

DATE: August 14, 2020
TO: Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: PUBLIC HEARING: Amendment to the Official Zoning Map to the CC Community Commercial District (from R0 Single Family Residential District)
1117 North Washington Avenue, City of Batavia, Applicant

Background and Summary of Information: A public hearing is scheduled for the August 19th Plan Commission meeting for a proposed amendment of the Official Zoning Map for 1117 North Washington Avenue. The subject property is the former location of Riverview Banquets, which the City is in the process of annexing involuntarily. The proposed amendment would extend the adjacent CC, Community Commercial Zoning District to the property upon annexation, rather than leave the default R0 Single Family Residential District once the property has been annexed.

The property is presently split-zoned B4 District-Business (banquet building) and F – Farming (remainder of the site) under Kane County jurisdiction. The overall site is approximately 5 acres in size and bisected by the Fox River Trail. The building is approximately 5,200 square feet in area and was constructed in 1983. Property to the north is zoned R4, Multi-Family Residential Medium Density District. Properties to the west are zoned POS, Parks and Open Space. Property to the south is zoned CC, Community Commercial District and R0, Single Family Residence District. Properties to the east are zoned R1-L, Single family Residential Low Density. The property is designated Community Commercial on the [Batavia Comprehensive Plan's Land Use Map](#). According to social media posts, Riverview Banquets ceased operations on June 1st.

Staff Analysis: In 2016, the City Council approved a reclassification of the Comprehensive Plan Land Use Map for this North Washington Avenue area, to classify several existing commercial properties as Community Commercial, a designation that is reflective of their current use. This change, in part, was to provide consistent use classifications as the City began seeking annexation of the study area. The proposed CC zoning classification extends the existing CC District from the south. The CC District allows a banquet facility as a permitted use. While Riverview Banquets is currently closed, a banquet business may be reestablished on the property under the proposed zoning district. Annexation may cause some site improvements on the site to become non-conforming, but they would be allowed to remain in place. The default R0 District with annexation would allow re-establishment of a banquet business within a year after the rezoning; beyond that, rezoning would be needed for any commercial use.

The proposed zoning action would create unified zoning across the property, which is preferable to the existing condition that places the property under two different zoning districts. The proposed action would create one standard for the property, under the City's jurisdiction. It would also place improvements associated with the business, such as parking under the same zoning requirements.

Comprehensive Plan: The Community Commercial classification is intended to accommodate small to medium scale retail and service uses. The building size and historical use occupying the property fit this classification. In addition to the consistency with the Comprehensive Plan Land Use Map, the change would promote goals and policies of the Comprehensive Plan, specifically by supporting Land Use Goal 9, "Maintain sufficient retail and employment areas to ensure the fiscal and economic vitality of the City" through implementation of Policy c which encourages "community retail opportunities east of the Fox River".

Additionally, Regional and Interjurisdictional Issues Element Goal 3, "Eliminate unincorporated properties essentially surrounded by the City" is implemented through Policy a. "Ensure annexations reduce the size of or eliminate unincorporated islands." The rezoning supports the implementation of this zoning policy by facilitating a smooth transition of the use and property into the City's jurisdiction.

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 August 3, 2020. Staff completed mailing notice to owners whose property is within 500 feet of the subject property on this same date. Notice was published in the Daily Herald on August 3, 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 August 19, 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 is consistent with the Official Land Use Map. It is also consistent with several goals and policies of the Comprehensive Plan encouraging the creation of and maintenance of Commercial uses east of the River and policies encouraging the annexation of unincorporated islands.

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: The proposed Zoning District would expand a zoning district already present on adjacent property. The proposed zoning district closely fits the existing and historic use of the property, allowing the use to continue. The present use has shown compatibility with surrounding properties. The CC District, as a less intensive commercial use has been a suitable fit with the adjacent residential uses and other activities at the surrounding properties.

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 promoted by placing the property in a zoning district that is compatible with the existing use of the property, nearby properties, including adjacent residential and commercial uses.

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 proposed change will be a benefit to the public by first placing the property under local municipal jurisdiction with additional development standards, rather than two different county zoning district classifications, one not suited to the property's historical use. The

proposed zoning district also benefits the public by being in conformance with the goals and policies of the Comprehensive Plan.

5. Is the subject property suitable for the zoned purpose?

Finding: The proposed CC District permits small to medium scale retail, office, service and entertainment uses under 25,000 square feet per user or stand-alone building. The neighborhood context fits the proposed zoning and the property, its existing building, and use of the site also fits the proposed zoning district.

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 is developed for commercial use and is not vacant land. The building only has recently become vacant, in part due to circumstances related to the COVID-19 pandemic and the related public health limitations on large gatherings.

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

Finding: The Comprehensive Plan identifies this parcel for Community Commercial use along with other adjacent properties. Overall, there are relatively few parcels within the City with the proposed CC Community Commercial District.

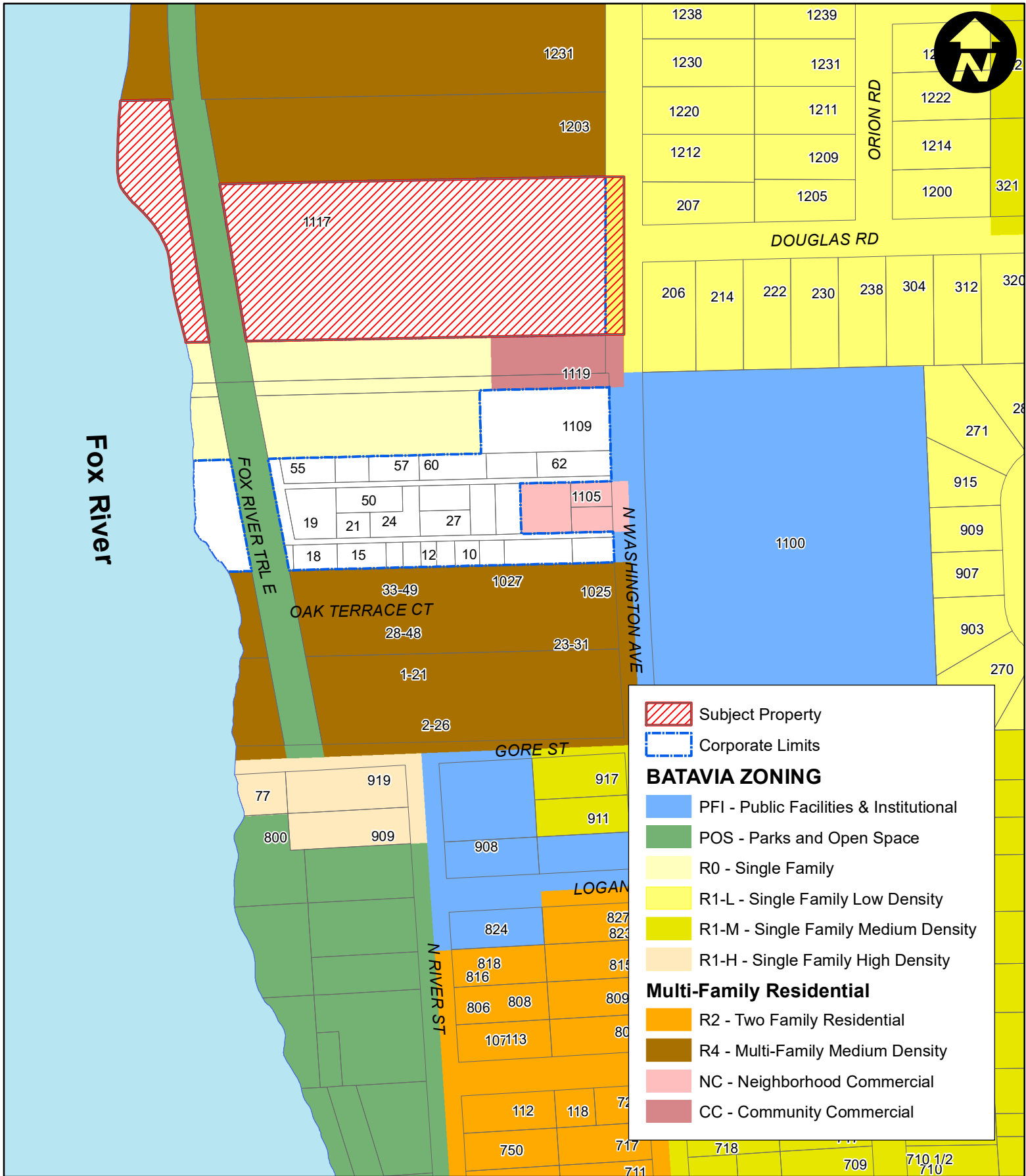
Staff Recommendation

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

1. Approve Findings and Review of Conditions; and
2. Recommend approval of an amendment to the Zoning Map to zone the property located at 1117 North Washington Avenue to the CC Community Commercial District

Attachment: Proposed Zoning Map Amendment Exhibit

- c Mayor and City Council
Department Heads
Media



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Proposed Rezoning of 1117 North Washington Avenue

