

MINUTES
NAPERVILLE PLAN COMMISSION
April 15, 2009 - 7:00 P.M. – COUNCIL CHAMBERS

Call to Order (7:02 p.m.)

A. Roll Call

Commissioners Present: Chairman Mike Brown, Paul Hinterlong, Bill Jepson, Joe McElroy, Patricia Meyer and Reynold Sterlin

Commissioners Absent: Ann Edmonds, Patty Gustin, John Herzog

Student Members Present: Michael Alber

Student Members Absent: Amit Walia

Staff Present: Community Planners – Amy Emery, Ying Liu, Rory Fancler
Project Engineer – Kim Grabow
Project Assistant – Dina Hagen

B. Approve Minutes from March 18, 2009

Motion to approve by: Jepson Seconded by: Sterlin Approved (6 to 0)

C. Old Business - None

D. Public Hearings

PC Case # 1766: - Turning Point Autism Foundation

Petitioner: Turning Pointe Autism Foundation, 1111 S. Washington Street, Naperville

Location: The subject property is located west of Plainfield-Naperville Road north of Saratoga Road, south of Hamlet Road.

Request: Approval of a conditional use for a planned unit development to permit a school and residential care homes for autistic children, a preliminary/final plat of subdivision, a right-of-way vacation, and amendment to the annexation agreement.

Official Notice was published in the Naperville Sun on March 1, 2009.

Chairman Brown announced this case was continued until the May 20, 2009 Plan Commission Meeting at the request of the petitioner.

PC # 1738: – City Cell Tower Fire Station # 5

Petitioner: City of Naperville

Location: 400 S. Eagle Street Naperville, Illinois 60540

Request: Approval of a conditional use for a 154-foot telecommunications tower in the R1A (Low-Density Single-Family Residence) district. In conjunction with this request, the petitioner also seeks approval of a variance from Section 6-13-4:10 of the Naperville

Municipal Code to reduce the minimum required setback from the south property line. The proposed telecommunications tower is required to provide a 308-foot setback from the south property line; 263.8 feet is proposed.

The Official Notice for PC Case#1738 was published in the Naperville Sun on March 22, 2009.

An overview of the request was presented by Rory Fancier during which she introduced Dan Voiland, Telecommunications Manager for the City of Naperville. Mr. Voiland provided a brief presentation of the request noting:

- The planned use of the tower with other agencies for public safety by the City of Naperville.
- The monopole tower design aesthetics and environmental safety.
- The overall goal of reducing the number of cell towers in Naperville by grouping carriers on individual towers.

During the Plan Commission discussion:

- Commissioner Jepson sought clarification of the primary purpose for the proposed tower (whether it would be for safety communications or for cellular leases), potential leasing fees, and construction costs. Mr. Voiland responded that the primary purpose of the tower would be for safety communications, adding that the construction cost would be around \$80,000 to \$90,000 and the estimated lease fees would be \$2,200 per month.
- Commissioner Jepson also asked for clarification of the setback variance. Ms. Fancier indicated that the variance was for a 44' encroachment into the south property line.
- Commissioner Jepson also stated that he felt that the Naperville Professional Firefighters I.A.F.F. Local #4302 letter of concern regarding radio frequency exposure needed to be addressed as to make the members aware that there is no documented danger. Mr. Voiland confirmed he would share additional information with the union.
- Commissioner Meyer stated concerns regarding the visibility of the tower for helicopter transport to Edward Hospital. Mr. Voiland assured the commission that the tower is compliant with FAA guidelines.
- Commissioner Meyer asked for an explanation of the towers fall line. Mr. Voiland stated that the distance of the fall line to the fire station is 150' and introduced Mr. Joe Hill, 9100 W. Plainfield Rd Brookfield, Illinois 60513, engineer for T-Mobile who explained that the tower is designed to sustain virtual hurricane winds and that in the unlikely event that the tower would fail it is designed to fold at the midpoint in turn making the fall line approximately 75 feet.
- Commissioner McElroy expressed concern about the request for a change in the original intent of the land use at the time it was given to the City of Naperville by the DuPage County Forest Preserve.
- Chairman Brown requested a review of the Intergovernmental Agreement by the City's Legal Department and asked if the majority of towers are located on

property owned by the City of Naperville. Mr. Violand informed the Plan Commission that the majority of poles in Naperville are on unincorporated land.

- Commissioner Hinterlong suggested looking into resizing the pole while still meeting the technological needs for all users. He also asked for consideration about alternative placement of the tower. Mr. Violand stated that the proposed location meets both the needs of the city and vendors in as far as it fills the existing gap in coverage for the area. Regarding the size of the pole, the required height to meet the only the city's need would be approximately 130 feet.

Three members of the public spoke in opposition to the proposed project.

