

# CITY OF BATAVIA

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**DATE:** March 28, 2014  
**TO:** Plan Commission  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT: PUBLIC HEARING: Amendments to the Comprehensive Plan Land Use**  
(continued from 3/26) **Map and Official Zoning Map**  
**Southeast Corner of Kirk Rd. and Wind Energy Pass**  
**The Missner Group, applicant**

## Summary of Applications and Public Hearing

On March 19th, the Plan Commission opened and continued to March 26 a public hearing to consider amendments to the City of Batavia [Comprehensive Plan Land Use Map](#) and official [Zoning Map](#). For complete information on this proposal please see the documents linked to this proposal and meeting minutes via the City of Batavia website's Plan Commission agendas at [March 19 agenda](#), [March 26 agenda](#), and [April 9 agenda](#).

On March 26, the Plan Commission heard additional testimony from the applicant clarifying numbers in the traffic report, describing industrial space availability in the area, and providing insight on a financial analysis submitted by one of the objectors at the previous meeting. Chris Tiedeman of Land Partners, explained that he has been marketing the property for approximately 2 years. In that time he has received no serious interest from any buyer for any use except for The Missner Group's proposal. Mr. Missner submitted several documents (attached) including a copy of an expired boundary agreement with the City of Aurora that specified industrial use of property in this vicinity.

The public hearing continued with 20 speakers addressing the Commission, including 3 that had spoken at the last meeting. Of the new speakers, 3 were neutral in their comments, 9 were opposed to the proposal, and 5 were in favor of the proposal. Neutral speakers included statements that balanced the benefits to the community at large with negative impacts to the immediate area. New opposition comments questioned what effect a change to land use on the subject property would have on the land use classifications for the other unincorporated properties to the north and northwest. Speakers in favor of the proposal reiterated positive economic effects including increased potential for heavy electric users. Several additional documents were submitted, including a petition of opposition from the Kirkland Chase Townhome residents. All submitted documents are attached.

After closing the hearing, the Commission requested staff provide a review of how each goal and policy of the Comprehensive Plan responds to the proposed Land Use Plan Map amendment. The Commission then continued this proposal to its meeting on April 9 when they would discuss it. Attached is the Comprehensive Plan goal and policy review requested by the Commission; staff review of each goal and policy appears in red.

## Staff Recommendation

Staff recommends the Commission discuss the merits of the proposal. The Commission may ask questions of the staff, applicant, or public hearing speakers. As a reminder, there are no required findings to recommend approval of the Land Use Map amendment. The only findings required for an amendment to the Zoning Map are that:

1. the hearing was noticed and held in accordance with the Zoning Code, and
2. the amendment conforms to the goals and policies of the Comprehensive Plan and conforms to the Land Use Map (either as existing or concurrently proposed to be amended).

Staff affirms that hearing was noticed and conducted as required by the Zoning Code. Staff continues to recommend approval of the requested map amendments as stated in the [March 21 memorandum](#) to the Commission.

## Attachments

1. Comprehensive Plan goal and policy review
2. Applicant and hearing attendee information submitted at the hearing

c Mayor and City Council  
Department Heads  
Media

# Review of Comprehensive Goals and Policies for Missner Proposal

## Land Use Element

**Goal 1. Maintain Batavia as an attractive place to live, work, shop and play, with a balance of land uses** Existing and proposed land use provide potential to create jobs, and places to play and shop. Existing land use provides potential for residences

### Policies

- a. Designate enough industrial land to provide opportunities for job creation, and protect it from conversion to non-employment use Proposed land use would provide additional industrial land to meet market need.
- b. Protect key retail properties from conversion to non-retail uses while allowing multi-tenant properties to house a healthy mix of uses Subject property has not been identified as a key retail property; if so identified, the proposal largely would not protect its conversion.
- c. Encourage mixed uses of land where they are compatible and integrated with the neighborhood Industrial use abutting residential is common in Batavia, but is not ideal. The uses may be compatible through proper site planning.
- d. Raise the quality of new development through zoning, subdivision, design review and other tools Not applicable to this proposal
- e. Proactively and fairly enforce land use regulations Not applicable to this proposal

**Goal 2. Protect and enhance environmentally sensitive and historically significant places** City, State, and Federal regulations ensure protection with any development scenario. Further protection could be enforced through the annexation agreement.

### Policies

- a. Designate and adopt historic districts to protect historic neighborhood character Not applicable to this proposal.
- b. Seek landmark designation for key historic properties Not applicable to this proposal
- c. Use floodplain management, wetland protection, tree preservation, conservation management and similar tools to protect significant environmental resources See response to Goal 2.
- d. Expand the open space network to link major park, forest preserve and wetland areas with each other and similar resources in adjacent jurisdictions Site planning will require open space connections.

**Goal 3. Plan land uses to achieve an efficient provision of public facilities and services** Development under existing and proposed land use will be well served by public facilities

### Policies

- a. Focus higher density and intensity development in and adjacent to the downtown Existing entitlements would focus higher density development away from the downtown.

- b. Coordinate land use decisions with the availability of public facilities and services, especially schools and sanitary sewers **See response to Goal 3.**
- c. Avoid underdevelopment of property with ample utility capacity, especially in the downtown **Not applicable to this proposal**
- d. Reserve adequate sewer capacity for downtown development, annexation of unincorporated island properties and key infill parcels **Not applicable to this proposal – site is served by Fox Metro.**

**Goal 4. Maintain a diversity of housing types, prices and styles for all segments of the community** **Proposed land use does not reduce existing housing stock but does eliminate potential for additional housing**

Policies

- a. Encourage use of the Zoning Code Planned Development Overlay Zoning District residential density bonus to insure affordability **Proposed land use eliminates potential for additional housing.**
- b. Encourage new, and the expansion of existing senior housing complexes **Proposed land use eliminates potential for this type of housing.**
- c. Provide a mixture of housing types and densities on large scale mixed use redevelopment parcels **See response to Policy b.**
- d. Effectively use information from studies of the Batavia housing market to better address City-wide housing needs **Proposed land use eliminates potential for all types of housing at this location.**

**Goal 5. Coordinate land use and transportation planning** **Development of any type of use will require road improvements coordinated with KDOT**

Policies

- a. Carefully manage entrances and exits to public streets, in concert with Kane County and IDOT, to insure safe and convenient access to property **See response to Goal 5.**
- b. Locate higher density residential uses convenient to transit corridors and employment centers **Subject property is not located on an existing transit corridor.**
- c. Provide internal circulation routes within and between developments to avoid forcing traffic onto collector and arterial streets **Site planning will require such routes.**
- d. Include bicycle and pedestrian circulation systems in new and expanded developments **Site planning will require such systems.**

**Goal 6. Continue to make the downtown and the Fox River the focal point of the community** **Proposed land use has greater potential to retain downtown as a retail focal point**

Policies

- a. Focus the most intense development in the downtown **Proposed land use will reduce retail development competition with downtown.**
- b. Improve pedestrian accessibility and safety throughout the downtown **Not applicable to this proposal**

- c. Use redevelopment tools, including tax increment financing, to encourage and shape downtown development **Not applicable to this proposal**
- d. Require development projects to take advantage of views and access to the Fox River **Not applicable to this proposal**
- e. Make Fox River frontage accessible to the public by bicycle trails, parks, plazas and pedestrian areas **Not applicable to this proposal**
- f. Insure safe, convenient, and inviting pedestrian access into the downtown from surrounding neighborhoods **Not applicable to this proposal**
- g. Locate significant new public community facilities in the downtown **Not applicable to this proposal**
- h. Invest in community amenities and public art to make the downtown attractive and inviting **Not applicable to this proposal**

**Goal 7. Redevelop obsolete industrial areas as mixed-use developments compatible with neighborhood character** Goal and policies are **not applicable to this proposal – subject property is not a redevelopment site**

Policies

- a. Plan for adaptive reuse and redevelopment of older industrial areas
- b. Provide incentives for creative mixed-use redevelopment of abandoned industrial areas
- c. Integrate viable historic structures into new developments
- d. Continue and extend the existing street pattern in redevelopment projects
- e. Provide community gathering spaces in major redevelopment projects

**Goal 8. Provide gradual land use transitions and buffers between lower intensity and higher intensity uses** **Proposed land use would not provide gradual land use transitions. Site development will require buffers with any type of development**

Policies

- a. Transition from industrial uses to service business or office uses adjacent to residential neighborhoods **Proposed land use would not provide such transition.**
- b. Where appropriate, encourage new developments to provide larger than required setbacks and additional screening as a transition between incompatible uses **Such setbacks will be required through the annexation agreement.**
- c. Transition land uses within large-scale new developments **Such transitions will be required through the annexation agreement.**
- d. Use streets, rail lines and natural features instead of property lines as land use district boundaries **Development will use such features where existing. Subject property is located adjacent to existing development where introduction of such features would be inappropriate.**
- e. Consider transitional zoning district designations to effectively separate incompatible land uses when amending the Official Zoning Map **See response to Policy a.**

## **Transportation and Circulation Element**

**Goal 1. Maintain and enhance a cohesive, interconnected transportation network, giving opportunities for multiple routes of travel** **Site planning will require transportation network maintenance and enhancement**

### **Policies**

- a. Connect developments to the existing transportation infrastructure, continuing and connecting streets **See response to Goal 1.**
- b. Promote walking and cycling as alternatives to automobile travel by providing sidewalk and multi-use trail connections to transit, when available, in new development and redevelopment **See response to Goal 1.**
- c. Avoid one-way traffic circulation on downtown streets **Not applicable to this proposal**
- d. Work with other transportation partners to insure that the implementation of improvement projects complement and expand transportation networks **Development for any use requires working with KDOT.**
- e. Interconnect traffic signals in the City to improve traffic flow **KDOT controls signals and interconnection of signals on Kirk.**
- f. Encourage connectivity of new and existing neighborhoods by interconnecting sidewalks and multi-use trails **Site Planning will require connectivity to existing sidewalks and trails.**

**Goal 2. Relieve traffic pressure on the downtown river crossing** **Goals and Policies are not applicable to this proposal**

### **Policies**

- a. Make land use decisions that can synergize with a future Fox River bridge at the determined location
- b. Continue to explore funding opportunities to improve the Prairie and Wilson Street intersection to a signalized intersection
- c. Refine downtown traffic flows without a redesign of Route 25

**Goal 3. Provide safe and attractive routes of travel for pedestrians and bicyclists** **Intersection improvements will be required by KDOT. Development will require such routes on the property.**

### **Policies**

- a. Create a pedestrian friendly downtown, using standardized design elements that enhance the pedestrian environment **Not applicable to this proposal**
- b. Introduce pedestrian countdown signals at all signalized intersections, downtown intersections being the first priority **Intersection improvements will be required by KDOT.**
- c. Require sidewalks in all new development and redevelopment of properties **Sidewalks will be required.**
- d. Continue implementation and enhancement of the City sidewalk program, with the immediate goal of interconnecting public places and parks with sidewalks, and an

ultimate goal of having sidewalks on both sides of all streets **Interconnections and sidewalks will be required.**

- e. Create a continuous Fox River Bicycle Trail through the planning area **Not applicable to this proposal**
- f. Develop an interconnected network of bicycle routes to enhance bicycle transportation throughout the community **Site development review will require new routes and connection to existing routes.**
- g. Provide amenities and accommodations for bicyclists and pedestrians in future improvements and developments/redevelopments, such as bike racks and weather-protected parking, benches, and waste and recycling containers **Such facilities are required by the Zoning Code.**
- h. Provide pedestrian scale lighting along pedestrian and bicycle routes in the downtown **Not applicable to this proposal**

**Goal 4. Develop and support local and regional mass transit options in the planning area**  
**Site development may assist in providing these options in the future**

Policies

- a. Enhance transit stops to better identify their locations and to provide amenities such as shelters and transit system information **Annexation agreement can require this when needed.**
- b. Promote mass transit opportunities that connect Batavia with the greater Chicago region **Not applicable to this proposal**
- c. Improve transit stops to ensure access by bicyclists, pedestrians and persons with disabilities **Annexation agreement can require this when needed.**

**Goal 5. Determine future projects and funding mechanisms** **Goal and Policies are not applicable to this proposal – this refers to City projects**

Policies

- a. Continue development and use of a Capital Improvement Program outlining future projects
- b. Work with regional, State and Federal partners to provide funding for transportation enhancement projects
- c. Seek grant opportunities for funding of transportation projects

**Goal 6. Ensure that land use and transportation decisions are compatible** **Transportation improvements will be required with any development**

Policies

- a. Support the integration of transportation and land use planning by the City, County and regional planning partners **City has sought input from outside agencies**
- b. Ensure that both land use and transportation issues are considered concurrently for all projects **See response to Goal 6.**
- c. Increase residential density in the downtown to promote pedestrian travel, thereby reducing the use of automobiles **Not applicable to this proposal**

- d. Promote bicycle trails as an economic asset to the downtown area **Not applicable to this proposal**

**Goal 7. Ensure that the community is accessible to persons of all levels of mobility **This will be required through site planning and for Policies a and b.****

Policies

- a. Ensure that persons with disabilities are provided with equal access to homes, employment areas, shopping, recreational areas and other community destinations Site planning and building permit review will require compliance with Illinois Americans with Disabilities Act
- b. Provide opportunities for transportation assistance to the non-driving public **Not applicable to this proposal**
- c. Ensure that all public facilities meet State and Federal accessibility codes Not applicable to this proposal.

**Goal 8. Manage parking to meet land use, economic development and urban design goals **Adequate parking will be required of any development****

Policies

- a. Encourage shared parking arrangements in the downtown to better accommodate parking demands, including the siting of additional structures in each quadrant **Not applicable to this proposal**
- b. Sign parking areas in a consistent and easy to read manner **This will be required.**
- c. Develop a wayfinding sign program for the downtown to assist pedestrians and motorists in finding places of interest and parking **Not applicable to this proposal**
- d. Screen off-street parking areas from view from streets and residential areas **This will be required as part of Site Planning review.**

**Goal 9. Enhance railroad crossing safety for pedestrians and bicyclists **Goal and Policies are not applicable to this proposal****

Policies

- a. Redesign bicycle crossings at railroad tracks
- b. Provide fully accessible, clearly delineated, and properly identified pedestrian routes at railroad crossings
- c. Coordinate traffic control improvements at the Prairie and Wilson intersection to improve travel and reduce accidents

**Goal 10. Manage downtown and neighborhood traffic **Effects to neighboring areas will be considered with any development proposal****

Policies

- a. Develop truck routes to channel industrial traffic away from the Wilson Street bridge **Not applicable to this proposal**



- b. Increase traffic enforcement activity in neighborhoods, as needed **Any development has potential to increase traffic. Enforcement will be increased if warranted.**
- c. Implement traffic calming measures, such as textured or raised crosswalks, pedestrian islands and bump-outs to slow traffic in selected locations **If applicable, this will be coordinated with KDOT.**
- d. Consider the use of roundabouts in place of controlled intersections where feasible to enhance traffic flows **Not applicable to this proposal**

## **Public Facilities and Services Element**

### **Goal 1. Provide quality municipal services in a cost-effective manner **City will do so with any development****

#### Policies

- a. Maintain a multi-year capital improvement plan for all City infrastructure and major capital purchases **Proposed land use has potential to allow land uses that require less infrastructure.**
- b. Coordinate utility and street improvements to avoid damage to new pavement **See response to Policy a.**
- c. Continually explore methods for cost savings in City facilities **See response to Policy a.**
- d. Evaluate partnerships with public and private organizations as a mechanism for lowering the cost of public facilities **Not applicable to this proposal**
- e. Coordinate capital projects with other governmental agencies, utility companies and private developers **Any development will require such coordination.**
- f. Provide a higher level of street and sidewalk maintenance in the downtown **Not applicable to this proposal**
- g. Investigate cost sharing in the provision of some City services **Can be explored in an amended annexation agreement.**
- h. Evaluate the feasibility of implementing a stormwater utility to provide facilities to alleviate flooding and drainage problems **See response to Policy g.**

### **Goal 2. Consider services provided by other agencies in City decision-making **Batavia has informed other jurisdictions of the proposed map amendment and public hearing****

#### Policies

- a. Evaluate student population impacts in new residential developments **There would be no such impacts as proposed.**
- b. Use Fox Metro Water Reclamation District for sanitary sewer service where feasible **Property is in their sanitary district and they have been informed of proposed map amendment.**
- c. Use state and regional purchasing agreements for equipment and facilities where cost and time savings can be achieved **Not applicable to this proposal**
- d. Coordinate street maintenance and plowing with Townships, Kane County and IDOT **This policy would continue regardless of this development proposal.**



- e. Study the use of intergovernmental agreements for sharing of facilities and services with other agencies **Batavia has informed other jurisdictions of the proposed map amendment and will participate in cost sharing if appropriate.**

**Goal 3. Have new development pay its own way **Any new development will include infrastructure improvements to be built by the developer****

Policies

- a. Require full cost recovery for the extension of City utilities to new development  
Developer will be responsible for utility extensions consistent with the City Code and annexation agreement .
- b. Periodically update impact fees to insure that future capital improvements are fully funded **Fees will be specified in an amended annexation agreement.**
- c. Recover the cost of development processing and approval through fees for services **Can be considered through annexation agreement.**
- d. Consider establishing buy-in fees for annexation of territory to the City **Such fees can be considered through the annexation agreement.**

**Goal 4. Provide reliable and high quality emergency response services **Number of City emergency response events have potential to be reduced with development under proposed land use compared to existing entitlements.****

Policies

- a. Respond to emergency police calls in 5 minutes or less **See Goal 4 response.**
- b. Respond to 90% of emergency fire suppression calls with an engine company within 4 minutes of a 911 call and supplement response with full resources within 8 minutes **See Goal 4 response.**
- c. Respond to 90% of Emergency Medical Service (EMS) calls with arrival of a first responder within 4 minutes of a 911 call, and arrival of an Advanced Life Support unit (ALS) within 8 minutes **See Goal 4 response.**
- d. Construct a second bridge crossing of the Fox River in the downtown to provide a second or alternate emergency access **Not applicable to this proposal**
- e. Insure adequate fire hydrant placement throughout the community in accordance with national standards **Will be required.**
- f. Prepare emergency operations plans for each jurisdiction and utility, routinely train personnel in their roles and coordinate emergency plans with other jurisdictions and utilities **Not applicable to this proposal**
- g. Maintain current system security plans for all utilities and facilities **Any development will ensure safety of such facilities.**

**Goal 5. Coordinate City service provision with private utilities and other governmental jurisdictions **Batavia has informed other jurisdictions of the proposed map amendment****

Policies

- a. Continue to participate in the Tri-Com emergency dispatch system **Not applicable to this proposal**

- b. Coordinate electric power distribution with ComEd **Not applicable to this proposal**
- c. Connect potable water systems to those of adjacent municipalities to insure uninterrupted service **Not applicable to this proposal**
- d. Continue membership in the Northern Illinois Municipal Power Agency (NIMPA) **Not applicable to this proposal**
- e. Continue cooperation with AT&T for completion of their digital communication infrastructure **Will be considered with site development.**
- f. Expand the City's fiber optic network to improve communications service to businesses and public agencies **See response to Policy e.**

**Goal 6. Establish reasonable boundaries for the extension of City services, including aligning City boundaries with other service providers **Goals and Policies are not applicable to this proposal****

Policies

- a. Set an ultimate sanitary sewer service area based on treatment plant capacity
- b. Provide City utility service outside the City limits only when issues of public health exist and only if a pre-annexation agreement is signed
- c. In areas where pockets of unincorporated property exists, require property annexations to reduce or eliminate such pockets to achieve orderly City boundaries
- d. Provide direct City public safety services to non-residents only for emergencies, and insure that all costs are recovered

**Goal 7. Use utility capacity strategically for City development and redevelopment  
**Proposed land use can allow development to better use City utilities****

Policies

- a. Allocate adequate sanitary sewer capacity for downtown redevelopment projects **Not applicable to this proposal**
- b. Retain sewer capacity for infill projects when extending service for annexations **Not applicable to this proposal**
- c. Where feasible use Fox Metro to provide sanitary sewer service **Property is in their sanitary district.**
- d. Allow emergency sewer connection to homes in unincorporated areas with failing septic systems only with concurrent annexation, or require the property owner sign an agreement to annex to the City when it is possible to do so **Not applicable to this proposal**

**Goal 8. Use private contractors to provide services to City residents when it is cost-effective to do so, and when service levels can be maintained **Not applicable to this proposal****

Policies

- a. Provide weekly residential solid waste and recyclable material collection services using competitively bid private vendors; consider expanding recycling to business and multifamily uses
- b. Continue to evaluate the privatization of services, including contracting for specialized or short-term needs

- c. Use private consultants for engineering design work and planning studies that are one-time projects and those that require specialized expertise

**Goal 9. Insure a reliable supply of electricity for Batavia residents and businesses at costs below those of private utility providers** **The proposed land use provides entitlements for large electric users to operate on the property; that can help lower electrical usage costs to all customers.**

Policies

- a. Invest in system upgrades to insure an highly reliable power supply and a redundant distribution system **Not applicable to this proposal**
- b. Continue to evaluate energy portfolio to maintain the best mix of sources and appropriate levels of contracted energy to maintain affordable rates **Not applicable to this proposal**

**Goal 10. Continually search for ways to improve the quality and reliability of services to the community** **Goals and Policies are not applicable to this proposal**

Policies

- a. Participate in regional and state professional organizations
- b. Adopt “best practices” in service delivery, adapted to local conditions
- c. Provide incentives for more effective and efficient service delivery
- d. Conduct regular security evaluations of public facilities and implement priority recommendations

**Economic Development & Redevelopment Element**

**Goal 1. Facilitate open communication between the City and existing and prospective businesses** **Goal would be unaffected by any development scenario.**

Policies

- a. Maintain an effective business retention and expansion program **Not applicable to this proposal**
- b. Explore benefits and drawbacks of business registration or licensing **Not applicable to this proposal**
- c. Actively participate in activities of the Chamber of Commerce, Batavia MainStreet and other business organizations and encourage reciprocal participation in City activities **Not applicable to this proposal**
- d. Implement a marketing program to attract businesses that fulfill market needs **Such a program customized for this property may be required through the annexation agreement.**
- e. Encourage business owners to partner with the City to explore programs and policies that balance increased commerce with protection of property values and neighborhood character **City will require development and on-going business practices to protect adjacent properties through the annexation agreement.**

**Goal 2. Employ traffic and parking management techniques to best serve business and resident interests** **City will work with developer and businesses as well as with KDOT.**

Policies

- a. Encourage expanded use of public transportation systems **Such systems are not proximate.**
- b. Support roadway improvements that facilitate commerce **Any development will require roadway improvements.**
- c. Encourage the use of parking management plans in downtown **Not applicable to this proposal**

**Goal 3. Improve the quality of land development to make Batavia an attractive place for new investment** **Development possible under proposed land use requires an amended annexation agreement. Land development quality in excess of standard City Code requirements will be required through the annexation agreement.**

Policies

- a. Maintain up to date development guidelines **Not applicable to this proposal**
- b. Promote quality exterior lighting designs that balance effectiveness with sustainable practices **Will be required through annexation agreement**
- c. Insure that new developments acknowledge the importance of pedestrians and bicyclists **Will be required through annexation agreement**
- d. Incorporate public art in larger developments **May be required through annexation agreement**
- e. Preserve significant historic buildings and features **Not applicable to this proposal**
- f. Require all development to employ best management practices for protection and preservation of environmental resources **See response to Policy b**
- g. Be sensitive to regulations and their effect to the cost of land development **Aspects of development will be negotiated through the annexation agreement.**

**Goal 4. Increase employment and housing opportunities suited to a variety of life situations and income levels** **Proposed amendment has potential to provide such employment opportunities. Existing land designations have potential to provide such housing and employment opportunities.**

Policies

- a. Use annexation and development/redevelopment agreements effectively to ensure an appropriate mix of commercial uses and housing types **An amended annexation agreement, possible only with the proposal can be used for this purpose.**
- b. Participate in targeted marketing for commercial and industrial uses **This may be required through an amended annexation agreement.**
- c. Focus economic development efforts on increasing jobs that pay above average wages **Proposed land use provides greater potential for such jobs.**

**Goal 5. Form effective partnerships with the private sector to stimulate redevelopment**  
**Goal and Policies are not applicable – this is not a redevelopment site**

#### Policies

- a. Use City-sponsored programs to accomplish redevelopment goals
- b. Search for alternative project financing opportunities
- c. Encourage local businesses to bid on projects
- d. Establish clear and efficient development review processes
- e. Use public funding to offset development costs of public improvements
- f. Engage real estate professionals with proven success in redevelopment

**Goal 6. Ensure that redevelopment strengthens downtown Batavia as the center of the community** **Goal and Policies are not applicable to this proposal**

#### Policies

- a. Promote uses and activities that reinforce downtown as the civic and cultural heart of the community
- b. Make the downtown a desired destination to live, work and play

**Goal 7. Continue to improve utility infrastructure to accommodate the needs of all businesses** **This is possible under any land use classification.**

#### Policies

- a. Facilitate upgrades to telecommunication systems such as wireless internet, fiber optics, etc **Will be required where appropriate.**
- b. Seek ways to increase reliability and efficiency of City-owned utility distribution and supply while decreasing costs **Proposed land use classification allows for uses that can increase such efficiency and decrease costs.**
- c. Strive to exceed environmental standards on infrastructure projects **Can be accomplished through the annexation agreement.**

**Goal 8. Increase customer and visitor activity** **Existing land use has greater potential to allow uses that generate customer and visitor activity.**

#### Policies

- a. Promote the city as an attractive destination for commerce and recreation through a variety of media **Not applicable to this proposal.**
- b. Collaborate with other public and private organizations to increase awareness of City resources and amenities to enhance marketing efforts **Outside organizations are aware of this proposal and may participate in such efforts.**

### **Environment Element**

**Goal 1. Protect and enhance the City's and the region's air, land and water resources** **Existing and proposed land use classifications have potential to allow uses and development that can enhance or harm such resources. Existing land use has potential to allow development that would not increase pollution associated with diesel-powered vehicles operating on the property. Site development under the proposed land use allows for site improvements exceeding the City Code to enhance land and water resources.**

#### Policies

- a. Encourage the preservation and enhancement of valuable natural resources in their current form as an alternative to mitigating development impacts **This can be required (as opposed to simply encouraged) through the annexation agreement.**
- b. Encourage downtown redevelopment that provides environmentally sensitive public access to the Fox River **Not applicable to this property**
- c. Encourage the use of native plants and landscape materials in all development
- d. Preserve groundwater recharge areas and drainage and wildlife corridors **This can be required through the annexation agreement.**
- e. Minimize erosion, stormwater runoff and pollution by requiring the use of best management practices, including limits on pesticide use, for all construction activities especially adjacent to wetlands **This will be required of any development.**
- f. Encourage other agencies, such as the Forest Preserve and Park Districts to acquire, develop, and expand accessible natural areas, such as Tanglewood Hills Park **Park District land and facilities are and will be required through the annexation agreement.**
- g. Reduce impervious surfaces through the use of permeable pavers and similar techniques, to promote the recharge of local aquifers and to provide natural pre-treatment of stormwater runoff **This can be required through the annexation agreement.**

**Goal 2. Be a leader in environmental issues and act as an example for others **Batavia can do this and all policies below through implementation of existing codes and through the annexation agreement****

#### Policies

- a. Incorporate environmental considerations into decision-making processes **See Goal 2 response.**
- b. Allow innovative development design, such as conservation development, to protect natural resources **See Goal 2 response.**
- c. Continue to support and promote the clean-up and redevelopment of contaminated and environmentally sensitive areas **See Goal 2 response.**
- d. Ensure a gradual transition from the natural to the man-made environment **See Goal 2 response.**
- e. Invest in and use clean energy sources whenever possible **See Goal 2 response.**
- f. Support worthwhile programs initiated by other agencies to address local, national, and global environmental health **See Goal 2 response.**
- g. Where practical, adopt reasonable and effective regulation of noise and odor generation. **See Goal 2 response.**

**Goal 3. Encourage the responsible use of environmental resources and energy **See Goal 2 response.****

#### Policies

- a. Encourage sustainable building practices in construction activities **See Goal 2 response.**
- b. Promote water and energy conservation through public outreach and information programs **Not applicable to this proposal.**

- c. Establish energy audit and retrofit programs for older homes and commercial structures  
**Not applicable to this proposal.**
- d. Educate residents, businesses, and visitors to increase awareness of environmental issues and programs **Not applicable to this proposal.**
- e. Promote a walkable community by encouraging mixed use, infill and compact development patterns that reduce walking distances **See Goal 2 response.**
- f. Promote a walkable and bikeable community as envisioned in the Batavia Bicycle Plan, incorporating multi-use trails and bike routes into new development **See Goal 2 response.**
- g. Promote the use of public transportation by supporting upgrades to the PACE bus system, including sidewalk and bicycle path connections to new bus shelters **Annexation agreement can require this when needed.**
- h. Reduce the amount of material entering the municipal waste stream through environmentally responsible purchasing policies and expanded recycling programs  
**Annexation agreement can require such a program.**

## **Parks and Open Space Element**

**Goal 1. Provide an abundant supply of parks and open spaces** **Development under existing entitlements or under the proposed land use categories will require public park facilities and/or spaces.**

### **Policies**

- a. Periodically review the City Code to ensure that the land-cash donation requirement in the Subdivision Regulations remains at the maximum legal level **Not applicable to this proposal.**
- b. Periodically review the Zoning Code to ensure that it mandates significant quantities of useable private open space **Not applicable to this proposal.**
- c. Involve the Geneva and Batavia park districts and the Kane and DuPage County forest preserve districts in annexation and development proposals, especially where a land-cash donation applies **City has involved the park district in this proposal.**
- d. Support park and forest preserve districts in their efforts to acquire and develop parks and open spaces and indoor recreation facilities. **See response to Policy c.**
- e. Connect parks and open spaces with trails that also access existing and future public transportation facilities **See response to Policy c.**
- f. Preserve or reclaim property adjacent to waterways for open space use and to help improve the quality of water that enters the waterways – preserve and enhance naturalized settings **Not applicable to this proposal.**

**Goal 2. Balance active and passive open spaces** **Any development will require public park facilities and/or spaces, allowing for balanced space usage.**

### **Policies**

- a. Support park districts' efforts to gather input from area residents on desired park and open space facilities **City has involved the park district in this proposal.**
- b. Apply effective development standards to provide reasonable transitions from active and passive use parks and open spaces to differing land uses, especially residential **This will be done through implementation of existing codes and through the annexation agreement**



- c. Support creation of specialized parks and open spaces when the need for each is established **Any development will require public park facilities and/or spaces.**
- d. Allow for the evolution of recreation areas and facilities to accommodate new equipment and infrastructure to meet use demands **City has involved the park district in this proposal and it can request, and the City can require such accommodation.**
- e. Develop fully accessible active and passive recreation facilities that can accommodate persons of all levels of abilities **See response to Policy d.**
- f. Combine both active and passive use areas on the same property **See response to Policy d.**
- g. Retain or reestablish natural areas **The effective annexation agreement accommodated existing areas; an amended annexation agreement needed to fulfill the applicant's land use map change request can reestablishment of such areas.**
- h. Encourage opportunities for a variety of open space uses in the planning areas. **This can be required (as opposed to just encouraged) through an amended annexation agreement.**

**Goal 3. Strengthen the Fox River corridor as the prominent open space amenity in the Batavia planning area** **Goal and Policies are not applicable to the proposal.**

Policies

- a. Seize opportunities to increase public access to the Fox River
- b. Provide for bike and multi-use trail links to have direct access to the Fox River
- c. Actively participate in efforts to create corridors of open spaces along the Fox River's banks, including the acquisition of river-adjacent properties
- d. Take a leadership role in creating and establishing programs to protect water and land quality in and adjacent to the river
- e. Seek ways to increase active recreational use of the Fox River
- f. Consider proposed developments' environmental health impacts to the Fox River and its riparian areas, as well as their effects on views to and from the river
- g. Encourage park districts and the Forest Preserve District to maintain their properties adjacent to the Fox River in a manner that protects the health of the river and supports public access to the river

**Goal 4. Maintain and enhance existing park and open space facilities** **Goals and Policies are not applicable to the proposal – there are no existing park or open space facilities.**

Policies

- a. Ensure that adequate financial resources are available to properly care for City owned open spaces
- b. Consider development of Open Space only if abundant open space would remain and development furthers other goals of the Comprehensive Plan
- c. Protect and enhance views of open spaces
- d. Monitor and participate in planning and development activities undertaken by adjacent jurisdictions to protect open spaces in the Batavia Planning Area
- e. Require environmentally sensitive open spaces on commonly-owned private property to be protected with a conservation easement and have ample funding for professional management

- f. Encourage the establishment of conservation easements on, or professional management of, environmentally sensitive areas on individually-owned private properties
- g. Support Batavia Park District in their efforts to preserve the Harold Hall Quarry Beach to insure it continues its historic recreation role

**Goal 5. Require open spaces as part of development approvals for all significant residential and non-residential projects** **This will be required of any development under existing entitlements or proposed land use categories**

Policies

- a. Apply development regulations to provide the required amount of useable open space and encourage the provision of additional open space **Requirements in excess of the minimum may be required through an amended annexation agreement.**
- b. Encourage stormwater management areas to be designed with native vegetation and to accommodate active and/or passive recreational use **This may be required through an amended annexation agreement.**
- c. Emphasize the benefits of conservation easements for, and professional management of, environmentally sensitive open spaces on private property and require these when reasonable and possible **See response to Policy d.**
- d. Require new development to construct bicycle and multi-use trails as shown in the Batavia Bicycle Plan **This will be required of any development.**

**Housing, Neighborhood Conservation and Historic Preservation Element**

**Goal 1. Provide a wide range of housing opportunities for people in all life circumstances** **The proposed land use will eliminate opportunities for housing opportunities**

Policies

- a. Provide a diversity of quality rental and owner occupied housing **The proposed land use classification will eliminate this opportunity.**
- b. Seek appropriate housing developments in anticipation of increased senior population **The existing property entitlements do not require such housing. The proposed land use classification will eliminate this opportunity.**
- c. Provide community workforce housing **The existing property entitlements do not address housing affordability. The proposed land use classification will eliminate this opportunity.**
- d. Continue to allow accessory units such as granny flats, in-law arrangements and coach homes where appropriate **The existing property entitlements do not allow such housing. The proposed land use classification will eliminate this opportunity.**
- e. Seek opportunities to supply quality affordable housing **The existing property entitlements do not address housing affordability. The proposed land use classification will eliminate this opportunity.**
- f. Encourage varied housing styles, densities and types within neighborhoods **The existing property entitlements do not address housing variety. The proposed land use classification will eliminate this opportunity.**

- g. Accommodate housing needs for persons with disabilities **The existing property entitlements do not address housing accessibility. The proposed land use classification will eliminate this opportunity.**
- h. Stress the importance to financial and lending institutions of remaining committed to meet all housing needs of the City **Not applicable to this proposal.**
- i. Maintain opportunities to provide higher density housing in conjunction with mixed-use developments **Not applicable to this proposal. Existing entitlements and proposed land use classifications do not allow mixed use developments.**
- j. Coordinate with faith-based community and social service providers to address the issue of homelessness in the community **The existing property entitlements do not address this policy. The proposed land use classification will eliminate this opportunity.**

**Goal 2. Preserve the character of established residential neighborhoods** **Proposed land use classifications allow for land uses that are less compatible than uses allowed with existing entitlements. Site planning opportunities through an annexation agreement under the proposed land use classifications can require extraordinary development features to provide buffering between uses.**

Policies

- a. Strengthen and enforce property maintenance codes **Not applicable to this proposal.**
- b. Prevent commercial encroachment into residential neighborhoods **Not applicable to this project – there is no residential neighborhood on this property, therefore, no expansion into such neighborhood is proposed.**
- c. Identify, improve and rehabilitate deteriorating residential properties **Not applicable to this proposal.**
- d. Ensure that rental housing meets Housing Quality Standards through a licensing and inspection program **Not applicable to this proposal.**
- e. Expand Crime Free Housing Program if pilot program is successful to all rental properties in the city **Not applicable to this proposal.**

**Goal 3. Conserve historical and cultural resources** **Goal and Policies are not applicable to this proposal.**

Policies

- a. Maintain an up-to-date historic preservation ordinance
- b. Support the Historic Preservation Commission in its efforts to identify, and to preserve historic resources in a flexible manner
- c. Continue and expand the Historic Preservation Commission's educational role on historic preservation to citizens and members of the community
- d. Develop a landmark survey to identify unique properties with historic, community, architectural, or aesthetic importance, interest, or value
- e. Keep an updated Historic Property Survey
- f. Support organizations that actively promote Batavia's cultural heritage and history
- g. Study the establishment of future historic districts

**Goal 4. Create diverse neighborhoods** **Goal and Policies are not applicable to this proposal.**

Policies

- a. Maintain effective Multi-Family Design Guidelines
- b. Identify areas of infill development that do not disrupt the existing neighborhood environment
- c. Consider development and redevelopment at greater density where appropriate

**Goal 5. Improve neighborhood quality** **Development under existing entitlements and under the proposed land use categories has potential to negatively affect the quality of nearby neighborhoods. Any development will require quality site and building improvements; extraordinary quality can be mandated through an amended annexation agreement.**

Policies

- a. Encourage all residents and property owners to become stakeholders in improving their neighborhoods **While the City of Batavia has no cause to encourage this anywhere except the subject property with this proposal, the City has ensured that land entitlement review and decisions are and will be conducted in an open, transparent manner.**
- b. Support efforts to increase neighborhood safety **See response to Goal 5, Policy a.**
- c. Continue City infrastructure improvements, especially those that promote pedestrian friendly and walkable neighborhoods **This will be required of any development.**

**Goal 6. Assure quality living environments** **The City's codes and opportunities through annexation agreements provide opportunities to require land development to buffer itself from adjacent land uses**

Policies

- a. Require establishment of homeowners' associations in new neighborhoods that contain commonly owned improvements **City codes require commonly owned improvements to be properly maintained by an association. Entitlements on the subject property require establishment of a back-up special service area to ensure funding availability for maintenance with any development.**
- b. Establish backup special service areas where homeowner associations maintain common facilities **See response to Goal 6, Policy a.**
- c. Maintain contemporary building and construction codes **Not applicable to this proposal.**
- d. Enforce all building, safety, zoning and fire codes to prevent overcrowding and unsafe conditions **Not applicable to this proposal.**
- e. Discourage the use of subdivision identification signs to promote a unified Batavia identity. **Existing entitlements provide for such a sign. Through an amended annexation agreement required with this proposal, such a sign can be prohibited.**

## **Urban Design Element**

**Goal 1. Improve the quality of the built environment** **Development possible under both the existing and proposed land uses will be high quality through application of existing City codes and requirements of an amended annexation agreement.**

### Policies

- a. Through design review, implement established design criteria for all new and remodeled commercial, industrial, institutional and multi-family projects, including changes to parking lots **This policy will be implemented with any development either as existing or proposed.**
- b. Encourage high quality building materials and extensive landscaping in public and private projects **See response to Policy a.**
- c. Continue the commitment to quality design in City construction projects, and work with other public entities to reinforce that objective in their projects **Not Applicable, as it refers to projects for City and other public agency facilities.**
- d. Require all sides of a building or project to be of a consistent design quality when it will be visible from public streets, residential uses or areas accessible to the public **Existing entitlements require this and extraordinary quality can be required through an amended annexation agreement.**
- e. Insure that mechanical and electrical equipment is screened from public view **Existing entitlements require this and extraordinary screening can be required through an amended annexation agreement.**
- f. Reduce the scale of large retaining walls by terracing and landscaping **See response to Policy a.**
- g. Construct landscaped stormwater detention basins with natural contours and gradual side slopes **See response to Policy a.**

**Goal 2. Integrate the preservation of natural and historic features into new developments** **This can be accomplished with existing entitlements or as proposed**

### Policies

- a. Retain and reuse viable historic buildings and architectural elements as a part of redevelopment projects **Not applicable to this proposal.**
- b. Preserve wetlands, significant trees, watercourses and other important environmental features in new development projects when feasible; mitigate landscape removal when preservation is not possible **See response to Goal 2.**
- c. Preserve natural and historic site features to the maximum extent possible **See response to Goal 2.**

**Goal 3. Use landscaping to soften new development, screen unattractive elements, minimize heat gain, and to provide relief from urbanization** **This can be accomplished with existing entitlements or as proposed**

### Policies

- a. Incorporate frequent large planters with deciduous trees in parking lots **See response to Goal 3.**
- b. Screen building- and ground-mounted mechanical and electrical equipment from public view using shrubs, trees, berms and/or screen walls **Existing entitlements require this and extraordinary screening can be required through an amended annexation agreement.**
- c. Screen parking lots from streets using either shrubs, low walls, berms or a combination of materials **Existing entitlements require this and extraordinary screening can be required through an amended annexation agreement.**
- d. Use large setbacks, evergreen trees, fences and shrubs to buffer residential uses from commercial and industrial uses **Existing entitlements require this and extraordinary screening can be required through an amended annexation agreement.**
- e. Landscape projects in a manner that enhances and complements their architecture **See response to Policy a.**
- f. Continue an active street tree planting and maintenance program **Street trees will be required with any development.**
- g. Landscape projects with a combination of evergreen and deciduous plant material **Existing entitlements require this and extraordinary landscaping can be required through an amended annexation agreement.**
- h. Use landscaping to establish a sequence of entry to sites and buildings **To be addressed with design review.**
- i. Include outdoor use spaces in new developments, including seating, tables, paths, vegetation, enhanced pavement, shade and trash receptacles **Existing entitlements require this and extraordinary landscaping can be required through an amended annexation agreement.**
- j. Screen downtown businesses' existing trash/recycling receptacles from public view **Not applicable to this proposal.**

**Goal 4. Promote art in public places throughout the community** **Existing entitlements do not require this. This can be required through an amended annexation agreement possible with this proposal.**

#### Policies

- a. Incorporate a requirement for public art into design guidelines for commercial, office and large-scale residential projects **See response to Goal 4.**
- b. Consider the establishment of a City arts commission to oversee and manage the City's art collection, advise the City Council on acquisitions, and to promote a wide range of performing and visual art exhibits in the community **Not applicable to this proposal.**
- c. Require that a percentage of the budget for new major City capital projects be devoted to permanent public art **Not applicable to this proposal.**
- d. Collaborate with arts organizations, individual artists, businesses, and other jurisdictions to advance the arts in Batavia **Not applicable to this proposal.**

**Goal 5. Insure that new development maintains a human scale** **Existing entitlements do not require this, but this may be achieved through application of City codes and discretionary procedures. This can be required through an amended annexation agreement possible only with this proposal.**

#### Policies

- a. Avoid using larger building masses when smaller, distinct building units and architectural enhancements can better provide a pedestrian focus **See response to Goal 5.**
- b. Use landscape islands and pedestrian walkways to divide large parking lots into smaller fields, and to make street crossings safer **This will be required with any development.**
- c. Avoid blank building walls facing publicly accessible areas **See response to Goal 5.**
- d. Encourage use of appropriately sized building materials such as brick, stone and block or modulating large expanses of exterior finish insulation systems (EIFS) to create visual interest **See response to Goal 5.**
- e. Reduce the scale of parking lot lighting, signage and structures in retail and office projects **See response to Goal 5.**
- f. Provide an inviting, human scale to public spaces by creating intimate seating areas, shade structures, water features, and other similar elements **See response to Goal 5.**
- g. Provide multiple, convenient pedestrian entrances to public places and encourage the same for retail buildings **See response to Goal 5.**
- h. De-emphasize or screen utilitarian aspects of projects, including gas pumps, service areas, loading docks and utility areas **See response to Goal 5.**
- i. Avoid visual clutter in retail development by limiting outdoor merchandise displays **See response to Goal 5.**
- j. Emphasize human scale entries for all buildings; use entrance canopies and awnings for shelter **See response to Goal 5.**

#### **Goal 6. Consider lighting as a design element in new public and private development projects **This will be considered with any development. Also, see response to Goal 5.****

#### Policies

- a. Protect residential areas and streets from light trespass and glare **This would be sought with any development. As proposed, many fewer street lights would be required.**
- b. Use lighting to accent architecture and improve streetscapes **See response to Goal 6.**
- c. Provide adequate lighting for safety and security, but avoid over-illumination **This will be required with any development.**
- d. Mount pole and building light fixtures as low as possible to achieve adequate lighting **Existing entitlements do not require this. This can be required through an amended annexation agreement possible with this proposal.**
- e. Permit creative and energy-efficient illumination sources that enhance signs and architecture, but which do not become a distraction to motorists **See response to Goal 6.**
- f. Encourage use of energy-efficient lighting **See response to Goal 6.**

#### **Goal 7. Make public and private signage an asset to the community **See response to Goal 5 for this and for Policies a-f, below.****

#### Policies

- a. Insure that signs are legible and in scale with adjacent streets and structures.
- b. Use coordinated signage for shopping centers, office and industrial parks



- c. Avoid sign clutter by careful design and spacing of freestanding and wall signs; encourage building designs that include a sign frieze
- d. Require signs to be built of high quality materials, be well maintained, and to be removed when no longer needed
- e. Allow some changeable-message signs, but carefully regulate the rate of change to avoid appearance of movement
- f. Coordinate the design of freestanding signs with the architecture of the buildings they identify
- g. In the Downtown Historic District and on landmarked properties ensure signage balances respect to the historic character of the buildings and neighborhood with use of modern materials that create interesting or unique designs to facilitate effective communication  
**Not applicable to this proposal.**
- h. Develop wayfinding signs for the downtown **Not applicable to this proposal.**

**Goal 8. Highlight significant gateways and important places in the City by community signage, public art and windmills** **See response to Goal 5 for this and for Policies a-c, below.**

Policies

- a. Install welcome signs at major entry points to the City
- b. Require major commercial projects to acquire, install and maintain an illuminated windmill or significant public art in a prominent location
- c. Incorporate a windmill or significant public art into the site design of major new City buildings
- d. Maintain unique identification signs for the Downtown Historic District and historically significant buildings **Not applicable to this proposal.**

**Goal 9. Improve the image of the City as viewed from public streets** **This will be sought with any development. Also, see response to Goal 5 for this and Policies b-e and h, below.**

Policies

- a. Require design review for all new development in the City except for individual single-family homes **This is required with any development, as existing or proposed.**
- b. Install landscape buffers or screen fences where loading areas and semi-trailer parking are visible from major streets
- c. In new industrial and commercial projects, orient service and loading areas away from public streets and highly visible areas
- d. Require enclosures with walls and solid gates to complement building architecture for all dumpsters that are visible from public streets or other areas accessible to the public
- e. Continue to limit chain link fencing without overlapping inserts adjacent to public rights-of-way
- f. Allow barbed wire on fencing only in industrial districts when elevated above an easily reachable height **This will be required as proposed.**
- g. Continue the program for screening public utility sites such as transformer stations, well sites, lift stations and similar facilities **Not applicable to this proposal.**
- h. Underground utility lines where possible **This may be required as existing or proposed.**

**Goal 10. Re-establish the urban character and pedestrian-friendly environment of downtown Batavia** **Goal and Policies are not applicable to this proposal**

Policies

- a. Encourage a diversity of uses, activities and scales of development in downtown
- b. Promote street level activity in the core of the downtown through management of land uses, design of the public domain and movement of pedestrian activity to the street
- c. Make downtown streets interesting, comfortable and lively, with unique lighting, wide sidewalks, seating, upgraded paving materials and convenient public restrooms
- d. Treat pedestrian, bicycle, and vehicle access and amenities equally in the downtown
- e. Develop centralized public parking in each quadrant of the downtown; reduce on-site parking requirements
- f. Encourage the location of entertainment, dining, specialty shops and locally owned businesses in downtown
- g. Foster the arts as a major component of downtown activity and interest
- h. Continue the Tax Increment Finance District sponsored financial assistance programs
- i. Use the Fox River, the river trail and unique public spaces as catalysts for new downtown development, activities and uses
- j. Insure that City codes and ordinances respect the historic character of downtown and implement Comprehensive Plan policies
- k. In areas characterized by buildings that hold the street edge, support development that fits this character, including locating parking areas behind, beside or beneath buildings, or in parking structures, where feasible

**Regional and Interjurisdictional Issues Element**

**Goal 1. Increase awareness of the regional context in which local government decisions are made to increase efficiency of infrastructure improvements, manage traffic and protect the environment** **The City's open review procedures and seeking input from other jurisdictions meet this goal**

Policies

- a. Be a leader in fostering effective intergovernmental cooperation within the Fox Valley area **See response to Goal 1, as applicable to this policy.**
- b. Consult comprehensive plans and recommendations of other jurisdictions and agencies when Batavia land use and capital investment decisions are made **See response to Goal 1.**
- c. Participate in long-range planning activities of neighboring jurisdictions and regional agencies that have potential to affect Batavia **Not applicable to this proposal.**
- d. Emphasize effects to supply of natural resources and disturbances to flora and wildlife habitats when collaborating on land use policies among jurisdictions **See response to Goal 1, as applicable to this policy.**
- e. Engage landowners in the City's planning process **Proper hearing notice was executed and additional open meetings were scheduled to consider this proposal.**

**Goal 2. Review all boundary and service area agreements with neighboring jurisdictions to determine if adjustments are appropriate - establish agreements where none exist** **Goal and Policies are not applicable to this proposal**

Policies

- a. Include development parameters within boundary agreements for properties where development most affects adjacent jurisdictions
- b. Review expiration dates of intergovernmental agreements to determine if new agreements are needed when opportunities arise
- c. Where possible, attempt to make jurisdictional and service area boundaries more rational

**Goal 3. Eliminate unincorporated properties essentially surrounded by the City** **Goal and Policies are not applicable to this proposal**

Policies

- a. Ensure annexations reduce the size of or eliminate unincorporated islands
- b. Continue to investigate infrastructure improvement needs as part of the annexation process, or if utility service is requested without annexation
- c. Continue to coordinate with the County Sheriff for public safety response support
- d. Continue to coordinate with County administrative government departments for code compliance support

**Goal 4. Expand telecommunication through joint efforts among governments, utility providers, research and educational institutions** **Goal and Policies are not applicable to this proposal**

Policies

- a. Engage efforts of local councils of governments and regional planning agencies
- b. Work with FermiLab to expand communication utility facilities on its property
- c. Review improvement opportunities with franchise renewals or awards
- d. Invite institutions of higher learning to partner with the City in contributing to telecommunication network improvement
- e. Support efforts to provide quality wireless internet service within the City

## **Bicycle Plan**

Due to the format of the bicycle plan, the above format will not be used here. All issues related to bicycle facilities have been, and will continue to be considered with input from the Batavia Park District. Bicycle trails and connections are required in the existing annexation agreement and will continue to be required in an amended agreement.

Submitted by Barry Miskner 3-26-14

ORDINANCE NO. 80-39

AN ORDINANCE APPROVING AND AUTHORIZING THE  
EXECUTION OF A JURISDICTIONAL BOUNDARY LINE  
AGREEMENT WITH THE CITY OF AURORA

WHEREAS, the corporate authorities of the City of Batavia and the City of Aurora have determined that it is in the best interests of both cities that an intergovernmental agreement be entered into to define a jurisdictional boundary line between the two cities; and,

WHEREAS, said intergovernmental agreements are permitted by the Statutes of the State of Illinois;

THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, Illinois, as follows:

Section 1. That the Boundary Agreement with the City of Aurora is hereby approved and adopted, a copy of said agreement being attached hereto and made a part hereof.

Section 2. That the Mayor be authorized to execute and the City Clerk to attest to the said Boundary Agreement with the City of Aurora.

Section 3. That this ordinance shall be in full force and effect upon its passage and approval as required by law.

PRESENTED to the City Council of the City of Batavia, Illinois, on the 6th day of October, 1980.

PASSED by the City Council of the City of Batavia, Illinois, on the 20th day of October, 1980.

  
City Clerk

APPROVED by me as Mayor of said City of Batavia, Illinois, this 20th day of October, 1980.

  
Mayor

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1981 JAN 23 PM 3:30

1567280

*Eileen E. Fungel*  
CLERK OF DEEDS

20 1567280

Ayes 7

Nays 1

Absent 2

Total 10

This document was prepared by

Ralph S. Beck  
Attorney at Law  
228 East Wilson Street  
Batavia, Illinois 60510

Unofficial

## BOUNDARY AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT is made and entered by and between THE CITY OF AURORA (herein "Aurora") and THE CITY OF BATAVIA (herein "Batavia"), on the date of signing by the respective Mayors pursuant to authorization by the respective City Councils, and pursuant to the enabling provisions of Article VII of the Constitution of Illinois.

The respective municipal authorities of Aurora and Batavia have found and established the following facts and circumstances:

1. That current population trends, land use studies, and other information as to the future development of the areas in question have caused the corporate authorities of Aurora and Batavia to realize that the demands for municipal services in the area are growing and will cause both municipalities to incur serious financial commitments.
2. That the lands lying between the present municipal boundaries of Aurora and Batavia (herein the "subject area" and more fully detailed on the map hereto attached and incorporated herein as Exhibit "I") constitute an area of rapid development, in which the effect and impact on earlier-developed areas of the two municipalities are and will continue to be serious and direct; and that it has become necessary that both municipalities consider these effects; and
3. That both Aurora and Batavia are vitally concerned with the future development of the subject area, and have determined that the municipalities and their citizens will be benefited by mutuality and cooperation of the governmental authorities; and by effective and efficient planning for growth and potential development; and
4. That the municipalities have authorized this Agreement, by ordinances, as an exercise of their respective powers and authorities under The Municipal Code of Illinois and the 1970 Constitution of Illinois;

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants herein contained, it is agreed by The City of Aurora and The City of Batavia, as follows:

1. That a boundary line, delineating the jurisdiction and manifest interest of the respective municipalities for all purposes of annexation,

planning, subdivision control, zoning, and all other governmental and municipal purposes, is established between the cities, and shall be located as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 35, Township 39 North, Range 8 East of the Third Principal Meridian; thence East along the North line of said Northwest Quarter to the center line of Hart Road; thence Southerly along said center line 1821.73 feet for a point of beginning; thence Easterly to a point in the center line of Kirk Road that is 2850 feet Northerly of the North right-of-way line of Illinois State Route No. 56, also known as Butterfield Road; thence continuing East along the last described course extended Easterly to the point of intersection with Westerly boundary line of Fermi National Laboratory for a point of termination in the Township of Batavia, Kane County, Illinois.

This boundary line can be commonly described as a line approximately perpendicular to the center line of Kirk Road 2850 feet north of the north right-of-way line of Butterfield Road at Kirk Road and extending from the center line of Hart Road on the West to the Westerly property line of Fermi National Laboratory on the east.

The said boundary line is depicted on the Map hereto attached and made part hereof as Exhibit "I" as is indicated by the foregoing description and Map, the areas lying to the North of the boundary line shall be those of Batavia and the areas lying to the South of the boundary line shall be those of Aurora.

2. All future annexation ordinances adopted by the corporate authorities of both Cities shall conform with the provisions of this agreement; and each municipality shall permit, and not object to, the disconnection of any territory now or in the future lying within its municipal boundaries but lying beyond its jurisdictional boundary line as herein described, whether such disconnection be by petition of land owner, court action, or otherwise.



3. Each City hereby agrees that it will not act to annex or exercise any zoning authority or subdivision control authority within the subject area beyond the corporate boundary established in this Agreement, except as specified herein or upon a subsequent joint written Agreement or Amendment to this Agreement, duly authorized by the corporate authorities of both Cities. This paragraph shall not, however, be construed to limit or restrict the right of either City to file a statutory objection to any proposed rezoning within one and one-half (1½) miles of its corporate limits. Each City further agrees that it will actively oppose any attempt to effectuate any involuntary annexation which would have the effect of changing the boundary hereby established.

4. The respective Cities have, before entering into this Agreement, given due consideration to the zoning, planning, traffic and transportation, housing and other land uses, sewer, water, drainage, governmental services, and other aspects of the subject area. Having considered all these aspects, the respective corporate authorities have concluded that certain zoning and land use restrictions should be imposed on the subject area, as hereinafter specified. Each municipality agrees that to the fullest extent permissible by law it will so exercise its zoning and subdivision control powers as to cause the uses of land in the subject area to conform with these restrictions, and will not exercise its powers so as to permit or authorize violations of and departures from these restrictions. The restrictions are as follows:

A. In the area of approximately one thousand feet (1000') North of the boundary line, and in the area of approximately one thousand feet (1000') South of the boundary line the only permissible zoning shall be R-1 Single Family Residential, as now defined in the respective Zoning Ordinances of Aurora and Batavia.

(1) Proviso: This restriction shall not affect present uses of properties in the subject area which are now being devoted to other uses such as farming, school sites, and the like. However, any proposed change of such uses shall be required to conform with this Agreement.

(11) Proviso: The portions of the area described in A, above, which lie to the East of Kirk Road (between Kirk Road and Fermi National Laboratory site) are acknowledged to have some factors and conditions which might make acceptable and reasonable some uses other than residential, such as office and laboratory buildings. Each City agrees to consider such uses, but in any initial zoning granted by either City the zoning shall remain residential until the approval of the corporate authorities of both Cities is obtained.

B. In the area South of the Aurora-Batavia boundary hereby established and North of Butterfield Road, Aurora shall permit no multiple-family dwelling uses.

C. In the area South of the Aurora-Batavia boundary hereby established, North of Butterfield Road, and West of Kirk Road, commercial uses as authorized by the "B" zonings under Aurora's zoning ordinances, will be permitted, but the same will not be permitted to extend further North than approximately 1500 feet from the North line of Butterfield Road.

D. In the area South of the Aurora-Batavia boundary hereby established, North of Butterfield Road and East of Kirk Road, light industrial uses as authorized by the "H-1" zonings under Aurora's zoning ordinance, will be permitted, but the same will not be permitted to extend farther North than approximately 1500 feet from the North line of Butterfield Road.

E. Multiple-family dwelling units will not be permitted in the commercial areas defined in Section 4C.

5. In addition to exercising their own zoning powers to comply with the restrictions set forth in paragraph 4, the Cities agree that so long as any part of the subject area remains outside the corporate limits of the respective Cities, they will:

A. Cause their respective departments charged with planning, to give regular and continuing attention to the subject area and any efforts, projects and plans proposed by owners and developers to the zoning authorities of the county; and

5. Fully participate in any proceedings before the zoning authorities of the county, and therein seek to establish the restrictions and concepts of this Agreement as binding upon and conformed to by any development of the subject area.

6. It is mutually recognized by the Cities that future development of the subject area will be affected by many factors and circumstances which cannot be now foreseen or predicted. Such unforeseen circumstances may possibly cause the zoning and use restrictions of this Agreement to be unwise or unreasonable. Accordingly it is agreed that in the event either City shall desire a change in this Agreement or intend to vary or permit a departure from the zoning and use restrictions of this Agreement, or in the event that any owner, developer or other person or agency, shall commence any action to challenge, vary or depart from these zoning and use restrictions, then a Joint Commission shall be created by the Cities, and to such Joint Commission the powers and duties herein described shall be granted. No action shall be taken by either City to vary or permit departure from the zoning and use restrictions of this Agreement until such Joint Commission shall have been created, completed its proceedings and made its report and recommendations to the Council of the respective Cities.

7. The Joint Commission shall consist of three members, one appointed by each City, and one appointed by the Chairman of the Board of Supervisors of Kane County (or in his absence by the then acting chairman of the Zoning Board of Kane County). Members appointed by a City may be, but need not be elected officials including aldermen. The Commission shall meet and make its own rules immediately upon being appointed. It shall make its report and recommendation to the Cities within ninety days of its appointment. Its duties and powers shall be:

A. To research, study, review, and consider all facts, data, opinions, and information available upon and concerning any proposals for development and land use in the subject area, or a particular proposal then under consideration.

B. To use all such available information, and to seek and use other information from any source, including the planning staffs of

the Cities, the County, and Northeastern Illinois Planning Commission, in such a way as the Commission may feel useful in making its report and recommendations.

- C. To make use of the time, efforts, knowledge and abilities of employees of either City, at the expense of the respective employer; and this shall include secretarial assistance.
- D. To issue a report of its findings, and a recommendation to Aurora and Batavia, regarding the particular proposal then under consideration and regarding any proposal for development and land use in the subject area; which recommendation may include recommendations for changes in this Agreement.

8. Neither City shall directly or indirectly seek any modification of this Agreement through court action, and this Agreement shall remain in full force and effect until it is amended or terminated by the mutual agreement of both of the respective corporate authorities, and then only after they have received the recommendations of the Joint Commission.

9. The covenants and undertakings of this Agreement are severable and independent of one another. It is agreed that if any provision of this Agreement shall be declared invalid or unenforceable for any reason, such invalidity or unenforceability shall not affect other provisions which can be given effect without the invalid or unenforceable provision.

10. This Agreement shall be construed under the laws of Illinois, and shall be effective upon its adoption by the authorities of both Cities and its property recording in the Office of the Recorder of Deeds of Kane County, Illinois.

WITNESS the signatures of the respective Mayors this 20th day of October, 1980.

Authorized by Resolution of  
the City Council of the City of  
Aurora on October 21st, 1980.

James E. Julius  
Deputy City Clerk

Ord. No. 80-39  
Authorized by Resolution of the  
City Council of the City of  
Batavia on October 20th, 1980.

Thomas J. Smith  
City Clerk

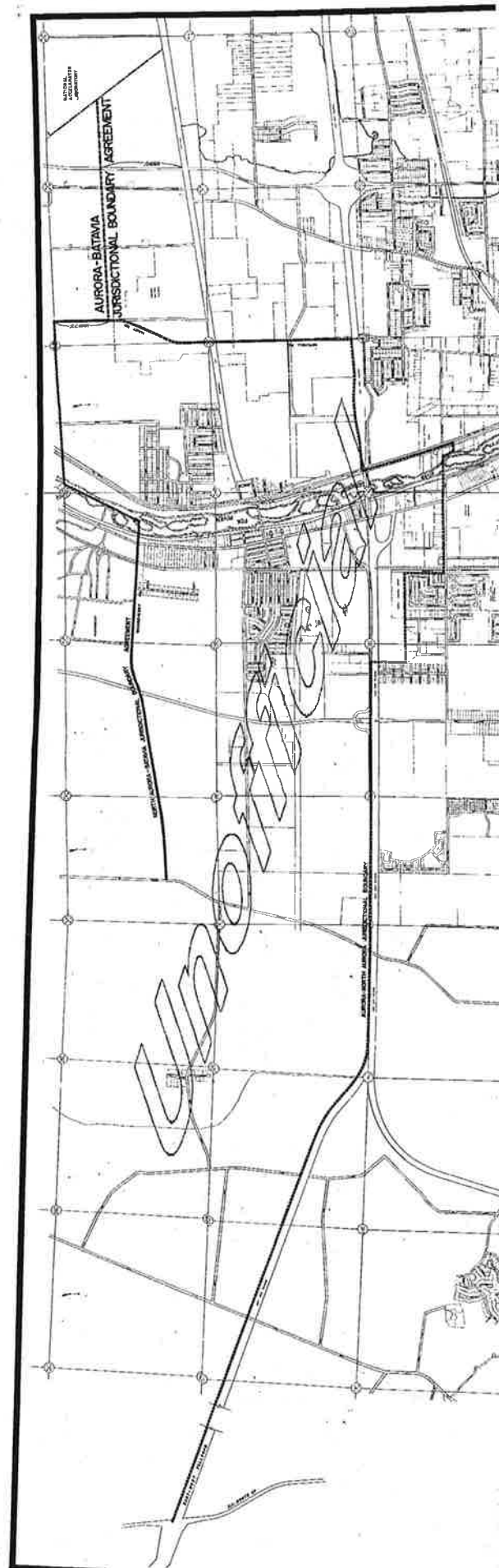
CITY OF AURORA

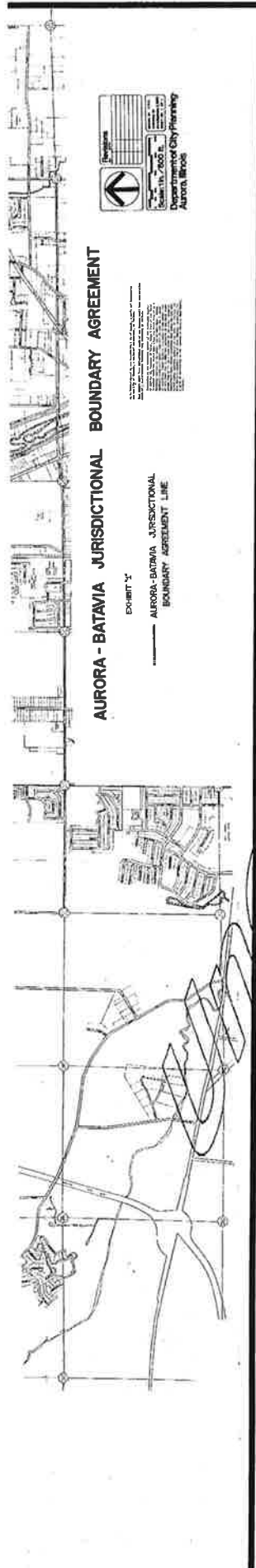
By John Hill  
Mayor

CITY OF BATAVIA

By Philip L. Bantz  
Mayor

1567280





Official

Submitted by Barry Missner 3-26-14

**Barry Missner**

---

**From:** Don Schoenheider [redacted]  
**Sent:** Monday, March 24, 2014 12:55 PM  
**To:** Barry Missner  
**Subject:** RE: Liberty Bus Aurora

In Aurora, yes.

**Donald P. Schoenheider**  
Vice President/City Manager  
Co-Leader/National Industrial Practice Group  
Liberty Property Trust  
D 847.264.2121 M 847.770.3319  
25 Northwest Point, Suite 550, Elk Grove Village, IL 60007  
[redacted]

---

**From:** Barry Missner [mailto:BMissner@missnergroup.com]  
**Sent:** Monday, March 24, 2014 12:54 PM  
**To:** Don Schoenheider  
**Subject:** RE: Liberty Bus Aurora

Thanks Don, you guys are full now though, right?

Barry Missner  
o: 847-972-5330  
c: 312-307-8877  
[bmissner@missnergroup.com](mailto:bmissner@missnergroup.com)

**From:** Don Schoenheider [mailto:dschoenheider@libertyproperty.com]  
**Sent:** Monday, March 24, 2014 9:05 AM  
**To:** Barry Missner  
**Subject:** RE: Liberty Bus Aurora

[redacted]

Heard you we kicking around with a site out there. We are planning on going with one of our 428K buildings in North Aurora. Probably an early summer groundbreaking. Good luck with White Oak. You will do well with it.

[redacted]

Hope all is well.

Regards,

Don

**Donald P. Schoenheider**  
Vice President/City Manager  
Co-Leader/National Industrial Practice Group  
Liberty Property Trust



D 847.264.2121 M 847.770.3319

25 Northwest Point, Suite 550, Elk Grove Village, IL 60007

**From:** Barry Missner [<mailto:BMissner@missnergroupp.com>]

**Sent:** Sunday, March 23, 2014 9:52 AM

**To:** Don Schoenheider

**Subject:** Liberty Bus Aurora

Don...Sorry, Mr Mayor:

Hope you are well. As you may or may not know, we are breaking ground in White Oak on a 150k spec and we are in the process of trying to rezone 55 acres in Batavia.

I wanted to reach out to you to see what you plans are for going spec. We really like the market now in 88 and even though I neither thing we will have competing product, nor a lack of demand to go around, I am just doing my homework.

Totally understand if you do not want to share any intel. Barry

Barry Missner

The Missner|Group

O: 847-972-5330

M: 312-307-8877

[Bmissner@missnergroupp.com](mailto:Bmissner@missnergroupp.com)

[www.missnergroupp.com](http://www.missnergroupp.com)



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Submitted by Parry Missner 3-26-14

Park/Building Name Address City, State	RBA Land Area Occupancy Year Built Property Type	Min Divisible Max Contig Office Avail Warehouse Avail Total Avail	Space Type Avg Rent/SF/yr Sale Info Expenses	Drive Ins Power Sprinklers Rail / Cranes Construct. Status	Column Spacing Docks (I/E) Ceiling Height Parking	Leasing Company Representative Sublet Company Contacts Submarket
Liberty Business Center Aurora, Liberty Business Center 5 800 Blitzer Rd Aurora, IL 60502	592,539 SF 31.39 AC - 2007 Class A Distribution	- 0 SF - - -	- - Not For Sale 2011 Tax @ \$0.81/sf	5 - 12'0" w x 15'0" h 3000a ESFR -None Existing	52-75'w x 52'd 50 ext 32'0" 50 free Surface Spaces are available; 114 Industrial Trailer Spaces are available	Liberty Property Trust Neal Driscoll (847) 264-2120 I-88 West Ind
<p>*Clear Height: 32' Clear</p> <p>*Construction: Insulated Pre-Cast Construction</p> <p>*Loading: 72 Exterior, 13" on center (expandable to 118), 4 DID's</p> <p>*Power: 3,000 Amps.</p> <p>*Heat: Roof mounted air rotation units</p> <p>*Sprinklers</p> <p>*Column Spacing: 52' X 52' typical bay size (75' X 52" staging bays)</p> <p>*Automobile Parking: 245 (expandable)</p> <p>*Trailer Parking: 114 Trailer spots (expandable to 160)</p> <p>*Located within 220-acre Liberty Business Center</p> <p>Located within the 200+ acre Liberty Business Center Aurora in one of the fastest growing cities in the country. It is right at Farnsworth Avenue, Kirk Road, and the I-88 full interchange. Two thirds of the U.S. consumer market can be reached in a day's drive.</p> <p>The building features insulated, pre-cast construction (insulation rating R-12), roof mounted air rotation units for heating, expandable parking for trailers and cars, and office space built-to-suit.</p>						
Liberty Business Center Aurora, PPG Bldg 801 Blitzer Rd Aurora, IL 60502	203,092 SF 10.21 AC - 2007 Class A Industrial	- 0 SF - - -	- - Not For Sale 2011 Tax @ \$1.16/sf	1 - 12'0" w x 16'0" h - - -None Existing	- 29 ext - 109 free Surface Spaces are available	Liberty Property Trust Neal Driscoll (847) 264-2120 I-88 West Ind

Park/Building Name Address City, State	RBA Land Area Occupancy Year Built Property Type	Min Divisible Max Contig Office Avail Warehouse Avail Total Avail	Space Type Avg Rent/SF/yr Sale Info Expenses	Drive Ins Power Sprinklers Rail / Cranes Construct. Status	Column Spacing Docks (I/E) Ceiling Height Parking	Leasing Company Representative Sublet Company Contacts Submarket
Liberty Business Center Aurora, Building #4 900 Bitter Rd Aurora, IL 60502	483,636 SF 25.61 AC - 2009 Class A Distribution	- 0 SF - - -	- - Not For Sale 2010 Tax @ \$1.05/sf; 2010 Ops @ \$0.26/sf	4 - 12'0" w x 14'0" h 2000a/277-480v ESFR -None Existing	- 56 ext 32'0" 215 free Surface Spaces are available; 37 free Industrial Trailer Spaces are available	Liberty Property Trust Neal Driscoll (847) 264-2120 Central Kane / DuPage Ind
Cross-Dock Facility						
In 2010, this building was awarded LEED certification at the Gold level by the U.S. Green Building Council.						
Liberty Business Center Aurora, Liberty Business Center 7 901 Bitter Rd Aurora, IL 60502	607,752 SF 30 AC - 2005 Class A Distribution	- 0 SF - -	- - Not For Sale 2011 Tax @ \$1.02/sf, 2007 Est Tax @ \$0.64/sf; 2011 Ops @ \$0.40/sf	4 - 12'0" w x 16'0" h 1200-3000a ESFR None/None Existing	48'w x 48'd 80 ext 32'0" 119 free Surface Spaces are available; 62 free Industrial Trailer Spaces are available; Ratio of 0.29/1,000 SF	Liberty Property Trust Neal Driscoll (847) 264-2120 I-88 West Ind
Located within the 200 acre Liberty Business Center in Aurora, home of an excellent skilled and abundant labor force. It is at Farnsworth Avenue/Kirk Road and the I-88 full interchange in one of the fastest growing cities in the country. Two-thirds of the U.S. consumer market can be reached within a day's drive.						
Liberty Business Center Aurora, LBCA 8 999 Bitter Rd Aurora, IL 60502	382,430 SF 22.30 AC - 2001 Class A Warehouse	- 0 SF - -	- - Not For Sale 2011 Tax @ \$0.97/sf, 2012 Est Tax @ \$0.97/sf; 2011 Ops @ \$0.47/sf; 2012 Est Ops @ \$0.47/sf	2 800-1600a 3p/4w ESFR None/None Existing	48'w x 50'd 40 ext 30'0" 70 free Surface Spaces are available; 159 Industrial Trailer Spaces are available; Ratio of 1.80/1,000 SF	Liberty Property Trust Neal Driscoll (847) 264-2120 I-88 West Ind
High identity. Cross docked. Docks expandable to 74. White metal deck roof. Easy access to Interstate 88 via Farnsworth Ave. Metal halide lighting. 60' concrete truck apron. Low Kane						

Park/Building Name Address City, State	RBA Land Area Occupancy Year Built Property Type	Min Divisible Max Contig Office Avail Warehouse Avail Total Avail	Space Type Avg Rent/SF/yr Sale Info Expenses	Drive Ins Power Sprinklers Rail / Cranes Construct. Status	Column Spacing Docks (l/E) Ceiling Height Parking	Leasing Company Representative Sublet Company Contacts Submarket
County taxes. Fiber optic adjacencies. Parking expandable. 6" fiber reinforced floors. Trailer parking available. Offices to suit. Power to suit.						
Liberty Business Park Aurora 1000 Bilster Rd Aurora, IL 60502	694,367 SF 17.19 AC - 2002 Class A Warehouse	- 0 SF - - -	- - Not For Sale 2011 Tax @ \$1.07/sf	2 - 42'0"w x 48'0"h 2000a/277-480v 3p ESFR None/None Existing	50-60'w x 50'd 74 ext 30'0"-40'0" 167 free Surface Spaces are available; Ratio of 0.24/1,000 SF	Liberty Property Trust Neal Driscoll (847) 264-2120 I-88 West Ind
West Ridge Corporate Center is a 120-acre, master-planned business park located at the NWC of I-88 and Kirk/Farnsworth Rd, directly adjacent to a full interchange. The property offers easy highway accessibility for employees and freight as well as Butterfield Road frontage and access.						

Submitted by Barry Mizersner 3-26-14



**lctdesign**

lenet crestani tallman  
design group, llc

920 N Franklin Street  
Suite 204  
Chicago, IL 60610  
(312)829-0080

Planning report for the property generally located at the northeast corner  
of Kirk Road and Wind Energy Pass

very suitable for the proposed office/warehousing uses proposed. Also the fact that the site lies at the extreme edge of the City allows for a traffic pattern which will not impact the remainder of the City.

**g. THE NEED AND DEMAND FOR THE PROPOSED USE:** The fact that an experienced and highly qualified developer is ready to begin development while the site has sat vacant for ten years is evidence of the need and demand for the proposed use. Conversely the fact that the property has remained undeveloped is evidence of the lack of demand for residential development.

3. While none of the above-noted factors is in and of itself controlling, based on my forty-five years of experience in the field of land planning and zoning, as well as my education and professional training, I am able to formulate a professional opinion as to the reasonableness from a planning and zoning standpoint of the proposed amendment to the City of Batavia's comprehensive plan as well as to the City's zoning map. It is my professional opinion that the amending the comprehensive land use designation to "Light Industrial" and a zoning map amendment to LI, Light Industrial is appropriate, reasonable and consistent with sound planning and zoning practice.

The following is an analysis of the general fiscal impact of the proposed development of the fifty-five acre parcel generally located at the intersection of Kirk Road and Wind Energy Road, Batavia, Illinois. It is proposed to develop the site with two single story office/industrial buildings totaling approximately 794,000 square feet and one retail building of approximately 9,000 square feet

It is important to note that the primary purpose of this study is to demonstrate the relationship between revenues and expenses that are attributable to the proposed development. All projected revenues and expenses are expressed in current dollars and are predicated on the most currently available tax rates and the published City of Batavia budget. Over time, the value of this development will rise, tax rates may fluctuate, and the cost of providing services will also fluctuate. This study makes no attempt to speculate on any of these variables, but rather provides a view of current conditions. Based upon our experience, we believe that in general the relationships expressed in this study between revenues and expenditures will remain relatively constant. This study also presumes that the development will fully developed within a twenty-four to thirty-six month period; however, for the purposes of this study it is assumed that the units are completely sold and occupied immediately. This scenario is chosen since tax rates, expenditures and school funding will undoubtedly change. Since the purpose of this study is to explore the relationship between revenues and expenses, we believe this to be a rational methodology.

As noted earlier, the development will consist of three buildings; building A, the larger building located on the east side of the site will be 495,000 square feet. Building B, on the west side of the site will be 285,000 square feet. The third building would be a retail facility built on approximately one acre and having approximately 9,000 square feet of gross leasable area. Fair market value for Building A ranges from a high of \$37,620,000 to a low of \$28,215,000. Fair market value for Building B will range from a high of \$16,770,000 to a low of \$12,384,000. Fair market value of the retail facility is estimated at \$150.00 per square foot or approximately would be approximately \$1,351,350.00. Annual sales for the retail facility are estimated at \$200.00 per square foot or \$1,800,000.00. The 2014, Batavia budget

projects revenue and expenditures to both be approximately \$23,000,000. However, it is significant that the 2014 budget notes that while utility tax revenue was up in 2013, the 2014 budget projects utility revenue to recede to 2012 levels due to loss of industrial development. Under current procedures followed by the Office of the Kane County Assessor the three buildings would be assessed at thirty-three and one-third percent (33.3%) of the fair market value. Based on a fair market value of between a high of \$56,190,000 to a low of \$42,399,000 the assessed fair market value would range from a high of \$18,542,700 to a low of \$13,991,670. However, since the assessed fair market value rarely meets the project sales fair market value this study has reduced the assessed fair market value by twenty percent (20%). This adjustment results in an assessed fair market value of between \$18,834,160 and \$11,193,335.

Table 1, following page indicates the projected property tax revenues to the various taxing bodies serving the subject development. Since the County Assessor sets rates based primarily on total assessed fair market value for the community and the budgeted revenue set by the City of Batavia, the most recent tax bill available is for the year 2012. Therefore, the rates and projected revenue are based on the 2012 rates.

**CITY OF BATAVIA FINANCIAL IMPACT ANALYSIS:**

Expenses to the City of Batavia are estimated using a proportionality/ratio method. This methodology assumes that the City of Batavia expends an identical sum to provide services, such as police patrols, public works and administrative services throughout the city regardless of the land use the streets serve. The City of Batavia general fund expenses for 2014 are 22.9 million dollars to serve approximately 9.7 square miles. Proportionally the subject property represents approximately 0.08 percent of the total city area, or annual expenses of \$59,256.00. Revenue from real estate taxes is shown in the following table.

**TABLE 1**

TAXING DISTRICT	RATE	PROJECTED REVENUE	
		HIGH*	PROJECTED REVENUE LOW*
Kane County	0.34947	\$65,820	\$39,115
Kane County Pension	0.08409	\$15,840	\$8,995
Kane Forest Preserve	0.26528	\$49,965	\$29,695
Kane Forest Preserve Pension	0.00573	\$1,080	\$640
Batavia Township	0.09607	\$18,095	\$10,755
Batavia Township Road District	0.04728	\$8,905	\$5,290
Batavia City	0.45383	<b><u>\$85,475</u></b>	<b><u>\$50,800</u></b>
Batavia City Pension	0.24205	\$45,590	\$27,095
Batavia School District 101	5.94277	<b><u>\$1,119,270</u></b>	<b><u>\$665,195</u></b>
Batavia School District 101 Pension	0.14319	\$26,970	\$15,670
Waubensee College 516	0.53116	\$100,040	\$59,455
Batavia Park District	0.46849	\$88,235	\$51,490
Batavia Park District Pension	0.04067	\$7,660	\$5,245
Batavia Library	0.32791	\$61,760	\$35,820
Batavia Library Pension	0.02574	\$4,850	\$2,880
Batavia Library 98 Bond Dist.	0.00261	\$490	\$225
Batavia Library 99 Bond Dist.	0.0488	\$9,190	\$5,460
Fox Metro Water Rec. District	0	\$0	\$0

\*ROUNDED TO NEAREST \$5.00

Real estate tax revenues to the City of Batavia from the project are estimated at between \$85,475 and \$50,800. No capital expenditures will be required for the city to provide services to the proposed development. That is no additional police cars, fire engines or snowplows will be necessary. Nor do we believe any additional personnel will be required. Sales tax rebate to the city is estimated at \$18,000.00 annually.



### **SCHOOL(S) FINANCIAL IMPACT ANALYSIS:**

In most suburbs, the local school districts will account for 50 to 75% of the real estate tax bill. In the current analysis, School District 101 account for 65.6% of the total real estate tax levy. On the below is an estimate of the projected student enrollment based on the 2004 annexation agreement. The projections utilize the latest City of Batavia code. In addition, it is assumed that of the total 242 approved townhomes, 25% will be two bedroom units, 50% will be three bedroom units and 25% will be four bedroom units. School District 101 receives 80.80 percent of its operating revenue from local property tax.

### **Annual Fiscal Impact to School District #101**

The proposed development is projected to enroll zero students. Therefore, there will be an annual benefit to Batavia School District 101 of between \$1,119,270 and \$665,195.

### **Adults & School Aged Children per Household**

Type of Unit	Elementary Grades k- 8// Ages 5-13	High School Grades 9-12	Total Enrollment
(61) 2 Bedroom Townhomes	$0.136 \times 61 = 57$ elementary & middle school students	$0.038 \times 61 =$ 2 high school students*	59 student/2 bdrm townhome
(120) 3 Bedroom Townhomes	$0.293 \times 120 = 35$ elementary & middle school students	$0.059 \times 120 =$ 7 high school students	42 students/3 bdrm townhome
(61) 4 Bedroom Townhomes	$0.476 \times 61 =$ 29 elementary & middle school students	$0.173 \times 61 =$ 11 high school students	$3.053 \times 14$ 43 children & adults
<b><u>TOTALS</u></b>	<b><u>121 ELEM. &amp; MIDDLE SCHOOL STUDENTS</u></b>	<b><u>20 HIGH SCHOOL STUDENTS</u></b>	<b><u>141 TOTAL ENROLLMENT</u></b>

Source: City of Batavia Subdivision Regulations. \*All projections rounded up to nearest whole number.

Based on the City of Batavia code, the 242 units would result in a total school enrollment of 141 students upon full build out and occupancy.

LENET CRESTANI, TALLMAN, LLC.



By:

\_\_\_\_\_  
Steve Lenet, AICP/ASLA  
Principal

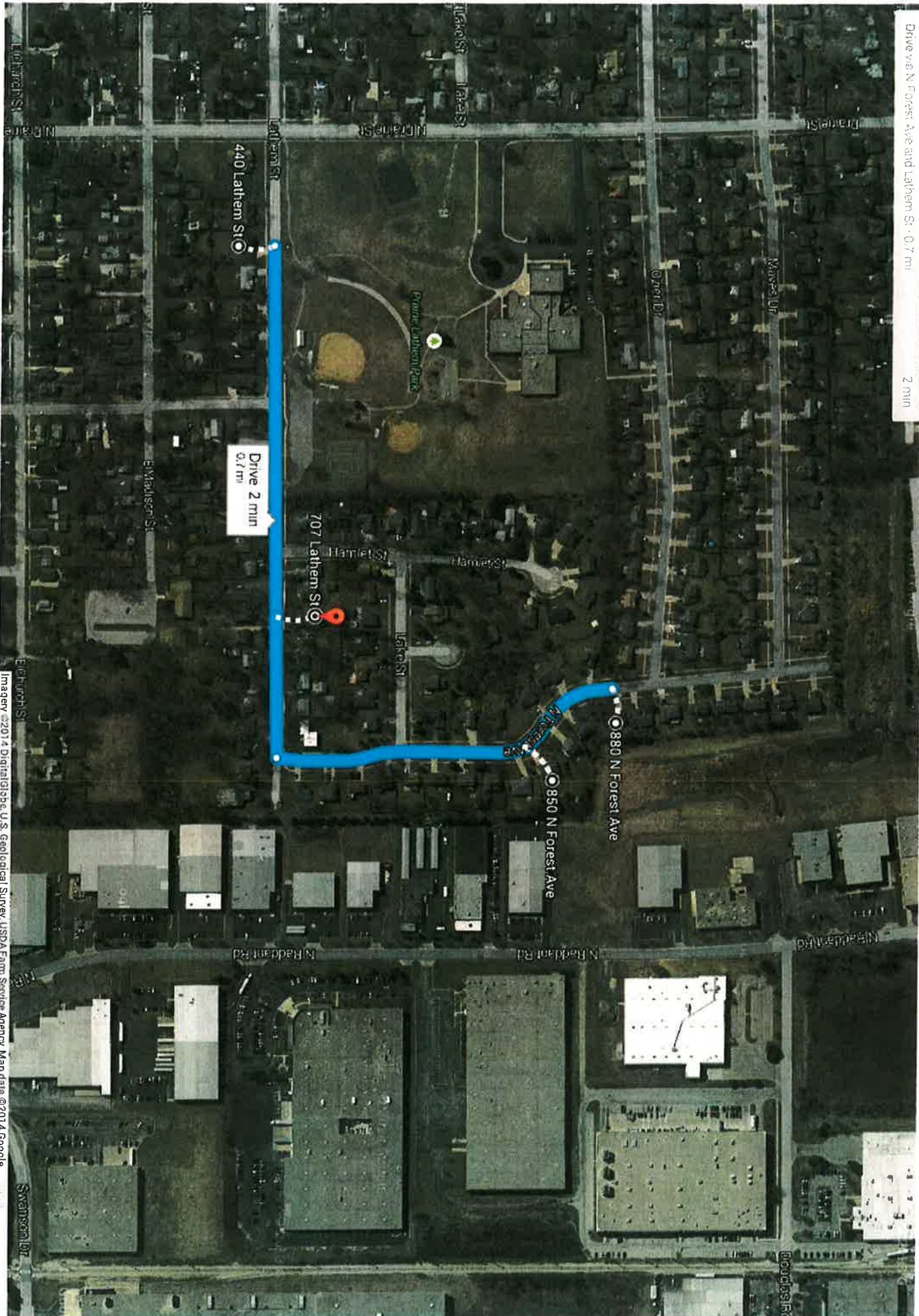
## ADDENDUM TO PLANNING REPORT

At the Plan Commission hearing of March 19<sup>th</sup> , residents raised the following issues with my response in italics:

- “The proposed development will negatively impact property values”. *We know from empirical, anecdotal evidence of actual sales of similarly situated properties within the City of Batavia that this is just not true. For example the sale of the home at 440 Lathem Street; this is a four (4) bedroom two and one-half (2 1/2 )bath two story home. It sold for \$300,000.00. A comparable home at 880 N. Forest sold for \$328,000.00. Example 2: a 3 bedroom, 2 bath home at 850 N. Forest sold for \$239,000.00. A comparable 3 bedroom 2 ½ bath home at 707 Lathem sold for \$240,000.00. An aerial plotting the location of these homes is attached.*
- *The fact that there are very few sales in the subdivision in the area bounded by Wilson Street on the south, Route 25 on the west, Fabyan Parkway on the north and Forest Avenue on the east is further confirmation that there has been adverse impact. Had there been an adverse impact we would expect to see large numbers of homes for sale and a high turnover rate. Other indicators of adverse impact would be deferred maintenance, functional obsolescence, and even abandonment. None of these factors are present.*
- The berm will cause flooding and adverse environmental consequences. *The south side of the berm will not extend to the property line. Consistent with sound engineering and landscape architectural practice there will be a one to two foot swale at the south toe of the berm which will capture all runoff and actually cleanse the runoff before it leaves the property*
- The trees will not adequately screen the buildings. *The plant material is positioned prior to planting to line up with the windows of the homes to the south to insure adequate screening. As a general rule, larger evergreen material is planted in these critical locations to insure immediate and year around screening.*
- Impact to the schools. *The contention that a residential development, if it ever actually took place, would have equal beneficial impacts to the subject development is ludicrous. If this were true the city would place an impact fee on the commercial and industrial developments as well residential or there would be no impact fee on residential.*

- Reliance on existing zoning. ***While this is a legal question, it is commonly understood that the both the city and the land owner or contract purchaser retain the right to petition for the rezoning of property within the corporate limits and that without exception are entitled to a fair and impartial public hearing such as the one taking place.***

Drive via N Forest Ave and Lathem St - 0.7 mi 2 min





**lctdesign**

lenet crestani tallman  
design group, llc

401 n. franklin street  
suite 5s  
chicago, il 60610  
312.829.0080  
www.lctdg.com

Landscape Architecture • Site Planning • Economic Development • Urban Design • Comprehensive Planning

## Steven M. Lenet, AICP/ASLA

### Education:

- Bachelor of Science, Bradley University, Environmental Studies, 1968
- Master of Arts, Loyola University, Urban Studies, 1972
- Certificate of Completion, Community Shelter Planning University of Tennessee, Graduate School of Planning, November 1969
- Various courses in landscape architecture and landscape design at:
  - University of California, Berkeley, CA.
  - Illinois Institute of Technology, Chicago, IL.
  - Harvard University, Graduate School of Design, Cambridge, MA.

### Professional Experience:

- Principal, Lenet Crestani Tallman Land Design, LLC  
Landscape Architects & Planners  
401 N. Franklin Street Suite 5 South  
Chicago, Illinois 60647  
(312)829-0080  
stevel@lctdg.com  
June 2005, to present
- Principal, Linden/Lenet Land Design, Ltd.  
Landscape Architects & Planners  
Chicago, Illinois  
January 1996 – June 2005
- Principal, Lenet Design Group  
Landscape Architects & Planners  
Chicago, Illinois  
July, 1984 - January 1996
- Principal, Leavitt, Matheson & Lenet  
Architects, Landscape Architects & Planners  
Chicago, Illinois  
December 1977 - July 1984
- Planning & Zoning Administrator, Village Of Palatine  
Palatine, Illinois  
October 1974 - December 1977
- Planner II, City Of Chicago  
Dept. of Development & Planning  
Chicago, Illinois  
November 1969 - October 1974
- Assistant Planner, Scruggs & Hammond Inc.

Landscape Architects & Planners  
East Peoria, Illinois  
June 1967 - November 1969

Selected Clients & Projects:

**Governmental**

- Consulting Planner, Cook County, Illinois  
Prepared comprehensive amendment to Cook County Zoning Ordinance; Prepared Comprehensive Plan for unincorporated Cook County, the second largest county in the United States; introduced concept of “environmental review and environmentally sensitive” to County Plan.
- Consulting Planner Peotone, Illinois  
Prepared Master Plan and major amendments to the Village's Zoning Ordinance.  
Attended all Plan Commission meetings and made recommendations on planning and zoning proposals.
- Consulting Planner McCook, Illinois  
Prepared first comprehensive plan and new zoning ordinance for the village
- Consulting Planner, Stone Park, Illinois  
Prepared first comprehensive plan and new zoning ordinance for the village
- Consulting Landscape Architect, Kildeer, Illinois  
Retained to review all landscape design proposal and to advise Village Board on planning and landscape design issues.
- Consulting Planner, Village Of South Barrington, Illinois  
Prepared preliminary studies for Master Plan and major amendments to the Village's Zoning Ordinance. Attended all Plan Commission meetings and made recommendations on planning and zoning proposals. Prepared Open Space Plan adopted by Village Board.
- Consulting Planner, Village Of Lemont, Illinois  
Prepared revised Master Plan and major amendments to the Village's Zoning Ordinance.
- Consulting Planner, Village Of Oak Park, Illinois  
Prepared major revisions to Village's Zoning Ordinance to help revitalize historic commercial districts
- Consulting Planner, Village Of Palatine, Illinois  
Prepared revised Master Plan and major amendments to the Village's Zoning Ordinance.
- Consulting Planner, Village Of Streamwood, Illinois  
Prepared revised Comprehensive Plan and completely rewrote Village Zoning Ordinance; conducted training sessions for boards, commissions and building dept. personnel on zoning and code enforcement.
- Consulting Landscape Architect, Village Of Glendale Heights, Illinois  
Designed parks and playgrounds, supervised improvements by Village staff and reviewed landscape design proposals.
- Consulting Planner, Village Of Hainesville, Illinois  
Provided site plan review services and helped prepare major revisions to the Village's Zoning Code.
- Consulting Planner & Landscape Architect, Village Of Addison, Illinois  
Prepared sub-area detailed plans for redevelopment of "Tax Increment Financing Districts. Aided Village in certifying TIF district. Prepared urban beautification plans for Lake Street corridor and primary entrance to the Village Hall, and landscape beautification plan for Addison Library.
- Consulting Planner, Village Of Hodgkins, Illinois  
Prepared major revisions to the Village's Comprehensive Plan.



- Land Planning and Landscape Architecture:
- United Land Development, Kildeer, Illinois  
Kemper Lakes Golf Club and Residences  
Prepared site plans and landscape plans for 300 acre golf course community.
- Gallagher & Henry, Countryside, Illinois  
"SpringCreek", Orland Park, Illinois  
Prepared site plans and supporting materials for the development of a 1,500 acre new town, including detailed designs and design criteria for a 60-acre "town center" containing neighborhood shopping, offices, governmental offices, specialty residential and a public square, as well as pedestrian and bike paths systems as connectors to the balance of the community.
- Hiffman Shaffer, Anderson, Inc., Chicago, Illinois  
"Covington Corporate Center Office Research Park", Bloomingdale, Illinois  
Prepared site and landscape plans for 250 acre office research center.
- Bigelow Homes, Palatine, Illinois  
A Tree House in the Park, Round Lake, Illinois. Prepared site and landscape plans for 220 unit award winning townhouse development.

Professional Affiliations:

- American Planning Association
- American Institute of Certified Planners
- American Society of Landscape Architects
- Urban Land Institute
- American Forestry Association
- Metropolitan Association of Urban Designers and Environmental Planners

Publications:

- Planning and Subdivision Law in Illinois published by Lorman Education Institute, 2009

Court Cases in which I have testified within the past five years:

- Alter v. Village of Round Lake Park;
- Dallas – Christopher v. Village of Barrington Hills
- Jiffy Lube v. Village of Glendale Heights
- Habitat for Humanity v. Village of Glendale Heights
- Dallas - Christopher II v. the Village of Barrington Hills
- Iatarola et al v. The Village of Barrington Hills

I have been recognized as an expert in the field of land use and zoning by the Circuit Courts of Cook, Lake, DuPage, McHenry, Will and Kane Counties, Illinois as well as the Fifth Circuit U.S. Court of Appeals. I have been qualified as an expert in the fields of planning, zoning, economic development and landscape architecture by various county and municipal boards and commissions in excess of 100 times over the past four years.

TO BE ENTERED AND MADE A PART  
OF THE RECORD

Submitted by  
Yvonne Dinwiddie  
3-26-14

STATEMENT TO THE BATAVIA PLANNING COMMISSION  
PUBLIC HEARING, MARCH 26, 2014

My name is Yvonne Dinwiddie, 1156 Pine Street, Batavia. I live about 2 blocks off Kirk Road. First, I want to commend the Planning Commission for allowing everyone to be heard last week and for extending the time so that the last three people could speak. I didn't speak last week because I wanted to hear what everyone had to say.

I served on the Waste Transfer Station Citizens Committee and many of the concerns I heard last week echoed our concerns when the Waste Transfer Station was proposed. We were concerned about ground water pollution, truck traffic and noise and possible smells and other concerns. However, truck traffic was mitigated due to the ingress and exit requirements. We do hear the back up beeps from the Waste Trucks when our windows are open but other than that, our concerns have been adequately addressed. The increase in truck traffic has not seemed as significant as the increase in vehicle traffic.

We also live just one block off Raddant Road and there is a very large industrial park on the North Side of Raddant Road. There are trucks on Raddant road but we have been very happy to be able to cross Wilson Street and go north on Raddant to Fabyan Parkway without stopping for stop signs and putting up with significant traffic. There are only a few times during the day when traffic is bad and that is when there are shift changes at the industrial park.

Furthermore, we do not have to worry about all the crime increasing due to the high density housing that could have been installed there. Our school taxes are extremely high and we are being taxed out of house and home. While Aurora and North Aurora enjoy the sales tax and other tax benefits of the Outlet Mall, we, in the City of Batavia only get to pay for additional children in school and we suffer additional losses due to the TIF District in Batavia as well as our city's big mistake in investing in the Prairie State Power Project via NIMPA and committing our citizens to over \$243 million in bonds and extremely high interest rates and additional sales taxes and other fees. Our Administration saw fit to gamble on our power needs and signed a power contract that obligates us to purchasing at least 50 MW of power that we cannot use, nor can we sell it on the open market.

If the property at Wind Energy Pass is rezoned, the citizens of Batavia will reap the benefits of having industrial property improve our tax base. We will not add children to Batavia Schools. The truck traffic will not be near as bad as having 24-hour residence traffic entering and exiting Kirk Road. There will be increases in traffic during shift changes only and so, if planned improvements to Kirk Road are made, that impact can be mitigated.



As far as trucks entering and leaving Kirk Road, that problem can also be mitigated via rerouting them along the backside of the property, possibly entering or exiting on Butterfield Road.

While the concerns of the citizens residing in that area are valid, I don't believe it is fair to ignore the concerns of those of us who are fully funding the schools and are suffering under the burden of the very high taxes and fees. We need some relief and a light industrial park would help us with our excess power problem and could give us a better break on our tax base. Concerns about ground water pollution are no less important than the run off caused by Fermi Lab's cooling ponds and Fermi Lab's experiments.

The property in question backs up to the Accelerator Ring and is close enough that my concerns relate to EMFs (Electromagnetic Fields) and changes to the earth near the accelerator as the vibrations from the accelerator move outward. At present, I am more concerned about the cancer rates in the area than I am about whether or not there is an industrial park at Wind Energy Pass.

As far as what the citizens have to look at, if the property were zoned commercial at the frontage to Kirk Road, you would have to look at the backs of those commercial (retail) buildings and their garbage pits. Also, trucks will be coming in and out of the retail area to supply the stores. I urge you all to travel Raddant Road and look at the Industrial Park. It is not an eyesore. If the planning commission can negotiate specific landscaping and frontages and even building plans, the Industrial Park could be a good neighbor.

I do understand about the 6-foot berm and its possible causing flooding. However, putting large pipes through the berm so that they drain into the retention ponds can mitigate the flooding concerns. If you will go to Randall Road and drive behind the Best Buy at the Retail Center, you will see that there are houses backing right up to the shopping center. There is a tall beam with Pine trees and other vegetation to reduce the impact of the shopping center. It was well done.

While I understand the concerns of the citizens living near the proposed industrial site, I don't understand how they can expect a vacant lot to remain vacant and I don't understand how they can believe that a vacant property will retain its zoning. When we moved to Batavia, we were told several times that Batavia was built out and that if we approved a school referendum, we would not be required to approve another one. Fortunately, I never believed that because I have seen annexation of more and more property to the formerly "built out" Batavia and as a result of that we have had numerous school referendums. We built Hoover Wood School, the new Middle School, Grace McWayne School, and have paid for and are still paying for numerous additions and improvements to the existing schools. So, nothing has been engraved in stone and everything has been subject to change. To believe that things won't change is foolish.

Additionally, the person who owns the property for the proposed industrial site is threatened with loss of sale if this cannot be resolved. I ask all of you, if you owned that piece of property and people were trying to throw roadblocks into your ability to sell the property, how would you feel?

As far as the statements regarding the devaluation of property, the entire City of Batavia has suffered devaluation in property some upwards of 40%. There have been over 300 houses in foreclosure and the ability to sell our homes is difficult. Many of the homes currently for sale have been for sale for over three years. With the tremendous increases in taxes and electricity charges and fees that we have been experiencing in the past 10 years, it is doubtful that those properties will be easy to sell for quite some time.

At present, we have a glut of housing and industrial property in Batavia. We are short on affordable property, which would indicate that to mitigate that shortage, high-density housing would be required. That means there would be additional drains on our resources due to the socio-economic conditions that surround affordable housing. When we make it affordable for one group, it becomes unaffordable to the rest of us because we have to subsidize that group.

I urge the Planning Commission to rezone the property with some restrictions and when Industrial Park Property is to be developed, I urge you to keep in mind all the concerns that have been expressed and to do your best to negotiate the mitigation of those concerns. Thank you.

-3-

Respectfully submitted  
Yvonne Deniwiddie

Submitted by Carl Dinwiddie 3-26-14  
1156 Pine Street  
Batavia, IL 60510

March 26, 2014

Ph: 630-750-3113

Chairman Joan Joseph  
Batavia Plan Commission Members

Mayor Schielke and City Council Members

Subj: Resident Public Hearing Comments regarding zoning changes to property designator  
PIN 1236100031.

Below are my for the record comments for the hearing continuation tonight to address the  
petitioned change of the subject property to LI Light Industrial:

First I listened to all comments last Wednesday night that lasted to almost 11 p.m. I  
compliment the Commission for making accommodations that all who wished to speak on  
this issue at the hearing were given an opportunity to speak.

Second, I feel empathy for those who spoke of their potential quality of life concerns e.g.  
noise, fumes, loss of open space, traffic, etc.

Third, I have felt the same whenever some unforeseen circumstance has arisen which might  
have an adverse effect on my family's quality of life.

Fourth. Having said that, I want to say that whenever I have moved, and I have lived in  
numerous places, I did my best due diligence to check airport traffic patterns and actually  
gone to the proposed property at different times of the day to see traffic, talked to local  
homeowners, and personally checked into proposed road, tax, school, parks, etc. changes,  
before committing to moving to a new location.

I heard every kind of concern imaginable from the residents who spoke. What I didn't hear is  
how they might work with the developer to express those concerns and come up with  
mutually acceptable mitigation strategies. In any good negotiation neither party will be 100%  
happy with the result, but, have to compromise to reach harmony.

As a 27 year overtaxed Batavia resident, paying high rates for power, water, sewage, schools,  
parks, and everything else, I think we need more light industrial tax base for some relief.  
Light industrial also would help us out of our city's glut of electric power obligations.

To cut the argument short, I support an LI Light Industrial zoning change for the subject  
property.

Respectfully submitted, Carl Dinwiddie





# OVERPRICED POWER: WHY BATAVIA IS PAYING SO MUCH FOR ELECTRICITY

Updated on March 11, 2014



By David A. Schlissel, Director of Resource Planning Analysis  
Institute for Energy Economics and Financial Analysis

## About the Author

David Schlissel has been a regulatory attorney and a consultant on electric utility rate and resource planning issues since 1974. He has testified as an expert witness before regulatory commissions in more than 35 states and before the U.S. Federal Energy Regulatory Commission and Nuclear Regulatory Commission. He also has testified as an expert witness in state and federal court proceedings concerning electric utilities. His clients have included state regulatory commissions in Arkansas, Kansas, Arizona and California, publicly owned utilities, state governments and attorneys general, state consumer advocates, city governments, and national and local environmental organizations.

Mr. Schlissel has undergraduate and graduate engineering degrees from the Massachusetts Institute of Technology and Stanford University. He also has a Juris Doctor degree from Stanford University School of Law.

## Conclusions

The Institute for Energy Economics and Financial Analysis (IEEFA) has investigated why the price being paid by the City of Batavia for electric power is so high. The results of our investigation are as follows:

1. The price of the power generated at the Prairie State Energy Campus is, and in the future will continue to be, significantly more expensive than the developer, Peabody Energy or the consultant, the Indiana Municipal Power Agency (IMPA), claimed when enticing Batavia to enter into a long-term take-or-pay agreement to buy power. At the same time, the plant's operating performance has been significantly worse than Peabody or IMPA projected.
2. Batavia has paid, and for years to come will continue to pay, prices for the power from the Prairie State Energy Campus that are dramatically higher than current and projected prices for power in the PJM competitive wholesale markets.
3. Any strategy by Batavia to sell its excess power from Prairie State will be unsuccessful given that its costs are substantially above market prices. Ratepayers will continue to bear the costs of both the over-priced power from Prairie State and the losses on the sale of excess power either sold in the market or sold to larger use customers paying discounted prices.

## Discussion

The City of Batavia and the communities of Rochelle and Geneva purchase electric power for their customers from the Northern Illinois Municipal Power Agency (NIMPA). This power comes from the Prairie State Energy Campus (Prairie State), a new 1600-megawatt (MW) coal-fired plant in Southern Illinois. NIMPA's undivided 7.6 percent interest in Prairie State entitles NIMPA to approximately 120 MW of the capacity and the output from the plant and a proportional share of Prairie State's coal reserves and mining facilities.<sup>1</sup>

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<sup>1</sup> Northern Illinois Municipal Power Agency, *Notes to Financial Statements as of and for the years ended December 31, 2012 and 2011*.

Inexplicably, and contrary to good utility practices, all of NIMPA's power comes from just a single source -- Prairie State. Other utilities, including municipal power agencies, have more diverse sources of power, owning shares of several power plants and, perhaps, facilities using different fuels (e.g., natural gas, coal, renewable wind). When Prairie State is not operating as planned, NIMPA buys replacement power from the competitive Midwest wholesale energy market.

When seeking final approval to proceed with construction of Prairie State in 2007, NIMPA and its consultant, IMPA (the Indiana Municipal Power Agency) told the Batavia City Council that the cost of power from the plant would be approximately 4.6 cents per kilowatt-hour (or \$46 per megawatt-hour (MWh)). This price supported Peabody Energy's claims that Prairie State would produce power that was affordable and below market price. Unfortunately for ratepayers in Batavia, Rochelle and Geneva, NIMPA's actual cost of power from Prairie State has been significantly higher than the \$46 per MWh price projected by NIMPA in 2007. This can be seen in Figure 1, below:

**Figure 1: NIMPA's Cost of Power from Prairie State, January 2013 through November 2013.**

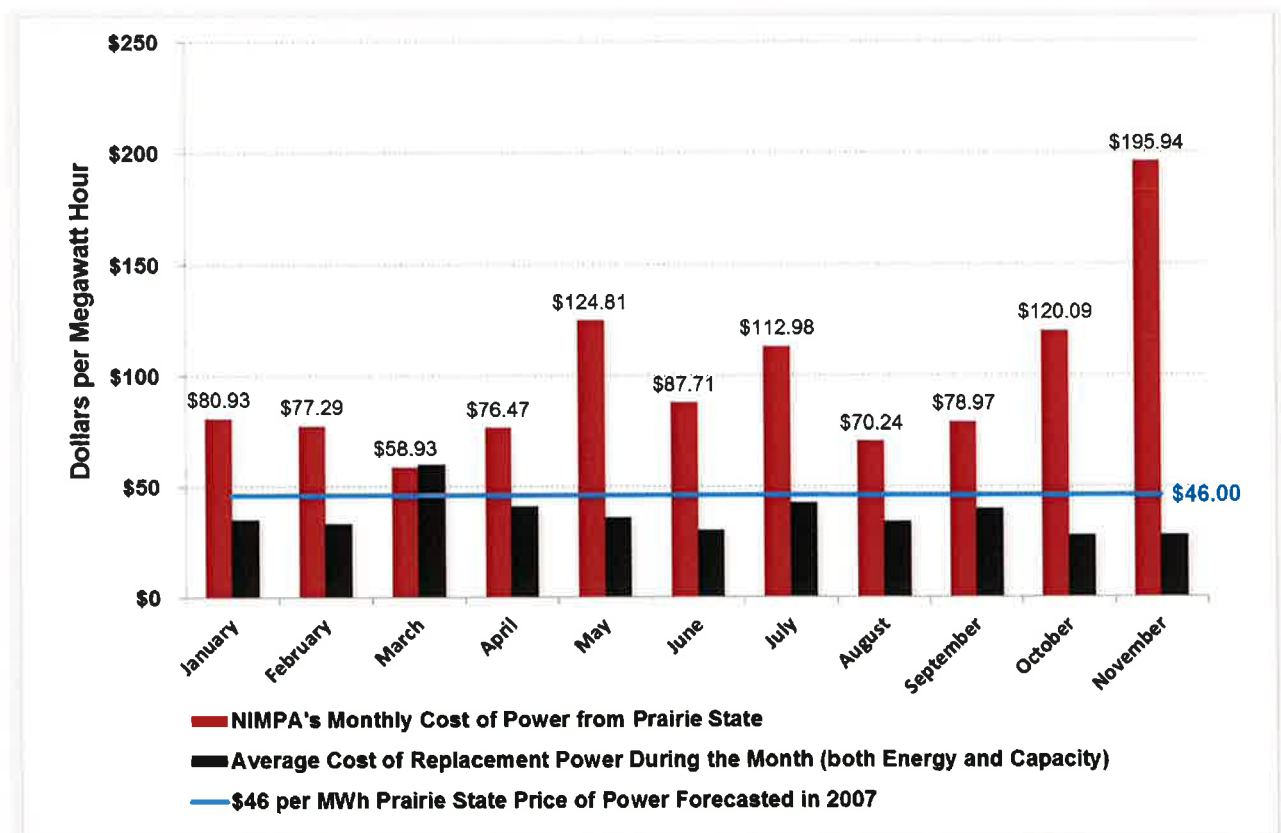




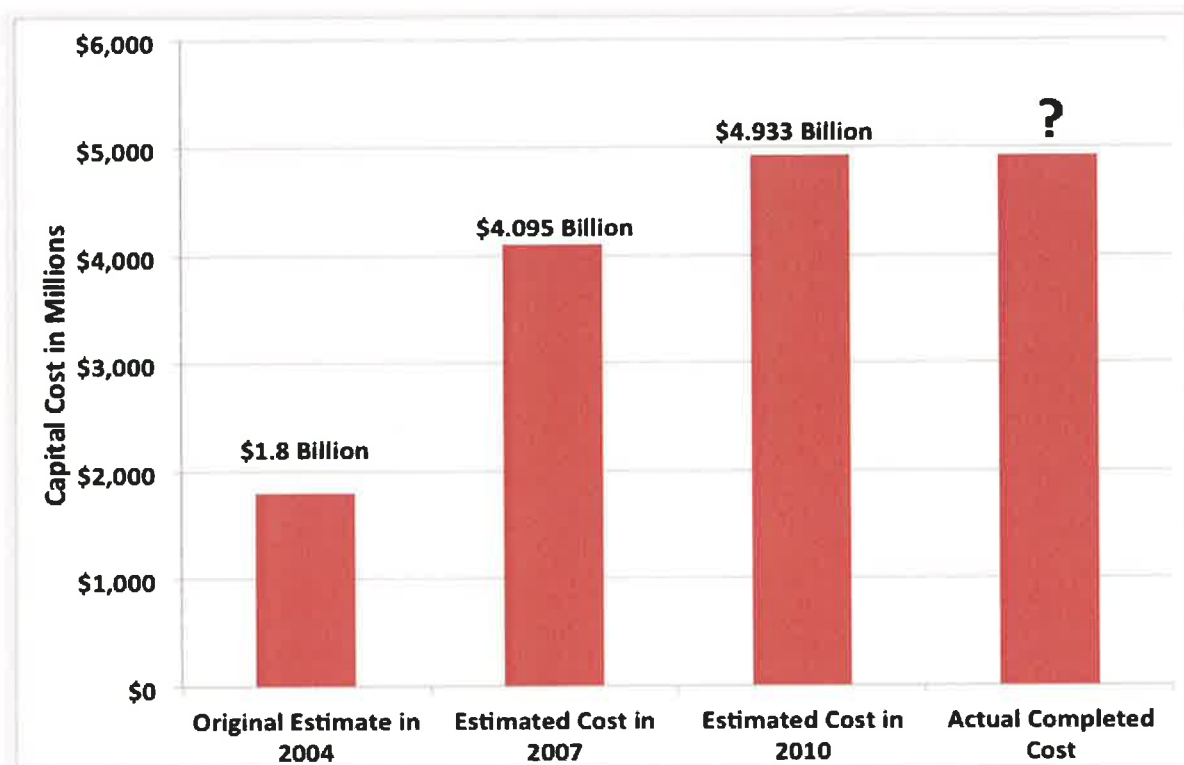
Figure 1 also shows that the actual cost of power from Prairie State has been dramatically higher than the cost of buying power from the competitive PJM wholesale market.

It is important to recognize, however, that Figure 1 only shows the price that NIMPA has been paying for the power from Prairie State. NIMPA actually has not been collecting the full monthly costs of this power from its members in Batavia, Geneva and Rochelle. Instead, NIMPA's decision to bill its members based on projected (not actual) Prairie State costs has meant the NIMPA has severely under-collected its total power costs. The most recent data available from NIMPA reveals that this under-collection of power costs was approximately \$5.99 million through the end of October 2013. Batavia's share of this \$5.99 million in under-collected costs is \$2.745 million. These are costs that it will recover from its member communities in the coming months. This means that although the electric rates paid by in Batavia, Geneva and Rochelle have been very high, they are going to be even higher in coming months as NIMPA will have to recover both the continuing high cost of power from Prairie State and the amounts it has under-collected in previous months.

The two major reasons why the price of power from Prairie State has skyrocketed above \$46 per MWh are (1) a more expensive construction price tag and (2) poorer-than-expected operating performance. Prairie State's increasing construction cost is shown in Figure 2, below.



**Figure 2: Prairie State's Increasing Construction Costs.**



There is a question mark above the 'Actual Completed Cost' bar in Figure 2 because none of Prairie State's owners have publicly announced the plant's final construction cost. A presentation at the 2013 annual meeting of the Illinois Municipal Electric Agency, also an owner of Prairie State, suggested that the total project budget for building the plant was \$5.1 billion but this figure has not been publicly confirmed.

At the same time that the plant's construction cost increased beyond what the owners were telling the communities entering into the long-term take-or-pay or take-and-pay contracts, Prairie State's actual operating performance since Unit 1 went into service in June of 2012 has been significantly worse than the owners claimed it would be. This can be seen in Figure 3, below.

**Figure 3: Prairie State's Poor Operating Performance, June 2012 through January 2014.**

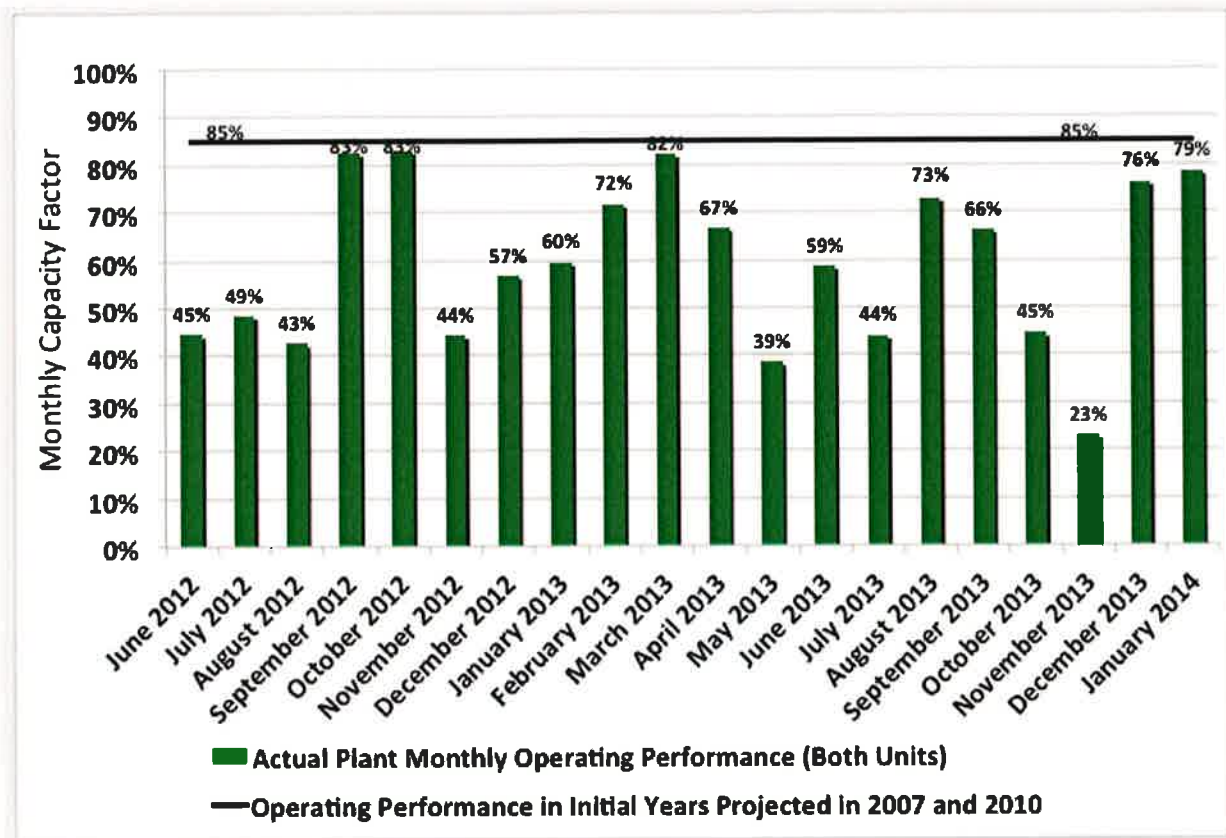


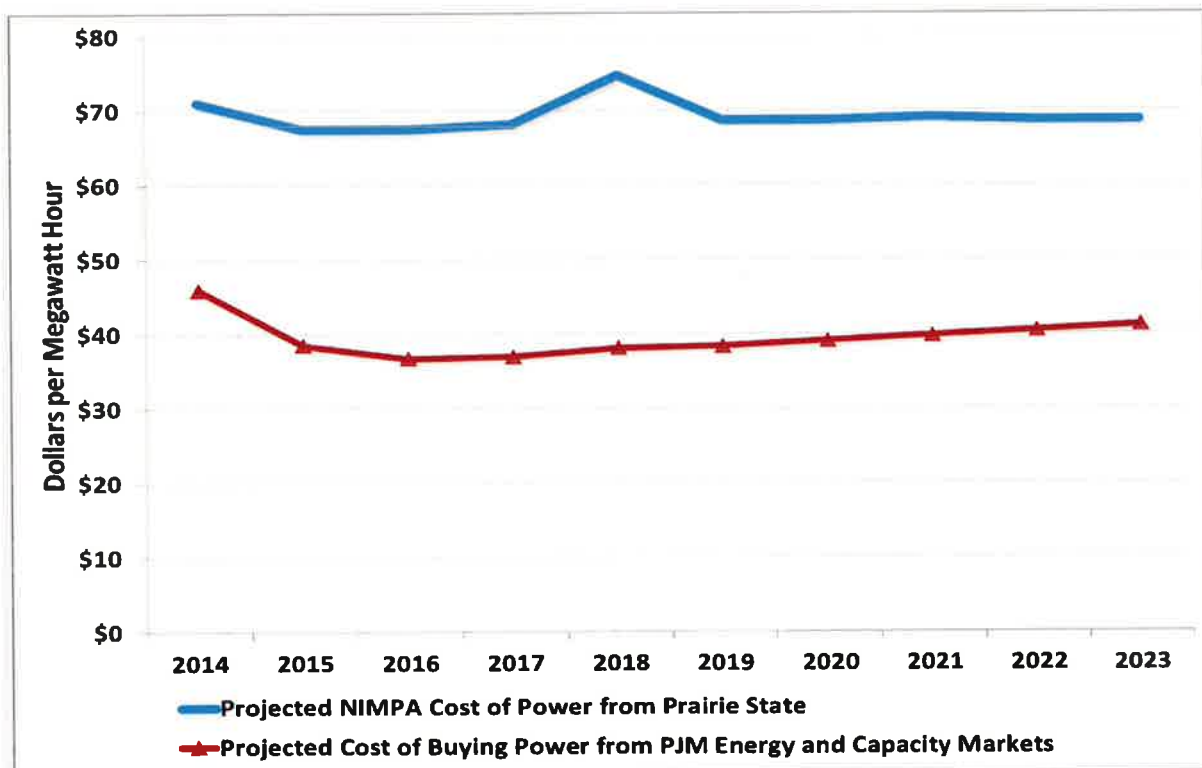
Figure 3 compares the plant's projected and actual capacity factors. The capacity factor compares a power plant's actual generation with how much it would have generated if it had operated at 100 percent power for all of the hours in the month. As can be seen in Figure 3, Prairie State did not achieve its projected 85 percent net capacity factor in any of its first 20 months of operation. The plant's average capacity factor over that period was only 58.7 percent. This included only a 60 percent capacity factor during calendar year 2013.

The Prairie State Generating Company (PSGC) operates the plant for the owners. The company is assuring the plant's owners and the participating communities that the problems that have reduced the plant's operating performance to date are now being addressed and that it will generate much more power in the coming years. For example, a Prairie State Update presented at the October 2013 NIMPA Annual Conference confidently predicted that the plant will achieve a 77.6 percent capacity factor in 2014 and an average 83.2 percent capacity factor over the next ten years.

Although new plants generally have breaking-in problems which reduce their availability and generation during their initial operating years, any projection from the owners of Prairie State has to be taken with a grain of salt due to the many inaccurate projections and claims that have been made concerning the plant's operating performance and costs. Nevertheless, even if Prairie State does operate as the owners now claim it will and even if its operating costs are as low as the owners now claim, that will not mean that the plant will become a viable economic investment for the communities served by NIMPA at any time in the foreseeable future.

This can be seen from Figure 4, below, which compares the projected cost of power from Prairie State with the cost of purchasing power from the competitive PJM wholesale energy and capacity markets. It is important to note that this comparison reflects estimates of Prairie State's future costs and operating performance from NIMPA and the Prairie State Generating Company. It also reflects the current forward prices for power in the PJM wholesale energy market and the results of PJM capacity auctions.

**Figure 4: Annual Prairie State Power Costs from NIMPA and Prairie State Generating Company vs. the Cost of Purchasing Power from the PJM Energy and Capacity Markets.**



Consequently, there is no reason to expect that the price of buying power from Prairie State will be less than the cost of market power at any time in the coming years. Moreover, the annual costs of buying power from Prairie State could be significantly higher than shown in Figure 4 if the plant's actual operating costs are higher than now forecast or its operating performance is worse.

The disparity in costs shown in Figure 4 means that the total bills for power for Batavia, Geneva and Rochelle will be dramatically higher than they would be if these communities merely relied on the market for their capacity and energy. For example, our conservative analysis shows that Batavia will pay approximately \$118 million in excess power costs in the ten years 2014-2023.<sup>2</sup> And this figure does not reflect either (1) the amounts that Batavia will have to pay during these years as a result of the power costs that NIMPA did not collect in 2012 and 2013 or (2) Batavia's loss on the sale of its excess power. In fact, the excess power cost paid by Batavia could be even higher either if Prairie State's power costs are higher, as explained above.

The bottom line is that Prairie State is a significant economic loss for Batavia and the other participating communities. It will likely continue to be a loss until for the next decade, if not substantially longer.



More information about the Prairie State Energy Campus, the bills being paid by participating communities, and IEEFA's August 28, 2012 report titled, [\*The Prairie State Coal Plant: The reality vs. the promise\*](#), can be found at [www.ieefa.org](http://www.ieefa.org) and <http://prairiestatecoalplant.org>

<sup>2</sup> This analysis used PSGC's current projections of future Prairie State operating performance and costs and NIMPA's current budget for plant-related non-operating costs. It also used the current forward prices for energy and capacity in the PJM wholesale markets.

Submitted by Sharon Falkenburg 3-26-14

City of Batavia  
100 North Island Avenue  
Batavia, Illinois 60510  
Attn: Alderman Garren Sparks

March 22, 2014

Garren-

In regards to the Property Anchored at Wind Energy Pass and Kirk Road Intersection I am opposed to the proposed zoning changes and concerned that these changes are not in line with Batavia's Comprehensive Plan updated on Feb 17, 2014.

Within the Comprehensive plan, under the land use element chapter, The City of Batavia states:

- "transitioning from an environment of new growth to one of redevelopment"
- "the need for **redevelopment and reuse** of older industrial areas"
- "how to manage the remaining development potential in fringe areas."

The proposed development is not in line with The City of Batavia's recent updated Comprehensive Plan updated in February of this year. The Comprehensive Plan focuses on "**redevelopment and reuse** of older industrial areas." As shown in the land use map Batavia has areas currently zoned as "light industrial" which have existing infrastructure that can be redeveloped and reused. By reusing existing infrastructure we will be able to revitalize sections of Batavia. The proposed development site (i.e. Wind Energy and Kirk Road intersection area) would remain zoned as originally intended.

In addition, the economic and development section of the Comprehensive Plan has a goal to "ensure that redevelopment strengthens downtown Batavia as the center of the community." With reuse of existing light industrial infrastructure, within Batavia, we also meet our goal.

As shown during last week's public meeting, I believe Batavia residents want to grow our community and make Batavia attractive to new businesses.

Sincerely,



Sharon Falkenburg  
2040 Peterson Place  
Batavia, Illinois 60510

We, the undersigned, the members of the Kirkland Chase Courtyard Townhouse Association, by signature below, wish to voice our opposition to the proposed zoning changes for the property located at the southeast corner of Wind Energy Pass and Kirk Road in Batavia, Illinois. Further investigation is warranted for development that is in alignment with current zoning. Development according to the current zoning would result in a more immediate benefit to the city's tax base.

Other concerns about the proposed rezoning include:

- Noise pollution
- Light pollution
- Air pollution
- The increase in flooding that is likely to result, based on what happened when Wal-Mart paved over a few acres at Butterfield and Kirk
- Negative environmental impact on Prairie Path, nearby residents, and the surrounding wetlands
- Increased truck traffic, resulting in increased wear and tear on surrounding road surfaces and probably additional accidents at accident-prone intersections
- Concerns for the safety of school children both on school days and non-school days
- Decreased property values
- Increase in resale time and decreased resales, resulting in decrease in the tax base

Date	Address	Print Name	Signature
3-23-14	2010 Peterson Place	Wayne Mackey	Wayne Mackey
3-23-14	2015 Peterson Place	Jennifer Hall	Jennifer Hall
3/23/14	2020 Peterson Pl.	Wendy Fariza	Wendy Fariza
3/23/14	2032 Peterson Pl.	Karoline Sanchez	Karoline Sanchez

Date	Address	Print Name	Signature
3/24/2014	2020 WAGNER RD	Floyd W. Locklin	Floyd W. Locklin
3/24/2014	2030 Wagner Rd	Joyce Kease	Joyce Kease
3/24/14	2042 Wagner Rd	Max Krause	Max Krause
3/24/14	2042 Wagner Rd	PATRICIA KRAUSE	Patricia Krause
3/25/14	2010 Wagner Rd.	M. E. KROPIDOWSKI	M. E. Kropidowski
3/25/14	2014 Weyman Rd	KASHIK MARK	<del>Demetrius</del>
3/24/14	2020 Wagner Rd	Maryanne Locklin	Maryanne Locklin
3/24/14	2045 Swan Lane	Kathleen R. Copper	Kathleen R. Copper
3/25/14	2013 Swan Lane	Janis Farr	Jo E Farr
3-25-14	2012 Peterson Place	Valerie Cawley	Valerie Cawley
3/25/14	2014 Peterson Place	Patrick O'Brien	Patrick O'Brien

Date	Address	Print Name	Signature
3-23-2014	2042 Peterson Place Batavia	Sharon Falkenburg	Sharon Falkenburg
3/23/2014	2044 Peterson Place Batavia	Sue Zillman	Sue Zillman
3/23/2014	2043 Swan Batavia	Kathy Schultz	Kathy Schultz
3/23	2041 Swan Lane Batavia	Susanna Brandon	Susanna Brandon
3/23	2033 Swan Lane Batavia	MICHAEL BROWN	Michael Brown
3/23	2033 Swan Ln. Batavia	Elizabeth Brown	Elizabeth Brown
3/23	2017 Swan Ln Batavia	Colin Wright	Colin Wright
3/23	2019 SWAN LN BATAVIA	TINA Kuptsis	Tina Kuptsis
3/24	2032 WAGNER RD BATAVIA	Julianne Torrese	Julianne Torrese
3/24	2012 Wagner Rd Batavia	Carol Grunzel	Carol Grunzel
3/24	2016 Wagner	Laura Kundra	Laura Kundra



[illegible]

Submitted by Alan Long 3-26-14

**City of Batavia Code**

**Property Anchored at Wind Energy Pass and Kirk Road Intersection (SEC)  
Opposition to Re-Zoning**

**Included:  
the Regulation cited  
the Authors' Response and Comments\***

*\*Author's comments are a collaborative input by multiple individuals.*

*Authors' Comment: Title 10, Zoning Regulations 10-5-5 prohibits this development, and leaves no room for another interpretation. A written elaboration of the dangers and detriment listed in A. below (10-5-5, A.B.) is in a separate document. It lists in further detail the valid health, safety, comfort, and general welfare threatening the quiet communities of families around this property. To repeat, Re-Zoning this property to Light Industrial will fall under A. and B. and cannot be re-zoned.*

**City of Batavia Code  
Title 10  
Zoning Regulations  
10-5-5**

**Findings of Fact and Recommendations of the Plan Commission:**  
the Plan Commission shall make written findings of fact and shall submit same together with its recommendations to the City Council for final action. No conditional use shall be recommended by the Plan Commission, unless such Commission shall find:

A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purpose already permitted, nor substantially diminish or impair property values within the neighborhood;

*Authors' Comment: We see below, in Section C: Site and Building Design 1. b., that little, if any, adequate room is allowed for plant materials; machinery, trucks, and warehouses would be right against their property lines- with homeowners' swimming pools, swing-sets, gardens, and gazebos only feet away from these, on other side of these property lines.*

10-2D-6  
DESIGN STANDARDS

Section C:

Site and Building Design: Adequate provision shall be made to ensure that the proposed development shall be integrated with and enhance the character of the streetscape, the surrounding context and the neighborhood in terms of scale, massing, site layout and site and building design, including:

1. Relationships of Buildings to Sites:

b. Parking, loading, storage, and service areas, utility structures and machinery should not be visible from public ways and surrounding area. Substantial and immediately effective perimeter screening and interior lot landscaping should be provided to break up large expanses of asphalt with plant and other landscape materials.

4. Lighting:

b. Adequate provision should be made to avoid glare of vehicular and stationary lights that would effect the established character of the neighborhood, and to the extent such lights will be visible across any property line, the performance standards for illumination shall be met.

E. Access and Circulation:

2. Adequate access roads or entrance and exit drives should be provided and should be designed and improved so as to prevent traffic hazards or problems, to minimize traffic congestion in public streets and to encourage pedestrian access.

*Authors' comment: We see the following, in the Section H.4 b:Developer's Development Concept Plan, its design, arrangement, and operation would harmfully effect the residents and their neighboring properties.*

*We see also the need for improving and widening the intersection of Kirk Road and Wind Energy Pass (7.), for additional turn lanes into the property from the North and from the South, especially if the development calls for many trucks.*

4. A written statement addressing the following matters:

b. How the proposed planned development is to be designed, arranged, and operated so not to adversely affect the development and use of neighboring property in accordance with applicable regulations of this Code.

7. A traffic impact study, including a list of new street construction and traffic control improvements necessary to accommodate the estimated increase in traffic and traffic related problems occasioned by the proposed development and a statement of the applicants proposals for providing these needed improvements.

*Authors' comment:*

*Citations from EPA 404 Guidelines, 320. Guidelines, Kane County Technical Guidance Manual, and National Council of Tribes are forthcoming, if needed.*

Strassman, Joel

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**From:** Mike Kauchak [Mike.Kauchak@uslbm.com]  
**Sent:** Monday, April 07, 2014 1:55 PM  
**To:** Schielke, Jeffery; Sparks, Garran; O'Brien, Michael; Wolff, Alan; Callahan, Martin; Chanzit, Dan; Hohmann, Kyle; Stark, Susan; Saam, Jamie; Thelin Atac, Lucy; Vasilion, Steve; Clark, Lisa; Cerone, Nicholas; Brown, David; McFadden, Drew; Strassman, Joel; Buening, Scott  
**Subject:** Please support the Missner Group Developement  
**Importance:** High

Good afternoon, as a 12+ year resident and businessman who works (143 First St.) and lives (16 N. Jefferson St.) in Batavia I fully support the Missner Development as it would bring a much needed tax dollars to our city. I am also the proud parents of middle schooler daughter and soon to be high school student son and the \$1M+ Missner would add to the schools would be tremendous addition to the schools budgets.

After the questionable decision to go with the Prairie State power plant I would expect the city and it's aldermen/women to back a plan that will help offset the increase in rates. The Aurora residents don't pay near the taxes that we do, as loud and sometimes overly emotional as they can be.... Batavia is our town. Let's do the right thing for Batavia and support the Missner Group Development.



**Mike Kauchak**  
Marketing Manager  
**US LBM Holdings, LLC**  
**Batavia, IL 60510**

C: [REDACTED]  
F: [REDACTED]  
<http://www.uslbm.com>  
E: [REDACTED]

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This message has been scanned for viruses by MessageLabs.

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Strassman, Joel

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**From:** Geary Axen [mailto:geary@timberlandfinancial.com]  
**Sent:** Monday, April 07, 2014 2:58 PM  
**To:** Strassman, Joel  
**Subject:** I Support The Missner Group's Industrial/Commercial Development Plan!

I am in full support and in favor of the Missner Group's Industrial/Commercial Development Plan! As the owner of Timberland Financial Group, located in downtown Batavia, I hope that this development is approved and moves forward as soon as it is possible. I see this development as an advantage to me and my business!

*Geary Axen*, CLU®, ChFC®

President



**Geary Axen, CLU®, ChFC®**  
President  
**Timberland Financial Group, LLC**  
115 Flinn Street, Suite B  
Batavia, IL 60510

Office [REDACTED]  
Fax [REDACTED]  
Cell [REDACTED]  
[REDACTED]  
[www.timberlandfinancial.com](http://www.timberlandfinancial.com)

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Strassman, Joel

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**From:** [REDACTED]  
**Sent:** Monday, April 07, 2014 3:40 PM  
**To:** Schielke, Jeffery  
**Cc:** Sparks, Garran; O'Brien, Michael; Wolff, Alan; Callahan, Martin; Chanzit, Dan; Hohmann, Kyle; Stark, Susan; Saam, Jamie; Thelin Atac, Lucy; Vasilion, Steve; Clark, Lisa; Cerone, Nicholas; Brown, David; McFadden, Drew; Strassman, Joel; Buening, Scott  
**Subject:** (no subject)

Sir,

I have been a resident of Batavia since 1999 and am currently involved with two businesses now located in the city. I am the President/Owner of Nature's Finest Foods, Ltd and the CFO of Draxtar games (owned by my son Daniel). After attending a recent public meeting at the Panera Bread in downtown Batavia, I felt that it was very important for me to express my full support for the Missner Group's proposed Industrial/Commercial Development Plan of the vacant lot located at the corner of Kirk Road and Wind Energy Pass. Draxtar Games is located on the southwest corner of Wind Energy Pass and Kirk road and my residence is in the Prairie Trails housing development 1/4 mile away. As such, we have a vital stake in what happens at that corner. We fully support the proposal and recommend that the Batavia City Council support it as well.

I wanted to attend the village meeting a few weeks ago but was unable to do so as I was in China on business. After speaking with several people who did attend, I am very concerned that the opinions voiced by the residents of Aurora appeared to carry more weight than those of the Batavia residents who attempted to have their voices heard. This project is a win-win for the City of Batavia and should not be influenced by people who do not live in Batavia. The proposed development will generate badly needed tax revenue, revenue that will help to ease the ever escalating tax bills Batavia residents are currently paying. It will bring in additional funds for our schools, without adding any additional burden on them, while turning a non-revenue producing vacant lot into a productive piece of real estate. In addition to the numerous jobs it will create, the facility's electrical power requirements will help to offset some of the increasing power rates residents and businesses alike can expect to see in the coming years.

While my personal experiences with the City bureaucracy were not the best when we were moving our businesses to Batavia, this is an opportunity for the City to show the business community that Batavia can be a proactive business partner; one that is willing to work with the business community to make them feel welcome.

Again, I strongly recommend that the Council approve the proposed development plan. Should you wish to speak to me directly, please do not hesitate to contact me at any of the below listed numbers. I also plan to attend the Meeting this Wednesday.

Thank-you for this opportunity to express my views.

Respectfully,

*Daniel J. Zedan*

Daniel J. Zedan  
President  
Nature's Finest Foods, Ltd.  
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Strassman, Joel

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**From:** Alan Long [mailto:alanlong@att.net]  
**Sent:** Monday, April 07, 2014 9:38 PM  
**To:** Strassman, Joel  
**Subject:** Wednesday Meeting

Hi Joel,

Please express to the others in the Committee that the criteria in Title 10-5-5- although pertaining to Special Use and Variances in Zoning- I think would apply to all type of zoning considerations. ANY zoning decision by members of the Committee would keep in mind the basic concerns of property values, similar use, health, safety, and welfare of those families around it, we would think.

Please remember also, the petition given you, signed by several hundred Batavia and Aurora families. They are all in this together to preserve the pro-family environment and quietude of this area.

Sincerely,

Alan Long

PS: I hope you can convey this to the other Committee members.

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