



Meeting Minutes

Planning and Zoning Commission

Wednesday, July 19, 2023

7:00 PM

Council Chambers

TO WATCH OR LISTEN TO THE PZC MEETING LIVE:

- Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-Astound, Ch. 10 - Comcast, Ch. 99 - AT&T)
- Watch online at <https://naperville.legistar.com>

TO PROVIDE LIVE PUBLIC COMMENT, TESTIMONY, OR TO CROSS-EXAMINE WITNESSES DURING THE MEETING:

To address the Planning and Zoning Commission in-person during the meeting in City Council Chambers, members of the public must sign up in-person on the day of the meeting outside of City Council Chambers between 6:30 and 6:50 p.m.

TO SUBMIT WRITTEN COMMENTS OR MATERIALS:

1. You may submit written comments to planning@naperville.il.us in advance of the meeting. (Please note, because emailed written comments are available for advance review by the PZC, they will not be read into the record during the PZC hearing). Below are the deadlines for written comments provided in advance of the meeting:
 - Written comments received by 5 p.m. the Wednesday before the meeting will be included in the meeting packet sent to the PZC. This meeting packet is also posted on the City's website.
 - Written comments received after 5 p.m. the Wednesday before the meeting through 5 p.m. the day before the meeting will be emailed directly to the PZC, but will not be included in the PZC packet or posted online.
 - Written comments received after 5 p.m. the day before the meeting will be added to the case file.

PUBLIC ACCOMMODATION:

Any individual who may require an accommodation to listen to or participate in the meeting should contact the Community Services Department at (630) 305-5300 as soon as possible, but no later than by 5 p.m. on the day of the meeting.

PARTICIPATION GUIDELINES:

The citizen participation guidelines are outlined in 1-5-6-6: - CITIZEN PARTICIPATION of the Naperville Municipal Code.

- **ALL VIEWPOINTS AND OPINIONS WELCOME:** All viewpoints are welcome, positive comments and constructive criticism are encouraged. Speakers must refrain from harassing or directing threats or personal attacks at Commission members, staff, other speakers or members of the public. Comments made to intentionally disrupt the meeting may be managed as necessary to maintain appropriate decorum and allow for city business to be accomplished.
- **IF YOU SIGNED UP TO SPEAK,** the PZC will call your name at the appropriate time during the Planning and Zoning Commission meeting. Once your name is called you may identify yourself for the public record. Once you have been sworn in, then you may address remarks to the Planning and Zoning Commission as a whole. Speak clearly and try to limit remarks directly to the matter under discussion. Speakers are called in the order they sign up.

A. CALL TO ORDER:**B. ROLL CALL:**

Present 9 - Manas Athanikar, Tom Castagnoli, Stasha King, Anthony Losurdo, Derek McDaniel, Carl Richelia, Whitney Robbins, Oriana Van Someren, and Mark S. Wright

C. PUBLIC FORUM:**D. PUBLIC HEARINGS:**

1. Conduct the public hearing to consider the requested entitlements for 27W280 Bauer Road (Mill & Bauer Townhomes) - PZC 23-1-006

Gabrielle Mattingly, Project Manager City of Naperville Development Review Team, provided an overview of the request.

Caitlin Csuk, Rosanova and Whitaker Ltd, presented the case providing details of the modifications made to the proposal since the project was reviewed by the PZC at the June 7, 2023 meeting.

Public Testimony:

Ralph Taylor spoke in opposition to the proposed annexation, rezoning, architectural design of the townhomes finding it to be incompatible with the surrounding area.

Dave Doubek spoke in opposition to the proposal raising concerns with traffic, density, proposed rezoning, snow removal, emergency access, and potential for flooding.

Stephanie Kaiser raised concerns with the proposed roadway connection

to Mill Street, rezoning, and found the parking to be insufficient.

Jason Kazmar spoke in opposition to the proposed rezoning, use of the property, and found there to be a lack of parking.

Commissioner McDaniel questioned the TU district and the application in this location and asked Staff to confirm if there are other similar examples of this zoning and use in the City.

Ms. Mattingly responded that the Land Use Master Plan recommends City Corridor for the location and Staff found the TU district to be most appropriate district for the location based off of the plan.

Commissioner McDaniel expressed concerns about other future developments in the area and making sure future developments fit together.

Ms. Csuk provided additional information the TU district and stated that the TU district is the least intensive of the zoning districts proposed for City Corridor.

Chairman Losurdo asked for clarification on where the Comprehensive Plan designates City Corridor in the area.

Commissioner Van Someren asked about the TU setbacks and raised concerns about a potential traffic accident resulting in vehicles damaging the proposed buildings given their close proximity to the intersection.

Commissioner King asked the Petitioner to address the hardship for the variance. Ms. Csuk stated the density variance is to round the allowable number of dwelling units up to the nearest whole number and the Code is not clear on how this should be calculated.

Commissioner Athanikar found the use fits with the intent of the TU zoning district.

Chairman Losurdo raised concern with future construction of the property to the east and the transition of this property.

The PZC closed the public hearing.

A motion was made by Commissioner King, seconded by Commissioner Robbins to adopt the findings of fact as presented by the petitioner and approve PZC 23-1-006, rezoning to TU upon annexation and approval of a variance to Section

6-7I-5:2 with the conditions as noted in the staff report for the property located at 27W280 Bauer Road (Mill & Bauer Townhomes).

Aye: 5 - Athanikar, Castagnoli, King, McDaniel, and Richelia

Nay: 4 - Losurdo, Robbins, Van Someren, and Wright

2. Conduct the public hearing to consider variances to Section 10-4-6:3.3 (Fowl and Livestock), Section 6-2-10:1 (Accessory Buildings, Structures, and Uses of Land), and Section 6-2-8 (Home Occupation Regulations) for the property at 2300 Flambeau Drive-PZC 23-1-033

Adam Beaver, City of Naperville Planning Services Team, provided an overview of the request.

Richard Montalbano, petitioner, and homeowner presented the case.

Public Testimony:

Regina O'Connor, spoke in support of the requested variances.

Mr. Montalbano stated that they are seeking another property to relocate the coops and organization.

Diane Kennedy spoke in support of the case, noting the work that the Petitioner's organization does.

Barbara Buzzelli, neighboring property owner, raised concerns with the noise generated by the chickens and visiting people, the size of the structures, and the existence of the port-o-potty.

Paul Hinterlong spoke in support of the case.

Brandon Quaintance spoke in support of the case.

Joyce Borzan spoke in support of the case.

Commissioner Wright noted the purview of the Commission is to look strictly at the use of the land and noted concerns and stated his opposition.

Commissioner King stated opposition noting that the use does not fit into the residential neighborhood.

Commissioner Robbins expressed understanding of both the positions of the petitioner as well as the concerns of neighboring property owners. Robbins also expressed a desire to find a compromise.

Commissioner Van Someren asked the Petitioner if they have a timeline for finding another property. Mr. Montalbano stated that a timeline is dependent on several factors and could take up to two years.

Commissioner Robbins asked the Petitioner how quickly a fence could be constructed. Mr. Montalbano responded that a fence could be constructed by the fall depending on cost.

Chairman Losurdo asked Staff if conditions could be included to restrict the number of chickens and include a timeframe for when the operation would need to be relocated. Mr. Beaver stated that the City's legal department would need to be confirmed, however a condition on the timeframe could likely be included in the ordinance. Commissioner Athanikar asked Staff to provide a condition, Mr. Beaver responded that Staff would need additional time to provide a condition.

Commissioner Van Someren stated that she would like to see conditions placed on an approval.

Commissioner Robbins asked the petitioner why seventeen chickens are necessary. Wendy Montalbano responded that the number of chickens is required due to the training of the chickens.

Chairman Losurdo asked if twelve chickens could be utilized. Mrs. Montalbano confirmed that it would be possible.

Commissioner McDaniel expressed that the use shouldn't be allowed to continue in perpetuity and that the guidelines of the code must be operated within.

Chairman Losurdo proposed continuing the case to identify conditions. Commissioner Wright asked Chairman Losurdo how a sunset condition would affect the remainder of the variances. Chairman Losurdo confirmed that it would provide the Petitioner additional time to find another property. Mr. Beaver stated that Staff recommends the Commission vote to approve the variances with the conditions discussed. Commissioner Athanikar asked if Staff has a recommendation on a timeframe. Mr. Beaver responded that Staff would look to the Commission to identify a timeframe.

Commissioner Robbins asked if the Commission could add additional conditions onto an approval. Mr. Beaver confirmed that the Commission is able to add additional conditions onto the approval.

Sara Kopinski recommended to the Commission that if they would like to continue the case that they request the Petitioner provide additional information for the Commission to determine what conditions they would like to impose and noted that as Staff continues to recommend denial of the variance requests, they are unable to offer a recommendation.

Chairman Losurdo asked the Petitioner how long they need to move their operation. Mr. Montalbano responded that they would request two years.

Chairman Losurdo asked the Commissioners their opinions on an 18 month timeframe. Commissioners King, Castagnoli, Richelia, Athanikar, Losurdo, Robbins, and Van Someren agreed. Commissioner McDaniel stated 12 months.

Commissioner King asked Staff to confirm if the Petitioner is allowed to have a port-o-potty on the property. Mr. Beaver confirmed that the Municipal Code would not allow for one.

Commissioner Wright notes concerns about a timeline for the Petitioner to find a facility and noted that there needs to be a focus on the effort and proposed six months.

The PZC closed the public hearing.

A motion was made by Commissioner Van Someren, seconded by Commissioner Robbins to adopt the findings of fact as presented by the petitioner and approve PZC 23-1-033, variances to Section 10-4-6:3 to waive the screening requirement for coops and to increase the allowable number of fowl from eight to twelve, a variance to Section 6-2-10:1 to reduce the required setback for an accessory structure from five feet to four feet six inches, and a variance to Section 6-2-8 (Home Occupation Regulations) to increase the permitted number of students from four to twelve for the property located at 2300 Flambeau Drive with the condition that the coop structures must be returned to their number and size as of 4/21/2023 with the condition that the approvals have an 18 month sunset date and that a 6' privacy fence be provided around all sides of the yard.

Aye: 7 - Athanikar, Castagnoli, King, Losurdo, Richelia, Robbins, and Van Someren

Nay: 2 - McDaniel, and Wright

3. Conduct the public hearing to consider a variance to Section 6-9-3 (Schedule of Off Street Parking Requirements) for the property located at 1504-1516 N. Naper Boulevard (Tower Crossing) - PZC 23-1-052

John Scopelliti, City of Naperville Planning Services Team, provided an overview of the request.

Stephanie Day, petitioner, presented the case.

The Commission discussed the location of the business.

Public Testimony: None

The PZC closed the public hearing.

A motion was made by Commissioner Wright, seconded by Commissioner Van Someren to concur with the findings of fact prepared by staff and approve PZC 23-1-052, a variance request to Section 6-9-3 to permit 23 parking spaces rather than the required 52 parking spaces for an eating establishment for the property located at 1504-1516 N. Naper Boulevard (Tower Crossing).

Aye: 9 - Athanikar, Castagnoli, King, Losurdo, McDaniel, Richelia, Robbins, Van Someren, and Wright

E. REPORTS AND RECOMMENDATIONS:

1. Consider the Petitioner's appeal to portions of the Citywide Building Design Guidelines as they apply to the proposed Sunbelt Rentals building at 2212 Ferry Road

Sara Kopinski, City of Naperville Planning Services Team, provided an overview of the request for an appeal to the Citywide Design Guidelines for the property located at 2212 Ferry Road.

The Petitioner, Tom Burgess, presented the request.

Commissioner McDaniel asked Staff about why the request was necessary. Kopinski confirmed that the request is necessary as the subject property will be a stand alone industrial site.

Commissioner Athanikar noted that hardie board is suitable and asked Staff if there are any variances required. Kopinski stated that at this time there are not any variance requests required.

Chairman Losurdo made a motion, seconded by Commissioner Van Someren to uphold the Zoning Administrator's decision with respect to the Citywide Design Guidelines and deny the property owner's request to construct the Sunbelt Rentals building predominantly out of hardie board siding and restrict the hardie board siding to be 25% of the building elevations or less.

Nay: 9 - Athanikar, Castagnoli, King, Losurdo, McDaniel, Richelia, Robbins, Van Someren, and Wright

2. Approve the minutes of the June 7, 2023 Planning and Zoning Commission meeting

The PZC approved the meeting minutes.

F. OLD BUSINESS:

G. NEW BUSINESS:

H. ADJOURNMENT:

Adjourned: 9:40 PM