

**MINUTES  
NAPERVILLE PLAN COMMISSION  
August 19, 2009 - 7:00 P.M. – COUNCIL CHAMBERS**

<b>Call to Order</b>		<u>Time:</u>	(7:03 pm)	
<b>A. Roll Call</b> Commissioners:		<u>Present:</u>	<u>Yes</u>	<u>No</u>
		Mike Brown, Chairman	X	
		Joe McElroy, Vice Chairman	X	
		Ann Edmonds	X	
		Patty Gustin	X	
		John Herzog	X	
		Bill Jepson	X	
		Timothy Messer	X	
		Patricia Meyer	X	
		Reynold Sterlin	X	
Student Members:		Michael Alber		X
		Amit Walia		X
Staff Present:	Community Planners – Amy Emery , Rory Fancler, Katie Forystek Project Engineer – Jana Bryant IT Manager – Dave Buwick Project Assistant – Dina Hagen			
<b>B. Approve Minutes</b> 8/5/09	Motion to approve by: Gustin Seconded by: Jepson		Approved (9 to 0)	
<b>C. Old Business</b>	None			
<b>D. Public Hearings</b>				
<b>PC # 1738</b> <b>City Cell Tower Fire Station No. 5</b>	<u>Petitioner:</u> City of Naperville, 400 South Eagle Street, Naperville, IL. <u>Location:</u> 2191 Plainfield-Naperville Road. .  <u>Request:</u> Approval of a conditional use for a 154-foot telecommunication tower in the R1A (Low-Density Single-Family Residence) district and a variance from Section 6-13-4:10 of the Naperville Municipal Code.			
	<b>Staff Presentation:</b> Rory Fancler			
	<b>Petitioners Presentation:</b> Dan Voiland, Telecommunications Manager, City of Naperville. <ul style="list-style-type: none"> <li>• Project location most optimum city-owned site after considering other agency user system configurations and requirements.</li> <li>• Regional inter-operational communication system location allows for co-locating other carriers, is within project budget considerations, and will limit the amount of towers within the City by accommodating several users.</li> <li>• Setback considerations have the least amount of impact on adjacent residential homes and forest preserve users.</li> </ul>			

