

# CITY OF GENEVA PLAN COMMISSION

**MARCH 23, 2017**

**MEETING #1179**

Location

**City Hall**

**Council Chambers**

109 James Street  
Geneva, IL 60134

Time

**7:00 p.m.**

Commissioners

Scott Stocking, Chairman  
John Mead  
Fred Case  
Mike Dziadus  
Mim Evans  
Cindy Leidig  
Ron Stevenson  
Michael Slifka  
Bradley Kosirog

Staff Liaison

Paul Evans  
City Planner  
Phone: (630) 845-9654  
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1. Call to Order
2. Roll Call
3. Approval of Minutes: March 9, 2017
4. Public Hearing
  - A. **Zoning Ordinance Text Amendments** – City-initiated amendments to Sections 11-9-4 (Planned Unit Developments) and 11-14-6 (Administration and Enforcement) of the City of Geneva Zoning Ordinance related to public hearing notice requirements
5. Public Comment
6. Other Business
7. Adjournment



This Plan Commission meeting is being audio tape recorded, transcribed by a court reporter and/or summary minutes are being taken by a recording secretary. The City of Geneva complies with the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting who require accommodations in order to allow them to observe and/or participate in this meeting are requested to contact the Planning Division at 630-232-0818 at least 48 hours in advance of the meeting to allow the City of Geneva to make reasonable accommodations for those persons.

## PROCEDURES FOR PUBLIC HEARINGS

It is the Plan Commission's job to conduct public hearings in order to receive testimony for and against petitions for general amendments to the zoning ordinance, zoning map amendments, zoning text amendments, special use permits and amendments to special use permits.

The procedure followed for public hearings is as follows:

- First, the Plan Commission secretary or the designated representative will read or describe written items, reports, and plans into the record.
- Second, the petitioner will present testimony in favor of the petition and will present any supporting plans or exhibits.
- Third, the Commission members will have an opportunity to question the petitioner.
- Fourth, the Commission will then receive citizen testimony both for and against the petition. Questions about the proposal may be directed to the petitioner or petitioner's witnesses and questions about the Plan Commission process itself may be directed to me. Following such testimony the petitioner and the Plan Commission may ask questions of those who testified.
- Finally, the petitioner may provide a rebuttal to any testimony in opposition.

When all the testimony is brought into the record the hearing will be closed and the Plan Commission will make a recommendation to the City Council in the form of a motion or motions.

- In order to give testimony, you must provide your name and address on the registration sheet located at the entrance of the hearing room and sign in the space provided. By signing the registration sheet, you agree and understand that anything you say will be considered sworn testimony and affirm to tell the truth, the whole truth and nothing but the truth.
- When giving testimony please approach the lectern, speak directly into the microphone so that you may be heard. Please begin by stating your name and giving your address. If you speak additional times, please state your name each time for the record.
- Please be concise when presenting your testimony and if your point has already been made, it is not necessary to repeat it. Each of these points is recorded and will be considered as the Plan Commission develops findings of fact and a recommendation or recommendations.
- You may provide your testimony in written form, but such written testimony must be presented to the Plan Commission secretary or the designated representative prior to the closing of this hearing.
- After the process is completed and everyone wishing to present testimony has spoken, the Commission will then decide whether it has heard adequate testimony in order to make a decision. If it has, the public hearing will be closed.

After a public hearing is closed the Plan Commission will refrain from receiving any additional testimony either for or against the petition. There is one exception to this rule.

- City staff will submit a report based on the testimony presented at the hearing. This report will consider comments or concerns from all City Departments such as the Fire Department, Public Works Department or the Engineering Department.

**PLAN COMMISSION MINUTES**  
**City of Geneva**  
**109 James Street - City Council Chambers**

**March 9, 2017 – Meeting #1178**

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Chairman Stocking called the meeting of the Plan Commission to order at 7:00 p.m. Roll call followed:

Present: Commissioners Case, Evans, Kosirog, Mead, Slifka, Stevenson, Chairman Stocking

Absent: Dziadus, Leidig

Others Present: Community Development Planner Paul Evans; City Administrator Stephanie Dawkins; Recording Secretary Celeste Weilandt

Public Present: Mr. John Zoerner, Mid-America Asset Management, Mr. Mark \_\_\_\_ Kimley Horn

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**Approval of Minutes of February 23, 2017**

**Minutes of the February 23, 2017 meeting were approved on motion by Commissioner Mead, seconded by Commissioner Case. Motion carried by voice vote of 7-0.**

Chairman Stocking asked that Planner Evans read the contents of the plan commission file into the record. The chairman swore in those individuals who would be speaking on the following agenda item:

**Site Plan Review**

**A. Geneva Commons Bell Tower Plaza - The applicant is requesting a Site Plan amendment to Resolution 2016-67 for modifications to the bell tower plaza. Location: Geneva Commons; Applicant: John Zoerner, Mid-America Asset Management.**

Applicant, Mr. John Zoerner, 602 Commons Drive, Geneva Commons, addressed the commissioners and summarized that the ownership would like to expand on the previous approvals received to create a more inviting and enticing environment for the retailers to come to the mall as well as the guests who visit the center. With the proposed enhancements, Mr. Zoerner hopes to host additional events. The current plan includes enhanced lighting, decorative hardscape, interactive art, enhanced seating areas, landscaping improvements and a fire feature. Mr. Zoerner was available to answer questions.

Commissioner Mead, directing Mr. Zoerner's attention to the area between the lawnscape area and the movie night screen, inquired if the nearby traffic lane was going to be managed from a safety perspective, wherein Mr. Zoerner stated that temporary barricades would be set up to close off the roadway, north to south, that bi-sects the area during events. Overall, commissioners voiced positive comments.

Hearing no further questions, the chairman entertained a motion.

**Motion by Commissioner Mead, second by Commissioner Case to recommend approval for a Site Plan amendment to Resolution 2016-67 related to the improvements to the bell tower plaza area at Geneva Commons, and incorporating staff's report, as presented. Roll call:**

**Aye: Case, Evans, Kosirog, Mead, Slifka, Stevenson, Stocking**

**Nay: None**

**MOTION PASSED. VOTE: 7-0**

**Public Comment** – None.

**Other Business**

City Planner Paul Evans reported the above case will go to the Committee of the Whole on March 27, 2017. The Aldi expansion case will be discussed at this coming Monday's Committee of the Whole meeting (March 13<sup>th</sup>). Mr. Evans stated there will be a text amendment discussion at the March 27<sup>th</sup> Committee of the Whole meeting regarding better public notification to residents about upcoming petitions. Topics that will be addressed include earlier notification of a petition, increasing the distance from a subject property, and the number of times a petition is being noticed. Per Commissioner Evans' question, the applicant will be responsible to pay for the notifications.

For the April meeting, Mr. Evans anticipates some housekeeping matters on the agenda.

Commissioner Mead inquired if staff was still planning to hold a session with the commissioners, on an off-month, about how the Plan Commission runs its meetings. Mr. Evans would speak with the community development director on this matter.

Chairman Stocking mentioned there was a notice of a new development behind the Lowe's store (just off of Randall Rd.) and inquired whether staff was working with the City of St. Charles on this development. Mr. Evans stated the residential development was Prairie Winds and staff was tracking it. Dialog also followed regarding the old St. Charles Mall on Route 38.

Commissioner Evans shared a summary of the panel discussion she participated in that was hosted by Preservation Partners this past Saturday in Batavia. She stated there was good public participation and it was a well organized event hosted by Preservation Partners.

Lastly, dialog followed on who attended the planning session yesterday in downtown Chicago, wherein it was mentioned that Ald. Bruno also attended the session.

**Adjournment**

**Meeting was adjourned at 7:16 p.m. on motion by Commissioner Evans, seconded by Commissioner Case. Motion carried unanimously by voice vote of 7-0.**

# CITY OF GENEVA PLAN COMMISSION

**MARCH 23, 2017**

*Applicant*

City of Geneva

Request

Zoning Ordinance Text Amendments to Sections 11-9-4 (Planned Unit Developments) and 11-14-6 (Administration and Enforcement) of the Zoning Ordinance related to public hearing notice requirements.

Recommendation

Approval of Zoning Ordinance Text Amendments to Sections 11-9-4 (Planned Unit Developments) and 11-14-6 (Administration and Enforcement) of the Zoning Ordinance related to public hearing notice requirements, as presented herein.

Staff Liaison

Paul Evans  
City Planner  
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**AGENDA ITEM 4A**

**ZONING ORDINANCE  
TEXT AMENDMENTS  
PUBLIC HEARING NOTIFICATION**

## **BACKGROUND**

In 2016 City staff and elected officials received complaints from residents regarding the City's notice requirements for public hearings. The City's current notice requirements follow the minimum requirements set forth in the Illinois Municipal Code. No less than 15 days nor more than 30 days prior to a public hearing, notice is required to be published in a newspaper of general circulation and mailed to property owners within 250 feet of the subject property. The City also posts a sign providing notice of a public hearing on the subject property and posts a monthly report of all applications on the City's website, including scheduled meeting dates.

Residents expressed concern that the 15 to 30 day notice of a Plan Commission public hearing is not sufficient, stating that it allows for limited time to review plans, ask questions, gather information, and prepare testimony in favor of or opposition to a development. Residents also felt that limited notice fuels a perception that development projects are a "done deal" or are being "rushed through" the process. Applications are typically filed and reviewed for code compliance up to 8 weeks prior to the scheduled public hearing.

Staff reviewed the topic with the City Council at the Strategic Planning Workshop on November 4, 2016 and proposed that property owners within 250 feet of the subject property could be notified twice, once when a complete application is submitted for review and once 15 to 30 days prior to the scheduled public hearing. This would engage citizens early on in the process and provide them with ample opportunity to review plans, ask questions, gather information, and prepare testimony. Concerns could be identified early on, relayed to the applicant, and potentially resolved prior to the public hearing. Advanced notice could also change the perception of the process, assuring residents that development projects are not "done deals" or being "rushed through" the process without public input.

The City Council was receptive to the idea of requiring a second notice requirement when an application is filed. At the November 4<sup>th</sup> Strategic Planning Workshop the Council also discussed the possibility of increasing the minimum notification distance from 250 feet to 500 feet to make sure more residents were notified. The Council also suggested placing larger and more informative signs on the subject property in the hopes of reaching a wider audience. Ultimately, the Council requested to have more discussion on the topic before providing staff with direction. On January 17, 2017 the City Council held a policy discussion and directed staff to:

- Require a mailed notice to surrounding property owners when an application is filed, in addition to mailed notice 15 to 30 days prior to the public hearing;
- Increase the mailed notification distance from 250 feet to 500 feet;
- Place larger and more informative signs on the property when an application is filed; and
- Make better use of the City's website and social media accounts to inform the public of development projects.

Requiring a mailed notice to surrounding property owners when an application and increasing the mailed notification distance from 250 feet to 500 feet necessitate text amendments to the Zoning Ordinance. Amendments to the Zoning Ordinance require a Plan Commission public hearing and recommendation to the City Council. The use of larger and more informative signs and better use of the City's website and social media accounts do not require amendments to the Zoning Ordinance and therefore do not require any further action by the Plan Commission or City Council.

## REQUEST

Based on the direction provided by the City Council, staff is proposing the following Zoning Ordinance Text Amendments to Section 11-9-4 (Planned Unit Developments) and Section 11-14-6 (Administration and Enforcement). Proposed deletions are struck through and proposed additions are shown in bold font.

11-9-4: PROCEDURE FOR INITIATION; APPLICATION:

B. Application; Preliminary, Final, and Combined Plans:

1. Required documentation in the preliminary plan includes:

- c. An affidavit in which the applicant: 1) lists the names and addresses of the record owners of each parcel of property located within a ~~two hundred fifty~~ **five hundred** foot (~~250~~ **500'**) distance of the subject property, ~~excluding~~ **including** public streets and rights of way; and 2) states under oath that the list is true and correct to the best of the applicant's knowledge and belief.

11-14-6: APPLICATION PROCEDURES:

A. Application For Amendment, Special Use Permit Or Variation:

4. Each application shall include:

- d. A vicinity map showing the subject property and all parcels of property located within a ~~two hundred fifty~~ **five hundred** foot (~~250~~ **500'**) radius of the subject property ~~excluding~~ **including** public streets and rights of way.

- e. An affidavit in which the applicant: 1) lists the names and addresses of the record owners of each parcel of property located within ~~two hundred fifty~~ **five hundred feet (250 500')** of the subject property, ~~excluding~~ **including** public streets and rights of way; and 2) states under oath that the list is true and correct to the best of the applicant's knowledge and belief.

- B. Notice Requirements: **Within five (5) working days** ~~A~~after a completed application has been filed for a map ~~or text~~ amendment, special use permit or variation and accepted as complete to form and substance, **the community development department shall provide, by regular mail, written notice thereof to the owner and owners of property located within five hundred feet (500') of the property as listed on the affidavit filed as part of the application.**

**After an appropriate review period**, the community development department shall schedule a date for a public hearing thereon before the plan commission, in the case of an amendment or special use permit, or before the zoning board of appeals in the case of a variation, and shall cause notice thereof no less than fifteen (15) nor more than thirty (30) days prior thereto to be published in the newspaper of general circulation. For a map amendment, special use permit or variation application, notices **of the public hearing** shall be mailed by regular mail to the owner and owners of property located within ~~two hundred fifty~~ **five hundred feet (250 500')** of the property as listed on the affidavit filed as a part of the application. If the applicant is the city council or plan commission, the department shall determine the names and addresses of the record owners of property within a ~~two hundred fifty~~ **five hundred foot (250 500')** distance of the property to be rezoned.

## REVIEW COMMENTS

The proposed amendment to notify surrounding property owners when an application is filed would engage citizens early on in the development review process and would provide them with ample opportunity to review plans, ask questions, gather information, and prepare testimony. Concerns could be identified early on, relayed to the applicant, and potentially resolved prior to the public hearing. Advanced notice could also change the perception of the process, assuring residents that development projects are not “done deals” or being “rushed through” the process without public input.

The proposed amendment to increase the notification distance from 250 feet to 500 feet would inform more citizens that could potentially be impacted by a development project. Engaging these citizens with formal notice would also work to improve the perception of the process, assuring residents that Geneva is going beyond the minimum requirements to gather public input. As shown in Figure 1 on the following page, requiring a 500 foot notice would inform residents within at least a one block radius of development. This would not only increase the number of property owners that receive formal notice (see Table 1 on the following page), but could also increase the number of property owners that receive notice by word of mouth.

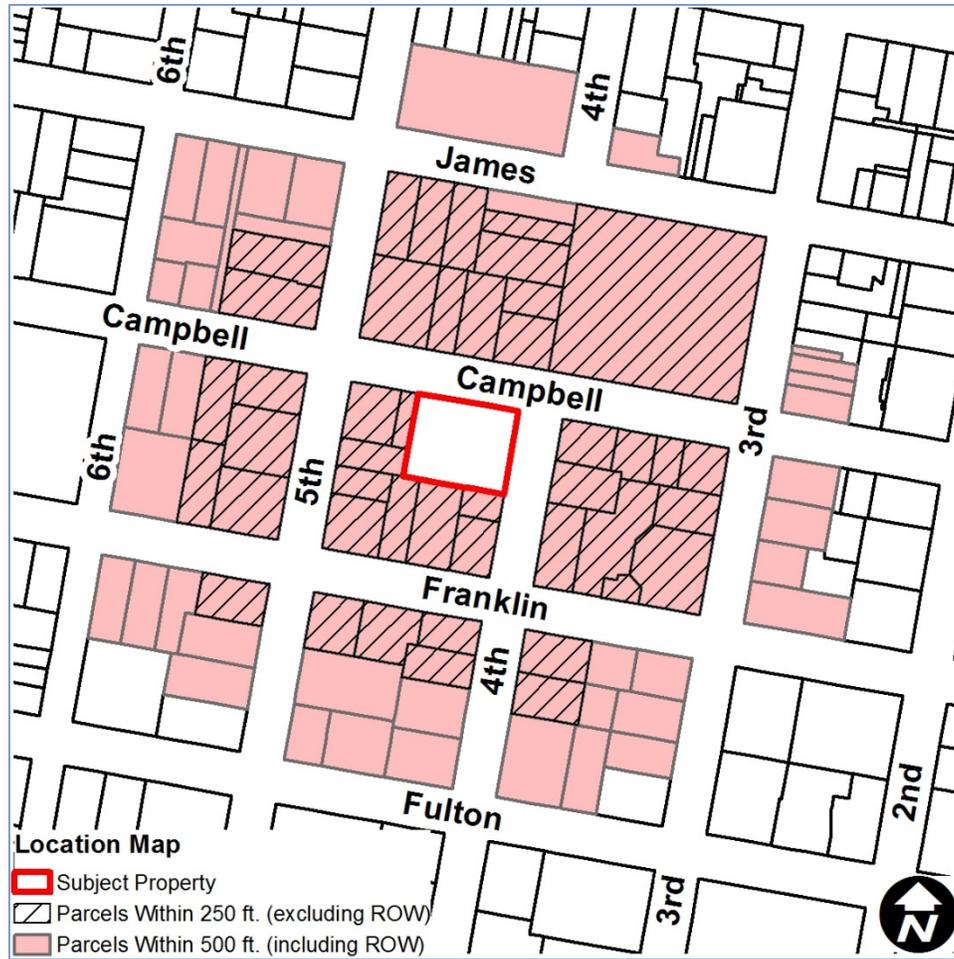


Figure 1. 250 feet (excluding ROW) Comparison to 500 feet (including ROW). Prepared by Geneva Planning Division, March, 2017.

Table 1. Existing vs. proposed public hearing notice requirements. Prepared by Geneva Planning Division, March, 2017.

Project	EXISTING		PROPOSED	
	# of owners notified	Cost of mailing (\$0.49)	# of owners notified	Cost of mailing (\$0.49)
Park Place	36	\$17.64	53 (47% increase)	\$51.94 (194% increase)
Marquette Apartments	62	\$30.38	107 (73% increase)	\$104.86 (245% increase)
Geneva Meadows	53	\$25.97	79 (49% increase)	\$77.42 (198% increase)
Campbell Row	33	\$16.17	63 (90% increase)	\$61.74 (281% increase)

The only concerns regarding the proposed amendments is that they could be viewed as overly burdensome on an applicant, especially if similar notice is not required in comparable communities. Could the increased cost of sending a second notice to more property owners put Geneva at a competitive disadvantage? As shown in Table 1 on the previous page, staff used 4 recent projects to compare the cost of sending 1 notice to property owners within 250 feet to the cost of sending 2 notices to property owners within 500 feet. The increased notice requirements would have resulted in a cost increase ranging from 47% for Park Place on the low end to 90% for Campbell Row on the high end. The total mailing cost, however, for 2 mailings to property owners within 500 feet would typically be under \$100 (the exception being larger projects like Marquette). The City routinely reviews its application fees to ensure that the City is covering costs while remaining competitive with comparable communities. In staff's opinion, the increased cost of requiring two notices to all property owners with 500 feet is minimal and would not put Geneva at a competitive disadvantage.

#### Survey of Comparable Communities

Staff surveyed comparable communities in the region regarding their public notice requirements. A copy of the survey is attached for your review. Staff found that only 4 out of the 27 communities surveyed require a notification distance greater than the State minimum of 250 feet, excluding right of way. Batavia and Roselle both require a notification distance of 500 feet, including right of way. Deerfield requires an increased notification distance of 500 feet for height variations only. Glen Ellyn requires a notification distance of 350 feet, including right of way, to ensure that all property owners within 250 feet were notified. Kane County was the only organization surveyed that requires notice to surrounding property owners when an application is filed in addition to when the public hearing is scheduled.

### **RECOMMENDATION**

Staff recommends the approval of the proposed text amendments as presented herein.

### **REVIEW/APPROVAL PROCESS: NEXT STEPS\***

1. April 10, 2017 – Committee of the Whole review and recommendation to City Council
2. April 17, 2017 – City Council consideration of request

### **ATTACHMENTS**

Comparable Communities Survey

**Comparable Community Survey 2017**

City	Notification Distance from Subject Property	Notification Distance Excludes or Includes Rights of Way?	Initial Notice Time Frame prior to public hearing	Immediate Written Notice Required Upon Application Submittal?	Any Other Meeting With Surrounding Property Owners Required?
Algonquin	Adjacent Property Owner	N/A	<30 days >15 days	No	No
Aurora	250 ft.	Excludes	<20 days	No	No
Bartlett	250 ft.	Excludes	<30 days >15 days	No	No
Batavia	500 ft.	Including	<30 days >15 days	No	No, but Staff can require additional meetings
Bloomingtondale	250 ft.	Excluding	<30 days >15 days	No	No
Carol Stream	250 ft.	Excludes	<30 days >15 days	No	No, Highly Recommended
Crystal Lake	200 ft.	Excludes	<30 days >15 days	No	No
Darien	250 ft.  125 ft. (variations)	Includes	<30 days >15 days	No	No
Deerfield	250 ft.  500 ft. height variation	Includes	<30 days >15 days	No	No, Plan Commission will encourage
DeKalb	250 ft.	Excludes	<30 days >15 days	No	No
Downers Grove	250 ft.	Excluding	<30 days >15 days	No	No
Elmhurst	500 ft.	Excluding	<30 days >15 days	No	No, but recommended
Glen Ellyn	250 ft. (required)  350 ft. (provided)	Excluding  Including	<30 days >15 days	No	No, considering additional notice for Plan Commission pre-applications
Hanover Park	250 ft.	Includes	<30 days >15 days	No	No, Suggested

**Comparable Community Survey 2017**

City	Notification Distance from Subject Property	Notification Distance Excludes or Includes Rights of Way?	Initial Notice Time Frame prior to public hearing	Immediate Written Notice Required Upon Application Submittal?	Any Other Meeting With Surrounding Property Owners Required?
Kane County	Adjacent Property Owners  Staff 250 ft.	N/A  Excludes	Immediate  <30 days >15 days	Yes	No
Libertyville	250 ft.	Excludes	<30 days >15 days	No	No, Suggested
Lisle	250 ft.	Excludes	<30 days >15 days	No	No
Mundelein	250 ft.	Includes	<30 days >15 days	No	No, Suggested
Oswego	250 ft.	Excludes	<30 days >15 days	No	No
Roselle	Certified 250 ft.  Reg. Mail 500 ft.	Excludes  Includes	<30 days >15 days	No	No
South Elgin	250 ft.	Excludes	<30 days >15 days	No	No
St. Charles	250 ft.	Excludes	<30 days >15 days	No	No
West Chicago	250 ft.	Excludes	<30 days >15 days	No	No
Wheaton	250 ft.	Excludes	<30 days >15 days	No	No
Woodridge	500 ft.	Excludes	<30 days >15 days	No	No, Recommended
Woodstock	250 ft.	Excludes	<30 days >15 days	No	No, Encouraged