



**NAPERVILLE PLANNING AND ZONING COMMISSION
APPROVED MINUTES OF JULY 8, 2015**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON JULY 22, 2015**

Call to Order

7:00 p.m.

A. Roll Call

Present: Hansen, Martinez, Messer, Crawford, Williams, Hastings, Bansal
Absent: None
Student Members: None
Staff Present: Planning Team – Kasey Evans, Derek Rockwell
Engineer – Peter Zibble

B. Minutes

Approve the minutes of the June 17, 2015 Planning and Zoning Commission meeting.

Motion by: Williams
Second by: Hastings

Approved
(7 to 0)

C. Old Business

**C1.
PZC 15-1-026
Bauer Place**

The petitioner requests approval of PZC 15-1-026, which includes:

1. Rezoning to R3 (Medium Density Multiple-Family Residence District) upon annexation;
2. A Preliminary/Final Subdivision Plat; and
3. A deviation from the Municipal Code to characterize the Plat of Subdivision as a single zoning lot for the purposes of development on the Subject Property.

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

Planning and Zoning Commission inquired about:

Len Monson, Attorney, spoke on behalf of the petitioner:

- The petitioner met twice with the area neighbors and conducted a traffic study.
- Residents expressed the following concerns at the meetings with the petitioner: density, stormwater control, traffic, and the need for rental

limitations on the property.

- The number of units along Bauer Road was reduced units from 8 to 6.
- The proposed buildings along Bauer Road are 73' wide, which is consistent with many of the single family homes in the area.
- Additional landscaping and buffering was added, and several existing mature trees will be kept.
- The petitioner described the proposed setbacks for the townhomes.
- A privacy fence will be installed along the west property line for additional buffering.
- Many residents expressed concerns about the project's consistency with the City's Comprehensive Planning documents. The petitioner agrees with Staff's interpretation that the project is consistent. The range of residential types within the Ogden Avenue Study includes single family, attached single-family, condos and apartments. The proposed townhomes provide a transition from the commercial along Ogden Avenue and the single family homes to the north.
- The petitioner described several similar townhome developments in the area with similar densities, providing buffers between commercial and single family areas.
- The development will be compliant with all stormwater requirements and has offered to make improvements to area stormwater systems. The "bubbling up" of upstream storm drains will be improved by the proposed development by allowing the rainwater to flow into the new storm basins. The petitioner has also proposed to improve the Edgewood retention pond to increase stormwater capacity and naturalize the basin at an approximate cost \$40,000.
- A traffic study was completed by Cemcon Ltd. to complete a traffic study for the proposed development. The study showed that the proposed development will not have adverse impacts on the street network.
- Residents proposed converting Charles Street to a cul-de-sac or make it a right-in/right-out. The petitioner consulted with the City, and the City indicated it would not support such changes.
- The townhomes will be sold for approximately \$300,000-\$400,000 with target market of empty-nesters and those looking to downsize. The petitioner has agreed to impose a 30% cap on the number of rentals in the development.

Planning and Zoning Commission inquired about:

- Messer: how was the distribution of traffic of 75% to Bauer and 25% to Ogden determined? In Mr. Monson's experience the wait time to turn onto Ogden was relatively short. Cemcon used the standard traffic procedures to determine the traffic distribution.
- Bansal: can any more mature trees be preserved on the site? Monson - Many of the trees are non-native or invasive and will replant and landscape in accordance to the approved plan.
- Crawford: also made left turns from Charles to Ogden and found the wait time was a bit longer than the petitioner indicated. People might choose to go to Vest onto Ogden, it might have a greater impact. Monson - Even

if the anticipated traffic counts were doubled from the 2-4 to 4-8 an hour, that is still minimal. Crawford: could the eave lines be reduced on the units facing Bauer? Yes, the petitioner will review that possibility.

Public Testimony:

Mike Marek

- Satisfied that the water will meet the minimum requirements and not be an issue.
- Still dissatisfied with the townhomes being located along Bauer.
- The petitioner indicated willingness to replace the 24" pipe with a larger pipe.
- The petitioner confused concerns about density and townhomes on Bauer. The residents see these as two separate issues.
- Traffic study did not address traffic on Vest headed to Iroquois. Disagrees with the traffic study's street classifications, and lack of traffic data for the local streets. Disagrees with the study's traffic distribution calculations.
- Explained 5 main reasons to vote no to project and reviewed the petitioner's standards for rezoning. 1) The requested zoning would change the existing use of the property that has been single-family residential for 60+ years. Quoted the East Sector Plan and the Ogden corridor plan guidance to protect single family neighborhoods near Ogden Avenue. Residents are not against redevelopment of the lot, but believe it must be no more than 2.5 units per acre in accordance with the 1998 East Sector Plan. 2) The trend of development in the area is single family homes, not 3 story multi-family residences. 3) Bauer Road from Washington to East is entirely single-family. The requested R3 zoning is not consistent with the character of the neighborhood. The proposed 37' tall buildings are much taller than other homes in the area. 4) The property has been single family for 61 years, and R3 is not consistent with the existing County zoning designation. 5) Finds the proposed townhomes will be detrimental to adjacent properties and will alter the essential character of the neighborhood. Believes approval of this request will halt all future single family development in the area.

David Shang

- Lives next to the subject property.
- Purpose of zoning is to preserve the value of buildings and prevent encroachment of incompatible uses.
- His newly constructed single family home is 82' wide and 36' tall.
- Townhomes are not compatible with the adjacent single family homes and negatively impact home values.
- The proposed rezoning will cause a negative domino effect on the neighborhood to the west.
- Martinez: there is a line of trees between Mr. Shang's property and the subject property that obscures the view from Mr. Shang's property; would you still object if the townhomes could not be seen? The trees do not completely buffer.

Kevin Hynes

- 500 residents signed a change.org petition opposing the project. There is major opposition to the project in the community. There are 134 members of a Facebook group also opposing the project, and to engage the neighborhood for any future developments along Bauer Road.
- Shared a summary of neighborhood comments from the petitioner.
- Past Mayneland Farm development proposal a mile away was denied by Council twice.
- Building a berm is not the answer; building single family homes is the answer.
- Bauer Road at its narrowest point is only 24' wide which poses a safety concern.
- There will be sidewalks to nowhere on the property.
- Profits should not override the concerns of the residents.
- Bansal: where are the people located that signed the petition? They live in the surrounding area as the project impacts local schools; these are still Naperville residents. Multiple people could sign the petition from a single household.
- Hastings: 500 signatures is about .3% of Naperville residents that are against the project and signed the petition.

John Byrne

- Lives about 2 blocks north of the subject property.
- Concerned about the way the petitioner has attempted or not attempted to work with the community. Feels that some comments made under oath that are not totally accurate.
- The petitioner indicated there were about 12 residents at each of the community meetings. Disagrees with the petitioner's stance that the Ogden plan supports the development.
- The community meeting notes were not shared with the community. There was a request for single family homes along Bauer and a proposal was shared with the petitioner, but was rejected by the petitioner due to drainage/water issues.
- Want a compromise plan that the developer and the neighborhood can live with.
- Hastings: Can you speak about why townhomes on Bauer is such an issue? 100% of Bauer road to Mill are all single family homes. Want the consistency of single family approach along Bauer.
- Hastings: You're not necessarily opposed to townhomes along Charles?
Byrne - Correct.

Zack Hesselbaum

- Concurs with the 5 reasons to vote no.

Robert Koller

- Lives directly north of the property.
- Would like to see single family homes on the lots bordering Bauer Road and would only result in a small reduction in profits.

- Want a buffer of a single family home from the townhouses.
- How can townhomes be allowed at Charles and Bauer if they were denied at Mill and Bauer?

Name: Kit Grosshuesch

- Lives behind the subject property.
- Avoids turning left on Ogden, but goes from Vest to Iroquois.
- Agrees with previous speakers.

John Case

- Raised on Bauer Road when it was gravel and there were 83 graduates from Naperville High School.
- Much of the neighborhood is unincorporated with unimproved roads.
- The townhouses are an intrusion on the neighborhood and there should be single family on the south side of Bauer.

Patricia Hurt

- President of the North Edgewood Subdivision.
- Does not find the proposal appropriate for the site.

Suyog Bhobe

- Recently bought a lot and built a new single family home in the area.
- Not fair to change the character of the neighborhood
- Concurs with past speakers.

Steve Paul

- Not fond of the proposed townhomes.
- Concerned townhome developments will spread.
- Concurs with the rest of the speakers.

Diane Traxler

- There is a lot of traffic on Vest Drive that is headed west onto Ogden.
- The townhomes are an inappropriate type of change, and single family homes are best suited.
- Scary for children that are moving to the area due to the traffic.

Ken Briegel

- Moved to Naperville 26 years ago from Texas where zoning can be changed quickly.
- Fought the Mayneland Farm development fight in the past and finds the proposal also undesirable.
- It is inevitable that additional R3 development proposals will come in if this is approved.
- Traffic and speeds are concerning. Bauer Road cannot handle more traffic and is a cut-through street.

Brian Chang

- Neighbors have spent significant time reviewing and discussing the

proposal.

- The proposed homes are setback closer to the Bauer than neighboring homes (45' versus 50'+).
- The traffic study does not address Vest Street.
- Target market of empty nesters may not want a 3 story homes.
- Reiterated 100% single family homes along Bauer Road.
- 9.7 dwelling units per acre proposed is inconsistent with the Master Plan density.
- The neighborhood is not against development, but for responsible development.
- 11 new single family homes since 2007, most valued over \$1,000,000.
- Quoted the last phrase of the online petition: "Please sign today and keep our neighborhood single family as it was envisioned, zoned for and planned for."
- Reiterated the 5 reasons to vote no on the proposal.
- Hastings: are you ok with single family homes on Bauer and townhomes off Bauer? Yes, provides some buffer and consistency along Bauer.
- Martinez: Ok with townhomes with single family along Bauer? Yes, if it supports density.

Josh Lewis

- New to the neighbor and moved to the area because of its character.
- Traffic is a little bit dicey and has contacted the City about concerns. Main concern is safety of children and students in the area. The development adds a lot of traffic to the neighborhood.
- Concurs with the previous speakers.
- Williams: How long has lived in the neighborhood? Moved May 30th. Williams: Commended him for coming to speak.

Petitioner responded to testimony:

- Everywhere in Naperville there are townhomes adjacent to existing single family homes. This is accepted planning practice.
- This property is unique along Bauer Road because it is so close to Ogden Avenue, and adjacent to existing commercial.
- The neighborhood proposal for single family homes along Bauer Road with townhomes behind was not feasible due to engineering issues.
- The traffic study was performed by professional engineers. There has been a net decrease in traffic along Ogden and Bauer (63%) from 2005 to 2012. The study is quite clear that traffic impacts are minimal.
- The neighbor's house is 1' shorter than the proposed townhomes and is setback over 70' from the adjacent townhomes.
- Takes some exception to some of the information represented on the Change.org petitioner. DuPage County R4 zoning allows lots from 10,000sf to 40,000sf lots. The petition claims this proposal would be the densest in Naperville which is incorrect. There are many other developments in Naperville that are denser.
- Believes the transitional buffer is the residential band along Ogden Avenue as depicted in the Ogden Corridor plan map. There are many

other residential areas abutting the commercial along Ogden that have been developed as duplexes and townhomes to provide a buffer between existing single family and the commercial corridor.

- The two proposed townhome buildings along Bauer have very similar bulk to other single family homes in the neighborhood.
- This is a high-end development that is not conducive to rentals. It will not have detrimental impact on property values in the area.
- Proposal balances the intent to the City's plans and provides a buffer between the commercial and single family homes.

Planning and Zoning Commission inquired about:

- Williams: why did the City deny the request for a cul-de-sac? Monson: it is against City policy. Zibble: cul-de-sacs are more difficult and costly to maintain; also important to maintain as many points of access as possible; a cul-de-sac would also isolate that portion of the neighborhood.
- Williams: effect of the cul-de-sac? Monson: it would dead end before Bauer. Williams: would the petitioner cover the cost of a cul-de-sac? Monson: yes.
- Martinez: why are single family homes not feasible along Bauer? Jim Caneff, Roake and Associates: There are different detention requirements for single family and multi-family properties. Retaining wall detention facilities can be used in multi-family, but not in single family. The proposed detention design is beneficial for overland flow routes. There is also the issue with consistency of a homeowners association and maintenance.
- Martinez: If the single family homes are not feasible, could the lots along Bauer remain vacant; is that feasible? Monson: Would have to evaluate that plan to determine feasibility.
- Williams: the main issue with building single family homes has to be with water? Caneff: when 2 different uses on the same parcel is uncommon except on larger tracts of land so the detention can be accommodated.
- Williams: can the project be redesigned to reduce the impact along Bauer? The neighbors feel they have the right to single family along Bauer. Monson: it is possible but it would put the townhomes even closer to the commercial.
- Hastings: the residents stated they would only want 2.5 units per acre even if multi-family. Monson: 2.5 units per acre is less dense than the existing incorporated single family subdivisions in the area.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Hansen –Applaud all the speakers for their testimony. Not concerned about stormwater. No opposition to townhomes and currently lives in a townhome/transitional area. Boils down to the carrying capacity of the land, was hopeful the petitioner would have further reduced the number

of units. The 1998 plan was done with a very broad stroke for the entire City. Where there is conflict between multiple planning documents, the amendment is the controlling document. These quirky parcels require case by case review. Does not believe transitional zoning on this property is 10 units per acre.

- Williams – Concerned about density. Would like Commissioner Hansen to explain the character of the neighborhood. Wondering if any residents would want to build million dollar homes south of this subject property. Transitional areas are not exclusively determined legislatively, but are commonly determined by case law. This is clearly a transitional area less than a block from Ogden. Townhomes could actually enhance the economically viability of the area. This Commission does not set precedent, but makes decisions case by case. Overall likes the type of development but thinks the density is too much. The commission seems to have a consensus about density. Suggested conditioning a motion for approval on a reduction in density at the direction of council.
- Hastings – Feels the density is too much, the public feels that as well. Something more like single family along Bauer would help. Not concerned with the traffic study or stormwater. Feels townhomes are definitely appropriate for the area.
- Martinez – Concurs with fellow commissioners. Projects can be very technically correct, but still very wrong for the neighborhood. Would the petitioner be amenable to reduced density and changes on the lots along Bauer Road? Monson: yes, the petitioner would consider a proposal single reduced density and changes to the lots along Bauer Road.
- Messer – Initially thought the project made sense. Not concerned about stormwater. Slightly concerned about the lack of data on some of the side streets. Never considered the subarea plans as completely superseding the overall comprehensive plan. Does not meet all the standards for rezoning: will alter the essential character of the neighborhood and is not consistent with the trend of development in the area. Proposes voting on the proposal as presented.
- Crawford – A bit hung up on traffic which is tied to density and due to its location. Favorable to the townhome development because it will improve stormwater management in the area. The perceived bulk of the roof and height could be reduced architecturally.
- Bansal – Agree with fellow commissioners. Stormwater will be improved by the project. Traffic will increase. The project will uplift the area with the new landscaping and buildings. Understandable that the residents do not want a lot more density and traffic. Maybe consider reducing the height of the buildings along Bauer Road. Would like to see further reduction in density as well as reduced bulk along Bauer. Would support a motion to approve with a condition for reduced density.

Planning and Zoning Commission moved to recommend approval of PZC 15-1-026, which includes:

1. Rezoning to R3 (Medium Density Multiple-Family Residence District) upon annexation;
2. A Preliminary/Final Subdivision Plat; and

3. A deviation from the Municipal Code to characterize the Plat of Subdivision as a single zoning lot for the purposes of development on the Subject Property.

Motion by: Williams
Seconded by: Hastings

Not Approved
(0 to 7)

Ayes: None

Nays: Williams, Hastings, Messer, Crawford, Hansen, Bansal, Martinez

D. Public Hearings

D1. PZC 15-1-038 Brookside Crossing

The petitioner requests approval of PZC 15-1-038, which includes:

1. Rezoning to R3A (Medium Density Multiple-Family Residence District) zoning; and
2. Approval of a Concept Site Plan for the Subject Property.

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

John Philipchuck, Petitioner's Attorney, spoke on behalf of the petitioner:

- The site was originally part of the Carillon Club annexation, but no specific plans were ever made for the property. Much has changed in the area since the original annexation, changing towards a more residential character.
- The proposed R3A is a better transition adjacent to Carillon Club. The concept plan demonstrates that a townhome development is feasible for the subject property.

Planning and Zoning Commission inquired about:

- Williams: I have no problem with the technical aspects of the request, but the petitioner does not have immediate plans to develop? Philipchuck: correct. There are some developers in mind, but they are cautious without the proposed zoning.
- Bansal: how will the 95th Street extension be dealt with? Philipchuck: the 95th right of way has already been dedicated, but the impacts of the road will be evaluated with development.

Public Testimony:

Edward Ciesielczyk

- Lives west on the other side of the railroad tracks from the subject property.

- Has concerns about stormwater in the area. His neighborhood is low lying and there is a history of flooding. The water flows northeast through a 3' culvert pipe under the railroad tracks and then flows through the subject property to a cistern in the middle of the property.
- Concerned about future development impacts on stormwater. Thinks the property should be used for retention.
- Williams: main concern is water? Ciesielczyk: yes. Williams: Preaching to the converted. This property is in Will County which does not have the same stringent stormwater regulations that DuPage County has.
- Martinez: What did Wheatland Township and Will County say? Wheatland Township said residents' concerns are valid. Will County said basically submit a FOIA from Naperville for property information.
- Bansal: has the stormwater issue been brought to staff's attention? Zibble: staff is aware of the stormwater issues on the site. As a development proposal comes forward it will need to comply with the City's regulations to accept the upstream water and prevent additional downstream water. David Russo, Brookside Partners (Developer): We are aware of the drain tiles, water issues, and that future project must comply with City's regulations.
- Hansen: Is the City currently accepting water through the culvert? Zibble: Yes.
- Williams: uncomfortable with there not being a specific development proposal. Philipchuck: there is a concept site plan in the packet and any changes and final approvals will need to come back before the Commission for review.
- The petitioner has retained an engineer to look at the site. The zoning makes sense for the site. The concept plan has been reviewed by staff and it will be tied to the annexation agreement and rezoning of the property.

Crawford Moved, Hansen seconded extending the meeting to 11:15pm

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Hansen – concur with Messer
- Williams – opposed due to lack of buyer / imminent development
- Hastings- in support
- Martinez- in support
- Messer- proposal is acceptable
- Crawford- support proposal
- Bansal – sees value in the development, in support

Planning and Zoning Commission moved to recommend approval of PZC 15-1-038, which includes:

1. Rezoning to R3A (Medium Density Multiple-Family Residence District) zoning; and

2. Approval of a Concept Site Plan for the Subject Property.

Motion by: Williams
Seconded by: Hastings

Approved
(7 to 0)

Ayes: Williams, Hastings, Bansal, Crawford, Messer,
Hansen, Martinez
Nays: None

**D2.
PZC 15-1-054
5s601 Tuthill Road**

The petitioner requests approval of PZC 15-1-054 to rezone 5s601 Tuthill Road to R1 (Low Density Single-Family Residence District) upon annexation.

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

Planning and Zoning Commission inquired about:

- Williams – Is this downzoning? Evans – It’s rezoning in association with an annexation request.

Brad Drendel, Title, spoke on behalf of the petitioner:

- Available for questions.

Public Testimony:

Maggie Hartigan:

- Concerns with traffic on Tuthill Road.
- No objection with the petitioner’s request.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion: None

Planning and Zoning Commission moved to recommend approval of PZC 15-1-054 to rezone 5s601 Tuthill Road to R1 (Low Density Single-Family Residence District) upon annexation.

Motion by: Williams
Seconded by: Hastings

Approved
(7 to 0)

Ayes: Bansal, Hansen, Messer, Williams, Hastings, Crawford, Martinez
Nays: None

**E. Reports and
Recommendations**

F. Correspondence

G. New Business

H. Adjournment

11:11 p.m.