

**DATE:** March 10,2023

**TO:** Plan Commission

**FROM:** Drew Rackow AICP, Planning & Zoning Officer

**SUBJECT: PUBLIC HEARINGS:** HC Storm School, 305 North Van Nortwick Avenue – Parcel at Stonefield Subdivision

- Amendment to the Comprehensive Plan Land Use Map Designation from Residential >2-3.5 Dwelling Units per Acre to Public Facilities & Institutional
- Amendments to the Official Zoning Map from R1-L Single Family Residential, Low Density to Public Facilities & Institutional District  
Batavia Public School District 101, Applicant

**Background and Summary of Information:** Public Hearings are scheduled for Batavia School District owned property on the HC Storm School campus to review amendments to both the Comprehensive Plan Land Use Map and Zoning Map for the westernmost parcel on the campus. This property was a School Land Cash donation as part of the Stonefield Subdivision (see the attached map). It was conveyed to the School District in 2007. The property makes up part of the play and field areas of the HC Storm Elementary School. The property was under private ownership when the Comprehensive Plan was adopted. The Zoning Map designation for the parcel was reflective of this designation in 2010. The subject property is 1.50 acres.

The Land Use Map amendment would reclassify the property from Residential >2-3.5 Dwelling Units per Acre to Public Facilities & Institutional. The Zoning Map amendment would reclassify the subject property from R1-L, Single Family Residential to Public Facilities and Institutional District. Below is a table with classification information for the adjoining parcels.

Adjacent Comprehensive Plan Designations				Adjacent Zoning Districts			
North	South	East	West	North	South	East	West
Residential >8-15	Residential >2-3.5	PFI	Residential >2-3.5	R5	R1-L	PFI	R1-L

The applicant’s letter notes that the proposed rezoning allows for consistent zoning administration of the campus, by placing the full site under one zoning district. Additionally the applicant provides a narrative regarding the Comprehensive Plan Land Use Map amendment changes would promote the Comprehensive Plan Goals and Policies, through better administration and planning of the site. The City did remove this property from SSA 28 at the end of 2022. The School District notes that with the rezoning, the district would merge the tax parcels to simplify the district’s holdings at this campus.

HC Storm School has been identified in the School’s Capital Improvement planning as a site for a new building (reconstruction). School District properties are subject to zoning and engineering reviews of the site. Zoning review and subsequent approval processes, such as Design Review would be required at the time of that development.

**Staff Analysis:** As noted in the Summary, this property had not been formally transferred from the original developer of Stonefield to the School District until 2007. It has been used as a path access from the Subdivision to the HC Storm building and as a play field since it was improved in the early 2000s with the subdivision. The proposed change to both the Land Use and Zoning map would recognize the fact that the property is owned by the School District, and classify this property in the same districts as their other properties on this campus and throughout the City limits. Both the Land Use Map designation and

zoning district are the district that is consistent with the use of the properties as publicly owned school facilities. The zoning map classification would put the property into a district that permits Public and Private Schools. The classification memorializes the use of these properties for public purposes. The Stonefield Plat of Subdivision places a note on this parcel of "School", as it was intended since the initial subdivision of the property to be dedicated to the school purposes. The property does not have any structures, and so no non-conforming conditions would be created with this change in classification. Setbacks for buildings are otherwise the same as would be required in the R1-L District along the west property line (30'). Staff believes the PFI district is the most appropriate zoning district for the subject property.

Comprehensive Plan Amendment: Due to the final transfer of the property by the School District after the adoption of the Comprehensive Plan, the subject property did not receive a land use designation of Public Facilities and Institutional. The designation had been given to the remainder of the HC Storm campus. The applicant has provided a written narrative that explains their rationale for the Comprehensive Plan Land Use amendment. Staff agrees with the overall analysis, and concurs with several of the Goals and Policies being met with this change. Below see an analysis of Goals and Policies staff believes are being met.

*Land Use:* The Land Use Element identifies through Goal 1, Policy e notes 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 its intended long-term use. The action also would allow for the HC Storm property to be regulated with only the one zoning district being applicable to the property.

*Public Facilities and Services:* The School District notes that the requested change could advance Goal 2 "Consider services provided by other agencies in City decision-making". They note that the property has been part of the HC Storm property and that this zoning change would better address the Zoning Map to the District's use of this site.

*Regional & Interjurisdictional Issues:* The School District's narrative notes Goal 1 of this Element is to "Increase awareness of the regional context in which local government decisions are made to increase efficiency of infrastructure improvements, manage traffic and protect the environment". They note that three policies (a-c) could be implemented with the change. These relate to consulting with other jurisdictions and partners, with their decision making and long term planning. The proposed change would better position the School District on their long term planning for the potential future improvements on the campus. While such change would require subsequent review and approval by the City, depending on the nature of the improvements and when they are implemented.

*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 in its current configuration. Should the School District reconstruct HC Storm School in the future, utility impacts would be similar to the existing site.

Staff does believe it is appropriate for this particular property to be classified as Public Facilities and Institutional on both the Comprehensive Plan Land Use and Zoning Maps, consistent with the remainder of the HC Storm campus, and the Districts other properties. The Land Use Map would have otherwise been proposed to specify this property as a Public Facilities and Institutional should it had been under District ownership at that time.

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 subject parcel. The placement of property in a consistent zoning district with the remainder of the campus is appropriate for the regulation and management of the overall property.

Overall, staff believes these proposed Zoning Map amendment is compatible with the surrounding area. PFI zoning abutting other districts is typical, given the specific needs the PFI zoned properties address. 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.

*Draft Findings and Review of Conditions:*

**Public Notice.** All required public notice has been conducted in accordance with applicable state and local laws.

**Finding:** The applicant executed the notice mailing and posting of the properties pursuant to City Code. Signs were posted on the properties on February 24, 2023 and completed mailing notice to owners whose property is within 500 feet of the subject property on February 28, 2023. Notice was published in the Daily Herald on February 27, 2023.

**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 on March 15, 2023, conducted 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 part of the HC Storm School campus.

**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 zoning district and the development it allows are compatible with the existing uses and zoning of nearby property. The surrounding property is zoned residential (both single and multifamily) and the same PFI district as requested by the applicant. The PFI zoning in this area has generally been compatible with existing uses. The subject property was contemplated for PFI use with the original platting of the subdivision.

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.

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 property under a zoning district tailored to its present use and consistent with the applicants other adjoining property.

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 would not create a hardship on the individual property owner, as it is being requested by the owner. There is a public benefit placing the property into a district that matches and regulates the existing use.

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

**Finding:** The property is presently used for the zoned use and is 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 used for play fields and is not truly vacant. The property is being used for school purposes, as identified on the original plat of subdivision.

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

**Finding:** The parcel was platted to provide a community need for school land, based on the Land Cash Ordinance. The proposed change recognizes this use.

