

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

September 26, 2024 — Meeting #68

1. Call to Order

Chairman Stocking called the meeting of the Geneva Planning and Zoning Commission to order at 7:00 p.m., and read a prepared statement of procedures for the meeting and public hearing. He swore in the individuals planning to speak during the public hearing.

2. Roll Call

Present: Chairman Scott Stocking, Commissioner Mim Evans; Rebecca Holoman; Adam Matyskiel; Tim Moran; Michael Slifka

Absent: Commissioner John Mead

Staff Present: Community Development Director David DeGroot, City Planner Matt Buesing, Assistant City Planner Jessie Muncie

Also Present: City Attorney Ron Sandack, Planet Depos Court Reporter

3. Approval of the Agenda

Motion by Commissioner Evans, seconded by Commissioner Moran to approve the agenda. Motion carried by voice vote 6-0.

4. Approval of September 12, 2024 Minutes

Motion by Commissioner Slifka, seconded by Commissioner Matyskiel to approve the minutes. Motion carried by voice vote 6-0.

5. Public Hearing:

A. Text Amendment – Food Manufacturing, Processing, & Packaging: Zoning Ordinance text amendment to amend Section 11-7B-2 (Permitted Uses) to allow “Food Manufacturing, Processing, and Packaging” as a permitted use in the I1 Light Industrial zoning district.

Applicant: MSI Express, Inc.

City Planner Matt Buesing read the contents of the applicant's file. Then, Assistant City Planner Jessie Muncie presented a staff report summary slide show. She reviewed the details of the request. MSI Express is considering leasing 1885 E State Street which is zoned I1 and does not allow for “Food Manufacturing, Processing, & Packaging” as a permitted use. Several PUDs within the I1 district have included food manufacturing as a permitted use, therefore the existing heavy presence of food manufacturing uses in I1 zones might signify that food manufacturing should be a permitted use and staff is proposing a text amendment.

Micah Bosley Vice President of Operations and Supply Chain at MSI Express, introduced himself and explained what MSI Express does. They package things like cake mixes, crackers, candy, and sunflower feeds. These items are already made and they package them. They also blend pancake mix and powdered drink mix. He explained that they don't cook any product and don't handle any meat, so there are no smells of that nature. The company has outgrown the building they operate out of in West Chicago and would like to move it to this location.

Chairman Stocking asked if there was anyone present in the audience that wished to speak on the matter. Seeing none, Commissioner Evans stated she had a question for staff. Mr. Buesing suggested closing the public hearing.

Motion by Commissioner Evans to close the public hearing.

Commissioner Holoman indicated she had a question for the applicant. She asked the applicant about how the product gets moved/truck traffic and food waste created. The applicant responded that there are about 35 trucks a day. In regards to food waste, the applicant stated that they do create some but that no waste stays on site and that they send it to the recycler.

Commissioner Evans asked Chairman Stocking if they could leave the public hearing open and ask a question to staff in case that generated a question for the applicant. Chairman Stocking responded he believes so. Commissioner Evans commented that this text amendment would affect so many other locations within Geneva, rather than just looking at whether or not this particular site would be appropriate. She asked staff to provide some background as to why this is the best route for allowing this use on this site as opposed to just rezoning it. Mr. Buesing said they have tried to avoid “spot zoning” or the rezoning of single parcels and in this particular case he said they found

there are already a lot of food manufacturing uses in the I1 district so they believe it might be appropriate to be included in the I1 as a permitted use by right considering how many facilities are already in operation.

Commissioner Evans asked staff if there are any sites affected by this change that they would be concerned about. Mr. Buesing responded not to his knowledge, adding that is always a level of unknown but for the majority of sites he doesn't believe so. He stated that the majority of I1 is separated from the residential zones, noting there are some I1 zones west of the river near residential zones.

Commissioner Evans commented that a large concern relates to odors from a food processing facility. She asked if they could change the text to prohibit cooking. Mr. Buesing responded that they could, but there are regulations already in place and he believes that level of control is enough.

Commissioner Holoman spoke and asked if instead of changing the zoning, they could allow a special use permit and if that is something that has been considered. Mr. Buesing responded that it has been considered and in this instance they believe that since there are quite a number already allowed through the special use process and there hasn't been any issue so it appears this use should just be a permitted use, rather than having every food maker go through the special use process. Commissioner Holoman commented that leaving the gates open is concerning and that some of the I1 sites are close to residents. She said she wouldn't be opposed to keeping it as a special use permit so there are some guard rails on there.

Commissioner Moran addressed Chairman Stocking and said he believes they are doing things out of order and that they should close the public hearing then allow discussion.

Motion by Commissioner Evans to close the public hearing. Seconded by Commissioner Moran.

AYE: Evans, Slifka, Holoman, Matyskiel, Moran, Stocking

NAY: None

MOTION PASSED 6-0

Commissioner Matyskiel asked staff what currently occupies the parcels in the I1 district west of the river that aren't really in an industrial park and are closer to the downtown and closer to residential zones, as he sees the biggest concerns to be noise, pollution and those sorts of things in those areas. Community Development Director David DeGroot responded that there are the Burgess Norton north and south campuses, U-Haul storage facility, industrial suites, contractors offices and storage yards. As mentioned we do have performance standards that do address things like odors and

noise which they do enforce. He added that the existing cluster of food oriented uses in the I1 district is a strength.

Commissioner Moran stated that his concerns are along the same lines of Commissioners Holoman and Evans. He doesn't feel a text amendment is an appropriate way to do this. He doesn't believe the ease which it puts on city staff justifies opening the door to an entire new category of uses in this district. He believes a special use permit, spot zoning or an amendment to the PUD would be more appropriate. Commissioner Slifka agreed, saying that he looks at it the same way. The current process has allowed food processing to come into I1 zoning but done in a thoughtful way and in most cases through a PUD. He thinks it's prudent to have some type of a second look before putting a food facility in an I1 district. Commissioner Evans thinks the neighboring residential areas would appreciate it coming before them for review. Commissioner Holoman agreed and is in favor of a special use permit for additional oversight. Commissioner Slifka agreed again and commented that this business at this location is no problem, but that it does not mean than by approving this, that he is comfortable approving it everywhere. Chairman Stocking agreed, adding that he feels we do need to do a review session with a public hearing for these types of applications.

Motion by Commissioner Moran to approve the applicants request for zoning ordinance text amendment to amend Section 11-7B-2 (Permitted Uses) to allow "Food Manufacturing, Processing, and Packaging" as a permitted use in the I1 Light Industrial zoning district.

City Attorney Ron Sandack commented that Commissioner Moran could make the motion for a special use as there seemed to be concurrence among the commission and Commissioner Evans agreed.

Motion by Commissioner Moran to allow Food Manufacturing, Processing, and Packaging as a special use in the I1 Light Industrial zoning district subject to staff findings of fact. Seconded by Commissioner Evans.

**AYE: Evans, Slifka, Holoman, Matyskiel, Moran, Stocking
NAY: None**

MOTION PASSED 6-0

Mr. Buesing stated that this recommendation will go to City Council in the near future.

B. Geneva Crossing Townhomes: Requests for 1) Rezoning of Lots 2-4 to allow for the secondary use of multi-family development without an age restriction; 2) Final Planned Unit Development; and 3) Final Plat of Subdivision for a proposed 40-unit townhome development.

Applicants: Covenant Construction Co. & Geneva Crossing LLC (Lexington Homes)

Location: Generally located east of Fisher Drive and South of Williamsburg Avenue. PINs 12-05-405-001, -002, and -006.

City Planner Mr. Buesing read the contents of the applicant's file. Then Assistant City Planner Ms. Muncie provided a staff report summary presentation. She reviewed the details of the request. Covenant Construction Co. is the applicant for the rezoning request and Geneva Crossing LLC is the applicant for the final PUD and subdivision request. She reviewed the zoning and land uses for the property and surrounding properties. The subdivision was known as "Neighborhood 9" when it was approved for both a primary use and a secondary use. The primary use was 250 senior living dwelling units for 55 years old and older. The secondary use was non-age restricted multifamily development. She read an expert from the PUD about when the secondary use could be applied. She said that the PUD calls for the "rezoning" process but it is not really a rezoning. It does meet all the zoning map amendment standards for the rezoning. She reviewed the Final Plot of Subdivision. The final PUD meets all the standards as well as summarized by staff in the packet.

Scott Day, attorney for both Lexington Homes and Covenant Construction, spoke at this point. Covenant Construction is the original owner who started the project and now the seller of the property and seeking the rezoning. Mr. Day reviewed the history of the parcel known originally as "Neighborhood 9" within a much larger PUD. He reviewed the requests and pointed out that the rezoning request is exclusively from the property owner. He stated that this rezoning application is unusual to him as he has not seen a municipality assign two zoning designations. He noted that city staff recommended he couple the two requests, have one public hearing, and present it as a package, but noted that they are two separate applications. Mr. Day wanted Covenant Construction's written response to zoning map amendments found in the staff report to be included in the record tonight, although it was not necessary to read them during the meeting. He also wanted to make sure that Geneva Crossing's written responses to the standards applicable for a planned unit development and subdivision that were included in the staff report were acknowledged as part of the record, although not read during the meeting.

