



**NAPERVILLE PLANNING AND ZONING COMMISSION
APPROVED MINUTES OF JULY 23, 2014**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON AUGUST 6, 2014**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bruno, Coyne, Frost, Hastings, Williams

Absent: Dabareiner, Gustin, Messer, Meyer

Student Members:

Staff Present: Planning Team – Derek Rockwell, Kasey Evans, Teresa Anderson, Ying Liu
Engineer – Andy Hynes

B. Minutes

Approve the minutes of the July 9, 2014 Planning and Zoning Commission Meeting.

Motion by: Williams

Approved

Second by: Coyne

(5 to 0)

C. Old Business

**C1.
PZC 14-1-033
Mayor Estate**

The petitioner, Michael M. Mayor, requests approval of a Preliminary/Final Plat of Subdivision for The Mayor Estate and a variance from Section 6-2-12 (Fences) of the Municipal Code in order to increase the maximum fence height from six feet (6') to a maximum of eight feet seven inches (8.7').

Rockwell, Planning Services Team, gave an overview of the request.

Kathleen West, Attorney with Dommermuth, Cobine, West, et al., spoke on behalf of the petitioner:

- West reviewed the history of the property.
- The petitioner purchased additional property from the Diocese of Joliet order to expand their backyard for additional play space for their children. The property that was purchased includes a berm constructed by the original builder of the subdivision.
- The petitioner wants to enclose their property with a 6' open fence for the safety of their children.
- The petitioner proposes to install additional landscaping on the berm to hide the view of the fence.
- The petitioner has received three letters of support from the neighbors.

- The petitioner has tried to meet the opposing neighbors but didn't succeed.

Planning and Zoning Commission inquired about:

- Will the fence negatively impact the drainage of the area? Rockwell – No. The City has approved the drainage of this area when the berm was constructed with the subdivision.
- Whether the fence can be constructed as a matter of right except for 35 lineal feet of the fence on top of the berm. Rockwell – Yes.

Public Testimony:

Sheldon Keith, 259 Claremont Drive and Eric Maul, 263 Claremont Drive.

- Lives immediately to the north of the subject property.
- Every neighbor abutting the berm to the north and the majority of the neighbors in the subdivision object to the fence.
- Presented a subdivision map to show the neighbors that are against.
- The original intent of the berm was to create a natural, unobstructed buffer between the homes and the school.
- The proposed fence is unsightly and the neighbors will be visually impacted by the fence on top of the berm.
- Concerned about setting a precedent for future fence installation on top of the berm.
- The proposed landscaping will be on the church's property. Who is going to maintain it?
- The proposed fence will worsen the flooding problem in the area.
- Has the City typically allowed consolidation of an outside parcel with a lot in a subdivision?
- Hastings – What solution would you proposed? Keith and Maul – The petitioner should maintain the existing fence behind the berm and keep the berm intact.

Herbert Guarascio, 212 Claremont Drive

- A member of the Home Owners Association board.
- There is a landscape easement recorded over the berm, which prohibits structures to be placed on the berm other than landscaping.
- Coyne and Frost – The easement is to be enforced by the owner and successor of the Jefferson Estate Parcel, not by the City.
- Rockwell – The petitioner contests the validity of the landscape easement. However, even if there is a landscape easement, a fence is not a permanent structure and therefore would be permitted in the landscape easement.

Lory Watson, 323 Claremont Court

- Lives next door to the Mayors.
- Watson has a fence similar to the Mayors' fence in order to keep school

children and other people from trespassing her property.

- Does not think the proposed fence would be a detriment to the surrounding properties.
- The proposed fence will make the Mayors' yard safer, and prevent kids from being hurt by playing on the berm.
- Does not think the fence is unattractive. The proposed fence is a lovely wrought iron fence.
- The Mayors have offered to shave down the berm to comply with the 6' height requirement. But the neighbors are against it.
- Frost – What is your experience on the drainage issue? Watson – The proposed fence won't affect the drainage.

West responded to testimony on behalf of the petitioner:

- The City routinely approves plat of subdivision to consolidate two parcels from two different subdivisions.
- The Mayors will maintain the proposed landscaping on the berm.
- Does not believe the fence is unattractive.

Planning and Zoning Commission inquired about:

- Frost – Would reducing the fence height by 2.7' render the fence non-compliance with the building code requirement for fencing around a pool? Rockwell – Staff will look into that.
- Williams – Will the additional property that the Mayors purchased become subject to the subdivision Declaration of Covenants once it is consolidated with the petitioner's lot? West – We will have to look into that.
- Bruno – How would you respond to the standard of granting a variance which states that the variance shall not be a detriment to the adjacent properties, when the two abutting neighbors said that it would be a detriment to their properties? West – I don't believe that the fence would be a detriment. The fence would be perpendicular to the abutting properties and only a small portion of the fence would exceed the height limitation.
- Williams - Are there any other fences on the berm? West – I don't think so.
- The Commission noted that they received 10 letters of opposition and 3 letters of support.
- Frost - Can the berm be shaved? Rockwell – Lowering the berm would require City staff's engineering review.
- Bruno – Clarified the definition of the datum point.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Williams – Would like to continue the case. The proposed variance is very contentious.

- Hastings – Inclined to concur with Mr. Williams. There is a fair amount of contention. Would like to have the Homeowners Association to come to an agreement with the Mayors.
- Coyne – The fence looks fine. Ideally we would approve the fence subject to a landscape plan with the approval of the majority of the neighbors. Would support continuing the case and direct the petitioner to work with the neighbors.
- Frost – The fence is permitted by right with the exception of a small portion on top of the berm. The landscape easement is a private issue. The petitioner can potentially lower the fence but might violate the pool fence height requirement. Inclined to support the case but sympathizes with the neighbors.
- Bruno – Not inclined to continue the case. Not in favor of approving the variance request. Strongly suggests that the neighbors get together to reach an agreement before the Council meeting.

Planning and Zoning Commission moved to recommend approval of a Preliminary/Final Plat of Subdivision for The Mayor Estate.

Motion by: Coyne
Seconded by: Williams

Approved
(5 to 0)

Ayes: Bruno, Coyne, Frost, Hastings, Williams
Nays: None

Planning and Zoning Commission moved to recommend approval of a variance from Section 6-2-12 (Fences) of the Municipal Code in order to increase the maximum fence height from six feet (6') to a maximum of eight feet seven inches (8.7').

Motion by: Williams
Seconded by: Coyne

Not Approved
(2 to 3)

Ayes: Coyne, Frost
Nays: Bruno, Hastings, Williams

D. Public Hearings

D1. PZC 14-1-070 1628 North Aurora Road

The petitioner, Russo Power Equipment, requests approval of a major change to the Top Step Properties Planned Unit Development to remove Lot 2, commonly known as 1628 North Aurora Road, from the Planned Unit Development approved by Ordinance #97-117.

Kasey Evans, Planning Services Team, gave an overview of the request.

Mark R. Joutras, Store Manager with Russo Power Equipment, spoke on behalf of the petitioner:

- The business has been doing well.
- Purchased the adjacent property when the car wash went out of business and intends to use it for storage purpose.

Planning and Zoning Commission inquired about:

- What kind of seasonal products will be stored and displayed on the subject property? Joutras clarified the products that will be stored on site.
- Zoning of the property. Evans – B3.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bruno – This is a housekeeping manner.
- Williams – This makes perfect sense and I am for it.

Planning and Zoning Commission moved to recommend approval of PZC 14-1-070, a major change to the Top Step Properties Planned Unit Development to remove Lot 2, commonly known as 1628 North Aurora Road, from the Planned Unit Development approved by Ordinance #97-117.

Motion by: Williams
Seconded by: Coyne

Approved
(5 to 0)

Ayes: Bruno, Coyne, Frost, Hastings, Williams
Nays: None

**D2.
PZC 14-1-072
1154 Palm Court**

The petitioner, Teman Tardy, requests a variance from the 30' front yard setback requirement set forth in Section 6-6A-7:1 (R1A: Low Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code and a deviation to a 30' platted building line based on the provisions contained in Section 7-1-13 (Platted Setbacks and Building Lines) of the Municipal Code in order to construct a covered front porch at a distance of 24' from the front lot line for the property located at 1154 Palm Court.

Teresa Anderson, Planning Services Team, gave an overview of the request.

Wayne Sochacki, owner of the property, spoke on behalf of the petitioner:

- Wants to replace the existing porch in-kind.

Teman Tardy, Barridge Construction, Inc., spoke on behalf of the petitioner:

- Intends to replace the existing structure that is there.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion: None

Planning and Zoning Commission moved to recommend approval of PZC 14-1-072, a variance from the 30' front yard setback requirement set forth in Section 6-6A-7:1 (R1A: Low Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code and a deviation to a 30' platted building line based on the provisions contained in Section 7-1-13 (Platted Setbacks and Building Lines) of the Municipal Code in order to construct a covered front porch at a distance of 24' from the front lot line for the property located at 1154 Palm Court.

Motion by: Williams
Seconded by: Coyne

Approved
(5 to 0)

Ayes: Bruno, Coyne, Frost, Hastings, Williams
Nays: None

**D3.
PZC 14-1-074
1203 E. Warrenville
Annexation**

The petitioner, Daniel M. Murphy, Inc., requests approval of the following:

- a. Rezoning to ORI (Office, Research and Light Industry) zoning upon annexation;
- b. A Preliminary / Final Plat of Subdivision;
- c. A variance to Section 6-8B-7.3 of the Municipal Code to reduce the required rear yard setback from the principal structure from 100' to 84';
- d. A variance to Section 6-9-2 of the Municipal Code to reduce the required rear yard parking setback from 100' to 37' to the proposed parking lot;
- e. A variance to Section 6-9-2 of the Municipal Code to reduce the required front yard parking setback from 30' to 17' to the proposed accessway;
- f. A variance to Section 6-9-2 of the Municipal Code to reduce the required major arterial parking setback from 20' to 17';
- g. A variance to Section 6-9-3 of the Municipal Code to reduce the number of required off-street parking spaces from 396 to 273; and
- h. A variance to Section 6-9-5 of the Municipal Code to reduce the number of required off-street loading berths from 3 to 2.

Rockwell, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Frost - Clarification on the contingency of the site plan. Rockwell clarified that the site plan is not final. In the event that the site plan is changed in such way as to require variances in excess of those being considered now, those variances would be required to return to the Planning and Zoning Commission for review and approval, while any decrease in the size of the variances could be approved administratively.
- Williams/Hastings – The number and location of the landbanked parking spaces.

- Bruno - How do we make sure proper landscaping would be installed?
Rockwell – The property will be subject to an administrative review of a landscape plan in accordance with the City’s Landscape Ordinance.
- Bruno – What is the justification for the building setback variance?
Rockwell – The building setback variance is needed in order to keep the building out of the wetland on the site.
- Bruno – Are the west access road and the driveway along the south side of the proposed building requirements by the Fire Department? Hynes – Yes.
- Is it possible to build a bigger building than what is currently proposed?
Rockwell – Assuming all variances are granted, yes, it would be possible.

Russell G. Whitaker, Attorney with Rosanova and Whitaker, spoke on behalf of the petitioner:

- The developers of the subject property are experienced and well-known in the community.
- Whitaker reviewed the surrounding land uses and zoning districts of the subject property.
- The adjacent residential subdivision is out of character with the Diehl Road office corridor.
- There are substantial grade changes on the subject property. The property is 50’ higher at Warrenville Road than the lake at the northeast corner of the property.
- There are an abundance of trees, wetlands and floodplains on the property.
- The variance requests are mandated by the irregular shape of the property.
- Presented a revised site plan with an increased building floor area of 134,000 SF, which would require a larger parking variance than what staff presented.
- Gave an overview of the nature of the potential user and the reasons for the confidentiality.
- The proposed use will have about 150 employees. Does not believe the landbanked parking will be needed.

Planning and Zoning Commission inquired about:

- What impact of the proposed research and development use would be on the adjacent residential properties to the north? Whitaker – The office component is proposed on the north and east sides of the building. The research and development element will face Warrenville Road, thus resulting in limited impact on the residences to the north. The development will have to comply with the Naperville Performance Standards in terms of its noise, lighting, and vibration impacts.
- Do you anticipate large trucks coming from and going into the property frequently? Whitaker – Truck traffic won’t be regular.
- Hours of operation. Whitaker - Employees of the potential user work on

flexible time, but their work hours would be nothing out of ordinary.

- Where would trucks enter into the site? Whitaker – The intent is that all trucks would enter through the west entrance.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Coyne – This is an exciting project on a challenging property. The proposed building is of reasonable size. Agrees with the proposed site plan.
- Frost – All his concerns have been addressed by the petitioner’s presentation.
- Hastings – Agrees with the petitioner’s proposal. Trusts the developer that this project will be done professionally.
- Williams – Supports the proposed annexation as the property would become subject to the City’s code upon annexation. The petitioner’s presentation is complete. Trusts that the petitioner would address the concerns of the DuPage County Forest Preserve District. Urges the petitioner to increase the building height to make the best use of the property.
- Bruno – His concerns have been addressed. Is impressed with the LEED certification and tree preservation efforts. The proposed FAR is lower than the maximum FAR requirement in the code. Questioned the necessity of the drive aisle to the south of the building, but the Fire Department requires it.

Planning and Zoning Commission moved to recommend approval of

- a. Rezoning to ORI (Office, Research and Light Industry) zoning upon annexation;
- b. A Preliminary / Final Plat of Subdivision;

Motion by: Williams
Seconded by: Coyne

Approved
(5 to 0)

Ayes: Bruno, Coyne, Frost, Hastings, Williams
Nays: None

Planning and Zoning Commission moved to recommend approval of

- a. A variance to Section 6-8B-7.3 of the Municipal Code to reduce the required rear yard setback from the principal structure from 100’ to 84’;
- b. A variance to Section 6-9-2 of the Municipal Code to reduce the required rear yard parking setback from 100’ to 37’ to the proposed parking lot;
- c. A variance to Section 6-9-2 of the Municipal Code to reduce the required front yard parking setback from 30’ to 17’ to the proposed accessway;

- d. A variance to Section 6-9-2 of the Municipal Code to reduce the required major arterial parking setback from 20' to 17';
- e. A variance to Section 6-9-3 of the Municipal Code to reduce the number of required off-street parking spaces from 408 to 273 based on a revised site plan, with the condition that 77 landbanked parking spaces are provided; and
- f. A variance to Section 6-9-5 of the Municipal Code to reduce the number of required off-street loading berths from 3 to 2.

Motion by: Williams
Seconded by: Coyne

Approved
(5 to 0)

Ayes: Bruno, Coyne, Frost, Hastings, Williams
Nays: None

**E. Reports and
Recommendations**

F. Correspondence

G. New Business

H. Adjournment

10:10 p.m.