

**MINUTES**  
**April 6, 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; Vice-Chair Schneider; Commissioners Gosselin, Peterson, Harms and Joseph

**Members Absent:**

**Also Present:** Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; 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: March 16, 2016 – Plan Commission**

**Motion:** To approve the Plan Commission minutes from March 16, 2016

**Maker:** Joseph

**Second:** Schneider

**Voice Vote:** 6 Ayes, 0 Nays, 0 Absent

All in favor. Motion carried.

**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**

Strassman reported that City Council approved all the variances and the Conditional Use. There were some conditions that were left for the Plan Commission (PC) to consider as part of the Design Review. These conditions require that the Commission's design review approval addresses 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 recommends approval of the design review subject to the following:

1. The Landscape Plan shall show all existing landscaping to remain and additional new landscaping, including evergreen trees adjacent to the north parking spaces;
2. 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;
3. 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;
4. The Landscape Plan shall be revised to show ivy planted at the base of the retaining wall;
5. The Site Plan shall include a retaining wall height sufficient to block headlights of vehicles the height of a Ford F-250 truck;
6. The Site Plan shall specify the refuse enclosure to be constructed of brick to match the building; and
7. The Site Plan shall identify, and signs shall be installed for employee parking only hours to facilitate fuel deliveries and refuse pickups.

The Commission discussed the new design of the retaining wall. Peterson stated that ivy does grow better on a textured wall and ivy dies in the wintertime, taking away the coverage of the wall. Joseph asked about the evergreen trees requested by staff. Strassman answered that staff recommends that evergreen trees be added to that area because the latest plan received does not have evergreen trees included. Peterson stated that the proposed design of the retaining wall is not in line with the beautification of the downtown. Steve Vasilion, Vasilion Architects stated that once the ivy is established and mature it would look very nice. Peterson stated that during the winter, which is a very long time, the wall would be exposed. Harms asked if the wall could be painted to complement the building colors.

Vasilion addressed the Commission. Vasilion stated that he does not know what the cost would be so he cannot commit to doing a colored wall. He stated that the reason for the change in design to the retaining wall was because the slip form wall ended up to be substantially more in cost and it could not be afforded in the project budget. He noted that there is enough texture in the wall for ivy to grow. The retaining wall echoes the wall on the large parking lot north of the property. Rackow showed an image of the parking lot wall at this location. Peterson stated that the wall is not aesthetically pleasing. LaLonde questioned what this would look like in the wintertime. Vasilion stated that the ivy would die in the winter but the vines would still be there along with the tree cover in front of it. Vasilion stated that they did measure headlights to get the forty-five inches to the top of the Ford F250.

Vasilion stated that at the Council meeting, the CC did not want trees interfering with the line-of-sight in the entryways. Joseph agreed that trees are not necessary there because it is a difficult area for ingress and egress as it stands today. She does not want anything to block the view.

The Commission discussed the various plantings, heights and widths. The Commission discussed the freestanding curbs, employee parking stalls, the removal of the undergrowth on the south side of the retaining wall, and the corrugated fence. Schneider stated that he would like to see the corrugated fence to be at a minimum of 48 inches, he is only asking for three more inches. He stated that he does not like the look of the retaining wall. As much work that has been put in to

make the downtown look nicer, this is another area in which we could improve the look. This should not look like just another slab of concrete. Gosselin stated that he has seen ivy walls in the winter and it does not look that bad. It shows some texture along the face of the wall. It adds some of what we would get from a textured wall and it would not just be blank concrete.

The Commission discussed screening the retaining wall. LaLonde suggested an evergreen plant in front of the wall to provide yearlong screening. Joseph agreed. Vasilion suggested having ivy along the entire east face of the wall and ten feet on the south face of the wall. LaLonde agreed with the suggestion. LaLonde stated that if the bushes are three foot on center than he estimates that four in each direction should be fine but he is not a plant expert. He explained to staff that they would want evergreens that are three feet on center that would grow to four to six feet tall at maturity. Ivy would be on the entire east face, turning the corner for another ten feet distance where the proposed start of the new wall is. Beyond that, what is shown on the plan is expectable. There were no trees on the corner requested. Schneider asked for the retaining wall to be 48 inches in height. Vasilion reiterated the Commission's direction by stating that they would not be required to put trees in the two island spaces, ivy would be planted on the full length of the east wall and the first ten feet headed west along the south wall, looking at four bushes to the north and four bushes to the west from the corner that would grow to a minimum of 48 inch height and the retaining wall with the corrugated wall would be 48 inches tall on the drive through aisle.

**Motion:** To approve all five findings of fact

**Maker:** Gosselin

**Second:** Schneider

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

**Nay:** None

6-0 Vote, 0 Absent, All in favor. Motion carried.

**Motion:** To approve the Design Review subject to:

1. The landscape plan showing Ivy planted along the entirety of the east face of the retaining wall and along the east 10 feet of the south face
2. The landscape plan showing 4 evergreen shrubs planted along the east end of the south face of the wall and 4 evergreen shrubs planted along the south end of the east face of the wall – all these shrubs must have a mature height of between 4 and 5 feet
3. The height of the retaining wall with the metal panel as measured from the drive through lane must be a minimum of 4 feet with the retaining wall being a minimum of 32 inches. The panel must be placed along the east and north wall segments.

**Maker:** Joseph

**Second:** Schneider

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

## **6. Other Business**

Strassman reported that the Committee of the Whole (COW) recommended approval of the Zoning Map changes for the various stormwater detention ponds. The COW recommended approval of the Zoning Code text changes and the massage parlor on Wilson with the conditions recommended by the PC.

Rackow announced that there would be a public hearing at the next PC and Zoning Board of Appeals meeting. The Methodist Church is looking to rezone 21 North Water Street for use as a youth ministry building. They would like the full campus rezoned to facilitate this. A design review would be needed for the 21 north building as well. Peterson noted that she would have to recuse herself from this discussion since she is a member of the Methodist Church.

Schneider asked about the Golden Corral. Strassman stated that the Golden Corral remains closed with no proposals for the site at this time.

Schneider asked about the Blue Goose grocery store. Rackow stated that the Blue Goose is still in discussions regarding availability of TIF funds for a proposed downtown location.

## **7. Adjournment**

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Harms moved to adjourn the meeting, Joseph seconded. The motion carried. The meeting was adjourned at 8:40pm.

Minutes respectfully submitted by Jennifer Austin-Smith