



**NAPERVILLE PLANNING AND ZONING COMMISSION  
MINUTES OF OCTOBER 19, 2011**

<b>Call to Order</b>		<b>7:00 p.m.</b>
<b>A. Roll Call</b>		
Present:	Coyne, Messer, Gustin, Williams, Edmonds, Trowbridge, Meyer	
Absent:	Herzog, Bruno, Schnoch (student), Wallace (student), Uber (student)	
Student Members:		
Staff Present:	Planning Team – Emery, Forystek Engineer – Louden	
<b>B. Minutes</b>		
<b>C. Old Business</b>		
<b>D. Public Hearings</b>		
<b>D1. Case #11-1-111 McDonald’s at Design Pointe</b>	The petitioner requests a major change to the Design Pointe PUD to accommodate a fast food restaurant with a drive-through land use on a lot previously planned for retail tenants. In conjunction with this request the petitioner is seeking a deviation to reduce the required parking and deviations related to the setback due right-of-way expansion by IDOT.	
	<p>Amy Emery, Planning Services Team, gave an overview of the request:</p> <ul style="list-style-type: none"> <li>• Request to locate a fast food restaurant with a drive-thru on Outlot B of the Design Pointe PUD.</li> <li>• Parking deviation is required for the proposed fast food restaurant and overall PUD; deviations are required for signage and landscaping as a result of ROW acquisition by IDOT for the IL Route 59 expansion.</li> <li>• Staff has outstanding concerns about the requested building design and trash receptacle locations as they relate to the specific requirements of the Design Pointe PUD.</li> </ul>	
	<p>Henry Stillwell, 300 E. Roosevelt Road, Wheaton, IL, Attorney on behalf of the petitioner:</p> <ul style="list-style-type: none"> <li>• Provided the Planning and Zoning Commission exhibits to be entered into the record as well as an overview of the exhibits.</li> <li>• Provided an overview of the request for a major change to the PUD and associated deviations.</li> <li>• Flipping the orientation of the trash enclosure results in operational issues for the drive-through. The proposed landscape screens the trash enclosure from view.</li> <li>• Accommodations on the standard design include concessions on the</li> </ul>	

	<p>stone materials used on the arcade features.</p> <ul style="list-style-type: none"> <li>• The building incorporates arch logos. A further change to the building elevations has legal repercussions associated with the building design trademark.</li> </ul> <p>Dan Olson, 2631 Ginger Woods Parkway, Aurora, Watermark Engineering Resources, Site Designer on behalf of the petitioner:</p> <ul style="list-style-type: none"> <li>• Provided an overview of the proposed language, signage and photometric plan.</li> </ul> <p>Elizabeth Stuck, 2631 Winfield Road, Warrenville, IL Real Estate Broker on behalf of the petitioner:</p> <ul style="list-style-type: none"> <li>• Noted that all changes that can be made at the regional level have been accommodated. Any additional changes would require escalating the comments to the corporate office. Awnings would have to be removed before providing ballooned awnings. Can work with staff on the colors of the building. There is a palette provided by corporate.</li> </ul>
	<p>Planning and Zoning Commission inquired about</p> <ul style="list-style-type: none"> <li>• Meyer inquired whether or not a play land is proposed, what the outdoor space will be used for and whether or not the awnings are trademarked.</li> <li>• Edmonds questions why the awnings cannot be addressed as staff recommends and inquired whether McDonalds is unable to change the building because of trade marking or branding. Inquired whether or not the sign was trademarked. The petitioner responded that there will be no play land and the awnings and building are trademarked not the signage.</li> <li>• Coyne inquired why the arched featured is unable to be incorporated and stated that the building as proposed will look out of place in the context of the PUD. The petitioner stated that in order to maintain compliance with the trademarked building, the requested arched features cannot be incorporated and that other concessions such as materials have been accommodated at staff's request.</li> <li>• Gustin inquired whether or not color variation is possible if the shape variation is unable to be accommodated.</li> <li>• Edmonds stated that the requirements are minor and feels that they should be accommodated unless there is legal proof in reference to the trademark discussion.</li> <li>• Trowbridge noted variation between the buildings in the Design Pointe PUD.</li> </ul>
	<p><b>Public Testimony:</b></p> <ul style="list-style-type: none"> <li>• Paul Nordini, 119 S. Ellsworth Street, Naperville, IL: Supportive of voting on the proposal with conditions. Suggested that the PUD requires elements be included on-site to meet the intent without modifying the building design.</li> </ul>
	<p>Planning and Zoning Commission closed the public hearing.</p>

	<p><b>Plan Commission Discussion:</b></p> <ul style="list-style-type: none"> <li>• Gustin – Inquired whether the petitioner would prefer to be voted out or bring additional information back to the Commission at a later meeting. The petitioner responded that they would prefer to be voted out with conditions providing further direction moving forward to City Council.</li> <li>• Williams – Does not feel comfortable voting on the proposal due to the trash enclosure location and the proposed building elevations not complying with the standards for building design in the Design Pointe PUD.</li> <li>• Coyne – Is supportive of the use, but does not like that the PUD design standards are being trumped by branding. Supports approval subject to conditions regarding the building design.</li> </ul>	
	<p>Planning and Zoning Commission moved to recommend approval of the petitioner’s request subject to the condition that McDonalds satisfy the PUD Design Standards and provide additional landscape in the trash receptacle area or an alternative location.</p>	
	<p>Motion by: Meyers          Seconded by: Second</p> <p>Ayes: Williams, Meyer, Messer, Trowbridge, Coyne, Gustin, Edmonds</p> <p>Nays: None</p>	<p>Approved          (7 to 0)</p>
<p><b>D2. Case #11-1-123          B4 and B5 Zoning          Districts</b></p>	<p>This is a request to amend the B4 (Downtown Core) and B5 (Secondary Commercial) Zoning Districts of Title 6 (Zoning Regulations) of the Municipal Code to incorporate recommendations included in the <i>Naperville Downtown2030 Plan</i>.</p>	
	<p>Amy Emery, Planning Services Team, gave an overview of the request:</p> <ul style="list-style-type: none"> <li>• The proposed amendments are part of implementing the Downtown2030 Plan and will provide for more flexible zoning and allow for adaption to market changes.</li> <li>• B4 is intended to encourage walking, shopping and dining in the downtown core.</li> <li>• B5 meant to serve as a transition between the downtown core and residential uses. The B5 District currently accommodates the same uses as the B4 District plus additional uses, lacking the ability to provide for the intended transition.</li> <li>• B5 as proposed is intended for office and residential uses.</li> <li>• Provided an overview of the proposed changes including uses, height maximum, and maximum building setbacks.</li> </ul>	
	<p>Planning and Zoning Commission inquired about</p> <ul style="list-style-type: none"> <li>• Edmonds inquired whether or not the uses as proposed were outlined and approved as part of the Downtown 2030 Plan. Staff noted that the uses as proposed were reviewed by DAC, the Plan Commission and City</li> </ul>	

	Council during the approval phases of the plan.	
	<b>Public Testimony:</b> None.	
	Planning and Zoning Commission closed the public hearing.	
	<b>Plan Commission Discussion:</b> <ul style="list-style-type: none"> <li>• Messer – Would an art gallery be considered a show room? Staff stated that an art gallery is a public assembly use, therefore permitted. Felt that the proposed amendments provided clarification.</li> <li>• Gustin – Likes the outcome of the amendments and the clarification the changes provide for the downtown uses.</li> </ul>	
	Planning and Zoning Commission moved to recommend approval to amend the B4 (Downtown Core) and B5 (Secondary Commercial) Zoning Districts of Title 6 (Zoning Regulations) of the Municipal Code.	
	Motion by: Gustin Seconded by: Williams  Ayes: Williams, Trowbridge, Messer, Coyne, Meyer, Gustin, Edmonds  Nays: None	Approved (7 to 0)
<b>D3. Case #11-1-124 B5 Rezonings</b>	This is a request to rezone certain properties from B5 (Secondary Commercial) to B1 (Neighborhood Commercial) and B4 (Downtown Core) in accordance with recommendations from <i>Naperville Downtown2030</i> and the <i>5<sup>th</sup> Avenue Study</i> .	
	Amy Emery, Planning Services Team, gave an overview of the request: <ul style="list-style-type: none"> <li>• Owners of 18 parcels are seeking rezoning in accordance with city plans.</li> <li>• The rezoning requests are a result of implementation steps associated with the Downtown 2030 plan, and to allow existing properties and uses to avoid non-conforming status as a result of the B4/B5 text amendments.</li> <li>• Provided an overview of the location and zoning of the affected properties.</li> </ul>	
	<b>Public Testimony:</b> Paul Nordini, 119 S. Ellsworth Street – Suggested tabling the request to consider the residences adjacent to Quigley’s affected by the rezoning request. The blocks encompassing Central Park are typically commercial uses with the exception of 3 residences. Quigley’s can become another restaurant; the restaurant has negative effects including odor on the residences. If we change this to B4, we lose this transition; the existing residences become the transition.	
	Staff responded to testimony: <ul style="list-style-type: none"> <li>• Any uses including restaurants are required to obey the Performance</li> </ul>	

	<p>Standards outlined in the Zoning Ordinance.</p> <ul style="list-style-type: none"> <li>The subject property owned by the person providing testimony is identified as TU, providing limited non-residential uses while still maintaining residential uses.</li> </ul>		
	<p>Planning and Zoning Commission inquired about:</p> <ul style="list-style-type: none"> <li>Edmonds inquired about extending the transition zone west to encompass Quigley's. Staff stated that long term it was anticipated that the block may not encompass residential hence the TU zoning.</li> <li>Williams inquired whether or not the proposed changes accommodate the property owner. Staff responded that the request is consistent with the Downtown2030 Plan and that the future designation of the speaker's property is TU.</li> <li>Coyne inquired whether or not the homeowner filed a complaint. The homeowner responded that no complaints have been filed in the past.</li> </ul> <p>Planning and Zoning Commission closed the public hearing.</p>		
	<p>Planning and Zoning Commission moved to recommend approval to rezone certain properties from B5 (Secondary Commercial) to B1 (Neighborhood Commercial) and B4 (Downtown Core) in accordance with recommendations from <i>Naperville Downtown2030</i> and the <i>5<sup>th</sup> Avenue Study</i>.</p>		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; padding: 5px;"> <p>Motion by: Meyer            Seconded by: Williams</p> <p>Ayes: Coyne, Trowbridge, Williams, Meyer, Messer, Gustin, Edmonds</p> <p>Nays:</p> </td> <td style="width: 30%; padding: 5px; text-align: center;"> <p>Approved (7 to 0)</p> </td> </tr> </table>	<p>Motion by: Meyer            Seconded by: Williams</p> <p>Ayes: Coyne, Trowbridge, Williams, Meyer, Messer, Gustin, Edmonds</p> <p>Nays:</p>	<p>Approved (7 to 0)</p>
<p>Motion by: Meyer            Seconded by: Williams</p> <p>Ayes: Coyne, Trowbridge, Williams, Meyer, Messer, Gustin, Edmonds</p> <p>Nays:</p>	<p>Approved (7 to 0)</p>		
<p><b>D4. Case #11-1-127          68 Starling Lane</b></p>	<p>The petitioner requests a variance from Section 6-6A-7 (R1A, Yard Requirements) of the Naperville Municipal Code to allow for the construction of a covered front porch and roof overhang that encroaches 5' into the required thirty-foot (30') front yard setback for the property located at 68 Starling Lane.</p>		
	<p>Katie Forystek, Planning Services Team, gave an overview of the request</p> <ul style="list-style-type: none"> <li>Subject property is zoned R1A and is improved with a single-family residence.</li> <li>Requested is a variance to allow a covered front porch and roof overhang to encroach 5' into the required 30' front yard setback.</li> <li>Staff finds that the proposed improvements provide aesthetic and functional relief to the existing building facade and enhances the neighborhood streetscape.</li> </ul>		
	<p>Gene Weaver, 68 Starling Lane, the petitioner, Tim Schmit, 49 Starling Lane, petitioner's contractor noted:</p> <ul style="list-style-type: none"> <li>Provided an overview of the request and provided details and photographs demonstrating the proposed facade enhancement.</li> </ul>		

	Planning and Zoning Commission inquired about <ul style="list-style-type: none"> <li>• Whether or not the improvements had already been completed</li> </ul>	
	<b>Public Testimony:</b> None	
	Planning and Zoning Commission closed the public hearing.	
	Planning and Zoning Commission moved to recommend approval of the request for a setback variance to allow a front porch and roof overhang to encroach 5' into the required 30' front yard setback as stated in the staff memorandum dated October 19, 2011.	
	Motion by: <b>Trowbridge</b> Seconded by: Williams  Ayes: Coyne, Messer, Williams, Trowbridge, Meyer, Gustin, Edmonds  Nays: None	Approved (7 to 0)
<b>E. Reports and Recommendations</b>		
<b>F. Correspondence</b>		
<b>G. New Business</b>		
<b>H. Adjournment</b>	9:54 p.m.	