

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

**FEBRUARY 12, 2007**

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

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

Present: Commissioners Christopher, Smoot, Spink, Michaelsen & Weiss  
Absent: Commissioners Vora and Hundhausen  
Also Present: Village Planner John Svalenka and Wynne Progar, Recording  
Secretary

**MINUTES :**

Commissioner Smoot moved and Commissioner Spink made the second to approve the  
Minutes of the Meeting of January 22, 2007 as presented. The results of the roll call vote  
were:

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

**PUBLIC HEARING:**

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

**#06255: T-Mobile Central – 1335 County Farm Road  
Variations – Zoning Code**

Mark Layne, 777 Army Trail Road, Addison, IL and Sapish Bhat, 8550 W. Bryn Mawr  
Ave. Chicago, IL were sworn in as witnesses in this matter. Mr. Layne said that the  
request is for a variation in height for a cell tower disguised as a flagpole at the  
McDonald's Restaurant at 1355 County Farm Road. Mr. Layne showed a graphic of  
the T-Mobile coverage area and described how the placement of the cell tower will  
bridge other areas of coverage and make it more complete for T-Mobile customers. He  
stated that for esthetic purposes they are proposing to replace the center flagpole at  
McDonalds and replace it with a stealth flagpole that would conceal the antenna inside.  
They would cable underground beneath the drive-through and put the equipment  
cabinets up against the building within a masonry enclosure to match the existing  
building.

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

Mr. Svalenka said that Mark J. Layne, representing T-Mobile Central has filed an  
application for zoning variations to allow construction of a cellular communications tower  
that is proposed to be stealth-designed to look like a flagpole. The petitioner has  
indicated that T-Mobile must fill a gap in wireless telecommunication coverage in the

area around the intersection of Army Trail Road and County Farm Road in accordance with their FCC license. T-Mobile has chosen the subject site because they already have license agreements in place to install wireless antennas at McDonald's restaurant locations, and because they believe the tower would be less obtrusive if sited in the middle of a commercial area instead of within the surrounding residential areas. To provide the area of coverage mandated by the FCC, the antennas must be elevated to a certain minimum height. The applicant has proposed a tower with an overall height of 80 feet. In order to install an 80-foot tall tower, the petitioner is requesting a variation from Section 16-12-1(B) of the Zoning Code, which limits the height of such towers to 55 feet. In order to minimize the impact of the tower, the applicant has proposed to design the tower to resemble a flagpole and to have it replace one of the three existing flagpoles on the McDonald's site. The existing flagpoles are located within the required front yard along County Farm Road. Therefore, the petitioner is also requesting a variation from Section 16-12-1(B)(1) of the Zoning Code, which states that antenna structures shall not be located in any required front yard.

**Tower Height:**

Section 16-12-1(B) of the Carol Stream Zoning Code limits the height of a tower and antenna to 55 feet. The proposed tower is designed as a flagpole with an overall height of 80 feet. The pole has an approximate diameter of 18 inches, and is designed so that the antenna structures can be completely contained within the pole. Two sets of antennas would be mounted inside the pole, at heights of 76 feet and 71 feet. All ground-mounted equipment required for the cellular antennas would be located in a masonry enclosure to be constructed along north wall of the McDonald's building, adjacent to the existing transformer, utility meters and drive-through menu boards. All wiring between the tower and the enclosure would be placed underground.

In review of the request, staff notes that there is an FCC requirement to provide wireless communication coverage in the area. The proposed 80-foot tall tower can provide wireless coverage over a greater area than would be possible with a shorter tower. This would lead to the conclusion that if the tower were limited to 55 feet in height, perhaps a second tower would be required in the area. If the tower were to be limited to 55 feet in height, the petitioner could construct a standard tower without any special zoning approval. Staff believes that two 55-foot tall towers of a traditional cell tower design would have a more negative impact to the area than one 80-foot tall tower designed as a flagpole.

The proposed tower is much larger than a traditional flagpole, and staff would like to ensure that the tower would be as minimally obtrusive as possible if approved. Staff is concerned that such a larger tower could act like a billboard in that it may be attention grabbing. Therefore, staff visited similar towers at the Chicago Premium Outlet mall in Aurora and at the Niles Park District. Those towers were both painted white and only flew the American flag. Although still eye-catching, the towers are not obnoxious. However, staff believes that the tower still could be used as a form of signage if an exceptionally large flag were to be flown. Based on a reading of the recommendations contained within the US Flag Code (United States Code Title 4 Chapter 1), staff believes that an appropriately sized flag for an 80-foot tall flagpole would be not larger than 10' X 19'. Such a flag would be large, but would be in proper proportion with the height of the pole. If the Plan Commission/Zoning Board of Appeals were to recommend approval of the variation, staff would advise that the recommendation be

conditional upon the tower being painted to match the existing flagpoles and only flying an American flag of a size not larger than 10' X 19'.

