

# Village of Carol Stream

## AGENDA

### REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, JUNE 13, 2011 AT 7:30 P.M.

*ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON*

- I. Roll Call: Present:  
Absent:
- II. Previous Minutes: Minutes of May 9, 2011
- III. Public Hearing:
  - A. 11084 Bull Dog Ale House (Fekrije Limani) - 1021 Fountain View Drive  
**Continued from May 9, 2011**  
*Special Use - Outdoor Seating Ancillary to a Restaurant*  
*PUD Plan - Amendment*  
*Gary Avenue Corridor Review*
  - B. 11143 Village of Carol Stream - 500 N. Gary Avenue  
*Zoning Code Text Amendment - Donation Drop Boxes*
- IV. Presentation:
  - A. 11122 Blue Rhino LLC for Dominick's Finer Foods - 560 S. Schmale Road  
*Planned Unit Development - Minor Modification*
- V. Old Business:
- VI. New Business:
- VII. Report of Officers:
- VIII. Adjournment:

**Regular Meeting – Plan Commission/Zoning Board of Appeals  
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

***All Matters on the Agenda may be Discussed, Amended and Acted Upon***

**May 9, 2011**

Chairman David Michaelsen called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 p.m. and directed Secretary Linda Damron to call the roll. The results of the roll call vote were:

Present: Chairman Dave Michaelsen and Commissioners Dee Spink, Timothy McNally, Angelo Christopher, Ralph Smoot and David Hennessey

Absent: Commissioner Frank Petella

Also Present: James A. Rhodes, Village Attorney, Don Bastian, Assistant Community Development Director, Linda Damron, Community Development Department Secretary and court reporter from DuPage County Court Reporters.

**MINUTES:**

Commissioner Spink moved and Commissioner Christopher made the second to approve the minutes of the meeting April 25, 2011. The results of the roll call vote were:

Ayes: 6 Commissioners Smoot, Christopher, McNally, Spink, Hennessey and Chairman Michaelsen

Nays: 0

Abstain: 0

Absent: 1 Commissioner Petella

**PUBLIC HEARING:**

Commissioner Spink moved and Commissioner Hennessey made the second to open the Public Hearing. The motion passed by unanimous voice vote.

**Case # 11084      Bulldog Ale House (Fekrije Limani) - 1021 Fountain View Drive  
Special Use - Outdoor Seating Ancillary to a Restaurant  
PUD Plan Amendment  
Gary Avenue Corridor Review**

Chairman Michaelsen read the following "This is a public hearing to consider the request of the Bulldog Alehouse for a special use for an outdoor dining area. The purpose of this hearing is to hear testimony and to receive evidence with respect to the proposed special use and to determine whether the requested special use satisfies the criteria for a special use set forth in section 16-15-8(E) of the Carol Stream Zoning Code.

The hearing proceeds in the following manner:

1. The Petitioner will be allowed to provided testimony and introduce any evidence in support of the special use. After each of the Petitioner's witnesses, members of the Plan Commission may ask questions of the witness regarding the testimony presented. Interested parties will then be given the opportunity to ask any questions of those



- witnesses. Questions asked of the witnesses must relate to the testimony that the witness has given. Questions of a witness shall not be used to offer testimony or evidence.
2. After the Petitioner has completed his case, Staff will provide their report to the Plan Commission. Members of the Plan Commission may ask questions of staff with respect to the report. Interested parties will then be given the opportunity to ask any questions of staff with respect to the matters in the report.
  3. After the Staff has completed its report, any interested party may provide testimony and evidence with respect to the criteria for the special use. Members of the Plan Commission will be allowed to ask questions regarding the evidence or testimony provided by any interested party. The Petitioner will then be given the opportunity to ask questions of any witness. Again, questions asked of any witness must relate to the testimony that witness has given. Any individuals who wish to offer testimony should sign a sign in sheet provided at the rear of the room.
  4. The Petitioner will have an opportunity to provide rebuttal or any additional information.
  5. The Plan Commission will then deliberate its decision based only upon the evidence that has been presented and the criteria of section 16-15-8(E). A recommendation will then be made to the Village Board and a written decision will be prepared which includes the findings of fact and the Plan Commission's recommendation.
  6. The chair may impose reasonable limitations on evidence and testimony presented by persons such as time limits and barring repetitious, irrelevant or immaterial testimony. The chair will rule on all questions of the admissibility of evidence which ruling may be overruled by a majority of the plan commission.
  7. Individuals attending the public hearing are requested to maintain an orderly and civil hearing. Please refrain from making comments during witness testimony or questioning and no clapping, cheering, booing or similar statements are allowed during the hearing."

Chairman Michaelsen swore in the witness, Charles M. Jack, from C.M.J. Designs, 18801 Chestnut Drive, Shorewood, Illinois 60404, and Paul Marrin, Manger of Bulldog Ale House, 1021 Fountain View Drive, Carol Stream, IL 60188.

Before the presentation, Don Bastian, Assistant Community Development Director entered into the record the following exhibits:

The Certificate of Publication of the public hearing notice that was published on Saturday, April 23, 2011, in the Daily Herald, a copy of the letter that was sent to surrounding property owners, the list of addresses for the surrounding property owners that received a copy of the letter and public notice, and copy the petition that was submitted on April 15, 2011, signed by six of the business owners in the Fountains of Town Center.

Charles M. Jack, Owner of C.M.J. Designs, started the presentation; his company was hired to design a patio (960 square foot) for outdoor dining. The patio would provide 42 additional seating spaces. The outdoor dining is something that clientele had been asking for. Mr. Jack designed the patio with similar elements as the existing structure (see exhibits A, B, C, D and E of the staff report). The patio will not exceed 24 feet from the building. To construct the patio in this location one handicapped space would be relocated and two additional spaces removed. The handicapped space will be relocated parallel to Lies Road, this space will have access to the existing handicapped ramp (see exhibit A of the staff report). Exterior lighting will be added to enhance the parking lot lighting. The concrete slab will be poured with concrete piers under each column and will be pitched toward the parking lot for drainage. The columns will have a stone cap to match the building with an iron fence between the columns. At each end of the patio there will be two three foot gates that will be alarmed. The gates will not be used as a point



of entrance into the restaurant. There will also be a covered gas fire pit in the center of the patio with seating around it. All the controls for the fire pit will be inside the building. There will be speakers in each column and four televisions on the existing the canopy. The televisions and amplification systems will be monitored by the restaurant staff from inside the building. The system will be designed by an audio professional and would have maximum sound levels that would not disturb surrounding residential areas. The owner would like the hours of operation for the patio area to be the same as for the restaurant but usually the patio would close between 11:00 p.m. and 12:00 a.m.

As suggested by village staff, staff from Bulldog Ale House has been monitoring the parking spaces on the east side of the parking lot area for the past four weeks. At the peak time when the Bulls, Blackhawks, Cubs and White Sox games were all televised the parking spaces weren't completely filled. On that night it was about 80 to 85 percent to capacity.

Chairman Michaelsen asked if anyone from the audience had any questions regarding this witness testimony. There were no questions from the audience.

Chairman Michaelsen asked if any of his fellow Commissioners had any questions for the witness regarding his testimony.

Commissioner McNally wanted to know how close the business is to the residential area. Mr. Jack said about 500 feet. Commissioner McNally asked if there was a research study done for the way sound travels over water. Mr. Jack said if approved the audio professional would be hired and would be responsible for the design so sound levels would not disturb surrounding residential areas. Mr. Jack also stated that the equipment would be monitored from the inside the building by the management staff.

Commissioner Christopher wanted to know if smoking would be allowed on the patio. Mr. Jack said smoking would not be allowed on the patio.

Commissioner Smoot wanted to know what size the patio would be and how many people would be allowed on the patio. Mr. Jack said the patio would be 40' x 24' in size and would have an area for seating for 42 to 50 patrons.

Commissioner Spink did not have any questions.

Commissioner Hennessey asked know how many parking spaces would be taken up during construction of the patio. Mr. Jack answered about five spaces and it would take three to four weeks to complete.

Chairman Michaelsen asked if anyone else had any questions for the witness.

There were no other questions.

Chairman Michaelsen asked if there was any more testimony.

Paul Marrin, Manger for Bulldog Ale House, talked about the sound system. Bulldog Ale House has spoken with an audio/video technician and they ensured them that the concerns regarding the surrounding properties will be taken care of. Mr. Marrin stated that he will personally monitor the sound levels to the surrounding properties. Mr. Marrin knows that any amplified sound needs to be turned off no later than 10:00 p.m. per the Village ordinance and Bulldog Ale House would abide by the ordinance. Mr. Marrin stated that one of the main concerns is the parking. A



parking count was done by Bulldog Ale House staff for the last month on Friday and Saturday nights from 5:00 p.m. to 1:00 a.m., and the numbers from their study are similar to the count provided by the Village of Carol Stream Police. The busiest day was on April 8, 2011, the Bulls, Blackhawks, Cubs and White Sox games were all televised, on that day there were still open parking spaces. Mr. Marrin wanted to ensure the Plan Commission that the audio/video systems and gas fireplace would be monitored from inside the facility by management staff.

Chairman Michaelsen asked if anyone from the audience had any questions regarding this witness testimony, there were no questions from the audience

Chairman Michaelsen asked if any of his fellow Commissioners had any questions to the witness regarding his testimony.

Commissioner McNally wanted to know if staff would be monitoring the number of people allowed on the patio. Mr. Marrin answered yes by both the serving staff and management. Management staff is responsible for a zone check every five minutes. Commissioner McNally wanted to know if food and beverages would be served on the patio. Mr. Marrin answered yes. Commissioner McNally wanted to make sure the petitioner understands that if they are going to serve food and beverages on the patio then it has to be smoke free according to the State law. Mr. Marrin said the patio would also be monitored make sure there will be no smoking.

Commissioner Christopher wanted to know with the handicapped parking space at the SE corner of the parking lot next to the proposed patio how someone with a handicap would get to businesses on the other end of the center when the patio would be blocking the sidewalk. Mr. Bastian clarified this point by stating that the parking lot needs to re-striped, village staff will be contacting the property owner to have them re-stripe the entire parking lot. If you look at the aerial photo provided in the staff report there is an existing handicapped parking stall just north of the island that is closer to the other businesses further to the north. Commissioner Christopher stated he feels on the east wall line going north of the patio that's were the other handicapped accessibility parking space should be, because there is a linear footage that you have to keep according to code. Mr. Bastian stated that the striping of the parking lot will be done in accordance with the Illinois Accessibility Code. They need to be provided in the most direct route. Village staff will work with the petitioner to get those striped in the appropriate locations. Commissioner Christopher asked what month the stats were taken for parking usage. Mr. Marrin answered April. Commissioner Christopher stated that was the month we had 5 inches of rain. Mr. Marrin answered yes, but it was also the month baseball started, and that the Blackhawks and Bulls were in the playoffs.

Commissioner Smoot wanted to know how many tables would be on the patio. Mr. Marrin said they would have ten tables. Commissioner Smoot wanted to know how many times the police were called to this establishment in the past month and for what reason. Mr. Marrin stated that the police were called there once in the last month and it was for an altercation. Commissioner Smoot asked if Mr. Marrin could see those kinds of incidents happening in the patio area. Mr. Marrin answered no, that Bulldog Ale House has monitoring procedures and security measures in place. Bulldog Ale House staff does everything they can to prevent incidents from happening. Commissioner Smoot asked what the age demographic of the clientele is. Mr. Marrin stated that they have not done a study on the age bracket, but he can tell you that the age demographic that Bulldog Ale House has been getting is 21 - 80. Commissioner Smoot asked if there is security. Mr. Marrin answered yes.

Commissioner Spink wanted to know how many people would be allowed on the patio. Mr. Marrin stated that it is something that would be monitored, if the management staff or security



thinks if is overcrowded they will ask people to move somewhere else. Commissioner Spink wanted to know how many people could fit on the patio comfortably. Mr. Marrin stated that he did not know. Commissioner Spink stated she has concerns with the fire pit on the patio. Mr. Marrin stated that the fire pit would be covered, and it will be designed with safety in mind. Commissioner Spink wanted to know what the capacity of the restaurant is. Mr. Marrin said the capacity of the restaurant and patio is area is 401. Commissioner Spink asked the petitioner if he was aware that in 2004 in the final PUD the village shortened the parking spaces by 24 already. Mr. Marrin answered yes. Commissioner Spink asked if he was aware that there are 5 empty units. Mr. Marrin answered yes and he feels that when those businesses do come in they would have different peak hours of operations than Bulldog Ale House. Commissioner Spink stated that we don't know what kind of business would be in those units and on one of the days of the parking study there was only 13 spaces open. Mr. Marrin believes that there were other spots available in the fountains parking areas just not on the north and east side of the center.

Commissioner Hennessey or Chairman Michaelsen did not have any questions of this time.

Chairman Michaelsen asked Don Bastian, Assistant Community Development Director for the staff report. Mr. Bastian stated that in December 2010, the Village Board granted Special Use approval for a restaurant with a bar area and an accessory game room for Bulldog Ale House to operate in a 6,500 square foot space within the 15,000 square foot commercial building located at the northeast corner of Fountain View Drive and Lies Road. Bulldog Ale House, which has been open since late this winter, now wishes to construct an outdoor seating area on the east side of the building. Since outdoor seating ancillary to a restaurant is listed as a Special Use in the B-2 District, Bulldog Ale House is seeking Special Use approval to construction and operates an outdoor patio. In addition, because the Fountains at Town Center commercial development was approved as a Planned Unit Development, Bulldog Ale House is requesting approval to amend the PUD Plan to accommodate the plan modifications for the outdoor patio. Finally, Bulldog Ale House is also requesting Gary Avenue Corridor Review of the proposed improvements since the property is located within the Corridor. On page two of the staff report there are some bullet points, with a lot of details of the patio construction, hours of operation, etc. many of these items have been previously discussed. With respect to the special use, staff believes that the primary considerations include the compatibility of the outdoor seating use with adjacent commercial and residential uses, safety factors, and the adequacy of parking that will remain with the proposed loss of four parking spaces. With respect to the compatibility of the outdoor seating use with adjacent uses, we note that the Village has approved many Special Uses for outdoor dining areas associated with restaurants. Examples of such approvals include Village Tavern, Culver's, Burger King and McDonald's. In addition, in 2005 the Village Board granted Special Use approval for an outdoor patio area at Flip Flop's Tiki Bar and Grill, which is located across Fountain View Drive. In evaluating the compatibility of restaurant outdoor seating area with adjacent uses, staff primarily considers issues such as noise, as well as the proximity of the use to adjacent land uses, particularly residential uses. Staff is of the opinion that the location of the proposed outdoor seating area, within a commercial shopping center, is appropriate based on the nature of surrounding land uses and the distance of the patio from the nearest residential dwelling units, which are approximately 450 feet to the north. You have heard there are plans to install televisions and speakers on the masonry columns. Staff does not object to these installations; however, the applicant should be advised that Chapter 15, Article 5 of the municipal code ("Sound Amplifiers") prohibits amplified sound in public places between the hours of 10:00 p.m. and 10:00 a.m. The petitioner has agreed to have no outdoor sound after 10:00 p.m. Staff would like to note that the Ordinance approving the Special Use for an outdoor seating area at Flip Flops contains a condition requiring that the patio speakers be turned off after 10:00 p.m., and so the recommendation for Bulldog is consistent with the approval for Flip Flops. With respect to safety the petitioner has talked about the construction of



the patio design, initially the patio was located all the way to the southwest corner of the parking lot. Staff did not support this design due to the fact that vehicles driving west in the east-west drive aisle at the south end of the parking lot could drive directly into the patio area in the case of an accident or improper maneuver. With the current design, the patio is shifted about 16 feet to the north and as such would no longer be directly in line with vehicles heading west in southern parking lot drive aisle. Staff supports the revised location. Also regarding the safety of patio occupants, the plans show that the perimeter of the patio will consist of four foot wide masonry columns built on 42-inch foundations, with five-foot, six-inch wide sections of iron railings between columns. Staff is of the opinion that the substantial masonry columns and iron fencing, combined with the six-inch tall curb that will surround the patio, will provide an acceptable measure of safety for patio occupants. With respect to the fire pit, the applicant has stated that this will be a covered, gas-only fire with no wood burning. The Carol Stream Fire Protection District has reviewed the proposed fire pit and does not object to this installation. Staff does not object to the proposed fire pit. With respect to the parking the entire Fountains at Town Center development has a total of 228 parking spaces, 50 spaces are located in the parking lots to the north and west of the west commercial building, 12 on-street spaces are provided on the west side of Fountain View Drive, 17 on-street spaces are provided on the east side of Fountain View Drive, and 149 spaces are provided in the parking lot east of the east commercial building which is where Bulldog Ale House would like to install the patio. As pointed out by Commissioner Spink, back in 2004 when the Village Board approved the Final PUD Plan, for the commercial portion of the development the plan was approved to reduce the total number of required parking spaces for the entire commercial area from 252 to 228. This reduction was based on: 1) an expectation that the various tenants would have differing peak hour parking demand characteristics, and 2) a recognition that the size of the commercial site, which the Village desired to be as large as possible, was strictly constrained by surrounding wetlands, floodplain, and storm water management facilities. As a safeguard, the Ordinance approving the Final PUD Plan contains a condition stating that the Village would "monitor the uses...and if a significant recurring parking shortage comes to exist, that parking intensive uses may need to be limited or restricted." Understanding that the commercial development was approved with fewer parking spaces than required by the Zoning Code, staff believed that a careful study of existing parking characteristics was necessary in order to determine the impact of the petitioner's proposal to elimination of four parking spaces, Village staff asked Bulldog Ale House to conduct hourly counts (between 5:00 p.m. and 1:00 a.m.) of available parking spaces on Friday and Saturday evenings during the month of April. They did limit the survey area to the parking spaces located on the east side of Fountain View Drive plus the spaces to the east of their establishment. The survey area included 166 out of the 228 total spaces available for the whole development. To verify the counts, Carol Stream Police Department officers conducted their own counts on several occasions during the study period. The Police Department's counts were not conducted at precisely the same moment as those performed by Bulldog Ale House, but the information provided by Police corroborated the parking data provided by Bulldog Ale House. Listed below is a table showing the results of the study.

