



**NAPERVILLE PLANNING AND ZONING COMMISSION
MINUTES OF FEBRUARY 8, 2012**

Call to Order

7:00 p.m.

A. Roll Call

Present: Frost, Coyne, Bruno, Trowbridge, Gustin, Herzog, Meyer, Messer, Williams

Absent: None

Student Members Present: Wei

Staff Present: Planning Team – Suzanne Thorsen, Amy Emery

B. Minutes

Approve the minutes of January 18, 2012

Motion by: Gustin

Second by: Meyer

Approved
(9 to 0)

C. Old Business

None

D. Public Hearings

**D1. Case #PCZ 11-1-159
903 Stanton Court**

The petitioner requests approval of a variance from Section 6-2-12 (Fences) to construct a 6' privacy fence along Hobson Road for the property at 903 Stanton Drive.

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

She presented two options for fencing that staff could support:

1. 6 foot synthetic stone with 50% landscape base.
2. 4 foot opaque/ two foot ornamental fence without landscaping.

Staff also observed the existence of several existing privacy fences in the area and noted that where side or rear yards face Hobson, people have similar fencing similar in other parts of the community.

Steve Dano, Crestview Builders, Petitioner, 4432 Chinaberry Lane spoke on behalf of the petitioner, noting:

- 6 foot privacy fences exist along the corridor today
- Cost of materials already spent and the fact that purchase closing has been delayed until fence is completed
- They have been as cooperative as possible with staff once issue with permit was discovered
- The area is not rural and the character will not be impacted by the fence

Planning and Zoning Commission inquired about:

- Costs spent already on materials and ability to reuse or reimburse petitioner with respect to six foot fence.
- The difference between a fence and a wall. Staff clarified that there is no difference per the Municipal Code.
- The change in the staff recommendation since the last hearing. Staff indicated that based on information presented at the January hearing, re-examination of the area and historical development trends, particularly as it relates to home orientation to Hobson Road in recent years, and design modifications by the petitioner, the original recommendation has changed.
- Intent of the *Hobson Road Study* as it relates to character preservation of the area.
- Departure from the code requirement

Public Testimony:

Dr. Bob Covert, 928 Hobson, Naperville.

- Expressed concern about how the Hobson Road Study has been characterized and believe it is still a valid study.
- Noted the builder in this case has built fences in the area that comply with the code standards.
- Noted that all immediate neighbors oppose the case.
- In response to questions from the Planning and Zoning Commission, Dr. Covert said he would support a fence that complies with the code with landscaping.

Dr. Mary Roy, 928 Hobson Road, Naperville, IL

- Does not support the variance. If given choice, she would rather see a chain link fence than a wall.
- She talked with neighbors from Hobson Pond and those residents are upset that they never had a fence option for the privacy of their children.

Karen Coleman, 1012 Sanctuary, Naperville, representing owner of 920 Hobson Road spoke:

- In opposition to the request.
- Explained she called the fence supplier and was told it was possible to return the material less a restocking fee and shipping costs. Petitioner clarified that the return will save \$5,000 - \$6,000.
- Expressed concern that utilities in the area will prevent planting adjacent to the fence. Petitioner indicated that he will work with a landscaper, provide the city with a landscape plan and locate the fence so plantings will fit.

Petitioner responded to testimony:

Lisa Grosskopf, purchaser of property at 903 Stanton Court, expressed her desire

to keep the planned 6-foot solid fence with landscaping. She confirmed that if she is not allowed to put up her desired fence, she does not believe she will use the material on the side either as she wants her finished fence to match on all sides. She reminded the Plan Commission that she did initially receive approval from the city before commencing with the fence. She also expressed her distaste for aluminum fencing. She feels the requested fencing will be attractive, provide privacy, sound proofing and be low maintenance

Planning and Zoning Commission inquired about:

- Herzog observed that code allows chain link.
- Gustin received clarification that the Hobson road fence restriction is specific to Hobson Road frontage. The side property lines may have a fence up to 6 feet in height.
- Frost confirmed height requirement from the building code for fencing around a pool is 4.5 feet.
- Coyne inquired about the cost of fencing involved in this case. Staff confirmed the cost issue is being handled through the City's Legal Department. Any claim will not be handled through a separate process.

