

**MINUTES**  
**October 10, 2017**  
**Committee of the Whole**  
**City of Batavia**

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

Chair Brown called the meeting to order at 7:30pm.

**1. Roll Call**

**Members Present:** Chair Brown; Ald. Russotto, Atac, Stark, Chanzit, Wolff, Salvati, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone and McFadden

**Members Absent:**

**Also Present:** Mayor Schielke; Mark Schuster, Legal Counsel; Deputy Chief Craig Hanson, Batavia Fire Department; Chief Eul, Batavia Police Department; Laura Newman, City Administrator; Scott Buening, Director of Community Development; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Anthony Isom, Administrative Assistant to the City Administrator; Gary Holm, Director of Public Works; Chris Cudworth, Communications Coordinator; Rahat Bari, City Engineer; and Jennifer Austin-Smith, Recording Secretary

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

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

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

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

**4. Presentation: WWTP Project Monthly Update (Gary Holm 10/5/17)**

Holm reported that staff had skipped the September update so they are here for the October update. Since then Trotter had changed the format of the updates to make it more visibly appealing and breaks down the data. Holm gave the project update. He stated that so far everything is on target time and cost wise. He showed the change orders already approved by City Council. There were no change orders in September and October.

**5. Resolution 17-113-R: Authorizing Patrick Engineering to Perform City of Batavia Survey Monumentation Program in the amount not to exceed \$31,408 (RB 10/5/17 COW 10/10/17)**

Bari clarified that the amount is for \$29,408.00. Wolff noted that \$25,000 is budgeted for this year and the remaining would be funded in 2018.

**Motion:** Recommend approval of Resolution 17-113-R: Authorizing Patrick Engineering to Perform City of Batavia Survey Monumentation Program in the amount not to exceed \$29,408

**Maker:** O'Brien

**Second:** Uher

**Voice Vote:** 14 Ayes, 0 Nays, 0 Absent  
Motion carried.  
CONSENT AGENDA

**6. Opening of Bids and Motion to Accept a Bid for a Parcel of Land at 2150 Main Street (SCB 10/4/17)**

Stark welcomed Scott Buening to announce the sealed bid for the property. Buening reported that the sealed bid is from JLE Properties LLC and the date of the bid is October 2, 2017 for 2150 Main Street land sale for a cash price of \$8,225.00.

**Motion:** To Accept a Bid for a Parcel of Land at 2150 Main Street

**Maker:** Salvati

**Second:** Callahan

**Voice Vote:** 14 Ayes, 0 Nays, 0 Absent  
Motion carried.

**7. Ordinance 17-59: Amendment to the Zoning Map for a Planned Development Overlay District, Campana Property, 901 North Batavia Avenue, Evergreen Real Estate Group, Applicant (JS 10/5/17) (Continued from COW 9/26/17)**

Stark instructed the meeting attendees regarding the three minute time limit per person for public testimony and informed the group that there is a timer for all to view that would be run by the recording secretary. Stark continued that this is meeting number eleven for this project. Chair Brown stated that the three-minute time limit is to ensure that everyone has the opportunity to speak.

David Block, Director of Development for Evergreen Real Estate Group, and applicant for the Campana Project. He addressed where they are with the State Historic Preservation Office (SHPO) and the National Park Service (NPS) approval of the full build out scheme and how they define amenities, particularly if the full build out for parking is required. They have sent their full engineering drawings of this full build out scheme to the SHPO and SHPO has forwarded the drawings to the NPS in Washington. Block does not have any answers back at this moment since it is under review. This project is subject to multiple layers of government review. This review and approval included both the sidewalks around the racetrack area and the detention areas in the northwest corner of the site and along the northbound.

Block discussed the definition of amenities and noted that they had a tot lot and a soccer field as the amenities. He showed the drawing of the full build out scheme with the 301 parking spaces. He showed the relocation of the tot lot and the soccer field. They have looked into netting solutions that are tall enough to prevent balls from getting kicked into the street. These would be removable elements that would not affect the historical nature of the front lawn. The soccer field would be defined as a playing field of at least 15,000 square feet. The removable netting could

be placed all along the edges of it to keep balls and Frisbees off of the street. Steve Corkrin, Director of Traffic Engineering at Erikson Engineering and Associates. He reported that KDOT issued a comment letter with fifteen comments in total. We plan on complying with all their comments except for two. The first was for a PACE bus pull out on Route 31 in front of our site on the northwest corner. They submitted the plan to PACE and PACE did not want it because it did not meet their standard to warrant for a bus turn out lane. They had a conversation independently with KDOT to let them know that they did not want a bus turn out lane at that location. When there is an internal driveway off of a County freeway, which is what Fabyan Parkway is classified as, the first cross access should be at least five hundred feet away from the roadway. They would like the intersection at least five hundred feet away from Fabyan Parkway. In this case we would have to request a variation from their code in order to get that. In regards to safety, for a regional intersection such as Fabyan Parkway and Route 31, a traffic impact study for eighty apartments would never come close to addressing the needs and desires to fix the safety issue relative to that intersection. KDOT has been studying that intersection for years. KDOT has also received a grant from IDOT to do more safety improvements at that intersection and he displayed the letter on the screen for the meeting attendees to view. The grant would allow them to relocate all the signal heads to be in the center of the lanes, possible installation of yellow flashing arrows for the left turns, warning signage, and a detection system for the dilemma zone which would make for a safer intersection. He is not aware of the schedule for KDOT.

