

**MINUTES
NAPERVILLE PLAN COMMISSION
OCTOBER 16, 2002 - 7:00 P.M. – COUNCIL CHAMBERS**

Present: Jim Boyajian Derke Price
 Grant Wehrli Steve Albert
 Patti Mathewson Bill Jepson
 Gary Leavenworth

Absent: Geoff Roehll
 Karl Fry

Also Present: Kristine Noren – Planner, Allison Laff – Planner, Meena Viswanath – Planner, Mike Schwarz – Planner, Anastasia Urban – Project Engineer, Danielle Fischer – Project Assistant

A. Call to Order

B. Approve the PC Minutes for October 2, 2002.

Action: Approved with one revision to Item E (7-0).

PRESENTATION

C. PC 205619 – Westings Corporate Community - Located at the southeast corner of Route 59 and Ferry Road within the Westings Corporate Community Subdivision – This is a request for the property to be re-subdivided into 2 lots: Lot 1A is approximately 5.93 acres and Lot 1B is approximately 7.127 acres. The remaining 0.567 acres consists of a permanent easement to the Illinois State Tollway Authority for I-88.

Action: Kathy West, attorney for the petitioner presented this case before the Plan Commission. Plan Commission had no questions or comments regarding this case.

A motion was made and seconded to recommend approval of the resubdivision. (Approved 7-0).

PUBLIC HEARING

D. PC 1382 – Water Street Study – In accordance with the recommendations listed in the Downtown Plan to prepare an updated area plan for neighborhoods adjacent to the Downtown, the Planning Services Team is proposing an amendment to the Comprehensive Plan to establish a Vision Statement for the Water Street Study Area. A vision statement has been prepared specifically for the Water Street Study Area due to its likelihood for redevelopment in the near future. Developing the vision statement prior to this redevelopment allows the City to proactively and comprehensively plan for growth in this area before it begins to occur. (The official notice for Plan Commission Case 1382 was published in the Naperville Sun on September 15, 18 and 20, 2002.)

Action: Staff presented this matter during the public hearing. There was no public testimony given. Plan Commission requested staff to be prepared to respond to correspondence received regarding this case at the Workshop. The public hearing was closed and workshop session was scheduled for November 6, 2002.

- E. PC 1386 – Washington Woods – Located on the west side of Washington Street, immediately northwest of the intersection of Washington Street and Royce Road in the City of Naperville. This is a request for approval of a rezoning on the Gregory Parcel from E1 (Low Density Estate District) to R1A (Low Density Single-Family Residence District). The applicant/petitioner also seeks approval of a Preliminary Plat of Subdivision to allow for the development of forty-one (41) single-family lots. (The official notice for Plan Commission Case 1386 was published in the Naperville Sun on August 16, 2002.)

Action: Kevin Gallaher, attorney for the petitioner presented this matter during the public hearing.

- ***Matt Ramuta of 108 Settlers Drive mentioned he is in favor of protecting the DuPage River, he is in favor of a conversation easement and would like to see this granted to the Naperville Park District or the Conservation Foundation.***

Commissioner Albert asked how wide the buffer is that is being proposed?

- ***Kevin Lynch of 184 Shuman Blvd, Suite 200 has a concern with the conservation easement, traffic patterns, he mentioned that the dialog between the petitioner and the residents have been positive.***

Attorney Gallaher responded to the concern regarding the bike path. He met with Park District officials, the Park District is going to have a crossing of the bike path at the Knoch Knolls bridge, run through the DuPage River park then exit the park along Washington Street to the southwest property.

Keith Rot, petitioner and developer for the project spoke regarding the conservation easement. He mentioned that the project does not have a forested character along the river, there is more beautiful Oak trees and we will preserve as many of those trees that we can. The trees by the river bank we plan on putting in a conservation easement. We wanted to make sure so we don't misrepresent our conservation easement, is that we do not plan on doing any clear cutting. We want to word the conservation easement to allow our residents to have some site line to the water. We are opposed to a third party monitoring. We prefer the Homeowner's Association first, then the City forester that does the monitoring. This has been very successful in Bonnema Woods. The homeowners are made fully aware of this in a marketing packet given to them up front prior to purchasing in this type of development.

