

**DATE:** January 28, 2021  
**TO:** Plan Commission  
**FROM:** Joel Strassman Planning and Zoning Officer  
**SUBJECT: PUBLIC HEARINGS**

- Amendment to the Comprehensive Plan Land Use Map to Service Business (from Light Industrial), 106-110 North Raddant Road
- Amendment to the Official Zoning Map to the SB Service Business District (from LI Light Industrial District), 106-110 North Raddant Road  
City of Batavia, Applicant

**Background and Summary of Information:** Batavia staff periodically evaluates uses and zoning for properties to determine if a more appropriate zoning classification can better accommodate existing uses while allowing additional uses that better fit the surroundings. Batavia staff has initiated these proposed land use and zoning changes resulting from a recent evaluation of the property at 106-110 North Raddant Road. A public hearing is scheduled for the February 3, 2021 Plan Commission e-meeting to consider proposed amendments to the Comprehensive Plan Land Use Map and Official Zoning Map for the property located at 106-110 North Raddant Road and the stormwater management property that serves this property abutting to the east. These properties are shown on the attached maps. **These proposed amendments do not include and are not in anticipation of any development on the property or change in land use of the building or property.**

The subject property is the only property in the vicinity south of the BNSF Railroad that has industrial designation on both the Comprehensive Plan Land Use Map and Official Zoning Map. Staff feels this property should be considered for Service Business land use classification on the Land Use Map and for the SB Service Business District on the official Zoning Map. Such designations will increase the distance to nearby residences from industrial zoning and provide a zoning district that will be more compatible with adjacent properties. The changes also will restrict industrial zoning in this area to the BNSF and properties to the north of the railroad.

The building at 106-110 North Raddant contains 9,000 square feet and the lot covers 32,418 square feet (0.74 acres). The stormwater management lot is 8,029 square feet. The building is home to 3 businesses: an electrical contractor, a flooring/remodeling contractor, and automobile repair/service provider. This property is part of a planned development approval ([Ordinance 08-37](#)) that included construction of the building to the south and specification of providing 94 parking spaces on both properties combined to serve both buildings. The proposed Map Amendments do not affect this approval.

**Staff Analysis:**

Comprehensive Plan Amendment

- The Land Use Element provides the Land Use Classifications of “Service Business” and “Light Industrial.” Service Business includes land uses such as quasi-industrial uses and small-scale office, service, and indoor storage. The business occupying the building fit this classification. Light Industrial identifies warehousing and light manufacturing uses that are not present on the property. Service Business classified land is located directly across Raddant Road.

Land Use Element Goal #1 (“Maintain Batavia as an attractive place to live, work, shop, and play with a balance of land uses”) contains policies to protect employment land uses and encourage a health mix of uses. The proposed amendment would continue to allow employment land uses that are more compatible with adjacent commercial and service business uses while increasing the distance of potential light and general manufacturing uses.

Land Use Element Goal #8 seeks to provide gradual transitions from areas of higher intensity use to lower intensity use. Policies include transitioning industrial use to service business when adjacent to residential neighborhoods and to have rail lines separate land use classification areas. The proposed amendment would increase separation of potential light and general manufacturing use to the residential neighborhood on the south side of Wilson Street and continue the rail line to separate classification areas.

- The Public Facilities and Services Element states Goals and Policies to ensure the City can adequately serve the properties. The proposed amendment does not provide for an intensification of land use; in fact, with manufacturing use not part of Service Business land use, the impact on some City services may be reduced. The City would continue to adequately serve the property.
- The Economic Development and Redevelopment Element contains goals and policies that seek to expand employment and commerce. While the proposed amendment to Service Business eliminates light and general manufacturing uses promoted in Light Industrial, uses such as medical offices and clinics are permitted in the SB Service Business zoning district. Staff notes the size of the building is not conducive to manufacturing use.
- Staff notes that other Comprehensive Plan Elements are minimally applicable to the proposed amendment.

#### Zoning Map Amendment

The goals and policies noted in the analysis of the Comprehensive Plan are similarly applicable to the proposed amendment to the SB Service Business District. In addition to eliminating light and general manufacturing use being allowed on the property, a business providing outdoor storage for customers would require approval of a conditional use permit (currently, it is a permitted use) wherein the Commission can recommend, and the City Council can require heightened landscaping/screening to soften the impact of the outdoor use. Staff notes that restaurants would no longer be allowed with the amendment, but the site as currently configured is incapable of providing the necessary parking if the building became a restaurant. The introduction of medical use being allowed provides potential lease space for a still growing business sector.

The existing electrical contractor and flooring/remodeling contractor would be permitted uses in the SB District. The automobile repair/service business would be allowed as a grandfathered conditional use, per the rights and limitations of the non-conforming uses Chapter of Zoning Code (Chapter 4.6). Establishment of automobile service in a space that does not, or did not recently, have such use would require approval of a conditional use permit. The use of automobile repair/service can remain in the existing lease space, providing services offered today.

The adjacent properties are zoned as follows:

- To the west – SB Service Business District with primarily conforming and grandfathered conditional uses;
- To the south – NC Neighborhood Commercial District with conforming and conditional uses;
- To the east – O Office District with conforming uses;
- To the north – LI Light Industrial District containing the BNSF Railroad right-of-way.

As of the date of this memorandum, staff has not had contact from the property owner after informing him of both contemplated amendments via email and US Mailed letter on December 23, 2020. He has not contacted staff in response to the required hearing notification letter or sign posting on his property. Staff believes the proposed SB District and uses it allows would be compatible with these properties.

The Plan Commission must review and approve the following Findings and Review of Conditions with a Zoning Map Amendment; no findings are required for the Land Use 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:** Hearing Notice was published in the Daily Herald on January 14, 2021. City staff executed the notice mailing and posting of the properties pursuant to City Code. A sign was posted on the property on or before January 14, 2021. Staff completed mailing notice to the owner of the subject property and owners whose property is within 500 feet of the subject property on the January 15.

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

**Finding:** The Plan Commission shall on February 3, 2021 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 being considered and will be acted on concurrently with a proposed amendment to the Land Use Map to classify the subject properties with the land use category of Service Business. The proposed Zoning Map amendment will be consistent with the amended Land Use Map. The Zoning Map amendment is also consistent with several goals and policies of the Comprehensive Plan by placing the property in a zoning district that is appropriate for present uses on the property, consistent with zoning and uses on adjacent properties, and limits industrial zoning in the area to a portion of the BNSF railroad right-of-way and to properties to the north.

#### **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 SB Service Business District would adjoin the existing SB District to the west, and would be bordered by the NC Neighborhood Commercial, O Office, and LI Light Industrial districts. The proposed SB District allows a variety of quasi-industrial uses, offices, and medical office use that would be compatible with existing adjacent uses that include automobile service, neighborhood commercial, office, and railroad.

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 proposed amendment. The proposed amendment would not alter the current uses of the properties and would ensure that light and general manufacturing are not allowed.

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 in a zoning district that does not allow light and general manufacturing use.

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 further distancing light and general manufacturing use from nearby residential uses, and other non-light and general

manufacturing uses. There would be little hardship imposed on the properties' owner due to the use opportunities in the proposed district that would be compatible with nearby uses.

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

**Finding:** The properties are presently used consistent with what is allowed in the proposed district, therefore the properties would be suitable for the proposed zoned purpose.

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 are developed and have been used for their proposed purpose. There is no vacancy.

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

**Finding:** The City has little SB District-zoned property as compared to the present LI District. Increasing the amount of SB District-zoned property will allow for additional uses on the property that are more compatible with adjacent property and nearby residences than are light and general industrial uses. The proposed change accommodates a need for more SB District property.

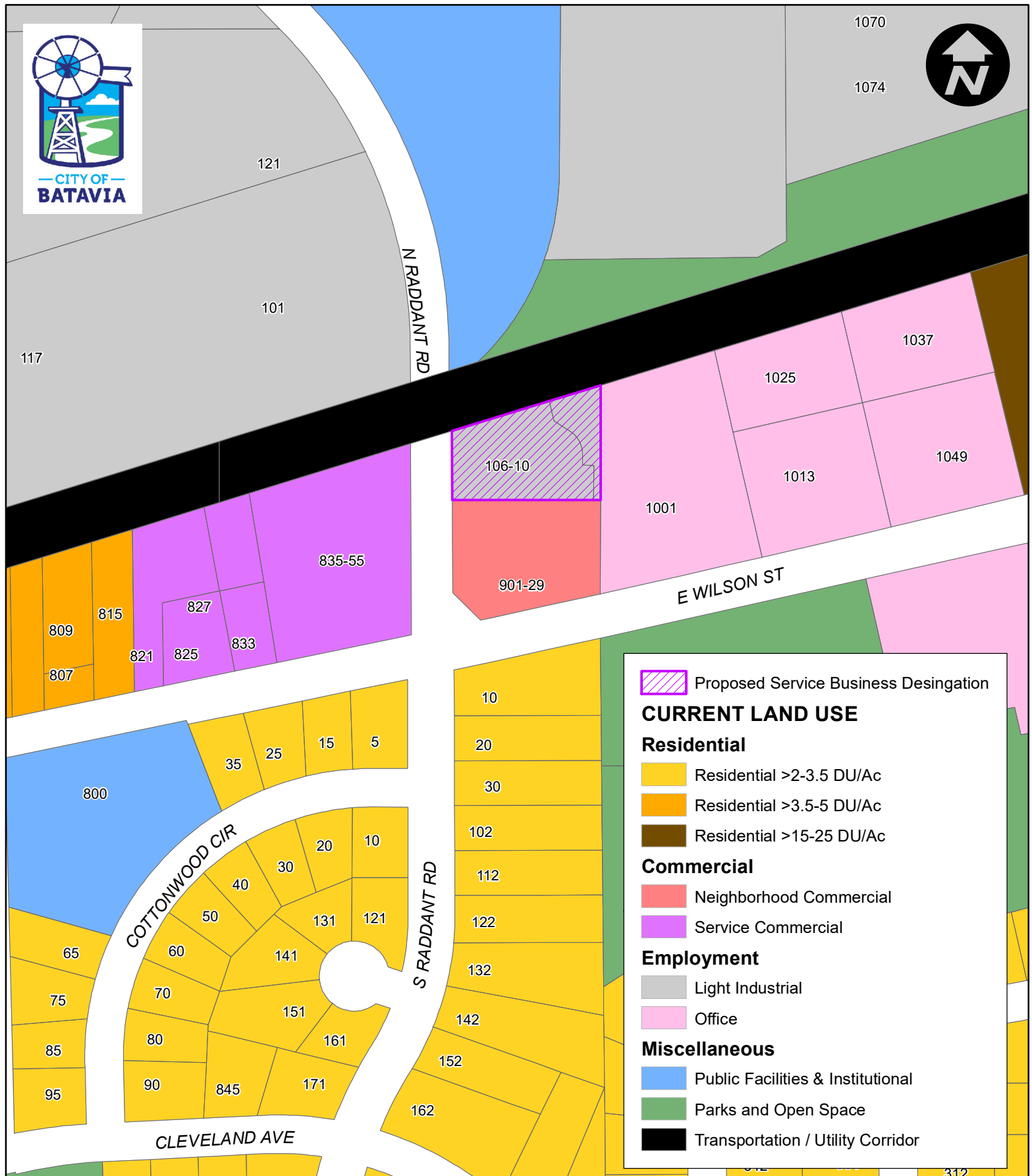
### **Staff Recommendation**

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 106-110 North Raddant Road and the stormwater management property abutting to the east to reclassify the subject properties from Light Industrial to Service Business;
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 LI Light Industrial District to the SB Service Business District.

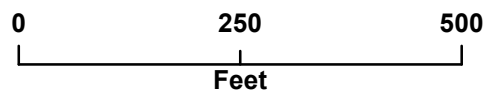
Attachment: Proposed Land Use Map and Zoning Map Amendment Exhibits

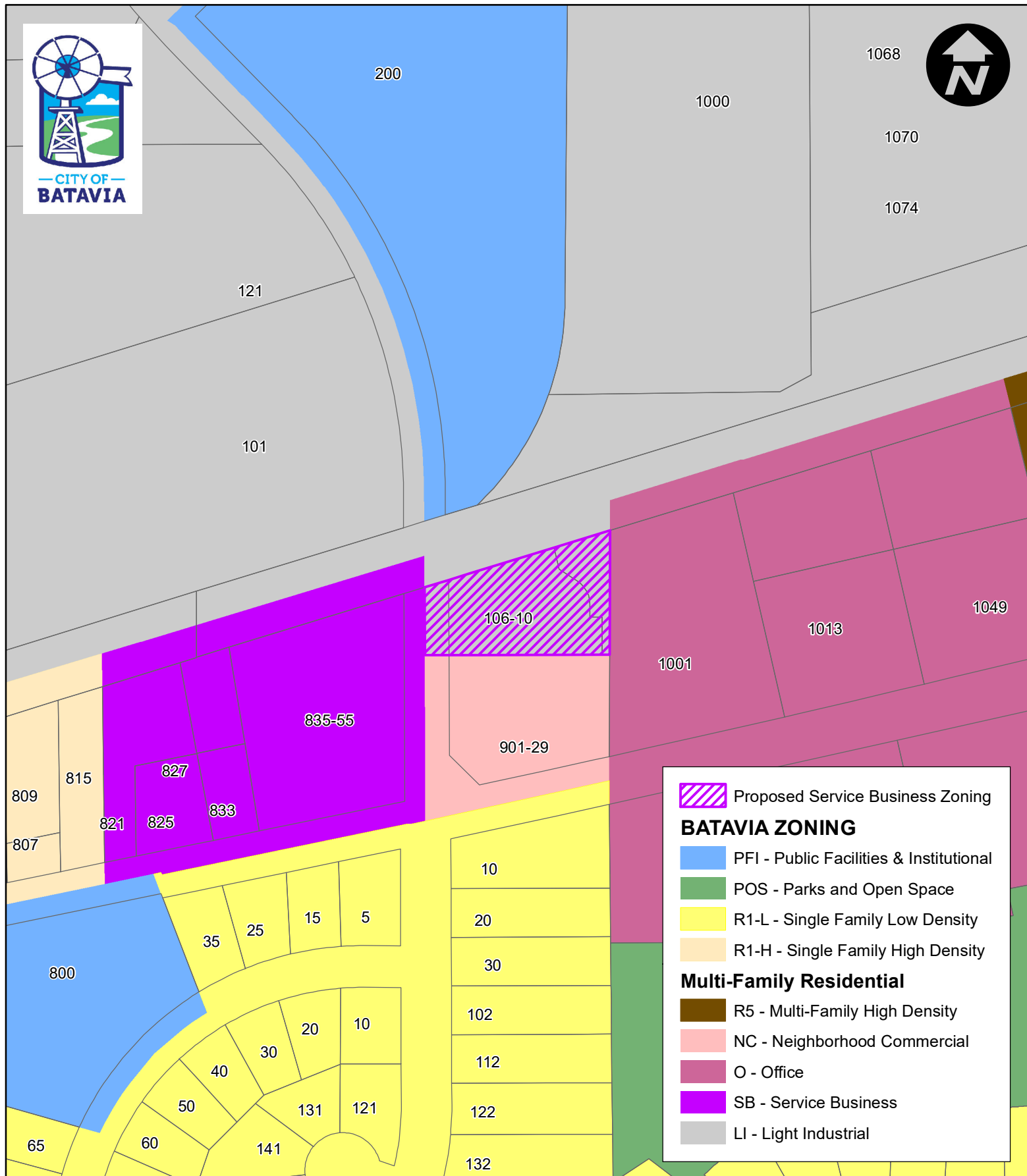
- c Mayor and City Council  
 Department Heads  
 Ronald Ekstrom, property owner  
 Media



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### Proposed Land Use Amendment to Service Business at 106-110 N Raddant Rd





**Proposed Service Business Zoning**

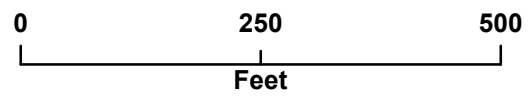
**BATAVIA ZONING**

- PFI - Public Facilities & Institutional
- POS - Parks and Open Space
- R1-L - Single Family Low Density
- R1-H - Single Family High Density

**Multi-Family Residential**

- R5 - Multi-Family High Density
- NC - Neighborhood Commercial
- O - Office
- SB - Service Business
- LI - Light Industrial

**Proposed Rezoning to Service Business  
106-110 N Raddant Rd**



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