

**Regular Meeting-Plan Commission/Zoning Board of Appeals
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, IL**

October 12, 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: 5 Commissioners David Hennessey, Timothy McNally, Frank Petella, Dee Spink and David Michaelson
- Absent: 2 Commissioners Angelo Christopher and Ralph Smoot

MINUTES:

Commissioner McNally moved and Commissioner Spink made the second to approve the Minutes of the Meeting of September 14, 2009 with scrivener's errors of voting names changed. The results of the roll call were:

- Ayes: 5 Commissioners Hennessey, McNally, Petella, Spink & Michaelson
- Nays: 0
- Absent: 2 Commissioners Christopher and Smoot

PUBLIC HEARING:

Commissioner Spink moved and Commissioner Petella made the second to open the public hearing. The motion was passed by unanimous voice vote.

**09236: Chhotalal Patel – 457 St. Paul Boulevard
Variation – Landbanked Parking
Special Use – Amendment**

William Ross, Attorney, 457 St. Paul Boulevard, Carol Stream was sworn in as a witness in this matter. He explained that there are two items being requested, one is asking to amend an existing Special Use condition in relation to some construction that was done last year. This is in regard to repair and replacement of the existing parking lot. The second matter is asking for a variance in the number of parking spaces required in connection with a 40,000 square foot expansion that they are in the process of doing. Mr. Ross said that in reference to the repair of the existing parking lot to the east, one of the conditions in a prior variance, they were to reconstruct that particular parking lot. They are asking that the order that was in the Special Use Permit ordinance that was approved in 2008, be amended to allow them to add the new parking lot as a part of the existing expansion plan that they have undertaken. Mr. Ross said that the access aisles to the parking lot have been repaired and repaved and will have to be removed when construction begins sometime before Thanksgiving. In regard to employee parking, the owner of this property also owns the adjacent building and parking spaces for the employees will be available for their use. Mr. Ross said that current requirements are to have 61 parking places at 457 St. Paul Blvd. and upon completion of the expansion will have to have 147 parking spaces and they are asking to have 80 parking spaces and 70 spaces to be landbanked. He added that peak employees, include two shifts, will be 58 people.

Mr. Bastian said that S&S International (SSI), Inc., located at 457 St. Paul Boulevard, is a stainless steel processing business. The property has previously received a variation for landbanked parking and a special use to allow outdoor equipment installation. SSI is planning an approximate 40,000 square foot addition to the existing 63,000 square foot building. Although the addition will result in some additional employees, SSI would like to update the existing landbanked parking variation, as they will not need the number of parking spaces required by the Zoning Code for the building addition. Also, the special use ordinance approved in 2008 contained a condition requiring the reconstruction of the parking lot on the east side of the building by September 1, 2009. SSI would like to coordinate reconstruction of the parking lot with the other site improvements associated with the building expansion project. In order to amend an existing special use condition, SSI has filed an application for an amendment to the special use.

The Geometric Plan (L1) shows the proposed actual and proposed landbanked parking spaces in association with the proposed building expansion. The plan shows the 80 actual spaces (using solid lines) that SSI believes will be sufficient to meet the parking demand of the expanded building, and also shows 70 proposed landbanked spaces (using dashed lines). Under the full parking space installation scenario, three existing spaces would be lost near the southeast corner of the property where the existing parking lot would be modified to connect to the landbanked parking lot immediately to the east. The resulting quantity of spaces under the full installation scenario is 147 spaces, which is the exact number of spaces required. In support of the request to landbank 70 spaces, in his letter dated August 20, 2009, SSI Owner Chhotalal Patel states that they would only have 58 employees. Even with a small number of visitors or vendors, the 80 proposed actual spaces should be adequate to meet the anticipated parking demand. It should be noted that the landscape plan (L1.0) provides the required five percent greenspace for both the proposed actual parking installation configuration as well as for the landbanked configuration.

Special Use – Amendment

The Village granted special use approval to the property in 2003 to allow for the installation of outdoor dust collection equipment that is needed for S&S's stainless steel processing operation. In 2008, through Ordinance 2008-05-18, the Village Board approved an expansion of the original special use to allow for a second piece of dust collection equipment to be installed outdoors. Ordinance 2008-05-18, attached for your review, contained several conditions of approval related to the appearance and screening of the equipment, and also related to property maintenance concerns. SSI has complied with all of the conditions of approval with the exception of condition number 6, which required that, "**All asphalt drive aisles and parking surfaces must be fully removed and replaced to comply with all applicable Village Codes by no later than September 1, 2009**". This condition was included in the 2008 special use expansion in hopes of addressing the highly deteriorated condition of the drive aisle and parking lot on the east side of the building.

This summer, Community Development Department staff contacted SSI to remind them of the approaching deadline for completion of the parking lot reconstruction work. SSI representatives informed Village staff that, given the signs that their business was improving, they were planning to construct an approximate 40,000 square foot building addition. Due to the heavy construction traffic that the existing lot would experience during the building addition project, plus the fact that the new parking lot on the east side of the building would be relocated a few feet to the west to accommodate the new landbanked parking lot, SSI did not wish to reconstruct the old parking lot, only to have to tear it up in the near future. As such, SSI Owner Chhotalal Patel asked staff if the parking lot reconstruction could be postponed until the end of the building addition project. Staff developed the approach outlined below in an attempt to both work with SSI and also comply with Village Codes and procedures.

