



June 12, 2019

Mayor Steve Chirico and City Council
City of Naperville
400 S Eagle Street
Naperville, IL 60540

Dear Mayor Chirico and City Council Members,

The Naperville Area Chamber of Commerce (NACC) is writing in support for the proposed development located at 1001 South Washington by Tartan Developers. We are keenly aware that Tartan has made painstaking investment in gaining input and addressing concerns of area homeowners. Further, they are resolute in ensuring their development will be accommodating to area residents as well as neighboring businesses.

This investment will serve to support our city on several levels:

- When completed this redevelopment will enhance the City's real estate and retail sales tax base.
- This project will not add additional financial burden to our school districts since no multi-family unit are proposed.
- Their modern upscale designed coupled with their extensive landscaping plan will serve to attract retail customers to that location as well as to support neighboring businesses.

The NACC has long supported a growing, robust, and diverse business community as it helps to lower residents' and businesses' tax burden by expanding our City's tax base. Tartan's 1001 South Washington Street project will serve to support this effort.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicki Anderson'.

Nicki Anderson
President & CEO
NACC

A handwritten signature in black ink, appearing to read 'Reba Osborne'.

Reba Osborne
Director of Government Affairs
NACC

Williams, Scott

From: Barbara Serbick [REDACTED]
Sent: Monday, July 1, 2019 6:23 PM
To: coynek@naperville.il.us; Hinterlong, Paul; krummenj@naperville.il.us; White, Benny; brodheadj@naperville.il.us; Gustin, Patty; Kelly, Patrick; Sullivan, Theresa
Cc: Planning
Subject: Proposed Rezoning for 1001 S. Washington Street; Case No. 19-1-049

Follow Up Flag: Follow up
Flag Status: Flagged

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I am contacting you to let you know that I am unalterably opposed to rezoning the subject property from OCI to B1. This would negatively impact the surrounding homes and create major traffic problems for our area, which has already seen an uncomfortable increase in speed and traffic. Plus, Edward Hospital is gobbling up more and more of our neighborhood, with its impact on traffic. The West Highlands must remain residential and low-impact businesses. And we need more police presence to curb the speeding through our streets. This situation has been ignored for too long.

Barbara Serbick
[REDACTED]
[REDACTED]

Williams, Scott

From: Thomas Champion <[REDACTED]>
Sent: Tuesday, July 2, 2019 11:41 AM
To: coynek@naperville.il.us; Hinterlong, Paul; krummenj@naperville.il.us; White, Benny; brodheadj@naperville.il.us; Gustin, Patty; Kelly, Patrick; Sullivan, Theresa; Planning
Subject: Highlands Rezoning Issue 19-1-049

Follow Up Flag: Follow up
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Please listen to the concerns of the people who live in the closest proximity to this proposed development- I do not think that the proposed development is what is appropriate for this particular area- especially something with a drive-thru-

Thank You
Tom Champion

Williams, Scott

From: Sue Allman <sue.allman@gmail.com>
Sent: Wednesday, July 3, 2019 6:57 PM
To: Gustin, Patty
Cc: Planning
Subject: Case number 19-1-049

Follow Up Flag: Follow up
Flag Status: Flagged

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I oppose the rezoning of the properties at Washington and Gartner.

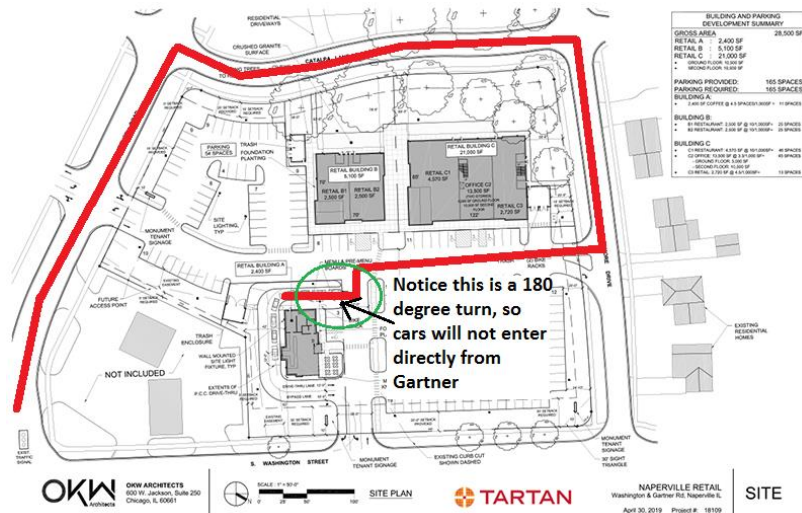
Sincerely,
Sue Allman

Dear Council Member and Planning and Zoning Commissioners,

I am writing you to express my concerns about the proposed development at 1001 S. Washington St. that is being considered by the Planning and Zoning Commission on Wednesday July 17th (PZC #19-1-049). I live adjacent to the property and I reached out to the city to get the contact information for the developer when demolition began earlier this year. My husband and I met with the developer at our home where we learned that the proposed development would have both an exit and an entrance aligned directly with our driveway. At that time, we stated that we could live with his development if he removed the Sycamore entrance and place a deed restriction on future fast food uses. We were hoping that we could reach a compromise that would lessen the impact but the developer was unwilling to make any meaningful changes. As it is currently designed and looking at typical drive thru volume for a Starbucks of 60-70 cars per hour, we anticipate traffic will back up from the property exit all the way to Washington since the majority of the cars will wish to continue north, and in the morning only one to two cars can turn left per light cycle. This is what I observe daily as the only time a left turning driver can go is the brief moment when northbound traffic is stopped at Gartner and the left turns coming off Gartner have not yet made their way onto Washington. The proposed Starbucks traffic will be on the same road that is used by Elmwood Elementary School for carline which backs up heading westbound at the same time as seen by the image below.



While the exit will be a mess heading towards Washington, entering this establishment does not cause any fewer problems. In the morning, traffic on Washington St. is heaviest going northbound, so those who wish to stop for coffee at the Starbucks drive thru will need to pass through residential roads to get in line. If you look closely at the drive thru, those entering directly from Gartner would be required to make a 180 degree turn which is not likely especially if there is a line.



This will cause significant safety concerns, as students have to cross both Gartner (the crosswalk is on the East side of this intersection) and Sycamore as they make their way to Elmwood Elementary. Therefore, I feel that this development does not satisfy the first requirement for rezoning 1.1 which indicates the amendment must promote public health, safety, comfort, convenience and general welfare. It also does not satisfy the fifth requirement for rezoning 1.5 which states the amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

This property is currently zoned OCI which is designed to act as a transitional zone between intensive business areas and residential neighborhoods. In the City’s official land use plan for the East Sector (1998 Update) it calls for this area to be zoned OCI and further notes that the intent of the plan is to promote attractive, well-defined general retail service areas rather than allowing for commercial sprawl along all major frontages. In addition, encroachment of nonresidential activity into residential areas will be discouraged to preserve the neighborhood character and residential property values. This development, to our knowledge, would be the first Starbucks and in fact, the first drive thru from a major chain that empties directly onto a residential street. While the OCI zoning does allow for greater density, I would welcome a larger building that does not have the intensive use of a B1 development. No one drives by a Starbucks back up in the morning and says I want that traffic jam in front of my house because at least the building is smaller. This property has been fully utilized for over 40 years in its current zoning and when we spoke with the developer, he told the neighbors that we should accept his development because he could do worse with the OCI zoning. I take that as him saying he can develop this property OCI. Therefore, I conclude that this proposal does not meet the zoning requirement 1.4 the subject property has not been utilized for a substantial period of time; and the City of Naperville’s legal department provided the following explanation regarding a “substantial period of time”. “Whether a subject property has not been utilized under the existing zoning classification for a substantial period of time is one factor that is considered in the context of the other factors and in the context of the property developed in the vicinity. There is no definitive black and white test for what constitutes a “substantial period of time”. Often a reasonable gauge for that analysis is whether “but for” the zoning classification, the property probably would have been developed. In the case of LaSalle National Bank of Chicago v. County of Cook, the court held that the length of time a parcel of property has been vacant as zoned, considered in the context of land development in the vicinity of the subject

parcel, is a relevant factor for the court to analyze in determining the validity of a zoning classification thereof. The focus of this inquiry is whether the subject property is vacant or unsalable because of the zoning classification. The reasonableness of the zoning is called into question when, but for the zoning classification, the property probably would have been developed.”

Additionally, there is significant retail space available within a mile of this development. Below you can see images of some of the vacancies we observed.



Development at 75th St and Naper Blvd.



More vacancies at 75th and Naper Blvd.



75th St and Millbrook Ln



75th near Naperville Plainfield Rd



Washington South of Bailey



Washington South of Bailey

This retail space is already available in the immediate area and is zoned for the uses Tartan Reality is proposing. In fact CBRE, the world's largest commercial real estate services and investment firm, finds that metro Chicago has a higher percentage (over 10%) of vacant retail space than the national average or compared to other metro areas. The report found that the Chicago region frequently zones large areas for retail, even though they might be better suited for other land uses. This trend is going to continue as we continue to have greater growth in e-commerce which is dramatically reducing the need for traditional brick-and-mortar retailers.

I request that the Planning and Zoning Commission along with Naperville City Council REJECT the proposed rezoning of 1001 S. Washington St from OCI to B1. Thank you for your consideration.

Sincerely,

Ellen Ziliak

██████████

██████████

Williams, Scott

From: Ron Goodin <goodie8@wowway.com>
Sent: Wednesday, July 3, 2019 1:46 PM
To: Planning

Follow Up Flag: Follow up
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Case 19-1-049-Opposed to this proposal

Dear Council Members and Planning and Zoning Commissioners:

I am writing to you to express my concerns about the proposed development at 1001 S. Washington St., which is being considered by the Planning and Zoning Commission on Wednesday July 17th with PC case number 19-1-049.

As a resident of an adjacent neighborhood, and as a parent with young children attending Elmwood Elementary school (less than two blocks from the proposed development site), I am very concerned with how the addition of a development that could allow for drive-thru restaurant traffic entering from and exiting onto Sycamore Dr. will impact the safety of my children and their classmates, and will impact the neighborhood as it exists currently.

First, per the city's own requirements for rezoning, I do not believe that this development promotes the health, safety, or general welfare of those living in this neighborhood. Sycamore Dr. is used for school pick-up and drop-off (which happens to fall during some of the busiest times at a Starbucks drive-thru) every weekday, 9 months out of the year. This stretch of Sycamore, in particular, is typically backed up to Washington, sometimes around the corner. The addition of traffic from a drive-thru of any sort, but particularly a national coffee retailer such as Starbucks, would turn a headache into a safety nightmare; there are many children and families who cross at two intersections on Sycamore Dr. between Washington and the school whose safety would be significantly impacted by the addition of any further traffic onto Sycamore Dr.

Second, I believe that this development will alter the essential character of the neighborhood and will be a substantial detriment to adjacent property. If this development occurs, the home directly across from the development will have an entrance/exit facing directly into their driveway. Street parking during school hours (when the parking lots are reserved only for school faculty and staff) will be completely impossible. It will be harder for busses to get down Sycamore as well as Gartner Rd., which will also have added traffic. The added congestion at the intersection of Washington and Gartner will likely encourage drivers to cut through the other parts of the neighborhood, adding unnecessary traffic to a residential area where speed limits and stop signs already seem to be treated as optional. It would be unreasonable to assume that this would not outweigh any potential positive impact a small but high-traffic-volume building would have on the surrounding area.

As an Elmwood parent and a nearby resident, the safety of my children and their friends and classmates is of utmost importance. Thank you very much for your time and consideration on this matter.

Sincerely,

Julia Holzhauer

Dear Council Member and Planning Zone Commissioners,

We would like to take this opportunity to express our concerns about the proposed development at 1001 South Washington Street (formerly the site of a PNC Bank). Our understanding is that the developer is proposing to change the zoning for this site from OCI to BI, which will allow the placement of high volume businesses, such as fast-food restaurants, Starbucks, etc. We will be brief in our comments and limit them to a specific concern.

Our objection to the proposed development is that it includes an entrance/exit to the development on Sycamore Drive. Unlike Washington Street and Gartner Drive, Sycamore is a narrow residential road that is lined with houses that are near the street. The proposed location of the entrance/exit places a substantial and unreasonable inconvenience on the residents who live along this road. While we would personally experience little impact from the proposed development (we live in the cul-de-sac on Catalpa), we feel that this development would be abusive to those who do live on Sycamore near the development.

We are not against development in principle or insensitive to economic concerns. However, development should not ignore the impact on residents. The proposed entrance on Sycamore will experience extremely high volumes of traffic and is located directly across from a resident's driveway. Before making a decision, please consider whether you would be willing to have a fast food restaurant entrance that was a virtual extension of your driveway. Better yet, ask the developer if he would be willing to have a fast food restaurant entrance a few feet across from his driveway. We humbly submit that if he says 'yes' he is being dishonest, and if he says 'no' he is being hypocritical. Before making a decision, we ask that you drive to the site of the proposed entrance, stand in one of the driveways located across from the site, and consider how you would feel if you were the homeowner. We suggest that any resolution that allows for an entrance on Sycamore should be rejected.

Best Regards,

Guy and Stephanie Mouton

████████████████████

████████████████████

Williams, Scott

From: Planning
Sent: Monday, July 8, 2019 8:17 AM
To: Williams, Scott
Subject: FW: Re-zoning of West Highlands

Follow Up Flag: Follow up
Flag Status: Flagged

From: craig neville [mailto:]
Sent: Sunday, July 7, 2019 4:50 PM
To: Sullivan, Theresa <SullivanT@naperville.il.us>
Cc: Planning <Planning@naperville.il.us>
Subject: Re-zoning of West Highlands

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I am opposed to the re-zoning in West Highlands case number
19-1-049

[Sent from Yahoo Mail on Android](#)

Williams, Scott

From: Planning
Sent: Tuesday, July 9, 2019 7:52 AM
To: Williams, Scott
Subject: FW: Case Number 19-1-049; Opposition to Rezoning

Follow Up Flag: Follow up
Flag Status: Flagged

From: Cathleen Oboyle [mailto:████████████████████]
Sent: Monday, July 8, 2019 11:18 PM
To: Cathleen Oboyle <████████████████████>
Cc: Planning <Planning@naperville.il.us>
Subject: Case Number 19-1-049; Opposition to Rezoning

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July 8, 2019

Dear Board Member and Commissioner,

I am against rezoning of the property in the West Highlands at the northwest corner of Gartner and Washington. When I first read about the plan, I was admittedly excited about having closer fast casual dining and especially, a Starbucks. However, once I asked myself a simple question, I changed my entire viewpoint.

I ask you the very same question: *Will having fast casual food and food and drink with a drive thru decrease the safety of students walking to school?*

If the answer is yes, it would be a violation of the municipal code to approve rezoning.

I have a 9 year old daughter and live south of Gartner, but still within the walking boundaries of Elmwood. There are two places to cross Gartner for Elmwood walkers, at Modaff and Gartner, and at the flashing light intersection of Gartner and Catalpa. I have had the opportunity to walk my daughter to school on a few occasions. It is a dangerous crossing for elementary students. The Modaff intersection is an offset intersection and drivers frequently become confused as to who has the right of way, and in many instances, try to sneak through before they have right of way. The flashing lights at Catalpa and Gartner is no better. Many cars do not yield to pedestrians when the flashing lights are on. The only way to be sure of safe crossing is to either have no traffic, or to have cars already stopped on each side to protect pedestrians from other cars.

If the OCI property is rezoned to B1, traffic will increase making crossing Gartner even more of a danger for school aged children.

Any development, whether zoned OCI or B1 will increase traffic. However, the nature of the traffic is the greater concern. Fast casual food and Starbucks are not destinations, but stops on the way to a destination. In the morning, when children are walking to school, they could either walk in competition with commuters trying to get their coffee and not be late, or with workers arriving at their place of employment. OCI zoned businesses tend to start their work days later after elementary school students have already begun their school day.

