

DATE: April 12, 2023, 2023

TO: Plan Commission & Zoning Board of Appeals

FROM: Zach Ewoldt, Planner

SUBJECT: Public Hearing: 834 Main Street, 216, 221, 224, 229 Whipple Street
Amendments to the Comprehensive Plan Land Use Map and Official Zoning Map.
City of Batavia, Applicant

Background: A Public Hearing is scheduled for April 19th Plan Commission meeting to review a Zoning Map amendment for five (5) properties and with one (1) of these properties also proposing an amendment to the Comprehensive Plan Land Use Map. All five (5) properties were annexed into the city between 2014 and 2019. As part of the annexation, the properties were placed into the default residential zoning district of R0, Single Family Residential. The Zoning Map amendment for the properties located at 834 Main Street, 221, 224, 229 Whipple would reclassify the existing residential properties from R0, Single Family Residential District to R1-M, Single Family Medium Density District. It should be noted that the property located at 834 Main Street is identified as Neighborhood Commercial/ Mixed Use on the Comprehensive Plan Land Use Map. While the current use is residential, the West Town Subarea Plan notes that it could be potential redevelopment opportunity in the future.

The amendment for the property located at 216 Whipple Avenue would reclassify the existing property from R0, Single Family Residential district to NC, Neighborhood Commercial District. It will also amend the Comprehensive Plan Land Use Map from Residential > 2-3.5 Dwelling Units per Acre to Neighborhood Commercial/Mixed Use. Below is a table with classification information for the adjoining parcels on the [Comprehensive Plan Land Use Map](#).

Adjacent Comprehensive Plan Designations for 216 Whipple Avenue			
North	South	East	West
Neighborhood Commercial/ Mixed Use	Residential > 2-3.5 DU/Ac	Neighborhood Commercial/ Mixed Use	Residential > 2-3.5 DU/Ac

For adjacent Land Use and Zoning Map designations for the other properties that are part of this request, please see the attached exhibit maps.

Staff Analysis: The proposed Zoning Map amendments will place the five (5) properties into a zoning district that is consistent with their current uses. The Elms Restaurant is the property owner of 912 Main and 216 Whipple. 912 Main Street is currently zoned NC, Neighborhood Commercial while 216 Whipple Avenue is zoned R0, Single Family Residential. It would be appropriate to rezone 216 Whipple to the NC, Neighborhood Commercial Zoning District to be consistent with the existing use that is currently operating on the site. Portions of the Elms, such as storage and a refuse enclosure are located on the property. The properties located at 834 Main Street, 221, 224, 229 Whipple are existing single-family homes. With the overall project of annexations of unincorporated islands, the City has noted that the properties would be subsequently reviewed for the proper zoning district after annexation. Since the annexation of these properties into the default zoning district of R0, Single Family, it has been determined that it would be appropriate to place them in the R1-M, Single Family Medium Density Zoning District as these properties are closer to the development standards of that district. This will result in easier administration of building permits and

zoning setbacks, while treating them consistently with their neighboring properties. The parcels have all been developed and no future development is planned at this time. The rezoning would be of these properties would reflect similar rezonings initiated by the city. Staff is supportive of the rezoning.

Comprehensive Plan Amendment: Due to the property located at 216 Whipple Avenue being unincorporated until 2019, the City did not recognize that the parcel was completely associated with the Elms Restaurants daily operations with past review of the Comprehensive Plan Land Use map. It has been determined that it would be appropriate to amend the Comprehensive Plan to locate this property in the Neighborhood Commercial/ Mixed Use designation to conform with the existing use. Staff feels that several Goals and Policies are being met with this change as reviewed below.

Land Use Element: The Land Use Element identifies through Goal 1, Policy c notes “Encourage mixed uses of land where they are compatible and integrated with the neighborhood”. This policy is met by placing the property in a land use category consistent with the current use of a neighborhood scale restaurant. This action would also allow the Elms to be regulated by only one zoning district opposed to two, which may otherwise impair the full use of the overall property for the restaurant. Staff feels that through Goal 8, policy e notes “Consider transitional zoning district designations to effectively separate incompatible land uses when amending the Official Zoning Map”. This policy is met by providing transitional zoning from the higher density residential to the north and the more historically industrial uses to the east along Main Street.

West Town Focus Area Element: The Comprehensive Plan in the Focus Area for West Town through Policy 1, a states “ Consider Zoning Map amendments along Main Street that propose the Neighborhood Commercial zoning district on properties less than one (1) acre and for the Mixed Use zoning district on larger property assemblages.” The placement of 216 Whipple Avenue in the Neighborhood Commercial/ Mixed Use land use is appropriate as It aligns with the existing use and the long term goals of the focus area.

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 or the subject parcel at 216 Whipple Avenue. The placement of property in a consistent zoning district with the remainder of the business property is appropriate for the regulation and management of the overall property.

Overall, staff believes that the proposed Zoning Map amendments are compatible with the surrounding area. The R1-M zoning District would allow for the existing residential properties to be placed in a more appropriate zoning district. The proposed rezoning of 216 Whipple Avenue to NC, Neighborhood Commercial would place all properties for the Elms under the same zoning district to allow more consistent regulation of the properties.

Zoning Map Amendments require that the following findings and review of conditions be reviewed by the Plan Commission and Zoning Board of Appeals.

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

Finding: The City as the applicant executed the notice mailing and posting of the properties pursuant to the City Code. Signs were posted on the properties on March 28, 2023 and the completed mailing notice to owners whose property is within 500 feet of the subject property on March 28, 2023. Notice was published in the Daily Herald on March 31, 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 April 19, 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 generally consistent with the Official Land Use Map. 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 uses. Where the proposed zoning district does not align with the Comprehensive Plan, the proposed zoning aligns with the present use of the property.

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 is consistent with the surrounding uses. The properties are all currently developed and would place the properties in the appropriate zoning district.

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 would be diminished by the particular zoning restriction change. The uses of the property already exist, and the value of property already takes into account the present uses of the land.

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 the Zoning District that reflects their present use.

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 zoning change will provide greater gain to the public, by placing appropriate use and bulk standards on the properties, allowing for easier administration of building permits and zoning regulation for the property owners.

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

Finding: The properties are presently used for the zoned purpose and are 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 use. They have not been vacant for some time.

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

Finding: Rezoning the properties would result in easier administration of building permits and zoning setbacks. The Comprehensive Plan West Town element notes the continued presence of neighborhood commercial use in the Subarea.

Staff Recommendation

Staff recommends the Plan Commission & Zoning Board of Appeals take the following actions:

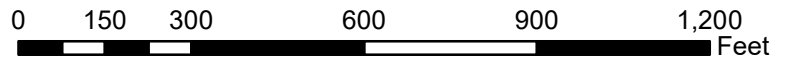
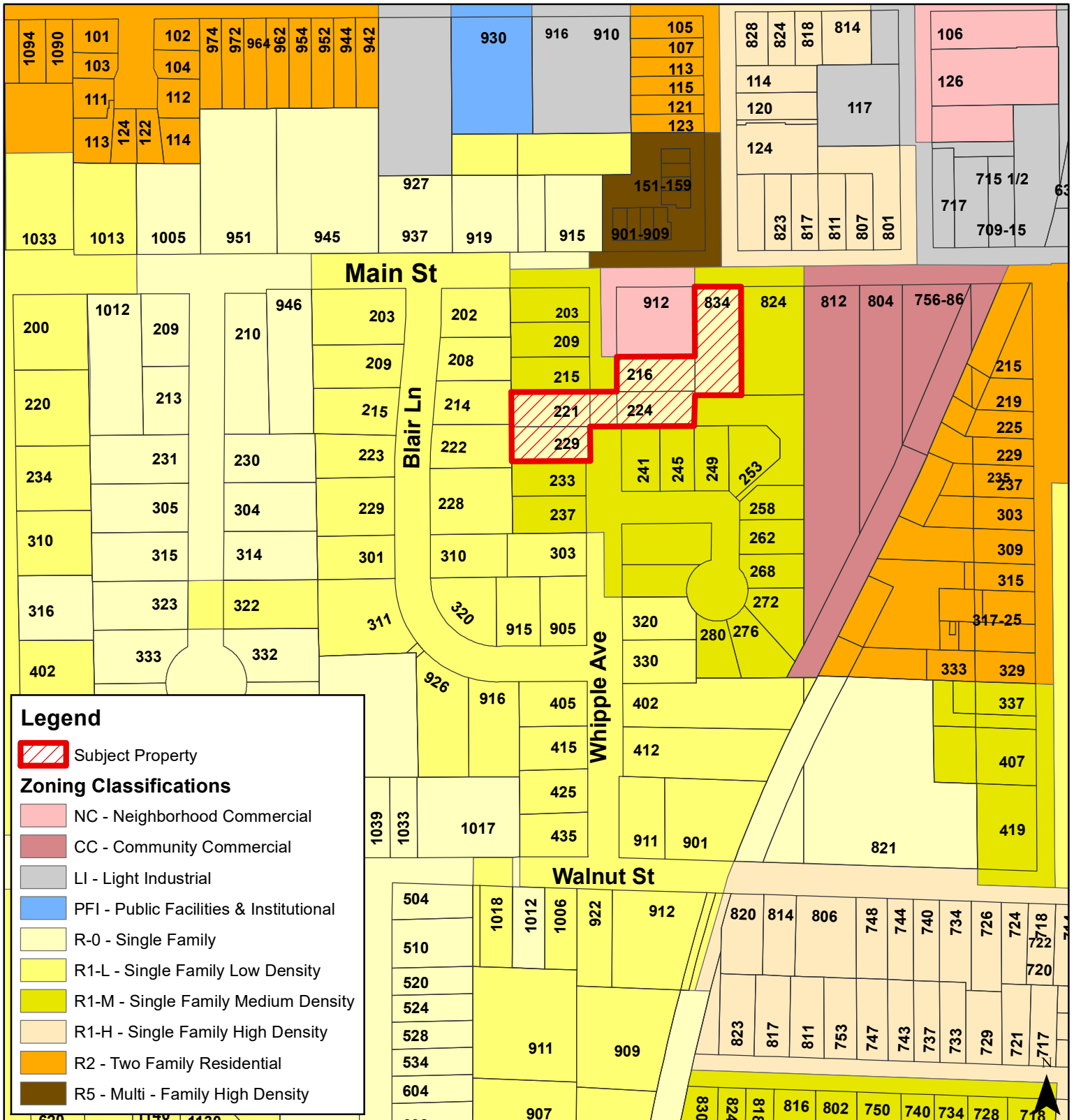
1. Recommend approval of a modification of the Comprehensive Plan Land Use Map Designation for 216 Whipple Avenue from Residential > 2-3.5 Dwelling Units per Acre to Neighborhood Commercial/Mixed Use R
2. Approve Findings and Review of Conditions for the Zoning Map Amendments.
3. Recommend approval for an amendment to the Zoning Map to reclassify the property at 216 Whipple Ave from R0, Single Family Residential to NC, Neighborhood Commercial District.
4. Recommend approval of amendments to the Zoning Map to reclassify the properties located at 834 Main Street, 221, 224, 229 Whipple Avenue from R0, Single Family Residential District to R1-M, Single Family Medium Density Residential District.

Attachments:

Proposed Zoning Map Exhibit
Proposed Land Use Map Exhibit

C Mayor and City Council
Department Heads
Media

Properties Proposed for Rezoning



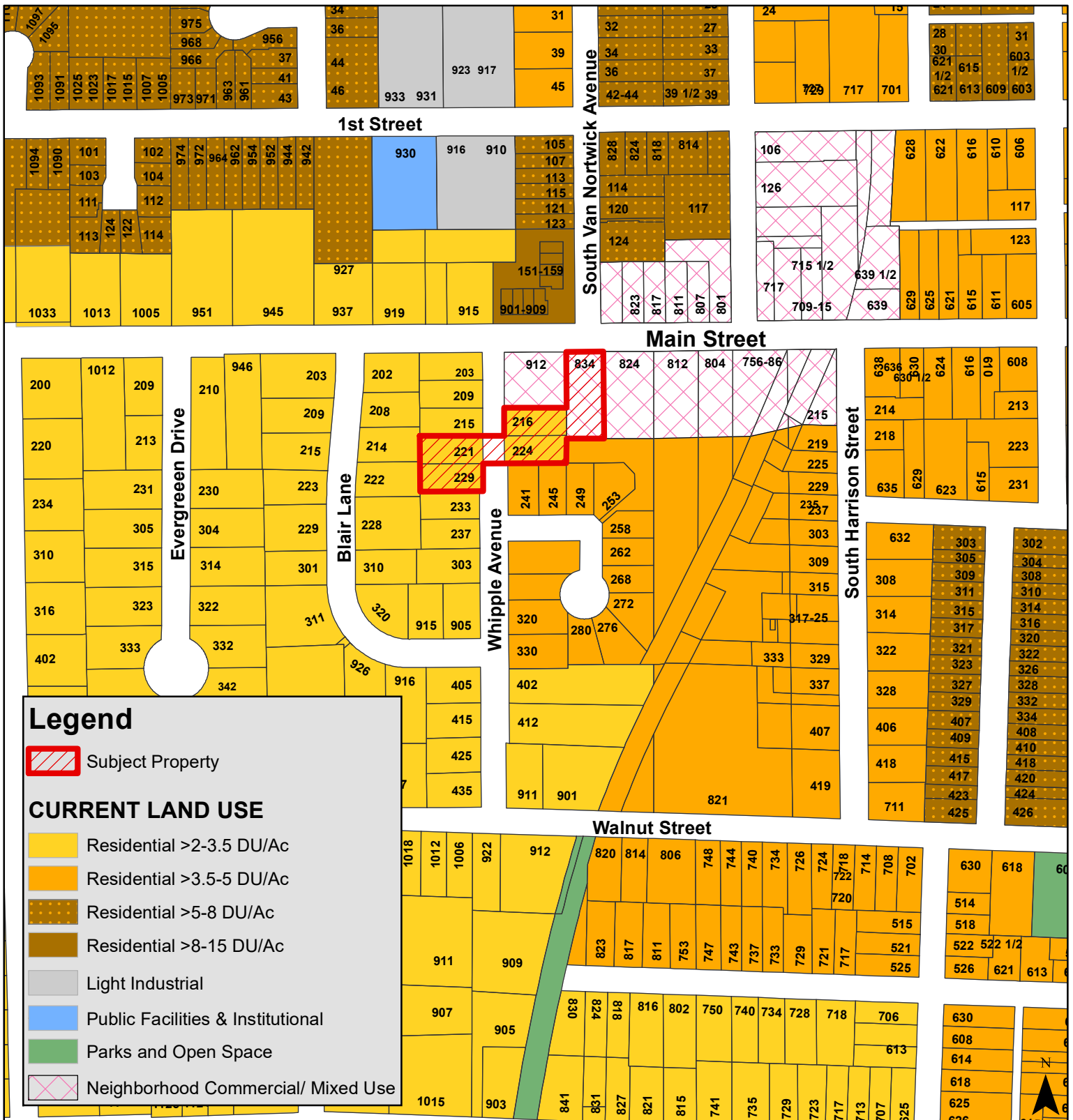
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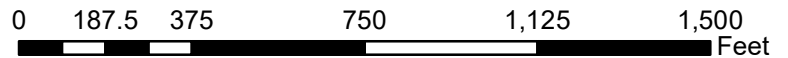
Source: BCED, BatGIS, KaneGIS
Date: 3/23/2023

Comprehensive Plan Land Use Map Amendment



CITY OF BATAVIA

Source: BCED, BatGIS, KaneGIS
Created: 4/14/2023



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