



**NAPERVILLE PLANNING AND ZONING COMMISSION  
MINUTES OF SEPTEMBER 21, 2011**

**Call to Order**

**7:00 p.m.**

**A. Roll Call**

Present: Bruno, Coyne, Messer, Meyer, Trowbridge, Williams, Gustin, Herzog, Edmonds  
Absent:  
Student Members: Schoch, Wallace  
Staff Present: Planning Team – Emery, Liu, Thorsen  
Code Team - Terreberry  
Engineer – Grabow

**B. Minutes**

**C. Old Business**

**D. Public Hearings**

**D1. PC 11-1-109  
2443 Warm Springs**

The petitioner requests a variance from Section 6-6A-7 (R1A Low Density Single-Family Residence District: Yard Requirements) of the Naperville Municipal construct a covered patio that encroaches upon the required rear setback at 2443 Warm Springs Lane.

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

- Petitioner wishes to encroach approximately 16' into the required rear yard.
- The proposed patio requires a variance due to the fact that it has a roof that is attached to the home.

John Perkins, 2443 Warm Springs Lane, the petitioner, noted:

- The covered patio gives the home a finished look and will add value to the home/neighborhood while allowing the property owner to enjoy it during more seasons.
- Work will be completed by a contractor and will meet or exceed the Code requirements.
- Doesn't make sense to have the structure be detached from the house, because rain and elements would drain through.
- If the structure were built in accordance with the detached standards it would be closer to the lot line.
- Neighbors have signed a petition supporting the plan. Neighbors to the rear and both sides support the variance as well as those across the street.

- The project will move forward regardless of the variance, by detaching the roof, but the property owner would prefer to have it attached.
- Petitioner is agreeable to a condition that would prevent enclosure of the patio.
- The existing detached pergola will be removed to accommodate the new patio improvement. The new patio will set back farther from the fence than the existing patio, thus adding green space.

Planning and Zoning Commission inquired about

- The nature of the requested variance.
- The distinction between detached and attached accessory structures.
- Whether conditions on the variance may be imposed which prevent enclosure of the patio.
- The footprint of the existing patio that currently has a trellis relative to the proposed patio.
- Whether the patio will impact the rear yard public utilities and drainage easement.

**Public Testimony:**

None.

Planning and Zoning Commission closed the public hearing.

**Plan Commission Discussion:**

- Bruno – would support the variance as long as no walls are constructed. This case is an example of where common sense would take over, as detaching the structure would be a detriment to the homeowner and the use of the patio.
- Coyne – does not see any policy objective to be served by denying the variance.
- Messer – concurs with Commissioners Williams and Meyer, as long as the patio is not enclosed in the future.
- Meyer – agrees with Commissioners Williams and Edmonds and agrees with the hardship noted by Commissioner Herzog. Would support a condition that prevents enclosure of the patio.
- Trowbridge – believes that the absence of walls is implicit in approval of the patio and supports the variance.
- Williams – agrees with Chairman Edmonds that the accessory structure ordinance has a distinction without a difference relative to detachment but noted that there is not a strong case for a hardship.
- Gustin – concerned about the bulk on the lot but noted that the patio would add green space. Agrees that the structure would be better if it is attached. Would support a condition on the variance to prevent enclosure of the patio.
- Herzog – the hardship in this case is the placement of the front door relative to the front lot line, as the garage meets the 30' setback and the

remainder of the house is set back farther. Would support the variance as long as there is a condition that prevents conversion of the patio to livable space.

- Edmonds – finds the “detachment” of the accessory structure to be a distinction without significance and noted that the petitioner could construct the improvement without a variance. Concurs with Commissioner Herzog regarding the hardship imposed by placement of the home. A broader concern is that the detached accessory structure provisions constitute a loophole.

Planning and Zoning Commission moved to recommend approval of a variance to construct a covered patio that encroaches upon the required rear setback at 2443 Warm Springs Lane in accordance with the staff memo and a condition that the petitioner will not be permitted to construct walls or windows on the perimeter of the patio.

