



**NAPERVILLE PLAN COMMISSION  
MINUTES OF APRIL 21, 2010**

**Call to Order**

**7:02 p.m.**

**A. Roll Call**

Present: Chairman Brown, Edmonds, Gustin, Herzog, Messer, Meyer, Sterlin,  
Trowbridge  
Absent: Meschino  
Student Members: Stancey, Stimple  
Staff Present: Planning – Laff, Thorsen, Emery, Fancler  
Legal – Margo Ely

**B. Minutes**

Approve the minutes of April 8, 2010 as amended to include:

- Clarification regarding Commissioner Meyer's remarks on the Medical Office text amendment (page 4)

Motion by: Gustin  
Second by: Trowbridge

Approved  
(8 to 0)

**C. Old Business**

None

**D. Public Hearings**

**D1. PC# 10-1-021  
Plank Road Study**

The Plank Road Study is an update to the East Sector Master Plan and includes a future land use map and supplemental future land use recommendations.

Amy Emery, Planning Services Team, gave an overview of revisions to the Plank Road Study following the March 17<sup>th</sup> Plan Commission meeting.

- Residential, Office, Limited Commercial (ROLC) in Sub-Area 3 is appropriate as a long-term use due to the existence of direct access to Ogden Avenue as well as the potential for a mix of land uses (ex: office, medium-density residential)
- Staff recommends additional level of review for commercial uses in Sub-Area 3
- Other recommendations related to future land use in Sub-Area 4 and plan formatting have been incorporated into the revised document

**Public Testimony:**

John Gorey, 5S440 Tuthill: discussed Naper Boulevard, intent to remain a zero-access thoroughfare since construction in 1980's. Presented alternatives for limited expansion of office or commercial use in Sub-Area 3

and would like to see Tuthill closed to Ogden Avenue.

Maggie Hartigan, 5S624 Tuthill: Concerned about future development on Plank Road and believes that the area is already overpopulated. Prefers low density development and replacement of trees in the future.

Ken Struchil, 5S278 Tuthill: Discussed traffic along Ogden Avenue and Naper Boulevard and does not support new access points on Naper Boulevard. Does not believe that additional commercial is needed.

Barbara Brien, 5S460 Tuthill: Concerned about stormwater drainage due to intense development and discussed stormwater impacts of development along Ogden Avenue in the past 50 years.

Kevin Madden, 1411 Larsen Lane: Supports future land use changes in Sub-Area 4 but inquired about text on page 22 in reference to medium-density through a PUD that provides extensive trees and natural amenities.

Fred Conforti, 676 N. LaSalle Street, Chicago IL: Inquired about low-density residential recommendation of 2.5 dwelling units per acre, particularly in reference to Sub-Area 1.

Michael Siurek, 8S221 Palomino Drive: Owner of ROC, Inc. which owns 13 contiguous properties in Sub-Area 3. Mentioned level of traffic and nature of development along Ogden Avenue, emphasized that development will require annexation, and expressed support for the plan which provides flexibility for future development. Does not concur with medium-density residential recommendation in Sub-Area 4 south of intersection at Naper and Plank.

Staff responded to testimony

- Traffic and roadway improvements will be reviewed through annexation

Plan Commission inquired about

- Commercial access to Sub-Area 3
- Traffic conditions or road modifications on Tuthill Road as a result of future development (Sub-Area 3)

Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Brown: Expressed comfort with the Plank Road Study overall.

Plan Commission moved to recommend approval of PC# 10-1-021 the draft Plank Road Study, in accordance with staff's memorandum dated April 21, 2010 and subject technical review of language on page 22 of the document.

Motion by: Meyer  
Seconded by: Herzog

Approved  
(8 to 0)

**D2. PC# 10-1-028  
Boarding Facilities  
Amendment**

Proposed amendments to Title 6 (Zoning Regulations) of the Municipal Code pertaining to boarding rooms and boarding houses, including amendments to Sections 6-1-6 (Definitions); 6-2-15 (Boarding Rooms in Residential Districts); 6-6C-3 (R2 District, Conditional Uses); 6-7C-3 (B3 District, Conditional Uses); 6-7G-3 (C/U District, Conditional Uses); 6-9-3 (Schedule of Off-Street Parking Requirements); and 6-10-4 (Registration of Nonconforming Uses).

Suzanne Thorsen, Planning Services Team, gave an overview of the proposed amendment.

**Public Testimony:**

Dr. Bob Buchman, 1325 Heatherton Drive: President of the Naperville Area Homeowners Confederation (NAHC), noted that the NAHC Board of Directors supports the text amendment and recommendations presented by staff.

Craig Kiefer, 224 E. 4<sup>th</sup> Avenue: Stated that he served on the Advisory Committee on this issue. Expressed agreement with staff's recommendations generally, but thinks that rental registration requirements should be put in place at this time and that a violations-based licensing requirement should be developed. Discussed his personal experience with boarding properties in his neighborhood.

Lisa Flannigan, 1145 Needham Road: Questioned the definition of a boarding house as it relates to a house shared by friends. Commented that a licensing requirement would be punitive to good landlords.

Kathy Benson, 51 Forest Avenue: Discussed boarding facilities in her neighborhood and expressed support for the text amendment. Stated that a cultural change is needed at the city level in order to implement the framework recommendation (e.g., code enforcement) and requested more specific information. Expressed concern with proposed timing on a nuisance abatement program and commented on timeliness of code enforcement process and the absence of proposed inspection requirements. Believes that two year amortization period is too long.

Sandy Oxenknecht, 436 W. Jefferson Avenue: Supports focus of the proposed amendment on boarding houses, as opposed to rental properties. Does not believe that rental registration should be considered due to cost of program and likelihood that only good landlords would register.

Debra Novak, 523 Milton Drive: Cited concerns about rental properties in Springhill Subdivision and supports rental registration to address number of

occupants, code enforcement violations, and absentee landlords.

Mark Johnson, 221 E. North Avenue: Stated that boarding affects the quality of neighborhoods and that enforcement or fining capabilities are needed.

Staff responded to testimony

- Clarified that the ordinance allows for a structure to be leased to a group of friends under a single-lease.
- Amortization applies to boarding houses legally established prior to adoption of this ordinance. Enforcement can begin immediately for any existing illegal boarding house.
- Clarified that there are no legal boarding houses in the city.
- Boarding houses would be inspected as a commercial structure in the future.
- Clarified that the city is proposing land use regulations that address housing units that no longer function in a manner consistent with the underlying residential zoning district. Commented on the intent of the ordinance to address boarding as a land use.
- Noted that the proposed ordinance views boarding houses as commercial structures, not residential.

Plan Commission inquired about

- The appropriate nature of Plan Commission comments on code enforcement policies and procedures. Staff clarified that the Plan Commission has authority to review zoning ordinance changes, but the code enforcement aspect was presented to understand full scope of recommendations and requested that comments on code enforcement be general in nature.
- Whether the ordinance prohibits sublets or co-renter arrangements, and what parts of a home are considered “rooms”. Staff stated that the ordinance is not intended to address sublets or co-renter arrangements and referenced the Building Core requirement for sleeping rooms and minimum habitable space for occupancy.
- Whether any privately owned homes are zoned C/U.
- The appropriateness of the two-year amortization period and the feasibility of reducing it.
- Whether the city can require a property owner to return a home to a single-family condition upon passage of the ordinance.

Plan Commission closed the public hearing.

**Plan Commission Discussion:**

- Gustin: thinks that the balance of the proposed recommendation is good to address boarding issues and protect owner rights.
- Edmonds: requested that the boarding room definition be clarified to address cooking facilities in individual rooms. Expressed support for the two-year amortization period and noted that although registration could

be beneficial to gauge where boarding properties are registered, achieving compliance with registration requirements may be a challenge.

- Messer: finds boarding house to be a commercial use and commented that the main concern seems to be illegal boarding houses. Supports the proposed amendment, but would prefer a one-year amortization period.
- Trowbridge: favors an amortization period less than two years. Would like to see rental registration for boarding houses in the future.
- Herzog: concurs with staff's proposed amortization period because of the fact that that the proposed amendment restricts property rights.
- Meyer: supports a shorter amortization period for boarding facilities and believes that code enforcement should be more effective in addressing problems.
- Brown: expressed agreement with staff's approach on the draft solutions framework, including the proposed two-year amortization period as a means of preserving due process. Stated that he is strongly opposed to rental registration or licensing requirements and commented that the city should focus on improved operating procedures to enhance enforcement.

Plan Commission recommended approval of PC Case #10-1-028 in accordance with the staff report dated April 21, 2010, including the technical modifications recommended by the Plan Commission and subject to staff's final technical formatting.

Motion by: Gustin  
Seconded by: Trowbridge

Approved  
(8 to 0)

**E. Reports and Recommendations**      None

**F. Correspondence**      None

**G. New Business**      None

**H. Adjournment**

10:21 p.m.