CITY OF BATAVIA
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PLAN COMMISSION
AGENDA

Wednesday, January 25, 2017
7:30 PM
City Council Chambers - First Floor

1. Call To Order

2. Roll Call

3. Items Removed/Added/Changed

4. Approval Of Minutes
   January 4, 2017 Plan Commission

   Documents:

   DRAFT PC MINUTES 1-4-17.PDF

5. One Washington Place Development
   111-133 East Wilson Street and 20 North River Street, 1 N. Washington, L.L.C., applicant
   • Amendments to the Zoning Map for the Downtown Building Height Overlay District and Planned Development
   • Continued Design Review

   Documents:

   PC ONE WASH PL 1-25-17 ATTACH.PDF

6. Other Business

7. Adjournment

Plan Commission
Tom Gosselin
Sara Harms
Joan Joseph
Tom LaLonde, Chair
Sue Peterson
Gene Schneider, Vice-Chair

MINUTES
January 4, 2017
Plan Commission
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Meeting Called to Order for the Plan Commission
Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: **Chair LaLonde; Vice-Chair Schneider; Commissioners Gosselin, Harms, Joseph, and Peterson**

Members Absent: **None**

Also Present: **Laura Newman, City Administrator; Scott Buening, Director of Community Development; Chris Aiston, Economic Development Consultant; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; and Kathy Montanari, Recording Secretary**

3. Items to be Removed, Added or Changed
There were no items to be removed, added, or changed.

4. One Washington Place, 111-133 East Wilson Street and 20 North River Street, 1 N. Washington, LLC, applicant
- **Continuation of Public Hearing: Amendments to the Zoning Map for the Downtown Building Height Overlay District and Planned Development Overlay District**
- **Design Review**

Chair LaLonde explained that the public hearing would be reopened at this meeting, so updates could be given by staff and the applicant. Additional public testimony will be received before the public hearing was closed.

Motion: To open the public hearing
Maker: Harms
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried.

The public hearing was reopened at 7:01pm.

Rackow reviewed the staff review memorandum of December 30, 2016, from Joel Strassman, Planning and Zoning Officer. Rackow noted the revisions that had been made to the plans, as

outlined in the memorandum. The Historic Preservation Commission (HPC) unanimously approved the Certificate of Appropriateness, which relates to design of a building. Staff believes there has not been a significant change with respect to previously provided studies.

David Patzelt, 77 N. First St., Geneva Shodeen Group, presented changes that had been made to the plan after the public hearing. Most of these changes related to elevations, and Patzelt showed before/after slides of the changes made to each façade of the building. The HPC requested that the church bell tower be made a focal point. Double gable features were added to the façade to serve as "bookends" at key corners. The "church steeple" is the tallest point. Other changes related to corner material and color changes. No square footage was added, although the volume changed slightly with the additional gable features. Peterson asked about the two roof edges, and Patzelt explained that the peak of the gable is higher than the main roof line, but the church steeple remains the highest point. Joseph asked for the height of the bell tower, and Patzelt estimated it at about 75'. LaLonde commented that the gable facing Wilson St. is now higher. Joseph asked why the height variance for 81' was needed, and Patzelt said it related to the height variation of the site. Joseph asked if the River/State portion of the building was the tallest, and Patzelt said yes. Buening informed commissioners how the legal building height of 82' was calculated. Patzelt explained that other changes related primarily to outdoor amenities such as the pool, pavilion, and kitchen area, which were all given more definition. Peterson asked about the changes in window sizes, and Patzelt said that it was a staff request. Harms asked for the location of the pool terrace, and Patzelt said it was about 120' back on the River Street side over the roof of a storefront. It is approximately 60' wide and 130' back. There is a hand rail on the pool deck. Some of the grade level material in this area was changed from brick to siding in order to "warm up" the façade. LaLonde commented that masonry would be a more durable material for the grade level elevation.

Chair LaLonde swore in those who wanted to address the Plan Commission (PC).

Kathy Longmeier, 751 Thorsen Lane, stated that she is a 22-year resident with previous involvement in discussions regarding wetlands and the new Walgreens. Longmeier felt this proposal "snuck up" on residents, who have many questions and want to give their input. Her concerns included impact/burden on schools and traffic/parking during the evening hours.

David Peebles, 525 North Avenue, asked if IDOT had been consulted. He believed that the project would generate a significant amount of traffic and create a need for additional police attention. Buening responded that a professional traffic study had been conducted, and the study showed this project would not have a significant impact on existing roads. There would be some impact on the roadways in 2024 from background development. A drop-off area on Route 25 will require a permit from IDOT; it will also be used as a fire lane. The permit application would come later in the process. Overall, traffic is not anticipated to be a major issue as it would not degrade the current level of service on roads. Peterson commented that the traffic study presented at the public hearing was difficult to absorb, and she felt there would indeed be a traffic impact created by vehicles of residents, guests, and current citizens. Patzelt stated that the traffic study commissioned by the City of Batavia gave ratings of A–F for various locations/times of the day; it showed that the existing conditions would not degrade as a result of the project. Harms said, as a resident of the southeast side of town, she has seen that it can take a

long time to get through town. Newman indicated that the study recommended a review of timing for traffic lights and suggested that they could perhaps be adjusted. Buening noted that some of the traffic using the Donovan Bridge is "background traffic" over which the City has no control. Any development growth that generates children will have an effect on bridge traffic. Joseph referred to a statement in the study concerning traffic backups. Buening noted that vehicles exiting the development would be going in different directions at all times of the day. Harms felt this would also affect backups at the intersection of Prairie/Wilson, and Buening responded that the intersection warrants a traffic signal but the cost is significant due to its proximity to the railroad crossings on both streets. Aiston added that a previous traffic study showed 12,500 cars crossing the Donovan Bridge daily and the effect of this development would be negligible on current traffic.

Michael Marconi, 16 East Wilson Street, stated that he is a real estate broker. He asked if there was a contingency plan, since a softening in the real estate market has been predicted. Patzelt replied that opinions are mixed on the rental market. However, there is a shortfall of apartment units in the area; the glut may occur in more urban areas. Marconi felt that the target market would be in competition with the Chicago market with respect to income levels. Patzelt responded the target market is younger single or childless couples, empty nesters, or elderly people. Newman stated that the annual income for hypothetical households in the economic study was: Household A - $74,000; Household B - $82,000, and Household C - $133,000. Patzelt said his company had already received many inquiries from interested Batavians. Marconi asked about future development on the west side of the river. Harms asked if there were any height limitations for development near the river, and Buening replied that the applicants are requesting a height deviation from height limitations in this district. LaLonde said there are no special height requirements for adjacency to the river.

Kevin Callaghan, 801 Manchester Avenue, stated that taxpayers were tired of more taxes for different studies about development, a second bridge, etc. This project might be better suited closer to the river on the Larsen Becker property, for instance. He felt it would make truck turning movements more difficult. If this creates traffic problems, he feared it would create a demand for second bridge.

Joanne Gustafson, 1235 Nary Court, stated that she is a 20-year resident. There has been talk about the building facades, but what about the impact? One hears about the vision and quaintness of Batavia, but is six stories too tall? In other towns where there are similar-sized buildings, they are not located at a corner. She submitted photos of other developments in Wheaton. This development has been compared with one in Wheaton, but that project was set aside from the downtown. Her major concerns were: Is this too big for the space? Does it take away from the vision for Batavia? Is there enough parking? What will the impact of parking be on existing businesses? Gustafson believes that two cars/unit would be generated. She asked commissioners to carefully consider parking and traffic impacts. If areas of the study were already at the "D" and "F" levels, how will that affect business going forward? Does this set a precedent for downtown development? If this project is in line with the vision for the City of Batavia, she wants to see how it relates. The decision should not just be based on these studies and short-term impacts.

Barrett Fritz, 510 Young Avenue, stated that he is opposed to the project because the scale makes it visually intrusive. He also has concerns about traffic and parking.

Laura O'Brien and Casey O'Brien, 504 Young Avenue, stated that they are also owners of the building at 12 N. River St. Overall, she is in support of developing the area but has several concerns as they relate to her property next door to the project. How will the new parking garage solve access issues? The current handicapped access to the beer garden at the rear of the building at 12 North River Street is from the deck; there is a back entrance to third-floor apartments. How will garbage/delivery access for businesses be handled during the project? The plan does not show access for food/beverage deliveries to restaurants. There is a storage garage for the restaurant at the back (east) end of 12 N. River St. Access to the garage, beer garden, and apartments is from the upper deck, which will be torn down. There is also emergency access for fire apparatus behind the building. LaLonde asked if there is a public right-of-way behind the building that is being used. Buening said there is an easement for property south of this one for access, but it ends before their property so there is no legal access back there. LaLonde noted that right now, the property owners are using the public garage as a way to get access to the rear of their building. Newman stated that the plans will include a community garbage area for River St. businesses, accessible from the outside of the garage; people moving into apartments can do so from a vehicle (not a moving truck). Patzelt indicated that the fire code does not require access on the back side of the building; it would be from River Street. Patzelt said the refuse area currently behind the buildings will be incorporated within the new building, and the adjoining businesses would be allowed to use the access to store the garbage. The path between the two buildings is intended to be a public walkway into the garage and for access to allow for garbage removal. The space will be cleaned up from what currently exists. Patzelt did not agree that the beer garden that O'Brien referred to was technically "handicapped accessible" nor was it posted as such. Casey O'Brien said the gate is 8' wide. LaLonde said perhaps some access from the deck could be given but not for semi deliveries; it is an issue to be resolved. Newman noted that the City Fire Marshall has reviewed all documents as part of the staff review to ensure all requirements are met. Buening noted that there is discussion of reserving an area coming off the River St. side to use for garbage storage/disposal during construction. O'Brien commented that a lot of unrelated trash gets tossed on his property, and Buening said the trash area for nearby businesses/residents would be secured. Laura O'Brien asked about deliveries to her property; Newman said perhaps something could be worked out between businesses so O'Brien's could use the alley between Katrina's and El Taco Grande to access their rear storage area. Laura O'Brien asked about insurance to cover any potential damage during construction; vibrations from construction on the River Street project caused a crack in her building. Newman replied that all contractors who work on the project will have a certificate of insurance and if there are any damages, a claim could be filed. Patzelt explained that Shodeen recently used a vibration monitoring company for previous projects to address vibration claims and determine whether claims were valid. Laura O'Brien asked what would happen if there are damages from vibrations, and Patzelt said none of his previous projects have failed for this reason. LaLonde said if damages occur, there would be proof to support the claim. Casey O'Brien asked for further information regarding monitoring. LaLonde explained that this monitoring is typically done by an independent testing company. Casey O'Brien noted that they had experienced damage during the previous River Street construction project. Laura O'Brien noted that the existing parking garage extends over her property line, and Casey

O'Brien said the City had a "license" with the previous owner. LaLonde responded that the existing garage would be demolished, and the plan shows the proposed building would be 4' off their property line so there would be no further encroachment. Laura O'Brien said one of the walls of the garage serves as a wall to their outdoor area. Patzelt said the wall on that side would be finished with material that is similar to what is nearby. Laura O'Brien said it was "their" wall. Buening said the wall of the new building would replace the parking garage wall but farther north. LaLonde said the O'Briens would have to work with the City on that issue. Newman said she would visit the site to walk that area. Laura O'Brien asked what would happen to the nice tree behind her garage. LaLonde said if the tree is on her property, it could stay. Buening asked if a surveyor could spot the tree to ensure that it is on the O'Briens' property. Laura O'Brien asked if business owners could meet with City representatives to discuss a plan for business relief that could be available to them. LaLonde said this would be an issue for the City Council to decide upon after this application passes the Plan Commission's review stage. Buening requested that Laura O'Brien send him a detailed list of the concerns she expressed at this evening's meeting. Turning to visual impact, Laura O'Brien said the building is too tall and balconies should not be allowed above the beer garden. She stated that River's Edge is a tenant in her building; it is a music venue with a growing food/beverage business. Laura O'Brien requested that residents of the proposed project be made aware that a music venue is next door. Newman said it is not something already done for the 28 rental residences now located adjacent to the venue. Laura O'Brien stated that she has a 20-year (5-year renewable) lease with Melissa Monno. Patzelt said that there is City ordinance for noise/lighting, and residents of the proposed development would certainly be aware that they, too, need to comply with those regulations. Laura O'Brien concluded by saying that she concurs with parking and traffic comments already given by others.

Lance Zahner, 480 Violet Lane, stated that he is a realtor and meter reader. He feels the proposal is too large for this location, and it would be better suited for property near a train station. Zahner asked if this building could eventually become Section 8 housing. He requested that the proposal be scaled back and stated a similar project was rejected in Geneva. Patzelt responded that, in fact, this project was never proposed nor rejected in Geneva. LaLonde said it was a different developer proposing a project there. Patzelt said he assumed Zahner was talking about the site commonly known as Cetron, which was a different developer, size, architectural style, and architect.

Dean Scott, 520 Carlson Court, stated that he is a 24-year resident. His late father was a business owner on West Wilson Street and used to remark that Batavia was special because it didn't have any tall buildings. Scott said he would sell his house if this project goes through.

Chris Graham, 524 Carlson Court, stated that she is a 31-year resident. She has voted in support of many projects over the years but opposes this one due to the traffic impact. Residents would need to drive everywhere because it is not near a train station. Graham referred to the traffic study and asked why the City hadn't already adjusted timing on traffic lights. What would the impact be on schools? There are no designated spaces for residents, which will cause too much spillover into surrounding neighborhoods. She felt there would be too much liability during the 3½-year construction period and it would cause a great inconvenience to east-side residents. There are too many zoning variances being requested, and those standards are in place for a

reason. What will be done to protect downtown businesses? Graham believes the density is too high for this property, and the City could be stuck with an eyesore in the future.

Mike Spillane, 253 Trudy Court, stated that he is a 40-year resident of Batavia and has no relationship with the Shodeen Group. He feels they are making a significant investment in the community and asked that everyone help the applicant make changes that will allow this project to thrive in the community. Geneva has a nice restaurants and stores in their downtown, and we have a chance to do the same thing. He believes this project is needed in Batavia.

Gen Kroner, 123 South Van Nortwick Avenue, asked why this project needs variances to be built. Buening explained that the zoning ordinance divides the City into various districts, each with its own characteristics and limitations. The downtown mixed use district has maximum height limits. Kroner felt those requirements were in place to make things flow better. Buening noted that the zoning ordinance allows for deviations to those requirements through variances and amendments that may be requested by property owners. Kroner asked if members of the City Council and Plan Commission had physically stood on the site to visualize the project. LaLonde said he could not speak for the City Council, but he personally explored the site and has some graphics to present later that give a sense of the magnitude in a 3D-eye level view. Kroner does not think this project fits in with the rest of the downtown because it is just too big. She asked about a previous comment that there is a shortage of rental properties. Newman stated that the CMAP study will be available on the City's website within the documents linked to the icon on the City's homepage. It identifies a need for more of this type of residential property in Batavia and the Fox Valley area. Kroner asked if it is fair to buy property, create TIFs, and make plans without asking residents. Newman responded that citizens elect public officials, who are presented with information to make the best decisions possible for the future of Batavia. If citizens who elected those officials believe they are not making decisions in the best interests of Batavia, they can decide not to vote for those individuals.

Michael Vincent read a letter dated January 4, 2017 from Bud Schultz of 151 S. Van Nortwick Avenue, into the record. The letter is attached to these minutes as Exhibit A.

Michael Vincent, 123 South Van Nortwick Avenue, read a letter into the record of his personal comments in opposition to the project. The letter, dated January 4, 2017, is attached to these minutes as Exhibit B.

Ryan Wagner, 321 Spring Street, asked if there is a contingency for unforeseen conditions such as bedrock removal, and Patzelt said yes. Wagner felt that there could potentially be large amounts of bedrock to remove. He asked if it would be chipped or would it need to be blasted and, if so, what would be done about the effects of vibrations. Patzelt responded that two different soil boring studies had been conducted, along with two physical excavations of bedrock. These conditions were shared with the project designer, who incorporated that information into the project design. Shodeen's previous work in river communities where there has been bedrock was addressed satisfactorily, and there are no plans here for blasting to remove bedrock. Wagner asked if the City would be responsible for parking structure maintenance, and Newman said yes. Buening added that snow removal would be minimal in the garage; the City would budget for any normal maintenance costs for the garage. Wagner asked who would be

responsible for required maintenance of the fire pumping system. Patzelt said the garage and building would have sprinkler systems. If a fire pumping system is required in the residential portion, it will be inspected by a specialist in that field and the cost of installation and monitoring will be borne by the owner. Wagner asked about security, and Buening said this was still to be determined for the garage which the City will own. Wagner questioned ventilation system for the garage and whether it would be noisy. Patzelt said this had been considered and would be handled, as needed. If the first level of the garage does not have garage doors, there will be discussions as to whether or not glass is required in the garage windows. If there is no glass, the first level may not need to be ventilated; the second level has internally located fans with a minimal noise level. Wagner asked where construction parking and trailers would be located, and Patzelt said there is an understanding with the City that potentially a portion of State Street may be closed between Washington and River Street for staging, deliveries, and access to the building (between Washington and three-fourths of the way to River); there will also be construction activity on Wilson and Washington when those walls are under construction. Buening said that the construction issues would not be worked through until it is determined whether the project moves forward or not. Wagner then asked whether the garage would have speed bumps and mirrors, and Buening said this was also a construction issue that would be addressed later. Regarding a question about trash disposal, Patzelt said each residential level would contain a trash chute to the garage, and then it would be wheeled out to a truck.

John Fisher, 1653 Naperville Lane, stated that he could possibly support the project in the future but not as it stands with the present scale and context. Fisher felt the dominance of the project would take over the City. He likes the additional definition of the buildings that has been done. Fisher agrees that the City needs a project like this, but if it were dropped down a few stories it could be a better fit. Height is a concern, and he urged the commission to consider the long-term effects of this decision. Patzelt stated that the Historic Preservation Commission provides an added level of review for this project because it is within the historic district. The HPC is responsible for reviewing architecture and how a project fits in with the historic district. The church steeple element sets the style for this project, and the architect has incorporated similar materials used in neighboring buildings. The roof gables were added to draw the eye to the main focal point, which is the steeple. The HPC unanimously approved the architectural elevations and felt extra effort was made to create a nice building in the historic district. Regarding height concerns, Patzelt responded that a certain number of residential units are needed for each layer of parking. The project would not work if a level of residential units is removed. The City's TIF consultant reviewed the feasibility proposal and felt the profit margin was small; removing units would reduce revenue needed for parking.

Joe Krafka, 1644 Derby Drive, stated that this project is too large for Batavia and should be scaled down. He is not opposed to developing the property but the traffic impact is also too great. In response to comments about financial aspects of the project, Aiston explained that City would own all the land, demolish the buildings, and perform any needed environmental cleanup; then the developer would purchase the property for $10. The developer would build the $43 million project, including a public parking deck with 350 spaces. The $12 million parking garage would be sold back to the City of Batavia for $10 at the conclusion of the project. This project is unique in that development would be created on public property; typically parking is created by removing property from tax generation. This maximizes the economic benefit of the

property by building above it. The sole source of the money used to pay for the parking deck would be from revenue generated from the development itself. The property owner ultimately pays for the project through the incremental value difference over time; when the project is completed then the new taxes will be fully distributed to the other districts. Newman explained that that the TIF increment would be used to pay for the $14 million bond issuance. If there are not enough funds in the incremental tax value created by the project, then the redevelopment agreement has a Special Service Area (SSA) tax included, and the developer will need to make up the difference through the SSA. Patzelt said the sole contributor to the SSA would be the developer. Newman added that the SSA also covers the amount the school district requires for any children living in the development. Patzelt then stated for the record that a statement was made by a member of the public that a resident who spoke in favor of the project was Patzelt's "buddy," Patzelt had no previous acquaintance with either resident.

Ron D. Garrison, 526 Carlson Court, stated that he is not against development in Batavia nor afraid of change. This is a nicely designed building but it is in the wrong place; it looks like one big wall. He also wanted to ensure that adequate time would be given to hear all comments from the public. Garrison thought it sounded as if the decision to proceed had already been made. LaLonde said that was incorrect. Schneider said a public hearing was being held to listen to public input, not to put down commissioners or staff. The plan will be discussed after all public input has been received. LaLonde added that if additional audience members wanted to speak, they would be allowed to do so. LaLonde said deliberations would occur at the next meeting; it's an important topic and everyone will be heard. Garrison asked why would a building be designed that would be difficult for fire personnel to access. Patzelt responded that the project would meet all fire codes and no deviations have been requested; the parking garage and residential building will be fully sprinkled. In Patzelt's professional opinion, fire code does not require access to the back of the River's Edge building; the fire code will not be revised to allow this project to be built.

PODIUM MIC PLUGGED IN AT THIS POINT

Austin Dempsey, 140 First Street, stated that there is a strong market for downtown apartments in the Fox Valley area. A 2014 market study focusing on Kane County showed occupancy rates for apartments have increased to 95% and rental rates are up about 5.7%. Occupancy for units he manages is 100%. He believes walkability is important to many people. In addition, the $43 million cost for the project is a significant investment in the community. Any development is a great risk, and there is a certain density/size that needs to be realized for the economics to work. Dempsey is in favor of additional residential development downtown, and the property will be developed whether it's this project or something else. He also appreciates how the bell tower and stone features were incorporated into the design. Dempsey thanked the Plan Commissioners for their review of the project.

Steve Heinze, 119 Washington Avenue, stated that he is a new resident to Batavia. His concerns related to scale. Heinze likes living close to the downtown but feels this is the wrong plan for this property. Something smaller would be preferable.

Melissa Monno, 12 North River Street, stated that she is the owner of River's Edge Bar & Grill and also resides in an upper apartment in the building. She made reference to a statement in the parking study that said it was "not validated." Is this typical? Aiston responded that the consultant visited the site and prepared an assessment of existing land use and parking demand per square foot. Aiston explained the methodology of the parking study and when this data was put into a model, it showed deficiency based on current demand. The new project would reduce the deficiency by 31 spaces. Different uses have different demands at various times of the day, so one space can be used several times throughout the day. Aiston said that there would be up to 200 overnight parking permits for the parking garage. These permits would be available on a first come/first serve basis to residents of the downtown district who did not already have parking space available to them. There would be approximately 347-348 spaces in the parking garage. Monno was concerned about access to the "woonerf." Patzelt stated that handicapped spaces would be located close to the elevator in the deck. Monno asked why the public hearing signage on the property was not updated, and Buening replied that all required notices were given including signage, legal notices published in the newspaper, and letters to property owners within (500'?) of the property. Monno asked that communication lines be kept open, and Newman noted that the City was in the process of hiring a Communications Coordinator to improve in that area.

Charles Corey, 1311 Towne Avenue, asked for the estimated rent and if this would include utilities. Patzelt said rent for the one- and two-bedroom units would range from $1,400-$1,600 not including utilities.

LaLonde explained to members of the public that once the Public Hearing was closed, the Plan Commission would deliberate on all the information it has received. This may include requesting additional information from the applicant. LaLonde also has prepared some graphics that he will show at that time to give a sense of the scale from street level.

Dan Kendall, 190 Sauk Drive, stated that he is a proponent of density and walkability in mixed use, though the scale is unusual. He would like to see the graphics relating to scale of the building. Kendall felt a scale model would be beneficial. LaLonde said he would be interested in seeing an animated model.

Chair LaLonde asked if there were any other people in the audience who wished to address the commission and there were none.

Motion: To close the public hearing
Maker: Schneider
Second: Gosselin
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried.

The Public Hearing was closed at 10:15 pm.

Commissioners discussed scheduling for the next meeting and decided that this project should be the only item on the agenda in order to allow for sufficient time to deliberate. Peterson asked

that staff provide height comparisons of this project to similar ones in other communities. Aiston asked if there were any questions for the traffic, parking, or economic development consultants. LaLonde said he had requested 3D imagery at the previous meeting but was told it is not being provided; however, he feels it's necessary to determine the impact of this proposal on the site. Patzelt said 3D drawings were done at the conceptual level. "Snapshot" drawings could be provided very quickly, but others would take longer. LaLonde requested four primary views: North River looking south; South Route 25 looking north at the project; east on Wilson looking back towards church corner; and Washington looking south. Harms and Peterson also requested a view from Route 31 and Wilson. LaLonde wants to see a representation of the mass without a lot of detail to see what the building will block.

Chair LaLonde thanked those who spoke at tonight's meeting and encouraged everyone to attend the next meeting, which was scheduled for Wednesday, January 25, 2017, at 7 p.m. This proposal will not be discussed at the January 18 meeting. [Note that the meeting will actually be at 7:30 PM due to a prior scheduled meeting conflict]

5. Other Business

There was no other business to discuss.

6. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission meeting. Harms moved to adjourn the meeting, Schneider seconded. Voice vote: All in favor. The meeting was adjourned at 10:21 pm.

Minutes respectfully submitted by Kathy Montanari

CITY OF BATAVIA

DATE: January 20, 2017

TO: Plan Commission

FROM: Joel Strassman, Planning and Zoning Officer

SUBJECT: One Washington Place Development
111-133 East Wilson Street and 20 North River Street, 1 N. Washington, L.L.C., applicant

- **Amendments to the Zoning Map for the Downtown Building Height Overlay District and Planned Development**
- **Continued Design Review**

Background

On December 7, 2016, the Plan Commission opened, took testimony and continued the public hearing for amendments to the Zoning Map-Planned Development Overlay, and opened and continued Design Review for consideration of the proposed One Washington Place development. The hearing and Design Review were continued to, and resumed on January 4, 2017. After confirming that all speakers wishing to be heard at the public hearing had spoken, the Commission closed the hearing on January 4. The Commission set January 25, 2017 as the date to conduct its discussion of information gathered at the public hearing and potentially make its recommendation on the amendments to the Zoning Map-Planned Development Overlay. Additionally, the Design Review was continued to the same meeting. All information previously provided for this project, including the December 2 and 30 staff reports to the Plan Commission, is available at the One Washington Place page on the City's website.

Draft minutes for the January 4 meeting are attached. The Commission requested renderings showing views of the building from North River Street looking south, South River looking north, East Wilson Street looking west towards Church corner, Washington Avenue looking south, and from the Batavia Avenue/Wilson corner are attached. Applicant Dave Patzelt has submitted renderings in response to this request and has submitted additional 3-dimensional renderings depicting the proposed building as seen from various vantage points around downtown; these are attached. Also attached are the 3-dimensional renderings previously shown to the Commission of an earlier iteration of the proposed building and those renderings revised to show the current proposal. Site/landscape plans and building elevations/floor plans have not changed since the January 4 hearing concluded.

In addition to opinions regarding site and building design, traffic and parking impacts, and financial concerns raised and discussed at the public hearing, some speakers questioned how access from the City property between 109 and 113 East Wilson would function for adjacent business' continued access. Speakers also asked how access from the existing City parking garage to the business at 12 North River Street would be accommodated in the proposed plan. Staff notes that adjacent business' use of the "alley" between 109 and 113 East Wilson is an on-going discussion between staff and those property owners, ultimately to be resolved by the City Council. The property at 12 North River Street does not have access to this "alley" and has no legal access to the City property where the City parking garage is located. Staff is reviewing these concerns to determine if they can be partially addressed in the final design.

Staff Analysis and Recommendations

Staff continues to support the proposed project as explained the previous staff memoranda to the Plan Commission. Impact/benefit studies prepared conclude a positive economic impact to the City, reduction of the existing deficiency in available parking downtown, and negligible affects to downtown traffic associated with the proposed project. Staff also agrees with the Historic Preservation Commission's (HPC) opinions in their approval of the Certificate of Appropriateness for the project on site aesthetics and the building's fit in downtown.

The Commission should thoroughly discuss the information obtained at the public hearing and weigh the positives and negatives of this project. The Commission may ask staff or the applicant for clarification on that information, but because the hearing closed, no testimony from staff, the applicant, or others in attendance may be considered.

After the Commission concludes its discussion, staff recommends the Commission take the following actions:

1. Take action on findings for the Amendments to the Zoning Map. A draft of these findings for the Commission's consideration was provided in the December 30 staff report to the Commission.
2. Recommend City Council approval of an Amendment to the Zoning Map to remove the DBH Overly for the subject properties, consistent with positive findings.
3. Recommend City Council approval of an Amendment to the Zoning Map to add a Planned Development Overlay to the subject properties, in general conformance with the plans submitted, with the following modifications to the Zoning Code and conditions:
    a. Modification to Zoning Code Sections 2.405.A and B to allow vision glass coverage and wall penetrations (entries) below required
    b. Modification to Zoning Code Table 4.204 to allow fewer than the required number of parking spaces
    c. Modification to Zoning Code Section 4.205.D to allow parking space and parking space and aisle geometry less than required
    d. Other minor Zoning Code modifications necessary to implement the project
    e. City Council approval of all demolition COAs for existing buildings/structures on the subject properties
    f. Final staff approval of building elevation and landscape plans

Regarding the **Design Review**, staff recommends the Commission continue its consideration of the design review to March 15, 2017. The continuation will allow time for City Council action, and if the project is approved with design changes, this will allow time for plans to be revised accordingly for later Plan Commission action. If the City Council does not approve the project, the Design Review does not need to be resumed.

As an alternative to continuing the Design Review, the Commission may take final action. If the Commission wishes to take final action, staff recommends:

1. Take action on the required findings for approval of Design Review. A draft of these findings for the Commission's consideration was provided in the December 30 staff report to the Commission.
2. Approve the Design Review, consistent with positive findings, in general conformance to the plans submitted, subject to:
    a. City Council approval of the Amendments to the Zoning Map-Planned Development Overlay
    b. Final staff approval of plans that may include changes to the Planned Development Overlay per City Council approval
    c. Other minor changes necessary to implement the project

Attachments

1. Draft excerpt of Minutes of the January 4, 2017 Plan Commission meeting
2. Renderings of views of the proposed building from various points
3. 3 dimensional building renderings

c Mayor and City Council
Department Heads
Chris Aiston, C. C. Aiston, Consulting
Dave Patzelt, applicant
Media

MINUTES
January 4, 2017
Plan Commission
City of Batavia

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

1. Meeting Called to Order for the Plan Commission
Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: **Chair LaLonde; Vice-Chair Schneider; Commissioners Gosselin, Harms, Joseph, and Peterson**

Members Absent: **None**

Also Present: **Laura Newman, City Administrator; Scott Buening, Director of Community Development; Chris Aiston, Economic Development Consultant; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; and Kathy Montanari, Recording Secretary**

3. Items to be Removed, Added or Changed
There were no items to be removed, added, or changed.

4. One Washington Place, 111-133 East Wilson Street and 20 North River Street, 1 N. Washington, LLC, applicant
- **Continuation of Public Hearing: Amendments to the Zoning Map for the Downtown Building Height Overlay District and Planned Development Overlay District**
- **Design Review**

Chair LaLonde explained that the public hearing would be reopened at this meeting, so updates could be given by staff and the applicant. Additional public testimony will be received before the public hearing was closed.

Motion: To open the public hearing
Maker: Harms
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried.

The public hearing was reopened at 7:01pm.

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Rackow reviewed the staff review memorandum of December 30, 2016, from Joel Strassman, Planning and Zoning Officer. Rackow noted the revisions that had been made to the plans, as outlined in the memorandum. The Historic Preservation Commission (HPC) unanimously approved the Certificate of Appropriateness, which relates to design of a building. Staff believes there has not been a significant change with respect to previously provided studies.

David Patzelt, 77 N. First St., Geneva Shodeen Group, presented changes that had been made to the plan after the public hearing. Most of these changes related to elevations, and Patzelt showed before/after slides of the changes made to each façade of the building. The HPC requested that the church bell tower be made a focal point. Double gable features were added to the façade to serve as "bookends" at key corners. The "church steeple" is the tallest point. Other changes related to corner material and color changes. No square footage was added, although the volume changed slightly with the additional gable features. Peterson asked about the two roof edges, and Patzelt explained that the peak of the gable is higher than the main roof line, but the church steeple remains the highest point. Joseph asked for the height of the bell tower, and Patzelt estimated it at about 75'. LaLonde commented that the gable facing Wilson St. is now higher. Joseph asked why the height variance for 81' was needed, and Patzelt said it related to the height variation of the site. Joseph asked if the River/State portion of the building was the tallest, and Patzelt said yes. Buening informed commissioners how the legal building height of 82' was calculated. Patzelt explained that other changes related primarily to outdoor amenities such as the pool, pavilion, and kitchen area, which were all given more definition. Peterson asked about the changes in window sizes, and Patzelt said that it was a staff request. Harms asked for the location of the pool terrace, and Patzelt said it was about 120' back on the River Street side over the roof of a storefront. It is approximately 60' wide and 130' back. There is a hand rail on the pool deck. Some of the grade level material in this area was changed from brick to siding in order to "warm up" the façade. LaLonde commented that masonry would be a more durable material for the grade level elevation.

Chair LaLonde swore in those who wanted to address the Plan Commission (PC).

Kathy Longmeier, 751 Thorsen Lane, stated that she is a 22-year resident with previous involvement in discussions regarding wetlands and the new Walgreens. Longmeier felt this proposal "snuck up" on residents, who have many questions and want to give their input. Her concerns included impact/burden on schools and traffic/parking during the evening hours.

David Peebles, 525 North Avenue, asked if IDOT had been consulted. He believed that the project would generate a significant amount of traffic and create a need for additional police attention. Buening responded that a professional traffic study had been conducted, and the study showed this project would not have a significant impact on existing roads. There would be some impact on the roadways in 2024 from background development. A drop-off area on Route 25 will require a permit from IDOT; it will also be used as a fire lane. The permit application would come later in the process. Overall, traffic is not anticipated to be a major issue as it would not degrade the current level of service on roads. Peterson commented that the traffic study presented at the public hearing was difficult to absorb, and she felt there would indeed be a traffic impact created by vehicles of residents, guests, and current citizens. Patzelt stated that the traffic study commissioned by the City of Batavia gave ratings of A–F for various

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locations/times of the day; it showed that the existing conditions would not degrade as a result of the project. Harms said, as a resident of the southeast side of town, she has seen that it can take a long time to get through town. Newman indicated that the study recommended a review of timing for traffic lights and suggested that they could perhaps be adjusted. Buening noted that some of the traffic using the Donovan Bridge is "background traffic" over which the City has no control. Any development growth that generates children will have an effect on bridge traffic. Joseph referred to a statement in the study concerning traffic backups. Buening noted that vehicles exiting the development would be going in different directions at all times of the day. Harms felt this would also affect backups at the intersection of Prairie/Wilson, and Buening responded that the intersection warrants a traffic signal but the cost is significant due to its proximity to the railroad crossings on both streets. Aiston added that a previous traffic study showed 12,500 cars crossing the Donovan Bridge daily and the effect of this development would be negligible on current traffic.

Michael Marconi, 16 East Wilson Street, stated that he is a real estate broker. He asked if there was a contingency plan, since a softening in the real estate market has been predicted. Patzelt replied that opinions are mixed on the rental market. However, there is a shortfall of apartment units in the area; the glut may occur in more urban areas. Marconi felt that the target market would be in competition with the Chicago market with respect to income levels. Patzelt responded the target market is younger single or childless couples, empty nesters, or elderly people. Newman stated that the annual income for hypothetical households in the economic study was: Household A - $74,000; Household B - $82,000, and Household C - $133,000. Patzelt said his company had already received many inquiries from interested Batavians. Marconi asked about future development on the west side of the river. Harms asked if there were any height limitations for development near the river, and Buening replied that the applicants are requesting a height deviation from height limitations in this district. LaLonde said there are no special height requirements for adjacency to the river.

Kevin Callaghan, 801 Manchester Avenue, stated that taxpayers were tired of more taxes for different studies about development, a second bridge, etc. This project might be better suited closer to the river on the Larsen Becker property, for instance. He felt it would make truck turning movements more difficult. If this creates traffic problems, he feared it would create a demand for second bridge.

Joanne Gustafson, 1235 Nary Court, stated that she is a 20-year resident. There has been talk about the building facades, but what about the impact? One hears about the vision and quaintness of Batavia, but is six stories too tall? In other towns where there are similar-sized buildings, they are not located at a corner. She submitted photos of other developments in Wheaton. This development has been compared with one in Wheaton, but that project was set aside from the downtown. Her major concerns were: Is this too big for the space? Does it take away from the vision for Batavia? Is there enough parking? What will the impact of parking be on existing businesses? Gustafson believes that two cars/unit would be generated. She asked commissioners to carefully consider parking and traffic impacts. If areas of the study were already at the "D" and "F" levels, how will that affect business going forward? Does this set a precedent for downtown development? If this project is in line with the vision for the City of

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Batavia, she wants to see how it relates. The decision should not just be based on these studies and short-term impacts.

Barrett Fritz, 510 Young Avenue, stated that he is opposed to the project because the scale makes it visually intrusive. He also has concerns about traffic and parking.

Laura O'Brien and Casey O'Brien, 504 Young Avenue, stated that they are also owners of the building at 12 N. River St. Overall, she is in support of developing the area but has several concerns as they relate to her property next door to the project. How will the new parking garage solve access issues? The current handicapped access to the beer garden at the rear of the building at 12 North River Street is from the deck; there is a back entrance to third-floor apartments. How will garbage/delivery access for businesses be handled during the project? The plan does not show access for food/beverage deliveries to restaurants. There is a storage garage for the restaurant at the back (east) end of 12 N. River St. Access to the garage, beer garden, and apartments is from the upper deck, which will be torn down. There is also emergency access for fire apparatus behind the building. LaLonde asked if there is a public right-of-way behind the building that is being used. Buening said there is an easement for property south of this one for access, but it ends before their property so there is no legal access back there. LaLonde noted that right now, the property owners are using the public garage as a way to get access to the rear of their building. Newman stated that the plans will include a community garbage area for River St. businesses, accessible from the outside of the garage; people moving into apartments can do so from a vehicle (not a moving truck). Patzelt indicated that the fire code does not require access on the back side of the building; it would be from River Street. Patzelt said the refuse area currently behind the buildings will be incorporated within the new building, and the adjoining businesses would be allowed to use the access to store the garbage. The path between the two buildings is intended to be a public walkway into the garage and for access to allow for garbage removal. The space will be cleaned up from what currently exists. Patzelt did not agree that the beer garden that O'Brien referred to was technically "handicapped accessible" nor was it posted as such. Casey O'Brien said the gate is 8' wide. LaLonde said perhaps some access from the deck could be given but not for semi deliveries; it is an issue to be resolved. Newman noted that the City Fire Marshall has reviewed all documents as part of the staff review to ensure all requirements are met. Buening noted that there is discussion of reserving an area coming off the River St. side to use for garbage storage/disposal during construction. O'Brien commented that a lot of unrelated trash gets tossed on his property, and Buening said the trash area for nearby businesses/residents would be secured. Laura O'Brien asked about deliveries to her property; Newman said perhaps something could be worked out between businesses so O'Brien's could use the alley between Katrina's and El Taco Grande to access their rear storage area. Laura O'Brien asked about insurance to cover any potential damage during construction; vibrations from construction on the River Street project caused a crack in her building. Newman replied that all contractors who work on the project will have a certificate of insurance and if there are any damages, a claim could be filed. Patzelt explained that Shodeen recently used a vibration monitoring company for previous projects to address vibration claims and determine whether claims were valid. Laura O'Brien asked what would happen if there are damages from vibrations, and Patzelt said none of his previous projects have failed for this reason. LaLonde said if damages occur, there would be proof to support the claim. Casey O'Brien asked for further information regarding monitoring. LaLonde explained

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that this monitoring is typically done by an independent testing company. Casey O'Brien noted that they had experienced damage during the previous River Street construction project. Laura O'Brien noted that the existing parking garage extends over her property line, and Casey O'Brien said the City had a "license" with the previous owner. LaLonde responded that the existing garage would be demolished, and the plan shows the proposed building would be 4' off their property line so there would be no further encroachment. Laura O'Brien said one of the walls of the garage serves as a wall to their outdoor area. Patzelt said the wall on that side would be finished with material that is similar to what is nearby. Laura O'Brien said it was "their" wall. Buening said the wall of the new building would replace the parking garage wall but farther north. LaLonde said the O'Briens would have to work with the City on that issue. Newman said she would visit the site to walk that area. Laura O'Brien asked what would happen to the nice tree behind her garage. LaLonde said if the tree is on her property, it could stay. Buening asked if a surveyor could spot the tree to ensure that it is on the O'Briens' property. Laura O'Brien asked if business owners could meet with City representatives to discuss a plan for business relief that could be available to them. LaLonde said this would be an issue for the City Council to decide upon after this application passes the Plan Commission's review stage. Buening requested that Laura O'Brien send him a detailed list of the concerns she expressed at this evening's meeting. Turning to visual impact, Laura O'Brien said the building is too tall and balconies should not be allowed above the beer garden. She stated that River's Edge is a tenant in her building; it is a music venue with a growing food/beverage business. Laura O'Brien requested that residents of the proposed project be made aware that a music venue is next door. Newman said it is not something already done for the 28 rental residences now located adjacent to the venue. Laura O'Brien stated that she has a 20-year (5-year renewable) lease with Melissa Monno. Patzelt said that there is City ordinance for noise/lighting, and residents of the proposed development would certainly be aware that they, too, need to comply with those regulations. Laura O'Brien concluded by saying that she concurs with parking and traffic comments already given by others.

Lance Zahner, 480 Violet Lane, stated that he is a realtor and meter reader. He feels the proposal is too large for this location, and it would be better suited for property near a train station. Zahner asked if this building could eventually become Section 8 housing. He requested that the proposal be scaled back and stated a similar project was rejected in Geneva. Patzelt responded that, in fact, this project was never proposed nor rejected in Geneva. LaLonde said it was a different developer proposing a project there. Patzelt said he assumed Zahner was talking about the site commonly known as Cetron, which was a different developer, size, architectural style, and architect.

Dean Scott, 520 Carlson Court, stated that he is a 24-year resident. His late father was a business owner on West Wilson Street and used to remark that Batavia was special because it didn't have any tall buildings. Scott said he would sell his house if this project goes through.

Chris Graham, 524 Carlson Court, stated that she is a 31-year resident. She has voted in support of many projects over the years but opposes this one due to the traffic impact. Residents would need to drive everywhere because it is not near a train station. Graham referred to the traffic study and asked why the City hadn't already adjusted timing on traffic lights. What would the impact be on schools? There are no designated spaces for residents, which will cause too much

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spillover into surrounding neighborhoods. She felt there would be too much liability during the 3½-year construction period and it would cause a great inconvenience to east-side residents. There are too many zoning variances being requested, and those standards are in place for a reason. What will be done to protect downtown businesses? Graham believes the density is too high for this property, and the City could be stuck with an eyesore in the future.

Mike Spillane, 253 Trudy Court, stated that he is a 40-year resident of Batavia and has no relationship with the Shodeen Group. He feels they are making a significant investment in the community and asked that everyone help the applicant make changes that will allow this project to thrive in the community. Geneva has a nice restaurants and stores in their downtown, and we have a chance to do the same thing. He believes this project is needed in Batavia.

Gen Kroner, 123 South Van Nortwick Avenue, asked why this project needs variances to be built. Buening explained that the zoning ordinance divides the City into various districts, each with its own characteristics and limitations. The downtown mixed use district has maximum height limits. Kroner felt those requirements were in place to make things flow better. Buening noted that the zoning ordinance allows for deviations to those requirements through variances and amendments that may be requested by property owners. Kroner asked if members of the City Council and Plan Commission had physically stood on the site to visualize the project. LaLonde said he could not speak for the City Council, but he personally explored the site and has some graphics to present later that give a sense of the magnitude in a 3D-eye level view. Kroner does not think this project fits in with the rest of the downtown because it is just too big. She asked about a previous comment that there is a shortage of rental properties. Newman stated that the CMAP study will be available on the City's website within the documents linked to the icon on the City's homepage. It identifies a need for more of this type of residential property in Batavia and the Fox Valley area. Kroner asked if it is fair to buy property, create TIFs, and make plans without asking residents. Newman responded that citizens elect public officials, who are presented with information to make the best decisions possible for the future of Batavia. If citizens who elected those officials believe they are not making decisions in the best interests of Batavia, they can decide not to vote for those individuals.

Michael Vincent read a letter dated January 4, 2017 from Bud Schultz of 151 S. Van Nortwick Avenue, into the record. The letter is attached to these minutes as Exhibit A.

Michael Vincent, 123 South Van Nortwick Avenue, read a letter into the record of his personal comments in opposition to the project. The letter, dated January 4, 2017, is attached to these minutes as Exhibit B.

Ryan Wagner, 321 Spring Street, asked if there is a contingency for unforeseen conditions such as bedrock removal, and Patzelt said yes. Wagner felt that there could potentially be large amounts of bedrock to remove. He asked if it would be chipped or would it need to be blasted and, if so, what would be done about the effects of vibrations. Patzelt responded that two different soil boring studies had been conducted, along with two physical excavations of bedrock. These conditions were shared with the project designer, who incorporated that information into the project design. Shodeen's previous work in river communities where there has been bedrock was addressed satisfactorily, and there are no plans here for blasting to remove

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bedrock. Wagner asked if the City would be responsible for parking structure maintenance, and Newman said yes. Buening added that snow removal would be minimal in the garage; the City would budget for any normal maintenance costs for the garage. Wagner asked who would be responsible for required maintenance of the fire pumping system. Patzelt said the garage and building would have sprinkler systems. If a fire pumping system is required in the residential portion, it will be inspected by a specialist in that field and the cost of installation and monitoring will be borne by the owner. Wagner asked about security, and Buening said this was still to be determined for the garage which the City will own. Wagner questioned ventilation system for the garage and whether it would be noisy. Patzelt said this had been considered and would be handled, as needed. If the first level of the garage does not have garage doors, there will be discussions as to whether or not glass is required in the garage windows. If there is no glass, the first level may not need to be ventilated; the second level has internally located fans with a minimal noise level. Wagner asked where construction parking and trailers would be located, and Patzelt said there is an understanding with the City that potentially a portion of State Street may be closed between Washington and River Street for staging, deliveries, and access to the building (between Washington and three-fourths of the way to River); there will also be construction activity on Wilson and Washington when those walls are under construction. Buening said that the construction issues would not be worked through until it is determined whether the project moves forward or not. Wagner then asked whether the garage would have speed bumps and mirrors, and Buening said this was also a construction issue that would be addressed later. Regarding a question about trash disposal, Patzelt said each residential level would contain a trash chute to the garage, and then it would be wheeled out to a truck.

John Fisher, 1653 Naperville Lane, stated that he could possibly support the project in the future but not as it stands with the present scale and context. Fisher felt the dominance of the project would take over the City. He likes the additional definition of the buildings that has been done. Fisher agrees that the City needs a project like this, but if it were dropped down a few stories it could be a better fit. Height is a concern, and he urged the commission to consider the long-term effects of this decision. Patzelt stated that the Historic Preservation Commission provides an added level of review for this project because it is within the historic district. The HPC is responsible for reviewing architecture and how a project fits in with the historic district. The church steeple element sets the style for this project, and the architect has incorporated similar materials used in neighboring buildings. The roof gables were added to draw the eye to the main focal point, which is the steeple. The HPC unanimously approved the architectural elevations and felt extra effort was made to create a nice building in the historic district. Regarding height concerns, Patzelt responded that a certain number of residential units are needed for each layer of parking. The project would not work if a level of residential units is removed. The City's TIF consultant reviewed the feasibility proposal and felt the profit margin was small; removing units would reduce revenue needed for parking.

Joe Krafka, 1644 Derby Drive, stated that this project is too large for Batavia and should be scaled down. He is not opposed to developing the property but the traffic impact is also too great. In response to comments about financial aspects of the project, Aiston explained that City would own all the land, demolish the buildings, and perform any needed environmental cleanup; then the developer would purchase the property for $10. The developer would build the $43 million project, including a public parking deck with 350 spaces. The $12 million parking

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garage would be sold back to the City of Batavia for $10 at the conclusion of the project. This project is unique in that development would be created on public property; typically parking is created by removing property from tax generation. This maximizes the economic benefit of the property by building above it. The sole source of the money used to pay for the parking deck would be from revenue generated from the development itself. The property owner ultimately pays for the project through the incremental value difference over time; when the project is completed then the new taxes will be fully distributed to the other districts. Newman explained that that the TIF increment would be used to pay for the $14 million bond issuance. If there are not enough funds in the incremental tax value created by the project, then the redevelopment agreement has a Special Service Area (SSA) tax included, and the developer will need to make up the difference through the SSA. Patzelt said the sole contributor to the SSA would be the developer. Newman added that the SSA also covers the amount the school district requires for any children living in the development. Patzelt then stated for the record that a statement was made by a member of the public that a resident who spoke in favor of the project was Patzelt's "buddy," Patzelt had no previous acquaintance with either resident.

Ron D. Garrison, 526 Carlson Court, stated that he is not against development in Batavia nor afraid of change. This is a nicely designed building but it is in the wrong place; it looks like one big wall. He also wanted to ensure that adequate time would be given to hear all comments from the public. Garrison thought it sounded as if the decision to proceed had already been made. LaLonde said that was incorrect. Schneider said a public hearing was being held to listen to public input, not to put down commissioners or staff. The plan will be discussed after all public input has been received. LaLonde added that if additional audience members wanted to speak, they would be allowed to do so. LaLonde said deliberations would occur at the next meeting; it's an important topic and everyone will be heard. Garrison asked why would a building be designed that would be difficult for fire personnel to access. Patzelt responded that the project would meet all fire codes and no deviations have been requested; the parking garage and residential building will be fully sprinkled. In Patzelt's professional opinion, fire code does not require access to the back of the River's Edge building; the fire code will not be revised to allow this project to be built.

PODIUM MIC PLUGGED IN AT THIS POINT

Austin Dempsey, 140 First Street, stated that there is a strong market for downtown apartments in the Fox Valley area. A 2014 market study focusing on Kane County showed occupancy rates for apartments have increased to 95% and rental rates are up about 5.7%. Occupancy for units he manages is 100%. He believes walkability is important to many people. In addition, the $43 million cost for the project is a significant investment in the community. Any development is a great risk, and there is a certain density/size that needs to be realized for the economics to work. Dempsey is in favor of additional residential development downtown, and the property will be developed whether it's this project or something else. He also appreciates how the bell tower and stone features were incorporated into the design. Dempsey thanked the Plan Commissioners for their review of the project.

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Steve Heinze, 119 Washington Avenue, stated that he is a new resident to Batavia. His concerns related to scale. Heinze likes living close to the downtown but feels this is the wrong plan for this property. Something smaller would be preferable.

Melissa Monno, 12 North River Street, stated that she is the owner of River's Edge Bar & Grill and also resides in an upper apartment in the building. She made reference to a statement in the parking study that said it was "not validated." Is this typical? Aiston responded that the consultant visited the site and prepared an assessment of existing land use and parking demand per square foot. Aiston explained the methodology of the parking study and when this data was put into a model, it showed deficiency based on current demand. The new project would reduce the deficiency by 31 spaces. Different uses have different demands at various times of the day, so one space can be used several times throughout the day. Aiston said that there would be up to 200 overnight parking permits for the parking garage. These permits would be available on a first come/first serve basis to residents of the downtown district who did not already have parking space available to them. There would be approximately 347-348 spaces in the parking garage. Monno was concerned about access to the "woonerf." Patzelt stated that handicapped spaces would be located close to the elevator in the deck. Monno asked why the public hearing signage on the property was not updated, and Buening replied that all required notices were given including signage, legal notices published in the newspaper, and letters to property owners within (500'?) of the property. Monno asked that communication lines be kept open, and Newman noted that the City was in the process of hiring a Communications Coordinator to improve in that area.

Charles Corey, 1311 Towne Avenue, asked for the estimated rent and if this would include utilities. Patzelt said rent for the one- and two-bedroom units would range from $1,400-$1,600 not including utilities.

LaLonde explained to members of the public that once the Public Hearing was closed, the Plan Commission would deliberate on all the information it has received. This may include requesting additional information from the applicant. LaLonde also has prepared some graphics that he will show at that time to give a sense of the scale from street level.

Dan Kendall, 190 Sauk Drive, stated that he is a proponent of density and walkability in mixed use, though the scale is unusual. He would like to see the graphics relating to scale of the building. Kendall felt a scale model would be beneficial. LaLonde said he would be interested in seeing an animated model.

Chair LaLonde asked if there were any other people in the audience who wished to address the commission and there were none.

Motion: To close the public hearing
Maker: Schneider
Second: Gosselin
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried.

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The Public Hearing was closed at 10:15 pm.

Commissioners discussed scheduling for the next meeting and decided that this project should be the only item on the agenda in order to allow for sufficient time to deliberate. Peterson asked that staff provide height comparisons of this project to similar ones in other communities. Aiston asked if there were any questions for the traffic, parking, or economic development consultants. LaLonde said he had requested 3D imagery at the previous meeting but was told it is not being provided; however, he feels it's necessary to determine the impact of this proposal on the site. Patzelt said 3D drawings were done at the conceptual level. "Snapshot" drawings could be provided very quickly, but others would take longer. LaLonde requested four primary views: North River looking south; South Route 25 looking north at the project; east on Wilson looking back towards church corner; and Washington looking south. Harms and Peterson also requested a view from Route 31 and Wilson. LaLonde wants to see a representation of the mass without a lot of detail to see what the building will block.

Chair LaLonde thanked those who spoke at tonight's meeting and encouraged everyone to attend the next meeting, which was scheduled for Wednesday, January 25, 2017, at 7 p.m. This proposal will not be discussed at the January 18 meeting. [Note that the meeting will actually be at 7:30 PM due to a prior scheduled meeting conflict]

5. Other Business

There was no other business to discuss.

6. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission meeting. Harms moved to adjourn the meeting, Schneider seconded. Voice vote: All in favor. The meeting was adjourned at 10:21 pm.

Minutes respectfully submitted by Kathy Montanari

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THE
GRILL AND
35 N. WATER ST. • BATAVIA,
(630) 761-0145
Google earth

RIVER STREET

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BFD
150
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Ice Cream Cakes
for All Occasions
ORANGE
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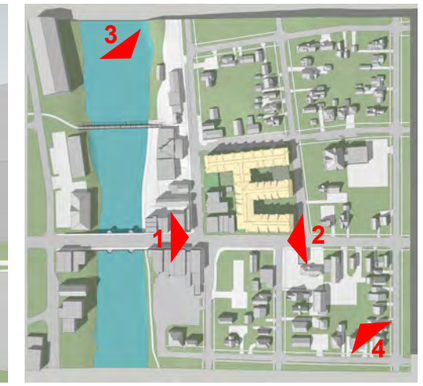
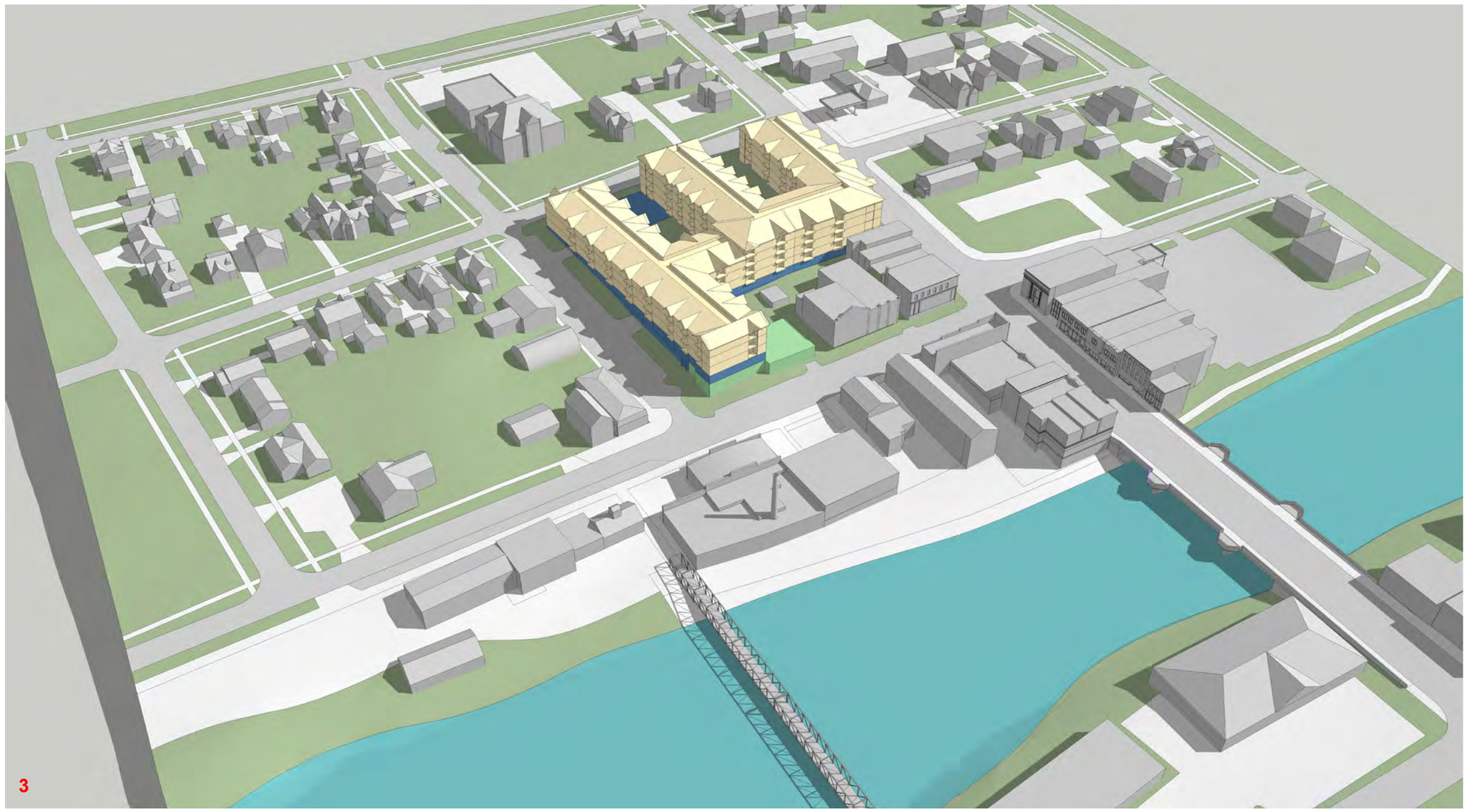
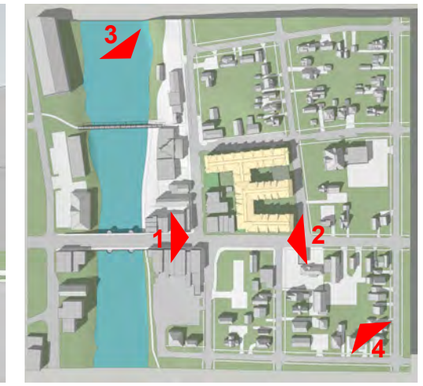


ORIGINAL PLAN SUBMITTED AT CONCEPT TO PLAN COMMISSION

Building Massing

NOT TO SCALE





NEW PLAN draft 1-16-17

Building Massing

NOT TO SCALE