<b>Date - Day</b>	<b>Busiest Hour</b>	<b>Spaces Empty (Out of 166)</b>
4/1 – Friday	7 pm & 11 pm	50
4/2 – Saturday	7 pm	56
4/8 – Friday	8 pm	13
4/9 – Saturday	11 pm	50
4/15 – Friday	8 pm	16
4/16 – Saturday	10 pm	70
4/22 – Friday	8 pm	39
4/23 – Saturday	6 pm	85



The busiest date during the survey period was Friday April 8, when 13 out of the 166 spaces were reported to be empty, that did not included a survey of the remaining spaces on the west side of Fountain View Drive or the 50 spaces to the west and north of the west commercial building. There is a total of 3,665 square feet of building space that is currently vacant, but we note that 70% of the vacant space located in the west side commercial building. It would follow that when space fills up we would expect that the demand for parking will occur on the west side of Fountain View Drive. It has been observed more often than not that the 22-space parking space to the north of the west commercial building does not usually contain many vehicles. Staff would also like to point out that there is a third commercial building as part of this project that has been approved but not yet built and that is a 4,500 square foot dental office building. However when this is built, we do not expect it will have a significant impact on the parking. The hours of the dental office would likely occur during the daytime into early evening, and the dental office would likely be closed during Bulldog's peak hours which occur later in the evenings and on weekends. In summarizing the parking picture we saw variability in the number of spaces available from one weekend to the next. Staff is of the opinion that there was always parking available and we feel that the loss of 4 parking spaces will not have a negative impact on the remainder of the commercial area. In review of the special use request the six special use criteria contained in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

1. Is deemed necessary for the public convenience at the location.

Outdoor seating areas are popular at dining and bar establishments, and have been found to be appropriate for the public convenience at many existing Carol Stream establishments.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Provided that the establishment is operated in accordance with all applicable provisions of the Village Code, as well as the suggested conditions of approval, the outdoor patio should not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The primary concern that staff has regarding negative impacts to property owners in the immediate vicinity involves noise from the patio area. Village Code does not allow amplified music or sound after 10:00 p.m., and so provided that the applicant complies with this requirement, there should not be any negative impacts to property owners in the vicinity.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding properties are developed or approved to be developed with compatible uses.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities have either been provided.



6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The outdoor patio area is expected to operate and conform to all applicable regulations and any conditions of approval as determined by the Plan Commission and Village Board.

Staff wishes to remind the Plan Commission that their recommendation regarding the requested Special Use must be based upon the Special Use criteria (Items 1-6) above. In making their recommendation on the Special Use, the Plan Commission should specifically refer to the whether the proposed use does or does not meet each Special Use criterion.

The other request is for an amendment to the PUD plan, for the proposed the patio and elimination of 4 parking spaces, those items are not shown on the approved PUD plan which is attached in exhibit F in the staff report. Staff believes that the proposed outdoor patio seating area is consistent with the intent of the original PUD plan and the overall mixed-use development. Staff recommends approval of the amended plan subject to the conditions in the recommendation section of this report. Regarding the Gary Avenue Corridor Review, this property is located within the Gary Avenue Corridor (GAC) Overlay District. The plans and detail notes specify that the stone masonry columns will match the stone masonry material used in the commercial buildings, and that the iron railings between the columns will match the black railing elements found elsewhere in the development. In addition, the plans show that decorative light fixtures matching those on the building would be installed on top of each masonry column. In staff's review we find that the patio has been designed to look as if it were part of the original building plans. The construction materials will be of a high quality and will match the materials used in the building. Staff recommends approval of the Gary Avenue Corridor Review. As mentioned earlier, staff will be working property owner in regard to the striping of the parking lot and making repairs to the parking lot lighting. Staff recommends approval of the Special Use Permit to allow for an outdoor seating area ancillary to a restaurant, the Amendment to the Final PUD Plan, and also of the Gary Avenue Corridor Review, subject to the conditions on page 8 and 9 in the staff report.

Chairman Michaelsen asked if anyone from the audience had any questions, for the staff report. No one had any question on the staff report.

Chairman Michaelsen asked if the Plan Commissioners had any questions regarding the staff report.

Commissioners Christopher, McNally, Smoot, Spink and Chairman Michaelsen did not have any questions. Commissioner Hennessey wanted to know has there ever been any kind of study regarding the maximum amount of parking that would be needed in this commercial development. Mr. Bastian stated that when the commercial portion of this development was approved along with the whole PUD back in 2004 using the ratio of parking that is required in the zoning code for different types of uses and a factor of a certain amount of the spaces would be for restaurant uses, we determined the code required 252 parking spaces based on the square footage space that was available for this commercial development. Village staff, the Plan Commission and the Village Board was very interested in the need for need for a development of this type being so close the Town Center, hoping that there would be restaurants, gathering places for people after events at the Town Center. Mr. Bastian believes that this is why the Plan Commission and Village Board approved this development to have fewer parking spaces than the code requires. What they did try to do was put some insurance into the ordinance with a condition stating the Village would monitor the uses and that if a significant recurring parking shortage comes to exist, the parking intensive uses may need to be limited or restricted. Commissioner Hennessey wanted to know if the development was planned to have a bar or restaurant use in all the spaces. Mr. Bastian stated that was not the plan. It was hoped that one



or more establishments would be a restaurant/bar use. Commissioner Hennessey wanted to know if there were any parking issues with the previous tenants of this space. Mr. Bastian stated he was not aware of any.

Chairman Michaelsen asked if the petitioner had any question from staff. The petitioner did not have any questions.

Chairman Michaelsen asked if anyone in the audience had any comments.

Chairman Michaelsen swore in Bob, Jim, Christine and Amy Sabalasky, owners of Flip Flop's Tiki Bar and Grill, 1030 Fountain View Drive Carol Stream, IL 60188, and Chris Sands owner and operator of Hot Spot 1022 Fountain View Drive, Carol Stream, IL 60188

Bob Sabalasky represented the group, he wanted to give background information that both Flip Flop's has been in business for about three and half years and Hot Spots for about four years. They are surprised that this case has come to vote or that staff has made a recommendation to approve the request. No one from the village has asked them about their concerns, so we are here tonight to voice our concerns and hope you will take them into consideration when casting your vote. We do not have the funds to hire a consulting firm to do the study that needs to be done regarding the parking. Mr. Sabalasky stated that they are the owners and operators of Flip Flop's and Hot Spots, they are there everyday and night. A copy of a petition that is signed by six business owners against this request being approved is included in the staff report, but not mentioned anywhere in the report. He stated that according to the zoning code the center should have 252 parking spaces the group is requesting that parking not be reduced. If they would have known what they know now about the lack of parking they would have asked the Plan Commission / Village Board not to reduce the parking in 2004. Mr. Sabalasky has some concerns regarding the way the parking study was done. This study was done by Bulldog Ale House employee's, Bulldog Ale House is also the one requesting the reduction of the parking spaces. The study was limited to 166 spaces and not the entire development. There are 228 parking spaces in the entire development. Mr. Sabalasky also stated that this parking study was done in April, the busiest time for most of the businesses in this center is May through August and this April is one of coldest and rainiest April's on record. This was not a fair time to perform a parking study. Mr. Sabalasky is requesting that a longer study be done or one during the peak time of year. Mr. Sabalasky would also like to point out there is more vacant space in this development, than what is mentioned in the staff report. Mr. Sabalasky stated in his research of the vacant units he come up with 6,081 square feet vacant space as opposed to the 3,665 square feet mentioned in the staff report. With not knowing what could go into these units there could be a bigger issue with the parking and once the dental building is constructed the parking situation could become an even a bigger issue. Mr. Sabalasky asked the Plan Commission if this was a new development would it be approved. With concerns to the patio, the patio would eliminate the side walk in front of Bulldog Ale House, this would have anyone trying to get from Bulldog to the other end of center would have to walk out into the parking lot, this could be very dangerous. This would also prevent someone who may need to park in the handicapped accessible space to have to walk in the parking lot to access businesses at the other end of the center. Mr. Sabalasky also had safety concerns regarding the fire pit and open flames, when Flip Flop's wanted a smoking shelter they were told there could be no open flames in the shelter, wouldn't a fire pit have the same safety concerns. Mr. Sabalasky wanted to know if another tenant at the center wanted a patio would it be approved. Mr. Sabalasky stated that Bulldog Ale House original request in December 2010 it is on record that they did not want a patio and now they are trying to rush this through. Mr. Sabalasky asked that the Plan Commission take into consideration the concerns of the rest of the tenants at the Fountains of Town Center.



Chris Sands from Hot Spots stated he has an in and out business, and needs to have parking near his business. There is an existing parking problem at the center and removing 4 spaces would even make the parking situation worse.

Chairman Michaelsen asked if the Plan Commissioners had any questions.

Commissioner Christopher, McNally, Smoot and Hennessey did not have any questions. Commissioner Spink wanted to know if a complaint was ever filed regarding the lack of parking. Mr. Sands stated that they have talked to the landlord about the problem.

Chairman Michaelsen asked if Mr. Sands had any parking sign for his business in front of his unit. Mr. Sands answered yes he does. Chairman Michaelsen asked if Mr. Sands had another entrance to his unit. Mr. Sands said yes. Chairman Michaelsen wanted know the hours of operation for Hot Spots on Saturdays and Sundays. Mr. Sands said he was open until 8:00 pm on Saturday and he was not open on Sunday. Chairman Michaelsen asked what the hours of operation for Flip Flop's were on Sundays. Mr. Sabalasky stated that they are open until 10:00 p.m. on Sundays. Chairman Michaelsen asked Mr. Sabalasky what the occupancy of Flip Flop's. Mr. Sabalasky stated it was 109 for the restaurant and 45 for the patio. Chairman Michaelsen asked if Mr. Sabalasky found that his customer could not park on the west side and had to park on the east side of the center and walk over to his establishment. Mr. Sabalasky answered yes.

Chairman Michaelsen asked if the Petitioners had any questions.

Mr. Marrin stated he understands the concern of the surrounding business. Yes when the study was done it was rainy and cold but Bulldog Ale House was full, and there were still open parking spaces in the east lot. Mr. Marrin wanted to make it clear that the numbers for the parking study in the staff report come from the Police Department count.

Chairman Michaelsen asked if the Plan Commissioners had any questions.

Commissioner McNally, Christopher did not have any questions

Commissioner Smoot wanted to know how many employees Bulldog Ale House had. Mr. Marrin said 25 employees. Commissioner Smoot asked where the employees parked. Mr. Marrin stated his employees parked in the back of the parking lot.

Commissioner Spink wanted to know what time of the year would the patio is open. Mr. Marrin stated it would be determined by the weather, we would like to have the option to use it all year. Commissioner Spink asked if Bulldog Ale House would be having any special events, like sponsoring sporting events. Mr. Marrin answered no. Commissioner Spink asked Bulldog Ale House be having a big St. Patrick's Day or New Years Eve Party. Mr. Marrin said that they would have specials. Commissioner Spink wanted to know what entrance people use to enter the restaurant. Mr. Marrin said people use the main entrance in the front of the building, the back door is open, but if someone goes to the back door they are asked to enter through the main entrance. Commissioner Spink asked Mr. Marrin to go into more detail regarding the flag pole. Mr. Marrin state the flag pole would be used to fly a sporting related flag like Cubs, White Sox etc. flag.

Commissioner Hennessey stated that he hopes that the tenants of Fountains at Town Center can find a way to co-exist. Commissioner Hennessey also stated when you go to establishments in other communities there may not be parking right next to the establishments and you have walk from the parking garage or lot. Maybe the tenants from the Fountains at Towns center could work with either the park district or village to use part of their parking lots.

Chairman Michaelsen wanted to know if they would have the same station on every television and the sound associated with it. Mr. Marrin stated that if there were multiple sporting events on,



each television could be on a different station, only one sporting event would be broadcasted with sound. Chairman Michaelsen wanted to know if someone could get hurt / burned if they fell into or touched the fire pit. Mr. Marrin stated that it would be designed so it is not hot to the touch. Chairman Michaelsen wanted to know if there would be seating around the fire pit. Mr. Marrin answered yes. Chairman Michaelsen stated that he does not see a repeated parking problem once Bulldog Ale House has been open for awhile.

Chairman Michaelsen asked if anyone had any further questions. No one had any questions.

Chairman Michaelsen asked if his fellow Commissioner had negative or positives regarding the case.

James A. Rhodes, Village Attorney stated the Plan Commission does not have the authority to defer the petitioners application, the petitioner has the right to ask for the case to be deferred to the next Plan Commission meeting.

Commissioner McNally stated he would like to see this case continued to the next Plan Commission meeting because he is skeptical of the parking study and would like to see a longer study done.

Commissioner Smoot, and Christopher said they would also like to see this case continued and a longer study done.

Commissioner Spink disagreed.

Commissioner Hennessey stated that maybe the patrons should be asked if they mind having to walk a short distance to get to a certain establishment.

Chairman Michaelsen asked how long of a study do we want to asked the petitioner for. Chairman Michaelsen asked Mr. Marrin if he has ever taken count of the number of patrons they have any one night. Mr. Marrin stated that they had up to of 359 patrons. Mr. Marrin stated that Bulldog Ale House is willing to do whatever it may take to get this approved, he would be willing to have his employees park in the lot where the dental building is going or work with either the Park District / Village of Carol Stream to have off site parking for his employees. Chairman Michaelsen asked what the hours of operation are. Mr. Marrin stated the hours of operations are 11:00 a.m. to 1:00 a.m. during the week and 2:00 a.m. on weekends. Chairman Michaelsen asked what the busiest days are. Mr. Marrin stated the busiest days are Friday and Saturdays. Chairman Michaelsen asked Mr. Bastian if a condition could be added to request the employee's park off site. Mr. Bastian stated that we would have to give the petitioner time to work on arrangement with the surrounding property owners, but before we asked the petitioner to do that we should asked the Plan Commissioner if having the employees parking off site would that be sufficient to alleviate the parking situation. Chairman Michaelsen stated he would like to see a study done with the employees parking off site.

Mr. Sabalasky asked the Plan Commissioners not to rush into the decision, and take the time to do another parking study.

Mr. Bastian asked that if the petitioner asked for a continuance until June 13, 2011, so the petitioner could find a suitable offsite location for his employees to park, would the Plan Commission members be willing to support that. Commissioner McNally still would like to see another parking study done. Commissioner Christopher, Smoot would also like to see another parking study done. Commissioner Spink and Hennessey stated that they disagreed. Chairman Michaelsen wanted to know what would happen if the employees did park off site and then it was determined on an average there was enough parking available would the employees be allowed to park at the Fountains of Town Center. Chairman Michaelsen asked what date Bulldog Ale House opened for business. Mr. Marrin stated February 25, 2011. Chairman Michaelsen asked the Bulldog Ale House had a full house on that date. Mr. Marrin answered yes. Mr. Marrin stated he believes the parking study is accurate; yes this April was rainy and



cold but people were drawn into the restaurant to enjoy the games. The weekends the studies were done there were playoff games, baseball games being televised and there were still parking spaces available.

Mr. Sabalasky wanted to ask the Plan Commissioners one more time not to rush into the decision, and take the time to do another parking study.

James A. Rhodes, Village Attorney asked Mr. Marrin if he would be willing to come back with the data being asked for by the Plan Commission or would you like the Plan Commission to vote on your application. Mr. Marrin would like to defer the vote and come back with the data being requested.

Mr. Bastian advised Chairman Michaelsen that the petitioner could request a continuance until June 13, 2011. Chairman Michaelsen said yes. Mr. Bastian stated if the petitioner would like to do so then he Plan Commission could take action on that request. Mr. Marrin said he would like to continue his request.

Mr. Bastian advised the petitioner that he should to continue to collect data for the entire parking lot on Wednesday, Friday and Saturdays from 5:00 p.m. until 1:00 a.m. from now through June 13, 2011 and try to arrange employee parking at an off-site location, and a count of the number of people in the establishment.

The results of the roll call vote were:

Ayes: 5 Chairman Michaelsen and Commissioners Christopher, Smoot, McNally,  
Hennessey  
Nays: 1 Commissioner Spink  
Absent: 1 Commissioner Petella

**Case # 11097: Carol Stream Park District – N.W. Corner of North Avenue and Kuhn Road  
Special Use Permit – Governmental Use  
Variation – Fence Code  
North Avenue Corridor Review  
Variation – North Avenue Corridor Fence Regulations**

Chairman Michaelsen swore in the witness, Bill Rosenberg, Carol Stream Park District, 792 Niagara, Carol Stream, IL 60188, Steve Ravanese, with the consulting firm of McDonough Associates, Inc., 130 E. Randolph Street, Chicago, IL.

Bill Rosenberg from the Carol Stream Park District stated that the need for a dog park is part of the survey taken by the community and based on that survey, there was an overwhelming interest for a dog park in Carol Stream. The location is ideal because it is not close to any residential areas. An advisory committee was formed to help with the design of the dog park, and come up with the dog park rules. Some of the rules are you would need to be part of the Carol Stream Park District and have a pass provided by the Carol Stream Park District and the dog would need to have a current license from the Village of Carol Stream, this would ensure that the dog is properly vaccinated. The dog will be leashed until they are in the dog run area. There will be two areas one for larger dogs and one for smaller dogs (20 pounds or less).

