



**NAPERVILLE PLANNING AND ZONING COMMISSION
MINUTES OF SEPTEMBER 21, 2016**

**UNOFFICIAL PRIOR TO PZC APPROVAL
APPROVED BY THE PZC ON OCTOBER 5, 2016**

Call to Order

7:00 p.m.

A. Roll Call

Present: Bansal, Crawford, Hajek, Hansen, Hastings, Williams
Absent: Fessler, Martinez, Peterson
Student Members: Butler
Staff Present: Planning Team – Sara Kopinski, Erin Venard
Engineering Team – Michael Pearce

B. Minutes

Approve the minutes of the September 7, 2016 Planning and Zoning Commission meeting, as amended.

Motion by: Williams
Second by: Hansen

Approved
(6 to 0)

C. Old Business

D. Public Hearings

**D1.
PZC 16-1-121
109 N. Laird Street
Variance**

The petitioner requests approval of a variance to Section 6-6B-7 (R1B: Yard Requirements) to reduce the required rear yard on the subject property in order to construct a single-family residence at 109 N. Laird Street, Naperville.

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

Planning and Zoning Commission inquired about:

- Williams- The shape of the lot is a hardship; clarify that this is not a triangular lot. Venard – Still considering this a rectangular lot because of northern interior property line.

Dave Hellyer, Hellyer Custom Builders, spoke as the petitioner:

- Available for questions.

Planning and Zoning Commission inquired about:

- Williams – Are any neighbors objecting to the proposal? Hellyer – No, we have not had anyone object. The current home infringes on the

setback.

- Williams – Any other unique shaped lots nearby? Hellyer - One adjacent lot is also challenging but it is more of a rectangle.
- Williams – Are any adjacent properties located closer to the side yards? Hellyer – I don't know of any.

Public Testimony: NONE

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Hansen – I think this is straightforward; the rear yard functions as a side yard; applaud the developer for fitting something in the confines of the lot.
- Williams – Second Commissioner Hansen's comments; hardship with this being a triangular lot; no one is objecting; it is conducive with the nature of the surroundings.

Planning and Zoning Commission moved to adopt the findings of fact as presented by the petitioner and approve PZC 16-1-121, a variance to Section 6-6B-7 (R1B: Yard Requirements) to reduce the required rear yard on the subject property in order to construct a single-family residence at 109 N. Laird Street, Naperville.

Motion by: Williams
Seconded by: Crawford

Approved
(6 to 0)

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

**D2.
PZC 16-1-093
Riverwalk Dental**

The petitioners request approval of a rezoning from TU (Transitional Use District) to B5 (Secondary Downtown District), a variance to Section 6-2-10 of the Municipal Code to permit a trash enclosure to be located less than 5' from the interior side lot line, and a variance to Section 6-9-2 of the Municipal Code to permit parking facilities to be located less than 5' from the rear property line at 209 W. Jefferson Street, Naperville.

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

Judd Lofchie, attorney, spoke on behalf of the petitioner:

- Clients have been renting property on Aurora Avenue for several years.
- Subject property is small, with an old house in bad shape.
- Proposed building is small (3,500sf) with 7 parking spaces.
- Compared buildable area in the current TU zoning district versus the proposed B5 zoning district.
- Worked with the City to find the best place to locate the trash enclosure.

Planning and Zoning Commission inquired about:

- Bansal – Are the parking spaces covered? Lofchie – No, they are open. The business will up to have 4 employees and 4 customers at one time.
- Hansen: It is a chiropractor to the west of you. What is to the north? Lofchie – A mortgage company; the northeast corner is the Paw Paw shops; the southeast corner is the retail center with Pure Barre; the southwest corner is the library.
- Williams: How many of the employees are the dentists? Lofchie – None of the employees are dentists; there are 4 employees and 2 dentists.

Public Testimony:

Dr. Justin Hunter

- Property owner at 213 W. Jefferson.
- Happy that the property owner is looking to improve; objecting to the rezoning, which will allow the building to be 5' from the street.
- Concerned that the building will block his sign; asking that the building be 10' from Jefferson.
- Williams – What is your suggestion for a resolution? Dr. Hunter – To move the building north (back from Jefferson) or to reduce the building size.
- Williams – Can you do anything with your sign? Dr. Hunter – My sign is the minimum distance from the sidewalk in the TU district.
- Williams – Can you ask for a variance? Dr. Hunter – I assume yes, but that leads into the question of safety.
- Williams – If you are concerned about safety and apply for a variance, you will never make it past the staff. However, if there is no safety concern, maybe the current applicant will pay for your sign variance.

Chuck Borso & Honora Borso

- Own the property at 121 S. Webster; located just north of subject property.
- Never received any notification of this hearing; we received a notification of something on Eagle St.
- Not opposed to the rezoning; concerned regarding parking. Are they part of the SSA or are they not.
- Would like to postpone the approval until we have time to review.
- Hastings – Can staff speak to the notice procedures? Kopinski – The notice for the case included a City issued newspaper notice, letters to the property owners (person who pays the tax bill) within 300ft, and a sign posted on the property. The City issued the newspaper notice and the sign has been posted. I have received an affidavit from the petitioner stating the letters were mailed. The SSA notice is initiated by the City Council and will be issued prior to that hearing.
- Williams – Notice is very important. What kind of documentation do we have that appropriate notice was given? Kopinski – We have an affidavit from the petitioner.

- Borso – We did receive something, but it said Eagle Street.
- Williams – What exactly would you like to tell us about this presentation? Borso – The northern property line is our walkway to our building. We have a fence there. That area will be highly trafficked there because of their parking, garbage trucks, etc. I would prefer they pushed the building back and had the parking in the front.
- Hansen – What is the zoning of your property? Borso – TU.

Ferdinand Dimailig, BOX Architects

- Building is located toward Jefferson Ave.
- The proposed B5 zoning works better for the dentists' needs.
- We have been working with the City for the best location for the trash enclosure.
- Hastings – Any chance you can move the building back? Dimailig – The parking aisle and the parking spaces are at the minimums, as is the building depth.
- Hastings – Did you ask the neighbors their position on the project? Dimailig – We did not meet with any of the neighbors. We worked with the zoning requirements and the needs of the client.
- Williams – Were you aware of Dr. Hunter's concerns? Dimailig – We became aware of the concerns just today. There is an area where his sign visibility will be clipped.
- Lofchie – Driving east or west, the visibility of the sign would not change. Going north on Wester, the visibility will remain the same. Going south on Webster, the visibility may be minimally reduced. Williams – Does Dr. Hunter agree with your assessment? Lofchie – No. We would be happy to pay for his sign variance.
- Hansen – There is no guarantee that a variance would be approved.
- Hansen – Can you pull up the site plan that shows the difference between the TU setbacks and the B5 setbacks? What is the front yard setback in TU? Lofchie – 15'.
- Hansen – To clarify, rezoning to B5 will allow the 5' front yard setback; there is no front yard setback variance requested. The site plan shows very clearly that the adjoining TU properties are required to abide by different setbacks. This is the one piece on the block that would be different. Lofchie – I don't think so. The Pure Bare building on the southeast corner is 0' lot line. Hansen – That is downtown core. This is zoned TU.
- Hansen – Can they not build a facility that accommodates their needs in TU? Lofchie – No.
- Dimailig – We shrunk the building to make it smaller to accommodate parking.
Hansen – There is more square footage on the first floor. Dimailig – Yes, because we are dealing with the ADA. Lofchie – If we go over 1,000sf on the second floor we need an elevator.
- Hastings – Is it possible for them to reduce the amount of parking spaces in order to move the building back? Kopinski – Pending the approval of

the SSA buy-in, they could reduce the number of parking spaces and still be consistent with Code requirements. Shifting the building further north would require a total reconfiguration of the site in terms of parking and circulation.

- Hastings – I think a parallel parking system in the back would work. Kopinski – We would permit parallel parking; I am not sure dimension wise how many spaces could be utilized.
- Williams – Would it be useful to take some time to rethink this? Kopinski – Staff would be happy to work with the petitioner and the adjacent property owners.
- Ken Price, Watermark Engineering – Dr. Hunter’s sign would be visible to cars driving down Jefferson. We would agree that the very back edge of the sign would be obscured. The base of the two spruce trees are where the building will be located.
- Williams – Your argument does not convince me one little bit. Dr. Hunter said his sign was visible now from all angles and it won’t be after the proposed building. I think we should continue it.

Tony Castanoli

- Any landscape architects were consulted and if there are any on the team? Price – Yes.

Planning and Zoning Commission moved to continue PZC 16-1-093 to October 5, 2016.

Motion by: Williams
Seconded by: Crawford

Approved
(6-0)

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

**E. Reports and
Recommendations
F. Correspondence**

H. Adjournment

8:00 p.m.