

PLANNING AND ZONING COMMISSION MINUTES
City of Geneva
109 James Street - City Council Chambers

February 11, 2021 – Meeting #22

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. He read a statement regarding the proceedings for the remote meeting and reviewed the parameters in which the Planning and Zoning Commission would follow. City Attorney Ron Sandack explained to the commissioners the confines under which they were to review and consider items during their deliberation.

Roll call followed:

Present: Chairman Stocking; Commissioners Evans*, Holomon*, Mead, Slifka*, Matyskiel*, Rittenhouse*

Staff Present in Chambers: Community Development Director David DeGroot; City Planner Chayton True; City Attorney Ron Sandack

Also Present: Applicant, Tracey Manning for the Burton Foundation*; Sonntag Court Reporter Joanne Ely*, Recording Secretary Celeste Weilandt*

(* Remote)

Approval of the Agenda

Motion by Commissioner Mead, second by Commissioner Slifka to approve the agenda as presented. Roll call:

Aye: Holomon, Evans, Matyskiel, Mead, Rittenhouse, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE: 7-0

Approval of January 28, 2021 Minutes

Motion by Commissioner Mead, second by Commissioner Slifka to approve the January 28, 2021 minutes, as presented. Roll call:

Aye: Holomon, Evans, Matyskiel, Mead, Rittenhouse, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE: 7-0

Public Hearing *(continued from January 28, 2021)*

A. Emma's Landing – Annexation; a Comprehensive Plan Amendment, Preliminary/Final Plat of Subdivision, and Final Planned Unit Development Plan to allow the construction of a 45-unit affordable rental townhome project. *Location:* Generally located north of the Lewis Road and Heritage Court intersection; *Applicant:* The Burton Foundation, represented by Tracey Manning.

Chairman Stocking reminded the commissioners and public that much public testimony was taken on this matter. Commissioner Mead suggested that Director DeGroot highlight what changes/addition were made in staff's report from the last meeting.

Development Director DeGroot reviewed the changes/revisions that were made to staff's report under Review Comments and Staff Analysis (page 6 of report):

1. Under *Annexation* – The Planning and Zoning Commission is not required to make a recommendation to the City Council on this item.

2. *Preliminary/Final Plat of Subdivision (1st bullet point)* – The density for this development was reviewed as compared to the surrounding townhome developments in Sterling Manor and those approved in the City over the past five years.

3. *Affordable Housing Incentives* – If developers provide at least 15% of the development as affordable the developer is eligible for incentives. Because the proposed development is part of the Sterling Manor Subdivision and, if developed, it would represent 19% of the total townhomes. 27 of the 45 units of Emma's Landing would qualify for affordable units under the City's incentive requirements.

4. During public testimony there were concerns about the building orientation of the units from Lewis Road. Director DeGroot explained that Buildings 1 through 4 will have six trees planted in the rear to obstruct the rear view of the units. A 125-foot buffer also exists between Lewis Road and the subject units and there is a substantial grade change to obstruct the view of those units.

5. *Traffic and Parking* section (page 9) – This section was updated to reflect the testimony provided during the January 25, 2021 portion of the public hearing which included additional traffic counts.

6. The *Stormwater* section was updated based on the testimony provided at the January 28, 2021 public hearing. The City's public works department and stormwater consultant --WBK -- reviewed the project and confirmed that it complied with the Kane County Stormwater Ordinance, water runoff would be less than what existed currently and while drainage issues did exist, the City was looking to explore, identify and recommend how to address the development but it should not exacerbate the water conditions.

7. *School District and Park District Cash Contributions* (page 11) – Additional information was provided, as indicated in the Land Cash Worksheet: the development is expected to generate 10 students (not 100 students). The Just the Facts sheet posted on the City's web site over the summer was in error. DeGroot explained that an explanation was provided on how student figures were calculated and how funds were to be used. Enrollment figures were noted as declining and the school district had no concerns about this development or any other development generating students in the past 5 years.

