

CITY OF BATAVIA

DATE: April 3, 2019
TO: Committee of the Whole
FROM: Drew Rackow AICP, Planner
SUBJECT: **Ordinance 19-27:** Amending the Official Zoning Map of the City of Batavia
1360 Giese Road and 1430 Cherry Drive
City of Batavia, Applicant

Summary: The Plan Commission (PC) conducted a Public Hearing on March 6th to review proposed Zoning Map amendments for two City owned parcels in the Cherry Park Subdivision. Draft Ordinance 19-27 would rezone property at 1360 Giese Road as PFI, Public Facilities and Institutional District and 1430 Cherry Drive as POS, Parks and Open Space District. Please refer to the February 28th [Staff Report](#) to the Commission for additional information.

Background: The City of Batavia owns two parcels in the Cherry Park Subdivision that are presently zoned R1-L Single Family Residential, Low Density. Both parcels have been used by the City since their original platting. 1360 Giese Road (0.30 acres) is the location of a Utility Lift Station and 1430 Cherry Drive (3.50 acres) is a stormwater management facility.

One (1) hearing attendee addressed the PC. He inquired whether there would be any improvements made to the stormwater management facility at 1430 Cherry Drive and whether it would remain as such a facility. Staff noted that there were no proposed improvements planned at this time for the facility, and that it will continue to be used as a publicly managed stormwater management facility. Staff noted to the Plan Commission that the proposed amendments are part of an ongoing effort of placing City owned facilities under the PFI and POS zoning districts, consistent with their public uses.

Alternatives: The City Council can approve Ordinance 19-27 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 R1-L classifications.

- **Pros:** The proposed action would place the subject properties in the zoning district most consistent with their present use.
- **Cons:** Staff has not identified any negative impact to the proposed rezoning.
- **Budget Impact:** Costs were incurred for Public Hearing notices. 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 19-27 will allow for final action by the City Council on April 15th.

Recommendations: By a vote of 4-0 (2 absent, 1 vacancy), the Plan Commission recommended approval of the Zoning Map amendment, as presented.

Staff recommends approval of draft Ordinance 19-27, as presented.

Attachment: Draft Ordinance 19-27

c Mayor and City Council
Department Heads
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-27**

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

**1430 CHERRY DRIVE & 1360 GIESE ROAD
AND ADJACENT RIGHTS OF WAY**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 15TH DAY OF APRIL, 2019**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 16th day of April, 2019

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-27**

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

**1430 CHERRY DRIVE & 1360 GIESE ROAD
AND ADJACENT RIGHTS 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 properties that are legally described as:

PARCEL 1: LOT 170 IN UNIT NO. TWO, CHERRY PARK SUBDIVISION, BATAVIA, KANE COUNTY, ILLINOIS, BEING PART OF THE WEST HALF OF SECTION 25 AND PART OF THE EAST HALF OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 15, 1980 AS DOCUMENT 1533565 IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS AND ADJACENT HALF RIGHTS OF WAY. (12-25-153-015)

PARCEL 2: LOT 172 IN UNIT NO. TWO, CHERRY PARK SUBDIVISION, BATAVIA, KANE COUNTY, ILLINOIS, BEING PART OF THE WEST HALF OF SECTION 25 AND PART OF THE EAST HALF OF SECTION 26, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 15, 1980 AS DOCUMENT 1533565 IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS AND ADJACENT HALF RIGHT OF WAY. (12-25-301-013)

and presently zoned R1-L, Single Family Residence District on the Official Zoning Map be rezoned to PFI, Public Facilities and Institutional District and POS, Parks and Open Space District, 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 March 6, 2019 pursuant to the Batavia City Code by the Batavia Plan Commission; and

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

1. **Finding A** - 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. Signs were posted on both properties on February 12, 2019. Staff conducted a

mailing to property owners within 500 feet on February 12, 2019. Notice was published in the Daily Herald on February 15, 2019.

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

Finding – The Plan Commission on March 6, 2019 conducted a public hearing in accordance with state and local law.

3. **Finding C** - 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 and policies of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the present use as stormwater management, passive open space and public utility facility. The proposed classification matches the Comprehensive Plan Land Use Map designation.

4. **Finding D.1** - Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?

Finding: Parks and Open Space District and Public Facilities and Institutional properties are adjacent to residential districts throughout the City. PFI zoning is already present in this subdivision at the City's substation. The current uses already exist and are compatible with the use of nearby properties.

5. **Finding D.2** - Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?

Finding: There is no evidence to suggest that property values will be diminished by the restriction. The value of the property already takes into account the present uses of the parcels.

6. **Finding D.3** - 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 their present uses.

7. **Finding D.4** - 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 public, by placing appropriate use and bulk standards on the properties, while preserving their uses as storm water management and public utility facilities. The City owns the properties for the public benefit of storm water management and sanitary sewage conveyance.

8. **Finding D.5** - Is the subject property is suitable for the zoned purpose?

Finding: The properties are presently used for the zoned purpose and are thus suitable.

9. **Finding D.6** - 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 have already been developed for their proposed purpose. There has not been any vacancy since platting.

10. **Finding D.7** - Is there a community need for the proposed zoning or use?

Finding: The parcels were platted for a community need of providing the required storm water detention area and utilities for this subdivision. This fulfills a need for Stormwater Management and the provision of utilities within the community.

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

WHEREAS, on April 9, 2019, 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 above, be zoned PFI, Public Facilities and Institutional District and POS, Parks and Open Space District;

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” and legally described as Parcel 1 above is hereby zoned PFI, Public Facilities and Institutional District subject to all terms and conditions under the City Code.

SECTION 2: That the Properties, as depicted on Exhibit “A” and legally described as Parcel 2 above is hereby zoned POS, Parks and Open Space District subject to all terms and conditions under the City Code.

SECTION 3: That the official zoning map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-27

SECTION 4: That this Ordinance 19-27 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 15th day of April, 2019.

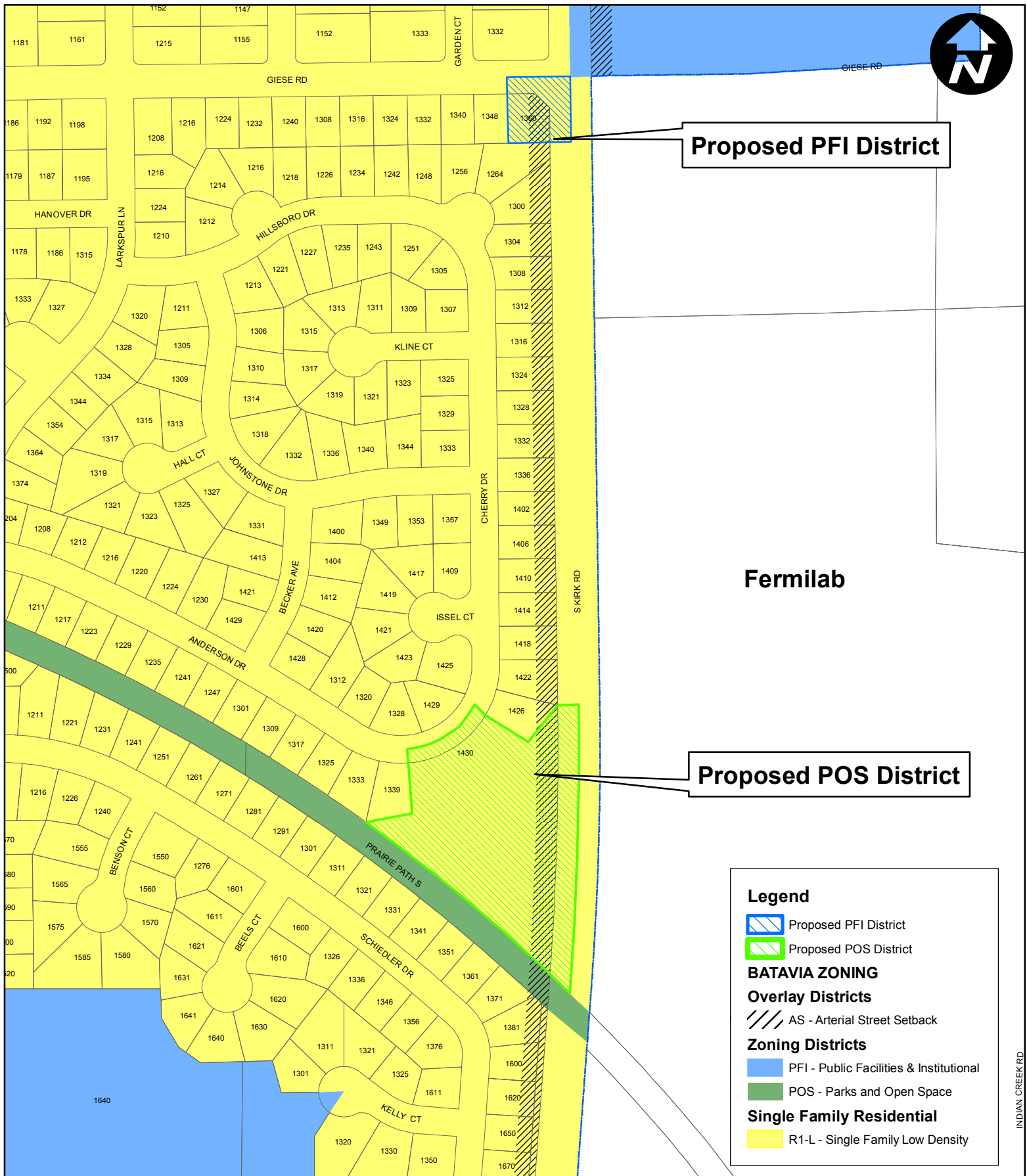
APPROVED by me as Mayor of said City of Batavia, Illinois, this 15th day of April, 2019.

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



Proposed PFI District

Proposed POS District

Fermilab

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Exhibit "A" of Ordinance 19-27

