



**NAPERVILLE PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS – MUNICIPAL CENTER
FINAL AGENDA
07/18/2012 - 7:00 p.m.**

CALL TO ORDER:

A. ROLL CALL

B. APPROVE MINUTES

1. Approve the minutes of the July 5, 2012 Planning & Zoning Commission.

C. OLD BUSINESS

D. PUBLIC HEARINGS

1. PC Case # PZC 12-1-089 Le Chocolat du Bouchard
Petitioner: Steve Ford on behalf of Le Chocolat du Bouchard, LLC
Location: 127 S. Washington Street

Request: Conduct the public hearing for a variance for an awning sign at 127 S. Washington Street, Le Chocolat du Bouchard.

Official Notice: Published in the Naperville Sun June 29, 2012.

2. PC Case # PZC 12-1-087 732 Saddlers Court Fence
Petitioner: R.W. Development, Inc.
Location: 732 Saddlers Court

Request: Conduct the public hearing for a fence variance at 732 Saddlers Court.

Official Notice: Published in the Naperville Sun on July 1, 2012.

3. PZC Case #12-1-041 Kiddie Academy on North Aurora
Petitioner: Solid Ground, LLC; 33 West 10th Street, Suite 800;
Anderson, IN 46016
Location: 2828 and 2856 Patriots Lane

AGENDA
NAPERVILLE PLANNING AND ZONING COMMISSION
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Request: Conduct the public hearing for a conditional use and associated variances for Kiddie Academy on North Aurora.

Official Notice: Published in the Naperville Sun on July 1, 2012.

4. Conduct the public hearing to consider the approvals necessary for the Water Street District - North Phase/South Phase. (Continued from the July 5, 2012 PZC meeting)
The applicant has requested that this case be continued to the August 8, 2012 PZC meeting.

E. REPORTS AND RECOMMENDATIONS

F. CORRESPONDENCE

G. NEW BUSINESS

1. PZC Case #12-1-090 Planning Services Team FY12/13 Work Program
Petitioner: City of Naperville Planning Services Team

Request: Approve the proposed FY12/13 Planning Team Work Program.

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 JULY 5, 2012**

Call to Order

7:00 p.m.

A. Roll Call

Present: Frost, Coyne, Bruno, Gustin, Herzog, Messer, Trowbridge
Absent: Meyer, Williams
Student Members: Wei
Staff Present: Planning Team – Ying Liu, Tim Felstrup
Engineer –

B. Minutes

Approve the minutes of June 20, 2012.

Motion by: Gustin
Second by: Bruno

Approved
(7 to 0)

C. Old Business

**C1.
PZC Case #12-1-050
Case Name:
Health Care at
Monarch Landing**

The petitioner requests approval of a preliminary plat of subdivision, a conditional use for a nursing home in OCI (Office, Commercial and Institutional District), a major change to the Monarch Landing Planned Unit Development (PUD), and a preliminary PUD plat for Lot 1B in order to develop an assisted living and nursing facility on Lot 1B of Monarch Landing. (Continued from the June 6, 2012 PZC meeting)

Liu, Planning Services Team, gave an overview of the request.

Russell Whitaker, Attorney with Rosanova & Whitaker, Ltd., spoke on behalf of the petitioner:

- There is not much issue with ingress of the site but the primary concern is associated with egress.
- Route 59 is a strategic regional arterial and therefore can only afford a right-in/right-out access.
- Changing the 400' long one-way aisle to two-way is not desired for the following reasons:
 - Monarch Landing is a gated community and the single point of entrance at Ferry Road is manned 24 hours. The security of the campus is important to the continuing success of Monarch Landing. To change the one-way aisle to two-way would allow the public to access the campus and breach residents' perception of a secured campus.
 - There will be a negative impact on the landscaped berm (e.g.,

losing existing landscaping, reducing the width and height of the berm) along Route 59 if the 20' wide drive-aisle were to be widened to allow two-way traffic.

- The 20' drive aisle provides for two-way emergency access. The petitioner has agreed to install an EVP system to allow emergency vehicles to access the unmanned gate at the one-way drive aisle.
- The traffic impact of the development is relatively minor and exiting traffic can travel northbound on Route 59 and turn around at Butterfield Road to head south.
- Warrenville's Comprehensive Plan calls for a full access on Route 59 immediately north of the property.
- The proposed egress of the site is the best available solution.

Planning and Zoning Commission inquired about:

- The width of a full two-way road as compared to the one-way aisle. The petitioner indicated 24' would be the width for a two-way road, 4' wider than the one-way aisle.
- How significant of an impact it would be to increase the width of the drive aisle to 24'. The petitioner indicated that the additional 4' would push the retaining wall to the Route 59 side of the berm and result in loss of existing trees.
- Hours of operation. The petitioner indicated approximately between 8 a.m. and 8 p.m.
- Whether outpatient service will be provided. The petitioner indicated no.
- Whether the petitioner is worried about pedestrian or vehicle access to the existing campus? The petitioner indicated that they are concerned about both as well as the perception of a breached security.
- Whether the estimate is accurate that about 500-1,000 visits to the short-term living component of the facility would be generated from the independent living units in the Monarch Landing campus. Denise DeFiebre, Senior Care Development, responded on behalf of the petitioner that based on the actual data from the existing communities that they currently operate, it is estimated that the demand for the nursing facility generated from within the campus would be about 10% of the number of independent living residents.
- What will happen to the vacated independent living units once the residents move into the nursing facility? The petitioner indicated that it will be decided by the owner of the unit.
- Which days was the traffic study conducted? Mike Rehtorik, V3 Companies, indicated that the traffic study was done on a Tuesday and a Wednesday.
- Way-finding signage for the facility. Geoff Roehll, Hitchcock Design Group, reviewed the way-finding signage concept for the facility.
- What would control the EVP system? The petitioner responded that the EVP system would be regulated by the emergency vehicle lights.

Public Testimony: None

Planning and Zoning Commission inquired about:

- Whether the City's Engineering Department approved the plans. Staff indicated yes.
- Why the Certificate of Need process is behind the entitlement process. The petitioner indicated that the project is under tight schedule and the certificate of need hearing is scheduled for July 23, 2012.
- Whether private ambulance services would be accommodated by the EVP system? The petitioner indicated no, but private ambulances will be used for transportation purposes and all emergency calls will be through the City's emergency services.
- Clarification on the location of the one-way drive.

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion:

- Bruno: The chance of emergency vehicles leaving through the one-way drive aisle and meeting multiple cars in the opposite direction is very remote. Will support the case.
- Coyne: With the conditions, is comfortable to support the case.
- Gustin: Believes this is a good development on a difficult parcel on Route 59. Due to lack of space and the need to protect the berm, agrees with the proposed access subject to the condition that the Fire department approves the EVP.
- Messer: The proposed facility is important to the intent of Monarch Landing. Although not fully convinced that the access road can't be made 24', but with the condition that the Fire Department signs off on the EVP system, will support the case.
- Herzog: The development is a very welcomed addition to the City and important to complete the campus. Had the facility be developed based on the original plan, access wouldn't be an issue. However, the plan is modified due to the economic conditions and the change of ownership. The need for the facility outweighs the concerns for access. Will support the case.

Planning and Zoning Commission moved to recommend approval of PZC 12-1-050 for a preliminary plat of subdivision, a conditional use for a nursing home in OCI (Office, Commercial and Institutional District), a major change to the Monarch Landing Planned Unit Development (PUD), and a preliminary PUD plat for Lot 1B in order to develop an assisted living and nursing facility on Lot 1B of Monarch Landing, subject to the conditions noted in the staff memo dated July 5, 2012.

Motion by: Trowbridge
Seconded by: Gustin

Approved
(7 to 0)

D. Public Hearings

D1.
PZC Case #12-1-083
Case Name:
Sudsational

The petitioner requests a conditional use for an automobile repair facility in I (Industrial District) for the property located at 452-588 W. 5th Avenue.

Liu, Planning Services Team, gave an overview of the request.

Len Monson, Attorney with Kuhn, Heap & Monson, spoke on behalf of the petitioner:

- The majority of the units in the building is for storage.
- The proposed facility will provide auto detailing services for local auto dealers.
- Parking supply on the site is sufficient to serve the building based on the nature of the tenants in the development.
- No outside storage is proposed.

Planning and Zoning Commission inquired about:

- Clarification for the existing conditional use at unit 450.
- Whether the owner consents to the conditional use for the entire building. The petitioner indicated yes.
- Whether the business would serve walk-in customers. The petitioner indicated no.

Public Testimony: None

Planning and Zoning Commission closed the public hearing.

Planning and Zoning Commission Discussion: None

Planning and Zoning Commission moved to recommend approval of PZC 12-1-083 for a conditional use for an automobile repair facility in I (Industrial District) for the property located at 452-588 W. 5th Avenue subject to the conditions noted in the staff memo dated July 5, 2012 and the condition that the owner of the property is represented before City Council.

Motion by: Gustin
Seconded by: Trowbridge

Approved
(7 to 0)

E. Reports and Recommendations

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F. Correspondence

G. New Business

H. Adjournment

8:10 p.m.



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: PZC 12-1-089 **AGENDA DATE:** 7/18/2012
SUBJECT: Le Chocolat du Bouchard
 Petitioner: Steve Ford on behalf of Le Chocolat du Bouchard, LLC

LOCATION: 127 S. Washington Street

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

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

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Tim Felstrup, Assistant Planner

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property consists of approximately 1,500 square feet and is located at 127 S. Washington Street. The property is zoned B4 (Central Business District) and is improved with a commercial building. The surrounding properties are also zoned B4 (Central Business District) and are improved with a variety of commercial uses. The petitioner currently occupies the adjacent building located at 129 S. Washington Street and is looking to expand into the 127 S. Washington Street building for use as a bakery.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE¹:

The Naperville Downtown 2030 identifies the future use of the property as “Downtown Core”.

¹ Comprehensive Plan documents available at www.naperville.il.us/complans.aspx

Le Chocolat du Bouchard – Staff PZC Memo – PZC 12-1-089

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PLANNING SERVICES TEAM REVIEW:

Section 5-4-5:3 (Commercial Signs; Awnings and Canopy Signs) allows one awning sign per frontage facing a public roadway and restricts the maximum area of the sign to twelve (12) square feet. The petitioner currently has one twelve (12) square foot canopy sign installed on the Washington Street frontage of their existing unit located at 129 S. Washington Street.

The petitioner proposes to install a new awning which includes a 25 square foot sign along the Washington Street frontage to identify their new bakery expansion into the adjacent 129 S. Washington Street building. The design and color of the proposed awning will complement the existing canopy sign installed above the door of Le Chocolat's existing tenant space in the building immediately adjacent to the south.

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.

While the proposed 25 square foot awning sign would bring the total square footage of awning and canopy signage along the Washington Street frontage to 37 square feet between both units which would be in excess of the awning sign area allowed (12 square feet), the petitioner will not be installing any wall signage above the business at either location (69.5 square feet allowed per code based on the linear footage of the combined unit frontages), thereby eliminating potential sign clutter. Since the proposed signage plan maintains the total signage for the Washington Street frontage to 37 square feet (vs. a total of 81.5 square feet, 69.5 square feet of wall signage plus the 12 square feet of allowed awning signage, permitted by code), it remains in harmony with the intent of the code. In addition, the proposed design of the awning sign is also in concert with the Naperville Downtown 2030 design standards by avoiding excessive and uncoordinated use of sign colors given the coordination of the awning/sign design and color with the adjacent tenant space.

Conclusion

Staff has reviewed the requested street graphics variance and finds that the petitioner does meet the standards for granting a variance to the Street Graphics Control Ordinance. As a result, staff recommends approval of a variance from Section 5-4-5:3 (Commercial Signs; Awnings and Canopy Signs) of the Naperville Municipal Code for the property located at 127 S. Washington Street in order to install an awning sign larger than twelve (12) square feet subject to the condition that no additional wall signage is installed for this tenant at the subject property.

ATTACHMENTS:

1. Le Chocolat du Bouchard – Petitioner's Application and Findings– PZC 12-1-075
2. Le Chocolat du Bouchard – Disclosure of Beneficiaries– PZC 12-1-075
3. Le Chocolat du Bouchard – Legal Description – PZC 12-1-075
4. Le Chocolat du Bouchard – Sign Elevations – PZC 12-1-075
5. Le Chocolat du Bouchard – Combined Signage Exhibit – PZC 12-1-075

CITY OF NAPERVILLE APPLICATION FOR A SIGN VARIANCE

ADDRESS OF SUBJECT PROPERTY: 127 S. WASHINGTON ST

PARCEL IDENTIFICATION NUMBER (PIN) 07-13-423-020

APPLICANT'S NAME: STEVE FORD

APPLICANT'S ADDRESS: 129 S. WASHINGTON ST

CITY: NAPERVILLE STATE: IL ZIP CODE: 60540

DAYTIME PHONE: 949 292 7894

E-MAIL ADDRESS: STEVE@LECHOCOLATDUBOUCARD.COM

OWNER OF PROPERTY: LAURIE + JIM WALSH

OWNER'S ADDRESS: 125 S. WASHINGTON ST

CITY: NAPERVILLE STATE: IL ZIP CODE: 60540

OWNER'S DAYTIME PHONE: 630 675 9916

ZONING OF PROPERTY: COMMERCIAL

AREA OF PROPERTY (Acres or sq ft): 1500

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

AWNING

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

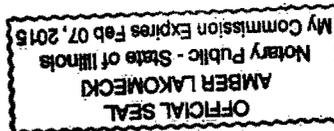
VARIANCE REQUESTED FOR LETTERING ON THE AWNING
THE ALLOWABLE 12 SQ FT DOES NOT PROVIDE VISIBLE
ACCESS BY PEDESTRIANS FROM ACROSS STREET
AND/OR PASSING MOTORISTS.

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

Shirley J. Taylor 6-12-12
(signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this 12th day of June, 2012

Amber Lakomecki
(Notary Public and Seal)



**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: LE CHOCOLAT DU BOUCHARD
Address: 127 S. WASHINGTON ST
NAPERVILLE, IL 60540

2. Nature of Benefit sought: SIGN VARIANCE

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:

LLC

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. MATEW LILLIG 1537 PINELAKE NAPERVILLE, IL
- b. CATHY LILLIG 1537 PINELAKE NAPERVILLE, IL
- c. _____
- d. _____

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

STEVE FORD
CEO

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, STEVE FORD, 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: [Signature]

Subscribed and sworn to before me this 12 day of June, 2012

[Signature]
Notary Public

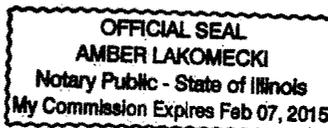


EXHIBIT B

Legal Description:

127 S. Washington Street, Naperville, IL 60540

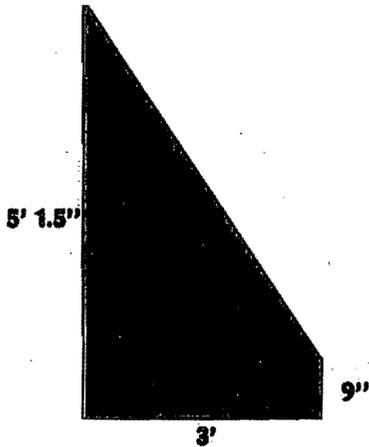
Lot 2 in owners resubdivision of the south 159 feet of the east 75.19 feet of block 17 of the original town of Naperville according to the plat therefore recorded May 3, 1926 as document 213087 in Dupage County, Illinois.



THATCHER OAKS
AWNINGS

Client: Le Chocolat
Description: Concept Picture

Salesperson: Allison Vargas
Date: 5/21/2012



19' 3.5"

Overall Main Logo
83.6" w X 36" h (20.9 sq ft)

Pâtisserie - 71" w X 4 1/8" h (2.03 sq ft)

Chocolatière - 71" w X 4 1/8" h (2.03 sq ft)

Total: 25 sq ft

THATCHER OAKS AWNINGS & SIGNS 630-833-5700 voice 630-333-4394 fax 718 Industrial Dr. Elmhurst, IL 60126	CLIENT: <i>Le Chocolat</i>		AWNING MATERIAL: SUNBRELLA		FILE NAME: <i>Le Chocolat</i>					
	DRAWING DESCRIPTION: <i>Graphic Approval Layout</i>		DATE: <i>3/21/12</i>	COVER COLOR: BLACK		NO. <i>2</i>	REVISION BY: <i>al</i>	DATE: <i>3/22/12</i>		
	CLIENT APPROVAL:		DRAWN BY: <i>al.</i>		GRAPHIC APPLICATION: SGS HP VINYL		<i>3</i>	<i>al</i>	<i>4/11/12</i>	
	ORDER #: <i>722076</i>		SALESMAN: <i>Allison Vargas</i>	SCALE: <i>Not To Certain Scale</i>		GRAPHIC COLOR: WHITE, TERRA COTTA		<i>4</i>	<i>al</i>	<i>5/1/12</i>



THATCHER OAKS
AWNINGS

Client: Le Chocolat
Description: Concept Picture

Salesperson: Allison Vargas
Date: 5/21/2012



Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: **PZC 12-1-087** **AGENDA DATE:** **7/18/2012**

SUBJECT: 732 Saddlers Court Fence
 Petitioner: R.W. Development, Inc.

LOCATION: 732 Saddlers Court

Correspondence New Business Old Business Public Hearing

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

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

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

PREPARED BY: Tim Felstrup, Assistant Planner

EXISTING ZONING, LAND USE, AND LOCATION:
 The subject property, comprised of 22,831 square feet, is located at the south end of the Saddlers Court cul-de-sac, abutting Hobson Road in the corner side, with a common street address of 732 Saddlers Court. The property is zoned R1 (Low Density Single-family Residential District). The current owner of the property is R.W. Development, Inc., 4900 Prairie Crossing, Oswego, IL 60543.

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE¹:
 The East Sector Update to the Comprehensive Master Plan identifies the future use of the property as “Low Density Residential”.

PLANNING SERVICES TEAM REVIEW:

¹ Comprehensive Plan documents available at www.naperville.il.us/complplans.aspx

732 Saddlers Court Fence –PZC Memo – PZC 12-1-087

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Section 6-2-12:1.2 of the City of Naperville Municipal Code provides that open fences constructed in the required corner side and front yards not exceed four (4) feet in height. The City's fence regulations also reflect the recommendation of the 1989 Hobson Road Study in providing that fences along Hobson Road shall be limited to chain link, split rail and three-board varieties, not to exceed 4 ½ feet in height. The intent of the regulations is preserve the rural character along the Hobson Road corridor, which in the study was identified to include large estate lots, heavy tree canopy, and an open aesthetic. Note that while the Hobson Road Study includes only properties south of Hobson Road and north of 75th Street, the fence regulations govern both sides of Hobson Road.

The petitioner requests approval of a zoning variance to construct a 6' open aluminum ornamental fence along the corner side property line of the subject property, facing Hobson Road to conform to visual aspects of and be in harmony with surrounding property (Hobson Pond). The proposed fence would be 80% open, consisting of 1" vertical black aluminum pickets with 4" spacing between pickets.

Previously Approved Fences on Hobson Road

Open fences are installed widely throughout the Hobson Road corridor and are typically taller than the 4 ½ feet specified in the Municipal Code. For example, variances were granted to allow similar looking 5- or 6-foot wrought iron fences along the perimeter of Hobson's Pond, at 908 Hobson Road, and at 928 Hobson Road. Even though black wrought iron fences are a common style, there are examples of other styles of existing non-conforming 6' board-on-board privacy fences located along Hobson Road as well.

On February 21, 2012, the City Council granted a variance to allow a 6' open fence along the rear property line of the property at 903 Stanton Court, excluding Chain-link. On May 15, 2012, the City Council granted a variance to allow a matching 6' open fence along the rear property line of the neighboring property at 904 Stanton Court.

Conclusion

Staff finds that the fence variances, if granted, would not alter the essential character of the neighborhood or be a detriment to the adjacent properties. The proposed fence would allow the petitioner to achieve some measure of privacy while also maintaining an open appearance. Due to the unique orientation of the lot (resulting in the property's corner side yard located along Hobson Road), staff supports allowing a six foot (6') tall fence in the required side yard. Both the fence style (aluminum ornamental) and height (6') are additionally compatible with the existing and approved fences along Hobson Road. Staff concurs with the petitioner that the requested variances meet the standards for granting a zoning variance as defined in Section 6-5:2 (Standards for Variances) of the Municipal Code.

ACTION REQUESTED:

Conduct the public hearing.

ATTACHMENTS:

1. 732 Saddlers Court Fence – Application – PZC 12-1-087
2. 732 Saddlers Court Fence – Legal Description – PZC 12-1-087

732 Saddlers Court Fence –PZC Memo – PZC 12-1-087

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3. 732 Saddlers Court Fence – Site Plan – PZC 12-1-087
4. 732 Saddlers Court Fence – Fence Detail– PZC 12-1-087

CITY OF NAPERVILLE APPLICATION FOR A ZONING VARIANCE

ADDRESS OF SUBJECT PROPERTY: 727, 731 and 732 Saddlers Court, Naperville, IL 60540

PARCEL IDENTIFICATION NUMBER (PIN) 08-29-102-049, 08-29-102-048, 08-29-102-050

APPLICANT'S NAME: R.W. Development, Inc., an Illinois corporation

APPLICANT'S ADDRESS: 4900 Prairie Crossing

CITY: Oswego STATE: IL ZIP CODE: 60543

APPLICANT'S DAYTIME PHONE: (630) 355-0076 (Win Wehrli)

E-MAIL ADDRESS: win0076@gmail.com

OWNER OF PROPERTY: R.W. Development, Inc., an Illinois corporation

OWNER'S ADDRESS: 4900 Prairie Crossing

CITY: Oswego STATE: IL ZIP CODE: 60543

OWNER'S DAYTIME PHONE: (630) 355-0076 (Win Wehrli)

ZONING OF PROPERTY: R-1

AREA OF PROPERTY (Acres or sq ft): 1.85 Acres

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

Property is currently vacant

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

6 foot heavy duty aluminum ornamental fence 6-2-12:1.7

to be installed one foot off property line per attached exhibit

EXHIBIT A

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

Ronald J. Kelly 6-13-12
(signature of applicant) (date)

SUBSCRIBED AND SWORN TO before me this 13 day of June, 2012

[Signature]
OFFICIAL SEAL
WINNEBAGO
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES: 09/30/14

EXHIBIT A

Fence variance is requested to conform to visual aspects of and to be in harmony with surrounding property (Hobson Pond). Current height limitation is 4.5 feet. Variance requests a fence height of six feet.

