

**MINUTES**  
**February 3, 2021**  
**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: January 20, 2021**

**Motion:** To approve the minutes from January 20, 2021

**Maker:** Joseph

**Second:** LaLonde

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**5. PUBLIC HEARINGS – 106-110 North Raddant Road:**

- **Amendment to the Comprehensive Plan Land Use Map to Service Business (from Light Industrial) 106-110 North Raddant Road**
- **Amendment to the Official Zoning Map to the SB Service Business District (from LI Light Industrial District), 106-110 North Raddant Road**

**Motion:** To open the Public Hearing

**Maker:** Joseph

**Second:** LaLonde

**Roll Call Vote:**      **Aye:** Joseph, LaLonde, Moore, Peterson, Gosselin, Harms  
                                 **Nay:** None  
                                 6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:03pm.

Strassman reported that staff periodically evaluates land uses and zoning for properties to determine if there is a more appropriate classification that better balances existing uses and neighborhood context. The property at 106-110 North Raddant is zoned LI Light Industrial and has been occupied by automobile repair shops and offices for construction contractors. There is no proposal for alternate use or any development on this property, nor has any change been contemplated. This property and the adjacent stormwater management property under the same ownership are the only properties in this area south of the railroad tracks that are industrially zoned. The existing uses are allowed uses in the SB Service Business zoning district that is located immediately west of this property on the west side of Raddant Road. Staff feels this property should be considered for Service Business land use and zoning classifications. Such classifications will increase the distance to nearby residences from land that allows light and general industrial uses.

Regarding the proposed Land Use Map Amendment from Light Industrial to Service Business designation, the existing uses in 9,000 square foot building fit the proposed designation. The staff memo details Comprehensive Plan Goals and Policies that would be positively addressed with this proposed amendment. Service Business designation can provide a land use transition from industrial uses to the north to commercial and residences to the south. The City can adequately serve the property with Service Business uses. Service Business uses include medical uses not allowed in industrial areas.

For the proposed Zoning Map Amendment, staff has provided a draft of findings the Commission can consider for its approval. For the notice finding, staff notes that in addition to the sign placed on the property, staff mailed and/or emailed 3 notices. The first was in December via US Mail and email informing the owner of the City's intention to propose these amendments. The second was the standard hearing notice mailed to neighboring property owners. The third was via email after the City had posted this meeting's agenda and staff memo on the City's website inviting the owner to participate. Staff has not received any contact from the owner on these proposed amendments.

One of the zoning amendment findings is conformance to the Comprehensive Plan. The Commission's recommendation and Council's final action would take action on the Land Use Map Amendment to Service Business classification before the Zoning Map Amendment to the Service Business District, thus ensuring the timing needed for the required conformance.

Staff has also provided responses to the Review of Conditions required of the Zoning Code. The Commission may consider these too for approval. In summary, the Review of Conditions note area compatibility of the SB Service Business District, no evidence of diminished property values, a relative gain to the public by distancing land available for light and general industrial

uses from residences while not imposing a hardship to the owner, and addressing a community need by increasing the small amount of Service Business zoning in the City.

The Plan Commission (PC) viewed maps via the shared screen feature of GotoWebinar titled “Amendment to Service Business at 106-110 North Raddant Road” and “Proposed Rezoning to Service Business 106-110 North Raddant Road.” LaLonde stated that he felt the changes to be appropriate. Chair Gosselin commented that he is not thrilled to not hear from the landowner but the landowner could also address City Council if they so choose. Rackow noted there were no meeting attendees other than the PC, and no email correspondence was received from residents.

**Motion:** To close the Public Hearing  
**Maker:** Moore  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Moore, Peterson, Gosselin, Harms, Joseph, LaLonde  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was closed at 7:13pm.

**Motion:** To recommend approval of a Land Use Map amendment for 106-110 North Raddant Road and the Stormwater Management Property abutting to the east to reclassify the subject properties from Light Industrial to Service Business  
**Maker:** LaLonde  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** LaLonde, Moore, Peterson, Gosselin, Harms, Joseph  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To approve the findings and review of conditions for the Zoning Map amendment  
**Maker:** Joseph  
**Second:** Harms  
**Roll Call Vote:** **Aye:** Joseph, LaLonde, Moore, Peterson, Gosselin, Harms  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To recommend approval of an amendment to the Zoning Map to rezone the subject properties from the LI Light Industrial District to the SB Service Business District  
**Maker:** Joseph  
**Second:** Harms  
**Roll Call Vote:** **Aye:** Joseph, LaLonde, Moore, Peterson, Gosselin, Harms  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**6. PUBLIC HEARINGS: 1320 Kielion Drive, 1728 Wiesbrock Ln, 1007 Edwards Dr, 700 Norcross Dr.**

- Amendments to the Comprehensive Plan Land Use Map Designations
  - 1320 Kielion Drive and 1728 Wiesbrock Lane from Residential > 2-3.5 Dwelling Units per Acre to Parks and Open Space
  - 1007 Edwards Drive and 700 Norcross Drive from Residential > .5-2 Dwelling Units per Acre to Parks and Open Space
- Amendments to the Official Zoning Map
  - 1320 Kielion Drive and 1728 Wiesbrock Lane from R1-L Single Family Residential, Low Density to POS Parks & Open Space District
  - 1007 Edwards Drive and 700 Norcross Drive from R0 Single Family Residence District to POS Parks & Open Space District

**Motion:** To open the Public Hearing

**Maker:** Moore

**Second:** Harms

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:19pm.

Rackow reported that there are two sets of Public Hearings for two sets of properties. The first action that is being considered is the Comprehensive Plan (CP) Land Use Amendment. The 1320 Kielion Drive and the 1728 Wiesbrock Lane are both in the Cherry Cove Subdivision and will be going from a Residential, Low Density to The Parks & Open Space (POS) District. 1007 Edwards Drive and 700 Norcross Drive are in the Fox Trail East and Normandy Subdivision, those are being proposed from going from R0 Single Family Residence to POS District.

Rackow showed the Commission the following maps utilizing the shared screen option on GotoWebinar:

1. Proposed Land Use Map Amendment Cherry Cove Subdivision
2. Proposed Rezoning Detention Parcels in Cherry Cove Subdivision
3. Proposed Land Use Map at Norcross Drive and Edwards Drive
4. Proposed Parks & Open Space Rezoning at Norcross Drive and Edwards Drive

Rackow stated that these are four detention areas that were originally supposed to be transferred to the City with the completion of development that ended up not happening. This is a clean up after the fact. We reacquired these properties in 2013 and 2014. Only one of the subdivision plats identifies the parcel for stormwater purposes, the others either say it has been dedicated or has been silent and leave it up to the annexation agreements. The annexation agreements, which are good for a period of twenty years, have expired for all three of these subdivisions. Part of the action would be to classify these in a more restricted zoning district that acknowledges the use and thus also restricts what can go on these properties due to the fact that the POS zoning classification is more restrictive. These are all properties that were controlled by the City and that one time they were not so this is a good measure to verify that these parcels are to remain in

place as detention. Rackow discussed the land use, environment, POS, and utility impacts listed within the memo to the Commission.

Moore stated that these are the last two parcels on the southeast quadrant and asked how many of these do we have to go through still. Rackow stated that staff has taken care of everything west of Western Avenue. He estimated that there are about a dozen citywide left to do and some are needed to rezone to Public Facilities and Institutional. Buening noted that we also have to go through the annexations that we did because we annexed a number of properties over the years and put them in the default R0 District. Some of those parcels need to be put into an appropriate zoning district similar to the adjacent lots or in some cases they are railroad pieces. Eventually we will be coming back around to those as well. Chair Gosselin asked if there was anyone in attendance that wanted to address the PC. Rackow answered that there was no one in attendance and no emailed comments.

**Motion:** To close the Public Hearing  
**Maker:** Peterson  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** Peterson, LaLonde, Harms, Joseph, Gosselin, Moore  
**Nay:**  
6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was closed at 7:32pm.

**Motion:** To recommend approval of amendments to the Comprehensive Plan Land Use Map for 1320 Kielion Drive and 1728 Wiesbrock Lane from Residential >2-3.5 Dwelling Units Per Acre to Parks and Open Space  
**Maker:** Joseph  
**Second:** Harms  
**Roll Call Vote:** **Aye:** Joseph, LaLonde, Moore, Peterson, Gosselin, Harms  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To recommend approval of amendments to the Comprehensive Plan Land Use Map for 1007 Edwards Drive and 700 Norcross Drive from Residential >5.2 Dwelling Units Per Acre to Parks and Open Space  
**Maker:** Joseph  
**Second:** Harms  
**Roll Call Vote:** **Aye:** Joseph, LaLonde, Moore, Peterson, Gosselin, Harms  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To approve the findings and review of conditions for 1320 Kielion Drive and 1728 Wiesbrock Lane as drafted by staff in the 1/29/21 memo  
**Maker:** LaLonde  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** LaLonde, Moore, Peterson, Gosselin, Harms, Joseph

**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To approve the review of conditions for 1320 Kielion Drive and 1728 Wiesbrock Lane as drafted by staff in the 1/29/21 memo

**Maker:** Peterson

**Second:** Joseph

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**Motion:** To approve the findings and review of conditions for 1007 Edwards Drive and 700 Norcross Drive as drafted by staff in the 1/29/21 memo

**Maker:** Moore

**Second:** Joseph

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**Motion:** To recommend approval of amendments to the Zoning Map to reclassify 1320 Kielion Drive and 1728 Wiesbrock Lane from R1L Single Family Residential Low Density to POS Parks and Open Space District

**Maker:** Joseph

**Second:** Harms

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**Motion:** To recommend approval of amendments to the Zoning Map to reclassify 1007 Edwards Drive and 700 Norcross Drive from RO Single Family Residence District to POS Parks and Open Space District

**Maker:** Joseph

**Second:** Harms

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

**Nay:** None

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

LaLonde asked when in-person meetings would resume. Buening stated that staff is looking to do a hybrid meeting sometime soon. The City will transition to Zoom for its electronic meeting platform. We will see how that works with City Council first and then us it for the PC and Historic Preservation Commission. Possibly by the next PC meeting we will be in the hybrid format again versus solely virtual.

Peterson asked what is coming up for the next meetings. Buening answered that staff has had a lot of inquiries on property. Rackow stated we do have an application for a building addition in the industrial park that staff is currently reviewing. The cannabis discussion for the text amendment will be going to City Council this coming Tuesday, February 9<sup>th</sup>. Strassman added that staff has had conversations with a perspective applicant to bring back the Winding Creek Subdivision on the north side of McKee going up to the Braeburn Marsh property. They are looking for the same layout of streets but it would be all single family. Staff has begun conversation with a potential developer looking to propose buildings south of the Raising Cane's property. Strassman stated that he could not speak to the timing of either of these items.

### **9. Adjournment**

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission. Moore moved to adjourn the meeting, Peterson seconded. All were in favor. The meeting was adjourned at 7:48pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on February 10, 2021.