



## **Meeting Minutes**

### **Planning and Zoning Commission**

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**Wednesday, December 16, 2020**

**7:00 PM**

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

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

Pursuant to Section 120/7(e) of the Illinois Open Meetings Act, the continuation of the Governor's disaster proclamation, and Mayor Chirico's executive order determining that in-person public meetings are not currently practical or prudent because of the Covid-19 pandemic, we are holding the December 16, 2020 Planning and Zoning Commission meeting remotely.

The commissioners and staff participating in the meeting are all in different locations in accordance with social distancing guidelines, and steps have been taken to ensure that the Commissioners can hear one another and all discussion and testimony. All votes shall be taken by roll call. 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 Planning Services Team, (630) 420-6694, before 5 p.m. on Wednesday, December 16. If a staff member is unavailable, please leave a voicemail.

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

1. Register by 5 p.m. on Wednesday, December 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 Planning Services Team via email at [planning@naperville.il.us](mailto:planning@naperville.il.us); or
2. Participate by telephone. Register with the Planning Services Team before 5 p.m. on Wednesday, December 16 to receive a dial-in phone number by calling (630)-420-6694. If a staff member is unavailable, please leave a voicemail.

**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, December 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 "OPPOSITION" regarding a specific agenda item by 5 p.m. on Wednesday, December 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 8 a.m. Friday, December 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, December 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, December 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:**

A motion was made by Commissioner Fessler, seconded by Commissioner Robbins to change the order of the agenda and begin with old business.

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

**F. OLD BUSINESS:****1. Open and resume the public hearing for CityGate West - PZC 20-1-022 (Item 1 of 3)**

A motion was made by Commissioner Bansal, seconded by Commissioner Losurdo to open and resume the public hearing for PZC 20-1-022.

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

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

Mike Roth and Geoff Roehl presented on behalf of the petitioners.

Chairman Hanson asked for clarification on the concerns raised by the petitioner on the conditions of approval provided by staff. Roth responded Top Golf and Whirlyball exist which should suffice as the full-service requirement for the hotel. Roth also clarified they have also provided a phasing plan but are unable to commit to order of phasing and timing. Pat Lord, City Attorney, responded the Municipal Code is clear in regards to the full-service hotel requirements and finds the timing and sequencing is critical.

The majority of the Commissioners expressed concern for the limited service hotel proposed on Lot 11. Mike Roth responded to the concerns. Mike Roth responded to the concerns stating the existence of Top Golf and Whirlyball should support the deviation request to the full-service hotel requirements.

Public Testimony:

Staff read submitted written comment submitted in advance of the meeting into the record.

Carrie Cole spoke in opposition raising concern for the students generated from the development.

Mike Roth provided closing remarks.

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

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

Commissioner Bansal expressed support for the project finding an agreement can be made between the petitioner and Top Golf and Whirlyball.

2. Initiate a text amendment to designate restaurants as a conditional use within PUDs in the OCI district (CityGate West) - PZC 20-1-022 (Item 2 of 3)

**A motion was made by Commissioner Bansal, seconded by Commissioner Athanikar to direct staff to initiate a text amendment to designate restaurants as a conditional use within PUDs in the OCI district.**

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

3. Consider rezoning the subject property from I District to OCI District for CityGate West; a conditional use to establish the CityGate West PUD and a preliminary PUD plat; a conditional use to allow multi-family residential on Lots 4 and 5; a conditional use to allow full service hotels on Lots 11 and 15; a conditional use to allow restaurants (subject to approval of Text Amendment) on Lots 1, 2, 6, 7, 8, 9, 12, 13, and 16; a conditional use to allow retail uses on Lots 4, 5, 12, and 13; and, multiple deviations to the Naperville Municipal Code for CityGate West - PZC 20-1-022 (Item 3 of 3)

**A motion was made by Commissioner Losurdo, seconded by Commissioner Van Someren to reject the findings of fact as presented by the petitioner and deny the conditional use to establish a full service hotel and the associated deviations on Lot 11 of CityGate West finding that it neither meets the definition nor the intent of a full service hotel as further identified in the staff report.**

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

**Nay:** 1 - Bansal

**A motion was made by Chairman Hanson, seconded by Commissioner Losurdo to adopt the findings of fact as presented by the petitioner and approve PZC 20-1-022, with the exception of the conditional use for a hotel on Lot 11: rezoning the subject property from I to OCI; a conditional use to establish the CityGate West PUD and a preliminary PUD plat; a conditional use to allow multi-family residential on Lot 4; a conditional use to allow a full service hotels on Lot 15; a conditional use to allow restaurants (subject to approval of Text Amendment) on Lots 1, 2, 6, 7, 8, 9, 12, 13, and 16; a conditional use to allow retail uses on Lots 4, 12, and 13; and, multiple deviations to the Naperville Municipal Code as noted in the staff report, subject to the conditions identified in the staff report, for CityGate West.**

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

## **D. PUBLIC HEARINGS:**

1. Conduct the public hearing for Naper Commons located on Lot 4 at the northwest corner of Naperville and Warrenville Roads, Naperville, PZC 20-1-086 (Item 1 of 3)

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

Russ Whitaker, spoke on behalf of the petitioner. Rob Getz, Derrick Martin, Scott Brejcha, Peter Pluskwa, spoke as experts on the case providing details on the proposal.

The meeting went into a 5-minute recess.

Christopher Morgat, Greg Sagen, Javier Millian and Joel Baldin finished the presentation speaking as experts on the case.

Chairman Hanson asked staff to expand upon the additional design elements requested, Williams pointed out the requirements specified in the code for a planned unit development. Commissioner Losurdo inquired if the petitioner is working with the Forest Preserve District on the issues they raised. Whitaker responded they will be meeting with the Forest Preserve District to address the recent concerns raised.

A motion was made by Chairman Hanson, seconded by Commissioner Losurdo to extend the meeting until 11:30 pm.

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

Public Testimony:

Chairman Hanson determined based on timing and speakers who have been waiting on the call to begin public testimony with speakers and if the hearing needs to be continued the written comments can be read into the record at that time. Pat Lord, City Attorney concurred.

James Butt, spoke against the roadway connection, requested more open space and raised several other concerns about the development.

Sean Carstens, spoke against the development with concerns on traffic generated, lack of open space, and decreased enjoyment of the forest preserve.

Robin Jones, spoke against the townhomes and requested a reduction in the number of units or additional buffering.

Jim Guzdziol, spoke against the current proposal requesting more open space.

Marty Fielder, spoke against the development and raised concern with the density and lack of green space.

Rebecca Rogers, spoke against the development concerned with road safety and lack of green space.

Julian Szucko, spoke against the density.

A motion was made by Chairman Hanson, seconded by Commissioner Richelia to extend the meeting to 11:45 pm.

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

Ted Berger, spoke against the current design and density.

Paul Kocan, spoke against the roadway connection and density requesting more open space.

Dean Grant, spoke against the roadway connection.

Jeff Banowetz, requested more open space be provided and to maintain some of the existing open space.

Mark Daniel, Attorney representing multiple people for Feldballe family, Jeff Banowetz and James Butt raised concerns for density, open space, roadway design, lot coverage, and stormwater.

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

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

Chairman Hanson summarized some of the requests made including a reduction in the density, extension of 39th street and accessibility of the street by pedestrian walkway, concerns with the berm to name a few. Chairman Hanson suggested the case be continued to a future meeting.

Russ Whitaker clarified the berm is on private Nokia property and agreed to a case continuance.

**A motion was made by Chairman Hanson, Commissioner Richelia to continue PZC 20-1-086 to the February 3, 2021 Planning and Zoning Commission meeting.**

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

2. Consider Naper Commons Preliminary PUD and approval of a PUD Plat with deviations to reduce the required front yard setbacks, to reduce the required interior side yard setbacks, and to permit eaves encroachment over the side easements for Lot 4 of the subject property located at the northwest corner of Naperville and Warrenville Roads - PZC 20-1-086 (Item 2 of 3)
3. Consider a conditional use for single-family attached units for Lot 4 of the subject property located at the northwest corner of Naperville and Warrenville Roads (Naper Commons)- PZC 20-1-086 (Item 3 of 3)

## **G. NEW BUSINESS:**

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

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

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

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

## **H. ADJOURNMENT:**

11:55 PM

**A motion was made by Commissioner Robbins, seconded by Commissioner Van Someren to adjourn the meeting.**

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