

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

**April 28, 2008**

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

Chairman David Michaelson called the Regular Meeting of the Combined Plan Commission/ Zoning Board of Appeals to order at 7:30 p.m. and directed Village Manager, Acting Community Development Director, Acting Recording Secretary Joe Breinig to call the roll.

- Present: Commissioners Anthony Manzzullo, Angelo Christopher, Lateef Vora, Ralph Smoot, Dee Spink and David Michaelson
- Absent: Commissioner Joyce Hundhausen, Community Development Director Bob Glees and Recording Secretary Wynne Progar
- Also Present: Village Manager Joe Breinig

**MINUTES:**

Commissioner Manzzullo moved and Commissioner Spink made the second to approve the Minutes of the Meeting of April 14, 2008 as presented. The results of the roll call vote were:

- Ayes: 3 Commissioners Manzzullo, Christopher, Vora and Spink
- Nays: 0
- Abstain: 2 Commissioners Smoot and Michaelson
- Absent: 1 Commissioner Hundhausen

**PUBLIC HEARING:**

Commissioner Smoot moved and Commissioner Vora made the second to open the Public Hearing. The motion passed by unanimous voice vote.

**#08085: PATAL, CHARLES – 457 ST. PAUL BLVD.  
Special Use**

Charles Patel, 457 St. Paul Boulevard and Dasan Prabakaran were sworn in as witnesses in this matter.

Mr. Patel stated that they are in the stainless steel cutting and polishing business and he explained the need for a coil polishing dust collection system for the small particles given off during the process. He noted that the manufacturer has suggested installing a system on the outside of the building the same as the previous one. It was noted that the prior unit operated without incident and that the proposed system is much more efficient than that was.

Mr. Breinig gave this brief summary of the staff report, S&S International, Inc., a stainless steel processing business located at 457 St. Paul Boulevard, is requesting an expansion of an existing Special Use Permit in order to allow the outdoor installation of equipment in the I Industrial District. Special Use Permits have been granted to this property twice in the past. The first was in 1994, when the Village Board approved a Special Use for an outdoor scrap metal storage area, for Metal Pro, a prior occupant of the property. That special use is still valid for the current business. The outdoor storage area is located at the north end of the parking lot on the east side of the building.

The second Special Use permit was approved in 2003, when the Village Board approved a Special Use for outdoor dust collection equipment for S&S International. This request was filed after the Village's Code Enforcement staff identified that construction had begun on the equipment, both without a permit and without Special Use approval.

During the 2003 Special Use case review, site inspections revealed that the outdoor storage of scrap metal and wooden pallets was taking place outside of the fenced area, which was in violation of Ordinance No. 94-02-10. As a result, staff recommended several specific conditions of approval in the staff report for the 2003 request.

During the current case review, site inspections revealed that the property was in violation of conditions 3, 4, 5 and 7 of Ordinance No. 2003-12-86. These conditions require that a seven-foot fence be installed around the dust collection equipment, that the parking lot be striped to provide 61 parking spaces, that looped parking stall striping be used, and that all outdoor storage must take place within the approved fenced storage area. Our inspections also revealed that the drive aisles and parking lot asphalt are in a severely deteriorated condition and that the greenspace adjacent to the parking lots is rutted and contains significant rubbish and debris.

The Community Development Department contacted the owner, Charles Patel, to advise him that the condition of the property is in violation of the previous Special Use approvals and the Village's Property Maintenance Code. A follow-up inspection on April 24<sup>th</sup> revealed that most violations still existed. Mr. Patel has indicated that the property maintenance violations and special use conditions would be addressed immediately.

Staff notes that a variation to landbank required parking spaces on the property was approved in 1990, and that 61 parking spaces are required to be provided on the property. However, during a recent site inspection, it was observed that only 56 parking spaces exist, and the number of handicapped parking spaces is insufficient.

Staff analysis of the parking requirements for S&S International indicates that the Zoning Code would require 104 parking spaces based on the use of building space, or fewer if substantiated by an employee count.

Staff notes that the parking on the site must be brought into conformance with the Zoning Code. All asphalt drive aisles and parking surfaces should be repaved or repaired, and sufficient code-compliant parking stalls should be provided.

Staff notes that the applicant may apply for and receive approval of a new landbank parking variation to reduce the quantity of required parking spaces on the property, or else must supply the Village with an accurate employee count so as to determine the required parking for the use of space in the building.

With respect to the current request, staff notes that the proposed outdoor dust collection equipment will be nearly identical to the equipment that was installed in 2003. The new equipment would be located near the northeast corner of the building, immediately south of the existing equipment.

The petitioner proposes that the equipment be painted using a color that will closely match the color of the building, and that three existing Colorado Spruce trees be transplanted to the south of the new dust collection equipment, which staff finds acceptable in terms of sight screening. However, staff recommends that if the trees do not survive being transplanted, they must be replaced with trees of an identical species and height.

Staff notes that the applicant's request is consistent with the types of outdoor equipment installation requests for which the Plan Commission has recommended approval in the past. Provided that the recommended conditions of approval are met and maintained, staff believes that the current request for additional outdoor equipment can be appropriate in the Industrial District.

Staff has concerns with S&S International's repeated failure to maintain their property in compliance with previous Special Use Ordinances (No. 94-02-10 and No. 2003-12-86). As such, the recommended conditions of approval for the current request are more stringent than might typically be the case. Also, the petitioner has been advised that failure to comply with the conditions of approval may result in revocation of the Special Use permit, and failure to properly maintain the site may result in citation for property maintenance violations.

Upon review of the petitioner's request, staff recommends approval of a Special Use Permit for Outdoor Activities and Operations, for the installation of dust collection equipment, subject to the

conditions contained in the staff report. Please note that staff's report has been received and is hereby accepted into the record, and will be attached to the minutes.

At the call for Public Hearing, Rob Kloeckner of AFI Industries commented that he is not opposed to the installation of the collection equipment, but he is opposed to the way the property is maintained. He stated that the owner needs to get and keep the property in good condition because it has been deteriorating for many years and in his opinion is one of the worst properties in the industrial park.

Commissioner Manzullo asked if the violations have been addressed and Mr. Patel said that this has been a long winter that has delayed a lot of what should have been done. He said that in the last two weeks about 90% has been cleaned up and that they will be adding the required parking spaces. Mr. Patel said that they face very stiff competition from the rest of the world with the new equipment they will be able to compete with a very competitive costs. He said that they are willing to continue to work toward meeting the Code requirements.

Mr. Breinig said that Staff has been working with them and want to see the business succeed, but the conditions at the property are not acceptable. The Commission may wish to consider approving the request with the conditions recommended and the situation can then be monitored prior to the Village Board meeting and reported to them. He said that even in the best of circumstances things like the pavement issues cannot be resolved in the short term

Commissioner Manzullo said that it appears that problems seem to continue from 2003 and he is concerned that this is a pattern. Mr. Patel said that they have gained considerable knowledge of how the process has to work and he promised that things will be better. Commissioner Manzullo said that he is in agreement with the staff recommendations. In regard to issue of noise level, it was determined that the current equipment makes minimal noise and that the new equipment will be even less due to the new technology.

Commissioner Vora asked how the property conditions have changed since the picture was taken and Mr. Patel said that the pallets have been removed and everything you see is gone from the 457 building. It is being set up to clean up the 423 property. Commissioner Vora asked if there have been any OSHA violations and was told there were none.

Commissioner Spink asked if they have reviewed the conditions and if they are in agreement. Mr. Dasan said yes and that the fence was removed for the new unit, which will be fully enclosed. Commissioner Spink asked how long it will take for full compliance and Mr. Patel replied that the new machine is to be installed on May 15<sup>th</sup> and after the installation the first priority will be to address the parking lot which should be repaired with the striping within 90 days. Commissioner Spink asked if they will continue the current work schedules and Mr. Patel said that not changes are expected.

Commissioner Smoot commented that the petitioner agreed to resolve these same issues and it appears that the reputation is the same as a bad neighbor now so he is going to vote no because he wants the entire clean-up to be completed first. Mr. Patel responded saying that they were in compliance in 2003, but the parking lot has taken a beating and due to weather conditions, the usual spring clean-up was delayed, but they have make great progress now that the weather is better.

Commissioner Christopher said that he concurs with the staff recommendations and that the site compliance and safety issues should be completed prior to permit issuance.

Chairman Michaelsen noted that it appears that there has been no permit issued for the pad. He acknowledged that the pallets have been cleaned up as well as other work done, but noted that the parking lot is terrible. In response to the question of equipment service, Mr. Patel said that they will use a fork lift or pallet jack to empty the dust collector. Chairman Michaelsen asked if the east parking lot will be repaved entirely or just cut out certain areas and the west parking lot if in better condition, but still needs work. Mr. Patel said that they are working on an addition for next year and the parking lots will be redone then, but for this year they will just be patched. Chairman Michaelsen said that he thinks there should be a time limit set for caring for the parking lots. He asked Mr. Patel if he owns the 423 property and was told yes. Chairman Michaelsen told the other commissioners that this property is also a mess. Mr. Patel said that he is working on a price for the removal of the scrap at 423. Chairman Michaelsen said that he is going to recommend the removal of the scrap at 423 within one month, even though he does not oppose to the installation of the dust collector with the conditions. He then suggested that they come back with a proposal for a storage contained to put this machinery in.

Chairman Michaelsen suggested another recommendation for approval of the petitioner's request that would require the property at 423 be cleaned within a two month time frame and that the parking lot be fully replaced by September 1, 2009.

Mr. Patel asked if the two addresses could be dealt with individually since 423 is Specialty Metals and not S&S. Mr. Breinig said that the petitioner has been aware of the issues with these properties for the last two months and it can be dealt with as a Code issue without trying to correct in this matter. This means that there is no two month continuance; it will be handled immediately as a Code violation matter. Chairman Michaelsen concurred.

Commissioner Spink moved to deny the request for a special use permit for outdoor activities and operation until the area is up to Code requirements. Following discussion regarding the suggested time frame for the parking lots, the motion was withdrawn.

Commissioner Manzzullo moved and Commissioner Christopher made the second to approve the request for a special use permit for outdoor activities and operation in accordance with staff recommendations with condition # 6 revised to include the parking lots be repaved by September 1, 2009. 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 May 5, 2008 and was advised to attend that meeting.

Commissioner Manzzullo moved and Commissioner Vora 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 8:43 p.m. Commissioner Smoot moved and Commissioner Manzzullo made the second to adjourn. The results of the roll call vote were:

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

FOR THE COMBINED BOARD