



Meeting Minutes

Planning and Zoning Commission

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Wednesday, June 7, 2023

7:00 PM

Council Chambers

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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](mailto: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, Tom Castagnoli, Stasha King, Anthony Losurdo, Derek McDaniel, Whitney Robbins, Oriana Van Someren, and Mark S. Wright

**Absent** 1 - Carl Richelia

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

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

Gabrielle Mattingly, City of Naperville Planning Services Team, provided an overview of the request.

Caitlin Csuk, Rosanova & Whitaker, Ltd., attorney for the petitioner, presented the case.

**Public Testimony:**

Ralph Taylor, neighboring property owner, spoke in opposition to the requests for annexation, rezoning, proposed lot size, data from the traffic study, and the architectural style of the buildings.

Dave Doubek, neighboring property owner, spoke in opposition to the request for rezoning, does not find a hardship exists, and voiced concerns for fire, snow removal, garbage pick-up, delivery drivers, and guest parking.

Mike Hinterlong, neighboring property owner, spoke in opposition to the density variance, increased traffic, and the amount of parking provided.

Jose Rivas, neighboring property owner, spoke in opposition to the density variance, increased traffic, and the proposal setting a precedence along Bauer Road.

Ralph Taylor questioned who owns Mill & Bauer LLC.

Chairman Losurdo asked what the Master Plan is for the property to the east of the proposed development. Ms. Mattingly clarified that the property to the east is unincorporated and would need to seek annexation and rezoning in accordance with the Land Use Master Plan.

Commissioner Wright asked what the plan is for garbage and snow removal. Ms. Csuk stated that snow removal will be handled by a maintenance company.

Mr. Doubek pointed out that garbage cans are on the left side of the road and that garbage trucks pick up garbage on the right side. Ms. Mattingly clarified that private waste service would collect the garbage because it is on a private road.

Commissioner Robbins asked to hear more about emergency vehicles and fire hydrants. Mr. Caneff, Civil & Environmental Consultants, said that both buildings are sprinkled and served by fire hydrants, which has been approved by the Naperville Fire Department. Mr. Caneff noted that more parking spots can be provided so guest vehicles are not parked in the drive aisles.

Commissioner McDaniel asked what the monthly rent is and what the range is for affordable rents in Naperville. Ms. Csuk stated that the estimated rent is \$3,500/month. Ms. Laff clarified that range for affordable rent in Naperville is between \$1,600-\$1,900/month. Chairman Losurdo raised concerns with using the term "affordable".

Commissioner Athanikar asked why the development would be zoned TU. Ms. Mattingly responded saying that the Future Land Use Plan designates the lots as "City Corridor" and that TU was a recommended zoning district for the designation.

Commissioner King spoke in support of the traffic study and the TU zoning.

Commissioner Castagnoli asked staff why they were in support of the density variance. Ms. Mattingly cited similar townhome developments that were granted density variances.

Chairman Losurdo questioned the TU zoning and does not find a hardship exists.

Commissioner Castagnoli asked the Petitioner why the 12 units make the development viable to build. Ms. Csuk claimed the hardship is that petitioner cannot build the product without the density variance.

**A motion was made by Commissioner Van Someren, seconded by Commissioner McDaniel, to continue the public hearing for PZC 23-1-006 (Mill & Bauer Townhomes) to the June 21st, 2023 Planning and Zoning Commission meeting.**

**Aye:** 8 - Athanikar, Castagnoli, King, Losurdo, McDaniel, Robbins, Van Someren, and Wright

**Absent:** 1 - Richelia

2. Conduct the public hearing to consider a variance to Section 6-2-26:5.1 for 818 E. Franklin Avenue and 25 N. Huffman Street (Franklin Flats) - PZC 23-1-014

Gabrielle Mattingly, City of Naperville Planning Services Team, provided an overview of the request.

Caitlin Csuk, of Rosanova & Whitaker, Ltd., attorney for petitioner, presented the case.

Commissioner Van Someren voiced support of the proposal because of the first-floor master suite and finding it meets the first guiding principal of the Land Use Master Plan.

Commissioners Athanikar, Robbins, and McDaniel and Chairman Losurdo spoke in support of the proposal.

Public Testimony:

None.

The PZC closed the public hearing.

**A motion was made by Commissioner McDaniel, seconded by Commissioner Van Someren, to adopt the findings of fact as presented by the petitioner and approve 23-1-014, a variance to Section 6-2-26:1 to allow for two duplex buildings at 818 E. Franklin Avenue and 25 N. Huffman Street (Franklin Flats).**

**Aye:** 8 - Athanikar, Castagnoli, King, Losurdo, McDaniel, Robbins, Van Someren, and Wright

**Absent:** 1 - Richelia

3. Conduct the public hearing to consider a variance to Section 6-2-12 (Fences) for the property located at 947 Mortonsberry Drive - PZC 23-1-028

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

Chairman Losurdo asked Staff if they confirmed no sightline issues exist along the road. Katie Rubush, City of Naperville Project Engineer, said yes.

Chris Skubic, petitioner, presented the case and stated he would be willing to modify the location of the fence.

Chairman Losurdo asked the petitioner to stick with the proposal or make changes and come back with a new proposal. Ms. Laff clarified that a change to the proposal can be made if the motion notes the change as a condition of approval.

Commissioner Wright spoke in support of the project and appreciated the petitioner’s willingness to work with his neighbors.

Public Testimony:

Patti Peltier, a board member of the neighborhood’s Homeowner’s Association, spoke in opposition to the fence being built to the property line and voiced concern with setting a precedence. Commissioner Van Someren asked Ms. Peltier if there is a covenant in the HOA regarding solid fences. Ms. Peltier responded no.

Chairman Losurdo and Commissioner McDaniel spoke in support of the design of the fence as proposed.

The PZC closed the public hearing.

**A motion was made by Commissioner Van Someren, seconded by Commissioner Robbins, to adopt the findings of fact as presented by the petitioner and approve PZC 23-1-028, a variance to Section 6-2-12 (Fences: Residential Districts) to allow a 5’ fence to be located in the front/corner side yard setback for the property located at 947 Mortonsberry Drive.**

**Aye:** 8 - Athanikar, Castagnoli, King, Losurdo, McDaniel, Robbins, Van Someren, and Wright

**Absent:** 1 - Richelia

4. Conduct the public hearing to consider proposed amendments to Chapter 1 (Zoning Title, Purpose, Definitions) and Article B (ORI Office, Research and Light Industry District) of

Chapter 8 (Industrial Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code - PZC 23-1-041

Sara Kopinski, City of Naperville Planning Services Team, presented the text amendment.

Public Testimony:

Scott Day, Day & Robert, P.C., attorney for Franklin Partners LLC, spoke in opposition to restricting industrial warehouses, the severity of the revisions made to the definition of the ORI district, and recommended easing the proposed restrictions on access doors for manufacturing and/or combined warehouse facilities.

Christine Jeffries, of the Naperville Development Partnership, spoke in support of the text amendment's limits on warehouses and recommended warehouses seek a PUD deviation to operate.

Commissioner Wright asked if the uses Mr. Day listed could use the PUD deviations to continue operating. Ms. Laff responded that the uses are permitted, but no more than 50% of their space could be for warehousing or manufacturing.

Commissioner Athanikar asked if food science and development is a conditional use or prohibited. Ms. Laff answered that anything related to prototypes would be considered an engineering or testing lab and the manufacturing portion would have to be under 50%.

Commissioner Van Someren asked if a warehouse could receive a deviation if it took up 75% of the space. Ms. Laff said if the property was in a PUD, it could seek a deviation if the warehouse was incidental to the PUD. Commissioner Van Someren asked where the 50% restriction came from. Ms. Laff said that 50% was meant to keep warehouses from being the principal use of the building. Commissioner Wright spoke in support of the 50% limit.

The PZC closed the public hearing.

**A motion was made by Commissioner King, seconded by Commissioner Robbins, to approve PZC 23-1-041, approving text amendments as detailed in the staff report to Chapter 1(Zoning Title, Purpose, Definitions) and Article B (ORI Office, Research, and Light Industry District) of Chapter 8 (Industrial Districts) of Title 6 (Zoning Regulations) of the Naperville Municipal Code.**

**Aye:** 8 - Athanikar, Castagnoli, King, Losurdo, McDaniel, Robbins, Van Someren, and Wright

**Absent:** 1 - Richelia

**E. REPORTS AND RECOMMENDATIONS:**

1. Approve the minutes of the May 17, 2023 Planning and Zoning Commission meeting

The PZC approved the meeting minutes.

**F. OLD BUSINESS:**

**G. NEW BUSINESS:**

**H. ADJOURNMENT:**

Adjourned: 8:47 PM