

**PLAN COMMISSION MINUTES**  
**City of Geneva**  
**109 James Street - City Council Chambers**

**March 28, 2019 – Meeting #1206**

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

Present: Chairman Stocking; Commissioners Case, Evans, Kosirog, Leidig, Mead, Slifka, Stevenson

Absent: Commissioner Dziadus

Staff Present: Community Development Director David DeGroot, City Planner Paul Evans; City Consultant Kon Savoy with Teska Consulting

Public Present: Karen & Kay Fox, 35 N. Bennett St.; Kevin O'Neill, 102-110 James St.; Scott Krill, 18 S. Fifth St.; Allen Newendyke, 2S884 Meadowview Rd., Batavia; Pattie Lane, 516 Ford St.; Doug Warlick, 114 E. State St.; Alan Leahigh, 211 Garfield St.; M. Courser, 408 N. First St.; Jude Barnes, 102 N. 4<sup>th</sup> St.; David Tomell, 328 N. Third St.; Pat McGleam, 227 S. Third St.; David Decoriolis, 1215 Kaneville Road; Barry & Chris Bourdage, 318 Anderson Blvd.; Dave Shepard, 117 N. Fifth St.; Tom Lichtenheld, 910 James St.; James Swick, 220 Walnut Dr.; Court Reporter Joanne Ely with Planet Depos; Recording Secretary Celeste Weilandt, press

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**Approval of the Agenda**

**Commissioner Case made a motion to approve the agenda. Second by Commissioner Mead. Motion passed by voice vote of 8-0.**

**Approval of Minutes of March 14, 2019**

**Minutes of the March 14, 2019 meeting were approved on motion by Commissioner Case, second by Commissioner Mead. Motion passed by voice vote of 8-0.**

**Public Hearing**

Chairman Stocking read the protocol for public hearing and administered the oath to those individuals that would be providing testimony. The following public hearing was opened by the chairman:

**A. Downtown Zoning Update – Review and recommendation of proposed text amendments to Title 11 (Zoning Ordinance) and Title 12 (Subdivisions) of the Geneva City Code and Zoning Map Amendments for the Downtown Area. Related documents are available on the project webpage. A presentation will be provided by the Director of Community Development, David DeGroot and the City's consultant Kon Savoy.**

Community Development Director, David DeGroot read the contents of the Plan Commission file into the record including the certificate of publication of the legal notice for tonight's public hearing, published in the *Daily Herald* on March 13, 2019. Director DeGroot summarized how the public hearing would proceed.

**Commissioner Mead made a motion to suspend the procedural rule previously cited for this public hearing in order to allow the Plan Commission to deliberate, make its findings and**

**recommendations as to each amendment proposed during the public hearing instead of waiting until the public hearing is closed. Second by Commissioner Stevenson. Roll call:**

**Aye: Case, Evans, Kosirog, Leidig, Mead, Slifka, Stevenson, Stocking**

**Nay: None**

**MOTION PASSED. VOTE: 8-0**

Mr. Kon Savoy, consultant with Teska Consulting, walked through the work done by staff on the draft ordinance and how it originated through an RTA grant approximately four years ago. He discussed the reason for tonight's meeting and provided some of the goals and objectives behind the Downtown Master Plan, recalling for the commissioners that the Master Plan had a specific Land Use Plan, with recommendations, of what the future uses should be. A part of the ordinance process was to take the land use plan and translate it into a zoning map (with various land use categories). Further details followed.

Mr. Savoy summarized that the current downtown zoning map and its regulations were adopted in 1995 and the Downtown Station Area Master Plan contained land use recommendations which were not part of the City's vision for the downtown area in 1995. As a result, some of the zoning district boundaries conflicted with recommendations of the Downtown Station Area Master Plan and acted as barriers. Therefore, tonight's project objectives would include a consistency between the Downtown Station Area Master Plan and the Zoning Ordinance; removal of the barriers, particularly if compliant with the Downtown Station Area Station Master plan; and streamlining the review process. Mr. Savoy walked through the latest project update.