	<p><b>Public Testimony:</b>  Paul Mitchell (111 E. Jefferson Avenue, Naperville, IL), James Ramsten (3432 Keller Lane, Naperville, IL) and Joe Suchecki (2416 Kingsley Drive, Naperville, IL) spoke in opposition citing:</p> <ul style="list-style-type: none"> <li>• Proposal does not meet conditional use or variance standards within the Municipal Code.</li> <li>• Although legal, the proposal is not in the “<i>spirit</i>” of the original understanding of the land use conveyance from the Forest Preserve to the City.</li> <li>• Concerns regarding negative health effects from micro waves and a correlation between the increase in the number of cell towers and an increase in behavior problems, autism, learning disabilities and cancer.</li> <li>• Negative aesthetic impact on surrounding properties, impacts on the overall use/enjoyment of the Springbrook Prairie Forest Preserve and the fire station use.</li> <li>• Impact on bird species.</li> <li>• Potential health impacts on fire fighters.</li> <li>• Inadequate investigation of alternative sites.</li> </ul>	
	<p><b>Motion: Close Public Hearing</b>  Motion by: McElroy  Seconded by: Herzog</p>	<p>Approved  (9 to 0)</p>
	<p><b>Plan Commission Discussion:</b></p> <ul style="list-style-type: none"> <li>• Lack of alternative locations presented.</li> <li>• Questions about the reasons why the cell tower at 1800 S. Washington Street was not utilized for both Will and Dupage County emergency communication equipment.</li> <li>• Importance of the communication improvement for overall public safety.</li> <li>• The proposal is not in the “<i>spirit</i>” of the original understanding of the land use conveyance from the Forest Preserve to the City.</li> <li>• Tower emission levels, routine monitoring practices by the Fire Department, and compliance with FCC standards.</li> <li>• The need for a statement from the Fire Department regarding the proposed project.</li> <li>• Appropriateness of the setback variances.</li> <li>• Injurious impact (aesthetic) to adjacent properties.</li> </ul> <p><b>Commissioners Summation:</b></p> <p>Herzog: Supports petition</p> <ul style="list-style-type: none"> <li>• Public safety outweighs aesthetic concerns.</li> </ul> <p>Edmonds: Not supportive</p> <ul style="list-style-type: none"> <li>• More sites should be considered, not just those that are City-owned.</li> <li>• The tower will have a negative visual impact to the Forest Preserve.</li> <li>• The application is inconsistent with the spirit and intent of the original agreement between the City and Forest Preserve at time of conveyance.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Substantial setback variance requests not satisfactorily addressed by staff.</li> <li>• Potential use of Springbrook area is a viable alternative option that should be investigated.</li> <li>• City has not met burden for variance request.</li> <li>• City has shown poor stewardship with the utilization of the tower at 1800 S. Washington Street by leasing space to commercial entities eliminating the availability for use by Will County.</li> </ul> <p>Messer: Not supportive</p> <ul style="list-style-type: none"> <li>• Does not believe the cell tower poses a significant health risk, but from a land use prospective the site chosen is not the best location.</li> <li>• Has difficulty approving a tower on land that was deeded to the City by the Forest Preserve and is adjacent to it.</li> </ul> <p>Jepson: Supports petition with reservations</p> <ul style="list-style-type: none"> <li>• The primary responsibility of the City is the safety of the public.</li> <li>• Leasing to other communication providers is good business practice.</li> <li>• The City should look for the best location in the future not just the best City-owned location.</li> </ul> <p>Gustin: Not supportive</p> <ul style="list-style-type: none"> <li>• Concurs with Commissioner Edmonds.</li> <li>• Suggests initiating a city policy requiring emergency access and use of all towers located in the City.</li> </ul> <p>Meyers: Not supportive</p> <ul style="list-style-type: none"> <li>• Concurs with Commissioners Edmonds and Gustin.</li> <li>• Information provided by petitioner has not been thorough or clear.</li> </ul> <p>Sterlin: Supports petition</p> <ul style="list-style-type: none"> <li>• Staff has adequately responded to all questions raised.</li> <li>• Public safety associated with the radio system is the primary factor for supporting the application.</li> </ul> <p>Brown: Not supportive</p> <ul style="list-style-type: none"> <li>• Public safety can be achieved by utilizing an alternate site.</li> <li>• The proposal would be injurious to neighboring properties.</li> <li>• The proposal is not in the “<i>spirit</i>” of the original understanding of the land use conveyance from Forest Preserve to the City.</li> </ul>	
	<p><b><u>Motion:</u></b> Approve a conditional use for a 154-foot telecommunication tower in the R1A (Low-Density Single-Family Residence) district and a variance from Section 6-13-4:10 of the Naperville Municipal Code.</p>	
	<p>Motion by: Herzog          Seconded by: Jepson          Ayes: Sterlin, Jepson, Herzog</p>	<p>Not          Approved          (6 to 3)</p>
	<p><b>Break: 9:19 pm</b>  <b>Resume: 9:33 pm</b>  <b>Commissioners Herzog and McElroy left the meeting.</b></p>	

