

CITY OF WARRENVILLE
PLAN COMMISSION/ZONING BOARD OF APPEALS
Minutes of Regular Meeting (*via GoToMeeting*)
Held on Thursday, April 8, 2021

A. CALL TO ORDER

Plan Commission Ch. Cosgrove called the meeting to order at 7:00 p.m. Ch. Cosgrove explained the two opportunities interested parties would have to provide remarks: (i) public comments and questions during the public hearing would be accepted after the applicant's presentation and Commission's questions, and (ii) the Citizens' Comments item of the agenda.

Per Ch. Cosgrove's request, Pl. Domovessova explained the Citizens' Comments portion of the virtual meeting protocol, including how public comment would be accepted via GoToMeeting and call in, which would include:

1. Public comment from anyone at City Hall;
2. Public comment from anyone participating in the meeting via GoToMeeting with camera; and
3. Public comment from anyone participating in the meeting via phone.

Pl. Domovessova explained all meeting participants should stay muted until they are asked to provide their comment, and start their comment by announcing their name and address. Emailed public comments received prior to the meeting would be read aloud following verbal comments. No public comments were received electronically prior to commencement of the meeting. Individual Commissioner's comments would follow. Commissioners and staff members wishing to speak were asked to raise their hand, and wait for their name to be called. Where applicable, presentation materials are available on the City's website.

B. ROLL CALL

PC Present: Tim Cosgrove, Robert Pepple, John Lockett, Byron Miller, Jessica Tullier, Shannon Burns, Kevin Leonard

PC Excused/Absent: Elizabeth Chapman, John Davis*

ZBA Present: Tim Cosgrove, Robert Pepple, Jonathan Lockett, Byron Miller, Shannon Burns

ZBA Excused/Absent: Elizabeth Chapman, John Davis*

Also Present: Community and Economic Development Director Ron Mentzer, Sr. Planner Natalia Domovessova, Recording Secretary Marie Lupo

(**Joined meeting participation at 7:33 p.m.*)

C. PUBLIC HEARING

1. 28301 Ferry Road / Sundance/Vintage Luxury Homes
Located west of Winfield Road, on the south side of Ferry Road
Project No. 2021-0011 (*continued to May 6, 2021*)
Request for the following special approvals, which together would allow for Vintage Luxury Homes' redevelopment of an approximately 4.63-acre section of existing surface parking lot with a 10-building, 57-unit, townhouse complex and related surface parking, lighting, and landscaping improvements and repurposing the existing 139,900-square foot three-story vacant office building for a co-op shared office space:
 - a. Revised Preliminary/Final Plat of Subdivision of Cantera Subarea E, Lot E-1;

- b. Major Amendments to the Cantera General Site Plan Documents and Cantera Development Control Regulations to add “Multi-Family Use Area” to the list of uses permitted within Cantera Subarea E;
- c. Re-designation of an approximately 4.63-acre area of Cantera Subarea E from an Office Park Use Area to a Multi-Family Use Area;
- d. Major Planned Unit Development Amendment for a revised Preliminary Planned Unit Development Special Use Permit for Subarea E;
- e. Revised Preliminary Planned Unit Development for the 14.8-acre office lot;
- f. Preliminary Planned Unit Development and various Site Specific Amendment to the Cantera Development Control Regulations for the 4.63-acre residential lot; and
- g. Any other site specific or general amendments to the Cantera Development Control Regulations, General Site Plan Documents, or site specific amendments to the Warrenville Zoning Ordinance that may be required for this project.

Ch. Cosgrove announced the Applicant requested the public hearing be continued to the Plan Commission meeting of May 6, 2021.

COM. PEPPLER MOVED, SECONDED BY COM. BURNS, TO CONTINUE THE PUBLIC HEARING TO MAY 6, 2021.

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Lockett, Miller, Tullier, Burns, Leonard

Nay: None

Absent/Excused: Chapman, Davis*

MOTION ADOPTED UNANIMOUSLY.

D. CITIZENS' COMMENTS

George Wundsom of Amber Lane reiterated his concerns from the last meeting regarding his 100% opposition to the Sundance proposal. Warrenville has added 2,000-4,000 new residents to the City with the recent developments of Everton Apartments/Townhomes, Riverview West Townhomes/Arden Apartments, Lexington Trace Townhomes, and Vanguard Cantera Apartments. This 20% increase in population will stretch the resources of the Fire Protection District and Police Department, in addition to taxing the City's infrastructure. Said property is zoned for commercial use, which provides tax revenue to the City. Rezoning this parcel to residential use, especially given its prime proximity to Winfield Road and I-88, will deplete the City of needed tax revenues--a bad fiscal decision.

Mike Hoffman of Second Street reiterated his concerns from the last meeting regarding his opposition to the Sundance proposal. He stated that every time the City allows high-density housing on commercial property, it lessens its ability to lower citizens' taxes in the future. Warrenville has a limited amount of land. The Everton and Arden apartment development sites could have been pitched for Costco, which ultimately ended up in Naperville. Warrenville's

property taxes are 25% higher than that of Naperville's. Warrenville will never be able to lessen that gap if it rezones commercial property to residential property.

E. OTHER BUSINESS

1. DuPage County Zoning Board of Appeals
4S210 Barkei Lane, Naperville, IL 60536 / Ramon Nayar Trust
Request for Variation from Section 37-1202.1.J.4.a to substitute a paved surface driveway for pea gravel.

Ch. Cosgrove announced the public hearing on this request was held last night. He placed a call to DuPage County for additional information on pea gravel driveway requirements, but did not receive a return call before the commencement of tonight's meeting.

Com. Pepple expressed no concerns with this proposal. Ch. Cosgrove concurred.

CH. COSGROVE MOVED, SECONDED BY COM. PEPPLA, THAT STAFF FORWARD A STATEMENT TO THE COUNTY THAT THE CITY OF WARRENVILLE HAS NO OBJECTIONS TO THE REQUEST.

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Lockett, Miller, Tullier, Burns, Leonard

Nay: None

Absent/Excused: Chapman, Davis*

MOTION ADOPTED UNANIMOUSLY.

2. DuPage County Zoning Board of Appeals
28W240 Purnell Road, West Chicago, IL 60185 / Mark Quigley
Request for Conditional Use to increase the total permitted square feet of detached accessory buildings from 779 square feet to approximately 927 square feet for a new detached garage (192-square foot existing shed and 735-square foot proposed detached garage).

Ch. Cosgrove announced the public hearing on this request was held last night. He summarized that per the square footage measurements, the City would allow this request under Zoning Ordinance 1018; thus, he saw no problem with the request.

CH. COSGROVE MOVED, SECONDED BY COM. BURNS, THAT STAFF FORWARD A STATEMENT TO THE COUNTY THAT THE CITY OF WARRENVILLE HAS NO OBJECTIONS TO THE REQUEST.

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Lockett, Miller, Tullier, Burns, Leonard

Nay: None

Absent/Excused: Chapman, Davis*

MOTION ADOPTED UNANIMOUSLY.

F. APPROVAL OF MINUTES

1. Regular Meeting of March 18, 2021

CH. COSGROVE MOVED, SECONDED BY COM. LOCKETT, TO APPROVE THE MARCH 18, 2021, MINUTES, WITH THE FOLLOWING CHANGES:

- Page 3, Paragraph 8, Line 3 – Delete “which amounts to” and insert “at a cost of.”
- Page 7, Paragraph 1, Lines 1 and 2 – Change “plans” to “plants.”
- Page 15, Paragraph 1, Line 1 – Delete “visited a Hoffman Estates’ D.R. Horton project with” and insert “spoke on the phone to a salesperson for the D.R. Horton project, which has.”

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Lockett, Miller, Tullier, Burns, Leonard

Nay: None

Absent/Excused: Chapman, Davis*

MOTION ADOPTED UNANIMOUSLY.

G. CHAIRMAN’S REPORT

None.

H. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR’S REPORT

1. City Attorney Feedback regarding Public Comment Time Limitations at Public Hearings

Dir. Mentzer stated he wished to update and correct the statement he provided at the last meeting regarding public comment time limits at public hearings. After speaking with current City Attorney Lenneman, who succeeded a previous City Attorney of 10-15 years, her response was different than that of her predecessor. She indicated that she serves multiple municipalities wherein the Plan Commission established rules for a maximum time limit for an individual’s public comment. Although it is legal, time limits should not be done lightly. A person must be designated as a time keeper, and it must be administered equally and fairly. Additionally, these rules must be incorporated into the Plan Commission’s Rules of Procedure.

The Commission has a choice to either:

- a. Incorporate public comment time limits in a generic, standard practice manner; or
- b. Incorporate public comment time limits in a case-by-case manner, for specific public hearings that would elicit a large audience, so as to ensure that all who are present have an opportunity to speak without a meeting lasting four or five hours.

Dir. Mentzer suggested the Commission vote on the matter, and if there is interest to pursue the measure, direct the Chairman and City Attorney work together with staff to formulate draft recommended rules. The draft would be placed on a future agenda for Commission discussion.

Com. Burns inquired whether the Commission can limit the number of times a person gives comment at one meeting, on one topic. She also inquired whether questions can be asked of the

person providing comment. Finally, she wondered whether a commenter can cede their time to another person who wishes to speak for a longer period.

Dir. Mentzer replied he would solicit City Attorney feedback on Com. Burns' first two questions. As to ceding time, the City Attorney recommended against it on the basis that it is a slippery slope. Her firm represents no municipalities that allow for the ability to cede time. However, if the Commission wants to further discuss this possibility, he would consult with the City Attorney.

Commissioners provided the following feedback:

- Com. Lockett felt the Commission should not instill time limitations on public comment, because it is only fair that everyone has the ability to express their opinions.
- Com. Miller expressed interest in further discussion on time limitations—at the very least, for specific meetings.
- Com. Pepple felt the Commission should not instill time limitations on public comment, because public hearings are precisely the time for people to express their opinions on a proposal. That said, he felt the Chairman should call someone out for relevance and repetitiveness.
- Com. Burns was in favor of allowing people to speak as long as they wish. The public hearing is the first step in the process. However, she would like to place a limit of one comment opportunity per meeting, per person. If additional input is necessary, it should be done at a subsequent public hearing.
- Com. Leonard was in favor of time limits. He inquired whether a person with a presentation could request additional time prior to the meeting.
Dir. Mentzer replied the City Attorney recommended any institution of time limits should be a hard and fast rule, with no flexibility, because allowing it opens the matter up to discretion and potential charges of abuse.
- Com. Tullier favored the current practice, as large crowds at public hearings are atypical.
- Ch. Cosgrove expressed the difficulty in reigning someone in without the imposition of time limits. He would be in favor of further exploring the issue with the City Attorney, Dir. Mentzer, and Pl. Domovessova.
- Com. Davis felt it would be smart to investigate time limitations, based on past public hearings that adjourned late into the night due to a few individuals. The Commission should consider either a flat time limit, or develop a procedure to establish time limits based on audience size and if certain participants are expected to be in the audience.

CH. COSGROVE MOVED, SECONDED BY COM. BURNS, THAT THE PLAN COMMISSION DIRECT HIM AND STAFF TO MEET WITH THE CITY ATTORNEY TO DISCUSS THE ISSUE OF PUBLIC COMMENT TIME LIMITS DURING PUBLIC HEARINGS, AND RETURN TO THE PLAN COMMISSION WITH RECOMMENDATIONS AT A LATER DATE, FOR REVIEW AND VOTE.

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Lockett, Miller, Tullier, Burns, Leonard, Davis

Nay: None

Absent/Excused: Chapman

MOTION ADOPTED UNANIMOUSLY.

J. SR. PLANNER'S REPORT

To date, the following two public hearings are scheduled for the next meeting on April 22, 2021:

- Elite Ambulance's preliminary PUD request at 3S140 Talbot Avenue; and
- Blumenschein's front yard variation request at 2S260 Riverside Parkway.

Ch. Cosgrove asked for an explanation of the 53.1-foot calculation for the Blumenschein setback variation request. Pl. Domovessova responded it was based on a combination of R-2 zoning and Zoning Ordinance 1018 Table 4A footnote q(3) requirements. Ch. Cosgrove felt footnote q(3) is for properties that are non-conforming. This property is conforming; he felt the required 53.1-foot front yard setback should actually be 40 feet—thus lessening the amount of variance for the public to discern. Planner Domovessova offered to enlist in the City Attorney's advice on this issue in further discussions.

Com. Lockett inquired as to the Barkley Avenue/Route 56 traffic signal status. Dir. Mentzer responded he is not aware of signal discussion for said location. However, if a larger project such as Two Brothers campus moves forward, discussions may ensue, provided traffic studies warrant such signal.

K. ADJOURN

CH. COSGROVE MOVED, SECONDED BY COM. DAVIS, TO ADJOURN THE MEETING AT 7:44 P.M.

ROLL CALL VOTE:

Aye: Cosgrove, Pepple, Lockett, Miller, Tullier, Burns, Leonard, Davis*

Nay: None

Absent/Excused: Chapman

MOTION ADOPTED UNANIMOUSLY.

Marie Lupo, Recording Secretary