

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

April 28, 2022 – Meeting #40

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m. and read a statement explaining the proceedings for the remote and in-person meeting.

Roll Call:

Present: Chairman Stocking, Commissioners Evans, Holoman, Mead, Slifka

Absent: Commissioners Moran and Matyskiel

Staff Present: Community Development Director David DeGroot and City Planner Chayton True

Also Present: John Green with Engineering Resources Associates, 3S701 West Avenue, Warrenville and Jennie Christakes with Valley Animal Hospital; Mr. David Wagenaar with Blackhawk Building LLC, Recording Secretary Celeste Weilandt; Planet Depos Court Reporter Court Petros

Chairman Stocking proceeded to swear in those individuals who would be speaking on the proposals.

Approval of the Agenda

Motion by Commissioner Evans, second by Commissioner Slifka to approve the agenda. Motion carried unanimously by voice vote of 5-0.

Approval of April 14, 2022 Minutes

Motion by Commissioner Slifka, second by Commissioner Evans to approve the April 14, 2022 minutes. Motion carried unanimously by voice vote of 5-0.

Public Hearing

A. Valley Animal Hospital – Requests for a Comprehensive Plan Amendment from Single-Family Residential to Neighbor/Corridor Commercial and an Amendment to the Valley Animal Hospital Preliminary and Final Planned Unit Development to allow for the demolition of a residential dwelling unit and the expansion of an existing parking lot. Location: 810 E. State Street. Applicant: NVA Valley Animal Hospital

Planner Chayton True read into the record the contents of the planning file.

On behalf of the applicant, Mr. John Green, civil engineer with Engineering Resources Associates, 3S701 West Avenue, Warrenville walked through a brief history of the project going back to 2003. At that time a PUD was developed for the property, along with a single-family home, for a certain period of time. Due to the success of the animal hospital and increased staffing, parking has become an issue, especially along the eastern portion of the property. A site plan followed. Mr. Green explained the purpose of the application is to increase parking for the site. The existing single-family home will be demolished to allow for off-street parking and for future growth, possibly a future building expansion.

Mr. Green referenced the applicant's response to the standards of the special use. Should the commission approve the request, the applicant has agreed to staff's three conditions: 1) the

landscaping along the south property line to include 66% of evergreens, 2) evergreens/plantings are to be six feet in height, and 3) refinements will be made to the lighting and photometric plans.

Per Mr. Green, the site’s stormwater management will be updated to meet the City’s and the County’s stormwater ordinance. Details followed. The City’s engineering department has reviewed the proposal. Furthermore, the applicant is asking for a reduction to the south property line setback from 20 feet to five feet, as well as a reduction to the Simpson Street parking lot setback from 20 feet down to 13.4 feet, which is consistent with the current parking lot.

Ms. Jennie Christakes, a veterinarian with Valley Hospital, reviewed a PowerPoint presentation, speaking to the history of the business starting back in 1960 and walking through the business’s growth that has occurred over the years. Photos of the current site and parking lot followed, along with photos of the existing home which was in poor maintenance.

Many commissioners agreed to the request. Some had stopped at the site to view it more closely. Commissioner Mead appreciated the applicant’s forward thinking about a possible building expansion in the future and not having to redo the parking lot.

Chairman Stocking invited public comment. None received.

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

Aye: Evans, Holoman, Mead, Slifka, Stocking
Nay: None

MOTION PASSED. VOTE: 5-0

Motion by Commissioner Mead to approve a request for a Comprehensive Plan Amendment from Single-Family Residential to Neighbor/Corridor Commercial, subject to the findings of fact in the staff report. Second by Commissioner Evans. Roll call:

Aye: Evans, Holoman, Mead, Slifka, Stocking
Nay: None

MOTION PASSED. VOTE: 5-0

Motion by Commissioner Mead to approve a request for an amendment to the Valley Animal Hospital Preliminary and Final Planned Unit Development to allow for the demolition of a residential dwelling unit and the expansion of an existing parking lot, subject to staff’s finding of fact, and furthermore, subject to the following conditions: 1) at least 66% of the trees required within the Transition Yard Setback must be evergreen trees; 2) landscaping in the form of vegetation that will reach a height of at least 6 ft. in height at full maturity shall be incorporated within all portions of the Transition Yard Setback, and 3) community development department approval of a photometric and an electrical site plan meeting the requirements of Section 11-11A-3 of the Geneva Zoning Ordinance and the East State Street Design Guidelines. Second by Commissioner Slifka. Roll call:

Aye: Evans, Holoman, Mead, Slifka, Stocking
Nay: None

MOTION PASSED. VOTE: 5-0

Per staff, the above recommendation will go before City Council on May 16, 2022 at 7:00 p.m. in the Council chambers.

B. Tattoo Shop Text Amendment – A Zoning Ordinance Text Amendment to the Table of Permitted and Special Uses located in Section 11-4A-4 of the Zoning Ordinance to add Tattoo Shops as a permitted use within the D-CM Downtown Commercial Mixed-Use District. Location:

D-CM Downtown Commercial Mixed-Use District. Applicant: David Wagenaar of Blackhawk Building LLC

Planner Chayton True read into the record the contents of the planning file.

On behalf of the applicant, Mr. David Wagenaar with Blackhawk Building, LLC, discussed that the current property was vacant for three years and previously it had a chiropractor in the space. Other tenants and uses were provided. Mr. Wagenaar pointed out that existing tattoo shops in the region appear to work well in the retail area, even though this particular property is located off of Third Street.

Referring to staff's report, he clarified the business owner is not relocating to the site, but instead, would like to expand and open a second shop in Geneva. Mr. Wagenaar explained the changing clientele for tattoos is not what it used to be and the State of Illinois did have controlled requirements.

Commissioner discussion followed on 1) why a special use was not being requested versus the text amendment for a permitted use, 2) what was the feedback from the neighbors, if any, and 3) could the commission change the use to a special use so that the applicant could apply and make the process as efficient and cost-effective as possible. Planner True explained the applicant would have to apply for the special use which requires a public hearing to be held. Further details followed.

Commissioner Evans reviewed a couple of options and questioned whether the commission was setting up the applicant for failure at City Council by sending the application as a permitted use versus a special use. Planner True explained that if the commission voted to recommend the applicant have a permitted use, City Council could consider it. However, City Council could change it to a special use and the applicant would have to return to apply for a special use. Various scenarios followed on how the commission could move the application to the City Council, i.e. as a permitted or as a special use. Development Director asked that the commissioners provide their reasons why the application should not go forward as a permitted use but as a special use.

Chairman Stocking invited public comment. None received.

Commissioner Mead discussed the perception of tattoo shops and believed the location of the shop within the business district could impact the character of a block and believed a special use was more appropriate. However, Commissioner Holoman felt otherwise, explaining that making assumptions about the clientele was a negative and that as a group, the commission was not charged to restrict how many parlors or businesses come to Geneva – that would occur on their own and eventually some uses would get “weeded out.” The business was respectable and it was someone's livelihood. Some commissioners agreed that business characteristics change over time and this type of business was no different than some of the permitted uses.

As for the actual façade appearance of a tattoo business, Planner True explained that signage could be adjusted through the special use with certain conditions. Adding to that, Director DeGroot pointed out the City does not allow windows to be blacked out, but window signs are allowed up to 50% of the window. Details followed. Commissioner Holoman pointed out the last thing a new business would want is to scare his/her neighbors. Many people had tattoos and times change – a business community evolves and what was considered traditional in the past, may not be what the community wants anymore. It was something to consider for a new permitted use. Commissioner Slifka agreed with all comments being made but reminded the commissioners that a special use just required a second look at the application.

Another point, as raised by Director DeGroot, was that there are other uses in the Residentially-scaled Commercial Mixed Use District on Third Street that may be permitted by right but not in all

locations, and language may exist that those business are not permitted to front on Third Street, but can on the side streets of that zoning district. This could be an approach to allow the tattoo shop as a permitted use in defined areas of the district.

In response to some of the comments discussed, Mr. Wagenaar came forward and explained he owned the property for eight years and his tenants pursued signage, so he was very aware of the City's signage requirements. He cited some examples but emphasized his potential tenant was not going to push the boundaries of the City; the business owner just wanted to expand his business.

Commissioners held a healthy dialog with staff on limiting the use in certain areas within the district, yet agreeing the location for this application was appropriate. Some commissioners felt the use was good for the entire downtown area, but given the type of business, one would not want to locate the business in a high foot traffic site which could result in a detrimental affect to other businesses, nor concentrate such business in one area. In addition, it was pointed out that numerous businesses with the same use would not necessarily multiply because of competition and self-policing. Commissioners then spoke to setting boundaries to allow tattoo shops as a permitted use, by right.

Further dialog was raised with commissioners voicing various comments yet agreeing somewhat that the use should become permanent and the community will police the business and the use will take care of itself and if necessary, it become a permitted use.

Mr. Wagenaar returned and also agreed with some of the comments being made, specifically that certain business uses will not be able to afford Third Street rents and the demand will control the business.

Chairman Stocking again invited public comment. None received.

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

Aye: Evans, Holoman, Mead, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE: 5-0

Commissioner Slifka agreed that the market will determine the success of the use but preferred to start slower than having it as a permitted use by right. Again, commissioner dialog followed that if the motion passed for a permitted use, there would probably be objections to it, yet, there could be geometry restrictions placed on the use.

Motion by Commissioner Mead, to a approve a Zoning Ordinance Text Amendment to the Table of Permitted and Special Uses located in Section 11-4A-4 of the Zoning Ordinance to add Tattoo Shops as a permitted use within the D-CM Downtown Commercial Mixed-Use District, subject to the staff Report. Second by Commissioner Evans. Roll call:

Aye: Evans, Holoman, Mead, Slifka, Stocking

Nay: None

MOTION PASSED. VOTE: 5-0

Per staff, the above recommendation will go before City Council on May 16, 2022 at 7:00 p.m. in the Council chambers.

Public Comment

Chairman Stocking invited public comment. None received.

Other Business

Planner True updated the commissioners on the following upcoming applications: Verizon Tower at the Oscar Swann location with a balloon test scheduled for late May; the 427 Fulton Street variation; and Hamilton Place. The Fox Valley Commerce and Route 38 projects were approved to move forward. A new City Planner has been chosen – Matt Buesing (phonetic) – who will be starting June 20th. And tonight would be the last meeting for Recording Secretary Celeste Weilandt who has taken minutes for the City since 1999.

Commissioner Mead announced that last weekend he attended the Kane County Affordable Housing Summit which he said was very worthwhile to attend. Details followed. He also appreciated tonight's healthy discussion on the tattoo shop application. Commissioner Holoman announced that Country Village Meats was open for business.

Adjournment

A motion was made by Commissioner Evans to adjourn the meeting at 8:40 p.m. Motion carried unanimously by voice vote of 5-0.