

DATE: August 14, 2020

TO: Plan Commission

FROM: Drew Rackow AICP, Planner

SUBJECT: PUBLIC HEARINGS:

- Amendment to the Comprehensive Plan Land Use Map from Residential >0.5-2 Dwelling Units per Acre to Parks and Open Space for 2041 Stiers Court
- Amendments to the Official Zoning Map to the POS Parks & Open Space District (from R0 Single Family Residential District)
 - 950 & 951 Moorehead Drive
 - 734 Ridgelawn Trail
 - 2041 Stiers Court
 - 960, 970, 1101 & 1106 Wind Energy Pass

City of Batavia, Applicant

Background and Summary of Information: On August 19th, public hearings are scheduled to consider proposed amendments to the Official Zoning Map for eight stormwater management parcels owned by the City of Batavia in the southeast quadrant of the City (see the attached map for a depiction of these locations). In addition to this action, the public hearing will also consider a Comprehensive Plan Land Use Map amendment for 2041 Stiers Court to reclassify this property on the Land Use Map from Residential >0.5-2 Dwelling Units per Acre to Parks & Open Space. The Zoning Map amendments would reclassify the eight subject properties from R0, Single Family Residence District to POS, Parks and Open Space District. Most of the properties were acquired with the development of their respective subdivisions. 2041 Stiers Court was acquired in 2015 through a quiet title suit, as it was never deeded with the original development. Being under private ownership when the Comprehensive Plan was adopted in 2007, this property was not designated Parks & Open Space at that time. Below is a table with information about each parcel.

Subject Parcel	Acreage	Present Comp Plan Designation	Adjacent Zoning Districts			
			North	East	South	West
950 Moorehead Dr	0.40	Parks & Open Space	R0*	F-Farming	R1-S	R0
951 Moorehead Dr	1.40	Parks & Open Space	R0*	F-Farming	R0	R0
734 Ridgelawn Trl	1.80	Parks & Open Space	R0	R0	R0	R0
2041 Stiers Ct	0.50	Residential >0.5-2 DU per Ac	R0	F-Farming	R0*	R0
960 Wind Energy Pass	1.10	Parks & Open Space	R0	F-Farming	R0*	R0
970 Wind Energy Pass	1.40	Parks & Open Space	R0*	F-Farming	R0	R0
1101 Wind Energy Pass	2.00	Parks & Open Space	R0	R0	R0*	R0
1106 Wind Energy Pass	0.50	Parks & Open Space	R0*	R0	F-Farming	F-Farming

*Notes: R1-S is a City of Aurora zoning designation. F is a Kane County zoning designation
* indicates this direction includes a subject property*

Staff Analysis: The proposed zoning map amendments place these eight properties in the zoning district most consistent with the use of the properties as publicly-owned stormwater detention facilities. The POS district is the only district that specifies stormwater facilities as a permitted use. It has been an ongoing project to place publicly owned detention facilities into this district. The classification memorializes the use of these properties for stormwater purposes. The POS district also restricts the development potential of each property by limiting the uses of the property and applying more limited bulk standards for structures. As there are no structures on these properties, no non-conforming conditions will be created with the proposed change.

Comprehensive Plan Amendment: Due to City acquisition of the property after the adoption of the Comprehensive Plan, the 2041 Stiers Court property did not receive a Land Use designation of Parks and Open Space. This designation was reserved for publicly owned open space, and large private open space areas. Staff provides the following analysis of this Land Use Map amendment for its conformance with the Comprehensive Plan Goals and Policies. Staff believes several Goals and Policies are met with this proposed change.

Land Use: The Land Use Element identifies through Goal 1, Policy e the importance of “proactively and fairly enforcing land use regulations.” This policy is met by placing a property in a Land Use category consistent with its intended long-term use. It also facilitates a Zoning action creating a conforming use of the property as a publicly owned detention area.

Environment: Goal 1 of the Environment Element to “Protect and enhance the City’s and the region’s air, land and water resources” is advanced through meeting Policy e. “Minimize erosion, storm water runoff and pollution by requiring the use of best management practices, including limits on pesticide use, for all construction activities, especially adjacent to wetlands.” This parcel functions as a storm water management facility that provides for erosion control and cleaning of storm water to enhance water quality.

Parks and Open Space: Goal 1 of this element is to “Provide an abundant supply of parks and open spaces,” is met with Policy f “Preserve or reclaim property adjacent to waterways for open space use and to help improve the quality of water that enters the waterways – preserve and enhance naturalized settings.” The zoning change recognizes the need for storm water management to preserve the larger watershed.

Utility Impacts: Staff identifies no impact to the City’s utilities or the City’s infrastructure with the Comprehensive Plan Land Use map amendment. Sufficient utilities and infrastructure exist for the continued use of the property with a Parks and Open Space designation.

Staff believes the proposed change would designate an appropriate use of the property, placing the Land Use category for 2041 Stiers Court in a classification reflective of the long term intended use of the property.

Comprehensive Plan Conformance Analysis for Zoning Map Amendments: The goals and policies noted within the analysis of the Comprehensive Plan analysis for 2041 Stiers Court are similarly applicable to the proposed change of zoning for the eight subject parcels. The placement of properties in a proper district for their use is critical for the appropriate regulation and management of uses within the community. The properties range from manicured to fully naturalized areas, each provides important functions of cleaning stormwater before being conveyed to the larger watershed.

Overall, staff believes these proposed Zoning Map amendments are compatible with the surrounding areas and is an appropriate action for consideration and recommendation. 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 properties pursuant to City Code. Signs were posted on the properties 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 as modified. It is also consistent with several goals and policies of the Comprehensive Plan by placing the properties in a zoning category that is most appropriate for the present use as stormwater management areas.

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 Parks and Open Space District is adjacent to residential districts throughout the City. The current uses are already established and are compatible with the use of nearby 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. The value of nearby properties already takes into account the present use.

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.

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 provides a greater gain to the public, by placing appropriate use and bulk standards on the properties, while preserving their use as stormwater management areas. The City owns the properties for a public benefit.

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

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

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 been no vacancy since platting.

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

Finding: The parcels were platted to fulfill a community need by providing the necessary stormwater management areas for their subdivisions for their development. The proposed change recognizes this necessary use.

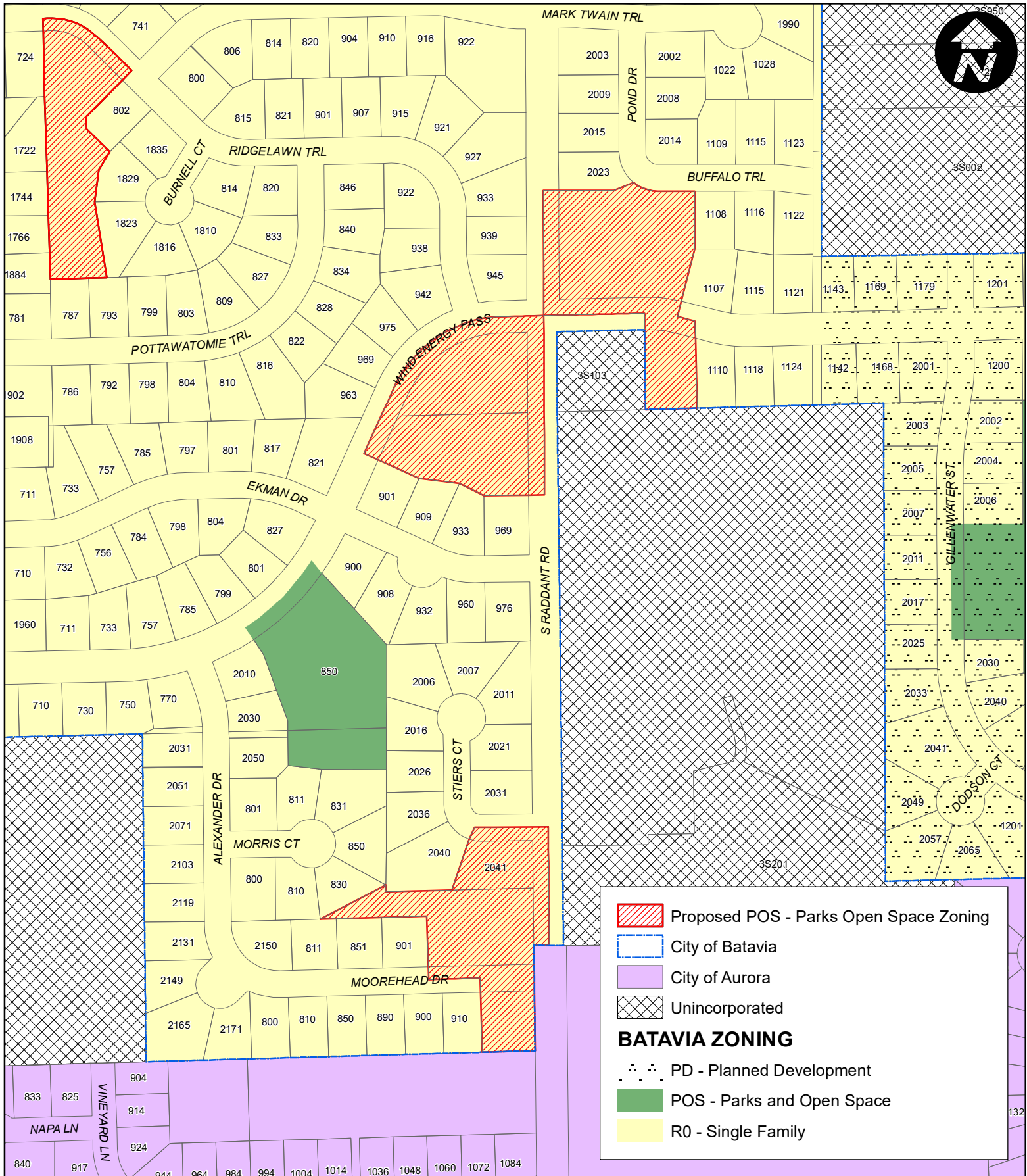
Staff Recommendation

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

1. Recommend approval of a Land Use Map Amendment for 2041 Stiers Court revising the designated Land Use from Residential >0.5-2 Dwelling Units per Acre to Parks and Open Space
2. Approve Findings and Review of Conditions for the Zoning Map Amendment; and
3. Recommend approval of an amendment to the Zoning Map to zone the subject properties from the R0 Single Family Residence District to the POS Parks and Open Space District

Attachment: Proposed Zoning Map Amendment Exhibit

- c Mayor and City Council
Department Heads
Media



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Proposed Rezoning of Detention Parcels to Parks Open Space (POS) near Raddant Rd

