

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

**June 23, 2008**

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

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

Present: Commissioners Anthony Manzzullo, Angelo Christopher, Lateef Vora, Ralph Smoot, Dee Spink, Joyce Hundhausen and David Michaelsen  
Absent: none  
Also Present: Community Development Director Bob Glees and Recording Secretary Wynne Progar

**MINUTES:**

Commissioner Spink moved and Commissioner Vora made the second to approve the Minutes of the Meeting of June, 9, 2008 as presented. The results of the roll call vote were:

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

**PUBLIC HEARING:**

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

**#07052: DAVID SCHONBACK – Northeast Corner of St. Charles Rd & Morton Rd.  
*Zoning upon annexation to I-Industrial District  
Final Plat of Subdivision  
CONTINUED FROM 5-27-08 Meeting  
Variation – Rear Yard Setback***

There were no questions or comments from those in attendance at the call for public hearing. Chairman Michaelsen noted that the record is to show that the staff report is hereby entered and made a part of the record.

Mr. Glees said that this report serves as an addendum to the report presented at the May 27, 2008, Plan Commission/Zoning Board of Appeals meeting. At that meeting, David Schonback presented his proposal and received questions and comments from the Plan Commission. At the conclusion of the public hearing, by a 4-0 vote, the Plan Commission continued the case to allow the applicant time to make certain revisions to his site plan, to obtain a sign-off from Engineering Services that the DuPage County stormwater management permit is in order, and to add to his requests a variation for rear yard setback.

As you will recall, 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 §16-15-7 of the Carol Stream Zoning Code, and a plat of subdivision in accordance with §7-2-3 of the Carol Stream Subdivision Code. In addition, the applicant is requesting approval of a variation for rear yard setback in accordance with §16-10-2(G) and §16-15-6 of the Carol Stream Zoning Code.

At the May 27<sup>th</sup> public hearing, there were three issues that needed to be addressed before the proposed site plan would be ready to be approved by the Village Board. These included:

- County approval of the stormwater permit. The Engineering Services Department has advised that the plan that is being reviewed by DuPage County is different from that which is before the Village of Carol Stream. Engineering will not sign off on this issue until the plans correspond with each other and are approved by DuPage County. **Not resolved.**
- Submittal of a request for variation for rear yard setback, legal notice of the request for variation. The applicant has submitted the request and staff has placed the required legal notice. **Resolved.**
- 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. We have received no revised plans at this time. **Not resolved.**

Staff recommends this case be continued to July 14, 2008, in order to address the remaining issues.

Commissioner Hundhausen moved and Commissioner Christopher made the second to continue this matter to the meeting of July 14, 2008 per the request of the petitioner. The results of the roll call vote were:

|       |   |  |
|-------|---|--|
| Ayes: | 7 | Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,<br>Hundhausen and Michaelson |
| Nays: | 0 |  |

**#07241: LEVATO & KOTCHE – Tall Grass Square, Northeast Corner of Gary Avenue  
& Lies Road  
*Final Plat of Subdivision***

Ed Levato, 1060 Lake Street, Hanover Park, IL was sworn in as a witness in this matter. He explained that the request is for a Final Plat of Subdivision for the property at the northeast corner of Gary Avenue and Lies Road to be approved in the form that it can be recorded. He noted that he would like to address two of the conditions noted in the staff report. The first is the request for a ten foot wide pedestrian bike path to be designed and constructed along Lies Road. He said that their approved PUD plans called for a sidewalk. If the pedestrian bike path is in lieu of the sidewalk, then it is not a problem, but a sidewalk and a bike path would be redundant. He asked that it be determined which one is to be included on the plat; it would be appreciated, so the plat could be corrected. The second condition is in regard to the existing ingress/egress easement from a previous development plan. Mr. Levato stated that they intend to vacate that easement and are in the process of and nearing completion of an agreement with the other party involved. However, they are requesting that they are not compelled to file the Final Plat of Subdivision and the easement vacation simultaneously. He said that due to time and circumstances and the things that have to be done to get the Plat recorded they would like to have it done sooner rather than later.

There were no comments or questions in response to the call for public hearing.

Chairman Michaelsen noted that the record will reflect that the staff report is hereby entered and made a part of the Minutes.

**Staff report:**

**Applicant:**

Levato & Kotche, representing West Suburban Bank Trust #9908

**Size and Location:**

The 4.16-acre property is located at the northeast corner of the Gary Avenue and Lies Road intersection.

**Existing zoning and land use:**

The subject property is zoned B-3 Service District with a special use for Planned Unit Development, and is vacant.

**Adjacent zoning and land uses:**

The property to the north is zoned B-3 Service District and is improved with a stormwater management pond. The property to the south is zoned B-2 General Retail District, with a Special Use for Planned Unit Development, and is vacant. The property to the east is zoned I Industrial District and is improved with an industrial building, and the property to the west is zoned R-4 General Residence District, with a Special Use for Planned Unit Development, and is improved with a stormwater management pond and the Fountains at Town Center town home development.

**Attachments:**

Attached for review are a location map, aerial photo, cover letter from Keith Kotche dated August 27, 2007, the General Application, and a reduced copy of the Final Plat of Subdivision.

**Request:**

The applicant is requesting approval of a Final Plat of Subdivision in accordance with Section 7-2-6 of the Carol Stream Subdivision Code to subdivide the existing single lot into four lots in the B-3 Service District

**STAFF ANALYSIS**

Attorney Keith Kotche, on behalf of West Suburban Bank Trust #9908, has filed an application to subdivide the 4.16-acre property located at the northeast corner of Gary Avenue and Lies Road. The Final Planned Unit Development Plan for the property was approved by the Village Board on April 2, 2007, along with Special Use Permits for Shopping Plaza, Drive-up Service Window and Bank. The Plan Commission approved the Gary Avenue Corridor review for the development on March 26, 2007.

The Community Development Department staff finds the plat to be in conformance with the approved Final Planned Unit Development Plan, and the requirements of the B-3 Service District, which is the zoning classification for the property. The Engineering Services Department has reviewed the plat and recommends approval with the condition that the development of the subdivision must include a 10-foot wide pedestrian/bike path along Lies Road. However, staff would note that the existing ingress/egress easement from a previous development plan still remains on the lot, and needs to be vacated as it conflicts with the buildings of the proposed Tallgrass Town Square commercial development. The applicant has been working with the beneficiary of the ingress/egress easement to obtain sign-off on the vacation of the easement, and has not yet obtained such sign-off; however, the applicant expects to have the required sign-off shortly, and has requested that the subdivision plat approval process move forward so as not to delay his project. Staff has no objection, and we recommend and the applicant has agreed that the Plat of Subdivision of Tallgrass Town Square will not be recorded until such time as the

Village receives the required Plat of Vacation of Easement, and that the two plats be recorded simultaneously.

### RECOMMENDATION

Staff recommends approval of the Final Plat of Subdivision of Tallgrass Town Square subject to the following conditions:

1. that a 10-foot wide pedestrian/bike path shall be designed and constructed along Lies Road as part of the Tallgrass Town Square development; and
2. that the Plat of Subdivision of Tallgrass Town Square shall not be recorded until such time as the Village receives the required Plat of Vacation of Easement for the existing ingress/egress easements on the property; and
3. that the two plats shall be recorded simultaneously.

#### **End of Staff report.**

Mr. Glees said that Attorney Keith Kotche, on behalf of West Suburban Bank Trust #9908, has filed an application to subdivide the 4.16-acre property located at the northeast corner of Gary Avenue and Lies Road.

The Final Planned Unit Development Plan for the property was approved by the Village Board on April 2, 2007, along with Special Use Permits for Shopping Plaza, Drive-up Service Window and Bank. The Plan Commission approved the Gary Avenue Corridor review for the development on March 26, 2007.

The Community Development Department staff finds the plat to be in conformance with the approved Final Planned Unit Development Plan, and the requirements of the B-3 Service District, which is the zoning classification for the property. The Engineering Services Department has reviewed the plat and recommends approval with the condition that the development of the subdivision must include a 10-foot wide pedestrian/bike path along Lies Road, in lieu of the sidewalk.

We note that an existing ingress/egress easement from a previous development plan still remains on the lot, and needs to be vacated as it conflicts with the buildings of the proposed Tallgrass Town Square commercial development. Staff has no objection to approval of the plat with the condition that it will not be recorded until such time as the Village receives the required Plat of Vacation of Easement, and that the two plats be recorded simultaneously.

Staff recommends approval of the Final Plat of Subdivision of Tallgrass Town Square subject to the conditions noted in the staff report.

Commissioner Hundhausen asked if what we are being asked to approve is the Plat of Easement and the Plat of Subdivision and Mr. Glees said that a Plat of Easement does not have to come before the Plan Commission, so the request is only for the Plat of Subdivision. Commissioner Hundhausen asked which process is longer and Mr. Glees replied that the subdivision process is longer. The Village would not record the Plat of Vacation of the Easement in hand; they would both be recorded simultaneously. To the petitioner, Commissioner Hundhausen asked if he was requesting approval of the plat of subdivision without the plat of vacation and the Mr. Levato replied in the affirmative and said that the reason is that while they gotten approval from the people that have a cross easement and they are out in Colorado and there have been some communication issues and not as to whether is will be vacated or not, but timing issues. Time is of the essence for them, so if there is a transaction that they have to complete with the buyer of one of the lots that we can't do until the plat is vacated, nothing to do with construction. Everything is in process, it is a timing issue, so if the Plat of Subdivision can be recorded that will not do anything until the vacation has been

recorded. They do expect this to happen very shortly, but they cannot guarantee a specific time. Commissioner Hundhausen asked if any of the lots have been sold, Mr. Levato said that one lot has been sold to a bank, Carol Stream Bank & Trust and the other three lots will be developed between us as the petitioner and a partnership that they have. He said that one of the buildings will be built simultaneously with the bank.

Commissioner Hundhausen moved to recommend approval of the Final Plat of Subdivision in accordance with staff recommendations. Commissioner Spink made the second after the motion was changed from only recommending the first two recommendations to recommending approval with all conditions. The results of the roll call vote were:

|       |   |  |
|-------|---|--|
| Ayes: | 7 | Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,<br>Hundhausen and Michaelsen |
| Nays: | 0 |  |

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on July 7, 2008 and was advised to attend that meeting.

**#08151:       NONNEMAN, JAMES & KRISTI – 652 Chestnut Drive**  
***Variation – Rear Yard Setback***

Robert Davidson, 106 N. Parkway, Prospect Heights, IL was sworn in as a witness in this matter. He explained that the proposed project is to expand the kitchen and enlarge the eating area with a 12 foot addition at the rear of the home. This would put the house 55 inches over the rear yard setback and the petition is for a variation to that setback. Mr. Davidson said that the original plans for the development show a 30 foot building line and the house was built at a 25 foot building line and if the house had been built at the proper place on the lot, this would not be a problem for an addition. There is a small park at the rear of the house, so this would not impede any neighbors or other homes. There is a sizable deck currently, but it will be removed, adding to the greenspace of the backyard.

There were no comments or questions from those in attendance at the call for public hearing. Chairman Michaelsen stated that the record will reflect that the staff report is hereby entered and made a part of the minutes.

**STAFF REPORT**

**Applicant:**

Robert Davidson of Davidson Design Group on behalf of James and Kristi Nonneman

**Size and Location:**

The approximate 11,400 square foot lot is located at the southeast corner of Chestnut Drive and Alison Lane. (See attached location map.)

**Existing zoning and land use:**

The subject property is zoned R-3 One-Family Residence District, with a Special Use for a Planned Unit Development, and improved with a single-family residence.

**Adjacent zoning and land uses:**

All surrounding properties are zoned R-3 One-Family Residence District with a Special Use for a Planned Unit Development. The properties to the north, east and west are improved with single-family residences, and the property to the south is improved with the Friendship Park playground.

**Attachments:**

Attached for review are a location map, aerial photo, public notice, consent letter from James Nonneman dated June 11, 2008, cover letter from architect Robert Davidson dated May 22, 2008, the General Application, Variation Application, and plan set including the existing site plan, proposed site plan, building elevations, plat of survey, subdivision home location plan, three scenarios plan, panoramic exterior photographs and interior home photographs.

**Request:**

The applicant is requesting a variation from Section 16-8-3(F)(3) of the Zoning Code to allow a proposed home addition to encroach four feet, seven inches into the 30-foot required rear yard.

**STAFF ANALYSIS**

Robert Davidson, on behalf of homeowners James and Kristi Nonneman, has filed an application for a rear yard setback variation at 652 Chestnut Drive to allow a proposed 200 square foot addition to the rear of the home to encroach four feet, seven inches into the required 30-foot rear yard setback. As stated in the cover letter from Mr. Davidson, the proposed addition would accommodate a kitchen expansion and remodeling project. Because the property slopes downward toward the rear of the lot, the home has a lookout basement, and the basement would also be expanded beneath the main level kitchen addition. To allow the proposed addition to encroach four feet, seven inches into the required 30-foot rear yard, the Nonnemans have authorized architect Robert Davidson to file an application for a variation from Section 16-8-3(F)(3) of the Zoning Code.

**Rear Yard Setback Variation:**

As stated, the required rear yard is 30 feet, and the proposed addition onto the rear (south side) of the home would extend four feet, seven inches into the required rear yard. The addition to the home would include a 200 square foot addition to the first floor of the home, plus an identically sized addition to the lookout basement below the first floor addition. The addition is roughly 12 feet in depth by 19 feet in width, minus a four-foot-by-seven-foot notch-out of the southwest corner of the addition. As seen on Sheet Z2 of the plan set, the project would also include a significant reduction in the size of the existing deck. The smaller deck would comply with the applicable rear yard setback requirement, as elevated decks are permitted to encroach up to 10 feet into the required yard. As proposed, the bottom step of the reconfigured deck would encroach about eight feet into the required rear yard. As such, no Zoning Code relief is needed for the deck.

**Historical Review of Similar Variation Requests**

In the past several years, the PC/ZBA has heard two requests for rear yard setback variations for the principal structure. The details of the requests are as follows:

Case #01127 – The PC/ZBA recommended approval of rear yard setback and lot coverage variations to allow an existing three-season room to remain as constructed, after the room was constructed by a contractor who never obtained a building permit even though he was paid to do so by the petitioner.

Case #06180 – The PC/ZBA recommended approval of lot coverage and rear yard setback variations for an existing screen porch to remain as constructed. When the petitioner purchased the home, there was an existing screen porch on the property that had been built by a previous owner without a building permit.

In the two referenced cases, we note that both structures requiring variations were built prior to the variation applications being filed. In one case, the contractor failed to obtain the necessary permit, and in the other, the structure was built by a previous property owner. This is not to say that staff encourages property owners to first construct a non-code-compliant structures and subsequently seek relief through the variation process; however, in these two cases, staff believes the Plan Commission's recommendation for approval was influenced by the fact that the need for the variation was not self-created by an intentional act of the applicant. We also note that, subsequent to these two cases, the Village in 2007 amended §16-15-6 of the Zoning Code to consider a previous owner's failure to follow regulations as a standard for variation

In this particular case, Mr. Davidson provides several reasons that support the requested variation, as set forth in his letter dated May 22, 2008. First, Mr. Davidson points out that the required front yard is 25 feet, but that the builder set the homes back 30 feet. Had the home been built up to the front setback line, the proposed addition could be built without a setback variation being necessary. Second, he points out that the property backs up to Friendship Park. As such, there is no resident directly behind the Nonnemans' property who would be negatively impacted by the proposed addition in the event that the variation is approved. Third, Mr. Davidson has stated that to bring the kitchen up to the size that is typical for modern kitchens, a 12-foot deep addition is needed, but only 7.5 feet of space is available between the rear of the existing home and the rear setback line. Fourth, the applicant notes that the construction cost per square foot is higher for a 7.5-foot deep addition as compared to the proposed 12-foot addition. Finally, the applicant states that the overall purpose of the request is to provide a larger dining area for the Nonnemans, which would not be accomplished with a 7.5-foot deep addition.

