

MINUTES
February 16, 2022
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; Vice-Chair LaLonde; Commissioners Joseph, Moore, Peterson and Harms

Members Absent:

Also Present: Mayor Schielke; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; Joel Strassman, Planning and Zoning Officer; 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:

- **October 6, 2021**
- **December 1, 2021**
- **January 19, 2022**

Motion: To approve the minutes from October 6, 2021; December 1, 2021; and January 19, 2022

Maker: LaLonde

Second: Moore

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

5. Culver's Restaurant, 470 North Randall Road

Misuka Burka LLC, applicant

- **Public Hearings**
 1. **Amendment to the Zoning Map for a Planned Development Overlay District at 470-490 North Randall Road**
 2. **Conditional Use Permit for a Drive-Through Restaurant**
- **Design Review**

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

The public hearing was opened at 7:01pm.

Rackow reviewed the memo with the Plan Commission (PC). Rackow discussed the Design Review with the PC. The recommended conditions for an electronic sign are as follows:

- The sign shall not operate between the hours of 12:00 AM and 6:00 AM daily
- Electronic Changeable Message Sign message shall change no faster than once per minute
- The sign shall use an auto-dimming functionality responsive to ambient light
- The sign shall fully comply with any future operational standards imposed on such signs citywide, including, but not limited to hours of illumination message change time intervals and overall brightness.

Joe Mayer, on behalf of the developer, addressed the PC. Mayer stated that what they are trying to do is redevelop an underutilized site. They are working within the existing constraints of what the parking lot is today. Rackow showed a slide of the Culver's development site for the Commission to view. Mayer discussed how they are trying to reduce their footprint by pulling in curb-lines and adding more green space along the buffers.

Mayer discussed, from an operation's standpoint, why the site is laid out the way it is and discussed the site plan with the Commission. He shared with COVID, they are focusing on a drive-through focused use and are confident with the amount of parking that is already provided for the property. They do have the flexibility of the shared parking to the north given that the northern tenant is over parked. Mayer discussed the drive-through process with the Commission. Mayer discussed the site elevations along with the PowerPoint slide illustrating such elevations.

Peterson asked if outdoor seating would be considered. Michael Smith, applicant, stated that outdoor seating was a part of one of their concepts but they realized, given the constraints of the site, this smaller development for Culvers could not accomplish everything and the business model is drive-through orientated. They prioritized an extra order waiting space over outdoor seating in the Chicago environment where you could only utilize the patio maybe 25% of the year if you are lucky.

The Commission discussed pedestrian traffic, sidewalks, and bike racks. Mayor Schielke shared his discussion with the proposed Culver's franchise owner with the Commission. Chair Gosselin asked if there were any members from the public who wanted to address the Commission. There were none.

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

The public hearing was closed at 7:30pm.

Motion: To adopt the findings for approval for the Zoning Map amendment as drafted by staff
Maker: LaLonde
Second: Peterson
Roll Call Vote: **Aye:** LaLonde, Harms, Joseph, Gosselin, Moore, Peterson
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To recommend City Council approval to amend the Zoning Map and a Planned Unit Development Overlay District to 470-490 North Randall Road in general conformance with the plans attached to the meeting memo subject to the modifications 1 a-c, 2 a-f, 3 a & b
Maker: Peterson
Second: Joseph
Roll Call Vote: **Aye:** Peterson, LaLonde, Harms, Joseph, Gosselin, Moore
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings for approval for the Conditional Use Permit as drafted by staff
Maker: LaLonde
Second: Moore
Roll Call Vote: **Aye:** LaLonde, Harms, Joseph, Gosselin, Moore, Peterson
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To recommend City Council approval of a Conditional Use Permit for Misuka Burger LLC and successors to operate a Culver's Drive-Through restaurant at 470 North Randall Road in conformance to the plans conditionally approved for the Planned Development Overlay
Maker: Peterson
Second: Joseph
Roll Call Vote: **Aye:** Peterson, LaLonde, Harms, Joseph, Gosselin, Moore
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings for approval for the Design Review as drafted by staff
Maker: Moore
Second: LaLonde
Roll Call Vote: **Aye:** Moore, Peterson, LaLonde, Harms, Joseph, Gosselin
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To approve the Design Review for 470 North Randall for Culver's in conformance to the plans conditionally approved for the Planned Development Overlay and subject to City Council approval of those actions
Maker: Joseph
Second: Peterson
Roll Call Vote: **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde, Harms
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To approve an electronic message sign for the premises subject to the conditions and as written by staff
Maker: Joseph
Second: LaLonde
Roll Call Vote: **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde, Harms
Nay: None
6-0 Vote, 0 Absent, Motion carried.

6. Final Plat of Winding Creek Subdivision Phase 1 2500 McKee Street, Pulte Home Company, LLC, applicant

Strassman reported last fall the Commission recommended and City Council approved annexation and development of the 68-acre property at 2500 McKee for Pulte Home Company's Winding Creek Subdivision. Among the approvals was a preliminary plat of subdivision. Pulte has submitted the final plat of subdivision covering the south 100 homes. This essentially matches the street and lot design of this area that was approved in the preliminary plat. Batavia staff is reviewing final engineering for the subdivision. Strassman discussed the annexation agreement, final plat of subdivision, finalizing easements, and final engineering.

Patti Bernhard, representing Pulte, addressed the Commission. She informed the Commission that they are available for any questions. There were no questions from the Commission. Chair Gosselin asked if there were any members of the public to address the Commission. There were none.

Motion: To recommend City Council approval of a final plat for Winding Creek Subdivision Phase One subject to staff approval of final engineering and easements/easement provisions
Maker: Joseph
Second: LaLonde
Roll Call Vote: **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde, Harms
Nay: None

6-0 Vote, 0 Absent, Motion carried.

7. Administrative Design Review Referred to the Plan Commission

Wall Sign Height for Starbucks, 1994 McKee Street, Aubrey Sign Co., applicant

Strassman reported last summer's PC approval of Design Review for Starbucks in Avenue Marketplace did not include signage. The applicant was not prepared to have signage approved at that time. Staff has already approved Administrative Design Review for the Starbucks signs except for placement of its two round siren logo signs that are proposed to be installed closer to the parapet wall than cannot be approved by staff. The Zoning Code requires wall signs be no closer to the top of the parapet than one half the height of the tallest element on the sign. If it is any higher than that than the PC could approve the additional height. The Zoning Code allows the Commission to approve a higher placement.

Strassman stated staff is supportive of this request for the proposed siren signs. The signs do fit comfortably in the space above the storefronts and staff recommends the PC approve the Administrative Design Review for the two siren logo signs as presented. Matt Meritt, applicant, did not have any comments to add. Chair Gosselin asked if there were any questions or comments by the PC. There were none. Chair Gosselin asked if there were any members from the public to address the Commission. There were none.

Motion: To approve Administrative Design Review for the installation location of the siren signs being closer than one half the height of the sign as proposed in the drawings attached to staff's memo

Maker: Joseph

Second: Peterson

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

8. Matters from the Public (for items not on the agenda)

There were no matters from the public for items not on the agenda.

9. Other Business

Rackow announced that the March 2nd PC meeting would be cancelled. There will be a PC meeting on March 16th.

10. Adjournment

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission. LaLonde 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