

**CITY OF BATAVIA**  
100 N. Island Ave., Batavia, IL 60510  
(630) 454-2000  
www.cityofbatavia.net

**PLAN COMMISSION  
AGENDA**

**Wednesday, April 6, 2016  
7:00 PM  
City Council Chambers - First Floor**

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Approval Of Minutes: March 16, 2016 Plan Commission  
Documents: [03-16-16 PCM.PDF](#)
5. Design Review: Proposed Dunkin Donuts Drive-Through At Shell Gas Station  
108 North Batavia Avenue. Jon P. Green, PE, CFM, Engineering Resources Associates  
Inc., applicant  
Documents: [PC DUNKIN DONUTS DR.PDF](#)
6. Other Business
7. Adjournment

Plan Commission

Tom Gosselin  
Sara Harms  
Joan Joseph  
Tom LaLonde, Chair  
Sue Peterson  
Gene Schneider, Vice-Chair

**MINUTES**  
**March 16, 2016**  
**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 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 LaLonde called the meeting to order at 7:00pm.

**2. Roll Call:**

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

**Members Absent:** Vice-Chair Schneider; Commissioner Harms;

**Also Present:** Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; 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, 2016 Plan Commission & Zoning Board of Appeals and February 3, 2016, Zoning Board of Appeals**

Chair LaLonde noted that the wrong tally is on the motion on page 18 in the January 20, 2016 minutes.

**Motion:** To approve the minutes from for January 20, 2016 Plan Commission & Zoning Board of Appeals (with amendment) and February 3, 2016, Zoning Board of Appeals

**Maker:** Gosselin

**Second:** Peterson

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**5. PUBLIC HEARING: Conditional Use for a Massage Establishment, Sunshine Massage, 11 East Wilson Street (Yune Zhou, applicant)**

**Motion:** To open the public hearing

**Maker:** Joseph

**Second:** Gosselin

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

Strassman reported that the property is zoned Downtown Mixed Use (DMU) and the zoning district allows massage establishments with City Council (CC) approval of the conditional use. Strassman stated that personal care businesses fit the mixed-use environment of downtown Batavia. The conditional use that is required allows the Plan Commission (PC) to recommend and the CC to approve operational allowances and restrictions for businesses. Staff has found that it is a tendency for massage businesses to cover windows – a practice contrary to the Zoning Code’s requirement of vision glass.. Much of the character of downtown Batavia relies on one’s ability to look inside businesses.

Strassman stated that the conditional use may be limited to operation of the business solely by Ms. Zhou doing business as Sunshine Massage as long as she maintains her state license. Strassman stated that staff recommends that the Commission recommend approval of the Conditional Use with the following conditions:

- Providing a clear view of the entire proposed reception/waiting area by maintaining clear vision glass through store front windows and door, without adding any appliquéés, tinting, or other opaque or translucent coating or finish to the glass, or by placing anything on or in the windows except for permitted window signs.
- Use of interior window or door treatments such as, but not limited to, curtains, blinds, valances, or shades that restrict the visibility required in Condition 1 is prohibited.
- Placement of periodical display racks, customer coat/bag storage, or customer seating shall not unreasonably restrict the visibility required in Condition 1.
- Yune Zhou, and all personnel engaged in performing massage, at all times shall maintain current State of Illinois licensure as massage therapists.
- Hours of operation shall be limited to 8 am through 10 pm, daily.
- If the City adopts licensing requirements for massage establishments, the applicant must apply for, and obtain the City license per the adopted requirements.

LaLonde asked about the provision of providing a clear view in the storefront windows. Strassman explained that, some Batavia massage business cover their front windows. Staff feels that it is the character of the downtown area to have clear vision into the reception/waiting area of businesses. He noted that this is the first conditional use for a massage business that has come to the Commission. Staff recommends that the Commission consider and require keeping the windows clear.

Chair LaLonde asked if there was anyone in the audience that wanted to give testimony. There were none.

**Motion:** To close the public hearing  
**Maker:** Peterson  
**Second:** Joseph  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

Peterson commented that there seems to be a lot of these types of businesses in the downtown area. LaLonde stated that it would be up to the City Council to determine restrictions. We need to ensure that this business meets all the requirements of the applicable codes.

**Motion:** To approve all four findings of fact  
**Maker:** Gosselin  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** Gosselin, Joseph, LaLonde, Peterson  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

**Motion:** To recommend to City Council approval of the conditional use for this massage establishment, to Yune Zhou, subject to the six conditions outlined by staff  
**Maker:** Gosselin  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Gosselin, Joseph, LaLonde, Peterson  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

Strassman stated that this would go to the Committee of the Whole on Tuesday, April 5<sup>th</sup> at 7:30pm in the City Council Chamber.

**6. PUBLIC HEARING – Amendment to the Official Zoning Map from R0, Single Family Residential to POS, Parks & Open Space District  
500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail  
– City of Batavia, Owner and Applicant**

**Motion:** To open the public hearing  
**Maker:** Joseph  
**Second:** Peterson  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

Rackow stated that this item is to rezone several of the detention parcels along Hart Road at Wind Energy Pass and Ridgelawn Drive. There were a few ponds that were not transferred to the Home Owners Association (HOA) or the City and were still under the ownership of the original developers. Transfer of the property to the City was received. They are now City owned and serving as detention areas. We would like to review the appropriate zoning classification for these ponds changing it from R0, Single Family Residential, to POS, Parks and Open Space district. This would limit the land's future use to the more limited uses to those in the allowed uses for the POS District. The property will otherwise be continued to be used as it was platted, which is for detention areas.

Chair LaLonde asked if there were any comments from the PC. There were none. LaLonde asked if there was anyone in the audience who wished to speak. He swore in Steve Rakers, 472 Ridgelawn Trail.

Rakers asked how the property would be maintained around that area. Rackow stated that there would be no change to the maintenance of the land. The Public Works Department does mowing and maintenance of those areas. Rakers asked if the funding is still paid for by the City. Rackow stated that the City Council did not implement a Special Service Area (SSA) for this area so the funding is taken out of the City's General Fund and that is not a change from the current funding program. Rakers asked what kind of uses would be allowed on the property. Rackow answered that this change would limit the type of uses that would be allowed on the property. Rackow explained that the Zoning Code has a list of allowed uses. The proposed zoning district has a much more limited list. A detention use is allowed. LaLonde added that the change is focused on development and what could be developed on that property. Rakers asked if fishing could still be done. Rackow stated that rezoning would not change a person's ability to fish on that property.

Chair LaLonde swore in Joe Krafska of 1644 Derby Drive. Krafska commented that anytime the City wants to rezone something that raises a red flag. He asked why you are doing this if no one could build on it anyway. Krafska inquired if this action was a step toward the activation of the SSA. Rackow stated that the City Council (CC) discussed the possibility of activating an SSA in 2012 and through that discussion they determined that they do not wish to activate the SSA. A SSA does require a public hearing and if the CC decides to return to that discussion they would have to contact residents. There has not been further discussion in CC to levy the SSA. Krafska stated that the residents would not be happy with an SSA.

LaLonde asked if anyone else wanted to speak. There were none.

**Motion:** To close the public hearing  
**Maker:** Peterson  
**Second:** Joseph  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

Chair LaLonde asked if there were any questions for staff. There were none.

**Motion:** To approve the findings for a Zoning Map amendment, as drafted in the 3-3-16 staff report  
**Maker:** Joseph  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Gosselin, Joseph, LaLonde, Peterson  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

**Motion:** To approve the zoning map amendment to reclassify the properties from R0 to POS  
**Maker:** Peterson  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** Gosselin, Joseph, LaLonde, Peterson  
**Nay:** None

4-0 Vote, 2 Absent, Motion carried.

**7. PUBLIC HEARING – Amendments to the Text of the Zoning Code**

- **Chapter 2.1: Single Family Residential Districts**
- **Chapter 2.2: Multi-Family Districts**
- **Chapter 2.3: Commercial Districts**
- **Chapter 2.4: Downtown Mixed Use District**
- **Chapter 2.5: Mixed Use District**
- **Chapter 2.6: Employment Districts**
- **Chapter 2.7: Public Facilities and Institutional District**
- **Chapter 2.8: Parks and Open Space District**
- **Chapter 4.2: Off-Street Parking and Loading Regulations**
- **Chapter 6: Use Definitions**
- **Chapter 7: Glossary of General Terms**

**Motion:** To open the Public Hearing

**Maker:** Joseph

**Second:** Peterson

**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried

Rackow reported that this is a proposed set of Zoning Map amendments. Chair LaLonde requested that Rackow discuss each amendment with the Commission. Rackow overviewed each amendment, as listed in the memo, with the Commission.

The PC asked questions on the amendments to the Zoning Code. Peterson asked about the drive through and general commercial change. Rackow stated that right now in the General Commercial district drive-throughs are only discussed with restaurants, banks and dry cleaners. The change would be to add a list item of a drive-through category for Community Commercial and General Commercial. For example, Walgreen's was allowed through an interpretation as a similar use to a restaurant drive-through. Staff wanted a catchall for drive-throughs in the future that could be reviewed as a conditional use in those two districts.

Peterson asked about shared parking. Rackow stated that they would have to have an easement and only parking stalls that immediately connected into the aisle created would be allowed. The change is specific to the Commercial District table and not the DMU.

Peterson asked about additions and accessory structures. Rackow stated that an accessory structure has reduced setbacks. In Employment Districts, an accessory structure needs to be behind the principal structure. The size ratio is being put out right now to have some connection to the principle structure. LaLonde asked about the square footage regarding 7% or maximum of 10,000. Rackow explained that the first 100,000 square foot it would be up to 7% and anything larger than that would be taken down to 3% with the maximum being 10,000 square feet. It would allow for bigger buildings. LaLonde asked if there was an issue in the past. Rackow stated

that industrial users have been inquiring about an accessory structure for storage being placed on their property. Rackow explained that staff is trying to address those in need for a larger structure on their properties to allow for extra space other than in the original footprint. Rackow noted that this is in Chapter 2.6, page nine under letter F, number 2. The change is highlighted.

LaLonde asked about location requirements for an accessory building. Rackow answered that it is located in Chapter 2.6, page six, letter E. Strassman stated that as long as the Light Industrial or General Industrial district property is not adjacent to a residential property then you can go into the setback area but if you are adjacent to residential the accessory structure has to be setback as far as the principal building. Rackow added an accessory structure would require extra parking areas as well.

Chair LaLonde asked about section C, 1.B and 1.C for Electric Charging Stations. Rackow explained that if a private lot owner that is of the mind that they are going to tow people, you could have a sign that states you are going to have prohibitions or limitations. Rackow continued that the signage should not exceed six feet in height and six square feet. He noted that the language would have to be clarified in the Zoning Code.

Chair LaLonde asked if there was anyone in the audience that wanted to address the Commission. Chair LaLonde swore in Janet DiCosola, 1844 Matthews Court. DiCosola stated that she is affected by the retention pond (503 Ridgelawn Trail). She asked what can you do with POS that you can't do with the current property designation. Rackow explained that the R0 district has a larger number of zoning uses than the POS. The POS has a more limited list of uses allowed. The use of it as a detention area would be allowed to continue. Chair LaLonde stated that it is a benefit to the surrounding area to make the zoning change because it would prohibit development. The change is to properly fit what is there currently and there would be no change to the property itself.

**Motion:** To close the Public Hearing  
**Maker:** Peterson  
**Second:** Gosselin  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**Motion:** To recommend to the Committee of the Whole to approve the revisions with the two changes to clarify the language regarding height and area for Signs at Charging Stations

**Maker:** Joseph  
**Second:** Gosselin  
**Roll Call Vote:** **Aye:** Gosselin, Joseph, LaLonde, Peterson  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

**8. Design Review: Proposed Dunkin Donuts Drive-Through at Shell Gas Station, 108 North Batavia Avenue. Jon P. Green, PE, CFM, Engineering Resources Associates Inc., applicant**

*Continue to April 6, 2016*

Strassman reported that the Committee of the Whole (COW) reviewed the PC recommendations. The COW made a recommendation for approval of two ordinances, one to address variances and the other for the conditional use. The approval to address the variances is recommending City Council approval of all the variances requested. There were a number of conditions put on some of those variances, most notably to add curbing and landscaping. The approval to address the conditional use application the COW recommended approval of granting a conditional use with a number of conditions to that. There were conditions on limiting the hours of operation of the drive-through from 4am to midnight. There was another limitation that prohibited trash pick up too early in the morning. Other conditions were to put the final decision on the design of the retaining wall into the hands of the PC through Design Review. Strassman noted that the applicant would not use a form for the wall to give it an appearance of blocks of stones. They would like to use a smooth finish and plant ivy at the base.

**Motion:** To continue the Design Review Discussion to April 6, 2016  
**Maker:** Gosselin  
**Second:** Joseph  
**Voice Vote:** 4 Ayes, 0 Nays, 2 Absent  
Motion carried.

**9. Other Business**

There was no other business at this time.

**10. Adjournment**

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, Joseph seconded. The motion carried. The meeting was adjourned at 8:24pm.

Minutes respectfully submitted by Jennifer Austin-Smith

# CITY OF BATAVIA

---

**DATE:** March 24, 2016  
**TO:** Plan Commission  
**FROM:** Joel Strassman, Planning and Zoning Officer  
**SUBJECT:** Design Review for Proposed Dunkin' Donuts Drive Through at Shell Gas Station  
108 N. Batavia Ave., Jon P. Green, PE, CFM, Engineering Resources Associates Inc., applicant  
(Continued from March 16, 2016)

## Background

On January 20, the Zoning Board of Appeals (ZBA) and Plan Commission held a public hearing to consider several variances and a conditional use to add a Dunkin' Donuts drive through to the Shell gas station at 108 North Batavia Avenue. At the same time, the Plan Commission began design review for this proposal. At the January 20<sup>th</sup> meeting, the ZBA recommended approval for several of the variances, but effectively recommended denial for some of the requested variances.

Without ZBA support for all of the variances, especially 2 of them requiring separation distances from the subject property and the drive through lanes to the residential property to the north, the Commission did not recommend approval for the conditional use. Without a recommendation for conditional use approval, the Commission did not take action on the design review, and continued that part of the entitlement process. Please see the [January 14 staff report to the ZBA/Commission](#) and the [minutes of the January 20 meeting](#) for additional information. The Historic Preservation Commission approved the certificate of appropriateness for changes to the building's elevations, signage, and lighting with the condition that building lighting illuminate down only.

The City Council's Committee of the Whole (COW) reviewed the proposal on [March 1](#). The COW was supportive of the proposal, directing staff to prepare Ordinances to approve the variances and conditional use. On March 21, the City Council approved [Ordinances 16-09 and 16-10](#) for all variances and the conditional use, with conditions as listed in the Ordinances. These conditions require Commission design review approval addressing adding curbing at the site entrances, adding landscaping in select areas, and finalizing the retaining wall design to have a smooth finish with chamfered (angled) joints to match other walls in the area, with ivy planted at the base to eventually cover the wall. The wall must shield headlights of a vehicle the height of a Ford F-250 truck.

## Staff Analysis

As of the writing of this report, staff has not received any revised plans. The Commission can discuss the landscaping along the north property line. The applicant has stated that the plan takes into account existing landscaping, thus why "gaps" are shown on the plan. It would be appropriate to recommend that the applicant be required to note existing landscaping on the plans and be required to replace any of the landscaping materials should they die. It may be appropriate to substitute taller evergreen trees to provide some softening for the transition to residential use. In its discussion with the Committee of the Whole, the applicant noted that adding trees in new landscaped areas at the site access may limit visibility impacting safety. The City Council felt that these areas may or may not include a tree. If the applicant can demonstrate that trees in these areas will limit visibility to the extent that safety is compromised, then the Commission can consider not requiring them.

The Council agreed to allow a smooth retaining wall with chamfered seams. The applicant agreed to plant ivy to grow over time to cover the wall; the landscape plan must be revised to show the plantings at the wall's base. Information still is needed to demonstrate that the retaining wall will be tall enough to block headlights from taller vehicles per the Council's directive.

The site plan indicates a masonry refuse enclosure, however, details of the finish do not appear on any plans. Staff suggests a note on the site plan indicating a brick finish to match the brick on the building.

The Commission must arrive at the findings listed below before approving the design review. Staff has drafted responses (below) to the findings for the Commission to consider.

**A. The project is consistent with applicable design guidelines.**

With landscaping added per the City Council's conditions of variance and conditional use approval, and the retaining wall meeting the Council's directive, proposed improvements would be generally consistent with the design guidelines.

**B. The project conforms to the Comprehensive Plan, and specifically to the Land Use, Urban Design, and Environment Elements.**

Proposed improvements, as conditioned with City Council approval, balance the Land Use and Urban Design elements' goals and policies for site development/commerce while fitting the context of the area. Added site landscaping as well as site engineering required as part of the building permit process will address environmental concerns.

**C. The project is consistent with all applicable provisions of the Zoning Code.**

With the approved variances and conditional use, the project will be consistent with the Zoning Code.

**D. The project is compatible with adjacent and nearby development.**

Site improvements required with approval and operational restrictions imposed in via the conditional use are designed to lessen impact to nearby development.

**E. The project design provides for safe and efficient provision of public services.**

As approved, public services can be delivered safely and efficiently.

Staff Recommendations

The Plan Commission must make findings before taking action on the design review. The Commission should reach some conclusions on what conditions of approval are appropriate so the findings can be based on those conditions. Since the City Council's approvals include conditions to be reviewed and approved by the Commission, there must be changes to the site and landscape plans. One

Plan Commission action on the design review is final and not a recommendation to the City Council. The Commission may take one of the following courses of action:

1. Approve the design review subject to staff approval of revised site and landscape plans to include:
  - a. The Landscape Plan shall show all existing landscaping to remain and additional new landscaping, including evergreen trees adjacent to the north parking spaces;
  - b. The Site Plan shall show a curb added to the west end of the north parking area, extending west to meet the Batavia Avenue sidewalk and the landscape plan shall show inside this area low decorative ground cover and shrubs, and a tree;
  - c. The Landscape Plan shall show the curb in the area south and west of the west end curb for the new south parking spaces as shown on the approved site plan with low decorative ground cover, shrubs, and a tree in this area;
  - d. The Landscape Plan shall be revised to show ivy planted at the base of the retaining wall;
  - e. The Site Plan shall include a retaining wall height sufficient to block headlights of vehicles the height of a Ford F-250 truck;
  - f. The Site Plan shall specify the refuse enclosure to be constructed of brick to match the building; and
  - g. The Site Plan shall identify, and signs shall be installed for employee parking only hours to facilitate fuel deliveries and refuse pickups.
2. Approve the design review subject to the conditions above with one, several, or all of the conditions modified per the Commission's review. One point in particular to consider is not requiring trees for conditions b and c above if the Commission determines safety would be greatly impacted. If it is determined that trees should not be located in these areas, they can be located elsewhere on the site in addition to other landscaping required by this design review.

3. Continue the design review to April 20<sup>th</sup> with direction to the applicant to submit revised site and landscape plans to staff on or before April 12<sup>th</sup> to include one, several, or all of the items a-f in option #1 as stated above or with modifications per the Commission's review.

The City Council approved the variances and conditional use with the same plans previously distributed to the Commission and available in the Council approved [Ordinances 16-09 and 16-10](#). Please let Drew or me know if you want another copy of the plans previously distributed to you.

- c Mayor and City Council
- Department Heads
- Applicant
- Media