



Meeting Minutes

Planning and Zoning Commission

Wednesday, December 5, 2018

7:00 PM

Council Chambers

A. CALL TO ORDER:

B. ROLL CALL:

Present 7 - Krishna Bansal, Brett Fessler, Vice Chair Carrie Hansen, Bruce Hanson, Anthony Losurdo, Chairperson Kamala Martinez, and Bianca Morin

Absent 2 - Manas Athanikar, and Andrew Margulies

C. PUBLIC FORUM:

D. PUBLIC HEARINGS:

1. Conduct the public hearing to consider a variance request to Section 6-2-12 (Fences) of the Naperville Municipal Code to allow an 8-foot fence along the subject property's rear property line, adjacent to Royce Road (937 Lehigh Circle) - PZC 18-1-107

Sara Kopinski, Planning Services Team, gave an overview of the request. The PZC inquired about the height of the fences of the neighboring homes. Kopinski responded that the neighboring homes meet the Code, but staff expects we may see similar requests for taller fences in the future.

Kevin Dunne spoke as the petitioner.

Public Testimony:

Bob Rutkowski lives in the subdivision directly west of the subject property and is concerned with the aesthetic of an 8' fence. Mr. Rutkowski is opposed to the fence request.

The petitioner responded to the testimony.

PZC closed the public hearing.

The Planning and Zoning Commission supported the request, finding that the traffic along Royce Road caused a hardship on the property.

A motion was made by Fessler and seconded by Bansal to adopt the findings of fact as presented by the petitioner and support PZC 18-1-107, a variance to permit an 8' tall fence along the subject property's rear property line, adjacent to Royce Road for the property located at 937 Lehigh Circle, Naperville.

Aye: 7 - Bansal, Fessler, Vice Chair Hansen, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

2. Conduct the public hearing regarding the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 1 of 3)

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

Russ Whitaker, attorney with Rosanova & Whitaker, spoke on behalf of petitioner.

The PZC inquired about the location of deliveries, garbage, and recycling on the property. Whitaker responded that they will happen in the motor court.

Public Testimony:

Mike Fitzgerald lives on White Oak Drive south of the property and spoke about parking, grade change, and construction traffic. Whitaker responded there are 4 parking spaces per unit with 2 spaces in the garage and 2 in the driveway. The townhomes will share 2 guest spaces. The elevation of the property will not change and all construction traffic will take place on Chicago Avenue.

Steve Korel lives west of the subject property on Chicago Avenue. Mr. Korel requested additional landscaping along the motor court. Whitaker responded that the team will work with DuPage County to improve the landscaping with material that will survive in the floodplain.

The petitioner responded to the public testimony.

PZC closed the public hearing.

The Planning and Zoning Commission supported the conditional use and variance requests, finding the development made sense in this location.

3. Consider a conditional use in the R2 District to permit single-family attached dwellings for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 2 of 3)

A motion was made by Vice Chair Hansen and seconded by Hanson to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-094, a conditional use in the R2 District to permit single-family attached dwellings at the property located at 920-930 E. Chicago Avenue, Naperville.

Aye: 7 - Bansal, Fessler, Vice Chair Hansen, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

4. Consider a variance to increase the maximum building height and number of stories for the property located at 920-930 E. Chicago Avenue (Chicago Commons) - PZC 18-1-094 (Item 3 of 3)

A motion was made by Hanson and seconded by Fessler to adopt the findings of

fact as presented by the petitioner and approve PZC 18-1-094, a variance to increase the maximum building height and number of stories at the property located at 920-930 E. Chicago Avenue, Naperville.

Aye: 7 - Bansal, Fessler, Vice Chair Hansen, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

5. Conduct the public hearing to consider a major change to a conditional use to grant a variance from Section 6-2-14 to allow a canopy to encroach in the major arterial setback for the subject property located at 311 E. Ogden (Bill's Car Wash) - PZC 18-1-102

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

Chris Kalischefski, architect with WT Group, spoke on behalf of the petitioner. The PZC inquired about the size of the canopy extension and alternative options. Kalischefski responded that a sun study showed that the width of the canopy was necessary to block the glare. The owner has tried individual shades over the pay stations; however, the glare remained.

Public Testimony: None

PZC closed the public hearing.

Chairperson Martinez, Commissioners Hanson and Losurdo supported the request, finding their to be a hardship on the property. The Commissioners found that the new awning would be a welcome replacement to the dated look currently on site.

Vice Chair Hansen, Commissioners Bansal, Fessler, and Morin did not agree with the request. The Commissioners felt the encroachment into the major arterial setback was too great.

A motion was made by Bansal and seconded by Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-102, a major change to a conditional use to grant a variance to allow a canopy that encroaches in the major arterial setback at 311 E. Ogden Avenue, Naperville.

Aye: 3 - Hanson, Losurdo, and Chairperson Martinez

Nay: 4 - Bansal, Fessler, Vice Chair Hansen, and Morin

Absent: 2 - Athanikar, and Margulies

6. Conduct the public hearing regarding the property located at 1519 N. Naper Boulevard (Tartan Subdivision) - PZC 18-1-111 (Item 1 of 3)

Sara Kopinski, Planning Services Team, gave an overview of the request.

Vince Rosanova, attorney with Rosanova & Whitaker, spoke on behalf of petitioner.

Public Testimony: None

PZC closed the public hearing.

The Planning and Zoning Commission supported the requests, finding that the project is the type of development that the Ogden Avenue Corridor Plan contemplates. The Commissioners found the project to be a great addition to the Ogden Corridor.

- 7. Consider a conditional use in the B3 District to permit an automobile service station for the property located at 1519 N. Naper Boulevard (Tartan Subdivision) - PZC 18-1-111 (Item 2 of 3)

A motion was made by Bansal and seconded by Fessler to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-111, a conditional use in the B3 District to permit an automobile service station at the property located at 1519 N. Naper Boulevard, Naperville.

Aye: 7 - Bansal, Fessler, Vice Chair Hansen, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

- 8. Consider variances to: allow a parking ratio of 13 spaces per 1,000 square feet for Culver's; eliminate the bypass lane for the Circle K carwash; reduce the front yard parking setback along a major arterial; permit off-premises monument signage on Lot 3; and, permit monument signage within 40' of an interior setback line on Lots 1 and 2 for the property located at 1519 N. Naper Boulevard (Tartan Subdivision) - PZC 18-1-111 (Item 3 of 3)

A motion was made by Hanson and seconded by Fessler to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-111, variances to reduce the required amount of off-street parking, eliminate the bypass lane for the carwash, reduce the front yard parking setback along a major arterial, permit an off-premises monument sign, and permit monument signage within 40' of an interior setback for the property located at 1519 N. Naper Boulevard, Naperville.

Aye: 7 - Bansal, Fessler, Vice Chair Hansen, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

- 9. Conduct the public hearing to consider a conditional use for an amusement establishment and a variance to reduce the amount of required off-street parking for the subject property located at 1931-1955 Glacier Park Avenue (Urban Air Adventure Park) - PZC 18-1-125.

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

Len Monson, attorney with Kuhn, Heap & Monson, spoke on behalf of the petitioner.

Public Testimony:

Mike Havala, CEO of Loaves and Fishes, owns the property north of the subject property (the former Keywester). Loaves and Fishes purchased this property to

use for additional parking. A reciprocal easement agreement allows shared parking among the Loaves and Fishes property and Urban Air. Mr. Havala has concerns regarding overflow parking. The PZC inquired about the number of spaces on the Loaves and Fishes site and peak times. Havala responded there are 162 spaces and they are usually full.

The petitioner responded to the public testimony.

PZC closed the public hearing.

The Planning and Zoning Commission supported the requests, finding it to be a great project for Naperville. The Commission requested that the petitioner continue to work with Loaves and Fishes regarding the parking concerns but noted that this project is a standalone request with a parking study.

A motion was made by Vice Chair Hansen and seconded by Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-125, a conditional use for an amusement establishment and a variance to reduce the required amount of off-street parking at the subject property located at 1931 to 1935 Glacier Park Avenue, Naperville.

Aye: 7 - Bansal, Fessler, Vice Chair Hansen, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

10. Conduct the public hearing regarding the property located at the northeast corner of Route 59 and 103rd Street (Wagner Farm) - PZC 18-1-087 (Item 1 of 3)

The Planning and Zoning Commission took a 10 minute recess.

Vice Chair Hansen recused herself from the dais.

Sara Kopinski, Planning Services Team, gave an overview of the request.

Russ Whitaker, attorney with Rosanova & Whitaker, spoke on behalf of petitioner.

The PZC also inquired about the Park District and School District review of the project. Whitaker responded that they talked to both District 204 and the Park District in the Spring. 204 is neutral on the project. The petitioner will be contributing to improvements on the Frontier Park site for the Park District.

Public Testimony:

Jack Watson is a resident of Crestview Knolls and raised concerned with the proposed OCI zoning. Mr. Watson also discussed traffic.

Kevin Patti is a resident of Crestview Knolls. Mr. Patti discussed flooding and asked the City to collaborate with developer for additional flood prevention. The PZC asked staff about the flooding. Lu responded that the Crestview Knolls subdivision was designed to carry the overland flow through the street. Whitaker reviewed the drainage map for the current property and the proposed subdivision. Whitaker noted that they are significantly reducing the water runoff

from the subject property and that it is not the obligation of the petitioner to fix the stormwater problem at Crestview Knolls.

Joe DiBernardo is a resident of Wheatland South and stated that he welcomes growth in Naperville. Mr. DiBernardo discussed water, grading, a buffer along Wheatland South, and construction timing.

Paul Mosher is resident of Crestview Knolls and raised concern with the School District and traffic.

Audrey Clair acknowledged that Pulte met with SHOW but noted she was unaware they were appearing before PZC tonight. Ms. Clair stated that she is representing Prairie Crossing and that they would prefer a mixed use development on the site.

The PZC made a motion to extend the meeting until 11:30pm.

Paul Michand discussed flooding, traffic on 103rd, access points on 103rd, and park sites.

Annick Maenhout lives in Crestview Knolls and raised concerned with speeding on Falcon.

Ari Rosenthal is the president of the Ashbury HOA and a member of SHOW. Mr. Rosenthal stated that he believes that 8 to 10 acres of the site should remain commercial and that there is still a demand for senior housing.

Doug Haddad is a member of SHOW. Mr. Haddad posted a survey online and received an overwhelming amount of negative comments. Mr. Haddad recommended tabling the request until more input is received.

Clinton Roberston is a resident in Wheatland South and he stated that he supports the request. Mr. Robertson voiced concern with traffic along Book Road.

Karen Formulka raised concern with her well and septic during construction.

John Hoser is a resident of Crestview Knolls and noted he concurs with his neighbors on concerns with traffic and flooding.

The Planning and Zoning Commission made a motion to extend the meeting to 11:45pm.

The petitioner responded to the public testimony.

PZC closed the public hearing.

The Planning and Zoning Commission made a motion to extend the meeting to 12:00am.

The Planning and Zoning Commission supported the requests, finding that the

requests met the standards for granting a rezoning and the standards for granting variances.

- 11. Consider rezoning a portion of the property located at the northeast corner of Route 59 and 103rd Street to OCI (Office Commercial and Institutional District) and a portion of the property to R2 (Single-Family and Low-Density Multiple-Family Residence District) upon annexation (Wagner Farm) - PZC 18-1-087 (Item 2 of 3)

A motion was made by Fessler and seconded by Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-087, rezoning a portion of the subject property located at the northeast corner of Route 59 and 103rd Street to OCI (Office, Commercial and Institutional District) and a portion of the property to R2 (Single-Family and Low Density Multiple-Family Residence District) upon annexation.

Aye: 6 - Bansal, Fessler, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

Recused: 1 - Vice Chair Hansen

- 12. Consider a variance from the sign code to permit signage for the residential development to be located on The Compass Evangelical Free Church parcel located at the northeast corner of Route 59 and 103rd Street (Wagner Farm) - PZC 18-1-087 (Item 3 of 3)

A motion was made by Losurdo and seconded by Fessler to adopt the findings of fact as presented by the petitioner and approve PZC 18-1-087, a variance from the sign code to permit signage for the residential development to be located on The Compass Evangelical Free Church parcel located at the northeast corner of Route 59 and 103rd Street, Naperville.

Aye: 6 - Bansal, Fessler, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 2 - Athanikar, and Margulies

Recused: 1 - Vice Chair Hansen

E. REPORTS AND RECOMMENDATIONS:

- 1. Approve the minutes of the October 17, 2018 Planning and Zoning Commission meeting.

A motion was made by Losurdo and seconded by Fessler to approve the regular meeting minutes of October 17, 2018.

Aye: 6 - Bansal, Fessler, Hanson, Losurdo, Chairperson Martinez, and Morin

Absent: 3 - Athanikar, Vice Chair Hansen, and Margulies

- 2. Approve the minutes of the November 5, 2018 Planning and Zoning Commission meeting.

A motion was made by Bansal and seconded by Hanson to approve the regular meeting minutes of November 5, 2018.

Aye: 6 - Bansal, Fessler, Hanson, Losurdo, Chairperson Martinez, and Morin

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: **12/5/18 PZC Meeting, Items D.10. – D.12. PZC 18-1-087 Wagner Farm**

Name: **Carrie Hansen**

Position with City: **PZC Commissioner**

Name of entity contracting with City: **Pulte Home Company (Petitioner)**

Proposed contract, business, or transaction: **Public hearing and consideration of conditional use and variances re: Petitioner's development proposal for Wagner Farms**

I have an Ownership Employment Family **Appearance of Impropriety** Other interest in the proposed contract, business, or transaction as follows:

My employer has been retained by Petitioner on other projects in other communities (not Wagner Farms).

Dated: _____

Signature: _____

12/5/18
Carrie A. Hansen

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.
--	--

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.
---	---

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.

Absent: 3 - Athanikar, Vice Chair Hansen, and Margulies

F. OLD BUSINESS:

G. NEW BUSINESS:

H. ADJOURNMENT:

11:46PM