**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: R.W. Development, Inc., an Illinois corporation
Address: 4900 Prairie Crossing, Oswego, IL 60543

2. Nature of Benefit sought: Zoning variance as described in Application

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. Ronald J. Wehrli, 4900 Prairie Crossing, Oswego, IL 60543
- b. _____
- c. _____
- d. _____

6. Name, address and capacity of person making this disclosure on behalf of the applicant:
Ronald J. Wehrli, 4900 Prairie Crossing, Oswego, IL 60543

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, Ronald J. Wehrli, 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: WIN WEHRLI

Subscribed and sworn to before me on April day of 2012

[Signature]
Notary Public

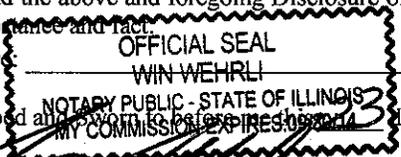


EXHIBIT B

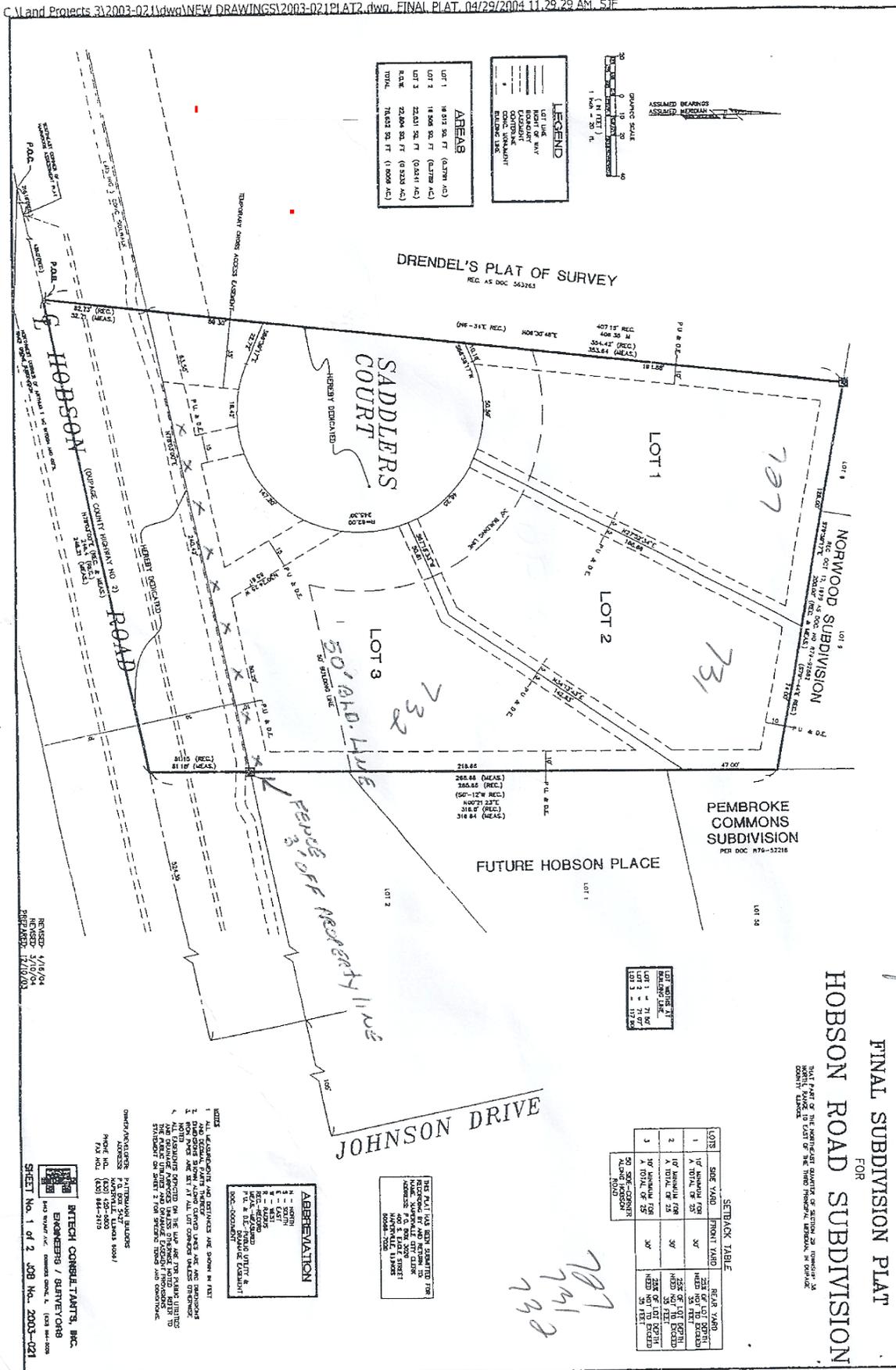
Legal Description

Lot 3 in Hobson Road Subdivision, being a Subdivision in part of the Northeast Quarter of Section 29, Township 38 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded July 26, 2005 as Document R2005-161144 and re-recorded September 13, 2005 as Document R2005-201387, all in DuPage County, Illinois.

Permanent Real Estate Index No.: 08-29-102-050

Address of Real Estate: 732 Saddlers Court, Naperville, IL 60540

C:\Land Projects\312003-021\dwg\NEW DRAWINGS\2003-021\PLAT2.dwg, FINAL PLAT, 04/29/2004 11:29:29 AM, 53F

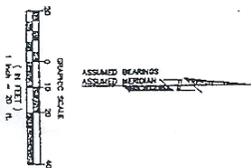


AREAS

LOT 1	18,915 SQ. FT. (432TH AC.)
LOT 2	18,908 SQ. FT. (432TH AC.)
LOT 3	22,531 SQ. FT. (516TH AC.)
TOTAL	60,354 SQ. FT. (1,380 AC.)

LEGEND

- LOT LINE
- RIGHT OF WAY
- ADJACENT PROPERTY
- EXISTING ROAD
- EXISTING UTILITY
- EXISTING EASEMENT
- EXISTING ENCUMBRANCE
- EXISTING CURB
- EXISTING DRIVE



DRENDEL'S PLAT OF SURVEY
REC. AS DOC. 563263

FINAL SUBDIVISION PLAT
FOR
HOBSON ROAD SUBDIVISION

THIS PART OF THE UNINCORPORATED QUARTER OF SECTION 20, TOWNSHIP 24 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BROWN COUNTY, MISSOURI.

LOT BEARING TABLE

LOT 1	71° 00' 00" W
LOT 2	117° 00' 00" W

SETBACK TABLE

LOTS	REAR YARD	FRONT YARD	REAR YARD
1	10' MINIMUM	5'	5' OR 10' DEPTH
2	10' MINIMUM	5'	5' OR 10' DEPTH
3	10' MINIMUM	5'	5' OR 10' DEPTH

FIELD PLAT (SEE SEPARATE DRAWING FOR RECORDATION OF THIS PLAT) FOR RECORDATION OF THIS PLAT, THE SURVEYOR HAS BEEN ADVISED BY THE OWNER THAT THE PLAT IS TO BE USED FOR THE PURPOSES OF RECORDATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

ABBREVIATION

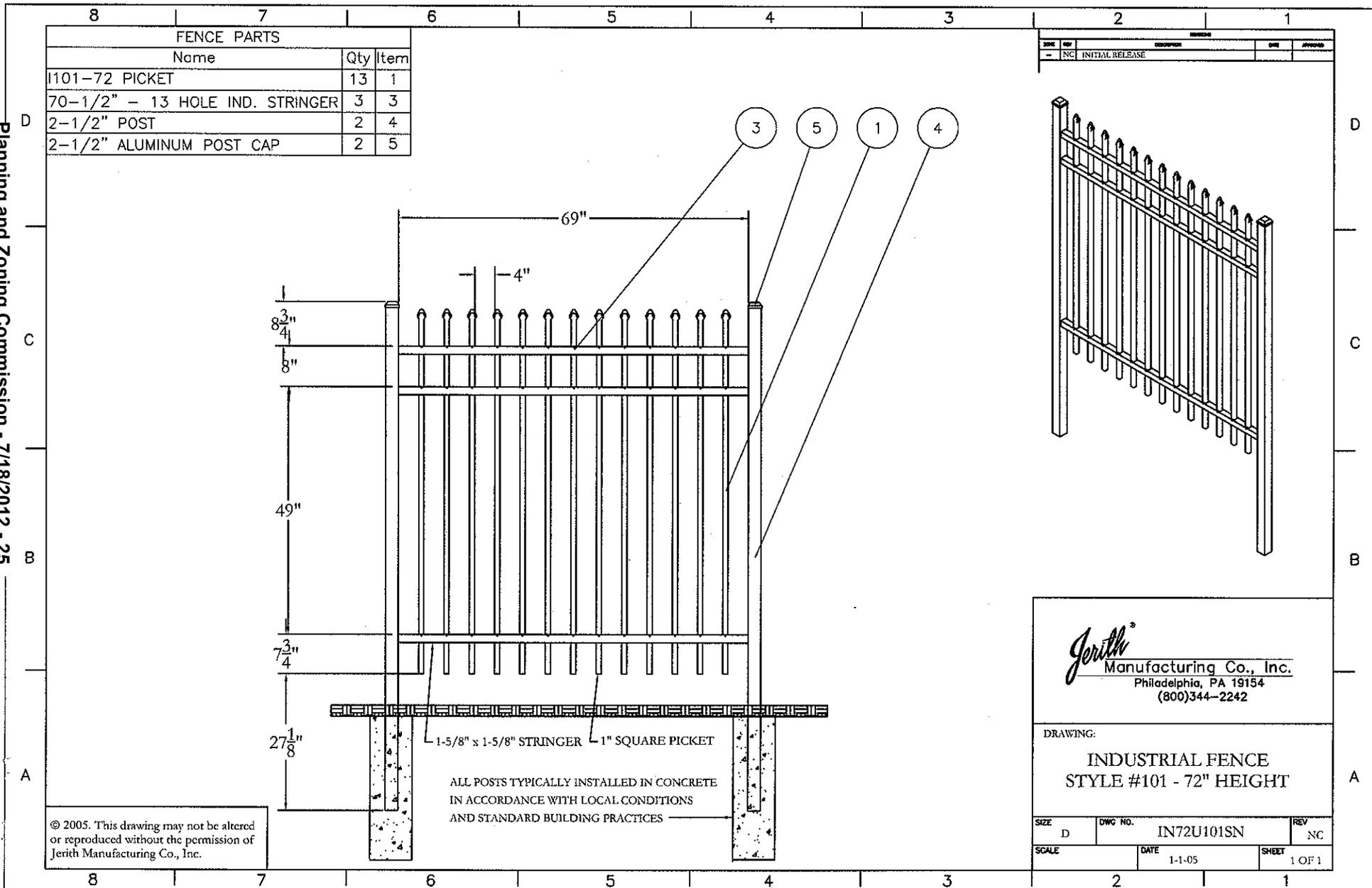
1	ADJ.	ADJACENT
2	ADJ.	ADJACENT
3	ADJ.	ADJACENT
4	ADJ.	ADJACENT
5	ADJ.	ADJACENT
6	ADJ.	ADJACENT
7	ADJ.	ADJACENT
8	ADJ.	ADJACENT
9	ADJ.	ADJACENT
10	ADJ.	ADJACENT

- NOTES**
- ALL DIMENSIONS AND DISTANCES ARE SHOWN IN FEET.
 - ADJACENT TO THE RIGHT OF THE DRIVEWAY ARE THE ADJACENT QUARTERS OF SECTION 20, TOWNSHIP 24 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BROWN COUNTY, MISSOURI.
 - ALL DISTANCES ARE SHOWN IN FEET.
 - ALL DISTANCES ARE SHOWN IN FEET.

BRITCH CONSULTANTS, INC.
ENGINEERS / SURVEYORS
1415 W. STATE ST. SUITE 200
ST. LOUIS, MO 63103
PHONE NO. (314) 435-3300
FAX NO. (314) 435-3300

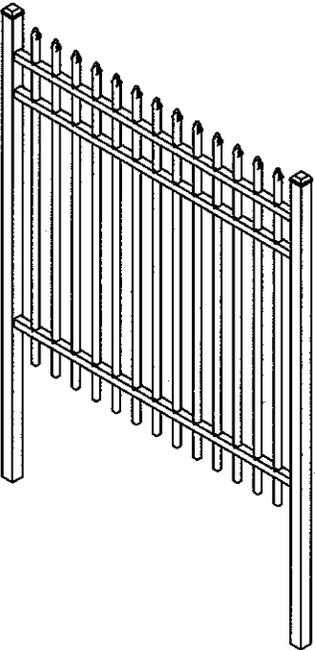
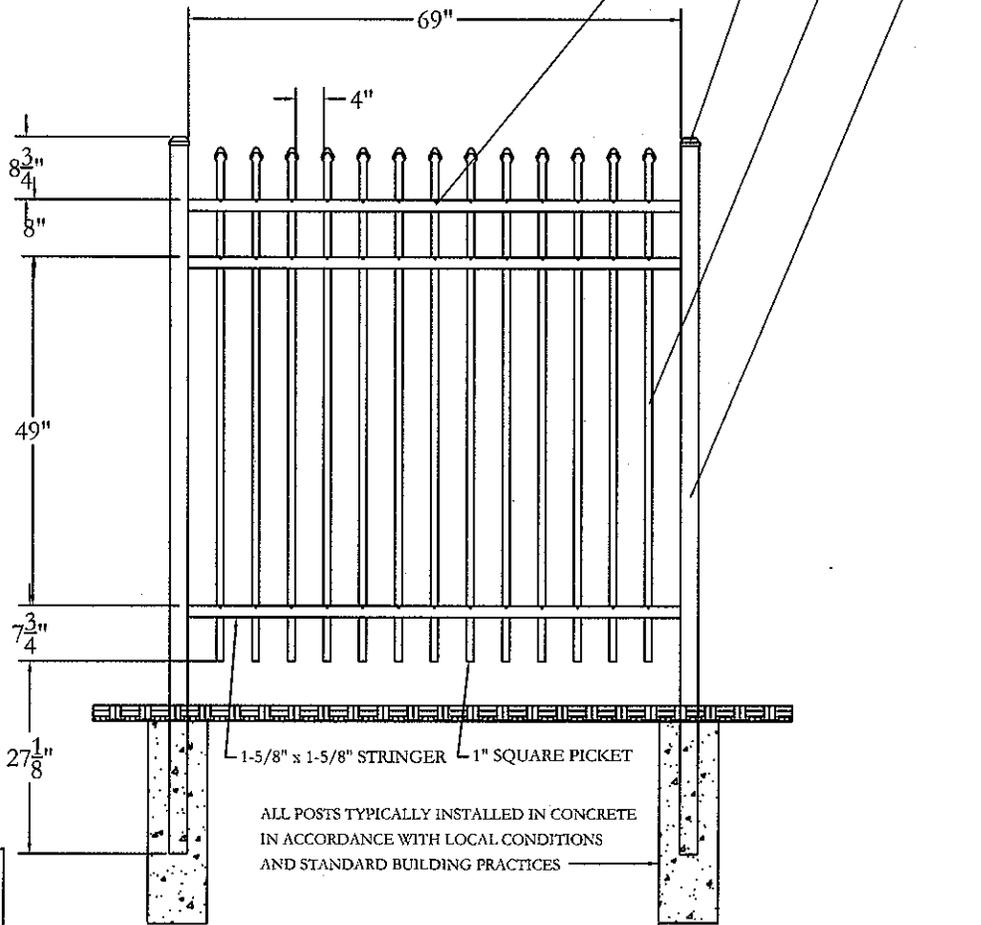
SHEET No. 1 of 2 JOB No. 2003-021

Rosenthal



FENCE PARTS		
Name	Qty	Item
1101-72 PICKET	13	1
70-1/2" - 13 HOLE IND. STRINGER	3	3
2-1/2" POST	2	4
2-1/2" ALUMINUM POST CAP	2	5

DATE	BY	DESCRIPTION	DATE	APPROVED
NC	NC	INITIAL RELEASE		



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DRAWING:
INDUSTRIAL FENCE
STYLE #101 - 72" HEIGHT

SIZE D	DWG NO. IN72U101SN	REV NC
SCALE	DATE 1-1-05	SHEET 1 OF 1

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Naperville

NAPERVILLE PLANNING AND ZONING COMMISSION AGENDA ITEM

CASE: 12-1-041 **AGENDA DATE:** 7/18/2012
SUBJECT: Kiddie Academy on North Aurora
 Petitioner: Solid Ground, LLC; 33 West 10th Street, Suite 800; Anderson,
 IN 46016

LOCATION: 2828 and 2856 Patriots Lane

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

The petitioner requests approval of a conditional use for a day care center and nursery school in the B2 (Community Shopping Center District) pursuant to Section 6-7B of the Municipal Code and a major change to the Lots 6 & 11 Flynn Lauth Lot 2 Planned Unit Development to allow a Kiddie Academy child care learning center at 2828 Patriots Lane.

In addition, the petitioner requests approval of a variance from Section 5-4-5:2.5 (Monument Signs) to reduce the setback for the monument sign on Lot 6 from 5 feet to 0 feet, and deviations to Section 5-10-3 (Landscaping and Screening) to reduce the amount of landscaping required and Section 6-9-2:4.3 (Off Street Parking Facilities) to reduce the required parking lot setback along the south property line from 5 feet to 0 feet for Lots 6 and 11.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action
N/A		

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Conduct the public hearing.

PREPARED BY: Clint Smith, AICP, Planning Services Team

EXISTING ZONING, LAND USE, AND LOCATION:

The subject property located at 2828 Patriots Lane (Lot 6) consists of 1.66 acres and is presently improved with an 11,790 square-foot multiple-tenant commercial building, which is currently vacant. The subject property located at 2856 Patriots Lane (Lot 11) consists of 1.51 acres, and is presently improved with a 6,968 square-foot building that houses the Texas Roadhouse restaurant. Both properties are zoned B2 PUD (Community Shopping Center District PUD).

*Kiddie Academy on N. Aurora
July 18, 2012
Page 2 of 4*

RELATIONSHIP TO OFFICIAL PLAN OF THE CITY OF NAPERVILLE¹:

The 1996 Northwest Sector Comprehensive Plan identifies the future use of the property as “Commercial”, which is consistent with the proposed day care use for the property.

PLANNING SERVICES TEAM REVIEW:

The petitioner intends to remodel the existing vacant building located on Lot 6 to accommodate a day care use on the subject property. The hours of operation for the Kiddie Academy will be 6:30 a.m. to 6:30 p.m., Monday through Friday. The petitioner is the owner of Lot 6 and Lot 11.

Major Change – Conditional Use

The petitioner is requesting approval of a conditional use to allow the operation of a Kiddie Academy day care center on the property located at 2828 Patriots Lane. The site currently provides a total of 82 parking spaces (with 4 accessible spaces). The Municipal Code requires a parking ratio of 4 spaces per 1,000 square feet of floor area, which translates to a requirement of 47 required spaces with 35 excess spaces. According to the applicant, approximately 24 people will be employed at this location, and in regards to child drop-off/pick-up procedure, children will be required to be escorted into and out of the facility by a parent or guardian, so each customer will park at the facility during this exchange.

To accommodate the day care use, fencing will be installed around the perimeter of the building. The height of the fence, which will be an aluminum, wrought iron style fence, will vary between 4 feet (along south, east, and east half of north side of building) and 6 feet (west and west half of north side of building). All areas with children will be enclosed with a 6-foot fence. A dumpster that matches the architecture of the building will also be installed along the west side of the building. Further site modifications include the addition of a minimal amount of landscaping in an island near the southwest corner of the building, the removal of existing fencing along the front (south) of the building, and the installation of bollards around the outdoor areas where children will be located.

Variances/Deviations

As a result of the Route 59 improvements soon to be undertaken, a significant amount of right of way along North Aurora Road was acquired by IDOT to accommodate corresponding intersection and cross-street improvements that are required in conjunction with the planned Route 59 improvements. The variances and deviations that the petitioner is requesting (noted below) are the result of the right of way taking initiated by IDOT. As a note, the petitioner is not required to request these approvals at this time. Had the petitioner not requested them, the properties would be considered legal non-conforming lots, and they would be permitted to be used in their current capacity. The petitioner has requested this approval in order to avoid potential title issues resulting from the building’s non-conforming status in the future.

Per the applicant, IDOT will be taking additional right of way for North Aurora Road from Lot 6 (Kiddie Academy) ranging from 13.8 to 21.7 feet, and ±5 to 13.27 feet from Lot 11 (Texas Roadhouse). Staff has included a site plan markup (Attachment 10) that indicates the approximate location of the proposed right of way location. The petitioner will be submitting

¹ The official plans of the City of Naperville are available online at www.naperville.il.us/compplans.aspx.

*Kiddie Academy on N. Aurora
July 18, 2012
Page 3 of 4*

revised plans in the future that show the exact location of the proposed right of way, but were unable to complete them prior to this meeting.

Variance – Signage

The required setback for a monument sign in this location is 5 feet, which the current sign at the southeast corner of Lot 6 meets. With the expansion of the right of way, the setback will be reduced to near zero. When the new right of way is in place, the existing sign will continue to be outside of the 30-foot sight triangle at the Patriots Lane and North Aurora Road intersection and will be approximately 12 feet from the North Aurora Road back of curb. The petitioner is requesting a variance to allow a setback of zero for the monument sign.

Deviation – Parking Setback

The required setback for a parking lot along a property line is 5 feet. With the expansion of North Aurora Road, the right of way will be nearly at the back of curb of the parking lots for Lots 6 and 11, and the setback will be reduced to near zero. The petitioner is requesting a variance to allow a setback of zero feet for the parking lot along the south property line.

Deviation – Landscaping

The Municipal Code requires a minimum of 5 feet of space for landscaping around all parking lots. With the expansion of the right of way, the right of way will be nearly at the back of curb of the parking lots, reducing the landscape area to near zero.

In addition, due to the right of way expansion, much of the existing landscaping along North Aurora Road will be removed. The petitioner may be able to maintain the current landscaping on Lot 11 between the parking lot and sidewalk after the right of way taking, but it will thereafter be located within the right of way. On Lot 6 however, nearly all greenspace within the parkway will be eliminated. If the requested deviation is granted, the petitioner would not be required to replace the removed landscaping where adequate greenspace does not exist. The petitioner is requesting a variance to allow a setback of zero for the parking lot landscaping area, and relief from required parkway, perimeter and parking lot landscaping if adequate greenspace is not available after IDOT construction is complete.

The petitioner provided responses to the conditional use, major change to the PUD, variance and deviations criteria in the included attachments. Staff concurs with the petitioner's findings and supports the requested conditional use, major change to the PUD, variance and deviations. Per the Municipal Code, the requested major change to the PUD, variance, and deviations will be tied to the existing structures. The petitioner understands that should the existing structures be demolished at a future date, any new structure will be required to comply with the underlying zoning requirements.

ATTACHMENTS:

1. Kiddie Academy on North Aurora – Development Petition – PZC 12-1-041
2. Kiddie Academy on North Aurora – Standards for a Conditional Use – PZC 12-1-041
3. Kiddie Academy on North Aurora – Standards for Major Change to a PUD, Variance & Deviations – PZC 12-1-041
4. Kiddie Academy on North Aurora – Location Map – PZC 12-1-041

Kiddie Academy on N. Aurora

July 18, 2012

Page 4 of 4

5. Kiddie Academy on North Aurora – Site Plan – PZC 12-1-041
6. Kiddie Academy on North Aurora – Landscape Plan – PZC 12-1-041
7. Kiddie Academy on North Aurora – Building Elevations – PZC 12-1-041
8. Kiddie Academy on North Aurora – Site Plan with Proposed ROW – PZC 12-1-041



**CITY OF NAPERVILLE
T.E.D. BUSINESS GROUP**

**APPLICATION FOR DEVELOPMENT
APPROVAL**

June, 2012

TRANSPORTATION, ENGINEERING, & DEVELOPMENT (TED) BUSINESS GROUP

Use this packet to request development approval when consideration by the Naperville Planning and Zoning Commission and/or approval from the Naperville City Council is required. This application is available on the City's website at <http://www.naperville.il.us/developmentpetition.aspx>. Questions may be directed to the City of Naperville TED Business Group at (630) 420-6100 x. 9.

Initial in the boxes below signifying that all required submittals and fees have been included in accordance with the requirements outlined in this application.

Initial	Item	Page
X	Application for Development Approval	3 - 5
X	Disclosure of Beneficiaries	6
X	Required Plan and Electronic Submittals <i>(all plan sets must be folded)</i>	7
X	Required Fee Submittals	8
X	Required Exhibits	9 - 12

PROCESS

1. Prior to submittal of a Development Application, please contact the TED Business Group at (630) 420-6100 x. 9 to determine whether or not a concept meeting or pre-application submittal meeting is required.
2. Submit a completed application including all materials noted in the required plan and fee submittal requirements section of this application (if applicable refer to your Concept Checklist for required submittals and fees). *Submittals will not be accepted and/or processed until all of the submittal requirements are met.* Once the completed application is accepted, a case number will be assigned.
3. Your completed application packet will be forwarded to city staff/departments (e.g. Planning, Utilities, Engineering) for review and comment. There is a 21 day review cycle for first submittals and 14 day review cycle for any subsequent submittals. Copies of any comments will be provided to you by the project manager assigned to your case. Comments may necessitate revisions to plans prior to the scheduling of a Planning and Zoning Commission and/or City Council meeting.
4. An assigned project manager will work with you to schedule a public hearing/meeting before the Planning and Zoning Commission (if required). *You will be notified of the hearing/meeting date and be provided with sample public hearing/meeting notices approximately three weeks in advance.* City staff will complete newspaper notification requirements; you are required to complete mailed notice and posting of a sign on the property a minimum of 15 days prior to the scheduled hearing (unless otherwise directed by staff).
5. Following a public hearing and recommendation by the Planning and Zoning Commission, your case will be scheduled for City Council consideration. Cases will not be scheduled for City Council until staff has determined that all plans are in technical compliance. You will be notified of the City Council date approximately four weeks in advance of the meeting.

CITY OF NAPERVILLE

APPLICATION FOR DEVELOPMENT APPROVAL

DEVELOPMENT NAME (should be consistent with plat): Flynn-Lauth Lot 2 Subdivision

ADDRESS OF SUBJECT PROPERTY: 2828 & 2856 Patriot's Lane

PARCEL IDENTIFICATION NUMBER (P.I.N.) 07-15-100-020, 051

I. APPLICANT: Solid Ground, LLC

APPLICANT'S ADDRESS: 33 W. 10th Street, Suite 800

CITY: Anderson STATE: IN ZIP CODE: 46016

PHONE: (765) 640-2455 E-MAIL ADDRESS: paul@centralmanagement.com

II. OWNER: Solid Ground, LLC

OWNER'S ADDRESS: same as above

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE: _____ E-MAIL ADDRESS: _____

III. PRIMARY CONTACT (review comments sent to this contact): Paul Nicholson

RELATIONSHIP TO APPLICANT: Chief Operating Officer

PHONE: (765) 640-2455 E-MAIL ADDRESS: paul@centralmanagement.com

IV. OTHER STAFF

NAME: Michael M. Roth

RELATIONSHIP TO APPLICANT: Attorney

PHONE: (630) 955-6594 E-MAIL ADDRESS: michael.roth@icemiller.com

NAME: Jim Dauss

RELATIONSHIP TO APPLICANT: Architect

PHONE: (765) 649-2258 E-MAIL ADDRESS: jimdauss@daussarchitects.com

V. PROPOSED DEVELOPMENT

(check applicable and provide responses to corresponding exhibits on separate sheet)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Amending or Granting a Conditional Use (Exhibit 1)* | <input type="checkbox"/> Landscape Variance (Exhibit 4) |
| <input checked="" type="checkbox"/> Amending or Granting a Planned Unit Development (Exhibit 2) | <input type="checkbox"/> Planned Unit Development Deviation (Exhibit 5) |
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Platted Setback Deviation (Exhibit 6) |
| <input type="checkbox"/> Plat of Easement/Vacation/Dedication | <input checked="" type="checkbox"/> Sign Variance (Exhibit 7) |
| <input type="checkbox"/> Rezoning (Exhibit 3) | <input type="checkbox"/> Subdivision Deviation/Waiver (Exhibit 8) |
| <input type="checkbox"/> Subdivision Plat | <input checked="" type="checkbox"/> Zoning Variance (Exhibit 9) |

**When requesting approval of a Small Wind and/or a Solar Renewable Energy System complete Exhibit 10 instead of Exhibit 1.*

ACREAGE OF PROPERTY: 3.173 ac.

DESCRIPTION OF PROPOSAL/USE (use a separate sheet if necessary)

The existing site contains 2 buildings: (1) Texas Roadhouse Restaurant and (2) a shell in-line commercial building completed in 2005. The site has all improvements in place. the proposal is to place a Kiddie Academy in the entire vacant in-line commercial shell building. The Kiddie Academy will also have a 3,919 s.f. outdoor play area. The proposal also seeks City approval of variances based on IDOT North Aurora Ave. widening project, and setback reductions due to frontage taking now underway.

VI. SCHOOL AND PARK DONATION REQUIREMENTS

(residential development only per Section 7-3-5: Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of)

Required School Donation will be met by:

- Cash Donation Land Dedication

Required Park Donation will be met by:

- Cash Donation Land Dedication

I am authorized to make this application, and the above information, to the best of my knowledge, is true and accurate.

Mr. M. Roth

07-10-12

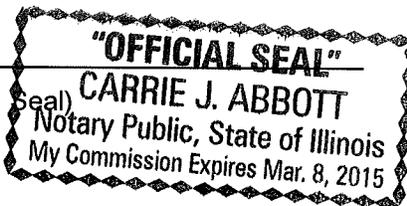
(signature of applicant or authorized agent)

(date)

SUBSCRIBED AND SWORN TO before me this 10th day of July, 2012

Carrie Abbott

(Notary Public and Seal)



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

1. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the public health, safety and general welfare.

The proposed conditional use of the property will be an enhancement to the general public health, safety and general welfare as it will provide a valuable and needed service in the community by providing daytime childcare services to the younger, working segment of the general population.

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.

The proposed 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 which are previously developed. The proposed conditional use utilizes a building which has been vacant for approximately six years since its construction, thereby providing an additional level of activity and security to the area.

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.

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. The proposed conditional use is well suited for cohabitation with the adjoining Texas Roadhouse establishment with compatible peak times of operation. The Texas Roadhouse is primarily an early to late evening center of activity while the Kiddie Academy will enjoy peak activity times during the early morning and staggered throughout the mid to late afternoon. A more suitable, compatible tenant to coexist with the Texas Roadhouse would be difficult to find.

PUD Amendment, Deviations and Variances

Applicant is requesting approval of a major change to the Flynn-Lauth PUD, with PUD Deviations and setback variances.

The PUD was originally approved by the City with code compliant setbacks. However, Applicant is requesting approval setback PUD Deviations and variances along North Aurora Road, for both Lots 6 and 11, due to the Illinois Department of Transportation's (IDOT) road widening project for Illinois Rt. 59, and intersections including North Aurora Road. IDOT advises that construction will begin in 2013.

Specifically, Applicant is requesting approval of a 0' parking lot setback PUD Deviation and variance from North Aurora Road, for the existing parking lot located on Lot 6, approximately 21' north of the existing property line, due to the IDOT road widening project. IDOT has notified the owner/applicant of its plans to take a strip of frontage along the north side of North Aurora Road from Lot 6 (the commercial center parcel), ranging from 13.8' to 21.7', as part of this project. The owner has received a 60 day notice that eminent domain proceedings will be commenced. Therefore, upon the completion of the taking, and the conclusion of the project, the resulting setback (landscape buffer) between the new roadway right-of-way line and the existing parking lot will be reduced, and at certain points almost eliminated. The required setback is 5'.

Applicant is also requesting approval of a 0' sign setback PUD Deviation and variance from North Aurora Road, for the existing monument sign located at the southwest corner of Lot 6, due to the IDOT road widening project. The required setback is 5'.

Applicant is also requesting approval of a 0' parking lot setback PUD Deviation and variance from North Aurora Road, for the existing parking lot located on Lot 11, approximately 13' north of the existing property line, due to the IDOT road widening project. IDOT has notified the owner/applicant of its plans to take a strip of frontage along the north side of North Aurora Road from Lot 11 (the Texas Roadhouse parcel), ranging from ±5' to 13.27', as part of this project. The owner has received a 60 day notice that eminent domain proceedings will be commenced. Therefore, upon the completion of the taking, and the conclusion of the project, the resulting setback (landscape buffer) between the new roadway right-of-way line and the existing parking lot will be reduced, and at certain points almost eliminated. The required setback is 5'.

EXHIBIT 2: Section 6-4-7: Standards for Granting Amendment to a Planned Unit Development

1. *The design of the planned unit development presents an innovative and creative approach to the development of land and living environments.*

The design of the planned unit development was approved as an innovative and creative approach to the development of land and living environments. The development has parcels under common ownership, mixed uses, shared drives for ingress/egress, and shared parking.

2. *The planned unit development meets the requirements and standards of the planned unit development regulations.*

Except as explained in Exhibits 5, 7, and 9, below, the planned unit development meets all of the requirements and standards of the planned unit development regulations.

3. *The physical design of the planned unit development efficiently utilizes the land and adequately provides for transportation and public facilities while preserving the natural features of the site.*

The physical design of the planned unit development utilizes the land and adequately provides for transportation and public facilities in that it has parcels under common ownership, mixed uses, shared drives for ingress/egress, and shared parking. These all contribute to the preservation of the natural features of the site.