- Paul Mitchell, 111 E. Jackson Av Naperville, Illinois 60540, stated that since the 1970's the Dupage Forest Preserve has spent millions of dollars on the restoration of the flora and fauna to bring Springbrook Prairie back to its original condition. He noted that the Forest Preserve would most likely not have conveyed the property to the City of Naperville if they foresaw a cell tower being constructed at this location. He expressed concern that the construction of a tower at this location was in conflict with the intergovernmental agreement (IGA) for the property. Mr. Mitchell presented to the Plan Commission the IGA, verification of the zoning of the property and the 1986 deed. He voiced concerns regarding the number of vendors allowed, the principal use and purpose of the tower, landscaping, the requirement or validity of the variance requested, and the need for a variance for the equipment buildings.
- Mike Connforti, 28W033 87th Street Naperville, Illinois 60564, voiced concern over the health of the nearby residents with regard to radio frequency emissions.
- Joe Suchecki, 2416 Kingsley Drive Naperville, Illinois 60563, a Springbrook Prairie Forest Preserve volunteer stated his opposition to the project citing the adverse impact the tower would have on the aesthetics, wildlife and the overall environment, adding that he did not believe that the proposal met the city's code requirements.

Motion: Close the public hearing.

Motion by: Hinterlong

Seconded by: Jepson

Approved (6 to 0)

Chairman Brown requested a continuance of PC# 1738 to the May 20, 2009 Plan Commission Meeting and requested staff to provide additional information, including:

- A clarification of the variance request;
- A statement from the City's Legal Department regarding the applicability of the Intergovernmental Agreement;
- Clarification of setbacks proposed for the site;
- Information from the petitioner to demonstrate why the proposed location and specific height is critical (and alternative sites considered), and
- A written response from Firefighters Local# 4302 regarding radio frequency concerns.

PC Case # 1752: Coyote Creek Subdivision

Petitioner: Louis and Diane Loosbrock 707 White Bark Ct, Naperville, Illinois 60540

Location: 831 S. Julian Street, north of Gartner Road, in unincorporated DuPage County.

Request: Approval of annexation. Rezoning to the R1A (Low Density Single-Family Residence) upon annexation, preliminary/final subdivision and a variance from Section 6-6A-8 to permit the residences to exceed the height limitations.

(The Official Notice for PC Case# 1752 was published in the Naperville Sun on March 29, 2009).

An overview of the request was presented by Amy Emery of staff.

Russ Whitaker of Dommermuth, Brestal, Cobine & West, LTD, 123 Water Street Naperville, Illinois 60540, represented the petitioners. During his presentation, Mr. Whitaker stated that the variance request for the height was necessary due to the slope of the property and that the large property size mitigated the increase in the building height. Mr. Whitaker also stated that due to the creek location on the subject property, approval was required and has been obtained from both Dupage County and the Army Core of Engineers for drainage and water flow.

During the Plan Commission discussion:

- Commissioner McElroy asked for more information regarding the terrain of the property as it related to the necessity for the variance request. Ms. Emery indicated that the property slopes from the southeast corner of Lot 1 to the northeast towards the creek. Ms. Emery also indicated that using the standard datum point methodology would restrict the overall height of the home to 1 ½ stories. The petitioners request for a variance would allow the measuring point to be from the top of foundation to accommodate a 2 ½ story home not to exceed a peak height of 40 feet, the maximum allowance in the zoning district.
- Commissioner Meyer confirmed with Mr. Whitaker that the proposed home would look like a 2 ½ story home from the street and inquired of the proposed ceiling height for the basement. Mr. Whitaker responded affirmatively regarding the look from the street, further stating that although there are currently no architectural plans completed at this point, anticipated ceiling heights for the basement are 10 feet.
- Commissioner Hinterlong confirmed that the top of foundation measurement of 7.11' would result in approximately a half foot of exposure of the foundation.

Four members of the public spoke in opposition of the proposed project:

- Diane Gaspar, 734 Woodlawn Avenue, Naperville, Illinois 60540
- Ken Gaspar, 734 Woodlawn Avenue, Naperville, Illinois 60540
- Meg Gannon, 836 South Julian Street, Naperville, Illinois 60540
- Dan Jungles, 616 South Julian Street, Naperville, Illinois 60540

Primary concerns expressed by those providing testimony included:

- Site building suitability due to the presence of the creek and flooding on the property;
- Relationship of the height of the proposed home to others in the neighborhood
- Environmental impact of development of this site.
- The need for tree preservation on the subject property.

In addition to the testimony in opposition to the request, Mr. Dan Carl Weber, 822 Julian Street Naperville, Illinois 60540, provided testimony during which he indicated that he does not have an issue with the development of the property and inquired as to the height of the of the proposed structure for clarification purposes.

Motion: Close the public hearing.

Motion by: Hinterlong Seconded by: Jepson
Approved (6 to 0)

Motion: Approval of annexation. Rezoning to the R1A (Low Density Single-Family Residence) upon annexation, preliminary/final subdivision and grant a variance from Section 6-6A-8 to permit the residences to exceed the height limitations.

Motion by: Jepson Seconded by: Hinterlong
Approved (5 to 1)

Commissioner McElroy voted against this motion after expressing concern that with this being an annexation case, additional requirements should be applied. He indicated the petitioner should strive for a more creative and environmentally friendly design.

PC # 09-1-12: Railway Plaza

Petitioner: Railway Plaza 8, LLC, 123 Washington Street, Suite 300, Oswego, IL 60543

Location: 540 Weston Drive Naperville, Illinois 60563

Request: Zoning change from R3 to B3 (General Commercial District), a major change to the Railway Plaza PUD, approval of a final PUD plat, a condominium plat, and deviations from Section 6-9-2:4.3 (Off-Street Parking Facilities) and Section 5-10-3 (Landscaping and Screening) of the Municipal Code to allow for the construction of a 167-space parking lot on Lot 8. The petitioner intends to sell each parking space as a condominium unit.

An overview of the request was presented by Ying Liu of staff.

Len Monson of Kuhn, Heap & Monson, 552 South Washington Street Naperville, Illinois 60540, represented the petitioner. Mr. Monson stated that Lot 8 is part of the original PUD approved in 1987 that designated the subject property for an office building or a parking lot. He noted that the client has actively marketed the property for a number of

years with no success, including attempting to lease the property to the city for additional Metra parking. The property has been vacant for ten years and not generating revenue. The proposed development fills a vital need for the community.

During the Plan Commission discussion:

- Commissioner Jepson asked for clarification of a condominium association's role in the proposed development. Mr. Monson stated that his clients will most likely chose to elect a board that can retain a management company for the maintenance of the lot. Mr. Monson also clarified that the state condominium rules require the developer to maintain the property until 67% of it is sold. Commissioner Jepson also received clarification from Mr. Monson that the individual parking spaces would be sold not leased, but that an individual owner of a parking space may chose to sublease or sell it.
- Commissioner Hinterlong asked how much a space would cost and how the city would benefit with regards to generating revenue. Mr. Monson cited transfer taxes and the typical 2 to 2.25% of the market value in taxes.
- Commission Meyer questioned whether the taxes would be based on improved or unimproved property. Mr. Monson indicated that each space would be valued at approximately \$8,900 as determined by the same cost as renting a parking space from the city. Tax values would be based on this improved property value.
- Commissioner McElroy asked for zoning clarification. Ms. Liu indicated that the original PUD has R3 zoning which does not allow for parking as a principal use, which is why the petitioner is requesting rezoning to B3.
- Commissioner Hinterlong inquired into the use of the existing vacant parking lot on the northeast corner of North Aurora Road and Fairway Drive. Ms. Liu stated that the existing lot is not currently being used for parking as the owner of the property has yet to present a request to the city for the rezoning of it to a B3 which would allow it to utilize the parking lot as a principle use.

Motion: Close the public hearing.

Motion by: Meyer Seconded by: Jepson
Approved (6 to 0)

Plan Commission discussion:

- Commission Hinterlong stated his opposition to the proposal expressing concerns about opportunity costs (e.g., tax generation of the site as a parking lot compared to its potential as an office or retail development).
- Chairman Brown indicated support for the project due to the lot being contiguous with an existing city parking lot, it fills a vital need for the community and that this may be a short term solution for the use of the land that would generate revenue for the city. Chairman Brown also indicated approval for the structure of the condo rules which indicate a 67% rule in the event of the potential redevelopment of the parcel from a parking lot to commercial.

Motion: Recommend approve of a zoning change from R3 to B3 (General Commercial District), a major change to the Railway Plaza PUD, approval of a final PUD plat, a condominium plat, and deviations from Section 6-9-2:4.3 (Off-street Parking Facilities) and Section 5-10-3 (Landscaping and Screening) of the Municipal Code to allow for the construction of a 167-space parking lot on Lot 8.

Motion by: Jepson Seconded by: Hinterlong

Approved (5 to 1)

Commissioner Hinterlong voted against this request after raising concerns about opportunity costs associated with a parking lot development as compared to the plan recommendations for an office or retail development.

E. Reports – None

F. Correspondence – No Discussion

G. New Business – On behalf of the Planning Services Team, Chairman Brown presented Commissioner Hinterlong with a Certificate of Appreciation for his service to the City and its residents while being a member of the Plan Commission. The Plan Commission wished him well as a new member of City Council. Mr. Hinterlong graciously accepted and thanked the commission and staff.

H. Motion to Adjourn

Motion by: Meyer Seconded by: Hinterlong

Approved (6 to 0)

I. Adjournment – 9:44 pm