

Regular Meeting-Plan Commission/Zoning Board Of Appeals

April 13, 2009

All Matters on the Agenda may be discussed, amended and acted upon

Chairman David Michaelson called the Regular Meeting of the Combined Plan Commission/ Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Chairman Michaelson, Commissioners Timothy McNally, Tony Manzzullo,
Angelo Christopher, Ralph Smoot and (Dee Spink)
Absent: Commissioner Frank Petella
Also Present: Don Bastian, Assistant Community Development Director and Wynne Progar, Recording Secretary

MINUTES:

Commissioner McNally moved and Commissioner Spink made the second to approve the Minutes of the Meeting of March 9, 2009 as presented. The results of the roll call vote were:

Ayes: 6 Commissioners McNally, Manzzullo, Christopher, Smoot,
Spink & Michaelson
Nays: 0
Absent: 1 Commissioner Petella

PUBLIC HEARING:

Commissioner Smoot moved and Commissioner Manzzullo made the second to open the public hearing. The motion passed by unanimous voice vote.

**09069: HEARTLAND FOOD CORP. (BURGER KING) – 840 Army Trail Road
*Special Use – Outdoor Seating***

John Kayser, Heartland Food Corporation, 1400 Opus Place, Suite 900, Downers Grove, IL was sworn in as a witness in this matter. He explained that Heartland is doing a complete remodel of this store, both interior and exterior. Mr. Kayser said that they will be losing 23 seats inside, but there will be 14 seats outside as well as a handicapped accessible table and entry.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Bastian said that as part of the renovation, Heartland Food Corporation wishes to offer outdoor seating area on the new concrete patio that is being constructed on the north side of the building. However, §16-9-3(C)(17) of the Zoning Code lists *outdoor seating ancillary to a restaurant use* as a special use. The ongoing work can best be described as a “re-imagining” of the business, and includes upgrades related to handicapped accessibility, building façade improvements, and replacement of curbs and asphalt areas as needed. None of the work authorized through the building permit required formal zoning action by the Plan Commission or Village Board. However, when representatives for the applicant first met with Village staff to discuss the project last fall, they indicated a desire to provide the opportunity for outdoor seating on a new concrete patio adjacent to the north side of the building. In the course of obtaining the building permits for the project, they wished to include the patio in the overall permit for the site improvements, rather than having to submit the patio plans as a separate permit. Staff indicated that the patio itself did not require

special use approval, but that the outdoor seating activity could not take place on the patio unless and until special use approval was granted.

Staff has evaluated the request from both operational and aesthetic standpoints. From an operational standpoint, staff has no concerns with the proposal. Outdoor seating areas are not uncommon for restaurants, and the applicant has included thoughtful details such as a bicycle rack and garbage receptacles. From an aesthetic consideration, the primary concern with outdoor dining areas would be the potential for negative impacts on adjacent properties, such as noise or garbage blowing from the property. Due to the small size of the seating area (at only two tables), the fact that garbage cans are being installed, and the commercial character of the surrounding area, staff does not believe that adjacent properties will experience any negative impacts from the proposed outdoor seating activity. As a point of information, both the Burger King property and the overall shopping center property are owned by Regency Centers. The special use application for outdoor seating was submitted by Heartland Food Corporation. The Village requires property owners to submit written consent for applications for zoning approval in cases in which the applicant is not the property owner. The Village has not yet received consent from Regency Centers authorizing Heartland Food Corporation to submit the special use application. Staff has discussed this issue with the applicant, and we expect that Regency Centers will be submitting a consent letter shortly. However, staff is recommending as a condition that the Plan Commission's recommendation regarding the special use application not be forwarded to the Village Board for final action until Regency Centers submits a letter indicating that they consent to the special use application.

Staff recommends approval of the special use to allow outdoor seating at the Burger King restaurant at 840 Army Trail Road, subject to the following conditions:

1. That the Plan Commission's recommendation regarding the special use application shall not be forwarded to the Village Board for final action unless and until Regency Centers submits a letter indicating that they consent to the special use application;
2. That the tables, bike rack and garbage receptacles shall be installed as shown on the detailed site plan (Exhibit C); and
3. That the business use and maintenance of the property shall comply with all state, county and Village codes and requirements.

Commissioner Manzzullo asked about the apparent ramp shown on the exhibit, and was told that this is intended to be an accessible ramp leading from the public sidewalk on Army Trail Road to the entrance to the restaurant. Someone in a wheelchair would be able to use the ramp since it meets the slope requirement for an ADA accessible ramp.

Commissioner Spink asked about the hours of operation and plans for security of the seating area. It was noted that the hours of operation were from 6:00 a.m. to 10:00 p.m. with the drive-through remaining open to midnight at least on weekends. In regard to security, Mr. Kayser said that he never gave it a thought for this kind of area, but it is something that will be checked on by the staff since it was brought up. Commissioner Spink asked if there will be any type of playground equipment and was told it will only be the two tables and seating and a bicycle rack.

Commissioner Christopher asked how this plan will prevent the cars from stopping at the curb line when pulling into the handicapped accessible spot with the curb only seven inches high. Mr. Bastian said that this was considered and it was determined that the combination of the curb and the curb stop is typical, but things do happen and it is possible for an

automobile to travel over a barrier curb. He said that the layout at Culvers was studied for this, and all that is there is the barrier curb and the sidewalk and then the patio and the tables.

Commissioner McNally said that his questions are along the same lines. Do other facilities have parallel parking directly in front of the seating area as in this configuration, and Mr. Bastian said that Culvers has the same effect, where there is a one way traffic pattern and there are diagonal spaces coming off the drive aisle and the vehicles come against the curb and the sidewalk. So it is similar in that the opportunity for a vehicle to have contact or impact with the curb. Commissioner McNally said that he agreed with Commissioner Christopher that it is a potentially serious situation.

Chairman Michaelsen asked if the seating area facilities will be anchored down into the concrete, and was told that they will be anchored and the umbrella and stand are bolted into the seating. Chairman Michaelsen asked if there will be any additional lighting and Mr. Kayser said the photometric levels were checked and it is considered a well lit site and they met Burger King's requirements. After removing the mansard and soffet lighting, there will be florescent lighting on the wall mounted canopies to provide additional illumination around the perimeter of the building and also the seating area. He said it will still be a well lit area.

Commissioner Manzullo said that in regard to the access ramp that it appears to him that the cross walk crosses part of the parking lot. Chairman Michaelsen commented that Mr. Bastian said that the site is being looked at by the Code Enforcement and there will be a recommendation forthcoming to identify the crosswalk.

Commissioner McNally moved and Commissioner Spink made the second to recommend approval of a Special Use for Outdoor Seating at 840 Army Trail Road in accordance with staff recommendations, and the addition of bollards between the area separating the street and parking from the dining area. The results of the roll call vote were:

Ayes:	6	Commissioners McNally, Manzullo, Christopher, Smoot, Spink &
		Michaelsen
Nays:	0	
Absent:	1	Commissioner Petella

The petitioner was reminded that this matter will be heard by the Village Board at the next meeting on April 20, 2009 and was advised to attend that meeting, providing the letter from Regency has been received.

09055: AUTO SHOWCASE – 106 N. Schmale Road
Variations – Sign Code

John Bucaro, 106 N. Schmale Rd. Carol Stream, IL was sworn in as a witness in this matter. He explained that he is asking for Sign Code Variations to allow these additional signs. He said that he wants to install a parapet wall that is attached to the building to add more square footage to the put the signs where it can be scene.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Bastian said that in January 2006, the Village Board approved the zoning map amendment and special use necessary to allow the property at 106 N. Schmale Road to be used as an automobile sales and service facility with an outdoor display lot. When the facility opened, the

use essentially served as an extension of the adjacent Auto Showcase luxury used car dealership at 545 E. North Avenue.

Last fall, Mr. Bucaro commenced operation of a Suzuki motorcycle, all terrain vehicle and scooter dealership within the building. In association with the opening of this new aspect of the business, Mr. Bucaro filed an application for a sign permit to install a Suzuki sign on the south façade of the building. Staff could not approve the sign permit because the proposed sign did not comply with the 10% area allowance for wall signs in the business district. Mr. Bucaro was very concerned about the potential negative impact of not having Suzuki signage installed on the building at the time of the opening of the new business, and so he submitted a request to the Village Board for temporary approval of the sign in accordance with §1-1-17 of the Village Code. This provision of the Village Code allows the Village Board to grant *temporary* waivers or variations from provisions of the Village Code, with such approvals being limited to a maximum of 120 days. The Village Board's approval to allow a Suzuki sign to be installed on the south building façade was subject to the following conditions:

1. That a sign permit shall be obtained for the sign;
2. That the petitioner shall make an application for a Sign Code variation for the sign, and that such request must include the construction of a parapet wall at the middle portion of the south building wall; and
3. That in the event that a variation is not approved within 120 days, the Suzuki sign must be removed.
4. The Village issued a permit for the blue rectangular Suzuki sign above the doorway in October of 2008. The Suzuki motorcycle logo sign was subsequently installed without a permit. The applicant wishes to allow the signage to remain as shown on the east elevation, but for these signs to be allowed, two variations from §6-11-6(B) (2) would be necessary. Specifically, variations are needed to: 1) not include the blank wall area between multiple signs in the calculation of sign area, and 2) grant relief from the requirement that the placement of all signs cannot extend above or below the largest sign.

In this case, the blue Suzuki sign above the doorway is the larger sign, measuring 48.25 square feet. The Suzuki motorcycle logo sign measures 37.33 square feet. In total, the two signs measure 85.58 square feet if the blank wall area between the two signs is not included in the area calculation. With the area of the east façade measuring 1,612.5 square feet, the 85.58 square feet of signage would comply with the 10% façade area allowance, again keeping in mind that this would not include the blank wall area as directed by the Sign Code. The justification for the requested variations involving the signage on the east façade is somewhat less clear than with the south façade. However, staff believes that the following factors support the variations:

- The east building elevation does not provide a suitable area on a single horizontal plane that is large enough for both signs. As seen in the photo, there is a copper colored projection that extends beyond the face of the rest of the building. Also, the east façade contains numerous windows and a double door entrance that limits locations for wall signage.
- The blue Suzuki sign is placed high on the building for maximum visibility. However, the motorcycle logo sign would not look appropriate if installed up on the copper overhang, and the applicant feels it is important to alert motorists of the general type of Suzuki products available for sale at this location.

Based upon our review, due to the complex and varied building elevations and the multiple business elements operating in the building, staff can support the various Sign Code variations. However, staff's support is subject to several specific conditions which are substantive in nature.

Staff recommends approval of the Sign Code variations to not include the blank wall area in the calculation of the area of the multiple wall signs on the south and east facades, and also to allow the placement of a smaller sign to extend above or below the larger sign, subject to the following conditions:

1. That the approval of the various Sign Code variations is contingent upon the construction of a 5 foot tall by 39 foot, 10 inch long brick parapet wall on the middle section of the south façade, using brick that will be stained to match the existing brick building;
2. That the applicant shall obtain a building permit prior to the construction of the parapet wall, and that the parapet wall design plans must be prepared and stamped by a licensed architect or structural engineer to ensure that the parapet wall design will comply with all applicable codes;
3. That the parapet wall shall be constructed by November 15, 2009;
4. That the applicant shall obtain a sign permit for the Suzuki sign on the south building elevation once it is re-installed following the construction of the new parapet wall;
5. That the applicant shall obtain a sign permit for the Suzuki motorcycle logo sign on the east building façade within 30 days following the approval of the Sign Code variations;
6. That any future deviations from the Sign Code requirements for the subject property shall be subject to a separate Sign Code variation application and review process;
7. That all aspects related to the permitting and construction of the parapet wall and signage shall comply with all state, county and Village codes and requirements.

Commissioner McNally commented that this should be an opportunity for the Village to work with businesses to increase their sales revenue which then benefits the sales tax revenue to the Village. He said that he thinks that the proposal is very reasonable and well done by staff and he has no negative comments.

Commissioners Christopher and Smoot agreed with the approval.

Commissioner Spink said that the report states that the bricks on the parapet wall will be stained and she wanted an explanation. Mr. Bucaro said that they could not get identically colored brick to build the parapet wall, so they will stain the new brick to match the older parts of the building.

Chairman Michaelsen asked how far off the building will be and he was told it would be approximately 2 inches and it will be illuminated by spotlighting.

Commissioner McNally moved and Commissioner Christopher made the second to recommend approval of the request for two sign code variations in accordance with staff recommendations.

The results of the roll call vote were:

Ayes:	6	Commissioners McNally, Manzzullo, Christopher, Smoot, Spink & Michaelsen
Nays:	0	
Absent:	1	Commissioner Petella

The petitioner was reminded that this matter will be heard by the Village Board at the next meeting on April 20, 2009 and was advised to attend that meeting.

09070: BANNER SERVICES COMPANY – 494 Lies Road
Variations – Landbanked Parking

Mark Redding, 494 E. Lies Road, Carol Stream and Frank Contine, Hales Architects, 4801 Emerson Avenue, Palatine, IL were sworn in as witnesses in this matter. Mr. Redding said that Banner Services does precision bar processing, which takes ordinary grades of steel, stainless steel and exotic materials from one state of manufacturing to the next and maybe beyond that. The most recent business developments have been directed toward precision bar processing in relatively small sizes for the medical device, instruments and implant industry. They have applied to build an expansion on that facility to allow for a separate focused factory, associated specifically with the medical metal service business. Mr. Redding said that the building has a lot of space devoted to storage and they have relatively few employees and therefore the parking that has been provided originally for 108 spaces was considerably more than has been used. In adding an additional 15,000 sq. ft. of space and 12 employees, about half of the current 108 will not be used. Mr. Redding said that his concern is that the requirement to add additional spaces would actually create less functionality for them and that they are a thriving company and he would hate to have people drive by and think that they are going out of business because of the number of empty parking spaces. Mr. Contine said that they tried to show that they can meet the code requirements without a variance, ideally these landbanked spaces would be green, but they can be met in the existing parking lot. The variance request is somewhat two-fold in that it requests for the landbanked spaces and that they will be approved in an existing parking lot.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Bastian Banner Service Corporation, a precision metal bar processing business operating in a 74,478 square foot building at 494 E. Lies Road, is planning to construct a 15,000 square foot addition onto the west side of the existing building. As indicated in the memo from Banner Service Corporation President Mark Redding, Banner Service Corporation has a very low employee count in relation to the size of the building. Currently, about half of the 108 existing parking spaces are typically unused on a daily basis. To control project costs, Mr. Redding has inquired as to whether it would be possible to not construct the additional parking spaces required by the Zoning Code for the proposed building addition, since the spaces would not be needed to meet the actual parking demand. Banner Service Corporation does not wish to install the additional spaces required by the Zoning Code for the proposed building expansion since so many spaces are currently unused, and so they are requesting two variations to allow landbanked parking. The first variation is to allow 22 required parking spaces to be landbanked, and the second variation is to allow 15 of the 22 landbanked spaces to be landbanked on existing asphalt areas as opposed to on existing greenspace areas, as required by the Zoning Code. As seen in the table, the Zoning Code requires 122 parking spaces to serve the expanded building based on the proposed use of space. (Staff has determined that about 9,700 square feet of the existing building does not generate a parking requirement, as this space consists of locker rooms, restrooms and break areas.) Banner Service Corporation is proposing to have 100 actual parking spaces serving the business after the construction of the building addition,

which is a *decrease* of eight spaces from the 108 spaces that currently exist. With the proposed building addition, the Zoning Code requires 122 parking spaces. With 100 actual spaces proposed to exist following construction of the addition, the applicant is requesting approval to landbank 22 spaces. Exhibit C shows the proposed landbanked parking configuration. In this case, the landbanked parking arrangement is proposed to be accomplished by converting the southern parking lot from the current two-way perpendicular design to a one-way diagonal layout. Following the building addition and parking lot reconfiguration shown on Exhibit B, the southern lot will have 58 parking spaces. Exhibit C shows that the southern parking lot could provide 73 parking spaces if it is converted to a one-way diagonal layout, which is an increase of 15 spaces. Exhibit C also shows six spaces to be landbanked near the northwest corner of the property, bringing the total number of landbanked stalls to 21, which is one space short of the required number of 22 spaces. The discrepancy is that Exhibits B and C depict one more space at the north end of the row of parking immediately east of the building than actually exists. As a condition of approval, staff recommends that the plans be revised to show an additional landbanked space near the northwest corner of the property. This would bring the total number of landbanked spaces up to 22, as required. During our site inspections, staff observed two existing conditions that warrant attention by the property owner. First, a trash dumpster was observed to be sitting out in open view in the southern parking lot. The Village Code requires trash dumpsters to be screened from view from public streets and adjacent properties, and so staff is recommending as a condition that the property owner obtain a building permit to construct a proper dumpster enclosure. We also observed that the landscape islands in the rear parking lot were in poor condition with no vegetation and a rutted surface. As such, we also recommend that the maintenance of these landscape islands be improved.

Staff recommends approval of the request for variations to landbank 22 required parking spaces and for 15 of the landbanked spaces to be landbanked on existing asphalt as opposed to within greenspace areas, subject to the following conditions:

1. That if deemed necessary by the Village, the landbanked parking stalls shall be installed by the property owner as shown on Exhibit C. The applicant shall obtain the required permits from the Village before commencing construction on the parking lot improvements;
2. That the applicant shall revise Exhibits B and C to indicate one additional landbanked stall near the northwest corner of the property, to bring the number of landbanked stalls up 22, as required;
3. That the applicant shall be responsible for maintaining at least 100 actual parking spaces on the site at all times, unless and until the Village requires the installation all or a portion of the landbanked stalls;
4. That if installed, the parking spaces shown in the landbanked areas shall meet the greenspace and striping requirements at the time of installation, and shall also meet the other Village Code requirements, such as maximum allowable slopes for parking lots;
5. That at the time that a new tenant enters the building, the property owner shall either apply for a reaffirmation of the landbank variation, which will require review by the Plan Commission/Zoning Board of Appeals and final approval by the Village Board, or they shall provide the number of parking spaces required by the Zoning Code based upon the use of space of the building tenant(s);

- 6. That the applicant shall obtain a building permit and install a proper trash enclosure for any outdoor trash dumpster by September 1, 2009;
- 7. That the applicant shall clean up and maintain the existing landscape islands in the southern parking lot. These islands shall be maintained in a rut-free vegetated condition; and
- 8. That the facility shall comply with all state, county, and village codes and requirements.

Commissioner Spink asked what the hours of operation are and was told that there are two eight hour shifts, 6 a.m. to 2:30 p.m. and 2:30 p.m. to 10:30 p.m. Commissioner Spink asked if they employ temporary employees and Mr. Redding said no, they have some permanent part-time employees.

Chairman Michaelsen said that staff has done a great job on their report and he asked if the petitioner understood the conditions for recommendation. The reply was affirmative. Chairman Michaelsen asked the location of the dumpster and Mr. Bastian replied that he saw it on the south side of the building with no screening. He stated that the requirement is that the dumpster must be screened on three sides, and they must not be visible from any street or adjacent property. If it is a fence then it must be the type that provides screening. Staff will be glad to work with the applicant and this does require a fence permit. It was also noted that the dumpster could be moved inside the building until such time as there is no room for it.

