

MINUTES
August 30, 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; Commissioners Gosselin, Harms, Joseph, McGrail, Peterson

Members Absent: Vice-Chair Schneider

Also Present: Mayor Schielke; Mark Schuster, Legal Counsel; Joel Strassman, Planning and Zoning Officer; Scott Buening, Director of Community Development; Rahat Bari, City Engineer; Drew Rackow, Planner; Anthony Isom, Administrative Assistant to the City Administrator; Councilmen Uher, Callahan, and Meitzler; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

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

4. Approval of Minutes

August 2, 2017 Plan Commission and Zoning Board of Appeals

Peterson stated that on page seven the pronoun needed correction.

Motion: To approve the August 2, 2017 Plan Commission and Zoning Board of Appeals Minutes with correction

Maker: Joseph

Second: Harms

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

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

- **Continued Public Hearing: Amendments to the Zoning Map for a Planned Development Overlay**
- **Continued Design Review**
- **Continued Preliminary/Final Plat of Subdivision**

Chair LaLonde discussed the format of the meeting. He requested that there be no repeat comments and listed the issues that were addressed multiple times: increased traffic, intersection and access improvements, parking, stormwater management, pedestrian safety, sidewalks, health concerns, conformance to the Comprehensive Plan and Zoning Code, division of the property, effect on property values, noise emanating from the site, child safety, jurisdictional issues (KDOT, Geneva, IDOT), City services, need for affordable and accessible housing, historic preservation for both the building and the site. Items that are not directly related to the zoning request that have also been discussed and presented are: effect on real estate taxes, effect on schools, perceived increase crime, the applicant's submitted information for other jurisdiction, applicants, ambient noise affecting the building, social media ~~antedotes~~anecdotes of the applicant as a landlord, effect of resident's ailing population, health concerns (telecommunication equipment, radon and asbestos). Chair LaLonde stated that for the sake of time those addressing the Commission would be limited to three minutes. He asked for those to be as brief as possible to share their thoughts within the three minute time period.

Motion: To reopen the public hearing
Maker: Joseph
Second: Peterson
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

Chair LaLonde opened the floor for public comment.

Guy ~~Criseo~~Prisco, shared that his mother resides at the ~~Holmstead~~Holmstad and traffic has increased in the six years she has been there. Traffic and personal security issues are enhanced with this type of project across the street. He read the mission of the City of Batavia and stated that the mission should be considered when making this decision. He does not believe that this project is in the best interest of the community and the ~~Holmstead~~Holmstad and its 300 residents.

Bobbie Kane, Blair Street, spoke on behalf of the Fox River Valley Initiative. Over the past 119 days, almost four months, since the Committee of the Whole meeting in May, there has been much discussion regarding the issues pertinent to the proposal to add affordable working family housing to preserve a unique historical landmark. It is time for the discussion to end and for the Commissioners to make a recommendation to the City Council to support this project.

Debbie ~~Damen~~Damon, Batavia, stated that she agrees with Mr. ~~Keefer~~Kefer, Attorney Cooper and the lady who read her husband's letter. She asked that the City not allow for the parcels to be separated and to not grant the variances.

Andrew Oswald, ~~Batavia~~Geneva, shared that he was born and raised in Geneva and graduated from Geneva High School in 2008. He stated that his parents worked very hard to allow him to live in a safe environment with good schools that he grew up in. He was able to play outside without having to go through what children on the south side of Chicago have to go through. He shared how his father grew up in the south side of Chicago when it was a nicer area to live in and we see what public housing has turned that area into in 30 years and we have all seen how public housing has turned the south side of Chicago into in just thirty years. He is concerned that is

~~what~~ Geneva would ~~become the same type of area~~~~ome~~ thirty years from now. The real reason why we are here today is because we are concerned with helping people who are less fortunate than us who may be in situations that most of us would see as unfair. If he saw this proposal as a way to help those less fortunate, ~~than~~ he would be all for it. As we have seen the results of public housing in Chicago and throughout the world these public housing units do not help people advance. The other major downfall of this issue is that it is not about prosperity ~~– what – That is first and foremost what~~ all our goals should be about. He stated that these properties increase crime and bring down property values. He asked why don't we offer a new solution. Instead of spending millions on this new development why don't we take this to ~~w~~here the urban developments already exist to help them to prosper in their communities where they currently are rather than moving them here.

