

MINUTES
June 3, 2020
Plan Commission and 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 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. Remote Meeting Called to Order for the Plan Commission and Zoning Board of Appeals Meeting

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

2. Roll Call:

Members Present: Chair LaLonde; Commissioners Stark, Harms, Joseph, Peterson and Gosselin

Members Absent: Vice-Chair Schneider

Also Present: Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Scott Buening, Director of Community Development; 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: April 15, 2020

Peterson and Joseph noted that there was a motion with Schneider as a second and he was not in attendance. The Recording Secretary will review the meeting notes and update the minutes.

Motion: To approve the minutes from April 15, 2020 as amended

Maker: Peterson

Second: Stark

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

**5. PUBLIC HEARING: Amendment to the Official Zoning Map to the GI General Industrial District (From GC General Commercial District) 1501 North Kirk Road Southwest Corner of Fabyan Parkway
City of Batavia, applicant**

Motion: To open the Public Hearing
Maker: Joseph
Second: Harms
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was opened at 7:04pm.

Strassman reported the property at 1501 North Kirk Road is currently vacant and covers thirty-seven acres. Batavia learned that the Illinois Department of Commerce Economic Opportunity was looking for a qualified site for a manufacturer to build a 950,000 square foot facility that would produce lithium ion batteries for the transportation industry. The site for this manufacturer must have entitlements for manufacturing use and also must have uniform topography and be accessible to a state highway and international airport. Having a manufacturer at this location would be an investment for the community, provide jobs, and use a significant amount of the City's electricity. The property owner has given the City permission to seek rezoning to General Industrial. If this particular manufacturer does not build on this property, the property owner would like the property to revert back to its current General Commercial (GC) District zoning designation. The property is classified as General Commercial on the Comprehensive Plan's Land Use Map. The property owner Joe Keim has given the City permission to propose this rezoning.

The property has been vacant and zoned General Commercial since 1977. The City has not received a development application for the property in over twenty years. Due to the possible reversion back to the GC District, the Land Use Map is not proposed to be amended at this time. With his permission to seek rezoning, Mr. Keim requests the property's zoning designation to revert to the GC District if it is not developed by the battery manufacturer. If the property is developed with the manufacturing use, the City may propose an amendment to the Land Use Map to General Industrial Use.

Strassman announced that he did receive an email from Vice-Chair Schneider and he is in favor of this proposal. Chair LaLonde asked if there were anyone in attendance who wanted to address the Commission. Rackow stated that there were no additional attendees and no emails received. The Commission expressed agreement that the proposed GI District would be appropriate for this property.

Motion: To approve the findings
Maker: Gosselin
Second: Stark
Roll Call Vote: **Aye:** Gosselin, Stark, Harms, Joseph, LaLonde, Peterson
Nay:
6-0 Vote, 1 Absent, Motion carried.

Motion: To approve the conditions
Maker: Joseph
Second: Harms
Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms
Nay:
6-0 Vote, 1 Absent, Motion carried.

Before closing the Public Hearing Chair LaLonde inquired if there was anyone in attendance that wanted to address the Commission. Rackow checked and stated that there were still no attendees or emails received.

Motion: To close the Public Hearing
Maker: Peterson
Second: Joseph
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was closed at 7:21pm.

Motion: To recommend approval of an amendment to the Zoning Map of the property located at 1501 North Kirk Road to GI General Industrial District
Maker: Joseph
Second: Gosselin
Roll Call Vote: **Aye:** Joseph, LaLonde, Peterson, Gosselin, Stark, Harms
Nay:
6-0 Vote, 1 Absent, Motion carried.

Joseph asked if the Commission would have to make a motion to allow the property to revert to the original zoning if this does not move forward. Strassman stated that a motion is not needed and the minutes would reflect that the consensus of the Commission it was reasonable to revert to the original zoning.

6. Remanded Review and Discussion of Cannabis Related Use Text Amendment from the Committee of the Whole

Rackow reported that at the last in-person meeting the Commission made a unanimous recommendation to make no change to the City Zoning Code in regards to cannabis uses in the employment districts. On March 24th the Committee of the Whole (COW) did review that recommendation and discussed those uses. The COW felt that the upcoming referendum is a distinct issue with it being for recreational sales. If that was the concern of the Plan Commission (PC), there should be further discussion of these uses, independent of the referendum. The COW is seeking more guidance from the Commission in terms of what type of regulations should be in place in the Zoning Code if these uses were to be allowed by the Council. Based on that discussion, staff prepared some proposed text amendments for the PC to consider and provide recommendations upon.

Rackow discussed the proposed text amendments with the Commission: making this a Conditional Use instead of a permitted use, all of the cannabis business establishments be added to the use table as conditional uses, retail sales be prohibited at the least until the results of the referendum are received, prohibition of consumption on premises, added buffers in place for these uses (500ft setback for schools, parks, daycare centers, residential uses and residential zoning), prohibits odor from being detected at the property line, these uses would have to meet our noise standards as if they were next to residential, prohibition of any signage that displays cannabis products, any applicant applying for Conditional Use provide all information that they would otherwise be

providing to the State. Having information the applicant would otherwise be providing the State would allow staff to review security plans, odor control plans, ventilation plans, and disposal plans.

The Commission discussed the proposed changes. The PC discussed the possibility of increasing the setback requirements of the buffers. Harms asked if the buffer could be added to churches and restaurants. Gosselin added cemeteries as well. Buening added that County Roadways could be included in the buffer.

The Commission reviewed the remotely displayed document titled “Industrial Properties not within the Proposed 500ft Buffer.” The Zoning Map was also reviewed. Gosselin noted that he would not be opposed to 250ft setback for the roadways with 500ft for everything else. His goal would be to get the storefront off of the regular thoroughfares. Joseph expressed she would at least like to have the buffer of 750ft to keep this away from schools. Gosselin stated that limiting this to the General Industrial District is getting it into the northeast part of town and there is no school or church in that area. Chair LaLonde agreed and stated that the General Industrial zoning would place this use outside the boundaries of the uses. Joseph concurred.

The consensus of the Commission was to allow this Conditional Use in the General Industrial zoning only with the 500ft setback to include state and county roadways, churches, cemeteries, parks, schools, daycare centers, residential uses, and residential zoning. Rackow stated that there were still no attendees to this meeting and no emails were received.

Motion: To recommend zoning be limited only to General Industrial, 500ft from State and County roadways, 500ft from schools, parks, daycare centers, residential uses and residential zoning, and add churches and cemeteries to the setback uses

Maker: Gosselin

Second: Harms

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

Nay:

6-0 Vote, 1 Absent, Motion carried.

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

There were no matters from the public with no one in attendance and no emails received.

8. Other Business

Chair LaLonde asked about One Washington Place. Strassman stated that Shodeen submitted applications to amend the Planned Development and for a replacement Design Review. Shodeen will be presenting the plan at a Public Hearing on July 1st. Changes include restoring commercial to the Wilson frontage. There will be fewer parking places and fewer residential units. The building will look much the same as it was before. Buening reported that the School District did not approve of extending TIF 5 so staff is working on proposing a replacement TIF, TIF 6, which would include all of TIF 5, and some added properties in TIF 3 and TIF 1, plus some parcels not currently in a TIF.

9. Adjournment

There being no other business to discuss, Chair LaLonde asked for a motion to adjourn the Plan Commission. Gosselin moved to adjourn the meeting, Harms seconded. The motion carried. The meeting was adjourned at 8:09pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on June 9, 2020.