**Variation:**

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

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

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

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

Although the applicant has provided several factors that support their argument that a variation is warranted, in staff's view we are not aware of a unique circumstance in this

case. Many families would like larger kitchens and dining areas, and there are examples all over the Village where homes were not built right up to the front setback line. We are also aware of the higher per square foot cost for the smaller addition, but this factor does not make the Nonnemans' circumstance unique.

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

Staff concurs that because the property to the south contains a Carol Stream Park District park site (Friendship Park), there would be no apparent negative impact on an adjacent residential property owner. We also concur that a reduction in the size of the existing deck, in combination with the proposed addition, will result in a less intensive use of the property, as viewed from neighboring properties.

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

The plight of the owner is not due to the action of a previous property owner, and this criterion is not applicable.

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

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

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

- 7.

All of the properties in this neighborhood have a 30-foot required rear yard. It is staff's opinion that many of the properties would also need a variation to allow a 12-foot addition to be constructed onto the rear of the homes. As such, these conditions would be applicable to other property within the same zoning district.

8. 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.

Staff does not believe that the variation, if granted, would be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood. However, if approved, staff would be concerned about the potential precedent-setting nature of this request, since we do not believe that the request satisfies all of the evaluation criteria for variations.

#### **Summary:**

In staff's evaluation of this case, the applicant has presented several compelling reasons as to why a rear yard setback variation is needed to allow a 12-foot deep addition onto the rear of the home. While staff sympathizes with their circumstance, we do not believe that the evaluation criteria for variations have been satisfied. For this reason, staff cannot support the requested variation. However, if the Plan Commission were to determine that the evaluation criteria were in fact satisfied, staff notes that the property to the rear (south) of the proposed addition is a

public park site, which greatly reduces the potential for negative impacts on an adjacent residential property owner. We also note that the degree of the variation, four feet, seven inches into the 30-foot required rear yard, is relatively minimal, and would still leave a rear yard in excess of 25 feet.

#### RECOMMENDATION

Staff recommends denial of the requested variation to allow the proposed home addition to encroach four feet, seven inches into the 30-foot required rear yard at 652 Chestnut Drive. However, if the Plan Commission / Zoning Board of Appeals determines to recommend approval of the request, staff recommends that it do so subject to the condition that the applicant must obtain the required building permit for the addition.

Commissioner Manzullo asked if the existing deck will be torn down and was told that it will be. He commented that the proposed project will be less obtrusive than the deck is now.

Commissioner Spink said that it appears that there will be another deck and Mr. Davidson said that there will be a deck to the east of the edge of the addition. Commissioner Spink asked if the same materials as the house will be used and Mr. Davidson said that the appearance will be as if the house has always had the addition and that the deck will be of a composite type of material.

Commissioner Hundhausen asked Mr. Glees asked why the setback is so large at the back of the house. Mr. Glees said that the 30 foot setback is the standard in this neighborhood and in this district.

Chairman Michaelsen said that he replaced all of the cabinets in his kitchen and it did not require building an addition. Mr. Davidson said that the addition is actually to allow a larger dining area off of the kitchen as well as having more kitchen area. The owners believe that this will increase the value of their home. In response to the question it was determined that this is a two story residential with an English basement. Chairman Michaelsen asked that if the variance did not go through, and the addition was created to the 30 foot setback, what would that do, take away the addition? Mr. Davidson said that it would cause a substantial design modification. He also added that the same materials for the siding and roof would be used.

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

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on July 7<sup>th</sup> and was advised to attend that meeting.

**#08149:                   ORION PROPERTY SERVICES – 370 S. Main Place**  
***Variation – Expansion of a Nonconforming Structure***

Myron Sonkin, 2S431 Burning Trail, Wheaton, IL was sworn in as a witness in this matter. Mr. Sonkin said they are requesting a setback variation to put an addition on the existing building. The addition will be constructed of the same material and the same design as the original building. There will additional parking spaces added to meet the Code requirements. Additional landscaping will be added across the back of the lot since there is an apartment complex at the side and back.

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

**STAFF REPORT**

Myron G. Sonkin, President of Globe Spec Inc.

**Size and Location:**

The approximate 34,000 square foot lot is located on the west side of Main Place, about 300 feet south of Gundersen Drive.

**Existing zoning and land use:**

The subject property is zoned B-4 Office, Research and Institutional Building District and improved with a 4,000 square foot office building.

**Adjacent zoning and land uses:**

The property to the north is zoned I Industrial District and improved with an office building and outdoor storage yard. The properties to the south and east are zoned B-4 Office, Research and Institutional Building District and improved with office buildings. The property to the west is zoned R-4 General Residence District with a Special Use for Planned Unit Development and is improved with an apartment building.

**Attachments:**

Attached for review are a location map, aerial photo, public notice, cover letter from Globe Spec President Myron Sonkin, the General Application, Variation Application, and plan set including the topographic survey and site plan.

**Request:**

The applicant is requesting a variation in accordance with Section 16-14-3(B) of the Zoning Code to allow an addition to a nonconforming structure.

**STAFF ANALYSIS**

Myron Sonkin, President of Globe Spec Inc., has filed an application for a variation to allow an addition to the existing nonconforming building at 370 Main Place. Globe Spec is a national home and environmental inspection company that moved to the existing 4,050 square foot building from Wheaton two years ago. Globe Spec wishes to construct a 3,250 square foot addition to the rear of the existing building. However, the existing building is nonconforming with respect to the 80-foot front yard setback of the B-4 District, as the existing building is set back only 49.71 feet from the front property line. The proposed addition on the west (rear) side of the building would fully comply with all of the setback requirements of the B-4 District. To allow an addition to a nonconforming building, the applicant is requesting a variation in accordance with Section 16-14-3(B) of the Zoning Code.

The approximate 34,000 square foot site is improved with a 4,050 square foot office building. Access to the site is off of Main Place. The building is served by a 15-space parking lot located to the rear (west) of the building. To accommodate the significant growth in their business, and to allow the business to remain at its Carol Stream location, Globe Spec would like to construct a 3,250 square foot office and storage addition to the rear of the building.

**Setbacks:**

The following table provides information regarding the required B-4 District setbacks, the existing building setbacks, and the proposed building setbacks with the proposed addition.

| Required Yard     | B-4 District | Existing Building       | Proposed Building With Addition |
|-------------------|--------------|-------------------------|---------------------------------|
| Front             | 80'          | 49.71'                  | 49.71'                          |
| Side <sup>1</sup> | 0'           | 10' (south)/23' (north) | 10' (south)/23' (north)         |
| Corner            | 80'          | n/a                     | n/a                             |
| Rear <sup>2</sup> | 40'          | 175'+                   | 110'+                           |

1. Side yard not required unless side yard is adjacent to a residential use, in which case required side yard is 20'.
2. Required rear yard is 25' unless rear yard adjoins a residential district boundary line, in which case rear yard is 40'. In this case, rear yard adjoins a residential district boundary line; therefore, required yard is 40'.

As seen in the table, the existing building is set back just 49.71 feet from the front (Main Place) property line, while the B-4 Office, Research and Institutional District requires an 80-foot front setback. Staff has determined that the original construction of the building was legally permitted, and so the building is considered a legal, nonconforming structure. The table also shows that the existing building and proposed building addition comply with all other applicable building setbacks.

#### Parking:

| Use of Space                                    | Parking Ratio              | Square Feet of Use | Parking Required          |
|---|----------------------------|--------------------|---------------------------|
| Office  | 4 spaces per 1,000 sq. ft. | 6,390 sq. ft.      | 25.56                     |
| Storage   | 1 space per 1,500 sq. ft.  | 910 sq. ft.        | 0.61                      |
| <b>Total Number of Required Parking Spaces:</b> |                            |                    | <b>27.16 or 28 spaces</b> |

Based on the off-street parking requirements set forth in the Zoning Code, 28 parking spaces are required to serve the proposed expanded building. The site plan shows that 28 parking spaces would be provided, which would comply with the Zoning Code requirement.

