

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

**May 13, 2021 – Meeting #24**

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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 and in-person meeting and reviewed the parameters in which the Planning and Zoning Commission would follow.

Roll call followed:

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

Staff Present City Planner Chayton True

Also Present: Applicant Bill Bush, 501 E. State Street, Geneva; Resident Mr. Rodney Nelson; Court Reporter Joanne Ely with Planet Depos and Recording Secretary Celeste Weilandt\*

(\* Remote)

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**Approval of the Agenda**

**Motion by Commissioner Matyskiel, second by Commissioner Evans to approve the agenda as presented. Motion carried by voice vote of 6-0.**

**Approval of April 8, 2021 Minutes**

**Motion by Commissioner Evans, second by Commissioner Slifka to approve the April 8, 2021 minutes, as presented. Motion passed by voice vote of 6-0.**

**Public Hearing**

**A. Zoning Ordinance Text Amendments** – A text amendment to Section 11-6E-2 (Permitted Uses) to add “drugs and cosmetics store” to the list of permitted uses in the B3E Business District and a text amendment to Section 11-12-4 (Permitted Signs in Zoning Districts) to allow electronic message board signs in the B3 Business District. *Location:* East State Street between Kane Street and Harrison Street. *Applicant:* Bill Bush of Geneva Pharmacy, LLC

City Planner Chayton True read into the record the contents of the Planning and Zoning Commission file.

Applicant, Bill Bush, 501 E. State Street, Geneva, explained his request for a text amendment and change in permitted signage. Mr. Bush explained he would like to start an independent retail pharmacy since the closing of Riley Drugs in January 2021 and since no other independent retail pharmacy exists in the Tri-cities. He explained the services that his pharmacy is able to offer that the big box pharmacies do not offer while providing quality and access to local and nationwide services. Mr. Bush explained the reasons for his request for a zoning text amendment and his requirements for a pharmacy location. A list of 10 site considerations followed, noting that the 501 E. State Street location was the best location for his owner-occupied business.

A historic photograph of the site was referenced, followed by the current front elevation of the structure and the proposed adaptive reuse of the structure as a specialty retail use. Because the

square footage of the site was low, Mr. Bush explained it allowed for a low number of patrons at any given time, had a low need for parking, and was located close to its customers. While the City's comprehensive plan allowed for the commercial development of the site, the B3E was the only district where a drug and cosmetics store was not an allowed use unless a zoning text amendment was made.

Regarding the request for an electronic content-changing signage, Mr. Bush believed this technology was becoming more mainstream and was what patrons and customers had come to expect as far as communicating with them. While such signage was approved in every other zoning district, Mr. Bush stated the only district that it was not permitted in was the B3E district. Mr. Bush reiterated he was not asking for any exception to the existing signage rules. An example of such signage followed, noting it was just a representation, but it would conform with the signage code and with the future development of the IDOT roadway project. In addition, Mr. Bush referred to photographs of his three other remodeled pharmacies in the Chicagoland area: Lombard, Manteno, and Wilmington, Illinois.

Commissioner Mead inquired about the definition/category of a "pharmacy/cosmetic store", wherein, Mr. Bush explained that within the municipal code it was not a defined category and he was looking to dispense pharmaceuticals (not medical marijuana) just as the community has done with Riley Drugs. However, Planner True explained the use was labeled as "drug/cosmetic store" because that was how it was named in other sections of the City's code. For consistency purposes, staff kept the title. As for the electronic signage, Commissioner Mead understood what was allowed in the districts to the east and west but pointed out the subject area appeared to be a transition area between the two districts. While Mead could support the signage, he felt the need to have a discussion about whether it should be a special use due to the site being located in a highly residential area; the Chairman concurred. In addition, Mead pointed out the 18 affected lots could potentially request signage on each lot. Planner True explained the zoning ordinance did not require a special use for such signs in other commercial districts and while the 18 lots could request signs in the B4 district, the request would be above and beyond what the code required for this district.

Commissioner Evans inquired why such retail use was excluded along this portion of State Street wherein Planner True believed it was possibly due to keeping the existing small scale residential homes yet allow the commercial, as called for in the comprehensive plan. As for the particular use, Mr. True was unsure why it was not allowed. Commissioner Evans confirmed with staff that the applicant could raze the home and replace it with a newer building; yet keeping it the same was furthering the plan's goal and a benefit for the applicant. As for the signage request and the size of the sign, Mr. True did not know why this specific area of State Street did not allow the signage but surmised it was to keep within the small scale structures of the area. Referring to how the code is currently written, Commissioner Slifka confirmed with staff that every lot for this district could potentially have an electronic sign no higher than 10 feet and there was no requirement regarding the distance between the signs. Per Commissioner Holomon's question, Planner True explained the Design and Development Guidelines as it relates to lighting and messages.

