

**MINUTES**  
**NAPERVILLE ZONING BOARD OF APPEALS**  
**JANUARY 13, 2009 - 7:00 P.M. – COUNCIL CHAMBERS**

Members Present: Carl Pelzer (Acting Chair)  
Robert Hedrich Ann Mele  
Gina Terrano Koscal Robert Williams

Members Absent: Bhavani Prasad Vemsri  
Chairman Karl Fry

Staff Present: Katie Forystek – Community Planner  
Samula McCarthy – Administrative Assistant

- A. Call to Order: (7:00 p.m.)
- B. Approval of Minutes for November 11, 2008  
A motion was made by Williams and seconded by Hedrick to approve the minutes. (Approved 5-0)
- C. Introduction of new members and student members to the Zoning Board of Appeal.

**PUBLIC HEARINGS**

- 1. Zoning Board of Appeals Case #1175  
Location: 2888 Book Road – North East Corner of 95<sup>th</sup> Street and Book Road

Request: The petitioner proposes to demolish the existing vehicle fueling stations, convenience store and car wash in order to construct a new convenience store with eight vehicle fueling stations. In conjunction with the proposed redevelopment, the petitioner seeks approval of variances to Sections 6-9-2:2 (Off-Street Parking Facilities) and 6-2-14 (Major Arterial Setback Requirements) of the Naperville Municipal Code to the reduce the required major arterial setback along 95th Street from 20' to 12' and a variance to Section 6-7C-7:2 (B3, Yard Requirements) of the Naperville Municipal Code to reduce the required rear yard setback from 12' to 10'.

Petitioner: BP Products North America Inc.  
Atty. Kathy West of Dommermuth, Bristol, Cobine & West

Atty. West gave an overview of the request for variance. West explained that the open space and landscape on the subject property will be increased as a result of the site's redevelopment. The property is zoned B3 General Commercial District and has residential townhomes to the immediate north. BP requests a reduction of the major arterial setback from 20' to 12' and a rear yard setback reduction from 12' to 10'. Additionally, BP will add a six foot fence along the north property line and increase and install new landscape to mitigate the impacts of the reduced rear yard setback. Due to the size and configuration of the property the variances are necessary for the redevelopment. Furthermore, the overall site conditions will serve as an improvement over the existing conditions.

Public hearing was opened.

2 members of the public spoke in opposition of the variances.

- Desal Nrupesh, 3910 Reserve Lane, Joliet IL, stated that he is the lessee of the BP property and does not support the requested variances or the removal of the car wash. Nrupesh further stated that the loss of revenue associated with the existing car wash will be detrimental to his business.
- Mr. Shah Haq, 1903 Tamahawk, HOA Treasurer for properties to the north, stated that there are forty-seven homes in the subdivision to the immediate north. Concerns included an increase in summer traffic for the business, foot and bike traffic and litter (i.e. broken glass) left on the property. Haq appreciates the proposed improvements and proposes to have a clear demarcation and fence height increased from 6ft. to 8ft. and additional evergreens along the fence and staggered trees in height of 30 ft., including shrubs and bushes. This will increase the privacy of the neighbors and create a sound barrier.

Walter Hainsfurther, the architect for BP, addressed the height of the fence maximum and the sound barrier. Hainsfurther also stated that there will be additional vegetation to satisfy the noise concerns from the properties to the north, overall increasing the existing rear yard setback from 5' to 10'.

Public Hearing was concluded.

Staff concurs with the petitioner and does not believe that the requested variance would alter the essential character of the neighborhood or be a substantial detriment to the residential property owners.

The petitioner agreed to work with the Homeowner's Association of the adjacent residences to further accommodate any concerns prior to proceeding to the City Council for final consideration.

Williams commented that the neighbors had plenty of time to discuss their concerns with the petitioners before this meeting and will support the variance citing that BP should continue to work with their neighbors. Williams also stated that this was not the time or the place for discussion regarding the revenue loss due to the elimination of the car wash.

Koscal felt that the 6' fence is sufficient for screening.

Hedrich liked the landscape improvements provided.

After further discussion Mele motioned to recommend approval of the variance ZBA# 1175 with staff's and petitioners findings of fact. Hedrich seconded the motion.

### **Positive Recommendation, 5-0**

2. Zoning Board of Appeals Case #1182  
Location: 1860 W. Jefferson

Request: The petitioner requests a variance to Section 6-9-3 (Schedule of Off-Street Parking Requirements) of the Naperville Municipal Code for a reduction in the number of required parking stalls from 1,063 stalls to 566 stalls.

Petitioner: Crate & Barrel  
DB Real Estate West Jefferson Partners  
Atty. Russ Whitaker of Dommermuth, Bristol, Cobine & West

Atty. Whitaker presented an overview of the parking variance request to permit the expansion of the facility for additional retail space. Whitaker gave an overview of the expansion (conversion of existing warehouse space only), the parking counts and shared parking analysis. From the parking study, the petitioner demonstrated the peak parking demand would be accommodated by the existing 566 stalls on-site. Whitaker also explained that the employees would have a designated place other than the retail area to park.

Hedrich commented on the congested traffic in that area and the existing usage of the west portion of the parking lot. The traffic flow is slow and congested on Jefferson Avenue.

Williams stated that if the petitioner provided mandatory employee designated parking it would save some retail parking spaces. Hedrich and Pelzer also suggested mandatory provision for employee parking.

Mele is concerned with the increase use of the retail space and traffic.

Public hearing was opened and concluded with no public testimony.

Williams motioned to recommend approval of ZBA Case #1182 with the requirement of designated employee parking in the east and the west parking lot being exclusively for use by retail customers. Mele seconded.

**Positive Recommendation, 5-0**

**D. Adjourned 8:13p.m.**

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Samula McCarthy – Administrative Assistant

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Karl Fry