



**PLAN COMMISSION AGENDA
VILLAGE HALL BOARD ROOM
25 E. STATE STREET
TUESDAY, DECEMBER 7, 2021
7:00 PM**

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated November 2, 2021.

PUBLIC HEARING

1. **Petition #21-11 (Amendment to Chapter 12.3 of the Zoning Ordinance)**: The Village of North Aurora requests a text amendment to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding solar energy collection panels.

NEW BUSINESS

1. **Petition #21-11 (Amendment to Chapter 12.3 of the Zoning Ordinance)**: The Village of North Aurora requests a text amendment to Title 17 of the North Aurora Municipal Code (Zoning Ordinance) amending provisions regarding solar energy collection panels.

OLD BUSINESS

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

ADJOURNMENT

**VILLAGE OF NORTH AURORA
PLAN COMMISSION MEETING MINUTES
NOVEMBER 2, 2021**

CALL TO ORDER

Chairman Mike Brackett called the meeting to order.

ROLL CALL

In attendance: Chairman Mike Brackett, Commissioners, Anna Tuohy, Aaron Anderson, Tom Lenkart, Richard Newell, Alexander Negro, Mark Bozik, and Doug Botkin

Not in attendance: Scott Branson

Staff in attendance: Village Administrator Steve Bosco, Community & Economic Development Director Mike Toth and Planner David Hansen

Also in attendance: Kevin Drendel, Village Attorney

APPROVAL OF MINUTES

1. Approval of Plan Commission Minutes dated September 7, 2021

Motion for approval made by Commissioner Tuohy and seconded by Commissioner Bozik. All in favor. **Motion approved.**

Chairman Mike Brackett officially welcomed two new members to the Plan Commission. The two new commissioners are Richard Newell and Alexander Negro. Commissioner Newell shared he has lived in the Village for 27 years, was on a Village committee a number of years ago and is excited to get back into it. Commissioner Negro shared he has been in the Village for over 10 years and is currently the president of the Fox Valley Freedom Travel baseball organization.

PUBLIC HEARING

- 1. Petition #21-10 (Parcels 4, 6, 7, 8, 9 & 10 of the Randall Square Subdivision): The petitioner, Randall/Oaks, LLC, requests the following actions in the B-2 General Business District, Planned Unit Development:**
- a) Special Use - Planned Unit Development Amendment with deviations to the Planned Unit Development and Zoning Ordinance
 - b) Preliminary Final Plat of Subdivision
 - c) Site Plan Approval

Chairman Mike Brackett called the public hearing to order.

The petitioner, Jason Doran (attorney for Randall/Oaks, LLC) stated Ramsey Elshafei (an owner of Randall/Oaks, LLC) was in attendance along with Michael Semenzin (project architect) and James Miller (project manager) to answer any questions the Plan Commission may have. Doran presented the special use application for the Randall Square Subdivision located at the southwest

corner of Oak St and Randall Rd. There are 11 parcels in the Randall Square Subdivision, one parcel is a detention pond and the other 10 parcels are developable. Elshafei owns 9 of the parcels and is selling the parcel on the corner of Oak St and Randall Rd to Casey's. Doran shared the petition's requests with the Plan Commission regarding reducing the yard setback line from 50 feet to 15 feet, subdividing Lot 6 into two parcels and increasing the monument sign's viewing area. Elshafei explained the site with the survey of existing conditions. Elshafei stated they are asking to subdivide Lot 6 into two parcels with one building being an office building and the other being a retail. Elshafei stated modifying the yard setback from 50 feet to 15 feet would be for additional parking, help visibility for the two buildings and make it consistent across the lots fronting Randall Rd and Oak St (lots 4, 6, 7, 8, 9, and 10).

Elshafei said Lot 6 is zoned as a restaurant and would like to change it to general commercial for a broader use. Doran mentioned there is no zoning change from the B-2 classification, but Elshafei was referring to the use on the past approved preliminary plans indicating a restaurant. Mike Toth stated per the original plan back in 2006 they had a standalone restaurant, the property is in the B-2 District, which commercial and office buildings are considered permitted uses. Elshafei walked the Plan Commission through the site plan, building plans, and how Casey's incorporates into the plan. The retail building would front Randall Rd with the office building behind it. Elshafei showed the renderings and mentioned Dunkin Donuts was the anchor tenant for the retail building. Elshafei stated they expect three to five units per building with tenants having their own entrances on the front and side. The parking, elevations and landscape plans were presented as well as monument sign renderings. Elshafei said currently there are three medical office buildings in the subdivision that are succeeding.

