

TO: Committee of the Whole
FROM: Joel Strassman, Planning and Zoning Officer
DATE: February 17, 2021
SUBJECT: • **Ordinance 21-15: Amendment to the Comprehensive Plan Land Use Map to the Service Business Land Use Classification**
• **Ordinance 21-16: Amendment to the Official Zoning Map to SB Service Business Zoning District**
106-110 North Raddant Road and Adjacent Stormwater Management Facility
City of Batavia, applicant

Summary: Attached Ordinances 21-15 and 21-16 would amend the Comprehensive Plan Land Use Map and Official Zoning Map to classify the property located at 106-110 North Raddant Road and the adjacent stormwater management property with the Service Business land use designation and zone the property SB Service Business District. Both properties currently have Light Industrial land use designation and are zoned LI Light Industrial. The LI District allows light and general industrial use. Please refer to the [January 28 staff memorandum to the Plan Commission](#) for more information.

Background: 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 evaluated the property at 106-110 North Raddant Road and determined that extending the existing SB District located across Raddant Road can fit the existing land uses on the property while providing greater separation from nearby residences to light and general industrial zoned land. These properties are the only industrially zoned properties south of the BNSF railroad tracks in this area. Staff notified the property owner in December of its intention to propose the map amendments, sent the required hearing notice mailing, and contacted the owner again before the hearing and before the COW meeting to direct him to online meeting agendas and staff memos.

The Service Business land use designation can provide a land use transition from industrial uses to the north to commercial and residences to the south. The City can adequately serve the property with Service Business uses. The SB District allows the existing contractors' offices and vehicle service business that occupy the 9,000 square foot office building on a 32,418 square feet (0.74 acres) lot. The stormwater management lot is 8,029 square feet. The SB District does not allow light and general industrial uses but does permit medical offices and urgent care facilities. The proposed Zoning Map Amendment would eliminate the only industrially zoned property south of the railroad tracks in this area.

Plan Commission Review and Action: The Plan Commission conducted the public hearing during an online meeting on February 3, 2021. Neither the owner nor any citizens spoke or submitted comments. The Commission was supportive of the proposed amendments, noting the proposed land use designation and SB District would be appropriate for the property and the surrounding area. The Commission stated the amendments would conform to several goals and policies of the Comprehensive Plan, as identified in the staff memo. The Commission also reviewed the required findings and review of conditions for the Zoning Map Amendment.

By votes of 6-0 (1 seat vacant), the Commission took the following actions:

- Recommended the City Council approve the Amendment to the Comprehensive Plan Land Use Map as presented
- Approved findings and the review of conditions as listed in Ordinance 21-16 for the Amendment to the Official Zoning Map
- Recommended the City Council approve the Amendment to the Official Zoning Map as presented

Alternatives: COW can recommend approval, denial, continue its review, or remand the matter to the Commission if additional information is needed.

Impacts: Ordinance approvals for Service Business land use and zoning will classify the properties appropriately to best balance continuation of existing uses and ensuring future uses' compatibility with the surrounding area. Approval of the Zoning Map Amendment will remove the only LI District in this area south of the railroad tracks. The PC found no negative impacts to the property, its owner, nearby owners/residents, or to City services and staff.

Timeline for Actions: COW action on both Ordinances will allow for final City Council action on March 1.

Recommendation: Staff recommends approval of Ordinances 21-15 and 21-16 as presented.

Attachments

1. Draft Ordinance 21-15
2. Draft Ordinance 21-16

- c Mayor
Department Heads
Ronald J. Ekstrom, property owner
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-15**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE
CITY OF BATAVIA COMPREHENSIVE PLAN**

CITY OF BATAVIA, APPLICANT

**106-110 NORTH RADDANT ROAD AND
ADJACENT STORMWATER MANAGEMENT FACILITY**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 1ST DAY OF MARCH, 2021**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 2nd day of March, 2021

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-15**

**AN ORDINANCE AMENDING THE LAND USE MAP OF THE
CITY OF BATAVIA COMPREHENSIVE PLAN
CITY OF BATAVIA, APPLICANT**

**106-110 NORTH RADDANT ROAD AND
ADJACENT STORMWATER MANAGEMENT FACILITY**

WHEREAS, the Community Development Director, as authorized by Section 5.802.A of the City of Batavia Zoning Code has initiated a request to amend the Comprehensive Plan Land Use Map Amendment proposing to change the existing land use classification of Light Industrial to Service Business for the subject properties as shown on Exhibit A, attached hereto and legally described as:

LOT 1 AND LOT 3 AS DESIGNATED ON THE FINAL PLAT OF EKSTROM SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THE PLAT OF WHICH SUBDIVISION IS RECORDED ON DECEMBER 1, 2009 AS DOCUMENT NUMBER 2009K088527 IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS; SITUATED IN THE COUNTY OF KANE AND STATE OF ILLINOIS. (PINS: 1223202026 AND 1223202028)

WHEREAS, all required public notification regarding the intention of the City to amend the Land Use Map of the Comprehensive Plan, including notifications to the owner of the subject properties, were executed as required by the Batavia City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia Municipal Code by the Batavia Plan Commission on February 3, 2021; and

WHEREAS, following said hearing, the Plan Commission recommended approval of such Comprehensive Plan amendment; and

WHEREAS, on February 23, 2021, the Committee of the Whole reviewed the application, the record of the public hearing, and the action of the Plan Commission and recommended approval of such Comprehensive Plan Amendment in accordance with the Plan Commission recommendation; and

WHEREAS, the City Council of the City has received the recommendation of both the Batavia Plan Commission and Committee of the Whole and has considered same; and

WHEREAS, it is in the best interest of the City of Batavia that the Land Use Map of the Comprehensive Plan be amended.

CITY OF BATAVIA, ILLINOIS ORDINANCE 21-15

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the Land Use Map of the Comprehensive Plan is hereby amended in conformance with the terms of this Ordinance.

SECTION 2: That the lands comprised of 106-110 North Raddant Road and the adjacent stormwater management facility, as legally described herein, is hereby designated on the Land Use Map of the Comprehensive Plan as the Service Business land use classification, as shown on Exhibit A attached hereto, subject to all terms and conditions under the Municipal Code relating thereto.

SECTION 3: That this Ordinance 21-15 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this 1st day of March, 2021.

PASSED by the City Council of the City of Batavia, Illinois, this 1st day of March, 2021.

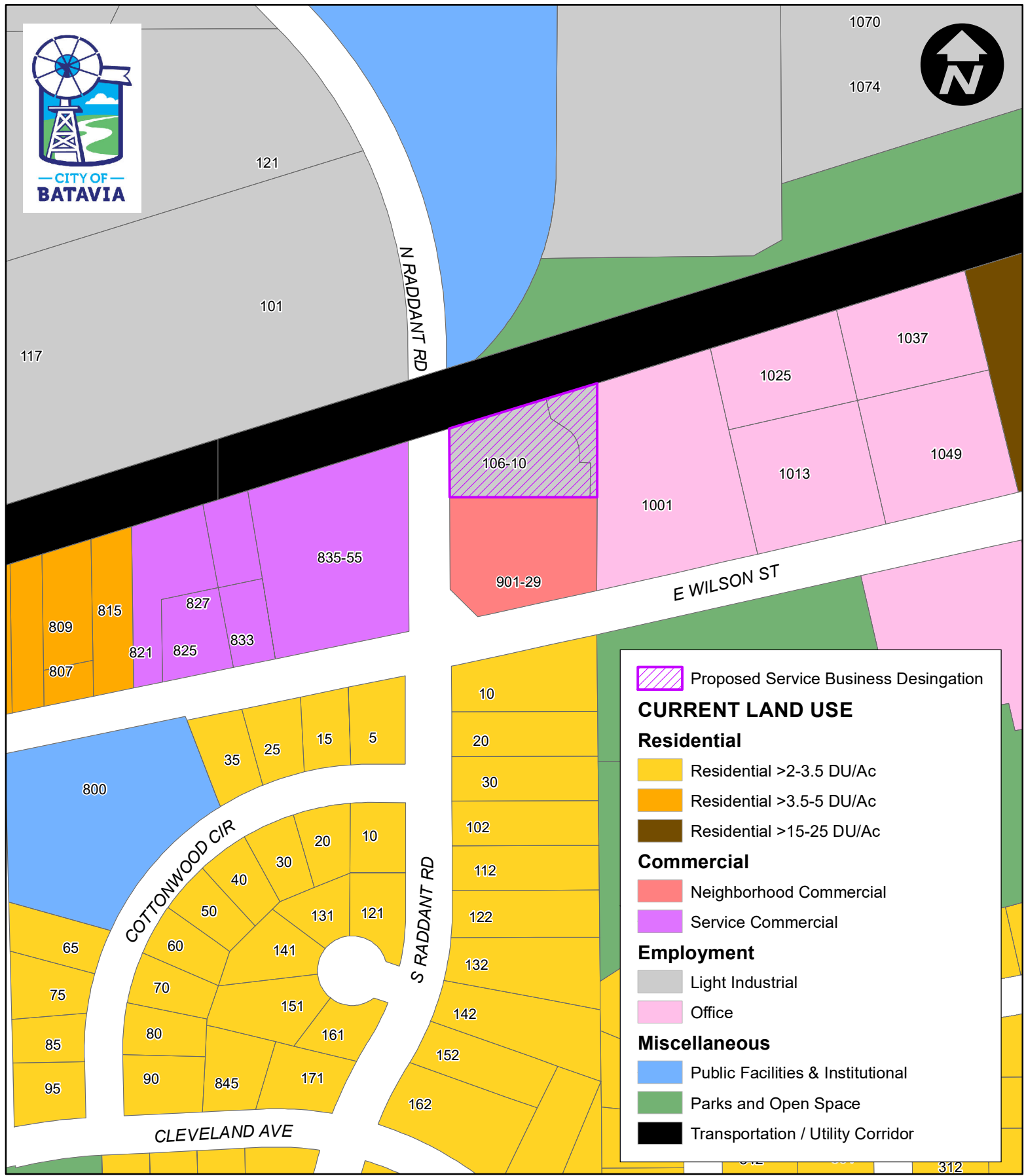
APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of March, 2021.


Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:




Ellen Posledni, City Clerk





 Proposed Service Business Desingation

CURRENT LAND USE



Residential

-  Residential >2-3.5 DU/Ac
-  Residential >3.5-5 DU/Ac
-  Residential >15-25 DU/Ac




Commercial

-  Neighborhood Commercial
-  Service Commercial

Employment

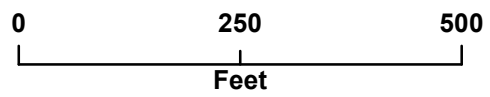
-  Light Industrial
-  Office

Miscellaneous

-  Public Facilities & Institutional
-  Parks and Open Space
-  Transportation / Utility Corridor

Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.

**Ordinance 21-15
Exhibit A**



**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-16**

AMENDING THE OFFICIAL ZONING MAP

CITY OF BATAVIA, APPLICANT

**106-110 NORTH RADDANT ROAD AND
ADJACENT STORMWATER MANAGEMENT FACILITY**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 1ST DAY OF MARCH, 2021**

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100 N. Island Ave.
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**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-16**

**AMENDING THE OFFICIAL ZONING MAP
CITY OF BATAVIA, APPLICANT**

**106-110 NORTH RADDANT ROAD AND
ADJACENT STORMWATER MANAGEMENT FACILITY**

WHEREAS, the Community Development Director of the City of Batavia, as authorized by Section 5.702.C of the City of Batavia Zoning Code has initiated a Zoning Map Amendment for proposing to change the Zoning District classification from the current LI Light Industrial District to the proposed SB Service Business District for the subject properties as shown on Exhibit A, attached hereto and legally described as:

LOT 1 AND LOT 3 AS DESIGNATED ON THE FINAL PLAT OF EKSTROM SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THE PLAT OF WHICH SUBDIVISION IS RECORDED ON DECEMBER 1, 2009 AS DOCUMENT NUMBER 2009K088527 IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS; SITUATED IN THE COUNTY OF KANE AND STATE OF ILLINOIS. (PINS: 1223202026 AND 1223202028); and

WHEREAS, all required public notification regarding the intention of the City to amend the Official Zoning Map for said Property, as legally described above, was executed as required by the Batavia City Code; and

WHEREAS, a public hearing was held on February 3, 2021 pursuant to the Batavia City Code by the Batavia Plan Commission; and

WHEREAS, following said hearing, the Plan Commission made the following findings of fact:

1. **Finding A** - 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 January 15, 2021.

2. **Finding B** - All required public meetings and hearings have been held in accordance with applicable state and local laws.

Finding – The Plan Commission on February 3, 2021 conducted a public hearing in accordance with state and local law.

3. **Finding C** - 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.

4. **Finding D.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.

5. **Finding D.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.

6. **Finding D.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.

7. **Finding D.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.

8. **Finding D.5** - Is the subject property is 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.

9. **Finding D.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.

10. **Finding D.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.

WHEREAS, following said hearing, the Plan Commission recommended approval of such Zoning Map Amendment; and

WHEREAS, on February 23, 2021, the Committee of the Whole reviewed the request, the record of the public hearing, and the actions and the findings of fact of the Plan Commission and recommended approval of such Zoning Map Amendment in accordance with the Plan Commission recommendation; and

WHEREAS, the City Council of the City has received the recommendation of both the Batavia Plan Commission and Committee of the Whole and has considered same; and

WHEREAS, it is in the best interest of the City of Batavia that the Zoning Map, for the properties described above be zoned SB Service Business District;

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the Properties, as depicted on Exhibit A attached hereto and legally described herein are hereby zoned SB Service Business subject to all terms and conditions under the City Code.

CITY OF BATAVIA, ILLINOIS ORDINANCE 21-16

SECTION 2: That the Official Zoning Map of the City of Batavia is hereby amended in conformance with the terms of this Ordinance.

SECTION 3: That this Ordinance 21-16 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this 1st day of March, 2021.

PASSED by the City Council of the City of Batavia, Illinois, this 1st day of March, 2021.

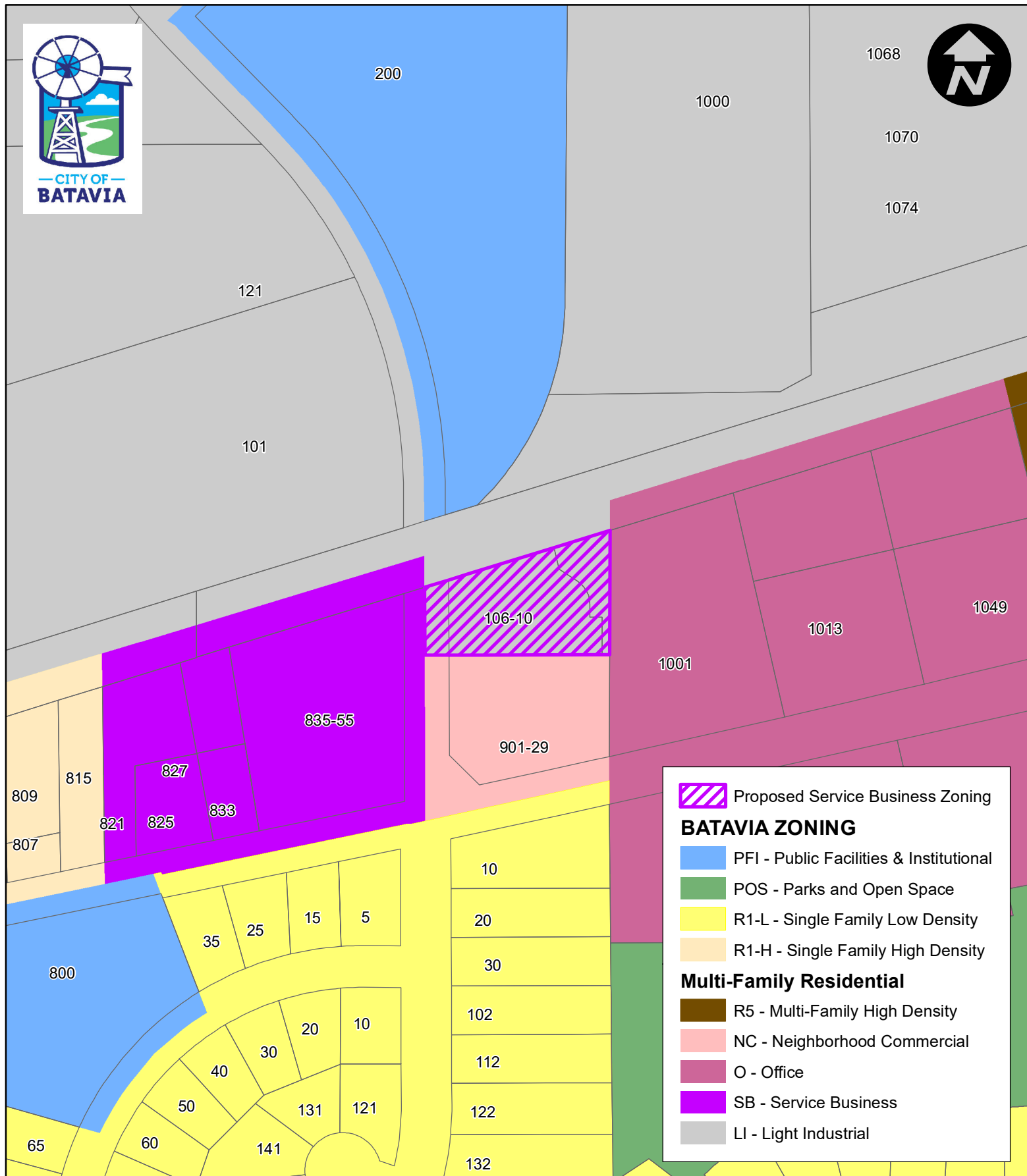
APPROVED by me as Mayor of said City of Batavia, Illinois, this 1st day of March, 2021.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Ellen Posledni, City Clerk



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

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**Ordinance 21-16
Exhibit A**

