



Planning and Zoning Commission Meeting – September 14, 2023

Public Comments

The following public comments pertain to the September 14, 2023 Planning and Zoning Commission agenda and were received prior to 5:00 p.m. on Thursday, September 14, 2023.

These items will be posted to the City's website prior to the meeting.

Comments RE: Agenda Item 5B – The Roosevelt – Great Western Flooring

Received Prior to 5:00 PM on 09/14/2023

pg. 2

Public Comments – Attached

DOUGLAS B. WARLICK & ASSOCIATES

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August 23, 2023

City of Geneva City Council & Planning and Zoning Commission
City of Geneva, Illinois
22 S. First Street
Geneva, Illinois 60134

Re: Letter of Support of "The Roosevelt", a mixed use project located at 122 & 130 East State Street, Geneva, Illinois.

Dear City of Geneva Staff, Plan Commission and City Council,

As the owner of the property located immediately west of the proposed development site on State (The Law Offices of Douglas B. Warlick & Associates), I'm reaching out to convey my support of the proposed new development of The Roosevelt retail/multifamily building.

Based upon the information I have seen, many aspects of the project are attractive:

- The proposed project revitalizes the property which has sat as vacant building and then vacant land for countless years.
- New development will positively impact property tax and sales tax revenue. The south side of State Street within this immediate area has seen little new development over the years. The proposed project will be a prominent development but still maintain an appropriate size and use for the neighborhood.
- I am pleased to see the project will contain very little retail within a very charming building that includes some upscale residential units.
- The developer has maintained an open line of communication from the onset of this project discussing his challenges with me as well as how my property may be affected from this development.

I strongly support the proposed development as it provides many benefits that are vital to quality living and contribute to the economic vitality of the City.

Very truly yours,

DOUGLAS B. WARLICK

September 5, 2023

City of Geneva City Council & Planning and Zoning Commission
City of Geneva, Illinois
22 S. First Street
Geneva, Illinois 60134

Re: Letter of Support of “The Roosevelt”, a mixed use project located at 122 & 130 East State Street, Geneva, Illinois.

Dear City of Geneva Staff, Plan Commission and City Council,

As the owner of the Dunkin’ Donuts location at State & Crissey (only a few hundred feet adjacent from the proposed development site), I’m reaching out to convey my support for the proposed mixed use building with ground floor retail and multifamily above.

My support is rooted in the following justification:

- This corridor is a gateway into downtown that has long been underinvested in. This subject land has sat vacant for years, the proposed project will significantly enhance the overall area & positively impact both property and sales tax revenue.
- The building size and low impact mixed use retail/multifamily components are a complimentary fit for this location. The building provides a buffer between the traffic of State Street and the residential uses to the south. I appreciate both the low traffic impact and the physical esthetics of a design showroom as the anchor retail tenancy.
- I am familiar with the developer’s similar project located in Naperville, IL. I understand this building’s design & finish level is expected to exceed that. I am thrilled to hear of the potential to have an innovative building with practical uses as my future neighbor.
- I appreciate the developer reaching out to the neighbors relative to this new project.

I strongly urge The City of Geneva to support the proposed development as it provides many benefits that are vital to quality living and contribute to the economic vitality of the City.

Thank You,



Raj Patel

Buesing, Matthew

From: Rod Nelson <rbn3@aol.com>
Sent: Friday, September 1, 2023 10:23 AM
To: Buesing, Matthew; Maladra, Craig; Swanson, Robert; Kilburg, Dean; Hruby, Becky; Marks, Richard; Bruno, Mike; Kosirog, Brad; Mayer, Amy; Bowring, Anaïs; Paschke, Martha; DeGroot, David; Dawkins, Stephanie; Byrne, Brian
Subject: Re: ● Testimony for September 14, 2023 "The Roosevelt" Property at 122, 130 East State Street; Objection to meeting
Attachments: Resolution approving Great Western Flooring Nov 7 2022.pdf

Mr. Buesing and Alderpersons, et al:

Please add this thread to my written testimony for the above-captioned hearing.

You are improperly "bending" the rules, as usual. No provision in the Geneva Code empowers an "owner" to "authorize" a surrogate to apply for a Zoning Map change and change of zoning from "single family residential attached to downtown commercial/mixed use."

