

MINUTES
August 19, 2020
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 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 Stark, Harms, Joseph, Peterson, Gosselin, Moore

Members Absent:

Also Present: Mayor Schielke; Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Howard Chason, Director of Information Systems; and Jennifer Austin-Smith, Recording Secretary

3. Introduction of New Plan Commissioner

Chair LaLonde welcomed the new Plan Commissioner, Amy Moore, to the Commission. Commissioner Moore shared her past experience and expertise with the Commission.

Chair LaLonde shared that Gene Schneider will no longer be a Plan Commissioner. Schneider was a Batavia alderman for twenty years and seventeen years on the Plan Commission. He has served the community for thirty-seven years and for that we are very grateful. LaLonde shared Gene Schneider does plan on attending an in-person meeting in the future to do a formal goodbye to the Commission. Peterson stated that it was a pleasure working with him and she thanked him for his service. The Commissioners expressed their gratitude for his service.

4. Items to be Removed, Added or Changed

There were no items to be removed, added or changed.

5. Approval of Minutes: July 1, 2020

Motion: To approve the minutes from July 1, 2020

Maker: Joseph

Second: Gosselin

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

Nay: None

6-0 Vote, 1 Abstain, 0 Absent, Motion carried.

Moore was the abstention due to not being in attendance at the last meeting.

6. PUBLIC HEARINGS

- **Amendments to the Comprehensive Plan Land Use Map from Residential >0.5-2 Dwelling Units per Acre to Parks and Open Space for 2041 Stiers Court**
- **Amendments to the Official Zoning Map to the POS Parks & Open Space District (from R0 Single Family Residential District)**
 - **950 & 951 Moorehead Drive**
 - **2041 Stiers Court**
 - **74 Ridgelawn Trail**
 - **960, 970, 1101 & 1106 Wind Energy Pass**

Motion: To open the Public Hearing

Maker: Joseph

Second: Gosselin

Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms, Moore
Nay: None
7-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:05pm.

Rackow overviewed the memo and staff's recommendation to the Plan Commission. Chair LaLonde commented that the amending the Land Use Map for, and rezoning of stormwater detention areas is an on-going process. Peterson asked if we make this change does the address 2041 Stiers Court go away. Rackow answered all these properties are currently addressed and those addresses will remain in place.

Chair LaLonde asked if there was anyone from the public who wanted to speak on this topic. There were none at this time.

Motion: To close the Public Hearing

Maker: Joseph

Second: Stark

Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms, Moore
Nay: None
7-0 Vote, 0 Absent, Motion carried.

The Public Hearing closed at 7:20pm.

Motion: To recommend approval of a land use map amendment for 2041 Stiers Court

Maker: Peterson

Second: Gosselin

Roll Call Vote: **Aye:** Peterson, Gosselin, Stark, Harms, Joseph, LaLonde, Moore
Nay:
7-0 Vote, 0 Absent, Motion carried.

Motion: To approve the findings and review of conditions for the Zoning Map Amendment
Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Moore, Peterson, Gosselin, Stark
Nay:
7-0 Vote, 0 Absent, Motion carried.

Motion: To recommend approval of amendments to the Official Zoning Map to zone the subject properties from R0 Single Family Residential District to the POS Parks & Open Space District
Maker: Harms
Second: Joseph
Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Moore, Peterson, Gosselin, Stark
Nay:
7-0 Vote, 0 Absent, Motion carried.

7. PUBLIC HEARING: Amendment to the Official Zoning Map to the CC Community Commercial District (from RO Single Family Residential District)

Motion: To open the Public Hearing
Maker: Gosselin
Second: Peterson
Roll Call Vote: **Aye:** Gosselin, Stark, Harms, Moore, Joseph, LaLonde, Peterson
Nay: None
7-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:23pm.

Rackow reported that this is for the Riverview Banquets property at 1117 North Washington Avenue. This property is currently unincorporated and surrounded by the City and the City will initiate an involuntary annexation of the property. The Fox River Trail splits the site, which is five acres. The building is in the Commercial District in Kane County and the remainder of the property, including the parking lot, is zoned Farming under county jurisdiction. This proposed action would zone the property CC Community Commercial, which does permit the banquet facility use.

Chair LaLonde asked for more information on the involuntary annexation. Rackow stated that an involuntary annexation is an annexation done by the City through an ordinance. Voluntary annexations are administered through an annexation petition. Involuntary annexation can only happen to a property surrounded by the City and under sixty acres. Rackow stated the Director of Community Development, Scott Buening, did speak to representatives of the property ownership but it did not result in an annexation petition.

The Commission reviewed the Official Zoning Map and the surrounding properties. Chair LaLonde opened the floor for public comment.

Neil Waltenbach addressed the Commission. The Knights of Columbus Council 2191 does effectively own this property. Fraternal organizations cannot own the property. Going back in 1927 we formed a corporation called the Columbian Club of Batavia and that is who owns the property but for all intents and purposes it is the Knights of Columbus. He stated he is on the Columbian Club Board and serves as the Secretary. He noted power is supplied by from ComEd and water is from the City of Batavia. There is no sewer; the site has a perfectly functioning septic system that the Club would like to continue. It is able to handle the large parties at Riverview Banquets, and the intention is to operate a banquet facility again. He questioned the annexation timing Noting problematic fiscal impacts. for a lift station needed to be served by Batavia sewer especially without a current means of income on this property. With no required sewer connection there would be no annexation objection.

Chair LaLonde reported that Drew Rackow had stated that with annexation connection to City utilities would not be imposed now, but of course there is no guarantee that something would not be imposed down the road. That is not a decision that this Commission would make. Chair LaLonde continued that he would prefer this annexation to be voluntary unless there is a strong reason for annexation.

Strassman stated that the meeting today is not about annexation but rather solely to get a recommendation from the PC on the most appropriate zoning classification as the City is going to undertake the annexation of the property. The annexation question would come before City Council, concurrent with the PC's recommendation for zoning classification.

Chair LaLonde asked if there were any other members from the public who wanted to address the Commission. There were none.

Motion: To close the Public Hearing
Maker: Gosselin
Second: Joseph
Roll Call Vote: **Aye:** Gosselin, Stark, Harms, Moore, Joseph, LaLonde, Peterson
Nay: None
7-0 Vote, 0 Absent, Motion carried.

The Public Hearing closed at 7:52pm.

Motion: To approve the findings and review of conditions
Maker: Peterson
Second: Gosselin
Roll Call Vote: **Aye:** Peterson, Gosselin, Stark, Harms, Joseph, LaLonde, Moore
Nay:
7-0 Vote, 0 Absent, Motion carried.

Motion: To recommend approval of amendments to the Official Zoning Map to zone the subject property at 1117 North Washington Avenue to the CC Community Development zoning designation.
Maker: Peterson

Second: Joseph

Roll Call Vote: **Aye:** Peterson, Gosselin, Stark, Harms, Joseph, LaLonde, Moore
Nay:
7-0 Vote, 0 Absent, Motion carried.

**8. Request for an Extension of the Expiration of the Final Plat for Menard Second Batavia Resubdivision – Variation from the Subdivision Regulations
300 North Randall Road – Menard Inc., Applicant**

Rackow reported that the Menard's purchase agreement requires that the detention area relocation project be completed and functional before the land is transferred. With the Subdivision Regulations' short window of three months for final plat approval, this would expire prior to that being completed and thus they would have to come back through the whole process again with the Plan Commission and City Council to get a new plat approved. In an effort of expediency we discussed with Menards that they request a variation from the Subdivision Regulations. The action would be to extend the time that the approval is valid for an additional nine months, resulting in a one year validity period. Rackow noted that City staff has been working on a new subdivision code that would allow for a period of validity for final plats to be a year rather than the current three-month period. This extension that they are requesting would be consistent with that. We believe it is reasonable to have them request an extension and that would give them sufficient time to complete the project.

Motion: To recommend approval of a variation from the Subdivision Regulations Section 11-3-3-D, to extend the Menard Plat of Subdivision approval an additional nine months, for a total of one year

Maker: Harms

Second: Stark

Roll Call Vote: **Aye:** Harms, Joseph, LaLonde, Moore, Peterson, Gosselin, Stark
Nay:
7-0 Vote, 0 Absent, Motion carried.

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

There were no matters from the public.

10. Other Business

Peterson asked for an update on One Washington Place. Strassman stated that for all items related to One Washington Place, which includes the Plan Commission's recommendations, the votes were seven in favor and six against. One City Council member was absent and that City Council member did vote in favor of all of those items for the Committee recommendation. Stark asked what would occur if the Joint Review Board votes against the Tax Increment Financing (TIF) District. Strassman answered if the Joint Review Board votes against the formation of the TIF District, it would need a super majority vote at City Council.

11. 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, Gosselin seconded. A roll call vote was given. The motion carried, 7-0, 0 absent. The meeting was adjourned at 8:07pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on September 2, 2020.