



## **Meeting Minutes**

### **Planning and Zoning Commission**

---

**Wednesday, September 16, 2020**

**7:00 PM**

**Held on Zoom due to COVID-19**

---

#### **CITY OF NAPERVILLE PUBLIC MEETINGS UPDATE:**

On Friday, June 12, 2020, an amendment to the Open Meetings Act was signed into law. This new law replaces the gubernatorial executive order concerning the Open Meetings Act and allows public bodies to temporarily conduct meetings remotely during a state of emergency, subject to certain requirements, including a determination by the head of the public body that an in-person meeting is not practical or prudent.

On Tuesday, June 16, 2020, Mayor Chirico issued an executive order determining that in-person meetings of the City Council and the City's boards and commissions are not currently practical or prudent due to the Covid-19 pandemic. Accordingly, the Planning and Zoning Commission meeting scheduled for September 16, 2020 will be conducted remotely. The means by which the public may watch, listen, and/or participate in the meeting are described below.

**IMPORTANT NOTE:** You do not need to create a Zoom account or download software to participate or listen to a Zoom meeting. Registered speakers and participants will receive instructions on how to access the meeting and may use the "join from your browser" link to access the meeting.

#### **TO WATCH OR LISTEN TO THE PZC MEETING LIVE:**

1. Watch on WCNC GOVERNMENT ACCESS TELEVISION (Ch. 6-WOW, Ch. 10 - Comcast, Ch. 99 - AT&T);
2. Watch online at <https://naperville.legistar.com/calendar.aspx>; or
3. Listen by telephone (audio only) – register to receive a dial-in phone number by calling the City Clerk's Office, (630) 305-5300, by 5 p.m. on Wednesday, September 16th.

#### **TO PROVIDE LIVE PUBLIC COMMENT, TESTIMONY, OR TO CROSS-EXAMINE WITNESSES DURING THE MEETING:**

1. Register by 5 p.m. on Wednesday, September 16 at: [www.naperville.il.us/pzcspeaker](http://www.naperville.il.us/pzcspeaker). After the sign-up time has ended, you will receive an email with information about how to join the Zoom meeting. Questions regarding online sign-up may be directed to the City Clerk's Office by calling (630) 305-5300; or
2. Participate by telephone. Register with the City Clerk's office by 5 p.m. on Wednesday, September 16 to receive a dial-in phone number by calling (630)-305-5300.

**TO SUBMIT WRITTEN COMMENTS OR MATERIALS:**

1. Use the speaker sign-up form at [www.naperville.il.us/pzcspeaker](http://www.naperville.il.us/pzcspeaker) to submit a written comment by 5 p.m. on Wednesday, September 16 to be read into the public record during the Planning and Zoning Commission meeting by a member of staff; or
2. Use the speaker sign-up form at [www.naperville.il.us/pzcspeaker](http://www.naperville.il.us/pzcspeaker) to submit a one-word statement of "SUPPORT" or "OPPOSITON" regarding a specific agenda item by 5 p.m. on Wednesday, September 16 to be read into the public record during the Planning and Zoning Commission meeting by a member of staff.
3. Submit written materials to [planning@naperville.il.us](mailto:planning@naperville.il.us) by 10 p.m. Friday, September 11th which are relevant to a public comment or public hearing before the Planning and Zoning Commission (e.g. a PowerPoint, photographs, reports). Submitted materials will be posted online for public access on Monday, September 14th.

NOTE: All submissions should be sent by the dates and times indicated above to:  
[planning@naperville.il.us](mailto:planning@naperville.il.us).

**PUBLIC ACCOMMODATION:**

Any individual who may require an accommodation to submit comments or materials, or to view materials for the Planning and Zoning Commission meeting, should contact the City Clerk at (630) 305-5300 or [napervilleclerks@naperville.il.us](mailto:napervilleclerks@naperville.il.us) as soon as possible, but not later than by 5 p.m. on Wednesday, September 16.

**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,** staff 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 and then 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** 9 - Manas Athanikar, Krishna Bansal, Brett Fessler, Bruce Hanson, Anthony Losurdo, Bill Habel, Oriana Van Someren, Whitney Robbins, and Carl Richelia

**C. PUBLIC FORUM:**

**D. PUBLIC HEARINGS:**

1. Conduct the public hearing to consider variances to Section 6-13-10:3.3 and Section 6-13-10:5.2 to allow for roof mounted antennas on the building located at 35 S. Washington - PZC 20-1-076

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

Ray Shinkle presented on behalf of the petitioner.

Commissioner Losurdo questioned if T-Mobile has any antennas in the downtown.

Mr. Shinkle responded no, the closest location is the Carillon.

Public Testimony: None

A motion was made by Commissioner Bansal, seconded by Commissioner Van Someren to close the public hearing.

Aye: Athanikar, Bansal, Fessler, Habel, Hanson, Losurdo, Richelia, Robbins, and Van Someren

**Commissioner Fessler made a motion, seconded by Commissioner Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-076, variances to Section 6-13-10:5.2 and Section 6-13-10:3.3 to allow for roof mounted antennas on the building located at 35 S. Washington Street.**

**Aye:** 9 - Athanikar, Bansal, Fessler, Hanson, Losurdo, Habel, Van Someren, Robbins, and Richelia

2. Conduct the public hearing regarding requests for a conditional use and a corner side yard parking setback variance to permit an automotive service and repair facility in the B3 District at the subject property located at 1126 E. Ogden Avenue (Belle Tire) - PZC 20-1-050

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

Christopher Enright presented as the petitioner.

Chairman Hanson asked staff for background on the requirement for a conditional use for this type of business along Ogden Avenue. Mr. Williams responded that a conditional use was always required in the B2 district, but it was required as a conditional use in the B3 zoning district as a recommendation by the Ogden Avenue Corridor Plan as a way to protect the corridor and restrict the type of use.

Commissioner Athanikar and Commissioner Bansal made inquiries regarding the sound reduction practices proposed by the business, hours of operation, and screening provided. Chairman Hanson expressed support for the design of the building.

Public Testimony: None

A motion was made by Commissioner Bansal, seconded by Commissioner Robbins to close the public hearing.

Aye: Athanikar, Bansal, Fessler, Habel, Hanson, Losurdo, Richelia, Robbins, and Van Someren

**A motion was made by Commissioner Bansal, seconded by Commissioner Athanikar to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-050, a conditional use for Belle Tire automotive repair and service facility and a corner side yard setback variance to Section 6-9-2.4.3.1 for the property located at 1126 E. Ogden Avenue with the following conditions, the use shall be limited to Belle Tire automotive service/repair facility and the recommendations provided in the sound propagation report shall be adopted.**

**Aye:** 9 - Athanikar, Bansal, Fessler, Hanson, Losurdo, Habel, Van Someren, Robbins, and Richelia

**3. Conduct the public hearing for The Now Massage to consider a variance to Section 6-7D-4 to allow a general service use below the second floor for the property located at 110 S. Washington Street - 20-1-069**

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

Randy Kline, Sharon Kline and James Luy presented as the petitioners.

Public Testimony: None

A motion was made by Commissioner Bansal, seconded by Commissioner Losurdo to close the public hearing.

Aye: Athanikar, Bansal, Fessler, Habel, Hanson, Losurdo, Richelia, Robbins, and Van Someren

Chairman Hanson asked staff why they are in support. Ms. Mattingly responded it is largely due to the proposed location of the business which is on the perimeter of the Downtown Core, on the east side of Washington Street. Chairman Hanson stated he is not in support of the request desiring a larger retail component and requesting a retail use in this location which would better promote walking traffic. Commissioner Losurdo stated he is not in support stating this use has been consistently located on the second floor within the Downtown.

**A motion was made by Commissioner Athanikar, seconded by Commissioner Bansal to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-069, a variance to Section 6-7D-4 to allow, The Now Massage, a general service use below the second floor for the property located at 110 S. Washington Street.**

**Aye:** 7 - Athanikar, Bansal, Fessler, Habel, Van Someren, Robbins, and Richelia

**Nay:** 2 - Hanson, and Losurdo

**4. Conduct the public hearing for 140 and 126 North Wright Street (Heritage Place) - PZC 20-1-061 (Item 1 of 3)**

Commissioner Losurdo recused himself from PZC case #20-1-061.

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

Russ Whitaker, Luay Aboona, Geoff Roehl presented on behalf of the petitioners.

Commissioner Robbins asked if discussion on demolition of the Mansion was ever considered. Mr. Whitaker responded no, the Mansion was important to be saved. Commissioner Robbins inquired about the visibility of Mansion from Columbia Street and the proposed brick color. Mr. Whitaker responded the Mansion will not be visible from Columbia Street and the intention is to have the brick be consistent with the Mansion. Commissioner Robbins asked if consideration was made for additional decrease to the number of units. Mr. Whitaker responded the level of amenities justifies the unit count, reducing the number of units to 41 units would not make a material difference. Chairman Hanson inquired about the history of maintaining the mansion. Mr. Whitaker provided a brief overview of the demolition approval. Commissioner Bansal inquired about the project evolution from single family homes to townhomes. Mr. Whitaker responded it was based on a number of factors including the location of the Mansion and feedback from the public to provide open space and concern with the front-loaded garages.

The PZC went into a 5 minute recess.

Staff read the submitted written public comment into the record.

Chairman Hanson clarified what is under the purview of the Commission stating the Certificate of Appropriateness, incentive agreement, value of property and taxes, park and school donation are items which will not be discussed.

Catherine Waters spoke on behalf of her parents who reside in the neighborhood in opposition to the proposal and raised concern for traffic during construction.

Erik Haugsnes spoke in opposition to the proposal and the proposed density.

Tim Messer spoke on behalf on ECHO, stated the proposal does not fit in with the neighborhood and are opposed to the density.

Susan Fitch stated support for ECHO's position.

Marilyn Schweitzer spoke in opposition and described alternative concept plans for

development of the property.

Mark Urda spoke in opposition to the proposal finding it does not fit in with the character and purpose of the district.

Brad Johnson spoke in opposition to the proposal finding the petitioner did not provide evidence that the proposal would not alter the neighborhood as required in the standards.

Jane Burke, Naperville Preservation, spoke in opposition finding the proposal does not meet the zoning variance standards

A motion was made by Commissioner Habel, seconded by Commissioner Richelia to extend the meeting to 11:30 pm.

Aye: Athanikar, Fessler, Habel, Hanson, Richelia, Robbins, Van Someren, Bansal

Becky Simon, Naperville Preservation spoke in opposition finding the proposal does not comply with the required zoning standards.

Simon Boaler, spoke on behalf on Signe Gleason who is in opposition to the proposal.

Bill Simon, spoke in opposition stating the development does not fit in with the character of the district.

Tom Ryan, architect and member of the Naperville Preservation group, spoke in opposition, stating the Kroehler Mansion is important to preserve but not at the detriment of the district.

Anne Swanson spoke in opposition requesting the development complies with the Naperville Municipal Code.

Ross Berkley spoke in support of the proposal finding it is an improvement to the look and feel of the property.

A motion was made by Commissioner Van Someren, seconded by Commissioner Robbins to extend the meeting to 12:00 am.

Aye: Athanikar, Fessler, Habel, Hanson, Richelia, Robbins, Van Someren, Bansal

Simon Boaler spoke in opposition.

Robin Schoene spoke in opposition to the proposal and the requested variances.

Jim Haselhorst spoke in opposition stating the proposal does not fit in with the

character of the neighborhood.

Karen Solomon requested denial of the variance stating the proposal does not comply with the zoning standards.

Greg Remec requests the Commission deny the request.

Matt Johanson, Little Friends, spoke on the hardships Little Friends has faced with the development and requested compromise from the neighborhood.

Mike Briggs, President and CEO of Little Friends, spoke in favor of the development.

Tom Connors, Little Friends, spoke in support of the proposal.

A motion was made by Commissioner Van Someren, seconded by Commissioner Richelia to extend the meeting to 12:30 am.

Aye: Athanikar, Bansal, Fessler, Habel, Hanson, Richelia, Robbins, Van Someren

Mark Urda stated the residents are in support of the demolition of the Mansion and urged the petitioner to proceed with demolition instead of constructing the proposed development.

Marilyn Schweitzer inquired how the comments made by Little Friends regarding the incentive were relevant to the discussion. Chairman Hanson stated it provided historical context.

Commissioner Habel spoke stating the Mansion presents a hardship and the preservation of such was found to be important. The proposed development maintains the Mansion and he will therefore be in support. Commissioner Fessler concurred finding that without the Mansion there would be no historical value of the property. Chairman Hanson stated the petitioner has brought a plan that addresses the main concerns of the community with the constraint of preserving the Mansion.

Russ Whitaker made closing remarks clarifying a misstatement made about prior proposals for the property stating there was a proposal was under contract which preserved the Mansion and included townhomes. Mr. Whitaker also made comments regarding landscaping, R2 district height allowances, importance of input provided from neighbors outside of the district, lot area, other townhome developments in the R2 district, and staff's support for the proposal.

Chairman Hanson stated the main issue raised was density and found a reduction of 4 units would not be consequential. Commissioner Bansal concurred with Commissioner Fessler finding the Mansion to be a hardship on the property and

will be in support. Commissioner Athanikar and Commissioner Robbins stated support for the proposal.

A motion was made by Commissioner Athanikar, seconded by Commissioner Fessler to close the public hearing.

Aye: Athanikar, Bansal, Fessler, Habel, Hanson, Richelia, Robbins, Van Someren

A motion was made by Commissioner Van Someren, seconded by Commissioner Richelia to extend the meeting to 12:45 am.

Aye: Athanikar, Bansal, Fessler, Habel, Hanson, Richelia, Robbins, Van Someren

5. Consider a conditional use to allow 45 single family attached units on the property located at 140 and 126 North Wright Street (Heritage Place) - PZC 20-1-061 (Item 2 of 3)

**A motion was made by Commissioner Habel, seconded by Commissioner Fessler to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-061, a conditional use to allow for 45 single family attached units on the property located at 140 and 126 North Wright Street (Heritage Place).**

**Aye:** 8 - Athanikar, Bansal, Fessler, Hanson, Habel, Van Someren, Robbins, and Richelia

**Recused:** 1 - Losurdo

6. Consider variances to the lot area requirements, front yard setback requirements and a height variance for the property located at 140 and 126 North Wright Street (Heritage Place) - PZC 20-1-061 (Item 3 of 3)

**A motion was made by Commissioner Athanikar, seconded by Commissioner Robbins to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-061, a variance to the lot area requirements, a variance to the front yard setback requirements and a height variance for the property located at 140 and 126 North Wright Street (Heritage Place).**

**Aye:** 8 - Athanikar, Bansal, Fessler, Hanson, Habel, Van Someren, Robbins, and Richelia

**Recused:** 1 - Losurdo

## **E. REPORTS AND RECOMMENDATIONS:**

1. Approve the minutes of the September 2, 2020 Planning and Zoning Commission meeting

**A motion was made by Commissioner Bansal, seconded by Commissioner Robbins to approve the minutes of the September 2, 2020 Planning and Zoning Commission meeting.**

**Aye:** 8 - Athanikar, Bansal, Fessler, Hanson, Habel, Van Someren, Robbins, and Richelia

**Recused:** 1 - Losurdo

## **F. OLD BUSINESS:**



**G. NEW BUSINESS:**

1. Initiate a text amendment to various sections of Title 6 (Zoning Ordinance) and Title 7 (Subdivision Regulations) pertaining to mixed-use residential developments

Kathleen Russell, Planning Services Team, provided an overview of the requested text amendment.

Commissioner Bansal asked for more clarification on the amendment. Ms. Russell responded the goal of the text amendment is to provide one set of zoning regulations for a development which may have different residential housing types such as townhomes and duplexes. Chairman Hanson asked staff to provide data when the text amendment is proposed including the frequency of the issue.

**A motion was made by Chairman Hanson, seconded by Commissioner Van Someren to initiate a text amendment to various sections of Title 6 (Zoning Ordinance) and Title 7 (Subdivision Regulations) pertaining to mixed-use residential developments.**

**Aye:** 8 - Athanikar, Bansal, Fessler, Hanson, Habel, Van Someren, Robbins, and Richelia

**Recused:** 1 - Losurdo

**H. ADJOURNMENT:**

12:31 am.

**A motion was made by Commissioner Bansal, seconded by Commissioner Fessler to adjourn the meeting.**

**Aye:** 8 - Athanikar, Bansal, Fessler, Hanson, Habel, Van Someren, Robbins, and Richelia

**Recused:** 1 - Losurdo

**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: 9/16/20 P2C 20-1-061

Name: ANTHONY LOSURDO

Position with City: P2C

Name of entity contracting with City: \_\_\_\_\_

Proposed contract, business, or transaction: \_\_\_\_\_

I have an ☐ Ownership ☐ Employment ☐ Family ☐ Appearance of impropriety ☒ Other  
interest in the proposed contract, business, or transaction as follows: BOARD OF DIRECTOR

Dated: 9/30/20

Signature: Anthony Losurdo

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.