

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

**APRIL 9, 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, Vora, Spink, Michaelsen,  
Hundhausen and Weiss  
Absent: None  
Also Present: Village Planner John Svalenka and Recording Secretary Progar

**MINUTES:**

Commissioner Spink moved and Commissioner Michaelsen made the second to approve the Minutes of the Meeting of March 26, 2007 as presented. The results of the roll call vote were:

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

**PUBLIC HEARING:**

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

**#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 2/12/07 MEETING**

Mr. Svalenka stated 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, February 12, 2007, and April 9, 2007. Staff has been working with the applicant to revise the plans to accommodate a list of issues. Most recently, the applicant is working to revise the plans to propose a new drive-through configuration. Mr. Svalenka said that as of this afternoon, staff received a letter from the applicant requesting continuation to the May 14<sup>th</sup> meeting. He advised the Commissioners that this is a case that is actively being worked on with staff. Staff's original recommendation was that this case be continued to the June 11, 2007, Plan Commission meeting, so at worst, if the case was continued to May 14<sup>th</sup> it could be continued again to June 11<sup>th</sup>. There were no questions or comments in regard to the latest request.

Commissioner Spink moved and Commissioner Michaelsen made the second to continue this matter to the meeting of May 14, 2007. The results of the roll call vote were:

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

**#07031: Village of Carol Stream – 1348 Charger Court  
Variations – Fence Code**

John "Al" Turner, Director of Public Works was sworn in as a witness in this matter. Mr. Turner said that the request is for the Village to have an eight-foot chain link fence with three strands of barbed wire in a residential neighborhood. The Charger Court lift station was reconstructed to replace the original lift station that was constructed in the 1970s. The new site is slightly larger than the old site because the new station had to be built while the old station remained in service. The site is approximately 40 by 50 sf and to protect the station, which has a history of vandalism, and to protect anyone who might try to get into the station, the 8 ft. chain link fence with three strands of barbed wire is requested.

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

Mr. Svalenka reported that The Carol Stream Department of Public Works recently reconstructed the sanitary lift station facility at 1348 Charger Court. The site included a lift station, a generator building, and various utility boxes and manholes surrounded by a chain-link fence. The reconstruction involved the abandonment of the old lift station and construction of a new lift station directly to the east of the old lift station, just outside the old fence. Therefore, the Department of Public Works removed the old fence and constructed a new fence to enclose the new larger facility area. The new fence is an eight-foot tall chain link fence topped with three-strand barbed wire. However, the Fence Code allows a maximum fence height of five feet in the residence districts, and the use of barbed wire in the residence district is only permitted after approval of a variation by the Zoning Board of Appeals. As such, the Public Works Department is requesting variations from Sections 6-12-8(G)(2) and 6-12-9(B) of the Fence Code to allow the eight foot tall chain link fence with three strand barbed wire to remain around the Charger Court sanitary lift station.

In review of this request, staff notes that the proposed eight-foot fence height and the use of barbed wire, not typically allowed in the residence districts, is necessary to provide for the health, safety and welfare of the Village. The function of the lift station is to pump sanitary sewage from surrounding homes toward the Village's Water Reclamation Center. The Department of Public Works has experienced vandalism problems at this facility in the past. If the lift station were to be damaged to the point that it would stop functioning, raw sewage might back-up into surrounding residences. Therefore, the Village has safety and security concerns at this site.

The fence encloses a small area approximately 67 feet wide by 54 feet deep, or only about 4.5% of the 1.8-acre public lot. The fence is approximately 60 feet away from the nearest residence, which is directly to the east. The fence is about 90 feet south of the Charger Court Playground. The Carol Stream Park District has installed several evergreen trees at the northeast corner of the fence that were donated from the former Faith Nursery along North Avenue. The evergreen trees are mature and rather large. The trees partially screen the view from Charger Court and soften the appearance of the fence from the adjacent residence to the east. Community Development staff believes that the new fence should not be densely screened as this would reduce visibility of the area, which is undesirable from a security standpoint. If the Plan Commission/Zoning Board of Appeals were to approve the variation request, staff would advise that the approval include the condition that the existing landscaping near the fence be maintained.