Prior to closing the hearing, Dr. Kovert, 928 Hobson, Naperville, spoke once again. He said he was genuinely sorry for the petitioner, but noted that the builder has always been aware of these fence requirements based on his previous work in the area.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Bruno – Recommended an alternative option to approve a variance for a six-foot wrought iron or similar open fence to achieve desired fence type that is more in keeping with the code.
- Messer – Referenced the testimony that while the City doesn't typically get into residential character and aesthetic issues, did observe that in the Historic District the City is very involved in residential character issues, so it is not completely out of context to provide detailed recommendations.
- Meyer – Remains concerned about the opaqueness of the fence. She finds the Hobson Road Study to be clear on the need for an open fence. She is opposed to either option presented in the staff report because they are not consistent with the Hobson Road Study.
- Trowbridge – echoed concerns raised by others. She liked the alternative proposed by Commissioner Bruno.
- Gustin- Feels privacy can be achieved for the pool with a 4.5 foot fence if adequate landscaping is provided, similar to the approach used by neighbors in the area. She expressed her concern about using the requested material.
- Coyne indicated he cannot support the variance due to concerns about conflict with the code.

- Williams – Supported points made by Commissioners Meyer and Bruno. He does not feel comfortable deviating from the Hobson Road Study.
- Student Member Wei – observed that the fence does not fit with the neighborhood standards or the study.
- Herzog – Observed that the rural character of Hobson Road has changed since the study was completed. The intent at the time the study was completed was that the area would accommodate large estate homes fronting Hobson Road. However, the deviation from the Hobson Road Study is not due to this case, but rather, the deviation occurred years before with the cul-de-sac developments that were approved on the north side of Hobson Road. Now many rear facing parcels line the north side of Hobson Road as compared to the large, estate homes facing the roadway on the south side of the roadway. The change in orientation, the need for rear yard privacy, in his opinion, warrants approval of the variance.

Planning and Zoning Commission moved to recommend:

Motion to approve a variance for PC Case 11-1-159 to allow a 6 foot fence, of an open variety, excluding chain-link.

Motion by: Gustin
Seconded by: Bruno

Ayes: Bruno, Frost, Trowbridge, Williams, Herzog
Nays: Coyne, Gustin, Messer, Meyer

Approved
(5 to 4)

Motion to allow a opaque fence to a height of 4' with 2' ornamental top.

Motion by: Gustin
Second by: Messer

Ayes: Herzog
Nays: Bruno, Coyne, Frost, Gustin, Messer, Meyer, Trowbridge, Williams

Motion Failed
(1:8)

Motion to approve a 6 foot opaque material fence with a requirement to have landscape on the Hobson Road side with minimum of 50 percent screening.

Motion by: Gustin
Seconded by: Meyer

Ayes: Trowbridge, Herzog
Nays: Bruno, Coyne, Frost, Gustin, Messer, Meyer, Williams

Motion Failed
(2:7)

**D2. Case #PCZ 11-1-130
Naperville Fertility**

The petitioner requests approval of a conditional use for a planned unit development (PUD); a preliminary/final PUD plat and associated site development details; a preliminary/final plat of subdivision; zoning and

Center

landscape deviations to allow signage on a façade that does not possess frontage on a public right-of-way to construct a proposed 14,410 square foot medical building on the subject property.

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

Benard Citron, 55 E. Monroe, Chicago 60645 spoke on behalf of the petitioner.

- Clarified that the application is for a certified ambulatory medical facility approved by the State. State requires it be an “ambulatory” service center, but it is an extremely unlikely ambulances will be needed.
- Noted that the setback variance is needed because the site slopes significantly.
- With regard to the parking, given the site configuration, the only option for on-site parking would be underground, which will not be practical. He noted that the off-site parking will provide a benefit to the downtown as clients will be able to drop someone over. It is easier to accommodate no parking on the site. Gets people out so they can drop someone off, drive over the deck. That is where we think the use will bring people into Naperville, not just Naperville. This will draw people to downtown so it will support the Downtown.

Dr. Randy Morris, introduced himself as a reproductive endocrinology and fertility specialist who is board certified in Illinois and California who has been practicing in Naperville since 1999 in various locations. In the proposed building he will utilize a number of medication and surgical procedures to address fertility uses. He said he is looking to construct a world-class facility that will be a destination in downtown Naperville.

Dr. Morris went on to explain the interior layout. The first floor will be the surgical center and the upper story will be medical offices. The building will allow him to relocate from leased office space currently leased in Naperville. He noted that his practice will occupy the entire structure. No other tenants will occupy the building. Dr. Morris also explained that the canopy is to allow for pick-up and drop off of patients, and ambulance, if necessary. His practice accommodates surgical procedures in the morning with the afternoons dedicated to office operations/consultations.

Kelly Schreihofner, 801 W. Oakdale, Chicago, IL architect for the project: Provided an overview of the site layout, setback, interior design, and building height. She also clarified that the signage, even with the variance request, is less than the total signage the code allows. The variance is to allow signage on the north façade to be visible to out of town patients traveling to the center southbound on Washington Street.

Planning and Zoning Commission inquired about:

- The canopy and proximity to the property line.

- Compliance with the *Downtown Design Standards*.
- Access from Benton and Washington.
- Parking and the SSA.
- Ambulance service on the site as it relates to the use and how signage is calculated for all tenants in the building.
- Height as it relates to the *Downtown2030 Plan* and the Municipal Code.
- Office hours. Petitioner confirmed office hours will be M/W/Th until 5pm; Tuesday until 7pm; Fridays until 3pm; Saturday mornings only and Sunday by appointment.
- Confirmed with staff the project will meet downtown streetscape and ADA accessibility requirements.
- The number of employees. Petitioner confirmed at a peak time 15 employees are anticipated on-site. A total of 30 to 35 persons will be employed by the facility.

Public Testimony:

John Scanlon, 310 W. Bailey Road, Naperville

- Concern about relation between the proposed use and the *Downtown2030 Plan*
- On-site parking not provided. Believes parking should be provided to mitigate impact on the neighborhood.

Dr. Richard W. Pablease, 1152 Whirlaway Avenue, Naperville

- Believes proposal will add to congestion and traffic
- Facility will bring downtown medical care back to downtown. Prefers to see medical offices at the north and south sides of city (Diehl Road and Edward Campuses) outside of the limits of the downtown
- Opposes the particular proposed medical specialty, within walking distance of 3 schools as he feels it will present a challenge to explain and clarify the use to youngsters.

Karen Koch Lear, 1119 Hidden Spring Drive, Naperville

- Questions the drive thru amenity and impact it may have on traffic
- Concern about how stormwater will be managed
- Would like to see a traffic study for the proposed development

Petitioner responded to testimony:

- Apologized for discrepancy in hours of operation noted in application. Asked testimony about proposed hours from Dr. Morris be accepted as the proposed hours. Explained that the hours will not conflict with peak parking demand periods in the parking deck.
- Noted that the proposed medical building is not as intense of a land use as a retail user, so less of a traffic impact, parking impact and hours of operation will exist. As such, the use will serve as a buffer from a land use perspective to outlying neighborhoods from more intensive activities in the downtown core.

- Confirmed that the building will be fully utilized by Dr. Morris. It will not be rented out to other doctors. It is only considered “multi-tenant” due to ownership. There is no plan for other doctors to lease the space.

Planning and Zoning Commission inquired about:

- Lighting for the sign.
- Parking requirements.
- Exterior materials proposed on the west elevation. Staff confirmed that stucco which is a masonry material and complies with established standards.

Planning and Zoning Commission closed the public hearing.

Plan Commission Discussion:

- Bruno – Finds the building beautiful and the use fits within code.
- Messer – Likes compliance with height and does not find variance requests to be unreasonable. While he originally envisioned retail and restaurant uses in the location, he thinks the office will be a nice addition.
- Trowbridge – Thinks the building is lovely and will be an asset to Washington and the City.
- Gustin – While initially concerned it wasn’t a retail or restaurant facility, finds the building was very nicely designed and support the request. Gustin was comfortable with the additional signage requested if staff was in support of it.
- Coyne – Likes the mix of use being added and finds the building attractive.
- Williams – Thinks it is a marvelous development on a difficult lot. Also believes it is a significant asset to the emerging Naperville Downtown and will create a world class facility.
- Meyer – Concurred with Messer and Bruno.
- Herzog – Like others finds the building attractive and has no concerns with use. Based on number of employees and the hours of operation have minimal concerns about traffic.
- Student Wei – Supportive of the project

Planning and Zoning Commission moved to recommend:

To approve PC Case 11-1-130 for approval of a conditional use for a PUD and associated variances per staff memo of February 8, 2012.

Motion by: Trowbridge
Seconded by: Messer

Approved
(9 to 0)

**E. Reports and
Recommendations**

F. Correspondence North Downtown Special Planning Area Subcommittee
Commissioners Coyne and Gustin volunteered to participate in a subcommittee
with DAC members on zoning changes for the North Downtown Special
Planning Area.

G. New Business None

H. Adjournment 9:46 p.m.