



**NAPERVILLE PLANNING AND ZONING COMMISSION  
APPROVED MINUTES OF APRIL 2, 2014**

**UNOFFICIAL PRIOR TO PZC APPROVAL  
APPROVED BY THE PZC ON APRIL 16, 2014**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Coyne, Frost, Gustin, Messer, Williams  
Absent: Bruno, Dabareiner, Hastings, Meyer  
Student Members:  
Staff Present: Planning Team – Allison Laff, Ying Liu, Kasey Evans  
Engineer – Amy Ries

**B. Minutes**

Approve the minutes of the March 19, 2014 Planning and Zoning Commission meeting.

Motion by: Williams  
Second by: Messer

Approved  
(5 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.  
PZC 13-1-164  
Washington Retail  
Building**

The petitioner, Raj Sahsonnie, requests approval of a preliminary/final plat of subdivision and the following variances in order to construct a multi-tenant building, including Dunkin Donuts, at 702 S. Washington Street:

1. A variance from Sections 6-2-14 (Major Arterial Setback Requirements) and 6-9-2:4.6 (Off-Street Parking Facilities) to allow the proposed parking to encroach 26' into the required major arterial setback (70' from the centerline of the right-of-way) along Washington Street;
2. A variance from Section 6-9-2:4.3 (Off-Street Parking Facilities) to allow the parking lot to encroach 17.7' (at its greatest point of encroachment) into the 30' required front yard setback along Washington Street and 25' into the 30' required corner side yard setback along Hillside Road;
3. A variance from Section 6-9-6 (Supplemental Standards for Drive-through Stacking Lanes) to reduce the required stacking lane width from 12' to 10.5'; and
4. A variance from Section 5-10-3-4.2.1 (Foundation Landscaping) to waive the foundation landscaping requirement adjacent to the south

elevation of the proposed building.

Allison Laff, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- How does this proposal compare to the previously proposed McDonald's in terms of its traffic impact? The traffic study actually indicated that the traffic impact of this proposal is similar to the McDonald's proposal that was denied by the City Council based on traffic concerns. Ries – The AM peak of this proposal is slightly higher than the proposed McDonald's. However, staff still finds that the resulting level of service for nearby intersections would be within the City's acceptable range.
- Is the 24 hour operation permitted? Laff – The City code doesn't regulate the hours of operation for any use including the proposed uses. The proposed uses are permitted in the B3 district and would not require Planning and Zoning Commission review if no variances are requested.
- Is the gas station operated 24 hours a day?
- Did the city receive any complaints for late night operation of the existing gas station? Laff - Staff is not aware of any complaints but will note that the lighting of the gas station is much more intense than what would be proposed for this site.
- Clarification on the setback variances requested.

Eric Carlson, ECA Architects and Planners, spoke on behalf of the petitioner:

- Over 50% of Dunkin Donuts' businesses are coffee only and over 60% are done between the hours of 5 a.m. and 10 p.m. vs. McDonald's which is more food-oriented and attracts lunch crowds. Dunkin Donuts attracts primarily commuters that are already on the road vs. McDonald's which attracts additional traffic to the area.
- The petitioner doesn't have the other two tenants yet.
- Gave an overview of the site layout, landscaping/screening design, building design, and the noise, lighting and traffic impacts of the proposal.
- The proposed Dunkin Donuts will stay open 24 hours a day. But based on data from the petitioner's other Dunkin Donuts location on Ogden Avenue, only 2% of the business is done between midnight and 5am, which equates to about 10 cars.

Planning and Zoning Commission inquired about:

- Since the night traffic is so low, why would you even want to stay open? Carlson - Dunkin Donuts is known for serving late night workers. In addition, it is actually easier to stay open all the time and it helps address the safety concern of the owner.
- How many employees would be working at the site? Is there a concern with overflow parking on the street? Carlson – On average, Dunkin Donuts has 4-5 employees during peak hours and only 1-2 employees at other times. We provide more parking spaces than the code requirement.

We are confident that all employee and customer parking can be accommodated on the site.

- How do you address the traffic concerns previously brought up for the proposed McDonalds? Carlson - McDonalds will add cars to the traffic pattern but Dunkin Donuts caters to the existing traffic on the road. Dan Brinkma, Traffic Engineer with Gewalt Hamilton Associates, Inc, on behalf of the petitioner – Previous concerns were associated with stacking and potential drive-through traffic on Hillside Road. Traffic generated from the proposed Dunkin Donuts will primarily go back to Washington Street and will not impact on traffic on Hillside.
- Any outdoor seating? Carlson – Yes, some tables are proposed to the west of the building.
- Have you done any study that compares this proposal with the Brown’s Chicken across from Hillside Road? Carlson – Brown’s Chicken peaks at lunch hours and Dunkin Donuts peaks at the morning hours.
- How can we make sure that build out of the remaining two tenant spaces would not create future traffic and parking problems? Rich Rymek with RJ Rymek and Company on behalf of the petitioner – The petitioner will try to bring national tenants to the site. Laff - All future tenants will be reviewed through the tenant build out process for compliance with the City’s land use and parking regulations.
- Would like to see more landscaping being added to the Washington Street frontage.
- Will this location attract additional traffic at night because it is within walking distance to residential uses and a college campus? Mike Rodbra, Construction Manager with Dunkin Donuts – Based on experience, the late night visits are generally drive-through traffic. With a college campus nearby, there may be some foot traffic to the site but I would anticipate that the primary traffic pattern would be drive-through traffic.
- Has the future Riverwalk expansion been accommodated on the site? Laff – A Riverwalk easement is provided and reflected on the subdivision plat.
- The east elevation of the building should be improved. Carlson – We will be happy to work with staff to further improve the east elevation.

**Public Testimony:**

Dick Page, 830 Diane Lane

- My property is half a mile south of the subject property.
- Is there going to be any environmental mitigation that needs to be done for the existing gas station? Ries - The plan indicates that the underground tanks and monitoring well will be removed and if there is any contamination to the soil, it will have to be mitigated.

James Butler, 211 E. Hillside Road

- This is an excellent location for Dunkin Donuts. But because of its location, it will become a destination once the Dunkin Donuts is built.

- Neither I nor my neighbors received notice of this meeting.
- The traffic on Hillside already backs up in the morning all the way to my house. Concerned about the safety of the kids if additional traffic is added to Hillside.
- A Baskin Robbins usually accompanies a Dunkin Donuts, which will bring more traffic to the site.
- Concerned about the 24 hour operation, downtown bar crowds /college students using the Riverwalk to get to this site at night, and the potential trashing of the Riverwalk.
- What are the two other tenants going to be?
- Concerned about not just the noise generated by the speaker, but also the noise generated by the cars and people going through the site.

Bruce Verhaaren, 7 Maple Lane

- My main concern is traffic. The traffic on Hillside is worst in the morning when a significant amount cars travel west bound to the high school. If the high school traffic stops at the proposed Dunkin Donuts using the proposed Hillside entrance, it will make the existing traffic problem worse.
- The Baskin Robbins will attract high school students during lunch hours.
- Concerned about trash in the River.

Petitioner responded to testimony:

- As required by Federal laws, the petitioner has completed the Phase I environmental assessment of the site and found no contamination in the soil. The removal and demolition of the gas station requires a state license and needs to be done by a licensed contractor per all federal and state laws.
- For the traffic going west bound on Hillside, it would be easier to exit on Washington Street (than on Hillside Road). Frost – The morning traffic on Washington Street is heavy. Is it realistic or safe to expect people exiting on Washington Street and immediately left-turning onto Hillside Street? If people elect to exit on Hillside instead, the stacking on Hillside Road is already long during the morning hours. What about south bound traffic on Washington Street? Dan Brinkma, Traffic Engineer – Even though we anticipate the majority of people will exit on Washington, we cannot control people’s behavior and which exit they may use. All south bound traffic on Washington will use the Hillside entrance.
- The petitioner is willing to close the store between 11 p.m. – 4 a.m. if there is a concern with the 24 hour operation hours.
- A Baskin Robbins is included to supplement the Dunkin Donuts. However, Dunkin Donuts will be the main driver for traffic generation.
- We have a 6’ solid fence and landscaping along the River that will prevent any trash from being dumped in the River. Dunkin Donuts does not generally have issues with littering because of the types of customers it attracts and the food offered.

Planning and Zoning Commission inquired about:

- Mr. Butler mentioned he didn't get notice. Even though legal notices might have been given in accordance with code requirements, Williams believed that the petitioner shall go above and beyond to notify the neighbors.
- Messer – What are the parking requirements for the other two tenant spaces? Laff – When we did the parking study, we assumed that the remaining two tenant spaces would be filled with retail uses, which require 4.5 spaces/1,000 square feet. Given the parking proposed on site, it may not be possible to have dine-in restaurants or fast-food restaurants in those spaces without seeking a parking variance.
- Does the City have recent traffic counts on the stacking length on Hillside Lane? Ries – Yes. But the petitioner's counts in the traffic study are very close to the City's counts.
- Is the petitioner willing to continue the public hearing in order to address some of the concerns raised by staff (rear elevation, landscaping along Washington Street, and traffic) and to allow additional public testimony? The petitioner indicated their preference to have the case voted on tonight.

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Frost – Not convinced that this location is appropriate for such a high traffic use. Particularly concerned about traffic on Hillside in the morning. Not satisfied that the speaker on the menu board would generate 40 decibels across the River. Believes any use on the site should not have exterior speakers. Was initially concerned about night time use of the proposed facility, but the petitioner addressed his concern by conceding to close the store between 11 p.m. and 4 a.m..
- Coyne – The use is a permitted use. The commission is only here to consider the variance requests. Glad that the petitioner agreed to eliminate night hours. This site will be developed one way or the other. Coyne would prefer this proposal than other alternative uses that may be busy throughout the day.
- Messer – The variance requests are reasonable. Traffic is a concern but most traffic will use the right-in and right-out on Washington Street. Not sure what the commission can do to lessen the congestion on Hillside Road. Likes the concession of the petitioner to eliminate night hours.
- Williams – Conflicted about this proposal. It requires less variances than the McDonald's proposal and has met the variance standards. There is no doubt that this will be a traffic nightmare. The east wall of the proposed building needs to be improved. Elimination of the night hours is very important. Not convinced by the petitioner's presentation.
- Gustin – The parcel is a difficult parcel and there are a lot of issues that

need to be addressed. This proposal is much better than the McDonald's proposal. But the traffic issue needs to be addressed and the east building elevation should be improved. Would like to know who will occupy the other two tenant spaces. Concerned about noise going down the River. Thanks the petitioner for agreeing with no overnight hours.

Planning and Zoning Commission moved to recommend approval of PZC13-1-164, a preliminary/final plat of subdivision and associated variances in order to construct a multi-tenant building, including Dunkin Donuts, at 702 S. Washington Street, subject to the conditions that the business shall not open between 11 p.m. to 4 a.m. and that additional landscaping be provided along Washington Street.

Motion by: Gustin  
Seconded by: Williams

Failed  
(2 to 3)

Ayes: Coyne, Messer  
Nays: Frost, Williams, Gustin

**D2.**  
**PZC 14-1-025**  
**Naperville Sports**  
**Yard**

The petitioner, HB Investments, LLC, requests approval of the following in order to develop a fitness/daycare facility (Naperville Sports Yard) and an office building in the Regency Subdivision located at 1515 – 1776 Legacy Circle:

1. A major change to the Regency Planned Unit Development (PUD) and a revised final PUD plat,
2. A deviation to Section 6-9-2:4.4 (Yard Requirements for Off-Street Parking Facilities: RD) to locate the parking lot within 20' of the west property line, and
3. A deviation to Section 6-9-3 (Schedule of Off-Street Parking Requirements) to reduce the number of required parking spaces.

Ying Liu, Planning Services Team, gave an overview of the request. PZC had no questions of staff.

Bill Perry, Civil Engineer with Watermark Engineering, spoke on behalf of the petitioner. Also in attendance, 2 representatives from Westmont Yard, Javier Miller - KLOA traffic engineer, and Richard Blair, architect.

- The proposed Naperville Sports Yard is an indoor sports facility that caters to the local community and includes 2 turf fields, concession stands, day care, administrative offices, and indoor track and courts with a variety of activities planned throughout the day based on community need.
- Believes only 243 parking spaces are needed for the Naperville Sports Facility itself (based on Westmont Yards data); however, they will construct 355 parking spaces now. If in the future they seek to construct the office building, they will conduct a parking study to determine if existing parking is adequate. If parking is not adequate, they will either modify or eliminate the proposed office building in order to build

additional parking (28 spaces) in that area for use by Naperville Sports Yard.

- Agrees to conditions proposed by staff.
- Believes proposed lighting plan will provide adequate site lighting without impacting/spilling over onto adjacent residential property.

Richard Blair, GD Architects, provided information about the proposed building elevations:

- The proposed Naperville Sports Yard building is compatible with the existing office buildings in Regency Subdivision in color and design.
- Aluminum windows and canopy will match existing office buildings.
- Large windows have been provided on the front façade; windows have also been added to the rear of the building to increase the aesthetics of this façade, without impacting neighboring residential properties.
- The overall building height is driven by internal space needs.
- Proposing individual mechanical unit screening, rather than increased parapet wall height, in order to keep the scale of building down.

Planning and Zoning Commission inquired about:

- Messer – Wants to confirm that height of building is 49'. Blair – yes.

**Public Testimony: None.**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Frost – Was concerned with parking but was satisfied by the petitioner's presentation.
- Messer – The elevations are attractive; and the requested variances are reasonable. Glad that mature landscaping exists on the site today to provide adequate screening.
- Coyne – Agrees with Commissioner Messer and supports the project.
- Gustin – Will be a nice addition to Nike Park. The detention area will provide an attractive amenity. Parking appears to be adequate.
- Williams – This appears to be a better project than the original. The variance requests seem reasonable. Would like more information about design of future office building.

Planning and Zoning Commission moved to recommend approval of PZC 14-1-025, a major change to the Regency Planned Unit Development (PUD), a revised final PUD plat, and associated deviations in order to develop a fitness/daycare facility (Naperville Sports Yard) and an office building in the Regency Subdivision located at 1515 – 1776 Legacy Circle subject to the following conditions:

1. Future Buildings #1-3 shall be consistent with Existing Buildings #3-4 in style, design and exterior materials. If the condition is met, the future buildings shall be processed as a minor change to the PUD through the

administrative adjustment process.

2. The petitioner shall conduct a new parking study after the Naperville Sports Yard is built and in full operation. If the parking demand of the Naperville Sports Yard is found to exceed 325 parking spaces, the petitioner shall redesign the Future Building #3 to either decrease its size or completely eliminate it to make room for more parking spaces.

Motion by: Williams  
Seconded by: Messer

Approved  
(5 to 0)

Ayes: Frost, Williams, Coyne, Messer, Gustin  
Nays: None

**D3.**  
**PZC 13-1-046**  
**Plank Road**  
**Stormwater Facility**

The petitioner, City of Naperville Transportation, Engineering and Development Business Group is seeking to annex and rezone the property located at 26W055 Plank Road to R1B (Low Density Single-Family Residence District) upon annexation. Following annexation and rezoning, the subject property will be consolidated with adjacent City-owned properties through the proposed Preliminary/Final Plat of Subdivision for the Plank Road Stormwater Management Facility.

Allison Laff, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Background of the subject property. Ries - This property was acquired by the City to enlarge the adjacent stormwater basin.
- Any new structure proposed? Ries - No.
- Will any vegetation be removed? Ries – No, unless they are invasive species or diseased.

**Public Testimony: None**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion: None**

Planning and Zoning Commission moved to recommend approval of PZC 13-1-046, annexation and rezoning of the property located at 26W055 Plank Road to R1B (Low Density Single-Family Residence District) upon annexation, and Preliminary/Final Plat of Subdivision for the Plank Road Stormwater Management Facility.

Motion by: Williams  
Seconded by: Messer

Approved  
(5 to 0)

Ayes: Williams, Coyne, Frost, Messer, Gustin  
Nays: None

**E. Reports and  
Recommendations**

**F. Correspondence**

**G. New Business**

Coyne – Since the notice issue comes up often, would the City consider providing the required notification letters for public hearings on behalf of the petitioner and have the petitioner reimburse the City for the cost incurred?

Laff – Providing the required notice letters is time-consuming and cannot be accommodated by the current staffing level. Currently, the petitioner sends out the notice letters and files an affidavit to swear that the required notices have been provided. If there is any question regarding the required notices, we could request the petitioner to go back to its record and verify whether notices have been provided per code.

**H. Adjournment**

10:08 p.m.