

STATE OF ILLINOIS)
)
COUNTY OF KANE)
)
CITY OF GENEVA)

**PETITION TO THE GENEVA CITY COUNCIL AND PLAN COMMISSION FOR
DEVELOPMENT APPROVAL**

THE UNDERSIGNED Petitioner, Emerald RE Holdings, LLC, an Illinois limited liability company (“the Petitioner”) as the contract purchaser of the property legally described on **Exhibit A** attached hereto (the “Subject Property”), respectfully petitions the City of Geneva (the “City”) to approve the following:

- (i) an amendment to the City’s Comprehensive Plan to general commercial to allow for a three-story building consisting of retail with a design center on the first floor, and a total of fourteen (14) residential units on the second and third floors (7 units per floor);
- (ii) an amendment to the City’s Zoning Map to rezone the Subject Property from the D-MHR zoning district (Mixed High Density Residential) to the D-CM zoning district (Commercial Mixed-Use District);
- (iii) site plan approval for the Subject Property (the “Site Plan”);
- (iv) setback variances to increase the maximum allowance for interior side and corner-side yard setbacks, together with other such variances, departures or deviations from the zoning provisions of the Geneva Municipal Code, as amended (the “Code”) as may be necessary to develop the Subject Property in accordance with the Site Plan.

BACKGROUND INFORMATION

1. The Petitioner, Emerald RE Holdings, LLC, an Illinois limited liability company, with a

registered office at 1051 Frontenac Road, Naperville, is the Petitioner and contract purchaser of the Subject Property.

2. The Owner of the Subject Property is Geneva Heights, LLC, with a registered office at 405 Illinois Ave, #2A, St. Charles, IL, 60174.

3. The Property consists of two lots totaling approximately 37,461 square feet located at the corner of Illinois Route 38 (East State Street) and Crissey Avenue in Geneva, Illinois as is generally depicted on **Exhibit B** attached hereto.

4. Two single-family residential structures occupied the Subject Property until 2018 when one structure was demolished and the other was relocated to a lot on East Side Drive. The Subject Property is currently vacant.

5. The existing land uses surrounding the Subject Property are as follows:

- a. North: Illinois Route 38, commonly known as “State Street”, D-CM (Commercial Mixed-Use Zoning): Residential, and D-MFR (Multiple-Family Residential): Parking Lot and Covenant Retirement Communities
- b. East: D-CM (Commercial Mixed-Use Zoning): Dunkin Donuts
- c. South: D-SFMR (Single-Family Medium Density Residential Zoning): Single-Family Residential Homes, and a Multi-Family Duplex Converted to Commercial Businesses
- d. West: (D-CM) Commercial Mixed-Use Zoning: Law Office Building and Parking Lot

SUMMARY OF DEVELOPMENT

The Subject Property consists of two vacant lots located along State Street and Crissey Avenue which are zoned D-MHR (Mixed High Density Residential). The Subject Property is

located near the western gateway to the City's downtown within a 15-to-20-minute walking distance to the City's train station. As a result, the Subject Property presents a unique opportunity for a commuter-friendly, upscale residential building with first floor retail and a design center to enhance the City's local economy.

The project vision is similar to the mixed-use commercial/residential development completed by Petitioner in 2018 in the City of Naperville which included a first floor medical office and a design center housing Great Western Flooring, and eight (8) residential units above which served as a gateway to the Naperville downtown. Similar to the Naperville project, here in Geneva, Petitioner intends to construct a three-story, mixed-use building consisting of both a design center and residential uses (the "Roosevelt Building"). The residential portion of the Roosevelt Building will be branded as a luxury multi-family building that will target predominantly young professionals, active adults and empty nesters seeking a "live, work and play" high quality living environment in a well-respected municipality. The first floor of the Roosevelt Building will consist of approximately 7,000 square feet which will include a +/- 5,000 square foot Great Western Flooring design center and approximately 2,000 square feet of complimentary commercial uses as permitted in the D-CM zoning district. Great Western Flooring is a successful women-owned and operated business rooted in Naperville and St. Charles for over 33 years. The first floor also has an additional +/- 260 square feet area which will possibly serve as an amenity space for tenants. The fourteen (14) residences on floors two and three will range in size from 610 square feet to 1,050 square feet. Thirty (30) on-site parking spaces are required per code and the Roosevelt Building will provide forty-two (42) on-site parking spaces located behind the building which will meet and exceed all code requirements. Attractive architecture together with enhanced landscaping will create optimal State Street curb

