

**MINUTES**  
**April 20, 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 7:01pm.

**2. Roll Call:**

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

**Members Absent:**

**Also Present:** Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; 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: February 16, 2022 and March 16, 2022**

**Motion:** To approve the minutes from February 16, 2022 and March 16, 2022

**Maker:** Harms

**Second:** LaLonde

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

**5. Moka Coffee – 132 Independence Drive**

**Miller Coffee Property LLC, Applicant**

- **PUBLIC HEARING: Conditional Use Permit for a Drive Through Restaurant**
- **Design Review**

**Motion:** To open the Public Hearing

**Maker:** LaLonde

**Second:** Peterson

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:04pm.

Rackow discussed the memo with the Plan Commission (PC). Chair Gosselin opened the floor for public comment. Scott Miller, applicant, addressed the PC. He shared that this would be their second store with their first store being located in North Aurora. They designed the site so the cars would come to the front of the store and be far from the neighbors to the east. Their focus is on quality product and customer service. This site incorporates a lot of things that would be an advantage to our store and our community in regards to flow. Miller stated that they sent public notice including a letter and narrative of who they are to all the renters along the first street to the east (Spuhler Drive). The responses were all positive.

The PC viewed the Topographical Site Development Plan, Landscape Plan, and reviewed the site elevations. LaLonde stated that it is an overall appealing building and a good use for this property. LaLonde asked if they considered shade from the south sun. Miller answered that their architect is looking for a shade solution on the south side with the patio designed more for bikers and walkers. LaLonde suggested adding a few more trees along the east property line that extends to the proposed future subdivision line. The Commission discussed the number of bike racks, down spouts releasing into the rain garden to the east of the driveway and sidewalk, and how the roof is pitched toward the east.

Chair Gosselin asked if there were any comments or correspondence from the public. Rackow answered that 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 closed at 7:35pm.

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

**Motion:** To recommend City Council approval of a Conditional Use Permit for Scott Miller/Miller Coffee Property LLC to operate a Moka Coffee drive-through restaurant at 132 Independence Drive in general conformance to the plans provided, subject to the following conditions:  
A. Relocation of the ground sign to a conforming setback of 10 feet  
B. Staff approval of Final Engineering

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

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

**Motion:** Approve Design Review for Moka Coffee at 132 Independence Drive in conformance to the plans approved for the Conditional Use, subject to City Council approval of the Conditional Use and the following conditions:  
A. Relocation of the ground sign to a conforming setback of 10 feet.  
B. Staff approval of Final Engineering

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

**6. PUBLIC HEARING: Amendments to the Text of the Zoning Code**  
**Chapters 2.1, 2.6, 4.1, 4.2, 4.4, 6**  
**City of Batavia, applicant**

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

The Public Hearing was re-opened at 7:42pm.

Strassman reported staff has scheduled a Public Hearing for several Zoning Code text amendments at the March 16 Plan Commission meeting. The hearing ended with the PC asking for more time to review.

The proposed zoning text amendments address:

- Attached garage setback and rooming houses (Chapter 2.1 Single Family Districts)
- Towing Establishments (Chapter 2.6 Employment Districts)
- Outdoor storage (Chapter 2.6 Employment Districts)

- Merchandise display (Chapter 4.1 Site Regulations)
- Sight Distance Triangle and Easements (Chapter 4.1 Site Regulations)
- Parking supply for Convenience Retail Use (Chapter 4.2 Off-Street Parking)
- Menu signage (Chapter 4.4 Sign Regulations)
- Definitions (Chapter 6 Glossary)

The PC reviewed the proposed zoning text amendments and agreed with all of staff's recommended changes. Chair Gosselin asked if there were any comments or correspondence from the public. Rackow answered there were no comments or correspondence.

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

The Public Hearing closed at 8:24pm.

**Motion:** To recommend approval to City Council of the amendments to the text of the Zoning Code as outlined in the staff memo dated March 11, 2021  
**Maker:** Joseph  
**Second:** LaLonde  
**Roll Call Vote:** **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde, 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 for items not on the agenda.

## **8. Other Business**

LaLonde asked about Dr. Wazio's building on Wilson Street. Rackow stated that prior to getting to the permit step, their bank had asked him to subdivide the property. He is working with a surveyor to create a Plat of Subdivision that would be coming to the PC for review.

Strassman stated the Committee of the Whole reviewed the changes to electronic changeable message signs and did agree with PC's recommendation but they continued their conversation and it will come up again next month. There was some conversation about adding a distance from residential requirement and conversation about banning these types of signs.

The May 4<sup>th</sup> PC meeting will be cancelled and the next meeting would be May 18<sup>th</sup>.

**9. Adjournment**

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission. Harms moved to adjourn the meeting, LaLonde seconded. All were in favor. The meeting was adjourned at 8:13pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary