

**REGULAR MEETING OF THE COMBINED PLAN COMMISSION/ZONING BOARD OF APPEALS
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois**

All matters on the agenda may be discussed, amended and acted upon

August 23, 2010

Chairman Dave Michaelsen called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order at 7:30 p.m. and asked Assistant Community Development Director to call the roll in absence of the Recording Secretary Wynne Progar.

Present: Commissioners David Hennessey, Timothy McNally, Frank Petella,
Angelo Christopher, Ralph Smoot, Dee Spink and David Michaelsen
Absent: None
Also Present: Assistant Community Development Director Don Bastian

MINUTES:

Commissioner Spink moved and Commissioner Petella made the second to approve the Minutes of the Meeting of July 12, 2010 as amended by removing duplicate paragraphs and other typographical errors. The results of the roll call vote were;

Ayes: 4 Commissioners Petella, Smoot, Spink & Michaelsen
Nays: 0
Abstain: 3 Commissioners Hennessey, McNally & Christopher

PUBLIC HEARING:

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

**10149: U-Stor-It – 120 Tubeway Drive
Special Use – Amendment
Variation – Gary Avenue Corridor Landscape Standards
Gary Avenue Corridor Review**

Larry Skendandore, Project Manager, U-Stor-It, 140 Tubeway Drive, Carol Stream and Marc Sullivan, Architect of Record, 350 W, Hubbard, Chicago, IL were sworn in as witnesses in this matter. Mr. Sullivan said that they are proposing to eliminate windows that were required to be installed on the south building elevation; change the type of windows planned for the east building elevation and receive approval to allow recently installed clear windows to remain in place of the dark windows that previously existed on the east elevation. They are proposing to install new landscape materials on the property that are not shown on the approved site/landscape plan.

Mr. Bastian said that as indicated, U-Stor-It has filed applications for an Amendment to an existing Special Use, a variation from the GAC Landscape Design regulations, and GAC review for the revised plans. The Special Use Amendment is necessary because the applicant is proposing to modify the building elevation plans and site/landscape plan, which are approved exhibits to Ordinance 2008-10-50. The variations from the GAC Landscape Design regulations became necessary when U-Stor-It removed landscape materials, since the remaining landscape materials plus the new proposed landscape materials do not fully comply with the GAC landscaping requirements. As noted, §16-5-

6(E)(4)(h) of the GAC regulations states that, "removal of existing landscape materials shall not be permitted unless the remaining landscaping conforms with §16-5-6(M), Landscape Design and Site Furnishings". Finally, because the property is located within the Gary Avenue Corridor, the proposed changes to the building elevation and site/landscape plans require GAC review.

The proposed changes to the exhibits to Ordinance 2008-10-50 involve building architecture and landscaping. Staff's analysis of the proposed changes will be presented in the Gary Avenue Corridor review section of this report. Regarding the use of the property, staff is not aware of any complaints related to the Mini-Warehouse use, and the use appears to be compatible with the surrounding area. The proposed revisions would not affect the current use of the property.

In staff's analysis of U-Stor-It's requests, we have attempted to balance the applicant's economic hardship argument against the purpose and intent of the GAC regulations. While strict adherence with the plans approved in 2008 would be desirable, many different plan designs can be found to comply with the Corridor review process. Pending the receipt of additional information demonstrating that the faux aluminum windows proposed for the east elevation would be appropriate in the context of the applicable GAC regulations, staff can support this change. Staff can also support the request to delete the windows from the south elevation. With respect to the landscape plan, staff can support the revised plan, the variations from parking lot greenspace and the greenspace plant material within the parking lot, the deletion of the fence from the plan and the installation of parking barrier arms. Finally, staff cannot support the clear glass windows that were installed in place of the dark glass windows at the north end of the east elevation.

For the proposed changes and improvements that are approved, staff is recommending that the corresponding work be completed by November 15, 2010. Staff encourages the applicant to address the feasibility of this deadline, and for the Plan Commission to offer its thoughts regarding the timeframe for the completion of the improvements.

RECOMMENDATION

Staff recommends approval of the Special Use Amendment and the variations from the required parking lot greenspace and greenspace plant material within the parking lot. Staff also recommends approval of the revised Gary Avenue Corridor plans, with the exception that staff recommends denial of the request to allow the clear glass windows to remain as installed in place of the former dark glass windows on the east elevation. Staff's recommendations are subject to the conditions below.

1. That the windows shown in the man doors on the north (four such doors) and east (two such doors) sides of the building, as shown on Exhibit B, shall be installed by November 15, 2010;
2. That no outdoor storage shall be allowed;
3. That the overhead doors facing Tubeway Drive shall be kept closed when not in use;
4. That the clear glass windows on the east elevation shall be replaced with dark glass windows to match the other dark glass windows, by November 15, 2010;

5. That the landscape materials shall be installed no later than November 15, 2010, and that all landscape materials must be maintained in a neat and healthy condition, with dead or dying materials being replaced on an annual basis in accordance with the plan;
6. That the applicant shall submit building permit applications for all work requiring permits, including but not limited to re-installation of dark windows in place of the clear windows, the installation of the faux windows on the east building wall, and the parking barrier arms;
7. That the 13 faux overhead doors on the east building wall shall be removed by November 15, 2010, and that the wall surface behind the faux doors shall be restored to match the remainder of the building wall;
8. That, provided that the Plan Commission finds the faux aluminum windows proposed for the east elevation to be acceptable, the faux windows shall be installed by November 15, 2010; and
9. That the operation of the facility shall comply with all applicable state, county and Village codes and requirements.

Mr. Bastian said that petitioners do not currently wish to have barrier arms or a fence constructed at this time, and one additional condition staff would like to add is that the seal coating and the striping around the parking lot, in the loop style that is Code required. There were no comments or questions from those in attendance at the call for public hearing.

Commissioner McNally asked what they wanted people to see on the second floor windows and the response was advertising.

Commissioner Smoot said that the second story windows used for advertisement detracts from the appearance of the building and what you are trying to do. Mr. Sullivan said that all of the store-it operations use this technique in hopes of keeping a familiar name out there. Mr. Bastian said that they do have a ground sign and the sign code does allow a certain percentage of the window area to have advertising signs and does not require a permit for inside signs in the tenant space. The issue is an appropriate appearance within the GAC. There are self storage facilities in Carol Stream where the view of roll up doors is plain to see from the street, but the Village has adopted a GAC overlay district and the reason staff cannot support this is because it feels that this does not comply with the intent and purpose of the appearance design guidelines of the Corridor Regulations. Mr. Sullivan responded that there is glass on the northeast corner of the building and the overall appearance is still glass and there are signs on that glass.

Commissioner Spink asked if they have considered a changing ground sign, where the message of all of the signs on the glass would be rotated and you could get rid of the signs behind the glass. Commissioner Spink asked if they will have this done by November 15th and it was said that it will be done by then if all of the materials are available. Commissioner Spink commented that she is leery of trusting anything being said since you presented one plan and then proceeded to do things that were not on the agenda, I personally feel that I can't trust what you are saying is what will be done right and done on time. She said that she would like to see the dark glass rather than the clear. She said that you can get banner permits for limited times, several times a year and Mr. Bastian added that because this property have frontage on two public streets, they would be allowed to have wall signage on the north elevation and so, from the staff stand

point, the sign code will provide very ample opportunity for adequate signage for this building. Commissioner Spink asked if there is a tenant and it was said that they did get a tenant for a year, and there is another that should close on Friday.

Commissioner Petella says the banner should be taken down as it just doesn't look right. Mr. Skendandore said that he will take it down. Commissioner Petella said the special use is for a mini warehouse and he would like that explained. Mr. Bastian said that the special use was approved in 2008 and they have been open since this February. Commissioner Petella said then this is not an addition to the business which is where his misunderstanding started. Commissioner Petella asked if the petitioner was will to go along with staff conditions and was told that they will.

Commissioner Hennessey commented that with the clear glass on the building, it comes to mind that the location of them is a poor choice because it disrupts the esthetics of the over all design of it.

Chairman Michaelsen said that it is always easier to ask for forgiveness that it is for permission, and the Board takes the Gary Avenue Corridor Overlay very seriously. He said he viewed the building before this meeting and the clear glass just does not carry out the overlay and the window signs are not necessary after the ground sign and the building sign. Mr. Sullivan asked if they could put the storage door behind the clear glass panel and he said that he was opposed to that and polled the Board who all said no to that suggestion.

Commissioner Spink asked if they agree to having the seal coating and loop striping of the parking lot and was told yes. She asked if they might come back for fencing or a barrier arm and was told absolutely not.