Block addressed the KLOA traffic study. He stated that he extracted the seven minutes from the Plan Commission meeting on August 2<sup>nd</sup> and would show it to the Committee if desired. Steve Corkrin addressed the concerns highlighted in memos from KLOA. First concern was safety and he previously discussed the safety updates from the County. Corkrin stated that they are following KDOT's requirements to reduce directional distribution to 20% to and from the east. The changes recommended by the KLOA study were inputted and they had a nominal change to the results. He continued that they are still waiting on IDOT regarding the Route 31 access. They are not quite tripling the amount of parking that is out there and cutting the amount of commercial user square footage in half so we are providing a lot more parking for commercial with less users that are out there today. The medical office has forty spaces north of the building. Even added to the calculation we are still at less than the 95 spaces we are presenting. There is more than adequate parking in terms of the commercial.

Block stated that the last issue was traffic management at the west wing. There are doors on the south and north side of the west wing. If needed, we will work with our tenants of the building to manage drop offs and pick ups at opposite sides of the west wing. For example, parents could drop off on the south side of the wing and pick up on the north side of the wing so there are no conflicts with drop offs and pick ups.

The COW discussed PACE's preference that bus turn out not be placed at the Campana location, traffic, Route 31 access, land banking parking, maximizing green space and reducing storm water run off, parking needs, shared parking, and managing parking with tenants (possibly assign parking for the purpose of managing parking for both populations). The COW reviewed the Findings of Fact modifications. There was some concern from Committee members regarding modification number three, that the vision glass was not suitable. The Committee discussed the

window placement, variances, the historic nature of the building, how the proposed windows would function, and Block noted that this unit is not for everyone but their market study has them convinced that there is a market for these types of units. Block discussed the window design with the COW.

O'Brien asked if the fire department signed off on this plan. Deputy Chief Hanson answered that the plan meets the required codes. The COW continued review of all modifications.

Modification number seven was discussed. Wolff stated that he would like to make sure that the Committee has discussion regarding the full parking plan and the full stormwater plan, not land banked. Modifications continued to be reviewed with discussion held on modification number ten. Callahan stated that he wished he had more reasoning other than financial as to why we would waive this. He wished there was testimony on whether there was any other reason other than financial. He would have loved to have heard evidence that if it is removed, 3,000 people would have degraded cellular service in the area, there is a public benefit to that. Because it is already there is not an excuse because it is now being residential and our code states that it should not be residential. If we start making variances based on financial needs of the developer then tomorrow other developers would want a cell tower on their development too. Buening stated that if we cannot put the antennae on this structure, which is an allowable structure under our zoning ordinance, they would have to find another location to put cell towers up in that vicinity.

The Committee reviewed the Conditions of Approval. The Committee requested to have staff clarify the term "where feasible" for condition number six. Conditions nine, ten, and fifteen were to be revisited after public comment. Stark opened the floor for public comment.

Bill Schute, read a brief statement to the Committee. He stated after all these meetings you must be going through extreme angst in making your decision. On one side you have been bombarded with messages on how good this will be for a historic building that is slowly fading away. You have heard why not approve this repurpose, you wont find a better offer and it helps people with a cost effective place to live. Many of these people do not live close by Campana but want to make a statement. On the other side we have heard from many of your own constituents with concerns about safety, quality of living, and other related issues. In his mind there are two basic issues that he keeps hearing over and over: the need for mixed income housing and safety concerns about the intersection, facility access, pedestrian traffic, and school access. The majority of locally affected citizens from the Holmstad, Batavia, Geneva, the people affected mostly by this project and others state that this project is unacceptable based on their safety concerns and intersection history. Housing availability should not be the driving force to approve this project. The real decision point here is public safety. Will accidents increase on this long stretch of road if this project is accepted. No one knows for sure. But if you approve this project, ask yourself at the next accident could it not have been prevented with a no vote.

Susan Russo, 3 North Jackson Street, shared that she has a law office in downtown Batavia and is a 32 year resident of Batavia. She has seen over the thirty-two years the Campana building being underutilized and slowly deteriorating. She is asking the City Council to approve Evergreen's application for the Campana building and to take into consideration four factors.

