

**CITY OF WARRENVILLE  
PLAN COMMISSION / ZONING BOARD OF APPEALS  
REGULAR MEETING MINUTES OF JANUARY 23, 2014**

**1. CALL TO ORDER**

Plan Commission Chairman John Davis called the City of Warrenville Plan Commission/Zoning Board of Appeals regular meeting to order at 7:00 p.m. in the Council Chambers of City Hall, located at 28W701 Stafford Place, Warrenville, Illinois.

**2. ROLL CALL**

**Plan Commission Members Present:\*** John Davis, Tim Cosgrove, Suzanne Battista, Roland Laurin, Mike Mulcahy, June Nelson, Joe Rossi, Al Thompson

**Plan Commission Members Excused:**

**Quorum:** Yes

**ZBA Members Present:\*** John Davis, Tim Cosgrove, Roland Laurin, Mike Mulcahy, Joe Rossi, Al Thompson

**ZBA Members Excused:**

**Quorum:** Yes

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

\*No members present via video or audio conference.

**3. APPROVAL OF MINUTES**

**A. Regular Meeting of December 19, 2013**

COMMISSIONER COSGROVE MOVED, SECONDED BY COMMISSIONER MULCAHY, TO APPROVE THE MINUTES OF THE DECEMBER 19, 2013, PC/ZBA MEETING. The motion was approved unanimously via voice vote.

**4. PUBLIC HEARING** *(continued from December 19, 2013)*

**A. Lauzen Accounting / John F. Philipchuck  
27W430 Old Warrenville Road  
Project No. 2013-0553**

**Located on the north side of Warrenville Road, east of Melcher Avenue, west of West Avenue**

Request for approval of petitions from Lauzen Accounting for some or all of the following special approvals from the Warrenville Zoning Ordinance #1018:

1. A Special Use Permit approval of Preliminary/Final Planned Unit Development (PUD) plans in the O-1 Zoning District per Table 3A of Warrenville Zoning Ordinance #1018; and
2. PUD Exceptions/Variations and/or special approvals from Warrenville Zoning Ordinance #1018, as follows:
  - a. Variation from Table 4A: *Residential District Requirements* to reduce 15-foot interior side yard building setback required along the north property line to approximately six feet;
  - b. Variations from Table 5B: *Minimum Required Setbacks for Off-Street Parking and Loading Spaces and Other Vehicular Pavement* to reduce 40-foot front and corner side yard parking setback along Melcher Avenue and Old Warrenville Road to approximately 21 and 12 feet respectively;
  - c. Variations from Table 10B: *Permitted Obstructions of Required Yards* to allow a refuse disposal enclosure to encroach approximately eight feet into the required 40-foot front yard building setback along Melcher Avenue and three feet into the required 15-foot interior side yard building setback along north property line;
  - d. Landscape Relief per Section 11.B.2. *Approval of Landscape Plan* as follows:
    - i. To reduce 10% interior parking lot landscaping coverage required per Section 11.G *Parking Lot Landscaping*;
    - ii. To reduce ten-foot wide minimum foundation landscaping around the perimeter of the building required per Section 11.H *Foundation Landscaping*;
    - iii. To waive transitional yard landscaping and fencing requirements of Section 11.I *Transitional Yard Landscaping* along north and west property lines;
    - iv. To reduce the number of street trees required along Warrenville Road, Melcher Avenue and West Avenue per Section 11.F.3 *Street Trees*;
    - v. To increase the parking lot planting islands spacing required per Section 11.G.2 *Interior Parking Lot Landscaping* from every ten parking spaces to 11 parking spaces;
    - vi. Any other Landscape Relief items necessary to allow for the implementation of the proposed Landscape Plan.
  - e. Any other PUD exception/variation necessary to allow for the implementation of the proposed Preliminary/Final PUD development plans.

Collectively, these requests would allow Lauzen Accounting to remodel the existing 6,150-square foot single-story, non-conforming office building, expand the existing non-conforming surface parking lot from 18

spaces to 34 spaces, install parking lot lighting and landscaping improvements, and build a trash enclosure on the approximately .789-acre property.

COMMISSIONER COSGROVE MOVED, SECONDED BY COMMISSIONER LAURIN, TO OPEN THE PUBLIC HEARING.

The motion carried unanimously via roll call vote, as follows:

AYES: Davis, Cosgrove, Laurin, Mulcahy, Nelson, Rossi, Thompson, Battista

NAYS:

Melody Burke of County Court Reporters, Inc. duly administered an oath to Attorney John F. Philipchuck of the Naperville law firm Dommermuth, Cobine, West, Gensler, Philipchuck, Corrigan and Bernhard, Ltd., who was present to represent Lauzen Accounting. Attorney Philipchuck confirmed submittal of revised plans and receipt of the City's staff report and final engineering review. Lauzen is in agreement with City Engineer Kuchler's requests for changes on the engineering plan and subdivision plat. Lauzen concurs with City Planner Domovessova's conditions outlined in Section III of the January 23, 2014, staff report, and all such changes will be reflected on the plan.

Attorney Philipchuck respectfully requested the Commission recommend approval of the final plat of subdivision, PUD plans and documents, interior side yard building setback, front corner side-yard parking setback, refuse disposal encroachment, landscape relief, and installation of eight decorative exterior lights.

Ch. Davis inquired whether the applicant must comply with such conditions before the matter proceeds to City Council for its approval. Pl. Domovessova replied as long as the applicant is comfortable with addressing such conditions, they can be addressed at a later date; however, said conditions would become part of the approval ordinance.

There were no questions or comments from the audience.

COMMISSIONER COSGROVE MOVED, SECONDED BY COMMISSIONER MULCAHY, TO CLOSE THE PUBLIC HEARING.

The motion carried unanimously via roll call vote, as follows:

AYES: Davis, Cosgrove, Laurin, Mulcahy, Nelson, Rossi, Thompson, Battista

NAYS:

COM. COSGROVE MOVED, SECONDED BY COM. NELSON, THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF THE REQUESTED PLAT OF SUBDIVISION OF MILLVILLE CENTER PREPARED BY ROAKE AND ASSOCIATES, INC., DATED JANUARY 6, 2014, SUBJECT TO THE APPLICANT ADDRESSING ALL CONDITIONS OUTLINED ON PAGE THREE OF THE JANUARY 23, 2014, COMMUNITY DEVELOPMENT STAFF REPORT.

The motion carried unanimously via roll call vote, as follows:

AYES: Davis, Cosgrove, Laurin, Mulcahy, Nelson, Rossi, Thompson, Battista  
NAYS:

COM. LAURIN MOVED, SECONDED BY COM. COSGROVE, THAT THE PLAN COMMISSION AUTHORIZES THE PLAN COMMISSION CHAIRMAN AND PLAN COMMISSION SECRETARY TO EXECUTE THE PLAT OF SUBDIVISION OF MILLVILLE CENTER ONCE ALL CONDITIONS OUTLINED ON PAGE THREE OF THE JANUARY 23, 2014, COMMUNITY DEVELOPMENT STAFF REPORT ARE MET.

The motion carried unanimously via roll call vote, as follows:

AYES: Davis, Cosgrove, Laurin, Mulcahy, Nelson, Rossi, Thompson, Battista  
NAYS:

COM. COSGROVE MOVED, SECONDED BY COM. LAURIN, THAT THE PLAN COMMISSION RECOMMENDS CITY COUNCIL APPROVAL OF THE PUD PLANS AND DOCUMENTS FOR THE PROPERTY AT 27W430 OLD WARRENVILLE ROAD LISTED ON PAGE TWO OF THE JANUARY 23, 2014, COMMUNITY DEVELOPMENT STAFF REPORT, SUBJECT TO THE PROPERTY BEING DEVELOPED IN ACCORDANCE WITH THE APPROVED PUD PLANS AND DOCUMENTS, AND THE APPLICANT/PROPERTY OWNER COMPLYING WITH THE CONDITIONS OUTLINED IN SECTION III OF THE JANUARY 23, 2014, COMMUNITY DEVELOPMENT STAFF REPORT, AND THE PLAN COMMISSION APPROVES INSTALLATION OF THE PROPOSED EIGHT (8) DECORATIVE EXTERIOR BUILDING LIGHTS AS OUTLINED IN THE ANALYSIS SECTION OF THE JANUARY 23, 2014, COMMUNITY DEVELOPMENT STAFF REPORT.

The motion carried unanimously via roll call vote, as follows:

AYES: Davis, Cosgrove, Laurin, Mulcahy, Nelson, Rossi, Thompson, Battista  
NAYS:

**5. NEW BUSINESS**

**A. Country Ridge Owners Association/Greg Mitchel  
Project No. 2013-0572**

**Located north of Country Ridge Drive, east of Route 59**

Request for approval of Minor Amendment to the previously approved Planned Unit Development plans and documents for Country Ridge subdivision, which would allow installation of a gate on Country Ridge subdivision property at the 15-foot wide emergency access between the Country Ridge and River Oaks subdivisions.

Petitioner Greg Mitchel, representing the Country Ridge Owners Association (CROA), addressed the Commission to summarize the request, as follows: CROA is concerned about the flow of pedestrians and bicyclists from the public sidewalk through private property. CROA feels it cannot control the traffic that flows through the parking lot, despite a “No Trespassing” sign posted at the passageway and speed limit signs in the parking lot, and would like to avoid a potential car accident in the parking lot by closing the passageway. Per Ch. Davis’ request, Mr. Mitchel could not cite any accident or complaint filed with the Police Department that has occurred to date. Ch. Davis inquired whether Mr. Mitchel was aware that the Police Department

had an issue with the installation of a fence that would prevent access between River Oaks and Country Ridge. Mr. Mitchel replied he understood their position, but CROA would like to go on record as having done everything they can to prevent an accident.

Com. Cosgrove inquired how Mr. Mitchel ascertains the origin of pedestrians and cyclists in the parking lot. Mr. Mitchel replied CROA has observed people walking from the single family development. Com. Cosgrove inquired whether such single family dwellers are in any more danger than the residents of Country Ridge. Mr. Mitchel responded the Country Ridge residents are a necessary risk due to the fact that it is their residence, whereas CROA is attempting to eliminate an unnecessary risk of additional pedestrians and bicyclists on site. Ch. Davis responded that since a "No Trespassing" sign is posted, residents from River Oaks would be mindful that they proceed at their own risk when crossing through the passageway.

Ch. Davis inquired whether littering was a problem. Mr. Mitchel replied he has witnessed one person coming through the passageway to dump garbage at Country Ridge. There have been reports from other Country Ridge residents that entail River Oaks' residents bringing their children through the passageway to wait for the school bus at the Country Ridge stop. Ch. Davis inquired whether any communication has taken place between CROA and the River Oaks Association to discuss concerns. Mr. Mitchel replied CROA sent a letter to the River Oaks Association, but it garnered no response. He did not have a phone number or contact for the River Oaks organization.

Coms. Laurin and Thompson requested more information on the CROA. Mr. Mitchel replied although the CROA consists of six owners of eight apartment buildings, it represents all eight owners. The CROA conducts regular meetings and these owners represent their rental tenants at such meetings. Country Ridge buildings are sold as six-flats; some individuals own more than one building. Mr. Mitchel represents one of these owners. In pursuing this action, the CROA is responding to input from owners who experienced firsthand what they consider as dangerous conditions while on the property for maintenance and rent collection purposes. Chestnut Ridge consists of six or eight apartment buildings on the easternmost edge of the subdivision, and it has a separate homeowners' association which maintains its sidewalks and parking lots. Mr. Mitchel was not aware of any pedestrian cross-access easements between Country Ridge and Chestnut Ridge. Ch. Davis reported that no such documents were recorded with DuPage County.

Com. Thompson inquired whether the CROA has discussed the issue with its insurance agency; Mr. Mitchel replied it has not.

It was suggested by Com. Thompson that Mr. Mitchel appears to represent only a portion of the property owners of Country Ridge, because the views of the other portion (Chestnut Ridge) have not been represented. Com. Cosgrove inquired where the division between the two organizations exists with relation to the location of the passageway. Mr. Mitchel responded the passageway is located inside the Country Ridge property, 100-150 feet to the west of the border with Chestnut Ridge subdivision. Country Ridge consists of 18 buildings beginning at Route 59 and heading eastward.

Ch. Davis inquired whether the seven clusters of buildings have individual owners. Mr. Mitchel responded individual addresses, such as 29W537 Country Ridge Drive, are owned by one owner.

Each address consists of one six-flat building. There are five clusters of six-flats in one group, and there are seven such groups, which amount to 32 six-flats, owned by eight owners. A cluster can have more than one owner.

Ch. Davis stated that although the Fire District provided support for the proposal if a Knox box were to be installed, the Police Department does not and cannot carry Knox box keys with them, and this may result in a delay in response time. Mr. Mitchel did not offer an alternative manner of access for the Police Department, but responded the CROA is concerned someone will be injured on Country Ridge property, and they are trying to prevent such situation.

Com. Laurin questioned whether the petitioner has the right to make the request when CROA is not representing the entire PUD. He provided the example of Emerald Green Condominium Association and Emerald Green Townhouse Association, which are required to present requests as a combined entity, without exclusion of each other. Dir. Mentzer stated he was fairly certain that one property owner controls Chestnut Ridge. He suggested that if the Commission is considering the potential approval of the minor amendment, the action should be tabled until staff can verify ownership issues and discuss it with the City Attorney. However, if the Commission is not inclined to approve the request based upon staff recommendation and Police Department input, the Commission could take action tonight.

Ch. Davis noted the emergency easement was created when the River Oaks project requested approval of its site plan and the City requested emergency access from Country Ridge into River Oaks. It was specifically designated as “emergency” access.

Com. Mulcahy expressed his interest in hearing public comment. Ch. Davis requested that persons who desired to express their opinion regarding the request approach the podium, identify themselves, and concisely provide their statement. Audience members provided testimony, as follows:

- Bill Price, 2S512 River Oaks Drive – Mr. Price stated the written testimony he distributed to the assembly clearly indicates there is a pre-existing (1987) implied right of access for pedestrian, recreational, and other crossing of the property. He claimed the petitioner did not have the property right to exclude persons from the Country Ridge development. His written report includes a Supreme Court citation that indicates the requirements for such right, and citation to the necessary deeds that show dates of acquisition. Mr. Price was of the belief that CROA did not have standing to seek such change.
- Susan Price, 2S512 River Oaks Drive – She has resided at the aforementioned address since 1998, and has often used the subject passageway due to the absence of what she considers a safe pedestrian exit leading out of River Oaks. Route 59 is a high speed, high volume roadway without sidewalks. She accesses the shops at Batavia Road and Route 59 via the subject passageway. She also utilized the passageway to tutor a resident of Chestnut Ridge, rather than drive and park in the Country Ridge parking lot. Many of the apartments’ children trick-or-treat in River Oaks via the subject passageway rather than Route 59. She agrees with the Police Department in that closure of the passageway is a safety concern.

- Linda Saxton, Board Member and River Oaks resident since 1987 – She recalled the River Oaks Board receiving and responding to a letter from CROA last summer, wherein it expressed the desire to mediate concerns. She welcomes Country Ridge children playing in the River Oaks five-acre common area. River Oaks has tried to be good neighbors; the Board is responsible and will address and find a resolution to problems. Ms. Saxton is not in favor of the proposal to close the passageway with a gate. She questioned whether a Knox box installation is prudent for a development with only one way in and out. She cited incidents of a fire and an accident last year that immobilized residents due to the subdivision's singular access point. The passageway offers flexibility in utilizing the Family Foods parking lot in such incidences. River Oaks installed the sidewalk and bushes to prohibit the practice of driving over the curb in the subject area.
- Jim Hoffman, 20-year resident of 2S551 River Oaks Drive (property immediately to the east of sidewalk easement) – He uses the passageway to avoid the traffic on Route 59. Although he sympathizes with Mr. Mitchel's concerns with increased traffic and bicycles throughout the parking lot, there have been no reports of anyone getting struck. Because Country Ridge's ponds that attract geese and ducks, he would never walk his dog there due to the possibility of contracting disease from droppings. He has witnessed Country Ridge residents walking their dogs on River Oaks property and children crossing through the passageway in both directions, and does not have a problem with such situation. The Police Department utilized the passageway this past summer when a home alarm sounded. He expressed surprise at the Fire District's recommendation for a Knox box installation due to the potential for key loss. Com. Thompson explained the Knox entry system to Mr. Hoffman, and the Fire District's policy to refrain from private property decisions. Although ambulances may be able to use the subject emergency access, due to their weight, fire trucks would not be able to do so. If a Knox box key is lost, it is a minor encumbrance to the Fire District, as it has a variety of methods to can gain access to properties.
- David Savino, 2S608 River Oaks Drive – He and his four children use the easement regularly. He expressed concern that if the passageway were cut off, there would be no safe manner in which to access the shopping center, and this would likely prompt a petition to the City to install a sidewalk between Ridge Drive and the drive alongside Family Foods.
- Jennifer Shinofield, 2S571 River Oaks Drive – She commented that the passageway is the only entranceway to the Illinois Prairie Path, accessed via Batavia Road. This was a crucial selling point for the purchase of her home in 2008. She has young children that she transports in a wagon to patronize Family Foods. Children trick-or-treat via the passageway in both directions.
- Joaquim Bello, Manager of Family Foods – He expressed concern that Family Foods will lose customers if the passageway is locked.

Dir. Mentzer read an email from Ward 4 Alderman Clare Barry, who was unable to attend tonight's meeting, as follows: *"I am not in favor of the request since this would hinder the Warrenville Police Department gaining an extra access to either the apartments or the*

subdivision. If this request is forwarded to the City Council, I will urge all other Aldermen to vote "Nay."

Com. Laurin shared a statement from resident Sharon Goodman, who could not attend tonight's meeting, as follows: *"I am very concerned about the impact on safety and the potential of saving or abetting strong safety issues about having to use Route 59. If trash or litter is a concern, it should be addressed association to association. Pedestrian traffic travels both ways. Most importantly, Warrenville is a city of inclusion, not segregation."*

Ch. Davis concluded he could not support the request on the basis of the Police Department's commentary. On the other hand, he cannot comment on Mr. Price's legal position, as it would require the City Attorney's review. Country Ridge has private property rights irrespective of Mr. Price's statement. Country Ridge is a subdivision independent from River Oaks. At one time it was considered one development, but River Oaks has since spun off and been developed as a separate property. The City requested the River Oaks developer to provide the subject emergency access to Country Ridge as a back-up plan for Fire District access between the subdivisions. It was not intended to be a pedestrian passageway; however, this is irrespective of not supporting the request. No trespassing signs are posted.

Com. Cosgrove stated although there may be merits in Mr. Price's testimony, he could not support the request on the basis of the Police Department's emergency access safety concerns. He expressed his hope that the two associations could work together to alleviate or minimize concerns of pedestrian traffic. From a common sense standpoint, it makes sense for residents to use the passageway.

Com. Laurin was in agreement with both the Police Department and staff recommendations that do not support the request. He does not feel it is within the City's jurisdiction to determine the legality of the easement, as it is a matter that should be settled between the associations.

Com. Mulcahy was not in support of the request. He felt that if Country Ridge wanted to enforce its "No Trespassing" sign, it should hire private security to police it.

Coms. Nelson, Rossi, Thompson and Battista concurred with the above-stated positions.

COM. COSGROVE MOVED, SECONDED BY COM. LAURIN, THAT THE PLAN COMMISSION DENIES THE REQUEST FOR A MINOR PUD AMENDMENT BASED UPON THE CONCLUSIONS OF THE STAFF REPORT DATED JANUARY 23, 2014. The motion was approved unanimously via voice vote.

Ch. Davis suggested to Mr. Michel that he obtain the proper contact information from River Oaks' Homeowners Association to discuss concerns. If an abuse is witnessed as a result of the free passage onto the Country Ridge property via the emergency access, a complaint should be filed with the Police Department to establish a record for the future. Ch. Davis also commented that River Oaks should not consider the emergency access as a right, but rather a privilege that requires the exercise of consideration and respect.

## **6. ANNUAL REPORTS**



**A. Warrenville Plan Commission**

Review and approval of 2013 Annual Report, which sets forth transactions and recommendations of Plan Commission, prior to submission to Mayor and City Council.

**B. Warrenville Zoning Board of Appeals**

Review and approval of 2013 Annual Report, which sets forth transactions and recommendations of Zoning Board of Appeals, prior to submission to Mayor and City Council.

Ch. Davis directed attention to the draft 2013 PC and ZBA Annual Reports and no comments or corrections were voiced from the joint Commission.

COM. MULCAHY MOVED, SECONDED BY COM. COSGROVE, THAT THE PLAN COMMISSION APPROVES ITS 2013 ANNUAL REPORT PURSUANT TO THE MEETING AGENDA DATED JANUARY 23, 2014. The motion was approved unanimously via voice vote.

COM. COSGROVE MOVED, SECONDED BY COM. MULCAHY, THAT THE ZONING BOARD OF APPEALS APPROVES ITS 2013 ANNUAL REPORT PURSUANT TO THE MEETING AGENDA DATED JANUARY 23, 2014. The motion was approved unanimously via voice vote.

**7. PUBLIC COMMENT**

No comments.

**8. CHAIRMAN'S REPORT**

No report.

**9. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT**

Dir. Mentzer reported Sr. Planner Domovessova worked with the City Attorney to prepare the January 6, 2014, memo that outlines recommendations on how to conduct public hearings. He reminded Commissioners that if a public hearing is closed, deliberations can take place outside the public hearing, but such deliberations would not include asking additional questions and cross examining the petitioner or audience members. It would solely include discussion among members and staff. Therefore, if the Commission feels there may be a need or desire to further interact with the audience or petitioner, Dir. Mentzer suggests leaving the public hearing open during the deliberation period. Although this would increase court reporting fees for the petitioner, it is a safer route and provides the Commission with additional flexibility. He also recommended the public hearing be closed before a vote is taken.


**10. SR. PLANNER'S REPORT**

No report.

**11. ADJOURNMENT**

COM. COSGROVE MOVED, SECONDED BY COM. BATTISTA, TO ADJOURN THE MEETING AT 8:00 P.M. The motion was approved unanimously via voice vote.

Respectfully submitted,

  
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Marie Lupo, Recording Secretary

Approved: March 6, 2014