

DATE: January 29, 2021

TO: Plan Commission

FROM: Drew Rackow AICP, Planner

SUBJECT: PUBLIC HEARINGS:

- Amendments to the Comprehensive Plan Land Use Map Designations
 - 320 Kielion Drive and 1728 Wiesbrock Lane from Residential >2-3.5 Dwelling Units per Acre to Parks and Open Space
 - 1007 Edwards Drive and 700 Norcross Drive from Residential >.5-2 Dwelling Units per Acre to Parks and Open Space
 - Amendments to the Official Zoning Map
 - 320 Kielion Drive and 1728 Wiesbrock Lane from R1-L Single Family Residential, Low Density to POS Parks & Open Space District
 - 1007 Edwards Drive and 700 Norcross Drive from R0 Single Family Residence District to POS Parks & Open Space District
- City of Batavia, Applicant

Background and Summary of Information: On February 3rd public hearings are scheduled to consider two sets of amendments to both the Comprehensive Plan Land Use Map and Zoning Map for two pairs of stormwater management parcels owned by the City of Batavia in the southeast quadrant of the City (see the attached map). The four properties were not conveyed to the City, as originally contemplated by their development approvals. They were subsequently acquired between November 2013 and April 2014. 1320 Kielion Drive and 1728 Wiesbrock Drive serve the Cherry Cove Subdivision. 700 Norcross Drive serves the Fox Trail East Subdivision. 1007 Edwards Drive serves the Normandy Subdivision. Being under private ownership when the Comprehensive Plan and Zoning Code were adopted in 2007 and 2010, these properties were not designated Parks & Open Space Land Use or POS Zoning.

The Zoning Map amendments would reclassify the four subject properties to the Parks and Open Space Land Use classification and the POS, Parks and Open Space Zoning District. Below is a table with information about each parcel.

Subject Parcel	Acreage	Current Land Use Designation	Current Zoning District	Adjacent Zoning Districts*			
				North	East	South	West
1320 Kielion Dr	0.50	Residential >2-3.5 DU per Ac	R1-L	R1-L	F-Farming	F-Farming	R1-L
1728 Wiesbrock Ln	0.20	Residential >2-3.5 DU per Ac	R1-L	R1-L	F-Farming	F-Farming	R1-L
1007 Edwards Dr	1.10	Residential >0.5-2 DU per Ac	R0	POS	R0	R0	PFI
700 Norcross Dr	1.10	Residential >0.5-2 DU per Ac	R0	R0	R0	POS	R0

* F is a Kane County zoning designation

Staff Analysis: The proposed zoning map amendments place these four 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. Only one of the four lots (700

Norcross Drive) is expressly dedicated as Stormwater Detention areas on their original plat of subdivision. The Cherry Cove ponds are noted as being dedicated but rely on the Annexation Agreement to specify that they are for stormwater purposes. This agreement expired in 2015. Similarly, the expired Annexation Agreement for Normandy Subdivision include the identification of dedication of the property for stormwater purposes. While now City owned, the proposed zoning district would limit development and use in a manner like those now expired agreements. The POS District 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, therefore 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, these properties did not receive a Land Use designation of Parks and Open Space. This designation was reserved for publicly owned open space, and large private areas restricted to open space uses. Staff provides the following analysis of the proposed Land Use Map amendments for their conformance with the Comprehensive Plan Goals and Policies. Staff believes several Goals and Policies are met with the proposed changes.

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 the properties in a Land Use category consistent with their intended long-term use. It also facilitates a Zoning action creating a conforming use of the properties as publicly owned detention areas.