John Fermanis, 901 North Batavia Avenue, shared that he has been a tenant in the Campana building for sixteen years. At the last meeting, Mr. Block read a letter from the Mayor of Aurora complimenting the success of their development. He distributed a document comparing the two projects. Both projects qualified for historic tax credits. The Aurora property was a hospital turned to a nursing home and was an appropriate use for the senior living development Evergreen provided. The Campana building was built as a factory and converted into a warehouse and office space. Both projects are qualified for the historic tax credits and the Aurora vouchers. The things that are different were: no zoning variances, no children, no sidewalks required, no KDOT or IDOT changes needed, no cell tower antennae, and no safety issues.

~~Bob McQuillan statement was read by~~ Sandra Ellis, 40 S. Lincoln read a statement from Bob McQuillan. The statement read 'my concern is that property taxes will increase due to the Campana development and the real cost to the Geneva School District. While the Evergreen representative provided numbers, his logic on not paying your own way is flawed. Geneva school district residents with or without children do pay their own way. When his children moved through the system his neighbor's helped with the cost of their education and once his children had graduated he paid for his neighbor's children. When and if the Campana is developed the property owners have to pay their own way, through property taxes. Properties are assessed at 1/3 of the market value and taxes are based on the tax rate, which for Geneva School District is 5.36% of the assessed value. The market value of Campana will be 35 million, five million purchased and thirty million in build out. The assessed value will be twelve million. School taxes will come to \$643,200 per year or \$7,444 per unit based on the assessed value of \$138,888. The developer needs to pay their way for the education these children will receive. The argument that the property has paid taxes for years and it is their turn to ~~recoo~~precoup the benefit does not hold water. Many companies have paid taxes for years without the benefit of the school system. Lastly he wanted to allude to the elephant in the room, which is a potential of a federal lawsuit or a lawsuit by Evergreen. At the previous meetings, an attorney from the FHA said that people have the first amendment right to speak about not wanting 'those people' but it is against the law to act on that statement. The recent lawsuit against Kane County for sixty-eight million dollars is a prime example of what a no vote means. The developer who did not get approved to build a rehab center in Campton filed this lawsuit."

John Hunter handed out documents to the Commission for their review. He stated that there are a bunch of questions that still remain unanswered. He submitted questions to the Commission that

have yet to be answered. He stated that he also has questions about wireless communications facility and wondered how to handle that since the person who testified at the last meeting was not in attendance at tonight's meeting. He stated that the documents the person stated would be submitted to staff were not available on the website. Hunter stated that it looks like the antennae will go from sixteen to twenty-one. He thinks that the shrouding is a bad idea and throws off the proportions of the building. He asked if there have been any studies that would measure the exposure of those ~~antennas~~^{antennas}, notably the ones facing westward toward the Allendale neighborhood. Buening stated that exposure is ~~an~~^{an} irrelevant issue because we do not have jurisdiction as a municipality ~~regulate~~^{regulate} that, it is an FCC rule regulated by the Federal Communications Commission. We are preempted by Federal Law. Hunter stated that the ~~antennase~~^{antennae} are something to consider because they are asking for a variance for them. Hunter submitted his additional questions to the Commission.

Beth Hunter, Geneva, submitted consolidated questions for the Commission to answer. She stated that there is real concern that their questions would not be answered. She stated safety is of utmost concern and that it would be beneficial to have testimony of the fire marshal and police commissioner to get some assurance that this development would be addressed safely. She submitted letters and documents from her two cousins for the Commission to review.

Guy ~~Criseo~~^{Criseo}, ~~Holmstead~~^{Holmstad}, stated that the information obtained at this Monday's Historic Preservation Commission (HPC) meeting reinforced the contention that the Campana building is not suitable for human habitation. The film imprinted with a brick pattern to be placed below sill on the Campana did not show the visual transparency. The transparency was not demonstrated or shown. Based on the location shown on the wall the top of the window would be 36 inches from the floor and there would be four two foot by four foot windows per sixteen feet width apartment. The eye level of an average person seated at a dining table would be about 45 inches from the floor or about nine inches from the top of the window. The insulating value of the exterior wall consisting of four-inch glass block would be a far cry from the current wall insulating standard. All of this is further convincing information that the proposed housing is not suitable for human habitation. The construction of a berm or plantings to obscure the windows from the outside also obscures the outside from the apartment. The location of inside bedrooms could not comply with any standards for human habitation, the poorly insulated outer wall of each apartment represents at most one third of the required r value for residential units today.

Jennifer Beal~~e~~^e, 712 Forest Ave, stated she would like to have the Police Chief~~s~~^s weigh in on whether the predicted crime rate for the potential Campana project is an accurate and acceptable prediction. She shared that she has a background in chemistry and wonders about the brick façade that is being sprayed on the new windows. Evergreen's architect likened the windows themselves as looking through sunglasses and similar to a city bus window. She asked what kind of chemical compound will be used to spray on the windows and how does it hold up to time. She is wondering about the maintenance.

Leigh Anne Espinos~~za~~^{za} addressed the Commission. She stated that as already established, City of Batavia's Comprehensive Master Plan calls for the City to consider land effected outside of your jurisdiction and Evergreen's application narrative specifies they will comply by providing a

“graceful” transition from their commercial property to surrounding low density housing. She has three major concerns:

1. Three parking lot light poles adjacent to the back of her and neighboring properties will be seen from her three young daughters windows all night.
2. Noise from parking and recreational areas, in addition to the commercial uses that can be ever-changing in traffic & volume without further approval required
3. ~~Asthetics~~Aesthetics- our backyards are currently extremely tranquil, natural and active wild animal habitat alike our beautiful Fabyan park across 31.

The City of Batavia’s Multifamily Design Guidelines states that the “goal of improving the quality of community’s multifamily developments and to mitigate impacts often associated..” goes on to state “multifamily residential developments need to respect the scale and character of adjacent residential neighborhoods through attention to numerous things including noise and lighting mitigation and landscape buffering and to do so with a quality of materials that will physically endure the long term.

- | Context & Compatibility #5 – recommends perimeter walls with softening landscape
- #6 – says its design characteristics should be in context with the surrounding neighborhood and unify the development
- #8 – Orient so views to nearby private yards are minimal and when they do occur ensure they are indirect
- #9 – Locate components of the development that generate noise such as active recreation areas, trash enclosures, and maintenance buildings where they will not disturb adjacent uses
- #11 – Minimize negative effects of noise by use of materials that absorb or deflect sounds generated by adjacent uses. Masonry walls are an example.

Open Space and Common Areas exclusive of parking are a priority in the City Design Guidelines, and yet additional ~~al-bietalbeit~~ needed parking is being considered in ~~h#lieu~~ of soccer field and tot lot. This is a priority for a number of reasons including drainage, which would have a significant impact on the quality of our properties and property values. However adding additional parking would create even more obstructive lighting, which needs to be considered.

Building Relationship and Location section #6 calls for buffering active site amenities from adjacent uses. Landscaping section states it is critical to protect naturalized storm water management and to provide screening and buffering. Screen walls section – serve to hide unsightly parts of the project from public or residential views and are generally used to screen utilities, parking and storage areas. #1 masonry minimum of 8 inches wide, pre-fab walls and chain link fences are prohibited. #4 should be high quality masonry with long lasting stain and finished on both sides. #5 Inlays, material, color accents, texturing and other details are encouraged to add interest and richness to the wall. #6 Long stretches should be given shadow and depth by staggering and using integral landscape planters.

| She summarized Her point: ~~is that~~ lighting, noise and aesthetic of our properties stand to be invaded and these City Master Plans are created for a reason.

Gary Honeyman, Batavia, stated his concern with traffic safety.

