

MINUTES
July 1, 2020
Plan Commission
City of Batavia
REMOTE MEETING

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 Meeting

Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Commissioners Stark, Harms, Joseph, Peterson, Gosselin

Members Absent: Vice-Chair Schneider

Also Present: Mayor Schielke; Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Howard Chason, Director of Information Systems; 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: June 3, 2020

Motion: To approve the minutes from June 3, 2020

Maker: Stark

Second: Peterson

Roll Call Vote: **Aye:** Stark, Harms, LaLonde, Peterson, Gosselin (Joseph did not respond)

Nay: None

5-0 Vote, 2 Absent, Motion carried.

Strassman noted that Commissioner Joseph was having trouble connecting into the meeting via telephone. Howard Chason stated that he would contact Commissioner Joseph and help her connect into the meeting.

5. Revised One Washington Place Mixed Use Development

111-133 East Wilson Street and 20 North River Street, 1 N. Washington, L.L.C.
Applicant

- **Public Hearing: Major Amendment to a Planned Development Overlay**
- **Design Review**

Motion: To open the Public Hearing
Maker: Stark
Second: Gosselin
Roll Call Vote: **Aye:** Stark, Harms, LaLonde, Peterson, Gosselin (Joseph did not respond)
Nay: None
5-0 Vote, 2 Absent, Motion carried.

The Public Hearing was opened at 7:14pm.

Strassman reported One Washington Place was first approved in 2017 and revised in 2018. There have been delays in ground breaking including one for environmental remediation activity. The Commission-approved Design Review in 2018 has since lapsed but the Planned Development approvals from 2017 and 2018 remain effective. To make the project viable again, the Wilson Street commercial frontage is proposed to be restored and office space above the ground level on River Street is proposed. The number of residential units and parking spaces have been reduced. Staff is supportive of the proposed changes. The return of the Wilson Street commercial frontage is consistent to preferences stated by both the Plan Commission (PC) and City Council (CC) when the commercial frontage was removed in 2018. The project will add parking to this part of downtown but as revised, fewer parking spaces would be added. Staff notes that some of the 2018 Design Review approval conditions are not reflected in the current proposal. The Commission can revisit these conditions to determine if they should be applicable to the current proposal. On June 22nd the Historic Preservation Commission reviewed and approved a new certificate of appropriateness for One Washington Place as shown in the renderings.

Don McKay presented a PowerPoint presentation to the PC and meeting attendees that contained the following information:

- Site Plans (utilizing the same materials)
- Design Revision Exhibit
 - -4 Residential
 - + 8,455 SF Retail
 - + 2,370 SF Office
 - – 32 Parking
- Site/Residential Plan
- Lower Garage Plan
- Upper Level Garage Plan
- North Elevation State Street
- South Elevation Wilson Street
- West Elevation River Street
- East Elevation Washington Ave
- Wilson & State Street Proposed Elevations
- River Street & Washington Ave

Commissioner Joseph was responsive at 7:31pm

The Commission discussed the elevations, office space, retail space, parking ratio, and comparison of the former plan versus the current plan. Peterson and LaLonde asked if the applicant would be following the material and color changes the PC required at the last approval. Dave Patzelt stated that what we are agreeing to is that those were narrative changes that we agree with and we will make those changes as previously requested. What you will find in some of these elevations, in the narrative there are such items such as color of the downspouts and the color of a downspout in this scale of a plan is rather difficult to identify. Dave Patzelt continued that we are in agreement to whatever narrative changes there were in 2018 and we will make those same changes without deviation. Joseph stated that the River Street side without any windows on it looks very plain when compared to the 2018 plan. The Committee discussed the River Street frontage. Chair LaLonde and Peterson complimented the new retail elevations and façade.

The floor was opened to public comment.

Steve Scharnweber shared he has been a long time follower of this project and he has not been happy with some of the things this is going to do to downtown Batavia. It is evident by listening to you tonight you are going to approve it. Many of us who are against this project are willing to say you are the elected officials and this must be a good thing to do. His question is we have a lot of river space in downtown Batavia. Would there be any thought to putting this 180 apartments along the River to avoid the incredible gridlock and traffic that there is going to be if this monstrosity gets built where it is planned to be built right now. Chair LaLonde asked if staff wanted to respond. Buening responded this is a property that the City has been working on to get developed over the years and we have worked on acquiring various parcels in assembly here. Larsen Becker property was a late acquisition. At some point we do anticipate that the Larsen Becker property would be developed but as of right now this is the proposal that is in front of us for this parcel. It is not a consideration at the moment because what is in front of us is the property we are discussing right now. Mr. Scharnweber stated that the citizens of Batavia have spent money to get the property up to this point is not a consideration anymore. We will be asked to spend more money on this project without giving thought to the fact that we have hundreds of feet of river front property so that some of these apartment dwellers could actually get up in the morning, have a cup of coffee and look at the river rather than onto the rooftops of the downtown portion of Batavia. He stated that just to be clear, there is no consideration whatsoever to putting a monstrosity like he is looking at on his screen somewhere other than that in town.

Michael Vincent commented despite the small changes proposed here he remains opposed to this project for all the reasons we have heard over and over again for several years. Had it been built on the One Washington Site, Batavia's new Wastewater Treatment facility building would be more in keeping with the character of the downtown neighborhood than this design. This project was a bad fit for Batavia in 2018 and remains a bad fit now. Please put an end to this project and let others to come up with more appropriate designs for this site.

Sylvia Keppel addressed the Commission. She stated that she has found some problems with the Design Review Findings you are to consider. Number five says the project designs provides for safe and efficient provision of public services. The Finding states the project would increase the amount of public parking in the downtown and reduce the deficit of all parking in the vicinity. She knows that the Council modified zoning for this specific property so it technically will meet

whatever they say it does. But they put this finding out for Design Review so we might as well review it thoroughly.

Ms. Keppel asserted the City Code is there for a reason. The City Code calls for 402 parking spaces for tenants and customers for this development. She ran the numbers using City Code for studio, one and two bedroom, retail and office space requirements. The garage will hold 333. That is 69 spaces short of what the City Code would call for. The 17 street parking spaces they are claiming to bring parking to 350 already serve existing businesses. Adding those in falls short of the 402 required. Code does allow for 50% reduction for shared parking but how does this project fit the description for shared parking? The City defines shared parking as where a use generates parking demand primarily during hours where an adjacent use or uses are not in operation or generate shared trips. A church that operates on Sundays sharing a parking lot with offices that operate Monday through Friday is a perfect example. How do apartment tenants and retail space qualify as shared parking. Please explain how shared parking will work on Saturday morning when the farmer's market, boardwalk shops and all the businesses downtown are open and that apartment tenants are at home with their cars in the garage. Please tell me how exactly this meets the Finding, the project would increase the amount of public parking in the downtown.

Ms. Keppel continued the parking study that the City did uses the shared parking model. But since that is not accurate, let's look at the numbers. This project would take away 126 current parking spaces and replace them with 331, a gain of 205 spaces. That means anything more than 205 cars parked by tenants amounts to a net loss of parking spaces for the public from what exists today. There are 186 apartments, half two bedroom. Just one car per apartment brings you down to 19. Code for the apartment alone says 336 spaces are needed. And how many new businesses with how many employees, she would be willing to bet there would be more than 205 cars generated by tenants. The City Council assured her that the Larsen Becker parking would not be permanent so you can't count on that to always be there. The Finding that you are looking at states the project would increase the amount of public parking in the downtown and reduce the deficit of all parking in the vicinity. Please look at the numbers and vote no on this point. She would also argue that part of number two, incorporating design at the Washington Wilson corner that provides a link to the historic Baptist Church that it replaces is not met. That corner design does not invoke the Baptist Church. Take a look at the drawings for Shodeen's development in Oswego, the reserve at Hudson Crossing, there is a corner piece that looks remarkably similar to the Baptist Church bell tower and Oswego didn't tear down a historic church for their project. That corner, this building, is not at all unique. You will see the Oswego version built before you see the Batavia version of these apartments. Number four, the project is compatible with adjacent and nearby development. Finding, the project as conditioned for approval and to be approved by the Planned Development Overlay would be compatible with adjacent and nearby uses. She would argue putting apartments so close to bars that sometimes play loud music at night could create conflict. The project violates height and mass restrictions for that area but the City Council overrode you and changed the rules. Even if you vote no again they will override you again. She is asking the PC to be diligent in your duties and take a look at what staff is proposing and vote no where appropriate.

Yvonne Dinwiddie stated that as situations change we need to think about changing the situation. Right now, the COVID-19 has thrown a monkey wrench into everything. COVID-19 has required social distancing and closures to prevent spreading of the disease, the announcement of a new

strain of the swine flu that does not respond to the vaccine was just announced yesterday and it was said that the new strain of swine flu could equal or exceed the COVID-19 pandemic. Apartments share ducting, air ducts, water, sewer, shared entrances, exits, stairs, hallways, elevators all limit the ability to social distance. If individuals are asked to self quarantine that would be an immense logistics problem and would be a fertile ground to spread more disease. There is a glut of vacant commercial space already downtown. Parking availability is shrinking with even more with the cottages and there is already a parking shortage. Again, you are planning on the Larsen Becker property on the one hand but on the other hand you say you are going to develop that on a later date. So we will still not have enough parking. The project cannot be built without the use of TIF funds thereby robbing the other taxing bodies of their rightful and publically voted tax dollars. The math for almost forty years has shown that the City bonds cannot be paid off with projected incremental funds. The City removed properties from TIF 1 and TIF 3 and placed them into TIF 5 after Shodeen's sharp pencils proved that the TIF increment would not pay off the bonds the City now wants to incorporate the properties from TIFs 1, 3 and 5, expanding TIF 5 and making it another new TIF. This would effectively expand the properties in TIF 1 and TIF 3 to 54 years. TIF 1 and TIF 3 were already extended for 12 years, thus proving that the TIF Districts were ineffective in eliminating the alleged blight and will ensure that by the time the 54 years are over the property will again be blighted, a perpetuating agenda.

Drew Rackow read an email from Bill Fox to the Commission: Sir, I am sending this email to again express my strong opposition to the subject development. The mechanisms used to date just to keep this project alive should be reason alone to move forward with a plan b. Shodeen has demonstrated bad faith throughout the process. Please take a short drive north on Randall Road to the Illinois Route 38 crossing in St. Charles and take a look at the horrendous Shodeen developments just to the northeast of the intersection. He knows that there is no legislating good taste but these so called luxury apartments look more like barracks. It is clear that Shodeen utilizes a one-size fits all approach to their developments, awful. Please kill this idiotic and future tax suck once and for all.

Drew Rackow read the email submitted by Joanne Gustafson: This project was turned down by the Planning Commission, by the Board of Education, and has not been widely support by Batavia citizens already "just trying to get across town." The faulty rationale is that this project will further revenue for Batavia—no it furthers revenue for Shodeen. It's also been stated in early analysis, that the parking and traffic issues created by a minimum of 180 persons living in the small two block radius (assuming only ONE person per apartment) would be fine—not so, traffic now on peak traffic times and weekends backs up traffic downtown (and the only crossing option other than Fabyan) on both the West and East sides of BOTH rt 25 and rt 31. Parking—only assuming one car per apartment will "eat up" 186 of the 333 spaces.and it is highly unlikely that those 2 bedroom apartment owners will have only one car. Shodeen has also stated that this is prime property for "empty nesters and millennials"—just a word here. If I move into an apartment in Illinois, I would want to have a parking guaranteed when I com back from shopping or a doctor's visit or the doctor or work—not the case here. In all sorts of adverse weather or with shopping bags in hand I might be without a place to park when I arrived home. Really. I would never, never live thee for just that reason. How is the city prepared for that. Bottom line, this project has been rejected by numerous public bodies, why is it being offered yet another route?

The voted officials of this community needs to represent the people of this community—not rich builders trying to make a profit and strap the tax paying people of the community with costly problems to solve. Please, let reason, and truth prevail, not glossy reports or drawings.

Drew Rackow read the email submitted by Carl Dinwiddie into the record: The structure is too large for that location (massive, bulky and too high). The architecture is not consistent with the types of architecture in the City. The location is an improper place for high density housing. (Questions posed to Plan Commission 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.

Construction will be disruptive of 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. 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. (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. The excessive expenses of property purchases to give to developer for \$10, General Obligation bonds to fund construction, interest on GO bonds, demolition costs, running telephone wires, etc.

I don't support any variances on this property or the design plan for the 1 North Washington project.

Rackow stated that he does not have any other emails from those who did not speak at tonight's meeting to read into the record.

The PC discussed the parking study and the reduction of parking as proposed. Strassman stated that the parking study was based on a building that was proposing 351 parking spaces. That building would have generated a requirement for 367 parking spaces. There has been a decrease in the parking required of 17 spaces and there has been a loss of 32 spaces from 2018. The difference for the demand and supply is an effective loss of 15 parking spaces. We are not necessarily losing any spaces, there would just be 15 fewer public parking spaces added to the downtown. In the opinion of staff, that is a relatively minor change given the scope of the project. Strassman shared that this project was granted by the City Council one hundred percent relief from needing to provide any parking spaces, that is the way it was approved in 2017 and did not change for the 2018 proposal and that is not changing for the 2020 proposal. We are considering an amendment to this Planned Development that is still within that parking relief that was granted in 2017. Harms asked if this is a municipal garage. Strassman answered yes, there is

zero parking that is attributed to the residences in the building and the commercial space. It is all public parking.

Stark stated she lives one block from this proposed development and in terms of property value she truly does not believe that this would decrease her property value. There are much worse developments to the north and east and west of her that decrease her property value more than a brand new apartment building. Regarding traffic, there have been many studies. It is not a beehive, people do not come and leave at the same time. This is a zero parking place garage for the Shodeen project. That is how it was written. We have talked many times about adjusting our code to new standards. The City hired consultant, Altamanu, stated that we had way too much parking in our downtown. When people say we don't have enough parking, yes we do.

Steve Scharnweber stated that like many, he is fully aware of the need for a City like this one to increase tax revenue. He does not think anybody has any problem at all with finding a way to increase tax revenue. The idea that you could have a building that was okayed three or four years ago with zero parking requirement he does not understand how that could be. We don't have enough parking available in this project. This building is a monolith and it is going to destroy the downtown visage. It is just not right. Increased tax revenue is a good thing. These apartments built along River Street along the river would generate the same amount of tax revenue. He does not know of a better prospect for this property but this one is absolutely not the right one. He does not understand the infrastructure or where garbage dumpsters for the existing buildings are going to be moved to. You are not taking into consideration the existing businesses that are supposedly not going to be destroyed or changed with this new construction. What about their infrastructure. Let's increase tax revenue but lets try to find a better place to get this tax revenue than that corner for this project.

Sylvia Keppel clarified where the number 402 came from. The studio apartments have a requirement of one parking space per studio. There are 24 studios so there are 24 spaces required. One bedroom has 1.5 per unit. At 71 units that's 106.5 parking spaces required. Two bedroom apartments have 2.25 spaces required per unit at 91 units that is 204.75 parking spaces. The retail is 4 spaces per 1,000 square feet at 14,180sf that is 56.72 parking spaces required. Office space is 4 per 1,000 square feet at 2,370sf that is 9.48 parking spaces required for a total of 401.45 spaces. Since you can't have half a space it was rounded up to 402 parking spaces. The City through out a smaller number but the study worked on shared parking spaces as their model. Even though it has been decided that Shodeen will provide 0 parking spaces, you are responsible for Design Review and that is one of the points on tonight's documents that you are supposed to consider. There are things called rush hours and people leave and come back at certain times and that is why we have back ups on the bridge so it does effect the people in the surrounding area.

Strassman stated that what he was referring to earlier was how much parking was being provided in the various iterations of the project.

Motion: To close the Public Hearing

Maker: Stark

Second: Gosselin

Roll Call Vote: Aye: Stark, Harms, Joseph, LaLonde, Peterson, Gosselin

Nay: None
6-0 Vote, 1 Absent, Motion carried.

The Public Hearing closed at 8:33pm.

Motion: To approve the amendment to the Planned Development Overlay subject to the conditions listed in the memo.

Maker: Gosselin

Second: Stark

Roll Call Vote: **Aye:** Gosselin, Stark, Harms, LaLonde, Peterson

Nay: Joseph

5-1 Vote, 1 Absent, Motion carried.

Chair LaLonde read each Design Review findings and staff recommendations to the Commission prior to the individual motions.

Motion: To approve the first finding

Maker: Peterson

Second: Gosselin

Roll Call Vote: **Aye:** Peterson, Gosselin, Stark, Harms, LaLonde

Nay: Joseph

5-1 Vote, 1 Absent, Motion carried.

Motion: To find in the affirmative for finding number two

Maker: Gosselin

Second: Harms

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

Nay:

6-0 Vote, 1 Absent, Motion carried.

Motion: To approve the third finding

Maker: Peterson

Second: Stark

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

Nay:

6-0 Vote, 1 Absent, Motion carried.

Motion: To approve the fourth finding

Maker: Harms

Second: Stark

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

Nay:

6-0 Vote, 1 Absent, Motion carried.

Motion: To approve the fifth finding

Maker: Stark
Second: Gosselin
Roll Call Vote: **Aye:** Stark, LaLonde, Gosselin
Nay: Harms, Joseph, Peterson
3-3 Vote, 1 Absent, Motion failed.

Motion: To approve the Design Review subject to the five conditions presented
Maker: Gosselin
Second: Stark

Discussion was held on the motion. Harms asked if it should be noted that the drawings from 2020 the balconies were a little different. Chair LaLonde stated that it should be noted as a matter of record that there was a minor change on the River Street elevation. It was discussed but it was not impactful to the overall design or the development as a whole. There is general consensus of acceptance. Chair LaLonde asked that this comment be on the record as part of the Design Review.

Roll Call Vote: **Aye:** Gosselin, Stark, Harms, Joseph, LaLonde, Peterson
Nay:
6-0 Vote, 1 Absent, Motion carried.

Strassman stated that the next step would go to City Council's Committee of the Whole tentatively scheduled for July 21st. Chair LaLonde stated that there has been a lot of discussion between City Council and this Commission previously on this topic. He understands the citizens concerns. There were a lot of concerns expressed and he personally had a lot of concerns with this development. This is not a substantial change to what was approved previously so therefore he is supporting it.

6. Matters from the Public (for items NOT on the agenda)

There were no matters from the public.

7. Other Business

There was no other business at this time.

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, Stark seconded. A roll call vote was given. The motion carried, 5-1, 1 absent with Chair LaLonde as the nay vote. The meeting was adjourned at 8:51pm.