



**NAPERVILLE PLANNING AND ZONING COMMISSION
MINUTES OF AUGUST 17, 2011**

Call to Order

7:01 p.m.

A. Roll Call

Present: Bruno, Coyne, Messer, Meyer, Williams, Gustin, Herzog, Edmonds

Absent: Trowbridge

Staff Present: Planning Team – Emery, Liu, Thorsen
Development Review Team – Urban
Engineer – Zibble

B. Minutes

Approve the minutes of the August 3, 2011 Planning & Zoning Commission meeting.

Motion by: Gustin
Second by: Meyer

Approved
(8 to 0)

C. Old Business

D. Public Hearings

**D1. PC 11-1-082
Islamic Center**

The petitioner requests a major change to the existing conditional use to expand the facility to include a gymnasium.

Amy Emery, Planning Services Team, gave an overview of the request.

- Increase in floor area requires a major change to the conditional use.
- Addition complies with zoning standards and will be limited to office and gymnasium uses.
- Addition will not generate increase in parking demand.
- Property in question is located on Ogden Avenue, not Oleson Drive.

Len Monson, Kuhn, Heap and Monson, 552 S Washington St Ste 100, attorney on behalf of the petitioner noted:

- Petitioner has installed required detention and expanded parking, and added egress to the site. Concept for the site was approved subject to conditions related to building elevations and traffic study.
- Plans are consistent with all city design requirements as well as the approved concept.
- Parking demand is almost entirely accommodated on the site.

Planning and Zoning Commission inquired about:

- References within the PC packet to the Islamic Center on Oleson Drive.
- Agreements with adjoining property owners to utilize off-site parking.
- Impacts of the expansion on existing parking supply.
- Use of the gymnasium during worship services.

Public Testimony:

Brien Nagle, Nagle & Obarski Attorneys, 222 South Mill Street:

- Represents the adjacent property owner, FCA flooring.
- Clients have had a good relationship with the Islamic Center and applaud the proposal.
- Wishes to confirm that the gymnasium will not be used for worship purposes.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – expressed support for new egress at the Islamic Center and the petition as proposed.

Planning and Zoning Commission moved to recommend PC 11-1-082, including a condition that the gymnasium not be used for worship space.

Motion by: Meyer
Seconded by: Herzog

Approved
(8 to 0)

**D2. PC 11-1-087
316 S. Wright St.**

The petitioner requests a variance from the 30' front yard setback requirement set forth in Section 6-6B-7:1 (R1B Medium Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal Code and a deviation to a 35' platted building line based on the provisions contained in Section 7-1-13 (Platted Setbacks and Building Lines) of the Municipal Code in order to construct a covered front porch at a distance of 24.5' from the front lot line.

Ying Liu, Planning Services Team, gave an overview of the request.

- The property is located 30' from the front lot line in accordance with zoning standards, but encroaches upon the 35' platted building line.
- Staff supports the requested variance as well as a deviation to the platted setback, as neighboring homes maintain a similar setback.
- The requested improvement complies with the standards for a zoning variance, and will have minimal impact on the neighborhood character.

Planning and Zoning Commission inquired about:

- The distance that neighboring homes are situated from the lot lines.
- How many properties on Wright Street exceed the 30' setback.

Public Testimony:

No members of the public provided testimony.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission moved to recommend PC 11-1-087 a variance from the 30' setback requirement and a deviation to the platted 35' building line.

Motion by: Williams
Seconded by: Messer

Approved
(8 to 0)

**D3. PC 11-1-091
Naperville Bank &
Trust**

The petitioner requests a preliminary/final plat of subdivision to establish a single legal lot of record, variances to the major arterial setback, drive-through bypass requirements and accessory structure requirements. The petitioner will also be seeking approval from City Council for a temporary use to allow the drive-up ATM facility.

Amy Emery, Planning Services Team, gave an overview of the request.

- The property has housed a U.S. Post Office since 1939 and it will be occupied by Naperville Bank and Trust, as well as the U.S. Post Office, in accordance with guidance provided by the Illinois Historic Preservation Agency.
- Staff supports the proposal, as it is an excellent example of adaptive reuse and will enhance the streetscape adjoining the property.
- The proposed ramp access, clock (accessory structure), and drive-through lane require approval of variances. Staff supports the requested variances.
- Requested building modifications comply with the *Downtown Design Standards*.

Brien Nagle, Nagle & Obarski, 222 South Mill Street, attorney on behalf of the petitioner (Naperville Bank & Trust) noted:

- The historic preservation covenant will run with the property.

Jeff Lietz, Charles Vincent George Design Group, 604 N. Washington Street, architect on behalf of the petitioner, noted:

- Petitioner has been working with the IHPA and Naperville Heritage Society on an extensive basis regarding the proposed improvements.
- Pedestrian access at the east entrance will maintain the existing sidewalk width. The extent of the ramp encroachment will not be increased from the existing condition, but will actually be reduced by 8".
- Along the east and north sides, the width of the sidewalks is increased and brick pavers will be installed.
- Additional accessible access is provided on the south side of the building to provide access to the post office.
- The proposed terrace north of the accessible ramp increases the

symmetry of the building.

- Landscaping is being increased relative to existing conditions, resulting in a decrease of impervious surfaces.
- Planters will be provided in front of the building.

Tom Miers, Naperville Bank & Trust, 555 Fort Hill Drive, the petitioner noted:

- The terrace is intended to provide symmetry to the appearance of the building.
- The property will also provide a location for information about the downtown and community.

Planning and Zoning Commission inquired about:

- Ramp access to the building, and where both accessible entrances are required.
- The rationale for the clock variance and the location of the clock.
- The nature of the historic preservation covenant that is applied to the property.
- The extent of sidewalk expansions on the north and south sides of the building.
- The nature of use for the terrace area.
- Whether additional landscaping can be provided in the front.

Public Testimony:

No members of the public provided testimony.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Bruno – expressed support, and noted that the terrace should incorporate landscaping or artwork to soften the appearance.
- Messer – expressed enthusiasm for the proposal and noted that the use will be a positive addition.
- Williams – applauds the petitioner’s efforts to respect the historic architecture and improve the appearance of the building.
- Gustin – expressed enthusiasm for the project.

Planning and Zoning Commission moved to recommend PC 11-1-091, with the variances requested and the additional stipulations that there will not be any tables in the front of the building on the north side of the entrance and that the petitioner will incorporate some additional landscaping on the north side of the building.

Motion by: Williams
Seconded by: Gustin

Approved
(8 to 0)

**D4. PC 11-1-094
5th Avenue Study
Height Overlay
District**

This is a request to amend Title 6 (Zoning Regulations) of the Municipal Code to establish a new overlay district for the 5th Avenue Study Area. The proposed overlay district will establish height limitations that supersede the underlying zoning.

Suzanne Thorsen, Planning Services Team, gave an overview of the proposed amendment.

- The *5th Avenue Study* overlay district is proposed as an implementation item of the *5th Avenue Study* in order to establish height restrictions for properties along Washington Street and near the Naperville Metra Station.
- The proposed district is consistent with the recommendations of the *5th Avenue Study*.
- Height will be measured in accordance with the Municipal Code standards (to the deck of the roof) and will not include appurtenances or mechanical units.

Planning and Zoning Commission inquired about:

- Whether properties between the School Street and Benton Avenue are included in the *5th Avenue Study*.
- The basis for excluding the Children's Museum from the overlay district.
- The basis of the 50' height restriction on the west side of Center Street.
- The need for a zoning overlay district in addition to the height recommendations of the *5th Avenue Study*.
- Whether rooftop mechanical units and elevator shafts are included in height measurement.
- The means by which building design would be reviewed in the future.

Public Testimony:

Mark Johnson, 228 N. North Avenue

- Inquired about existing height limitations in residential areas and the Ellsworth Block south of the train station.
- Expressed concern about abrupt changes in architectural style and scale accompanying new development.

Planning and Zoning Commission inquired about:

- Including language about design within the text amendment as it pertains to compatibility with adjacent architecture.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Coyne – stated that the proposed changes are modest and supports the amendment.

Planning and Zoning Commission moved to recommend approval of PC#11-1-094, a zoning district for the overlay *5th Avenue Study*.

