



**NAPERVILLE PLANNING AND ZONING COMMISSION  
MINUTES OF APRIL 20, 2016**

**UNOFFICIAL PRIOR TO PZC APPROVAL  
APPROVED BY THE PZC ON MAY 4, 2016**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Bansal, Crawford, Hajek, Hansen, Hastings, Messer, Peterson, Williams  
Absent: Martinez  
Student Members: Butler  
Staff Present: Planning Team – Kasey Evans, Sara Kopinski, Erin Venard  
Engineering Team – Kelly Dunne

**B. Minutes**

Approve the minutes of the April 6, 2016 Planning and Zoning Commission meeting.

Motion: Williams  
Second by: Crawford

Approved  
(8 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.  
PZC 16-1-022  
Adler Schools #1,  
Inc.**

The petitioner requests approval of a conditional use for a day care center in the B2 (Community Shopping Center District) pursuant to Section 6-7B of the Municipal Code to allow an Adler Schools #1, Inc. to locate at 5051 Ace Lane, Naperville, IL.

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

Sandra Figueroa, spoke as the petitioner:

- Daycare provider for 20 years with a background in early childhood care and social work; believes the community can benefit from her work.
- Available for questions.

**Public Testimony: none**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion: None**

Planning and Zoning Commission moved to recommend approval of PZC 16-1-022, a conditional use for a day care center in the B2 (Community Shopping Center District) pursuant to Section 6-7B of the Municipal Code to allow an Adler Schools #1, Inc. to locate at 5051 Ace Lane, Naperville, IL.

Motion by: Williams  
Seconded by: Crawford

Approved  
(8 to 0)

Ayes: Bansal, Crawford, Hajek, Hansen, Hastings, Messer,  
Peterson, Williams  
Nays: None  
Absent: Martinez

**D2.  
PZC 16-1-014  
Republic West**

The petitioner requests approval of a conditional use for a daycare facility and a conditional use for an automobile service station in order to develop the subject property located at the southeast corner of Route 59 and Hassert Boulevard, Naperville, IL 60564.

Kasey Evans, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Hastings – Do you have any idea how long the parcel has been vacant?  
Evans – I do not. The two lots to the east were developed in the late 1990s, so at least since that time.

Anthony DeAngelis, Intercontinental Equities, spoke as the petitioner:

- Securing tenants and working on the planning process for approximately a year and a half.
- Tenants include: The Learning Experience and a drive-through Starbucks.
- Currently working with potential gas station tenants; working through several contingencies.
- Access for the subject property is via a right in/right out curb cut on Route 59; curb cut has preliminary approval from IDOT.

Planning and Zoning Commission inquired about:

- Hansen – Appreciate that the IDOT process is time consuming. My concern is that the previous development expressly prohibited the access onto Route 59. I am not familiar with a preliminary approval from IDOT. How soon do you expect a formal approval? DeAngelis – The City has received documentation from IDOT acknowledging our plans and agreeing with proposed design. The final approval is subject to getting a final IDES design study resubmitted and a few other comments. I

understand your concerns, but IDOT has agreed to reconsider because of the nature of the use and the design of the property. Plus, we are giving them a nice public improvement at no cost which will help the intersection function better.

- Hansen – Corner does not warrant a conditional use for a gas station without the right in/right out access from IDOT. I think it is safe to say that a gas station will require access from Route 59. Does staff have a comfort level that approval is forthcoming? Dunne – The most recent comments from IDOT received April 11 indicate that IDOT is ok with the proposed right in/right out access because it mitigates any effects on the intersection by adding the turn lane. IDOT is requesting a few small engineering changes, but is overall ok with the design.

Don Dybas, Architect with Tech Metra, Ltd., spoke on behalf of the petitioner:

- Original developers of the subdivision; built the bank and retail center.
- IDOT recognizes that the uses on the site provide a strong reason to approve the right in/right out.
- The design of the proposed buildings will be the exact same masonry materials as the existing buildings.
- Williams – Are you involved in the present development? Dybas – Yes, I represent the architect.
- Williams – Would you be ok with the condition that approval be contingent on approval by IDOT of the right in/right out on Route 59. Dybas – There are various other alternatives should they not approve the right in/right out. DeAngelis – No.

### **Public Testimony:**

Wassim Ahmed

- Owns a BP gas station next to the property.
- There are already two gas stations at the intersection; a third gas station at the intersection will hurt my business.
- Hajek – Is your BP on the northeast or the northwest corner? Ahmed – Northeast.

Elmer Nicholls

- Traffic; cannot exit onto 59 from High Meadow Road now and this will add traffic; needs a complete traffic study.
- Do not need a third gas station in this area.
- Daycare does not meet the daycare standards; too close to toxic fumes.
- Proper drainage is an issue; current detention pond is not maintained; where will runoff go.
- Peterson – The pond photos you sent, where in relation to the drawing are they? Nicholls – East. Photos were taking from 2008 to 2013.
- Messer – Were any of the photos taken during the April 2013 event? Nicholls – Yes.

Tim Bingham

- Works for Parent Petroleum, the supplier of the BP station.
- Third gas station at this intersection is overkill; will take business from the stations that are already there.
- Hastings – Do you service the BP at 75th & Plainfield-Naperville Road?  
Bingham – Yes.
- Hastings – What are your thoughts on the three gas stations there?  
Bingham – In that situation, it pretty much put the BP out of business.

The petitioner responded to the testimony:

Dybas

- Regarding the upkeep on the center, most retail centers have challenges with fly dumping. We have a good relationship with the City's Code Enforcement and are diligent.
- Regarding the pond, it was designed for a 100 year occurrence. We have had 300 to 500 year occurrences. Ponds across the City reacted as they were designed, by retaining water to a certain height and releasing overflow into the streets. I think the photos shown this evening were probably from occurrences during larger storms.
- The pond is designed to handle day to day operations. Pond was also designed to incorporate these three lots.

DeAngelis

- The Learning Experience daycare is a national company. Their operations and requirements will met or exceed all requirements from the State of Illinois and Will County. There are no issues with its location near the gas station.
- With respect to the traffic, we have done extensive traffic studies, as required by IDOT. Our impact on this intersection has been vetted.
- Messer – How many children will occupy the daycare center at peak time? DeAngelis – 120 to 140 kids max. Operate from 6:30am to 6:30pm; occasionally some night events, like open houses or special events. Deal with children from six weeks through five years old and some after school programs for children up to eight years old.
- Bansal – Have any of your future gas station tenants been concerned with the other two gas stations? DeAngelis – I would defer to the owner/operators. If they did not think they could compete here, they would not make the investment.

Planning and Zoning Commission inquired about:

- Hastings – Can staff address the comments from the resident regarding the gas station in proximity to daycare, the storm water runoff, and the traffic study? Evans – There are no city regulations regarding the distance between a daycare and a gas station. Dunne – Regarding storm water, the detention basin was designed to the Will County and City of Naperville standards; basin is functioning as it should; enough detention

is provided. Regarding traffic, looking at the trip generation that was done by the consultant, the assumptions do not show any of the traffic that comes off of Route 59 going further down High Meadow. For any trips generated by the development, it would not be beneficial to cut through the neighborhood.

- Williams – Staff has a copy of the referenced traffic study? Dunne – They were not explicitly sent to us because IDOT reviews them, but we have a copy. Williams – You have no objection to the study? Dunne – Correct.
- Williams – One concern I have is relative to the right in/right out on Route 59. What is the staff position? Dunne – As long as IDOT supports it, we support. Based on traffic impact studies and revised plans, IDOT said the access is ok. The only reason it has not been approved is because of a few outstanding comments.
- Williams – Is this approval in writing? Dunne – Yes, it is in writing on IDOT letterhead.
- Williams – We cannot try to protect any individual business. I am concerned about the right in/right out and I would like to hear more about it. I would like to see this long vacant piece of property developed.
- Messer – Share many of the same reservations as Commissioners Hansen and Williams. Storm water is in our purview but not; we are not engineers. If the storm water facilities are functioning as they are supposed to, that is the end of our responsibility. The right in/right out is paramount to the development. Have concerns with people crossing two lanes of traffic and getting into the left turn lane.
- Williams – I would be happy to make this a condition. My only problem is that IDOT is not timely. Would it delay Council approval?
- Hansen – The Council could also approve it with the condition and then rely on staff to follow up when the IDOT approval comes through. It sends the message that the access is approved. In my mind, a gas station with just a right in is very tough. We would like to set businesses up to succeed. I fully understand why you want the access. I want to make sure it is there and that is why I would add the condition.
- Messer – Does staff have any concerns with the PZC adding such a condition for a right in/right out? Evans – Staff is comfortable with the condition that IDOT approve access. We could word the condition such that if IDOT approves something potentially different than a right in/right out that would still be acceptable as long as it acceptable to IDOT. That leaves some flexibility, as long as there is access on Route 59.
- Williams – It may also put some pressure on IDOT.
- Peterson – Not understanding why we would put a condition. If we are not going to play winners and losers on three gas stations versus two, why play it with the access. Not supporting the condition.
- Bansal – Will be a good development. I am fine either way with condition for the right in/right out.
- Messer – As far as the right in/right out goes, it is not completely for the success of the development, it is also a safety issue.

- Williams – It is also good planning, which is our job. I would defer to Commissioner Hansen to make the motion including the condition and I would be supportive of it.
- Dybas – There is a full access on this property, just further east on the bank lot.
- Hastings – Echo fellow Commissioners. A curb cut on Route 59 will improve the likelihood of success at the site. In my opinion, if we can help you get in a better position for success, it makes it better for everyone.
- DeAngelis – We worked very hard for IDOT to give us the right in/right out. We agree it will help the businesses and make the corner viable. The access is a condition of any future gas station going there. It is not a condition for my other two uses. I do not want to see the whole project scrapped or delayed because of the access.
- Williams – Petitioner is agreeing to the condition, as long as it is limited to the gas station. DeAngelis – Yes.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-014, a conditional use for a daycare facility and a conditional use for an automobile service station, conditioned upon the platting of cross access easements on the lot prior to issuance of permits for the gas station, that review of the building elevations by the Planning and Zoning Commission and/or City Council is not required unless the building elevations do not comply with the City Design Guidelines and are not consistent with the adjacent commercial lots, and access approval of Route 59 by IDOT, in order to develop the subject property located at the southeast corner of Route 59 and Hassert Boulevard, Naperville, IL 60564.

Motion by: Hansen  
Seconded by: Williams

Approved  
(8 to 0)

Ayes: Bansal, Crawford, Hajek, Hansen, Hastings, Messer,  
Peterson, Williams  
Nays: None  
Absent: Martinez

**D3.  
PZC 16-1-025  
629 N. Center Street**

The petitioner requests approval of a variance to Section 6-6C-8:1 (R2 District, Height Limitations/Bulk Requirements) to permit the expansion of a half story attic to a full third story for a single-family residence at 629 N. Center Street.

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

Jeffrey McDonnell, spoke as the petitioner:

- Agrees with staff comments.
- Building a master suite; wants to improve the value of the home.

Planning and Zoning Commission inquired about:

- Bansal – The intended user of the addition is your own family – McDonnell – Yes.
- Williams – To clarify, you are the owner of the property? McDonnell – Yes.

**Public Testimony: none**

**Planning and Zoning Commission Discussion:**

- Messer – Thank you for not demolishing the home. Property is a 100 year old home with lots of character.
- Williams – Cases like this break my heart. How can you not approve this? Thank you for buying and settling in Naperville. No brainer.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-025, a variance to Section 6-6C-8:1 (R2 District, Height Limitations/Bulk Requirements) to permit the expansion of a half story attic to a full third story for a single-family residence at 629 N. Center Street

Motion by: Williams  
Seconded by: Bansal

Approved  
(8 to 0)

Ayes: Bansal, Crawford, Hajek, Hansen, Hastings, Messer,  
Peterson, Williams  
Nays: None  
Absent: Martinez

**D4.  
PZC 16-1-037  
730 E. Chicago  
Avenue Variance**

The petitioner requests approval of a variance to Section 6-6B-7 (R1B: Yard Requirements) to reduce the required corner side yard on the subject property to construct a room addition at 730 E Chicago Avenue.

Kasey Evans, Planning Services Team, gave an overview of the request.

Jim Koziol, spoke on behalf of the petitioner:

- Available for questions.

**Public Testimony: none**

**Planning and Zoning Commission Discussion:**

- Messer – Reasonable request. Another individual wanting to improve his home. Encroachments are minimal; nice improvement.
- Williams – This requires our action because it is in the setback? Evans – Correct, the addition encroaches in the required corner side yard.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend approval of PZC 16-1-037, a variance to Section 6-6B-7 (R1B: Yard Requirements) to reduce the required corner side yard on the subject property to construct a room addition at 730 E Chicago Avenue.

Motion by: Williams  
Seconded by: Bansal

Approved  
(8 to 0)

Ayes: Bansal, Crawford, Hajek, Hansen, Hastings, Messer,  
Peterson, Williams  
Nays: None  
Absent: Martinez

**D5.**  
**PZC 16-1-034**  
**533 N. Main Street**

The case has been withdrawn.

#### **E. Reports and Recommendations**

#### **F. Correspondence**

**F1.**  
**PZC 16-1-052**  
**Pet Grooming &  
Training Text  
Amendment**

Direct staff to initiate an amendment to the Section 6-1-6 (Definitions) and Section 6-2 (General Zoning Provisions) of the Municipal Code in regards to pet training and grooming.

Planning and Zoning Commission moved to direct staff to initiate an amendment to the Section 6-1-6 (Definitions) and Section 6-2 (General Zoning Provisions) of the Municipal Code in regards to pet training and grooming.

#### **G. New Business**

#### **H. Adjournment**

**8:04 p.m.**