

MINUTES
February 23, 2011
PLAN COMMISSION
City of Batavia

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

Chair Peterson called the meeting to order at 7:30pm.

2. Roll Call

Members Present: Chair Peterson, Vice-Chair Kosky, Evans, Harms, Schneider, Weiss, Monn and Tilmon

Members Absent: Commissioner Joseph

Also Present: Joel Strassman, Planning and Zoning Officer; Jerry Swanson, Director of Community Development; Drew Rackow, Planner; Jeff Albertson, Building Commissioner; and Mayor Schielke (arrived at 7:39pm)

3. Items Added/Removed/Changed

Chair Peterson proposed moving agenda item number six (6) to be discussed before agenda item number five (5). The Commission agreed.

4. Approve Plan Commission Minutes February 9, 2011

Motion: To approve the Plan Commission minutes of the February 9, 2011 meeting
Maker: Kosky
Second: Evans
Voice Vote: 8 Ayes, 0 Nays, 1 Absent. Motion carried.

5. Continuation of a Public Hearing: Amendments to the Text of the Zoning Code

- Chapter 2.1: Single Family Residential Districts
- Chapter 2.4: Downtown Mixed Use Zoning District
- Chapter 2.5: Mixed Use Zoning District
- Chapter 4.2: Off-Street Parking and Loading Regulations
- Chapter 4.4: Sign Regulations
- Chapter 4.5: Supplemental Use Regulations
- Chapter 5.2: Common Procedures
- Chapter 5.6: Design Review
- Chapter 7: Glossary of General Terms

Chair Peterson re-opened the public hearing. The reading of the public notice was waived.

Strassman reported that on February 9th, the PC began the public hearing to consider several amendments to the text of the Zoning Code. Strassman stated that since the February 9th hearing, Commissioner Schneider submitted additional comments. Staff has prepared new draft edits in response to the Commission's discussion at the hearing and in response to Commissioner Schneider's comments. In addition, staff is proposing an additional housekeeping edit missed earlier, to add both mixed use zoning districts to fence regulations in Section 4.108.C.

In response to the Commission's direction on Vice-Chair Kosky's comments, staff has prepared additional changes to the Code's text to specify that notice of public hearings be sent to public agencies affected by the requested action (Section 5.205.1.c). This allows judgment on the part of staff to decide what agencies truly need to be notified for a given application. Other changes to notification include separating notice requirements for public hearings and public meetings (Section 5.205). Applications for design review and subdivisions proposing four (4) or more lots now would require staff to send letters to proximate property owners (Section 5.205.E). Staff is proposing a new section, Section 5.704.C, requiring that a finding for a rezoning conform to goals and polices of the Comprehensive Plan and to the Land Use Map.

In response to Commissioner Schneider's comments, staff will leave the swimming pool change as already proposed. Regarding secondary dwellings, the Commission can discuss this and provide direction to staff for any agreed upon change. The Zoning Code cannot regulate parking in the right-of-way to allow large trucks. Strassman explained that state law mandates signage warning drivers of vehicle towing on private property. Minimum sign height is specified, as well as the need to provide information on fees and vehicle recovery. Regarding portable storage containers, they must be removed from the property and most likely the supplier will haul it away. It is unlikely that a homeowner will enter into repeated leases where the container will be hauled away and then returned. Staff agrees with the suggestions addressing projection signs. Draft Section 4.407.F now proposes a maximum height of 25 feet and minimum clearance of 10 feet.

Strassman reported that staff failed a South River Street screen fence building permit inspection because the fence was not 100% opaque. The fence had the slats discussed and reviewed at the South River Street neighborhood meeting for the new Zoning Code, but as installed, the slats did not provide the screening required by the overlay district. Staff discovered that the information for these slats states that the slats provide 90% privacy (opacity). After further research on the product, Strassman found that there are no known available products to add to a chain link fence that would provide 100% opacity. Strassman explained to the PC how the product is installed and Rackow projected a picture of the product for the Commission to view. Staff is proposing an additional amendment to the Zoning Code to reduce the requirement to provide a minimum of 90% in the South River Street Gateway District. All other fence screening requirements would be unchanged.

There were no audience members present, therefore the PC discussed Vice-Chair Kosky's and Commissioner Schneider's suggestions. The Commission deliberated on having a listing created during the findings stage that pinpoints such items as utility capacity, transportation, natural

resources and site characteristics. Kosky stated that she would like the PC to be informed on the Plan elements that are needed to be addressed. After a lengthy discussion, Swanson noted that this discussion is a Comprehensive Plan conversation and not a zoning conversation. The density and the use of the property is a Comprehensive Plan consideration. The zoning has to conform to the Comprehensive Plan. Swanson proposed that where staff needs to present information on utilities, natural resources, public facilities, public services, neighborhood context, and transportation is the decision to whether or not amend the Comprehensive Plan Land Use Map. The responsibility should be on the applicant to convince the Commission and ultimately the Coty Council that the proposed use and intensity of the land is superior to what we already have. All properties in the entire planning area are designated for a specific use and generally for an intensity, particularly if it is a residential land use. Swanson suggested that this type of information be brought forth during the Comprehensive Plan amendment process. Kosky agreed that receiving information on the elements during the Comprehensive Plan amendment process would be helpful. Swanson stated that the revision would be added to the Amendments section of the Comprehensive Plan Text or Map, Chapter 5.8. The staff report section (5.803E) will be changed to note that the staff report shall address the goals and policies at a minimum of each of the Comprehensive Plan elements or similar language. The PC agreed to the proposed revision.

