

MINUTES
February 9, 2011
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

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

2. Roll Call

Members Present: Chair Peterson, Vice-Chair Kosky, Evans, Harms, Joseph, Schneider, Weiss, Monn and Tilton

Members Absent: None

Also Present: Joel Strassman, Planning and Zoning Officer; Jerry Swanson, Director of Community Development; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Ald. Dawn Tenuta

3. Items Added/Removed/Changed

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

4. Approve Plan Commission Minutes January 5, 2011

Motion: To approve the Plan Commission minutes of the January 5, 2011 meeting

Maker: Kosky

Second: Joseph

Voice Vote: 9 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

5. Public Hearing: Amendments to the Text of the Zoning Code

- Chapter 2.1: Single Family Residential Districts
- Chapter 2.4: Downtown Mixed Use Zoning District
- Chapter 2.5: Mixed Use Zoning District
- Chapter 4.2: Off-Street Parking and Loading Regulations
- Chapter 4.4: Sign Regulations
- Chapter 4.5: Supplemental Use Regulations
- Chapter 5.2: Common Procedures
- Chapter 5.6: Design Review
- Chapter 7: Glossary of General Terms

Chair Peterson opened the public hearing. Vice-Chair Kosky read the public notice to the meeting attendees. After the reading of the public notice, Chair Peterson asked if any members of the audience had any comments or concerns. Hearing none, Peterson moved the public hearing after agenda item number six (6).

After completing discussion of agenda item number six , the Plan Commission (PC) resumed discussion on amendments to the text of the Zoning Code. Strassman reported that after nine months of administering the Zoning Code, staff has found several corrections for the commission's review. Strassman and Swanson discussed and explained the significant proposed text changes including parking (section 4.203.I), sign regulations (chapter 4.4), common procedures (chapter 5.2), the PC considered Vice-Chair Kosky's suggestions for text revisions to the Zoning Code.

Kosky discussed with the commission the possibility of revising the process for notification of public hearings, a requirement for concurrent application for rezoning when an amendment of the Comprehensive Plan is applied for as part of an annexation request, and a more detailed staff report/findings when amendments of the Zoning Map involves annexation. The PC discussed the proposed revisions. Swanson stated that staff will draft some language for the PC to review regarding a staff report/findings when amendments to the Zoning Map involve annexation. The PC discussed the Mooseheart annexation process and the issues with notification. Rackow noted that the new Zoning Code text, which was not in place at the time of the Mooseheart Comprehensive Plan hearings, has language that requires mailed notification for an amendment to the Comprehensive Plan. Kosky was satisfied with this language and that staff had previously addressed her concern. Strassman concluded that at the next meeting staff will have suggestions to address Vice-Chair Kosky's submission for noticing outside agencies regarding public hearings and what type of information should be required with a staff report.

Terry Aaron, 3S180 Volintine Farm Road, addressed the commission. He stated that he is glad to see that the Mooseheart annexation process has taught the PC some valuable lessons. Aaron suggested that the draft language extends beyond Batavia residents and Batavia School Districts if the annexation and rezoning affects township residents or other cities to ensure that they are notified. Swanson ensured that the language does extend beyond Batavia residents and the Batavia School District.

The PC asked staff for clarification on some Zoning Code text amendments. Joseph questioned why the regulation for the removal of underground fuel tanks within Chapter 4.5, page 11, has been eliminated. Strassman responded that underground fuel tanks are regulated by the State EPA and is not under the purview of the city. Swanson added that all inactive underground fuel tanks have been removed or filled. Kosky asked for a definition of a congregate living facility. Swanson answered that a congregate living facility is defined as being half-way between independent living and a nursing home. The main difference is that within a congregate living facility there is a common dining area for residents. Kosky asked if residential driveways allow for two-track driveways. Swanson stated that they are allowed as long as they are paved. Kosky asked about the allowance of projecting signs. She would like to see them allowed in neighborhood and commercial districts because projecting signs can be attractive if they are done right. Strassman noted that the regulation for projecting signs has not been changed but rather the location is being changed to allow them in the Mixed Use zoning district. Swanson stated that they could add additional districts to that section if the PC desires. Schneider noted that he will be sending an email to staff regarding proposed changes to the text of the Zoning Code. After discussion, a motion was made to continue the public hearing.

Motion: To continue the public hearing to February 23, 2011
Maker: Joseph
Second: Harms
Voice Vote: 9 Ayes, 0 Nays, 0 Absent. All in favor. Motion carried.

6. Study Session: Proposed Senior Housing Tax Credit Projects

- a) **South Drive, East of Windemere Development – Hawks Property- Equity Growth Group, Applicant**
- b) **Northeast Corner of Deerpath Road and Main Street – Iron Gate/Batavia Enterprises Property – DKI Inc, Applicant**

David Smith, President of Equity Growth Group LLC., discussed the property from the former Hawks Farm, bounded by South Drive on the north, east of the Windemere Development. Smith reported that Equity Growth Group is proposing to build an affordable independent living senior housing project. Smith discussed the section 42 tax credit program, the application process, affordable senior living, security, income restrictions, the blend of market rate and affordable units, the total number of units (80), reasons for locating to this area, amenities, architectural style, common areas, energy efficiency and access to the property. Smith presented pictures of what the facility would look like as well as a map of the Hawks parcel for the PC to view. He stated that he will be supplying staff with a virtual tour of the Fox Lake property on CD's at the end of this meeting.

Peterson opened the floor for PC questions on comments. Tilmon questioned if Equity Growth Group does not receive the tax credit if they would continue with the development. Smith responded that most likely there will be a tax credit award but if they do not receive the credits they would reapply next year. They would not develop this year without the tax credit. The PC discussed foot traffic, crosswalks, the McKee Tributary, multi-family zoning, amount of units, height of the building, design review, vacant parcels, capacity for the water treatment plant, and City parcels surrounding the property. Smith noted that the parcel needs to be zoned and annexed appropriately along with a letter from the Mayor stating that the property has been zoned to permit the project by April 15th. Smith explained that the design review aspects, such as architecture, do not need to be finalized before the 15th of April. There were no other questions or comments from the commission. Peterson thanked David Smith for the presentation.

Tim Hedges, DKI, 220 West Huron, Chicago, addressed the commission. He presented the background of the team from DKI, the senior living parcel, reasoning for the location of the site, similar completed projects, and the tax credit award. He noted that Batavia is currently listed on the Housing Authority's list of being underserved for this type of affordable housing. John Green, AIA, president of Groundwork, Ltd., presented the site plan, zoning, and architecture proposed for the project.

Dan Kotcher, president of DKI, 220 W Huron Chicago, discussed developing and financing high-quality independent living facilities. Kotcher detailed the process of working with the Illinois Housing Development Authority (IHDA) and the tax credit program. He noted that applications are due in ninety (90) days. Because of the upcoming deadline, it is critical to zone the property for this project and to obtain a letter from the city stating that the property is zoned

for its intended use. Design guidelines will be done subsequently. After the presentation, the PC discussed the project with the applicant.

The PC discussed sidewalks, pedestrian access, parking, R4 zoning, and access roads. Swanson reported that the first project has already filed its applications and staff is expecting the second project to file their applications by the end of this week. Swanson explained that staff felt it was important for the Commission to get familiar with each project before the tight timeline for these proposed projects begins. Swanson added that if there are questions in the interim PC members should feel free to contact staff. Swanson reported that there will be a public hearing at the PC's March 9, 2010 meeting. Strassman noted that design review applications for both of these projects will not be a part of the public hearing. The site plan, layout, and elevations will be reviewed on a later date. Strassman elaborated that the topics to be discussed at the upcoming public hearing are zoning, annexation, and a Comprehensive Plan amendment.

7. Other Business

The PC received updates on the Community Development Committee's meeting with the applicants for the proposed tax credit senior living housing projects and updates on the discussion of backyard hens.

8. Adjournment

There being no other business to discuss, a motion was made to adjourn the meeting by Commissioner Evans; seconded by Commissioner Schneider. All in favor. Motion carried. Meeting adjourned at 9:31pm.

Minutes respectfully submitted by Jenny Austin-Smith