



**NAPERVILLE PLANNING AND ZONING COMMISSION
MINUTES OF DECEMBER 16, 2015**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON JANUARY 6, 2016**

Call to Order

7:00 p.m.

A. Roll Call

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

B. Minutes

Approve the minutes of the November 18, 2015 Planning and Zoning Commission meeting, as amended.

Motion: Williams
Second by: Bansal

Approved
(7 to 0)

C. Old Business

D. Public Hearings

**D1.
PZC 15-1-116
720 Thornwood
Drive**

The petitioner requests approval of variances to Section 6-6A-7:1 (R1A District, Yard Requirements) and to Section 6-2-10:2 (Accessory Structures, Yard Requirements) to reduce the required yards on the subject property in order to construct a single-family residence and associated detached garage at 720 Thornwood Drive.

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

Planning and Zoning Commission inquired about:

- Williams asked for clarification about the two plan options. Venard –The first plan is a corner side setback variance request. The second plan includes a corner side setback variance and an interior setback variance. In both plans, the attached garage has an 18ft. setback. The difference is the setback of the remaining portion of the home along Thornwood Drive.

- Williams – Which is staff’s preferred plan? Venard – Staff prefers plan option A because the only encroachment is in the corner side yard.
- Martinez - How much has the requested setback changed from the previous plan? Venard – In plan option A, the setback has increased about 4ft. In plan option B, it has increased about 6ft.
- Bansal – How was the increased setback achieved? Venard – In option A, the size of the house was reduced. In option B, the size of the house was reduced and it was also shifted into the interior yard.

Dave Hellyer, Hellyer Custom Builders, spoke on behalf of the petitioner:

- Met with staff to come up with a solution that would work for us both.
- Reduced the size of the house.
- Here to answer any questions.

Planning and Zoning Commission inquired about:

- Williams – Can you live with plan A? Hellyer – Yes.
- Hansen- How much smaller is the house? Hellyer - Overall about 300 sq. ft.
- Martinez – Can you live with plan B? Hellyer – Yes, we can live with either one.
- Bansal- Is this plan the best you could work out on the lot? Hellyer – Yes. The plan is consistent with the area as far as tear downs are concerned.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Hastings – In favor. Petitioner came back as requested and gave a couple options. Have not seen anything indicating adjacent neighbors have any issues.
- Williams – Option A is favored. Appreciates the petitioner working together with staff.
- Hansen – This is a substandard lot. You have made a good effort to develop the lot under the current code.
- Bansal – In favor of option A. It will be a good fit for the neighborhood.
- Crawford – Supports option A. Well done.
- Messer – Agrees with Commissioner Hansen. Would like to see a smaller encroachment, but can live with option A.
- Kamala – Supports option A.

Planning and Zoning Commission moved to recommend to recommend approval of PZC 15-1-116, variances to Section 6-6A-7:1 (R1A District, Yard Requirements) and to Section 6-2-10:2 (Accessory Structures, Yard Requirements) to reduce the required yards on the subject property in order to

construct a single-family residence and associated detached garage at 720 Thornwood Drive.

Motion by: Williams
Seconded by: Messer

Approved
(7 to 0)

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

D2.
PZC 15-1-118
Uncle Julio's Sign
Variance

The petitioner requests approval of a variance from Section 5-4-5:1 (Commercial Signs; Wall Signs) of the Naperville Municipal Code in order to install a wall sign in a location not permitted by code.

