

TO: Plan Commission

FROM: Joel Strassman, Planning and Zoning Officer

DATE: July 13, 2021

RE: **PUBLIC HEARING:** Conditional Use Permit for a Hotel  
12 North River Street, 2<sup>nd</sup> Floor  
Laura O'Brien, applicant

### Background

The second floor of the building at 10-12 North River Street contains 2 living units that are the subject of this Conditional Use request. Applicant Laura O'Brien is seeking approval of the Conditional Use to offer these 2 living units for short-term (less than 30 days) rentals. The building also contains a restaurant on the ground floor and 2 rental residences on the 3<sup>rd</sup> floor; these are not part of this Conditional Use Permit request.

The property is zoned DMU Downtown Mixed Use, a zoning district that allows Hotels and Commercial Lodging with approval of a Conditional Use Permit. Hotels and Commercial Lodging can include living units available for rentals less than 30 days. The DMU District prohibits Bed and Breakfast Establishments (a land use that can provide rental periods less than 30 days) in buildings that are not single-family residences.

### Summary of Information from Applicant

The attached information from Ms. O'Brien identifies the 2<sup>nd</sup> floor units that would be available for short-term rentals and includes a statement of how these units would operate for short-term rentals. The statement identifies sanitation, parking, and payable taxes. The reference to "AirBnB" is solely to identify an online booking platform Ms. O'Brien uses and not to establish these units as a Bed and Breakfast business.

### Staff Analysis

The Zoning Code defines Hotels and Commercial Lodging (page 15 in Zoning Code [Chapter 6: Glossary](#)). These establishments may provide, but are not obligated to provide, other services. The definition specifically identifies loft units (a residential unit over a non-residential use) for rentals less than 30 days as Hotels and Commercial Lodging. The requested Conditional Use Permit fits the Hotels and Commercial Lodging defined use. While no signage is contemplated for these units, any signage proposed in the future must conform to the Zoning Code and receive approval of a Certificate of Appropriateness by the City's Historic Preservation Commission. There is no parking requirement for the existing residences or for the proposed Hotel units in this building.

Staff feels that allowing the specified two (2) units in this building be available for short-term rental, thus being classified as a Hotel, would be compatible with the other uses in the building and with the North River Street area. Typically, hotels can be found in the downtowns of municipalities. As a hotel, the specified units will require conformance with applicable building and fire codes. The City's Fire Marshall is working with the applicant on requirements including providing a proper emergency egress map for the units. Staff suggests the Conditional Use include a condition of approval that it is granted solely to Ms. O'Brien as the owner-operator of the units.

**Findings.** In reviewing and recommending a Conditional Use, the Plan Commission must arrive at findings required by Section 5.403.A in Zoning Code Chapter 5.4: Use Permits. Listed below are the required findings from the Code and a draft of findings for Commission consideration.

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general.  
**FINDING:** As proposed, the Hotel units would not be detrimental to persons living or working in the vicinity, to the surrounding area, or to the public in general. All Zoning Code requirements would be met.
2. The proposed use, as conditioned, conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council.  
**FINDING:** Goal 1 of the **Batavia Comprehensive Plan's** Land Use Element stresses the need to maintain Batavia as an attractive place to shop and play. Goal 8 of the Economic Development & Redevelopment Element seeks to increase customer and visitor activity. The proposed use will provide an opportunity for visitors to Batavia to extend their visit to additional days without leaving. This can increase economic activity, particularly in the City's downtown.
3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements.  
**FINDING:** The proposed use includes a use that is allowed with Conditional Use approval. The business would operate in accordance with applicable laws.
4. The proposed use, as conditioned, would not unreasonably interfere with the enjoyment of nearby properties.  
**FINDING:** As conditioned for approval, the proposed use would not interfere with the enjoyment of nearby properties and can increase customer visits.

### Staff Recommendation

Staff recommends the Commission open, conduct, and close the public hearing for the Conditional Use. Before acting on the Conditional Use, the Commission must adopt the Findings.

Staff recommends the Commission recommend approval for a Conditional Use Permit for a Hotel at 10-12 North River Street with the following conditions:

1. The Conditional Use is granted to Laura O'Brien and is not transferrable;
2. The Conditional Use is limited to the existing two (2) living units on the building's second floor; and
3. The Hotel units shall be approved for occupancy as Hotel units by the City's Building Commissioner and/or Fire Marshall.

Attachment: Conditional Use application submittal

- c Mayor and City Council
- Department Heads
- Building Commissioner Jeff Albertson
- Fire Marshall John Kessler
- Laura O'Brien, applicant
- Media

## 10-12 N. River Street Project

Fall of 2020 the 10-12 Building Improvement project was completed. Two additional apartments were built out as part of this project.

In September of 2020, it was decided to test one of the two units as a short term rental, AirBnB. A family consultant assisted us with the design and set up of this venture.

We launched the short term rental late October, and to date have had an adequate response to continue this test for the remainder of 2021.

In anticipation of the AirBnB being a permanent venture, I've started a remodel of a 2<sup>nd</sup> short term rental, a 1 bdr unit hoping to complete summer of 2021.

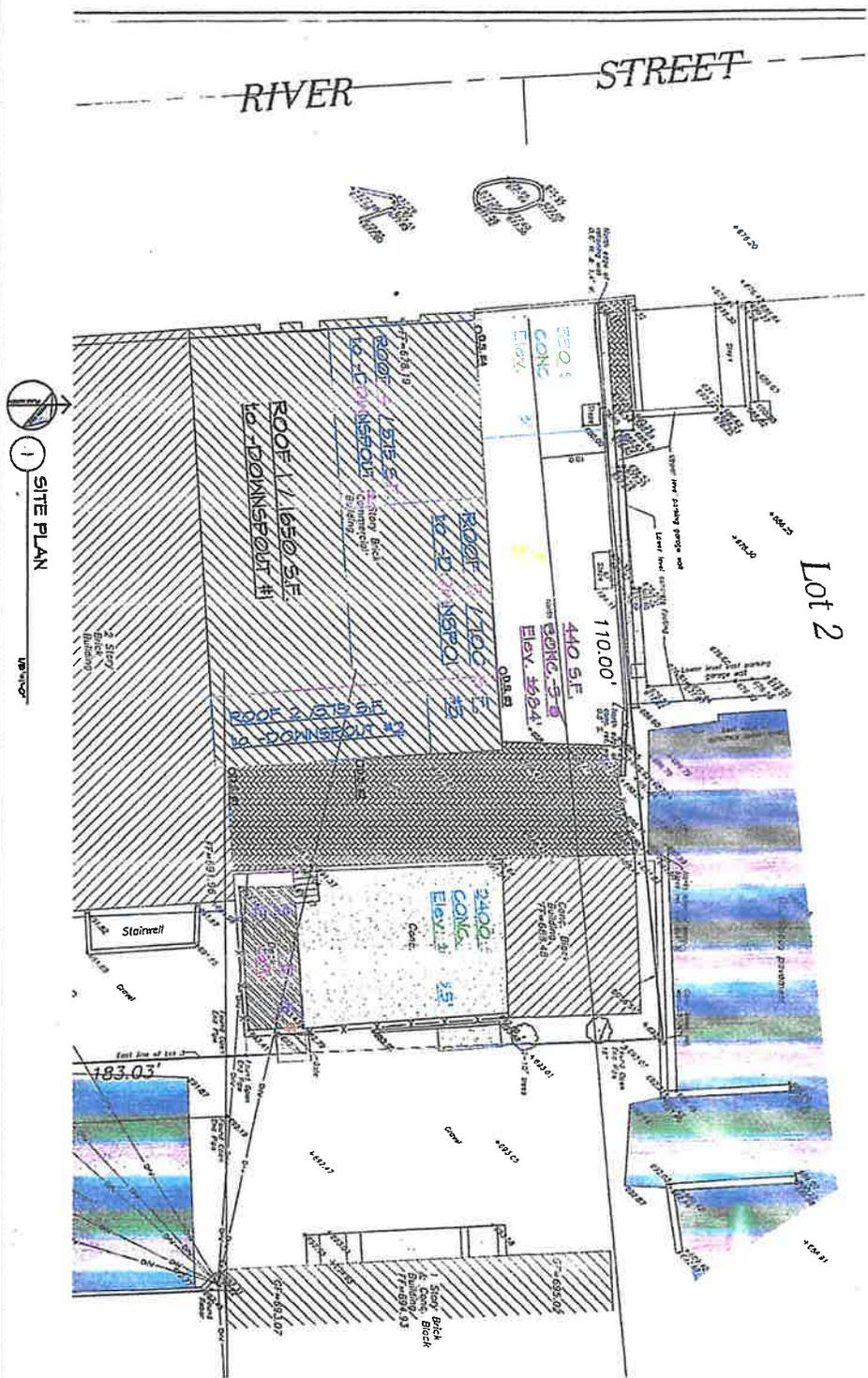
Both AirBnB units would be on the 2<sup>nd</sup> floor of the building. The 3<sup>rd</sup> floor would remain rentable long term apartments.

The current short term rental apartment is 2 bdr and 2 bathrooms, full kitchen and living area. There is also laundry room inside the unit.

AirBnB has a cleaning/sanitizing protocol that is followed once the party is checked out . The reservations and any handling of funds is done through AirBnB, they administer payment to O'Brien Prop Management and the State of Illinois for the State Taxes. The Batavia police department issued two overnight parking passes for this current unit.

Thank you, Laura O'Brien

PROPERTY LINE EXHIBIT  
 BLOCK 7 ORIGINAL TOWN (NOW CITY) OF  
 BATAVIA, KANE COUNTY, ILLINOIS.



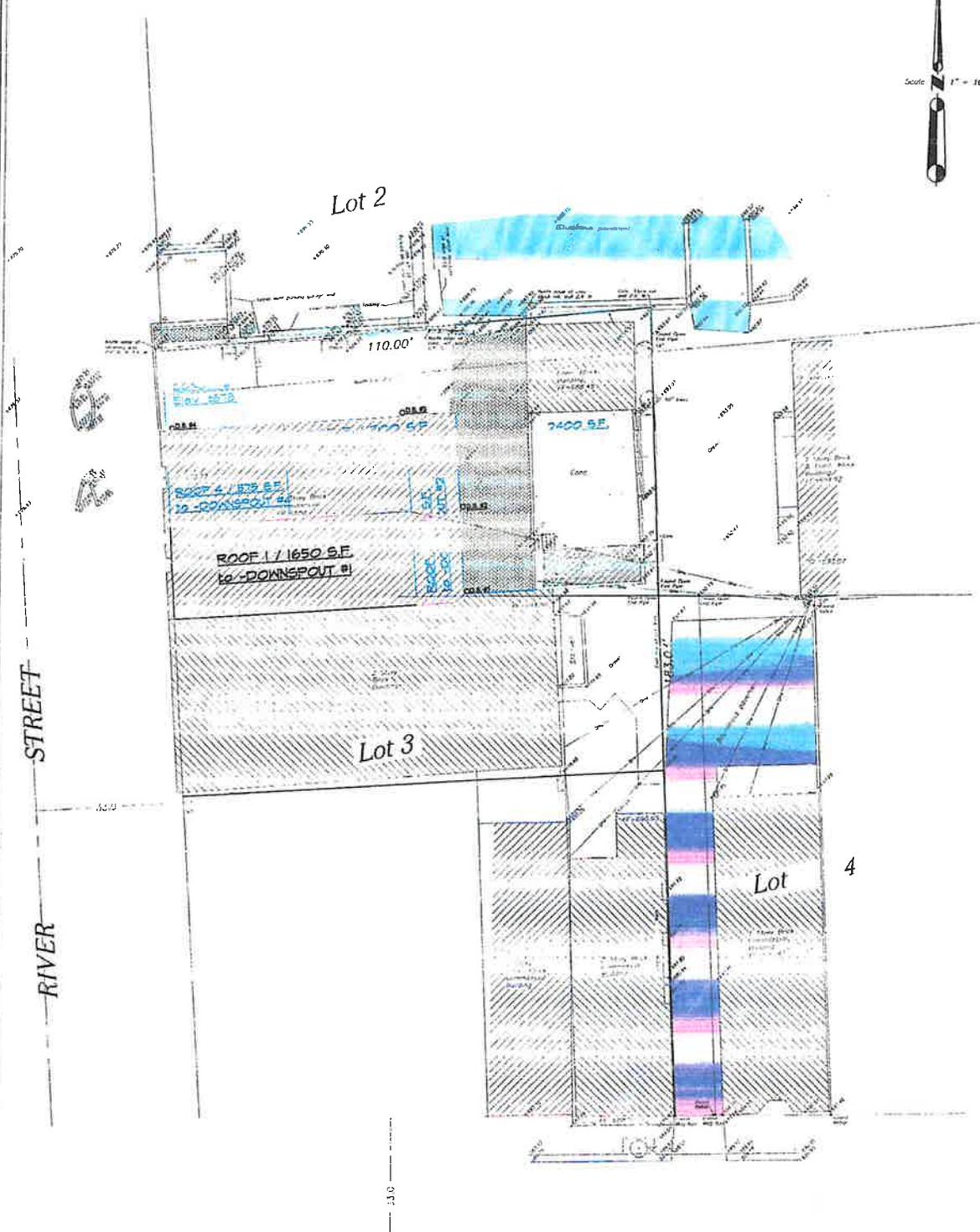
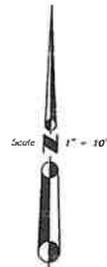
1 SITE PLAN

REVIEW SET

<p><b>North Architects Inc.</b>                  301 North 10th Street                  Suite 200                  Bismarck, ND 58102                  Phone: 701.223.1111                  Fax: 701.223.1112                  Email: info@northarchitects.com</p>	<p><b>PROJECT INFORMATION</b></p> <p>OWNER: <b>10 RIVER ST. 2ND FL.</b>                  10 RIVER ST. 2ND FL.                  BATAVIA, IL</p>	<p><b>DATE:</b> 6/1/18</p>	<p><b>SCALE:</b> C1.0</p>
	<p><b>PROJECT LOCATION</b></p> <p>10 RIVER ST. 2ND FL.                  BATAVIA, IL</p>	<p><b>DATE:</b> 6/1/18</p>	<p><b>SCALE:</b> C1.0</p>
	<p><b>PROJECT DESCRIPTION</b></p> <p>10 RIVER ST. 2ND FL.                  BATAVIA, IL</p>	<p><b>DATE:</b> 6/1/18</p>	<p><b>SCALE:</b> C1.0</p>

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**PROPERTY LINE EXHIBIT**  
**BLOCK 7 ORIGINAL TOWN (NOW CITY) OF**  
**BATAVIA, KANE COUNTY, ILLINOIS.**



RIVER STREET

WILSON STREET

PLAN PREPARED FEBRUARY 15th, 2017

*Shawn E. Conaway*  
 SHAWN E. CONAWAY  
 SURVEYOR  
 STATE OF ILLINOIS  
 LICENSE NO. 184007413  
 DECEASED: EXPIRATION DATE: NOVEMBER 30th, 2016



Prepared for:  
 W.C. Harms Surveyors  
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 Batavia, Illinois 60915  
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 www.wcharmsurveyors.com

FILED COPY OF RECORD  
 JUNE 14th 1878 1872/28

# GENERAL NOTES

- ALL DESIGN AND WORK SHALL BE PERFORMED IN STRICT COMPLIANCE WITH FEDERAL, STATE, AND LOCAL BUILDING CODE REQUIREMENTS, EXECUTED IN ACCORDANCE WITH ACCEPTED INDUSTRY STANDARDS. IT SHALL BE THE GENERAL CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS PRIOR TO THE COMMENCEMENT OF ANY WORK.
- UNLESS NOTED OTHERWISE, ALL NEW WALLS LOCATED BY ALIGNMENT NOTATIONS AND ALL NEW FLOORING SHALL BE PARALLEL AND/OR PERPENDICULAR TO EXISTING BUILDING WALLS.
- CONTRACTOR IS RESPONSIBLE FOR CHECKING ALL FIELD CONDITIONS AND DIMENSIONS FOR ACCURACY AND CONFIRMING THAT THE WORK IS AS SHOWN AND NOTED. ALL FIELD DIMENSIONS SHALL BE SHOWN AND NOTED. ALL CHANGES TO CONSTRUCTION THERE ARE ANY QUESTIONS REGARDING THESE OR ANY COORDINATION ISSUES, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING A CLARIFICATION FROM OWNER AND ARCHITECT.
- ALL FLOORS TO BE PREPARED AS REQUIRED TO ACCEPT SEALER.
- OUTLETS AND UTILITIES INDICATED ON THE PLAN ARE THE MINIMUM REQUIREMENTS. ADDITIONAL TELEPHONE OR ELECTRICAL OUTLETS MAY BE ADDED AS OPTIONS. GENERAL CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES IN THE FIELD.
- OWNER TO PROVIDE AND INSTALL FIRE ALARMS AS REQUIRED BY THE LOCAL FIRE CODES.
- ALL PAINTED SURFACES SHALL RECEIVE A PRIME COAT WITH A FINISH COAT(S) AS REQUIRED TO OBTAIN PROPER COVERAGE AND UNIFORM APPEARANCE.
- THE GENERAL CONTRACTOR AND EACH SUBCONTRACTOR SHALL BE RESPONSIBLE FOR CHECKING EXISTING CONDITIONS AT THE JOB SITE PRIOR TO COMMENCEMENT OF WORK. SUPERVISION OF PROPOSALS SHALL BE TAKEN AS EVIDENCE THAT SUCH INSPECTIONS HAS BEEN MADE.

No.	Revision/Issue	Date
6	REVISED $\Delta$ 3	2/15/19
5	REVISED $\Delta$ 2	10/15/18
4	REVISED $\Delta$ 1	9/27/18
3	ISSUED FOR PERMIT	9/10/18
2	REVISED	6/1/18
1	OWNER'S REVIEW	4/28/16
No.	Revision/Issue	Date

FIRM NAME AND ADDRESS:  
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 norrisj@gmail.com

PROJECT NAME AND ADDRESS:  
**NEW INTERIOR REMODEL FOR:**  
 10 River St. 2nd Flr.  
 10 River Street  
 Batavia, IL

SHEET TITLE:  
**SCOND FLOOR**

PLOT DATE:  
 2/ 15/ 19

SHEET NUMBER:  
**A1.1C**

REVIEW SET

