

MINUTES
January 4, 2023
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 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

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

2. Roll Call:

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

Members Absent: Chair Gosselin

Also Present: Drew Rackow, Planning & Zoning Officer; Jeff Albertson, Building Commissioner; Scott Buening, Director of Community and Economic Development (remote); 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: December 7, 2022

Motion: To approve the minutes from December 7, 2022
Maker: LaLonde
Second: Peterson
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

**5. PUBLIC HEARING: JB Nelson Elementary School, 334 William Wood Lane
Variance for a Building Canopy
Administrative Design Review Referred to the Plan Commission for an Electronic
Message Sign and Other Site Improvements
DLR Group, Applicant on Behalf of Batavia Public Schools District 101**

Motion: To open the Public Hearing
Maker: Peterson
Second: LaLonde
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was opened at 7:04pm.

Rackow gave the staff report for the Public Hearing regarding JB Nelson Elementary School for a variance for a building canopy as well as an electronic sign that is subject to Design Review as well and minor site changes. The variance is for the canopy that will be added to the west side of the building. This entrance will be a secure vestibule as part of security improvements. Staff is supportive of the variance and the Design Review for the electronic changeable sign that is before the Plan Commission (PC) tonight. Rackow noted that the school is providing landscaping by the proposed electronic changeable sign and the landscaping complies with the Zoning Code. Rackow stated that staff recommends that the electronic changeable sign be turned off at the end of school sponsored events and/or on no later than 8pm with the sign off during the hours of 8pm-7am.

Keri Van Sant, DLR Group, applicant, addressed the Commission. She discussed the new entrance location with canopy. She explained that moving the entrance to this location helps monitor parking and extends the drop off. She discussed how the District would like to implement electronic changeable signs to provide messages and announcements for the parents and others interested in going to events.

The PC discussed the location of the handicapped spaces, current entrance and shifting the entrance to the west side of the building, and walking routes to the proposed entrance. Vice-Chair Moore opened the floor for public comment.

Gayle Bridger, neighbor of JB Nelson for thirty-nine years, stated that the area is an old neighborhood. She stated that she is not in favor of the electronic sign. She has no issue with the canopy. She asked what the sign would communicate that isn't already being communicated by email, text, Facebook, website, notes in the book bag and all the other ways of communicating.

Rackow read an email from Douglas Chandler to the PC. The emails from Douglas Chandler and Gayle Bridger are added as an addendum to the minutes.

Mark Anderson, Director of Operations for the School District, addressed the PC. He stated the electronic sign would be turned off during the summer unless there are summer events or specific events at that school. With the technology that they have, they could turn off the sign when there are no other events happening in the evening. This sign is not intended to go all hours of the night. Anderson stated that the sign is needed because not everyone reads the messages that go out to the parents. This would be another form of communication for people who are at the school.

LaLonde noted that the direction of the sign does not face any residential area. Anderson agreed and added that the sign faces the empty lot that the school owns.

Motion: To close the Public Hearing
Maker: Harms
Second: LaLonde
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was closed at 7:28pm.

Motion: To approve the Findings of Approval for the variance based on tonight's staff report
Maker: Peterson
Second: LaLonde
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To approve the variance as presented
Maker: Peterson
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To adopt the Design Review findings
Maker: LaLonde
Second: Joseph
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To approve the Design Review based on the recommendations outlined in tonight's staff report
Maker: Peterson
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

**6. Alice Gustafson Elementary School, 905 Carlisle Road
DLR Group, applicant**

Administrative Design Review Referred to Plan Commission for an Electronic Changeable Message Sign

Rackow discussed the canopy and new entrance at the south end of the building at Alice Gustafson Elementary School. The proposal would add a new electronic changeable message sign as well as new cycling entrance and drop off area along Carlisle Road. This would allow for a secure entrance. Rackow added that the applicant is proposing a fence along Carlisle Road for separation of the drop off area. The proposed fence is a chain link fence. Staff recommends that the fence be a decorative fence three-foot in height to better mesh with the surrounding areas. There is also a recommendation to add curb line along Carlisle.

The PC discussed the curb and on-street parking. Buening discussed how the school is asking for permission for an additional curb cut. As an exchange for the curb cut the City finds that it is fair and reasonable for us to ask for completion of the curb along the rest of that section along the roadway. Buening noted the City does not have to grant the permission for the curb cut. Vice-Chair Moore commented that people park along the roadway of that section.

The Commission discussed the proposed chain link fence and staff's recommendation of the three-foot decorative fence in lieu of the chain link fence. Van Sant stated that a decorative fence would be much nicer than a vinyl coated black chain link fence but it is a \$25,000 increase to go to a decorative fence. Van Sant pointed out that the Zoning Ordinance 4.108 does not restrict the fence type from being chain link. Van Sant asked that the school not have to take on the additional cost for a decorative fence. The PC viewed the site plan and the area utilizing Google Maps.

The PC considered continuing this discussion until February 1st. LaLonde stated that he would not be available for the February 1st meeting. He stated that he is in support of changing the fence into decorative fencing and he is not in support of changing the curb. LaLonde explained that there is no curb up and down that street and it does not benefit anyone to have a curb there.

Motion: To continue the discussion on Alice Gustafson Elementary School until February 1st for site work including the curb to allow staff to discuss with the Engineering Department as to alternatives or what would need to be there or not be there and the fence item
Maker: Peterson
Second: Joseph
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Rackow displayed an image of the proposed electronic changeable message sign. He pointed out that the wording could have the proportions adjusted so that there is more space. Van Sant stated that they could make it more balanced by a thinner or smaller letter.

Motion: To continue the discussion on Alice Gustafson Elementary School until February 1st for site work including the curb to allow staff to discuss with the Engineering Department alternatives or what would need to be there or not be there and the fence item
Maker: Peterson
Second: Joseph
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To adopt the Design Review findings for the electronic changeable message sign and canopy
Maker: Joseph
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To approve the electronic changeable message sign and canopy
Maker: Joseph
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

**7. PUBLIC HEARING: Chick-fil-A Restaurant 185 North Randall Road
Interplan LLC, Applicant**

- **Public Hearing for an Amendment to a Planned Development**
- **Design Review**

Motion: To open the Public Hearing
Maker: Harms
Second: LaLonde
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was opened at 8:26pm.

Rackow reported that the applicants are in attendance via Zoom: Amanda Bishop and Nancy Carreras. Rackow stated that a Planned Development approved this project in 2011. The proposed improvements would make changes to the drive-through area as well as adding canopy to the pick up window. The PC reviewed the site plan that was displayed for the Commission to view.

Vice-Chair Moore asked if there were anyone from the audience who wanted to address the PC. Rackow answered there were no members from the public waiting to speak.

Motion: To close the Public Hearing
Maker: Peterson
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

The Public Hearing was closed at 8:37pm.

Motion: To recommend approval to the City Council approval of the amendment to a planned development based on the staff recommendations outlined in the staff report
Maker: Joseph
Second: Harms
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To approve the Design Review findings
Maker: Joseph
Second: LaLonde
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

Motion: To approve the Design Review based on the recommendations of the staff report
Maker: Peterson
Second: LaLonde
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

**8. Review of a Proposed Electronic Drive Through Message Sign
Electronic Drive Through Menu Sign, Moka Coffee 132 Independence Drive
Miller Coffee Property LLC, applicant**

Rackow discussed the proposed electronic drive through message sign and the conditions being met for screening. Staff is recommending approval with the stipulation that the proposal does comply with the Building and Zoning Code. The applicant asked if the sign could be mounted to the building to be powered through the wall. Rackow answered that the Zoning Code does not allow for electronic message signs to be mounted on a building. The sign would have to be free standing.

Motion: To approve the proposed electronic drive through message sign based on the condition of being subject to compliance with the Zoning Code
Maker: Harms
Second: Joseph
Voice Vote: 5 Ayes, 0 Nays, 1 Absent
Motion carried.

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

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

10. Other Business

- Rackow announced the 1/18/23 there is one zoning text amendment on the agenda currently. There may be another item added to that meeting.

11. Adjournment

There being no other business to discuss, Vice-Chair Moore asked for a motion to adjourn the Plan Commission. Peterson moved to adjourn the meeting, LaLonde seconded. All were in favor. The meeting was adjourned at 8:47pm.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary

Rackow, Drew

From: Ewoldt, Zach
Sent: Monday, January 2, 2023 6:34 PM
To: Rackow, Drew
Cc: Buening, Scott
Subject: Fwd: Electronic Changeable Message Sign

I received this email regarding JB Nelson from a resident. Wanted to share sooner than later.

-Zach

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From: douglas chandler [REDACTED]
Sent: Monday, January 2, 2023 3:50 PM
To: Ewoldt, Zach <zewoldt@cityofbatavia.net>
Subject: Electronic Changeable Message Sign

Caution: This message originated outside of the City of Batavia -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

Attn: Plan Commission and Zoning Board,

We are unable to attend the 7:00pm meeting January 4th, regarding the installation of a (EMC) at the entrance of JB Nelson School, along William Wood Lane. We live just two houses from there and are very concerned about brightness and everchanging messages that will be scrolling across the sign, especially at night. We have observed these signs at entrances to many schools and churches and have always wondered how the residence put up with flashing, bright and scrolling messages, not to mention the distraction they create when parents are dropping off students. We would be worried about the children's safety. The question we have are, will the sign be facing North & South, or East & West, visible from both sides or just one side since it's a one-way street? How many houses will have to put up with flashing or scrolling messages at night, and are there regulations on how bright the lights can be? Do they really need a sign? Doesn't JB Nelson have a website that provides this information to the parents?

We appreciate you addressing our concerns at the upcoming meeting.

Mary & Doug Chandler
445 Laurel Street
Batavia
[REDACTED]

Rackow, Drew

From: Gayle Bridger [REDACTED]
Sent: Tuesday, January 3, 2023 5:25 PM
To: Rackow, Drew
Subject: public hearing re: JB Nelson School

Follow Up Flag: Follow up
Flag Status: Flagged

Caution: This message originated outside of the City of Batavia -- DO NOT CLICK on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

My name is Gayle Bridger and my husband and I live next door to JB Nelson School. We have lived here for the past 39 years. The area we live in is an old neighborhood of well-maintained houses. We love our neighborhood and know many of our neighbors.

I have no problem with the canopy as described. What we do not want is an Electronic Changeable Message Sign. The school has several means for communicating with parents, students and community members. There is the website, Facebook, email, and texting. This type of sign does not belong in a residential setting.

Thank you for your consideration in this matter.

Gayle Bridger
[REDACTED]