The Commission discussed the secondary dwelling unit submission by Commissioner Schneider. The consensus of the Commission was to leave the code as it is. After a lengthy discussion, Schneider withdrew his suggestion. Swanson noted that the code does not have a size requirement for secondary dwelling units. A size requirement, in the form of a percentage, is common language in Zoning Codes. The size of a secondary dwelling unit is recommended to be smaller than the square footage of the principal unit. After discussion, the chair and vice-chair requested that staff draft language regarding secondary dwelling unit size requirements, and to include notification to additional properties for the Administrative Use Permit.

The PC closed the public hearing and continued the discussion on the remainder secondary dwelling units to the PC meeting of March 23.

Motion: To close the public hearing
Maker: Monn
Second: Tilmon
Voice Vote: 8 Ayes, 0 Nays, 1 Absent. Motion carried.

6. Design Review: Aldi Warehouse Addition – 1200 North Kirk Road (Aldi Inc. Applicant)

Rackow reported that Aldi has submitted design review plans for an expansion of their existing warehouse, located on their campus at 1200 North Kirk Road. The proposed addition would add 60,000 square feet of refrigerated storage on the north side of their warehouse located on the east side of the property. The applicant does not anticipate additional employees due to this expansion, but it would provide significantly more room for refrigerated inventory prior to shipping to their stores.

Rackow noted that the Aldi office addition design review, which was approved under the old zoning code, included the landbanking of 240 parking stalls. The applicant proposes to expand the existing land banked parking to include the required 60 additional spaces for the addition. The current Zoning Code requires an Administrative Use Permit for this action. Staff is supportive of the proposed additional landbanked parking. Aldi will need to apply for and be approved for an Administrative Use Permit before the building permit is issued. Peterson asked for an explanation of the landbanking. Rackow noted that landbanking would allow Aldi to designate parking areas, but would not be required to build them until they are necessary. Review of required parking lot landscaping would be part of a building permit review when the landbanked parking areas are built.

Rackow stated that the need for additional parking spaces also triggers the Zoning Code's requirement for bicycle parking. Aldi Inc. will have to add bicycle parking in the ratio of one space per twenty-five (25) additional parking spaces for the 60 required additional spaces. This results in the need for a bicycle rack that accommodates at least three bicycles. Staff recommends that a bicycle rack be located near the office building. Staff can review and approve the final location, as included in the staff recommendation, as part of the building permit.

The proposed building would continue design elements of the existing warehouse, including the precast concrete along the east elevation to incorporate additional truck bays. The building transitions to a full metal finish. The metal exterior panel system is painted to match the color of the existing painted concrete. The building design continues the use of bronze finishes for doors, awnings and other metal fixtures, consistent with the warehouse and office buildings. This project also includes additional site work to improve the drainage on the east side of the property, particularly along the property line shared with industrial uses to the east.

Rackow concluded that staff recommends that the PC approve the Design Review of the Aldi Warehouse Addition at 1200 North Kirk Road, subject to staff approval of a location for and type of bicycle rack to provide the number of rack spaces, as required by the Zoning Code.

Dan Crist, AM King Construction, addressed the Commission. He reported that Aldi has made the decision to continue to use precast concrete panels along the full east elevation to make the whole elevation uniform. Crist stated that this would give the building a better look. Crist asked the PC if they had any questions or concerns. The PC had none.

Motion: To approve the design review subject to the submission of a revised elevation and inclusion of a bike rack as recommended by staff

Maker: Kosky

Second: Tilmon

Voice Vote: 8 Ayes, 0 Nays, 1 Absent. Motion carried.

7. Other Business

The PC discussed the upcoming public hearing.

Strassman announced that the senior housing projects will utilize the City Council Chambers for neighborhood meetings on Wednesday and Thursday evenings, March 2nd and 3rd. Letters will be sent by the applicants to the neighbors of the properties regarding these meetings.

Swanson stated that staff is in the process of updating the subdivision regulations.

Chair Peterson commented that the mayor's article regarding Mooseheart was a good article to review.

8. Adjournment

There being no other business to discuss, a motion was made to adjourn the meeting by Commissioner Evans; seconded by Commissioner Kosky. All in favor. Motion carried. Meeting adjourned at 9:14pm.