4. *Open space, outdoor common area, and recreational facilities are provided.*

Outdoor common area, and new recreational facilities are provided on Lot 6

5. *The modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations fulfill the intent of those regulations.*

Any deviations from bulk standards are minimal. Those modifications in design standards from the subdivision control regulations and the waivers in bulk regulations from the zoning regulations were determined to fulfill the intent of those regulations at the time of initial approval, and will not change as a result of this PUD amendment.

6. *The planned unit development is compatible with the adjacent properties and nearby land uses.*

The planned unit development remains compatible with the adjacent properties and nearby land uses – commercial and service-oriented in nature.

7. *The planned unit development fulfills the objectives of the comprehensive plan and planning policies of the city.*

The planned unit development continues to fulfill the objectives of the comprehensive plan and planning policies of the city, and will not change as a result of this application.

EXHIBIT 5: Section 6-4-3: Standards for Approving a PUD Deviation

1. *Whether the requested deviation would undermine the intent and purpose of the underlying zoning district.*

The requested deviations for both lots will not undermine the intent and purpose of the underlying zoning district. The land uses will remain unchanged and all setbacks not being reduced by IDOT will remain compliant with City standards.

2. *Whether the requested deviation would be a detriment to the provision of municipal services and infrastructure.*

IDOT is coordinating with City officials regarding the widening of North Aurora Road. City services and existing municipal infrastructure will not change. Therefore, the requested deviations for both lots will not be a detriment to the provision of municipal services or infrastructure.

3. *Whether the requested deviation would contribute a planned unit development which offers a superior level of design, amenity enhancement, or environmental benefit; or would enhance community vitality through the inclusion of attainable or barrier free housing.*

The existing PUD was first approved by the City, as offering the necessary level of design, amenity enhancement, and environmental benefit, and enhancement to community vitality. The requested setback deviations resulting in a wider right-of-way will not negate these characteristics of the development.

EXHIBIT 7: Section 5-4-14: Standards for Granting a Sign Variance

1. *The plight of the owner is due to unique circumstances and the proposed variation will not merely serve as a convenience to the petitioner, but will alleviate some demonstrable and unusual hardship which will result if the strict letter of the regulations of this Chapter were carried out and which particular hardship or practical difficulty is not generally applicable to other comparable signs or properties.*

The plight of the owner in this instance is due to the unique circumstance that the State of Illinois, in the name of the public good, is going to render the existing sign setback non-compliant. The proposed sign setback variation is not being sought to merely serve as a convenience to the petitioner, but to allow the structure to remain at its approved location without the stigma and zoning limitations applicable to legal-non-conforming uses. If the strict letter of the City's sign setback regulations were carried out, the petitioner would incur great expense in relocating the monument and sign. This particular hardship and practical difficulty is not generally applicable to other comparable signs or properties.

2. *The alleged hardship has not been created by any person presently having a proprietary interest in the subject sign (or property).*

The hardship that will be suffered by petitioner will be created by the State of Illinois and not by petitioner or any person presently having a proprietary interest in the subject sign or property.

3. *The proposed variance will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.*

The sign, monument and location were all approved by the City of Naperville, and the proposed variance to allow it to remain as is will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

4. *The proposed variation will not impair visibility to the adjacent property, increase the danger of traffic problems or endanger the public safety.*

The property on which the monument sign is located is not a corner lot, and the proposed variation will not affect any traffic site line. Allowing the monument sign to remain where it is will not impair visibility to the adjacent property (also owned by petitioner).

5. *The proposed variations will not alter the essential character of the neighborhood.*

The essential character of the neighborhood will remain commercial with or without the proposed sign variation.

6. *The proposed variation is in harmony with the spirit and intent of this Chapter.*

The sign will remain in harmony with the spirit and intent of this Chapter; as will the proposed sign variation.

EXHIBIT 9: Section 6-3-5:2: Standards for Granting a Zoning Variance

1. *The variance is in harmony with the general purpose and intent of this title.*

The subject property and parking lot, even with the proposed setback variance, will remain in harmony with the general purpose and intent of Title 6.

2. *Strict enforcement of this title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district.*

Strict enforcement of the parking lot setback requirements would cause the loss of needed parking and result in the associated practical difficulties and hardships. This is all due to the special and unusual conditions that are being created by IDOT's involuntary taking of part of the subject property, and which are not generally found on other properties in the same zoning district.

3. *The property cannot yield a reasonable return if permitted to be used only under the conditions allowed by this title.*

If the parking lot setback variance is not granted, petitioner will lose significant required parking on the subject property. This will have a detrimental effect on the ability of subject property to do business, and yield a reasonable return.

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

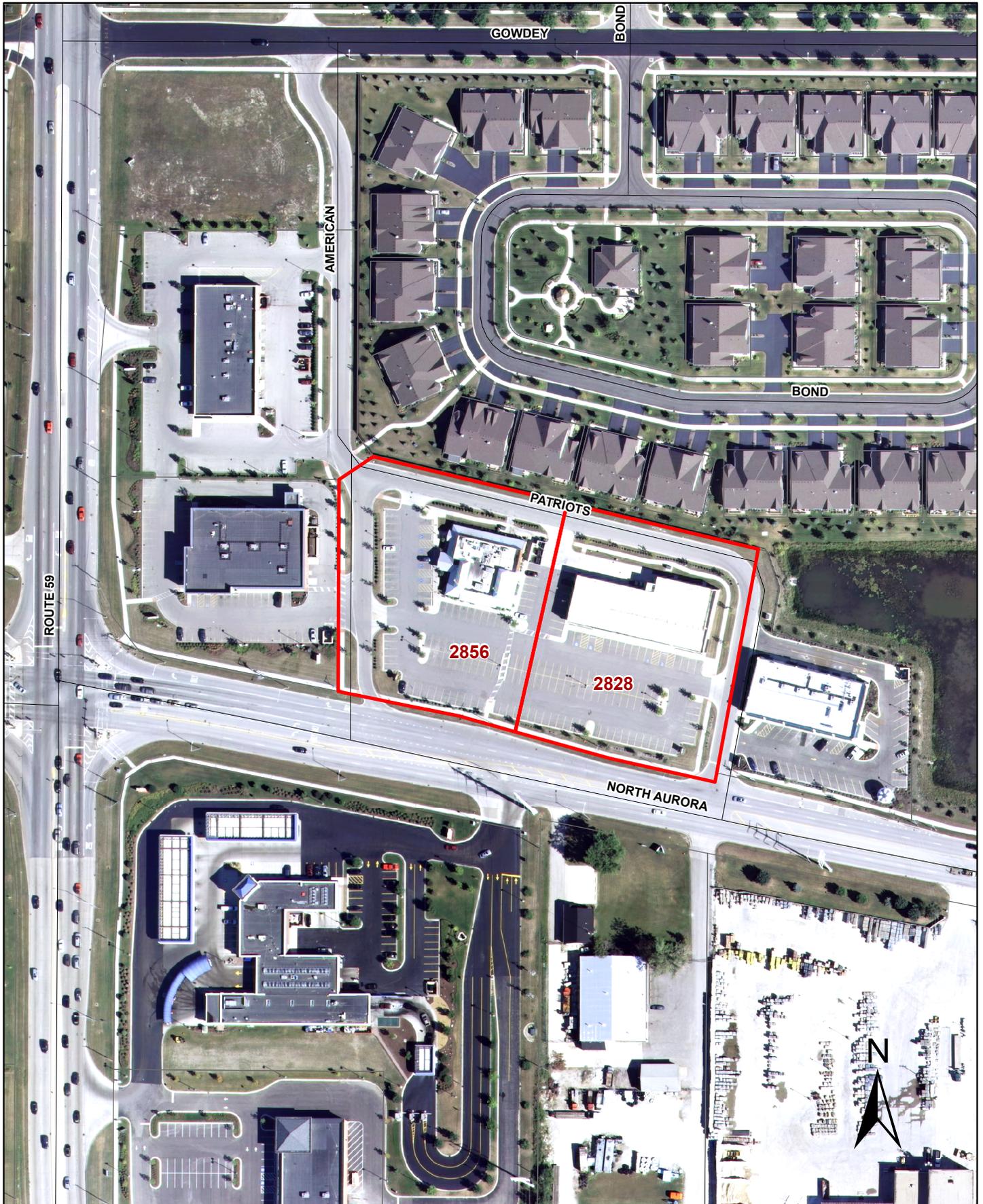
The parking lot setback variance, if granted, will not alter the commercial character of the neighborhood, and will not be a substantial detriment to adjacent property, which is also owned by the petitioner and which shares parking with the subject property.

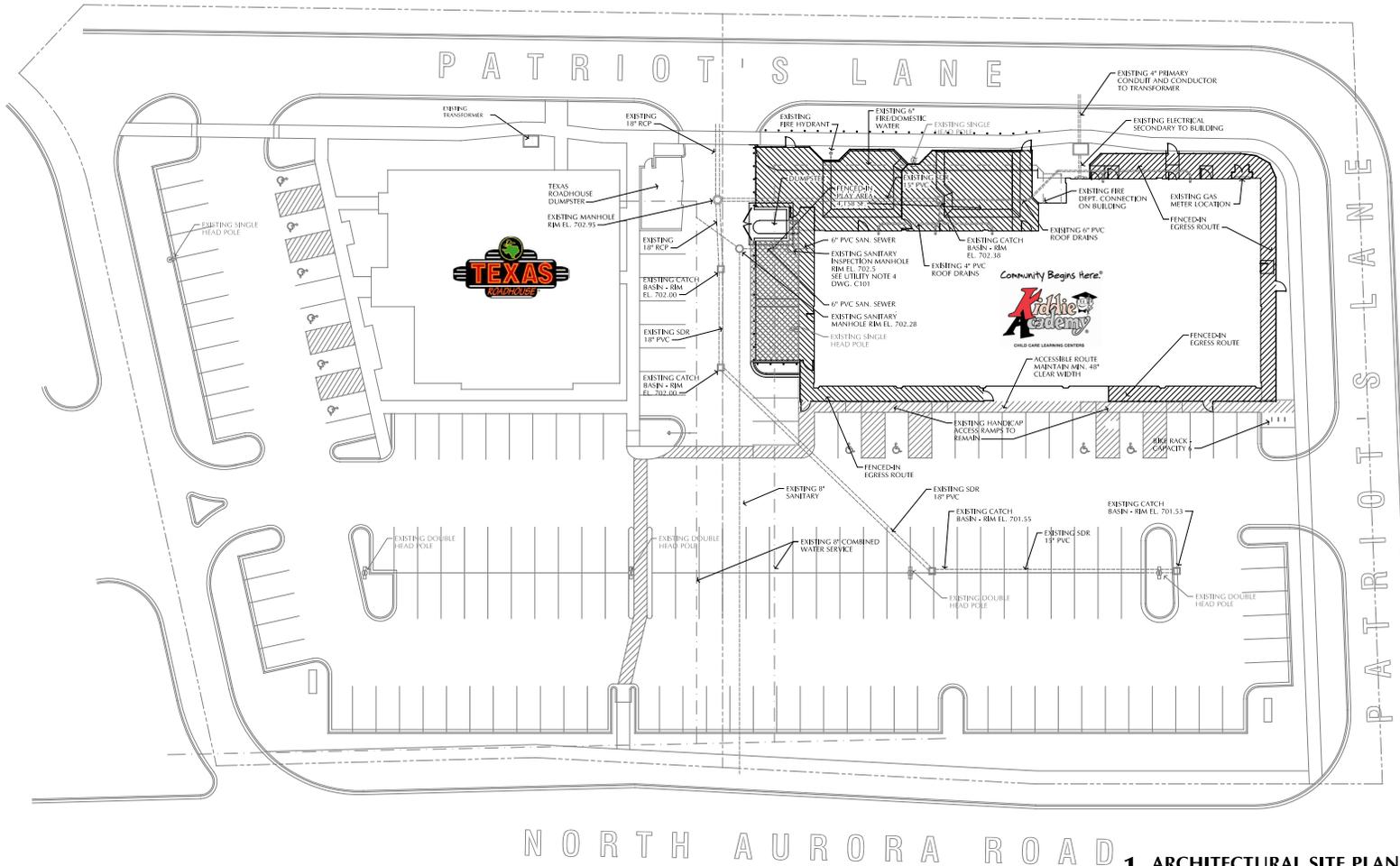
5. *The city council shall not vary the provisions of this title concerning permitted uses, conditional uses or the regulation of nonconforming uses.*

The requested parking lot setback variance is not a request to vary the provisions of Title 6 concerning permitted uses, conditional uses or the regulation of nonconforming uses.



2828 & 2856 Patriots Lane Kiddie Academy & Texas Roadhouse





PATRIOT'S LANE
NORTH AURORA ROAD

1 ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

UTILITY NOTES

- UTILITY INFORMATION SHOWN HEREON WAS OBTAINED FROM THE BEST AVAILABLE SOURCES AND MAY OR MAY NOT BE ACCURATE OR COMPLETE. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR VERIFYING EXACT LOCATIONS OF EXISTING UTILITIES AND IS RESPONSIBLE FOR ANY DAMAGE TO ANY UTILITIES, EITHER PUBLIC OR PRIVATE SHOWN HEREON ON THIS SHEET.
- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO VERIFY THE ACTUAL LOCATION AND AVAILABILITY OF ALL EXISTING AND PROPOSED UTILITIES IN THE FIELD.
- UTILITY ACCESS: ACCESS TO EXISTING UTILITIES, IF REQUIRED, WILL BE THROUGH GATED LOCATIONS. GATES TO BE EQUIPPED WITH PANIC RELEASES ON THE INSIDE OF THE GATE, REACHABLE FROM OUTSIDE OF FENCED/GATED AREAS.
- CONTRACTOR TO FIELD VERIFY EXISTING CONDITION OF SANITARY INSPECTION MANHOLE. PER CITY OF NAPERVILLE STANDARDS, MANHOLE 22 ADJUSTING RINGS FOR A TOTAL OF 4" MAY BE USED. IF ADDITIONAL HEIGHT IS REQUIRED, INSTALL NEW MANHOLE SECTION.
- EXISTING 12", 8" AND 6" WATER LINES ARE DIP CL 52 W. POLYETHYLENE ENCASMENT, 2" AND UNDER ARE TO TYPE K COPPER, AS PER CITY OF NAPERVILLE STANDARDS.

PARKING TABLE (THIS LOT ONLY)

BUILDING AREA (KIDDLE ACADEMY)	11,790 SF
PARKING SPACES PROVIDED (461,000 SF 1)	48 SP.
REGULAR SPACES	78 SP.
ACCESSIBLE SPACES	4 SP.
PARKING SPACES PROVIDED - TOTAL	82 SP.
BICYCLE PARKING SPACES REQUIRED (5% OF REQ'D)	3 (MIN.)
PARKING SPACES PROVIDED	6 SP.

CURRENTLY THERE ARE NO SHARED PARKING AGREEMENTS REQUIRED DUE TO SAME OWNERSHIP OF BOTH PARCELS

KIDDLE ACADEMY OPERATION NOTES

- CHILDREN DROP OFF PROCEDURE: CHILDREN ARE ESCORTED BY THEIR PARENT, OR GUARDIAN, INTO THE FACILITY TO THE CLASSROOM. EACH CHILD IS ASSIGNED A PIN # FOR WHICH THE PARENT USES TO GAIN ACCESS TO THE FACILITY. UPON ENTERING THEIR PIN #, THE INTERIOR VESTIBULE DOOR UNLOCKS TO ALLOW ACCESS. THE PARENT/GUARDIAN MUST THEN ESCORT THE CHILD/CHILDREN TO THE CLASSROOM WHERE A STAFF MEMBER TAKES ATTENDANCE. CONVERSELY, AFTERNOON PICK UP REQUIRES THE PARENT/GUARDIAN TO ENTER THE FACILITY USING THE PIN #, AND ESCORT THEIR CHILD/CHILDREN FROM THE CLASSROOM TO THEIR VEHICLE.
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- KIDDLE ACADEMY WILL HAVE A TOTAL OF 24 EMPLOYEES CONSISTING OF 21 TEACHERS AND ASSISTANTS, 1 DIRECTOR, 1 ADMINISTRATOR, AND 1 COOK.



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DATE: 06/18/2012
ISSUED FOR PRELIMINARY REVIEW - 06/18/2012
ISSUED FOR TENANT AND REVIEW - 06/18/2012
ISSUED FOR CITY OF NAPERVILLE REVIEW - 06/18/2012
REVISED AND ISSUED FOR REVIEW AND APPROVAL - 06/18/2012
REVISED AND ISSUED FOR NAPERVILLE REVIEW - 06/18/2012
REVISED PER CITY OF NAPERVILLE COMMENTS - 06/18/2012

Page 42 - Agenda Item D.3.
A TENANT BUILDOUT FOR
Community Begins Here!

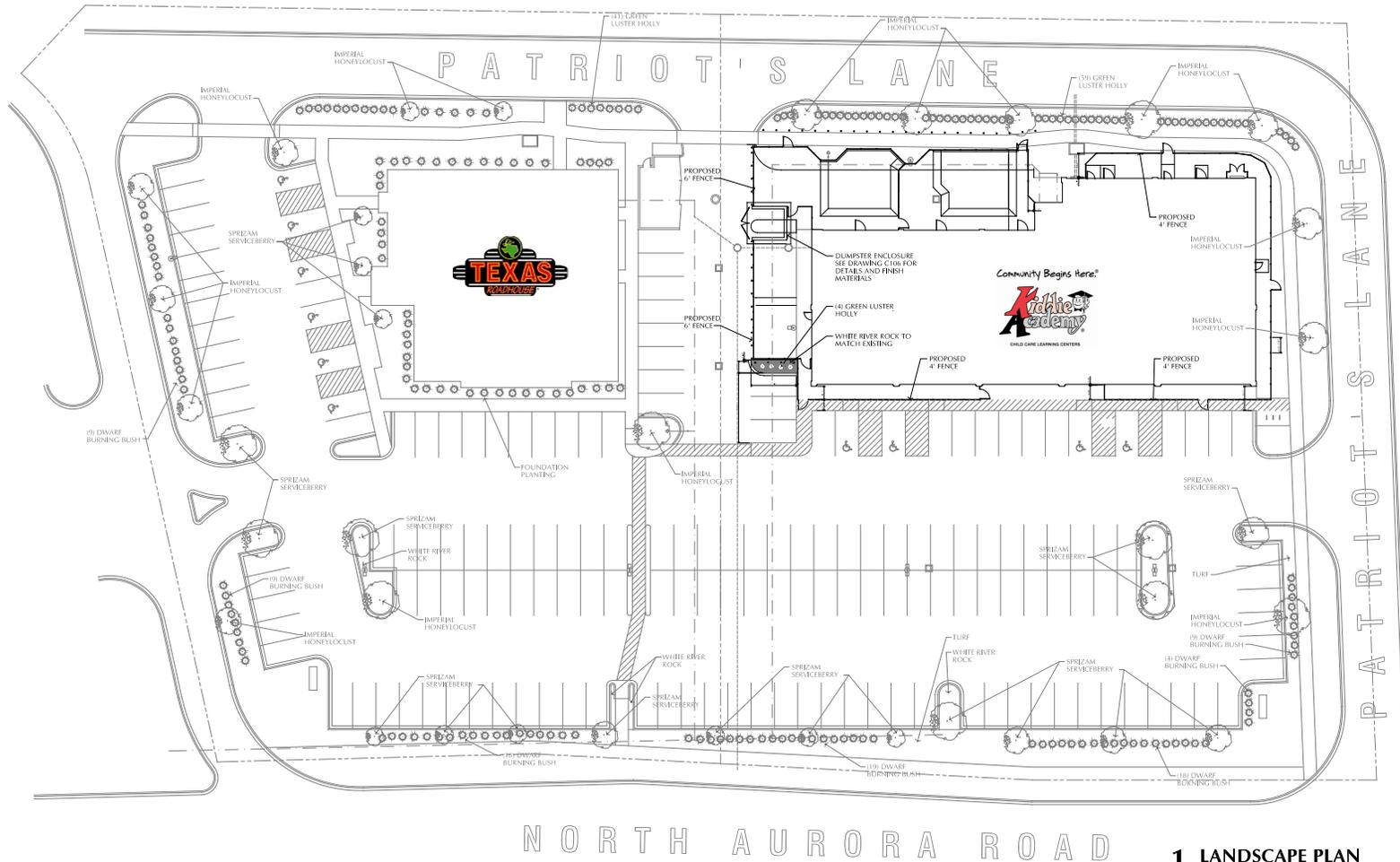


2828 PATRIOT'S LANE
NAPERVILLE, IL

A SOLID GROUND DEVELOPMENT

SHEET TITLE
ARCHITECTURAL SITE PLAN

SHEET NUMBER
C101
OF SHEETS
PROJECT NUMBER
S007-1101



NORTH AURORA ROAD

1 LANDSCAPE PLAN

SCALE: 1" = 20'-0"

LANDSCAPE NOTES

1. TREES SHALL BE INSTALLED A MINIMUM OF FIVE (5) FEET HORIZONTALLY FROM UNDERGROUND ELECTRICAL FEEDERS, SANITARY SEWERS, SANITARY SEWERS, SANITARY SERVICES, WASTE MAINS, AND WATER SERVICES. TREES SHALL BE INSTALLED A MINIMUM OF TEN (10) FEET HORIZONTALLY FROM UTILITY STRUCTURES AND APPURTENANCES, INCLUDING, BUT NOT LIMITED TO, MANHOLES, VALVE VAULTS, VALVE BOXES, AND FIRE HYDRANTS. NO TREES, SHRUBS OR OBSTACLES WILL BE ALLOWED 10' IN FRONT OF, 5' ON THE SIDES, AND 7' TO THE REAR OF THE ELECTRICAL TRANSFORMER.



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SCALE OF DRAWING
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DAUSS ARCHITECTS

DATE	DESCRIPTION
08/14/12	ISSUED FOR PRELIMINARY REVIEW
08/21/12	ISSUED FOR TENANT AND REVIEW - 08/21/12
08/21/12	ISSUED FOR CITY OF NAPERVILLE REVIEW - 08/21/12
08/21/12	REVIEW AND ISSUED FOR NAPERVILLE REVIEW - 08/21/12
08/21/12	REVIEW FOR CITY OF NAPERVILLE COMMENTS - 08/21/12

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A TENANT BUILDOUT FOR



2828 PATRIOT'S LANE
NAPERVILLE, IL

A SOLID GROUND DEVELOPMENT



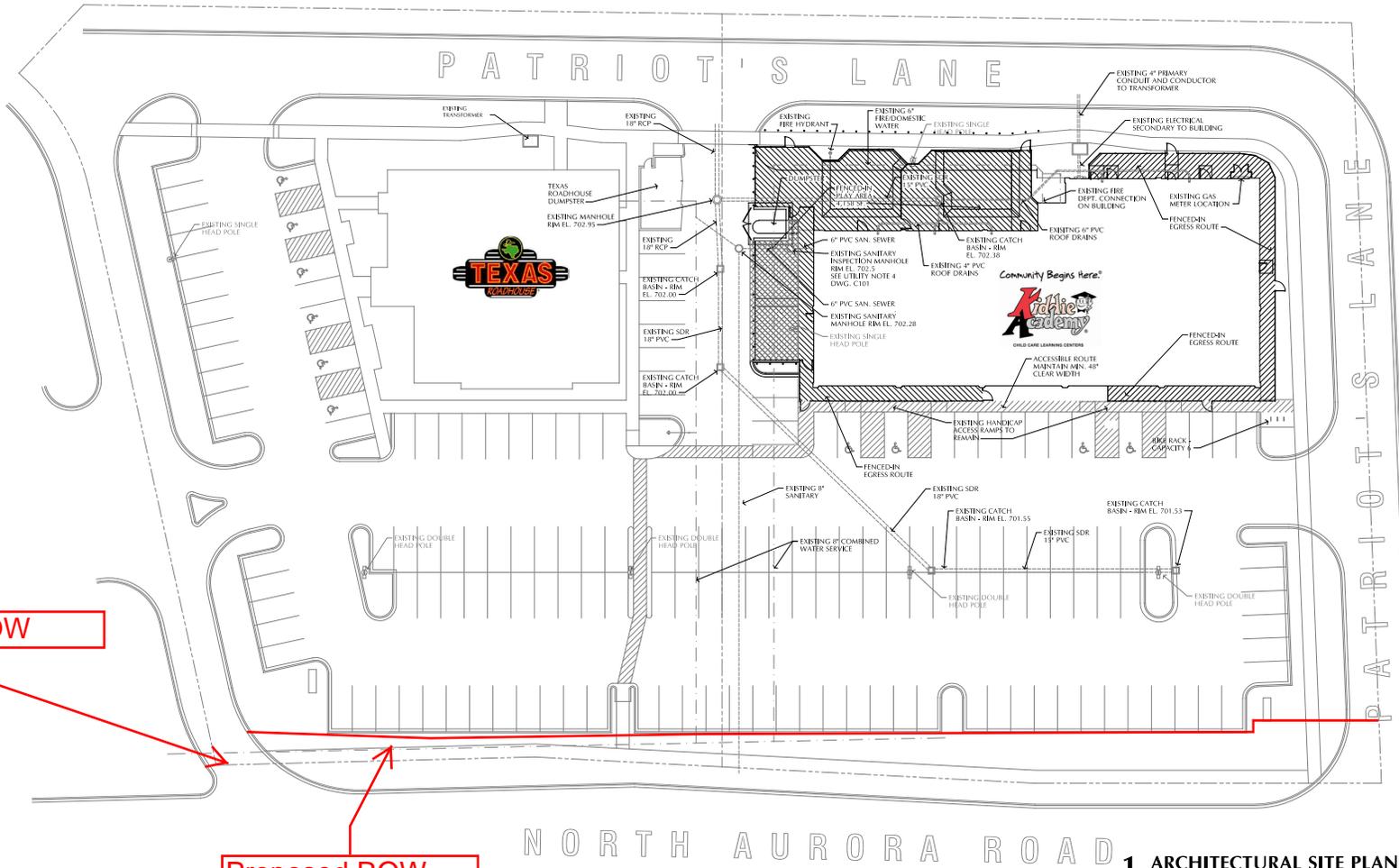
SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
C104
OF SHEETS

PROJECT NUMBER
S007-1101

Existing ROW

Proposed ROW



PATRIOT'S LANE
NORTH AURORA ROAD

1 ARCHITECTURAL SITE PLAN

SCALE: 1" = 20'-0"

UTILITY NOTES

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DATE OF DRAWING: 07/18/2012
DRAWN BY: J. HARRIS
CHECKED BY: J. HARRIS
PROJECT NO.: 007-1101

DATE: 07/18/2012
ISSUED FOR PRELIMINARY REVIEW - 07/18/2012
ISSUED FOR TENANT AND REVIEW - 08/01/2012
ISSUED FOR CITY OF NAPERVILLE REVIEW - 08/01/2012
REVISED AND ISSUED FOR REVIEW AND APPROVAL - 08/01/2012
REVISED AND ISSUED FOR NAPERVILLE REVIEW - 08/01/2012
REVISED PER CITY OF NAPERVILLE COMMENTS - 08/01/2012

PROJECT NO.: 007-1101
SHEET NO.: 1 OF 2
A TENANT BUILDOUT FOR



2828 PATRIOT'S LANE
NAPERVILLE, IL

A SOLID GROUND DEVELOPMENT

PROJECT NO.: 007-1101
SHEET NO.: 1 OF 2

SHEET TITLE
ARCHITECTURAL SITE PLAN

SHEET NUMBER
C101
OF SHEETS

PROJECT NUMBER
007-1101



Naperville

PLAN COMMISSION AGENDA ITEM

PC CASE: PZC 12-1-090 **AGENDA DATE:** 7/18/2012
SUBJECT: Planning Services Team FY12/13 Work Program
 Petitioner: City of Naperville Planning Services Team
 Request: Approve the proposed FY12/13 Planning Team Work Program.

LOCATION: n/a

Correspondence New Business Old Business Public Hearing

SYNOPSIS:

Since FY06/07, the Planning Team has forwarded a work program to the Planning and Zoning Commission and City Council on an annual basis that reflects long-range planning efforts to be undertaken in the upcoming year. The projects contained within each year’s work program are prioritized based upon resource availability, project complexity, strategic plan status, and anticipated community benefit.

PLAN COMMISSION ACTION PREVIOUSLY TAKEN:

Date	Item No.	Action

ACTION REQUESTED/RECOMMENDED THIS MEETING:

Approve the proposed FY12/13 Planning Team Work Program.

PREPARED BY: Allison Laff, AICP, Planning Team Operations Manager

BACKGROUND:

FY11/12 Staffing Changes

In FY11/12, the Planning Team experienced several staffing changes, including the promotion of a planner to TED Project Manager, the promotion of a planner to Assistant to the City Manager, and the relocation of a planner out of state. With these changes and a re-evaluation of the Planning Team’s overall objectives moving forward, the staffing of the Planning Team was modified from 4 Community Planner Full-Time Equivalents (FTE) to 2.5 Community Planner FTEs and 1 Assistant Planner FTE (total of 3.5 FTE in Planning). As of June 2012, the Planning Team is now fully staffed.

FY12/13 Planning Team Work Program

July 18, 2012

Page 2 of 3

FY11/12 Accomplishments

Prior to the occurrence of the staffing changes noted above, the Planning Team completed several key FY11/12 work program objectives, including assistance on the Downtown Liquor Strategic Plan Initiative; completion of the B4/B5 text amendments and corresponding voluntary rezonings; completion of the 5th Avenue Study height overlay; completion of the Attainable Housing Toolkit; and administration of the Greener Business Matching Grant Program. Any projects that were not completed in FY11/12, as projected, have been included in the proposed FY12/13 work program included below.

Workload Analysis for FY12/13

Based on the current composition of the Planning Team, discussions which occurred in FY11/12 regarding the City's new approach to long-range planning (i.e., 50% reduction of long-range planning activity), and additional duties being taken on by the Planning Team, listed below is an overview of the Planning Team's focus moving forward:

Core Duties:

- Process requests for current development, including rezoning, PUD, conditional uses, and variances through the PZC and CC processes. As of May 2012, the Planning Team has also assumed responsibility for the review and approval of all sign permits, sign variances (previously completed by the Code Enforcement Team), and small permits (previously completed by the Development Services Team).
- Respond to daily customer service requests through phone/in-person visits (formerly referred to as "Planner on Duty"), Tenant Buildout meetings (TBO), concept meetings, and FOIA/GovQA requests.
- Serve as the staff liaison to the Planning and Zoning Commission, Downtown Advisory Commission, and the Historic Preservation Commission.

Special Projects:

- Focus long-range planning efforts on the implementation of action items resulting from recently adopted plans, namely *Naperville Downtown2030*, *Ogden Avenue Corridor Study*, and other Strategic Plan Initiatives.
- Process text amendments, as warranted, to address significant code deficiencies.
- Assist other City teams, as necessary.

Of the Planning Services Team's 3.5 full-time equivalents (FTE), approximately 0.75 FTE is available to complete all planning-related special projects each fiscal year (remaining FTE's account for completion of the core duties noted above).

DISCUSSION:

Proposed FY12/13 Work Program

The Planning Team's projected work program for FY12/13 (below) is largely comprised of the implementation of planning projects undertaken in recent years. Staff finds that continued implementation of these items is critical to the success of the adopted plans.

FY12/13 Planning Team Work Program

July 18, 2012

Page 3 of 3

PROPOSED FY12/13 WORK PROGRAM

Project	Project Overview	Deliverables for FY12
Implementation of <i>Naperville Downtown2030</i> (FY10-12 Strategic Plan Initiative)	City Council adopted <i>Naperville Downtown2030</i> in April 2011. The adopted plan includes over 70 action items, 25 of which have been identified as the priority action items.	Anticipated action items: <ul style="list-style-type: none"> • Evaluation of a zoning overlay for the North Downtown Special Planning Area (FY11/12 carryover) • Downtown Sign Code Updates • Pedestrian Bridge Text Amendment
Administration of the Greener Business Program	Through the ARRA, the City offered matching grants up to \$10,000 to qualified applicants to complete energy efficiency improvements to their properties.	Completion of the Greener Business Program.
Administration of the Ogden Avenue Site Reimbursement Grant Program	As recommended by the Ogden Avenue Corridor Study, a matching grant program aimed at assisting private property owners with aesthetic improvements to their properties was developed in 2009. City Council allocated funding for this program again for FY12/13.	Administer the Ogden Avenue Site Reimbursement Grant Program, including advertising/outreach, application review, funds disbursement, and property owner coordination.
Tree Preservation Initiatives	In February 2012, City Council directed staff to convene a working group of Naperville stakeholders to investigate the use of specific tools to reduce or prevent tree damage during the construction or renovation of single-family homes.	Convene a stakeholder group to investigate the following tools: <ul style="list-style-type: none"> • Community Outreach • Technical Assistance • Flexible Zoning
CDBG/ Planning Integration	Each year, the City receives Community Development Block Grant (CDBG) funds from the Department of Housing and Urban Development (HUD) for programs focused on housing and community redevelopment. As an entitlement community, the City can develop its own programs and funding priorities, within set program limitations.	For FY12/13, Planning staff will work closely with the CDBG Administrator to integrate Citywide planning objectives into the vision and long-term implementation of the CDBG program and determine ways in which CDBG funds can be used to accomplish these objectives.

RECOMMENDATION:

Approve the proposed FY12/13 Planning Team Work Program.