Staff notes that the both the existing and proposed expanded parking lots contain no greenspace. It would be staff's preference to require the installation of parking lot greenspace as part of this proposed building addition. However, Section 16-13-2(E)(3) of the Zoning Code, which sets forth the requirements for parking lot greenspace, states that, "for parking lots with a paved area greater than 10,000 square feet, a minimum of 5% of the paved area must be landscaped to create visual relief". The proposed expanded parking lot measures 9,420 square feet in area; as such, parking lot greenspace is not required. In lieu of providing parking lot greenspace, however, staff recommends that the applicant consider installing several groupings of evergreen shrubs along the western perimeter of the expanded parking lot, to help improve the view of the parking lot from the residential use to the west. The Plan Commission members are asked to comment as to whether they believe that landscape materials should be planted immediately west of the expanded parking lot to help screen the view of the parking lot from the adjacent residential use.

#### Variation:

Section 16-14-3(B) of the Zoning Code provides direction as to how the Village is to administer requests for additions to nonconforming structures. Specifically, this Section reads as follows:

*"(B) Additions and enlargements.* A nonconforming building or structure...which does not comply with other provisions of this chapter, shall not be enlarged in any manner unless such nonconforming building or structure and use thereof, including all additions

and enlargements thereto, is made to conform to all the regulations of the district in which it is located. However, the Village Board may, after receiving the recommendations of the Zoning Board of Appeals, pursuant to a public hearing, vary the provisions of this section where it would be inequitable not to allow the addition and where the public health or safety will not suffer thereby.”

To allow the requested addition to the rear of the existing office building, the Plan Commission/Zoning Board of Appeals must forward a recommendation to the Village Board regarding whether they believe that it would be inequitable not to allow the addition and whether the public health or safety would not suffer thereby. In staff’s evaluation of the proposed addition to a nonconforming office building, we note that the proposed addition would not increase the dimensional nonconformity of the building, since no part of the addition would be located forward of the required 80-foot front setback line. We further note that there is adequate available land area to accommodate the building and parking expansion, and that it would be inequitable to prevent the increased use of the property simply because of the nonconforming front setback. In accordance with the Village’s business-friendly policies and economic development interests, staff supports the expansion of the building for a growing local business, as we are aware of no threats to public health or safety that would result from the proposed addition.

**Summary:**

For requests to allow an addition to a nonconforming structure, the Zoning Code provides different evaluation criteria than for other Zoning Code variations. Specifically, the Code states that, “the Village Board may, after receiving the recommendations of the Zoning Board of Appeals, pursuant to a public hearing, vary the provisions of this section where it would be inequitable not to allow the addition and where the public health or safety will not suffer thereby.” In staff’s evaluation, we believe that it would be inequitable not to allow the addition, and we also believe that the public health or safety would not suffer if the addition is allowed.

Staff recommends approval of the variation to allow an addition to the nonconforming structure at 370 Main Place, subject to the following conditions:

1. That construction shall not begin on the addition until a building permit is issued by the Building Division;
2. That the business shall comply with all applicable State, County and Village codes and requirements.

Mr. Glees gave this summary of the Staff Report;

Myron Sonkin, President of Globe Spec Inc., has filed an application for a variation to allow an addition to the existing nonconforming building at 370 Main Place. Globe Spec wishes to construct a 3,250 square foot addition to the rear of the existing building. However, the existing building is nonconforming with respect to the 80-foot front yard setback of the B-4 District, as the existing building is set back only 49.71 feet from the front property line. The proposed addition on the west (rear) side of the building would fully comply with all of the setback requirements of the B-4 District. To allow an addition to a nonconforming building, the applicant is requesting a variation in accordance with Section 16-14-3(B) of the Zoning Code.

Staff has determined that the original construction of the building was legally permitted, and so the building is considered a legal, nonconforming structure. Other than the front yard setback,

the existing building and proposed building addition comply with all other applicable building setbacks.

Based on the off-street parking requirements set forth in the Zoning Code, 28 parking spaces are required to serve the proposed expanded building. The site plan shows that 28 parking spaces would be provided, which would comply with the Zoning Code requirement.

Staff notes that the both the existing and proposed expanded parking lots contain no greenspace, and because the lot is not greater than 10,000 square feet in area, greenspace is not required by the Zoning Code. In lieu of providing parking lot greenspace, staff recommends that the applicant consider installing several groupings of evergreen shrubs along the western perimeter of the expanded parking lot, to help improve the view of the parking lot from the residential use to the west. The Plan Commission members are asked to comment as to whether they believe that landscape materials should be planted immediately west of the expanded parking lot to help screen the view of the parking lot from the adjacent residential use.

Staff notes that the proposed addition would not increase the dimensional nonconformity of the building, since no part of the addition would be located forward of the required 80-foot front setback line. We further note that there is adequate available land area to accommodate the building and parking expansion, and that it would be inequitable to prevent the increased use of the property simply because of the nonconforming front setback. In accordance with the Village's business-friendly policies and economic development interests, staff supports the expansion of the building for a growing local business, as we are aware of no threats to public health or safety that would result from the proposed addition.

In staff's evaluation, we believe that the standards for variation are met, and we recommend approval of the variation to allow an addition to the nonconforming structure at 370 Main Place, subject to the conditions contained in the staff report.

Commissioner Hundhausen asked the petitioner how long the business has been in Carol Stream and what the nature of the business is and Mr. Sonkin replied that they have been in Carol Stream for two and one half years and that they are a national home and environmental inspection firm, working exclusively in the private sector through third party corporate relocations. Commissioner Hundhausen asked if he agreed with the planting of evergreens and was told yes, and it was determined that the additional parking is for employees and not equipment.

Commissioner Manzzullo asked if the old parking lot would be torn out and replaced along with the additional space and Mr. Sonkin said that the addition is going on a portion of the existing parking lot and it will have to be determined if the balance can be salvaged and recoated. Commissioner Manzzullo concurred that the landscaping is needed at the back portion of the property. He asked what the "infiltration trench" was, and Mr. Sonkin said that it has to be determined whether they can take rain run-off from the roof into the infiltration trench, which is actually a small dry well, or if it has to be run to an underground drainage system and tie that to the Village storm water system. A "perc" test is being done to determine if the existing soils will be adequate. That would save the company a lot of money if they can use the infiltration trench. Chairman Michaelsen said that it appears that there will be evergreens installed at the back of the property as a buffer and asked if there were plans for a fence and was told not at this time, since there are none at all in the area. Chairman Michaelsen asked if there will be any additional lighting for the parking lot and Mr. Sonkin said that he does not know, but he thinks there will be building lighting similar to what is there now.

Commissioner Vora moved and Commissioner Manzzullo made the second to recommend approval of the request a variation for an addition to a nonconforming building in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 7 Commissioners Manzullo, Christopher, Vora, Smoot, Spink,  
Hundhausen and Michaelson  
Nays: 0

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on July 9, 2008 and was advised to attend that meeting.

**# 08007: CHICAGO MOTORS CORPORATION – 7W110 North Avenue**  
**Zoning upon annexation to B-3 Service District**  
**Special Use Permit – Open Sales Lot**  
**Variation - Front Yard Setback**  
**Continued from 5-27-08 Meeting**  
**Variation – Parking Stall Width**  
**Variation – Parking Lot Greenspace**

John Zemenak, 300 E. Roosevelt Road, Wheaton, IL was sworn in as a witness in this matter. Mr. Zemenak reviewed the results from the May 27, 2008 meeting and said that they are proposing two additional variances. The first is a variance for the required 10 % greenspace in the parking area. The second variance is to allow 9 feet wide off-street parking stalls rather than the nine foot six inch wide stalls. In regard to the 10% greenspace requirement in the parking lot, he noted that the property is being developed under the County jurisdiction, to meet the County regulations as well as meet all of the Village regulations. In some instances those regulations conflict. The County requires a minimum of 52 off-street parking spaces and the proposed project provides 55 spaces. Both of those numbers exceed the Village requirements, but they do have to meet the minimum County requirement and as a result cannot provide the 10% greenspace that the Village requires. There is significant stormwater detention in the rear and there is the 70 feet greenspace in the front of the building. Mr. Zemenak also noted that the proposed project far exceeds the minimum landscaping requirements of the Village. In regard to the off-street parking width requirement, this is yet another conflict between County and Village. In order to meeting the County 52 parking spaces, they have to be 9 feet wide spaces. There is not enough space to provide the spaces at 9 feet six inches. Mr. Zemenak said that the project cannot proceed if they must meet the nine feet, six inch requirement. There were no comments or questions from those in attendance at the call for public hearing. Chairman Michaelson noted to let the record reflect that the staff report is hereby entered and made a part of the minutes.

#### STAFF REPORT

This report serves as an addendum to the report presented at the May 27, 2008, Plan Commission/Zoning Board of Appeals meeting. At that meeting, attorney John Zemenak presented his client's development proposal and received questions and comments from the Plan Commission. At the conclusion of the public hearing, by a 4-0 vote, the Plan Commission continued the case to allow the applicant to add to his requests variations for parking stall width and parking lot greenspace. Attached for review are the public notices for the additional variation requests, as well as letters dated June 5, 2008, from Mr. Zemenak, requesting the variations.

As you will recall, 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. As promised at the May 27<sup>th</sup> public hearing, the applicant has requested variations from §16-13-2(C) and §16-5-6(L) of the Zoning Code to accommodate the proposed development. The additional requests are for a reduced parking stall width of nine feet rather than the required minimum 9.5 feet, and a reduced parking lot greenspace of 4% rather than the required minimum 10%.

Also at the May 27<sup>th</sup> hearing, the Plan Commission asked whether the Zoning Code required a fence between the applicant's property and the adjacent properties to the rear. Staff has checked the Zoning Code, and we find that while the Code does require a solid fence along side lot lines where the side yard is less than 40 feet, there is no such requirement for a fence along a commercial rear yard abutting a residential lot. It is our interpretation that the intent of the Code is to require solid fencing where the actual yard falls below 40 feet; thus, there is no fence requirement for a rear yard, which is required to be at least 40 feet. We note that the proposed site plan shows that the proposed parking lot would be located more than 63 feet from the nearest residential lot, and that landscape screening is proposed along the rear lot line. It is staff's view that, while not required by the Zoning Code, it would not be unreasonable for the Village to require a solid fence to provide screening of the proposed use, in lieu of the proposed landscape screening. We note that the allowable fence height in the commercial zoning districts is seven feet. The issue would be whether a fence would be a more attractive screen than the proposed landscaping, and we invite discussion by the Plan Commission on this issue.

**Variations:**

As noted in the initial staff report, the site plan illustrates that a total of 55 parking stalls will be provided on the site, which exceeds the 44 spaces required by the Carol Stream Zoning Code; however, the proposed parking stalls are only nine feet in width, as opposed to the Village standard of 9.5 feet. The applicant's design is based on the requirements of the permitting authority for the proposed development, DuPage County, whose parking standards require 52 parking spaces rather than the 44 spaces required by the Village. The proposed plan provides 55 spaces, nine feet in width. Staff believes the application of the Village standard of 9.5 feet in width would cause a reduction in spaces, but not below the County's 52-space requirement. Unless the applicant can demonstrate why the plan cannot be revised to meet the 9.5-foot standard width, staff cannot support the requested variation. Staff invites discussion from the Plan Commission on this matter.

Also as noted in the initial staff report, the NAC regulations require that a minimum of 10% of the area within all vehicle parking lots consist of greenspace; however, the proposed site plan shows only 4.2% of greenspace being provided. In the report, staff noted that while the greenspace area is deficient, the landscape material to be provided is well in excess of the Village requirement (2,515 points proposed versus 1,626 required). We also noted that, in looking at the entire site, the landscape plan identifies 14,725 points worth of material being provided, while the NAC regulations only require 7,458 points. In addition, staff noted 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. Finally, the elimination of at least ten parking spaces in order to provide additional landscaped islands would cause the parking allocation to fall well below the County's requirement. In view of these constraints, 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.

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:

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 parking lot greenspace requirements, the size of the proposed building would need to be reduced. The applicant desires to maximize display area within the building.

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.

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

The North Avenue Corridor is primarily unincorporated commercial properties at this location, and the existing commercial uses do not meet the higher requirements of the North Avenue Corridor with respect to parking lot greenspace requirements. Therefore, the variation, if granted, will not alter the essential character of the locality

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 parking area within these constraints.

The conditions upon which the petition for the variations 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 size of the parking area.

The granting of the variations 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 reduced parking lot greenspace area should not be detrimental to the public welfare or other properties in the vicinity.

Based upon the evaluation criteria, staff has no objection to approval of the applicant's request for a variations to permit a reduced parking stall width of 9 feet for customer and employee parking rather than the required 9.5 feet, and for parking lot greenspace of 4.2% 4% rather than the required 10%. However, the applicant has not demonstrated that meeting the standard 9.5-foot parking stall width would cause a reduction in parking spaces below the DuPage County requirement of 52 spaces, and so staff cannot support the request for variation.

### 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 requests for reduced front yard setback and reduced

parking lot greenspace generally seem reasonable and consistent with requests that have been approved in the past; however, staff cannot support the request for a variation for reduced parking stall width, as the applicant has not demonstrated that the requirement cannot be met within the site constraints. With respect to North Avenue Corridor Review, we find the proposed site design and architectural design conform with the intent of the North Avenue Corridor regulations.

### RECOMMENDATION

- Staff recommends approval of the North Avenue Corridor Review.
- Staff recommends approval of the requested rezoning upon annexation to B-3 Service District.
- Staff recommends denial of the requested Zoning Code Variation for a reduced parking stall width of nine feet rather than the required minimum 9.5 feet.
- Staff recommends approval of the requested Special Use Permit to allow an open sales lot ancillary to a permitted motor vehicle sales use, and Zoning Code Variations for a reduced building setback of 78 feet rather than the required minimum 100 feet, and for parking lot greenspace of four percent rather than the minimum ten percent, subject to the following conditions:

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;

1. That the trash enclosure shall be constructed with masonry materials to match the masonry on the building;
2. That all proposed landscape materials shown on the Landscape Plan (Exhibit C) shall be installed at the specified height and caliper;
3. That all trees and shrubs shall be maintained in a neat and healthy manner, with dead or dying species to be replaced with similar size and type species on an annual basis;
4. That no outdoor overnight storage of damaged vehicles or vehicles awaiting repair shall be permitted;
5. That all signage shall meet the requirements of the Carol Stream Sign Code;
6. That the parking stalls for customer and employee parking shall be striped in accordance with the Village's looped striping requirements;
7. That no rooftop mechanical units, including satellite dishes, and antennas, shall be visible from any point along North Avenue;
8. That the operation of the facility and development of the site shall comply with all state, county and Village codes and requirements.

Mr. Glees gave the highlights of the staff report saying that This report serves as an addendum to the report presented at the May 27, 2008, Plan Commission/Zoning Board of Appeals meeting.

At the May 27<sup>th</sup> public hearing, the applicant requested rezoning upon annexation from R-1 to B-3 Service District, a Special Use Permit to allow an Open Sales Lot, a Variation for front yard setback, and North Avenue Corridor Review. In addition, the applicant is now requesting variations for a reduced parking stall width of nine feet rather than the required minimum 9.5 feet, and a reduced parking lot greenspace of 4% rather than the required minimum 10%.

Also at the May 27<sup>th</sup> hearing, the Plan Commission asked whether the Zoning Code required a fence between the applicant's property and the adjacent properties to the rear. Staff has checked the Zoning Code, and we find that while the Code does require a solid fence along side lot lines where the side yard is less than 40 feet, there is no such requirement for a fence along a commercial rear yard abutting a residential lot. It is our interpretation that the intent of the Code is to require solid fencing where the actual yard falls below 40 feet; thus, there is no fence requirement for a rear yard, which is required to be at least 40 feet. We note that the proposed site plan shows that the proposed parking lot would be located more than 63 feet from the nearest residential lot, and that landscape screening is proposed along the rear lot line. It is staff's view that, while not required by the Zoning Code, it would not be unreasonable for the Village to require a solid fence to provide screening of the proposed use, in lieu of the proposed landscape screening. We note that the allowable fence height in the commercial zoning districts is seven feet. The issue would be whether a fence would be a more attractive screen than the proposed landscaping, and we invite discussion by the Plan Commission on this issue.