Chairman Michaelsen asked if anyone from the audience had any questions regarding this witness testimony, there were no questions from the audience



Chairman Michaelsen asked if any of his fellow Commissioners had any questions of the witness regarding his testimony.

Commissioner McNally asked if someone visiting from out of town would be able to use the dog park. Mr. Rosenberg stated they would be able to get a day pass provided they can prove the dog is current with vaccinations.

Commissioner Smoot asked if along the creek is there going to be a bike path. Mr. Rosenberg answered yes.

Commissioner Spink asked how high the fence would be. Mr. Rosenberg said it would be 4 feet in height. Commissioner Spink wanted to know if the bike path would be close to the dog run area. Mr. Rosenberg said it would not. Commissioner Spink wanted to know if there would be a bike rack in the dog park. Mr. Rosenberg said it was not in the plan but one could be added.

Commissioner Christopher, Hennessey and Chairman Michaelsen did not have any questions.

Before the presentation Don Bastian, Assistant Community Development Director entered into the record the following exhibits a Certificate of Publication of the Public Hearing notice that was published on Saturday, April 23, 2011 in the Daily Herald, Copy of the letter that was sent to surrounding property owners and the list of the addresses for surrounding property owners that received a copy of the letter and public notice.

Chairman Michaelsen asked Don Bastian, Assistant Community Development Director for the staff report. Mr. Bastian stated that the applicant is requesting approval of a Special Use Permit for a Governmental Use to allow for the operation of a Park District dog park facility, a variation from the North Ave Corridor regulations to allow a chain link fence, a variation from the Fence Code to allow a structural fence within a required or actual front yard, and North Avenue Corridor review. Staff feels that the special use for a governmental use for an off leash dog park facility is an appropriate use of the property. Staff feels that there would be adequate parking with the 20 spaces at the park and 24 parking spaces at the Park District maintenance facility. Staff has looked at other off leash dog parks and staff feels this dog park will have plenty of parking. The rules of the dog park are in line with what staff would recommend. One suggestion that staff would recommend is that by each trash can, the Park District provide an additional waste bag dispenser. The Park District is also looking for a fence code variance to allow a fence in the required front yard. Staff feels that this property will likely never develop for commercial uses, given that it belongs to IDOT and being in the flood way and flood plain and the Park District has a Maintenance Facility located on the property. Based on the unique use of the dog park staff thinks the variance to allow a fence in the front yard can be supported. In addition the Park District need a variation from the North Avenue Corridor requirement that states the fence has to be a board on board wooden fence. In this case staff thinks a chain link fence is appropriate based on the use of property. Finally there is a North Avenue Corridor review of the facility and it is limited to the amount of landscaping provided. The dog park does exceed the amount of landscaping required. Staff recommends approval of the Special Use for the Governmental Use, Variance to the Fence Code to allow a fence in the required front yard, variance to allow a vinyl coated chain link fence instead of a board on board wooden fence and approval of the North Avenue Corridor Review subject to the conditions listed on page 9 of the staff report.

Chairman Michaelsen asked if anyone from the audience had any questions, for the staff. No one had any questions of the staff.



Chairman Michaelsen asked if the Plan Commissioners had any questions regarding the staff report. Plan Commissioners did not have any questions.

Commissioner Hennessey moved and Commissioner Spink made the second to recommend approval of the request for Special Use Permit for Governmental Use, Variation to the Fence Code, North Avenue Corridor Review and a Variation – North Avenue Corridor Fence Regulations.

The results of the roll call vote were:

Ayes: 6 Chairman Michaelsen and Commissioners Christopher, Smoot, McNally, Hennessey and Spink

Nays: 0

Absent: 1 Commissioner Petella

Chairman Michaelsen asked for a motion to close the Public Hearing.

Commissioner Smoot moved and Commissioner Hennessey made the second to close the Public Hearing. The motion passed by unanimous voice vote.

**NEW BUSINESS:**

Mr. Bastian stated that the Commission could cancel the May 23, 2011 meeting, since there were no items to bring to the Plan Commission on that date.

The results of the roll call vote were:

Ayes: 5 Chairman Michaelsen, Commissioners Hennessey, Spink, McNally and Christopher

Nays: 1 Commissioner Smoot

Absent: 1 Commissioner Petella

**ADJOURNMENT:**

At 10:15 p.m. Commissioner McNally moved and Commissioner Smoot made the second to adjourn the meeting. The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

\_\_\_\_\_  
Linda Damron  
Community Development Secretary

Minutes approved by Plan Commission on this 13<sup>th</sup> day of June, 2011.

\_\_\_\_\_  
Chairman



**Staff Report - Plan Commission/Zoning Board of Appeals meeting of May 9, 2011**  
**Case No. 11084 Fekrije Limani/Bulldog Ale House – 1021 Fountain View Drive**  
*Special Use – Outdoor Seating Ancillary to a Restaurant*  
*PUD Plan – Amendment*  
*Gary Avenue Corridor Review*

This report serves as an addendum to the report that was presented to the Plan Commission/Zoning Board of Appeals (PC/ZBA) at the May 9, 2011, meeting. At that meeting, architect Charles Jack and Bulldog Ale House Manager Paul Marrin made a presentation requesting zoning approvals that would allow for an outdoor seating area as an amenity to the restaurant.

At the May 9<sup>th</sup> public hearing, the Plan Commission approved a continuation of the case to June 13, 2011, and Mr. Marrin was asked to collect parking data for the entirety of the parking areas at *The Fountains At Town Center* on Wednesdays, Fridays and Saturdays from 5:00 p.m. until 1:00 a.m. during the five weeks before the hearing resumes on June 13<sup>th</sup>. In addition, Mr. Marrin was asked to arrange for employees to park at an offsite location, to provide counts of the number of persons in the establishment, and to provide information regarding the design of the sound system and its audibility at the nearest residential properties. Attached is a letter dated June 6, 2011, from Paul Marrin in response to the Plan Commission’s requests.

**STAFF ANALYSIS**

In this report addendum, staff will provide information to the Plan Commission in the following areas:

- Parking requirements as evaluated during approval of the Planned Unit Development
- Parking counts and occupant loads for the period between May 13<sup>th</sup> and June 8<sup>th</sup>.
- Information regarding the design of the audio system.

**Parking Requirements – 2004 Final PUD Plan.**

The following is an excerpt from the first of two addendum staff reports for Case No. 04176, which was presented to the Plan Commission on July 26, 2004. This information is being presented for the Plan Commission’s benefit in understanding the circumstances under which the parking facilities for *The Fountains At Town Center* were approved. It should be noted that the areas of use given in the table below are estimates provided by the developer, not actual floor areas, and that the actual floor areas are in fact less, because some portions of the buildings, such as equipment rooms, are not included in the determination of floor areas.

“With respect to parking for the commercial area, the Final PUD Plan proposes 206 spaces, which is the same number that was shown on the approved Preliminary PUD Plan. The developer has provided staff with the proposed use of the commercial space as seen below:

Use of Space	Area of Use	Code Requirement	Spaces Required
Retail	21,700 sq. ft.	1 space for each 250 sq. ft.	87
Restaurant	7,000 sq. ft.	1 for each 50 sq. ft.	140
Medical Office	3,800 sq. ft.	1 for each 150 sq. ft.	25
<b>Total Parking Required</b>			<b>252 spaces</b>

Although the table indicates a shortfall in the number of parking spaces provided as compared to the number required by the Zoning Code, the Plan Commission and the Village Board supported the concept of shared parking at the time of Preliminary PUD Plan approval, which



**Staff Report - Plan Commission/Zoning Board of Appeals meeting of November 27, 2006**

**Case No. 06272, Parkway Bank – 908 W. Army Trail Road**

*Special Use Permit – Bank*

*Special Use Permit – Drive Up Service Window*

Page 2

relies on the fact that various businesses will experience their peak parking demands at different times of the day. Staff is generally comfortable with the proposed amount of parking. However, we are requesting that the upper portion of the Site Data Table be revised to indicate that 252 spaces are required by the Zoning Code, and the lower portion of the table, labeled "Proposed Parking Summary", should also be revised to state that the Zoning Code requires 252 spaces. *The Final PUD Plan also contains a note indicating that the Village will monitor the number and location of parking intensive uses in the future. It is conceivable that a limit would need to be placed on the number of restaurants, for example, that could locate in the commercial buildings, if a significant parking shortage came to exist.*" (Bold italics added.)

*(Staff would note that by the time the Final PUD Plan was approved by the Village Board, the number of parking spaces had increased to 228.)*

As noted in the 2004 report addendum, staff has monitored the parking at *The Fountains At Town Center*, and we have observed no shortage of available parking spaces. Several years ago, in response to parking concerns expressed by some commercial tenants, staff evaluated the parking conditions and observed that most patrons prefer to park in the diagonal spaces on Fountain View Drive and in the nearest spaces in the easterly parking lot. Many patrons were unaware that parking existed to the west of the westerly building. Staff believes that the perception of a parking shortfall stems from an unwillingness of short-duration shoppers to park at the far end of the easterly lot and an unawareness of the existence of the westerly lot.

**Parking Counts.**

As requested by the Plan Commission, the petitioner has conducted a second study of available parking. In addition, the petitioner has provided information regarding the maximum number of guests at the *Bulldog Alehouse* on the evenings when parking counts were being conducted. Listed below are the results of the study. It should be noted that, although it was requested that counts be performed on Wednesdays, Fridays and Saturdays, the petitioner has provided counts for Fridays and Saturdays only.

<b>Date - Day</b>	<b>Busiest Hour And 8 pm Hour</b>	<b>Empty Spaces (Out of 228)</b>	<b>Bulldog Guests At 8 pm</b>
5/13 – Friday	7 pm	80	
	8 pm	96	291
5/14 – Saturday	11 pm	112	
	8 pm	141	212
5/20 – Friday	7 pm	70	
	8 pm	81	308
5/21 – Saturday	7 pm & 8 pm	126	
	8 pm	126	265



**Staff Report - Plan Commission/Zoning Board of Appeals meeting of November 27, 2006**

**Case No. 06272, Parkway Bank – 908 W. Army Trail Road**

*Special Use Permit – Bank*

*Special Use Permit – Drive Up Service Window*

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<b>Date - Day</b>	<b>Busiest Hour And 8 pm Hour</b>	<b>Empty Spaces (Out of 228)</b>	<b>Bulldog Guests At 8 pm</b>
5/27 – Friday	6 pm	82	
	8 pm	109	221
5/28 – Saturday	9 pm	130	
	8 pm	151	186
6/3 – Friday	11 pm	76	
	8 pm	120	230
6/4 – Saturday	8 pm	133	
	8 pm	133	205

As requested by the Plan Commission, *Bulldog Alehouse* staff parked offsite during the days when parking counts were being conducted. The fewest number of available spaces observed during the sample periods was 70, which occurred during the 6:00 pm to 7:00 pm hour on Friday May 20<sup>th</sup>. Seventy spaces represents approximately 30% of the total capacity of 228 spaces. This peak parking demand occurred at a time when the *Bulldog Alehouse* was heavily occupied, with 308 guests being counted at 8:00 pm. The rated capacity of the *Bulldog Alehouse* is 359 persons.

The data provided by the second set of counts appears to corroborate the first set of counts conducted in April. Based on this data, staff concludes that there is sufficient parking for the present commercial tenants, even with the addition of an outdoor patio at the *Bulldog Alehouse*. With respect to future occupation of the vacant tenant spaces, staff recommends the Village continue to monitor the number and location of parking intensive uses in the future. It is conceivable that, if a significant parking shortage were found to exist, a limit may need to be placed on the number of high-parking-generators that could locate in the commercial buildings. An alternative to limiting the types of uses in the existing buildings may be to consider revising the approved PUD Plan to eliminate the medical office building in order to construct additional parking.

**Audio System.**

In his letter, the petitioner provides the following information regarding the proposed sound system:

- The audio system for the patio will have a volume control that is separate from the remainder of the restaurant.
- The audio level of the patio will be closely monitored.
- Dome tweeters will be used, which direct the sound toward the building and downward.

Staff would note that noise in excess of the Illinois EPA standards, which are adopted by the Village of Carol Stream by reference, is an enforcement matter that could result in the issuance of a citation.



### **RECOMMENDATION**

Staff recommends approval of the Special Use Permit to allow for an outdoor seating area ancillary to a restaurant, the Amendment to the Final PUD Plan, and Gary Avenue Corridor Review, subject to the following conditions:

1. That all improvements shall match the attached plans, except as the plans may be modified by the Plan Commission or Village Board;
2. That the relocated handicapped accessible parking stall, and all required accessible ramps, must be provided in accordance with the requirements of the Illinois Accessibility Code;
3. That no live entertainment shall be permitted outdoors unless a separate specific approval is granted by the Village's Administration Department;
4. That amplified sound for the patio area shall be controlled by facility management, shall be turned off no later than 10:00 p.m. every evening, and shall be kept at a volume level that will not be audible from the surrounding residential properties;
5. That the content of television programming for the exterior televisions shall be controlled by facility management;
6. That the egress gates from the patio shall be installed, located, operated and maintained in accordance with all applicable code requirements;
7. That the fire pit shall be gas-fueled only, shall be covered, and shall be operated only by facility management;
8. That customers wishing to enter or leave the patio area must do so through the main entrance into Bulldog Ale House, with no direct access to or from the exterior of the patio; and
9. That the construction and operation of the facility shall comply with all state, county and Village codes and requirements.



# Bulldog Ale House

1021 Fountain View Dr.

Carol Stream IL. 60188

(630)690-0333

June 6<sup>th</sup>, 2011

Re: Bulldog Ale House-Outdoor Dining Area

The purpose of this letter is to show factual evidence that the loss of parking in regards to the patio at Bulldog Ale House 1021 Fountain View Dr. will not be detrimental to the amount of space allotted for all business in The Fountains Town Center. It is also to show that the noise level will not be an issue for the surrounding residential area.

- 1.) Extensive data has been collected throughout the months of May and June to conclusively show that the loss of four spots will not cause a problem with parking at The Fountains Town Center. (See parking chart)
- 2.) Data has also been collected and documented to show the amount of guests in Bulldog Ale House and to show that although near capacity the parking was still not an issue for patrons. (See capacity chart)



- 3.) An audio/video technician was consulted on the possible disturbance to the residential area just north of Bulldog Ale House and he assured that the install of the speakers would not pose a problem. There will be a separate volume control for the patio and it will be closely monitored. The technician stated that dome tweeters will be used in the columns and that dome tweeters are ideal for this situation because they can be directed toward the building and also towards the ground. Therefore, the sound will not carry over the adjacent water and to the residential neighborhood.
  
- 4.) A sound check will also be conducted before the opening of the patio to assure that the noise level is below 54db and that all parties involved are pleased with the level that the music is to be played.

I hope you find that the data collected is sufficient and that all of us at Bulldog Ale House wish to comply with any and all necessary codes and uphold a pleasant relationship with both the residents and the business of Carol Stream. If you would like to discuss anything in greater detail please feel free to contact me at (630)690-0333 or at [Bulldog\\_Paul@yahoo.com](mailto:Bulldog_Paul@yahoo.com)

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Marrin', with a long horizontal flourish extending to the right.

Paul Marrin

Bulldog Ale House

Carol Stream IL. 60188



Bulldog Ale House

Date	6pm	7pm	8pm	9pm	10pm	11pm	12am	1am
5/13/2011	83	80	96	92	89	115	150	150
5/14/2011	132	133	141	140	137	112	124	174
5/20/2011	95	70	81	90	104	126	131	158
5/21/2011	144	126	126	146	143	147	150	148
5/27/2011	82	94	109	134	127	132	141	166
5/28/2011	150	149	151	130	133	147	150	
6/3/2011	123	136	120	127	111	76	100	129
6/4/2011	158	143	133	140	141	148	156	144

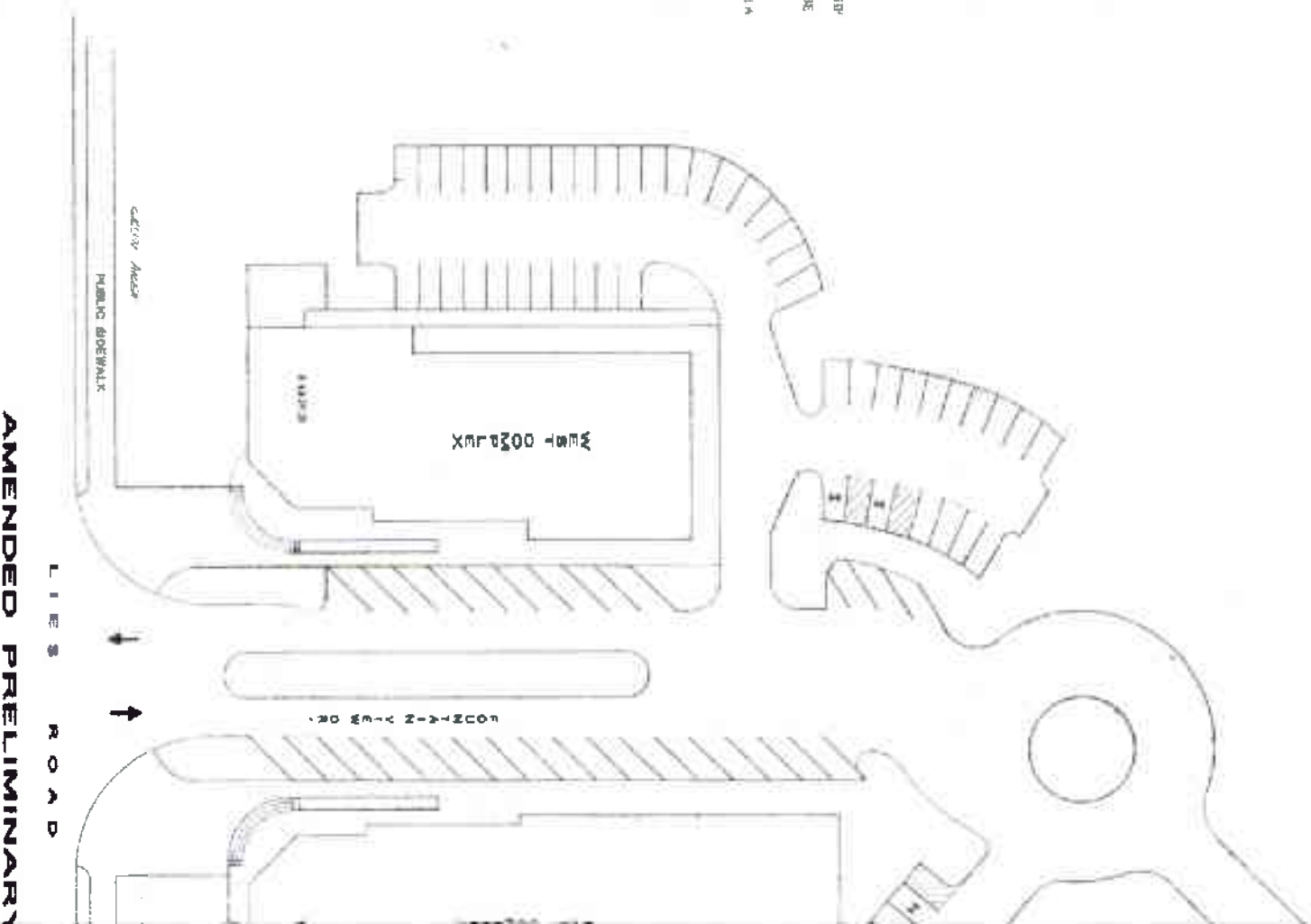


Bulldog Ale House  
Capacity Count

	5/13/2011	5/14/2011	5/20/2011	5/21/2011	5/27/2011	5/28/2011	6/3/2011	6/4/2011
8pm	291	212	308	265	221	186	230	205

AMENDED P.U.D. GENERAL NOTES:

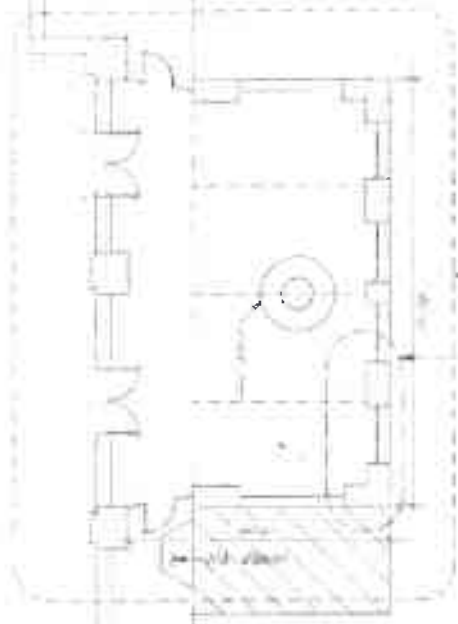
1. EXISTING PARKING SPACES ---218
2. PROPOSED PARKING SPACES ---214
3. RELOCATION OF ONE (1) HANDICAP PARKING SPACE IS SHOWN
4. PATIO MASONRY PIERIS SHALL NOT EXTEND BEYOND THE 24" DIMENSION FROM BUILDING LINE TO OUTER MOST EXISTING OF THE PARKING SPACE & THE 40' WIDTH OF THE EXISTING SPACES
5. THE EXISTING SIDE WALK OF WEST SIDE OF TOWN LN WILL NOT BE DISTURBED DUE TO THE EXIST. OF WATER & STORM SERVICES BELOW SURFACE.
6. A 6" CURB WILL BE PROVIDED ALL AROUND THE 3 SIDES OF THE PATIO. PATIO TO BE TILED & ROWERLED CONCRETE SEALED WITH A NON SLIP SURFACE SPALIN.







SEATING AND PATIO SEATING (SEE PLAN)

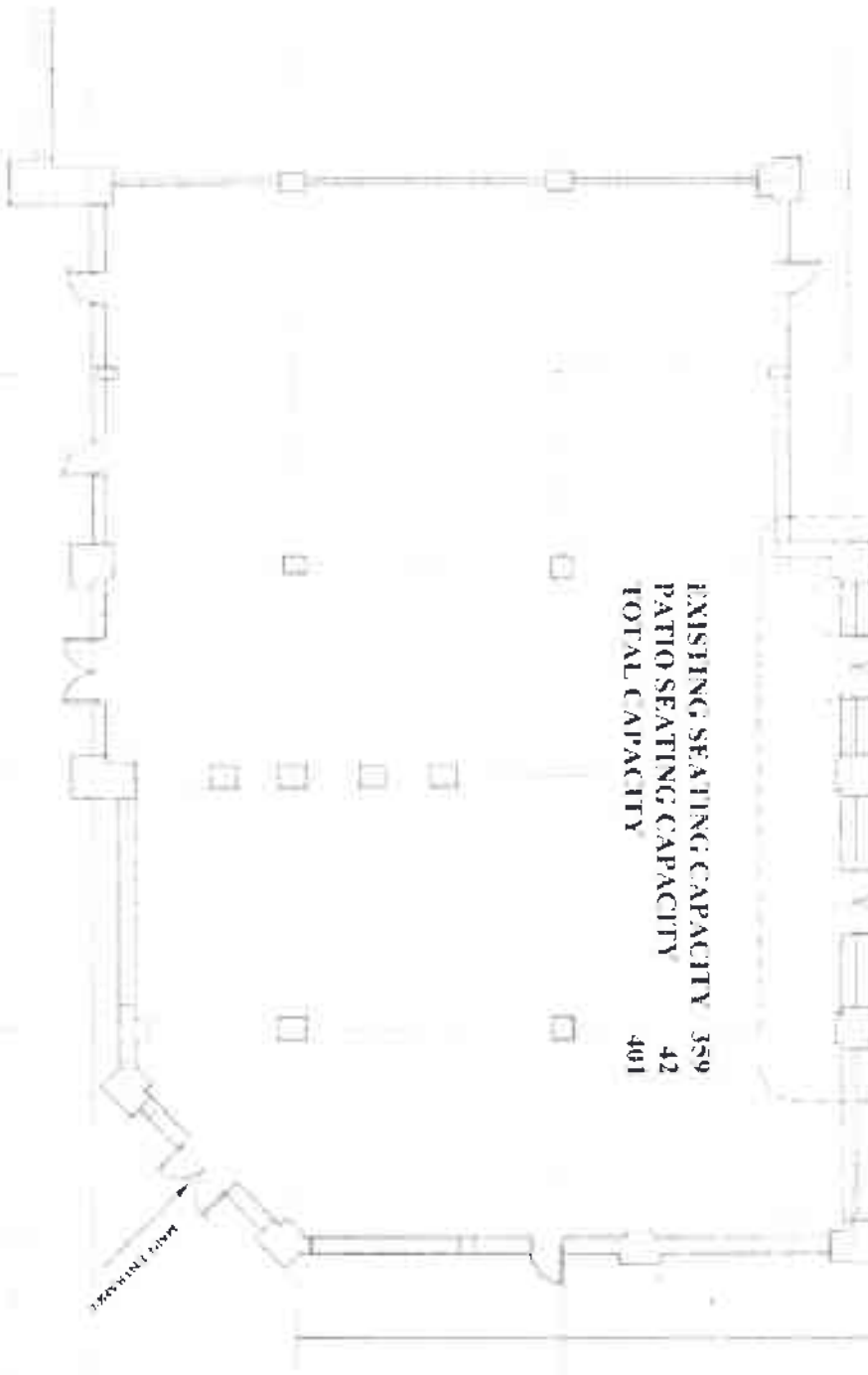


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GREEN AREA

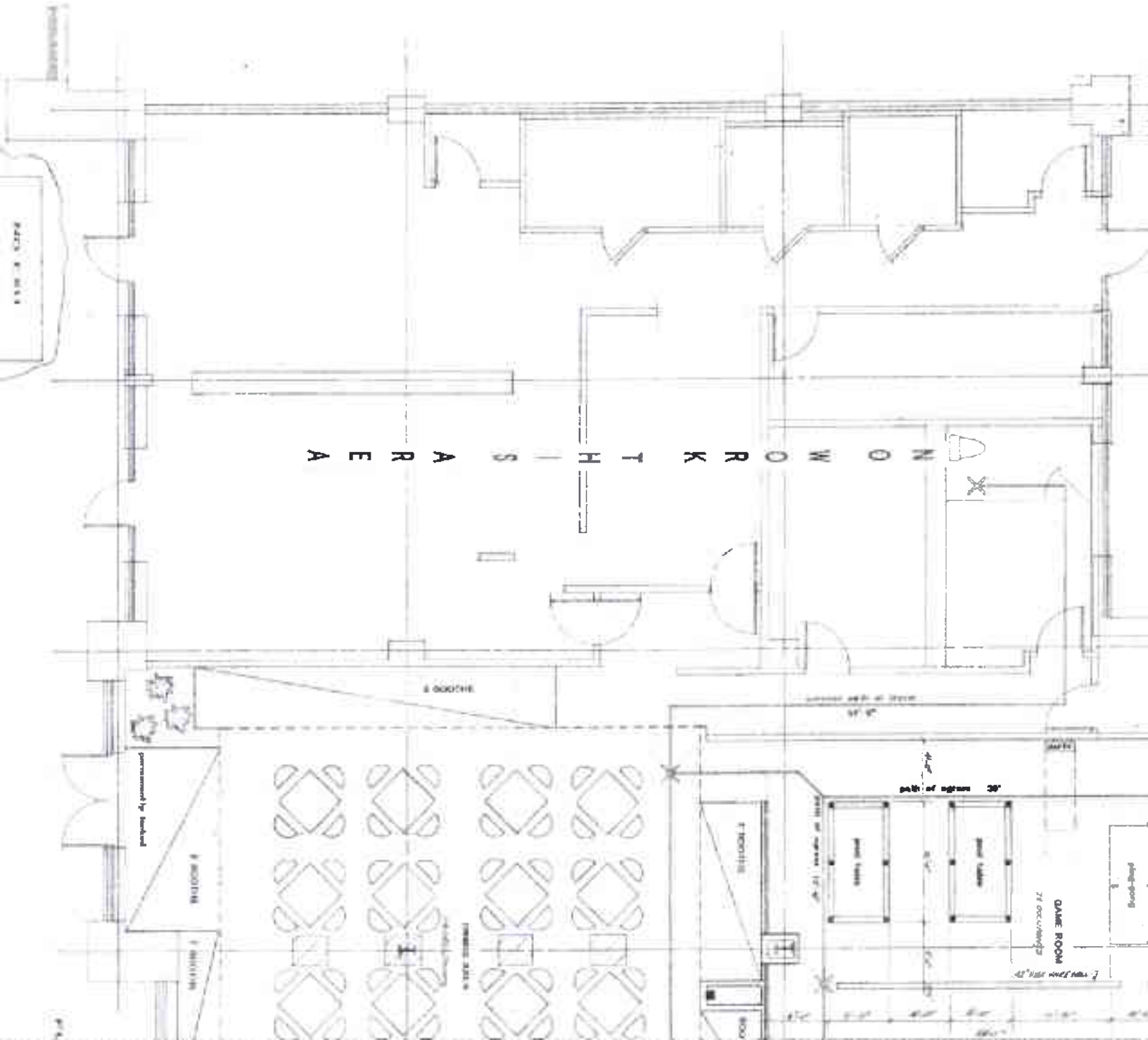
EXISTING SEATING CAPACITY 359  
PATIO SEATING CAPACITY 42  
TOTAL CAPACITY 401



MAIN ENTRANCE

**PATIO PLAN**

SCALE: 1/8" = 1' 0"



DINING AREA

GAME ROOM  
21 occupants

path of egress 36"

