

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

September 28, 2023 — Meeting #54

1. Call to Order

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m., and read a statement of procedures for the public hearing.

2. Roll Call

Present: Chairman Scott Stocking, Commissioners John Mead; Mim Evans; Michael Slifka; Rebecca Holoman; Tim Moran

Absent: Commissioner Adam Matyskiel

Staff Present: Director of Community Development David DeGroot

Also Present: Court Reporter William Pantoja

3. Approval of the Agenda

Motion by Commissioner Slifka, second by Commissioner Moran to approve the agenda. Motion carried unanimously by voice vote 6-0.

4. Approval of September 14, 2023 Minutes

Motion by Commissioner Slifka, second by Commissioner Holoman to approve the minutes. Motion carried unanimously by voice vote 6-0.

5. Public Hearings:

A. EV Charging Stations – Text Amendments - Request for amendments to Title 11 of the Geneva City Code (Zoning Ordinance), related to the regulations of electric vehicle charging stations. The proposed amendments include the following chapters and sections of Title 11: 1) Chapter 2 Section 11-

2-2 (Definitions of Words and Terms); 2) Chapter 3 Section 11-3-3 (Accessory Buildings and Uses); 3) Chapter 11 Section 11-11A-2 (Location, Size, and Other Requirements); and 4) Chapter 11 Section 11-11A-3 (Design and Maintenance).

Applicant: City of Geneva

Community Development Director David DeGroot read a list of contents in the file. He explained the request, which are text amendments to the Zoning Ordinance to include regulations for Electric Vehicle (EV) charging stations. The current Zoning Ordinance does not contain any language regarding regulations for EV charging stations. He continued to explain that in the fall of 2022, the Metropolitan Mayors Caucus invited municipalities in the region to participate in the EV Readiness Program to prepare to meet the growing demand for electric vehicles and electric vehicle charging infrastructure. The City of Geneva joined the first cohort of communities to receive technical assistance and training in a variety of areas as we work toward the designation of being called an “EV Ready Community”.

Part of the program requires communities to develop clear permitting for electric vehicle charging infrastructure and to analyze zoning and parking codes to address barriers to electric vehicle infrastructure. Mr. DeGroot explained that staff has been interpreting and permitting them as an accessory use for both residential and commercial properties, noting that there are a handful in town currently. While staff did not identify specific barriers to electric vehicle infrastructure, it is recommended to amend the ordinance to clarify where charging stations are permitted and to establish some general design and maintenance standards.

Mr. DeGroot read through each proposed text amendment, which included the addition of the terms “electric vehicle” and “electric vehicle charging stations” in Chapter 2 Section 11-2-2 (Definitions of Words and Terms.) He noted that the definitions are broad to include fully electric and hybrid vehicles. The second proposed amendment is to Chapter 3 Section 11-3-3 (Accessory Buildings and Uses) related to the permitted locations of electric vehicle charging stations as attached or detached accessory structures. Mr. DeGroot clarified that EV stations would be allowed as either, and noted if they are detached they must comply with the required parking setbacks for parking areas.

Commissioner Holoman raised a question regarding the last sentence of the definition of the EV charging station, which states, “If the primary use of a zoning lot is the retail charging of electric vehicle batteries, the use shall be considered a gasoline fuel station for zoning purposes” and explained that she feels they are so different, how could they be permitted in the same way. Mr. DeGroot

explained that if someone wanted to open an EV charging station business, in which its primary use is EV charging stations, it would go through the same permitting process that a gas station would, as they are similar in the way they are both auto oriented, require a well lit space for its' patrons, and might be open 24 hours a day. If it was an accessory use for another business, it would not go through the same permitting process that a gas station would.

Mr. DeGroot continued explaining the proposed text amendments. Chapter 11 Section 11-11A-2 (Location, Size and Other Requirements) related to the computation of required parking spaces when electric vehicle charging stations are provided and states that EV charging stations would count toward the minimum required parking spaces. EV charging stations would not be required in parking lots. Chapter 11 Section 11-11A-3 (Design and Maintenance) related to the design and maintenance of parking spaces with electric vehicle charging stations contains five points in regards to required maintenance, protection, usage fees, notification and signage.

The proposed text amendment regarding maintenance states, "The property owner of the equipment shall be responsible for the maintenance of the charging station..." The commission discussed how the property owner of the equipment might not be the real estate owner, as EV charging stations are often leased out. This led to discussion about explicitly stating the real estate owner is responsible to repair or remove defunct or abandoned charging stations in the event the owner of the EV charging stations fails to do so. Mr. DeGroot recommended adding specific clarifying language.

Motion by Commissioner Mead to close the public hearing. Second by Commissioner Evans. Roll Call:

AYE: Mead, Evans, Slifka, Holoman, Moran, Stocking

NAY: None

MOTION PASSED 6-0

Motion by Commissioner Mead to approve Zoning Ordinance text amendments; 1) Chapter 2 Section 11-2-2 (Definitions of Words and Terms) related to defining the terms electric vehicle and electric vehicle charging station; 2) Chapter 3 Section 11-3-3 (Accessory Buildings and Uses) related to the permitted locations of electric vehicle charging stations as attached or detached accessory structures; 3) Chapter 11 Section 11-11A-2 (Location, Size, and Other Requirements) related to the computation of required parking spaces and electric vehicle charging stations provided; and 4) Chapter 11 Section 11-11A-3 (Design and Maintenance) related to the

design and maintenance of parking spaces with electric vehicle charging stations subject to the findings of fact in the staff report and further amended to include under Chapter 11 Section 11-11A-3, C1 Maintenance of Electric Vehicle Charging Station, in addition of a sentence effectively saying failure of property equipment owner to perform shall transfer this obligation to the underlying land owner. Second by Commissioner Moran. Roll Call:

AYE: Mead, Evans, Slifka, Holoman, Moran, Stocking

NAY: None

MOTION PASSED 6-0

7. Public Comment

There was no one present to provide any public comment.

8. Other Business

Mr. DeGroot provided updates on the following projects. He stated the City Council will consider The Roosevelt- Great Western Flooring project and the fence variation at 304 Deerfield Way on October 2, 2023. City Council will also be considering a request to extend the site plan approval at 609 S 3rd Street that was approved in 2020.

The next scheduled Planning and Zoning meeting is October 12, 2023 to consider an amendment to the East Gateway PUD to allow a QuikTrip gas station on the Southwest corner of Kirk Road and State Street.

City Council will consider the Venture Park project at the October 23, 2023 meeting.

9. Adjournment

Motion made by Commissioner Evans to adjourn the meeting at 7:34 p.m.