



**NAPERVILLE PLAN COMMISSION  
MINUTES OF SEPTEMBER 1, 2010**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Bruno, Meschino, Messer, Meyer, Sterlin, Trowbridge, Gustin, Edmonds  
Absent: Herzog  
Staff Present: Planning Team – Emery, Thorsen

**B. Minutes**

Approve the minutes of August 18, 2010 as amended.  
Meyer – on page 5 reflect private usage of the pedestrian bridge under the petitioner's testimony.

Gustin – on page 7 remove duplicate “aye” vote for Gustin.

Motion by: Trowbridge  
Second by: Messer

Approved  
(8 to 0)

**C. Old Business**

**D. Public Hearings**

**D1. PC 10-1-094  
ROLC**

PC Case # 10-1-094 Residential, Office and Limited Commercial (ROLC)  
Zoning District

Request: Continue the public hearing and recommend City Council approve the proposed ROLC Zoning District.

Official Notice: Published in the Naperville Sun on July 28 & 30, and August 1, 2010

Amy Emery, Planning Services Team provided an overview of revisions to the ordinance since the August 18, 2010 public hearing:

- A 2 acre minimum requirement for a PUD is recommended.
- Some uses that required a PUD under the previous draft would not require only a conditional use.
- Language referring to parking in the rear of the lot has been removed.

**Public Testimony:**

KC Swininoga, 1241 Marls Court: proposed to modify setback requirement between ROLC and residential neighborhoods to a minimum of 25'. Photo

example of Aldi store under construction on Ogden Avenue was provided. The draft setback of 15' is more aligned with OCI and commercial districts rather than residential areas. 100% opacity landscape screening will not fully screen adjacent buildings. The definition of ROLC should limit the environmental impact of non-residential uses on neighborhoods with respect to noise, glare and fumes. A bulk regulation should be provided that creates a maximum percent on nonresidential use.

Kathy Benson, 51 Forest: Spoke on behalf of the Naperville Area Homeowners Confederation. The limited scope of ROLC should be clearly articulated to prevent ROLC zoning in areas not intended for its use. The NAHC is concerned that the height limitation will allow for flat-roofed commercial style buildings that do not reflect the goals articulated for ROLC, therefore the ordinance should delineate that structures should be of a residential style and scale and be subject to residential height limitations, including the number of stories, and require a gable roof.

Bob Swininoga, 1241 Marls Court: The current draft doesn't address setback issues requested by Plan Commission. The proposed setbacks do not reflect the average of existing properties and are skewed to medium and high density or commercial uses. The proposed ROLC is misguided for infill in residential areas such as those included in the Plank Road area.

Max Cloos, 25w003 W. 75<sup>th</sup> Street: Inquired about restrictions that could limit the area where his property is located, including the 2-acre PUD limitation as individual properties on 75<sup>th</sup> Street are each below that threshold. He indicated that he does not have concerns with regard to building height.

Plan Commission inquired about:

- Whether language within the existing draft ordinance pertaining to residential characteristics is adequate. Ms. Benson responded that she believes it addresses the confederation's concerns.
- Whether a property owner could apply for a variance to minimum lot area requirements for a PUD.

Staff responded to testimony:

- The setbacks in ROLC are modeled in between the requirements of the residential and commercial districts.
- The photo example provided is a retail use (Aldi grocery store) in the B3 District that is more intensive than what would be permitted under ROLC (the setback illustrated is in the rear, and is less than the proposed 15' setback for ROLC).
- Any nonresidential use requested would require approval of a conditional use; therefore the public and Plan Commission have an opportunity to review the proposal through a public hearing process.
- The more intensive of the nonresidential uses permitted within the ROLC

District must be located within a PUD, which has additional landscaping and open space requirements.

- The 100% screening requirement is the most restrictive offered by the code today and is applied citywide to screen more intensive uses from adjacent residential areas.
- Staff believes that the concerns regarding pitched roofs are addressed by the conditions provided in the proposed regulations regarding residential building style.

Plan Commission inquired about:

- Whether screening at 100% opacity at the rear of properties abutting nonresidential use should also apply to side property lines.
- Modified gross density versus gross density.
- Language within the proposed ordinance that reflects the intent to locate in specific areas of town (75<sup>th</sup> Street and Plank Road Area).
- Whether variances could be requested for the size of a PUD.

Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Messer: Views this district as a residential equivalent of a TU District and believes that the intent of the ROLC District is clear. The deletion of the amplification reference has alleviated his major concern, though he struggles with the rear setback and believes that the rear setback should be more reflective of residential districts.
- Trowbridge: Originally had concerns about the ROLC District, but now feels comfortable with the level of review provided by the conditional use and PUD, as well as the modifications related to roof height and roof style.
- Gustin: Requested guidelines regarding rooftop uses. Language should reflect that buildings be consistent with the adjacent residential character. Agrees with Commissioners Messer and Trowbridge and is supportive of the ROLC District but has concerns about the rear setbacks and building height. Believes that buildings should complement the community.
- Edmonds: Clarified that the list of uses under “commercial service establishments” is not exhaustive, expressed concerns about the location of loading bays near a home and with regards to the height limitation questioned whether the height limitation would need to be inclusive of rooftop screening. Likes the specific language in the “Required Conditions” regarding residential design characteristics.

Plan Commission moved to recommend approval of PC#10-1-094 a new zoning district that is referred to as the Residential, Office and Limited Commercial District with the following amendments:

- That there shall be 100% landscape opacity for the rear and side yards abutting any residential property;

- That the rear setback language of “district” shall be changed to “use”;
- That the footnotes for the definition of Commercial Service Establishment, Public Assembly Use and Specialty Food Establishment all include language that states “including but not limited to” and with respect to the Commercial Service Establishment strike the language “and the like”;
- That the medical reference be modified to reflect our previously defined zoning definition of “medical” and “clinic”;
- That the Intent shall include reference to the character of the neighborhood and the 75<sup>th</sup> Street and Plank Road Studies.

Motion by: Meyer  
Seconded by: Trowbridge

Approved  
(8 to 0)

**E. Reports and  
Recommendations**

**F. Correspondence**

**G. New Business**

Meyer requested clarification regarding when a use on a rooftop is considered a floor or a story.

**H. Adjournment**

8:04 p.m.