

**MINUTES**  
**December 16, 2020**  
**Plan Commission**  
**City of Batavia**  
**REMOTE MEETING**

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/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 Gosselin called the meeting to order at 7:00pm.

**2. Roll Call:**

**Members Present:** Chair Gosselin; Commissioners Harms, Joseph, Peterson, Moore, LaLonde

**Members Absent:**

**Also Present:** Drew Rackow, Planner; Scott Buening, Community Development Director, Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Howard Chason, Director of Information Systems; 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: November 4, 2020**

**Motion:** To approve the minutes from November 4, 2020

**Maker:** Harms

**Second:** LaLonde

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**5. Lost Woods Animal Sanctuary, 595 South River Street, Cat Collins, Applicant**

- **PUBLIC HEARING: Conditional Use Permit for an Animal Shelter**
- **Administrative Design Review**

**OPEN AND CONTINUE TO JANUARY 20, 2021**

**Motion:** To leave the Public Hearing as open and to continue to the January 20, 2021

**Maker:** Joseph

**Second:** LaLonde

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**6. PUBLIC HEARING: Amending the Text of the Zoning Code for Cannabis Dispensaries and Related Uses (City of Batavia, Applicant)**

- **2.3 Commercial Districts**
- **2.4 Downtown Mixed Use District**
- **2.5 Mixed Use District**
- **2.6 Employment Districts**
- **4.1 Site Regulations**
- **4.2 Off Street Parking and Loading Regulations**
- **4.4 Sign Regulations**
- **4.5 Supplemental Use Regulations**
- **5.1 Planning Administration**
- **5.2 Common Procedures**
- **6 Glossary**

**Motion:** To open the Public Hearing

**Maker:** Moore

**Second:** Harms

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

**Nay:**

6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:07pm.

Rackow reported that City Council placed on the November 3<sup>rd</sup> election ballot an advisory referendum as to whether the City of Batavia should allow the sale of recreational use cannabis. The result of the referendum was 63% in favor and 36.95% against. 81.49% of Batavia registered voters participated in that question. After the results came in, the Committee of the Whole (COW) directed staff to begin preparing for a Public Hearing regarding recreational cannabis dispensaries. Rackow overviewed the memo with the Commission and discussed the following: Commercial Districts, Downtown Mixed-Use District, Mixed-Use District, Employment Districts, Parking, Experience, Hours of Operation, Number, Buffer.

Rackow overviewed the December 9, 2020 memo written by Chief Eul titled "Discussion-Considerations for the Regulation of Cannabis Business Establishments in the City of Batavia." Rackow stated that Chief Eul suggested making the Downtown Central Business District a restricted area for these types of businesses. Large retail shopping centers were preferred and industrial areas were suggested as an alternative to best suit the parking and traffic volumes. Rackow noted that during COVID, the cannabis retailers have gone to a pre-pay appointment only format, which has reduced traffic congestion but has increased sales for the retailers.

Chair Gosselin asked if there were any emails from the public. Rackow answered that there were no emails received. Chair Gosselin opened the floor for public comment. There was one attendee shown and the attendee did not indicate that they wished to speak to the Commission.

The Commission went through the Zoning Code changes item by item. Proposed Districts were discussed. Harms stated that she would like them in the northeast quadrant of the City. Moore agreed with staff that it does not belong in the CC or the NC. Gosselin would prefer that it is not along Randall Road but he would reluctantly agree with staff. Rackow asked the Commission if they would like the LI District to be stand alone or co-located. The Commission reviewed the Zoning Map via a shared screen on GoToWebinar. Peterson answered that she would think that the co-located would be preferable to each one being a stand-alone. Rackow noted that cannabis business establishments in the industrial park (grower, cultivation center, processor) are required to be at least 500 feet from residential. Those uses would have an additional setback beyond what just a recreational dispensary would allow as written currently. Rackow clarified that a freestanding recreational cannabis dispensary in the General Commercial District would not be subject to that setback unless the Plan Commission would require that. The current map does not include that particular setback. Harms stated that she would like Light Industrial (LI) and General Industrial (GI) for both. She is not in support of this type of use on Randall Road.

The Commission discussed having a residential buffer added to stand alone recreational cannabis sites. LaLonde stated that he would be in support of a 500ft minimum residential buffer. Joseph agreed. Chair Gosselin directed staff to produce a couple of new maps showing the residential setback so that the Commission would be able to see what 500ft and 250ft would look like. Rackow stated that they could do that and if staff could think of some other numbers they would generate those too. Gosselin stated that would be great.

The Commission discussed parking and the consensus was in agreement with staff's recommendation. The Commission discussed experience of the applicant and the consensus was in favor of one-year experience. The consensus of the Commission was in agreement with staff's recommendation of the hours of operation. The Commission discussed limitation. Buening noted that the Council did not want to impose a limitation on the amount. However, with the setback requirements it is self-limiting. Chair Gosselin asked for distances to be included on the maps so that it might reveal that the absolute maximum you could have is two along Randall Road. LaLonde commented that he would prefer one on each side of the river, maximum. Chair Gosselin stated that he would not be against proposing one on each side of town.

Chair Gosselin stated that looking through the changes in the Zoning Code he did not see church listed along with park, library and school. He would like to add church to that list as well. Joseph agreed. Chair Gosselin suggested continuing the Public Hearing to a future date to get the maps and take action at that time.

**Motion:** To continue the Public Hearing to the 1-20-21 Plan Commission meeting  
**Maker:** Moore  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Moore, Peterson, Gosselin, Harms, Joseph, LaLonde  
**Nay:**  
6-0 Vote, 0 Absent, Motion carried.

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

There were no matters from the public.

**8. Other Business**

Rackow announced the industrial building the Commission did Design Review for last September/October submitted their permit for construction.

**9. Adjournment**

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission. Joseph moved to adjourn the meeting, LaLonde seconded. All were in favor. The meeting was adjourned at 8:46pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on January 15, 2021.