

MINUTES
August 4, 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; Vice-Chair LaLonde; Commissioners Harms, Joseph, Peterson and Moore

Members Absent:

Also Present: Laura Newman, City Administrator; Scott Buening, Director of Community and Economic Development; 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. Avenue Marketplace – 1898 and 1994 McKee Street
Michael Douglas, Randall Road Resources, LLC, Applicant

- **Public Hearings**

1. **Amendment to the Comprehensive Plan Land Use Map – 1898 McKee Street**
2. **Amendments to the Zoning Map**
 - a. **O Office District to the GC General Commercial District – 1898 McKee Street**
 - b. **PD Overlay – 1898 and 1994 McKee Street**
3. **Conditional Use Permits for Drive-Through Restaurants – 1994 McKee Street**
 - a. **Starbucks**
 - b. **Chipotle**

- **Design Reviews**

- **Preliminary and Final Plat of Avenue Marketplace Subdivision**

Motion: To open the Public Hearing

Maker: LaLonde

Second: Harms

Roll Call Vote: **Aye:** LaLonde, Harms, Joseph, Gosselin, Moore, Peterson
Nay: None
6-0 Vote, 1 Absent, Motion carried.

The Commission opened the Public Hearing at 7:02pm.

Strassman reported several entitlement applications are to be considered for adding development to the former Avenue Chevrolet property and the property to the east at 1898 McKee. These are:

1. An Amendment to the Comprehensive Plan Land Use Map to reclassify the property at 1898 McKee from Office land use to General Commercial Land Use
2. 2 Amendments to the Zoning Map
 - o Rezone 1898 McKee from O Office District to GC General Commercial District
 - o Add a Planned Development Overlay District on both 1898 and 1994 McKee that seeks relief from several zoning requirements
3. Separate Conditional Use Permits for Drive-Through Restaurants - Starbucks and Chipotle, at 1994 McKee
4. Separate Design Reviews for Starbucks and Chipotle
5. Preliminary and Final Plat approval of Avenue Marketplace Subdivision

Michael Douglas of Randall Road Resources, LLC, is the contract purchaser of the properties that extend south to the Great Escape property. Raising Cane's and the Raising Cane's Subdivision/PD were approved in 2019. Menards' detention area that is adjacent to the subject property fronting on McKee was approved with the store's expansion in 2020. Both received positive Plan Commission recommendations for approvals. Four development lots, two of which are proposed for Starbucks and Chipotle drive-through restaurants, would be created. The existing access driveway would be extended south to connect with the Great Escape parking lot. The entire east, approximately 110 feet, of Avenue Marketplace would be a stormwater detention facility separating Sierra Mills from the development lots.

Staff is supportive of this proposal. It logically continues commercial development anticipated with approval of the Raising Cane's Planned Development. The detention facility would provide approximately 110 feet of landscaped buffer to the Sierra Mills Subdivision abutting to the east. Except for the detention lot, none of the lots would have street frontage as required in the Subdivision Regulations. The applicant has requested a variation to the Subdivision Regulations for this and staff is supportive. The Rider also requests variations that staff can support for sidewalk width, curb radii, and detention design. Staff does not support the variation for storm sewers not to be concrete.

Staff continues to work with the applicant on final engineering design that may create a need for added easements. Staff suggests the Commission consideration of the Plat include requiring final City staff approval to accommodate final engineering requirements, including easements. Staff supports the Land Use Map amendment. It would help unify development of the site with all underlying commercial zoning. In addition to the Comprehensive Plan goals identified by the applicant in his application, staff notes that Transportation and Circulation Element Goal 1 would be met by providing a connecting sidewalk to the Richter Drive sidewalk with

development. Goal 6 would be met by providing an alternative to using Randall Road to travel between McKee and Wilson streets.

Consistent with staff's support of the Land Use Map amendment, staff supports the request to rezone the property at 1898 McKee to the GC District. This would be consistent with the amended Land Use Classification and allows for unified development standards for the proposed PD.

In addition to the findings in the submitted application, staff notes that Planned Development approval will allow only detention and landscaping close to Sierra Mills. The current O Office District allows buildings close as 25 feet to Sierra Mills. Staff also supports modifications to the Zoning Code as the applicant requests.

Staff supports the requested Conditional Use Permits for the drive-through restaurants. Drive-through designs would allow for ease of access and is in keeping with the character of drive-through uses along Randall Road. Locating the drive-throughs further from the residences to the east is a better arrangement of these uses on the property.

Overall design of the development blends a generally well-landscaped presence with restaurant uses. To establish reasonable development standards, the PD can designate the property lines for the development sites along the access driveway as the front. To accommodate development, the PD can include modifications for lot setbacks. The applicant has requested Zoning Code modifications as follows:

1. **Chapter 2.3 Commercial Districts - Table 2.304:** Site Development Regulations – Commercial Districts: To allow front (along the main access aisle) and rear landscape setbacks less than the required 25 feet except for the detention facility lot. Staff supports this to accomplish the overall design. Only a small portion of the Starbucks would have the lesser setback.
2. **Table 2.304** Site Development Regulations – Commercial Districts: To allow a rear (opposite the main access driveway) landscape setback less than 20 feet except for the detention facility lot. Again, staff supports this to accomplish the overall design. This is applicable primarily to the west property line to accommodate a sidewalk to connect with the existing sidewalk along Raising Cane's. Landscaping would be provided between the sidewalk and the parking lots.
3. **Table 2.304** Site Development Regulations – Commercial Districts: To allow side landscape setback less than 20 feet for all lots except for the detention facility lot. Staff supports this request. With each development site being a separate lot, 40 feet of landscape would be needed to separate pavement between the sites. The proposed 20 feet can adequately introduce landscaping to separate the sites.
4. **Chapter 4.4 Sign Regulations-4.406.B.3:** To allow a single freestanding sign not to exceed 12 feet in height and 90 square feet. The increased height and area can provide needed visibility from Randall Road therefore staff supports this. The proposed sign includes a masonry base and shows much of the sign to have a dark background. Granting this modification would be in lieu of individual site freestanding signage. The Commission can condition approval on signs having primarily opaque backgrounds.

5. **Chapter 4.3 Landscape Regulations-4.403.S.1.b:** To allow the single freestanding sign to provide a mulched area around the sign's base less than 5 feet. Having the sidewalk along the entirety of the west property line limits the amount of landscaping that can be provided immediately around the base. Staff supports this noting the landscape presence proposed along the property's west line.
6. **Chapter 4.1 Site Regulations-Section 4.103.A.4 Lighting Standards:** To allow the proposed cove wall lighting to be higher than 15 feet above grade and other exterior wall lighting to be no higher than 15.25 feet above grade.

Staff notes the cove lighting is accent lighting and not subject to a height limitation. Wall-mounted area lighting would be limited to 15.25 feet above grade and would be fully shielded and not tilted.

The Commission has final approval of Design Review. While the overall landscape design fits the development well, staff has notified the applicant of several improvements that can be made. Staff feels more deciduous trees and a better variety of trees can be provided. Only a limited number of native species are provided and more should be used. Staff notes that some accessible parking and the proposed bicycle parking do not comply with codes and will need to be revised for the building permit submittal. Staff also notes that roof ladders are exposed; this is contrary to the Commission's Standard Design Review Criteria for Commercial and Institutional Projects. The Commission can consider accepting what is proposed or requiring changes or a condition of approval.

In reaching decisions on the Zoning Map Amendments, Conditional Use Permits, and Design Reviews, the Commission must arrive at positive conclusions for all the *Findings for Approval* as listed in the Zoning Code. Below are the *Findings* from the Zoning Code with draft responses prepared by staff that the Commission may consider as part of its deliberations.

