

CITY OF BATAVIA
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PLAN COMMISSION & ZONING BOARD OF APPEALS
AGENDA

Wednesday, February 1, 2017
7:00 PM
City Council Chambers - First Floor

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Approval Of Minutes
October 19, 2016 Plan Commission
November 28, 2016 Plan Commission

Documents:

[PC 11-28-16_DRAFT.PDF](#)
[PC 10-19-16_DRAFT.PDF](#)

5. Temporary City Parking Lot At 111-117 North River Street
City of Batavia, Applicant
 - Public Hearing for Variances
 - Design Review

Documents:

[ZBA-NORTHRIVERPARKING-01-27-16-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
November 28, 2016
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:

Also Present: Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

There were no items to be removed, added or changed.

4. Blaine Street School Redevelopment, 607 South Jefferson Street

- **PUBLIC HEARING: Amending the Official Zoning Map from R1-H, Single Family Residential High Density to R2, Two Family Residence District**
- **PUBLIC HEARING: Amendment to the Zoning Map for a Planned Development Overlay**
- **Design Review**

Christine Winkle – Spillane & Sons, Applicants

Chair LaLonde asked for a motion to open the public hearing.

Motion: To open the public hearing

Maker: Schneider

Second: Peterson

Voice Vote: 6 Ayes, 0 Nays, 0 Absent

Motion carried.

Rackow discussed how the former school building is proposed to be converted to a two unit duplex, and that a single family residence would be built to the west of the existing building. There would also be duplicate two car garages built to serve the duplex. The school building was built in 1909 and was last used as a trade school until approximately 2003. It was then proposed to be turned into an office building but that proposal was withdrawn and the property has remained vacant since then. The property is identified as residential 3.5 to 5 units per acre on the

Comprehensive Plan Land Use Map. The current zoning would allow three single-family residences, the same number of units that would be allowed in the R1-H District. Overall, staff does believe that this is an appropriate plan for the preservation of a historic building through an adaptive reuse.

Rackow stated that having both of these properties under one district would allow for planned development, proper zoning to the property and modifications. Rackow stated that the Design Review is for the conversion of the Blaine Street School and the detached garages and not the single family residence. He discussed setbacks with the Commission. Staff believes that the proposed project location balances the objectives of redeveloping the property while providing a consistent layout of the site. The proposed changes to the school would leave it mostly unchanged though the north elevation would have windows replaced, and the west elevation would have privacy windows installed. There would be a raised deck replacing the fire escape. The applicant is proposing to use the existing driveway entrances on Jefferson Street for both garages. The existing sidewalks would remain, and there would be one new driveway along the north property line. Staff is recommending that those driveways be reduced to match the driveways on the private side. The existing wider aprons exceed current allowances and could cause rutting on the private property. Based on the changes requested, reducing the driveway aprons to match the driveways would be a reasonable condition of approval. Rackow discussed the landscape plan provided. They are short one tree on the landscape plan and there is room on the site to add one tree and that has been added as a condition of approval. Staff notes that the site plan there is room for an additional parkway tree but that is up to the street superintendent but it is included as a recommendation as part of the Design Review. Staff does believe that there are a number of Comprehensive Plan goals related to land use goals and preservation goals in protecting historic structures and encouraging their use in redevelopments that would be met through this proposed Zoning Map amendment. . It would meet goals in the housing element to encourage various housing styles and densities.

Gosselin announced he would recuse himself from the review and deliberations due to a conflict of interest at 7:12pm.

LaLonde asked if the current zoning allows for some of these items then why would we change the zoning. Rackow answered that because of the planned development, it would be best to have it in one consistent district and also to have a district with a single property would lead into a spot zoning issue. It is better practice to have one district.

Mike Spillane, Spillane and Sons, stated that the only difference in opinion he has is with staff's recommendation to replace the two driveway aprons. They are in fair condition and it saves the project \$10,000 to use the existing ones. There is only a three-foot difference in size. He would like to reuse the existing building as much as possible and keep the character of the neighborhood the same.

Schneider stated that he was concerned about this recommendation as well. Staff's argument is that it would promote people driving into the grass. Schneider stated that it is the property owner's grass.

Spillane continued that with this project every penny counts. To remove two large pieces of concrete and replace them just because of their size is a big undertaking and he asked the Commission to be able to keep them. LaLonde asked if there would be an opportunity to saw cut the existing apron. Spillane stated that it could be a possibility. Peterson asked if the driveways are large enough now for two cars to pass each other. Spillane stated that they are large enough but if it were changed to fourteen feet it would only be large enough for one car to pass. Schneider asked about the color of the building. Spillane answered that they would like to add character with color but they have not yet decided on a color scheme. The fascia would remain.

Chair LaLonde swore in those who wanted to speak.

John Bollow, 513 Morton Street, asked about the single family home that would be built at a future date. He inquired who would be responsible for maintaining the property. Rackow stated that the maintenance responsibility would be the property owner who is the developer in this case. Bollow asked about the sidewalk and if that would be accessible during construction. Albertson stated that he does not see why the sidewalk could not be used. Spillane stated that the first phase would be the interior. In the spring would be garages and new driveways; the existing blacktop would be used for most of the staging process. The last thing that would be done is landscaping. The sidewalks should be able to be used throughout. Bollow asked about the fence and if it would be replaced. Spillane stated that the fence is almost right on the property line and they don't anticipate doing anything with it at this time. It is in good shape.

James Lowe, 513 Blaine Street, shared that his front porch and two bedroom windows will face the proposed single family residence and former school. He is grateful that this plan is to keep it residential. Lowe asked about the price point of the buildings and if they would be kept in line with the neighborhood pricing. Spillane stated that it is the decision of the property owners and the market. This is not an inexpensive endeavor. By improving that building and creating a new structure to the west of it would help everything that is around. Lowe stated that the building has a lot of bats in it. Spillane stated that he has not seen any evidence and asked Lowe to point him in the right direction. Spillane stated that the chimneys would be capped and molded over. Lowe asked about landscaping around the garages. He inquired if there would be bushes or trees. Spillane stated that there would be both.

Chair LaLonde asked if there were any other comments from the public. There were none.

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

Peterson stated that she is really excited about this plan and is happy that you could preserve this building in Batavia. Chair LaLonde stated that it is wonderful to see this building get an adaptive reuse that blends very nicely with the neighborhood. It would have been a shame to see this building torn down because it has a lot of architectural character. He feels that this would enhance the neighborhood and improve property values in general. The concern that he has is the

garage sitting in the front yard. LaLonde continued that there are not many good ways to mitigate a solution on this matter. He thinks that the merits of the project outweigh those concerns that he has. LaLonde continued that he understands the developer's position on the driveway aprons and that this is an expensive project to undertake. He has no concern with people driving into their own lawns. Peterson agreed and stated that we should allow them to use the existing driveways. If they find it is a problem later they could always fix it. Schneider agreed that the condition about the driveway should be removed. The consensus of the Commission was removing the driveway condition number seven.

Motion: To find in favor of the Findings of Fact 1-10 for the proposed R2 District
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
5-0 Vote, 1 Recusal, 0 Absent, Motion carried.

Motion: To approve the planned development with the staff recommended conditions 1-6
Maker: Peterson
Second: Schneider
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
5-0 Vote, 1 Recusal, 0 Absent, Motion carried.

Motion: To approve the Design Review Findings for Approval 1-5
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
5-0 Vote, 1 Recusal, 0 Absent, Motion carried.

Motion: To approve the Design Review subject to the City Council approval of the planned development on December 13, 2016
Maker: Schneider
Second: Peterson
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
5-0 Vote, 1 Recusal, 0 Absent, Motion carried.

Motion: To amend the Zoning Map from R1-H, single family residential, to R-2
Maker: Schneider
Second: Peterson
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Peterson, Schneider
Nay: None
5-0 Vote, 1 Recusal, 0 Absent, Motion carried.

Commissioner Gosselin rejoined the Commission meeting.

5. Other Business

Strassman announced that there would be a meeting a week from Wednesday with two items scheduled on the agenda. One of the items is a request to not build a sidewalk that is required for a new home on Goldenrod Drive. It is a variance to the subdivision regulations. There will also be the zoning review for One Washington Place.

Peterson asked if the RV discussion would continue. Strassman stated that the next step would be to schedule a public hearing and take the input from the residents. Staff would be preparing a draft with amendments to the Zoning Code for the Commission to review and discuss at the public hearing.

6. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, Harms seconded. The meeting was adjourned at 7:46pm.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
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1. Meeting Called to Order

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:

Also Present: Scott Buening, Community Development Director; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

There were no items to be removed, added or changed.

4. Approval of Minutes: September 21, 2016, Plan Commission

Motion: To approve the minutes from September 21, 2016, Plan Commission minutes

Maker: Schneider

Second: Peterson

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Continuation of a Public Hearing: Multiple Family Building at 1600 West Wilson Street, SJR Inc, Applicant

- **Comprehensive Plan Land Use Map Amendment from Public Facilities and Institutional to Residential 8 to 15 Dwelling Units Per Acre**
- **Establishment of a Planned Development Overlay District in a R4 Multiple Family Residential, Medium Density District**
- **Design Review for a New Residential Building**

Rackow summarized the first public hearing meeting, held on August 17, 2016, and the resident's concerns stated at that meeting. At that meeting the PC felt that the proposed building was too large for the site. The Plan Commission (PC) asked that a reduced number of units of nine or ten be considered. Rackow stated that there are no new materials to consider and a

negative recommendation by the PC would require a 2/3 vote from City Council to approve the plan as proposed.

Motion: To open the Public Hearing
Maker: Joseph
Second: Schneider
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Kate McCracken, attorney, explained why there were no changes to the proposed plan. She stated that this is a unique situation because it is a function of a contract with the City. When the City declared this as surplus property her client was the successful bidder. McCracken stated that the contract cannot be renegotiated until we move forward to City Council. McCracken stated that this meeting tonight is to allow us to go forward so that we could have discussions about what the PC has requested, such as the PC preference of nine units. We need to move forward to start the discussion and the dialogue.

Chair LaLonde opened the floor for public comment. He swore in all of those who wanted to address the Commission.

Mark Larson, 6 Spuhler Drive, stated that the negative findings outweigh the positive, except for item e. For the past 16 years he has looked out onto an empty lot. He would much rather look at a like unit or a storage facility instead of looking at an apartment complex too big for the lot and the neighborhood. Those on Spuhler drive strongly object to the plan as presented.

Ben Olson, 36 Spuhler Drive, asked if there would be more police protection with more people in the area. This development is too close to stoplights. It would cause traffic back up. He asked where are the children going to play if there are children there. He is concerned about safety of children in the neighborhood now and in the future. There are too many concessions on the setbacks. If these adjustments to the setbacks are not accepted then they would have to go to the smaller.

Thomas Wilson, 56 Spuhler, shared his concern with losing money on their properties. Wilson specified that the developer stated that he has to have the high density in order to make money. Wilson questioned why do we have to give up our money for the developer to make money. That is not right.

Gayle Castor, 26 Spuhler, looked over the numbers of the setbacks and the average percentage of the footage for the setbacks was 65% of what it should be. One of them is 46% so it is half of what is recommended in the current zoning. They want 24 square feet out of the required 60 ft for private open space, that is 40%. There is requested relief for a play area for children in these apartments. There is no area for the children to play. The City is making too many concessions. The size of this building would not preserve the character of our established residential neighborhood.

Chair LaLonde asked if there was anyone else who wanted to speak. There were none.

Motion: To close the Public Hearing
Maker: Schneider
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

Motion: To approve a Comprehensive Plan Land Use Map Amendment to amend the Comprehensive Plan Land Use Map designation from PFI, Public Facilities and Institutional to Residential
Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:** Harms, LaLonde, Peterson, Schneider
Nay: Gosselin, Joseph
4-2 Vote, 0 Absent. Motion carried.

Motion: To approve the planned development as presented with conditions recommended by staff
Maker: Schneider
Second: Harms
Roll Call Vote: **Aye:**
Nay: Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
0-6 Vote, 0 Absent. Motion failed.

Motion: To table the design review
Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson
Nay: Schneider
5-1 Vote, 0 Absent. Motion carried.

Rackow announced that this would then go to the Committee of the Whole meeting on November 15th.

6. Public Hearing: Crash Champions Auto Body Repair, 2080 Main Street and Vacant Property, 2150 Main Street

- Amendments to the Comprehensive Plan Land Use Map and Amendments to the Zoning Map, 2080 and 2150 Main Street
- Conditional Use for Heavy Vehicle Services (Body Shop) and Planned Development Overlay 2080 Main Street,
My Properties LLC – 2080 E. Main St., Batavia, applicant

Strassman reported that My Properties, owner of Crash Champions collision repair, is looking to open an auto body shop in the former Aldi retail building in Windmill Creek shopping center and to add 7,000 square feet to the building. To accomplish this, the City's Comprehensive Plan Land Use Map and Zoning Map must be amended to propose service business land use and

zoning. Auto bodywork requires a conditional use in the Service Business zoning District. To accommodate a number of existing nonconforming conditions on the property and to locate parking behind a fenced-in area behind the front of the building in existing pavement, a planned development is proposed. Design review is needed to approve changes to the building changes and landscaping on the site. In addition to all this, the City owns an approximately 1.35 acre parcel abutting the property the west that is included in the request to amend the Land Use and Zoning maps. No development is proposed on the City-owned property.

The property containing Windmill Creek shopping center was annexed and zoned B3 Arterial Oriented Commercial in 1990. Windmill Creek was placed in the General Commercial zoning district with adoption of the 2010 Zoning Code. The building at 2080 Main was constructed as an Aldi grocery store in 1992. The applicant is here tonight and will go through the proposed site changes and its rationale for the proposed zoning actions.

Regarding the proposed amendment to the Land Use Map, the land use classification of Service Business is used to identify areas of quasi-industrial uses and small scale office and service uses. The Land Use Element of the Comprehensive Plan identifies maintaining the commercial viability of the Randall Road corridor and as an on-going issue, along with balancing land uses to serve the community and ensuring sensitive transitions from nonresidential use to residential use. The proposed Service Business land use classification would allow the zoning needed to bring a willing tenant that can enhance the commercial viability of the subject properties.

The proposed change to Service Business would be contrary to Comprehensive Plan goals and policies directed at preserving retail land, especially in the Randall Road corridor. However, these properties do not have direct frontage or visibility from Randall Road, or direct access to Main Street. Many goals and policies related to protecting nearby residential property would be met since both properties are far from residential uses. Protection of retail land stressed in the Comprehensive Plan is essential to allow for sufficient sites to provide sales tax revenue. While the General Commercial District allows many more uses that have greater potential to generate sales tax, successful retail businesses increasingly rely on high visibility and easy access from adjacent arterial roads. Unfortunately, these properties have neither of those. This circumstance undoubtedly has limited the Aldi site's desirability to retailer interest. An auto body shop does include some retail sales tax producing activity. Staff supports the request for Service Business land use on the subject properties.

With staff's support of the proposed Land Use Map changes, staff supports the proposed Service Business District for both properties. For rezoning of property, the Plan Commission must review and approve the hearing findings and findings for certain conditions and factors. These findings are itemized in the staff report to the Commission, and the Commission may refer to these findings when taking action on the Zoning Map Amendment.

For the Planned Development overlay, the Zoning Code notes that it may be used to implement the Comprehensive Plan and to modify Zoning Code requirements to permit unique development. The former Aldi store was built some 20 years ago and the requested Code relief would allow for the proposed use to occupy a long-vacant building and allow several existing conditions not in compliance with the current regulations to remain. The Planned Development

Overlay seeks modification to Zoning Code requirements as listed in the staff memorandum to the Commission.

Staff supports the proposed planned development overlay with the modifications listed in the memorandum. Commission consideration should recognize that an auto body shop can generate noise and the presence of damaged vehicles awaiting repair can compromise the aesthetics of the site. My Properties has indicated that all work would take place inside the building and that all vehicles would be stored inside the building or within the fenced enclosure. It would be reasonable for the Commission to recommend that all vehicle repair work take place inside the building with all doors closed, all vehicles awaiting repair or completion of repair be stored inside the building or within a solid fence enclosure with gates closed, and that an opening in or damage to the fence or gate be repaired within 48 hours.

Staff notes that access to the City property is provided through a strip of the Aldi property. The City will be seeking recordation of an access easement on the Aldi property for the benefit of the City property. This can be a condition of approval for the planned development.

For the conditional use, a proposed use must fit the zoning district, but due to the nature of the use, it may impact adjacent properties more than a use that does not require this approval. Approval of a conditional use can include reasonable allowances and conditions. Staff feels the Commission should recommend the same vehicle work and storage, and fence specifications suggested for the planned development, and recording of an access easement for the City property. Additionally, the conditional use should include language that violation of any of the terms of the conditional use approval may cause the City to initiate revocation as specified in the Zoning Code. This could lead to My Properties or a subsequent auto body shop operator being forced to vacate the premises for violating the approval conditions.

Windmill Creek does not have a formal owner's association in place to maintain common facilities. Representatives of My Properties have indicated a desire to facilitate the formation of an owner's association. The roads internal to the shopping center that access each site are privately owned. Aldi owns the entirety of the north-south roads from Main Street that are in need of repair that would be undertaken by either an owner's association or the underlying property owner. The City has begun a process to create a special service area (SSA) covering Windmill Creek to address maintenance of the internal roads if the owner's association does not maintain them. As part of the conditional use approval, the City will require My Properties to not object to the creation of this SSA, and to repair the roads on its property within one year of approval of the conditional use if an owner's association is not established. If an owner's association is established, the City would seek maintenance by the association.

With all conditional uses, the Commission must make findings of fact. These findings are itemized in the staff report to the Commission, and the Commission may refer to them when taking action on the conditional use.

For design review, staff notes that the proposed use of quality building materials and added landscaping would have a positive aesthetic impact. Roof-top equipment would be adequately screened. The solid fence enclosure will screen refuse storage and damaged vehicles awaiting

repair. Staff supports approval of design review, with the condition of City Council approval of the Land Use and Zoning Map amendments, and the planned development overlay and conditional use. With all design reviews, the Commission must make findings for approval. Based on the building design and added landscaping, and the need for City Council approvals, the Commission may arrive at the required Findings as itemized in the staff report to the Commission.

Staff recommends the Commission conduct the public hearing and meeting. After the hearing is closed, staff recommends the following:

For amendments to the Comprehensive Plan Land Use Map, staff recommends the Commission recommend City Council approval of the amendments to the Land Use Map for the properties located at 2080 and 2150 Main Street to reclassify both properties to Service Business.

For amendments to the Zoning Map, staff recommends the following:

1. Approve findings regarding notifications, hearing completion, and Comprehensive Plan conformance as outlined in the *Staff Analysis*.
2. Note arrival at findings for review conditions/factors for the proposed Zoning Map amendments as outlined in the *staff analysis*.
3. Recommend approval of amendments to the Zoning Map for the properties located at 2080 and 2150 Main Street to reclassify both properties to the SB Service Business zoning district.

For the Planned Development Overlay Zoning Map, staff recommends the Commission recommend City Council approval of the Planned Development Overlay for an auto body shop to include modifications to the Zoning Code as follows:

1. Modifications to Table 2.604 to allow:
 - a. The existing west building setback of 0 feet where 10 feet is required;
 - b. The existing front landscape setback of 0 feet in the vicinity of the Main Street entrances where 25 feet is required;
 - c. The existing side landscape setbacks of less than 10 feet where 10 feet is required; and
 - d. Omission of the required raised walkway or planting bed between the east wall of the building and the adjacent parking spaces;
2. Modification to Section and Table 4.205.B to allow existing parking spaces and aisles to be less than the required dimensions, and to allow the proposed east parking spaces to have an aisle width of approximately 21 feet where 25 feet is required;
3. Modification to Section 4.211.B.1 to omit parking lot landscape islands and shade trees for every 10 spaces for areas of existing parking;
4. Modification to Section 4.211.B.2 to allow a narrower lot landscape island without a tree at the north end of the parking spaces along the east wall of the building and to omit the landscaped island at the south end;
5. Modification to Section 4.211.B.3 to allow existing concrete parking lot light pole bases of approximately 4 feet in height where a height of 18 inches is the maximum.

In addition to the modifications, the Planned Development Overlay should include the following conditions:

1. All vehicle repair work take place inside the building with all doors closed;
2. All vehicles awaiting repair or completion of repair be stored inside the building or within the proposed solid fence enclosure with gates closed;
3. Opening in or damage to the fence or gate must be repaired within 48 hours;
4. My Properties shall record an easement of access on the now Aldi property to the benefit of the property located at 2150 Main Street;
5. My Properties shall not object to the City's formation of a special service area for the maintenance of Windmill Creek common facilities; and
6. My Properties shall repair the Windmill Creek internal roads on its property within one year of approval of the planned development if an owner's association is not formed.

For the Conditional Use Permit, staff recommends the Commission recommend City Council approval of a Conditional Use Permit for Heavy Vehicle Services (auto body shop) at 2080 Main Street, subject to the same conditions for the planned development overlay plus a seventh condition stating that violation of the terms of the conditional use may cause the City to initiate revocation as specified in the Zoning Code.

For Design Review, staff recommends Staff recommends the Commission approve the Design Review for the building addition and site improvements for Crash Champions, 2080 Main Street, subject to City Council approval of the following:

1. Amendment to the Land Use Map to Service Business for the property;
2. Amendment to the Zoning Map to SB Service Business District for the property;
3. Planned Development Overlay for the property to include the proposed building addition and site improvements; and
4. Conditional Use Permit.

Matt Ebert, owner of Crash Champions, addressed the Commission. He stated that this would be his 6th location. He would like a customer friendly facility for collision repair and this location works well. All the surrounding uses are automotive related. His business would generate retail sales tax. He showed the Commission a rendering of the proposed building. There would be no tow truck operations from the building. 20% or less of the work that they do are is un-drivable vehicles. The normal business hours are 8-5 Monday through Friday and 8-12 on Saturdays. Their clientele would include passenger cars and SUVs.

The Commission discussed the condition of having the doors closed. Schneider commented that having the doors closed would not be very beneficial to the employees. The closing of the doors would increase energy and expense and asked for the doors to remain open when possible. If there are any issues regarding noise pollution they could be addressed at that time. There are noise ordinances in place and there would be an opportunity to take action.

Gabriel Garcia, Ideal Design Architects, addressed the Commission. He agreed that having the closed doors would not be beneficial to the employees. He shared photos of the existing building, a proposed rendering, and sign specifications to the Commission. The Landscape Plan and Lighting Plan was discussed and a photometric study was performed. Garcia discussed the

details of the additions and improvements to the buildings. There would be an increase in pervious land and a decrease of impervious land. They would be restriping and fixing the potholes. They hope to talk to the other landowners in that area and form an association to fix the area. Kasson stated that they plan on working on the parking lot after construction. Kasson stated that this use is appropriate for this location and all retail has closed in the area. The site has similar uses and would generate some sales tax. It would stabilize if not increase the property tax for this area.

Motion: To close the Public Hearing
Maker: Joseph
Second: Gosselin
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

LaLonde suggested removing the condition to have the doors closed and if there are complaints from the neighbors there would be an opportunity to take some action. Schneider stated that this kind of shop does not generate the type of noise as the surrounding uses. Peterson asked about Holy Cross Church and School. LaLonde and Gosselin stated that the doors are not facing Holy Cross School and the noise would really be directed to the south. LaLonde concluded if there is a problem we could make the business close the doors.

Schneider stated that he would rather see 72 hours rather than 48 hours for the fence repair. He feels that the 48 hours is not a reasonable request. The Commission concurred.

Motion: To recommend City Council approval of the amendments to the Land Use Map for the properties located at 2080 and 2150 Main Street to reclassify both properties to Service Business.
Maker: Joseph
Second: Gosselin
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
Nay:
6-0 Vote, 0 Absent. Motion carried.

Motion: To approve the findings regarding notifications, hearing completion, and Comprehensive Plan conformance as outlined in the Staff Analysis of the staff memorandum to the Plan Commission
Maker: Peterson
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
Nay:
6-0 Vote, 0 Absent. Motion carried.

Motion: To note that the Commission was able to arrive at positive findings for the seven Review Conditions (LaSalle Factors) during the hearing that is required by code
Maker: Harms
Second: Schneider

Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
 Nay:
 6-0 Vote, 0 Absent. Motion carried.

Motion: To recommend approval of amendments to the Zoning Map for the properties located at 2080 and 2150 Main Street to reclassify both properties to the SB Service Business zoning district

Maker: Peterson

Second: Schneider

Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
 Nay:
 6-0 Vote, 0 Absent. Motion carried.

Motion: To recommend City Council approval of the Planned Development Overlay for an auto body shop to include modifications to the Zoning Code items 1-5 in the staff memorandum to the Commission and staff's recommended conditions in the memorandum with modification to item 1, removing all doors and windows closed, and item 3, changing 48 hours to 72 hours

Maker: Joseph

Second: Gosselin

Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
 Nay:
 6-0 Vote, 0 Absent. Motion carried.

Motion: To approve the findings of fact in the affirmative for the conditional use permit

Maker: Peterson

Second: Schneider

Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
 Nay:
 6-0 Vote, 0 Absent. Motion carried.

Motion: To recommend City Council approval of a conditional use permit for Heavy Vehicle Services (auto body shop) at 2080 Main Street, subject to the same conditions recommended for the planned development overlay as previously modified with the inclusion of item number seven as listed in the memorandum

Maker: Schneider

Second: Gosselin

Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
 Nay:
 6-0 Vote, 0 Absent. Motion carried.

Motion: To approve the design review for the building addition and site improvements for Crash Champions, 2080 Main Street, subject to City Council approval of the following:

1. Amendment to the Land Use Map to Service Business for the property;
2. Amendment to the Zoning Map to SB Service Business District for the property;

3. Planned Development Overlay for the property to include the proposed building addition and site improvements and Conditional Use Permit.

Maker: Joseph

Second: Schneider

Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider

Nay:

6-0 Vote, 0 Absent. Motion carried.

Strassman announced that this would go to the Committee of the Whole on November 1, 2016.

7. Other Business

Strassman reported that City Council gave final approval of the Windmill Manor Apartments on Hawks Drive. The building entrance was revised.

Strassman announced on November 16th there would be a public hearing for planned development to modifications to the zoning code for improvements to the City's wastewater treatment facility. The City is proposing a new building and will be making improvements to other parts of the property.

Peterson asked if the retaining wall for the Shell station would require a lot of fill to meet grade. Albertson answered that they would need some fill.

Schneider asked about the Golden Corral. There were no updates.

Rackow stated that the initial land use review has been completed on the Landmeier project. The applicant went to Council for initial review and the Council was generally in favor of it. There are details that need to be worked out with the bridge. This may be coming to the PC in the future. The project is single family, smaller lots, and duplexes instead of townhomes.

Rackow announced that staff received an application from Mike Spillane for the old Blaine Street School. The Commission discussed the work that Spillane has done in the City and commended him for the quality of his work.

8. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Gosselin moved to adjourn the meeting, Harms seconded. The meeting was adjourned at 8:37pm.

Minutes respectfully submitted by Jennifer Austin-Smith

CITY OF BATAVIA

DATE: January, 27, 2017
TO: Zoning Board of Appeals and Plan Commission
FROM: Drew Rackow AICP, Planner
SUBJECT: Temporary City Parking Lot at 111-117 North River Street, City of Batavia, Applicant

- Public Hearing for Variances
- Design Review

Background and Summary of Information Provided by the Applicant

On September 6, 2016, the City Council approved the purchase the former Larson Becker property on North River Street. The purchase closed in December. The intent of the City's purchase was to provide a temporary parking lot to accommodate public parking to be displaced during construction of the proposed One North Washington Place project. The City of Batavia is seeking approval of limited time variances to waive parking lot requirements to construct a temporary parking lot with 111 parking spaces.

The Historic Preservation Commission began their review of a Certificate of Appropriateness for the demolition of existing structures on January 23rd. A recommendation has not yet been made. The City Council has requested staff evaluate the removal of the pump house for additional parking spaces.

The subject property is zoned DMU, Downtown Mixed Use. Properties to the south east and north are also in this district. The river is designated POS, Parks and Open Space. The property is located in the Downtown Historic District.

The Zoning Code does have provisions for temporary City parking lots with fewer than 40 parking spaces. The proposed variances seek relief from parking aisle width, curbing, landscaping, and pavement setbacks. The application proposes these variances be valid for a period of 5 years.

The core of the variance request is a recognition that the proposed parking lot is to be temporary. It is anticipated that if One North Washington Place proceeds, that temporary parking will be necessary to replace public parking that would be offline during construction. Upon completion of a replacement parking deck, these spaces would remain to allow for observation of parking in the northeast quadrant. There are also other site based factors to be considered with the variance. These include the property's significant slope due to being near the banks of the Fox River and the presence of ComEd electric lines that prevent full use of the property. This necessitates the request to locate parking closer to the street and to use narrower aisles. Several utilities are present in the middle of the property, which due to the short duration of use, would be too costly to remove. Additionally, requested variances to waive landscape islands allows more efficient use of the site for temporary parking.

Staff Analysis

Existing parking has a nonconforming setback, omits curbing, landscape islands, striping, and is largely gravel. The proposed parking lot would observe this setback and continue it to the north with pavement. Setting the parking lot back 10 feet would cause the loss of approximately 28 parking spaces. Further reductions would also be necessary to fully meet aisle geometry requirements. The proposed parking spaces conform to dimensional requirements. Parking aisles are 1 foot narrower than Code requirements (16 feet instead of 17 feet). The presence of ComEd poles and grade changes limit the footprint of the parking lot.

As a temporary parking lot, landscape islands and screening are not proposed. Landscape islands would eliminate 11 parking spaces. The mid-lot landscape area approximates the area of 18 typical landscape islands. This would otherwise be required throughout the parking lot, along with islands defining the edges of the parking lot. No required shade trees are proposed. To require landscape installation would entail additional tree removal with redevelopment. Screening requirements are not met, due to the proposed geometry maximizing parking area.

Temporary lighting would be installed by the Electric Division. As lighting is required to be in landscaped areas, variances are sought to accommodate the proposed lighting. Light poles are to be installed in the center aisles of the parking lot to provide sufficient lighting. Staff also recommends variance approval to allow taller fixtures, to reduce the cost of lighting installation and to assure appropriate lighting for public safety.

Curbing would not be provided along the north edge and the southeastern portion of the parking lot, where the project abuts the sidewalk. Installation of a curb at this location would require replacement of the full run of sidewalk. Trail relocation is likely with any future redevelopment project, as would new sidewalk installations. The variance request would be to waive this requirement for full curbing.

Staff recommends a condition of approval being that the variances is granted for a period of no more than five years. In the event that the parking is used for a period of more than five years, the City would be required to re-apply for the variances. Staff believes these variance requests should be granted, based on the contemplated limited duration, and the need to provide public parking that would be displaced during construction of One Washington Place. To otherwise follow the Zoning Code would increase costs in a manner which would make providing his important additional parking lot infeasible.

Review of Findings

Staff is supportive of the above described variance requests and presents the following Findings, based on this conclusion for the Zoning Board of Appeals (ZBA) to consider.

Section 5.503 in Zoning Code Chapter 5.5: Variances establishes Findings the ZBA must reach before voting on a recommendation of approval or denial to the City Council's Committee of the Whole (COW). Below is each of the required findings from Section 5.503 followed by staff analysis.

Finding A: There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere

inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.

The subject parcel conforms to the requirements of the DMU, Downtown Mixed Use District. However, topography due to the immediate proximity of the river and presence of utilities along the western property line limit the ability to otherwise develop the property for temporary purposes. Implementing the full requirements for a permanent lot for a limited duration parking lot would pose a hardship on the City, which is trying to accommodate parking constraints anticipated on other City owned property.

Finding B: Such unique circumstances were not created by the current or previous owners or applicant.

The unique circumstances of the site were not created by the previous owners or the applicant.

Finding C: The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located.

The required setback within the base district and other parking lot requirements would substantially limit the potential number of parking places on the property for this limited duration. This property, which had been previously marketed for development, has not resulted in any other development inquiries for other uses. Approval of the variances would allow for safer and more efficient use for parking that would be paved, with clearly marked regular and accessible parking spaces and aisles.

Finding D: The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

As conditioned, the variance does not grant a special privilege as it is specifically limited to 5 years in duration. The Zoning Code also allows for such temporary lots (in smaller scale) having reduced improvement standards in the DMU district.

Finding E: The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

The temporary parking lot would allow for continued use of the site for parking, in a safer manner. The proposed improvements would add parking in downtown, positively affecting commerce and residents. A parking lot would otherwise be allowed in the Zoning District and is consistent with the surrounding zoning district. The proposed variances would not be detrimental.

Staff believes that all five of the required findings are met.

Design Review Findings:

A. The project is consistent with applicable design guidelines: The proposed improvements would balance design guideline requirements with the challenges and limitations inherent with the property to construct the temporary parking facility.

- B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements:** Proposed improvements would advance elements that emphasize the redevelopment of downtown.
- C. The project is consistent with all applicable provisions of the Zoning Code:** The proposed project would meet Zoning Code requirements, except where variances are granted.
- D. The project is compatible with adjacent and nearby development:** Site improvements are compatible with the adjacent properties and would provide public parking to serve the surrounding area on a temporary basis.
- E. The project design provides for safe and efficient provision of public services:** As approved, public services can be delivered safely and efficiently.

Staff believes the required findings are met.

Staff Recommendation

Staff recommends that the Zoning Board of Appeals make positive recommendation to the Findings of Fact for the Variance request. Staff recommends that the Zoning Board of Appeals recommend approval of the following variances to the City Council:

1. Variance from Table 2.404: to allow a parking to be less than 10 feet from the street and waive height limitations for lighting standards.
2. Variances from Section 4.203 to waive curbing requirements for parking areas for portions of the project
3. Variance from Table 4.205.A: to allow narrower aisle widths
4. Variances from 4.211: to omit parking lot screening, landscaping and lighting location requirements.

Subject to the following conditions:

1. The variance shall remain effective for five years from the date of City Council approval.
2. Design modification based on removal of the pump house continue the design of parking as proposed, subject to staff review and approval, based on the variances specified above.

Staff Recommends the Plan Commission approve Design Review for a Temporary Parking lot, subject to the following conditions:

1. All conditions specified in the Variance recommendation.
2. Approval of the requested variances by the City Council

Attachment: Variance Application Package

C: Mayor and City Council
Department Heads
Tim Grimm, Project Engineer
Rahat Bari, City Engineer

Application Narrative

The applicant (City of Batavia) is requesting variance for the proposed temporary parking lot to be constructed at the property known as Larson-Becker property. Very recently, the City of Batavia has purchased this property from the previous owner. The existing buildings are currently vacant and in the process of getting city approval for demolition. Most of these building structures will be demolished and removed except the building which is the southernmost building on the property. Historic Preservation committee (HPC) has determined that this building need to be preserved due to the historic value associated to it. The proposed parking lot will be north of this southernmost building.

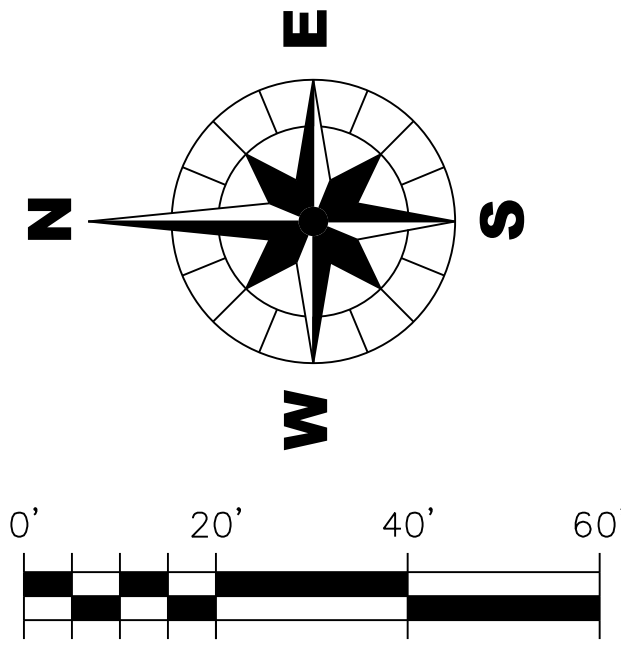
The need of a temporary parking lot surfaced due to the impending 1 Washington Place redevelopment plan. The proposed development plan at 1 Washington place will need to demolish the existing parking lot and parking structure at the southeast corner of State Street and River Street. As a result, residents and patrons coming to enjoy downtown amenities and businesses will face parking shortage. This has been identified as a real issue during the redevelopment process of 1 Washington place. As a result, the city of Batavia is proposing to construct a temporary parking lot at the Larson-Becker Property. The proposed parking lot will add 111 parking spaces to alleviate the shortage of parking during the redevelopment period. Please note that 111 spaces will not completely replace the amount parking spaces that will be lost during the redevelopment process. This temporary parking lot is supported by city staff and downtown business owners. At this time, the city predicts that this temporary parking lot will be in service for 5 years when redevelopment of this Larsen-Becker property will take place.

The City of Batavia is requesting variance for the following requirements-

1. 10 feet offset of parking lot from the property line- The City is seeking variance to this requirement as the primary purpose of this parking lot is to provide as many parking spaces possible for the lost spaces. If the City provides 10 feet offset from the property line, then total number of spaces will go down to 83 instead of 111. As this new temporary parking lot is getting constructed to offset the lost parking spaces, we feel that having less number of parking spaces for the citizens and visitors of Batavia will diminish the value to the project.
2. Curb around the entire parking lot- The city is proposing curb around the entire parking lot except the area where existing concrete sidewalk will be right next to the parking lot at the southeast corner. Presently, the existing parking lot abuts to concrete sidewalk and the city is proposing to keep it the same. If the City provides curb in this portion, then it will require removal and replacement of the entire sidewalk. The City has future development plan that the exiting sidewalk will be rebuilt as a bike path when Larsen-Becker property gets redeveloped. At that time, the existing Fox River bike trail that stops at the bottom of the stairs will be connected to the new bike path to provide continuous bike trail connection. The city feels that rebuilding the sidewalk at this point is unnecessary for a temporary parking lot rather the sidewalk gets rebuilt as a bike trail connection when this temporary lot will be demolished and the Larsen-Becker property gets developed.

3. Landscape Island in the parking lot- The City is seeking variance to this requirement as the primary purpose of this parking lot is to provide as many parking spaces possible for the lost spaces.

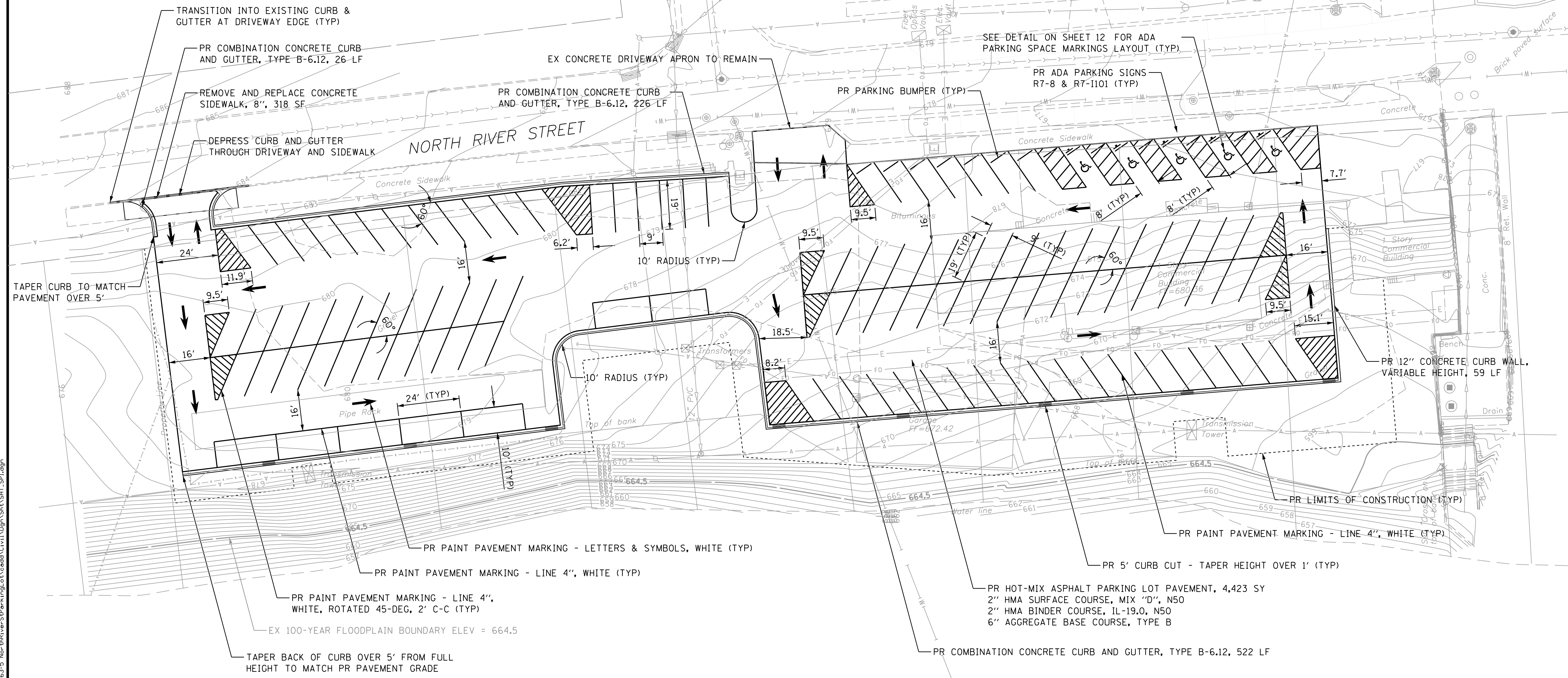
In our opinion, the variances requested meet the intent and purpose of Downtown Mixed Use zoning district as this temporary lot will provide additional parking spaces for the residents and visitors to our downtown businesses and downtown amenities such as farmers market, windmill festival and numerous other city and private events that take place in the downtown area. In addition, the proposed parking lot will not detrimental to the health, safety and general welfare of persons living or working in the neighborhood neither detrimental to the general welfare to the City. On the contrary, it will be relief to the city's residents and business owners who relies heavily on the patrons visiting downtown Batavia. Similar non-compliance parking lot exists in the downtown area such as First State Bank located at the Southwest corner of S River Street and Wilson Street.



EAST SPRING STREET

NORTH RIVER STREET

FOX RIVER



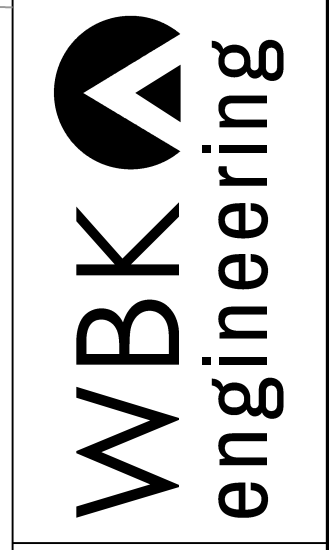
TITLE: **NORTH RIVER STREET
PARKING LOT IMPROVEMENTS**

SCALE: AS SHOWN

NO.	DATE	NATURE OF REVISION
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3		
4		
5		
6		
7		
8		

CLIENT: **CITY OF BATAVIA
200 N RADDANT RD
BATAVIA, IL 60510
630-454-2300**

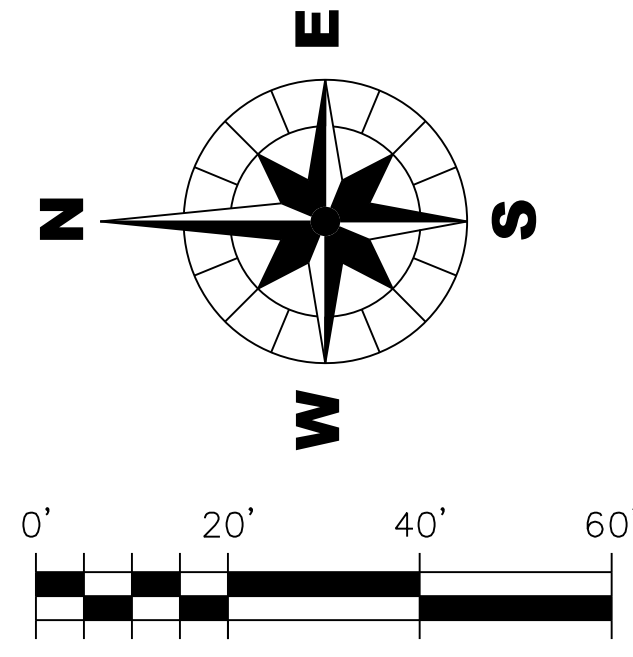
WBK ENGINEERING, LLC
116 WEST MAIN STREET, SUITE 201
ST. CHARLES, ILLINOIS 60174
(630) 443-7755



PROJECT NO. 16-0263.5
DATE: 01/06/17
SHEET 5 OF 16
DRAWING NO.

SP1

PLOT DATE: 1/6/2017
FILE NAME: W:\Projects\2016\160263.5 - NorthRiverStParkingLot\Drawings\SP1.dgn



EAST SPRING STREET

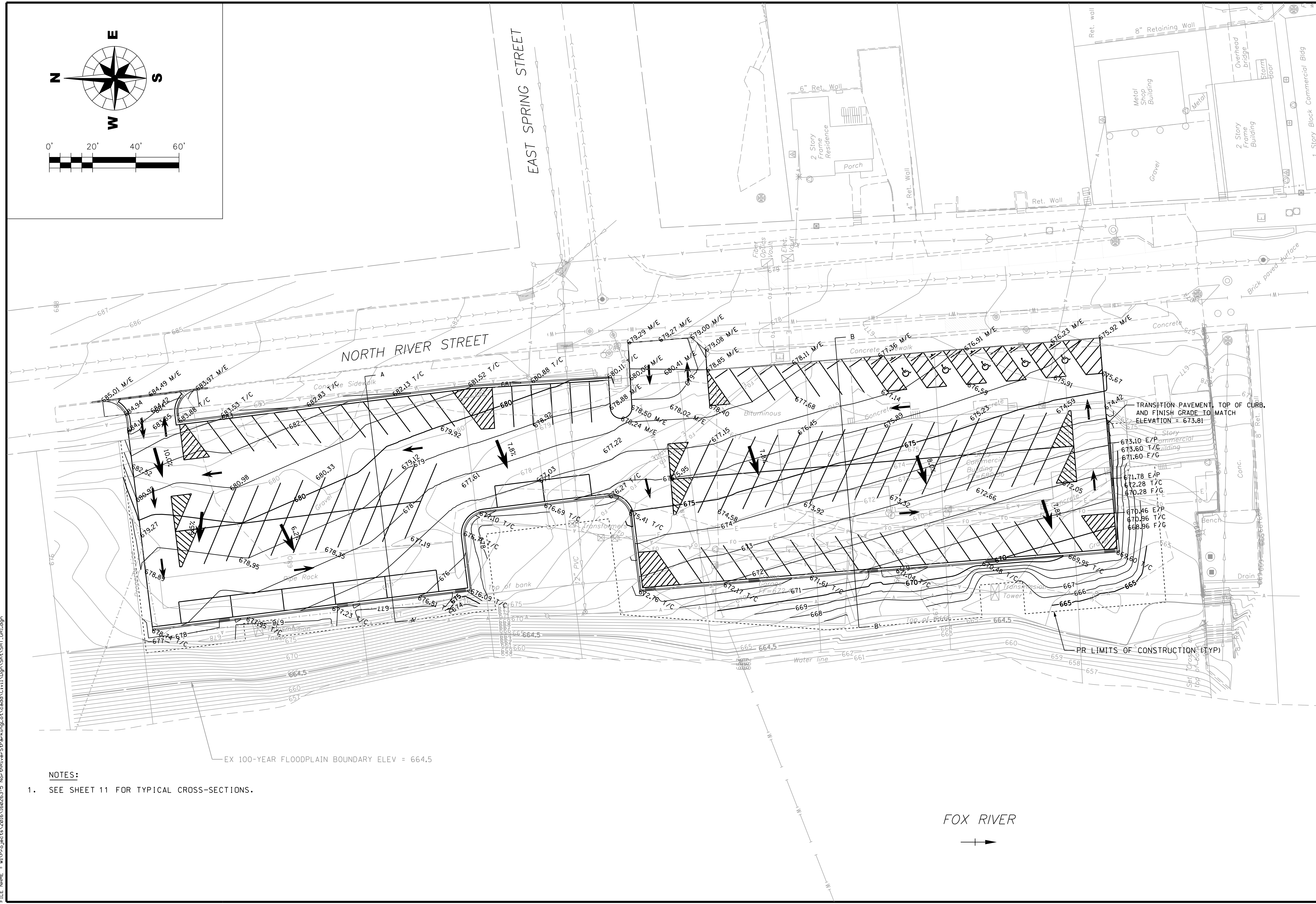
NORTH RIVER STREET

FOX RIVER

EX 100-YEAR FLOODPLAIN BOUNDARY ELEV = 664.5

- NOTES:
- SEE SHEET 11 FOR TYPICAL CROSS-SECTIONS.

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 USER = jberham
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TITLE: NORTH RIVER STREET PARKING LOT IMPROVEMENTS GRADING PLAN	
DSGN. JLB	JLB
DWN. JLB	JLB
CHKD. DPB	DPB
SCALE: AS SHOWN	
NO.	DATE
1	
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NATURE OF REVISION	

CLIENT: CITY OF BATAVIA
 200 N RADDANT RD
 BATAVIA, IL 60510
 630-454-2300

WBK ENGINEERING, LLC
 116 WEST MAIN STREET, SUITE 201
 ST. CHARLES, ILLINOIS 60174
 (630) 443-7755

WBK engineering

PROJECT NO. 16-0263.5
 DATE: 01/06/17
 SHEET 6 OF 16
 DRAWING NO. GR1