

# CITY OF BATAVIA

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**DATE:** September 24, 2018  
**TO:** Mayor and City Council  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT: Ordinance 18-61: Amending the Comprehensive Plan**  
Windmill Landings Congregate Care Facility  
2401 Hawks Drive and 37W407 and 37W475 Fabyan Parkway  
MR JNB BATAVIA, LLC, applicant (COW-CD 9/18/18 – 12/0)

**Summary:** On September 18<sup>th</sup> the Committee of the Whole (COW) recommended approval of [several ordinances and a resolution](#) to annex, subdivide, and develop approximately 7 acres of land for Windmill Landings, a 142-unit senior assisted living and memory care facility. Ordinance 18-61, one of the ordinances the COW recommended for approval, would amend the City's Comprehensive Plan Land Use map to change the existing land use classification for these 7 acres from General Commercial to Mixed Use. Ordinance 18-60, also recommended for approval on September 18, includes an annexation agreement for the annexation of this property and zoning entitlements for Windmill Landings. Council approval of this Ordinance and entering to the agreement obligates the City to amend the Comprehensive Land Use Map as proposed.

As explained at the COW meeting, per State law, the City Council must take action on a Comprehensive Plan amendment within 90 days after the public hearing. The Plan Commission held the public hearing for the proposed amendment on July 18. To avoid needing to hold a public hearing anew, the COW recommendation for approval of Ordinance 18-61 included having City Council action scheduled for October 1. The remainder of the ordinances and resolution for Windmill Landing is scheduled for the October 15 Council meeting. Staff has received notice that MR JNB BATAVIA, LLC acquired the Hawks Drive property on September 20.

**Alternatives:** With City Council action to approve the annexation agreement scheduled on October 15, the Council is obligated to approve Ordinance 18-61.

- **Pros:** Approval of Ordinance 18-61 would amend the Comprehensive Plan Land Use Map in accordance with the annexation agreement and allow the Windmill landings project to move forward.
- **Cons:** Not approving this Ordinance would require a new public hearing to amend the Comprehensive Plan Land Use Map and a new Ordinance to be approved to be compliant with the annexation agreement that is scheduled for final action on October 15.
- **Budget Impact:** None.
- **Staff Impact:** None.

## Recommendations

- Plan Commission: Recommended approval of the amendment (5-0-2 absent)
- COW: Recommended approval of Ordinance 18-61 (12-0-2 absent)
- Staff: Recommends approval of Ordinance 18-61 as presented

Attachment: Ordinance 18-61

c Mayor and City Council  
Department Heads  
David Smith and Kelly Young, MR JNB BATAVIA, LLC  
Tracy Kasson, Applicant Attorney  
Bill McGrath, Applicant Consultant  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 18-61**

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

**2401 HAWKS DRIVE  
37W407 AND 37W475 FABYAN PARKWAY  
TO BE VACATED JANET LANE RIGHT-OF-WAY**

**MR JNB BATAVIA, LLC, APPLICANT**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 1<sup>ST</sup> OF OCTOBER, 2018**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 2<sup>nd</sup> day of October, 2018

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

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 18-61**

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

**2401 HAWKS DRIVE  
37W407 AND 37W475 FABYAN PARKWAY AND  
TO BE VACATED JANET LANE RIGHT-OF-WAY**

**WHEREAS**, MR JNB Batavia, LLC, as applicant and owner of the subject properties located on Fabyan Parkway and Hawks Drive, and has filed an application to Amend the Land Use Map of the Comprehensive Plan of the City of Batavia, as required by Batavia Zoning Code (Title 10 of the Batavia Municipal Code) Sections 5.203 and 5.703, to reclassify properties from the land use classification of General Commercial to the land use classification of Mixed Use for the properties located at 2401 Hawks Drive, and 37W407 and 37W475 Fabyan Parkway, and to apply the Mixed Use land use classification on the to be vacated Janet Lane right-of-way, legally described as:

