

**DATE:** May 26, 2020  
**TO:** Plan Commission  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT: PUBLIC HEARING:** Amendment to the Official Zoning Map  
To the GI General Industrial District (from GC General Commercial District)  
1501 North Kirk Road – southwest corner of Fabyan Parkway  
City of Batavia, applicant

**Background and Summary of Information:** A public hearing is scheduled for the June 3<sup>rd</sup> Plan Commission meeting to consider amending the Official Zoning Map (rezoning) for the vacant, 37-acre property located at 1501 North Kirk Road. The City Council's Committee of the Whole (COW) has directed staff to initiate this rezoning proposal, to zone the property to the GI General Industrial District. The existing Arterial Setback Overlay District would remain.

The City became aware of an Illinois Department of Commerce and Economic Opportunity (DCEO) response to an industrial company seeking a site in North America to develop an approximately 950,000 square foot building. This manufacturer produces fast-charging lithium-ion battery cells and packs using its proprietary technology that are targeted for use by the transportation industry. To qualify for DECO assistance and be eligible for consideration by this manufacturer, the site must have entitlements for manufacturing use.

In addition to creating many jobs, battery manufacturing requires significant electricity use. The City's Electric Utility can supply the required power and with GI District zoning, the site can meet this company's development requirements of site acreage and uniform topography. Per the manufacturer's specifications, the site must be accessible to an interstate highway and an international airport. Please see Batavia City Administrator Laura Newman's April 9, 2020 [memo to the City Council's Community Development Committee](#) for more information.

The property consists of 4 tax parcels, each owned by Joe Keim Land Corporation. Joseph A. Keim, President of Joe Keim Land Corp. has given the City authorization to rezone the property to the GI District. Mr. Keim requests that a rezoning approval include reversion to the GC District if the battery manufacturer does not develop the property. Due to this reversion request, the City is not proposing to amend the Comprehensive Plan's Land Use Map.

**Staff Analysis:** The subject property has retained commercial zoning since its 1977 annexation. The property is undeveloped, and the City has not received an application to develop this property in over 20 years. Much of the property is farmed. The property is classified as General Commercial in the Comprehensive Plan. The property abuts properties zoned and land use classified industrial to the south and west, with GI General Industrial abutting the property on the south. Staff feels that due to the absence of development applications and the site's area context of primarily industrial and office use, the property may be considered for industrial zoning.

While it is preferred to zone a property consistent with its Comprehensive Plan land use classification, the City is not proposing to amend the Land Use Map at this time. Staff supports Mr. Keim's request for the property's zoning to revert to the GC District if it is not developed by the battery manufacturer. If the property is developed with the manufacturing use, the City may propose an amendment to the Land Use Map to General Industrial Use.

The Plan Commission must review and approve the following Findings and Review of Conditions with a Zoning Map Amendment. Staff provides the following evaluation of the Findings and Review of Conditions for the Commission to consider.

**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. Signs were posted on the property on May 15, 2020. Staff completed mailing notice to owners whose property is within 500 feet of the subject property on May 14, 2020. Notice was published in the Daily Herald on May 13, 2020.

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

**Finding:** The Plan Commission shall on June 3, 2020 conduct a public hearing in accordance with state and local law.

**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 and policies of the Comprehensive Plan. Listed below are Plan Elements' Goals and Policies consistent with the proposed rezoning.

