



Meeting Minutes

Planning and Zoning Commission

Wednesday, February 19, 2020

7:00 PM

Council Chambers

A. CALL TO ORDER:

B. ROLL CALL:

Present 6 - Krishna Bansal, Brett Fessler, Bruce Hanson, Andrew Margulies, Bill Habel, and Oriana Van Someren

Absent 3 - Manas Athanikar, Anthony Losurdo, and Whitney Robbins

C. PUBLIC FORUM:

D. PUBLIC HEARINGS:

1. Conduct the public hearing regarding the Springbrook Water Reclamation Facility's proposed Photovoltaic System located at 3712 Plainfield-Naperville Road- PZC 19-1-121 (1 of 3)

Scott Williams, Planning Services Team, and Ron Ritter, City of Naperville DPU-E gave an overview of the request and spoke on behalf of the petitioner.

The PZC inquired about the zoning of the adjacent property. Williams responded the adjacent zoning is R1 and clarified that the proposed R1 rezoning is being requested in order to be consistent.

Commissioner Bansal and Chairman Hanson expressed support of the case.

Public Testimony: None

PZC closed the public hearing.

2. Consider rezoning a portion of the property to R1 (Low Density Single-Family District) upon annexation (Springbrook Photovoltaic System) - PZC 19-1-121 (Item 2 of 3);

A motion was made by Van Someren and seconded by Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-121, rezoning a portion of the property to R1 (Low Density Single Family District) upon annexation for the subject property located at 3712 Plainfield-Naperville Road (Springbrook Water Reclamation).

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

3. Consider approval of variances and conditional uses associated with the Springbrook Water Reclamation amended site plan located at 3712 Plainfield-Naperville Road (3 of 3)

A motion was made by Van Someren and seconded by Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-121, variances and conditional uses with the amended site plan and a conditional use for a ground mounted photovoltaic system for the property located at 3712 Plainfield- Naperville Road (Springbrook Water Reclamation).

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

4. Conduct the public hearing regarding the Nokia Campus located at 1960-2000 Lucent Lane Naperville - PZC 20-1-008 (File 1 of 5)

Robb Preston and Glenn Stock spoke on behalf of the petitioner.

Commissioner Bansal inquired if the variances had been changed since the case was presented before the Commission last November 2019. Mr. Stock confirmed the variances had not been altered and clarified the only alteration is to the proposed Lot 4. The new proposed lot 4 request is to rezone the property to R2 and establish a PUD, a future public hearing will be held with the PZC when a residential development is proposed. Commissioner Habel asked about the ownership of Lucent lane. Mr. Preston stated it is a private road and the eastern portion of Lucent lane will be dedicated and upgraded to a public right of way by a developer in the future.

Public Testimony:

Marty Fieber is concerned with stormwater runoff affecting the existing single-family homes nearby the proposed lot 4.

James Butt is a property owner on Fair Meadow lane and is concerned with stormwater runoff, environmental impacts and traffic from the future development.

Candi Parkin Rubens is not in favor of the proposed rezoning of lot 4.

Ken Schmidt requested the petitioner provide notice to the Fair Meadows HOA and is not in favor of the rezoning of lot 4 without a site plan.

Tim Felbach stated the future lot 4 should be donated to the Forest Preserve district.

Mary Lou Wehrli is concerned with development over lot 4 given the wetland that exists over the lot and the adjacent Forest Preserve property.

Jen Banawetz finds the best land use of future lot 4 is to maintain it as a wetland.

Christopher Stokwiz asked if the bell pond will be relocated and if the existing substation will be expanded. The petitioner responded no.

The Commission inquired about the stormwater requirements. Ray Fano, City of Project Engineer stated the future plans will have to meet the City's stormwater ordinance and DuPage County stormwater requirements.

Chairman Hanson asked the petitioner send future notices to the Fair Meadows HOA and ask staff what would happen if the project was approved without a PUD. Williams respond the PUD requires the petitioner to come back with a plan at a future public hearing.

Commissioner Fessler read a letter submitted by the Forest Preserve District of DuPage County into the public record.

PZC closed the public hearing.

Commissioner Margulies and Commissioner Bansal are in support of the proposal given its limited scope and the requirement for a future public hearing to establish any plan for Lot 4.

- 5. Consider approval of the preliminary/final plat of subdivision of the Nokia Campus for the subject property located at 1960-2000 Lucent Lane - PZC 20-1-008 (File 2 of 5) and

A motion was made by Commissioner Habel and seconded by Commissioner Van Someren to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-008, the preliminary/final plat of subdivision for the Nokia Campus located at 1960-2000 Lucent Lane.

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

- 6. Consider approval of rezoning of Lot 4 of the preliminary/final plat of subdivision of the Nokia Campus from ORI to R2 for the subject property located at 1960-2000 Lucent Lane - PZC 20-1-008 (File 3 of 5)

A motion was made by Commissioner Habel and seconded by Commissioner Van Someren to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-008, rezoning of lot 4 of the preliminary/final plat of subdivision from ORI to R2 for the subject property located at 1960-2000 Lucent Lane (Nokia Campus).

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

7. Consider approval of a conditional use to establish a planned unit development for Lot 4 of the Nokia Campus for the subject property located at 1960-2000 Lucent Lane - PZC 20-1-008 (File 4 of 5)

A motion was made by Commissioner Habel and seconded by Commissioner Van Someren to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-008, a conditional use to establish a planned unit development for lot 4 of the Nokia Campus for the subject property located at 1960-2000 Lucent Lane.

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

8. Consider approval of variances associated with the Nokia Campus subdivision on the subject property located at 1960-2000 Lucent Lane - PZC 20-1-008 (File 5 of 5)

A motion was made by Commissioner Habel and seconded by Van Someren to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-008, approval of variances associated with the Nokia Campus for the subject property located at 1960-2000 Lucent Lane.

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

9. Conduct the public hearing to consider a sign variance from Section 6-16-6:3.5.1 (Special Areas of Control: Development Identification Signage) for the Water Street Shops (PZC 19-1-136) located at 135 Water Street

Commissioner Van Someren recused herself from the case.

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

Michelle Forys, Omega Sign and Lighting spoke on behalf of the petitioner.

Public Testimony: None

PZC closed the public hearing.

A motion was made by Commissioner Fessler and seconded by Chairman Hanson to adopt the findings of fact as presented by the petitioner and approve PZC 19-1-136, a variance to allow a 92-square foot development identification sign to exceed the maximum permitted size of 32 square feet per Section 6-16-6:3.5.1 for the property located a 135 Water Street (Water Street Shops).

Aye: 5 - Bansal, Fessler, Hanson, Margulies, and Habel

Absent: 3 - Athanikar, Losurdo, and Robbins

Recused: 1 - Van Someren

- 10. Conduct the public hearing to consider a variance to Section 6-7D-4 to allow a general service use (Lovesac) to be located below the second floor in the B4 District at 12 W. Jefferson Avenue

Commissioner Van Someren returned to the dais.

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

Clary Groen, Lovesac, spoke on behalf of the petitioner.

Commissioner Bansal inquired about the retail sales. Groen responded the sales revenue will be generated from foam bean bag chairs, blankets, tv trays and other accessories sold in the store.

Commissioner Van Someren and Commissioner Margulies are in support of the proposal finding the business to be an example of the future of retail.

Public Testimony: None

PZC closed the public hearing.

A motion was made by Commissioner Van Someren and seconded by Commissioner Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-10, a variance to Section 6-7D-4 to allow Lovesac Furniture to be located on the first floor for the subject property located at 12 W. Jefferson Avenue (Lovesac).

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

E. REPORTS AND RECOMMENDATIONS:

- 1. Approve the minutes of the February 5, 2020 Planning and Zoning Commission meeting

A motion was made by Commissioner Bansal and seconded by Commissioner Van Someren to approve the regular meeting minutes of the February 5, 2020 Planning and Zoning Commission meeting.

Aye: 6 - Bansal, Fessler, Hanson, Margulies, Habel, and Van Someren

Absent: 3 - Athanikar, Losurdo, and Robbins

F. OLD BUSINESS:

G. NEW BUSINESS:

H. ADJOURNMENT:

9:00 PM

NAPERVILLE BOARD AND COMMISSION
DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS, OR TRANSACTION

1-13-6: BOARDS AND COMMISSIONS: It shall be lawful for members of the various boards and commissions of the City, established from time to time by the ordinances of the City and the statutes of the state, to have an ownership, employment, or family interest in any contract, business, or transaction with the City, provided that said member shall file with the City Manager and with the chairman or vice chairman of the member's board or commission, the following disclosure:

Agenda Date & Item Number: February 19, 2020 20-244

Name: Onana Van Someren

Position with City: Commissioner for Planning & Zoning

Name of entity contracting with City: Omega Sign on behalf of Water Street Shops

Proposed contract, business, or transaction: Sign Variance For Water Street Shops @ 135 Water Street

I have an Ownership Employment Family Appearance of Impropriety Other

interest in the proposed contract, business, or transaction as follows: My husband and I

are investors in the Water Street Development (Shops, Hotel, etc)

Dated: 2/19/2020

Signature: 

1. Said disclosure shall be filed before any board or commission (including the member's own) or the City Council considers approval of the proposed contract, business, or transaction.
2. In the event the member's own board or commission is to review or recommend upon such contract, business, or transaction, the member shall leave the chamber where deliberations take place during the discussion and vote on the interested matter and such member shall have no vote upon the matter.
3. The disclosure form filed by said member shall be attached to and made a part of the minutes of the meeting of said board or commission and shall be attached to and made a part of the report or recommendation made by said board or commission to the City Council, the City Manager, or any other board or commission of the City to whom such report or recommendation is rendered. Such disclosure shall be included with the agenda when the matter is proposed for approval by the City Council.
4. Any member of a board or commission who knowingly fails to file a disclosure required by this Section shall be subject to immediate removal from such board or commission by the City Council.

1-13-1: - DEFINITIONS: The following definitions shall apply to this Chapter:

BUSINESS OR TRANSACTION:	Licenses, permits, approvals, and benefits granted, given, or entered into by the City. Business or transaction restrictions shall not apply to those applicants exempted under Section 1-12-5 of this Title, unless specifically hereinafter provided.
CONTRACT:	Any agreement between the City of Naperville and any person, firm, corporation, or entity for the purchase of materials, goods, or services or real estate from the entity. Contract shall also mean any agreement whereby real estate, materials, goods, or services are sold by the City to the entity. Contract shall also mean a deposit of monies, loans, or other financial services provided to the City by banks and other thrift institutions. Contract shall include employment by the City.
EMPLOYMENT INTEREST:	An employment interest exists where a person is an employee or agent of the entity contracting or having any business or transaction with the City, and: 1. The person is compensated in a manner so that he would receive a commission, bonus, or profit sharing distribution based in whole, or in part, on the contract, business, or transaction with the City, or 2. The total of all contracts, business, or transactions between the City and the entity, in any calendar year, amount to more than twenty-five thousand dollars (\$25,000.00). An employment interest shall not include employment by another unit of government.
FAMILY INTEREST:	A family interest exists where a person has a wife, husband, son, daughter, father, mother, brother, or sister who has an ownership or employment interest in a contract, business, or transaction with the City.
OWNERSHIP INTEREST:	An ownership interest exists where a person is the sole proprietor, owner, partner, stockholder, or joint venturer of the entity contracting, or having any business or transaction with the City.

1-12-5: - EXEMPTIONS:

1. Disclosures in accordance with the provisions of this Chapter shall not be required of applicants for the following described contracts, permits, licenses, approvals or benefits:

<ol style="list-style-type: none"> 1.1. Vehicle Stickers. 1.2. Parking Permits. 1.3. Bicycles licenses. 1.4. Dog licenses. 1.5. Electrical contractor’s licenses. 1.6. Plumbing contractor’s licenses. 1.7. Sidewalk contractor’s licenses. 1.8. Alarm permits. 1.9. Amplifier permits. 1.10. Taxicab, liver, limousine and carriage licenses. 1.11. Block party permits. 	<ol style="list-style-type: none"> 1.12. Going out of business permits. 1.13. House moving permits. 1.14. Parade permits. 1.15. Peddlers' and solicitors' permits. 1.16. Raffle permits. 1.17. Purchase orders or contracts involving amounts less than ten thousand dollars (\$10,000.00). 1.18. Sign permits (if no variation is requested). 1.19. Applications for historic preservation district designation. 1.20. Applications for landmark designation. 1.21. Applications for utility service.
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2. Disclosures in accordance with the provisions of this Chapter shall not be required to be under oath for building permits for the following structures:

<ol style="list-style-type: none"> 2.1 Decks. 2.2. Patios. 2.3. Room Additions. 2.4. Garages. 2.5. Temporary electric service changes. 	<ol style="list-style-type: none"> 2.6. Swim pools. 2.7. Lawn sprinklers. 2.8. Construction trailers. 2.9. Gazebos. 2.10. Sheds.
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1-13-8: - NO DISCLOSURE REQUIRED: Notwithstanding any other provision of this Chapter, no disclosure is required under Sections 1-13-6 and 1-13-7 of this Chapter where the only interest is five percent (5%) or less ownership of shares of a publicly held corporation traded on a stock exchange.