Commissioner Spink moved and Commission Petella made the second to recommend approval of a special use amendment, with the recommendations of staff, and additional seal coating and loop striping of the parking lot. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot,
Spink and Michaelsen

Nays: 0

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on September 7, 2010 and was advised to attend that meeting,

Commissioner Spink moved and Commissioner McNally made the second to approve the variation for GAC Landscape Standards and approve the Gary Avenue Corridor Overlay Standards Review. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot,
Spink and Michaelsen

Nays: 0

**10211: Dana Runimas – Plazyk
Text Amendments – Zoning Code**

Dana Runimas-Plazyk, 470 Mission Street, Unit 11, Carol Stream, IL was sworn in as a witness in this matter. She said that she has run a wholesale silk flower business at this same location for 15 years. She has sold that business and would now like to have a commercial photography studio in the same space. The Zoning Code does not include Photography studio, commercial as a permitted use and so she is requesting a change to include this use.

Mr. Bastian said that Staff recommends approval of the text amendments to §16-10-2(A), §16-13-3 and §16-18-1 of the Zoning Code to add *Photography studio, commercial* as a permitted use in the I Industrial District, to adjust the schedule of parking requirements, and to add the appropriate definitions to the Zoning Code.

There were no comments or questions from those in attendance at the call for Public Hearing.

Commissioner Spink asked if this location would be contracted out for photographs. Ms. Runimas-Playzk said that Commercial companies would rent out certain amounts of space to use for displays of products to be photographed for catalog or ad agencies, etc. Commissioner Spink asked how this space would be advertised and Ms. Runimas-Playzk said the service would be marketed by on and off-line, direct sales and shared industry information. The targeted markets are the ad agencies and commercial photographers.

Chairman Michaelsen said that he likes the idea, and asked how big the room is and she said that the building itself is approximately 2400 sf; the average group for this use is between six and ten people. There are two small offices and changeable areas for what is needed. Chairman Michaelsen asked if there are facilities for these people to use and she replied that there are two bathrooms that are available and are respectable. They plan one office into a dressing area if there are to be models. The other will remain an office where clients can conduct business in some privacy.

Commissioner Hennessey moved and Commissioner McNally made to second to recommend approval of a Text Amendment to the Zoning Code to add language to permit Photography Studios, commercial, including ancillary services normally provided to the I Industrial District in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot, Spink and Michaelsen
Nays: 0

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on September 7, 2010 and was advised to attend that meeting,

Commissioner Christopher moved and Commissioner Petella made the second to close the Public Hearing. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot, Spink and Michaelsen
Nays: 0

PRESENTATION:

**10222 Village of Carol Stream
Text Amendments – Sign Code**

Donald Bastian, Assistant Community Development Director of the Village of Carol Stream, 500 N. Gary Avenue, Carol Stream, IL was sworn in as a witness in this matter.

Mr. Bastian said The Illinois General Assembly recently enacted Public Act 096-0904 to amend the Zoning Enabling Act to restrict municipal authority to regulate political campaign signs, as follows:

(12) to establish local standards solely for the review of the exterior design of buildings and structures, excluding utility facilities and outdoor off-premises advertising signs, and designate a board or commission to implement the review process; except that, other than reasonable restrictions as to size, no home rule or non-home rule municipality may prohibit the display of outdoor political campaign signs on residential property during any period of time, the regulation of these signs being a power and function of the State and, therefore, this item (12) is a denial and limitation of concurrent home rule powers and functions under subsection (i) of Section 6 of Article VII of the Illinois Constitution.

Under this new law, municipalities can no longer impose time restrictions on the display of outdoor political campaign signs on residential property. This means that, in the case of political signs placed on residential property, the State's power supersedes the Village's with respect to the regulation of the duration that such signs may be displayed. However, reasonable restrictions on the size of political signs are permissible, and a municipality can still regulate, and even prohibit, political signs from being placed on public property, including public rights-of-way.

The Village can still regulate the signs that are in the right of way along the streets and in the site triangle of intersections, and we can require that those signs may only be 45 days prior to the election and removed the next day. The text amendment aligns the current sign code with the State Legislation.

Commissioner Petella moved and Commissioner Hennessey made the second to approve the text amendment to the Sign Code to align with the State Amendment to the Zoning Enabling Act in regard to Political Signs. The results of the roll call vote were:

Ayes: 6 Commissioners Hennessey, Petella, Christopher, Smoot,
Spink and Michaelsen
Nays: 0
Abstain: 1 Commissioner McNally

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on September 7, 2010 and was advised to attend that meeting.

NEW BUSINESS:

Commissioner Spink moved and Commissioner McNally made the second to cancel the meeting of September 13th as there are no petitions to be heard. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot,
Spink and Michaelsen
Nays: 0

ADJOURNMENT:

Commissioner Smoot moved and Commissioner Christopher made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD