

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

November 9, 2009

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

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

Present: Commissioners David Hennessey, Timothy McNally, Frank Petella, Angelo Christopher, Ralph Smoot, Dee Spink and David Michaelson

Absent: None

Also Present: Don Bastian, Assistant Community Development Director and Wynne Progar, Recording Secretary

MINUTES:

Commissioner Spink moved and Commissioner Petella made the second to approve the Minutes of the Meeting of October 12, 2009 as presented. The results of the roll call vote were:

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

PUBLIC HEARING:

**# 09259: James Kosac – 1098 Spring Valley Drive
Variation – Zoning Code**

James and Colleen Kosac, 1098 Spring Valley Drive were sworn in as witnesses in this matter. Mr. Kosac said that they are seeking a variation to allow a shed to be built in the required side yard adjoining a street (corner side yard). He explained that there are not many spots to put a shed that would not create another problem. If the shed were to be placed where the staff recommends, it would cut the back yard in half and he and his wife would not be able to see their autistic child playing behind the shed. Mr. Kosac said that he is willing to plant a tree or put in arborvitae bushes along the building line to screen the shed from the neighbors.

Mr. Bastian said that James Kosac, owner of the property at 1098 Spring Valley Drive, has filed an application for a Zoning Code variation to allow a shed to be installed in the required side yard adjoining the street (corner side yard). The shed is proposed to be set back approximately six feet from the corner side property line adjacent to Spring Valley Drive. Sheds are not allowed to be located in either the required or actual corner side yard. With the home on the property being set back 25.3 feet from the corner side property line, the minimum shed setback from the corner side property line is also 25.3 feet. To allow the shed to be built in the proposed location, Mr. Kosac is seeking a variation from §16-12-2(B)(19) of the Zoning Code, which only allows sheds to be placed in interior side and rear yards.

The Kosac's, who have owned the property at 1098 Spring Valley Drive since December of 2005, wish to install a shed to create additional storage space on their property. In their cover letter, Mr. and Mrs. Kosac indicate that there are several constraints that restrict the

placement of a shed on the property, including the limited depth of the rear yard, the 10 foot wide utility easement along the rear property line, a mature maple tree that they do not wish to remove, and an existing deck. Mr. Kosac has provided several photographs of the property (attached) that depict the existing conditions of the yard.

For the record, attached to this report is a letter from the owners of a nearby property in which they express concern about the impact of the shed, installed at the proposed location, on property values in the immediate area. These property owners believe that the Zoning Code provisions that prohibit sheds from being installed in required and actual corner side yards are appropriate, due to the "less than desirable" appearance of sheds when they are clearly visible from the street.

Zoning Code Variation – Shed in a Required Corner Side Yard

As indicated, the Zoning Code does not allow sheds to be placed in a required corner side yard. In fact, most accessory structures other than fences are prohibited from being placed in corner side yards. The intent of the Zoning Code provisions that prohibit accessory structures from being placed within corner side yards are aimed at maintaining an open and uncluttered streetscape. In addition, although not the case for Mr. Kosac's property, corner side yards are often adjacent to a neighboring front yard, and the intent is to not allow structures in a corner side yard that would also not be allowed in a front yard.

In review of this request, staff has attempted to find alternative locations for a shed on the property that would not require approval of a Zoning Code variation. (Please refer to the attached "Alternate Locations Plan" prepared by staff.) Based on our observations after multiple visits to the property, we agree that there are several factors that constrain the installation of a shed. We initially suggested that a suitable location might be in the interior side yard (location 'A'), on the north side of the house, but this portion of the yard has relatively steep topography that would make the installation of a shed more difficult and costly. We also inquired as to whether the shed could be installed immediately behind the home, at the location of the existing swing set, but a shed at this location would block the living room windows. It should be noted that there is room to install the shed in the middle of the rear yard (location 'B'), immediately south of the existing deck, but a shed in this location would occupy most of the remaining open area of the rear yard.

Although there are several factors that constrain the placement of a shed on this property, staff is concerned about the visual impact of the shed and potential precedent setting nature of the request, if the variation were to be approved. As pointed out by the nearby property owners who expressed their concerns in the attached letter, there are valid reasons for the Zoning Code regulations that prohibit the installation of sheds in a corner side yard. In addition, there are at least two locations where a shed could be installed on the property that would not require a variation, including on the north side of the house ('A') and in the rear yard to the south of the deck ('B'). It is recognized that neither of these locations is preferred by the applicant, and that the location on the north side of the home would require additional expense by the property owner. However, a shed in either of these locations would not create the potential negative impacts on surrounding property owners as might the proposed location in the corner side yard.

With regard to any variation, the PC/ZBA shall not recommend a variation unless it shall make findings based upon the evidence presented to it as per §16-15-6(D) of the Zoning Code: It should be noted that the Plan Commission recently recommended approval of a variation to allow an existing shed to remain in an actual corner side yard, behind an existing fence, at 911 Somerset Drive. The key differences in that case were that the shed was to be located in an actual corner side yard and not the required corner side yard, and also that the shed was 25 feet from the corner side property line, as opposed to only six feet, as is proposed in the current case. With a 25 foot setback, the impact of the shed on the streetscape was minimal.

RECOMMENDATION

In review of the criteria that must be supported to allow for the approval of a variation, staff does not believe that all of the criteria have been satisfied. As such, staff does not support the requested variation. If the Plan Commission should wish to recommend approval of the request, staff suggests that the shed be moved as far north from the corner side property line as possible. If the shed were to be installed immediately adjacent to the southeast corner of the home, as depicted by location 'C' on the Alternate Locations Plan, the shed would be far less visible within the streetscape than in the proposed location. At this location, the shed would be setback approximately 20 feet from the corner side property line as opposed to six feet as currently proposed. It is recognized that the existing fence gate may need to be relocated if the shed is installed in location 'C', but staff feels that this would not be an unreasonable burden for the property owners to lessen the impact of the shed on the surrounding area. Staff also wishes to reiterate that a shed could be built at location 'A' without the need for a variation.

There were questions or comments at the call for public hearing.

Commissioner McNally asked Mr. Bastian if he considered a smaller or at least a shorter shed design that could conceivably give more placement options. Mr. Bastian replied that staff did not consider other sizes but there are a variety of other widths and lengths shown on the drawing that could be chosen and doing so would create several different options. Commissioner McNally said that there are some topographical issues so would a smaller shed negate those issues. Mr. Bastian said that a shed with different dimensions could fit into the property with the replanting of some of the trees.

Commissioner Smoot suggested that the tall barn model selected could be changed to a shorter type of shed. Mr. Kosac said that the taller shed could have a loft to be used for additional storage and allow the garage to be used for both of the family cars.

Commissioner Spink asked if the shed will be on a cement slab and was told that it will on an aluminum frame. It will not have a permanent foundation. Commissioner Spink asked how tall the shed is and was told that it is four feet and a half feet tall at the peak. Other facts to consider would be that there will not be any electric power to the shed, they will use shelving to have a loft in the shed thus having two levels of storage, the color and roof will match the colors of the house.

Commissioner Hennessey said that it appears to have a good separation from the closest building and could be screened to minimize the view onto the property.

Chairman Michaelsen asked what the height of the barn will be and was told that it is 12 feet 6 inches at the peak the roof. He calculated that 6.5 feet of the structure will be what can be viewed over the fence outside the building line. Mr. Kosac said that he would be willing to move the shed closer to the house, but location C is unacceptable due to cutting the yard in half, and not being able to see his son. Chairman Michaelsen said you have to watch children at all times and he said that he feels that option A is the best one for the petitioners to work with because even with option C, being two feet outside the building line there is still a structure 12 feet 6 inches in height and that is enormous. Even is the building is reduced to 9 feet it still will extend the view over the fence. Chairman Michaelsen said that he will not vote to approve the variance for this oversized storage barn, which could well set precedence for other variances and there is plenty of room to find a different place for the storage shed.

Commissioner McNally moved to recommend denial of the request for a variance to allow a shed in a corner side yard. Commissioner Petella made the second.

