



Meeting Minutes

Planning and Zoning Commission

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Wednesday, July 15, 2020

7:00 PM

Held on Zoom due to COVID-19

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**A. CALL TO ORDER:**

**B. ROLL CALL:**

**Present** 9 - Manas Athanikar, Krishna Bansal, Brett Fessler, Bruce Hanson, Anthony Losurdo, Bill Habel, Oriana Van Someren, Whitney Robbins, and Andrew Margulies

**C. PUBLIC FORUM:**

**D. PUBLIC HEARINGS:**

Conduct the public hearing to consider a major change to the Naperville Crossings PUD to allow for deviations to permit a drive-through on Building 7 Lot 16 - PZC 20-1-044

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

Tim Goyette and Jared Gagliardo presented as the petitioners for the case.

Commissioner Losurdo and Commissioner Athanikar raised concern for approving a stacking space variance without identification of the tenant and asked if they had a data to support the number of stacking spaces. Tim Goyette spoke to marketability of the site and the lease requirements. Chairman Hanson questioned the timing of the variance. Mr. Goyette stated a variance requirement is a barrier when searching for tenants.

Public Testimony: None

Commissioner Bansal stated the current pandemic identifies a drive through as being more of a necessity and is therefore in support of the case.

A motion was made by Commissioner Losurdo, seconded by Commissioner Fessler to close the public hearing.

Aye: Athanikar, Robbins, Fessler, Bansal, Losurdo, Margulies, Habel, Van Someren, Hanson

**A motion was made by Chairman Hanson, seconded by Commissioner Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-044, a major change to the Naperville Crossings PUD to allow for deviations to permit a drive-through on building 7, lot 16 for the subject property located at 2736 Showplace Drive.**

**Aye:** 9 - Athanikar, Bansal, Fessler, Hanson, Losurdo, Habel, Van Someren, Robbins, and Margulies

Conduct the public hearing to consider sign variances for wall signs proposed for Target (PZC 19-1-105) located at 1951 W. Jefferson Avenue.

Scott Williams, Planning Services Team, an overview of the request.

Kevin Nowak presented as the petitioner for the case.

Chairman Hanson asked if the building would be painted. Kevin Nowak responded the building would be repainted.

Public Testimony: None

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

Aye: Athanikar, Robbins, Fessler, Bansal, Losurdo, Margulies, Habel, Van Someren, Hanson

**A motion was made by Commissioner Habel, seconded by Chairman Hanson to adopt the findings of fact as presented by the petitioner an approved PZC 19-1-105, sign variances to exceed the maximum allowable of 300sf for the north, south, and west elevations for the subject property located at 1951 W. Jefferson Avenue (Target).**

**Aye:** 9 - Athanikar, Bansal, Fessler, Hanson, Losurdo, Habel, Van Someren, Robbins, and Margulies

Remove PZC 20-1-043 from the July 15th, 2020, PZC agenda

Conduct the public hearing to consider a variance from Section 6-16-10 for the subject property located at 311 E. Ogden (Bill's Car Wash) - PZC 20-1-046

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

Karen Dodge presented as the petitioner for the case.

Commissioner Losurdo asked staff if alternative sign locations were looked into by staff or by the petitioner. Staff responded alternative locations were not researched, but staff would be willing to work with the petitioner.

Public Testimony: None

A motion was made by Commissioner Losurdo, seconded by Commissioner Fessler to close the public hearing.

Aye: Athanikar, Robbins, Fessler, Bansal, Losurdo, Margulies, Habel, Van Someren, Hanson

Chairman Hanson is not in support of the variance request finding the petitioner did not take advantage of the opportunity to work with City staff on alternative locations nor to investigate how the Grant Program might work. Commissioner Bansal concurs and would have liked to see other options.

Commissioner Margulies, Commissioner Robbins, Commissioner Van Someren and Commissioner Athanikar state there is a hardship on the property finding there are no alternative locations to place the sign.

**A motion was made by Commissioner Fessler, seconded by Commissioner Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-046, a variance from Section 6-16-10 to allow changes to the existing nonconforming pole sign for the subject property located at 311 E. Ogden Avenue.**

**Aye:** 7 - Athanikar, Fessler, Losurdo, Habel, Van Someren, Robbins, and Margulies

**Nay:** 2 - Bansal, and Hanson

Conduct the public hearing regarding proposed amendments to various sections of Title 6 (Zoning Ordinance) regarding Cannabis Facilities.

Allison Laff, Deputy Director of TED, gave a presentation on the Cannabis Facilities Text Amendment.

The Commission asked several questions to staff including: The Commission's role on the text amendment, requiring a conditional use, distance separation requirements including increasing the distance separation from residential properties to 500' and the effects on the increase, geographical dispersion of the dispensaries, the cap to the number of permits, other municipalities separation requirements, parking requirements and enforcement, and the potential square footage of the cannabis businesses.

Public Testimony:

Gabrielle Mattingly, Planning Services Team, read written comments which were submitted into the record.