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

Planning and Zoning Commission inquired about:

- Hastings – Is the main point of contention that there is a potential for sign clutter? Kopinski – Assuming Lot 1 is developed, the sign would not be visible from I-88. The petitioner has identified visibility from I-88 as the main reason for the sign. Visitors will not see the sign because it is located in area with no pedestrian or vehicular movement.
- Hastings – Is there a way for them to have the sign and then when Lot 1 is developed, they can take it down? Kopinski – Staff would generally not support that option because we do not feel the request meets the standards for granting a variance. However, staff would be willing to work with the petitioner on granting a sign that is more temporary in nature. Per the sign code, the petitioner is permitted a temporary sign for up to four one week periods per year. If they desired a longer time period, they would have to seek Council approval.
- Hastings – Granite City is allowed to have a sign? Kopinski – Correct. Both Granite City and Maggiano's directly abut I-88.
- Martinez – Are they also requesting a sign above the front entrance? Kopinski – The sign above the front entrance would be approved by right through a permit process. The proposed sign is in an area with no customer access.
- Bansal – Are there any plans in for Lot 1? Kopinski – There have not been any formal submittals, but staff would anticipate that you would see something in the near future.
- Bansal – Can the duration of a temporary sign be extended beyond 28 days? Kopinski – The Code limit is 28 days. Council would have to approve anything further.
- Bansal – Can the sign be approved conditionally so that it is taken down if Lot 1 is developed? Kopinski – Yes, that could be part of the recommendation.

Karen Dodge, with Municipal Resolutions, spoke on behalf of the petitioner:

- Believe the proposed sign creates cohesion amongst Uncle Julio's, Maggiano's and Granite City.
- Lot 1 of Freedom Plaza creates a hardship for Uncle Julio's because it creates a lack of frontage.
- Will agree to remove the sign if Lot 1 is developed.

Planning and Zoning Commission Inquired About:

- Hastings – Was the information about removing the sign if Lot 1 developed in the packet? Kopinski – No, that is new information.
- Williams – If Lot 1 is not developed, would the proposed sign be visible from I-88? Kopinski – Yes, it would be visible.
- Williams – Staff would not support a sign that would have to be removed, correct? Kopinski – At this time, staff would support a sign that is more temporary in nature, such as a banner. It will be difficult to remove a permanent sign from the building once it has been installed.
- Dodge – We would be willing to remove the sign and pay for any damages to the building upon removal.
- Williams – I would be in favor of a continuance in order for the petitioner to work with staff. Kopinski – Staff would be happy to work with the petitioner.
- Williams – If the petitioner would like to put up a permanent sign, would remove it when Lot 1 develops, and would fully restore the building to its original condition; I would not object to that. Kopinski – Staff does not necessarily oppose the temporary sign or a permanent sign that is later removed, but continues to feel the petitioner does not meet the standards for a variance. The lots are oriented to a common parking area and this lot does not have frontage.
- Hansen – I would be in favor of a continuance. I view it similarly to a case we had recently on Route 59. I don't think anyone in this room thinks that Lot 1 will not develop. I would hate to back ourselves into a situation where we do not have a clear solution when that happens.
- Martinez – If you are willing to put in writing that the sign will be removed when Lot 1 is developed and that you will repair any damages, I would be in favor. I am in favor of a continuance so you can work with staff.
- Bansal – There is no doubt that Lot 1 will be developed. In the meantime, the sign will allow this new business to gain some visibility. Supports the arrangement that the sign is removed when Lot 1 is developed.
- Crawford – Support a continuance. Commissioner Hansen referred to the development on Route 59 which I did not support, but I think differently about this. Freedom Plaza caters to the I-88 corridor. The property does have view corridor to adjacent open space. It is a unique property, so I am in favor of it. However, I like a condition that the sign would come down.

- Messer – In favor of a continuance. The request is similar to Main Street Promenade East. Not in favor of the request as it stands. I would be in favor of removing the sign entirely if Lot 1 is developed.

Public Testimony: None

Planning and Zoning Commission moved to continue PZC 15-1-118 to January 6, 2016.

**D3.
PZC 15-1-119
119 S. Ellsworth**

The petitioner requests approval of a rezoning of 119 S. Ellsworth to TU (Transitional Use District) upon lot consolidation.

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

Planning and Zoning Commission inquired about:

- Bansal – There are two lots. One has a building; what is on the other lot?
Kopinski – The second lot is vacant. It is only 15ft. wide. The lots have been functioning as one lot for quite some time.
- Williams – Do we have a 90% rule issue here? Kopinski – The lots are existing and they are consolidating them to make it larger, so there is no issue.
- Martinez – When the property is rezoned to TU, there are no minimum lot size requirements, correct? Kopinski – Yes.
- Williams – Please respond to the neighbors' objections. Kopinski – Staff has spoken with the neighbors. In this particular case, staff supports the rezoning because it is consistent with the City's long range plans. Many of the other issues are design oriented. Since there are no development plans proposed at this time, those concerns may be better raised at the time that development plans are submitted.
- Messer – The petitioner has stated that the lot does not meet the minimum lot size requirement in R2. That would not preclude construction of a new single-family house on the site? Kopinski – Correct. New construction in the R2 district would have to meet R2 setbacks. TU setbacks allow for additional flexibility.
- Messer – TU would also provide them with some additional uses that a permitted by right. Kopinski – Yes, that is correct.

Vince Rosanova, Attorney with Whitaker & Rosanova, spoke on behalf of the petitioner.

- Subject property is a 2 story home that is about 1500 sq. ft. in size.
- Gave an overview of the surrounding land uses.
- In 2011, the area was designated Transitional per the City's Downtown 2030 Plan.
- Request is consist with Downtown 2030 Plan.

Public Testimony:

Geoff Rudolph

- The property should stay residentially zoned.
- The trend of development in this neighborhood is single-family homes.
- Martinez – If the property were rezoned TU and it was developed as a single-family home, would you object? Rudolph - I think if it is going to be developed single-family, it should be done in the R2 district.
- Hansen – In your letter, you indicated that you were never informed of the proposed zoning change. Can you clarify? Rudolph – We were not directly informed about the Downtown 2030 plan.

Ron Swalwell

- In 2006, the whole block was run down. I believe the Downtown 2030 Plan designation of Transitional was probably done during the time when the block was run down.
- In the last 10 years, there have been at least a dozen run down properties that have been renovated in the historic district.
- 119 S. Ellsworth is a Dutch Colonial. It is 1 of 3 in Naperville.
- If the property was in the Historic District, it would not be allowed to be torn down.
- Hastings – Would this property comply with the R2 lot standards? Kopinski – No, the lot would be substandard even after consolidation.

Tom McRoberts

- Lived on the block for over 40 years.
- Generally the changes in the area and all of Naperville have been positive.
- Number of properties on Ellsworth that were multi-family rentals were converted to single-family owner occupied units.
- 119 S. Ellsworth, 105 S. Ellsworth, and 114 E. Van Buren were all considered for rezoning to TU in 2003.
- At that time, the general agreement was that Central Park and Center Street formed the natural boundary of downtown.
- Final result of the deliberation was that 114 E. Van Buren was rezoned, but the Ellsworth properties were not.
- The properties on Ellsworth are not strictly R2. They are permitted to do more than other residential units.

Matt Satre

- Strongly opposes the proposed rezoning.
- Historic District is a big asset to the City and this property borders the District.
- Changing the zoning will change the feel of the District.

Nicky Rudolph

- Main concern between TU and R2 is the different front yard setback.
- The R2 district front yard setback is 25ft, while TU is 15ft. If you allow a TU property, that is inconsistent with the surrounding residential properties.

Petitioner responded to testimony:

- The R2 district does allow office uses, but with a conditional use.
- The TU zoning district allows a 6ft interior setback, which is very important on a lot of this width. The existing interior setback is 2.8ft.
- Understands the residents do not want to see an office here. The property is not a part of the downtown parking boundaries. That means it has to be fully parked for an office use. Two office users have walked away from the property after meeting with City staff and discovering this requirement.
- This property is not in the historic district and has not been designated as historic. By right, we can demolish the house.
- The condition of the house is subject to opinion.

Planning and Zoning Commission inquired about:

- Martinez – I am hearing that the residents want to maintain a single-family home on the site and it sounds like that is what your clients want to do. TU will allow you to have more flexible interior yard setbacks. Rosanova – The 6ft TU setback will allow the lot to accommodate a 33ft wide home as opposed to a 29ft wide home.
- Bansal – Are you requesting a variance for yard setbacks? Rosanova – No, we believe it is more appropriate to request a rezoning because it is directly in line with the Comprehensive Plan.
- Messer – Could you buy-in to the SSA? Vince – Yes, but I would not advise my client to do so.
- Swalwell - As a neighbor, I would support a variance in the R2 district. The property is already R2 and should be kept R2.
- Messer – In principal, I agree with that point. Can staff go in to detail on not supporting variances in the R2 district? Kopinski – Staff does not have a site plan, but a new home on the site would most likely require multiple variances. In general, staff does not support variances that do not help the City achieve the long range plans, so we would prefer the property be rezoned to TU.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Hastings – Petitioner is going about this right way and it is exactly the way City staff would like it to be handled. Confident that it will be a nice single-family home on the lot. In favor.
- Williams – In favor. I do not like that there is not a specific plan for the site and that makes me uneasy. No question that this is a transitional

area.

- Hansen – Concur with Commissioners Hastings and Williams. There is inherently friction when the edge of one district is adjacent to another. However, this is already a mixed used block. TU is intended to provide congruity between incompatible uses.
- Bansal – Understands the sentiments of the neighbors, but this is a transitional use property per the plan. Concur with fellow Commissioners.
- Messer – Typically very reluctant to vote against a rezoning that fits with the Master Plan. I see the points on both sides; however, I am having trouble seeing that it complies with all the standards of rezoning. I believe the rezoning has the potential to alter the character of the neighborhood. Cannot support.
- Crawford – Concur with Hastings and Williams. Will support.
- Martinez – Supporting.

Planning and Zoning Commission moved to recommend approval of PZC 15-1-119, a rezoning of 119 S. Ellsworth to TU (Transitional Use District) upon lot consolidation.

Motion by: Williams
Seconded by: Hastings

Approved
(6 to 1)

Ayes: Hansen, Hastings, Williams, Crawford, Martinez, Bansal
Nays: Messer
Absent: Hajek, Peterson

D4.
PZC 15-1-113
114 E. Van Buren

The petitioner requests approval of a variance from Section 6-7I-7 (TU District, Yard Requirements) to reduce the required corner side yard setback from 10ft to 5ft and a variance from Section 6-9-2:4.3 (Off Street Parking Facilities) to permit parking within the required corner side yard.

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

Vince Rosanova, Attorney with Whitaker & Rosanova, spoke on behalf of the petitioner.

- Gave an overview of the subject property and neighboring land uses.
- The request is consistent with the City's Downtown 2030 plan and the existing TU zoning designation.
- The building will accommodate the petitioner's law office.
- The petitioner, Chuck Keogh, has worked extensively to come up with architecture that is complimentary to the neighborhood.
- Mr. Keogh recently met with the neighbors and is removing the cantilevered area to address some of the neighbor's concerns.
- The requested variances will preserve the existing condition and allow the petitioner to provide enhanced architectural features.

Public Testimony:

Geoff Rudolph

- Main concern is not the office use itself, but more with intensity of the office and the amount of parking. This will contribute to quite a bit of activity on the corner.
- Does not meet standards for parking at 3.3 spaces per 1000 sq. ft.
- It seems that the hardship is that they bought a lot that was too small for the building.
- Recommends not granting variances for property so that something more appropriate comes along in the future.

Charles Keough

- Naperville resident for 15 years and has been practicing law in Naperville for more than 16.5 years.
- Desires to have an office downtown because it is close to the park, restaurants and shops, and is a great cultural experience.
- Reduced the amount of office/desk spaces from 25 spaces to 20. Typically, there are 12 people in office and the other 8 do not come in to the office or come in sporadically.
- Pays into the SSA for rights to the parking garage.
- Worked to revise the building elevations to come up with more pleasing elevations on both northerly and westerly faces.
- Bansal – Is there parking available for customer use? Keogh – The vast majority of our clients are Community Associations or banks. They do not visit us in our office, we visit them. Most Community Associations having meetings on site at night.

Tom McRoberts

- We just had a discussion about how the TU district allows things to be done without variances and without parking problems and here we are with both on this property.
- This use is far too intense for the small lot.
- There is no parking today in that neighborhood and petitioner is increasing the problem significantly.
- Skeptical of the intensity of this use on the property and the parking situation.

Jacob Shille

- Owns the residence across the street, which is a converted house.
- The subject property is in need of a major updating and is a little dated.
- Sketches appear to be a proper improvement for the site and the design blends well in the neighborhood.
- Keeps with TU zoning and is consistent with ongoing development of downtown.

Peter Jagel

- Lives at the corner of Jefferson and Ellsworth.
- In favor of the variances.
- Talked with Mr. Keough who assured me that only 12 people would be in the office.
- Thinks the plan is a much needed upgrade for the particular lot. This will enhance the neighborhood.

Matt Satre

- The petitioner is requesting to put a massive structure on a small lot. Problem with density; it is just too big.
- The proposed project will massively overlook into the adjacent properties.
- Bansal- You mention the property is overly large and will be overlooking adjacent properties, do you have any idea what the height of the adjacent properties are?
- The neighboring properties are taller than the proposed structure. Concern is over the density of this property and its proportion to the space. It is not neighborly to do that. It will be a negative impact on properties around them.

Petitioner responded to testimony:

- The property will not have a negative effect on the adjacent properties. The existing structure, which is in disrepair, has negative impact. A million dollar investment with upscale architecture that is designed to blend in with the surrounding area will improve property values.
- This property and the property across the street have historically contributed to the SSA, which funded the downtown decks. The property owner has a vested right to those spots in the parking decks and the equation that yields the reduced number of spaces on this property.
- The height of the building is 28ft. The TU district allows 35ft. The 28ft height is consistent with what is out there today.
- The 2 variances relate to side yard, which is an existing condition. We are enhancing the existing condition from 3.8ft with no landscaping, to 5ft. This allows us the flexibility to add the turret and the wraparound porch.
- Without the variance, the turret and the wraparound porch are removed and the aesthetic appeal of the property is lost. The number of employees in the building will remain the same.
- Williams – With respect to side yard, you are actually giving back some yard plus adding architectural and landscaping features? Rosanova – Yes.
- Williams – Can you clarify the parking shown on the west side of the property? Rosanova – That is public parking in the right of way.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Messer – No reservations with the proposal. Architect did great job on a small lot. Like that they reached out to neighbors. Entitled to their use and subsequent parking reduction. New building will be an improvement over existing conditions
- Crawford – Agrees with Commissioner Messer. Thinks request results in a net improvement and is supporting.
- Bansal – Agrees. Architecture looks good and will bring value to the neighborhood. Concern is with parking, but public parking nearby alleviates concern.
- Hastings – 2 variances seem reasonable. The points residents brought up are more under the purview of the Council.
- Williams – Supporting. Thinks existing building is beautiful. Planned building is beautiful plus. Likes wraparound porch and deck. Gives architectural upgrades, additional setbacks, and complies with parking. Does not see it as massive and thinks it is quite lovely and will vastly enhance the surrounding properties.
- Hansen – Concurs with fellow Commissioners. Improvement on current conditions.
- Martinez – Supports and concurs with Commissioner Messer. Building will improve neighborhood. Loves turret and wraparound porch.

Planning and Zoning Commission moved to recommend approval of PZC 15-1-113, a variance from Section 6-7I-7 (TU District, Yard Requirements) to reduce the required corner side yard setback from 10ft to 5ft and a variance from Section 6-9-2:4.3 (Off Street Parking Facilities) to permit parking within the required corner side yard.

Motion by: Williams
Seconded by: Bansal

Approved
(7 to 0)

Ayes: Bansal, Williams, Hastings, Martinez, Crawford,
Messer, Williams.

Nays: None

Absent: Hajek, Peterson

**E. Reports and
Recommendations**

F. Correspondence

H. Adjournment

9:05 p.m.