

TO: Committee of the Whole

FROM: Drew Rackow AICP, Planner

DATE: August 30, 2020

RE: Ordinance 20-56: Amending the Land Use Map of the Comprehensive Plan of the City of Batavia - 2041 Stiers Court

Ordinance 20-57: Amending the Official Zoning Map – 950 Moorehead Drive, 734 Ridgelawn Trail, 2041 Stiers Court, 960, 970, 1101 and 1106 Wind Energy Pass, City of Batavia Applicant

**Summary:** The Plan Commission (PC) conducted Public Hearings on August 19<sup>th</sup> to review a Land Use Map Amendment for property located at 2041 Stiers Court and a Zoning Map Amendment for eight City owned parcels, listed above. The properties are existing City owned detention ponds in the southeast quadrant. Draft Ordinance 20-56 would amend the Comprehensive Plan Land Use Map for property that is not already classified as Parks and Open Space on the map; this is the most appropriate classification for publicly-owned detention areas. Ordinance 20-57 would then rezone the subject properties as POS, Parks and Open Space District on the Zoning Map. Please refer to the August 14<sup>th</sup> [Staff Report](#) to the Commission for additional information.

**Background:** The eight properties provide detention for Prairie Trails Phases 1 & 2, Prairie Trails South and Terra Woods Subdivisions. The lots have been used for stormwater management since subdivision development. The area proposed to be re-zoned consists of 9.1 acres. While all of the parcels were to be conveyed to the City with development, the Stiers Court property was transferred to the City as the result of a quiet title suit. As it was in private ownership at the time of the preparation of the Comprehensive Plan, it was not designated for Parks and Open Space. After this action, only one cluster of two City owned parcels, remains in this quadrant of the City for potential rezoning action.

**Plan Commission Review and Action:** The Public Hearing was conducted via an online meeting. One (1) hearing attendee addressed the PC via e-mail, which was read into the record. She inquired about the intention of the proposed zoning change and whether it was motivated by an attempt to re-initiate their subdivision's backup Special Service Area. Staff noted that the zoning action has no connection to the status of any Special Service Area, and that rezoning does not in any way facilitate any consideration of a SSA in the future. It should be noted that there is no proposal to activate these SSAs or establish new ones.

Staff noted to the Plan Commission that the proposed amendments are part of an ongoing effort to zone City owned stormwater management areas to the POS Ds, consistent with their public use and being in the only zoning district that specifically names detention as an allowable use.

The Plan Commission agreed that the proposed changes to the Land Use Map and Zoning Map were appropriate for the properties. They approved Findings, included in draft Ordinance 20-57 and recommended approval.

**Alternatives:** The City Council can approve Ordinances 20-56 and 20-57, request the Plan Commission review alternative zoning classifications, or reject the proposed change, leaving the properties with their

current RO classifications and in the case of 2041 Sifers Court, leaving that property with the single family land use classification.

**Impacts:** Approval would place the properties in the proper Zoning District for their continued use in keeping with past actions to rezone City-owned properties. The proposed POS District is more restrictive regarding uses and development than their current zoning district. The proposed action would place the subject properties in the zoning district most consistent with their present use; again, no change in land use is proposed or contemplated for any of the subject properties. No impacts are identified for City services, budget, or staffing.

**Timeline for Actions:** There is no required timeline for this action. COW recommendation of both Ordinances 20-56 and 20-57 will allow for final action by the City Council on September 8<sup>th</sup>.

**Recommendations:** By a vote of 7-0, the Plan Commission recommended approval of both the Comprehensive Plan Land Use Map and Zoning Map amendments.

Staff recommends approval of draft Ordinances 20-56 and 20-57, as presented.

