

DATE: August 27, 2020
TO: Committee of the Whole
FROM: Drew Rackow AICP, Planner
SUBJECT: Resolution 20-098-R: Approving an Extension of Validity for the Final Plat of Subdivision for Menard Second Batavia Resubdivision
300 North Randall Road – Menard Inc., Applicant

Summary: In June, the City Council approved Resolution 20-077-R for a Plat of Subdivision to consolidate lots owned by Menard's Inc in the Mill-McKee Retail Center. The Subdivision Regulations specify that a Final Plat of Subdivision must be recorded within 3 months after City Council approval, otherwise the approval is voided. Resolution 20-098 would extend the approval granted by Resolution 20-077-R by nine months, for a total period of one year from the approval of the plat for it to be recorded. The additional time is necessary as Menards will not take title of the existing stormwater management lot until the stormwater management area is online. This will take several months from permit issuance to complete. This Resolution would keep the existing approval valid for a period sufficient for this transfer to occur.

Background: Resolution 20-077-R approved a Final Plat of Subdivision for the Menard Second Batavia Resubdivision, which consolidates the stormwater management property to be acquired with the overall Menards' site. The plat was approved on June 1, 2020 along with an Ordinance approving the Planned Development. Menards' purchase agreement for the property requires that detention on this property be completed and functioning prior to the transfer of the property to Menard Inc. In staff's discussion with the applicant regarding the timing, staging and construction of the project with the permit application, it was determined that the Menard Second Resubdivision approval would expire before it is able to be recorded. To be more efficient with the City's and the applicant's resources, staff suggested that Menards request a Variation from Subdivision Regulations Section 11-3-3-D requiring a Final Plat be recorded within three months of approval by the City Council, as permitted under Subdivision Section 11-2-5.

Impacts: Approval would keep the previously approved Plat of Subdivision valid through June of 2021, allowing for Menards to complete site work and receive the existing stormwater management parcel. Without an extension, Menards would need to reapply for a Plat of Subdivision that will require additional staff, Plan Commission, and Council time review and act on. No other impacts are identified.

Timeline for Action: While this action was started before the expiration, staff does recommend swift approval of the requested action. A COW recommendation would allow for final action by the City Council on September 8th.

Recommendations: By a vote of 7-0, the Plan Commission recommended approval of the requested extension.

Staff recommends approval of Resolution 20-098-R as presented.

Attachment: Resolution 20-098-R

c Tyler Edwards, Applicant
Mayor and City Council
Department Heads
Media

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 20-098-R**

**A RESOLUTION APPROVING AN EXTENSION OF VALIDITY FOR THE
FINAL PLAT OF SUBDIVISION FOR MENARD SECOND BATAVIA
RESUBDIVISION**

300 NORTH RANDALL ROAD

MENARDS INC., APPLICANT

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 8TH DAY OF SEPTEMBER, 2020**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 9th day of September, 2020

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 20-098-R**

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR
MENARD SECOND BATAVIA RESUBDIVISION**

300 NORTH RANDALL ROAD

WHEREAS, on June 1, 2020, the Batavia City Council approved Resolution 20-077-R, which approved a preliminary and final plat for Menard Second Batavia Resubdivision subject to final staff approval consistent with engineering plans; and

WHEREAS, the applicant, Menard Inc, is diligently seeking site development permits for the proposed improvements approved in conjunction with this Resubdivision request; and

WHEREAS, the Batavia Subdivision Regulations Section 11-3-3-D specifies a three-month deadline for a Plat of Subdivision to be recorded after its approval;

WHEREAS, Section 11-2-5 of the Subdivision Regulations allow the City Council to approve variations and exceptions of the Subdivision Regulations; and

WHEREAS, on July 27, 2020, the Applicant provided a written request seeking a variation via Section 11-2-5 of the Batavia Subdivision Regulations for a nine-month extension to said three-month deadline for a total of twelve months to record said plat; and

WHEREAS, on August 19, 2020 the Plan Commission considered such request for an extension and recommended approval of said variation request; and

WHEREAS, on September 1, 2020, the Committee of the Whole did the same;

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

SECTION 1: That the requested extension for the Plat of Subdivision authorized by Resolution 20-077-R, shall be valid for a period of twelve months. Said plat shall be recorded by June 1, 2021, after which time said approval shall be null and void.

SECTION 2: That this Resolution 20-098-R shall be in full force and effect upon its presentation, passage, and publication according to the law.

CITY OF BATAVIA, ILLINOIS RESOLUTION 20-098-R

PRESENTED to the City Council of the City of Batavia, Illinois, this 8th day of September, 2020.

PASSED by the City Council of the City of Batavia, Illinois, this 8th day of September, 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 8th day of September, 2020.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Ellen Posledni, City Clerk