8. DeGroot referred to page 13 regarding its recommendation, along with the conditions that should be incorporated into any motion made.

Chairman Stocking noted an error on Page 3 under Item 3 near bottom, pertaining to Ordinance 2013-13. He confirmed with staff that Ordinance 2013-13 should be corrected as Ordinance No. 2013-37. Staff concurred.

Commissioner Mead brought up the topic of landscaping (page 10 of staff report) for the development and the fact that the commissioners could add conditions, if deemed appropriate, along the north property line. Mead then confirmed with Director DeGroot that the screening could be a combination of fencing and plantings. He supported some level of screening but suggested that the applicant's final plans be worked out with staff. However, Director DeGroot asked for guidance on the condition so that the commission's intent would be met.

Discussion among commissioners centered around the mixture of trees, gaps between trees, shrubbery, noise buffering and transitional yard buffering. After further clarification and examples, Commissioner Mead provided wording for an additional condition: "landscaping screening acceptable to City staff comprised of a combination of trees and shrubs (at least 50% evergreens) providing landscape screen covering between 60% and 65% of the property line length with gaps between plantings of not more than 10 feet."

Commissioner Mead then shared some of the recurring themes raised during testimony which included traffic. The initial traffic study for this project used data from 2018 and CMAP projections to 2026. Given the pandemic and lower volumes of traffic, including slower land development due to the pandemic, he was fine with the approach. Additionally, Mead recalled the parking and traffic figures for the 350-unit multi-family development along Bricher Road (behind Lowe's) had been minimal and he drove the area daily. The proposed development's parking was ample. The traffic and parking impact was also acceptable for the proposed 45-unit project. Chairman Stocking concurred.

Regarding density, Commissioner Mead stated the site was acceptable for 6 units per acre, as compared to other developments per acre, citing examples. He stated 6 units per acre would be low- to medium-density for the development, which he supported. As to building orientation, he noted that four interior buildings had any part of their rear elevation exposed at any given time and reminded the commissioners there was a 125-foot buffer of land which included a playground and access road. In summary, he believed the area would act as a front door where people could rest on benches near the playground. Building orientation was not a concern. Addressing water runoff and flood control, Commissioner Mead indicated the development had 49.6% coverage versus the 60% that was allowed. It provided more permeable space and the stormwater retention was calculated under current water standards versus the outdated 1991 design for the area. Furthermore, from testimony taken, the stormwater would capture the run-off, slowly release it, and possibly improve the area's run-off.

Commissioner Mead discussed the two variances being requested: the first being a longer cul-de-sac than typically allowed, due to certain existing land conditions. He believed the request was acceptable and consistent with other properties in the City who had made similar variance requests. As for the second variance, which was the shortening of the maximum offset centerline distance for the intersection of Emma's Landing and Heritage Court at Lewis Road, after considering the developer's efforts to get the those onset as much as possible and the limited amount of traffic coming off of Heritage Court or the proposed development, Commissioner Mead believed the potential for conflict was low.

Regarding property values, Commissioner Mead stated that due to the quality of the construction, the appropriate density, size and layout of the development, and the good maintenance he witnessed at two other Burton Foundation residences, Mead believed the proposed development would not have a negative affect on nearby property values and would prove to be a better use of the land versus a water treatment plant.

Commissioner Slifka also concurred on some of the common issues that were raised and was in agreement with Commissioner Mead's comments. From a density perspective, he stated it worked functionally; the building orientation was fine – pointing out other townhome units along Lewis Road had their backyards exposed and this development would be located further away from Lewis. He also supported the various building designs because they were not all the same. Commissioner Evans appreciated staff addressing the points raised in the staff report. Furthermore, she voiced that the proposed development had less troubling aspects among those items that the commission was responsible for in most of the projects that had appeared prior before the commission.

Chairman Stocking added that the density of the 6 units per acre requirement had been consistent since 1991 and had been envisioned for the site for many years. The Chairman entertained a motion.

Motion by Commissioner Mead to approve an amendment to the City's adopted Comprehensive Plan to change the future land use designation for Parcel 12-08-200-073 from "Open Space" to "Single-Family Attached Residential", subject to staff's findings of fact. Second by Commissioner Slifka. Roll call:

**Aye: Holomon, Evans, Matyskiel, Mead, Slifka, Stocking
Nay: Rittenhouse**

MOTION PASSED. VOTE: 6-1

Motion by Commissioner Mead to approve Preliminary/Final Plat of Subdivision Approval for a 15-lot subdivision of Parcel No. 12-08-200-073 to allow for the construction of 45 affordable rental townhome units. In accordance with Section 12-3-1(F) of the City's subdivision regulations, the applicant is also requesting two variations and exceptions: a) From Section 12-3-2(F) to increase the maximum allowable cul-de-sac length from 500 feet to 1,136 feet; b) From Section 12-3-2(J) to reduce the maximum allowable center line offset of intersecting right-of-ways from 125 feet to 25 feet, subject to staff's findings of fact and further subject to the conditions in staff's report on page 13, as follows:

- 1. The table on the Landscape Plan shall be revised to state that 6 trees are required for internal landscaping and 6 trees are provided for internal landscaping;**
- 2. The Landscape Plan shall be revised to relocate and/or remove the parkway trees shown on the pavement of Emma's Way near its intersection with Lewis Road. No more than 2 of these 3 trees may be removed;**
- 3. An affordable housing agreement, in accordance with Section 11-16-7 of the Zoning Ordinance, shall be approved by the City Council prior to building permit issuance by the City;**
- 4. Final engineering shall be approved prior to building permit issuance by the City;**
- 5. A backup Special Service Area shall be established to ensure City has the ability to maintain the detention area in the event it is not properly maintained by the management company;**
- 6. The applicant shall make a cash contribution of \$66,268.13 to the Geneva School District;**
- 7. The applicant shall make a cash contribution of \$274,725.00 to the Geneva Park District; and**
- 8. Landscaping screening to be acceptable to City staff and comprised of a combination of trees and shrubs (at least 50% evergreens) providing landscape screen covering between 60% and 65% of the property line length with gaps between plantings of not more than 10 feet, shall be incorporated into the design.**

Second by Commissioner Slifka. Roll call:

**Aye: Evans, Holomon, Matyskiel, Mead, Slifka, Stocking
Nay: Rittenhouse**

MOTION PASSED. VOTE: 6-1

Motion by Commissioner Mead to approve Final Planned Unit Development Plan Approval for Alternative Area IV (Parcel No. 12-08-200- 073) of the Sterling Manor Planned Unit Development to allow for the construction of 45 affordable rental townhome units, subject to staff's findings of fact. Second by Commissioner Slifka. Roll call:

Aye: Evans, Holomon, Matyskiel, Mead, Slifka, Stocking
Nay: Rittenhouse

MOTION PASSED. VOTE: 6-1

Per Director DeGroot, the above recommendations would be forwarded to the City Council for their meeting on February 22, 2021. Chairman Stocking commended staff and commissioners on their efforts on this application.

Public Comment

Chairman Stocking opened up the meeting to public comment.

Mr. Rodney Nelson, resident, appreciated the commissioners' comments; however on 1/28/2021 he stated he was never called upon to speak, expressed concern that he was not able to speak, and it was done deliberately. He did speak to staff via a text, explaining he wanted to cross-examine the applicant but was deprived of it. He found concern that the number of the students attending was 100 and would cost the school district \$2.2M Dollars a year but then the number was corrected to 10 students which he believed neither number was credible. Mr. Nelson voiced concern about the number of bedrooms and their occupancy, the development's affect on traffic, concern about the bias nature of the process, and not following Robert's Rules. He asked the commissioners to work on improving their process.

Chairman Stocking apologized for Mr. Nelson not being able to speak at the meeting, however, he noted that Mr. Nelson's comments were received because he did read them.

Ms. Lindsay McAll expressed her disappointment in the commission's decision – given that there was 7 hours of testimony and the commission made its decision in less than an hour. In reviewing the City's Comprehensive Plan, she discussed the demographics of the City, pointed out the plan's goal to encourage open space in residential communities and to explore open space potential in vacant lots and preserve natural open spaces. She stated the commission chose to amend the plan and sided with a developer over the City's residents and now set a precedence with future developers. Ms. McAll confirmed with Director DeGroot the next City Council date for this matter, which was on February 22, 2021. She believed the matter was being pushed through and said the residents needed time to "digest" what was proposed tonight.

Mr. Scott McCloud attended tonight's meeting, voiced concern about the commission taking less than an hour to make a decision. He supported affordable housing and explained his professional experience with such developments. He asked 1) what facts existed that stated the value of housing around such developments increased; 2) how long did the South Elgin site take for complete build-out and was it kept on budget; 3) what facts existed that the building materials were the same quality or better than surrounding neighborhoods; 4) whether a community group for affordable housing was ever formed because Mayor Burns and he discussed having him participate on it; 5) asked why the City acted so fast to turn the donated land to a land purchase when the property sat as surplus for several decades and only in 2013 was it proposed to be for affordable housing; 6) did the City look into other development possibilities for the parcel; and 7) could the Burton Foundation provide statistics that show the success for affordable rental housing versus converting renters to home owners. A list of his own statistics for home ownership followed. Lastly, Mr. McCloud shared a conversation he overheard

between the applicant and Mr. Lane Allen, believing this matter was a “go-ahead” prior to the meeting. He thanked Commissioner Rittenhouse for listening to his constituents.

Mr. Martin Autominelli (phonetic) thanked the commission for their work and effort but did not like the outcome. He pointed out that staff explained to the commissioners what was within the scope of consideration for the commissioners to review. However, he asked 1) where those issues that are left unanswered get addressed, specifically the residency and application process; 2) for clarification on the number of students coming from the development; and 3) for clarification regarding the comment that only 27 of the 45 units would qualify as affordable housing under the City of Geneva’s parameters.

Other Business

Director DeGroot reported that staff was working on some text amendments that will be forthcoming.

Commissioner Rittenhouse proceeded to voice concern about the overall process of the commission and the role of the commissioners as volunteers, given that the neighbors spoke for a total of 7 hours and the commission was not supposed to take those comments into account. Specifically, he spoke about a conflict of interest existing. He voiced frustration that if certain items are not to be discussed and not to be considered in the commission’s final determination, then they should not be brought up.

In response, City Attorney Sandack explained the obligations of the Planning and Zoning Commission as it relates to public hearings and as required under Illinois law. However, Mr. Sandack proceeded to explain that public comment cannot be quelled in the governmental arena, the public must be allowed to speak, and the commission cannot tell them what not to say, even if they go off topic. He stated the commissioners can ask them to stay within the confines of the Planning & Zoning mission which is land use, traffic, stormwater, etc. but it does not necessarily happen. Attorney Sandack provided further clarification and offered to look into the conflict of interest matter if he felt one existed. Further dialog followed from Commissioner Rittenhouse regarding the email he sent to staff and commissioners to find out if a conflict of interest existed or not. Chairman Stocking also reminded Commissioner Rittenhouse that the City Council will receive all of the written comments and actual commentary on the case and would hear from the public again at their meeting. He reiterated that the public has to be allowed to speak and Council has the final decision.

Director DeGroot provided brief updates on some development projects.

Adjournment

Meeting adjourned at 8:45 p.m. on motion by Commissioner Evans, second by Commissioner Mead. Roll call:

Aye: Holomon, Evans, Matyskiel, Mead, Rittenhouse, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE 7-0