

MINUTES
August 16, 2017
Plan Commission
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.

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; Vice-Chair Schneider; Commissioners Gosselin Harms, Joseph, McGrail

Members Absent: Commissioner Peterson

Also Present: Mayor Schielke; Laura Newman, City Administrator; Mark Schuster, Legal Counsel; Scott Buening, Director of Community Development; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Rahat Bari, City Engineer; Jeff Albertson, Building Commissioner; Howard Chason, Director of Information Technology; Chris Cudworth, Communications Coordinator; Anthony Isom, Administrative Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

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

Chair LaLonde welcomed Commissioner McGrail to the Plan Commission.

4. Campana Redevelopment, 901 North Batavia Avenue, and 301 and 501 West Fabyan Parkway Evergreen Real Estate Group, applicant

- 1. Continued Public Hearing: Amendments to the Zoning map for a Planned Development Overlay**
- 2. Continued Design Review**
- 3. Continued Preliminary/Final Plat of Subdivision**

Chair LaLonde announced that this is the continuation of the public hearing from August 2, 2017. He thanked everyone for attending. LaLonde stated that he wants to make sure everyone has a chance to speak at tonight's meeting and asked that there be no repetition to what was already heard at the previous meeting. He listed the items that the Plan Commission (PC) heard about at the last meeting: concerns about increased traffic, parking, stormwater, pedestrian safety, sidewalks, health concerns related to the telecommunication equipment and hazardous materials, conformance to the Comprehensive Plan and Zoning Code, effect to real estate taxes and property taxes, increased crime, noise, child safety, the effect on schools, jurisdictional

issues related to KDOT and City of Geneva, city services, and the need for affordable and accessible housing. Chair LaLonde asked if anyone wanted to speak to those topics tonight to keep the comments brief and one could state that they are in agreement with such and such comment. If there is something new to speak about to please keep the comments in the three-minute range for the purposes of time available to speak.

This meeting was recorded for BATV and placed on the City's YouTube channel.

Strassman reported that staff continues to be supportive of this proposal to add multiple family residences to the Campana building. The property's Mixed Use District specifically allows multi-family residences in a mixed-use building. Some requested Zoning Code modifications are relatively minor, and some are caused by the review of other entities having jurisdiction on the property. The modification for parking supply includes the safety valve of land banked parking whereby the City can require additional parking to be provided if needed. The mechanism to apply this requirement will be finalized for City Council Committee of the Whole consideration. Both Eriksson Engineering and KLOA, a neighboring resident's consulting traffic engineer, found the proposed 206 spaces to be sufficient for the proposed uses. The zoning modification to allow the existing mobile communication equipment does not allow these facilities to operate outside of applicable Federal restrictions on cellular antenna operations. The City's prohibition of such facilities is intended to deter a proliferation in residential areas.

Traffic generation by replacement of non-residential building space with residences would not result in a significant change to the volume of traffic in the area as confirmed by Eriksson Engineering and KLOA. KDOT and KLOA suggest conditions at the Batavia Ave/Fabyan intersection could be improved with changes to site access and roadway improvements. Staff agrees with this, but, City approval of this proposal cannot dictate conditions in KDOT and IDOT rights-of-way. The City suggested, and Evergreen agreed to propose dedication of right-of-way; this land would be essentially acquired by those agencies, saving taxpayer money for those agencies to acquire that land. Evergreen's proposed Fabyan crosswalk will provide a signalized pedestrian crossing where none exists now and EREG has agreed to construct a sidewalk along their Fabyan Parkway frontage. Other traffic improvement and pedestrian safety measures can be implemented by KDOT and IDOT.

Concerns of noise included statements about truck staging north of the building's west wing made possible by the existing building owner. With either the proposed outdoor use space or parking in that area, Evergreen would not make that area available for truck staging. Mobile communication equipment energy level restrictions are enforced by the FCC and cannot be regulated by the City. The City is unaware of any FCC findings of violations. If the zoning for this development is approved, the building permit review process will verify that all City codes related to stormwater management and asbestos abatement are met before a building permit is approved.

The City received a letter from Geneva Community School District 304 Superintendent Dr. Kent Mutchler. This letter welcomes all residents and commits to serve all students in its district.

The City received a letter from Attorney Stephen Cooper who represents a couple of area residents Joseph and Samantha Kefer, one of whom spoke on August 2nd. The letter states that the position of the objectors is that the proposal does not qualify for a Planned Development. The Zoning Code states that a Planned Development may be adopted for one or more specific listed reasons. The proposed Planned Development seeks modifications from the development regulations of the Zoning Code and it would permit a mixed-use development that is unique in Batavia. These represent 2 of the 4 stated reasons to adopt a Planned Development overlay. Staff agrees with the letter's suggestion that approval of the Planned Development include mandates to require Evergreen to build the land banked parking if necessary.

The Commission shall reopen the public hearing for the Planned Development and continue its consideration of the design review and plat of subdivision. Staff suggests the Chair allow for speakers who have not spoken and have signed the speaker registration sheets to speak first. Staff suggests the Chair limit testimony to topics not yet addressed. The Commission should then allow EREG to address the topics raised by speakers.

