



Public Comment

(received via email)

City Council Meeting

January 4, 2021

From: [Michelle Rueth](#)
To: [Public Comment](#)
Subject: ? We Support Emma"s Landing
Date: Sunday, January 3, 2021 9:47:46 AM

We have lived in Geneva for 16 years. The property values in our neighborhood, Fox Run have declined since we built in 2004. I believe creating affordable housing would attract more people to settle and grow in Geneva. The opportunity to establish a life in Geneva through affordable housing will create potential buyers for existing homes in neighborhoods such as ours.

Please approve this development so that our community can be more inclusive-for the betterment of us all.

Michelle Rueth

Sent from my iPhone

From: [Rod Nelson](#)
To: [Public Comment](#)
Cc: askus@co.kane.il.us; [Hruby, Becky](#); [Maladra, Craig](#); [Kilburg, Dean](#); [McGowan, Jeanne](#); [Bruno, Mike](#); [Marks, Richard](#); [Swanson, Robert](#); [Burghart, Tara](#); [Kosirog, Brad](#); [Kaven, Gabriel](#); tsimonian@arrayenterprises.com
Subject: Code/Public Health Violations at Dunkin" Site at 206 E State Street and Crissey Avenue Geneva
Date: Monday, January 4, 2021 6:02:14 AM
Attachments: [Dunkin encroachment.pdf](#)
[Dunkin orderbox set back 73 feet stacking lane to order box -10 feet.pdf](#)

6 am 4 Jan 2020

For Public Comment City Council/COW Meeting 4 January 2021

To the Geneva City Council:

The Dunkin site at 206 E State Street and Crissey Avenue is very slowly taking form and likely will soon seek from the City of Geneva under your authority a permit to begin operations.

Until the following Geneva Code violations are rectified such a permit cannot be lawfully granted according to the plain language of the Geneva Municipal Code. Please see Attachments.

Could you please explain how the developer of the site intends to rectify these code violations? These violations include but are not limited to 2 dimensional requirement deficiencies: length of stacking lane and distance to rear property line (residential under the Comprehensive Plan) of the ordering box. One absolute prohibition that creates a violation is the three-foot encroachment of the retaining wall structure into the public right of way of Crissey Avenue.

In addition, the location of the dumpster a few feet from the order window (where flies can enter the open vehicle windows) violates best public health practices, which recommend the dumpster be placed as far away as possible. Has the Kane County Health Department approved this location?

A 20-foot rear setback was required by you based on your Comprehensive Plan (Standard 1 of the Special Use Permit process). It appears that the developer also ignored or overlooked several other requirements of the Geneva Special Use Process invoked by Standard 8.

Finally, the Ordinance 2018-36 granting the Special Use contains this requirement: SECTION 5: APPLICABILITY OF CODES Except as otherwise specifically provided herein, DEVELOPER shall comply in all respects with the applicable provisions of the Geneva City Code and other City ordinances pertaining to the development in effect at the time DEVELOPER makes application to the City for a building permit or permits in connection with the construction of buildings or structures on the SUBJECT REALTY, whether or not any of such ordinances are amended after the date hereof.

Neither the Illinois Statute 65 ILCS 5/11-13-1.1 (enabling act that authorizes the granting of Special Use Permits by municipalities) or the Geneva Code governing special permit use applications contain the words variance, relief, deviations or any other words with similar meanings. "Conditions" may be attached but any "condition" must be more restrictive than the minimum requirements of your code.

Thanks for your attention to these important issues. I look forward to your response and prompt corrective action.

Sincerely,

Rodney B. Nelson, M.D., F.A.C.P.