

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

**April 14, 2008**

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

Chairman Pro-Tem Angelo Christopher called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:40 pm and directed the Recording Secretary to call the roll.

Present: Commissioners Anthony Manzzullo, Angelo Christopher, Lateef Vora, and Dee Spink (Joyce Hundhausen entered at 8:15pm)  
Absent: Commissioners Smoot and Michaelsen  
Also Present: Community Development Director Bob Glees and Recording Secretary Wynne Progar

**MINUTES:**

Commissioner Spink moved and Commissioner Vora made the second to approve the Minutes of the Meeting of March 24, 2008 as presented. The results of the roll call vote were:

Ayes: 3 Commissioners Christopher, Vora, and Spink  
Nays: 0  
Abstain: 1 Commissioner Manzzullo  
Absent: 3 Commissioners Smoot, Hundhausen and Michaelsen

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

**PUBLIC HEARING:**

**#07268: FRANCISCO AND MICHELLE PEREZ – 501 APACHE LANE  
*Variation – Zoning Code***

Francisco and Michelle Perez, 501 Apache Lane, Carol Stream were sworn in as witnesses in this matter. Mr. Perez stated that during the process of obtaining a permit for a shed, it was noted that an existing concrete patio was located into the side yard setback and into the utility easement. They are requesting a variance to allow the concrete patio to encroach into the setback and easement.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Glees stated that the staff report is entered into and made a part of the record and will be attached to the Minutes. His highlights of the findings of the staff report are the request is for a side yard setback variation for a patio to be located 4.25 feet from the side lot line rather than the required 8 feet in the R-2 Zoning District. Staff finds that the patio was constructed by a previous owner without a building permit. It is noted that criterion # 4 for variation appears to be met, in that the plight of the owner is due to the failure of a previous owner of the property in question to follow then-applicable ordinance and regulation and where the benefit to health, safety or appearance to be derived from correcting the nonconformity would not justify the cost or difficulty of the correction. Staff noted that there is no health or safety benefit to be derived from correcting the nonconformity and that the benefit to appearance would seem to be negligible and that the patio has existed for years with no complaint. Mr. Glees noted that there also is a 0.75 foot encroachment into a utility easement and the Perez's' have submitted an easement encroachment request, which would accompany the PC/ZBA's findings to the Village Board. Therefore, Staff recommends approval with the conditions noted in the staff report.

The following is the entire staff report:

**GENERAL INFORMATION**

**Applicants:**

Francisco and Michelle Perez.

**Size and Location:**

The 10,050 square foot lot is located on the north side of Apache Lane, approximately 75 feet west of Indianwood Drive. (See attached location map.)

**Existing zoning and land use:**

The subject property is zoned R-2 One-Family Residence District, and improved with a single-family residence.

**Adjacent zoning and land uses:**

The surrounding properties are all zoned R-2 One-Family Residence District, and improved with single-family residences.

**Attachments:**

Attached for review are a location map, aerial photo, public notice, cover letter dated September 15, 2007, from property owners Francisco and Michelle Perez, the General Application, the General Variation Application, and a reduced copy of the Plat of Survey (Exhibit A).

**Request:**

The applicants are requesting a variation from Section 16-8-2(F)(2) of the Carol Stream Zoning Code to allow a concrete patio to extend 3.75 feet into the 8-foot required side yard, resulting in a reduced side yard setback of 4.25 feet.

**STAFF ANALYSIS**

Francisco and Michelle Perez have filed an application for a side yard setback variation to allow an existing concrete patio to remain in its present location at their single-family residence at 501 Apache Lane. According to Village records, the patio was constructed without a permit, and Mr. and Mrs. Perez have stated that the patio existed at the time they bought the house. As can be seen on Exhibit A, the patio did, in fact, exist at the time the Perezes purchased the property in 2003.

According to §16-12-2 of the Zoning Code, a patio is not permitted to encroach into a required side yard. In the R-2 Zoning District, the required side yard setback is eight feet. However, per the most recent property survey for 501 Apache Lane the existing patio is located 4.25 feet from the property line. Therefore, the patio encroaches 3.75 feet into the required side yard. In addition, a 5-foot utility easement exists along the east property line, and so the patio encroaches 0.75 feet into the utility easement. Staff notes that the petitioners have submitted a request for approval from the Village Board of an easement encroachment. This request will be brought to the Village Board at the same time as the Plan Commission's recommendation regarding the request for side yard setback variation.

The specific request is for an approximate 47% reduction in the side yard setback, from eight feet down to 4.25 feet. In review of this case, staff researched past residential rear yard setback variation requests in order to identify the degree of setback relief that the Plan Commission and Village Board have typically been willing to grant, as well as the circumstances that were found to be unique to the point that the variation was approved. Typically, smaller variations have been approved, but larger variations have been denied. Some of the factors that were identified

as being unique included whether the subject property was adjacent to open space, the orientation of the primary structure on the property, and the size of the encroaching structure.

Recently, in July 2007, the Village Board approved Ordinance No. 2007-07-28, which provided an additional approval criterion for a residential zoning variation, so as to allow a means of approval of a variation when reasonable in certain cases in which the nonconformity was created by the actions of a previous owner. Staff believes the case at hand fits the intent of the new criterion. The patio was constructed by a previous owner, who did not obtain a building permit. The patio was constructed so as to line up with the driveway and sidewalk along the east side of the lot. The nature of the nonconforming structure is that of a slab at grade, which is much less obtrusive than, for example, a room addition. In staff's opinion, the benefit to health, safety or appearance to be derived from correcting the nonconformity by removing 3.75 feet of the patio would not seem to justify the cost or difficulty of the correction.

**Variation:**

With regard to any variation, the Zoning Board of Appeals shall not recommend a variation unless it shall make findings based upon the evidence presented to it in the following case, as per Section 16-15-6(D) of the Zoning Code:

1. The property in question, other than a single-family lot, cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located.

The property in question is a single-family lot, and this criterion is not applicable.

2. The plight of the owners is due to unique circumstances.

The owners have presented information indicating that the nonconforming patio was constructed by a previous owner, without a building permit.

3. The variation, if granted, will not alter the essential character of the locality.

The patio is a minor accessory structure with minimal visibility from the street. The setback variation, if approved, would not alter the essential character of the locality.

4. The plight of the owner is due to the failure of a previous owner of the property in question to follow then-applicable ordinances or regulations, and where the benefit to health, safety or appearance to be derived from correcting the nonconformity would not justify the cost or difficulty of the correction.

It has been proven that a previous owner constructed the patio without a permit. There is no health or safety issue, and staff cannot discern an appearance issue with respect to the patio encroachment.

5. The particular physical surroundings, shape, or topographical conditions of the specific property involved bring a particular hardship upon the owner as distinguished from a mere inconvenience.

The physical surroundings, shape and topographical condition of the property do not bring about a hardship in this case.

6. The conditions upon which the petition for the variance is based would not be applicable generally to other property within the same district.

The unusual condition upon which the petition is based is that the nonconforming structure was constructed without a permit by a previous owner. These circumstances would not apply generally to other properties.

7. The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.

Maintaining the existing patio would not be detrimental to the public welfare nor injurious to the other properties in the neighborhood.

**Summary:**

The plight of the petitioners is due to the actions of a previous owner. The nonconforming structure, a patio, is fairly unobtrusive and has no health or safety concerns.

**RECOMMENDATION**

Staff recommends approval of the variation to allow the concrete patio to extend 3.75 feet into the 8-foot required side yard, resulting in a side yard setback of 4.25 feet., subject to the following conditions:

1. That the 3.75-foot variation applies to the existing patio only; and
2. That in the event the patio is reconstructed or otherwise replaced, the new patio or replacement structure be constructed in conformance with the prevailing Zoning Code; and
3. That the resident shall obtain a building permit for the existing patio; and
4. That all improvements shall be constructed in accordance with all applicable State, County and Village codes and requirements.

Commissioner Spink asked the petitioners if they agreed with the staff conditions and they said that they did agree.