Motion by: Meyer
Seconded by: Williams

Approved
(8 to 0)

**D5. PC 11-1-098
1701 Quincy Ave.**

The petitioner requests a conditional use for up to 6,400 square feet of training studios at 1701 Quincy Avenue in the I (Industrial) District.

Ying Liu, Planning Services Team, gave an overview of the request.

- The proposed conditional use will allow 6,400 square feet of training in general within 1701 Quincy Avenue. The existing and proposed training tenants comprise 6,400 square feet.
- A recommended condition is that parking must be adequate to support the training studios.

Len Monson, Kuhn, Heap and Monson, 552 S Washington St. Ste 100, attorney on behalf of the petitioner noted:

- Approval based upon a unit runs only with that unit; whereas, approval of a conditional use based upon the site allows greater flexibility to locate the tenant within the building.
- Parking on the site is adequate for the use.
- Training studios are proven to be a compatible use within the subject property.

Planning and Zoning Commission inquired about:

- The basis of a 6,400 square footage limitation.
- Whether the proposed conditional use would limit future opportunities to request a conditional use.
- Whether this approach establishes a precedent for future requests.

Public Testimony:

No members of the public provided testimony.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Gustin – supports the site-based approach for conditional use approval, as it streamlines the approval process for multi-tenant buildings.

Planning and Zoning Commission moved to recommend approval of PC# 11-1-098, a conditional use for up to 6,400 square feet of training studios at 1701 Quincy Avenue.

Motion by: Gustin
Seconded by: Williams

Approved
(8 to 0)

**D6. PC 11-1-069
Full Service Hotel
Text Amendment**

Amend Title 6 (Zoning Regulations), Chapter 1 (Zoning Title, Purpose, Definitions) of the Municipal Code in order to modify the definition of Full Service Hotel. In conjunction with this request, amend Section 6-7F-5 (OCI, Required Conditions) and Section 6-8B-4 (ORI, Required Conditions) of the Municipal Code for the purpose of incorporating required conditions for Full Service Hotels.

Items D6 through D9 were heard collectively. Refer to Item D7, Freedom Plaza PUD, for the proceedings of the public hearing.

Planning and Zoning Commission closed the public hearing and moved to recommend approval of a modified definition and conditions for Full Service Hotel.

Motion by: Gustin
Seconded by: Williams

Approved
(6 to 2)

Ayes: Bruno, Coyne, Williams, Gustin, Herzog, Edmonds
Nays: Messer, Meyer

**D7. PC 11-1-070
Freedom Plaza PUD**

The petitioner requests to revoke portions of the Diehl Office Campus planned unit development, a Preliminary Plat of Subdivision, and a conditional use for a planned unit development and a Preliminary Plat of Planned Unit Development for Freedom Plaza. In conjunction with this request, the petitioner seeks deviations from Section 7-4-7 (Land Use) and Section 6-8B-5 (ORI Area Requirements) of the Municipal Code.

Suzanne Thorsen, Planning Services Team, presented staff's recommendation.

- The current and past comprehensive plans all support a longstanding vision for the Tollway Corridor as an office/research/business corridor to be supported by hospitality, service and commercial uses.
- The Tollway Corridor is presently an employment center that is an important part Naperville's economy.
- The fundamental question in the Freedom Plaza PUD proposal is land use.
- The proposed zoning amendment is necessary to allow for a full service hotel, which will support the Tollway Corridor.
- The hotel/restaurant proposal is consistent with the city's vision for the corridor by providing supporting use to the office uses and is consistent with the ORI District.
- The proposed nursing home (CRL) is not consistent with the comprehensive plan and does not meet the adopted ordinance standards for rezoning, major change to the conditional use, or purpose and intent of the OCI District and would constitute a spot zoning.

- The office vacancy rate in Naperville's portion of the Tollway Corridor stands at 11%, which is substantially less than the regional perspective provided by the petitioner's market analysis. Recent new investment in the Tollway Corridor was highlighted.
- The development of the Tollway Corridor is attributable not only to the city's vision for the area, but the investment of landowners, developers and the business community over time.

Russ Whitaker, Rosanova & Whitaker, 23 E. Jefferson Avenue, attorney on behalf of the petitioner noted:

- New office development at the location is not viable under current market conditions and use of the property is dictated by access constraints.
- Stated that the comprehensive plan requires that the city consider economic realities and noted that the healthcare industry is emerging as a major employer.
- The Freedom Plaza PUD will not move forward if any one of the components is not approved.
- The 1985 Shodeen plan for the property proposed a combination of hotels and offices. The hotels were developed while the office component was not completed.
- Freedom Commons is an example of the city being flexible and deviating from its vision for this corridor.
- A letter provided by Jones Lang LaSalle stated that the economics of office development prohibit new office buildings from being built. Existing office buildings don't attract high end tenants. There is a significant concern regarding ingress/egress offered by the site.
- Since 1998, there is no new research and development use in the corridor. The corridor has been transitioning from research/development uses to office and medical uses.
- The proposed hotel will provide needed meeting space in Naperville.
- CRL creates jobs and economic activities.
- Prevalent development in the area has not been office development but has also included hotels and restaurants.
- Use variances should be allowed in order to promote mixed use development.

Geoff Roehl, Hitchcock Design Group, 221 W. Jefferson Street, spoke on behalf of the petitioner:

- The subject property is isolated. It only has 200' linear feet of frontage along the 1-88 corridor.
- The proposed development is a mixed use development.
- Additional parking has been provided for the hotel by moving the restaurant building to the west so that no shared parking with CRL is needed.
- There are amenities provided on the site including a pond, walkways, an

overlook to the pond, gardens, and landscaping.

- 27% of Lots 1-3 are reserved as open space.

Samir Lakhany, 8615 US Highway 24 West, Fort Wayne, IN, Vice President of the SuperHost Enterprise (the petitioner) described the proposed hotel facility.

- Currently own 7 facilities.
- Intent is to build a high end product in Naperville.
- Embassy Suites is considered to be in the upper-upscale segmentation.
- Will meet un-accommodated market demand.
- Will benefit the existing hotels by bringing in induced demand.
- Development of the hotels is dependent upon CRL getting approved.

Michael Rehtorik, V3 Consultants, 25 Janes Avenue, Woodridge, IL, described the traffic and parking analysis.

Michael Marous, Marous & Company, 300 S. Northwest Highway Suite 204, Park Ridge IL, spoke regarding the financial viability of the site for office development.

- The vacancy rate is 22 -27% for office buildings between Route 53 and Route 59.
- New office buildings are economically not viable and existing buildings are being sold at a substantial discount.

Ari Weinberger, 875 N Michigan Ave., Ste, 3740, Chicago IL, President and CEO of CRL Senior Living Facilities discussed the CRL facilities

- CRL currently operates 16 communities and 1045 beds. Most existing facilities are in close proximity to highways.
- CRL's strategic growth plan included expanding in selected market in Chicago market including Naperville
- The subject property offers visibility from major expressway; easy accessibility; and close proximity to shopping and restaurants.

Planning and Zoning Commission inquired about:

- Whether staff believes that office development is viable at the location. *Staff responded that the ORI District accommodates many additional uses beyond office and cited support for the hotel facility as well as nearby educational and commercial uses that support the corridor. Staff believes a permitted ORI use can be accommodated on this parcel.*
- Whether the facility is intended exclusively for Alzheimer's and how is it different from a nursing home. *Petitioner responded that the proposed facility is an assisted living facility. Staff clarified that the CRL facility falls within the zoning definition of a nursing home. Regardless of classification, the use is not permitted in the ORI zoning district.*
- The financing mechanisms for the proposed development. *Petitioner stated that CRL will be privately funded, but that approval of CRL is necessary in order to complete the financing for the proposed hotel.*

- The nature of signage and materials for the nursing home.
- Clarification on the future use and intent for Lot 4. *Petitioner stated that CRL is needed in order to finance the hotel but that Lot 4 is a separate healthcare-related use that will come before the City at a later date.*
- The extent of efforts to attract uses permitted in the ORI District. *Petitioner clarified that over the past three years the property has been evaluated for office and entertainment uses. Staff clarified that the nation has been in a recession over the past several years resulting in difficult conditions for development in all sectors, including office. The reasons for the property's vacant condition before that time are not known.*
- The manner in which the CRL proposal meets the standards for rezoning and the trend of development in the area. *The petitioner stated that the healthcare sector is an emerging market and noted existing healthcare uses in the area. The petitioner stated that the proposed nursing home is desirable due to its location and visibility and discussed site constraints, stating that CRL will be complementary to the existing hotels and proposed full service hotel. Staff noted that certain healthcare uses, such as medical and dental offices or clinics, are permitted in the ORI District.*
- Whether the proposed CRL is a residential facility or a commercial facility. *Staff stated that nursing homes are residential in nature, as exemplified by the extended resident occupancy and the fact that they are only permitted in residential districts and the OCI District, which serves to transition residential areas from commercial areas. In contrast, hotels provide temporary shelter, and accessory commercial uses such as restaurants, gift shops, meeting space, convention space, and are only permitted in commercial districts, not in any residential districts. The petitioner responded that certain characteristics of the proposed nursing home, such as the absence of demand for park and school facilities, results in a more commercial function.*
- The difference between nursing homes and medical offices. *Staff clarified that medical offices do not allow for overnight stays and operate on an appointment basis, whereas nursing homes, while also providing medical care, are residential in nature.*
- The adequacy of the site to support ambulance traffic and the nature of ambulance activity. *The petitioner described private means of transport ("cabulance") and acknowledged that ambulance traffic is likely to occur on the site. Staff clarified that a second point of access will be needed to accommodate the CRL facility and is a condition of approval prior to submittal of final plats.*
- The nature of recent sub-area studies in the East Sector. *Rather than complete a comprehensive update to the East Sector Plan, City Council adopted a policy that calls for a series of sub-area studies to be completed. These studies have supplemented the East sector plan and keep its recommendations current. Completed East Sector Updates include the 75th Street Corridor Study, 5th Avenue Study and Plank Road Study. Staff stated that a Tollway Study was originally scheduled to be*

completed this year but it was determined to be unnecessary due to the demonstrated consistency between zoning applications and the Comprehensive Plan recommendations in this area. Removal of the Tollway Corridor Study from the East Sector Update was reviewed by the Planning and Zoning Commission and approved by the City Council through the Planning Team work program. Staff believes that the East Sector Plan remains a relevant land use plan for the area.

- Clarification regarding detention pond design and parking demand.
- Clarification on access requirements for the development. *Staff stated that two points of access will be required prior to final platting. The petitioner concurred and described current efforts to obtain secondary access.*
- Whether OCI is compatible with land uses in the ORI district. *Staff stated that OCI is intended as a transitional zoning district between residential and commercial areas and while the uses permitted in OCI would not necessarily be incompatible with uses permitted in ORI, application of OCI zoning to the subject property is inconsistent with the surrounding area and would constitute an example of spot zoning.*
- The reasons why a “use variance” is not permitted by Naperville Municipal Code. *Staff responded that “use variances” have been prohibited by the City of Naperville Zoning Ordinance for some time, as the zoning of a property establishes a reasonable expectation for surrounding property owners, and there is a means in place by which zoning requests can be considered through a public process (i.e., rezoning). Petitioner stated that use variances are allowed in some other communities and referenced a publication provided to him by a colleague that he suggested notes that some communities do allow for use variances in association with PUD development.*
- The purpose of allowing amenities to be provided in a campus setting for a hotel. *Staff responded that a campus setting allows for greater flexibility in complying with the requirements for a full service hotel and referenced the existing hotel development at Calamos.*

Public Testimony:

No members of the public provided testimony.

Planning and Zoning Commission closed the public hearing and moved to recommend approval of PC#11-1-070, Freedom Plaza PUD request for preliminary subdivision and PUD plat including deviations, subject to conditions.

Motion by: Gustin
Seconded by: Williams

Approved
(8 to 0)

**D8. PC 11-1-007
CRL LLC**

The petitioner requests a major change to the Preliminary PUD for Lot 3 of Freedom Plaza , to rezone the subject property from ORI (Office, Research and

Light Industry District) to OCI (Office, Commercial and Institutional District), and to establish a Preliminary PUD Plat and a conditional use for a nursing home (Alzheimer's treatment facility). In conjunction with the request, the petitioner seeks deviations for building height, setbacks and signage.

Items D6 through D9 were heard collectively. Refer to Item D7, Freedom Plaza PUD, for the proceedings of the public hearing.

Plan Commission Discussion:

- Bruno: The project gives the city a lot in the hotel and banquet facility. Although the assisted living facility may not fit within the greater area you have to give a little to get a lot. Does not think the city should look backward. The petitioner has indicated under oath that the hotel will not move forward without the CRL facility; therefore voting no on the medical facility could kill the entire project. Naperville is a business-friendly community. The proposal is shovel-ready, \$60 million investment that and will create jobs in construction and operations. The Planning and Zoning Commission should not rely on very technical minutiae to block the project at a time when it is important to the people who could be employed. It is a reflection of why nothing can be done in Washington. The city should be willing to put aside the long range plan and finer points of zoning for a relatively minor variation in what would happen on the subject property. Thus, the commission should vote “yes” on the CRL.
- Meyer: Noted that the subject property is surrounded by hotels which are a similar use, and doesn't view the proposed nursing home as being incompatible. Stated that this case doesn't seem to be an example of spot zoning and will recommend approval of CRL but would not support any expansion of OCI uses on Lot 4.
- Coyne: Will support CRL and doesn't see the use as a detriment. Views the point of zoning as a means to build a viable town.
- Gustin: Struggles with making a recommendation without knowing what is proposed on Lot 4.
- Herzog: Agrees with the staff analysis. The proposed mix of uses is simply a marriage of convenience but doesn't meet the zoning standards or the city's comprehensive plan. The petitioner has presented an ultimatum regarding the hotel. Acknowledges the current economic conditions, is not convinced that an office will never be developed on the site. The proposal for a hotel is a bad reason to support a permanent change in zoning for Lot 3. Parking overflow into Lot 4 would make the rest of the site unbuildable or only able to accommodate a small facility. If the hotel is viable based upon unmet demand, it will find a way to come back.
- Williams: Agrees with Herzog and staff recommendation. The petitioner has not proved a basis for a zoning change. The hotel is desired but the nursing home is not appropriate in the location of the subject property. The petitioner has referenced examples of properties that face vacancy due to business practices, not land use issues. Does not find vacancies in

other communities to be relevant or convincing in the case at hand. There is no other place like Naperville. When it comes to what is appropriate in Naperville, the city should not lose its sense of perspective. Acting in accordance with the staff recommendation would not preclude the new hotel or another proposal that is in line with the city's criteria.

- Edmonds: Expressed agreement with Herzog and Williams. Stated that the use is not at all consistent with the surrounding area and the standards for a zoning change have not been met.

Planning and Zoning Commission closed the public hearing and moved to recommend approval of PC# 11-1-007, rezoning from ORI to OCI, a major change to the PUD and a conditional use subject to conditions.

Motion by: Gustin
Seconded by: Bruno

No
Recommendation
(4 to 4)

Ayes: Bruno, Coyne, Meyer, Gustin
Nays: Williams, Messer, Herzog, Edmonds

**D9. PC 11-1-008
Freedom Plaza
Lots 1 & 2**

The petitioner requests a major change to Lots 1 and 2 of Freedom Plaza for the purposes of establishing a preliminary PUD plat with a restaurant and full service hotel, and a conditional use for a full service hotel. In conjunction with this request, the petitioner seeks deviations for off-street parking facilities, the ORI bulk requirements and the signage requirements.

Items D6 through D9 were heard collectively. Refer to Item D7, Freedom Plaza PUD, for the proceedings of the public hearing.

Planning and Zoning Commission closed the public hearing and moved to recommend approval of PC#11-1-008a major change to Lots 1 and 2 of Freedom Plaza and a conditional use for a full service hotel subject to conditions.

Motion by: Williams
Seconded by: Gustin

Approved
(8 to 0)

**E. Reports and
Recommendations**

F. Correspondence PZC & DAC Joint Workshop Meeting Minutes

G. New Business

H. Adjournment

1:26 a.m.