<p><b>PC # 09-1-58</b> <b>CVS Pharmacy</b></p>	<p><u>Petitioner:</u> G.B. Illinois 2, LLC, c/o Andrew E. Kolb, 1250 Larkin Avenue, Suite 100 <u>Location:</u> 1299 E. Ogden Avenue.</p> <p><u>Request:</u> Approve a preliminary/final plat of subdivision and variances from the following sections of the Municipal Code:</p> <ul style="list-style-type: none"> <li>• 5-4-5 Wall Signage</li> <li>• 6-9-6 Drive Thru Stacking Spaces</li> </ul>	
	<p><b>Staff Presentation:</b> Amy Emery</p> <ul style="list-style-type: none"> <li>• Noted variance for monument sign has been withdrawn by the petitioner.</li> <li>• New landscape enhancements, as recommended by the <i>Ogden Avenue Corridor Enhancement Initiative</i>, have been added near the corner of Ogden and Naperville/Wheaton Road.</li> </ul>	
	<p><b>Petitioners Presentation:</b> Attorney Andrew Kolb (1250 Larkin Av Suite 100, Elgin, IL) representing the petitioner, Michael Haaning (1100 W. Northwest Hwy, Suite 111, Mt. Prospect IL), representing the developer Gershman Brown Crowley Inc., and Project Engineer Jeremy Foss of Manhard Consulting (900 Woodlands Parkway, Vernon Hills, IL):</p> <ul style="list-style-type: none"> <li>• Clarified that additional sign variances noted in the application rider are not required based on staff's interpretation of the new sign code.</li> <li>• Stated that CVS has agreed to provide added landscaping in compliance with the Ogden Avenue Corridor Study recommendations with the understanding that additional variances will not be required to accommodate this landscaping.</li> <li>• Indicated the shared parking agreement incorporates reciprocal easements for ingress/egress and parking between the proposed CVS and the Ogden Mall.</li> <li>• Presented the enhanced landscaping plan.</li> <li>• Noted that the proposed 90-degree parking configuration provides more convenient customer access to the building.</li> <li>• Presented stacking data from other CVS locations which demonstrated that during the peak hour of use up to a total of 8 vehicles may visit the drive-thru. Stacking spaces proposed are more than adequate to handle peak demand.</li> <li>• Noted that screening for rooftop units accomplished with a raised parapet wall.</li> <li>• Agreed to reduce the west elevation wall sign size to become compliant with code requirements.</li> </ul>	
	<p><b>Public Testimony:</b> None</p>	
	<p><b>Plan Commission/Questions/Discussion:</b></p> <ul style="list-style-type: none"> <li>• Parking configuration with respect to engineering design standards and safety concerns.</li> </ul>	

	<ul style="list-style-type: none"> <li>Approval of sign variance not desirable.</li> </ul>	
	<p><b>Motion: Close Public Hearing</b>  Motion by: Meyer  Seconded by: Edmonds</p>	Approved (7 to 0)
	<p><b>Motion:</b> Approve a preliminary/final plat of subdivision subject to staff's technical review and approval of vehicular circulation and parking and a variance from Section 6-9-6 of the Municipal Code.</p>	
	<p>Motion by: Gustin  Seconded by: Messer</p>	Approved (7 to 0)
<b>PC # 09-1-97 S &amp; S Automotive</b>	<p><u>Petitioner:</u> S&amp;S Automotive, Inc., 740 N. Larch, Elmhurst, IL  <u>Location:</u> 1707 Quincy Avenue, Suite 115</p> <p><u>Request:</u> Approve a conditional use for a garage in the I (Industrial) District</p>	
	<p><b>Staff Presentation:</b> Katie Forystek</p>	
	<p><b>Petitioners Presentation:</b> Len Monson of Kuhn, Heap &amp; Monson ( 552 S. Washington Street, Suite 100, Naperville, IL) attorney for the petitioner:</p> <ul style="list-style-type: none"> <li>Minimal impact on surrounding properties.</li> <li>Consistent with existing uses.</li> </ul>	
	<p><b>Public Testimony:</b> None</p>	
	<p><b>Plan Commission Questions/Discussion:</b></p> <ul style="list-style-type: none"> <li>Confirmed docking doors are available to serve use.</li> <li>Verified there will be no servicing of cars in the parking lot and no hazardous waste would be generated.</li> </ul>	
	<p><b>Motion: Close Public Hearing</b>  Motion by: Gustin  Seconded by: Jepson</p>	Approved (7 to 0)
	<p><b>Motion:</b> Approve a conditional use for a garage in the I (Industrial) District.  Motion by: Meyer  Seconded by: Jepson</p>	Approved (7 to 0)
<b>E. Reports</b>	None	
<b>F. Correspondence</b>	None	
<b>G. New Business</b>	<p>eAgenda</p> <ul style="list-style-type: none"> <li>Dave Buwick, City of Naperville IT Manager, demonstrated the eAgenda software for the Plan Commission.</li> </ul> <p>Naperville Area Homeowners Association List Serve</p> <ul style="list-style-type: none"> <li>Amy Emery addressed the commissioners concerning the HOA list serve as a resource about upcoming development projects in the community.</li> </ul>	
<b>H. Adjournment</b>	<p><b>Motion to Adjourn:</b>  Motion by: Gustin  Seconded by: Jepson</p>	Approved (7 to 0)  <b>Time:</b> 10:43 pm