



**NAPERVILLE PLANNING AND ZONING COMMISSION
MINUTES OF OCTOBER 19, 2016**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON NOVEMBER 2, 2016**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bansal, Fessler, Hansen, Hastings, Martinez, Williams
Absent: Crawford, Hajek, Peterson
Student Members: None
Staff Present: Planning Team – Sara Kopinski, Erin Venard
Engineering Team – Peter Zibble

B. Minutes

Approve the minutes of the October 5, 2016 Planning and Zoning Commission meeting.
Motion by: Williams
Second by: Hastings

Approved
(6 to 0)

C. Old Business

D. Public Hearings

**D1.
PZC 16-1-128
Center for Autism
and Related
Disorders (CARD)**

The petitioner requests approval of a conditional use to establish a learning center on a property zoned ORI PUD; and, a variance to Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Municipal Code to reduce the number of required off-street parking spaces for the property located at 603 East Diehl Road.

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

Planning and Zoning Commission inquired about:

- Hastings – Has anyone voiced concerns regarding the parking? Kopinski – No.

Mattie Mattucci, spoke on behalf of the petitioner:

- Available for questions.

Public Testimony: NONE

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bansal – Supporting.
- Hastings – Supporting.
- Hansen – Supporting.
- Williams – Difference is one parking space; 900 square feet to be used for a high quality purpose; absolutely supportable.
- Fessler – No problems.
- Martinez – Supporting.

Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 16-1-128, a conditional use to establish a learning center on a property zoned ORI PUD; and, a variance to Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Municipal Code to reduce the number of required off-street parking spaces for the property located at 603 East Diehl Road, Naperville, Illinois.

Motion by: Williams
Seconded by: Bansal

Approved
(6 to 0)

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

**D2.
PZC 16-1-131
210 W. Ogden Ave.**

The petitioner requests approval of rezoning to TU (Transitional Use District) for the subject property located at 210 W. Ogden Ave., Naperville, Illinois.

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

Len Monson, attorney with Kuhn, Heap, and Monson, spoke as the petitioner:

- Important to note the property has no access to side streets, the only access is a curb cut on Ogden.
- Currently used as an office; the current use is not changing.
- Here because the property is inappropriately categorized as a home to office conversion.
- Comprehensive Plan identified the property as eligible for home to office conversion in 1998.
- In 2003, TU district was created but limited to the downtown.
- In 2005, this property was approved for a home to office conversion.
- The 2011 Plan called for TU designation outside of the downtown area.
- In 2015, the City approved TU text amendment
- Reasons to support include: the rezoning removes the outdated home to office conversion, rezoning fulfills City's desire to update land use designations, and retains PZC and Council oversight on the property.

Planning and Zoning Commission inquired about:

- Hansen – The variances granted for front yard setback and parking, do they need to be amended to address the TU district?
- Venard – Granting the TU zoning could create a nonconforming lot.
- Hansen – Would like to make sure that the variances are reflected in the current approvals.
- Williams – If the rezoning is indeed for housekeeping purposes, it is a good idea to include variances. I do not understand why this rezoning is being requested? Monson – The rezoning will provide the petitioner more flexibility with future use of the property.

Public Testimony:

Steve Purduski

- Lives on Webster Street.
- Understands the TU zoning designation and that TU can be considered to be applied outside the downtown area.
- Thinks Commissioner Williams has an astute question.
- Reviewed the history of the property; in 2005 it was designated as a home to office conversion; prior to that, the home was a rental property until a couple from Plainfield purchased property with the stated intent of using it as office for the wife who helped elderly people move out of their homes into nursing facilities.
- Residents were concerned about limited parking; owner said parking was not problem.
- Property put up for sale, purchased by a builder who started changing property. In 2008, he went out of business; property sat unfinished and was an eyesore.
- There is history of stretching the truth with the intent and purpose of the property.
- With the TU designation, this property will be able to be used for businesses other than consulting. If used for consulting, why go through the process of rezoning to TU?
- Neighbors are watching the proceedings going on this property and we will be at City Council. If things happen like they did in 2005, I will need to run for Council. I want my concerns on record.
- Bansal – If this property is used for other types of businesses, is there enough parking? Venard – Each business would be reviewed at the time of occupancy; parking would be assessed at that time.
- Williams – If there were a change of use, they would come before us? Venard – If the use is permitted in the TU district, the use would be subject to staff review only. If the use is not permitted, it would come before PZC.
- Williams – Suspect the applicants are coming in to increase their property values. No legal basis for us not to grant this. Personally think

owners are getting a head start.

- Purduski – Agrees with Mr. Williams. If you knock down the existing structure, you could not get a permit to build a new structure because of the setbacks. The neighbors have not been treated well here.
- Hansen – What is difference with the home to office conversion and TU? Home to office requires that the home be maintained; want to make sure there is a mechanism to review the existing variances and their appropriateness moving forward.
- Williams – Cannot verify the testimony that has been given with respect to prior projects. There may have been bad conduct in the past, but the present applicant is innocent.
- Purduski – The residents had not been listened to by PZC or CC at that time. Just trying to get in front of it as much as I can.

The petitioner responded to the testimony:

- All negative comments from the past were prior to my client.
- My client works in this office every day and neighbors do not even know that he is there.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bansal – Housekeeping; several good points made; do not see any reason not to approve.
- Hastings – Commissioner Williams brought up good points; inevitably this is going to occur. Commissioner Hansen raises a good request of city staff for additional oversight. Supporting.
- Hansen – In favor; TU is appropriate and in keeping with 2015 direction.
- Williams – Supporting for the reasons stated.
- Fessler – Supporting.
- Martinez – Supporting with the clarification regarding the variances.

Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 16-1-131, a rezoning to TU (Transitional Use District) for the subject property located at 210 W. Ogden Ave., Naperville, Illinois conditioned upon a review by legal counsel of the previously issued variances on the subject property.

Motion by: Hansen
Seconded by: Williams

Approved
(6 to 0)

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

**E. Reports and
Recommendations**

F. Correspondence Approve the 2017 Planning and Zoning Commission calendar.

Motion by: Williams
Second by: Hastings

Approved
(6 to 0)

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

H. Adjournment

7:36 p.m.