



**NAPERVILLE PLANNING AND ZONING COMMISSION  
DRAFT MINUTES OF JULY, 18, 2012**

**Call to Order**

**7:03 p.m.**

**A. Roll Call**

Present: Frost, Coyne, Bruno, Gustin, Herzog, Messer, Meyer, Williams  
Absent: Trowbridge  
Student Members: Kevin Wei  
Staff Present: Planning Team – Allison Laff, Clint Smith, Tim Felstrup

**B. Minutes**

Approve the minutes of July 5, 2012

Motion by: Gustin  
Second by: Messer

Approved  
(8 to 0)

**C. Old Business**

**D. Public Hearings**

**D1.  
PZC Case 12-1-089  
Le Chocolat du  
Bouchard**

The petitioner proposes to install a new 25 square foot (SF) awning sign along the building's Washington Street frontage. In order to install the awning sign, the petitioner requests a variance from Section 5-4-5:3 (Commercial Signs; Awnings and Canopy Signs) of the Naperville Municipal Code in order to have an awning sign larger than twelve (12) square feet in area for the property located at 127 S. Washington Street.

Tim Felstrup, Planning Services Team, gave an overview of the request.

Cathy Bouchard, owner of Le Chocolat, gave an overview of her request.

- Petitioner provided clarification regarding her plans to expand into the adjacent tenant space.
- 1<sup>st</sup> awning (existing) serves as entrance to café; 2<sup>nd</sup> awning (proposed) is over bakery/chocolate section of business.
- Petitioner noted that a 12 sq.ft. awning sign will be illegible given the font associated with the business name/logo.
- Petitioner noted that she has concerns with staff's recommended condition that would restrict future wall signage from being added to the Washington Street frontage.
- Petitioner noted that she would be interested in potentially installing a wall sign above the 129 S. Washington frontage.
- Petitioner indicated that she would prefer to remove the existing canopy sign over 129 S. Washington Street and add a new matching canopy to

127 S. Washington Street with a 25 sq.ft. awning sign subject to the condition that no future wall signage would be allowed. Staff indicated that staff prefers this option and noted that staff had previously raised it for consideration to the petitioner.

- The petitioner inquired about the possibility of constructing one awning covering both 129 and 127 S. Washington Street. Staff indicated that this is in conflict with the Downtown Design Guidelines.

Planning and Zoning Commission inquired about:

- Gustin – does the petitioner intend to open the wall between the units to expand her business over the two spaces? Staff noted that the petitioner will provide an internal opening between the two tenant spaces.
- Meyer – will staff's condition which prohibits wall signage from being placed on the business in the future include a limitation on window signage? No, window signage is not proposed to be included in that prohibition.
- Bruno – what is the allowable awning signage per business? Staff noted that the allowable amount of awning signage per business is 12 sq.ft.
- Gustin – is external lighting of the awning permitted by code? Staff responded that it is permitted.
- Herzog clarified that if the petitioner seeks to add a wall sign in the future, they could submit a variance request that would be considered by the PZC.
- Bruno noted that the proposed sign has less pitch due to the lower upper story windows on the 127 S. Washington unit.
- Herzog indicated that it would make sense to allow a wall sign on the 129 S. Washington frontage in the event that the existing awning is removed.
- Herzog recommended that the case be continued so as to allow the petitioner to firm up her request regarding the signage allowed at 129 S. Washington Street.
- Upon further discussion and clarification, the PZC indicated that they are comfortable acting on the request tonight with the understanding that the same awning/sign size is proposed for 129 S. Washington and 127 S. Washington.

**Public Testimony: None**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Gustin – noted that she is glad that this issue was able to be resolved tonight and feels that the end product is better than what was originally proposed.

Planning and Zoning Commission moved to recommend approval of a variance to Section 5-4-5:3 of the Naperville Municipal Code to allow a 25 square foot awning sign to be installed at 129 S. Washington Street and a 25 square foot awning sign to be installed at 127 S. Washington Street, subject to the condition that the petitioner is prohibited from adding wall signage along the Washington Street frontage to either address in the future and that the awnings be aligned on the building frontages and be constructed of the same dimensions, color and design.

Motion by: Gustin  
Seconded by: Messer

Approved  
(7 to 1)

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

**D2.  
PZC Case 12-1-087  
732 Saddlers Court  
Fence**

The petitioner requests approval of a variance from Sections 6-2-12:1.7 and 6-2-12:1.2 (Fences) of the Naperville Municipal Code in order to construct a 6' tall ornamental aluminum fence (80% open) in the corner side yard along Hobson Road on the property located at 732 Saddlers Court.

Tim Felstrup, Planning Services Team, gave an overview of the request.

Attorney/Petitioner, address, (title) on behalf of the petitioner:

- Petitioner was present, but PZC indicated that they had no questions for him.

Planning and Zoning Commission inquired about:

- Herzog – are there differences between this case and other recent fence variance cases recently reviewed by PZC for Hobson Road? Staff noted that the proposed fence is in the corner side yard vs. other fences requested in the rear yard.
- Herzog – are the materials/height similar? Staff noted that Stanton Court fences were open wooden fences and 6' in height; the proposed fence is wrought-iron in appearance (constructed in aluminum) is also 6' in height.

**Public Testimony: None**

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Gustin – prefers proposed material.
- Williams – the proposed fences seem to be the new norm for this area. Has no concerns with request and City Council appears to have been

supportive of similar requests in the recent past.

Planning and Zoning Commission moved to recommend approval of PZC #12-10-087 approving a variance to Sections 6-2-12:1.7 and 6-2-12:1.2 to allow a 6' tall wrought-iron fence to be installed at 732 Saddlers Court.

Motion by: Williams  
Seconded by: Bruno

Approved  
(8 to 0)

**D3.  
PZC Case 12-1-041  
Kiddie Academy on  
North Aurora**

The petitioner requests approval of a conditional use for a day care center and nursery school in the B2 (Community Shopping Center District) and a major change to the Lots 6 & 11 Flynn Lauth Lot 2 Planned Unit Development to allow a Kiddie Academy child care learning center at 2828 Patriots Lane as well as sign and landscape variances to reduce the required parking lot setback along the south property line for Lots 6 and 11.

Clint Smith, Planning Services Team, gave an overview of the request.

Mike Roth, attorney, responded to PZC questions on behalf of the petitioner:

- Texas Roadhouse is a family restaurant that holds a liquor license.
- It is very common for day care facilities to be located in commercial areas. Residents are often opposed to day care centers in residential neighborhoods.
- Additional landscaping could be added if requested by PZC.
- Roth clarified impact of right-of-way taking on subject properties. They will work with IDOT to landscape areas of the right-of-way that are not paved. However, they are requesting the variances now to have clear title.
- Roth clarified that IDOT will not authorize an additional access point onto North Aurora Road.
- Jim Dauss, architect on behalf of the petitioner, indicated that no noise mitigation considerations have been made to date. However, there is an existing board-on-board fence along the northern property line. Proposed fence around the building's perimeter is 6' tall, aluminum, 80% open – decorative in nature.
- Chris Commarota, Vice President of Construction for Kiddie Academy, indicated that 6' solid fences have been installed previously where noise concerns have been raised.

Planning and Zoning Commission inquired about:

- Herzog – impact of proposed right-of-way expansion on parking lot. Clarified that the proposed variances are the direct result of the right-of-way taking. No other variances are requested.
- Gustin – is an additional curb cut proposed along North Aurora Road? Feels that this would help to reduce cut-through traffic impacts on Patriot Lane. Is the petitioner willing to add an additional buffer along rear of

lot?