Staff initially had some concerns about the impact that the tall chain link fence with barbed wire would have in a public park setting. However, staff notes that the barbed wire hangs over the inside side of the enclosure and is over eight feet above ground. It is likely that the public could only come in contact with the barbed wire if one were to attempt to climb over the fence. The whole site, including the lift station and the adjacent park, is less than 2 acres in size and includes rows of trees, playground equipment, and fencing, and is therefore not conducive to ballgames. Therefore, staff believes that it is not likely that a park visitor would get a ball stuck in the enclosure or have any other legitimate reason to be tempted to climb the fence. To minimize the chances that a person could accidentally be injured by the barbed wire, if the Plan Commission/Zoning Board of Appeals were to approve the variation request, staff would advise that the approval include the condition that the barbed wire shall be maintained at not less than eight feet from the surrounding ground level.

Staff notes that on November 22, 2004, the Plan Commission/Zoning Board of Appeals approved a similar Fence Code variation request to allow the Department of Public Works to install an eight-foot tall chain link fence with three-strand barbed wire in a residential district. The approval allowed the Department of Public Works to install the fence around Well #6, located west of the townhomes on the west side of Hoover Drive, within Armstrong Park. However, in this case staff notes that the Department of Public Works installed the fence without a permit. If the Plan Commission/Zoning Board of Appeals were to approve the variation request, staff would advise that the approval include the condition that a proper building permit shall be obtained for the fence.

In staff's evaluation of this case, we note that the fence is necessary to provide for the health, safety and welfare of the Village. We note that landscape screening has been provided and that the barbed wire is high enough above ground so as to minimize the chances that a person could accidentally be injured. Staff has no issues with the proposed Fence Code variations.

Based on the information presented, staff recommends approval of the variations in accordance with Sections 6-12-8(G)(2) and 6-12-9(B) of the Carol Stream Fence Code to allow an eight foot tall chain link fence with three-strand barbed wire in a residential district. If the Plan Commission/Zoning Board of Appeals determines to recommend approval of the requested Fence Code variations, staff recommends that it only do so subject to the following conditions:

1. That the barbed wire shall be maintained at not less than eight feet from the surrounding ground level;
2. That the existing landscaping near the fence shall be maintained to soften the appearance of the fence; and,
3. That a proper building permit shall be obtained for the fence.

Commissioner Christopher noted that he agrees with the staff recommendation.

Commissioner Spink noted that the site plan indicates a seven-foot fence and she asked if the chain link is 7 ft. high and the three strands of barbed wire bring the height to 8 feet. Mr. Turner replied that he believes that it is an 8-foot fence and Mr. Svalenka added that the request is to allow an existing fence therefore there does not have to be a specific number. Commissioner Spink asked if there is any other way vandals could be kept out without the using this type of thing. Mr. Turner said that if the entire facility was within a structure than these measures would not be necessary. Commissioner Spink asked if the barbed wire kept the vandalism from happening and Mr. Turner responded that the vandalism was in the nature of throwing things through and over the fence breaking lights and other equipment, but as far as is known no one ever entered the site. Commissioner Spink stated that it is not known if they would have climbed a regular fence to break something.

Commissioner Michaelsen asked if this would be clear cyclone fence or will it have slats and Mr. Turner said that there will not be slats so that the enclosed area can be observed.

Commissioner Michaelsen asked if it would affect the neighborhood with no slats and it was stated that it has been a clear fence since the 1970's.

Commissioner Weiss asked if the area is posted in any way and Mr. Turner said that there has not been any signage for a while because the letters were scraped off at well # 6. Mr. Turner said that there would not be a problem to put No Trespassing signs at the site. Commissioner Weiss suggested that it should be signed as Village Property and No Trespassing as well.

Commissioner Spink asked why the fence was put up without a permit and Mr. Turner said that when the facility was under construction it has to be secured. He stated that a permit for the construction of the entire facility was issued, but because this is a need for a variance, a permit could not be applied for until the facility was completed, but security of the site was required.

Commissioner Smoot moved and Commissioner Hundhausen made the second to approve a variation to the fence code to allow an 8 ft. chain link fence with three strands of barbed wire at the Charger Court Lift Station in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	6	Commissioners Christopher, Smoot, Vora, Michaelsen, Hundhausen and Weiss
Nays:	1	Commissioner Spink

The variance is approved subject to conditions.

