



Meeting Minutes

Planning and Zoning Commission

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Wednesday, July 19, 2017

7:00 PM

Council Chambers

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Note

**A. CALL TO ORDER:**

**B. ROLL CALL:**

**Present** 9 - Krishna Bansal, Brett Fessler, Carrie Hansen, Bruce Hanson, Vice Chair Sean Hastings, Anthony Losurdo, Andrew Margulies, Chairperson Kamala Martinez, and Robert Williams

**C. PUBLIC FORUM:**

Charlie Wilkins is one of the co-authors of the Nicholas Library landmark application and has concerns with the application review process. The case is appearing before the PZC on August 2 but has not yet been scheduled for Historic Preservation Commission Review. Mr. Wilkins is concerned this may influence the PZC review of the case.

**D. PUBLIC HEARINGS:**

1. Conduct the public hearing to consider a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code for the property located at 950 E. Ogden (Portillo's) - PZC 17-1-058.

Gabrielle Mattingly, Planning Services Team, gave an overview of the request.

Walter Sydor, spoke on behalf of the petitioner.

Public Testimony: None

PZC closed the public hearing.

The Planning and Zoning Commission stated the request was straightforward and improved safety at the property.

**A motion was made by Bansal and seconded by Hastings to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-058, a variance from Section 6-9-2 (Off Street Parking Facilities) and Section 6-9-6 (Supplemental Standards for Drive-Through Stacking Lanes) of the Naperville Municipal Code**

for the property located at 950 E. Ogden (Portillo's).

**Aye:** 9 - Bansal, Fessler, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, Chairperson Martinez, and Williams

2. Conduct the public hearing to consider a variance request to Section 6-2-12 (Fences) of the Naperville Municipal Code in order to construct a 15' tall fence along the western border of Ashwood Park North Unit 4 - PZC 17-1-062.

Gabrielle Mattingly, Planning Services Team, gave an overview of the request.

Russ Whitaker, attorney with Rosanova & Whitaker, spoke on behalf of the petitioner.

The PZC inquired about the height of the proposed fence. Whitaker responded that the fence is 15' in total and displayed pictures of the existing fence and the proposed fence. Whitaker noted that this section of Ashwood is not yet built out.

Public Testimony: None

PZC closed the public hearing.

The Planning and Zoning Commission was in favor of the request, finding that the fence will be a good barrier for the adjacent railroad tracks.

**A motion was made by Bansal and seconded by Fessler to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-062, a variance request to Section 6-2-12 (Fences) of the Naperville Municipal Code in order to construct a 15' tall fence along the western border of Ashwood Park North Unit 4.**

**Aye:** 9 - Bansal, Fessler, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, Chairperson Martinez, and Williams

3. Conduct the public hearing regarding property located at 1800 S. Washington Street (PZC 17-1-072) to consider a major change to the conditional use to grant a variance for the height of a fence.

Erin Venard, Planning Services Team, gave an overview of the request.

Mike Warfel, DPU-Water, spoke on behalf of the petitioner.

Public Testimony: None

PZC closed the public hearing.

The Planning and Zoning Commission supported the project and stated that the proposed wooden fence is an improvement over the current chain-link fence.

**A motion was made by Hastings and seconded by Fessler to adopt the findings of fact as presented by the petitioner and approve PZC 17-1-072, a major change to the conditional use to grant a variance for the height of a fence the property located at 1800 S. Washington Street, Naperville.**

**Aye:** 9 - Bansal, Fessler, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, Chairperson Martinez, and Williams

4. Conduct the public hearing for Avenida - Naperville located at the southwest corner of Mill Street and Commons Road, PZC 16-1-136 (Item 1 of 4).

Erin Venard, Planning Services Team, gave an overview of the request.

Russ Whitaker, Attorney with Rosanova & Whitaker, spoke on behalf of the petitioner.

The PZC inquired about the proposed crosswalks at the Mill and Commons intersection. Hynes responded that at least 3 of the 4 legs of the intersection will have a crosswalk.

Public Testimony:

Karen Courney is the co-chair of the Senior Task Force and is a co-founder of Ride Assist Naperville. Naperville has a shortage of reasonably priced senior living facilities and Avenida will fill that gap. Ms. Courney is in support of the project.

Justin Philpott is the President of Century Farms Homeowners Association. Mr. Philpott raised concern that the petitioner is requesting variances while Harbor Chase was able to comply with the City's zoning Code. The PZC discussed the variance criteria and noted that each case is considered on its own merit.

Jason Xi is the Vice President of Century Farm HOA and voiced concern about the parking variance. Mr. Xi stated that the proposed project will generate additional traffic on Commons Street.

Jason Copeland lives in Century Farms directly adjacent to the project and is in support of the development. Mr. Copeland finds this is a unique proposal that meets the standards for a variance.

Brendon McLaughlin is the president of the Cress Creek HOA. Cress Creek is concerned with stormwater but is confident that the City will handle any issues the project may generate. Other concerns have been addressed with the plan revisions.

Tim Ells is the President of the Board of Ride Assist Naperville. Mr. Ells stated that there is a growing need for senior housing and that he is in support of the proposal.

Ken Bochenski is on the board of the Cress Creek Townhomes HOA

and believes approval of this project will set a precedent for future development. Mr. Bochenski does not think the variances should be approved.

Dale Bryson is a resident of Cress Creek and has concerns with sewage backup in basements of Cress Creek homes. The project will create more issues with basement backups.

*The Planning and Zoning Commission took a 5 minute recess.*

Dick Furstenau is a resident of Creekside and stated that the PZC should reject the request for a conditional use in the OCI district because the OCI district is not meant for apartments. Mr. Furstenau noted that the proposal is under parked.

Carl Christensen is a resident of Cress Creek and is opposed to the project. The proposal does not fit the site and is only planned for the sole purpose of generating revenue.

Donald Yang is a resident of Century Farm and stated that the resident petition spoke to the overwhelming opposition of the proposal from Century Farm residents.

Carl Skrabacz is a member of the Naperville Senior Task Force and is in support of the project. The project would provide Naperville seniors an affordable and accessible place to live.

Petitioner responded to testimony.

Commissioners Bansal, C. Hansen, B. Hanson, Hastings, Losurdo, Martinez, and Margulies were in support of the project, finding that the petitioner worked with residents, staff, and the PZC on appropriate plan revisions. The Commissioners found the project to be a unique project that merited variance from the City's codes.

Commissioners Fessler and Williams did not support the project. Commissioner Fessler expressed concerns with the parking variance, finding that there was no hardship. Commissioner Williams stated that the OCI district was not appropriate and also had concerns with the proposed variances, finding a lack of hardship.

**The PZC closed the public hearing.**

5. Consider rezoning of the property located at the southwest corner of Mill Street and Commons Road (PZC 16-1-136) to OCI (Office, Commercial, and Institutional District) upon annexation (Item 2 of 4).

**A motion was made by Hastings and seconded by B. Hanson to adopt the findings of fact as presented by the petitioner and approve PZC 16-1-136, rezoning of the property located at the southwest corner of Mill Street and Commons Road (PZC 16-1-136) to OCI (Office, Commercial, and Institutional District) upon annexation.**

**Aye:** 7 - Bansal, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, and Chairperson Martinez

**Nay:** 2 - Fessler, and Williams

- 6. Consider a conditional use for multi-family dwelling units for the property located at the southwest corner of Mill Street and Commons Road, PZC 16-1-136 (Item 3 of 4).

**A motion was made by Bansal and seconded by Hastings to approve PZC 16-1-136, a conditional use for multi-family dwelling units for the property located at the southwest corner of Mill Street and Commons Road.**

**Aye:** 7 - Bansal, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, and Chairperson Martinez

**Nay:** 2 - Fessler, and Williams

- 7. Consider a variance to reduce the required lot area in OCI and a variance to reduce the required number off-street parking spaces for the property located at the southwest corner of Mill Street and Commons Road, PZC 16-1-136 (Item 4 of 4).

**A motion was made by Bansal and seconded by Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 16-1-136, a variance to reduce the required lot area in OCI and a variance to reduce the required number off-street parking spaces for the property located at the southwest corner of Mill Street and Commons Road.**

**Aye:** 7 - Bansal, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, and Chairperson Martinez

**Nay:** 2 - Fessler, and Williams

**E. REPORTS AND RECOMMENDATIONS:**

- 1. Approve the minutes of the June 21, 2017 Planning and Zoning Commission meeting.

**A motion was made by Bansal and seconded by Fessler to approve the regular meeting minutes of June 21, 2017. Motion was approved (vote 9-0).**

**Aye:** 9 - Bansal, Fessler, Hansen, Hanson, Vice Chair Hastings, Losurdo, Margulies, Chairperson Martinez, and Williams

**F. OLD BUSINESS:**

**G. NEW BUSINESS:**

**H. ADJOURNMENT:**

10:55pm