

**MINUTES**  
**June 25, 2019**  
**Committee of the Whole**  
**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.

Vice-Chair O'Brien called the meeting to order at 7:00pm.

**1. Roll Call**

**Members Present:** Ald. Miller, Russotto, Beck, Knopp, Salvati, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden

**Members Absent:** Chair Wolff; Ald. Chanzit

**Also Present:** Scott Buening, Director of Community Development; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary

**2. Reminder: Please speak into the microphone for BATV recording**

**3. Approve Minutes for May 14, 2019, May 28, 2019 and June 4, 2019**

**Motion:** To approve minutes for May 14, 2019, May 28, 2019 and June 4, 2019

**Maker:** Malay

**Second:** Uher

**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**4. Items to be Removed/Added/Changed**

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

**5. Matters From the Public (For Items NOT on the Agenda)**

There were no matters from the public for items not on the agenda.

**6. RESOLUTION 19-074-R: Approving a Final Plat of Subdivision for Muetze Acres Subdivision – 39W100 Main Street, Unincorporated Batavia Township, James D. Muetze, Applicant (DMR 6/20/19) CD**

Callahan summarized the memo. Rackow stated that this property the applicant has already rezoned the property under Kane County jurisdiction and the zoning will prevent this lot from becoming a single-family residential lot in the future. The Plan Commission found the proposed lot to be an appropriate division of the property. The Commission agreed with staff's recommended condition of approval that the Batavia Subdivision Regulations' Land Cash requirement apply and be paid to the City of Batavia before City officials sign the plat. The City

would collect these fees based on a four-bedroom home, which would be partially refunded if a home with fewer bedrooms is constructed. Normally the fees are collected just before recording the plat, but since this is an extraterritorial property and the City will not be recording the plat, payment should be made before the City signs the plat. Callahan asked if the applicant wanted to address the Committee and the applicant did not.

**Motion:** To recommend approval of Resolution 19-074-R: Approving a Final Plat of Subdivision for Muetze Acres Subdivision – 39W100 Main Street, Unincorporated Batavia Township, James D. Muetze, Applicant

**Maker:** Uher

**Second:** Malay

**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent

Motion carried.

CONSENT AGENDA

#### **7. ORDINANCE 19-35: Amending the Text of the Zoning Code. KRC Holdings, Applicant (DMR 6/20/19) CD**

Callahan reported Ordinance 19-35 would amend the Zoning Code's Parking Regulations from 1 parking lot island for every 10 parking spaces to 1 parking lot island for every 15 parking spaces for Light and General Industrial properties. Rackow stated that the applicant, KRC Holdings, went through Design Review on June 19<sup>th</sup> to secure an approval from the Plan Commission (PC) for a 150,000 square foot speculative industrial building on the southwest corner of Louis Bork Drive and Fabyan Parkway. Along with their application for Design Review they did put in a request to amend the text of our Zoning Code Ordinance to change our regulations of one parking lot island for every ten spaces to one parking lot island for every fifteen parking spaces. The PC discussed that as part of the Design Review and did feel comfortable with the proposed change. The proposed change may allow for more optimal use of parking areas for industrial properties and allow for greater flexibility of leasing industrial property, but may be contrary to efforts that reduce urban heat island effects. Rackow discussed the urban heat island effect with the Committee, which is when the urban area is hotter than rural areas most notably at night. He stated the PC did recommend approval of the text amendment and it is before the Committee tonight.

The Committee discussed parking, urban heat island effect, landscaping, and the need for environmentally friendly planning and LEED certified buildings. O'Brien welcomed the applicant to address the Committee.

Jim Cogsworth, Developer, addressed the Committee. He stated that they are proposing to build a Class A industrial building and they spent a lot of time on the building's aesthetics. He showed a rendering of the building to the Committee of the Whole (COW). They are asking for more parking because the building is built for the Internet. Internet is the big deal in industrial spaces today and they have more office staff and warehouse workers. They don't want to have people parking up and down the street and that is why they are asking for more parking. They are very environmental conscious and the whole front of the building is pre-wired for electric cars. There is the ability for installing one hundred stations, as electric cars become more popular. They are willing to plant more trees in the landscape to help ease the heat. They are not trying to make

things worse; they are trying to make things better. This is a Class A building that you all could be proud of.

The Committee discussed the proposal. Callahan stated that the building would be a good fit in the industrial park. Uher stated that he would like to see more trees. The Committee discussed the difference between a variance and a text change. Meitzler stated that the concern he has is when you change the text the next developer that comes along may not be as conscientious of the environment. Clearly, there are measures they are taking in this project. He asked if it would be possible to have text that creates a system trade-off to encourage developers to protect the environment. Rackow stated that certainly will be a way to address those concerns. Rackow stated staff could develop something and tie it to improving landscaping standards or reduce heat island effect or electric car charging stations, etc. Beck stated that she would like to see more developers build LEED certified buildings. Meitzler added that would be possible if there were some incentives offered. Miller asked if it would be possible for staff to encourage best practices instead of more black top and less islands. Rackow stated that staff could certainly do that at staff level. O'Brien stated that we could pass this tonight and discuss this further at a future meeting to help lessen the heat islands effects. Beck agreed that this discussion would be highly beneficial and she would really love to have that conversation.

**Motion:** To recommend to City Council approval of Ordinance 19-35: Amending the text of the Zoning Code  
**Maker:** Salvati  
**Second:** Malay  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**8. ORDINANCE 19-37: Approving Variance for a Side Setback Reduction. Benjamin Wakefield and Anique Drouin, applicants (JLS 6/20/19) CD**

Strassman reported On Wednesday the Zoning Board of Appeals failed to recommend approval of a side setback variance for a proposed rear addition to the house at 861 Ravinia Court. The required setback is 12 feet; the applicants are requesting a 9.35-foot setback. At the hearing, the homeowner and her attorney explained that options to locate the addition with the required setback would result in an unacceptable interior layout. Although no neighbors spoke at the hearing, several submitted letters in support of the project and requested variance.

The ZBA agreed that the project would have minimal impact on neighbors and is designed to fit the home, but the ZBA could only arrive at positive conclusions for 4 of the 5 required findings. The finding related to usability of the house and financial return received a 3-3 vote resulting in the finding failing to be met. The Commission noted the expired annexation agreement that allowed a 7.5-foot setback has resulted in this house and many others in the neighborhood having less than the now required 12-foot side setbacks that adds difficulty to locating new improvements with the required 12-foot setback. By a 3-3 vote the ZBA failed to recommend approval of the requested variance. The ZBA acknowledged its role is to review variances based solely on the findings. Again, the ZBA stated that the project would fit the house and neighborhood.

Ordinance 19-37 is drafted to approve the variance. It includes a “whereas” clause containing 3 points that address factors of the project the COW can consider in its review and include for its recommendation. These 3 points go beyond the narrow focus of the findings the ZBA must follow and reflect the ZBA’s positive statements about the project. Staff notes that to approve the variance, the City Council must have a two-thirds majority vote due to the negative ZBA recommendation. The numbers of the COW vote have no effect on this required majority. There would be very minimal impacts to approving this variance, including impacts to the City’s budget and staff time. Staff recommends approval of Ordinance 19-37 as presented, including the conditions to remediate the existing improvements on the property done without issuance of a building permit. The Committee discussed the difference between an addition and a covered patio.

Mayor Schielke expressed his support for this variance because a quality builder is doing this, they are adding something to this house that will enhance the value of this house and the rest of the neighborhood. The flexibility is built in to our code, which allows us to grant easements and variances and anything we want to do.

**Motion:** To recommend to Council approval of Approving Variance for a Side Setback Reduction. Benjamin Wakefield and Anique Drouin, applicants

**Maker:** Salvati

**Second:** Malay

**Roll Call Vote:** **Aye:** Salvati, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp

**Nay:** None

12-0 Vote, 2 Absent, Motion carried.

**9. ORDINANCE 19-46: Amending the Text of the Zoning Code. Michelle Freeman, Keyser Industries, applicant (JLS 6/20/19) CD**

Strassman reported that the Zoning Code prohibits Electronic Changeable Message Signs (ECMS) in the historic district. The applicant this evening is here on behalf of their client, McDonald’s, who is looking to a future improvement of its drive-through where it wants to use ECMS menu boards. The proposal is to remove the prohibition and add some screen requirements if needed. At the June 19, 2019 Plan Commission (PC) meeting the PC was supportive of the amendment. The Historic Preservation Commission has also discussed this and were generally supportive of it as well as long as there some screen requirements if needed.

Michelle Freeman, Keyser Industries, addressed the Committee. Keyser Industries in one of five integrators nationwide that is implementing the ECMS project for McDonald’s. The menu boards that are there are no longer going to be rebuilt and Keyser Industries built a lot of the original menu boards. There will not be replacement parts for much longer. The Point of Purchase marketing is set to be eliminated, which promotes more sustainability. Having digital menu boards provides more flexibility and allows McDonald’s to promote what is on sale and what the specials are. Other fast food chains are moving towards this type of menu board. There is the opportunity to have control over the lighting and it adjusts automatically. The brightest on the new boards are 45% less than the static fluorescent lighting is currently on these boards.

Strassman noted that these are limited to menu boards and would only allow a menu board in association with a drive through.

