

# CITY OF BATAVIA

---

**DATE:** September 7, 2018  
**TO:** Committee of the Whole  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT:** **Ordinance 18-57:** Amending the Official Zoning Map of the City of Batavia  
750 through 812 Main Street (even), City of Batavia, Applicant

**Summary:** On August 28, the City Council Committee of the Whole (COW) recommended approval of attached draft Ordinance 18-57 (9-2 vote) that would amend the Official Zoning Map for properties located at 750 through 812 Main Street (even). The properties are currently zoned LI Light Industrial, and the Ordinance proposes the CC Community Commercial District. The Plan Commission held the public hearing on August 15 and recommended not amending the Zoning Map, thus to leave the LI District in place. Please refer to the attached August 22 staff memorandum to COW for more information.

The City Council considered Ordinance 18-57 at its September 4 meeting. Some Council members felt additional time should be taken to consider input from property owners and residents in the neighborhood regarding allowed uses in the proposed CC District. The City Council remanded Ordinance 18-57 to COW for further discussion.

To address concerns regarding the proposed CC District allowing tattoo parlors and pawn shops, these uses may be eliminated from the uses allowed, or can be allowed with approval of a conditional use permit. Such an action would require a public hearing with the Plan Commission to amend the text of the Zoning Code to receive their recommendation before COW/Council action.

Requiring conditional use approval can address operational issues such as business hours. Staff notes that both tattoo parlors and pawn shops require City-issued licenses. An additional concern may be outdoor storage. This is prohibited in the CC District, except for building material and home improvement retail businesses that may store materials when screened by a solid fence enclosure.

**Alternatives:** The COW has the following alternatives:

1. Take no further action. Ordinance 18-57, as written, would be scheduled again for Council review/action that would result in a rezoning to the CC District (if approved) or no rezoning (if not approved), thus leaving the current LI District in place as recommended by the Plan Commission. Staff was given direction at the August 28 COW meeting to review CC District uses.
2. Take action to reconsider Ordinance 18-57. Reconsideration can include specifying rezoning to the NC District; Ordinance 18-57 would be amended for Council review/action accordingly.

**Pros**

- COW taking no action to reconsider Ordinance 18-57, and scheduling Council review/action on October 1 will allow for Council action to establish an effective CC District (approving Ordinance 18-57) or leave the LI District in place (not approving the Ordinance).
- COW taking action to reconsider Ordinance 18-57 can allow for consideration of the NC District or other zoning changes.

**Cons:** COW and City Council not taking action on Ordinance 18-57, as written or amended, leaves the subject properties with LI District zoning that can allow for neighborhood incompatible uses to establish on the properties.

**Budget Impact:** There would be no budget impact to COW taking no action to reconsider Ordinance 18-57, or to reconsider Ordinance 18-57 at this time for Council review/action. Directing staff to initiate amendments to the text of the Zoning Code incurs the usual costs of conducting a public hearing.

**Staff Impact:** Staff time will be used to complete the recommended action of the City Council.

**Timeline for Actions:** There is no requirement for COW action at this time as there remains an effective COW recommendation. While amendments to the text of the Zoning Code are not on the table for action at this time and not required for Council action on Ordinance 18-57, any desired change to CC District uses would be a separate action and require a separate Ordinance after conducting a public hearing and receiving Plan Commission recommendation.

**Recommendations:** Staff recommends the COW recommend approval of the CC Community Commercial District for the property.

Staff recommends the COW review the CC District use list (provided in the attachment) and give direction to staff to initiate an amendment to the text of the Zoning Code to propose changes to uses allowed in the CC District with suggestions for changes.

Attachment: Staff memorandum to COW dated August 22, 2018

- c Mayor and City Council
- Chris Aiston, CC Aiston, Ltd.
- HL and MA Pederson, property owner (via email to S. Pederson)
- Ron Link, c/o Vandeventer Manufacturing Company, property owner
- Kate L. McCracken
- Susan Russo
- Media

# CITY OF BATAVIA

---

**DATE:** August 22, 2018  
**TO:** Committee of the Whole  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT:** **Ordinance 18-57:** Amending the Official Zoning Map of the City of Batavia  
750 through 812 Main Street, City of Batavia, Applicant

**Summary:** Attached is draft Ordinance 18-57 that would amend the Official Zoning Map for properties located at 750 through 812 Main Street. The properties are currently zoned LI Light Industrial, and the ordinance proposes the CC Community Commercial District.

The Plan Commission conducted a Public Hearing on August 1 and 15 to review the proposed Zoning Map amendment. The amendment initially proposed the NC Neighborhood Commercial District; the CC Community Commercial District was added as an option because this district was supported as an alternative by the owners of the properties.

The east portion is owned by the Pederson family and covers approximately 0.96 acres, with a building at 750 Main Street and a building with addresses of 768-786 Main Street. There are a variety of storage and small contractor businesses that occupy the site. Assessor records show the buildings on these properties contain 6,914 square feet. The west approximately 2.56 acres is owned by Ron Link of Vandeventer Manufacturing and has 2 buildings. Assessor records show the building at 804 Main Street contains 18,200 square feet while the building at 812 Main Street contains 26,341 square feet. Batavia School District 101 is using the building at 804 Main for offices and facilities management, with Vandeventer located in the 812 building. An accessory building is located at the south end of the addresses and contains approximately 2,000 square feet. Please refer to the [July 26 staff memorandum to the Plan Commission](#) for additional information.

**Background:** Staff recently has received inquiries from prospective industrial users for a portion of the subject property that could increase the intensity of use on the property, including outdoor use. Such uses would be inconsistent with the Comprehensive Plan's [Focus Area Plan for West Town](#) and the [West Town TIF #4 redevelopment area](#) and be a stark contrast from the relatively low intensity use of the property surrounding neighbors have experienced. With some leasing availability present, staff feels this is a reasonable time to consider changing the zoning district to encourage use and/or redevelopment more in line with these plans or to discourage new industrial uses that may not be compatible with the neighborhood.

Three attendees spoke at the August 1 hearing. An adjoining property was concerned about drainage, and with vermin depending on future uses of the sites, particularly restaurants. Attorney Susan Russo, representing the owner of 804 and 812 Main Street, inquired about what uses are allowed in the proposed zoning district. Staff noted that restaurants are permitted in the proposed NC District and in the current LI District. A drive-through is not allowed in the LI District; a drive-through requires City Council approval of a conditional use in the NC District. In response to other questions from Ms. Russo, staff noted there is not a specific time frame for the rezoning of properties on the north side of Main and this zoning change is not a matter of hastening a redevelopment timeline, but rather to address future alternative uses of the property that would be compatible with the intended future uses of land as specified in the [Focus Area Plan for West Town](#).

Also at the August 1 hearing, Steve Pederson, representing ownership of 750-786 Main Street, expressed concern that the proposed change to the NC District would be too restrictive for allowed uses. He requested additional time to confer with City staff.

Staff met with Mr. Pederson and his attorney to discuss the proposed zoning change. Subsequent to that meeting, staff received letters from attorneys representing Mr. Pederson and Mr. Link (attached) stating support for zoning the properties to the CC District.

At the August 15 hearing, two (2) Trudy Court residents addressed the Commission. One noted that Vandeventer has been a good neighbor. He expressed concern that the CC District would allow uses such as tattoo parlors, pawn shops, and garden supply stores that would be out of character in the area. He preferred the NC District. The other neighbor questioned whether businesses' operating hours would be limited with a zoning change noting that there are no current issues with night activity. Staff notes that the NC District limits businesses to be open to the public between 6 am and 11 pm, but that hours may be increased through Conditional Use approval. The current LI District and the CC District do not have hours of operation limitations.

The Commission discussed the proposal. Some Commissioners felt that a number of uses allowed in the CC District, including tattoo parlors, pawn shops, and hotels could negatively affect the neighborhood and are not allowed in the NC District. Statements of support for the CC District included identifying this district as a good compromise between how the property could be used with the existing LI District and the more restrictive NC District option that could be pursued at a later date. Some Commissioners stated a preference for the NC District, however, the consensus was to not change the zoning at this time, and leave the LI District in place. The Plan Commission voted unanimously to keep the remaining LI District in place and not recommend either the NC or CC districts.

Staff remains supportive of the CC District as presented in the [August 10 staff memorandum to the Commission](#). Vandeventer has been a good neighbor to the adjoining Trudy Court residences and both properties have been used for several years to less than full intensity allowed in the LI District. Uses, however, may change and many allowed LI District uses would not be compatible with the neighborhood and with the Comprehensive and TIF redevelopment plans. New users can be manufacturers, building material wholesalers, indoor or outdoor material storage, or light or heavy vehicle repair businesses that operate 24/7. Attached are the lists of allowed uses from the Zoning Code that include the NC and CC districts, and the LI District. Staff also notes that the NC and CC districts essentially require businesses to conduct all operations inside of buildings on these properties as does the LI District.

If redevelopment of these properties is to occur, the CC District establishes more restrictive transitional setbacks to residential than does the NC District, and nearly identical to those required in the LI District. Most notable of these are the transitional setbacks to residential uses:

	<u>Transitional Building Setback</u>	<u>Transitional Landscape Setback</u>
NC District	<b>Side-15' / Rear - 15'</b>	<b>Side-15' / Rear- 15'</b>
CC District	<b>Side-30' / Rear - 40'</b>	<b>Side-25' / Rear -30'</b>
LI District	<b>Side-30' / Rear - 45'</b>	<b>Side-25' / Rear -30'</b>

**Alternatives:** The City Council has the following three (3) alternatives:

1. Rezone the property to NC Neighborhood Commercial.
2. Rezone the properties to CC Community Commercial.
3. Take no action and leave the current LI Industrial District in place.

- **Pros**

- Rezoning to the NC District is more restrictive regarding land uses and thus, would be best to limit potentially conflicting new uses of and in the existing properties/buildings. Neighboring property owners that spoke at the public hearing indicated a preference for NC. Additionally, the current property owners may continue to use the property as a nonconforming property.
- Rezoning to the CC District would not allow any new manufacturing uses, but would allow a greater variety of commercial uses, including light vehicle repair and garden supply sales sought by one of the subject property owners. Redevelopment and uses of the properties would need to be set back from residences farther than allowed in the NC District. Additionally, the current property owners may continue to use the property as a nonconforming property.
- Taking no action and leaving the LI District allows the current property owners to continue to use the property as they have been using the property while being able to house any allowed use in the LI District while meeting requirements of the LI District. Redevelopment would require larger transitional setbacks than in the NC District and an additional 5 feet of transitional rear building setback than in the CC District.

- **Cons**
  - Rezoning to the NC District is a comparatively restrictive zoning district that may not be highly sought by potential developers or new users of the site, leading to a greater potential of building vacancy. This District would greatly limit the types of businesses to whom the current property owners can lease. Current owners can sell the property to new owners that could continue the existing uses as nonconforming uses, however, without hours of operation restriction. One subject property owner stated being against this zoning district.
  - Rezoning to the CC District would allow select uses and business hours that have been identified by some during the public hearing as potentially being incompatible with some neighboring residential uses. The same nonconforming opportunities as noted in the NC District negatives apply to the CC District.
  - Taking no action and leaving the LI District in place removes a significant redevelopment opportunity as the properties are likely too small to accommodate modern industrial buildings. The nonconforming restrictions cited in the NC and CC negatives do not apply as any industrial user that can meet the requirement of the Zoning Code, including 3-shift manufacturing, may operate on these properties.
- **Budget Impact:** There would be only minimal costs moving forward to amend the Zoning Map. Redevelopment and/or more intensive use of the properties would increase the real estate tax base in the City and additionally in TIF 4.
- **Staff Impact:** None.

**Timeline for Actions:** There is no required timeline for this action. COW recommendation of Ordinance 18-57 will allow for final action by the City Council on September 4; Ordinance 18-57 is drafted in anticipation of this date for final action.

**Recommendations:** By a vote of 7-0, the Plan Commission recommended not amending the Zoning Map, thus leaving the current LI District in place.

Consistent with its recommendation to the Plan Commission at the public hearing on August 15, staff recommends approval of draft Ordinance 18-57 to rezone the properties to the CC Community Commercial District, as presented.

#### Attachments

1. Draft Ordinance 18-57
2. Letter from Kate McCracken dated August 14, 2018
3. Letter from Susan Russo dated August 14, 2018
4. Allowed uses in NC, CC, and LI districts

- c Mayor and City Council  
Chris Aiston, CC Aiston, Ltd.  
HL and MA Pederson, property owner (via email to S. Pederson)  
Ron Link, c/o Vandeventer Manufacturing Company, property owner  
Kate L. McCracken  
Susan Russo  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 18-57**

**AMENDING THE OFFICIAL ZONING MAP  
CITY OF BATAVIA, APPLICANT**

**750 THROUGH 812 (EVEN) MAIN STREET**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 4<sup>TH</sup> DAY OF SEPTEMBER, 2018**

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 September, 2018

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

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 18-57**

**AMENDING THE OFFICIAL ZONING MAP  
CITY OF BATAVIA, APPLICANT**

**750 THROUGH 812 (EVEN) MAIN STREET**

**WHEREAS**, the Community Development Director of the City of Batavia, as authorized by Section 5.702.C of the City of Batavia Zoning Code (Title 10 of the Batavia City Code) has initiated an application for Zoning Map Amendment for property located at 750 through 812 (Even) Main Street (hereinafter known as the “Properties”), to rezone the Properties from the current LI Light Industrial to NC Neighborhood Commercial or CC Community Commercial (per the amended application) legally described and with ownerships as follows:

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 22 AND THE CENTERLINE OF MAIN STREET, THENCE SOUTH ALONG SAID WEST LINE TO THE FORMER NORTHWESTERLY LINE OF BURLINGTON NORTHERN INC., (FORMERLY THE CHICAGO, BURLINGTON, AND QUINCY RAILROAD COMPANY), THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE TO THE NORTH LINE OF WHIPPLE SUBDIVISION, RECORDED FEBRUARY 14, 1995 AS DOCUMENT 95K007927, THENCE EASTERLY ALONG SAID NORTH LINE TO THE CENTERLINE OF BURLINGTON NORTHERN, INC. RIGHT-OF-WAY, THENCE NORTHEASTERLY ALONG SAID CENTERLINE TO THE CENTERLINE OF MAIN STREET, THENCE WESTERLY ALONG SAID MAIN STREET CENTERLINE TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY ILLINOIS.

**750 through 786 Main Street** (PINs 12-22-301-003, 12-22-301-006, 12-22-301-007)  
owned by H L & M A Pederson

**804 and 812 Main Street** (PINs 12-22-301-001, 12-22-301-002, and 12-22-301-009)  
owned by Vandeventer Manufacturing Company; and

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

**WHEREAS**, a public hearing opened on August 1, 2018 and continued to August 15, 2018 when the hearing was conducted pursuant to the Batavia City Code by the Batavia Plan Commission; and

**WHEREAS**, the Plan Commission recommended to the City Council to not amend the Official Zoning Map; and

**WHEREAS**, on August 28, 2018, the City Council's Committee of the Whole reviewed the Zoning Map Amendment application, the record of the public hearing, and the Plan Commission recommendation; and

**WHEREAS**, following said Committee review, the Committee made the following findings of fact and conclusions on review of conditions pursuant to Section 5.704 of the Zoning Code:

- A. **Public Notice.** 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. Mailed notice was sent to property owners within 500 feet of the subject property on July 16, 2018. A sign was posted on the subject property on July 17, 2018. Notice was published in the Daily Herald on July 14, 2018.

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

**Finding:** With the Plan Commission opening and conducting the hearing on August 1 and at its continuance on August 15, it will have conducted the public hearing in accordance with state and local law.

- C. **Conformance to the Comprehensive Plan.** 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 generally consistent with several goals and policies of the Comprehensive Plan's Focus Area Plan for West Town. The proposed amendment is generally consistent with the Comprehensive Plan Land Use Map by placing the subject properties in a zoning district that balances the specified land use classifications of the lower intensity Neighborhood Commercial and higher intensity Mixed Use as shown on the Land Use Map.

- D1. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?

**Finding:** The proposed CC Community Commercial District is located in an area that has been undergoing a transition from industrial use to commercial and residential use. Adjacent properties zoned for industrial use contain industrial, service, and retail uses. Other adjacent property is residentially zoned and contains largely conforming and nonconforming residential uses. The CC District allows land use and development compatible with these nearby conditions.

- D2. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?

**Finding:** There is no specific evidence to suggest that property values will be diminished by the restriction.



D3. 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 in a zoning district that promotes more compatible uses of land with nearby land uses, including residential uses across Main Street and residential abutting the subject properties to the east, south, and west.

D4. 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 benefit the public by establishing entitlements to redevelop and use the properties consistent with applicable goals and policies of the Batavia Comprehensive Plan, and in particular, the Comprehensive Plan's Focus Area Plan for West Town. The City has not received evidence of any hardship to the owners of the properties due to the proposed zoning change as of the date of this report.

D5. Is the subject property is suitable for the zoned purpose?

**Finding:** The purpose of the CC District is to permit small to medium scale neighborhood retail, office, service, and entertainment uses. The neighborhood context fits the proposed zoning and each property is sized and situated to be redeveloped pursuant to the proposed District's purpose.

D6. 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 are not fully vacant, though there have been some vacant spaces in the buildings over the years.

D7. Is there a community need for the proposed zoning or use?

**Finding:** The Comprehensive Plan communicates community needs by setting goals and policies related to land use and the zoning entitlements for land uses. The Plan has long identified the subject properties as a potential redevelopment area and contemplates commercial and mixed use for the properties. The proposed CC District can facilitate greater use of the properties and/or redevelopment with a mix of commercial uses.

**WHEREAS**, following establishing the aforesaid findings of fact and conclusions on review of conditions, the Committee of the Whole recommended approval of amending the Official Zoning Map to rezone the Properties from the current LI Light Industrial District to the CC Community Commercial District; 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

CITY OF BATAVIA, ILLINOIS ORDINANCE 18-57

---

**WHEREAS**, it is in the best interest of the City of Batavia that the Official Zoning Map, for the Properties described above, be zoned CC Community Commercial;

**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 herein and depicted on Exhibit "A" attached hereto are hereby zoned CC Community Commercial 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 18-57 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 September, 2018.

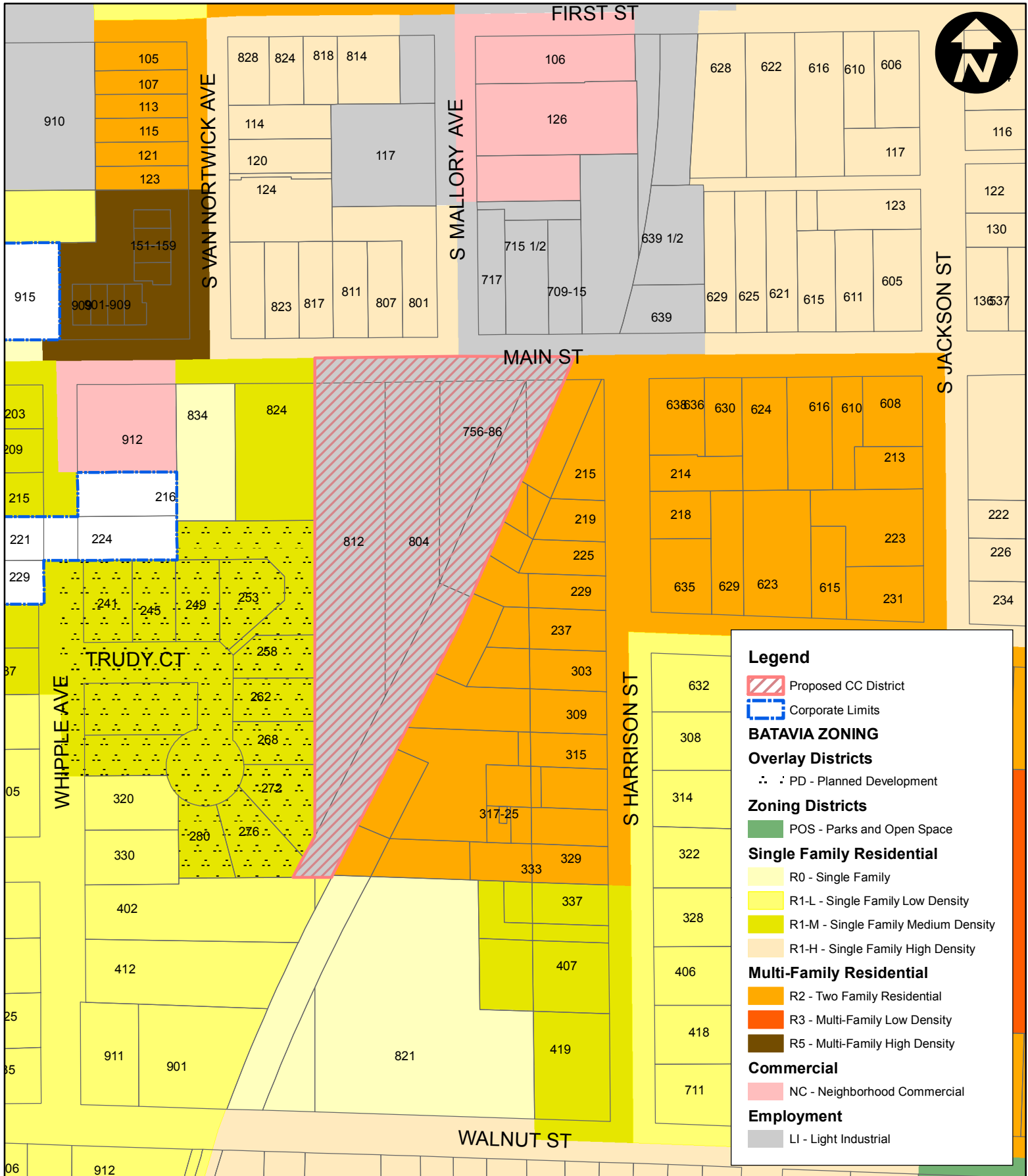
**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 4<sup>th</sup> day of September, 2018.

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

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Mueller					Stark				
5	Uher					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

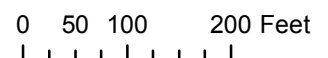
ATTEST:

\_\_\_\_\_  
Ellen Posledni, 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.

## Ordinance 18-57 Exhibit "A"



Law Offices  
**Hoscheit, McGuirk, McCracken & Cuscaden, P.C.**  
1001 East Main Street, Suite G  
Saint Charles, Illinois 60174-2203

John J. Hoscheit  
John M. McGuirk  
Kate L. McCracken  
Douglas R. Cuscaden

Telephone: 630-513-8700  
Facsimile: 630-513-8799  
Email: [kate@hmcpc.com](mailto:kate@hmcpc.com)

August 14, 2018

**Via Email: [sbuening@cityofbatavia.net](mailto:sbuening@cityofbatavia.net)**

Scott Buening  
Community Development Director  
City of Batavia  
100 N. Island Avenue  
Batavia, IL 60510

**Via Email: [jstrassman@cityofbatavia.net](mailto:jstrassman@cityofbatavia.net)**

Joel Strassman  
Planning and Zoning Officer  
City of Batavia  
100 N. Island Avenue  
Batavia, IL 60510

Re: 750 West Main Street, Batavia, IL – zoning change

Gentlemen:

As you know, this firm represents Scott Pederson as representative of the owner of the above-referenced property. Pursuant to our discussions, I am writing to reiterate our position that Neighborhood Commercial is not the appropriate zoning classification and to request, solely as a compromise position, the rezoning of the property to Community Commercial. It is my understanding that the adjoining property owner is also supportive of consideration of the Community Commercial District. I plan to be in attendance at the upcoming Plan Commission meeting to answer any questions.

Please feel free to contact me if you wish to discuss this further. As always, thank you for your assistance in this matter.

Sincerely,



Kate L. McCracken

KLM:dlj

cc: Scott Pederson  
Susan S. Russo

201 Houston Street  
Suite 102  
Batavia, IL 60510

susan@susanrussolaw.com  
Telephone (630) 264-2099  
Fax (630) 264-2091

August 14, 2018

**By E-mail Only**

Mr. Joel Strassman  
Planning and Zoning Officer  
City of Batavia  
100 N. Island Avenue  
Batavia, IL 60510

Re: Proposed Rezoning of 750 through 812 Main Street, Batavia, Illinois

Dear Mr. Strassman:

I understand that the property owner of 750-786 Main Street has requested that, if the Plan Commission and City Council approve rezoning of the above-referenced properties, the properties should be rezoned to Community Commercial.

Please be advised that my client, Ronald Link on behalf of Vandeventer Manufacturing Company, has no objection to and is supportive of consideration of the Community Commercial District for the above-referenced properties.

Sincerely yours,



Susan S. Russo

cc: Mr. Ronald Link, Vandeventer Manufacturing Company  
Ms. Kate L. McCracken, Hoscheit, McGuirk, McCracken & Cuscaden, P.C.

**Table 2.303: Land Use Regulations – Commercial Districts**

<b>Use Classification</b>	<b>NC</b>	<b>CC</b>	<b>GC (L6)</b>	<b>Additional Regulations</b>
Amplified Artistic Performance	--	P,L7	P,L7	
Animal Services				
<i>Animal Grooming</i>	P	P	--	
<i>Animal Training</i>	--	P	--	
<i>Small Animal Clinics</i>	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				
<i>Without Drive Through Facilities</i>	P	P	P	
<i>With Drive Through Facilities</i>	--	P	C, LI	
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
Dry Cleaning and Laundry Outlet	P,L2	P,L2	P,L2	
Eating and Drinking Establishments				
<i>Bars/Taverns/Nightclubs/Lounges</i>	C	P	P	
<i>Restaurants, Full Service</i>	P	P	P	
<i>Restaurants, Limited Service</i>	P,L3	P	P	
Entertainment and Recreation, Indoor				
<i>Large-Scale</i>	--	C	C	
<i>Small-Scale</i>	P	P	P	
Entertainment and Recreation, Outdoor	--	C	C	
Farmers' Market	A	A	A	
Firing Range, Indoor	--	--	C	L8
Food Preparation				
<i>Small-Scale</i>	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	C	C	--	
Haunted House	--	T	T	See Section: 4.509
Health Care Facilities				
<i>Urgent Care Facility</i>	--	P	P	
<i>Medical Offices and Clinics</i>	P	P	--	
Hotels and Commercial Lodging	--	P	P	
Instructional Services, Specialized	P	P	P	
Laboratories, Commercial	P	P	--	
Laundry Services	P	P	--	
Massage Establishment	C	C	C	

**Table 2.303: Land Use Regulations – Commercial Districts**

<b>Use Classification</b>	<b>NC</b>	<b>CC</b>	<b>GC (L6)</b>	<b>Additional Regulations</b>
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 <i>Loft Unit</i>	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 <i>Customer Service Center</i> <i>Facilities</i> <i>Well Site</i>	-- -- P	-- C P	P C P	
Vehicle and Equipment Sales, Leasing and Services <i>Car Wash</i> <i>Commercial Vehicle/Equipment Sales and Rental; New and Used</i> <i>Fueling Facility</i> <i>Fueling Facility, Alternative</i> <i>Motor Vehicle Sales and Leasing, New and Used</i> <i>Non-Commercial Vehicle Rental</i> <i>Tent Sale, Vehicle</i> <i>Vehicle and Equipment Services, Light</i>	-- -- C A -- -- -- --	P C P P C C T P	P C P P C C T P	See Section: 4.512       See Section: 4.509
Wireless Communication Facilities	--	C	C	
<p>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</p> <p>L2: Drive-through Dry Cleaning and Laundry Outlets are prohibited in GC and require Administrative Design Review in other districts</p> <p>L3: Drive-through restaurants require a Conditional Use Permit</p> <p>L4: Offices are permitted above the first floor</p> <p>L5: Only as a use incidental to the principal use of the property</p> <p>L6: Non <i>Retail Sales Tax Producing Business</i> cannot occupy more than 25% of the gross square footage of a multi-tenant building in the GC District.</p> <p>L7: Accessory Use to an Approved Use</p> <p>L8: Use must be located in a free-standing building without other occupancies</p>				

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, LI	P, LI	P, LI	--	See Chapter 4.8
Ambulance Services	--	P	P	--	See Section 4.507
Animal Services					
<i>Animal Shelter</i>	--	C	C	--	
<i>Animal Training</i>	--	P	P	--	
<i>Kennel</i>	--	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, L4	
Crematorium	--	--	P	P	
Dry Cleaning and Laundry Central Plant	--	--	P	P	
Eating and Drinking Establishments					
<i>Restaurants, Full Service</i>	--	--	P	--	
<i>Restaurants, Limited Service</i>	P, L2	P	P, L2	P, L2	
Entertainment and Recreation, Indoor					
<i>Large-Scale</i>	--	C	P	P	
<i>Small-Scale</i>	--	P	P	--	
Entertainment and Recreation, Outdoor					
<i>Large-Scale</i>	--	C	--	--	
<i>Small-Scale</i>	--	C	--	--	
Firing Range, Indoor	--	--	C	C	
Food Preparation					
<i>Large-Scale</i>	--	--	P	P	
<i>Small-Scale</i>	--	P	P	--	
Funeral and Undertaking Services	C	--	--	--	
Haunted House	--	T	T	--	
Health Care Facilities					
<i>Hospital</i>	C	--	--	--	
<i>Medical Offices and Clinics</i>	P	P	--	--	
<i>Urgent Care Facility</i>	P	--	--	--	
Helipoint/Helipad	--	--	C	C	
Hotels and Commercial Lodging	P	C	--	--	



<b>Table 2.603 Land Use Regulations – Employment Districts</b>					
<b>Use Classification</b>	<b>O</b>	<b>SB</b>	<b>LI</b>	<b>GI</b>	<b>Additional Regulations</b>
Instructional Services, Specialized	P	P	P	--	
Laboratories, Commercial	P	P	P	--	
Laboratories, Industrial	--	--	P	P	
Mail Order, Catalog or Internet Sales	--	P	P	P	
Maintenance and Repair Services	--	P	P	--	
Manufacturing and Assembly					
<i>Artisan</i>	--	P	P	--	
<i>Light</i>	--	--	P	P	
<i>General</i>	--	--	P	P	
<i>Heavy</i>	--	--	P	P	
Mining and Quarrying	--	--	--	C	
Offices, General	P	P	P, LI	P, LI	
Outdoor Driving Range	--	--	C	C	
Over-The-Air Reception Device	P, LI	P, LI	P, LI	P, LI	See Chapter 4.8
Public Safety Facilities	P	P	P	P	
Research and Development	--	P	P	P	
Residential, Permanent	P	--	--	--	
<i>Loft Unit</i>					
Retail Sales, General	--	P, L3	P, L3	P, L3	
Salvage Yards or Junkyards	--	--	--	C	
Satellite Dish Antenna, Large	P, LI	P, LI	P, LI	P, LI	See Chapter 4.8
Storage, Business Property	--	--	P, L4	P, L4	
Storage, Personal Property					
<i>Indoor</i>	--	P	P	--	
<i>Outdoor</i>	--	C	C	C	
Swap Meet, Flea Market and Auction					See Section 4.509
<i>Indoor</i>	--	P	P	--	
<i>Outdoor</i>	--	--	T	--	
Utilities					
<i>Facilities</i>	A	A	A	A	
<i>Service Yard</i>	--	--	A	A	
<i>Well Site</i>	A	A	A	A	
Vehicle Equipment Sales, Leasing and Services					See Section 4.512
<i>Commercial Vehicle/Equipment Sales and Rental, New and Used</i>	--	--	P	P	
<i>Fueling Facility, Alternative</i>	P	P	P	P	
<i>Fueling Facility, Fleet</i>	--	--	P	P	
<i>Motor Vehicle Sales and Leasing, New &amp; Used – Internet Based</i>	--	--	C, L5	C	
<i>Motor Vehicle Sales and Leasing, New &amp; Used</i>	--	--	C, L5	C	
<i>Non-Commercial Vehicle Rental</i>	--	P, L5	P	--	
<i>Vehicle Services, Heavy</i>	--	C	P	P	
<i>Vehicle Services, Light</i>	--	C	P	--	
Video Gaming Establishment	C, L7	C, L7	C, L7	C, L7	See City Code Title 3, Chapter 26
Warehousing					
<i>Freight/Truck Terminal and Warehouse</i>	--	--	P	P	
<i>Petroleum and Gas Storage</i>	--	--	P	P	
<i>Information</i>	C	--	P	P	

**Table 2.603 Land Use Regulations – Employment Districts**

<b>Use Classification</b>	<b>O</b>	<b>SB</b>	<b>LI</b>	<b>GI</b>	<b>Additional Regulations</b>
Waste Management					
<i>Hazardous Waste Collection and Transfer Facility</i>	--	--	--	C	
<i>Hazardous Waste Disposal Facility</i>	--	--	--	C	
Waste Management (Continued)					
<i>Non-Hazardous Waste Collection and Transfer Facility</i>	--	--	--	P	
<i>Non-Hazardous Waste Disposal Facility</i>	--	--	--	C	
<i>Non-Hazardous Material Recycling Collection Facility</i>	--	--	--	C	
Wireless Communication Facilities	--	--	A	A	
<b>Limitations</b>					
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				
L7:	Conditional Use Permit is required for either a principal or accessory/incidental use.				