**Front Yard Obstruction:**

Section 16-12-1(B)(1) of the Carol Stream Zoning Code states that antenna structures shall not be placed in any front yard. The required front yard in the B-3 Service District per Section 16-9-4(G)(1) of the Carol Stream Zoning Code is not less than 100 feet in depth. It should be noted that the existing McDonald's building is only set back about 80 feet from the front property line. The three existing flagpoles are set back only about 20 feet from the front property line. Per Section 16-12-2(B) of the Carol Stream Zoning Code, flagpoles are a permitted obstruction in front yards. The petitioner proposes to have the tower installed with the same setback as the existing flagpoles.

In review of the request, staff notes that there is no standard in the Village Code that would specifically limit the size and height of a flagpole. Therefore, if the proposed structure were only a flagpole and contained no antenna equipment, it would be allowed by code without need for any zoning variation. Even though the proposed pole is wider and taller than one would normally expect for a flagpole, to the public it would function the same as any other flagpole. Because the tower is designed like a flagpole and is to be located at the same location as existing flagpoles, staff does not object to the concept of allowing the tower to be placed in the front yard. However, staff has observed that the towers at the Chicago Premium Outlet mall in Aurora and at the Niles Park District are anchored to the ground by exceptionally large bases. At the proposed location, the base of the tower would be visible from traffic on County Farm Road and from patrons of the McDonald's site. Therefore, if the Plan Commission/Zoning Board of Appeals were to recommend approval of the variation, staff would advise that the recommendation be conditional upon the applicant providing landscaping to completely screen the base of the tower from all directions.

In staff's evaluation of this case, we note that the decision to request approval of a tower that exceeds the height allowed by the Zoning Code is based on an attempt to best comply with FCC standards for wireless communication coverage in the area. The proposed tower, although clearly not a regular flagpole, is more attractive than the standard type of cell tower that the applicant could construct on site in compliance with the standards of the Zoning Code. Additionally, the request to allow the tower to encroach into the required front yard is reasonable based on the fact that it would be clustered with existing flagpoles, and is acceptable as long as sufficient landscaping is provided to screen the view of the base of the tower.

Staff recommends approval of the requested variation in accordance with Section 16-12-1(B) of the Carol Stream Zoning Code to allow an increase of the maximum height of a tower and antenna from 55 feet to 80 feet, and recommends approval of the requested variation in accordance with Section 16-12-1(B)(1) of the Carol Stream Zoning Code to allow an antenna structure to be located in a required front yard, subject to the following conditions:

1. That the only flag flown on the tower shall be an American flag in compliance with the standards of the US Flag Code, of a size not to exceed a width of 10 feet and a length of 19 feet.

2. That the tower shall be painted to match the existing flagpoles on the site;
3. That the base of the tower shall be screened from view from all directions by landscaping capable of providing year-round screening;
4. That all ground-mounted mechanical equipment shall be screened from view from surrounding public streets by a masonry enclosure that matches the existing masonry on the McDonald's building;
5. That the development of the wireless communications tower and associated equipment and structures will comply with all state, county and Village Codes and requirements.

Commissioner Christopher stated that he agrees with the staff recommendations.

Commissioner Smoot commented that it seems that 80 feet is overly tall compared to 55 feet and asked if staff feels comfortable with how this will look and Mr. Svalenka said that the one pole in Aurora is well over 100 feet , with a much larger flag than is being recommended for this application and it did not seem obnoxious. Commissioner Smoot said that as long as the recommendations are followed he would not have a problem with it.

Commissioner Weiss asked if this application is capable of being adapted as technology changes Mr. Bhat said that the antennas being used will be capable of using current and upcoming new technology. It is more a question of geography than height for the anticipated coverages. Commissioner Weiss asked if there could be leases to other companies to use this structure and Mr. Layne explained that it would be up to McDonalds if they would lease area, but T-Mobile is taking the best slots and has reserved the use of an extra area for expansion.

Commissioner Smoot moved and Commissioner Michaelsen made the second to recommend approval of a variation to allow an increase of the maximum height of a tower and antenna from 55 feet to 80 feet and a variance to allow an antenna structure to be located in a required front yard. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, February 20, 2007 and was advised to attend that matter.

**#06305: G.B. Illinois 2, LLC/CVS – Lot 1 at Southeast corner of Gary Avenue and Lies Road**

***Special Use Permit – Drive-up Service Window  
Final Planned Unit Development Plan  
Variations – Sign Code  
Gary Avenue Corridor Review  
CONTINUED FROM 1/8/2007 MEETING***

Mr. Svalenka reported that Peter C. Bazos, representing G.B. Illinois 2 LLC, has submitted an application for several zoning approvals to allow development of a CVS Pharmacy at the southeast corner of Gary Avenue and Lies Road. In addition to the required Final PUD Plan and Gary Avenue Corridor Review, the applicant has

requested a Special Use Permit for Drive-up Window Service and several Sign Code Variations.

This matter was originally scheduled for Plan Commission review at the December 11, 2006, meeting and was continued to January 8, 2007, and to February 12, 2007. Staff and the applicant continue to work to achieve compliance with the Village Code. The applicant has submitted revised plans, and staff hopes to provide comments shortly. Staff recommends that this case be continued to the March 12, 2007, Plan Commission meeting.

Commissioner Spink moved and Commissioner Michaelsen made the second to continue this matter to the meeting of March 12, 2007 as requested by staff. The results of the roll call vote were:

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

**#06307: Parkview Development Partners II, LLC – Lot 2 at Southeast corner of Gary Avenue and Lies Road**

***Special Use Permit – Drive-up Service Window  
Final Planned Unit Development Plan Amendment  
Variation – Zoning***

**CONTINUED FROM 1/8/2007 MEETING**

Mr. Svalenka reported that Matthew M. Klein, representing Parkview Development Partners II LLC, has submitted an application for the property located at the southeast corner of Gary Avenue and Lies Road for a Special Use Permit for Drive-up Window Service and an amended Final PUD Plan for minor site changes to accommodate the drive-up. As a separate issue, the petitioner is also requesting a Zoning Variation to allow a dry cleaner with processing done on site.

This matter was originally scheduled for Plan Commission review at the December 11, 2006, meeting and was continued to January 8, 2007, and to February 12, 2007. Staff last provided comments on December 8, 2006. The applicant is still working to revise the plans, but has not yet provided a response. Therefore, staff recommends that this case be continued to the April 9, 2007, Plan Commission meeting.

Commissioner Michaelsen moved and Commissioner Smoot made the second to continue this matter to the meeting of April 9, 2007 as requested by staff. The results of the roll call vote were:

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

**#06339 : Peacock Engineering – 720 Center Avenue  
Variation – Sign Code  
CONTINUED FROM 01/22/07 MEETING**

John Johnson, 9615 Waveland Avenue, Franklin Park, IL was sworn in as a witness in this matter. Mr. Johnson explained that this is a unique case where the tenant is occupying the entire building and there is a problem with the trucks making ingress at one end of the building and egress at the other end of the building. The driving lanes at the sides of the building are not wide enough to allow two semis to pass, and the loading docks are at the back of the building. The proposal is for larger signage to identify the upcoming drive with the name Peacock Engineering and the trucks would then turn into the proper drive. There is a 37 ft. berm area from the parking lot to the edge of the curb, so the current signage to the property line is 12 feet from the curb and since the ordinance allows zero lot line, they would like to put the new larger signs 24 feet from the curb and would not be in the way of trucks making the turn and it would direct the traffic in the right direction.

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

Mr. Svalenka said that John C. Johnson, representing Peacock Engineering, has submitted an application requesting approval of a Sign Code Variation to allow an increase in area of two signs regulating on-premises traffic from six square feet to 15 square feet in the front yard at 720 Center Avenue. The applicant proposes to install one sign to read 'Truck Entrance' at the northerly access point from Center Avenue and a second sign to read 'Truck Exit' at the southerly access point from Center Avenue. Both signs are also proposed to include the word 'Peacock' and the building address. The applicant believes six square foot signs would not be large enough to be seen by truck drivers.

Section 6-11-15(B) of the Carol Stream Sign Code regulates signs that do not require a permit. Section 6-11-15(B)(10) specifically allows:

*"Signs regulating on-premise traffic and parking, and signs denoting sections of a building such as lavatory facilities, drive-up windows, public telephone areas, and the like, with no more than six square feet in area..."*

If the applicant were to propose signs regulating on-premises traffic that are not more than six square feet in area, no permit would be required. If the applicant were to receive approval of a variation to allow 15 square foot signs, no permit would be required.

The 360,649 square foot building is rather large and it is highly unlikely that a truck driver traveling along Center Avenue would not see the building. A 180 square foot wall sign with individual four-foot high letters reading "Peacock" is attached to the eastern wall of the building facing Center Avenue. There is no ground sign installed on the site, but Section 6-11-19(B)(2) of the Carol Stream Sign Code would allow installation of one ground sign not to exceed 96 square feet in area or ten feet in height. Staff believes that the code allows a sufficient amount of signage on this site, and that it is not necessary to increase the area of the signs regulating on-premises traffic.

Staff is concerned that the proposed signs would present a sight obstruction. The signs are proposed at an overall height of 4.5 feet, and driver eye level is about 3.5 feet in height. The signs are proposed directly adjacent to the intersection of driveways with Center Avenue. Staff is also concerned that such large signs would be somewhat of an eyesore. None of the existing signs regulating on-premises traffic along the entire length of Center Avenue are larger than the six square feet allowed by code.