Kenn Miller requested conditional uses be required, revise and limit the number of zoning districts which will allow the cannabis uses, and 1,000-foot

distance requirements for residential.

James R. Kreamer requested conditional uses be required, 1000-foot distance requirements for residential, and requirement of state and local licenses.

Jim Haselhorst felt the requests being discussed had already been properly vetted by City Council and during the workshop and is therefore, in support of the amendment as proposed recommending map option 1.

Becky Rudolph requested 1,000 distance separation distance from schools and requested a more detailed map.

Jennifer Taylor requested conditional uses be required, a 1,000-distance separation from residential areas and schools, and distance separations to apply to daycare, preschool and learning centers.

Kamala Martinez requested conditional uses be required, revise and limit the number of zoning districts which will allow the cannabis uses, and 1,000-distance separation for schools.

The Commission discussed hours of operation, additional security measures, and how issues on site would be regulated. Laff responded these items would be regulated by the State and the City would have authority over some exterior issues including parking and traffic issues, lighting or other performance issues, and crime. The Commission inquired if regulations could be put into place for hours of operation and further discussed requiring a conditional use. Laff responded the hope is to provide regulations in the code which are restrictive enough to eliminate any concerns while permitting the use by right and stated staff would look into the ability of restricting hours of operation. The Commission discussed requiring a traffic plan to alleviate traffic concerns.

Commissioner Bansal and Chairman Hanson requested a 500' separation map and that a conditional use be required. Commissioner Bansal requested a more restrictive number of zoning districts which allow the use, traffic control regulations, and requested the amendments be made and be brought back to the PZC for review. Commissioner Fessler and Commissioner Robbins felt the current text amendment has been vetted by the community and by City Council and did not find a revised version needed to be sent back to the Commission.

Chairman Hanson asked the Commission if they would be in favor of a conditional use. The majority did not find a conditional use should be required.

Chairman Hanson asked the Commission if they would be in favor of

restrictions on lines extending off-site or if they had any issues with the proposed number of parking spaces. The majority did not find restrictions on lines should be created and did not have any issues with the proposed number of parking spaces.

Chairman Hanson inquired if the Commission had any issues with the distance separation from the cannabis stores. The majority did not have any issues with the distance separations which are already provided by the state.

Chairman Hanson discussed limiting hours of operations. Commissioner Losurdo suggested the hours be limited to 8 am - 6 pm, weekend 8 am - 4 pm. Laff noted the CRTA rules may not be able to be modified. Commissioner Robbins noted 9 am - 7 pm hours of operation, 7 days a week seems to be consistent with existing facilities in Illinois. The majority of the Commission agreed with limiting the hours of operation.

Chairman Hanson discussed requiring a traffic control plan be submitted for the review and approval by City staff. The majority of the Commission agreed with the requirement. Chairman Hanson discussed the residential separation requirement and the majority of the Commission were in support of the 250' separation.

A motion was made by Commissioner Fessler, seconded by Commissioner Habel to close the public hearing.

Aye: Athanikar, Robbins, Fessler, Bansal, Losurdo, Margulies, Habel, Van Someren, Hanson

**A motion was made by Commissioner Habel, seconded by Commissioner Robbins to approve PZC 20-1-053, proposed amendments to various sections of Title 6 (Zoning Ordinance) regarding Cannabis Facilities, specifically including a 250' separation distance between residentially zoned properties and any Cannabis Dispensing Organization, requiring submittal of traffic control plan requirements, and limiting the hours of operation from 9 am – 7 pm.**

**A motion of substitution was made by Chairman Hanson, seconded by Commissioner Bansal to deny PZC 20-1-053, proposed amendments to various sections of Title 6 (Zoning Ordinance) regarding Cannabis Facilities, specifically including a 250' separation distance between residentially zoned properties and any Cannabis Dispensing Organization, requiring submittal of traffic control plan requirements, and limiting the hours of operation from 9 am – 7 pm.**

**Aye: Bansal, Hanson**

**Nay: Athanikar, Fessler, Habel, Losurdo, Margulies, Robbins, Van Someren**

**Motion in substitution fails. Commission votes on original motion.**

**Aye:** 7 - Athanikar, Fessler, Losurdo, Habel, Van Someren, Robbins, and Margulies

**Nay:** 2 - Bansal, and Hanson

**E. REPORTS AND RECOMMENDATIONS:**

Approve the minutes of the June 17, 2020 Planning and Zoning Commission meeting

**A motion was made by Chairman Bansal, seconded by Commissioner Losurdo to approve minutes of the June 17, 2020 PZC minutes.**

**Aye:** 9 - Athanikar, Bansal, Fessler, Hanson, Losurdo, Habel, Van Someren, Robbins, and Margulies

**F. OLD BUSINESS:**

**G. NEW BUSINESS:**

**H. ADJOURNMENT:**

9:59 pm

**A motion was made by Chairman Hanson, seconded by Commissioner Fessler to adjourn the meeting.**

**Aye:** 9 - Athanikar, Bansal, Fessler, Hanson, Losurdo, Habel, Van Someren, Robbins, and Margulies