Nate Wynsma, Lexington Homes, introduced himself and provided some history on the company. He noted some changes they have made to the site plans based on feedback they received from the commission from the concept review meeting. Mr. Wynsma then reviewed some of the details of the proposal. The proposal is for 40 units in total across 10 townhome buildings with shared driveways and two-car garages in the rear. Part of the goal in the site plan was to try to maintain Stone Circle as much as possible, and its perpendicular parking that exists today and to strictly build on lots 2, 3, and 4. The

townhomes are mostly 4-unit buildings, but there is one 3-unit and one 5-unit building as well. They will be consistent in design with 3 models integrated into each building. The cost will range from \$460/\$470K- \$530K. They are 1,800-2,300 sq. ft. of living space. They anticipate the sale prices to be between \$500-600K which is the base plus options and upgrades. The pace of selling them is at least 2-2.5 per month. He spoke about his target audience which he said is pretty broad. Given the price point it is typically on the younger end of the spectrum, a dual income, younger buyer who doesn't have kids, but on the other end of the spectrum he says they see a number of empty nester buyers. Mr. Wynsma laid out their timeline. They hope to gain city approval by next month with the intent to start initial development steps by the end of this year. He said the initial work you would see would be related to construction of the temporary sales office and the initial steps for the foundation of the model home. They would begin preparations for the new point of access to Fisher Drive. Vertical construction would continue through their sell out in 2026. When construction is completed they plan to grind and resurface Stone Circle and to replace anything that's been damaged. Mr. Wynsma pointed out that there is a temporary access drive proposed to Stone Circle from Fisher Drive to contain the sales traffic and construction traffic to the NW corner but it will be proposed to be permanent at the final design stage.

Brendan May introduced himself as the traffic consultant on the project. His study concluded that the traffic generated by the proposed 40 townhome units will have a limited impact on the operations of the existing roadway network. He also compared this traffic to the traffic of the 130 condominiums that were not built, which is 40% less traffic generated. The Fisher Drive and Stone Circle access does have sufficient reserve capacity to accommodate the traffic generated by the townhomes. With a second access point, it will only enhance the access to the site.

Mr. Wynsma spoke again and reviewed the overall landscape plan. A large concentration of trees along the south east and north property lines is being proposed, which is consistent with the original PUD plan for the original condominium plan. He provided elevations of the townhomes. There are two complementary color palettes for the materials which include LP siding, LP trim, and masonry. There will be a lot of glass with triple mulled windows in every unit and each floor, as well as transom windows. The end units will have a bandboard and box bays, so some interest and detail in the side and rear elevations as well. Mr. Wynsma said that the access point to Fisher Drive is proposed to be a permanent 3-way T intersection that is stop sign controlled. He noted another change they are proposing to their plan that is to move the access drive to buildings 1 and 2 to the east to get further away from the intersection, rather than having it be on the west side of the buildings which is closer to the new access point.

The commissions asked clarifying questions regarding if there will be any shared spaces between the two communities. The applicant responded no, simply the pedestrian sidewalks are all interconnected and can be used by all but the condominium association will retain ownership of all of lot 6 and all amenities on it. Geneva Crossing's

work within lot 6 such as driveways, sidewalks, and landscaping will be outlined in a licensing agreement from the condominiums that will show what their obligation is to maintain. All of the main road, Stone Circle, which is still part of lot 6, will be a shared cost.

Commissioner Evans commented on the proposed change to the driveway for buildings 1 and 2. She said she sees the point about traffic flow, but doesn't think seven units are going to generate that much traffic and would like to keep the original proposal to keep the green space between buildings 2 and 3. The applicant responded that there is a greater visual setback and buffer from Fisher Drive. He also said it is more of a function of discussions made with their traffic consultant. The applicant said ultimately the decision should be made between the traffic engineers and Geneva traffic department. It would be most prudent to make the decision from a safety standpoint.

Commissioner Moran confirmed that Stone Circle is indeed a private road and the maintenance will be the responsibility of both communities.

Chairman Stocking opened up the public hearing and called individuals up in the order in which they signed in.

Bill Weckler, 2692 Stone Circle, a resident of Geneva for 47 years, spoke in opposition of the development. He stated that he looked for places that accommodated senior housing only. He was assured when he purchased his building that it would remain a 55 and older community and that is why he moved there in the first place.

