



Meeting Minutes

Planning and Zoning Commission

Wednesday, March 20, 2024

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** 8 - Manas Athanikar, Meghna Bansal, Tom Castagnoli, Stasha King, Derek McDaniel, Carl Richelia, Oriana Van Someren, and Mark S. Wright
- Excused** 1 - Whitney Robbins

C. PUBLIC FORUM:

Marilyn Schweitzer provided comments urging the Commission to work to achieve the goals and principles of the City’s Land use master plan. Encouraged the PZC to direct staff to make changes to the Municipal Code to support all aspects of the land use plan. Ms. Schweitzer also encouraged the Commissioners to not approve any plans unless they address under served areas of the land use plan.

D. PUBLIC HEARINGS:

1. Conduct the public hearing for 1159 E Ogden Avenue (Chick-fil-a) - PZC 23-1-110

Commissioner Athanikar recused himself from this agenda item.

Brad Iwicki, City of Naperville Planning Services Team, provided an overview of the request.

Jason Hill, Petitioner, presented the case.

Public Testimony:

Marilyn Schweitzer stated that she appreciated the inclusion of a parking study and inclusion of pedestrian access in the petitioner's submittal. Ms. Schweitzer stated that the existing ground sign is sufficient and an additional monument sign is not necessary. Ms. Schweitzer stated that she feels that the proposed use does not fit as well as other potential users into the existing shopping center and that the proposal does not support superior design standards. Ms. Schweitzer also spoke against location of the proposed trash enclosure and feels that it does not create a welcoming design. Ms. Schweitzer requested that the PZC not approve the request.

Commissioner McDaniel asked the petitioner what the anticipated opening date is. Mr. Hill stated that it would be first quarter of 2025. Commissioner McDaniel asked the petitioner where the proposed monument sign is proposed. Mr. Hill confirmed where the monument sign is proposed to be. Commissioner McDaniel stated that he is excited about the potential use, and stated that he thinks the monument sign is not necessary.

Commissioner Wright asked about the orientation of the building on the plans compared to what is existing. The Petitioner confirmed that a portion of the existing building has not yet been demolished. Commissioner Wright asked about the potential traffic impacts. Mr. Hill discussed the projected traffic impacts and stated that most traffic would enter and exit the site off of Ogden Ave. Commissioner Wright stated that the location is somewhere that they want the proposed user to be while also wanting to be conscious of traffic along Iroquois Ave. Commissioner Wright requested that staff keep an eye on the Iroquois Ave and Ogden Ave intersection. Commissioner Wright stated that he thinks that the proposed monument sign is unnecessary, but is supportive of the project as a whole.

Commissioner Van Someren asked staff to confirm that orientation of the plans will be correct before the request goes to the City Council. Mr. Iwicki confirmed that staff will work with the petitioner to make sure all plans are correct.

Commissioner Bansal asked the petitioner why the bypass lane variance is required. Mr. Hill stated that the lot is not large enough to have a full bypass lane and that they accomplished the same task with the design they proposed. Commissioner Bansal confirmed that someone could exit part way through the drive thru, Mr. Hill confirmed that this is correct.

The PZC closed the public hearing.

Commissioner McDaniel made a motion, seconded by Commissioner Wright to adopt the findings of fact as presented by the petitioner and approve PZC 23-1-110, a major change to the Iroquois Center Planned Unit Development (“PUD”) and Final PUD Plat, a deviation pursuant to Section 6-9-6:2.2 of the Code granting relief from the bypass lane requirement; and for reasons noted in the staff report, concur with staff to deny the requested deviation to Section 6-16-5:2.2.1 of the Code for two monument signs closer together than 200 feet for the property located at 1159 E. Ogden Avenue.

Aye: 7 - Bansal, Castagnoli, King, McDaniel, Richelia, Van Someren, and Wright

Excused: 1 - Robbins

Recused: 1 - Athanikar

2. Conduct the public hearing to consider a variance to Section 6-6A-7:1 (R1A: Yard Requirements) of the Naperville Municipal Code for the property located at 384 River Bluff Circle - PZC 24-1-005

Brad Iwicki, City of Naperville Planning Services Team, provided an overview of the request.

Judith Wivell, Petitioner, presented the case.

Mary Agnes Dixon spoke on her concerns on the proposal regarding access to the yards by their HOA lawn care and the public utilities and spoke on concerns to losing access to back yard. Ms. Dixon also shared her concern that the loss of her side river view would impact her property value.

Ruth Hild spoke against the request stating that she finds that there are conflicts in what is proposed with their HOA bylaws. Ms. Hild stated concerns that the proposal does not match the character of the community and that it is not similar enough to the other homes in the neighborhood.

Commissioner Van Someren asked if a similar porch exists, Ms.Hild stated that there was one on the back of a home.

Commissioner Athanikar asked staff to confirm that the HOA requirements are separate from what the Commission reviews. Mr. Iwicki confirmed that HOAs are allowed to have their regulations that go further than the zoning code, but that HOA rules are to be enforced by the HOA and not the Commission.

Commissioner Van Someren confirmed that the PZC upholds the City's regulations and that it is up to their community's HOA board to enforce their rules and regulations. Ms.Hild asked what could be done if their HOA board had approved the request in error. Commissioner Van

Someren recommended that they speak with an attorney about that and confirmed that the Commission is unable to offer legal advice. Commissioner Athanikar stated that the Commission's focus is land use issues.

Commissioner Castagnoli asked if the HOA approved the request, Mr. Iwicki confirmed that it was approved.

Terry Cieiank stated that he is on the community's HOA board and stated that the petitioner's request was approved by the HOA. Mr. Cieiank shared a concern about access to the properties by the Fire Department.

Commissioner Athanikar asked staff about access to neighboring properties and regulations on construction impacts on neighboring properties. Mr. Iwicki confirmed that the petitioner would need approval from any neighboring property owners to access their property and that the code adopted by the City requires that adjacent properties not be negatively impacted by construction activities.

Commissioner King asked staff for the dimensions of the existing deck, Mr. Iwicki provided the dimensions.

Commissioner McDaniel stated that he visited the property and confirmed that the proposal reduces setbacks compared to the existing deck. Commissioner McDaniel also stated that he feels that a neighbor improving their home would improve the property values of neighboring properties rather than harm them. Commissioner McDaniel asked staff to confirm if a similar variance had been approved in the neighborhood previously, Mr. Iwicki confirmed that a similar variance had been approved for the property at 415 River Bluff Cr.

Commissioner Athanikar asked about potential flood plain impacts. Peter Zibble from staff confirmed that there were no expected impacts to the flood plain.

Commissioner Athanikar asked staff to confirm that Fire Department access to the neighboring properties will be maintained. Mr. Iwicki confirmed that the Fire Department will be consulted.

Ms. Wivell thanked the commission.

The PZC closed the public hearing.

Commissioner Van Someren made a motion, seconded by Commissioner

McDaniel to make a motion to adopt the findings of fact as presented by the petitioner and approve PZC 24-1-005, a variance pursuant to Section 6-6A-7:1 to allow a 170 square-foot screened-in porch and 50 square-foot wood deck to encroach into the required rear and interior side yard setbacks for the property located at 384 River Bluff Circle.

Aye: 8 - Athanikar, Bansal, Castagnoli, King, McDaniel, Richelia, Van Someren, and Wright

Excused: 1 - Robbins

E. REPORTS AND RECOMMENDATIONS:

1. Approve the minutes of the February 21, 2024 Planning and Zoning Commission meeting.

The PZC approved the minutes of the February 21, 2024 meeting.

F. OLD BUSINESS:

G. NEW BUSINESS:

H. ADJOURNMENT:

Adjourned at 8:11PM