Applicant, Mr. Bush explained the reason for his signage was due to the structure's limited display window space. By allowing the signage it communicated information to the community. While the signage could display a variety of colors, Mr. Bush explained he would keep the signage fairly simple due to the age of the patrons. Asked if a monument sign could be allowed in the district versus a tall pylon sign, Mr. Bush offered that his sign would be lower at 10 feet. However, he offered to research a monument sign since he really did not favor a pylon sign. Commissioner Evans supported electronic monument signs as a permitted use versus a special use. Commissioner Mead, however, noted the lots were smaller in size as compared to other commercial lots. As to the number of signs or size, Mr. Bush indicated that other communities used the amount linear footage of roadway to determine sign size. Commissioner Holomon also supported a monument sign.

A general dialog followed regarding the future widening of State Street (by IDOT), wherein staff was not aware of IDOT's project timeline. However, Mr. Bush explained that IDOT did have plan and they would be seeking additional right-of-way. Per Chairman Stocking's question regarding parking requirements, Mr. Bush explained that within the parking easement agreement (with Gen Hoe), his site would include seven (7) dedicated parking spaces -- one meeting ADA compliance -- along with an appropriate ADA entrance.

Commissioners then spoke on how they wanted to proceed -- such as approve the use first and then have staff research the how to regulate signage/number of signs and work out the formula later.

Mr. Bush explained that he preferred the approval of the use, with the approval of the sign to be discussed at the next meeting since he would not be addressing that matter for another month. Asked if the public hearing could be held open to address the signage and for staff to return with more information, Planner True suggested keeping the hearing open, given that both text amendments came in as one application. (If continued, this matter would be first on the May 27<sup>th</sup> agenda.)

Adding to the dialog, Mr. Bush said he was waiting for a demo permit approval by the Illinois EPA and he would be waiting two weeks and so it would not be an issue. Further dialog followed.

Chairman Stocking opened up the hearing to public comment.

Speaking remotely, resident Mr. Rodney Nelson, stated his property adjoins the B3E district and he was within the 500 feet of the subject site. He explained that the site was not on the Lincoln Highway as referenced by the applicant. In addition, Mr. Nelson commented that demolitions were behind in the City due to the lead paint issues. He supported an independent pharmacy. Regarding the widening of State Street, he believed there would be no widening of State Street due to the lack of funding for the acquisition of right-of-way. In addition, he commented that one of the goals in the city's Comprehensive Plan was to improve pedestrian safety in the area; however, the sidewalks in the area were located close to the curb. Also, he explained that most of the money for the widening came from CMAQ (Congestion Mitigation and Air Quality) federal funding. Mr. Nelson talked about his research of specialty retail use within the City's code for the B3E district and the fact it was not an accident that drugstores were left out of the district. As for the signage, he believed it would distract drivers in an already congested area. He did not support the use.

No further public comment followed.

Chairman Stocking asked staff for its reason why the application was not for a special use versus a permitted use wherein Planner True explained it was how the applicant proposed it in the text amendment submitted. Chairman Stocking, in considering the area and such, did not review the B3E special uses and mentioned that the commission may have to consider the lot size, character of the area, and the drive-through etc. before approval.

Mr. Bush understood the drive-through would require a special use application and would be a separate request. His goal was to have the business up and running this summer and then apply for the drive-through lane in September/October 2021, which Planner True confirmed that the applicant would be seeking future text amendments; however, in the current B3E district, he clarified that drive-throughs were not a special or permitted use. Chairman Stocking believed for this use, the drive-through should be reviewed carefully and not be a permitted use given the tightness of the area and nearby residential.

Planner True then inquired of the commission what makes this use (drive-through) a special use versus a permitted use, wherein the Chairman pointed out it was accessibility to the site on a busy road and given the age of the customers driving to the site, acquisition of lot size, and repurposing the

building versus razing the building. In response, Planner True discussed the lot depth challenges of the State Street lots which, he pointed out, would not provide much room for a massive development since residential zoning existed directly behind the lots. Asked what would have happened if the drive-through request was not submitted with the application and whether the application would have to return to the commission for review, Planner True proceeded to address the applicant's other requests for text amendments including the eventual drive-through.

Mr. Bush explained his current plan was to open the operation of the store following with the submittal of the special use permit in the next 30 days with City approval the last meeting of September or October. Further clarification by the applicant followed.

**Commissioner Mead made a motion to continue the public hearing to May 27, 2021 to address the issue of electronic message board sign proliferation and special use versus permitted use for "drugs and cosmetics store", second by Commissioner Evans. Roll call:**

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

**Nay: None**

**MOTION PASSED. VOTE: 6-0**

**Public Comment** – None

### **Other Business**

Planner True stated the next meeting will include the above agenda item, along with a public hearing scheduled for the Verizon Wireless communication tower on Randall Road. Mr. True relayed that the Verizon wind test was completed on May 3, 2021 and some public comments were received. Commissioner Holomon asked that the public comments be forwarded to commissioners as they arrive; staff concurred. Mr. True reported that Malone Funeral Home will be seeking a special use and variation request. An application was received for a property located at the northwest corner of Old Kirk Road and Reed Road that seeks to be annexed along with a comprehensive plan amendment. Details followed. Comments followed on the east side Dunkin Donuts project.

### **Adjournment**

**Motion by Commissioner Evans, second by Commissioner Mead to adjourn the meeting at 8:30 p.m. Motion carried by voice vote of 6-0.**