Motion by: Herzog  
Seconded by: Williams

Approved  
(9 to 0)

**D2. PCS 11-1-114  
National Tire &  
Battery**

The petitioner proposes to replace the face panels on an existing, nonconforming pole sign without bringing the sign into compliance with the current monument sign standards. In order to replace the face panels and not bring the sign into compliance, the petitioner requests a variance from Section 5-4-13:1 (Nonconforming Signs; Revision of Signage) of the Naperville Municipal Code.

Trude Terreberry, Code Enforcement Team, gave an overview of the request

- Abandonment of signage or replacement of the sign face requires that a sign be brought into compliance with the Municipal Code.
- Pole signs are prohibited throughout the city.

Charlie Sheehan, Ahern Signs, spoke on behalf of the petitioner.

- The sign has been in place for over ten years and is in good shape. The cost differential to replace the sign with a monument is substantial.
- All that is requested is a simple face change in order to occupy vacant space.
- The pole sign is needed for visibility purposes.

Planning and Zoning Commission inquired about

- The types of changes that trigger compliance with the updated sign code.
- Recent cases where similar variances were granted.
- The basis for the staff recommendation and the conditions that make the requested variance unique.
- The manner in which the staff recommendation to deny the variance is in harmony with the Ogden Avenue Corridor Enhancement Initiative.

**Public Testimony:**

None

Planning and Zoning Commission closed the public hearing.

**Plan Commission Discussion:**

- Gustin – the Sign Code provides consistency in signage and reduces sign clutter. Finds it difficult to make an exception when other signage in the area has been brought into compliance.
- Herzog – visibility would benefit from a monument sign that is lower and closer to the street. The Ogden Study sets a guiding vision for the corridor to improve aesthetics and reduce distractions. Does not see the hardship.
- Edmonds – The Ogden Avenue Study set an expectation that when new businesses move into the area, signs will be replaced in accordance with the vision for the corridor.

Planning and Zoning Commission moved to recommend approval of PCS 11-1-114, National Tire and Battery, requesting a sign variance.

Motion by: Gustin  
Seconded by: Herzog

Denied  
(1 to 8)

Ayes: Bruno

Nays: Coyne, Messer, Meyer, Trowbridge, Williams, Gustin,  
Herzog, Edmonds

**D3. PC 11-1-111  
McDonald's at  
Design Point**

The petitioner requests a major change to the Design Pointe PUD to accommodate a fast food restaurant with a drive-through land use on a lot previously planned for retail tenants. In conjunction with this request the petitioner is seeking a deviation to reduce the required parking and deviations related to the setback due right-of-way expansion by IDOT.

The public hearing for this case was continued to the meeting of October 19, 2011.

**D4. PC 11-1-102  
Standard Market**

The petitioner requests approval of a preliminary/final plat of subdivision, vacation of a platted building setback line, rezoning from R1A (Low-Density Single Family Residence District) and B3 (General Commercial) to B1 (Neighborhood Convenience Shopping Center District), and variances to accommodate two separate monument signs with electronic message boards.

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

- Petitioner wishes to create a single lot-of-record and rezone the entire property to B1.
- The site plan complies with parking, landscaping and setback requirements and is respectful of the Building Design Guidelines.
- Building balances proximity to residential areas with the branding of the building and the city's design expectations with respect to masonry and quality materials.

- Future development of outlots will necessitate a subdivision, providing for future Planning and Zoning Commission review.
- Signage approved at Hollywood Palms is 120 square feet. Signage approved at Calamos is 60 square feet, which is similar in size to what is proposed in this instance.

Trude Terreberry, Code Enforcement Team, noted;

- Permitted transition time is 3 seconds or less, and image must hold for at least 10 seconds.
- The minimum standard of 10- seconds is consistent with IDOT standards.
- The Ogden Avenue frontage is not adequate to allow for signage without the variance.
- Future outlot development could use the changeable message board if the site becomes a PUD, or otherwise could request a sign variance to display messages on the electronic message board.