- First, the applicant was asked to submit a written request to the Village Board, explaining their circumstances and asking the Board to direct staff to suspend enforcement of special use ordinance condition number 6. The applicant submitted a letter to the Village Board,

and at their meeting on September 8, 2009, the Board directed staff to temporarily suspend enforcement of the requirement to reconstruct the parking lot;

- Second, the applicant was advised that the appropriate method for modifying a condition of approval for an existing special use was to file an application for a special use amendment. The applicant has submitted such a request, as outlined in the attached letter dated September 2, 2009;
- Third, the applicant was advised that the highly deteriorated drive aisle pavement would need to be patched to allow the drive to remain serviceable for emergency service and construction vehicles. Patching of the drive aisle was completed on September 25, 2009;
- Finally, the applicant was advised that staff would recommend that the complete reconstruction of the east parking lot would need to be completed prior to the Village granting a certificate of occupancy for the new building addition. In the event that the building expansion project is not underway by summer 2010, the parking lot reconstruction work would need to be completed by July 31, 2010.

As stated in his September 2, 2009, letter, Mr. Patel indicates that they hope to have the building addition "under roof" this fall before winter weather conditions set in. Staff can confirm that the building permit application was received in late August, and the second version of the plans is currently under review.

Based on the facts that: 1) the applicant is actively pursuing a building permit for the building expansion project, which includes the complete reconstruction of the east parking lot and 2) the east parking lot has been patched to maintain serviceability during the building addition project, staff can support the amendment to the special use approved through Ordinance 2008-05-18, subject to the conditions noted in the Recommendation section of this report.

RECOMMENDATION

Staff recommends approval of the variation to landbank 70 parking spaces and also recommends approval of the amendment to the special use condition regarding the reconstruction of the east parking lot, subject to the following conditions:

1. That the certificate of occupancy for the building addition shall not be issued until the parking lot is reconstructed as shown on the Geometric Plan (L1); however, in the event that the building expansion project is not underway by summer 2010, the parking lot reconstruction work shall be completed by July 31, 2010;
2. That no fewer than 80 actual parking spaces shall be installed, as shown on the Geometric Plan (L1);
3. That the parking spaces shall be striped in accordance with the Village's looped striping detail;
4. That the landscape materials shown on the Landscape Plan (L1.0) shall be installed prior to the issuance of a certificate of occupancy for the building addition, and that all landscape materials shall be maintained in a neat and healthy condition, with dead or dying landscape materials being replaced on an annual basis with a similar size and type of plant species as identified on the plan;
5. That trash dumpsters for the facility must either be maintained inside the building, or a proper trash dumpster enclosure must be constructed to comply with the requirements of §9-1-5 of the Village Code;

- 6. That the parking and/or staging of trucks on the unimproved surface to the west of the existing truck maneuvering area on the west side of the building must cease immediately, and the rutted, unimproved surface must be restored prior to the issuance of the certificate of occupancy for the building addition, or by July 31, 2010, if the building addition project is not underway by this date;
- 7. That the rutted surface on either side of the drive aisle that connects this property (457 St. Paul) with the property under common ownership immediately to the west (423 St. Paul) must be repaired prior to the issuance of the certificate of occupancy for the building addition, or by July 31, 2010, if the building addition project is not underway by this date;
- 8. That if deemed necessary by the Village, the 70 landbanked parking stalls shall be installed by the property owner as shown on the attached exhibits. The Village shall work with the applicant in determining the particular group or groups of stalls, and how many stalls, shall be installed. The Village shall retain the discretion to require that only a portion of the stalls be installed.
- 9. That all actual parking spaces shall comply with the foot-candle illumination requirements set forth in the Village's Subdivision Code. The applicant must provide the Engineering Services Department with a proper photometric plan demonstrating compliance with Village Code prior to the issuance of the building permit for the building addition; and
- 10. That the facility and equipment must 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 Spink asked if the west parking lot is in the same poor condition and was told that it had been paved several years ago and actually will be torn up for the new construction, and Mr. Ross said that 90 to 100 vacant spaces daily.

Chairman Michaelson asked if anything will be done on the west parking lot and Chhotalal Patel, the owner, was sworn in as a witness. He said that the entire parking lot will be reconstructed when the expansion is complete and it will meet all of the requirements.

Commissioner McNally moved and Commissioner Spink made the second to recommend approval of the requests for a variation for landbanked parking and for an amendment to a Special Use at 457 St. Paul Blvd. in accordance with Staff recommendations. The results of the roll call were:

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelson
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on October 19, 2009 at 8:00 p.m. and was advised to attend that meeting.

**09253: NAI Hiffman Asset Management LLC – 910 Kimberley Drive
Special Use – Outdoor Activities and Operations
Variation – Fence Code**

Steve Karlson, NIA Hiffman, Al Hines, A-I Architects, Mike Horiak, Cushman/Wakefield, were sworn in as witnesses in this matter. Mr. Karlson said that DeMar Logistics is the current tenant at 376 E. Lies Rd. and they are looking to lease additional space in the 910 Kimberley Drive

building. In order for their operation, they need to store up to 29 truck trailers outdoors at the north side of the property. In order to achieve this, they will displace about 143 spaces and the current zoning calls for 293 automobile spaces and based on employee count, they will need only 155 spaces. They are looking to landbank 135 spaces, 47 of which will be on the north side. One issue is reconstruction of the parking lot for trailer parking and if the length of lease exceeds the current 40 months they will also reconstruct the north parking lot when it shows signs of failure.

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

Mr. Bastian stated that Demar Logistics, a warehousing and distribution company located at 376 E. Lies Road in Carol Stream would like to lease additional space in a 275,000 square foot multi-tenant building at 910 Kimberly Drive. Based on the relatively low employee counts of Demar Logistics and the existing building tenant, Standard Register, Steve Karlson of NAI Hiffman has filed an application for variations to landbank required parking spaces on the property, and for some of the landbanked spaces to be provided on hard-surfaced areas of the site instead of as greenspace, as required. Mr. Karlson has also filed an application for special use approval to allow Demar to store up to 29 truck trailers outdoors on the north side of the building.

In the attached letter from Demar Logistics, General Manager Nick Cooney states that Demar plans to employ 10 people at the 910 Kimberly location. Mr. Cooney anticipates two to three visitors per week, and for planning purposes, he estimates future growth of two to three employees. Based on this information, staff assumed a total parking demand of 15 spaces for Demar Logistics. In the attached letter from Chris Moon, Facilities and Project Manager for Standard Register, Mr. Moon indicates a maximum employee count of 100. However, in a follow up conversation, Mr. Moon indicated that they occasionally have special projects for which they bring in temporary employees. As such, based on the number of temporary employees they would typically use, staff estimates Standard Register's total parking demand at 140 spaces. As such, the actual number of parking spaces needed to serve the maximum anticipated combined parking demand for Standard Register and Demar Logistics is 155 spaces.

Special Use for Outdoor Trailer Storage

As stated, Demar Logistics is a warehousing and distribution company. For their business operation, Demar needs to have empty trailers readily available to meet the needs of their customers. Demar intends to park 20 trailers at the overhead dock doors on the south side of the building, and provided that the trailers are parked up against the dock doors, this activity is considered a permitted use. Demar also wishes to park up to 29 trailers on the north side of the building, at the west end of what is currently an employee automobile parking lot. The Proposed Site Plan (Sheet A-1) depicts the changes that would need to be made to the existing parking lot to accommodate the 29 proposed trailer parking spaces. The outdoor parking of trailers in the configuration shown on the north side of the building requires approval of a special use permit. Demar's desire to convert the existing automobile parking lot to a trailer storage area also partially explains their request to landbank required parking spaces, since about 143 existing automobile parking spaces will be deleted to accommodate the reconfiguration of the parking lot for trailer storage.

In review of special use requests for outdoor activities and operations in the Industrial District, the Village has historically been most concerned with the screening of the outdoor activity, structure, or operation, primarily from the public street view. As seen in the attached supplemental aerial photograph, the proposed trailer storage area on the north side of the building would be completely screened as viewed from the south (by the 900-910 Kimberly building) and west (by the 230-260 E. Lies building). The trailer parking would also be mostly screened as viewed from the north by the existing building at 284-314 E. Lies Road. To screen the small area of the trailer parking area that could be seen from Lies Road, the applicant is proposing to install a staggered row of evergreen trees near the northwest corner of the site, as shown on the Landscape Plan (Sheet LA-1). Views of the trailer storage from the east will be mostly screened as a result of the angled orientation of the building on the property to the north and the wing wall that extends south

off of the east end of the building to the north, and will be supplemented by the existing and proposed landscape materials in the greenspace areas of the 900-910 Kimberly property.

As a point of information, Village staff expressed a concern to the applicant about the conversion of the north parking lot from automobile traffic to truck traffic from the standpoint of the strength of the pavement. The pavement on the north side of the building was designed for automobile traffic and not truck traffic. The applicant's response is that the lease with Demar is a short-term lease, and that they agree to reconstruct the parking lot to accommodate truck traffic if the lease extends beyond 40 months. This arrangement is acceptable to the Village Engineer. Staff also expressed a concern about the condition of the existing pavement on the south side of the building, and the applicant has committed to repairing this pavement in 2010. Once again, the Village Engineer finds this acceptable.

Staff recommends approval of the request for variations to landbank 135 required parking spaces, and for 28 of the landbanked spaces to be landbanked on existing asphalt as opposed to within greenspace areas. Staff also recommends approval of the special use to allow 29 trailers to be parked outdoors on the property on the north side of the building, subject to the following conditions:

11. That if deemed necessary by the Village, the landbanked parking stalls shall be installed by the property owner as shown on the attached exhibits, including the installation of new greenspace areas. The Village shall work with the applicant in determining the particular group or groups of stalls, and how many stalls, shall be installed. The Village shall retain the discretion to require that only a portion of the stalls be installed;
12. That a minimum of 164 actual vehicle parking spaces must be maintained on the property once the reconfiguration work to create the trailer parking spaces is completed;
13. That the trailer storage must be done in accordance with the layout shown on Sheet A-1, including the installation of the new, curbed landscape areas, that no more than 29 trailers shall be stored outdoors on the property, and that trailers shall not be stored elsewhere on the property other than in the designated trailer storage spaces;
14. 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 parking lot lighting and maximum allowable slopes for parking lots;
15. 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 all building tenants;
16. That the parking lot and drive aisles on the south side of the building must be repaired in 2010, and the parking lot and drive aisles on the north side of the building must be reconstructed to meet truck traffic (weight) design standards in the event that Demar Logistics extends their lease beyond the initial 40-month period; and
17. That the facility must comply with all state, county, and village codes and requirements.