That part of the northeast quarter of Section 17, Township 39 north, Range 8 east of the Third Principal Meridian described as follows: commencing at the southwest corner of said northeast quarter; thence  $N0^{\circ}00'02''W$  along the west line of said northeast quarter, 250.00 feet; thence  $N88^{\circ}15'20''E$ , 150.00 feet; thence  $N0^{\circ}00'02''W$ , 200.00 feet; thence  $N88^{\circ}15'20''E$ , 499.02 feet to the southwest corner of Fabyan Randall Subdivision as platted by Document 2003K073410; thence  $N1^{\circ}44'40''W$  along the west line of said Subdivision, 99.00 feet to the north line of Hawks Drive (dedicated as South Drive by Document 2003K080053 and renamed Hawks Drive by Document 2016K034577) for a point of beginning; thence continuing  $N^{\circ}44'40''W$  along said west line, 487.62 feet to a point in the south line of lot 1 of Owner's Resubdivision of Lots 1 and 4 of Meadow Crest Estates as platted by Document 1405284; thence  $S89^{\circ}54'24''W$  along said south line, 187.60 to a northeasterly corner of the right-of-way of Janet Lane as dedicated by Document 1699283; thence  $S0^{\circ}05'36''E$  along an easterly line of said Janet Lane, 40.0 feet to the southeast corner thereof; thence  $S89^{\circ}54'24''W$  along the south line of said Janet Lane, 140.0 feet to the southwest corner thereof; thence  $N0^{\circ}05'06''W$  along a westerly line thereof, 45.17 feet to a northwesterly corner thereof, said point being on the south line of Lot 5 of Meadow Crest Estates as platted by Document 1198999; thence  $N82^{\circ}02'14''W$  along said south line of said Lot 5, 300.15 feet to the southwest corner thereof, being also a point on the west line of said northeast quarter; Thence  $S0^{\circ}00'02''E$  along said west line, 206.05 feet to its intersection with said north line of Hawks Drive; thence  $N88^{\circ}15'54''E$  along said north line, 54.40 feet; thence southeasterly along said north line, being a circular curve having a radius of 533.00 feet concave to the southwest, the chord of which bears  $S69^{\circ}14'25''E$ , 418.52 feet; thence  $S46^{\circ}44'44''E$  along said north line, 209.29 feet; thence southeasterly along said north line, being a circular curve having a radius of 267.00 feet concave to the northeast, the chord of which bears  $S54^{\circ}22'04''E$ , 71.01 feet to the point of beginning in the Township

of Geneva, Kane County, Illinois. Commonly known as 2401 Hawks Drive, Batavia, IL 60510, Permanent Index Number: 12-17-200-032.

Lot 1 of Owner's Resubdivision of Lots 1 and 4, Meadow Crest Estates, Geneva Township, Kane County, Illinois, in the Township of Geneva, Kane County, Illinois. Commonly Known as 37W407 Fabyan Parkway, Geneva, IL 60134, Permanent Index Number: 12-17-200-014.

Lot 5 of Meadow Crest Estates, Geneva Township, Kane County, Illinois, in the Township of Geneva, Kane County, Illinois. Commonly Known as 37W475 Fabyan Parkway, Geneva, IL 60134, Permanent Index Number: 12-17-200-006.

That part of the Northeast Quarter of Section 17, Township 39 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the southwest corner of Lot 1, Owner's Resubdivision of Lots 1 and 4, Meadow Crest Estates, Geneva Township, Kane County, Illinois; thence North 89°57'46" East along the south line of said Lot 40.0 feet; thence southerly at right angles to the last described course 40.0 feet; thence westerly at right angles to the last described course 146.0 feet; thence northerly at right angles to the last described course 45.30 feet to the southerly line of Lot 5, Meadow Crest Estates, Geneva Township, Kane County, Illinois; thence South 82°03'14" East along said southerly line 38.19 feet to the southeast corner of said Lot 5; thence northerly along an easterly line of said Lot 5, being a curve to the right having a radius of 950.0 feet, 232.31 feet to a point of tangency; thence North 0°02'14" West along an east line of said Lot 5, 17.0 feet to the northeast corner of said Lot 5; thence North 89°57'46" East along the north line extended of said Lot 5, 66.0 feet; thence South 0°02'14" East along a west line of said Owner's Resubdivision 17.0 feet to the northwest corner of said Lot 1; thence southerly along the westerly line of said Lot 1, being a curve to the left having a radius of 884.0 feet, 232.68 feet to the point of beginning. Commonly known as the to be vacated Janet Lane right-of-way; and

**WHEREAS**, all required public notification regarding the request to amend the Land Use Map of the Comprehensive Plan, were executed as required by the Batavia City Code; and

**WHEREAS**, a public hearing was held pursuant to the Batavia Municipal Code by the Batavia Plan Commission on July 18, 2018; and

**WHEREAS**, following said hearing, the Plan Commission recommended approval of such Comprehensive Plan amendment; and

**WHEREAS**, on September 18, 2018, the Committee of the Whole reviewed the application, the record of the public hearing, and the action of the Plan Commission and recommended approval of such Comprehensive Plan amendment in accordance with the Plan Commission recommendation; and

**WHEREAS**, on September 18, 2018, the Committee of the Whole concurrently conducted a public hearing to review an annexation agreement and considered annexation of the above described properties and a plat of vacation of the Janet Lane right-of-way, all as requested by MR JNB Batavia, LLC, and recommended approval of same; and

CITY OF BATAVIA, ILLINOIS ORDINANCE 18-61

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**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 Land Use Map of the Comprehensive Plan be amended;

**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.

**SECTION 2:** That the properties described herein are hereby designated on the Land Use Map of the Comprehensive Plan as the Mixed Use land use classification, as shown on Exhibit A, subject to all terms and conditions under the Municipal Code relating thereto.

