

**REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS**  
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

**MAY 27, 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 Recording Secretary Wynne Progar to call the roll.

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

**MINUTES:**

Commissioner Manzzullo moved and Commissioner Spink made the second to approve the Minutes of the Meeting of May 12, 2008 as presented. The results of the roll call vote were:

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

**PUBLIC HEARING:**

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

**# 08110: MERLIN MUFFLER – 852 W. Army Trail Road**  
**Sign Code Variations**

Chris Wrobel, 307 E. Lincoln, Bensenville, IL, American Sign & Lighting Co. was sworn in as a witness in this matter. He explained that the request is for a variance to the sign code to allow a change to the existing monument sign at 852 Army Trail Road. The request is to allow the height of the sign to be 6 foot 3 inches instead of 5 feet, which is a change of 15 inches and to permit the bottom of the sign to be changeable copy. The purpose for this request is to provide visibility from County Farm Road.

There were no comments or questions from those in attendance at the call for public hearing. Chairman Michaelson stated that the entire staff report will be made a part of the minutes, and asked Mr. Glees for his summary.

Mr. Glees reported that Merlin Muffler at 852 W. Army Trail Road in the Heritage Plaza Shopping Center is requesting a Variation from the Sign Code to allow the existing ground sign to be increased to seven feet, three inches in height, which exceeds the maximum allowable height of six feet.

The company is currently undergoing a re-branding initiative for its automotive service stores. The new name is Merlin 200,000 Mile Shops, and Merlin Corporation would like to change the signage at the Merlin Muffler and Brake shop in Carol Stream to reflect this corporate re-branding effort, and to make customers aware of the variety of automotive repair services that

Merlin offers. As such, Merlin Corporation has been working with Christopher Wrobel of American Sign to develop a new ground sign for the shop.

The proposed sign would include a new signage cabinet and an electronic changeable copy message center that are proposed to be installed upon the existing brick sign base. The area of the new cabinet and electronic reader board would be 62.5 square feet, which complies with the 72 square foot area allowance for such a ground sign in the B-3 Service District. However, the proposed ground sign would measure seven feet, three inches in height, which exceeds the six-foot maximum allowable sign height by 15 inches.

Staff believes the applicant has presented some compelling arguments and information that support the request. Also, the strongly commercial character of the area eliminates any concern of negative impacts on residential properties from the requested sign height variation. We note that the degree of the requested variation is small, and it appears that the applicant has worked to keep the height of the sign as close to the six-foot permitted height as possible. Finally, from the standpoint of supporting businesses in Carol Stream, the petitioner's request seems reasonable.

Staff recommends approval of the Sign Code Variation request to allow a sign height of 7'-3" rather than six feet, subject to the following conditions contained in the staff report.

**Applicant:**

Christopher J. Wrobel of American Sign on behalf of Merlin Corporation

**Size and Location:**

The approximate 26,000 square foot property is located immediately east of the existing McDonald's Restaurant in the Heritage Plaza Shopping Center, about 200 feet east of County Farm Road. (See attached location map.)

**Zoning and Land Use:**

The subject property is zoned B-3 Service District with a Special Use for Planned Unit Development. The property is improved with an existing Merlin Muffler Automobile Service business that was constructed in 2001.

**Surrounding Zoning and Land Uses:**

All land surrounding the subject property is zoned B-3 Service District with a Special Use for Planned Unit Development. The properties to the north, east and west are improved with a bank, car wash and fast food restaurant, respectively, and the property to the south is vacant.

**Attachments:**

Attached for review are a location map, an aerial photograph, cover letter dated February 4, 2008, from applicant Christopher J Wrobel of American Sign, consent letter dated February 4, 2008, from Tim Williams of Merlin Corporation, the General Application, the Sign Code Variation Application, a reduced copy of the site plan, an exhibit showing the proposed ground sign, and an exhibit showing photographs of the existing ground sign as well as a mock-up of the proposed sign.

**Request:**

The applicant is requesting a Variation from Section 6-11-17(B)(1) of the Sign Code to allow the existing ground sign to be increased to seven feet, three inches in height, which exceeds the maximum allowable height of six feet.

**STAFF ANALYSIS**

In 2001, Merlin Muffler and Brake constructed and opened their 3,700 square foot Carol Stream business location at 852 W. Army Trail Road in the Heritage Plaza Shopping Center. As part of the original construction, a ground sign measuring six feet in height and 50 square feet in area was installed. This sign, which includes a 12-inch tall decorative brick base, complies with the height and area requirements for a single-use building and lot as set forth in Section 6-11-17(B)(1) of the Sign Code.

Merlin Muffler and Brake is currently undergoing a re-branding initiative for its automotive service stores. The new name is Merlin 200,000 Mile Shops, and Merlin Corporation would like to change the signage at the Merlin Muffler and Brake shop in Carol Stream to reflect this corporate re-branding effort, and to make customers aware of the variety of automotive repair services that Merlin offers. As such, Merlin Corporation has been working with Christopher Wrobel of American Sign to develop a new ground sign for the shop.

As seen in the attached signage exhibits, the proposed sign would include a new signage cabinet and an electronic changeable copy message center that are proposed to be installed upon the existing brick sign base. The area of the new cabinet and electronic reader board would be 62.5 square feet, which complies with the 72 square foot area allowance for such a ground sign in the B-3 Service District. However, the proposed ground sign would measure seven feet, three inches in height, which exceeds the six-foot maximum allowable sign height by 15 inches. As such, the Merlin Corporation has authorized Mr. Wrobel to submit an application for a Sign Code Variation to allow the ground sign to exceed the Sign Code height requirement by 15 inches.

In support of the request for a variation to allow the ground sign to exceed the six-foot maximum height by 15 inches, the applicant has stated that visibility of the sign from County Farm Road is a key consideration. Further, if the electronic message portion of the sign were reduced in height so as to allow the sign to comply with the six-foot height requirement, the applicant has indicated that only one line of text could be displayed on the electronic message portion of the sign. The applicant has stated that being able to display only one line of text would severely limit the effectiveness of the electronic message board, since a single message would likely then have to be split between two different screens of text. This would make it impossible for a customer to view a single complete message without waiting for the screen to change, which may not be practicable or safe for motorists.

**Variations:**

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:

1. Any unique physical property of the land involved.

The physical property of the land is not particularly unique, although the distance of the property from County Farm and Army Trail Roads presents a challenge related to the visibility of the business from these two high volume roadways.

2. The available locations for adequate signage on site.

The location of the ground sign is appropriate. Again, the challenge arises because of the distance and lack of visibility of the sign from nearby public roadways.

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

Staff shares the applicant's stated concern about a single complete message potentially having to be split over two screens, if the height of the electronic message portion of the sign were reduced to allow the sign to comply with the six-foot maximum sign height. This could present safety issues for motorists who slow down or stop to wait to read the second screen of message text.

4. 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.

The applicant believes that the taller sign will attract more business, which will generate additional revenue for the store. Conversely, a sign that complies with the six-foot height requirement might generate less revenue. Staff is unaware of a detriment that would accrue to the public if the variation is granted.

5. Other pertinent information or reason for the request.

The applicant cites distance and visibility from County Farm Road as the key issues.

**Summary:**

In evaluation of the request for a variation to allow the ground sign to exceed the six-foot maximum allowable sign height by 15 inches, staff believes the applicant has presented some compelling arguments and information that support the request. Also, the strongly commercial character of the area eliminates any concern of negative impacts on residential properties from the requested sign height variation. We note that the degree of the requested variation is small, and it appears that the applicant has worked to keep the height of the sign as close to the six-foot permitted height as possible. Finally, from the standpoint of supporting businesses in Carol Stream, the petitioner's request seems reasonable.

**RECOMMENDATION**

**Staff recommends approval of the Sign Code Variation request to allow a sign height of 7'-3" rather than six feet, subject to the following conditions:**

1. That the electronic changeable message portion of the sign shall be programmed and operated in accordance with the provisions of Section 6-11-12(B) of the Sign Code, including the requirement that the sign cannot be programmed to flash, blink, or pulsate or display messages that may be likely to distract motor vehicle traffic, and that the electronic copy of the ground sign shall not change more frequently than once every three seconds;
2. That a building permit must be obtained prior to the construction of the sign; and
3. That the proposed sign shall comply with all state, county, and village codes and requirements.

Commissioner Spink asked how fast the message sign would change and Mr. Wrobel replied that they would follow the Village Code for message change and stated that there would not be any flashing symbols or words. In response to when the sign would be installed, he said that from the time of approval and permit issuance it would take about four to six weeks.

Commissioner Manzzullo said that he agreed with the staff recommendation.

Chairman Michaelsen asked if the base of the sign could be reduced so that the variance would be less than 15 inches and Mr. Wrobel said that it could be done, but the cost would far

outweigh the benefit of a few inches and in response to whether the Merlin sign could be reduced, he said that the sign is a corporate standard and it has been reduced to the smallest allowable.

Commissioner Manzullo moved and Commissioner Vora made the second to recommend approval of the request for a sign variance for 15 inches height and the addition of a changeable copy sign in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on June 2<sup>nd</sup> and was advised to attend that meeting.

**# 07052:           DAVID SCHONBACK– Northeast Corner of St. Charles  
Road and Morton Road  
*Zoning upon annexation to I-Industrial District***

David Schonback, 625 W. Fabyan Parkway, Geneva, IL was sworn in as a witness in this matter. He said that he received a notice of continuance for this matter because of variance for a setback is necessary and that this is the first time anyone has mentioned it. When he applied to have the property rezoned he was told to get the proposed development approved at the County level. That process has taken about two years and he made application for the zoning upon annexation and to subdivide the property with the Village and now he is looking for direction to determine what he has to do.

There were no comments or questions from those in attendance at the call for public hearing. Chairman Michaelsen noted that the staff report will be made a part of the Minutes and asked Mr. Glees for his summary.

Mr. Glees said that David Schonback has submitted an application seeking rezoning upon annexation to the Village for the southern portion of the Brian's Charhouse property, located generally at the northeast corner of St. Charles Road and Morton Road. The property is subject to a preannexation agreement executed in 1996.

The applicant intends to subdivide the property so that the existing restaurant would be located on the northerly parcel, and the southerly parcel would be used for the proposed development, which is an approximate 29,780 square foot office/warehouse condominium building.

Although the property is not currently contiguous to the Village of Carol Stream, it is subject to an existing preannexation agreement and is to be reviewed through the Southwest Planning Area preannexation process. The developer is proposing to rezone the southerly parcel as I Industrial District, rather than B-2 as currently stipulated in the preannexation agreement for the entire property.

Staff has reviewed the proposed project with respect to access, parking, setbacks, landscaping, infrastructure, and stormwater management requirements. With respect to access, the site would be accessed via two drives located on Morton Road and one located on St. Charles Road. Morton Road is under the jurisdiction of Wayne Township, while St. Charles Road is under the jurisdiction of DuPage County, and so the access designs would need to be approved and permitted by those agencies. Staff finds the applicant's proposed site plan to be acceptable with respect to access, with the condition that the curb radii at the access drives be designed so as to be adequate for single-unit truck traffic.

Parking is proposed to be provided in the amount of 55 spaces, including three handicapped spaces. Staff has expressed to the applicant a concern with respect to the parking ratio, in that only 1.9 spaces per 1,000 square feet of floor area would be provided. The applicant has not

identified any proposed uses for the building, and so parking must be evaluated using expected uses. If the overall building were to include warehouse uses, with a relatively minor level of office use, such as 10%, the parking requirement would be 33 spaces and the site plan would be adequate. However, if more intense uses were to occupy the building, such as auto service or a greater degree of office use, the parking demand could exceed the 55 spaces. Staff believes the proposed parking will likely be sufficient, but we invite comments from the Plan Commission on this matter.

With respect to building setbacks, the Zoning Code requires a front yard of not less than 75 feet, interior side yard of 10 feet, corner side yard of 40 feet and rear yard of 75 feet. With the St. Charles Road frontage being identified as the front of the property, the proposed building and parking locations would meet Carol Stream's setback requirements with the exception of the rear yard building setback, which is proposed to be 26.75 feet rather than the required 40 feet. In order for a variation to be included in the proposed amendment to the preannexation agreement, the request would need to be properly noticed for the public hearing. Therefore, staff recommends that the case be continued to June 23, 2008, in order to give proper notice of the variation request.

Staff has evaluated the applicant's proposed site plan with respect to landscaping, and we find that the requirement that 5% of the parking lot paved area be landscaped is not met. Staff suggests that some parking stalls be removed and the landscaped islands enlarged in order to meet the requirements of the Zoning Code.

Staff has evaluated the request with respect to the requirements for Village sewer and water utility systems, as well as the requirements for improvements to adjacent roadways. The applicant prefers to construct the utilities only to the extent necessary at this time for his development, and make a cash contribution for the required future extensions; staff has no objection, and this provision would be placed in the amendment to the annexation agreement. Engineering Services has reviewed the design for the proposed utilities extensions, and finds it acceptable.

With respect to roadways, the Village requires that adjacent roadways be brought to Village standard as part of any development project. This requirement does not apply to roadways that are not, or would not be, under the Village's jurisdiction upon annexation, such as St. Charles Road. However, Morton Road, which is currently under the jurisdiction of Wayne Township, would come under Carol Stream's jurisdiction upon annexation, and so it would need to be improved to Village standard. Morton Road would be improved as part of the proposed project, but to Township standards, not Village standards. Therefore, the applicant has agreed to provide a contribution for the future improvement of Morton Road to Village standards upon annexation, and this provision would be included in the amendment to the preannexation agreement.

The front yard of the property would be occupied by stormwater management facilities, which must be designed per the requirements of the DuPage County Countywide Stormwater and Flood Plain Ordinance. It is important to note that the permitting authority for the project is DuPage County, and so for staff to confirm that the proposed site plan is feasible, we must receive confirmation from DuPage County. The Engineering Services Department has been working with the applicant's engineer to confirm that DuPage County has approved the proposed design; however, certain technical issues have not yet been resolved at this time. Therefore, if the PC/ZBA were to consider recommending approval of the applicant's requests, staff recommends that this recommendation include a condition whereby the Village must receive confirmation of approval of the stormwater management permit from DuPage County before this case is brought to the Village Board for action.

With respect to building architecture, we note that the only applicable code criteria for this case would have to do with the Carol Stream Building Code's requirements for façade materials.

Staff encourages the Plan Commission to comment on the building architecture, and we recommend several conditions of approval in the staff report pertaining to building materials.

The applicant wishes to amend the preannexation agreement to rezone the southerly parcel as I Industrial District upon annexation. The Future Land Use Plan recommends a commercial use for both parcels. However, the Plan indicates industrial uses for the properties to the east along St. Charles Road, and so the proposed zoning would not be inconsistent with the adjacent properties. Therefore, staff has no objection to the requested rezoning.

As noted above, when the applicant submitted his application, he indicated it was his intention to prepare a plat of subdivision to create two separate lots within the development, one for the existing restaurant and one for the proposed office/warehouse building. During the preparation of this report, staff learned that the applicant has recently had the plat of subdivision recorded, and so it would appear the request for approval of the plat of subdivision is now moot. We note that a plat of easement still must be recorded for the proposed Village utilities (sewer and water) and the stormwater management facilities.

In summary, staff finds that the request for zoning upon annexation of I Industrial District for the southerly parcel to be reasonable. However, there are three issues that need to be addressed before the proposed site plan is ready to be approved by the Village Board. These include:

- County approval of the stormwater permit,
- Submittal of a request for variation for rear yard setback, and legal notice of that request,
- Revisions to the site plan to provide adequate curb returns at the entrance drives to the satisfaction of the Village Engineer, adequate parking lot landscaping in accordance with Zoning Code §16-13-2(E)(3), and trash enclosures constructed with masonry materials to match the masonry on the buildings.

Staff recommends this case be continued to June 23, 2008, in order to address the above three issues.

### **Staff report**

#### **Applicant:**

David Schonback of Schonback Properties...

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

The 3.65-acre site is located at 27W371 North Avenue, at the northeast corner of the intersection of Morton Road and St. Charles Road. (See attached location map.)

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

The unincorporated parcel is zoned B-2 General Business District in DuPage County and is vacant.

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

The property to the west is zoned B-2 General Business District in DuPage County and is vacant. The property to the northwest is zoned R-3 Single-Family Residence District in DuPage County and is improved with the Wheaton Bible Church. The property to the north is zoned R-2 Single-Family Residence District in DuPage County and is being used as a contractor's yard, which is a legal nonconforming use. The properties to the east are zoned B-2 General Business District and O Office District in DuPage County and are improved with commercial and industrial uses. The property to the south is zoned R-3 Single-Family Residence District in DuPage County and is improved with Winfield Park District recreational facilities. The property to the southwest is zoned R-3 Single-Family Residence District in DuPage County and is part of the DuPage County Forest Preserve District.

**Attachments:**

Attached for review are a location map, aerial photo, public notice, a cover letter from Richard Schultz dated February 20, 2007, a letter from the owner of *Brian's Charhouse* dated April 8, 2008, the General Application, a copy of Ordinance No. 96-03-17 authorizing approval of a preannexation agreement, and reduced copies of the Site Geometric Plan dated April 8, 2008 (Exhibit A), Building Elevation dated October 25, 2005 (Exhibit B), and Plat of Subdivision dated August 30, 2006 (Exhibit C).

**Request:**

The applicant is requesting approval of an amendment to the existing preannexation agreement for the property at 27W371 North Avenue to reflect zoning upon annexation in accordance with Section 16-15-7 of the Carol Stream Zoning Code, and a plat of subdivision in accordance with Section 7-2-3 of the Carol Stream Subdivision Code.

**STAFF ANALYSIS**

David Schonback has submitted an application seeking rezoning upon annexation to the Village for the southern portion of the *Brian's Charhouse* property, located generally at the northeast corner of St. Charles Road and Morton Road. The applicant intends to subdivide the property so that the existing restaurant would be located on the northerly 1.31-acre parcel, a 0.07-acre strip along the south property line would be dedicated as St. Charles Road right-of-way, and the remaining 2.27-acre parcel would be used for the proposed development, which is an approximate 29,780 square foot office/warehouse condominium building. Although the property is not currently contiguous to the Village of Carol Stream, it is subject to an existing preannexation agreement and is to be reviewed through the Southwest Planning Area preannexation process. The developer is proposing to rezone the southerly parcel as I Industrial District, rather than B-2 as currently stipulated in the preannexation agreement for the entire property.

Attached is a copy of Ordinance No. 96-03-17 with the executed preannexation agreement for the property. As noted in Paragraph 9 on page 6, "all development on the property shall take place only in accordance with the provisions of the planned unit development section of the Carol Stream Zoning Ordinance. The Village shall retain authorization for site plan approval for all new construction on the property other than as provided in Paragraph 18." Review of the proposed project under the requirements of the North Avenue Corridor Regulations is not required, because the southerly parcel would not be adjacent to North Avenue, nor is such review required by the preannexation agreement.

**Site Design:**

Staff has reviewed the proposed project with respect to access, parking, setbacks, landscaping, infrastructure, and stormwater management requirements. With respect to access, the site would be accessed via two drives located on Morton Road and one located on St. Charles Road. Morton Road is under the jurisdiction of Wayne Township, while St. Charles Road is under the jurisdiction of DuPage County, and so the access designs would need to be approved and permitted by those agencies. However, we note that the proposed curb returns at the drives are substandard for truck traffic, and so we recommend that larger radii be implemented, subject to the approval of the jurisdictional agencies. Also, during review of the project, staff



expressed a concern to the petitioner that the site would be difficult for a fire truck to maneuver through. In response, the applicant's engineer provided an analysis that was reviewed by the Village Engineer, who found that the site met the minimum requirements. Staff finds the applicant's proposed site plan to be acceptable with respect to access, with the condition that the curb radii at the access drives be adequate for single-unit truck traffic.

Parking is proposed to be provided in the amount of 55 spaces, including three handicapped spaces. Staff has expressed to the applicant a concern with respect to the parking ratio, in that only 1.9 spaces per 1,000 square feet of floor area would be provided. The applicant has not identified any proposed uses for the building, and so parking must be evaluated using expected uses. If the overall building were to include warehouse uses, with a relatively minor level of office use, such as 10%, the parking requirement would be 33 spaces and the site plan would be adequate. However, if more intense uses were to occupy the building, such as auto service or a greater degree of office use, the parking demand could exceed the 55 spaces. In response to this concern, the applicant has provided evidence of an arrangement with the owner of the adjacent *Brian's Charhouse* restaurant to allow shared parking. Staff has no objection to such an arrangement; however, we note that the available parking at the restaurant does not meet Carol Stream's current requirements, in that 114 spaces would be required but only 85 are provided. Therefore, staff considers the proposed shared parking arrangement to be irrelevant with respect to the issue of adequate parking on the proposed industrial development site. Staff believes the proposed parking will likely be sufficient, but we invite comments from the Plan Commission on this matter.

With respect to building setbacks, the Zoning Code requires a front yard of not less than 75 feet, interior side yard of 10 feet, corner side yard of 40 feet and rear yard of 75 feet. With the St. Charles Road frontage being identified as the front of the property, the proposed building and parking locations would meet Carol Stream's setback requirements with the exception of the rear yard building setback, which is proposed to be 26.75 feet rather than the required 40 feet. Staff notes that the building setbacks meet the requirements of DuPage County, the permitting authority; however the applicant has obtained approval from the County for variations for parking and drive aisle setbacks. Staff has no objection to the proposed building setbacks; however, the rear yard setback requirement for the proposed building would not meet Carol Stream's standard, and so a variation would need to be approved. In order for a variation to be included in the proposed amendment to the preannexation agreement, the request would need to be properly noticed for the public hearing. Therefore, staff recommends that the case be continued to June 23, 2008, in order to give proper notice of the variation request.

With respect to landscaping, the applicant has not provided a landscape plan. Section 16-13-2(E)(3) of the Zoning Code requires that 5% of the parking lot paved area be landscaped to provide visual relief. Staff has evaluated the applicant's proposed site plan, and we find that the two parking lots have a combined area of approximately 21,800 square feet, and so 1,090 square feet of landscaped area must be provided; however, the proposed parking lot islands have a combined area of approximately 490 square feet, and so the requirement is not met. Staff recommends that some parking stalls be removed and the landscaped islands enlarged in order to meet the 1,090-square-foot requirement, and that a landscape plan be submitted to show the proposed landscape design for the parking lots in accordance with the requirements of §16-13-2(E)(3).

**Infrastructure:**

Staff has evaluated the request with respect to the requirements for Village sewer and water utility systems, as well as the requirements for improvements to adjacent roadways. The applicant needs to extend utilities to the site, and staff has advised the applicant that extensions must be per the plan developed by the Village for system extensions in the Southwest Planning Area. The applicant prefers to construct the utilities only to the extent necessary at this time for

his development, and make a cash contribution for future extensions; staff has no objection, and this provision would be placed in the amendment to the annexation agreement. Engineering Services has reviewed the design for the proposed utilities extensions, and finds it acceptable. With respect to roadways, the Village requires that adjacent roadways be brought to Village standard as part of any development project. This requirement does not apply to roadways that are not, or would not be, under the Village's jurisdiction upon annexation, such as St. Charles Road. However, Morton Road, which is currently under the jurisdiction of Wayne Township, would come under Carol Stream's jurisdiction upon annexation, and so it would need to be improved to Village standard. Morton Road would be improved as part of the proposed project, but to Township standards, not Village standards. Therefore, the applicant has agreed to provide a contribution for the future improvement of Morton Road to Village standards upon annexation, and this provision would be included in the amendment to the preannexation agreement.

#### **Stormwater Management:**

The front yard of the property would be occupied by stormwater management facilities, which must be designed per the requirements of the DuPage County *Countywide Stormwater and Flood Plain Ordinance*. It is important to note that the permitting authority for the project is DuPage County, and so for staff to confirm that the proposed site plan is feasible, we must receive confirmation from DuPage County. The Engineering Services Department has been working with the applicant's engineer to confirm that DuPage County has approved the proposed design; however, certain technical issues have not yet been resolved at this time. Therefore, if the PC/ZBA were to consider recommending approval of the applicant's requests, staff recommends that this recommendation include a condition whereby the Village must receive confirmation of approval of the stormwater management permit from DuPage County before this case is brought to the Village Board for action.

#### **Building Design:**

A partial building elevation has been provided (Exhibit B); however, the developer has provided no information with respect to building materials. Staff notes that the only applicable code criteria for this case would have to do with the Carol Stream Building Code's requirements for façade materials. Staff encourages the Plan Commission to comment on the building architecture, and we recommend the following conditions of approval:

- That the use of plain concrete block as an exterior finish shall be prohibited. Concrete block may be used in exterior walls provided the exterior surface is covered or coated with a suitable material for exterior surfaces, such as, but not limited to: brick, stone, stucco, wood, metal, or other material approved by the DuPage County building official.
- That unfinished pre-cast concrete or unfinished poured-in-place concrete shall not be used on any façade.
- That fabricated metal shall cover no more than fifty percent of any façade.

#### **Rezoning**

As noted above, the site is to consist of two parcels. The northerly parcel, occupied by *Brian's Charhouse*, is to be zoned B-2 General Retail District upon annexation, per the preannexation agreement. The applicant wishes to amend the agreement to rezone the southerly parcel as I Industrial District upon annexation. The Future Land Use Plan (FLUP) recommends a commercial use for both parcels. However, the FLUP indicates industrial uses for the properties to the east along St. Charles Road, and so the proposed zoning would not be inconsistent with the adjacent properties. Therefore, staff has no objection to the requested rezoning.

### **Plat of Subdivision**

As noted above, when the applicant submitted his application, he indicated it was his intention to prepare a plat of subdivision to create two separate lots within the development, one for the restaurant and one for the proposed office/warehouse building. During the preparation of this report, staff learned that the applicant has recently had the plat of subdivision recorded, and so it would appear the request for approval of the plat of subdivision is now moot. We would note that, per the requirements of §7-1-3 of the Subdivision Code, Village approval of the plat was required. Nonetheless, the Engineering Services department has advised that it has no objection to the plat, except that easements must be recorded for the proposed Village utilities (sewer and water) and the stormwater management facilities.

### **Summary:**

In our evaluation of this project, staff finds that the request for zoning upon annexation of I Industrial District for the southerly parcel to be reasonable. However, there are three issues that need to be addressed before the proposed site plan is ready to be approved by the Village Board. These include:

- County approval of the stormwater permit,
- Submittal of a request for variation for rear yard setback, legal notice of the request for variation,
- Revisions to the site plan to provide adequate curb returns at the entrance drives to the satisfaction of the Village Engineer, adequate parking lot landscaping in accordance with Zoning Code §16-13-2(E)(3), and trash enclosures constructed with masonry materials to match the masonry on the buildings.

### **RECOMMENDATION**

Staff recommends this case be continued to June 23, 2008, in order to address the above three issues.

With the satisfactory completion of work to address the above three issues, staff would have no objection to the approval of the request for zoning upon annexation, subject to the following conditions:

1. That a plat of easement be prepared for water and sewer extensions and stormwater management facilities, submitted for review as part of the final engineering plans, and recorded prior to issuance of a building permit for utility service connections;
2. That the amendment to the preannexation agreement include commitments for cost-sharing for required infrastructure improvements;
3. That the use of plain concrete block as an exterior finish shall be prohibited. Concrete block may be used in exterior walls provided the exterior surface is covered or coated with a suitable material for exterior surfaces, such as, but not limited to: brick, stone, stucco, wood, metal, or other material approved by the DuPage County building official;
4. That unfinished pre-cast concrete or unfinished poured-in-place concrete shall not be used on any façade;
5. That fabricated metal shall cover no more than fifty percent of any façade;
6. That the landscaping along Morton Road and St. Charles Road must be a hardy, salt tolerant variety to avoid winter die-off;

- 7. 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;
- 8. That a separate permit is required for water main and sanitary sewer construction, and connection thereto; and
- 9. That the access drives to Morton Road shall require approval from the Wayne Township Highway Department;
- 10. That the access drive to St. Charles Road shall require approval from the DuPage County Division of Transportation;
- 11. That the development of the site and buildings will comply with all State, County and Village Codes and requirements.

Commissioner Manzullo said that he agrees with the staff recommendations and that this case should be continued to June 23<sup>rd</sup>.

Commissioner Spink asked if the petitioner agrees to the conditions in the staff report and Mr. Schonback replied that the stormwater is no problem with DuPage County, and that the variance for the setback would have been done by now if someone had told him it would be necessary. In regard to the parking lot landscaping, he said that surely something can be worked out when the use is determined. Mr. Schonback said that he does not know who will buy the property and he will fix it up for the buyer.

Commissioner Vora said that he agrees with the staff recommendations.

Chairman Michaelsen said that he also agrees with staff. He asked if the overhead doors shown are on the west elevation and was told that there will be overhead doors on both east and west elevations, but that the building will be divided into 10 units.

Commissioner Spink moved and Commissioner Vora made the second to continue this matter to the meeting of June 23<sup>rd</sup>. The results of the roll call vote were:

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

**#08007: CHICAGO MOTORS CORPORATION – 27W110 NORTH AVENUE**  
***Zoning upon annexation to B-3 Service District***  
***Special Use Permit for open sales Lot***  
***Zoning Code variation for reduced front yard setback from***  
***100 feet to 50 feet***

John Zemenak, 300 E. Roosevelt Road, Wheaton, Richard Shultz, 130 W. Lake Street, Bloomingdale, and Frank Gerardi, Bloomingdale, IL were sworn in as witnesses in this matter. Mr. Zemenak said that his client is proposing to build a new automobile dealership for the sale of pre-owned foreign and domestic vehicles. The petitioner is seeking Rezoning to B-3, upon annexation, a special use for an open sales lot, a variation for a Front Yard Setback and North Avenue Corridor review. It was explained that most of the sales for this business is done on the internet without many on-site customers. Mr. Zemenak said that there were three items from the staff report that he would like to address. In regard to the masonry enclosure for the trash they do not have a problem with providing this, and in regard to the 10% greenspace requirement they would like to negotiate this in the annexation agreement via a variance. The final it is the parking space width, which on the plan are nine feet in width, and code requires 9.5 feet. The County requires 52 parking spaces and they would not meet that requirement using 9.5 and they intend to ask for a variance from the County requirements for width.

Richard Shultz, architect, explained that the building will be color stained pre-cast concrete. There will be a blazing car display with a curved back-lit façade.

In response to the call for public hearing, a resident of the area called Marden Acres, which is behind the proposed location said that they are concerned about back-lighting onto their property and Mr. Zemenak said that their photo-metrics plan has been approved by the County and that they will not have any light spilling over the lot line.

Mr. Glees said to the residents that have come to this public hearing, that the development is being permitted through DuPage County, the property is unincorporated and the developers are here because they wish to enter into an agreement with the Village of Carol Stream in order to connect to the Village's sanitary sewer and water main that is along North Avenue. The Village's regulation require that authorization for such connection be done by an agreement. The typical agreement requires presentation before the Plan Commission for a public hearing, just as if the property was within the Village of Carol Stream. This is to insure that the development is done to Carol Stream's development standard. There was discussion regarding annexation to an area that does not wish to annex, but at the same time if an area wishes to annex to the Village, staff is always willing to discuss the matter. Mr. Glees said that the plans being proposed are available at the Village and can be viewed on Village website.

Chairman Michaelsen noted that the entire staff report will be entered in the Minutes and asked Mr. Glees for his review.

Mr. Glees stated that Attorney John Zemenak has submitted an application seeking zoning approvals necessary to construct a pre-owned automobile sales dealership on an unincorporated property located on the north side of North Avenue between County Farm Road and Ethel Street. The property is not contiguous to the Village of Carol Stream; however, the owner desires to enter into a preannexation agreement in order to connect the proposed new building to the Village's water main and sanitary sewer. Therefore, consistent with the Village's Southwest Planning Area preannexation process, the project is being reviewed as if it were located within the Village, in order to achieve compliance with Carol Stream's development standards. From a procedural standpoint, the Plan Commission should not be concerned with the unincorporated status of the property in making their recommendation regarding the applicant's requests.

The applicant is requesting to rezone the subject site upon annexation to B-3 Service District, to accommodate the proposed car dealership. The Future Land Use Plan (FLUP) recommends commercial land use for the subject property. In order to operate the proposed business, the proper commercial zoning for the property is B-3 Service District. The applicant's proposed use is consistent with the FLUP recommendation, and staff supports the rezoning request.

In order to operate the business effectively, it is necessary for an open sales lot to be located on the property for the storage and display of vehicles to the public, and so a Special Use Permit is required. From an operational standpoint, the location appears to be well suited for an automobile vehicle sales facility, being located North Avenue, a major highway. The inventory area will consist of 16 parking spaces at the rear of the site, and the display area will be located at the front of the site facing North Avenue. The proposed business is consistent with other uses found along the North Avenue corridor. Staff notes that a similar facility in Carol Stream, Auto Showcase, also has an outdoor car sales area, for which a Special Use Permit was granted in 2004.

It has been the Village's practice that properties for which a preannexation agreement for water and sewer service is being requested must go through the Village's approval process and meet Village standards, just as if the property were within the corporate limits. Therefore, the Plan Commission is being asked to review the site, landscape, and building elevation plans to ensure that they are in conformance with the NAC regulations. The regulations which apply to the proposal include site design, architectural design and parking/landscape design.

Staff finds the proposed site design to be acceptable, with the exception of the trash enclosure to be located north of the building. The applicant is proposing a board-on-board vinyl fenced

enclosure, and staff notes that such enclosures in the Gary and North Avenue Corridors have consistently been required to be masonry, matching the building. Staff recommends that this be included as a condition of approval.

Staff has reviewed the building elevations and has determined that they appear to meet the design criteria set forth in the NAC regulations. We recommend that as a condition of approval, no rooftop mechanical equipment shall be visible from North Avenue.

With respect to landscape design, a substantial amount of landscape materials are being proposed for the property. The NAC regulations require a minimum of 7,458 points of landscape material. The landscape plan identifies 14,725 points being provided, and so the required minimum amount of landscape material has been well exceeded. However, the NAC regulations require that a minimum of 10% of the area within all vehicle parking lots consist of greenspace, while the plan shows only 4.2% greenspace being provided. Staff notes that, due to the shape of the property, the parking lot contains quite a bit of drive aisle area, for which it is difficult to provide greenspace. In view of this constraint, and because the proposed amount of plant material exceeds the standard that would be applied to the full 10% greenspace area, staff has no objection to the parking lot landscape design. However, we note that the 10% greenspace requirement is not met and the applicant has not requested a variation.

The site plan identifies the areas of the parking lot that are to be used for customer and employee parking, and distinguishes these spaces from the 16-space inventory parking area. The plan illustrates that a total of 55 parking stalls will be provided on the site, which exceeds the 44 spaces required by the Zoning Code. However, the proposed parking stalls are only nine feet in width, as opposed to the Village standard of 9.5 feet, and the Village's looped striping standard is not used. We recommend a condition of approval whereby the parking lot design be modified to achieve the 9.5-foot stall requirement for the customer and employee parking areas, and that the Village's looped striping standard be implemented.

