

MINUTES
June 15, 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. Approval of Minutes: May 18, 2016 Plan Commission

Joseph noted that Commissioner Harms was not included on the present list. The recording secretary noted the amendment.

Motion: To approve the Plan Commission May 18, 2016 minutes as amended

Maker: Peterson

Second: Harms

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried

5. Public Hearing: Variance for Deferred Parking: Suncast Building Expansion, 1801 Suncast Lane; Suncast Corporation-Vista Investments, applicant

Rackow reported that this is a request from Suncast to increase the amount of deferred parking for the building expansion. The applicant is looking to landbank 97% of the required parking. The Zoning Code allows for 50% with an Administrative Use Permit. The site has a number of open spaces with the current site arrangement and there would be a nominal increase in the number of employees compared to the amount of parking that is required. Staff finds the deferral to be a reasonable request versus a variance to not have the parking at all. Rackow stated the applicant noted that there is an added benefit of having the land be pervious rather than impervious and not use the parking at all.

Rackow reported that staff would recommend a condition that in the event current parking supply does not meet the demand of any existing or future tenant or use, the property owner at that time shall construct a sufficient number of additional stalls to address the demand. Additionally staff recommends that the status of the deferred parking be evaluated with any change of use or tenancy.

LaLonde asked if there were any questions for staff. Schneider asked if we are requiring too many parking stalls for industrial parking. Schneider asked that staff review the industrial parking requirements to make sure that we are not requesting too many parking stalls so that we could reduce the amount of variances needed. LaLonde stated that for manufacturing, the parking does not have to match the size of the building. Rackow stated that would certainly investigate options for warehouses where there could be a cap on required parking.

Motion: To open the Public Hearing
Maker: Schneider
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried

Anthony Martini, Senior Project Manager and Civil Engineer on the project, addressed the Commission. He stated that this is a common sense approach that they have 60-80 available stalls since there are only thirteen new employees with this warehouse addition. The need is not there for the additional parking stalls. Should the building use be changed, they would have the parking stalls land banked. They feel that they have made reasonable efforts to meet the requirements.

LaLonde asked if there were anyone else who wanted to address the Commission. There were none.

Motion: To close the Public Hearing
Maker: Schneider
Second: Gosselin
Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried.

Motion: To approve the findings of fact as presented in the June 10, 2016 memo
Maker: Joseph
Second: Schneider
Roll Call Vote: **Aye:** Gosselin, Harms, Joseph, LaLonde, Peterson, Schneider
Nay:
6-0 Vote, 0 Absent, Motion carried.

Motion: To recommend approval to City Council approval of the variance subject to the following conditions: in the event current parking supply does not meet the demand of any existing or future tenant or use, the property owner at that time shall construct a sufficient number of additional stalls to address the demand.

Additionally, the status of the deferred parking should be evaluated with any change of use or tenancy.

Maker: Joseph

Second: Schneider

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

Nay:

6-0 Vote, 0 Absent, Motion carried.

6. Public Hearing: Amending the Test of the Zoning Code

- Chapter 3.1: Planned Development Overlay Zoning District
 - Chapter 4.1: Site Regulations
- City of Batavia, Applicant

Motion: To open the Public Hearing

Maker: Schneider

Second: Peterson

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried

Rackow reported that the change to the Planned Development Overlay District, Chapter 3.1, would be to delete the reference to the ability to modify only the base district. Staff believes it would be simpler and less cumbersome for applicants to allow a Planned Development overlay to include relief from development standards in all Zoning Code chapters, but excluding allowed land uses. Without this change, applicants seeking a Planned Development that needed relief from portions of the Code other than the property's base zoning district, would need to prove the higher standard of the variance, rather than show the benefit of such a request under a Planned Development like other base district modifications.

Rackow continued that the change in Chapter 4.1, Site Regulations, would be to change building mounted lighting in the industrial districts (light and General) at 25 feet rather than the written requirement of 15 feet. Staff feels that this is a realistic application to the code for wall-mounted lighting in the industrial districts. Staff is also proposing to have language that addresses building additions where if they have lighting already at a higher portion they could continue without having to go down to 25 feet. They could continue to match existing lighting.

LaLonde asked if there were anyone in the audience that wanted to speak. There were none.

Motion: To close the Public Hearing

Maker: Peterson

Second: Schneider

Voice Vote: 6 Ayes, 0 Nays, 0 Absent
Motion carried

Motion: To recommend approval to the Committee of the Whole for the amendments to the text of the Zoning Code

Maker: Gosselin

Second: Schneider

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

Nay:

6-0 Vote, 0 Absent, Motion carried.

7. Administrative Design Review for Changes to the Proposed Dunkin' Donuts Drive Through 108 N. Batavia Ave., Harry Mehta, applicant

Strassman stated that during the final engineering of the site it was found that the proposed retaining wall may conflict with a portion of the existing retaining wall that would remain on site. To remedy that, the retaining wall is being moved to the east and the south and the landscape plan has been adjusted to accommodate this move. The previous elm trees were replaced with crabapple trees so that the roots would not conflict with the wall. To block the headlights the applicant is proposing a solid wood fence; the Historic Preservation Commission (HPC) has approved this fence. Staff notes that the west ends of the retaining wall are now proposed to be concrete block. The Commission could require additional shrubs to screen this different material. Staff noted that the administrative design review can be approved with the condition that the landscape plan be revised to have a solid evergreen hedge to be planted at three feet in height to screen the block wall sections.

John Green, President of Engineering Resource Associates in Warrenville, addressed the Commission. He stated that when the structural engineers began their design and considered the practicality of value engineering of a tall concrete wall, they found and the weight of the wall requires a wider footing that would encroach upon the footing of the existing wall system which is in the influence area of the building. Furthermore, the type of wall now proposed along the east side per local and state code requires a structural design stamped and sealed by a structural engineer to hold vehicles up. A cast in place concrete wall is what is needed to make it work. As you proceed further to the west, there is no need for a wall system that has a spread footing. We feel a segmented block wall, which is consistent to what the east and south of us has, is a more practical value engineering approach. It would be essentially the same color and texture to what is next door and should be a seamless transition.

The Commission discussed the life expectancy and maintenance of the cedar fence. LaLonde stated that the use of a wood fence softens the look to the back of the building. LaLonde agreed with the proposed Miss Kim lilac bushes and said that it is a very hardy plant. The Commission did not support the staff change of the transition covering of the wall material.

Motion: To recommend approval of the administrative design review site and landscape plan as presented

Maker: Schneider

Second: Gosselin

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

Nay:

6-0 Vote, 0 Absent, Motion carried.

8. Election of Officers for Plan Commission and Zoning Board of Appeals

Harms nominated Chair LaLonde and Vice-Chair Schneider to be re-elected to their current positions for both the Plan Commission and the Zoning Board of Appeals. Peterson seconded the nomination. LaLonde asked if there was anyone else that wanted to make a nomination. There were none. LaLonde and Schneider accepted the nomination.

The Commission administered a vote for Chair LaLonde and Vice-Chair Schneider for the Plan Commission. All were in favor.

The Commission administered a vote for Chair LaLonde and Vice-Chair Schneider for the Zoning Board of Appeals. All were in favor.

9. Other Business

Peterson reported that the ribbon cutting for the Walgreen's was very well done.

LaLonde asked about the Walgreen's parking lot and how is it functioning. Harms stated that she likes it. Joseph stated that entering into the lot could be confusing until you get used to it.

Strassman stated that conversation has begun with a developer for the income and age required housing on the south side of South Drive (by Walmart). The development would be for an 80-unit senior, income-qualified rental building. The developer received the tax credits from the state and will be coming forward very soon. There is no definitive timeline on this project.

Another review in front of City Council has been scheduled on June 28th. There is interest in the former Aldi store to operate an automobile body shop. This would require a rezoning and a conditional use.

10. 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. Peterson moved to adjourn the meeting, Gosselin seconded. All were in favor. The motion carried. The meeting was adjourned at 7:51pm.