



**NAPERVILLE PLANNING AND ZONING COMMISSION
FINAL MINUTES OF JUNE 5, 2013**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY PZC ON JUNE 19, 2013**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bruno, Coyne, Frost, Gustin, Hastings, Messer, Meyer, Williams
Absent: Dabareiner
Student Members: Heavener
Staff Present: Planning Team – Allison Laff, Ying Liu, Tim Felstrup
Engineer – Jonathan Stelle

B. Minutes

Approve the minutes of May 15, 2013 Planning and Zoning Commission meeting with an amendment.

Motion by: Williams
Second by: Messer

Approved
(8 to 0)

C. Old Business

D. Public Hearings

**D1.
PZC Case 13-1-015
Goldfish Sign**

The petitioner requests approval of a variance from Section 5-4-5:2.1 (Commercial Signs; Monument Signs) of the Naperville Municipal Code to allow construction of a second monument sign, 5.7' tall and 27.5 square feet in area, on the property located at 1688 Quincy Avenue.

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

Planning and Zoning Commission inquired about:

- Will the signage currently on the building be removed? Felstrup responded that the current signage is a construction sign which will be removed once the construction is complete.
- Is there a sunset provision for the non-conforming sign? Felstrup indicated the code doesn't provide for a time frame when the sign has to

be removed. However, the sign will be required to be brought into compliance before it can be modified.

Randall Barbra, the owner and petitioner, spoke on behalf of the petitioner:

- The existing non-conforming sign serves three adjacent properties including nine businesses.
- The petitioner wishes to keep the existing sign even though he has no contractual obligation to keep it in order to avoid any negative impact on the surrounding properties.
- There are no objections to the sign variance from the adjacent properties.

Planning and Zoning Commission inquired about:

- Is the petitioner the owner of the non-conforming sign? Barbra stated that he doesn't own the sign and has no contractual obligation to maintain the sign.
- Do you have the ability to put a panel on the existing sign? Barbra stated a sign variance would be required in order to add a panel to the existing sign.
- Who has controlling interests of the sign? Felstrup indicated that the petitioner technically owns the sign as it is on his property.
- Would you remove the existing sign if this is not approved? Barbra indicated that he is trying to avoid making the decision. But he feels strongly that the sign will help with the success of his business.
- Whether the property would have adequate frontage to allow a 3rd monument sign? Felstrup indicated that a 3rd monument sign would require a variance and staff wouldn't support it.
- Does the existing sign comply with setback and size requirements? Felstrup stated that the setback from Quincy appears to be in compliance, but the sign may not meet the 40' interior setback requirement.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bruno – I will be in favor of this. I appreciate the petitioner's desire to be a good neighbor.
- Coyne – I'm going to be a reluctant yes given that the neighboring property owners are okay with the proposed sign.
- Frost – I am concerned if this variance is not approved, the existing businesses will suffer.
- Gustin – I like the proposed sign. Any modifications to the existing sign will need to be reviewed by the PZC. I hope that the petitioner can work with the adjacent property owners to improve the existing sign.
- Hastings – I will vote yes. This sign looks better than the current sign. There is a hardship and the petitioner is trying to be a good neighbor.
- Messer – I will vote a reluctant yes. There is a lack of clarity on who

controls the sign. I agree with the proposed sign. The large distance between the existing and proposed signs will help avoid sign clutter.

- Meyer – The property owner has right to a sign and I will support this. I hope the petitioner can work with the neighbors to improve the existing sign.
- Williams – I agree with the aesthetics of the sign. But I am uncomfortable with this as we are not sure who owns the sign.

Planning and Zoning Commission moved to recommend approval of PZC 13-1-15.

Motion by: Bruno
Seconded by: Meyer

Approved
(7-0)

Ayes: Bruno, Coyne, Frost, Gustin, Hastings, Messer, Meyer
Nays:

Williams abstained.

**D2.
PZC Case 13-1-042
TA Automotive**

The petitioner requests amending Ordinance 12-096 to allow 12,480 square feet of automobile service station and repair facilities in I (Industrial District) and approval of a variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) for the property located at 452-588 W. 5th Avenue.

Ying Liu, Planning Services Team, gave an overview of the request. The Planning and Zoning Commission had no questions for staff.

Len Monson, Attorney with Kuhn, Heap and Monson, spoke on behalf of the petitioner:

- The property includes industrial buildings and has existing auto repair tenants. Therefore, the proposed use is consistent with the property as it exists today.
- With the proposed use, the property would be 11 parking spaces short of the required parking per code. However, based on parking counts that were conducted, ample parking spaces are available. The City has never received a parking complaint. In addition, the petitioner will have only 2-3 employees and will work on 3-4 cars at any time, so additional draw on available parking will be limited.
- There is no overnight storage of vehicles.

Planning and Zoning Commission inquired about:

- Petitioner's concurrence with staff's restriction on outdoor storage. Monson indicated that the petitioner concurs with staff's restriction.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bruno – The proposed use will have limited impact on this property.
- Gustin – I have spoken with neighboring tenants who said that TA Automotive is a good neighbor and responds to their requests regarding parking and truck circulation.

Planning and Zoning Commission moved to recommend approval of PZC 13-1-042.

Motion by: Meyers
Seconded by: Williams

Approved
(8 to 0)

**D3.
PZC Case 12-1-154
Mayfair Phase 2**

The petitioner requests rezoning from B2 (Community Shopping Center District) to R3A (Medium Density Multifamily District) and approval of a conditional use to establish a planned unit development (PUD) for Mayfair Phase 2, a preliminary PUD plat, a preliminary subdivision plat, and a deviation to Section 6-6D-7 (R3A: Yard Requirements) of the Naperville Municipal Code for the 17-acre property generally located north of Audrey Lane and east of IL Route 59.

Ying Liu, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Does the buffer plan left by the petitioner on the dias today change staff's recommendation? Liu – No, this additional information clarifies the design of the berm, but staff is still concerned that the berm is not continuous and doesn't provide sufficient screening.
- Would the landscaping currently planned by Mayfair 2 satisfy the requirement for landscaping on commercial properties in the future? Liu – The adjacent commercial properties will still have to provide landscaping on their properties in addition to what has been provided by Mayfair 2, unless they seek a variance.
- What is the additional burden placed on commercial properties if Mayfair 2 is rezoned to R3A? Liu – if the 25' buffer is reserved as commercial, as proposed by M/I Homes, additional landscaping requirements which are required when commercial is adjacent to residential will not be triggered. However, reservation of a 25' wide strip as B2 does not address the commercial viability of the properties fronting Route 59. The 25' wide strip will also trigger a zoning variance due to its irregular shape and lack of lot size.
- Is there a way to address this issue without leaving a 25' wide strip as B2? Liu – M/I Homes could be given permission to plant the required landscaping on adjacent commercial properties. Or those properties could seek a variance to reduce landscaping requirements in the future.
- Would planting required landscaping on the adjacent commercial lots further reduce the buildable depth of these properties? Liu – yes, that is correct.

- Is staff Okay with the development as designed, with exception of the land use issue? Liu – We agree with the density, zoning, site design, and layout of this development. We don't agree with the petitioner's lack of evaluation of reserving some commercial acreage.
- What would make staff comfortable as far as commercial depth is considered? Liu – Staff concurs with PZC's recommendation from last meeting.
- Reservation of additional commercial land assumes that all three property owners (M/I Homes, Urbanek, and Barbarotta) will work together. That is a big concern. Liu – This situation exists today given existing separate ownership. Barbarotta and Urbanek have expressed interest in cooperating to date.
- Will Henley Lane be usable in future for either commercial or residential uses? Liu – Henley will be dedicated as right-of-way.
- Existing commercial to the west of Route 59 has struggled since constructed. There doesn't seem to be a sufficient reason to hold up this project to achieve the desired commercial.
- Commercial area south of Audrey Lane has been very successful. There are distinctions between west and east sides of Route 59.

Greg Collins spoke on behalf of the petitioner, M/I Homes:

- If the area south of Henley is designated as commercial, they lose 35 residential units which they cannot accept.
- Barbarotta has an approved site plan. Their proposed 25' strip allows the site plan to be built as approved (eliminates the additional setback and landscaping requirement).

Rich Olson, with Gary R. Weber Associations, Inc., on behalf of the petitioner, provided an overview of the changes made to the site plan since the last PZC meeting.

Planning and Zoning Commission inquired about:

- Some areas of open space are not easily accessible by everyone in the development. Not as much space between the buildings as previously was provided. The biggest amenity is the detention pond, which already exists within Mayfair.
- Is it the petitioner's intention to sell the 25' strip off to a commercial developer? If that is the case, can the proposed landscaping be moved out of the 25' strip? Collins – Yes, the petitioner would like to sell the 25' strip off a commercial developer and the landscaping can be moved out of the 25' strip.
- Where does the stormwater go when it leaves this property? Stelle provided information.

Public Testimony:

Santo Albanese, partner of the Barbarotta Property:

- Opposed to the revised proposal.
- The revised plan is only one step in the right direction. It addresses the setback issue, but does not address the concern that the property south of Henley Lane should remain B2.
- A larger area designated as B2 is needed in order to attract a better commercial tenant. The problem with the Barbarotta's existing site plan is that they couldn't attract a tenant due to its primary frontage on Audrey, instead of Route 59. Route 59 visibility and depth is needed. Will a combination of the properties happen? Not sure, however, it should be given the opportunity.
- Albanese is a commercial real estate broker and continuously markets the Barbarotta's property. No one has been interested, but it would be viable if the property is larger.
- M/I Homes has not worked with them to address their concerns.
- Frost – explain why the keeping the area south of Henley Lane as B2 would help the viability of their commercial project. Albanese noted that the additional acreage would square off property (instead of existing L shape), provide more visibility, more depth for parking, and allow the entire corner to be developed.
- Bruno – Why haven't they tried to buy more property to the north? Albanese noted that funding is limited, but would be available from a bigger developer.

Rosalyn Urbanek, owner of the Urbanek property:

- The petition will destroy the existing B2 district, and destroy commercial harmony that is found in the B2 district.
- If M/I Homes reserve its R3A zoning to the north and leaves a large portion of the land to the south as B2, City should withdraw the requirement to loop the water main at this time. That would avoid cutting off her parcel.
- Will additional ROW dedication be required on her property?
- Impact of the development on drainage on her property?
- Concern about ability to appropriately design and install slope between her northern property line and the proposed sidewalk within the Henley Road ROW, which is currently proposed to be approximately 2' from her northern property line.
- Opposed to the petition. The property should remain mostly, if not all, as B2. A 25' strip alone is not sufficient for the commercial depth. New commercial is needed in the area.
- Gustin – does speaker have an opposition to residential being located behind her house? Urbanek – yes.

Planning and Zoning Commission Comments and Questions:

- Frost – Likes that the revised plan is less dense. The petitioner has addressed concerns raised from the last meeting, with exception of keeping commercial south of Henley. However, he doesn't see the land

south of Henley as viable commercial because of site issues and abutting residential to the east. He didn't hear compelling reasons that keeping the property south of Henley as commercial would make a significant difference to commercial viability of the corner at Route 59 and Audrey Lane.

- Coyne – is it staff's position that rezoning any portion of this property to residential is in violation of the comprehensive plan? Liu – no, we recognize the limitations of future commercial behind the Penny Mustard Furniture store and are only seeking commercial south of Henley Lane to make existing commercial land fronting Route 59 more viable.
- Bruno – The existing B2 zoning in the area has been encroached upon by the detention pond, which is zoned R3A. The original intent of the comprehensive plan has been diminished by piecemeal land development. Petitioner should bear the burden of screening between commercial and residential on their property. Bruno doesn't fully understand the 25' strip proposal enough to vote on case tonight. The project has been improved since the last hearing. The additional buffering is to the petitioner's benefit. Bruno concurs with Commissioner Frost's comments re: additional commercial. To require additional B2 zoning south of Henley Lane requires cooperation between all property owners, which is not even on the drawing board today.
- Meyer – Needs to hear from DPU-W regarding the Urbanek's concern regarding the watermain. Does not believe that the proposal meets the standards for rezoning. PUD amenities are not up to par with what they usually see. If they do come back to PZC, would like more details on proposed improvements. Concerned about lack of guest parking proposed.
- Messer – Likes the revised plans better. Density is still higher than existing Mayfair. Is concerned with how this project would negatively impact adjacent commercial properties, particularly the Urbanek property. Would also like to hear from DPU-W on the water main issue. Does not believe that the proposal meets standards for rezoning, particularly consistency with comprehensive plan and no negative impact on adjacent properties. Messer believes there is a potential for commercial use at the corner of Route 59 and Audrey Lane. Messer cited the Freedom Plaza example: the developer of Freedom Plaza indicated that project would not move forward if the original proposal was not approved. However, developer then resubmitted a better project for Naperville which was approved.
- Williams – Concurs with Freedom Plaza example. Doesn't feel like it's a good plan to take prime commercial property and turn it into the proposed residential development. The proposal is not the highest and best use and we haven't heard good arguments to support the conversion from the commercial to residential. It is the PZC's job to plan for the City, not to consider a specific developer's best interests. This is an average development that is not up to our PUD standards.
- Hastings - Have we studied the impact of the proposed Henley traffic on

Route 59? Olay Aboona from KLOA has done an evaluation on behalf of the petitioner. In comparison to retail uses, the proposed development would generate less traffic and have less impact on Route 59.

AT 10:56 P.M., The commission extended the meeting to 11:06 P.M.

- Gustin – Gustin struggles with commercial vs. residential in the southern portion of development. The commercial corner is very visible to the City of Naperville. Henley Road can provide additional benefit to adjacent lot owners that they don't have today (access today only off of Route 59). However, Gustin is concerned about the traffic through the subdivision to Fort Hill Drive. Dumping the traffic into the school zone is dangerous. Pro's of the revised plan are the provision of more open space and buffering. Felt the previous proposal was very cluttered; appreciates changes that have been made but still doesn't see it as an upscale residential development. Gustin asked the petitioner whether they would like the commission to take a motion tonight. The petitioner indicated that they feel they have worked through all of the issues and doesn't feel that they have additional changes to make. The petitioner recommends that the PZC vote tonight.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend approval of PZC 12-1-154, Mayfair Phase II.

Motion by: Messer
Seconded by: Frost

Motion Failed
(1 to 7)

Ayes: Frost

Nays: Bruno, Coyne, Hastings, Messer, Meyer, Williams,
Gustin

**D4.
PZC Case 13-1-036
Training
Studio/Automotive
Uses Text
Amendment**

Title 6 currently includes regulations pertaining to training studios and automotive uses. Staff is proposing an amendment to the allowances for such uses in various zoning districts, as well as corresponding amendments to the definition and parking requirements for each.

Planning and Zoning Commission continued the case to June 19, 2013.

**E. Reports and
Recommendations**

F. Correspondence

G. New Business

H. Adjournment

11:06 p.m.