

Village of Carol Stream

AGENDA

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, JANUARY 11, 2021, AT 6:00 P.M.

*ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON
MEETING TO BE HELD ELECTRONICALLY*

- I. Roll Call: Present:
Absent:

- II. Approval of Minutes: December 14, 2020

- III. Public Hearing:

Presentation:
20-0030 - **Badway RE Investments, LLC – 27W371 North Avenue**
Plat of Subdivision

- IV. Old Business:

- V. New Business:

- VII. Report of Officers:

- VI. 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
December 14, 2020.***

Chairman Parisi called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:02 p.m. and directed Patty Battaglia, Planning and Permitting Assistant, to call the roll.

The results of the roll call vote were:

Present: 7 Commissioners Christopher, Petella, Battisto, Tucek, Morris (having technical issues) and Chairman Parisi, Commissioner Meneghini (arrived 7:27 p.m.)

Absent: 0

Also Present: Tom Farace, Planning and Economic Development Manager; Patty Battaglia, Planning and Permitting Assistant and a representative from County Court Reporters.

*All persons remotely called in at meeting unless noted otherwise.

MINUTES:

Commissioner Battisto moved and Commissioner Christopher seconded the motion to approve the minutes of the Regular Meeting held on October 26, 2020.

The results of the roll call vote were:

Ayes: 4 Commissioners Christopher, Tucek, Morris and Parisi

Nays: 0

Abstain: 2 Commissioners Petella, Battisto

Absent: 1 Commissioner Meneghini

The motion passed by majority vote.

MINUTES:

Commissioner Battisto moved and Commissioner Christopher seconded the motion to approve the minutes of the Special Workshop held on November 23, 2020.

The results of the roll call vote were:

Ayes: 5 Commissioners Christopher, Battisto, Tucek, Morris and Parisi

Nays: 0

Abstain: 1 Commissioner Petella
Absent: 1 Commissioner Meneghini

The motion passed by majority vote.

PUBLIC HEARING:

Chairman Parisi asked for a motion to open the Public Hearing. Commissioner Christopher moved and Commissioner Petella seconded the motion.

The results of the roll call vote were:

Ayes: 6 Commissioners Christopher, Petella, Battisto, Tucek, Morris, and Chairman Parisi
Nays: 0
Abstain: 0
Absent: 1 Commissioner Meneghini

The motion was passed by unanimous vote.

Chairman Parisi read a statement regarding conducting the meeting electronically per the Governor's Disaster Proclamation reissued November 13, 2020, and the Governor's Executive Orders. Public comments will be addressed at the appropriate time. Mr. Farace added no emails or public comments have been submitted prior to the meeting.

Chairman Parisi asked for questions or comments pertaining to the declaration. There were none.

20-0027– My Property Holdings, LLC (Crash Champions) / 125 Stark Drive – Special Use Permit for an Auto Repair Storage Garage, Zoning Map Amendment from B-2 to B-3, Setback Variation, Fence Code Variation and Gary Avenue Corridor Review

Chairman Parisi swore in Matt Ebert, Mark Kehoskie, Jorge Herrera, Gabe Garcia and Quinten Hoogenboom representatives of Crash Champions, 125 Stark Dr., Carol Stream, IL.

Mr. Kehoskie stated that he is requesting approval of a map amendment from B-2 to B-3, a special use permit for an auto repair storage garage and two variance requests, one to reduce the required corner side yard from 100 feet to 64 feet, and one to allow a fence to be located in the front yard. Additionally, the petitioner hopes to receive approval under the Gary Avenue corridor review. The petitioner believes it meets the findings of fact as identified by the Village Code for each request.

Chairman Parisi asked for questions or comments from the public. There were none.

Chairman Parisi asked Mr. Farace for the Staff Report.

Mr. Farace stated that the petitioner is seeking approval of a rezoning request from B-2 (general retail district designation) to B-3 (service district). B-3 is designed to provide more diversified business types which by the nature of their use place a greater impact on the land and the surrounding uses which are both commercial and industrial, with unincorporated properties to the North and West. Staff is supportive of the upgrades being proposed to both the building and the site itself and is comfortable to rezone the property to B-3.

Mr. Farace stated staff is also supportive of the special use for an auto repair storage garage request to have the vehicles stored on the property in conjunction with automotive repair or body work. The building is just under 15,000 square feet and will be renovated with some additional repair equipment and installation of spray booths inside as well as a detail area and office space. There will also be a 6,500 square foot addition on the south side to include the body shop extension, office and restroom space, and lobby or entrance. Façade and landscape upgrades were also proposed. The property has more than enough parking to meet the needs or demands of our code requirements. Based on the abundance of parking and upgrades being proposed, staff can support the special use request.

Mr. Farace mentioned the building setback along Stark Drive which is the same within the B-3 District as it would be along Gary Avenue because it is technically a front yard or corner side yard. Due to the building addition proposed, the 100 feet setback would be reduced to 64 feet. Usually larger buildings like shopping centers are setback farther from the roadway, but this building will still be set back a decent distance from Stark Drive. There will be landscaping and the drive aisle and parking itself in between the right of way along Stark Drive and the building. Staff feels comfortable with supporting the variation request in this instance.

Mr. Farace stated the fence variation is to allow a fence to be located in the front of the building where the storage area will be located for vehicles needing service. The fence is decorative, will have stone panels in between PVC posts and those posts will have decorative caps. It will be stylish and be 200 feet away from the roadway itself. This has been allowed at other locations, however, because there is no back area on this property, there is not any other location for vehicles to be stored. Given the distance from the roadway and the fact it will be a nicely designed fence, staff feels comfortable supporting the variation to allow a fence to be located in front of the building.

Mr. Farace stated the Gary Avenue corridor review encapsulates everything, building and site design, landscaping, fencing and signage. Site design has no substantial changes other than modifying the parking area on the south side due to the addition. An elongated landscape island centrally located on the property as well as landscaping along the foundation of the building and the perimeter of the property all meet our requirements along Gary Avenue. In regards to architectural design, the masonry on the existing building will be stained a grayish color with additional charcoal brick with stainless metal panels on the addition will be installed. The fence will be nicely designed and there will be a monument style sign along both Gary Avenue and Stark Drive that also meets our requirements of being more decorative. Although staff recommends landscape around the base of the sign located on Gary Avenue, we are supportive of all requests for the project and are recommending approval.

Chairman Parisi asked for questions from the Commission.

Commissioner Tucek commented about the Aldi sign and then asked if it was disrupted by the trail project moving forward and if the new sign is going where the old sign was located?

Mr. Farace stated he believed they are in similar locations which would be fine and the skeleton of the existing sign is still in place.

Chairman Parisi recommended the fencing be changed from a faux-stone with PVC (which is more of a residential type), to a corrugated metal fence for a more homogenous look for architectural purposes.

Mr. Garcia stated metal looks good for the first few years and requires a lot of maintenance and upkeep. He mentioned there will be quite a bit of plantings and landscaping in front of the fence.

Mr. Ebert asked if they would have to come back to the Plan Commission in regards to the fence.

Chairman Parisi recommended they do not have to come back to Plan Commission but staff should decide on the final fence product.

Chairman Parisi asked Mr. Kehoskie or Mr. Ebert if he was comfortable with the trash enclosure location in the front yard and recommended it be relocated to the north.

Mr. Kehoskie noted the trash enclosure Chairman Parisi is referring to is not Crash Champions.

Mr. Farace stated the dumpster is for the restaurant property which was built on an out lot.

Chairman Parisi asked for any other questions or comments from the Commission and Commissioner Tucek agreed with Chairman Parisi's assessment of the fence. Commissioners Christopher, Meneghini, Morris, Petella and Battisto had no questions or comments.

Chairman Parisi asked for a motion to recommend approval for Case No. 20-0027. Commissioner Petella moved and Commissioner Tucek seconded the motion with a condition about the fence matching the building material.

The results of the roll call vote were:

Ayes: 6 Commissioners Christopher, Petella, Battisto, Tucek, Morris, and Chairman Parisi
Nays: 0
Abstain: 1 Commissioner Meneghini
Absent: 0

The motion was passed by majority vote.

This case will go before the Village Board of Trustees on either Monday, December 21, 2020, at 6:00 PM or Monday, January 4, 2021, at 6:00 PM for formal approval, and staff will let the applicant know the exact date.

20-0028 – Grunt Style, LLC / 400 E. Fullerton Avenue – Special Use Permit for Retail Sales in the Industrial District

Chairman Parisi swore in the petitioner, Rick Posey, COO of Grunt Style, 400 E. Fullerton Avenue, Carol Stream, IL.

Mr. Posey requested approval for Grunt Style to open an outlet store, customer services and production facility. They sell a broad selection of printed t-shirts, hoodies, hats, masks, premium apparel.

Chairman Parisi has asked for any questions from the general public. There were none.

Mr. Farace stated special use is being requested at the Grunt Style location of 400 E. Fullerton Avenue. The company will be occupying 1,200 square feet for their outlet store. There is enough parking to meet their demand and staff recommends approval of their request.

Chairman Parisi asked if there were any questions from the Commission.

Commissioner Petella asked if there would be washroom facilities toward the front of the building since he didn't see them on the blueprint.

Mr. Posey stated there will be restroom facilities.

Commissioners Christopher, Meneghini, Morris, Tucek, Battisto and Chairman Parisi had no questions or comments.

Chairman Parisi asked for a motion to approve Case No. 20-0028. Commissioner Meneghini moved and Commissioner Christopher seconded the motion.

The results of the roll call vote were:

Ayes: 7 Commissioners Christopher, Petella, Battisto, Meneghini, Tucek, Morris, and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 0

The motion was passed by unanimous vote

This case will go before the Village Board of Trustees either on Monday, December 21, 2020, at 6:00 PM or Monday, January 4, 2021, at 6:00 PM for formal approval, and staff will let the applicant know the exact date.

OLD BUSINESS:

OTHER BUSINESS:

Mr. Farace asked if the PC/ZBA meeting on December 28, 2020 could be cancelled.

Chairman Parisi asked for a motion to cancel the meeting on December 28, 2020:

Commissioner Christopher moved and Commissioner Meneghini seconded the motion to cancel the December 28, 2020 meeting.

Ayes: 7 Commissioners Christopher, Petella, Battisto, Meneghini, Tucek, Morris, and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 0

ADJOURNMENT:

At 7:49 p.m. Commissioner Christopher moved and Commissioner Petella seconded the motion to adjourn the meeting.

The results of the roll call vote were:

Ayes: 7 Commissioners Christopher, Petella, Battisto, Meneghini, Tucek, Morris, and Chairman Parisi

Nays: 0

Abstain: 0

Absent: 0

The motion was passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

Patty Battaglia
Planning and Permitting Assistant

Minutes approved by Plan Commission on this ____ day of _____, 20____.

Chairman

Village of Carol Stream Plan Commission/Zoning Board of Appeals

STAFF REPORT

January 11, 2021

TO:
Chairman and Plan
Commissioners

FROM:
Community Development
Department

CASE MANAGER:
Tom Farace, Planning &
Economic Development
Manager

ACTION REQUESTED:
The applicant is requesting
approval of the following:

- Plat of Subdivision in accordance with Section 7-2-6 of the Subdivision Code

APPLICANT/ CONTACT:

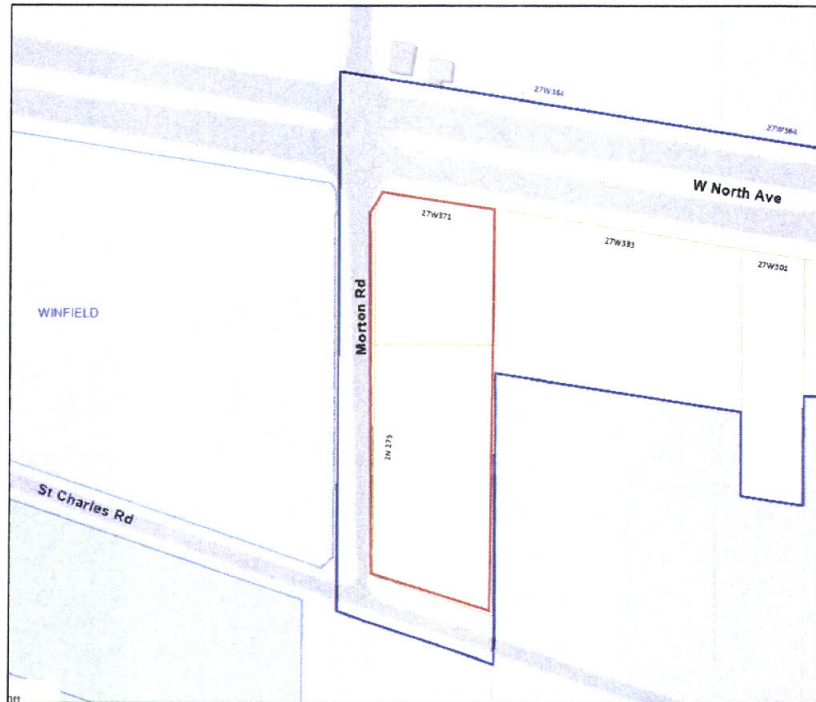
Mr. John A. Badway
Badway RE Investments LLC
311 Harrison Street
West Chicago, IL 60185



CASE #: 20-0030

LOCATION: 27W371 North Avenue

PROJECT NAME: Badway RE Investments LLC



LOCATION	ZONING DISTRICT	LAND USE	COMPREHENSIVE PLAN DESIGNATION
Subject Property	B-2 General Retail District	Corridor Commercial (T42 Restaurant)	Corridor Commercial
North	Unincorporated DuPage County R-2 Single-Family Residence District	Local Commercial (Trine Construction)	Local Commercial
South	Unincorporated DuPage County R-3 Single-Family Residence District	Open Space (Glasshagel Fields)	Open Space
East	B-3 Service District	Corridor Commercial (Chicago Motor Cars)	Corridor Commercial
West	Village of Winfield SC-PD St. Charles Road Corridor Planned Development District	Industrial (Industrial Building)	Industrial

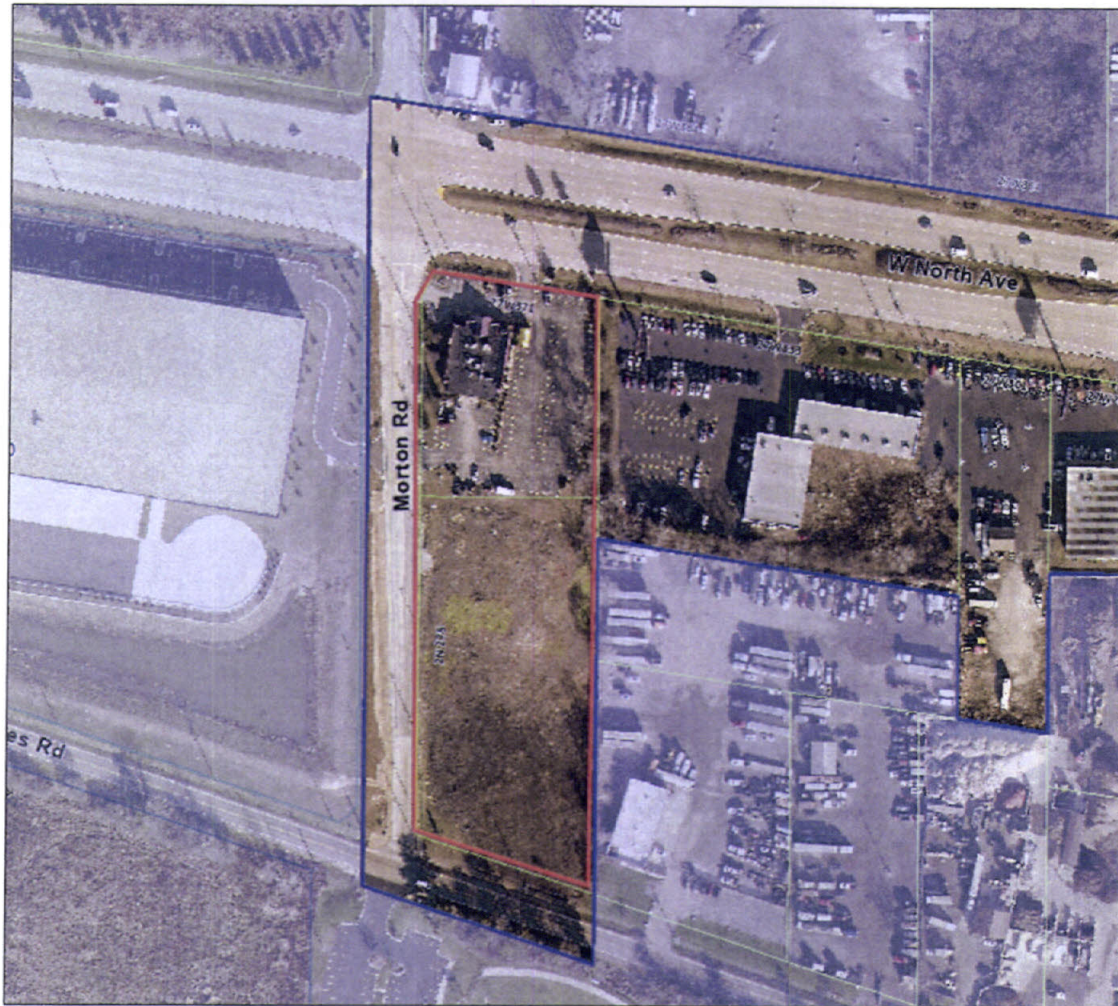
The property, outlined in red in the above map, is located at the southeast corner of North Avenue and Morton Road.