Your public notice for a ~45-stall parking lot accessed only from Crissey Ave. and mixed-use three-story building does not name the parcel owner as the applicant. An application must be initiated. The plain language of the code does not empower an owner to appoint a surrogate. You invented this ploy. Why the smoke and mirrors? The owner may hire others to prepare the application. A contract to purchase is not ownership. Transparency is an actual thing, not just a pretty word. Please see: [The Geneva City Council Starts Another TIF Project for the Benefit of a Specific Family Business that Also Includes Affordable Housing – Rod's Ramblings and Ruminations \(genevanotes.com\)](#). In this case, a developer buys "an option to purchase" contract for a nominal unnamed sum. Current property taxpayers in Geneva School District 304 and other taxing bodies bear all the risk in the ensuing transactions with the City of Geneva. Those taxpayers' "benefit," if any, comes 35 years later. For example, the Geneva Pharmacy investment by the taxpayers ended in disaster and an almost immediate total loss.

From the Geneva Municipal Code: "Interpretation: In the interpretation and application of **any provision** of this code, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare. Where any provision of a code imposes greater restrictions upon the subject matter than the general provision imposed by the code, **the provision imposing the greater restriction or regulation shall be deemed to be controlling.**" The owner must be named in a valid public notice.

The council passed the following resolution quoted here in part on Nov 7, 2022, that put the cart before the horse, as usual in Geneva. The phrase "but for" does not appear in that resolution. Please see the resolution attachment.

From Nov 7, 2022, Council Meeting: "Emerald RE Holdings [not Geneva Heights, LLC, the owner] has completed preliminary site investigation and has defined costs in excess of \$7,377,917. The project budget includes several extraordinary costs related to site

assembly, site preparation, utility extensions/upgrades and stormwater management. To overcome such costs, Emerald RE Holdings has requested TIF assistance and is seeking preliminary assurances of support for such inducement prior to moving forward with entitlements. Entitlements needed include a Comprehensive Plan Amendment, from Single Family Residential and Single Family Residential Attached to General Commercial; a Zoning Map Amendment, from the D-MHR Mixed High-Density Residential District to the D-CM Commercial Mixed Use District; and possibly one or more site plan design exceptions. Preliminary/final engineering and architectural drawings still need to be completed. **Information known to date indicates the need for an incentive of up to \$1,459,000.** This level of inducement represents approximately 80% private and 20% public. Given the base EAV and age of TIF 3, an inducement at this level **will likely use the total amount of resulting increment.** Even without additional increment, there are many positive impacts that will be generated from the development including new sales tax dollars, a new established business fronting East State Street, new housing opportunities (including possibly a few affordable units), increased EAV for future taxation benefits and new employment opportunities.

The City Council committed \$1.5 million a year ago without public input or a hearing. Now we are to believe the Council will honestly consider whether the current taxpayers should front that \$1.5 mil to a surrogate applicant because "but for" the tif gift the project will not occur? First, the project should be considered on its merits alone. Then the "but for" question should be addressed. Why does every tif grant come with a side order of spot zoning in the form of map changes, variations, deviations, reliefs, and winks and nods? Here an obvious wink and nod is the \$1.5 mil promise!

Rod Nelson

On Friday, September 1, 2023 at 08:41:24 AM CDT, Buesing, Matthew <mbuesing@geneva.il.us> wrote:

Good morning,

Thank you for your comments. They will be added to the public comment and posted to the website prior to the meeting.

The application does require owner authorization which was provided in the project submittal.

Thanks,

Matt Buesing

City Planner

City of Geneva

22 South First Street

Geneva, Illinois 60134

630.845.9654

mbuesing@geneva.il.us

From: Rod Nelson <rbn3@aol.com>
Sent: Thursday, August 31, 2023 4:45 PM
To: Buesing, Matthew <mbuesing@geneva.il.us>
Cc: Maladra, Craig <cmaladra@geneva.il.us>; Swanson, Robert <rswanson@geneva.il.us>
Subject: ● Testimony for September 14, 2023 "The Roosevelt" Property at 122, 130 East State Street; Objection to meeting

EXTERNAL EMAIL - USE CAUTION

Matt Buessing, Geneva City Planner

in re: Testimony for Plan and Zoning Hearing 122 and 130 E State Applications for Comprehensive Plan Amendment, Zoning Map Amendment

Testimony for Public Hearing of Sept 14, 2023:

The public notice of AUGUST 30, 2023, states: "...application for a public hearing from Emerald RE Holdings LLC..."

The Geneva Municipal Code contains this:

"11-14-3: - AMENDMENTS:

2. Map Amendments: A map amendment **may be initiated** by the city council, planning and zoning commission **or the owner** of the property for which an amendment is..."

Emerald RE Holdings LLC **is not the owner of the properties here in question** and is not an eligible applicant for a Comprehensive Map amendment. The owner is Geneva Heights, LLC., as listed on the public notice.

Please cancel the proposed September 14, 2023, meeting as the public notice is clearly defective, as the listed owner is not the applicant.

Nearby property owners should not be required to spend their time, energy, and emotional capital on proposals made by applicants who have no skin in the game. Experience has taught me that rules and ordinances are treated as "suggestions" by the Geneva Plan Commission and City Council. This is not ethical, Hanlon vs. Village of Clarendon Hills notwithstanding. Plus, Hanlon did not eviscerate state law. Geneva's municipal powers must be exercised within authority delegated by state law.

The Geneva Plan Commission has been prone to errors. For example, the property just across Crissey Ave. from the proposed "The Roosevelt" was the site of a recent fatal accident. That site did not receive the required IDOT permit prior to Plan Commission and City Council approval. State law requires an IDOT permit prior to a building permit. What happened? In fact, the large number of people involved in that attempted fraud does not permit a conclusion that it was an accidental oversight. The drive-through use has been in operation in spite of non-compliance with IDOT standards. Malone Funeral Home received a "Special Use to Allow the Continued Use." The Illinois Constitution and Zoning Statutes do not define or recognize this category of permitted uses, and only empower a municipality to approve new special uses, and then only after due process for neighbors. My property and neighborhood have been blighted by these repeated zoning errors. This Roosevelt proposal will do nothing to enhance safety at State and Crissey, the latter being a very narrow street with parking on one side. In fact, directly opposite the entrance to the Roosevelt is an unlawful encroaching retaining wall that is 6' tall and offers no room for pedestrian escape should a collision occur. The exist-only to southbound Crissey from the drive-through use is only a few feet further north. More congestion will lead to more accidents, injuries, and fatalities.

Since you have posted a letter of support from a neighbor to your development web page, please post this letter in opposition to this project. Remember, Geneva supports equity, or does it?

Thank You.

Rodney B. Nelson, M.D., F.A.C.P, former Major, USAF

23 Kane Street, Geneva, IL



The City of Geneva, Illinois Since 1835

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Buesing, Matthew

From: Dave Hopkins <david.hopkins@sweetgreen.com>
Sent: Thursday, September 14, 2023 12:59 PM
To: Buesing, Matthew; DeGroot, David
Subject: ● Fwd: Proposed great western flooring

EXTERNAL EMAIL - USE CAUTION

From: Dave Hopkins <david.hopkins@sweetgreen.com>
Date: September 14, 2023 at 1:50:42 PM EDT
To: Mbuesing@gebeva.il.us, Ddegroot@geneva.il.us
Subject: Proposed great western flooring

Hi Matt and David,

This is Dave Hopkins, I live at 24 Crissey Ave with my wife Nicole.

We are sorry that we are out of town for the planning meeting tonight for the great western flooring building on rt38 and Crissey.

We have lived at 24 Crissey since 1999. We obviously knew the property line when we moved in, but the original house on the proposed property was right on rt38, and the back yard was very wooded. We also didn't know it was zoned B commercial at the time because was historically marked.

The people before us at 24 Crissey had taken care of the back yard which included a small portion of the proposed property (highlighted yellow in attached picture) We had spoken to the previous owners of the proposed flooring site right after we moved in in 1999, and were inquiring about the property lines, unfortunately the couple both passed away before we could come to a conclusion and the house was put up for sale.

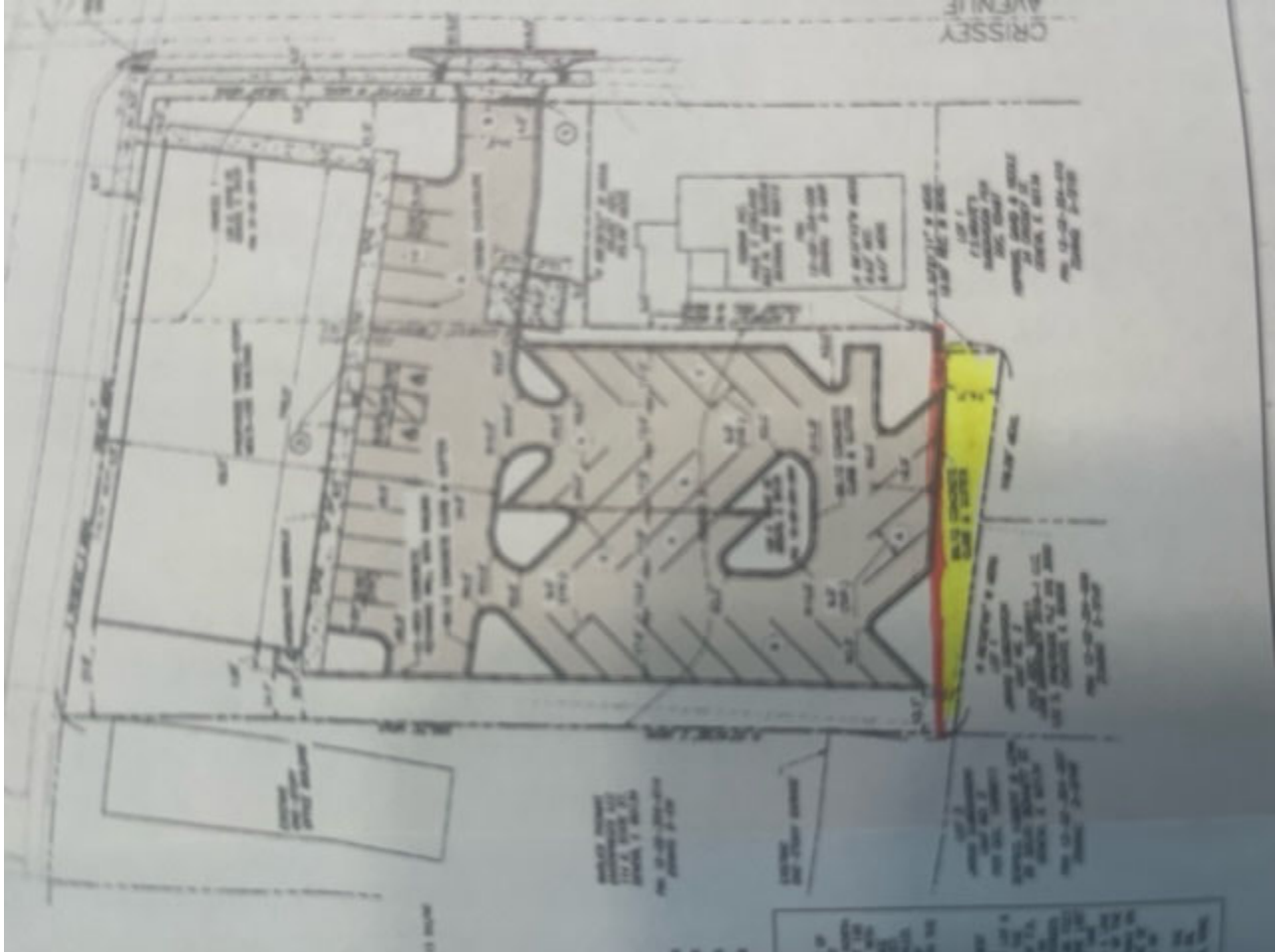
The next owners (the Marins) bought the property, tore down many trees, virtually demolished the property and house, and were putting up a fence. Again we tried to speak to them about the small piece of the property, but their demands were irrational, in our minds, but it was theirs to do with what they wanted. They did agree to build the fence which squared off our property and it has been there ever since (approximately 16-17 years)(fence is red line in picture). As you know the property was sold again, the house was moved (probably to make way for B zoning) and the property has been vacant and an eye sore until either the city or new owners started mowing the front portion.

We have maintained our portion and the yellow highlighted portion in the attached picture since 1999.

If you are able to see the property we own and take care, of it is a lawn, then fence and the other side of the proposed flooring site which is over grown.

Again we understand the site is a B zoned now for commercial, and most likely have no recourse for that. We feel that with the highlighted portion gone and the new business, our property values will be extremely affected. We are asking if the highlighted portion can either be spoken to us, or some kind of agreement made to keep it as is. As I look at the platt, it affects potentially only 4 parking spots, but I do know parking is a premium. If you see the highlighted portion and the red line (current fence) it goes right up to the back 4 parking spots of the property. We are also seeing if there is some sort of burm, fence, trees, that will divide the business and parking from our property.

If possible can someone contact us, we have never complained about the property no matter what condition it has been over the years, and want to be good neighbors for the future.



Dave Hopkins
Area Leader

Sweetgreen
Sent from my iPhone