- Coyne – it seems odd that a day care establishment would locate so close to an existing bar. Are there any liquor license prohibitions? Are the uses in conflict? Smith noted that peak times of each facility will not overlap, but will instead be complimentary to each other (day care closed during Texas Roadhouse’s peak period).
- Bruno – requested that staff clarify the location of the fence. Smith clarified that the fence will be located around perimeter of majority of the building.
- Herzog – noted resident letter which stated concern regarding noise coming from the proposed facility. Herzog requested clarification regarding staff preferences for day care facility locations. Staff noted that many day care centers have recently located within commercial centers, including Naperville Crossings, Naperville South Commons, Cantore Place, etc.
- Herzog clarified that if IDOT does not take right-of-way, the proposed variances, if approved, will not allow them to remove landscaping or move the sign closer to the roadway than exist today.
- Herzog – any noise mitigation proposed to alleviate concerns from neighborhood?
- Coyne – how many kids will be at this facility? Petitioner indicated a maximum capacity of 79 children; approximately twenty 6-8 year old children at any time in the playground.
- Coyne – was the residential built prior to the commercial? Staff clarified that the entire development was platted at the same time; the residential may have been constructed first, but the commercial was always intended along North Aurora Road and Route 59.
- Gustin – lighting proposed? Petitioner – lights will be on between 6 a.m. and 6 p.m. (during business hours). They will comply with code limitations for lighting.
- Williams – provide additional clarification regarding the fence.
- Coyne – are they disputing the taking? Roth – no, not able to be disputed.
- Bruno – do they have other commercial operations? Petitioner – they have 102 locations; 40-50% are in a commercial environment. Several have been constructed in strip centers such as this.

**Public Testimony:**

- Bill Vercus, Resident of Hampton Park – community is age-restricted. Concerned about noise factor; feels this could be alleviated if additional trees were planted along fence line. Patriot Lane is heavily used. Texas Roadhouse has been a good neighbor, but some spillover parking occurs along Patriot Lane. Can parking be restricted along Patriot Lane? Staff noted that Patriot Lane is a private road. Concerns about pick-up time (5:30 a.m.) of dumpsters at existing Texas Roadhouse building.

Petitioner responded to testimony:

- Petitioner noted that Patriot Lane is owned by Solid Ground, LLC, but they are not factoring parking on this road into their required parking.
- Shared parking provided between Texas Roadhouse and Kiddie Academy. Kiddie Academy will have less parking demand than a traditional retailer that could have located in this strip center by right. Roth does not believe that the property owner would be opposed to a parking restriction on Patriot Lane.
- Petitioner is willing to provide some additional landscaping in area north of Patriot Lane pavement or in area adjacent to the playground.
- Roth noted that Texas Roadhouse dumpster pick-up concerns will be alleviated by new dumpster layout/fencing proposed. Roth will look into whether the pick-up time for the dumpsters could be restricted to after 8 a.m.
- Petitioner noted that proposed play spaces meet State of Illinois requirements.
- Petitioner clarified that a guard rail exists on site today adjacent to ADA ramps. Guard rail will be removed upon installation of proposed fence in front of the building. Fence in front of building is required by State of Illinois for safety reasons. Fence is required adjacent to any building exits and therefore cannot be removed from the front of the building.
- Petitioner indicated that there are no plans to modify the building's façade, with the exception of adding signage. Outside bays have awnings on them currently.
- Petitioner is agreeable to adding a combination of evergreen and deciduous trees adjacent to the playground.

Planning and Zoning Commission inquired about:

- Gustin inquired whether we could restrict parking on Patriot Lane through approval of the current variances? Staff noted that we would need to follow-up with additional information.
- Herzog inquired as to whether the overall development's parking requirements are being met by parking on the road. Staff indicated that parking on Patriot Lane would not be counted towards required parking.
- Frost – where would trees be? Staff clarified that trees could be planted on north side of Patriot Lane on petitioner's property.
- Frost – will there be an overlap between evening day care pick up and early dinner hours of Texas Roadhouse that would adversely impact traffic and circulation? Staff – should not be an issue.
- Herzog – landscaping closer to the playground would be more beneficial than landscaping on the north side of Patriot Lane.
- Williams asked speaker about fence material preferences. Speaker indicated that landscaping will help more than material changes.
- Herzog – how do we address noise? Solid fence vs. landscaping. Commissioners noted that they do not support a solid fence. Meyers indicated that she does not believe a different fence or additional

landscaping is needed.