Community Development Director DeGroot walked though some of the barriers to the ordinance, including those affecting restaurants, front porches on homes, and bed and breakfasts. Examples followed on how the review process could be streamlined: consolidate the Plan Commission and the Zoning Board of Appeals, provide administrative site plan review, and provide flexibility on use determinations. Details and clarification followed.

Commissioner questions pertained to new uses and how staff would address such new uses, wherein Dir. DeGroot agreed that erring on the side of caution would be appropriate, but if questions arose, an application would come before the Plan Commissioners. Concerns were raised on: 1) approving a use but there being no recourse, 2) who the next community development director may be and what he would determine as an acceptable use or not an acceptable use, and 3) whether neighbors would be properly notified about a new use. Wherein, Dir. DeGroot cited Section 11-4A-4: Table of Permitted and Special Uses. Commission discussed that the language and list of uses had to be concise and comprehensive even though some form of subjectivity would exist. Commissioner consensus was to insert the term "substantially similar" for a permitted use.

Director DeGroot walked through a summary of the Downtown Plan and Zoning Analysis that was completed during the workshops, providing an explanation of the changes that were made or those that remained.

Addressing the consolidation of the Plan Commission and the Zoning Board of Appeals, Dir. DeGroot explained some of the background that was behind the initial idea, which ultimately the City Council supported. The new body would consist of seven individuals who would be appointed by the mayor with staggering terms. Concern was raised about losing the diversity of the board from 9 members to 7 members and having a quorum of only 4 members. Clarification of the combined roles followed, along with examples.

Staff moved on to the zoning district changes. Specifically, reviewing the D-MHR Mixed High Density Residential District, Dir. DeGroot recalled one of the questions at the workshops and from the Historic Preservation Commission ("HPC") was whether six-unit townhome buildings should be a

permitted use or a special use. The HPC recommended a special use with more than 3 units; maximum height to be capped at 35 feet; no additional height for rear-loaded units; and building design should be more in keeping with the scale of residential districts. Referring to one of staff's slide on the overhead, Commissioner Evans voiced concern that meeting the 35 feet height requirement appeared to be difficult, seeing that 3 out of the 6 townhome projects on the slide met the 35 foot requirement. Chairman Stocking believed that projects that wanted to come in higher than 35 feet could come in with a special permit and the commission could look at the details of the design and pursue relief if it made sense. His concern was setting up the zoning as a by-right for development and the HPC having to deal with it; it becomes "too bulky."

Mr. Dave Shepard, 117 N. Fifth Street, said his property borders part of this district. He pointed out that two traditional districts have been created -- the Hamilton district, which was commercial, and the Peyton district, which was high density. He recalled the HPC recommended not to have a second transitional district but to make Peyton single-family and permitting the two- and three-unit single family homes to continue to exist so as not to change the character of the area.

Commissioners expressed concern regarding building heights becoming higher and developers eventually pushing the height to 40 feet to become the new standard. Commissioners agreed to keep height capped at 35 feet and having more than 3 units would require a special use.

Addressing R5 to D-MHR — South side of James Street between 7<sup>th</sup> and Fifth Streets. Currently the area was zoned R5 which allowed two- and three-family residential units as well as single family. Per DeGroot, the Downtown Master Plan reflected the properties as being single-family in the future but the working group determined, after thorough review, that many of the properties would become non-conforming and the zoning change would discourage diversity near the downtown area. The working group recommended preserving the area and zoning it as the Mixed High-Density Residential District which would allow for single-family, two- and three-family units and with the HPC and Plan Commission's recommendation, anything over that number would require a special use.

The chairman invited the public to speak. No comments received.

Commissioner consensus was to support the HPC's recommendation.

Addressing the R6 to D-MHR zoning, Director DeGroot identified those areas (in green) on the west and east side of the river that were currently zoned R6. The Downtown Master Plan reflected those properties to convert to single-family in the future. For these areas, the working group recommended the Mixed High-Density Residential zoning, seeing that 92 out of the 108 properties would have become nonconforming in some way. Also, 42 of the 108 properties had multiple dwelling units.

Regarding the R6 to D-MHR zoning proposed for Fifth and Sixth Streets on the south side of Peyton, Director DeGroot relayed that the HPC recommended that anything more than three units should require a special use. In addition, trying to identify a boundary for the area, some HPC commissioners felt that anything west of 5<sup>th</sup> Street should be the boundary while some felt it should be single-family east of 5<sup>th</sup> Street. Some even thought west of Sixth Street should be the boundary. Photographs of multi-family units and single-family units followed.

Chairman Stocking invited the public to speak.

Resident, Mr. Dave Shepard returned and recalled the area being discussed was a double transitional area (yellow and beige on Peyton) and he recalled there was much discussion about the appropriateness of converting it to single-family versus the three-units as well as to not allow townhomes in the district. He had no issues having the area as single-family zoning and believed the

higher density should not be encouraged because it diminished the impact and the owner-occupancy of the historic district. And, within the historic district, the transition was not a benefit.

Ms. Patty Lane, 516 Ford Street, handed out a zoning map produced by city staff which identified circled multi-family properties on it but included some errors. R3 zoning was also identified in the middle of the map. She felt when comparing the multi-family properties in the R3 with the R6, they were similar. Along Peyton there appeared a redundancy where residential-scaled commercial existed along Hamilton and was a buffer from the residential beyond it, followed by another buffer of multi-family. She agreed that allowing the larger multi-family properties in the single-family area would be a negative to the character of the neighborhood. She asked staff whether they made comparisons. Ms. Lane recalled the HPC discussed having coach houses on the properties also, wherein Dir. DeGroot confirmed the topic was discussed but there was no recommendation. Ms. Lane believed 4, 5 or 6-unit buildings would ruin the single-family look of the area. She suggested that west of 6<sup>th</sup> Street, between Hamilton and Stevens, should be the buffer because it was near the Burgess factory.

Discussion followed. Commissioners Evans recalled one of the reasons the area was zoned as proposed was due to the goal to obtain higher density closer to the downtown. It was a trade-off: Does one value the high density near downtown with the potential for greater diversity or does one value the historic single-family character enough to trade off the higher density with the hope that more homes transition back to single-family homes. Director DeGroot recalled this topic was discussed by the working group. However, he pointed out that if the commission was already restricting the height to 35 feet and requiring anything more than three units to be a special use, he believed a property's historical character could be preserved even if divided into two or three units. Details followed.

Commissioner Evans conveyed that the issue appeared to be that the former historic single-family homes that were divided still retained their character and the residents wanted to retain that character, whereas new construction, even consisting of the same number of two and three units, could alter the look of that character because the building would look like a multi-family building. That being the case, Commissioner Evans believed the commission would be relying on the HPC and historic district guidelines to prevent the demolition of larger homes and would require new construction to be compatible.

Ms. Patty Lane, however, felt that some of the homes were getting deteriorated and someone (developer) could possibly convince the HPC that the home could not be restored. She voiced concern about a developer assembling parcels to create larger buildings. She also believed having a family living in a single-family home generated more revenue for the city versus someone living in a single bedroom of a multi-tenant home. Ms. Lane again, shared her concerns about the double buffer.

Comments from Commissioner Kosirog pointed to the fact that if the whole focus was to provide more housing options, the safety net of the HPC existed as well as the safety net of the Plan Commission reviewing the plans for more than three units. He was comfortable as proposed. The chairman, however, voiced concern that if the commission wanted the area to remain a viable single-family area, it should be zoned as a single-family neighborhood and deal with the non-conformity. He pointed out the area was 7 blocks and it was surrounded by high intensity uses, similar to the south side of State Street, which made the City unique – scaled residential areas adjacent to the historic downtown. He believed if the zoning was not changed, the neighborhood would eventually turn into something different. His boundary would include all of Peyton to Sixth Street and then all the way up to Stevens. West of Sixth Street could be high density.

Commissioner Evans suggested to keep the area as single-family zoning for now but have the option at a later point to allow the mixed density but also see what other housing stock develops elsewhere. Chairman Stocking cautioned that there were some distressed properties currently. It was also confirmed by staff that the Downtown Master Plan had the area designated as single-family.

Commissioner Mead supported the single-family zoning and also supported having the district boundary line moved to west of Sixth Street, seeing that Burgess Norton and Park Place existed in the area. [DeGroot notes that if a boundary is changed, commissioners will have to keep the public hearing open so that he can notify the residents of the area.] Slifka supported how the district was depicted.

Ms. Patty Lane returned and referenced the east side for the single-family zoning also.

Commissioner dialog continued with no consensus on whether the district should end west of Fifth Street or the end of Sixth Street. **Commissioner Mead made a motion to accept the area as outlined in green, as drafted by staff on the overhead screen, to be zoned D-MHR. Second by Commissioner Evans. Roll call:**

**Aye: Case, Kosirog, Mead, Slifka**

**Nay: Evans, Leidig, Stevenson, Stocking**

**MOTION FAILED. VOTE: 4-4**

Discussion followed on notification to the public or to table the matter. Director DeGroot provided his perspective and did not feel comfortable making the 2 to 3 units non-conforming due the city having limited affordable housing and limited rental properties near the downtown area. DeGroot pointed out that when the properties under discussion and those along Richards and Howard Street are removed, not much housing opportunities exist. Commissioner Kosirog agreed that the city had to make more accessible and affordable housing in the downtown area.

Commissioner Mead then confirmed with staff that, as proposed, the R6 zoning was fine. More discussion followed.

Resident, Mr. Dave Shepherd, returned and acknowledged the discussion was about increasing density in the City and also about preserving the historic district, which was the core of the discussion. He pointed out that the density that has come to the city has been predominately located on the perimeter of the historic district. He encouraged the commissioners to keep the essence of the historic district and focus on the perimeter for the additional housing.

Commissioner Mead appreciated that reminder. It was then pointed out by some commissioners that the original plan was for single family land uses and now the commission was diverging from the plan, which meant the land use plan would have to be revised. After a thorough conversation, commissioners supported the area west of Sixth Street. Consensus was to leave it alone.

Reviewing the B2 to D-RSCM zoning for properties at 18 S. Fifth Street and the State Bank of Geneva, Director DeGroot walked through the current zoning and what was being proposed. Specifically, the owner for 18 S. 5<sup>th</sup> Street expressed concern about what district his property should be in: the transitional district or B2 district. High intensity uses were adjacent to his property and his building faced Fifth Street, whereas the other buildings faced James Street. The State Bank of Geneva had concerns about redevelopment of its site and whether it should be redeveloped at the same scale as the properties along State Street or be a more residentially-scaled development. The HPC recommended both properties to remain residentially-scaled commercial property.

Mr. Scott Krill, 1803 Belter Court, Geneva, said he and his wife purchased the 18 S. Fifth Street property in 1999. He reviewed the exhibits of his handout noting his porch had a handicap ramp which traveled around the side of the home. Rezoning his property would make the side of the property and the handicap ramp non-conforming and he would not be able to make some of the changes he planned to make to his property. He believed it was fair to keep both his property and the State Bank of Geneva property the same zoning, noting the intensity of the area. Details followed. Mr. Krill stated his property was in the historic district and the City was taking away options for off-street parking. He preferred that

the City not change the zoning. He also noted that Exhibit D reflected his adjacent property owners who supported his request.

Commissioner Mead stated that the 18 S. Fifth property did not front James Street and the owner should be able to redevelop -- taking staff's recommendation, but removing this specific property. The State Bank of Geneva was fine as recommended. Consensus was reached.

[Commissioners took a short break at 10:03 p.m.; reconvened at 10:10 p.m.]

Director DeGroot proceeded to discuss the properties proposed for the B2 to D-RSCM zoning for the east side of Third Street between James and Campbell. The existing zoning was B2 and the Downtown Master Plan depicted it as residentially-scaled commercial and the proposed was for residentially-scaled commercial. However, DeGroot explained that the properties would not comply with lot width, lot area requirements, and none of the buildings complied with the setback or lot coverage requirements. The HPC recommended returning the zoning back to commercial mixed-use to allow the 100% lot coverage bulk standard.

Mr. Kevin O'Neil, 1148 Drury Lane, Aurora, representing the Unitarian Universal Society of Geneva which owns the vacant lot on Third Street, said the new zoning would be a downgrade making it difficult to make improvements to the site. He asked to return the zoning. The proposed district height was 50 feet but most of the buildings were approximately 25 to 30 feet. Staff stated the site was within the historic district. Consensus was to support the HPC's recommendation.

Next, the B2 to D-RSCM zoning for 308, 318 & 328 Anderson Boulevard was discussed with Director DeGroot explaining that the existing uses would be conforming but the existing structures would not. The proposed district was more restrictive. Per DeGroot, the subject property was outside the historic district. The owners supported going to the D-CM zoning instead of the RSCM district. Dir. DeGroot explained how the property could be developed under the D-CM zoning.

Mr. Barry Bourdage, 318 Anderson, stated his property was not located in the downtown district and rezoning it did not make sense. He supported returning the zoning to D-CM and any changes to his property would have to go before a board anyway.

Director DeGroot explained that by right, the site could be developed as commercial/office on the main floor with residential above, with 100% lot coverage, parked, and be constructed up to Anderson Boulevard with the parking lot in the rear. Commissioner Mead expressed concern about constructing right up to Anderson Boulevard.

Mr. Bourdage did not believe he could develop his property with frontage on Anderson and with rear parking in the alleyway due to an existing easement to the east. Discussion followed. Also, Mr. Bourdage inquired why he was present at this meeting wherein the chairman explained his property was located in the Downtown Master Plan area and the commission was trying to determine the merits of his property in relation to the current zoning allowances as well as what makes sense moving forward. Mr. Bourdage believed that initiating the proposed zoning would devalue his property immediately. Further explanation followed by Chairman Stocking. Mr. Bourdage preferred to leave his property as is.

Per a question, staff clarified that the B2 Business District was now the new D-CM classification.

From the Chairman's perspective, the area under discussion was basically a neighborhood commercial area for the residents. It was also pointed out that with the new zoning, it meant more development could occur on the site. The building was currently in conformance in the B-2 district.

Ms. Chris Bourdage, 318 Anderson Blvd., stated that having the 100% lot coverage would have to include enough parking spaces so they could not build up to the lot line. Going from conforming to non-conforming did not make sense to her.

Commissioners supported staff's recommendation to classify the property from B2 to D-RSCM. Mr. Bourdage again, stated the commission was encumbering his property and he asked for a formal vote.

**Motion by Commissioner Mead, second by Commissioner Slifka that the zoning for the subject parcels at 308, 318 and 328 Anderson Boulevard be changed from the current B2 to the proposed D-RSCM district. Roll call:**

**Aye: Case, Evans, Kosirog, Mead, Slifka, Stocking**

**Nay: Leidig, Stevenson**

**MOTION PASSED. VOTE: 6-2**

Discussing the parcel at 35 N. Bennett Street, Dir. DeGroot reported it was currently zoned B2 and proposed was the D-SFMR district. DeGroot discussed the surrounding properties and pointed out that the subject lot was approximately 70 feet by 70 feet and once the setbacks were applied for the residential district, there was not much of a building envelope that remained for a single-family home. Also, it was not the beginning of a single-family neighborhood because other multi-family units and a school was nearby.

Owner, Ms. Karen Fox, 35 N. Bennett, preferred to keep the zoning as is, seeing that the only uses for the building could be for lawn mowers or a small engine shop. It did not make sense to change it since the properties to the north and west were businesses and no one would construct a home on the parcel.

It was also mentioned that if the property was to be redeveloped, the lot would have to be parked. Dir. DeGroot agreed it made no sense as a single-family and could remain at the D-CM zoning. Dialog followed that the type of development for the lot would be limited. Consensus was to zone as D-CM.

Discussing the B2 to D-MFR, D-MHR & D-SFMR districts on the south side of East State Street between Bennett and Crissey Avenue, Director DeGroot identified the properties moving east up the hill. The proposed zoning was consistent with the recommendations of the Downtown Master Plan and currently all of the properties were zoned B2. DeGroot proceeded to share a conceptual image of what the block could look like. Concerns for these parcels included that the Multi-family Residential zoning would not allow for commercial uses. However, if the D-CM zoning was applied it would allow for commercial uses on the ground floor and residential uses above. Also, it would require assembling some parcels because the lots were long and narrow. DeGroot indicated there had been some interest on the eastern corner of the block where the two structures had been removed -- potentially as a townhome development -- which was consistent with the Downtown Master Plan. Ownership of the property was explained. DeGroot added that the zoning was bisecting the ownership. Other details followed.

Mr. Douglas Warlick, Warlick Law Office, 114 E. State Street, objected to the rezoning of his property. He discussed the many uses that were part of the property since 1950 and believed the proposed zoning changes were unfair and unrealistic. He and his wife live in the community. He shared some of the challenges if the zoning changed, such as reselling his property if he had to. Mr. Warlick could not envision the building being developed as residential because the lot was too narrow. However, if the lot to the east of him developed as multi-family residential, he would be fine with it. Lastly, he did not believe his property was in the downtown district and believed the best use

was office since no one on State Street in the downtown business district had a residence on the first floor.

Commissioner Leidig proceeded to point out all of the business moving east on State Street and questioned staff why Mr. Warlick's could not remain a business. Commissioner Mead suggested zoning the 3 western-most parcels (striped parcels) to D-CM and then make other half of the block D-MHR with a non-conforming single-family parcel remaining on Chrissie Avenue. Consensus was to keep Mr. Warlick's as D-CM but make the eastern half of the block high density residential mixed-use.

Discussing 426 N. River Lane and 417 N. 1<sup>st</sup> Street from R6 to D-SFMR, Director DeGroot explained the current designations for the properties and the challenges for each. Commissioners supported carrying the tan color along the eastern portion of First Street and continue the brown color north (multi-family).

Discussing three (yellow) parcels on the eastern side of Anderson Blvd. just north of State Street, Director DeGroot explained the parcels were under one ownership and one multi-family duplex already existed. After some discussion, Commissioners supported revising the yellow parcels on the west to match the tan parcels to the east, offering that the nearby church was a nice buffer. Consensus reached.

404 & 426 S. Third Street from B2 to D-RSCM - Little Traveler. DeGroot reported the Downtown Master Plan recommended Commercial Mixed Use with 100% lot coverage and no setbacks. The concern was if the properties ever were redeveloped, the residential character would be lost. The HPC recommended to keep the RSCM district. Commissioner consensus was received.

511 and 513 S. Third Street, B2 to D-RSCM - Chicken Shak/Preservation Bread & Wine. Staff recommended commercial mixed use with 100% lot coverage. Commissioner consensus was received.

In closing, Director DeGroot summarized the next steps for the commission to follow and recommended keeping the public hearing open.

**Commissioner Case made a motion to continue the public hearing to a date certain, that date being April 25, 2019, second by Commissioner Mead. Roll call:**

**Aye: Case, Evans, Kosirog, Leidig, Mead, Slifka, Stevenson, Stocking**

**Nay: None.**

**MOTION CARRIED. VOTE: 8-0**

**Public Comment** - None

### **Other Business**

A short dialog followed on the consolidation of the ZBA and Plan Commission and upcoming agenda items for April 11<sup>th</sup> and April 25<sup>th</sup>.

### **Adjournment**

**Meeting was adjourned at 11:31 p.m. on motion by Commissioner Evans, seconded by Commissioner Case. Motion carried unanimously by voice vote of 8-0.**