

**CITY OF BATAVIA**

100 N. Island Ave., Batavia, IL 60510  
(630) 454-2000  
www.cityofbatavia.net

**PLAN COMMISSION  
AGENDA**

**Wednesday, August 17, 2022**

**7:00 PM**

**City Council Chambers - First Floor**

1. Call To Order
2. Roll Call
3. Items Removed/Added/Changed
4. Approval Of Minutes
  - o June 15, 2022, Plan Commission & Zoning Board of Appeals
  - o July 6 2022, Plan Commission
  - o July 18 2022, Batavia Downtown Plan: Elected & Appointed Officials Roundtable Meeting

Documents:

[PC-7-18-22-DOWNTOWN PLAN MINUTES.PDF](#)  
[PC 7-6-22.PDF](#)  
[PC 6-15-22.PDF](#)

5. Public Hearing: Conditional Use For A Video Gaming Establishment In The DMU Downtown Mixed-Use District  
Wilson Street Tavern, 105 East Wilson Street  
Mark Hogan, applicant

Documents:

[PC-WST-CU-VGE-8-11-22.PDF](#)

6. Matters From The Public (For Items Not On The Agenda)
7. Other Business
8. Adjournment

Plan Commission

Tom Gosselin, Chair

Tom LaLonde

Sara Harms

Joan Joseph

Amy Moore, Vice Chair

Sue Peterson

## MINUTES

July 18, 2022

### Batavia Downtown Plan: Elected & Appointed Officials Roundtable Meeting

Please Note: These minutes are not a word-for-word transcription of the statement made at this meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record 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.

The meeting was called to order at 5:10 p.m.

#### 1. Roll Call

Members of Committee of the Whole, Plan Commission and Historical Preservation Commission in attendance: Jennifer Baerren, Tony Malay, Mark Uher, Nick Cerone, Abby Beck, Tom Connelly, Tom Gosselin, Amy Moore, Tom LaLonde, Joan Joseph, Sue Peterson, Phil Bus, Robin Barraza, Susan Alderson and Jamie Saam.

Others in attendance were: Mayor Schielke, Laura Newman, Jeff Albertson, Shannon Jarmusz, Scott Buening, Drew Rackow, Daniel Russo and Susan Russo.

#### 2. Discussion: Downtown Plan

Nik Davis, Principal, with the Houseal Lavigne Project Team provided an outline and led the discussion on the downtown plan. The community sets the vision for the future downtown, provides the decision making framework and establishes an expectation for future investment.

Alan Wolff entered the meeting at 5:32 p.m.

Also discussed was the involvement of elected officials and research and data collection. This includes project initiation; the vision, goals and functional land uses; downtown frameworks and the final downtown plan and adoption.

The kick-off exercise identified approximately 37 issues or concerns facing downtown Batavia, with the following being the most important issues discussed so far:

- Redevelopment of Vacant Lots
- Overall Quality & Aesthetics of Buildings
- Under Utilization of the River
- Lack of High Density Residential Housing

The following projects were mentioned: One Washington Place, Redesigning streets for pedestrians/bikers, Redeveloping strip malls, Rte. 31 Road Diet, Dam, Woonerfs, 2<sup>nd</sup> Bridge and Boutique Hotels.

The primary strengths and assets of downtown include: History of buildings, Library, Boardwalk Shops, Farmer's Market, Community support of small businesses, Woonerf, Sense of community, Fox River and Connectivity of trails.

The next steps for the Downtown Plan will include several focus groups, key stakeholder interviews and listening sessions all held over the next couple of months.

Minutes respectfully submitted by Karen Morley, Recording Secretary

**MINUTES**  
**July 6, 2022**  
**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; Vice-Chair Moore; Commissioners Peterson and Harms

**Members Absent:** Commissioners Joseph and LaLonde

**Also Present:** Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; 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: Conditional Use Permit for a Cannabis Infuser and Transporting Organization**  
**CRM Enterprises, 1525 Paramount Parkway**  
**Jeremy Casiello, CRM Enterprises, applicant**

**Motion:** To open the Public Hearing

**Maker:** Peterson

**Second:** Harms

**Roll Call Vote:** **Aye:** Peterson, Gosselin, Harms, Moore

**Nay:** None

4-0 Vote, 2 Absent, Motion carried.

