

**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

July 22, 2013

Chairman Angelo Christopher 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 Angelo Christopher and Commissioners Dee Spink, Frank Petella, David Hennessey and David Creighton

Absent: Commissioners Ralph Smoot and James Joseph

Also Present: Robert Glees, Community Development Director, Linda Damron, Secretary and a representative from DuPage County Court Reporters.

MINUTES:

Commissioner Hennessey moved and Commissioner Creighton made the second to approve the minutes of the meeting of June 10, 2013.

The results of the roll call vote were:

Ayes: 4 Commissioner Spink, Hennessey, Creighton, and Petella
Nays: 0
Abstain: 1 Chairman Christopher
Absent: 1 Commissioner Smoot

James Joseph arrived at 7:34, after Roll Call and Approval of the Minutes

PUBLIC HEARING:

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

**Case # 13150 – Dan and Stacey Neurock – 552 Burke Drive
Variation - Zoning Code**

Chairman Christopher swore in the witness, Dan Neurock of 552 Burke Drive, Carol Stream, IL 60188. Mr. Neurock stated that he purchased his home in 2000 and in 2007 he applied for a permit to resurface his driveway and in the process of the approval of that permit, someone from the village was out to his home and found that a few things were not up to snuff so to speak, there was no permit for the gazebo, or patio. Mr. Neurock stated that both of the structures were installed by the previous owners, without the required permits. Mr. Neurock stated that he did obtain a permit for the patio; Mr. Neurock stated that because the gazebo was in the easement he was given an application and checklist to complete so he could come before the Plan Commission to get the approvals he would need to have the gazebo remain in its current location. Mr. Neurock stated that he did get the written consent from the utility companies and he did follow the checklist to the letter and was told he would get a call when he was to come to a Plan Commission hearing and when he did not receive a call, he made several calls to inquire about the hearing he was told

someone would check when his case would go before the Plan Commission and he would get a call back. Mr. Neurock stated that he did not get a call back. Mr. Neurock stated the next time he received a call was in 2010, from a village administrator that he found an open file and he would like to close the file and at that time he asked me if I could give him some history on the file. Mr. Neurock stated he did give the village administrator the history of the file. Mr. Neurock stated that the village administrator told him that the next step would be the village's and he would be in touch and again Mr. Neurock stated that no one got back to him. Mr. Neurock stated that in May of 2013 he received a letter and a phone call stating that there was an open file and the village would like to close the file. Mr. Neurock stated that by this time he was a little frustrated with the process, but he is resigned to either the village is going to allow it remain or he will have to dismantle the gazebo. Mr. Neurock stated that he would like to see the gazebo remain and it does not hinder anything, or interfere with any drainage. Mr. Neurock asked the Plan Commission to allow the gazebo to remain where it is located.

Chairman Christopher asked if anyone from the audience had any questions. There were no questions from the audience.

Chairman Christopher asked Community Development Director Mr. Robert Glees for the staff report.

Community Development Director Mr. Robert Glees stated that Mr. and Mrs. Neurock purchased their home at 552 Burke Drive in 2000 and upon applying for a driveway permit in 2007, it was discovered that the gazebo was installed by the previous property owner without the required permit. Mr. Glees stated that the gazebo is located within a 10 foot drainage and utility easement along the rear lot line and is also located three feet from the rear lot line instead of the required 5 feet. Mr. Glees stated that Mr. Neurock did go through the process of coordinating with the utility agencies and the Public Works and Engineering Services Departments in order to pursue an easement encroachment to allow the gazebo to remain within the easement area. Mr. Glees stated that all of the agencies indicated that they had no objections to the gazebo remaining in the current location. Mr. Glees stated that a rear lot line setback variation would also need to be approved in order to allow the gazebo to remain in its current location, because it is set back 3 feet instead of the 5 feet that is required. Mr. Glees stated that staff has reviewed this case and they find that the requirements for a variation for a rear yard setback have been met and staff recommends approval of the rear lot line setback variation with the conditions listed on page 4 of the staff report, which includes that the gazebo needs to be maintained in good condition and that in the event that the gazebo needs to be reconstructed, it would need to meet the current requirements that would exist at that time.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioners Hennessy, Spink, and Petella did not have any questions.

