NAPERVILLE PLANNING AND ZONING COMMISSION
MINUTES OF JULY 6, 2016

UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON JULY 20, 2016

Call to Order **7:00 p.m.**

A. Roll Call

Present:	Bansal, Fessler, Hansen, Hajek, Hastings, Williams
Absent:	Crawford, Martinez, Peterson
Student Members:	Butler
Staff Present:	Planning Team – Kasey Evans, Sara Kopinski, Erin Venard Engineering Team – Chris Nichols

B. Minutes

Approve the minutes of the June 15, 2016 Planning and Zoning Commission meeting
Motion by: Williams
Second by: Bansal

Approved (6 to 0)

C. Old Business

D. Public Hearings

D1. PZC 16-1-086 Childtime Learning Center Sign Variance

The petitioner requests approval of a variance from Section 5-4-5:2.1 (Permitted Monument Signage) to allow a monument sign on a lot with less than 100 feet of frontage and a variance from Section 5-4-5:2.6 (Monument Sign Setback) to allow a monument sign located less than 40ft from an interior lot line at the subject property located at 2015 W. 95th Street, Naperville.

Erin Venard, Planning Services Team, gave an overview of the request.

Paul Kozlowski, spoke on behalf of the petitioner:

- In most situations, a property of this size would have the frontage.
- The business is difficult to see from the street.

Planning and Zoning Commission inquired about:

- Williams – The configuration of the lot is the cause of the hardship? Kozlowski – Correct.
- Williams – Do you know of any objectors? Kozlowski – No.

Public Testimony: NONE

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bansal – Does not see any issues; have driven by the property and agrees with petitioner that it is difficult to see.
- Fessler – No issues.
- Hansen – Concurs; shape of lot inherently creates hardship. Supporting.
- Hastings – Agrees with fellow Commissioners.
- Hajek – Supporting; no issues.
- Butler –Supporting; no issues.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-086, a variance from Section 5-4-5:2.1 (Permitted Monument Signage) to allow a monument sign on a lot with less than 100 feet of frontage and a variance from Section 5-4-5:2.6 (Monument Sign Setback) to allow a monument sign located less than 40ft from an interior lot line at the subject property located at 2015 W. 95th Street, Naperville.

Motion by: Williams — Approved
Seconded by: Hajek — (6 to 0)

Ayes: Bansal, Fessler, Hansen, Hajek, Hastings, Williams
Nays: None
Absent: Crawford, Martinez, Peterson

D2.
PZC 16-1-071
Olesen Pines

The petitioner requests rezoning of 7s771 Olesen Drive to R1A (Low Density Single-Family Residence District) upon annexation, and variances from Section 6-2-4 (Building Height and Bulk), Section 6-6A-8 (R1A: Height Limitations/Bulk Regulations) and Section 6-2-26 (Tear Down/Infill Regulations) in order to construct a single-family home that exceeds the maximum height and number of numbers as measured from the datum point on the subject property.

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

Planning and Zoning Commission inquired about:

- Bansal – Is the proposed house going to be consistent with the neighboring houses? Evans – Square footage wise I would imagine it is probably going to be larger. There is a relatively new cul-de-sac subdivision directly to the south. Those homes are the typical, larger new homes with two stories. As far as height, I would not image that this home would be much different than those homes directly to the south.
- Bansal – So the height would be in the ballpark? Evans – Yes. If the grade was flat across the lot, the house would comply and it would be like any of the other large new homes built in town.

- Williams – How deep is the lot? Evans – around 200 or 300 feet.

Len Monson, Attorney with Kuhn, Heap, & Monson, spoke on behalf of the petitioner:

- Subject property is 1.3 acres in size, on the east side of Olesen Road.
- Requested R1A zoning is consistent with the City's master plan.
- Datum point is a technical issue and due to the datum point calculation, the lot is deceptively low.
- Reviewed an aerial and the datum point calculation.
- The need for the variance is caused by the natural slope of the land.
- If the Code was strictly applied, the owner could only build a two story home that was 13 feet in height with no basement.

Public Testimony: NONE

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Williams – Bookkeeping. A difference of 11ft in grade is extreme. Petitioner ought to be commended for placing the building back from the front lot line; supporting
- Bansal – Concur; supporting.
- Fessler – Supporting.
- Hansen – Agrees; technical in nature. Datum point is a good measure but it does not contemplate this type or size of lot.
- Hastings – Supporting; concurs with fellow Commissioners.
- Hajek – In line with the character of the neighborhood; supporting.
- Butler – Supporting.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-071, rezoning 7s771 Olesen Drive to R1A (Low Density Single-Family Residence District) upon annexation, and variances from Section 6-2-4 (Building Height and Bulk), Section 6-6A-8 (R1A: Height Limitations/Bulk Regulations) and Section 6-2-26 (Tear Down/Infill Regulations) in order to construct a single-family home that exceeds the maximum height and number of numbers as measured from the datum point on the subject property.

Motion by: Williams	Approved
Seconded by: Hajek	(6-0)

Ayes: Bansal, Fessler, Hansen, Hajek, Hastings, Williams
Nays: None
Absent: Crawford, Martinez, Peterson

D3.
PZC 16-1-082
3635 Chesapeake Lane

The petitioner requests approval a variance to Section 6-2-3 (Yard Requirements) to allow a screened in porch to encroach into the required rear yard on the subject property at 3635 Chesapeake Lane.

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

James Luthman, Naper Builders, spoke on behalf of the petitioner:

- Variance request is to place screens and a door on a porch.
- Proposed porch is six feet wider than the existing porch; total of 14 feet by 24 feet.
- Will allow the owner to enjoy the pond and avoid mosquitos.
- Will be a screened in porch structure built on a deck.
- Neighbors' main concern is sight lines. Reviewed exhibits that show the sight lines will not be restricted.
- Owner purchased the home in December of 2015. The builder indicated that the plans could not be changed to include a porch on the rear.
- Spoke with Planning Department regarding possible setback changes. Met Kasey Evans and it was a delightful experience.
- As a fellow owner, I would not do anything to destroy the resale value at the Carillon Club.

Planning and Zoning Commission inquired about:

- Bansal – Seems like a good addition, but what is the hardship? Luthman – The owner previously owned a very large home in downtown Naperville; had a very large amount of porch furniture. Believed the structure, as built, did not allow for conversation or utilization of the furniture.
- Bansal – Is that the only hardship or is there anything else we need to be looking at? Luthman – No, that is the only hardship.
- Hansen – What are the changes that were made to the setbacks? We are not forcing people to use a reduced setback. They have a right to do certain things in an encroachment area. Evans – Previously the zoning code only allowed unroofed decks, patios, and porches to extend 10 feet into the required rear yard. On this property, and on many of the single-family homes in Carillon Club, they have a rear yard setback of 20 feet. We recently amended the zoning ordinance so that patios, decks, and porches can extend 10 feet into required rear yard. We deleted the word unroofed from the Code. The reason for the variance is because they want to screen in the porch.
- Williams – So the previous Code contemplated a slab? Evans – Yes, the previous code specifically said unroofed.
- Hastings – By right, they can build a porch provided it is not screened? Evans – Yes, by right any residentially zoned property can encroach into the rear yard setback to build a patio, deck, or porch.
- Hastings – In this case, the only reason there is a variance is because they are going to screen it in. Evans – Yes.

Public Testimony:

Patrice Lia

- Concerned because when we look out our window, the view is obstructed. Showed photos of the view.
- Concerned about the integrity of our community, which is a planned community. It has a crisp symmetry.
- We knew they would not allow us to build additions when we signed up.
- Williams – What if there was only a slab there, would you object? Lia – Not at all.

Jim Lia

- Mr. Luthman is also Chairman of the Carillon Club Architectural Committee.
- The community has spoken.
- Worried about encroachment all over the community.

Steve Libby

- Agrees with previous speakers.
- Part of the appeal of this community is the proximity to White Eagle.

Dan Thorse

- Over 230 individuals have signed the petition; the petition clearly laid out what was proposed; everyone had an idea of what they were signing.
- A number of individuals have asked me to represent them.
- The Carillion Club bylaws clearly prevent the proposal and the HOA Board has not approved it.
- The houses adjacent to the pond paid a premium for unobstructed views.
- Proposal will set a precedent for the community.
- Carillon Club is a truly planned community designed by DR Horton and approved by the Naperville PZC.
- Williams – Can you explain the process by which the petition was brought to the attention of those who executed it? Thorse – Several of us got together and decided a petition was the way to hear the voice of the community. There were several petitions going around. Both had clarity.
- Williams – Be more specific. How long were you discussing it? Thorse – Approximately two weeks; when we found out there was high concern. My wife, myself, and a few other neighbors wrote the petition and went up and down Chesapeake.
- Williams – How many homeowners are there in the Carillon? Thorse – 700.
- Williams – How many signatures do you have? 200 to 300.
- Williams – And if you had more time, how many more signatures do you think you could get? Thorse – I think the concern would continue to grow.

- Williams – Do you know of any homeowners that are in favor? Thorse – I do not know of any in favor, but there have been one or two that do not want to get involved.
- Williams – Has it been your experience that those not on the water are more concerned? Thorse – They are equally concerned.
- Hastings – This Commission does not set precedent. Also, Mr. Luthman referenced that the HOA approved the project.
- Williams – I would like to add that whatever the Carillon HOA does or does not approve is not at all binding on this Commission.

Sheila Thorse

- Went door to door with a petition.
- Petition was well written; stated what the concerns were.
- All the signatures were valid.
- Petition had over 230 signatures; not only people directly on the block, but also from people across the pond.
- Carillon is a planned community; there is a footprint.
- Many of us have downsized from larger homes.
- This does not fit with the neighborhood; about maintaining the integrity of the community.

Marita Mervis

- Asked for a show of hands for those against the proposed variance.
- This has been a disruption in our calm, quiet retirement.
- There are a variety of patio and porch options under the original rooflines.
- There is no existing structure of this type and size in the Carillon Club.
- Reviewed the standards for the zoning variances.
- Flooding concerns; questions if an engineering study was done.
- Area is a haven for wildlife; raised structure would attract wildlife.
- This project reminds me of a Naperville Patch headline "Homeowner Dupes City Council".
- It is not true that the HOA approved the plan. Daphne Morton from the HOA told me the issue has been postponed.
- Minutes of the meeting for the Architectural Committee were requested and we were told they do not exist.
- Issue has upset so many senior citizens.
- Provided copies of photos to the Commission.

Faye Pletcher

- Any other situations that you need data on, contact me. I would be glad to get them.
- Has yet to have anyone refuse to sign the petition. The majority of people are not in favor.
- Has been active in HOAs for over 50 years.
- We knew coming into the community that there were rules.

- When I asked for my patio, the HOA denied the original plan. I worked with them to build the patio to the standards.
- One of the original owners, really hopes that the Commission helps us.

Charles Keslin

- Not only an application for a setback variance, also an application for deviation from a PUD. I did not hear anything addressing the deviation of the PUD. That would need to be included in order to pass this through.
- Hastings – Would staff like to respond to that? Evans – This is a zoning variance. Because it is a PUD it is effectively a deviation. Deviations and variations are a different name for basically the same thing. The application refers to a zoning variance. Should it be approved by City Council, the ordinance would reflect that it is a deviation from the PUD.

Petitioner responded to testimony:

- Was a discrepancy regarding the HOA approval.
- Visited with City staff regarding setbacks and porches. In my mind, an enclosed porch was permitted to encroach in the setback. Staff's interpretation was that it could not be screened and encroach in the setback.
- The HOA approval was based upon where we were at that point in time.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bansal – We have a lot of sentiments from the neighbors. The Commission looks at a lot of parameters. I do not see a hardship; a big piece of furniture is not a hardship. The character, as well as the look and feel of the neighborhood also plays a role. I will be leaning towards no.
- Fessler – Discrepancy between a porch and a patio. Patios mean you are going to get rained on and porches mean you are not. Against the use.
- Hajek – Agreement with fellow Commissioners. The community has come out in force to discuss the bylaws and architectural guidelines. Not in favor because of the obstruction. I have a screened in porch and I went through the same process, but I got agreement with neighbors and found a way to a yes. I think you have a number of other options here. Not in favor.
- Williams – Strongly not in favor. To the community that turned out, the reason we are here is because this is not allowed. We only hear cases that are not permitted by Code. Ma'am, do not be too concerned about us getting duped. We know the criteria for a variance; this case does not come close to meeting any of them. The so called hardship has no substance whatsoever. I could go on all night; strongly oppose.
- Hansen – Concurs with fellow Commissioners. Fail to see hardship; furniture argument aside. Nothing inherent in this property would support a variance. There was an expectation of the neighbors in the

community for a consistency in the application of the bylaws. Have not heard any compelling argument to change that; will not be supporting the request.

- Hastings – Not supporting; nothing further to add. Mr. Luthman thank you for coming before us. Thank you to the public for coming out.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-082, a variance to Section 6-2-3 (Yard Requirements) to allow a screened in porch to encroach into the required rear yard on the subject property at 3635 Chesapeake Lane.

Motion by: Williams — Not Approved
Seconded by: Hansen — (0 to 6)

Ayes: None
Nays: Bansal, Fessler, Hansen, Hajek, Hastings, Williams
Absent: Crawford, Martinez, Peterson

D4.
PZC 16-1-063
Sedgewick

The petitioner requests approval of rezoning to R3A (Medium Density Multiple-Family Residence District); a conditional use to establish a Planned Unit Development (PUD) for Sedgewick; a preliminary PUD Plat; a Preliminary Plat of Subdivision; deviations to Sections 6-6D-7.1, 6-2-3.3.3.2, and 6-6D-5 of the Naperville Municipal Code; and, variances from Section 5-4-8 of the Naperville Municipal Code.

Commissioner Hansen recused herself from the dais.

Sara Kopinski, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Bansal – One of the adjacent residents sent a letter with concerns regarding trees. Are they going to be replaced? Kopinski – The petitioner has been working with the Department of Public Works on identifying trees worthy of preserving on the property. Right now the property is used as a landscape nursery and many of the trees are stock. The stock trees were not included in the tree survey. The petitioner has worked with the Forester and planning staff to maintain as many mature trees as possible along the eastern and southern boundary line.

Greg Collins, M/I Homes, spoke as the petitioner:

- Contract purchaser of the site.
- Property is currently zoned B2 and was part of an involuntary annexation back in the early 2000s.
- Surrounded by predominately residential zoning; trend of development is residential.
- Initial met with staff regarding a plan with private streets. Staff's direction included public streets, two points of access, an increased

setback from Ogden, and the incorporation of a variety of units.
- Increased the setback from Ogden and added screening.
- Added a park on the north side, as well as a walking path that will connect to Mayfair.
- Georgetown series is new for this marketplace. Had great success with it in Schaumburg.
- The site is an active nursery. There is active stock on ¾ of the site. The detention pond and the lower south portion of the site were stock. Many of the trees were not cared for. It is limited in terms of what we can save but there are some opportunities.
- Proposing creating a carriage walk along Shandrew by moving the sidewalk closer the eastern property line in order to maintain the trees.

Bill Zalewski, Advantage Engineering, spoke on behalf of the petitioner:
- Reviewed the utility connections and stormwater.

Planning and Zoning Commission inquired about:
- Williams – Do you have another project contiguous to this? Collins – Yes. Williams – Is it related? Collins – No. Williams – Is it apartments? Collins – No, townhomes.
- Williams – Are you insistent upon the two issues staff opposes, including the size of the sign and the number of signs? Collins – It is a very odd ordinance. We would like to have the northwest corner monument sign, but we can live without it. The model area sign is a marketing sign. We have phone numbers and websites that we are trying to put in 32 square feet. We are like a fruit merchant. We need signage. It is very important for a builder. The sign is temporary in nature.
- Williams – We have several objectors here. Are you anticipating most of what we are going to here is about trees? Collins – Trees and our connectivity to Shandrew.
- Williams – I, for one, do not get it about the trees. Is this an ex-nursery? Collins – It is an active nursery. They have material elsewhere. There is material left in the rear of lot.
- Williams – So there are a lot of nice trees there as a consequence of a business being run there. Collins – Yes.
- Williams – But on the other hand, it is not protected in any way. It is not a national park or a Forest Preserve District. Collins – Correct.

Peggy Sleik
- President of Vintage Club; representing the community.
- Not opposed to the development.
- Vintage Club homes have garages, not driveways, so the cars must go in the garage or on the street. Forces many residents to park in the street.
- Challenging to navigate the neighborhood.
- Two access points on Shandrew are at the heart of the issue.
- Would prefer the development was accessed off of Henley.
- Would like more plantings on Shandrew.

- Concerned about construction traffic.
- Bansal – Are residents parking their cars on Shandrew overnight? Sleik – Yes, we tried to get in the City's parking study but were not approved.
- Williams – I have never heard of a parking study. Nichols – There is a pilot parking program evaluating on-street parking overnight.
- Williams – So it is in progress? Nichols – Correct.
- Williams – Regarding construction traffic, would the City require a plan for it along with a plan for the development? Nichols – As part of developments, they are required to build the infrastructure on site as part of the first stage of development. Construction traffic access to the site would be off of Shandrew Drive.
- Williams – In other words, if this were approved, part of the plan would be to inform the City and residents as to precisely where the construction traffic would be.
- Williams – Is your ingress/egress issue across Ogden? Sleik – No, it is on Shandrew.
- Williams – Shandrew is that busy? Sleik – Yes it is. The issue came after Mayfair was built.
- Williams – Have you talked to the developer or staff regarding the entrance or exit? Sly – Yes, I talked to Mr. Nichols today.
- Williams – I think the trees are a very interesting legal issue. With the exception of one project where many trees were destroyed, we do not have any major problems with obstructions or injuries during construction in Naperville. We are not interested in inconveniencing the neighbors.

Rosalyn Urbanek

- Resident for 45 years.
- Part of an involuntary annexation.
- Reviewed the trend of development in the area; found that it is commercial.
- O'Donovan property has a wide frontage and is on Route 34.
- Petitioner's tax generation table appears grossly in error; provided a revised tax generation table.
- Believes traffic study should have been done.
- Official public notice was not clear or transparent.
- There needs to be more amenities in the development.
- Objects to the rezoning; it should remain commercial.
- Hastings – Can we double check the tax statement? Kopinski – Yes.
- Williams – Do you object to the density? Urbanik – It was very bunched up. It does look very dense. I would like to know the space between the porches.

Robert Hill

- Owner of FCA, which is two lots west of the subject property.
- Would encourage the developer and the City to give some more thought

to the impact of the traffic and the impact to the residents.
- Questions why a traffic study was not provided.

Jon Spenner
- Concurs with the President of Vintage Club.

Don David
- Questions which model will face the Vintage Club. Collins – Both the Georgetown and the Grant Park.
- What is the pricepoint? Collins – Mid 300s.

Sean Windrow
- Really old, tall beautiful trees on the east side of the property.
- Idea or question would be to look at the trees and to monitor them.

Jeff Allen
- Not opposed to the redevelopment. Also, fine with commercial.
- What bothers me is the two access points on Shandrew.
- Concerned with construction traffic.
- Vintage Club has a lot of cut through traffic.
- Proposal has heavy density; assume that is what the variances are about.
- Variances are two categories. One is to shoehorn a few more units in, the other is to market.
- Experience with Mayfair is five years of construction.

Petitioner responded to the testimony:
- Area has been a patchwork of development over time.
- The proposed layout is efficient, safe, and will not create another Ogden Avenue access situation.
- Shandrew can handle the traffic from the development.
- With development, there is chaos for a temporary period of time.
- Cannot solve the ebbs and flows of construction traffic.
- Vintage Club could never again be built in Naperville due to Code requirements for guest parking.
- Changing the road to access on Henley would remove required open space from Mayfair.
- Rosedale Circle lines up with driveways in Vintage Club, not buildings.
- A traffic study would show that the current road networks can accommodate the traffic generated by the development.
- We know Rosalyn well from Mayfair 2; she just does not like our project.
- The hardship for a patio is pretty simple. A 10 foot by 10 foot patio is too small when you include the necessary access.
- Bansal – How big is Shandrew Drive? Collins – I believe it is standard. Nichols – Correct. It is a local road with a 66 foot right of way built to our 28 foot back to back standard.

- Williams – Any merit to the suggestion that Henley is used as an entrance? Collins – No.
- Williams – Has the plan been vetted by the Fire Department. Collins – Yes.
- Hastings – Regarding the lack of a traffic study, the traffic is kind of a mess over there. Can you speak to the difference between this project and keeping it commercial? Is a traffic study something the City would do? Nichols – Cannot speak to the impacts because we do not have a study. A traffic study was not requested because the proposal is aligned with the future land use of medium density residential.
- Hastings – So what that means is the City feels traffic would not be an issue. Nichols - At this time, we do not see traffic as an issue.
- Williams – For staff, what are your thoughts on making Henley an access point? Kopinski – It is hard to say without reviewing it. Our initial thoughts are that if it would be at the expense of open space in another development, it is not something we would want to look at. If traffic was going to be a big issue on Shandrew and it seemed more justified, we might be more willing to lose that open space in favor of the road.
- Fessler – They do not own the land, so it is not their land to give. Collins – Correct. The land has been turned over to the Mayfair HOA.
- Williams – So it is not even feasible or part of this presentation. Collins – Correct.
- Fessler – Have we look at any options for reducing construction traffic on Ogden? Collins – IDOT will remove the connection to Ogden. We will use it initially.
- Bansal – How long do anticipate the construction period? Collins – 36 months.

Planning and Zoning Commission closed the public hearing.

- Williams – Not as difficult as it seems. Commends all the speakers; intelligent presentations. Issues that you raised are not substantial. Several said you are not opposed to the project. I did not like Mayfair Phase 1 at all and I voted against it. My position was that it should not be changed from commercial. I disagree that the trend of development in the area is commercial. I now think the Mayfair project is outstanding and I see the area completely differently. Call the City if you have problems with construction equipment and noise. I do not think anyone has a right to trees that just grew by accident. The City does a good job with landscape requirements. I do not think the differences are substantial enough to warrant a continuance. I know the developer will work with you. In favor; would like to see him drop sign variances.
- Bansal – Has to be developed. Shandrew is a collector road. Construction is always an issue during developments. Supports; concurs with staff on signage. Should add a condition on the signage variance.
- Hajek – In agreement with Commissioners Williams and Bansal. Well thought out project. There is inconvenience with construction but we can

address it at the time. In favor of the monument sign being dropped.

- Fessler – In favor. Concurs with fellow Commissioners. Build a good product. Residents will treat Shandrew Drive better than commercial traffic. Supporting the signage.
- Hastings – Agrees with fellow Commissioners. Area has not been developed in the best way over the years. Having driven by the area, I do echo that there are definite traffic concerns; however, I feel that the concerns will be there whether it is commercial or residential. Ok with marketing sign size; believe there is a fair amount of information needed on the sign. However, two monument signs is too much.
- Butler – Nothing new to add; agreement with fellow Commissioners; supporting.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-063, rezoning to R3A (Medium Density Multiple-Family Residence District); a conditional use to establish a Planned Unit Development (PUD) for Sedgewick; a preliminary PUD Plat; a Preliminary Plat of Subdivision; deviations to Sections 6-6D-7.1, 6-2-3.3.3.2, and 6-6D-5 of the Naperville Municipal Code; and, variances from Section 5-4-8 of the Naperville Municipal Code conditioned upon the allowance of one residential monument sign in compliance with the Municipal Code.

Motion by: Hastings — Approved
Seconded by: Williams — (5 to 0)

Ayes: Bansal, Fessler, Hajek, Hastings, Williams
Nays: None
Absent: Crawford, Martinez, Peterson

Commissioner Hansen returned to the dais.

E. Reports and Recommendations

F. Correspondence

H. Adjournment **10:13 p.m.**