The Public Hearing was opened at 7:01pm.

Strassman presented the staff report to the Plan Commission (PC). Chair Gosselin opened the floor for PC questions. Peterson asked if there was any odor. Jeremy Casiello answered that there would be no marijuana odor associated with the infusion business. The PC discussed the odorless THC and the products they would be making on site (e.g. candies, brownies).

Chair Gosselin asked if there were any questions from the public. There were none.

**Motion:** To close the Public Hearing  
**Maker:** Peterson  
**Second:** Moore  
**Roll Call Vote:** **Aye:** Peterson, Gosselin, Harms, Moore  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

The Public Hearing was closed at 7:14pm.

**Motion:** To approve the findings as drafted by staff in the memo  
**Maker:** Moore  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Moore, Peterson, Gosselin, Harms  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

**Motion:** To recommend approval of a Conditional Use Permit for a Cannabis Infuser and Transporting Organization, CRM Enterprises, subject to the four conditions as drafted in the staff memo  
**Maker:** Peterson  
**Second:** Moore  
**Roll Call Vote:** **Aye:** Peterson, Gosselin, Harms, Moore  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

**5. Preliminary/Final Plat of Subdivision for 950 West Wilson Subdivision  
950 West Wilson Street, JKLM Land Development, LLC, Applicant**

Rackow presented the staff report to the PC. This is a .98 acre property that would be divided into Lot 1 (orthodontist office) in .47 acres and Lot 2 at .51 acres in size. There is a shared access easement proposed between the two properties.

Richard Williams, on behalf of JKLM Land Development LLC, addressed the PC. He announced that they are in agreement with staff's recommendations. Dr. John Wazio, orthodontist, expressed that he is in agreement with what is being proposed.

Chair Gosselin asked if the Commissioners had any questions. There were none. Chair Gosselin asked if there were any comments from the public. Rackow answered that there are members in the audience but there were no questions or comments.

**Motion:** To recommend City Council approval of the preliminary and final plat of Randall Mills Subdivision subject to the conditions in the staff memo 1 a, b, and c and 2.  
**Maker:** Moore  
**Second:** Harms  
**Roll Call Vote:** **Aye:** Moore, Peterson, Gosselin, Harms  
**Nay:** None

4-0 Vote, 2 Absent, Motion carried.

**6. Administrative Design Review Referred to Plan Commission for an Electronic Changeable Message Sign  
Priority Trucking, 1375 Paramount Parkway  
Aurora Sign Company, Applicant**

Rackow presented a staff report summarizing the memo to the PC. Michelle, Aurora Sign Company, stated this was the particular project that prompted the text amendment. They are working with the property owner to determine which landscape company he is going to work with. The example provided is similar to a project that was done earlier this year but in a commercial zoning district. She is not sure if the addition of a tree is required for an industrial area but if it is they could have that amended to meet the requirement.

**Motion:** To adopt the findings as drafted by staff  
**Maker:** Peterson  
**Second:** Moore  
**Roll Call Vote:** **Aye:** Peterson, Gosselin, Harms, Moore  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

**Motion:** To approve the Design Review for the proposed ground sign subject to the two conditions in the staff memo  
**Maker:** Moore  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Moore, Peterson, Gosselin, Harms  
**Nay:** None  
4-0 Vote, 2 Absent, Motion carried.

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

There were no matters from the public for items not on the agenda.

**8. Other Business**

Rackow read a comment from Lane Allen to the Commission. The comment was “Allen & Peppia Architecture is having a meeting at 7/22 at 10am and Tuesday at 7/12 at 2:30pm regarding the interior and exterior remodeling of City Hall. We have been working on this event for numerous years. If you know any commercial quality contractors to please let them know. Contact Lane Allen at 630-346-4469 or [lallen@allanpepa.com](mailto:lallen@allanpepa.com).” Peterson asked if this would be coming to the PC. Albertson answered some would go to the Historic Preservation Commission (HPC) and then possibly to the PC. The first phase is internal.

Rackow discussed the new downtown plan with Houseal Lavigne, which is a planning firm based in Chicago. There is a round table meeting scheduled with PC, HPC and City Council before the City Council meeting on 7/18.

Strassman announced that this would be his last PC meeting. He is retiring next Friday. The PC thanked Strassman for his contribution to the City and congratulated him on his retirement.

**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, Moore seconded. All were in favor. The meeting was adjourned at 7:38pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary



**MINUTES**  
**June 15, 2022**  
**Plan Commission & Zoning Board of Appeals**  
**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 & Zoning Board of Appeals Meeting**

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

**2. Roll Call:**

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

**Members Absent:**

**Also Present:** Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; 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, 2022**

**Motion:** To approve the minutes from May 18, 2022

**Maker:** Joseph

**Second:** LaLonde

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

**5. Emagine, 550 North Randall Road, Tower Construction, Applicant**

- **PUBLIC HEARING: Variances for Building Height and Sign Area**
- **Design Review**

**Motion:** To open the Public Hearing

**Maker:** Peterson

**Second:** Moore

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

**Nay:** None

6-0 Vote, 0 Absent, Motion carried.

The Public Hearing was opened at 7:03pm.

Rackow discussed the staff report for variances for building height and sign area and the Design Review with the Plan Commission (PC). Brian Eichstaedt, speaking on behalf of Emagine Theaters, addressed the PC. He stated that granting relief to the height variance would allow them to construct the largest cinema scope screen in the state of Illinois, measuring 94ft in width. Eichstaedt discussed the site plan for the building. The PC viewed documents titled "Tower Construction Proposed Building Addition" and "Color Exterior Elevations" with the applicant. Eichstaedt discussed the fire exits and the new east side entrance along the theater.

Chair Gosselin asked if there were any comments from the public. There were none.

**Motion:** To close the Public Hearing  
**Maker:** Harms  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** Harms, Joseph, Gosselin, Moore, Peterson, LaLonde  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

The Public Hearing closed at 7:31pm.

**Motion:** To adopt the Findings for Approval of the requested variances as drafted by staff  
**Maker:** LaLonde  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** LaLonde, Harms, Joseph, Gosselin, Moore, Peterson  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To recommend City Council approval for variances 1 A, B, and C as drafted by staff  
**Maker:** Harms  
**Second:** Moore

Chair Gosselin noted that the conditions of approval should be included in the motion. Harms amended her motion to include the conditions of approval.

**Motion:** To recommend City Council approval for variances 1 A, B, and C as drafted by staff with the conditions of approval (A, B, C, D, E) as listed in the staff report dated June 10, 2022  
**Maker:** Harms  
**Second:** Moore  
**Roll Call Vote:** **Aye:** Harms, Joseph, Gosselin, Moore, Peterson, LaLonde  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To approve the Design Review Findings as drafted by staff  
**Maker:** Joseph  
**Second:** LaLonde  
**Roll Call Vote:** **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde, Harms  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

**Motion:** To approve Design Review for Emagine Theaters, 550 North Randal Road, in conformance to the plans conditionally approved for the requested variance and subject to City Council approval  
**Maker:** Peterson  
**Second:** Joseph  
**Roll Call Vote:** **Aye:** Harms, Joseph, Gosselin, Moore, Peterson, LaLonde  
**Nay:** None  
6-0 Vote, 0 Absent, Motion carried.

## 6. Election of Officers

LaLonde nominated Gosselin for the position of Chair and Peterson seconded.

**Motion:** To elect Tom Gosselin as Chair of the Plan Commission  
**Maker:** LaLonde  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** LaLonde, Harms, Joseph, Moore, Peterson  
**Nay:** None  
4-0 Vote, 0 Absent, 1 Abstain, Motion carried.

Joseph nominated Moore for the position of Vice-Chair. Peterson seconded. LaLonde nominated Harms for the position of Vice-Chair. Joseph seconded. Harms graciously declined the offer to serve as Vice-Chair of the Plan Commission.

**Motion:** To elect Amy Moore as Vice-Chair of the Plan Commission  
**Maker:** Joseph  
**Second:** Peterson  
**Roll Call Vote:** **Aye:** Joseph, Gosselin, Peterson, LaLonde, Harms  
**Nay:** None  
4-0 Vote, 0 Absent, 1 Abstain, Motion carried.

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

There were no matters from the public for items not on the agenda.

## 8. Other Business

Rackow stated that there would be a PC meeting on July 6, 2022.

**9. Adjournment**

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission & Zoning Board of Appeals. Peterson moved to adjourn the meeting, LaLonde seconded. All were in favor. The meeting was adjourned at 7:53pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary

**DATE:** August 11,2022  
**TO:** Plan Commission  
**FROM:** Drew Rackow AICP, Planner  
**SUBJECT: Public Hearing:** Conditional Use for a Video Gaming Establishment in the DMU  
Downtown Mixed-Use District  
Wilson Street Tavern, 105 East Wilson Street  
Mark Hogan, applicant

**Background & Information Provided by the Applicant:** Mark Hogan of Wilson Street Tavern has applied for a Conditional Use Permit to allow a Video Gaming Establishment (gambling) at 105 East Wilson Street. The subject property is zoned DMU, Downtown Mixed-Use District. Video Gaming Establishments require a Conditional Use in this zoning district. The existing tavern use is a permitted use. Wilson Street Tavern has been in operation by Mr. Hogan since 2012. Video Gaming Establishments are required to receive a gaming license to operate in addition to the Conditional Use.

The applicant proposes adding gaming terminals in a seating area at the north end of the tavern, adjacent to the bar area. The attached floor plan depicts the location of the gaming terminals. In his application narrative, Mr. Hogan states that the proposed use will comply with the standards of a Conditional Use. Plans depict four gaming terminals. Batavia's gaming license may permit up to five terminals in an establishment.

**Staff Analysis:** The Conditional Use requirement for Video Gaming Establishments was added in 2018 to allow for an additional level of oversight for the use. The City Code requires that establishments have a liquor license in good standing for a period of one year prior to application for a gaming license. The Conditional Use allows for a unique review of each new location, with the ability to impose reasonable operational conditions unique to each business.

Mr. Hogan's proposal includes only four gaming terminals instead of the five permitted. The Conditional Use would specify a limitation to the four terminals as depicted in the submitted plans. The proposed location allows for the terminals to be monitored by staff in the bar area. The operations of the existing tavern business would limit access of minors to the gaming terminals.

The Fire Department will need to review the final arrangement of tables near the gaming area to verify proper exit clearances remain and whether occupant loads need to be modified. Staff has included a condition of approval to have the Fire Department review and approve the final arrangement of the seating area. Building permits would be required if new electrical outlets need to be added.

In reviewing and recommending a Conditional Use, the Plan Commission must review and make findings, as required under Section 5.403 of the Zoning Code. Below are the findings that include staff's analysis of each.

#### Conditional Use Findings

1. The proposed use will not be detrimental to health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;

**FINDING:** The proposed use would be subordinate to the existing tavern use. The proposed use would not negatively affect persons working or living in the vicinity or adjacent or nearby properties, provided that adequate access, control and supervision are utilized for the video gaming area. Other establishments in the Downtown area also have video gaming terminals that have operated without negative effects.

2. The proposed use, as conditioned, conforms with the purposes, intent, and policies of the Comprehensive Plan and any applicable area, neighborhood, or other plan adopted by the City Council;

**FINDING:** The Comprehensive Plan seeks to maintain and strengthen retail areas. As conditioned, the proposed use, would provide an additional type of entertainment to the mix of uses on the property.

3. The proposed use conforms with the conditions, requirements, or standards required by the Zoning Code and any other applicable local, State, or Federal requirements;

**FINDING:** The proposed use is an allowed use in the DMU District with approval of a conditional use permit. As conditioned, it would conform to requirements of the Zoning Code and applicable government requirements, including seeking necessary licensing subsequent to this action.

4. The proposed use, as conditioned, would not unreasonably interfere with the use and enjoyment of nearby properties.

**FINDING:** As conditioned, the proposed use would not interfere with the use and enjoyment of nearby properties provided that adequate access, control and supervision are provided for the video gaming facility.

#### Staff Recommendations

Staff recommends the Plan Commission open and conduct the Public Hearing. Once all members of the public have spoken, and no further testimony or information is necessary for the Plan Commission, it may close the Public Hearing. At the conclusion of the Public Hearing, the following actions are recommended:

1. Adopt Findings for the Conditional Use Permit
2. Recommend approval of the requested Conditional Use Permit, subject to the following conditions:
  - a. The applicant shall at all times be in compliance with Title 3, Chapter 26 of the Batavia Municipal Code and State Licensing Requirements. Failure to comply shall be grounds for revocation of the Conditional Use.
  - b. The Conditional Use be granted solely to Mark Hogan/ 105 WST LLC, and not its successors or assigns.
  - c. That the video gaming area be in compliance with the floor plan as submitted as part of this application that depict four gaming terminals. Any relocation of the gaming area, or expansion to five gaming terminals, shall require review and approval by the City Council.
  - d. Final review and approval by the Batavia Fire Marshall of the proposed interior layout modifications of the gaming area to verify proper exit clearances remain and occupant loads.

Attachment: Conditional Use documents

- c Mayor and City Council  
Department Heads  
Mark Hogan  
Media

06-09-22

CITY OF BATAVIA  
100 N. ISLAM AV  
BATAVIA, IL 60510

To Whom It May Concern:

WESTAVERN ENTERPRISES INC./DBA WILSON STREET  
TAVERN respectfully requests a special  
use permit to operate Video Poker  
machines @ Wilson Street Tavern.

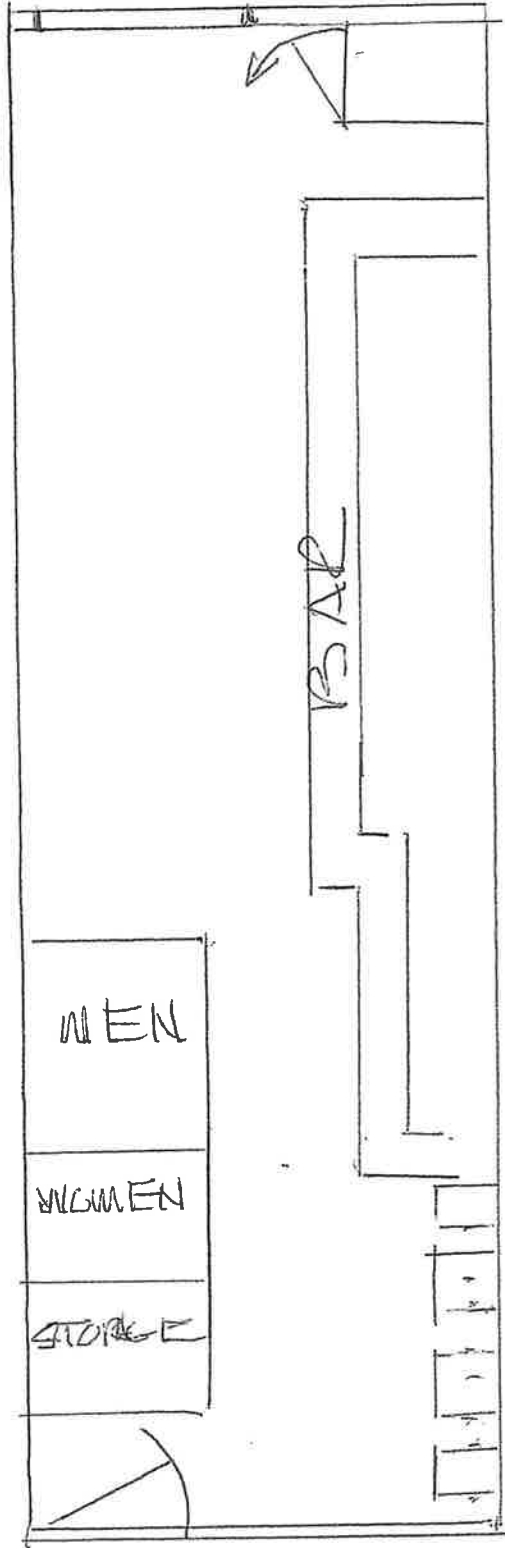
- 1) The use will not be detrimental to the health safety or general welfare of people living & working in the vicinity.
- 2) The proposed plan conforms with the purpose, intent & policies of the Comprehensive Plan of the neighborhood & plan adopted by the city council.
- 3) The proposed plan conforms with conditions & requirements of the Zoning Code & local, State & Federal requirements.
- 4) The proposed plan will not unreasonably interfere with the use & enjoyment of nearby properties.

Mark Hogan  
MARK HOGAN/WST

WILSON STREET

WINDOW

FRONT DOOR



WILSON STREET TAVERN  
 105 E. WILSON STREET  
 BATAVIA, ILL. 60010

VIDEO GAMES



BACK DOOR