

ORDINANCE 2003-45

**AN ORDINANCE AUTHORIZING THE REZONING (ZONING MAP AMENDMENT) OF
CERTAIN REAL ESTATE FROM "B-3E PUD" BUSINESS PLANNED UNIT
DEVELOPMENT TO R-3 MEDIUM TO HIGH DENSITY SINGLE-FAMILY RESIDENTIAL
– MR. MARK YOUNGBERG, 223 EAST STATE STREET**

WHEREAS, a petition was duly filed on the 1st day of August, 2003, by Mr. Mark Youngberg (hereinafter referred to as "OWNER") with the Plan Commission of the City of Geneva requesting a rezoning (zoning map amendment) from "B-3E PUD" Business Planned Unit Development to "R3" Medium to High Density Single Family for the real estate legally described at Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as "SUBJECT REALTY"); and

WHEREAS, a Notice of Public Hearing on such petition was duly published on August 12, 2003, in the Daily Herald, a newspaper of general circulation in the City of Geneva, in the manner and form as provided with respect to such rezoning (zoning map amendment) request under Title 11 of the City of Geneva City Code (formerly known as Appendix D of the City of Geneva Municipal Code), as amended, and a public hearing was held by the Plan Commission on Thursday, August 28, 2003 at 7:30 p.m. in the City of Geneva Council Chambers located at 109 James Street, Geneva, Illinois; and

WHEREAS, the petition was presented to the Plan Commission at the Public Hearing and the Plan Commission, at the Public Hearing, received exhibits and testimony from the OWNER, the public, and city staff; and

WHEREAS, after due deliberation, the Plan Commission prepared and adopted findings of fact in accordance with 11-14-3F of the Zoning Ordinance, a copy of which is attached hereto and made a part hereof as Exhibit "B", and made a unanimous recommendation for approval on the Petition; and

WHEREAS, the Committee-of-the-Whole of the City Council has received the entire record of the Plan Commission's Public Hearing, the Plan Commission's findings of fact, the Plan Commission's recommendation for approval and considered same on September 8, 2003 and made a unanimous recommendation for approval of the Petition; and

WHEREAS, the City Council of the City of Geneva considered the entire record, the findings of fact of the Plan Commission, and the unanimous recommendations of both the Plan Commission and the Committee of the Whole on September 15, 2003; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

**SECTION 1: REZONING (ZONING MAP AMENDMENT) FROM "B-3E PUD" BUSINESS
PLANNED UNIT DEVELOPMENT TO "R3" MEDIUM TO HIGH DENSITY
SINGLE FAMILY RESIDENTIAL**

Title 11 of the City of Geneva City Code, as amended, and including the zoning district map as described therein, is hereby amended by rezoning (zoning map amendment) from "B-3E" Business Planned Unit Development to "R3" Medium to High Density Single-Family Residential for the real estate described at Exhibit "A" attached hereto.

SECTION 2: APPLICABILITY OF CITY CODES

Except as otherwise specifically provided herein, the OWNER shall comply in all respects with all applicable provisions of the City Code.

SECTION 3: CONVEYENCES

Nothing contained in this Ordinance shall be construed to restrict or limit the right of the OWNER to sell or convey all or any portion of the SUBJECT REALTY, whether improved or unimproved, and to transfer or assign any or all of their respective rights and duties under this Ordinance, provided such sale, conveyance, transfer and assignment is subject to the provisions of this Ordinance.

SECTION 4: PREAMBLES AND EXHIBITS

The preambles set forth at the beginning of this Ordinance, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions of this Ordinance.

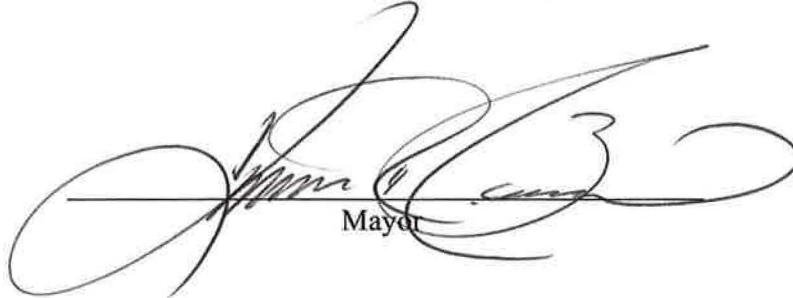
SECTION 5: EFFECTIVE DATE

That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 15th day of September 2003.

AYES: 9 NAYS: 0 ABSENT: 1 ABSTAINING: 0 HOLDING OFFICE: 10

APPROVED by me as Mayor of the City of Geneva, Kane County, Illinois, this 15th day of September 2003.



Mayor


ATTEST: 
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

THE SOUTH 5.00 FEET OF THE NORTH 120.00 FEET OF THAT PART OF LOTS 11, 12 AND PART OF LOT 7 BLOCK 15 AND PART OF OUTLOT NO. 1 IN HOWARD AND BAIRD'S ADDITION AS AMENDED BY IRA MINARD, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS. BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF GARFIELD STREET WITH THE NORTHERLY LINE OF STATE STREET IN THE CITY OF GENEVA; THENCE WESTERLY ALONG THE NORTH LINE OF STATE STREET 210.00 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 45 MINUTES WITH THE NORTHERLY LINE OF STATE STREET (MEASURED COUNTERCLOCKWISE THEREFORM) 265.00 FEET TO THE NORTHERLY LINE OF SAID LOT 11 EXTENDED WESTERLY TO THE LAST DESCRIBED COURSE; THENCE EASTERLY ALONG THE EXTENSION OF AND THE NORTHERLY LINE OF LOT 11, 210.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 11; THENCE SOUTHERLY ALONG THE EASTERLY LINES OF SAID LOTS 11 AND 12, AND SAID OUTLOT 1, 265.00 FEET TO THE POINT OF BEGINNING, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

EXHIBIT "B"

FINDINGS OF FACT

1. Existing uses of property within the general area of the property in question.

Property to the south is used for commercial office, with a new building to be developed shortly. Property to the north and across Garfield to east is used of single family residences.

2. The zoning classification of the property within the general area of the property in question.

Property along State Street to the south is zoned B-3E PUD. Property to the east, north, and west is zoned R-3.

3. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification.

The strip proposed for rezoning is unusable as zoned. The rezoning allows consolidation with the adjacent residentially zoned lot.

4. The current Comprehensive Plan for the City of Geneva.

The comprehensive plan calls for commercial zoning and use along State Street, and continuation of residential zoning and use to the north.

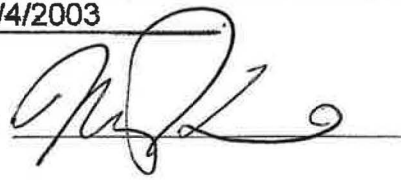
AFFIDAVIT

STATE OF ILLINOIS)
)
COUNTY OF KANE)

ss.

I, Matthew Klein, being first duly sworn, do hereby state under oath that the attached list is a complete list of all names and addresses of the record owners of each parcel of property or portion thereof located within 250 feet (exclusive of any public streets and rights-of-way) of the subject property(s). I further state that said list is true and correct to the best of my knowledge and belief, and said list was obtained from the current tax rolls of the Kane County Treasurer's Office and/or the Geneva Township Assessor's Office on 8/4/2003

Signed: _____



Subscribed and sworn to before me

This 4 day of August, 2003

Gloria Jean Fubel
Notary Public



Community Development
22 South First Street
Geneva, Illinois 60134



Phone: (630) 232-0818
Fax: (630) 232-1871

City of Geneva

APPLICATION FOR PROJECT REVIEW

Date: 8/1/03

1. Name of Applicant Mark Youngberg Phone: _____
Address _____ Fax: _____
Signature _____ Email: _____
2. Common Address or Location of Subject Property South of Lot 12, Garfield Street
3. Owner(s) JJAZM, LLC c/o Mark Youngberg Phone: 630-231-8350
4. Names of Attorney Matthew Klein Phone: 708-354-8840
Address 322 W. Burlington, La Grange IL Fax: 708-354-8850
Email MMK131@aol.com
5. Applicant Proprietary Interest in Property (Documentation Required)
X Owner _____ Owner of Option _____
_____ Contract Purchaser _____ Other (explain) _____
6. CURRENT ZONING OF PROPERTY B3E
7. REVIEW REQUESTED (Check all that apply)
_____ Site Plan Review _____ Zoning Text Amendment
_____ Annexation _____ X Rezoning of Property B3E to R3
_____ Subdivision/P.U.D. - Preliminary _____ Amendment to the Comprehensive Plan
_____ Subdivision/P.U.D. - Final _____ Amendment to P.U.D.
_____ Special Use Permit _____ Other _____

8. **REQUIRED DOCUMENTATION (See Exhibit A)** (Please check all items enclosed)

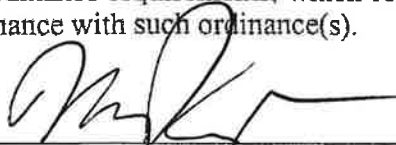
- ☒ One signed copy of the Application Form and one copy of a Narrative Description.
- ☒ Application Fee (Amount) \$ 250.00 (See Exhibit B)
- ☒ Proof of Ownership or Option (1 copy)
- ☒ Legal Description of Property/Plat of Survey (1 copy)
- ☒ Addressed stamped envelopes to all property owners within 250'. List of all property owners with parcel numbers (See Exhibit C for instructions)
- ☐ Site Plan/Preliminary Plat (20 folded full size copies and 3 folded 11"x17" copies) (See Exhibit D)
- ☐ Landscape Plan with quantities and specifications (20 folded full size copies and 3 folded 11"x17" copies) (See Exhibit E for checklist)
- ☐ Preliminary Plat of Subdivision/P.U.D. Plan (20 folded full size copies and 3 folded 11"x17" copies)
- ☐ Preliminary Engineering Plans (8 copies)
- ☐ Architectural Elevations (If required by Staff) (20 folded full size copies and 3 folded 11"x17" copies)
- ☐ Final Plat of Subdivision/P.U.D. (20 folded full size copies and 3 folded 11"x17" copies) (See Exhibit F for checklist)
- ☐ Final Engineering Plans (8 copies signed and sealed)
- ☐ Petition for Annexation (1 copy)
- ☐ Annexation Agreement (6 copies)
- ☐ Plat of Annexation (6 copies)
- ☐ Fiscal Impact Study (If required by staff - 6 copies)
- ☐ Traffic Impact Analysis (If required by staff - 6 copies)
- ☐ Soil Conservation District Land Use Opinion (1 copy)
- ☐ Department of Conservation Endangered Species Report (1 copy)

NOTE: After staff has reviewed the submitted plans, the petitioner will be notified how many additional copies will be needed for Plan Commission and City Council review.

9. **Correctly complete and sign the APPLICATION FOR PROJECT REVIEW** including the Legal Description of the Property and the signature of the property owner. To insure timely completion of this application, please schedule an appointment to submit your application by calling 630-232-0871. Public Hearing dates will **not** be assigned until your application is accepted as completed.

10. **PETITIONER CERTIFICATION**

I have received a copy of the submittal checklist and hearing date deadlines. I am familiar with those ordinance requirements, which relate to this petition and I certify that this submittal is in conformance with such ordinance(s).



Signature

8/4/03

Date

5 FOOT STRIP OF LAND

THE SOUTH 5.00 FEET OF THE NORTH 120.00 FEET OF THAT PART OF LOTS 11, 12 AND PART OF LOT 7 BLOCK 15 AND PART OF OUTLOT NO. 1. IN HOWARD AND BAIRD'S ADDITION AS AMENDED BY IRA MINARD, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS. BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF GARFIELD STREET WITH THE NORTHERLY LINE OF STATE STREET IN THE CITY OF GENEVA: THENCE WESTERLY ALONG THE NORTH LINE OF STATE STREET 210.00 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 45 MINUTES WITH THE NORTHERLY LINE OF STATE STREET (MEASURED COUNTER-CLOCKWISE THEREFROM) 265.00 FEET TO THE NORTHERLY LINE OF SAID LOT 11 EXTENDED WESTERLY TO THE LAST DESCRIBED COURSE; THENCE EASTERLY ALONG THE EXTENSION OF AND THE NORTHERLY LINE OF LOT 11, 210.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 11; THENCE SOUTHERLY ALONG THE EASTERLY LINES OF SAID LOTS 11 AND 12, AND SAID OUT LOT 1, 265.00 FEET TO THE POINT OF BEGINNING, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

**LEGAL NOTICE
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Geneva Plan Commission has received a petition for a public hearing from Mr. Mark Youngberg as owner of property located at and immediately north of 223 East State Street, Geneva, Kane County, Illinois more specifically described as follows.

LEGAL DESCRIPTION:

THE SOUTH 5.00 FEET OF THE NORTH 120.00 FEET OF THAT PART OF LOTS 11, 12 AND PART OF LOT 7 BLOCK 15 AND PART OF OUTLOT NO. 1 IN HOWARD AND BAIRD'S ADDITION AS AMENDED BY IRA MINARD, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS. BEGINNING AT THE POINT OF INTERSECTION OF THE WESTERLY LINE OF GARFIELD STREET WITH THE NORTHERLY LINE OF STATE STREET IN THE CITY OF GENEVA; THENCE WESTERLY ALONG THE NORTH LINE OF STATE STREET 210.00 FEET; THENCE NORTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 45 MINUTES WITH THE NORTHERLY LINE OF STATE STREET (MEASURED COUNTERCLOCKWISE THEREFROM) 265.00 FEET TO THE NORTHERLY LINE OF SAID LOT 11 EXTENDED WESTERLY TO THE LAST DESCRIBED COURSE; THENCE EASTERLY ALONG THE EXTENSION OF AND THE NORTHERLY LINE OF LOT 11, 210.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 11; THENCE SOUTHERLY ALONG THE EASTERLY LINES OF SAID LOTS 11 AND 12, AND SAID OUTLOT 1, 265.00 FEET TO THE POINT OF BEGINNING, IN THE CITY OF GENEVA, KANE COUNTY, ILLINOIS.

THE PETITIONER IS REQUESTING (1) A zoning map amendment to rezone the subject reality from B-3E PUD, Business Planned Unit Development to R-3 Medium to High Density Single Family Residential.

NOTICE IS ALSO GIVEN that a Public Hearing to consider said request will be held before the Plan Commission on August 28, 2003 at Geneva City Hall, 22 S. First Street, Geneva, Illinois, at 7:30 p.m. All interested parties are invited to attend the public hearing, present testimony for or against the petition and cross-examine witnesses presenting testimony for or against the petition.

DOCUMENTS ARE ON FILE and available for public inspection during regular business hours at the Community Development Department office located at Geneva City Hall, 22 S. First Street, Geneva, Illinois.

Dave Rogers, Chairman
Geneva Plan Commission

Published: August 12, 2003, Daily Herald
Emailed: August 8, 2003, tgs

the fiscal year beginning July 1, 2003 through June 30, 2004 will be on file and conveniently available for public inspection at the Board of Education, Gurnee, Illinois in the District Office beginning on the 8th day of August, 2003 during normal office hours 8:00 AM to 4:00 PM.

Notice is further given that public hearing on said budget will be held at 7:00 p.m. on the 24th day of September, 2003 at the District Office, 900 Kilbourn Road, Gurnee, Illinois on this 8th day of August, 2003.

(Kim L. Jones, Secretary of Education, Gurnee School District #56 County of Lake, State of Illinois)
Published in Daily Herald August 12, 2003 (3102175)N

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Public Notice

Notice Of Public Hearing Concerning The Intent Of The Board Of Park Commissioners, Mt. Prospect Park District, Cook County, Illinois, To Sell \$2,000,000 General Obligation Limited Tax Park Bonds, Series 2003, The Proceeds Of Which Will Be Used For The Building, Maintaining, Improving And Protecting Of Land Purchased Or Acquired For Parks, To Refund Certain Outstanding Installment Contract Certificates And Debt Certificates And For The Payment Of Costs Of Issuance

PUBLIC NOTICE IS HEREBY GIVEN that the Board of Park Commissioners of the Mt. Prospect Park District (the "District") will hold a public hearing on the 12th day of August, 2003, at 7:30 p.m. The hearing will be held in the Meeting Room of the Central Community Center, 1000 West Central Road, Mt. Prospect, Illinois. The purpose of the hearing will be to receive public comments on the proposal to sell bonds of the District in the amount of \$2,000,000 (the "bonds"), the proceeds of which will be used for the building, maintaining, improving and protecting of land purchased or acquired for parks, to refund certain outstanding installment contract certificates and debt certificates and for the payment of costs of issuance.

By order of the Board of Park Commissioners of the Mt. Prospect Park District, Cook County, Illinois.

Dated the 12th day of August, 2003.

(s/ Timothy J. Doherty
Secretary

Board of Park Commissioners
Mt. Prospect Park District
Cook County, Illinois

Published in the Daily Herald August 12, 2003 (3102262)N

contents. When an envelope other than the special one furnished by the Awarding Authority is used, it shall be marked to clearly indicate its contents. When sent by mail, the sealed proposal shall be addressed to the Awarding Authority at the address and in care of the official in whose office the bids are to be received. All proposals shall be filed prior to the time and at the place specified in the Notice to Bidders. Proposals received after the time specified will be returned to the bidder unopened.

10. Permission will be given to a bidder to withdraw a proposal if the bidder makes the request in writing or in person before the time for opening proposals.

By Order of

VILLAGE OF WINFIELD
(Awarding Authority)

Jeni S. Ozark
Municipal Clerk

Note: All proposal documents, including Proposal Guaranty Checks or Proposal Bid Bonds, should be stapled together to prevent loss when bids are processed.

Published in the Daily Herald August 12, 2003 (3102458)S

Public Hearing

NOTICE IS HEREBY GIVEN that the Geneva Plan Commission has received a petition for a public hearing from Mr. Mark Youngberg as owner of property located at and immediately north of 223 East State Street, Geneva, Kane County, Illinois more specifically described as follows.

LEGAL DESCRIPTION:
The South 5.00 Feet Of The North 120.00 Feet Of That Port Of Lots 11, 12 And Part Of Lot 7 Block 15 And Part Of Outlot No. 1 In Howard And Boird's Addition As Amended By Ira Minard, In The City Of Geneva, Kane County, Illinois. Beginning At The Point Of Intersection Of The Westerly Line Of Garfield Street With The Northerly Line Of State Street In The City Of Geneva; Thence Westerly Along The North Line Of State Street 210.00 Feet; Thence Northerly Along A Line Forming An Angle Of 89 Degrees 45 Minutes With The Northerly Line Of State Street (Measured Counterclockwise Herefrom) 265.00 Feet To The Northerly Line Of Said Lot 11 Extended Westerly To The Last Described Corner; Thence Easterly Along The Extension Of And The Northerly Line Of Lot 11, 210.00 Feet To The Northeasterly Corner Of Said Lot 11; Thence Southerly Along The Easterly Lines Of Said Lots 11 And 12, And Said Outlot 1, 265.00 Feet To The Point Of Beginning. In The City Of Geneva, Kane County, Illinois.

THE PETITIONER IS REQUESTING (1) A zoning map amendment to rezone the subject realty from B-3E PUD, Business Planned Unit Development to R-3 Medium to High Density Single Family Residential.

NOTICE IS ALSO GIVEN that a Public Hearing to consider said request will be held before the Plan Commission on August 28, 2003 at Geneva City Hall, 22 S. First Street, Geneva, Illinois, at 7:30 p.m. All interested parties are invited to attend the public hearing, present testimony for or against the petition and cross-examine witnesses presenting testimony for or against the petition.

DOCUMENTS ARE ON FILE and available for public inspection during regular business hours at the Community Development Department office located at Geneva City Hall, 22 S. First Street, Geneva, Illinois.

Dave Rogers, Chairman
Geneva Plan Commission
Published in the Daily Herald August 12, 2003 (3102235)NS

Kloeit, Samantha Smoot & Daniel Smoot

Minors

John Kloeit and Kathleen Smoot,

Defendants

Case No. 2003 AD 000064
ADOPTION NOTICE
TO: KATHLEEN SMOOT

Take notice that a petition was filed in the Eighteenth Judicial Circuit Court of DuPage County, Illinois, for the adoption of the children named Andrew John Kloeit, Stephanie Marie Kloeit, Jacob Ryan Kloeit, Samantha Smoot and Daniel Smoot.

Now, therefore, unless you, Kathleen Smoot, and all whom it may concern, file your answer to the Petition in said suit or otherwise file your appearance in the office of the Clerk of the Eighteenth Judicial Circuit Court, 505 N. County Farm Road, Wheaton, Illinois, on or before the 31st day of August, 2003, a default may be entered against you at any time after that day and a judgment entered in accordance with the prayer of the said Petition.

Dated: July 24, 2003
(s/ Joel A. Kagan, Clerk
Eighteenth Judicial Circuit
Court of DuPage County
Willie Delker
DuPage County, IL 60570
Atty. for Petitioners Raymond
5120 Main St
Downers Grove, IL 60515
630-939-1944

Published in Daily Herald
July 29, Aug. 5, 12, 2003
(3091605)S

Public Notice

On September 1, 2003, Lake Park High School District 108 will destroy temporary special education student records for students who left the program in 1997-98. Students should contact Kathleen Passini at 630-295-5202 prior to Sept. 1, 2003.

Published in Daily Herald
August 11, 12, 13, 2003
(3101593)NS

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.


Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Addison, Algonquin, Arlington Heights, Barrington, Barrington Hills, Bartlett, Batavia, Bloomingdale, Buffalo Grove, Burlington, Carol Stream, Carpentersville, Cary, Deer Park, Des Plaines, South Elgin, East Dundee, Elburn, Elgin, Elk Grove Village, Fox River Grove, Geneva, Gilberts, Glendale Heights, Glen Ellyn, Grayslake, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverne Island Lake, Itasca, Keeneyville, Kildeer, Lake Barrington, Lake in the Hills, Lake Zurich, Libertyville, Lisle, Lombard, Long Grove, Medinah, Mt. Prospect, Mundelein, Naperville, Palatine, Oakbrook, Oakbrook Terrace, Prospect Heights, Rolling Meadows, Roselle, Schaumburg, Sleepy Hollow, South Barrington, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Villa Park, Warrenville, Wauconda, Wayne, West Chicago, Wheaton, Wheeling Winfield, Wood Dale, North Barrington, West Dundee County(ies) of Cook, DuPage, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published August 12, 2003 in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

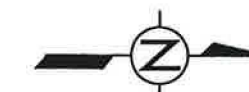
PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY 
Authorized Agent

Control # T3102235

LEGAL DESCRIPTION

That part of Outlot 1 in Howard and Baird's Addition to Geneva as amended by Ira Minard, described as follows: Beginning at the point of intersection of the westerly line of Garfield Street with the northerly line of State Street in the City of Geneva; thence westerly along the northerly line of State Street 210.0 feet; thence northerly along a line forming an angle of 89 degrees 45 minutes with the northerly line of State Street (measured counterclockwise therefrom) 145.27 feet; thence easterly at an angle of 90 degrees 24 minutes 58 seconds (measured counterclockwise therefrom) 209.45 feet to a point on the easterly line of Garfield Street, said point being 145.88 feet northerly of the intersection of the westerly line of Garfield Street with the northerly line of State Street; thence southerly along the westerly line of Garfield Street to the point of beginning, in the City of Geneva, Kane County, Illinois.



SCALE: 1 IN.=30 FT.

RECEIVED

AUG 7 2003

CITY OF GENEVA
COMMUNITY DEVELOPMENT

BENCHMARK:

CUT CROSS AT THE SOUTHEAST RIM OF
BELL TELL MANHOLE AT THE SOUTHWEST
CORNER OF STATE ST. AND SANDHALL RD.

ELEVATION: 748.04



Warren D. Johnson, P.E.
IL. P.E. NO. 40472
Expires November 30, 2003

STATE STREET

STREET

DJA CIVIL ENGINEERS & SURVEYORS

Dave Johnson and Associates, Ltd.
323 S. Hale Street
Wheaton, Illinois 60187
ph. 630 752 8600 fax. 630 752 9556
e-mail: DJA@DJAonline.net

223 E. STATE STREET DEVELOPMENT

GENEVA, ILLINOIS

SCALE 1"=30'-0"

PPKS ARCHITECTS

NOVEMBER 6, 2002



Community Development Department
22 South First Street
Geneva, IL 60134
Phone: (630) 232-0818
Fax: (630) 232-1871

NOTICE TO: All Property Owners Within 250' of property located at and north of 223 East State Street, Geneva, Illinois.

FROM: Dick Untch, Director of Planning

DATE: June 24, 2003

RE: PLAN COMMISSION PUBLIC HEARING

The Geneva Plan Commission has received a petition for a public hearing from the petitioner Mr. Mark Youngberg as owner of property located at and immediately north of 223 East State Street, Geneva, Kane County, Illinois.

THE PETITIONER IS REQUESTING (1) A zoning map amendment to rezone the two residential properties located immediately north of 223 East State Street from R-3 Medium to High Density Residential to B-3E Business; (2) an Amendment to Ordinance 2002-69 that granted a Special Use for a Planned Unit Development and Preliminary/Final Planned Unit Development Plan Approval to include the two residential properties located immediately north of 223 East State Street in the Planned Unit Development; (3) Preliminary/Final Planned Unit Development Plan Approval to construct two office buildings and a parking lot on the subject property; and (4) An amendment to Sections 4 and 6 of the City of Geneva Comprehensive Plan.

NOTICE IS ALSO GIVEN that a Public Hearing to consider said request will be held before the Plan Commission on July 10, 2003 at Geneva City Hall, 22 S. First Street, Geneva, Illinois, at 7:30 p.m. All interested parties are invited to attend the public hearing, present testimony for or against the petition and cross-examine witnesses presenting testimony for or against the petition.

DOCUMENTS ARE ON FILE and available for public inspection during regular business hours at the Community Development Department office located at Geneva City Hall, 22 S. First Street, Geneva, Illinois.

SUBJECT PROPERTY SITE
223 East State Street and the two
residential properties immediately north
of 223 East State Street
Geneva, IL 60134





RECEIVED

AUG 25 2003

Community Development Department
22 South First Street
Geneva, IL 60134
Phone: (630) 232-0818
Fax: (630) 232-1871

CITY OF GENEVA
COMMUNITY DEVELOPMENT

NOTICE TO: All Property Owners Within 250' of property located at 223 East State Street, Geneva, Illinois.

FROM: Dick Untch, Director of Planning

DATE: August 15, 2003

RE: PLAN COMMISSION PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Geneva Plan Commission has received a petition for a public hearing from Mr. Mark Youngberg as owner of property located at 223 East State Street, Geneva, Kane County, Illinois.

THE PETITIONER IS REQUESTING (1) A zoning map amendment to rezone the northernmost 5 feet of the subject reality from B-3E PUD, Business Planned Unit Development to R-3 Medium to High Density Single Family Residential.

NOTICE IS ALSO GIVEN that a Public Hearing to consider said request will be held before the Plan Commission on August 28, 2003 at Geneva City Hall, 22 S. First Street, Geneva, Illinois, at 7:30 p.m. All interested parties are invited to attend the public hearing, present testimony for or against the petition and cross-examine witnesses presenting testimony for or against the petition.

DOCUMENTS ARE ON FILE and available for public inspection during regular business hours at the Community Development Department office located at Geneva City Hall, 22 S. First Street, Geneva, Illinois.

SUBJECT PROPERTY SITE
223 East State Street
Geneva, IL 60134



MATTHEW M. KLEIN

Attorney At Law

322 West Burlington
LaGrange, Illinois 60525
(708) 354-8840 fax (708) 354-8850
MMK131@aol.com

August 6, 2003

Mr. Tom Swierszewski
Planning Department
City of Geneva
22 South First Street
Geneva, IL 60134

RECEIVED

AUG 7 2003

CITY OF GENEVA
COMMUNITY DEVELOPMENT

Re: 223 E. State Street

Dear Mr. Tom Swierszewski:

Please withdraw the previous application for a third commercial building on the properties located at 223 E. State Street, so that the current plan for a map amendment for the approx. five foot strip to R-3 may proceed to hearing.

If you have any questions regarding this matter, please let me know.

Very truly yours,



Matthew Klein

cc: Mark Youngberg

Rezoning (Zoning Map Amendment) Standards

1. Existing uses of property withing the general area of the property in question.

Property to the south is used for commercial office, with a new building to be developed shortly. Property to the north and across Garfield to east is used for single family residences.

2. The zoning classification of the property within the general area of the property in question.

Property along State Street to the south is Zoned B3E. Property to the east, north, and west is zoned R-3.

3. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification.

The strip proposed for rezoning is unusable as zoned. The rezoning allows consolidation with the adjacent residentially zoned lot.

4. The current Comprehensive Plan for the City of Geneva.

The comprehensive plan calls for commercial zoning and use along State Street, and continuation of residential zoning and use to the North.

**First American Title Insurance Company
ALTA Owner's Policy
Schedule A**

File No. K-10307

Amount of Insurance

Date of Policy

June 27, 2002

Name of Insured:

JJAZM, L.L.C.

1. **The estate or interest in the land described herein and which is covered by this policy is:**

Fee Simple

2. **Title to the estate or interest in the land is vested in:**

JJAZM, L.L.C.

3. **The land referred to in this policy is described as follows:**

Lots 11 and 12 and part of lot 7 in Block 15 and part of Out lot 1, all of Howard and Baird's Addition to Geneva as amended by Ira Minard, described as follows: Beginning at the point of intersection of the Westerly line of Garfield Street (formerly Third Street) with the Northerly line of the State Street in the city of Geneva; thence Westerly along the Northerly line of State Street 210 feet; thence Northerly along a line making an angle of 89 degrees 45 minutes measured from East to North, with the Northerly line of State Street, 265 feet to the Northerly line of said Lot 11 extended Westerly; thence Easterly along the extension of and the Northerly line of lot 11 to the Northeast corner of said lot 11; thence Southerly along the Easterly lines of said lots 11 and 12, 115 feet to the Northerly line of said Out lot 1; thence Easterly along said Northerly line 10 feet to the Westerly line of Garfield Street aforesaid; thence Southerly Along said Westerly line 150 feet to the point of beginning, in the City of Geneva, Kane County, Illinois.

**First American Title Insurance Company
ALTA Owner's Policy
Schedule B**

File No. K-10307

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

A. STANDARD EXCEPTIONS:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Easements, or claims of easements, not shown by the public records.
- (3) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- (4) Any lien or right to a lien for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) Taxes, or special assessments which are not shown as existing liens by the public records.

B. SPECIAL EXCEPTIONS:

1. General taxes for the year 2001 second installment, 2002 and subsequent years.

Tax identification no.: 12-02-351-017; 12-02-351-010

2. Mortgage dated June 10, 2002, recorded June 27, 2002, as document 2002K080354 made by JJAZM, L.L.C. to First Midwest Bank to secure a note in the originally stated principal amount of \$ and the terms and conditions thereof.
3. Assignment of Rents made by JJAZM, L.L.C. to First Midwest Bank recorded June 27, 2002 as document 2002K080355.

NOTE: If any document referenced herein contains a covenant, condition or restriction violative of 42 USC 3604(c), such covenant, condition or restriction to the extent of such violation is hereby deleted.

End of Schedule B

From: Dinges, Dan

Sent: Thursday, May 15, 2003 2:09 PM

To: Aiston, Chris; Bong, Chris; Chuck Radovich (E-mail 2); Cristallo, Shirly; Donahue, John; Entile, Mike; Hilkemann, Jennifer; Jaeger, Rick; Koster, Jerry; LeMaire, Steve; Lencioni, Chuck; Mayor Burns (E-mail); Morris, Dave; Orozco, C. Elton; Page, Phil; Smith, Robert; Swierczewski, Thomas; Talsma, Tom; Untch, Dick; Wright, Hal

Subject: 223 State_3.doc

May 15, 2003

223 East State St.

Northeast corner of IL RTE-38 and Garfield St.

Revised Site Plan Review

Daniel J. Dinges, P. E., City Engineer / Assistant Director of Public Works

The City of Geneva Public Works Department has completed its review of the above referenced site plan received April 22, 2003.

GENERAL:

- 1) Please provide a written response to the review comments.
- 2) Include a title sheet with index of sheets and a location map. It must be signed and sealed by a licensed professional engineer.
- 3) Include engineering details and construction notes. None were provided.
- 4) Specify whether the benchmarks are City of Geneva Datum or USGS.
- 5) Add the following Notes:
 - The City of Geneva must receive As-Built plans prior to acceptance.
 - Call J.U.L.I.E. (1-800-892-0123) before any and all digging is started.
- 6) Show existing gas service location.
- 7) Provide location and details of a stabilized construction entrance.
- 8) Incorporate a cost estimate to include ALL public improvements: Electric, sidewalk, curb and gutter, pavement, storm water and erosion control.
- 9) Upon cost estimate:
 - Letter of credit (LOC) equal to 115% of estimated public improvements.
 - Engineering Fees equal to 1.5% of cost estimate.
 - The Geneva Electric Utility will bill separately for the time and materials spent on the job including design, inspection, testing and energizing the electric service.
- 10) The City needs a schedule for ALL work to be done on site as it relates to utilities and road improvements.
- 11) The City of Geneva must also be provided an electronic plan set in MicroStation format.
- 12) Record drawings shall also be provided to the City.
- 13) Provide Plats.

LANDSCAPING:

- 14) The landscape plan shall be signed and sealed by a registered landscape architect.
- 15) Show sight triangles at entrances at 20' and 140'.
- 16) Landscape center of right in/out with maximum height of 3'.

TRAFFIC:

- 17) An IDOT permit is required for work along Rt. 38 ROW. Provide copy of permit once received.
- 18) Replace all damaged sidewalk and curb and gutter along project. The sidewalk along Rt. 38 shall be replaced to match CVS's with 1' of pavers along the outer edges. Show details. Curbs and ramps that meet the ADA standards will be required at all necessary locations.

- 19) The crosswalks crossing the Right In/Out shall be brick and match CVS entrances. Also, the corner of Garfield St. and State St. shall be all brick, similar to west State St.
- 20) Show stop signs.
- 21) The driveway entrance should have a minimum of 15' curb radius with B6.12 curb and gutter within R.O.W.
- 22) Garfield driveway requires existing utility pole to be relocated or the driveway moved north.
- 23) The minimum width for two way traffic entrance is 24'.

WATER AND SEWER:

- 24) Provide Mylar of grading plan with Drainage certificate signed both by the project Engineer and the owner.
- 25) A storm water management permit is required following the Kane County Stormwater Management Ordinance (Application forms previously sent).
- 26) Storm sewer and detention calculations are required.
- 27) Provide overland flood routes and calculations. Show where the route will go offsite to verify that it works.
- 28) Provide utility separation details per the Standard Specification for Water and Sewer Construction in Illinois.
- 29) Show detail for inlet and pipe protector basket. Inlet protector must be used in conjunction with hay bales at all inlets during construction. Catch-All brand or equivalent will be acceptable.
- 30) Show all service connections (water, sanitary, electric, and storm). Can the service connections come off of Garfield rather than State St.?
- 31) Provide water meter sizing calculations.
- 32) Show existing water main on Garfield St.
- 33) Provide all proposed and existing invert and rim elevations. Also show % slope, length, type, and ID of proposed pipes.
- 34) Provide invert elevations for all proposed utility crossings.
- 35) The City prefers detention basins without retaining walls. If the retaining walls have to remain then a fence/railing needs to be installed at top of wall.
- 36) Provide cross sections along detention pond.

ELECTRICAL:

- 37) Need 10' easement on N. line that is usable (i.e. no retaining wall within easement).
- 38) What are the electrical requirements for the new buildings? Adequate power does not exist in the area. Nearest three phase is at corner of Garfield and Jefferson.
- 39) Provide photometrics and pole details (use East State St. lighting specifications).

These plans were reviewed based on the information provided by the submitter. Subsequent discovery of errors or omissions on the engineering plans by the submitter or by the reviewer shall not be construed as authority to violate, cancel, or set aside any applicable codes.

Please review the above comments and resubmit eight (8) rolled revised plan sets along with a written response to each of the above comments to the Planning Department at 22 South First Street.

cc: Philip J. Page, City Administrator
 Thomas W. Talsma, Director of Public Works
 Jennifer Hilkemann, Electrical System Design Engineer
 Steve LeMaire, Superintendent of Streets and Walks
 John Donahue, Superintendent of Water & Sewer
 Richard Untch, Director of Planning
 Tom Swierczewski, City Planner
 Chris Aiston, Director of Economic Development
 Shirlee Cristallo, Community Development Secretary
 Jerry Koster, Deputy Chief

Chuck Lencioni, Building Commissioner
Rick Jaeger, Building Inspector
Mike Entile, Building Inspector
Charles Radovich, City Attorney
Chris Bong, Civil Engineer
C. Elton Orozco, Civil Engineer
Hal Wright, Manager of Electric Operations
File/F:\Engineering\Reviews\Commerci\State Street\223 E. State St.\223 State_3.doc

From: Dinges, Dan

Sent: Thursday, February 05, 2004 2:53 PM

To: 'DJA@DJAonline.net'; 'rwennerstrom@epdoyle.com'; Aiston, Chris; Bong, Chris; Chuck Radovich (E-mail 2); Cristallo, Shirly; Donahue, John; Entile, Mike; Hilkemann, Jennifer; Jaeger, Rick; Koster, Jerry; LeMaire, Steve; Lencioni, Chuck; Mayor Burns (E-mail); Morris, Dave; Orozco, C. Elton; Page, Phil; Smith, Robert; Swierczewski, Tom; Talsma, Tom; Untch, Dick; Wright, Hal

Subject: 223 State_stormsewer.doc

February 4, 2004

223 East State St.

Northeast corner of IL RTE-38 and Garfield St.

Storm Sewer & Driveway Construction Permit

Daniel J. Dinges, P. E., City Engineer / Assistant Director of Public Works

The City of Geneva Public Works Department has completed its review of the above referenced plan received January 28, 2004. **This review is in regards to the storm sewer and driveway relocation work only**, the attached review letter dated May 15, 2003 still needs to be addressed before Public Works will approve the project. It is my understanding that the storm sewer & driveway project is being separated out from the 223 E. State St. development plans to accommodate the sale of the 2 residential lots north of 223 E. State St.

The plans are approved contingent upon the following:

1. Construction within Garfield Rd. will not be permitted until the asphalt plants are open and permanent pavement patching is available.
2. A letter of credit is required that equals the cost of the storm sewer installation x 115% (E.P. Doyle's proposal x 115%)
3. Prior to construction of the relocated driveway, stake the curb radii for inspection by City to verify that there is not a conflict with the Ameritech box.
4. Erosion control measures must be installed prior to storm sewer construction and shall be maintained regularly.
5. Inlet baskets must be placed upon structure installations.

These plans were reviewed based on the information provided by the submitter. Subsequent discovery of errors or omissions on the engineering plans by the submitter or by the reviewer shall not be construed as authority to violate, cancel, or set aside any applicable codes.

Please review the above comments and submit the required letter of credit with a construction schedule. Please schedule a pre-construction meeting with the Public Works Department a minimum of 48 hours prior to start of construction.

cc: Thomas W. Talsma, Director of Public Works
Jennifer Hilkemann, Electrical System Design Engineer
John Donahue, Superintendent of Water & Sewer
Richard Untch, Director of Planning
Tom Swierczewski, City Planner
Chris Aiston, Director of Economic Development
Shirley Cristallo, Community Development Secretary
Chuck Lencioni, Building Commissioner
Rick Jaeger, Building Inspector
Mike Entile, Building Inspector
Chris Bong, Civil Engineer
C. Elton Orozco, Civil Engineer
Hal Wright, Manager of Electric Operations
File/F:\Engineering\Reviews\Commerci\State Street\223 E. State St.\223 State_stormsewer.doc

May 15, 2003

223 East State St.

Northeast corner of IL RTE-38 and Garfield St.

Revised Site Plan Review

Daniel J. Dinges, P. E., City Engineer / Assistant Director of Public Works

The City of Geneva Public Works Department has completed its review of the above referenced site plan received April 22, 2003.

GENERAL:

- 1) Please provide a written response to the review comments.
- 2) Include a title sheet with index of sheets and a location map. It must be signed and sealed by a licensed professional engineer.
- 3) Include engineering details and construction notes. None were provided.
- 4) Specify whether the benchmarks are City of Geneva Datum or USGS.
- 5) Add the following Notes:
 - The City of Geneva must receive As-Built plans prior to acceptance.
 - Call J.U.L.I.E. (1-800-892-0123) before any and all digging is started.
- 6) Show existing gas service location.
- 7) Provide location and details of a stabilized construction entrance.
- 8) Incorporate a cost estimate to include ALL public improvements: Electric, sidewalk, curb and gutter, pavement, storm water and erosion control.
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 - Letter of credit (LOC) equal to 115% of estimated public improvements.
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- 10) The City needs a schedule for ALL work to be done on site as it relates to utilities and road improvements.
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LANDSCAPING:

- 14) The landscape plan shall be signed and sealed by a registered landscape architect.
- 15) Show sight triangles at entrances at 20' and 140'.
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These plans were reviewed based on the information provided by the submitter. Subsequent discovery of errors or omissions on the engineering plans by the submitter or by the reviewer shall not be construed as authority to violate, cancel, or set aside any applicable codes.

Please review the above comments and resubmit eight (8) rolled revised plan sets along with a written response to each of the above comments to the Planning Department at 22 South First Street.

cc: Philip J. Page, City Administrator
 Thomas W. Talsma, Director of Public Works
 Jennifer Hilkemann, Electrical System Design Engineer
 Steve LeMaire, Superintendent of Streets and Walks
 John Donahue, Superintendent of Water & Sewer
 Richard Untch, Director of Planning
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 Chris Bong, Civil Engineer
 C. Elton Orozco, Civil Engineer
 Hal Wright, Manager of Electric Operations

File/F:\Engineering\Reviews\Commerci\State Street\223 E. State St.\223 State_3.doc

Tom Swierczewski, AICP
City Planner
Community Development
Email: tswierczewski@geneva.il.us



22 South First Street
Geneva, Illinois 60134-2291
Phone: (630) 232-0818
Fax: (630) 232-1871

City of Geneva

June 25, 2003

Mr. Mark Youngberg
JJAZM, LLC
30 West 640 North Avenue
West Chicago, IL 60185

Re: Request for a rezoning, and Amendment to a Special Use for a Planned Unit Development and Preliminary/Final PUD Plan approval for property at and north of 223 East State Street

Dear Mr. Youngberg:

The Planning Division has reviewed plans and documents submitted April 22, 2003 and has the following comments:

1. This project has spawned numerous comments, concerns and questions from neighborhood residents. City staff has serious concern about the two residential lots being rezoned for a third office building. Although a formal staff position has not been formulated yet, there is a strong likelihood that many neighborhood residents will be present at the Plan Commission hearing to voice opposition to the plan. Based on comments and feedback received from the Plan Commission at the concept review meeting, staff feels there is a good possibility that this request could ultimately get denied. Strongly consider all issues raised by residents and ensure that explanations and/or information is available at the Plan Commission meeting addressing them, if this application proceeds.
2. Final Engineering shall be approved prior to a building permit being issued by the City.
3. All ground mounted electrical and utility related connection and services boxes shall be effectively screened by shrubbery or other forms of living plant material to a minimum of 50 percent opacity at time of planting to be reviewed and approved by the Community Development Department prior to the issuance of a building permit.
4. The dumpster enclosure shall be constructed out of masonry material that complements the office buildings. The enclosure doors shall be constructed out of welded steel or aluminum. Bolts are not acceptable for this application. If a stock product is anticipated, submit the manufacture spec sheet. All aspects of the final design shall be reviewed and approved by the Community Development Department prior to building permit issuance. Dumpsters shall be kept within the enclosure at all times with the gates closed except when loading or unloading of refuse is underway.

5. Redesign the stormwater basin without the retaining walls. Although it is not an ordinance requirement, the strong preference of staff and the Plan Commission is a 4:1 slope on all sides of retention/detention basins. If retaining walls are necessary, staff may recommend against them during the Plan Commission discussions.
6. Why are the parking spaces 17 feet deep? Where possible, redesign the parking spaces to provide a stall depth of 18.5 feet.
7. A site photometric plan shall be submitted for review and approval by the Community Development Department and the Engineering Department prior to Plan Commission review. The photometric plan shall incorporate ornamental lighting that meets the East State Street Corridor Lighting Standard as required by the Zoning Ordinance. Site lighting shall be placed on timers with the timing of the lights to be approved by the Director of Community Development and/or the Building Commissioner.
8. Submit a Final Plat of Planned Unit Development in conformance with the submitted Final PUD Plans.
9. Any use that requires more than 4 parking spaces per 1000 gross square feet of floor area shall not be permitted on the site.
10. The transition setback appears to have inadequate quantities of landscaping. Refer to Article 11 of the Zoning Ordinance for the required quantities of landscape material and revise the landscape plan accordingly.
11. The interior parking lot landscaping appears to be inadequate. The Zoning Ordinance requires a minimum of 10 percent of the parking lot square footage be landscaped. Refer to Article 11 of the Zoning Ordinance and revise the plan accordingly.
12. What is the lot coverage of this development? Include a data table on a revised PUD plan that details all applicable bulk standards.
13. Has the Engineering Department approved the location of the retaining wall in the 10 foot Public Utility and Drainage Easement along the north and west property lines? Planning Division staff is concerned that the location of this wall will impede access in these areas.
14. Submit a tree survey and a tree protection plan for review by the Planning Division. One of the advertised benefits of this project was that adding a third office building would ensure that the existing tree line along the north property line would be maintained. How will the tree line survive the construction and location of the retaining wall?
15. What signage is planned for this development? Submit a signage plan for review by City staff and the plan Commission.
16. It has been indicated that a traffic study is being completed for this project. If this is the case, submit this document for review by City staff so a determination can be made as what impact this project will have on the surrounding roadway network.

17. What will the parking demand be for this development? Submit documentation and analysis that shows that the provided parking spaces will adequately serve the site and that no adverse impact to the surrounding neighborhood will be experienced.

This application is tentatively scheduled for the July 10, 2003 Plan Commission meeting. In order for this petition to be included on the agenda for this meeting, please have a response letter addressing each of the above issues and 35 copies of ALL required site development plans with the required modifications and any other information or documentation submitted to the Planning Division no later than NOON on Tuesday July 1, 2003. In the meantime, if you have questions, comments or concerns please don't hesitate to contact me.

Please don't hesitate to contact me if you have any questions.

Sincerely,

Tom Swierczewski, AICP
City Planner

C: City of Geneva Development Staff
File

City of Geneva Community Development Department

Memorandum

To: Mayor Burns and the Geneva Committee of the Whole

From: Community Development Department

Date: September 3, 2003

Meeting: September 8, 2003 Committee of the Whole Meeting

Request: **A zoning map amendment to rezone the northernmost 5 feet of the subject reality from B-3E PUD, Business Planned Unit Development to R-3 Medium to High Density Single Family Residential.**

DEVELOPMENT REQUEST HISTORY

Mr. Mark Youngberg is the owner of 223 East State Street and the two vacant residential properties located immediately north of 223 East State Street on the west side of Garfield Street. Mr. Youngberg was granted a Special Use for a Planned Unit Development and preliminary/final PUD Plan approval on December 16, 2002 under Geneva Ordinance 2002-69. This approval granted Mr. Youngberg the right to construct a second office building on 223 East State Street. This PUD request did not include the two residential properties north of 223 East State Street.

In the spring of 2003, Mr. Youngberg submitted a new request to amend the approved PUD by extending the PUD north to include the two residential properties. This request would have added a third office building on the two residential properties and a shared parking lot for approximately 50 vehicles. This request was discussed in a public hearing with the Plan Commission on July 10, 2003. At that meeting, there was lengthy public comment from concerned residents living in the immediate neighborhood of the subject property. Additionally, the Plan Commission did not indicate a high degree of support for the request. The request was continued to the August 14, 2003 Plan Commission meeting to allow the applicant time to review the various plan concerns and to meet with development staff to determine if a solution was possible.

After discussing the design challenges and reviewing the large volume of concerns from neighborhood residents, Mr. Youngberg formally withdrew this request on August 7, 2003. He has indicated that he will sell the two residential properties for construction of two single-family homes and proceed with his approved PUD plan for 223 East State Street (construction of a second office building and a parking lot).

STAFF COMMENTS

The two residential lots north of 223 East State Street are both legally non-conforming lots due to minimum lot frontage. Each lot has 57.5 feet of lot frontage onto Garfield Street; the minimum lot frontage in the R-3 District is 60 feet. Mr. Youngberg's current request is to rezone the northernmost five feet of 223 East State Street from B-3E PUD to R-3. Once this rezoning is complete, Mr. Youngberg will then shift the lot lines of all three properties in the following manner:

223 East State Street: The north lot line will be shifted south five feet to coincide with the new zoning district boundary.

- Middle Residential Lot: The south lot line will be shifted south five feet to coincide with the new zoning district boundary. The north lot line will be shifted south 2.5 feet thereby making the lot 60 wide.
- North Residential Lot: The south lot line will be shifted south 2.5 feet thereby making the lot 60 feet wide.

Comprehensive plan

The recently adopted Comprehensive Plan provides for a “transitional mixed-use designation for 223 East State Street and the two residential properties immediately north of 223 East State Street. According to this designation:

“The area designated transitional mixed-use connects the East State Street commercial corridor to the downtown/3rd Street area just to the west. This area should maintain and use the existing structures, many of which are residential conversions. While intensity of uses should not increase, a continued mix of residential and commercial uses should be encouraged. Allowable uses within the transitional mixed-use area include retail, commercial service, professional offices, and specialty retail.”

The Comprehensive Plan considers a transitional mixed use land use designation as appropriate because the three subject parcels are all under single ownership and two of the three parcels are vacant. Either residential or commercial uses may be appropriate provided that the site plan properly addresses the compatibility of the proposed uses and buildings to adjacent uses and buildings. This request will not change the land uses available on the two residential properties located just north of 223 East State Street. This request is being undertaken to make both lots conforming to the minimum lot frontage requirement. If this request is approved and once Mr. Youngberg shifts the property lines of all three properties, the two residential lots will be fully conforming to the bulk standards of the R-3 portion of the Zoning Ordinance and be able to contain one single-family home each. The applicant’s request is therefore in full compliance with the Comprehensive Plan

RECOMMENDATION

Staff recommends approval of the request for a zoning map amendment to rezone the northernmost 5 feet of the subject property from B-3 PUD to R-3 with no conditions.

PLAN COMMISSION RECOMMENDATION

At the August 28, 2003 Plan Commission meeting, the Plan Commission made a recommendation of approval of the request for a rezoning (zoning map amendment) of the subject property from B-3E PUD to R-3 together with the attached findings of fact with no conditions.

- Motion: Commissioner DeMartini
- Second: Commissioner Deane
- Vote: 6-1 (Cuscaden voted against, Gaines and Vogelsberg absent)

FINDINGS OF FACT

1. Existing uses of property within the general area of the property in question.

Property to the south is used for commercial office, with a new building to be developed shortly. Property to the north and across Garfield to east is used of single family residences.

2. The zoning classification of the property within the general area of the property in question.

Property along State Street to the south is zoned B-3E PUD. Property to the east, north, and west is zoned R-3.

3. The suitability of the property in question to the uses permitted under the existing zoning classification as well as the proposed zoning classification.

The strip proposed for rezoning is unusable as zoned. The rezoning allows consolidation with the adjacent residentially zoned lot.

4. The current Comprehensive Plan for the City of Geneva.

The comprehensive plan calls for commercial zoning and use along State Street, and continuation of residential zoning and use to the north.

and what is wrong with that. Page stated NICOR concerns are that it would set a precedent for other negotiations and long term financing and we have felt it is a valid consideration since 1991. He continued that more recently the staff discussed this but due to deregulation it would be limited value and NICOR still controls the transmission lines and everything from there is unbundled services. The playing field is not the same since 1991 and businesses have access to other gas markets we have some opportunities to establish and negotiate favorable gas supply to public buildings and get a gas allowance for therms and savings on an annual basis. The franchise payment is estimated this year at \$25,000 and can save 10-20 percent of the market place and feels at present the incentives weren't there when first discussed.

Ald. DesCoteaux asked if it is a 30-year franchise and Page responded it goes back to 1991 so there are 18 year remaining on the franchise. Ald. Pawlak voiced his concern about the 30-year franchise and asked if we could secure a better deal but a shorter term to what NICOR is offering and Page asked if he was referring to the citizens of Geneva (yes) and Page stated it would be year-to-year and finding competitors on that basis would be difficult. Ald. Brown stated he worries about this 30-year agreement and is there anything in this agreement where we can take them to court and Page stated that we would still have condemnation rights and Ald. Brown stated that is very important.

Craig Whyte from NICOR (Dir. of Community Relations) stated there are choices for residential customers in the *customer select* and he purchases gas from another supplier. Ald. Singer stated the option of purchasing gas from another vendor has been around for sometime and Whyte stated it began in 1985 and is now open to all customers. **Voice vote: 6-3 (Ald. DesCoteaux, Flanagan, Pawlak opposed)**

4. Consider Proposed Special Service Area for Fox Run Subdivision Bike Path and Storm Water Detention and Related Intergovernmental Agreement with Park District

Moved by Ald. Hill, seconded by Ald. DesCoteaux to approve the proposed Special Service Area (#24) for Fox Run Subdivision Bike Path and Storm Water Detention and Related Intergovernmental Agreement with Park District.

Ald. Singer asked about the cost for maintenance and asked if the SSA would absorb the cost and Page stated there is a homeowners association being created for maintaining this area and this is backup SSA. He then inquired if the residents were aware of this and if they are in agreement (yes). Mayor Burns asked if there was anyone from the audience that would like to speak and the developer, Mark Glassman, stated Mr. Page was correct. **Voice vote: 9-0**

5. Consider Ordinance Rezoning Certain Real Estate from B-3E Business Planned Unit Development to R-3 Medium to High Density Single Family Residential District (Youngberg- 223 E. State St.)

Moved by Ald. Maladra, seconded by Ald. DesCoteaux to approve the ordinance rezoning certain real estate from B-3E Business PUD to R-3 Medium to High Density Single Family Residential District.

Ald. DesCoteaux asked Dir. Untch the difference between medium density and high density and Dir. Untch stated there is no definitive difference as it is a title. **Voice vote: 9-0**

6. Review Proposed Tower Lease Plans for US Cellular (Logan Ave.)

Moved by Ald. DesCoteaux, seconded by Ald. Barclay to approve the proposed tower lease plans for US Cellular (Logan Ave.) contingent on negotiations with staff and the predictions discussed tonight.

Ald. Brown stated he had no conflict and Page stated this is scaled down from the first proposals. Ald. Singer asked if the reason the antenna is at this high level to avoid conflict with the AT&T and Page stated yes. Ald. Singer then inquired about future requests and Page stated this tower is maxed out but another location could be considered and Supt. Donahue agreed there is no more room in the base of the tower.

Mr. Robert Koziel a consultant from Palatine representing USC stated the antenna won't work at a lower level and AT&T has the ideal spot and this will be ten feet above and four feet wide. Ald. Pawlak asked what zoning is needed for monopoles and if we can control the height and Talsma stated it is a matter of avoiding interference and a special use is required. Mayor Burns stated that approximately four years ago this Council supported this instead of monopoles. Ald. Pawlak deferred the decision to the Aldermen in the ward. Mayor Burns asked if we are negotiating with SAC or US Cellular and Mr. Koziel stated SAC handles all negotiations. The Mayor then asked about the timeline for installation and Mr. Koziel stated the first of the year to March, 2004.

Voice vote: 9-0

7. Consider General Fund Capital Budget Amendments for Project Deferral and Recognition of Savings in the Total Amount of \$266,000

Moved by Ald. Piper, seconded by Ald. Barclay to approve the General Fund Capital Budget Amendments for project deferral and recognition of saving in the total amount of \$266,000.

Admin. Page updated the sales tax and State income tax and the negative variance is more favorable which is about 7.2% which is lower than the past couple of months which were in double digits. He continued the economic forecast looks good and we hope to get back to our budget numbers in the next couple of months. He explained that the engineering on the East State Street Streetscape design (\$175,000) and the storm sewer lining project (\$58,000), special census (\$15,000), telephone system upgrade (\$15,000) and roof repairs for Public Works (\$3,000) are being recognized for savings or deferrals for a total of \$266,000. These projects are to be deferred to the new budget year.

Ald. DesCoteaux asked about deferral/savings and other funds deferral and what is the difference and Page responded deferrals/savings is the current deferral amount and the other funds deferrals were established at the beginning of the year and are funded through other funds such as grants or General Fund deferrals, which is \$50,000 in this year's budget.

Geneva City Council Meeting
September 15, 2003

Discussion followed who receives the benefit the City or the Taxpayer and if there are any alternatives other than NICOR to operate and distribute gas.

City Administrator Page stated since the initial draft was circulated to the Council that we added Sections 4 & 5 to the Ordinance. He then clarified the contents of Section 4 and Section 5 regarding condemnation options and allowance for competition. Roll call:

AYES: 8 (Ald. Barclay, DesCoteaux, Flanagan, Hill, Maladra, Piper, Radecki, and Singer)

NAYS: 1 (Ald. Pawlak) MOTION CARRIED

CONSIDER GENERAL FUND BUDGET AMENDMENTS FOR STATE ST./HARRISON ST. SCHOOL CROSSING WARNING LIGHTS IN THE AMOUNT OF \$10,600 AND A FACADE IMPROVEMENT GRANT IN THE AMOUNT OF \$40,000 FOR 330 W. STATE ST., MILLER DEVELOPMENT. (CARRY OVER FROM UNSPENT FUNDS IN 2002-03)

Moved by Ald. Piper, seconded by Ald. Pawlak to approve General Fund Budget Amendments for State St./Harrison St. School Crossing Warning Lights in the amount of \$10,600 and a Façade Improvement Grant in the amount of \$40,000 for 330 W. State St., Miller Development. (carry over from unspent funds in 2002-03) Roll call:

AYES: 8 (Ald. Barclay, Brown, Flanagan, Hill, Maladra, Pawlak, Piper, Radecki, and Singer)

NAYS: 1 (Ald. DesCoteaux) MOTION CARRIED

APPROVE ORDINANCE #2003-45 AUTHORIZING THE REZONING (ZONING MAP AMENDMENT) OF CERTAIN REAL ESTATE FROM "B-3E PUD" BUSINESS PLANNED UNIT DEVELOPMENT TO R-3 MEDIUM TO HIGH DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT (MR. MARK YOUNGBERG-223 E. STATE STREET

Moved by Ald. Barclay, seconded by Ald. Piper to approve motion as presented. Approved by unanimous roll call vote. (Omnibus Agenda). MOTION CARRIED

APPROVE GENERAL CAPITAL BUDGET AMENDMENTS FOR PROJECT DEFERRAL AND RECOGNITION OF SAVINGS IN THE TOTAL AMOUNT OF \$266,00 (SEE EXHIBIT B).

Moved by Ald. Barclay, seconded by Ald. Piper to approve motion as presented. Approved by unanimous roll call vote. (Omnibus Agenda). MOTION CARRIED

APPROVE RESOLUTION #2003-19 FOR KANE COUNTY STORMWATER SELF-AUDIT

Moved by Ald. Barclay, seconded by Ald. Piper to approve motion as presented. Approved by unanimous roll call vote. (Omnibus Agenda). MOTION CARRIED

City of Geneva Community Development Department

Memorandum

To: Dave Rogers, Chairman and Members of the Plan Commission

From: Community Development Department

Date: March 19, 2003

Meeting: March 27, 2003 Plan Commission Meeting

Subject: **REQUEST FOR A CONCEPT REVIEW OF A PROPOSED THREE OFFICE BUILDING COMPLEX AT 223 EAST STATE STREET – MR. MARK YOUNGBERG**

During the fall of 2002, the City reviewed and eventually approved a Planned Unit Development for an office building at 223 East State Street. This plan contained a new ~4,000 square foot office building to be constructed directly west of the existing office building at the northwest corner of Garfield Street and East State Street. The applicant is now interested in submitting a concept plan for your review that includes a third office building located on the two residential properties to the immediate north of 223 East State Street. Attached for your review are a proposed elevation, site plan, and the approved two-building site plan for comparison. This request has not yet been scheduled for a public hearing and Mr. Youngberg has not yet formally submitted a request for an Amendment to the approved PUD. Mr. Youngberg is asking for informal comments from the Plan Commission.

Ayes: Cuscaden, Deane, DeMartini, Erickson, Gaines, Moffat, Sommer, Vogelsberg, Rogers.
Nays: None. MOTION PASSED. VOTE: 9-0

AGENDA ITEM 5C. City of Geneva: Request for a Zoning Ordinance Text Amendment to Modify Article 6 Sections 602.5A, 603.5A, 604.5A, 605.5A, and 606.5A Pertaining to Average Street Setbacks in Residential Area 1 in the RE, R1, R2, R3 and R4 Single-family Residential Districts by Replacing the Existing Language in Paragraph 2 with New Language.

Moffat moved to postpone this public hearing and continue it to August 28, 2003, seconded by Deane. Roll call:

Ayes: Cuscaden, Deane, DeMartini, Erickson, Gaines, Moffat, Sommer, Vogelsberg, Rogers.
Nays: None. MOTION PASSED. VOTE: 9-0

A question was raised regarding the continuation of an East Side Drive petition to an August 14, 2003 date, wherein staff explained the petition was formally withdrawn.

Other Business

AGENDA 7A. Mr. Mark Youngberg (223 E. State Street): Discussion regarding the Timing of a New Public Hearing for a Revised Application that would Rezone a Portion of 223 East State Street from B-3E PUD to R3 in order to Increase the Lot Frontage of the Two Residential Lots to Meet the Minimum Lot Frontage Requirements in the R3 District. (Discussion Item only)

Comments

Vogelsberg suggested creating an informational brochure explaining the duties and responsibilities of the Plan Commission with the notation that commissioners were not part of the City staff.

Adjournment

A motion was made by Commissioner DeMartini to adjourn the meeting. Commissioners concurred. There being no further business before the Plan Commission, the meeting was adjourned at 10:13 p.m.

Respectfully submitted,

Celeste Weilandt
Recording Secretary

City of Geneva Community Development Department

Memorandum

To: Dave Rogers, Chairman and Members of the Plan Commission

From: Community Development Department

Date: July 3, 2003 8/18/03

Meeting: July 10, 2003 Plan Commission Meeting

Request: **A zoning map amendment to rezone the northernmost 5 feet of the subject reality from B-3E PUD, Business Planned Unit Development to R-3 Medium to High Density Single Family Residential.**

DEVELOPMENT REQUEST HISTORY

Mr. Mark Youngberg is the owner of 223 East State Street and the two vacant residential properties located immediately north of 223 East State Street on the west side of Garfield Street. Mr. Youngberg was granted a Special Use for a Planned Unit Development and preliminary/final PUD Plan approval on December 16, 2002 under Geneva Ordinance 2002-69. This approval granted Mr. Youngberg the right to construct a second office building on 223 East State Street. This PUD request did not include the two residential properties north of 223 East State Street.

In the spring of 2003, Mr. Youngberg submitted a new request to amend the approved PUD by extending the PUD north to include the two residential properties. This request would have added a third office building on the two residential properties and a shared parking lot for approximately 50 vehicles. This request was discussed in a public hearing with the Plan Commission on July 10, 2003. At that meeting, there was lengthy public comment from concerned residents living in the immediate neighborhood of the subject property. Additionally, the Plan Commission did not indicate a high degree of support for the request. The request was continued to the August 14, 2003 Plan Commission meeting to allow the applicant time to review the various plan concerns and to meet with development staff to determine if a solution was possible.

After discussing the design challenges and reviewing the large volume of concerns from neighborhood residents, Mr. Youngberg formally withdrew this request on August 7, 2003. He has indicated that he will sell the two residential properties for construction of two single-family homes and proceed with his approved PUD plan for 223 East State Street (construction of a second office building and a parking lot).

STAFF COMMENTS

The two residential lots north of 223 East State Street are both legally non-conforming lots due to minimum lot frontage. Each lot has 57.5 feet of lot frontage onto Garfield Street; the minimum lot frontage in the R-3 District is 60 feet. Mr. Youngberg's current request is to rezone the northernmost five feet of 223 East State Street from B-3E PUD to R-3. Once this rezoning is complete, Mr. Youngberg will then shift the lot lines of all three properties in the following manner:

223 East State Street: The north lot line will be shifted south five feet to coincide with the new zoning district boundary.

- Middle Residential Lot: The south lot line will be shifted south five feet to coincide with the new zoning district boundary. The north lot line will be shifted south 2.5 feet thereby making the lot 60 wide.
- North Residential Lot: The south lot line will be shifted south 2.5 feet thereby making the lot 60 feet wide.

Comprehensive plan

The recently adopted Comprehensive Plan provides for a “transitional mixed-use designation for 223 East State Street and the two residential properties immediately north of 223 East State Street. According to this designation:

“The area designated transitional mixed-use connects the East State Street commercial corridor to the downtown/3rd Street area just to the west. This area should maintain and use the existing structures, many of which are residential conversions. While intensity of uses should not increase, a continued mix of residential and commercial uses should be encouraged. Allowable uses within the transitional mixed-use area include retail, commercial service, professional offices, and specialty retail.”

The Comprehensive Plan considers a transitional mixed use land use designation as appropriate because the three subject parcels are all under single ownership and two of the three parcels are vacant. Either residential or commercial uses may be appropriate provided that the site plan properly addresses the compatibility of the proposed uses and buildings to adjacent uses and buildings. This request will not change the land uses available on the two residential properties located just north of 223 East State Street. This request is being undertaken to ensure that both lots become conforming due to minimum lot frontage. If this request is approved and once Mr. Youngberg shifts the property lines of all three properties, each residential lot will be fully conforming to the bulk standards of the R-3 portion of the Zoning Ordinance and be able to contain one single-family home each. The applicant’s request is therefore in full compliance with the Comprehensive Plan

Findings of Fact

The applicant has submitted draft findings of fact on the four zoning map amendment standards. Those draft findings are included in the packet for your review. Planning Division staff does not have any suggested changes to the submitted findings at this time and, even though they are relatively short, supports their adoption by the Plan Commission.

RECOMMENDATION

Staff recommends that once all public testimony has been heard, the Plan Commission close the public hearing. If the Plan Commission so chooses, staff would also be supportive of the Plan Commission making a recommendation of approval and fact finding on the four zoning map amendment standards immediately after the hearing is closed. Staff realizes that this is not typical procedure, but since the various development proposals on the subject reality have been discussed at length during several public hearings in the recent past, staff believes that this may be appropriate in this case. If the Plan Commission is not comfortable making a recommendation and fact finding immediately after the public hearing, the request should be scheduled for the September 11, 2003 Plan Commission meeting.

**PLAN COMMISSION MINUTES
City of Geneva
Meeting #1016– August 28, 2003**

Chairman Rogers called the meeting to order at 7:30 p.m.

Present: Commissioners Cuscaden, Deane, DeMartini, Erickson, Moffat, Sommer, Chairman Rogers

Absent: Commissioner Gaines, Vogelsberg

Staff Present: Planning Dir. Dick Untch; City Planner Tom Swierczewski

Others Present: Court Reporter Greg Sonntag, Sonntag Court Reporting; Recording Secretary Celeste Weilandt

Approval of Minutes of August 14, 2003

Minutes of August 14, 2003 and attached Report of Proceedings were approved on motion by Commissioner DeMartini, seconded by Commissioner Deane. Motion passed by voice vote. Vote: 7-0.

Chairman Rogers read the Plan Commission procedures for all present and administered the oath to those who would be speaking.

Public Hearing/Continued Public Hearing Requests

AGENDA ITEM 4A. Mr. Mark Youngberg (223 E. State Street): Request for a Zoning Map Amendment to Rezone the Northernmost 5 feet of the Subject Realty from B-3E PUD, Business Planned Unit Development to R-3 Medium to High Density Single-Family Residential.

[Please see Report of Proceedings prepared by Sonntag Reporting Service]

Commissioner Moffat moved to close the public hearing, seconded by Commissioner Deane. Motion passed by voice vote. Vote: 7-0.

Commissioner DeMartini moved to approve a zoning map amendment to rezone the northernmost 5 feet of the subject realty from B-3E PUD, Business Planned Unit Development, to R-3 Medium to High Density Single-Family Residential with the Findings of Fact and to waive delaying the matter to a subsequent meeting. Seconded by Commissioner Deane. Roll call:

Ayes: Deane, DeMartini, Erickson, Moffat, Sommer, Rogers

Nays: Cuscaden

MOTION PASSED. VOTE: 6-1

AGENDA ITEM 4B. City of Geneva: Request for a Zoning Ordinance Text Amendment to Modify Article 6 Sections 602.5A, 603.5A, 604.5A, 605.5A, and 606.5A Pertaining to Average Street Setbacks in Residential Area 1 in the RE, R1, R2, R3 and R4 Single-family Residential Districts by Replacing the Existing Language in Paragraph 2 with New Language.



22 South First Street
Geneva, Illinois 60134
(630) 232-0818 phone
(630) 232-1871 fax

Geneva Plan Commission

Registration sheet

Agenda Item: 223 East State Street #4A

Date: 8-28-03

Anyone wishing to give sworn testimony, ask specific questions, or cross examine anyone regarding any public hearing agenda item may do so, provided they print their name and address, sign in the space provided and swear in when asked by the Chairman. By signing this registration sheet, you agree, understand, and affirm that anything you say is sworn testimony and you will tell the truth, the whole truth and nothing but the truth.

	Name (Print)	Address	Signature
1	Tom Swierczewski	22 S. 1 st St.	Tom Swierczewski
2	Dick Clutch	225. 1 st St	Dick Clutch
3	Matthew Kern	322 W Bay Ln	Matthew Kern
4	Mark Youngberg		
5			
6			
7			
8			
9			
10			

REPORT OF PROCEEDINGS - AUGUST 28, 2003

1 S47781A

2

3 STATE OF ILLINOIS)
4) SS.
5 COUNTY OF KANE)

6

7 BEFORE THE CITY OF GENEVA PLAN COMMISSION

8

9 In Re the Matter of:)
10)
11 Mark Youngberg (223 East)
12 State Street): Request for)
13 a zoning map amendment to)
14 rezone the northernmost 5)
15 feet of the subject realty)
16 from B-3E PUD, Business)
17 Planned Unit Development to)
18 R-3 Medium to High Density)
19 Single-Family Residential.)

20

21 REPORT OF PROCEEDINGS had at the hearing
22 of the above-entitled matter, before the City
23 of Geneva Plan Commission, taken in the
24 offices of City of Geneva, 22 South First
Street, Geneva, Illinois, on the 28th day of
August, A.D. 2003, at the hour of 7:30 p.m.

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REPORT OF PROCEEDINGS - AUGUST 28, 2003

1 PRESENT:

2

MR. DAVID ROGERS, Chairman;

3

MR. DOUGLAS CUSCADEN, Member;

4

MS. VICKI DEANE, Member;

5

MR. EMIL DE MARTINI, Member;

6

MR. JOEL ERICKSON, Member;

7

MR. JAY MOFFATT, Member; and

8

MR. STEPHEN SOMMER, Member.

9

10 ALSO PRESENT:

11

MR. TOM SWIERCZEWSKI, City Planner;

12

MR. RICHARD UNTCH, Director of Planning; and

13

MS. CELESTE WIELANDT, Recording Secretary.

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REPORT OF PROCEEDINGS - AUGUST 28, 2003

1 CHAIRMAN ROGERS: It's 7:30 and
2 I'll call the meeting to order.
3 Celeste, will you take the roll, please?
4 RECORDING SECRETARY: Cuscaden.
5 MEMBER CUSCADEN: Here.
6 RECORDING SECRETARY: Deane.
7 (No response.)
8 MEMBER DE MARTINI: Deane.
9 MEMBER DEANE: Here.
10 RECORDING SECRETARY: DeMartini.
11 MEMBER DE MARTINI: Here.
12 RECORDING SECRETARY: Erickson.
13 MEMBER ERICKSON: Here.
14 RECORDING SECRETARY: Gaines.
15 (No response.)
16 RECORDING SECRETARY: Moffatt.
17 MEMBER MOFFATT: Here.
18 RECORDING SECRETARY: Sommer.
19 MEMBER SOMMER: Here.
20 RECORDING SECRETARY: Vogelsberg.
21 (No Response.)
22 RECORDING SECRETARY: Rogers.
23 CHAIRMAN ROGERS: Here.
24 * * * * *

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REPORT OF PROCEEDINGS - AUGUST 28, 2003

1 CHAIRMAN ROGERS: All right. Then
2 we will move into our public hearing portion;
3 and I will once again read the procedures for
4 public hearings.

5 We now enter the public hearing portion
6 of our meeting. It is the Plan Commission's
7 job to conduct these public hearings in order
8 to receive testimony for and against petitions
9 for general amendments to the zoning
10 ordinance, zoning map amendments, zoning text
11 amendments, special use permits and amendments
12 to special use permits.

13 The procedure we will follow is as
14 follows: First, the Plan Commission Secretary
15 or the designated representative will read or
16 describe written items, reports, plans into
17 the record.

18 Second, the Petitioner will present
19 testimony in favor of the petition and will
20 present any supporting plans or exhibits.

21 Third, the Commission Members will have
22 an opportunity to question the Petitioner.

23 Fourth, the Commission will then receive
24 citizen testimony both for and against the

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REPORT OF PROCEEDINGS - AUGUST 28, 2003

1 petition. Questions about the proposal may be
2 directed to the Petitioner or the Petitioner's
3 witnesses, and questions about the Plan Com-
4 mission process itself maybe directed to me.

5 Following such testimony, the Petitioner
6 and the Plan Commission may ask questions of
7 those who testified.

8 Finally, the Petitioner may provide a
9 rebuttal to any testimony in opposition.

10 When all the testimony is brought into
11 the record, the hearing will be closed. The
12 Plan Commission will make a recommendation, at
13 a subsequent Plan Commission meeting, to the
14 City Council in the form of a motion or
15 motions.

16 In order to give testimony, you must
17 provide your name and address on the regis-
18 tration street located at the entrance of the
19 hearing room -- it's right by the glass door
20 back there -- and sign on the space provided.
21 By signing the registration sheet, you agree
22 and understand that anything you say will be
23 considered sworn testimony and affirm to tell
24 the truth, the whole truth and nothing but the

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REPORT OF PROCEEDINGS - AUGUST 28, 2003

1 truth.

2 When giving testimony, please approach
3 the lectern. Speak directly into the micro-
4 phone so that you may be heard. Please begin
5 by stating your name and giving your address.
6 If you speak additional times, please state
7 your name each time for the record.

8 Please be concise when presenting your
9 testimony, and if your point has already been
10 made, it is not necessary to repeat it.

11 Each of these points is recorded and
12 will be considered as the Plan Commission
13 develops findings of fact and a recommend-
14 ation or recommendations.

15 You may provide your testimony in writ-
16 ten form, but such written testimony must be
17 presented to the Plan Commission Secretary or
18 the designated representative prior to the
19 closing of this hearing.

20 After the process is completed and
21 everyone wishing to present testimony has
22 spoken, the Commission will then decide
23 whether it has heard adequate testimony in
24 order to make a decision. If it has, the

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1 public hearing will be closed.

2 After a public hearing is closed, the
3 Plan Commission will refrain from receiving
4 any additional testimony either for or against
5 the petition.

6 There is one exception to this rule.
7 City Staff will submit a report based on the
8 testimony presented at the hearing. This
9 report will consider comments or concerns from
10 all City Departments, such as the Fire Depart-
11 ment, Public Works Department or the Engineer-
12 ing Department.

13 At this time I will administer the oath
14 to all those who have signed the registration
15 form. So anyone who wishes to give sworn
16 testimony, ask questions or cross examine
17 anyone giving sworn testimony -- and I'm going
18 to include all of the public hearings that
19 we're going to conduct this evening now -- if
20 you would please stand and raise your right
21 hand.

22 (Six witnesses were thereupon
23 duly sworn.)

24 CHAIRMAN ROGERS: Thank you.

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1 All right. Then our first hearing is a
2 continued hearing -- actually, I guess it's
3 not a continued hearing, is it?

4 MR. SWIERCZEWSKI: No, Mr. Chair-
5 man, I have 4-A as a new public hearing.

6 CHAIRMAN ROGERS: It is a new
7 public hearing. The original hearing for this
8 property was withdrawn -- the original
9 petition, I should say, was withdrawn. We are
10 now opening a new hearing.

11 Mark Youngberg, 223 East State Street,
12 request for a zoning map amendment to rezone
13 the northernmost five feet of the subject
14 realty from B-3E PUD, Business Planned Unit
15 Development, to R-3 Medium to High Density
16 Single-Family Residential.

17 Tom, do you have anything to enter into
18 the record before we start?

19 MR. SWIERCZEWSKI: Thank you, Mr.
20 Chairman.

21 There are several items I would like
22 entered into the record.

23 First I have an application signed by
24 Mr. Youngberg; a proof of ownership document;

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1 a list of property owners, listing all the
2 property owners within 250 feet of the subject
3 realty, and an associated affidavit of accu-
4 racy regarding that list; I have a certificate
5 of publication from Paddock Publications that
6 a notice ran in the Daily Herald; I have a
7 plat of surgery of the subject realty, re-
8 ceived by the Community Development Department
9 on August 7, 2003; and we have the Applicant's
10 draft findings of fact for the four rezoning
11 standards that are included in your packet;
12 and we have a Staff memo dated -- incorrectly
13 dated July 3, 2003. It should be August 21,
14 2003.

15 That's all I have, Mr. Chairman.

16 CHAIRMAN ROGERS: Thank you.

17 Mr. Youngberg.

18 MR. KLEIN: Thank you, Mr. Chair-
19 man. My name is Matthew Klein. I'm the
20 attorney for Mr. Youngberg.

21 I hope you view this as a very simple
22 request. The property has been before you
23 several times. I don't know if I should go to
24 the board or the exhibit; but the property

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1 that's at issue, subject to this request, is a
2 strip north of the commercial planned develop-
3 ment north of State Street that was previously
4 approved. To the north of that are two long
5 existing lots.

6 By rezoning this five-foot strip, the
7 strip will be -- the two lots could be made
8 fully conforming under your Zoning Ordinance.

9 The five-foot strip was excluded from
10 the prior request just for that purpose. You
11 know, the previous application was for commer-
12 cial on this. That was not particularly well
13 received by this Commission and the Board and
14 the neighbors. The desire, apparently, is
15 that it remain residential.

16 We're trying to provide for that by pro-
17 viding two fully-conforming lots.

18 The findings we submitted are very
19 simple, but they basically express this: The
20 -- the plat of -- of Geneva shows this as
21 transitional area, providing for residential
22 and commercial properties. The commercial
23 property fronting on -- on State and Garfield
24 has previously been approved. The five-foot

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1 strip is not part of that commercial develop-
2 ment, and we have provided for that to be part
3 of the residential.

4 The zoning that -- the zoning in place,
5 the commercially-zoned strip, it's adjacent to
6 the residentially-zoned property. By changing
7 the zoning, it would be combined with that and
8 end up with two fully-conforming lots.

9 CHAIRMAN ROGERS: Mr. Klein, could
10 you give us your address for the record,
11 please?

12 MR. KLEIN: My address is 342 West
13 Burlington, LaGrange.

14 Do you have any questions?

15 CHAIRMAN ROGERS: Okay. Questions,
16 Jay?

17 MEMBER MOFFATT: None.

18 CHAIRMAN ROGERS: Vicki.

19 MEMBER DEANE: None.

20 CHAIRMAN ROGERS: Emil.

21 MEMBER DE MARTINI: Tom, does
22 taking five feet off the commercial property
23 affect the detention pond capacity in any way?

24 MR. SWIERCZEWSKI: No, it does not.

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1 MR. KLEIN: That was fully planned
2 for when the boundary line was proposed.

3 MEMBER DE MARTINI: Fine.

4 CHAIRMAN ROGERS: Joel.

5 MEMBER ERICKSON: No questions.

6 CHAIRMAN ROGERS: Steve.

7 MEMBER SOMMER: No questions.

8 MR. CUSCADEN: Nothing, Chairman.

9 CHAIRMAN ROGERS: Okay.

10 MR. KLEIN: I hope you support it.

11 CHAIRMAN ROGERS: All right. No
12 questions from the Commission.

13 I'll see if there is anyone else in the
14 audience who wishes to speak.

15 Do we have the sign-up sheet here?

16 MR. SWIERCZEWSKI: No, we don't,
17 Mr. Chairman. Excuse me.

18 CHAIRMAN ROGERS: Pat Klein and
19 Mark Youngberg are the only two on the sign-in
20 list. Okay.

21 MR. KLEIN: Our only request would
22 be that you, at the conclusion of this, if
23 you're willing, make the recommendation
24 tonight so we can proceed to the City Council.

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1 CHAIRMAN ROGERS: Okay.

2 MEMBER MOFFATT: I move to close
3 the public hearing.

4 MEMBER DEANE: Second.

5 CHAIRMAN ROGERS: Moved and
6 seconded. All in favor say aye.

7 (The ayes were thereupon
8 heard.)

9 CHAIRMAN ROGERS: Opposed.

10 (No response.)

11 CHAIRMAN ROGERS: Okay.

12 (WHICH, at 7:40 p.m., were
13 all of the proceedings had
14 in the above-entitled matter
15 at the time and place afore-
16 said.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

IN TESTIMONY WHEREOF I have hereunto set
my hand and affixed my notarial seal this 3rd
day of September, A.D. 2003

My Commission Expires
September 14, 2006

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