



**NAPERVILLE PLANNING AND ZONING COMMISSION
DRAFT MINUTES OF JANUARY 21, 2015**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON FEBRUARY 4, 2015**

Call to Order

7:00 p.m.

A. Roll Call

Present: Coyne, Frost, Gustin, Hansen, Hastings, Martinez, Messer, Williams
Absent: None
Student Members: None
Staff Present: Planning Team – Kasey Evans, Derek Rockwell
Engineer – Peter Zibble

B. Minutes

Approve the minutes of the December 3, 2014 and January 7, 2015 Planning and Zoning Commission meetings.

Motion by: Coyne
Second by: Williams

Approved
(8 to 0)

C. Old Business

**C1.
PZC 14-1-113
Greenway Herbal
Care**

The petitioner requests continuance of the public hearing to consider a conditional use for a medical cannabis dispensing facility in B3 (General Commercial District) for Unit 103 of the property located at 424 Fort Hill Drive to a further date. New public notices will be required to be provided per code at least 15 days prior to the next public hearing date for the case.

Planning and Zoning Commission continued the case indefinitely.

D. Public Hearings

**D1.
PZC 14-1-147
Menards of
Naperville**

The petitioner requests approval of a major change to the Menards of Naperville Second Resubdivision Planned Unit Development (PUD) to install a drive-through ATM north of the existing Menards building and parking lot, and a deviation to the PUD to reduce the required parking.

Kasey Evans, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Gustin – There is no record of parking lot restriping, etc? Evans – No.
- Gustin – Will the ATM be leased? Evans – The property will not be subdivided. The petitioner could speak to ownership configuration.
- Hansen – What will the resulting parking ratio be? Evans – The PUD approved a lower ratio than 5 spaces per 1,000 square feet of gross floor area.

Jeff Lietz, 1245 E. Diehl Road, Architect, spoke on behalf of the petitioner:

- Some of the parking was removed through the addition of cart corrals. Three parking counts were conducted onsite. The results of those counts demonstrated that there is not a parking capacity issue onsite.
- This is a 5 year lease, with maintenance conducted by Fifth Third Bank.

Planning and Zoning Commission inquired about:

- Williams – Is this contingent on the lease being operative? If the option to operate beyond 5 years is not exercised, the ATM would be removed.
- Williams – Are there any studies that document the effect these types of machines would have on parking? We have done stacking studies that show no more than 2 vehicles will be stacked at a time. About 30 cars a day would be expected to utilize the ATM.
- Gustin – Does your parking study account for only the area in front of Menards? Lietz – The study showed 162 parking spaces being utilized as the maximum on a Saturday.

Public Testimony: None

Planning and Zoning Commission Discussion:

- Coyne – The condition could be included in the ordinance without the need to get into the private lease language. The condition would be muddying the water.
- Frost – I concur with Messer. Does not support the condition.
- Gustin – While traffic can be busy on Saturdays, I have no problem. Not sure about adding a condition.
- Hansen – I agree.
- Hastings – I agree.
- Martinez – I concur with the other commissioners.
- Messer – Reasonable request; will support.
- Williams – Would like to see a condition of approval that the applicant control the property in case the lease expires.

Planning and Zoning Commission moved to recommend approval of a major change to the Menards of Naperville Second Resubdivision Planned Unit Development (PUD) to install a drive-through ATM north of the existing Menards building and parking lot, and a deviation to the PUD to reduce the required parking, subject to a condition that the applicant control the property,

through lease or other legal means.

Motion by: Coyne
Seconded by: Williams

Not
Approved
(1 to 7)

Ayes: Williams
Nays: Coyne, Frost, Hansen, Hastings, Martinez, Messer, Gustin

Planning and Zoning Commission moved to recommend approval of a major change to the Menards of Naperville Second Resubdivision Planned Unit Development (PUD) to install a drive-through ATM north of the existing Menards building and parking lot, and a deviation to the PUD to reduce the required parking.

