

MINUTES
NAPERVILLE PLAN COMMISSION
June 17, 2009 - 7:00 P.M. – COUNCIL CHAMBERS

Call to Order (7:01 p.m.)

A. Roll Call

Commissioners Present: Chairman Mike Brown, Ann Edmonds, Patty Gustin, John Herzog, Bill Jepson, Joe McElroy, Patricia Meyer, Reynold Sterlin

Commissioners Absent: None

Student Member Present: Michael Alber

Student Member Absent: Amit Walia

Staff Present: Community Planners – Amy Emery, Rory Fancler, Ying Liu & Jason Zawila
Planning Team Operations Managers – Allison Laff & Suzanne Thorsen
Transportation Team Leader – Karyn Robles
Project Engineers – Jana Bryant, Kim Grabow & Jennifer Louden
Project Assistant – Dina Hagen

B. Approve Minutes from June 3, 2009

Motion to approve by: Jepson Seconded by: Gustin Approved (8 to 0)

C. Old Business - None

D. Public Hearings

PC Case # 1738 City Cell Tower at Fire Station # 5

Petitioner: City of Naperville, 400 South Eagle Street, Naperville, IL

Location: 2191 Plainfield-Naperville Road

Request: Approval of a conditional use to allow a telecommunications facility. In conjunction with this request, the petitioner also seeks approval of a variance from Section 6-13-4:10.

(Official Notice for PC Case# 1738 was published May 3, 2009 in the Naperville Sun.)

Chairman Brown indicated that the applicant has requested to continue this case until the July 1, 2009 Plan Commission meeting.

PC Case # 09-1-222 322 East Ogden Avenue

Petitioner: Demetrious Zafiroopoulos, 4712 Yackley Avenue, Lisle, IL 60532

Location: 322 East Ogden Avenue Naperville, Illinois 60563

Request: Approve request to amend Ordinance 85-116 to remove five supplemental regulations included in that ordinance. The petitioner intends to maintain the existing structure, demolish the existing garage and expand the parking lot to accommodate a beauty shop.

(Official Notice for PC Case#07-1-222 was published May 31, 2009 in the Naperville Sun.)

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

Tony Rynearson, a project engineer with Rynear & Son, Inc., 595 Buttonwood Circle Naperville, Illinois 60540, representing the petitioner confirmed:

- Right in and out only access is proposed from Ogden Avenue;
- A cross access easement is proposed to allow for full access from Loomis Street; and
- The existing garage would be removed.

No public testimony was provided.

Commissioner Edmonds noted, and staff confirmed, that the proposal is consistent with the Ogden Avenue Corridor Enhancement Initiative recommendations related to cross access between properties and elimination of duplicate curb cuts on Ogden Avenue.

Motion: Close the public hearing.

Motion by: Jepson Seconded by: Gustin
Approved (8 to 0)

Motion: Approve request to amend Ordinance 85-116 to remove five supplemental regulations included in that ordinance. The petitioner intends to maintain the existing structure, demolish the existing garage and expand the parking lot to accommodate a beauty shop.

Motion by: Gustin Seconded by: Edmonds
Approved (8 to 0)

PC Case # 1766 Turning Pointe Autism Foundation

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

Location: West of Plainfield-Naperville Rd., north of Saratoga Rd., south of Hamlet Rd.

Request: Approval of a conditional use for a Planned Unit Development to permit a school and residential care homes for individuals with autism, a preliminary/final plat of subdivision for the subject property, a right-of-way vacation, and amendment to the Annexation Agreement. In conjunction with this request, the petitioner also seeks approval of deviations from R2 yard and area requirements.

(Official Notice for PC Case#1766 was published May 3, 2009 in the Naperville Sun.)

An overview of the request and responses to the Plan Commission's inquiries from the previous meeting was presented by Jason Zawila of staff.

Attorney Kevin Gallaher of Nyberg & Cassioppi, 1111 S. Washington Street, Naperville, IL, representing the petitioner confirmed that the petitioner had worked with staff to provide answers for the Plan Commission and stated he was available for any questions.

Commissioner McElroy voiced his concern regarding the late receipt of the supplemental information from the Mayor's Advisory Commission on Disabilities (MACD) and asked staff to address the letter.

Mr. Zawila commented that the MACD recommends approval of the school portion of the building and that construction requirements for ADA accessibility need to be met. Regarding the residential care units, Mr. Zawila stated that there were concerns from the MACD regarding funding from the state. Staff understands that the MACD is opposed to city funding for the operation of the school.

Chairman Brown requested staff to address any zoning concerns relevant to the letter and Mr. Zawila stated that the letter does not address zoning; the first portion of the letter addresses the construction requirements and the second portion addresses funding and the operations of the school. Commissioner Edmonds disagreed that the letter from MACD did not address zoning matters. She felt that portions of the letter pertained to land use issues and/or was so intertwined with land use principles that the Plan Commission could not make a decision without addressing those concerns. Commissioner Edmonds indicated she would not be willing to approve plans for Turning Pointe until these questions were addressed.

Commissioner Sterlin questioned the hours of operation and expressed concern that if the recreational facility was open to the public, the parking requirements would not be met. Mr. Gallaher stated that the anticipated hours of operation for the school would be from 8am to 3pm and per the Commission's request would agree to a condition to postpone any proposed afterschool programming open to the public until 1 hour after school to assure compliance to parking. Mr. Gallaher also noted that the afterschool programs would run no later than 9pm on weekdays and Saturdays, and that it is unlikely to operate on Sundays.

Commissioner Edmonds and Commissioner Herzog questioned the adherence to State law with regard to the letter from the Mayor's Advisory Commission on Disabilities that referenced the setbacks for group homes identified as CILAs (Community Integrated Living Arrangements) as being 800 feet. Commissioner Edmonds also expressed concern that the petitioner was not prepared to address the letter from the MACD. As such, she questioned whether the Plan Commission could approve something that might be in violation of federal law without direction from the City Attorney.

Mr. Gallaher stated that he anticipates State law regarding the identification of and requirements for group homes to change before the residential phase of the project is constructed. Mr. Gallaher stated that the petitioner would comply with all requirements set forth by the city and state.

Mr. Zawila stated that with respect to the proposed project being in compliance with State law, the Naperville Legal Department would provide a legal opinion.

Commissioner Jepson sought clarification from the petitioner as to whether or not the intent was to separate the two phases of the project into two separate planning cases. Mr. Gallaher responded that the petitioner would not withdraw the residential portion of the project as the property is currently zoned R2, which allows residential uses. Additionally he stated that there could potentially be non-developmentally disabled individuals residing in the development or that the site plan could conceivably change in the future if a better configuration was identified and in all cases all state and city requirements would be met.

Commissioner Edmonds expressed concern about the size of the building, the size of the lot that the school was on (3.71 acres) and how that is reconciled with the 7 acre requirement for a school facility noted in the R2 Zoning District. She also stated concern about the lack of any specific information from the petitioner regarding the future residential component. Moreover, she questioned the appropriateness of the use given the comprehensive plan recommendation and the fact that the adjacent neighbors relied upon the plan, or at least some of them have testified to that effect.

Chairman Brown asked for clarification of an ICF-DD (Intermediate Care Facilities for Developmentally Disabled) and CILAs (Community Integrated Living Arrangements) with respect to the anticipated amount of residents in the proposed units.

Mr. Gallaher responded that not more than 36 individuals would reside in the units. Chairman Brown inquired as to the applicability of the law for CILA's pertaining to the requirement of being sited at least 800 feet away from one another to the ICF-DD.

Commissioner Meyer requested that the school be flexible in its hours of operation to reduce any potential traffic impact on Plainfield/ Naperville Road. Mr. Gallaher agreed and also addressed potential changes to the speed limit along Plainfield/Naperville Road as it relates to a school zone. Mr. Gallaher stated that staff and petitioner discussions with Will County had resulted in Will County's decision not to reduce the speed limit unless the petitioner requested it and that the petitioner would agree to a condition to not request any reduction in the speed limit.

Commissioner Gustin inquired as to the level of disability and age for the future students and residents of the proposed project. Mr. Gallaher responded that only students under 21 years of age with Autism would enroll at the school. Students the Naperville Community School District has determined are unable to meet the IEP (Individual

Education Program), would be eligible for admission to Turning Pointe Campus. Regarding the residential units, the developer anticipates young adults will reside at Turning Pointe but because there is currently no maximum age, the developer is currently researching this to determine the best age group for this type of living arrangement.

Chairman Brown and Commissioner McElroy reiterated that the primary focus of the Plan Commission was regarding the land use and that because the underlying zoning is R2 other uses for the property could be a different type of school.

Ms. Emery of staff indicated that although some of the commissioners expressed a desire to postpone a recommendation due to open questions regarding the role of the ICF-DD, the proposal was reviewed by staff according to the zoning code (incl. PUD standards) and any recommendation by the Plan Commission may be subject to technical requirements.

Commissioner Gustin and Commissioner Jepson both voiced their desire to see the building locations revised to be placed further east on the property creating a greater buffer between the development and the residential homes. Mr. Gallaher explained that a parking deviation has already been requested on the east side of the property due to the existing constraints of a bike path. He also added that the developer did not configure the parking on the west side of the property to avoid the impact of traffic and lights on the residents.

Seven members of the public spoke in opposition to the proposed development.

- Randy Wieland, 3748 Celeste Lane Naperville, Illinois 60564
- Jeanne Sullivan, 3743 Celeste Lane Naperville, Illinois 60564
- Nathaniel Marable, 3720 Celeste Lane Naperville, Illinois 60564
- Bob Kimball, 3732 Celeste Lane Naperville, Illinois 60564
- Todd Aznavorian, 3716 Celeste Lane Naperville, Illinois 60564
- Karen Barnes, 3739 Celeste Lane Naperville, Illinois 60564
- Frank Samuelson, 3756 Celeste Lane Naperville, Illinois 60564

Concerns cited were as follows:

- The building elevations and bulk in relation to required setbacks and size of the property.
- Depreciation of adjacent property values.
- Unclear long-term plan for residential units.
- No alternative locations proposed for an autistic school in Naperville in commercial and industrial areas.
- Relationship of the proposed use to the comprehensive master plan.

Three members of the public spoke in favor of the proposal.

- Anissa Olley, 101 Springwood Drive, Naperville, Illinois 60540
- Carol Schmidt, 204 North Wright Street, Naperville, Illinois 60540
- Allison Jurinek, 3704 Candeur Lane, Naperville, Illinois 60540

Positive comments included:

- Need for this type of school in Naperville.
- Appropriateness of land use and its compliance with R2 zoning requirements with adequate buffer/ landscaping.
- Respectful building heights.
- Compatibility with the Southwest Community Area Plan goals related to meeting neighborhood and community needs and providing a range of housing opportunities for a variety of lifestyles.
- Open space proposed exceeds minimum standard

The Plan Commission further discussed:

- Possible condition for restrictive hours of public use of the recreational facility to assure sufficient parking.
- State requirements for institutional housing.
- Legality of the proposed residential group homes designed to be closer than 800 feet away from each other in an integrated residential neighborhood in the context of the Olmstead v. L.C (1999) decision.
- Possibility of separating the school and residential uses into separate applications.
- Commitment of applicant to provide a condition that the residential care home portion of the proposal must meet all State requirements.
- Departure from the Southwest Community Area Plan recommendation for low density single family residential.
- Comparison of building & lot size of Turning Pointe to Little Friends, another school that specializes in the education of individuals with Autism.
- Appropriateness of land use and adequacy of zoning setbacks.
- Proposed building size and student body in comparison to other schools with respect to the zoning requirements for the parcel size.
- The location of the school on the lot utilizing approximately 3.71 of the 6.44 acres and the outdoor recreational facilities being non essential for students with Autism due to their need for low level stimulation activities.
- Moving the gated entrance off of Plainfield/Naperville Road to avoid potential traffic back up.
- Request for response to letter from MACD addressing points 2 and 3 raised in the letter regarding the adult residential component.
- Request for verification from appraisers regarding the depreciation of the surrounding properties due to the proposed school.
- Proposal reviewed by staff according to the zoning as well as the Planned Unit Development all subject to technical requirements.

By consensus the Plan Commission continued the Public Hearing to the August 5, 2009 Plan Commission Meeting.

Break 10:00 pm

- Commissioner Sterlin and Student Member Michael Alber left the meeting at 10:00 pm

Resume Meeting 10:15 pm

PC Case # 1711 5th Avenue Study

Petitioner: City of Naperville

Location: The 5th Avenue Study land use component encompasses parcels in the immediate vicinity of the Naperville train station and parcels fronting both sides of Washington Street between Benton Avenue and Ogden Avenue.

Request: Based on an evaluation of site location, land use compatibility, accessibility, traffic impacts, future commuter parking use, and the priorities identified during the March public forum, staff recommendations for the future land use map and supplemental recommendations have been provided for Plan Commission consideration.

(The Official Notices for PC Case #1711 were published in the Naperville Sun on May 31, 2009, June 10, 2009 and June 14, 2009.)

Rory Fancler of staff presented a brief overview of the scope, boundary, planning process and staff recommendations for the 5th Avenue Study. The presentation also identified next steps, including:

- June 18, 2009 - Downtown Advisory Commission (DAC) consideration of the *Washington Street: Streetscape Vision and Conceptual Design*.
- June 23, 2009 – Omnia Performing Arts Center Board of Directors meeting to present a private development concept for the area surrounding the Naperville Metra station. It was noted that Omnia is a private entity, independent of the City of Naperville. Any comments or questions on the Omnia concept should be discussed during the June 23 meeting.
- July 11, 2009 - Transportation Advisory Board consideration of the 5th Avenue Study.

8 members of the public provided input on the 5th Avenue Study:

- Karen Koch Lear, 1119 Hidden Spring, Naperville, Illinois 60540
- Thom Higgins, 725 North Ellsworth Street, Naperville, Illinois 60540
- Craig Kiefer 224 east 4th Avenue, Naperville, Illinois 60540
- Ken Rathje, 412 Chicago Avenue, Naperville, Illinois 60540
- Kathy Benson, 51 Forest Avenue, Naperville, Illinois 60540
- Steve Grosskopf, 108 North Center Street, Naperville, Illinois 60540
- Anissa Olley, 101 Springwood Drive, Naperville, Illinois 60540
- Joan Smith, 151 North Ellsworth Street, Naperville, Illinois 60540

Comments and concerns cited were:

- The need to identify the number and location of commuter parking spaces as a first priority.
- Supplemental recommendations should limit the height of new buildings on Washington Street to 40’.
- Development along Washington Street needs to remain respectful to the adjacent residences with regard to design, scale, and height.
- Opposition to the future land use category “Institutional” on the Water Tower West site if it requires a parking deck on the Kroehler Lot.
- Preference for residential use on the Kroehler Lot.
- Appropriateness of future land use designation “Mixed-Use” on the Boecker property.
- Support for “Medium Density Residential” on the properties fronting Ellsworth Street, north of North Avenue.
- The need to consider affordable housing as a part of the 5th Avenue Study.
- Bus routes in proximity to residential neighborhoods.

The Plan Commission discussion included the following:

Commissioner McElroy commented on the difficulty of considering land use separate from transportation matters.

Commissioner Herzog and Edmonds, along with a majority of the commission, agreed that commuter parking needs should be considered a priority. Commissioner Herzog maintained that the city-owned lots should be utilized for nothing but parking until the demand is satisfied. He suggested that even if the parking were doubled there would still be a multi-year wait list for a parking spot at the train station, and that an increase in parking would not result in an increase of commuters. Chairman Brown confirmed that Commissioner Herzog’s recommendation would be for an option C in order to provide for commuter parking on all city-owned property in the study area.

Commissioner McElroy disagreed stating his concern that additional parking could potentially be harmful to the surrounding neighborhoods and more emphasis should be directed towards satellite parking facilities. Commissioner Gustin suggested a “people mover” be considered and Chairman Brown directed this transportation topic to TAB. Commissioner Herzog noted that parking and traffic should not be concentrated into one area, and would rather have it more dispersed throughout the general area.

The Plan Commission discussed the supplemental recommendations for the height of new buildings relative to existing buildings on Washington Street. Chairman Brown clarified that the height recommendations would be a policy recommendation as opposed to the actual zoning requirements. Ms. Thorsen of staff pointed out that height is governed by height restrictions and FAR under the zoning requirements, and clarified the distinction between zoning regulations and the future land use plan recommendations.

Ms. Fancier of staff noted that city staff would provide further information on existing downtown building heights in advance of the July 15, 2009 Plan Commission meeting.

The Plan Commission generally concurred with staff recommendations for future land use in areas A, B, D and E. For area C, the Plan Commission discussed the potential future land use designation "Transportation/Utilities" for both the Kroehler Lot and the Water Tower West Site in order to provide additional commuter parking.

Commission Jepson stated that the City has a responsibility to address the parking situation for commuters and that there should be only one option for the city-owned lots and that should be parking. Commissioner Edmonds concurred for the record that she would not support options A or B, but rather one option with parking on the city-owned properties. Commissioner Gustin agreed with Commissioner Jepson and Edmonds adding that if the commission agreed to only one option of "parking" for the Public Works site as well as the Kroehler lot, they would be sending a message to the City Council that the Plan Commission understands that parking is needed.

The Plan Commission discussed the potential for designating private property "Transportation/Utilities" in order to accommodate commuter parking. Suzanne Thorsen of staff reminded the commission that assigning a public land use to a privately-owned property was not typical.

By consensus the Plan Commission continued the Public Hearing to the July 15, 2009 Plan Commission Meeting.

- E. Reports – None**
- F. Correspondence – None**
- G. New Business – None**
- H. Motion to Adjourn**
Motion by: Gustin Seconded by: Edmonds
Approved (7 to 0)
- I. Adjournment – 11:52 pm**