



**NAPERVILLE PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS – MUNICIPAL CENTER
FINAL AGENDA
02/22/2012 - 7:00 p.m.**

CALL TO ORDER:

A. ROLL CALL

B. APPROVE MINUTES

1. Approve the minutes of the January 25, 2011 Planning and Zoning Commission Workshop.
2. Approve the minutes of the February 8, 2012 Planning and Zoning Commission meeting.

C. OLD BUSINESS

D. PUBLIC HEARINGS

1. PC Case #PCS 12-1-013 Domino's Express
Petitioner: Doyle Signs, Inc. on behalf of Domino's Express
Location: 1983 Brookdale Road

Request: Conduct the public hearing for a variance to install a wall sign for a secondary business that is larger than ten percent (10%) of the area of the wall sign displayed for the primary business.

Official Notice: Published in the Naperville Sun - Sunday, February 5, 2012

2. PC Case #PCZ 12-1-011 619 S. Washington- Conditional Use
Petitioner: Almare Development Corporation, 564 S. Washington Street, Naperville, IL
Location: 619 S. Washington Street, east side of Washington Street between Porter Avenue and Hillside Road

Request: Conduct the public hearing for approval of a conditional use for a photography studio at 619 S. Washington Street.

AGENDA
NAPERVILLE PLANNING AND ZONING COMMISSION
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Official Notice: Published in the Naperville Sun on Sunday, January 29, 2012

3. PC Case #PC 12-1-008 Turning Pointe (North Campus)
Petitioner: Turning Pointe Autism Foundation, 3749 Tramore Court,
Naperville, IL 60564
Location: 1500 W. Ogden Avenue

Request: Conduct the public hearing to rezone the property located at 1500 W. Ogden Avenue from B3 (General Commercial District) to OCI (Office, Commercial, and Institutional District)

Official Notice: Published in the Naperville Sun on Sunday, February 5, 2012

E. REPORTS AND RECOMMENDATIONS

1. Planning and Zoning Commission By-Laws
Request: Approve the Naperville Planning and Zoning Commission By-Laws (requires six positive votes).

F. CORRESPONDENCE

G. NEW BUSINESS

H. ADJOURNMENT

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the Accessibility Coordinator at least 48 hours in advance of the scheduled meeting. The Accessibility Coordinator can be reached in person at 400 S. Eagle Street, Naperville, IL., via telephone at 630-420-6725 or 630-305-5205 (TDD) or via e-mail at manningm@naperville.il.us. Every effort will be made to allow for meeting participation.



**NAPERVILLE PLANNING AND ZONING COMMISSION
DRAFT MINUTES OF JANUARY 18, 2012
WORKSHOP MEETING**

Call to Order

6:00 p.m.

A. Roll Call

Present: Bruno, Coyne, Frost, Gustin, Meyer, Messer, Williams, Herzog
Absent: Trowbridge
Staff Present: Legal Department – Lord
Transportation & Planning Team – Laff, Thorsen, Emery, Liu, Helfert, Marcon

B. Background

Suzanne Thorsen, Planning Services Team, made a presentation about the proposed by-laws update.

C. By-Laws Review

Planning and Zoning Commission discussed:

- Procedures for nominating and electing new officers
- Update to information available on the City of Naperville website
- Whether speakers must provide addresses prior to presenting public testimony and redaction of email and phone information from written correspondence
- Modifications to staff/petitioner seating to accommodate questioning during the public hearing
- Establishment of an 11:00 p.m. time limit for Planning and Zoning Commission meetings

D. Summary/Next Steps

The Planning and Zoning Commission will consider adoption of the by-laws at their meeting on February 22, 2012.

E. Adjournment

9:15 p.m.



**NAPERVILLE PLANNING AND ZONING COMMISSION
DRAFT 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

Approved

Second by: Meyer

(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.

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- 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, including the additional signage to assist with way finding for out of town visitors.
- 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)

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**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.



Naperville

PLANNING & ZONING COMMISSION AGENDA ITEM

PCS CASE: 12-1-013 **AGENDA DATE:** 2/22/12

SUBJECT: Domino's Express
 Petitioner: Doyle Signs, Inc. on behalf of Domino's Express

LOCATION: 1983 Brookdale Road

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner proposes to install a 51-square-foot wall sign on the west elevation of the building for a secondary business that is located inside the building. In order to install the sign, the petitioner is requesting a variance from Section 5-4-5:1.7 (Commercial Signs; Wall Signs; Permitted Secondary Business Wall Signage) of the Naperville Municipal Code in order to install a wall sign for a secondary business that is larger than ten percent (10%) of the area of the wall sign displayed for the primary business.

PLANNING & ZONING COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Trude B. Terreberry, Code Enforcement Officer

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property consists of a 2.5 acre lot and is located at the northeast corner of Route 59 and Brookdale Road. The property is zoned B3 (General Commercial District) and is improved with a convenience store, gas station and car wash.

The surrounding properties are zoned as follows:

- North – Zoned B3 (General Commercial District) - Improved with a commercial building
- East – Zoned OCI (Office, Commercial and Institutional District) – Improved with Fire Station #4
- South – Zoned B2 PUD (Community Shopping PUD) – Improved with a commercial building that is part of Design Pointe
- West – Unincorporated and has no zoning – Improved with single-family homes

Domino's Express – Staff PZC Memo – PCS 12-1-013

February 22, 2012

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REQUEST:

The petitioner, Doyle Signs, Inc. on behalf of Domino's Express, proposes to install a 51-square-foot wall sign on the west elevation of the building for a secondary business that is located inside the building. In order to install the sign, the petitioner is requesting a variance from Section 5-4-5:1.7 (Commercial Signs; Wall Signs; Permitted Secondary Business Wall Signage) of the Naperville Municipal Code in order to install a wall sign for a secondary business that is larger than ten percent (10%) of the area of the wall sign displayed for the primary business.

CONTROLLING AGREEMENTS AND ORDINANCES:

03-096: Increased the number of parking spaces and fuel pumps and reconfigured the dimensions and placement of the drive-aisle

STAFF REVIEW:

Section 5-4-5:1.7 (Commercial Signs; Wall Signs; Permitted Secondary Business Wall Signage) of the Naperville Municipal Code limits the area of a wall sign for a secondary business to ten percent (10%) of the area of the wall sign displayed for the primary business. The purpose of the 10% limitation for secondary-business wall signs is to ensure that they are smaller and in proportion to the wall signs for the primary business. The scale of the secondary sign in comparison to the primary sign essentially provides clarity to people so that they easily understand the primary use of a building. The primary business at this location is the ampm convenience store and this business has a 49-square-foot (SF) wall sign on the west elevation of the building; as a secondary business inside the building, Domino's Express is limited to a 4.9-SF wall sign.

Domino's Express proposes to install a 51-SF wall sign on the west elevation of the building. The petitioner believes that a 4.9-SF wall sign is not adequate to identify the location of the business due to the fact that the building is setback 176 feet from the property line along Route 59 and there are canopy and gas pumps between the building and the street, which would block the view of a sign of that size. In addition, the petitioner believes that a larger sign will allow patrons to make a safer entrance into the parking lot in order to visit Domino's Express.

Staff does not believe that a hardship exists and believes that the request is not reasonable because, as proposed, the sign for Domino's Express makes it appear that Domino's Express is the primary business in the building and therefore is confusing for patrons. In addition, the owner of the Domino's Express, who is also the owner of the BP portion of the business, has indicated that he is going to replace the ampm face panel on the multi-tenant monument sign with a Domino's Express face panel (please see Attachment 6). By revising the multi-tenant monument sign, which is permitted by the code, staff believes that Domino's Express will have visibility along Route 59 without having to add a 51-SF wall sign to the building.

STAFF SUMMARY:

The purpose of the Street Graphics Ordinance is to create the framework for a comprehensive balanced system of signage, to promote communication between people and their environment and to avoid the usual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

*Domino's Express – Staff PZC Memo – PCS 12-1-013
February 22, 2012
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Staff believes that the proposed sign is not in harmony with the street graphics ordinance because the Domino's Express sign would create an imbalance of signage on the building and not properly distinguish between the primary and secondary businesses in the building.

Staff has reviewed the requested street graphics variance and finds that the petitioner does not meet the standards for granting a variance to the Street Graphics Control Ordinance. As a result, staff does not recommend approval of a variance from Section 5-4-5:1.7 (Commercial Signs; Wall Signs; Permitted Secondary Business Wall Signage) of the Naperville Municipal Code in order to install a wall sign for a secondary business that is larger than ten percent (10%) of the area of the wall sign displayed for the primary business for the Domino's Express located at 1983 Brookdale Road.

ACTION REQUESTED:

Conduct the public hearing.

ATTACHMENTS:

1. Domino's Express – Petitioner's Application – PCS 12-1-013
2. Domino's Express – Legal Description – PCS 12-1-013
3. Domino's Express – Location Map – PCS 12-1-013
4. Domino's Express – ALTA Survey – PCS 12-1-013
5. Domino's Express – Sign Rendering – PCS 12-1-013
6. Domino's Express – Proposed Changes to Monument Sign – PCS 12-1-013

CITY OF NAPERVILLE APPLICATION FOR A SIGN VARIANCE

ADDRESS OF SUBJECT PROPERTY: 1983 Brookdale Road

PARCEL IDENTIFICATION NUMBER (PIN) _____

APPLICANT'S NAME: Doyle Signs, Inc.

APPLICANT'S ADDRESS: 232 W. Interstate Road

CITY: Addison STATE: IL ZIP CODE: 60101

DAYTIME PHONE: 630-543-9490

E-MAIL ADDRESS: Permits@DoyleSigns.com

OWNER OF PROPERTY: Tejash Patel

OWNER'S ADDRESS: 1983 Brookdale Road

CITY: Naperville STATE: IL ZIP CODE: _____

OWNER'S DAYTIME PHONE: 630-747-3737

ZONING OF PROPERTY: _____

AREA OF PROPERTY (Acres or sq ft): 89241

List Improvements on property (buildings, fences, pools, decks, etc.):

Installation of (1) single face internally illuminated wall mounted sign to be mounted to the West building elevation.

DETAILED DESCRIPTION OF VARIANCE (include relevant Section numbers of Municipal Code; attached additional pages if needed):

We are looking to install a secondary wall sign to the front building elevation that will identify a business within a business. The code will only allow the sign to be 10% of the Primary sign. The primary sign for this location is 46 square feet so the secondary sign will only be allowed to be 4 square feet and that size sign will not provide proper visibility for the business.

EXHIBIT A

The above information, to the best of my knowledge, is true and accurate:

Lisa Neal Lisa Neal (agent) 1/19/12
(signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this 19th day of January, 20 12

Rita Roberts Rita Roberts

(Notary Public and Seal)

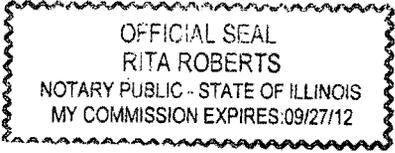


EXHIBIT A



Doyle Signs, Inc., *General Sign Contractors*
232 Interstate Road, P.O. Box 1068
Addison, IL 60101
Office: (630) 543-9490 Fax: (630) 543-9493
E-mail address: permits@doylesigns.com

Building Department
City of Springfield
304 Municipal Center West
Springfield, IL 62701

RE: BP / Domino's
1983 Brookdale Road

Findings of Fact for Sign Variances

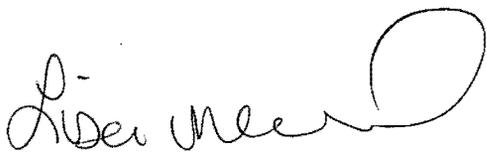
1. The unique circumstances that surround this property is that this is considered a business within a business. If we were to conform to the code based on the size of the primary sign the Domino's would require a sign with a maximum square footage of 4.6 square feet. Based on the fact that the building is setback from the road and there are the canopy and pumps between the building and the street the sign will not be visible to the traffic.
2. The hardship has not been created by the property owner but by the sign code restricting the size of a sign for a business within a business.
3. The proposed variance will not be detrimental to the public in any way but will infact make it easier for the patrons to see the sign and be able to make a safe entrance into the parking lot in order to visit the business.

4. The proposed sign will not impair visibility but will actually increase the visibility of the location and this will not impair visibility to other establishments due to the fact that it will be flush mounted to the building façade.
5. The proposed sign will not alter the essential character of the neighborhood due to the fact that it is the same type of sign that are mounted to numerous other businesses within the City of Naperville.
6. The proposed sign is in harmony with the spirit and intent of the sign code with the exception of the size limitations that the sign code has set. We are proposing to have a sign that is larger in order to have the best visibility that the business will need in order to succeed in the City of Naperville.

Please feel free to contact me if you require anything further to complete the permit process.

Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Neal". The signature is fluid and cursive, with a large loop at the end.

Lisa Neal
Doyle Signs, Inc.

Address: 1983 Brookdale Road
Naperville, IL 60563

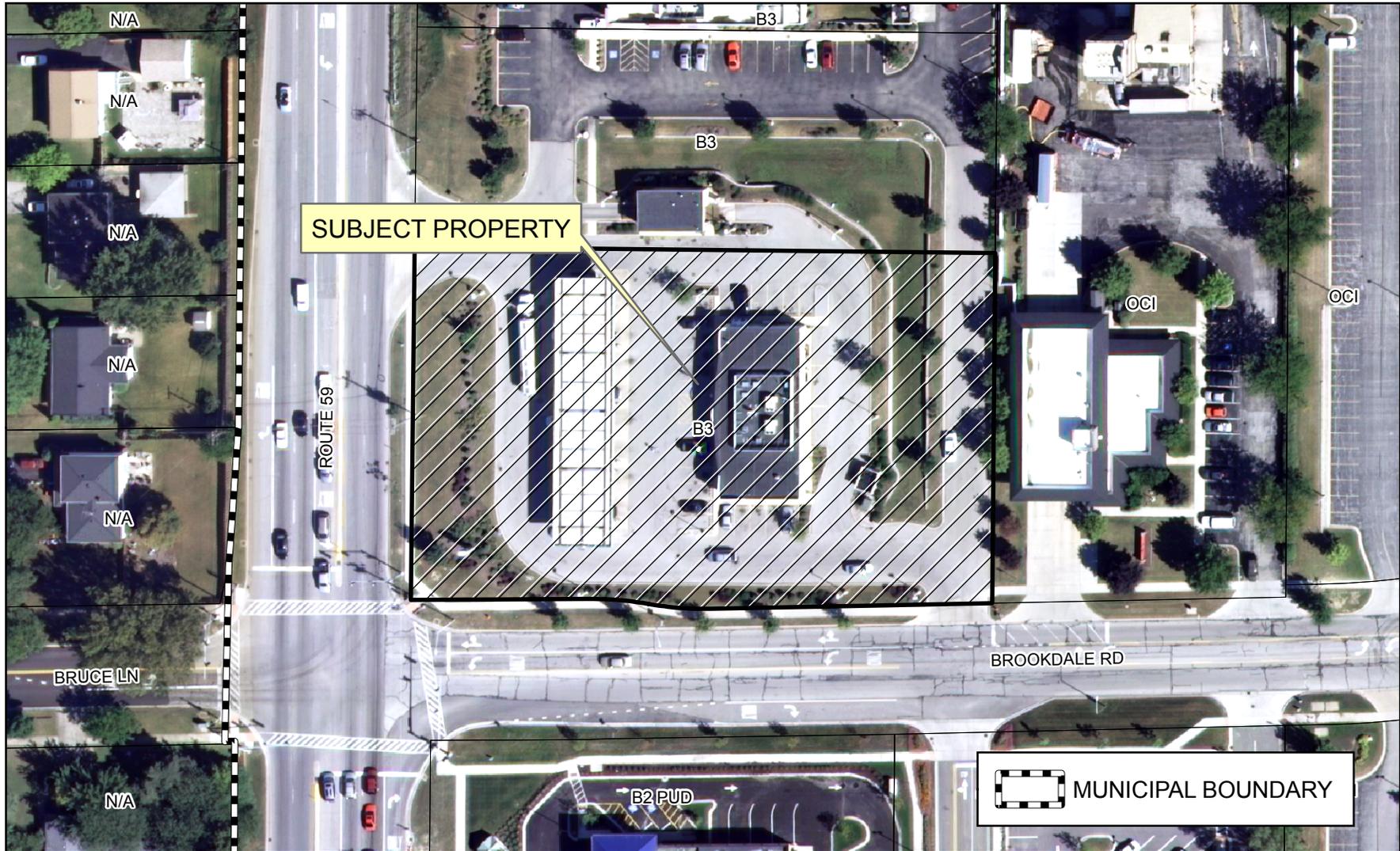
PIN: 07-10-102-014

Legal Description: Lot 1 in National Energy Properties, Being a Subdivision of Part Of the Northwest $\frac{1}{4}$ of section 10, township 38 North, Range 9, east of the Third Principal Meridian, According to the Plat thereof Recorded January 14, 2003 as Document R2003-015609, In DuPage County, Illinois.

Land Total Net Area: 89241 sq ft.

Exterior Foot Print area of Buildings: 5102 Sq. Ft.

City of Naperville
DOMINO'S PIZZA - 1983 BROOKDALE ROAD



Transportation, Engineering and
 Development Business Group
 Questions Contact (630) 420-6719
www.naperville.il.us
 February 2012



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 or application of the data. Reproduction or redistribution is
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331.02'

5.00' PUBLIC UTILITY & DRAINAGE EASEMENT



ALTA SURVEY

LOT 1 IN NATIONAL ENERGY PROPERTIES, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 10, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 14, 2003 AS DOCUMENT R2003-015609, IN DUPAGE COUNTY, ILLINOIS. LAND TOTAL NET AREA: 89241 SQ. FT. EXTERIOR FOOT PRINT AREA OF BUILDINGS: 5102 SQ. FT.

COMMONLY KNOWN AS: 1983 BROOKDALE ROAD, NAPERVILLE, ILLINOIS.

LEGEND

- ⊥ TRAFFIC SIGN
 - ⊙ MANHOLE
 - ⊛ LIGHT POLE
 - ⊗ WATER VALVE
 - ⊘ VALVE
 - ⊚ CATCH BASIN
 - ⊙ SANITARY MANHOLE
 - ⊞ INLET
 - ⊕ STORM MANHOLE
 - ⊚ UTILITY POLE
 - ⊙ TRAFFIC SIGNALS
 - ⊗ WATER MENHOLE
- NOTE:
 - PARKING SPACES:
 - Regular.....25
 - Handicapped.....2
 TOTAL.....27
- CERTIFY TO:
 - TCF BANK
 - CHICAGO TITLE INTEREST

269.88'
S.00°37'50"W.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999, AND INCLUDES ITEMS 4, 7a, 7b1, 8, 9, 10, 11a OF TABLE "A" THEREOF. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT THE SURVEY MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEYS."

DATED: AUGUST 1, 2008

(SIGNED) *[Signature]*
ILLINOIS PROFESSIONAL LAND SURVEYOR

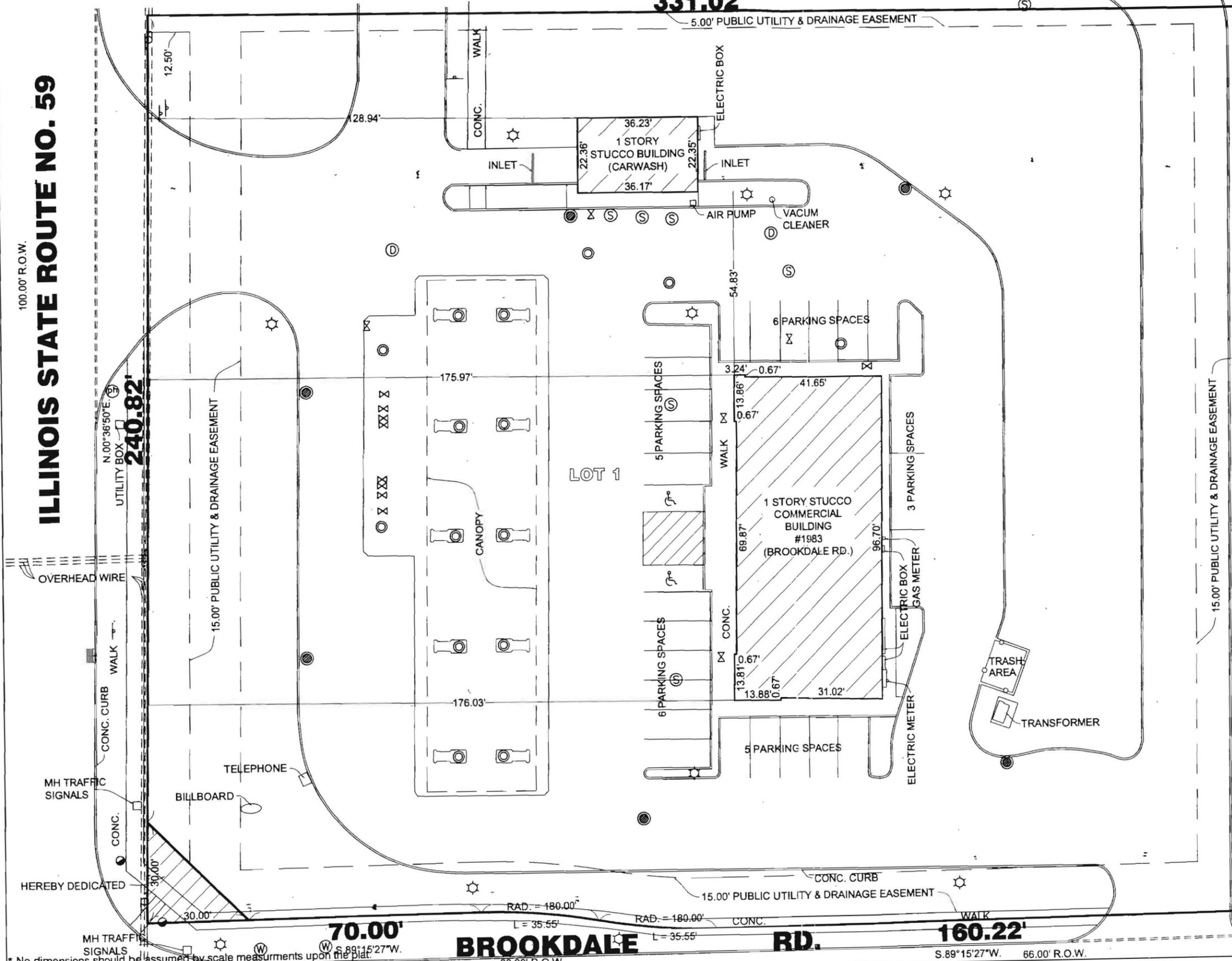


Illinois Land Surveyor Number 035-003349
BEHROOZ MORADI, PhD, P.E., S.E., P.L.S.
 ILL. PROF. LAND SURVEYOR - LICENSE EXP. DATE NOV. 30, 2008.

Planning and Zoning Commission

ILLINOIS STATE ROUTE NO. 59

100.00' R.O.W.



* No dimensions should be assumed by scale measurements upon the plat.
 * Boundary dimensions are based on the public records and/or description provided.

