



**NAPERVILLE PLANNING AND ZONING COMMISSION
DRAFT MINUTES OF NOVEMBER 2, 2011**

Call to Order

7:00 p.m.

A. Roll Call

Present: Coyne, Messer, Gustin, Williams, Edmonds, Meyer, Bruno

Absent: Herzog, Trowbridge, Frost

Student Members: None.

Staff Present: Planning Team – Emery, Forystek
Code Enforcement Team – Trude Terreberry

B. Minutes Approve the minutes of October 5, 2011 Planning & Zoning Commission

Approved
(6 to 0)

Approve the minutes of October 19, 2011 Planning & Zoning Commission

Approved
(6 to 0)

C. Old Business

D. Public Hearings

**D1. PCS 11-1-140
Illinois Spinal &
Sports
Rehabilitation**

The Petitioner requests approval of a variance from Section 5-4-5:3.2 (Commercial Signs; Awnings and Canopy Signs; Awning and Canopy Sign Area) of the Naperville Municipal Code to increase the allowed signage on an awning from 12 square feet to 22 square feet for the property located at 4015 Plainfield/Naperville Road, #105.

Trude Terreberry, Code Enforcement Team, gave an overview of the request.

Eric Luksous, Petitioner, 2243 Haider Avenue, Naperville, IL, Illinois Spinal & Sports Rehabilitation

- Requesting a variance for an increase in the square footage of awning signage.
- Willing to forgo any wall signage on the east elevation if the request for variance is approved.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Meyer – Noted that a condition should be incorporated into the approval

that no additional signage shall be permitted on the east elevation upon approval of the awning sign.

Planning and Zoning Commission moved to recommend approval of a variance from to increase the allowable text/logo on an awning from 12 square feet to 22 square feet for the east elevation of the property located at 4015 Plainfield/Naperville Road, #105, providing that the petitioner does not utilize any wall signage on the east elevation.

Motion by: Gustin
Seconded by: Williams

Approved
(6 to 0)

Ayes: Bruno, Coyne, Messer, Meyer Williams Gustin
Nays: None.

**D2. PCS 11-1-141
Lover's Lane**

The petitioner requests a variance from Section 5-4-5:1.2 (Commercial Signs; Wall Signs; Wall Sign Area) of the Naperville Municipal Code for the property located at 1001 W. Ogden Avenue.

Trude Terreberry, Code Enforcement Team, gave an overview of the request.

Cathleen Keating, 2215 York Road, Oak Brook, IL, Attorney on behalf of the petitioner

- Building is setback over 250' setback from Ogden Avenue
- Existing sign is 112 sf, the proposed sign is approximately 30% smaller
- Proposing to reuse the sign from another location
- If the variance is not granting, the existing sign and awning will remain

Planning and Zoning Commission inquired about

- Bruno – Packet shows that the requested signage is 32% larger than other wall signs in the shopping center. How does the current sign compare to other signs in the center? If the variance is not approved, will a conforming sign be installed? Terreberry responded that the proposed sign is 32% larger than the permitted amount of signage for the tenant. The petitioner stated that if the variance is not granted, only repairs will be made to the existing awning sigange.
- Meyers – Does not think that the proposed sign is that different in size from the existing signs on the rest of the multi-tenant shopping center.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Bruno – The proposed wall sign is an improvement over the existing awning sign.
- Gustin – While the request may be for an increase in square footage, the proposed sign will be an improvement both visually and architecturally.
- Coyne – The proposed sign is a dramatic aesthetic improvement over the existing.

Planning and Zoning Commission moved to recommend approval of the petitioner's request to increase the permitted amount of wall signage from 60 sf to 79 sf on the south building elevation for Lover's Lane located at 1001 W. Ogden Avenue.

Motion by: Gustin
Seconded by: Messer

Approved
(5 to 1)

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

**D3. PCZ 11-1-136
504 & 508 N. Main**

The petitioner requests variances from Section 6-6B-7 (R1B, Yard Requirements) of the Naperville Municipal Code to allow for the construction of two single-family residences that encroach 8' into the required thirty-foot (30') rear yard setback.

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

Vince Rosanova, 23 W. Jefferson Avenue, Attorney on behalf of the petitioner

- Proposing to preserve the streetscape along main street by maintaining the existing 40' platted setback
- The single-family residences will be in compliance with the R1B District requirements
- The proposed residences are in character with the neighborhood and will enhance the adjacent property values once completed

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend approval in accordance with staff's recommendation to allow for the construction of two single-family residences that encroach 8' into the required thirty-foot (30') rear yard setback for the properties located at 504 and 508 N. Main Street.

Motion by: Gustin
Seconded by: Williams

Approved
(6 to 0)

Ayes: Bruno, Coyne, Messer, Meyer, Williams, Gustin
Nays: None.

**D4. PCZ 11-1-137
139 Water Street**

The petitioner requests approval of variances from Section 6-2-22:2 (Donation Boxes) to include: a variance from Section 6-2-22:2.1 in order to locate the donation box in the B5 (Secondary Commercial) District Variance; a variance from Section 6-2-22:2.3 in order to locate the donation box in the required front yard; variances from 6-2-22:2.7 and 6-2-22:2.8, which require signage on the box indicating the not-for-profit status of the operator and contact information, respectively.

Motion to continued PZC 11-1-137, 139 Water Street, to the December 7, 2011 Planning and Zoning Commission meeting. Approved
(6 to 0)

Motion by: Gustin
Seconded by: Williams

Ayes: Bruno, Coyne, Messer, Meyer, Williams, Gustin
Nays: None.

**D5. PC 11-1-143
Victory Martial Arts**

The petitioner requests approval of a conditional use for a training studio in the B1 District per section 6-7A-3 of the Municipal Code.

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

Adam Grisko, Petitioner, 5800 Forest View Road, Lisle, IL, Victory Martial Arts Academy

- Provides a variety of kickboxing and fitness classes for both adults and children
- Provided an overview of operations

Planning and Zoning Commission inquired about

- Bruno – Inquired when belt testing took place and whether or not large numbers of people were brought in together at once. The petitioner provided an overview of operations, stating that testing took place generally on the last Saturday each month for different groups.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend approval of a conditional use for a training studio in the B1 District.

Motion by: Messer
Seconded by: Williams

Approved
(6 to 0)

Ayes: Bruno, Coyne, Messer, Meyer, Williams, Gustin
Nays: None.

**D6. PC 11-1-128
Islamic Center of
Naperville**

The petitioner requests annexation, zoning upon annexation to R1 (Low Density Single Family Residential) and preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot of record.

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

- Continuation of the October 5th public hearing which included 29 speakers
- The petitioner proposes to acquire the subject property and use it in accordance with the R1 District zoning requirements
- Since October 5th, the petitioner has attended the Penncross Knolls Subdivision Homeowners Association and Tall Grass Subdivision Homeowners Association meetings.
- The Commission is considering rezoning to R1 and a plat of subdivision to establish a legal lot of record. Annexation is considered by the City

Council, not the Planning and Zoning Commission.

- The subject property is designated as a community facility in the city's Master Plan which encompasses religious facilities
- Annexation is considered by CC not the PZC
- Any construction on the property for a religious facility in the future will require a public process

Len Monson, Kuhn, Heap and Monson, 552 S. Washington Street, Suite 100, attorney on behalf of the petitioner

- The petitioner has attended Homeowners Association meetings for Penncross Knolls and the Tall Grass subdivision, and believes that the meetings were productive in clarifying any miscommunications on the proposed rezoning and annexation.
- Clarified that someone will be living in the house on the subject property.

Planning and Zoning Commission inquired about

- Gustin sought clarification on the Commission's vote this evening as it relates to the annexation. Emery clarified that the Commission is being asked to vote on the zoning classification of the property and a plat of subdivision. The City Council will conduct the public hearing for annexation

Public Testimony:

Michael Boland, 1423 Jefferson Avenue - Referenced the Islamic Center of Naperville (ICN) location on Ogden Avenue and the large expansion of that facility. The subject property is much larger at 14 acres compared to the 4 acre site on Ogden Avenue. Believes that the petitioner has a plan, access to money to build whatever they want, and has concerns about the facility fitting within the neighborhood. Opposes the request this evening.

Michael Crockett, 3144 Kewanse Lane, Naperville, IL – Noted that he was submitting a letter for the record.

Tom Cordano, 2326 Reflections Drive, Aurora, IL – Has worked in Naperville and has belonged to a Catholic Parish in Naperville for 15 years. The citizens of Naperville have respect for the Islamic community in Naperville. Requested that the Commission carefully consider the request for rezoning, make a decision based on the rules and the laws and be fair.

Kathy Aguayo, 3428 Lapp Lane, Naperville, IL – The subject property is surrounded by single-family homes, understands that the city's Master Plan shows the subject property as a religious facility, but feels that a religious facility is not the highest and best use. The parking lot will be large, with large parking lot lightings and services will last until 10:30 in the evening. Suggested that single-family is an appropriate use of the subject property.

MaryAnn Juransky, 3411 Boltuns Drive, Naperville, IL – Stated that the petitioner is not in compliance with the notification requirements because the date on the sign was not modified as a result of the public hearing being

continued from October 5th to November 2nd. Emery clarified that the city is obligated to follow the state statutory requirements related to notice and Petitioner is in compliance with the notification requirements. Per the City Attorney, Emery noted that the date on the sign must be updated in the event the hearing date is reschedule, for example if a meeting is cancelled due to lack of a quorum. This is not the case as this application is a continuance of an existing public hearing. The date for the annexation hearing has not yet been set; the city will complete the notification requirements to districts and provide notice in the newspaper.

Charles Pierce 2484 Acorn Hill Court, Lisle, IL – A founder of Hope Church. The existing home was occupied for farming and to raise a family. The existing home is suitable and habitable. The Commission is being tasked with determining rezoning the property to R1. Any other issues would be addressed at another time.

Renee Majors, 2827 Breckenridge Lane, Naperville, IL – Sought clarification on the purpose of the plat of subdivision. Surrounding zoning is R1 and feels that the proposed zoning is compatible. Hopes the PZC will look at the request and move forward with the recommendation for land use contained in the master plan that was in place before the houses were built. Emery clarified that the plat of subdivision is for the purpose of establishing a legal lot of record, and to dedicate right-of-way for future expansion of 248th in accordance with city plans.

Dave Prokop, 3727 Mistflower Lane, Naperville, IL – How can you rezone a property if it is not in Naperville? Emery clarified that the PZC is a recommending body and charged with making a recommendation on the zoning request. The City Council has the final decision making authority.

Augusto Aguio, 2834 Black Lane, Penncross Knoll Subdivision – Requested clarification on the Commission's roll. Gustin clarified that the Commission will make a recommendation only, and the City Council will review and consider the request and make a final determination on the annexation, rezoning and plat of subdivision.

Timothy Silva, 484 Enly Court, Boilingbrook, IL, Pastor of Hope United Church – Fully supports the request for rezoning of the property and the plat of subdivision.

Nizam Khatib, 2851 Breckenridge Lane, Naperville, IL – Supports the request for R1 zoning and encourages a positive recommendation from the Commission.

Mark Winters 1489 Cortland Drive, Naperville, IL – Supports the Islamic Center request.

Chuck Raucci, 3715 Mistflower Lane, Naperville, IL – Stated that he has a petition signed by 43 out of 61 homeowners that received notification, which demonstrates that over 80% of those people oppose the request for annexation. Emery stated that petition has been included as part of the Commission's packet and will be forwarded to the City Council.

Petitioner's Attorney responded to testimony

- Confirmed that the petitioner does want to grow their congregation and sometime in the future hope to build a new facility on the subject property.
- All improvements to other ICN facilities have gone through the appropriate city processes despite those who said otherwise during testimony.
- Clarified that the petitioner is requesting default zoning and that the Commission is being asked to determine if the R1 zoning designation is appropriate.

Planning and Zoning Commission inquired about

- Coyne – If the City Council approves annexation of the property does it become R1? How does the Commission vote on zoning if the Commission does not vote on annexation? Emery clarified that default zoning upon annexation is R1. The PZC provides a zoning recommendation upon annexation to be either approved or denied by the City Council.
- Williams – In support of the petitioner's request for R1 zoning. Feels that this is a jurisdictional issue, how can the Commission consider the request without the property being annexed yet? Emery clarified that the Commission is a recommending body, the property is eligible for annexation, the city has received a petition for a request and that the property is within the city's planning boundary.

Planning and Zoning Commission closed the public hearing.

Motion by - Meyer

Second by - Williams

Plan Commission Discussion:

- Bruno – In favor of the request for rezoning and subdivision plat
- Messer – Generally concurs with Meyer and does not feel that it is right hold up the request to wait for single-family homes on the property. The petitioner has made the intent of the long term use of the property clear, but the request for a religious facility is not for consideration this evening.
- Meyer – In favor of R1 zoning designation and noted that other uses are permitted in R1. The Commission provides an opportunity for public input to provide the City Council an idea of resident input as well as the Commission's input as it relates to the request at hand.
- Gustin – Agrees with the points that the other Commissioner's have made.

- Coyne – Clarified that the Commission is being asked to vote on the default zoning upon annexation.
- Williams – Concurs with Messer.

Planning and Zoning Commission moved to recommend approval of zoning upon annexation to R1 (Low Density Single Family Residential) and preliminary/final plat of subdivision to dedicate right-of-way and establish a legal lot of record.

Motion by: Gustin
Seconded by: Williams

Approved
(6 to0)

Ayes: Bruno, Coyne, Messer, Meyer, Williams, Gustin
Nays: None

E. Reports and Recommendations

F. Correspondence

F1. Multi-Tenant Ground Signs

The Commission requested that this item be placed on the December 7, 2011 Planning and Zoning Commission meeting as Commissioner Herzog requested the information and was absent. Commissioner Coyne inquired whether or not the business owners along Ogden Avenue were notified of the code modifications when the text amendment was being processed.

Staff responded that the item would be placed on the December 7, 2011 meeting and that staff will provide a response to Commissioner Coyne's notification question at that meeting.

F2. Accessory Structures Request

Direct staff to initiate an amendment to Zoning Ordinance pertaining to accessory structures.

Planning and Zoning Commission made a motion directing staff to initiate an amendment to the Zoning Ordinance pertaining to accessory structures. Approved (6 to0)

Motion by: Williams
Second by: Messer

Ayes: Bruno, Coyne, Messer, Meyer, Williams, Gustin
Nays: None

G. New Business

H. Adjournment

8:42 p.m.