Joseph Keffer, 1740 Pheasant Run, respectfully disagree that his previous questions were not relevant. He explained that he believes that the veracity of the applicant is paramount in deciding on whether to grant these variances or approve the project. He still hopes that the questions could be answered. He sent an email to Joel Strassman and it was distributed earlier today with the packet. The email references comments that Mr. Block made on August 16th when he said during the Historic Preservation Commission meeting 'we just can't accommodate new sidewalks and maintain the historic integrity of what this element is in the history of the building.' On Monday Mr. ~~Keffer~~Kefer spoke with Anthony Rubano (from the State Historic Preservation Office) and he informed Mr. ~~Keffer~~Kefer that a sidewalk along the east lawn parking lot was never proposed. He asked for verification and to get a sidewalk along the east lawn parking lot. He would also like to hear from the fire chief or designated fire marshal to discuss all aspects of this project. He feels that it is important to do now. He would like to know about the ability of trucks to enter and exit the site, the roadway accommodations around the site, the impact of the businesses in the Campana building and any recommendations that the fire marshal or chief would like to see. In particular, he thinks it is real important because the sub sill windows would be similar to safety glass. If you need to keeps someone from falling out that is great but if you need to get someone out that could be a problem. He would like to hear the fire chief or marshal's thoughts on that. He added that though they say it is up to code the code is for a skyscraper and that is not a skyscraper.

Matt Brown stated that he submitted a list of questions through Mr. Strassman in advance to the meeting. They were questions for both the applicant and the City. In response to the existing entrances being adequate to serving the site in the PM, P both the entrance on Fabyan is at a Level of service F and the entrance on Route 31 is a level of service F as well. That is based on the applicant's traffic modeling. He does not see how shifting the traffic from one entrance to the other during peak solves anything. A restaurant was mentioned as a use at the mattress store in the future and he would like to know what the restaurant would project in terms of use moving forward. He submitted an exhibit which shows auto-turn for a fire truck and if it is heading westbound on Fabyan and trying to make a right turn and using the connector road it overlaps with any vehicles which was a concern from KDOT due to the proximity of the throat and it also overlaps with the mattress store parking. This movement needs to be figured out before the approval of the site plan. The last meeting had a lot of talk about what the Kane County Stormwater Ordinance says and what the Illinois Drainage Law says. He talked to Kane County Stormwater to get some clarification on some of the things he has heard said. There was the discussion of the 25,000 square foot net of new impervious that triggers detention and that is not the case. It is any additional rise of downstream runoff and this project increases impervious substantially and the Kaene County Stormwater will be in contact with the City to discuss this further.

Jamie Tate asked that the PC inform everyone of the process of developing the Comprehensive Plan and who was involved in it. How this building was zoned as mixed use and why is there such a reliance on the Comprehensive Plan in this case. She asked if the public was involved in

this process. Everyone is saying that residential does not fit here and maybe the Comprehensive Plan is wrong and residential does not fit here.

Emily Ericson stated on page 2 of the City of Batavia Staff Draft Findings for Approval in review of the conditions, [there is an incorrect statement regarding the effect to property values of findings number 2 or 3](#). ~~She read the statement and stated that the statement is incorrect.~~ She stated that a report was submitted to the City staff and located on the City's website under Campana updates titled 'The Stanford Business Report Journal' which speaks directly to the impact of the property value. She asked that the findings 2 and 3 be reevaluated in light of the fact that this evidence was entered into the record and was not taken into consideration. Page three of the City's Staff Findings under the Design Review question number one was read to the Commission. She asked the City of Batavia to provide documentation and demonstrate that the multi-family design guidelines were intended to apply to only non-mixed use multi-family residents sites and not apply to Campana. On one hand the COB is relying on the parking zoning requirements that are stated specifically for multi-family residences located in mixed use. Basically it is relying on categories in this project as multi-family residence in some aspects and not in others. The COB has demonstrated an inconsistent application of City requirements as the evidence of this intent the parking zoning requirements for multi-family residence were intended to apply to mixed-use multi-family residential. This is a question that must be answered. Also, there is no mention of the multi-family design guidelines that state that the guidelines apply only to new construction so she asks the COB to further clarify how it applied the multi-family residential requirements from one part of the City's building requirements but not from the other. She asked if Evergreen has the intent to follow through with garden plots, as stated on the IHDA application for the tax credits.