Site Assessment

COMPREHENSIVE PLAN DESIGNATION:

The north lot in the subdivision is designated for corridor commercial uses and the south lot in the subdivision is designated for industrial uses according to the Village's 2016 Comprehensive Plan.

AERIAL PHOTOGRAPH:



Project Summary

ATTACHMENTS:

Attached for review is the General Application, cover letter from Mr. Badway dated October 21, 2020, and Plat of Subdivision (Exhibit A).

BACKGROUND:

The applicant requests approval of a plat of subdivision for property at the southeast corner of North Avenue and Morton Road that was improperly subdivided in 2007. The subject property was subject to the terms of a pre-annexation agreement entered into by the previous owner and the Village of Carol Stream in 1996. Among the terms of the pre-annexation agreement was that any development of the property, including subdivision, was subject to review and approval by the Village.

The applicant, who is the current owner of the north lot (Lot 1), entered into an agreement in the mid-2000s to subdivide and sell the southern portion of the property (Lot 2) to a developer. The development proposal included annexing the entire subject property into the Village and subdividing the property into two lots. Lot 1 would be 1.31 acres and include the existing restaurant building and associated parking, and Lot 2 would be 2.27 acres and include a proposed office/warehouse building.

The entire property was annexed into the Village in 2017, but the office/warehouse project never moved forward. In addition, the developer erroneously recorded the two-lot plat of subdivision with the DuPage County Recorder of Deeds in 2007 (known as Kyle’s Corner Subdivision; Exhibit A), without proper review and approval by the Village of Carol Stream and signatures by Village officials on the plat. The recording of the subdivision plat was discovered years later, and the applicant now requests approval of the plat to facilitate the sale of Lot 1.

Staff Analysis

PLAT OF SUBDIVISION

As mentioned, the plat of subdivision was already recorded with DuPage County in 2007. For subdivisions such as this, the review process is largely a technical, document review exercise. There are no issues related to neighborhood layout, impact fee donations or infrastructure improvements, as is the case with residential subdivisions. In accordance with the Village’s customary process for these types of subdivisions in most circumstances, staff presents the plat of subdivision to the PC/ZBA for a review and recommendation. It should be noted that a separate plat of easement will be reviewed by the Village Board which denotes the granting of additional utility easements.

Recommendation

Staff recommends approval of the plat of subdivision for Badway RE Investments LLC (Kyle’s Corner Subdivision), Case No. 20-0030.



Do Not Write in This Space
 Date Submitted: 12/17/20
 Fee Submitted: \$400
 File Number: 20-0030
 Meeting Date: 1/11/21
 Public Hearing Required: Y

Village of Carol Stream

500 N. Gary Avenue ▪ Carol Stream, IL 60188

PHONE 630.871.6230 ▪ FAX 630.665.1064

www.carolstream.org

FORM A

**GENERAL APPLICATION
 PUBLIC HEARINGS AND DEVELOPMENT APPROVAL REQUESTS**

1. Name of Applicant John A. Badway Phone 630-204-4999
 Address 311 Harrison St. West Chicago 60185 Fax —
 E-Mail Address jbadway@gmail.com
 (required)
 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 27W371 North Ave

3. Requested Action (check all that apply)
- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Gary/North Avenue Corridor Review |
| <input type="checkbox"/> Planned Unit Development – Preliminary | <input type="checkbox"/> Text Amendment |
| <input type="checkbox"/> Planned Unit Development – Final | <input type="checkbox"/> Variation – Zoning (requires Form B-1) |
| <input type="checkbox"/> Special Use Permit (requires Form C) | <input type="checkbox"/> Variation – Sign (requires Form B-2) |
| <input type="checkbox"/> Subdivision – Preliminary | <input type="checkbox"/> Variation – Fence (requires Form B-3) |
| <input checked="" type="checkbox"/> Subdivision – Final | <input type="checkbox"/> Zoning Change |
| | <input type="checkbox"/> Other |

Describe requested action Correction of recorded Subdivision
Done by David Schonbeck 2006 or 2007
Adding Easements on East & West Lot Lines

4. After referring to the specific process handout(s) relevant to this application, please indicate below the items that are included with the submittal.

- 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 Signs
- Horizontal Building Elevations
- Floor Plan
- Proof of Ownership or Written Consent From Property Owner
- Project Narrative/Cover Letter
- Total Application Fee \$ 400

Please submit three (3) full size drawings and one legible 11 by 17 inch reduced reproducible copy of full size drawings, along with a USB flash drive with plans and associated documents saved as pdf or zip files. Additional sets of plans may be required for certain applications. Please contact Village staff with any questions concerning the submittal requirements. **Full size drawings should be folded not rolled.**

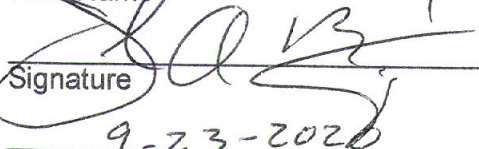
5. Applicant Certification

*I authorize the Village of Carol Stream to install a temporary sign or signs on the property having the common address indicated in Item 2 on this form, for the purpose of notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have reviewed a copy of the informational handout(s) for the zoning process(es) for which I am making an application. I am familiar with the code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I understand that incomplete or substandard submittals may increase the staff review time and delay scheduling of the public hearing. I also understand that, per § 6-13-6 of the Municipal Code, the Village's costs of legal reviews, structural engineering review, and other special reviews determined to be necessary by the Community Development Director, performed by means of consultant services, shall be paid at the billed rate to the Village by the applicant.

John A. Badway
Print Name


Signature

9-23-2020
Date

October 21, 2020

RECEIVED
DEC 17 2020
COMMUNITY DEVELOPMENT
DEPT

To Mayor Saverino and the Board of the Village of Carol Stream

Regarding: 27W371 North Ave at Morton Rd and vacant property to the south to St. Charles Rd.
Formerly Jimmy's Cock and Bull, Brian's Charhouse, JOHN & TONY'S Restaurant and now T42

With this writing I wish to address Sewer and Water easement deficiencies brought to my attention in the Kyles Corner Plat of Subdivision recorded in DuPage County by David Schonback in 2007.

Many years ago, I entered into an agreement to sell the southern adjacent piece of land to David Schonback, an experienced licensed Real Estate Sales Broker with ownership of several investment properties. The timing of the contract, as I recall, allowed Mr. Schonback over a year to obtain financing and DuPage County approvals necessary to build a Planned Unit Development of his design.

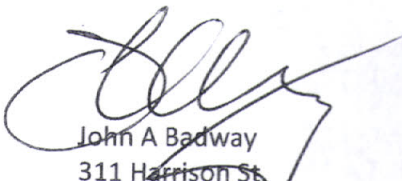
Mr. Schonback was required to obtain approval from Carol Stream as well because of an existing pre-annexation agreement. David Schonback informed me at some point that he was satisfied with his approved plan, had recorded the plat of subdivision at the DuPage County recorder's office and was ready to close. He had also obtained financing and was anxious to get started on his project.

I was unaware that there was a concern with the recorded plat for years. The issue was presented to me by the newest owner of the land to the south of my restaurant through Lynda Vasquez, his lawyer. A phone conversation with Don Bastian convinced me to cooperate with Ms. Vasquez request and I did. More than a year later; however, with no further communication from Ms. Vasquez because her client dropped his plan to develop, I again called Don Bastian for advice. He convinced me that the costs to correct the defects would be doing the right thing.

On 10-21-2020 I contacted Sue at the Kane-DuPage Water Conservation District office. After explaining the subdivision application situation and the fact that I am not developing the property at this time, she said that a review at this time is not required.

Therefore, I hereby petition the Village Board of Carol Stream to aid me in correcting the missing sewer and water easements. My hope is that we have done the right thing and repaired any deficiencies with the Village of Carol Stream. I also wish to thank your competent staff that researched, explained, and encouraged me to take these steps forward.

Sincerely;



John A Badway
311 Harrison St
West Chicago Il. 60185