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.” These parcel functions as a storm water management facility that provides for erosion control and cleaning of storm water to enhance water quality. The Edwards Drive pond was converted to a naturalized detention area in 2015. The Comprehensive Plan encourages more naturalized forms of detention through Goal 1, Policy g which seeks to “Reduce impervious surfaces through the use of permeable pavers and similar techniques, to promote the recharge of local aquifers and to provide natural pretreatment of stormwater runoff.” Its location next to a Middle School offers a convenient opportunity for environmental education consistent with Goal 3, Policy C “Educate residents, businesses, and visitors to increase awareness of environmental issues and programs” by providing an opportunity to demonstrate naturalized detention.

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. Goal 5, Policy B is similarly advanced, which states “Encourage stormwater management areas to be designed with native vegetation and to accommodate active and/or passive recreational use.” The use of naturalized detention and adjacency to the Illinois Prairie Path allows several of the subject properties to provide a larger public benefit by providing additional open space near public spaces.

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 these four properties 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 are similarly applicable to the proposed change of zoning for the four 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. 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. These draft findings are written to be applicable to both pairs of zoning actions.

Draft Findings and Review of Conditions:

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 January 11. Staff completed mailing notice to owners whose property is within 500 feet of the subject property on January 13. Notice was published in the Daily Herald on January 14, 2021.

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 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 amendments are consistent with the Official Land Use Map as it is proposed to be amended. 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.

