

# CITY OF BATAVIA

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**TO:** Committee of the Whole (CD)  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**DATE:** November 14, 2019  
**SUBJECT: Ordinance 19-81:** Granting a Conditional Use Permit in the GC General Commercial District for a U-Haul Commercial Vehicle/Equipment Sales and Rental Business at 1921A West Wilson Street  
Shawn Viland, Batavia Parcel, applicant

**Summary:** Draft Ordinance 19-81 would grant a conditional use permit for a U-Haul Commercial Vehicle/Equipment Sales and Rental Business at 1921A West Wilson Street. The main business at this location is Batavia Parcel that provides business services (copy, print, shipping). For additional information, please see the [staff memorandum to the Plan Commission](#).

**Background:** U-Haul rentals have been available at Batavia Parcel for approximately 3 years, including before the applicant, Shawn Viland acquired the business. In working with Mr. Viland to locate his U-Haul vehicles to be compliant with the City's prohibition of vehicle signs, staff informed him of his need for conditional use approval for the vehicle rentals. Mr. Viland quickly applied for the required conditional use permit.

On November 6<sup>th</sup> the Plan Commission held the public hearing for the conditional use permit. Two (2) hearing attendees spoke in support of Mr. Viland and his U-Haul business. In response to Commissioner questions, Mr. Viland stated that he typically keeps eight (8) vehicles available for two-way rentals (6 vans, 2 trailers) and with one-way rentals, there may be up to approximately 15 vehicles total on the property. His business peaks on weekends when there's less demand for parking generally on the property. He parks longer length vehicles behind (east of) the building.

The Plan Commission noted the business can work well with other businesses on the property. The Commission felt that no U-Haul vehicles should be parked closer than 25 feet to the property lines along Randall Road or Wilson Street and no more than six (6) vehicles should be parked in front (west of) the building. The Commission arrived at positive findings as included in draft Ordinance 19-81.

**Alternatives:** The City Council can approve or deny the Ordinance as presented, or amended (if desired), or take no action.

**Impacts:** There would be minimal impacts with approval of the Ordinances. The U-Haul business has operated at this property without complaints from neighboring businesses. Mr. Viland notes that U-Haul rentals add to the volume of his business, adding sales tax revenue to the City.

**Timeline for Actions:** COW action will allow the Ordinance to be placed on the City Council agenda for final action on December 2<sup>nd</sup>.

**Recommendations:** By a vote of 5-0 (2 absent), the Plan Commission recommended approval of the Conditional Use Permit subject to the conditions listed in Ordinance 19-81. Staff recommends City Council approve Ordinance 19-81 as presented.

Attachment: Ordinance 19-81

c Mayor and City Council  
Department Heads  
Shawn Viland, applicant  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-81**

**CONDITIONAL USE PERMIT FOR A  
U-HAUL COMMERCIAL VEHICLE/EQUIPMENT SALES AND RENTAL ESTABLISHMENT  
IN THE GC GENERAL COMMERCIAL DISTRICT**

**SHAWN VILAND  
1921A WEST WILSON STREET**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 2<sup>nd</sup> DAY OF DECEMBER, 2019**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 3<sup>rd</sup> day of December, 2019

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

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 19-81**

**CONDITIONAL USE PERMIT FOR A  
U-HAUL COMMERCIAL VEHICLE/EQUIPMENT SALES AND RENTAL ESTABLISHMENT  
IN THE GC GENERAL COMMERCIAL DISTRICT**

**SHAWN VILAND, APPLICANT  
1921A WEST WILSON STREET**

**WHEREAS**, Shawn Viland, leaseholder of property located at 1921A West Wilson Street, submitted an application for a Conditional Use Permit, signed property owner by Philip Schalz, to the City of Batavia for a portion of the property legally described as:

PART OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF SAID QUARTER 148.50 FEET (2.25 CHAINS); THENCE SOUTH 0°42'15" WEST ALONG A LINE WHICH, IF EXTENDED, INTERSECTS THE CENTER LINE OF MAIN STREET AT A POINT OF 37.62 FEET (0.57 CHAINS) EASTERLY OF THE PRESENT CENTER LINE OF RANDALL ROAD, 690.36 FEET (10.46 CHAINS) FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 0°42'15" WEST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 906.53 FEET TO THE CENTER LINE OF WILSON STREET; THENCE SOUTH 89°52'47" EAST ALONG SAID CENTER LINE 454.75 FEET TO THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO GUNNAR WIBERG AND ETHEL WIBERG, BY DEED RECORDED AS DOCUMENT 573663; THENCE NORTH 2°51'00" EAST ALONG SAID WESTERLY LINE 568.13 FEET TO A SOUTHWEST CORNER OF SARATOGA, BATAVIA, KANE COUNTY, ILLINOIS; THENCE NORTH 87°09'00" WEST ALONG THE SOUTH LINE OF A TRACT OF LAND CONVEYED TO JAMES H. SNOW AND SUSAN M. SNOW BY DOCUMENT 1850438, 27.83 FEET TO THE SOUTHWEST CORNER OF SAID SNOW TRACT; THENCE NORTH 1°06'44" EAST ALONG THE WEST LINE OF SAID SNOW TRACT AND ALONG A WEST LINE OF A TRACT OF LAND CONVEYED TO JOHN F. LEARY AND CAROL L. LEARY BY DOCUMENT 1850439, 100.33 FEET TO AN ANGLE IN THE WEST LINE OF SAID LEARY TRACT; THENCE NORTH 1°19'29" EAST ALONG A WEST LINE OF SAID LEARY TRACT AND ALONG THE WEST LINE OF A TRACT OF LAND CONVEYED TO DAVID P. VERMEESCH AND PEGGY E. VERMEESCH BY DOCUMENT 1850437, 179.30 FEET TO THE NORTHWEST CORNER OF SAID VERMEESCH TRACT; THENCE SOUTH 87°09'00" EAST ALONG THE NORTH LINE OF SAID VERMEESCH TRACT 35.64 FEET TO THE

NORTHWEST CORNER OF SAID SARATOGA; THENCE NORTH 2°51'00" EAST 56.05 FEET TO A POINT THAT IS 704.88 FEET (10.68 CHAINS) SOUTHERLY OF THE NORTHERLY LINE OF SAID QUARTER (MEASURED ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE); THENCE NORTH. 89°26'01" WEST 488.56 FEET TO THE POINT OF BEGINNING EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER 148.50 FEET (2.25 CHAINS); THENCE SOUTH 0°42'15" WEST ALONG A LINE WHICH, IF EXTENDED, INTERSECTS THE CENTER LINE OF MAIN STREET AT A POINT 37.62 FEET (0.57 CHAINS) EASTERLY OF THE PRESENT CENTER LINE OF RANDALL ROAD, 690.36 FEET (10.46 CHAINS); THENCE CONTINUING SOUTH 0°42'15" WEST 410.03 FEET; THENCE SOUTH 89°52'47" EAST 25.50 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 89°52'47" EAST 150.0 FEET; THENCE SOUTH 0°42'15" WEST 150.0 FEET; THENCE NORTH 89°52'47" WEST 150.0 FEET; THENCE NORTH 0°42'15" EAST 150.0 FEET TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS. COMMONLY KNOWN AS 1921A WEST WILSON STREET (PIN 12-21-105-005)

**WHEREAS**, said Applicant is requesting a Conditional Use Permit to allow operation of a U-Haul commercial vehicle rental business at 1921A West Wilson Street in the GC General Commercial zoning district; and

**WHEREAS**, notice was duly executed and the Batavia Plan Commission held a public hearing on November 6, 2019; and

**WHEREAS**, following said hearing, the Plan Commission made the following findings required for approval:

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.

**FINDING:** With Plan Commission recommendation of, and City Council approval of operational restrictions and vehicle parking and inventory with the Conditional Use, the proposed commercial vehicle rental business would not be detrimental to adjacent properties or the public in general.

2. The proposed use, as conditioned, conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council.

**FINDING:** Goal 1 of the Batavia Comprehensive Plan's Land Use Element stresses the need to balance land uses and maintain employment areas. The Plan's Economic Development & Redevelopment Element identifies the need to broaden land uses in the Randall Road corridor. The proposed use would complement the existing host business

and serve other businesses and residents of Batavia. The Randall Road corridor in Batavia currently has very limited commercial vehicle rental opportunity.

3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.

**FINDING:** The proposed use would be located in an existing commercial space that can accommodate its needs. As conditioned, the business would operate in accordance with applicable laws.

4. The proposed use, as conditioned, would conform generally to the Zoning Code and applicable government requirements.

**FINDING:** As conditioned for approval, the proposed use would not interfere with the enjoyment of nearby properties.

**WHEREAS,** after making its findings, the Plan Commission recommended to the City Council approval of a Conditional Use Permit being granted subject to the following conditions:

1. The Conditional Use Permit be granted to Shawn Viland for U-Haul vehicle rental at 1921A West Wilson Street and is not transferrable.
2. The number of U-Haul vehicles (including trailers) on the premises at any time shall be limited to fifteen (15) with no more than six (6) vehicles located west of the building.
3. U-Haul rental vehicles/trailers shall be legally parked as close as practical to the pedestrian entrance door of 1921A West Wilson or east of the building, however in no event shall any U-Haul vehicle be parked closer than 25 feet to the property lines along Randall Road or Wilson Street to limit visibility of such vehicles from the adjacent streets.
4. Failure to comply with one or more of the requirements herein shall be grounds for revocation of the Conditional Use Permit.

**WHEREAS,** on November 19, the City Council's Committee of the Whole reviewed the application, the record of the public hearing, and the actions and findings of the Plan Commission and recommended approval of a Conditional Use Permit being granted to Shawn Viland for U-Haul vehicle rental at 1921A West Wilson Street, subject to the conditions recommended by the Plan Commission; and

**WHEREAS,** the City Council of the City of Batavia has considered the recommendations of both the Plan Commission and the Committee of the Whole.

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

**SECTION 1:** The application for a Conditional Use Permit Conditional Use Permit by Shawn Viland to allow operation of a U-Haul commercial vehicle rental business at 1921A West Wilson Street in the GC General Commercial zoning district, is hereby approved with the following conditions:

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-81

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1. The Conditional Use Permit be granted to Shawn Viland for U-Haul vehicle rental, 1921A West Wilson Street and is not transferrable.
2. The number of U-Haul vehicles (including trailers) on the premises at any time shall be limited to fifteen (15) with no more than six (6) vehicles located west of the building.
3. U-Haul rental vehicles/trailers shall be legally parked as close as practical to the pedestrian entrance door of 1921A West Wilson or east of the building, however in no event shall any U-Haul vehicle be parked closer than 25 feet to the property lines along Randall Road or Wilson Street to limit visibility of such vehicles from the adjacent streets.
4. Failure to comply with one or more of the requirements herein shall be grounds for revocation of the Conditional Use Permit.

**SECTION 2:** That this Ordinance 19-81 shall be in full force and effect upon its presentation, passage and publication according to the law.

**PRESENTED** to the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of December, 2019.

**PASSED** by the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of December, 2019.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 2<sup>nd</sup> day of December, 2019.

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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					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
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