

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

July 23, 2020 – Meeting #12

Vice Chairman Mead called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. Roll call followed:

Present: Vice Chairman Mead; Commissioners Elsberg, Evans (remote), Kosirog, Rittenhouse, Slifka

Absent: Chairman Stocking

Staff Present: Community Development Director David DeGroot

Public Present: Frank and David Gore; Bennie Philippsen; Roy Donoso; Kevin Haddle, as applicant; Ron Dean as applicant; Fred Case, 3165 Husking Peg Lane; JoAnne Ely with Planet Depos; Recording Secretary Celeste Weilandt

Approval of the Agenda

Motion by Commissioner Slifka, second by Commissioner Kosirog to approve the agenda. Motion passed by voice vote of 6-0.

Approval of March 12, 2020 Minutes

Motion by Commissioner Kosirog, second by Commissioner Slifka to approve the March 12, 2020 minutes, as presented. Motion passed by voice vote of 6-0.

Public Hearings

Vice Chairman Mead read the protocol for the public hearing.

A. Lappin PUD – Request for an amendment to the Lappin Planned Unit Development, established under Ordinance 2002-45 and amended by Ordinance 2019-16 to remove restrictions for office uses on the first floor. Location: 426 S. Third Street. Applicant: Dr. Kevin Haddle (Enlightened Wellness Enterprises LLC).

Director DeGroot read into the record the contents of the Planning and Zoning file.

Applicant, Dr. Kevin Haddle owner of 426 S. Third Street, explained the difficulty of retaining a tenant on the south side of the building due to the pandemic and discussed the overall financial challenges he was experiencing as a result. He asked the commissioners to consider his circumstance and approve a variance to allow Edward Jones to take over the empty space. If Edward Jones did not get the space, Dr. Haddle stated the firm would leave in three years due to wanting more space.

Vice Chairman Mead asked staff to explain the current restrictions on the property and what the applicant was seeking wherein Director DeGroot explained that when the ordinance was amended in 2019, the Lappin PUD did allow for office space on the first floor but it was capped at 40% on the first floor. In addition, office space was to remain in the rear of the building to allow for prime retail space in front. For informational purposes, the Dodson Place PUD allowed office space on the first floor with a 25% cap.

Discussion followed on the square footage for the Edwards Jones space and its need to connect to the former Needles and Things space with Commissioner Evans suggesting to divide the front space, giving enough space to Edward Jones but retaining a small retail portion. Dr. Haddle reiterated the opportunity that Edward Jones proposed to him. Another way to look at the percentages, Director DeGroot suggested the commissioners consider the percentage for the front retail: the 1500 square foot space was less than the 40% total retail space that fronts Third Street. Ideas followed.

Commissioner Kosirog, while sympathetic to the applicant's situation, suggested that the applicant have a shorter lease, wherein Dr. Haddle stated he could offer a 5 year lease to Edward Jones.

Vice Chairman Mead opened up the meeting to public comment.

Mr. Fred Case, 3165 Husking Peg Lane, asked the commissioners to support the applicant since the City always seemed to help businesses. He reiterated the hardship the applicant was going through, did not want the City to lose business, and supported the applicant's request.

Per questions, Dr. Haddle explained he was planning to sell the building, sell the practice due to the overhead and become an employee in health care. He would remain in the building, however.

(Vice Chair Mead proceeds to swear in those individuals that would be speaking or have spoken.)

Mr. Fred Case, 3165 Husking Peg Lane, asked if a compromise could be made to change the PUD just for the Edward Jones space. The applicant could keep the building and should the winery leave, retail could come in. Mr. Case suggested to amend the applicant's request to allow the Edward Jones space.

Given his experience with the City and retail space on Third Street, Director DeGroot explained there was a strong desire (for businesses) to be located on Third Street. He was not worried about changing to office space for the time being, because of that interest. However, he did not recommend setting a sunset clause on the use because it could become burdensome for an applicant to reapply for the extension.

Commissioner Rittenhouse voiced concern about setting a precedent and said if changes were to be made, the commission had to understand it was only due to the current environment. He recommended placing a time line -- whether it was a new building owner who has to return for the PUD or the when the end of the five-year lease was up.

Director DeGroot asked the commissioners to consider if amending the PUD for this space was going to negatively impact the character of the area and diminish the value of adjacent properties. If the commission believed it could make an adjustment and satisfy those standards then he said the commission could recommend approval. However, if for the long-term it would have a negative impact then the commission should recommend denial. Further discussion followed.

In reviewing staff's findings, Commissioner Kosirog believed the first two standards were difficult to justify. Commissioner Slifka believed that if a temporary change could be made it could be revisited, as did others. Commissioner Evans asked if the public hearing could be continued in order for staff to research the issue legally.

Dialog followed on whether to continue the public hearing and available dates.

Conversation was raised on different options to consider and the applicant's difficulty of maintaining tenants in general. In addition, DeGroot added that the findings of fact, as drafted by staff,

could be revised and have a restriction in place, if desired by the commission. Precedent setting was raised again by Commissioner Rittenhouse. Commissioner Evans understood the economic outlook for retail was probably not improving anytime soon and reducing the retail supply by such a small amount was not a negative to the overall well-being of the downtown area. In fact, she believed it could create a demand for other space. Supporting a time limit would be reasonable.

On that point, Director DeGroot noted the following vacancy rates existed in the downtown area: office at 4.6% versus retail at 9.5%. Staff believed having a time limit was inappropriate. Examples followed. Vice Chairman Mead supported the 40% restriction because it was a smaller space, was PUD-specific, and was limited to the 1500 sq. feet space on the south end of the first floor with no time limit. Commissioners Elsberg and Evans were also supportive, as was Commissioner Slifka, who said he could also support it but preferred getting a legal opinion on the timing issue. Commissioner Kosirog preferred to follow the comprehensive plan.

Motion by Commission Kosirog to continue the public hearing to a date certain, that date being August 13, 2020. Second by Commissioner Slifka. Roll call:

Aye: Elsberg, Evans, Kosirog, Mead, Rittenhouse, Slifka

Nay: None

MOTION PASSED. VOTE: 6-0

B. Zoning Ordinance Text Amendment – Request for a text amendment to Title 11 of the Geneva City Code (Zoning Ordinance), Section 11-11A-6 (Parking Spaces and Design Requirements), to establish separate parking requirements for one-bedroom and two-bedroom apartments located within one half mile of the train station. Applicant: SDC19017 LLC.

Vice Chairman Mead clarified that the applicant will be addressing both the text amendment (public hearing portion) and the site plan review but the two items will be voted upon separately.

Director DeGroot read into the record the contents of the Planning and Zoning file.

(Rittenhouse steps away at 8:13 p.m.)

Applicant, Mr. Ron Dean on behalf of Sumac Jupiter and SDC19017 LLC, reviewed a slide presentation of the proposed development for 609 S. Third Street on the overhead. He explained that the location for the proposed development was ideal (Rittenhouse returns 8:15 pm) and it was considered with regard to the City's comprehensive plan and to further redevelopment along Third Street. The property would act as an anchor along the southern portion of the City's Third Street corridor. Proposed were 60 units and 63 parking spaces because parking ratios are typically lower in such developments.

Of the 60 units, 45 units would be one-bedroom apartments (\$1800 to \$2,000 per month), 6 would be two-bedroom apartments (\$2100 to \$2250 per month), and the remainder would be one-bedroom units with a den (\$1900 to \$2100 per month). Two first-floor retail spaces were proposed on the Third Street side and would total just under 6,000 square feet. Elevations followed. Building materials will be cement board panels and siding, veneer stone on the corners; concrete and stucco to be on the parking garage. Parking spaces (25) will be located underneath the building and at the rear of the building. The parking entrance will be on Third Street.

Questions/comments from the commissioners pertained to: the building height of the proposed building as compared to the Dodson apartment buildings across the street (about 40 feet); having enough parking spaces; ingress/egress on Third Street (full access); the First Street entrance being close to the Third Street/First Street intersection; no variations being requested; and the type of retail that could be expected for the building (small eatery/caf /dry cleaner). Mr. Dean stated his company

was interested in purchasing a small city-owned parcel just south of the development for a café to provide outside dining. He proceeded to explain that this development offered a good opportunity.

Responding to commissioner questions, Mr. Dean discussed that parking ratios differed all over the board but the ratio of parking to units increased as one moved out of the area; however, the usage remained the same. The parking spaces would be leased. Commissioner Kosirog appreciated the packet information including creative ways to address parking, such as ride-share spaces, bike racks, etc.; however, he did not see those examples serving the residents, wherein Mr. Dean stated there will be bike storage as well as storage units on each floor. Mr. Dean also said he discussed with staff where additional parking could be found or leased, if needed. It was determined that parking spaces were available in the downtown area with different usages, i.e., a commuter used the parking lot from morning to evening, while a renter used the parking lot from evening to morning, thereby creating a co-sharing of parking lot use. However, Director DeGroot explained to commissioners that it became a timing issue for a renter to relocate his or her vehicle in the morning, so those spaces could not be relied upon. If anything, Director DeGroot mentioned the spaces could be used for guests.

Conversation was then raised regarding the usage of the parking garage, future parking, and whether future development in the area would be able to support parking. Commissioner Evans asked staff if it had any feedback from communities on their parking ratios and whether they were high or low, which Dir. DeGroot indicated he did not specifically, nor did he see any similar comments from a survey the City sent out. However, he did note that the CNT study did state that in the TOD areas, about 66% of the parking spaces provided were utilized but a large vacancy of overnight parking existed even with the reduced ratios.

Continuing to respond to questions, Mr. Dean relayed that the sidewalks around the building would remain and no affordable units would be included. If they had been required, he would have complied.

Commissioner Mead opened up the meeting to public comment.

Resident, Mr. Fred Case, 3165 Husking Peg Road, liked the project but did not like the reduction of parking and was concerned about overnight guests. He voiced concern about the access off of Route 31 and vehicles backing up. He asked what other cities do to accommodate guests for overnight parking, wherein Director DeGroot did not know and the information he did obtain was more about ratios. (Mr. Dean stated there were no plans for guest parking.)

In discussions with other developers who wanted to develop in downtown areas, Director DeGroot said the common theme was to reduce parking ratios to be in line with what was being proposed because they believed that was what the market supported and anything more was over parking.

Vice Chairman Mead invited the public to speak.

Mr. Frank _____, resident, asked where the parking was planned for the proposed retail units, wherein Mr. Dean pointed out there were dedicated parking lots in the vicinity or on-street. The resident also asked where the loading/unloading space would be located.

To Commissioner Elsberg's question, Director DeGroot explained that in 2001 the City passed an amendment to the ordinance that froze the amount of parking required for commercial and restaurant uses in the downtown area.

Per Commissioner's Mead's question, Director DeGroot proceeded to point out the boundary of the City that would be affected by the proposed text amendment. In further dialog, however, he then

proposed another potential boundary area (subject to provisions of 11-11A-4A of the zoning ordinance) which did not encompass as many of the residential sites as the first boundary. Per Rittenhouse's question, Director DeGroot proceeded to explain why the applicant was asking for a text amendment versus a variation. Vice Chairman Mead agreed that if a subset area could be defined, the opportunity to develop meaningful density in the area, under discussion, was very limited. Commissioner Rittenhouse voiced concern about making a broad change that could affect people negatively. However, Director DeGroot pointed out the amendment would be for parking requirements for new development, not existing. Clarification followed by the vice chair.

Commissioner Kosirog inquired as to what occurs when demand for parking becomes greater than what is available with regard to the current development and future development, wherein Vice Chairman Mead explained that for this development, the management firm would not be able to lease their apartments if all of the parking spaces were leased, which would drive management to locate more parking. Discussion followed that if the amendment passed, Vice Chair Mead recommended monitoring the site's parking to see whether the parking would need to be revisited for the district or possibly more. Many commissioners favored the newer boundary (white slide) that was proposed by staff, while Commissioner Kosirog thought it best to keep the boundary west of the river, but DeGroot pointed out the area was mostly single-family homes.

The Vice Chairman invited the public to speak. None came forward.

Motion by Commissioner Kosirog, second by Commissioner Evans to close the public hearing. Roll call:

Aye: Elsberg, Evans, Kosirog, Mead, Rittenhouse, Slifka

Nay: None

MOTION PASSED. VOTE: 6-0

Discussion followed on whether to make the border east of the river or west of the river.

Motion by Commissioner Kosirog to approve the text amendment for parking requirements for residential apartment developments as depicted in Map 11-11a-4 Subsection B, to require one (1) parking space for one-bedroom apartments and one and one-half (1.5) parking spaces for two-bedroom apartments, subject to staff's findings of fact. Second by Commissioner Kosirog. Roll call:

Aye: Elsberg, Evans, Kosirog, Mead, Rittenhouse, Slifka

Nay: None

MOTION PASSED. VOTE: 6-0

Site Plan Review

A. 609 S. Third Street – Request for Site Plan Approval to allow the construction of a mixed-use building consisting of 60 residential apartments, 6,014 sq. feet of commercial space, and 63 off-street parking spaces. Location: 609 S. Third Street. Applicant: SDC19017 LLC

Since the applicant already reviewed the proposal (see above), Vice Chairman Mead asked Mr. Dean to review Sheet No. C1.1 (of the agenda packet) regarding the potential conflict of entering the development on Route 31, just past the Third Street intersection when traveling north. Wherein Mr. Dean explained that no traffic study was warranted unless it was requested by the City. He pointed out the nearby Citgo station had two access points and would have to consider if they had issues. Vice Chair Mead stressed to the applicant that it was a concern and three lanes of traffic had to be crossed; a sight line issue also existed. Mr. Dean explained the sight line issue was addressed with staff

comments. Director DeGroot added that staff did not feel a traffic study was warranted with 60 apartments in a transit-oriented development and IDOT would also be reviewing.

Turning to the variance to allow the 22-foot wide drive aisle as compared to the required 24 feet, Mr. Dean explained how the drive aisle became tighter. Dialog followed on what it would do to someone trying to park, wherein Mr. Dean stated that the parking was private and would be familiar to the tenants living there daily as compared to the general public trying to park.

Lastly, Vice Chairman Mead understood that a stormwater review was done wherein Mr. Dean relayed some of the recommendations that were made by the stormwater engineer.

Motion by Commissioner Kosirog to approve the request for a site plan approval based on staff analysis beginning on Page 8 of the staff report, subject to the following three conditions in staff's report: 1) in accordance with Section 11-11A-4 of the Zoning Ordinance, relief is granted to reduce the required drive aisle width from 24 feet to 22 feet; 2) all signs shall comply with the regulations set forth in Chapter 12 (Signs) of the Zoning Ordinance and shall be subject to the applicable permitting and review processes established therein; and 3) final engineering approval shall be required prior to building permit issuance. Seconded by Commissioner Slifka. Roll call:

Aye: Elsberg, Evans, Kosirog, Mead, Rittenhouse, Slifka

Nay: None

MOTION PASSED. VOTE: 6-0

Public Comment - None

Other Business

Director DeGroot confirmed that the commission will now have a meeting on August 13th along with other projects. He reported that the City Council did approve the purchase sale agreement for the Lewis Road property which commissioners should see in a few months.

Adjournment

Meeting was adjourned at 10:03 p.m. on motion by Commissioner Kosirog, second by Commissioner Rittenhouse. Motion passed unanimously by voice vote of 6-0.