A letter from Gunther Lubin was read to the Commission. "As a follow-up point I raised on August 16th I completed additional research regarding Campana's estimated future real estate tax obligations. After completing this exercise, it is clear that the developer did not complete proper due diligence in calculating his estimated future tax burden. In fact, Evergreen Development is referencing a cost that is nearly 94% below the assessor's estimate. The developer stated current taxes for the Campana building are around \$96,000 and they estimate future real estate tax burden to increase by \$50,000 to around \$146,000. At the last meeting I pointed out that amount seemed low. Knowing this huge operating cost is crucial for the public and the Committee to responsibly review and for the developer to confirm their financial model I met with a Geneva Township Assessor, the taxing authority for the Campana project. After discussing this project with the township staff, their preliminary estimate for Campana's future real estate tax obligation is approximately \$283,000 per year or \$137,000 more per year than the developer stated. The assessor's calculation is based on anticipated income, which was provided to the COB by the developer. When the commercial space component is backed out, estimated by the assessor at \$31,500 per year the 80 residential unit would need to cover \$251,600 per year or \$3,145 per unit in real estate taxes. When comparing this updated cost estimate to the one the developer provided this committee it equates to an average additional \$142 per month per unit each resident would have to pay to cover the required real estate tax burden. In conclusion, if the developer is incorrect with this amount on a simple tax forecast estimate, which only requires someone from the Evergreen Development Team to meet with the local assessor, it should concern all of us. What other areas may they be off on as well. This significant error questions whether the

developer should go back to IHDA and amend their general application for tax credits for this project. This mistake could impact the project's stability and may substantially raise rents to cover the future real estate tax obligations which may not be attainable." The letter was submitted along with photographs of pedestrian traffic across the Fabyan bridge.

Robert ~~Byrnes~~ urns, 2000 South Batavia Avenue, Geneva, handed out three items: a letter, mission statement from IDOT and a mission statement from KDOT. He noted that on the two mission statements from IDOT and KDOT the words safe and safety are listed first on each. The letter was submitted by Jeff Roloff on August 15th to Mr. Strassman. There was no evidence that it was distributed to the Commission and he finds it disturbing that letters submitted were overlooked. Burns discussed the volleyball facility and the traffic it produces that were not measured. He explained that there are 180 girls, 4 trips totaling 720 trips per day. Also not measured was Pro-force who runs a health training facility. There are 5 classes in the morning with 15 people per class and there are 5 more classes in the afternoon with an average of ten per class, which adds up 125 times two trips in and out. There are 970 trips a day that were not included in the traffic study.

Strassman stated that staff continues to be supportive of this proposal. 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. 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 recommends the Commission recommend City Council approval of the Zoning Map Amendment for Planned Development Overlay District with the modifications to the requirements of the Zoning Code and conditions listed below. The Commission may amend or remove any of these conditions or add conditions it deems needed.

Modifications:

1. **Zoning Code Table 2.504** regarding minimum parking setback from streets to allow less than the required 10 foot setback for the existing parking spaces in the south parking lot to accommodate the dedication of right-of-way for Fabyan Parkway as required by KDOT.
2. **Zoning Code Section 2.505.A** regarding land use mix to allow approximately 18% of first floor space in the existing building adjacent to streets to be used for retail, entertainment, or eating/drinking land uses, rather than the required 25%.
3. **Zoning Code Section 2.505.B** regarding transparency to allow less than the required amount of vision glass on walls of the existing building facing public streets, in accordance with the Historic Preservation Commission's action on the application for Certificate of Appropriateness for the building elevations. Facing Batavia Avenue, no vision glass extending from 2 feet above grade to 7 feet above grade need be provided for the commercial area, where approximately 72 feet in width would be required, and no vision glass need be provided where approximately 142 feet in width of vision glass would be required for the residential area above the first floor. Facing Fabyan Parkway, no vision glass need be provided for the 2nd floor where approximately 34 feet in width of vision glass would be required.
4. **Zoning Code Section 2.505.C** regarding building entrances to allow less than the required number of entrances facing public streets, in accordance with the Historic Preservation

Commission's action on the application for a Certificate of Appropriateness for the building elevations. Facing Batavia Avenue, three (3) entrances are provided where 13 would be required. Facing Fabyan Parkway, one (1) entrance is provided where two (2) would be required.