**Motion:** To recommend to City Council approval of Ordinance 19-46: Amending the Text of the Zoning Code. Michelle Freeman, Keyser Industries, applicant  
**Maker:** Uher  
**Second:** Cerone  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

**10. RESOLUTION 19-075-R: Agreement with Schoppe Design Associates, Inc. for Design of Entryways Signs (LN 6/20/19) CS**

Buening overviewed the memo. Schoppe Design Associates will do the design for the entryway signs and put together the specifications required to go out to bid to construct the monument signs. There are eight signs total. The Committee discussed the budget, the need for new entryways signs, alternate solutions with lighting, and starting the process to go out to bid. Meitzler asked that the memo be revised to add what the agreements were on the design.

**Motion:** To recommend to City Council approval of Resolution 19-075-R: Agreement with Schoppe Design Associates, Inc. for Design of Entryways Signs  
**Maker:** Meitzler  
**Second:** Malay  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**11. RESOLUTION 19-076-R: License Agreement with Batavia School District for Construction Smith Court Sidewalk (LN 6/20/19) GS**

McFadden overviewed the memo. Back in 2007 the City granted an ordinance for a Conditional Use for the Batavia School District for the expansion of Alice Gufaston School for an Early Childhood Education Center. Part of that agreement was the School District would construct a sidewalk from the school to Smith Court. This agreement gives them license to enter onto City owned property to construct a sidewalk going from Smith Court to Hover Drive. Callahan stated that the sidewalks were supposed to be done by 2010. O'Brien asked why there was such a delay. Buening answered that there had been a lot of discussion back and forth between the City and the School District. The School District has not been wanting to build this sidewalk because they felt the sidewalk on Bernadette was sufficient to accommodate the students that are walking. A lot of discussion and negotiation has gone into this process. Us signing this agreement will allow for this sidewalk to be constructed. Buening stated that we are hopeful that this would be completed prior to the school year. Buening stated that after this is completed the actual sidewalk location would be surveyed and will be used as a basis of a property line to split so that we could sell the property to the adjacent owners.

**Motion:** To recommend to City Council approval of Resolution 19-076-R: License Agreement with Batavia School District for Construction Smith Court Sidewalk

**Maker:** Callahan  
**Second:** Meitzler  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.  
CONSENT AGENDA

## 12. Project Status

Callahan stated that BEI parking lot and bike path at the Wastewater Treatment Plant. There are a lot of complaints with bikes coming straight through causing difficulties with children entering the dance studio.

## 13. Other

Beck has a Walk Friendly App that she has been working on while doing the BEC Report. She stated that she had a lot of help from Community Development and Public Works in the past and stated that she has yet to work with the Police Department on the enforcement section and other City staff. She asked the Committee for permission to continue working on this project with City staff. O'Brien and Callahan supported her working with City staff on this project.

Beck discussed the Activate the Ally project and Beck had worked with her on this project. Water and First is dangerous and there is a need to calm traffic there. Beck asked if any pedestrian infrastructure could be placed on the east side of Water Street during the second Friday events in downtown Batavia. Beck asked for a second on getting conversations started so we could hopefully have something by the August second Friday event. Callahan stated that he fully supports this and he seconded the request.

Malay reported that with the bridge under construction the residents of the Highlands have been complaining about a huge amount of traffic going through that area. The Police Department did add two stop signs by the park there. Malay stated that this is a big concern because there is truck traffic going through there. Buening stated that the Police Chief is aware of it and is monitoring the situation.

Mayor Schielke suggested cancelling the July 2, 2019 COW meeting. There was no objection from the Committee.

**Motion:** To cancel next Tuesday's meeting for July 2, 2019  
**Maker:** O'Brien  
**Second:** Salvati  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

Mayor Schielke discussed some potential topics that would be coming before the Committee such as video gaming establishments and recreational marijuana dispensaries.

Buening stated that Target is planning on remodeling and would like to do on site warehousing storage, about forty containers. Buening displayed images of the Target trailers, which are 6-8ft. The trailers would be fenced in on-site in the parking lot. He asked if the Committee would be

opposed to giving Target a variance for signage on the fences surrounding the trailers. Uher stated that he would rather not see the contractor's signage but would not oppose signage stating that Target is open during construction. The consensus was not opposed to giving Target a variance for signage on fences. Buening stated that staff would be working with the contractor to try to avoid any dead end parking lanes.

O'Brien thanked Public Works for the good work on the hanging baskets. They are beautiful once again.

#### **14. Adjournment**

There being no other business to discuss, O'Brien asked for a motion to adjourn the meeting at 8:48pm; Made by Cerone; Seconded by Salvati. Motion carried.