- Land Use Element
  - *Goal 1, Policy a: Designate enough industrial land to provide opportunities for job creation.* The proposed rezoning would establish a zoning district on a property that is sufficiently large for a manufacturer's locational specifications for potential development.
  - *Goal 3, Policy b: Coordinate land use decisions with the availability of public facilities and services.* The City has the ability and supply of energy to serve manufacturing use at this location.
- Public Services and Facilities Element
  - *Goal 1, Policy c: Explore methods for cost savings in City facilities.* The prospective manufacturer would be a significant consumer of the City's electric, a customer that may be served primarily with existing City infrastructure.
  - *Goal 3, Policy a: Require full cost recovery for the extension of City utilities to new development.* Concurrent with development, the City can require the developer to extend utility service to the facility if needed.
  - *Goal 7: Use utility capacity strategically for City development and redevelopment.* This prospective developer's need for a large quantity of energy is aligned with Goal. Utility capacity is in place to serve a large-scale manufacturing use.
  - *Goal 9: Insure a reliable supply of electricity for Batavia residents and businesses at costs below those of private utility providers.* Having an abundance of electricity, the prospective manufacturer, being a large consumer of energy, can positively affect the cost of energy to other City customers.
- Economic Development and Redevelopment
  - *Goal 1, Policy a: Maintain an effective business retention and expansion program.* Considering rezoning strategically as proposed addresses this policy.
  - *Goal 7, Policy b: Seek ways to increase reliability and efficiency of City-owned utility distribution and supply while decreasing costs.* The proposed rezoning can help attract this large electricity customer that can, in turn help increase efficiency of the City's electric utility.
- Environment Element
  - *Goal 2: Be a leader in environmental issues and act as an example for others.* By providing zoning to accommodate a specific manufacturer whose product lessens the need for and use of fossil fuels, Batavia is encouraging development and use of alternative energy resources.
- Regional and Interjurisdictional Element
  - *Goal 1, Policy b: Consult comprehensive plans and recommendations of other jurisdictions and agencies when Batavia land use and capital investment decisions are made.* The Geneva

Comprehensive Plan classifies proximate properties on the north side of the Fabyan Parkway/Kirk Road intersection as Retail, Service, and Office. Further north on the west side of Kirk, property is classified as Parks/Recreation. Adjacent to the property at the northeast corner of the intersection is classified as Light Industrial/Office Research. The proposed industrial zoning with the existing Arterial Setback Overlay District would be compatible with these Geneva land use designations. Both Geneva's and Batavia's Comprehensive Plans have industrial land use adjacent to commercial use.

### Review of Conditions

1. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?  
**Finding:** Zoning of nearby property consists of industrial, general commercial, retail, office, and office research in Batavia and Geneva and farming in unincorporated Kane County. Most of the immediate surrounding property is developed with uses that conform to its zoning. The proposed GI District allows for development with general industrial, manufacturing and/or warehouse uses that is compatible with these adjacent properties' existing use and zoning.
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.
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 preserved by placing the property in the proposed zoning district that allows for development compatible with neighboring developed properties.
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 property owner consents to the proposed zoning change with the requested reversion clause therefore there is no imposed hardship. The zoning change is responsive to potential development interest that will allow for development that provide economic benefit to the community through increased property assessed value, employment, and City utility use.
5. Is the subject property suitable for the zoned purpose?  
**Finding:** The property is located at the intersection of two Strategic Regional Arterial streets and is appropriately sized for industrial development. Further, the property is located proximate to properties that have compatible zoning and uses.
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 property has never been developed and portions are used for farming. Nearby developed properties include industrial, office-research, and commercial uses. The trend of development in the vicinity is for industrial and office-research uses, and compatible development would be hastened with the proposed zoning.

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

**Finding:** Batavia has no remaining large, undeveloped industrial properties located on an arterial street. Such properties are among the most desirable for manufacturing uses. The proposed zoning change would create a property with those sought-after development qualities.

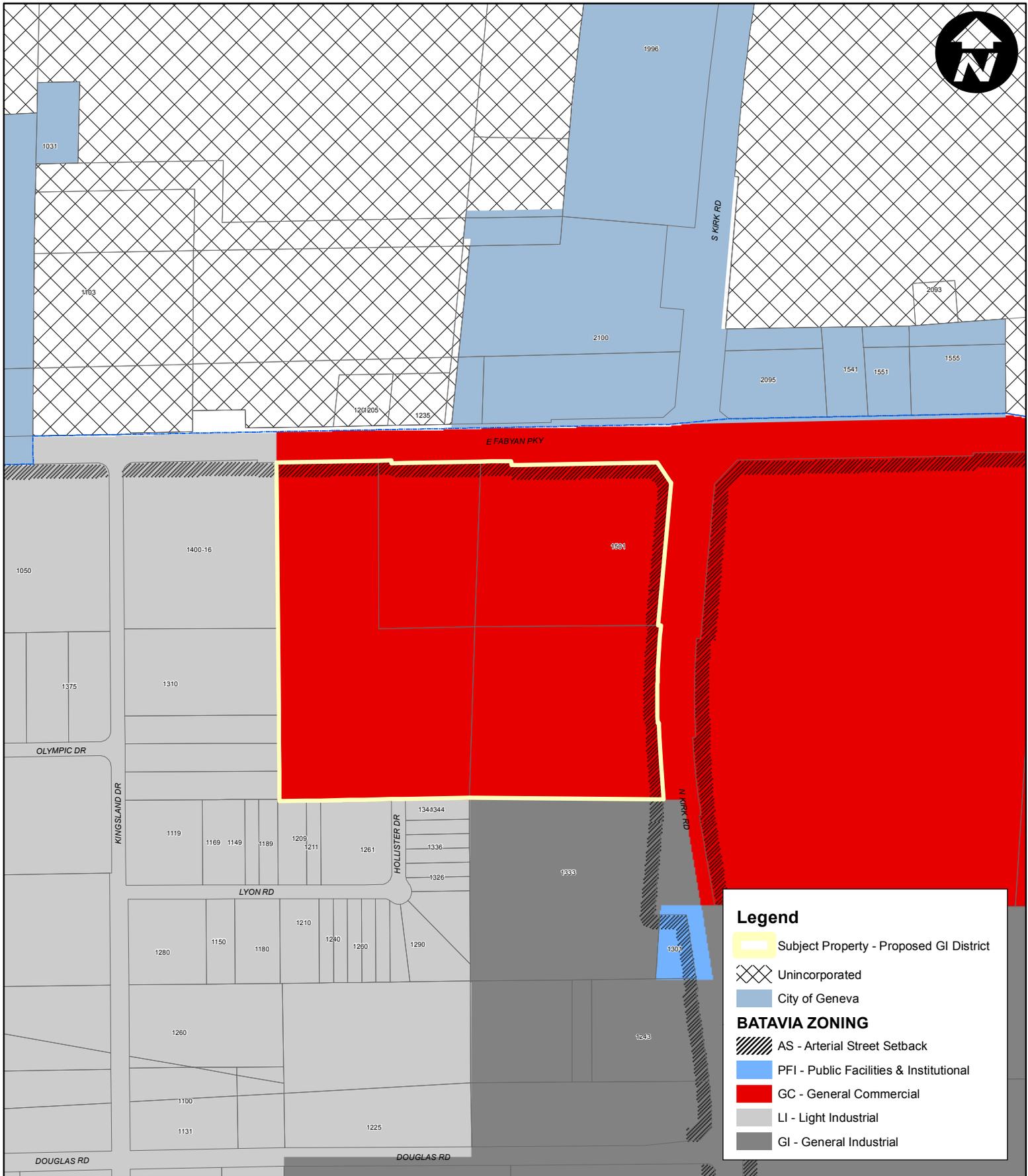
#### **Staff Recommendation**

Staff recommends the Commission open, conduct, and close the public hearing. After concluding the hearing, staff recommends:

1. Approve the Findings and Review of Conditions; and
2. Recommend approval of an amendment to the Zoning Map to zone the property located at 1501 North Kirk Road to the GI General Industrial District.

Attachment: Proposed Zoning Map Amendment Exhibit

- c Mayor and City Council  
Department Heads  
Joseph A. Keim, Joe Keim Land Corp.  
Media



**Legend**

- Subject Property - Proposed GI District
- Unincorporated
- City of Geneva

**BATAVIA ZONING**

- AS - Arterial Street Setback
- PFI - Public Facilities & Institutional
- GC - General Commercial
- LI - Light Industrial
- GI - General Industrial

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## Proposed Zoning of Southwest Corner of Kirk Road and Fabyan Parkway