After the Commission has determined it has all the information needed to deliberate the matters, the Commission should close the hearing and deliberate in the open meeting. If the hour is late, the Commission may continue its deliberation and/or take action at a subsequent meeting, announcing the date, time, and place before voting on such a motion.

When the Commission is prepared to take action on the Planned Development or Design Review, the Commission must first have arrived at findings for each. Action on the plat of subdivision does not require findings. Staff will provide information to aid the Commission in reaching the required findings when it is prepared to address the findings. Staff will also provide its recommendations on Commission actions at that time.

Strassman distributed copies of correspondences staff has received since the hearing packet was assembled and the agenda was posted online.

Motion: To reopen the Public Hearing
Maker: Schneider
Second: Harms
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

Chair LaLonde opened the floor for public comment.

Betsy Zinser, Executive Director of the Batavia Interfaith Food Pantry and Clothes Closet, addressed the Commission. She discussed the need for affordable housing in Batavia and Geneva. The bulk of the proposed Campana housing, 48 units, provides affordable housing to families earning between 30-50% of adjusted median income or roughly between \$20,000-40,000 a year. These are not poor people or a threat to Batavia and Geneva because they are already here. Affordable housing is critical for divorced families. When income is split in two local affordable housing is needed so that kids could stay in the school they know. Only a small

portion of the Campana housing project, just 16 units, is reserved for those whose income is below 30% below average median income. Half of these are reserved for disabled citizens and it is not enough. We need this project. Over the years as Batavia has grown new developments have catered almost exclusively to higher income buyers. If we want to maintain the traditional character of our community we need to increase affordable housing at the same rate as we offer larger more expensive homes. It is time. She thanked the Commission.

John Hunter, who has worked out of the Campana since 2001, addressed the Commission. He had the following questions and concerns:

- No variation should be allowed due to the spaces being too close to the throat of Fabyan Parkway. Those spaces impede the connector lane from the front to the side.
- KDOT noted concerns to the delays and backups at Campana entrance due to the proximity of the throat and the Metra parking area and connecting road. He asked if this backup would affect access for emergency vehicles and will they be able to enter the site if there is a backup and is there sufficient room for turning radius.
- He asked for more explanation of the subdivision of the property and if it would affect the land use mix.
- Transparency of the vision glass on the south and east side of the building. He asked if the north and south wings are considered historic. LaLonde answered that they are not. Strassman stated that the issue on the north-facing wall is not subject to the zoning code's requirements for transparency. The south and the east are. Hunter asked if there would be vertical windows on the east face of the south wing. Strassman stated that they understand that there was a change to the windows but does not effect the zoning code modification. Hunter stated that he does not see why there would be a variance needed if you are allowed to put windows on there then perhaps the windows could be put on there to meet the variance requirements. Strassman stated that they could be but there are other jurisdictions (Batavia Historic Preservation Commission, National Park Service, Kane County, and Illinois State Preservation Office) that would need to review the fit of a window change on the façade.
- There is quite a haul from the furthest parking space and apartments when considering carrying groceries in from the car. The variances for entrances should not be granted because additional entrances may shorten the walk for those who live there as well as provide additional egress and entrance to the building.
- He asked is there a reason why we need a variance for the parking field separation.
- He asked that they say no to land banked parking so that the stormwater engineering could be initiated. Holidays would create the need for additional parking as well as new commercial tenants.
- Monument sign landscaping should be done tastefully and then there would be no harm but the major issue is the setback of the signage from the street.
- He asked why there is a need for a zoning variance for number eight. Is it due to the sign setback or the KDOT report.
- Wireless communication support structure and clarification on the code. Is this intended for single-family residences so someone does not put a structure in their backyard.
- Why the plat of subdivision is necessary and will that change the MU designation for that building.

- The historic visage of the building would be changed in so many ways and he is skeptical that the final project will look anything like the historic building. When he considers the parking changes, the slip road, the lights on ten foot poles, and concrete it would change the view from the east looking west and he is unsure what historic preservation would actually be there when the project is done.

Barbara Tate, 2017 Allen Drive, stated that looking at this diagram she does not see the tot lot or the soccer field. She does not understand the land bank parking and why we would have to wait for it. She explained that construction once the building is occupied would affect the current parking and be a great inconvenience for the residents. If we are going to have issues with the parking, there will be parking in the fire lanes. Why don't we establish lots of parking and put the tot lot in the front yard. She would like clarification on why the wait. If the parking is not curbed what is to stop people from parking in the tot lot. She asked if there would be assigned parking, would the homeowners have assigned spots. She asked what happens at the holidays when family comes to visit, where are the people going to park. There are no sidewalks on Allen and it is difficult to park cars on the street on Allen Drive. Sidewalks should be provided to prevent walking through people's yards.

Joshua Tate stated that he would like to discuss imploring on your duties and responsibilities as a Commission to make decisions for the good for the residents and the community. He stated that he spent six years as an elected Park Commissioner serving five of those years as president so he recognizes the challenges ahead. He is from Geneva but has a mother who lives in Batavia and is representing interest from both jurisdictions. He referred the Commission to the Comprehensive Master Plan that has a regional and jurisdictional section where it talks about how the external affects of decisions you make could have profound affects outside of your actual jurisdiction. The location of this development being multi-jurisdictional, this development implores you to consider residents from multiple communities. He reminded the Commission that Evergreen is a business. Ultimately, they are not here out of the goodness of their hearts. They are here to utilize a system that provides business benefits to them and Campana is in the middle of that and he is not unsympathetic to the mission that they claim is their mission. His father, whom he worked with, developed low-income affordable housing. Evergreen is a business trying to fit a square peg into a round hole. There are variances on so many levels from the existing Zoning Code. For example, there is a variance for modification to a requirement that there is a minimum of 25% per square footage adjacent to a public street being used for retail. If their allegiance was to the residents who may be living in this facility and the density they are proposing to be in there he does not see how retail would be a problem because it would be providing basic services to the residents who live there. A variance to this would be sending residents out to all of the unsafe traffic and lack of walkways as cited by other testimonies. This project could support multi-uses and he does not believe you should be granting variances for. He reminded the PC that your duty and obligations are to the residents, to people who live here already, and you duties are for sound judgment and interpretation of the policies, code, and legislation you have in place. To a business that constantly asks for variances and compromising they do not have Batavia's best interests in mind.

Steve Tate stated that this historic building might not be a good fit for those who are wheelchair bound. He asserted that all entrances should be made accessible for those with wheelchairs. He

stated that if land banked parking is approved then it must be considered as part of the current project when calculating run off. He encouraged to Commission to do their own traffic study and maneuver your own vehicle through the site. He shared that there are a lot of accidents in that area, including fatalities, and this project would increase the traffic and accidents.

Jamie Tate, 342 Wakefield Lane, and also represents her parents who live in Batavia at 514 North VanNortwick. She shared that in her previous community she was on the Plan Commission for eight years and served two years as chairman. She also has a background in municipal planning. She discussed the van parking in the rear and if a semi-trailer turning demonstration that has been done. She handed out a photo of the site with a truck parked at 11am in the loading area and there was no way someone could safely get through. She does not believe it is changing the way it is proposed. She asked that this be explored a little more. She asked for the Commission to consider a loading area in the front of the building for residents unloading groceries and for UPS and FedEx deliveries. She stated that IDOT's comments have not come back yet and should be considered. IDOT has adopted a policy called Complete Streets and look at pedestrians, bikes and vehicles. IDOT is now building multi-use paths and she believes that they would be supportive of a sidewalk along Route 31. She commented on the plat. She stated that she understands that they do not plan to sell and it is written for the two lots. In the first plat there are access easements and in the second there is not. She is curious how that would work for access if the two lots do become two different property owners ten years down the line. She saw a reference to lot 3 and she does not see a lot 3 on the new plat. She asked if the landscaping that is along Route 31 that cannot be put there because of historic preservation is being placed somewhere else on the site. She asked about the clustering of the trees on the landscaping. She asked that the tree species is varied to prevent from all of them being lost due to disease. She stated that in regards to saving the site and the building, the current property owner should be keeping the property up. The City of Batavia has codes in place to be working with the property owner to upkeep the building. She noted that the handicap parking stalls in front of the mattress store are faded and dilapidated. The proposed multi-tenant sign should be an art deco theme and something nicer than the standard multi-tenant sign. She asked if the sign should have the vision considered to make sure that the sign does not impede vision. The American Planning Association (APA) has a standard of parking and should be referenced for parking variances. For the volleyball, the APA would recommend 43 parking spaces and the multi-family would be recommend 105-160 and since we are suburban it would be recommended to go with the higher number. The actual parking standards is about 238 parking stalls and she would be happy to share how she came up with that number and suggested not land banking the parking and building the parking in the beginning. She asked how busing kids to school, not providing sidewalks, and not providing a safe route to school supporting the Fit4Kids initiative of Kane County. Another suggestion would be to place a community garden in on the site.

Lane Allen, 225 Union, stated he is Chairman of Kane-Elgin Home Commission, which helps finance affordable housing in Batavia, and an architect. Allen stated that he sees the Campana project as a glass half full. He sees a holistic neighborhood developing with families and children, building friendships. In his opinion, to use traffic related issues to stop a development does not take into consideration all of the potential in this project. Allen explained how this project would be heavily scrutinized by the Illinois Housing Development Authority during design and after occupancy and he believes that you are in good trustworthy hands if you

approve this project. He has reviewed the floor plans and elevations and feels that they are nice spaces and accommodating to the residents. He feels that the most challenging part of this project would be creating a holistic neighborhood that adds value to Batavia and Geneva communities. He asserted that Evergreen Development has the experience and track record that illustrates that this is their ultimate expectation. Allen concluded that this project is a win for our communities, our residents and for historic preservation.