Damir Latinovic, 228 Richards Street, spoke and stated he was here to convince the developers to modify the plan. He was very critical of the site plan, specifically the orientation of the buildings that do not face streets. He also said there will be issues with track pick up and staging of emergency vehicles with the inefficient plan and dead ends. He said for the record all his comments relate to standards 5 and 9 of the PUD standards. He said there is no reason to approve this. He asked if we allow this, what is going to come in next. His fear is that the next development will do the same thing. He ended by saying he hopes the commission does the right thing.

Bonnie Heffernetie, 2671 Stone Circle, spoke in opposition of the development. She said the reason she moved in seven years ago was because she wanted to live in a 55 and older community. She said that she believes condos are a viable piece of property and their units sell within 1-2 weeks. She defended the residents saying they pay taxes, use restaurants, buy groceries, and deserve as seniors to live in a community that is for 55 and older which is what Geneva has provided. She said it is not a bad project and she does like Lexington builders but argued that it needs to remain a 55 and older community. She was critical of Covenant Construction for wanting to sell out their property and thinks there could be a lot more done for seniors in Geneva. She spoke about how large trucks can't make the turn on Stone Circle because of the divider in the

road. She asked where the garbage and recycling bins will be picked up. She said she needs more things addressed before it goes through.

Barbara Buba was called and said from the audience that she does not need to speak as Ms. Heffernetie said everything she would have wanted to say.

Karin Wiltsey, 2692 Stone Circle, spoke in opposition of the development. She said that the medium age is probably 80 or 85, with the youngest person being maybe 66. She said you will see people walking in the driveways with their walkers. If this new development is one with young, busy people it could be dangerous so she wanted the commission to know the composition of the people already living there. She is also concerned about emergency vehicles. They have the ambulance there often. We need to take into consideration access and egress for emergency vehicles. She is concerned about the noise and dirt during construction, which she understands would happen with anything being constructed. She hopes that there is some provision that they would keep the driveway clean. They are used to their garage floors being so clean. They don't want to be tracking mud from the garage into their homes.

The applicant approached the podium again and responded to some of the public comments. He addressed the concerns related to noise stating there will be hours of operation. As it relates to the street and its cleanliness, he said they will commit to a schedule of street cleaning and obviously if there is an episode where something is spilled they will clean it immediately but outside of that, there will be a schedule in place. He responded to the comments about trash pickup. He said the refuse cans will remain in the private garages and only come out on collection day. The refuse service will pick them up at the individual driveways. He responded to the critique of the overall design of the development as well.

Mr. Day introduced John Kramer who is representing the condo association. He said Mr. Kramer and his client have been wonderful hosts throughout the process and they have had extensive meetings. Mr. Day said he has been documenting their efforts to work out the licensing agreement and sharing them with Community Development Director David DeGroot. Those negotiations are ongoing. He stated that all city experts have reviewed every document they submitted and resubmitted. It has been an extensive process of documenting their processes.

Commissioner Evans commented that she is sympathetic to the condo residents that like to walk on Stone Circle and their concerns about their safety if this project goes forth. She asked about the sidewalks. John Kimmell, an audience member present, came forward and explained where there are sidewalks but said that some people that walk with a walker or a cane prefer to walk in the street because it is much more comfortable to do so. The commission and the applicant spoke about the sidewalks and what could and could not be during construction to retain the walkability of the community, and what could be done to the sidewalks to make them more walker friendly. The applicant

pointed out that Stone Circle is a street and will be used as such for deliveries and construction and that they will not restrict vehicular traffic in lieu of pedestrian traffic. They will keep it swept and clean and operate only during the ordinance permitted hours. The improvements will be constructed as soon as possible. The applicant explained that all the driveways for the buildings and perimeter sidewalks will be completed in the first phase of development as part of the initial land development.

Pat Schwer, 2692 Stone Circle, spoke in opposition of the development. She said that when she first toured the place they told her it was for 55 years and older. She said we can't take all this. It's so hard for the people backing out and going in. Now they are afraid they are going to get hit by a car. They like to walk in the street and sometimes they are lucky enough to have a friend walk with them. She asked the commission to please think about it. It is going to be a terrible move. She said 14 people have moved in fear of this predicament going in. She thanked everyone for their time.

Commissioner Slifka asked how the agreements between the two parties become an assurance going forward that they will be executed to the satisfaction of both sides. Mr. Day responded saying this is one of the creatures of private roads. Most roads in a subdivision are public streets. He said if nothing is done, the court will eventually say how you are going to share the cost. It is in the best interest that they negotiate how they are going to share it. He said he doesn't think you can put anything into a PUD that forces two entities to have a private agreement. John Kramer, introduced himself as the council representing the condominium association. He said he wanted to echo what Mr. Day said. He said the letter of intent has gone back and forth for some time and they are still not there yet, nothing is finalized but progress has been made.

Bonnie Heffernetie spoke again and added that she feels there is something that needs to be addressed. She said that the farmer and the hospital have denied any access from their property to this property so the only way in and out is Fisher Drive which is where the problem comes from. The particulars need to be addressed more, like their safety, the cleanliness of their area, and the parking locations of the large emergency vehicles. She asked what happens if they start building and the economy tanks and it stops being built. She said we have to think about that, there are no guarantees in life.

Motion by Moran to close the public hearing. Seconded by Commissioner Matyskiel.

AYE: Evans, Slifka, Holoman, Matyskiel, Moran, Stocking

NAY: None

MOTION PASSED 6-0

Commissioner Evans asked a question to staff about the “secondary use” of the PUD and that it seems to her the owner has the right to drop the age restriction.

Mr. DeGroot replied that the PUD outlined two scenarios, as an either/or scenario. The first scenario being an age restricted development or the second, being a non-age restricted development, and we do not have either occurring. In this case, the difficulty lies in the fact that we have partially constructed a primary use age restricted condominium and the remainder was not built. The commission discussed this and its nuances. They believe the rezoning is reasonable at this point in time and that the drastic downsize from 132 condominiums to 40 townhome units is a benefit.

Motion by Commissioner Moran regarding the Crossings at Geneva subdivision generally located east of Fisher Drive and south of Williamsburg Avenue identified as Permanent Index Numbers 12-05-405-001, -002, and -006 to approve the applicant’s request for the rezoning of the site for the secondary use of non-age-restricted multi-family development as reviewed pursuant to Section 11-14-3(F) of the zoning ordinance and subject to findings of fact of city staff. Seconded by Commissioner Slifka.

AYE: Evans, Slifka, Holoman, Matyskiel, Moran, Stocking

NAY: None

MOTION PASSED 6-0

Commissioner Moran asked Chairman Stocking if it was appropriate to make a motion on the second request at this time. Commissioner Evans stated she wanted to discuss first. She said that there are design changes we have talked about but she doesn't feel like they are solidified enough to specify into an ordinance. City Council Mr. Sandack said she could recommend a motion and offer conditions for city council contemplation but the commission needs to hear what her actual conditions would be. Commissioner Evans said she was specifically thinking about the design of the common elements so that they are as comfortable for the senior populations as possible such as sidewalk crossings and signage. Mr. Sandack said there are code provisions that are already in play with respect to design specifications but you can make a conditional suggestion that the parties offer their best efforts to work together.

Motion by Commissioner Moran to approve the applicant’s request for Final Planned Unit Development and Subdivision approval as reviewed pursuant to Section 11-14-3(F) of the zoning ordinance, subject to the finding of facts of city staff and subject to and these conditions are found in staff report; A.) The proposed emergency second access point shall be made a full secondary access. B.) Final Engineering shall be approved prior to building permit issuance, and to Commissioner Evan’s comment,

we encourage city staff to continue to work and perhaps come up with some unique ways to accommodate the folks that live across the way. Seconded by Commissioner Slifka.

At this point Commissioner Evans suggested amending the motion to add that they would like to maintain the green space between buildings 2 and 3 unless there is a significant demonstrated advantage to not doing so. There was some disagreement and Mr. DeGroot added that staff has only seen this proposed change for a couple days and have not done a full review of the changes. Commissioner Moran said he is not inclined to amend his motion so he thinks the procedure would be to vote on his motion that has been seconded. Mr. Sandack added that the commission could add something to say that they would like city council to take particular notice of something and in doing so, make it part of the record that they address something at the city council level. Commissioner Evans said she was fine with that. Commissioner Moran said that he completely agreed with that approach to Commissioner Evan's concern.

The recording secretary called the role on the motion at this point and vote was as follows:

AYE: Evans, Slifka, Holoman, Matyskiel, Moran, Stocking

NAY: None

MOTION PASSED 6-0

Mr. Buesing said this recommendation will go to City Council at a later date.

6. Public Comment

There was no public comment given.

7. Other Business

Ms. Buesing said the next meeting is on October 10th and briefly described the three meeting agenda items.

Commissioner Moran stated that he read in the paper that the applicant that wished to build the cell tower near Eagle Brook has taken it to federal court and is suing the city. He asked if the city had responded. City Attorney Ron Sandack said the city will defend its position but they have not officially been served but suspects that will happen tomorrow.

Commissioner Moran asked what was going on at the lot next to 7-Eleven as there seems to be a lot of activity. Mr. Buesing stated he believes they are finalizing their remediation of the site.

8. Adjournment

Motion made by Commissioner Evans to adjourn the meeting at 9:34 p.m.