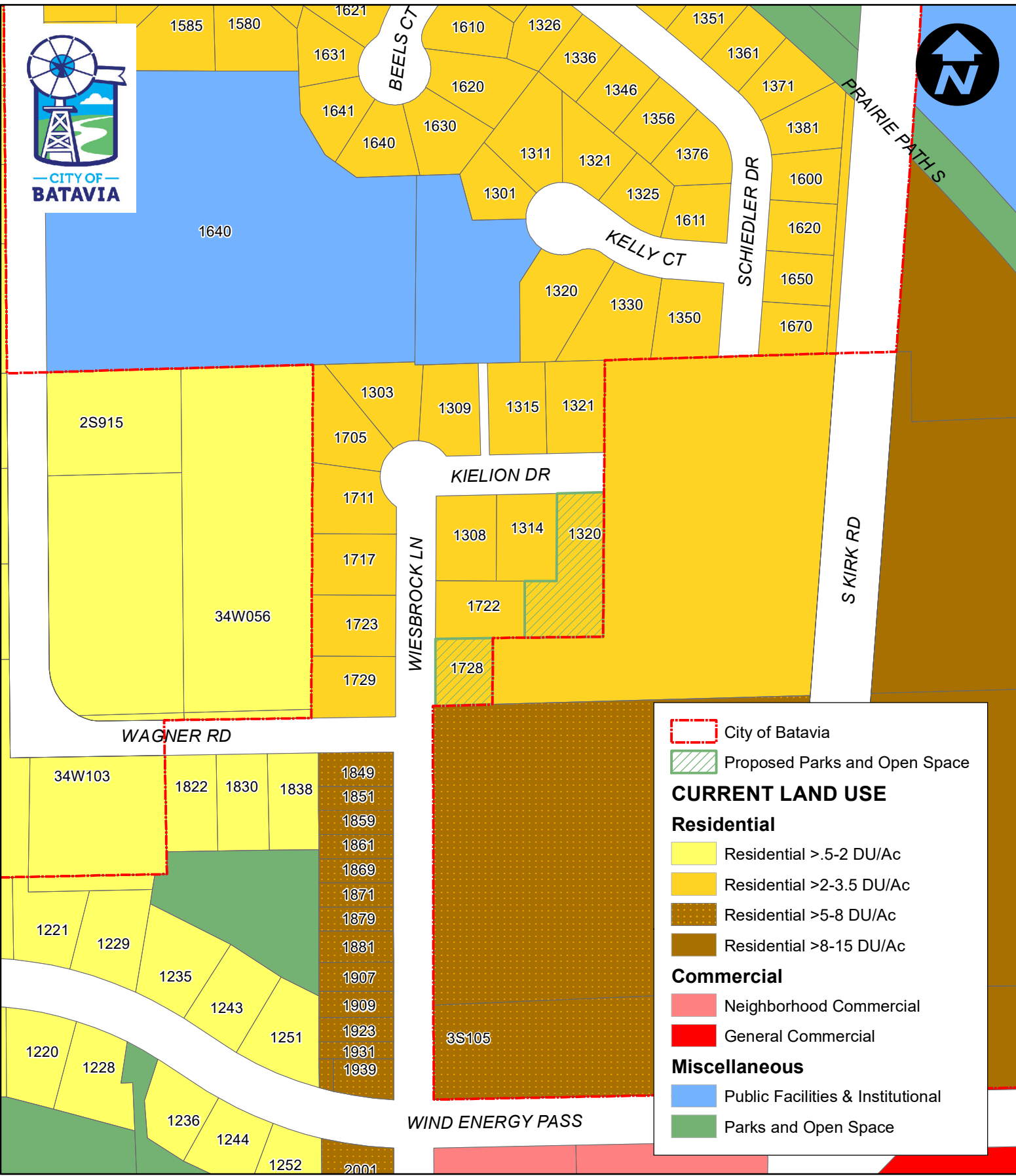
Staff Recommendation

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

1. Recommend approval of amendments to the Comprehensive Plan Land Use Map for:
 - a. 320 Kielion Drive and 1728 Wiesbrock Lane from Residential >2-3.5 Dwelling Units per Acre to Parks and Open Space
 - b. 1007 Edwards Drive and 700 Norcross Drive from Residential >.5-2 Dwelling Units per Acre to Parks and Open Space
2. Approve Findings and Review of Conditions for each pair of Zoning Map Amendments; and
3. Recommend approval of amendments to the Zoning Map to reclassify:
 - a. 320 Kielion Drive and 1728 Wiesbrock Lane from R1-L Single Family Residential, Low Density to POS Parks & Open Space District
 - b. 1007 Edwards Drive and 700 Norcross Drive from R0 Single Family Residence District to POS Parks & Open Space District

Attachment: Proposed Land Use Map Exhibits
 Proposed Zoning Map Exhibits

- c Mayor and City Council
 Department Heads
 Media



City of Batavia

Proposed Parks and Open Space

CURRENT LAND USE

Residential

- Residential >.5-2 DU/Ac
- Residential >2-3.5 DU/Ac
- Residential >5-8 DU/Ac
- Residential >8-15 DU/Ac

Commercial

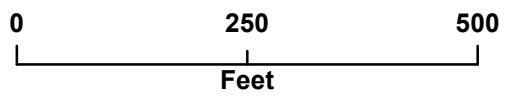
- Neighborhood Commercial
- General Commercial

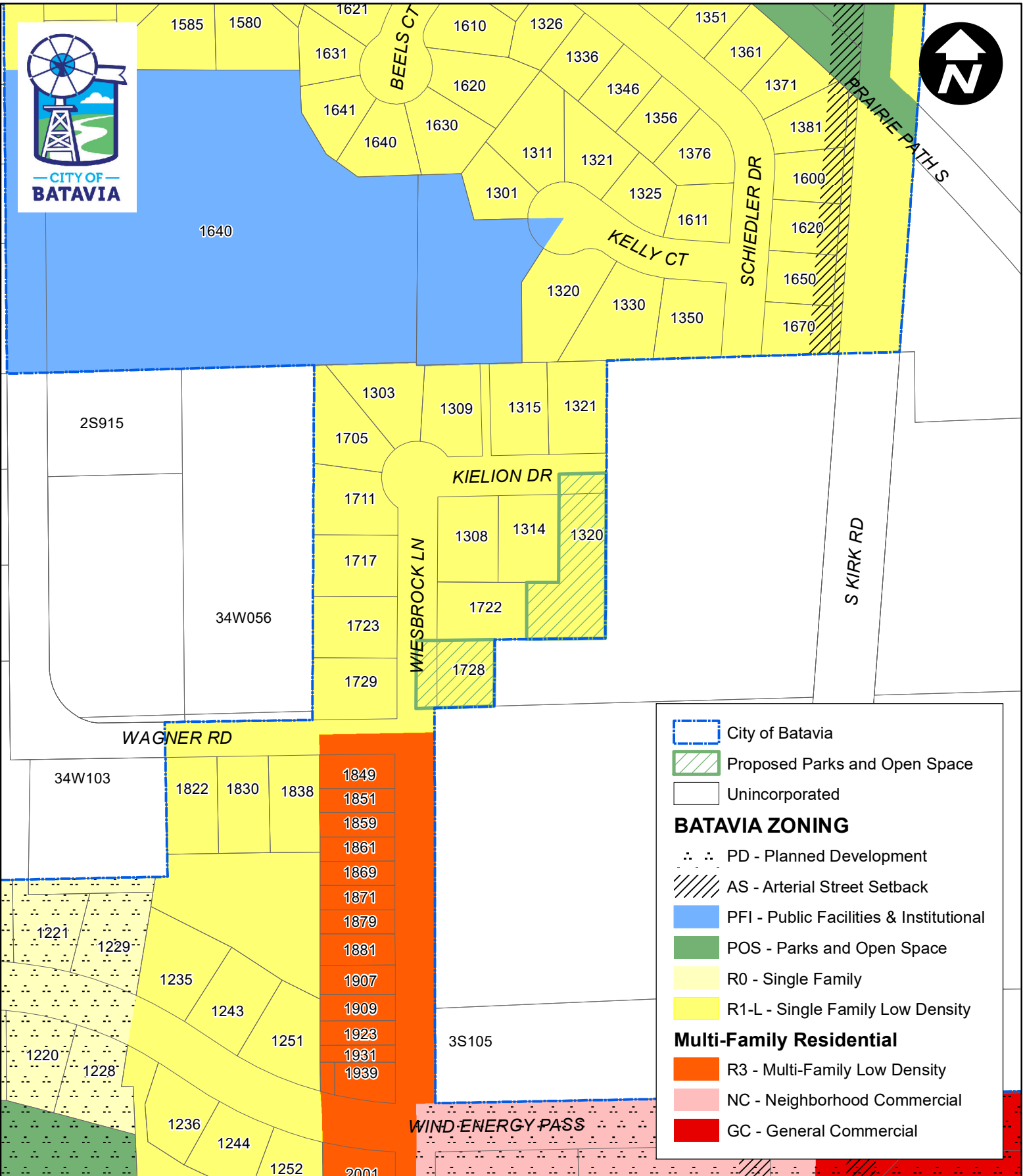
Miscellaneous

- Public Facilities & Institutional
- Parks and Open Space

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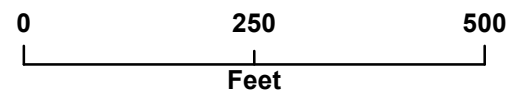
Proposed Land Use Map Amendment in Cherry Cove Subdivision

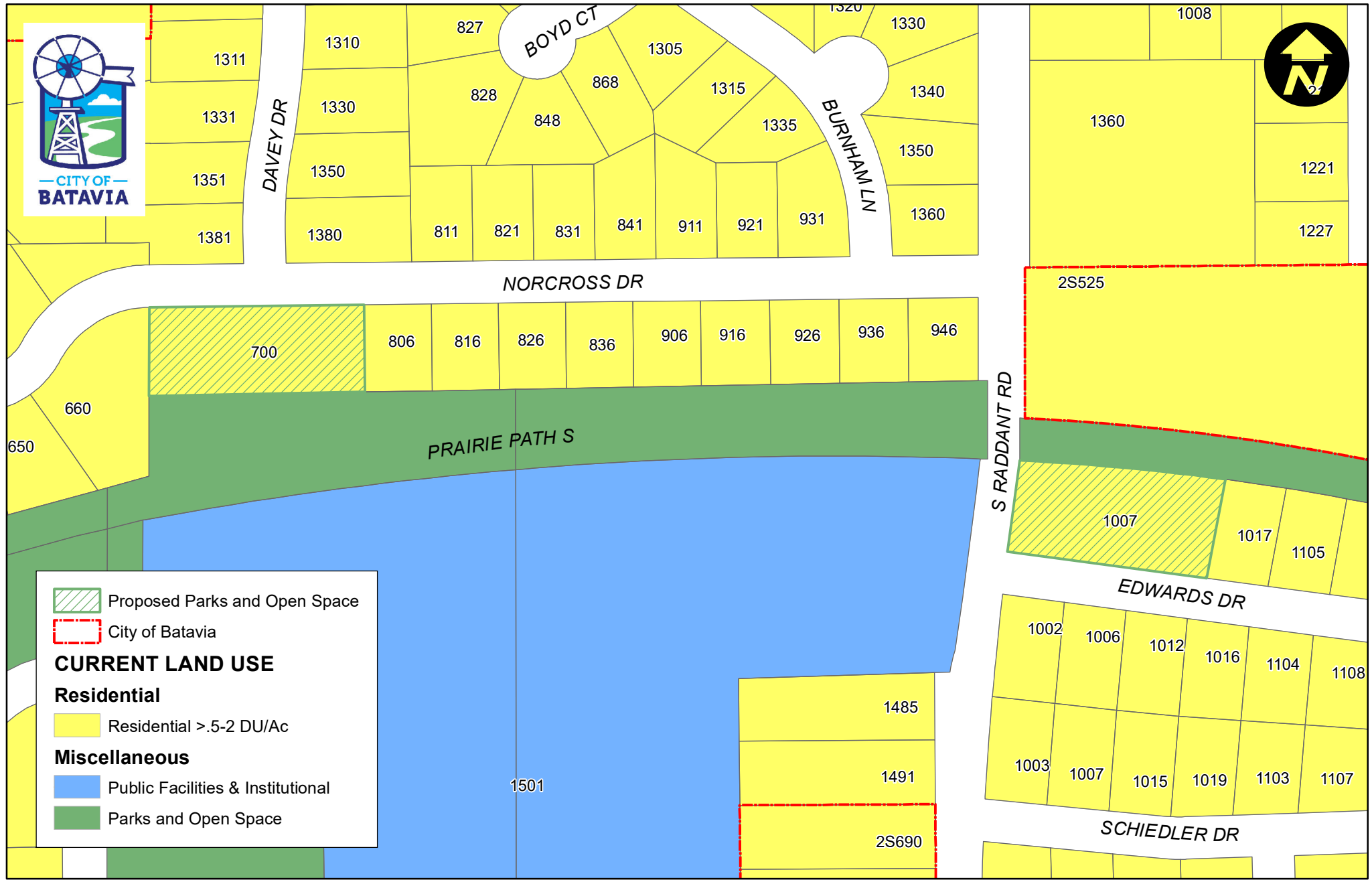




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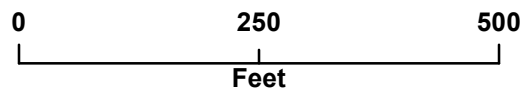
Proposed Rezoning of Detention Parcels in Cherry Cove Subdivision

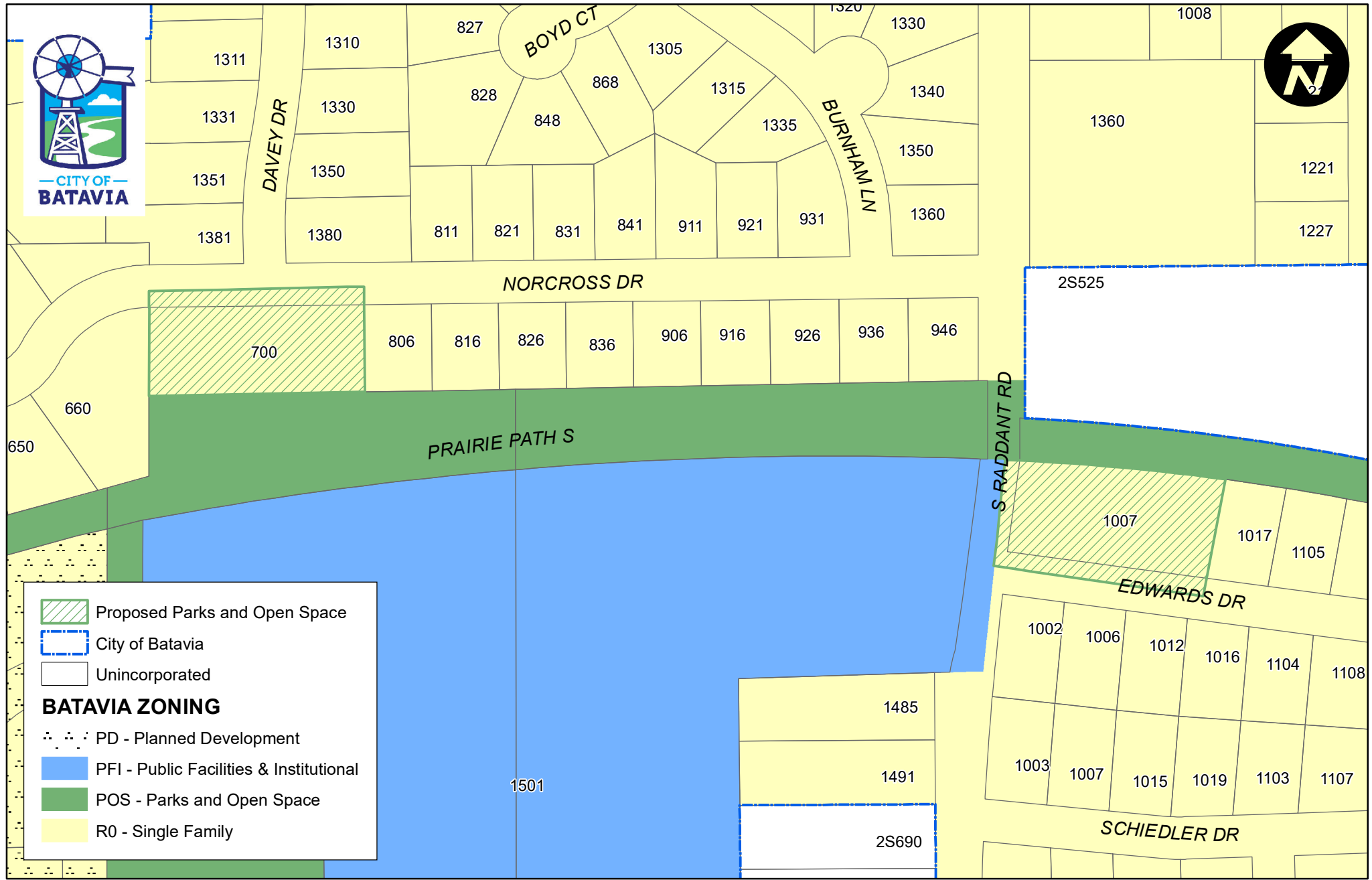











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Proposed Parks and Open Space Rezoning at Norcross Drive and Edwards Drive





 Proposed Parks and Open Space
 City of Batavia
 Unincorporated
BATAVIA ZONING
 PD - Planned Development
 PFI - Public Facilities & Institutional
 POS - Parks and Open Space
 R0 - Single Family

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Proposed Parks and Open Space Rezoning at Norcross Drive and Edwards Drive