governance by building

7 SEATING

7 SEATING

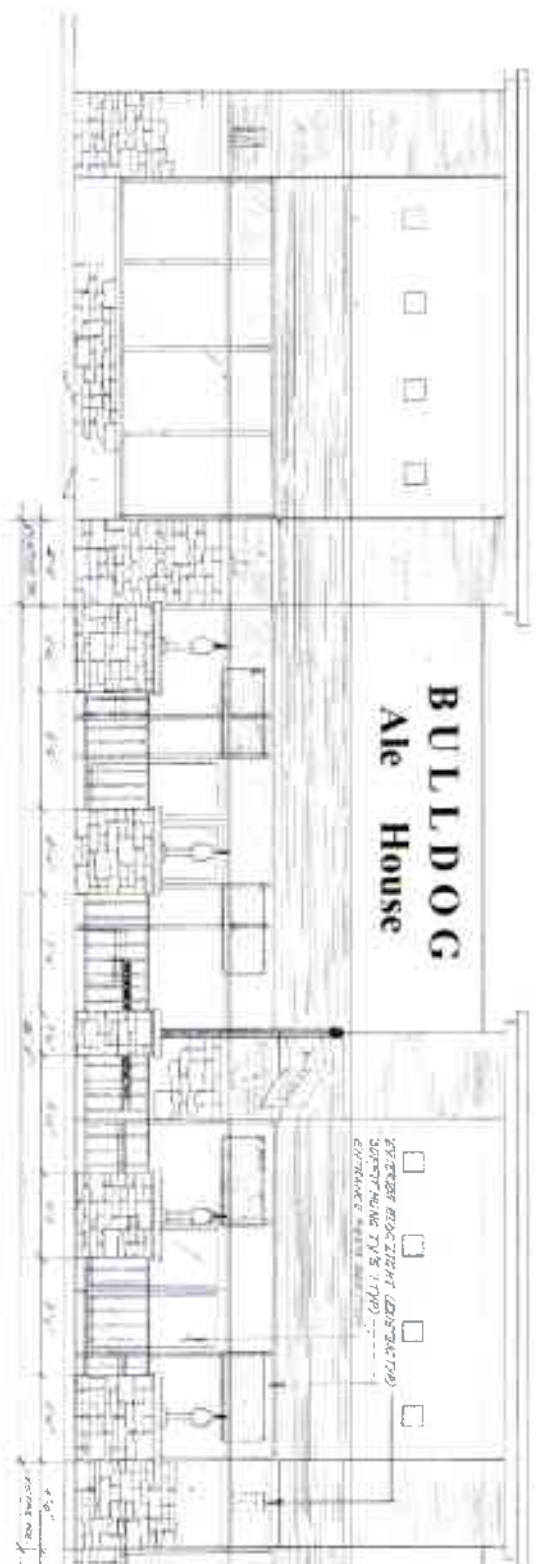
7 SEATING

BOOTH

BOOTH

EXIT TO GYM

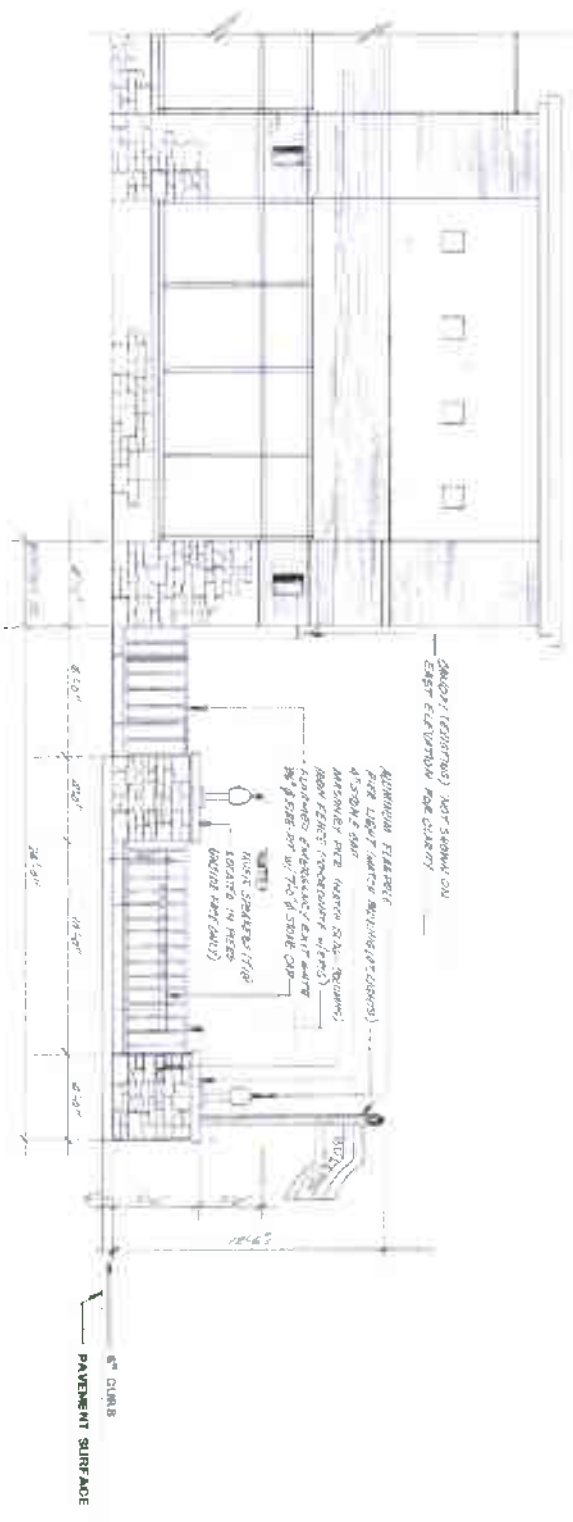




**BULLDOG**  
Ale House

STRENGTHEN BRICK TOWER (CONSTRUCTION)  
SUPPORT HUNG TYPE (TYPE)  
ENTRANCE

**EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

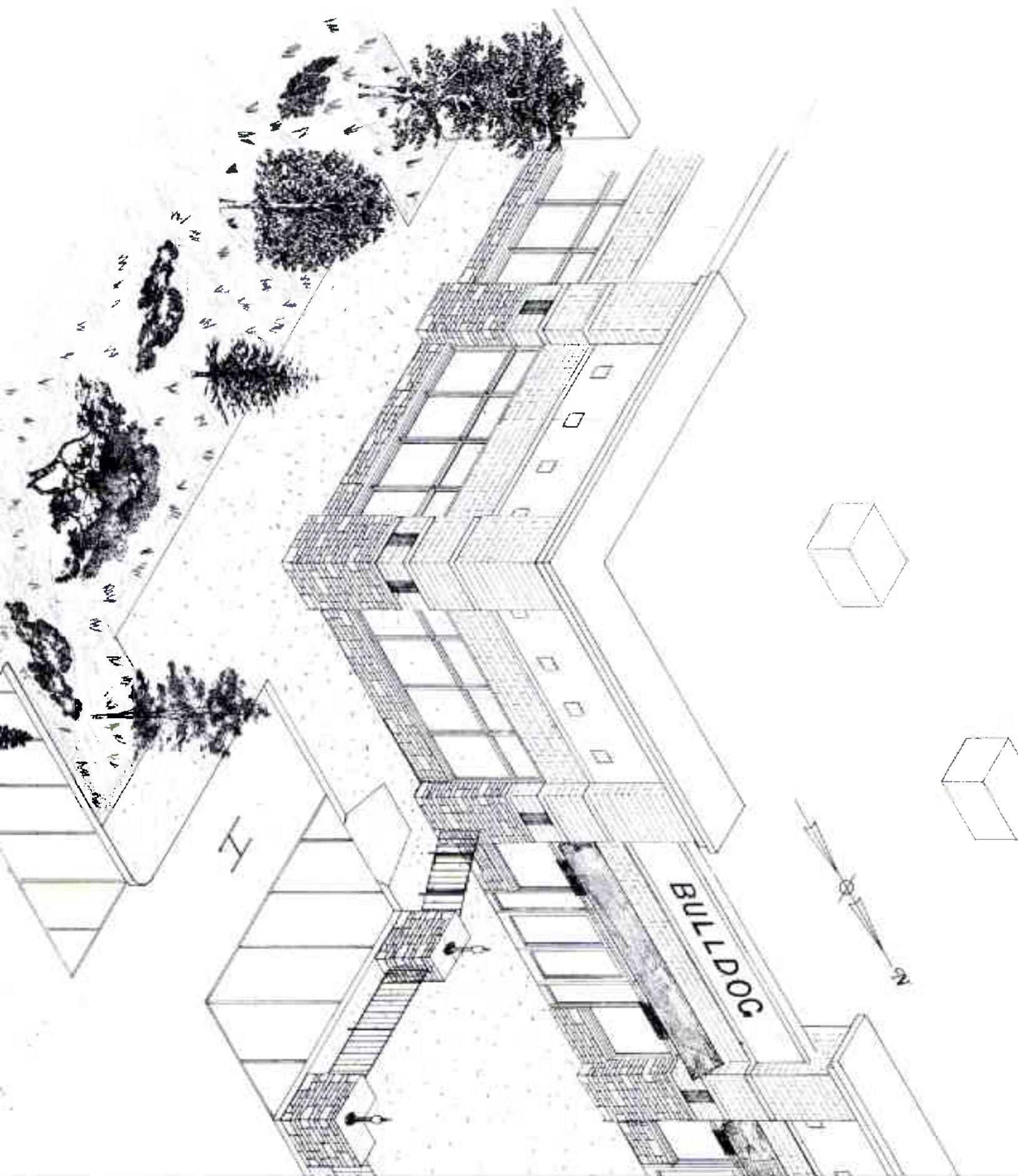


BRICK (REPAIR) NOT SHOWN ON  
EAST ELEVATION FOR CLARITY

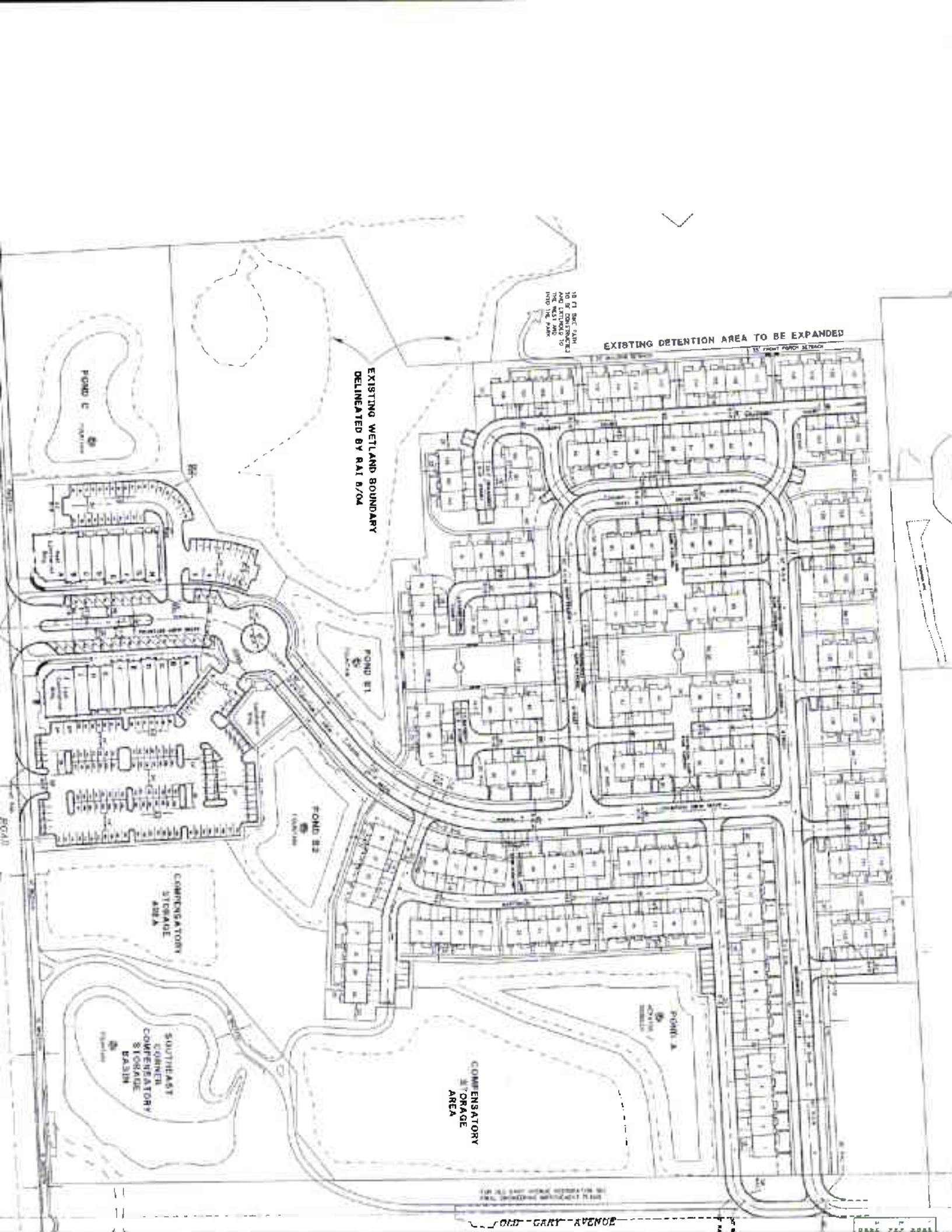
ALUMINUM FLARE PILE  
FOR LIGHT SWITCH (REPAIRS) ...  
4" STONE MANT  
MASONRY PILE (WATER STOP - ROOMS);  
WOOD FLOOR (CONCRETE W/FORMS)  
- 4" STONES (CONCRETE EXIST) ...  
BY 1/2" FOR 2" W/ 7/8" STONE CAP

8" CURB  
PAVEMENT SURFACE

**SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"







**Staff Report - Plan Commission/Zoning Board of Appeals meeting of June 13, 2011**  
**Case No. 11143, Village of Carol Stream, 500 N. Gary Avenue**  
*Text Amendment – Zoning Code*

**Applicant:**

Village of Carol Stream

**Attachments:**

Attached for review are a copy of the public notice, the General Application, sample ordinances from the Village of Woodridge and the City of Wheaton, a *Chicago Tribune* article regarding donation drop boxes, the proposed text amendment to the Zoning Code, and a draft informational handout to be used by building permit applicants.

**Request:**

Staff is recommending a text amendment to Article 12 of the Zoning Code to add a new §16-12-1(F) regarding donation drop boxes, in accordance with §16-15-7 of the Carol Stream Zoning Code.

**STAFF ANALYSIS**

Village staff have been approached several times in recent years by companies seeking to place donation drop boxes in Carol Stream. Such boxes are typically placed in high-traffic areas for the convenience of people wishing to donate clothing, shoes and small household items. The boxes may be operated by charitable organizations such as *Goodwill* or *Salvation Army*, or by for-profit organizations such as *USAgain*. Currently, such structures are viewed as commercial accessory structures in Carol Stream, and they must meet the requirements for use and location of such structures as specified in the Carol Stream Zoning Code. The code requires that the boxes be located on properties in the B-1, B-2 or B-3 Zoning Districts and be set back at least 80 feet from front and corner side property lines. In the case of properties located in zoning districts that would not permit commercial accessory structures, such as residential districts, the boxes may be reviewed and approved on a temporary basis under §16-5-5 Temporary Buildings, Structures and Uses of Land, although no such approvals have been granted to date. Staff believes it would be beneficial to establish community standards for these boxes, and so we have researched the standards in other communities and developed the proposed text amendment for that purpose.

In researching the standards of other communities, we have learned that standards vary. Some communities, including Schaumburg and Glendale Heights, have no standards specific to this sort of use. Similar to Carol Stream, these communities consider the boxes as accessory structures. A few communities have prohibited the boxes altogether. Other communities, such as Wheaton and Woodridge, have developed standards for location, size and appearance. The ordinances recently approved in those two communities, which are based on a model ordinance developed by *USAgain*, are attached for reference. For the purpose of assisting the Plan Commission and Village Board in their review of the proposed text amendment, we have prepared the following summary of issues, with staff recommendations:

**Zoning –** Under the current Zoning Code, a donation drop box is considered to be an accessory structure, commercial in nature, and would be permitted as an accessory use in the B-1, B-2 and B-3 Zoning Districts. It is staff's



view that these zoning districts are appropriate for such commercial accessory structures, because the boxes are commercial in nature and appearance, and are subject to the type of short traffic visits typically found in commercial parking lots. We would also view properties occupied by an educational, religious, governmental or charitable use as being suitable for donation drop boxes, as such properties are sometimes used as points of collection of inventory for charitable organizations. Staff views industrial, office and residential properties as inappropriate for donation drop boxes because, as noted, the boxes are commercial in nature and appearance.

We would note that the staff's views regarding appropriate zoning of donation drop boxes are consistent with the aforementioned standards developed in Wheaton and Woodridge. Staff suggests that the drop boxes should be permitted on properties located within the Gary Avenue or North Avenue Corridors, provided the properties meet the above zoning criteria and the boxes are not visible from any public ways. (See "Appearance" below.) We invite the Plan Commission to comment on staff's recommendation regarding the zoning of donation drop boxes.

**Staff Recommendation:** That donation drop boxes be permitted as accessory uses on properties in the B-1, B-2 and B-3 Zoning Districts that contain an existing and operating permitted or special use, and on properties occupied by an existing and operating educational, religious, governmental or charitable use. In addition, staff recommends that donation drop boxes be permitted within the Gary Avenue or North Avenue Corridors, provided the locational and appearance criteria proposed herein are met.

**Bulk  
Standards –**

In considering standards which properties should meet in order to allow the placement of donation drop boxes, staff has found that some communities have established a minimum lot size and have correlated the allowable number of boxes to the size of the lot. An example of this is the Wheaton ordinance, whereby no more than two boxes are permitted on lots less than two acres in size, and no more than three boxes are permitted regardless of lot size. For purpose of comparison, we would note that nearly all churches and schools in Carol Stream have properties greater than two acres in size. We would note that regardless of the lot size, communities that have enacted standards have placed limits on the number and size of the boxes. The ordinances recently approved in Woodridge and Wheaton allow no more than three boxes with a maximum size of seven feet in height and 25 square feet in area.

We invite the Plan Commission to comment on staff's recommendation regarding bulk standards for donation drop boxes.

**Staff Recommendation:** That donation drop boxes be restricted in number and size as follows:

- No more than two boxes are allowed on a zoning lot less than two acres in size.
- No more than three boxes are allowed on a zoning lot equal to or greater than two acres in size.
- Each box shall not exceed seven feet in height and twenty-five square feet in ground area.

**Location –** In considering standards for the location of donation drop boxes on properties, it is important to ensure that the boxes do not adversely impact the safe movement of vehicles and pedestrians, do not reduce parking below the required capacity, are easily accessible to customers, and are located in a manner consistent with similar commercial accessory structures. In terms of size and customer interaction, staff would compare donation drop boxes to vending machines, which are often found adjacent to commercial buildings and are subject to brief customer visits. However, due to the desire for convenient access to motorists, as well as spatial constraints that can prevent the location of the boxes adjacent to commercial buildings, donation drop boxes are often located in remote areas of parking lots.

Staff suggests that the setback standards for donation drop boxes located in required or actual yards be consistent with the standards for the required setbacks of commercial parking spaces. For example, parking spaces are not permitted to be located nearer than 40 feet from an adjoining lot in a residential zoning district, nearer than 20 feet from a street right-of-way line outside of the Gary Avenue and North Avenue Corridors, or nearer than 30 feet from a street right-of-way line within the Gary Avenue and North Avenue Corridors. We note that these standards are more stringent than the standards established in Wheaton and Woodridge, where donation drop boxes may be located 15 feet from a street right-of-way line, and no setback is specified from an adjoining lot in the residence district.

The standards established in Wheaton and Woodridge do not permit donation drop boxes to be located adjacent to the front building façade. Staff would note that many other displays and types of accessory uses and structures are already permitted adjacent to the front building facade



in Carol Stream, and so allowing donation drop boxes to be located adjacent to the front façade of a building would not be inconsistent with existing accessory uses. Examples include soft drink machines, *Red Boxes* and seasonal merchandise displays. However, staff recommends that donation drop boxes not be permitted adjacent to the front façade of buildings in the Gary Avenue and North Avenue Corridors, as such a location would be difficult to screen. We invite the Plan Commission to comment on staff's recommendation regarding the location of donation drop boxes.

**Staff Recommendation:** That the following locational requirements be applied to donation drop boxes.

- Boxes must be located on an asphalt or concrete paved surface, but must not be located in a driveway or drive aisle and must not reduce the width of paved clear space for the passage of pedestrians to less than five feet.
- Multiple boxes on any given lot must be located adjacent to one another.
- Boxes may be located adjacent to any building façade with the exception of the front façade of buildings located within the Gary Avenue and North Avenue Corridors.
- Boxes must not be located nearer than 40 feet from an adjoining lot in a residential zoning district.
- Boxes must not be located nearer than 20 feet from the right-of-way line of any street other than Gary Avenue or North Avenue.
- Boxes must not be located nearer than 30 feet from the right-of-way line of Gary Avenue or North Avenue.
- Boxes must not be located nearer than five feet from a fire hydrant or fire protection system connection.
- Boxes must not occupy or otherwise inhibit the use of any parking spaces that are required for the uses on the property.
- Boxes must not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.

**Appearance –** A common concern with respect to donation drop boxes is property maintenance. The boxes can be subject to graffiti and other vandalism, and if they become full and are not emptied promptly, people will simply leave their donations in the vicinity of the boxes. The owners of the boxes are sometimes offsite, or even out-of-state, and so the boxes tend to be unsupervised. Staff recommends that clear requirements be put in

place to ensure proper maintenance of the boxes. This is consistent with the standards developed in other communities. In addition, staff recommends that the signage on a donation drop box pertain only to the owner/operator of that box. Finally, staff recommends that donation drop boxes located within the Gary Avenue or North Avenue Corridors must be screened or otherwise located so as not to be visible from any public ways, but that the boxes not be subject to the review and approval procedures of §16-5-6(N) of the Zoning Code. We invite the Plan Commission to comment on staff's recommendation regarding appearance controls for donation drop boxes.

Staff would note that a building permit would be required for the placement of donation drop boxes, in order to ensure compliance with building and zoning requirements. Attached is a draft informational handout for permit applicants explaining the requirements for permit approval, including clear explanations of property maintenance requirements and potential penalties.

**Staff Recommendation:** That the following be required as part of the permit approval process:

- The permit application for the donation drop box must include proof of ownership or authorization from the property owner or authorized representative of the property upon which the donation drop box is to be located.
- All donation drop boxes must have the following permanently affixed to the surface and clearly visible: the name and phone number of the box owner/operator, and language prohibiting the placement of items outside of the donation drop box.
- The operator of the donation drop box must register the business with the Village in accordance with Chapter 10 of the Municipal Code.
- Signage on a donation drop box must pertain only to the owner/operator of that box.
- Donation drop boxes located within the Gary Avenue or North Avenue Corridors must be located or otherwise screened so as not to be visible from any public ways.

### **Proposed Text Amendment**

For reference purposes, standards for the placement of accessory structures are found in Article 12 of the Zoning Code. In order to establish standards for the placement of donation drop boxes, staff proposes a new §16-12-1(F), as attached.



**Staff Report - Plan Commission/Zoning Board of Appeals meeting of June 13, 2011**

**Case No. 11143, Village of Carol Stream, 500 N. Gary Avenue**

*Text Amendment – Zoning Code*

Page 6

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**Summary**

The Plan Commission is encouraged to ask questions and provide comments and a recommendation regarding the proposed text amendment.

**RECOMMENDATION**

Staff recommends approval of the text amendment to Article 12 of the Zoning Code regarding a new §16-12-1(F) Donation Drop Boxes, in accordance with §16-15-7 of the Carol Stream Zoning Code.

RJG:bg

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## **PUBLIC NOTICE**

**FILE # 11143**

Notice is hereby given that the Carol Stream Plan Commission/Zoning Board of Appeals will hold a Public Hearing at the Gregory J. Bielawski Municipal Center, 500 N. Gary Avenue, Carol Stream, Illinois, on Monday June 13, 2011, at 7:30 p.m. to consider an application from the Village of Carol Stream for the following action:

Proposed text amendment to Article 12 of the Carol Stream Zoning Code, Supplemental District Regulations, to add a new Section 16-12-1(F) Donation Drop Boxes, and any other related text amendments to the Zoning Code as recommended by the Plan Commission/Zoning Board of Appeals, in accordance with Section 16-15-7 of the Carol Stream Zoning Code.

A copy of the Text Amendment application is on file with the Community Development Department. All interested parties will be given an opportunity to be heard.

By order of the Combined Plan Commission/Zoning Board of Appeals, Village of Carol Stream, Illinois. Published in the Daily Herald, Saturday, May 28, 2011.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities are requested to contact the ADA Coordinator at 630-871-6250.



Do Not Write in This Space

Date Submitted: 5/23/11

Fee Paid: 0

Hearing Date: 6/13/11

File Number: 11143

Public Hearing:

# Village of Carol Stream

500 N. Gary Avenue ▪ Carol Stream, IL 60188

630.871.6230 ▪ FAX 630.665.1064

FORM A

## GENERAL APPLICATION FOR PUBLIC HEARINGS AND OTHER REQUESTS

1. Name of Applicant Village of Carol Stream Phone 630-871-6230

Address 500 N. Gary Ave Fax \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Name of Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
(if represented)

Address \_\_\_\_\_ Fax \_\_\_\_\_

Name of Owner \_\_\_\_\_ Phone \_\_\_\_\_  
(required if other than applicant)

Address \_\_\_\_\_ Fax \_\_\_\_\_

Name of Architect \_\_\_\_\_ Phone \_\_\_\_\_  
(if applicable)

Address \_\_\_\_\_ Fax \_\_\_\_\_

2. Common Address/Location of Property 500 N. Gary Ave

3. Requested Action (check *all* that apply) \_\_\_\_\_ Gary/North Avenue Corridor Review

\_\_\_\_\_ Annexation  Text Amendment

\_\_\_\_\_ Planned Unit Development (Preliminary) \_\_\_\_\_ Variation - Fence

\_\_\_\_\_ Planned Unit Development (Final) \_\_\_\_\_ Variation - Sign

\_\_\_\_\_ Special Use Permit \_\_\_\_\_ Variation - Zoning

\_\_\_\_\_ Subdivision (Preliminary) \_\_\_\_\_ Zoning Change

\_\_\_\_\_ Subdivision (Final) \_\_\_\_\_ Other

Describe requested action Collection Bin

4. Attachments (check *all* items submitted)

- \_\_\_\_\_ General Application - Form A
- \_\_\_\_\_ General Variation Application - Form B-1
- \_\_\_\_\_ Sign Code Variation Application - Form B-2
- \_\_\_\_\_ Fence Code Variation Application - Form B-3
- \_\_\_\_\_ Special Use Application - Form C
- \_\_\_\_\_ Application for Development Approval - Form D
- \_\_\_\_\_ Gary/North Avenue Corridor Application - Form E
- \_\_\_\_\_ Plat of Survey with Legal Description
- \_\_\_\_\_ Site Plan\*
- \_\_\_\_\_ Landscape Plan\*
- \_\_\_\_\_ Plat of Annexation\*
- \_\_\_\_\_ Preliminary Subdivision Plat\*
- \_\_\_\_\_ Final Subdivision Plat\*
- \_\_\_\_\_ Preliminary Planned Unit Development Plan\*
- \_\_\_\_\_ Final Planned Unit Development Plan\*
- \_\_\_\_\_ Drawings of Proposed Sign\*
- \_\_\_\_\_ Horizontal Building Elevations\*
- \_\_\_\_\_ Floor Plan\*
- \_\_\_\_\_ Proof of Ownership or Written Consent From Property Owner
- \_\_\_\_\_ Cover Letter
- \_\_\_\_\_ Application Fee (amount) \_\_\_\_\_


\* Please submit 7 full size drawings and one legible 11" x 17" reduced reproducible copy of full size drawings. Additional copies may be required depending upon the specific application. Consult staff with any questions concerning the submittal requirements.

**All full size drawings *must be* folded not rolled.**

5. Petitioner Certification

I have received a copy of the informational handout for the zoning process for which I am making an application, along with the attached information regarding the application deadlines, public hearing schedule and site plan requirements. I am familiar with those code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I further understand that any late, incomplete or non-conforming submittal may delay scheduling of the public hearing.

Robert J. Glees  
Print Name  
  
Signature  
June 6, 2011  
Date



## Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO.  
2011-21

AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WOODRIDGE – TITLES 1, 3, 4, 6, 7, 8, 9, AND 10 – SIGNAGE, OUTDOOR STORAGE, LIGHTING, DONATION DROP BOXES, FENCES, WIRELESS COMMUNICATIONS, SOLAR ENERGY SYSTEMS, AND OTHER VARIOUS AMENDMENTS

**WHEREAS**, the Village of Woodridge, as Petitioner has requested certain amendments to the Village Code of the Village of Woodridge, including certain amendments to the Zoning Ordinance; and,

**WHEREAS**, the amendments will further the goals of protecting and promoting public health, safety and welfare; and,

**WHEREAS**, Notice of the Public Hearing on said amendments to the Village of Woodridge Zoning Ordinance was published in the Bugle on or about February 2, 2011, all as required by the laws of the State of Illinois and the ordinances of the Village; and,

**WHEREAS**, a Public Hearing was conducted by the Plan Commission of the Village of Woodridge on February 21, 2011, pursuant to said notice, all as required by the laws of the State of Illinois and the ordinances of the Village; and,

**WHEREAS**, at the Public Hearing, the Petitioner provided testimony in support of the proposed amendments to the Village of Woodridge Village Code, and all interested parties were given an opportunity to be heard; and,

**WHEREAS**, the Mayor and Board of Trustees of the Village of Woodridge have received the recommendation of the Plan Commission, pursuant to minutes dated February 21, 2011 and April 4, 2011, a copy of which is attached hereto as Exhibit "A" which is, by this reference, incorporated herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF WOODRIDGE, DU PAGE, WILL AND COOK COUNTIES, ILLINOIS**, a home rule municipality in the exercise of its home rule powers, as follows:

**SECTION ONE:** That Title 1, Sections 1-6E-1, 1-6E-2, 1-7F-5E3g, and 1-7F-5F6; Title 4, Sections 4-4-2A and 4-4-2E; Title 6, Sections 6-2-5-1, 6-3-9, 6-5-1N, and 6-5-6-1A; Title 7, Sections 7-1-1A2, 7-1-1A3, 7-1-3D, 7-5A-1, 7-5A-4, 7-5A-6C1, 7-5B-1C, 7-5B-6-1, 7-5B-13C2, 7-5B-13E1, 7-5B-13E2b, 7-5B-13E3, 7-5B-13F1, 7-5B-13F2a, 7-5B-13F2c, 7-5B-13F3, 7-5B-13I5, 7-5B-13I6, 7-5B-13I7, 7-5B-13I8, 7-5B-13I11, 7-5B-13J2, 7-5B-13K1, 7-5B-13K2, and 7-5B-13K3; Title 8, Section 8-1A-9G; Title 9, Sections 9-11-15B, 9-11-15P, and 9-15-3D; and Title 10, Section 10-4-2A2a of the Village Code of the Village of Woodridge are hereby amended by deleting all references to the language "public services" in their entirety and in lieu thereof, the following language shall be substituted:

...“public works”...

**SECTION TWO:** That Title 3, Section 3-1A-3A2 of the Village Code of the Village of Woodridge, entitled “Annexations, Subdivisions, Planned Unit Developments, Special Use Permits, Site Development Areas, And Site Plans”, is hereby amended by amending the title thereof and by adding the following new fee:

“Annexations, Subdivisions, Planned Unit Developments, Special Use Permits, Site Development Areas, Site Plans Appeal, and Appeal to Zoning Officer Decision.”...

...“Appeal to zoning officer decision...1000.00”...

**SECTION THREE:** That Title 8, Sections 8-1A-9E3a(2), 8-2-2, 8-2-3B1, and 8-2-3B6; and Title 9, Sections 9-2-2, 9-7-3N1, and 9-13-3D5 of the Village Code of the Village of Woodridge are hereby amended by deleting all references to the language “building and zoning” contained therein in their entirety and in lieu thereof, the following language shall be substituted:

...“community development”...



2.If the Village determines that a Solar Energy System fails to comply with the applicable provisions of this code, the Village shall provide written notification to the property owner. The property owner shall have a period of ninety (90) days from the date of notification to either restore the Solar Energy System to operation or remove the system.

3.After the Solar Energy System is removed, the property owner shall promptly restore their property to a condition consistent with the property's condition prior to the installation of the system."

**SECTION TWENTY-NINE:** That Title 9, Chapter 12 of the Village Code of the Village of Woodridge, entitled "ACCESSORY BUILDINGS, STRUCTURES AND USES", is hereby amended by adding thereto a new Subsection 9-12-8, as follows:

"9-12-8:       **DONATION DROP BOXES:**

- A.     Authorization of Use: Donation Drop Boxes shall be permitted as accessory uses on a lot equal to or greater than three (3) acres in size located in the B-1 and B-2 districts or on properties primarily occupied by an educational, religious, governmental or charitable use, subject to compliance with the provisions of this section.
- B.     Building Permit Requirement: A building permit shall be obtained prior to the placement of a Donation Drop Box in the Village. Applications for a permit to construct or locate a Donation Drop Box shall include, in addition to any requirements contained in title 8 of this code, the following documents:
  - 1. Proof of ownership or authorization from the property owner or authorized representative of the property upon which the Donation Drop Box is to be located.
  - 2. A spotted survey to scale of the lot upon which the Donation Drop Box is to be located, showing thereon the proposed location of Donation Drop Box.
  - 3. Plans and specifications of the Donation Drop Box including the dimensions (height, width, depth) of the box , elevations, configuration, foundation and any additional information that may be requested by the Building Commissioner.
- C.     Business License Requirements: A business license pursuant to title 3 of this code shall be obtained and displayed on the Donation Drop Box prior to issuance of a certificate of completion.
- D.     Number Per Lot: No more than three (3) Donation Drop Boxes are allowed on a lot which is equal to or greater than three (3) acres in size. All Donation Drop Boxes on any given lot must be located side-by-side to one another.
- E.     Location: Donation Drop Boxes shall be located within a parking lot or other paved surface, but in no case shall Donation Drop Boxes be located following locations:
  - 1. Adjacent to the front façade of a building.
  - 2. Fifteen feet (15') from the front or exterior side property line.
  - 3. Designated driveway or drive-aisle.
  - 4. Five feet (5') from a fire hydrant.
  - 5. Designated pedestrian crosswalk.
  - 6. Private sidewalk unless at least five feet (5') of clearance can be maintained.
  - 7. Any parking space as required by this title or any ordinance or resolution governing the development of a property. When a single lot is part of a larger planned development with shared parking, the required parking shall be determined based on the total required parking approved for the entire development.
  - 8. Any parking space as deemed necessary by the zoning officer.
  - 9. Any public right-of-way.
- F.     Height and Size: A Donation Drop Box shall not exceed a maximum of seven feet (7') in height and twenty-five (25) square feet in ground area.
- G.     Required Information: All Donation Drop Boxes shall have permanently affixed the name and phone number of the box owner/operator, language discouraging the placement of items outside of the Donation Drop Box, and the Village issued business license."



**ORDINANCE NO. F-1522**

**AN ORDINANCE ESTABLISHING REGULATIONS THAT LIMIT THE NUMBER, SIZE AND LOCATION OF DONATION DROP BOXES AS OUTDOOR STORAGE IN THE CITY OF WHEATON**

**WHEREAS**, the City of Wheaton, Illinois ("City"), has determined it to be in the best interests of the public health, safety, durability, morals and general welfare of the citizens of the City to amend the City Zoning Ordinance to establish regulations that limit the number, size and location of donation drop boxes as outdoor storage.

**WHEREAS**, pursuant to notice as required by the Illinois Municipal Code and the City Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board, acting as a hearing body on July 27, 2010, August 24, 2010, September 28, 2010 and October 12, 2010 to consider said amendments establishing regulations that limit the number, size and location of donation drop boxes as outdoor storage.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** The Wheaton Zoning Ordinance text is amended by adding the following language to Article 2:

Donation Drop Boxes: A receptacle used for the collection of used clothing, shoes, books and small household items donated by the public for redistribution.

**Section 2:** The Wheaton Zoning Ordinance text is further amended by adding the following language to Article 24.4:

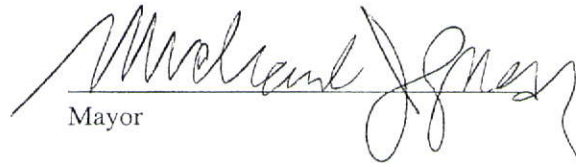
24.4 Permitted Accessory Uses in Compliance with District Bulk Regulations.

4. Donation drop boxes if located in the C-1, C-3, C-5 Zoning Districts or on properties primarily occupied by an educational, religious, governmental or charitable use. The boxes shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. No more than two boxes (side-by-side) are allowed on a zoning lot less than two (2) acres in size. No more than three boxes (side-by-side) are allowed on a zoning lot equal to or greater than two (2) acres in size. Each box shall not exceed seven (7) feet in height and twenty-five (25) square feet in ground area. The boxes shall be located on a parking lot or other paved surface, not adjacent to the front building facade. The boxes shall not: be within 15 feet of the front property line, reduce the width of paved clear space for the passage of pedestrians to less than five (5) feet, be located within five (5) feet of a Fire Department connection, utilize any parking spaces required by Article XXII or disrupt the flow of vehicular or pedestrian traffic. The box shall include language discouraging the placement of items outside of the box. The name and phone number of the box owner/ operator shall be posted on the box. Upon telephone notification from the City of Wheaton Code Enforcement Department that materials are being placed outside of a box, the box owner/ operator shall have 24 hours to remove said materials. Failure to do so on three or more occasions in any calendar year may result in penalties listed under Article 5.14 of this Ordinance.

**Section 3:** This ordinance shall be cumulative of all provisions of the ordinances of the City of Wheaton, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**Section 4:** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section 5:** This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote:

Councilman Suess  
Councilwoman Corry  
Councilman Levine  
Councilman Mouhelis  
Mayor Gress  
Councilman Prendiville

Nays: None

Absent: Councilman Scalzo

Motion Carried Unanimously

Passed: November 15, 2010  
Published: November 16, 2010



[www.chicagotribune.com/news/ct-met-clothing-donation-boxes-20110514,0,6780176.story](http://www.chicagotribune.com/news/ct-met-clothing-donation-boxes-20110514,0,6780176.story)

# chicagotribune.com

## Drop-off boxes not equally charitable

### Some clothing-donation proceeds go to charities; others go to for-profit firms

By [Monica Eng](#), Tribune reporter

3:19 PM CDT, May 14, 2011

The process of donating used clothing used to be pretty straightforward, with most of it going to big charities like the Salvation Army, Goodwill and St. Vincent de Paul. advertisement

In recent years, however, clothing donation has become more confusing — even as it's grown more convenient — as a wide array of colorful collection boxes has sprouted up in parking lots all over the nation.

Though the drop-off boxes may look similar at first glance, only some are operated by charities. Other boxes are placed by commercial companies that may — or may not — donate some money to charity. And some of the charities involved don't meet the baseline standards of the Better Business Bureau or the Chicago-based American Institute of Philanthropy.

During a day's drive around the Chicago area, the Tribune spotted about 10 types of boxes that ran the gamut from collecting the clothes almost entirely to benefit charity (Salvation Army) to collecting the clothes purely for profit (USAgain).

"In the last 15 years or so the landscape has changed," said Cheryl Lightholder of Goodwill Industries of Metropolitan Chicago, which phased out collection boxes here years ago. "These days you're seeing a lot more of those clothing donation boxes that are typically run by for-profit companies with really no connections to charity, while some might donate a small portion of their profits to charities."

Lightholder said her charity prefers to get clothing at its collection centers and in resale shops to ensure the items don't get damaged or rained on before they are sorted. This also frees up the group, she says, to spend its money on programs rather than trucks and gas for clothing collection.

But the Salvation Army still keeps about 75 collection boxes around Chicago in addition to manned collection centers and trucks for home pickups.

By government estimates, Americans throw 85 percent of their unwanted textiles in the trash each year. That may be, in part, because of a widespread perception that charities want only those items that can be resold in their thrift shops. While these are the most valuable donations, other castoffs can still make millions for charities on the secondary materials market, which includes selling used clothes in developing countries and recycling them for industrial uses.