### **Staff Recommendation**

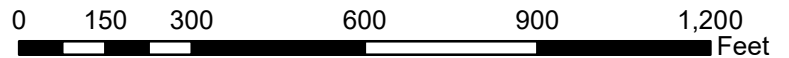
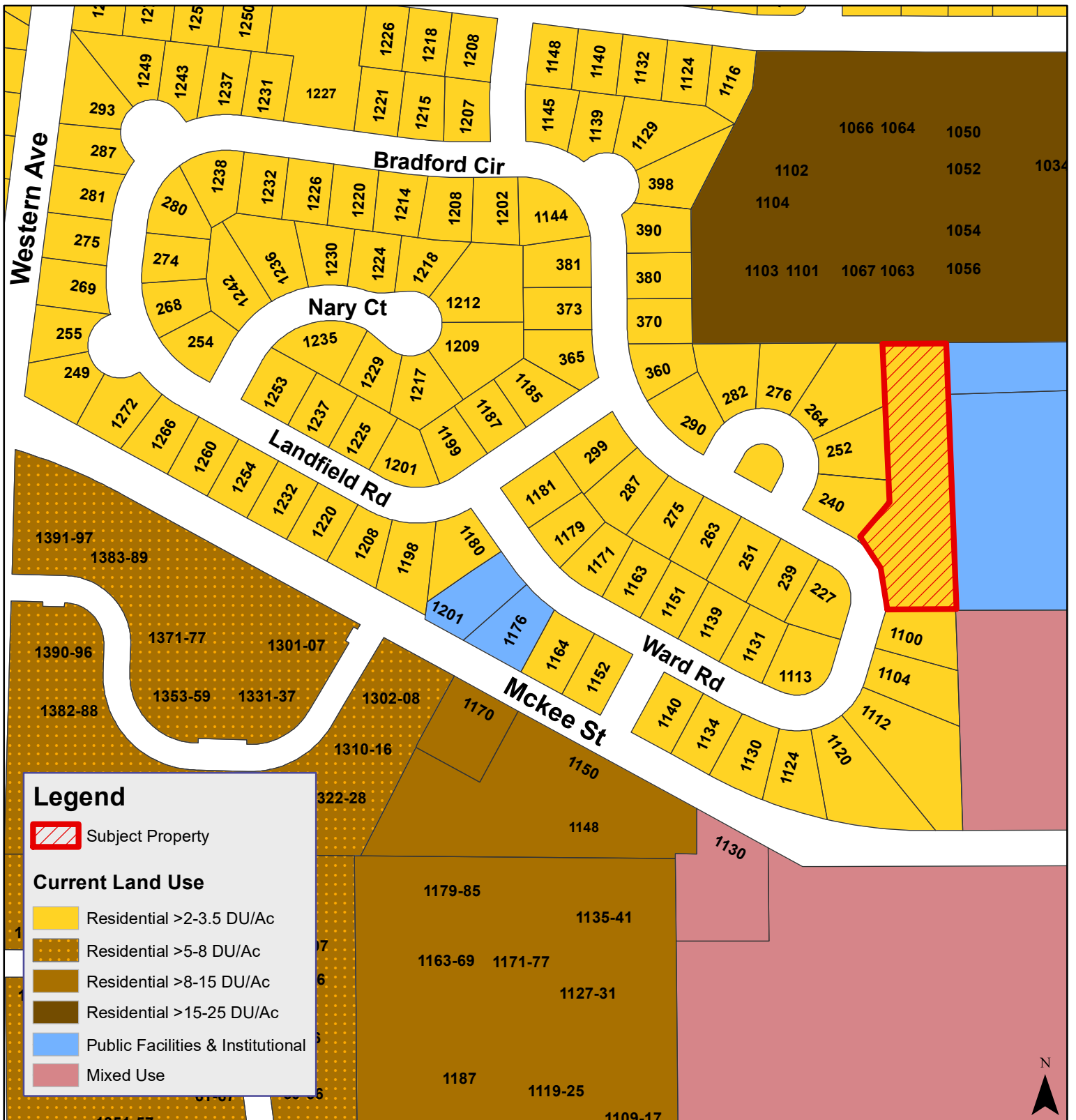
Staff recommends the Commission open, conduct, and close the public hearing. After concluding the hearing, staff recommends:

1. Recommend approval of amendment to the Comprehensive Plan Land Use Map Designation from Residential >2-3.5 Dwelling Units per Acre to Public Facilities & Institutional
2. Approve Findings and Review of Conditions for the Zoning Map Amendment
3. Recommend approval of amendments to the Zoning Map to reclassify the subject property from R1-L Single Family Residential, Low Density to Public Facilities & Institutional District

Attachment: Proposed Land Use Map Exhibit  
Proposed Zoning Map Exhibit

- c Mayor and City Council  
Department Heads  
Mark Anderson – Batavia Public Schools, Applicant  
Media

# Comprehensive Plan Land Use Map Amendment



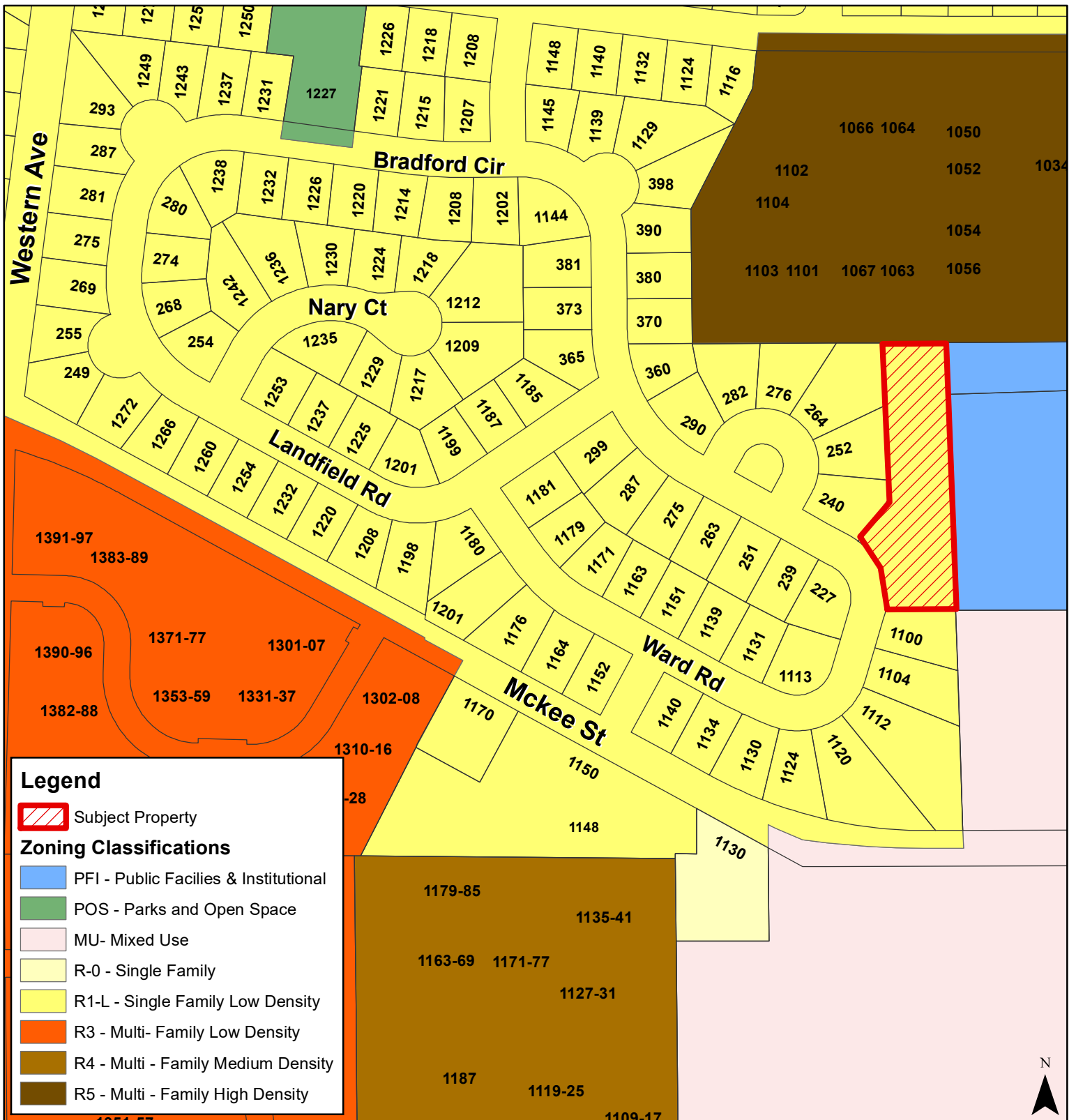
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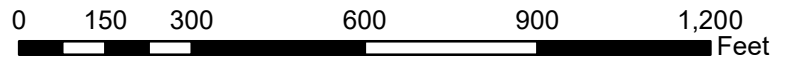
Source: BCED, BatGIS, KaneGIS  
Revised from 2/28/23 Mailed Map

# Proposed HC Storm Rezoning



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Source: BCED, BatGIS, KaneGIS  
Revised from 2/28/23 Mailed Map



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