First, make your decision based on factors that you the City Council will have jurisdiction over, which is primarily the Comprehensive Plan, the zoning, and building codes. All developers ask for modification and variances to some degree. Evergreen's request for modifications or variances is relatively modest and largely driven by the historical nature of the building. She asked the Council to put aside personal preferences for such issues as the glass block in the building so long as the proposal meets other standards. Second, she asks the Council to ignore the irrational, speculative and emotional objections and criticisms that have been lodged against this project. One that she has heard before the Plan Commission was a criticism of Evergreen that they were going to be making a profit. No developer to her knowledge intentionally proposes a project in order to lose money. Another was that tax credits are being used to fund the project. Thousands of businesses every year get tax credits to make their developments and build projects. If tax dollars are not used and spent here in Batavia they surely will be used and spent elsewhere in the state. Another objection was to claim somehow that compromises are inadequate for historical buildings. The City of Geneva recently worked out a compromise for the Geneva Bank and Trust Company to use the Pure Oil station as a drive-through banking facility. What a wonderful compromise that turned out to be. Finally, she would like you to look at this proposal to make sure that Campana building is integrated as part of Batavia and Geneva communities. Make Campana a new neighborhood so that it becomes a vital and essential part of the communities rather than a lonesome misfit it has been for the past thirty years.

Barbara Sz, stated that she would like to see samples of the glass block windows that would be used in the building. Most importantly, she wanted to inform the Committee that she has been working with people with disabilities for over twenty years and has been in many home residences. She has wondered how anyone with disabilities would escape one of these residences if there was any kind of hazard and the regular door was blocked. She cannot imagine that any of the people she has worked with would be able to get out of the windows that you have shown in the illustrations.

Craig Hanson, Batavia Fire Department, stated that in any multi-tenant occupancy, they are designed for multiple egress paths. Windows are not a required means of egress for multi-tenant building. The egress and life safety factors are designed into the building for egress and not for the use of exterior windows.

Dallas Hagemann, representing the Fox River Valley Initiative, stated that they support the proposed development of the Campana building. It increases the needed affordable housing in this area by sixty-four units. This project also preserves a unique historical structure, which many Batavians and neighbors value highly. The leaders of the Fox River Valley Initiative want to leave you with a reminder of who we are. We are 13 Kane County institutions, faith communities, civic organizations, and social services. We represent close to 35,000 residents. Voting citizens up and down the River Valley. We are also a growing organization. We have one or two new members a year. FRVI leaders and members are here and we are not going anywhere. We will be here to support this mixed income housing and will be here to monitor services to make sure that they do the right thing. We will also work with our allies and will also work with those who have concerns.

Peter Olson stated that he has driven Fabyan numerous times during peak hours. He has witnessed an accident and seen residual affects of accidents on that road. This is going to become an endangerment during the peak times. There will be cars slowing down to pull in whether it is right turn only it does not matter people will be speeding up around that intersection to get in there. What Mr. Block said was very telling, he had mentioned glass blocks and the last thing he said was I can't change those and keep the tax credits. People do work around tax credits and all different kinds of incentives but you don't risk safety. You don't take away people's windows or their opportunity to see outside for a tax credit. We do need low-income housing but we don't need to squeeze it into a historic tax credit haven for the Evergreen Company to make a little extra profit. They could make money by tearing this down and putting in a building that would work for the residents there and the community around them.

Tom Simonian, distributed a market analysis study to the Committee that he personally funded. The report was thirty-five pages and he noted that he also emailed the report to the COW members. The objective of this assignment was to analyze similar affordable family rental communities in the Chicago area suburbs with similar demographics as Batavia in order to evaluate whether the proximity to an affordable rental community had a negative or positive impact to the property values and to determine the potential impact from the distance of the rental community where the impact was realized. The company reviewed same unit sales over a period of time with a close proximity to the affordable rental communities. In order for a property to be eligible for this analysis it had to be sold at least twice over the past fifteen years with the most recent sale within the past two years. It is important to note that many factors contribute to home price appreciation include location, surrounding uses, building conditions, motivation of seller, time on the market, regional economic conditions, etc. He asked the Committee to go to page seven, the executive summary, for key observations. Based on data presented in this analysis there is a direct correlation between the proximity to an affordable rental community and the annual price appreciation realized in nearby neighborhoods. The impact of the annual price appreciation depends on several factors, which include distance from the affordable rental community, buffers from the rental community to the adjacent neighborhoods, type of access to the rental community. In all case studies the median annual percentage appreciation within zero to a half of mile of affordable rental community was less than the average annual appreciation of the municipality in which it is located. The median annual appreciation tends to return when one mile greater from the affordable rental community. The impact is within that mile. The median annual appreciation for Batavia is approximately 2.4%. The result of this study within that half mile shows that number goes down by 50% to 1.2%, from six tenths of a mile to a mile it goes to 1.8%, which means that a mile or more a \$274,000 home would appreciate by \$73,000 while homes within a half of mile of the subject would appreciate by only \$34,000 and homes a half of mile to one mile would appreciate by only \$53,000.

The three minutes of allowable comment time was depleted. Two speakers, Christine Gorach and Sandy Ellis, gave up their three minutes to allow Tom Simonian more time to speak.

Simonian thanked those who gave up their time and continued with public comment. He stated that the next page would show the Committee what a mile looks like. The developer should have done this study, in his opinion. There is a reason why the developer did not do this study. Two of

the conditions that staff is supposed to consider when making a condition is the impact on the local housing market and there is a reason why the developer did not do it because he knows full well that one of the properties that is reviewed in here is an Evergreen property. They did not do it because they know what the results would be. He thinks staff should have done this with such a critical development like this, especially if it is going to potentially impact hundreds of homes. He asked that the study be submitted into the record along with the emails that were sent to staff and COW after the last meeting. He asked that the Committee listen to the hundreds of people from the Holmstad, the over seven hundred people with the online petition that signed against this, and the hundreds of people who have been before you at this podium who are your neighbors, your friends, citizens and we are all in this together. He believes that those are the voices that should ring the loudest, especially when you have hard data that says it is going to seriously impact our homes.

Dr. John Keefer shared that he has been practicing cardiology in this area for the last forty years. He lives in Geneva. He stated that earlier in his life his wife, who was pregnant at the time, had to escape a burning apartment through a window. Maybe she had some other options but she went through the window, it worked and his daughter is in the audience sitting there with her. Having a window that opened was successful for her. These windows on the lower part do not open but for a few inches. In his medical practice he spends a lot of his time advising his patients to exercise, which usually involves walking. He usually asks if they have sidewalks where they live and if they do not he advises them to join a health club. It does not make sense to have people walking on the roads. Evergreen is proposing putting eighty apartments in the Campana building, which could mean three hundred to four hundred people. He thinks that they should be made to put sidewalks in along Fabyan and connect them to the sidewalks to Allendale. If they are not able to connect to Allendale they could go north on Batavia Avenue and connect it to Fargo because there are going to be kids there that will need to walk to school. The developer needs to ensure that there are sidewalks there so that people could get to school, not bus rides. Last month the Committee heard in this room that the FCC has stated that radiation from cell phone towers was safe. They made this statement in 1996 and they have not updated it. Since then there have been a lot of observational studies about cell phones, the radiation from cell phones and antennas causing brain tumors. The FDA took it seriously enough that they directed the national toxicology program to do an experiment on animals where they radiated them nine hours a day throughout the animal's life with the same radio frequency radiation that a cell tower would use. It was positive for the animals developing brain tumors and heart tumors. This was published in the Scientific American in May of 2016 if anyone wants to look it up. Also, the developer had an expert speak here at the Plan Commission who asserted that radiation from cell phone towers are safe with the reasoning being we all have a cell phone in our pocket. Fifty years we would all have cigarettes in our pockets. It took forty years to prove that cigarettes cause cancer and he thinks the radiation of cell phone towers is uncertain.

Bob McQuillian shared that he and his wife have lived in the Fox Valley for twenty-two years and currently live in Batavia. He believes the financial costs in servicing this proposed Campana building will result in an increase in property taxes for all current homeowners. No one has been able to say why this is a good deal for homeowners in Geneva or Batavia. He certainly realizes that Evergreen is a for-profit company. They are not developing this out of the kindness of their hearts. Their goal is to make a profit. They don't care who lives in the building as long as they

could make a profit. Normally a new residential development decreases the property taxes, not raises them for current residents. Evergreen has made the following statements: No locally sourced tax revenue would be used. That is false because property taxes would be used to serve the residents. Evergreens property taxes would increase one hundred percent. Based on the selling price, that is an increase of \$50,000 and that probably doesn't even cover the Geneva Park Districts' increased cost. On August 2<sup>nd</sup> he suggested that City staff request an estimate from Batavia and Geneva taxing bodies that involved and what their increased costs will be. Has this been done? Without this number, you can't know if you are serving the best interest of current home owners. The financials of this deal might work for Evergreen but they don't work for the residents of Batavia and Geneva. My issue has never changed. No increase in my property taxes because a for profit company wants to make money. Admittedly, you have a very difficult decision but please keep in mind that you were elected to protect the interest of residents, not the interests of Evergreen Development.

Mike Frost stated that at the last COW meeting more than one member expressed support for this project because of a personal belief to help the less fortunate. This runs counter to the statement made just minutes ago that decisions made by this Committee are made by research and information and not emotion or personal motives. Other Committee members shared informal straw poles of their constituents such as "92% against, 8% for" another said "80% against and 20% for." These types of statements demonstrate a very different interpretation of governance and public service. Those who seek to serve their constituents versus those who seek office to serve a personal agenda. This is not a constitutional project or debate. Those who are advancing a personal agenda want to remind you that the public that this project supposedly serves is made up of all of us. We are all part of that public. He hopes that the foundational principals of our democracy and our public service are honored in your decision. This debate has somehow been framed that somehow people that are opposed to this project are against diversity or against helping those in need. He is not against diversity and he is not against those in need. He is against overcrowding in his streets, in his schools, and playgrounds. He is against creating dangerous situations for everyone including potential residents of this project. He is very against increased traffic on his street of Allen Drive. He has heard repeatedly that we will go to a right in and right out situation on this property. Even if we don't go fully that way there will be signage posted that residents will not be able to leave that property and turn left onto Fabyan. What is the route that people will take in their traffic. They will go through my neighborhood where my daughter and her kids are. There is huge safety concerns, there is huge traffic implications to the residents of the Allendale neighborhood that are being glossed over in a lot of the public comment. These things need to be addressed. The last thing he is against is potential negative impacts to himself, his family and community for the profit of Evergreen, and for the owners of a building that is interesting but personally has no meaning for me.

Jack Franklin stated that he is interested in the livability and the quality of life that the residents of these apartments will have. He wants it to be healthy but when he looks at the drawings he believes that the apartments will be below normal standards and that the livability will be below quality. The glass block plays a key role in livability because it covers 2/3 of the end of these apartments. The glass block with its low insulating capability provides a situation that thermally is not particularly good for the residents of the apartments. It is almost like having a large open window year round without the air circulation. You could expect the apartments to be extremely

cold in the winter, ice to form on the glass due to the humidity caused from the normal acts of living such as showering and cooking. Summer time you could expect the apartments to be extremely hot. When you wake up in the morning with the sun from the east on bright summer days it is going to heat up a lot. In both winter and summer these apartments are going to be drafty. He does not believe that upsizing the air conditioning and heating systems will solve these problems unless they run continuously and circulate air. The windows on the first floor apartments are worthless and do not provide a good way to leave the apartments in case of emergency. The skylights on the third floor are a poor substitute for windows. There is no secondary path of egress. When it comes to parking, he has been a City Councilman, he has been a the Plan Commission and he has been a mayor, if you do not get the parking and drainage now he doubts you will ever get it.

Barry ? shared he is a multiple property owner in the Geneva and St. Charles area. He had the unique opportunity to actually purchase this property and he has seen the rent rolls. It is making money, not a lot, but it is making money. He hears that it not structurally sound. He tried to buy it to put a data center into it. When he hears some of these things that are going on it is a little frustrating because what is happening is you are having a vote on something in Geneva that does not have any repercussion. We are looking at adding taxes to Geneva. We are looking at adding students into the Geneva School District. He thinks your numbers are way undervalued on how many students will be coming in to the Geneva school district and impacting our taxes on our Park District and we do not have a vote. If he were to ask you that he wanted to build a three hundred-person apartment complex that would impact Batavia schools but you didn't have a vote how would you react to that type of scenario. That is really the problem from the Geneva standpoint right now, you are doing something that affects us but we do not have a vote. Please take that into consideration. It is a bad situation for us. With the glass block, you are putting people into a glass cage. That is effectively it. People are not paying fair market value for it and they are not going to treat it like their own. What are you going to do when the glass block is damaged and we don't have any to replace the damaged block. This is a real problem. If you go to similar properties you will see the same thing has occurred, they are not treating the property as if it were their own. He did an event with the DeKalb County charity organization for a very similar property in DeKalb County. Right now the crime rate is over the top and the police cannot deal with it so now there is a charity program to aid the underprivileged kids. They can't fund it and they did not have enough people showing up to the event. This would be the same problem here.

Bob Vaughn addressed the Committee. He stated as a parent of a young adult who is a client at AID, and a prospective tenant of this building, he would like you to consider what you would potentially be doing for the weakest of our society. He feels it is like institutionalizing them. The building is substandard. The fact that someone cannot look out a window makes him not want to have his son live like that in the future. The second perspective is based on his career leading and managing the Fox Valley Park District. He does not know if any Park District faculty have been here to address you but he thinks it is important because of the residents that would live in this property, specifically the children. Children have the tendency to go where recreation is most abundant. They show a tot lot and a 15,000 square foot play area that is a residential lot. The Fox Valley Park District would never ever accept a play lot that small. It is ridiculously small. He predicts the kids will see Fabyan Forest Preserve and that is going to be very attractive to them

and it very well should be. They could get on the trail. The problem is we have a major pedestrian barrier and that is Batavia Avenue. In other areas the developer put in pedestrian access, grade separation so that the kids did not have to fight with the traffic. It is real simple, put up a bridge. He invited the Committee to view several pedestrian bridges, one on Kirk Road, and they are very user friendly and in the future you will be very thankful that you did that. The people on the west side of Batavia Avenue are going to want to get to the Fox River Trail.

Guy Prisco shared that he and his wife reside in the Holmstad and he would like to point out tonight that there are several members of the Holmstad in attendance tonight. He asked for a show of hands. One of the members of our group is the President of the Resident Council at Holmstad and he is very concerned about the project as all of us are. He also has a real heart for the handicapped and the disadvantaged. He has a son in California who is such a person. The Holmstad does not look at this lightly and only for ourselves. We have been collecting petitions at the Holmstad since we started public hearings. He has some additional ones to submit tonight. Prisco stated that he would like to read the letter attached to the petition so you get the idea of where we are coming from and how involved we are. The total amount of signatures now are at 198 and there will be more. The signatures represents over two thirds of independent living residents we have at the Holmstad, which is around 300. Obtaining signatures on petitions at Holmstad is a process because we do not do door-to-door solicitation for anything at Holmstad. Almost all of our residents required detailed information before signing anything. They are very skeptical about signing things. Therefore, we depend on group meetings and discussion held normally each month on every floor of our residential buildings and also at large gatherings in presentations in our auditorium to inform residents. A lot of residents that signed the petition want the Committee to understand that they are not against subsidized housing for those in need but they strongly believe that the Campana proposal is wrong because the limitations of the building for housing and the dangerous limitations of the site location would be harmful to not only potential residents but also harmful to the neighborhood including the Holmstad.

Joe Keefer stated that Mr. Block discussed certain entities that had not provided feedback yet. He missed the Kane County Environmental Assessment, which is still not done, HUD and their overall review of this project and IDHA. None of those have rendered their thoughts and final position on this project. Keefer distributed an email to the Committee and asked that it be posted online. With respect to Evergreen's application in July 2016 there are two sources of funding: historic tax credits and low income housing tax credits. The bulk of this handout has to do with the interplay of those two and the timeframe of their entire application and how those two interplay. In July of 2016 they represented to their historic tax credit investor that they are going to spend twenty million. At the same time they represented to IDHA that it is going to cost \$14 million to rehab this place. He sent a detailed email to IDHA asking those detailed questions. He suggested that the City do nothing because IDHA has not approved their application. It is neither approved nor denied for the eighty units they are proposing. If you do not know how much money Evergreen has how do you know what they are actually going to do. They asked for 3.6 million. What if they get three? What happens to the tot lot? What happens if they get two? What if they are told that they cannot do the eighty but have to do the sixty-four that they originally applied for? Does that leave them with more money? Mr. LaLonde of the Plan Commission asked them if they could put a fence around the property. There is a ravine on the north, two busy streets on the east and south. The response was that it could not happen. Maybe he would

be able to do that once he finds out how much money he has. Discussing these key issues he strongly suggested that you wait until he knows how much money he has got.

Emily Erickson asked which units would be labeled as the market rate units and which ones would be subsidized housing units because she wonders if the market rate would have the more preferable units with the transparent units and who will be stuck in the windowless units with only skylights. She asked how would the sky lights operate when it snows. She asked if it is appropriate for children to be in a unit without the ability to see outside. She asked about the privately owned medical building and would it require approval for a sidewalk. She asked if the current owner has been talked to. Erickson discussed the parking. There will be a parking overlap where when people leave for work the commercial parkers will take their place and then it was stated that assigned parking could be done if there were an issue. She questioned how that would work. She asked the City if the housing study submitted by Tom Simonian would be considered tonight since it is a LaSalle factor. She pointed out if Evergreen does not get approved for this project the tax credits that they are getting will not be lost forever. It might be awarded to another developer whose site could provide two to three times as many units with those millions of dollars and house more families. That would be a win-win.

The public comment section of the meeting was completed. The Committee discussed the proposed project and the process of subsidized housing. Block stated that fair housing prohibits us from allocating the units in such a way that the so-called lower quality units depending on windows and views are exclusively dedicated to the affordable units. The units will be mixed up throughout this building. Under fair housing we can't simply say that all of the best units will be more expensive it just does not work that way and he would never allow it. There would be two separate lists of people who are interested in applying. One is the list of people that are applying for units that are not covered by a project based voucher contract through the Aurora Housing Authority and that is the Intergovernmental Agreement assuming we move forward with this project here and will be coming before you very shortly. As we have discussed at previous meetings that is what we call a site based waiting list but it would be administered first by us as the landlord, we would review and approve a set of tenants and send them down to the Aurora Housing Authority (AHA) to review and approve them as well. Once they are approved by the AHA, then they are approved to live in the building and they will be put into the units that have a project based voucher which means that they pay 30% of their income of whatever that income is. Block stated that whatever geographic area is the preference those applicants from the geographic area would get preference over other applicants. There would be a separate list for the market rate units and the tax credit (affordable) units. Those do not need to go the AHA and we have our own review criteria for those, such as a criminal background check, credit score, references. Both of those lists would be run in tandem. No one is being forced to live here or offered a unit from the AHA. These are all people who come to this building who want to live in this building. No one is directing people to this building who are not interested in living here. Chanzit asked if he could take his voucher somewhere else if he would choose not to live there. Block stated that there are portable vouchers but the vouchers that are associated with this building are confined to this building. We also have tenants that may come with their own vouchers. Those are separate from the units that are run by the AHA. Malay stated that there is no one here that is saying that your number is up, you have to live here or you go to the back of the line. Block concurred.

Callahan stated that for our decision making it is not whether or not people would want to live here it is about whether or not we are waiving laws that we have in the books that affect whether or not someone is going to make that determination as to whether they are going to live there or not. The waiver of the variances and the modifications that we are doing integrate this parcel into the community. Can they safely get out to where they need to go, will they have the same amenities and features and parking that would be anywhere else in town. Parking is not historic. You put the parking in because that is what the code is. You do not have to waive that because of historic nature. We were asked to consider land banking the parking because it was a cash flow issue. Why would we waive a variance to not have enough parking because someone does not have enough money to do it now and do we have the financing in place. Block stated that he is not sure if we have ever stated that the parking request was tied to our financing. The parking request was tied to our own transportation and engineering analysis that said we were providing more than enough parking spaces. Block continued that they have a balanced budget and could do the project as designed. Callahan explained that if one month after building this we find there is a parking issue then where does the money come from, where is the stormwater retention, and where are the amenities going. If there is no parking for them they cannot park on Route 31 or Fabyan. The residents should not be parking on Allen Drive or the Holmstad but that is the concern if there is not enough parking. Atac stated that it would be sad to have unused parking instead of green space. It is not environmentally sound to put up extra parking if you don't need it.

The Committee reviewed the modifications. Modification number three had a straw poll administered for those in favor of the modification as written. Nine were in favor. The COW held a straw pole on modification number seven to leave it as is. Six were in favor. Wolff made a motion to amend the modification to include 301 parking spaces, which would be including land banked parking and stormwater. Chanzit seconded. Discussion was held on the motion. Some Committee members were concerned with putting asphalt down when it is not needed. Others were concerned with where the amenities would be relocated if the parking should be needed. Wolff expressed concern with having difficulty building the parking if it were needed after the fact. Another member had concern with the stormwater detention. Stark asked if we would be open to doing the stormwater detention now but not paving the additional parking spaces up front so that you have the best of both worlds. There would not be the addition of non-permeable surface but we do have the detention in case we do have to pave. We could meet in the middle by putting in the detention basin so that we are prepared if you have to put in more parking. Wolff stated that by design the parking lot is over the top of the tank that they have to put in to create enough space to store the water. He does not know if we could put in half of it now and it would work. Block stated that he would look to his engineers for that and believes that the stormwater system would still function correctly but instead of the impervious surface over the vault there would be pervious surface and then the soccer field and the tot lot could be in the back of the site instead of having to go in the front of the site. Tim Brown, Civil Engineer with Erickson, stated that detention could be installed and would not function any differently. The runoff would be greater when there is more impervious material. Callahan stated that by not doing the stormwater planning right now we are not protecting the environment because you could look at it both ways. We have more issues with flooding and stormwater in this town than we do with too large of a parking lot causing environmental concerns. Stark asked if this would be a compromise to

put into this agreement to put in the stormwater now and do not put in the parking until it is necessary. Callahan stated that it could be paved at a later date. O'Brien stated that it is a good compromise. Wolff withdrew the motion and Chanzit seconded to withdraw the motion.

**Motion:** Add as a Condition of Approval (as number 22) to have stormwater retention built at this time and put in additional parking as necessary  
**Maker:** Wolff  
**Second:** Cerone  
**Roll Call Vote:** **Aye:** Wolff, Salvati, Brown, O'Brien, Malay, Cerone, McFadden, Russotto, Atac, Stark, Chanzit  
**Nay:** Callahan, Meitzler, Uher  
11-3 Vote, 1 Absent, Motion carried.

The Committee continued review of the modifications. The COW discussed landscaping. A straw poll for approval of modification number eight as written was administered. It was unanimous. Modification number ten was discussed regarding the cell phone towers. Callahan stated that it is preexisting but it is now becoming residential. The fear is that another pole will go up somewhere but it is just not going to be residential, which is what the ordinance stated. If you are saying it is okay for residential in one area than it could go onto any residential anywhere you want because you already allowed it that way. Either stick with what the ordinance is or vote to approve the modification and remove the law. Buening stated that the intention is not allow it on single family and townhouse projects. Buening suggested rewriting the language to address that more clearly. A straw poll was administered on modification number ten and in favor of how it is written with eight in favor.

The COW discussed the Conditions of Approval. Condition number six staff was asked to remove the language "where feasible." The Committee discussed condition number seven. Sidewalk connectivity, possible development of a bridge, safety, and Geneva School District requests were discussed. Block stated that they could design the sidewalk and help with it. KDOT looked at it and there is a drainage structure there and KDOT was okay with doing a carriage walk to avoid the drainage structure. Block stated that if you wanted Evergreen to put \$25,000 in escrow to help the City address the sidewalk connectivity issue they are willing to do that. Their intention is not to impose ourselves on neighbors who are already unhappy with this project. If the City is interested in building this they are happy to put that money aside and help as best they can. Brown asked how long the money would stay in escrow. Buening stated that it would stay until we use it. Brown asked if a clause in it that would say we would put it in escrow for five years with the intent to construct a sidewalk on the north side of Fabyan Parkway to Allendale Drive and if it is not done in five years the funds could be used elsewhere. The Committee asked staff to write in the condition an escrow for \$25,000 with a sunset clause of ten years and if it is not used it gets returned to the developer for sidewalk for the Fabyan frontage parkway.

**Motion:** Add to the condition an escrow in the amount of \$25,000 for the development of a sidewalk for the Fabyan frontage parkway with a sunset clause of ten years and if it is not used it gets returned to the developer

**Maker:** Callahan

**Second:** O'Brien

**Roll Call Vote:** **Aye:** Callahan, Meitzler, Malay, Cerone, McFadden, Russotto, Atac, Stark, Chanzit, Wolff, Salvati, O'Brien, Brown

**Nay:** Uher,

13-1 Vote, 0 Absent, Motion carried.

The remaining conditions were reviewed. Callahan asked about the Findings of Fact and if the study brought before the Committee this evening, since it is a LaSalle Factor, change the Findings of Fact in any way.

**Motion:** To recommend to City Council a positive recommendation of Ordinance 17-59: Amendment to the Zoning Map for a Planned Development Overlay District, Campana Property, 901 North Batavia Avenue, Evergreen Real Estate Group, Applicant

**Maker:** Cerone

**Second:** Chanzit

**Roll Call Vote:** **Aye:** Cerone, McFadden, Russotto, Atac, Stark, Chanzit, Wolff, Brown, Malay

**Nay:** Salvati, O'Brien, Callahan, Meitzler, Uher

9-5 Vote, 0 Absent, Motion carried.

**8. Res 17-103-R: Preliminary/Final Plat of Subdivision, Campana Property, 901 North Batavia Avenue, Evergreen Real Estate Group, Applicant (JLS 10/5/17) (Continued from COW 9/26/17)**

**Motion:** To recommend to City Council a positive recommendation of Res 17-103-R: Preliminary/Final Plat of Subdivision, Campana Property, 901 North Batavia Avenue, Evergreen Real Estate Group, Applicant

**Maker:** Cerone

**Second:** Chanzit

**Roll Call Vote:** **Aye:** Cerone, McFadden, Russotto, Atac, Stark, Chanzit, Wolff, Brown, Malay

**Nay:** Salvati, O'Brien, Callahan, Meitzler, Uher

9-5 Vote, 0 Absent, Motion carried.

**9. Approval of Committee of the Whole Executive Session Minutes: March 21, April 18 (as amended), and 25, May 2 (as amended), 9 (as amended) and 23 (as amended), June 13 and 27, July 18 (as amended), and 25 (as amended) 2017**

**Motion:** Recommend approval of Committee of the Whole Executive Session Minutes: March 21, April 18 (as amended), and 25, May 2 (as amended), 9 (as amended) and 23 (as amended), June 13 and 27, July 18 (as amended), and 25 (as amended) 2017

**Maker:** Salvati

**Second:** Stark

**Voice Vote:** 14 Ayes, 0 Nays, 0 Absent  
Motion carried.

## **10. Project Status**

Newman reported on the following:

- The Toy Drive will be held at the former Walgreen's location and thanked BEI for their generosity to donate the space at zero rent with the City paying utilities and clean up.
- Staff will be meeting with MetroNet next Wednesday for a construction-planning meeting.
- Holm attended the American Public Power Association Leadership course.

## **11. Other**

Russotto asked if the Campana project is approved would the City's affordable housing rating be secure. He noted that the City is at 11% currently. Buening stated that it would certainly help. Russotto asked that Buening's email about affordable housing be distributed to the Committee.

## **12. Adjournment**

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 11:16pm; Made by O'Brien; Seconded by Salvati. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith