

MINUTES
July 7, 2010
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 Commission, 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

Vice-Chair Kosky called the meeting to order at 7:30pm.

2. Roll Call

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

Members Absent: Chair Peterson, Commissioners Lacher and Skomer

Also Present: Jerry Swanson, Director of Community Development; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; and Mayor Schielke

3. Items Added/Removed/Changed

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

4. Approve Plan Commission Minutes June 23, 2010

Motion: To approve the Plan Commission minutes of the June 23, 2010 meeting

Maker: Joseph

Second: Evans

Voice Vote: 6 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

5. Continued Discussion of Portable Signs

Swanson reported that staff has complied with the direction of the Plan Commission (PC) and crafted draft Zoning Code language addressing portable signs (attachment 1 of the staff report, section H, chapter 4.4 of the Zoning Code). The Chamber of Commerce and Main Street have been given the draft language for review as well. Swanson noted that there was an error on the second page of the draft language, subsection 7-C. The words "the City" were inadvertently left out of this section and will be added. Staff has also worked with the City Attorney regarding licensing and insurance issues relating to portable signs when they are located on sidewalks in the right-of-way.

Joseph asked if the one-year trial period the PC had discussed would be added to the code. Swanson responded that the one-year trial period language will be in the adopting ordinance. Typically, when the Council does a trial period, within a month or two before the ending of the trial period a report on how the program is working will come before the Community Development Committee (CDC) who would then determine if another ordinance should be

passed to make the program permanent, modified, or allowed to expire. Schneider mentioned a sunset clause could be included; Swanson stated that the City Attorney intends to craft something similar to that. Joseph asked if there would be an annual fee for this program. Swanson responded that the fees will have to be established in a different part in the code. If the PC likes the draft language, the discussion of fees will be held with the CDC and they could decide if there would be a fee at all. Swanson noted that the City Attorney informed him that there could be no enforcement authority given to Main Street. A license authority cannot be lawfully given to a private entity. The issue of sign size was discussed. The square footage would refer to the sign face and the four feet regulation would be the total height, pedestal and sign included. Joseph asked if window signs are included in this ordinance. Swanson responded that window signs are currently permitted without permit up to 25% of the area of the window which is stated in the newly adopted Zoning Code.

Weiss asked about banners. Swanson answered that banners are permitted signage in the Commercial, Industrial, Downtown Mixed Use, and Mixed Use districts and allowed size varies by the size of the use. Public Facilities and Institutional district businesses and uses that are fifty feet or more from the right-of-way can have a banner mounted on posts while businesses closer are limited to sign display on the building. The provision recognizes that many churches are set back from the right-of-way. Kosky asked about the difference between a public sidewalk and a private walk. Swanson responded that a public sidewalk is in the right-of-way, others would be private. Joseph asked how long the permits would be valid for portable signs and Swanson stated that they would be good for a year.

Weiss suggested that the requirements for portable signs be made clearer by better formatting subsection 5 to place the “in front of the business property” into a separate subsection. Swanson agreed and the document will be edited accordingly.

The Commission agreed that this proposal should move forward with the language change suggested by Weiss. The next step will be to schedule a public hearing to amend the Zoning Code to add this section.

6. Other Business

Swanson reminded the PC about the CMAP email regarding the Chicago Regional Plan Public Meeting at the Kane County Government Center. This meeting is scheduled for the same night as the PC meeting on July 21. Staff will attend the meeting but will leave early to attend the PC meeting if there are agenda items set.

Kosky noted that she and Chair Peterson attended the joint meeting between the Park District and the City Council regarding the proposed downtown development. She stated that there were good comments from both sides and suggested that the PC look at how the development is placed downtown. Swanson stated that the first Board of Appeals meeting may be held as this development may seek Zoning Code variances.

8. Adjournment

There being no other business to discuss, a motion was made to adjourn the meeting by Commissioner Joseph; seconded by Commissioner Schneider. All in favor. Motion carried. Meeting adjourned at 8:11pm.