appeal and establish a distinctive visual character as a gateway property to downtown Geneva.

The properties surrounding the Subject Property consist of an office building to the west, a home duplex to office conversion to the South, and a recently developed Dunkin Donuts to the East of Crissey Avenue. The Roosevelt Building will fit appropriately within the existing Cityscape and as contemplated by the City's Comprehensive Plan (the "Comprehensive Plan") and D-CM zoning district. Design features of the Roosevelt will meld the traditional design with modern styling that include the following: masonry walls, decorative cornices, large traditional storefront window, large residential windows, window mullions, complimentary classic trim work and moldings, and modern light fixtures. These durable quality design features have been carried through on all four sides of the building and are utilized in ways that fit within the context of the neighborhood while still delivering a contemporary building style consistent with the City's Comprehensive Plan. The Roosevelt Building will be enhanced with landscape treatment to create high curb appeal. Landscape enhancements will include turf parkways, ornamental plantings and shrubs, and natural screenings of the parking areas and trash receptacles.

Infrastructure designed for the Roosevelt Building will be compatible with both the existing conditions and the IDOT proposed future improvements to East State Street. It is noted that IDOT intends to acquire approximately thirty-nine square feet of the Subject Property to facilitate improvements proposed at the southwest corner of State Street and Crissey Avenue. One access entryway to the Subject Property will be configured off Crissey Avenue with no direct vehicular access from State Street to the Subject Property. Parking will be located behind the building and out of general view from State Street to deliver the best aesthetic impact. One fully confined trash enclosure will be located along the curbing of the parking area as depicted

on the site plan and will be appropriately screened to avoid unsightly dumpsters.

Consistent with the Comprehensive Plan, completion of the Roosevelt Building presents a valuable investment in the Geneva community offering both residential and retail near the Fox River. The design center and residential opportunity offered by the Roosevelt Building will provide for the highest and best use of the Subject Property, will be compatible with surrounding areas, will enhance the City's real estate and sales tax base, and will greatly improve the function and aesthetics of that portion of the highly visible State Street corridor. The residential component will provide a housing opportunity for those that desire an upscale living environment and associated amenities in close proximity to the downtown commercial core as well as public transit.

REQUIRED DEVELOPMENT ENTITLEMENTS - AMENDMENT TO
COMPREHENSIVE PLAN

1. *Petitioner seeks approval for an amendment to the Comprehensive Plan to allow the Roosevelt Building as an appropriate future land use plan;*

The Comprehensive Plan provides interpretation of the City's past land use and guidance for the future development and land uses.

Under the provisions of the 2003 Comprehensive Plan, the Subject Property is designated within the Downtown/Third Street subarea, specifically the River East "functional subarea." The East State Street corridor is intended to act as the "Eastern Gateway" to the City, serving as a transitional zone between the core downtown commercial area and the surrounding residential properties.

In 2018, the Comprehensive Plan undertook a revision of the land use categorization of the Subject Property, revising the designated land use from traditional mixed-use to Single-

Family Attached. As previously mentioned, the Subject Property occupied two single-family residential structures as of 2018. Given the update to the Comprehensive Plan's land use map within the same year, the adjustment of the land use designation would have presented a reasonable alignment with prospective land use trends. However, subsequent to the revision of the future land use designation, the Subject Property has remained in a state of vacancy and underutilization.

The Roosevelt Building will justifiably provide a transition of adaptability to reflect the evolving circumstances. The transition serves to optimize the Subject Property's highest and best use, encouraging enriching developmental prospects and opportunities within the surrounding area. The Roosevelt Building will provide a harmonious balance between commercial interests and the preservation of community cohesiveness with the surrounding residential neighborhoods.

Furthermore, the Roosevelt Building is of appropriate size, scale and complimentary architectural style that will represent the high-quality appearance and quality of the City as a whole. Namely, the Roosevelt offers the following:

- Enhances the visual aesthetics of State Street and provides an architecturally significant building as the eastern entryway to the Downtown Subarea;
- Provides transition between the primary commercial center of downtown, and the residential neighborhoods to the east and south of the Subject Property;
- Provides a housing type that meets the lifestyle needs of the City's population with parking and access to employment opportunity and public transportation;
- Enhances pedestrian access to the downtown area;
- Provides a welcoming appearance for all residents and visitors to the City.

REQUIRED ENTITELMENTS - MAP AMENDMENT

2. *The Petitioner seeks a map amendment to rezone the Subject Property to D-CM Commercial Mixed Use Zoning District;*

a. *Existing Uses of Property within the general area of the Property in question;*

The Subject Property is currently zoned D-MHR (Mixed High Density Residential). Two single-family residential structures occupied the Subject Property until 2018 when one structure was demolished and the other was relocated to a lot on East Side Drive. The requested rezoning for the Subject Property to D-CM (Commercial Mixed Use) is complementary to the transitional nature within this functional subarea. The requested rezoning is compatible with the current office space to the west and the surrounding residential area to the north of State Street and to the south of the Subject Property. The Great Western Flooring design center showroom located on the first floor will be for consumer retail purposes, similar to a furniture store. Clients will visit for design consultations and viewing of product samples. No warehousing or shipping of products will be done at this location as Great Western Flooring has a dedicated warehouse in Naperville that handles all logistics. Any deliveries to the design center would be minor in nature and can be accommodated by car or van, minimizing any impact to the surrounding area.

b. *The zoning classification of the Property within the general area of the Property in question;*

The existing zoning to the east and west is D-CM (Commercial Mixed-Use). The property to the South is zoned as D-SFMR (Single-Family Medium Density Residential), and the property to the north is zoned D-CM (Commercial Mixed-Use Zoning) and D-MFR (Multiple-Family Residential).

The mixed-use consisting of a first floor design center with the second and third floor mix of studio, one-bedroom and two-bedroom units is entirely compatible with the existing zoning classifications and minimizes potential incongruent land use issues.

c. The suitability of the Property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification;

The existing zoning on the Subject Property is D-MHR (Multiple-Family Residential). Today, the Subject Property continues to sit vacant since 2018 when one structure was demolished and the other was relocated to a lot on East Side Drive. Under its current D-MHR zoning, uses permitted would be generally inconsistent with the comprehensive plan's vision for the Subject Property. The requested D-CM zoning will transition the more commercial feel of State Street with the surrounding single-family residential neighborhoods. The placement of the building along State Street will also serve as a buffer from Roosevelt Road to the residential properties to the south.

d. The current comprehensive plan for the City.

Under the Comprehensive Plan, the Subject Property's exiting land-use is categorized as transitional mixed use, with the largest parcel designated as "Single-Family Residential," and the smaller adjacent parcel to the east designated as "Office." Residential uses in Geneva are comprised of a wide variety of housing types, densities, and development patterns. The Roosevelt meets the goals and objectives of the Comprehensive Plan as follows:

- Represents a unique opportunity for current and future Geneva residents to live close by Geneva's downtown commercial center and sought after Fox River views;

- Increases Geneva’s range of housing choices allowing for Geneva’s population to grow in its diversity of housing options that meet employment opportunities and transportation needs; and
- Keeps the East State Street retail corridor focused on continual commercial development with a highly regarded, long-standing local design center and retail business.

SITE PLAN REVIEW

State Street includes retail uses at the street level and space for offices and/or residential on upper stories. The Roosevelt will harmonize with the structures along State Street, coinciding with the Comprehensive Plan’s current and future vision for State Street. Proposed improvements include storm sewer and watermain improvements, sidewalk connection to Crissey Avenue, and street lighting. Vehicular access will be compatible with both the existing conditions and will further enhance proposed improvements at the southwest corner of State Street and Crissey Avenue. The Roosevelt will have its only vehicular entrance along Crissey Avenue, preventing traffic congestion along State Street and providing unobstructed access for fire, police and other emergency vehicles along Crissey Avenue. The addition of the sidewalk at the corner of Crissey Avenue and State Street will further provide functional, safe and appropriate pedestrian access. Utility lines will be located underground, and adequate water mains and fire hydrants will be provided in accessible places in accordance with firefighting and fire prevention practice. Additionally, adequate provision will be made for the collection and disposition of stormwater and sanitary sewage. Parking will be appropriately located behind the building with the sufficient number of parking spaces required by the Code for both the design space component and the residential units. Parking lot lighting will provide illumination in

compliance with the City Code. All exterior signage will complement the overall façade of the building in terms of size, design and color, and further enhance the overall image and character of the City’s charm. Perimeter landscaping will create building visibility and an attractive pedestrian environment. Construction of the Roosevelt will provide infill development of underperforming land and return the Subject Property to its highest and best use while enhancing the City’s retail and property tax base.

REQUESTED VARIANCES

Petitioner seeks a variance to allow a maximum interior side yard setback of twenty eight feet (28’) and street side yard setbacks of twenty two feet (22’).

a. The property in question cannot yield a reasonable return if permitted to be used only under the regulations of district in which it is located.

The village’s D-CM zoning district anticipates that interior side yard setbacks will not exceed eight feet (8’) and street side setbacks with open space will not exceed fifteen feet (15’). Understandably, no or limited setbacks are appropriate in the downtown core where pedestrian zones are encouraged along with dense retail corridors for shopping and entertainment purposes. However, in this instance with the Subject Property being just outside of the downtown core area, the incorporation of setbacks will serve to benefit the Subject Property and surrounding area.

In this particular location, if the building were located closer to Crissey Avenue and the office building to the west, safety could be undermined, aesthetics and functionality could be negatively affected, and noise levels in the building and surrounding properties could be increased affecting the quality of life. Specifically, the Subject Property has a significant change in topography that requires adequate room for transitional grading between both the Subject

Property and Crissey Avenue, and the Subject Property and the law office building to the West. The requested additional setbacks provide additional separation from the building to the west which will allow for appropriate grading along with utilities to be properly installed between the two buildings. Additionally, the Petitioner is requesting to incorporate green space between Crissey Avenue and the Subject Property to create additional separation between the new building and the surrounding roadways creating an overall more pleasing aesthetic.

b. The shape, topography or other conditions of the land is such that it is extremely difficult to comply with the regulations generally applicable to the property.

Due to the topography of the site and change in elevation, it would be challenging to locate a building directly on the Subject Property in conformance with the required setbacks. The topography of the site could affect the installation of ADA sidewalks as well as locating the necessary public utilities to serve the Subject Property.

c. The variation requested will not be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity; will not materially impair an adequate supply of light and air to properties and improvements in the vicinity; will not substantially increase congestion in the public streets due to traffic or parking or increase the danger of flood or fire; will not unduly tax public utilities and facilities in the area; or will not endanger the public health, safety or welfare.

The variance will improve public welfare, health and safety. The requested additional setback areas will allow for a landscape buffer area between the adjacent roadways and the office building to the west which will improve safety as well as quality of life. The variance will also improve the appearance of the new building and allow for proper grading for stormwater purposes, improve fire protection and public safety at the Subject Property.

d. Any variation considered is the minimum variation necessary.

The proposed additional setbacks are the minimum necessary to provide adequate space to properly grade the property, install sidewalks, and locate the building a safe distance from the adjacent Crissey Avenue.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests the City Council and Plan Commission take the necessary steps to approve an amendment to the Comprehensive Plan to allow for a general commercial three-story building on the Subject Property, to approve a map amendment to rezone the property from D-MHR Mixed High Density Residential to D-CM Commercial Mixed Use, to conduct a Site Plan Review, to allow a maximum interior side yard setback of twenty eight feet (28') and street side yard setbacks of twenty two feet (22'), and to grant such other variances, departures or deviations under the Code as may be necessary to develop the Subject Property in accordance with the Site Plan.

RESPECTFULLY SUBMITTED this ____ day of _____ 2023.

PETITIONER:

Emerald RE Holdings, LLC
an Illinois limited liability company

Rosanova & Whitaker, Ltd.
Attorney for the Petitioner

LIST OF EXHIBITS

EXHIBIT A: LEGAL DESCRIPTION OF SUBJECT PROPERTY

EXHIBIT B: SITE PLAN

EXHIBIT A

PARCEL 1: THAT PART OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN F. S. WRATE'S SUBDIVISION; THENCE WEST 65.56 FEET ALONG THE NORTH LINE OF SAID LOT; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF BATAVIA STREET 100 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING NORTHERLY 132.5 FEET PARALLEL WITH THE WESTERLY LINE OF BATAVIA STREET TO THE SOUTHERLY LINE OF STATE STREET; THENCE EASTERLY 66 FEET ALONG SAID SOUTHERLY LINE TO THE WESTERLY LINE OF BATAVIA STREET; THENCE SOUTHERLY ALONG SAID WESTERLY LINE TO A POINT IN A LINE DRAWN EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 1 OF F. S. WRATE'S SUBDIVISION FROM THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING; IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 130 East State Street, Geneva, IL, 60134

PARCEL 2: THE EASTERLY HALF (MEASURED ALONG THE NORTH LINE) OF THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF LOT 9 OF THE 1860 ASSESSOR'S PLAT FOR SAID QUARTER SECTION; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 9 AND SAID LINE EXTENDED 255.56 FEET TO THE NORTH LINE OF F.S. WRATES SUBDIVISION; THENCE SOUTHEASTERLY ALONG SAID NORTH LINE 227.60 FEET TO AN ANGLE THEREIN; THENCE NORTHEASTERLY ALONG SAID LINE FORMING AN ANGLE OF 83 DEGREES 30 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 18.80 FEET TO AN ANGLE THEREIN; THENCE EASTERLY ALONG SAID NORTH LINE PERPENDICULAR TO THE LAST DESCRIBED COURSE 6.63 FEET TO A POINT THAT IS 65.56 FEET WESTERLY OF THE WEST LINE OF CRISSY AVENUE (FORMERLY KNOWN AS BATAVIA STREET); THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 90 DEGREES 06 MINUTES 06 SECONDS WITH THE PROLONGATION OF THE LAST DESCRIBED LINE (MEASURED COUNTERCLOCKWISE THEREFROM) 235.75 FEET TO A POINT ON THE SOUTH LINE OF STATE STREET THAT IS 66.0 FEET WESTERLY OF THE SAID WEST LINE OF CRISSY AVENUE; THENCE WESTERLY ALONG THE SOUTH LINE OF STATE STREET FORMING AN ANGLE OF 96 DEGREES 36 MINUTES 47 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 236.06 FEET TO THE POINT OF BEGINNING (EXCEPT THE WESTERLY 3.33 FEET CONVEYED TO H.L. NAYLOR BY WARRANTY DEED DATED SEPTEMBER 26, 1927, ER 27, 1927 AS DOCUMENT 297919) IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 122 East State Street, Geneva, IL, 60134

PINS: 12-02-354-004 & 12-02-354-005