Mike Toth mentioned the three motions for the evening. First, a special use for the Randall Square PUD amendment, which includes requesting a single parcel (Lot 6) to be subdivided into two one acre lots, reducing the 50 foot encroachments on the perimeter of the development (for Parcels 4, 6, 7, 8, 9, and 10) to 15 feet only to allow space for parking and drive aisles, and modification to monument signs in the development. Petitioners proposed monument signs would be 6 feet tall, 9 feet wide, but 36 square foot viewing area. The current PUD allows monument signs to be 6 feet in height, 10 feet in width with a 32 square foot viewing area. Mike Toth shared Casey's approved development had the same setback requests and Casey's sign viewing area was approved at 46 square feet. Second, a Preliminary Final Plat of Subdivision. Third, Site Plan Approval for both buildings. Staff is recommending approval of the petition subject to seven conditions outlined in staff report.

Chairman Mike Brackett opened the public hearing for public comment.

Deb Sturges, a resident in the Summer Wind Subdivision adjacent to the development, asked why were only one row of the townhouses notified regarding this petition instead of the entire subdivision. Mike Toth stated the public notice area is 250 feet from the subject properties, so the properties more western probably would not fall into that 250 foot category. Sturges mentioned her concerns regarding traffic and entrance access. Mike Toth stated a right-in, right-out will be in the Casey's development on Oak St and Randall Rd and there was traffic study completed by Casey's and current petitioners to ensure the street modification complies with the Village ordinance. Sturges also mentioned before and after school there is a backup of traffic in that area

already. Mike Toth mentioned the original preliminary plan and how traffic users from different uses impact the traffic in the area and the traffic study took that into consideration.

Jolene Rohlik, a resident in the Summer Wind Subdivision and bus driver shared her concerns regarding the Oak St and Randall Rd intersection, speed limit on Oak St and how adding more traffic on Oak St and Randall Rd could cause more safety concerns. Mike Toth stated part of Casey's and this development geometrics of right-in, right-out out were reviewed in regards of mitigating traffic and safety concerns from trying to turn left from such locations and trying to slow down speeds with the use of deceleration lanes. Mike Toth stated all the public hearing speaker concerns will be taken into consideration and will be forwarded onto the proper departments and entities.

Chairman Mike Brackett closed the public hearing.

NEW BUSINESS

1. **Petition #21-10 (Parcels 4, 6, 7, 8, 9 & 10 of the Randall Square Subdivision):** The petitioner, Randall/Oaks, LLC, requests the following actions in the B-2 General Business District, Planned Unit Development:
 - a) Special Use - Planned Unit Development Amendment with deviations to the Planned Unit Development and Zoning Ordinance
 - b) Preliminary Final Plat of Subdivision
 - c) Site Plan Approval

Chairman Mike Brackett opened the discussion to the Plan Commission members.

Commissioner Tuohy stated she supports looking into the traffic signal timing on Oak St and Randall Rd. Commissioner Tuohy asked if the monument signs would all be stacked next to each other off Randall Rd. Mike Toth mentioned a shopping center sign may have been originally approved, but the signs proposed would only be for each parcel. Elshafei stated the proposed signs are for directional purposes and would advertise tenants. Commissioner Tuohy had no concerns with splitting the current parcel into two parcels. She also said the setbacks seem reasonable since Casey's setbacks are the same.

Commissioner Anderson stated he was good with the subdivision of the parcel, has no issues with the signage and since Casey's already has the same setback it's hard to say no to it. He said for the site plan the right-in, right-out is the best way to manage traffic at this point, but understand the traffic concerns since a lot is happening there. He agreed with Rohlik regarding the traffic situation being challenging and dangerous.

Commissioner Lenkart asked about the setback allowances for Casey's, if the 15 foot area/easement is enough room for sidewalks and was concerned about how close it may be to the road if sidewalks were placed in the easement. Mike Toth mentioned sidewalks can go into the Village parkway and doesn't have to be on the parcel itself. Elshafei stated it's about 30-40 feet of the road. Commissioner Lenkart asked whether wall signs can go on north or south of building since the condition relates to only west side of the facades. Mike Toth stated there were no signs

on the west facades since it would be facing a residential area, but north, south, and east wall signs are permitted according to PUD and sign ordinance. Commissioner Lenkart also asked who controls the traffic lights at the Oak St and Randall Rd intersection. Mike Toth stated the Village owns road and lights, but traffic signals are believed to be KDOT. Commissioner Lenkart said he was good with subdividing the parcels, signage, and the setback request since it matches Casey's, but shared the same concern of too many signs that Commissioner Tuohy mentioned.

Chairman Mike Brackett asked Mike Toth for clarification of site plan approval and what the three motions were. Mike Toth stated the three motions and site plan approval was one of them.

Commissioner Newell was okay with subdividing the parcels, but asked if the easement and sidewalks would mirror the east side of the road and if the landscape of parcels would be maintained even if no buildings are built. Elshafei said they maintain the entire land even if no buildings exist.

Commissioner Negro asked if Dunkin Donuts building (building fronting Randall) would connect into Casey's new development. Elshafei said there will be a roadway/drive aisle connecting both properties. Commissioner Negro asked about how stacking would impact the drive aisle. Mike Toth said they meet the stacking requirement of three and looks like the plan shows eight. Commissioner Negro had a concern of traffic backing up into the right-in, right-out. Elshafei mentioned the plan in the presentation hasn't been updated to match the Casey's approved plan. Mike Toth showed Plan Commission Casey's plan and the approved deceleration lane. Commissioner Negro asked about how the circulation and entering/exiting the site would work.

Commissioner Bozik asked if there was a rear yard setback in the B-2 zoning district. Mike Toth said there is a setback for rear yards, which is prescribed in the PUD and this plan meets those requirements. Commissioner Bozik had concerns about no setbacks between parcels 6A and 6B since the parcels are being subdivided. Elshafei said there was no setback in the PUD, but there is a building setback. Commissioner Bozik had a concern about the parking spaces backing into the drive aisle of Casey's and an issue with the 50 foot setback since all properties along Randall Road have to abide by the 50 foot setback. Commissioner Bozik elaborated and said a special use is usually reserved for a unique property situation and the Casey's property is an example of that due to unique shape and location of the parcel. He also stated although setbacks are reduced for Casey's, there is no parking allowed since it's used for traffic flow enhancement and the comprehensive plan shows the arterial setback for Randall Rd for a purpose. Commissioner Bozik also said he doesn't agree with the special use setback since it maximizes a property without a plan for the other four other parcels.

Commissioner Botkin shared he has similar concerns as Bozik and was also concerned Parcel 7, 8, and 9 may be back at the Plan Commission in the future with possible subdivides, which would make the site even more dense. Commissioner Botkin didn't have any additional comments or concerns about the current petitioner's plan.

Commissioner Anderson asked how far away the right-in, right-out by Casey's is from the Oak St and Randall Rd intersection. Mike Toth stated the centerline from the intersection to right in and right out is 275ft. Mike Toth stated the deceleration lane was part of Kane County comments of

Casey's plans. Mike Toth said the advantage of the right-in, right-out is to have the traffic coming into the site slower via stack and store of the deceleration lane. The plan was approved with the Casey's development so right-in, right-out is not part of this development and has already been approved. Commissioner Tuohy compared the right-in, right-out to Fabyan Pkwy/Randall Rd area which has one by the Walmart. Commissioner Tuohy asked to have staff look at speed limits overall by Oak St and Randall Rd to potential mitigate speeders.

Chairman Mike Brackett stated there seemed to be a split in the setback change with the commissioners. Chairman Mike Brackett said he was okay with setback and signage request since it was the same granted to Casey's. Mike Toth stated the developer plan is to ask for the PUD amendment for every lot now so it is consistent, but site plan approval will need to come back to Plan Commission for each parcel development. Chairman Mike Brackett mentioned site plan approval and traffic plan had concerns, but seemed to be okay for the most part. Commissioner Lenkart asked what would stop the petitioners from subdividing all the lots. Mike Toth said they can divide property lines without going through the Plan Commission and Village Board process as long as the lots are an acre or more, but if they are less than an acre they would need to come back and ask for an amendment. Currently, Lot 10 is the only parcel that could be split without coming back through this process since it's over two acres.

Commissioner Bozik asked about lot coverage requirements for Lot 6 for the B-2 development. Mike Toth stated there is no impervious lot coverage requirements since it's done through the storm water management process and storm water ordinance, which are more restrictive now than when the original plan was approved. Mike Toth stated each permit that comes through gets reviewed. Commissioner Negro asked about traffic coming off Voss Ave regarding making a left or right and if it's a safety concern since the east side can also both directions. Commissioner Bozik asked if a traffic signal would be needed. Mike Toth stated he had not heard anything from KDOT about a traffic signal, but future development of the subdivision could warrant a signal when lots 7, 8, 9 and 10 develop. Chairman Mike Brackett asked to include Voss Ave and Randall Rd intersection in conversation with Kane County when discussing signal timing at Oak St and Randall Rd intersection as well as Dogwood Dr and Randall Rd intersection. Commissioner Botkin also voiced his concerns about the signal timing at Dogwood Dr and Randall Rd intersection. Steve Bosco mentioned he has received some complaints regarding the timing of the Dogwood Dr and Randall Rd signal and will notify the County about it.

Motion for approval of a Special Use for a Planned Unit Development Amendment with deviations to the Randall Square Planned Unit Development and Zoning Ordinance with staff's seven conditions, Preliminary Final Plat of Subdivision, and Site Plan Approval was made by Commissioner Lenkart and seconded by Commissioner Anderson. Vote: Tuohy – Yes, Anderson – Yes, Lenkart – Yes, Newell – Yes, Negro – Yes, Bozik – No , Botkin – Yes. **Motion approved.**

OLD BUSINESS – None

PLAN COMMISSIONER COMMENTS AND PROJECT UPDATES

Mike Toth mentioned next month a text amendment for solar panels may be on the agenda. Chairman Mike Brackett asked if there were any project updates in the community. Mike Toth

stated the petition for Casey's was approved November 1, 2021 by the Village Board. Mike Toth mentioned the Starbucks and Taco Bell in the Orchard Commons subdivision received permit submittals and Gerald Hyundai expansion is also currently going through permitting. Mike Toth stated Gerald Genesis special use was unanimously approved by the Village Board and there are improvements to Ford as well as a parking lot expansion over at the Auto Mall.

Chairman Mike Brackett asked about whether the Dunkin Donuts in the proposed development was separate from the owners off Orchard. Elshafei stated he believes it's in addition to the Dunkin off Orchard and not replacing it.

ADJOURNMENT

Motion to adjourn made by Commissioner Tuohy and seconded by Commissioner Lenkart. All in favor. **Motion approved.**

Respectfully Submitted,

Jessica Watkins
Village Clerk

DRAFT

Staff Report to the Village of North Aurora Plan Commission

Prepared By: Mike Toth, Community & Economic Development Director

Petition Number: 21-11

Hearing Date: December 7, 2021

Petitioner: Village of North Aurora

Request(s): Amendment to Chapter 12.3 of the Zoning Ordinance to allow solar collection panels to locate on any residential roof plane

BACKGROUND

In December 2018, the Village Board approved text amendments to the Zoning Ordinance pertaining to solar collection panels. Prior to the approval of the text amendments, there was a limitation on covering no more than twenty-five (25) percent of the roof area with solar collection panels. Staff notes solar panels were not permitted on the front roof plane so they would not be visible from the street, regardless of the amount of roof coverage. As part of the approved text amendments, the twenty-five (25) percent limitation was removed and a provision was also added prohibiting solar panels from facing the corner side yard. As a result, solar panels cannot be located on the front roof plane or roof plane pitched towards the corner side yard. The intent was to reduce the visual impact from the right-of-way while offering residents greater flexibility to place solar panels on areas of the roof not facing front and corner side streets.

At that time, some Plan Commission members and Village Trustees stated that they had no issue with allowing solar collection panels covering 100% of the roof as the benefits of solar energy as a renewable energy source have positive environmental implications. Others members were comfortable with the proposed amendments, but cited lowered property values with an increased amount of solar panels that would be visually present in a neighborhood. Staff subsequently reached out to an area assessor's office inquiring about the impact that solar panels have on property values. According to that assessor's office, solar panels (on any roof plane) do not have a positive or negative impact on a property or its neighboring property(s).

The Village was recently approached by a resident wanting to place solar collection panels on a roof plane where they are not permitted. The Village Board directed staff to revisit the solar panel provisions for a future discussion.

In order to accommodate the request, staff prepared a draft ordinance allowing solar collection panels to locate on any roof plane and presented the information to the Village Board at their November 15, 2021 Committee of the Whole meeting. The Village Board was supportive of the proposed text amendment.

VILLAGE OF NORTH AURORA



VILLAGE OF NORTH AURORA
KANE COUNTY, ILLINOIS

Ordinance No. _____

**ORDINANCE AMENDING TITLE 17 OF THE NORTH AURORA CODE REGARDING
SOLAR ENERGY COLLECTION PANELS**

Adopted by the
Board of Trustees and President
of the Village of North Aurora
this ____ day of _____, 2021

Published in Pamphlet Form
by authority of the Board of Trustees of the
Village of North Aurora, Kane County, Illinois,
this ____ day of _____, 2021
by _____.

Signed _____

VILLAGE OF NORTH AURORA

ORDINANCE NO. _____

**ORDINANCE AMENDING TITLE 17 OF THE NORTH AURORA CODE REGARDING
SOLAR ENERGY COLLECTION PANELS**

(Petition #21-11; Text Amendments to the Zoning Ordinance)

WHEREAS, the Village of North Aurora maintains a Zoning Ordinance which is found in Title 17 of the Code of North Aurora, Illinois; and,

WHEREAS, the Community and Economic Development Director has identified and recommends text amendments to the Zoning Ordinance as set forth herein; and,

WHEREAS, a public hearing to consider text amendments to the Zoning Ordinance has been conducted by the Village of North Aurora Plan Commission on December 7, 2021 pursuant to appropriate and legal notice; and,

WHEREAS, the Plan Commission has filed its recommendations with the President and Board of Trustees recommending approval of the text amendments described herein; and,

WHEREAS, the President and Board of Trustees find that the findings and recommendations of the Plan Commission are reasonable, consistent with the general goals and purposes of the Zoning Code and are in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

SECTION 1: The recitals set forth above are adopted and incorporated herein as the material findings of the President and Board of Trustees.

SECTION 2: Title 17, Chapter 12, Section 12.3.H of the Code of North Aurora, Illinois is hereby amended, as follows:

12.3 - Accessory buildings, structures, and uses.

....

H. Solar Energy Collection Panels and Solar Water Heating Systems.

1. Solar panels shall be permitted on any roof in any zoning district as permitted accessory uses. Solar panels shall only be permitted on the roof of a building or structure, unless otherwise specified in the subject zoning district.
2. Solar panels may be located on any roof plane. Solar panels shall be flush with the roof line when possible, and shall not be elevated more than thirty (30) degrees off the roof pitch where it is attached or no more than five feet, whichever is less. Solar panels shall not extend beyond the roof line. ~~Solar panels shall not be located on any front entry roof elevation or on any roof elevation~~

VILLAGE OF NORTH AURORA

~~that is pitched towards a corner side lot line, except as provided in subsection 3 below.~~ Solar panels ~~may cover up to one hundred (100) percent of~~ may be located on the roof of nonresidential buildings provided that they are fully screened from view on all sides of the building as viewed from ground level and all other rooftop access objectives are still met.

3. Solar shingles may be located on any roof ~~shall be permitted to cover any amount of a roof without the location limitation in subsection 2 above~~ provided that they are incorporated into and made to appear as part of the roof, continuous in area without gaps, rectangular in shape and do not cause glare to reflect on to neighboring properties.
4. All frame and visible structural parts of a solar panel shall match the roof color. No solar panel shall be artificially lighted.
5. A building permit shall be required prior to erecting any solar panel. Mounting for such systems shall be in conformance with all electrical codes and building codes to ensure wind and weight loading requirements are met. Plans shall be stamped by a licensed structural engineer and by a qualified inspector for such installation.
6. An emergency direct current disconnect switch shall be provided in an accessible location near the electric meter to shut off such system in the event of an emergency.
7. Solar collection systems shall maintain operable status and be kept in good aesthetic and structural condition.
8. Solar panels shall be primarily used to generate energy for the property where it is located.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance, or any part thereof. The Village Board of Trustees hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 4: This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois
this ____ day of _____, 2021 A.D.

VILLAGE OF NORTH AURORA

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this _____ day of _____, 2021, A.D.

Mark Carroll _____

Laura Curtis _____

Mark Guethle _____

Michael Lowery _____

Todd Niedzwiedz _____

Carolyn Salazar _____

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this _____ day of _____, 2021, A.D.

Mark Gaffino, Village President

ATTEST:

Jessi Watkins, Village Clerk