5. **Zoning Code Section 2.505.E** regarding parking field landscape separation to allow more than 20 spaces without requiring installation of 20 foot landscape separation.
6. **Zoning Code Section 3.203.A and C** regarding parking setback and landscaping in the Arterial Street Setback Overlay District to accommodate the existing conditions in the south parking area, i.e. less than a 50 foot parking setback and lack of landscaping resulting from dedication of right-of-way for Fabyan Parkway, as required by KDOT.
7. **Zoning Code Table 4.204** regarding parking supply to allow approximately 206 parking spaces to be constructed / striped on the Subject Property before occupancy of any residences, provided, land sufficient to construct / stripe additional parking spaces on the Subject Property be land banked by EREG, consistent with the site plan submitted to the City, to provide a minimum of 301 parking spaces on the Subject Property.
8. **Zoning Code Section 4.303.S.1** regarding monument sign landscaping to waive the required landscaping for the sign to be erected on the Batavia Avenue frontage, and to allow less than the required landscaping for the sign to be erected on the Fabyan Parkway frontage.
9. **Zoning Code Section 4.407.B.2.a(4)ii** regarding the Fabyan Parkway monument sign setback to allow the sign to be set back less than the required 10 feet from a ROW or private street.
10. **Zoning Code Section 4.704.C.1** regarding the building being a wireless communication facility support structure to allow the existing wireless communication facilities, as described in Evergreen Real Estate Group's application for approval of the Planned Development Overlay District, to remain on the Subject Property, in accordance with an approved Certificate of Appropriateness for the building elevations.

Conditions:

1. Site improvements shall be in substantial conformance with the set of plans submitted by EREG dated 6-30-17, with a limit of 80 dwelling units.
2. Approval of the Planned Development Overlay is granted to Evergreen Real Estate Group (EREG Development LLC) and substantially related entities and is not transferrable without prior approval of the City Council.
3. Approval of a Certificate of Appropriateness (COA) for the Subject Property.
4. Dedication of ROW for Fabyan Parkway, as required by KDOT.
5. Dedication of ROW for Batavia Avenue-IL 31, if required by IDOT.
6. EREG shall use its best efforts to provide transportation for grade school children residing on the Subject Property, to and from Western Avenue School for classes and school special events where feasible. Such transportation is to be coordinated between Geneva School District 304 and EREG, unless waived in writing by the School District.
7. Construction of a sidewalk along the Fabyan Parkway frontage of the Subject Property, subject to approval by KDOT.
8. Installation of a north-south pedestrian crosswalk at the intersection of Fabyan Parkway and Batavia Avenue-IL 31, with pedestrian crossing signals, per the plans submitted to the City by EREG, and approval by KDOT.

9. Periodic review of parking adequacy on the Subject Property by City Staff, and further, prompt construction and striping by EREG of additional parking spaces upon determination by City Staff of the need for additional parking per the land banked parking plan. The City's review will include but not be limited to review of non-residential tenants on the Subject Property.
10. Waiver of objection by EREG to proposal and establishment of a back-up Special Service Area for the territory comprising the Subject Property for the purpose of funding construction of additional parking facilities, and associated improvements to comply with applicable City codes, including, but not necessarily limited to stormwater management, per the land banked parking areas designated on EREG's plans and after determination by the City Staff that such parking spaces are needed to serve the residents and commercial occupants on the Subject Property.
11. Approval by City Staff of final site engineering plans to be submitted by EREG to Staff as part of the building permit process.
12. Approval by City Staff of the sign site and landscaping plan for a monument sign proposed for the Fabyan Parkway frontage of the Subject Property, to be submitted by EREG at the time of building permit submittals, including but not limited to review for aesthetic and safety purposes of visibility issues and the adequacy of the landscaping.
13. Approval by City Staff of added tree species diversity to monoculture tree areas.
14. No gaming licenses shall be permitted or issued for the Subject Property.
15. Relocation of the existing wireless communications facilities on the building to the top of the existing building and construction of a screening enclosure approved by City Staff and the Certificate of Appropriateness.
16. Land/cash contributions per City Subdivision Regulations (City Code Title 11, Chapter 6).

Design Review: Staff recommends the Commission approve the Design Review in substantial conformance with the set of plans submitted by EREG dated 6-30-17, subject to the conditions listed below. The Commission may amend or remove any of these conditions or add conditions it deems needed.

1. City Council approval of the application for Zoning Map Amendment for a Planned Development Overlay District for the Subject Property, including changes to site plans per City Council approval.
2. Approval of a Certificate of Appropriateness for the Subject Property.
3. The modifications to the Zoning Code requirements as listed for the Amendment to the Zoning Map for Planned Development Overlay District for the Subject Property.
4. The conditions of approval recommended by City Staff for approval of the Amendment to the Zoning Map for Planned Development Overlay District for the Subject Property.

Preliminary Plat of Subdivision: Staff recommends the Commission recommend City Council approval of the Preliminary Plat of Subdivision subject to the conditions listed below. The Commission may amend or remove any of these conditions or add conditions it deems needed.

1. Revisions to the plat to be approved by City Staff to accommodate dedication of ROW as required by KDOT and/or IDOT.
2. Adding access, utility, cross-access, and drainage easements per City Staff approval.
3. The conditions of approval recommended by staff for approval of the Amendment to the Zoning Map for Planned Development Overlay District for the Subject Property.

A statement added to the plat stating that each subdivided parcel of the Subject Property remain in unified ownership by a single entity or between substantially related entities at all times.

Schuster discussed the Commission's scope of authority on the matters discussed by Strassman. Schuster stated that the City Council makes the final decision on the Zoning Map Amendment and Plat of Subdivision with the Plan Commission's input.

Block showed the color rendering of the Campana project that was presented to the Historic Preservation Commission. Block discussed the arguments they made to the Committee of the Whole on May 2, 2017 as the context on why they are proposing this project.

Motion: To close the public hearing

Maker: Joseph

Second: Gosselin

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

The Commission held discussion and questions regarding this project. Joseph asked for clarification on the retail and the sidewalk going to Allen Drive and if it was permitted by IDOT or KDOT. Block answered that the proposed retail is the mattress store remaining and the other uses in the west wing of the property are not retail and are commercial use. The only retail is the mattress store. The sidewalk west on Allen Drive and KDOT has indicated preliminary support on that and they are willing to work with KDOT to get that done. The challenge is the sidewalk would be built in right of what that they control but it would effectively be going across the front yards of some homeowners between the medical office property and Allen Drive. The goal is to not make the neighbors unhappy. They are happy to work with KDOT and the City of Batavia to get that done if that is an objective. Buening added that he spoke with the Geneva Township Highway Commissioner and he had indicated he was not favorable of the sidewalk being extended. Joseph questioned how children from the Allendale area would the children get to school without sidewalks. Buening stated that children in the Allendale area walk to school oftentimes they are bussed to school.

The Commission discussed parking. Block stated that if there is a need to assign individual parking spaces they would do so. However, they will not be assigning individual parking spaces until the need arises. Steve Corcoran, Director of Traffic Engineering at Erikson Engineering, discussed the parking spots that are available. He explained that out of the 111 projected vehicles, 88 parking spaces are provided out front with the remainder provided in the back of the building.

The Commission discussed the building's elevator, ADA accessibility, entrances and exits, sidewalk on the south property line, and the developer's preference to not put sidewalks in the raceway but they are willing to consider it. Block stated that the building complies with the building code in all material ways. LaLonde asked if that also includes the Illinois Energy Code and Block answered yes. The Commission continued discussion on the building including the windows, maintaining the glass blocks, land banked parking, traffic circulation, drop off with visitor parking only signs (4-5 parking spaces at the front), truck and emergency vehicle access, and AutoTurn. Buening noted that the fire department did not have any specific concerns regarding access to this site. The Commission continued discussion on the project with

discussing lighting, ten feet in height for lighting in the front, photometrics, lighting fixtures, peak time traffic, consider right-in right-out, delivery trucks should be taken into account,

McGrail asked about the adoption of the Comprehensive Plan. Strassman answered that the City sought participation throughout the community for people to join in on the process. There were different subgroups formed, except for the bicycle plan (which was done by a consultant), to address each element within the plan. There were public meetings held for each one of those subgroups for each element in the Comprehensive Plan. Each element was brought to the Plan Commission (PC) for their review and suggestions on the drafts of each element. All of these were done during open meetings. The group who drafted the land use element also had the final look at the land use map. The Plan Commission did recommend approval of the land use map with Mixed Use (MU) as ~~a~~-the land use designation for that property. The PC recommended draft was presented to the Community Development Committee and then was presented to the full City Council for adoption of the plan. Mixed Use designation was then applied to that property.

The Commission continued discussion on the landscaping. Block stated that the historic preservation professional opinion is that the great oval and the great lawn in the front of this building is integral to this building's historic character. The PC discussed the berm and how fencing would not be approved by the historic preservation. LaLonde stated that the potential land banking could cause the removal of any recreational opportunity for this site because the parking would replace that. Block answered that they understand the concern and stated that he is certain that the state and federal historic preservation authorities would not approve a fenced-in area on the north side of the property. He stated that they could certainly ask the question and try it. He continued that there is a five-year holding period for the historic tax credits, after which there is a little more flexibility to address concerns on the property. Potentially, if the historic preservation authorities do not approve the concept you are talking about we could look at doing that five years from the date of the beginning of the holding period for the credits. Buening noted that both Geneva and Batavia have parks that are on arterial roadways that do not have fences. Peterson asked if there were benches for people to sit. Block stated that there were no benches at this time. LaLonde read the design guidelines for larger multi-family development and stated that we should look for ways that we could enhance the exterior use of the property.

Improvements to the intersection and access to the property was discussed. Moving the entrance was discussed and the traffic engineer stated that they do not see the need to move the entrance at this time. They understand that with conversations with KDOT, when they come in to do the major construction they are looking to put in left turn lanes on southbound Route 31, and they would like to ~~make-have~~ the roadway project make the final decision.

The Commission discussed the tower and the cell phone antennae~~s~~. Block stated that it was the State Historic Preservation Office (SHPO) that suggested the stealth enclosure option because they do not like the antennae~~s~~ placed on the side of the tower, where they are currently. He stated that it does change the proportions of the tower but removes the visual distraction of the antennae~~s~~ and consolidates the equipment ~~behindy~~ a screen.

Peterson stated that Commissioner Schneider could not attend tonight's meeting but had a question on condition number nine. He asked if the wording could be stricter with time allowed. The wording states "prompt" and that gives too much leeway. LaLonde stated that we could set a reasonable time limit.

LaLonde asked about stormwater runoff, in particular with the building of land_banked parking. Tim Brown, Civil Engineer with Eriksson Engineering, stated they are not adding much impervious to the front right now, there is a large gravel area to the north side of the western addition and according to COB engineers and Kane County that all reviews regarding stormwater would be done by COB staff. All of the existing aggregate would be counted as an impervious area and they will get credit for removing that area. He showed the Commission the existing aggregate. LaLonde asked if the land_banked parking put them over the threshold. Brown stated that is their understanding and they would provide detention, if needed, the stormwater with a small pond (designed as a dry basin) on the east side of the property on the north area of the racetrack and there is potential for underground detention on the west side of the building. Detailed calculations would be done at the time they submit for permit. The Commission discussed the repairs and materials proposed for the building.

The Commission discussed the modifications to the Zoning Code. The Commission requested the following:

- Condition number six- remove the language "use its best efforts to"
- Condition number nine- the word "prompt" replaced with "12 months."
- If land banked parking is installed to relocate the tot lot area
- Sidewalks along the east parking in the front of the building. The sidewalks would go all the way to Route 31 and to the building. Peterson noted that there is a Pace bus stop in that location as well.
- Develop a drop off zone for residents and deliveries.
- No left turns onto Fabyan Parkway~~Change access to a right in and right out~~ during peak times.
- Considerations be given to adding a couple of benches to the tot lot area and to the front sidewalks, bike racks and trash receptacles.

Motion: To continue the meeting to September 6, 2017 at 7pm

Maker: Joseph

Second: Peterson

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

6. Matters From the Public (For Items Not on the Agenda)

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

7. Other Business

Joseph asked if the One Washington Place project was moving forward since the construction costs have increased. Buening stated that they are looking at options to value engineer the

project. Buening stated that if there are substantive changes than the PC would have to approve of such changes.

8. 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, Gosselin seconded. The motion carried. The meeting was adjourned at 10:49pm.

Minutes respectfully submitted by Jennifer Austin-Smith