

MINUTES
February 13, 2013
Community Development Committee
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.

Chair Brown called the meeting to order at 7:33 pm.

1. Roll Call

Members Present: Chair Brown; Vice-Chair Wolff; Aldermen Sparks, Chanzit, Atac and Stark

Members Absent: Ald. Clark

Also Present: Mayor Schielke (arrived at 7:39pm); Ald. Liva, Volk, and Frydendall; Jeff Albertson, Building Commissioner; Scott Buening, Community Development Director; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Noel Basquin, City Engineer; Jason Bajor, Assistant City Administrator; Joi Cuartero, Batavia MainStreet; Steve Vasilion, Historic Preservation Committee; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for CDC/CS January 29, 2013

Motion: To approve the minutes for CDC/CS January 29, 2013

Maker: Wolff

Second: Sparks

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

3. Items Removed/Added/Changed

The agenda was rearranged per staff. Ordinance 13-10 was removed from the agenda and will be discussed at the next Community Development Committee (CDC) meeting. Discussion on the O'Sole Mio TIF will be held after discussion on Development Grants/Incentives. There was no objection by the Committee regarding the agenda changes. The minutes reflect the revised agenda in the order the items were discussed.

4. Ordinance 13-11: An Ordinance Updating Historic District Classification for 106/109 North River Street (Jeff Albertson 2/5/13)

Albertson reported that this is one of the properties that were returned to the Historic Preservation Committee (HPC) for further discussion with the property owner. The HPC held another meeting to discuss this with the property owner. The property owner is concerned that upgrading this property to significant would create additional scrutiny, additional steps to go through and possibly cost additional money for the owner in regards to renovating the property.

Albertson continued that the Mayor had concerns about redevelopment of the property if it is upgraded to significant. The Commission was comfortable with their original recommendation. The majority of the Commission felt that it should be upgraded to significant (3-2 vote). There are enough features in which they would like to see this building preserved.

The requirements in the code as written would still allow the building to be applied for demolition with approval by City Council if there is a significant project. Albertson explained that demolition of a structure whether it is contributing or significant requires full approval of the City Council. Therefore, the recommendation remains the same, to upgrade this building to significant.

The CDC discussed the antique signage, the building being used for storage, and the current state of the building. The consensus of the Committee was that the building is in disrepair and should not be upgraded to significant. Stark requested that there be some provision to ensure that the signage on the building is protected. She stated that the building is not a concern but losing the signage would be disadvantageous.

Mayor Schielke reviewed his memo with the Committee. He discussed the history of the building but concluded that there is no historical significance of this building to Batavia. Chair Brown welcomed public comment.

Steve Vasilion, 426 Illinois, HPC Chair, addressed the Commission. He explained that the reason why the HPC considered changing this building to significant was due to the signage. The decision was not based on the building itself. He agrees that the building itself is not in great shape. He does not see how having the building placed as significant would stand in the way of the building being demolished when there is a development opportunity. Economically it would not make sense to put as much money into the building as it would require. The HPC was mostly looking for safeguards to protect the signage. The signage could make a great addition to our history because it represents a time where signage was the way buildings were advertised. There is a certain historic character and charm to the building which is one of the criteria in which the HPC rates the buildings.

Vasilion continued that the bowling alley was a significant structure and one of the provisions that is in the ordinance is that if an economic feasibility study is asked for by the Commission and performed, that could become the basis to have a significant building demolished. Contractors and structural engineers were brought in and a detailed cost estimate was created for the bowling alley. The estimate showed that even if a person was given the building for free the money that they would have to put into it could never be recouped through lease rates they would have to charge to make this a viable business decision. Vasilion sees the same criteria would apply to this building. The amount of money that would have to go into it could not be recouped in rentals. The significant status would give us leverage to protect the signage. The HPC fully recognizes that if we are going to error, we are going to error on the side of preservation realizing that the CDC has the final say in what happens based on preservation and economic reasons as well. He concluded that the HPC fully respects whatever decision the Committee decides upon.

Motion: To recommend to City Council approval of Ordinance 13-11: An Ordinance updating Historic District classification for 106/109 North River Street to Significant

Maker: Wolff

Second: Stark

Roll Call Vote: **Aye:**

Nay: Brown, Wolff, Sparks, Chanzit, Atac, Stark

0-6 Vote, 1 Absent, Motion failed.

5. Ordinance 13-12: Annexation of City Owned Parcels (Scott Buening 2/8/13)

Buening reported that this ordinance is to annex a number of properties that the City has owned over a number of years. Primarily, these were all areas that were railroad right-of-ways that the City acquired through different means and times. We are using these for different purposes. Buening stated that all of these properties are unincorporated and staff is trying to clean up properties that are owned by the City but not annexed. We would annex these properties and put them in the R0 district which is a default zoning district. Once this and other annexations are completed, staff will return to the Committee with specific zoning districts that would complement the current use of these properties. He added that properties that are considered surplus will be brought to the Committee at a future meeting as well.

Motion: To recommend to City Council approval of Ordinance 13-12: Annexation of city owned parcels

Maker: Wolff

Second: Stark

Roll Call Vote: **Aye:** Brown, Wolff, Sparks, Chanzit, Atac, Stark

Nay:

6-0 Vote, 1 Absent, Motion carried.

CONSENT AGENDA

Buening requested that this be placed on the March 4th City Council agenda because there is a notification requirement. There was no objection by the Committee.

6. Development Grants/Incentives (Jason Bajor 2/13/13)

Bajor reviewed his memo with the Committee. The CDC discussed the economic development assessment, financial review, downtown improvement grant reduction in the budget, tuck-pointing, the subjective nature of qualitative data, clawback provision, micro loan process, ability to pay assessment and merging the two programs together. Brown suggested that this program remain as it is without merging. If there seems to be a need to merge the programs this could be discussed next year.

The consensus of the Committee was not in favor of lowering the grant budget amount. Bajor acknowledged that the CDC would like to keep the Downtown Improvement Grant at its current level and the Façade Grant to be increased to the 10K threshold. There was no objection by the Committee. Brown directed staff to draft an ordinance with the changes discussed at tonight's meeting. Brown stated that if staff feels necessary, the draft ordinance could be brought to the

CDC for review or it could go directly to City Council. There was no objection by the Committee.

Buening stated that discussion regarding signage as a separate program will be discussed at the next CDC meeting. Mayor Schielke suggested that the City staff report on what buildings have already been completed through these grant programs and what the EAV has been.

7. O'Sole Mio – TIF (WRM 2/8/13)

McGrath stated that from staff's point of view this business is what we want on River Street. It is perfect for the space and the applicant has worked hard on this start-up business. Staff does not feel it can change its recommendation to not participate at this time. McGrath explained that there have been several code requirement upgrades for the building and the extent of issues with this building has not been ideal. McGrath discussed the hardship that the applicant has gone through for starting a new business. Tory Chiappelli, applicant, distributed a worksheet listing all of the code improvements and upgrades made to the building to the Committee members.

Chiappelli presented to the Committee a PowerPoint regarding his Gelateria business addressing the following: products, hours of operation, project budget, build out, investments in construction, capital invested for business build out, capital invested for building upgrades (code and safety), estimated opening, timeline, electrical issues effecting grand opening date, issues and resolutions, and building upgrades (furnace, gas pipe, electricity, fire rated drop ceiling and door, ADA compliancy, second egress, ceiling, sprinkler system, alarm system, insulation, floor support, plumbing). Chiappelli stated that they are planning to open with five employees, the business will offer tax revenue for the city, all improvements raise the value of the building, the business has the potential to bring more traffic to the new River Street in Batavia and is a complement to existing businesses. He explained that he is working with other businesses and the goal is to keep the people in the City of Batavia here to spend their evening.

The Committee discussed the definition and results of prevailing wage laws, financials, and the building improvements. The Committee was in support of the business moving to River Street and the great asset it would be to the area. However, the consensus was that it is difficult to support the loan request with the sales projections. Chanzit suggested that the applicant seek out an SBA loan and pair back their sales projection. Chanzit commented that the applicant should approach a SBA approved bank and state that he is working with the municipality to fill in the financial gap. Several Committee members agreed with Chanzit's suggestion. Liva stated his support of the applicant applying for a grant for the improvements for code upgrades and ADA accessibility.

McGrath stated that staff will continue to work with the applicant, discuss options with the property owner, and seek options for the City to help fill in the gap along with possible grant opportunities.

8. Streetscape/TIF (WRM 2/8/13)

McGrath displayed the streetscape/TIF spreadsheet for the Committee to review. He discussed possible projects for the TIF season with the Committee including parking, sidewalks, and future development. The CSC requested that staff report back regarding this every couple of months and continue to work on streetscapes.

9. Project Status Update

Buening reported that Chick-Fil-A is now open. Wal-mart is still under construction.

Albertson reported that the actual construction of Limestone Café is done.

Stark asked about the River Street arch progress. McGrath discussed the delays with the Committee and stated that staff will come to the CDC meeting on the 26th to discuss the arch design further.

10. Other

McGrath reported that staff is putting together a timeline for the Walgreen's process/progress.

Staff will be developing numbers on how city-owned property affects the TIF and will bring the data back to the Committee for review.

Buening commented that he sent out a memo regarding the masonry separation issue with multi-family designations. Staff found in researching the minutes that the masonry separation was removed from the Code. If the Committee feels that there should be a change then we can start the process. If not, we could proceed forward.

11. Matters From the Public

There were no matters from the public.

12. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 10:18pm; Made by Chanzit; Seconded by Atac. Motion carried.