

TO: Mayor & City Council

FROM: Drew Rackow AICP, Planner

DATE: October 14, 2020

RE: Ordinance 20-58: Annexing and Zoning 1117 Norh Washington Avenue, to the City of Batavia

Update Since COW Meeting: During the Committee of the Whole Review, representatives of property ownership asked several questions of COW and City Staff about the effect of annexation on their use, fees, and utilities after the change in jurisdictions. The City Council requested that City Staff review these items and report back with findings.

Property Taxes: In 2019, the Property Owner paid \$811.70 in total property tax. The property is partially exempt from taxes due to the non-profit status of the Property Owners' Organization. If City Taxes were applied to this bill (and the Fire District tax is removed) the Property Taxes would have increased by \$43.58. As the assessor bases their assessment on the use, there should be no change in the type of assessment without a change in use

Liquor License: The Columbian Club currently possesses a Club Liquor License with Kane County. The annual fee for this license type is \$2,500. Under the City's Liquor Licensing, the City would issue a Church/Club license (E-1), with an annual fee of \$1,500. This would save the Club \$1,000 per year.

Sewer: The nearest sanitary sewer is over 400 feet from the site's building at North Washington Avenue. County regulations require the use of a sewer connection when it is located within 200 feet. Staff believes that the County would not require a sewer connection due to the distance. Language has been added to the Ordinance to specify that this connection would not be mandated while the Columbian Club owns the property, and it is not redeveloped.

COW Recommendation: The Committee of the Whole voted 11-0 in favor of Ordinance 20-58, subject to the inclusion of language addressing the continued use of the septic sewer system. This revised Ordinance is attached.

The following is the Staff Report to the COW, previously provided.

TO: Mayor & City Council

FROM: Drew Rackow AICP, Planner

DATE: September 30, 2020

RE: Ordinance 20-58: Annexing and Zoning 1117 Norh Washington Avenue, to the City of Batavia

Summary: Ordinance 20-58 would involuntarily annex the property at 1117 North Washington Avenue, an unincorporated 5-acre property, bisected by the Fox River Trail that is surrounded by the City limits. The Plan Commission (PC) conducted a Public Hearing on August 19th to review a proposed CC Community Commercial District zoning classification for the property upon annexation. Please refer to the [August 14th Staff Report](#) to the Commission for additional information.

Background: The City has been seeking annexation of properties in the northeast quadrant as part of the continuing effort to close unincorporated “island” areas that are wholly surrounded by the City. With the annexation of 1119 North Washington Avenue in December 2019 and 1203-1233 North Washington Avenue in February the subject property became a single wholly surrounded property. City Staff reached out to representatives of property ownership, but they could not come to consensus on seeking voluntary annexation due to the organization format. The property does receive City Water but was never required to annex with that connection though a petition process to annex the property was started but not completed in the early 1990’s. The property is classified as Community Commercial use on the Official Land Use Map. Riverview Banquets closed on June 1st. The proposed CC Community Commercial District would allow a new Banquet use to be reestablished on the property.

Plan Commission Review and Action: The Public Hearing was conducted via an online meeting. One (1) hearing attendee addressed the PC. Neil Waltenbach, a member of the Columbian Club expressed reservations about the proposed annexation. He noted that the organization is seeking a new operator for the banquet space and will continue to operate this use in the future. In addition to the City’s water, the property has a private septic system and ComEd electric. The organization would like to continue to use this existing infrastructure, and not incur unnecessary costs to connect to all City facilities with annexation. Staff noted it has been the policy with the annexation of unincorporated islands to not force connection upon annexation. The Commission concluded that their role was not to consider whether the property should be annexed, but what the property should be designated on the Zoning Map upon annexation. The Plan Commission made Findings of Approval and recommended a Zoning Map amendment classifying the property with the CC District.

Alternatives: The City Council can approve Ordinance 20-58, request the Plan Commission review alternative zoning classifications, or reject the proposed change, leaving the property unincorporated.

Impacts: Approval would annex 1117 North Washington Avenue into the City of Batavia and place it in a zoning classification that would continue to permit a banquet use. It would remove an “island” of unincorporated area, eliminating jurisdictional issues. The City would realize a slight increase in property taxes. The property owner would no longer pay taxes to the Fire District upon annexation. Future users of the property would be subject to City licensing for liquor and other City regulations. The property would be able to connect to additional City utilities when needed. Costs will be incurred for recording documents for this annexation. No staffing impacts are anticipated.

Timeline for Actions: There is no required timeline for this action. COW recommendation of Ordinance 20-58 will allow for final action by the City Council on October 19th.

Recommendations: By a vote of 7-0, the Plan Commission recommended approval of amending the City of Batavia’s Zoning Map designating 1117 North Washington Avenue as CC Community Commercial Zoning District.

Staff recommends approval of draft Ordinances 20-58, as presented.

Attachment: Draft Ordinance 20-58

- c Mayor and City Council
- Department Heads
- Media