Kim Grabow, Engineering Team, noted:

- Access on Ogden will be maintained as right-in/right-out. Future modifications will occur in the future when the intersection of Ogden and Aurora is improved.
- Development of the site will provide adequate stacking for traffic accessing Aurora Avenue.

John Zemenak, Rathje and Woodward, 300 E. Roosevelt Road, Suite 300, Wheaton IL, attorney on behalf of the petitioner, noted:

- The surrounding properties are improved with intense commercial uses zoned B3 (General Commercial).
- The entire property will be graded, landscaped, and all public improvements installed. The current proposal is for the grocery store.
- Sign variances are requested due to the nature of the business. Changeable message signage on Ogden Avenue is necessary to reach customers.
- Total signage for the property is 34% of what would otherwise be allowed.

Vince Priest, Partner, West Highland Capital Partners Group (the petitioner), 204 Chicago Avenue, Westmont IL noted:

- Petitioner has extensive experience working in the grocery industry.
- The vision was developed through working with retailers. The first Standard Market will open in 45 days in Westmont.
- The Naperville store will be the second location for Standard Market, which is a specialty grocer with fast casual dining on the inside.
- The store will sell only seasonal perishable items, which will be advertised on the changeable message board.
- The interior layout of the store was described.

- Traditional grocery stores are 60% packaged goods, whereas Standard Market will be 90% perishables. The whole store has to be turned over every 72 hours.
- The message board is fundamental to the business in order to reach consumers in advertising the perishable goods. The image quality is substantially higher than standard electronic message boards.
- Project is significantly below the total allowable square footage for signage.
- Standard Market will generate 150-170 employees and will be supplied by local deliveries.
- Signage on the electronic message board has to be held static for at least 10 seconds per the Municipal Code.
- Petitioner would agree to no additional signage for outlots on Ogden Avenue.

Mike Corbett, WD Partners 7007 Discovery Blvd., Columbus OH, , architect on behalf of the petitioner, noted:

- The front of the building is the west face, which fronts Ogden Avenue.
- The design of the east (rear) elevation is respectful of access provided from Whispering Hills. Back of house areas have limited windows.
- The building is sited within a mixed-use area; the building design incorporates corporate branding such as an upscale agrarian style with residential cues that help to break up the mass of the building.
- The building is designed to break up mass, engage the customer and bring the inside out by using large windows to show what is happening on the interior.
- A separate entry is provided to the restaurant/dining area that has an outdoor dining area oriented to the pond in the rear.

Chuck Hulse, Roake and Associates, 1684 Quincy Avenue, Suite 100A, Naperville IL, engineer on behalf of the petitioner, noted:

- Access improvements will help to alleviate cross-traffic issues.
- Parking will exceed Municipal Code standards for the store.
- Bioswales and natural landscaping are provided in the parking area.
- Landscaping will be in accordance with Municipal Code requirements.
- Stormwater will be provided by expanding Lake Osborne.
- Green areas will be reserved for future outparcels.

Mike Worthman, KLOA, 9575 West Higgins Road Suite 400, Rosemont IL, traffic engineer on behalf of the petitioner, noted:

- Access on Aurora Avenue will provide a dedicated left turn lane, which presently does not exist.
- Phase I of the development is the grocery store. Phase II will be the development of three outlot parcels.
- The petitioner's traffic study examined development with the addition of the outlot parcels.

- Site will largely attract existing bypass traffic or multi-purpose trips, which helps to reduce total traffic volume.
- The site access system will help to resolve existing issues by increasing the number of access locations, distributing traffic on the roadway system, and moving left-turn access onto Aurora Avenue further from the intersection.

Planning and Zoning Commission inquired about

- The timing of changeable message on proposed signage.
- The basis of the 10-second limitation that is in the Municipal Code.
- Whether additional glass can be provided on the north elevation that is highly visible from Aurora Avenue.
- Whether the building complies with the Building Design Guidelines.
- The nature of access from Whispering Hills for public and delivery purposes.
- Whether limiting access on Ogden Avenue to right-in/right-out was discussed.
- The nature of future review regarding development of the outlots.
- The nature of cross-access between the subject property and Speedway gas station.
- The extent of staff support for the requested sign variances and whether the Ogden frontage is likely to generate additional future signs for the outlots.
- Signage that was previously approved for Hollywood Palms.

**Public Testimony:**

None.

Planning and Zoning Commission closed the public hearing.

**Plan Commission Discussion:**

- Bruno – the project is first rate, finds that the Ogden Avenue signage is necessary to support the development.
- Coyne – inclined to support the request due to the need for visibility given that monument signs are encouraged by Code. Future tenants will be addressed at a later date. Does not find the sign sizes to be unreasonable given the size of the development.
- Messer – concurs with Commissioner Meyer and likes the design overall. Has some hesitation about the signs, especially the size, but is supportive of the proposal.
- Meyer – excited about the project and understands concerns about the electronic message board but finds that it's appropriate to the situation.
- Trowbridge – views changeable message boards as a trend of the future. The site has been vacant for quite some time, and the proposal is an exciting concept. Understands the need for signage on Ogden Avenue as well as reservations about the size as expressed by Commissioner

Herzog.

- Williams – has reservations about both signs but is assured by staff that the electronic messages will comply with the ordinance.
- Gustin – this is an exciting project and will be a wonderful addition to the city. Has some hesitation with respect to the size of the sign on Aurora Avenue.
- Herzog – finds that the store will be a great addition to the community but thinks that the sign variance on Ogden Avenue is excessive and would like to see the size limited to 45 square feet in that location. Expressed concern about the size of signage on Ogden Avenue, as the store is not located on Ogden Avenue and provides only a limited access drive onto Ogden Avenue. Does not view this case as similar to Hollywood Palms, as the property is visible from Aurora Avenue
- Edmonds – stated that the project is wonderful and noted that the proposed signs are consistent with the aesthetic policies of the city. Noted that Aurora and Ogden Avenue are busy streets and stated that there is likely a hardship

Planning and Zoning Commission moved to recommend approval of PC 11-1-102.

Motion by: Williams

Second by: Gustin

Commissioner Herzog moved to amend the motion to limit the monument sign variance on Ogden Avenue to 12' maximum height, 45 square foot maximum area, and electronic message board restriction of 22.5 square feet. Seconded by Gustin.

Aye: Herzog

Nay: Bruno, Coyne, Messer, Meyer, Trowbridge, Williams, Gustin, Edmonds

Motion to amend the main motion failed. Planning and Zoning Commission voted on the main motion.

Approved  
(9 to 0)

**D5. PC 11-1-120  
All Saints Catholic  
Academy**

The petitioner requests a conditional use for a building-mounted solar energy system as an accessory use to the All Saints Catholic Academy located at 1155 Aurora Avenue in the R1A (Low Density Single-Family Residence) District.

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

- Building-mounted solar energy system will comply with the height requirement and will be substantially set back from neighboring properties and Aurora Avenue.
- The residential zoning of the property necessitates a conditional use. The

request complies with the standards for a conditional use.

John Caravet, Earth Wind and Solar Energy, 2350 W. Grand, Chicago spoke on behalf of the petitioner:

- The solar energy systems have been installed on 35 schools in the region thus far and are an exciting learning opportunity for children.

Planning and Zoning Commission closed the public hearing.

**Plan Commission Discussion:**

None.

Planning and Zoning Commission moved to recommend approval of PC 11-1-120, All Saints Academy, to install solar panels.

Motion by: Trowbridge  
Seconded by: Williams

Approved  
(9 to 0)

**E. Reports and  
Recommendations  
F. Correspondence**

None.

None.

**G. New Business**

Gustin requested information about the accessory structure regulations.

Herzog noted that there should be a trigger to bring non-conforming multi-tenant signs into compliance. Edmonds concurred.

Gustin noted that she attended a planning law workshop that was very beneficial and encouraged staff to share materials with the commission.

**H. Adjournment**

9:41 p.m.