**SECTION 3:** That this Ordinance 18-61 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 1<sup>st</sup> day of October, 2018.

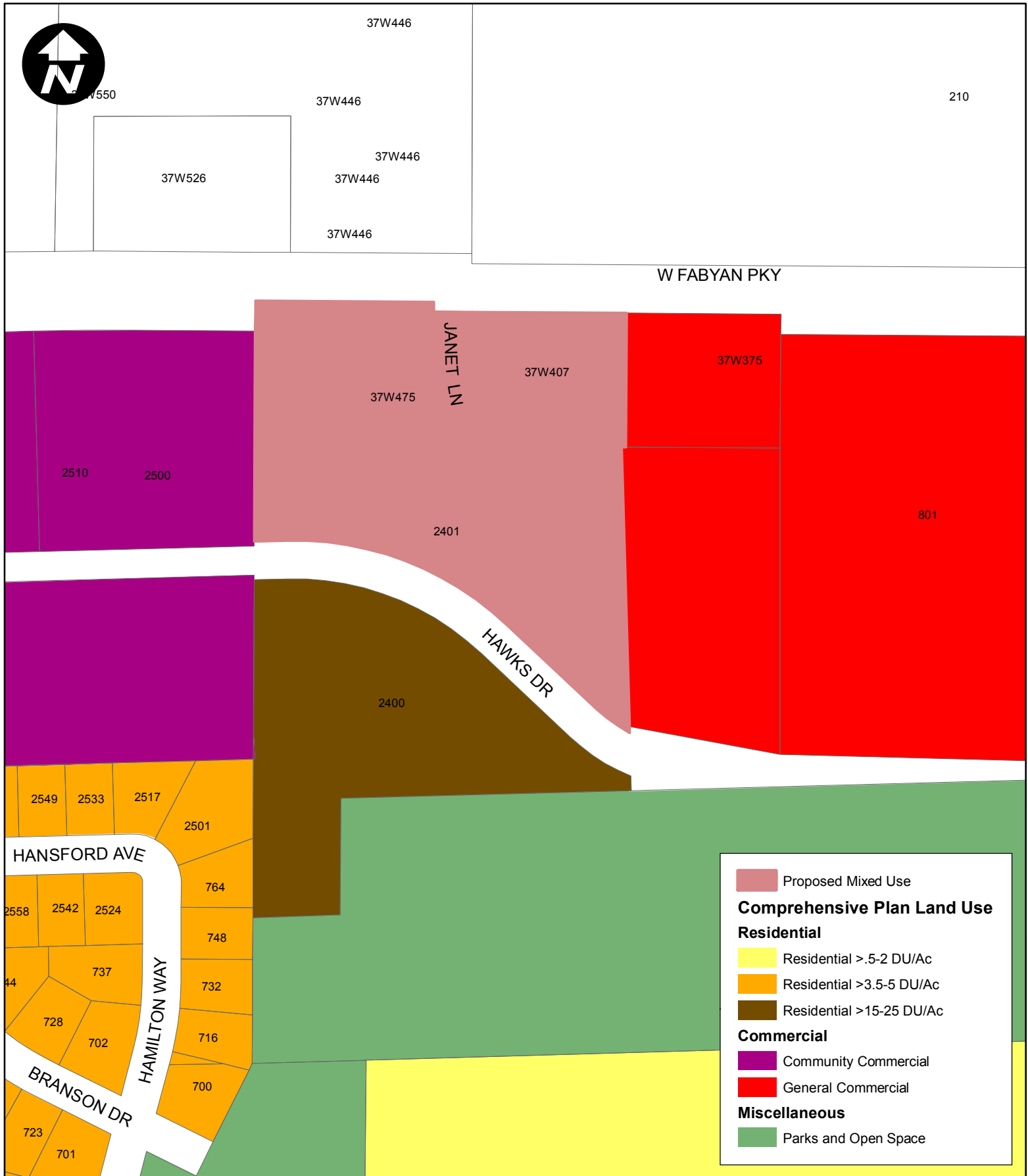
**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 1<sup>st</sup> day of October, 2018.

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

ATTEST:

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Ellen Posledni, City Clerk



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**Exhibit A**