With respect to signage, staff notes that no proposed sign design has been offered other than the wall sign indicated on Exhibit B. The proposed wall sign meets the Carol Stream Sign Code, and so staff has no objection; however, we recommend a condition of approval whereby all other signage proposed for the site must meet the requirements of the Carol Stream Sign Code.

The petitioner is requesting a variation from the front yard setback requirement of the Zoning Code to accommodate the proposed development. Staff notes that the site is constrained by its narrow width, and so the building, parking and stormwater management facilities must be oriented north-to-south. Also, the west lot line has a jog in it such that the lot becomes narrower at a point 257 feet back from North Avenue. Given its size, the building which the applicant wishes to construct is located as far back from North Avenue as possible, unless the building envelope were to be reduced. In view of the minor degree of variation, and the site constraints, staff has no objection to a variation for reduced setback of 78 feet rather than the required 100 feet.

In summary, staff finds that the applicant's request for rezoning upon annexation and Special Use Permit to operate motor vehicle sales and service with an open sales lot on the subject property is reasonable and will have minimal impacts on adjacent properties and rights-of-way. The Zoning Code variation request generally seems reasonable and consistent with requests that have been approved in the past. With respect to North Avenue Corridor Review, the proposed site design and architectural design conform with the intent of the North Avenue Corridor regulations; however, the parking and landscaping designs do not meet standards with respect to 9.5-foot parking stall width, looped striping and 10% greenspace. The stall width and striping can easily be addressed by minor modifications to the site plan. The Plan Commission is free to approve the North Avenue Corridor Review, noting the 10% greenspace deficiency for

purpose of information with respect to development of the agreement. Were the property to be annexed, the greenspace deficiency would become an existing nonconformity that would need to be addressed if the lot were ever expanded or reconstructed. However, if the applicant were to choose to request a variation for the greenspace deficiency, the case would need to be continued to June 23 in order to allow time for public notice.

### *RECOMMENDATION*

Staff has no objection to approval of the North Avenue Corridor Review, subject to the condition that the parking lot greenspace is not being approved, and will be considered a nonconforming condition at time of annexation. However, the applicant is free to request that the case be continued in order to consider a variation request.

Staff recommends approval of the requested rezoning upon annexation to B-3 Service District, Special Use Permit to allow an open sales lot ancillary to a permitted motor vehicle sales use, and Zoning Code Variation for a reduced building setback of 78 feet rather than the required minimum 100 feet, subject to the conditions contained in the staff report.

#### **Applicant:**

Attorney John R. Zemenak on behalf of Frank Sacco of Chicago Motor Cars Corporation

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

The 1.93-acre property is located on the north side of North Avenue, 450 feet east of County Farm Road. (See attached location map.)

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

The unincorporated property is zoned B-2 General Business District in DuPage County, and is vacant.

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

The properties to the north are zoned R-2 Single-Family Residence District in DuPage County and improved with single-family homes. The properties to the south, east and west are zoned B-2 General Business District in DuPage County and improved with commercial uses. To the west are an animal hospital and a landscaping business, and to the south are a storage business and a former restaurant, now vacant. The property to the east is occupied by a private club.

#### **Attachments:**

Attached for review are a location map, aerial photo, public notice, cover letter dated January 4, 2008, from John R. Zemenak of Rathje and Woodward, LLC, the General Application, General Variations Application with accompanying letter dated January 4, 2008, Special Use Application with accompanying letter dated January 4, 2008, Gary/North Avenue Corridor Application, and reduced copies of the Site Plan (Exhibit A dated September 5, 2007), Building Elevations (Exhibit B dated September 5, 2007), and Landscape Plan (Exhibit C dated August 20, 2007).

#### **Request:**

The applicant is requesting Rezoning upon annexation from R-1 to B-3 Service District in accordance with Section 16-15-7 of the Carol Stream Zoning Code, a Special Use Permit to allow an Open Sales Lot in accordance with Section 16-9-4(C)(6) of the Carol Stream Zoning Code, a Variation for front yard setback in accordance with Sections 16-5-6(J)(3) and 16-15-6 of the Carol Stream Zoning Code, and North Avenue Corridor Review in accordance with Section 16-5-6 of the Carol Stream Zoning Code.

## STAFF ANALYSIS

Attorney John Zemenak has submitted an application seeking zoning approvals necessary to construct a pre-owned automobile sales dealership on an unincorporated property located on the north side of North Avenue between County Farm Road and Ethel Street. The property is not contiguous to the Village of Carol Stream; however, the owner desires to enter into a preannexation agreement in order to connect the proposed new building to the Village's water main and sanitary sewer. Therefore, consistent with the Village's Southwest Planning Area preannexation process, the project is being reviewed as if it were located within the Village, in order to achieve compliance with Carol Stream's development standards. From a procedural standpoint, the Plan Commission should not be concerned with the unincorporated status of the property in making their recommendation regarding the applicant's requests. It should be noted that the project has been submitted to DuPage County for building permit, and that the permit is being held pending approval from the Village of Carol Stream for connection to the Village's water main and sanitary sewer systems. The existing buildings that once existed on the property have been demolished.

The property owner, Mr. Frank Sacco, currently owns and operates a similar pre-owned automobile sales dealership at 26W251 St. Charles Road. The proposed dealership primarily will sell high-end domestic and foreign luxury cars. Sales will be made via the Internet and onsite. The proposed building will be 17,430 square feet, and will store and display the automobiles. The building will be constructed of a stained, precast concrete wall system, with decorative metal accents and extensive window area facing North Avenue. Other than the "Chicago Motor Cars" wall sign shown on Exhibit B, the applicant has provided no indication of plans for other signage. An outdoor display area will be located in front of the building and an inventory storage area in the rear, and so the applicant is requesting a Special Use Permit for an Open Sales Lot. The building will be located 78 feet from the North Avenue right-of-way, and so the applicant is requesting a variation from the North Avenue Corridor requirement of a minimum 100-foot front yard setback.

### **Rezoning:**

As stated, the applicant is requesting to rezone the subject site upon annexation to B-3 Service District, to accommodate the proposed car dealership. The Future Land Use Plan (FLUP), updated in 2000, recommends commercial land use for the subject property. In order to operate the proposed business, the proper commercial zoning for the property is B-3 Service District. The applicant's proposed use is consistent with the FLUP recommendation, and staff supports the rezoning request.

### **Special Use:**

The specific site design and layout will be discussed in more detail in the North Avenue Corridor section of this report. As stated, a Special Use Permit is required to operate an open sales lot. With regard to the Special Use Permit, staff has reviewed the proposal from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the location appears to



be well suited for an automobile vehicle sales facility, being located North Avenue, a major highway. Access to the site will be provided via a right-in-right-out drive from the westbound lanes, since a barrier median exists on North Avenue preventing access to or from the eastbound lanes. In order to operate the business effectively, it is necessary for an open sales lot to be located on the property for the storage and display of vehicles to the public. The inventory area will consist of 16 parking spaces at the rear of the site, and the display area will be located at the front of the site facing North Avenue. The proposed business is consistent with other uses found along the North Avenue corridor. Staff notes that a similar facility in Carol Stream, Auto Showcase, also has an outdoor car sales area, for which a Special Use Permit was granted in 2004.

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 proposed use will allow a vacant property to be used for the sale of higher end pre-owned vehicles. The business would serve not only Village residents but also people from the surrounding communities.

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

With the improvements being proposed, the automobile sales use 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 dealership is compatible with the surrounding properties and will not be detrimental to the use and enjoyment of surrounding properties for the purposes already permitted, nor substantially diminish and 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 proposed use would be consistent with the commercial nature of the area and therefore will not impede the normal and orderly development and improvement of surrounding property.

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

It is expected that all necessary utilities, access roads, stormwater control features and community facilities will be installed.

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 project is expected to conform to all applicable regulations.

### **North Avenue Corridor Review:**

Section 16-5-6(E) of the Gary and North Avenue Corridor Regulations states, "The provisions within this section shall be applicable to properties identified within the Gary Avenue and North Avenue Corridors and within the corporate limits of the Village at the time these regulations are adopted. Properties which lie within the jurisdiction of DuPage County shall not be subject to these regulations until such time as they are annexed by the Village." Nonetheless, it has been the Village's practice that properties for which a preannexation agreement for water and sewer service is being requested must go through the Village's approval process and meet Village standards, just as if the property were within the corporate limits. Therefore, the Plan Commission is being asked to review the site, landscape, and building elevation plans to ensure that they are in conformance with the NAC regulations. The Plan Commission has the authority to make the final determination of conformance with the NAC regulations and Village Board consideration is not required. The sections of the NAC regulations which apply to the proposal include site design, architectural design and parking/landscape design.

#### **Site Design**

The building will measure 17,430 square feet, which will be well below the floor area ratio allowance of 0.6 in the B-3 District. The 30-foot parking lot pavement setback has been met; however, the applicant is requesting a variation from the minimum 100-foot building setback, as discussed below. As with most other properties on North Avenue, vehicles will gain access to the site via a right-in-right-out access drive. Customer and employee parking will be located on the north and east sides of the building, along the east property line. A trash enclosure will be located north of the building and will have limited visibility from the street, as well as easy access for refuse collection. The applicant is proposing a board-on-board vinyl fenced enclosure, and staff notes that such enclosures in the Gary and North Avenue Corridors have consistently been required to be masonry, matching the building. Staff recommends that this be included as a condition of approval.

#### **Architectural Design**

Section 16.5.7.K.4 of the NAC regulations states the following:

Monotony shall be avoided within projects and between a project and its surroundings. Site characteristics to be evaluated for this purpose include building and plant materials, colors, textures, shapes, massing, rhythms of building components and details, height, roof-line and setback. Facades of buildings shall incorporate such design features as changes in materials, color, fenestration, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the building and views from public ways.

Staff has reviewed the building elevations and has determined that they appear to meet the design criteria set forth in the NAC regulations. Although no color elevations were provided, the building elevations shown on Exhibit B indicate acceptable use of materials, colors, shapes, textures and details so as to avoid monotony and present a high quality appearance. The building will be constructed mainly of stained concrete precast wall, with decorative metal accents and extensive window area facing North Avenue. A decorative backlit metal fascia design and backlit metal-letter signage will be provided on the south elevation, facing North Avenue. The walls adjacent to the showroom area contain a significant amount of insulating glass, which will allow natural light into the building. Staff believes that the overall design conveys a clean, modern appearance. Staff recommends that as a condition of approval, no rooftop mechanical equipment shall be visible from North Avenue.

**Parking/Landscaping Design**

The corridor regulations were designed to allow flexibility in landscape design but require a minimum amount of landscape material on-site. The amount of landscape material required is calculated by granting a point value to the type of landscape material provided and then requiring a certain number of points for specific areas of the development. For example, shade trees are worth 225 points each and evergreen trees are worth 275 points each. It is the designer's choice as to how to combine landscape materials on-site in order to meet the criteria of the ordinance and achieve the intent or concept of the corridor.

The landscape materials being shown on the plan include a mixture of evergreen, deciduous and ornamental trees and bushes. As can be seen on the landscape plan (Exhibit C), a substantial amount of landscape materials are being proposed for the property. The NAC regulations require a minimum of 7,458 points of landscape material. The landscape plan identifies 14,725 points being provided, and so the required minimum amount of landscape material has been well exceeded. As a note, the NAC regulations require a 20% increase in many of the applicable landscape standards for motor vehicle sales and service uses, and even these more stringent standards have been exceeded.

The NAC regulations require that a minimum of 10% of the area within all vehicle parking lots consist of greenspace. These greenspace areas are to be in the form of landscape islands, and landscape material is required within these landscape islands. The proposed parking lot area measures 32,511 square feet. The 10% greenspace area requirement thus equals 3,251 square feet, while the plan shows only 1,363 square feet (4.2%) of greenspace being provided. If 10% greenspace were to be provided in the parking lot, 1,626 points worth of landscape material would be required. The landscape material to be provided equals 2,515 points, well in excess of the requirement. As such, the submitted landscape plan does not meet the 10% greenspace requirement, but exceeds the requirement for plant material. Staff notes that, due to the shape of the property, the parking lot contains quite a bit of drive aisle area, for which it is difficult to provide greenspace. In view of this constraint, and because the proposed amount of plant material exceeds the standard that would be applied to the full 10% greenspace area, staff has no objection to the parking lot landscape design. However, we note that the 10% greenspace requirement is not met and the applicant has not requested a variation.

The site plan identifies the areas of the parking lot that are to be used for customer and employee parking, and distinguishes these spaces from the 16-space inventory parking area. The plan illustrates that a total of 55 parking stalls will be provided on the site, which exceeds the 44 spaces required by the Zoning Code. However, the proposed parking stalls are only nine feet in width, as opposed to the Village standard of 9.5 feet, and the Village's looped striping standard is not used. Staff notes that the 9.5-foot standard could easily be provided, since the number of spaces is well in excess of the requirement. We also note that, if the number of spaces were reduced to 50 or fewer, only two handicapped parking spaces would be required. We recommend a condition of approval whereby the parking lot design be modified to achieve the 9.5-foot stall requirement for the customer and employee parking areas, and that the Village's looped striping standard be implemented.

**Signage:**

With respect to signage, staff notes that no proposed sign design has been offered other than the wall sign indicated on Exhibit B. The proposed wall sign meets the Carol Stream Sign Code, and so staff has no objection; however, we recommend a condition of approval whereby all other signage proposed for the site must meet the requirements of the Carol Stream Sign Code.

**Variation:**

The petitioner is requesting a variation from the front yard setback requirement of the Zoning Code to accommodate the proposed development. The request is for a reduced setback of 50 feet rather than the required minimum 100 feet, and this request is based on the petitioner's application of the setback requirement to the auto display area, which is not necessary. The 100-foot setback applies to the building, and as shown on Exhibit A, the southwest corner of the proposed building will be located 78'-9" from the front property line, while the southeast corner of the building would be located 106'-8" from the property line.

The property is narrow and deep, and the front property line runs at an angle with respect to the side property lines. The applicant has chosen to orient the proposed building parallel with the side lot lines rather than the front lot line, and so the southwest corner of the building will be closer to North Avenue than the southeast corner. Staff notes that the site is constrained by its narrow width, and so the building, parking and stormwater management facilities must be oriented north-to-south. Also, the west lot line has a jog in it such that the lot becomes narrower at a point 257 feet back from North Avenue. Given its size, the building which the applicant wishes to construct is located as far back from North Avenue as possible, unless the building envelope were to be reduced. In view of the minor degree of variation, and the site constraints, staff has no objection to a variation for reduced setback. However, we cannot support the request for a setback of 50 feet, since the building will be located no nearer than 78'-9" from the front property line. If the Zoning Board of Appeals were to consider approving the request, staff recommends that it be for a variation of 22 feet to allow a front yard setback of 78 feet rather than the required 100 feet.

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. That the property in question, other than a single-family residential 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.

As presently configured, the site is constrained with respect to width. In order to meet the setback requirement, the size of the proposed building would need to be reduced. The applicant desires to maximize display area within the building.

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

The site is narrow, and access from North Avenue is limited to right-in-right-out only. The applicant needs to fit the proposed development within these constraints in a north-south orientation.

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

The North Avenue Corridor is primarily commercial at this location, and the Future Land Use Plan calls for commercial land uses. Many existing commercial uses in the vicinity have setbacks less than 100 feet.

4. 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.

As noted, the site is narrow, and access from North Avenue is limited to right-in-right-out only. The applicant needs to fit the proposed development within these constraints.

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

The needs of an automobile dealership are not generally applicable to other commercial uses. The outdoor inventory and display areas present additional constraints to the location of the building.

6. 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.

The relatively minor setback reduction should not be detrimental to other commercial properties in the vicinity.

Based upon the evaluation criteria, staff has no objection to approval of the applicant's request for a variation to permit a reduced front yard setback of 78 feet rather than the required 100 feet.

### **Summary**

Based upon our review, staff finds that the applicant's request for rezoning upon annexation and Special Use Permit to operate motor vehicle sales and service with an open sales lot on the subject property is reasonable and will have minimal impacts on adjacent properties and rights-of-way. The Zoning Code variation request generally seems reasonable and consistent with requests that have been approved in the past. With respect to North Avenue Corridor Review, the proposed site design and architectural design conform with the intent of the North Avenue Corridor regulations; however, the parking and landscaping designs do not meet standards with respect to 9.5-foot parking stall width, looped striping and 10% greenspace. The stall width and striping can easily be addressed by minor modifications to the site plan, but the 10% greenspace requirement will be much more difficult in view of the site constraints, and no variation has been requested from this standard. We note that the property is not within the Village's corporate limits, and so North Avenue Corridor Review is being done for the purposes of a preannexation agreement, in order to confirm that the project meets Carol Stream standards. The Plan Commission is free to approve the North Avenue Corridor Review, noting the 10% greenspace deficiency for purpose of information with respect to development of the agreement. Were the property to be annexed, the greenspace deficiency would become an existing nonconformity that would need to be addressed if the lot were ever expanded or reconstructed.

### **RECOMMENDATION**

Staff has no objection to approval of the North Avenue Corridor Review, subject to the condition that the parking lot greenspace is not being approved, and will be considered a nonconforming condition at time of annexation.

Staff recommends approval of the requested rezoning upon annexation to B-3 Service District, Special Use Permit to allow an open sales lot ancillary to a permitted motor vehicle sales use, and Zoning Code Variation for a reduced building setback of 78 feet rather than the required minimum 100 feet, subject to the following conditions:

12. That the site, building and landscape materials shall be constructed and installed in accordance with the Site Plan (Exhibit A), Building Elevations (Exhibit B) and Landscape Plan (Exhibit C), except as modified by recommended revisions;
13. That the trash enclosure shall be constructed with masonry materials to match the masonry on the building;
14. That all proposed landscape materials shown on the Landscape Plan (Exhibit C) shall be installed at the specified height and caliper. All trees and shrubs must be maintained in a neat and healthy manner, with dead or dying species to be replaced on an annual basis with comparable sized trees or shrubs;
15. That all signage must meet the requirements of the Carol Stream Sign Code;
16. That no outdoor overnight storage of damaged vehicles or vehicles awaiting repair shall be permitted;
17. That the Site Plan (Exhibit A) be revised such that the parking stalls for customer and employee parking be 9.5 feet in width;
18. That the parking stalls for customer and employee parking shall be striped in accordance with the Village's looped striping requirements;
19. That no rooftop mechanical units, including satellite dishes, and antennas, shall be visible from any point along North Avenue;
20. That the operation of the facility and development of the site shall comply with all state, county and Village codes and requirements.

Commissioner Vora said that he concurs with the staff report.

Commissioner Spink asked if there will be a fence around the whole property and was told that there will be a landscaping fence of shrubbery and trees and other landscape plants. Mr. Glees commented that this may be something that should have been covered in the staff report, and he said that he believes that the Zoning Code may require a fence adjacent to the residential property and may have been inadvertently omitted in the staff report. He said that he will check that requirement to see if a landscape fence would meet the requirement.

Commissioner Spink asked if there will be security on the property and was told that there will be on the building. Commissioner Spink asked about the hours of operation and was told that they would be normal business hours. In response to the question about oil changes and repairs being done she was told that mostly only detailing of the cars would be done.

Commissioner Manzullo questioned the positioning of the lighting and was told that it is shoe box lighting which provided vertical lighting

Chairman Michaelsen asked how many additional cars will there be outside the building, including staff and employee cars and was told approximately 20 cars. In response to the question about the size of the showroom, it was determined that about 50% of the building will be showroom and open to the public on a daily basis. Chairman Michaelsen asked if there is any sales tax generated on the sale of cars via the internet and Mr. Glees stated that this is an item that is being discussed on a state and national level and has not been decided upon. He did say that this will be addressed in the annexation agreement.

Commissioner Vora asked if the cars that are listed on the internet will be sold from this site and he was told that the cars will be sold from this location

Chairman Michaelsen asked where the overhead doors will be located and it was determined that they will be on the north side of the building, which is the rear of the building. The petitioner agreed to the

masonry trash enclosure. In regard to the striping of the parking lot, the petitioners said that they are going to file for a variance with the Village to allow 9-foot parking spaces.

Commissioner Spink asked if there are exchanges made, will there be extra inventory, and it was stated that there will not be anything but high end luxury vehicles on this lot. She asked if the petitioner agreed to no roof top mechanical equipment being visible from North Avenue and they do agree to that condition.

Commissioner Manzullo asked what type of fountain is shown on the plan and it was said that it has been deleted from the plan and is no longer an issue. Commissioner Manzullo then asked if there is some way to make up the 10% deficiency in the landscaping and Mr. Glees explained that the 10% greenspace deficiency is in the parking area so it is not possible to make up that deficiency any where else on the property.

Chairman Michaelsen said that he would like condition # 3 in the staff report to reflect that the replacement of any of the landscaping that must be replaced, be replaced with the same size species, not a comparable size species. Mr. Glees said that staff will bring back revised wording of this condition.

Commissioner Manzullo moved and Commissioner Vora made the second to recommend continuation of this matter to the meeting of June 23, 2008 for further review by staff and the petitioner. The results of the roll call vote were:

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

**#08014: MEHRAN FARAHMANDPOUR – 120 S. GARY AVENUE**  
***Special Use – Auto Laundry***  
***Special Use – Auto Service Station***  
***Variation – Outdoor Activities***  
***Variation – Vehicle Stacking Spaces***  
***Gary Avenue Corridor Review***

Mehran Farahmandpour, 3866 Old McHenry Rd., Long Grove, IL was sworn in as a witness in this matter. He stated that he believes that the staff report has detailed everything that needs to be known about the project. This is a new car wash facility that incorporates the tunnel system. It is an automatic car wash with hand drying after to wash. In addition to the car wash tunnel itself, there will be three interior service bays for oil changes, detailing cars, such as interior cleaning or waxing. The site is about an acre and a quarter, and the proposed building is about 9,000 square feet.

At the call for public hearing, Don Oppermann, 150 S. Gary Avenue, Carol Stream, operator of the Holiday Inn, the property to the south of the proposed project. He said that he has questions about the proposal since it has changed from the original proposal. The landscaping along the south boundary of the property, which face the Holiday Inn, are deciduous plantings that do not provide any reasonable screening. Since the front of the service bays now face the south and the doors will be open for only the coldest months of the year, he asked if there could be more consideration for additional screening. Mr. Oppermann asked for a more specific explanation of the outdoor activities, such as where and how the vacuum would be mounted and how loud it will be and what type of towel drying equipment will be used and located. Mr. Farahmandpour said the trees will certainly buffer the building from lower but not higher guest rooms and Mr. Oppermann said that he would like to see more evergreen material between the trees in addition to the deciduous landscaping. Mr. Oppermann asked where and how will the vacuums be placed and Mr. Farahmandpour said that he does not know exactly which vacuum system will be used, but it will be the most quiet one available and will be mounted so that they can be centrally accessed. It was noted that there will one or two employees for car drying.

Patrick Bartel, 190 S. Gary Avenue said that his concerns are about the originally approved plan for an Auto Laundry that has been changed to an Auto Laundry and Quick Lube. The staff report notes that there is stacking for only 30% for the car wash, but does not address the stacking for the Quick Lube. If

the circulation is as planned, the Quick Lube, at the south end of the property and the stacking of the auto laundry going from east to west, has there been any concern to circulation for fire/emergency equipment. Mr. Bartel said that his other concern is for the Gary Avenue Corridor has been designed as the entranceway into Carol Stream and he questions whether this design for the car detail staging and vacuuming closest to Gary Avenue and the stated landscaping will meet the Gary Avenue Corridor standards. He is concerned that he has had to meet stringent standards for his business and he would like to this that integrity carried forward.

Chairman Michaelsen noted that the entire staff report is included in the minutes of this meeting. Mr. Glees stated that Mehran Farahmandpour has submitted an application seeking the zoning approvals necessary to construct an automatic car wash and a lube and oil change facility on the vacant property located immediately south of the White Castle Restaurant on the west side of Gary Avenue, south of North Avenue. In order to construct a car wash and auto service facility on the approximate 1.15-acre property, the applicant is requesting Special Use approvals for the car wash and auto service uses, variations for the number of vehicle stacking spaces and the outdoor business activities, and Gary Avenue Corridor Review. Staff notes for information that, in October 2004, the Village Board granted zoning approvals to another applicant for a six-bay car wash, but the applicant never began construction.

Staff has evaluated access to the proposed development, and we find it acceptable. Regarding parking, the site plan depicts 12 parking spaces at three locations on the property; however, the Zoning Code requires 16 spaces based on the employee count and the number of proposed lube and oil service bays. As such, staff cannot support the current site plan, but we offer two minor revisions to the site plan that would allow the required number of parking spaces to be provided. With these revisions, as described in the staff report, staff could support the plan with respect to parking.

With respect to the proposed car wash and auto service uses, staff has evaluated the Special Use Permit requests from both aesthetic and operational perspectives. From an aesthetic perspective, the development of the building and site will need to comply with the standards contained in the GAC regulations, which should ensure that this will be an attractive development. Generally speaking, the building, which is proposed to be constructed with multiple types of masonry materials, should have a high quality appearance. All building mechanical equipment will be required to be screened from view, and a well-developed landscape plan is required. As a point of information, the GAC regulations require a 20% increase in landscape point value requirements for sites containing motor vehicle service uses.

From an operational standpoint, the property is well suited to the proposed car wash and auto service uses. These types of businesses are typically found on high volume roadways, and the proposed site on Gary Avenue near North Avenue is a high traffic location. We also note that there is not an abundance of similar business uses in the immediate area. From a use standpoint, the proposed car wash and auto service uses would seem to complement the general uses found in the area, including two gasoline stations, a fast food restaurant, an automobile dealership, a recreational vehicles dealership, and a hotel with an automobile rental business. Staff's primary concern at this point involves the shortfall of parking spaces proposed for the property, as compared with the quantity of spaces required by the Zoning Code.

Because the proposed number of parking spaces does not comply with the number required by the Zoning Code, staff cannot recommend approval of the Special Use at this time. However, if the number of spaces were increased to comply with the Zoning Code requirement, based upon the evaluation criteria, staff would be able to support the Special Use requests for a car wash and an auto service station.

The petitioner is requesting two variations to accommodate the proposed development. The first variation involves a request for a reduction in the number of stacking spaces that would be provided on the property for customers waiting in line for the car wash. The Zoning Code requires 30 stacking spaces for each car wash rack; the plan indicates that 11 stacking spaces would be provided. In review of the information provided in support of the request for a variation, we find the information to be



incomplete. Staff's primary concern is that the proposed site design is not be very flexible in its ability to accommodate a higher than anticipated car wash volume, even if for just sporadic intervals. If more than 11 customers are waiting for a car wash, the vehicle queue could begin to block access to other portions of the site, and would also block the parking spaces along the west side of the site. The access into the site could become blocked entirely, and vehicles could even begin to stack out onto the east-west cross access drive, which would be unacceptable. For staff to be able to support this request, the applicant should either provide additional information demonstrating that the 11 proposed vehicle stacking spaces will be sufficient, based on peak hour demand data and vehicle processing time data from other similar car wash operations, or the site design should be adjusted to be more flexible to better accommodate peak business periods. Staff encourages the Plan Commission members to discuss whether they are convinced that 11 stacking spaces will be adequate to serve the automatic style car wash.

The second variation being requested is from the General Requirements section of the Business District regulations, requiring that, "all business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building." The Site Plan indicates that two aspects of the business operation would be conducted outdoors, including an "express interiors" service to the west of the entry to the car wash tunnel, and three "hand-dry stations" near the exit of the car wash tunnel.

In review of the proposed outdoor business operations, staff notes that outdoor vacuuming and hand-drying services are typically offered by modern car wash facilities. While it might be preferable for these services to be limited to indoor locations, particularly given the prominent location of the site within the Gary Avenue Corridor, staff does not think this is feasible given the nature of the use. Further, the GAC landscape regulations require enhanced landscape materials for motor vehicle service uses, so the landscape plan should provide sufficient screening of the outdoor business operations as seen from Gary Avenue.

Staff has reviewed the proposed project with respect to the requirements of the GAC Regulations. The proposed building meets setback and floor area ratio standards required by the GAC regulations and the B-3 District. Aside from the concerns regarding the plan's lack of flexibility in accommodating more than 11 stacked vehicles in the car was queue, as enumerated in the Variations section of this report, and the need for at least four additional parking spaces, we have no other Site Design comments.

The building will be constructed primarily with brick and pre-cast concrete block. The south, east and west elevations will include significant window and glass areas, and the proposed architectural asphalt shingles and pitched roof elements will provide an attractive overall appearance. Other architectural details that will enhance the appearance of the building include utility brick accent bands and arched utility brick lintels. Overall, it is staff's position that the building will be attractive and will have a high quality appearance, based upon the materials that are proposed to be used.

Staff has two primary concerns related to the architectural design. The first involves the proposed six-foot-high cedar trash and equipment enclosure proposed for construction along the west property line. Staff recommends that the trash and equipment enclosure be constructed using masonry materials that match the building. The second issue involves the blank north wall of the building. As seen on the building elevation plan, no windows are proposed in the north building wall. To meet the criteria of the GACR, staff recommends that windows (even if composed of spandrel glass) be added to the north building elevation.

With respect to site landscape materials, the proposed parking lot greenspace and the point value of landscape materials within the greenspace areas comply with GAC requirements. The landscape plan also far exceeds the GAC requirements for the open space areas of the site. Notable landscape enhancements in these areas include the red maple trees along the south property line adjacent to the east-west cross access drive, and the trees and shrubs in the vicinity of the parking spaces near the west property line.

The landscape plan fails to comply with the GAC point value requirements for the *landscaped screen* and *landscaped setback*. As such, the quantity of trees and shrubs in the landscaped screen and landscaped setback need to be increased in order to bring the plan into compliance with the GAC requirements. Staff notes that many of the plant materials proposed within the landscape screen and setback are small shrubs, which have a low point value credit. Staff recommends that some ornamental trees be added within the landscape setback, and that a double staggered row of taller shrubs and several ornamental or shade trees be added within landscaped screen to address these plan deficiencies. Otherwise, staff has no other comments regarding the landscape plan.

With respect to signage, staff has one request, one recommendation and one point of information for the applicant. First, staff requests that elevations of the proposed ground signs be submitted for review by staff and the Plan Commission, as they are a component of the overall site improvements that should be evaluated through the Gary Avenue Corridor Review. Second, the Village has encouraged enhanced signage design and materials within the Gary and North Avenue Corridors. By way of example, many signs constructed over the past several years within the Gary and North Avenue Corridors have included decorative lannon-stone bases. Staff recommends that the applicant propose a high quality design for the signs using appropriate materials. The signs are not required to have a lannon-stone base; however a base material matching the masonry on the base of the building would be appropriate. Finally, as a point of information, we note that both ground signs are proposed to be six feet in height and 72 square feet in area. While the Sign Code permits a six foot maximum height for the sign adjacent to Gary Avenue; the Code allows the sign adjacent to North Avenue to measure 10 feet in height. Although the sign still has a maximum allowable area of 72 square feet, the applicant may revise the plans to increase the North Avenue sign to be 10 feet in height.

In summary, staff cannot support the Special Use requests for a car wash and auto service station at this time, due to the proposed parking shortfall as compared to the number of spaces required by the Zoning Code. Staff also cannot support the Variation request to reduce the number of car wash stacking spaces from 30 to 11, as we believe that additional information is required to demonstrate that 11 stacking spaces would be sufficient. Finally, several changes to the site, landscape and building elevation plans are necessary to bring the plans into compliance with the Gary Avenue Corridor regulations. As such, we cannot recommend approval of the GAC plans at this time. It should be noted, however, that staff believes that the plans can be revised such that staff would be in a position to recommend approval of the various requests.

If the Plan Commission were so inclined, they could continue this case to the next available agenda in order to allow the applicant time to address staff's concerns as noted above. However, if the Plan Commission were inclined to recommend approval of the applicant's requests and plans at this time, staff suggests that the Plan Commission's recommendation be subject to the conditions contained in the staff report.

**Applicant:**

Mehran Farahmandpour on behalf of New Properties Illinois, LLC

**Size and Location:**

The approximate 50,000 square foot property is located on the west side of Gary Avenue, 200 feet south of North Avenue. (See attached location map.)

**Existing zoning and land use:**

The property is zoned B-3 Service District, and is vacant.

**Adjacent zoning and land uses:**

The property to the north is zoned B-2 General Retail District and improved with a restaurant. The properties to the south, east and west are zoned B-3 Service District with a property to the south and west improved with a bowling alley, and the property to the east improved with a recreational vehicle sales business. The property further to the south is zoned B-2 General Retail District and improved with the Holiday Inn.

**Attachments:**

Attached for review are a location map, aerial photo, public notice, cover letter dated January 11, 2008, from Mehran Farahmandpour of Maemar P.C., consent letter dated January 18, 2008, from Housh Khoshbin, Managing Member of New Properties Illinois, LLC, stacking variation letter dated May 16, 2008, from Mehran Farahmandpour, the General Application, General Variation Application, Special Use Application, Gary/North Avenue Corridor Application, and reduced copies of the plan set (dated March 20, 2008) including the Title Sheet, Site Plan, Landscape Plan, Floor Plan, Building Elevation Plan, and Color Building Rendering, and a copy of Ordinance 2004-10-57, which approved rezoning, a special use, variations and Gary Avenue Corridor Review for the property in 2004.

**Request:**

The applicant is requesting Special Use approval to allow an Auto Laundry (car wash) and an Auto Service Station in accordance with Sections 16-9-4(C)(2) and 16-9-4(C)(3), respectively, of the Carol Stream Zoning Code, Variations to allow a reduction in the number of vehicle stacking spaces and to allow outdoor business operations in accordance with Zoning Code Sections 16-13-3(C) and 16-9-1(C), respectively, and Gary Avenue Corridor Review in accordance with Section 16-5-6 of the Carol Stream Zoning Code.

**STAFF ANALYSIS**

Mehran Farahmandpour of Maemar P.C., has submitted an application seeking the zoning approvals necessary to construct an automatic car wash and a lube and oil change facility on the vacant property located immediately south of the White Castle Restaurant on the west side of Gary Avenue, south of North Avenue. The overall business operation would include a single-lane tunnel-style automatic car wash, three bays for automobile lubrication and oil changes, six indoor bays for automobile detailing, and a customer waiting area. Outdoor business activities are proposed to include an express interiors cleaning area on the west side of the building, and a hand-towel drying area immediately to the east of the building. The building, which would measure 8,596 square feet in area, is proposed to be constructed of a variety of masonry materials, and would have an asphalt shingle roof. In order to construct a car wash and auto service facility on the approximate 1.15-acre property, the applicant is requesting Special Use approvals for the car wash and auto service uses, variations for the number of vehicle stacking spaces and the outdoor business activities, and Gary Avenue Corridor Review.

**Site History:**

In October 2004, the Village Board approved Ordinance 2004-10-57, which rezoned the subject property from B-2 General Retail District to B-3 Service District, granted Special Use approval for a six-bay car wash, approved variations for a reduction in vehicle stacking spaces and vacuum equipment setback, and approved the Gary Avenue Corridor plans. The applicant in 2004, Michael Weingrad of M&E Enterprises, never began construction on the approved car wash and associated site improvements. Because of the delay in the construction of the

building and site improvements, and because the current proposal has significant differences as compared with the previously approved plans, a new application for Special Uses, Variations and Gary Avenue Corridor Review is required.

### Special Uses:

Please note that a more detailed discussion of the site design, landscape plan and building architecture will be provided in the Gary Avenue Corridor Review section of this report. As stated, car washes and auto service stations are listed as Special Uses in the B-3 District. Access to the proposed car wash and auto service station would take place through a full access point off of the east-west drive aisle leading into the bowling alley property from Gary Avenue. A cross-access easement exists across the 56-foot wide strip of land that is part of the bowling alley property and which abuts Gary Avenue, granting access rights to the proposed Super Kiss property. The Site Plan indicates that vehicles would be able to enter the property toward the west end of the site. Vehicles would go through the car wash tunnel, access the lube and oil change bays, or utilize the detailing bays, and then exit the property onto the cross-access drive that leads to Gary Avenue. The existing median in the cross-access drive, visible on the aerial photograph, would be modified to allow for the vehicular access pattern shown on the site plan. Vehicles would then be able to turn left or right onto Gary Avenue. As a note, there is an ingress-egress easement agreement between the bowling alley property and the proposed car wash property regarding access and maintenance of the cross-access drive.

Regarding parking, the site plan depicts 12 parking spaces at three locations on the property. For car wash uses, aside from vehicle stacking spaces which will be discussed in detail in the Variations section of this report, the Zoning Code requires one parking space per employee. In the attached letter dated May 16, 2008, the applicant states that there will be a maximum of 10 employees working at the facility, which results in a requirement for 10 parking spaces. In addition, the auto service use requires two parking spaces per service bay. Based on the three proposed lube and oil service bays, 6 parking spaces are required for this portion of the business, resulting in a total parking requirement for the site of 16 spaces. With only 12 parking spaces proposed, the plan does not comply with the parking requirements of the Zoning Code. As such, staff cannot support the current site plan. However, we have two suggested revisions that would allow the required number of parking spaces to be provided. First, only one handicapped accessible parking space is required for this site, yet the plan shows two such spaces. Staff recommends that the handicapped accessible stall in the row of parking along the west property line should be deleted and replaced with two regular spaces. Second, we recommend that the westernmost row of parking be extended further to the south to provide a total of eight parking stalls in this portion of the site. Eight stalls at this location, combined with the other eight stalls proposed elsewhere on the site, would provide the 16 total stalls required by the Zoning Code.

As a point of information regarding the overall site configuration, the property includes a 15-foot wide strip of land that abuts the North Avenue right-of-way, as seen on the site plan. While the plans do not contemplate access to the site from North Avenue because of the narrowness of this strip of land, the site plan indicates that a ground sign would be located adjacent to North Avenue, which is permissible according to the Sign Code. A second ground sign is proposed to be located at the southeast corner of the property, just north of the Gary Avenue access drive. Signage will be discussed in more detail toward the end of this report.

Another issue worth mentioning involves the former use of the site. As seen in the aerial photograph, the property is improved with an asphalt parking lot. A review of Village records for the adjacent bowling alley property reveals that the proposed car wash site, which was formerly owned by the owner of the bowling alley property, previously provided parking for the bowling alley. The bowling alley owner subsequently purchased additional land to the west of the building, upon which additional parking was constructed for use by bowling alley patrons. As such, the old parking area located on the proposed car wash site is no longer needed to meet the parking demand for the bowling alley. Staff contacted Carol Stream Police Department personnel who are familiar with evening patrols in the area of the bowling alley, and they reported that the proposed car wash site has not been used for bowling alley customer parking for many years. The deteriorating condition of the parking lot and the lack of visible parking stall striping are reflective of the non-use of the asphalt area for parking purposes in recent years.

With respect to the proposed car wash and auto service uses, staff has evaluated the Special Use Permit requests from both aesthetic and operational perspectives. From an aesthetic perspective, the development of the building and site will need to comply with the standards contained in the GAC regulations, which should ensure that this will be an attractive development. Generally speaking, the building, which is proposed to be constructed with multiple types of masonry materials, should have a high quality appearance. All building mechanical equipment will be required to be screened from view, and a well-developed landscape plan is required. As a point of information, the GAC regulations require a 20% increase in landscape point value requirements for sites containing motor vehicle service uses. From an operational standpoint, the property is well suited to the proposed car wash and auto service uses. These types of businesses are typically found on high volume roadways, and the proposed site on Gary Avenue near North Avenue is a high traffic location. We also note that there is not an abundance of similar business uses in the immediate area. From a use standpoint, the proposed car wash and auto service uses would seem to complement the general uses found in the area, including two gasoline stations, a fast food restaurant, an automobile dealership, a recreational vehicles dealership, and a hotel with an automobile rental business. Staff's primary concern at this point involves the shortfall of parking spaces proposed for the property, as compared with the quantity of spaces required by the Zoning Code.

As stated in Section 16-15-8(E) of the Zoning Code, no Special Use Permit 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.

A car wash and auto service facility would offer a convenient opportunity for motorists seeking car wash and automobile service in the immediate area.

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

The site plan and access to the site have been designed to accommodate safe vehicular movements. As such, the proposed car wash auto service facility should not be unreasonably 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.

As stated, the business uses should complement the surrounding businesses, which include several motor vehicle related uses. The surrounding properties are commercial in use; as such, the proposed car wash and auto service facility should 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.

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

All surrounding properties are already developed. As such, the proposed car wash and auto service facility will not impede the normal and orderly development or improvement of the surrounding properties.

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

Access to the site will take place from the existing drive out to Gary Avenue. Otherwise, community facilities have already been provided.

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.

Aside from the requested variations, which will be discussed in more detail in the next section of this report, the proposal is expected to conform to all applicable codes and requirements.

Because the proposed number of parking spaces does not comply with the number required by the Zoning Code, staff cannot recommend approval of the Special Use at this time. However, if the number of spaces were increased to comply with the Zoning Code requirement, based upon the evaluation criteria, staff would be able to support the Special Use requests for a car wash and an auto service station.

**Variations:**

The petitioner is requesting two variations to accommodate the proposed development. The first variation involves a request for a reduction in the number of stacking spaces that would be provided on the property for customers waiting in line for the car wash. The Zoning Code requires 30 stacking spaces for each car wash rack; the plan indicates that 11 stacking spaces would be provided. To evaluate the proposed vehicle stacking variation request, it is necessary to understand the particular type of car wash proposed by the applicant. The car wash would include a single lane automatic tunnel-style wash system. The applicant has stated that the decision to provide stacking for 11 vehicles was based upon the anticipated vehicle turnover rate through the car wash cycle. The applicant has further stated that considering the rate at which vehicles can enter the tunnel, the 11<sup>th</sup> vehicle would have an approximate 10-minute wait time, and if 11 vehicles are consistently stacked awaiting entry into the car wash, a volume of 80 cars per hour would use the facility. The applicant anticipates only a fraction of this volume of car wash traffic.

In review of the information provided in support of the request for a variation to reduce the number of car wash stacking spaces, we find the information to be incomplete. It is staff's

position that the volume of vehicles wishing to use the car wash will be somewhat peak-oriented, meaning that the car wash will likely not be very busy at many times throughout the day, but at other times, a heavy car wash customer volume will be experienced. Staff's primary concern is that the proposed site design is not be very flexible in its ability to accommodate a higher than anticipated car wash volume, even if for just sporadic intervals. If more than 11 customers are waiting for a car wash, the vehicle queue could begin to block access to other portions of the site, and would also block the parking spaces along the west side of the site. The access into the site could become blocked entirely, and vehicles could even begin to stack out onto the east-west cross access drive, which would be unacceptable. For staff to be able to support this request, the applicant should either provide additional information demonstrating that the 11 proposed vehicle stacking spaces will be sufficient, based on peak hour demand data and vehicle processing time data from other similar car wash operations, or the site design should be adjusted to be more flexible to better accommodate peak business periods. Staff encourages the Plan Commission members to discuss whether they are convinced that 11 stacking spaces will be adequate to serve the automatic style car wash.

For the Plan Commission's information, staff has researched the zoning ordinances of area municipalities to gain a better understanding of other car wash stacking space requirements. We found that for automatic-style car washes, Naperville, Lombard and St. Charles all require 10 or fewer stacking spaces, which would support the applicant's assertion that 11 spaces are adequate. It is also worth mentioning that the car wash plan approved for this property in 2004 included four self-service bays and two automatic bays. The self service bays each had between four and six stacking spaces, and the two automatic bays each had seven stacking spaces. That plan, however, had greater flexibility to accommodate additional vehicles in the event that business volumes exceeded the capacity of the approved number of stacking spaces.

The second variation being requested is from the General Requirements section of the Business District regulations, requiring that, "all business, service, storage, merchandise, display, and where permitted, repair and processing, shall be conducted wholly within an enclosed building." The Site Plan indicates that two aspects of the business operation would be conducted outdoors, including an "express interiors" service to the west of the entry to the car wash tunnel, and three "hand-dry stations" near the exit of the car wash tunnel.

In review of the proposed outdoor business operations, staff notes that outdoor vacuuming and hand-drying services are typically offered by modern car wash facilities. While it might be preferable for these services to be limited to indoor locations, particularly given the prominent location of the site within the Gary Avenue Corridor, staff does not think this is feasible given the nature of the use. Further, the GAC landscape regulations require enhanced landscape materials for motor vehicle service uses, so the landscape plan should provide sufficient screening of the outdoor business operations as seen from Gary Avenue.

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 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.

As presently configured, the site cannot accommodate the required number of stacking spaces. Staff does not believe that adequate information has been provided to demonstrate that 11 vehicle stacking spaces will be sufficient to serve the demand at this location, although we do believe that the 30 stacking spaces required by the Zoning Code may be excessive. Regarding the variation to allow outdoor business activities, staff finds that the nature of the use warrants the provision of some outdoor business services.

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

The unique circumstance regarding the request for a stacking space variation may involve the decreased amount of time required to process (wash) vehicles through the car wash, owing to modern car wash technology, as compared with the processing speed of car washes when the Zoning Code regulation was implemented. However, the applicant has not provided information that substantiates this notion. The unique circumstance involving the variation to allow outdoor business activities relates to the nature of the use, and the fact that vehicles are often cleaned outdoors. The nature of the use is somewhat unique in that respect.

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

Staff believes that the applicant still needs to demonstrate that 11 stacking spaces will be adequate to serve the peak hour volume. If 11 stacking spaces are not sufficient, there could be negative impacts to surrounding properties. Regarding the requested variation to allow outdoor vehicle vacuuming and towel drying, given the auto-dependent business character of surrounding properties, this request should not alter the essential character of the locality.

4. 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, or topographical conditions of the site are not applicable to the variation requests.

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

The car wash use is somewhat unique given the operational plan and the nature of the business. The conditions upon which the petition for the variations is based upon would not be applicable generally to other property in the same district.

6. 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.

The variation to reduce the required number of stacking spaces could be detrimental if vehicles waiting for car washes end up stacking out onto the east-west access lane leading to Gary Avenue. The applicant still needs to demonstrate the number of stacking spaces that will be required for this car wash based on vehicle processing times and customer demand data. The outdoor business activities variation request should not be detrimental provided that the landscape screening minimizes the view of such activities from outside of the site.

Based upon the evaluation criteria, staff cannot yet support the variation request to reduce the number of vehicle stacking spaces, and we have provided direction as to the specific information that we believe the applicant needs to submit to help bolster his request. Staff can support the variation to allow outdoor business operations, owing to the nature of the car wash use and the landscape screening that will be provided around the site.

**Gary Avenue Corridor Review:**



Because the proposed development is located within the Gary Avenue Corridor (GAC), the Plan Commission must review and approve comprehensive development plans for the property to ensure that the proposal is in conformance with the corridor regulations. The Plan Commission has the authority to make the final determination of conformance with the GAC regulations and Village Board consideration is not required. The sections of the GAC regulations that apply to this proposal include site design, architectural design and parking/landscape design.

#### **Site Design:**

The proposed car wash and auto service facility would measure approximately 8,600 square feet in area. As seen on the site plan, customers would enter the property through the off-site east-west drive aisle that leads from Gary Avenue to the adjacent bowling alley property. A cross-access easement benefiting the subject property was granted by the owner of the bowling alley property. The easement agreement also sets forth maintenance responsibilities for both parties. The site plan depicts the general traffic circulation pattern in which vehicles would enter the site near the western end of the property and either enter the car wash queue, access a vehicle detailing bay, or enter a lube/oil service bay. Vehicles exiting the car wash would continue through the hand-drying stations adjacent to the east end of the building, and then exit the site, turning either to the left or right onto the cross-access drive leading out to Gary Avenue or toward the bowling alley property. With respect to the GAC setback requirements, the proposed building meets the 60-foot minimum and 100-foot maximum setbacks from Gary Avenue, and the plan provides the required 30-foot parking setback. The plan conforms to the setback and floor area ratio standards required by the GAC regulations and the B-3 District. Aside from the concerns regarding the plan's lack of flexibility in accommodating more than 11 stacked vehicles in the car wash queue, as enumerated in the Variations section of this report, and the need for at least four additional parking spaces, we have no other Site Design comments.

#### **Architectural Design:**

Section 16-5-7(K)(4) of the GAC regulations states the following:

Monotony shall be avoided within projects and between a project and its surroundings. Site characteristics to be evaluated for this purpose include building and plant materials, colors, textures, shapes, massing, rhythms of building components and details, height, roof-line and setback. Facades of buildings shall incorporate such design features as changes in materials, color, fenestration, or other significant visual relief provided in a manner or at intervals in keeping with the size, mass and scale of the building and views from public ways.

As seen on the building elevation plan and color rendering, the building will be constructed primarily with brick and pre-cast concrete block. The south, east and west elevations will include significant window and glass areas, and the proposed architectural asphalt shingles and pitched roof elements will provide an attractive overall appearance. Other architectural details that will enhance the appearance of the building include utility brick accent bands and arched utility brick lintels. Overall, it is staff's position that the building will be attractive and will have a high quality appearance, based upon the materials that are proposed to be used.

Staff has two primary concerns related to the architectural design. The first involves the proposed six-foot-high cedar trash and equipment enclosure proposed for construction along the west property line. Throughout the Village, and particularly within the Gary and North Avenue Overlay Corridors, trash enclosures are constructed using the same masonry materials used in the construction of the building. Section 16-5-6(K)(9) of the GAC regulations state that, "mechanical equipment...shall be screened from view with materials identical to or strongly similar to building materials." As such, staff recommends that the trash and equipment

enclosure be constructed using masonry materials that match the building. The second issue involves the blank north wall of the building. As seen on the building elevation plan, no windows are proposed in the north building wall. This wall will be visible to both southbound Gary Avenue motorists as well as to motorists on North Avenue. As a point of information, the initial building elevations for the 2004 project on this property did not include windows on the north wall; however, in response to staff's comments, windows were subsequently added. Section 16-5-6(K)(4) recommends that monotony be avoided, and that facades shall include, "design features such as changes in materials, color, **fenestration** (windows), or other significant visual relief... in keeping with the size, mass and scale of the building and views from public ways." As such, staff recommends that windows (even if composed of spandrel glass) be added to the north building elevation.

#### **Parking/Landscaping Design:**

As stated, the 12 parking stalls shown on the site plan do not comply with the 16 spaces required by the Zoning Code, and earlier in this report we have suggested options for increasing parking on the property. Staff's only other comment regarding parking is that the parking stalls will need to be striped in accordance with the Village's looped parking stall striping requirements.

With respect to site landscape materials, the corridor regulations were designed to allow flexibility in design but require a minimum amount of landscape material on-site. The amount of landscape material required is calculated by granting a point value to the type of landscape material provided and then requiring a certain number of points for specific areas of the development. For example, shade trees are worth 225 points each and evergreen trees are worth 275 points each. It is the designer's choice as to how to combine landscape materials on the site in order to meet the criteria of the ordinance and achieve the intent or concept of the corridor. As can be seen on the Landscape Plan, landscape materials are shown in the parkway along Gary Avenue, in the landscaped area between the site and the cross access drive, along the western perimeter of the property, within parking lot islands and greenspace areas, and along the north side of the building.

The GAC regulations require a minimum of 10% of the area within all parking lot areas to be greenspace. For this site, the three areas containing parking spaces and the adjacent drive aisles are used in calculating the overall parking lot area, and the parking lot area does not include the other asphalt area on the site for stacking or general traffic circulation. Under these parameters, the parking lot area measures 7,958 square feet. The 10% greenspace standard would require 796 square feet of greenspace, and greenspace areas directly adjacent to the three parking areas measure 1,040 square feet, which exceeds the minimum greenspace requirement. In addition, 520 points of landscape material are required within the parking lot greenspace areas, and over 750 points are provided. The proposed parking lot greenspace and the point value of landscape materials within the greenspace areas comply with GAC requirements. The landscape plan also far exceeds the GAC requirements for the open space areas of the site. Notable landscape enhancements in these areas include the red maple trees along the south property line adjacent to the east-west cross access drive, and the trees and shrubs in the vicinity of the parking spaces near the west property line.

The landscape plan fails to comply with the GAC point value requirements for the *landscaped screen* and *landscaped setback*. The *landscaped screen* is a five-foot-wide strip of land directly adjacent to the front, north and south parking lot perimeters. The *landscaped screen* requires 2,280 points of plant material, including the 20% point value requirement increase for motor vehicle service uses. The plan provides just 1,465 points of plant material within the *landscaped screen*. The *landscaped setback* is all area on the site within the required front building setback. The point value of plant material required in the *landscaped setback*, again including the 20% increase for motor vehicle service use, is 2,153 points; however the plans

provide just 1,020 points of plant material. As such, the quantity of trees and shrubs in the landscaped screen and landscaped setback need to be increased in order to bring the plan into compliance with the GAC requirements. Staff notes that many of the plant materials proposed within the landscape screen and setback are small shrubs, which have a low point value credit. Staff recommends that some ornamental trees be added within the landscape setback, and that a double staggered row of taller shrubs and several ornamental or shade trees be added within landscaped screen to address these plan deficiencies. Otherwise, staff has no other comments regarding the landscape plan.

**Signage:**

With respect to signage, staff has one request, one recommendation and one point of information for the applicant. First, staff requests that elevations of the proposed ground signs be submitted for review by staff and the Plan Commission, as they are a component of the overall site improvements that should be evaluated through the Gary Avenue Corridor Review. Second, the Village has encouraged enhanced signage design and materials within the Gary and North Avenue Corridors. By way of example, many signs constructed over the past several years within the Gary and North Avenue Corridors have included decorative lannon-stone bases. Staff recommends that the applicant propose a high quality design for the signs using appropriate materials. The signs are not required to have a lannon-stone base; however a base material matching the masonry on the base of the building would be appropriate. Finally, as a point of information, we note that both ground signs are proposed to be six feet in height and 72 square feet in area. While the Sign Code permits a six foot maximum height for the sign adjacent to Gary Avenue; the Code allows the sign adjacent to North Avenue to measure 10 feet in height. Although the sign still has a maximum allowable area of 72 square feet, the applicant may revise the plans to increase the North Avenue sign to be 10 feet in height.

**Summary:**

At this time, staff cannot support the Special Use requests for a car wash and auto service station, due to the proposed parking shortfall as compared to the number of spaces required by the Zoning Code. Staff also cannot support the Variation request to reduce the number of car wash stacking spaces from 30 to 11, as we believe that additional information is required to demonstrate that 11 stacking spaces would be sufficient. Finally, several changes to the site, landscape and building elevation plans are necessary to bring the plans into compliance with the Gary Avenue Corridor regulations. As such, we cannot recommend approval of the GAC plans at this time. It should be noted, however, that staff believes that the plans can be revised such that staff would be in a position to recommend approval of the various requests.

**RECOMMENDATION**

As noted above, staff cannot recommend approval of the Special Uses, the Variation to reduce the quantity of stacking spaces, or the Gary Avenue Corridor plans at this time. If the Plan Commission were so inclined, they could continue this case to the next available agenda in order to allow the applicant time to address staff's concerns as noted above. However, if the Plan Commission were inclined to recommend approval of the applicant's requests and plans at this time, staff suggests that the Plan Commission's recommendation be subject to the following conditions:

1. That elevations of the proposed ground signs shall be submitted for review by the Plan Commission and staff, and that the base of the ground signs shall contain a masonry material that matches the masonry used in the construction of the building;

2. That several windows, whether functional or spandrel glass, shall be added to the north building elevation;
3. That the trash and equipment enclosure proposed along the west property line shall be constructed using masonry materials that match the materials used in the construction of the building;
4. That the number of parking spaces on the site shall be increased to 16 spaces;
5. That all mechanical equipment, whether located on the roof or exterior of the building or on the ground adjacent to the building, shall be screened from view from public ways;
6. That one handicapped accessible parking stall shall be deleted from the site;
7. That the Village's looped parking stall striping shall be used in the striping of all parking spaces;
8. That the landscape plan shall be modified to bring the plan into compliance with the GAC requirements, specifically for the *landscape screen* and *landscape setback*;
9. 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;
10. That best management practices shall be incorporated into the stormwater management basin and site design;
11. That pavement striping including turn lanes shall be provided on the access drives leading to Gary Avenue, and a stop sign and stop bar shall also be provided;
12. That samples of the various proposed masonry units shall be submitted to the Building Official for review and approval as part of the building permit submittal;
13. That the building and site be developed in accordance with the attached site, landscape and building elevation plans, except for that the plans may be modified in accordance with the recommendations provided above;
14. That the applicant shall obtain sign permits for all site signage; and
15. That the development and operation of the facility will comply with all state, county and Village Codes and requirements.

Commissioner Manzzullo said that he is concerned about the stacking spaces for the two uses on this size property. He said that the landscaping does not appear to meet the Gary Avenue Corridor standards and that there are just too many variations requested without adequate reasons or background.

Commissioner Spink asked if there are any other combined car wash/oil change facilities that the petitioner could speak about. Mr. Farahmandpour said that there is another facility on Ogden Avenue that mirrors what is being requested here. In response to the question of hours of operation, it was determined that hours would be 7 a.m. to 8 p.m. on weekdays and 7 a.m. to 6 p.m. on weekends.

Commissioner Vora stated that all of his questions have been answered.

Chairman Michaelson said that he agrees with the staff report that there are several matters that need to be addressed, such as placement and noise levels of vacuums and towel dryers and the important

matter of meeting the Gary Avenue Corridor standards. He said that he would like to see this other car wash that was mentioned. Mr. Glees noted that he has not received the data from that other car wash that only requires 11 stacking spaces. Chairman Michaelsen said that there are serious safety issues regarding the stacking and directional flow of the two different uses on this property that need to be addressed.

Commissioner Spink asked about the construction and was told that the tunnel and bays would be concrete. She said that she shared the concerns of the other Commissioners and that there is a lot of changes and additions that are needed before she would consider approving this proposal.

Commissioner Spink moved and Commissioner Manzzullo made the second to continue this matter to the meeting of June 23<sup>rd</sup> to allow staff and the petitioner to work on solutions for the stacking of vehicles for both interests as well as the landscaping requirements for the Gary Avenue Corridor Review. The results of the roll call vote were:

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

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

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

At 9:51 p.m. Commissioner Manzzullo moved and Commissioner Spink made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD