

**MINUTES**  
**December 7, 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, Joseph, and Peterson

**Members Absent:** Commissioner Harms

**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 Jennifer Austin-Smith, Recording Secretary

**3. Items to be Removed, Added or Changed**

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

**4. Variation to the Subdivision Regulations to Not Require a Public Sidewalk 1327 Goldenrod Drive – Thomas and Deborah Doyle, Owners/Applicants**

Rackow reported that the owners/applicants are requesting a variation from the subdivision code to request a waiver from constructing a sidewalk in front of the home that they are currently building. The City does have in the subdivision code a staff reviewable allowance to waive a sidewalk when it is 1,000 feet away from parks, schools and Pace Bus Routes and 500 feet away from an existing sidewalk. This property does not fall under these criteria because there is a sidewalk along Woodland Hills to the west. They are requesting a variation to the subdivision code through our subdivision process. The Doyles would be willing to put in a fee in lieu instead of constructing a sidewalk due to the fact that there are no sidewalks immediately near this property. Keeping the character of this property's neighborhood was a reason for this request. This property was originally developed in unincorporated Kane County and was annexed into the City later. Staff has reviewed the request and due to the close proximity of sidewalks to the west and the trail to the east, staff is recommending denial of this request.

Tom Doyle, applicant, stated that they agree with most said but wanted to address some issues. It is to his understanding that if there is a hardship or peculiar conditions of the site or the surrounding areas where the variance would not destroy the intent of the regulation. It is his understanding that the intent of the regulation is two-fold; it is for pedestrian safety and interconnected sidewalks. Their property is a one block dead-end street. We would have the

sidewalk in the middle of the street and there are no sidewalks anywhere else. He stated that you would not have many pedestrians, if any, utilize this sidewalk. If we are trying to promote pedestrian safety he does not see that benefit at all if you put a sidewalk in front of his house. The discussion also is about the importance of interconnecting sidewalks and trails. This would not connect to anything. There is a trail of Kirk Road but everyone in the area uses Pine Street. The intent of the regulations do not apply to his property as it exists today. He clarified that they did not say that they would put cash in lieu, they meant that when there is a sidewalk program and when the sidewalks are going in Goldenrod, they would pay 100% for the sidewalk in front of our home. They would not ask the City or the neighbors to pay for the sidewalk and they understand it is their responsibility. They are very willing to fund the sidewalk when the sidewalks are installed.

Schneider stated he supports a request that includes cash in lieu. Buening stated that the City Council had a lengthy discussion regarding policy on this matter. Most of the time sidewalks come in when there is a new development happening and this is a new development. The concern is that most new houses that are built in the community build a sidewalk as part of the public improvements that are required. If they did cash in lieu that could address the situation but depending on when the sidewalk is built depends on how much money the sidewalk would ultimately cost.

Peterson stated that she fully supports the waiver. She observed that many of the streets that go off of Woodland Hills Drive have no sidewalks and this would be very unique place to put a sidewalk in, in the middle of the block where it connects with nothing. As far as the path goes, there is a fence at the end of the street and the path itself is in very poor condition. She does not see that it is a major concern that the sidewalk leads to the path. She thinks it is within reason that the applicants asked for this waiver. Gosselin stated that he is more in line with Peterson's comments but a cash in lieu does make sense.

Joseph was concerned that we are setting a precedent if we approve this request. She noted that there is a developable lot that would connect across the street if a sidewalk were to be built. Gosselin commented that even in both of these lots were developed, it would be his opinion that streets such as Goldenrod should be very low on the schedule of streets that the City should be adding sidewalks to.

Chair LaLonde opened the floor for public comment.

Joanne Gustafson, 1235 Nary Court, stated that she lives in a neighborhood where the houses in the front have sidewalks. She asked about her liability as a taxpayer in Batavia. If this man builds a sidewalk and someone injures themselves on that short little piece of sidewalk, from what she understands, the City of Batavia is responsible for injuries on their sidewalks. If that is the case, are you putting the City open for liability or risk for a sixty-foot long sidewalk with no beginning or end but a piece of concrete sitting in the middle of the field. It seems very unjust from where she is sitting. Stating that the City would cover their neighbors' sidewalk but would take money from the applicant, which may or may not be used, is not right. Gustafson clarified that she does not know the applicant but as a taxpayer this does not sit right by her. There are many areas like this in Batavia that do not have sidewalks.

Buening commented that there would be no additional liability other than a typical sidewalk. Buening stated that the question of fairness is would it be fair for this development to pay for their sidewalk coming into the City as other developments do (e.g. Tanglewood) or should the entire City pay for the sidewalks.

**Motion:** To approve the variance for 1327 Goldenrod Drive provided that there is cash in lieu of the sidewalk

**Maker:** Joseph

**Second:** Gosselin

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

**Nay:** Peterson

4-1 Vote, 1 Absent, Motion carried.

**5. One Washington Place, 111-133 East Wilson Street and 20 North River Street, 1 N. Washington, LLC, applicant**

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

Buening discussed the process of the public hearing. He noted that this public hearing would be continued until January 4<sup>th</sup> to allow for further public testimony and answers to more complex questions that may be brought up tonight. Chair LaLonde added that there would be no action taken tonight and this would not be the last opportunity to discuss this topic.

**Motion:** To open the public hearing

**Maker:** Joseph

**Second:** Schneider

**Voice Vote:** 5 Ayes, 0 Nays, 1 Absent  
Motion carried.

Rackow reported that this is a public private partnership with the City participating in the project. The site is 2.2 acres and it is zoned Downtown Mixed Use (DMU), which is what the downtown district is zoned. There is a Building Height Overlay District over portions of the property. The proposal would include a two-story public parking deck that would be partially in ground. The garage would allow for 348 parking spaces. This would be financed through the TIF District and a Special Service Area (SSA) would be put into place to provide additional funding if necessary. The proposal does include six additional spaces being added with on street public parking on State Street. The proposal would add commercial space on River and Wilson Street. The proposal would have 92 one-bedroom apartments and 93 two bedroom apartments in a four story building above the parking deck. There would be public courtyards, vehicle turnabout and parking area for emergency vehicles and pick up and drop off, and deliveries.

Rackow continued that one part of the request is a Zoning Map Amendment to remove the downtown building height overlay. Some of the current building frontages do comply with the height but because of the topography there are sections that are taller and sections that are under

those height requirements. The other action related to the Zoning Map would be to amend the Zoning Map for a planned development overlay. There are five noted requests for relief:

1. Zoning Code Section 2.405.A for providing less than the required vision glass on street facing elevations. (Staff notes that much of the Wilson and River store fronts meet the requirements and residential frontages are only slightly less than required amounts.)
2. Zoning Code Section 2.405.B for not providing the required pedestrian building entrances every 75 feet along State Street and Washington Avenue.
3. Zoning Code Table Section 4.205 for providing parking space and aisle dimensions having minimums of approximately 8 feet by 17.5 feet and 22 feet, respectively, less than the required 9 feet by 18 feet and 24 feet, respectively.
4. Zoning Code Table 4.204 for providing 0 parking spaces where 402 is required. (Staff notes that because all 348 parking spaces are public and not exclusive to this development, the development is not providing the Code required parking.)
5. Zoning Code Table 2.404 to allow a maximum building height of approximately 81 feet where 50 is allowed. (This assumes removal of the DBH Overlay.)

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

Don McKay, Principal and President with Nagel Hartray Architecture, addressed the PC. He stated the firm has been in business for fifty years and he has been with the firm for thirty-two years. They do a lot of work in urban areas on sites similar to the one addressed here in Batavia where there are tight site constraints and unusual topography conditions. They have been working with Shodeen for fifteen years. McKay's presentation included the following:

- Aerial site image
- Site plan
- Topography and bedrock
- Four elevations of the building
- Lower garage and upper garage (three elevators, public access elevator access between the two floors of the parking garage)
- First Floor Residential/Upper Floors Residential
- Typical Unit Plans
- Landscape drawings
- Furnishing and Site Features

Chris Aiston, Economic Development Consultant, addressed the PC. He shared that he is President and CEO of CC Aiston Consulting, Ltd and has served the City of Batavia as its Economic Development Consultant since July 2013. His past experience includes: Kane County Economic Development Director; DeKalb County Planning and Zoning Director; and Economic Development Director for the City of Geneva and for the City of St. Charles. It should also be noted, for the record, that his principal roles with respect to this project are to act as an advocate, having shepherded the Redevelopment Agreement between the City and the developer in accordance with state TIF statues, and as the project manager in the creation of a proposed new Washington-Wilson TIF District, comprising all of the real estate subject to the proposed PUD zoning application.

From an economic development perspective, he finds at least three solid reasons why this project, in both its composition and size, makes very good sense for Batavia. They are: Its location; its efficient use of land; and its application of the State TIF Law.

First and foremost, the project is ideally located to create the greatest benefit to the City of Batavia. Siting this project at its proposed downtown location creates economic activity right in the City's central business district.

With respect to the project itself, the addition of 185 households, or "rooftops" in the shopping center vernacular, will increase sales of goods and services within the regional market place and, no doubt, in a significant way for the local business community as well. Think of your own spending patterns.

Yes, of course, you'll occasionally drive 15, 20 even 30 minutes to visit an exceptional restaurant or to shop at a particular store, whether be it a unique, independent retailer or larger store of national reputation and product lines. Additionally, purchasing big ticket items like automobiles and large appliances would naturally compel the buyer to "shop around", often traveling a half hour or more. But that said, most of your daily shopping trips, whether for groceries, medicine, general apparel or small house ware items, and trips to obtain personal services like going to the barber, to get your nails polished or pick up your dry cleaning, are within a 5-10 minute drive time. Where does 5-10 minute drive time take the One Washington Place residents? Likely somewhere in Batavia - whether downtown, Randall Road or the various shops and small shopping centers scattered about the city's neighborhoods.

What of the additional commercial space? It is true that there are currently storefront vacancies in downtown Batavia. This begs the question as to why then would the City want to create additional commercial space at this time? He would suggest to you that a contrary position. It may not always be the amount of vacant space in a downtown that is indicative of its success but rather the amount of all available space for business to thrive, and for a commercial district to be established. To that end, this project will bring much needed additional commercial mass to the downtown, serving to bolster occupancies, and by extension, rental rates and property values, of other existing downtown commercial buildings. The project may also result in additional commercial building construction and occupancies, as absorption takes place. Like indoor malls, outdoor "lifestyle centers", or even neighborhood strip centers, downtowns thrive when there are sufficient amounts and varieties of commercial spaces. This context, often referred to as a commercial area's "critical mass" offers consumers the benefits of having expanded choices in product lines and services, being able to take multi-purpose trips and, in the end, enjoying a more efficient use of their time.

Secondly: The proposed redevelopment will result in efficiencies and economies of land use. This project is not development sprawl into the urban periphery but rather well-planned redevelopment and infill of the existing built-up environment. This project is not single user in type, with all the inherent redundancies in land cover and the increased traffic generated from single-user development patterns, but rather it is a mixed-use plan, co-locating residential with commercial, and public parking occupancies.

Turning briefly to parking, creating public parking assets in a city's downtown business district can be a very expensive proposition. Obviously, there are the actual construction costs, particularly when building a parking garage. But additionally, these projects tend to remove valuable real estate out of direct economic production and off the property tax rolls. Through implementing this redevelopment project plans, however, the city and developer are co-locating a 350-space public parking garage with a private development. The ground covered by an otherwise tax-exempt public asset is also being covered by a private real estate development, paying property tax and generating two critical components in any economic development plan, namely residents – read as the consumers of goods and services – and 13,850 SF of commercial space that will be occupied by businesses intending to provide such goods and services to these and other consumers.

The third reason for supporting the project: As a redevelopment proposal, One Washington Place is a textbook case for TIF. TIF law was created largely with the intent of causing the redevelopment of properties that are located within an already developed area, have or will likely become blighted and/or underutilized, and where one hasn't seen any real private investment, nor would such investment likely occur but for the municipal authorities vested under the TIF Act. These characteristics define the redevelopment site in its current state. Further, in this unique case, not only is the proposed redevelopment a public-private partnership financially, it also is one geographically. By creating a vertical subdivision, the vast amount of land will be owned and utilized by both investment entities, the private developer and the City of Batavia and its constituents.

Some will no doubt oppose this project on the grounds that it is just too big. Certainly the mass of the building alone will dramatically change the physical appearance of the downtown. However, he believes, like elsewhere in the western suburbs (Oak Park, Elmhurst, LaGrange, Wheaton, come to mind), that people will get used to the building mass and height over time and, while they do, the project will become an economic engine for the downtown like nothing this City has experienced before.

In more than thirty years of regional, urban and economic development planning he has personally participated in the development of dozens of projects causing real change to a given area's economy. These projects widely differed in type and locations, from the Illini Farms multi-million dollar hog confinement facilities in DeKalb County to forging the PUD entitlements and sales tax reimbursement program that secured the Geneva Commons project. However, the projects that stick in my mind as real game changers are those approved for and built on historic downtown properties, such as The Herrington Inn and accompanying Pump House (formerly a creamery and public works facilities); The interior and exterior improvements to St. Charles Arcade Theater, including the acquisition of and adaptive re-use plans for the adjacent, former sporting goods store to enhance the theater experience. In fact to date, the completed project of which I feel most proud is the public-private partnership that resulted in the redevelopment of the abandoned former Delnor Hospital and Seigle Lumber Yard properties along South Third Street in Geneva. These sites are now the Dodson Place commercial/residential buildings and the multi-level public parking deck along the Metra line.

Securing necessary approvals for site design, PUD approval and the land swap incentive were challenging experiences.

Change can be difficult and challenging for any community but, if done right – including often in a big way – the change can be something very special and, in the case of the proposed One Washington Place, a possible “game-changer” for the downtown central business district.

Chris Aiston introduced Dave Burr of Rich Associates, who prepared a Parking Study for the City. Mr. Burr addressed the PC. He explained that Rich and Associates is a parking consulting design and engineering firm who has been in business since 1963. He has been with the firm since 1979. He gave a presentation on the brief analysis of the parking needs of the City of Batavia looking at One Washington Place and the influence area around the site (2 block radius around the site). The presentation included the following:

- Presentation agenda
- Aerial of the site
- Methodology
- Parking supply within the nineteen blocks
- Total Parking Supply
- City of Batavia – Zoning Code Requirements
- Parking Requirements per Zoning Ordinance (no distinction on how the parking should be provided, such as hours)
- Gross Surplus/ Deficit vs. Net Surplus/ Deficit
- Current Supply vs. Demand Using Existing Zoning Code Requirements
- Blocks that would have a deficit (existing conditions)
- Shared Parking
- Projected Parking Requirements by Use, City of Batavia Mixed Use Development
- Projected Development Shared Use Model City of Batavia Mixed Use Development – Existing
- Current Supply vs. Demand Using Shared-Use Values
- Existing Condition – Shared Use
- Existing Condition – Zoning Code
- Future Conditions with One Washington Place Project
- Future Demand vs. Supply using Shared-Use Analysis
- Future Condition with Development
- Future Condition Shared Use
- Existing Condition Shared Use

Mr. Burr presented the findings of the study to the Commission and presented an analysis of parking within the study area under the current Zoning Code requirements and under a Shared Use Model, which takes into account changes in demand from various uses throughout daily activity. Parking was reviewed under both scenarios. The conditions are improved with the additional public parking added to the site, despite the increase in demand, when using a Shared Use Analysis. The net deficit is improved by 30 or so spaces from the existing conditions.

The PC asked questions of the presenter. LaLonde inquired if parking displaced by the proposed project was included. Burr noted that revisions from the site along with increases in the demand were applied. Peterson asked if the on street parking was considered in the presentation. Burr answered the entire on street and off street parking in that nineteen-block area was considered.

Dr. Brian Richard, Northern Illinois University, Assistant Director of Community Economic and Workforce Development at the Center for Governmental Studies presented on the Economic Impacts of the Construction of a Mixed Use Development in Downtown Batavia. He shared that he has been doing economic analysis for economic development projects for about twenty years. The presentation included the following:

- Project Summary
- Economic Impacts of Construction (create new economic activity in the City, 2.5 year construction phase, 80 workers on the site on average, 80 jobs created in the local economy, total of 160 jobs created because of the construction project with total payroll of 23 million in direct and indirect payroll generated.)
- Potential Expenditures of Residential Tenants (14 million in total expenditures)
- Potential Sales of Commercial Tenants (2.7 million in sales, with an estimated \$869,000 in payroll, based on industry averages).

Chair LaLonde asked how would the development impact the balance of the businesses in the downtown and the vacancy rates that we have. Richard stated that there are vacancies in the downtown and there is validity to Aiston's prediction that the more activity downtown there would be more likely to move in. From the academic viewpoint, these things are hard to predict. It is difficult to project what is going to come just from building storefronts. Retail activity generates additional retail activity because of foot traffic. Retail activity is based on foot traffic and the more varied shopping opportunities you could have within a business district the better.

Buening reported that staff has received the final report for the traffic impact. Buening gave a brief summary of the report. Overall, the report indicates the development itself would have a very small impact on the traffic operations on the Wilson Street corner and adjacent streets. The am peak hour they found would be from 7:15 AM and 8:15 AM and evening peak would be 4:45 PM and 5:45 PM. The morning peak generates a total of 96 trips in and out of the development for all of the uses. That gives you one and a half trips per minute during that peak hour. The PM peak has 117 trips, which equates to 2 trips per minute. Overall, during the peak hour that is not a significant impact on the adjacent roadways. Buening continued that trips would be distributed east and west on Wilson Street and north and south on River Street and Washington Avenue. The trips would be distributed throughout the roadway network as part of the development.

The mixed-use element of this project causes a reduction of the normal trip amount because it is in a downtown area and there is a mix of uses and people could walk to uses nearby. This development would have less of an impact of a single-family development or a typical apartment development. Most of the impact would be by background development. This is background growth and development that happens as a natural situation in the community, such as the new



development in Batavia as well as other areas. The 2024 projected study period shows that the worst impact would be eastbound Wilson, where the level of service would go from E to F. The level of service goes from A to F, F being the worst. However, this would happen whether the development happens or not. That increase happens just by virtue of the background traffic that is happening in the area. The City would have to look into improving this traffic situation as part of trying to improve the traffic flow regardless of whether this development went forward or not.

Buening continued that the study does give recommendations for things that could be done in regards to Wilson Street traffic and lesson impacts in general. One of the recommendations is to coordinate the traffic signal for Wilson Street and the various signals that are on there. They are coordinated but they may need to be recalibrated based on what traffic is happening in the area and what situations may be happening with new development and other impacts. The other suggestion that they have are to promote land uses that are complementary to the proposed development such as grocery stores, shopping, and other things that people might do. Also, they recommend adding or changing the bus routes to provide more service to the downtown area. Buening noted that staff will continue to review the study and if there is more information they would provide it at the January 4<sup>th</sup> meeting. Chair LaLonde noted that the report would be posted on the City's website for everyone to review.

Chair LaLonde opened the floor for public comments at 8:45pm. Chair LaLonde stated that public testimony would be taken until 9:30pm and the remainder of public comments would be taken at the January 4<sup>th</sup> continuance of this public hearing. Chris Aiston asked that those with questions to address the Commission first so that the consultants could answer them at this meeting. Aiston noted that several of the consultants live out of state. Chair LaLonde asked for those who had questions for the consultants specifically be the first to approach the Commission.

Laura O'Brien, 504 Young Avenue, stated that she has a lot of notes but she would wait until January 4<sup>th</sup> to discuss them. She asked the consultant in regards to the parking analysis, were employees for all these businesses taken into account because they need to park? There are other apartments in the downtown area and were they taken into account? She was confused with the office parking because in the east side of town she cannot think of many offices in that area that would have a parking need and she wondered where the numbers came from.

Burr answered that where the numbers came from is the City was asked to provide us with the parking supply but with the land use within the nineteen blocks and how much square footage was applied to office, retail, and residential. That is factored into the analysis. The Zoning requirement is you have to provide x number of spaces for 1,000 square feet which is designed to accompany visitors and employees. The analysis did reflect that.

O'Brien stated that she read the parking spaces are smaller than what we currently have to get more spaces. She has concerns about that in regards to preventing car dings. McKay answered that what she is referring to are a couple of isolated conditions in the parking garages relative to building structure, getting columns down to support the floors of the building. Out of the 348 spaces, we have fewer than a dozen that are smaller than the City requirements. O'Brien suggested that those smaller parking spots have signs attached to them promoting the parking of small cars only.

Michael Marconi, 1N605 Turnberry Lane, Winfield and property owner in Batavia, asked about the parking garage pedestrian exits. McKay stated that there are pedestrian exits that would allow for access to Wilson Street. Marconi asked Richard about the statement for every one job that goes to work at that project is going to create one more job in the downtown. Richard answered that it would create one more job in the region. Richard explained it comes from both the employee at the site spending their income at the local economy but also the construction company buying things in the local economy or hiring consultants. It is the combination of those two things. It is essentially one job but it is five percent at a business here and ten percent at a business there and they all total up to one job. It is based on industry averages. Marconi asked when you looked at the incomes of those who are coming to this project, was it based on incomes of people you think are going to come to Batavia or based on the potential asking price for those apartments. Richard stated that it was based on what the rental rates might be.

David Patzelt, 77 N First St, Geneva Shodeen Group, showed on the illustration the pedestrian accesses in and out of the parking garage. He explained that they are trying to provide access on all four walls of the parking site. Peterson asked if the walkway on Wilson Street has refuse bins. McKay stated that it would not be in the walkway. There is a separate refuse area that is enclosed that is beyond the pedestrian entryway into the garage. The refuse would be inside the building behind a door.

Joanne Gustafson, 1235 Nary Court, asked how many apartments are on each floor. McKay answered that there are about forty-five. She asked if this building had three residential floors you would have more parking spaces available and it would get rid of the variance for height. She noted that there is a gorgeous property on the river (Quarystone Pond) which she observed is mostly vacant. In Wheaton, the high rises are removed from the lower commercial area and the high rises are set off and they don't envelop the commercial area. Her concerns are can we indeed fill 195 apartments when there are vacancies across the river. The traffic on a Saturday morning can take you twenty minutes from east of Route 31 to west of the river. She is not against the project but there are considerations that need to be made to ensure that we get people to live there and not have high vacancy rates, by cutting down the floors you get a better parking and traffic perspective, and this project is threatening the existing businesses by taking away parking. She would like to see the downtown grow but not be killed.

McKay spoke to the ability to rent the number of units that are being proposed. He stated that the developer would not be proposing the number of units to be proposed if he had any doubt of the ability to rent out those units. It is rooted in a financial report that makes the project worth doing.

She asked what is the time frame for renting all the apartments. Dave Patzelt stated that they anticipate a 24-month lease and the different parts of the development would be available for leasing at different periods of times. For example, the furthest north wing may open while construction is being completed on the furthest south wing. Gustafson asked about parking. Dave Patzelt stated that relative to parking, there are several aspects. There is a financial pro forma that goes with this. This is an ideal case of TIF and the reality is that the residential units and the property taxes that they are generating for the City are paying for the parking spaces. If you remove an apartment you remove an asset that is there to be able to pay for the parking spaces,

so you would not be able to afford the number of parking spaces that the builder could provide. Gustafson stated that the plan is eliminating parking that is supporting current merchants and your plan requires an additional fifty to support the merchants produced from this development. She asked how are these proposed parking spaces going to support the current local businesses. Patzelt stated that the parking consultant that was hired by the City concluded that there is a net benefit of parking spaces once the garage is built to the community as a whole. Patzelt stated that the building is being built from the bottom up and the parking deck would be built in twelve and eighteen months.

Charlie Corey, 1311 Towne Avenue, stated that he went to a City Council meeting and heard the development is supposed to attract millennials and empty nesters. He asked as part of the lease agreement are the project residents going to have a reserved parking space for their cars. Aiston answered that the entire parking deck is public parking on a 24-hour basis. 200 permits for overnight parking would be made available for residents in and out of the project. Corey asked why are there doors on the parking garage? McKay answered that they would be automatic garage doors and would be used to help with maintaining a comfortable climate in the units above. Corey asked about the City's liability if an accident occurs in the parking garage. Buening stated that it would be similar of what happens on the street. Corey asked if the fire department has been involved. Buening stated that they have and are satisfied with the building as proposed.

Sylvia Keppel, 1420 Becker Avenue, read a letter from Carl Dinwiddie to the Committee. The letter is below:

I don't support any variances on this property for the 1 North Washington project. The structure is too large for that location (bulky and too high). The architecture is not consistent with the styles of architecture in the City. The zoning should not be approved because the plan does not provide for enough parking. The location is an improper place for high-density housing. (4. Is the proposed zoning district and the development it allows compatible with the existing uses and zoning of nearby property?)

The building will take away the quality of life for homeowners to the North who live on Washington Street and the residences to the east all the way to Prairie Street.  
(5. Is there evidence to suggest that property values will be diminished by the particular zoning restriction changes?)

Construction will be disruptive at the two already busy intersections at Route 25 and Wilson Street. Construction could last 3 to 5 years. These are euphemistically called "Construction delays" by construction companies.

Traffic flow in this area is already unacceptably jammed during morning and evening rush hours. A second bridge will not solve the problem as there are a limited number of east/west/north/south major roadways and a second bridge would just back up traffic on those roadways even more. Additional traffic generated by the additional residents of the project will add to the already overcrowded intersections described above.

The skyline of Batavia from both sides of the river will be irreparably destroyed forever.

Part of the project includes new commercial space and there is already a glut of vacant commercial property in Batavia all along Wilson Street, in the BEI shopping center (old Walgreens) and even on Randall Road and Fabyan Parkway. And there are vacancies in the shopping center near McDonalds.

(10. Is there a community need for the proposed zoning or use?)

Failure to have arms-length transactions to purchase property to give the property to a developer smacks of lack of ethics and morals on the part of Batavia's leadership. Pictures and personal viewing of the Frydendall property show that the property was in need of major repairs and therefore would not have commanded the price paid if the property was sold by a willing seller to a willing buyer in an arms-length transaction. Similarly, the price paid for the Fischer property without an internal appraisal (inside the building) by the City and paying a price for the property as if it was a functioning dental office completely defies logic when the city had already agreed to move all the dental equipment and set Fischer up in another office in another location. At best the City should have only paid for the building shell, especially since it is going to be torn down at taxpayer expense as is the Frydendall property. Again, adding insult to injury to the taxpayers price wise. And the fact that the purchase was brought to a City Council meeting without previously being discussed in a committee meeting smacks of more backdoor unethical deals with no transparency to the public.

(7. Does the proposed zoning change provide a greater relative gain to the public as compared to the hardship imposed on the individual property owner?) e.g. Expenses of property purchases to give to developer for \$10, GO bonds to fund construction, interest on GO bonds, demolition costs, and environmental cleanup costs.

Similar conclusions can be drawn for the Larson Becker property due to failure to pay the real estate taxes – although this is not related to the 1 North Washington project except that the City wants to use part of the property to cover the loss of parking in our parking in our parking garage during construction for possibly for 3 to 5 years.

The fact that Batavia taxpayers are even being cheated out of rent revenue until closing due to the sweetheart deals given to Fischer and Frydendall, along with the fact that we will have to pay to tear down the buildings that we paid a premium for also makes this a rotten deal for the citizens and a sweetheart deal for Shodeen and opens the door for other developers to take Batavia citizens for a ride on the TIF gravy train.

I noticed a number of studies in Mr. Strassman's 57-page cover memo. However, there were professional studies before TIF 1 and TIF 3 were voted on and now for over 23 years, neither TIF has yet to generate one tax dollar back to relieve taxpayers' burdens to the other taxing bodies in the City. The two TIF failures were so great that now both TIFs have had to be extended. So much for the value of "professional" studies. The organizations that generate these studies are not on the hook or ultimately responsible for the success or failure of this project. We, the Batavia taxpayers are.

My last comment is more of a question. Why is this public hearing so late in the process? Big projects I've worked on identify the timing of critical items and approval of the zoning would be

early in the critical path analysis. Good business would dictate that the amount of money and resources expended to date would not have taken place until the critical items were in place. It's beyond me how an agreement could have been signed before the Plan Commission had voted on the needed zoning. What gives here?

Sylvia Keppel provided her personal comments. She wanted to address the size of the building overlay. It is a very large building, so large that it needs an ordinance to be built in the downtown. It is a very nice building, but it would be nice for Chicago, not for Batavia. It is really big and you are cutting off the views for some residents. Keppel stated that she created a survey and placed it on Nextdoor.com for responses from local people. Within two days the survey garnered 216 responses. Keppel distributed copies of the survey questions and the responses to the Commission.

Keppel stated that the survey had three simple questions:

1. Do you think the proposed apartment complex is too big for Batavia, a good addition size-wise to the downtown, or I don't really care and trust my aldermen to decide. (72% of the responses stated that it was too big for Batavia)
2. If you answered "Too big for Batavia, what would make it acceptable? Check all that apply:
  - Smaller height, no taller than the other buildings in downtown (40.63%)
  - Smaller footprint size, taking up less of the block (26.88%)
  - Nothing, I don't think high density apartments fit the character of that location at all (49.38% of the responses)
3. What would best describe your feelings and thoughts on the project as proposed?
  - 44% say I strongly oppose it
  - 19.91% state I somewhat oppose it
  - 5% didn't care either way
  - 13.43% say they somewhat support it
  - 20% say I strongly support it

Keppel stated that even those that support the project would prefer to have a smaller height, based on their survey answers. She asked the Commission to consider the size when you are changing your zoning. Do you really want this in downtown Batavia? The quality of living and feel that the town has could just be as important to people as the economic impact. People really do care what happens to them and according to this survey a lot of people do not think that it fits.

Keppel asked what good does a Washington entrance do when you cannot park on Washington Street. Balconies are proposed to be on Wilson. She stated that unless there is something in the rental agreement that they could put nothing on the balconies, it could end up looking very sloppy with chairs and wind chimes. She asked the Commission to consider how that would look. She stated that she noticed that there was inconvenient pedestrian exits from the parking. She is thinking about the older population and people with young children that could be a very long walk to get from parking to the stores. She asked if resident elevators are accessible to the public. McKay answered no. Keppel asked if there was only one public elevator in the entire parking lot. McKay answered yes, for two levels of parking. He noted that there are also

stairways to get to the different levels. Keppel asked the Commission to consider the convenience. Keppel stated that the City is hanging too much onto this development. This is primarily a residential development. There are not that many stores. A few more stores are not going to turn into a mall. The economic study does not emit much promise, all the economic study shows is what would be produced during the construction phase. Where people will spend their money is all speculation. She stated that she did not see in the economic study what is happening to retail. She asked if the impact of Amazon and internet sales were considered as part of the economic study. Keppel stated that the dentist and the insurance offices were functioning and in practice. There were no vacancies in those buildings. The Baptist Church was only vacant because the City made it so and they let it fall into ruin despite the historic significance. Keppel stated that she spoke to someone on the church council and was informed that they felt pressure to move. They were feeling the threat of eminent domain because at that time the City was talking about straightening Route 25. The Baptist congregation moved to property given to them by Shodeen in Geneva. After straightening Route 25 fell through the City decided to hold onto the property for a project such like this. Keppel stated that as for the parking, she understands that it would be paid back, but still fourteen million dollars in general obligation bonds for a 30 space gain using the shared parking analysis. That comes out to \$450,000 per parking space. Is it worth it? If it were by code we would be losing 65 parking spaces. Keppel agreed with the other resident that spoke that the parking seems to be ample enough only for the complex residents and not commercial space. The City would be building a private enterprise parking facility and calling it public. As a citizen she objects to that. She asked who maintains the elevators, who pays for the electricity, who pays for the cleaning and maintenance of the parking garage. She assumes that it would fall onto the taxpayers. Keppel stated that she will reserve her traffic comments until she sees the traffic report.

Chair LaLonde welcomed those who could not attend the continuance of the public hearing (January 4, 2017 at 7pm) to address the Commission. There were none. Chair LaLonde thanked all that spoke at tonight's meeting and encouraged everyone to attend the January 4<sup>th</sup> portion of the meeting.

**Motion:** To continue the public hearing to Wednesday, January 4, 2017  
**Maker:** Joseph  
**Second:** Schneider  
**Voice Vote:** 5 Ayes, 0 Nays, 1 Absent  
Motion carried.

## 6. Other Business

There was no other business to discuss.

## 7. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Schneider moved to adjourn the meeting, Gosselin seconded. The meeting was adjourned at 9:35pm.

Minutes respectfully submitted by Jennifer Austin-Smith