

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

September 24, 2020 – Meeting #15

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

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

Staff Present: Community Development Director David DeGroot

Public Present: Applicant Joe McMahon, 427 Fulton Street; Applicants Eric & Valerie Traxler, 2369 Vanderbilt Drive; Residents Charles Radovich, 700 Crawford, Geneva; Carl Austin, One Crawford, Geneva; Jon Grzywa, Steven and Wendy Kastel, 415 Fulton Street, Geneva; Dan Venard Patricia MacLachlan, 318 S. Fifth Street, Geneva; Alan Huth, 315 S. Fifth Street, Geneva; Parker Livingston, Joann Ely with Planet Depos; Recording Secretary Celeste Weilandt

(*Remote)

Chairman Stocking welcomed new Commissioners Adam Matyskiel and Rebecca Holomon.

Approval of the Agenda

Motion by Commissioner Mead, second by Commissioner Slifka, to approve the agenda as presented. Motion passed by voice vote of 7-0.

Approval of September 10, 2020 Minutes

Motion by Commissioner Mead, second by Commissioner Rittenhouse, to approve the September 10, 2020 minutes, as presented. Motion passed by voice vote of 7-0.

Public Hearings

Chairman Stocking explained the protocol for the public hearing and swore in those that would be speaking.

A. Variations– Request for a variation from Section 11-3-3E (Detached Accessory Structures) to allow a detached garage in a corner street yard and a variation from Section 11-4A-6 (Setback Requirements in the D-SFMR Single-Family Medium Density Residential District) to reduce the required corner street yard setback from 20 feet to 1.5 feet. Location: 427 Fulton Street; Applicant: Joe McMahon.

The contents of the Planning and Zoning file were read by Director DeGroot. Chairman Stocking invited the applicant to speak.

Applicant, Joe McMahon, 427 Fulton Street, confirmed that he read staff's agenda packet. Currently he has a 50-foot long driveway from Fulton Street north to a one-car garage that has been repaired over the years. The boards and framing were not in good shape and the concrete floor had cracks. Mr. McMahon stated he reviewed options for a two-garage garage and planned to keep the east wall (built on property line) and build to the west. He understood that if the east wall was kept, he could tear down the other three walls and construct to the west. Mr. McMahon stated he did consider various options which did not work well since he wanted to keep the open green space. His proposal

was similar to a garage two doors down. He described another similar garage on Sixth Street. Mr. McMahon provided his own perspective on how prior garages could have received approval, i.e., each was done on a case by case basis and each was in its own time.

Discussing the construction of the western portion of the garage, Mr. McMahon explained that it will take away part of his driveway to become green space and the garage itself will become green space. Where the current garage is located now, to another 30 feet, will become green space, followed by the back of the garage to the sidewalk. The proposed garage was about 32 feet but would include 10 feet for a working area. He planned to install a single 16-foot garage door with two feet on either side to get in on either side of the garage. He believed nowadays it was unusual for a house to sell with a one-car garage. And, his lot was not large as compared to his neighbors.

Mr. McMahon explained that a couple of months ago he did have some neighbors who had objections and so he was asking for a minimum variance. He was available to answer questions.

The Chairman invited the public to speak on this matter.

Ms. Patricia MacLachlan, 318 S. Fifth Street, referenced her letter and proceeded to explain that she was sympathetic to her neighbor's need for a garage, but explained that while Mr. McMahon had a small lot, he had a small house, and a house that would not need a two-car garage. She wanted to see a solution where no variance was needed and reminded the commission that the zoning ordinance was in place in order to preserve a certain streetscape of the town, especially in the historic district. Ms. MacLachlan voiced concern about a red oak located in the parkway as well as an urban forest where the garage would be located. She hoped the applicant could find a solution with a one-car garage with a nice workspace. She stated that her neighbor would not mind a variance to allow the garage to go closer to the property line.

Mr. Steve Kastel, 415 Fulton Street, discussed the difficulty backing out of his own driveway and supported the applicant getting the variance. He supported the fact that more green space would be created and added that Mr. McMahon was not the type of person to just remove trees. In fact, he said that Mr. McMahon had asked him to not cut down his own Maple trees that provided shade both to his property and to Mr. McMahon's property. Mr. Kastel supported the variance, confirmed that Mr. McMahon had multiple cars, and that his garage was falling apart.

Ms. Wendy Kastel, 415 Fulton Street, acknowledged Mr. McMahon was a builder and would construct the garage to code. He was also a gardener and would not hurt the beauty of the corner.

Mr. Alan Huth, 315 S. Fifth Street, reiterated the positive character of the applicant. However, Mr. Huth did not support the variance and believed Mr. McMahon could construct a two-garage and still have an integrated lawn area without the variance. He even suggested that another variance could be obtained to set back the applicant's garage up to his own property line. Mr. Huth objected to the proposal for the following reasons: 1) where would the existing telephone pole be relocated; 2) the massive oak tree on the applicant's property; and 3) the variance for moving the garage up to the sidewalk. He pointed out the Gerlach's garage was the only other garage that was close to the sidewalk but also that it was grandfathered in. He stated that if the variance was granted it would create a precedent.

Commissioner Mead commented that the option of having the variance to allow the garage to be set further back toward the rear of the lot versus a variance that allows it up to the sidewalk was an interesting option since he was struggling with the proposed variance within the historic district when other options existed. Commissioner Rittenhouse inquired about the telephone pole, wherein Director DeGroot explained that the telephone pole would be moved to the south and it would have to be 3 feet

off the edge of the driveway towards Fulton Street. Lot coverage was briefly discussed and the fact that the current coverage was 36.8% but that it would be less with the removal of the driveway.

Asked if he considered keeping the current driveway and redoing his garage as it sits now and not impede on Fifth Street, Mr. McMahon explained that he did review that option and said he did not have anymore room on his lot to construct anything. By removing the garage and the driveway he said he was freeing up green space to construct a garage. He argued the only variance he was seeking was to get closer to the street, citing there were a couple of other similar garages in the area.

Commissioner Rittenhouse explained that because enough neighbors were concerned about the trees and the existing beauty of the area, he believed the applicant had a better opportunity of having a variance [because of the older trees] than building off of Fifth Street. However, Mr. McMahon believed that a realistic concern from the neighbors was not voiced tonight and that he did speak to his neighbors. He believed there were many more that supported his request than non-supporters.

Commissioner Holoman asked if Mr. McMahon had considered other options besides the foot and one-half variance request and whether a compromise could be met wherein Mr. McMahon explained he was only constructing what he would use, i.e., to store his cars and have 10 feet of working space. Mr. McMahon explained he was not trying to make enemies.

Commissioner Evans asked staff if the applicant constructed the garage in a way that did not require a variance could the applicant still remove the parkway tree, wherein Mr. McMahon interjected and stated he would do everything to save the tree, even move his driveway a little, because it was important to his neighbors. In response to Evans' question, Director DeGroot explained how the applicant would have to go about getting an appraisal for the parkway tree as well as a permit to remove it. DeGroot explained the applicant's options. Commissioner Evans did not believe the monetary compensation would make up for the loss of such a mature tree and relayed that the purpose of the zoning ordinance was to consider the benefit of the community and not the individual. Commissioner Evans voiced concern about setting a precedent, the loss of the tree, and that it was not in the best interest of the community even though she understood the applicant's position.

Commissioner Slifka was not concerned about facing the garage onto Fifth Street but the setback was a concern. If the setback were maintained there could be an easier way of getting the driveway around the tree, noting the driveway could be narrowed to get around the tree. With regard to having the garage near the sidewalk, Commissioner Slifka explained if the driveway were narrowed, it would mean visitors would have to park on the street, which was a concern. Dialog between Slifka and the applicant followed regarding vehicles parking on the parkway.

Chairman Stocking struggled with the hardship aspect of the application, believed there was flexibility to move the garage, and did not believe the applicant needed to ask for such a drastic variance. While Commissioner Mead acknowledged the first three standards were being met by the applicant, he believed the fourth standard -- minimum variation -- was too extreme and believed a compromise was in order. To him, two solutions existed that were more preferred than what was being requested.

Mr. Jeff Rodewald, 217 S. Fifth Street, explained that he could not make the turn on his driveway and also explained how he expanded his current 17 ft x 17 ft garage. He noted that if the single vehicle driveway is kept and the applicant goes west with his existing garage, the City will not approve it due to the lot coverage. Per DeGroot, the existing lot coverage was just under 50% and the maximum allowable lot coverage was 40%, meaning that the lot is non-conforming. However, he reported a 5% bonus was added if a detached garage could be located in the rear yard but the garage could not be forward of the house, as proposed. Mr. Rodewald also noted that other garages existed, as reported in staff's report. He believed a precedent was already set. Mr. Rodewald agreed with the

applicant that the request should be reviewed on an individual basis. However, Commissioner Mead believed the precedent was set with garages being in the side yard, noting staff's report only contained two garages from the property line.

Further questions between Commissioner Mead and Dir. DeGroot followed on whether any lot coverage benefit could result if the asphalt driveway became pavers, or the fact that the applicant could request a lot coverage variation. Commissioner Rittenhouse pointed out the challenges of the request with the applicant's garage being on the sidewalk and the fact that the request was for a very large garage. He asked if Mr. McMahon understood that he could apply for a variance, raze the existing garage and construct a new garage by using the same driveway. Rittenhouse believed the applicant had a better case with that request.

In response, Mr. McMahon understood that when one applies for a variance, and receives the variance, they get what they want. One is not going to apply for a variance for something one does not want.

Kelsey McMahon, pointed out that the driveway existed and went to an 18 to 20 foot garage. The variance that was mentioned [by Rittenhouse] went from the back of his garage to the fence (property line) which was only five feet. The garage the applicant was seeking was 32 feet. Ms. McMahon explained the garage would only be 24 feet maximum if he was allowed to build to the property line. The garage was not big enough even with the five feet and she asked commissioners to remember that. She did not appreciate an earlier comment made.

Commissioner Mead shared the idea that if the garage was moved back five feet and the front of the garage five feet, and the 20 ft. depth kept, there would be more room to park and the applicant could construct further west and use a stall for storage. He believed the applicant could still get what was requested but not necessarily where he wanted it.

Neighbor Steve Kastel, 415 Fulton, returned, referring to Mead's point, did not know how the applicant would make the turn out of the inside stall and clear the corner of the applicant's house.

Ms. MacLachlan returned and asked about permeable pavers and believed it should not count toward lot coverage. Director DeGroot explained that the city's ordinance states that anything that is not turf counts towards lot coverage, including permeable pavers. Ms. MacLachlan supported the applicant's request for a garage.

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

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

Nay: None

MOTION PASSED. VOTE: 7-0

Motion by Commissioner Mead to approve the request for a variation from Section 11-3-3E (Detached Accessory Structures) to allow a detached garage to be built in the corner street yard on a lot that is greater than 60 feet wide, subject to the findings of fact in staff's report. Second by Commissioner Slifka.

Per DeGroot, Standard Nos. 2 and 4 listed in staff's report were not met.

Roll call:

Aye: None

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

MOTION FAILED. VOTE: 0-7

Motion by Commissioner Mead to approve a variation from Section 11-4A-6 (Setback Requirements in the D-SFMR Single-Family Medium Density Residential District) to reduce the required corner street yard setback from 20 feet to 1.5 feet for the purpose of constructing a new garage, subject to the findings of fact in staff's report. Second by Commissioner Slifka. Roll call:

Aye: None

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

MOTION FAILED. VOTE: 0-7

Mr. McMahon confirmed his understanding of what was voted upon and asked if there was an option to discuss the matter at the City Council (10/5) meeting. Dir. DeGroot explained he could contact his alderman and opportunities existed for public comment at the City Council meeting but not a public hearing.

B. Preliminary/Final Plat of Subdivision – Request to create a 2-lot single-family subdivision from a 1.05 acre property in the R1 Low Density Single-Family Residential District. Location: Generally located northeast of the terminus of South 8th Street at the Union Pacific Railroad; Applicant: (This hearing is continued from the 9/10/2020.) Eric & Valerie Traxler.

Applicants Mr. and Mrs. Traxler were present. Mr. Eric Traxler, 2369 Vanderbilt Drive, Geneva, explained they were the owners of the subject property on Eighth Street. He shared their reasons for why they moved to Geneva and why they purchased the lot, i.e., to construct their dream home. He described the beauty of the area and the relief they were seeking, which was to keep that beauty. Listening to staff and neighbors' concerns, Mr. Traxler said they agreed to many of their comments.

Mr. Dan Venard, project manager, 1800 Highgate Course, St. Charles, explained the project, and area in general, and described the improved right-of-way (turf) that served the property traveling to the south. The plan was to subdivide the lot into two R1 lots with 100-foot frontage. The character of the area was explained, noting there were no curbs, no street lights and the goal was to keep it the same. Mr. Venard relayed that two neighborhood meetings were held to review the petitioner's draft plans and to hear neighbors' feedback. Additionally, Mr. Venard explained that staff has asked, and the petitioner has agreed, to execute a roadway agreement where the maintenance and/or improvements are removed from the City and placed on the two lots, as well as Mr. Ketterman's lot. Along with that agreement there will be a dormant special service area (SSA) for the stormwater system and bioswale. (Photographs of the area were depicted on the overhead.)

Mr. Venard explained the layout of the new roadway improvements after speaking with the fire department. He proceeded to point out the location for the sanitary line, five-foot berming, bioswales and French drain (along the northern boundary of tracks) to mitigate overland water flow. A landscape plan was presented and explained. An arborist has been hired to prepare a tree preservation plan. Elevations for the two proposed homes were briefly presented.

Per commissioner questions, Mr. Venard explained how a bioswale is constructed/worked and how the dormant SSA also worked.

Civil Engineer, Jon Gryzwa, from Wolford Engineering, 1815 S. Meyers Road, Oakbrook Terrace, provided in greater detail the location of the two bioswales on the two lots. He described the

current drainage of the property and how it traveled to the north. With the proposed drainage, it would pick up the drainage on the two sites and travel into the bioswales and bypass the property to the north.

Commissioners raised dialog about the overflow of the creek, whether additional water would be added by the new lots, and asked how the water flow would be managed. Director DeGroot relayed that the Public Works department and WBK, the city's stormwater consultant, were reviewing the plan and did recommend some conditions of approval that needed to be addressed first before any permit would be issued. Regarding the radius for emergency vehicles to turn around, Commissioner Mead asked if there was enough room for them to do that.

Mr. Venard explained that the existing driveways would serve as a three-point for emergency vehicles. Asked if there was any intent to save the vegetation/trees along the east property line, Mr. Venard responded in the affirmative.

Commissioner Rittenhouse would have preferred to have seen the arborist's report before the approval. However, Director DeGroot explained that there were many issues that needed to be reviewed with the arborist, i.e., the quality of the trees being removed, the planting requirements if the trees are removed, and to ensure that any trees within 50 feet of any disturbed area are being properly protected during construction.

Commissioner Slifka inquired that once the right-of-way becomes private, what standards do the three homeowners have to comply with, and does the City have a say in that process, wherein Director DeGroot explained that it would have to be maintained to the same standards as the City. The back-up SSA process was explained by Director DeGroot.

Commissioner Mead confirmed that the three property owners would have to maintain the gray shaded area south of Crawford Street (on site plan). Regarding the private agreement, Director DeGroot confirmed that one of staff's conditions was that it be recorded with the land before a permit is issued. Per Commissioner Matyskiel's question regarding protective coverings for culverts on Eighth Street, DeGroot indicated that on Sheet No. 201 it stated that culvert protection was to be provided yet he had not received the details and they would be required before any permit was issued.

The civil engineer discussed the proposed water main going through that portion of the Union Pacific Railroad line. He stated he was in the process of reaching out to the railroad to understand how to get approval. Director DeGroot said the engineering plans would have to be reviewed and approved by Public Works before the building department issued a permit.

Chairman Stocking opened up the meeting to public comment.

Mr. Charles Radovich, 700 Crawford, was the property owner to the east of the Traxler site and noted that Eighth Street was a dedicated City street from South Street to the railroad tracks. It was improved from South Street to the intersection of Crawford, which improved portion was maintained by the City. Crawford was also a dedicated street from Crawford to the Seventh Street extension but only improved up to his property line. The City maintained that property. He stated there were other instances of homes next to dedicated streets but they were unimproved streets with the property owner's obligation to maintain the driveway from the dedicated street to their garage/parking area. No private street existed. He further explained that at least twice a year, vehicles ended up in the culvert and that the previous owners prior to the Kettermans had a split rail fence to delineate the culvert.

Mr. Carl Austin, One Crawford Street, had a civil engineer review the current plan, who recommended that the storm sewer be extended to the north property line or create a bioswale on the north property line. The current plan was good for the new property but not for his property. Mr. Austin recommended that the new road be constructed in the middle of the easement. He voiced concern

there was no tree preservation plan, no final engineer plans, and he was concerned about trees being removed or replaced. Mr. Austin voiced concern about the commission making a decision without having the neighbors review it, concern about maintaining the ditch, and the fact that the existing lots were an acre and the petitioners were creating half acre lots.

Commissioner Mead agreed that the public should have a chance to review the tree preservation plan and was not sure whether the commission was ready to vote on the matter. Chairman Stocking asked the owner if there was a reason why he installed the pavement the way he did in the right-of-way, wherein Mr. Venard explained it was to screen the Ketterman's property to the west.

Commissioner Evans inquired about parking on Eighth Street and pointed out that it stated in the agreement that guests could park on the street for up to 12 hours. Mr. Venard actually indicated that had to be amended to state No Parking.

Mr. Carl Austin, One Crawford Street, returned and asked where vehicles would park while the homes were under construction, wherein Mr. Venard said there is the ability to install stone and have the vehicles park along the east side of Eighth Street while the two homes are being constructed.

Motion by Commissioner Rittenhouse, second by Commissioner Mead to continue the public hearing to a date certain, that date being October 8, 2020, to review tree preservation plans and to address other concerns, Roll call:

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

Nay: None

MOTION PASSED. VOTE: 7-0

Public Comment – None.

Other Business

Director DeGroot reported that the new zoning map was approved for 15 Woodlawn. The City has extended an offer for the new city planner (Chayton True) who will be starting on October 5, 2020. The Emma's Landing revisions are underway as well as the Verizon Wireless tower on Randall Road. The Mill Race concept will be brought to COW in late October. An update also followed regarding the east side Dunkin Donuts project. Per questions, the City has no ability to revoke the Dunkin Donuts permit currently but staff did stress to them that there was a heavy interest in opening the site. Staff referenced a Robert Rules cheat sheet on the dais.

Adjournment

Meeting was adjourned at 9:04 p.m. on motion by Commissioner Evans, second by Commissioner Slifka. Motion passed unanimously by voice vote of 7-0.