Commissioner McNally asked if the 29 spaces will always be empty and was told that they would be.

Commissioner Spink asked if the parking areas failed before the end of the lease, would they be repaired right away and she was told that funds have already been allocated for repairs.

Commissioner Petella asked if the screening would be put in now and was told that there is a landscape plan in place,

Commissioner Hennessey asked if 29 docks were the goal for the north area and was told that it is.

Chairman Michaelsen commented that the parking areas now have been built for cars and now the proposed use is for trucks, will the difference be a deterrent to the change and Mr. Karlson said that engineering will have soil borings to determine the thickness and what will have to be replaced. Some of the money for this has already been allocated knowing that this is going to come up. In regard to the landscape plan it was determined that it will be installed as weather permits during the rest of the year and the Commissioners agreed to put May 31, 2010 as the deadline for the landscape installation.

Commissioner Petella moved and Commissioner Spink made the second to recommend approval of the request for a variation for landbanked parking and a Special Use for Outdoor Activities and Operations in accordance with staff recommendations, including the deadline for landscaping to be May 31, 2010. The results of the roll call were:

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelsen
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on October 19, 2009 at 8:00 p.m. and was advised to attend that meeting.

09240: F&F Realty/Lakehaven Apartments – 732 Bluff Street
Variation – Sign Code
Planned Unit Development – Minor Modification

Ralph Cincinelli, Project Manager was sworn in as a witness in this matter. He explained that there are two requests; the first is a slight variation to the Sign Code. Mr. Cincinelli said that they have had a bid accepted by the Village for the corner lot at Elk Trail and Bluff Street and F&F Realty is committed to upgrading the environment there. There is a renovation program in progress at the apartment complex, and approximately 100 of the 492 done. The renovations include granite counter tops, new cabinets, carpet, flooring, lighting, windows and roofs and as a part of the renovation they want to improve site identity. They propose a durable masonry sign with a variance to the six feet in height to an elevation of eight feet sloping down to six feet at the corners of the sign. The second item is a request for a minor modification to the PUD due to some of the clubhouse renovations. There is an existing clubhouse, about 3,600 sq. ft. adding about 1,000 sq. ft. in order to put the leasing office into the Clubhouse, which is now in two apartments, and to improve the fitness center and to improve maintenance and operations of the facilities.

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

Mr. Bastian said that F&F is requesting approval of a minor modification to the planned unit development plan to allow for the additions. In addition, F&F wishes to install a *Permanent Residential Development Identification and Entry Feature* sign on the Village-owned property located at the southwest corner of Elk Trail and Bluff Street. The Village has declared the 1.03-acre parcel "surplus property" and has legally advertised the sale of the property through the submission of sealed bids. At the October 5, 2009, Village Board meeting, F&F Realty was determined to be the successful bidder for the purchase of the property. F&F is seeking approval of Sign Code variations for sign height and to allow the proposed sign to be constructed on property zoned B-4 Office, Research and Institutional Building District.

Sign Code Variations

As stated, following their successful bid to purchase the Village-owned property at the southwest corner of Elk Trail and Bluff Street, F&F wishes to install a *Permanent Residential Development Identification and Entry Feature* sign on the property, as shown in the Site Enhancement and Signage Project packet. The purpose of the sign, as stated in Mr. Cincinelli's cover letter, is "to improve (Lakehaven's) location identity to the property." In the residential zoning districts, the Sign Code allows two such signs for multiple-family developments that are 30 acres (or more) in size. With the entire complex being less than 30 acres in size, a previous owner applied for and received approval of a variation in 1987 to install the one existing *Permanent Residential Development Identification and Entry Feature* sign on the property.

The Sign Code allows these signs to be a maximum of six feet in height and 36 square feet in area. The existing sign is less than five feet in height, and the signage panel is approximately 24 square feet in area. The proposed sign would measure 36 square feet in area, which complies with the area allowance of the Sign Code, but it is proposed to measure eight feet, two inches in height, which exceeds the Sign Code height allowance by two feet, two inches. Further, as stated, *Permanent Residential Development Identification and Entry Feature* signs are permitted in the residential zoning districts. The subject property is currently zoned B-4 Office, Research and Institutional Building District, and so F&F Realty is requesting a variation to allow a *Permanent Residential Development Identification and Entry Feature* sign to be constructed on property within the B-4 zoning district.

Variation for Sign Height

As stated, the Sign Code allows *Permanent Residential Development Identification and Entry Feature* signs to measure six feet in height, while the proposed sign would have a peak height of eight feet, two inches. As stated in Mr. Cincinelli's cover letter, the purpose of the sign is to "improve location identity to the property". Mr. Cincinelli continues that, "the design of the sign is intended to provide arrival identity and due to the corner visibility triangle requirements and the vast backdrop of the wetland area, the sign height and size are being developed to provide a balanced element and visually pleasing appearance."

In review of the variation request to permit the sign to measure eight feet, two inches in height versus six feet, as allowed, several factors enable staff to support the request. First, we note that the sign would only be eight feet, two inches in height at the peak of the sign, with the sign height gradually increasing to the peak height from a height of six feet, eleven inches at the sides. Second, the sign would be approximately 325 feet from the nearest apartment building in the Lakehaven complex. Although the applicant has taken care to make sure the proposed sign is similar in design to the existing sign, staff thinks that the distance between the proposed sign and the nearest building warrants the construction of a somewhat taller, more pronounced sign. Finally, due to the existence of wetlands on the property, it is unlikely that any other structure will be built on this property. As such, staff is of the opinion that the proposed sign is reasonably scaled to the overall size and otherwise vacant nature of the property.

Variation to Allow Sign in B-4 District

The Sign Code allows *Permanent Residential Development Identification and Entry Feature* signs in the residential zoning districts; however, the subject property is currently zoned B-4 Office, Research and Institutional Building District. With the property in the process of being acquired by F&F Realty for incorporation into the overall Lakehaven complex property, it would make sense for the property to be rezoned R-4 General Residence District (which is the zoning classification of the remainder of the Lakehaven property), and for a special use for a residential planned unit development to be granted as well. The applicant has indicated an intention to file an application to rezone the property, but they do not wish to do so until the purchase transaction is complete.

Further, the applicant does not want to finalize the property purchase agreement until they learn whether they can use the property for the desired project identification signage.

In review of the variation to allow a *Permanent Residential Development Identification and Entry Feature* sign in the B-4 District, factors related to the physical location and condition of the property allow staff to support the request. The B-4 District zoning classification for the property dates back to 1980, when the Village Board adopted an ordinance granting the rezoning as well as a special use for a commercial planned unit development. Given the context of other nearby development, staff understands the logic of the B-4 zoning classification and the special use for a commercial planned unit development at the time it was granted; however, due to the expansion of wetlands on the property and the increasingly stringent regulations pertaining to wetland mitigation, further development of the property now seems unlikely. With F&F's intent to: 1) acquire the property, 2) incorporate it into the overall apartment complex, and 3) rezone the property to R-4 District in the near future, staff can support the variation to allow a *Permanent Residential Development Identification and Entry Feature* sign in the B-4 District.

Minor Modification to Planned Unit Development Plan

F&F is planning to construct additions totaling about 1,000 square feet in area to the existing Lakehaven clubhouse. Section 16-16-5(B)(2)(a) of the Zoning Code provides direction regarding how to process and evaluate requests for modifications to approved PUD Plans:

"Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Plan Commission, if they are consistent with the purpose and intent of the final plan."

The small additions to the clubhouse are considered to be a minor extension of the existing building. As such, the Plan Commission has the authority to render the final decision regarding the F&F Realty's request, with no Village Board action necessary.

Proposed Changes

The attached site, floor, and building elevation plans depict the proposed additions to the clubhouse. One purpose of the clubhouse expansion is to provide a single centralized office for leasing and management functions, as leasing offices for the 492-unit rental complex are currently located in several apartment units in multiple buildings. The clubhouse expansion would also provide expanded fitness facilities, increased storage area for daily repair and maintenance activities, and a covered doorway for after-hours entry.

The main addition at the northwest corner of the building, for the new fitness facility, will not bring the building closer to the adjacent building to the west, as the addition will fill in a square "notch" in the building footprint. The same can be said for the small addition at the northeast corner of the building. The elevation plans indicate that the entire building will have a new roof consisting of architectural shingles, and the new building additions will consist of face brick that will match the existing brick.

Parking

The plans propose no changes in the number of parking spaces provided as part of the clubhouse additions. We note that the Zoning Code parking requirement for apartments is fairly high, at three spaces for apartments with two or more bedrooms, and two spaces for one bedroom apartments. Recent site inspections indicate ample parking availability in the vicinity of the clubhouse, even with many parking spaces occupied by temporary storage containers that are being used to store construction materials and equipment related to the ongoing apartment unit renovations. Also, we do not expect the parking demand at the clubhouse to increase noticeably as a direct result of the small additions.

In review of the minor modifications to the approved planned unit development plan, we believe that the clubhouse additions will enable Lakehaven management to better serve residents' needs, and we also find the additions to be consistent with the purpose and intent of the approved final plan. As such, staff supports the minor modifications.

RECOMMENDATION

Staff recommends approval of the Sign Code variations to allow the *Permanent Residential Development Identification and Entry Feature* sign to have a peak height of eight feet, two inches in height, and to allow the sign to be constructed on property in the B-4 Office Research and Institutional Building District, subject to the conditions noted below. Staff also recommends approval of the minor modifications to the planned unit development plan to allow for the additions to the clubhouse, again, subject to the conditions noted below.

1. That the *Permanent Residential Development Identification and Entry Feature* sign shall match the overall design set forth in the Site Enhancement and Signage Project plan set, including sign height, sign area, sign construction materials and landscape materials;
2. That the building permit for the construction of the sign shall not be issued unless and until F&F Realty completes the property purchase transaction for the property at the southwest corner of Elk Trail and Bluff Street;
3. That all necessary permits must be applied for and received, including but not limited to a storm water permit, prior to the construction of the sign;
4. That F&F Realty shall coordinate with the Engineering Services Department on the submittal of an elevation certificate for the clubhouse prior to the issuance of a building permit for the clubhouse additions; and
5. That the sign and clubhouse additions shall comply with all applicable State, County and Village codes and requirements.

Commissioner Spink asked if the plan is to turn the apartments into Condos and was told that that is not the plan.

Commissioner Petella asked what street the sign would face and was told that it will be set on a diagonal and set back from the site triangle.

Commissioner Hennessey commented that the corner has been an eye sore for sometime and asked if F&F will maintain the lot perimeter and the sign and was told that it will be included in the property maintenance.

Chairman Michaelsen asked if there would be plantings added and was told that immediately around the sign there will be plants and evergreens. Under wetland regulations, no vegetation can be added that would interfere with the natural landscape. It was determined that the sign would be lit during the night time hours.

Commissioner Spink moved and Commissioner McNally made the second to approve the requests for a variation to the sign code and a Minor Modification to a Planned Unit Development at Lakehaven Apartments, 732 Bluff Street. The results of the roll call were:

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelson
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

09243: Tony DiGristina – 911 Somerset Drive
Variations – Permitted Obstruction in Actual Yards
Variations – Fence Code

Tony DiGristina, 911 Somerset Drive, Carol Stream was sworn in as a witness in this matter.

Mr. DiGristina said that he has several requests, one is to be able to put a pool in his side yard and the second is to be able to keep the fence in his side yard and the third request is be able keep the current fence regardless of any changes in the Fence Code. He explained that when he purchased this home, he got a permit for his three car driveway, the deck and for the fence. He said that he thought he had gotten a permit for the shed as well. Last summer he came in for a permit for a pool in the side yard and was told that he did not have a permit for the shed. Mr. DiGristina showed pictures of the property and the grade changes that occur across the property to demonstrate why that would have been the only place to set a level pad for a shed. He said that ComEd had also laid their service line in the middle of his back yard instead of doing an L shape.

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

Mr. Bastian said that Tony DiGristina, owner of the property at 911 Somerset Drive, has filed an application for three variations. If approved, the variations would allow: 1) an existing shed to remain, as installed, in an actual side yard adjoining a street (corner side yard), 2) a proposed above-ground swimming pool to be built in an actual side yard adjoining a street (corner side yard), and 3) an existing fence to remain, as installed, further forward on the property than the rear of the dwelling unit.

Existing Conditions and Background

Mr. DiGristina is the original owner of the home at 911 Somerset Drive in the *Carol Stream Venture* Subdivision. As seen on the attached survey and photos, the property has been improved with several accessory structures over the years, including a deck, gazebo, shed and fence. Following is pertinent history regarding each accessory structure.

Deck – The Village issued a permit for the deck and the deck is believed to be a legal structure.

Fence – The Village issued a permit for the fence in 1995. However, the Fence Code has since been updated with respect to the allowable locations for fences on properties like the applicant's, and so the fence is now considered a legal, non-conforming structure. To allow the fence to remain as situated on the property in perpetuity, Mr. DiGristina is seeking a variation.

Gazebo – The gazebo was built without a permit. When Mr. DiGristina contacted the Village this summer to discuss the proposed pool, he was advised that the Village had no record of a permit for the gazebo. Mr. DiGristina subsequently applied for and received a permit, and the gazebo is now believed to be a legal structure.

Shed – The shed was built without a permit. Although the Zoning Code in effect at the time that the shed was built would have allowed the shed to be located in its present location in the actual corner side yard, the current Zoning Code does not allow obstructions in actual yards if they are not allowed in the corresponding required yard. To allow the shed to remain as situated on the property in perpetuity, Mr. DiGristina is seeking a variation. If approved, Mr. DiGristina will need to obtain a permit for the shed.

The swimming pool Mr. DiGristina wishes to construct is proposed to be located in the actual corner side yard. Swimming pools are not a permitted obstruction in a corner side yard. As such, Mr. DiGristina is seeking a variation to allow the pool to be built in the proposed location.

Zoning Code Variation – Shed in an Actual Corner Side Yard

As indicated, the Zoning Code does not allow the existing shed to be located in its current position within the actual corner side yard. Even though the Zoning Code that was in effect at the time that the shed was built would have allowed the shed to be located in the actual corner side yard, since no permit was issued, the current Zoning Code requirements apply to the shed. The Community Development Department cannot issue a permit for the shed unless the Village Board approves a variation, following a recommendation from the Plan Commission/Zoning Board of Appeals.

The applicant is seeking a variation to allow the shed to remain in its current position in the actual corner side yard, and he believes that there are several factors that support approval of the request. First, as reflected on the grading survey and in the property photographs provided, the portion of the rear yard behind the home, where the shed would otherwise be permitted to be located, has relatively steep topography. Second, there are easements along the interior side property line that preclude the installation of the shed within the interior side yard. Third, the applicant has stated that the buried Com Ed service line for the home runs diagonally across the rear yard, which also constrains placement of the shed. While the Com Ed service line could be moved, and the rear yard could be re-graded to address the constraints related to the steep slope of the rear yard, staff agrees that there are some practical difficulties that reduce the options for the placement of accessory structures on the property. Staff also notes that the shed is set back about 28 feet from the corner side property line, behind the existing five foot tall fence. The distance of the shed from the corner side property line, and its position behind the existing fence, serve to minimize the visual impact of the shed within the actual corner side yard from the streetscape context.

Zoning Code Variation – Swimming Pool in an Actual Corner Side Yard

The plat of survey shows the 24 by 16 foot oval-shaped above-ground swimming pool the applicant wishes to install in the actual corner side yard. Since the Zoning Code does not allow pools to be placed within a required corner side yard, they are also not allowed in an actual corner side yard. The applicant believes that the same factors that support the variation to allow the shed to remain in the actual corner side yard also support the variation to allow the swimming pool to be built in the actual corner side yard. Once again, Mr. DiGristina believes that the steep slope of what would otherwise be the usable rear yard area, easements, and the buried Com Ed service line greatly reduce options for installing the pool. Staff again notes that the difficulties related to topography and the buried Com Ed service line could be overcome, but not without significant cost to the applicant. It is staff's opinion that the proposed location of the above-ground pool 27 feet from the corner side property line and behind the existing five foot fence would minimize the visual impact of the pool from the streetscape context.

Fence Code Variation

The existing fence was built in accordance with a permit issued by the Village in 1995. However, the Fence Code has since been amended, and the current Code would not allow a fence to be built in the configuration of the existing fence on Mr. DiGristina's property. Section 6-12-9(C)(6) of the Fence Code reads as follows (emphasis added):

*In the case of a corner lot in which the rear lot line of the rear yard abuts the side lot line of the front yard of an adjacent residential interior lot, a structural fence may be erected in the side yard adjoining the street within the area **between the rear lot line and the rear of the dwelling unit,***

provided the fence is placed no nearer to the right-of-way/property line than the required setback for a side yard a street for the zoning district in which the lot is located.

As seen on the survey and photographs, the existing fence extends from the rear property line up to the front corner of the home. Although permitted under a previous Fence Code, the current Code would not allow the fence to extend further forward on the property than the rear of the home. Because the fence complied with the Fence Code at the time of construction but no longer complies due to a change in the Code provisions, the fence is considered a legal nonconforming fence. As a legal nonconforming fence, the fence is allowed to remain in its current configuration, but if the fence is ever damaged or destroyed, it could only be reconstructed in accordance with the Fence Code in effect at the time. To allow the fence to remain as situated on the property in perpetuity, Mr. DiGristina is requesting a Fence Code variation to allow the fence to extend up to the front of the home.

In review of the request, staff notes that the fence has existed in its current location for 15 years without any known concerns or detriment to the neighborhood. As referenced in this report, the fence reduces the streetscape impact of the existing shed, and would also do so for the proposed pool. It should be noted that if the above-ground pool has a top railing height of less than 48 inches, a minimum 48-inch tall fence would be required to surround the pool. The existing five foot tall fence could provide the required barrier by the Building Code; however, some modifications may be required to the existing fence gates and gate hardware. These issues would be addressed at the time of building permit review for the pool.

In review of the applicant's requests, staff notes that changes in the Village Codes partially explain the applicant's requests for the shed and fence variations. In addition, unique aspects of the property related to slope, easements, and the Com Ed service line create challenges for the installation of accessory structures. Based on these factors, staff can support the variations for the shed and fence to remain in their current locations, and for the installation of the proposed pool.

Staff recommends approval of the variations to allow 1) the existing shed to remain in the actual corner side yard, 2) the proposed above-ground swimming pool to be built in the actual corner side yard, and 3) the existing fence to remain, as installed, further forward on the property than the rear of the dwelling unit, subject to the following conditions:

1. That if the variation for the shed is approved, the applicant must obtain a permit for the shed;
2. That if the variation for the pool is approved, the applicant must obtain a permit for the pool. The applicant should be advised that modifications may need to be made to the existing fence gate(s) and hardware to comply with the Building Code barrier requirements for swimming pools;
3. That the property shall otherwise comply with all applicable State, County and Village codes and requirements.

Commissioner Petella asked if this variance would continue even if the Fence Code was changed in the future and Mr. Bastian said that the variance would allow the replacement of a damaged fence, of the same as the existing fence as to height and style, in perpetuity.

Commissioner McNally commented that Mr. DiGristina has taken excellent care of all of the improvements over the years and doesn't believe that this would be a problem in the future.

Commission Petella moved and Commissioner Spink made the second to recommend approval of variations for a shed and pool in a corner side yard and a variation for a fence to remain forward of the rear of the home, in accordance with staff recommendations. The results of the roll call were:

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelson
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on October 19, 2009 at 8:00 p.m. and was advised to attend that meeting.

**09232: Village of Carol Stream – 500 N. Gary Avenue
Tex Amendment – Zoning Code
(continued from 9/14/2009)**

Donald T. Bastian, 500 N. Gary Avenue, Carol Stream was sworn in as a witness in this matter. Mr. Bastian said that the Village Code provisions regarding driveways have been updated in 2002, 2007 and 2008. The amendments to the driveway regulations were intended to:

- Clarify that only one driveway is allowed for a single-family lot, with the exception of circular driveways. For circular driveways, the necessary lot standards to permit the construction of such a driveway were added to the Code, as were the circular driveway design requirements;
- Achieve consistency between the various Zoning and Subdivision Code regulations that affect driveway design and configuration;
- Place the regulations for single-family residential driveways on private property together and in the correct chapter of the Village Code, which is within the Zoning Code; and
- Adjust the regulations to clarify the allowable driveway width and location.

The text amendments approved since 2002 were intended to clarify and update the Village's driveway regulations. However, staff recently discovered that one of the 2007 text amendments inadvertently deleted a provision that, up to that point, had allowed for a driveway configuration commonly found in the Village. Also, after administering the regulations for a period of time, staff has found that the current regulations are not as clear as they could be. As such, staff is recommending several amendments to the existing *Criteria for single-family residential driveways*, as contained in §16-12-1(D) of the Zoning Code. This section of the Code, as currently worded, can be found in the blue bracketed section of Ordinance 2008-11-63 (attached).

Prior to the 2007 amendments, §16-13-2 (*Additional Regulations; Parking*) contained the following text: "For all residential zoning lots, driveway widths at the property line shall not exceed requirements as set forth elsewhere in this Code; however any driveway may extend to a maximum width of 30 feet on the zoning lot." The underlined text, "any driveway may extend to a maximum width of 30 feet on the zoning lot" is the provision that allowed for the driveway configuration reflected in the attached aerial photographs of residential properties in Carol Stream. These photos illustrate that it has not been uncommon for property owners to widen their driveways to create a parking area immediately adjacent to the main driveway that leads from the garage to the street. This driveway configuration allows for an automobile or other recreational vehicle, such as a boat or trailer, to be parked out of the main driveway lanes between the garage and street, thereby eliminating the need to move the extra vehicle to allow a vehicle to access the garage. These additional parking areas are useful to households with multiple vehicles and

drivers, and can also help reduce the occurrence of vehicles being parked over the sidewalk or overnight in the street, which are in conflict with Village Code.

Late this summer, the Village received building permit applications for driveway widening projects for two properties on Alison Lane that would result in driveways similar to those seen in the attached aerial photographs. In review of the permit applications, Community Development Department staff noted that while the current Zoning Code provisions would not allow the driveways to be widened as proposed, many similar driveways existed throughout Carol Stream. After further staff discussion and research, it was determined that staff should advance a text amendment that would restore a property owner's ability to widen their driveway similar to the configuration shown on the attached photos. (As an aside, rather than process formal variation applications or ask the property owners to wait for staff to process the necessary Zoning Code text amendments, the Village Board granted temporary approval for the driveways to be widened, with the condition that staff would advance a corresponding text amendment within 120 days.)

Text Amendment #2 – Maximum allowable driveway width

Staff is of the opinion that there should be a correlation between the maximum allowable driveway width and the garage width on a property. In concept, staff suggests that the maximum allowable driveway width should allow for one more "lane" of driveway parking than the number of lanes leading to the garage on the property, subject to a minimum allowance of two "lanes". For example, a home with a one-car garage would be allowed to have a one-car wide driveway and one additional "lane", for a maximum driveway width of 20 feet. The majority of single-family homes in Carol Stream have two-car garages, and these homes would be allowed to have a driveway having the two typical "lanes" leading to the garage, plus the one additional "lane" off to the side, for a total of three "lanes" or 30 feet in width.

(a) For a property improved with a home having a one-car wide garage, or a home that originally was built with a one-car wide garage and for which home the garage has been converted to living space, or for a home with no attached garage, the driveway may widen to a maximum width of 20 feet, subject to all other design criteria in this Section;

(b) For a property improved with a home having a two-car wide garage, or a home that was originally built with a two-car garage and for which home the garage has been converted to living space, the driveway may widen to a maximum width of 30 feet, subject to all other design criteria in this Section.

(a) For a property improved with a home having a one-car wide garage, or a home that originally was built with a one-car wide garage and for which home the garage has been converted to living space, or for a home with no attached garage, the driveway may widen to a maximum width of 20 feet, subject to all other design criteria in this Section;

(b) For a property improved with a home having a two-car wide garage, or a home that was originally built with a two-car garage and for which home the garage has been converted to living space, the driveway may widen to a maximum width of 30 feet, subject to all other design criteria in this Section.

Staff recommends approval of the text amendments to §16-12-1(D)(4) of the Zoning Code to clarify the allowable driveway width at the property line. Staff also recommends approval of the text amendments to §16-12-1(D)(2) of the Zoning Code to clarify the allowable driveway configuration as related to the width of the existing or original garage size.

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

Commissioner McNally asked what the maximum width of a driveway could be and Mr. Bastian said that for three cars or wider the maximum width is 30 feet at the property line.

Commissioner Petella asked what do these regulations do to lot coverage and Mr. Bastian said that swimming pools and driveways are not counted when considering lot coverage and noted that lot coverage for standard lot is 30% and for decks and pool, the lot coverage is 25%.

Commissioner McNally moved and Commission Hennessey made the second to recommend approval of the text amendment in accordance with staff recommendation. The results of the roll call were:

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelsen
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

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

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelsen
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

NEW BUSINESS:

Mr. Bastian suggested that the Commissioners may wish to cancel the meeting of October 28th since no cases are ready for public hearing.

Commissioner Petella moved and Commissioner Hennessey made the second to cancel the meeting of October 28, 2009. The results of the roll call were:

Ayes:	5	Commissioners Hennessey, McNally, Petella, Spink & Michaelsen
Nays:	0	
Absent:	2	Commissioners Christopher and Smoot

There was discussion regarding the case for outdoor smoking and Mr. Bastian said that the Village Board will hear a proposal to amend the Fire Code at their next meeting to allow membrane structures.

Mr. Bastian asked Commissioner Petella and Commission McNally if they would like to continue to serve on the Plan Commission. Both gentlemen agreed to serve and Mr. Bastian said that the Village Board will confirm their nomination for another term at their meeting on October 19, 2009.

Commissioner Petella moved and Commissioner Spink made the second to adjourn at 8:45 p.m. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD