

MINUTES
January 20, 2021
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 7:00pm.

2. Roll Call:

Members Present: Chair Gosselin; Commissioners Joseph, Peterson, Moore, LaLonde

Members Absent: Commissioner Harms

Also Present: Drew Rackow, Planner; Scott Buening, Community Development Director, Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Howard Chason, Director of Information Systems; 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: December 16, 2020

Motion: To approve the minutes from December 16, 2020

Maker: Moore

Second: Joseph

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

Nay: None

5-0 Vote, 1 Absent, Motion carried.

5. Lost Woods Animal Sanctuary, 595 South River Street, Cat Collins, Applicant

- **CONTINUATION OF A PUBLIC HEARING: Conditional Use Permit for an Animal Shelter**
- **Administrative Design Review (WITHDRAWN BY APPLICANT)**

Motion: To open the Public Hearing

Maker: Joseph

Second: Peterson

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

Nay: None

5-0 Vote, 1 Absent, Motion carried.

The Public Hearing was opened at 7:02pm.

LaLonde asked why the applicant withdrew the application. Strassman answered staff received communication from the applicant and she requested that her application be withdrawn. She felt that there were a number of things that would need to be done to this property in Batavia to complete the Conditional Use process and she and her board decided that they would be searching for another property.

Motion: To close the Public Hearing
Maker: Joseph
Second: Peterson
Roll Call Vote: **Aye:** Joseph, LaLonde, Moore, Peterson, Gosselin
Nay: None
5-0 Vote, 1 Absent, Motion carried.

The Public Hearing was closed at 7:04pm.

6. CONTINUATION OF A PUBLIC HEARING: Amending the Text of the Zoning Code for Cannabis Dispensaries and Related Uses (City of Batavia, Applicant)

- **2.3 Commercial Districts**
- **2.4 Downtown Mixed Use District**
- **2.5 Mixed Use District**
- **2.6 Employment Districts**
- **4.1 Site Regulations**
- **4.2 Off Street Parking and Loading Regulations**
- **4.4 Sign Regulations**
- **4.5 Supplemental Use Regulations**
- **5.1 Planning Administration**
- **5.2 Common Procedures**
- **6 Glossary**

Motion: To open the Public Hearing
Maker: LaLonde
Second: Moore
Roll Call Vote: **Aye:** LaLonde, Joseph, Gosselin, Moore, Peterson
Nay:
5-0 Vote, 1 Absent, Motion carried.

The Public Hearing was opened at 7:05pm.

Rackow reported that tonight is the continuation of the Public Hearing that was held on December 16th. At that meeting there was a request from the Plan Commission (PC) for more information on buffers in residential areas to provide greater separation under the proposed requirements for recreational cannabis dispensaries. Rackow overviewed the memo and discussed the maps that the

Commission members received in their packets. Rackow explained the illustrated buffer maps with the Commission. He discussed the differences in the definitions of cannabis retailers, craft growers, cultivator, and transportation center.

Peterson reported in the staff report it was stated that the buffers for residential uses are not necessary. Peterson asked for staff's rationale. Rackow answered if it is a Conditional Use, the Commission has a lot of authority to review the activities, processes, allowances, and operational requirements. The thought was that the things that the Commission may be trying to mitigate by setting a distance, whether that be for traffic noise or parking, a lot of that could be addressed through the Conditional Use process when someone applies. At that time the Plan Commission and City Council could make requirements. Rackow stated, not every jurisdiction that has a Conditional Use has a buffer. LaLonde commented that he is leaning towards no buffers for residential at this point and leave it up to the Conditional Use. Chair Gosselin agreed. He explained as you look through the blue line, it does eliminate so many of the properties. The Commission continued to review the maps illustrating the buffer zones and various residential properties.

Chair Gosselin asked if there were any people in attendance that wanted to address the Commission. There were none.

The Commission deliberated on a final decision on residential buffers of either 250 ft or 500 ft from residential uses. Joseph stated that she would still prefer a buffer from residential. She stated that we would have problems in the long run if we don't. Neighbors around the area of a proposed business would be very upset if there were no buffer. LaLonde commented that he does not feel a buffer is necessary because it could be controlled with a Conditional Use. Moore agreed. She added that no matter what she voted on this issue, the majority voted for recreational sales and if we add a buffer then we are taking away a lot of opportunity for residential sales. Peterson agreed that we could handle the buffer distances through a Conditional Use rather than imposing an exact buffer. Chair Gosselin agreed. He continued this residential buffer limits too many properties. He surmised that the general consensus of the Commission would be okay without the residential buffer.

Chair Gosselin asked about the 500 ft or 1,000 ft buffer from churches, parks and schools. The Commission reviewed the map illustrating both buffers. LaLonde stated that he is more apt to go with the 1,000 ft buffer, especially from the high school. Peterson agreed and added that not just the high school but other schools and churches. Moore agreed. Joseph agreed with the 1,000 ft buffer from churches and schools. Gosselin stated that the general consensus from the Commission is in favor of the 1,000 ft setback from churches, schools, and parks.

Motion: To close the Public Hearing
Maker: Joseph
Second: Moore
Roll Call Vote: **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde
Nay:
5-0 Vote, 1 Absent, Motion carried.

The Public Hearing was closed at 7:55pm.

Motion: To recommend the amendments to the text of the Zoning Code for cannabis dispensaries and related uses as outlined in staff's memo with the change of the setback from schools, churches and parks from 500ft to 1,000ft and the removal of a residential buffer, item 2 under location

Maker: LaLonde

Second: Moore

Roll Call Vote: **Aye:** LaLonde, Moore, Peterson, Gosselin
Nay: Joseph
4-1 Vote, 1 Absent, Motion carried.

7. Matters from the Public (for items NOT on the agenda)

There were no matters from the public.

8. Other Business

Rackow announced there would be three different rezonings at the next Plan Commission meeting. Two are sets of detention areas in the southeast quadrant and one is a proposed rezoning at 106-110 Raddant Road industrial properties.

Moore asked if there is anything that needs to come back to the Commission regarding the One Washington Street project. Buening stated that he does not believe there is anything else that has to come back to the Plan Commission at this point. Staff is working on final details with the developer but it is primarily more administrative items. Buening reported that TIF 6 has been created and recorded.

9. Adjournment

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, Joseph seconded. All were in favor. The meeting was adjourned at 8:03pm.