

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

January 9, 2020 – Meeting #7

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 DeBates, Evans, Kosirog, Mead, Rittenhouse, Slifka

Absent: None

Staff Present: City Planner Paul Evans

Public Present: Planet Depos Court Reporter Paula Quetsch

Approval of the Agenda

Motion by Commissioner Evans, second by Commissioner Kosirog to approve the agenda. Motion passed by voice vote of 7-0.

Approval of the Minutes

Motion by Kosirog, second by Commissioner Slifka to approve the Minutes of December 12, 2019. Motion passed by voice vote of 7-0.

Public Hearing

Seeing no members of the public present, Chairman Stocking administered the oath to City Planner Paul Evans.

A. Zoning Ordinance Text Amendments – Request for text amendments to Title 11 (Zoning) of the Geneva Municipal Code related to the following accessory structures: pergolas, gazebos, trellises, summerhouses, arbors and shade sails. The proposed Zoning Ordinance Text Amendments are as follows: Chapter 2 (Definitions of Words and Terms) defining accessory structures; Chapter 3 (Accessory Buildings and Uses) related to regulations for certain accessory structures; and Chapter 15 (Zoning Illustrations – Accessory Structures) related to illustrating certain accessory structures. Applicant: City of Geneva

City Planner Evans read into the record the contents of the Planning and Zoning file.

He further explained that from time to time the public will request information about pergolas, gazebos, trellises, summerhouses, arbors and shade sails, and the city's regulations do not address such topics. A PowerPoint followed with Planner Evans explaining the definitions for arbors, trellises, pergolas, gazebos, summerhouses, and shade sails followed by their regulations and illustrations.

For Pergolas, it was suggested to revise the wording to include "retractable fabric panels." With regard to talking about allowing graphics on shade sails, Chairman Stocking pointed out there could be a conflict with the City's sign ordinance. Asked if a striped sail could be allowed or a logo, Planner Evans explained stripes could be allowed but logos would not since they would be considered signage. Commissioner DeBates shared her concerns about low eaves and pitching shade sails, for instance, on a ranch home, wherein Planner Evans relayed that the commission may have to consider having a higher height with attached structures. Commissioners viewed illustrations and discussed various

options. It was recommended that sails be allowed no higher than the highest point on a single-story structure and no higher than the eave on a two-story or higher structure. The maximum height would be the greater of the highest eave or 10 feet above the floor of the area shaded, as recommended by Commissioner Mead.

Dialog then followed whether all of these items needed permits. It was suggested that trellises, arbors and shade sails should not be permitted but have regulations. Planner Evans offered to find out more information. Lighting for pergolas was discussed next with Planner Evans explaining that allowed lighting would be plugged in versus permanently running an electrical line to a pergola. DeBates, however, shared a scenario where she would want to have permanent lighting in a pergola. Discussion followed about the pergola height being 10 feet and how the 10 feet calculation was derived. Illustrations followed.

Commissioner Evans raised the point that a pergola could be another form of a roof over a porch and questioned what the difference was between the two and why could a pergola not be located in front of a home. She and other commissioners felt the regulations for an attached pergola were too restrictive, wherein Planner Evans explained that if the historic district was excluded, it becomes a different question. Placing pergolas in the front yard of historic buildings could take away from the historic context of the home. Commissioners believed the HPC district could follow-up on this matter. Commissioners then agreed that pergolas could be allowed in the front yard of structures. In summary, Planner Evans confirmed that permanent lighting would be allowed inside a pergola.

Commissioners were fine with the regulations for trellises. However, Mead reviewed the definition for trellises pointing out that there should not be a regulation as to what material they can be made from.

Further discussion was raised on the height of pergolas for attached structures. Some commissioners felt the 10 feet was too restrictive and instead suggested defining the height as 12 feet above the covered surface to the very top of the pergola.

As for lighting, commissioners agreed to remove the paragraphs about lighting since they were discussing attached structures.

Moving to the topic of Detached Structures and arbors, Planner Evans summarized the current regulation, asking the commissioners to think of it as a freestanding structure. Commissioners agreed that "limited to low-wattage lighting" be allowed; no setback requirement; delete "seasonal" and remove the "duplex outlet."

For gazebos, Planner Evans reviewed the current regulations. No comments followed.

Regarding the discussion on pergolas, Planner Evans would match the language from the attached section. An example followed. Commissioners agreed that 12 feet above the covered surface should be allowed. Rittenhouse suggested that pergolas be allowed in any yard except the front yard. Commissioners agreed that if lighting was removed in the attached section then it should be removed in the detached section also.

Commissioners agreed that "play houses" in any yard should be deleted. Significant discussion followed on the definitions of front, rear, street and side yards.

Commissioners agreed that Shade Sails should to be revised so that "maximum height for detached will be 12 feet above the covered area."

Commissioners were fine with the definition of Summer Houses,

A question arose on the protocol for the public hearing and whether to keep it open. Planner Evans recommended keeping the public hearing open and to continue the meeting to February 13, 2020.

Motion by Commissioner Mead to continue the public hearing to a date certain; that date being February 13, 2020. Second by Kosirog. Roll call:

Aye: Rittenhouse, Evans, Mead, Slifka, DeBates, Kosirog, Chairman Stocking

Nay: None

MOTION PASSED. VOTE 7-0

Public Comment – None

Other Business

City Planner Evans reported that representatives from the Chaddick Institute will be holding a comprehensive training class for the commissioners on January 23, 2020 in the City Hall Chambers. The affordable housing (zoning text amendments) did pass at the City Council level. It was not made a requirement, however. Per staff, the matter will be reviewed in six months. Chairman Stocking asked that it be placed on the commission's schedule for six months. Lastly, Planner Evans reported that he expected a couple of small subdivisions would come forward at the February meeting.

Dialog followed regarding the Cetron property, the Oberweis property on Randall Road, and the Mill Race Inn.

Rittenhouse inquired about the cannabis matter that the commission discussed a couple of months ago, pointing out that if the City had opted out, his understanding was that the State would then bypass the City. He stated his neighbor heard otherwise. Planner Evans explained in more detail that if the City did not define the use (dispensing side), then it would have gone under retail sales and would be no different than a tobacco shop. Details followed. Rittenhouse recalled that there were comments from the commission to give the matter some time and then eventually recommend to the City Council to opt out.

Further conversation included Planner Evans' understanding that one recreational license and one dispensary license were allowed in the City wherein other commissioners read that Council allowed licenses anywhere in the City and that the commissioners would have to debate as a commission whether such licenses affect the character of an area, etc. Planner Evans confirmed those licenses would return under a special use and would come before the commissioners. He would speak to Director DeGroot about some of the questions that were being raised tonight and would forward the information to the commissioners.

DeBates then shared an informal survey she took of her customers, asking them whether cannabis should be sold in downtown Geneva. Commissioners shared their perspectives on the matter with Rittenhouse pointing out this commission took the brunt of the matter with a three-hour meeting and felt more residents should have spoken at the City Council meeting. Planner Evans, however, explained the purpose of this commission was to be the public hearing body gathering information and making a recommendation to the City Council. DeBates believed the matter deserved more attention by the City Council. She discussed the crowds walking to the new dispensary located in North Aurora.

Mead asked that staff provide a redline version of the changes that were made in tonight's hearing.

Adjournment

Meeting was adjourned at 9:48 p.m. on motion by Commissioner Kosirog. Second by Commissioner Evans. Motion passed unanimously by voice vote of 7-0.