



**NAPERVILLE PLANNING AND ZONING COMMISSION  
FINAL MINUTES OF NOVEMBER 7, 2012**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Bruno, Coyne, Frost, Gustin, Herzog, Messer, Meyer, Williams  
Absent: Trowbridge  
Student Members: Heavener, Bhatti  
Staff Present: Planning Team – Tim Felstrup, Clint Smith  
Engineer – Kim Schmidt

**B. Minutes**

Approve the minutes of October 17, 2012 as amended to reflect revised comments from Commissioner Gustin regarding the NCC rezoning request.

Motion by: Gustin  
Second by: Meyer

Approved  
(8 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.  
PZC 12-1-103  
Standard Market  
Sign Variance**

The petitioner, 1400 Aurora Avenue, LLC, is requesting approval of a sign variance from Section 5-4-3 (Prohibited Signs) to permit an off-premise sign at 1384-1394 Aurora Avenue.

Clint Smith, Planning Services Team, gave an overview of the request.

John Zemenak, Attorney with Rathje & Woodward, and Vince Priest, Executive Vice President of the company acting as petitioner, spoke on behalf of the petitioner.

Planning and Zoning Commission inquired about:

- The other signs approved for the Standard Market development.
- Will the sign will be in addition to the other approved signs and the distance between them.
- Will the lighting be similar to the approved signs.
- Is the Standard Market entrance from the City owned access road for customers or deliveries.

Petitioner responded to Planning and Zoning Commission questions:

- Main entrance to the site is further west than the requested sign, where

the previously approved signs are located.

- The new entrance will alleviate some traffic at the main entrance

**Public Testimony: None**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Bruno – This is a pretty straight forward request.
- Gustin – There is poor access now; the new access and signage is a good addition.
- Williams – This is an intelligent partnership between the City and private industry.

Planning and Zoning Commission moved to recommend approval of a sign variance from Section 5-4-3 (Prohibited Signs) to permit an off-premise sign at 1384-1394 Aurora Avenue.

Motion by: Gustin  
Seconded by: Williams

Approved  
(8 to 0)

**D2.  
PZC 12-1-126  
1036 N. Webster St.**

The petitioner requests a variance from Section 6-6B-7:1 (R1B Medium Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code to reduce the 30' front yard setback requirement in order to construct a covered front porch at a distance of 25' from the front lot line for the property located at 1036 N. Webster Street.

Tim Felstrup, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Was the property was recently annexed - there are no sidewalks.  
Felstrup stated that the property is in an older part of town that does not currently have sidewalks.

**Public Testimony: None.**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Herzog – This is a fantastic addition.

Planning and Zoning Commission moved to recommend approval of a variance from Section 6-6B-7:1 (R1B Medium Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code to reduce the 30' front yard setback requirement in order to construct a covered front porch at a distance of 25' from the front lot line for the property located at 1036 N. Webster Street.

Motion by: Williams  
Seconded by: Meyer

Approved  
(8 to 0)

**D3.  
PZC 12-1-133  
Unity in Naperville  
Church**

The petitioner, Unity in Naperville Church, requests approval of a conditional use for a public assembly use pursuant to Section 6-8C-3 (I Industrial District: Conditional Uses) of the Municipal Code for the establishment of a church at 1600 Shore Road.

Clint Smith, Planning Services Team, gave an overview of the request.

Reverend Kitty Benson spoke on behalf of the petitioner.

Planning and Zoning Commission inquired about:

- Where the church currently meets.
- Average number in attendance.
- Proposed seating at new facility.

Petitioner responded to Planning and Zoning Commission questions:

- The church meets at the Gregory Middle School.
- Attendance is 75.
- The new location would seat 133.

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Bruno – Familiar with church uses of properties like these; this will help the church grow.
- Gustin – Good they are using a vacant space.

Planning and Zoning Commission moved to recommend approval of a public assembly use as a conditional use in the I (Industrial) District.

Motion by: Gustin  
Seconded by: Bruno

Approved  
(8 to 0)

**D4.  
PZC 12-1-124  
Midwest  
Warehouse, 2885 W.  
Diehl Road**

The petitioner requests approval of a variance from Section 6-9-3:2 (Schedule of Off-Street Parking Requirements) of the Municipal Code to reduce the number of required off-street parking spaces from 479 to 116 spaces in order to accommodate an expansion to the existing Midwest Warehouse facility located at 2885 W. Diehl Road.

Tim Felstrup, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- If user changes, does variance stay with building.
- The current site has loading docks facing Diehl – does new addition add docks along Diehl.

Greg Dose, Attorney, and Dave Miller, Engineer, spoke on behalf of the petitioner:

- Dose gave an overview of the location and site.
- Currently 30 loading docks located facing Diehl; new docks will face east and south towards Diehl.

Planning and Zoning Commission inquired about:

- Number of new docks being proposed.
- The plan for screening the new addition.
- Clarification on parking.
- An abandoned rail spur on the property
- If the petitioner is currently located on the property.
- Restrictions on parking trailers in auto parking lot.
- The separation between the applicant and the property to the east.
- Questions on access to the property, if new access will be added.
- Frequency of truck traffic and loading dock use.
- Items warehoused.
- Hours of business.

Petitioner responded to Planning and Zoning Commission questions:

- There will be 35 docks facing east; 18 facing south.
- The new site will be screened in a similar way to the existing building.
- Have room to expand parking on west and southeast corner, with new trailer parking on east side of property
- They are currently allowing neighbors to the east to park, but will cut off access in future
- New access will be added.
- There are currently 10 trucks to the facility per hour, general commodities are warehoused, and the warehouse is open 24 hours a day.

Planning and Zoning Commission inquired about:

- If any other variances were required. Staff replied no.
- If City Engineering staff approved the additional curb cut. Yes.

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Bruno – Good that there is additional space for parking in the future.
- Coyne – Support request; good development.
- Williams – Support request with conditions by staff.
- Herzog – Support request; good to see expanding businesses.

Planning and Zoning Commission moved to recommend approval of variance from Section 6-9-3:2 (Schedule of Off-Street Parking Requirements) of the Municipal Code to reduce the number of required off-street parking spaces from 479 to 116 spaces in order to accommodate an expansion to the existing Midwest Warehouse facility located at 2885 W. Diehl Road.

Motion by: Williams  
Seconded by: Coyne

Approved  
(8 to 0)

**D5.  
PZC 12-1-134  
Springbrook Square  
Lot 2**

The petitioner is requesting approval of a major change to the Planned Unit Development (PUD), revised final PUD plat, and associated development plans to develop a medical office at Springbrook Square Lot 2.

Clint Smith, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Current uses in the Springbrook Square development and the current mix of retail and office.

Russ Whitaker, attorney with Rosanova & Whitaker, Ltd., spoke on behalf of the petitioner:

- Reviewed current economic impact to the original plan, greater need for office space in this economy

Planning and Zoning Commission inquired about:

- Specified use mix in the PUD.
- There is less space available for retail.
- Type of office space planned to the east.
- Previous changes to the PUD to allow for medical offices.
- Herzog – Development is shifting with market to accommodate more office space; less likely retail will come to this development.
- Gustin – Lots along Route 59 should remain retail. Will this change affect those lots.
- Any requested sign variances.
- Staff will confirm this plan meets with City requirements.

Petitioner responded to Planning and Zoning Commission questions:

- Whitaker gave brief overview of uses of lots. Most retail is nearest to the roadway; the proposed use is consistent with the original plan.
- There is a similar situation in White Eagle Shopping Center; never had much success with retail.
- Lots to the east were originally three-story offices; concerns with proximity of airport, so size were reduced.
- Should not impact retail along Route 59; the proposed use will support other commercial users.

- Unlikely that a retail user would want this lot since it cannot be seen from Route 59 due to the adjacent bank.

**Public Testimony: None.**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Coyne – Any development will help current retail; good to see development in this area of the City.
- Gustin – Should attract more businesses to the development.
- Heavener – Currently little activity within development; proposed use would bring in more activity.
- Williams – Supportive of use as it is consistent with original plan; good to see development along Route 59 corridor.
- Herzog – Agree that activity in this development is beneficial.

Planning and Zoning Commission moved to recommend approval of a major change to the Planned Unit Development (PUD), revised final PUD plat, and associated development plans to develop a medical office at Springbrook Square Lot 2.

Motion by: Gustin  
Seconded by: Williams

Approved  
(8 to 0)

**D6.  
PZC 12-1-138  
Goldfish Swim  
School**

The petitioner requests approval of a conditional use for a training studio (i.e., Goldfish Swim School) in I (Industrial District) for the property located at 1688 Quincy Avenue.

Clint Smith, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- If the indoor parking required to meet code. Smith responded yes.
- If the petitioner is the owner or a tenant of the building.
- Any fire separation and life safety issues regarding the interior parking. Smith replied that both Engineering and Fire Departments have reviewed and approved the plans.
- If auto dealer tenant agreed with condition to park inventory inside their tenant space. Smith replied that the petitioner will be responsible for meeting the condition.
- If the condition is enforceable; would like to speak to building owner.
- How the City will enforce the parking conditions.
- What if the owner wanted to rent the space used as the indoor parking garage. Smith responded that if the site drops below the required parking they would require a variance.
- If the space becomes a use other than a garage, shouldn't we plan for that

now instead of putting it on future tenants or other existing tenants. Smith replied that the indoor parking is required for the conditional use; it could not be removed without future public hearing approval.

- If the business requires the conditional use to operate, and the indoor parking is part of the conditional use, then the risk that the parking is removed is on the building owner.
- If a pool will be constructed in the ground.
- Numerous inventory vehicles shown on the aerial picture of site; will the auto dealership be able to locate their inventory inside. Who would enforce the parking? Smith stated that the City would enforce.
- Coyne – Ok with the petitioner being responsible for the condition that the auto dealership's inventory be located inside the dealership's tenant space; it is the decision of the petitioner to take the risk.
- Who would be in violation if the auto dealership did not park their inventory in their building. Smith replied that the petitioner would be in violation of the conditions of the conditional use being considered.
- Williams stated that the applicant would be legally responsible for the parking conditions, but not comfortable with this use. Williams has been to the property and parking and traffic flow is currently an issue.
- Herzog stated that the industrial park is slowly converting into a training center zone.
- Messer confirmed that the petitioner and the owner appear to be the same.

Randy Taylor, Commercial Real Estate Broker, spoke on behalf of the petitioner:

- The petitioner currently is under contract to buy the property and entire building, with contingency that conditional use is approved. The petitioner will be able to enforce the parking restrictions through the lease, which is close to expiring.
- The automobile dealership is planning on shrinking their business and they are in agreement with the recommended condition.

Planning and Zoning Commission inquired about:

- If the enforcement would be the responsibility of the applicant.
- If the applicant will be both the owner and applicant.
- If this a short term plan. Taylor responded that the parking is intended to be permanent and a long term investment; interior parking is seen as an asset.
- Details about the pool. Two pools for infants and toddlers, and a retail space.
- Current ownership of the building. Taylor responded that a third party owns the building, and there is an agreement with current owners to the seeking of a conditional use.
- Number of employees. Taylor responded that he was unsure.
- Does Taylor represent both the owner and tenant. Taylor responded that

- purchaser will be owner and tenant
- Can a condition be included that approval is based on the sale of the property to the petitioner.
  - Hours of operation. Taylor responded that peak hours will be nights and weekends.
  - Description of business model. Taylor responded that the business provides swim instruction for children; they will host parties but no swim meets.
  - If parking will bleed over to adjacent lots. Taylor stated that there will be designated parking areas for their business, and they have spoken with other tenants about potentially leasing off-hour parking spaces.
  - Number of people at the birthday parties. Taylor replied that parties will not overlap with swim instruction and will not exceed the approved occupancy.
  - Will parking be adequate. Taylor stated that parking demand is less for parties than lessons, based on parking at their present business. Lessons last half-hour and parents tend to stay; during parties, parents tend to drop off children.
  - Williams inquired about number of employees and if parking will be for staff; business appears to require a high number of employees. Appears to be lots of loose ends; not comfortable with use.
  - Herzog stated that there is general consensus among the Commission to continue the case to allow the petitioner to attend.
  - Is purchase contract contingent on approval of conditional use; are there conditions outlined in the contract for the indoor parking and the requirement that the dealership to park inside. Taylor responded that there is a due diligence period to satisfy the conditional use requirement; contract does not specifically address that parking will be inside.
  - Herzog inquired if the City has reviewed plans for the pool. Smith stated that the Building Department would review all plans before construction was permitted.

**Public Testimony:**

Jim Canneff, property owner of 1684 Quincy, spoke during the public hearing:

- Own building to the southeast of the petitioner.
- Not aware Diamond Auto was staying as a tenant; they use a lot of the exterior parking spaces for inventory.
- Support business, but do not see how the parking math works with the additional swim school parking.
- Don't want to have to police the parking; would like additional information regarding hours of operation, sizes and frequency of parties.
- The current auto dealership was previously a gymnastics business.
- Petitioner should consider adding parking on north end of property.

Planning and Zoning Commission inquired about:

- If the current overflow of parking shown on aerial a common occurrence. Canneff stated he doesn't think petitioner can provide the required

parking.

- Williams – Has personally seen the lot over parked; traffic flow through the parking lot is difficult. Too many unanswered questions; would like additional information.
- Gustin – Inquired if Canneff foresees problems approving another conditional use in an industrial district? Canneff responded that he has not seen parking issue with existing conditional uses; there could be a parking agreement with adjacent properties but would not personally be in favor of sharing parking.
- Herzog – There is confusion on parking and would like to hear from the petitioner; will continue case to allow petitioner to appear and answer questions. Recommend providing information regarding the lease term of the auto dealership; it could be important to the parking issue on the lot.

Planning and Zoning Commission continued the public hearing to December 5, 2012.

**E. Reports and Recommendations**

None.

**F. Correspondence**

None.

**G. New Business**

**G1.  
PZC 12-1-139  
Amendments to  
Regarding Required  
Notice**

Staff is requesting that the Planning and Zoning Commission initiate amendments to Titles 6 (Zoning) and 7 (Subdivision) in order to clarify notice and processing requirements for all zoning and subdivision cases.

Clint Smith, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Subdivision review by the Planning and Zoning Commission. Smith replied that staff would be looking at required procedures for subdivision approvals.
- Certified mail versus standard mail notification requirements.
- Smith stated that staff will begin preparing their recommendations and will present them to the Planning and Zoning Commission at a later date.

**Planning and Zoning Commission Discussion: None.**

Planning and Zoning Commission moved to direct staff to initiate amendments to Titles 6 (Zoning) and 7 (Subdivision) in order to clarify notice and processing requirements for all zoning and subdivision cases.

Motion by: Frost  
Seconded by: Coyne

Approved  
(8 to 0)

**H. Adjournment**

9:18 p.m.