Emily Erickson, on behalf of Jim Erickson, addressed the Commission. She explained that Jim Erickson was ill and could not attend tonight's meeting and read a written statement on his behalf. The statement read that Evergreen has painted a picture that the Campana building is in such need of restoration that if they do not come in to develop it the building would crumble and sadly be lost as a historic site forever. A quote from Evergreen's narrative discussing the LaSalle Factors was shared "Without investment, the Campana building will eventually fall into disrepair and will no longer be a beacon for the City of Batavia. This redevelopment will ensure that it is a flagship building into the future. Erickson explained the property needs assessment and how the evaluation is given a category under the five major categories: good, fair, poor, good/fair, fair/poor. Upon review, Erickson focused on categories that dealt with the building's structure (interior and exterior) and not items that are a result of building apartments within. 77% of the line items regarding structure, interior, and exterior fall into the fair to good condition category. The report listed only two items that were in the poor condition with significant work required were wood windows and an original wood door. The definition of fair to good is defined as average to above average condition with some work required, primarily due to normal age and wear. The roofing is in good to fair condition with no active leaks identified and not in need of repair. Evergreen is still projected to spend funding dollars, close to one million worth, on new roofing. There is no doubt that the Campana building needs a lot of TLC and a few of the items found in fair to poor condition were structural and historical elements such as the masonry in need of tuck pointing and replacement of the original glass block. The estimates for those restoration items seem to be two million dollars based on the PNA. Erickson questioned why the owner did not do these repairs. Since Evergreen has applied for a historical tax credit through the federal government of 3.75 million dollars to fund these structural repairs could the owner do this as well. On Monday night, Emily Erickson asked Anthony Rubano from the Historic Preservation Office if that 3.7 million dollar historical tax credit could be petitioned for by the current owners and the answer was yes. Evergreen is not Campana's sole savior. If we fall under the urgent spell for Evergreen to restore Campana it might result in the transformation of a historic building into modern apartments but at the price of the building's integrity.

Erickson addressed the false narrative of the building's underutilization. Currently the Campana building is filled to 60% occupancy. Since the current owners have signed their exclusive sale agreement with Evergreen they have had to decline two prospective tenants looking to rent space in Campana. One was an upscale bridal shop that wanted to rent the entire third floor as a storage warehouse for dress inventory. The second was a dance studio. The current golf studio tenant wanted to expand their space. Those additional tenants would have pushed the occupancy rate to over 80%. That is not underutilized and who is to blame for the underutilization.

Samantha Mix, 714 Lathem Street, thanked Betsy Zinser for the opening comments. Mix stated that the proposed housing is needed. She stated that one of the biggest barriers for people who

are struggling to get ahead are childcare costs. It is expensive to get quality childcare. She hoped that the altruism in this project would provide a requirement for onsite daycare to help lift citizens in need to not only stay in this housing.

Sandra Ellis, 40 South Lincoln, Geneva IL, asked does three wrongs make a right. First of all, it is wrong to proceed when the dangerous intersection issue has not been addressed. She shared a personal experience of a family member getting into a serious accident at that intersection. This intersection is one of the most dangerous intersections in Kane County. That was known nine years ago and nothing has been changed or fixed. IDOT and KDOT are still complaining about lack of funds, jurisdictional issues, and nothing has been done. Should some of the blame go to the City of Batavia and its residents for not being attentive? Compare the inability of government to address public safety issues to what happened in the last two years when some Geneva citizens pooled several thousand dollars of their own money to have a study done to slenderize Route 31 between the Kane County Government Center and Fabyan. The result was a congested, unsafe, four lane street being slimmed down to a three lane street with easy and safe turn lanes. These citizens did this while working with IDOT, staying focused on solutions and not allowing the government entity to pass the buck or simply put the project in limbo. The intersection needs to be fixed before any project of any kind could proceed. If twenty million dollars in tax dollars is available to fund 2/3 of the cost of this 80 unit facility then why can't Batavia and its council be as clever and fund and fix the dangerous intersection. Second, it is wrong to expect exorbitant investment costs for a feel good preservation project to be predominately funded by tax payers. We all appreciate and value preservation but cost matters. Isn't there a reasonable limit to what does not make sense. She shared the history of the Campana building. She asked why are we expecting taxpayers to underwrite a building that no buyer has been willing to buy and invest their own funds in. Without historic preservation designation this building would not have been underutilized, its prime real estate in an entry corridor. Are we willing to spend \$375,000 per unit and the ongoing tax payer investment in the form of subsidized rents and unfunded Geneva School District costs to preserve a building that has no appeal to business investors. The property has great commercial appeal if not burdened with historic preservation regulations. Many years of disinterest in this property should prove reason enough for Batavia to revisit why they are burdening a property owner to preserve a building that for twenty years no one has shown interest. If no buyer feels that this is a good investment than why is it a good deal for taxpayers. Third, it is wrong because those most impacted by this decision have no vote. We should apply a simple standard of fairness. If the project moves forward as proposed residents of Batavia have nothing to lose. Their share of taxes would fund related city services and residents of Geneva have considerably more to lose. Geneva would be funding a shortfall in school district, library and park district costs. The projected taxes on this completed project would not come close to covering the entire extra cost to Geneva residents yet the residents have not vote. If the roles were reversed would the Zoning Board think that is fair. If the standard of fairness does not work, how could Batavia proceed as a good neighbor with the project. This is the wrong facility in the wrong location and it is being wrongly underwritten by the burden of taxpayers. Three wrongs do not make a right.

Josh Baily-Green, spoke on behalf of the Fox River Valley Initiative, and stated that those at the Fox River Valley Initiative know that there is a significant need for affordable working family housing in Batavia. Demonstrating hospitality is a very important thing in our communities. We

understand that the people in this area value the Campana building for its historic importance and its unique architecture. The historic landmark has fallen into disrepair and underutilization. We do not want this opportunity to go by. The Fox River Valley Initiative knows that Evergreen has come up with reasonable solutions to the concerns raised at these meetings and it is time for our discussion to come to a close as quickly as possible so that you as a Commission could make a positive recommendation to the City Council to move this development forward for completion. The Fox River Valley Initiative will be here to work with everyone associated with this project to make sure that once it is completed any concerns that arise are addressed. They are not afraid of the ramifications for this building. We believe that it is a very hopeful and beautiful thing for our community.

Guy Prisco, Holmstead, asked why was a housing project ever proposed for the Campana building. Surely, viewing the building from the east and the south and keeping in mind the historic preservation restrictions and restrictions proposed by the design and construction of the building itself would allow even a casual observer to conclude that such a building could never be suitable for human habitation. The requested changes in the proposal do not result in livable housing units. For example, the proposed installation of horizontal windows below the sill line at the first floor level to comply with transparency requirements and the entire exterior wall glass block is an affront to any tenant, particularly to low-income tenants. Just imagine, how would you like living in such a unit. Likewise, on the building's west side, even though narrow windows will be inserted in the glass block panels this does little to improve livability when other livability issues are considered. Based on the limited information provided, most of the units will be windowless with 16ft high ceilings and interior bedrooms with a loft space over some of the bedrooms. Also, the long corridor serving units on the first floor includes a line of structural columns down the middle of the corridor that creates a regimented institutional environment look. Such living accommodations are not suitable for human habitation and give the appearance of warehousing people. There is much support for affordable housing. The consensus seems to be if our tax money is to be used for affordable housing such housing should be dignified housing that is located in areas that provide the amenities and public services and not a vehicle to service a historic renovation project. In regards to the historic preservation, most people believe that the Campana is a landmark to be preserved if feasibly possible. Many people believe that the west and south views are very unsightly and distract from the main structure and wonder why the historic preservation rules seem to only apply to the front of the building. Some believe that if the building cannot be properly maintained than demolition of the property should be considered. It is the hope of most that the owners of the Campana would seek another appropriate tenant or tenants that would make it financially feasible to preserve the building. This building does not make sense for housing.

Alicia Hirt, 412 Locust Street, stated that there are several benefits a project like this could offer our communities. There are several studies, including the higher density development fact sheet, that show the benefits of increasing higher density developments. Some benefits are growth of the local economy, encouraging local job growth, drawing in young professionals, and mixed use has a balance of people leaving and going at several different times, which benefits parking.

Patty Lackman, Vice President and Voter Service Chair of the League of Women Voters of Central Kane County, encouraged the City of Batavia to approve this proposal. Approval of this

project would help our communities meet the critical housing needs for our low-wage earning working citizens. In addition, approval of this project would help preserve a Kane County historical jewel. No one has proposed a workable use of this property for over forty years. The League believes that the proposal presented by Evergreen is our community's last best chance to save a building worth saving while providing affordable housing to citizens who deserve an opportunity to live in the communities in which they work.

Margaret Eagan, Assistant Director for Preservation Partners of the Fox Valley, stated that the City of Batavia faces unique challenges with the Campana property: The Campana building is a white elephant and has been for years. But, it is also an iconic landmark, a beacon on the Illinois prairie, which is deeply appreciated by many in our region, and far beyond. The challenge facing us today is approving an appropriate use for the building, that will allow its owners to fully utilize the site, and will accomplish a comprehensive restoration of the beloved landmark, preserving its integrity for decades to come. A brief history, as Executive Director of PPVF, I have monitored development proposals for over 2 decades: these three stand out:

- Build Dreyer clinic in front, to the north, with strip of retail on bottom floor of Campana, including large picture windows for each store
- Move the entire structure forward on property, to allow large townhouse development to the rear (west)
- Rent out a large portion of the building to a Chicago charter school

None of these proposals advanced to review by City staff and officials. Most important, non of these proposals would have restored the building, repairing its unique features, such as glass block windows, ceramic tile, and concrete infrastructure. We have in front of us tonight a project that will accomplish the goals I have outlined, a proposal that has met the rigorous approval of the State Historic Preservation Agency, qualifying it for federal historic tax credits. Preservation Partners strongly supports the proposed use of the site for mixed income housing; however, our focus tonight is the future of the building. We are well aware that you appreciate the profound significance of the structure, since you designated it a Local Landmark: we simply want to add our voices to the chorus of supporters who view the Evergreen proposal as a remarkable opportunity. We implore you to take advantage of it.

Alexander Romanov addressed the Commission. He explained that the proposed renovations are an expensive and inefficient way to do affordable housing and not an appropriate location as was mentioned before. He discussed the installation ratings for the walls and windows and stated that tenants would have to pay a lot for utilities especially during the winter. He explained that the high ceilings the warm air would rise and it would be costly to heat. He continued that one thing he learned while living in this country is having children is very expensive. He suspects that a lot of the tenants in the building would have children. He stated that the traffic studies seem suspicious and underestimated. He shared he was raised in an affordable house provided by the government. He feels that this is an inefficient way to provide affordable housing and that the millions of dollars should be spent in a more efficient way by providing even more units of affordable apartments for those waiting for such housing.

Robin Schroeder, 1764 Eaglebrook Drive, commented that the HPC has no elevation. She served on an architectural committee for five years. We would not have heard a potential plan without

an elevation. The preservation board has no say over the inside of the building, only the outside. For a prospective entity to show up without an elevation is very weird. To have the prospective person seem very upset when their plan wasn't accepted initially was even weirder to see. She addressed the letter supplied in the packet of information from Geneva's School District Board. She stated that there is a copy of it inside of the agenda. Staff commented that Geneva 304 welcomed all new residents to the school district and is happy to serve all students within the confined boundaries. However, the rest of the letter lists four different concerns that they had that she does not think was addressed. She asked if Evergreen has replied to them at all. The first concern was a sidewalk between Campana and Allen Drive. The other has to do with buses and the ability to turn around inside of those parking lots. Another concern was with a twenty-five thousand dollar impact fee to help with technology improvements and faculty. The fourth item was to determine the impact of the project on the other property taxpayers in Geneva 304. She would like to see Evergreen to address these concerns, especially since the City of Geneva has no say on this project whatsoever but yet that municipality is responsible for a lot of the uses Campana would use in the community.

Ruth Bastian, Allendale, asked about transporting children from this usage to Western Avenue school. She believes that they will be transported by van at this point. She asked what are the other alternatives to the school versus going in a van. What if someone decides that they don't want to use the van how would they get to school. Are there going to be any before school or after school activities. How are the kids going to get to and from school that way. She asked if the parking is land banked what triggers the parking to be constructed and added and how long will it take to construct.

Ed Lowrie, property owner in Batavia, stated that the building does not look suitable for residential and agrees it is a square peg in a round hole. He agrees with the daycare center so that working families and single parents have a way for their children to be taken care of right on site. He agrees with the concern with the impact on property values, taxes, and there should be some relief if property taxes go up.

Steven Cooper, attorney representing Joseph and Samantha Keefer, stated that he submitted a letter to the City regarding the concern of a legal issue regarding the planned development overlay. They reviewed the existing zoning and the proposed zoning. The existing zoning would permit all the uses that Evergreen wants to put onto this property. There are two specific opportunities where the use of the overlay will provide to Evergreen. The first is the avoidance of the need to go through the variance process. They have asked for many deviations from the required parking to the required retail percentages on street frontages, those are not deviations, they are variances. Using the overlay would benefit Evergreen by allowing them to avoid the need to go through the variance process. Another benefit to the overlay would allow Evergreen to subdivide the property. He explained that the valuable commercial lots of the property could be sold separately if subdivided. He discussed the land banked parking and asked if the City considered who is going to determine whether additional parking is necessary or not, when it would be done, and what that is going to cost. He has not heard from staff or the plans that Evergreen is going to provide the City with a durable letter of credit to cover the cost to build such parking lot if additional parking is needed. Now is the time to insist on doing the parking that may be needed and the Mayor has expressed concern about the amount of parking in the

proposed development. A bank will not pay for additional parking if the property is in foreclosure, the citizens of Batavia would have to pay for it. We cannot determine the drainage requirements of an impervious surface of additional parking. The cost and drainage cannot be determined until it is engineered. He asked the City why they could not simply require the parking as provided in the ordinance.

Jeff Wilson, Geneva resident, shared that he has been on the Plan Commission and he has been on the City Council so he understands the unique responsibility you have before you. He knows that the PC understands that you are in no way bound to the staff's recommendation. You have to reach individual determinations on an enormously complex set of issues that have been presented here. He feels that there is good reason to vote no. Regardless of how you vote, even if you do vote no, does not affect the project. The urgency of this meeting could be somehow leveraged with the fact that this does have to go to City Council. If you deny it, it does not end the process. It puts the project in the hands of elected officials that could be held accountable by the voters of this community. Ultimately, he hopes that is where this decision ends up so that there could be clear accountability of elected officials on this. He encouraged the PC to deny it and then the Council would have to pass this by a supermajority and given the complexity of this issue that is exactly how it should be resolved, with elected officials as a supermajority vote. He thanked the Commission for their time.

Gunther Lubben, Geneva, shared that he has built affordable housing projects, industrial and commercial projects. He distributed a handout addressing real estate taxes and asserted that he does not think that the tax numbers presented are correct. He discussed the wireless communication and giving relief by keeping the wireless towers in place. He would argue to not grant to relief and terminate the two leases, they should keep the single ownership and not subdivide the property. He provided data on traffic and stated that he does not think that the traffic data counted the traffic produced from classes held at the Campana building. He asked if this applicant could create a reserve to help maintain the property up to the proper standards. He concluded that we absolutely need this type of project in this area but it just does not fit in this location.

Beth Hunter asked to address the Commission after the applicant's comments. Chair LaLonde stated that would be fine.

John Rockwell, Geneva resident, read a letter submitted to the City Council earlier in July. The letter addressed the several variances Evergreen is asking for which shows how flawed the project is. The building was never designed for such use and simply cannot support it. He asked where does the overflow of parking go. The only entity that would benefit from this project is the Evergreen group on the backs of the taxpayers. There are way too many issues to public safety that are being glossed over. The entire project is laden with safety hazards in every direction and no one should be needlessly exposed to this dangerous development. He asked who would want to live there. It is a concrete dungeon with few usable windows and serious limitations to construction techniques. There are many traffic concerns, noise, an incredibly dangerous intersection, with poor pedestrian options and too many people put into a building that was never designed for such use. Everyone needs a good safe place to live. This building and this location is not the answer. He asked the Commission to represent the will and majority of the people in

this community. There will be many negatively impacted with this proposed development if you approve this project.

Ed Fermanis, tenant of the Campana building, handed out photos to the Commission. The first photo is from Monday, July 28, 2017 on a sunny evening at 7:40pm in the west stairwell of the Campana building. Using an infrared thermometer they took a reading of 120 degrees of the glass blocks and the outside temperature at that time was 71 degrees as shown on the second page of the handout. On page three is the actual view out of the glass blocks and noted that the renderings have unrealistic views shown. The inefficiency, heat magnification, and poor visibility makes the Campana building a poor fit for low-income housing or humans in general.

Joe Kefer, Geneva resident, distributed handouts to the Commission and presented the documents via PowerPoint for the attendees to view. He asked about Evergreen's application for LIHTC funds. This was a competitive process completed in the summer and the fall of 2016. Twenty five developers competed for this money, twelve developers were awarded it and Evergreen was one of them. One of the parts of Evergreen's application is called a Phase I Environmental Assessment completed by Pioneer Engineering and addressed to David Block. Phase I determines whether or not the site is suitable based on a number of environmental factors. He noted that a required radon test was never done and Pioneer just rolled over the county average and moved forward. The Illinois Housing Development Authority (IHDA) is now requiring them to include radon mitigation systems in Campana. He asked why this was not represented in the initial application for LIHTC funds he does not know. Evergreen's Phase I even states that the Campana is located in a predominately low income and minority neighborhood, which is not a true statement. He asked the Commission to view page 16, noise abatement and control. Pioneer shows the number as below 65 and thus not requiring mitigation. He directed them to view attachment 9, which includes the HUD day night noise level calculator. The data pioneer entered does not include any medium or heavy trucks that drive on route 31 or Fabyan Parkway. The data input only includes passenger vehicles. Fabyan Parkway is a class two truck route. Section 51.103 on noise abatement and control states a decibel level of 65 or below deems the site acceptable. A noise level between 65-75 is typically unacceptable. A noise level higher than 75 is deemed unacceptable and according to page 4 of the HUD noise guide book a site that has an unacceptable rating would not be funded except under very limited circumstances. He noted that just ten trucks within a twenty-four hour period would bring the noise calculation to 65.1, which is unacceptable. The Kane County department of transportation did a traffic study in September of 2015 that counted 898 heavy trucks on Fabyan Parkway within a twenty-four hour period. If those are included the decibel level reaches 73. Kefer stated that it appears that numbers presented by Pioneer came from the IDOT website and the traffic study was obtained from his wife through a FOIA request to Kane County. He reiterated that for millions of dollars of taxpayer funds, no truck data was submitted on the application. He stated that HUD would do a review of the site should the decibel level be in the unacceptable range and then a whole host of potentialities would come into play once HUD starts reviewing the site. By not including accurate traffic information on the EA Evergreen avoided additional review and scrutiny by HUD that the law clearly states should happen. He recommended that the PC vote no on all requests for relief because this company has not displayed proper responsibility and motivation in developing a quality site and these tax credits would go back to

IDHA and given to another developer, and perhaps a developer who would put windows in the bedrooms.

Kefer had questions for the developer:

- How do you mitigate this property for sound when the historical restrictions are very complicated and burdensome for the exterior of the property, that is already constructed, has detailed historical restrictions to the interior and is made of mostly glass
- Did you intend to send these pages as presented and if so why were truck counts not included and what is the purpose of inaccurately describing the community surrounding the site
- The author of the Pioneer document should attend the Commission meeting to answer any further questions from the Commission and the community

David Block, Director of Development, Evergreen Real Estate Group, addressed the Commission. He presented a PowerPoint presentation addressing the comments and concerns from the last public hearing. This presentation is available to view on the City's website.

- Hazardous Materials Questions
 - Two heating oil tanks removed in 1998
 - No fryable asbestos remaining in the building
 - Building remediated for fryable asbestos 15 years ago
 - Asbestos remaining in the window caulking and glass block glazing areas and would be remediated according to all required standards
 - Lead paint in the newer stairwells. Paint is not flaking and could be encapsulated with new paint and is allowable under contemporary building codes
 - Lead baked into the tile of that building and was integral to the way the tiles are manufactured and not being removed
 - Radon tested as part of the 2017 survey and there is no radon above the 4.0 threshold
- Need for Affordable Housing/Market Concerns
 - Homes for a Changing Region Report
 - Upward trend in rents since the report was published
 - Map of primary market area shown to the meeting attendees where the market analyst reports people will be coming from
 - Proposing family housing and not age restricted or disabled only housing
 - Capture rate (1%), penetration rate (5%), absorption rate (11 units a month, about seven months) for the market
 - Proximate Opportunity Status approved by IDHA due to Geneva being considered an opportunity area community, Batavia is not considered an opportunity area community
 - Affordable Housing and Appeal Act (APAA): Geneva is under this threshold and Batavia is a little over the threshold
 - Evergreen would be happy to facilitate the process to allow Batavia and Geneva to share this credit under APAA

- These are not public housing units owned or managed by the Aurora Housing Authority. They are units that would be provided a subsidy through a federal contract between the project owner and the Aurora Housing Authority
 - The Aurora Housing Authority has agreed to allow us to set up a site based waiting list for the property.
 - People interested in coming to this community would come to this property first
 - Evergreen would review and approve their applications and then send them to Aurora Housing Authority to be approved.
 - They would not be using the waiting list for people who are already at the Aurora Housing Authority. This is a separate waiting list and a separate process.
- Wireless
 - Adam Kauffman, NTP Wireless and representing T-Mobile, addressed the wireless concerns.
 - The Commission, by federal law, cannot rule on this issue.
 - The American Cancer Society, World Health Association, European Union, FCC, CDC, FCC have all conducted longitudinal studies on the safety of wireless antennae facilities and there is no evidence that there is any long term health effects from wireless antenna facilities.
 - A report from the World Health Association Study will be provided to City staff for posting on the website. This study shows that there is no evidence of increased risk of cancer.
- Traffic and Parking
 - Steve Corcoran, Eriksson Engineering, addressed the Commission.
 - Required to provide 301 parking spaces under the zoning code.
 - Providing 302 parking spaces on the site
 - Only building 206 parking spaces for both commercial and residential as summarized in the parking spaces
 - 96 spaces to be land banked
 - Not being built now to prevent unused parking spaces and a bunch of pavement.
 - Keep it open with landscaping and reduces stormwater runoff
 - The City could ask the developer to build more parking. If the developer sees the need for more parking they could go back to the City to get approval for the construction.
 - Shared parking
 - 80 apartments do not generate a lot of traffic
 - One and a half cars per minute
 - Traffic could go to either Route 31 or Fabyan and avoid the intersection with the new internal roadway connection proposed
 - Delays less than a second at the intersection due to site traffic
 - Traffic projection chart shown to the meeting attendees
 - Impact of this development in terms of operations are nominal
 - No correspondence received IDOT as of yet

- Correspondence received from KDOT and reviewed comments in the letter with the attendees
- Other Site Issues
 - New sidewalks on the racetrack would not maintain the historic integrity of this element and cannot be done
 - All site lighting is in compliance with City ordinances
 - City's noise ordinances would be followed during construction
- Drainage/Civil Engineering
 - Mike Renner, Principal Engineer Eriksson Engineering, showed four PowerPoint slides to the Commission
 - Impervious areas
 - The proposed plan only creates 15,355 square feet of new impervious area
 - Below the 25,000 square foot threshold that Batavia and Kane County have in their ordinance. If exceeded than stormwater retention is required
 - Illinois Drainage Law
 - Existing drainage patterns on the property
 - Site maneuverability
- General Project Location
- Taxes, Fiscal Impact, Property Values
 - Meta Analysis of academic studies on property values nearby
 - District 304 enrollments, Campana's contribution to school district taxes over the years
- Importance of High-Quality Property Management
 - Holistic approach to property management
 - Regulated by multiple levels, by the State, by the County and by the Cities
 - Arrests and evictions at similar housing developments
- Process and Schedule
 - Meetings with stakeholders
- Details, Questions and Creditability
 - Evergreen disagrees with the legal issues presented by the letter from Mr. Keefer
 - Number of students analyzed and database indicated the number of students concluded to be 26
 - Number of teachers who could qualify, single earner with three children, reviewed publicly available data
 - 91 in the City of Geneva, Block noted that he was off by six
 - 56 in the City of Batavia, Block noted that he was off by eight
 - West wing is from the late 80's and early 90's and is not a historic element and irrelevant to the historic preservation plan
 - Noise analysis issues. They looked and corrected the information.
 - They acknowledge that there are trucks
 - The sound transmission criteria for the wall is a net 38
 - They always do our best for clear, consistent and correct information with all of our stakeholders

- Letter from the Mayor of Aurora

Chair LaLonde stated that there would be no deliberation tonight due to the late hour. In light of the hour, he asked to continue the public hearing to August 30th. There was no opposition from the Commission.

Motion: To continue the Public Hearing to Wednesday, August 30, 2017
Maker: Joseph
Second: Schneider
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

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. Other Business

There was no other business at this time.

7. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Harms moved to adjourn the meeting, Schneider seconded. The motion carried. The meeting was adjourned at 10:42pm.

Minutes respectfully submitted by Jennifer Austin-Smith