Commissioner Creighton wanted to express his appreciation for Mr. Neurock's patience in regards to this matter, and willingness to be in compliance in this matter, which was not your doing, it speaks of your character, and is a credit to the kind of citizenship you have for this village.

Commissioner Joseph had a question for staff, Mr. Glees, do we know why it took five years to get this file closed and are there any others that may be hanging out there that no one knows about.

Mr. Glees stated that what happened with Mr. Neurock is that the case was in the process of being reviewed as an easement encroachment, and the staff member who was handling the case at that time (I can't speak for him), is no longer with the Village. Mr. Glees stated that this staff member

had a box of items that were being worked on, and there was a note indicating he was waiting for a permit application. Mr. Glees stated that this staff member left the village in 2008.

Commissioner Joseph stated that he was not trying to put Mr. Glees on the spot, and wanted to know if this was the second person working on this case, because Mr. Neurock stated that he received several calls from a staff member.

Mr. Glees stated that he did not know who contacted Mr. Neurock in the interim. Mr. Glees stated that he was the one that found the case file within the last six months and discussed with staff what needed to be done to follow up and at that time he asked a staff member to call Mr. Neurock and he followed up with a letter. Mr. Glees stated at this time, staff indicated what the process was for Mr. Neurock to clear the gazebo and staff also indicated in accordance with the policy laid out by the Village Board for the necessary approvals for the structure, including zoning approvals and building permit approvals, for work done by a previous property owner that the fees would be waived.

Mr. Glees stated that there has been department restructuring and reorganization processes and improvements, which the department has been undertaking for the past 5 years; one of the improvements is a monitoring structure for cases that are in progress.

Chairman Christopher wanted to know if the village received the clearance letters from all the utility companies.

Mr. Glees stated that the village did have all the clearance letters.

Commissioner Spink moved and Commissioner Hennessey made the second to approve the request for a variation for Rear Setback for a gazebo subject to the recommendations listed in the staff report.

The results of the roll call vote were:

Ayes: 6	Chairman Christopher and Commissioner Spink, Petella, Hennessey, Creighton, and Joseph
Nays: 0	
Abstain: 0	
Absent: 1	Commissioner Smoot

Chairman Christopher reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting, at which time the Board would take final action on the matter.

**Case # 13158 – Rainbow Academy/Karen Daniel-Erwin – 1276 Kuhn Road
Special Use Permit – Daycare Center
Variation – Fence Code**

Chairman Christopher swore in the witnesses, Karen Daniel-Erwin and Jim Erwin of 1280 Kuhn Road, Carol Stream, IL 60188. Mr. Erwin wanted to thank the Plan Commissioners for hearing about the expansion of Rainbow Academy. Mr. Erwin stated that his wife Karen opened Rainbow Academy about 30 years ago at the shopping center located on the corner of Country Farm Road and Army Trail Road. As the years went by the daycare center expanded into several units in that strip mall. Mr. Erwin stated about seven years ago they had the opportunity to purchase a piece of property on Kuhn Road and Army Trail Road, and constructed a state of the art daycare center, with the same felicity of good quality daycare we are growing again and what we would like to do is

take over 1270 Kuhn Road, which is directly to the east of our building. Mr. Erwin stated they would like to open up a room for the school aged children. Mrs. Karen Daniel-Erwin stated that the concept for the expansion is to create an atmosphere like coming home, and be more casual. Mrs. Daniel-Erwin stated that there will be a state of the art kitchen that will be accessible where the children can get their own snacks, library for studying, game room, theater and craft rooms.

Chairman Christopher asked if anyone from the audience had any questions. There were no questions from the audience.

Chairman Christopher asked Mr. Glees for the staff report.

Community Development Director Mr. Glees stated that the Rainbow Academy at 1280 Kuhn Road has been at its present location since 2006 in the 14,400 square foot standalone building. Mr. Glees stated that the Rainbow Academy wishes to expand, and they are interested in leasing the space at the east end of the neighboring building located at 1270 Kuhn Road. Mr. Glees stated that in order to do so, they are requesting an approval for a Special Use Permit and a Fence Code Variation. Mr. Glees stated that the expansion would be located at a 3,900 square foot tenant space at the east end of the 1270 Kuhn Road building, which is currently occupied by a liquor store and deli. Mr. Glees stated that the daycare expansion would serve about 65-75 school age children on an afterschool basis and the space would be configured to provide a variety of activity areas and would also include a 1,800 square foot outdoor playground that would be enclosed with a fence. Mr. Glees stated that with respect to the Special Use Permit for a daycare, staff has evaluated parking, drop-off and pick-up operations, traffic circulation and pedestrian facilities. Mr. Glees stated that as indicated in the staff report, staff finds that there is more than sufficient parking provided on the commercial property for the daycare expansion. Mr. Glees stated that with respect to the child drop-off and pick-up operations these would be done similar to the current daycare facility. When students are dropped off or picked up they must be escorted into or out of the building by a parent and with this system in place, children will always be under the supervision of an adult, and concerns related to children running unattended through the parking lot are minimized. Mr. Glees stated that with respect to the traffic circulation, with the present requirement for parents to escort their children into and out of the building, some of the concerns that might exist at other daycare facilities having vehicle drop-off lanes are avoided. Mr. Glees stated that traffic circulation exists around all four sides of the building and there is ample parking available. Mr. Glees stated that staff does not have any concerns with the respect to traffic circulation. Mr. Glees stated that with respect to pedestrian facilities the building and the outdoor playground is surrounded by sidewalk along all four side of the building. Mr. Glees stated that with the sidewalk in place, parents and students will be able to access the building entrance without having to walk across a parking lot drive aisle.

Mr. Glees stated that an outdoor playground is proposed and in order to comply with Department of Children and Family Services (DCFS) regulations, the playground is required to be enclosed by a fence, and since the playground is located in the front yard of the property a Fence Code Variation is necessary. Mr. Glees stated that when staff evaluated the fence being located in the front yard, staff discussed the design with the applicants. Mr. Glees stated that the applicants have addressed staff concerns by agreeing to install an attractive style of fence, like the fence materials the village has found acceptable in similar front yard applications at other locations in the village and by indicating that they have no plans to install large equipment or structures in the playground area.

Mr. Glees stated that the applicant is requesting a variance to the Fence Code to install a 4 foot tall fence just inside the sidewalk that surrounds the grass area on the east of the building. Mr. Glees stated that the fence will be about 90 feet from the front property line. Mr. Glees went on to explain the one of proposes of the Fence Code prohibition against fences in the front or corner

side yard is to promote open and attractive streetscapes. Mr. Glees stated that a few examples of fences that have been located in front or corner side yards include the tennis court at Glenbard North High School, the fence around the Coral Cove pool at the Simkus Center, and the fence across the street along the rear yards of the Central Park duplexes. Mr. Glees stated that staff has had discussions with the applicant about the fence design styles and the applicant is confident that DCFS will approve a fence similar to any of the styles listed and staff believes that a fence type can be determined that will be consistent with community appearances standards. Mr. Glees stated that staff is suggesting if the Zoning Board of Appeals had no objections staff would continue to work directly with the applicant on type of fence material at time of permit. Mr. Glees stated that staff finds the requirements for approval of the Special Use Permit and the Fence Code Variation have been met as indicated in the Finding of Facts listed in the staff report and staff recommends the approval of Special Use Permit for a daycare center at 1270 Kuhn Road, and the requested Fence Code Variation to install a four foot tall fence in the front yard subject to the conditions listed on page 7 of the staff report.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioner Creighton and Chairman Christopher did not have any questions.

Commissioner Joseph wanted to know the age of the children that would be at this facility.

Mrs. Daniel-Erwin stated that the children at this facility would be 1st and 2nd graders.

Commissioner Petella wanted to know if the applicant has been in contact with DCFS with regards to the height of the fence and would a 4 foot fence be high enough. Commissioner Petella also wanted to know with all the traffic is there any way something could be installed in front of the fence to prevent a car from rolling through the fence.

Mr. Erwin stated that they currently have a 4 foot chain link fence at Rainbow Academy now and which has been approved by DCSF.

Mrs. Daniel-Erwin stated that the DCFS code reads a 4 foot fence is the minimum that would be permitted.

Mr. Glees also stated that on page 5 of the staff report, staff has quoted the DCFS regulation that indicate that fences need to be at least 48 inches in height.

Mr. Erwin stated that there is a sidewalk and curb in front of the fence.

Commissioner Spink wanted to know if the applicant had any plans to install bollards in front of the fence. Commissioner Spink also wanted to know if there would be any shaded areas in the playground. Commissioner Spink wanted to know what would prevent a child from climbing the fence if a ball would go over the fence. Commissioner Spink thanked the applicant for staying in the community.

Mr. Erwin stated that they will be providing umbrellas at the picnic tables.

Mr. Erwin stated the children are always supervised and would not be climbing the fence for any reason.

Commissioner Hennessey stated the left turn off of Kuhn Road is difficult and wanted to know if there has ever been any discussion to re-stripe or reconfigure the entrance into the shopping center.

Mr. Glees stated that he would ask our Engineering Services Department and get back to the Plan Commissioners in an e-mail.

Commissioner Joseph moved and Commissioner Hennessey made the second to approve the request for a Special Use Permit for a daycare center and a variation to the Fence Code at 1270 Kuhn Road subject to the recommendations listed in the staff report.

The results of the roll call vote were:

Ayes: 6	Chairman Christopher and Commissioner Spink, Petella, Hennessey, Creighton, and Joseph
Nays: 0	
Abstain: 0	
Absent: 1	Commissioner Smoot

Chairman Christopher reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting, at which time the Board would take final action on the matter.

Case # 13165 – Lewis Jones of North American Commercial Construction / Owens and Minor Distribution, Inc. - 437- 515 Tower Boulevard Variation – Landbanked Parking

Chairman Christopher swore in the witness, Scot O'Flaherty of 437 Tower Boulevard, Carol Stream, IL 60188. Mr. O'Flaherty stated that he is here to request a variance to allow landbanked parking at 437-515 Tower Boulevard. Mr. O'Flaherty stated that his company is in the process of consolidating three distribution facilities, two of them in the Chicagoland area and one from the Madison facility. Mr. O'Flaherty stated that once all three facilities are consolidated, they will have 50 people in the front office and about 100 people in the warehouse, 157,000 square foot of this facility remaining empty. Mr. O'Flaherty stated that with the plans for the business that would go into the 157,000 square foot space, they do not anticipate adding more than 15 to 30 people to operate that extra space. Mr. O'Flaherty stated that in their Hanover Park distribution center, they have a lot of parking in their trailer court and they have office team mates that have to drive through that trailer court to get to their parking area and they do not like that. Mr. O'Flaherty stated that there is enough existing parking spaces at the 437 - 515 Tower Boulevard facility for their entire team, but we have chosen to request to make additional parking in the rear of the facility so their team would not have to park near the trailer court and with that additional parking they would have more than enough parking to satisfy their needs and they here tonight to ask for a variance for landbanked parking.

Chairman Christopher asked if anyone from the audience had any questions. There were no questions from the audience.

Chairman Christopher asked Mr. Glees for the staff report.

Community Development Director Robert Glees stated that Owens & Minor has leased the 515,497 square foot building at 437-515 Tower Boulevard for the use of a warehouse and distribution facility. Mr. Glees stated that the number of parking spaces that the Zoning Code requires for a building is usually based on the area of the various uses of space in the building, in the case of Owens and Minor 446 spaces are required. Mr. Glees stated that with Owens & Minor's employee count being relatively low they will not need the number of parking spaces required by the Zoning Code. Mr. Glees stated that Owens & Minor is requesting the approval for a

variation to landbank parking spaces on the property as green space. Mr. Glees stated that staff has analyzed the parking requirements specified in the Zoning Code and evaluated Owens & Minor's employee counts and their operations, and staff finds with the newly constructed parking addition, 350 actually parking spaces will be available on the property. Mr. Glees stated that based on the Zoning Code requirement of 446 parking spaces a minimum of 96 parking spaces would need to be landbanked to meet the Zoning Code requirement. Mr. Glees stated that the site plan shows a landbanked parking layout for 133 parking spaces with the proposal to install a far greater number of parking spaces (350) than the maximum anticipated demand, which is 180 parking spaces, and with the ability to landbank significantly more parking spaces (133) than the number required (96), staff is able to support the requested variation for landbanked parking. Mr. Glees stated that the conditions for approval for variation of landbanked parking are met and staff recommends approval of the variation to allow for the landbanked parking of 96 parking spaces on the property at 437 - 515 Tower Boulevard subject to the conditions listed on page 4 of the staff report.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

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

Commissioner Creighton asked Mr. Glees if the parking spaces would be 9 ½ feet with looped striping.

Mr. Glees stated that the Zoning Code allows the parking spaces to be 9 foot spaces in the Industrial District with the approval of the Community Development Director. Mr. Glees stated that the looped striping will be required and the width will be either 9 or 9 ½ feet.

Commissioner Petella wanted to know the age of the building. Commissioner Petella was curious on how the applicant can use 95 percent of the space as warehouse, which is the lowest number of parking spaces that is required and you are still 200 parking spaces short and did not understand what had happened at the time when this building was built, that it was so woefully short of parking spaces when there could not be any other use of the building. Commissioner Petella asked staff if the code has changed that significantly since the building was built.

Mr. O'Flaherty was not sure of the age of the building.

Mr. O'Flaherty stated that a 157,000 square foot addition was added on a year after the original building was built.

Mr. Glees stated that the industrial space does not meet the parking requirements specified by the Zoning Code, which I would view as being different from what the business actually needs. Mr. Glees stated that this building was properly built 20 to 30 years ago and the nature of industrial uses was somewhat different back then. Today they are far more efficient and automated. Mr. Glees stated that he wanted to share with the Plan Commissioners that one of the initiatives that is on the list that staff will be working on, and it will probably come from a comprehensive plan recommendation for an update to the Zoning Code, would be to take a comprehensive look at our parking requirements and compare them with modern times.

Commissioner Creighton moved and Commissioner Petella made the second to approve the request for a variation for landbanked parking at 437-515 Tower Boulevard subject to the recommendations listed in the staff report.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioner Spink, Petella, Hennessey, Creighton,
and Joseph
Nays: 0
Abstain: 0
Absent: 1 Commissioner Smoot

Chairman Christopher reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting, at which time the Board would take final action on the matter.

NEW BUSINESS:

ADJOURNMENT:

At 8:20 p.m. Commissioner Spink moved and Commissioner Hennessey made the second to adjourn the meeting. The motion passed by unanimous vote.

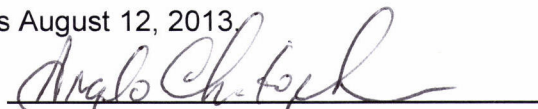
FOR THE COMBINED BOARD

Recorded and transcribed by,



Linda Damron
Community Development Secretary

Minutes approved by Plan Commission on this August 12, 2013.



Chairman