

# CITY OF BATAVIA

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**MEMO TO:** Mayor and City Council

**FROM:** Drew Rackow, AICP, Planner

**DATE:** March 31, 2011

**SUBJECT:** **Ordinance 11-09:** Amending the Land Use Map of the Comprehensive Plan of the City of Batavia, Northeast Corner of Deerpath Road and Main Street (CDC Action: Recommend Approval 5-0)  
**Ordinance 11-10:** Amending the Official Zoning Map of the City of Batavia, Northeast Corner of Deerpath Road and Main Street, Tim Hedges, DKI, Inc., applicant (CDC Action: Recommend Approval 5-0)  
**Ordinance 11-11:** Revocation of a Conditional Use for Planned Development Granted by Ordinance 96-54, Batavia Enterprises, Property Owner (CDC Action: Recommend Approval 4-1)

## Background

Tim Hedges of DKI Inc. has submitted applications to amend the Comprehensive Plan (CP) Land Use Map and the Official Zoning Map for the property at the northeast corner of Deerpath Road and Main Street. The property, known as Irongate when it was originally annexed and zoned, is owned by Batavia Enterprises. The property was annexed in 1996 and zoned for Office and General Commercial uses. The application requests to change the current CP designation of Office to Residential >8-15 Dwelling Units per Acre, and the Zoning Map to R4, Multiple Family Residential Medium Density. It would also create a CP designation of >5-8 Dwelling Units per Acre with R2 zoning for the area around the existing farmhouse. The General Commercial CP and zoning line would be adjusted to meet the new lot dimensions. Additional information is available in the [March 4<sup>th</sup> Memo](#) to the Plan Commission and [March 25<sup>th</sup> Memo](#) to the Community Development Committee (CDC).

## Summary of CDC Review and Action

On March 29<sup>th</sup> the CDC reviewed the three draft Ordinances for the subject property. The applicant, Tim Hedges of DKI, introduced the project and their land planner John Green of Groundworks, Ltd., explained their rationale for seeking out this location. They cited sections of the Comprehensive Plan that support the need for additional housing opportunities for seniors and a greater housing mix.

The CDC invited comments from the audience. Several residents spoke in opposition to the project or asked questions of the Committee and staff about it. One resident spoke in favor of the proposed development. Sue Peterson, Chair of the Plan Commission, spoke to the Committee regarding the Commission's concerns with the project, including the short time frame and the appropriateness of this location for multi-family residential zoning near single family and multi-family townhomes. She noted that other locations in the community were available for the use. The property owner, Gerard Dempsey of Batavia Enterprises, also spoke to the Committee and answered questions about marketing of the property and the current state of the office market.

The Committee discussed the need for extra infrastructure, such as additional off-site and on-site sidewalks. Staff explained to the CDC that such requirements could be stipulated with the approval of the Plat of Subdivision and design review for the property. The property is currently not subdivided, and subdivision would have to occur prior to the development of the property. On-site sidewalks can also be required as part of the Design Review approval.

The Committee discussed the City's ability to revert the zoning approval, should DKI Inc., not be a recipient of the IHDA Tax Credit. The CDC asked whether a reversion clause could be added to

Ordinance 11-10, or if a separate zoning action would need to be taken. Legal Counsel has researched the issue and has since advised the City Council that it believes such a condition may be made in the Ordinance. Based on this information, staff has revised Ordinance 11-10 to include new language that would require IHDA funding approval of the proposed senior housing project and submission of a complete application for design review by December 31, 2012. This date would allow the applicant to participate in the 2011 and 2012 application cycles with IHDA before reversion would occur. The condition would provide sufficient time for the applicant, upon being notified of an award by IHDA, to prepare and submit a design review application. IHDA applications are due by April 15<sup>th</sup> each year, with applicants generally being notified by July. Should these actions not occur the zoning of the property will automatically revert back to the base Office zoning district.

The Committee also discussed whether a super-majority (2/3) vote of the City Council is required to approve Ordinance 11-10 despite the Plan Commission's negative recommendation. Counsel has since advised staff that a super-majority is not required to do so.

Ordinance 11-10 has also been revised to include language that mirrors the covenant requirements imposed on the South Drive proposal and language that explicitly removes the existing Conditional Use for a Planned Development. This language addition is to make clear that action on Ordinance 11-11 is necessary only if the City Council does not approve Ordinances 11-09 and 11-10, but would want to remove the existing Conditional Use for Planned Development tying the property to the 1996 site plan. If the Conditional Use for Planned Development is allowed to remain in place, development of the property for a use permitted in the Office district would require submission of an application for rezoning as well as the usual design review application. This would be contrary to the goal of streamlining our development review process, because the existing site plan does not meet current zoning standards.

#### CDC Recommendation

The CDC, by votes of 5-0, recommended approval of Ordinances 11-09 and 11-10 to amend the CP Land Use Map and Official Zoning Map. The CDC also recommended approval of Ordinance 11-11, to remove the existing Conditional Use for Planned Development, by a vote of 4-1.

#### Plan Commission Recommendation

The Plan Commission in their review of the applications believed that the proposed C P Land Use Map change and Zoning Map amendment were not justified, and by 6-2 votes recommended that the applications be denied.

#### Staff Recommendation and Alternatives

There are essentially three alternatives and related actions available to the City Council

*Alternative 1: Staff Recommendation.* Take action to approve Ordinances 11-09 and 11-10. Upon approval of Ordinance 11-10, Ordinance 11-11 is no longer necessary and may be denied.

*Alternative 2: Deny Ordinances 11-09 and 11-10 and approve Ordinance 11-11.* This action would deny DKI Inc.'s request and approve the property owner's request to remove the Conditional Use for Planned Development granted by Ordinance 96-54. The denial of Ordinances 11-09 and 11-10 would not allow DKI Inc to submit their application to IHDA, as the property would not be properly zoned on the Official Zoning Map. By approving 11-11, the property would revert to the base zoning district and the planned development approved in 1996 would no longer be in effect. This would allow the

property owner to develop the property under the current zoning standards and seek approval of a different office development under the normal review processes.

*Alternative 3: Denial of All Three Ordinances.* This action would keep the existing Conditional Use for a Planned Development for the Irongate Office redevelopment in place. Any new development that does not conform to this design would require the Conditional Use to be revoked by a rezoning before or concurrent with a new project proposal.

#### Attachments

1. Ordinance 11-09
2. Ordinance 11-10
3. Ordinance 11-11

Cc: City Council  
Department Heads  
DKI, Inc.  
Batavia Enterprises  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 11-09**

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

**DKI INC., APPLICANT  
(APPROXIMATELY 5.11 ACRES NORTHEAST OF THE INTERSECTION OF DEERPATH  
ROAD AND MAIN STREET)**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 4<sup>TH</sup> DAY OF APRIL, 2011**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 5<sup>th</sup> day of April , 2011

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

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 11-09**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE  
COMPREHENSIVE PLAN  
OF THE CITY OF BATAVIA  
DKI INC., APPLICANT  
(APPROXIMATELY 5.11 ACRES NORTHEAST OF THE INTERSECTION OF DEERPATH  
ROAD AND MAIN STREET)**

**WHEREAS**, a written Application, signed by the legal owner of record of the subject property, has been filed with the City Clerk of the City of Batavia, Kane County, Illinois, requesting a Comprehensive Plan Land Use Map Amendment proposing new land use classifications for portions of the subject property in accordance with the attached Exhibit “A;” and

**WHEREAS**, a legal notice, regarding the intention of the City to amend the Land Use Map of the Comprehensive Plan, was published in a newspaper as required by state statute; and

**WHEREAS**, a public hearing was held pursuant to the Batavia Municipal Code by the Batavia Plan Commission on March 9, 2011, and

**WHEREAS**, following said hearings, the Plan Commission recommended denial of such Comprehensive Plan amendment; and

**WHEREAS**, on March 29, 2011, the Community Development Committee reviewed the application, the record of the public hearing, and the actions of the Plan Commission and recommended approval of such Comprehensive Plan amendment in disagreement with the Plan Commission recommendation; and

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

**WHEREAS**, it is in the best interest of the City of Batavia that the Land Use Map of the Comprehensive Plan be amended in accordance with the attached Exhibit “A” as requested by the applicant;

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

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

CITY OF BATAVIA, ILLINOIS ORDINANCE 11-09

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**SECTION 2:** That the subject property as shown on Exhibit “A” is hereby designated on the Land Use Map of the Comprehensive Plan to the land use classifications as shown on Exhibit “A” subject to all terms and conditions under the Municipal Code relating thereto.

**SECTION 3:** That this Ordinance 11-09 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 4<sup>th</sup> day of April, 2011.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 4<sup>th</sup> day of April, 2011.

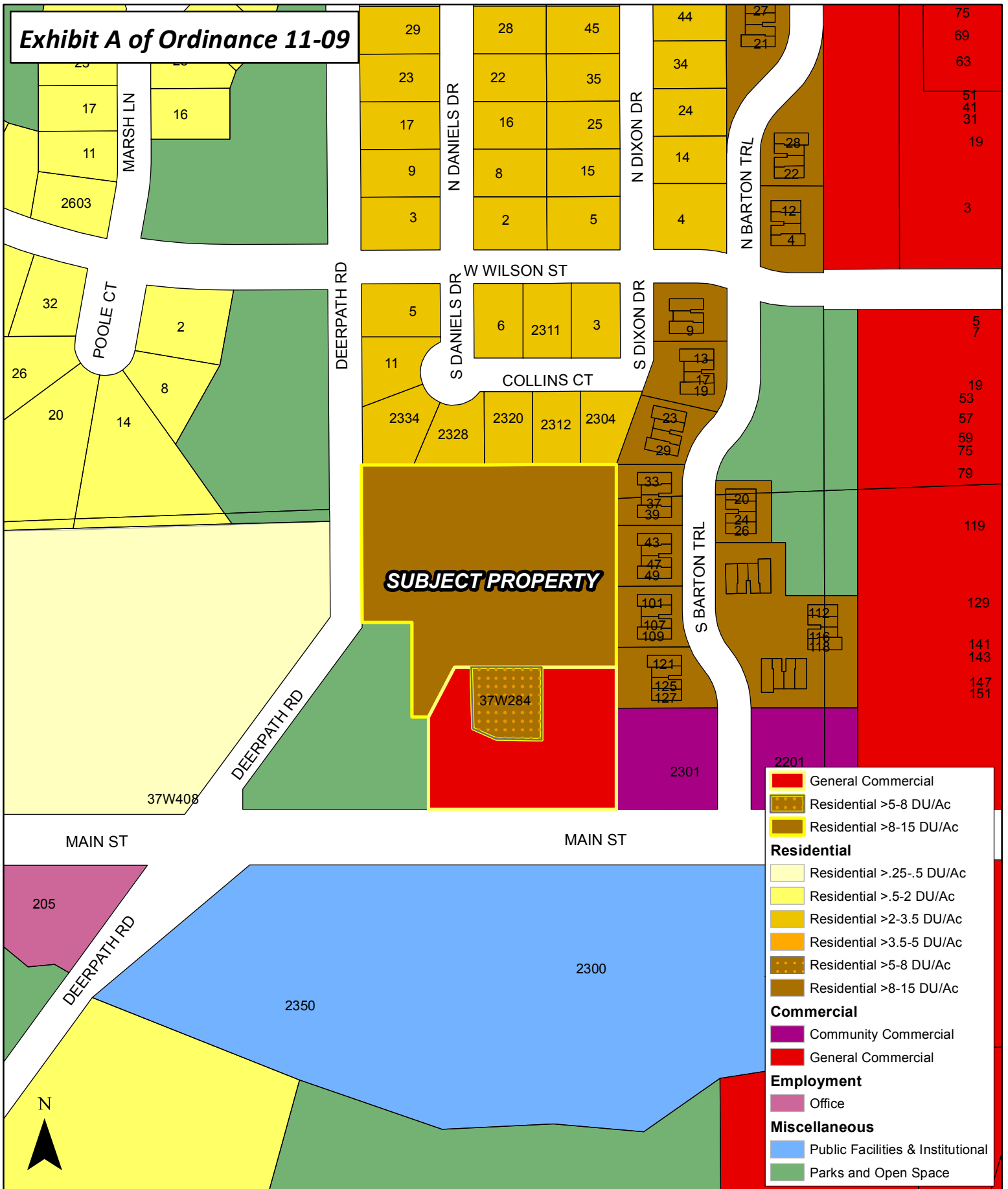
\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Schmitz				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

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Heidi L. Wetzel, City Clerk

# Exhibit A of Ordinance 11-09



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.

## Amendment to the Comprehensive Plan Land Use Map



**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 11-10**

**AN ORDINANCE REZONING CERTAIN PROPERTY  
WITHIN THE CITY OF BATAVIA  
TIM HEDGES – DKI, INC.  
(NORTHEAST CORNER OF DEERPATH ROAD AND MAIN STREET)**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 4<sup>TH</sup> DAY OF APRIL, 2011**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
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This 5<sup>th</sup> day of April, 2011

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



**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 11-10**

**AN ORDINANCE REZONING CERTAIN PROPERTY  
WITHIN THE CITY OF BATAVIA  
TIM HEDGES – DKI INC.  
(NORTHEAST CORNER OF DEERPATH ROAD AND MAIN STREET)**

**WHEREAS**, a written application, signed by an applicant and the legal owner of record of the Property located at the northeast corner of Deerpath Road and Main Street, and legally described as:

That part of the east half of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the southwest corner of Unit No. 1 Windmill Place, Batavia, Kane County, Illinois, being on the center line of Main Street; thence westerly along the center line of said Main Street 410.33 feet for a point of beginning; thence continuing westerly along said center line 370 feet; thence northerly at right angles to said center line 232.43 feet; thence westerly parallel with said center line 33.38 feet; thence northerly at right angles to the last described course 186.71 feet; thence westerly parallel with said center line 128.22 feet to an angle in the centerline of Deerpath Road; thence northerly along the center line of said Deerpath Road to a line drawn parallel with and 731.0 feet northerly of the center line (measured at right angles thereto) of said Main Street; thence easterly along said parallel line 533.16 feet to a line drawn at right angles to the center line of Said Main street from the point of beginning; thence southerly 731.0 feet to the point of beginning, in Batavia and Geneva Townships, Kane County, Illinois

has been filed with the City Clerk of the City of Batavia, Kane County, Illinois, requesting that a portion of said Property, legally described as:

That part of the East Half of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of Unit No. 1. Windmill Place, Batavia, Kane County, Illinois, being on the center line of Main Street; thence westerly along the center line of said Main Street 410.33 feet for a point of beginning; thence continuing westerly, South 90 degrees 00 minutes 00 seconds West (assumed bearing) along said center line 370.0 feet; thence northerly at right angles to said center line, North 0 degrees 00 minutes 00 seconds East 232.43 feet; thence North 30 degrees 00 minutes 00 seconds East 95.26 feet; thence North 90 degrees 00 minutes 00 seconds East 50.59 feet; thence South 0 degrees 00 minutes 00 seconds West 89.68 feet; thence South 80 degrees 42 minutes 02 seconds East 49.14 feet; thence North 90 degrees 00 minutes 00 seconds East 55.92 feet; thence North 0 degrees 00 minutes 00 seconds East 97.62 feet; thence North 90 degrees 00 minutes 00 seconds East 167.37 feet, to a line drawn at right angles to the center line of said Main Street from the point of beginning; thence South 0 degrees 00 minutes 00

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seconds West 314.93 feet to the point of beginning, in Batavia and Geneva Township, Kane County, Illinois

be zoned GC General Commercial District, under the Batavia Municipal Code; and

that a portion of said Property, legally described as:

That part of the East Half of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of Unit No. 1. Windmill Place, Batavia, Kane County, Illinois, being on the center line of Main Street; thence westerly along the center line of said Main Street 410.33 feet; thence continuing westerly, South 90 degrees 00 minutes 00 seconds West (assumed bearing) along said center line 370.0 feet; thence northerly at right angles to said center line, North 0 degrees 00 minutes 00 seconds East 232.43 feet for a point of beginning; thence westerly parallel with said center line, South 90 degrees 00 minutes 00 seconds West 33.38 feet; thence northerly at right angles to the last described course, North 90 degrees 00 minutes 00 seconds East 186.71 feet; thence westerly parallel with said center line, South 90 degrees 00 minutes 00 seconds West 128.22 feet to an angle in the center line of Deerpath Road; thence northerly along the center line of said Deerpath Road, North 0 degrees 17 minutes 13 seconds West 311.86 feet to a line drawn parallel with and 731.0 feet northerly of the center line (measured at right angles thereto) of said Main Street; thence easterly along said parallel line, North 90 degrees 00 minutes 00 seconds East 533.16 feet to a line drawn at right angles to the center line of said Main Street from the point of beginning; thence South 0 degrees 00 minutes 00 seconds West on a line drawn at right angles to the center line of said Main Street from the point of beginning 314.93 feet; thence South 90 degrees 00 minutes 00 seconds West 322.37 feet; thence South 30 degrees 00 minutes 00 seconds West 95.26 feet to the point of beginning, in Batavia and Geneva Township, Kane County, Illinois

be zoned R4, Medium Density Multi-Family Residential District, under the Batavia Municipal Code; and

that portion of said Property; legally described as:

That part of the East Half of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of Unit No. 1. Windmill Place, Batavia, Kane County, Illinois, being on the center line of Main Street; thence westerly along the center line of said Main Street 410.33 feet; thence continuing westerly, South 90 degrees 00 minutes 00 seconds West (assumed bearing) along said center line 370.0 feet; thence northerly at right angles to said center line, North 0 degrees 00 minutes 00 seconds East 232.43 feet; thence North 30 degrees 00 minutes 00 seconds East 95.26 feet; thence North 90 degrees 00 minutes 00 seconds East 50.59 feet for a point of beginning; thence South 0 degrees 00 minutes 00 seconds West 89.68 feet; thence South 80 degrees 42 minutes 02 seconds East 49.14 feet; thence North 90 degrees 00 minutes 00 seconds East 55.92 feet; thence North 0 degrees 00 minutes 00 seconds East 97.62 feet; thence South 90 degrees 00 minutes 00 seconds West 104.41 feet to the point of beginning, in Batavia and Geneva Township, Kane County, Illinois

be zoned R2, Two Family Residential District.

**WHEREAS**, legal notices regarding the intention of the City to amend the Official Zoning Map for said Property were sent to all persons and entities required to be sent such notice by state statute; and

**WHEREAS**, a public hearing was held pursuant to the Batavia Municipal Code by the Batavia Plan Commission on March 9, 2011, and

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

1. All required public notice has been conducted in accordance with applicable state and local laws.
2. All required public meetings and hearings have been held in accordance with applicable state and local laws; and

**WHEREAS**, following said hearing, the Plan Commission did not recommended approval of such zoning map amendment; and

**WHEREAS**, on March 29,2011, the Community Development Committee reviewed the application, the record of the public hearing, and the actions and the findings of fact of the Plan Commission and recommended approval of such a Zoning Map Amendment; and

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

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

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

**SECTION 1:** That the property is hereby zoned GC General Commercial District, R4 Medium Density Multi-Family Residential District and R2 Two Family Residential District, as described in this Ordinance, subject to all terms and conditions under the Municipal Code relating thereto.

**SECTION 2:** That the Conditional Use for a Planned Development granted by Ordinance 96-54 is hereby revoked.

**SECTION 3:** That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance, subject to the following conditions:

1. The applicant shall enter into an agreement with the City to guarantee that the period of affordability for the senior housing project to be developed on the property shall be for a period of 30 years from the initial date of occupancy.

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2. Prior to issuance of a building permit for a senior housing project the applicant shall record a covenant to restrict primary residency on the subject land to those age 55 and older with secondary residency, as defined by the Illinois Housing Development Authority, limited to persons age 23 and older.
  
3. Should the following events not occur by December 31, 2012, the zoning on the property shall revert to the O Office District:
  - a. Illinois Housing Development Authority approval of tax credit financing for an affordable senior housing project on the subject property; and
  
  - b. Submission of a complete application for design review.

**SECTION 4:** That this Ordinance 11-10 shall be in full force and effect upon its presentation, passage and publication according to the law.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 4<sup>th</sup> day of April, 2011.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 4<sup>th</sup> day of April, 2011.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Chanzit					Jungels				
4	Volk					Schmitz				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

\_\_\_\_\_  
Heidi L. Wetzel, City Clerk

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 11-11**

**REVOCAION OF A CONDITIONAL USE FOR A  
PLANNED DEVELOPMENT GRANTED BY  
ORDINANCE 96-54  
BATAVIA ENTERPRISES, INC.  
(Northeast Corner of Deerpath Road and Main Street)**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 4<sup>TH</sup> DAY OF APRIL, 2011**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 5<sup>th</sup> day of April, 2011

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

**CITY OF BATAVIA, ILLINOIS**  
**ORDINANCE 11-11**  
**REVOCATION OF CONDITIONAL USE GRANTED BY**  
**ORDINANCE 96-54**

**BATAVIA ENTERPRISES, INC.**  
**(Northeast Corner of Deerpath Road and Main Street)**

**WHEREAS**, Batavia Enterprises, Property Owner, has filed a request for revocation of a Conditional Use for a Planned Development granted by Ordinance Number 96-54, entitled "An Ordinance Annexing and Zoning Certain Territory to the City of Batavia, Kane County, Illinois" for a property commonly known as Irongate, located at the northeast corner of Deerpath Road and Main Street, Batavia, Illinois, and legally described as:

That part of the east half of Section 20, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the southwest corner of Unit No. 1 Windmill Place, Batavia, Kane County, Illinois, being on the center line of Main Street; thence westerly along the center line of said Main Street 410.33 feet for a point of beginning; thence continuing westerly along said center line 370 feet; thence northerly at right angles to said center line 232.43 feet; thence westerly parallel with said center line 33.38 feet; thence northerly at right angles to the last described course 186.71 feet; thence westerly parallel with said center line 128.22 feet to an angle in the centerline of Deerpath Road; thence northerly along the center line of said Deerpath Road to a line drawn parallel with and 731.0 feet northerly of the center line (measured at right angles thereto) of said Main Street; thence easterly along said parallel line 533.16 feet to a line drawn at right angles to the center line of Said Main street from the point of beginning; thence southerly 731.0 feet to the point of beginning, in Batavia and Geneva Townships, Kane County, Illinois; and

**WHEREAS**, said Owner originally filed a Petition for such Conditional Use approved by Ordinance 96-54; and

**WHEREAS**, said property was subject to an Annexation Agreement that expired in 2006; and

**WHEREAS**, the Conditional Use for a Planned Development was granted 16 years ago; and

**WHEREAS**, said Property Owner has actively marketed the property for the use and plan approved in 1996, and has determined it cannot develop the property in the manner prescribed by the existing Conditional Use; and

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**WHEREAS**, said Property Owner signed an application to seek a Zoning Map Amendment on the property February 11, 2011; and

**WHEREAS**, said application sought removal of the Conditional Use for a Planned Development for the portion to be rezoned; and

**WHEREAS**, the City has since significantly rewritten its Zoning Code and associated development standards in 2010, which Zoning Code and development standards are more rigorous than those in the Zoning Code in 1996; and

**WHEREAS**, it is in the best interest of the City of Batavia that the property be developed in a manner consistent with current standards;

**WHEREAS**, Title 10-5-4 of the Batavia Municipal Code provides that any Conditional Use that has not been established by the development of the property or commencement of the use may be revoked by the City Council after notice and public hearing; and

**WHEREAS**, the required notice was duly published and a public hearing held by the Batavia Plan Commission on March 9<sup>th</sup>, 2011; and

**WHEREAS**, following said hearing, the Plan Commission did not recommended approval of an amendment to the zoning of the subject property; and

**WHEREAS**, the Community Development Committee has reviewed the application, the record of public hearing, and the actions of the Plan Commission and recommended approval of such Revocation of Conditional Use for a Planned Development granted by Ordinance 96-54 to the City Council;

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

**SECTION 1:** That the request of Batavia Enterprises, Inc., for revocation of a Conditional Use granted by Ordinance 96-54, entitled “An Ordinance Annexing and Zoning Certain Territory to the City of Batavia, Kane County, Illinois” for the property commonly known as Irongate, located at the northeast corner of Deerpath Road and Main Street, Batavia, Illinois attached hereto and filed with the City, is approved.

**SECTION 2:** That this Ordinance 11-11 shall be in full force and effect upon its presentation, passage and publication according to law.

CITY OF BATAVIA ORDINANCE 11-11

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**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 4<sup>th</sup> day of April, 2011.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 4<sup>th</sup> day of April, 2011.

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Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Chanzit					Jungels				
4	Volk					Schmitz				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

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Heidi L. Wetzel, City Clerk