

ORDINANCE NUMBER 2002-65

AN ORDINANCE GRANTING A SPECIAL USE FOR A CONTRACTOR OFFICE AND SHOP IN THE B-4 BUSINESS DISTRICT AND SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 942 EAST STATE STREET, HENRY SELENT

WHEREAS, an application was duly filed on the 20th of November, 2000, by W. Alex Teipel on behalf of the owner Henry Selent, hereinafter referred to as "OWNER" with the Plan Commission of the City of Geneva requesting a special use for a contractor office and shop in the B-4 Business district under the City of Geneva Zoning Ordinance [Appendix D of the Geneva Municipal Code] and site plan approval for the real estate legally described in Exhibit "A" attached hereto and made a part hereof, hereinafter referred to as "SUBJECT REALTY"; and

WHEREAS, pursuant to the applicable provisions of the Zoning Ordinance, a Notice of Public Hearing on such application was duly published on December 22, 2000, in the Daily Herald, a newspaper of general circulation in the City of Geneva, and such Public Hearing was held by the Plan Commission on Thursday May 24, 2001 at 7:30 p.m. in the City of Geneva Council Chambers located at 109 James Street, Geneva, Illinois, in the manner and form as provided with respect to such Special Use Petition under Appendix D of the City of Geneva Municipal Code (Zoning Ordinance) as amended; and

WHEREAS, said application was presented to the Plan Commission and the Plan Commission, at said Public Hearing, received exhibits and testimony from the OWNER, interested persons in favor and opposed to the application, and City Staff; and after due deliberation, the Plan Commission prepared and approved Findings of Fact, as set forth in Exhibit "B" attached hereto and made a part hereof, and a positive recommendation on the application; and

WHEREAS, the Committee-of-the-Whole of the City Council of the City of Geneva has received the entire record of the Plan Commission public hearing, the Plan Commission's Findings of Fact, and the Plan Commission's recommendation and considered same on July 8, 2002; and

WHEREAS, the City Council of the City of Geneva considered the entire record, the findings of fact, and the recommendations of the Plan Commission on November 4, 2002; and

WHEREAS, the City Council of the City of Geneva finds that the Special Use requested satisfies Special Use Standards 1 through 9, under Section 1002.2F of the Zoning Ordinance, and that the Special Use request satisfies all requirements of Section 1002 of the City of Geneva Zoning Ordinance; and

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

SECTION 1: SPECIAL USE FOR A CONTRACTOR OFFICE AND SHOP

Subject to the conditions set forth at Section 3 below, Appendix D (Zoning Ordinance) of the City of Geneva Municipal Code, as amended from time to time, (and as set forth in the zoning district map as described therein and on file in the office of the City Clerk), is hereby amended by granting a special

use for a contractor office and shop on the SUBJECT REALTY pursuant to Section 1002.2 of the Zoning Ordinance.

SECTION 2: SITE DEVELOPMENT PLAN APPROVAL

Subject to the conditions set forth at Section 3 below, the site plan for the SUBJECT REALTY, which is attached herein and made a part hereof as Group Exhibit "C", has been reviewed and is hereby approved by the City Council as a part of the passage of this Ordinance:

- A. Site Plan prepared by Architectural Resources, Sheet number 1 of 6, dated, October 21, 2002.
- B. Landscape Plan prepared by Architectural Resources, Sheet number 2 of 6, dated, October 21, 2002.
- C. Building Elevations prepared by Architectural Resources, Sheet numbers 3, 4, 5, and 6 of 6, dated October 21, 2002.

SECTION 3: CONDITIONS OF APPROVAL

The granting of a Special Use for a drive through facility is conditioned upon satisfaction of the following:

- A. The Engineering Division shall approve the Final Engineering Plans prior to issuance of a building permit by the City.
- B. Submit a landscape plan prepared by a registered landscape architect to be reviewed and approved by the Community Development Department prior to issuance of a building permit by the City. The landscape plan shall conform to all requirements of Article 11 (landscaping) of the Zoning Ordinance.
- C. Provide a landscape maintenance services contract for review by the City.
- D. Prohibit semi-truck deliveries to the site.

SECTION 4: SPECIAL USE FINDINGS OF FACT

The City Council of the City of Geneva finds that the Special Use does, subject to the full satisfaction of the conditions stated herein, satisfy Special Use standards 1 through 9, and the other requirements of Section 1002.2 of the Zoning Ordinance, as fully described in the findings of fact, which are attached hereto and made a part hereof as Exhibit "B".

SECTION 5: DEVELOPMENT SCHEDULE

All construction of building and site improvements on the SUBJECT REALTY, as set forth in the Special Use Plan shall be completed by November 4, 2004.

SECTION 6: APPLICABILITY OF CITY CODES

Except as otherwise specifically provided herein, OWNER shall comply in all respects with the applicable provisions of Appendices B, C, and D of the Geneva Municipal Code and other City ordinance pertaining to the development in effect at the time OWNER makes application to the City for a preliminary plan, final plat, building permit or permits in connection with the construction of buildings or structures on the SUBJECT REALTY, whether or not any of such ordinances are amended after the date hereof.

SECTION 7: 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 8: 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.

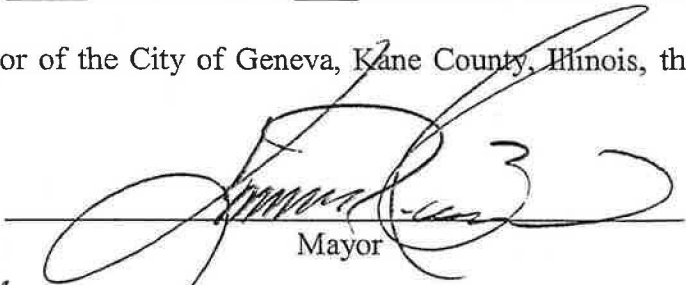
SECTION 9: EFFECTIVE DATE

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 4th day of November 2002.

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 4th day of November 2002.



Mayor

ATTEST: 

City Clerk

EXHIBIT "A"
LEGAL DESCRIPTION

EXHIBIT "B"

FINDINGS OF FACT

Special Use Standard #1. The proposed use at the specified location is consistent with the comprehensive plan.

The Comprehensive plan designates the area for commercial/retail use. The proposed use as a roofing contractor complies with this standard.

Special Use Standard #2. The proposed building or use will not diminish the value of adjacent and nearby properties.

The existing building was originally a residence and is visible from State Street, but the proposed addition will be difficult to see due to neighboring site constraints. The site is bordered by single-family residential on the east, multiple-family residential on the south and commercial on the west. The site acts as a transitional use between commercial and residential, and the property will maintain a residential character with a 6-foot privacy fence separating the property from the single-family residential properties.

Special Use Standard #3. The proposed use at the specified location will not substantially or unduly increase traffic, traffic congestion and on-street parking demand in the immediate vicinity of the proposed use and in the area affected by traffic generated by the proposed use.

The proposed use will not substantially increase traffic or traffic congestion due to the fact that few deliveries are made to the site by large trucks and there is sufficient parking for the property. Also, the City is prohibiting semi-truck traffic to prevent future traffic problems.

Special Use Standard #4. The proposed use has been designed to provide for adequate ingress and egress to minimize potential vehicle conflicts and congestion in public streets.

The entrance and exit to the parking lot faces State Street and will not be modified.

Special Use Standard #5. The proposed building or use will not adversely affect or change the character of the area in which it is located.

The proposed use is appropriate as a transitional use because it can be utilized in a residential structure which will be improved on the exterior, has low traffic volumes entering and exiting the site, and is not modifying the existing streetscape. The proposed garage addition will be in the rear of the existing building and not easily viewed from the highway.

Special Use Standard #6. The proposed use at the specified location will not adversely affect the use and development of adjacent and nearby properties in accordance with the regulations of the district in which they are located. The location, size, and height of proposed buildings and other structures, and the operation of the use will not adversely affect the use and development or hinder the appropriate development of adjacent and nearby properties.

The surrounding properties are all currently developed. The proposed building addition is lower in height than the existing building and the neighboring commercial and multiple-family buildings, and will not adversely affect the use and development of nearby properties.

Special Use Standard #7. Adequate utility, drainage, parking and other necessary facilities to service the proposed use will be provided and that such utility, drainage, parking and other necessary facilities will not adversely affect the use, development and value of adjacent and nearby properties.

The property requires a storm sewer connection either to the south or west. The applicant is currently working on providing easements to allow the connection. Once the connection is made, a neighborhood problem will be significantly improved.

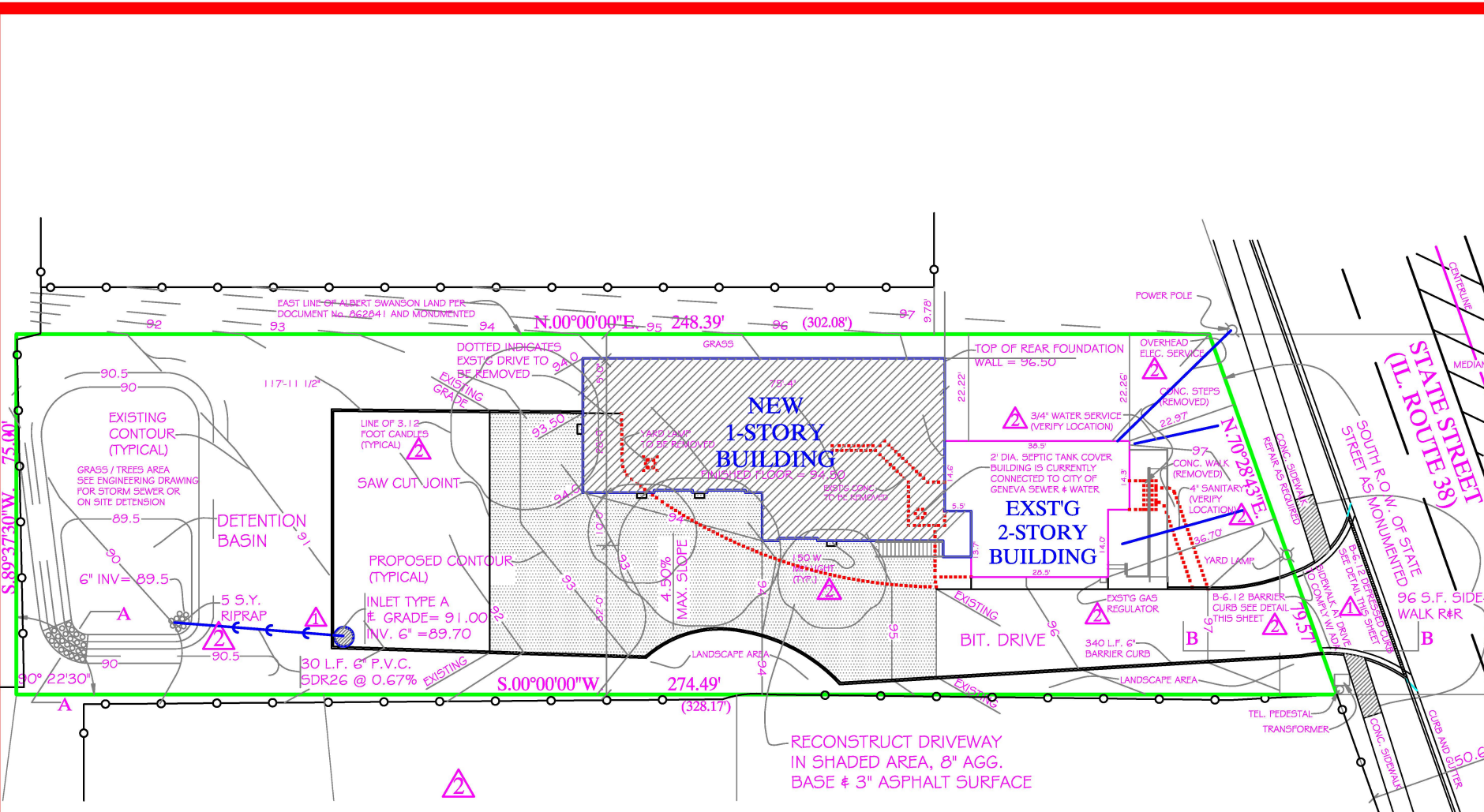
Special Use Standard #8. The proposed building, other structures and use comply with any and all regulations, conditions or requirements of the City of Geneva applicable to such building, structure or use.

Once the Engineering Department has approved the storm sewer connection proposal, all City requirements will be met.

Special Use Standard #9. That the exterior architectural appeal and function of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district to cause a substantial depreciation in property values in the neighborhood.

The property owner is proposing to install vinyl siding, to match the width of the original siding, to the existing house and proposed addition, thereby improving the architectural appeal and character of the site and structure.

GROUP EXHIBIT "C"
SITE DEVELOPMENT PLANS



SITE PLAN

SCALE: 1/32" = 1'-0" NORTH

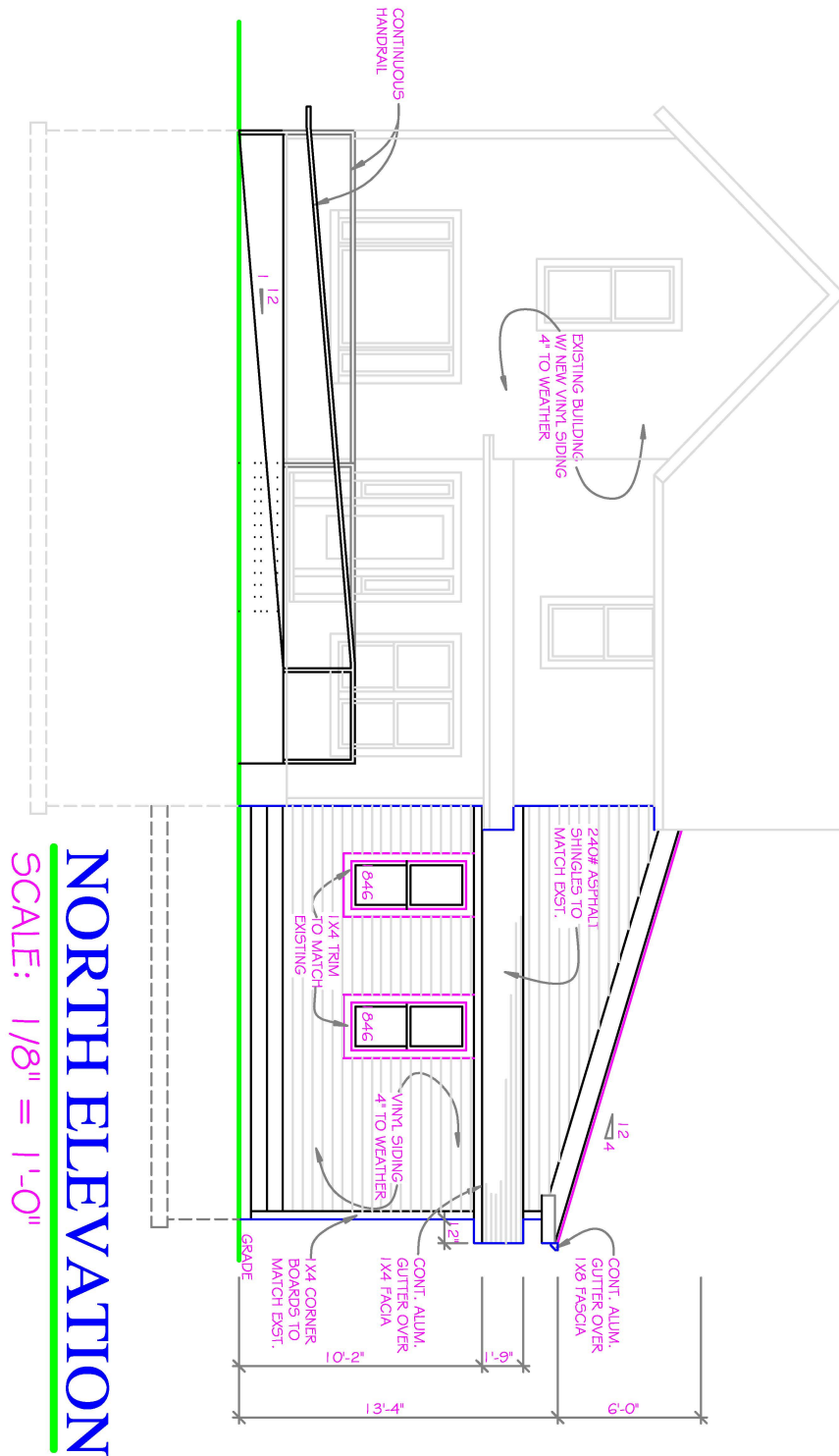


SITE PLAN Sheet: 1 of 6 **ARCHITECTURAL RESOURCES**

Addition & Renovation to:
SELENT ROOFING
 942 East State Street
 Geneva, Illinois 60134

Date: 10/21/02
 Scale: AS NOTED
 Drawn: R.M.A.

W. Alex Teipel --- Architect
 427 West State Street
 Geneva, Illinois 60174
 (630) - 232 - 1774



NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

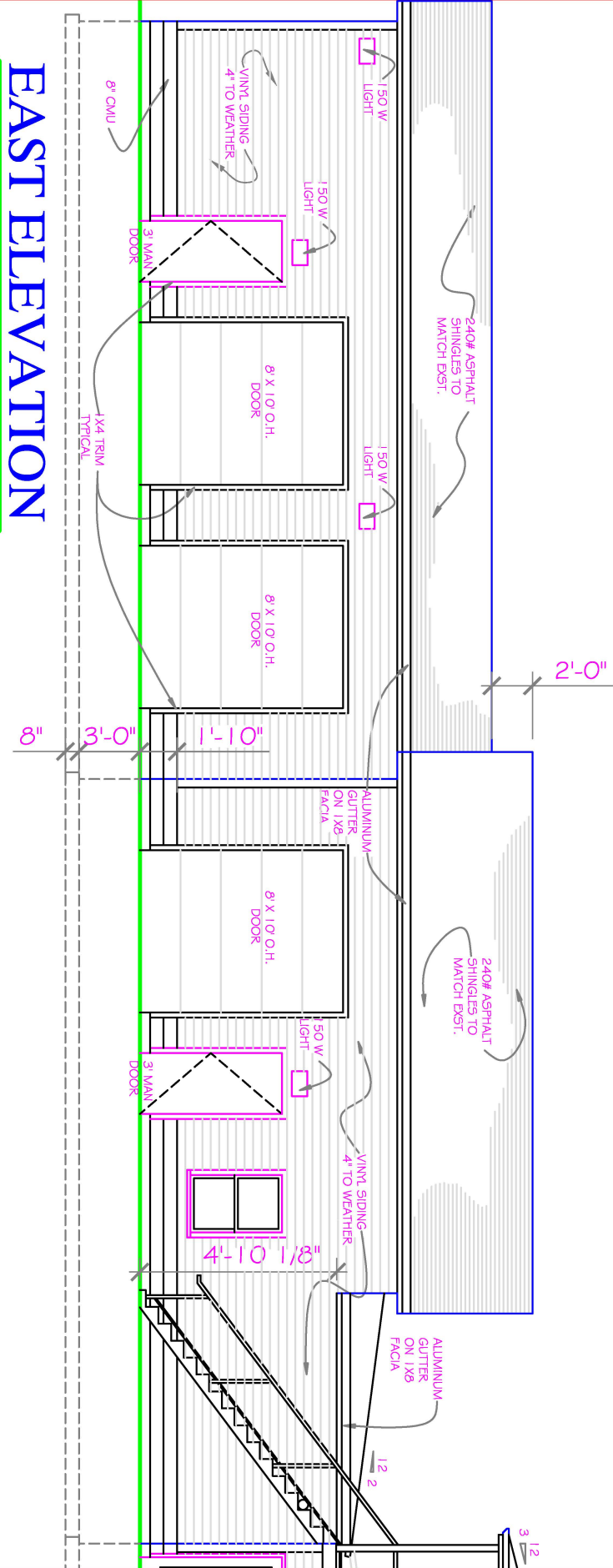
ELEVATIONS

Addition & Renovation to:
SELENT ROOFING
 942 East State Street
 Geneva, Illinois 60134

Sheet: **3** of **6**
 Date: **10/21/02**
 Scale: **AS NOTED**
 Drawn: **R.M.A.**

ARCHITECTURAL RESOURCES

W. Alex Teipel --- Architect
 427 West State Street
 Geneva, Illinois 60174
 (630) - 232 - 1774



EAST ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATIONS

Addition & Renovation to:
SELENT ROOFING
 942 East State Street
 Geneva, Illinois 60134

Sheet: **4** of **6**

Date: **10/21/02**

Scale: **AS NOTED**

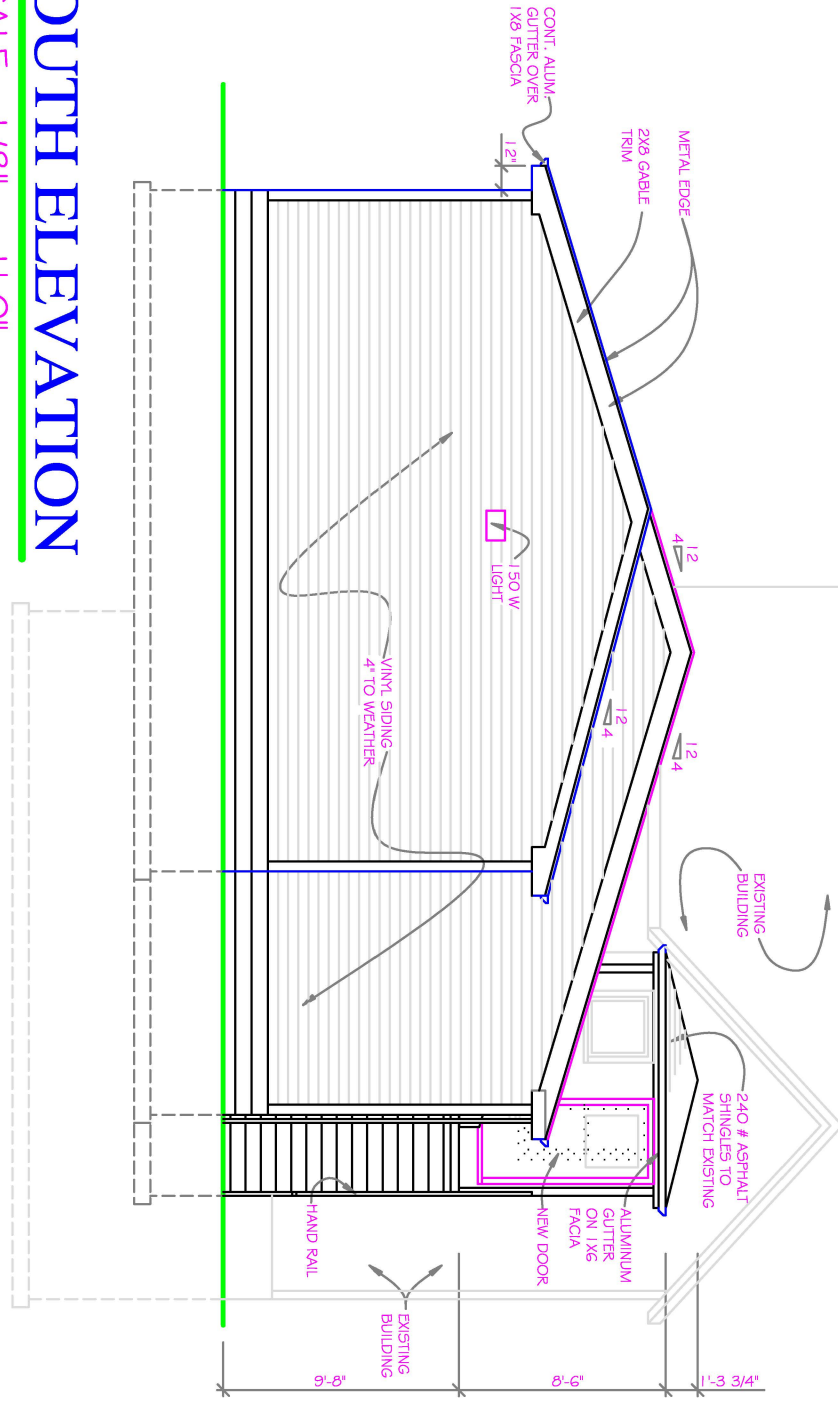
Drawn: **R.M.A.**

ARCHITECTURAL RESOURCES

W. Alex Teipel --- Architect
 427 West State Street
 Geneva, Illinois 60174
 (630) - 232 - 1774

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



ELEVATIONS

Addition & Renovation to:
SELENT ROOFING
 942 East State Street
 Geneva, Illinois 60134

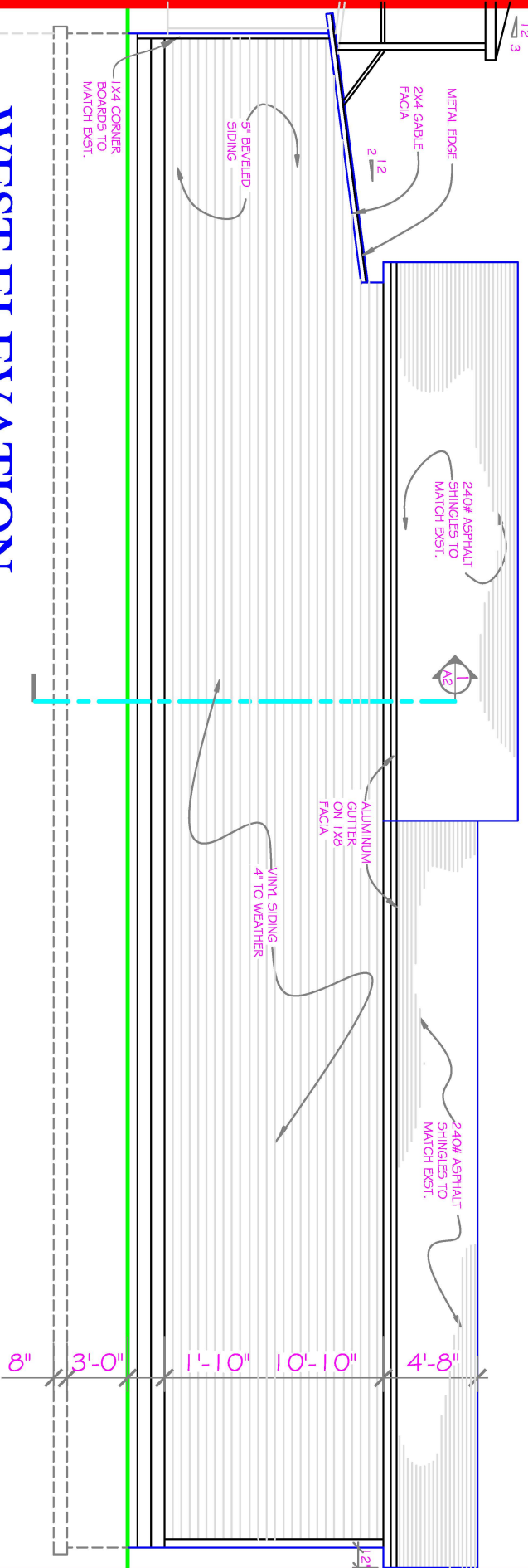
Sheet: **5** of **6**
 Date: **10/21/02**
 Scale: **AS NOTED**
 Drawn: **R.M.A.**

ARCHITECTURAL RESOURCES

W. Alex Teipel --- Architect
 427 West State Street
 Geneva, Illinois 60174
 (630) - 232 - 1774

WEST ELEVATION

SCALE: 1/8" = 1'-0"



8" 3'-0" 1'-10" 10'-10" 4'-8"

ELEVATIONS

Addition & Renovation to:
SELENT ROOFING
 942 East State Street
 Geneva, Illinois 60134

Sheet: **6** of **6**
 Date: **10/21/02**
 Scale: **AS NOTED**
 Drawn: **R.M.A.**

ARCHITECTURAL RESOURCES

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