The requested variation involves an increase in the area of two signs regulating on-premises traffic from six square feet to 15 square feet. The site and driveways would be easily visible with six square foot signs, as are all other sites along Center Avenue. The proposed 15 square foot signs would present a sight obstruction to motorists and would be somewhat of an eyesore. The petitioner's request does not seem necessary.

Based on the information submitted, staff recommends denial of the Sign Code Variation to allow an increase in area of two signs regulating on-premises traffic from six square feet to 15 square feet, in accordance with §6-11-15(B)(10) of the Carol Stream Sign Code.

Commissioner Michaelsen asked if the truckers that come to this facility are the same ones that come every time and Mr. Johnson said that Peacock does food packaging, including frozen foods and produce so there are trucks coming from all over the United States to deliver the produce. In response to the question, it was determined that Peacock does not have its own trucks. Commissioner Michaelsen suggested that Peacock could put up a gate that would prevent a truck from using the wrong drive to get to the loading docks and he added that it wouldn't matter how big the signs are, people just do not pay attention.

Commissioner Spink suggested using one-way signs. Have a one-way sign at one entrance and a wrong way/do no enter on the other driveway. She said that she works at a building with this same problem and signs are ignored, and that one way would be more effective and that a gate would be even more effective.

Commissioner Christopher asked if the signs are illuminated and was told that they are not. Mr. Johnson said that the signs they are proposing will have a scotch-lite background so that when the headlights hit them, they will reflect back and be identifiable. Commissioner Christopher suggested that the size could remain the same, but with the reflective background they could work somewhat better. Mr. Johnson said that the existing signs are bigger than the six square feet, they are from the previous tenant.

Chairman Weiss said that the report states that there is no ground sign, or monument sign and he wondered if that type of sign would be more effective. Mr. Johnson said that down the road they would like to have a ground sign, but the landlord has made a condition that the ground sign has to have his name on the sign. Peacock is not willing to advertise the landlord on their ground sign so there is an impasse.

Chairman Weiss agreed that the traffic lanes are somewhat narrow, and he believes that looking into a ground sign would be more appropriate than larger directional signs. He added that larger signs could become a problem even for the truck drivers.

Commissioner Smoot moved and Commissioner Christopher made the second to deny the request for a sign code variation for Peacock Engineering at 720 Center Avenue. The results of the roll call vote were:

Ayes:	5	Commissioners Christopher, Smoot, Spink, Michaelsen & Weiss
Nays:	0	

Absent: 2 Commissioners Vora and Hundhausen

The petitioner was told that any further requests would have to re-apply with new and or additional plans.

Commissioner Michaelsen moved and Commissioner Smoot made the second to close the public hearing. The motion passed by unanimous voice vote.

**NEW BUSINESS:**

**#06250: Crème de la Crème - Southwest Corner of Gary Avenue and Stark Drive:  
*Final Plat of Subdivision***

There was no one in attendance representing Crème de la Crème.

Mr. Svalenka said that James Snyder, project manager for Harlem Irving/Folio Properties, LLC, is requesting approval of a Final Plat of Subdivision of the 6.779-acre property south of Stark Drive between Gary Avenue and Old Gary Avenue. The applicant is proposing to subdivide the property into two lots. Lot 1, a proposed 3.014-acre parcel, would be developed with a 21,252 square foot Crème de la Crème day care center. Lot 2, a proposed 3.765-acre parcel, would be developed in the future as a restaurant.

On June 26, 2006, the Plan Commission/Zoning Board of Appeals voted 7-0 to approve the Gary Avenue Corridor Review for Lot 1 and a Variation from the Fence Code for Lot 1, and recommended approval with conditions of a Preliminary Plat of Subdivision, Special Use for Planned Unit Development, Preliminary PUD Plan, Special Use for Pre-School Learning Center for Lot 1, and Final PUD Plan for Lot 1. On July 17, 2006, the Village Board of Trustees approved with conditions the Preliminary Plat of Subdivision, Special Use for Planned Unit Development, Preliminary PUD Plan, Special Use for Pre-School Learning Center for Lot 1, and Final PUD Plan for Lot 1.

Staff finds the plat to be in conformance the previous approvals for this property and with the requirements of the B-2 General Retail District, which is the zoning classification for the property. The Engineering Services Department has reviewed the plat and recommends approval

There were no comments or questions by the Commissioners.

Commissioner Michaelsen moved and Commissioner Christopher made the second to recommend approval of the final plat of subdivision for the property at southwest corner of Gary Avenue and Stark Drive. The results of the roll call vote were:

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

This matter will be heard by the Village Board at their meeting on Tuesday, February 20, 2007.

At 8:15 PM Commissioner Michaelsen moved and Commissioner Spink made the second to adjourn. The motion was passed by unanimous voice vote.