Staff recommends the Commission open and conduct the public hearing for the Land Use Map Amendment, Zoning Map Amendments, and Conditional Uses. The Commission shall conduct Design Reviews and consideration of the Preliminary/Final Plat of Subdivision concurrently with the hearing. After all information is gathered for these reviews, the Commission shall close the public hearing.

For the Comprehensive Plan Land Use Map Amendment, staff recommends:

1. Recommend City Council approval to amend the Land Use Map from the Office land use classification to the General Commercial land use classification for the property at 1898 McKee Street.

For the Amendments to the Zoning Map, staff recommends

1. Adopt Zoning Map Amendment findings.
2. Recommend City Council approval to amend the Zoning Map to zone the property at 1898 McKee Street from the O Office District to the GC General Commercial District.
3. Recommend City Council approval to amend the Zoning Map to zone the properties at 1898 and 1994 McKee Street with a Planned Development Overlay District, to modify the Planned Development approved by Ordinance 19-15 and to add the property at 1898

McKee Street, in general conformance with the plans attached to this memo, subject to the following modifications to the Zoning Code and conditions:

- a. A modification to Zoning Code Chapter 2.3 Commercial Districts - Table 2.304: Site Development Regulations – Commercial Districts: To allow front (along the main access aisle) landscape setbacks less than the required 25 feet except for the detention facility lot.
- b. A modification to Zoning Code Chapter 2.3 Commercial Districts - Table 2.304 Site Development Regulations – Commercial Districts: To allow a rear (opposite the main access driveway) landscape setback less than 20 feet except for the detention facility lot.
- c. A modification to Zoning Code Chapter 2.3 Commercial Districts - Table 2.304 Site Development Regulations – Commercial Districts: To allow side landscape setback less than 20 feet for all lots except for the detention facility lot.
- d. A modification to Zoning Code - Chapter 4.4 Sign Regulations-4.406.B.3: To allow a single freestanding sign not to exceed 12 feet in height and 90 square feet in lieu of any additional monument signs in the Planned Development Overlay.
- e. A modification to Zoning Code Chapter 2.3 Commercial Districts - Chapter 4.3 Landscape Regulations-4.303.S.1.b: To allow the single freestanding sign to provide a mulched area around the sign's base less than 5 feet.
- f. A modification to Zoning Code Chapter 4.1 Site Regulations-Section 4.103.A.4 Lighting Standards: To allow the proposed wall-mounted area lighting to be no higher than 15.25 feet above grade, with full cut-off fixtures and the light opening parallel to the ground.
- g. Other Zoning Code modifications necessary to implement the development as conditionally approved.
- h. Establishment of a Property Owners Association having responsibility to maintain common facilities in the approved Planned Development Overlay before issuance of building permits.
- i. Applicant shall not object to formation of a Special Service Area or sell any property in the approved Planned Development Overlay until a Special Service Area is established.
- j. Site plans be revised to comply with State of Illinois accessibility requirements.
- k. Site plans be revised to comply with bicycle parking requirements of Zoning Code Section 4.215.
- l. Applicant shall construct a sidewalk connecting the Starbucks site along the main access to the McKee Street sidewalk, either as shown or along the east side of the main access.
- m. Applicant shall construct a sidewalk to extend from the sidewalk on Richter Drive to provide pedestrian access to the sidewalk along the main access.
- n. All drive-through signage shall comply to the Zoning Code.
- o. Final staff approval of improvement plans with submittal of building permit applications. This includes, but is not limited to providing landscape materials per staff suggestions, utility and parking lot screening, sign requirements not otherwise modified, and detention area requirements.

For the Conditional Uses, staff recommends separate actions, each to

1. Adopt findings.
2. Recommend City Council approval of a Conditional Use Permit for a drive-through restaurant in conformance to the plans conditionally approved for the Planned Development Overlay.

For the Design Reviews, staff recommends separate actions, each to

1. Adopt findings.
2. Approve Design Review in conformance to the plans conditionally approved for the Planned Development Overlay and subject to City Council approval of the respective actions.

For the Preliminary and Final Plat of Subdivision, staff recommends the Commission recommend City Council approval subject to the following variations to the Subdivision Regulations and conditions:

1. Variation to Subdivision Regulations Section 11-4-5-C to allow Lots A-D to not abut a right-of-way.
2. Variation to Subdivision Regulations Section 11-5-2 H to allow stormwater basin design per City Engineer specification that may be deeper and/or have a bottom slope different than required.
3. Variation to Subdivision Regulations Section 11-5-9-A-4 to allow 5-foot wide sidewalks.
4. Variation to Subdivision Regulations Section 11-5-6-O to allow curb radii less than 25 feet with demonstration of the ability for City emergency vehicles to be maneuvered through each site.
5. Final staff approval of easement locations and provisions.

Austin Dempsey, Batavia Enterprises, addressed the Commission. Dempsey, representing Randall Road Resources, shared that in 2019 the PC approved phase one of this project. Phase one included taking down the Avenue Chevrolet property and the initial subdivision of the property. In 2019 we were able to get Raising Canes to join our market. This project helps revitalize this area. This area has been vacant for quite some time now. Dempsey discussed the stormwater detention that provides a 110-foot buffer, which provides a significant buffer with a lot of landscaping and beautiful trees.

Dempsey introduced the following people in attendance to the Plan Commission (PC):

- Mike Douglas, owner of Randall Road Resources
- Russ Higgins, owner of Randall Road Resources
- Andrew Kolb, attorney for the project
- Jon Green, Engineering Resource Associates (ERA)
- Nick Varchetto, ERA
- Luigi Randazzo, Keystone Construction

Jon Green, Civil Engineer with ERA, addressed the Commission. He presented via PowerPoint the following information:

- Avenue Marketplace Site Map
 - Architectural and Circulation Plans for for the drive-through restaurant sites
- Stormwater Plans

- Stormwater detention provided in the existing facility to the west and in a new facility on the east side of the site.
- The additional pond would be dry most of the time and will have native plantings on the bottom of the pond that would provide natural filtration of the water.

Luigi Randazzo discussed the buildings with the PC utilizing a PowerPoint presentation that contained color-building elevations for both restaurants. Randazzo showed the Commission physical material samples to show the color palette for the buildings.

Andrew Kolb asked staff for clarification on the SSA. Strassman answered that it would be a backup SSA. The applicant shall not object to the formation of a SSA or sell any property until the SSA has been put in place.

LaLonde asked what the intent would be for Lot D. Dempsey answered that their goal is to provide the best possible users for the property. LaLonde stated that he would not support a drive-through on Lot D. Dempsey responded that he does not envision at this point a drive-through on this site because it does not seem to be what the market would dictate. If there were one we would bring it before the PC for discussion. At this point in time the applicant does not have any potential users for Lot D.

LaLonde stated that he would be interested to see a heavier landscape buffer along the east side of the site to visually screen this site from people's backyards and maybe even add a fence. He would be willing to give up some of the trees along Randall Road and move them back along the detention area. LaLonde explained that heavy landscaping along Randall (e.g. Taco Bell area) makes it difficult to see the businesses along Randall Road. It is nice landscaping but it defeats the purpose especially with the big setback that you already have there. A compromise would be less along Randall and more along the detention basin for those residences.

LaLonde shared that he is always concerned with the product EIFS near the ground. He likes that the Starbuck's has masonry. He asked the applicant to strongly consider masonry at the bottom of the building in place of EIFS. Randazzo responded that they would be using a premium brand of EIFS that is commercial grade and more durable.

The Commission discussed sidewalk width, sidewalk connections, roof ladders (locked on the base for security), site lighting, building lighting, wall sconces, site circulation, and the architectural site plan. In response to a question from Joseph about the proposed vehicle stacking, Strassman noted that our code requires five stacking spaces for drive-through restaurants. We would not approve a drive-through plan that would put a parking space to be blocked by stacked vehicles. Both of these sites provide more stacking than our code requires.

Dempsey stated that our friends representing the Great Escape join us here and they expressed interest in further dialogue on how the traffic flow is going to work. Dempsey stated that they are fully committed to working with them to make sure we put appropriate way finding signage to not interfere with their operations or their loading docks. Dempsey announced that he would be meeting with them to make sure we provide signage to guide drivers and pedestrians.

Kolb clarified that the SSA requirement applies only to sale of lots by the applicant. He asked for clarification on that condition to prevent ambiguity. Strassman read the condition and stated that it is referring to the applicant not being able to sell until the SSA is established.

Frank Gaudio, Regional Manager for the Great Escape, addressed the Commission. He explained that their main concern is how the access drive would connect to his parking lot. Based on the drawing provided they do not see how the traffic would get out of their parking lot. Three to four times a week we would have trucks occupying that area, around the building's loading dock. Our concern is people coming through the road on the back of our parking lot that are going to face a fire lane. If nothing is done, people are going to have to curl around through the parking lot to get out, creating a traffic issue. We want to ensure that the traffic is designed in a way that is good for everyone. The egress through their property is something they are concerned about.

Buening stated to make the access easier, the road ideally would be located on the east end of the Great Escape property and continue south on a property whose owner is not part of this application. It was noted that the owner of that property would have to be contacted.

Chair Gosselin opened the floor for public comment.

Mike Schiesl shared that he is very concerned about landscaping by the detention pond. He identified the existing trees that does a lot to block traffic noise and lighting. Once that is gone and a parking lot is put in place he is concerned that it would not be a pleasant place to live. He asked for a berm or fence be put in that would block the light and noise.

Mary Fink asked for clarification on locations of Lot D and the new retention pond. She stated that along the location of the new retention pond there is an entanglement of trees and overgrown brush. She would be happy to see it cleaned up but she would also not want to jeopardize the backyards of all the houses that are along there. She has concern on the discussion on the pass through to the parking lot. With the traffic that is going to go through there she would like to see it as a street and not just going through a parking lot where people would be driving all over the place and not in designated lines. Her other concern would be what the City is planning to do at the intersection of McKee and Wilson. The exit onto Wilson Street is a mess. If we are going to add more traffic down to that area on Wilson the City needs to think about some control of traffic getting onto those major streets.

Tom Van Cleave addressed the Commission. He stated the trash exists now along McKee to Western and is a major problem. He shared he was on the Plan Commission when the Steak and Shake came to Batavia. Drive-throughs create more mess and more problems. The ingress and egress is an issue. It was an issue with Avenue Chevrolet. It was never right and he is hoping that the ingress and egress could be solved. He is not sure that access extending south into another parking lot is a reasonable solution. It really needs a professional traffic study. Hopefully we could make it better rather than contributing to problems that already exist. It could be written into the conditional use that someone be responsible for picking up the trash. Two more drive-throughs will add to trash. Someone needs to be responsible for picking up the trash.

Shawn Tingley stated that the trees do block the sound of the road. He asked if the applicant plans on taking down the trees. The trees block the lights at night. LaLonde stated that the plan shows that all of the trees are coming down. Jon Green responded that trees need to come down because they need to regrade the land to satisfy the huge stormwater improvements required for the property. A lot of the trees are invasive species or stressed. Green continued that they do agree with enhancing the landscaping along the easterly side of the pond. Some of the landscaping along the Randall Road front detention area could be swapped over. We will do our best to supplement that east lot line taking into consideration the PC comments and the resident feedback.

Dempsey stated that we want Avenue Marketplace to be a contributor to the quality of life that makes the City so spectacular. He suggested that when they amend the Commercial Owners Association, which Raising Canes is a party to, that we look at bulking up some level of third party trash service that could be included. We could then ensure we are not contributing to trash. We will look into that and do what we can to ensure our development does not continue to be a problem. Harms asked if that could be established through that property owners association. Dempsey answered yes. Dempsey added when we go through and add to Phase 2 we will amend the property owners association and put language in there to address trash clean up.

Dempsey stated that he believes there is an existing easement that allows access to the roadway situation. We are committed to sitting down with the Great Escape and come up with an understanding on vehicular traffic.

Dempsey stated that they would put additional screening along the east side. He pointed out that the existing zoning in place on that property today allows buildings to be built only 25 ft from the backyards. This project is proposing a 110 ft setback from any type of building structure utilizing that ground for water retention instead. They are committed to seeing if there is a way to find some more creative ways to put the buffer in there.

Gosselin asked if anyone else wished to address the Commission. No members of the public indicated they wished to speak.

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 Committee closed the Public Hearing at 8:35pm.

LaLonde stated that he would like a more durable building material at-grade. LaLonde asked if there were any building code standards that require something besides EIFS. Albertson answered that there is nothing specific to that in our code.

The Commission discussed access points and easements of the site. Strassman stated it would be a good idea to have the applicant work with the ownership to the south to see what can be done to get this to work on both sides of the property line. Buening stated that he would suggest having Austin Dempsey negotiate something with the property owner to the south to see what works out. LaLonde asked if there could be a compromise where people can go straight south as opposed to cutting through the parking lot - could an outlet be popped on the south end of the parking lot from the drive that would minimize the cost impact in the interim. LaLonde stated that it wouldn't interrupt the business and would increase the flow. The only thing you would lose in this case is ten feet of landscaping and a couple of parking stalls. He thinks there should be a solution to create an interim access point provided Great Escape agrees or find a solution that everyone finds acceptable. Dempsey stated that there is fully granted, plated access easement that goes through that area for the sole intention and purposes of having access between properties. There are several different alternatives that we could explore and he commits to exploring those with the adjoining property owner. If forced to we could pay for the entire improvements and put a recapture against the development of that property.

The Commission discussed the landscaping. Kolb informed the Commission of a tight closing timeline. He proposed that they would submit a revised plan with a mix of evergreens, cypress, spruce trees, shrubs, over-canopy over-story type trees and make it subject to staff approval as opposed to having another meeting. Having another meeting would then prevent us from being able to get onto the next month's meeting of City Council and then we would have to negotiate a contract amendment and then construction prices changes. It is a very delicate situation to get publicly traded companies like those proposed for development here to underwrite delay costs. Strassman stated that this one aspect of landscaping would not delay the applicant from getting to City Council. A limited review could be set for a future regularly scheduled meeting with the Plan Commission. Strassman stated that since this discussion began at an open meeting he would want the public to see what would be proposed. Buening stated that this would not hold up the process. Strassman suggested the Plan Commission meeting for September 15th to discuss the east property landscape revisions.

The Commission considered making interim access a condition. Chair Gosselin stated the applicant is working with the Great Escape and the adjacent landowner. Dempsey stated that there are existing relationships and discussions that have started in regard to enhancing access.

Motion: To recommend City Council approval to amend the Land Use Map from the Office land use classification to the General Commercial land use classification for the property at 1898 McKee Street

Maker: Peterson

Second: Harms

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings and seven review of conditions for the Zoning Map Amendments

Maker: Joseph

Second: Harms

Roll Call Vote: **Aye:** Joseph, Gosselin, Moore, Peterson, LaLonde, Harms
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To recommend City Council approval to amend the Zoning Map to zone the property at 1898 McKee Street from the O Office District to the GC General Commercial District and recommend City Council approval to amend the Zoning Map to zone the properties at 1898 and 1994 McKee Street with a Planned Development Overlay District, to modify the PD approved by Ordinance 19-15 and to add the property at 1898 McKee Street, in general conformance with the plans attached to the staff memo, subject to the modifications to the Zoning Code and conditions in the staff memo, with adding condition p to read as follows: review of the east detention landscape at the Commission meeting on September 15, 2021

Maker: Peterson

Second: Joseph

Roll Call Vote: **Aye:** Peterson, LaLonde, Harms, Joseph, Gosselin, Moore
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings for conditional use as written by staff for Chipotle

Maker: Moore

Second: LaLonde

Roll Call Vote: **Aye:** Moore, Peterson, LaLonde, Harms, Joseph, Gosselin
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To recommend City Council approval of a Conditional Use Permit for a drive-through restaurant for Chipotle in conformance to the plans conditionally approved for the Planned Development Overlay

Maker: Harms

Second: Joseph

Roll Call Vote: **Aye:** Harms, Joseph, Gosselin, Moore, Peterson, LaLonde
Nay: None
6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings for conditional use as written by staff for Starbucks

Maker: LaLonde

Second: Moore

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 of a Conditional Use Permit for a drive-through restaurant for Starbucks in conformance to the plans conditionally approved for the Planned Development Overlay

Maker: Peterson

Second: LaLonde

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings for Design Review as written by staff for Chipotle

Maker: Harms

Second: Joseph

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 in conformance to the plans conditionally approved for the Planned Development Overlay and subject to City Council approval of the respective actions for Chipotle

Maker: Joseph

Second: Harms

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

Motion: To adopt the findings for Design Review as written by staff for Starbucks

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 approve the Design Review in conformance to the plans conditionally approved for the Planned Development Overlay and subject to City Council approval of the respective actions for Starbucks

Maker: Joseph

Second: Harms

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

Nay: None

6-0 Vote, 0 Absent, Motion carried.

Motion: To recommend City Council approval of for the preliminary and final plat of subdivision for Avenue Marketplace subject to the variations to the Subdivision Regulations and conditions, items 1-5, as written in the staff memorandum

Maker: LaLonde

Second: Peterson

Roll Call Vote: **Aye:** LaLonde, Harms, Joseph, Gosselin, Moore, Peterson
 Nay: None
 6-0 Vote, 0 Absent, Motion carried.

**5. Design Review for a Speculative Industrial Building at 1459 Louis Bork Drive
Midwest Industrial Funds, Applicant**

Strassman reported on the Design Review for a 125,000 square foot speculative industrial building. This proposal would conform to all zoning requirements and staff is in support of the Design Review approval. Strassman noted that the property is currently comprised of eighteen tax parcels that should be consolidated into two tax parcels. It would be two parcels to accommodate the split in library districts this property spans.

Patrick Swiszczy, Construction Manager, and Pat Schaner, Director of Development, addressed the PC. Lewis shared that they are very familiar with proposed speculative warehouses in the area as they are in high demand. The building would be 125,000 square feet located in the Batavia Business Park. It is one of the last lots available in the park. The total site acreage is close to seven acres. Lewis showed the Commission via PowerPoint renderings of the ‘Speculative Office Warehouse Building’ and ‘East Entrance Rendering’.

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

Motion: To approve the Design Review with the three conditions as written by staff:

- Final staff approval of the site and landscaping plans, including providing the required south driveway setback
- Staff approval of mechanical equipment screening, both ground-mounted and roof-mounted, to comply with Zoning Code requirements
- Completion of tax parcel consolidation prior to issuance of an Occupancy Permit

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

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

There were no matters from the public.

7. Other Business

There was no other business to report at this time.

8. Adjournment

There being no other business to discuss, Chair Gosselin asked for a motion to adjourn the Plan Commission. Joseph moved to adjourn the meeting, Moore seconded. All were in favor. The meeting was adjourned at 9:41pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on August 8, 2021.