- Coyne – noise and parking generation of this use will be far less intense than other potential retail users.
- Bruno – prefers additional landscaping near playground.
- Gustin – any façade renovations proposed? Awnings? Lighting?
- Bruno – can't support proposal based on fence in front of building unless he is able to review of site with a similar set up.

Planning and Zoning Commission closed the public hearing.

**Planning and Zoning Commission Discussion:**

- Bruno – supports necessary variances, but will not support project based on proposed use and resulting building design – not appropriate for a commercial development.
- Coyne – Not concerned about parking issue since people using the daycare only park there for a very short period of time.
- Frost – concerned about enforcement of a parking restriction on Patriot Lane since it is a private roadway.
- Gustin – would like “no parking restriction” on Patriot Lane; supports additional landscaping adjacent to playground.
- Messer – would like parking restriction on Patriot Lane (but has concerns about enforcement since it is a private road) and supports additional landscaping.
- Meyer - would like parking restriction on Patriot Lane.
- Williams – would like parking restriction on Patriot Lane, supports additional landscaping, and would like additional restrictions placed on Texas Roadhouse dumpsters.
- Herzog – parking is not a problem caused by subject case, but rather an existing business, and therefore, he does not support attaching the condition to this case.

Planning and Zoning Commission moved to recommend approval of PZC 12-1-041 to approve a conditional use for a day care center, major change to the Flynn Lauth Lot 2 PUD, and variances from Sections 5-4-5:2.5 (Monument Signs), 5-10-3 (Landscaping and Screening), and 6-9-2:4.3 (Off Street Parking Facilities) to reduce the setback along the south property line of Lots 6 and 11.

Motion by: Meyer  
Seconded by: Coyne

Motion to amend to include a condition that the petitioner shall work with the City to develop a reasonable landscaping plan to provide additional landscaping along Patriot Lane behind the playground area on Lot 6 the purpose of noise abatement. Approved (7 to 1)

Motion by: Herzog

Seconded by: Williams

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

Motion to amend to include a condition to restrict parking along that portion of Patriot Lane owned by the petitioner as required by and in accordance with City requirements. Failed (4-4)

Motion by: Gustin  
Seconded by: Messer

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

The Commission voted on the amended main motion. Approved (7-1)

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

## **E. Reports and Recommendations**

## **F. Correspondence**

## **G. New Business**

### **G1. PZC Case 12-1-090 Planning Services Team FY12/13 Work Program**

Staff requests approval of the proposed FY12/13 Planning Team Work Program.

Allison Laff, Planning Services Team, gave an overview of the request.

Planning and Zoning Commission inquired about:

- Gustin – has the Women’s Club reached out to the City to determine if CDBG funds are available for accessibility improvements? Staff will follow-up with the Women’s Club.
- Gustin – how much funding is available for Ogden Avenue? Staff noted \$50,000 has been allocated to this grant project and that staff intends to open the grant cycle in August 2012.
- Meyer – inquired about the status of the TU text amendment. Staff indicated that staff may start working on the TU text amendment but won’t have it done this fiscal year given other priority implementation items.

- Meyer – requested clarification as to if the Greener Business Program is an annual program. Staff noted that we are wrapping up the existing program; this program will not be offered on an annual basis.
- Bruno – inquired about temporary real estate signs. When do they become permanent? Staff will follow up with a report on sign code allowances and any proposed changes.
- Messer – whether a text amendment need to be done to allow pedestrian bridges in downtown. Staff indicated that such text amendment has been included in the work program.

**Public Testimony: None**

Planning and Zoning Commission moved to recommend approval of the FY12/13 Planning Team Work Program.

Motion by: Gustin  
Seconded by: Bruno

Approved  
(8 to 0)

**H. Adjournment**

10:03 p.m.