

Berkhout, Keith

To: Nyland, Colleen
Subject: RE: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

From: Nyland, Colleen <NylandColleen@KaneCountyIL.gov>
Sent: Thursday, February 13, 2025 8:56 AM
To: Berkhout, Keith <BerkhoutKeith@KaneCountyIL.gov>
Cc: Zine, Natalie <ZineNatalie@KaneCountyIL.gov>
Subject: Re: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

Thanks Keith,
This issue would also come up in food service establishment plan review.

Sent from my iPhone

On Feb 13, 2025, at 8:46 AM, Berkhout, Keith <BerkhoutKeith@kanecountyil.gov> wrote:

From: Buening, Scott <sbuening@bataviail.gov>
Sent: Wednesday, February 12, 2025 12:34 PM
To: Berkhout, Keith <BerkhoutKeith@KaneCountyIL.gov>; VanKerkhoff, Mark <vankerkhoffmark@KaneCountyIL.gov>
Cc: Rackow, Drew <drackow@bataviail.gov>; Ewoldt, Zach <zewoldt@bataviail.gov>; DeGroot, David <ddegroot@geneva.il.us>
Subject: EX: RE: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

Hi Keith-

Thank you for sending that over for our review. Officially, the City of Batavia will have no position in this since the property is surrounded by the City of Geneva and is on Geneva's side of our boundary line agreement.

That said, I would note two things of concern and why I am copying Geneva in this response as they can elect to respond directly. First, the unit while small it appears that it would not meet the Illinois Plumbing Code as the occupancy of the unit is over ten (10) persons. There are six (6) gaming positions, and two (2)-four (4) person tables within the proposed facility. That plus one (1) bartender/employee would mean an occupancy of at least 15 persons, not including those at the standee bar. Since this number exceeds ten (10) persons, two (2) separate restrooms would need to be provided in this unit. One (1) restroom unit as proposed would not be sufficient to meet code.

Secondly, as I have expressed before, certain zoning map amendments done by the County have raised concerns about “spot” zoning. We expressed this previously with a map amendment that was done near Batavia’s borders, but we elected not to formally object to that at that time. This circumstance, however, is clearly a “spot” zoning situation in that it is a map amendment for a single tenant space in a unified building to a B-4 District. The rest of the zoning lot and the unincorporated lots that surround it are all are and will remain zoned B-3. This in my opinion is a textbook case of a spot zoning map amendment that is for a single use and not for a unified zoning district. In fact, the application indicates that they are aware that this is a “donut whole” [sic] of zoning, so they know that this would be a grant of special privilege if approved. I would hope that the County and/or Geneva would recognize this issue and would take an appropriate position regarding the request.

If you have any questions about this, please feel free to contact me. Thank you.

<image003.png>

Scott Buening

Community and Economic Development Director | City of Batavia

P: 630.454.2710 F: 630.454.2775

W: bataviail.gov E: sbuening@bataviail.gov

100 N Island Ave, Batavia, Illinois 60510

Please update your records as my email address is now sbuening@bataviail.gov

From: Berkhout, Keith <BerkhoutKeith@KaneCountyIL.gov>

Sent: Monday, February 10, 2025 4:17 PM

To: Buening, Scott <sbuening@bataviail.gov>

Subject: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

Caution: This message originated outside of the City of Batavia -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

Keith T. Berkhout

Zoning Planner

Kane County Department of Development and Community Services

719 S. Batavia Avenue

Geneva, Illinois 60134

630-232-3495

berkhoutkeith@co.kane.il.us

<image004.png>

Berkhout, Keith

To: Nyland, Colleen
Subject: RE: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

From: Nyland, Colleen <NylandColleen@KaneCountyIL.gov>
Sent: Tuesday, February 11, 2025 10:37 AM
To: Berkhout, Keith <BerkhoutKeith@KaneCountyIL.gov>
Subject: RE: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

Kane County Health Department will require a foodservice plan review to be reviewed and approved prior to commencing construction/buildout of the site. This includes completing a health plan review packet, providing architectural drawings and specifications for all equipment and a plan review fee. This property is on a shared septic system. The business activities may be limited to ensure the septic system capacity is not exceeded.

From: Berkhout, Keith <BerkhoutKeith@KaneCountyIL.gov>
Sent: Monday, February 10, 2025 3:57 PM
To: Nyland, Colleen <NylandColleen@KaneCountyIL.gov>
Subject: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

Keith T. Berkhout
Zoning Planner

Kane County Department of Development and Community Services
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