As Illinois lawmakers strengthen distracted driving laws, it is important that we, as a community, look at how we can minimize distracted driving. Consider the following: distracted driving, according to the Department of Transportation, includes eating and drinking while driving. The seriousness of distracted driving can be seen in the statistics, alone. In 2017, 599 pedestrians were killed by distracted driving, according to the National Highway Traffic Safety Administration (NHTSA). The National Institute of Health, part of the Department of Health and Human Services, concluded that eating while driving “negatively impact[s] driving measures of lane position control and reaction time.” An independent driver risk management company, Lytx found that “Drivers with food or drink distractions were 3.6 times more likely to be involved in a collision than drivers who do not eat or drink while driving.” The research all points to the same thing: eating and drinking while driving distracts drivers leading to a less safe environment.

Looking at the statistics, and even considering your own experiences with drive thrus and fast casual restaurants, consider: Would there be an increase in danger for child pedestrians as a result of rezoning?

It may seem like an inconvenience to deny the economic opportunity of a property simply because it is a main school crossing, but the number one job of our community is to keep its citizens safe. The petition to rezone will alter the character of Gartner and in doing so, the neighborhood north and south of Gartner. According to the municipal code of Naperville, rezoning must not interfere with the public health safety, comfort, convenience and general welfare of the people of Naperville. Rezoning to B1 will do just that. Convenience of food and coffee does not outweigh the safety of children walking to school. I invest in Naperville by teaching for the town, shopping at our local and independent stores, and raising a family here. In turn, Naperville needs to invest in the character and safety of the neighborhoods that make this a wonderful place to live.

Thank you for your thoughtful consideration of this matter,

Cathleen O’Boyle

████████████████████
██
██

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Monday, June 24, 2019

Dear Naperville City Staff, Plan Commission and City Council,

I am writing to express my support for the proposed Tartan development located at 1001 South Washington. I was very impressed with their presentation at NDP meeting a few weeks ago. Later, I met with Will Kreuzer from Tartan to learn more about their detailed plan and I was even more impressed.

I strongly encourage the City Council and the Mayor to support this project. This is an excellent re-development of the old Mid America Bank, as it will enhance the City's image and adds to its immediate neighborhood.

I am particularly impressed with Tartan's development experience in Commercial Property Development in the Chicago metro area. Other benefits of the project are:

- Enhance City's real estate tax base and retail sales tax base.
- Support the additional neighborhood conveniences it will provide
- Enhance the City's appearance with modern upscale design
- Building heights are limited to one and two story.
- Exceptional landscaping plan along with extensive internal sidewalks to enhance neighborhood walkability.
- It will provide enhanced visual and improve upon overall property values in the neighborhood.
- Consistent with City's vision to redevelop within the East Sector encouraging commercial uses to facilitate shopping and access to professional services

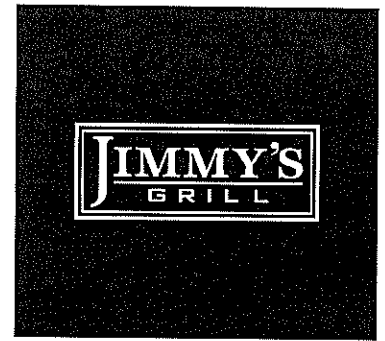
I strongly urge The City of Naperville to support the proposed development as it provides many benefits, that are complimentary to the existing area that are vital to quality living and contributes to the economic vitality of the City.

Sincerely,

Ali Setork

President, DynaCom Management, LLC
387 Shuman Blvd. Suite 206E
Naperville, IL 60563
630-355-2000

Jimmy's Grill
245 S Washington Street
Naperville, IL 60540
(630) 548-2500
jimmysgrillnaperville.com



June 19, 2019

Dear Naperville City Staff, Plan Commission and City Council,

My Name is Andrew Trasatt and my business, Jimmy's Grill, is located at 245 S. Washington Street. I am writing to express my support for the proposed Tartan development located at 1001 South Washington.

I have reviewed other projects by Tartan and believe Tartan to be a 1st class builder/developer. The proposed buildings are architecturally sound with 360 degrees of facades set back a considerable distance from the residential homes along Catalpa and Sycamore.

Tartan's proposed investment will revitalize an aged property and enhance the City's real estate tax base as well as the retail sales tax base.

I strongly urge The City of Naperville to support the proposed development as it will provide many benefits complimentary to the existing area and contribute to the economic vitality of our City.

Thank You,

A handwritten signature in black ink, appearing to read "Andrew Trasatt", written over a light blue horizontal line.

Andrew Trasatt

1105 Catalpa Lane
Naperville, IL 60540-7905
Phone 630.355.8181
Fax 630.355.8194
www.knoxpres.org



May 30, 2019

Dear Naperville City Staff, Plan Commission and City Council,

My name is Clinton Roberts and I serve as Senior Pastor at Knox Presbyterian Church, located at 1105 Catalpa Lane since 1963. I am writing to express our support for the proposed Tartan development located at 1001 South Washington.

Representatives of Tartan met with us on several occasions and demonstrated a genuine concern for establishing a positive relationship with their neighbors. The proposed development of the old PNC property is attractive, useful and well thought-out.

I strongly encourage the City of Naperville to support the proposed development believing that it will provide many benefits that will complement the neighborhood and contribute to the economic and aesthetic wellbeing.

Thank you,

Rev. Clinton Roberts



Our Mission is to **LEARN, GROW** and **SERVE** as followers of **JESUS CHRIST**

NAPER NORTH PROPERTY, LLC
AN ILLINOIS LIMITED LIABILITY COMPANY
729 MONTANA AVENUE, SUITE 6
SANTA MONICA, CALIFORNIA 90403-1490
(310) 451-1228 • (310) 451-1558 FAX

MANAGER:
SAMUEL L. RUBIN

July 8, 2019

TO: City of Naperville, Planning Commission and City Council

FROM: Sam Rubin

RE: TARTAN Development – 1001 South Washington Street, Naperville, IL.

I have owned the corner property (former Marathon Gas Station) located at 1061 S. Washington Avenue in Naperville for 2+ years. My property is adjacent and contiguous to the proposed TARTAN development site located at 1001 South Washington.

I support the proposed development plans by TARTAN for the former PNC property which I believe is a well thought out neighborhood development plan that will enhance the area with viable and needed tenant uses. It's an attractive project that has generous landscaping and parking with tasteful site work improvements.

While my site is independent of the adjacent larger TARTAN site, I look forward to seeing my property (currently vacant) developed in the near future with a viable use that is synergistic to TARTAN's property.

I strongly encourage the City of Naperville to support TARTAN's proposed development of the former PNC property that provided no real current benefit to the local community since it was an out dated and a partially utilized building from a different era. TARTAN's proposed development will bring significant benefits to the local neighborhood and City of Naperville.

Sincerely,



Samuel L. Rubin
Manager

SLR/cw



VETERANS OF FOREIGN WARS

JUDD KENDALL POST NO. 3873

908 Jackson Ave

Naperville, IL 60540

June 14, 2019

Dear Naperville City Staff, Plan Commission and City Council,

As a lifelong Naperville resident, a retired Special Agent of the FBI and Commander of Naperville's Judd Kendall VFW Post 3873, I would like to convey my support for the proposed Tartan development at 1001 S. Washington.

As Commander of the VFW, I have had the pleasure of working with Mr. W. Kreuzer on an unrelated project, and found him to be honest, trustworthy and a man of his word.

As a resident of the East Highlands subdivision for over half a century, I can tell you I would welcome the proposed development with open arms. I feel it would enhance both the real estate and retail sales tax base, along with increasing the value of the homes in proximity to the development. In speaking with Mr. Kreuzer about the project, I was thrilled to learn of the exceptional landscaping designs Tartan has for the location. For too many years, I have felt that the location of the former bank located at 1001 S. Washington was wasted real estate, and in the past few years an eye sore.

As a former law enforcement officer, I am relieved that the development is consistent the current City's administration's vision of a modern, safe, clean and accessible new development for my neighborhood.

I steadfastly support the proposed development and recommend the City of Naperville back Tartan's forward thinking project.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Araya". The signature is stylized and somewhat cursive.

P. Araya

NO ONE DOES MORE FOR VETERANS.

June 13, 2019

City of Naperville City Staff, City Council
& Plan Commission
400 S. Eagle Street
Naperville, IL 60540

RE: Proposed Tartan development located at 1001 South Washington.

Dear City of Naperville City Staff, City Council, and Plan Commission,

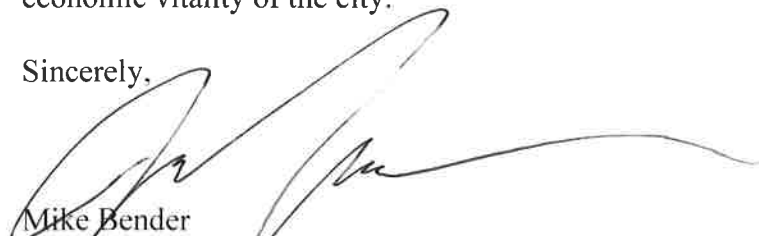
My name is Mike Bender and I live at 541 Warwick Drive in Naperville.

I'm writing to express my support for the proposed Tartan development located at 1001 South Washington. My support of this project is based on the following:

- The proposed development will not only enhance the appearance but will also revitalize the property.
- I appreciate Tartan's communication and consideration of surrounding property owners. Communication about this improvement has been incredible.
- The project will enhance the architectural landscape of the area beyond one and two story buildings, with a modern, upscale design.
- It will serve as a neighborhood amenity for the surrounding neighborhood.

I strongly urge the City of Naperville to support the proposed development, to compliment the surrounding area, be an asset to resident quality living, and to contribute to the aesthetic and economic vitality of the city.

Sincerely,



Mike Bender
Naperville Resident



MEATS ▪ SEAFOOD ▪ DELI ▪ BAKERY ▪ PRODUCE ▪ GROCERY

Dear Council Members, Plan Commission, and City Staff,

I am writing this letter in support of Tartan Realty Group and their proposed development at 1001 S Washington Street. I have met with the principals a few times and I have seen their presentation of the plans for the site. Tartan is a reputable company with a track record of first class projects. Their care in building design, landscaping and density will enhance the neighborhood, as opposed to other denser, higher buildings that could be built there. I believe the proposed tenant mix will compliment Naperville Plaza. Please consider supporting this project.

Dan Casey 
Casey's Foods

Williams, Scott

From: Planning
Sent: Tuesday, July 9, 2019 11:15 AM
To: Williams, Scott
Subject: FW: Public Commentary on July 17th's Planning and Zoning Commission Case # 19-1-49, Tartan
Attachments: MLS-PublicCommentPZCJuly17.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

From: Marilyn L. Schweitzer [mailto:████████████████████]
Sent: Tuesday, July 9, 2019 11:11 AM
To: Council <Council@naperville.il.us>; Planning <Planning@naperville.il.us>
Cc: WilliamS@naperville.il.us
Subject: Public Commentary on July 17th's Planning and Zoning Commission Case #19-1-49, Tartan

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Dear Mayor Chirico, City Council Members, Planning and Zoning Commissioners,

I live a mile from the intersection of Washington and Gartner. I drive, but also frequently walk to Naperville Plaza on that corner as it is the closest shopping center to my home. I am opposed to OCI to B1 zoning along with its variances for the proposed site at 1001 South Washington Street. Please see the attached PDF for my reasons.

Thank you for your consideration,

Marilyn

Marilyn L. Schweitzer

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Public Comment for the July 17 , 2019 PZC Meeting: File Number 19-1-049

I live a mile from the intersection of Washington and Gartner. Naperville Plaza, zoned B2 , is my neighborhood shopping center to “satisfy basic shopping needs which occur daily or frequently and so require facilities in relative proximity to places of residence.” I drive, but also frequently walk to it. There is no closer neighborhood nor community shopping center to my home. I am opposed to OCI to B1 zoning along with its variances for the proposed site at 1001 South Washington Street for the following reasons:

1. **No rezoning should be approved until plans for 1061 South Washington Street (the adjacent corner property) are coordinated with those of 1001 South Washington Street.**
 - a. The intersection of Washington at Gartner has traffic complexities that need to be well planned. Without careful management, the adjacent residents, existing businesses, and general thru traffic will suffer. Both developers are proposing a drive-thru establishment that will have higher traffic volumes than either of the previous uses. Drive-thru establishments have more complex entry and exit strategies than non-drive-thru uses. About 10 traffic crashes and about 20 non-crash related traffic incidents occur each year in the area of Washington, Gartner, Sycamore and Catalpa. A comprehensive traffic study of both properties is needed for safety concerns before zoning is changed.
 - b. Both properties are currently zoned OCI, vacant, desire some form of business class rezoning, and are on similar timetables for development. Delaying assessment of plans for the property at 1001 South Washington Street should not be viewed as a undue hardship compared to the benefits that the community at large will receive by an ultimately well integrated plan.
 - c. The intent of B1 zoning is a neighborhood shopping center. As such, only a single entrance/exit is warranted onto Washington and Gartner, not 2 which will be the result if the properties are redeveloped independently with business zoning. Developing the properties separately is more akin to strip malls such as are on Ogden Avenue which is generally zoned B3, a general commercial district. The combined size of both sites is only 4 acres. Naperville Plaza, zoned B2, is 10.5 acres and laid out such that only a single customer entrance/exit is needed on Washington and on Gartner.
 - d. There is no benefit to the community in having the properties redeveloped independently as is being proposed.
2. **No rezoning from OCI to B1 should be considered without an independent market study of the needs of residents in adjacent residential areas to 1001 South Washington Street.**
 - a. Municipal code states the intent of B1 zoning as follows: “The neighborhood convenience shopping center district is intended to provide convenience shopping for persons living in adjacent residential areas. Permitted uses shall be those which are necessary to satisfy basic shopping needs which occur daily or frequently and so require facilities in relative proximity to places of residence. These facilities shall be in the form of a shopping center.”
 - b. The petitioner is [marketing the property](#) due to its proximity to Edward Hospital, Downtown Naperville, North Central College, and Naperville Central High School. They are not marketing it as a benefit to serve residents, which goes against the intent of B1 zoning. If the type of businesses proposed do not appeal to residents of the adjacent neighborhoods or if residents feel no need for an additional neighborhood shopping center, then the property should not be rezoned as such.
3. **The proposal has poor pedestrian access.**
 - a. Sidewalks into the development exist only along one side of each vehicle entrance/exit rather than both. This is an inconvenience and safety issue for pedestrians coming from the corner of Gartner and Washington. If such a pedestrian wished to visit the Starbucks and follows the designated path, he would first have to cross a vehicle entry/exit way, turn into the development, and then cross the vehicle entry/exit way a second time. Not only does this take more time, but it is not the safest option for the pedestrian. Such pedestrians will often avoid the double entry/exit way of entering and simply enter along the edge of the parkway, parking lot, or vehicle way.

4. The Starbucks configuration does not provide adequate on-site queuing for the drive-thru, potentially lacks sufficient dedicated parking, and creates poor vehicle flow.
- a. The Starbucks' [Single-Tenant Drive Thru](#) design states: "Preferred 11 car queue for Drive Thru lane; 7 car stack from order point to pick-up window" and "20 spaces of dedicated parking (preferred)."
 - b. The petitioner's plans seems to show a 7 car stack from point to pick-up window, but seems to allow only a 1 car queue beyond that. That means 3 cars can be expected to queue up along the Washington St entrance/exit lanes, hindering pedestrians from entering the Starbucks, but more importantly blocking the other retail/office customers attempting to enter from Washington, and, most likely, interfering with customers attempting to exit onto Washington. Most likely, the only customers exiting onto Washington will be those from the Starbucks drive-thru — all others will exit onto Sycamore or Gartner. Similarly, non-Starbucks customers will most likely decide to enter on Sycamore or on Gartner. It seems the inadequate queue length practically dedicates the Washington St entrance/exit lanes to Starbucks.
 - c. The proposed plans shows only 3 spaces of dedicated parking which implies 17 spaces in the shared lot would be used according to Starbucks recommendation. Customers using those shared spaces would need to walk across the Washington St entrance/exit lanes to access the Starbucks. This is bad from a pedestrian viewpoint. Also, the plans indicate only 8, not 17 spaces would be available in the shared lot. (The plan indicates a total of 11, not 20 spaces.)
 - d. The Starbucks at Naper/Market, a former KFC, seems to have 17 dedicated parking spaces, which at times are completely utilized and cars park along the side the House of Emperor. This Starbucks also lacks adequate on-site queuing beyond the order window. About 5 on-site queuing spaces seem to be provided, but cars have been known to queue up on Market and sometimes onto Naper waiting to enter. Thus, Starbucks' recommendation of a 11 car queue and 20 dedicated parking spaces does not seem to be over engineered. Considering this is a new building, rather than a reconfigured one, there is no reason an inadequate design should not be acceptable at 1001 S. Washington.
 - e. Peak drive-thru times correlate with peak traffic times compounding the congestion. The on-site queue length should be sufficient for the peak, and not a daily average. It is possible that the peak queue length is more than 11.
 - f. One option for Starbucks customers heading North on Washington will be to turn a left turn into the entrance on Washington - this will be difficult due to 2 lanes of traffic coming south on Washington. Their 2nd option would be to turn left onto Gartner at the light and turn right in the new development. However, they would then need to do a U-turn to enter the queue which will be made more difficult by the inadequate queue length. Their 3rd option would be to turn left onto Gartner at the light, turn right onto Catalpa, turn right onto Sycamore, and turn right into the new development. This avoids the U-turn and places their vehicle more in line with the start of the queue. However, it is adding traffic to the residential streets.
 - g. The Starbucks at Ogden/Washington is an [End-Cap Drive Thru](#) and [seems to have an adequate on-site queue](#) that seemingly does not interfere with other tenants and nor roadway traffic. The [Wash-U](#) at 1150 E Ogden is installing more parking and queuing than required. Both of these developments were designed with tighter site constraints than at 1001 South Washington. 1001 South Washington has ample room to apply far more flexible designs without interfering so much with residential and thru traffic.
 - h. The right turn only lane out of the development onto Washington is poorly aligned with the Starbucks drive-thru exit lanes. A vehicle wishing to make a right turn onto Washington will need to veer right onto drive-thru exit lanes before turning right onto Washington. This is an atypical and unnecessary drive-thru arrangement.

5. The petitioner is attempting to place too much retail and office space in an area than can reasonable be fit as seen by the aforementioned concerns as well as by requesting further zoning variances items (iii) through (viii). Item (iii), reducing the required setback from 30ft to 20ft will be detrimental to the surrounding community. Items (iv) through (viii) are more difficult to evaluate because they are largely internal to the site plan which has greater deficiencies.
 - a. A 30ft setback allows for more permeable greenspace than a 20 ft setback and is more consistent with the properties north of Sycamore and on the east side of Washington. The 20ft setback trend that the petitioner cites along Washington is North of the Naperville downtown in an area that is heavily zoned B3, general commercial business. This is not justification to start the same trend in an area that has no B3 and is more residential. (The closest B3 zoning is 0.8 miles north and the only nearby business zoning is Naperville Plaza.) This is further indication that the petitioner is not focused on developing a neighborhood shopping center that caters to the adjacent residential neighborhoods. Furthermore, the petitioner is incorrect that he would be “required” to reduce the setback from Catalpa by 10ft. Another alternative, which could meet the zoning standards, would be to create a less dense development. For example, two buildings rather than three. The requested 20ft setback variance should be denied.
6. Item (ix) of the petition states that the petitioner wishes to be granted “any other variances, departures or deviations as may be necessary to develop the property commonly known as 1001 S. Washington Street, Naperville, Illinois, 60540.”
 - a. This worded as to provide no meaningful information for the public other than perhaps to inform the public that the petitioner is ill-prepared or disingenuous.
 - b. Open ended wording of this nature is not in the public, City Staff, the Planning and Zoning Commission, nor City Council’s best interests. Nor does it seem to meet the spirit and intent for giving public notice.
 - c. Such an item reflects poorly on the petitioner and should be denied.

I would welcome a redevelopment that had the same community feel as the businesses I frequent in Naperville Plaza. I would welcome a less automobile centric development. I would enjoy seeing more independent businesses rather than common chain stores. I would welcome a redevelopment designed to linger rather than get in and get out quickly. I would welcome a redevelopment that would enhance rather than degrade an area I frequent. The proposed redevelopment is none of these.

Thank you for your consideration,

Marilyn L Schweitzer
Naperville Resident

Williams, Scott

From: Ziliak, Joshua <[REDACTED]>
Sent: Tuesday, July 9, 2019 11:18 AM
To: Athanikar, Manas; Bansal, Krishna; Fessler, Brett; Habel, Bill; Hanson, Bruce; Losurdo, Anthony; Margulies, Andrew; Morin, Bianca
Cc: Planning; Liu, Ying; Williams, Scott; Ziliak, Ellen M.
Subject: PZC #19-1-49 (Tartan)
Attachments: Petition to Reject Rezoning.pdf; Appendix A.pdf

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

Dear Planning Commissioners,

We are writing you today to request that you reject Tartan's proposal to rezone 1001 S. Washington Street from OCI to B-1. The rezoning to B-1 would allow Tartan to place intensive business uses such as Starbucks and fast/fast casual restaurants adjacent to existing R1A properties along Sycamore Drive and Catalpa Lane. The immediately adjacent neighbors attempted to work with Tartan to make the project more compatible with the surrounding neighborhood. However, Tartan indicated that they would not compromise because it would impact their project layout.

Based on Tartan's response, we further investigated and have determined that proposed rezoning does not comply with section 6-3-7 - Rezonings of Code and does not adhere to the City's Comprehensive Master Plan. Please review the attached Petition to Reject Rezoning document and associated Appendices for details. Appendix B and C will be sent in a separate email due to size.

Please reject Tartan's rezoning request in order to protect the essential character of our neighborhood and the safety, comfort, convenience and general welfare of our families.

Dear City Planning Staff,

Please include our Petition to Reject Rezoning document and associated Appendices in the packet for the July 17th Planning and Zoning Commission meeting.

Thanks,
Josh

Joshua Ziliak, P.E.
Manager
System Planning

[REDACTED]
[REDACTED]
[REDACTED]

Ellen Ziliak, Ph.D
Associate Professor
Mathematical and Computational Sciences
Benedictine University

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)
)
CITY OF NAPERVILLE)

**Petition to the Naperville City Council and Planning and Zoning Commission for
REJECTION of Development Approval**

We respectfully petition the Naperville City Council and Planning and Zoning Commission to:
(i) **REJECT** the plat of subdivision to subdivide the property located at 1001 S. Washington Street, Naperville, Illinois (“Subject Property”) in order to protect the public health, safety, comfort, convenience and general welfare of the adjacent residential neighborhoods; (ii) **REJECT** the rezoning of the Subject Property from OCI (Office, Commercial & Institutional) to B-1 (Neighborhood Convenience Shopping Center); and (iii) **REJECT** all variances, departures and deviations to prevent the development of the Subject Property under B-1 zoning.

Background Information

DJR Acquisitions 1001 Washington, CCK 1001 Washington, SOS 1001 Washington, and Naperville Washington LLC (“Applicant”) purchased the Subject Property in November of 2018. In their petition, the Applicant incorrectly indicates that B-2 zoning is located both to the south and the east of the Subject Property. Naperville Plaza Shopping Center (B-2 zoning) is located along Garter. R1A zoning is located to the south along Catalpa Lane and the surrounding properties are predominately R1A zoning.

Summary of Development

The Subject Property consists of 3.5 acres currently zoned OCI and was formerly occupied by a PNC bank building. The Subject Property is surrounded by R1A zoning on three sides. The Applicant is proposing to rezone the Subject Property from OCI to B-1 to install intensive business uses such as Starbucks and fast/fast causal restaurants. Many of the uses proposed by the Applicant are already located in close proximity to the Subject Property including a Starbuck at Washington Street and Chicago Avenue which may be relocating to the Subject Property. In general, the proposed development will merely change the location of existing sales tax generation uses rather than create substantial new ones.

With regard to site access, the Applicant is eliminating the existing access drive from Catalpa Lane to “enhance the residential character of the neighborhood to the south.” However, the Applicant is proposing to install an access point on Sycamore Drive which will negatively impact adjacent residential property owners. When occupied by the PNC bank building, the Subject Property had two access points on Sycamore. One access point functioned similar to a residential driveway and allowed trucks to pull in to service an adjacent generator and then back out. The second larger access point provided for entrance only access to the PNC bank building’s teller lanes. The existing neighborhood had no objection to these entrances because they served a traditional OCI use that was closed in the evening, most of Saturday and all-day Sunday. The proposed rezoning to B-1 will allow for Starbucks and several restaurants to be located on the Subject Property. Starbucks is typically open from 5:30am to 10:00pm every day of the week. Other restaurant uses have the potential to be open late into the night. The proposed rezoning from OCI to B-1 will impact the neighborhood’s previously quiet evenings and weekends with significant traffic being directed toward Sycamore Drive.

The existing access points on Sycamore Drive should not be considered when reviewing the Applicant’s proposed access points because the proposed use of the Subject Property is substantially different than the previous OCI use. The Applicant’s proposed B-1 uses are commercially intensive and will direct significant traffic to Sycamore Drive which is a residential street. Additionally, a review of potential uses mentioned by the Applicant and shown on his project website reveals that none of these businesses have direct access off a residential street similar to Sycamore Drive. Please see **Appendix A** for Starbucks, Chipotle, Meatheads, Five Guys, Potbelly Sandwich Shop, Noodles & Company, Panda Express, and CorePower Yoga sites in Naperville. We have also included McDonald’s locations in Naperville because the Applicant has indicated that they are interested in siting a restaurant at the Subject Property.

City of Naperville Comprehensive Plan

The Subject Property is currently zoned OCI and past City planners, Planning and Zoning Commissions, and City Councils have determined that OCI is the best future use for the Subject Property based on guidance from the City of Naperville's Comprehensive Master Plan (“Master Plan”). The Master Plan, first adopted in 1960, serves as a guide for growth and development in the city. The Subject Property is in the East Sector planning area and is guided by the 1998 East Sector Update (“1998 Update”). The 1998 Update calls for a future land use of “Office/Research & Development” for the Subject property. This is the same zoning that the Subject Property has been under for more than 40 years.

Moreover, the 1998 Update encourages all redevelopment/infill development to be of a type and density that is compatible with the surrounding area and discourages the encroachment of nonresidential activity into residential areas to preserve the neighborhood character and residential property values. While OCI is not considered a residential zoning classification, City code does define OCI as a transitional zone between intensive business areas and residential neighborhoods. Rezoning the Subject Property to B-1 would allow intensive business uses to encroach on residential neighborhoods which is discouraged in the 1998 Update.

Required Development Entitlements – B1 Zoning District

We respectfully request that the City Council and Planning and Zoning Commission take the necessary steps to **REJECT** the Applicant's development entitlement requests and leave the Subject Property zoned OCI as it has been for over 40 years.

Variance to Reduce the Parking Lot Setback Along Washington Street From 30' to 20'

This variance is required because the Applicant is proposing to rezone the Subject Property from OCI to B-1 to install intensive business uses such as Starbucks and fast/fast casual restaurants. This proposed variance is not in harmony with Code and there are no exceptional hardships or special and unusual conditions associated with the "vacant" property. The Applicant can develop the Subject Property under an OCI use to prevent the need for this variance.

Variance to Permit Off-Site Monument Signage on Lot 1 and Lot 4

This variance is required due to the Applicant's preference in plating the Subject Property. This proposed variance is not in harmony with Code and there are no exceptional hardships or special and unusual conditions associated with the "vacant" property. The Applicant can develop the Subject Property under an OCI use to prevent the need for this variance.

Variance to Permit Monument Signs Within 40' of an Interior Property Line

This variance is required due to the Applicant's preference in plating the Subject Property. This proposed variance is not in harmony with Code and there are no exceptional hardships or special and unusual conditions associated with the "vacant" property. The developer can develop the Subject Property under an OCI use to prevent the need for this variance.

Variance to Eliminate the Bypass Lane Along the South Side of Building A

This variance is required because the Applicant is proposing to rezone the Subject Property from OCI to B-1 to install intensive business uses such as Starbucks and fast/fast casual restaurants. This proposed variance is not in harmony with Code and there are no exceptional hardships or special and unusual conditions associated with the “vacant” property. The Applicant can develop the Subject Property under an OCI use to prevent the need for this variance.

Furthermore, elimination of the bypass lane along the south side of Building A would create a safety issue by preventing patrons from exiting the drive through lane in the event of an emergency such as a car fire. This is a “vacant” site so there is no reason that the Applicant cannot comply with this Code requirement if B-1 zoning is approved.

Variance to Eliminate the Loading Berth

This variance is required because the Applicant is proposing to rezone the Subject Property from OCI to B-1 to install intensive business uses such as Starbucks and fast/fast casual restaurants. This proposed variance is not in harmony with Code and there are no exceptional hardships or special and unusual conditions associated with the “vacant” property. The Applicant can develop the Subject Property under an OCI use to prevent the need for this variance.

Furthermore, elimination of the loading berth will require deliveries to be made outside of normal business hours. Normal business hours for the proposed B-1 uses are substantially longer than that of traditional OCI uses and run seven days a week. This is a “vacant” site so there is no reason that the Applicant cannot comply with this Code requirement if B-1 zoning is approved.

Variance to Exceed the B-1 Floor Area Ratio Limitation of .325 on Lot 3

This variance is required because the Applicant is proposing to rezone the Subject Property from OCI to B-1 to install intensive business uses such as Starbucks and fast/fast casual restaurants. This proposed variance is not in harmony with Code and there are no exceptional hardships or special and unusual conditions associated with the “vacant” property. The Applicant can develop the subject proper under an OCI use to prevent the need for this variance.

Furthermore, the proposed FAR of Lot 3 is more than twice as large as code allows. While Lots 1, 2 and 4 are below the permitted .325 threshold, there is nothing preventing the FAR of these lots from being increased in the future especially if they are sold off to different owners. The Applicant can develop the Subject Property under an OCI use to prevent the need for this variance.

Rezoning from OCI to B-1

- a. The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the polices and official land use plan and other official plans of the City; and***

The Petition submitted by the Applicant argues that the existing OCI zoning will allow for a “massive building” and that the smaller density being proposed is a better fit for the surround neighborhood. However, this fails to acknowledge the traffic and increased hours of operation associated with B-1 businesses. The Applicant is proposing a Starbucks and several restaurants as part of his development plan. Starbucks is typically open from 5:30am to 10:00pm every day of the week. Other restaurant uses have the potential to be open late into the night.

The Applicant also indicates that the proposed amendment will “provide for the development of underperforming land to be utilized for its highest and best use”. However, this fails to acknowledge that the Subject Property has been fully utilized under its current OCI zoning for more than 40 years. Past City planners and City Councils have determined that the best use for the subject property is under OCI zoning. The Subject Property is not “underperforming” merely because the Applicant believes he can generate more profit under B-1 zoning. Under this logic, parks, forest preserves, churches, and schools are also “underperforming”.

The Applicant indicates that the proposed development plan takes the concerns of the adjacent neighbors into considerations and enhances the overall area. The adjacent neighbor’s number one concern was that no entrances be placed on Sycamore Drive or Catalpa Lane. The adjacent neighbor’s number two concern involved a restriction of all fast food restaurants for the life of the property. The adjacent neighbor’s number three concern involved light and noise pollution associated with B-1 uses. The adjacent neighbors requested the developer install berms and dense foliage along the entire Sycamore Drive and Catalpa Lane frontages. The adjacent neighbors also requested that new parking lot lights and street lights not be placed near their homes. None of these concerns were fully addressed in the current development plan.

The Applicant states, “As intended by the Code, the proposed B-1 district use will provide for the transition between the intensive uses of Washington Street to the residences to the west and south.” This fails to acknowledge that the current OCI zoning was put in place to act as the necessary transition. Code indicates “It is the intent of this OCI district to act as a transitional zone between intensive business areas and residential neighborhoods. This district should contain office, residential, institutional and support commercial facilities.” (Ord. No. 80-5, 1-21-1980). Rezoning the

Subject Property to B-1 will remove the transitional zone between Naperville Plaza Shopping Center (B-2 zoning) and the R1A zoned properties along Sycamore Drive, Catalpa Lane, and Washington Street.

The proposed rezoning from OCI to B-1 does not promote public health, safety, comfort, convenience and general welfare. An increase in traffic on neighborhood streets will pose safety issues for children walking to Elmwood Elementary which is located two blocks up Sycamore Drive. Parents use Sycamore Drive during carline and traffic backs up to Washington Street on rainy days and on cold days in the winter when less children walk home. Please see **Appendix B** for photos of carline. Additionally, increased traffic on Washington Street will make it more difficult for ambulances to make their way to Edward Hospital. The proposed rezoning negatively impacts the comfort, convenience and general welfare of the immediately surrounding neighbors. There will be a significant increase in noise and light pollution related to B-1 usage.

The Applicant does not address compliance with the official land use plan in his petition. The official land use plan calls for the property to remain OCI. The proposed rezoning from OCI to B-1 does not comply with the City's official land use plan for the East Sector (1998 Update) which calls for a future land use of "Office/Research & Development" for 1001 S. Washington Street. Page 34 of the 1998 Update states "Based on this information, staff and Plan Commission have created a Future Land Use Plan for the East Sector of Naperville (See Page 57 & 58). The purpose of this plan is to guide the long-range and intermediate-range planning efforts of the City. This plan will also serve as a guide for municipal officials and the general public in decision making".

Goal 2 on page 38 of the 1998 Update states "All redevelopment/infill development shall be of a type and density that is compatible with the surrounding area." The proposed development at 1001 S. Washington Street is not compatible with the existing R1A zoning along Sycamore Drive, Catalpa Lane and Washington Street. Intensive business uses such as Starbucks and other fast/fast casual restaurants will be allowed near existing residential properties.

Page 45 of the 1998 Update states "The intent of this plan is to promote attractive, well-defined general retail and service areas rather than allowing commercial sprawl along all major frontages. In addition, encroachment of nonresidential activity into residential areas will be discouraged to preserve the neighborhood character and residential property values." The proposed rezoning from OCI to B-1 promotes commercial sprawl along Washington Street and allows

commercial encroachment into the residential neighborhood. This will result in decreased property values along Sycamore Drive, Catalpa Lane and Washington Street.

Objective 4 on page 36 of the 1998 Update states “The plan should recognize that certain important roadway corridors do exist and should have abutting land uses that will not interfere with the safe and efficient movement of traffic. Major arterials such as 75th Street, Plainfield/Naperville Road, the northern portion of Naper Boulevard, the Western Bypass, and Washington Street have been improved with at least four lanes and are capable of handling significant levels of traffic. Development along these roadways should be limited in size and scale with a minimal number of access drives so the traffic flow is not impeded.” The proposed rezoning will increase traffic on Washington Street and will interfere with the safe and efficient movement of existing traffic.

b. The trend of development in the area of the Subject Property is consistent with the requested amendment; and

The Applicant indicates that the Naperville Plaza Shopping Center is zoned B-2 which is a complimentary land use. However, stating the existing zoning of the Naperville Plaza Shopping Center which was developed over 40 years ago does not show a trend. If that were the case, the trend of the subject property would be R1A since a majority of the surrounding properties are under this zoning classification.

The trend of development in Naperville and the Chicagoland areas is moving away from brick and mortar retail. The law firm of Rosanova & Whitaker recently represented Pulte Home Company in their successful annexation and rezoning of the Wagner Farm property (PNZ Case #18-1042 and PNZ Case #18-1043). Rosanova & Whitaker provided detailed evidence indicating that the market does not justify nor can it support the risk/cost associated with new commercial development. Naperville City Council agreed with this analysis and approved 8.05 acres to be rezoned to OCI from its specified Commercial zoning. It should be noted that the risk/cost is not solely bared by the developers. Existing property owners also suffer when adjacent commercial developments under perform and remain partial or fully vacant.

We agree with Rosanova & Whitaker’s findings that the commercial/retail market is oversaturated in the Chicagoland area. One only needs to drive the surrounding area to come to the same conclusion. There are significant commercial/retail vacancies in the area surrounding the subject property including at the intersection of 75th Street/Naper Blvd, on 75th Street south of Bailey, and near

the intersection of 75th Street/Plainfield-Naperville Road. Please see **Appendix C** for commercial vacancies near the Subject Property.

c. The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and

The Applicant again argues that the existing OCI zoning will allow for a “massive building” and that the smaller density that is proposed is a better fit for the neighborhood. However, this fails to acknowledge that OCI zoning is defined by Code as “It is the intent of this OCI district to act as a transitional zone between intensive business areas and residential neighborhoods. This district should contain office, residential, institutional and support commercial facilities.” (Ord. No. 80-5, 1-21-1980). The current OCI zoning of the subject property buffers the existing R1A zoned residential neighborhoods from the intensive business uses of Naperville Plaza Shopping Center (B-2 zoning). Rezoning of the subject property will remove this buffer and will allow intensive business uses to encroach on adjacent existing residential neighborhoods.

The Applicant’s lawyer, Vince Rosanova, successfully represented Mayor Chirico in the rezoning of his property at the intersection of Raymond Road and Diehl Road (PZC Case #18-409). In his development petition, Mr. Rosanova stated “Uses permitted in the OCI district include things such as churches, office buildings, veterinary offices, hotels, and multi-family dwellings. Moreover, the defined intent of the OCI District is to “act as a transitional zone between intensive business areas and residential neighborhoods”.” Furthermore, there is no mention of the supposed negative characteristics of OCI zoning such as density or “massive buildings” that are included in the development petition for 1001 S. Washington Street. It should be noted that the development petition for PZC Case #18-409 also requested conditional use approval to allow multifamily in the OCI zoning district. While we do not feel multi-family uses are appropriate for the Subject Property, we acknowledge the Applicant has the right to pursue a conditional use. However, any proposed conditional use would need to adhere to Code and receive approval from the Planning and Zoning Commission and City Council with input from the community. We are confident that the Planning and Zoning Commission and City Council will protect the surrounding neighborhood from an incompatible conditional use.

Rezoning to B-1 would allow the Applicant to have fast food uses such as McDonalds if they do not proceed with their project as proposed after rezoning approval. This was verified by City planning staff. The Applicant has indicated to adjacent neighbors that McDonalds has already approached them

with interest in the Subject Property. McDonalds attempted to site a new restaurant at Washington Street and Hillside Road in 2012 (PZC Case #12-1-018) and received unanimous opposition from Naperville City Council due to potential impacts to adjacent residential neighborhoods. McDonalds was only asking for variances in that case. In this case, the surrounding residential neighborhoods are protected by the current OCI zoning unless it is removed.

d. The subject property has not been utilized under the exiting zoning classification for a substantial period of time; and

The Subject Property was fully utilized under is OCI zoning classification for over 40 year prior to the developer purchasing it in November of 2018. The Applicant did not maintain the existing building properly which resulted in water damage and an inoperable fire suppression system necessitating the building's demolition. Building demolition started in March of 2019 and development plans requesting rezoning from OCI to B-1 were submitted to the City in April on 2019.

The City Legal Department provided the following explanation regarding a "substantial period of time".

"Whether a subject property has not been utilized under the existing zoning classification for a substantial period of time is one factor that is considered in the context of the other factors and in the context of the property developed in the vicinity.

There is no definitive black and white test for what constitutes a "substantial period of time". Often a reasonable gauge for that analysis is whether "but for" the zoning classification, the property probably would have been developed.

In the case of LaSalle National Bank of Chicago v. County of Cook, the court held that the length of time a parcel of property has been vacant as zoned, considered in the context of land development in the vicinity of the subject parcel, is a relevant factor for the court to analyze in determining the validity of a zoning classification thereof. The focus of this inquiry is whether the subject property is vacant or unsalable because of the zoning classification. The reasonableness of the zoning is called into question when, but for the zoning classification, the property probably would have been developed. Vacancy per se otherwise may not be relevant."

In his petition, the Applicant indicated that he could develop OCI uses on the property but felt the current proposal is more appropriate. The "but for" gauge for reasonableness does not seem to be

met in the proposed rezoning request since the Applicant has the ability to develop the property under an OCI use.

e. The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.

The Applicant does not address this requirement in his Petition. However, we have determined that the proposed rezoning from OCI to B-1 will alter the essential character of the neighborhood by placing intensive business uses directly adjacent to existing residential homes. The Applicant is proposing a Starbucks and several restaurants as part of his development plan. Starbucks is typically open from 5:30am to 10:00pm every day of the week. Other restaurant uses have the potential to be open late into the night. The proposed rezoning from OCI to B-1 will impact the neighborhood's previously quiet evenings and weekends with continuous noise and light pollution. Additionally, increased traffic will create safety issues for children and their families and will decrease the walkability of the neighborhood.

WHEREFORE, by reason of the foregoing, we request the Naperville City Council and Planning and Zoning Commission take the necessary steps to: (i) **REJECT** the plat of subdivision to subdivide the property located at 1001 S. Washington Street, Naperville, Illinois ("Subject Property") to protect the public health, safety, comfort, convenience and general welfare of the adjacent residential neighborhoods; (ii) **REJECT** the rezoning of the Subject Property from "OCI" (Office, Commercial & Institutional) to B-1 (Neighborhood Convenience Shopping Center); and (iii) **REJECT** all variances, departures and deviations to prevent the development of the Subject Property under B-1 zoning.

RESPECTIVELY SUBMITTED this 9th day of June 2019.

ADJACENT PROPERTY OWNERS:



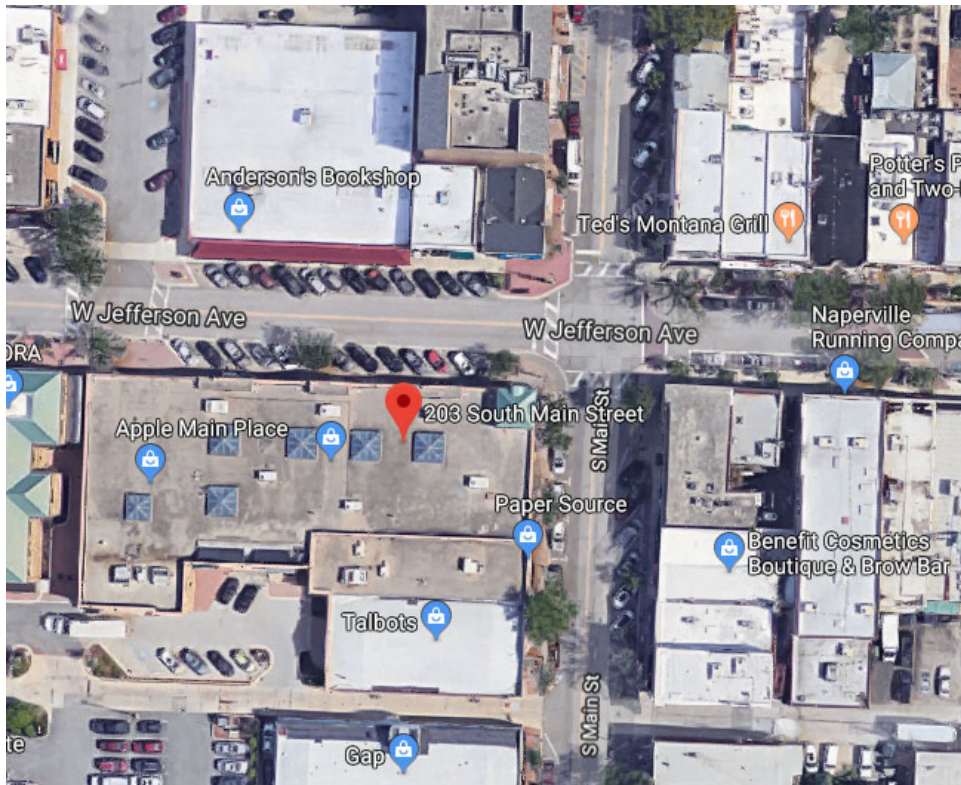
Josh and Ellen Ziliak



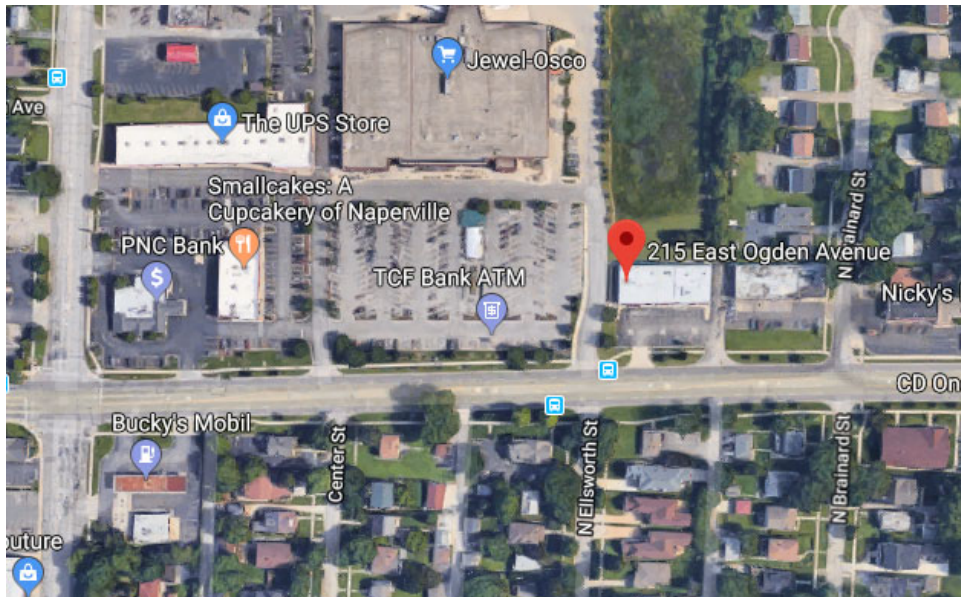
Appendix A

Starbucks

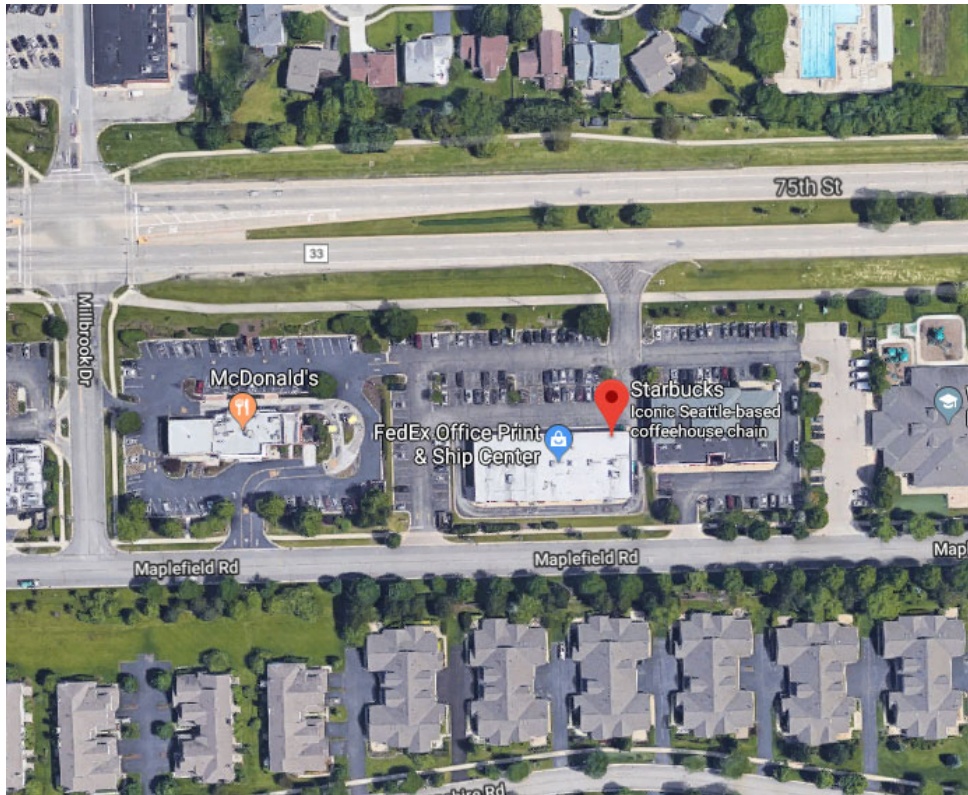
203 S Main Street



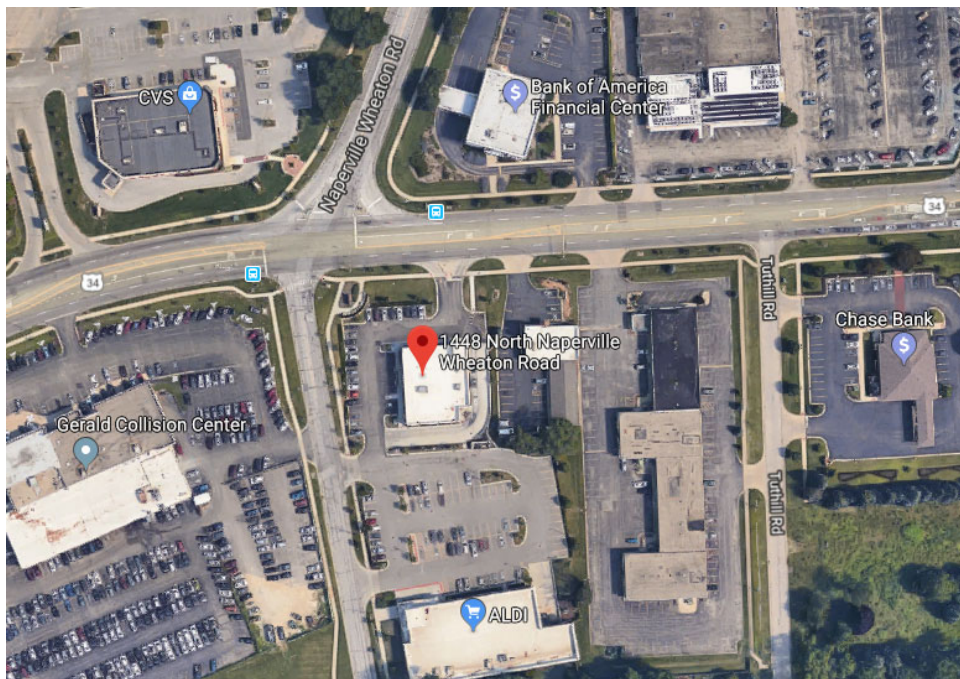
215 E Ogden Avenue



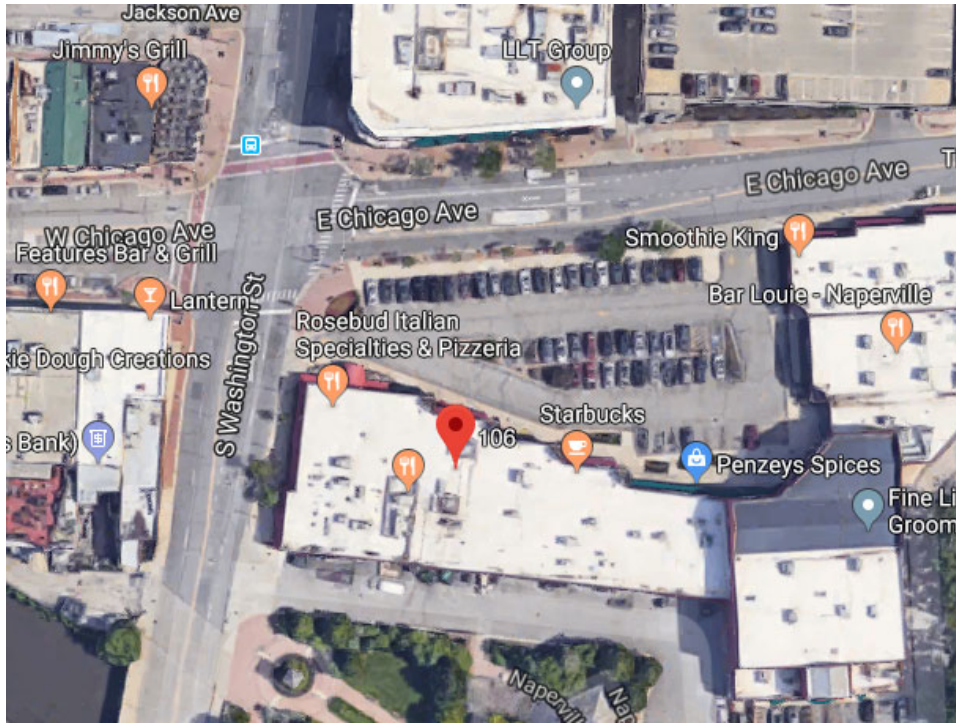
860 W 75th Street Unit #104



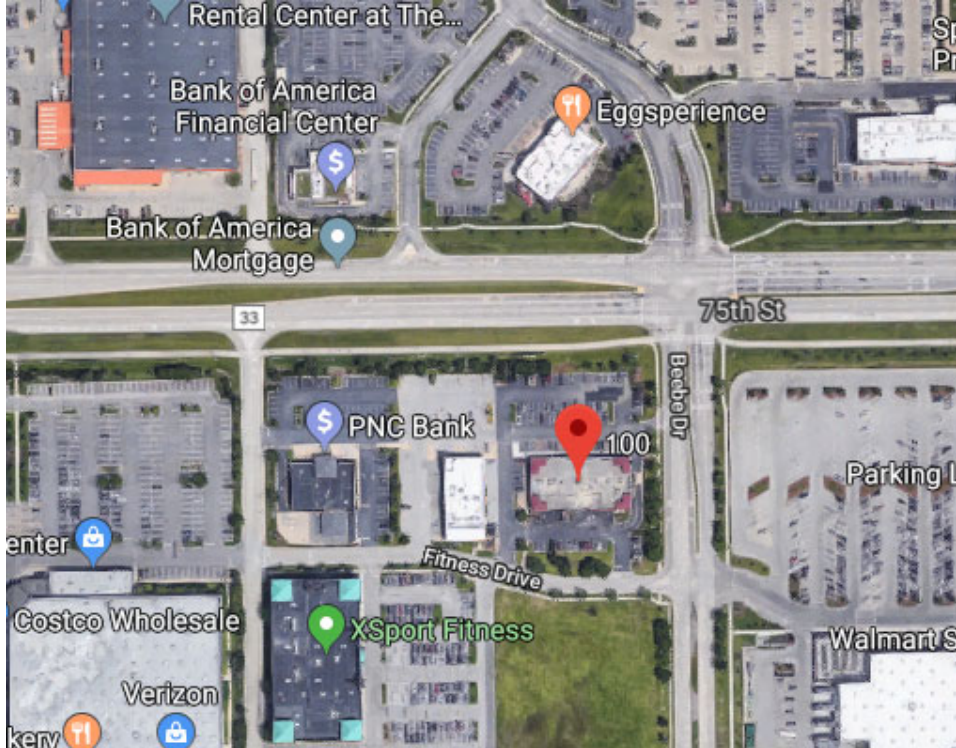
1448 Naperville Wheaton Road



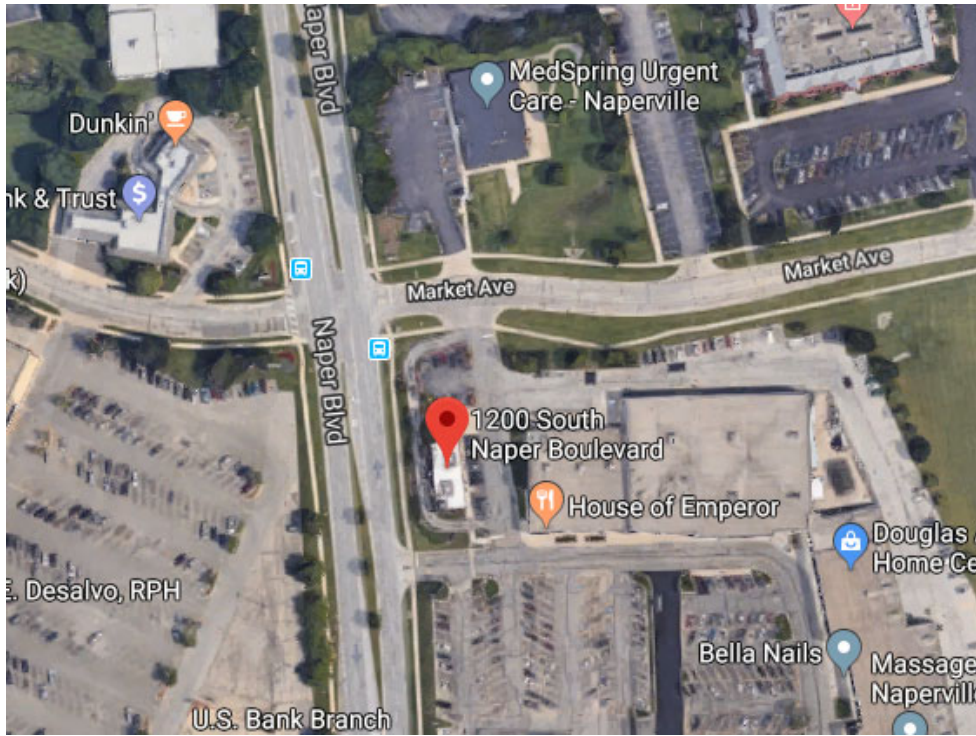
22 E Chicago Ave Suite 106



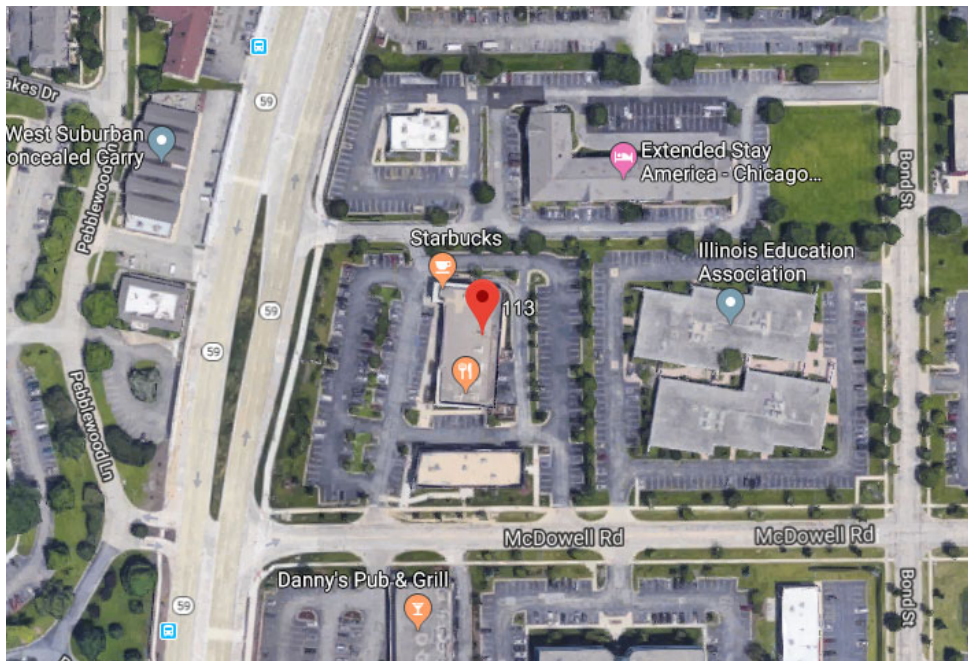
2728 W 75th Street #100



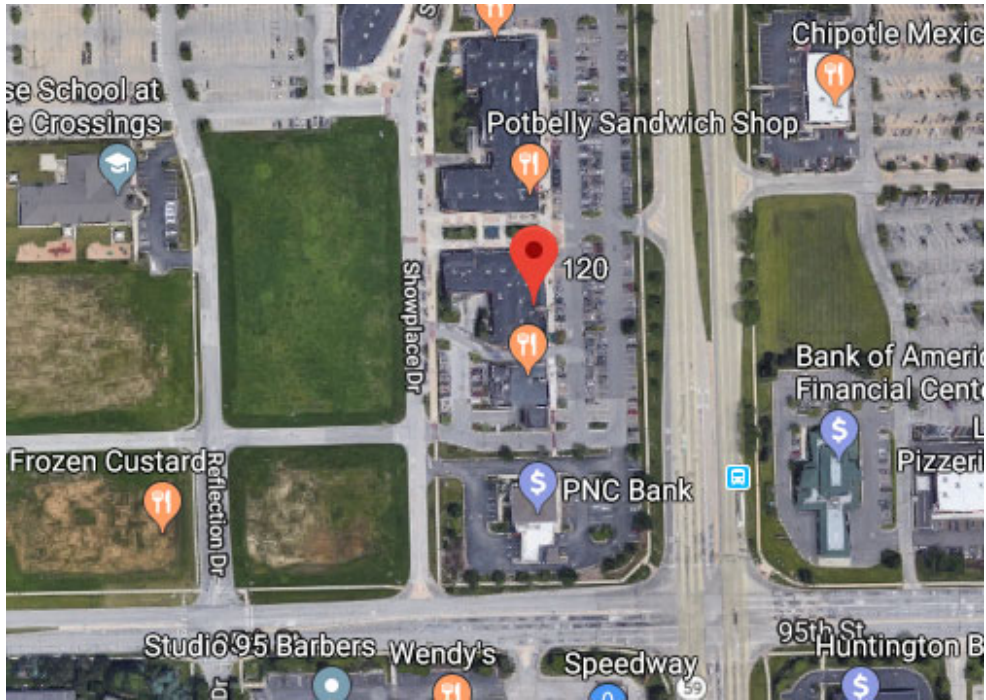
1200 S Naper Blvd



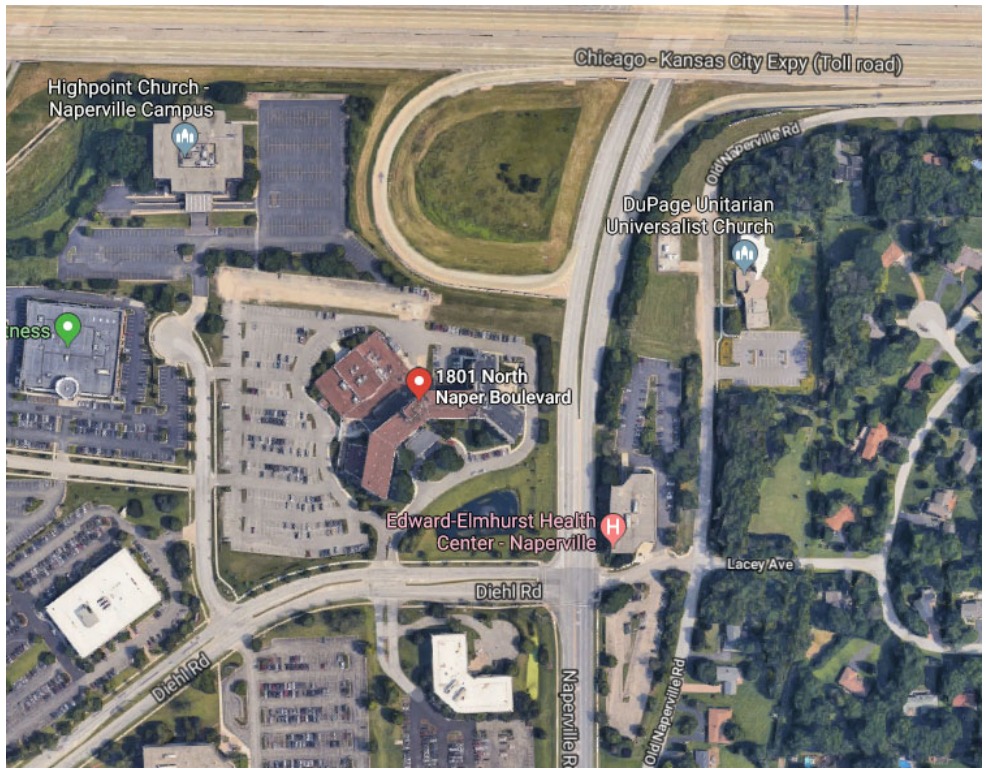
1979 McDowell Road #113



2936 Showplace Drive #120



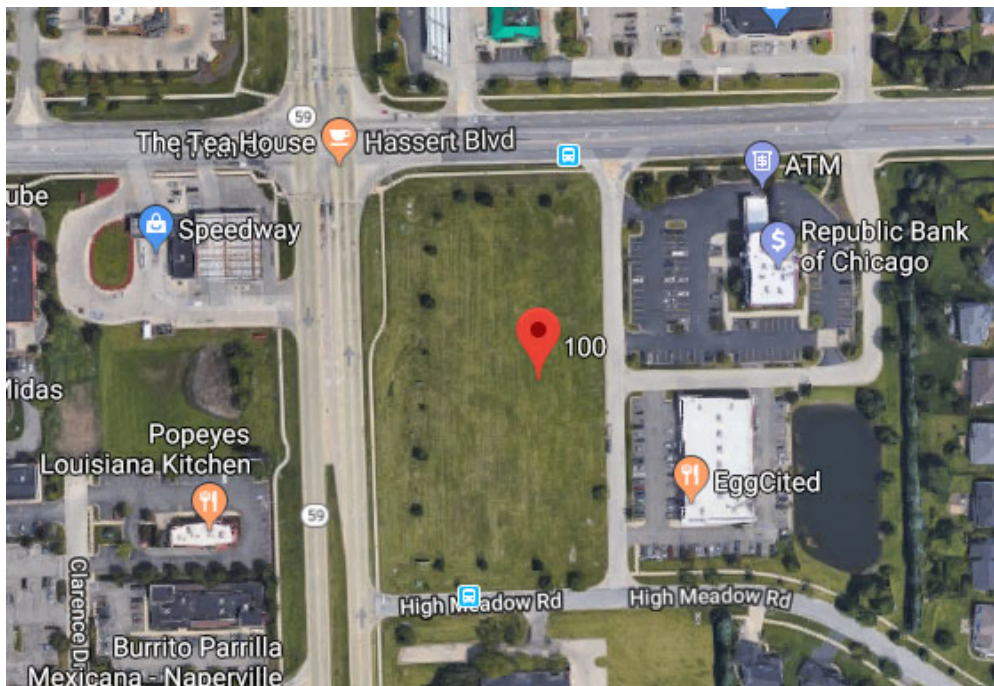
1801 N Naper Blvd (Marriott)



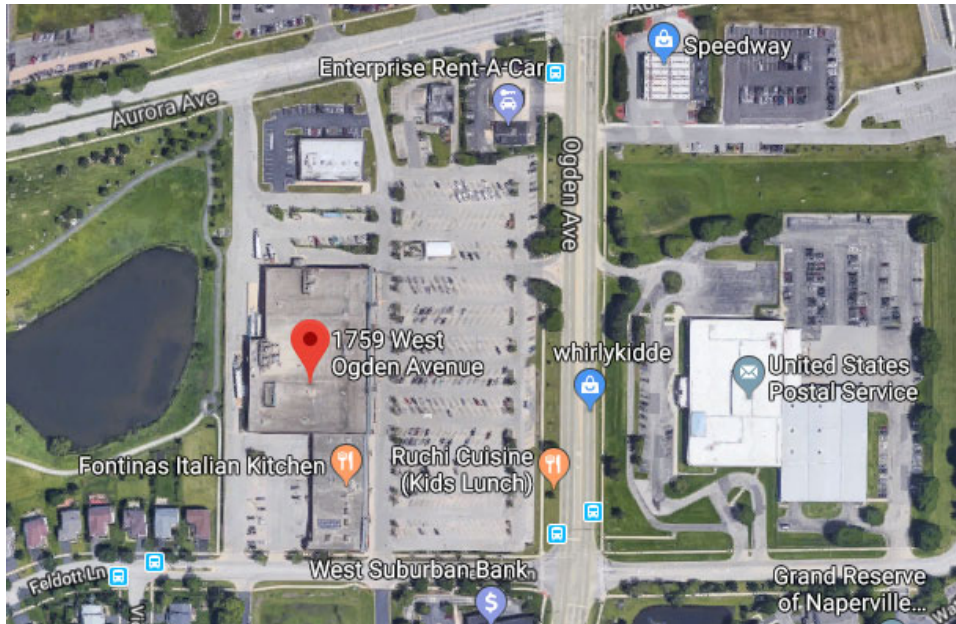
1951 W Jefferson Ave (Target)



2812 Hassert Blvd #100

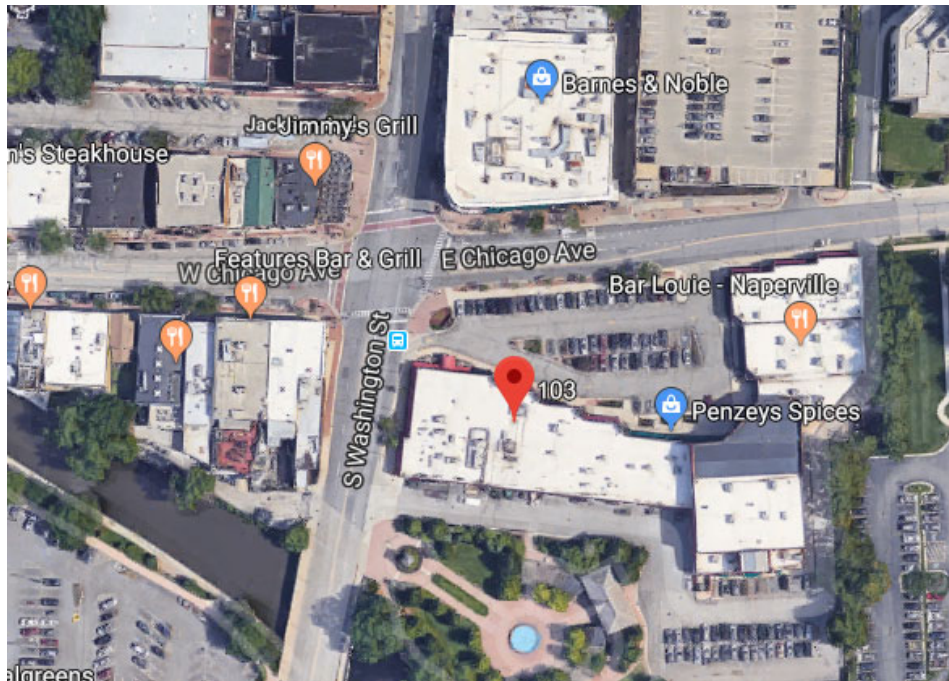


1759 W Ogden Ave (Jewel)

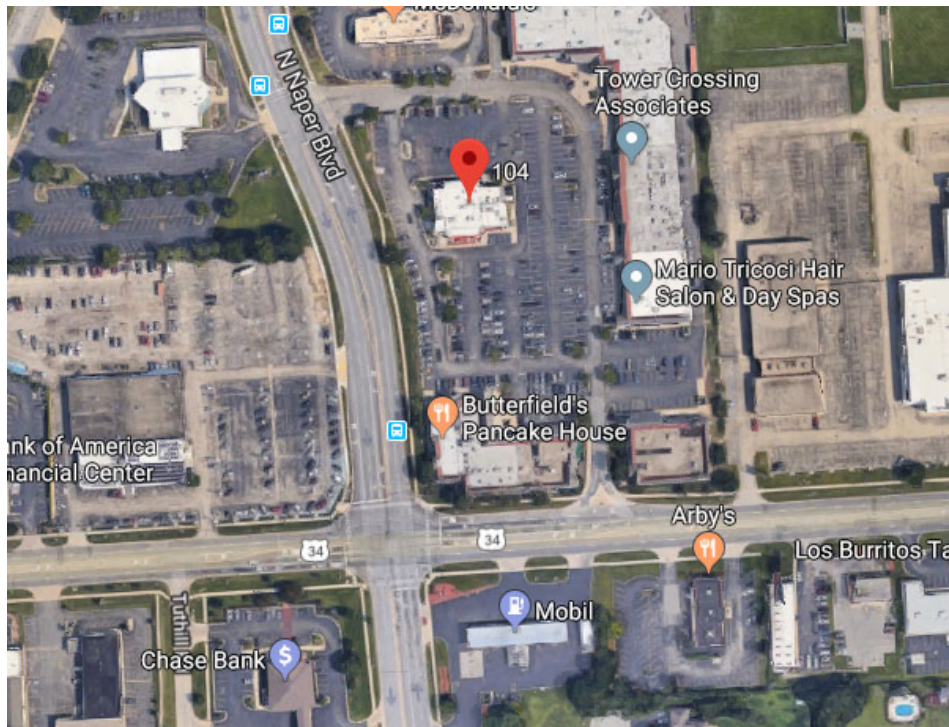


Chipotle

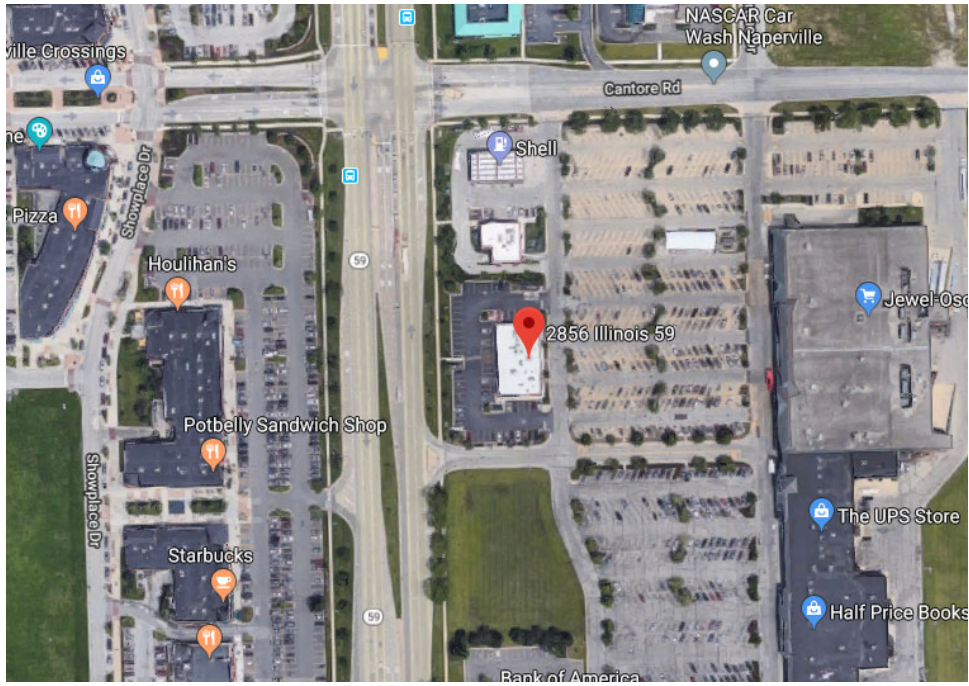
22 E Chicago Ave Ste 103



1516 N Naper Blvd Suite 104

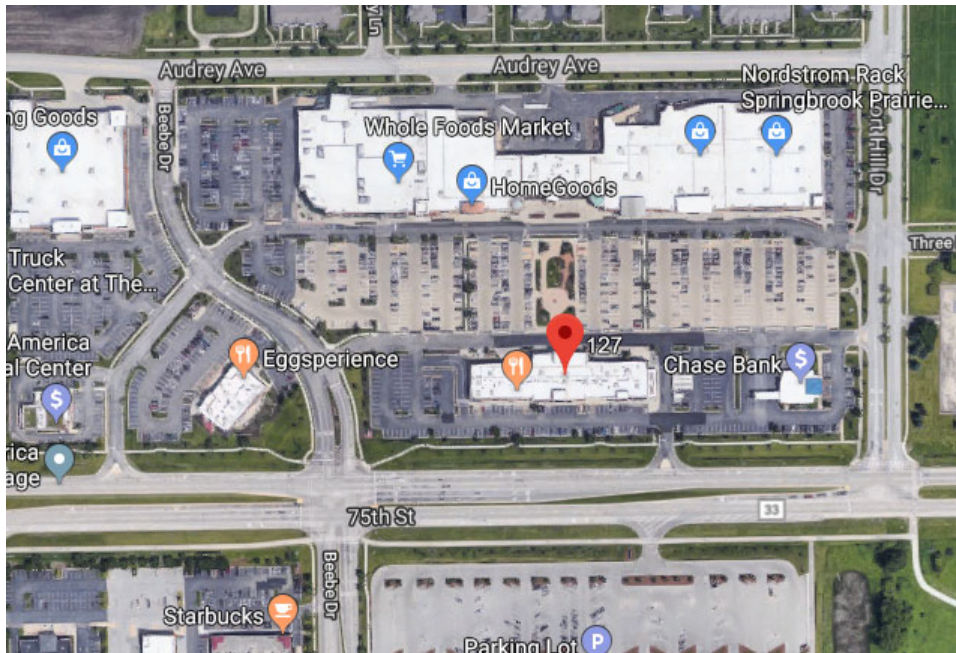


2856 S. IL-59



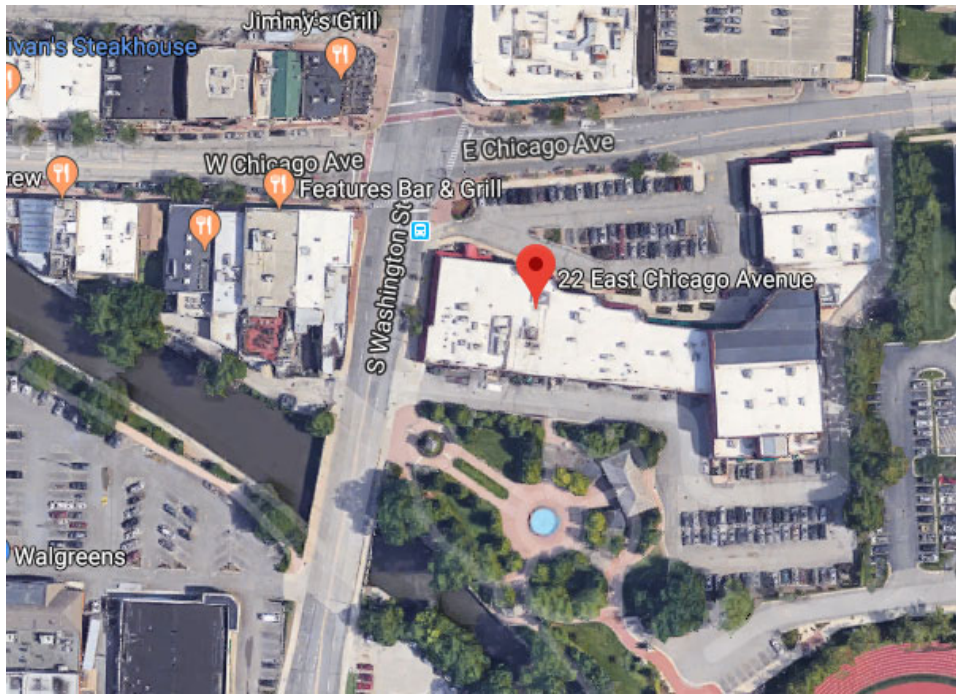
Meatheads

2555 W 75th St Suite 127

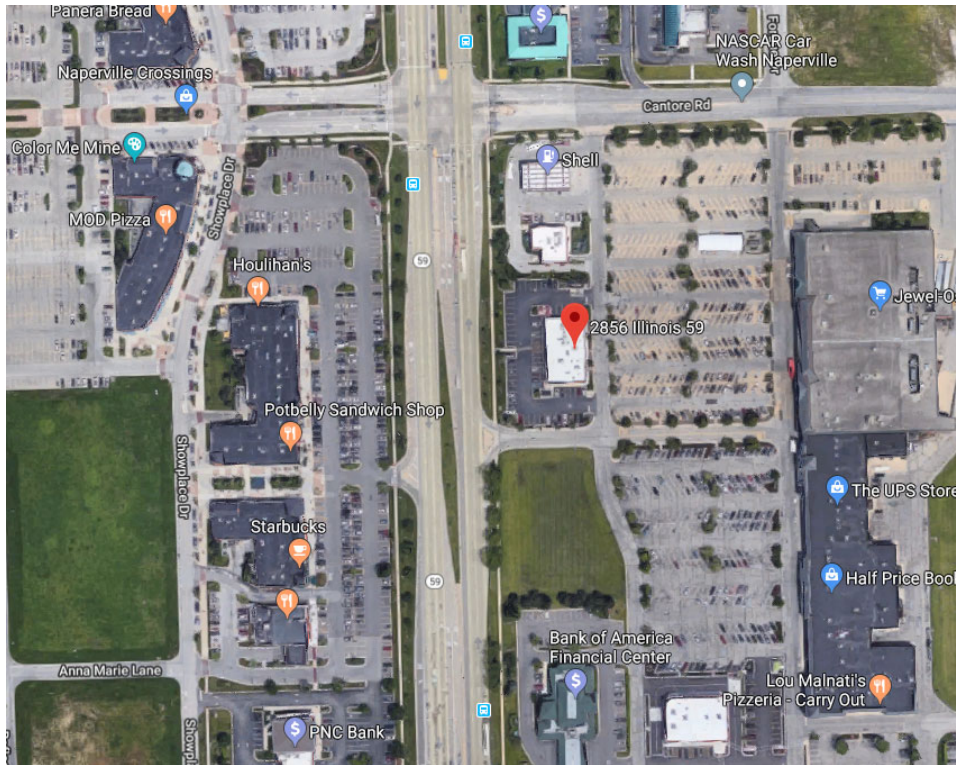


Five Guys

22 E Chicago Ave

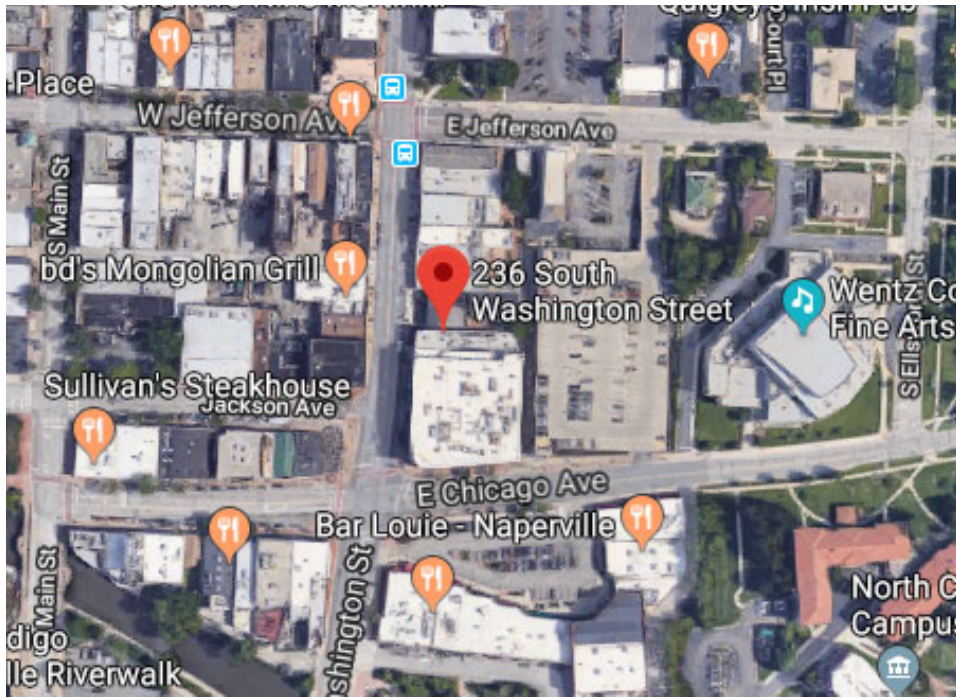


2856 S. IL-59

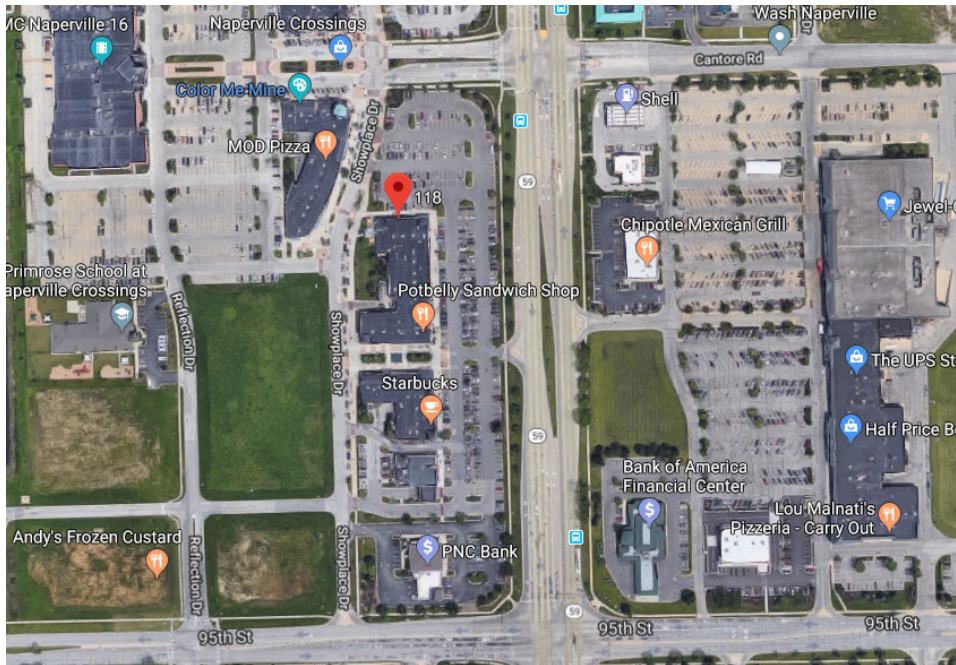


Potbelly Sandwich Shop

236 S Washington Street

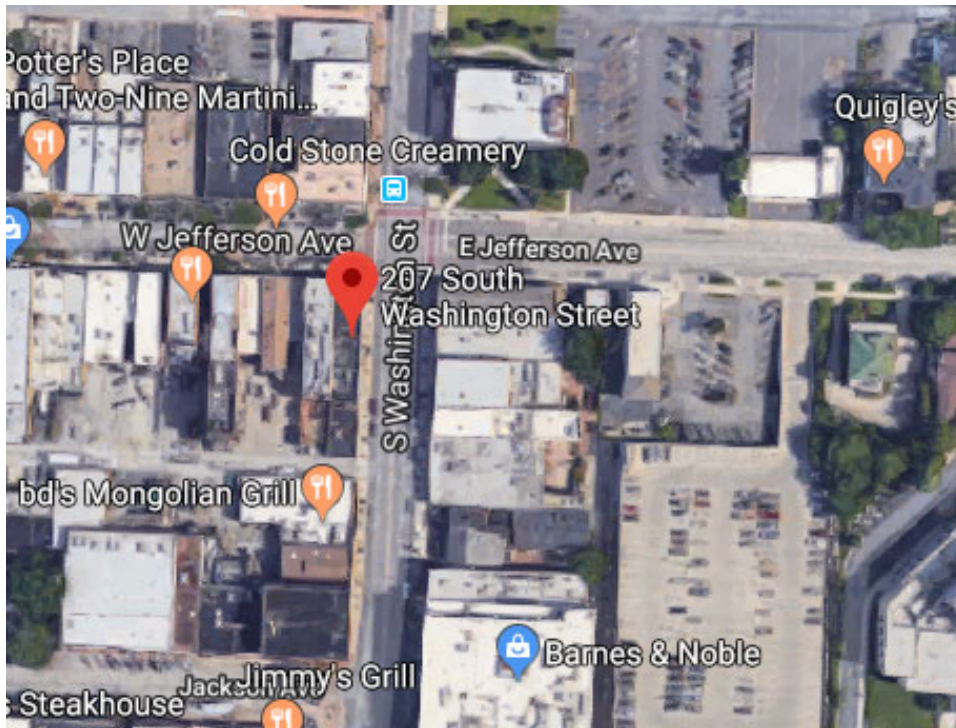


2860 Showplace Drive Ste 118

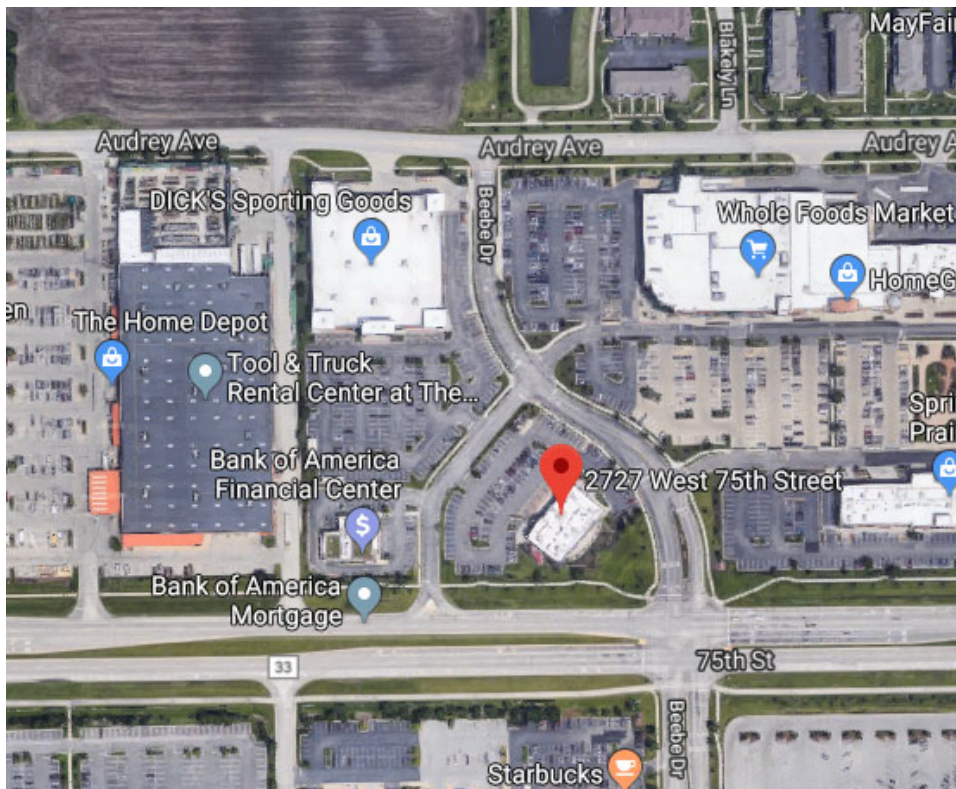


Noodles & Company

207 S Washington Street

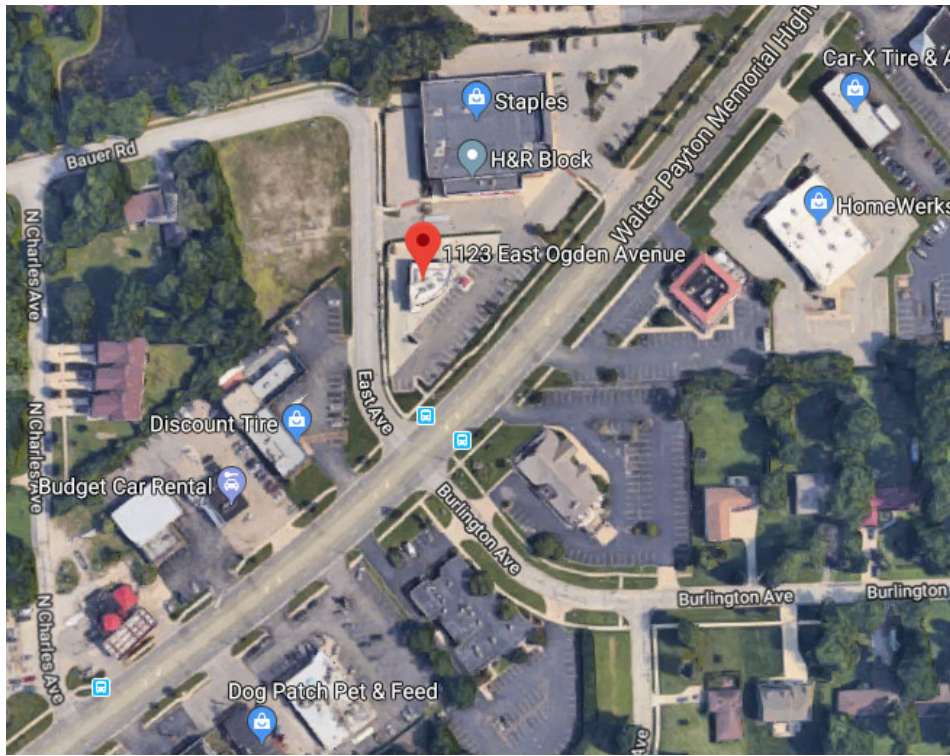


2727 W 75th Street



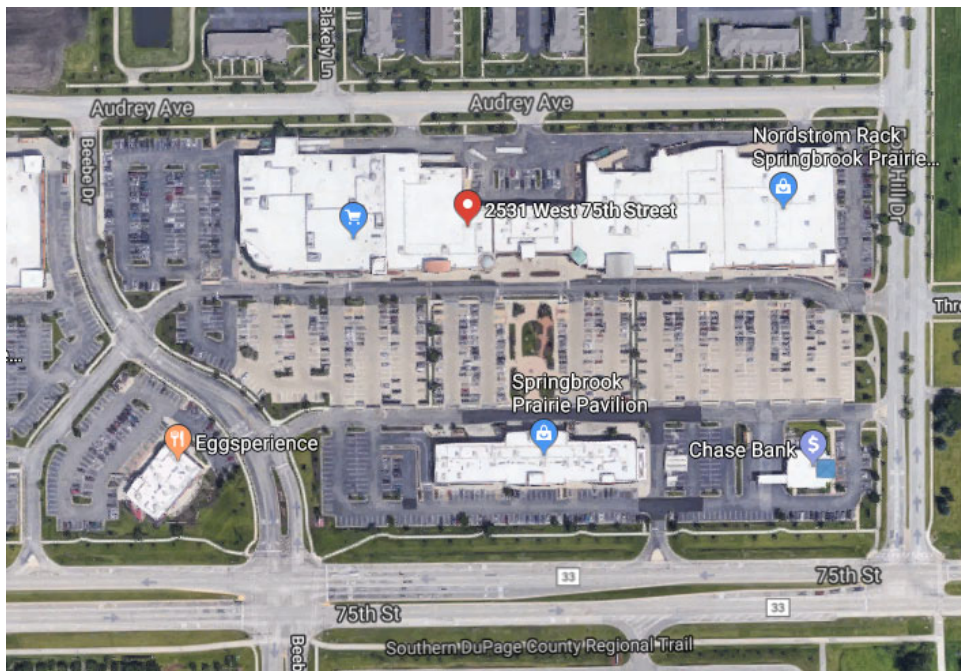
Panda Express

1123 E. Ogden Avenue

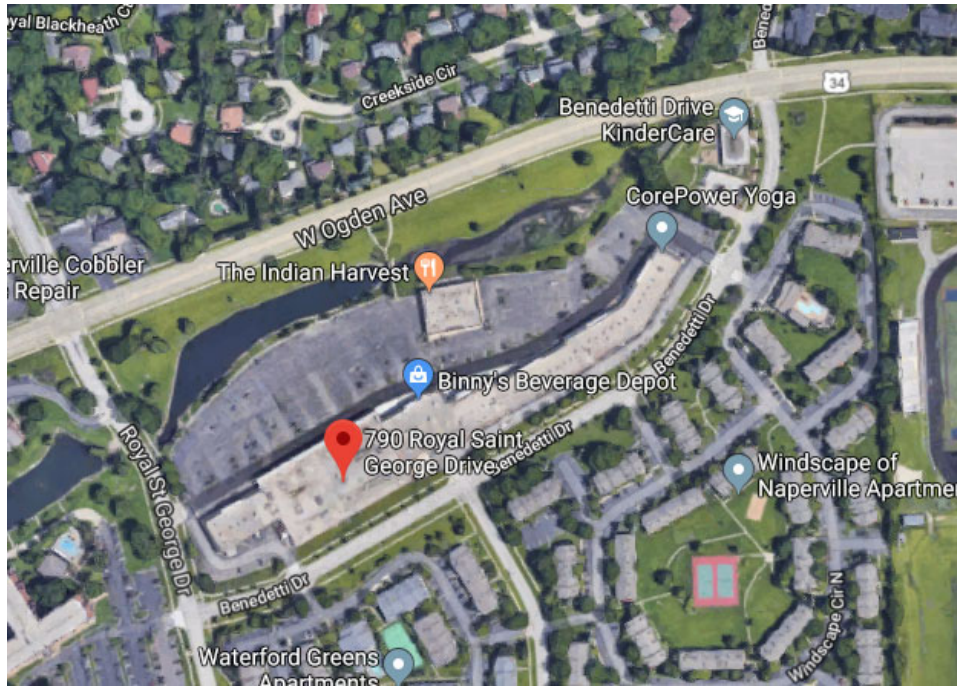


CorePower Yoga

2531 W 75th Street

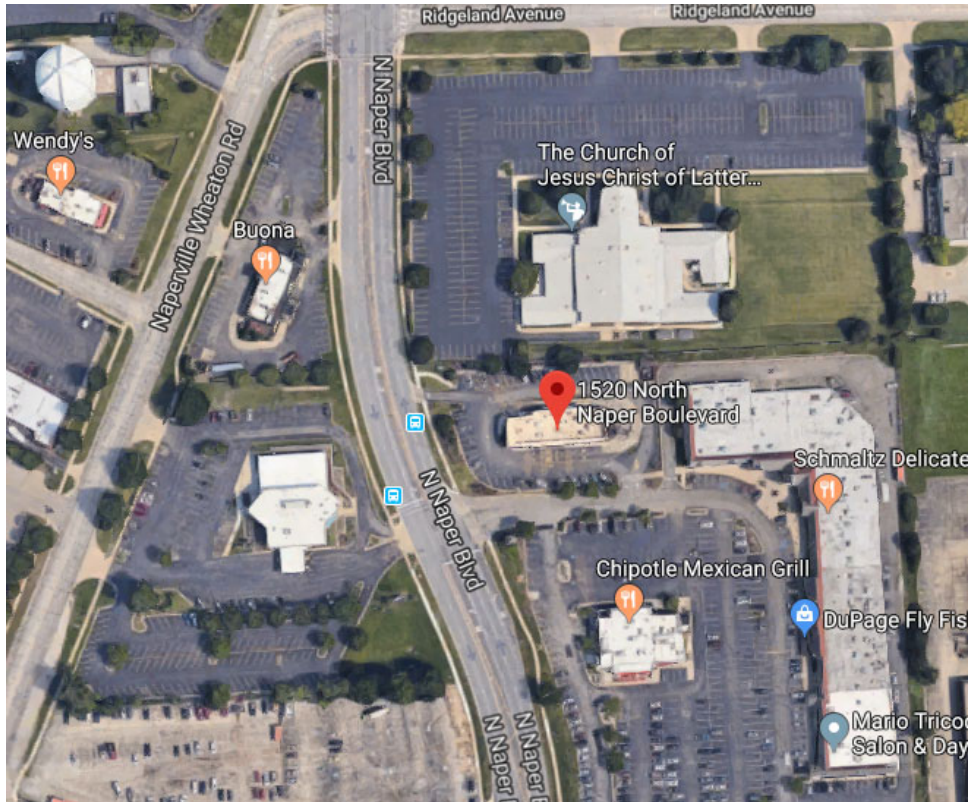


790 Royal St George Drive

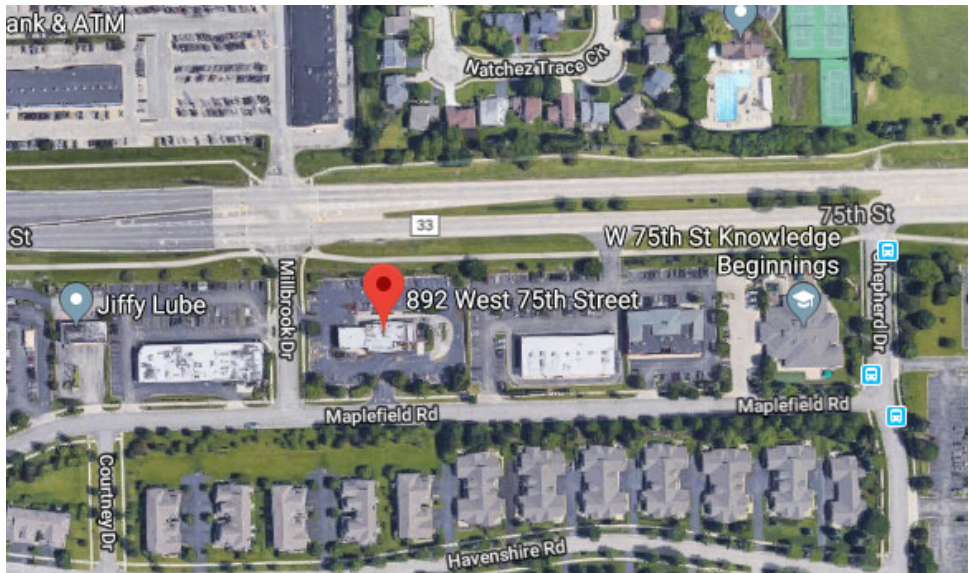


McDonalds

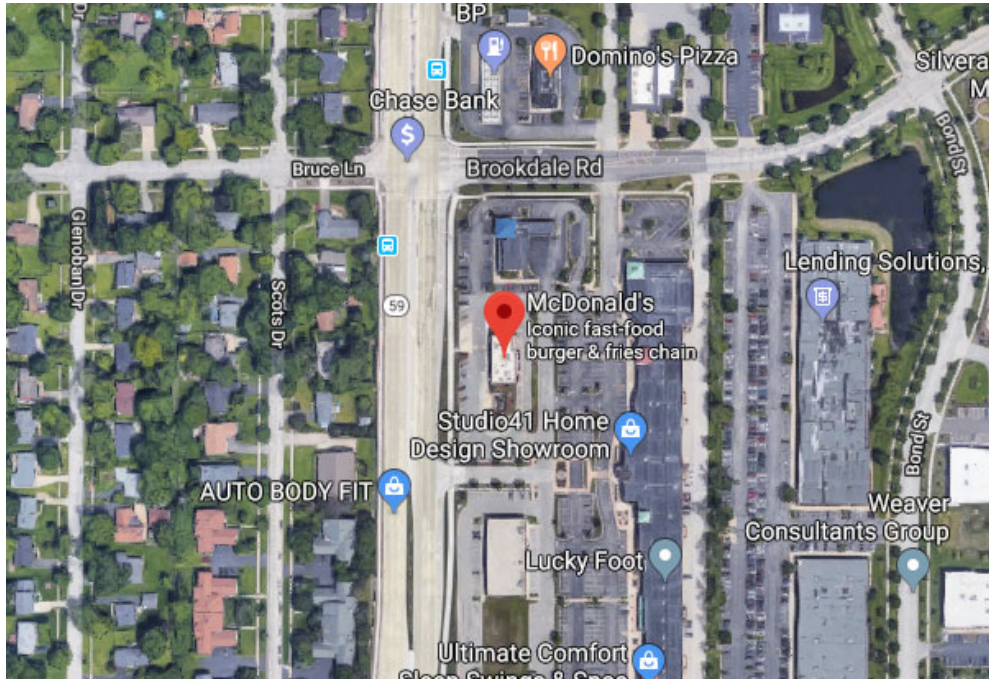
1520 N Naper Blvd



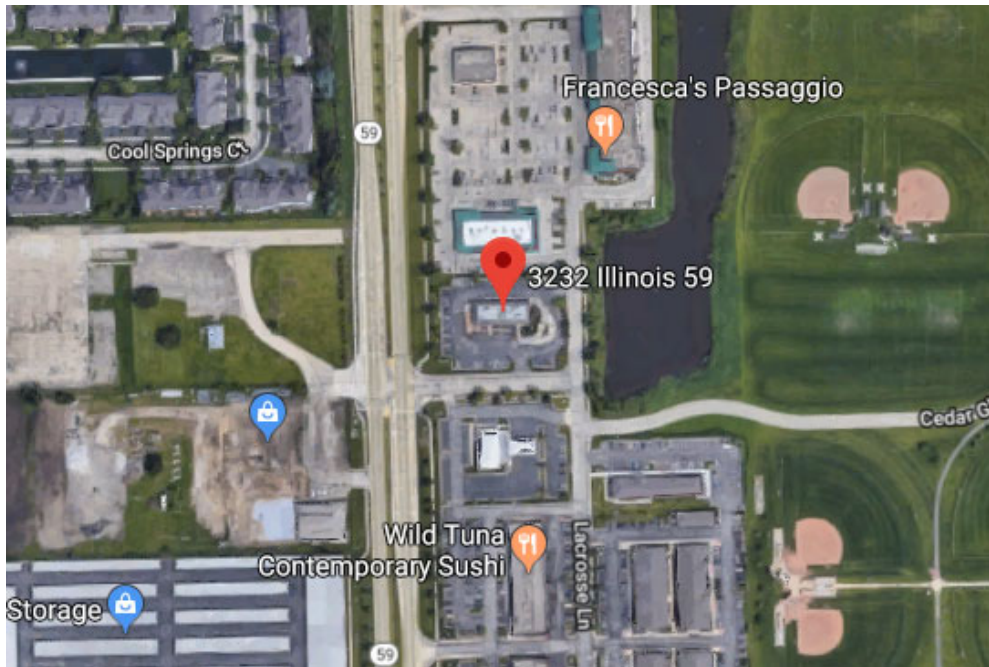
892 W 75th St



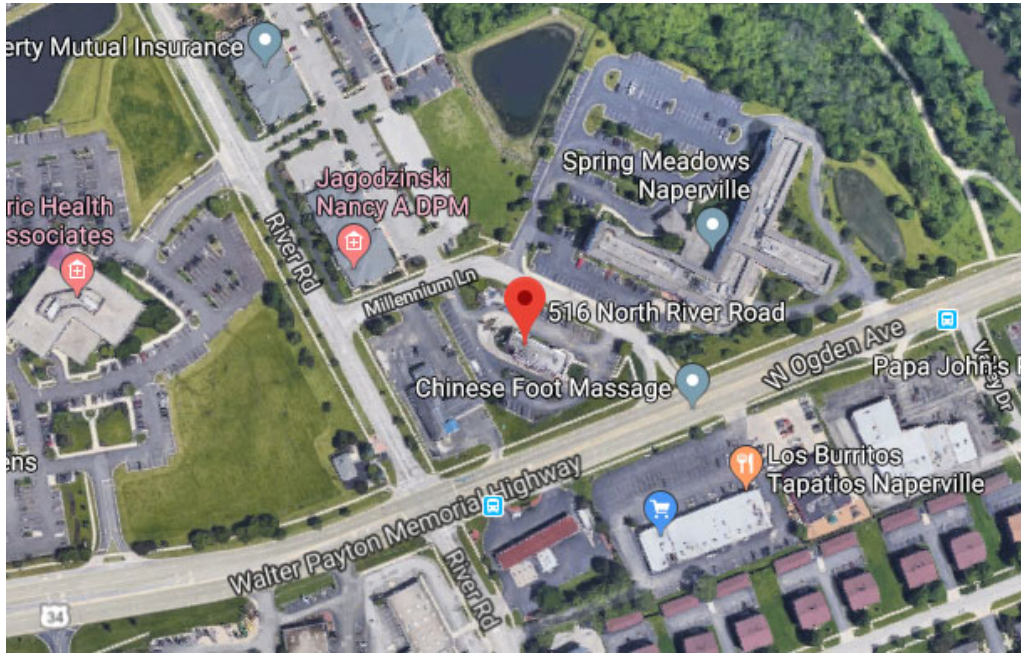
1376 N IL-59



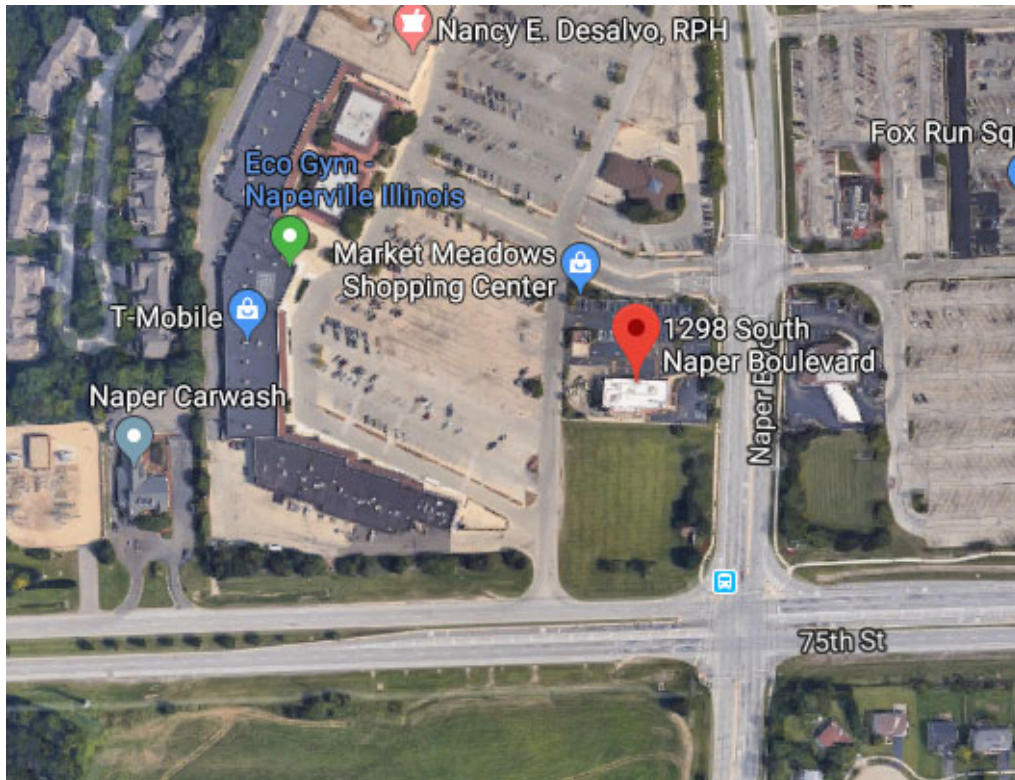
3232 IL-59



516 N River Rd



1298 S Naper Blvd



Appendix B

Picture 1 – Inside 105 Sycamore Drive looking toward Washington



Picture 2 – Standing at Sycamore and Catalpa looing toward Washington



Picture 3 – Standing at 105 Sycamore Drive looking toward Catalpa



Appendix C

Washington St and Gartner Rd



Washington St and Chicago Ave



Near 75th St and Plainfield-Naperville Rd



Near 75th St and Plainfield-Naperville Rd



Near 75th St and Plainfield-Naperville Rd



Near 75th St and Plainfield-Naperville Rd



Near 75th St and Plainfield-Naperville Rd



Near 75th St and Plainfield-Naperville Rd



75th St and Naper Blvd



75th St and Naper Blvd



75th St and Naper Blvd



75th St and Naper Blvd



Washington St south of Bailey Rd



Washington St south of Bailey Rd



Washington St south of Bailey Rd



Williams, Scott

From: Planning
Sent: Wednesday, July 10, 2019 7:57 AM
To: Williams, Scott
Subject: FW: Tartan -PZC #19-1-49

Follow Up Flag: Follow up
Flag Status: Flagged

From: Dennis Barfuss [mailto:████████████████████]
Sent: Tuesday, July 9, 2019 11:03 PM
To: Planning <Planning@naperville.il.us>
Subject: Tartan -PZC #19-1-49

CAUTION: This e-mail originated outside of the City of Naperville (@naperville.il.us).

DO NOT click links or open attachments unless you confirm the incoming address of the sender and know the content is safe.

Commissioners,

My Name is Dennis Barfuss and our family has lived at █████ Catalpa Lane for forty one years. As you can imagine I have a vested interest in keeping the neighborhood vibrant for all the folks that live in the residential area. We have a positive turnover as seniors move out, young families move in. I have reviewed the plans that Tartan has put forth and they have done a nice job of providing a beautifully designed set of buildings very salable for themselves. I am sure they purchased the land at low cost as the bank wanted to desperately get out of the existing structure. The major issue is the rezoning. As per Building and Zoning long term plans this parcel was zoned OCI. Over the many years up until today that zoning has provided an equitable relationship with the Highlands and surrounding neighborhoods. Now the Tartan folks have come in and I attended one of their meetings where they threatened the neighbors of building an eight story building if they didn't get there rezoning. They talked about the diesel generator located on the bank property as being a potential bomb in the neighborhood, and that everyone should be glad that Tartan is here to save the day. Changing the zoning from OCI to B1 would go against the long term zoning plan and also change that area to an uncontrollable area much like the NEW 24 hr Seven Eleven at Ogden and Royal St. George. If the zoning is changed, it doesn't matter who moves in as the first tenant, but who moves in when the first store goes out of business. As taxpayers and residents of the neighborhood, We do not need to lose the piece of mind or control as to what happens in our neighborhood. We understand that all control will be lost. I like change and new technology, but change for a positive reason. We already have enough coffee shops

