



**NAPERVILLE PLAN COMMISSION
MINUTES OF JANUARY 19, 2011**

Call to Order

7:01 p.m.

A. Roll Call

Present: Bruno, Trowbridge, Messer, Gustin, Edmonds, Herzog, Meyer, Meschino

Student Members: Uber, Wallace (7:25), Schoch (7:25)

Staff Present: Planning Team – Emery, Forystek, Liu

B. Minutes

Approve the minutes from the January 5, 2011 Plan Commission meeting.

Gustin recommended her comments on page 2 be amended to include, “She expressed sadness about the loss of the ZBA which provides an opportunity for people to participate in government.”

Edmonds suggested a correction on Page 3 to replace the word “are” with the word “is” in her comment.

Motion to approve as amended.

Motion by: Trowbridge

Second by: Herzog

Approved
(8 to 0)

C. Old Business

Ying Liu, Planning Services Team, gave an overview of the discussion from the January 5, 2011 public hearing and staff response.

**Historic
Preservation
Ordinance Revisions
PC 10-1-144**

Public Testimony:

Anissa Olley, 101 Springwood

- Expressed concern about proposed language related to how a historic district may be proposed. She feels it should be the responsibility of a 51% majority of residents who support a district to initiate its creation district.
- Believes only a homeowner should be able to request landmark designation of a property.
- Requested a definition of “economic hardship” as referenced by staff at the January 5, 2011 hearing.

Plan Commission Questions/Comments:

- Meyer – Requested clarification from staff about notification procedures

- Gustin -
 - Requested clarification from staff about public input process. Staff described public education and input opportunities provided thru City's Web Site, media releases, e-news, direct mailings and public meetings.
 - Requested and received clarification from staff about economic reasonableness standard and how it is applied to COA review. This standard can vary from case-to-case. The Historic Preservation Commission (HPC) will evaluate as appropriate.
 - Asked for clarification about the minimum number of structures required to create a district.
 - Expressed opinion that the city must have an effective way to deal with projects that are not completed to avoid situations similar to the recent property on Ellsworth Street.

- Edmonds –
 - Expressed support for change to the process outlined in the draft ordinance related to how a historic district is created. Believes the petitioner should have to show 51% neighborhood support.
 - Agrees with the proposed ordinance language that allows the owner or others to establish landmark status of a property.
 - Pointed out references in Section 6-11-8:5 to the practice categories of “encourage” and “acceptable.” As written, she believes the proposed code establishes a hierarchy. However, in the same section it indicates that these practices are interchangeable. She expressed concern about HPC's ability to be consistent in applying the standard over time. Believes the language should be amended.

- Bruno – Requested information about how the percentages referenced in Section 6-11-4:3 were established. Staff clarified these percentages were developed as part of the Unified Recommendation.

- Messer – Expressed support for the ordinance as written. Not supportive of the 51% objection amendment as discussed by some members of the Plan Commission. Believes language provides protection for property owners. Also feel it is appropriate to allow for landmark status other than by homeowner in certain instances.

- Herzog – Supports alternative language included in staff memo that would shift burden for establishment of a historic district to those proposing its creation, not those defending against it.

- Meschino – Asked for clarification for approach to voting on this matter.

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Trowbridge – Expressed support for the ordinance with a few minor changes, including the majority requesting of any new historic district. Extremely pleased that the occupancy penalty for illegal demolition has been removed.

- Gustin –
 - Agrees with the majority of commissioners who have expressed concern about property rights as it relates to the creation of a new historic district.
 - Believes it should be the burden of the petitioner to gain support for the creation of any new historic district.
 - Happy to see that the occupancy penalty, maintenance and fine revisions suggested at the January 5, 2011 hearing have been made.

- Meyer – Agrees with Herzog’s idea about how a district may be established. With that exception, she supports every other aspect of the ordinance and feels it is very well written.

Plan Commission Action:

Plan Commission moved to recommend approval of the Historic Preservation Ordinance, Title 6, Chapter 11, of the Naperville Municipal Code to the Naperville City Council.

Motion by: Trowbridge
Second: Gustin

The following amendment to this motion was proposed by Herzog and seconded by Meyer:

Section 6-11-4:3 should be amended to clarify that City Council shall not grant a designation of an Historic District unless a petitioner is presented supporting the proposed designation that contains signatures of 51% or more of the owners of real property within the area to be considered for designation as an Historic District, accompanied by an affidavit certifying the same.

Vote on the Amendment:

Ayes: Bruno, Herzog, Meschino, Meyer, Trowbridge, Gustin, Edmonds

Nays: Messer

Amendment Approved
(7 to 1)

Vote on the Original Motion:

Ayes: Bruno, Herzog, Meschino, Meyer, Trowbridge, Gustin, Edmonds

Nays: Messer

Approved
(7 to 1)

D. Public Hearings

D1. Naperville United Methodist Church PC Case # 10-1-138

Katie Forystek, Planning Services Team, gave an overview of the request.

Kathleen C. West, Attorney, Dommermuth, Brestal, Cobine and West, 123 Water Street, representing the petitioner, described the request in detail, noting the unique site attributes that make it a challenging industrial development site (e.g., irregular shape, natural features and limited toll way visibility).

Plan Commission Questions/Comments:

- Stormwater ponds on the property.
Petitioner confirmed that the two existing detention basins provide stormwater drainage for the adjacent properties as well as the subject property. Ponds have adequate capacity to accommodate existing uses and proposed church. The church is responsible for the maintenance for the facilities on its property though costs may be shared with adjacent property owners.
- Purpose of the conservation easement.
Petitioner clarified that it is for wetland for mitigation.
- Plans to widen Diehl Road and impact the church will have on traffic flow.
Staff confirmed that there are no plans to widen Diehl Road adjacent to the subject property and engineering has no concerns with traffic generation related to the proposed church use. Petitioner noted that the proposed church will have less of a traffic impact than if the parcel were developed for an office or warehouse use as previously planned.
- Access
Petitioner confirmed access is acceptable to meet their needs. Staff confirmed two points of access are provided in accordance with code requirements. It was also noted access has been reviewed and approved by engineering staff and fire department.

Public Testimony:

Joseph Sheehan – 5S512 Innisbrook Drive, Naperville

- Asked if environmental impact statement has been done
- Expressed concerns about stormwater management and pond capacity after major storm events.

Petitioner Response to Public Testimony:

- No building is proposed within any existing stormwater or conservation area.
- The proposed use offers a smaller footprint, and less stormwater impact, than original plan for industrial/office uses of the site.
- Proposed use will allow for a larger buffer from wetland areas.
- Because no modification to wetland or conservation area an Environmental Impact Study is not required.

The Plan Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – Expressed support for request. Believes the church is a better use next to the Prairie Path than an industrial building. She also feels the smaller building footprint is more compatible with the wetland on the property and stormwater needs have been accounted for.
- Messer – Expressed his support for request. Noted the site is a challenging parcel and the proposal integrates features well.
- Edmonds – Clarified that action on this case does not set a precedent to incorporate smaller churches in industrial areas. This is a special circumstance because the property is unique. The Municipal Code allowance for public assembly uses in the industrial district is meant to be limited and generally accommodate larger uses.

Motion to Approve PC Case # 10-1-138.

Motion by: Gustin

Second: Herzog

Approved
(8 to 0)

**D3. MJK
Development
PC Case # 10-1-151**

Ying Liu, Planning Services Team, gave an overview of the request.

Walter Hainsfurther, Architect, Kurtz Associates Architects, 701 Lee Street, Suite 900, Des Plaines, IL:

- Described development concept. Proposed retail/restaurant use is consistent with original concept for this outlot.
- Indicated adjacent property owner has approved site plan and building elevations.
- As requested in staff memo, the petitioner will complete enclosure gate and coordinate with IDOT on parkway tree plantings.
- Explained that the variance is needed to accommodate footprint of proposed tenants and accommodate required parking on-site.

Public Hearing: No one provided testimony.

Plan Commission Questions:

Gustin - Confirmed with petitioner plan for monument sign, access and outdoor seating.

Bruno – Confirmed with petitioner that if building width was reduced by 3 feet variance would not be necessary. Indicated that smaller footprints of the same tenants are successful in downtown Naperville. Petitioner indicated that leases

have been signed with proposed tenants. The leases stipulate the minimum square footage the tenant is willing to accept. Having signed tenant leases is necessary to secure financing for building construction.

Staff clarified that building location was selected to avoid major utility lines in easement along frontage of IL Route 59. Building may not be located over these lines, but parking is allowed.

The Plan Commission closed the public hearing.

Plan Commission Discussion:

Gustin – Believes the variance is minor. In this situation, she support the development and believes it will be a good addition to the area.

Edmonds – Believes the petitioner has met the standards for deviations necessary to approve the requested variance.

MOTION to approve PC Case# 10-1-151.

Motion By: Meyer

Second: Herzog

Ayes: Trowbridge, Messer, Gustin, Edmonds, Herzog, Meyer, Meschino

Nays: Bruno

Approved
(7 to 1)

**E. Reports and
Recommendations**

F. Correspondence

Staff announced cancellation of February 2, 2011 meeting due to a lack of agenda items.

Staff announced cancellation of November 16, 2011 Meeting due to a room scheduling conflict.

G. New Business

None

H. Adjournment

8:31 p.m.