

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

DECEMBER 14, 2009

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

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

Present: Commissioners David Hennessey, Timothy McNally, Frank Petella, Angelo Christopher, Ralph Smoot, Dee Spink and David Michaelsen
Absent: none
Also Present: Bob Glees, Community Development Director, Don Bastian, Assistant Community Development Director, Wynne Progar, Recording Secretary

MINUTES:

Commissioner Spink moved and Commission Christopher made the second to approve the Minutes of the Meeting of November 9, 2009 with the addition of 4.5 feet for the height of the walls of the shed, since it was missing in the minutes. The results of the roll call vote were:

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

PUBLIC HEARING:

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

**09294: Auto Showcase – 106 N. Schmale Road
Variation – Sign Code
CONTINUED FROM 11-09-09 MEETING**

John Bucaro, 106 N. Schmale Road, Carol Stream, IL was sworn in as a witness in this matter. He explained that he is requesting an extension of time for the variation of the Sign Code principally due to poor economy and poor sales in the nice weather and he said that there will be virtually no business during the winter months.

Mr. Bastian said: **this item initially appeared on the November 9, 2009, Plan Commission/Zoning Board of Appeals (PC/ZBA) agenda, but since the applicant was not present at the meeting, the PC/ZBA continued the matter to the December 14, 2009, agenda.)** At their meeting on April 13, 2009, by a vote of 6-0, the PC/ZBA approved three Sign Code variations for the Auto Showcase service building at 106 N. Schmale Road. The specific variations approved by the PC/ZBA were as follows:

1. To not include the blank wall area between the multiple wall signs in the calculation of sign area on the south building elevation;
2. To not include the blank wall area between multiple signs in the calculation of sign area on the east building elevation; and
3. To grant relief from the requirement that the placement of all signs cannot extend above or below the largest sign on the east elevation.

4. In support of the first variation, which was to not include the blank wall area between the multiple wall signs in the calculation of sign area on the south building elevation, the applicant proposed to construct a 39 foot, 10 inch long masonry parapet wall measuring five feet in height along the middle section of the south elevation. The building elevation plan is attached, and a photo of the south side of the building is provided below. The wall would screen some of the existing rooftop mechanical units as seen from North Avenue;
5. The wall would increase the area of the south building façade, thereby increasing the allowable signage area; and
6. The wall would increase the overall wall height, which would allow the Suzuki sign to be re-installed at a greater height above grade, thereby affording increased visibility of the sign.

The PC/ZBA approval of the variations was subject to several conditions, one of which was that the parapet wall needed to be installed by November 15, 2009. As explained in the attached letter from John Bucaro dated October 15, 2009, Auto Showcase is unable, from a financial standpoint, to construct the parapet wall by the November 15, 2009, deadline. Auto Showcase is requesting an extension of the parapet wall installation deadline until October 15, 2010.

Staff does not have the authority to administratively approve an extension of a condition of approval of a variation, as that authority rests with the Plan Commission or Village Board. Staff also does not wish to ignore a failure to comply with conditions of approval, as this could weaken the Village's efforts in working with property owners to achieve and maintain compliance in the future, and could also negatively impact overall property maintenance levels as well. While property owners are expected to comply with conditions of approval, the Village has been willing to work with business and property owners on a case-by-case basis if the specific circumstances dictate that a flexible approach is justified. A recent example of this approach would be the case of S&S International on St. Paul Boulevard, which just received an extension of the deadline for paving work on their property.

The cost in this case involves the construction of the parapet wall, which was required to be completed by November 15, 2009, as a condition of approval of the variations granted earlier this year. Due to current economic conditions, in addition to the fact that the winter months are typically the slow months for the Suzuki products sold at this facility, the owner cannot afford to construct the parapet wall at this time. Since the Village has not received any complaints regarding the existing condition of the building, absent the new parapet wall, we do not believe there will be a detriment to the public if the construction deadline for the parapet wall is deferred until October 15, 2010.

Staff recommends approval of the request to reschedule the deadline for the installation of the parapet wall at Auto Showcase (106 N. Schmale Road) until **October 15, 2010**. All of the other conditions of approval for the Sign Code variations granted by the PC/ZBA on April 13, 2009, shall remain in effect as approved.

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

Commissioner Hennessey asked the petitioner if he is comfortable with the extension time of one year, given the state of the economy and Mr. Bucaro said that he believes sales will turn around next year and said that the alternative will be to take down the sign.

Commissioner McNally said that since the structure is in the preliminary stages, he is ok with the delay.

Commissioner Spink moved and Commissioner Petella made the second to approve the request to reschedule the deadline for the installation of the parapet wall at Auto Showcase, 106 N. Schmale Road until October 15, 2010. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot,

Spink and Michaelson

Nays: 0

#09295: G&S Expedited Freight Ltd. – 445-449 Randy Road
Special Use – Outdoor Activities and Operations
Continued from 11-09-09 Meeting

Mr. Grees gave the following report, stating that Danijela Turovic of G&S Expedited Freight, Ltd., has filed an application for Special Use Permit approval for outdoor activities and operations, in order to move her company into the property at 445 Randy Road. The Special Use Permit request is to allow for the parking of up to 20 company trucks and trailers at the rear of the property.

As noted in a previous report, staff has been working with the applicant to bring the plans forward to the Plan Commission for review, and had hoped that the plans would be ready for public hearing on November 9th. Staff sent a detailed commentary dated October 29, 2009, to the applicant identifying all issues that needed to be addressed on the site plans, with a request to resubmit the site plans by no later than November 4th. However, plans were not received and the case was continued. As of this date, we still have not received a resubmittal.

The applicant has advised that G&S is in negotiations with the property owner with respect to certain site improvements. As these negotiations are in progress, the applicant has requested that the case be continued to March 8, 2010.

Staff recommends that the Plan Commission continue this request to the March 8, 2010, Plan Commission meeting.

Commissioner McNally moved and Commission Christopher made the second to continue this matter to March 8, 2010. The results of the roll call vote were:

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

#09324: Premier Gymnastics – 327 Gundersen Drive
Special Use – Operation of a privately owned
Recreation Facility

Cynthia Tolan, 1755 Naperville Rd., Wheaton, IL, Mark Diab, owner of Premier Academy, 327 Gundersen Drive, Steve Hauger, Architect, 426 Hickory St. Waukegan, IL, Al Zulas, part owner, 327 Gundersen Drive, and Chris Orr, property manager, 6385 Wabacon Rd. Verona, IL were sworn as witnesses in this case.

Ms. Tolan said that the petition is to allow a special use permit to allow a private recreation facility in an Industrial District in accordance with Section 16-10-2(b) (13) of the Zoning Code. Premier Gymnastics Academy is currently operating, under an agreement with the owner of the facility at 327 Gundersen Drive. This will be the fourth location owned by Mr. Diab and he has been very successful with these academies. As a part of the building permit it was discovered that this use is not allowed under an agreement when this building was first built.

Mr. Grees reported that Mark Diab, owner and Director of Premier Gymnastics Academy North, has requested approval of a special use permit to allow 11,300 sf of space in the building at 327 Gundersen Drive to be used as a private recreational facility for his gymnastics school. The building was constructed in 1985 by current owner SportsMed LLC, with approval of a special use for a *Medical and Rehabilitation Facility*. This use entry was created and added to the list of special uses allowed in the Industrial District by Ordinance No. 85-02-14 (attached), and the

special use permit was granted to SportsMed by Ordinance No. 85-02-15 (attached). As indicated in Ordinance No. 85-02-14, the definition of *Medical and Rehabilitation Facility* recognizes that, in addition to the primary medical and rehabilitation uses, the facility "may also offer to non-patients a program to encourage physical fitness and disease prevention through the use of exercise and recreational techniques."

Approximately two years ago, ATI Physical Therapy entered into a business arrangement with SportsMed LLC, which included the renovation of the building and occupation by ATI of a portion of the space as the physical therapy / fitness portion of the overall facility. In late 2008 and early 2009, the Village issued building permits for the renovation work, which included remodeling of the new ATI space and a reduction of the second floor office space such that the overall floor area of the building was reduced from 56,000 sf to 54,800 sf. As the proposed use of the space was in keeping with the zoning approved for the building in 1985, the building permits were issued with no need for new zoning approvals. However, it was recently discovered that a portion of the remodeling work was to create space for the Premier Gymnastics use, which is a special use not contemplated in the 1985 approval. Staff contacted Premier Gymnastics, who has been using the space since earlier this year, to work with them to complete the process of seeking approval of the necessary special use permit for a private recreational facility.

In the course of evaluating the petitioner's request, staff visited the site and observed a number of property maintenance and signage issues, including debris and outdoor stored material, deteriorated pavement and unpermitted banner signs. As indicated in Greg Steil's letter dated December 9, 2009, these issues are being addressed. In a subsequent inspection of the property, staff observed that the site had been cleaned up and the banner signs removed pending approval of a sign permit. With respect to the parking lot pavement, SportsMed has committed to re-paving and striping the lot by no later than May 31, 2010. Since this is a property maintenance responsibility of the building owner, not the tenant, staff recommends that the commitment to rehabilitate the parking lot be handled as a Property Maintenance Code matter, and not be a condition of approval should the Plan Commission be inclined to approve the Premier Gymnastics request.

Special Use:

A special use permit is required for a privately owned recreational facility in the I Industrial District. As mentioned, Premier Gymnastics is currently operating in the SportsMed building at 327 Gundersen Drive. Premier Gymnastics offers gymnastics training and instructional classes for children ages 18 months through high school. A maximum of eight employees would be on staff during the busiest shift for the facility. Peak hours of operation for Premier Gymnastics usually occur during evenings and on Saturdays. Due to this usage schedule, staff believes that the proposed use is well suited to an industrial building, and is compatible with the other tenants in the building. As indicated in the letter from owner Mark Diab, parents park in the east parking lot and walk their children into the building via the main entrance on the east side of the building. As can be seen on Exhibit A, there is no drop-off lane at the facility nor is there adequate room to install a proper drop-off lane. As such, staff suggests a condition such that parents must be instructed to park in available parking spaces when dropping off or picking up their children, and that queuing in the drive aisle shall not be permitted.

With respect to required parking, the Zoning Code requires ***one parking space for every two employees, plus additional parking spaces for use by the public as determined by the Plan Commission*** for Recreational Centers. Some members of the Plan Commission may recall a special use case from March 2002 for a similar use, GymNasti at 110 Della Court. With that case, after evaluating data from similar facilities in other communities, staff recommended a parking requirement on the order of 3.3 spaces per 1,000 sf of occupied space, or one space per 300 sf.

The parking facilities at 110 Della Court have been in use for the past seven years, with no complaints or reported problems.

Staff would also note that the requirement for handicapped accessible parking spaces did not exist in 1985, and so the subsequent addition of such spaces in the existing lot, in conformance with the Illinois Accessibility Code, caused a reduction in the total number of spaces provided in the parking lot from 258 to the current 256 spaces.

Summary

Staff has reviewed the petitioner's request for a special use permit, and has identified the concerns of adequate parking and the safe access of students to and from the building. Staff believes that, with the recommended restriction on the use of the currently vacant office space, adequate parking will be provided. With respect to safe access, staff believes that, with the condition that parents be instructed as to the proper means of escorting students to and from the building, the issue of safe access will be addressed. Staff recommends approval of the petitioner's request, with the conditions as recommended below.

Staff recommends approval of the request for a Special Use Permit for a private recreational facility for Premier Gymnastics at 327 Gundersen Drive, with the Special Use Permit being granted to Premier Gymnastics as opposed to the property, with the following recommended conditions:

1. Parents must be instructed to park in available parking spaces when dropping off or picking up their children, and that queuing in the drive aisle shall not be permitted.
2. That no more than 11,100 sf of the total 17,000 sf of office space shall be used as medical office. Use of more than 11,100 sf of office space as medical office shall only be permitted if the parking facilities are expanded to meet the parking requirement. Use of the full 17,000 sf of office space as medical office shall require the parking lot to be expanded to 271 spaces.
3. That the business use and maintenance of the property shall comply with all state, county and Village codes and requirements.

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

Commissioner McNally asked if the parents do bring the children into the building, or do they queue in their cars. Mr. Diab said that they walk the children in and also out after class. Commissioner Spink asked what hours are the different ages scheduled and was told that high school students are there after 6 p.m. and that there are approximately 20 students. Commissioner Spink asked how many students can be in a class and was told there are eight students per class.

Commissioner Patella asked if there is any office space in use now and was told no. Commissioner Patella asked if the children will be walking through the facility to get to their class and was told yes and Commissioner Patella asked if the owner would be willing to have a sign in/sign out for the younger children. Mr. Diab said that the younger children have classes in the morning and the parents accompany the kids to class, take of coats or change shoes and generally remain in the waiting room.

Commissioner Hennessey asked if there are parking spots that are reserved for those attending physical therapy, and if not, would it be possible to establish them. Mr. Diab said that there are many handicapped parking spots at the rear of the building. There could be spaces dedicated for patients that are medically incapacitated that generally would be courtesy spaces that could be used without having a handicapped placard.

Chairman Michaelson asked if there will be any gymnastic competitions held at this site and Mr. Diab said no and that the facility is laid out for training and said that he does host a few competitions a year and but they are at another facility off site. Chairman Michaelson said that since the petitioner has been in a permitted build-out site, the washroom facilities are acceptable for the younger children, at this point; Mr. Glees said that the building has been constructed in accordance with the Village Code regulations. Chairman Michaelson asked how late the facility is

open and was told that the last person leaves is about 10:00 p.m. and that the parking lot lighting is on all night. Mr. Glees commented that the engineering department evaluated the parking lot lighting and found it to be acceptable.

Commissioner Hennessey moved and Commissioner Petella made the second to recommend approval of the special use permit for a municipal or privately owned recreation building in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 21, 2009 and was advised to attend that meeting.

Commissioner Spink moved and Commissioner McNally 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 Michaelson
Nays:	0	

Mr. Bastian announced that there were no agenda items ready for the next meeting, December 28th and suggested that the Commissioners consider canceling that meeting. Commissioner McNally made the motion and Commissioner Spink made the second. The results of the roll call vote were:

Ayes:	6	Commissioners Hennessey, McNally, Petella, Christopher, Spink, and Michaelson
Nays:	1	Commissioner Smoot

At 8:10 p.m. Commissioner Spink moved and Commissioner Hennessey made the second to adjourn. The motion passed by unanimous vote.

FOR THE COMBINED BOARD