

CITY OF BATAVIA

DATE: August 22, 2018
TO: Committee of the Whole
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: **Ordinance 18-58:** Amending the Official Zoning Map of the City of Batavia
1900 Hubbard Avenue, City of Batavia, Applicant

Summary: The Plan Commission conducted a Public Hearing on August 15 to review a proposed Zoning Map amendment for property located at 1900 Hubbard Avenue. A Batavia Electric substation is located on the property. Attached draft Ordinance 18-58 would rezone this approximately 30 acre property to the PFI Public Facilities and Institutional zoning district. Please refer to the [August 9, 2018 staff memorandum to the Commission](#) for additional information.

Background: The City of Batavia owns an approximately 23,700 square foot portion of the property fronting on Hubbard that is zoned LI Light Industrial. To the south and east is the remaining 29.45 acres that is owned by the United States of America and is part of Fermilab; this parcel was [annexed in 2015](#) and given the default R0 Single Family zoning district. At the time of annexation future rezoning of this property to the PFI District was contemplated. The City leases part of this parcel for the electric substation.

One (1) hearing attendee spoke requesting clarification of the proposal. The Commission asked staff if Fermilab had been notified. Staff responded that it contacted a representative of Fermilab who in turn has notified a Real Estate Specialist in the United States Department of Energy (DOE) of the proposed rezoning. Staff has not received any objection from Fermilab or DOE. Staff noted that the proposed zoning district designation is consistent with other portions of Fermilab that lie within the City limits.

The Commission commented that the proposed PFI District would be appropriate for the property's uses and consistent with the property's Comprehensive Plan land use classification.

Alternatives: The City Council can approve Ordinance 18-58 to zone the subject properties as proposed, request the Plan Commission review alternative zoning classifications, reject the proposed change, leaving the properties with their current LI and R0 classifications.

- **Pros:** The proposed action would place the subject property in the zoning district most consistent with how it is being used and with its land use designation in the Comprehensive Plan.
- **Cons:** Staff has not identified any negative impact to the proposed rezoning.
- **Budget Impact:** There would be only minimal costs moving forward to amend the Zoning Map.
- **Staff Impact:** None.

Timeline for Actions: There is no required timeline for this action. COW recommendation of Ordinance 18-58 will allow for final action by the City Council on September 4th.

Recommendations: By a vote of 7-0, the Plan Commission recommended approval of the Zoning Map amendment, as presented.

Staff recommends approval of draft Ordinance 18-58, as presented.

Attachment: Draft Ordinance 18-58

c Mayor and City Council
Gary Holm, Public Works Director
Steve Whiteacre, Fermilab
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-58**

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

**1900 HUBBARD AVENUE AND
ADJACENT RIGHT OF WAY**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 4TH 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 5th day of September, 2018

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 18-58**

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

**1900 HUBBARD AVENUE AND
ADJACENT RIGHT OF WAY**

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 legally described as:

THAT PART OF LOT 23, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23; THENCE SOUTH 24 DEGREES 59 MINUTES 36 SECONDS EAST 20.98 FEET THENCE SOUTH 65 DEGREES 00 MINUTES 24 SECONDS WEST 367.23 FEET; THENCE NORTH 00 DEGREES 03 MINUTES 19 SECONDS EAST 131.22 FEET; TO THE NORTH LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 56 MINUTES 41 SECONDS EAST 129.05 FEET TO A POINT OF CURVATURE; THENCE EASTERLY 201.10 FEET ALONG THE ARC OF SAID CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 460.00 FEET TO SAID POINT OF BEGINNING IN BATAVIA BUSINESS PARK, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 12 AND PART OF THE EAST HALF OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN KANE COUNTY, ILLINOIS AND PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED ON JUNE 30, 2000 AS DOCUMENT NO. 2000K052067 AND CERTIFICATES OF CORRECTION RECORDED DECEMBER 19, 2000 AS DOCUMENT 2000K101889 AND RECORDED FEBRUARY 20, 2001 AS DOCUMENT 2001K014507 IN KANE COUNTY AND IN DUPAGE COUNTY ON JUNE 30, 2000 AS DOCUMENT NO. R2000-099708 (PIN 12-13-451-002); and

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 13 AND PART OF THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF LOT 23 IN BATAVIA BUSINESS PARK, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 30TH, 2000 AS DOCUMENT NO. 2000K052067; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID LOT, 661.91 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTHERLY, AT AN ANGLE OF 113°35' 41", MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE 1.09 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY, ALONG SAID EAST LINE, 390.21 FEET TO A CORNER OF SAID

LOT; THENCE NORTHEASTERLY, AT AN ANGLE OF 121°34'29", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG A SOUTHERLY LINE OF SAID LOT AND ALONG THE SOUTHERLY LINE OF LOT "A" OF SAID SUBDIVISION, 2537.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT "A"; THENCE SOUTHERLY, AT AN ANGLE OF 63°03'15", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 750.50 FEET TO A POINT THAT IS 1.0 FEET NORTHERLY OF, AS MEASURED NORMAL DISTANCE TO, THE NORTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE SOUTHWESTERLY, AT AN ANGLE OF 108°56'19", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH AND 1.0 FEET NORTHERLY OF SAID NORTHERLY RIGHT OF WAY LINE, 2425.61 FEET TO THE POINT OF BEGINNING, ALL IN KANE AND DUPAGE COUNTIES, ILLINOIS. (PIN 12-13-405-003-KANE COUNTY and 04-18-301-001-DuPAGE COUNTY)

and presently zoned LI Light Industrial (PIN 12-13-451-002) and R0 Single Family (PINs 12-13-405-003 and 04-18-301-001) on the Official Zoning Map be rezoned to PFI Public Facilities and Institutional, 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 on August 15, 2018 pursuant to the Batavia City Code by the Batavia Plan Commission; and

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

1. **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. Notice was published in the Daily Herald on July 27, 2018. Mailed notice was sent to property owners within 500 feet of the subject property on July 26, 2018. The hearing sign was posted on the property on July 30, 2018.

2. **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 conducting the hearing on August 15th, this finding will be met.

3. **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 consistent with several goals of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the

present use as a public utility facility site. The proposed classification matches the Comprehensive Plan Land Use Map designation for the property.

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

Finding: Surrounding property is zoned LI Light Industrial in the City of Batavia. The proposed PFI District, with the uses and development allowed, would be compatible with these properties. Adjacent unincorporated property in Kane County is owned by the Burlington Northern Railroad and is zoned F Farming. The F District allows a variety of residential and non-residential uses including industrial and government uses. Adjacent unincorporated property in DuPage County is zoned R-3 Single Family Residence. Part of this R-3 District property is owned by the railroad and part is owned by Fermilab. The R-3 District allows a variety of residential and non-residential uses including public utility and service uses. Given the ownership of these properties and the uses allowed by their underlying zoning districts, the proposed PFI District, with the uses and development allowed, would be compatible with these nearby properties.

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

Finding: No specific evidence has been entered into the record of the public hearing to suggest that property values will be diminished by the proposed PFI District.

6. 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 of the site as a public utility facility site.

7. 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 owns or leases part of the property for the public benefit of providing a utility service.

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

Finding: The proposed PFI District is the City of Batavia zoning district specifically created to apply to City utility facility and institutional sites and thus is suitable.

9. 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: Part of the property has been developed and used for public utility facilities. The remainder of the property has not been developed, but has been part of the public utility facility site. The proposed PFI District will allow for continued use of the site for public utility facilities and will allow the remainder of the site to be used compatibly for its planned use as a public utility facility site.

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

Finding: The property has been planned for use and additional use as a public utility facility site. There is a community need for reliable electric service that can be enhanced with improvements to the public utility facility on the property that would be permitted with the proposed PFI District; and

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

WHEREAS, on August 28, 2018, 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 amendments 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 herein, be zoned PFI Public Facilities and Institutional.

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 depicted on Exhibit “A” attached hereto and legally described herein are hereby zoned PFI Public Facilities and Institutional 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 18-58 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 4th day of September, 2018.

CITY OF BATAVIA, ILLINOIS ORDINANCE 18-58

APPROVED by me as Mayor of said City of Batavia, Illinois, this 4th 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	Malay					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

Legend

 Corporate Limits


 Subject Properties

Proposed Zoning Districts

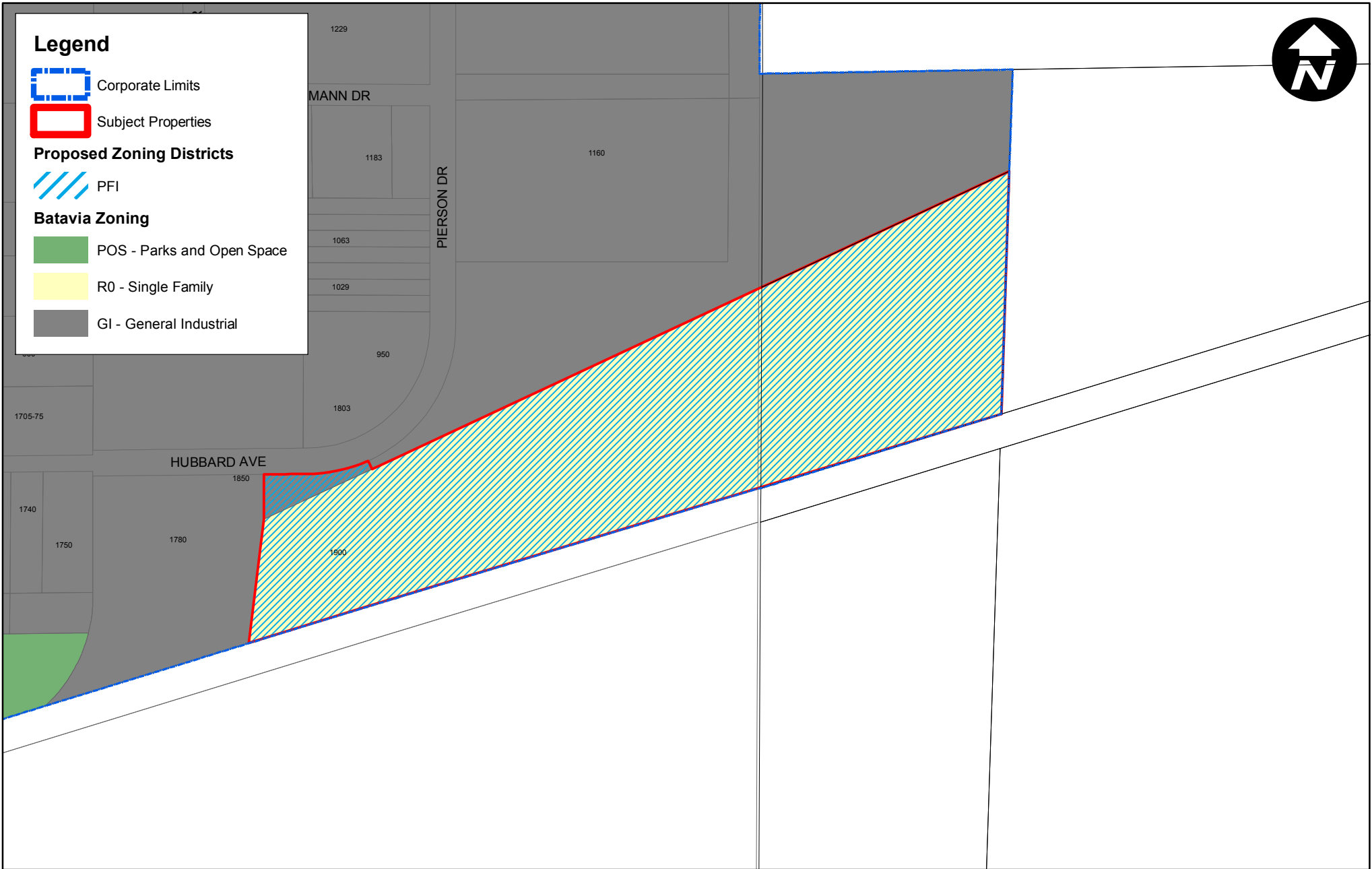
 PFI

Batavia Zoning

 POS - Parks and Open Space

 R0 - Single Family

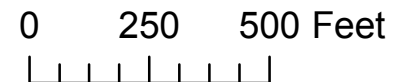
 GI - General Industrial



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**Ordinance 18-58
Exhibit "A"**



DATE: 8/22/2018

SOURCE: BATGIS, KANEGIS