Attachment: Draft Ordinance 20-56  
Draft Ordinance 20-57

c Mayor and City Council  
Department Heads  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-56**

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

**CITY OF BATAVIA, APPLICANT**

**2041 STIERS COURT**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2020**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 9<sup>th</sup> day of September, 2020

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-56**

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

**2041 STIERS COURT**

**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 classifications of Residential >0.5 to 2 Dwelling Units per Acre to Parks and Open Space for the subject property as shown on Exhibit A, attached hereto and consisting of the following property:

LOT 10 OF TERRA WOODS SUBDIVISION, A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY ILLINOIS. RECORDED AS DOCUMENT 1999K117676 IN THE KANE COUNTY RECORDER'S OFFICE. COMMONLY KNOWN AS 2041 STIERS COURT

**WHEREAS**, all required public notification regarding the intention of the City to amend the Land Use Map of the Comprehensive Plan, 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 August 19, 2020; and

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

**WHEREAS**, on September 1, 2020, 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.

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

CITY OF BATAVIA, ILLINOIS ORDINANCE 20-56

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**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 land that comprises 2041 Stiers Court, as described herein, is hereby designated on the Land Use Map of the Comprehensive Plan as the Parks and Open Space land use classification, as shown on Exhibit A, subject to all terms and conditions under the Municipal Code relating thereto.

**SECTION 3:** That this Ordinance 20-56 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 8<sup>th</sup> day of September, 2020.

**PASSED** by the City Council of the City of Batavia, Illinois, this 8<sup>th</sup> day of September, 2020.

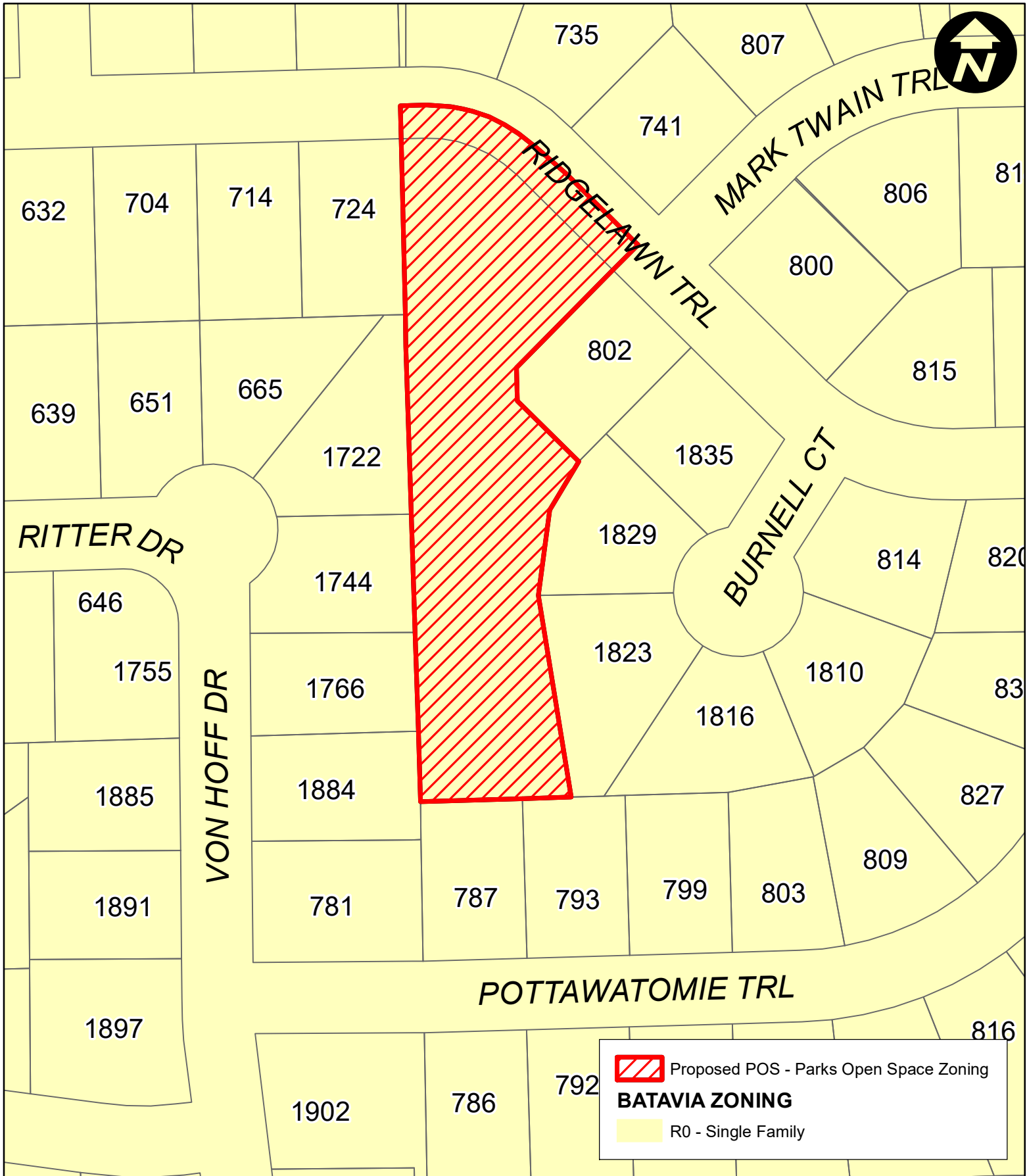
**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 8<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
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										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

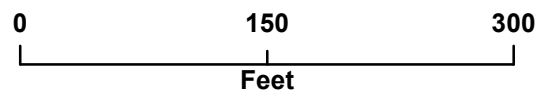
ATTEST:

\_\_\_\_\_  
Ellen Posledni, City Clerk



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 20-56  
Exhibit "A"**



**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-57**

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

**950 MOOREHEAD DRIVE, 734 RIDGELAWN TRAIL, 2041 STIERS COURT, 960, 970,  
1101, 1106 WIND ENERGY PASS AND ADJACENT RIGHTS OF WAY**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2020**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
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This 9<sup>th</sup> day of September, 2020

Prepared by:  
  
City of Batavia  
100 N. Island Ave.  
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 20-57**

**AMENDING THE OFFICIAL ZONING MAP  
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**950 MOOREHEAD DRIVE, 734 RIDGELAWN TRAIL, 2041 STIERS COURT, 960, 970,  
1101, 1106 WIND ENERGY PASS AND ADJACENT RIGHTS OF WAY**

**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 properties that are legally described as:

Lots 103, 104 & 105 of Beechen & Dills Prairie Trails South Subdivision, A Subdivision of Part of the North Half of Section 35, Township 39 North, Range 8 East of the Third Principal Meridian, Kane County, Illinois. Recorded as Document 1999K040270 in the Kane County Recorder's Office. Commonly known as 950, 951 Moorehead Drive, and 970 Wind Energy Pass (12-35-252-021, 12-35-251-016 & 12-35-203-002)

Lot 10 of Terra Woods Subdivision, A Subdivision of Part of the West Half of the Northeast Quarter of Section 35, Township 39 North, Range 8 East of the Third Principal Meridian, in Kane County Illinois. Recorded as Document 1999K117676 in the Kane County Recorder's Office. Commonly known as 2041 Stiers Court PIN (12-35-252-027)

Lot A and C of Beechen & Dills Prairie Trail Phase 1 Subdivision, A Subdivision of Part of the South Half of Section 26 and the north half of Section 35, Township 39 North, Range 8 East of the Third Principal Meridian, Kane County, Illinois. Recorded as Document 96K019015 in the Kane County Recorder's Office. Commonly known as 734 Ridgelawn Trail and 970 Wind Energy Pass (PINs 12-35-204-002, 12-35-205-001)

Lots D and E of Beechen and Dill's Prairie Trail Phase Two subdivision, and the adjoining half rights of way of Raddant Road and Wind Energy Pass in the City of Batavia, Kane County, Illinois. Commonly known as 1101 and 1106 Wind Energy Pass (PINs 12-35-204-002 and 12-35-205-001).

and presently zoned R0, Single Family Residence District on the Official Zoning Map be rezoned to POS, Parks and Open Space District, under the Batavia Municipal Code; 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 August 19, 2020 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** – 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.

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 August 19, 2020 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 to the Zoning Map is consistent with several goals and policies of the Comprehensive Plan, by placing the property in a zoning category most appropriate for the present use as stormwater management, passive open space and public utility facility. The proposed classification matches the Comprehensive Plan Land Use Map designation.

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 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.

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 restriction. The value of nearby properties already takes into account the present use.

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 under a zoning district tailored to their present uses.

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 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.

8. **Finding D.5** - Is the subject property is suitable for the zoned purpose?

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

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 have already been developed for their proposed purpose. There has been no vacancy since platting.

10. **Finding D.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.

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

**WHEREAS**, on September 1, 2020, 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 amendments 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 POS, Parks and Open Space 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” and legally described above are hereby zoned POS, Parks and Open Space District subject to all terms and conditions under the City Code.

CITY OF BATAVIA, ILLINOIS ORDINANCE 20-57

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**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 20-57 shall be in full force and effect upon its presentation, passage and publication according to the law.

**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 8<sup>th</sup> day of September, 2020.

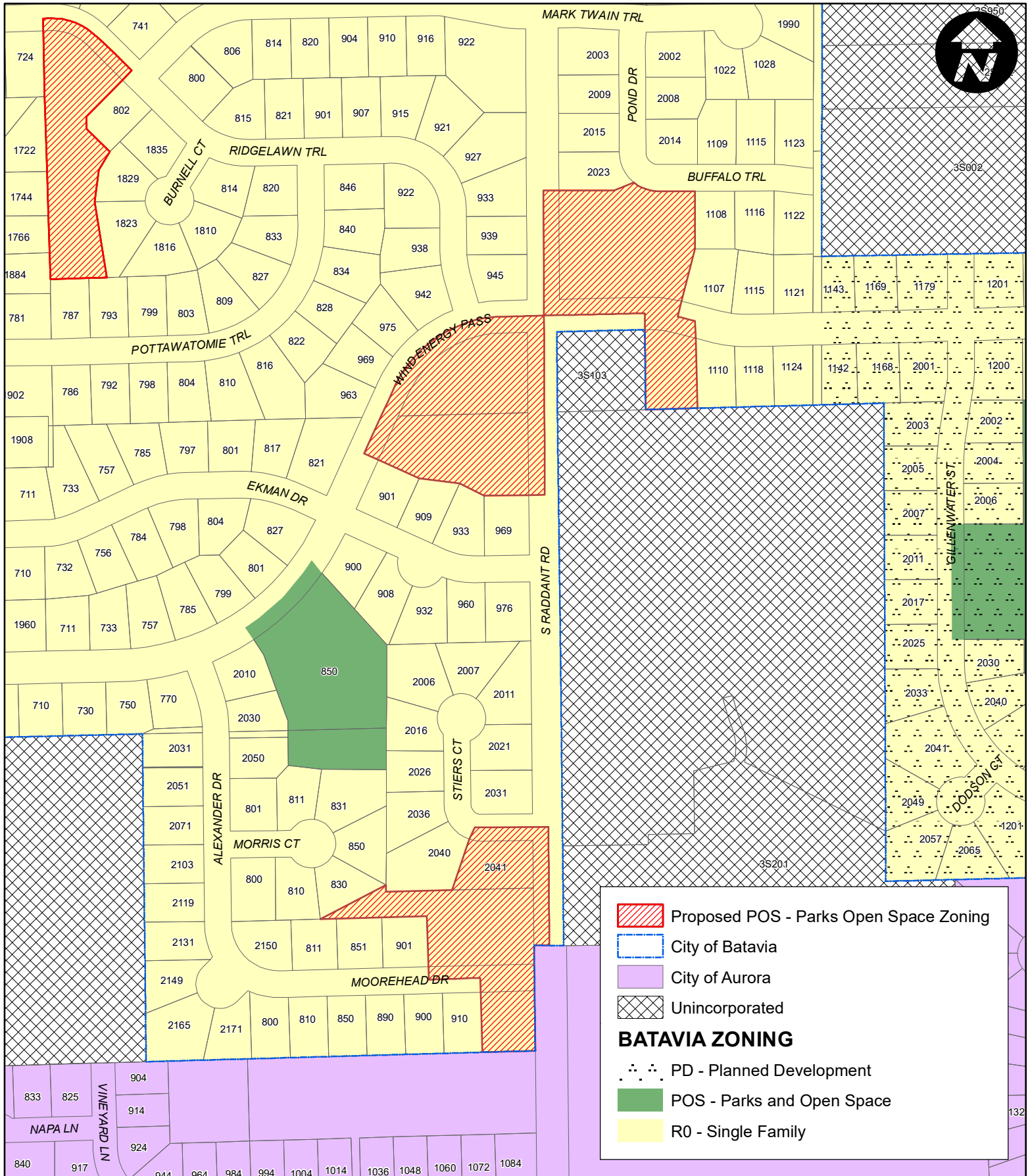
**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 8<sup>th</sup> day of September, 2020.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

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

ATTEST:

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Ellen Posledni, City Clerk



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**Ordinance 20-57  
Exhibit "A"**