**#07036: Bob Linville and Tom Mesi – Central Park East  
Text Amendment – Zoning Code**

Tom Mesi and Bob Linville, no address given, were sworn in as witnesses in this matter. Mr. Mesi said that they are proposing to put in a dry cleaner on site and the current code does not allow for dry cleaners to be in a retail environment. They are asking to have the code changed to include dry cleaning processing on site. Mr. Linville explained that Green Earth Cleaning has developed a new solvent that will, if spilled, dissolve into sand, water and carbon dioxide. It is completely safe for the environment and the employees. Information regarding the process was given to the Commissioners.

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

Mr. Svalenka said that Bob Linville and Tom Mesi are in negotiation with the Shiner Group to open a 2,900 square foot dry cleaning facility in the Central Park East retail strip center in the B-2 General Retail District on the south side of Army Trail Road, just east of Kuhn Road. The proposed facility would combine dry cleaning drop-off and pick-up with onsite cleaning and finishing. However, the Zoning Code currently does not allow onsite processing of dry cleaning in the business zoning districts. Therefore, Bob Linville and Tom Mesi have submitted an application requesting approval of amendments to the text of the Zoning Code to allow dry cleaning facilities with onsite processing to be located in the business districts.

Section 16-9-2(B)(6) of the Zoning Code indicates that "Dry cleaning and laundry receiving stations; processing to be done elsewhere" are a permitted use in the B-1 Local Retail District. It is clear from this section that the proposed onsite cleaning is not allowed. Section 16-9-2(B)(10) of the Zoning Code indicates that "Laundries and/or dry cleaning, automatic self-service types or hand, employing not more than two persons in addition to one owner and manager" are also a permitted use in the B-1 Local Retail District. This section of the code allows self-service laundromats and would also allow a similarly operated self-service dry cleaning facility. However, the dry cleaning operation proposed by the petitioners is more intense and would not be allowed by this section of the code.

In review of the proposal to allow onsite dry cleaning in the business district, staff researched the standards in nearby communities. Wheaton, Glen Ellyn and Roselle allow dry cleaners with

onsite cleaning as a permitted use. Streamwood allows dry cleaners with onsite cleaning as a permitted use, but adds the requirement that the dry cleaners comply with all industrial performance standards for noise, smoke, odor, fire hazard, etc. Considering that several other communities allow onsite dry cleaning as permitted uses, it would not be unreasonable to allow the use in Carol Stream as well. Staff believes that the current restrictions are based on concerns regarding flammable and toxic chemicals traditionally used in dry cleaning. We note that the chemicals and processes used in dry cleaning have advanced greatly over the years, and the industry is trending toward more environmentally friendly chemicals. Moreover, Section 16-9-1(D) of the Zoning Code requires all processes in the business districts to comply with the performance standards set forth in the industrial district regulations. The chemicals for any proposed dry cleaning establishment would be reviewed for compliance with the industrial performance standards as part of the building permit process, and staff believes additional review by the Plan Commission through the special use process is unnecessary. Therefore, staff has drafted a series of text amendments to allow onsite dry cleaning as requested by the petitioner.

The proposed text amendments would make changes in the following areas:

The permitted use list for the B-1 Local Retail District would be amended to allow dry cleaning with onsite processing.

The permitted use list for the B-1 Local Retail District would be made clearer with respect to laundromats verses dry cleaning establishments.

The special use list for the B-2 General Retail District would be made clearer with respect to dry cleaning verses other types of cleaning uses.

The definition for Launderette would be made clearer with respect to laundromats verses dry cleaning establishments

In this report, each proposed text amendment is preceded by a brief introduction that will establish the rationale behind the proposed changes. Following the introduction, the current and proposed Zoning or Subdivision Code language is presented. Current text that is proposed to remain is presented in standard text, while current text that is proposed for deletion is presented in ~~strike through text~~. Finally, recommended new text is presented in an underline fashion. Staff encourages PC/ZBA discussion and questions during the review of the proposed text amendments.

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#### **PROPOSED TEXT AMENDMENT #1 – § 16-9-2 B-1 LOCAL RETAIL DISTRICT.**

The first purpose of this amendment is to revise Section 16-9-2(B)(6) of the Zoning Code to indicate that dry cleaning and laundry receiving stations may included processing on site, as discussed above. The second purpose of this amendment is to revise Section 16-9-2(B)(10) of the Zoning Code to eliminate dry cleaning from being permitted at launderettes, which are commonly known as laundromats. Staff does not know of any laundromat that includes self-service dry cleaning equipment, and so staff believes that it is unnecessary to be included in this use. This would also avoid confusion between traditional dry cleaning establishments and traditional laundromats.

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#### **PROPOSED TEXT AMENDMENT #2 – § 16-9-3 B-2 GENERAL RETAIL DISTRICT.**

Since dry cleaning with onsite processing is proposed to be permitted in the B-1 Local Retail District, it also would be permitted in the B-2 General Retail District per Section 16-9-3(B)(1) and in the B-3 Service District per Section 16-9-4(B)(1). However, Section 16-9-3(C) lists a special use in the B-2 General Retail District for laundries, dyeing, and cleaning establishments operated accessory to a permitted use. The purpose of this amendment is to revise the text of this special use so that it is clear that a special use is not required for onsite dry cleaning or for laundrettes. The proposed text would still allow other businesses to perform dyeing and cleaning operations with special use permit approval. For example, an antique store, permitted in the B-2 General Retail District per Section 16-9-3(B)(2), could include an accessory business providing antique cleaning and restoration service with approval of a special use.

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**PROPOSED TEXT AMENDMENT #3 – § 16-18-1 DEFINITIONS.**

The purpose of this amendment is to revise the definition for laundrette to distinguish traditional dry cleaning operations from laundrettes or laundromats.

Commissioner Vora asked what other retail use is in the area and was told that it is a paint store.

Commissioner Spink asked if a hazardous material cleanup would be required if this business were to move and it was determined that the processing solvent is non-petroleum based and that there was no arsenic involved in the cleaning process, so that Haz. Mat. would not be required. Commissioner Spink asked if there would be any sales tax generated and was told no. In response to the question regarding possibly establishing this business in another area, it was stated that this is the first and possibly they would be expanding.

Commissioner Hundhausen asked if this use has not been allowed in the past due to the volatility of the old chemicals and Mr. Svalenka said that it would only be speculation to state that. The current code requires staff to do a thorough review of that and staff believes that this is not an issue that would require the extra scrutiny of a public hearing. Commissioner Hundhausen asked if the Fire Department has approved this type of chemical and would they know how to control it. Mr. Svalenka said that he does not know if they would, but if this text amendment was approved and they were allowed as a permitted use as opposed to a special use, the Fire Department would still have to approve the chemical.

Commissioner Smoot asked to see the MSDS sheets on the chemical. The sheets were provided to the Commissioners and Commissioner Smoot said that as long as this is biodegradable he does not have a problem with it.

Chairman Weiss asked if they would be doing work brought in from other locations and it was stated that they would be doing only their own work on this site. Mr. Mesi said that this particular location would be a drive-through that would allow drop off window service.

Chairman Weiss asked Mr. Svalenka if this area was approved as a PUD or whether special approval would be required for the drive-up and he responded that this is proposed for a building that already has approval for drive-up service.

Commissioner Spink asked if there would be any reaction from clothes that have been cleaned with other chemicals and was told that there would not be any reaction.

Commissioner Hundhausen asked if there have been any reports of allergic reactions to the product. Mr. Mesi said that the product is hypoallergenic since it does not leave a petroleum residue on clothing and there is no odor from the product.

Chairman Weiss asked if there is a time-line for the opening of the business and was told that they are expecting about 90 days after the issuance of permits, so realistically about 3 to 6 months for final approval.

Commissioner Michaelsen asked how much solvent will be at the facility during operations and how will it be stored. The response was that it is stored in 55-gallon drums and most of the

solvent is recycled in the machine. There is very little waste and what waste does develop is handled through a chemical disposal company. One drum would be on site at any one time. Commissioner Hundhausen moved and Commissioner Christopher made the second to recommend approval of a text amendment to the Zoning Code as proposed by Staff. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at the meeting on April 16, 2007 and was advised to attend that meeting.

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

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

FOR THE COMBINED BOARD