

CITY OF WARRENVILLE  
PLAN COMMISSION/ZONING BOARD OF APPEALS  
Minutes of Regular Meeting  
Held on Thursday, October 19, 2023  
At Warrenville City Hall  
28W701 Stafford Place

A. CALL TO ORDER

Chairman Cosgrove called the meeting to order at 7:00 p.m.

B. ROLL CALL

PC Present: Tim Cosgrove, Natalie Clemens, Kennedy Hartsfield, Bob Vavra, Rachael Fawell, Byron Miller, Jessica Tullier

Excused: Mark Taylor

ZBA Present: Tim Cosgrove, Kennedy Hartsfield, Bob Vavra, Byron Miller, Jessica Tullier

Excused: Mark Taylor

Also Present: Community and Economic Development Director Amy Emery, Assistant Community Development Director Consuelo Arguilles, Planner/GIS Technician Jack Maszka, Permit and Zoning Technician Chris Santos

C. NEW BUSINESS

1. City of Warrenville/ Text Amendments/ Public Notice and Fees/Public Hearing

CHAIRMAN COSGROVE MADE A MOTION TO OPEN THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE PUBLIC NOTICE AND FEES TEXT AMENDMENT. SECONDED BY COMMISSIONER VAVRA. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

Planner Maszka stated the reason city staff is proposing to change the public notice requirements and fee schedule is due them being outdated. Planner Maszka mentioned that some of the fees and public hearing notice requirements have not been updated since the mid 1980's. Planner Maszka also stated that the proposed changes would ensure applicants pay for all costs associated with the public hearing process and change some of the fees to make them more resident friendly.

Planner Maszka moved on to the proposed public notice amendments and shared that city staff would like to change the public notice mailings from certified to first class as a cost saving change for applicants and the city. Planner Maszka mentioned there is no state law that requires the applicant to mail certified letter notices to owners of adjacent properties. Planner Maszka shared an example from a previous applicant who applied for a variance and had to spend over \$500 to send out the public notices via certified mail to the adjacent property owners. Planner Maszka also stated there is room to remove cost where appropriate in these fees and mentioned that in the City codebook there is no requirement for a court reporter so in the future city staff will require one when they deem it to be necessary. Planner Maszka stated that by removing the court reporter it would save a significant amount of money for the applicant.

Planner Maszka shared with the Plan Commission the proposed fee amendments. Planner Maszka proposed the following changes:

- Update outdated fees
- Remove the public hearing deposit entirely
- Create a fee structure for residential projects of two lots or fewer
- Create resubmittal fees
- Improve transparency

Assistant Community Director Arguilles (ACDD) stated that these proposed amendments will be brought to the next Committee of the Whole meeting which will take place on November 13<sup>th</sup>. ACDD Arguilles clarified that the public notice sign requirements did not change and that in one of the proposed amendments it will clarify that the city will send out the legal notice to the newspaper for publication and not have the applicant be responsible for that anymore. ACDD Arguilles also clarified regarding the elimination of a court reporter that the city will only require one based on the case and if the use of transcribed minutes is needed.

Responding to questions from Chairman Cosgrove regarding the newspaper notice and the signage. Chairman Cosgrove explained that his proposal that the City own a number of generic Public Hearing signs was not explained correctly to the Public Works Department. Chairman Cosgrove mentioned that The City of Batavia does this and suggested contacting them to find out how they manage the signs.

Commissioner Hartsfield asked Planner Maszka if the accountability for applicants to pay their entitlement fees is aimed more for developers than residents.

Planner Maszka confirmed that the proposed change is aimed more for developers than residents.

Commissioner Hartsfield asked staff if the publishing of the legal notices can be put on the city's website or social media rather than the newspaper to save cost.

Director Emery stated that the newspaper requirement is codified under state statute however, city staff does also post the legal notices on the city website for transparency. Director Emery mentioned that newspaper companies have lobbied to keep the legal notice statute in place.

Commissioner Vavra mentioned that newspaper companies rely on legal notices to be printed because that is a significant source of revenue for them. Commissioner Vavra asked staff if there is comparable data on what the city's revenue would be with the old fee structure and the proposed new fee structure.

Planner Maszka stated that staff does not have that data at this time.

Commissioner Clemens asked staff how the new fee structure was formulated.

Director Emery stated that staff researched the comparable communities and saw how they charge their fees while noting that all types of fees may or may not be the same when looking at flat rate

fees versus calculated fees. Director Emery mentioned that by using staff's professional judgement the new fee structure is aimed to be more resident friendly.

Commissioner Clemens asked if staff can present an overall revenue income report that is generated by the new fee structure.

Director Emery stated that the fees won't cover all the cost of doing business however, by comparing what other communities charge for their fees gives staff a base line of what is being charged in today's market and with proposed fee structure there is the flexibility of changing the fee table annually to keep up with the current market. Director Emery mentioned that the proposed new fee structure is not meant to be a profit booster to the city.

Commissioner Clemens prefers that staff create a cost assessment for the old and new fees so that it can help determine whether or not an increase of fees is needed or not. Commissioner Clemens mentioned that most companies or government entities do this type of analysis before evoking any fee changes.

Director Emery stated that cost assessment would take months to do the analysis and would be an overbearing request. Director Emery also stated that the proposed fee changes do come from the comparable communities and the changes are so nominal that there would not be much to consider eliminating and that would not show a net benefit of it generating that analysis.

Commissioner Miller asked Director Emery what the general purpose of the fees go to for the Community Development Department.

Director Emery stated the fees offset the cost for the department such as the plan review time, resources, and direct cost associated for doing business. Director Emery also stated that the fees are meant to ensure that quality applications from developers and residents come in. Director Emery mentioned if there were no fees then that would take away from the professional product and an influx of non-quality applications would come in which would be overbearing to the department.

Chairman Cosgrove stated he is not in favor of staff spending time with this analysis.

Commissioner Hartsfield asked if staff will continue to bring courtesy reviews to the Plan Commission with these changes.

Director Emery confirmed that courtesy reviews will still continue and that staff has added to the early process what is called a "Pre-Application Review", where developers or residents can meet with staff and discuss their ideas or concepts in which staff can give immediate feedback and direct them on how to move on thru the approval process. Director Emery mentioned that this will help bring quality projects in front of the Plan Commission and streamline the process from concept to permitting.

Commissioner Hartsfield praised staff for creating a special rate for resident applications only.

Commissioner Clemens asked staff if there is way to provide applicants a lump sum estimate of the fees for their project.

Director Emery stated it would be difficult to provide a lump sum estimate because there are too many variants depending on the project itself to effectively give an accurate estimate upfront.

Commissioner Miller stated that in his opinion some of the proposed initial application fees were somewhat high.

Director Emery pointed out that some of the proposed fees are in-line with what other comparable communities charge, but also stated that applicants would also save a significant sum of money due to the proposed elimination of using court reporter services which is the bulk of the charges.

Commissioner Hartsfield asked staff what is included in the \$100 fee for changes to an approved landscape plan.

Planner Maszka stated that the \$100 fee is an administrative review process which ensures that those changes do not make the plan not meet minimum code requirements.

Commissioner Hartsfield asked if the \$100 fee for changes to an approved landscape plan applies to single family resident homes. Commissioner Hartsfield stated that is not clear in the proposed table of fees the Residential Fee which includes R-1 thru R-6 involving proposals for 2 lots.

Chairman Cosgrove stated that typically single family homes do not require an approved landscape plan.

Commissioner Miller also agreed that the proposed table of fees need to be cleared up to note the difference between fees that are for 2 lots or more that are residentially zoned versus any non-residential.

Director Emery stated the \$100 fee for changes to an approved landscape plan are directed more to cases that go to the Plan Commission for approval and used Lexington Trace homes as an example where their project consisted of building homes in the R-2 District that also included a landscape plan. Director Emery mentioned if the developers at Lexington Homes were to modify their landscape plan the \$100 fee would then apply.

Commissioner Clemens asked staff if the City Attorney and City Finance Director will be reviewing these new proposed fees.

Director Emery stated that the City Attorney will in fact be reviewing the proposed fees and will help prepare two different ordinances that are attached with these proposed text amendments. Director Emery mentioned that the City Finance Director does not typically review these amendments, but they can be shared with him for review as well.

Commissioner Clemens asked for clarification on why the City has used certified mailers as a requirement for sending out public notices to adjacent neighbors for public hearing cases.

Director Emery stated that the requirement is a city ordinance, but most notably is not a statutory requirement which is why staff is proposing to eliminate that requirement and save residents and developers money in the process.

Commissioner Tullier recommended to add to the staff report before a project has been approved that all fees have been paid.

ACDD Arguilles mentioned that staff can add that line to the staff report to make it clearer.

There were no public comments.

CHAIRMAN COSGROVE MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR THE CITY OF WARRENVILLE PUBLIC NOTICE AND FEES TEXT AMENDMENT. SECONDED BY COMMISSIONER VAVRA. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

CHAIRMAN COSGROVE MADE A MOTION THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF THE PROPOSED PUBLIC NOTICE TEXT AMENDMENTS AS OUTLINED IN THE OCTOBER 19, 2023 COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT ALONG WITH MODIFICATIONS MADE AT THE OCTOBER 19 PLAN COMMISSION MEETING. SECONDED BY COMMISSIONER VAVRA. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

CHAIRMAN COSGROVE MADE A MOTION THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF THE PROPOSED FEE TEXT AMENDMENTS AS OUTLINED IN THE OCTOBER 19, 2023 COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT ALONG WITH MODIFICATIONS MADE AT THE OCTOBER 19 PLAN COMMISSION MEETING. SECONDED BY COMMISSIONER TULLIER. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

D. OTHER BUSINESS

1. 3S665 Wilbur Ave / Chris Mowinski

Located on the east side of Wilbur Ave between Warrenville Rd and Central Ave  
Courtesy Review

Chris Mowinski, the property owner at 3S665 Wilbur Avenue, stated that he is proposing to renovate his backyard by replacing the existing concrete patio with new paver base patio blocks. Mr. Mowinski mentioned he tried applying for a permit to do this project and was told by staff that he does not currently meet lot coverage requirements which is why he is asking for a courtesy review with the Plan Commission to see if they would allow this increase in lot coverage.

Planner Maszka confirmed that Mr. Mowinski's existing lot coverage already exceeds the permitted lot coverage by 368 square feet.

Chairman Cosgrove mentioned that Senior Civil Engineer Hocking made a note that by replacing the existing patio with permeable paver then that portion of the lot coverage comes out of the calculations which in theory is feasible if done correctly. Chairman Cosgrove also mentioned that Mr. Mowinski's property lays on the crest of the hill on Wilbur Avenue so any water that is not being absorbed on the lot is going down to the neighbors which brings up a stormwater issue.

Mr. Mowinski stated that he has lived at the property since 2003 and has not made any major or minor modifications to the property and has never had any major flooding issues since he's lived there. Mr. Mowinski also mentioned that he has not had any complaints from neighbors regarding flooding.

Commissioner Clemens asked Mr. Mowinski if he could provide letters from the neighbors stating that they do not have any flooding issues or have the neighbors come testify if needed.

Mr. Mowinski stated he has friendly neighbors and will ask them for those requirements if needed when the time comes.

Commissioner Clemens asked Planner Maszka if Mr. Mowinski were to remove the concrete patio and replace with permeable pavers would he be under the lot coverage.

Planner Maszka replied that Mr. Mowinski would still be over the lot coverage permitted.

Commissioner Vavra mentioned to Mr. Mowinski if he were to replace the existing concrete patio with permeable pavers as opposed to concrete then he may get more support from the Plan Commission.

Planner Maszka stated that if Mr. Mowinski were to apply with permeable pavers and it brought his property in compliance then that would just require a normal building permit, but if Mr. Mowinski were to apply with permeable pavers for the patio and was still not in compliance then Mr. Mowinski would need a variance since he is still over the permitted lot coverage.

Commissioner Hartsfield asked Mr. Mowinski if he was opposed to using permeable pavers in his backyard.

Mr. Mowinski stated he would be in favor of using permeable pavers.

Commissioner Miller mentioned to staff that on the agenda item for tonight's meeting there is to be a lot coverage discussion in which there might be a proposal for exceptions with lots under 10,000 square feet and asked if that proposal were to go thru approval would this project from Mr. Mowinski be able to done without going thru this whole process.

Planner Maszka clarified that if the lot coverage discussion were to be approved by City Council then the scenario would be that Mr. Mowinski 's property would be brought back into compliance, but would still be over the permitted lot coverage and would need to apply a variance should he submit his proposal without any permeable pavers.

Commissioner Miller asked Mr. Mowinski if he would consider an alternative proposal if it would help his project.

Mr. Mowinski stated he would be open to doing whatever he has to do to have this project move forward so he can improve the appearance to his home and hopes that future lot coverage proposal would be approved because it would favor what he is applying for now along with the public hearing and zoning fee amendments.

Commissioner Fawell and Commissioner Clemens support Mr. Mowinski's proposed project as long as permeable paver surface is installed.

Mr. Mowinski stated that landscape contractor he is working with showed him how a permeable paver surface would work and described the process to the Plan Commission.

Chairman Cosgrove suggested to Mr. Mowinski to have his landscape contractor read the permeable paver section in the DuPage County Stormwater Management website and use that a guideline for those requirements.

Chairman Cosgrove stated that the Plan Commission does show support for Mr. Mowinski's request with the addition to the Plan Commission's feedback and mentioned there may be updates from tonight's meeting regarding the fees and lot coverage discussion and that might affect him in one way or another.

## 2. City of Warrenville/ Zoning Ordinance / Lot Coverage

Planner Maszka stated that after he completed his research for the courtesy review that was presented at tonight's meeting it was brought to staffs attention that Ordinance O2022-14 made many properties in the R-5 District nonconforming or decreased the overall allowable lot coverage.

Planner Maszka stated that Ordinance O2022-14 was intended for homes to have increased lot coverage which also factored in driveways in lot coverage calculations, which allows homeowners the flexibility to improve their lots with impervious surfaces.

Planner Maszka stated this made a number of properties that had smaller lots with detached garages in the rear yard to become nonconforming and decreased the overall allowable lot coverage which would prevent a homeowner to make improvements to their lot. Planner Maszka mentioned this problem was more noticeable for a particular number of properties in the R-5 District. Planner Maszka stated that staff researched 20 properties in the R-5 District and found that 17 out of the 20 surveyed properties were made nonconforming and that all 20 surveyed properties lost lot coverage balance.

Planner Maszka asked the Plan Commission if they should revert to the old regulations for those lots 10,000 square feet or less with a detached garage located in the rear yard or leave the current ordinance as is and make no action. Planner Maszka asked the Plan Commission to openly discuss this so they can provide feedback to city staff.

Chairman Cosgrove asked Planner Maszka to share an example of what the lot percentage of a property is before and after Ordinance O2022-14.

Planner Maszka shared with the Plan Commission a table chart comparing the 20 properties that were surveyed with the current lot coverage balance under the current regulation versus the old regulation.

Chairman Cosgrove stated the stormwater was the main reason why Ordinance O2022-14 was recommended for approval because it was to mitigate covering up all the surface with impervious surface. Chairman Cosgrove mentioned when this was first discussed it was known that this would make some homes into nonconforming homes and reverting back to the old regulations would not help due to all the stormwater issues that city has had and that the city has been trying to alleviate throughout the years.

Commissioner Fawell did not support changing back to the old regulations.

Commissioner Clemens mentioned to Planner Maszka that the engineering rules have changed and more focus is required when it comes to stormwater and does not support changing back to the old regulations.

Commissioner Miller also does not support changing back to the old regulations.

Commissioner Vavra opposed going back to the old regulations and prefers the new ordinance.

Commissioner Vavra suggested to Planner Maszka to inform all those property owners whose homes are now legally nonconforming of the ordinance and inform them of the formal process steps that they would have to take should they want to improve any hard surfaces on their lots.

Chairman Cosgrove suggested that they continue to take request of this nature by a case by case basis.

Commissioner Hartsfield agreed that requests should be heard on a case by case basis.

ACDD Arguilles praised Planner Maszka for raising this concern and bringing it for discussion to the Plan Commission and appreciates the feedback from the Plan Commission on their stance in the matter. ACDD Arguilles reminded the Plan Commission that staff notifies applicants who want to improve their property of their lot coverage so no surprises happen if they choose to improve their property.

Chairman Cosgrove stated the Plan Commission recommended to city staff to leave Ordinance O2022-14 as it is and prefers to take each request for a variance on a case by case basis.

E. PUBLIC COMMENTS

There we none.

F. APPROVAL OF MINUTES

1. Regular Meeting of September 7, 2023

CHAIRMAN COSGROVE MADE A MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 7, 2023 MEETING. SECONDED BY COMMISSIONER VAVRA. COMMISSIONER MILLER AND COMMISSIONER TULLIER ABSTAINED. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.



G. CHAIRMAN’S REPORT

Chairman Cosgrove reminded staff and the Plan Commission to watch out for deer while on the road because the fall season is their peak active season.

H. COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR’S REPORT

Director Emery thanked the Plan Commission for their discussion, debate, and feedback on the City of Warrenville Public Notice and Fees Text Amendment.

I. ASSISTANT COMMUNITY DIRECTOR’S REPORT

ACDD Arguilles asked the Plan Commission to submit any suggestions or feedback regarding the City of Warrenville Public Notice and Fees Text Amendment. ACDD Arguilles also mentioned that the initial draft code for the Warrenville by Design Zoning District Overlay has been submitted to staff and the workgroup and will send all feedback and comments to Codametrics for review and plan to meet again within a month.

J. PLANNER’S REPORT

Planner Maszka shared with the Plan Commission a preview on the agenda for the next couple meetings. Planner Maszka stated there will be a petition to resubdivide a lot in Cantera and there will be another U-Haul Special Use Permit application coming with a potential rezoning added to that petition.

K. ADJOURN

COMMISSIONER TULLIER MOVED, SECONDED BY COMMISSIONER HARTSFIELD TO ADJOURN THE MEETING AT 8:42 P.M. CHAIRMAN COSGROVE ASKED FOR A VOICE VOTE. MOTION PASSED. MOTION CARRIED.

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Chris Santos, Permit and Zoning Technician