



**MINUTES
LISLE PLANNING AND ZONING COMMISSION
LISLE VILLAGE HALL BOARD ROOM
JANUARY 16, 2019**

A. CALL TO ORDER/ROLL CALL

Chairman Bielat read the meeting procedures and called the meeting to order at 7:00 pm. Village Planner Rockwell took the roll.

The following minutes constitute a summary of the events and discussions that transpired during the subject meeting, and do not purport to be a transcript of such. Where transcripts exist, they are available for inspection under the Illinois Freedom of Information Act.

Present: Commissioners Luebchow, Rogers, Sojka, Zajdel, Bauer (7:02 p.m.) and Chairman Bielat
Absent: Commissioners Fancler
Staff Present: Mike Smetana, Development Services Director; Derek Rockwell, Village Planner

Chairman Bielat asked if anyone in the audience wished to speak tonight, to please stand and be sworn in. Village staff was also sworn in.

B. APPROVAL OF MINUTES

Approve the minutes of the December 19, 2018 Planning and Zoning Commission meeting.

Motion by: Commissioner Zajdel
Second by: Commissioner Luebchow

Ayes Approved (5-0) (Commissioner Bauer not present at the time of this vote)

C. PUBLIC COMMENT (items not related to the agenda)

Inga Sapalaite applauded the Commission for the transparency of open dialogue. Inga Sapalaite stated that more changes need to occur at the staff level, particularly with the Building Department. Inga Sapalaite criticized a presentation that was made by Jim French as part of the item F-1.

D. CONTINUED REVIEW OF APPLICATIONS

No continued review of applications.

E. REVIEW OF NEW APPLICATIONS

1. Public Hearing Case Number: PZC-2018-48
Applicant: Nhinhuyen, LLC
Location: 908-920 Ogden Avenue, Lisle, Illinois 60532
Requests: Approval of a preliminary / final plat of subdivision.

Approval of a variance to allow a reduction to the required parking setback in the rear yard from 20 feet to 10 feet.

The Chairman of the Planning and Zoning Commission granted a continuance at the request of staff. The applicant is requesting an additional variance. Additional public notice will be performed. Staff anticipates that the public hearing will be conducted on February 20, 2019.

2. Public Hearing Case Number: PZC-2018-49
Applicant: Village of Lisle
Request: Text amendment to Title 5 (various Chapters) of the Village of Lisle Village Code revising regulations pertaining to pet shops and animal sales.

Staff Testimony:

Director Smetana provided a summary of the proposed text amendment. The proposed text amendment was prepared at the direction of the Village Board.

Planning and Zoning Commission Discussion:

Commissioner Sojka stated that he was not aware if veterinary clinics can participate in the sale of animals.

Commissioner Zajdel asked if the proposed text amendments would limit pet adoption. Director Smetana stated that the amendments restrict adoption events to veterinary clinics. Commissioner Zajdel asked staff to determine if clinics and veterinarians are both subject to state licensing.

Commissioner Sojka asked if residents can breed and sell dogs. Director Smetana stated residents cannot technically conduct that use, however, it is not enforceable unless a resident were to exceed the total number of allowable dogs in a residential district.

Director Smetana informed the Planning and Zoning Commission that staff does not support a text amendment that differentiates on dog origins or breeding methods. Nor does staff support a text amendment that sets aside adoption only facilities.

The Commission discussed the potential for making animal sales a special use permit to allow Village oversight and the imposition of conditions. Director Smetana highlighted the special use permit criteria shortcoming relevant to animal sales regulations and potential condition enforcement issues.

Commissioner Sojka asked how the proposed text amendment would affect a PetSmart type use and expressed his concern related to exclusion of the use.

Commissioner Zajdel asked why veterinary clinics were eliminated as a use in the downtown. Director Smetana stated that the elimination is proposed to address concerns relating to appropriate amenities in the downtown for animals. Specifically, Village owner property is the only outdoor space available for exercise and the deposit of animal waste.

Commissioner Sojka expressed concerns with eliminating animal sales holistically.

The Commission directed staff to bring the proposed text amendment back for additional consideration at the February 20, 2019 Planning and Zoning Commission.

Director Smetana provided the Commission with the Village's special use permit criteria that would be utilized in review of a special use permit.

The Commission agreed to removing pet shops from the B-3A and B-3B zoning districts.

The Commission agreed to adding pet equipment and supply stores to the downtown zoning districts.

The Commission agreed to having retail sale of animals as a special use permit in the B-2 zoning district.

The Commission agreed to having pet equipment and supply stores as a permitted use in the B-2 zoning district.

The Commission agreed to eliminate veterinary clinics in the B-3A zoning district, and a special use permit in B-3B.

The Commission directed Director Smetana to revise the proposed text amendment and bring it back to the Commission on February 20, 2019.

F. OTHER BUSINESS

1. Development Proposal Presentation: 850-950 Warrenville Road
Proposal: Subdivision of Corporetum Lot 1 and Special Use Permit for National Louis University.

Discussion:

Attorney Donna Pugh provided an outline of the proposed subdivision. The proposed subdivision will allow the property owner to market the property in a fashion that would allow one of the two buildings to be sold. As currently proposed, the subdivision would bisect a sky bridge connecting the two buildings, which would necessitate a variance for zero side yard setback.

Attorney Donna Pugh stated that a special use permit could not be located for National Louis University and that a special use permit would be sought to bring the existing use into compliance.

Warren Hudson, Friedman Management Company, spoke regarding the receivership status of the property. Warren Hudson stated that it is National Louis University's goal to retract occupied space and occupy only the 850 Warrenville Road building.

Warren Hudson complimented the Village for having the development proposal presentation process.

Tom Yasik, Haeger Engineering, discussed the current parking ratio of 3.34 on the property.

Jim French, consultant, outlined existing life safety compliance and how the proposed subdivision would not negatively impact the existing life safety design. If the subdivision were to occur, components of the sprinkler system would need to be relocated.

Planning and Zoning Commission Discussion:

Commissioner Bauer requested clarification regarding National Louis University's future occupancy.

Commissioner Luebchow asked if the development would generate additional tax revenue for the Village. Warren Hudson stated that there would be if both buildings were occupied.

Commissioner Zajdel, Commissioner Bauer, and Commissioner Luebchow requested information regarding parking on the property. Tom Yasik provided a parking overview. Commissioner Zajdel advised the applicant that parking requests are commonplace and that consideration should be given to future parking demands.

Chairman Bielat identified maintenance concerns with the property being subdivided. Warren Hudson stated that easements and a maintenance agreement would be in place to address maintenance issues.

Commissioner Zajdel expressed concerns regarding a zero lot line setback and directed the applicant to consider other means to divide the property. For example, an office condo.

Commissioner Zajdel asked if it would be possible to remove the sky bridge. Warren Hudson stated that removal of the sky bridge was contemplated, but the cost to remove the it was cost prohibitive.

Commissioner Zajdel stated that more rationale would be required for her to support a zero lot line setback.

Commissioner Roger expressed concerns regarding the maintenance agreement of the sky bridge and the zero lot line setback.

Commissioner Sojka requested clarification on how National Louis University could be operating on the site without a special use permit. Commissioner Sojka stated it was his desire that the special use permit be addressed immediately.

Director Smetana provided an overview regarding the required special use permit for National Louis University and why staff believes that the special use permit should be addressed as part of the subdivision, if the subdivision were to move forward. This is specifically true due to the fact that National Louis University's occupancy could be changing building locations.

Commissioner Sojka also raised concerns regarding the sky bridge and building code requirements.

Commissioner Rogers encouraged the applicant to address parking.

The Commission and Director Smetana had a discussion regarding special use permits, transferability of zoning entitlements, and the Village's past practice regarding the transfer of zoning entitlements.

Commissioner Bauer advised the applicant to request additional parking allowances.

2. Discussion Regarding PUD Approvals, Changes to Existing PUDSs and Required Document Submission

Chairman Bielat expressed concerns regarding the submittal documents that Staff brought forward as part of the West Side Tractor Sales Company.

Director Smetana outlined the staff review process that is performed prior to presentation of a zoning request to the Commission.

Commissioner Bauer asked why Village Staff did not make presentations. Director Smetana stated that staff not making presentations was a practice that was in place when he started with the Village in January of 2018. Director Smetana stated that staff would be in support of staff presentations at the Planning and Zoning Commission.

Chairman Bielat stated that improvements to transparency have been made.

Commissioner Zajdel asked in what order the meeting would be conducted, if staff presented. Director Smetana stated that the order would be staff, the petitioner, then public testimony.

Commissioner Zajdel asked if staff is subject to cross-examination. Director Smetana stated that question would need to be researched. Commissioner Bauer did not believe that staff would be subject to cross-examination.

Commissioner Sojka asked if staff review includes verification of code compliance as part of a PUD process. Director Smetana stated that the PUD process would include building staff review to ensure that there are no building code issues that would prevent what is proposed as part of the PUD request.

Commissioner Sojka asked if existing buildings are required to comply with current building codes. Director Smetana stated that the code has triggers that requires code compliance. For example, renovation work, change in use or occupancy.

Chairman Bielat discussed the West Side Tractor Sales Company PUD and raised questions regarding sales tax rebates and the lack of communication to the Planning and Zoning Commission relating to the sales tax rebates. Director Smetana stated that the process that was followed complied with the Village Code. In addition, the Village Attorney and Special Counsel reviewed the process and determined that staff handled the process in accordance with the Village Code in that sales tax rebates are considered by the Economic Development Commission.

Commissioner Sojka stated that the Commission is advocates of the citizens and staff is here to serve those citizens as they are paid by those citizens.

Director Smetana stated that if the Commission wants to know that a sales tax sharing agreement has been requested, the PUD standards should be changed to require that. Director Smetana noted that staff presentation would help in the conveyance of information.

Chairman Bielat stated that staff intentionally withheld information from the Commission. Director Smetana refuted the statement.

Commissioner Rogers stated that this information could be sought through the application process.

Commissioner Zajdel stated that she regrets no probing more during the public hearing for West Side Tractor Sales Company.

Commissioner Bauer stated that it is important to know the difference between code compliance and good business sense.

The Commission discussed the importance of knowing who prepared reports that are submitted as part of a PUD submittal.

3. Case Number PZC-2018-44

Applicant: West Side Tractor Sales Company
Action: Motion to Rescind the December 19, 2018 motion of the Planning and Zoning to recommend approval of a major change to a PUD and requested associated departures from standard for case PZC-2018-44. West Side Tractor Sales Company located at 3300 Ogden Avenue, 3400 Ogden Avenue, and 25W225 Ridgeland Avenue.

Motion by: Commissioner Zajdel
Second by: Commissioner Sojka

Ayes Approved (6-0)

4. Case Number PZC-2018-44

Applicant: West Side Tractor Sales Company
Action: Motion to adopt the findings of fact as submitted and presented at the public hearing held on December 19, 2018 setting forth the reasons for the following the recommendations of the Lisle Planning and Zoning Commission.

Planning and Zoning Commission Discussion:

The Planning and Zoning Commission discussed at length the appropriate wording of the action and proposed conditions to ensure that the verbiage adequately addressed the Commission's intended action.

Motion:

Motion to adopt the findings of fact as submitted and presented at the public hearing held on December 19, 2018 setting forth the reasons for the following the recommendations of the Lisle Planning and Zoning Commission and approved with conditions:

1. A Major change to Naperville Jeep-Eagle Planned Unit Development.
2. A final planned unit development plat.
3. A Special Use Permit for the operation of an automotive and power equipment services facility.
4. A final plat of subdivision.

5. The following departures from standards:

- a. To allow a reduction to the required setback for parking and storage areas from a residential district from 50 feet to 10 feet.
- b. To allow a fence to encroach into the required front yard along Ridgeland Avenue.
- c. To allow for the storage of vehicles, materials and equipment as may be authorized by the corporate authorities.
- d. To allow for an increase in the number of freestanding signs per lot from 1 to 3.
- e. To allow for an increase in the maximum height of a freestanding sign from 20 feet to 30 feet.
- f. To allow for an increase in the number of wall signs per roadway frontage from 1 to 4.
- g. To allow for the approval of architectural lighting by the Village Board of Trustees.
- h. To allow for an increase in the average illumination of the existing storage area from 3.0 foot-candles to 3.23 foot-candles.
- i. To allow for a reduction of required landscaping around the base of a freestanding sign from 150% the sign area to 0 square feet.
- j. To allow for a reduction in the amount of required landscape islands by 3.

Conditions:

1. Pursuant to Village Code 5-14-3-J the Planning and Zoning Commission conditions approval of the departure of standards on the accrual of positive benefits to the residents of the development and to the welfare of the general community specifically and primarily in the form of the accrual of the sales tax revenue as outlined in the fiscal impact analysis dated October 30, 2018 submitted to and adopted by the Planning and Zoning Commission within the findings of fact.
2. External glare shields shall be utilized on existing lights subject to the departure from standards request.
3. The applicant shall submit of MSDS sheets to Village Staff identifying all hazardous and special waste to be utilized or maintained on the subject property.
4. Loading and off-loading shall be prohibited in the adjacent public ways.
5. The applicant shall submit final hazardous and special waste material storage locations to Village staff.
6. The applicant shall substantially comply with the site plan and elevations presented to the Planning and Zoning Commission.
7. Rooftop equipment shall be screened.
8. Ivy or landscaping shall be implemented to soften the north face of the proposed masonry display wall.
9. The applicant shall reduce the number of bollards depicted in the site plan and elevations presented to the Planning and Zoning Commission.

Motion by: Commissioner Zajdel
Second by: Commissioner Sojka

Ayes Approved (6-0)

G. ADJOURNMENT

Commissioner Zajdel motioned to close the meeting. Seconded by Commissioner Bauer.

All Ayes Approved: (6-0)

The January 16, 2019 Lisle Planning and Zoning Commission meeting adjourned at 10:37 p.m.

Respectfully Submitted,



Michael R. Smetana, AICP
Development Services Director

Planning and Zoning Commission

These minutes of January 16, 2019 were approved this 20th day of February, 2019.

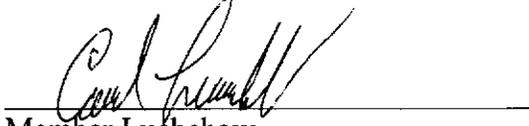
PLANNING AND ZONING COMMISSION:



Chairman Bielat

Member Bauer

Member Fancler



Member Luebchow



Member Rogers

Member Sojka



Member Zajdel