

**TO:** Committee of the Whole

**FROM:** Zach Ewoldt, Planner

**DATE:** May 2, 2023

**RE:** **Ordinance 23-20** Amending the Comprehensive Plan Land Use Map for Property at 216 Whipple from Residential > 2-3.5 Dwelling Units per Acre to Neighborhood Commercial/ Mixed Use.  
**Ordinance 23-21:** Amending the Official Zoning Map for the City of Batavia 834 Main Street, 216, 221, 224, 229 Whipple Avenue, City of Batavia, Applicant

**Summary:** The Plan Commission conducted a Public Hearing on April 19<sup>th</sup> to review an amendment to the Comprehensive Plan's Land Use Map for one (1) property and Zoning Map Amendment for five (5) properties. Draft Ordinance 23-20 would amend the Comprehensive Plan's Land Use Map for 216 Whipple Avenue from Residential > 2-3.5 Dwelling Units per Acre to Neighborhood Commercial/ Mixed Use. Draft Ordinance 23-21 would rezone the subject properties at 834 Main Street, 221, 224, and 229 Whipple Avenue from R0, Single Family Residential District to R1- M, Single Family Medium Density District and would also rezone the property at 216 Whipple Avenue from R0- Single Family Residential District to NC, Neighborhood Commercial District. Please refer to the April 19<sup>th</sup> Plan Commission [staff report](#) for additional information.

**Background:** The five (5) properties were annexed to the City of Batavia between 2014 and 2019 placed into the City's base residential zoning district of R0, Single Family Residential District. The proposed rezoning would locate the properties into zoning districts that are consistent with their current uses. The properties located at 834 Main Street, 221, 224, and 229 Whipple Street are currently developed as single family residential, with no proposed plans for redevelopment. The proposed amendment to the Comprehensive Plan would locate 216 Whipple Avenue in the Neighborhood Commercial/ Mixed use in the Land Use Map. The property is currently owned by the Elms Restaurant and is part of their daily operations. Staff believes it would be appropriate to place both of their properties on the Land Use and Zoning Map in the same district.

**Plan Commission Review and Action:** The public hearing was conducted at City Hall on April 19<sup>th</sup>. One (1) member of the public addressed the Plan Commission. The resident expressed concerns about any future redevelopment of the Elms restaurant site and their desire for it to conform with the surrounding neighborhood. Staff noted that any redevelopment or expansion of the building would require Design Review and be reviewed at a noticed public meeting of the Plan Commission. It was conveyed to the members of the public and the Plan Commission that no new development is being proposed with this application. Staff noted to the Plan Commission that the proposed amendments are part of an ongoing effort to rezone recently annexed properties into the appropriate Zoning District. Staff noted that because facilities related to the restaurant are on the property (dumpster enclosure and storage), it would be appropriate to categorize in a commercial district. The Plan Commission agreed that the proposed changes to the Land Use and Zoning Map were appropriate for the properties. They approved the Findings, included in draft Ordinance 23-20 and draft Ordinance 23-21 and recommended approval of both actions.

**Alternatives:** The Committee of the Whole can approve Ordinance 23-20 and 23-21, request the Plan Commission review an alternative land use or zoning classification, or reject the proposed changes, leaving the properties with their current zoning classification of R0 and a single-family land use designation for the property at 216 Whipple Avenue.

**Impacts:** Approval would place the properties in the proper Zoning District for their continued use, and consistent with efforts to rezone recently annexed properties to the appropriate zoning district. The Proposed action would place the subject properties in the zoning district most consistent with their present and intended uses. The change in zoning would not impact City services, budget, or staffing.

**Timeline for Actions:** Comprehensive Plan amendments must be acted upon and recorded within 90 days of the Plan Commission's recommendation. COW recommendation of Ordinances 23-20 and 23-21 will allow for final action by the City Council on May 15<sup>th</sup>.