The legal description noted on this plat was provided by the client and must be compared with deed and/ or title policy. For building restrictions and/ or easements refer to your deed, contract, title policy, and/ or zoning regulations. This plat is valid only if it contains the original signature and seal of the surveyor. If you have any questions, please do not hesitate to contact us.

MORADI MULTI DIMENSIONS CONSULTING ENGINEERS
 2343 W. IRVING PARK RD., CHICAGO, IL 60618
 TEL: (773)478-6666, FAX: (773)478-6667

JOB #: 270-08	DRAWN: HA	DATE: 08/01/2008	CLIENT: TCF BANK
SHEET: 1	CHECKED: BM	SCALE: 1"=30'-0"	DATE OF FIELD WORK: 07/31/2008

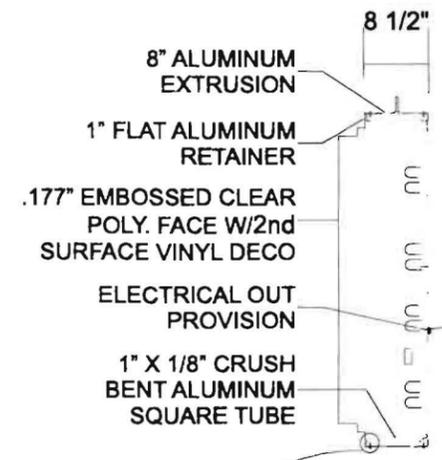
Page 20 - Agenda Item D.1.





- RED #33
- SUITAN BLUE #157
- INTENSE BLUE #127
- PMS#1235C
PAINT TO MATCH OR #125 MANGO
- WHITE

ONE (1) NEW FLORESCENT INTERNALLY LED ILLUMINATED WALL CABINET.
FACE TO BE EMBOSSED LEXAN WITH APPLIED VINYL GRAPHICS SECOND SURFACE
MOUNTED FLUSH TO BUILDING SCALE: 1/2"=1'



.177" CLEAR POLY.
FACE W/ 2nd SURFACE
VINYL DECO.
FLAT ALUM. RETAINER
ALUMINUM EXTRUSION

CROSS SECTION
SCALE: 1/2" = 1'



PROPOSED ELEVATION SCALE 3/32"=1'

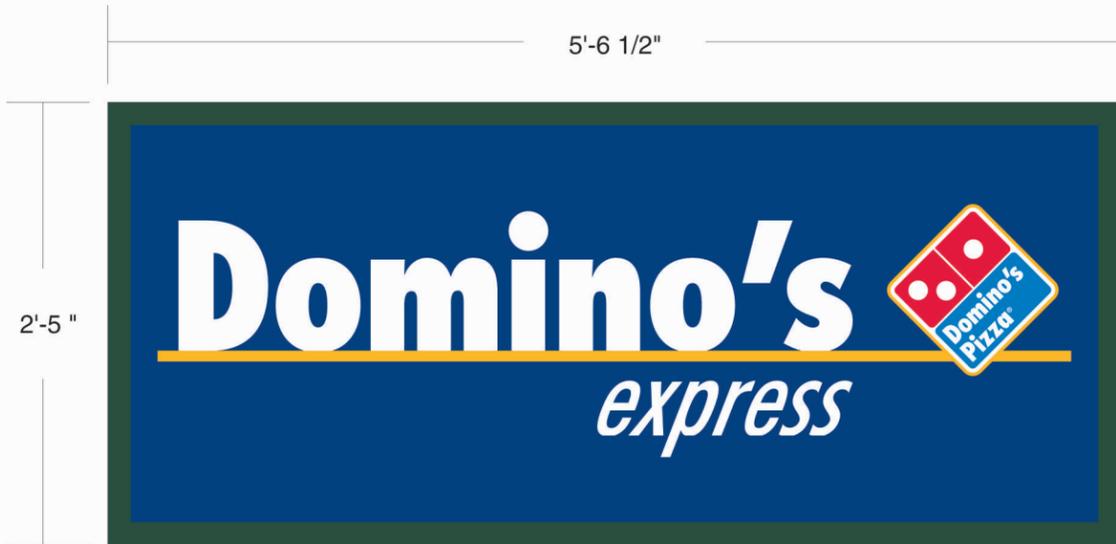
AS IS ELEVATION

DATE	REVISION

CUSTOMER APPROVAL _____ **DATE** _____

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CLIENT DOMINO'S PIZZA EXPRESS			
ADDRESS			
CITY NAPERVILLE	STATE IL	DESIGNER AT	SALESPERSON JST
DRWG. NO. 12399	SCALE: NOTED	DATE: 11.22.2011	SHEET NO. 1 of 2



SCALE: 1"=1'

- RED #33
- SULTAN BLUE #157
- INTENSE BLUE #127
- PMS#1235C
PAINT TO MATCH OR #125 MANGO
- WHITE
- DIGITALLY PRINTED
WHITE VINYL



PROPOSED



EXISTING CONDITION



DATE	REVISION
1.5.12	RELOCATE PANELS / CHANGE SIZE OF DOMINO'S - AT

CUSTOMER APPROVAL _____ **DATE** _____

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CLIENT DOMINO'S PIZZA EXPRESS			
ADDRESS			
CITY NAPERVILLE	STATE IL	DESIGNER AT	SALESPERSON JST
DRWG. NO. 12473	SCALE: NOTED	DATE: 11.22.2011	SHEET NO. 2 of 2



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

PC CASE: 12-1-011 **AGENDA DATE:** 2/22/2012

SUBJECT: 619 S. Washington- Conditional Use
 Petitioner: Almare Development Corporation, 564 S. Washington Street

LOCATION: 619 S. Washington Street, east side of Washington Street between Porter Avenue and Hillside Road

Correspondence New Business Old Business Public Hearing

SYNOPSIS:
 The petitioner requests approval of a conditional use for a photography studio at 619 S. Washington Street in accordance with the provisions of Section 6-7I-3 (Transitional Use District) of the Naperville Municipal Code.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:
 Conduct the public hearing.

PREPARED BY: Suzanne Thorsen, AICP, Planning Services Team

EXISTING ZONING, LAND USE, AND LOCATION:
 The subject property is located at 619 S. Washington Street, east side of Washington Street between Porter Avenue and Hillside Road. It is zoned TU (Transitional Use District) and is improved with a single-family home that was converted to commercial use.

CONTROLLING AGREEMENTS AND ORDINANCES:
 Ord. 07-99 Rezoning the property to TU
 Ord. 04-35 Granting variance to allow for reduction of Major Arterial setback to 25 feet

BACKGROUND:
 In 2007, the subject property was designated TU (Transitional Use) in accordance with the recommendations of the Washington-Hillside Study. The TU District allows for a variety of office and services uses, as well as limited residential use, and is intended to serve as a mixed use

619 S. Washington Street – PC 12-1-011

February 22, 2012

Page 2 of 2

transitional area between the downtown commercial areas and adjoining residential neighborhoods. Photography studios require approval of a conditional use in the TU District.

Existing Temporary Use

On January 17, 2012 the City Council granted the petitioner approval of a temporary use for a photography studio at the subject property for a period of three months. The temporary use was granted to accommodate Jenny Taylor Photography, who had signed a lease prior to obtaining the required conditional use approval. The temporary use is valid for a period of three months (expiring April 16, 2012) in order to allow the petitioner to go through the conditional use process.

PLANNING SERVICES TEAM REVIEW:

The petitioner proposes to occupy the existing 1,174 square foot building with a photography studio. With the exception of signage, no exterior modifications are proposed. Existing parking is adequate to support the proposed use. Per direction provided by the City Council on January 17, 2012, the petitioner has agreed to provide an easement for cross-access between the subject property and adjacent parcels, to be constructed at such point in time as the parking lot is improved.

Staff has reviewed the petitioner's request for a conditional use and concurs with the petitioner that the photography studio meets the standards of Section 6-3-8 (Conditional Uses). The proposed use is compatible with the office and service nature of surrounding uses as well as the Washington Street corridor in the vicinity of the downtown.

ACTION REQUESTED:

Conduct the public hearing.

ATTACHMENTS:

1. Letter Authorizing Temporary Use (1/18/2012)
2. Location Map
3. Petition for Variance



Naperville

January 18, 2012

Mr. Vincent Marrone
Almare Development Inc.
564 S. Washington Street
Naperville, IL 60540

RE: 619 S. Washington Street

Mr. Marrone:

This letter will confirm that I have the authority to allow temporary use of a photography studio in your building located at 619 S. Washington Street for a period of three (3) months while a conditional use is being processed for the above referenced use. The three month period will expire on April 16, 2012. If you have not received approval for a conditional use by that date, you will not be permitted to continue the photography use at this property.

The subject property is zoned Transitional Use (TU); therefore, a photography studio requires approval of a conditional use per Section 6-7I-3 of the Naperville Municipal Code. The conditional use process entails submittal of a completed application (see attached), public hearing before the Planning and Zoning Commission and final approval by the Naperville City Council. You should plan approximately eight to ten weeks overall for completion of this entitlement process, once the application is submitted. Additionally, please note that the temporary approval does not establish an exemption from the city's occupancy review and inspection procedures.

I encourage you to submit your conditional use application at your earliest opportunity; however, the application must be submitted no later than Wednesday, January 25 for inclusion on the February 22, 2012 Planning and Zoning Commission meeting. If you need additional information, please contact the Planning Services Team at 630-420-6694.

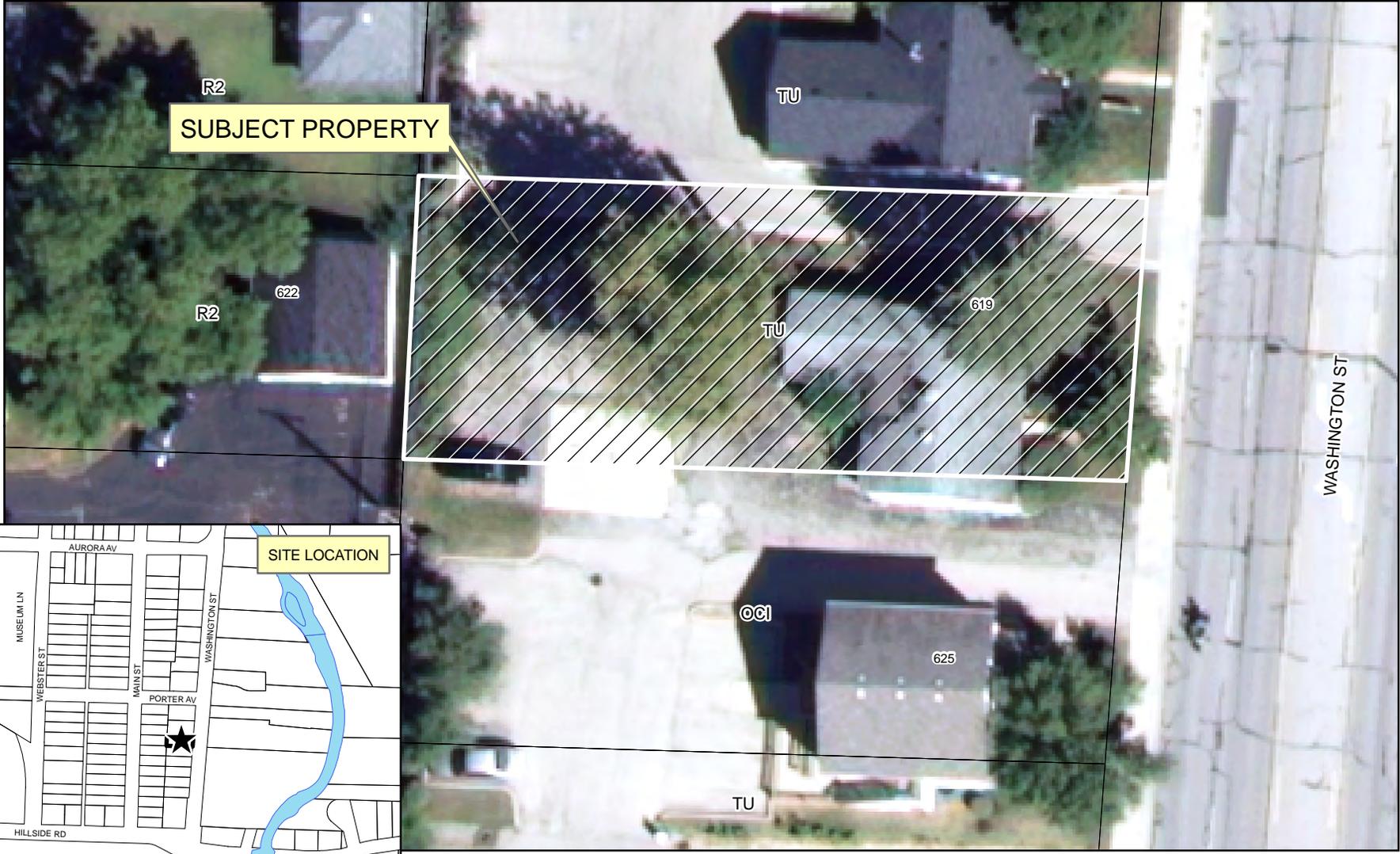
Sincerely,

A handwritten signature in black ink, appearing to read "Doug Krieger".

Doug Krieger
City Manager

cc: Jenny Taylor, Jenny Taylor Photography
File

City of Naperville
619 S. WASHINGTON STREET



Transportation, Engineering and
 Development Business Group
 Questions Contact (630) 420-6719
www.naperville.il.us
 February 2012



This map should be used for reference only.
 The data is subject to change without notice.
 City of Naperville assumes no liability in the use
 or application of the data. Reproduction or redistribution is
 forbidden without expressed written consent from the City of Naperville.

**CITY OF NAPERVILLE
T.E.D. BUSINESS GROUP
PETITION FOR DEVELOPMENT APPROVAL**

Development Name (should be consistent with plat): _____

Development Address: 619 S. Washington Street

P.I.N. Number (s): 07-24-205-017

Date of Submission: 1/23/12

I. APPLICANT:

Vince Marrone Almare Development
Name Corporation

564 S. Washington St.
Street

Naperville IL 60540 630-664-6487
City State Zip Code Telephone Number

Vince Marrone Self 630-664-6487
Primary Contact Person Relationship to Applicant Telephone Number

Fax Number VINCE@LORENZOSTUXEDO.COM
E-Mail Address

II. OWNER OF THE PROPERTY:

same as above
Name

Address Telephone Number

III. APPLICANT'S/PETITIONER'S STAFF:

Attorney: N/A Telephone Number: _____

Email Address: _____ Fax Number: _____

Address: _____

Engineer: N/A Telephone Number: _____

IV. ACTION REQUESTED (Check applicable boxes and complete corresponding Exhibits):

- | | |
|---|---|
| <input type="checkbox"/> Annexation (see Section V below) | <input type="checkbox"/> Subdivision Waiver / Deviation to Platted Setback Line
(Complete Exhibit 4) |
| <input type="checkbox"/> Rezoning from ___ To ___
(Complete Exhibit 1) | <input type="checkbox"/> Zoning Variance
(Complete Exhibit 5) |
| <input type="checkbox"/> Preliminary PUD Plat
(Complete Exhibit 2) | <input type="checkbox"/> Final PUD Plat
(Complete Exhibit 2) |
| <input type="checkbox"/> Major Change to a Planned Unit Development
(Complete Exhibit 2) | <input type="checkbox"/> Minor Change to a Planned Unit Development
(Complete Exhibit 2) |
| <input type="checkbox"/> Preliminary Plat of Subdivision | <input type="checkbox"/> PUD Deviation (Zoning or Subdivision) |
| <input checked="" type="checkbox"/> Conditional Use
(Complete Exhibit 3) | <input type="checkbox"/> Final Plat of Subdivision |
| <input type="checkbox"/> Minor Change to a Conditional Use
(Complete Exhibit 3) | <input type="checkbox"/> Major Change to a Conditional Use
(Complete Exhibit 3) |
| <input type="checkbox"/> Site Plan Review | <input type="checkbox"/> Landscape Variance
(Complete Exhibit 6) |
| <input type="checkbox"/> Sign Variance
(Complete Exhibit 5) | <input type="checkbox"/> Plat of Easement / Vacation / Dedication
(circle all that apply) |

V. ANNEXATION

Is this development within the City limits?

- Yes.
- Under review by another governmental agency and requires review due to 1.5 mile jurisdictional requirements.
- No, *requesting annexation*
- Are there electors living on the property:
- Yes No
- If yes, did they sign the Petition for Annexation? Yes No

VI. SITE DATA

- General description of site conditions (Including existing site improvements, i.e., buildings, parking, landscaping, etc.)

meets all commercial specs

- 2. Existing Utility Services (water, sewer, electricity): YES
- 3. Existing zoning on the site: TU
- 4. Existing Land Use: conditional
- 5. Acreage & Square Footage of the site: 50' x 130'
- 6. List Controlling Ordinances and agreements (zoning, annexation ordinances, SIA, site plans, preliminary/final PUD plats, etc.):

VII. PROPOSED DEVELOPMENT:

- 1. Type of Development (check all that apply):
 - Residential
 - Commercial
 - Office
 - Industrial
 - Other: _____

- 2. Proposed Zoning: X

Description of Proposal: (Including proposed land use, type of use, hours of operation, number of parking spaces, and all Exhibits mandated by the request (see Page 2, Section IV for Exhibit information)– attach additional pages if necessary):

X

- 3. Description of Building (Including number of buildings, square footage of each building and use, maximum height, façade materials):

X NA

4. Describe all requested Variances / Deviations from the underlying zoning regulations (i.e. parking, setbacks, density, height/bulk etc.) **NOTE:** Complete this section as well as **Exhibit 5** – attach additional pages if necessary:

N/A

5. Describe all requested waivers from the Subdivision Regulations: (i.e. R.O.W., widths, easements, etc.) **NOTE:** Complete this section as well as **Exhibit 4** – attach additional pages if necessary:

N/A

6. Deviations from the Landscaping Regulations **NOTE:** Complete this section as well as **Exhibit 6** – attach additional pages if necessary:

N/A

7. General Land Use Data:

	Residntl.	Comrcl.	Office	Indst.	R.O.W.	Park	School	Private	Other*	Total
No. of Acres										
% of Total										

*Please explain:

N/A

8. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Building square footage	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family						NA			
wnhome						NA			
Duplex						NA			
partment						NA			

omrcl.			NA	NA	NA			
Office			NA	NA	NA			
dustrial			NA	NA	NA			

- Gross Acres = land designated for land use type including right-of-way
- Gross Density = number of units divided by gross acres
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school/park dedications and open space areas.
- Modified Gross Density = number of units divided by modified gross acres.

VIII. SCHOOL AND PARK DONATION REQUIREMENTS (calculation tables must be attached):

1. Required School Donation of N/A acres will be met by a _____

2. Required Park Donation of N/A acres will be met by a _____

IX. PRIVATE FACILITIES

1. Private open space and recreational facilities include:

N/A

- Which will be maintained by:
- The City of Naperville
 - Homeowners Association
 - Other (_____)

2. Outlots and/or detention/retention facilities include (size, number and location)

N/A

- Which will be maintained by:
- The City of Naperville
 - Homeowners Association
 - Other (_____)

3. Detention, retention, open space/recreation and school uses within the development:

	Private -- Homeowners Association (acres)*	Public --To be Dedicated (acres)	Other (acres)*	Total (acres)
Open Space*				
a. Park Site				
b. Common				

Areas*				
c. Private Facility*				
Sub-total				
School Site				
Total				

*Please Explain:

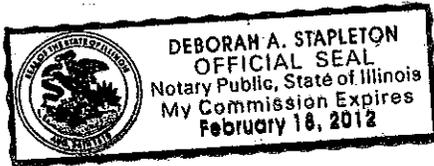
Note: Please provide a brief explanation of the type of private facility, common area, open space or other acreage included in the development (Private facilities would include facilities such as clubhouses or private swim clubs. Other could include detention/facilities or outlots for landscape buffers, subdivision identification signage or similar purposes.)

Respectfully Submitted,
 [Enter Name of Petitioner(s) or Authorized Agent]

By: *[Signature]*
 [Type in Name of Signatory]
 [Type in Title of Signatory (e.g. Owner, Atty., etc.)]

STATE OF ILLINOIS)
 COUNTY OF DUPAGE)
 CITY OF NAPERVILLE)

The foregoing petition was acknowledged before me by Deborah Stapleton [Type in Name of Notary] on the 23 day of Jan, 2002 A.D.



By: Deborah Stapleton
 [Type in Name of Notary]
 Notary Public

LLC PETITIONERS

LLC petitioners are required to produce the articles of organization that are on file with the Illinois Secretary of State's Office. If an LLC is manager-managed, this petitioner may be executed by the manager identified within the articles of organization. If an LLC is member-managed, this petition must be executed by each member of the LLC.

EFFECTIVE PERIOD OF APPLICATION

Please note that applications for development approval are only valid for a period of two years from the date of application submission and that all cases will be closed by the City without further notice to the applicant after the two year period has expired.

EXHIBIT 3

Standards for Granting or Amending a Conditional Use Section 6-3-8:2

(Please use a separate sheet of paper to respond to the criteria listed below)

Standards For Conditional Uses: The commission shall not recommend nor the city council grant a conditional use in a particular zoning district or districts unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare; and
2. The conditional use will not be injurious to the use and enjoyment of other property in the immediate area for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and
3. The establishment of the conditional use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district. (Ord. 80-5, 1-21-1980)

EXHIBIT 3

The establishment at 619 S. Washington Street will not be detrimental or endanger the public health, safety and general welfare of the neighborhood. It will not be injurious to the use and enjoyment of the other properties in the immediate area for the purposes already permitted; nor substantially diminish or impair property values within the neighborhood. Its use will not impede the normal and orderly development and improvement of the adjacent property for uses permitted in the district.

ATTACHMENT 6
CITY OF NAPERVILLE
DISCLOSURE OF BENEFICIARIES

In compliance with Ordinance 85-193, An Ordinance amending Title 1 (Administrative) of the Naperville Municipal Code, as amended, by adding Chapter 12 thereto requiring disclosure of certain interests by persons applying for permits, licenses, approvals or benefits from the City of Naperville.

1. Applicant: Vince Marrone / Almare Development
Address: 564 S Washington St
Naperville, IL

2. Nature of Benefit sought: _____

3. Nature of Applicant (Please check one):

- a. Natural Person
- b. Corporation
- c. Land Trust/ Trustee
- d. Trust/Trustee
- e. Partnership
- f. Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of applicant: _____

5. If in your answer to Section 3 you checked box b, c, d, e or f, identify by name and address each person or entity which is a 5% shareholder in the case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of case of a joint venture, or who otherwise has a proprietary interest, interest in profits and losses or right to control such entity:

- a. Vince Marrone, 564 S Washington, Naperville, IL
- b. Philip Marrone, 564 S Washington, Naperville, IL
- c. _____
- d. _____

6. Name, address and capacity of person making this disclosure on behalf of the applicant: _____

IMPORTANT NOTE: In the event your answer to Section 5 identifies entities other than a natural person, additional disclosures are required for each entity.

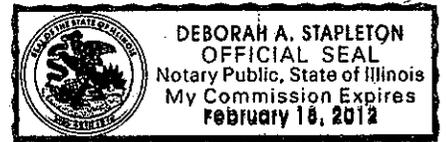
VERIFICATION

I, Vince Marrone, being first duly sworn under oath, depose and state that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make this disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact

Signature: _____

Subscribed and Sworn to before me this 23 day of Jan, 2012.

Deborah A Stapleton
Notary Public





Naperville

PLANNING AND ZONING COMMISSION AGENDA ITEM

PC CASE: 12-1-008 **AGENDA DATE:** 2/22/2012
SUBJECT: Turning Pointe (North Campus)
 Petitioner: Turning Pointe Autism Foundation, 3749 Tramore Court,
 Naperville, IL 60564

LOCATION: 1500 W. Ogden Avenue

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner requests to rezone the property located at 1500 W. Ogden Avenue from B3 (General Commercial District) to OCI (Office, Commercial, and Institutional District).

PLANNING AND ZONING COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A	N/A	N/A

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Ying Liu, AICP, Planning Services Team

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property, comprised of 3.18 acres, is located at 1500 W. Ogden Avenue, south of Quincy Avenue. The property is zoned B3 (General Commercial District) and is presently improved with a commercial building and a parking lot, which were previously occupied by the Naperville Sun Publisher.

RELATIONSHIP TO THE OFFICIAL PLAN OF THE CITY OF NAPERVILLE:

The East Sector Update to the Comprehensive Master Plan identifies the future use of the property as “Commercial”.

PLANNING SERVICES TEAM REVIEW:

The petitioner, the Turning Pointe Autism Foundation, recently moved into the existing building on the subject property and currently operates a vocational training program there (the existing vocational school is a permitted use in the B3 District). Turning Pointe wishes to ultimately use the building as a primary/secondary school and vocational training center for children and adults with special needs. Therefore, the petitioner requests a zoning change of the subject property from B3 to OCI, which would allow for both the primary/secondary school and the vocational

Turning Pointe (North Campus) – PC 12-1-008
 February 22, 2012
 Page 2 of 2

training center. No expansion of the existing building or modifications to the site is proposed at this time.

Zoning

The OCI district is intended to serve as a transitional zone between intensive business areas and residential neighborhoods, containing office, residential, institutional and support commercial facilities. Located on Ogden Avenue, the subject property is surrounded by several automobile dealerships and a food manufacturer on the north, south and west sides and a multifamily development on the east side. Staff finds the proposed institutional use (school) and zoning designation (OCI) of the subject property are appropriate as the property would serve as a transition between a major commercial and transportation corridor and a residential area.

The petitioner provided responses to the standards for rezoning in the attached Development Petition. Staff concurs with the petitioner’s findings.

Parking

Turning Pointe plans to renovate the existing building (32,390 sq. ft.) for the school. Based on the information provided by the petitioner and as demonstrated in the table below, the existing parking supply of 111 spaces on the subject property meets the City’s parking requirement and is sufficient to serve the needs of the proposed school.

	Primary School	Secondary School	Vocational Training Center
# of Students	30	20	30
Means of Transportation	Bus	Bus	Bus; drop off/pick up; participant drivers
# of Staff	30	11	5
Parking Requirement	1 parking space per each employee	1 parking space per each employee plus 1 parking space for each 6 students	1 parking space per each employee plus 1 parking space per each 3 students
# of Required Parking Spaces	30	14	15

Total Number of Required Parking Spaces: 59 spaces

ACTION REQUESTED:

Conduct the public hearing.

ATTACHMENTS:

1. Turning Pointe North Campus – Development Application – PC 12-1-008
2. Turning Pointe North Campus – Development Petition – PC 12-1-008
3. Turning Pointe North Campus – Legal Description – PC 12-1-008
4. Turning Pointe North Campus – Plat of Survey – PC 12-1-008
5. Turning Pointe North Campus – Location Map – PC 12-01-008

**CITY OF NAPERVILLE
TRANSPORTATION, ENGINEERING AND DEVELOPMENT
BUSINESS GROUP
APPLICATION FOR ANNEXATION AND REZONING**

DEVELOPMENT NAME: Turning Pointe – North Campus

Date of Submission: January 17, 2012

I. APPLICANT/PETITIONER:

Name: Turning Pointe Autism Foundation

Address: 3749 Tramore Court, Naperville, Illinois 60564

Telephone Number: 630-570-7948

Contact Person: Drew Glassford

Relationship of Applicant to Subject Property:

II. OWNER OF THE PROPERTY:

Name: Daniel Wolf and Penny Wolf

Address: 7S679 Donwood Drive, Naperville, Illinois 60540

III. ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Rezoning |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Preliminary PUD Plat | <input type="checkbox"/> Final PUD Plat |
| <input type="checkbox"/> Major Change to a Conditional Use | <input type="checkbox"/> Minor Change to a Conditional Use |
| <input type="checkbox"/> Major Change to a Planned Unit Development | <input type="checkbox"/> Minor Change to a Planned Unit Development |
| <input type="checkbox"/> Preliminary Plat of Subdivision | <input type="checkbox"/> Final Plat of Subdivision |
| <input type="checkbox"/> Subdivision Waivers | <input type="checkbox"/> Zoning Variance |

IV. APPLICANT'S/PETITIONER'S STAFF:

Attorney: Dommermuth, Brestal, Cobine & West, Ltd. Telephone Number: 630/355-5800
 Address: 123 Water Street
 Naperville, Illinois 60540
 Fax Number: 630/355-5976 E-Mail:

Engineer: Roake and Associates, Inc. Telephone Number: 630/355-3232
 Address: 1684 Quincy Avenue, Suite 100A
 Naperville, Illinois 60540
 Fax Number: 630/355-3267 E-Mail: jcaneff@roake.com

Architect: Telephone Number:
 Address:

Fax Number: E-Mail:

V. PROJECT DATA:

1. Location: east side of Ogden Avenue, south of Quincy Avenue
2. County: DuPage X Will
3. General Description of the Site: Improved with a commercial building and parking lot
4. Existing Zoning on the Site: B3 (General Commercial District)
5. Acreage of Site: 3.18 acres (approximate)
6. Character of Surrounding Area:

	ZONING	JURISDICTION	EXISTING LAND USE	ADOPTED CITY PLAN
North	B3	City of Naperville	Vacant/Automobile Dealership	Commercial Office/Research & Development
South	B3	City of Naperville	Automobile Dealership (vacant)	Commercial
East	R3	City of Naperville	Multi-Family	High Density Residential
West	B3	City of Naperville	Automobile Dealership	Commercial

7. List Controlling Ordinances, Agreements and Plats:

8. Is this property within the City limits?

Yes

No, requesting annexation

Under review by another governmental agency and requires review due to 1 1/2 mile jurisdictional requirements

9. Permanent Parcel Number: 07-14-307-011

10. For annexation petition, are there electors living on the property:

Yes

No

VI. PROPOSED DEVELOPMENT:

1. Type of Development:

Residential Commercial Office

Industrial Other: School/Workshop/Recreational Facility

2. Proposed Zoning: OCI (Office, Commercial and Institutional District)

3. Description of Proposal: To redevelop the existing building into a school and vocational development/training center for children and adults with special needs.

4. General Land Use Data:

	Resid.	Comm.	Office	Indst.	R.O.W.	Park	School	Private	Other	Total
No. of Acres									3.18	3.18
% of Total									100%	100%

*Please explain: School and Vocational Development/Training Center

5. Development Densities:

	Number of Units	Gross Acres	Gross Density	Modified Gross Acres	Modified Gross Density	Minimum Lot Size	Maximum Lot Size	Average Lot Size
Single-Family								
Townhouse								
Duplex								
Apartment								
Comm.								
Office								
Industrial								

- Gross Acres = land designated for land use type including right-of-way.
- Gross Density = number of units divided by gross acres.
- Modified Gross Acres = residential acreage including internal right-of-way, detention facilities, school and park dedications and open space.
- Modified Gross Density = number of units divided by modified gross acres.

6. Community Facilities within the Development:

School Site: Not Applicable

Open Space: Not Applicable

- a. Park Site (to be conveyed to a governmental entity):
- b. Common Areas (to be conveyed to a homeowners association):
- c. Private Facility (to be conveyed to _____):

Total: None

7. Description of any Non-Residential, Commercial or Industrial portion of the Development: School and Vocational Development/Training Center

8. Description of Stormwater Management Facilities: On-Site Detention Basin
9. Deviations from the Zoning Regulations: None
10. Deviations from the Subdivision Regulations: None
11. Deviations from the Landscaping Regulations: Existing Condition

VII. SCHOOL AND PARK DONATION REQUIREMENTS:

1. Required School Donation: Not Applicable

Land:

Cash:

How Satisfied:

2. Required Park Donation: Not Applicable

Land:

Cash:

How Satisfied:

KCW/1/17/12

Turning Pointe –
North Campus

STATE OF ILLINOIS)
)
COUNTIES OF DUPAGE)
 AND WILL)
)
CITY OF NAPERVILLE)

PETITION FOR REZONING

The undersigned Petitioner, Turning Pointe Autism Foundation, being the Lessee of the real property legally described in **Exhibit A**, said exhibit being attached hereto and made a part hereof, (hereinafter referred to as the “Subject Property”) respectfully petitions the City of Naperville (a) to cause the Subject Property to be rezoned from the B3 (General Commercial District) zoning classification to the OCI (Office, Commercial and Institutional District) zoning classification pursuant to Section 6-7F of the Zoning Regulations of the Naperville Municipal Code and (b) to grant any requisite zoning variances associated with the requested rezoning.

In support of this Petition, the Petitioner represents to the City of Naperville as follows:

1. That the Petitioner, Turning Pointe Autism Foundation, 3749 Tramore Court, Naperville, Illinois 60564, is the Lessee of the Subject Property.

2. That Daniel Wolf and Penny Wolf, 7S679 Donwood Drive, Naperville, Illinois 60540, are the legal title holders of the Subject Property.

3. That the Subject Property is within the corporate limits of the City of Naperville, DuPage and Will Counties, Illinois.

4. That the Subject Property consists of approximately 3.18 acres and is located on the east side of Ogden Avenue, South of Quincy Avenue and is in the County of DuPage, Illinois.

150957/1

5. That the Subject Property is zoned B3 (General Commercial District).
6. That the Subject Property is presently improved with a commercial building and parking lot.
7. That the existing land uses surrounding the Subject Property are as follows:
 - North: vacant land/automobile dealership
 - East: multi-family residential subdivision
 - South: automobile dealership (vacant)
 - West: automobile dealership.
8. That the Petitioner requests that the City amend the City of Naperville Zoning Regulations to reclassify and zone the Subject Property from B3 (General Commercial District), Section 6-7C of the Zoning Regulations of the Naperville Municipal Code, to OCI (Office, Commercial and Institutional District), Section 6-7F of the Zoning Regulations of the Naperville Municipal Code.
9. That the requested zoning would allow the uses as described in said zoning classification so as to allow the Petitioner to remodel the existing building on the Subject Property into a school and a vocational development/training center for children and adults with special needs. In fact, said zoning classification would allow the Petitioner to utilize the Subject Property to an extent which would be compatible with surrounding uses and which would expand its use to the highest and best use of the real estate for the benefit of both the Petitioner and the community.
10. That the requested zoning of the Subject Property meets the requirements for zoning and is appropriate based on the following factors:

- a. *The amendment promotes the public health, safety, comfort, convenience*

and general welfare and complies with the policies and Official Land Use Plan and other official plans of the City.

The Subject Property is located along the West Ogden Avenue corridor and adjacent to the east to a residential neighborhood consisting of multi-family and single family dwellings. This property was the site of the offices and printing plant of The Naperville Sun. The existing building has been vacant for several years.

Turning Pointe Autism Foundation is proposing to remodel this building and develop it as a school and vocational development/training center for children and adults with special needs.

The West Ogden Avenue corridor contains a mix of land uses – industrial, automobile dealerships, auto-related retail and services, and general retail. However, it is considered primarily to be an automobile dealership corridor. This area has had and continues to have many vacancies. In order to promote the vitality of this corridor, the scope and breadth of the land uses within this corridor need to be expanded.

The proposed use of the Subject Property for a school and vocational development/training center will be compatible with the uses along the West Ogden Avenue corridor and the adjacent residential neighborhood. This is an area with various land uses and the proposed use will be located within an existing commercial building. This is a low-intensity use. Because of the nature of this development proposal, it will not negatively impact the public health, safety, comfort, convenience and general welfare. Because it will enhance and augment the land uses within the corridor, the proposed use will further the intent of the policies and plans of the City.

- b. *The trend of development in the area of the Subject Property is consistent with the requested amendment.*

The area in which the Subject Property is located contains many varying land uses – industrial, automobile dealerships, auto-related retail and services, general retail, multi-family residential, single-family residential, and a park. The proposed use is consistent with the commercial uses along the West Ogden Avenue corridor in that it will utilize an existing commercial building and it is a non-residential land use. It is consistent with the adjacent residential neighborhood in that schools are generally located within residential areas. Therefore, the trend of development in this area would allow the proposed use.

- c. *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.*

The proposed zoning classification of OCI is intended to supplement and support commercial areas and to act as a transition between commercial uses and residential areas. The proposed use of the Subject Property for a school and vocational development/training center fulfills these purposes.

- d. *The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.*

The Subject Property contains a building which was designed for offices and high-intensity commercial use which presents challenges to retrofit it for other uses. The proposed rezoning of the property allows the property to be redeveloped for a use which is consistent with other uses in the area. This proposed redevelopment of the Subject Property will enhance the economic viability of the West Ogden Avenue corridor.

- e. *The Subject Property has not been utilized under the existing zoning classification for a substantial period of time.*

The Subject Property is improved with a thirty-year old commercial building which has been vacant for several years. Therefore, the Subject Property has not been utilized under its existing zoning classification.

- f. *The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The Subject Property is located along the West Ogden Avenue corridor. The properties along the corridor are zoned General Commercial District (B3) and Industrial District (I). The proposed zoning classification of OCI for the Subject Property, and the uses permitted therein, supplement and support the commercial and industrial uses allowed in the B3 and I Districts. Further, the existing commercial building on the Subject Property will be retrofitted for the proposed school and vocational development/training center. Therefore, the proposed rezoning and redevelopment will not alter the essential character of the neighborhood nor be a substantial detriment to adjacent properties.

WHEREFORE, the Petitioner respectfully requests:

1. That the Subject Property, legally described in **Exhibit A**, be reclassified and rezoned from B3 (General Commercial District) to OCI (Office, Commercial and Institutional

District) pursuant to Section 6-7F of the Zoning Regulations of the Naperville Municipal Code.

2. That any requisite zoning variances associated with the requested rezoning be granted.
3. That such other action be taken as is appropriate in the premises.

RESPECTFULLY SUBMITTED this 17th day of January, 2012.

TURNING POINTE AUTISM FOUNDATION

By: Kathleen C. West
Dmmermuth, Brestal, Cobine & West, Ltd.
Its Attorneys

Subscribed and sworn to before me this
17th day of January, 2012.

[Signature]
Notary Public

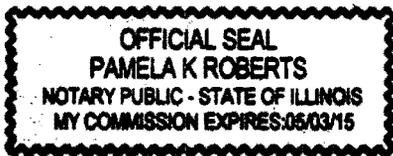


EXHIBIT A

LEGAL DESCRIPTION

LOT 1 IN FIRST ABACUS SUBDIVISION IN PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 23, 1981 AS DOCUMENT R81-57190, IN DUPAGE COUNTY, ILLINOIS

Address: 1500 West Ogden Avenue, Naperville, Illinois

Property Tax Number: 07-14-307-011

LEGAL DESCRIPTION

LOT 1 IN FIRST ABACUS SUBDIVISION IN PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 23, 1981 AS DOCUMENT R81-57190, IN DUPAGE COUNTY, ILLINOIS

Address: 1500 West Ogden Avenue, Naperville, Illinois

Property Tax Number: 07-14-307-011

ZONING TO SCHEDULE B

relating to the Easement described on Parcel Two in R81-57190 and R81-58287 and rights of adjoining land uses of said Easement Parcel Two. This item is 1 the subject property.

Easement as shown on the plot of First Abacus 2, 1981 as Document Number R81-57190. This item is 1 the subject property.

Easement as shown on the plot of First Abacus 3, 1981 as Document Number R81-57190. This item is 1 the subject property.

and Sidewalk Easement as shown on the plot of First Abacus 2, 1981 as Document Number R81-57190. This item is 1 the subject property.

Egress Easement as shown on the plot of First Abacus 2, 1981 as Document Number R81-57190. This item is 1 the subject property.

Provisions contained in Declaration of Covenants, Conditions, and Restrictions, recorded October 23, 1981 as Document Number R81-58287, in as it is blanket in nature and does affect the entire

MISCELLANEOUS NOTES

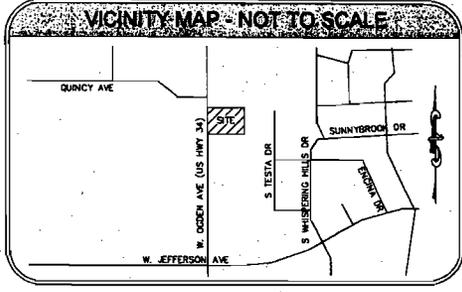
- All measured and recorded dimensions are the same unless noted otherwise.
- There is no visible evidence of cemeteries or burial grounds on the subject property.
- No monuments shown have identification numbers.
- There was no observable evidence of earth moving work, building construction or building additions within recent months.
- There were no changes in street right of way lines either completed or proposed, and available from the controlling jurisdiction.
- There was no observable evidence of recent street or sidewalk construction or repairs.
- There was no observable evidence of site use as a solid waste dump, pump or sanitary landfill.
- The utility locations shown herein were determined by observable above ground evidence only. The surveyor was not provided with underground plans or above ground markings to determine any subsurface locations.

BASIS OF BEARINGS

All bearings are referenced to the South line of Lot 1, First Abacus Subdivision, City of Naperville, DuPage County, Illinois having an assumed bearing of South 90 degrees 00'00" West.

LOT AREA

138,628 square feet
3.1824 acres



LEGEND OF SYMBOLS & ABBREVIATIONS

- | | | |
|----------------------|-------------------------------|----------------------------|
| Power Pole | Flag Pole | Storm Manhole |
| Power Pole w/Light | Sign (As Noted) | Storm Inlet (Square) |
| Light Pole | Well Head | Storm Inlet (Round) |
| Telephone Pole | Satellite Dish | Curb Storm Inlet |
| Guy Wire | Tower | Storm Pipe |
| Street Light | Water Valve | Sanitary Sewer |
| Ground Light | Fire Hydrant | Sanitary Clean Out |
| Electric Manhole | Siamese Fire Hydrant | Gas Valve |
| Telephone Manhole | Water Manhole | Gas Manhole |
| Telephone Pedestal | Water Meter Pit | Gas Meter |
| Electric Meter | Water Meter | Gas Meter |
| Cable Box | Sprayer Head | Indicates Mutual Ownership |
| Air Conditioner Unit | Indicates Handicapped Parking | Tree (As Noted) |
| Railroad Signals | | |

XX DENOTES DISTANCE FROM BUILDING CORNER TO PROPERTY LINE

XX DENOTES DISTANCE FROM BUILDING CORNER TO BUILDING SIDEWALL

(XX.XX) DENOTES RECORDED AS DATA

FOOT ENCROACHMENTS

ies from 1.1 to 2.4 feet North of the North property line
3 the North

ent encroachments from 0.0 to 0.1 feet North of the South
1 property.

ZONING INFORMATION

STATUS	ZONED B-3, GENERAL COMMERCIAL BUILDING	STATUS
ITEM	REQUIRED	OBSERVED
PERMITTED USE	WAREHOUSE/OFFICE	VACANT BUILDING
MIN. LOT AREA	NOT APPLICABLE	138,628 SQ FT
MIN. DEPTH	NOT APPLICABLE	607.15 FT
MIN. LOT WIDTH	NOT APPLICABLE	200.15 FT
MAX. FLOOR AREA RATIO	0.325	0.234
MIN. SETBACKS FRONT	0.00 FT	169.8 FT
MIN. SETBACKS SIDE	0.00 FT	13.6 FT
MIN. SETBACKS REAR	12.00 FT	184.8 FT
MAX. BUILDING HEIGHT	NOT APPLICABLE	20.0 FT
PARKING REGULAR	SEE NOTE	111
PARKING HANDICAP	SEE NOTE	5
PARKING TOTAL	SEE NOTE	116

NOTES:
THE ZONING CODE REQUIRES 1 PARKING SPACE FOR EVERY 1,000 SQUARE FEET OF GROSS FLOOR AREA, FOR WAREHOUSES AND DISTRIBUTION FACILITIES USE

THE ZONING CODE REQUIRES 2.5 PARKING SPACES FOR EVERY 1,000 SQUARE FEET OF GROSS FLOOR AREA FOR SERVICE USE

TITLE LEGAL DESCRIPTION

PARCEL ONE: LOT 1 IN FIRST ABACUS SUBDIVISION IN PART OF THE SOUTHWEST 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO OCTOBER 23, 1981 AS DOCUMENT R81-57190, IN DU PAGE COUNTY, ILLINOIS.

PARCEL TWO: EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL ONE OF THE WEST 70 FEET OF LOT 2, AS SHOWN ON THE PLAT OF FIRST ABACUS 2, 1981 AS DOCUMENT R81-57190, AND AS CREATED BY THE DECLARATION, EASEMENTS AND RESTRICTIONS DATED OCTOBER 23, 1981 AND RECORDED OCT R81-58287, IN DU PAGE COUNTY, ILLINOIS.

AS SURVEYED LEGAL DESCRIPTION

Lot 1, First Abacus Subdivision, City of Naperville, DuPage County, Illinois be as follows:

Beginning at the Northeast corner of said Lot 1; thence S00 degrees 03'06 degrees 00'00" W, 607.15 feet; thence N00 degrees 04'50"E, 200.13 feet; th 608.27 feet to the point of beginning.

Contained within said bounds 138,628 square feet or 3.1824 acres.

This description describes of the land described on Parcel 1 in the Lite con Title Insurance Company Commitment Number 1401 860008384 02 having o 2, 2010.

ALTA/ACSM LAND TITLE SURVEY

Sun Times Naperville Project
Chicago Sun Times
1600 W. Ogden Avenue, Naperville, IL 60540

Surveyor's Certification

To: Daniel A. Wolf and Penny D. Wolf, h/c, Publishing Properties LLC, Chicago Insurance Company and Book and Clark Corporation.

The undersigned certifies that this map or plat and the survey on which it was made on the date shown below of the premises specifically described in this insurance company commitment number 1401 860008384 02 effective 8/2/2010 and was made (1) in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys", jointly established and adopted by ALTA and NSPS in 2005, and (2) in accordance with the "Survey Requirements Sun Times Naperville Project dated 08/29/2010," and includes items 1, 2, 3, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(c), 14, 16, 17 and 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, the undersigned further certifies that in my professional opinion as a licensed professional land surveyor registered in the State of Illinois, the Positional Accuracy of this survey does not exceed that which is specified.

Roland F. Sarko
Roland F. Sarko
Licensed Illinois Professional Land Surveyor
License Number 035-002401
License Expires: 11-30-2012
Date of Survey: 10-12-2010
Date of Last Revision: 10-26-2010
Book & Clark M&E Project No. 201001571-001



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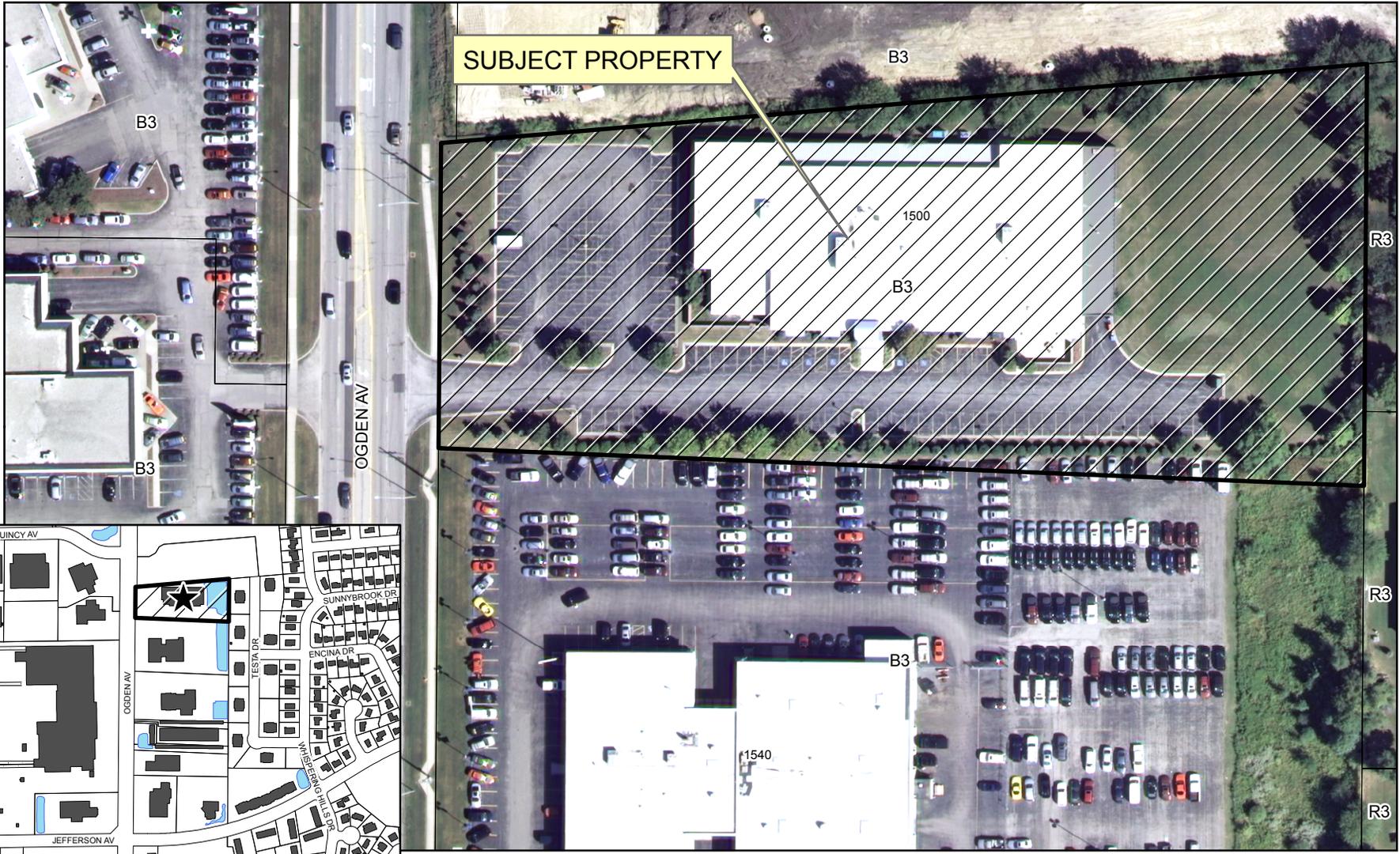
Using only this property is in Zone X only Pursue No. 17043C 0705 N, which and is not in a Special Flood Hazard Area. This community does currently map was performed to determine this needed to verify this determination Emergency Management Agency.

Survey Performed By:
Sarko Engineering Inc.
847 Highway 40
Mount Horeb, WI 53572
Phone: 608-832-6297
Fax: 608-832-6349
Email: rsarko@mhic.net

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Planning and Zoning Commission - 2/22

City of Naperville
TURNING POINTE - NORTH CAMPUS



Transportation, Engineering and
 Development Business Group
 Questions Contact (630) 420-6719
www.naperville.il.us
 February 2012



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Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

AGENDA DATE: 2/22/2012

SUBJECT: Planning and Zoning Commission By-Laws

Correspondence New Business Reports/Recommendations Public Hearing

SYNOPSIS:

This is a request to approve by-laws for the Planning and Zoning Commission.

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Approve the Naperville Planning and Zoning Commission By-Laws (requires six positive votes).

PREPARED BY: Suzanne Thorsen, AICP, Community Planner

BACKGROUND:

On February 1, 2011 the City Council approved a merger of the Plan Commission and Zoning Board of Appeals in order to accommodate greater efficiency in consideration of zoning and sign matters. The Planning and Zoning Commission was thus established effective May 1, 2011.

An update to the Plan Commission by-laws was necessary to reflect the title and duties of the Planning and Zoning Commission as well as state requirements. On January 5, 2012, a draft of the by-laws was transmitted to the Planning and Zoning Commission for consideration and a workshop meeting was held on January 25, 2012. The attached by-laws reflects the discussion of the Planning and Zoning Commission at their January workshop meeting.

DISCUSSION:

The proposed by-laws establish the meeting procedures and rules of conduct for the Planning and Zoning Commission. Key provisions include:

- Evidence, documents and communications must be filed with staff one week prior to the meeting. Late submittal of information will be allowed subject to the Chairman’s discretion or otherwise may result in continuance of the case.
- The PZC Meetings shall be held on the first and third Wednesday of each month at 7:00 p.m. and shall conclude at 11:00 p.m. unless extended to a time certain by a majority of the commissioners present.
- Any individual providing testimony on a matter before the commission shall state his or her name; the city, county and state (if other than Illinois) in which he or she resides; and the nature of his or her interest in the petition.
- If cross examination is requested by the petitioner or by an interested person, the Chairman shall allow such cross examination subject to reasonable limitations.

ATTACHMENTS:

1. Planning and Zoning Commission By-Laws



Naperville

BY-LAWS

NAPERVILLE PLANNING AND ZONING COMMISSION

NAPERVILLE, ILLINOIS

The following rules of procedure are adopted by the Naperville Planning and Zoning Commission to facilitate the performance of its duties and the exercising of its powers.

City of Naperville 400 S. Eagle Street, Naperville, IL 60540

ARTICLE I

OFFICERS

Section 1. Selection

(a) Pursuant to Section 2-1-3 of the Naperville Municipal Code, the Chairman of the Planning and Zoning Commission (hereinafter also referenced as “Commission”) is appointed by the Mayor for a one year term and may be reappointed as Chairman at the Mayor’s discretion.

(b) A Vice-Chairman and Secretary of the Commission shall be elected annually by the Plan and Zoning Commission within six (6) weeks of appointment or re-appointment of the Chairman of the Commission by the Mayor.

Section 2. Tenure

(a) The Chairman shall take office on the first day of May or as may otherwise be designated by the Mayor and Council. The Chairman shall hold office until a successor is appointed and assumes office or until his or her term is expired, whichever occurs first.

(b) The Vice-Chairman and Secretary shall take office immediately following their selection and shall hold office until their successors are selected and assume office, or until their terms are expired, whichever occurs first.

Section 3. Duties

(a) The Chairman shall preside at all hearings or meetings, shall appoint such committees as may be necessary to carry out the purposes of the Commission, shall appoint committee chairmen, shall provide for oaths to be administered to all witnesses at public hearings, shall prepare or direct the preparation of all reports of recommendation or official action for the City Council, shall perform such other duties as may be ordered by the Commission, and shall perform such other duties necessary to carry out the purpose of the Commission.

(b) The Vice-Chairman shall perform all the duties and exercise all of the powers of the Chairman in the case of absence or disability of the Chairman. In the event of death, removal for cause, resignation, or inability of the Chairman to serve, the Vice-Chairman shall serve as Acting Chairman with all the powers and duties of the Chairman until a successor is appointed. The Vice-Chairman shall perform such other duties as directed by the Chairman.

(c) The Secretary shall call the roll, call public speakers, direct the preparation of the minutes of all meetings and public hearings, execute documents in the name

of the Commission, conduct correspondence of the Commission subject to the instructions of the Commission and Chairman, and perform such other duties as the Commission may determine. In case of absence or temporary disability of the Secretary, the Chairman may appoint an Acting Secretary to carry out the functions of the Secretary's office until the Secretary returns to his or her post, or until a successor is selected.

(d) A recording secretary (hereinafter "Recording Secretary") supplied by the Department of Transportation, Engineering and Development shall oversee recording of the Commission proceedings and shall prepare the minutes of the commission meetings showing the vote of the Commission, recording all official actions of the Commission and summarizing accurately the testimony of those appearing before the Commission.

(e) In the absence of both Chairman and Vice-Chairman, an Acting Chairman designated by the Chairman, or by the Mayor if the Chairman is unavailable, shall preside.

ARTICLE II

MEETINGS

Section 1. General Provisions

- (a) All meetings and notices of Commission meetings shall comply with the Illinois Open Meeting Act, 5 ILCS 120/1 *et.seq.* Unless closed in compliance with the Illinois Open Meetings Act, all meetings of the Commission shall be open to the public. No final action shall be taken except at a public meeting.
- (b) There are nine (9) members of the Commission. A majority of the members of the Commission (five members) shall constitute a quorum for the transaction of business and the taking of official action. A continuance of a public hearing to the next regularly scheduled Commission meeting due to a lack of quorum shall not be considered transaction of business to the extent authorized by the Naperville Municipal Code.
- (c) All documents and communications to be brought to the Commission's attention are to be filed with the Recording Secretary of the Commission before 5:00 p.m. on the Wednesday preceding a meeting to assure that the Commission will have adequate time to consider the document or communication prior to the meeting. Said documents and communications shall be made part of the case packet and posted on the City's website if possible. At the Chairman's discretion, documents and communications may be filed after this date and time; however, the Chairman may choose to continue the hearing, in whole or in part, based upon the late submission of materials.

- (d) A record of proceedings shall be maintained for all meetings of the Planning and Zoning Commission in accordance with applicable laws and shall at a minimum include the date, location of the meeting, Commission members present, and a record of any action taken by the Commission.
- (e) Members of the public who wish to comment or testify at a public hearing to be conducted by the Commission shall comply with the provisions of Article IV of these By-laws. Any member of the public who wishes to address the Commission for any other purpose may notify the Recording Secretary of his or her name, the city, county and state (if other than Illinois) in which he or she resides and the general nature of the topic to be addressed.

Section 2. Regular Business Meeting

- (a) The Regular Business Meeting of the Commission shall be held on the first and third Wednesday of each month at 7:00 p.m.; provided, the Commission may adopt another hour and date of holding its meetings by majority vote.
- (b) All regular meetings of the Commission shall conclude at eleven o'clock (11:00) p.m. unless extended to a time certain by a simple majority of the Commission members present.
- (c) Public hearings shall be scheduled by the Chairman and the Director of Transportation, Engineering and Development, and shall occur during the Commission's Regular Business Meeting. The Department of Transportation, Engineering and Development shall publish proper notice for all public hearings in the newspaper of general circulation as required by law. The petitioner shall be responsible to provide all other notices required by law.
- (d) The record of proceedings for all hearings shall include documentation that notices required by the Naperville Municipal Code have been given.

Section 3. Special Meeting

The Commission may schedule Special Meetings for the purpose of training, consideration of reports, planning discussions, and other matters related to the scope of the Commission's activities. Such meetings may be scheduled on the call of the Chairman or at the written request of three members of the Commission, provided that at least 48 hours notice of any such meeting is posted by the City and given by mail, email or telephone to each member. The notice of the special meeting shall state the purpose and time of the meeting and comply with the Illinois Open Meetings Act.

Section 4. Legal Holidays

Any meeting that falls on a legal holiday (New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day and Christmas Day) shall be held on such other date as may be selected by the Director of Transportation, Engineering and Development.

ARTICLE III

RULES OF ORDER

Section 1. Agenda

The Recording Secretary shall prepare the agenda for each meeting of the Planning and Zoning Commission. The Director or his or her designee, in consultation with the Chairman, shall endeavor to manage the agenda for the Planning and Zoning Commission so as to ensure that fair and full consideration is given to each item on the agenda. The Chairman may modify the order of consideration of any item on the agenda with the concurrence of the Commission.

Section 2. Regular Business Meetings

(a) Order of Business: The order of business at regular business meetings shall be as follows:

- I. Roll Call
- II. Approval of Minutes
- III. Old Business
- IV. Public Hearings
 1. Variances
 2. Planning & Zoning Cases
- V. Reports and Recommendations
- VI. Correspondence
- VII. New Business
- VIII. Adjournment

(b) Change of Agenda Item Order: The Chairman may, at his or her discretion, or at the request of a Commissioner, change the order of an item or items on the agenda with the consent of the Commission.

(c) Item(s) Not on Agenda: The failure to specifically list a matter on the agenda shall not preclude discussion of any matter that is germane to a general topic listed on an agenda or meeting notice, but no final action may be taken with respect thereto.

(d) Conduct of Members:

No member of the Commission shall speak until recognized by the Chairman.

When two (2) or more Commission members seek recognition at the same time, the Chairman shall name the member who speaks first.

Commission members shall always demonstrate respect for the opinions of each other, members of the staff, and members of the audience.

While business of the Commission is being transacted, no Commission member shall leave the meeting without first informing the Chairman.

Section 3. Electronic Attendance

- (a) Electronic Attendance: A member of the Commission wishing to attend a Commission meeting by telephonic or video means shall notify the Recording Secretary as soon as possible, but not less than twenty-four (24) hours before the meeting unless advance notice is impractical. Attendance by telephonic or video means is only permitted in cases of: 1) personal illness or disability; 2) employment purposes or other public business; or 3) a family or other emergency.

No more than two Commission members may attend a meeting by telephonic or video means.

- (b) Physical quorum present: A majority of the Commission must be physically present at a meeting in order to achieve a quorum.

- (c) Procedure:

The Chairman will announce the name of any Commissioner attending by telephonic or video means at the beginning of the meeting.

After a roll call establishing that a quorum is physically present, any member physically present may make a motion to permit another member to participate by telephonic or video means. Such motion shall include the reason for the absence. All members physically present are permitted to vote on whether such participation will be allowed and the motion must be approved by a vote of a majority of those members physically present.

Commission members participating by telephonic or video means shall preface their comments and their votes by first stating their last name.

Section 4. Motions

Motions shall be seconded by a voting member of the Commission and restated by the Chairman before a vote is taken. The name of the individual making the motion and the name of the individual seconding the motion shall be recorded. A motion is not before the Commission until it has been seconded.

All motions are debatable except the motion to adjourn and the motion to close debate and call the question.

A motion may be amended or a motion to substitute may be made. A motion to substitute takes the place of the main motion and only one vote is needed.

Section 5. Voting

Voting on final recommendations of the Planning and Zoning Commission shall be by roll call. Other voting shall be by voice vote unless a roll call is requested by the Chairman or another member of the Commission. Motions shall be made in the affirmative; a majority of members present shall vote in the same direction (i.e., “aye” or “nay”) in order to constitute a majority recommendation. A tie vote shall result in “no recommendation”.

In the event that majority recommendation is not achieved by the Planning and Zoning Commission on any item under consideration, the Chairman shall note that fact and the Recording Secretary shall provide a summary of each Commissioner’s comments.

Section 6. Rules of Order

The following rules of order shall govern all Commission proceedings:

- (a) Chairman to Preside: The Chairman shall preside at all Regular Business Meetings and Special Meetings of the Planning and Zoning Commission provided that in the absence of the Chairman the Vice Chairman shall preside. In the absence of both Chairman and Vice-Chairman, an Acting Chairman designated by the Chairman, or by the Mayor if the Chairman is unavailable, shall preside.
- (b) The Chairman shall preserve order and decorum and shall decide on all questions of order. The rulings of the Chairman shall be appealable to the Planning and Zoning Commission and shall be decided by a majority vote of those present, including the Chairman, without debate.
- (c) Precedence of Motions:
 - i. Motion to adjourn to a date certain.
 - ii. Motion to adjourn.
 - iii. Motion to recess the meeting to a time certain.
 - iv. Motion to close debate and call the question. When a motion is made to “close debate and call the question” a vote on the main motion shall be taken without further debate unless either a motion to adjourn is made or unless the motion is objected to. If the motion to close debate and call the question is contested by an objection to the motion, the Chairman will ask for a roll call on the motion to close debate and call the question, which shall pass if approved by a majority of the

- Commission. A motion to close debate and call the question does not require a second.
- v. Motion to substitute (takes the place of the main motion and only one vote is required).
 - vi. Motion to amend.
 - vii. Motion to table to a date certain.
 - viii. Main motion
 - ix. Motion to reconsider at the same meeting. A motion to reconsider a decision made at the same meeting the original vote was taken may be made by any member of the Commission, if that member voted with the prevailing side. If the motion to reconsider is made before another item has been discussed, and if the motion is seconded and passed by a two-thirds (2/3) vote of the Commission, the item may be reconsidered at that meeting.

 - x. Motion to change a vote. A member has a right to change his or her vote up to the time that the result is announced; after that, he or she can make the change only by the unanimous consent of the assembly granted without debate.
 - xi. Motion to suspend the rules. Planning and Zoning Commission procedural rules may be temporarily suspended for only the matter under consideration at any time by an extraordinary vote. However, rules relating to issues governed by State statute shall not be so suspended.
 - xii. Motion to remove an item from the agenda. This motion is appropriate when the Commission chooses to take no action on an item (i.e., when the petitioner has withdrawn the request).

ARTICLE IV

PUBLIC HEARINGS

Section 1. Notice

Prior to commencement of the hearing, City staff shall confirm that proper notice of the hearing was given in accordance with state statutes and the Naperville Municipal Code, and that documentation of such notice is included in the case file for the Petition.

Section 2. Introduction by the Chairman

The Chairman will begin each public hearing by announcing the name of the petitioner (hereinafter “Petitioner”) and the nature of the request.

An oath will be administered to all persons intending to testify during the course of the public hearing.

Section 3. Conduct of Public Hearing

All individuals participating or attending a public hearing shall conduct themselves in a courteous and civil manner. No applause, cheering, or other distractions shall be permitted. The Chairman shall take such actions as needed to maintain an orderly and civil hearing.

Section 4. City Staff Presentation

Staff may provide a presentation summarizing the nature of the Petitioner’s request, basic facts of the case and any additional information that is relevant to the Planning and Zoning Commission’s consideration of the case. Staff shall also be present to respond to inquiries by the Planning and Zoning Commission, Petitioner, and public regarding the facts of the case of the provisions of the Municipal Code.

Section 5. Petitioner’s Presentation

The Petitioner shall be allocated time to present the Petition including testimony of witnesses and other evidence as are relevant to the case. The Chairman shall allow the Petitioner reasonable time to make this presentation without interruption; provided, however, that questions by the Chairman or other members of the Commission may be permitted if necessary to aid the Commission or public in understanding a particular aspect of the presentation.

Following the conclusion of public testimony but prior to closing the public hearing, the Chairman will allow the Petitioner a reasonable time to make closing remarks.

The provisions of Section 7 (Evidence) shall apply to the Petitioner's presentation.

Section 6. Public Comment and Testimony

Members of the public who are interested in the subject matter of the Petition ("Interested Persons") shall be allocated time to speak with regard to the Petition and to present testimony of witnesses and other evidence relevant to the case. At the start of the period for public comment, testimony and general questions the Chairman may advise the public:

- a. Any individual providing public comment and testimony must be acknowledged by the Chairman and shall speak from the podium. The speaker shall state the city, county and state (if other than Illinois) in which he or she resides, and briefly describe the nature of his or her interest in the Petition;
- b. Speakers shall avoid repetitive comments, testimony and questions;
- c. Individuals speaking on the same issue should coordinate testimony to the extent possible in order to promote an efficient hearing, including selection of a representative to speak on behalf of a group where appropriate.

The provisions of Section 7 (Evidence) shall apply to Public Comment and Testimony.

Section 7. Evidence

- (a) The Commission is not bound by strict rules of evidence. The Chairman shall rule on all questions related to the admissibility of evidence presented by the Petitioner or any Interested Person, provided that the Chairman's ruling may be overruled by a majority of the Commission members present.
- (b) Submission of written documentation of any kind which is relevant to the Petition shall be governed by the provisions of Article II, Section 1(c) above.
- (c) An individual presenting information to the Commission as an expert witness shall provide the Commission with his or her name, the city, county and state (if other than Illinois) where he or she resides, the address of the business which he or she represents, and a description of the area of knowledge or expertise of such witness. It is preferred that such witness register with the

Recording Secretary in advance of the meeting and provide the Recording Secretary with a business card and/or curriculum vitae. Such witness shall be allowed to testify subject to the conditions set forth herein or as may be reasonably imposed by the Chairman.

- (d) Staff, Petitioner, Interested Persons, and their representatives, shall address their comments, testimony and general questions to the Planning and Zoning Commission. The Chairman will direct questions from the public to the Petitioner or staff in an orderly and consolidated manner for response. If cross examination is requested by the Petitioner or by an Interested Person, the Chairman shall allow such cross examination subject to reasonable limitations including but not limited to: the complexity of the issue, whether a witness possesses special expertise, whether the testimony concerns a disputed issue or reflects a matter of taste or personal opinion, and the degree to which the witness' testimony relates to the factors to be considered in approving or denying the proposal. The Chairman may bar repetitious, irrelevant, or immaterial testimony. The examination of a witness shall not be used by the questioner to offer testimony or evidence of the questioner.

Section 8: Questions by the Planning and Zoning Commission

The members of the Planning and Zoning Commission may ask questions of the Petitioner or Interested Persons as needed to clarify the facts of the Petition or the nature of material presented.

Section 9: Action by Planning and Zoning Commission

Following Petitioner's concluding remarks and any questions from the Planning and Zoning Commission, the Commission may: (a) request the Petitioner, an Interested Person, or staff to provide additional information, and continue the hearing to a date certain; (b) continue the hearing to a date certain for any reason deemed appropriate by the Commission; or (c) move to close the public hearing and vote on a recommendation relative to the Petition.

ARTICLE V

MISCELLANEOUS

Section 1. Suspension of the Rules

The Commission may suspend any of these rules by a vote of two-thirds vote of total membership of the Commission.

Section 2. Amendments

These By-laws may be amended at any regular or special meeting by a two-thirds vote of total membership of the Commission if amendment of the By-laws is included on the Commission Agenda. Any proposed amendment must be presented in writing before the vote on the amendment is taken.

The foregoing Naperville Planning and Zoning Commission By-laws are hereby adopted by the Planning and Zoning Commission of the City of Naperville on _____ . A copy of same shall be filed with the Naperville City Clerk.

Chairman

Date: _____

Secretary

Date: _____