

**F. OLD BUSINESS:**

1. Reconvene the public hearing for Naper Commons located on Lot 4 at the northwest corner of Naperville and Warrenville Roads, Naperville, PZC 20-1-086

A motion was made by Commissioner Robbins, seconded by Commissioner Richelia to resume the public hearing for PZC 20-1-086.

Aye: Athanikar, Bansal, Habel, Hanson, Losurdo, Richelia, Robbins, Van Someren

Public Testimony:

Staff read names submitted in support or opposition and the written comments which were received through the online speaker sign up prior to the December 16, 2020 and February 3, 2021 meetings into the record.

Russ Whitaker, Rosanova and Whitaker, Ltd. provided an overview of the changes made to the plans since the December 16th, 2020 PZC meeting.

Mark Daniel, Daniel Law Office, P.C. spoke on behalf of his clients who reside in Fairmeadow Subdivision, Jeffrey and Jan Banowetz, James and Sandra Butt, Tim and Karen Feldballe. The concerns raised included lack of open space within the proposal, use of the berm, stormwater issues including the Danada-Hesterman drain impact, proposed landscaping, density and roadway connections.

Joe Suchecki, raised concerns with the proposed land use and lack of open space.

Kenneth Schmidt, raised concerns with the proposed density and lack of open space.

Jen Banowetz, concurred with Mark Daniel's comments.

Bob Rubens, requested the plan be revised finding the current proposal would significantly impact the surrounding neighborhood.

Cynthia Smith Esq., legal counsel for Nokia of America Corporation, spoke in regards to the berm requesting the neighbors do not use the berm without consent from Nokia given it is on private property.

Dean Grant requested the townhomes be removed from the plan.

Commissioner Losurdo asked Joe Suchecki for clarification on the letter from

the Forest Preserve District of DuPage County regarding state level review. Mr. Suchecki clarified the IDNR review is outdated given the bald eagle nest was not there at the time of IDNR consultation.

Commissioner Bansal requested the City engineer provide an overview of the stormwater review. Ray Fano, City of Naperville Project Engineer provided the history of the stormwater concerns on the property and review of the plans. Chairman Hanson requested clarification on the 39th street, Mr. Fano clarified there is no connection proposed with 39th street in this plan, but the right of way will be dedicated allowing for a roadway connection in the future if desired.

Commissioner Athanikar asked the petitioner if the setback variances were eliminated if the density would be reduced. Mr. Whitaker clarified the density did not drive the requested variances.

Commissioner Bansal and Chairman Hanson raised concern with the proposed density, Chairman Hanson raised concern with the requested eaves variance. Commissioner Robbins requested an updated review from the IDNR.

Russ Whitaker called upon the petitioner's expert witnesses to respond to questions. Greg Sagen, Signature Design Group Inc., responded to the tree replacement ratio inquiry and clarified invasive species are banned and will not be included in the residential development. Christopher Morgart, Cemcon, provided details on stormwater drainage plan. Javier Millan, KLOA Inc., responded to questions on the traffic study. Peter Pluskwa, Cemcon, described the proposed open space meets the PUD requirements for open space. Rob Getz, Pulte Group, provided details on the population generated from this proposal and described the vision for the proposal.

A motion was made by Commissioner Van Someren, seconded by Commissioner Bansal to extend the meeting to 11:30 PM.

Aye: Athanikar, Bansal, Habel, Hanson, Losurdo, Richelia, Robbins, Van Someren

Chairman Hanson asked staff to clarify position of support which changed from the December 16th, 2020 PZC meeting. Erin Venard, City of Naperville Project Manager, stated staff did not support the prior preliminary PUD plat proposal since it only provided the minimum required open space. Ms. Venard clarified the revised proposed added amenities including landscape buffers which increased open space and provided for a more creative development.

Commissioner Van Someren requested a larger buffer be provided from the Forest Preserve. Commissioner Losurdo requested the full cutoff light shields be provided as requested by the Forest Preserve District of DuPage County.

A motion was made by Commissioner Van Someren, seconded by Commissioner Losurdo to extend the meeting to 12:00 am.

Aye: Athanikar, Bansal, Habel, Hanson, Losurdo, Richelia, Robbins, Van Someren

A motion was made by Commissioner Bansal, seconded by Commissioner Robbins to close the public hearing.

Aye: Athanikar, Bansal, Habel, Hanson, Losurdo, Richelia, Robbins, Van Someren

Commissioner Bansal has concerns with the proposed density and use and is not in support of the project. Chairman Hanson, Commissioner Athanikar, Commissioner Richelia, Commissioner Robbins echoed these concerns. Commissioner Losurdo and Commissioner Habel expressed support. Mr. Whitaker requested clarification from the Commission on the desired revisions. Chairman Hanson requested verification from staff on next steps. Pat Lord, City of Naperville City Attorney, stated the Commission may make minor recommendations on the proposal to City Council, however, the revisions are more significant than minor recommendations and would need to reopen the public hearing in order to continue the case and consider a revised plan.

Chairman Hanson requested further separation and fewer lots along the east to the west of the development. Commissioner Van Someren requested a larger buffer between the development and the Forest Preserve.

A motion was made by Commissioner Habel, seconded by Chairman Hanson to reopen the public hearing for PZC 20-1-086.

Aye: Athanikar, Bansal, Habel, Hanson, Losurdo, Richelia, Robbins, Van Someren

**A motion was made by Commissioner Van Someren, seconded by Commissioner Losurdo, to continue the public hearing for PZC 20-1-086 to the March 17th PZC meeting.**

**Aye:** 8 - Athanikar, Bansal, Hanson, Losurdo, Habel, Van Someren, Robbins, and Richelia

**Absent:** 1 - Fessler

- 2. Reconvene the public hearing for the Islamic Center of Naperville located at 3540 248th Avenue (ICN) - PZC 20-1-052

**A motion was made by Commissioner Bansal, seconded by Commissioner Van Someren, to continue the public hearing for PZC 20-1-052 to the February 17th PZC meeting.**

**Aye:** 8 - Athanikar, Bansal, Hanson, Losurdo, Habel, Van Someren, Robbins, and Richelia

**Absent:** 1 - Fessler

**G. NEW BUSINESS:**

**H. ADJOURNMENT:**

11:52 P.M.

**A motion was made by Commissioner Bansal, seconded by Commissioner Van Someren to adjourn the meeting.**

**Aye:** 8 - Athanikar, Bansal, Hanson, Losurdo, Habel, Van Someren, Robbins, and Richelia

**Absent:** 1 - Fessler

**Comments Received Through Online Speaker Sign Up for PZC 20-1-086  
(Submitted prior to the 12-16-2020 and 2-3-2021 PZC meetings)**

Eileen and Bruce Berg	We feel this project is way too large for the area. Very dense - light pollution - increased traffic and possible damage to the beautiful ecosystem is a very big concern.!
Katie Watson	The Naperville City Council and the Planning Commission have been given the responsibility to be good stewards of the community, but this project endangers valuable community space and painstakingly preserved natural wildlife. Construction, development, and residence of this space critically endangers the lives of local great blue heron and eagle populations, as well as the welfare of the wetlands in general. These spaces are vital to community identity and more important than ever to the community during the pandemic. Do not endanger this space by selling neighboring land to unnecessary developers.
Luca Bolla	I find it deplorable that the city of Naperville would even consider such a project when the risks to the surrounding, already frail, environment are this obvious and predictable. The Herrick Lake and Danada Farm Forest Preserve is a rare example of conservation in an urban area such as Naperville and provides a place for one to feel closer to nature. This proposal would take this refuge away from the people of Naperville and most importantly would endanger the already unstable and dwindling ecosystems of the preserve. I implore the board to see reason and cancel this proposal.

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Lynn Cotteleer	<p>I have received information from Pulte, the Naper Common developer with regard to its plans for the development of the Nokia property adjacent to the Danada Woods subdivision where I live. After considering the information provided by Pulte and reading the response to the proposed development submitted by the Danada Woods Homeowners Association dated December 8, 2020, I felt it very important to offer my individual comments on the proposed Naper Commons development. I reside at 1330 Danada Court. The townhomes that are proposed to be constructed as part of the Naper Commons development will be built directly behind the building where I live. At present, there is a barrier of trees and bushes which provides a natural buffer between the Nokia property where the townhomes are to be built and Danada Woods. As I understand it, Pulte proposes to build as many as 30 townhomes on the slender strip of land on the other side of the natural buffer that now exists. However, because of the number of proposed townhomes, and the placement of the townhomes, the natural barrier that now exists will be substantially, if not entirely, lost and will result in the encroaching view of townhomes that do not appear to be built with construction materials, spacing, and amenities comparable to our townhomes, and will have a substantial effect in reducing the value of my townhome and other townhomes similarly situated. The principal location of the homes to be built that will have the greatest value to Pulte will apparently be built on that portion of the Nokia property that will not have the impact on the Danada Woods Subdivision that the above-proposed townhomes will have. For this reason, I wish to strongly support the concerns expressed by the Danada Woods Townhome Association letter dated December 8, and in particular the concerns expressed in Item No. 1 of that letter. Squeezing in 30 townhomes on a small parcel of land which would undoubtedly result in construction that would be different in tone, appearance, character, and value from the rest of the development solely to “utilize” that particular parcel at the expense of the values and established amenities of the Danada Woods Townhomes, seems to me to argue strongly for the elimination of that part of the Pulte development plan. The economic value of the proposed townhomes to Pulte would seem to be relatively nominal given the overall proposed size of the development, especially when contrasted with the corresponding damage they would do to the established environment enjoyed by the Danada Woods Subdivision as well as the value of the affected Danada Wood townhomes.</p>
Candi Rubens	I oppose the proposed Pulte development unanswered questions regarding environmental impact,density,fire safety, and traffic.
Keith Carlson	Opposition

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Albert Benda	I oppose the number of townhomes to be constructed adjacent to Danada Woods; the lack of fencing and landscape that will separate the developments from Danada Woods; the variance requested for yard setbacks; and the reduction in masonry requirements. I request that the City design requirements be met for Lucent Lane and that the emergency access easement across Lot 4 never become a through street access point.
Donald Wenig	As one of many frequent runners, bikers and walkers at adjoining Herrick Lake, this dense proposed development would simply ruin the environment as well as disturb the wildlife. With more and more people enjoying this treasured place given COVID, this proposed development would be a major mistake.
April Hajek	Thank you all for your time, I can see that this agenda is important to you , I live here and is very important to me. I have a great concern for the lack of respect for the open space and loss of useable space , not only for our area but also for the new development. The current proposal will destroy much of the natural beauty, green space and some very old trees that add so much benefit for everyone on either side, natural views and beauty, natural sound barrier. There will be nothing special about this development to distinguish it from any other, no real open space. While the park area proposed is beautiful, it is about 2 acres, considering the density of the project ,that is truly not much active, real useable space. My view will be one of many building walls, from back yard I will almost surrounded by townhomes, instead of the current beauty of a very old tree stand and open space. I believe Naperville can do better. While I do think a bike path or walking trail is fine ,I am firmly opposed to any vehicular traffic on 39th street, it a very narrow road with out sidewalks curbs, or lights. Thank you for your consideration, April Hajek
Susan Korn	I am opposed
Laura Burton	I do not support any variations to building materials, setbacks or density. I support each and every item on the letter from the Danada Woods HOA. I have huge water concerns as I walk that path to Herrick lake multiple times per week for the last 3 and a half years and have seen the water issues under many different scenarios
Jason Goldstein	Please refer/ read PDF letter, sent 12/9/2020 (ATTACHED)
Lauren Wenig	I am OPPOSED to Naper Commons located on Lot 4 at the northwest corner of Naperville and Warrenville Roads. Developing living units near & visible within Herrick Lake will be disruptive to the nature and those animals & humans that enjoy it. There are few protected pieces of nature in Naperville and its surrounding areas. It's important that these natural habitats are preserved for enjoyment of humans and the livelihood of the animals & organisms today and in the future.

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Melody Fliss	<p>Thank you for the opportunity to express my concerns of this proposal. I am opposed to the expansion of 39th Street as a safety concern for all the small children that play in the area and elderly individuals that walk in the neighborhood. Our area does not have sidewalks or street lights and we don't want them. We are a small quiet neighborhood that enjoy the beautiful views of the sunsets and trees from the west as well as the random wild turkeys and deer that visit us from time to time. The majority of individuals in the neighborhood use the trails in the forest preserve for the pure enjoyment and serenity it provides. We all enjoy the ability to walk and ride our bikes without the fear of being hit by a car. I am opposed to the removal of the berm. The berm provides a great deal of noise reduction and privacy from cars and street lights from the parking lot. The berm maintains the integrity of our neighborhood as a laid back country-like setting. The density of the units will block our views of the trees and sunsets and change the makeup of this area from a country-like setting to a urban setting. The main reason I purchased my home here was for that country-like atmosphere. I hope you take these into consideration when making your decisions regarding the area I have lived for the past 19+ years and have felt blessed to have found such a wonderful peaceful place to call home.</p>
Bill Simon	<p>The proposed Naper Commons will put a large housing development right up to the boundaries of the Herrick Lake and Danada Forest Preserves. The proposed lots will have the houses literally a stone's throw from the trails that many walkers, runners, and bikers enjoy. Additionally, our forest preserves provide habitat for many native species of birds. All of this new lawn will impact the population of natural and beneficial insects that our native birds need for food. This development should include a green border adjacent to the forest preserves. This will require that less living units be included.</p>



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<p>Venessa Sherman</p>	<p>I implore you to oppose the proposed development of land behind and near the Nokia building off of Naperville and Warrenville Roads next to Herrick Lake and Danada Forest Preserves. The encroachment on Naperville's wild spaces needs to be curtailed at some point. The fact that a commercial building already exists in this area should be a hard line as to further selling off of our open spaces. Does Naperville really need 250+ homes in this area? We need open spaces protected and preserved so that all taxpayers and residents can enjoy them. If anything, the Covid issue has brought this concern front and center. Open spaces are necessary for our wildlife, our clean air, for us and for our children. Allowing additional development of land getting perilously close to forest preserves which many of us frequent is short-sighted and not warranted. Please oppose this sale of public land to yet another developer. Of 180+ "healthy" trees on this plot, Pulte is only going to save 17?! Way too dense, way too little open space, way too little consideration given to the natural land and value of open spaces. Thank you.</p>
<p>Smayan Vishnu</p>	<p>I would like to oppose the proposed high-density development because the site is too close to multiple Forest Preserves and I believe this will disturb the ecosystem in the area. I also do not believe that this development will meet Forest Preserve District of DuPage County's code for Preserving Open Spaces because this development impacts a high-quality natural area and also impacts habitats which are at risk of being lost.</p> <p>In addition, I also believe that this high density plan will add significant traffic congestion to the already busy arterials like Naperville Road, Ogden Ave.</p> <p>I kindly request the City to reject the proposal as I believe this project fails to live up to the standards that have been put in place to protect both the environment and the overall quality of life in DuPage County.</p>

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<p>Lori A Melhart</p>	<p>I live at 1342 Danada Court in Danada Woods. I strongly object to the Pulte track housing project for many reasons including the environmental impact, property values and general reputation of the city. Environmental Impact This project is very high density. There will be hundreds and hundreds of people adding to congestion. There will be a huge influx of traffic in this already very busy area. This will reduce wildlife habitats and disrupt the peace and quiet of this area. There are eagles, Canadian Geese and other species that will be disturbed or even in danger due to this project. What is the progress with the environmental impact study we asked for months ago? Why not do a study? The DuPage County Forest Preserve is against this project! Why not sell the land to them to avoid such a devastation to our wildlife? In addition, they are planning to build right over flagged and protected wetlands that are illegal to build on.</p> <p>General Reputation of the City and Property Values This project is being build to an excessive scale out of proportion to the area. Pulte builds track houses that are built solely for the highest profit margin. That affects our property values and the reputation of Naperville which is starting to be considered a "zip code" city. Further, this project eliminates the existing protective barrier of woods and natural growth between neighborhoods, and between Danada Woods and the I88 tollway which is both a privacy issue, noise and property value issue. In addition, the risk of flooding is high and there will be stormwater problems as the creek that runs underground will not be taken care of and instead build upon. Creating a floodplain neighborhood is incredibly irresponsible and impacts our property values and affects our reputation, as well. Thank you in advance for continuing to do the tough job of protecting Naperville's best interests, even when a lot of money is on the line.</p>
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Deborah Venezia

Dear Mayor Chirico and members of the Naperville Planning and Zoning Commission: Once again, I am writing to express my strong opposition to the proposed rezoning of Lot 4 of the Nokia Campus to accommodate Pulte Home Company's Naper Commons. I was most dismayed when none of the letters in opposition to the project were read into the record on December 16, thus leaving us without a voice. We were silenced by the over two-hour sales pitch from Pulte's representatives who repeatedly touted their plans for a creative design with an urban feel. This concept appears to be counterintuitive: wouldn't a builder want to showcase the bucolic setting and work with the natural surroundings? Wouldn't families prefer a glorious wooded view from their windows instead of the view of the sided wall of their neighbor's house? Pulte proposes rows and rows of frame houses built so closely together that homeowners, left without a backyard, would have to barbeque in the front. Perhaps another builder could envision a better plan for this prime property – one that would embrace the beauty of a forest preserve setting, not destroy it. The residents of the immediate community sought out this area because of its peaceful tranquility. We don't want to lose that which drew us here. In a show of good sportsmanship, Russ Whitaker, an attorney for Pulte Homes, told NCTV 17 that the Pulte group has been in discussions with neighbors and has updated its site plans to help alleviate some concerns. "We lost units and we've increased costs in order to make this happen," said Whittaker. He then said the original number of 241 residential units for the project has been reduced to 239. It is hard to imagine that a reduction of less than one percent of the project's scope will make an impact of any kind. We will still be facing a high-density housing development that will compound traffic problems, destroy local wildlife habitat, kill countless mature trees, cause stormwater issues, and drive down the property values in the existing neighborhoods. Instead, I am submitting the following viable revisions for consideration:

- Create a reasonable buffer adjacent to the forest preserve by eliminating the undersized Lots 62-79. This would create more of an open space and help to maintain the integrity of the blue heron rookery.
- Eliminate the density created by the townhouses in Outlot H, and instead plant trees and greenery to create an "open space centric" entryway into the development. This will not only increase the perceived value of the project, but also generate a welcoming ambiance for guests and residents.
- Decrease the overall density of the project to reduce traffic in and out of the proposed development and on Naperville Road.
- Preserve the L-shaped berm area as an open space transition between the proposed development and forest preserve as well as a buffer to the existing small neighborhood. This connected small berm space has become a safe corridor for wildlife and will act as a buffer for all residents, new and existing.
- Allow a 15-foot vegetated buffer behind lots 148-152, similar to that behind lots

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	<p>137-147.</p> <p>As Naperville citizens, taxpayers, community members, neighbors and friends, we ask the members of the Planning and Zoning Commission to please take our voices into consideration when placing your vote on Pulte Home Company's proposal. Thank you for your continued service and support of our community.</p> <p>Sincerely, Deborah Venezia</p> <p>[REDACTED]</p> <p>[REDACTED]</p>
Virgil Banowetz	<p>We understand the Naperville Planning Commission is about to hear and possibly approve a plan by Pulte Homes to build houses surrounded by the Danada Forest Preserve and Herrick Lake. This is acceptable as long as it is not excessive. However, what is now on the table is excessively destructive to trees, wildlife habitat, and neighborhood harmony. For example, the plan to destroy the trees near the berm is very unfriendly to the environment. When these trees are replaced by buildings, it has a high impact on the neighborhood in terms of green space lost. Also, trees destroyed cannot be mitigated without a heavy load on resources such as water. If the berm could remain as is or be covered by a trail winding about the existing trees, it would preserve green space, offer an attractive environment to walk about the new neighborhood, preserve the harmony with the existing neighborhood, and enhance the property values on both sides. An additional trail connecting to the Equestrian Center would add additional appeal. Another point we'd like to make is that we love Naperville because of its open spaces like the many Forest Preserves where you can go for a walk or bike ride, see wildlife and birds and enjoy nature without having to drive hours to get to such a place. We would hate to see Naperville become just another suburb packed with houses, traffic and all the pollution they cause. We think this housing development has way too many houses and is not in keeping with the Naperville we know and love. We ask the Commission to seriously consider the effects the proposed development will have on our community if it goes ahead as planned. You are here to support our community, not to help developers become rich at our expense. Thank you for listening to our concerns.</p>

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<p>Mary Beth Nagai</p>	<p>RESUBMITTAL - UPDATED from 12.16 Comments</p> <p>Good Evening, The City Council and Mayor Chirico are in agreement that we need more affordable housing in Naperville and have started working on recommendations to make that possible, including an Inclusionary Zoning Ordinance (IZO). However, in the Affordable Housing Workshop on Sept 29, the Mayor expressed his belief that we can make “good progress” on affordable without an IZO.</p> <p>Naper Commons is the 2nd new housing development in the last few months to come before the PZC for approval. At the Nov 18 PZC meeting, there were public comments asking the Commissioners to request affordable units in CityGateWest, and those requests were ignored. Now we have Naper Commons with a mix of townhomes and single family homes in front of the PZC for a second time with no affordable housing units.</p> <p>Commissioners, do you feel that encouraging affordable units in these large housing projects is NOT part of your responsibility? If so, then please state so publicly from the dais. That will help bring clarity to Mayor Chirico about how unworkable the process is for getting affordable housing into Naperville without an IZO.</p> <p>Naper Commons, affordable housing WILL come up when you reach City Council and providing a plan for some units of affordable housing, as defined by state and federal laws, will show your support for the Mayor’s vision to increase affordable housing without an IZO.</p> <p>Thank you</p>
<p>Benjamin Rogers</p>	<p>Naperville Zoning and Planning Commission, I would like to thank you for our service to the city and the opportunity to be heard. I am a current resident of the Fairmeadow Neighborhood, and like my fellow neighbors and friends, I have concerns about the Pulte project that is being proposed next to our neighborhood. I understand that this area of land will be utilized at some point in time and there is no expectation that it will continue to stay as it is now. This has become very evident over the years with certain businesses or companies expressing interest. In my opinion, it seems that the best use of the land would be for residential use/homeowners. However, it would be incredibly helpful if Pulte and the Naperville Zoning and Planning Commission could help keep the integrity of our neighborhood that has been present for approximately 60 years. There has been previous discussions of 39th street and Naper Commons connecting in order to make our neighborhood another access, or cut through, to Naperville Blvd. This is still in the revised plans for Naper Commons and completely jeopardizes the safety of our neighborhood on many levels. As mentioned by previous homeowners of Fairmeadow, our small neighborhood does not have the infrastructure for this type of</p>

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	<p>traffic. There are no sidewalks, no street lights, no designated shoulders, and just enough room for two cars to pass. If these two roads were to connect it would completely change the environment and safety of our neighborhood in a very negative way. The density of this project is very concerning. A 27%-30% percentage of green space does not show a consideration for the adjacent forest preserve or our neighborhood. A solution that could help keep the integrity of our neighborhood would be to leave the existing berm. Pulte could also utilize this berm (conservation donation) as a show of good faith to our neighborhood and any future projects that could affect surrounding neighborhoods. This helps create a buffer for our neighborhood, increases the percentage of green space to more in line with the surrounding environment, and will only decrease the number of units within the project by a small margin. I respectfully request that the council take these concerns into consideration. As mentioned previously, I am open to having new neighbors but would like that to not be at the cost of the integrity and character of what drew us to the Fairmeadow Neighborhood. Thank you for your time, Ben Rogers</p>
Steven Paul	<p>Hello my name is Steve Paul Reading in the local news paper I noticed they are working on zoning at Naperville rd and Warrenville rd. it was not seen if any affordable housing is scheduled for the subdivision. Every affordable unit built in new subdivision is one less unit that has to be built in an existing neighborhood that is already zoned for Low Density</p>
Forest Preserve District of DuPage County	Request from Forest Preserve to read letter (ATTACHED)
Coleen Spain	Oppose
Deborah Venezia	Oppose
Muneeza	Oppose
Arnold Stolte	Oppose
Vic Bellisario	Oppose
Phyllis Betenia	Oppose
Joanne Szucko	Oppose
Willow Nagai	Oppose

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Bill Nestel	Oppose
Judy Leo	Oppose
Billy Nestel Jr	Oppose
Dan Smith	Oppose
Carolyn Wenig	Oppose
Robert Maleski	Oppose
Laura Burton	Oppose
Jennifer Kocan	Oppose
James Milobowski	Oppose
Evelyn Sherman	Oppose
Jill Lexier	Oppose
jayshree shah	Oppose
Ashwinkumar Patel	Oppose
Abhilash Trivedi	Oppose
Madan Bhatia	Oppose
Vijay	Oppose
Swaran Chopra	Oppose
hasu	Oppose
Shrikant Mohanty	Oppose
Srinivas	Oppose
Manoj Shelar	Oppose
Anil Kar	Oppose
Nitin Parepalli	Oppose

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Srinidhi Parepalli	Oppose
Kalyani parepalli	Oppose
Anil Parepalli	Oppose
Smayan Vishnu	Oppose
Indra Vishnu	Oppose
Vishnu Subramaniam	Oppose
Raj singh	Oppose
Ram B	Oppose
Vanamali Shetty	Oppose
Vick	Oppose
Dinesh Thakkar	Oppose
Ashwin patel	Oppose
Joanne Szucko	Oppose
Julian Szucko	Oppose
Tahira r sufi	Support
Iffat Rafiuddin	Support
Riaz Ahmed Sufi	Support
Kenyatta	Support
Imran Ahmed	Support
Iftikhar Ahmed	Support



TO: Naperville Plan Commission  
FROM: DuPage Wildlands  
RE: PZC #20-1-086, "Naper Commons"



This recent plan from PULTE homes, LLC has very serious drawbacks, the property is directly adjacent to a thriving Rookery of *Ardea herodias*, the "Great Blue Heron". They are Federally protected under The Migratory Bird Treaty Act(16 U.S.C.,703–712), henceforth, the "MBTA".

Constitutionally, this law overrides both State and Local regulations, and has been validated in *Missouri v. Holland*, and in a very recent case ruled on August 11, 2020, Federal Judge Valerie Caproni ruled upon contractors who sought to ease penalties on accidental or incidental disturbance of protected birds by the oil and gas industry and construction companies in the course of doing business. Homebuilders are just as liable.

Note that MBTA also grants full protection to any bird parts including feathers, eggs, and nests.

She opined: "There is nothing in the text of the MBTA that suggests that in order to fall within its prohibition, activity must be directed specifically at birds". Meaning construction or wetland modification with no "ill intent".

In the fall of 2014, PZC heard planners from the CSO, and the Rookery was documented then.

In winter of 2019, PZC heard from K. Hovnanian Homes, that also had a discussion about the nearby Rookery.

This month, during Pulte's Zoom meeting for locals, the presence of the Rookery was noted by them, albeit dismissively.

In fall of 2011, the Dupage Forest Preserve approached the owners in a bid to buy the land. The offer was rejected on price principals, the Corporate "stewardship" aspect was completely ignored, as was the fact that they own property falling under the MBTA's authority.

The Rookery has been geo-mapped this past Sunday. The water level is very high, alarmingly, it goes to within 30 feet of Nokia land. As does Heron's nests, they are Incredibly close of the west side now, unlike back in 2011 where they were more centrally located.

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-Rookery facts-

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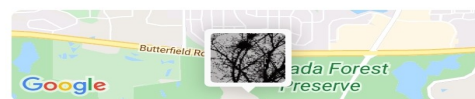
*North side: 2 nests*

*East side: 12-13 nests* ( abandoned or under construction causes difficulty counting)

*West side: 5 nests, 3 of which are almost on the Nokia property line.*

Date December 6, 2020 4:20 PM  
Size 22.33 MB | Resolution 1280x720  
Duration 0:15  
Path /Internal storage/DCIM/Camera  
Title 20201206\_162012.mp4

**LOCATIONS**



Unnamed Road, Naperville, IL 60563, USA

Naperville's comprehensive master plan, first adopted in 1960, whose north(east) sector plan was finalized 3/18/1999 has never taken into account the rare resource the vacant land can provide, and should be revised. *It itself states:* "A Tri-Party Agreement for open space has been adopted by the City of Naperville, Naperville Park District, and the Forest Preserve District of DuPage County"

Ms. Wherli, Dupage Forest Board member was present during the K. Hovnanian Homes meeting, as was Mr. Murphy

Mr. Murphy is responsible for the rookery boundaries, has he been contacted? Again, the *Master Plan* states: "Parks and Open Space. Recreation is a vital element to daily living; the provision of a complement of public parks and recreational facilities, in accordance with up-to-date standards, is a community responsibility, and thus, is an essential element of this plan. Quality parks and recreational facilities for both active and passive activities contribute to the health, relaxation, and community spirit.."

Rather than get embroiled in contentious hearings, which can certainly lead to US Fish and Wildlife interventions, It's time to take a fresh look at possibilities:

The agency would love to work with more 'urban' projects!

The Federal North American Wetlands Conservation Act (NAWCA) grants increase bird populations and wetland habitat, while simultaneously supporting local economies.

In the past two decades, the North American Wetlands Conservation Act has funded over 3,000 projects totaling **\$1.83 billion in grants**.

More than 6,350 partners have contributed another **\$3.75 billion** in matching funds to affect 30 million acres of habitat.

—*SouthEast MI: Date approved* **09/09/2020**

—*Grant Award Amount* **\$1,000,000.00**

—*Proposed Match Amount* **\$2,443,581.00**

—*Joint Venture* GREATLAKES

—*Bird Conservation Region* BCR

This is winning for all stakeholders, while building a legacy for Naperville that is, frankly, unmatched in the region. Certain infrastructure is in place ( roads, stoplights, berms to direct visitors, very close proximity to everything, utilities if needed

Look at how Lisle has built upon its association with the Arboretum. Not a single outsider can recall any development built in the village, but everyone knows about IBC and Morton. Partner with DuPage Forest preserve, the Fish & Wildlife Service, The Conservation Foundation, and others. Lake Renwick, in Will county, had an old quarry that now draws thousands to its preserve. The same thing can be done here. We urge you think forward, and reject this liability proposed by Pulte.





**Forest Preserve District  
of DuPage County**

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Wheaton, IL 60189

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TTY 800.526.0857  
dupageforest.org

Sent via email: [Planning@naperville.il.us](mailto:Planning@naperville.il.us)

February 2, 2021

Bruce Hanson, Chairman  
Naperville Planning and Zoning Commission  
City of Naperville  
400 S. Eagle Street  
Naperville, IL 60540

Re: Public Hearing - PZC Case #20-1-086 - Pulte Home Company, LLC  
1960-2000 Lucent Lane, Nokia campus  
PINs: 05-32-300-014, 08-05-207-036  
Underlying PINs: 05-32-300-012 (pt.) and 08-05-207-034 (pt.)

Dear Mr. Hanson,

On December 7, 2020, the District received a Public Notice regarding Pulte Home Company's petition for approval of: a Major Change to PUD; a PUD Plat for development of Naper Commons; and Conditional Use to permit single-family attached dwelling units in the R2 Zoning along with several setback and encroachment deviations (variances). The District is aware that the aforementioned case was continued from the December 16 PZC meeting and will be presented at the meeting this Wednesday, February 3.

On December 16, the District submitted a letter to the Planning and Zoning Commission providing comments and concerns regarding the aforementioned Pulte development. On January 29, we received a letter from Pulte providing responses to our concerns, as well as revised site plans. After review of Pulte's responses and the revised plans, the District maintains its position on the development of the parcels identified above, and has the following comments:

The Forest Preserve District is concerned about stormwater runoff from the subject property, which is surrounded by Danada Forest Preserve to the north and east and Herrick Lake Forest Preserve to west. Both Preserves include ecosystems rated as Class III and IV (the Forest Preserve District's highest ratings). These Preserves include wetlands where many bird species, including Great Blue Herons, are known to nest. In fact, there is a Great Blue Heron rookery with many nests about 300 feet from the Nokia property line. Though stormwater basins are routinely incorporated into design plans, they have the potential to damage ecosystems when heavy rain events send invasive plants (seeds), fertilizers, pesticides, salt, and chemical runoff from pavement into the neighboring wetlands.

The use of plant species that are non-native to the Chicago Region have a direct negative impact to natural areas, and are considered both exotic and invasive. The use of hybrids and cultivars is strongly discouraged and the Forest Preserve District requests that only native species known to the Chicago Region be used for all landscaping plants. Pulte has acknowledged a willingness to use native plant species, but only in certain areas of the development. Plant seeds and pollens are easily spread by wind, animals, and runoff, so again we encourage the use of only native plant species known to the Chicago Region.

Numerous studies have documented that light pollution and artificial light at night has negative and deadly effects on amphibians, birds, mammals, insects and plants. Newer installations of street lights in nearby communities have adopted recommendations as set forth by the International Dark Sky Association and Dark Sky Society. We ask the Planning and Zoning Commission to heed these recommendations and require full cutoff shields on street lights and 0.1 foot-candle limits at property lines to protect our plant and animal neighbors.

Within the development, we ask the developer refrain from using asphalt sealants that contain coal tar products. There has been substantial research examining the environmental impact of these products on natural ecosystems. Coal tar sealants contain Polycyclic Aromatic Hydrocarbons (PAHs) which pose adverse threats to aquatic organisms, plants, and humans when subjected to long-term exposure. The DuPage County Environmental Committee has urged communities to prevent the use of coal tar in DuPage County. Less detrimental and more environmentally safe alternatives to coal tar products exist. While the District understands that the roads will be under the jurisdiction of the City, we ask that Pulte refrain from using coal tar products on any other surfaces within the development, including any trail connectors.

Keeping roads and sidewalks free of snow and ice is essential, however, the principal ingredient in road salt is chloride, which is negatively impacting our wetlands, streams, and the plants and animals that live there. Our requested use of "non-chloride" products may have been misleading. The District does use chloride products, not "sodium chloride or salt" products. The District uses chloride products such as calcium chloride and magnesium chloride as they are more environmentally friendly than sodium chloride (salt). We extend this request to not utilize sodium chloride on the public roadways. Ecological damage is often caused by over-application of products as well, so in addition to HOA Agreement language prohibiting use of road salt, we request that the developer include strict guidelines regarding the rate of application of products.

The Forest Preserve District is the Grantee of an easement for the section of the Hesterman Drain storm sewer that runs through the northern portion of the Nokia property, and the Forest Preserve District is responsible for maintaining this section. The developer's Site Plans show the re-routing of this section of storm sewer, and in Pulte's January 29 letter to the District, they state "... (Pulte) has the right to change the configuration of the stormwater management system... ". The District encourages the Commission to carefully review and consider the Hesterman Agreement and the related drainage studies prepared to characterize the complex drainage system which encompasses and affects a large area of land and many property owners both upstream and downstream of the subject property.

Specific to the Hesterman Agreement, the District believes the modifications to the Hesterman Drain as proposed are subject to approval by the District.

The Forest Preserve District objects to the placing of numerous residential lots adjacent to the Preserves and also the proposed reduced setbacks. The Forest Preserve District is concerned about encroachments by residential neighbors onto Forest Preserve District property (such as mowing, dumping landscaping waste, emptying rain gutters via drain tile, building structures, etc.) and can lead to destructive "foot trails" over Forest Preserve District property as residents access the Preserves. Pulte has proposed a 10' landscape easement along the residential lots adjacent to District property, with a split rail fence delineating the useable backyard and easement area. Proper management of the proposed easement must be maintained in perpetuity - failure to properly maintain the easement by way of prohibiting the establishment of non-native or invasive species would result in no net gain from the proposed easement. The easement agreement should include language identifying maintenance responsibilities, requirements, and restrictions on the use of the easement area. It is recommended that this language be included in the HOA Declarations, along with the use of herbicides and cyclical mowing to prevent the establishment of invasive species.

While the District appreciates the assistance along the property lines with invasive brush removals, we request a second meeting to discuss the goals and outcomes of such work and whether or not these vegetation barriers may serve as an additional screen for the nesting colonies in the adjacent wetlands.

Since the previous IDNR consultation, the presence and documentation of a nesting Bald Eagle pair has occurred. Therefore, we recommend consultation occur with the USFWS and again with the IDNR due to the proximity of the development to the nests.

Please consider this as the Forest Preserve District's request that this letter be read and entered into the public record at the February 3, 2021 Planning and Zoning Commission meeting. If you have any questions, please call me at (630) 933-7215.

Sincerely,



Ed Stevenson  
Executive Director

cc: Daniel Hebreard, President  
Forest Preserve District Commissioners  
Dan Zinnen, Director of Resource Management and Development