

**MINUTES**  
**April 20, 2016**  
**PLAN COMMISSION & ZONING BOARD OF APPEALS**  
**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 of the Plan Commission and Zoning Board of Appeals**

Chair LaLonde called the meeting to order at 7:00pm.

**2. Roll Call:**

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

**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. Public Hearing: Batavia United Methodist Church, 8 N Batavia Ave, 17 and 21 N Water St – Batavia United Methodist Church, Applicant**

- **Comprehensive Plan Land Use Map Amendment (21 N Water St. Only)**
- **Zoning map Amendment (Full Campus) from DMU, Downtown Mixed Use to PFI, Public Facilities and Institutional**
- **Variances from Zoning Code (Full Campus)**
- **Design Review (21 N Water St Only)**

Commissioner Peterson announced that she would have to recuse herself from this agenda item due to being a member of the Batavia United Methodist Church. She recused herself at 7:01pm.

**Motion:** To open the Public Hearing

**Maker:** Schneider

**Second:** Gosselin

**Voice Vote:** 5 Ayes, 0 Nays, 1 Recusal  
Motion carried

Rackow stated that the Batavia United Methodist Church acquired 21 North Water Street in 2010 right around the time the Zoning Code (ZC) was being approved. An amendment to the ZC changed the requirements for church facilities being in their own building versus a commercial building. In order to use the property for youth ministries and outreach functions they would like to first amend the Land Use Map to reflect the proposed use. They are looking to amend the

Zoning Map for the whole campus that would apply to all the properties. Because of the change in zoning district the non-conforming rights would be lost. The church is requesting variances for the setback, landscaping, and parking as a result. The main change in the design review would be to modify the exterior only of the 21 North Water Street building making a window storefront consistent with the rest of the building. All the properties tonight have tax-exempt status and the change would not affect the TIF. The district that they are proposing is consistent with the current use. The proposed change in use would require more parking spaces but staff recognizes that current deficiency in parking. The church does have control over the parking lot of the Acosta's (former Hubbard's/Ethan Allen) building. A conceptual parking layout across several properties has been provided to staff. Staff did provide variance findings in the affirmative as well as for the zoning map. Staff has provided affirmative design review findings for the Commission to consider.

Rackow stated that staff recommends the Plan Commission take the following actions:

1. Open and Conduct a public hearing for the following items:
  - a. Comprehensive Plan Land Use Map Amendment for 21 North Water Street
  - b. Zoning Map Amendment for parcels at 8 North Batavia Avenue, 17 & 21 North Water proposed Zoning Map Amendment.
  - c. Variances for the existing campus as specified in the staff memo
2. Approve Findings for the following items:
  - a. Zoning Map Amendment.
  - b. Variances
  - c. Design Review
3. Recommend approval of a Comprehensive Plan Land Use Map amendment, reclassifying the 21 North Water Street parcel from Downtown Mixed Use to Public Facilities and Institutional.
4. Recommend approval of a Zoning Map Amendment to reclassify the subject properties from DMU, Downtown Mixed Use to Public Facilities and Institutional.
5. Recommend approval of the variances as specified in staff memo, subject to the condition of the installation of sidewalks along Water Street within 5 years, or concurrent with any future parking or building improvement.
6. Approve Design Review for exterior modifications to 21 North Water Street, subject to review by the Historic Preservation Commission prior to construction.

Chair LaLonde asked if there were any questions for staff. There were none. He asked if there were anyone in the audience who wanted to give testimony. Chair LaLonde swore in Jack Hinterlong of 827 S Jefferson St.

Jack Hinterlong introduced the pastor, chair of the church council, vice-chair of the trustees and members of the church in the audience to the Commission. He stated that he is the chair of the Long Range Site Development Team. They worked on that project for about five years and are now working on what we could do for our church campus based on our needs. The church wanted to develop a place for youth to meet at 21 N Water St. That building has a lot of space that could be used for sports, such as basketball and volleyball. This facility would also provide a place for mission groups to stay overnight on their travels. He is the chair of the Building

Committee, which is charged with what are the needs of the church and the design for the entire church. The committee has not begun to meet yet but will shortly.

The Commission reviewed the site plan and discussed the parcels. Chair LaLonde asked the applicant to consider improving the street façade in some way so that it does not look like the expanse of concrete that currently exists. Chair LaLonde asked about the sidewalk. Rackow answered that the sidewalk would connect up from the Range restaurant to the Fifth Third Bank parking lot and would end there for now, until Fifth Third improved their property. LaLonde asked for clarification on the existing parking and its demand during church events. Hinterlong stated that there would not be an increased demand for parking with the proposed changes.

**Motion:** To close the Public Hearing

**Maker:** Joseph

**Second:** Harms

**Voice Vote:** 5 Ayes, 0 Nays, 1 Recusal  
Motion carried.

**Motion:** To approve the findings for the zoning map amendment

**Maker:** Joseph

**Second:** Schneider

**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

**Motion:** To approve the findings for the variances

**Maker:** Joseph

**Second:** Schneider

**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

**Motion:** To approve the findings for the design review

**Maker:** Joseph

**Second:** Harms

**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

**Motion:** To recommend approval of a Comprehensive Plan Land Use Map amendment, reclassifying the 21 North Water Street parcel from Downtown Mixed Use to Public Facilities and Institutional

**Maker:** Joseph

**Second:** Harms

**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

**Motion:** To recommend approval of a Zoning Map Amendment to reclassify the subject properties from DMU, Downtown Mixed Use to Public Facilities and Institutional  
**Maker:** Harms  
**Second:** Gosselin  
**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

**Motion:** Recommend approval of the variances as specified in staff memo, subject to the condition of the installation of sidewalks along Water Street within 5 years, or concurrent with any future parking or building improvement  
**Maker:** Gosselin  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

**Motion:** Approve Design Review for exterior modifications to 21 North Water Street, subject to review by the Historic Preservation Commission prior to construction  
**Maker:** Schneider  
**Second:** Harms  
**Roll Call Vote:** **Aye:** Gosselin, Harms, Joseph, LaLonde, Schneider  
**Nay:**  
5-0 Vote, 1 Recusal, Motion carried.

\*Peterson returned to the meeting at 7:33pm.

## 5. Other Business

Strassman reported that the first meeting of June there would be an election of the chair and vice chair. Currently the chair and vice chair cannot be re-elected. Strassman stated that if the Commission would like to amend the by-laws to allow for re-election staff could redraft the by-laws and present it to the Commission. Peterson and Harms recommended that staff amend the by-laws to allow for re-election. Joseph requested that a limit to the amount of times one could be re-elected be implemented. Schneider suggested that the maximum term length be six years.

Harms asked about the appointment of another Plan Commissioner. Strassman stated that no replacement has been named and asked the Commissioners to share names of interested persons. He added that the Mayor is working on finding a new Commissioner. Albertson stated that there are also two open seats on the HPC.

Peterson asked about the LaSalle Factors. Rackow explained that these were added to the findings for any Zoning Map changes in December. The LaSalle Factors are court approved factors for review for zoning map amendment cases.

Rackow stated that there are two items for the May 4<sup>th</sup> meeting. LaLonde noted that he would not be available that night.

**6. Adjournment**

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission and Zoning Board of Appeals meeting. Joseph moved to adjourn the meeting, Gosselin seconded. All were in favor. The motion carried. The meeting was adjourned at 7:48pm.

Minutes respectfully submitted by Jennifer Austin-Smith