

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

March 23, 2017 – Meeting #1179

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

Present: Commissioners Case, Dziadus, Evans, Leidig, Mead, Slifka, Stevenson, Chairman Stocking

Absent: Commissioner Kosirog

Others Present: Community Development Dir. David DeGroot; Planet Depos Court Rptr. Melanie Humphrey-Sonntag; Recording Secretary Celeste Weilandt

Public Present: None

Approval of Minutes of February 23, 2017

Minutes of the March 9, 2017 meeting were approved on motion by Commissioner Case, seconded by Dziadus. Motion carried by voice vote of 8-0.

Public Hearing

A. Zoning Ordinance Text Amendment – 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.

The chairman swore in Community Development Dir. David DeGroot who would be speaking on behalf of the city.

Chairman Stocking asked that Planner DeGroot read the contents of the plan commission file into the record:

- an application filed on January 16, 2017 for the City of Geneva for zoning ordinance text amendments regarding public hearing notice;
- a memorandum from the Community Development Department to the Plan Commission summarizing the request and providing a staff analysis;
- a survey of comparable communities conducted by the Community Development Department in March of 2017; and
- a Certificate of Publication from the *Daily Herald* for the legal notice, published on March 6, 2017 for tonight' meeting.

For the City, Dir. DeGroot explained how the zoning ordinance text amendments arose, discussing that the current notification for public hearings requires no less than 15 days or more than 30 days prior to a meeting, staff has to mail notices to property owners within 250 feet of a subject property, publish a legal notice in a newspaper of general circulation in the same timeframe, post signage on the property, provide a monthly report of all current applications to the commissioners, and provide the agenda information on the City's web site.

He reported that many of the concerns heard by staff, the commissioners, and elected officials regarding the notification process, is that the 15 to 30-day notification window does not give concerned residents enough time to review plans, prepare testimony, or ask questions. It gives the

perception that the process is a “done deal”. Per Dir. DeGroot, in November 2016 staff held a strategic planning session with the City Council to address the issue, which session concluded that a second notice would be sent out when an application was filed. DeGroot shared the positives of providing the second notice as well as the negatives, which was an increase cost to the applicant and the fact that the notice was not required by all communities.

Continuing, Dir. DeGroot reported that a policy discussion with the City Council followed in January, 2017 with four directions coming from council: 1) require a second notice; 2) increase the mailing distance from 250 feet to 500 feet; 3) replace the current public hearing signs with larger signs and include more information; and 4) make better use of City’s social media website for better outreach. Per Dir. DeGroot, the first two directions required text amendments to the zoning ordinance, and out of a survey of 27 communities, the only entity that sent a second notice was Kane County. Four communities required a distance beyond 250 feet. Staff was asking for a recommendation on the first two directions tonight because they were amendments to the city’s zoning ordinance.

Regarding the last two City directives, Dir. DeGroot reported that staff was still collecting information on the signs and how they would be created. As for social media, the city’s web site was placed on the overhead and Dir. DeGroot walked through the new interactive map site and the information found under it. It included Zoning Board cases and residents could sign up for email updates/notifications. Per Dir. DeGroot, the information provided on the site could potentially replace staff’s monthly reports to the commissioners since it contained the same information.

Responding to Commissioner Leidig’s and Slifka’s questions, Dir. DeGroot explained what goes into the current notification process, what information would be available in the future, and summarized that the process would create only one additional mailing for staff. Commissioner Mead believed the new notification process, while beneficial to get information out earlier to the public, would also be more work and time for staff, especially with larger developments, such as Marquette. Staff agreed that more interaction with the department could potentially take place on controversial items, yet it could be beneficial to the applicant to understand the issues early and to get that information to the applicant and improve the perception for the public. Asked how an applicant gets a list of all property owners, Dir. DeGroot stated the county offers the list. Additionally, DeGroot added that it places the liability on the applicant to ensure the list is accurate. Commissioner Mead believed this new process was a positive.

Directing Dir. DeGroot’s attention to the Notice Requirements, Commissioner Mead pointed out that staff was deleting the words “or text amendment” and asked whether that meant there would be no notice for a text amendment, or, would the notice be different for a text amendment? Dir. DeGroot explained that a text amendment, such as tonight, does not get notified to property owners because it is a citywide amendment; however, notification does occur in the Daily Herald and on the City’s website. As for the words “five working days,” Mead stated he typically hears “five business days.” Dir. DeGroot, said he used another part of the code as a template but either was fine with him. Commissioner Case stated he supported the 500 feet and the second mailing but voiced concern about the cost to the City for the public notice signage, its size and the information on it, wherein Dir. DeGroot explained the sign would be more of a generic real estate sign, possibly attaching a laminate insert to provide informational flyers. Commissioner Evans suggested directing the residents to the City’s website with the information on the sign.

Continuing, Dir. DeGroot explained that the interactive mapping link will be presented to each of the commissions and city council, followed by a news release next week. He suggested that commissioners create their web profile in order to receive notices on upcoming development projects.

Referring to the first notice that takes place (8 weeks prior), Commissioner Dziadus inquired if that notification could be used by staff as a vetting process for the projects so that staff could return to the applicant with feedback to adjust the plan before it comes before the commission, wherein Dir. DeGroot stated that was the intent and staff already makes an applicant aware if something is going to be of concern. While DeGroot explained that the city does not have the ability to tell an applicant its application will not be advanced to the commission unless concerns are addressed, it is the applicant's right to vet the application in a public hearing with the Plan Commission's recommendation. Chairman Stocking also added that with the applicant knowing their application will be notified, they may, in advance, hold a neighborhood meeting to address neighbor concerns prior. Dir. DeGroot confirmed that he always encourages that type of activity early on.

Regarding the perception issue, Commissioner Case voiced concern about the public's "perceived" perception of applications being "done deals" and inquired as to how that comes about, explaining that he likes to mention at the meeting that the commission is a recommending body. Dir. DeGroot proceeded to explain how that perception can be misconstrued through the public's eyes, which is why he brought that to the attention of the City Council and strategic planning in order to change that perception. Commissioner Mead also thought this new process would help the perception issue too, especially with such controversial developments as the Marquette development. Totaling alleviating it, however, he said, depended on nature of the project.

Per the chairman' question on the county's notification requirement, Commissioner Dziadus stated that Kane County required a notification distance of 250 feet. Asked what the process was for applicants withdrawing their proposals or if a development was not approved, Dir. DeGroot turned to the interactive web site and showed how the site would be updated with the appropriate information. He stated that residents could sign up for periodic updates on a specific project. Asked if it would be helpful to have the interactive site shown to the public prior to a meeting, Dir. DeGroot stated his intent was to show the interactive web site to the City Council, which is televised, and then to send out a press release and place the information in the city's newsletter. It would also be kept as a feature on the city's web page. Lastly, Dir. DeGroot encouraged the commissioners to make their neighbors aware of the website information.

Motion by Commissioner Mead to close the public hearing. Second by Commissioner Evans. Roll call:

Aye: Case, Dziadus, Evans, Leidig, Mead, Slifka, Stevenson, Stocking

Nay: None

MOTION CARRIED. VOTE 8-0

Motion by Commissioner Mead to waive the bifurcated process and vote on the matter. Seconded Commissioner Stevenson. Roll call:

Aye: Case, Dziadus, Evans, Leidig, Mead, Slifka, Stevenson, Stocking

Nay: None

MOTION CARRIED. VOTE 8-0

Motion by Commissioner Mead, seconded by Commissioner Evans for approval of a Zoning Ordinance text amendment 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, as presented herein the staff report. Roll call:

Aye: Case, Dziadus, Evans, Leidig, Mead, Slifka, Stevenson, Stocking

Nay: None

MOTION CARRIED. VOTE 8-0

Public Comment

Dir. DeGroot reported the owner of Lot 2 in Fabyan Crossings (old Dominicks building) has filed an application for changes to the building elevation for two new tenants and submitted changes to existing land/sign plans for the entire center. A few modifications to the parking lot will be made. The application is expected for the April 13, 2017 meeting. The Aldi expansion was also approved by City Council. The Geneva Commons plaza amendments have moved forward to the Committee of the Whole meeting on Monday, March 27, 2017.

Other Business

City Planner DeGroot recalled there was discussion about holding a commission workshop. Some of the topics he thought could be addressed at that time included a review of the commission's Bylaws, the powers and duties of the commission, different applications, a brief summary of adopted plans, and going through what the review process was before plans were submitted to this commission. He summarized that every two weeks the development staff meets to discuss and review developments coming in and to work through any issues. Details followed. DeGroot asked the commissioners to contact him with any suggestions.

Commissioner comments included reviewing the City's master plan and discussing potential areas of change or opportunity sites and also the public's perception that what the commission identifies as an opportunity site is not necessarily written in stone. Dir. DeGroot stated this same issue arose and staff discussed it with the city council at its November workshop. He shared an example: if a plan came in that was not consistent with the comprehensive plan should an applicant first petition to amend the comprehensive plan and, if it gets approved, have them return with a zoning change or a development proposal but treat them separately? Details followed on the benefits and the negatives. Council's conclusion, per DeGroot, was to leave it up to the applicant but ultimately letting them know they run the risk that their proposal is not consistent with the City's comprehensive plan.

Discussion then followed on the challenges the larger projects bring to the commission, citing Marquette as an example. Staff agreed that separating out the various issues could be addressed but focusing on each specific item was key. From his experience, however, he knows that developers are more focused on a timeframe versus the risk of developing plans that may not get approved.

Again, Chairman Stocking said his main issue was the zoning in the downtown area and that it may not be in conformance with the City's plan. Dir. DeGroot added that money has been budgeted for a zoning update and it is a priority goal of the council for this fiscal year.

On other topics, Commissioner Mead reported on his recent attendance at a St. Charles Plan Commission meeting where Executive Capital Corporation's Prairie Winds plan with 250 apartments behind Lowes was recommended for approval. Earlier this year, Shodeen received approval for a 690 multi-unit development along Route 38, near Randall Road, bringing the total number of new housing units near the Randall Road and Route 38 intersection close to 1,000 units. Commissioner Evans commented that with such increases in multi-family housing in St. Charles and Batavia and with Geneva being so close, it will probably impact the Marquette property as far as how many units can be supported. Dialog also followed that traffic congestion at Randall and Route 38 would result with these two new projects. DeGroot agreed and noted that while the developments were good for Geneva's restaurants and retail, they would impact the city's roads and services.

Adjournment

Meeting was adjourned at 7:50 p.m. on motion by Commissioner Evans, seconded by Commissioner Leidig. Motion carried unanimously by voice vote of 8-0.