Motion by: Coyne
Seconded by: Williams

Approved
(8 to 0)

D2.
PZC 14-1-148
Mitchell
Resubdivision

The petitioner requests continuance of the public hearing to consider rezoning to R1B (Medium Density Single-Family Residence District) zoning upon annexation, a Preliminary/Final Subdivision Plat for Mitchell Naperville Resubdivision, variances to Section 6-2-4 (Building Height and Bulk) and Section 6-6B-8 (Height Limitations / Bulk Regulations) to exceed the maximum number of stories and datum point, and a variance to Section 7-4-2 (Cul-De-Sacs) to accommodate a non-standard right-of-way adjacent to the property located at 5S646 Charles Street to the February 18, 2015 Planning and Zoning Commission meeting in order to allow time to meet with neighbors.

Planning and Zoning Commission continued the public hearing to the February 18, 2015 meeting.

D3.
PZC 14-1-145
Fox Run Square

The petitioner request approval of rezoning to B2, revocation of the Planned Unit Development as it relates to Lot 4 of Fox Run Square, a variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Municipal Code to allow 850 off-street parking spaces to serve Fox Run Square, variances from Sections 6-2-14 and 6-9-3 of the Municipal Code to allow off-street parking facilities to encroach into the required 20' parking setback along a major arterial road, a variance from Section 6-7B-4:3 of the Municipal Code to permit outdoor sales at Mariano's Fresh Market, and a variance from Section 6-7B-4:4 of the Municipal Code to permit permanent outdoor storage for Ace Hardware for the property located at 1212 S. Naper Boulevard.

Derek Rockwell, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Frost: Will neighbors in this area see any significant change? Rockwell – No.
- Coyne: Will the intensity of the Mariano's use be comparable to the

Dominick's? Rockwell – Yes.

- Hastings: Could you run through the parking variance request? Rockwell – similar to the variance at Pebblewood Plaza; asking for a 2% variance and to allow some flexibility with filling future tenants at a 5 per 1,000 ratio; staff is not aware of any parking concerns; parking variance allows for re-tenanting without requiring each individual tenant to get individual variances.
- Gustin: Are we aware of any complaints of people parking on side road behind Ace? Rockwell – No.
- Hansen: There is significant parking located behind the building, who uses those spaces? Rockwell – I would defer to the petitioner.

Russ Whittaker, Attorney, 30 W Jefferson St, spoke on behalf of the petitioner:

- Gave an overview of the petition.
- The parking lot will be reconfigured to ease access and traffic conflicts within the lot. Reconfiguration results in additional parking being provided on-site.
- The setback of parking on the rear of the property will remain the same.
- The loading docks will be reconfigured and recessed with a wing-wall to screen the loading activities from the adjacent residents.
- The new building facilitates Mariano's internal operations.
- Six landscape islands in the front of the Mariano's cannot be landscaped with trees due to an existing water main being located directly underneath. The petitioner proposes to landscape those islands with shrubs and grasses instead of trees; and asks relief from the landscape requirement.
- Compared parking demand at the Aurora Mariano's in a similar strip center and determined that the proposed Mariano's and the existing tenant mix parking demand is substantially less than the Code required parking. Request the additional parking variance to allow for future tenant turnover.
- Mariano's is requesting an outdoor function similar to Casey's on Gartner; seasonally provide limited food service outdoors with outdoor seating.
- Mariano's has reconfigured the outdoor seating from the south side of the building to be tucked into the front of the building; anticipate 5 to 8 tables for seating.

Planning and Zoning Commission inquired about:

- Coyne - How much vacancy at the center currently? Whittaker – Dominick's is the only vacancy.
- Frost -Would the resident notice any difference onsite from prior operations? Whittaker – The loading function will be improved and screened; residents would notice the improvement.
- Gustin - What is the height of the Mariano's as compared to the existing Dominick's? Whittaker – Height being slightly changed; 25' on building with 31'-4" on the architectural element. This is lower than the

maximum residential height. Gustin – Consistent with design guidelines? Whittaker – Yes. Gustin – Number of deliveries?

- Gustin - Will there be landscape islands in front of the store? Whittaker – The islands would be installed but would be landscaped with shrubs.
- Gustin - Is there discussion for future widening of 75th Street? Whittaker – The street has already been widened substantially and don't know of any plans for further widening.
- Hastings - Timing of deliveries; will engines remain on; drop trailers? How will drivers access the dock?
- Williams - Is there a small feeder road to the east? Whittaker: that is the access drive to the rear of the shopping center.
- Gustin - How will refuse disposal be handled?

Public Testimony:

Carol Doyle, 1364 Hunter Circle

- Concerns with the loading dock; hear the noise, concerned about delivery times after 10pm or before 6am; holidays with trucks holding products; concerned about water flow around the wall and the impact on the detention area; impact on removing parking spaces behind the building; concerned about additional traffic from the food service in the Mariano's; truck access blocking the detention area; rodents from debris; blowing trash into the detention pond. Resident for 20+ years. Want Mariano's to be a good neighbor.
- Coyne - The Dominick's delivered after 10pm and before 6am? Doyle - Yes and the trucks/deliveries come at all hours of the day and night.
- Martinez - Dominick's existed prior to resident moving into area? Yes. Businesses are using the storage, not residents; taking up parking spaces.

Dave Shields, 2723 Shell Lake Circle

- President of Sweeney Enterprises (Hallmark); store has been in center since 2000 directly north of previous Dominick's; concerned about party wall (will discuss with Mariano's and landlord).
- Excited about Mariano's moving in.
- Front parking changes will be a big improvement over existing conditions.
- Will miss the employee parking in the rear due to the expansion and loading dock.
- Seems like a small space for the dumpsters, loading and storage shed
- Gustin - Concern about the dock impacts on other tenants' deliveries? Yes.
- Coyne - Dominick's operations ever have parking issues? No, but the employees used to park in the rear so now they will have to have employees park in the front.

Petitioner responded to testimony:

- Dave Ferril, VP of Roundy's (Mariano's) – We want new building to allow the service needs to be concealed and done in-store with a trash compactor (vs. the Dominick's open dumpsters); allows for fewer trash pickups. 2 different kinds of deliveries: full length trailers from warehouse or vendors such as Coke or Pepsi; 4 to 6 per day typically. Also the direct to store vendors with smaller trailers with about 20-25 per day, typically heavier in the mornings 6:30-9am. The semis come throughout the day. The store has a no idle policy except in exceptional weather (cold) due to engine concerns. They do not do refrigeration trucks, but might drop a trailer to expand the back room on occasion such as during the holidays. The loading activities are enclosed. Preference for open delivery time so trucks can make deliveries as they arrive since truck schedules vary.
- Williams – Do dropped trailers have an independent mechanism that would make noise? Those types of trailers exist; Mariano's does not intend to use that type of trailer.
- Coyne – Could you speak about noise and delivery times? Would not typically request a truck overnight, but there may be times when it would be necessary.
- Frost: What would happen in the event that a truck was delayed? Want the trucks to be able to make their deliveries.
- Hastings - Drivers can come on their own schedule? Trucks that would come between 10pm-6am would be from the Mariano's warehouse. Perhaps 2-3 are vendor trucks and 2-3 are Mariano's trucks, they will try to get there by 9pm but that does not always happen. The vendors have to come from 6am to 10pm, typically in the morning.
- Hastings - Deliveries typically come in the evenings before 10pm? Typically one in the morning, one at midday and one in the evening.
- Hastings - Data from other stores about deliveries over night? Depends on the location; more urban stores are sometimes required to come at night to alleviate traffic concerns but it depends on the location.
- Gustin – Where is your warehouse location? Wisconsin.
- Gustin - Outdoor grill operations? There will be stations in the store for prepared food that people can inside or out. Want opportunity to have some preparation outside, such as an item that is on-sale or in season. Depending on customers it could be daily or just weekends, depends on the customer demand. Access to water retention area? The method of trash removal will be improved over past operations. Whittaker - There is a stormwater report that is subject to the DuPage County stormwater regulations. There will be improvements to the detention basin to improve the water quality.
- Gustin - Dock impacts on the neighboring tenants' access to units? Whittaker - The loading area is about 30' wide between the loading dock and the building.
- Gustin: What would the construction impacts on the neighbors be? Whittaker – Have not developed detailed building plans yet so therefore do not have defined timing yet. The party wall will be maintained.

- Williams? – What can be done about the shed onsite? Whittaker – The petitioner does not know who owns the shed but they will address,
- Williams – What is the number of Mariano’s? 29 in the Chicago area. Device to deal with neighbor complaints/comments? Do not have a specific committee for that, but if you ask neighbors of other locations you will find that they are satisfied. Residents are welcome to reach out to the store to remedy any issues that there might be. Neighbors are the best customers.
- Williams - Impressed with the proposed Mariano’s; strongly suggest dialogue with neighbors to maintain a positive relationship and emphasis on being a good neighbor. Ferril - Customer complaint link on the store website that requires Mariano’s to respond within 24 hours.
- Gustin - 29 locations? In the Chicagoland area there are 29 Mariano’s.
- Whittaker - Mariano’s is conscientious of its neighbors and thanks the Commission for its time.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Coyne – Staff question: challenge to approve the request without revoking the PUD however that would require the petitioner would need to come back with a new petition. Gustin – the current PUD regulations require substantially more amenities than this center would be capable of providing. Coyne – In support of the request.
- Frost – All but two items being requested are housekeeping.
- Gustin – In favor; most issues are housekeeping; happy loading dock will be enclosed; add to the motion to relocate the outdoor seating area to the front of the building and the landscape islands with shrubs instead of trees.
- Hansen – Concur with Hasting’s comments. Applaud the reconfiguration of the parking lot, not concerned about the number of parking spaces. Concerned about the revocation of the PUD which provides more flexibility to address variances or other future changes to the site. Change in building architecture, parking, the agreement for shared parking is a private agreement. Gustin – Does not enforce/regulate how the owner divides the parking per tenant, but rather looks at the overall parking for the shopping center. Hansen – does not support revoking the PUD since parts of the shopping center will have different ownership. Rockwell – The current PUD designation does not provide the City with a greater level of control; if the PUD stayed, for example a conditional use would require a major change to the PUD; minor building elevations changes would need to be processed through the PUD instead of being administratively approved through the Building Design Guidelines. Frost – If this came through now we would have it be a PUD? Rockwell – No. Hansen – Is this situation not meant for a PUD? Rockwell – That is not the entitlement the petitioner is requesting, also the site could not

meet the current City PUD standards such as common open space; rewriting the PUD would need to be requested by the petitioner. Hansen – Can we amend the petition for an additional variance? Rockwell – The public notice included language to allow for that. Staff supports the landscape island variance.

- Hastings - Enthusiastic about Mariano’s coming to Naperville; appreciate neighbors concerns and invite her to express them to the City and Mariano’s if they become an issue. In support.
- Martinez – Support request.
- Messer – In favor; purpose for the PUD has changed since the 1980’s and B2 makes sense for this shopping center; encourage communication with neighbors.
- Williams – Have seen similar PUD revocation requests in the past and supported; the proposal is modern and appreciates the petitioner’s attempts to provide “clean-up” entitlements at the site. Community is very neighbor oriented and suggests that Mariano’s consider adding a community liaison.

Planning and Zoning Commission moved to recommend approval of rezoning to B2, revocation of the Planned Unit Development as it relates to Lot 4 of Fox Run Square, a variance from Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Municipal Code to allow 850 off-street parking spaces to serve Fox Run Square, variances from Sections 6-2-14 and 6-9-3 of the Municipal Code to allow off-street parking facilities to encroach into the required 20’ parking setback along a major arterial road, a variance from Section 6-7B-4:3 of the Municipal Code to permit outdoor sales at Mariano’s Fresh Market, and a variance from Section 6-7B-4:4 of the Municipal Code to permit permanent outdoor storage for Ace Hardware for the property located at 1212 S. Naper Boulevard, with the addition of a variance approval to waive the interior parking lot landscaping requirement for shade trees in the six landscape islands immediately west of the front entrance as depicted on the Landscape Plan, as well as to allow for the outdoor seating area to be located near the west entrance.

Motion by: Coyne
Seconded by: Williams

Approved
(8 to 0)

Ayes: Coyne, Frost, Hansen, Hastings, Martinez, Messer,
Gustin, Williams
Nays: None

E. Reports and Recommendations

Rockwell - Greenway Herbal Care requested an indefinite continuance but will be required to re-notice for the public hearing at such time as they choose to move forward with the case.

F. Correspondence

G. New Business

H. Adjournment

9:10 p.m.