Commissioner Albert asked the petitioner if they have spoken with the Conservation Foundation on what your intensions are to do with the area, do they support the concept you are proposing? Commissioner Albert stated he is

concerned with the proximity of these units to the river. He would like to see a small portion of this parcel set aside for the river and not implanted lots. He would like to see something permanent but natural as an alternative to structural measures with retaining wall and non-natural features.

The petitioner mentioned he is in agreement with that. Commissioner Albert mentioned he would like the petitioner to meet with the Conservation Foundation to see if they agree with their concept for redevelopment of the riverbanks. The petitioner is in agreement

Commissioner Leavenworth asked the petitioner if there is going to be a Homeowner Association that will be in charge of the common area (the river bank) or are these 4 property owners going to have this land, who will this be deeded to? The petitioner replied that this would not be deeded; this is an easement that controls what they can do within that easement. Commissioner Leavenworth asked the petitioner if the Homeowners Association would have the capability of saying you are doing something wrong here. The petitioner replied yes we have this in Bonnema Woods and it works well as a control measure. The property owners know buying into this development that this will maintain its natural state. The petitioner mentioned that the Park District did request of developments along the river, an easement dedicated for a future walkway. This basically is a control mechanism to say that whoever buys from us, there are some controls over the character of that portion of their lot.

Commissioner Wehrli mentioned his concern with the cost of \$100/inch; he would like to see this \$100/inch.

Commissioner Jepson asked the petitioner why attach this easement to the 4 people who buy these lots? The petitioner responded that if the Park District controlled the river front property then it would become public. Commissioner Jepson stated that it would be more of an advantage to have the control of the riverfront under the Homeowners as opposed to the 4 homeowners.

Commissioner Albert concurs with Commissioner Jepson. He is concerned with the proximity to the river and the fact that the homes will be close to the river.

Plan Commission mentioned they would like to see more information brought to the workshop meeting regarding building setback lines for lots 1, 2, 4 and 5 rear setback, provide text on how you would protect this in the conservation easement, and staff's view to the petitioners request on placement of the berm.

Jim Caneff with Roake and Associates, civil engineer for the project, mentioned this is not a roadway under IDOT jurisdiction. The City does adhere to that standard along arterial roadways, IDOT requests a 10- foot separation from the toe of the berm to the existing right-of-way. We are already dedicating the 10 feet; IDOT can come back and ask for an additional 10 feet. Typically, when you dedicate the 10 feet, they will allow the berm to be constructed at the future existing or current proposed.

The public hearing was closed and workshop session was scheduled for November 6, 2002.

- F. PC Case 1388 – Forest View Estates – Located north of Royce Road between Braddock Drive and Keim Road – This is a request for annexation, rezoning, and preliminary plat of subdivision to rezone from A-1 in Will county to R1A in the City of Naperville and subdivide 13 lots for single-family homes. (The official notice for Plan Commission Case 1388 was published in the Naperville Sun on September 29, 2002.)

Action: Kathy West, attorney for the petitioner presented this matter during the public hearing.

- ***John Ditmars of 2522 Braddock mentioned he supports the annexation, happy with the preservation of the trees, he asked if the final plat will come before the plan commission? Staff responded that if the plat is in substantial conformance it would go to City Council.***

Ms. West responded to a question raised during public testimony: She mentioned she has the tree survey that does show the Evergreens, so Mr. Ditmars is welcome to look at it. She mentioned that because of the location of the Evergreens, it would be difficult to put a fence between the Evergreens and the property line.

Plan Commission and staff had no further comments. The public hearing was closed and workshop session was opened.

A motion was made and seconded to recommend approval of the rezoning and subdivision. (Approved 7-0).

WORKSHOP

- G. PC 1379 – 248th Assemblage, North – Located between 248th Avenue and Normantown Road and between roughly 1,324 feet north of 103rd Street to Wolf's Crossing Road – This is a request for annexation and rezoning of the subject property from the current A-1 Will County zoning to City of Naperville R1A (Low Density Single-Family Residence District), R2 (Single-Family and Low Density Multiple-Family Residence District), R3A (Medium Density Multiple-Family Residence District), and R3 (Medium Density Multi-Family Residence District) to allow for a mixed-residential development, including townhomes, duplexes, and apartments.

Action: This case was continued to the December 4, 2002 Plan Commission Meeting.

- H. PC Case 1380 – 248th Assemblage, South – Located between 248th Avenue and Normantown Road and between roughly 1,324 feet north of 103rd Street to 2,641 feet south of 111th Street – The subject property is currently zoned A-1 (Will County Agricultural District) and is improved with farmland, 3 single-family homes, and accessory buildings. This is a request for annexation and rezoning of

the subject property from the current A-1 Will County zoning to City of Naperville R1A (Low Density Single-Family Residence District), R1A with a conditional use for a religious institution, R1A with a conditional use for a swim and/or tennis club, R3A (Medium

Density Multiple-Family Residence District) with a conditional use for an assisted living facility and/or convalescent/nursing home, and B2 (Community Shopping Center District) to allow for a mixed-use development. **STAFF REQUESTS THIS BE CONTINUED TO THE MEETING OF NOVEMBER 6, 2002.**

Action: This case was continued to the December 4, 2002 Plan Commission Meeting.

- H.** PC 1384 - Giase Commercial – Located at the southeast corner of 83rd Street and Illinois Route 59 in the City of Naperville – This is a request for a Major Change to the PUD along with a Preliminary/Final Planned Unit Development and Plat of Subdivision, and a waiver from the Subdivision Ordinance to allow private streets.

Action: This case was continued to the November 6, 2002 Plan Commission Meeting.

- I.** PC 1387 – Hobson Villas – Located at the northwest corner of 75th Street and Wehrli Road – This is a request to rezone the property upon annexation from R1 in DuPage County to R2 (Single-Family and Low Density Multi-Family) in the City of Naperville. The applicant requests approval to subdivide the property into 23 lots with an average lot size of 16,734 square feet. The petitioner is also seeking to grant waivers from the City of Naperville Subdivision Regulations to reduce the standard street width from 66 feet to 50 feet, for a non-standard cul-de-sac, and relief from the 90% rule.

Action: This case was continued to the November 6, 2002 Plan Commission Meeting.

- J.** PC 1354 – Proposed Zoning Text Amendments and Map Amendments to the Downtown Zoning District (B4 District) – This proposal calls for amendments to the B4 zoning district designed to accommodate and facilitate the implementation of this area as the center of downtown to include primary retail uses and maintaining the most intense level of development as detailed in the Downtown Plan.

Action: Staff presented this matter at the workshop session and responded to concerns raised at the October 2, 2002 public hearing and through subsequent correspondence including the definition of office vs. service, the differences between OCI, TU and B5, consistency with the Water Street vision statement, and proposed B5 setbacks.

Commissioner Jepson mentioned to staff his concern with the service use definition in the B4 District, he does not feel the amendment makes it very clear as to what service will be allowed on the first floor of the buildings downtown.

Does the amendment you are proposing make it clear as to what services will be permitted in the downtown core? Staff replied that the distinction that has been used within the City is that services are something that sells services on site; an office is a business related service that has a primary office component.

Commissioner Leavenworth concurs with Commissioner Jepson; he does not feel we should limit the services of real estate offices.

Commissioner Wehrli and Commissioner Albert concur with Commissioner Leavenworth.

Commissioner Jepson asked staff if this is going to cause problems if we interpret a real estate office to be a service? Staff replied that the purpose of these text amendments is not to define every office or every service; the purpose of these definitions is to set the boundaries for what is an office and what is a service.

Commissioner Wehrli asked staff if we excluded all examples, and a realtor wanted to come in on the first floor, what would the process be? Staff replied if an office wanted to come in on the first floor and it was not shown that that office met the definition of a service, then they would not be subject to seeking a zoning variance.

Commissioner Jepson asked staff if a real estate office was permissible in the downtown core, does it affect zoning somewhere else? Staff replied it is dependent upon that case, if that real estate office was primarily a business related office and if the services were performed on site and generated the pedestrian activity, it is something that could be looked at based on the specifics of that case. In terms of saying this type of office would be permitted on the first floor, this is not something staff is going to recommend, as it is not something currently permitted nor is it in conformance with the downtown plan.

Commissioner Boyajian mentioned that he agrees with staff, a real estate office is not a high-traffic, high pedestrian oriented business, it does not mean it is not desirable in parts of the City to have a real estate office have a first floor location. What convinced him is that we are trying to put together a set of ordinances and usages that is designed for the downtown core that does have a very high pedestrian type of orientation.

Commissioner Leavenworth asked staff why do we really care what type of business somebody does want to have there?

Commissioner Albert mentioned because the focus of the downtown plan is supposed to be pedestrian oriented.

Staff then discussed is the issue of the OCI District in the area that was previously B5 and was changed to Transitional Use. At the October 2, 2002

Public Hearing a question was raised regarding the impact of the rezoning to Transitional Use for properties that were on Washington from Franklin to North that are currently zoned OCI. This area was identified as secondary commercial and then modified to B Transitional Use through the public hearings and workshops with Plan Commission. Staff recommends adding the conditional use for retail in the TU District accommodates a desired change to what was the original recommendation.

Plan Commission agrees with staff on this issue.

Staff reiterated the Water Street vision statement conforms to and supports the downtown zoning amendments.

Staff mentioned the question rose through correspondence regarding setbacks relating to the B5 District. The proposed amendment incorporates an additional 5-foot setback to the interior side and the rear yard of lots for new subdivisions. In relation to the special service areas, inclusion in the special service areas is not linked to setback requirements.

Commissioner Price mentioned he thinks the proposed changes to the downtown text amendments abandon the downtown promise and the downtown plan. He thinks this would be a move to Oakbrook as opposed to an errand destination. He does not see this as a hospitable move.

Commissioner Boyajian does not agree with Commissioner Price that this area is or will resemble Oakbrook. He mentioned he will make his errands in the downtown area and is very happy with the development of the downtown.

Commissioner Mathewson, Commissioner Wehrli, Commissioner Leavenworth, agree with Commissioner Boyajian and are very happy with the development of the downtown.

Commissioner Jepson mentioned in the long run this new plan would preserve the vitality of downtown.

The workshop was closed and business meeting was opened. A vote was taken separately for each case as listed below.

***A motion was made and seconded to recommend approval of the proposed changes to the B4 district as outlined in the staff memo dated September 23, and October 8, 2002 along with eliminating examples of service.
(Approved 6-1).***

- L. PC 1355 - Proposed Zoning Text Amendments and Map Amendments to the Downtown Zoning District (B5 District) - The proposal calls for amendments to the B5 zoning district (Secondary Commercial) designed to accommodate and facilitate the implementation of this area as the gateway to downtown with development less intense than that in the Downtown Core.

Action: A motion was made and seconded to recommend approval of the proposed changes to the B5 district as outlined in staff memo dated September 23, 2002. (Approved 6-1).

- M. PC 1356 - Proposed Zoning Text Amendments and Map Amendments to the Downtown Zoning District (TU District) - The Transitional Use district is a completely new zoning district designed to accommodate uses that will serve as transitions between the intense development of downtown and the residential neighborhoods.

Action: A motion was made and seconded to recommend approval of the proposed TU district as outlined in staff memo dated September 23, 2002. (Approved 5-2).

- N. PC 1357 – Downtown Map Amendment – Conditional Uses for B4 (Downtown Core), B5 (Secondary Commercial), and TU (Transitional Use) - Provides conditional use designations for identified properties within the proposed B4, B5, and TU districts.

Action: A motion was made and seconded to recommend approval of the proposed conditional uses as outlined in the staff memo dated September 23, 2002. (Approved 6-1).

- O. PC 1360 – Proposed Zoning Text Amendments – Address administrative-type amendments that include: parking requirements, provisions for bed and breakfast facilities, definitions, and amending the conditional use section of the R2 zoning district.

Action: A motion was made and seconded to recommend approval of the proposed administrative amendments as outlined in the staff memo dated September 23, 2002. (Approved 6-1).

Plan Commission thanked staff on a job well done.

Staff noted their intent is to take this to the City Council meeting of November 19, 2002.

- P. Adjournment (9:21)***