With respect to parking space width, the applicant's design is based on the requirements of the permitting authority for the proposed development, DuPage County, whose parking standards require 52, nine-foot parking spaces rather than the 44 spaces required by the Village. The proposed plan provides 55 spaces, nine feet in width. Staff believes the application of the Village standard of 9.5 feet in width would cause a reduction in spaces, but not below the County's 52-space requirement. Unless the applicant can demonstrate why the plan cannot be revised to meet the 9.5-foot standard width, staff cannot support the requested variation. Staff invites discussion from the Plan Commission on this matter.

With respect to parking lot greenspace, the proposed site plan shows only 4.2% of greenspace being provided. While the greenspace area is deficient, the landscape material to be provided is well in excess of the Village requirement. Also, in looking at the entire site, the landscape plan identifies landscape material being provided well beyond the NAC regulations. In view of the site constraints, the need to meet the DuPage County parking requirement, 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 requested variation for parking lot greenspace.

In summary,

- A. Staff recommends approval of the North Avenue Corridor Review.
- B. Staff recommends approval of the requested rezoning upon annexation to B-3 Service District.
- C. Staff recommends denial of the requested Zoning Code Variation for a reduced parking stall width of nine feet rather than the required minimum 9.5 feet.
- D. Staff recommends approval of the requested Special Use Permit to allow an open sales lot ancillary to a permitted motor vehicle sales use, and Zoning Code Variations for a reduced building setback of 78 feet rather than the required minimum 100 feet, and for parking lot greenspace of four percent rather than the minimum ten percent, subject to the conditions contained in the staff report. Staff also invites discussion from the Plan Commission with respect to rear yard fencing.

Mr. Glees asked the petitioner "when the architect looked at the impact of going to 9.5 feet, did he look at going to 9.5 feet without 55 spaces?" and was answered yes. Mr. Glees wondered if the 9.5 feet wide space could be done for customer parking at the front of the building and at the

parking at the northeast portion of the building, serving both customers and employees, which would cause the loss of two or three spaces and it would still meet the 55 spaces. Then the inventory spaces on the northwest corner of the site could be nine feet, which would be acceptable since they would not be for public use. Mr. Zemenak said that that would be an acceptable solution and they would end up with 52 spaces. Mr. Glees said that staff would find that acceptable.

Commissioner Spink asked if the petitioner was in agreement with all of the conditions in the staff report, such as the trash containers and Mr. Zemenak said yes.

Chairman Michaelsen said that his questions have been answered in regard to the parking requirement. He asked what the petitioner has in mind for a fence behind the detention area and Mr. Zemenak said that they would be willing to put up a fence since it is a reasonable request for abutting residential districts, and they are willing to work with staff in regard to materials such as board on board, vinyl or composite, or they would be willing to have a landscape barrier fence.

Commissioner Manzzullo said that at first he was in favor of a fence, but he now believes that he would like to see a natural landscape barrier. Chairman Michaelsen said that on Exhibit C it is shown as four shade trees in the back, plus 30 inch minimum shrubs. Chairman Michaelsen polled the Commissioners on the options of a fence or natural barrier with the same of more landscaping than is shown on the exhibit. Commissioner Manzzullo said that he thinks the landscaping shown is sufficient. Commissioner Vora said she wants a fence. Commissioner Spink said that natural would be nice, unless the residents complained and then they should be a good neighbor and install a fence. She suggested that there be more evergreens put in so that when the deciduous landscape was bare, there would still some buffer.

Commissioner Hundhausen agreed with Commissioner Spink. Commissioner Smoot said that it whatever shrubbery that is used, it will blend in with the native landscape that is already there.

Commissioner Christopher said that he would rather have natural screening than a fence. Mr. Zemenak said that they will work with staff on the recommendation for more evergreens.

Commissioner Spink moved and Commissioner Manzzullo made the second to recommend approval of rezoning upon annexation to B-3, in accordance with staff recommendations.

The results of the roll call vote were:

|       |   |  |
|-------|---|--|
| Ayes: | 7 | Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,<br>Hundhausen and Michaelsen |
| Nays: | 0 |  |

Commissioner Spink moved and Commissioner Christopher made the second to recommend approval of a Special Use for an open sales lot in accordance with staff recommendations. The results of the roll call vote were:

|       |   |  |
|-------|---|--|
| Ayes: | 7 | Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,<br>Hundhausen and Michaelsen |
| Nays: | 0 |  |

Commissioner Spink moved and Commissioner Vora made the second to recommend approval of a variation for a front yard setback, parking stall width which Staff could support for reduced parking stall width of nine feet for the inventory parking at the north west corner of the site, and parking lot greenspace in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 7 Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,  
Hundhausen and Michaelsen  
Nays: 0

Commissioner Hundhausen moved and Commissioner Christopher made the second to approve the North Avenue Corridor Review. . The results of the roll call vote were:

Ayes: 7 Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,  
Hundhausen and Michaelsen  
Nays: 0

Mr. Glees advised that this matter will go to the Village Board as an informational item with no action being requested. This matter must still go through the pre-annexation public hearing process.

**# 08014: MEHRAN FARAHMANDPOUR – 120 S. Gary Avenue**  
***Special Use Permit – Auto Laundry***  
***Special Use Permit – Auto Service Station***  
***Variation – Outdoor Activities***  
***Variation – Vehicle Stacking Spaces***  
***Gary Avenue Corridor Review***  
**CONTINUED FROM 5-27-2008 MEETING**

Mehran Farahmandpour, 3866 Old McHenry Road, Long Grove, IL was sworn in as a witness in this matter. Mr. Farahmandpour said that they have added a third curb cut lane to avoid the conflict of cars that will move between the car wash, the detail center and the service station. He also explained the other changes to the façade that have been made in order to meeting the Gary Avenue Corridor standards.

At the call for public hearing, Patrick Bartel, 190 S. Gary Avenue, Carol Stream, IL commented that the original request for this property was for just a car wash. Now it includes a detail center and an auto service station and he is concerned that this development will be made to adhere to the same regulations that the other projects on Gary Avenue have had to do. He is especially concerned about parity in the parking regulations and questioned where the customers for the service station will wait. Mr. Bartel said that he thinks that all of the Gary Avenue Corridor requirements should met to the letter of the regulations and he would rather have it go back to the original auto laundry.

Chairman Michaelsen noted to let the record reflect that the staff report is hereby entered and made a part of the minutes.

#### **STAFF REPORT**

This report serves as an addendum to the staff report that was presented to the Plan Commission at the May 27, 2008, meeting, regarding the proposed Super Kiss Car Wash at 120 S. Gary Avenue. At that meeting, applicant Mehran Farahmandpour presented the development proposal and received questions and comments from the Plan Commission. At the conclusion of the public hearing, by a 4-0 vote, the Plan Commission continued the hearing to the June 23, 2008, agenda, to allow the applicant time to respond to the recommendations and questions of both the Plan Commission and staff.

As you will recall, 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) 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 Sections 16-13-3(C) and 16-9-1(C) of the Zoning Code, and Gary Avenue Corridor Review in accordance with Section 16-5-6 of the Zoning Code.

Attached for your review is a letter from the applicant dated June 11, 2008, reduced copies the Site Plan, Landscaping Plan, Building Plan and Building Elevations (Exhibit A) that have been revised in accordance with the feedback that was provided to the applicant by the Plan Commission and staff, and a reduced copy of the color rendering (Exhibit B). This report will list the primary concerns raised either at the May 27<sup>th</sup> Plan Commission meeting or in the staff report, along with a brief discussion of how the plans have been revised to address the concerns.

#### Questions and Concerns from May 27, 2008 Staff Report

1. **Provide sign elevations and masonry sign base** – Consistent with other applications for Gary Avenue Corridor (GAC) Review, staff recommended that the applicant provide elevation drawings of the proposed signs, and that the signs should include a decorative masonry base to match the materials used in the building. Sheet 2 (Site Plan) has been revised to include a ground sign elevation, and indicates that the base of the sign (the lower 28 inches) will consist of a mixture of manufactured stone blocks and brick that will match the materials used in the building. **Staff finds the proposed changes to be acceptable.**
2. **Add windows to the north building elevation** – The previous building elevations proposed a solid masonry wall for the north building elevation. Staff noted that a blank wall at such a visible location within the GAC was not consistent with the intent of the Corridor regulations. Sheet 5 (Building Elevations) indicates that four arched windows have been added to the north elevation. **Staff finds the proposed changes to be acceptable.**
3. **Trash enclosure to be of masonry materials that match building** – The previous plans proposed a wooden fence trash enclosure, and in keeping with typical Village standard, staff recommended that the trash enclosure be constructed using masonry materials that matched those used in the construction of the building. Sheet 4 (Floor Plan) indicates that the trash enclosure will be constructed using masonry materials that match those used in the building. **Staff finds the proposed changes to be acceptable.**
4. **Increase quantity of parking spaces to 16** – Based on the number of car wash employees and the number of auto service bays, the Zoning Code requires 16 parking spaces. The previous plan provided 12 parking spaces. Sheet 2 (Site Plan) has been revised to provide 17 parking spaces, which satisfies the Zoning Code requirement. **Staff finds the proposed changes to be acceptable.**
5. **Verify screening of rooftop mechanical equipment** – Consistent with the GAC regulations, staff had noted that it was not possible to determine whether all rooftop mechanical equipment would be adequately screened from view from surrounding public streets. In the attached letter, the applicant states that a parapet wall that is a minimum of four feet in height will extend around all four sides of the building. The applicant also notes that the freestanding express vacuum area has been eliminated from the outside of the building. **Staff finds the proposed changes to be acceptable; however, we still recommend, as a condition of approval, that all mechanical equipment be fully screened from view from surrounding public streets.**
6. **Delete one of the two handicapped accessible parking stalls** – The Illinois Accessibility Code requires only one accessible parking stall, and given the previous shortage of parking on the site, staff recommended that the extra accessible stall be deleted. Sheet 2 (Site Plan) has been revised to provide only one accessible stall. **Staff finds the proposed changes to be acceptable.**
7. **Use of looped parking stall striping** – In the June 11 letter, the applicant states that looped parking stall striping will be incorporated, and that this detail will be included on the

engineering plans. **Staff finds the applicant's response acceptable; however, we still recommend, as a condition of approval, that the Village's looped parking stall striping be implemented for all parking stalls on site.**

8. **Modify landscape plan to comply with GAC point value requirements** – The point value of landscape materials provided within the landscape screen and landscape setback on the previous landscape plan did not comply with the GAC requirements. Sheet 3 (Landscape Plan) shows the revisions to the proposed landscape materials. Please keep in mind that because the proposed use is motor vehicle service related, the point value requirements within the landscape screen and landscape setback are increased by 20% over and above the typical GAC point value requirement.

In the June 11 letter, the applicant makes the comment that, "although the landscaping along Gary Avenue is not within the first five feet of the property line, a substantial screen is nonetheless provided between the right-of-way and the parking." This comment leads staff to believe that the landscape plan designer does not fully understand the GAC landscape plan design requirements and the point value system of required plant materials. First, the GAC regulations do not require landscaping within the first five feet of the right-of-way line; rather, the GAC regulations require a densely planted five foot wide *landscaped screen* within the first five feet adjacent to the parking lot area in front of the building. In our previous report, we recommended that the point value requirement for the *landscaped screen* could be achieved by installing a double staggered row of larger shrubs, along with the addition of several ornamental or shade trees. The plan needed to be revised to provide 815 more points of plant material within the *landscape screen*; however it does not appear that the point value has been appreciably increased in this area. Within the *landscaped setback*, which exists over the remainder of the non-asphalt area within the front building setback, the point value needed to be more than doubled as compared to the previous plan, to comply with the GAC requirement. Unfortunately, the revised plan provides about half of the number of points of plant material that are needed within the *landscaped setback*.

Staff still cannot recommend approval of the Gary Avenue Corridor landscape plan. As a suggestion to the applicant, some of the proposed trees toward the rear of the property could be relocated within the *landscape screen* and *landscape setback*, so as to achieve the higher point value requirements in these areas. Other areas of the site outside of the landscape screen, landscape setback and parking lot greenspace fall into the *Open Space* point value category, which requires a much lower point value requirement (0.06 points of plant material per square foot). Staff wishes to encourage a balanced site, and does not want to encourage a design that would result in the rear of the property being void of landscape materials, so we would also suggest that the applicant add several ornamental trees (crab apples, for example) within the landscape screen and landscape setback. We suggest ornamental trees because they have a high point value (250 points per tree) and also will not grow tall enough to completely obscure the view of the business from the street. **Staff cannot recommend approval of the revised landscape plan. However, staff will work with the applicant on revisions to the plan to achieve the point value requirements of the GAC regulations. If the Plan Commission is so inclined, the GAC Review could be approved subject to a condition that staff has the authority to review and approve the landscape plan once a sufficient number of points of plant material are provided.**

9. **Include pavement striping, stop signs and stop bars** – Staff had requested that the pavement striping, stop signs and stop bars be added to the site plan. Sheet 2 depicts the pavement striping, stop signs and stop bars. **Staff finds the proposed changes to be acceptable.**

#### Plan Commission Questions and Concerns

1. **Add a middle curb cut to the east-west access drive leading to Gary Avenue** – To improve traffic circulation, particularly for vehicles exiting from the detail bays and oil and lube bays, the Plan Commission requested that the applicant investigate the feasibility of including an additional exiting point onto the east-west drive aisle leading to Gary Avenue. Sheet 2 (Site Plan) shows that a middle exit point has been added, including the appropriate "Do Not Enter" signage. **Staff finds the proposed changes to be acceptable; the Plan Commission should comment as to whether they find this design change to be acceptable.**
2. **Increase quantity of stacking spaces for vehicles in the car wash queue** – Staff had stated that the applicant had not provided adequate data or information to support the Variation request to decrease the quantity of stacking spaces from 30, as required, down to 11, as proposed on the previous plan, and the Plan Commission requested that additional vehicle stacking spaces be provided for car wash customers. Sheet 2 (Site Plan) indicates that the quantity of stacking spaces has been increased from 11 to 21 spaces. As with the previous plan, if fully utilized, the stacking spaces would block access to most if not all of the nine parking spaces along the west property line. However, staff believes that, due to their location, few customers would use these parking spaces, and that the facility owner or manager should require these spaces to be used primarily by facility employees.

Staff notes that the quantity of stacking spaces has been significantly increased, and that it is likely that 21 stacking spaces will be more than sufficient to serve the vehicle stacking demand for this type of car wash at this location. However, in our report, staff had requested that, "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." No additional peak hour demand or vehicle processing time data has been provided, so we must assume that the applicant believes that by increasing the number of stacking spaces to 21 spaces, the plan will be more flexible to accommodate peak business periods. Staff certainly agrees that the site can accommodate a greater number of vehicles awaiting a car wash; however, we still believe the applicant should submit data that supports the requested variation. We note that in the letter dated June 11, the applicant indicates that a car wash equipment specialist will be in attendance at the June 23 Plan Commission meeting. **We encourage the applicant and car wash equipment specialist to provide a quantitative analysis of anticipated vehicle stacking demand based on vehicle processing speed and peak hour demand data from other similar car washes.**

#### RECOMMENDATION

With the exception of the landscape plan, the applicant has revised the plans to satisfactorily address nearly all of the concerns presented by the Plan Commission and staff at the May 27<sup>th</sup> Plan Commission meeting. Although staff is still very interested in a quantitative analysis of peak hour demand and stacking for the car wash from the car wash equipment specialist, with the increase to 21 stacking spaces staff can recommend approval of the Special Use requests for a car wash and an automobile service station, the variation to reduce the number of vehicle stacking spaces from 30 to 21, and the Gary Avenue Corridor Review, subject to the following conditions:

1. That the building and site be developed in accordance with the Site Plan, Landscaping Plan, Building Plan and Building Elevations attached hereto as Exhibit A, except that the plans may be modified in accordance with any approved conditions or recommendations of the Plan Commission or Village Board;

2. That staff shall be authorized to continue working with the applicant on further revisions to the Landscaping Plan that are necessary to achieve the GAC point value requirements for landscape plans, and that staff shall have the ability to approve such plan once it has been determined to comply with the point value requirements;
3. That the Landscaping Plan shall be revised to staff's satisfaction before the case will be brought to the Village Board for final approval;
4. That all mechanical equipment, whether ground or rooftop mounted, shall be completely screened from view from public streets;
5. 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;
6. That looped parking stall striping, in accordance with the Village standard, be used in the striping of the parking spaces;
7. That best management practices shall be incorporated into the stormwater management basin and site design in the final engineering plans;
8. That all proposed landscape materials shown on the Landscaping Plan shall be installed at the specified height and caliper;
9. That all trees and shrubs shall be maintained in a neat and healthy manner, with dead or dying species to be replaced with similar size and type species on an annual basis;
10. That the applicant shall obtain sign permits for all site signage;
11. That the development and operation of the facility will comply with all state, county and Village Codes and requirements.

Mr. Glees gave the following highlights of the staff report.

The report in your packet serves as an addendum to the staff report that was presented at the May 27, 2008, meeting. the applicant is requesting Special Use approval to allow a car wash and an auto service station, variations to allow a reduction in the number of vehicle stacking spaces and to allow outdoor business operations, and Gary Avenue Corridor Review.

The staff report addendum lists the primary concerns raised at the May 27<sup>th</sup> meeting, along with a brief discussion of how the plans have been revised to address the concerns. As noted in the addendum, all of the concerns have been addressed to staff's satisfaction with the exception of two issues:

- 10. Modify landscape plan to comply with GAC point value requirements:** Staff cannot recommend approval of the revised landscape plan due to minor shortfalls in landscape material in the landscape screen and landscaped setback areas. However, staff is willing to work with the applicant to make the necessary minor revisions to the plan to achieve the point value requirements of the GAC regulations. If the Plan Commission is so inclined, the GAC Review could be approved subject to a condition that staff has the authority to review and approve the landscape plan once a sufficient number of points of plant material are provided.

**11. Increase quantity of stacking spaces for vehicles in the car wash queue.** No additional peak hour demand or vehicle processing time data has been provided, and so we must assume that the applicant believes that by increasing the number of stacking spaces to 21 spaces, the plan will accommodate peak business periods. Staff certainly agrees that the site can now accommodate a greater number of vehicles awaiting a car wash; however, we still believe the applicant should have submitted data that supports the requested variation. We note that in the letter dated June 11, the applicant indicates that a car wash equipment specialist will be in attendance at the June 23 Plan Commission meeting. We encourage the applicant and car wash equipment specialist to provide a quantitative analysis of anticipated vehicle stacking demand based on vehicle processing speed and peak hour demand data from other similar car washes.

With the exception of the landscape plan, the applicant has revised the plans to satisfactorily address nearly all of the concerns presented by the Plan Commission and staff at the May 27<sup>th</sup> meeting. Although staff is still very interested in a quantitative analysis of peak hour demand and stacking for the car wash from the car wash equipment specialist, with the increase to 21 stacking spaces staff can recommend approval of the Special Use requests for a car wash and an automobile service station, the variation to reduce the number of vehicle stacking spaces from 30 to 21, and the Gary Avenue Corridor Review, subject to the conditions contained in the staff report addendum.

Mr. Glees added, in response to Mr. Bartel's comment, is that one of the conditions of approval is to provide looped parking stall striping in accordance with the Village standard, however, with respect to the 9.5 foot spaces, he said that in looking at the plan, it seems to indicate 9 foot wide spaces and he is not sure why that is. Those spaces should be 9.5 feet wide and it appears that there is sufficient room to put 9.5 foot spaces in all of the areas and he suggested that this be added as a condition of approval, or the case could be continued again until all of these items can be taken care of.

Commissioner Christopher asked how the trash is to be collected when the enclosure is only 8 feet in width and it was determined that the bin would be rolled out and then dumped. In response to the question as to number of employees, it was stated that there would be 10 employees at any one time and that there are 11 spaces provided.

Commissioner Smoot said that four years ago this was to be a self service car wash and he asked when the oil change part was added and Mr. Farahmandpour said that just the car wash was not going to be financially successful, so the oil change service was added for additional income. Mr. Glees added that the project that was approved several years ago was by another developer and a completely different design and that approval has lapsed. This is a new project by a new developer and a completely different design. It is a car wash and what was approved several years ago but that is where the similarity ends. Commissioner Smoot asked how the Super Kiss name came to be for the car wash, and Mr. Farahmandpour said that it just evolved when making out the application.

Commissioner Hundhausen said that the parking spaces on the site plan measure at 9 feet and they all have to be 9.5 feet and asked if this would be changed and that the petitioner agrees to use the looped parking space striping. The petitioner concurred.

Commissioner Spink asked for and received a display of the traffic pattern that included the new entry point. It was also stated that there will be directional signs around the property indicating the traffic pattern.

Commissioner Manzzullo said that is satisfied with the solution for staffing. He noted that the landscape points are below what is required for the Gary Avenue Corridor Regulations and asked the petitioner if he understands what the point values mean, and the petitioner said that they would be adding evergreen landscaping to compile the required points for the proposal. Mr. Glees said that as the petitioner indicated, there is more than sufficient plant material on the site, it is the distribution of the materials among the various landscape zones that are

established by the Code that are the problem. Staff will work with the petitioner's landscape designer to shift the materials to where they need to be to meet the requirements of the Corridor. Commissioner Manzullo said that he is concerned about people coming onto the property and not knowing what direction to move. He just knows that this is going to happen. This site still has some confusion about it, there is not a problem with the main building and the tunnel and loop portion of the business. He is troubled by the building that comes out of the main building, perhaps the detail center that houses six spaces. There is 13.7 feet between the curb and the building and Commissioner Manzullo said that he is not sure that that is enough space to be between a corner and a main building. This is going under the assumption that traffic will always be moving in one direction all of the time, but for safety reasons, there should be more space. He said that he would have an easier time with this if the detail building was either smaller or wasn't there at all.

Chairman Michaelson said that he very much concerned with the Gary Avenue Corridor regulations and urged the petitioner to work with staff to get the required shrubs. Chairman Michaelson said that he still has concerns about the stacking for the car wash and that he is disappointed that the representative from the company has not appeared at this meeting. He asked the petitioner which is the biggest generator of this business and was told that it is the car wash. There was discussion regarding the function of the car washing procedure both outside of the tunnel services and inside of the tunnel functions.

Chairman Michaelson asked Mr. Glees if the 14.7 foot side aisle will meet Village requirements for a fire truck running through there. Mr. Glees said that the plan has been reviewed with the Fire District and 14 feet will not meet the requirements for a fire lane and he does not know if it needs to be a fire lane. Chairman Michaelson asked why the oil change facility is needed and how much it will actually generate, he asked if that could be a detail center. Mr. Farahmandpour said that this will generate more money since it will be a one stop shop and people will be happier to get everything done at one place. Chairman Michaelson asked if this will be an open pit type of oil change center and was told that is what it will be. In response to the question of whether an employee or the customer will pull the car in for the oil change, it was stated that an employee will drive the car. There will be a waiting area for oil change customers.

Commissioner Hundhausen moved and Commissioner Vora made the second to recommend approval of the Gary Avenue Corridor review in accordance with staff recommendations and that the petitioner will work with staff to upgrade the landscape points for the entire property. The results of the roll call vote were:

|       |   |   |
|-------|---|---|
| Ayes: | 7 | Commissioners Manzullo, Christopher, Vora, Smoot, Spink,<br>Hundhausen and Michaelson |
| Nays: | 0 |   |

Commissioner Smoot moved and Commissioner Vora made the second to recommend approval of the stated special use permits, auto laundry, and auto service station and variations for outdoor activities and vehicle stacking spaces, all in accordance with staff recommendations. The results of the roll call vote were:

|       |   |   |
|-------|---|---|
| Ayes: | 7 | Commissioners Manzullo, Christopher, Vora, Smoot, Spink,<br>Hundhausen and Michaelson |
| Nays: | 0 |   |

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on July 7, 2008 and was advised to attend that meeting.

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

Ayes: 7 Commissioners Manzzullo, Christopher, Vora, Smoot, Spink,  
Hundhausen and Michaelson  
Nays: 0

At 9:30 p.m. Commissioner Smoot moved and Commissioner Spink made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD

Presentation:

Old Business:

New Business:

Report of Officers:

Adjournment: