

DATE: August 4, 2020
TO: Committee of the Whole-CD
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: **Ordinance 20-45:** Major Amendment to a Planned Development Overlay
One Washington Place Mixed-Use Development
111-133 East Wilson Street and 20 North River Street
1 N. Washington, L.L.C., applicant

Summary: Attached draft Ordinance 20-45 would amend [Ordinance 18-29](#) that amended the original One Washington Place (OWP) approval by [Ordinance 17-15](#). The Plan Commission recommended City Council approval of the latest proposed amendments after conclusion of its virtual public hearing on July 1st. The Plan Commission also approved a new Design Review as the one approved with Ordinance 18-29 lapsed earlier this year.

Background: Project developer Dave Patzelt of Shodeen Group informed the City Council in March that due to delays, insufficient time remains in the life of Tax Increment Finance District 5 (TIF 5) to help fund this project, making it impossible to secure needed project financing. The majority of the City Council agreed to seek an extension of TIF 5 to help fund the project if storefronts are returned to the Wilson Street frontage per the originally approved design, even if garage parking is reduced. An extension required approval of all affected taxing bodies; Batavia Public School District 101 voted against the extension therefore the extension could not proceed. The City Council then directed staff to begin a process to extinguish TIF 5 and establish a new [TIF 6 District](#) to accommodate a further amended OWP design.

Mr. Patzelt has revised the OWP plans to restore a commercial frontage to Wilson Street, reducing the number of dwelling units by four (4). Office space has been added above the River Street frontage. Building height has increased by one (1) foot to accommodate a change in the garage structural design. As explained in March, with the return to the Wilson commercial frontage, garage parking spaces have been reduced. A summary of the changes is included in the attached *Batavia City Council Design Revision Exhibit-July 16, 2020*. Exhibits attached to Ordinance 20-45 are plans that incorporate the changes Mr. Patzelt presented to the Committee of the Whole (COW) at its April 28th meeting. On June 22nd the Historic Preservation Commission reviewed and approved a new Certificate of Appropriateness as shown in the attached drawings. In their approval, Commissioners noted the project is better with the commercial Wilson Street frontage.

Plan Commission Review and Actions: Four (4) virtual attendees spoke at the hearing. Speakers suggested:

- alternative locations for residential development be considered;
- building size is excessive;
- building design is poor and out of character with the area; and
- the Wilson/Washington corner of the building does not reflect the character of the former Holy Cross bell tower.

Speakers also cited the following concerns:

- increased traffic;
- lack of parking for residents and for downtown visitors caused by the redesign and previously approved Zoning Code modification; and
- noise from businesses affecting residents.

Emails received by City staff that were not addressed by the speakers were read into the record; all emails received are attached. Additional issues identified in the emails include:

- poor location for high density housing;
- lack of wide community support for this development;

- a current glut of available commercial lease space;
- generated revenue would go to the developer and not to the City;
- a destroyed City skyline;
- TIF projects take tax money from other entities;
- the proposed replacement TIF District expands and lengthens TIF coverage; and
- residential units sharing air ducting, plumbing, access, hallways, stairs, and elevators is fertile ground to spread disease in the event of a stay-at-home order during a pandemic. (had to pause here – I made my own eyes roll out of their sockets)

Plan Commissioners were supportive of the increase in commercial spaces. While one Commissioner did not like the reduction in parking, another noted availability of the Larson-Becker parking lot that serves downtown. A Commissioner noted what appeared to be changes to windows and balconies on the west and north elevations despite being labeled as “no change” areas on the plans. Project Architect Don McKay acknowledged the differences and noted these would need to be reviewed.

A Commissioner asked Mr. Patzelt if the 2018 Design Review conditions of approval regarding materials and colors would be applied to the current proposal. Mr. Patzelt confirmed that those approval conditions would be applied to the current proposal.

Concurrent with the Planned Development Amendment public hearing, the Commission conducted Design Review for the proposal. The Commission took action on the Design Review Findings for Approval as drafted in the [June 25th staff memorandum](#) to the Commission as follows:

- Finding 1: Aye-5 / Nay-1 (1 absent)
- Finding 2: Aye-6 / Nay-0 (1 absent)
- Finding 3: Aye-6 / Nay-0 (1 absent)
- Finding 4: Aye-6 / Nay-0 (1 absent)
- Finding 5: Aye-3 / Nay-3 (1 absent)

Plan Commission actions on the revised development proposal are as follows:

1. To recommend City Council approval of an **Amendment to the Planned Development Overlay** subject to the conditions listed below, Aye-5 / Nay-1 (1 absent):
 - The site shall be developed in substantial conformance with the plans submitted in support of this Amendment to the Planned Development and to accommodate any changes per the approved Design Review, City Council approval of the project’s Redevelopment Agreement, and/or street improvements.
 - Final approval by City staff of plans for construction that are in accordance with the approved Design Review and/or street improvements.
 - Other minor changes necessary to implement the project.
2. To approve **Design Review** subject to the conditions listed below, Aye-6 / Nay-0 (1 absent):
 - City Council approval of the amended Planned Development Overlay.
 - The site shall be developed in substantial conformance with the plans submitted in support of this Design Review, accommodating changes per City Council approval of the Planned Development Overlay, changes to accommodate the project’s Redevelopment Agreement, and/or street improvements.
 - Changes to materials and colors required in the Plan Commission’s 2018 Design Review approval.
 - Other minor changes necessary to implement the project, including changes to balconies and windows on the identified elevations.

Alternatives: With the presumption that the City Council will approve an amended Redevelopment Agreement (RDA) with Shodeen Group and approve a replacement TIF District, COW can recommend City Council approval of Ordinance 20-45 as presented or consider amendments to the Ordinance before

taking action. COW can also remand the matter to the Commission for further consideration if substantial changes to the development's design are desired. The City Council can act to not approve Ordinance 20-45 if an amended RDA is not approved or a replacement TIF District is not created.

Impacts: Ordinance approval will grant the zoning approval needed for an amended OWP to begin the building permit process. Staff anticipates no substantial negative impacts as compared to the 2018 OWP amended Planned Development approval.

Timeline for Actions: COW action on Ordinance 20-45 will allow for final City Council action concurrent with its actions on the RDA and TIF District.

Recommendation: Staff recommends approval of Ordinance 20-45 as presented.

Attachments

1. Draft Ordinance 20-45
2. Batavia City Council Design Revision Exhibit-July 16, 2020
3. Received Emails

- c Mayor
Department Heads
Dave Patzelt, 1 N. Washington, L.L.C., applicant
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 20-45**

**AMENDING ORDINANCE 18-29 FOR AN
AMENDED PLANNED DEVELOPMENT OVERLAY
ONE WASHINGTON PLACE
(111-133 E. WILSON ST., 20 N. RIVER ST., 1 N. WASHINGTON AV.)**

1 N. WASHINGTON, L.L.C., APPLICANT

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 17TH DAY OF AUGUST, 2020**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 18th day of August, 2020

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 20-45**

**AMENDING ORDINANCE 18-29 FOR AN
AMENDED PLANNED DEVELOPMENT OVERLAY
ONE WASHINGTON PLACE
(111-133 E. WILSON ST., 20 N. RIVER ST., 1 N. WASHINGTON AV.)**

WHEREAS, 1 N. Washington, L.L.C., as contract purchaser, has filed an application to amend a Planned Development Overlay, first approved by Ordinance 17-15 and later amended by Ordinance 18-29, on the properties located at 111-133 East Wilson Street, 20 North River Street, and 1 North Washington Avenue, and legally described as:

LOT 1 OF ONE NORTH WASHINGTON PLACE CONSOLIDATION (RECORDED AS DOCUMENT NUMBER 2018K013299), PART OF BLOCK 7 IN THE ORIGINAL TOWN OF BATAVIA, ON THE EAST SIDE OF THE FOX RIVER, BEING PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS 111-133 W. WILSON ST., 20 N. RIVER STREET, 1 N. WASHINGTON AV. (PINS 12-22-276-025 AND 12-22-276-026)

with the City Clerk of the City of Batavia, Kane County, Illinois, said application requests said amendment to the referenced Planned Development Overlay pursuant to Chapter 3.1 of the Zoning Code with a modification to a Section of said Code; and

WHEREAS, all public notification regarding the intention of the City to consider an amendment to a Planned Development Overlay was executed as required by City Code; and

WHEREAS, a public hearing was held pursuant to the Batavia City Code by the Batavia Plan Commission on July 1, 2020; and

WHEREAS, the Plan Commission has reviewed the application, and at the public hearing/open meeting on July 1, 2020 recommended approval of such Amendment to a Planned Development Overlay to the City Council subject to conditions of approval as follows:

1. The site shall be developed in substantial conformance with the plans submitted in support of this amendment to the Planned Development and to accommodate any changes per the approved Design Review, City Council approval of the project's Redevelopment Agreement, and/or street improvements.
2. Final approval by City staff of plans for construction that are in accordance with the approved Design Review and/or street improvements.

3. Other minor changes necessary to implement the project; and

WHEREAS, on August 11, 2020, the City Council’s Committee of the Whole reviewed and considered the application, the record of the public hearing and the action of the Plan Commission, and recommended approval of said Amendment to a Planned Development Overlay subject to the conditions of approval recommended by the Plan Commission; and

WHEREAS, the City Council of the City has received the recommendation of both the Plan Commission and Committee of the Whole and has considered same; and

WHEREAS, it is in the best interest of the City of Batavia that the Property, as described above, be granted approval of said Amendment to a Planned Development Overlay District requested by the applicant.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the application submitted by 1 N. Washington, L.L.C. for the approval of an Amendment to a Planned Development Overlay, to amend Ordinance 18-29, is approved in general conformance with the Exhibits attached hereto, subject to the following conditions:

1. The site shall be developed in substantial conformance with the plans submitted in support of this amendment to the Planned Development and to accommodate any changes per the approved Design Review, City Council approval of the project’s Redevelopment Agreement, and/or street improvements.
2. Final approval by City staff of plans for construction that are in accordance with the approved Design Review and/or street improvements.
3. Other minor changes necessary to implement the project.

Exhibit	Plan	Dated	Prepared by
A	Site Plan	May 8, 2020	Sheehan Nagle Hartray Architects
B	Exterior Building Elevations	May 8, 2020 and July 10, 2020	“
C	Overall Garage/Commercial Floor Plans	May 8, 2020	“
D	Overall Residential Floor Plan	May 8, 2020	“
E	Landscape Plan and Details	May 15, 2020	LDC Planners Landscape Architects
F	Site Furnishing Details	May 15, 2020	“

SECTION 2: That this Ordinance 20-45 shall become effective after passage and approval and publication as required by law contingent upon acquisition of the properties located at 111-133

CITY OF BATAVIA, ILLINOIS ORDINANCE 20-45

East Wilson Street, 20 North River Street, and 1 North Washington Avenue by 1 N. Washington, L.L.C.

PRESENTED by the City Council of the City of Batavia, Illinois, this 17th day of August, 2020.

PASSED by the City Council of the City of Batavia, Illinois, this 17th day of August, 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 17th day of August, 2020.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk