4.8
Personal Services	P	
Public Safety Facilities	P	
Religious Assembly	C, L1	
Residential Permanent *Loft Unit* *Multi-Family*	 P P	
Retail Sales, Convenience	C	
Retail Sales, Furniture	P	
Retail Sales, General	P	
Satellite Dish Antenna, Large	P, L3	See Chapter 4.8
Schools, Public or Private	P	
Seasonal Sales	T	See Section 4.509
Senior Housing	P	
Shelter Care Facility	C	
Smoking Lounge	C	
Swap Meet, Flea Market and Auction, Indoor	C	
Swap Meet, Flea Market and Auction, Outdoor	T	
Tattoo Parlor / Piercing Studio	P	
Teen Nightclub	C	
Utilities Customer Service Center[js1] *Facilities* *Well Sites*	 P P P	
Vehicle and Equipment Sales, Leasing and Services *Fueling Facility, Alternative*	 A	See Section 4.512
Wireless Communication Facility	C	
L1: Use is not permitted in existing commercial structures		

Table 2.503 Land Use Regulations – Mixed Use		
Use Classification	**MU**	**Additional Regulations**
L2: Drive-through restaurants are not permitted L3: Only as a use incidental to the principal use of the property L4: Less than 2,500 square feet L5: Permitted in conjunction with retail sales of products produced on the premises L6: Accessory Use to an established use		

2.504 Site Development Regulations

Table 2.504: Site Development Regulations – Mixed Use District sets forth the site development regulations for the Mixed Use District, which are in addition to the development regulations set forth in Section 2.505: Additional Use and Development Regulations and Chapter 4. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.504: Site Development Regulations – Mixed Use District.

Table 2.504 Site Development Regulations –Mixed Use District		
Standards	***MU***	***Additional Regulations***
Minimum Lot Area	1 acre	
Maximum Building Height (ft.)/(stories)	50/4	
Minimum Building Height (ft.)	20	
Building Step-back	Yes	(A)
Minimum Building Height (stories)	2	Does not apply to accessory structures
Maximum Building Setback (ft.) *Front* *Side (Corner)*	 10 10	
Minimum Building Setback (ft.) *Side (Interior)* *Rear (Nonresidential)* *Rear (Residential)*	 0 0 10	 (B)
Minimum Parking Setback from Streets (ft.)	10	
Separation between Buildings (ft.)	0	If provided, minimum 10 ft.
Building Setback to Parking (ft.)	10	See Section 4.203.N
Exterior Lighting Standards, Maximum height (ft.)	15	See 4.2011.B.3
(A) ***Building Step-back.*** A building step-back of ten feet for those portions of the building above 3 stories or 35 feet is required. (B) ***Rear (Residential).*** Applies to adjacent properties that have a residential use.		

2.505 Additional Use and Development Regulations

A. ***Use Mix.*** Each project shall have a minimum of 25 percent of the first floor square footage adjacent to a public street in retail, entertainment or eating and

drinking use. A minimum of 10 percent of the total square footage of each project shall be nonresidential use.

B. ***Transparency.*** All structures adjacent to public streets shall have a minimum percentage of their length comprised of vision glass, including both window and door openings. The following transparency requirements shall apply:

1. *First Floor Front Elevation.* Front elevations shall have a minimum transparency of:

   a. Residential. 30 percent.

   b. Non-residential. 50 percent. The glass area shall remain 75% unobstructed from at least 24 inches above grade to 7 feet above grade, by signs, paper, blinds or other opaque window covering, except for temporary sun protection.

2. *First Floor Corner Side Elevations.* Corner side elevations shall have a minimum of 30 percent of their length comprised of vision glass.

3. *Elevations above the First Floor*. Street elevations above the first floor shall have a minimum of 30 percent of their length comprised of vision glass.

4. *Historic Structures*. Notwithstanding the above provisions, landmarked buildings or buildings classified as Significant or Contributing in the *City of Batavia Historic Preservation Listing* shall continue their historic pattern and form of window and door openings.

C. ***Entrances.*** Buildings shall have a minimum of one pedestrian entrance every 50 feet on elevations facing public streets. Entrances shall be functional and business entrances shall remain unlocked during regular business hours.

D. ***Accessory Structures.*** Accessory structures shall comply with the following regulations:

1. *Establishment*. An accessory structure shall not be constructed prior to construction of a principal structure.

2. *Location*. Accessory structures may be located:

   a. Within the building envelope.

   b. Within a required interior side or rear setback, but not within a required front or street side setback area.

3. *Maximum Height.* The maximum height shall be 15 feet.

4. *Separation.* Accessory structures shall be separated from principal structures and other accessory structures by a minimum of 10 feet, measured from the exterior walls.

E. ***Parking.*** Other than in a parking structure, the maximum number of parking spaces in a parking field shall be 20. Parking fields shall be separated by a building, street, or landscape area a minimum of 20 feet in width.

F. ***Open Space.*** Any new project, other than reuse of an existing structure, shall provide a minimum of 10 percent of net lot area in open space.

G. ***Block Length.*** The maximum length of any block shall be 600 feet.

H. ***Outdoor Dining Areas***. Uncovered outdoor dining areas are permitted within the required setback areas adjacent to street frontages, no closer than 10 feet from the property line. Permanent installations shall require Administrative Design Review approval.

Chapter 2.6: Employment Districts

Sections:

2.601 Purpose
2.602 Employment Districts
2.603 Land Use Regulations
2.604 Site Development Regulations
2.605 Additional Use and Development Regulations

2.601 Purposes

The purposes of employment districts established in this Chapter are to:

A. Provide for a range of employment uses at appropriate intensities and locations.

B. Protect areas for employment uses from incompatible uses.

C. Protect adjacent uses from potential adverse impacts of employment uses by setting forth standards for compatibility.

D. Provide for professional and general office uses at appropriate scales and locations.

E. Establish a district for uses that combine service, retail and light industrial activities.

F. Ensure land use compatibility with residential and other adjacent uses.

G. Encourage quality and variety in building and landscape design.

H. Improve the appearance of properties from public rights of way.

2.602 Land Use Regulations

The employment districts are:

Office (O). This district permits small to medium scale, single- or multi-story medical, professional, and service-type office uses.

Service Business (SB). This district permits a combination of light industrial, service and retail uses, often in structures built for light industrial activity. Manufacturing, contractors' yards and uses requiring frequent visits by heavy trucks are not permitted.

Light Industrial (LI). This district permits employment uses of moderate intensity such as assembly, light manufacturing, processing, vehicle and

equipment service, research and development, general offices, storage and distribution.

General Industrial (GI). This district permits more intense employment uses that may not occur in buildings and that require access for heavy trucks, such as manufacturing, food and materials processing and packaging, warehousing and storage, waste management, motor vehicle and heavy equipment storage and repair, utilities and freight/truck terminals.

2.603 Land Use Regulations

A. ***Regulations*.** Table 2.603: Land Use Regulations – Employment Districts sets forth the land use regulations for employment districts. The regulations for each district are established by letter designations as follows:

"P" designates permitted uses.

"L" designates uses that are permitted subject to certain limitations. Number designations refer to the limitations listed at the bottom of Table 2.603: Land Use Regulations – Employment Districts.

"T" designates uses that are permitted to be conducted for a temporary period of time. Time limitations are listed in Table 4.509: Temporary Uses.

"A" designates uses that require an Administrative Use Permit pursuant to Chapter 5.4: Use Permits.

"C" designates uses that require a Conditional Use Permit pursuant to Chapter 5.4: Use Permits.

B. ***Unlisted Uses*.** Uses are defined in Chapter 6: Use Definitions. If a proposed use is not listed in the Use Definitions, the Planning and Zoning Officer shall determine if the proposed use is substantially similar to a permitted use; in that event, the Planning and Zoning Officer shall assign the proposed use to a permitted use definition.

C. ***Prohibited Uses.*** Uses not listed in Table 2.603: Land Use Regulations – Employment Districts below, or not assigned to a Use Definition pursuant to Section 2.603.B: Unlisted Uses, are prohibited.

D. ***Additional Development Regulations*.** Additional use and development regulations for employment districts are set forth in Section 2.605: Additional Use and Development Regulations.

Table 2.603 Land Use Regulations – Employment Districts					
Use Classification	**O**	**SB**	**LI**	**GI**	**Additional Regulations**
Adult Arcade	--	--	P	P	See Title 3-17
Adult Bookstore, Adult Novelty Store, or Adult Video Store	--	--	P	P	
Adult Motion Picture Theater	--	--	P	P	
Adult Show or Adult Theater	--	--	P	P	
Amateur Radio Facilities	P, L1	P, L1	P, L1	--	See Chapter 4.8
Ambulance Services	--	P	P	--	
Animal Services					See Section 4.507
Animal Shelter	--	C	C	--	
Animal Training	--	P	P	--	
Kennel	--	P	P	--	
Automated Teller Machine (ATM)	P	P	P	P	
Automated Teller Machine (ATM), Remote	A	--	A	--	
Banks and Other Financial Services Institutions	P	--	--	--	
Banquet Facility	C	--	--	--	
Brewery	--	--	P	P	
Brewpub	--	--	P,L6	P,L6	
Building Maintenance Services	--	P	P	P	
Building Material and Home Improvement Sales and Service, Wholesale	--	--	P	P	
Business Services	P	P	P	--	
Call Center	C	--	P	P	
Cannabis Cultivation Center	--	--	P	P	
Child Day Care	P	C	C	--	
Colleges, Public or Private	P	--	P	--	
Contractor's Yard	--	--	P, L4	P	
Crematorium	--	--	P	P	
Dry Cleaning and Laundry Central Plant	--	--	P	P	
Eating and Drinking Establishments					
Restaurants, Full Service	--	--	P	--	
Restaurants, Limited Service	P, L2	P	P, L2	P, L2	
Entertainment and Recreation, Indoor					
Large-Scale	--	C	P	P	
Small-Scale	--	P	P	--	
Entertainment and Recreation, Outdoor					
Large-Scale	--	C	--	--	
Small-Scale	--	C	--	--	
Firing Range, Indoor	--	--	C	C	
Food Preparation					
Large-Scale	--	--	P	P	
Small-Scale	--	P	P	--	
Funeral and Undertaking Services	C	--	--	--	
Haunted House	--	T	T	--	
Health Care Facilities					
Hospital	C	--	--	--	
Medical Offices and Clinics	P	P	--	--	
Urgent Care Facility	P	--	--	--	

Table 2.603 Land Use Regulations – Employment Districts					
Use Classification	**O**	**SB**	**LI**	**GI**	**Additional Regulations**
Heliport/Helipad	--	--	C	C	
Hotels and Commercial Lodging	P	C	--	--	
Instructional Services, Specialized	P	P	P	--	
Laboratories, Commercial	P	P	--	--	
Laboratories, Industrial	--	--	P	P	
Mail Order, Catalog or Internet Sales	--	P	P	P	
Maintenance and Repair Services	--	P	P	--	
Manufacturing and Assembly					
Artisan	--	P	P	--	
Light	--	--	P	P	
General	--	--	P	P	
Heavy	--	--	--	P	
Mining and Quarrying	--	--	--	C	
Offices, General	P	P	P, L1	P,L1	
Outdoor Driving Range	--	--	C	C	
Over-The-Air Reception Device	P, L1	P, L1	P, L1	P, L1	See Chapter 4.8
Public Safety Facilities	P	P	P	P	
Research and Development	--	P	P	P	
Residential, Permanent	P	--	--	--	
Loft Unit					
Retail Sales, General	--	P, L3	P, L3	P, L3	
Salvage Yards or Junkyards	--	--	--	C	
Satellite Dish Antenna, Large	P, L1	P, L1	P, L1	P, L1	See Chapter 4.8
Storage, Business Property	--	--	P, L4	P	
Storage, Personal Property					
Indoor	--	P	P	--	
Outdoor	--	C	C	C	
Swap Meet, Flea Market and Auction					See Section 4.509
Indoor	--	P	P	--	
Outdoor	--	--	T	--	
Utilities					
Facilities	A	A	A	A	
Service Yard	--	--	A	A	
Well Site	A	A	A	A	
Vehicle Equipment Sales, Leasing and Services					See Section 4.512
Commercial Vehicle/Equipment Sales and Rental, New and Used	--	--	P	P	
Fueling Facility, Alternative	P	P	P	P	
Fueling Facility, Fleet	--	--	P	P	
Motor Vehicle Sales and Leasing, New & Used	--	--	P, L5	P	
Non-Commercial Vehicle Rental	--	P, L5	P	--	
Vehicle Services, Heavy	--	C	P	P	
Vehicle Services, Light	--	C	P	--	
Warehousing					
Freight/Truck Terminal and Warehouse	--	--	P	P	
Petroleum and Gas Storage	--	--	P	P	
Information	C	--	P	P	
Waste Management					
Hazardous Waste Collection and Transfer Facility	--	--	--	C	

Table 2.603 Land Use Regulations – Employment Districts					
Use Classification	**O**	**SB**	**LI**	**GI**	**Additional Regulations**
Hazardous Waste Disposal Facility	--	--	--	C	
Non-Hazardous Waste Collection and Transfer Facility	--	--	--	P	
Non-Hazardous Waste Disposal Facility	--	--	--	C	
Non-Hazardous Material Recycling Collection Facility	--	--	--	C	
Wireless Communication Facilities	--	--	A	A	

Limitations

L1: Only as a use incidental to the principal use of the property.

L2: Drive-through facilities prohibited.

L3: Only as a use incidental to the principal use of the property. Retail uses shall not exceed 1000 sq. ft. Gross Floor Area (GFA).

L4: Permitted on properties with a principal structure. A Conditional Use for properties without a principal structure.

L5: Only as an incidental use to Vehicle Services, Light and Vehicle Services, Heavy. Motor Vehicle Sales and Leasing shall be conducted indoors and limited to 10 percent of the GFA of the principal use.

L6: Permitted as an Accessory Use to a Brewery Use

2.604 Site Development Regulations

Table 2.604: Site Development Regulations – Employment Districts sets forth the site development regulations for employment districts, which are in addition to the development regulations set forth in Section 2.605: Additional Use and Development Regulations and Chapter 4. Letter designations in the Additional Regulations column refer to regulations that follow Table 2.604: Site Development Regulations – Employment Districts.

Table 2.604: Site Development Regulations – Employment Districts					
Standards	**O**	**SB**	**LI**	**GI**	
Maximum Principal Building Height (ft.)	35	35	45	75	(A, B, C)
Maximum Accessory Building Height (ft.)	20	20	20	20	
Minimum Principal Building Setback (ft.)					
Front	25	25	30	20	
Side (Corner)	20	20	30	20	
Side (Transitional to Residential)	25	25	30	30	(D)
Side (Commercial/Office/Public Facility/Institutional)	10	10	20	20	
Side (Employment)	10	10	0/10	0/10	
Rear (Transitional to Residential)	20	20	45	45	(D)
Rear (Non-residential)	15	20	30	0/15	
Separation between Buildings (ft.)	15	15	15	15	
Single story	20	20	20	20	
Multiple story					
Accessory Building Setbacks	--	--			(E)
Minimum Required Perimeter Landscape Area (ft.)					

Table 2.604: Site Development Regulations – Employment Districts					
Standards	**O**	**SB**	**LI**	**GI**	
Front (Arterial street)	25	25	25	20	(F, G)
Front (Collector or local street)	20	20	10	10	(F, G)
Side (Arterial)	20	20	30	30	(F, G)
Side (Collector or local)	20	20	20	20	(F, G)
Side (Residential)	20	20	25	20	
Side (Commercial/Office/Public Facility/Institutional)	10	10	15	20	
Side (Employment)	10	10	0	0	(H)
Rear (Residential)	20	20	30	30	
Rear (Commercial/Office/ Public Facility/Institutional)	15	15	0/15	0/15	
Rear (Employment)	10	10	10	0/10	(H)
Landscaping (% of net lot area)	15	10	10	5	See Chapter 4.3
Additional Landscaping					(I)
Transitional Setback Landscaping					As Specified by Required Setback, See 4.303.N.4
Building Setback to Parking (ft.)					See Section 4.203.N
Off-Street Parking and Loading					See Chapter 4.2
Exterior Parking Light Standards, maximum height (ft.)	15	15	20	25	See Section 4.103
Exterior Storage Area Light Standards, maximum height (ft)	--	20	25	30	See Section 4.103

A. ***Principal Building Height Increase.*** Principal Building height above that permitted in the O District may be granted through the issuance of a Conditional Use Permit pursuant to Chapter 5.4: Use Permits. This provision does not apply to Wireless Communication Facilities.

B. ***Height Limitation Near Residential Properties.*** Principal Building height in the LI District is limited to 35 feet for portions of the building within 100 feet of a property designated for residential use in the Comprehensive Plan.

C. ***Principal Building Step-Back for Offices.*** Office buildings shall be set back above the second floor by 1 foot for every 1 foot that the building exceeds 35 feet in height, up to a maximum of 10 feet.

D. ***Employment Uses Adjacent to Residential Districts.***

1. Employment activity occurring within 50 feet of property designated for residential use in the Comprehensive Plan shall be conducted within an enclosed building. No part of the building within 50 feet of the residentially classified property shall contain bay or roll-up doors or similar service openings.
2. Office uses are limited to 25 feet in height for portions of the building within 50 feet of the property line adjacent to property designated for residential use in the Comprehensive Plan.

E. Accessory Buildings shall not be located in a required Principal Building Setback and not between the Principal Building and the Street, except in the LI and GI Districts the building may be located in the required Rear Setback when not adjacent to a property with residential zoning or land use designations, and not in the Minimum Required Perimeter Landscaped Area, but in no case closer than 10 feet to the property line.

F. ***Outdoor Storage Adjacent to Streets.*** In the GI District all storage within 100 feet of a street shall be within an enclosed building or screened by a solid fence 8 feet in height.

Table 2.604: Site Development Regulations – Employment Districts					
Standards	**O**	**SB**	**LI**	**GI**	
G. ***Street Frontage Landscape.*** Unless otherwise permitted by the Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs, stormwater management areas and lighting.					
H. ***Zero Lot Line Landscape Requirements.*** Where a portion of a building is constructed on the property line, landscaping is required adjacent to that portion of the side or rear property line not occupied by the building.					
I. ***Additional Landscaping.*** Where a portion of a property in the LI and GI is visible from a residentially zoned property, the Plan Commission, through Design Review, may require additional landscaping to reduce visibility from the residential property.					

2.605 Additional Use and Development Regulations

A. ***Retail Sales.*** The area occupied by retail sales of products manufactured, assembled, processed, or distributed on the site shall not exceed 10 percent of the gross floor area of the use in the LI and GI districts. Other than retail sales permitted in Section 2.603: Land Use Regulations, the retail sale of products not manufactured, assembled, processed, or distributed on the site is prohibited.

B. ***Outdoor Storage and Contractors' Yards.*** In addition to the requirements set forth in Section 4.104: Outdoor Business Property Storage, outdoor storage areas and Contractors' Yards shall comply with the following requirements. This section does not apply to Outdoor Personal Property Storage.

1. Light Industrial District.

   a. Area. No maximum.

   b. Height of Fences and Stored Material. Fences enclosing outdoor storage areas shall be solid and a minimum of 6 and a maximum of 8 feet in height. Fences enclosing outdoor storage areas on properties adjacent to residential uses shall be 8 feet in height.

   c. Outdoor Equipment Storage. Equipment such as forklifts, scissor lifts and boom trucks shall be retracted to the lowest possible height.

   d. Location. Outdoor storage areas shall not be located in required landscape areas.

e. Fence Design. Slats, boards, or pickets shall have a vertical orientation and a uniform finish.

2. *General Industrial District.*

a. Area. No maximum.

b. Height of Fences. Fences enclosing outdoor storage areas shall be a minimum of 8 feet.

c. Outdoor Equipment Storage. Equipment such as forklifts, scissor lifts and boom trucks shall be retracted to the lowest possible height.

d. Location. Outdoor storage areas shall not be located in required landscape areas.

e. Fence Design. Slats, boards, or pickets shall have a vertical orientation and a uniform finish.

3. *Service Business District*.

a. Area. Outdoor storage areas shall not exceed 50% of the net lot area.

b. Height of Fences and Stored Material. Fences enclosing outdoor storage areas shall be solid and a minimum of 6 and a maximum of 8 feet in height. Fences enclosing outdoor storage areas on properties adjacent to residential uses shall be 8 feet in height.

c. Outdoor Equipment Storage. Equipment such as forklifts, scissor lifts and boom trucks shall be retracted to the lowest possible height.

d. Location. Outdoor storage areas shall not be located in required landscape areas.

C. ***Personal Property Storage.***

1. *Indoor*. Indoor Personal Property Storage units shall be used only for the storage of personal property. No residential or commercial use shall be conducted in a storage unit. No hazardous materials shall be stored in a storage unit.

2. *Outdoor*. Outdoor Personal Property Storage shall be used only for the storage of personal property. No residential or commercial use shall be

conducted in vehicles, trailers or other personal property stored in an Outdoor Personal Property Storage facility.

D. ***Residential Access Prohibited.*** Use of employment zoned property to provide primary vehicular access to a residential use is prohibited.

E. ***Outdoor Dining Areas***. Uncovered outdoor dining areas are permitted within the required setback areas adjacent to street frontages, no closer than 10 feet from the property line. Permanent installations shall require Administrative Design Review approval.

F. ***Accessory Buildings.***

1. Number. One Accessory Building is allowed on a Light Industrial or General Industrial District Zoning Lot of 5 acres or less. One (1) additional accessory building is allowed for each additional 5 acres or portion thereof on the same Zoning Lot.

2. Area. An Accessory Building cannot exceed 7% of the size of the Principal Structure on the Zoning Lot. On Zoning Lots containing Principal Structures in excess of 100,000 square feet, the Accessory Building may be a minimum of 7,000 square feet up to a maximum of 3% of the size of the Principal Structure, however, in no event can the Accessory Building exceed 10,000 square feet. ~~and cannot exceed 720 square feet.~~

3. Vehicle Doors. Vehicle Doors shall not face a lot zoned for Residential Use or designated for Residential Use on the Comprehensive Plan Land Use Map.

4. Lighting. Lighting, other than required by the Building Code shall not be attached to an Accessory Building.

Chapter 4.1: Site Regulations

Sections:

4.101 Encroachments Into Building Setback and Interior Building Separation Areas
4.102 Projections Above Height Limits
4.103 Lighting Standards
4.104 Outdoor Business Property Storage
4.105 Screening of Mechanical and Electrical Equipment
4.106 Refuse and Recycling Enclosures
4.107 Swimming Pools
4.108 Fences
4.109 Recyling Collection Bins
4.110 Limitations for Structures on Easements

4.101 Encroachments into Building Setback and Interior Building Separation Areas

A. The building setback areas in all districts shall remain unobstructed except where permitted by this Section.

B. For single family uses in single family residential districts, these regulations are in addition to those set forth in Chapter 2.1: Single Family Residential Districts.

C. For single family uses in single family residential districts, permitted encroachments into the required side clear area are set forth in Section 2.104.B: Side Clear Area.

D. For all uses in single family residential districts, balconies, stairs, chimneys, canopies, covered patios, and awnings may encroach no more than 3 feet into any required building setback area, but in no event shall the encroachment be closer than 3 feet from the property line.

E. For all uses in single family residential districts, uncovered decks not over 3 feet above grade may encroach into the rear setback to within 10 feet of the property line.

F. In multi-family and nonresidential districts, canopies and awnings may encroach no more than 3 feet into any required building setback or interior building separation area.

G. For single family uses in single family residential districts, bay windows may encroach no more than 3 feet into any required building setback area. A bay window encroachment shall not exceed 1/3 the length of the wall plane upon which it is located.

H. Belt courses, cornices, window sills, quoins, and similar decorative architectural features may encroach no more than 18 inches into any required building setback or interior building separation area.

I. Roof overhangs may encroach no more than 5 feet into a required side building setback or interior building separation area, but shall not be closer than 3 feet from a side property line.

J. In single family residential districts, roof overhangs may encroach no more than 3 feet into a required front and rear building setback area.

K. For single family uses in single family residential districts, covered porches may project up to 6 feet into the required front and corner side building setback areas. In no case shall the porch be set back less than 10 feet. Where the single family residence has a nonconforming front or corner side setback, a covered porch may extend up to 4 feet from the existing, nonconforming building.

L. Fences, pursuant to Section 4.108: Fences.

M. Freestanding signs may encroach into required building setback areas, pursuant to Chapter 4.4: Sign Regulations.

N. Accessory structures may encroach into required side and rear building setback areas, pursuant to Section 2.106.A: Accessory Structures; Section 2.205.A: Accessory Structures; Section 2.305.A: Accessory Structures; Section 2.405.D and Section 2.505.D: Accessory Structures.

O. Outdoor lighting fixtures may encroach into required building setback areas, pursuant to Chapter 4.103: Lighting Standards.

P. Arbors and trellises may be located in any setback area. Arbors and trellises in excess of 6 feet in height shall be setback at least 5 feet from any property line.

4.102 Projections Above Height Limits

The following projections above base district height limits are permitted:

A. Belfries, domes, chimneys, cupolas, skylights, clock towers and other similar structural elements not used for human occupancy, may project above the base district height limit, provided that they do not cover more than 20 percent of the roof area.

B. Mechanical equipment and enclosures, elevator penthouses, ventilators, and other similar equipment, may project up to 5 feet above the base district height limit, but may not exceed the height of parapet walls.

C. Theater scenery lofts only to the height necessary to accomplish their purpose.

D. Church steeples, religious symbols, or similar elements on religious assembly

buildings.

E. Flagpoles, pursuant to Section 4.402.G: Flagpoles.

F. Wireless communications facilities, pursuant to Chapter 4.7: Wireless Communication Facilities.

G. Over-the-Air Reception Devices, Large Satellite Dish Antennas and Amateur Radio Facilities pursuant to Chapter 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

4.103 Lighting Standards

A. ***Applicability.*** Parking lot, security, soffit, common open space, and wall mounted lighting, other than on single family residences, shall be located, developed, and operated in compliance with the following regulations:

1. All outdoor fixtures, other than bollard or decorative lighting, shall be set back from all rights of way and property lines of parcels designated for residential use in the Comprehensive Plan by a minimum of:

   a. 10 feet; or

   b. a distance equal to the height of the fixture.

2. The only permitted outdoor light fixtures within required perimeter landscape areas separating nonresidential uses from residential uses and separating multi-family residential uses from single family residential uses shall be bollard lighting.

3. Parking lot and pole mounted security lighting shall not exceed a maximum height of 15 feet within:

   a. 100 feet of a residential district boundary; or

   b. 100 feet of land designated for residential use in the Comprehensive Plan.

   In all other areas, parking lot and security lighting shall not exceed a maximum height of 25 feet, except in the GI District storage area lighting shall not exceed a maximum height of 30 feet.

4. Wall-mounted fixtures shall be a maximum height of 15 feet above grade, measured to the bottom of the light source. Wall-mounted security fixtures shall be full cutoff type.

5. Pole-mounted fixtures shall be full cutoff type only. Semi-cutoff pole-mounted fixtures are prohibited.

6. All lighting under fueling facility canopies, drive-through canopies,

customer loading canopies, and similar structures shall be fully recessed. No portion of the fixture shall project below the ceiling or soffit of the canopy structure.

B. ***City Code Compliance.*** Additional light and glare regulations are set forth in the City Code.

4.104 Outdoor Business Property Storage

The purpose of this section is to regulate outdoor storage of business property. This section does not apply to Outdoor Personal Property Storage. Unless otherwise provided for in a specific base zoning district, outdoor storage shall comply with the following requirements:

A. Business property storage shall be limited to inventory, stock, supplies, equipment, and similar material not displayed for sale, rental, or lease.

B. The maximum percentage of a lot that may be used for outdoor storage is set forth in each base zoning district.

C. Outdoor storage areas shall be enclosed by a solid fence or wall, except that the fence need not be solid in Industrial districts on a property where the an interior side or rear setback area abuts an interior side or rear setback area of a lot in an Industrial district.

D. The height of the fence or wall is set forth in each base zoning district.

E. Stored materials shall not exceed the height of the fence or wall, except in the General Industrial and Public Facilities/Institutional zoning districts.

F. Outdoor storage areas in all districts shall not be located in a required landscape area.

G. Outdoor storage areas are prohibited in building setback areas in all zoning districts, except in the Light Industrial and General Industrial districts.

H. Outdoor storage areas shall be surfaced with concrete, asphalt, gravel, or other approved dust free surface.

I. Unless otherwise required by the Fire Marshal, access aisles to outdoor storage areas shall be surfaced with a minimum of a 4-inch-thick road base on compacted soil with dust palliative to support emergency apparatus and to reduce particulate matter.

J. All driveways accessing outdoor storage areas shall be paved with asphalt or concrete.

K. All areas for vehicle parking or where vehicles maneuver to access storage areas shall be paved with asphalt or concrete.

L. The outer perimeter of gravel areas shall be enclosed by a curb consistent with Section 11-5-6.O of the Subdivision Code or alternative design approved by the City Engineer.

4.105 Screening of Mechanical and Electrical Equipment

A. ***Applicability.*** This section applies to:

1. All nonresidential uses.

2. Residential uses in single family districts.

3. Multi-family residential uses.

4. Subdivision common area facilities.

5. Public facility and institutional uses.

B. ***Equipment Subject to Screening Requirements.***

1. *Nonresidential Uses.* The following equipment shall be fully screened in accordance with this section:

   a. Ground-, building-, and roof-mounted mechanical and utility equipment. Such equipment includes, but is not limited to, heating and air conditioning equipment, refrigeration equipment, electrical equipment and meters, storage tanks, transformers, backflow prevention devices, exhaust fans, and vents.

   b. Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities are regulated by Chapter 4.8: Over-The-Air Reception Devices, Large Satellite Dishes, Satellite Earth Stations, and Amateur Radio Facilities.

   c. Mechanical and electrical equipment listed in Section 4.105.B.1.a. shall be fully screened from view from public and private streets, areas accessible to the general public, and from areas shown for residential use in the Comprehensive Plan. If the Plan Commission, or for Administrative Design Review, the Community Development Director determines that the equipment will only be visible from permanently unoccupied areas, the screening requirement may be waived or modified. The screening method shall be depicted on plans submitted with applications for preliminary subdivision plats, design review and building permits.

   d. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the mechanical units. These building elements shall be an integral part of the building design.

e. Utility equipment such as electric and gas meters, switch gear, junction boxes, and similar equipment shall be screened using architecturally compatible fences or landscaping. Utility panels shall be fully recessed into the building elevation and enclosed by lockable exterior doors, or shall be screened by a decorative fence equal to or exceeding the height of the panel.

f. Utility transformers and similar equipment shall be located to minimize their view from public streets, walkways, public and private parks, plazas, etc. These devices shall be located in areas that are not immediately adjacent to streets, driveways, parking lots, or public gathering areas. Where visible from these areas, the equipment shall be oriented so that it can be screened with berms, fences, landscaping, or a combination thereof, while maintaining required access to the equipment.

2. *Residential Uses in Single Family Districts*. Roof-mounted mechanical equipment is prohibited.

3. *Multi-Family Residential Uses:*

a. Roof-mounted mechanical equipment shall be fully screened by a parapet wall or other building elements equal to or exceeding the height of the mechanical units. These building elements shall be an integral part of the building design.

b. Ground mounted mechanical equipment shall be screened from public and common area view by a decorative screen fence. The fence shall exceed the height of the equipment by at least 1 foot.

4.106 Refuse and Recycling Enclosures

A. ***Applicability.*** Enclosures for refuse and recycling container storage are required for all multi-family residential and all nonresidential developments, except as otherwise provided in the City Code. Enclosures shall not be required ~~for Refuse and Recycling Enclosures~~ in the Service Business, Light Industrial, or General Industrial Districts when refuse and recycling containers are located in an Outdoor Storage Area that is fully enclosed by a fence, including a solid fence where required ~~in the SB, Service Business, Light Industrial or General Industrial Zoning Districts~~.

B. ***Standards.*** Refuse and recycling enclosures shall comply with the following requirements:

1. Refuse and recycling enclosures shall not be located in any required perimeter landscape area, stormwater management area or easement area.

2. Refuse and recycling enclosures shall be set back a minimum of 3 feet from any access aisles, driveways, and travel ways.

3. Enclosure gates shall not open into any parking space or landscape area. Enclosure gates shall remain closed except when storage containers are being loaded or emptied.

4. Refuse and recycling enclosures shall be a minimum height of 6 feet and shall fully screen stored material, containers, compactors, and similar equipment from view.

5. Enclosures for refuse and recycling containers are not required within the Light Industrial and General Industrial districts when the containers are located within a gated, fenced area that is fully screened from public view.

C. ***Materials and Design.*** Refuse and recycling storage areas shall be constructed and maintained as follows:

1. Enclosures shall be constructed of solid masonry or concrete with a decorative exterior, except where permitted in 4.106.C.4.

2. Gates shall be constructed of solid heavy gauge metal or a heavy gauge metal frame with an opaque covering. Chain link and wood gates are prohibited.

3. Enclosures shall be protected from adjacent vehicle parking and driveways by a 6-inch, poured-in-place concrete curb, bollards painted to match the enclosure, or other approved method.

~~3.~~4. Refuse and Recycling Enclosures fully enclosed within a conforming Outdoor Storage Area in the Service Business, Light Industrial, or General Industrial ~~the Service Business, Light Industrial or General Industrial~~ Districts with a solid fence shall not be required to be constructed of masonry.

4.107 Swimming Pools

A. ***Location***

1. *Single and Two Family Residential Districts*. Swimming pools on any single and two family residential lot shall be:

   a. located in the rear yard;

   b. set back 10 feet from any property line;

   c. located outside of any recorded easement.

2. *Multifamily and Nonresidential Districts*. In any multifamily or nonresidential district, a swimming pool shall not be closer than 20 feet to

any property line.

3. *Public Swimming Pools*. No public swimming pool shall be located closer than 25 feet to any property line.

B. ***Safety Barriers and Gates***

1. *Safety Barriers*. All swimming pools shall be enclosed by a safety barrier in accordance with the Batavia Building Code.

2. *Gates.* All gates shall be substantially the same height as the wall or the fence and shall be self-closing and self-latching.

4.108 Fences

These fence regulations are in addition to the requirements of Section 4.104: Outdoor Business Property Storage and Chapter 4.2: Off-Street Parking and Loading Regulations.

A. ***All Districts***

1. *Prohibited Fences.* Electric fences and razor wire are prohibited in all zoning districts.

2. *Finished Side.* The finished side of a fence shall face the exterior of the lot.

3. *Property Lines.* A fence may be located on a property line, but shall not cross the property line or connect with an adjacent fence without written consent of the adjacent property owner.

4. *Gate Required.* A fence, in the rear setback area of a double frontage lot, located within 10 feet of a right of way shall contain a gate or opening allowing passage. A maximum of one gate is required per zoning lot.

5. *Temporary Fencing.* Temporary fencing is permitted in conjunction with:

   a. Construction sites.

   b. Temporary uses pursuant to Section 4.509: Temporary Uses.

   c. Special events, pursuant to a Special Event permit.

   d. Dangerous or hazardous conditions as determined by the Building Commissioner or Fire Chief.

6. *Maintenance.* All fences shall be permanently maintained in good condition and repaired or replaced when necessary to ensure continued

compliance with the requirements of this section.

7. *Height.* Unless otherwise restricted herein, no fence shall exceed 14 feet in height.

8. *Ground Clearance.* Fences located in easements or areas designed for or used to convey stormwater shall have panels, pickets, or chain link/wire fabric located no closer than 2 inches above grade. Such fences that are constructed of masonry shall have openings to allow water passage.

9. *Stormwater Detention Fences.* Fences used to delineate stormwater detention areas shall have a maximum opacity of 50%.

B. ***Residential Districts***

1. *Security Fences.* Barbed wire and similar fence types are prohibited.

2. *Front and Corner Side Setback Area Fences.* Fences within the required front and corner side setback areas shall not exceed a height of 3 feet. Fences constructed of chain link, chicken wire, hex netting or any other wire material are prohibited in residential front and corner side setback areas.

3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area shall not exceed a height of 6 feet from finished grade on either side of the fence.

4. *Lot Line Fences.* Rear and side lot line fences on residential properties adjacent to commercial or industrially zoned properties or Strategic Regional Arterial Streets as designated in the Comprehensive Plan shall not exceed 8 feet in height.

5. *Recreational Fences.* Chain link or woven wire tennis and sport court fencing is permitted within the building envelope.

C. ***Commercial, Office, Downtown Mixed Use, and Mixed Use Districts***

1. *Security Fences.* Barbed wire and similar fence types are prohibited.

2. *Front and Corner Side Setback Area Fences.* Fences within the required front and corner side setback areas shall not exceed a height of 3 feet.

3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area shall not exceed a height of 8 feet from finished grade on either side of the fence, other than as required to screen loading or storage areas. Such screen fences shall not exceed a height of 14 feet.

4. *Lot Line Fences.* Rear and side lot line fences adjacent to properties designated for residential use in the Comprehensive Plan shall not exceed 8 feet in height.

D. ***Employment Districts***

1. *Security Fences.* Barbed wire and similar fence types shall be located a minimum of 7 feet above adjacent grade.

2. *Fences in Front or Corner Side Setback.* A fence located in a front or corner side setback area shall:

   a. be set back a minimum of 20 feet from the property line, and

   b. not exceed a height of 6 feet.

3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area, or ~~other than~~ on the side or rear property line when adjacent to property in the Limited Industrial or General Industrial districts, shall not exceed a height of 12 feet from finished grade on either side of the fence. A fence located on, or within 5 feet of a side or rear property line when adjacent to property not in the Limited Industrial or General Industrial districts cannot exceed 8 feet in height.

4. *Transitional Setback Adjacent to Residential Use.* A fence adjacent to a property designated for residential use in the Comprehensive Plan shall be provided and:

   a. be of solid construction

   b. be eight feet in height, and

   c. be located on the property line, or

   d. set back a minimum of 20 feet from the property line, with gate openings provided every 250 feet.

E. ***Public Facility/Institutional District***

1. *Security Fences.* Barbed wire and similar fence types are prohibited, except where deemed necessary for Homeland Security purposes by the Planning and Zoning Officer.

2. *Front and Corner Side Setback Area Fences.* Fences within the required front and corner side setback areas shall not exceed a height of 3 feet.

3. *Side or Rear Setback Area Fences.* Fences located in the side or rear setback area shall not exceed a height of 8 feet from finished grade on

either side of the fence, other than as required to screen loading or storage areas. Such screen fences shall not exceed a height of 14 feet.

4. *Lot Line Fences.* Rear and side lot line fences adjacent to properties designated for residential use in the Comprehensive Plan shall not exceed 8 feet in height.

5. *Recreational Fences.* Tennis and athletic court fencing is permitted within the building envelope.

4.109 Recycling Collection Bins

Recycling Collection Bins, as defined herein, are prohibited in all zoning districts.

4.110 Limitations for Structures on Easements

No structure, other than fences allowed by this Zoning Code, may be placed on Easements for Public Utility, Open Space, Conservation or Drainage purposes. Structures on all other easements shall be subject to the requirements specified in the easement document, except for pools which are prohibited by this Code on all easements.

Chapter 4.2: Off-Street Parking and Loading Regulations

Sections:

4.201 Purposes
4.202 Applicability
4.203 General Provisions
4.204 Number of Parking Spaces Required
4.205 Dimensions for Parking Spaces and Aisles
4.206 Parking Access
4.207 Driveway Widths
4.208 Surfacing
4.209 Drive-Through and Take-Out Facilities
4.210 Passenger Loading Areas
4.211 Screening, Landscaping and Lighting
4.212 Parking Space and Aisle Setbacks at Driveway Entrances
4.213 Parking for Persons with Disabilities
4.214 Off-Street Loading
4.215 Bicycle Parking
4.216 Electric Vehicle Charging Station

4.201 Purposes

The purposes of the off-street parking and loading regulations are to:

A. Ensure that adequate but not excessive parking is provided for new land uses and major alterations to existing uses to meet the parking needs created by such uses.

B. Establish regulations for new uses, new or relocated buildings and buildings that have been altered or expanded.

C. Ensure that off-street parking and loading areas are designed and located to protect the public safety, minimize congestion, reduce solar heat gain for unshaded parking areas, minimize traffic conflicts and congestion on parking aisles and public streets, and buffer surrounding land uses and public areas from visual and noise impacts.

D. Ensure pedestrian-friendly parking areas by providing for safe pedestrian routes, parking lot lighting, adequately sized parking spaces and aisles, landscaping and shade trees.

E. Provide for the accessibility needs and requirements of disabled and elderly persons.

4.202 Applicability

These regulations apply to new uses and expansion of existing uses created after the effective date of the Zoning Code.

4.203 General Provisions

A. ***Required Parking.*** All required parking shall be provided on site, except as provided in Section 4.203.G: Shared Parking and Section 4.203.I: Parking in the DMU Downtown Mixed Use Zoning District. The number of parking spaces required for individual uses in the Zoning Code is set forth in Section 4.204: Number of Parking Spaces Required. All parking required by this Chapter shall consist of a hard surface such as, but not limited to concrete, asphalt, pavers or permeable pavers.

B. ***Required Parking and Parking Lot Landscaping for Structures that are Altered.*** The parking and parking lot landscaping requirements of this chapter shall apply when an alteration to an existing structure affects parking requirements conformity. When a nonconforming structure is altered, the non-conforming parking and landscaping shall be modified to reduce or eliminate non-conformity with this section. The percentage of the parking and landscaping that is permitted to remain non-conforming shall be determined by the Director of Community Development for Administrative Design Review and the Plan Commission for Design Review applications.

C. ***Uses Not Mentioned.*** Parking requirements for a use not identified in this chapter shall be determined by the Planning and Zoning Officer based on parking requirements for the most similar use listed in Chapter 6: Use Definitions. The Planning and Zoning Officer may require submission of a parking study prepared by a person licensed to prepare such study.

D. ***Fractional Spaces***. If the number of parking spaces required in this chapter results in a fraction, the required number shall be rounded to the nearest whole number. For example, if the computed requirement equals 9.5 spaces, 10 spaces are required. If the computed requirement equals 9.4 spaces, 9 spaces are required.

E. ***Computation of Required Parking for Residential Use.*** Residential parking for multi-family uses shall be based on the number of bedrooms. Any rooms defined as bedrooms by the City of Batavia Building Regulations shall be counted as a bedroom for the purpose of determining off-street parking requirements.

F. ***Visitor Parking.*** On-street parking may be counted toward the visitor parking requirement for developments in the R2 Two Family, R3 Multi-Family Low Density, R4 Multi-Family Medium Density, and R5 Multi-Family High Density zoning districts provided that the street has a minimum 8.5 foot wide legal parking area exclusive of travel lanes. To qualify as one visitor parking space, there shall be an uninterrupted 22 foot long space and a sidewalk adjacent to the parking side of the street. The City may require on-street visitor parking spaces to be striped.

G. ***Shared Parking.*** Where a use generates parking demand primarily during hours when an adjacent use or uses are not in operation or generate shared trips, a reduction of up to 50 percent of the required parking may be approved by Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes. The application for an Administrative Use Permit shall include:

1. Submission of a parking study prepared by a person licensed to prepare such study;

2. Proposed documents for recordation of cross-easements for parking purposes satisfactory to the City Attorney; and

3. Proposed documents satisfactory to the City Attorney to ensure maintenance of the shared parking spaces.

H. ***Deferred Parking for Unique Uses.*** Where a business has or will have a unique parking demand, a deferral of up to 50 percent of the required parking may be approved by an Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes, and shall specify the conditions under which the deferred parking will be required to be constructed. The application shall include:

1. A parking study prepared by a person licensed to prepare such study; and

2. A site plan showing all required parking areas and parking areas proposed to be deferred.

I. ***Parking in the DMU Downtown Mixed Use Zoning District.*** The following Section shall apply as requirements for the Downtown Mixed Use District.

1. *New Tenancies in an Existing Building.* On-site parking shall not be required for a new non-residential tenant, or for 4 or fewer residential units, in a building existing on the date of adoption of this code section.

2. *Building Additions.* On-site parking shall not be required for a new non-residential tenant, or for 4 or fewer residential units, in that portion of a building existing on the date of adoption of this code section. Additional parking required for the expansion area shall be provided on-site, or off-site pursuant to this code.

3. *New Buildings.* Parking required for the uses contained in the building shall be provided on-site. Off-site parking may be approved pursuant to this code.

4. *Off-site Parking.* Where required parking spaces cannot be provided on-site, off-site parking may be approved by an Administrative Use Permit. The Administrative Use Permit may require the provision of a minimum number of on-site parking and loading spaces. The Administrative Use Permit shall terminate if the use changes. The application shall demonstrate that:

a. The off-site parking spaces shall be located within 1,000 feet of the use.

b. The off-site parking spaces shall be improved to the standards set forth in this Chapter.

c. Cross-easements for parking shall be recorded in a form satisfactory to the City Attorney, or evidence provided of adequate public parking.

5. *City Parking Lots*. The City may install temporary parking lots, having 40 spaces or fewer, in the DMU District, with alternate design allowances as follows:

~~a. Perimeter wheel stops may be used~~

~~b.~~a. Perimeter curb and gutter is not required

~~c.~~b. One landscaped island shall be required per every 12 spaces

~~d.~~c. Perimeter screening shall be required from adjacent rights-of-way, but perennial grasses may be a permitted screening material provided it creates a screening of at least three (3) feet in height by July 1 of each year

~~e.~~d. Ingress/egress drives do not need to follow the requirements of Section 4.206A.2 where it is not feasible

~~f.~~e. No minimum total interior open space amount is required

~~g.~~f. Parking lots shall either be removed or modified to comply with the parking lot requirements no later than five (5) years after initial installation, unless otherwise determined to be in the City's best interest by the City Council.

~~h.~~g. In no event shall the parking lot remain in the temporary condition more than ten (10) years.

J. ***Temporary Use of Parking Area.*** Unless otherwise prohibited by the Zoning Code, the temporary use of parking areas for uses other than parking is permitted provided that:

1. The non-parking use complies with all license requirements.

2. The use does not occupy any parking spaces required by Table 4.204: Off-Street Parking Requirements of this Chapter.

3. The use does not interfere with fire or emergency vehicle access.

4. The use does not create a traffic hazard or interfere with vehicular or pedestrian circulation on the site.

5. The use provides accessible parking in accordance with applicable laws.

6. The non-parking use is conducted with written property owner authorization.

K. ***Parking for Age Restricted Uses.*** A reduction in parking requirements for an age restricted residential use may be approved by an Administrative Use Permit where the project is restricted by covenant or deed restriction to an age restricted use. Any such approval shall be based on a parking study or other acceptable evidence that supports the requested parking reduction. In no event shall required parking be reduced below 0.5 parking spaces per dwelling unit. Parking requirements for the residential use shall revert to those specified in this Chapter if age restrictions are no longer in effect.

L. ***Restrictions on Parking in Commercial and Office Districts***

1. Recreational vehicles, trailers, commercial vehicles or combinations of vehicles exceeding 21 feet in length, not owned or operated by a business on the property, shall not be parked within any property zoned Neighborhood, Community, or General Commercial, Mixed Use, Downtown Mixed Use, or Office, except for the purpose of loading, unloading, service, or patronizing a commercial use on the site; and

2. In the Neighborhood, Community or General Commercial, Mixed Use, Downtown Mixed Use and Office districts, no vehicle shall be parked overnight and used for permanent or temporary habitation.

M. ***Prohibited Parking.*** Parking shall be prohibited in the following locations:

1. Fire lanes.

2. Required landscape areas.

3. Unimproved properties or portions of properties in nonresidential and multi-family districts.

4. Outside areas not designated for parking on an approved Design Review plan.

N. ***Separation from Buildings.*** Parking spaces shall be separated from a nonresidential or multi-family building by:

1. A raised walkway of at least 4 feet in width exclusive of any overhang permitted in Section 4.203.O: Parking Overhang, or;

2. A raised landscape planter of at least 5 feet in width exclusive of any overhang permitted in Section 4.203.O: Parking Overhang.

O. ***Parking Overhang.*** Vehicles may overhang landscape areas or sidewalks by 30 inches provided that:

1. The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or landscaping.

2. The unobstructed width of the sidewalk, exclusive of the 30 inch overhang, is not less than 4 feet.

3. The allowable overhang does not reduce any landscape planter width below 5 feet.

4. No part of any parked vehicle extends beyond any property line.

P. ***Opposing Overhangs.*** Where parking spaces are on opposite sides of a landscape area or sidewalk or combination thereof, the landscape area or sidewalk shall be at least 9 feet in width. This provision does not apply to landscape diamond planter areas.

~~Q. ***Parking Wheel Stops.*** Concrete, metal or plastic parking wheel stops held in place by steel posts or placed directly on the parking surface are prohibited.~~

~~R.~~Q. ***Side Clearance.*** Each parking space located at the end of a row of spaces shall provide a 3 foot wide area clear of vertical obstructions more than 6 inches in height next to the side of the space.

~~S.~~R. ***Tandem Parking, Nonresidential.*** Tandem parking spaces shall only be approved for full-time valet or attended parking. Tandem parking spaces may be used to satisfy a portion of the parking requirement for nonresidential uses, subject to the approval of an Administrative Use Permit. The Administrative Use Permit shall terminate if the use changes.

~~T.~~S. ***Pull-Through Parking Spaces.*** Single car pull-through spaces are prohibited.

~~U.~~T. ***Striping.*** All parked vehicles shall be located in delineated parking spaces. One or more 4-inch wide lines of white or other contrasting color paint shall delineate all nonresidential and multi-family parking spaces. Such lines shall be maintained to clearly identify each space

~~V.~~U. ***Pavement Edge Protection.*** All permanent uses other than individual single family or duplex residential lots shall provide a 6-inch, poured-in-place concrete curb or other approved material for all parking areas and drive aisles abutting landscaped areas. Alternative pavement edge protection systems may be approved in conjunction with bioswales.

~~W.~~V. ***Commercial Vehicle Parking in Residential Districts.***

1. One commercial vehicle with a manufacturer's gross vehicle weight rating of more than 10,000 pounds may be parked on residential lots or parcels 1 acre or larger, subject to the following conditions:

    a. The vehicle shall be parked behind the rear wall plane of the main building on the lot or parcel.

    b. The vehicle shall be parked no closer than 10 feet from any property line.

    c. The vehicle shall be screened from view from streets and abutting property by a solid fence or landscaping.

2. One commercial vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or less may be parked on residential lots or parcels less than 1 acre, subject to the following conditions:

    a. The vehicle shall not be parked in the required front or street side setback area; and

    b. The vehicle shall be screened from view from streets and abutting property by a solid fence or landscaping.

~~X.~~W. ***Additional Parking on Single Family Residential Lots.***

1. One additional uncovered parking space may be constructed next to the driveway or adjacent to a garage or carport. On corner lots, the parking space shall not be constructed in the street side setback area.

2. The additional parking space permitted by this section shall comply with the following standards:

    a. The parking space shall have a hard surface of asphalt, concrete, or pavers.

    b. The surface may consist of 2 parallel concrete or cement strips. The area between such parallel strips shall be landscaped with vegetative ground cover.

    c. The additional parking space shall be large enough so that no parked vehicle will obstruct or encroach on a sidewalk.

    d. Access to the parking space shall be via a curb cut, rolled curb, or driveway.

3. No motor vehicle, recreational vehicle or trailer shall be parked in the front or side setback visible from the street, except on a driveway or additional parking space permitted in this section.

Y. ***Parking in Non-Residential Muli-Tenant Buildings.*** Buildings designed for and containing more than one tenant shall be required to provide no more parking spaces than what is provided on-site regardless of the tenant mix, except for uses requiring approval of a Use Permit. Increases in building area shall be accompanied by an increase in parking required by this Chapter for the first occupant of the new building area.

Z. ***Temporary Storage of Snow Removal and Salt Spreading Equipment, and Salt and De-icing Agents in Parking Areas.*** Storage of snow removal and salt spreading equipment, salt, and other de-icing agents shall be subject to the following requirements:

1. All Districts. Storage of such materials shall be subject to the provisions of Section 4.203.J Temporary Use of Parking Area and the following restrictions. In all instances except in the Limited Industrial and General Industrial Districts and in buildings designed specifically for such storage, storage of materials is limited to use at the immediate site for that season and must be removed by April 15th . No salt or De-icing agents shall be stored in a location proximate to a storm sewer inlet so as to allow run-off from the stored material to enter the City storm system.

2. Residential Districts.

   a. Single Family Districts. No snow removal equipment, salt or other de-icing agents shall be stored in a driveway, any parking lot, or open to the sky hard surface, or in a temporary covered structure in any single-family residential zoning district.

   b. Multi-Family Residential Districts. Storage of snow removal equipment and salt and other de-icing agents shall be limited to the inside of buildings designed for such storage, or in parking areas no closer to streets than the mid-point between the building and the property line adjacent to streets.

3. Commercial, DMU, MU, PFI and POS Districts. Storage of snow removal equipment and salt and other de-icing agents shall be limited to the inside of buildings designed for such storage, or in parking areas no closer to streets than the mid-point between the building and the property line adjacent to streets.

4. Employment Districts. Snow removal equipment and salt or deicing agents shall not be stored in a required front or corner side setback area.

4.204 Number of Parking Spaces Required

This Section sets forth parking space requirements for all uses except uses in the Downtown Mixed Use Zoning District. Unless otherwise approved pursuant to Subsections 4.203.H: Deferred Parking for Unique Uses or 4.203.I: Off-Site Parking in the Downtown Mixed Use Zoning District, required parking spaces shall be located on the same building site as the use or building they serve, unless cross-access and cross-parking agreements are in effect. Parking on public or private streets shall not be used to satisfy the off-street parking requirement.

Table 4.204: Off-Street Parking Requirements

Use Classification	***Requirement (Gross Floor Area)***
Agritainment	Determined by Planning and Zoning Officer
Ambulance Services	1 space per 250 sq. ft.
Animal Services	
Animal Grooming	1 space per 250 sq. ft.
Animal Shelter	1 space per 250 sq. ft.
Feed and Tack Sales	1 space per 350 sq. ft.
Kennel	1 space per 600 sq. ft.
Large Animal Hospitals	1 space per 300 sq. ft.
Small Animal Clinics	1 space per 250 sq. ft.
Automated Teller Machine	None required.
Automated Teller Machine, Remote	2 spaces per machine
Banks and Other Financial Institutions	1 space per 300 sq. ft.
Banquet Facility	1 space per 125 sq. ft. plus attended parking when demand exceeds supply
Bed and Breakfast Homes	2 enclosed spaces; plus 1 space per guest room
Building Maintenance Services	1 space per 300 sq. ft.
Building Material and Home Improvement Sales and Service, Retail	1 space per 250 sq. ft. for the first 75,000 sq. ft. 1 space for every 600 sq. ft. above 75,000 sq. ft.
Building Material and Home Improvement Sales and Service, Wholesale	1 space per 800 sq. ft.
Business Services	1 space per 250 sq. ft.
Call Center	1 space per 150 sq. ft.
Cannabis Cultivation Center	1 space per 1,000 sq. ft.
Cannabis Dispensary, Medical	1 space per 200 sq. ft., plus additional parking required as determined through the Conditional Use process
Cemetery	None required
Cemetery, Pet	None required
Clubs and Lodges	1 space per 200 sq. ft.
Colleges, Public Or Private	1 space per 200 sq. ft. of classroom and office area
Congregate Living Facility	.5 spaces per unit
Contractor's Yard	1 space per 250 sq. ft. of office area
Convention Center	Determined by Planning and Zoning Officer
Crematorium	1 space per 300 sq. ft.
Crop and Animal Raising, Commercial	None required

Table 4.204: Off-Street Parking Requirements	
Use Classification	***Requirement (Gross Floor Area)***
Crop Raising, Non-Commercial	None required
Cultural Institutions	1 space per 200 sq. ft.
Day Care Centers	1 space per 300 sq. ft.
Day Care Homes	No additional spaces required
Day Care, Residential	No additional spaces required
Dry Cleaning and Laundry Outlet	1 space per 250 sq. ft.
Dry Cleaning and Laundry Central Plant	1 space per 300 sq. ft.
Eating and Drinking Establishments *Bars/Night Clubs/Lounges/Dance Halls* *Restaurants, Full Service* *Restaurants, Limited Service*	 1 space per 100 sq. ft. 1 space per 100 sq. ft. 1 space per 100 sq. ft.
Entertainment and Recreation, Indoor	1 space per 150 sq. ft. of indoor area
Entertainment and Recreation, Outdoor	2 spaces per court; 45 spaces per soccer field; 35 spaces per baseball or softball field; 1 space per batting cage; 2 spaces per miniature golf hole
Farm Stand	1 space per 50 sq. ft. of sales area
Farmers' Market	1 space per 50 sq. ft. of sales area
Food Preparation *Large-Scale* *Small-Scale*	 1 space per 300 sq. ft. 1 space per 250 sq. ft.
Funeral and Undertaking Services	1 space per 150 sq. ft.
Garden Supply Stores and Plant Nurseries	1 space per 400 sq. ft. of sales and display area
Golf Course	5 spaces per hole
Government Offices and Facilities	1 space per 200 sq. ft.
Group Homes For The Handicapped	No additional spaces required
Haunted House	Determined by the Planning and Zoning Officer
Health Care Facilities *Hospital* *Urgent Care Facility* *Medical Offices And Clinics*	 2 spaces per bed 1 space per 100 sq. ft. 1 space per 200 sq. ft.
Home Occupation	No additional parking required.
Homeowners Association Facilities	1 space per 250 sq. ft.
Hotels and Commercial Lodging	1.1 spaces per guest room, suite or unit; public eating and drinking establishments calculated separately
Instructional Services, Specialized	1 per 200 sq. ft. of instructional area
Laboratories, Commercial	1 space per 150 sq. ft.
Laundry Services	1 space per 250 sq. ft.
Maintenance and Repair Services	1 space per 300 sq. ft.
Manufacturing and Assembly *Artisan* *Light* *General* *Heavy*	 1 space per 500 sq. ft. 1 space per 500 sq. ft. 1 space per 500 sq. ft. 1 space per 1,000 sq. ft.
Mining and Quarrying	1 space per 250 sq. ft. of office area
Nursing Home	0.5 spaces per bed
Offices, General	1 space per 250 sq. ft.
Pawn Shop	1 space per 250 sq. ft.
Personal Services	1 space per 200 sq. ft.

Table 4.204: Off-Street Parking Requirements	
Use Classification	***Requirement (Gross Floor Area)***
Public Safety Facilities	1 space per 250 sq. ft.
Recreational Vehicle Park	1 space per 100 sq. ft. of office area, plus 2 spaces per permanent residential unit
Religious Assembly	1 space per 100 sq. ft. of assembly area, plus 1 space per 200 sq. ft. of other indoor area
Research and Development	1 space per 250 sq. ft.
Residential, Permanent *Single Family*	 2 spaces per unit
Multi-Family	1 space per studio unit 1.5 spaces per 1-bedroom; 2.25 spaces per 2 or more bedroom units;
Secondary Dwelling	1 additional space
Retail Sales, Convenience	1 space per 125 sq. ft.
Retail Sales, Furniture	1 space per 500 sq. ft.
Retail Sales, General	1 space per 250 sq. ft.
Sexually-Oriented Business	1 space per 250 sq. ft.
Schools, Public or Private	Elementary: 2 spaces per classroom Middle: 2 spaces per classroom High: 7 spaces per classroom
Shelter Care Facility	1 space per 500 sq. ft.
Shelter Care Facility, Homeless	1 space per 500 sq. ft.
Stables, Commercial	1 space per 2 horse stalls
Storage, Personal Property *Indoor* *Outdoor*	 4 spaces plus 2 covered spaces per dwelling unit 2 covered spaces per dwelling unit
Swap Meet and Auction, Indoor	1 space per 200 sq. ft.
Swap Meet and Auction, Outdoor	1 space per 200 sq. ft. of sales area
Teen Nightclub	1 space per 200 sq. ft.
Transportation Passenger Terminals	Determined by Planning and Zoning Officer
Utilities *Facilities* *Service Yards* *Well Site*	 1 space per 250 sq. ft. of office area 1 space per 250 sq. ft. of office area None required
Vehicle Equipment Sales, Leasing and Services *Car Wash, Automated or Self-Service* *Car Wash, Full Service*	 2 spaces minimum 10 spaces minimum
Commercial Vehicle/Equipment Sales and Rental; New and Used *Fueling Facility* *Fueling Facility, Alternative* *Fueling Facility, Fleet* *Motor Vehicle Sales and Leasing, New and Used* *Non-Commercial Vehicle Rental* *Vehicle Services, Light and Heavy*	1 space per 250 square feet of indoor area 1 space per 125 sq. ft. of convenience retail sales, plus 2 spaces per pump 1 space per fueling station None required 1 space per 250 sq. ft. of interior office and display space; plus 1 space per 3 service bays 1 space per 100 sq. ft. 3 spaces per service bay plus 1 space per 100 sq. ft. of office and sales area

Table 4.204: Off-Street Parking Requirements	
Use Classification	***Requirement (Gross Floor Area)***
Warehousing	
Freight/Truck Terminal and Warehouse	1 space per 1000 sq. ft. plus 1 space per 250 sq. ft. office area
Petroleum and Gas Storage	1 space per 250 sq. ft. of office area
Salvage or Junkyards	1 space per 200 sq. ft. of office area
Information	1 space per 250 sq. ft. of office and technician work space plus 1 space per 5,000 sq. ft. of area to store or distribute information
Waste Management	
Hazardous Waste Collection and Transfer Facility	1 space per 250 sq. ft. of office area
Hazardous Waste Disposal Facility	1 space per 250 sq. ft. of office area
Non-Hazardous Waste Collection and Transfer Facility	1 space per 250 sq. ft. of office area
Non-Hazardous Waste Disposal Facility	1 space per 250 sq. ft. of office area
Non-Hazardous Material Recycling Collection Facility	
Large Scale	1 space per 250 sq. ft. of office area
Small Scale	None required
Wireless Communication Facilities	None required

4.205 Dimensions for Parking Spaces and Aisles

A. ***General.*** This section sets forth dimensional requirements for open parking spaces, covered parking spaces, and spaces in parking structures.

B. ***Open Parking Spaces.*** The minimum dimensions of open parking spaces and parking aisles are set forth in Tables 4.205.A: Parking Space and Aisle Dimensions for Parking Angles Less Than 90 Degrees and 4.205.B: Parking Space and Aisle Dimensions for Perpendicular Parking Angles. For high turnover uses and uses utilizing shopping carts, space width shall be increased by 6 inches for 50 percent of the required parking spaces closest to the building entrances.

C. ***Unenclosed Covered Parking Spaces.*** Each unenclosed covered parking space shall measure at least 9 feet in width and 19 feet in depth of unobstructed area. These measurements shall not include the exterior walls or supports of the cover structure. An unenclosed covered parking space shall have an unobstructed back-up area of not less than 25 feet.

D. ***Spaces in Garages and Parking Structures.*** Each parking space in a garage and a parking structure shall measure at least 9 feet in width and 18 feet in depth. Parking structures shall have an unobstructed back-up area of not less than 24 feet.

E. ***Vertical Clearance for Unenclosed Covered Spaces and Parking Structures.*** Covered parking and parking structures shall have a minimum vertical clearance of 8 feet.

F. ***Measurement.*** The length of a parking stall is measured along the length of the side stripe defining the space. The width is measured at 90 degrees from the center of the side stripes or face of curb defining the space.

G. ***Angle Parking Less Than 90 Degrees.*** The following dimensions shall apply to all uses other than high turnover uses and those uses utilizing shopping carts.

Table 4.205.A: Parking Space and Aisle Dimensions for Parking Angles Less Than 90 Degrees (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
One-way			
0 degrees	12.0	10.0	22.0
30 degrees	15.0	9.0	19.0
45 degrees	16.0	9.0	19.0
60 degrees	17.0	9.0	19.0
Two Way			
0 degrees	20.0	10.0	22.0
30 degrees	20.0	9.0	19.0
45 degrees	22.0	9.0	19.0
60 degrees	24.0	9.0	19.0

H. ***Perpendicular Parking.*** The following dimensions shall apply to all uses other than high turnover uses and those uses utilizing shopping carts.

Table 4.205.B: Parking Space and Aisle Dimensions for Perpendicular Parking Angles (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
90 degrees	25.0	9.0	19.0
90 degrees	24.0	9.5	19.0

I. ***Angle Parking Less Than 90 Degrees in Parking Structures.*** The following dimensions shall apply to all uses other than high turnover uses and those uses utilizing shopping carts.

Table 4.205.C: Parking Space and One-way Aisle Dimensions for Parking Angles Less Than 90 Degrees within Parking Structures (feet)

Space Angle	*Aisle Width*	*Space Width*	*Space Length*
45 degrees	13.0	9.0	18.0
60 degrees	15.0	9.0	19.0

4.206 Parking Access

A. ***Nonresidential and Multi-Family Uses.***

1. *Ingress and Egress***.** Each parking area shall have a driveway or driveways providing ingress to and egress from a public street. Parking in the Downtown Mixed Use district may be directly accessed from an alley.

2. *Parking Area Egress Aisles***.** Parking area egress aisles shall be perpendicular to the public street ~~and level~~ for a distance of at least 20 feet behind the sidewalk or pedestrian crossing. In the DMU District, an appropriate separation will be determined with Design Review.

B. ***Residential Uses.***

1. Where a residential garage or carport is directly accessible from a street, it shall have a paved driveway not less than 20 feet in length, measured from the right-of-way. For private streets, the driveway length shall be measured from the back of sidewalk. If no sidewalk exists, the driveway length shall be measured from the back of curb or edge of pavement. This provision does not apply to side entry garages.

2. Where a residential garage or carport is directly accessible from an alley, it shall have a minimum paved driveway apron not less than 3 feet in length.

4.207 Driveway Widths

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

1. Single car garage or for a driveway that does not access a garage shall be 14 feet.

2. Two or more car garage shall be 18 feet at the property line and shall not exceed the width of the garage door openings by more than 6 feet.

B. ***Other Driveways.***

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

2. Industrially Zoned Properties. Driveways shall not exceed 40 feet in width, unless it is demonstrated through Administrative Design Review that additional width is needed to provide safe and efficient vehicle maneuvering space to accommodate existing conditions.

4.208 Surfacing

Except as otherwise provided in this section, parking areas and spaces, access points, aisles, driveways, and travel ways shall be paved with masonry, asphalt, or concrete. All required pavement marking shall remain visible.

A. ***Single Family Residential Driveways.*** Single Family Residential driveways shall be improved with a concrete, asphalt or masonry surface. Driveways shall be setback a minimum of 1 foot from the property line, unless the driveway is shared by agreement between adjoining property owners.

B. ***Non-Residential Driveways***. that portion of a driveway within 100 feet of the right-of-way or private street, shall be improved with a concrete, asphalt, or masonry surface. The remainder of the driveway shall be constructed of concrete, masonry, asphalt, compacted gravel, or other approved dust free surface.

C. ***Alternative Paving Surface.*** The Community Development Director may approve an alternative surface material for facilities that have limited or infrequent use.

4.209 Drive-Through and Take-Out Facilities

A. ***Drive-Through Facilities.***

1. *General***.** Drive-through facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles and parking areas. Drive-through aisles shall be a minimum of 20 feet in width to provide bypass capability. Drive-through aisles shall have a minimum interior turning radius of 15 feet and an exterior turning radius of 30 feet.

2. *Screening*. Drive-through aisles shall be screened from view from public and private streets, areas accessible to the general public, and from areas shown for residential use in the Comprehensive Plan by:

   a. A decorative masonry wall a minimum of 36 inches in height measured from the grade of the aisle; or

   b. A continuous evergreen landscape planter a minimum of 4 feet in width; or

   c. A combination of a masonry wall and landscape planter.

3. *Stacking*. Vehicular stacking areas shall be provided in accordance with Table 4.209: Drive-Through Facility Stacking Space Requirements.

Table 4.209: Drive-Through Facility Stacking Space Requirements

Use Classification	*Stacking Space Requirement*
Banks and Other Financial Institutions	2 spaces per teller or ATM drive-through
Eating and Drinking Establishments *Restaurants, Limited Service*	5 spaces

Table 4.209: Drive-Through Facility Stacking Space Requirements	
Use Classification	***Stacking Space Requirement***
Retail Sales, General *Pharmacy*	 2 spaces per aisle
Vehicle Equipment Sales, Leasing and Services *Car Wash, Automated or Self-service* *Car Wash, Full Service*	 2 spaces per bay 8 spaces minimum
Fueling Facility	1 space on each end of each side of each fuel pump island (one-way facilities require 2 spaces on approach end of each island.)
Fueling Facility, Alternative	1 space on each end of each side of each fuel pump island (one-way facilities require 1 space on approach end of each island.)
Vehicle Services, Heavy	1 space per service bay
Vehicle Services, Light	1 space per service bay

B. ***Take-Out Facilities.*** Eating and Drinking Establishments providing a designated take-out counter, door or window shall identify one or more parking spaces adjacent to the take-out entrance for exclusive use by take-out customers.

4.210 Passenger Loading Areas

A. ***General.*** Passenger loading areas shall be provided adjacent to the principal facility entrance or entrances and shall consist of vehicle turnout lanes located outside of access aisles. Passenger loading areas shall be identified exclusively for this use.

B. ***Loading Area Requirements.*** Passenger loading shall be provided in accordance with Table 4.210: Passenger Loading Area Requirements.

Table 4.210: Passenger Loading Area Requirements	
Use Classification	***Requirement***
Banquet Facility	2 spaces
Clubs and Lodges	1 space
Congregate Living Facility	1 space
Conference Center	2 spaces
Cultural Institutions	1 space
Day Care Centers	1 space
Entertainment and Recreation, Indoor	3 spaces per skating rink or playing field 2 spaces per swimming pool 1 space per performing arts facility 1 space per 5 theater screens
Entertainment and Recreation, Outdoor (cont'd.) Entertainment and Recreation, Outdoor	2 spaces per swimming pool 1 space per sports field or court 3 spaces per amphitheatre
Government Offices and Facilities	1 space
Health Care Facilities	
Hospitals	2 spaces
Urgent Care Facility	1 space
Medical Offices and Clinics (greater than 5,000	1 space per 10,000 sq. ft.

Table 4.210: Passenger Loading Area Requirements	
Use Classification	***Requirement***
sq. ft.)	
Hotels and Commercial Lodging	2 spaces
Nursing Home	1 space
Religious Assembly	1 space per 10,000 sq. ft.
Schools, Public or Private	1 space per 200 students, based on design capacity.
[1]A passenger loading space is the area a vehicle occupies while loading or unloading passengers. A passenger loading space shall be a minimum of 12 feet in width and 20 feet in length.	

4.211 Screening, Landscaping and Lighting

A. ***Screening.*** Parking areas, automotive fuel pump islands, and parking access aisles parallel to and within 60 feet of rights-of-way shall be screened from view from those rights-of-way and public parks by landscaping or landscape berms, fences or screen walls.

1. *Landscape Screening*

   a. Height. Landscaping shall be planted and maintained as a continuous landscape hedge not less than 3 feet or more than 4 feet in height, measured from finish grade of the area to be screened.

   b. Location. The required landscape screening shall not be located in public rights-of-way.

   c. Clearance. The landscape screening shall be set back a minimum of 2 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle.

   d. Sight Distance Triangle. Ground covers and shrubs planted within sight distance triangles shall not exceed a height of 24 inches at maturity.

2. *Berms*

   a. Height. Berms shall be not less than 3 feet or more than 4 feet, measured from finish grade of the area to be screened.

   b. Location. Berms shall not be located in public rights-of-way, or on top of any retaining walls.

   c. Clearance. The toe of the berm shall be set back a minimum of 2 feet and a maximum of 6 feet from the perimeter of parking space, driveway, sidewalk or any access aisle.

   d. Slope. The maximum slope of the berm shall not exceed 4:1.

3. *Parking Screen Walls*

   a. Height. Walls shall be not less than 3 feet or more than 4 feet, measured from finish grade of the parking lot.

   b. Location. Parking screen walls shall not be located in public rights-of-way, or on top of any retaining walls.

   c. Alignment. Walls shall be horizontally staggered a minimum of 1 foot for every 50 linear feet.

   d. Clearance. Walls shall be set back a minimum of 2 feet and a maximum of 6 feet from the perimeter of any parking space, driveway, or any access aisle, as measured from the back of curb.

   e. Materials and Finish. Walls shall be constructed of decorative block, brick, stone, or similar materials and finished on both the interior and the exterior elevations.

4. *Exceptions*

   a. A new wall shall not be required where an existing wall complies with the requirements of this section.

   b. A new wall shall not be required to screen outdoor display of new or used motor vehicles for sale or lease when such display area is identified on an approved Design Review site plan. Required customer, employee and visitor parking for these uses shall comply with the screening requirements of this section.

B. ***Parking Lot Landscaping and Lighting.***

1. *Shade Trees*

   a. Shade trees shall be planted in the parking lot at a ratio of 1 tree for every 10 spaces. Trees shall be located throughout the parking lot to maximize the shading effect on parking spaces and to reduce summer solar heat gain. These trees are exclusive of trees planted around the perimeter of the parking lot.

   b. The landscape planter, other than a landscape diamond planter, for any shade tree, shall have a minimum area of 160 square feet, and a minimum interior width of 5 feet.

   c. Landscape diamond planters shall have a minimum area of 36 square feet, and shall not contain required shade trees.

d. The minimum size of parking lot trees shall be a height of 6 feet and a minimum of a 2-1/2 inch single trunk caliper measurement, measured 4 feet above grade.

2. *Interior Landscaping*

a. A minimum of 10 percent of the interior of all parking lots shall be landscaped.

b. Required interior landscape areas shall be evenly distributed throughout the parking lot.

c. The end spaces in a row of parking spaces shall be separated from drive aisles by landscape islands or peninsulas that are a minimum width of 6 feet.

3. *Light Poles*. Parking lot light poles shall be located in a landscape planter or incorporated into a walkway or other pedestrian area. Concrete bases for light poles shall not exceed a height of 18 inches from finished grade.

4.212 Parking Space and Aisle Setbacks at Driveway Entrances

A. ***Parking Setbacks.*** Parking spaces directly served by a driveway accessed from a street shall be set back a minimum of 60 feet from the right-of-way. In the DMU District, an appropriate separation will be determined with Design Review.

B. ***Drive Aisle Setbacks.*** Parking drive aisles intersecting and crossing a major driveway accessed from a street shall be set back a minimum of 40 feet from the arterial right-of-way. In the DMU District, said aisles shall be set back a minimum of 20 feet from an arterial right of way.

4.213 Parking for Persons with Disabilities

Parking for persons with disabilities shall comply with City, State and Federal regulations.

4.214 Off-Street Loading

A. ***Deliveries and Distribution***.

1. *Applicability*. This Section applies to any use having a gross floor area of 10,000 square feet or more having the delivery or distribution of material or merchandise by trucks measuring 36 feet or more, including cab and trailer.

2. *Requirement*. At least 1 off-street loading space shall be provided. One additional loading space shall be provided for each additional 40,000 square feet of gross floor area over 10,000 square feet. Required loading spaces shall be maintained during the existence of the use.

3. *Standards.*

a. *Location*. Loading spaces shall not be located in any required landscape area, and shall not encroach on fire lanes, required parking spaces or parking circulation aisles.

b. *Dimensions*. Each required off-street loading space shall be not less than 12 feet wide and 45 feet long.

c. *Clear Height*. Each required off-street loading space shall have a minimum clear height of 14 feet.

d. *Screening*. Except in the Downtown Mixed Use District, each off-street loading space visible from a public street, within 200 feet of land designated for residential use on the Comprehensive Plan, or within 200 feet of land zoned for residential use shall be enclosed on three sides by a solid wall not less than 14 feet in height.

e. *Maneuvering*. Truck -maneuvering areas shall not encroach into required parking spaces or rights-of-way.

B. ***Customer Loading Zones***

1. *Applicability*. This Section applies to retail uses where customers take delivery of goods in non-commercial vehicles other than in designated parking spaces. Such uses are characterized by the sale of large or bulky items, and include home improvement, appliance, furniture, grocery, retail warehouse, and electronics stores.

2. *Requirement.* A customer loading zone shall be provided for any use listed in Section 4.214.B.1: Applicability and having a gross floor area of 20,000 square feet or more.

3. *Standards*.

a. *Location*. The loading zone shall be located within 50 feet of the primary exit or merchandise pick-up location.

b. Dimensions. A loading zone shall be a minimum width of 10 feet and a minimum length of 25 feet.

c. Clear Height. The loading zone shall have a minimum clear height of 14 feet.

4.215 Bicycle Parking

A. ***Requirement***

1. *Minimum Requirement, All Uses*. Uses of land that are provide at least 40 vehicle parking spaces shall provide bicycle parking spaces and facilities at a rate of 1 for every 25 required vehicle parking spaces.

2. *Minimum Requirement, Uses with less than 40 Vehicle Parking Spaces*. A minimum of 2 bicycle parking spaces shall be provided for all uses, with the following exceptions:

   a. Residential uses with private garages.

   b. Personal Property Storage, Indoor and Outdoor

   c. Other uses as determined by the Community Development Director.

3. *Bicycle Parking Location.* Bicycle parking shall be distributed throughout a multi-building project. Common or shared bicycle parking facilities may be provided for attached or in-line uses. Individual uses on separate lots shall provide bicycle parking facilities in accordance with Section 4.215.A.1: Minimum Requirement, All Uses and Section 4.215.A.2: Minimum Requirement, Uses with less than 40 Vehicle Parking Spaces.

4. *Maximum Requirement*. In no event shall any use other than schools be required to provide more than 20 bicycle parking spaces.

B. ***Standards***

1. *Location*. Bicycle parking spaces shall be located on a paved surface within 50 feet of the primary building entrance. Bicycle parking spaces shall not encroach into pedestrian access areas.

2. *Dimensions*. Bicycle parking spaces shall measure 2 feet by 6 feet per space.

3. *Parking Facilities*. The bicycle parking facility shall be a stationary object permanently affixed to the ground or a structure to which the operator can lock the bicycle frame and wheels to the object. Bicycle lockers may be used.

4.216 Electric Vehicle Charging Station

A. Applicability to Parking Requirements. Electric Charging Station parking spaces shall contribute to the number of parking spaces provided for the purpose of Zoning Compliance.

B. Number Required. No minimum number of charging station parking spaces is required.

C. Design Criteria

1. Signage.

a. One (1) s~~S~~ign~~age~~, located at the Charging Station and not to exceed 6 feet in height or area, shall be posted designating a Charging Station for Electric Vehicles for charging purposes only.

b. Limitations on hours of operation or charging shall be included if such limits are to be enforced.

c. An additional sign of less than 6 feet in height and area may be displayed to provide instructions for a charging station.

d. ~~c~~Contact information shall be provided for reporting purposes when equipment is not functioning or other problems are encountered.

2. Charging Station Equipment. Charging Station equipment and connection devices shall be not less than 36 inches and no higher than 48 inches from the ground or paved surface where mounted. Equipment shall include a cord retraction device or location to hang permanent cords and connectors in a manner safely above the ground. Cords shall not be located in a manner to impede pedestrian travel or create a trip hazard.

3. Equipment Protection. Charging Station Equipment shall be located behind a barrier curb in a landscape area or sidewalk area. If located in a parking area sufficient barrier protection from vehicle movements shall be provided by bollards, subject to approval by the Public Works Director or his designee.

D. Maintenance. Charging Station equipment shall be maintained in a safe and operational manner.

4. Access. In no case shall equipment be placed in a manner to not provide 36" of clear sidewalk.

~~3.~~ ~~5. 2.~~

Chapter 4.3: Landscape Regulations

Sections:

4.301 Purposes
4.302 Applicability
4.303 General Provisions
4.304 Landscape Maintenance

4.301 Purposes

The purposes of these regulations are to:

A. Promote attractive development.

B. Improve the appearance and character of areas surrounding new development.

C. Minimize urban heat island effect.

D. Conserve energy by protecting buildings from exposure to the summer sun and winter wind, while allowing penetration of winter sun.

E. Minimize conflicts between potentially incompatible land uses on adjoining property.

F. Provide consistent landscape requirements for similarly situated properties.

G. Screen site features such as parking, utility equipment, storage enclosure walls and fences, and other unattractive site features.

H. Complement best stormwater management practices for water quality and groundwater recharge.

I. Encourage water conservation through use of drought tolerant and native vegetation, and water conserving irrigation systems.

4.302 Applicability

These regulations shall apply to all construction subject to Chapter 5.6: Design Review, except for non-freestanding signs, and shall be in addition to the requirements for parking lots, per Section 4.211: Screening, Landscaping, and Lighting. These regulations are in addition to landscape provisions of the Standard Design Review Conditions for Commercial and Industrial Projects, and Multifamily Design Guidelines.

4.303 General Provisions

A. ***Landscaping Components***. Landscaping may include trees, shrubs, ornamental grasses, ground cover, vines, rain gardens, bioswales, private walkways, benches,

fountains, sculpture, and other materials used for enhancing the appearance of a site, development, or parking area.

B. ***Installation per Approved Plans***. All required landscaping shall be installed in accordance with the approved final landscape plan before issuance of a final Certificate of Occupancy. Plant materials shall be of the type and size specified on the approved final landscape plan.

C. ***Minimum Area Requirements***. The minimum landscaping area requirements for any nonresidential or multi-family lot or parcel, nonresidential subdivision, or nonresidential use in a residential district are set forth in the development regulations for each base zoning district.

D. ***Street Frontage and Perimeter Landscape Requirements***. The minimum street frontage and perimeter landscaping area requirements for any nonresidential or multi-family lot or parcel, residential or nonresidential subdivision, or nonresidential use in a residential district are set forth in the development regulations for each base zoning district.

E. ***Parking Lot Landscape Requirements***. The minimum landscape requirements for parking lot perimeters, interiors, and drive-through facilities are set forth in Chapter 4.2: Off-Street Parking and Loading Regulations,

F. ***Undeveloped Areas in Approved Design Review Plans***. Any portion of a lot or parcel shown on an approved final Design Review plan for buildings, parking, driveways or sidewalks not part of the initial construction phase shall be landscaped and shall be protected from unauthorized vehicular access.

G. ***Irrigation***. Irrigation is not required. If irrigation is used, it should be a programmable automatic system, employing the most water conserving design that includes rain or soil moisture sensing. Where possible, irrigations systems should make maximum use of reclaimed water.

H. ***Pavement Edge and Planter Protection***. All permanent uses other than individual single family residential lots shall provide a poured-in-place concrete curb or other approved material for all parking areas and drive aisles adjacent to landscaped areas.

I. ***Minimum Tree Size***. All trees planted pursuant to these regulations shall have a minimum size as follows:

1. Evergreen tree height: 6 feet.

2. Deciduous shade trees: Trunk caliper 2-1/2 inches measured 4 feet above grade.

3. Ornamental trees:

a. Single trunk size: Trunk caliper 2 inches measured 6 inches above the soil line.

b. Multiple trunks height: 6 feet.

J. ***Minimum Shrub Size***. All shrubs planted pursuant to these regulations shall be a minimum height of 18 inches at planting, or if planted to provide required screening, shall be planted at a height to provide effective screening. Up to 50% of the required shrubs may be substituted by ornamental grasses meeting the same height criteria.

K. ***Tree and Shrub Planting***. All trees shall be planted in accordance with American Standard for Nursery Stock, ANSI Z60.1 (latest edition).

L. ***Organic Ground Cover***. All areas containing flora other than turf grass, shall be covered by organic ground cover such as mulch. The depth of coverage of the organic material shall be a minimum of 3 inches.

M. ***Use of Drought Tolerant Vegetation***. All landscaping should be designed to minimize the need for irrigation. Vegetation that can withstand extended periods of dry soil, preferably native vegetation, should be a substantial component of any landscape plan. Such vegetation should be used to the maximum extent possible to achieve the desired landscape effect.

N. ***Perimeter Landscape Area Planting Standards***. All land area in the Minimum Required Perimeter Landscape Area established in each zoning district's Site Development Regulations, shall be landscaped, unless occupied by allowed encroachments. This landscaping is in addition to that required pursuant to Section 4.211: Off-Street Parking and Loading Regulations – Screening, Landscaping, and Lighting, and any landscaping used to complement freestanding signs. These regulations are in addition to landscape provisions of the Standard Design Review Conditions for Commercial and Industrial Projects, and Multifamily Design Guidelines. The following landscaping is required in the area adjacent to the property lines:

1. Trees with a minimum size specified in Section 4.303.I: Minimum Tree Size shall be planted in the quantity of 1 tree per 25 feet of lineal street frontage, exclusive of driveways. Trees shall be located as shown on an approved final landscape plan. All landscape plans shall include equal amounts of evergreen, deciduous shade and ornamental trees. A variety of species shall be used to avoid a monoculture.

2. Shrubs with a minimum size specified in Section 4.303.J shall be planted to complement the placement of trees. Shrubs shall be planted at a minimum rate of 5 shrubs per tree.

3. Areas adjacent to streets shall be contoured with varying heights of berms where appropriate, to enhance landscaping design and screening ability.

4. Where transitional setbacks are required by the base zoning district, tree quantities shall be increased by 50%, with a commensurate increase in the minimum shrub quantity. A minimum of 75% of the trees shall be evergreen trees. The Plan Commission, through Design Review, may consider a lesser ratio of evergreen trees if the required ratio is impractical. Where the required fence is not located on the lot line, all required transitional yard landscaping shall be located between the fence and the property line.

5. Where parking screen walls are used, required shrubs shall be located on the side of the wall facing the exterior of the property.

O. ***Raised Medians, Traffic Circles, and Roundabouts***. Where raised medians, traffic circles, or roundabouts are proposed for roadways, the interior of these areas shall contain either decorative hardscape features or landscaping, in accordance with the following:

1. Interior spaces less than 5 feet in width or 8 feet in diameter shall be finished with stamped or stained concrete, or boulders cemented in place.

2. Interior spaces equal to or greater than 5 feet in width or 8 feet in diameter shall be landscaped as follows:

   a. Trees appropriate for parkway conditions shall be used;

   b. Trees shall be planted at the same rate as that required for parkway trees, using the circumference of circular areas and the length of linear areas as the measurement base;

   c. Six shrubs or appropriate ornamental grasses shall be required per tree; and

   d. All planting spaces shall contain mulch; turf grass is prohibited.

P. ***Parking Area Landscaping***. Landscaping requirements for parking areas are set forth in Section 4.211: Screening, Landscaping and Lighting.

Q. ***Stormwater Management Facilities***. Stormwater Management facilities shall be landscaped pursuant to Title 11, Chapter 7: Stormwater Management Ordinance. Areas proximate to stormwater management facilities not subject to other landscaping requirements of this Section shall be landscaped in conformance with the landscape plan approved as part of a Design Review approval.

R. ***Building Foundation Landscaping***. In all non-residential zoning districts, except Downtown Mixed Use, landscaping shall be provided adjacent to building walls

that face public rights of way in accordance with the following:

1. Areas devoted to landscaping shall span a minimum of 40% of the length of the adjacent building wall.

2. Areas devoted to landscaping shall be a minimum of 4 feet (interior dimension) in all directions.

3. Areas devoted to landscaping shall contain a minimum of 3 shrubs having a minimum height of 18 inches at planting, or of a height sufficient to provide screening per the Standard Design Review Conditions for Commercial and Industrial Projects.

4. For planting areas longer than 4 feet, shrubs meeting the minimum required size shall be planted at a rate of at least 3 shrubs for every 5 feet in length or fraction thereof.

S. ***Freestanding Sign Landscaping***. Areas around the base of all freestanding signs subject to Design Review and to a setback shall contain landscaping in accordance with the following:

1. *Monument Signs*. Monument sign landscaping shall be provided as follows:

   a. One ornamental tree for every 50 square feet of area or fraction thereof of the structure that contains the freestanding sign, planted in a location proximate to the sign.

   b. A mulched planting area extending a minimum of 5 feet from the base of the sign containing a minimum of 10 shrubs or ornamental grasses for each required tree, up to a maximum of 50.

   c. The mulched planting area may be altered, reduced or eliminated through Administrative Design Review or Design Review to:

      1. Replace a sign with nonconforming height or area to a conforming sign in the same location that does not meet the mulched area requirement, with all required plant material located elsewhere in reasonable proximity to the sign;

      2. Balance visibility sign with an opportunity to provide some mulched area, with all required plant material located elsewhere in reasonable proximity to the sign ~~3 feet extending from the planting area if existing site geometry would not allow 5 feet on either side.~~

2. *Tower Signs.* Tower sign landscaping shall be provided as follows:

   a. 1 overstory shade tree for every 50 square feet of area or fraction thereof of the structure that contains the freestanding sign, planted

in a location proximate to the sign.

b. A mulched planting area extending a minimum of 10 feet from the base of the sign containing a minimum of 10 shrubs or ornamental grasses for each required tree, up to a maximum of 100.

4.304 Landscape Maintenance

A. ***Landscape Maintenance During Construction***. Existing plant material designated to remain on the approved landscape plan that is damaged during construction shall be replaced with comparable species and size before issuance of a final Certificate of Occupancy.

1. *Deciduous Shade Trees*. Damaged deciduous shade trees with a trunk diameter greater than 6 inches shall be replaced with one or more like trees to equal the trunk diameter lost.

2. *Evergreen Trees and Ornamental Trees*. Damaged evergreen and ornamental trees shall be replaced by one or more like trees to equal the height of the trees lost.

B. ***Multi-Family Residential and Nonresidential Developments***. Landscaping in multi-family residential and nonresidential developments shall be maintained by the property owner, lessor, and/or property owners association to the following standards:

1. Landscaping shall be kept pruned, trimmed, mulched and watered.

2. Dead plant material shall be removed and replaced with like materials.

3. The landscaping shall be kept free of weeds and debris.

4. Irrigation systems shall be in good working condition. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours.

5. Screening landscaping shall be maintained to provide an effective visual barrier.

6. Amenities shown on the approved landscape plan shall be maintained in good repair.

7. Common area fences and the exterior face of property line fences shall be maintained in good condition.

C. ***Maintenance of Landscaping of Common Areas in Single Family Residential Subdivisions.*** The following standards shall be maintained for landscaping of common areas in single family residential subdivisions:

1. Landscaped areas shall be maintained by the owner of the property, or if an association is present, the homeowners association (HOA). Maintenance shall include pruning, trimming, watering, removal and replacement of dead plant material, or other required improvements.

2. Landscaping shall be kept pruned, trimmed, mulched and watered.

3. Dead plant material shall be removed and replaced with like materials.

4. The landscaping shall be kept free of weeds and debris.

5. Irrigation systems shall be in good working condition. Broken, leaking, or damaged irrigation systems shall be repaired within 24 hours.

6. Screening landscaping shall be maintained to provide an effective visual barrier.

7. Amenities shown on the approved landscape plan shall be maintained in good repair.

8. Common area fences and the exterior face of property line fences shall be maintained in good condition.

Chapter 4.4: Sign Regulations

Sections:

4.401 Purpose and Necessity
4.402 General Sign Regulations
4.403 Sign Criteria
4.404 Real Estate Signs
4.405 Residential Zoning Districts and Uses
4.406 Nonresidential Uses in Residential Zoning Districts
4.407 Commercial and Other Use Districts
4.408 Office/Employment Zoning Districts
4.409 Parks and Open Space Zoning District
4.410 Removal of Signs on City Property or Right of Way
4.411 Removal of Hazardous Signs

4.401 Purpose and Necessity

A. ***Purpose.*** The purpose of the sign regulations is to:

1. Establish comprehensive provisions that will assure proper and efficient expression through visual communications involving signs compatible with the character and environment of the City.

2. Eliminate confusing, distracting, and unsafe signs.

3. Enhance the visual environment of the City of Batavia.

B. ***Necessity.*** The regulation of signs in the City of Batavia is necessary and in the public interest for the following reasons:

1. To promote and aid the public and private sectors in the identification, location, and advertisement of goods and services.

2. To preserve the beauty and the unique character of the City of Batavia and to protect the City against visual blight.

3. To protect property values in the City of Batavia by assuring the compatibility of surrounding land uses.

4. To promote general safety and protect the public from damage or injury caused by, or partially attributed to, the distractions, hazards, and obstructions that result from dangerous, improperly designed or located signs.

5. To promote the general welfare and to provide a pleasing environmental setting and community appearance which are vital to the continued economic development of the City.

6. To make signs compatible with overall City design objectives that are important in attracting new residents and business to the community.

7. To make signs readable in a clear, unambiguous, and concise manner.

8. To ensure signs are compatible with the planned character of the adjacent architecture and neighborhoods, and to provide the essential identity of, and direction to facilities in the community.

9. To emphasize the City's historical character by promoting pedestrian oriented and appropriately scaled signage in the Downtown Mixed Use zoning district.

4.402 General Sign Regulations

A. ***Requirement for Permit.*** Except as provided in Section 4.402.D: Signs Not Requiring a Building Permit, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the City without first obtaining a building permit in accordance with this Chapter.

B. ***Requirement of Conformity.*** Signs shall not be installed, placed, or maintained in the City except in conformance with this Chapter. If provisions of this Chapter are in conflict with any other City code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Chapter may be abated as provided by law.

C. ***Requirement for Design Review.*** Except as specified below, all new permanent signs requiring a building permit shall receive Design Review approval.

1. Signs shall be approved concurrent with building and site improvements as part of the Design Review process.

2. New signs on properties with prior Design Review approval shall receive Administrative Design Review approval.

3. Any new sign proposed on a property that is not subject to Design Review shall receive Administrative Design Review approval.

4. Design Review shall not be required for permanent signs in historic districts or on landmark properties.

5. Real Estate Signs requiring a building permit shall receive Administrative Design Review approval.

D. ***Signs Not Requiring a Building Permit.***

1. One Building Identification Sign per building entrance, 6 square feet or less in area.

2. Construction Signs, in compliance with Section 4.404.C: Construction Signs.

3. Garage Sale Signs, in compliance with Section 4.402.J: Garage Sale Signs.

4. Legal notices, building or site identification signs, directional and traffic control signs erected or required by a governmental entity.

5. Permanent parking signs 6 square feet or less in area and a maximum of 6 feet in height.

6. Permanent informational signs 6 square feet or less in area.

7. Signs for charitable, educational and community service organization special events, subject to locational approval by the Director. Signs shall be displayed no earlier than 14 days before the event and shall be removed no later than 2 days after the event ends.

8. Real Estate Signs 6 square feet or less in area and a maximum of 5 feet in height, and in compliance with Section 4.404: Real Estate Signs.

9. Ideological Signs, in compliance with Section 4.402.I: Ideological Signs.

10. Nameplates, not exceeding two square feet.

11. Political Signs, in compliance with Section 4.402.H: Political Signs.

12. Residential Open House Signs 6 square feet or less in area and a maximum of 4 feet in height.

13. Restaurant Menu Signs 6 square feet or less in area, not including Drive-Through Restaurant Menu Signs, displayed within 10 feet of the business entry.

14. Required street addresses.

15. Suspended Signs 6 square feet or less in area in commercial districts.

16. Umbrella Signs

17. Window Signs.

E. ***Maintenance of Conforming Signs.*** Maintenance of conforming signs shall not require a permit. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage with like material, color, and design. Maintenance of conforming signs does not include changing the location, color, size, design, or style of signs.

F. ***Sign Panel Replacement.*** Replacement of a panel containing the same design, color, opacity and style as the original on a sign structure with removable panels shall not require a permit. This includes the installation of a blank sign panel to replace a sign panel of a business no longer in operation.

G. ***Flagpoles***

1. *Design Review Required.* Flagpoles shall be depicted on Design Review plans for non-single family properties. Flagpoles shall receive Administrative Design Review approval.

2. *Height.* Flagpoles shall not exceed 1.5 times the height of the tallest building on the lot that it is located, but in no event shall a flagpole exceed a height of 35 feet.

3. A building permit shall be required for flagpoles.

H. ***Political Signs***

1. Political Signs are permitted in all zoning districts.

2. Political Signs up to 32 square feet are permitted.

3. Ground mounted political signs shall not exceed 4 feet in height.

4. Wall mounted political signs shall not exceed 15 feet in height.

5. Political signs shall not be located on public property.

I. ***Ideological Signs***

1. Ideological Signs are permitted in all zoning districts.

2. Ideological Signs up to 32 square feet are permitted.

3. Ground mounted ideological signs shall not exceed 4 feet in height.

4. Wall mounted ideological signs shall not exceed 15 feet in height.

5. Ideological signs shall not be located on public property.

J. ***Garage Sale Signs***

1. Garage Sale Signs shall not exceed 4 square feet in area.

2. Garage Sale signs may be displayed 24 hours before the sale begins. Signs shall be removed within 4 hours of the end of the sale.

3. Signs shall not be placed in a right-of-way.

4. The property owner shall be responsible for removing all signs at the end of the sale.

K. ***Interim Business Identification Banners***

1. A banner identifying a business is permitted from the date a business occupies the premise until the date of installation of permanent signage, provided the applicant has a pending sign permit application for

permanent signage and is diligently pursuing the manufacture and installation of such signage.

2. Interim Business Identification Banners shall be placed upon the building wall of the business.

3. Interim Business Identification Banners shall not exceed the sign area permitted for permanent wall signs for the use, and shall not be displayed for a period exceeding 90 days.

L. ***Temporary Directional Signs.*** Temporary Directional Signs for short or limited time events shall be permitted subject to the following regulations: Title 7-1-12: Parades, Processions and Open Air Meetings.

1. *Size.* Signs shall be no greater than 3 feet in height and 6 square feet in area.

2. *Number.* No more than 4 signs shall be displayed on one property at any time.

3. *Display.* Signs shall only be displayed up to 2 days before the event and shall be removed the following day.

4. *Prohibition.* Temporary Directional Signs shall not be located:

   a. On public property without permission of the owner

   b. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.

5. *Location.* Signs may be located off-site and shall be placed at grade level. Signs shall be placed only with the permission of the owner of the property on which they are placed.

6. *Construction and Placement.* Signs shall be:

   a. Constructed of weather-resistant materials.

   b. Anchored or weighted down to avoid being displaced in windy conditions, or to otherwise be a safety hazard to the public.

M. ***Address Signs***

1. Each dwelling unit shall be clearly identified by a street or unit number.

2. Each nonresidential building or group of buildings shall be identified by a street number, visible from adjacent streets, not to exceed 6 square feet in area.

3. Required address signage is not counted as a part of the total sign area permitted for a building or group of buildings.

N. ***Fueling Facility Price and Product Signs***

1. *Number.* Fueling facilities are permitted 1 monument sign advertising the brand, product and price of fuel, in lieu of monument signage otherwise permitted in Section 4.407.B.2 of this code.

2. *Height.* Signs shall be no greater than 8 feet in height.

3. *Area.* The sign area shall not exceed 60 square feet.

4. *Setback.* Signs shall be set back a minimum of 10 feet from the right-of-way.

5. *Changeable Message Signs.* No more than one-half (1/2) of the sign area may be a Changeable Message Sign subject to Design Review approval.

O. ***Time and Temperature Displays***

1. *Location.* Time and Temperature Signs may be incorporated into allowed sign area in non-residential districts.

2. *Alternating Displays.* Displays shall not alternate between time and temperature more frequently than once every 10 seconds.

3. *Time Displays.* Time signs shall not change more frequently than once every minute.

P. ***Prohibited Signs.*** All signs not expressly permitted by this Chapter shall be prohibited, including but not limited to:

1. Vehicle Signs advertising a business or other commercial activity, when the motor vehicle is not actively being used in the conduct of the business or the activity advertised, and when parked on or adjacent to a public street or other public property and not in immediate proximity to an entrance to the building housing the business advertised.

2. Flashing, blinking, reflective, or animated signs, including signs with an intermittent or varying color or intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source. *Changeable Message Signs, Fuel Facility Product and Price Signs* and *Time and Temperature Displays* are not considered flashing or animated signs.

3. Electronic *Changeable Message Signs*, other than *Fuel Facility Product and Price Signs* are prohibited in historic districts and on landmarked properties.

4. Moving signs, including the sign body or any segment thereof. Flags mounted on a permanent flagpole are not moving signs.

5. Signs that, by their shape, color, design, and placement, are likely to be confused with a traffic control sign or device.

6. Signs that advertise activities illegal under Federal, State, or local laws, rules, or regulations, except for signs advertising the sale of medical cannabis that are otherwise in accordance with this Title.

7. Signs installed, attached, or painted on fences, utility facilities, rocks, trees, or natural features.

8. Signs installed, attached, or painted on any object within the right-of-way, except as otherwise permitted by this Chapter.

9. Wall Signs that are painted directly on the wall or surface of a building or structure, except as otherwise permitted by this Chapter.

10. Portable Signs, except as otherwise permitted by this Chapter.

11. Roof Signs, except as otherwise permitted by this Chapter.

12. Billboards.

13 Wall-mounted Cabinet (Can) Signs and logos more than 6 square feet in area, unless:

    a. Such sign is approved by Design Review, and

    b. Such sign has a:

        (1) Cabinet that is shaped to reflect the shape of the image printed on the sign face; or

        (2) Molded sign face, with embossed copy or sign copy or sign copy in relief; or

        (3) Nationally registered trademark with colored sign copy on a colored background.

14. Pole Signs, except as otherwise permitted by this Chapter.

15. Freestanding signs on properties having permitted, non-industrial uses in Industrial zoning districts

16. Projecting Signs, except as otherwise permitted by this Chapter.

17. Attention getting devices including, searchlights, pennants, banners, propellers, spinners, streamers, balloons and similar devices, and festoon lights except when festoon lights are used for an Outdoor Dining area, unless otherwise permitted by this Chapter.

18. Signs advertising a business no longer conducted or a product no longer offered on the premises where the sign is located.

19. Signs that obstruct visibility of any traffic control device or create a hazard to vehicular or pedestrian travel.

20. Awning and Canopy Signs unless otherwise permitted by this Chapter.

21. Off-Site Signage, except as otherwise permitted by this Chapter.

22. Signage on Accessory Structures is prohibited, except as otherwise permitted by this Chapter.

Q. ***Nonconforming Signs***

1. Nonconforming signs may be repaired, subject to this Section.

2. If a nonconforming sign is damaged by any cause, including lack of maintenance, by more than 50 percent of its reproduction value, or is removed by any means, including "an act of God," then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this Chapter and applicable provisions of the Building Code.

3. If a nonconforming sign that no longer advertises a current use remains, with or without copy, for a period of 90 days or more, it shall be presumed abandoned, and shall be removed after notice to the property owner, unless the property owner establishes facts sufficient to rebut the presumption of abandonment.

4. If a property or development is expanded or modified and such expansion or modification includes new signage, all nonconforming signs shall be removed or rebuilt to comply with the provisions of this Chapter.

5. Sign faces may be replaced on nonconforming signs.

6. Any change, other than sign face replacement, to a property that adds to or changes existing signage shall be prohibited until all nonconforming signs are removed or rebuilt in conformance with of this Chapter.

R. ***Abandoned Signs.*** Sign copy on abandoned signs shall be removed within 30 days of abandonment. The area where copy has been removed shall be restored in a manner approved by the Planning and Zoning Officer.

S. ***No Discrimination Against Non-Commercial Signs.*** Any permitted sign may contain a non-commercial message.

T. ***Sign Height and Area***: Refer to Glossary of General Terms.

U. ***Hours of Illumination.*** Unless otherwise allowed by Ordinance or this Code, illuminated signs shall be turned off between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. The sign may be illuminated during these hours only while the business is open.

4.403 Sign Criteria

A. ***Design of Permanent Signs***. All permanent signs shall be compatible with the design of buildings and sites, reflecting the architectural style, building materials, textures, colors, and landscape elements of the project.

B. ***Placement of Signs***

1. Except as provided in the Downtown Mixed Use zoning district, permanent signs shall not project into or over the public right-of-way.

2. Signs or support structures shall not be located in such a manner that obstructs any door, fire escape, stairway, or any opening, exit, walkway, utility access or Fire Department connection.

3. The lowest portion of any sign that extends over an area intended for pedestrian use shall not be less than 7 feet above finished grade. The lowest portion of any sign that extends over an area intended for vehicular use shall not be less than 14 feet above the finished grade.

4. No sign shall be placed on any property without written consent of the owner or owner's authorized agent.

5. Notwithstanding other provisions of this Chapter, no sign shall create a hazard to the safe movement of traffic by obstructing the vision of motorists, as determined by the City Engineer.

C. ***Maintenance of Signs.*** Any sign or component of a sign that is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety, or a visual blight, shall be promptly repaired or replaced. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all defective bulbs, light emitting diodes, fluorescent tubes, neon or other inert gas light segments, dead pixels, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry.

D. ***Lighting.*** Exposed incandescent, fluorescent, metal halide, high- or low-pressure sodium bulbs, or mercury vapor light sources shall not be used as a source of sign illumination. All exterior light sources shall be shielded to prevent illumination trespass beyond the sign.

E. ***Movement.*** Except for permitted flags and pennants, there shall be no movement or appearance of movement of the sign or any component thereof.

4.404 Real Estate Signs

A. ***Real Estate Signs.*** Real Estate Signs advertising real property for sale, rent, or lease are considered temporary signs, and are permitted in any zoning district, subject to the following regulations:

1. *General Standards.* Real Estate Signs are permitted only on the property that is offered for sale or lease. One Real Estate Sign is permitted per street frontage. Placement of Real Estate Signs on public rights-of-way is prohibited. Off Premise Real Estate Signs are prohibited. Real Estate Signs 16 square feet or less in area shall be set back 5 feet from all property lines. Real Estate signs may be installed on a wall in location in compliance with Wall Sign Regulations for the base Zoning District subject to the size limitations specified in this Section.

2. *Residential Zoning Districts.* Real Estate Signs shall not exceed 6 square feet in area and 4 feet in height.

3. *Commercial and Office Zoning Districts.* Real Estate Signs shall not exceed 6 feet in height. Signs exceeding 16 square feet in area shall require Administrative Design Review approval and shall:

    a. Be set back a minimum of 10 feet from all property lines and vehicle access drives;

    b. Not exceed 32 square feet in area;

    c. Be constructed of plywood or metal panels, with the entirety of the sign surface painted or covered by appliqués; and

    d. Be supported by solid posts having a minimum diameter or width of 4 inches, with decorative cap, and finished in the same color as the background color of the sign.

4. *Industrial Zoning Districts.* Real Estate Signs shall not exceed 32 square feet in area and 8 feet in height, and signs larger than 16 square feet shall be set back a minimum of 10 feet from rights-of-way.

B. ***Removal.*** Real Estate Signs shall be removed from the site no later than 5 days after sale or lease of the property.

C. ***Construction Signs***

1. One Construction Sign is permitted on multi-family, commercial and industrial properties with a valid building permit. One additional Construction Sign is permitted for sites over 5 acres with more than 1 exterior street frontage. Construction Signs shall:

    a. not exceed 32 square feet in area and 8 feet in height;

    b. be set back a minimum distance of 10 feet from the property lines, unless zoning district regulations establish different standards; and

    c. be removed within 5 days of the issuance of a final Certificate of Occupancy for the project.

2. One Construction Sign is permitted on one- or two-family residential properties with a valid building permit. Construction Signs shall:

   a. not exceed 6 square feet in area and 4 feet in height;

   b. be set back a minimum distance of 5 feet from the property lines; and

   c. be removed within 5 days of the issuance of a Certificate of Occupancy for the project.

4.405 Residential Zoning Districts and Uses

The following regulations shall apply to all single family and multi-family residential zoning districts, as well as Mixed Use District (MU) parcels that do not contain non-residential uses.

A. ***Single and Multi-Family Dwelling Units.*** Other than the address sign required pursuant to Section 4.402.M: Address Signs, each dwelling unit may have 1 residential name sign identifying the occupant, not to exceed 3 square feet in area.

B. ***Residential Entry Signs.*** Residential Entry Signs are prohibited for single family residential properties or subdivisions. Residential Entry Signs are allowed for multiple family residentially zoned or Mixed Use properties containing one or more buildings with a total of more than 15 units subject to the following:

   1. *Number*. One (1) sign is allowed per multifamily residential development.

   2. *Height.* The sign shall not exceed 6 feet in height.

   3. *Area.* The sign shall not exceed 32 square feet in area.

   4. *Setback.* The sign shall be set back a minimum of 10 feet from the property line, right-of-way, and any vehicle use area.

   5. *Changeable Message Signs.* Changeable message signs are prohibited.

C. ***Periodic Display of Banners and Advertising Flags in the R5 District.*** Banners and Advertising Flags are permitted once per calendar quarter for a period not to exceed 45 consecutive days. Such Banners and Flags may be located on an exterior building wall or may be mounted on freestanding signs or posts adjacent to streets, no closer than five feet from the right of way when the building is set back more than 50 feet from the right-of-way, and shall not exceed 6 feet in height. Banners and Advertising Flags shall not exceed a total area of 32 square feet.

4.406 Nonresidential Uses in Residential Zoning Districts

A. ***Applicability.*** These regulations shall apply to nonresidential uses in residential zoning districts. Nothing herein shall be construed or applied in such a manner as to regulate signs for religious uses more restrictively than signs for non-religious uses in the same zoning district.

B. ***Permanent Signs***

1. *Wall Signs*

a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user space.

b. Total Business Sign Area. Each tenant or user space shall be permitted a minimum Wall Sign area of 32 square feet. The maximum Wall Sign area permitted for a business shall be the greater of:

(1) The sign area calculated pursuant to Section 4.407.B.1.c: Sign Area Allowances per building elevation for the longest building elevation of the tenant or user space facing the street; or

(2) The sign area calculated pursuant to Section 4.407.B.1.c: Sign Area Allowances per building elevation for the length of the building elevation of the tenant or user space in which the principal entrance to the business is located.

c. Wall Signs are permitted at a rate of 1 square foot of sign area for each 1 foot of the building elevation adjacent to the tenant space.

d. Multi-Story Buildings. Wall Signs shall only be located on one floor of a multi-story building.

e. Design. Wall Signs shall conform to the Standard Design Review Conditions for Commercial and Industrial Projects.

f. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant space. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

g. Placement and Scale. Wall Signs shall be placed in an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Plan Commission, through Design Review, may approve a sign higher than allowed if it finds unusual circumstances and that the sign placement does not visually crowd the top of the wall.

h. Wall Signs Abutting Residential Uses. Wall Signs on building elevations that face properties designated for residential use in the Comprehensive Plan shall:

(1) not be illuminated;

(2) not exceed 16 square feet in area; and

(3) be installed no higher than 14 feet above grade.

2. *Monument Signs.* Unless otherwise allowed within this code, monument signs shall be permitted as follows:

   a. Number. One on-site Monument Sign is permitted for any lot or parcel with a minimum of 50 feet of street frontage.

   b. Size. Signs shall be no greater than 32 square feet in area and 6 feet in height.

   c. Setback. Signs shall be set back a minimum of 10 feet from the right-of-way.

   d. Changeable Message Signs. One-half (1/2) a monument sign area may be a Changeable Message Sign, subject to Design Review approval.

3. *Directional Signs:*

   a. Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

   b. Setback. Signs shall be set back a minimum of 10 feet from the right-of-way.

4. *Temporary Signs.* Temporary Signs shall comply with the following regulations:

   a. Initial Display of Banners and Advertising Flags. Banners and advertising flags are permitted once during the first year of operation of a use, for a period not to exceed 90 consecutive calendar days and commencing not earlier than 30 days prior to the first day of operation of the use. Such Banners and flags shall be located on the exterior building wall of the tenant space to which they are appurtenant and shall not exceed a total area of 32 square feet.

   b. Periodic Display of Banners and Advertising Flags. Banners and advertising flags are permitted for a period not to exceed 14 consecutive days per calendar quarter. Such Banners and flags shall be located on the exterior building wall of the space to which they are appurtenant, and shall not exceed a total area of 32 square feet.

5. *Homeowners Association Facilities Temporary Signs.* Temporary Signs for Homeowners Association Facilities shall comply with the following regulations:

a. Applicability. Banners and Directional Signs for Homeowners Association Facilities are permitted that display information concerning seasonal or temporary events occurring in or for the operation of the development.

b. Sign Area and Location. A maximum of 32 square feet of sign area is permitted within the limits of the residential community.

c. Installation and Removal. Signs shall be installed no earlier than 14 days before the date of an event and shall be removed within 48 hours of completion of the event.

d. Materials. Signs shall be constructed of lightweight, weather-resistant material.

e. Placement. The regulations of Section 4.402: General Sign Regulations and Section 4.403.B: Placement of Signs shall apply.

4.407 Commercial and Other Use Districts

A. ***Applicability.*** The following regulations shall apply to the following zoning districts: DMU, PFI, NC, CC, GC districts and MU parcels that contain non-residential uses.

B. ***Permanent Signs.*** Signs shall comply with the Design Review, or Administrative Design Review, if applicable, subject to the following regulations:

1. *Wall Signs*

a. Applicability. Except as otherwise provided in this code, Wall Signs are permitted for first and second floor tenant spaces only on any exterior wall of the tenant or user space.

b. Sign Length. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant space.

c. Placement and Height. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Plan Commission, through Design Review, may approve a sign higher than allowed if it finds unusual circumstances and that the sign placement does not visually crowd the top of the wall.

d. Total Business Sign Area. Each business shall be permitted a minimum Wall Sign area of 24 square feet. The maximum Wall Sign area permitted for a business shall be the greater of:

(1) the sign area calculated pursuant to Section 4.407.B.1.e: Sign Area Allowances per Building Elevation for the

longest building elevation of the tenant or user space facing the street; or

(2) the sign area calculated pursuant to Section 4.407.B.1.e: Sign Area Allowances per Building Elevation for the length of the building elevation of the tenant or user space in which the principal entrance to the business is located.

e. Sign Area Allowances per Building Elevation. Wall Signs are permitted at a rate of:

(1) In the GC District, 2 square feet of sign area for each 1 lineal foot of the building elevation adjacent to the tenant space.

(2) In the CC, DMU and MU districts, 1 and ½ square feet of sign area for each lineal feet of the building elevation adjacent to the tenant space.

(3) In the PFI and NC districts, 1 square foot of sign area for each lineal foot of the building elevation adjacent to the tenant space.

f. Multi-Story Buildings. Wall Signs on a multi-story building shall be limited to the first and second floors and shall conform to criteria set forth below, in addition to all other wall sign criteria in Section 4.407.B.1.

(1) Individual Building Identification Signs located on buildings two or more stories in height shall not exceed 75 square feet in area.

(2) Sign area allowance for first and second floor tenants is subject to the provisions of Sections 4.407.B.1.d: Total Business Sign Area and 4.407.B.1e: Sign Area Allowances per Building Elevation.

g. Wall Signs Abutting Residential Uses. Wall Signs on building elevations that face properties designated for residential use in the Comprehensive Plan shall:

(1) not be illuminated;

(2) not exceed 16 square feet in area; and

(3) be installed no higher than 14 feet above grade.

h. Projecting Signs. Projecting Signs are permitted in the Downtown Mixed Use and Mixed Use districts, subject to the following criteria:

(1) Location. One projecting sign is permitted on each principal building for each street frontage. For buildings located at an intersection, one 45-degree projecting corner sign is permitted in lieu of 2 frontage projecting signs. An additional sign is allowed for a separate tenant space on a street frontage for every 50 feet of additional frontage.

(2) Placement. No sign shall project more than 5 feet from the face of the building, nor encroach closer than 2 feet from the face of a curb on a public or private street. No sign shall be higher than 5 feet below the top of a parapet wall, the top of a hip or gable roof, or 25 feet above grade, whichever is lower. Projecting signs shall be located in such a manner as to complement architectural features of the building.

(3) Clearance. All projecting signs shall maintain a 10 foot vertical clearance from a public ~~or private~~ sidewalk, walkway or path A projecting sign shall maintain a 8 foot vertical clearance from a private sidewalk,, walkway or path.

(4) Approval. All projecting signs in the DMU district shall receive a certificate of appropriateness from the Historic Preservation Commission (HPC) before issuance of a building permit. In reviewing the application the HPC shall ensure that, as nearly as possible, the objectives listed in subsections h(5): Design, and h(7): Lighting, of this section, are met.

(5) Design. Projecting signs shall reflect the character of the downtown historic district in materials, colors, scale, proportion, location and general design.

(6) Size. Projecting signs shall be subject to the maximum size limitation of wall signs and shall be included as part of the total allowed wall sign area for a building. Only one side of a projecting sign shall count toward allowable sign area.

(7) Lighting. Projecting signs may be illuminated in a manner that does not detract from the historic character of the building or the neighborhood.

i. ***Painted Wall Signs***. Painted Wall Signs are permitted in the, Downtown Mixed Use District (DMU) subject to the following regulations:

(1) Permit Required. Businesses displaying a Painted Sign shall obtain Certificate of Appropriateness approval and a

building permit prior to the application of the sign to a surface. The application shall depict the proposed sign design elements, text, colors and area.

(2) Location. A Painted Wall Sign is prohibited on any masonry surface of any building. A painted sign may only be placed on a non-porous material or metal surface.

(3) Placement. Painted Wall Signs shall be subject to the maximum size limitation of Wall Signs and shall be included as part of the total allowed wall sign area for a building.

(4) Design. Projecting signs shall reflect the character of the downtown historic district in materials, colors, scale, proportion, location and general design

2. *Freestanding Signs*

a. Monument Signs

(1) Number. One on-site Monument Sign is permitted for any lot or parcel with the following minimum street frontages:

i. a minimum of 50 feet of street frontage in the DMU district. No additional Monument Sign is permitted.

ii. a minimum of 100 feet of street frontage in the PFI, NC, CC, GC districts and MU parcels that contain non-residential uses. One additional Monument Sign is permitted for each additional 300 feet of street frontage on the same lot or parcel.

(2) Height. Signs shall be no greater than 6 feet in height.

(3) Area. For buildings whose setback is less than 75 feet from the right-of-way, the monument sign area shall not exceed 32 square feet. For buildings whose minimum setback is at least 75 feet from the right-of-way, the monument sign area shall not exceed 60 square feet.

(4) Setback. Signs shall be set back from the right of way or back of curb of a private street a minimum of:

i. 0 feet in the DMU District.

ii. 10 feet in the PFI, NC, CC, GC Districts and MU parcels that contain non-residential uses.

(5) Changeable Message Signs. One-half (1/2) of the sign face of a monument sign may be a Changeable Message Sign, subject to Design Review approval.

b. Tower Signs. Tower Signs are permitted in the General Commercial zoning district for retail centers exceeding 10 net acres, as follows:

(1) Number. One on-site Tower Sign is permitted for each 600 feet of street frontage, provided the total number of all Freestanding Signs, including Monument Signs, shall not exceed 1 sign per 300 feet of street frontage.

(2) Height. Tower Signs shall not exceed a maximum height of 20 feet.

(3) Area. The maximum area permitted for a Tower Sign shall be 80 square feet.

(4) Setback. Tower Signs shall be set back a minimum of 10 feet from the right-of-way or back of curb of a private street.

c. Directory Signs

(1) Number. One sign shall be permitted for each 5 commercial tenants or uses.

(2) Size. Signs shall be no greater than 24 square feet in area and 6 feet in height.

(3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross-access between the commercial or employment properties.

(4) Location. Directory Signs shall only be installed in landscape islands or pedestrian areas.

d. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

(1) Applicability. Directional Signs are permitted to assist in traffic movement on a property. Directional Signs shall include an arrow, and may include copy to read "Enter", "Exit" or “Drive-Through” or similar language and a single business logo.

(2) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

(3) Setback. Signs shall be set back a minimum of 10 feet from the right-of-way and 3 feet from the back of curb of a private street.

e. Signs on Accessory Entry Monuments. Signs for center or project identification are permitted on accessory entry monuments for multiple-tenant projects exceeding 10 net acres, subject to Design Review approval.

(1) Area. Signs shall not occupy more than 50 percent of the area of the structure.

(2) Spacing. Signs shall maintain a minimum spacing of 100 feet from any other freestanding sign.

f. Service Station Canopy Signs

(1) Number. The maximum number of signs attached to a canopy shall be 2.

(2) Area. Canopy Signage shall count toward total allowable wall sign area.

(3) Projection. No part of the sign shall project from a canopy wall by more than 2 inches.

(4) Placement and Scale. The sign shall be vertically centered on the face of the canopy and be a minimum of 3 inches from both the top and bottom.

g. Electronic Changeable Message Signs. Where permitted by this Chapter, the Plan Commission, through Design Review, may approve an electronic Changeable Message Sign and may establish operational restrictions. Operational restrictions include, but are not limited to, the frequency and type of message change and intensity of illumination. The Plan Commission shall consider the visual impacts of the sign on the uses surrounding the sign location, and traffic volume, movements and speed in the area of the sign.

The operation of electronic Changeable Message Signs subject to regulation are:

(1) Static. The Plan Commission, through Design Review approval, shall establish the minimum time interval permitted between static message changes as a part of the approval of the sign.

(2) Fade/Dissolve. Images that fade and/or dissolve are prohibited.

(3) Travel/Scroll. Travelling and scrolling sign messages are prohibited.

(4) Animated. Animated sign messages are prohibited.

h. Gas Station Pump-Topper or Spanner Signs**.** Pump-Topper and Spanner Signs shall be approved by Design Review or Administrative Design Review. Colors, materials, placement, and dimensions shall complement the design and scale of the canopy structure and the main building

i. Drive-Through Restaurant Menu Signs

(1) Number. Drive-Through Restaurant Menu Signs shall be limited to 2 per drive-through lane.

(2) Area. Signs shall be no greater than 50 square feet in area and 7 feet in height.

(3) Location. Location shall be approved through Design Review as part of a Design Review plan.

(4) Design. Drive-Through Restaurant Menu Signs shall be constructed with a solid base, complimenting the materials and colors of the restaurant.

C. ***Temporary Signs.*** Temporary Signs are permitted subject to the following regulations:

1. *Initial Display of Banners and Advertising Flags.* Banners and advertising Flags are permitted once during the first year of operation of a use for a period not to exceed 90 consecutive calendar days and commencing not earlier than 30 days prior to the first day of operation of the use. Such Banners and Flags shall be located on the exterior building wall of the tenant space to which they are appurtenant and shall not exceed a total area of:

a. 32 square feet for occupancies up to 25,000 square feet; or

b. 64 square feet for occupancies greater than 25,000 square feet.

2. *Periodic Display of Banners and Advertising Flags in the DMU, NC, CC, GC and MU districts.* Banners and Advertising Flags are permitted for a period not to exceed 30 consecutive days per calendar quarter. Such Banners and Flags shall be located on the exterior building wall of the tenant space to which they are appurtenant. Banners and Advertising Flags shall not exceed a total area of:

a. 32 square feet for occupancies up to 25,000 square feet; or

b. 64 square feet for occupancies greater than 25,000 square feet.

3. *Periodic Display of Banners and Advertising Flags in the PFI District.* Banners and Advertising Flags are permitted once per calendar quarter for a period not to exceed 45 consecutive days . Such Banners and Flags may be located on an exterior building wall or may be mounted on freestanding signs or posts adjacent to streets, no closer than five feet from the right of way when the building is set back more than 50 feet from the right-of-way, and shall not exceed 6 feet in height. Banners and Advertising Flags shall not exceed a total area of 32 square feet.

4. *Additional Temporary Signs Related to Construction Projects that Reduce Accessibility.*

a. *Purpose.* During periods of construction activity that reduce accessibility to non-residential properties, owners of affected properties may need special signage to identify and to direct customers safely to their businesses. The City will also have a need for identification of traffic routes, parking areas and special events in the impacted area. The purpose of the Section is to allow increased temporary signage opportunity that is not otherwise allowed in this Chapter during a project of impact, as defined by City Council action. This Section will allow signs designed and located in such a manner as to maximize their effectiveness while minimally affecting construction activity and detracting from the appearance of the City.

b. *Properties Affected.* By Resolution, the City Council shall establish the specific properties subject to the rights and restrictions of this Section, as identified on a map that will be attached to said Resolution as an Exhibit, and the duration of those rights and restrictions. The duration shall be generally from the commencement of construction until construction is completed, so that full vehicle and pedestrian access is restored to a majority of the properties on the corresponding map.

c. *Permits Required.* A building permit must be applied for and issued for any sign allowed subject to this Section. The sign shall display a current City decal issued with the building permit.

d. *Sign Removal.* All signs installed pursuant to this Section must be removed no later than thirty (30) days after the City informs each permitee that the sign must be removed as set forth by the terms of the Resolution specified in Section 4.407.C.4.b.

e. *Signs Allowed.* Notwithstanding sign regulations herein to the contrary, signs deviating from those otherwise allowed, whether in

number, size, or placement, may be considered through the building permit application process. In addition to all other customary building permit reviews for temporary signs, any sign sought to be approved pursuant to this Section shall be approved by the Community Development Director. Under certain conditions, the Community Development Director may allow the following:

(1) signs placed in the public right-of-way if no opportunity exists to display a sign on the premises.

(2) signs on public property, but not affixed to light poles, utility poles, traffic control devices, or informational signs.

(3) off-premises signs, in reasonable proximity to the business being advertised.

f. *Sign Size and Placement.*

(1) Sign size shall not exceed 32 square feet.

(2) Signs cannot block visibility for vehicles, bicycles or pedestrians or of other business signage.

(3) Signs shall not obstruct more than 50 percent of a window

(4) Signs shall not interfere with construction activity

g. *Right-of-Way Placement.* Signs may be placed on a public sidewalk in the DMU District only:

(1) Pursuant to the issuance of a City license,

(2) Subject to all requirements for licensing, insurance and indemnification of the City contained in Title 3 Chapter 21 of the City Code.

h. *Display.* Signs not permanently affixed to a building or securely anchored in the ground shall be removed:

(1) When the business is not open for customers.

(2) When the National Weather Service issues a high wind warning, a tornado or severe thunderstorm watch or warning.

(3) From public sidewalks during an accumulating snowfall event.

i. *Construction and Maintenance.* Signs shall be:

(1) Constructed of exterior grade, rigid, weather resistant and durable materials,

(2) Of sufficient weight and durability to insure the sign remains in place during normal weather conditions, and

(3) Maintained in a professional manner free of chipping paint, cracks, gouges, loss of letters, and similar defects.

j. *Elements Prohibited on Signs Pursuant to This Section.* The following shall be prohibited:

(1) Any form of internal or external illumination, including flashing, blinking or rotating lights;

(2) Animation;

(3) Reflective materials;

(4) Attachments, including, but not limited to, sandbags or other items to hold a sign in place, balloons, ribbons, flags, speakers, other copy or graphics, etc.

k. *Clearance for Pedestrians*. A clear pedestrian access path shall be maintained as follows:

(1) Public Sidewalks. A minimum of 4 feet.

(2) Private Walkways. A minimum of 3 feet.

5. *Grand Opening and Re-Opening Signs.* Grand opening and re-opening signs may be allowed as follows:

a. Building permits shall be required for all signs displayed pursuant to this section; all or several signs can be proposed in a single building permit application.

b. Signs may be displayed:

(1) for the first opening of a business at a particular location, no more than 2 business days before the opening (See 4.407.C.1 for “Opening Soon” sign) or

(2) for the first re-opening after completion of an addition or renovation to the building in which the business is located, when such improvement has been issued a building permit by the City and has passed all inspections for completion for such improvement.

c. Signs may be displayed for a period not to exceed thirty (30) days. This thirty (30) day period shall begin with the earliest installation date established with issuance of the first grand opening or re-opening sign building permit. Future building permits issued for grand opening or re-opening signs for the same business shall allow sign display only during the same thirty (30) day period established by issuance of the first grand opening or re-opening sign building permit.

d. Signs may be displayed only during the first three (3) months of the business' opening or re-opening. Only one (1) thirty-day period for sign display is permitted in this three (3) month period.

e. Allowed signs include, but are not necessarily limited to, banners, flags, balloons, streamers, and other means to advertise the opening of the operation, subject to the approval of the Community Development Director and limitations imposed for the protection of the public health, safety and welfare. Signs that flash, blink, or are animated, or contain any moveable parts, whether moved by mechanical means or by a person, or designed to move by forced air, are prohibited.

f. Signs may be displayed on the property occupied by the business only, or on property that is part of an approved Planned Development that includes the subject business when written consent from the owner of the other property is accepted as part of the approved building permit(s).

g. Signs shall be setback at least 10 feet from the property line and from vehicle/pedestrian access.

D. ***Window Signs***. Except as permitted elsewhere in this Code, window signs shall comply with the following:

1. *Area*. Signs shall not exceed 25 percent of the total window area. Window signs are not part of permitted wall sign area. Illuminated window signs shall not exceed 6 square feet per sign.

2. *Location*. Individual businesses may display signs in a first floor window area or within 6 feet behind a window.

E. ***Awning and Canopy Signs***. Signs on awnings or canopies are permitted, subject to issuance of a building permit and the following standards:

1. Awning and Canopy sign area shall count toward permitted wall sign area for the business.

2. Signs shall not exceed 80 percent of the width and height of the awning or canopy. Letters on a valance shall not exceed 80 percent of the width and height of the valance.

3. The underside of a translucent canopy or awning shall not be illuminated.

F. ***Community Signs.*** In addition to other permitted signs, Community Signs are permitted in the PFI and DMU districts, subject to the following regulations:

1. *Number*. One Community Sign is permitted for each zoning lot.

2. *Height.* Community Signs shall not exceed a maximum height of 8 feet.

3. *Area.* Community signs shall not exceed an overall maximum area of 60 square feet.

4. *Changeable Message Area.* Where permitted elsewhere by this Code, up to one-half (1/2) of the sign face of a community sign may be a *Changeable Message Sign* subject to Design Review approval.

5. *Setback.* Community Signs shall be set back a minimum of 10 feet from the right-of-way or back of curb of a private street.

G. ***Roof Signs.*** In addition to other permitted signs, Roof Signs are permitted in the DMU District, subject to the following regulations:

1. *Number*. One Roof Sign is permitted for each building.

2. *Location.* A Roof Sign shall be located only on a portion of the roof that is in front of a building wall that is at least 1.5 times the height and width of the sign.

3. *Height.* The bottom of a Roof Sign shall not be more than 2 feet above the roof surface where it is installed.

4. *Area.* A Roof Sign shall not exceed a maximum area of 32 square feet.

H. ***Chimney Signs.*** In addition to other permitted signs, Chimney Signs are permitted in the DMU District, subject to the following regulations:

1. *Number*. Two Chimney Signs are permitted on each chimney that is a minimum of 50 feet in height.

2. *Location.* The top of a Chimney Sign shall be no higher than two-thirds of the height of the chimney.

3. *Area.* Chimney Signs shall not exceed an overall maximum area of 60 square feet.

4. *Placement.* Chimney Signs shall not extend around the entire circumference of the chimney surface.

5. *Material.* Chimney Signs shall be painted directly on the chimney surface.

6. *Illumination.* Chimney Signs may be externally illuminated from the base of the chimney or a building element, provided that the light source is fully shielded.

I. ***Pole Signs.*** In addition to other permitted signs, Pole Signs are permitted in the DMU District in lieu of a monument sign, subject to the following regulations:

1. *Uses.* Pole Signs shall only be allowed for properties containing a Fueling Facility.

2. *Number.* One Pole Sign is permitted on a property.

3. *Location.* No portion of a Pole Sign shall be closer than 5 feet to any property line, or 20 feet from any structure.

4. *Height.* The maximum height of a Pole Sign shall be 20 feet.

5. *Clearance.* Pole Signs shall maintain an 8 foot vertical clearance from a public or private sidewalk, walkway or path.

6. *Overhang.* No portion of a Pole Sign shall overhang a driveway, parking area or other vehicular access way.

7. *Area.* Pole Signs shall not exceed an overall maximum area of 50 square feet.

8. *Changeable Message Signs.* No more than one-half (1/2) of the sign area may be a Changeable Message Sign subject to Design Review approval. Use of Electronic Changeable Message Signs shall be limited to the price of fuel.

J. ***Portable Signs.*** In addition to other permitted signs, Portable Signs are permitted in the DMU, MU, NC, CC, and GC districts, subject to the following regulations:

1. *Permit Required.* Businesses displaying a portable sign shall first obtain a building permit. The sign shall display a current City decal issued with the building permit.

2. *Size.* Portable Signs shall be no greater than 6 square feet in area.

3. *Height.* Portable Signs shall not exceed 4 feet in height.

4. *Number.* No more than one sign shall be permitted per business customer entrance. One additional portable sign for valet parking service is allowed to be displayed while a valet is on duty.

5. *Display.* Signs shall be removed:

   a. When the business is not open for customers.

   b. When the National Weather Service issues a high wind warning, a tornado or severe thunderstorm watch or warning.

   c. From public sidewalks during an accumulating snowfall event.

6. *Location.* Signs shall be located:

a. At grade level.

b. In front of the business property

c. No more than 15 feet from the customer entrance to the building for the business being advertised, unless a pedestrian plaza is adjacent to a customer entrance, in which case the sign may be located no more than 50 feet from that entrance.

d. A minimum of 2 feet from back of curb adjacent to parking spaces.

7. *Prohibited Locations.* Signs shall not be located:

a. In landscaped areas, other than turf grass.

b. In parking aisles or stalls.

c. On or anchored to fences, planters, other signs, vehicles, utility facilities, or any structure.

d. In streets or alleys.

8. *Right-of-Way Placement.* Signs may be placed on a public sidewalk in the DMU district only:

a. Pursuant to the issuance of an annual City license,

b. Within 15 feet of a customer entrance if no location on private property can meet the standards of this code,

c. Subject to all requirements for licensing, insurance and indemnification of the City contained in Title 3 Chapter 21 of the City Code.

9. *Construction and Maintenance.* Signs shall be:

a. Constructed of exterior grade, rigid, weather resistant and durable materials,

b. Of sufficient weight and durability to insure the sign remains in place during normal weather conditions, and

c. Maintained in a professional manner free of chipping paint, cracks, gouges, loss of letters, and similar defects.

10. *Elements Prohibited on Portable Signs.* The following shall be prohibited on Portable Signs:

a. Any form of internal or external illumination, including flashing, blinking or rotating lights;

b. Animation;

c. Reflective materials;

d. Attachments, including, but not limited to, sandbags or other items to hold a sign in place, balloons, ribbons, flags, speakers, other copy or graphics, etc.

11. *Clearance for Pedestrians*. A clear pedestrian access path shall be maintained as follows:

a. Public Sidewalks. A minimum of 4 feet.

b. Private Walkways. A minimum of 3 feet.

4.408 Office/Employment Zoning Districts

A. ***Applicability.*** The following regulations shall apply to the following zoning districts: O, SB, LI, and GI.

B. ***Approval.*** Signs shall be approved as part of a development project through Design Review or separately by Administrative Design Review.

C. ***Permanent Signs.*** Signs shall comply with the approved final Design Review or Administrative Design Review subject to the following regulations:

1. *Wall Signs.*

a. Applicability. Wall Signs are permitted on any exterior wall of the tenant or user space.

b. Total Business Sign Area. Each business shall be permitted a minimum Wall Sign area of 32 square feet. The maximum Wall Sign area permitted for a business shall be the greater of:

(1) The sign area calculated pursuant to Section 4.408.C.1c: Sign Area Allowances per Building Elevation for the longest building elevation of the tenant or user space facing the street; or

(2) The sign area calculated pursuant to Section 4.408.C.1c: Sign Area Allowances per Building Elevation for the length of the building elevation of the tenant or user space in which the principal entrance to the business is located.

c. Sign Area Allowances per Building Elevation. Wall Signs are permitted on any exterior wall of the tenant or user space at a rate of 1 square foot of sign area for each 1 lineal foot of the building elevation adjacent to the tenant space.

d. Multi-Story Buildings. Wall Signs on a multi-story building shall be limited to the first floor.

e. Dimensions. The length of a Wall Sign shall not exceed 80 percent of the horizontal length of the exterior building elevation of a tenant space. The height of a Wall Sign shall not exceed 80 percent of the vertical dimension of the sign band or wall space on which the sign is placed.

f. Placement and Scale. Wall signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. The Plan Commission may approve a sign that is closer to the top of the parapet wall if it finds that the sign placement does not visually crowd the top of the wall.

g. Wall Signs Abutting Residential Uses. Wall Signs on building elevations that face properties designated for residential use in the Comprehensive Plan shall:

(1) Not be illuminated;

(2) Not exceed 16 square feet in area; and

(3) Be installed no higher than 14 feet above grade.

2. *Freestanding Signs*

a. Monument Signs

(1) Number. One Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. Parcels with 600 feet of street frontage are permitted 2 Monument Signs. One additional Monument Sign is permitted for each additional 300 feet of street frontage.

(2) Height. Signs shall be no greater than 6 feet in height.

(3) Area. Signs shall be no greater than 60 square feet in area.

(4) Setback. Monument signs shall be set back a minimum of 10 feet from the right-of-way and 5 feet from any curb.

(5) Changeable Message Signs. One-half (1/2) of the sign face of 1 monument sign in the General Industrial District may be a Changeable Message Sign, subject to Design Review approval. Only 1 changeable message sign is allowed per Zoning Lot.

b. Directory Signs

(1) Number. One sign shall be permitted for each 5 tenants or uses.

(2) Size. Signs shall be no greater than 24 square feet in area and 6 feet in height.

(3) Setback. Signs shall be set back a minimum of 75 feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross-access between the commercial or employment properties.

(4) Location. Directory Signs shall only be installed in landscape islands or pedestrian areas.

c. Directional Signs. Directional Signs are not counted as part of the total sign area for a use and shall comply with the following regulations:

(1) Applicability. Directional Signs are permitted to assist in traffic movement on a property.

(2) Directional Signs shall include an arrow and may include copy to read "Enter", "Exit" or “Drive-Through” or similar language and a single business logo.

(3) Size. Signs shall be no greater than 3 square feet in area and 3 feet in height.

(4) Setback. Signs shall be set back a minimum of 25 feet from the right-of-way.

(5) Prohibited Locations. Directional Signs shall not be located in a required perimeter landscape area.

3. *Signs on Accessory Entry Monuments.* Signs for center or project identification are permitted on accessory entry monuments for multiple-tenant projects exceeding 20 net acres, subject to Design Review approval.

a. Area. Signs shall not occupy more than 50 percent of the area of the structure.

b. Spacing. Signs shall maintain a minimum spacing of 100 feet from any other freestanding sign.

D. ***Temporary Signs.*** Temporary Signs are permitted subject to the following regulations:

1. *Initial Display of Banners and Advertising Flags.* Banners and advertising Flags are permitted once during the first year of operation of a use for a period not to exceed 90 consecutive calendar days and commencing not earlier than 30 days prior to the first day of operation of the use. Such Banners and Flags shall be located on the exterior building wall of the

tenant space to which they are appurtenant and shall not exceed a total area of:

a. 32 square feet for occupancies up to 25,000 square feet; or

b. 64 square feet for occupancies greater than 25,000 square feet.

2. *Other Display of Banners and Advertising Flags.* Banners and advertising Flags are permitted for a period not to exceed 30 consecutive days per calendar year. Such Banners and Flags shall be located on the exterior building wall of the space to which they are appurtenant, and shall not exceed a total area of:

a. 32 square feet for occupancies up to 25,000 square feet; or

b. 64 square feet for occupancies greater than 25,000 square feet.

E. ***Window Signs***. Except as permitted elsewhere in this Code, window signs shall comply with the following:

1. *Area*. Signs shall not exceed 25 percent of the total window area. Window signs are not part of permitted wall sign area. Illuminated window signs shall not exceed 6 square feet per sign.

2. *Location*. Individual businesses may display signs in a first floor window area or within 6 feet behind a window.

F. ***Awning and Canopy Signs***. Signs installed on canopies shall comply with the following:

1. *Area.*

(i) Freestanding Canopy. Signs shall not exceed 25 percent of the canopy edge length; signs shall not contribute to the total wall signage area allowed.

(ii) Attached Canopy. Signs shall not exceed 80 percent of the width and height of the awning or canopy. Letters on a valance shall not exceed 80 percent of the width and height of the valance.

2. *Height.* Signs shall not extend above or below the vertical edge of the canopy.

3. *Location* Signs may be located on canopy edges that face public right-of-ways or private streets.

4. *Illumination.* The underside of a translucent canopy or the edge of a canopy shall not be illuminated, except that an allowed sign may be illuminated where the canopy edge does not face a property designated for residential use in the Comprehensive Plan.

4.409 Parks and Open Space Zoning District

A. ***Applicability.*** These regulations shall apply to uses located in the POS zoning district.

B. ***Approval.*** Signs shall be approved as part of a development project through Design Review or separately by Administrative Design Review.

C. ***Permanent Signs***

1. *Wall Signs*

   a. Applicability. Wall Signs are permitted on any exterior wall of a structure.

   b. Total Sign Area. Each building shall be permitted a single Wall Sign of 32 square feet.

2. *Monument Signs*

   a. Number. One monument sign is permitted on each street frontage. One additional monument sign is permitted for each street frontage over 600 feet.

   b. Size. Signs shall not exceed 32 square feet in area and 6 feet in height.

   c. Setback. Signs shall be set back a minimum of 10 feet from the right-of-way.

3. *Changeable Message Panels.* One-half of a monument sign face may be a changeable message sign, subject to Design Review approval.

4. *Temporary Signs.* Temporary Signs are permitted, subject to the following regulations and issuance of a sign permit:

   a. Periodic Display of Banners and Advertising Flags. Banners and advertising flags are permitted for special events not to exceed 30 consecutive days.

   b. Size. Temporary signs shall not exceed 32 square feet.

4.410 Removal of Signs on City Property or Rights of Way

The Code Compliance Officer, Building Commissioner, Building Inspector or any Police Officer is authorized to remove any Temporary Sign installed without permission on City property or in the right of way. In addition to the above City employees, City utility employees are authorized to remove any sign installed without permission on City utility facilities or property.

4.411 Removal of Hazardous Signs

The Building Commissioner is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.

Chapter 6: Use Definitions

Accessory Use (Incidental Use). The use of a building or land which is subordinate to the principal use of the building or land on the same lot or parcel.

Adult Arcade. Any place to which the public is permitted or invited, wherein coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computers or other image producing devices are regularly maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

Adult Bookstore, Adult Novelty Store, or Adult Video Store. A commercial establishment which has as a substantial or significant portion of its stock in trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:

A. Books, magazines, periodicals, or photographs, films, motion pictures, videocassettes, compact or laser discs, slides, software or other visual representations, which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas;"

B. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

A. Persons who appear seminude; or

B. Live Performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or

C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas."

Adult Day Care, Residential. Day care provided in an occupied residential structure for more than 5 adults.

Adult Motion Picture Theater. Any commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, compact discs or similar photographic reproductions are regularly shown which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Adult Show or Adult Theater. Any theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear nude or seminude, or live performances which are characterized by the exposure of specified anatomical areas, or by specified sexual activities.

Agritainment. Agriculturally-based recreation and entertainment events and activities in conjunction with on-going agricultural uses on a property. Activities may include corn mazes, hayrides, petting zoos, Farm Stands, and Farmer's Markets.

Amateur Radio Facilities. Equipment and structures used for airway communication purposes by persons holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Ambulance Services. A facility for the provision of emergency and non-emergency medical transportation, including the parking and dispatching of ambulances, but excluding the maintenance of vehicles.

Amplified Artistic Performance: A Use where amplified music, singing, spoken word or other similar audio entertainment or performance is provided.

Animal Raising, Non-Commercial. The keeping, grazing or feeding of fowl or animals not for profit.

Animal Services. Facilities for care and treatment of animals, including incidental sales of pet supplies.

Animal Grooming. Any place or establishment where animals are bathed, clipped, or combed and a fee is charged for such services.

Animal Shelter. A facility used to house or contain stray, homeless, abandoned, or unwanted animals that is owned, operated, or maintained by a public body, humane society, animal welfare society, society of the prevention for cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of animals.

Animal Training. An establishment where animals are brought and trained for the purposes of obedience, assistance, tricks or tasks. Animal Training does not include overnight boarding.

Kennel. Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding, or care of dogs, cats, pets, fowl or other domestic animals for a fee, but not including boarding, breeding or care of animals used for agricultural purposes. Ancillary services such as animal grooming and the sale of animal food and supplies are permitted.

Large Animal Hospitals. Animal services for large domestic and farm animals, including grooming and boarding of animals receiving medical treatment.

Small Animal Clinics. Veterinary services for small animals, including grooming and interior kennels for boarding of animals receiving medical treatment.

Auction. *(See Swap Meet)*

Automated Teller Machine (ATM). An automated device that provides banking services.

Automated Teller Machine (ATM), Remote. An outdoor, freestanding automated device that provides banking services at a location physically separated from the controlling financial institution, either on or off of the property containing the controlling financial institution.

Backhaul Network. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Banks and Other Financial Service Institutions. Establishments that provide retail banking, credit, and mortgage services to individuals and businesses. This classification includes banks and savings and loan establishments, credit unions, and check cashing establishments.

Banquet Facility. An establishment rented to others for social gatherings, including outdoor assembly.

Bed and Breakfast Homes. Owner-occupied dwellings providing lodging and meals to paying guests for a limited duration. Kitchen facilities are not provided for use by guests.

Brewery. A facility that produces, packages and distributes malt beverages. A brewery may include a tasting room where beverages may be consumed on site or in sealed containers for consumption off site.

Brewpub. A restaurant that includes a small brewery where beverages are sold for consumption on site or in sealed containers for consumption off site.

Building Maintenance Services. Establishments providing carpet cleaning, janitorial services, pool services, and similar uses.

Building Material and Home Improvement Sales and Service, Retail. Sale or rental of building or landscaping materials, supplies, hardware or construction equipment to the public.

Building Material and Home Improvement Sales and Service, Wholesale. Sale of building or landscaping materials, supplies, hardware or construction equipment to other firms for resale or distribution. Incidental retail sales may be conducted.

Business Services. Establishments providing document delivery, mail services and boxes, package services, blueprinting, copying, desktop publishing and photographic services.

Call Center. A large-scale office providing incoming and outgoing telephone and computer services for one or more corporations. Call centers do not provide on-site

customer services and are characterized by high employee density, open offices and 24 hour operations.

Cannabis Cultivation Center. An establishment licensed by the State of Illinois Department of Agriculture to cultivate cannabis for sale and/or distribution to licensed and/or lawful cannabis dispensaries.

Cannabis Dispensary, Medical. An establishment licensed by the State of Illinois under the Illinois Compassionate Use of Medical Cannabis Pilot Program Act that acquires medical cannabis from a licensed Cultivation Center for the purpose of dispensing cannabis, cannabis derived products, paraphernalia or related supplies and education material. A Medical Cannabis Dispensary shall not dispense cannabis for recreational use.

Cannabis Dispensary, Recreational. An establishment, other than a medical cannabis dispensary, that dispenses cannabis, cannabis derived products, paraphernalia or related supplies as permitted by the laws of the State of Illinois.

Carnival. (*See Batavia City Code Title 3 : Business and License Regulations*)

Circus. *(S*ee *Batavia City Code Title 3: Business and License Regulations*)

Cemetery. Burial grounds for the interment of the human deceased.

Cemetery, Pet. Burial grounds for the interment of domestic animals.

Child Care Facility. Any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child Care Facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

Child Care Institution. A child care facility where more than 7 children are received and maintained for the purpose of providing them with care or training or both. The term Child Care Institution includes residential schools, primarily serving ambulatory handicapped children, and those operating a full calendar year, but does not include:

A. Any State-operated institution for child care established by legislative action;
B. Any juvenile detention or shelter care home established and operated by any county or child protection district;
C. Any institution, home, place or facility operating under a license pursuant to the Nursing Home Care Act [210 ILCS 45];
D. Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in public schools, grades one through 12, or elementary and high schools, and which operates on a regular academic school year basis;

E. Any facility licensed as a "group home" as defined in the Child Care Act of 1969 (Section 2.06 of the Child Care Act of 1969)

Child Day Care, Home Occupation. A permanent residential unit where an occupant provides day care and supervision for more than 3, but fewer than 13 children, including all children 12 or under residing within the unit, whether or not for compensation, for less than 24 consecutive hours.

Clubs and Lodges. Meeting or social facilities primarily for use by members or guests of an organization. Examples include union halls, fraternal and service organizations, and social clubs.

Colleges, Public or Private. Institutions of higher education (post-secondary) providing curricula of a general, religious, or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. This classification includes business and computer schools, management training, technical and trade schools, but excludes Instructional Services, Specialized.

Community Garden. A public or private effort for the cultivation of land by more than one person or entity.

Congregate Living Facility. A long-term residential facility for persons of a specific minimum age, handicapped or other special needs persons. Congregate living facilities include common dining, social, and recreational amenities. Congregate living facilities may include independent living units and Nursing Homes but only as part of a larger facility. Limited commercial services may be provided exclusively for residents.

Contractor's Yard. A facility for the outdoor storage of materials, equipment, and commercial vehicles used in construction, building maintenance, landscaping and similar activities, including incidental office space.

Conference Center. A facility used for assemblies or meetings. This classification excludes Clubs and Lodges, or other meeting facilities of private or non-profit groups that are primarily used by group members.

Crematorium. A facility for the cremation of human or animal remains.

Crop and Animal Raising, Commercial. The growing of tree, vine, field, forage, and other plant crops, and the keeping, grazing, or feeding of fowl or animals for animal products, animal increase, and value increase for profit.

Crop Raising, Non-Commercial. The growing of tree, vine, field, forage, and other plant crops, not for profit.

Cultural Institutions. Museums, publicly owned or not-for-profit historic sites, art galleries, performing arts facilities, libraries, and similar uses.

Currency Exchange. An establishment that exchanges common currencies, sells money orders or cashier checks, or provides check cashing services, for a fee.

Day Care Home. See *Child Day Care, Home Occupation***.**

Driving Range. An establishment, which allows customers to practice golf drives and golf swings from a central golf tee location outdoors.

Dry Cleaning and Laundry Outlet. A retail facility where clothing and other fabrics are cleaned or laundered, by employees. Tailoring and similar services may be offered.

Dry Cleaning and Laundry Central Plant. A facility for cleaning or laundering fabrics, textiles, clothing, uniforms or similar items which does not include customer drop off.

Eating and Drinking Establishments. Businesses that primarily engage in the sale of food or beverages for consumption on or off the premises. Dancing, live music, or other similar live entertainment may be offered.

> *Bars/Taverns/Night Clubs/Lounges.* Eating and Drinking Establishments that derive 50 percent or more of their gross revenues from the sale of alcoholic beverages for consumption on the premises. Serving of food is only incidental to the sale of alcoholic beverages. This classification excludes Sexually Oriented Businesses.
>
> *Restaurants, Full Service.* Eating and Drinking Establishments providing food and beverage service to patrons who order and are served while seated at tables, and pay after eating. Gross revenues from the sale of alcoholic beverages are less than 50 percent of total gross sales. Takeout service may be provided.
>
> *Restaurants, Limited Service.* Eating and Drinking Establishments providing pre-packaged food or food prepared on-site, sold to patrons who pay before eating. Food and beverages may be consumed on the premises, taken out, or delivered. Limited or no table service is provided. This classification includes cafeterias, cafes, fast-food outlets, pizzerias, and snack bars.

Entertainment and Recreation, Indoor. Public or private fitness centers, theaters, bowling alleys, skating rinks, billiard parlors and pool halls, amusement arcades, gymnasiums, sports courts, swimming pools, and similar uses. Incidental sales of food and beverages are permitted. The following uses are not entertainment and recreation uses: Firing Range, Indoor or Homeowners Association Facilities.

> *Large-Scale.* Indoor entertainment and recreation uses that are greater than 10,000 square feet of building area.
>
> *Small-Scale*. Indoor entertainment and recreation uses 10,000 square feet or less of building area.

Entertainment and Recreation, Outdoor. Public or private parks, playgrounds, open spaces, playing fields, sports courts, driving ranges not in conjunction with a Golf

Course, swimming pools, amphitheaters, miniature golf courses, go-kart tracks, zoos, and similar uses. Incidental sales of food and beverages are permitted.

Farm Stand. A structure used for the sale of produce or agricultural product produced on the property.

Farmers' Market. The sale of agricultural products, arts and crafts, and prepared food by individual vendors at an open-air market, excluding games and rides.

Firing Range, Indoor. A facility, located in a principal structure, where members of the general public, or members of a club or organization, -discharge firearms for target practice or competition of skills.

Firing Range, Outdoor. A facility, on a property having a principal structure, where members of the general public or members of a club or organization, discharge firearms for target practice or completion of skills in an outdoor location specifically designed for firing at targets.

Food Preparation. A facility that prepares food and beverages for off-site consumption.

> *Large-Scale.* A food preparation facility that produces packaged foods and beverages for sale and distribution primarily to other businesses, including incidental on-site retail sales.
>
> *Small-Scale.* A food preparation facility that produces food and beverages primarily for sale to the general public. This classification includes catering kitchens and the production of specialty foods.

Fortune-Telling Business: An establishment that provides advice, prediction or interpretation of events through the use of astrology, card, palm or tea reading, crystal gazing, divination, psychometry, phrenology or other similar methods to foretell the future in exchange for financial consideration.

Funeral and Undertaking Services. Establishments primarily engaged in the care and preparation of the human deceased and the conduct of funeral services. Typical uses include funeral parlors and chapels, or mortuaries, but excluding Cemeteries. Cremation services may be included as an ancillary use.

Garage Sale. A sale of personal property, open to the public, conducted on an occupied residential property. A garage sale includes all sales titled garage, lawn, yard, attic, patio, or rummage sale.

Garden Supply Stores and Plant Nurseries. Establishments engaged in the retail sale of garden supplies and plants grown on the premises or elsewhere. This classification includes the incidental sales, repair and rental of landscape materials and equipment.

Golf Course. Land with at least nine holes for playing golf and which is improved with tees, greens, fairways, and hazards. Clubhouses, maintenance buildings, cart storage facilities, pro shops, restaurants or driving ranges may be incidental uses. The following use is not a golf course: miniature golf course.

Government Offices and Facilities. Offices and facilities used by governmental entities for their governmental or proprietary purposes. This classification excludes airports, Utilities, and Public Safety Facilities.

Group Home. A lawfully established facility in a residential building housing not more than 10 persons with disabilities who receive care, supervision, or counseling from 1 or more staff persons. The group home constitutes a single housekeeping unit and residents typically share responsibilities, meals, and recreation. This use includes assisted living homes, homes for the mentally ill, halfway houses, group care agencies and similar residential living arrangements for persons with disabilities, but shall not include boarding houses, Nursing Homes, or a Shelter Care Facility.

Guest Quarters. A permanent accessory structure used for the temporary housing of family members and non-paying guests, which does not include built-in cooking facilities, and is not equipped for kitchen appliances requiring 220-volt electric service or natural gas.

Haunted House. A combination of displays, acts, exhibits, or other attractions intended to entertain or amuse patrons related to Halloween themes and images.

Health Care Facilities

Hospital. A facility licensed by the State of Illinois that provides diagnosis and treatment of patients and inpatient care by a medical staff. Hospitals may include associated medical facilities, including offices, clinics, laboratories, diagnostic centers, wellness facilities and similar uses.

Medical Offices and Clinics. An outpatient facility providing medical, dental, chiropractic and/or psychiatric services, as well as medical and dental laboratories incidental to the medical office use. This classification includes home health agencies.

Urgent Care Facility. A facility that provides emergency or urgent medical services with no provision for continuing care on an inpatient basis.

Heliport/Helipad. A public or privately-owned facility for takeoff and landing of helicopters.

Home Occupation. A business or profession conducted by the residents of a dwelling unit in a residential district.

Homeowners Association Facilities. Private club houses, dining facilities, swimming pools, parks and open space, sports courts, play fields, lakes, ponds, stormwater management and similar facilities owned by and principally for the use and benefit of association members. Homeowners Association Facilities include facilities owned and operated by apartment complexes for use by tenants.

Hospice. A freestanding licensed facility that provides palliative and supportive medical and other health services to meet the physical, psychological, social, spiritual, and special needs of terminally ill patients and their families in a group residential setting.

Hotels and Commercial Lodging. Establishments offering transient lodging including motor lodges, motels, hostels, extended stay hotels, and timeshare facilities. This classification excludes Group Homes, apartments and other facilities intended for long-term occupancy. These uses may provide accessory services, such as conference and meeting rooms, restaurants, bars, and recreation facilities available to guests or to the general public. Short term rental/leasing of Single Family residential, condominiums, townhouses and loft units for less than 30 days is considered a Hotels and Commercial Lodging use.

Incidental Use, See Accessory Use

Instructional Services, Specialized. Provision of instructional services including: arts, crafts, dance or music studios, diet centers, driving schools, martial arts, reducing salons, tutoring and similar uses.

Laboratories, Commercial. Medical, dental, imaging, and similar indoor testing facilities.

Laboratories, Industrial. Facilities for the testing or analysis of environmental, industrial, or similar products or materials.

Laboratories, Research. See *Research and Development*.

Laundry Services. Establishments that provide washing, drying, and dry cleaning facilities for clothing or other fabrics in machines operated by patrons.

Mail Order, Catalog Sales or Internet Sales. An establishment that receives and fills requests for merchandise or services through the mail, phone or Internet Sales. Such a use may include warehousing, shipping and receiving of merchandise intended for sale. This use does not include the sales of motor vehicles.

Maintenance and Repair Services. Establishments providing repair services for personal and household goods, such as household appliances, computers, television, audio or video equipment, office machines, furniture, luggage, and leather goods conducted entirely within an enclosed building. This classification excludes Vehicle Services, both Light and Heavy, and internal combustion engine repair.

Manufacturing and Assembly. Manufacturing and assembly of products primarily for sale to other businesses.

> *Artisan.* Small-scale production of goods by hand manufacturing or assembly, involving the use of hand tools and small-scale equipment. Retail sale of goods produced on the premises may occur.

Light. Manufacturing, processing, assembly, packaging, printing, treatment, fabrication, and storage of finished or semi-finished parts or products. Light manufacturing and assembly uses are conducted within an enclosed building with incidental outdoor storage.

General. Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. General manufacturing and assembly uses are conducted either fully or partially within an enclosed building with limited off-site impacts. Products may require shipping by large trucks.

Heavy. Manufacturing, processing, compounding, assembly, packaging, treatment or fabrication of finished parts or products, mass produced from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Heavy manufacturing and assembly uses may be conducted entirely outdoors and have moderate to significant off-site impacts, including visual impacts. Uses involving radioactive or highly toxic materials or chemicals, highly combustible or explosive materials, or other materials and substances of a noxious nature in the manufacturing process are included in this classification. This classification includes, but is not limited to, steel fabrication, concrete block manufacturing, asphalt and concrete batch plants and truss plants. Products require shipping by semi-trucks or rail.

Massage Establishment: An establishment where massage for non-medical manipulation, massage, or similar stimulation to the human body is administered, whether by hand or with mechanical or electrical apparatus and with or without supplemental aids such as rubbing alcohol, liniments, antiseptics, oils, powders or creams. This definition excludes Entertainment and Recreation, Indoor uses such as fitness facilities or gymnasiums, medical or chiropractors' offices or other similar establishments where the practice of massage is an incidental service.

Media Studio. Establishments primarily engaged in the creation or editing of audio, video or film media. Typical uses include audio, video or film production and recording studios.

Mining and Quarrying. The extraction of metallic and nonmetallic minerals or other natural resources, including quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining.

Mobile Home Park. Any parcel of land or portion thereof which is used or offered for use as a location for one or more mobile homes.

Model Home(s). One or more uninhabited dwelling units used by a residential builder as models for the sales of residential lots and dwellings. Model home complexes may include a sales office, customer parking, a design and decorating center, and similar activities.

No-Impact Antenna Facility*:* An antenna facility that is either: a) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple

or similar structure; or b) camouflaged so as to blend in with its surroundings to such an extent that it is no more obtrusive to the casual observer than the structure which it is: 1) placed on, such as a rooftop, lighting standard, or existing tower; or 2) replacing, such as a school athletic field light standard.

Nursing Home. A facility other than a hospital, licensed by the State of Illinois, that provides accommodation, personal assistance, and skilled nursing care to non-ambulatory residents who are dependent upon the services of others.

Offices, General. Professional or administrative offices. This classification excludes retail banking, financial service institutions, and offices incidental to retail, manufacturing and assembly, storage, or other principal uses.

Over-the-Air Reception Device. An antenna designed to:

A. Receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite and that is one meter (39.37 inches) or less in diameter; or

B. Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite and that is one meter (39.37 inches) or less in diameter or diagonal measurement; or

C. Receive television broadcast signals.

For purposes of this definition, "fixed wireless signals" means any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, but shall not include among other things, AM radio, FM radio, amateur ("HAM") radio, citizen's band ("CB") radio, and Digital Audio Radio Service ("DARS") signals.

Parking Facilities. Outdoor lots and enclosed garages offering parking to the public when such use is not accessory to another land use.

Pawn Shops. Establishments engaged in the buying and selling of new or secondhand merchandise and offering loans in exchange for personal property.

Personal Loan Agency. An establishment that provides personal loans to individuals in exchange for a personal check or title to a vehicle as collateral.

Personal Services. An establishment engaged in the provision of services of a personal nature. The accessory retail sales of products related to the service may also occur. This classification includes barbershop, beauty salon, cosmetologist, electrolysis, tanning salon, day spa, and nail salon, but excludes tattoo parlors or body piercing, except for piercing of ears.

Playing Field: A parcel developed to host one or a number of outdoor games or recreation activities, including but not limited to baseball, football, soccer, softball or similar team activity.

Pre-existing Towers and Pre-existing Antennas. Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date hereof, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Principal Use. The primary or dominant use or activity occurring on a property.

Public Safety Facilities. Facilities for public safety and emergency services, including facilities that provide police and fire protection, public safety offices, forensic laboratories and training facilities.

Recreational Vehicle Park. A developed property providing spaces for short-term rental to occupied recreational vehicles.

Religious Assembly. Facilities for worship and other religious ceremonies with incidental religious education, religious bookstores, rectories and parsonages, offices, social services, day care, and community programs.

Research and Development. Facilities for research and development of products, including but not limited to technology-intensive fields such as chemical, biological, pharmaceutical, electronics and genetic research.

Residential, Permanent. Long-term living accommodations, excluding residential care facilities.

Loft Unit. A residential unit above a nonresidential use.

Single Family, Detached. A dwelling unit located on an individual lot that is not attached to any other dwelling unit.

Multi-Family. A building, group of buildings, or portion of a building that contains 3 or more dwelling units on 1 lot. Multi-family dwellings may include apartment buildings and residential condominiums. Multi-family housing may be in a mixed-use building with ground floor commercial space.

Two Family. A building on 1 lot used and designed as residences for 2 families living independently of each other with individual cooking and sanitary facilities in each dwelling unit.

Townhouse. A single structure consisting of three or more dwelling units having one or more unpierced walls abutting another dwelling, extending from ground to roof, and designed to have all exits open directly to the outside.

Retail Sales, Convenience. A retail establishment of less than 3,000 square feet offering a limited amount of groceries, household items, and automotive supplies. This

classification may include incidental *Fueling Facilities, Limited Service Restaurants* with drive-through and *Automated or Self-Service Car Wash Facilities*.

Retail Sales, Furniture. Establishments selling furniture or a combination of furniture and appliances to the general public.

Retail Sales, General. Establishments engaged in the sale of merchandise, goods, and groceries. This classification includes rental services such as party supplies, clothing, video rental, and event furnishings. This classification excludes Building Material and Home Improvement Sales and Service, Furniture Retail Sales, Convenience Retail Sales, Commercial Vehicle/Equipment Sales and Rental, Motor Vehicle Sales and Leasing, and Pawn Shops.

Salvage Yards or Junkyards. Storage, dismantling and recycling of vehicles, equipment, metals, tires or other used materials for sale as parts or raw material, including but not limited to, the collection, storage, exchange or sale of goods, used building material, used containers or drums, and similar articles or property.

Satellite Dish Antenna, Large. A satellite dish antenna exceeding 1 meter (39.37 inches) in diameter designed or used for receiving communications from a satellite.

Schools, Public or Private. Facilities for educational and/or classroom purposes operated by public or private educational institutions offering a general course of study at primary, middle, or high school levels, including seminaries, study centers, athletic facilities, vocational and trade programs that are incidental to the operation of such schools. Schools, Public or Private does not include Child Care Facilities or Child Care Institutions.

Seasonal Sales. The sale of merchandise related to a seasonal event or recognized state holiday. Examples include Christmas tree and pumpkin sales.

Senior Housing. Permanent residential unit(s) restricted by federal or state law, deed restriction, or similar requirement to occupancy by persons of a specific minimum age.

Sexually Oriented Business. An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency or seminude model studio.

Shelter Care Facility. A residential care facility which provides temporary lodging, meals, counseling, and full time supervision to individuals and groups such as pregnant teenagers, victims of domestic violence, neglected children, and runaways for periods of less than 30 consecutive days.

Shelter Care Facility, Homeless. A facility which provides temporary lodging, meals, and sanitary facilities for persons without permanent housing.

Small Wind Energy System. A wind energy conversion system consisting of a wind turbine, mounting apparatus, and associated control or conversion electronics which has a rated capacity of not more than 10 kW and which is intended to primarily reduce on-site consumption of utility power.

Smoking Lounge: A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, ~~or~~ herbs, liquids or chemicals to be vaporized for inhalation, and cigars, cigarettes, pipes, vaporizing devices for inhalation by mouth or nose, and other smoking devices for burning tobacco or vaporizing liquids or chemicals and related smoking accessories and in which the sale of other products is merely incidental. A Smoking Lounge is located in a free standing building and permits the consumption of tobacco products by customers on premises, consistent with the Smoke Free Illinois Act.

Stable, Commercial. Facilities for boarding or renting horses, mules, or ponies. Equestrian lessons may be provided. A Feed Lot is not a commercial stable.

Stable, Non-Commercial. A detached accessory structure for the keeping of horses, mules, and ponies owned by the occupants of the premises and not offered for compensation.

Storage, Business Property. The outdoor storage of materials, goods, vehicles or equipment used in conjunction with a business.

Storage, Personal Property. A facility offering storage of personal property and office records to the general public.

> *Indoor*. A personal property storage facility where all storage occurs in one or more fully enclosed buildings. A facility may include one on-site dwelling unit for a facility manager.
>
> *Outdoor*. A personal property storage facility where all or part of the storage occurs outdoors, including the storage of recreational vehicles. A facility may include one on-site dwelling unit for a facility manager.

Stormwater Management Facility. Any apparatus or facility that controls or manages the path, storage, or release of stormwater runoff. Such facilities may include retention or detention basins, drainage channels or swales, inlet or outlet structures, or similar facilities.

Swap Meet, Flea Market and Auction, Indoor. Commercial activities held in an enclosed structure where: 1) groups of licensed vendors rent space to display, barter, or sell goods to the public; or 2) one or more sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

Swap Meet, Flea Market and Auction, Outdoor. Commercial activities held in an open area where: 1) groups of licensed vendors (sellers) rent space to display, barter, or sell goods to the public; or 2) one or more licensed sellers bring goods for auctioning to the public. The following uses are not swap meet and auction uses: Farmer's Market, occasional craft fairs and benefit sales held on public property or conducted by a non-profit organization.

Tattoo Parlor / Piercing Studio. An establishment offering: permanent marking of the skin using ink or other substances by means of needles or other instruments, or; the creation of an opening in the body for the purpose of inserting jewelry or other decoration.

Teen Nightclub. A facility with music and dancing primarily for youth unaccompanied by adults, and which charges an admission fee or cover charge.

Use. Any purpose for which a lot, structure or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation occurring on or intended to be occurring on or in a structure or on a tract of land.

Use, Principal. See Principal Use.

Use, Accessory. See Accessory Use.

Use, Incidental. See Accessory Use.

Utilities

Customer Service Center. An establishment associated with a franchised public utility that provides customer account services and other customer support functions. Activities may include initiating or stopping services, payment of bills, pick-up/return of rented or sold equipment or technical assistance. Retail sales may also occur at the location.

Facilities. Buildings, structures or land used by a utility, railroad, or governmental agency for water or wastewater treatment plants, lift and pumping stations, electric substations, telecommunication exchanges, resource recovery facilities or similar uses. This use does not include Utility Service Yards, Wireless Communication Facilities, Over-The-Air Reception Devices, Large Satellite Dishes, well sites, or Amateur Radio Facilities.

Service Yard. Buildings, structures, or land used by a utility, railroad, or governmental agency for the purpose of storing and maintaining vehicles, equipment and materials.

Well Site. Groundwater extraction well locations, including pumps and associated equipment, not located within a building.

Vehicle and Equipment Sales, Leasing and Services

Car Wash. A facility providing self-service, automated or full-service car washing. Vehicle detailing and waxing may be offered.

Commercial Vehicle/Equipment Sales and Rental; New and Used. Sales or rental of trucks, trailers, tractors, construction or agricultural equipment, buses and similar equipment, including incidental maintenance.

Fueling Facility. A facility for the retail sale of vehicle fuel. Incidental uses may include *convenience retail sales* less than 1000 square feet, an Automated or Self-Service Car Wash, Light Vehicle Services and Alternative Fueling Facilities.

Fueling Facility, Alternative. Commercial sale of propane, natural gas, hydrogen, electric, or other alternative fuels to be used in vehicles.

Fueling Facility, Fleet. Fuel dispensing limited to fleet vehicles such as delivery trucks, school buses, and municipal vehicles where no retail sales are conducted.

Motor Vehicle Sales and Leasing, New and Used. Sale or leasing of automobiles, motorcycles, light trucks, motor homes, recreational vehicles, boats, and similar equipment, including incidental maintenance.

Non-Commercial Vehicle Rental. Rental of automobiles, light trucks, motorcycles, watercraft, and similar equipment, specifically excluding sales and maintenance. This classification does not include the rental of motor homes and recreational vehicles.

Tent Sale, Vehicle. The temporary outdoor sale of vehicles at other than a normal business location, by one or more licensed dealers.

Vehicle Services, Heavy. Major repair of automobiles, trucks, motor homes, recreational vehicles, or boats. This classification includes full or partial drive train removal, repair and replacement, body and paint shops, radiator shops, vehicle emissions testing, transmission shops and similar uses. This classification excludes vehicle dismantling or Salvage.

Vehicle and Equipment Services, Light. Minor vehicle and equipment services limited to repair, replacement and installation of components, including batteries, tires, brakes, tune-ups, air conditioning, automobile glass replacement and tinting, upholstery, audio and video equipment, mufflers, fluid change and lubrication services. Equipment services include service and repair of garden equipment. Light vehicle services exclude any operation specified under Vehicle Services, Heavy.

Warehousing. Commercial storage and distribution facilities.

Freight/Truck Terminal and Warehouse. A facility for the receipt, transfer, short term storage, and distribution of goods transported by truck.

Information. A facility that provides space or equipment for storage, management or distribution of information.

Petroleum and Gas Storage. Tank farms and outdoor facilities for the storage of petroleum products and natural gas.

Waste Management. Facilities for the collection, receipt, storage, transfer, and disposal of waste, excluding sewage.

Hazardous Waste Collection and Transfer Facility. Facilities where hazardous or medical waste material is collected, received, temporarily stored, or processed for transportation to another location for recycling, re-use, incineration or final disposal.

Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Waste Collection and Transfer Facility. Facilities where non-hazardous waste material is collected, received, temporarily stored or processed for transportation to another location for incineration or final disposal.

Non-Hazardous Waste Disposal Facility. Facilities where hazardous or medical waste material is incinerated or otherwise put to other final disposition.

Non-Hazardous Material Recycling Facility. An establishment where recyclables are collected, received, temporarily stored or processed in a building, for transportation to another location for recycling.

Recycling Collection Bin. A container located outside of a building that is used to store items intended for reuse. Recycling Collection Bins are not containers used to temporarily store items intended for recycling that typically are emptied by contracted waste haulers.

Wireless Communication Facilities. Antennas, support structures, storage structures and related equipment for the transmission or reception of personal wireless services, radio or microwave signals as authorized by the Federal Communication Commission. Personal wireless services include commercial mobile services, common carrier wireless exchange access services, and unlicensed wireless services, but not direct-to-home satellite services.

CITY OF BATAVIA

MEMO TO: Committee of the Whole
City Services Committee

FROM: Randy Deicke, Fire Chief

DATE: March 29, 2016

SUBJECT: Purchase of a Replacement Staff Vehicle

We are seeking authorization to purchase a 2016 Ford Utility AWD SUV to replace a 1999 Command Vehicle.

Summary

The Fire Department is requesting authorization to purchase (1) 2016 Ford Explorer Utility AWD Vehicle to replace a 1999 command car. This purchase was approved in the 2016 Fire Department Budget. The Fire Department is requesting this purchase be made through the Northwest Municipal Conference Suburban Purchasing Cooperative (SPC).

Background

The SPC has awarded the contract for the Ford Utility vehicle (SPC Contract #152 - attached) to Currie Motors Fleet in Frankfort, Illinois. The cost for the Ford Utility Vehicle is $28,113.00.

Staff Recommendation:

To authorize the purchase of one (1)Ford Explorer Vehicle in the amount of $28,113.00 with Currie Motors through the Northwest Municipal Conference Suburban Purchasing Cooperative at the April 4, 2016 COW Meeting.

Recommended Committee Action:

Motion to City Council, at their April 18, 2016 meeting, to authorize the Fire Department to purchase one (1) 2016 Ford Utility Police Interceptors in the amount of $28,113.00 from Currie Motors through the Northwest Municipal Conference Suburban Purchasing Cooperative.

cc: Jeffery Schielke, Mayor
William McGrath, City Administrator
Heidi Wetzel, City Clerk
Ed Jancauskas, Deputy Chief

SPC
SUBURBAN PURCHASING
COOPERATIVE

A Joint Purchasing Program For Local Government Agencies

October 13, 2015

Currie Motors
Mr. Thomas Sullivan
9423 W. Lincoln Hwy.
Frankfort, IL 60423

Dear Mr. Sullivan

This letter is to inform you that the Suburban Purchasing Cooperative (SPC) Governing Board has approved the award of SPC Contract #152 for the 2016 Ford Utility Police Interceptor plus Option Packages and Other Options to Currie Motors, Frankfort IL based on your response being found to be the lowest responsive, responsible bid and in compliance with all bid specification requirements.

With acceptance of this contract, Currie Motors, Frankfort, IL agrees to all terms and conditions set forth in the specifications contained within the Request for Proposals to which you responded.

Currie Motors, Frankfort, IL will handle all billing. Each vehicle purchased will be assessed a ***$120.00*** administrative fee per vehicle which shall be paid directly by the vendor to the SPC on a quarterly basis.

The SPC looks forward to another productive year working with Currie Motors, Frankfort, IL. Please sign and date this agreement below, retaining copies for your files and returning the original to my attention. The duration of the contract is November 9, 2015 through November 8, 2016. The SPC reserves the right to extend this contract for up to (3) three additional one-year terms upon mutual agreement of the both the vendor and the SPC on a negotiated basis.

Sincerely,

Ellen Dayan, CPPB
Program Manager for Purchasing
Northwest Municipal Conference

10/13/2015
Name: Ellen Dayan — Date
Northwest Municipal Conference

10/16/15
Name: Thomas Sullivan — Date
Currie Motors

DuPage Mayors & Managers Conference
1220 Oak Brook Road
Oak Brook, IL 60523
Suzette Quintell
Phone: (630) 571-0480
Fax: (630) 571-0484

Northwest Municipal Conference
1600 East Golf Rd., Suite 0700
Des Plaines, IL 60016
Ellen Dayan, CPPB
Phone: (847) 296-9200
Fax: (847) 296-9207

South Suburban Mayors And Managers Association
1904 West 174th Street
East Hazel Crest, IL 60429
Ed Paesel
Phone: (708) 206-1155
Fax: (708) 206-1133

Will County Governmental League
3180 Theodore Street, Suite 101
Joliet, IL 60435
Cherie Belom
Phone: (815) 729-3535
Fax: (815) 729-3536

SPC
SUBURBAN PURCHASING
COOPERATIVE

Please enter the following:

Agency Name & Address	Batavia Fire Department
	800 E Wilson St
	Batavia, Il. 60510
Contact Name	Ed Jancauskas Deputy Cchief
Phone Number	630-669-5762
Purchase Order Number	
Fleet Identification Number	
Tax Exempt Number	E9996-0834-07
Total Dollar Amount	28,113.00
Total Number of Units	1
Delivery Address	800 E Wilson St
	Batavia, Il. 60510

Please submit P.O. & tax exempt letter with Vehicle Order:

Currie Motors
9423 W. Lincoln Hwy
Frankfort, IL 60423
PHONE: (815)464-9200 FAX: (815) 464-7500
CurrieFleet@gmail.com
Contact Person: Tom Sullivan

IF WE HAVE MISSED AN OPTION, PLEASE CONTACT OUR OFFICE.
COMPLETE UNITS IN STOCK FOR IMMEDIATE DELIVERY, CAN BE VIEWED
ON OUR WEBSITE WWW.CURRIEFLEET.COM

2016 Ford Utility Police Interceptor AWD
Contract # 152
$25,555.00

3.7 TI-VCT V6 FFV
6-Speed Automatic
Rear recovery hooks
Independent front/rear suspension
Engine Oil Cooler
18.6 gallon fuel tank
Engine Hour Meter
220 Amp Alternator
78 Amp Hour Battery
Lower black body side cladding
Dual Exhaust
Black spoiler
Electric Power Assist Steering
Acoustic laminated windshield
18" Tires and Wheels
Fixed glass lift gate
Full Size Spare
AM/FM/CD
Roll curtain airbag
Safety Canopy W/Roll Over Sensor
Anti-Lock Brakes With Advanced Trac and traction control
LED tail lamps
2nd/3rd Row Privacy Glass
My Ford police cluster
Black Grill
Headlamps-LED Low Beam Halogen Hi Beam
Lift Gate Release Switch - 45 Second Time out
Rearview Camera with Washer
All-Wheel Drive
Manual folding power mirror
Fold flat 60/40 rear vinyl bench
Single Zone Manual Climate Control
Power Windows - 1 Touch Up/Down
Power Locks
Cruise Control/Tilt Wheel
Calibrated Speedometer
Column Shift
Work Task Light red/white
Simple fleet key
Power Adjustable Pedals
Two-Way Radio Pre-Wire
Particulate air filter
Power Pig tail
Delivery within 30 Miles
Locking Glove Box

Standard Warranty:

Basic: 3 Years/ 36,000 Miles
Drivetrain: 5 Years/100,000 Miles
Corrosion: 5 Years/ Unlimited Miles
Emissions: 8 Years/80,000 Miles
Roadside Assistance: 5Years/60,000 Mil

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COOPERATIVE

☐ 99T	3.5L V-6 Ecoboost® Engine (131 MPH top speed)	$3,106.00
☑ 41H	Engine block heater	$79.00
☐ 86L	Auto Head Lamp	$99.00
☐ 43D	Dark car feature (courtesy lights inop)	$17.00
☐ 942	Daytime Running Lights	$39.00
☑ 17T	Dome lamp red/white cargo area	$45.00
☐ 51Y	Spot Light Drivers Side Only - Incandescent	$187.00
☐ 51Z	Dual Spot Lights (Driver/Passenger) Incandescent	$306.00
☐ 51R	Spot Light Drivers Side LED Bulb - Unity	$345.00
☐ 51T	Spot Light Drivers Side LED Bulb - Whelen	$366.00
☐ 51S	Spot Light Dual LED Bulbs - Unity	$541.00
☐ 51V	Spot Light Dual LED Bulbs - Whelen	$580.00
☐ 51P	Spot Lamp Prep Kit; Driver side (does not include housing and bulb)	$122.00
☐ 51W	Spot Lamp Prep Kit; Dual Side (does not include housing and bulbs)	$245.00
☐ 21L	Front Auxiliary Light Red/Blue - requires option 60A	$481.00
☐ 21W	Forward Indicator - Red/Blue Pocket Warning Light - requires options 60A	$558.00
☑ 60A	Pre-wiring grill lamp, siren, speaker	$45.00
☐ 63B	Side Marker LED - Red/Blue - Requires 60A	$254.00
☐ 63L	Rear Quarter Glass Side Marker Lights - Red/Blue	$502.00
☐ 92G	Glass-Solar Tint 2nd Row/Rear Quarter/Liftgate Window (Deletes Privacy Glass)	$105.00
☐ 92R	Glass-Solar Tint 2nd Row Only, Privacy Glass on Rear Quarter and Liftgate Window	$75.00
☐ 68Z	Roof rack side rails	$136.00
☐ 76D	Deflector Plate (Standard on Ecoboost® Engine)	$292.00
☑ 87R	Rear View Camera - Includes Electrochromic Rear View Mirror (replaces standard camera in center stack area)	N/C
☐ 53M	Sync® Basic – includes USB port and aux input jack	$258.00
☐ 61R	Remappable (4) switches on steering wheel (less Sync)	$136.00
☐ 61S	Remappable (4) switches on steering wheel (with Sync)	$136.00
☐ 18W	Rear window power delete	$22.00
☐ 68L	Rear-Door Handles Inoperable / Locks Operable	$30.00
☐ 68G	Rear-Door Handles Inoperable / Locks Inoperable	$30.00
☐ 52H	Hidden Door-Lock Plunger w/Rear-door Handles Op	$122.00
☐ 52P	Hidden Door-Lock Plunger w/Read-door Handles Inop	$140.00
☑ 16C	1st & 2nd Row Carpet Floor Covering (includes mats)	$110.00
☐ 88F	2nd Row Cloth Seats	$51.00
☐ 87P	Power Passenger Seat (6-way) w/ manual recline/lumbar	$284.00
☐ 85D	Front Console Plate-Delete (N/A w/ 67G, 67H, 67U, 85R)	N/C
☐ 85R	Rear Console Plate (N/A with 65U, 85D)	$30.00
☐ 90D	Ballistic Door Panels – Driver Front Only	$1384.00
☐ 90E	Ballistic Door Panels – Driver & Passenger Front	$2766.00
☑ 55B	BLIS® Blind spot monitoring (requires 54Z)	$475.00

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SUBURBAN PURCHASING
COOPERATIVE

☐	19L	Lockable Gas Cap	$17.00
✓	549	Mirrors – Heated Sideview	$53.00
☐	593	Perimeter Anti-Theft Alarm – Requires key Fob (595)	$105.00
✓	595	Remote Keyless Entry (N/A with keyed alike)	$227.00
✓	76R	Reverse Sensing	$240.00
☐		Keyed Alike – Code #: _____	$45.00
✓	65L	18" 5-spoke full face wheel covers w/ metal clips	$53.00
☐	64E	18" painted aluminum wheels	$415.00
☐	17A	Aux Air Conditioning (N/A with 63V)	$532.00
☐	16D	Badge Delete	N/C
☐	63V	Cargo Storage Vault - includes lockable door/compartment light (N/A with 17A)	$415.00
☐	55D	Scuff Guards	$79.00
☐	60R	Noise Suppression Bonds (Ground Straps)	$87.00
☐	18X	100 Watt Siren/Speaker (includes bracket and pigtail)	$262.00
☐	43S	My Speed Fleet Management - allows admin to lower max vehicle speed and max audio volume / allows VMAX speed to be set in 5mph increments	$53.00
☐	52B	Enhanced PTU Cooler – requires EcoBoost® Engine	$2553.00
☐		Rustproof & Undercoating	$395.00
✓		Over Ride Switch	$385.00
☐		4 Corner LED Strobes (aftermarket using 86P)	$895.00
☐		CD-Rom service manual	$325.00
☐		Delivery greater than 50 miles of dealership	$150.00
✓		License and Title fees - MP plates	$103.00

Optional Maintenance & Warranty Coverage:

☐	ESP Extended Warranty Extra Care 5-Year 60,000 miles	$1,620.00
☐	ESP Extended Warranty Base Care -3 year/100,000 miles	$1,115.00
☐	ESP Extended Warranty Powertrain –6 year/100,000miles	$975.00
☐	ESP Extended Warranty Base Care – 6 year/100,000miles	$1155.00

SPC
SUBURBAN PURCHASING
COOPERATIVE

Equipment Groups

☐ 47C	**Police Wire Harness Connector Kit – Front** For connectivity to Ford PI Package solutions includes: • (2) Male 4-pin connectors for siren • (5) Female 4-pin connectors for lighting/siren/speaker • (1) 4-pin IP connector for speakers • (1) 4-pin IP connector for siren controller connectivity • (1) 8-pin sealed connector • (1) 14-pin IP connector	$91.00
☐ 21P	**Police Wire Harness connector Kit – Rear** For connectivity to Ford PI Package solutions includes: • (1) 2-pin connector for rear lighting • (1) 2-pin connector • (6) Female 4-pin connectors • (6) Male 4-pin connectors • (1) 10-pin connector	$114.00
☐ 65U	**Police Interior Upgrade Package** Includes: 1st & 2nd Row Carpet Floor Covering, Rear Cloth Seats, Center Floor Console less shifter- includes console Deletes the standard console mounting plate Note: Not available with options 67G, 67H, 67U	$341.00
☑ 66A	**Front Headlamp Lighting Solution** Includes: Base LED low beam/halogen high-beam with wig-wag function, 2-white LED side warning lights, wiring, LED lights included, controller NOT included. Note: Not available with 67H; recommend using 67G or 67U	$743.00
☐ 86P	**Front Headlamp Housing Only** Pre-drilled side marker holes (does not include lights) Pre-molded side warning holes with twist lock capability (does not include lights)	$110.00
☐ 66B	**Tail Lamp Lighting Solution** Includes: Base LED lights plus 2-rear integrated white LED side warning lights, wiring, controller NOT included, N/A with 67H	$371.00
☐ 66C	**Rear Lighting Solution** Includes two backlit flashing LED lights (mounted to inside lift gate glass), two lift gate flashing LED lights (not available with Police Interceptor package 67H)	$398.00
☐ 86T	**Tail Lamp Housing Only** Pre-existing holes with standard twist lock-sealed capability, does NOT include LED lights. N/A w/66B and 67H	$53.00
☐ 67U	**Ultimate Wiring Package (n/a** with Interior Upgrade Package) Includes the following: • Rear console mounting plate (85R)-contours through 2nd row; channel for wiring	$481.00

	• Pre-wiring for grille LED lights, siren and speaker (60A) • Wiring harness I/P to rear (overlay) • (2) light cables-supports up to (6) LED lights (engine compartment/grille) • (2) 50-amp battery and ground circuits in RH rear-quarter • (1) 10-amp siren/speaker circuit engine cargo area • Rear hatch/cargo area wiring-supports up to (6) rear LED lights N/A with 65U, 67G, 67H	
☐ 67G	**Cargo Wiring Upfit Package** (n/a) with Interior Upgrade Package • Rear Console Mounting Plate • Wiring overlay harness w/lighting & siren interface connections • Vehicle engine harness: 2-light connectors, 2-grill light connectors, 2-50 amp battery ground circuits in power junction box, 2-10 amp sire/speaker circuit • Whelen lighting PCC8R control head • Whelen PCC8R Light Relay Center • Whelen specific cable connects PCC8R to control head • Pre-wiring for grill lights siren and speaker (not available with 65U 67H and 67U)	$1,169.00
☐ 67H	**Ready for the Road Package-**not available with Interior Upgrade Package **All-in Complete Package-Includes Police Interceptor Packages 66A 66B 66C plus** • Whelen Cencom light controller • Whelen Cencom relay center/siren amp with traffic advisor • Light controller/relay Cencom wiring • Grille LED Lights • 100 Watt Siren/Speaker • (9) I/O digital Serial Cable (console to cargo) • Hidden door lock plunger & rear door handles inop • Rear console mounting plate (not available with 66A 66B 66C 67G 67U 65U)	$2,979.00

Vinyl Options

☐ 91A	**Two-Tone Vinyl Wrap - Package #1** Roof & Right/left, front/rear doors vinyl - white only (Not available with: 91C, 91D, 91E, 91F, 91G, 91H, 91J)	$733.00
☐	**Two-Tone Vinyl Wrap - Package #3**	$611.00

SPC
SUBURBAN PURCHASING
COOPERATIVE

91C	Roof & Right/left front doors only vinyl - white only (Not available with: 91A, 91D, 91E, 91F, 91G, 91H, 91J)	
☐ 91H	**Two-Tone Vinyl – Roof** white only (Not available with: 91A, 91C)	$428.00
☐ 91J	**Two-Tone Vinyl – LH/RH Front Doors** white only (Not available with: 91A, 91C, 91D, 91E, 91F, 91G)	$266.00
☐ 91D	**Vinyl Word Wrap - POLICE (Non-Reflective)** White (YZ) lettering located on LH/RH sides of vehicle Not available with: 91A, 91C, 91E, 91F, 91G, 91J	$694.00
☐ 91E	**Vinyl Word Wrap - POLICE (Reflective)** Black lettering located on LH/RH sides of vehicle Not available with: 91A, 91C, 91D, 91F, 91G, 91J	$694.00
☐ 91F	**Vinyl Word Wrap - POLICE (Reflective)** White lettering located on LH/RH sides of vehicle Not available with: 91A, 91C, 91D, 91E, 91G, 91J	$694.00
☐ 91G	**Vinyl Word Wrap - SHERIFF (Non-Reflective)** White lettering located on LH/RH sides of vehicle Not available with: 91A, 91C, 91D, 91E, 91F, 91J	$694.00

Options – Exterior

☐ BU	Medium Brown Metallic	
☐ E3	Arizona Beige Metallic Clearcoat	
☐ G1	Shadow Black	
☐ HG	Smokestone Metallic	
☐ J1	Kodiak Brown Metallic	
☐ JL	Dark Toreador Red Metallic	
☐ KR	Norsea Blue Metallic	
☐ LK	Dark Blue	
☐ LM	Royal Blue	
☐ LN	Light Blue Metallic	
☐ MM	Ultra Blue Metallic	
☐ N1	Blue Jeans Metallic	
☐ TN	Silver Grey Metallic	
☐ UJ	Sterling Grey Metallic	
☐ UX	Ingot Silver Metallic	
☐ YG	Medium Titanium Metallic	
☑ YZ	Oxford White	
☐		
☐	Special Paint	$873.00

Options – Interior

☑	Charcoal Black w/vinyl rear	N/C
☐	Charcoal Black w/cloth rear	$57.00

CITY OF BATAVIA

MEMO TO: Mayor & City Council
FROM: Peggy Colby, Finance Director
DATE: March 31, 2016
SUBJECT: Resolution 16-36-R Budget Amendment for Software Purchase

With the recent passage of the liquor tax, the Finance Department has started collecting the taxes and the returns. There are a large number of returns and taxes to keep track of manually. We have been maintaining a spreadsheet for the gas tax and have set up something similar for the liquor tax. While we could keep track of it manually, it is cumbersome and inefficient. In addition, we have been asked by a number of filers if they can file and pay the tax online as that is how the State of Illinois taxes are facilitated.

I did some research and the software we currently use for our utility billing has a module for tax payments. The module is $4,500. This module will provide for the setup of the forms and the tracking and collection of the taxpayers. We will be able to run reports and do inquiries by taxpayer and in total. The online filing and payment would be through a third party that contracts with the software vendor. This would have a one-time setup fee of $5,000 for the set up for filing the form on-line and $2,700 for an interface to our software to automatically upload the payments to our system and have the funds go to our account directly. There are also training and setup costs of $3,600. This is not something that was planned and therefore was not included in the budget.

The investment of $15,800 will provide a much easier means of tracking the payments and will make it much easier for filing and payment for the vendors. Thus far, we have collected the tax from about ½ of the establishments – none of the expected larger sellers have paid yet. We are following up with all of those that have not paid. From what we can tell thus far, we should collect the estimated $300,000 per year. The costs mentioned for the software are a one-time cost but it should also be noted that there are annual costs of $3,600 for the software support and $0.45 (cents) per transaction for the on-line payments ($275/year). I would ask that you please consider approval of this software purchase.

Resolution 16-36-R provides for the needed amendment of $17,600 (1/2 year of support). This resolution will be one the April 5th, 2016 COW agenda. Thank you.

Attachment

C: Bill McGrath
Heidi Wetzel
File

CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-36-R
BUDGET AMENDMENT FOR SOFTWARE PURCHASE

WHEREAS, a the City of Batavia has enacted a liquor license tax that requires the management of tax filing and payments for multiple vendors, and

WHEREAS, the ability for vendors to file and pay the tax online would facilitate the ease in which the tax is collected, and;

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

SECTION 1: that the Director of Finance is authorized to amend the 2016 budget for the expenditure account for software (10-18-6231) by $12,200, the expenditure account contractual services (10-18-6355) by $3,600 and the software support account (10-18-6375) by $1,800.

PRESENTED to the City Council of the City of Batavia, Illinois, this 18th day of April, 2016.

PASSED by the City Council of the City of Batavia, Illinois, this 18th day of April, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 18th day of April, 2016.

_____
Jeffery D. Schielke, Mayor

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

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

ATTEST:

_____
Heidi Wetzel, City Clerk

Software Purchase Agreement

Civic Systems, LLC
Ten Terrace Court
P.O. Box 7398
Madison, WI 53707-7398

City of Batavia
100 North Island Avenue
Batavia, IL 60510

You agree to purchase the software and services detailed below and Civic Systems, LLC agrees to provide them. **Payment is due upon execution of the contract unless other payment terms are negotiated.** The information provided in this proposal is valid for 90 days from issue date.

INVESTMENT SUMMARY

License Fee **– Business Tax Collection**	4,500
License Fee **– Online Filing/Payment**	4,500
License Fee **– CR Payment Import**	2,700
License Fee **– Web Services**	500
Setup and Training Estimate- 24 Hours @ $150/HR	3,600
TOTAL INVESTMENT	**$ 15,800**
Annual Support	$ 3,660

*Training may occur online, at our facility or on-site, however the Town would have to cover trainer's travel expenses (mileage, meals, lodging, etc).

SIGNATURE AGREEMENT

The signatures below indicate each party's acceptance of this agreement.

CITY OF BATAVIA, IL

Signature: _____

Title: _____

Date: _____

CIVIC SYSTEMS, LLC

Signature: _____

Title: _____

Date: _____

Civic Systems

STRONG SOFTWARE, STRONG COMMUNITY

A SUBSIDIARY OF BAKER TILLY VIRRCHOW KRAUSE, LLP

About Xpress Bill Pay

Company Overview

Xpress Bill Pay has developed an innovative web-based online bill payment system. The system makes it easy for organizations both large and small to offer online bill payment to their customers – allowing them to pay their bills online with credit cards, debit cards or electronic fund transfers. Customers go to our website, log on, and have immediate access to their account where their bills are presented just like the paper bill they're familiar with. The system is easy to set up and easy to use.

Unlike other online bill payment services, Xpress Bill Pay has developed a comprehensive bill payment solution providing functionality such as:

- Payments that are real time, in most cases, paid and received the next day.
- Email reminders alert customers when bills arrive, when they're due and when they're paid.
- A complete history of payment confirmations and online transactions.
- AutoPay allows customers to set automatic payments and not worry about them again.
- Secure transactions use the same security technology as leading online banking and financial institutions.

We are serious about safeguarding your personal information online and do everything possible to ensure information is secure. When using Xpress Bill Pay, all information is entered through a Secure Socket Layer (SSL), which creates a 128 bit encrypted connection between the browser and Xpress Bill Pay secure servers. All data in the Xpress Bill Pay database is held in an encrypted format.

Xpress Bill Pay also meets all security compliance requirements for the Payment Card Industry ***(PCI)*** Data Security Standard – this includes certification with Visa Cardholder Information Security Program ***(CISP)***, MasterCard Site Data protection program, American Express Data Security Standards and Discover Cards DISC program. And, Xpress Bill Pay has also received the ScanAlert ***HACKER SAFE*** certification.

In addition to a rich end-user experience, Xpress Bill Pay gives the organization presenting the bill a full administrative suite of features to manage the online payments from their customers.

Xpress Bill Pay uses the data from an organization's existing financial software to present the online bills, so they don't have to make any changes to their accounting system. Plus, they have complete administrative control and online access to all the tools they need to make Xpress Bill Pay's system work for their unique situation.

Organizations that offer online bill payment through Xpress Bill Pay also enjoy benefits such as:

- Reduced administrative overhead of handling and keying in information from traditional payments.
- Reduction in mail float – online payments deposit to your account the next day giving you better management of your cash.
- Fewer late payments and return check charges.
- Improved customer relations by offering more payment choices.

Markets

Xpress Bill Pay is ideal for the following markets:

- Municipal Government – utility payments and other city fees

- Utility Companies
- Rental Properties

Partners

Xpress Bill Pay has partnered with the leading processing firms and internet hosting and security technology partners to provide customers an easy-to-use and secure payment system that is available anytime, anywhere. And organizations and their customers know financial information is encrypted and secure.

Founded in 2003, Xpress Bill Pay is helping many organizations provide their customers online bill payment solutions. Xpress Bill Pay is a private organization headquartered in Lindon, Utah.

CITY OF BATAVIA

DATE: **April 7, 2016**
TO: **Committee of the Whole - PU**
FROM: **Gary Holm**
SUBJECT: **Resolution 16-41-R Approving Task Order #3 with Engineering Enterprises Inc. for development of a Water Works System Master Plan for an amount not-to-exceed $136,143.00**

Staff has been contemplating the need to develop a Water Works System Master Plan for the past several years. We have been deferring some maintenance/repair projects due to unknowns associated with how certain infrastructure components will be utilized in the future. A Master Plan could help us to find answers to those unknowns. A Master Plan could also assist us in evaluating options for maintenance/repair/improvements to some of our critical infrastructure components that are nearing the end of their useful life. In addition, a Master Plan could assist us with evaluating the long-term viability of our water sources (wells and aquifers) as well as assist us with exploring different conservation options. Resolution 16-41 contemplates a Master Plan that would address the following scope items:

- Develop a plan to meet the water supply, water treatment, water storage, water distribution and water works system controls needs to the year 2040
- Evaluate water conservation options within the planning process to quantify capital costs. This could potentially result in long-term savings throughout the planning period.
- Evaluate the sustainability of the existing shallow and deep wells
- Determine whether to continue to maintain the same level of water quality or develop a plan to provide improved water quality (soften)
- Identify rehabilitation or replacement plans for the existing Tonka sand filters that were originally put in service in the early 1990's.
- Determine if/how Wells #4 & #5 fit into the long-term plan
- Evaluate the need for ground storage tanks at Wells #4 & #5
- Evaluate system pressures and develop plans to remediate highs and lows
- Develop a phasing an implementation plan for the recommended improvements
- Prepare a connection fee analysis for the water works system
- Evaluate the sustainability of existing shallow and deep wells

For many years the City had utilized one engineering firm for our water treatment, supply and distribution projects. The City continues to utilize that same firm for distribution projects and we are pleased with the services they provide. But due to some retirements at that firm, we chose to undertake a qualifications based selection process when seeking an engineer for our recent chlorine generator replacement project at the Water Treatment Plant (WTP). Through the RFQ process we selected Engineering Enterprises, Inc. (EEI) from Sugar Grove. We feel that the chlorine generator project has enabled EEI to gain considerable knowledge of our WTP and we have been very pleased with their work.

EEI is currently performing water system master planning for a joint project consisting of Montgomery, Yorkville and Oswego. They have also recently completed master plans for Elgin and Huntley. Staff feels that EEI has developed the specialized knowledge of our WTP and supply systems needed to prepare a comprehensive master plan. We are recommending Resolution 16-41-R approving Task Order #3 with Engineering Enterprises, Inc. for an amount not-to-exceed $136,143.00.

Please note that a Water System Master Plan was not included as a budget item for 2016; however, the Water enterprise fund does have adequate reserves from which this project can be funded. A budget amendment will be needed and will follow in the future. This project is something Staff was going to recommend for 2017; however, due to other circumstances, we're now recommending that that timeline be accelerated.

CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-41-R

APPROVING TASK ORDER #3 WITH ENGINEERING ENTERPRISES, INC. FOR DEVELOPMENT OF A WATER SYSTEM MASTER PLAN FOR AN AMOUNT NOT-TO-EXCEED $136,143.00

WHEREAS, the City of Batavia provides safe and dependable potable water to its citizens for drinking, irrigation and fire suppression; and

WHEREAS, the City of Batavia owns and maintains a potable water treatment facility, shallow and deep water wells, storage tanks and a comprehensive distribution system; and

WHEREAS, the City is obligated to ensure that the overall water system is constructed, operated and maintained in such a manner so as to comply with all applicable local, State and Federal laws and regulations; and

WHEREAS, the City is obligated to ensure that the overall water system will continue to serve the citizens of Batavia for many years to com; and

WHEREAS, a Master Plan will serve to identify potential issues and solutions that may impact the water system through the year 2040;

NOW THEREFORE, be it hereby resolved by the Mayor and City Council that the Mayor is authorized to execute Task Order #3 with Engineering Enterprises, Inc. for development of a Water System Master Plan for an amount not-to-exceed $136,143.00 in accordance with the scope attached hereto as Exhibit A.

PRESENTED to the City Council of the City of Batavia, Illinois, on the 18th day of April, 2016.

PASSED by the City Council of the City of Batavia, Illinois, on the 18th day of April, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, on the 18th day of April, 2016.

Jeffery D. Schielke, Mayor

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

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

ATTEST:

_____

Heidi Wetzel, City Clerk

TASK ORDER NO. 3

REGARDING GENERAL AGREEMENT BETWEEN CITY OF BATAVIA

AND

ENGINEERING ENTERPRISES, INC.

Project Description: Engineering Services For Water Works System Master Plan

Scope of Services: See EEI's attached Scope of Services (Attachment A), Schedule (Attachment B) and Level of Effort and Associated Cost (Attachment C), all dated April 6, 2016.

Not-to-Exceed Fee for Services: $136,143.00

Proposed: _____ Date: _____
Engineering Enterprises, Inc.

Approved: _____ Date: _____
City of Batavia

ATTACHMENT A – SCOPE OF SERVICES

WATER WORKS SYSTEM MASTER PLAN
City of Batavia, Kane & DuPage Cos., IL

The City of Batavia intends to develop a Water Works System Master Plan. The main objectives of the plan are to:

- Develop A Plan To Meet the Water Supply, Water Treatment, Water Storage, Water Distribution and Water Works System Controls Needs To the Year 2040
- Evaluate Water Conservation Options Within the Planning Process To Quantify Capital Cost Savings Throughout the Planning Period
- Evaluate the Sustainability of the Existing Shallow and Deep Wells
- Determine Whether To Continue To Maintain the Same Level of Treated Water Quality or Develop A Plan To Provide An Improved Water Quality Level (Soften)
- Identify Rehabilitation or Replacement Plan For the Existing Tonka Sand Filters
- Determine If/How Wells No. 4 & 5 Fit Into the Long Term Plan
- Evaluate Need For Ground Storage Tanks At Wells No. 4 & 5
- Evaluate Water Works System Pressures and Develop Plan To Remediate High and Low Pressures Where Feasible
- Develop a Phasing & Implementation Plan For the Recommended Improvements
- Prepare a Connection Fee Analysis For the Water Works System Expansion

The work items to complete the stated objectives are as follows:

PROJECT FACILITATION & MEETINGS

0.1 Project Administration
0.2 Project Initiation & Progress Meetings (5 Total Meetings)

BACKGROUND INFORMATION & WATER DEMAND PROJECTIONS

1.1 Review Past Water Works System Reports
1.2 Site Visit To Wells, WTPs, BPSs & EWSTs
1.3 Inventory Existing Water Supply Sources (Including Water Quality Summary)
1.4 Characterize Conditions & Capacities of WTP, Storage & BPS Facilities
1.5 Prepare Hydraulic Profile
1.6 Identify Existing & Future Study Area (Review Adjacent Community Corp. Limits, Boundary Agreements & FPAs)
1.7 Prepare Water Works System Map
1.8 Summarize Water Use Data (2011 - 2015)
1.9 Prepare Water Audit (Utilizing AWWA Water Audit Software)
1.10 Confirm 2040 Population Projection & Summarize in Tabular & Graphical Form
1.11 Develop Current Trends (CT) Water Use Projections
1.12 Identify Water Conservation Objectives & Best Management Practices
1.13 Develop LRI Water Use Projections
1.14 Conduct Needs Assessment Calculations
1.15 Conduct Water Works System Regulatory Audit

SUSTAINABLE SOURCE WATER ASSESSMENT (SSWA)

2.1 Sustainable Source Water Assessment - Shallow Groundwater (Database Review, Historical WL Review & Modeling)

2.2 Define Potential Future Shallow Sand and Gravel Well Sites
2.3 Sustainable Source Water Assessment - Deep Groundwater (ISWS Alternate Options Modeling)
2.4 Define Potential Deep Sandstone Well Sites

WATER WORKS SYSTEM EVALUATION
3.1 Define Water Treatment Site(s) Throughout Planning Area
3.2 Define Long Term Finished Water Quality, Water Treatment Options & Water Treatment Plant Concept Plans
3.3 Evaluate Static Water Pressures Throughout Planning Area
3.4 Define Water Storage Facility Locations Within Planning Area
3.5 Define Large Diameter Water Distribution Network Within Planning Area

COST ESTIMATING & IMPLEMENTATION PLAN DEVELOPMENT
4.1 Cost Estimates - Water Supply Improvements (Wells)
4.2 Cost Estimates - Water Treatment Improvements (Source Water = Wells)
4.3 Cost Estimates - Water Storage Improvements
4.4 Cost Estimates - Water Distribution Improvements
4.5 Develop Draft Implementation Plans For Proposed Water Works System Improvements
4.6 Quantify Capital & O&M Water Works System Cost Savings With Conservation Comm.
4.7 Connection Fee Analysis

REPORT & PRESENTATION
5.1 Prepare Draft Report For City For Review
5.2 Prepare Draft Presentation For City Staff Review
5.3 Finalize Report
5.4 Finalize Presentation
5.5 City Council Presentation & Final Report Submittal

The above scope summarizes the work items that will be completed for this contract. Additional work items, including additional meetings beyond the meetings defined in the above scope, shall be considered outside the scope of the base contract and will be billed in accordance with the Standard Schedule of Charges.

ENGINEERING ENTERPRISES, INC.
CONSULTING ENGINEERS

DATE:	4/6/2016
ENTERED BY:	JWF

ATTACHMENT B:
ESTIMATE OF LEVEL OF EFFORT AND ASSOCIATED COST
PROFESSIONAL ENGINEERING SERVICES

Water Works System Master Plan

City of Batavia, Kane and DuPage Cos., IL

WORK ITEM NO.	WORK ITEM	ENTITY:	EEI						WORK ITEM HOUR SUMM.	COST PER ITEM
		PROJECT ROLE:	Principal In Charge	Senior Project Manager	Project Manager	Project Engineer	GIS/ CAD Tech.	Admin.		
		HOURLY RATE:	$185	$180	$163	$129	$141	$78		
PROJECT FACILITATION & MEETINGS										
0.1	Project Administration		4	20					24	$ 4,340
0.2	Project Initiation & Progress Meetings (5 Total Meetings)		20	30		20		5	75	$ 12,070
	Project Facilitation & Meetings Subtotal:		**24**	**50**	**-**	**20**	**-**	**5**	**99**	**$ 16,410**
BACKGROUND INFORMATION & WATER DEMAND PROJECTIONS										
1.1	Review Past Water Works System Reports		2	4		4			10	$ 1,606
1.2	Site Visit To Wells, WTPs, BPSs & EWSTs		8	8		8			24	$ 3,952
1.3	Inventory Existing Water Supply Sources (Including Water Quality Summary)		1	4		12			17	$ 2,453
1.4	Characterize Conditions & Capacities of WTP, Storage & BPS Facilities		1	4		24			29	$ 4,001
1.5	Prepare Hydraulic Profile			2		6	4		12	$ 1,698
1.6	Identify Existing & Future Study Area (Review Adjacent Community Corp. Limits, Boundary Agreements & FPAs)		2	4		4	8		18	$ 2,734
1.7	Prepare Water Works System Map		1	4		8	8		21	$ 3,065
1.8	Summarize Water Use Data (2011 - 2015)		1	4		24			29	$ 4,001
1.9	Prepare Water Audit (Utilizing AWWA Water Audit Software)		1	2	4	16			23	$ 3,261
1.10	Confirm 2040 Population Projection & Summarize in Tabular & Graphical Form			1		4			5	$ 696
1.11	Develop Current Trends (CT) Water Use Projections			1		8			9	$ 1,212
1.12	Identify Water Conservation Objectives & Best Management Practices			2		8			10	$ 1,392
1.13	Develop LRI Water Use Projections			2		4			6	$ 876
1.14	Conduct Needs Assessment Calculations		1	4		16			21	$ 2,969
1.15	Conduct Water Works System Regulatory Audit		1	4		12			17	$ 2,453
	Background Information & Water Demand Projections:		**19**	**50**	**4**	**158**	**20**	**-**	**251**	**$ 36,369**
SUSTAINABLE SOURCE WATER ASSESSMENT										
2.1	Sustainable Source Water Assessment - Shallow Groundwater (Database Review, Historical WL Review & Modeling)		2	4		20	4		30	$ 4,234
2.2	Define Potential Future Shallow Sand and Gravel Well Sites			4			4		8	$ 1,284
2.3	Sustainable Source Water Assessment - Deep Groundwater (ISWS Alternate Options Modeling)		2	4		8	4		18	$ 2,686
2.4	Define Potential Deep Sandstone Well Sites			4			4		8	$ 1,284
	Sustainable Source Water Assessment Subtotal:		**4**	**16**	**-**	**28**	**16**	**-**	**64**	**$ 9,488**
WATER WORKS SYSTEM EVALUATION										
3.1	Define Water Treatment Site(s) Throughout Planning Area			4		4	8		16	$ 2,364
3.2	Define Long Term Finished Water Quality, Water Treatment Options & Water Treatment Plant Concept Plans		2	20		12			34	$ 5,518
3.3	Evaluate Static Water Pressures Throughout Planning Area			2		8	8		18	$ 2,520
3.4	Define Water Storage Facility Locations Within Planning Area			2		8	4		14	$ 1,956
3.5	Define Large Diameter Water Distribution Network Within Planning Area			2		16	16		34	$ 4,680
	Water Works System Evaluation Subtotal:		**2**	**30**	**-**	**48**	**36**	**-**	**116**	**$ 17,038**
COST ESTIMATING & IMPLEMENTATION PLAN DEVELOPMENT										
4.1	Cost Estimates - Water Supply Improvements (Wells)		1	2		6			9	$ 1,319
4.2	Cost Estimates - Water Treatment Improvements (Source Water = Wells)		1	4		12			17	$ 2,453
4.3	Cost Estimates - Water Storage Improvements		1	1		8			10	$ 1,397
4.4	Cost Estimates - Water Distribution Improvements		1	2		20			23	$ 3,125
4.5	Develop Draft Implementation Plans For Proposed Water Works System Improvements		1	2		6			9	$ 1,319
4.6	Quantify Capital & O&M Water Works System Cost Savings With Conservation Comm.		1	2		4			7	$ 1,061
4.7	Connection Fee Analysis		2	2		12			16	$ 2,278
	Cost Estimating & Implementation Plan Development Subtotal:		**8**	**15**	**-**	**68**	**-**	**-**	**91**	**$ 12,952**
REPORT & PRESENTATION										
5.1	Prepare Draft Report For City For Review		8	8		60	20	2	98	$ 13,636
5.2	Prepare Draft Presentation For City Staff Review		2	16		2	6		26	$ 4,354
5.3	Finalize Report		2	4		16	4		26	$ 3,718
5.4	Finalize Presentation		1	4		2	1		8	$ 1,304
5.5	City Council Presentation & Final Report Submittal		4	4		2		2	12	$ 1,874
	Report & Presentation Subtotal:		**17**	**36**	**-**	**82**	**31**	**4**	**170**	**$ 24,886**
	PROJECT TOTAL:		**74**	**197**	**4**	**404**	**103**	**9**	**791**	**117,143**

DIRECT EXPENSES	
Printing =	$ 750
Supplies & Misc. =	$ 250
ISWS (Sustainable Source Water Analysis) =	$ 18,000
DIRECT EXPENSES =	**$ 19,000**

LABOR EXPENSES	
Engineering Expenses =	$ 101,918
Drafting & GIS Technician Expenses =	$ 14,523
Administrative Expenses =	$ 702
TOTAL LABOR EXPENSES =	**$ 117,143**

TOTAL COSTS =	**$ 136,143**

G:\Public\Batavia\2016\BA1601 Water Works System Master Plan\PSA\[B - Fee Estimates.xlsx]Final

April 6, 2016

ATTACHMENT C:
PROJECT SCHEDULE

WATER WORKS SYSTEM MASTER PLAN

City of Batavia, Kane and DuPage Cos., IL

| WORK ITEM NO. | WORK ITEM | Year: | 2016 | | |

Standard Schedule of Charges

January 1, 2016

EMPLOYEE DESIGNATION	CLASSIFICATION	HOURLY RATE
Senior Principal	E-4	$190.00
Principal	E-3	$185.00
Senior Project Manager	E-2	$180.00
Project Manager	E-1	$163.00
Senior Project Engineer/Planner/Surveyor II	P-6	$150.00
Senior Project Engineer/Planner/Surveyor I	P-5	$141.00
Project Engineer/Planner/Surveyor	P-4	$129.00
Senior Engineer/Planner/Surveyor	P-3	$117.00
Engineer/Planner/Surveyor	P-2	$108.00
Associate Engineer/Planner/Surveyor	P-1	$ 97.00
Senior Project Technician II	T-6	$141.00
Senior Project Technician I	T-5	$129.00
Project Technician	T-4	$117.00
Senior Technician	T-3	$108.00
Technician	T-2	$ 97.00
Associate Technician	T-1	$ 84.00
Engineering/Land Surveying Intern	I-1	$ 80.00
GIS Technician	G-1	$ 65.00
Administrative Assistant	A-3	$ 78.00

CREW RATES, VEHICLES AND REPROGRAPHICS		
1 Man Field Crew with Standard Survey Equipment		$153.00
2 Man Field Crew with Standard Survey Equipment		$240.00
1 Man Field Crew with RTS or GPS *		$190.00
2 Man Field Crew with RTS or GPS *		$276.00
Vehicle for Construction Observation		$15.00
In-House Scanning and Reproduction	$0.25/Sq. Ft. (Black & White) $1.00/Sq. Ft. (Color)	

*RTS = Robotic Total Station / GPS = Global Positioning System

52 Wheeler Road, Sugar Grove, IL 60554 ~ (630) 466-6700 tel ~ (630) 466-6701 fax ~ www.eeiweb.com

Proclamation

WHEREAS, in September 1964, Reverend Gilbert Johnstone and six leading citizens from Batavia formed a committee to explore the possibility of establishing a sheltered workshop for the students who were of age to leave the Valley School for Exceptional Children; and

WHEREAS, Reverend Johnstone was invited by the Furnas Foundation of Batavia to speak at a meeting regarding the purpose and goal of the proposed workshop which resulted in the Furnas Foundation supporting the establishment of a workshop in Batavia; and

WHEREAS, on May 9, 1966, Valley Sheltered Workshop opened at 4 North River Street in Batavia with Earl Sloggett as Shop Supervisor, Robert Bena as Shop Consultant from Furnas Electric Co. and four trainees who were members or former members of the Valley School for Exceptional Children; and

WHEREAS, after renting space in 2 locations for 14 years, Valley Sheltered Workshop moved into their new building at 325 Main Street in Batavia during March of 1980. Richard Ernzen of the Kiwanis Club of Batavia spearheaded the building project which was completed with the support and dedication of local tradesmen and volunteers

WHEREAS, Valley Sheltered Workshop is celebrating a major milestone in its history while continuing to dedicate itself to its mission, "To empower the lives of adults with developmental disabilities within the Fox Valley area and help them achieve the highest potential in all aspects of their lives by providing an environment for friendship, learning and above all, a source of livelihood."

NOW, THEREFORE, I, Jeffery D. Schielke, Mayor, and the City Council of the City of Batavia, Illinois congratulate Valley Sheltered Workshop of Batavia, Illinois, in celebrating its 50th Anniversary.

Jeffery D. Schielke
Mayor

CITY OF BATAVIA

DATE: April 13, 2016
TO: The Honorable Jeffery D. Schielke, Mayor
FROM: Scott A. Haines, Street Superintendent
SUBJECT: Item for April 18, 2016 City Council Meeting:
Proclamation Declaring Arbor Day on April 29, 2016

Please present the attached proclamation for approval at the April 18, 2016, City Council meeting. Gary Holm will be in attendance to receive the proclamation on behalf of the Batavia Tree Commission. Thank you for your support.

CITY OF BATAVIA

BATAVIA
Since 1833
CITY OF ENERGY

Proclamation

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal; and

WHEREAS, Batavia has been recognized as a Tree City USA by the National Arbor Day Foundation and desires to continue its tree-planting ways.

NOW, THEREFORE, I, Jeffery D. Schielke, Mayor of the City of Batavia, Illinois, do hereby proclaim, Friday, April 29, 2016, as

"ARBOR DAY"

in the City of Batavia, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further I urge all citizens to plant trees to gladden the hearts and promote the well-being of this and future generations on this 29th day of April, 2016.

Jeffery D. Schielke
Mayor

This certifies and attests
that the Emergency Management program
of the

City of Batavia

has met the program requirements as set forth in the
Illinois Emergency Management Agency Act (20 ILCS 3305)
and the rules promulgated there under.

This Program Certification is granted
April 5, 2016 through April 5, 2018

Donald H Bryant, IPEM
Director
Kane County Office of Emergency Management

CITY OF BATAVIA

MEMO TO: Mayor Jeff Schielke

FROM: Cheryl A. Shimp, Recording Secretary
Batavia Board of Fire & Police Commissioners

DATE: April 6, 2016

SUBJECT: Reappointment of Dennis Anderson to Batavia Board of Fire & Police Commissioners

As per 65 ILCS 5/10-2-1-1, the Board of Fire and Police Commissioners shall consist of 3 members, whose terms of office shall be 3 years and until their respective successors are appointed. As Dennis Anderson was previously reappointed on 10/07/2013, he will require appointment this year per statute.

We would therefore respectfully request that you reappoint Dennis Anderson to the Batavia Board of Fire & Police Commissioners for additional terms of 3 years at the May 2, 2016 City Council Meeting. Thank you for your continued support.

CITY OF BATAVIA

MEMO TO: City Council

FROM: Gary J. Schira
Chief of Police

DATE: March 30, 2016

SUBJECT: Ordinance 16-19: (Class B-4 and Class B-5 Licenses) Liquor Sales at Gas Stations

Pursuant to discussion and direction at the Committee of the Whole meeting of March 22, attached is Ordinance 16-19 creating new Class B liquor licenses, which will allow the sale of packaged alcoholic liquors at gas stations. This ordinance creates a Class B-4 license, which allows the retail sale of beer & wine only and a Class B-5 license that allows the retail sale of <u>any</u> alcoholic liquor. Per Mayor Schielke as Liquor Commissioner, both classes have a fee of $750 per year in this draft ordinance – similar to all other Class B license fees to include packaged liquor stores (see attached fee schedule).

Please note that the hours of liquor sales for all Class B licenses is 9 AM – 11 PM Sunday thru Thursday and 9 AM to Midnight Friday and Saturday; no person under 21 may sell or ring up the sale of packaged liquor; and all persons doing so must be currently BASSET trained and certified.

Also, prior to next March 2017 (renewal is by May 1), the City Council may wish to look at all the annual fees for the various class liquor licenses to see if any should be adjusted. The Police Department will do a survey of surrounding towns to see what their various fees are as a frame of reference. Generally speaking, Batavia's fees are lower than surrounding towns.

Please consider this on your City Council agenda for April 18 and contact me if you have any questions.

Attachment

PC: W. McGrath
Dept. Heads
K. Drendel
J. Armbrust
C. Shimp
D. Eul
G. Autenrieth

3-3-18: LICENSE FEES:

A. Fees Established: The fees for the various classes of liquor licenses authorized in this chapter are as follows:

Class License	Annual Fee
A (tavern)	$1,500 .00
B-1 (liquor store)	750 .00
B-2 (grocery store)	750 .00
B-3 (pharmaceuticals and nutritional stores)	750 .00
C-1 (carry in restaurant)	100 .00
C-2 (carry in salon)	100 .00
C-3 (carry in event)	100 .00
D-1 (restaurant all liquor)	1,800 .00
D-2 (restaurant beer/wine)	1,800 .00
E-1 (church/club unlimited)	1,500 .00
E-2 (church/club - 30 days)	150 .00
E-3 (bowling/amusement)	1,500 .00
E-4 (limited retail)	100 .00
E-5 (limited retail/salon)	100 .00
F* (nonprofit event)	50 .00
F* (outdoors)	n/a
G-1* (special use/single event)	50 .00
G-2* (special use/series event)	100 .00
G* (G-1 or G-2 outdoors)	n/a
H (microbrewery)	1,300 .00
I (caterer)	200 .00
Overlay outdoor adjunct	25 .00
Overlay live entertainment	25 .00

Overlay live entertainment class A	300 .00
Overlay package (A or D)	25 .00

(Ord. 15-17, 4-20-2015; amd. Ord. 15-27, 7-20-2015)

B. Proration: There shall be no proration of local liquor license fees except as specifically designated. Notwithstanding the foregoing, if an initial license is issued after November 1, the initial license fee shall be one-half ($^1/_2$) of the "initial license fee" set forth above.

C. Live Entertainment: The fee for a live entertainment license only for a portion of the year shall be prorated according to the number of months, and the months during which live entertainment is allowed and shall be specified in the license that is issued.

D. Forfeiture Of License Fee: Whenever any local liquor license hereunder has been revoked as provided for in this chapter, the licensee shall incur a forfeiture of all monies that have been paid for said local liquor license. (Ord. 13-16, 4-1-2013)

CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-19

REVISING TITLE 3 OF THE BATAVIA MUNICIPAL CODE
CREATING NEW CLASS B PACKAGED LIQUOR LICENSES

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 16-19

REVISING TITLE 3 OF THE BATAVIA MUNICIPAL CODE
CREATING NEW CLASS B PACKAGED LIQUOR LICENSES

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

SECTION 1. Title 3, Chapter 3, Section 3-3-1 of the Batavia Municipal Code is hereby revised by adding subsection 4 and subsection 5 as follows:

B. Class B - Package Sales: ....

4. Class B-4: Class B-4 licenses authorize the retail sale of beer and wine only in original packages only, and not for consumption on the premises, where the retail sale of packaged beer and wine is secondary to the sale of gasoline products and/or miscellaneous convenience store items.

5. Class B-5: Class B-5 licenses authorize the retail sale of alcoholic liquors in original packages only, and not for consumption on the premises, where the retail sale of packaged alcoholic liquor is secondary to the sale of gasoline products and/or miscellaneous convenience store items.

SECTION 2. Title 3, Chapter 3, Section 3-3-18 of the Batavia Municipal Code is hereby revised by adding fees for Class B-4 liquor licenses ($750) and Class B-5 liquor licenses ($750).

SECTION 3. This Ordinance 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 ____ day of _____, 2016.

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

_____

Jeffery D. Schielke, Mayor

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

ATTEST:

_____

Heidi Wetzel, City Clerk

R:\Secretary\Clients - Municipal\City of Batavia\Forms\ORDINANCE TEMPLATE 5-1-15.doc

CITY OF BATAVIA

Date: March 30, 2016

To: Committee of the Whole (CS) – April 5, 2016

From: Andrea M. Podraza, P.E., CFM – Senior Civil Engineer

Re: **Resolution 16-32-R - Authorizing execution of the Contract for Ward 1 Drainage Investigation with WBK Engineering, LLC. for an amount not-to-exceed $27,472.37**

As part of the City of Batavia's efforts to alleviate repeated drainage concerns in our 1st ward funds were allocated to this fiscal year to conduct a drainage study. The City of Batavia sought out qualifications and a cost proposal from consultants to study the existing storm sewer capacity, the hydrology and complete a hydraulic analysis for the project limits within this ward. The area of concern is generally bound by Pine Street to the north, Raddant Road to the west, Giese Road to the south and Kirk Road to the east. During the June 15, 2015 rain event this area experienced stormwater back-ups that have not been seen in the past. There was water filling numerous streets within this neighborhood, sometimes backing up into yards and an occasional house. The City's intent is to complete a full investigation and analysis on the storm sewer system in this area. The analysis will include the routing, sizing, locations of restrictions, and hydraulic capacity of the storm sewer system including the culvert located under the Kirk Road, where the system ultimately discharges to a channel. A final report will be prepared with the consultant's findings, proposed improvements with associated preliminary cost estimates and a presentation to the Committee in mid-August.

A mandatory scoping meeting was held Tuesday, March 1st, 2016 to clarify the intended scope of the study so all firms submitted similar proposals. All 5 firms that were present submitted statement of qualifications and sealed cost proposal. The Ward 1 Drainage Investigation submittals were due on Friday, March 11, 2016. Staff reviewed and discussed the statement of qualifications, individually scored and ranked the submittals, combined scores for an average score, and then opened the sealed cost proposals. The consultant's average scores based on qualifications were then converted to a decimal (89% becomes .89) and were divided into that consultant's proposed total cost to arrive at an "adjusted cost." The consultant with the lowest "adjusted cost" is recommended for award. The consultant with the lowest adjusted cost and being recommended for this project is WBK Engineering, Ltd. from St. Charles.

Below is a summary of the consultant rankings that were solicited for qualifications and the cost proposal:

Consultant	**Rank Based on Qualifications ***	**Rank Based on Cost Proposal ****	**Rank Based on Both Qualifications & Cost *****
WBK Engineering, Ltd	*1*	*1*	*1*
Christopher B. Burke Engineering, Ltd.	2	2	2
CEMCON, Ltd.	3	3	3
Engineering Enterprises, Inc.	5	4	4
Rempe Sharpe	4	5	5

* 1 indicates best qualified and 5 indicates least qualified
** 1 indicates lowest proposal cost and 5 indicates highest proposal cost
*** 1 indicates best desirable consultant based on both qualifications and cost and 5 indicates least desirable consultant based on both qualifications and cost

City staff has a good working relationship with WBK. The City has worked with WBK for the drainage project in Batavia Business Park with Fermi dating back to 2009 for engineering studies and construction in 2014. In addition, WBK completed the restudy of Braeburn Marsh in 2009 and have since been working with the city as a Monitoring and Maintenance consultant for our required annual Army Corps of Engineers report. The City has found WBK to be responsive, responsible and timely in finishing submittals. Besides, WBK is currently working on drainage studies for Fermilab which will overlap with some of Ward 1's study area.

This is the first project out of the $400,000 allocated in the 2016 budget to investigate/study, prepare design drawings and/or construct solutions on a city-wide basis to help alleviate the drainage and sewer back-ups problems encountered most recently with the June 2015 rain event. Staff is in the process of preparing the second request for qualifications for the next area to be looked into further, Area 3 of the combined sewers, in the proximity of Blaine, Morton & Walnut Streets.

Recommended Action:
Staff recommends that Committee of the Whole approve the following:

1. Resolution 16-32 Authorizing execution of the Contract for the Ward 1 Drainage Investigation with WBK Engineering, LLC. in the amount not-to-exceed $27,472.37.

CITY OF BATAVIA, ILLINOIS

RESOLUTION 16-32-R

AUTHORIZING EXECUTION OF THE CONTRACT FOR WARD 1 DRAINAGE INVESTIGATION WITH WBK ENGINEERING, LLC

WHEREAS, the City of Batavia has identified the need for a drainage study in Ward 1; and

WHEREAS, the City of Batavia requested qualifications and sealed cost proposal on the project and reviewed and scored the submitted qualifications then opened the sealed proposal; and

WHEREAS, WBK Engineering, LLC has submitted a proposal and is the most qualified based on both qualifications and costs for the project; and

WHEREAS, the engineering company of WBK Engineering, LLC has the appropriate expertise and experience necessary to provide hydraulic modeling & design services; and

WHEREAS, the total cost of said hydraulic modeling & design services is in the amount not to exceed $27,472.37; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BATAVIA AS FOLLOWS:

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute the Contract with WBK Engineering, LLC of St. Charles, Illinois, for construction services in the amount not to exceed $27,472.37. The Contract is attached hereto as Exhibit "1".

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 18th day of April, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 18th day of April, 2016.

_____

Jeffery D. Schielke, Mayor

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

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

ATTEST:

_____

Heidi L. Wetzel, City Clerk

AGREEMENT

THIS AGREEMENT, made this 30th day of March, 2016 by and between the CITY OF BATAVIA, (hereinafter referred to as the "City"), and WBK Engineering, LLC., (hereinafter referred to as the "Company), with regard to certain services in connection with the Ward 1 Drainage Investigation Project (hereinafter referred to as the "Project".)

NOW THEREFORE, the City and the Company, in consideration of the mutual covenants hereinafter set forth, agree to as follows:

1. The Company agrees to perform services in connection with the Project as hereinafter stated. The Company shall at all times observe and comply with all laws, ordinances, and regulations of the federal, state, and local governments, which may in any manner affect the preparation of proposals or the performance of the Agreement.

2. The Company has made a proposal to the City, dated March 11, 2016, attached hereto Exhibit 1 and expressly made a part hereof.

3. This contract will constitute the entire agreement and understanding by and between the parties hereto, and it shall not be considered modified, altered, changed, or amended in any respect unless done so in writing with signatures by both the City and the Company.

4. The terms and conditions of this agreement will be the sole terms and conditions followed for this Agreement, unless otherwise approved in writing by the City Attorney and attached as an exhibit to this agreement. Any and all terms and conditions contained in Company's Proposal will be superseded by the terms and conditions of this agreement.

5. The Company shall obtain, at its own expense, all permits and licenses which may be required to complete the Agreement, and/or required by federal, state, and local regulations and laws.

6. The City does not discriminate on the basis of handicapped status in the admission of, access to, or treatment of employment in its programs and activities.

7. Illinois Prevailing Wages: To the extent the proposed contract calls for the construction of a "public work," within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 *et seq*. ("the Act"), Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen, and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act 820 ILCS 130/1-12, to the extent they are applicable, including, without limitation, the submission of certified monthly payroll reports as required by 820 ILCS 130/5. The contractor is advised that failure to timely submit such reports shall be cause for the withholding of payments otherwise due the contractor until compliance with the reporting requirements is achieved. The current Illinois Department of Labor Prevailing Wage Rates for the County of Kane are available at their website http://www.state.il.us/agency/idol/. Prevailing wage rates are subject to revision monthly. Copies of the current prevailing wage rates are also available at the Kane County Purchasing Department, 719 Batavia Avenue, Geneva, Illinois.

Any bond furnished under this contract shall include such provisions as will guarantee the faithful performance of such prevailing wage clause as provided by the contract.

The Contractor and each of his Sub-Contractors shall pay each of his employees engaged in work on the project under this Contract in full (less deductions made mandatory by law) not less often than once each week.

If a contractor or subcontractor deems the work is not subject to the Act, the contractor or subcontractor shall then submit to the City, a letter indicating receipt of this notice and their determination that the Act does not apply. If the contractor or subcontractor believes the work is not subject to the Prevailing Wage Act, and it is later determined by the Illinois Department of Labor or a court of competent jurisdiction that prevailing wages should have been paid, the contractor shall indemnify and hold the City harmless therein for all costs and penalties incurred by the City related to the violation, including reasonable attorneys fees incurred by the City to defend such an action.

8. Any payment made to the Company shall be strictly on the basis of quantum meruit. The Company shall submit to the City a detailed breakdown of hourly rates billed to date with each pay request. The detailed breakdown shall be based on the hourly rate breakdown contained in the approved proposal. The City will pay the Company for the performance of the Agreement as follows:

   a. Monthly payments based on actual work satisfactorily completed, less 10% retainage until final completion of the work

   b. The total Agreement payment will not exceed $27,472.37.

   c. Additions or deductions to the approved total amount for services must be authorized in writing by the City. Any out of scope work must be authorized in writing by the City. Any work performed without written approval from the City shall be solely at the expense of the Company.

   d. Final payment to the Company will be made once the project has been completed, all paperwork completed and turned into the City of Batavia and/or State of Illinois, and approved with the State of Illinois and/or the City of Batavia.

9. The Company shall perform those phases of the Project to which this Agreement applies, and shall give consultation and advice to the City during the performance of the services.

10. The Company shall secure and maintain in force throughout the duration of this Agreement, Comprehensive General Liability including Products Liability/Completed Operations insurance naming the City as an additional insured written on an occurrence basis with a minimum coverage of $1,000,000 per occurrence and $2,000,000 policy limit, including Broad Form Contractual Liability insurance, in an amount not less than $1,000,000 per occurrence and $2,000,000 policy limit subject to the terms and conditions of the policy.

    The Company shall secure and maintain in force throughout the duration of this Agreement, Automobile Liability insurance in an amount not less than $1,000,000

combined single limit. Said insurance is to be extended to cover hired and non-owned vehicles.

The Company shall secure and maintain in force throughout the duration of this Agreement, Umbrella or Excess Liability coverage of $2,000,000.

The Company shall secure and maintain in force throughout the duration of this Agreement, Workers' Compensation insurance, as required by statute, by an insurance company licensed to write worker's compensation in the State of Illinois. Employer's Liability, in an amount not less than $500,000 each accident, $500,000 disease-policy limit and $500,000 disease-each employee.

The insurance provided by Company shall be primary, and not contributory to any insurance purchased by the City. All insurance policies required by this contract shall be underwritten by insurance companies with a minimum A.M. Best rating of A. The certificate of insurance shall provide that it will not be canceled, reduced, or materially changed without providing the City thirty (30) days advance notice, via certified mail.

The Company shall not commence work under this contract until they have obtained all insurance required and such insurance has been approved by the City, nor shall the Company allow any subcontractors (hereafter Subs) to commence work on their subcontract until the same insurance has been obtained by the Sub. The Company and their Subs shall maintain all insurance for not less than one (1) year after completion of this contract.

If the Company is providing architectural, engineering, or surveying services, Company shall also file a certificate of insurance for professional liability, errors and omissions coverage subject to final acceptance by the City of said coverage.

In the event the City requires contractors or subcontractors working on City projects to acquire and provide proof of insurance covering public liability, death, and property damage naming the City as an insured, the City shall require said contractors or subcontractors to name the Company as an additional insured.

11. The Company shall provide the services as required herein in accordance with the Project Schedule.

12. The Company shall attend conferences and visit the site of the work as may be outlined in the Request for Proposal at any reasonable time when requested to do so by the City.

13. The Company represents and warrants that they are technically qualified and entirely conversant with the requirements of this Project; and that they have sufficient properly trained, organized, and experienced personnel and/or subcontractors to perform the services enumerated herein.

14. The City and the Company each binds themselves and their partners, successors, executors, administrators, and assigns to the other party of this Agreement and to the partners, successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, and as noted in the attachments, neither the City not the Company shall assign, subcontract, or transfer their interest in this

Agreement without the written consent of the other. Nothing herein will be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto, nor will it be construed as giving any rights or benefits hereunder to anyone other than the City and Company.

The Company may subcontract portions of the work upon written approval from the City. These Subs shall conform, in all respects, to the applicable provisions specified and shall further be subject to approval by the City. The Company shall identify all proposed Subs who will furnish services under the terms of this proposal. The work to be done by the Subs must be outlined in detail in the proposal submitted by the Company. None of the services to be furnished by the Company may be subcontracted, assigned, or transferred to any other party or parties without the written consent if the City. The consent to subcontract, assign, or otherwise transfer any portion of the services to be furnished by the Company will not be construed to relieve the Company of any responsibility for the fulfillment of this Agreement. Any request for payment to the company, for work that was subcontracted, must be supported with a waiver of lien and contractor's affidavit indicating the subcontractor has been paid and waives any lien on the project or funds for the project.

15. The Company shall indemnify, defend, and hold harmless the City, its officers, agents and employees, from and against any and all claims, losses or liability, or any portion thereof, arising from injury or death to persons or damage to property occasioned by the negligent act, omission, or failure of the Company, its officers, agents and employees, in performing the work required by this Agreement

16. The City agrees to review each and every phase of the Project as in the aforementioned proposal in a timely manner. Upon approval of each phase, the Company shall then proceed to the next phase.

17. All drawings, specifications, reports, and any other project documents prepared by the Company in connection with any or all of the services to be furnished hereunder shall be delivered to the City for the expressed use of the City. The Company does have the right to retain original documents, but shall cause to be delivered to the City such quality of documents so as to assure total reproducibility of the documents delivered. All information, worksheets, reports, design calculations, plans, and specifications shall be the sole property of the City unless otherwise specified in the negotiated agreement. The Company agrees that the basic survey notes and sketches, charts, computations, and other data prepared or obtained by the Company pursuant to the Agreement will be made available, upon request, to the City without cost and without restriction or limitations as to their use. All field notes, test records, and reports shall be available to the City upon request.

18. The City reserves the right by written amendment to make changes in requirements, amount of work, or engineering time schedule adjustments. The Company and the City shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes.

19. The City may, at any time by written order, require the Company to stop all or part of the services required by this Agreement. Upon receipt of such an order the Company shall immediately comply with its terms and take all steps to minimize the occurrence of costs

allocable to the services covered by the order. The City will pay for costs associated with suspension provided, they are deemed reasonable by the City.

20. The City reserves the right to terminate the whole or any part of this Agreement, upon ten (10) calendar day's written notice to the Company. The City further reserves the right to cancel the whole or part of the Agreement, if the Company fails to perform any of the previsions in the Agreement of fails to make delivery within the time stated. The Company will not be liable to perform if situations arise by reason of acts of God or public enemy, acts of City, fires, or floods.

    a. Should any of the key personnel identified in the Proposal become unavailable to work on the project, and no permanent substitute personnel reasonably satisfactory to the City is provided by the Company within thirty (30) days, and/or no temporary replacement personnel is provided by the Company immediately following the commencement of the subject Key Personnel's unavailability, the City may, at its election, declare such contract terminated and at an end, reserve the right to maintain and action to recover damages arising due to breach of contract

    b. The City reserves the right to terminate in whole or any part of this contract, upon written notice to the Company, in the event of default by the Company. Default is defined as failure of the Company to perform any of the provisions of this contract of failure to make sufficient progress so as to endanger performance of this contract in accordance with its terms. In the event of default and termination, the City ay procure, upon such terms and in such manner as the City may deem appropriate, supplies or services similar to those so terminated.

       The Company shall be liable to the City for all excess costs for such similar supplies or service unless evidence is submitted to the City that in the sole opinion of the City clearly proves that failure to perform the contract was due to causes beyond the control and without the fault or negligence of the Company.

    c. Upon termination, the Company shall cause to be delivered to the City all surveys, reports, permits, agreements, calculations, drawings, specifications, partially and completed estimates, and data, as well as products of computer aided drafting, design, and writing that have been paid for by the City. Cost of termination incurred by the Company before the termination date will be reimbursed by the City only, if prior to the effective termination date, the City receives from the Company a list of actions necessary to accomplish termination and the City agrees in writing that those actions be taken. Upon receipt of the termination notice, the Company shall stop all work until said Agreement is reached.

21. The City agrees to notify the Company at least twenty-four (24) hours in advance of the need for personnel or services.

22. Nothing contained in this Agreement, nor the performance of the parties hereunder, is intended to benefit, nor shall inure to the benefit of, any third party, including the City's Contractors, if any.

23. An notice relating to claims for damages or relating to allegations of default shall be in writing and shall be made by certified or registered mail, postage prepaid, return receipt requested, or reliable overnight courier, to the parties as follows:

If to Company:	WKB Engineering, LLC. 116 W Main Street, Suite 201 St. Charles, IL 60174
If to the City:	City of Batavia Attention: City Clerk 100 North Island Avenue Batavia, IL 60510
with copies to:	City of Batavia Attention: Andrea Podraza 100 N. Island Avenue Batavia, IL 60510
and:	City of Batavia Attention: City Attorney 100 North Island Avenue Batavia, IL 60510

24. This Agreement contains the entire agreement between the parties. No other writing, discussion or any other communication about possible terms is to be construed as forming part of the agreement between the parties. Any terms and conditions submitted by the Company as part of its proposal are specifically disavowed and such terms and conditions shall not supersede this Agreement.

25. This Agreement shall be binding upon the partners, heirs, successors, executors, administrators, and assigns of all the parties hereto.

26. This Agreement shall be construed in accordance with the laws of the State of Illinois. Venue for any litigation arising from this Agreement shall be limited to the Courts of the Sixteenth Judicial Circuit, Kane County, Illinois.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

CITY OF BATAVIA, an Illinois Municipality,

Company,

By: _____
Mayor

By: _____
President

Attest:

By: _____
City Clerk

Attest:

By: _____
Secretary

COST ESTIMATE

Ward 1 Drainage Investigation

Request for Proposal (RFP) & Statement of Qualifications (SOQ)

Prepared For:
City of Batavia
Engineering Department
Andrea Podraza, P.E., CFM
Senior Civil Engineer
200 North Raddant Road
Batavia, Illinois 60510

Submitted By: WBK Engineering, LLC
An Illinois Licensed Professional Design Firm

Primary Office
116 W. Main Street, Suite 201
St. Charles, Illinois 60174
Contact: John Witte, P.E., CFM
P: 630.443.7755
F: 630.443.0533
jwitte@wbkengineering.com

Branch Office
8 East Galena Boulevard
Suite 402
Aurora, Illinois 60506
P: 630.701.2245
F: 630.800.1626

March 11, 2016

PHASE II ENGINEERING SERVICES
Ward 1 Drainage Analysis
Batavia, IL

Route	0
Local Agency	City of Batavia
Section	0
Project	Ward 1 Drainage Analysis
Job No.	0
Existing Structure No.	0

Method of Compensation:

Multiplier 2.8	◉	(2.8+R)(DL) + IHDC]
Multiplier 3.0	○	(3.0+R)(DL) + IHDC]
Specific Rate	○	(0+R)(DL) + IHDC]
Lump Sum	○	

*Firm's **approved rates** on file with IDOT's Bureau of Accounting and Auditing:

Multiplier (DLM)	2.80
Complexity Factor (R)	0.000
Calendar Days	540

Date: 3/11/2016

Cost Estimate of Consultant's Services in Dollars

	Element of Work	Employee Classification	Man-Hours	Payroll Rate	Payroll Costs (DL)	(DLM +R) x Payroll Cost	Services by Others	In-House Direct Costs (IHDC)	Total
1	Existing Conditions Evaluation						$ -	$ 30.24	$30.24
		Engineer IV	4.5	$48.43	$217.94	$610.22			$610.22
		Engineer II	32.5	$32.23	$1,047.48	$2,932.93			$2,932.93
		Engineering Technician II	56.0	$29.80	$1,668.80	$4,672.64			$4,672.64
		Landscape Architect	18.0	$32.15	$578.70	$1,620.36			$1,620.36
2	Hydrologic and Hydraulic Analysis						$ -	$3.30	$3.30
		Engineer IV	15.5	$48.43	$750.67	$2,101.86			$2,101.86
		Engineer II	86.5	$32.23	$2,787.90	$7,806.11			$7,806.11
		Landscape Architect	14.0	$32.15	$450.10	$1,260.28			$1,260.28
3	Develop Report, Public Presentation						$ -	$398.81	$398.81
		Engineer IV	20.0	$48.43	$968.60	$2,712.08			$2,712.08
		Engineer II	13.0	$32.23	$418.99	$1,173.17			$1,173.17
		Landscape Architect	21.0	$32.15	$675.15	$1,890.42			$1,890.42
		Office Professional	4.0	$23.21	$92.84	$259.95			$259.95
	Totals		285.0		$ 9,657.15	$ 27,040.02	$ -	$ 432.35	$ 27,472.37

Route
Local Agency City of Batavia
Section
Project Ward 1 Drainage Analysis
Job No.
Existing Structu Ward 1 Drainage Analysis

		Description		Engineer IV	Engineer III	Engineer II	Engineering Technician II	Landscape Architect	Professional Land Surveyor	Office Professional
1		**Existing Conditions Evaluation**								
	1.1	Kickoff meeting with City		1.5		1.5				
	1.2	Review Existing Data (drainage complaints, field reports, roadway maintenance logs)		1		5				
	1.3	Site Visit		2		6				
	1.4	Survey existing storm sewer structures					56			
	1.5	Compile survey into basemap, Storm and sanitary				20		18		
		SUB-TOTAL	**111.0**	**4.5**		**32.5**	**56.0**	**18.0**		
		PERCENT		4%		29%	50%	16%		
2		**Hydrologic and Hydraulic Analysis**								
	2.1	Develop Hydraflow model		4						
		Subareas, c value, Tc		4		8				
	2.2	Develop Storm and Sanitary Model				20				
	2.3	Run 10-year event				2				
	2.4	Run 100- year event				2				
	2.5	Analyze system for deficiencies				20				
		Meet with City to discuss preliminary projects		2.5		2.5				
	2.6	Develop solutions for system				10				
		Prepare exhibits		1		4		14		
		Prepare cost estimates				12				
	2.8	Revise model and projects per comments		4		6				
		SUB-TOTAL	**116.0**	**15.5**		**86.5**		**14.0**		
		PERCENT		13%		75%		12%		
3		**Develop Report, Public Presentation**								
	3.1	Develop draft report		10		4		6		
	3.2	Develop final report		4		3				4
	3.3	Presentation to City Council								
		Preparation of exhibits				4		15		
		Preaparation for meeting		2		2				
		Attend meeting		2.5						
		Preparation of meeting notes		1.5						
		SUB-TOTAL	**58.0**	**20.0**		**13.0**		**21.0**		**4.0**
		PERCENT		34%		22%		36%		7%
		TOTALS	**285.0**	**40.0**		**132.0**	**56.0**	**53.0**		**4.0**
		PERCENT		14%		46%	20%	19%		1%

PHASE II ENGINEERING SERVICES

In-House Direct Costs (IHDC)

Route 0
Local Agency City of Batavia
Section 0
Project Ward 1 Drainage Analysis
Job No. 0
Existing Stru 0

Consultant WBK Engineering LLC

			TASK 1 Existing Conditions Evaluation		TASK 2 Hydrologic and Hydraulic Analysis		TASK 3 Develop Report, Public Presentation	
ITEM	UNITS	UNIT COST	QUANT.	TOTAL COST	QUANT.	TOTAL COST	QUANT.	TOTAL COST
DIRECT COSTS								
Postage & Shipping (UPS, Fed-Ex)	UNIT	$1.00		$0.00		$0.00		$0.00
Travel Mileage	DAY	$45.00		$0.00		$0.00		$0.00
Travel Mileage	MILE	$0.540	56	$30.24		$0.00	14	$7.56
24 x 36 BW Bond Sheets	SHEET	$0.66		$0.00	5	$3.30		$0.00
24 x 36 Color Bond Sheets	SHEET	$21.00		$0.00		$0.00	5	$105.00
24 x 36 Mylar Plots	SHEET	$13.50		$0.00		$0.00		$0.00
24 x 36 Display Boards	EACH	$33.00		$0.00		$0.00		$0.00
11 x 17 BW Photocopies	SHEET	$0.20		$0.00		$0.00		$0.00
11 x 17 Color Photocopies	SHEET	$2.25		$0.00		$0.00	25	$56.25
8 ½ x 11 BW Photocopies	SHEET	$0.15		$0.00		$0.00	200	$30.00
8 ½ x 11 Color Photocopies	SHEET	$1.25		$0.00		$0.00		$0.00
Small Report Binding	EACH	$40.00		$0.00		$0.00	5	$200.00
Medium Report Binding	EACH	$75.00		$0.00		$0.00		$0.00
Large Report Binding	EACH	$100.00		$0.00		$0.00		$0.00
Public Notice (News Paper)	UNIT	$350.00		$0.00		$0.00		$0.00
Survey Equipment (Per Week)	UNIT	$700.00		$0.00		$0.00		$0.00
Specialty Equipment	UNIT	$1.00		$0.00		$0.00		$0.00
Permit Fees	UNIT	$1.00		$0.00		$0.00		$0.00
Plan/Inspection Review Fees	UNIT	$1.00		$0.00		$0.00		$0.00
Recording Fees	UNIT	$1.00		$0.00		$0.00		$0.00
Title Commitments	EACH	$400.00		$0.00		$0.00		$0.00
Phase I Archeological Survey	UNIT	$1.00		$0.00		$0.00		$0.00
Special Waste Radius Report	UNIT	$1.00		$0.00		$0.00		$0.00
Sub-Totals				**$30.24**		**$3.30**		**$398.81**

CITY OF BATAVIA

DATE: **March 31, 2016**
TO: **Mayor & City Council**
FROM: **Bill McGrath, City Administrator**
SUBJECT: **Res 16-37 -R Authorizing Execution of Easement Agreement for Riverbank Erosion Investigation**

As part of the investigation ion to the erosion occurring at several places along the riverbank, we need to obtain an easement from some private landowners adjacent to the river in certain areas. The owners of the strip center known at 33 N Island Avenue are such owners, and they have agreed to give the City an easement.

The agreement is attached and runs through December 1, 2016. Additional agreements will be required when the actual construction goes ahead, but the owners wanted to wait until they saw the options presented.

This matter will be on the April 5, 2016 COW agenda for discussion (CS). Staff recommends approval of the Resolution.

Thank you

Attachment: **Res 16-37 -R Authorizing Execution of Easement Agreement for Riverbank Erosion Investigation**

C: Department Heads
City Engineer Bari

CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-37-R

AUTHORIZING EXECUTION OF EASEMENT AGREEMENT FOR RIVERBANK EROSION INVESTIGATION

WHEREAS, the City of Batavia is concerned with the erosion that has been taking place along certain stretches of the Fox River as it passes through the community; and

WHEREAS, not only does erosion contribute to the sediment content of the river, impact the environment of aquatic species and wildlife dependent upon them, undermine trees and other growth which cool the river and provide habitat and pleasing aesthetic views, and allows for the potential of future redevelopment such as the addition of riverwalks, plazas or trails to take advantage of the river's beauty, but also threatens a sanitary sewer line that is located within the riverbank in certain locations; and

WHEREAS, the City has negotiated temporary access to the riverbank area in question from the owners of the property in which the sanitary sewer is located, such agreement attached hereto as Exhibit 1 and included by reference; and

WHEREAS, it is in the best interest of the City to enter into such easement agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Batavia, Kane County and DuPage County, Illinois that the Mayor and City Clerk are hereby authorized to execute an easement agreement with John Tsichlis and Nick Tsichlis for the property commonly known as 33 N Island Avenue, substantially in conformance with the agreement attached hereto as Exhibit 1.

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

APPROVED by me as Mayor of said City of Batavia, Illinois, this __th day of April, 2016.

_____
Jeffery D. Schielke, Mayor

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

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

ATTEST:

_____
Heidi Wetzel, City Clerk

EXHIBIT 1 TO
CITY OF BATAVIA
RESOLUTION 16-37-R

GRANT OF EASEMENT

This Grant of Easement ("Agreement") made this _____ day of April, 2016, by and between **JOHN TSICHLIS** and **NICK TSICHLIS** (hereinafter referred to as "Grantors") and the **CITY OF BATAVIA**, an Illinois Municipal Corporation (hereinafter referred to as "City").

WHEREAS, Grantors are the owners of a certain real property situated in the City of Batavia, Kane County, Illinois, described in Exhibit A and illustrated on Exhibit B attached hereto and forming a part hereof ("Easement Parcel"), and is desirous of granting to the City an easement for purposes of performing riverbank stabilization on the parcel ("Improvements"); and

WHEREAS, City owns a certain sanitary sewer line under ground on the Property near the riverbank, which riverbank has been subject to severe erosion over the last several years, threatening the integrity and operation of said sanitary sewer; and is desirous of stabilizing said bank to protect the sanitary sewer line; and

WHEREAS, Grantors own a multi-tenant building which is impacted by said erosion and Grantors are also desirous of stabilizing said bank to protect its building and thus is desirous of granting to the City an easement for purposes of investigation of riverbank erosion and stabilization on the parcel ("Investigation"), which lies on the bank of the Fox River.

NOW, THEREFORE, in consideration of the acceptance of this grant by the City and for other good and valuable consideration, the Grantors grant to the City a right in, over, along and under the Easement Parcel for the purposes of performing the appropriate investigation to ascertain the solution to the aforementioned erosion, including surveying, soil boring and testing, and such other activities deemed reasonably necessary and appropriate to determine options for the erosion problem.

This grant is made on the following terms:

1. The Improvements, or any portion thereof, to be constructed, replaced, removed, maintained and used in, over, along and under the Easement Parcel shall be performed, constructed and maintained in a workmanlike manner, and such easement shall include access to and from the Easement Parcel.

2. City shall, immediately following construction or maintenance of the Improvements and appurtenances, remove or cause to be removed from the Easement Parcel all debris, surplus material, and construction equipment, leaving such Parcel in a neat and presentable condition.

3. That upon reasonable notice to Grantors (except in case of emergency), the City shall have the right of ingress to and egress from the Easement Parcel for purposes of construction, repair and maintenance, and shall restore any property used for such ingress and egress to its prior condition.

4. The City shall have the right from time to time to trim and cut down and clear away any and all trees and brush now or hereafter on the Easement Parcel or overhanging the Easement Parcel that in the opinion of the City may interfere with the use of the Improvement. However, in no case shall any tress in excess of 3” in diameter be removed without the specific approval of the Grantors following an on-site visit and marking of the trees proposed to be removed before Grantors consent is sought.

5. Grantors reserve the right to use the Easement Parcel for all purposes that will not interfere with the City's full enjoyment of the rights granted by this instrument including, but not limited to, stabilization of the riverbank, provided, however, that Grantors shall not erect or construct any building or structure that would interfere with City’s access to the riverbank portion of the Easement Parcel without the prior written consent of the City.

6. The easement described in this instrument is to and shall run with the land and shall be for the benefit and use of and shall be binding upon the Grantor sand the City and their respective heirs, administrators, assigns and successors.

7. City agrees to indemnify and save harmless Grantors, their, agents and beneficiaries from and against any and all claims and demands of third persons (including, but not limited to those for death, for personal injuries or for loss or damage to property) occurring in or arising, directly or indirectly out of or in connection with the use and occupancy of the premises, including but not limited to work or alterations performed by the City in or to the premises, the activities conducted on the Easement Parcel or temporary construction easement located adjacent thereto, premises or as a result of any acts, omissions, or negligence of the City or their respective contractors, licensees, invitees, agents, servants, employees or other persons on or about the premises and from

and against all costs, expenses and liability occurring in or in connection with any such claim or proceeding brought thereon, excepting those related or arising from acts of the Grantors.

8. City agrees to require that any third party agent, consultant or firm maintain adequate insurance over activities to be performed on the Easement Property and to name Grantors as additional insureds on any such coverage where applicable.

9. Unless less otherwise agreed in writing by the parties and the writing is recorded, this easement agreement shall expire at 12:00 am December 1, 2016.

GRANTORS

JOHN TSICHLIS

_____

NICK TSICHLIS

_____

GRANTEE

CITY OF BATAVIA

By _____

Mayor

ATTEST:

_____

City Clerk

EXHIBIT A

LEGAL DESCRIPTION OF EASEMENT PARCEL

THAT PART OF THE NORTH EAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF WILSON STREET WITH THE EAST LINE OF ISLAND AVENUE, AS DEDICATED BY DOCUMENT 421148, SAID INTERSECTION ALSO BEING THE SOUTHWEST CORNER OF THE LAND CONVEYED BY DOCUMENT NUMBER 2006K123623, THENCE NORTH 00 DEGREES 40 MINUTED 01 SECONDS WEST ALONG THE SAID EAST LINE, 15 22 FEET TO THE NORTHWEST CORNER OF SAID LAND CONVEYED BY DOCUMENT 2006K123623 FOR THE POINT OF BEGINNING, THENCE CONTINUING NORTH 00 DEGREES 40 MINUTES 01 SECONDS WEST ALONG SAID EAST LINE, 17 25 FEET, THENCE NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID LAND CONVEYED BY DOCUMENT 2006K123623, A DISTANCE OF 20 00 FEET, THENCE SOUTH 33 DRGREES 08 MINUTES 03 SECONDS EAST, 7 08 FEET, THENCE NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID LAND CONVEYED BY DOCUMENT 2006K123623, A DISTANCE OF 5 50 FEET, THENCE SOUTH 00 DEGREES 40 MINUTES 01 SECONDS EAST PARALLEL WITH THE EAST LINE OF SAID ISLAND AVENUE, 20 50 FEET TO THE NORTHERLY LINE OF THE LAND CONVEYED BY DOCUMENT NUMBER 2006K123623, THENCE SOUTH 89 DEGREES 21 MINUTES 34 SECONDS WEST ALONG SAID NORTHERLY LINE, 18 75 FEET TO AN ANGLE POINT IN SAID NORTHERLY LINE, THENCE NORTH 49 DEGREES 30 MINUTES 06 SECONDS WEST ALONG SAID NORTHERLY LINE, 14. 02 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

33 N Island Ave. Batavia, Il 60510

PIN #: 12-22-202-021

CITY OF BATAVIA

DATE: **March 24, 2016**
TO: **Mayor and City Council**
FROM: **Scott Buening, Community Development Director**
SUBJECT: **Sale of Municipally Owned Real Estate on Walnut Street**

1. **Summary:** Sale of City property located on Walnut Street.

2. **Background:** The Committee of the whole discussed a bid for a parcel of land on Walnut Street on March 15, 2016. The bid for the land came in at $1,500.00. The Committee gave staff direction to negotiate a sale price that was a minimum of 80% of the appraised value. Based on the land size, and the value of $0.80 per square foot (the 80% value) the land would be worth $2,240.00. The bidder has since revised their bid and has agreed to purchase the property for $2,240.00.

   A motion is required to have the Mayor sign the deeds that will transfer this property. A 2/3 majority of the City Council will be required to transfer the land.

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

   - Sell the property
   - Do not sell the property

   - **Pros** Selling the property would provide immediate revenue to the City as well as put the sold parcel back on the tax rolls. Selling the property would relieve the City from maintenance responsibilities.
   - **Cons** We would no longer have control over the sold property other than for utility and drainage purposes. We would end up retaining an easement for the existing and future public utilities.
   - **Budget Impact** We would receive revenue from the sale of the land as well as annual property tax revenues. The City would realize $2,240.00 from the sale of this parcel.
   - **Staffing Impact** No impact on staffing.

4. **Timeline for actions:** Now that a price has been settled on for the land sale, we should proceed to sign the deeds and close this transaction. The deed can then be recorded after the transaction closes.

5. **Staff recommendation:** Motion to authorize the Mayor to sign the deed for the sale of Municipally Owned Real Estate on Walnut Street.

Attachments:

1. Deed for property on Walnut Street.
2. Resolution 16-04-R Authorizing the Sale of Municipally Owned Real Estate.
3. Area Map.

QUIT CLAIM DEED

Statutory (ILLINOIS)

MAIL DEED TO:
Peter A. and Leslee W. Kraft
912 Walnut Street
Batavia, IL 60510

SEND SUBSEQUENT TAX BILLS TO:
Peter A. and Leslee W. Kraft
912 Walnut Street
Batavia, IL 60510

THE **GRANTOR, the City of Batavia**, a municipal corporation created and existing under and by the Laws of the State of Illinois and duly authorized to transact business in the State of Illinois, having its principal place of business located at 100 N. Island Ave., Batavia, IL 60510, for and in consideration of TEN AND NO/100'S DOLLARS ($10.00) DOLLARS, and other good and valuable consideration in hand paid, CONVEYS AND QUIT CLAIMS to **GRANTEE, Peter A. and Leslee W. Kraft,** not as Tenants in Common, not as joint tenants, but in TENANCY BY THE ENTIRETY, 912 Walnut Street, Batavia, IL 60510, the following described interest in the Real Estate situated in the County of Kane, in the State of Illinois, legally described as follows to wit:

> THAT PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF WALNUT STREET WITH THE WESTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD (NOW ABANDONED); THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, 186.88 FEET, ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2,914.42 FEET, TO A POINT THAT IS 210.0 FEET SOUTH OF THE CENTER LINE OF WALNUT STREET; THENCE EAST, PARALLEL WITH SAID CENTER LINE 15.44 FEET TO A POINT THAT IS 15.0 FEET EAST OF SAID WESTERLY LINE, AS MEASURED NORMAL DISTANT THEREFROM; THENCE NORTHERLY, CONCENTRIC WITH SAID WESTERLY LINE TO SAID SOUTH LINE; THENCE WESTERLY, ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

Commonly known as: (vacant land) east of 912 Walnut Street, Batavia, IL 60510

Permanent Real Estate Index Number: 12-21-476-030 (part)
SUBJECT TO: THE RETENTION OF A DRAINAGE AND UTILITY EASEMENT BY THE GRANTOR

EXEMPT pursuant to 35 ILCS 200/31- 45(b) of The Illinois Real Estate Transfer Tax Law.

Date: _____ _____
Buyer, Seller, Representative

IN WITNESS WHEREOF, said Grantor has caused these presents to be executed by its duly authorized officers this _____ day of _____, 2016.

CITY OF BATAVIA

(This is not homestead property)

By: _____
Mayor

Attest: _____

City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public, do hereby certify that _____ personally known tome to be the same person whose name is respectively as _____ of City of Batavia, a municipal corporation of the State of Illinois, subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that she, being thereunto duly authorized, signed, sealed with the corporate seal, and delivered the said instrument as the free and voluntary act of said corporation and as her own free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and seal this _____ day of _____, 2016.

_____
Notary Public

THIS INSTRUMENT WAS PREPARED BY:
City of Batavia
Community Development Department
100 N. Island Avenue
Batavia, IL 60510
(630) 454-2700
(630) 454-2775 (fax)

\\filesrv\users\CD\shuening\Property Disposition\Morton-Walnut Excess Land\DEED from City to Kraft.docx

CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-04-R

RESOLUTION AUTHORIZING THE SALE OF MUNICIPALLY OWNED REAL ESTATE ON WALNUT STREET

WHEREAS, the City of Batavia ("City") has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the City acquired a parcel of land between Walnut Street and Morton Street, a portion of which is legally described in Exhibit "A", from The Nature Conservancy in 1981 ("Subject Property"); and

WHEREAS, the Subject Property is approximately 2,800 square feet in size and is identified as a portion of PIN 12-21-476-030; and

WHEREAS, the property is used in part as a pedestrian trail and for City utilities, but is in excess of what is needed by the City; and

WHEREAS, the City has created a legal description for this parcel as described in Exhibit "A", and is considered surplus subject to reservation of a Public Utility and Drainage Easement.

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

SECTION 1. The recitals set forth above are incorporated in this Resolution as the material findings of Mayor and City Council.

SECTION 2. The City of Batavia has determined that a portion of the Subject Property identified as PIN 12-21-476-030 and legally described in Exhibit "A" is declared surplus and is no longer needed for municipal purposes.

SECTION 3. The City of Batavia is advertising this parcel for sale and sell it at the best price offered, subject to approval by the City Council. The City reserves the right to reject all offers if they are not in the best interest of the City.

SECTION 4. This Resolution shall be published in a newspaper of local circulation after passage.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 1st day of February, 2016.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of February, 2016.

Jeffery D. Schielke, Mayor

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

VOTE: 13 Ayes 0 Nays 1 Absent Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

Heidi Wetzel, City Clerk

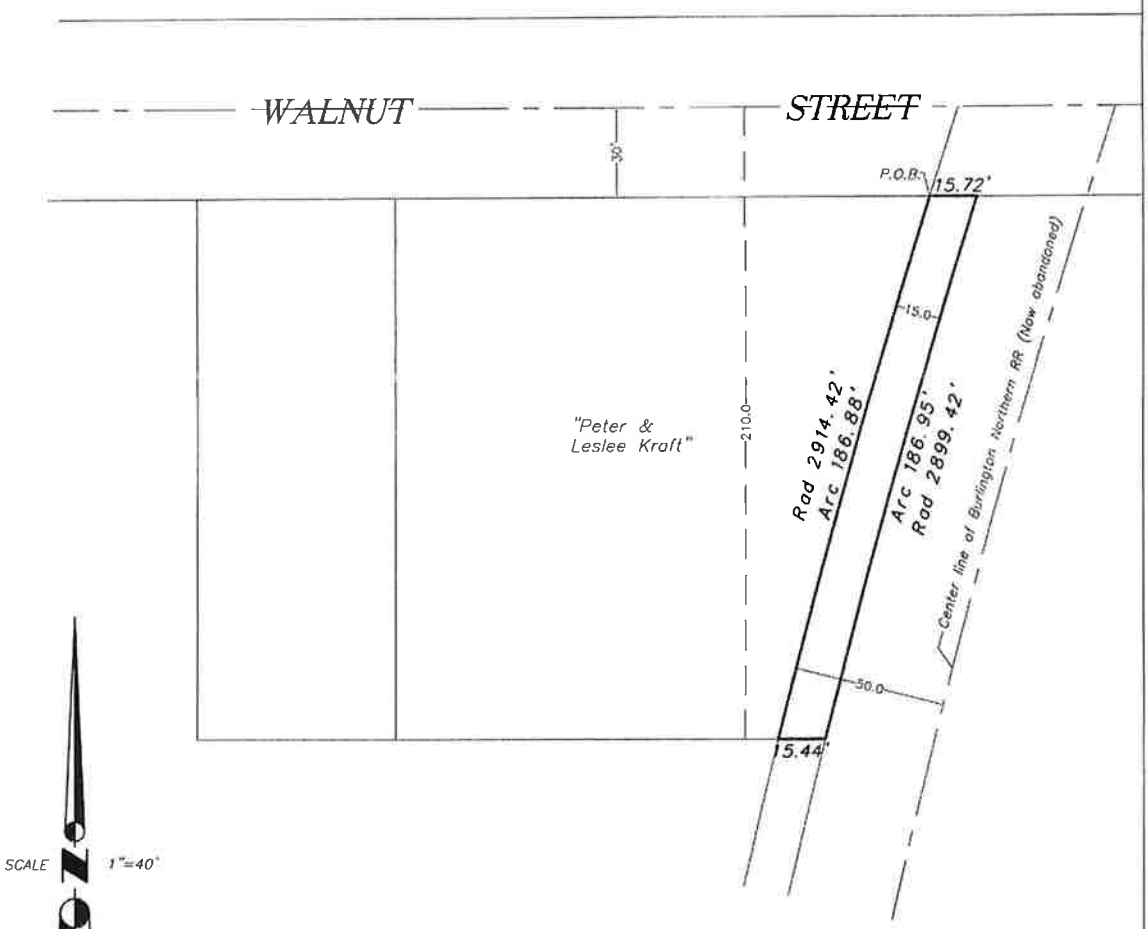
EXHIBIT "A" To Resolution 16-04-R

The property as described is advertised for sale to the highest bidder. The property is to be sold as-is and where-is without any warranties or representations. The property as a whole is approximately 2,800 square feet in size and is currently vacant and zoned R-1L Single Family Low Density District. The City will retain a Public Utility and Drainage Easement over the entire property sold. The minimum bid for the parcel is $2,850.00.

The City will accept sealed bids for the real estate until Tuesday, March 1, 2016 at 4:00 PM. Bids will be opened at that time, and referred to the City Council for review and potential awarding of a bid for the property or properties. The City reserves the right to reject any and all bids and to waive any formalities or technicalities in the bidding. Questions regarding this notice can be directed to Scott Buening, Community Development Director at 630-454-2710 or by email at sbuening@cityofbatavia.net.

PLAT OF PROPERTY

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF WALNUT STREET WITH THE WESTERLY LINE OF THE BURLINGTON NORTHERN RAILROAD (NOW ABANDONED); THENCE SOUTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, 186.88 FEET, ON THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 2914.42 FEET,TO A POINT THAT IS 210.0 FEET SOUTH OF THE CENTER LINE OF WALNUT STREET; THENCE EAST, PARALLEL WITH SAID CENTER LINE, 15.44 FEET TO A POINT THAT IS 15.0 FEET EAST OF SAID WESTERLY LINE, AS MEASURED NORMAL DISTANT THEREFROM; THENCE NORTHERLY, CONCENTRIC WITH SAID WESTERLY LINE TO SAID SOUTH LINE; THENCE WESTERLY, ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.



SCALE 1"=40'

==LEGEND==

Boundary of property

DATE PREPARED: DECEMBER 21ST, 2016

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

Shawn R. VanKampen

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

FOR: CITY OF BATAVIA
JOB NO. WES 13384D

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

Buening, Scott

From: Pete Kraft
Sent: Wednesday, March 23, 2016 8:18 AM
To: Buening, Scott
Subject: Re: Land sale

Scott,
Ok, 2240.00 it is. We will purchase the property. Just out of curiosity, what happened with the property that the appraisal was based on?
Pete

Sent from my Verizon Wireless 4G LTE DROID

"Buening, Scott" <sbuening@cityofbatavia.net> wrote:

Pete-

Attached is the appraisal we used for the land value. This land is directly south of the property in question, and we used the residual value ($1.00 per square foot) as the value since this is equivalent property.

Scott Buening

Community Development Director

City of Batavia

100 N. Island Avenue

Batavia, IL 60510

sbuening@cityofbatavia.net

630-454-2710

From: Pete Kraft
Sent: Friday, March 18, 2016 1:44 PM
To: Buening, Scott
Subject: Land sale

Scott, We will most likely

up the bid to the 80%. Is it possible to get a copy of the appraisal?

Thanks, Pete

This message has been scanned for viruses by MessageLabs.

This message has been scanned for viruses by MessageLabs.

CITY OF BATAVIA

DATE: **April 7, 2016**

TO: **Committee of the Whole**

FROM: **Chris Aiston, Economic Development Consultant**

SUBJECT: **Application for Downtown Improvement Grant (29 N. River St.)**
The Tea Tree, Tenant/Applicant

Background

Please find attached a copy of a Downtown Improvement Grant Application submitted by Melissa Hartmann, owner, The Tea Tree, and tenant at 29 North River Street. Ms. Hartmann is requesting a 50/50 matching grant to assist in funding certain plumbing improvements, as required by the Kane County Health Department, as enforced through the City of Batavia building permitting process and, ultimately for occupancy at the subject, downtown commercial building space. The estimated cost to complete the required plumbing improvements is $19,000. Ms. Hartmann is requesting the City fund half such costs in an amount not to exceed $9,500.

According to Ms. Hartmann's narrative, "The Tea Tree is a retail shop that will offer loose leaf tea, fresh spice, gourmet oil and vinegar and essential oil. The tea and spice products will be sold 'by the ounce' and in pre-packaged containers along with accessories for both. The gourmet oil and vinegar will be offered to taste test before purchase and the retail sized bottles can either be filled on the spot or offered in pre-packaged bottles. The essential oils will come in many different varieties and will be complimented by their many accessories. All natural lotions, soaps, washes and candles will also be sold".

Project Activities

The following list of activities and estimated costs to be incurred in the overall improvements to the interior of the 29 N. River St. space are provided below for your consideration:

Activities	Costs
Flooring	$ 2500
Millwork and Carpentry	$ 3500
Plumbing	$19,000 * 50/50 matching grant requested
Sinks, worktables and shelves	$ 2000
Ceiling	$ 1500
Painting and Decorating	$ 3000
HVAC	$ 500
Lighting	$ 2000
Total Est. Costs of Building Improvements	$34,000

Additionally, Ms. Hartmann expects to spend approximately $22,500 in product inventory to open her store. Finally, it should be noted here that Ms. Hartmann has stated (and I have personally in large part witnessed), "To save on costs, I have been doing all the work myself. Building tables, using the resources and history within the building to create interesting pieces, painting, demolition and building of walls".

Additional Information for COW Consideration

1. The City's Downtown Grant Program guidelines indicate that the program "is designed to enhance the overall economic viability and appearance of downtown Batavia by assisting in the funding of improvements that will lead to additional business activity in the downtown". The proposed use is very much a destination-oriented, niche type retailer. The number and variety of loose leaf teas, fresh spices, gourmet oils and vinegars and essential oil products to be offered for sale at The Tea Tree cannot be found else in the City's downtown and, in opening The Tea Tree, Ms. Hartmann will grow the central business district's eclectic list of products and services, providing more reasons for people to visit and shop in downtown Batavia.
2. The plumbing improvements required for The Tea Tree to open at 29 N. River Street are considerable, costly and, to a large degree, unexpected. Frankly, one could argue, based on anticipated type and amounts of discharge to the City's sanitary sewer system, requiring a floor drain with a commercial sized grease trap, seems a bit overkill and, again, was not contemplated in Ms. Hartmann's original budget considerations. However, the County Health Department is adamant that this underground system be installed before the discharge enters the City's sewer system and, consequently, in order to obtain a City-issued occupancy permit, this project must be undertaken.
3. Notwithstanding the comments provided in para. 2 above, plumbing improvements are capital, permanent improvements to this tenant space, are suitably grant-eligible and, in completing them, the tenant – and by extension, the City's grant program – is adding to the value of the downtown district's building stock.
4. The City's 2016 TIF Redevelopment Agreement and Improvement Grant budget has sufficient funds in place to provide the Applicant's requested $9,500 matching grant.

Recommendation

Staff recommends the Committee of the Whole pass onto City Council with a positive recommendation for the City to award Melissa Hartmann a Downtown Improvement Matching Grant in the amount of $9,500, or fifty percent (50%) of actual costs for the proposed plumbing improvements at 29 N. River St., whichever is the lesser amount.

Attachment(s):

Resolution 16-39-R; Hartmann Application for Downtown Improvement Grant;
Images RE: Proposed The Tea Tree retail tenant space, 29 N. River St.

cc: Mayor & City Council; City Administrator; City Attorney;
Press; File

CITY OF BATAVIA, ILLINOIS
RESOLUTION 16-39-R

A RESOLUTION AWARDING A GRANT UNDER THE DOWNTOWN IMPROVEMENT GRANT PROGRAM WITHIN THE DOWNTOWN HISTORIC DISTRICT (THE TEA TREE, 29 NORTH RIVER STREET)

WHEREAS, the City of Batavia has established a Downtown Improvement Grant Program; and

WHEREAS, Melissa Hartmann, Tenant at the premises commonly known as 29 North River Street, has applied for a Downtown Improvement Grant in the amount of $9,500, or 50% of total costs, whichever is less, to reimburse costs for a certain building improvement activity, to wit: Installation of various plumbing improvements, including but not limited to floor drains, grease traps, water heater and expansion tank, water lines and fixtures; and

WHEREAS, the City Council has determined that it is in furtherance of the goals and objectives of the Downtown Improvement Grant Program to approve the request of the applicant; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia, Kane and DuPage Counties, that the application for the grant of Downtown Improvement Grant Program funds in the amount of **$9,500.00 or 50% of the actual cost of the project, whichever is less,** to reimburse certain costs of the aforementioned building improvements to the property commonly known as 29 North River Street, is hereby approved, and the Mayor and City Clerk are authorized to execute the agreement between the City of Batavia and Melissa Hartmann, tenant, a copy of which is attached hereto as EXHIBIT "A," be and is hereby approved.

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 _____, 2015.

_____
Jeffery D. Schielke, Mayor

CITY OF BATAVIA, ILLINOIS RESOLUTION 16-39-R

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

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

ATTEST:

_____

Heidi Wetzel, City Clerk

Exhibit A

CITY OF BATAVIA
DOWNTOWN IMPROVEMENT GRANT AGREEMENT

THIS AGREEMENT, entered into this ____ day of _____ , 2016, between the City of Batavia, Illinois (hereinafter referred to as the "CITY") and the following designated LESSEE, to wit:

Name of Business: The Tea Tree

Address of Property: 29 N. River Street, Batavia, IL 60510

Lessee Name: Melissa Hartmann

WITNESSETH:

WHEREAS, the CITY has established a Downtown Improvement Grant Program as described in Resolution No. 14-103-R for application within a certain area of the CITY known as the Downtown Historic District ("DISTRICT"); and

WHEREAS, said Downtown Improvement Grant Program is administered by the CITY with the advice of the Committee of the Whole and is funded from the Riverfront Tax Increment District and Downtown Tax Increment Finance District Funds for purposes of preserving the character and history of the downtown historic structures, and for furthering economic development goals by assisting with funding improvements, and

WHEREAS, pursuant to said Program the CITY agreed to participate, subject to its sole discretion, in sharing the cost of certain improvements to commercial establishments within the District for up to 50% of the actual improvement costs to a maximum of $25,000.00 per project, and

WHEREAS, the OWNER's property is located within the Downtown Historic District and the OWNER desires to participate in the Downtown Improvement Grant Program pursuant to the terms and provisions of this Agreement and the Policies and Procedures of the Program; and

WHEREAS, the OWNER has submitted a complete application for a Downtown Improvement Grant in accordance with program guidelines, and City staff has determined that the application and proposed grant-supported project, to wit: Installation of various plumbing improvements, including but not limited to floor drains, grease traps, water heater and expansion tank, water lines and fixtures ("Project"), are in conformance with applicable City program requirements.

NOW THEREFORE, in consideration of the mutual covenants and agreement set forth herein, the CITY and OWNER hereby agree as follows:

SECTION 1: The CITY shall share up to fifty percent (50%) of the Project cost for the OWNER's property, provided that the actual amount to be paid pursuant to this Agreement shall not exceed $9,500.00 (Nine Thousand, Five Hundred Dollars and No Cents). The Improvement costs which are eligible for CITY participation including all materials, and other contract items necessary for the proper execution and completion of the work as designated from the design drawings and conditions approved by the CITY.

SECTION 2: This improvement work shall not be eligible for cost sharing unless the application therefore and this Agreement have been approved by the City Council. The LESSEE shall complete all such work within one hundred eighty (180) days from the date of such approval.

SECTION 3: Illinois Prevailing Wages: To the extent the proposed contract calls for the construction of a "public work," within the meaning of the Illinois Prevailing Wage Act, 820 ILCS 130/.01 *et seq*. ("the Act"), Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen, and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act 820 ILCS 130/1-12 including, without limitation, the submission of certified monthly payroll reports as required by 820 ILCS 30/5. The contractor is advised that failure to timely submit such reports shall be cause for the withholding of payments otherwise due the contractor until compliance with the reporting requirements is achieved. The current Illinois Department of Labor Prevailing Wage Rates for the County of Kane are available at their website http://www.state.il.us/agency/idol/. Prevailing wage rates are subject to revision monthly. Copies of the current prevailing wage rates are also available at the Kane County Purchasing Department, 719 Batavia Avenue, Geneva, Illinois.

Any bond furnished under this contract shall include such provisions as will guarantee the faithful performance of such prevailing wage clause as provided by the contract. The Contractor and each of his Sub-Contractors shall pay each of its employees engaged in work on the project under this Contract in full (less deductions made mandatory by law) not less often than once each week.

If a contractor or subcontractor deems the work is not subject to the Act, the contractor or subcontractor shall then submit to the City, a letter indicating receipt of this notice and their determination that the Act does not apply. If the contractor or subcontractor believes the work is not subject to the Prevailing Wage Act, and it is later determined by the Illinois Department of Labor or a court of competent jurisdiction that prevailing wages should have been paid, the contractor shall indemnify and hold the City harmless therein for all costs and penalties incurred by the City related to the violation, including reasonable attorneys fees incurred by the City to defend such an action.

SECTION 4: The CITY may periodically review the progress of the contractor's work on the improvement pursuant to this Agreement. Such inspections shall not replace any required permit inspections by the Building Commissioner. All work which is not in conformance with the approved drawings and specifications shall be immediately remedied by the LESSEE, or its successor, and deficient or improper work shall be replaced and made to comply with the approved drawings, specifications, and terms of this Agreement.

SECTION 5: Upon completion, final inspection and approval of the improvement by the CITY, the LESSEE, or its successor, shall submit to the CITY a properly executed and sworn contractor statement showing the full cost of the work as well as a notarized lien waiver for each separate component amount paid. The CITY shall, within thirty (30) days of receipt of the contractor's statement and signed lien waivers, issue a check to the LESSEE, or its successor, on a reimbursement basis only and for no more than fifty percent (50%) of such cost, not to exceed $9,500.00 (Nine Thousand, Five Hundred Dollars and No Cents).

SECTION 6: If the LESSEE, or its successor, fails to complete the improvement work provided for herein in conformity with the approved plans and specifications and terms of this Agreement, or fails to complete such work within 180 days from the date described in Section 2 above, then, upon written notice by certified or registered mail to the LESSEE, or its successor, this Agreement shall terminate and the financial obligation on the part of the CITY shall cease and become null and void.

SECTION 7: Nothing herein is intended to limit, restrict or prohibit the LESSEE, or its successor, from undertaking any other work in or about the subject premises which is unrelated to the improvement provided for in this Agreement.

SECTION 8: This Agreement shall be binding upon the CITY OF BATAVIA and upon the LESSEE of the property and its successors, for a period of three hundred and sixty-five (365) days from and after the date of approval of this agreement provided for herein.

IN WITNESS THEREOF, the parties hereto have executed this Agreement on the date first appearing above.

OWNER

_____
Melissa Hartmann
Lessee

DATE: _____

CITY OF BATAVIA

_____
Jeffrey D. Schielke
Mayor

DATE_____

ATTEST: _____
Heidi L. Wetzel
City Clerk

DATE _____

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

Application for Downtown Grant Improvement Programs

Grant Applying for (Check One only):

____ Façade Grant

X Downtown Improvement Grant

All Tax Increment Financing Grant application funds are subject to compliance with the Illinois Prevailing Wage Act (820 ILCS 130/0.01 et. seq.). By submitting an application for these grants, applicant acknowledges and agrees that they will comply with the provisions of the Act.

Property / Project Address 29 N. River St.

Name of Tenant Melissa Hartmann

Lease Expiration Date 3/31/18

Number of Tenants 1

Number of Commercial Units 1

Number of Residential Units 0

Current/Proposed Use of Building Retail

Historic District Designation Yes

Submittal Date 3/21/16

Property Owner's Name Bruce & Mary Claire Harris

Phone Number 630.761.0951

Mobile Number 630.638.0951

E-Mail bruce@bruceharris.com

Business/Applicant Name The Tea Tree

Business Address 29 N. River St.

Phone Number 630.

Mobile Number 630.788.2012

E-Mail shoptheteatree@gmail.com

Business/Applicant Signature Melissa Hartmann

Property Owner Signature

Project Description :

Build Out Assistance for The Tea Tree.

Additional Information to be Submitted with Application
Check Each Completed Item

- ☐ Total Anticipated Budget: $ 60,000
- ☐ Design Services Grant Requested? Y__ N X. Amount: $_____ (Maximum $1,000)
- ☐ Total Anticipated Grant Request (Maximum 50% of total cost, Limit of $500 to $25,000 for Downtown Improvement Grant, $500 to $5,000 for Façade Grant):
  $ 9500
- ☐ Completed Certificate of Appropriateness (COA) Application Form (attached) (Façade Grants Only)
- ☐ Itemized List of Proposed Improvements
- ☐ Completed Bids, Based on Prevailing Wage, From Two Contractors For Work Specified on the Itemized List
- ☐ Digital Photographs of Façade Elevations (include CD or flash memory, or copies of photos already sent to the City of Batavia via email) (Façade Grants Only)
- ☐ Drawings and/or Modified Photographs Showing Proposed Improvements
- ☐ Paint and Material Samples
- ☐ Proof of Ownership of Property and Executed Lease
- ☐ Three (3) years of immediate past tax returns for business (Business Owner Only)
- ☐ Business Financial Statements (Business plan, income statement) (Business Owner Only)
- ☐ Authorization to Conduct Credit and Background Check (Business Owner Only)
- ☐ Authorization to Record Lien on property (Property Owner Only)
- ☐ Proprietary Information Certification (Optional)

Proprietary Information Certification

I, Melissa (print name), do hereby attest that the financial information provided with this grant application is proprietary, privileged and confidential, and disclosure of the trade secrets, commercial and financial information contained within will cause competitive harm to my business interests.

Melissa Hartmann
Signature

3/21/16
Date

Melissa Hartmann
Printed Name

Background and Credit Check Authorization

I, Melissa (print name), do hereby give permission for the City of Batavia to conduct a background and credit check in relation to my application for a Downtown Façade or Improvement Grant. I will provide information that is necessary for the City to conduct such investigations.

Melissa Hartmann
Signature

3/21/16
Date

Melissa Hartmann
Printed Name

The Tea Tree Floor Plan

PROPOSAL

Jake's Plumbing & Backflow ,LLC
104 East State St #309
Sycamore Il 60178

DATE
4-1-16

JOB
27 N RIVER ST
BATAVIA

SUBMITTED TO
Melissa Hartmann

SCOPE OF WORK
-we will install an open sight drain for the three compartment sink , single compartment sink and the hand sink.
-we will install a new 2" floor drain in the kitchen area.
-we will have to core two waste line through the brick and stone wall to get into your unit to be piped to the proper locations.
-we will install two 25 gallon grease traps in the ceiling of the bathroom below
for the three compartment sink and the single compartment sink to drain into.
-we will have to jackhammer the floor of the bathrooms below to access the sewer line in the floor to install a new drain line for the waste to be piped too.
-we will have to cut into the common bathrooms wall to access the vents for the new fixtures being added along with the grease trap vent .
-we will install a new low profile 40 gallon electric water heater in a pan piped to the existing floor drain. (we will supply the 40 gallon electric water heater)
-we will install an expansion tank on the new water heater.
-we will run new cpvc water lines for fixtures being added from the existing water heater room.
-we will run new water lines in the drop ceiling from the water heater to the new fixtures .
-we will trim all the fixtures out on trim when everything is complete and ready.
-all fixtures and faucets will be supplied by the owner.
-I bid the water main to be piped off of the existing water main in the unit now.
*Our price does not include running a new main or installing a RPZ or water meter.
* I have to check and see if a flow control is needed before the two grease traps now that two grease traps are being used in series. The flow control is not in my bid.

Estimate for rough and trim $18,975

Thanks
Jake with
Jake's Plumbing & Backflow LLC

Proposal

April 6, 2016

To:	**Job Name & Location:**
Melissa Hartmann 27 N. River St. Batavia, IL 60510	same

Ross Mechanical Group, Inc., proposes to provide all labor and material to install open sight drain, 2" floor drain, (2) 25 gallon grease trap, new low profile 40 gallon electric water heater, and expansion tank. All faucets and fixtures will be supplied by owner.

Quote.....$ 21,000.00

Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, delays, or other events beyond our control. Owner to carry fire, tornado, builder's risk, liability and other necessary insurance.

ACCEPTANCE OF PROPOSAL. We agree to pay for the above work at the above prices. Specifications and conditions are satisfactory and hereby accepted. Our signature is authorization to do the work as specified and to make payments according to terms.

Signature:_____ Signature:_____

Date:_____ Contractor: Ross Mechanical Group, Inc./Mel King

Title:_____ P.O. #_____ Date:_____ Title: Service Manager

PO Box 1478, Aurora, IL 60507 Phone 630/636-9852 Fax 630/636-9847 Email: rossmechgroup@gmail.com

CITY OF BATAVIA

MEMO TO: William R. McGrath
City Administrator

FROM: Glenn Autenrieth
Deputy Police Chief

DATE: April 14, 2016

SUBJECT: Liquor License Application for Batavia Artists Assn. NFP, Inc. at Water Street Studios For Music Performance

The Batavia Police Department conducted an updated investigation and background check (Report #16-7473) to determine whether the corporation (Batavia Artists Assn. NFP, Inc./Water Street Studios), a not for profit corporation located at 160 S. Water St. and the Coordinator (Jaime Gutierrez) might be suitable to receive a 1-day temporary Class F liquor license in the City of Batavia for a special event (Music Performance) to be held at the Water Street Studios, 160 S. Water Street on Friday, May 27, 2016 from 8 p.m. to Midnight. We have found no problems which would preclude the corporation or coordinator from receiving a liquor license as of this date. Further, they are asking that all liquor license fees be waived.

Please place this item on the agenda for the Monday, April 18, 2016 City Council Meeting. Should you have any questions in this regard, please contact me.

PC: Liquor File
Deputy Chief Eul
Detective Bretz

City of Batavia, Illinois
100 North Island Avenue
Batavia IL 60510
630-454-2000

For Office Use Only
Received:
License Fee Paid:
Receipt #. _____

Class F Application for Liquor License

Business Information

Business Name Water Street Studios
Business Address 160 South Water Street, Batavia, IL 60510
Business Phone 630-761-9977 Email info@waterstreetstudios.org
Contact Person Jaime Gutierrez Phone # 630-761-9977
Address 160 South Water Street, Batavia, IL 60510

Applicant shall provide:

1. **Written consent from owner to hold event** on the premises and their acknowledgement of a joint responsibility for compliance with all provisions of liquor control chapter.
2. Proof of **liability/dram shop** insurance providing coverage for the premises, licensee, owner and sponsor where alcohol liquor is to be sold including City, if obtained for a City event. Event date/location must be on dram shop paperwork.
3. Copy of **STATE of ILLINOIS** License within 2 (TWO) weeks.
4. Copy of IL 501c3 or other certification showing organization is not-for-profit.

Application Requirements of a Class F

1. Purpose of Event Music Performance
2. Location of Event 160 South Water Street, 150 First Street
3. Date/Time of Event 5/27/2016 6:00 pm to midnight
4. Live Entertainment Yes
5. Indoors ☑ Outdoors ☐ Both ☐
6. Estimate Number of Attendees 200
7. What type of liquor is to be served Beer and wine
8. Provide a Layout of Liquor Sales at the Event/premises
9. Provide List of Persons Responsible for Dispensing Alcoholic Liquor
10. Provide Statement to Prohibit sales to minors; Security at Gates
11. Provide Names of Persons Providing Security
12. Provide other information required by Liquor Commissioner and Chief of Police
13. Applicant to pay appropriate fee with application unless waived by Liquor Commission.
14. Individuals who sell/serve liquor must be 21 years of age or older

Affidavit

State of Illinois)
County of Kane)

I/We, the undersigned, are familiar with the terms and provisions of the Batavia Municipal Code relating to liquor control, that I/we have read the foregoing application and the statements are true, complete, and correct to my/our personal knowledge and information. I/We asking the City of Batavia to issue the Liquor Dealer License, Class F to me/us for the location indicated; that I/we will not violate any laws of the United States, the State of Illinois, or the City of Batavia Liquor Control Ordinances. Applicant acknowledges the obligation of those persons identified on this application submit to fingerprinting and background investigation upon request by the City of Batavia Police Department.

Dated at Batavia, Illinois, this 12th day April, A.D. 2016.

By _____

Attest:

_____
Witness

ENDORSEMENT OF THE LIQUOR CONTROL COMMISSIONER

Approved: _____ Date: _____ Chief of Police: _____
Approved: _____ Date: _____ Liquor Commissioner: _____

BEI
PROPERTIES
a division of Batavia Enterprises, Inc.

April 12, 2016

City of Batavia

100 North Island Avenue

Batavia, IL 60510

To Whom It May Concern,

Please accept this letter as written consent for the "Water Street Studio's Music Series Event", which will be held at our property located at 150 First Street, Batavia, Illinois 60510 (our dock) on Friday, May 27, 2016 from approximately 8:00 p.m. until 1200 a.m.

During the event, we give our consent to Water Street Studios, who has obtained a liquor license, to distribute and serve alcohol. Batavia Enterprises, Inc. does not assume any liability occurring or arising from the distribution and serving of alcohol in the Space during the event.

Best regards,

Dan Stellato
President
Batavia Enterprises, Inc.
630-879-3680

BEI Properties
A Division of Batavia Enterprises, Inc.
140 First Street
Batavia, IL 60510

P: (630) 879-3680
E: info@bataviaenterprises.com
W: http://beiproperties.net