So the Salvation Army's Maj. Mark Anderson stresses that he doesn't mind when people donate ripped jeans, stained shirts and coats with broken zippers.

"We want to receive any and all articles because, if we can't sell it in one of our stores, then we can sell it to what they call the 'rag market,'" Anderson said. "They can repurpose those textiles for anything from wiping



rags or materials for new textiles to even as an additive to asphalt. (That revenue) is a big deal for us."

One of the oldest trades in the world, textile recycling today represents a nearly \$1 billion business, according to the Secondary Materials and Recycled Textiles association (SMART), an industry trade group. Eric Stubin, president and CEO of Trans-America Textile Recycling Inc. in the New York City area, said many businesses work closely with charities to recycle clothes that can't be sold in domestic thrift stores. According to Stubin, used textiles unfit for resale in the U.S. can fetch up to 35 cents a pound.

Some of it is shipped to developing nations to be sold there, some is turned into wiping cloths for commercial use, and some is "reprocessed into fibers for furniture stuffing, upholstery, insulation, soundproofing, carpet padding, building and other materials," according to SMART.

"This symbiotic relationship between charities and private-sector recyclers efficiently recycles 2.5 billion pounds of clothing annually," Stubin said. "Unfortunately we have our work cut out for us, as this represents only 25 percent of all textile waste."

With more-established charities reducing their fleets of clothing boxes, commercial recyclers have moved in with their own boxes to tap into the valuable supply of discarded American clothing — sometimes, but not always, in partnership with charities.

Although some larger charities around the country have blamed the new boxes for a decrease in donations, local Goodwill and Salvation Army representatives say donations have remained generally stable, considering the economy.

Some of the more controversial new boxes are placed by recyclers who consider collecting used clothes to be a charitable environmental program or who create and run their own charity to which they donate funds.

One of the biggest players, Gaia, falls in the first category. Over the last several years it has been criticized for characterizing itself as an environmental charity with projects around the world, when most of its environmental work remains collecting clothes for sale. Along with the related organizations Planet Aid and USAgain, Gaia has expanded in the last decade despite its connection to the controversial Danish organization Tvind, whose leader was acquitted of charges of money laundering and embezzlement in 2006.

An example of the second category is Florida businessman Jay Katari, who owns or has a stake in several textile recycling companies and has also headed charities called Shoes for a Cure and Cancer Free America, whose logos have emblazoned hundreds of boxes.

Critics contend that he gives very little of his profits to cancer causes, and the controversy led Johns Hopkins Cancer Center and Children's Center to stop taking donations from his organizations. Katari did not return phone calls from the Tribune seeking comment, but he said in one television report out of Maryland that he has given at least \$87,000 to cancer charities.

In 2009, boxes for a new cancer charity called Go Green for the Cause began to appear in parking lots across the nation. Nicole Leve, executive director of the organization, says it has about 1,000 boxes nationally and about 200 in the Chicago area that raise money for cancer charities. Commercial recyclers operate most of the clothing operations and pay Go Green for clothes deposited in the bins, Leve said. Katari runs one of those recyclers and has been a generous donor to the charity, she said.

The group's website says clothing donations "equate to hundreds of thousands of dollars for Go Green for the Cause nationally." But the charity's 2009 financial statements report just \$14,500 in total revenue, with no money going to program services or cancer charities. Instead, the financial report states that "all funds raised have been utilized to cover costs to get started." Leve said that in 2010, the group donated \$67,450 to the



Breast Cancer Network of Strength and the Children's Miracle Network.

Audrey Traff, owner of MAC Recycling in Maryland, said she hopes consumers won't lump all of the clothing box operations together. Her for-profit company partners with Drug Abuse Resistance Education in 10 states where signs on the boxes (on the East Coast they're more like huts) clearly state that DARE gets compensation for each box bearing its name.

DARE receives \$250 to \$300 per box annually from about 1,500 boxes around the nation that are placed with the help of commercial clothing recyclers like Traff, said John Lindsay, vice president of program development. About half of that money goes into local programs and half into officer training, subsidizing workbooks and training conferences, he says.

Industry watchers advise concerned consumers to read the fine print on the boxes, to call the phone numbers listed there and to seek more information through **Guidestar.com**, state attorneys general websites, the American Institute of Philanthropy, the Better Business Bureau, Charity Navigator, **Greatnonprofits.org** and Philanthropedia.

"Some of (the boxes) have a very genuine purpose, and others unfortunately are not so genuine; they are more on the side of what they can attain," Anderson said. "But at the Salvation Army, we turn them into the dollars that operate our drug and alcohol rehab centers all over the country. So these donations are very meaningful to us."

*meng@tribune.com*

*Twitter @monicaeng*

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# Donation box comparison

## Behind the donation boxes

In recent years a wide array of donation boxes has appeared in the Chicago area. Here is a sampling with information about their operators' finances and, in some cases, ratings from charity watchers such as the Better Business Bureau (BBB) and the American Institute of Philanthropy (AIP).



OPERATORS	MISSION	2009 REVENUE	RATINGS	BOXES IN CHICAGO AREA	NOTABLE
<b>1</b> GAIA Movement Living Earth	"To educate the general public on environmental matters and promote the environment on a worldwide basis."	\$1,305,959	Not accredited by BBB; gets an F from the AIP	650	Gaia is run by people associated with controversial organization Tvind, or the Teachers Group (see story below). Gaia says it has corrected some accounting practices since the most recent BBB and AIP ratings.
<b>2</b> Go Green For The Cause	"Assistance for cancer patients and their families with nonmedical services."	\$14,500	Not rated by AIP or BBB	200	In its 2009 financial statement, GGFTC reported that it had not spent any revenue on charitable program services. Executive director Nicole Leve says her organization gave \$67,450 to the Breast Cancer Network of Strength and the Children's Miracle Network in 2010.
<b>3</b> Lend a Hand Across America	To give grants to local needy organizations.	\$4,500	Has not supplied enough information for a BBB assessment; not listed by AIP	N/A	It gave \$4,500 — its total revenue for the year in 2009 — to Feed Clothe and Help the Needy, a nonprofit that provides meals and other services on the South Side. The group did not respond to Tribune questions.
<b>4</b> Optimal Medical Foundation (Childhood Disease Research Foundation)	Promotes and funds research and educational programs and provides medical supplies for diseases that attack children and their families.	\$5,312,406	Given an F grade by AIP; not rated by the BBB	N/A	The AIP noted, among other problems, that the charity spends only 2 percent of its cash revenue (as opposed to its donated noncash items) on program services. The group did not respond to Tribune questions.
<b>5</b> Reading Tree	"To place books in more than 140 organizations, such as schools and churches, to be given to children or for children to use."	\$10,669,333	Not rated by AIP or BBB	About 100	Reading Tree president Gina Zambori says its boxes are run by a commercial clothing recycler that has paid to use the group's logo. In exchange the nonprofit — whose main revenue and work involves collecting, selling or redistributing used books — gets an unspecified monthly payment.
<b>6</b> Vietnam Veterans Of America	"To support a full range of issues affecting Vietnam veterans as well as all veterans."	\$6,823,490	No rating from AIP; does not meet one or more standards of the BBB	About 100	Most boxes are placed next to Unique Thrift stores that pay the VVA an undisclosed fee per cubic foot of clothing collected both inside the store and in the boxes. The store has similar partnerships with Purple Heart, DuPage PADS and South Side PADS.
<b>7</b> Usagain	For-profit business.	Not available because it is a business	Given an A rating by the BBB, which gives its sister organizations low marks	1,465	An arm of the Tvind-related companies. Its sales representative is Garson & Shaw, which is the exclusive sales agent for all Tvind-related clothing operations including Planet Aid and Gaia, according to its website.

SOURCE: Tribune reporting

KRISTIN MCKNIGHT AND ADAM ZOLL/TRIBUNE



## PROPOSED TEXT AMENDMENT TO §16-12-1(F) – DONATION DROP BOXES

(F) *Donation drop boxes.* Are permitted as accessory structures in the B-1, B-2 and B-3 Zoning Districts or on properties primarily occupied by an educational, religious, governmental or charitable use. The boxes shall only be placed with the property owner's permission and on properties that contain an existing and operating permitted or special use. Donation drop boxes shall be further regulated as follows:

(1) No more than two donation drop boxes are allowed on a zoning lot less than two acres in size. No more than three boxes are allowed on a zoning lot equal to or greater than two acres in size.

(2) All donation drop boxes on any given lot shall be located adjacent to one another.

(3) Each box shall not exceed seven feet in height and twenty-five square feet in ground area.

(4) Boxes shall be located on an asphalt or concrete paved surface.

(5) Boxes shall not be located in a driveway or drive aisle, and shall not reduce the width of paved clear space for the passage of pedestrians to less than five feet. Boxes shall not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.

(6) Boxes shall not be located nearer than 40 feet from an adjoining lot in a residential zoning district.

(7) Boxes shall not be located nearer than 20 feet from the right-of-way line of any street other than Gary Avenue or North Avenue.

(8) Boxes shall not be located nearer than 30 feet from the right-of-way line of Gary Avenue or North Avenue.

(9) Boxes shall not be located nearer than five feet from a fire hydrant or fire protection system connection.

(10) Boxes shall not occupy or otherwise inhibit the use of any parking spaces required to meet the parking space requirements for the uses on the property.

(11) Signage on a donation drop box must pertain only to the owner/operator of that box.

(12) Donation drop boxes are permitted to be located within the Gary Avenue or North Avenue Corridors, and are not subject to the review and approval procedures specified in §16-5-6(N). However, donation drop boxes located within the Gary Avenue or North Avenue Corridors shall be located so as not to be visible from any public ways, or shall be screened from view so as not to be visible from public ways with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter.

(13) A notice must be permanently affixed to each box in a highly visible location prohibiting the placement of items outside of the box. The name and 24-hour telephone number of the owner/ operator must be permanently affixed to each box.



## Village of Carol Stream

500 N. Gary Avenue, Carol Stream, Illinois 60188

**Phone:**

(630)  
871-6230

**Fax:**

(630)  
665-1064

**Website:**

www.  
carolstream.org

**E-mail:**

communitydevelopment@  
carolstream.org

## Permit Submittal Checklist and Process Donation Drop Boxes

### Note to applicants:

This handout is intended to assist applicants through the permit process for placement of one or more donation drop boxes. All items listed under "Items needed for a complete permit application" must be submitted. The applicant should review the "Helpful tips" for common project requirements. Please note that incomplete applications can cause processing delays.

### Required zoning:

Donation drop boxes are permitted as accessory structures in the B-1, B-2 and B-3 Zoning Districts or on properties occupied by an educational, religious, governmental or charitable use. The property must contain an existing and operating permitted or special use.

### Items needed for a complete permit application:

- A completed Building Permit Application (**Type C** or **Type E**).
- Two copies of the Plat of Survey showing all existing structures plus the proposed donation drop box(es) with applicable **dimensions** and **distances from lot lines, drawn to scale**.
- Two sets of plans, details and specifications for the donation drop box(es), including the dimensions (height, width, depth) of the box(es), elevations, configuration, and any additional information that may be requested by the Building Code Official. See the "Helpful tips" section below for project requirements.
- Proof of ownership or a completed and executed Affidavit of Property Owner Authorization.
- The permit fee in the amount of \$170 is required at time of permit application.

### Helpful tips:

- Permit documents.** The plans and information submitted must comply with the requirements of the codes and ordinances of the Village of Carol Stream. Two sets of plans and details, drawn to scale, must be submitted. The permit submittal must include all relevant information, and must be sufficiently detailed and dimensioned so as to clearly show the scope of work and demonstrate that the locational and informational requirements of the Zoning Code will be met.



***Permit Submittal Checklist and Process***  
***Donation Drop Boxes***

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- Allowable number of boxes.** No more than two donation drop boxes are allowed on a zoning lot less than two acres in size. No more than three boxes are allowed on a zoning lot equal to or greater than two acres in size.
- Allowable size.** Donation drop boxes must not exceed seven feet in height or twenty-five square feet in ground area.
- Location.**
  - ✓ Must be located on a parking lot or other paved surface. Must not be located in a designated driveway or drive aisle, and must not reduce the width of paved clear space for the passage of pedestrians to less than five feet. Must not be located in such a way as to disrupt the flow of vehicular or pedestrian traffic.
  - ✓ Must not be located nearer than 15 feet from a property line adjoining a street.
  - ✓ Must not be located nearer than five feet from a fire hydrant or fire protection system connection.
  - ✓ Boxes must not occupy or otherwise inhibit the use of any parking spaces required to meet the parking space requirements for the uses on the property.
  - ✓ All donation drop boxes on any given lot must be located adjacent to one another.
- Business Registration Requirements.** The owner/operator of the donation drop box(es) must register the business with the Village of Carol Stream prior to issuance of final inspection approval.
- Other considerations.**
  - ✓ The plans must specify that a notice will be permanently affixed to each box in a highly visible location prohibiting the placement of items outside of the box. The name and 24-hour telephone number of the owner/operator must be permanently affixed to each box.
  - ✓ Signage on a donation drop box must pertain only to the owner/operator of that box.
  - ✓ Donation drop boxes are permitted to be located within the Gary Avenue or North Avenue Corridors; however, boxes located within those corridors must be screened from view from public ways with materials identical to or strongly similar to building materials or by heavy landscaping that will be effective in winter, or else must be located so as not to be visible from any public ways.

**Inspections (24-hour advance notice required for inspection scheduling):**

- The applicant or contractor must call the Community Development Department for a **final inspection** once the donation drop box installation is complete and before use.

---

**Please do not hesitate to contact the Community Development Department at (630) 871-6230 if you have any questions.**

**Affidavit of Property Owner Authorization  
for  
Donation Drop Box Permit**

*This affidavit certifies that the donation drop box owner/operator listed below has been granted authorization from the owner of the property listed below to obtain a building permit for the placement of one or more donation drop boxes on that property. This form must be notarized and must be submitted prior to issuance of a building permit. Copies of affidavits are not acceptable.*

I, \_\_\_\_\_, owner of the property listed below, certify that I  
*Property owner*  
have granted \_\_\_\_\_ permission to obtain the permit  
*Donation drop box owner/operator*  
necessary for the installation of one or more donation drop boxes at the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Property address*

**I understand that, as the owner of the listed property, I am responsible for the compliance of said property with the codes and ordinances of the Village of Carol Stream, and that the failure of the owner/operator of any donation drop box legally located on my property to correct violations of said codes and ordinances may result in the issuance of citations to the drop box owner/operator and also to me, the property owner, requiring an appearance in DuPage County Court.**

\_\_\_\_\_  
*Signature of property owner*

\_\_\_\_\_  
*Date*

STATE OF ILLINOIS        )  
COUNTY OF DU PAGE     ) <sup>SS</sup>

I, the undersigned, a Notary public in and for said County, in the State aforesaid, **DO HEREBY CERTIFY** that \_\_\_\_\_, appeared before me this day in person, and executed this affidavit.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

My Commission expires \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC



**Staff Report - Plan Commission/Zoning Board of Appeals meeting of June 13, 2011**  
**Case No. 11122, Blue Rhino LLC for Dominick's Finer Foods – 560 S. Schmale Road**  
*Planned Unit Development – Minor Modification*

**GENERAL INFORMATION**

**Applicant:**

Lynn Misener of Blue Rhino LLC on behalf of Dominick's Finer Foods

**Size and Location:**

The approximate 18.7-acre property is located in the northwest quadrant of the intersection of Geneva Road and Schmale Road. (See attached location map.)

**Existing zoning and land use:**

The subject property is zoned B-3 Service District with a Special Use for Planned Unit Development and improved with the Geneva Crossing shopping center.

**Adjacent zoning and land uses:**

The property to the north is zoned B-4 Office, Research and Institutional Business District and is improved with the Tyndale House Publishers building. The property to the northeast is zoned B-3 Service District and is vacant. The properties to the west are zoned R-4 in unincorporated DuPage County and are improved with single-family residences. The properties to the south are zoned I-1, C-3 and R-1 in the City of Wheaton and are improved with the Theosophical Society, Quest Book Shop and single-family residences. The properties to the immediate east are zoned B-2 in unincorporated DuPage County and are improved with commercial uses. Other properties to the east are zoned B-2 and B-3 in Carol Stream and are improved with commercial uses and the Northland Mall Shopping Center.

**Attachments:**

Attached for review are a location map, aerial photo, letters from Lynn Misener of Blue Rhino dated April 28, 2011, and May 12, 2011, the General Application, and photographs showing the proposed location of the propane tank cages and a labeled aerial photo of the storefront.

**Request:**

The applicant is requesting approval of a minor modification to a Planned Unit Development Plan, in accordance with Section 16-16-5(B)(2)(a) of the Carol Stream Zoning Code, to allow for the installation of two outdoor propane tank storage cages in front of the Dominick's Finer Foods store at 560 S. Schmale Road.

**STAFF ANALYSIS**

Dominick's Finer Foods is embarking on a program to offer the sale of 20-pound propane gas cylinders at many of their stores, including the Carol Stream store at 560 S. Schmale Road. Blue Rhino LLC is the proposed supplier of propane for Dominick's, and they have received permission from Dominick's and the property owner, Regency Centers Corporation, to seek the approvals necessary to allow for the placement of two propane tank storage cages beneath the building overhang. Because Geneva Crossing Shopping Center was approved with a Special Use for Planned Unit Development, and since the site is subject to an approved Final PUD Plan, a

**Staff Report - Plan Commission/Zoning Board of Appeals meeting of June 13, 2011**  
**Case No. 11122, Blue Rhino LLC for Dominick's Finer Foods – 560 S. Schmale Road**  
*Planned Unit Development – Minor Modification*

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minor amendment to the approved PUD Plan must be approved before the outdoor display and storage of propane tanks can be allowed. As such, Blue Rhino, on behalf of Dominick's Finer Foods, is requesting a minor modification to an approved PUD Plan in accordance with Section 16-16-5(B)(2)(a) of the Zoning Code.

Section 16-16-5(B)(2)(a) of the Zoning Code provides direction regarding how to process requests for modifications to approved PUD Plans:

*“Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Plan Commission, if they are consistent with the purpose and intent of the final plan.”*

Due to the nature of the applicant's request, Village Board action is not required, and the Plan Commission has the authority to render the final decision regarding this matter.

**Proposed Changes:**

Dominick's is seeking approval to install two locked propane cages, each capable of holding eighteen 20-pound propane-filled cylinders. The cages would be installed immediately adjacent to one another, in the configuration shown in the photo below, and would have a total combined dimension of 7 feet, 4 inches in width, 5 feet, 10 inches in height, and 2 feet, 5 inches in depth.



Due to the small size of the cages in relation to the size of the overall site, and the fact that the cages are proposed to be installed beneath the canopy or overhang fronting the store, the proposed location of the cages is illustrated on the attached photographs as opposed to being shown on a site plan. The cages would be installed to the south of the northernmost entrance into the grocery store, which is the dual revolving door entrance. Photograph #1, attached, shows the proposed location of the Blue Rhino cages, as the cages were superimposed onto a photo of the front of the building. Photo #1 shows that the cages would be installed to the south of an existing book donation collection box. (As an aside, staff is deferring action on this book donation collection box until the current proposal to develop Zoning Code standards for such boxes is complete.) Photo #2 shows a different perspective of the area beneath the overhang where the



**Staff Report - Plan Commission/Zoning Board of Appeals meeting of June 13, 2011**  
**Case No. 11122, Blue Rhino LLC for Dominick's Finer Foods – 560 S. Schmale Road**  
*Planned Unit Development – Minor Modification*

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propane cages would be placed. Finally, the aerial photo gives a different perspective of the proposed location of the propane tank cages, relative to the entire Dominick's storefront.

As a point of information, the PUD Ordinance that approved the Geneva Crossing Shopping Center contained specific, limited approval for outdoor merchandise displays. The Ordinance allows plants and garden items to be displayed between April 15 and June 15 each year, and these items can be seen in Photographs 1 and 2. To allow for the permanent installation of the outdoor propane tank cages, a minor modification to the PUD is needed.

In review of the request, staff's primary concerns involve the appearance of the cages, the extent to which pedestrian facilities would be impacted, and safety considerations. With respect to the appearance of the cages, we note that the cages would be placed beneath the 10 foot deep building overhang. At this location beneath the overhang, the cages will have minimal impact from an appearance standpoint. Regarding pedestrian facilities, we note that the cages are less than three feet in depth. Based on the 10 foot width of the existing sidewalk in this area, the proposed cage installation would not unreasonably compromise pedestrian accessibility in the general vicinity. Finally, from a safety standpoint, the Carol Stream Fire Protection District has reviewed the request and does not object installation, subject to the following conditions:

- That "no smoking" signs shall be posted in the immediate vicinity of the cages;
- That a Hazmat Placard indicating the type of gas and any health hazard(s) shall be posted in the immediate vicinity of the cages;
- That the cages must be located a minimum of 15 feet from any door or opening; and
- That the tanks must be stored in an approved, secure enclosure, protected from vehicle impact as approved by the Fire District.

**RECOMMENDATION**

Staff recommends approval of the applicant's request for a minor modification to the PUD Plan to allow for the outdoor installation of two, side-by-side propane cylinder cages at 560 S. Schmale Road, subject to the conditions listed below:

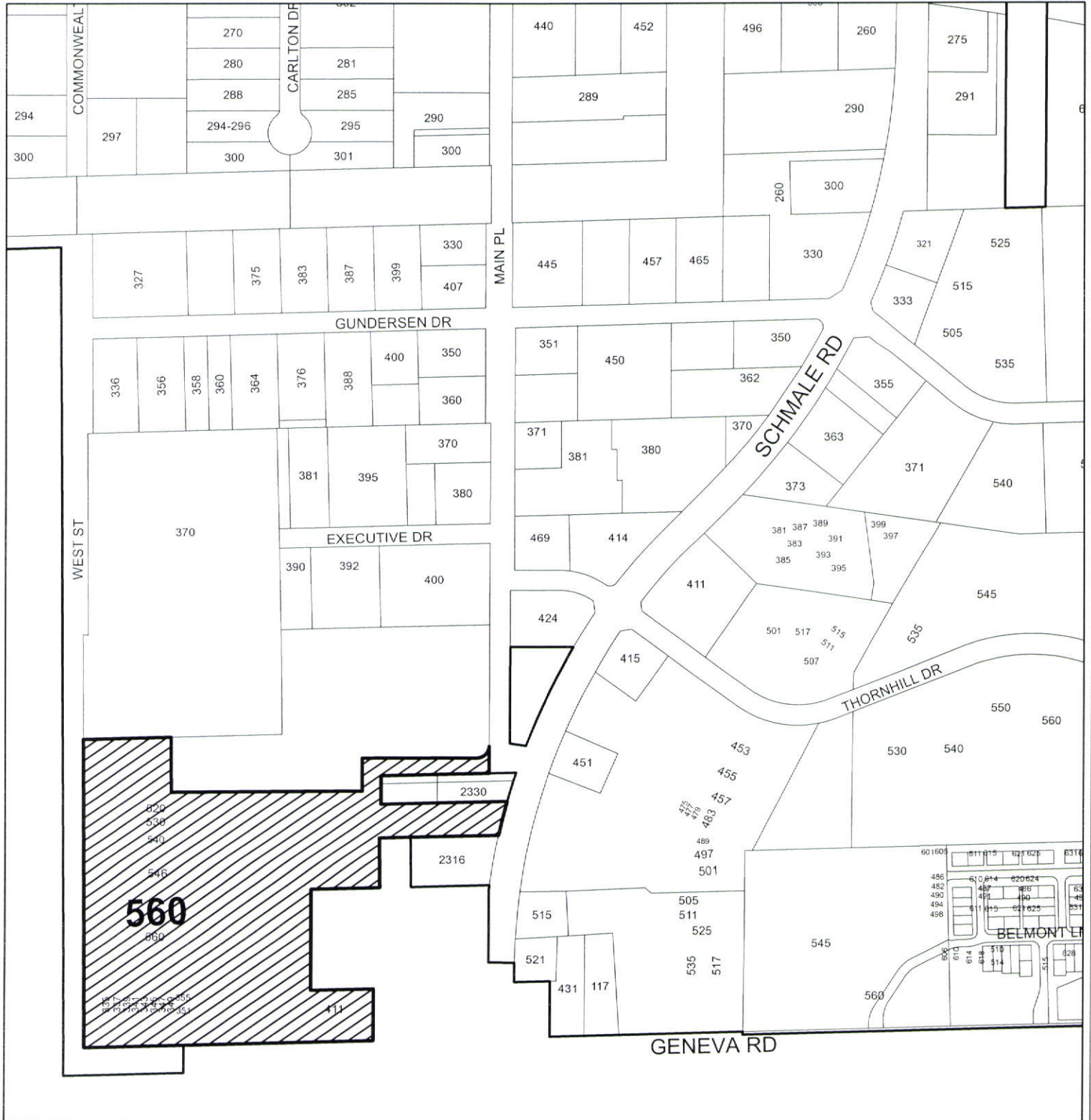
1. That the propane cages must be kept locked, and that access to the cages must be limited to Dominick's or Blue Rhino employees;
2. That "no smoking" signs must be posted in the immediate vicinity of the cages;
3. That a Hazmat Placard indicating the type of gas and any health hazard(s) must be posted in the immediate vicinity of the cages;
4. That the cages must be located at least 15 feet from any door or building opening; and
5. That the tanks must be stored in an approved, secure enclosure, protected from vehicle impact as approved by the Fire District.

DTB:db

11122a.bluerhinodominicks.minorpud

# Village of Carol Stream

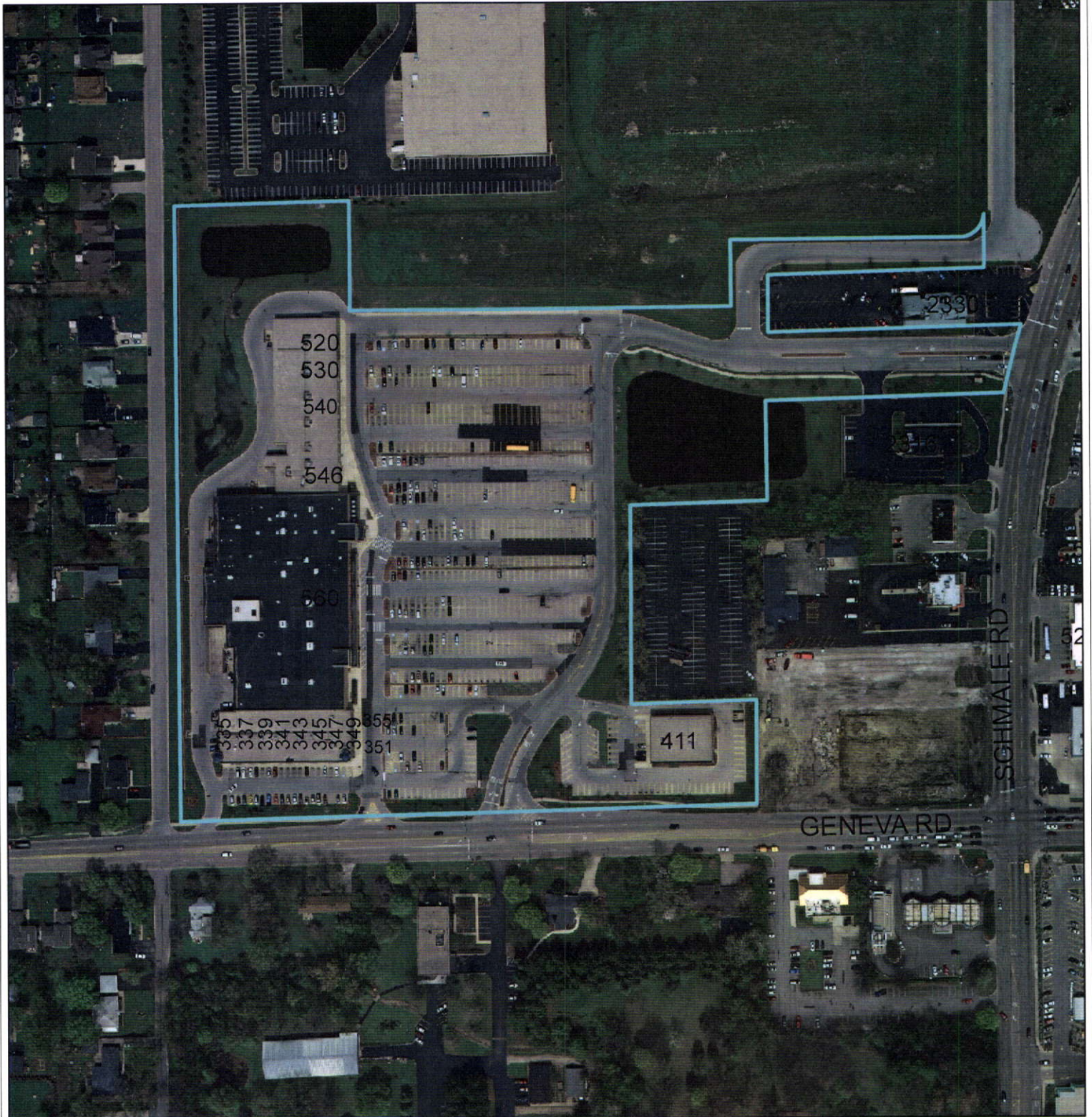
11122 - Blue Rhino LLC for Dominick's Finer Foods - 560 S. Schmale Road  
Planned Unit Development - Minor Modification





# Village of Carol Stream

11122 - Blue Rhino LLC for Dominick's Finer Foods - 560 S. Schmale Road  
Planned Unit Development - Minor Modification





4/28/2011



24260 S. Northern Illinois Drive  
Channahon, IL 60410  
815-521-2970 Voice  
815-521-2964 Fax

### LETTER OF REQUEST

We are requesting permission to install two free-standing aluminum cages, each containing eighteen 20lb propane-filled cylinders for retail purposes at the following Carol Stream location:

Dominicks #1149  
560 Schmale Rd.

- The cages would be kept locked with a heavy duty padlock, accessible only by the retailer and a Blue Rhino representative.
- Delivery hours would be dictated by our routing schedules, and by customer's receiving hours. Delivery trucks are generally routed Sunday – Saturday between 6:00a.m. and 7:00p.m.
- The dimensions of the cage are as follows:  
**Height: 70" Width: 44" Depth: 29"**
- Fire Code followed: NFPA58
  - Will comply with locally adopted fire codes, ordinances, amendments

*Additional information available upon request.*

Thank you for your consideration.

**Lynn Misener**, Administrative Assistant  
***Blue Rhino-It's Not Just Propane***





Blue Rhino of Chicago, LLC  
24260 S. Northern Illinois Dr.  
Channahon, IL 60410-5111  
Phone: 815-521-2970  
Fax: 815-521-2964

May 12, 2011

To: Don Bastian, Director of Community Development  
Fr: Lynn Misener, Blue Rhino Administrative Assistant  
Re: Dominicks' Zoning Ordinance Variance Application

Don,

On April 27, I mailed a packet of materials to the village as part of our customer, Dominicks' application for a variance to the current zoning ordinance that would allow them to sell Liquid Propane.

I was informed on May 2 by Linda that the plan commission would need to see pictures of the retailer's location to aid in their review. Enclosed you will find several pictures that our Blue Rhino Install Representative recently took of the building and surrounding parking lot.

Please do not hesitate to contact me with any questions or concerns.

Thank you,

Lynn Misener, Admin Assistant  
**Blue Rhino-Its Not Just Propane!**  
24260 S. Northern Illinois Dr.  
Channahon, IL 60410  
815-521-2970 x2

RECEIVED  
MAY 13 2011  
COMMUNITY  
DEVELOPMENT DEPT

RECEIVED  
MAY 02 2011  
COMMUNITY  
DEVELOPMENT DEPT

<b>Do Not Write in This Space</b>	
Date Submitted:	<u>5/2/11</u>
Fee Paid:	<u>\$500.-</u>
Hearing Date:	_____
File Number:	<u>1122</u>
Public Hearing:	<input type="checkbox"/>

# Village of Carol Stream

500 N. Gary Avenue ▪ Carol Stream, IL 60188  
630.871.6230 ▪ FAX 630.665.1064

FORM A

## GENERAL APPLICATION FOR PUBLIC HEARINGS AND OTHER REQUESTS

1. Name of Applicant Dominicks #1149 Phone 630-681-1283  
Address 560 Schmale Rd. Fax \_\_\_\_\_  
E-Mail Address \_\_\_\_\_  
Name of Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
(if represented)  
Address \_\_\_\_\_ Fax \_\_\_\_\_  
Name of Owner REGENCY CENTERS Phone \_\_\_\_\_  
(required if other than applicant)  
Address 1211 W. 22nd St. Ste 300 OAK Brook Fax \_\_\_\_\_  
Name of Architect \_\_\_\_\_ Phone \_\_\_\_\_  
(if applicable)  
Address \_\_\_\_\_ Fax \_\_\_\_\_
2. Common Address/Location of Property 560 Schmale Rd.
3. Requested Action (check *all* that apply)
- |  |  |
|--|--|
| _____ Annexation                             | _____ Gary/North Avenue Corridor Review                |
| _____ Planned Unit Development (Preliminary) | _____ Text Amendment                                   |
| _____ Planned Unit Development (Final)       | _____ Variation - Fence                                |
| _____ Special Use Permit                     | _____ Variation - Sign                                 |
| _____ Subdivision (Preliminary)              | <input checked="" type="checkbox"/> Variation - Zoning |
| _____ Subdivision (Final)                    | _____ Zoning Change                                    |
|  | _____ Other  |

Describe requested action Permission to have two aluminum  
free-standing LP cages (36 total cylinders) on outside of  
building for retail purposes. (OUTSIDE SALES)



4. Attachments (check *all* items submitted)

- General Application - Form A
- General Variation Application - Form B-1
- Sign Code Variation Application - Form B-2
- Fence Code Variation Application - Form B-3
- Special Use Application - Form C
- Application for Development Approval - Form D
- Gary/North Avenue Corridor Application - Form E
- Plat of Survey with Legal Description
- Site Plan\*
- Landscape Plan\*
- Plat of Annexation\*
- Preliminary Subdivision Plat\*
- Final Subdivision Plat\*
- Preliminary Planned Unit Development Plan\*
- Final Planned Unit Development Plan\*
- Drawings of Proposed Sign\*
- Horizontal Building Elevations\*
- Floor Plan\*
- Proof of Ownership or Written Consent From Property Owner
- Cover Letter
- Application Fee (amount) \$500.00

\* Please submit 7 full size drawings and one legible 11" x 17" reduced reproducible copy of full size drawings. Additional copies may be required depending upon the specific application. Consult staff with any questions concerning the submittal requirements.

**All full size drawings *must be folded not rolled.***

5. Petitioner Certification

I have received a copy of the informational handout for the zoning process for which I am making an application, along with the attached information regarding the application deadlines, public hearing schedule and site plan requirements. I am familiar with those code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I further understand that any late, incomplete or non-conforming submittal may delay scheduling of the public hearing.

Lynn Misener  
Print Name  
Lynn Misener  
Signature  
4-28-11  
Date









Approximate location  
of propane tank cages,  
beneath building over-  
hang, south of dual  
revolving door entrance