Commissioner Spink moved and Commissioner Smoot made the second to recommend approval of the variation for landbanked parking in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	6	Commissioners McNally, Manzzullo, Christopher, Smoot, Spink &
		Michaelsen
Nays:	0	
Absent:	1	Commissioner Petella

The petitioner was reminded that this matter will be heard by the Village Board at the next meeting on April 20, 2009 and was advised to attend that meeting.

Commissioner Manzzullo moved and Commissioner Spink made the second to close the public hearing. The results of the roll call vote were:

Ayes:	6	Commissioners McNally, Manzzullo, Christopher, Smoot, Spink &
		Michaelsen
Nays:	0	
Absent:	1	Commissioner Petella

PRESENTATION:

**08143: VILLAGE GREEN COMPANIES – 545-595 Gundersen Drive
Plat of Consolidation**

Daniel Gore, 460 Colonial Court, Grosse Pointe Farms, MI Village Green Companies, on behalf of HC Florida/Carol Stream LLC. They are requesting a Plat of Consolidation/Plat of

Easement Abrogation at the Parkway Commons Apartment Homes, formally French Quarter Apartments on Gundersen Drive.

Mr. Bastian said that this goes back to last year when he was not employed with the Village. This is part of project to upgrade the existing apartment complex, it now has a new name, new ownership, and an improved club house. This action will combine the two parcels into one and the other will do away with some utility easements that are no longer needed. The only action from the Plan Commission is the Plat of Consolidation since the Plat of Abrogation does not require PC action.

Commissioner Manzullo moved and Commissioner McNally made the second to approve the Plat of Consolidation for Village Green Companies, 545-595 Gundersen Drive. The results of the roll call vote were:

Ayes:	6	Commissioners McNally, Manzullo, Christopher, Smoot, Spink & Michaelson
Nays:	0	
Absent:	1	Commissioner Petella

The petitioner was reminded that this matter will be heard by the Village Board at the next meeting on April 20, 2009 and was advised to attend that meeting.

New Business:

Commissioner Smoot moved and Commissioner Spink made the second to cancel the meeting on April 27, 2009 because there are no petitioners ready for action. The results of the roll call vote were:

Ayes:	6	Commissioners McNally, Manzullo, Christopher, Smoot, Spink & Michaelson
Nays:	0	
Absent:	1	Commissioner Petella

Mr. Bastian distributed some information regarding an item for an Executive Development Committee Review Process. He explained that this is an informal review process that the Village offers to developers or prospective developers as a way of getting feedback from the Plan Commission and Village Board on their project without requiring them to spend a lot of money preparing detailed plans or engineering. It really gives them a chance to get feed back from both Boards because it is not really a Staff review. The Staff does have a concept review process if somebody is looking for a technical Code based review to be done for a proposed development. The way it works is that staff will receive a submittal from somebody, staff puts a cover memo on top of it and distributes it to both Plan Commission and Village Trustees. Staff asks for e-mail comments and then sits down with the developer with the Chairman, the Mayor, the Village Manager and Mr. Bastian to discuss the comments. NOTE: the written commentary from individuals is not given to the developer. This information is in regard to a private elementary school to be built on a 2.4 acre, unincorporated piece of property on Lies Road across from Bedford. The plans are not very detailed since as a concept it awaits this Executive Development Committee Review.

Commissioner Manzullo said that he was on the ballot on April 7th running for Village Board Trustee and it appears that he was elected to that post. He said that since we will not have a meeting on April 27th this will be his last meeting with this Board, provided the election is certified, showing him a winner. If that happens he will be submitting his resignation on April 28th. Commissioner Manzullo said that he has been on this Board for

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two years and he thanked each and every one of the commissioners for giving their time for public service.

Chairman Michaelsen said that he wants to thank Commissioner Manzullo for his help for these two years and congratulated him on the election. Commissioner Manzullo said that Mr. Bastian has helped him and the others with the excellent reports that he prepares. At 8:30 p.m.

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

FOR THE COMBINED BOARD