**Recommendations:** By a vote of 6-0, the Plan Commission recommended approval of both the Zoning Map and the Comprehensive Plan Land Use Map amendments.

Staff recommends approval of draft Ordinances 23-20 and 23-21, as presented.

Attachment: Draft Ordinance 23-20  
Draft Ordinance 23-21

c Mayor and City Council  
Department Heads  
Media

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 23-20**

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

**CITY OF BATAVIA, APPLICANT**

**216 WHIPPLE AVENUE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 15<sup>TH</sup> DAY OF MAY, 2023**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 16<sup>th</sup> day of May, 2023

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

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 23-20**

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

**216 WHIPPLE AVENUE**

**WHEREAS**, the Community & Economic Development Director of the City of Batavia, as authorized by Section 5.802.A of the City of Batavia Zoning Code has initiated an amendment to the Comprehensive Plan Land Use Map proposing to change the existing land use classification for 216 Whipple Avenue from Residential > 2-3.5 Dwelling Units per Acre to Neighborhood Commercial/Mixed Use, as described below and shown as Exhibit A attached hereto:

LOT 3 OF BLOCK 1 IN J.H WHIPPLE'S ADDITION, IN THE CITY OF BATAVIA, KANE COUNTY (PIN 12-21-427-002)

**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 April 19, 2023; and

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

**WHEREAS**, on May 9, 2023, 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:

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

CITY OF BATAVIA, ILLINOIS ORDINANCE 23-20

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**SECTION 2:** That 216 Whipple Avenue, described herein as the subject property is hereby designated on the Land Use Map of the Comprehensive Plan as Neighborhood Commercial/Mixed Use, as shown on Exhibit A, subject to all terms and conditions under the Municipal Code, relating thereto.

**SECTION 3:** That this Ordinance 23-20 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 23-20

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**PRESENTED** to the City Council of the City of Batavia, Illinois, this 15<sup>th</sup> day of May, 2023.

**PASSED** by the City Council of the City of Batavia, Illinois, this 15<sup>th</sup> day of May, 2023.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 15<sup>th</sup> day of May, 2023.

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Jeffery D. Schielke, Mayor

Ward	Alderman	Aye	Nay	Abstain	Absent
1	Baerren				
1	Solfa				
2	Leman				
2	Wolff				
3	Ajazi				
3	Chanzit				
4	Malay				
4	Connelly				
5	Uher				
5	Beck				
6	Cerone				
6	Lanci				
7	Vogelsinger				
7	Miller				
Mayor	Schielke				
		<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
	<b>TOTALS</b>				

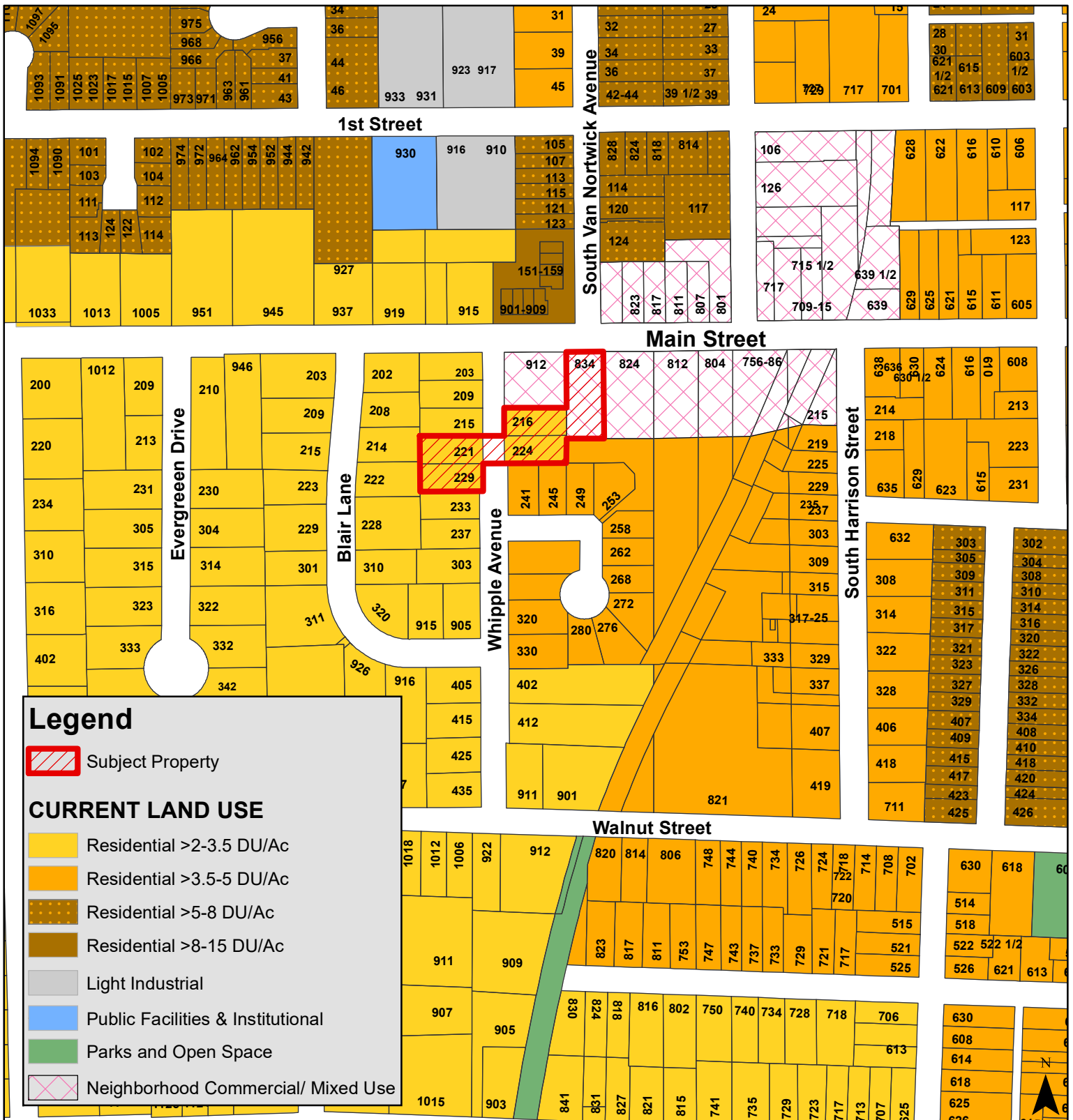
*total holding office: Mayor and 14 Aldermen*

ATTEST:

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Kate Garrett City Clerk

# Comprehensive Plan Land Use Map Amendment



**CITY OF BATAVIA**

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

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**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 23-21**

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

**834 MAIN STREET & 216, 221, 224, 229 WHIPPLE AVENUE**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 15<sup>H</sup> DAY OF MAY, 2023**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the City of Batavia,  
Kane & DuPage Counties, Illinois,  
This 16<sup>th</sup> day of May, 2023

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



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

**834 MAIN STREET & 216, 221, 224, 229 WHIPPLE AVENUE**

**WHEREAS**, the Community & Economic 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 located at 834 Main Street & 221, 224, 229 Whipple Avenue are presently zoned R0, Single Family Residential be rezoned to R1-M, Single Family Residential Medium Density and 216 Whipple Avenue is presently zoned R0, Single Family Residential be rezoned to NC, Neighborhood Commercial, as described as below and Shown as Exhibit A, attached hereto:

PARCEL 1: LOTS 3 AND 4 IN BLOCK 1 AND LOTS 4 AND 5 IN BLOCK 2, TOGETHER WITH THAT PART OF WHIPPLE AVENUE ADJOINING LOT 4 IN SAID BLOCK 1 IN J.H. WHIPPLES ADDTION, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS. PIN 12-21-427-002, 12-21-427-003, 12-21-426-014, AND 12-21-426-015. COMMONLY KNOWN AS 216, 221, 224, AND 229 WHIPPLE AVENUE. AND

PARCEL 2: THE WEST 88 FEET OF THE NORTHERLY 370 FEET (EXCEPT THE SOUTHERLY 170 FEET) OF THE FOLLOWING DESCRIBED REAL ESTATE; THAT PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE QUARTER SECTION LINE 2.80 CHAINS SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHEAST ¼ THENCE SOUTH ALONG THE SECTION LINE 9.92 ½ CHAINS TO THE WESTERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO, BURLINGTON, QUINCY RAILROAD COMPANY; THENCE SOUTH 29 ½ DEGREES WEST ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY 1.06 CHAINS; THENCE NORTH 87 DEGREES WEST 2.60 CHAINS; THENCE NORTH PARALLEL WITH THE QUARTER SECTION LINE 10.98 1/2 CHAINS TO THE SOUTHERLY LINE OF MAINS STREET; THENCE SOUTH 87 DEGREES EAST ALONG THE SOUTHERLY LINE OF SAID STREET 3.15 CHAINS TO THE POINT OF BEGINNING, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS. (PIN 12-21-427-017). COMMONLY KNOWN AS 834 MAIN STREET.; 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 April 19, 2023 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. 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 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

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

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

9. 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.

10. 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.

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

**WHEREAS**, on May 9, 2023, 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 located at 834 Main Street, 221, 224, and 229 Whipple Avenue, described as Parcel 1 herein, be zoned R1-M, Single Family Residential Medium Density;

**WHEREAS**, it is in the best interest of the City of Batavia that the Zoning Map, for 216 Whipple Avenue, described as Parcel 2 herein, be zoned NC, Neighborhood Commercial;

**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 R1-M, Single Family Residential Medium Density and NC Neighborhood Commercial subject to all terms and conditions under the City Code.

**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 23-21 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA, ILLINOIS ORDINANCE 23-21

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**PRESENTED** the City Council of the City of Batavia, Illinois, this 15<sup>th</sup> day of May, 2023.

**PASSED** by the City Council of the City of Batavia, Illinois, this 15<sup>th</sup> day of May, 2023.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 15<sup>th</sup> day of May, 2023.

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Jeffery D. Schielke, Mayor

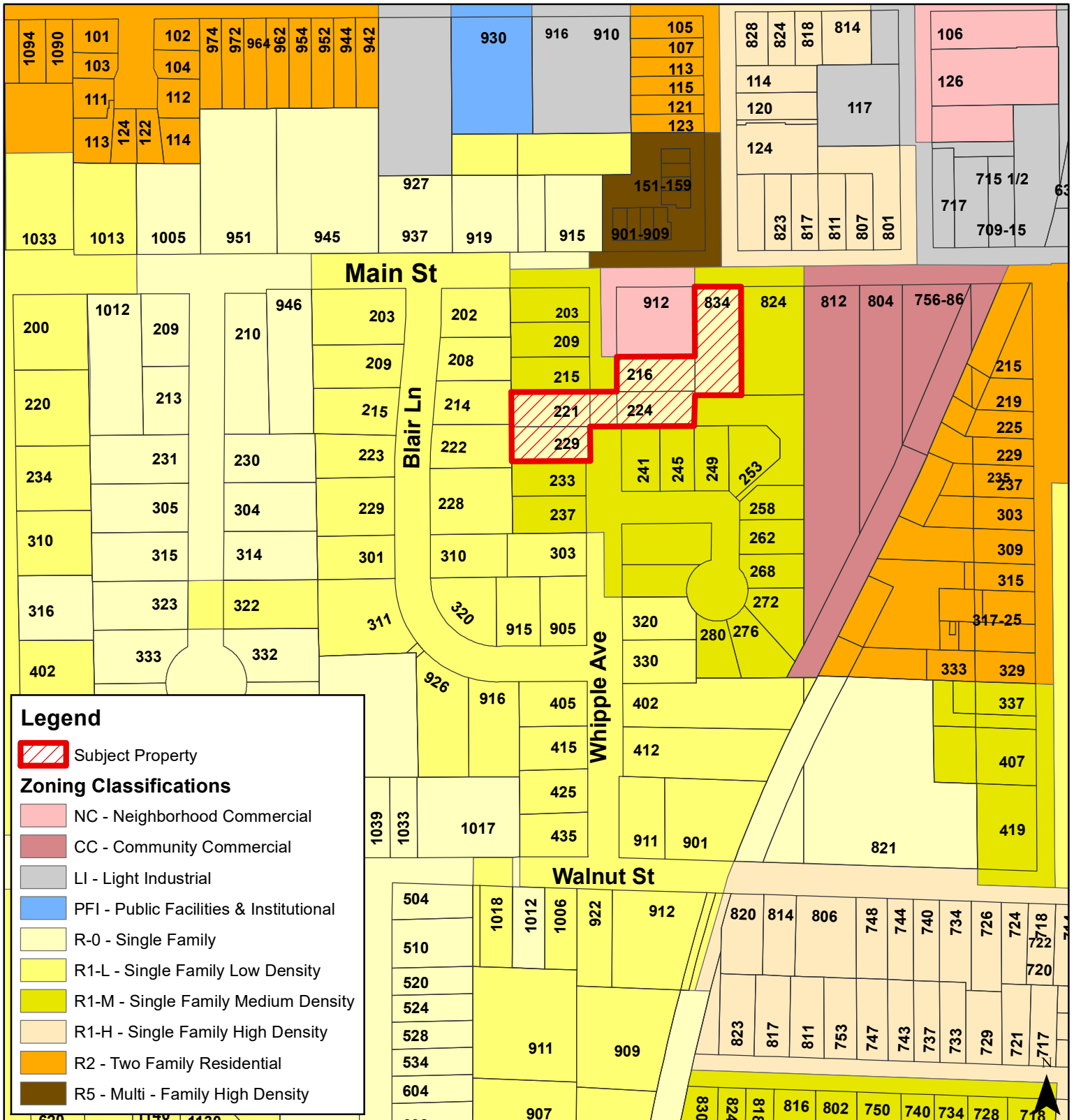
Ward	Alderman	Aye	Nay	Abstain	Absent
1	Baerren				
1	Solfa				
2	Leman				
2	Wolff				
3	Ajazi				
3	Chanzit				
4	Malay				
4	Connelly				
5	Uher				
5	Beck				
6	Cerone				
6	Lanci				
7	Vogelsinger				
7	Miller				
Mayor	Schielke				
		<b>AYES</b>	<b>NAYS</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
	<b>TOTALS</b>				

*total holding office: Mayor and 14 Aldermen*


ATTEST:

\_\_\_\_\_  
Kate Garrett, City Clerk











# Properties Proposed for Rezoning

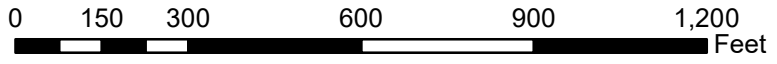


**Legend**

-  Subject Property

**Zoning Classifications**

-  NC - Neighborhood Commercial
-  CC - Community Commercial
-  LI - Light Industrial
-  PFI - Public Facilities & Institutional
-  R-0 - Single Family
-  R1-L - Single Family Low Density
-  R1-M - Single Family Medium Density
-  R1-H - Single Family High Density
-  R2 - Two Family Residential
-  R5 - Multi - Family High Density



**CITY OF BATAVIA**  
 Source: BCED, BatGIS, KaneGIS  
 Date: 3/23/2023

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