



**NAPERVILLE PLAN COMMISSION  
DRAFT MINUTES OF JANUARY 5, 2011**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Gustin, Edmonds, Herzog, Messer, Trowbridge  
Absent: Bruno, Meschino, Meyer  
Student Members: Kyle Uber  
Staff Present: Planning Team –Amy Emery, Allison Laff, Ying Liu

**B. Minutes**

Approve the minutes of December 15, 2010

Motion by: Gustin  
Second by: Herzog

Approved  
(5 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.**

**PC Case#10-1-155  
Text Amendment  
ZBA/PC Duties**

Conduct the public hearing and recommend approval of the text amendment.

Allison Laff, Planning Services Team, gave an overview of the request.

In response to Plan Commission questions, Ms. Laff clarified:

- The ZBA was initially created as a separate board due to case load issues. Combining ZBA with PC is typical in communities where growth has slowed and as build out is being approached.
- Having a combined PC/ZBA offers residents with better service because frequency of meetings is greater.
- Staff will update processes and applications once the full extent of the changes are finalized.
- Role of Zoning Administrator to provide official code interpretations and property owner right to appeal interpretations to PC/ZBA.
- The ZBA, like PC, is a recommending body to City Council. For a year in the 2000s the ZBA had final decision-making authority, but that process was rescinded due to complicated appeal timing issues.

**Public Testimony:** none

Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Gustin – Suggested PC have final decision-making authority for ZBA matters as a way to further streamline the process for applicants. Expressed sadness over loss of ZBA as another opportunity for residents to participate in government.
- Trowbridge – Supports idea of PC having final decision-making authority on small items to assist City Council case load.
- Herzog – Clarified that Commissioner Gustin’s suggestion would change the current process. Clarified City Council use of consent agenda as streamlined method for addressing ZBA cases. Expressed opinion that one meeting with City Council doesn’t seem like an undue burden for variance requests and supports current model of case review.
- Edmonds - Feels appeal process might be more of a delay than current system. Like Herzog doesn’t support final authority being given to the PC. Edmonds supports current recommendation model. She also noted typo on paragraph 11 of section 5-4-14.
- Messer – Concurs with Herzog and Edmonds. He has mixed feelings about eliminating a board that gives residents another opportunity to serve the City, but sees the benefit of providing petitioners two opportunities to meet with a board per month versus only one available with current ZBA.

Motion to Approve PC Case 10-1-155.

Motion by: Herzog

Seconded by: Messer

Ayes: Trowbridge, Herzog, Edmonds, Messer

Nays: Gustin

Approved  
(4 to 1)

**PC Case#10-1-144**  
**Text Amendment**  
**Historic**  
**Preservation**  
**Ordinance Revisions**

Conduct the public hearing and recommend approval of the text amendment.

Ying Liu, Planning Services Team, gave an overview of the request, noting the challenge of promoting historic preservation and

protecting property rights. Ordinance promotes historic preservation but seeks balance thru appeals process.

Plan Commission inquired about:

- Types of projects that require a COA under the new ordinance
- The landmark designation processes and property owner protections/ability to impact application made by others
- Legal Departments role in the drafting of the proposed ordinance
- The process for establishing a district. Concern was expressed that only 10% of homeowners are required to put in an application for a district. At that point, the majority of the neighborhood has to stop it if they are not interested. Believe burden to establish a district should be placed on those applying, not those against it. As such, applicant should be required to get a majority of residents to support the idea.

**Public Testimony:**

Carol Schmidt, 204 N. Wright Street, Naperville, IL

- Pointed out that under the proposed ordinance, it is possible to essentially demolish a structure, thereby destroying any historic value, and then rebuild provided the “look” / “aesthetic” is in harmony with character of district.
- Expressed need for enforcement of maintenance and repair provisions of ordinance.
- Importance of training HPC members so they have the ability to understand plan submittals and impact on historic district.

**Plan Commission Inquiry/Discussion:**

- Messer- Feel the HPC has better guidelines in place now, find the *Historic Building Design and Resource Manual* is an excellent tool, and is confident they have the ability to alleviate concerns expressed by Ms. Schmidt.
- Edmonds - Indicated that factors for consideration COA (Section 6-11-8:5) should be reviewed to clearly convey that district character is first priority, and only when economically reasonable, will original materials be preserved. Also expressed concern about fine and penalty section. Would like to see fines and penalties for violation of historic preservation ordinance consistent with other violations of the zoning code to address fairness and consistency concerns.
- Trowbridge – expressed concern about two year occupancy delay clause included within fines and penalties for illegal demolition.

Also requested a tracked version showing how original ordinance has been modified.

- Gustin – requested review of maintenance and repair code references and proposed fines and penalties. Requested opportunity to review *Historic Building Design and Resource Manual* before making recommendation. Requested deletion of 6-11-12:1.3.2.3 due to concerns about impact having a structure remain vacant for two years will have on the structure and neighborhood.
- Herzog – Requested revision be considered to Section 6-11-4 related to owner consent. Section should include standards for historic district establishment that require the petitioner obtain signatures from 51% of the homeowners in support of the district. He does not support the current model wherein the majority must collect signatures to oppose/block district establishment. He feels the burden should be on the petitioner.
- Gustin – Expressed concern about the difficulty of getting a majority of residents to support the establishment of a historic district. She feels the current language provides a solid opportunity for preservation while respecting resident opportunity to oppose.

Plan Commission continued this public hearing until January 19, 2010.

**E. Reports and Recommendations – None**

**F. Correspondence – None**

**G. New Business - None**

**H. Adjournment**

Motion by: Herzog  
Second by: Gustin

Approved  
(5 to 0)

**Meeting Adjourned 8:33 pm.**