Commissioner Manzullo moved and Commissioner Vora made the second to recommend approval of a variation to the Zoning Code for a rear yard setback in accordance with Staff recommendations. The results of the roll call vote were:

Ayes:	4	Commissioners Manzullo, Christopher, Spink and Vora
Nays:	0	
Absent:	3	Commissioners Smoot, Hundhausen and Michaelsen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on April 21, 2008 and was advised to attend that meeting.

**# 08032:                   MICHAEL HARTEL/DESIGNHAUS, INC. – 200 E. FULLERTON ROAD:  
Special Use Permit – Outdoor Activities and Operations**

Michael Hartel, 1020 Elk Grove Town Center, Elk Grove Village, IL was sworn in as a witness in this matter. He explained that the request is for approval of outdoor propane storage of eight 33lb. containers used for fork lifts. They would be stored in an OSHA approved case that will be visually screened by a wood fence that would be stained to match the color of the building and would be protected by six bollards. The location of the container would be in the west parking lot, which would not affect the required parking spaces and the area would be appropriately striped.

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

Mr. Glee stated that the staff report is entered into and made a part of the record and will be attached to the Minutes. His highlights of the findings of the staff report are, the request is for a Special Use Permit for an outdoor propane tank storage enclosure in the I Zoning District. Staff finds that the petitioner has made reasonable efforts to locate the storage enclosure within the building. Staff also finds that the petitioner's reasons for locating the enclosure outside of the building being space constraints and construction costs are reasonable. Staff finds that the proposed location of the enclosure is appropriate and that the petitioner has proposed screening in conformance with the requirements of the Zoning Code, being a wooden fence colored to match the building. Staff noted that the enclosure fence needs to be at least as tall as the tank cage. Staff notes that the petitioner proposed four bollards to shield the enclosure from impact by vehicles traveling in the vicinity. Therefore, staff finds the criteria for special use to be met, and recommends approval with the conditions noted in the staff report, but changing condition # 3 to read that the tank storage cage with be 70" in height.

The following is the entire Staff Report for this matter.

### GENERAL INFORMATION

#### **Applicant:**

Michael Hartel of Designhaus, Inc., on behalf of Centerpoint Properties.

#### **Size and Location:**

The 4.50-acre property is located on the south side of Fullerton Avenue, about 800 feet east of Gary Avenue.

#### **Existing zoning and land use:**

The subject property is zoned I Industrial District, and is improved with an office / manufacturing building.

#### **Adjacent zoning and land uses:**

The properties to the north, south, east and west are zoned I Industrial District and are improved with industrial buildings.

#### **Attachments:**

Attached for review are a location map, aerial photo, the public notice, cover letter dated January 11, 2008, from Michael Hartel of Designhaus, Inc., the General Application, the Special Use Application, and a site plan (Exhibit A).

#### **Request:**

The applicant is requesting approval of a Special Use Permit for Outdoor Activities and Operations in accordance with §16-10-2(B)(14) of the Carol Stream Zoning Code to allow installation of an outdoor storage area for propane tanks in the I Industrial District.

### STAFF ANALYSIS

As indicated on the attached letter from Michael Hartel, the new tenant for the building will be *Universal Abrasives*, a company that designs and manufactures CBN and diamond tooling. (CBN, or cubic boron nitride, is a very hard synthetic material.) The company serves automotive, aerospace and other technical/precision industrial businesses. The company's products are delivered on a just-in-time basis to customers around the world. *Universal Abrasives'* manufacturing processes are centered around machining and precision grinding of steel, aluminum and ceramic materials. The company desires to have a storage area for propane tanks used by fork lift trucks. The storage area would be a 32-inch wide by 39-inch deep by 7-foot high metal cage that would hold eight 33-pound propane tanks. The cage is

proposed to be enclosed by a 6-foot solid cedar fence that would be colored to match the building. The wooden enclosure would have a locking gate, and would be protected against impact by four 5-foot bollards.

Staff has evaluated the request from an operational and an aesthetic standpoint. The storage enclosure would be located on the west side of the building approximately 300 feet south of Fullerton Avenue. The tank enclosure location was selected for several reasons. First, the new tenant's production equipment and machinery will occupy all of the available space within the building, and so interior space is at a premium. The company studied alternatives for locating the propane storage cage within the building, but was unable to do so without sacrificing production space. Second, because propane is considered a hazardous material, the building and fire code requirements of the enclosure would entail costly architectural improvements, as separation walls would need to be provided. The location against the west wall of the building was selected so as to be accessible and convenient to the nearby loading dock. Building staff and Fire Protection District staff have reviewed the request, and have no objection provided the requirements of the Building and Fire Codes are met.

With respect to aesthetics, as required by the Zoning Code, the tank storage cage would be located within a screened enclosure, a wooden fence that would be colored to match the existing building. However, the proposed fence height is six feet, while the height of the storage cage itself is seven feet. Since the maximum allowable height of a fence in the Industrial Zoning District is seven feet, staff recommends that the petitioner amend his request to provide a 7-foot wooden fence enclosure.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

1. Is deemed necessary for the public convenience at the location.

The public convenience is not at issue.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The visual impact of the proposed outdoor tank would be minimized by the fence enclosure, which would be painted to match the building, and should not be detrimental to or endanger public health, safety, morals, comfort or general welfare. Staff recommends the petitioner amend his request to provide a 7-foot wooden fence enclosure, which would match the height of the storage cage.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.

The site is within an existing, developed industrial area, and therefore the proposed outdoor storage area should not be injurious to the use or enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding properties have already been developed.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Adequate utilities, access roads, drainage and other public improvements are currently in place.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The proposal is expected to conform to all applicable codes and requirements.

**Summary:**

In staff's evaluation of this case, we note that the Petitioner has attempted to locate the tank storage area within the building, but is unable to do so due to space constraints and cost. We note that a wooden fence enclosure would be provided per the requirements of §16-10-1(C), and the fence would be painted to match the existing building; however, we recommend the fence height be seven feet in order to match the height of the storage cage. Finally, we note that the Village has approved storage enclosures elsewhere in the Industrial Zoning District. Based upon the information discussed above, staff has determined that the Petitioner's request for a Special Use Permit for Outdoor Activities and Operations in the I Industrial District is reasonable.

*RECOMMENDATION*

Staff recommends approval of a Special Use Permit for Outdoor Activities and Operations in accordance with §16-10-2 (B)(14) of the Carol Stream Zoning Code to allow installation of a propane tank storage enclosure in the I Industrial District, subject to the following conditions:

1. That the propane tank storage enclosure shall be installed and maintained in conformance with the attached site plan dated March 12, 2008, prepared by Designhaus, Inc;
2. That an amendment to the Special Use Permit shall be required for any significant future changes or modifications in the size or location of the storage enclosure; and,
3. That the height of the wooden fence be seven feet; and
4. That the development and operation of the tank will comply with all state, county and village codes and requirements.

Commissioner Manzzullo commented that petitioners usually provide spec sheets for the equipment being proposed for use and asked if the sheets were available for the tanks. Mr. Hartel said that he did not submit spec sheets, but he did provide the data on the tanks, as requested and noted that the tanks and cage are similar to what is seen at places that exchange propane tanks for gas grills, except that they are slightly larger to accommodate fork lifts trucks. The cage will hold eight tanks of fuel and each tank holds 33 pounds. They will be inside of the cage on a shelving unit and the cage will be locked. The cage will be placed on the west side of the building towards the south end of the west side of the building about two or three parking spaces north of the south corner, about 90 feet away.

Commissioner Vora said that he would like to have the spec sheets.

Commissioner Spink asked if the propane tanks will be filled on site and Mr. Hartel said that they are replaced on a one for one exchange, so the tanks are delivered full to replace those that have been empty. Commissioner Spink asked if the bollards will be placed around the cage and Mr. Hartel replied that the submitted plan has the placed cage, the fence and then the bollards. The idea is to have the cage, then a screening fence and the two bollards at the corners of the fence and two additional bollards at the head of the parking space so cars cannot park even close to the fenced area. The cage will sit on the asphalt pavement of the parking lot. Commissioner Spink said her concern is with the cedar fence surrounding a combustible product. Mr. Hartel said they have followed all of the guidelines provided by National Fire Protection Association and the International Fire Code for this location. Commissioner Spink asked if there will be signage on the fence that will indicate that propane is being stored in the area and Mr. Hartel said that he is not aware that the sign will be on the fence, but he does not think it is on the cage that actually holds the tanks.

Chairman Pro-Tem Christopher said that he is in agreement with the staff recommendations. Commissioner Spink moved and Commissioner Christopher made the second to recommend approval of a Special Use Permit for outdoor activities and operations for the storage of propane tanks for a fork lift truck in accordance with staff recommendations, including the correction of the dimensions and that the petitioner will present spec sheets for both the tanks and the storage unit. The results of the roll call vote were:

Ayes:	4	Commissioners Manzullo, Christopher, Spink and Vora
Nays:	0	
Absent:	3	Commissioners Smoot, Hundhausen and Michaelsen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on April 21, 2008 and was advised to attend that meeting.

Commissioner Hundhausen entered the meeting at this point.

**# 07136: ANGEL ASSOCIATES, LP – South of St. Charles Road, East of Schmale Road**  
***Special Use for Planned Unit Development***  
***Preliminary/Final PUD Plan Approval***  
***Special Use for Bank, Drive-up Service Window, Shopping Plaza, Auto Laundry***  
***Rezoning to B-3 Service District upon Annexation***  
***Variations – Sign Code***

Mario Spina, 381 St. Charles Road, Carol Stream, IL was sworn in as a witness in this matter. He explained that the project entails a 10,000 sq.ft. strip center with a drive through window, a 3,000 sq. ft. free standing bank, with three drive up lanes and also a 142 ft. conveyor with a 120ft. building car wash. To make this project doable, they are asking for rezoning and some special uses and some variances. The property is currently zoned B-2 and an additional parcel of property, just to the east has been acquired. That parcel is in unincorporated DuPage County, zoned B-1 in Milton Township. The intent is to rezone both of the properties to B-3 to allow the car wash other things they would like on the lot. They are also requesting a Special Use Permit for the bank, a special use permit for a drive-up service window for both the bank and the strip center and a special use permit for an auto laundry, which is the car wash, and a special use permit for a Planned Unit Development because they are proposing three different buildings on the lot. They are also asking for sign code variances for both height and area. The variance from the sign code for Schmale Road only is because the lot will have a lot of users on the property, including the Bank, the car wash and from three to six different tenants and with up to eight different users on this one property, so that is why they are asking for a larger sign.



Chairman Pro-Tem Christopher said that the staff report is entered into and made a part of the record and will be attached to the Minutes. Mr. Gles summarized the staff report with the following; The requests are for Special Uses – Planned Unit Development, Shopping Plaza, Drive-up Service Window, Bank with Drive-up Service Window and Auto Laundry. Preliminary /Final PUD Plan Approval, Rezoning to B-2 General retail District to B-3 Service District, and B-3 District upon Annexation and Variations to the Sign Code, for a new commercial development, consisting of a 10,000 sq. ft. commercial building, as stand-alone bank and a car wash. Staff finds that the petitioner's request for Special Use Permit for a Planned Unit Development is reasonable owing to the unusual shape of the lot and the desire for a miscellany of commercial uses. Staff finds that the petitioner's request for Special Use Permit for a Shopping Plaza is well-supported in that adequate parking would be provided, adequate access would be provided, adequate setbacks would be provided with the exception of the setbacks noted in the table of exemptions on the PUD Plan, and adequate landscaping would be provided presuming the petitioner makes the enhancements recommended by staff.

Staff noted that the food service use in the commercial building should be limited to 40% in order to ensure that the parking requirements of the Zoning Code will be met.

Staff notes that a fence should be provided along the south property line, where there is a residential apartment complex, in order to meeting the requirements of the Zoning Code.

Staff noted that a rear yard setback of 13 feet rather than the required 40 feet should be added to the table of exceptions.

Staff finds that the petitioner's request for Special Use Permit for two drive-up window services is well-supported in that adequate access and vehicle stacking would be provided.

Staff recommends additional landscape screening of the drive-up lane along Schmale Road and a fence to screen the bank drive-up at the south property line.

Staff has no objection to the petitioner's request for a Special Use Permit for a bank, in view of the fact that the bank would represent a component of a multi-use commercial development and would represent less than 20% of the overall building area of the development.

Staff has no objection to the petitioner's request for a Special Use Permit for a car wash.

Staff notes that the proposed number of stacking spaces is 24 rather than the Zoning Code requirement of 30; however staff believes the proposed number of spaces is adequate.

Staff suggests that the petitioner should comment on the propose exit from the queuing area and the operation of the merge from two lanes to one.

Staff finds the petitioner's proposed PUD Plan to be acceptable, with certain modifications recommended in the staff report. These are:

That the Table of Exemptions on the Final PUD Plan be revised be updated to include a rear yard setback of 13 feet as an exemption from the B-3 District required rear yard setback of 40 feet;

That the PUD Plan be revised to delete two parking spaces in the middle row of spaces, and instead double the width of both the eastern and western landscape islands, with shade trees being added to these islands;

That the PUD Plan be revised to delete the westernmost parking stall in the southern row of parking, and instead make this area greenspace, including a shade tree;

That the PUD Plan be revised to provide several landscape planting bed cut-outs or planters across the length of the sidewalk on the south side of the building, and the planting beds should contain a mixture of low level shrubs, annual grasses, and small ornamental trees;

That the PUD Plan be revised to provide a staggered double row of shrubs, minimum 30 inches in height, be installed just behind the outside back of curb along the drive-up service lane where it parallels Schmale Road at the west end of the plaza;

Staff finds that the proposed building architecture would convey a high-quality appearance. Staff finds the petitioner's request for an overall zoning of B-3 to be appropriate.

With respect to the petitioner's requests for variations from the Sign Code, to allow a ground sign at the Schmale Road frontage to be 14 feet in height as opposed to 6 feet in height and 120 square feet in area, as opposed to 96 square feet in area, staff finds that the criteria for variation are not met.

Staff notes that no other ground sign in the Carol Stream Schmale Road commercial corridor has been granted a variation.

Staff noted that four properties in the corridor exist with signs taller and/or larger in area than allowed by the Carol Stream Sign Code, but those properties are outside of the Village limits. Staff notes that the petitioner will need to prepare a plat of consolidation, with cross-access and stormwater easements, and he plans to do so at the time of application for building permit. Staff has no objection.

Staff recommends approval of the petitioner's requests for Special Uses – Planned Unit Development, Shopping Plaza, Drive-up Service Window, Bank with Drive-up Service Window and Auto Laundry. Preliminary /Final PUD Plan Approval, Rezoning to B-2 General retail District to B-3 Service District, and B-3 District upon Annexation.

Staff cannot support the petitioner's request for approval of Sign Code variations.

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

The following is a complete copy of the staff report:

**GENERAL INFORMATION**

**Applicant:**

Mario Spina, Vice President of Angel Associates, LP

**Size and Location:**

The site consists of two adjacent parcels totaling 3.47 acres, including a 1.64-acre incorporated parcel on the east side of Schmale Road, 500 feet south of St. Charles Road, and a 1.83-acre parcel on the south side of St. Charles Road, 250 feet east of Schmale Road. (See attached location map.)

**Existing zoning and land use:**

The incorporated parcel is zoned B-2 General Retail District and is vacant. The unincorporated parcel is zoned B1 Local Business District in Milton Township and is also vacant.

**Adjacent zoning and land uses:**

The properties to the north are zoned B-2 General Retail District and B-1 Local Retail District, with the B-2 parcel improved with a restaurant and the B-1 parcel improved with Carol Stream Fire Protection District Fire Station #2. The property to the east is zoned B-2 General Retail District with a Special Use for Planned Unit Development and improved with Gina's Plaza. The properties to the south are zoned B-2 General Retail District and R-4 General Residence District with a Special Use for Planned Unit Development, with the B-2 parcel improved with Schmale Road Plaza and the R-4 property improved with Westhaven Apartments. The properties to the west are zoned B-2 General Retail District and improved with restaurants.

**Attachments:**

Attached for review are a location map, aerial photo, public notice, cover letters from Mario Spina dated April 27, 2007, the General Application, Special Use Applications (5), Sign Code Variation Application, and reduced copies of the Preliminary/Final PUD Plan set (Exhibit A), the Landscape Plan (Exhibit B), and Building Elevation Plans (Exhibit C) and Signage Elevation Plan (Exhibit D).

**Request:**

The applicant is requesting a Special Use for Planned Unit Development in accordance with Sections 16-9-4(C)(1) and 16-9-2(C)(1) of the Carol Stream Zoning Code, a Special Use for a Shopping Plaza in accordance with Section 16-9-4(C)(13) of the Carol Stream Zoning Code, a Special Use for Drive-up Window Service in accordance with Sections 16-9-4(C)(1) and 16-9-3(C)(11) of the Carol Stream Zoning Code, a Special Use for a Bank with Drive-up Window Service in accordance with Sections 16-9-4(C)(1) and 16-9-3(C)(3) and (11) of the Carol Stream Zoning Code, a Special Use for an Automobile Laundry in accordance with Section 16-9-4(C)(2) of the Carol Stream Zoning Code, combined Preliminary and Final Planned Unit Development Plan approval in accordance with Sections 16-16-3 and 16-16-4 of the Carol Stream Zoning Code, Rezoning from B-2 General Retail District to B-3 Service District for the incorporated parcel and B-3 Service District (upon annexation) for the unincorporated parcel in accordance with Section 16-15-7 of the Carol Stream Zoning Code and Sign Code Variations in accordance with Section 6-11-17(D)(2) of the Carol Stream Sign Code to allow an increase in the area of a ground directory sign from 96 square feet to 120 square feet and an increase in the height of a ground directory sign from six feet to 14 feet.

#### STAFF ANALYSIS

Mario Spina of Angel Associates, LP has submitted an application for several zoning approvals to allow a multi-building commercial development on two parcels located generally within the southeast quadrant of the intersection of Schmale Road and E. St. Charles Road. The proposed development would consist of three buildings with shared parking facilities, for which the applicant is requesting a Special Use for a Planned Unit Development. The applicant is also requesting combined Preliminary/Final Planned Unit Development Plan approval for the proposed development. The first proposed building is a 10,000 square foot multi-tenant shopping plaza with a proposed fast food drive-up service window. The applicant is requesting Special Uses for both the shopping plaza and the drive-up service window. The second proposed building is a 3,081 square foot stand-alone bank facility with three drive-up service lanes. The applicant is requesting Special Uses for the bank and drive-up service lanes. The third building is an automatic tunnel-style car wash (auto laundry), for which the applicant is requesting a Special Use.

The overall site consists of two parcels; one incorporated parcel currently zoned B-2 General Retail District, and one unincorporated parcel currently zoned B1 Local Business District in Milton Township. To accommodate the various uses, the applicant is requesting that the incorporated parcel be rezoned to B-3 Service District, and that the unincorporated parcel be rezoned to B-3 Service District upon annexation to the Village of Carol Stream. The annexation of the unincorporated parcel is strictly within the purview of the Village Board; the Plan Commission should consider the applicant's zoning requests as though the entire site was already annexed to the Village. Finally, the applicant is requesting Sign Code Variations related to the height and area of the ground sign proposed for installation along the Schmale Road frontage.

#### **Special Use – Planned Unit Development**

The applicant is requesting that a Special Use for Planned Unit Development be approved for the overall property. In consideration of the request for Planned Unit Development for this property, staff notes the following language contained in the Planned Unit Development section (Article 16) of the Zoning Code:

*The primary purpose of a planned unit development is to stimulate the development of balanced neighborhoods containing physical, economic, and social assets difficult to achieve through the traditional separation of use and density zones.*

Specifically, for Business Planned Unit Developments, the Zoning Code provides the following purpose:

*To encourage the most orderly development of commercial properties through advance planning, and to assure adequate standards for the development of business; provide regulations to encourage a variety of building types; assure adequate open space and parking; protect residential areas from undue traffic congestion; and to allow for the placement of more than one commercial building on a single zoning lot.*

From the developer's perspective, obtaining approval of a Planned Unit Development will allow for three buildings to be constructed as a unified development, as well as the possibility for some flexibility in zoning standards, as will be discussed in detail later in this report. It should be noted that the petitioner intends to submit an application for a Plat of Consolidation to consolidate the two parcels into one single lot.

In review of the request for Planned Unit Development, staff notes that the overall site has some unique characteristics that have the potential to constrain its development. First, the two parcels each have an unconventional configuration. The incorporated parcel is a flag lot, with a 30-foot wide, 400-foot long strip extending north to St. Charles Road, while the majority of this parcel is contained within a square-shaped area fronting on Schmale Road. The unincorporated parcel is unusually narrow and deep, measuring approximately 130 feet in width by 630 feet in depth. The awkward overall site configuration poses development challenges under the strict application of zoning regulations. Second, the long and narrow rear portion of the site has limited visibility from Schmale Road. The challenges associated with limited visibility can be overcome by a unified Planned Unit Development with shared parking and traffic circulation drives.

In view of these factors, and in recognition that this proposal involves one of the last remaining undeveloped sites in what is perhaps Carol Stream's strongest commercial corridor, staff does not object to the developer's request for a Special Use for Planned Unit Development for this property. The other special use requests, and specific details of the Preliminary/Final PUD Plan, will be discussed in detail in the remaining sections of this report. In addition, the developer is requesting several exemptions from the standards of the Zoning Code as part of the Planned Unit Development process. The requested exemptions will be discussed in detail later in the report.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

Is deemed necessary for the public convenience at the location.

Staff finds that the Special Use for Planned Unit Development, in association with the development of this important site within the Schmale Road commercial corridor, would serve the public convenience at this location.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The requested Special Use for Planned Unit Development should not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed Planned Unit Development would not adversely affect surrounding properties.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

All surrounding properties area already developed.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities will be provided as part of the overall development.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The Planned Unit Development is expected to follow all the standards for Business Planned Unit Developments per Section 16-16-8 of the Carol Stream Zoning Code.

### **Special Use – Shopping Plaza**

The applicant is requesting a Special Use for a *Shopping Plaza*, which the Zoning Code defines as “a commercial development in excess of one acre of land, improved with a structure containing three or more distinct and separate retail businesses, also sharing common parking areas and access drives.” The proposed shopping plaza would contain 16,000 square feet of commercial space in three buildings. The applicant has recently informed staff that the westernmost use in the multi-tenant building will be Dunkin’ Donuts, which is planning to make use of the drive-up service window on the west side of the building. This is the only known tenant for this building at this time. The second building will contain a bank (name unknown) with three drive-up service lanes. The third building will be an automatic tunnel-style car wash, which will be located on the long, narrow, rear portion of the site.

### **Access and Parking:**

Access to the site would take place through two full access points – one located at about the middle of the Schmale Road frontage and the other located along the St. Charles Road frontage. The Schmale Road access will have one entrance lane and separate right and left turn lanes exiting the site, while the St. Charles access will have one exit lane and one entrance lane. Once on site, drivers would drive through parking lot drive aisles to access the various buildings and parking areas. Due to the proposed drive-up service proposed for both the multi-tenant retail building and the bank, motorists will be able to circulate around all four sides of these buildings. Drivers traveling north on the drive aisle just to the west of the proposed car wash would be able to turn around in the large pavement area at the north end of the car wash and head back to the south, if necessary. Although the overall traffic circulation pattern and flow is somewhat awkward due to the odd parcel configuration, motorists have multiple options for accessing the various areas of the site, and can access all three buildings without leaving the site.

One additional note about access involves changes to the Village Tavern access that would result from the proposed development. The Village Tavern has been using property immediately east of their property for parking, and also for access to St. Charles Road. The property upon which the parking has been taking place is part of the incorporated B-2 District property owned by the applicant, who has been working with the owner of the Village Tavern to

create a new access and parking configuration. Through this development, the Village Tavern's St. Charles Road access will be eliminated, and the new drive lane west of the car wash, leading to St. Charles Road, will be built. The Final PUD Plan shows a curb cut off of the new north south drive leading into the southeast corner of the Village Tavern site, to allow Village Tavern patrons access to the drive aisle network of the applicant's proposed development. Staff always encourages cross-access between adjacent commercial properties, and although a cross-access agreement and easement still needs to be finalized between the property owners, staff views this access enhancement and consolidation as a positive aspect of the Final Planned Unit Development Plan. The applicant will need to furnish staff with an approved cross-access agreement, and cross-access easements will need to be approved on the future plat of consolidation that was previously mentioned.

Regarding parking, the bank building requires parking at a ratio of one space per 400 square feet, which would result in a parking requirement of 7.7 spaces. The car wash requires one parking space per employee, and the applicant has advised staff that the maximum number of employees on the busiest shift will be two. While this estimate of the peak number of employees seems low, the applicant attributes this to the automated nature of the car wash. As such, the car wash requires two parking spaces. Finally, the multi-tenant shopping plaza building requires 40 parking spaces based on the parking ratio of one space per 250 square feet. The total parking required for the overall development is 50 spaces, while 74 parking spaces are to be provided. As the Plan Commission will recall, the multi-tenant retail building would be permitted to have up to 10% of the floor area devoted to food service uses. Beyond 10%, or in this case, 1,000 square feet, an additional 6 parking spaces for each 1,000 square feet of food service use would be required. As such, staff supports some excess parking spaces being provided beyond the minimum requirement of 50 spaces. Since the applicant has not advised staff as to the number of square feet that Dunkin' Donuts will occupy, we cannot precisely calculate the exact parking based on food service uses. However, if 20% (2,000 square feet) of the building is devoted to food service uses, then 56 total parking spaces would be required; at 30% food service, 62 spaces would be required; and at 40% food service, 68 spaces would be required. With 74 spaces proposed, the plan provides sufficient flexibility for future food service uses. If the Plan Commission were to recommend approval of the Special Use for the Shopping Plaza, staff would advise that the recommendation include the condition that the multi-tenant retail building shall not be permitted to have more than 4,000 square feet allocated toward food service use.

Use of Space	Square Feet of Use	Parking Factor	Spaces Required
Multi-tenant retail building	10,000	1 space for each 250 sq. ft.	40
Bank	3,081	1 space for each 400 sq. ft.	7.7
Car Wash	2,920	1 space for each employee	2
<b>Total Parking Required With Up To 1,000 (10%) Food Service Uses:</b>			<b>50</b>
Food Service, above 10%	Additional 3,000	6 spaces per 1,000 sq. ft.	18
<b>Total Parking Provided:</b>			<b>74</b>

Staff notes that even with 40% of the shopping plaza devoted to food service uses, there would be six extra parking spaces. However, staff is recommending some landscape enhancements to the front parking lot area, discussed later in this report that would reduce the number of parking spaces provided. Also, as a point of information, staff has questioned the usefulness of

the 20 parking spaces immediately west of the car wash. While during staff review we asked the applicant to consider other options to maximize the functionality of these parking spaces, we believe that up to 15 of these spaces could serve as a suitable location for employee parking for all three buildings. The Plan Commission is encouraged to discuss this option, and may include this as a condition of approval if so desired.

#### **Setbacks:**

The applicant is requesting exemptions from the standards of the Zoning Code as part of the PUD process, and two of the requested exemptions are related to required setbacks. The Final Planned Unit Development Plan (Sheet A1) contains a Table of Exemptions listing three exemptions requested by the applicant. One exemption has to do with the number of stacking spaces for the car wash, and this is discussed later in this report. Another requested exemption involves the front setback of the shopping plaza from the Schmale Road right-of-way. The requested B-3 Service District requires a 100-foot front setback, while the shopping plaza is shown to have a front setback of 46.19 feet. Owing to the odd overall configuration of the property, and a desire to maximize the development potential on the property, staff does not object to the exemption to decrease the front building setback.

The third requested setback exemption involves the parking setback along the south property line, which is proposed to be decreased from 40 feet to 18 feet. Staff notes that about the eastern two-thirds of the south property line abuts property that is zoned R-4 General Residence District, and that the property is improved with an apartment complex. While it is true that the parking lot for the apartment complex is located just south of the south property line, it is typical for significant buffering to be provided between residential and commercial properties. We also note that the B-3 District regulations state that, "in side yards of less than 40-foot widths adjoining residence districts, a solid wall or solid fence shall be provided along the property lines". In review of the Final PUD Plan, we also note that the drive-up service lane stacking area is located about one foot off of the south property line. Staff can only support the requested exemption regarding the parking setback from the south property line if a solid six foot fence is installed along the south property line, for that portion of the south property line that abuts the adjacent R-4 General Residence District zoning to the south.

Staff believes that the applicant should also have requested an exemption from the B-3 District rear yard setback of 40 feet. In this property configuration, the rear property line is the east property line. The car wash building is shown to be set back 13 feet off of the rear property line. Staff does not object to this exemption since the adjacent property to the east is improved with a shopping plaza, with the area just beyond the common lot line containing drive aisles and a parking field. Staff recommends that the Table of Exemptions on the Final PUD Plan be updated to include this additional exemption.

#### **Landscape Plan:**

The landscape plan (Sheet L1.0) generally proposes an acceptable quantity of landscape materials around the site, although staff has several recommendations for enhancements to the plan. The first recommended enhancement is in regards to parking lot greenspace in the main parking lot to the south of the shopping plaza building, west of the bank. While the middle island measures nine feet in width, the two other islands at the east and west ends of the main parking lot area measure only four feet in width. The proposed shrubs may not survive in such a narrow planting area, as they would be subject to damage from being run over by automobiles, as well as from plowed snow and salt. Although the overall parking lot greenspace just complies with Business PUD requirement of 4%, staff strongly recommends that additional greenspace be added to the main portion of the parking lot by making the following changes: 1) delete two parking spaces in the middle row of spaces, and instead double the width of both the eastern and western landscape islands, with shade trees being added to these islands and 2) delete the westernmost parking stall in the southern row of parking, and instead make this area

greenspace, including a shade tree. This parking stall would have been difficult from a maneuverability standpoint anyway, as a vehicle would have had to back straight out of the spot because there is no turnaround room. Since the plan provides parking to accommodate in excess of 40% food service in the shopping plaza, staff feels that the overall improvement to the site through enhanced greenspace justifies the removal of three parking spaces.

Staff has two additional final landscape plan comments. The first involves building foundation landscaping. Foundation landscaping is shown to be provided on the most visible sides of the bank and car wash buildings, yet almost no foundation landscape materials are provided around the shopping plaza building. Given the generous eight-foot-wide sidewalk proposed along the south side of the shopping plaza building, staff recommends that several landscape planting bed cut-outs or planters be provided across the length of the sidewalk on the south side of the building. The planting beds should contain a mixture of low level shrubs, annual grasses, and small ornamental trees. The second comment involves the drive-up service lane exit at the west end of the shopping plaza. Given the close proximity of this lane to Schmale Road, we recommend that a staggered double row of shrubs, 30 inches in height, be installed just behind the outside back of curb to the point where the curb curves back to the east. This will improve the appearance of the shopping plaza as seen from Schmale Road.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

Is deemed necessary for the public convenience at the location.

Staff finds that the Special Use for a Shopping Plaza, at this important location in the Schmale Road commercial corridor, would serve the public convenience at this location.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The requested Special Use for a Shopping Plaza should not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Subject to the applicant being agreeable to the recommended landscaping and fence enhancements, the proposed Shopping Plaza should not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The Shopping Plaza will not adversely affect surrounding property.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities will be provided as part of the overall development.

6. Will conform to the applicable regulations of the district in which it is located, except as the



Village Board may in each instance modify such regulations.

The Shopping Plaza is expected to operate and conform with all applicable regulations, subject to exemptions to the regulations granted as part of the Planned Unit Development.

### **Special Use – Drive-up Window Service**

The petitioner is requesting Special Uses for drive-up service windows for both the shopping plaza and the bank. Each proposed drive-up service window operation will be discussed separately, as follows.

The drive-through lane for the shopping plaza would run the entire length (200 feet) of the west side of the building. Motorists would enter the drive-through lane from the main north/south drive aisle that leads to the St. Charles Road access. The lane has been designed at 20 feet in width, which should allow adequate room for a bypass lane if a vehicle were to stall or if a customer wishes to exit the drive-through queue. Staff was recently advised by the applicant that Dunkin' Donuts will be the tenant making use of this drive-up service window. The Zoning Code requires a total of ten vehicle stacking spaces, with at least five spaces at the ordering point, for a fast food drive-up service use. The Final PUD Plan shows 14 stacking spaces, with 10 such spaces from the ordering station back to the drive-up lane entrance. Staff's only concern with this drive-up service operation involves the appearance of the drive-up service operation in such close proximity to Schmale Road. To mitigate this issue, in the Landscape Plan section of this report, staff recommended the installation of additional landscape materials along the outside curb line of the drive through lane. This will improve the appearance of this aspect of the site.

Three drive-up service lanes are proposed for the bank on the southern portion of the site. Motorists would enter the drive-up area through a one-way drive aisle near the southwest corner of the bank. As stated, three drive-up service lanes are provided on the east side of the building; however, we note that the 24-foot pavement width south of the bank, which is the location where customers awaiting service will queue, will only accommodate two lanes of vehicles. We note that the Zoning Code requires four stacking spaces for each teller window for banks. While the queuing arrangement is not ideal, there is sufficient length to the pavement area on the south side of the bank to accommodate the 12 stacking spaces that are required. Staff's only concern with the bank drive-up service operation is its close proximity to the R-4 District property immediately to the south. In the Setbacks section of this report, staff recommended that a solid six-foot wooden fence be installed on the south property line for the extent of the lot line that is adjacent to the apartment complex property.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

Is deemed necessary for the public convenience at the location.

Staff finds that the Special Use for two Drive-up Window Service operations, in association with the development of this important property in the Schmale Road commercial corridor, would serve the public convenience at this location.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Provided that staff's recommendations regarding additional landscape screening and a solid fence are implemented, the drive-up service window operations should not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Provided that staff's recommendations regarding additional landscape screening and a solid fence are implemented, the proposed drive-up window service should not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

All drive-up traffic will be contained within the site, and will not adversely affect surrounding property.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities will be provided as part of the overall development.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The drive-up windows are expected to operate and conform with all applicable regulations, subject to the condition that the drive-up window for Building 3 shall not be used as part of any food service use.

### **Special Use – Bank**

The petitioner is requesting a Special Use Permit to provide a 3,081 square foot bank on the southern portion of the property. The specific bank name has not been indicated by the applicant. In the past, some members of the Village Board and Plan Commission have raised some concerns about banks locating in key retail areas because they do not generate sales taxes for the Village. Because the Village of Carol Stream does not levy a local property tax, the Village is more dependent on sales tax as a revenue source than surrounding communities. Banks typically do not produce any sales tax, and are less desirable than retail businesses from that standpoint. Therefore, if a developer proposed to simply construct the bank and sell the remaining land for future development, staff would not be in favor of the bank. In this case, however, the proposed bank represents just under 20% of the total building area of the overall development. Since the overall development will likely have several sales tax generating uses, the impact of the proposed bank from a revenue generation standpoint is minimized. Also, the development community will often wish to place a bank within a commercial property because of the customer traffic it generates and the associated beneficial effect on the other commercial uses. Aside from the recommendation related to a solid fence being installed along the south property line, to screen the commercial use from the adjacent residential use, staff is not opposed to the proposed Special Use Permit to allow a bank.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

Is deemed necessary for the public convenience at the location.

Staff finds that the Special Use for a Bank, in conjunction with the overall development of a shopping plaza, would serve the public convenience at this location.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The requested Special Use for a Bank should not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed bank would be within a commercial development. Provided that a fence is installed to separate this proposed commercial use from the adjacent residential uses to the south, the proposed bank should not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Again, provided that a fence is installed to separate this proposed commercial use from the adjacent residential uses to the south, the proposed bank will not adversely affect surrounding property.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities will be provided as part of the overall development.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The bank is expected to operate and conform with all applicable regulations.

### **Special Use – Car Wash**

The applicant is requesting a Special Use Permit for a 2,920 square foot automatic tunnel-style car wash to be constructed on the long, narrow portion of the site, along the east property line. The entrance to the car wash queue would be off of the main north-south drive aisle. The Zoning Code requires 30 stacking spaces for car washes, and the applicant is requesting an exemption through the Planned Unit Development process to provide 24 vehicle stacking spaces. Staff believes that the automated nature of this car wash will allow for rapid vehicle turnover through the wash cycle, and as such, we can support the PUD exemption for 24 stacking spaces. However, the applicant should be prepared to elaborate as to the anticipated wash time and peak customer volumes to demonstrate that the proposed stacking will be adequate.

Staff has a few questions regarding the car wash operation that the applicant should be prepared to discuss. First, we note that there is an exit lane for customers wishing to exit the vehicle queuing area. However, it would seem that only vehicles in the western lane would be able to make use of this exit lane. Second, the Final PUD Plan shows how the two queuing lanes taper down to one lane. How will customers know that it is their turn in line? Finally, the

applicant has stated that the peak number of employees during the busiest shift will be two, and this information was used in calculating the parking requirement for the car wash use. The applicant should be prepared to elaborate on the expected car wash operation, as many automatic car washes today have several employees' hand-drying vehicles after they exit the wash tunnel. We do note that four "detail" spaces are shown on the plan at the north end of the car wash site, so it may be that customers will dry their own vehicles.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

Is deemed necessary for the public convenience at the location.

Staff finds that the Special Use for a car wash, as part of the overall development of a shopping plaza, would serve the public convenience at this location.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The requested Special Use for a car wash should not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed car wash would be within a commercial development. Provided that the applicant can elaborate as to the operational aspects of the car wash to the satisfaction of the Plan Commission, specifically as related to the number of employees, detailing operations, the order of customers entering the wash tunnel, and the function of the exit/bypass lane, the proposed car wash should not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The car wash should not adversely affect surrounding property.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities will be provided as part of the overall development.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The car wash is expected to operate and conform with all applicable regulations.

#### Preliminary / Final PUD Plan

The applicant is requesting approval of a Preliminary/Final PUD Plan. Many aspects of the Preliminary/Final PUD Plan have already been discussed in this report, such as the building setbacks, access, parking, landscape plan and the various Special Use requests. The Engineering Services Department has reviewed the proposed plan with respect to the feasibility of the stormwater management improvements, and found it to be feasible. Final engineering

design review will be done at time of building permit; however, staff notes that a stormwater easement agreement will be necessary with the adjacent apartment complex in order to connect the proposed storm drainage system to the existing system on that property. The petitioner is in the process of acquiring this easement, and plans to include it in the plat of consolidation, as discussed elsewhere in this report.

One aspect of the plans that has not yet been discussed involves the proposed building elevations (Sheets A1 through A3). In general, staff is of the opinion that the building elevation plans convey a high-quality appearance. The elevations indicate that the three buildings will share similar materials and design details, including a split face block wainscot at the base of the buildings, precast stone accent bands, split face masonry units, decorative awnings, light fixtures and vertical corner tower elements, and standing seam metal pitched roof surfaces. We also note that the rooftop mechanical units are shown to be screened with materials that are similar to those used in the building construction. We support the applicant's limited use of EIFS only as an accent material at the parapet walls. Finally, it appears that the trash enclosures located on the east side of the shopping plaza will be constructed using the same masonry material used in the building, which staff supports.

At this time, staff can generally support the Preliminary/Final PUD Plan, subject to any additional suggested conditions of approval related to the Plan, which are included in the Recommendation section of this report.

### **Rezoning**

As discussed, the site consists of two parcels. The incorporated parcel is currently zoned B-2 General Retail District, while the unincorporated parcel is zoned B-1 Local Retail District in Milton Township. Car washes are listed as a Special Use in the B-3 Service District, however they are not listed as either a permitted or Special Use in the B-2 District. Accordingly, the applicant is requesting to rezone the property to the B-3 Service District. Ultimately, the Village Board will take action on the rezoning requests for both properties. However, from a procedural standpoint, the Plan Commission should not be concerned with the unincorporated status of the eastern parcel in making their recommendation regarding the rezoning request.

### **Future Land Use Plan:**

The Future Land Use Plan (FLUP) recommends a commercial use for both parcels. The property is located within the Schmale Road commercial corridor, which is one of Carol Stream's busiest business areas. If the rezoning is approved, the property will still have a business district zoning classification. As discussed, the B-3 classification is being sought to allow for the possibility of a car wash being constructed on the property. Since the requested B-3 District is consistent with the zoning of the surrounding area, and the proposed use is consistent with the commercial land use recommendation of the FLUP, staff has no objection to the requested rezoning.

### **Sign Code Variations:**

Because the proposed development will have frontage on two streets, ground signs are permitted along both the Schmale Road and St. Charles Road frontages. Section 6-11-17 of the Sign Code, *Signs in the Business Zones*, permits shopping plazas to have one Directory Sign per street frontage, not to exceed 96 square feet in area or six feet in height.

The proposed ground signs are shown on Sheet A3. Detail drawing 7, at the bottom of Sheet A3, depicts the sign that is proposed to be installed along the St. Charles Road frontage. At six feet in height and 40 square feet in area, this sign complies with the applicable Sign Code requirements. However, the ground sign proposed for installation along the Schmale Road

frontage, seen in detail drawing 5, is shown to be 14 feet in height, with a total signage area of 120 square feet. The applicant is requesting two Sign Code variations to allow the Schmale Road sign to exceed the six foot height and 96 square foot area requirements of the Code.

In support of his request for the Sign Code variations, as seen on the Sign Code application form (Form B-2), the applicant points to the potentially large number of different businesses that could ultimately locate in the shopping plaza, with each business needing visibility on the sign to ensure the success of each business.

Staff finds the Sign Code variation requests to be difficult. On the one hand, the Village wishes to encourage full development of its commercial corridors, not only to enhance Village sales tax revenues, but also to provide a convenience to Village residents and other area shoppers. In addition, many stated Village goals are based on the concept of encouraging commercial development, and the Village is willing to assist businesses to be as successful as possible. These factors would lend support to the requested variations. However, the degree of the variations, in particular related to sign height (14 feet proposed versus six permitted), is significant. Also, the Village has a consistent track record of maintaining a six-foot height for ground signs, particularly within the Schmale Road corridor. A review of other ground signs on nearby properties within the Village of Carol Stream reveals complete compliance with the six-foot height requirement for ground signs, including the fire station, Village Tavern, Culver's, Manhattan Club, and Aldi. (Dominick's and Home Depot have taller pylon signs, which are allowable under the Sign Code for shopping centers and large properties.) However, staff notes that four properties on Schmale Road – Jiffy Lube, Brown's Chicken, Collision Centers and Main Street – have ground signs taller than six feet; those properties are located outside of the Carol Stream Village limits, either in Wheaton or unincorporated DuPage County.

When contemplating a decision on any request for a Sign Code variation, the Zoning Board of Appeals shall consider the following criteria, as stated in Section 6-11-21(B) of the Sign Code:

Any unique physical property of the land involved.

There does not appear to be any unique physical property of the land involved. In fact, because the property will have frontage on two public streets, the development is permitted to have two ground directory signs.

The available locations for adequate signage on site.

Locations for adequate signage exist on the site, and the existing ground sign locations are appropriate.

The effect of the proposed signage on pedestrian and motor traffic.

The two ground directory signs should be sufficient to attract the attention of motorists on Schmale and St. Charles Roads.

The cost to the applicant of complying with the Sign Code as opposed to the detriment, if any, to the public from the granting of the variance.

Staff does not believe that the applicant has demonstrated a cost that he would bear if forced to comply with the Sign Code.

In the final analysis of the Sign Code Variation requests, staff finds the Village's consistent application of the Sign Code, particularly with respect to ground sign height, to be the most compelling factor. As such, staff cannot support the requested Sign Code variations related to sign height and area. However, staff notes that other businesses in the Schmale Road corridor,

outside of the Carol Stream village limits, have been permitted to have taller signs, and invites the Plan Commission to comment on this matter as to whether the Commission believes that this aspect of the Sign Code warrants further study and possible amendments.

**Plat of Consolidation, Cross-Access Easement, and Easement Agreement:**

As noted above the applicant has indicated it is his intention to prepare a plat of consolidation, and prefers to do this once he completes the annexation and zoning approval process. Although not required by the Village Code, because the parcels are under common ownership, a plat of consolidation would be useful for two reasons. First, it would remove any need to apply building code requirements for the design of walls that are in proximity to a property line. Second, the petitioner has not yet completed the process of negotiating easements with adjacent properties, including cross-access easements with the Village Tavern and a stormwater management easement with the Westhaven Apartments.

**Summary:**

In evaluation of this project, staff finds that the request for a Special Use Permit for Planned Unit Development is reasonable. We find that the criteria for the Special Use Permits for the shopping plaza, the drive-up service windows, the bank, and the car wash are met, subject to conditions and staff recommendations. We further find the Preliminary/Final PUD Plan to be acceptable, subject to the conditions noted in this report and the Recommendation section. We support the rezoning of both parcels to the B-3 Service District as well. Finally, we cannot support the applicant's requests for Sign Code variations. We note that several of the conditions given in the staff recommendation are standard Village conditions, while others are specific to the petitioner's requests.

**RECOMMENDATION**

Based on the information submitted, and subject to the conditions listed below, staff recommends:

That the multi-tenant retail building shall not be permitted to have more than 4,000 square feet allocated toward food service use, and that food service use in excess of 4,000 square feet will require approval of an amendment to the approved Final Planned Unit Development Plan;

That the PUD Plan be revised to show a solid six-foot fence along the south property line, for that portion of the south property line that abuts the adjacent R-4 General Residence District zoning to the south;

That the Table of Exemptions on the Final PUD Plan be revised be updated to include a rear yard setback of 13 feet as an exemption from the B-3 District required rear yard setback of 40 feet;

That the PUD Plan be revised to delete two parking spaces in the middle row of spaces, and instead double the width of both the eastern and western landscape islands, with shade trees being added to these islands;

That the PUD Plan be revised to delete the westernmost parking stall in the southern row of parking, and instead make this area greenspace, including a shade tree;

That the PUD Plan be revised to provide several landscape planting bed cut-outs or planters across the length of the sidewalk on the south side of the building, and the planting beds should contain a mixture of low level shrubs, annual grasses, and small ornamental trees;

That the PUD Plan be revised to provide a staggered double row of shrubs, minimum 30 inches in height, be installed just behind the outside back of curb along the drive-up service lane where it parallels Schmale Road at the west end of the plaza;

That the stormwater management areas shall require final approval from the Engineering Services Department at time of building permit;

That traffic control signage be provided to the satisfaction of the Village Engineer;

That the access drives to Schmale Road and St. Charles Road shall require approval from the DuPage County Division of Transportation;

That the landscaping along Schmale Road and St. Charles Road should be a hardy, salt tolerant variety to avoid winter die-off;

That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with similar size and type species on an annual basis;

That the parking stalls shall be striped in accordance with the Village's looped striping requirements;

That all rooftop equipment shall be completely screened from view in all directions;

That all ground-mounted mechanical equipment shall be screened from view from surrounding public streets;

That all trash enclosures shall be constructed with masonry materials to match the masonry on the buildings;

That separate building permits are required for all trash enclosures and signs; and

That the development of the site and buildings will comply with all State, County and Village Codes and requirements.

Commissioner Manzullo commented that there appears to be a lot proposed for this property, with a lot of car traffic through and around. He said that that being said, he does not find any traffic controlling signage. Mr. Spina said that there is a yield sign where the cross-access will be to Village Tavern, since he is negotiating the sale of property for parking in exchange for a cross access, but he would not be opposed to any other signage. Commissioner Manzullo asked if the lighting will be throughout the lot and at both entrances and was told it would be. There was discussion regarding traffic patterns for entry off of St. Charles Road and the loading zone and Mr. Spina said that he does not anticipate any conflicts with traffic and deliveries. It was determined that the fence along the rear property line would completely enclose this property from the apartments and the strip mall at the rear. Mr. Spina said that they are negotiating with the apartment complex owner to tie into their sewer line and the fence may be extended further. Commissioner Manzullo asked what the 20 parking places by the car wash are for since there are going to be only two employees and Mr. Spina said that they will be for the employees of the retail center. In response to the question about operations by Commissioner Manzullo, there was a description of the car wash operation and features. Commissioner Manzullo asked if they can work with a smaller sign with the amount of proposed businesses and was told that they can work with it, but larger would be better and they did not realize that the larger signs are not in Carol Stream. Mr. Glees said that none of the signs have received variances and meet the current code. The proposed sign does meet the standards for a variance. While staff is sympathetic, they cannot support what has been



proposed and do encourage discussion by the PC/ZBA. Options open to the Combined Board are; choose to approve the proposed variations, modify the proposed variations, or direct Staff to investigate possible revisions to the Sign Code to be more accommodating to businesses in this Corridor. Commissioner Manzzullo asked if the retention area was going to be reshaped and Mr. Spina said that there would be "best management practice changes" will have to be done to the area and there will have to be certain plantings that will be done as well.

Commissioner Vora asked the hours of operation for the car wash and was told that 6am to 10 pm Monday thru Saturday and Sunday 10 am to 10 pm and in response to the question, Mr. Spina said that there is a signed lease with Dunkin Donuts and that it probably will be a 24 hour operation.

Commissioner Spink asked how much time each car wash would take and was told that the machine can do 120 cars per hour and that with 24 car stacking it should be a quick operation. In response to the question, Mr. Spina said that there would be 4 detail stations with vacuums, but that the cars are mostly dry with the vacuums dryers at the end of the car wash. There will be menu boards for instructions, and payments. Commissioner Spink asked what kind of businesses will be in the retail building and was told that they could be a nail salon, automotive equipment, but not over 30% food service. Commissioner Spink asked if the proposed bank is going to be a multi-use bank or a branch of some other bank. Mr. Spina said that once this project expanded they were approached by three banks and they were interested in full service banks. In regard to the signage, Commissioner Spink suggested that the strip mall be given a name and then the names of the tenants listed beneath. Mr. Spina said that if they can have the larger sign, they will not name the strip center so that the tenant signs can be bigger. He said that all retail stores want signage and he wants to emphasize the entrance to the car wash, so they are hoping to get the larger sign.

Commissioner Hundhausen asked if the Sign Code distinguishes between signs for a shopping plaza with multiple tenants and just tenant signs such as Home Depot. Mr. Glees said that properties such as Home Depot, a very large, single user building, or a property such as Geneva Crossing which is a shopping center is allowed a pylon sign so it can be much taller and larger in area, however, the criteria or threshold for such signs is a single user would need to be 100,000 sq. ft.. A shopping center is a development in excess of 10 acres of land, improved with a structure of at least 50,000 sq. ft. and contains 5 or more distinct and separate retail businesses. This proposal does not fall within those parameters.

Commissioner Manzzullo said that if one was driving southbound on Schmale Road, looking at this retail development, there is no way to know what is in those shops. Mr. Spina said that since this development is going perpendicular to the road, the rear of the stores are as visible as the front when going north to south, so they will look like the front with awnings and channel lettering.

Commissioner Hundhausen moved and Commissioner Spink made the second to recommend approval of a preliminary/final PUD Plan, in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	5	Commissioners Manzzullo, Christopher, Vora, Spink & Hundhausen
Nays:	0	
Absent:	2	Commissioners Smoot and Michaelsen

Commissioner Hundhausen moved and Commissioner Manzzullo made the second to recommend approval of Special Use Permits for Shopping Plaza, Drive-up Service Window, Bank with Drive-up Service Window and Auto Laundry, in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	5	Commissioners Manzzullo, Christopher, Vora, Spink & Hundhausen
Nays:	0	

Absent: 2 Commissioners Smoot and Michaelson

Commissioner Manzzullo moved and Commissioner Hundhausen made the second to recommend approval of Rezoning to B-2 General Retail District to B-3 Service District and B-3 District upon Annexation. The results of the roll call vote were:

Ayes: 5 Commissioners Manzzullo, Christopher, Vora, Spink & Hundhausen  
 Nays: 0  
 Absent: 2 Commissioners Smoot and Michaelson

Commissioner Manzzullo asked what the options were from Staff in regard to the Sign Code and he responded one would be to recommend approval of the request as made, another option would be to recommend denial the request and a third option would be to recommend denial but ask that staff evaluate a possible text amendment to the Sign Code that might relax the Code to the benefit of the properties along Schmale Road. A fourth one might be, to approve the petitioner's requests with that same caveat. A fifth one might be to conduct further discussion and settle in on, different height or area that everybody might be able to agree on and discuss whether the petitioner might be willing to amend his petition and then make a recommendation on those revised requests. Finally, a sixth option might be that the petitioner continue to work with staff and bring the request for Sign Code variations at a later date.

Commissioner Spink asked wall signs can be on the back of the buildings and Mr. Glees responded that it is allowed by Code.

Commissioner Manzzullo said that he finds continuing this matter the best option and Commissioner Hundhausen agreed.

Commissioner Manzzullo moved and Commissioner Vora made the second to continue the matter of the request for variations to the Sign Code to a future date and have staff and the petitioner further evaluate the petitioners' request. The results of the roll call vote were:

Ayes: 5 Commissioners Manzzullo, Christopher, Vora, Spink & Hundhausen  
 Nays: 0  
 Absent: 2 Commissioners Smoot and Michaelson

**# 06362: VILLAGE OF CAROL STREAM – 500 N Gary Avenue  
 Text Amendment - Zoning Code – Utility Structures  
 CONTINUED FROM 2-11-08 MEETING**

Mr. Glees said that this is the case regarding a text amendments to the Village Code with respect to Utility Structures and to remind the Plan Commission, this is a project that Community Development and Engineering Staff has been working on to develop Village Standards for Utility Structures, both within the right of way, as well as on private property. That work is still in progress and is not yet ready to be brought forward and they request Staff requests that this be continued to June 9<sup>th</sup>

Commissioner Hundhausen asked if a longer postponement would be better so that this matter does not continue to be brought up every other month. Mr. Glees said that while he appreciates the suggestion, staff has recently received the text amendment that has been waited for. It deals with the Code as it deals with the public right of way, so there are now draft versions of the required codes for both public right of way and private property. Staff anticipates that it will be ready for consideration in June.

Commissioner Manzzullo moved and Commissioner Vora made the second to continue the matter of the text amendment regarding utility structures to June 9, 2008. The results of the roll call vote were:

Ayes:	5	Commissioners Manzzullo, Christopher, Vora, Spink & Hundhausen
Nays:	0	
Absent:	2	Commissioners Smoot and Michaelsen

Commissioner Vora moved and Commissioner Manzzullo made the second to close the Public Hearing. The results of the roll call vote were:

Ayes:	5	Commissioners Manzzullo, Christopher, Vora, Spink & Hundhausen
Nays:	0	
Absent:	2	Commissioners Smoot and Michaelsen

At 9:08 pm, Commissioner Manzzullo moved and Commissioner Hundhausen made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD