



Meeting Minutes

Planning and Zoning Commission

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Wednesday, July 17, 2019

7:00 PM

Council Chambers

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**A. CALL TO ORDER:**

**B. ROLL CALL:**

Present: 9 - Athanikar, Bansal, Fessler, Habel, Hanson, Losurdo, Margulies, Morin, Van Someren

**C. PUBLIC FORUM:**

**D. PUBLIC HEARINGS:**

1. Conduct the public hearing to consider a variance to Section 6-6B-7:1 and Section 6-2-3:3.2 to permit an enclosed porch and an attached patio to encroach into the required rear setback at the subject property located at 1322 N. Eagle Street- PZC 19-1-066.

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

Bear Hoyer spoke as the petitioner.

The PZC inquired about the depth of the foundation for the porch. Hoyer stated the foundation has a depth of 12". Williams added that a City inspector has visited the property and Hoyer will have to submit architectural plans to verify specs. PZC inquired about the petitioner's knowledge of the variance requirements. Mr. Hoyer stated that he was unaware of the permitting and variance requirements.

Public Testimony: None

PZC closed the public hearing.

A motion was made by Commissioner Morin and seconded by Commissioner Habel to adopt the findings of fact as presented by staff and deny PZC 19-1-066, a variance to allow an enclosed porch and a patio that extend into the rear yard setback at the subject property located at 1322 N. Eagle Street, Naperville.

Aye: 4 - Habel, Losurdo, Morin, Van Someren

Nay: 5 - Athanikar, Bansal, Fessler, Hanson, Margulies

*Chairman Hanson stated that items D.5 - D.7 will be moved before D.2.*

5. Conduct the public hearing for Lincoln at CityGate Centre located at the northeast corner of CityGate Lane and Westings Avenue, Naperville, PZC 19-1-020 (Item 1 of 3)

**A motion was made by Commissioner Bansal and seconded by Commissioner Losurdo to open and continue the public hearing for PZC 19-1-020 to the August 7, 2019 Planning and Zoning Commission meeting.**

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

6. Consider a major change to the CityGate Centre Planned Unit Development and approval of a revised PUD plat with deviations to increase the permitted height, to reduce the required number of parking spaces, and to reduce the required lot area at the subject property located at the northeast corner of CityGate Lane and Westings Avenue - PZC 19-1-020 (Item 2 of 3)
7. Consider a conditional use for multi-family dwelling units for the property located at the northeast corner of CityGate Lane and Westings Avenue - PZC 19-1-020 (Item 3 of 3)
2. Conduct the public hearing regarding the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-049. (Item 1 of 3)

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

Vince Rosanova (attorney with Rosanova and Whitaker), Steve Corcoran (Director of traffic engineering at Erikson Traffic Associates) and Will Kreuzer (Tartan Realty) spoke on behalf of the petitioner.

Public Testimony:

Alfred Pebler discussed the traffic study and levels of service at the intersection of Washington/Gartner. Pebler also related concerns regarding the potential use of the former gas station and the maintenance of proposed landscaping.

Len Kowalski spoke about traffic and safety. Commissioner Hanson inquired about the timing of the stoplight at Washington/Gartner. Rhoades responded that the City owns the intersection, but based upon the traffic volume it is not likely that changes will be made.

Ellen Ziliak discussed a list of concerns from neighboring property owners including: a deed restriction preventing ingress/egress on Catalpa, a deed restriction on fast food restaurants, a berm on Catalpa, reduction of lighting spillover, and a deed restriction on drive-throughs. Ms. Ziliak noted that the developer did not address the concerns.

Sue Oliver spoke about safety, traffic, and speeding. Ms. Oliver stated that

the proposed project does not meet the rezoning standards. Chairman Hanson inquired about traffic calming measures. Rhoades stated the City is working to develop a toolkit but has no current plans for implementation on Gartner.

Julia Holzhauer raised concern about the safety of students walking to school. Ms. Holzhauer also noted that the trend of development in the area is not commercial.

Josh Ziliak stated that the proposed project does not meet the standards for rezoning. Chairman Hanson asked staff to clarify that the PZC is only discussing the proposed plan tonight and not hypothetical projects. Williams stated that was correct.

Doug Oliver stated that the proposed project did not meet the standards for rezoning and found that B1 is a more intense district than OCI.

Marge Adair lives adjacent to Naper Plaza and discussed issues generated by the plaza including noise, truck traffic, and overflowing dumpsters.

Marilyn Schweitzer stated that she opposed the request and discussed traffic, safety, and the potential development on the corner of Washington and Gartner.

Steven Treacy discussed concerns with increased traffic.

Kelly Beliveau has met with the developer several times and stated the developer made several accommodations. Beliveau is also concerned with traffic and safety.

Paul Dekruiff inquired as to whether the City considers the impact on existing businesses when reviewing developments. Chairman Hanson stated that the purview of the PZC is land use.

Dennis Barfuss stated that the potential rezoning will mean the residents have lost control of the property.

Richard Burkwitz lives on Sycamore and voiced concern with safety of school children, traffic, and cut through traffic.

Pierre Davis stated she is vehemently opposed to the development due to noise, safety, pollution, and traffic.

Diane Bates discussed safety.

Christopher Moss voiced concern with traffic on the east side of Washington and flooding at the intersection of Washington/Gartner. Chairman Hanson inquired about the proposed stormwater plan. Rhoades stated that the project will provide the required detention.

Brian Ekobus discussed traffic on Washington/Gartner.

*PZC took a 5 minute recess.*

PZC inquired about the timing of the light at the Washington/Gartner intersection. Rhoades stated staff can review the timing but noted that Washington has priority since it is a major arterial.

PZC inquired about potentially removing the access point on Sycamore. Rhoades stated that the traffic study showed a minimal amount of traffic utilizing the Sycamore access and closing it will not drastically reduce traffic numbers. Williams stated that the access on Sycamore is required by the Fire Department and eliminating would require submittal of a new traffic study.

PZC inquired about the maintenance of the property. Kreuzer stated that the garbage corrals are specifically designed with durable material and are easy to clean. The site will have security cameras. Rosanova stated that the proposed site design, which does not include a rear access area for deliveries and garbage, is critical. Rosanova stated that a business owner's association will be formed to provide for shared maintenance.

PZC inquired about potential for designated parking. Kreuzer stated they will provide "take out" spaces for restaurants and require employees to park further away.

PZC inquired about rezoning and the potential to utilize a different site plan. Rosanova stated that PZC review is tied to specific plans and if those plans are changed, another PZC appearance is required.

PZC inquired about the ITE Manual used in the traffic study. Corcoran stated that ITE is the primary professional organization for engineers and traffic planners. Engineers from around the country provide data (counts) to be included in the manual.

The petitioner provided a response to the public testimony.

PZC closed the public hearing.

- 3. Consider a Rezoning from OCI (Office Commercial and Institutional District) to B-1 (Neighborhood Convenience Shopping Center District) for the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-049 (Item 2 of 3);

**A motion was made by Commissioner Fessler and seconded by Commissioner Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-049, rezoning from OCI (Office Commercial and Institutional District) to B-1 (Neighborhood Convenience Shopping Center District) for the property located at 1001 S. Washington, Tartan Highlands Subdivision.**

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

- 4. Consider variances to: allow a FAR of 0.724 on Lot 3; eliminate the loading berth for Building C; eliminate the bypass lane for the coffee shop drive-through; reduce the front yard parking setback for Lot 4; permit off-premises monument signage on Lot 1 and 4; and, permit monument signage within 40' of an interior setback line on Lot 1 for the property located at 1001 S. Washington (Tartan Highlands Subdivision) - PZC 19-1-1049 (Item 3 of 3).

**A motion was made by Commissioner Fessler and seconded by Commissioner Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-049, variances to: allow a FAR of 0.724 on Lot 3; eliminate the loading berth for Building C; eliminate the bypass lane for the coffee shop drive-through; reduce the front yard parking setback for Lot 4; permit off-premises monument signage on Lot 1 and 4; and, permit monument signage within 40' of an interior setback line on Lot 1 for the property located at 1001 S. Washington, Tartan Highlands Subdivision.**

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

- 8. Conduct the public hearing regarding amendments to Chapter 1 (Zoning Title, Purpose, Definitions) and Chapter 7 (Business Districts) of Title 6 (Zoning Ordinance) pertaining to body art establishments - PZC 19-1-071

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

Public testimony:

Rosalie Larocka with Salon Lofts spoke in favor of the requested text amendment.

PZC closed the public hearing.

**A motion was made by Commissioner Fessler and seconded by Commissioner Bansal to approve PZC 19-1-071, amendments to Chapter 1 (Zoning Title, Purpose and Definitions) and Chapter 7 (Business Districts) of Title 6 (Zoning Ordinance) pertaining to body art establishments.**

Aye: 9 - Athanikar, Bansal, Fessler, Habel, Hanson, Losurdo, Margulies, Morin, Van Someren

**E. REPORTS AND RECOMMENDATIONS:**

1. Approve the minutes of the June 19, 2019 Planning and Zoning Commission meeting.

A motion was made by Commissioner Bansal and seconded by Commissioner Losurdo to approve the minutes of the June 19, 2019 PZC meeting.

Aye: 9 - Athanikar, Bansal, Fessler, Habel, Hanson, Losurdo, Margulies, Morin, Van Someren

**F. OLD BUSINESS:**

**G. NEW BUSINESS:**

**H. ADJOURNMENT:**

10:47PM