Commissioner McNally said that you want to have a shed in a side yard that does not look attractive or inviting if you need a shed, you will have be more flexible than you have been and that is my reason for denial. The results of the roll call vote were:

Ayes: 3 Commissioners Hennessey, McNally and Petella

Nays: 3 Commissioners Christopher, Smoot and Spink

Chairman Michaelsen broke the tie with an Aye vote therefore denying the variance. The petitioner was reminded that this matter will be heard by the Village Board on Monday, November 16, 2009 and was advised to attend that meeting so that they can answer any questions the Board may have.

**#09293: Hart & Cooley Inc. – 815 Kimberly Drive
Special Use – Outdoor Activities and Operations**

Michael Meinke, 815 Kimberly Drive was sworn in as a witness in this matter. He explained that the request is for a Special Use for to allow outdoor activities and operations by storing two outdoor tanks for gases used in their sheet metal welding process.

Mr. Bastian stated that during the review of a recent building permit application, the Community Development Department became aware that Hart & Cooley is planning to install two outdoor bulk storage tanks on the west side of the building at 815 Kimberly Drive. Hart & Cooley currently uses small portable storage tanks for all of their welding gas needs, but they note that purchasing the gases in small quantities is much more expensive than purchasing the gases in bulk. According to the submitted plans, Hart & Cooley would like to install a 68-inch tall liquid carbon dioxide tank (72 gallon capacity) and a 91-inch tall liquid argon tank (409 gallon capacity) on the west side of the building, between the existing trash compactor and retaining wall. The tanks, which store the carbon dioxide and argon in liquid form, act as giant thermoses, keeping the liquids cold and under pressure, although there is some gas present at the tops of the tanks. The cold and pressure combine to keep the carbon dioxide and argon in liquid form until a demand for gas is required inside the plant. When the gas is used for the welding operation the pressure drops in the tank and more liquid is converted into gas.

In review of requests for special uses for outdoor activities and operations, the Village is typically most concerned with ensuring that the activity, operation or equipment is screened from view from public streets. In the case of Hart & Cooley's request for the outdoor installation of two tanks, several factors combine to provide adequate screening of the tanks. First, the tanks will be relatively short in height, with the shorter tank proposed to be about 5.5 feet in height and the taller tank proposed to be about 7.5 feet in height. Second, the tanks will be located up against the building in a 10-foot, 8-inch wide alley between an existing concrete retaining wall and a masonry trash compactor enclosure wall. Third, the tanks would be installed approximately 200 feet from Kimberly Drive, and there is existing berming and evergreen landscaping along Kimberly Drive. Finally, the two tanks will be enclosed within a security fence. The applicant should indicate whether the fence will include screening slats, to match the slats on the existing compactor enclosure as seen in the attached photos.

Staff recommends approval of the special use to allow two tanks to be installed outdoors at 815 Kimberly Drive as shown the attached plans, subject to the following conditions:

1. That the applicant must obtain a building permit prior to the installation of the tanks;
2. That the tanks must be removed if they are no longer needed as part of the process operations taking place within the building;
3. That the tanks shall be enclosed within a security fence; and
4. That the facility 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 Petella asked the height of the current fence of was told it is 6 feet and in answer to what is the maximum height and Mr. Bastian noted it would 7 feet without an additional variance. Commissioner Petella said that he feels that it would be better to have a fence that would hide the controls so they cannot be seen. Commissioner Petella asked if the Fire Marshall and Fire Department have signed off and was told yes.

Commissioner Spink commented that there was a cigarette disposal unit shown in the picture and asked if this was a non-smoking area. Mr. Meinke said that the gases stored there have no flammability, but it is a non-smoking area. Commissioner Spink asked if the petitioner agreed with putting slats in fencing and he said that he did not quote that, but it will be done.

Chairman Michaelsen asked how often will the tanks be filled and was told that it would be about every two weeks and that the piping will be extended to the end of brick so when the truck pulls up it will fill the tanks from those supply lines.

Commissioner Spink asked if there will be bollards and was told there will not be.

Commissioner Petella moved to approve the request for a special use for outdoor activities and operations in accordance with staff recommendations, including slats in a seven foot fence. Commissioner Smoot made the second. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board on 11/16/09 and was advised to attend that meeting.

**#09294: Auto Showcase – 106 N. Schmale Road
Variation Sign Code**

Mr. Bastian said that this request can be entertained by the Commission without the presence of the petitioner if they choose to or if they do not feel that they want to make a recommendation without the petitioner then the matter can be continued to the next meeting. Commissioner McNally commented that for whatever reason John Bucaro couldn't show up he would prefer to visit this case at another date. Mr. Bastian recommended that this matter be continued to December 14th. Commissioner Christopher moved and Commissioner McNally made the second to continue this matter to the meeting of December 14th. The results of the roll call vote were:

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

**#09295: G & S Expedited Freight Ltd. – 445-449 Randy Road
Special Use – Outdoor Activities and Operations**

The petitioner has requested a continuance until December 14, 2009 for more time to complete the site plan for this request. Commissioner Smoot moved and Commissioner Christopher made the second to continue this matter to the meeting of December 14, 2009. The results of the roll call vote were:

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

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

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

PRESENTATION:

**#09007: Flip Flops Tiki Bar and Grill – 1022 Fountain View Drive
Gary Avenue Corridor Review**

Robert Sabalasky, 1071 Oakwood Drive, Carol Stream was sworn in as a witness in this matter. He explained that this review is to allow for the temporary installation of a smoking shelter on property within the Gary Avenue Corridor.

Mr. Bastian reviewed this matter, saying Flip Flops Tiki Bar & Grill has installed a temporary canopy structure for use as a smoking shelter each of the past two winters. Photographs of the canopy structure that has been used are included in this packet. The Village did not disallow use of the structure during the winter of 2007/2008, as the Illinois Smoke Free Act had just become effective on January 1, 2008, and the Village wished to observe implementation of the new law. In addition, the Village was in the process of preparing Zoning Code text amendments to create specific zoning regulations for smoking shelters, which the Village Board adopted in November of 2008. A copy of the regulations are included in this packet. For smoking shelters proposed to be installed on properties within the GAC, approval through the GAC Review process is required. Flip Flops filed an application for GAC Review for the smoking shelter in January 2009, and the Village did not disallow use of the canopy as a smoking shelter during the winter of 2008/2009 while the application for GAC Review was in process.

During the formal review of Flip Flops' application for GAC Review, staffs from the Carol Stream Fire Protection District and Community Development Department determined that the 2006 International Fire Code (IFC), adopted and enforced by the Village, prohibits smoking in tents, canopies and membrane structures. The structure that has been used at Flip Flops is considered a tent, canopy, or membrane structure. This past June, the Village informed Mr. Sabalasky that based on the 2006 IFC, the canopy structure used during the past two winters could not be approved for use as a smoking shelter.

Upon learning that the IFC prohibits the use of canopies as smoking shelters, Mr. Sabalasky requested that the Village approve a local amendment to the IFC to allow canopies to be used as smoking shelters. After significant discussion and with several restrictive conditions, at their meeting on October 19, 2009, the Village Board approved an amendment to the IFC to allow a canopy to be used as a smoking shelter. It should be noted that the amendment to the IFC will **automatically expire within one year**, and so after October 31, 2010, smoking will once again be prohibited in canopies, tents and membrane structures in Carol Stream. Other key conditions in the amendment to the IFC approved by the Village Board are as follows:

- The tent, canopy or membrane structure is limited to a maximum of 120 square feet in area;
- The tent, canopy or membrane structure shall be certified as flame retardant in accordance with the standards contained in NFPA (National Fire Protection Association) 701;
- The tent, canopy or membrane structure must contain at least one portable fire extinguisher, and that the employees of the business must be trained in the use of the fire extinguisher;
- The tent, canopy or membrane structure must not contain any furniture or heating or lighting equipment; and
- The tent, canopy or membrane structure must have at least one permanently clear opening that is not less than 80 inches in height and 60 inches in width.

The applicant is aware that the amendment to the IFC will expire on October 31, 2010, and that the canopy structure he proposes to use this winter would not be able to be used once the amendment expires. The applicant has stated that he hopes to be in a position to install either a more

permanent facility for outdoor smoking or some other type of structure that would meet the IFC. The entire Fountains at Town Center development is located within the GAC, and so the Corridor regulations apply to the temporary smoking shelter that the applicant wishes to install at Flip Flops Tiki Bar & Grill. In developing the recommended zoning regulations for smoking shelters, the primary reason that staff suggested that shelters be subject to the Corridor review process was to ensure that shelters would not detract from the aesthetic character of developed properties.

The proposed smoking shelter at Flip Flops is the first one for which the Village has received an application for GAC Review. The Corridor regulations do not contain specific design standards for smoking shelters. In staff's review of the shelter, we have taken a general approach in terms of the design concepts of the GAC regulations.

Site Design:

As seen on the submitted floor plan, the temporary smoking shelter, which would measure 10 feet in width by 11.5 feet in length (115 square feet), would be located at the northwest corner of the 25 by 30.5 foot patio on the west side of the building. Since the 115 square foot shelter would be placed on the existing patio, which is otherwise closed for business during the winter months, and since the shelter would only be installed for a maximum of 180 days, staff finds that the temporary shelter would comply with Site Design provisions contained in §16-5-6.I of the GAC regulations. The shelter would also comply with the required setbacks.

Architectural Design:

Attached to this report are color photographs of the smoking shelter used during the past two winters, and which is proposed to be installed again this season at the northwest corner of the existing patio. The shelter has a pitched roof and consists of off-white polyethylene sheet material stretched over a steel tube frame.

In consideration of the architectural design regulations, staff notes that the proposed shelter would only be allowed to be installed for a maximum of 180 days. Further, with the IFC amendment set to expire on October 31, 2010, the shelter would only be permitted to be used for the 2009/2010 winter season. Given the off-white color of the shelter, which contains no commercial advertising, staff would characterize the overall appearance of the shelter as unobtrusive. The shelter will not attract attention or detract from the overall appearance of the Fountains at Town Center commercial center. Based on the appearance of the shelter, as depicted in the photographs, and the finite, temporary duration for which the shelter would be installed, staff finds the architectural design of the shelter to be consistent with the GAC regulations.

As stated, the IFC amendment allowing the canopy structure to be used as a smoking shelter will expire on October 31, 2010. Under this schedule, the canopy structure proposed for use this winter season will not be permitted to be used in the 2010/2011 winter season. If the Plan Commission should wish to approve the GAC Review for the proposed temporary shelter, the Commission should specify whether the approval would terminate after April 30, 2010. Clearly stipulating whether the approval would terminate would avoid uncertainty in the event that the Village Board extends (or makes permanent) the local amendment to the IFC allowing canopies to be used as smoking shelters. If the local amendment was extended, and if the Plan Commission's GAC approval expired after April 30, 2010, Mr. Sabalasky would need to obtain re-approval of the GAC Review before installing the shelter again next fall. If the Plan Commission approves the GAC Review, another option would be for the approval to run with the IFC amendment.

RECOMMENDATION

Staff recommends approval of the Gary Avenue Corridor Review for the temporary smoking shelter to be installed at Flip Flops Tiki Bar and Grill, subject to the following conditions:

1. That the shelter shall be installed at the location shown on the floor plan and patio plan attached to this report;
2. That the shelter shall not exceed 120 square feet in area;
3. That the shelter shall contain no commercial advertising visible from the exterior of the shelter;
4. That the shelter may be erected for a maximum of 180 days, but in no case shall the shelter be erected after April 30, 2010;
5. That the shelter shall comply with all state, county and Village codes and requirements.

Commissioner Smoot asked if there would heat in the shelter and was told no.

Commissioner Spink asked if drinks were permitted in the shelter and was told yes and that they would be in glass containers. However there would be no service for food or drinks under the shelter, and it was determined that there will be no direct lighting under the shelter. There are approximately 20 to 30 smokers over an evening and the shelter has the opening on the east side for the sake of a wind break and it is hoped that this will keep those that smoke away from the front door.

Commissioner Petella asked if the unit is rented or owned and Mr. Sabalasky said that it is rented.

Commissioner McNally said that the State no-smoking regulations state that the shelters are not to allow drinks or food and how will that be handled. Mr. Bastian said that the smoking shelter regulation regarding food or drink would be handled on a complaint basis.

Commissioner Petella moved and Commissioner Hennessey made the second to approve the Gary Avenue Corridor Review in accordance with the conditions noted in the staff report. The results of the roll call vote were:

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

**#09300: Shiva Inc. d/b/a Mr. Car Wash – 848 Army Trail Road
Planned Unit Development –Minor Modification**

Dino Re, 848 Army Trail Road, was sworn in as a witness in this matter. Mr. Re said that he would like to install a canopy that would extend out 15 feet from the south side of the building to provide a covered area to provide clear pavement at the exit of the car wash and also to provide shelter for the car wash employees who hand dry the vehicles.

Mr. Bastian reported that Dino Re of the Shiva Corporation has submitted an application for a minor modification to the approved Planned Unit Development Plan for the Mr. Car Wash car wash facility at 848 Army Trail Road in the Heritage Plaza Shopping Center. The Final Planned Unit Development Plan for the car wash was approved by the Village Board in February 2001 through Ordinance 2001-02-09. At this time, the applicant would like to install a canopy that would extend out 15 feet from the south side of the building to provide a covered area for vehicles exiting the car wash. The covered area is intended to keep the pavement area at the car wash exit free of snow and ice during the winter weather season, and to provide some degree of shelter for car wash employees who hand-dry vehicles as they exit the car wash.

In consideration of this request, it is important to note that when the Final PUD Plan was approved for this property, relief was granted through the PUD process to reduce the front (south) building setback from 100 feet, as required in the B-3 Service District, to 40 feet. As seen on the site plan,

the building was built with an approximate 45 foot front setback. The proposed canopy would extend out 15 feet from the front of the building, would be 18 feet in width, and would maintain an approximate 30 foot setback from the front property line.

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."

Staff considers the canopy to be a minor extension of the building, and so the proposed PUD Plan modification may be authorized by the Plan Commission if the canopy addition is determined to be consistent with the purpose and intent of the approved plan. The purpose and intent of the approved PUD Plan was to allow for the construction and operation of an automatic style commercial car wash. The applicant believes that the proposed canopy on the south side of the building is necessary to reduce the accumulation of ice and snow at the car wash exit during the winter weather season, and also to provide some shelter from the weather elements for employees who towel-dry the cars exiting the car wash.

The color rendering of the south side of the building shows that the canopy will be red canvas material that will match the color scheme of the building. The canopy material and color would also be identical to the smaller existing canopy on the north side of the building at the entrance to the car wash tunnel. Although the Village issued a building permit for the canopy on the north side of the building in 2003, the canopy addition was not processed as a modification to the PUD Plan. The difference between the existing canopy on the north side of the building and the proposed canopy on the south side of the building is that the canopy on the south side would extend into the required building setback, whereas the canopy on the north side does not. Staff believes this is a key difference and it is the reason that the applicant was advised that a minor modification to the approved PUD Plan was required for the proposed canopy. Finally, the applicant has stated that there will be no signage or commercial advertising on the canopy.

RECOMMENDATION

Based on the information provided, staff believes that the minor modification to the PUD Plan to add a 15 foot deep by 18 foot wide canopy to the south side of the building will be consistent with the purpose and intent of the approved Plan, provided that the following conditions are met:

1. That the canopy must match the color and material of the existing canopy on the north side of the building;
2. That a permit must be obtained for the canopy; and
3. That the building and use shall comply with all state, county and village codes and requirements.

Commissioner Petella asked if the canopy would up only for the winter and was told that the canopy would be removed and the poles that hold it up would be unbolted and removed for the summer months.

Commissioner Spink moved and Commissioner Christopher made the second to approve a minor modification to Mr. Car Wash in accordance with the recommendations noted in the Staff report.

The results of the roll call vote were:

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

NEW BUSINESS:

Mr. Bastian suggested that the Commission may wish to cancel the meeting of November 23rd since there are not cases ready for that meeting. Commissioner Spink moved and Commissioner Christopher made the second to cancel the meeting of November 23, 2009. The results of the roll call vote were:

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

Mr. Bastian said that Staff would like to invite the Commissioners for a Holiday recognition get together following the brief meeting on December 14, 2009. Further information will be forthcoming.

Commissioner Spink moved and Commissioner Christopher made the second to adjourn at 8:55 p.m.. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD