

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

February 11, 2008

**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 pm and directed Recording Secretary Wynne Progar to call the roll.

- Present: Commissioners Anthony Manzzullo, Angelo Christopher, Ralph Smoot, Lateef Vora, Dee Spink and Chairman David Michaelsen
- Absent: Commissioner Joyce Hundhausen
- Also Present: Village Planner John Svalenka and Recording Secretary Wynne Progar

**MINUTES:**

Commissioner Spink moved and Commissioner Vora made the second to approve the Minutes of the Meeting of January 14, 2008 with the correction of the typographical error on page 3, 3<sup>rd</sup> paragraph, changing the word attack to attract. The results of the roll call vote were:

- Ayes: 6 Commissioners Manzzullo, Christopher, Smoot, Vora, Spink & Michaelsen
- Nays: 0
- Absent: 1 Commissioner Hundhausen

**PUBLIC HEARING:**

Commissioner Smoot moved and Commissioner Spink made the second to open the Public Hearing. The results of the roll call vote were:

- Ayes: 6 Commissioners Manzzullo, Christopher, Smoot, Vora, Spink & Michaelsen
- Nays: 0
- Absent: 1 Commissioner Hundhausen

**#06362: VILLAGE OF CAROL STREAM – 500 N Gary Avenue  
Text Amendment – Subdivision Code Articles 2 & 3:  
Zoning Code Articles 5, 12, 16 & 18  
Regarding Utility Structures  
CONTINUED FROM 1-14-08 MEETING**

Mr. Svalenka said that recent events have pointed to the need for an update to those sections of the Village code that convey that convey the community's standards with respect to utility structures. This case has been brought forward and continued several times waiting for similar ordinances to be completed in Wheaton and Roselle. Both of those ordinances are now complete, and staff would be ready but at this point the

Engineering Department has been developing a similar text amendment and staff believes that the two amendments should move forward at the same time to avoid any confusion. Staff is asking for additional time to allow for the completion of the right-of-way text amendment and to continue this matter to April 14, 2008.

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

There were no comments or questions from the Commissioners.

Commissioner Spink moved and Commissioner Manzzullo made the second to continue this matter to the meeting of April 14, 2008. The results of the roll call vote were:

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

**B#07289:                   A J ANTUNES & CO. – 180 E. Kehoe Boulevard  
Special Use Permit Amendment**

Rick Razniewski, 830 North Blvd. Oak Park, IL and Glen Bullock, 180 Kehoe Blvd. Carol Stream, IL were sworn in as witnesses in this matter. Mr. Razniewski explained that AJ Antunes manufactures kitchen equipment. Mr. Bullock said that originally they used only one laser and the nitrogen tank is used to cool a laser while cutting stainless steel. In the last year a second laser has been purchased and this requires filling the original tank at least twice a week. He noted that with a larger tank it will cut down the amount of times the tank will need to be filled. Mr. Razniewski noted that the larger tank will be located in the same area and it is about the same height as the building and it will be painted the same color, including the blue accent bands. The tank has a 6,000 gallon capacity replacing a 1,500 gallon tank.

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

Mr. Svalenka stated that there is a detailed staff report that has been given to the Commissioners and it is also available to the public by request and he will give a brief summary of that report.

In 1999 the Village approve a special use permit to allow an eight foot diameter by fourteen foot tall tank. That ordinance included the condition that if there are any increases of size, or location of the tank a new special use permit is required. They are asking to increase the size of the tank to a six foot diameter and 31 foot tall tank. Staff has reviewed the aesthetics of it and note that it will be in the same location of the existing tank within a seven foot high fence that has screening slats on it. This would continue to screen the lower seven feet of the tank and the mechanicals around it. There is existing mature landscaping along the west property line, a two hundred foot row of trees and there does not seem to be much possibility to provide taller landscaping than what is already there and because the tank will be taller than those trees they have painted the tank to match the building exactly, down to matching the stripes on the building. Staff reviewed whether it was possible to locate the tank in a different location, such that it would not be visible from Gary Avenue or from Kehoe. Locating the tank on east side of the building would not be practical since it would not be adjacent to the area in the building where the nitrogen is used and that there is no road on that side that would allow delivery trucks to refill the tank. Mr. Svalenka noted that recently there have been other tanks approved in the area including directly east of

this building at Packaging Personified, the Village approved three sixty foot tall tanks that are actually visible over the top of the AJ Antunes building. The proposed tank is shorter than this building. For those reasons staff does not have any issues and recommends approval of the special use for outdoor activities and operations in accordance with Section 16-10-2 (B) (14) of the Carol Stream Zoning Code to allow installation of a 31-foot , 10-inch tall outdoor liquid nitrogen tank in the I Industrial District, subject to the following conditions:

1. That the liquid nitrogen storage tank shall be installed and maintained in conformance with the attached exterior elevation drawing dated 01/16/08 and site plan dated 10/10/07 prepared by Ridgeland Associates, Inc;
2. That an amendment to the Special Use Permit shall be required for any future changes or modification in the size, quantity of location of the tank; and,
3. That the development and operation of the tank will comply with all state, county and village codes and requirements.

Commissioner Vora asked to see specifications or data sheets for the tank. The petitioner provided a brochure of the tank that included a schematic of the piping. Commissioner Vora said that he would like to know the requirements for the use of the tank outside.

Commissioner Spink stated that she works for a competitor of this company. She then asked how long this size tank will be adequate since the first requested tank has been outgrown. She also asked if it might be more efficient to have two smaller tanks instead. Mr. Bullock replied that it is less complicated and expensive to install one larger tank in the same area than to have to construct pipes and foundation for a second tank. Commissioner Spink asked how often the larger tank will have to be filled and it was stated that it would only have to be filled every ten days since it has a four times larger capacity than the old tank. In response to the question, Mr. Bullock said that if, hopefully, business continues to grow they may need more capacity in about four years.

Chairman Michaelsen asked Mr. Svalenka if this is the maximum gallon size tank that is permitted and Mr. Svalenka acknowledged that the answer would be under the building codes, but under the zoning code there is no specific limit as long as the screening demands of the Village were met. Chairman Michaelsen said to the petitioner that he is glad that business is expanding and he does not have any objections to the tank going to the top of the building, but if there would be an additional expansion requiring a second tank on that side of the building, he does not want to see an additional tank of that size facing Gary Avenue. He asked if this is a double wall tank and Mr. Razniewski noted that the schematic shows an inner cylinder with piping and an outer cylinder for support and protection.

Commissioner Manzzullo asked if this type of tank is specifically for this type of use and it was said that this is the same manufacturer and type of tank as the smaller version. Mr. Bullock explained that there is new technology available where a nitrogen generator can be used inside the building instead of having to have outdoor tanks. That technology would probably be the next step for this manufacturing process.

Commissioner Spink asked how the current tank would be disposed of if it becomes not needed in the future and it was noted that the tank is leased and if not needed or is to be replaced, it would be returned to the company.

Commissioner Spink moved and Commissioner Manzzullo made the second to recommend approval of the request for a Special Use Permit Amendment in accordance with staff recommendation. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, February 19<sup>th</sup> at 8:00 pm and was advised to attend that meeting.

**C. # 08003: VILLAGE OF CAROL STREAM – 500 N. GARY AVENUE  
APPROVAL OF THE 2008 ZONING MAP**

Mr. Svalenka stated that as required by state statute, the Village must publish a current zoning map by March 31 of each year. For your review and reference, staff has prepared the attached Village of Carol Stream Official Zoning Map for 2008. The 2008 map includes all annexations and zoning district amendments that have occurred since adoption of the previous zoning map on March 5, 2007. The list of map changes is presented below. For your information, the parcel layer on the map has been updated to show the most recent parcel data available from DuPage County.

1. Levato & Kotche received approval of a Planned Unit Development for the property at the northeast corner of Gary Avenue and Lies Road.
2. The Carol Stream Park District annexed the Slepicka homestead property on the south side of Lies Road at Spring Valley Drive. The property was automatically zoned R-1 One-Family Residence District per code.

Staff recommends approval of the Village of Carol Stream 2008 Official Zoning Map. There were no comments or questions from those in attendance at the call for public hearing.

There were no comments or questions from the Commissioners.

Commissioner Smoot moved and Commissioner Spink made the second to recommend approval of the Official 2008 Zoning Map. The results of the roll call vote were:

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

This matter will be heard by the Village Board at their meeting on February 19, 2008.

**D.# 07333: DR DAVID BLACKMAN – 400 N. GARY AVENUE  
Variation – Expansion of a Nonconforming Structure  
Special Use Permit – Expansion of an Approved Special Use  
Gary Avenue Corridor Review**

David Blackman DDS, 2W720 Jefferson Road, West Chicago, IL, Sam Salahi, 123 W. Front St. Suite 202, Wheaton, IL and Bruce Metzner, 122 W. Front St., Wheaton, IL were sworn in as witnesses in this matter. Dr. Blackman presented a site plan of his current location and noted that he has been there for the past 15 years and in the

Village since 1981. The dental practice is growing and Dr. Blackman is looking to expand the offices at the southeast corner of the property with a 1,000 foot addition and he displayed the proposed floor plan showing two additional laboratory spaces altered from a private office and a sprinkler room. There will also be a consult room, staff lounge, private office and a new reception area and a small storage space. He displayed the proposed exterior elevations and said that the exterior will be kept as it is and the old part of the building will be re-roofed to match the addition.

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

Mr. Svalenka noted that the Commissioners have been given the staff report with all of the specific details of this request and copies are available to the public, if they wish. He proceeded to give a brief summary; Dr. Blackman has been in practice since 1981. The Village Board approved the Special Use Permit for the dental clinic in 1992 and the clinic opened in 1993. It is 1,950 sq. ft. building and Dr. Blackman is now applying for a 1,095 sq. ft. addition which would make the structure 3,045 sq. ft. To do so, it would require three different zoning approvals, first a variation for expansion of a nonconforming structure, which would be the side yard setback from the south property line. The building is 8.83 feet off that property line and it is in the R-2 Residential District, and the residential setback is 8 feet, but because it is a non-residential use, the required setback is 15 feet. The Zoning Code specifically states that when there are additions to nonconforming structures they must meet the setbacks, however it does offer the option to apply for a variation, which is what is applied for here. Staff has reviewed this so that there will not be any negative effects on the surrounding property and it would not be inequitable not to grant that variation. Staff notes that the architecture of the building will match, and the addition will have the same setback as the existing building so it has been determined that there will not be much of an impact on the adjacent property to the south. It is noted that the nonconformity is simply because the use is non-residential. If this was being used as a house, they could build this size addition with no problems whatsoever. There is other precedent where the Plan Commission has recommended approval of allowing additions on nonconforming buildings, where the nonconformance was regarding a side yard adjacent to another house. There are three examples noted in the staff report. Therefore, staff has no issues with the variation regarding the expansion of a nonconforming structure. The second Zoning approval would be for a Special Use Permit for expansion of the approved Special Use. Staff notes specifically that per section 16-5-1(D)(2) of the Zoning Code, additions to existing buildings for expansion of lawful special uses shall be permitted only in accordance with the special use procedures which require review by the Plan Commission at a public hearing and approval by the Village Board. Dr. Blackman has applied for an expansion of a special use. Mr. Svalenka said that staff has reviewed it regarding aesthetics and notes that the architecture blends with the existing building. They will be using the EIFS, with the same color and texture and the same EIFS trim on the corners will be moved onto the new building and they will use the same style casement windows. It will have matching roof lines to the existing building and they will be putting new shingles on the entire building so there will be no visual difference between the existing building and the old building. There will be foundation plantings around the building so there are no problems with the aesthetics of the addition. Staff has reviewed the proposal from an operational standpoint and notes that the customer entrance of the building will remain the same and the entrance to the parking lot will stay the same. In analyzing the parking it is noted that with the addition, the required parking will be 20 spaces and the lot now has 21 spaces and meets the Code. There are no plans to change the parking

lot. Mr. Svalenka said that in reviewing the effect that the addition would have on the surrounding properties, staff noted that lot is very large and staff tried to see if it was possible to build the addition on another side of the building where it wouldn't have any potential negative effects on the property to the south, but they note that directly north of the building there are two ten-foot utility easements that have utilities in them. Staff feels that moving the utilities would be an extraordinary cost that wouldn't be expected, and therefore it would be not feasible to locate the addition anywhere other than where it is proposed. Staff has no issues with the expansion of the approved special use. The third zoning approval is the Gary Avenue Corridor Review. Staff notes that from the Gary Avenue Corridor review standards they have reviewed setbacks, our professional standards, and landscaping. Mr. Svalenka said that all of the setbacks are ok, the only exception is that south side yard, for which they requested a variation for and staff has no issues with. Staff has no issues specifically with the architecture, although they do note that the Gary Avenue Corridor Review requires all equipment to be screened. There is an air conditioning unit shown with the foundation screening area on the east side of the existing building. Staff would suggest a condition that at the time the landscaping is planted, the plantings be adjusted so that the air conditioning unit is screened. Regarding the landscaping, it generally meets Code, but note that because this is an existing structure, the Gary Avenue Corridor standards allow some flexibility with meeting the Code. They generally meet all of the point values, with the two exceptions that combine the point value for the landscape setback and the landscape screen. In this particular case, it wouldn't normally apply to combine the point values, but in locations with a parking lot that is a lot closer to the road it is standard practice and staff has no issue with that. It is also noted that they have combined the buffer with open space points to meet Code. Regarding the buffer specifically, the only reason this is required is because this is a non-residential use and if it were a residential use this would not be required. Staff also notes that they think that the proposed landscaping is sufficient, there is row of evergreen trees between the house and the building and the foundation landscaping also sufficient. In looking at the parking lot and the addition of landscaping in the interior, to do so in compliance with the Code would require them to completely rebuild and expand the parking lot and we do not see that that is feasible for the proposed addition. Therefore, staff has no issues with the landscaping. Mr. Svalenka said that staff recommends approval of a request for a variation for the expansion of a nonconforming structure in accordance with Section 16-14-3(b), an expansion of an approved Special Use for a dental clinic in accordance with Sections 16-8-2(C)(1) and 16-8-1(C)(2)(n), and Gary Avenue Corridor Review for the proposed building addition at 400 N. Gary Avenue. This recommendation is subject to the following conditions:

1. The foundation landscaping shall be adjusted at the time of planting to screen the air-conditioning condenser unit from Gary Avenue.
2. The development of the site and building addition will comply with all state, county and Village Codes and requirements.

Commissioner Spink said that she would like to go on record that Dr. Blackman is her dentist. She asked if he was in agreement with the condition that if the parking lot is changed in any way that he will put the greenspace back to 10% of the area. He said that if it changed he would do that. In response to the question, Dr. Blackman concurs with the conditions noted regarding adjusting the plantings and the plantings around the second air conditioning unit.

Commissioner Manzzullo said that Dr. Blackman is his dentist as well. He asked if the neighbors to the south of the office are ok with this plan and Dr. Blackman said that he has talked to lady about the expansion and her response was that "business must be good". She didn't have a problem with it, and he invited her to look at the plans.

Chairman Michaelsen asked if there will be an increase in water run-off to the neighbor to the south, or if there will be an increase, it will divert to the Gary Avenue side. It was noted that the engineering review has not been done, but if there would be a problem, all requirements will be met. Chairman Michaelsen asked if there will be any updating of the lighting in the parking lot and it was noted that the present lighting is sufficient and they are trying to have the least destructive activities so as not to disturb the neighbors any more than is necessary.

Commissioner Spink moved and Commissioner Smoot made the second to recommend approval of a Variation for the expansion of a nonconforming structure and approval of a Special User Permit for the expansion of an approved Special Use in accordance with staff recommendations. The results of the roll call vote were:

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

Commissioner Manzzullo moved and Commissioner Spink made the second to approve the Gary Avenue Corridor Review. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on February 19<sup>th</sup> and was advised to attend that meeting.

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

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

At 8:10pm, Commissioner Vora moved and Commissioner Smoot made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD