

RESOLUTION NO. 2019-73

ESTABLISHING BASIC DEVELOPMENT PARAMETERS TO BE USED IN PREPARING A REDEVELOPMENT PLAN FOR THE MILL RACE SITE (4 E. STATE STREET & 12 E. STATE STREET) AND AUTHORIZING HITCHCOCK DESIGN GROUP TO BEGIN THE ENTITLEMENT PROCESS AS OUTLINED IN THE PROFESSIONAL SERVICES AGREEMENT ENTERED INTO ON APRIL 18, 2019

WHEREAS, the City Council passed Resolution 2019-40 on April 15, 2019 approving a tax increment redevelopment agreement between the City of Geneva and the Shodeen Family Foundation for a planning charrette and entitlement project for property located at 4 E. State Street and 12 E. State Street, legally described at Exhibit A and hereinafter referred to as the SUBJECT REALTY; and

WHEREAS, Resolution 2019-40 authorized the City Administrator to execute a contract with Hitchcock Design Group to facilitate said planning charrette and entitlement project and said contract was executed on April 18, 2019; and

WHEREAS, the planning charrette was intended to create community consensus on an acceptable course of action to design for the future retail, lodging, residential, and/or mixed-used redevelopment of the SUBJECT REALTY; and

WHEREAS, the planning charrette was held between June 24, 2019 and June 27, 2019 in accordance with the scope of services outlined in the executed professional services agreement with Hitchcock Design Group; and

WHEREAS, at the conclusion of the planning charrette the local charrette team recommended a redevelopment strategy for the SUBJECT REALTY that included 116 rental apartments, 8 townhomes, 2,000 square feet of ground floor commercial space, 155 covered parking spaces, public riverfront improvements including seasonal commercial space, deconstruction and reinterpretation of the historic landmark structure; and

WHEREAS, the tax increment financing agreement approved by Resolution 2019-40 stipulates that the City shall reimburse the Shodeen Family Foundation for its share of professional fees for the planning charrette and entitlement process in the event that the City Council fails to complete the planning charrette and entitlement process; and

WHEREAS, the planning charrette is complete and the expenses incurred to date total \$106,700.00; and

WHEREAS, the cost for the entitlement process would be \$166,700.00; and

WHEREAS, it is in the best interest of the City to establish basic development parameters for the redevelopment of the SUBJECT REALTY if the City desires to continue to the entitlement process phase.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That the preparation of any detailed preliminary planned unit development or final planned unit development plans for the SUBJECT REALTY shall be in conformance with the following basic development parameters:

- 1) Permitted Uses
 - a. Maximum of 120 rental apartments.
 - b. Townhouses to adequately screen the parking structure; approximately 8 to 12 units.
 - c. Approximately 2,000 square feet of commercial space (to be converted to apartment amenity space if unsuccessful) with an accessory outdoor area.
 - d. Public riverfront and seasonal commercial space.
- 2) Parking
 - a. A minimum parking ratio of 1.25 spaces per dwelling unit shall be used.
 - b. Structured parking shall be concealed to the greatest extent possible.
 - c. Off-street parking for the commercial space shall not be required.
- 3) Bulk Regulations
 - a. The height of the building shall be in scale with Geneva Place located at the northeast corner of E. State Street and Bennett Avenue and shall not exceed the maximum height allowed by special use PUD. The peak building height shall not exceed 60 feet on the east and north elevations as measured from the top of finished floor of the existing structure at southwest corner of E. State and Bennett Avenue.
 - b. The building shall be setback a minimum of 10' from State Street at the intersection of Bennett Avenue and shall taper westward to frame views to the Fox River.
 - c. The building design shall be articulated to break up monotonous and unappealing building expanses.
 - d. The building shall use authentic materials and façade detailing.
- 4) Improved Public Riverfront Access from Private Property
 - a. The development shall provide inviting pedestrian access to the riverfront from the intersection of Oak Street and Bennett Avenue.
 - b. The development shall provide inviting pedestrian access to the riverfront from the intersection of E. State Street and Bennett Avenue.
 - c. The riverfront improvement and pedestrian access points shall connect to the Fox River trail.
- 5) Historic Landmark
 - a. The historic landmark may be deconstructed and reinterpreted in a nearby location that fits with the land use plan.

SECTION 2: That the approval of the basic development parameters set forth herein shall not be construed as an approval of a special use grant for the SUBJECT REALTY. All required plans and supporting data required for proposed preliminary planned unit development as set for in Title 11 (Zoning) Chapter 9 (Planned Unit Developments) of the Geneva Municipal Code shall be reviewed and considered by the Plan Commission and the City Council. The City Council may grant a special use for a planned unit development once it has determined that all plans and supporting data satisfy the requirements of the zoning ordinance.

SECTION 3: That the approval of the basic development parameters set forth herein shall not

be construed as an approval of a demolition permit for the historic landmark on the SUBJECT REALTY. All required plans and supporting data required for the demolition of the historic landmark as set for in Title 10 (Building Regulations) Chapter 6 (Historic Preservation) of the Geneva Municipal Code shall be reviewed and considered by the Historic Preservation Commission. The Historic Preservation Commission may grant a demolition request once it has determined that all plans and supporting data satisfy the requirements of the ordinance. If an application for demolition is not approved by the Historic Preservation Commission, the determination may be appealed to the City Council. The City Council may affirm or reverse the Historic Preservation Commission's determination according to the applicable standards in the ordinance.

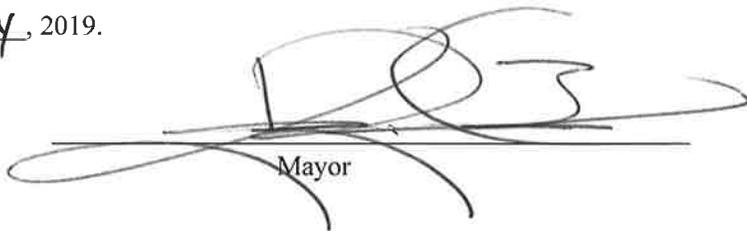
SECTION 4: That the basic development parameters set forth herein shall be incorporated into any future ordinances of the City Council granting approval of a special use planned unit development for the SUBJECT REALTY.

SECTION 5: That Hitchcock Design Group is hereby authorized to begin the entitlement process as outlined in the professional services agreement entered into on April 18, 2019.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 15th day of July, 2019

AYES: 6 **NAYS:** 4 **ABSENT:** 0 **ABSTAINING:** 0 **HOLDING OFFICE:** 10

Approved by me this 15th day of July, 2019.



Mayor

ATTEST:



City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

4 East State Street, Geneva, Illinois:

PARCEL 1. THAT PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE F. S. WRATE'S SUBDIVISION, GENEVA, KANE COUNTY, ILLINOIS DESCRIBED BY COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF EAST STATE STREET AND THE WESTERLY LINE OF BENNETT STREET AS ESTABLISHED BY PROCEEDINGS IN THE COUNTY COURT OF KANE COUNTY ENTERED JANUARY 18, 1927 AS CASE NO. 6348, THENCE WESTERLY ALONG SAID SOUTHERLY LINE 244.96 FEET, THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 77 DEGREES, 14 MINUTES, 20 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 102.00 FEET TO A POINT ON THE NORTHERLY BANK OF THE FOX RIVER FOR A POINT OF BEGINNING, THENCE NORTHERLY ALONG THE LAST DESCRIBED COURSE 102.00 FEET TO SAID SOUTHERLY LINE, THENCE EASTERLY ALONG SAID SOUTHERLY LINE 137.39 FEET TO THE WESTERLY LINE EXTENDED NORTHERLY OF AN EXISTING GARAGE BUILDING, THENCE SOUTHERLY ALONG SAID WESTERLY LINE EXTENDED AND SAID WESTERLY LINE FORMING AN ANGLE OF 83 DEGREES, 05 MINUTES, 0 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 104.40 FEET TO THE SOUTHWEST CORNER OF SAID BUILDING, THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 158 DEGREES, 22 MINUTES, 0 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 78.10 FEET, THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF SAID F. S. WRATE'S SUBDIVISION FORMING AN ANGLE OF 119 DEGREES, 29 MINUTES, 0 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 78.42 FEET TO THE WESTERLY LINE OF SAID BENNETT STREET, THENCE SOUTHERLY ALONG SAID WESTERLY LINE BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1227.01 FEET THAT IS TANGENT TO A LINE FORMING AN ANGLE OF 101 DEGREES, 50 MINUTES, 03 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM) 46.61 FEET TO A LINE DRAWN PARALLEL WITH AND 99.00 FEET WESTERLY OF THE WESTERLY LINE OF LOT 9 OF THE ASSESSOR'S PLAT FOR THE YEAR 1860 (MEASURED ALONG THE SOUTHERLY LINE OF SAID STATE STREET), THENCE SOUTHERLY PARALLEL WITH THE WESTERLY LINE OF SAID LOT 9, 33.92 FEET TO THE NORTHERLY LINE OF SAID F. S. WRATE'S SUBDIVISION, THENCE EASTERLY ALONG SAID NORTHERLY LINE 4.12 FEET TO THE WESTERLY LINE OF SAID BENNETT STREET, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BENNETT STREET BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1227.01 FEET, 173.90 FEET TO THE NORTHERLY LINE OF OAK STREET, THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID OAK STREET 62.30 FEET TO THE NORTHWEST CORNER OF SAID OAK STREET, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID OAK STREET FORMING AN ANGLE OF 83 DEGREES, 30 MINUTES, 0 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.32 FEET TO THE SOUTHWEST CORNER OF SAID OAK STREET, THENCE WESTERLY ALONG THE PROLONGATION OF THE SOUTHERLY LINE OF SAID OAK STREET 53.00 FEET TO THE EASTERLY BANK OF THE FOX RIVER, THENCE NORTHWESTERLY AND WESTERLY ALONG THE BANK OF SAID RIVER TO THE POINT OF BEGINNING IN THE CITY OF GENEVA,

KANE COUNTY, ILLINOIS.

PARCEL 2. THAT PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF EAST STATE STREET WITH THE WESTERLY LINE OF BENNETT STREET AS ESTABLISHED BY PROCEEDINGS IN THE COUNTY COURT OF KANE COUNTY, ENTERED JANUARY 18, 1927 AS CASE NO. 6348, THENCE WESTERLY ALONG SAID SOUTHERLY LINE 133.57 FEET, THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 3.50 FEET FOR A POINT OF BEGINNING, THENCE SOUTHERLY ALONG THE LAST DESCRIBED COURSE 3.50 FEET TO SAID SOUTHERLY LINE, THENCE WESTERLY ALONG SAID SOUTHERLY LINE 111.39 FEET, THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 77 DEGREES, 14 MINUTES, 20 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE (MEASURED CLOCK WISE THEREFROM) 16.40 FEET TO A LINE DRAWN PARALLEL WITH AND 16.00 FEET NORTHERLY OF SAID SOUTHERLY LINE (MEASURED AT RIGHT ANGLES THERETO), THENCE EASTERLY PARALLEL WITH SAID SOUTHERLY LINE 54.00 FEET. THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 171 DEGREES, 47 MINUTES, 13 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM) 14.00 FEET TO A LINE DRAWN PARALLEL WITH AND 14.00 FEET NORTHERLY OF SAID SOUTHERLY LINE (MEASURED AT RIGHT ANGLES THERETO), THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 163 DEGREES, 58 MINUTES, 23 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTERCLOCKWISE THEREFROM) 25.58 FEET TO A LINE DRAWN PARALLEL WITH SAID SOUTHERLY LINE FROM THE POINT OF BEGINNING, THENCE EASTERLY ALONG SAID PARALLEL LINE 23.84 FEET TO THE POINT OF BEGINNING, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

BOTH PARCELS ACCORDING TO THE PLAT THEREOF RECORDED APRIL 9, 2014 AS DOCUMENT 2014K016733 IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

PIN 12-02-353-008-0000

12 East State Street, Geneva, Illinois:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF EAST STATE STREET WITH THE WESTERLY LINE OF BENNETT STREET; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF STATE STREET 107.57 FEET TO THE WESTERLY LINE OF A ONE-STORY BRICK BUILDING EXTENDED NORTHERLY; THENCE SOUTHERLY ALONG SAID WESTERLY LINE AND SAID WESTERLY LINE EXTENDED, BEING ALONG A LINE MAKING AN ANGLE OF $83^{\circ} 5'$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 104.40 FEET TO THE SOUTHWESTERLY CORNER OF SAID BRICK BUILDING; THENCE SOUTHERLY ALONG A LINE MAKING AN ANGLE OF $158^{\circ}22'$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 78.10 FEET; THENCE EASTERLY ALONG A LINE MAKING AN ANGLE OF $119^{\circ}29'$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 78.42 FEET TO THE WESTERLY LINE OF BENNETT STREET AFORESAID; THENCE NORTHERLY ALONG SAID WESTERLY LINE, BEING ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1227.01 FEET, AN ARC DISTANCE OF 174.90 FEET TO THE POINT OF BEGINNING IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.