



**NAPERVILLE PLAN COMMISSION
FINAL MINUTES OF DECEMBER 15, 2010**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bruno, Messer, Gustin, Herzog, Meyer, Meschino
Absent: Edmonds, Trowbridge
Student Members: Wallace, Uber, Schoch

Staff Present: Planning Team – Emery, Forystek, Zawila

B. Minutes Approve the minutes of December 1, 2010.

Motion by: Gustin
Second by: Meyer

Approved
(6 to 0)

C. Old Business None

D. Public Hearings

**D1. PC 10-1-139
United Car Care** Conduct the public hearing and recommend the City Council approve a conditional use for a motor vehicle repair facility.

Katie Forystek, Planning Services Team, gave an overview of the request.

Len Monson, 552 S. Washington Street, (Attorney) on behalf of the petitioner

- Noted use is compatible with existing tenant mix.
- Petitioner agrees with requested condition relative to storage of inoperable vehicles.

Plan Commission inquired about:

- Vacant tenant spaces. Confirmed with Petitioner that remaining off-street parking would be sufficient to meet anticipated demand for future industrial tenants. Petitioner also noted their understanding that if more spaces are needed a variance would need to be requested.

Public Testimony: None

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – Noted that the 1665 Quincy spaces are filling which is a real benefit to the community, especially in this economy.

Plan Commission moved to recommend approval of PC Case 10-1-139 subject to the condition in the staff report dated December 15, 2010.

Motion by: Meyer
Seconded by: Meschino

Approved
(6 to 0)

**D2. PC 10-1-145
Dick's Sporting
Goods**

Conduct the public hearing and recommend the City Council approve a major change to the Springbrook Prairie Pavilion PUD, Final PUD Plat and Preliminary/Final Plat of Subdivision.

Katie Forystek, Planning Services Team, gave an overview of the request.

Russ Whittaker, 25 W. Jefferson, (Attorney) on behalf of the Petitioner:

- Consolidating lots to accommodate new retail space that is consistent with the existing tenant mix in this successful retail development.
- Reviewed elevations and demonstrated generally consistent with approved PUD design standards and branding needs of end user.
- One deviation to the landscape ordinance is requested along the south property line. 7.5 feet of landscape separation is provided between parking lots. 10 feet is required. Landscaping quantities within this buffer area are in excess of code requirements.

Plan Commission inquired about:

- The number of parking spaces to be provided on the proposed lot.
- Building height in relation to code requirements.
- Cross access opportunities between the subject site and adjacent lot occupied by Bank of America.
- The requested variance. Petitioner confirmed needed depth reduction in the landscape island was to provide additional parking. Petitioner expressed their objective was to put as much parking as close to front door of the tenant space on-site as possible to avoid customer parking across Beebe Drive. Petitioner indicated that 5-6 spaces would be lost if variance is not granted.
- Petitioner confirmed building will not be LEED certified.
- Size of building on the lot and the reduced parking ratio required (from 4.5 to 4) by the shopping center designation. Petitioner confirmed that no variances to parking are being requested. Additionally, excess spaces exist on adjacent lots adequate to meet parking demand without requiring

customers to cross Beebe Drive.

- Requested City Engineering Staff consider opportunity for additional pedestrian crosswalk on Beebe Drive.

Public Testimony: None

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – Noted that this development has been a success and serves the southern part of Naperville well with a mix of banking, restaurant and retail uses. She believes Dick’s Sporting Goods will be a welcome addition.
- Herzog – Also noted that Dick’s Sporting Goods will be a great addition to the development.

Plan Commission moved to recommend approval of PC Case 10-1-145 with the conditions noted in staff’s memo of December 12, 2010.

Motion by: Meyer
Seconded by: Gustin

Approved
(6 to 0)

**D3. PC 10-1-150
B4 Text
Amendments**

Conduct the public hearing and recommend City Council approval of B4 Text Amendments.

Amy Emery, Planning Services Team, gave an overview of the request noting the text amendment is based on recommendations contained within the *Naperville Downtown2030 Plan* and was requested by City Council.

Plan Commission inquired about:

- Non-conforming uses. Staff confirmed name/ownership changes would not result in a loss of legal nonconforming status if completed in 6 months or less.
- Consideration for bank vault needs on the first floor.
- Motivation for this text amendment. Was it based solely on sales tax? Staff indicated text amendment was based on the recommendations contained in the *Naperville Downtown2030 Plan*. The primary motivation was to maintain the vibrant, walkable retail shopping environment consistent with the plan and intent of the B4 Downtown Core Zoning District.
- Comments received from impacted property owners. Staff confirmed that with the exception of the single letter provided on the dais no additional correspondence was received.

- Any existing 2nd floor bank uses in the downtown.
- The impact this text amendment may have on future bank tenants. Some concern was raised that the amendment may penalize the retail component of financial institutions. The point was raised that there may be no actual difference between a bank and other service uses like dry cleaning or tailor shops that are permitted by right.
- Current code allowances for banks on the first floor in the B4 zoning district.
- The difference between banks and financial institutions.

Public Testimony: None

Plan Commission inquired about:

- The fact that the text amendment combines banks with other types of financial uses. Text amendment doesn't consider the retail component of banks. DAC Chairman Steve Rubin (920 Kimberly Court) indicated that recent experience with a bank tenant on Jefferson Street demonstrated that these uses do not have the same level of activity as a retail tenant. The inactivity of the bank space had an impact on the street dynamic. Banks are more appropriately sited on the periphery of the downtown or as an element of a block, but not the dominant feature. The conditional use process provides additional review opportunity to make sure banks don't have a detrimental impact on the pedestrian environment.
- The criteria that would be used to evaluate conditional use requests for bank and financial institution uses. Plan Commission reviewed proposed criteria in the staff report. Members of the Plan Commission expressed concern about lack of specific, quantitative standards. Staff indicated the approach was consistent with criteria used to evaluate other conditional uses, such as public assembly uses. Moreover, staff conveyed the difficulty of applying quantitative standards in a dynamic environment like downtown.
- The phrase, "interruption or break in shopping experience" referenced in the staff report. Staff provided information about the Pedestrian Gaps Analysis completed as part of the *Naperville Downtown2030 Plan*. The analysis was a comprehensive look at the downtown wherein each property was evaluated based on 13 criteria including access, location, square footage, hours of operation, proximity to like uses and more. Non-contributing uses, such as certain banks and financial institutions, can have a negative impact on the shopping environment.
- Benefit this ordinance provides to existing property owners. Some members of Plan Commission expressed belief that market should dictate use mix, not conditional use approvals. Whether a bank is on first or second floor will impact its operation and viability.

Plan Commission closed the public hearing.

Plan Commission Discussion:

- Bruno – Feels this amendment makes a lot of sense. He has seen firsthand the impact too many financial institutions can have on a downtown. This text amendment allows for additional review to maintain a vibrant downtown and he believes that it is a good change to the code.
- Meschino – Doesn't like the idea of regulating the mix of tenants Downtown. Regulating individual uses seems unfair and against the American way.
- Messer – Indicated he was generally supportive of Downtown Advisory Commission and staff recommendations. Likes this additional review process and does not believe it places on undue burden on landowners. The criteria for evaluation are relatively clear.
- Meyer – provided no comments
- Gustin – Struggling with this amendment because Plan Commission did not recommend land use section of the *Naperville Downtown2030 Plan*. Plan Commission did not review supporting documents like the Pedestrian Gaps Analysis which makes review a bit difficult. Said she doesn't have a problem with requiring a conditional use. She thinks it is a good idea to maintain a mix of tenants and agrees with that approach from a business perspective. However, she is concerned that when applications come back to Plan Commission, there criteria are not clear enough to evaluate consistently.
- Herzog – Cannot support the proposed amendment as currently written. He thinks the amendment places an undue burden on banks that have a retail component and favors existing banks. He believes any amendment should better define a retail use vs. an office or consulting use which would make more sense to locate on the second floor. Banking is a quick in and out operation and customers shouldn't have to climb the stairs to the second floor.

Plan Commission moved to recommend to approve PC Case 10-1-150

Motion by: Gustin
Seconded by: Messer

No
Recommendation
(3:3 vote)

Ayes: Bruno, Messer, Gustin
Nays: Meshino, Meyer, Herzog

Moves forward with no recommendation.

**E. Reports and
Recommendations**

None

F. Correspondence Staff noted that a letter was provided on the dais about the pending merger of the Plan Commission and Zoning Board of Appeals. An associated text amendment will be forwarded to the Plan Commission at the first meeting in 2011. Gustin asked if similar mergers were going to move forward for other boards and commissions. Staff confirmed that the Zoning Board of Appeals and Plan Commission merger is the only merger recommended at this time.

G. New Business

**G1. PC 10-1-135
DuPage River Park** Recommend approval of a preliminary/final plat of subdivision for DuPage River Park.

Jason Zawila, Planning Services Team, gave an overview of the request.

Petitioner, Eric Shutes, Naperville Park District, 320 W. Jackson, Naperville, IL

- Clarified on-site stormwater requirements for DuPage River Park

Plan Commission inquired about:

- Gustin requested clarification on why the case has been brought before the Plan Commission in accordance with the subdivision ordinance
- Gustin inquired about the stormwater detention on-site

Plan Commission Discussion: None

Plan Commission moved to recommend approval of PC Case 10-1-135.

Motion by: Gustin
Seconded by: Meyer

Approved
(6 to 0)

**G2. PC 10-1-136
Country Commons
Park Subdivision** Recommend approval of a preliminary/final plat of subdivision for Country Commons Park.

Jason Zawila, Planning Services Team, gave an overview of the request.

Petitioner, Eric Shutes, Naperville Park District, 320 W. Jackson, Naperville, IL indicated he was available for questions.

Plan Commission moved to recommend approval of PC Case 10-1-136.

Motion by: Meyer
Seconded by: Messer

Approved
(6 to 0)

**G3. PC 10-1-142
Naperville Cemetery
Association**

Recommend approval of a preliminary/final plat of subdivision.

Amy Emery, Planning Services Team, gave an overview of the request.

Plan Commission inquired about:

- Access to the property. Confirmed the proposed access roadways were internal.
- Reasons the 1977 document was never recorded.
- The need for a fence to be constructed adjacent to Knoch Park and any required landscaping provided

Plan Commission Discussion: None

Plan Commission moved to recommend approval

Motion by: Gustin
Seconded by: Meyer

Approved
(6 to 0)

H. Adjournment

8:25 p.m.

Motion by: Gustin
Second by: Messer

Approved
(6 to 0)