

MINUTES
March 4, 2020
Plan Commission
City of Batavia

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

1. Meeting Called to Order for the Plan Commission Meeting

Chair LaLonde called the meeting to order at 7:00pm.

2. Roll Call:

Members Present: Chair LaLonde; Vice-Chair Schneider; Commissioners Stark, Harms, Joseph, Peterson, Gosselin

Members Absent:

Also Present: Mayor Schielke (entered at 7:09pm); Scott Buening, Director of Community Development; Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Alderman Michael O'Brien; and Jennifer Austin-Smith, Recording Secretary

3. Items to be Removed, Added or Changed

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

4. Approval of Minutes: January 15, 2020

Motion: To approve the minutes from January 15, 2020

Maker: Schneider

Second: Stark

Voice Vote: 7 Ayes, 0 Nays, 0 Absent
Motion carried.

5. PUBLIC HEARING: Amending Text of the Zoning Code

- Cannabis Uses in the Employment Districts
- Bed and Breakfasts
- Sign Regulations for Employment District Properties (and other sign amendments)
 - Chapter 2.1: Single Family Residential Districts
 - Chapter 2.2: Multi-Family Residential Districts
 - 2.4 Downtown Mixed Use Districts
 - 2.6 Employment Districts
 - 4.2 Off-Street Parking and Loading Regulations
 - 4.4 Sign Regulations
 - Chapter 6: Glossary

Motion: To open the Public Hearing
Maker: Schneider
Second: Harms
Voice Vote: 7 Ayes, 0 Nays, 0 Absent
Motion carried.

The Public Hearing was opened at 7:02pm.

Rackow overviewed the memo for the proposed amendments related to cannabis. The Commission discussed craft growing facilities. Mayor Schielke noted that State law might allow for free ‘tastings’ and ‘tasting rooms’ for craft growers to allow for patrons to try their products.

The Commission discussed their voting options: not approving, approving as a Conditional Use, and approving along with changing the allowable locations of the Conditional Use. Also discussed were the surrounding community policies, code is as written no sampling or tasting on premises, and the upcoming referendum on whether or not the City should allow for the sale of recreational cannabis.

Schneider asked why we are considering this before it goes to referendum for the public to decide whether or not we want to allow retail sales of cannabis. He asked what the City of Batavia is gaining from having this type of use allowed in our municipality. Schneider expressed that he is strongly opposed to allowing these types of facilities in Batavia and noted that the growing facilities would use LED lights and that does not use a lot of electricity. Our electric utility would not benefit from this use. Gosselin agreed with Schneider that he does not understand the need to change the Zoning Code at this time. If he were to decide now, he would choose not to have cannabis allowed at all in Batavia due to the health concerns and effects cannabis has on brain development.

The Commission considered tabling this amendment until after the November referendum vote. Buening suggested that an action be taken on the amendment. Buening noted that the procedure is to make a motion in the affirmative.

Motion: To approve the cannabis text amendment as presented.
Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** None
Nay: Harms, Joseph, LaLonde, Schneider, Peterson, Gosselin, Stark
0-7 Vote, 0 Absent, Motion failed.

Rackow discussed the sign regulations for employment district properties as listed in the memo. The Commission discussed the amendments with staff. The consensus of the Commission agreed with the maximum square feet of signage. The Commission agreed to change the sign height from 8’ to 10’.

Motion: To recommend to City Council approval of the amendments to sign regulations for employment district properties with the staff recommendations with the exception of the sign height be changed from 8' to 10'

Maker: Schneider

Second: Peterson

Roll Call Vote: **Aye:** Schneider, Peterson, Gosselin, Stark, Harms, Joseph, LaLonde

Nay:

7-0 Vote, 0 Absent, Motion carried.

Strassman discussed the bed and breakfasts regulation amendments. He noted if the property is a two-unit, one half may be rented out in its entirety provided the owner reside in the other half of the building. Peterson asked if Vacation Rentals by Owner (VRBO) and AirB&B are listed under bed and breakfasts. Strassman stated that he did not put it there but by default they are allowed. We are proposing no change to the definition. We are just pointing out a bed and breakfast establishment encompasses not only the traditional bed and breakfast but it also would include other short term rentals such as those offered by VRBO , AirB&B or Home Away. If there are rentals available on VRBO where one could rent the entire home it would not be allowed in Batavia. In Batavia the owner must be present on the rental property. Buening noted an exception would be a thirty-day rental or more, which would be considered a lease and not subject to the bed ad breakfast regulations. Stark asked if a minimum number of nights for rentals were specified. Strassman stated that could be done through licensing but there is no proposal to do that. Buening stated that the genesis of this change was staff brought this up to Council two years ago and Batavia only had one rental at the time, so direction was given to not enforce the current regulations. We have nine to twelve now in town with one property that was a significant disturbance to neighbors. Through discussions with Council this would become an Administrative Use instead of a Conditional Use.

Motion: To close the Public Hearing

Maker: Stark

Second: Gosselin

Voice Vote: 7 Ayes, 0 Nays, 0 Absent

All in favor. Motion carried.

The Public Hearing closed at 8:08pm.

Motion: To recommend to City Council the bed and breakfast code amendment as written.

Maker: Stark

Second: Gosselin

Roll Call Vote: **Aye:** Stark, Harms, Joseph, LaLonde, Schneider, Peterson and Gosselin

Nay:

7-0 Vote, 0 Absent, Motion carried.

6. Matters from the Public (for items NOT on the agenda)

There were no matters from the public.

7. Other Business

Rackow announced that there would be a meeting on March 18th.

8. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Gosselin moved to adjourn the meeting, Stark seconded. The motion carried. The meeting was adjourned at 8:11pm.