

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

February 27, 2006 At 7:30 P.M.

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

Chairman Pro-Tem Donald Sutenbach called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Clerk Wynne Progar to call the roll.

Present: Commissioners Vora, Spink, Weiss, Michaelsen and Sutenbach
Absent: Commissioner Hundhausen
Also Present: Community Development Director Robert Glee, and Recording Secretary Progar

MINUTES:

Commissioner Spink moved and Commissioner Vora made the second to approve the Minutes of the Meeting of February 13, 2006 as presented. The results of the roll call vote were:

Ayes: 4 Commissioners Vora, Spink, Michaelsen and Sutenbach
Nays: 0
Abstain: 1 Commissioner Weiss
Absent: 1 Commissioner Hundhausen

PUBLIC HEARING:

05348 : Universal Health II, LLC, 505 E. North Ave.
Special Use - Medical and Rehabilitation Facility
CONTINUED FROM 2/13/06 MEETING

Commissioner Spink moved and Commissioner Michaelsen made the second to continue this matter to the meeting on March 13, 2006 to allow the petitioner time to respond to commentary of their submittal. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays: 0
Absent: 1 Commissioner Hundhausen

#06003: Carol Stream Park District, 160 W. Elk Tr.
Special Use – Pre-School Learning Center
Zoning Variation - Parking

Dan Byrd and Rick Hanetho of the Carol Stream Park District were sworn in as witnesses in this matter. Mr. Byrd explained to the Board that they were working on the final plans for landbanking parking spaces on the site and said that they are working

with staff to clarify all issues and will make a complete submittal as quickly as possible. Commissioner Spink moved and Commissioner Weiss made the second to continue this matter to the meeting of March 13, 2006. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelson & Sutenbach
 Nays: 0
 Absent: 1 Commissioner Hundhausen

**#06011: Carol Stream Park District, 849 W. Lies Rd.
 Special Use - Amendment
 Variation – Fence Code**

Adrian Mendez, Facilities Manager of the Carol Stream Park District was sworn in as a witness in this matter. He explained that the request is for a minor expansion of the Coral Cove Water Park to allow usable green space within the water park to allow additional recreational activities such as grass volleyball and/or sunbathing. The second request is for a variation from the fence code to allow eight-foot tall fence instead of five-foot tall for privacy for the adjacent home owners.

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

Mr. Glees said that the Carol Stream Park District has filed two requests regarding a proposed minor expansion of the Coral Cove Water Park located at the Simkus Recreation Center, at the northeast corner of County Farm and Lies Roads. The first request is for an amendment to the existing Special Use Permit, which was originally approved for this facility in 1988, amended in 1995 and most recently amended in 2001. The second request is for a variation from the Fence Code to allow an eight-foot tall fence as opposed to a five-foot tall fence as permitted by the Code.

The attached cover letter from Park District Facilities Manager Adrian Mendez summarizes the proposed changes to the Simkus Center. Generally, the nature of the changes can be best classified as an expansion of the usable green space within the water park to allow for additional recreational activity. For your reference, and to help delineate the proposed new fence location, Exhibit A is provided in your packet. The additional area would be used for such activities as sunbathing and grass volleyball. Because no additional pavement is being proposed, there would be no effect on the maximum lot coverage permitted for the facility.

With the current requests, staff has determined that the activity would not generate an additional parking demand, and so there would be no requirement for additional parking spaces.

With regard to the amendment to the Special Use Permit, staff has reviewed the request and we believe the proposed changes will allow the Park District to better serve the users of the Simkus Center. We do not anticipate a negative impact to the aesthetics of the facility. However, the Village's Chief Code Enforcement Officer has cautioned that the access requirements as contained in the Building Code and the Fire Code require that a minimum distance of seven feet be maintained between the fence and the nearby building wall so as to allow for safe and easy access to be maintained to and from the building doors located opposite the fenced area.

Variation – Fence Code:

The Park District is requesting a variation from the Fence Code to allow an extension of the existing eight-foot tall fence surrounding the pool and deck area at the Simkus Center. (Please see Exhibit A for the proposed fence location.) In 1989, a variation was granted to allow the fence at the Simkus Center to measure eight feet in height, and in 2001 a variation was granted

to allow the fence surrounding the Coral Cove Water Park to measure eight feet in height. Since the proposed fence would expand the existing fence, a variation is required. In the residential districts, five foot tall fences are generally permitted; however the Fence Code states that fence-type enclosures for athletic facilities shall be approved by the Plan Commission / Zoning Board of Appeals after review of a site plan of the proposed improvement and the surrounding area. The Park District cites the desire to improve the quality of recreational services as the primary reason for the expansion of the eight-foot fence, and staff can support this request.

Based upon the information discussed above, staff has determined that the Park District's requests for an amendment to their Special Use Permit and lot coverage Variation are reasonable and logical, based upon the particular circumstances and the minimal nature of the requests.

Staff recommends approval of the Amendment to the Special Use Permit and Fence Code Variation to allow the water park fenced area to be expanded, subject to the following conditions:

1. That a minimum distance of seven feet be maintained between the fence and the building so as to allow for safe and easy access; and
2. That the facility shall comply with all state, county and Village codes and requirements.

Commissioner Spink asked what would be put in the area and Mr. Mendez said that the grassy area could be used for sunbathing or it could be used for grass volleyball. If there was a need for grass volleyball a grass net would be set up with spikes as well as ropes, but these would not be permanent. In response to the question of the volleyball boundaries and the possibility of the volleyball getting into the pool area or pool it was shown that there is a natural barrier of plantings and pathways that would require inappropriate actions to have the ball get near the pool area. Commissioner Spink noted that her concern is for the safety anyone having to get onto slippery pavement to retrieve a ball. Mr. Mendez said that if there were inappropriate behavior the participants would be required to leave. He also noted that this area will be used for various uses including activities for day camp attendees, but it would be for one purpose at a time, not intermingles uses.

Commissioner Weiss asked if day camper activities are segregated from the general public and was told that they are and that this area could be used an additional area for day campers. In response to the question regarding non-resident use of Coral Cove Mr. Mendez said that they do co-operative trades with other park district day camp activities as well as scout camp groups. There was discussion regarding monitoring of the different areas and the use of roving guards that patrol gates and entrances. Commissioner Weiss asked if there were age limitations and/or capacity regulations and was told that there are capacity amounts for the park and each individual area. Mr. Mendez noted that the demand for a place to hang out, sunbathe, or play volleyball was the impetus for this amendment. In response to Commissioner Weiss, Mr. Mendez concurred that this maximizes the space at Coral Cove.

Commissioner Sutenbach asked if they would remove and reinstall the same fence and was told that is what would be done as well as adding a gate for the use of mowers and delivery trucks. It was also noted that there is just one entrance to this grassy area beside the gate in the fence. Commissioner Spink inquired if there would be an impact on Coral Cove due to the closing of Collins Pool and Mr. Mendez said that there would be a certain amount of impact, but that he is not in the position of determining just what it would be.

Commissioner Vora asked if there would be an increase in fees, or an additional fee for volleyball use and it was determined that this is just an additional feature that would not be charged for. Mr. Mendez also stated that this area will not increase the capacity of the park and said that once attendance reaches capacity, the park is closed and any additional entry is allowed only as one out/ one in.

Commissioner Spink moved and Commissioner Michaelsen made the second to recommend approval of an amendment to a special use permit for a minor expansion and to approve a variation to the fence code to allow eight-foot fencing. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach
 Nays: 0
 Absent: 1 Commissioner Hundhausen

The petitioner was reminded that the matter of the special use amendment will be heard by the Village Board at their meeting on March 6, 2006 and was advised to attend that meeting.

**#05228: North Shore Holdings, Ltd. / Chris Manousselis, 570 N. Schmale Rd.
 Special Use - Shopping Plaza
 Special Use – Outdoor Seating Area**

Kevin Lebovic and Randy Pruyn were sworn in as witnesses in this matter. Mr. Lebovic explained that the request is for a Special Use for a Shopping Plaza and a Special Use for an outdoor seating area. The proposed shopping plaza will be along Schmale Road north of Fullerton and will be a 7,950 sf multi-tenant building that would have five units. Mr. Lebovic stated that they have presented a plan that will not have a drive-thru, that will align the drive aisles to match Walgreen's and have added a 7-foot fence to screen the development from the residence to the north.

At the call for public hearing Marian Downer, 3N070 Schmale Road said that she lives next door to the north of the project and that her concern was to have a fence on the property line. She commented that Walgreen's said that they would have a fence but they never did and she picks up a lot of garbage and plastic bags that wind up on the south side of her property so she would appreciate having a fence. Mrs. Downer commented that it seems to be a lot of black top and surface water, but there is a holding pond out in back and she hopes that drainage will be lined up with that. She asked if the proposal says anything about where the water will go? Mr. Glees stated that staff has looked at the stormwater management and the drainage and that adequate drainage will be provided and all of the requirements of the DuPage County Stormwater management ordinance will be met and the site will drain to the stormwater management facilities. Commissioner Sutenbach said the Mrs. Downer that a developer cannot make any property worse than it was, they cannot flood anyone else. There were no other comments or questions.

Mr. Glees said that Kenneth Lebovic and Chris Manousselis of North Shore Holdings are requesting approval for the development of a shopping plaza on the vacant 1.03-acre site along Schmale Road north of Fullerton Avenue. They are proposing a 7,950 square foot multi-tenant building that would consist of five units. No tenants have been secured at this time. North Shore is requesting the approval of special uses for a shopping plaza and an outdoor seating area.

Special Use – Shopping Plaza in B-2 General Business District

The applicant is requesting a Special Use for a Shopping Plaza, which the Zoning Code defines as "a commercial development in excess of one acre of land, improved with a structure containing three or more distinct and separate retail businesses, also sharing common parking areas and access drives." The proposed plaza would contain 7,950 square feet of space in an in-line multi-tenant building, and would be located within the B-2 General Business District, adjacent to existing business development. Staff believes this use would not conflict with the

industrial uses adjacent to the site. In addition, the Village of Glendale Heights was contacted regarding this use and had no objections to the proposed uses relative to the residential area on the east side of Schmale Road.

Access and Parking:

As the site plan depicts, access would be achieved through the Walgreen's site via the ingress and egress easement. To facilitate and simplify the traffic flow on both of the sites, the proposed parking aisles would be aligned with the existing aisles on Walgreen's, and directional pavement markings and stop signs would be required as depicted on the plans. However, staff recommends, as a condition of approval, that additional striping be included within the Walgreen's site to differentiate the drive-through lanes from the balance of the traffic. This step will further improve traffic flow and safety where the three proposed parking aisles lead onto the main drive of the site.

As proposed, the shopping plaza would include 60 parking spaces. Based on the parking requirements for shopping plazas, this building needs a minimum of 32 spaces. In addition, the site plan identifies 2,600 square feet for a restaurant use. This would require 11 additional parking spaces for a total of 43 spaces. Approximately forty percent of the spaces would be located to the rear of the plaza. It is anticipated that these spaces would service the restaurant patrons; however, a sidewalk would be provided on the south side of the building to allow access to the balance of the businesses from the parking area in the rear.

Landscaped islands are proposed along the southern end of the parking lot. These islands are located outside the property lines of the development within the ingress egress easement on the Walgreen's site. Staff recommends, as a conditional of approval, that a maintenance agreement be drafted and executed between the North Shore property and the Walgreen's property. This would avoid any future conflict over the care and maintenance of the proposed landscape features.

Building Design:

The proposed center would have glass store fronts, brick veneer columns, cultured stone trim, and EIFS as the backdrop for signage. The signage would be internally lit individual letters. Wall sconces installed on the columns would provide additional decorative lighting around the entire building. Offering some visual variety along the façade, the designated restaurant area would extend sixteen feet out toward Schmale Road and would be the width of two storefronts, highlighting the northern end of the plaza. The rear restaurant door would be glass and the rear façade of the building would have additional foundation landscaping to enhance the area for the patrons that may park in the rear.

Special Use – Outdoor Seating

The applicant is requesting a Special Use to allow an outdoor seating area in conjunction with the proposed restaurant. The seating area would be located in the rear of the restaurant and not visible from Schmale Road. Patron access would be provided both through the restaurant and directly from the parking lot located in the rear of the plaza. The seating area itself would be 776 square feet with a landscaped bed along the north edge.

From a use standpoint, staff does not object the outdoor seating area, as it would not have a negative impact on any surrounding properties. The property is adjacent to industrial uses, and this use would not be in conflict with the neighborhood in general. However, it should be noted that while the property to the north is zoned and is used for industrial purposes, it does include a single-family residence located near Schmale Road. Therefore, the applicant has proposed a 7-

foot high fence along the north property line to mitigate any potential incompatibilities. In our evaluation of this project, we find that the criteria for the Special Uses for a shopping plaza and outdoor seating area are met, subject to conditions.

Staff recommends approval of the Special Use for a shopping plaza and outdoor seating, subject to the following conditions:

1. That pavement markings be provided to the satisfaction of the Village Engineer, to delineate the main drive from the drive-through aisle within the Walgreen's parking lot;
2. That a construction easement and a maintenance agreement be drafted and approved by staff prior to Village Board approval;
3. That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with similar size and type species on an annual basis;
4. That the parking stalls shall be striped in accordance with the Village's looped striping requirements as depicted on the plans;
5. That separate building permits are required for all trash enclosures and signs; and
6. That the development of the site and buildings will comply with all state, county and Village Codes and requirements.

Commissioner Weiss asked how property maintenance, such as blowing papers, etc. will be addressed for the shopping plaza and it was stated that there will be a maintenance company hired and that there will be several trash cans around the area. In response to the questions, it was determined that the developer agrees to the loop striping required for parking spaces to be aligned with Walgreen's parking spaces that an agreement is being negotiated for landscape maintenance. Commissioner Weiss asked if the patio seating area will be marked off from the parking area and if entrance will be available directly from the restaurant. Mr. Lebovic said that there will be two entrances so that customers will use the back parking area and not just the front. There will be a landscaped area and if there is any zoning requirement for a fence they will comply. Commissioner Weiss said that he is assuming that this restaurant will not be liquor licensed type business, but does the future tenant need to have that area blocked off in some way, or does it not make any difference. Mr. Lebovic said that he does not know for sure and there are no leases signed right now. With no potential users, they are assuming that it will be set up for a fast, casual type of restaurant. In response to the question it was stated that there will not be any changes to the existing Schmale Road access and that they have not had any interest in leasing since that generally doesn't happen until the walls go up. They are anticipating that there could be a dry cleaners, a salon, or cell phone store and a restaurant. It was noted that Walgreen's restrictions include no liquor stores, no arcades or other uses negative to their image.

Commissioner Michaelsen asked what fence material would be used and it was determined that the plans call for a board on board cedar fence. It was also noted that all rooftop mechanicals will be screened by a parapet wall and that they should not be seen from any road. Commissioner Michaelsen asked if there would be any parking lot lighting and it was stated that the initial plan was to have just building lighting. Mr.

Glees stated that the project is required to meet the Village's standards for parking lot lighting and that this will be evaluated during final engineering. Commissioner Michaelsen said that he would like have some accent brick on just the corners of the building such as some stones or medallions and the petitioner agreed that this can be done. In regard to the signage, it was stated that there will be self-illuminated letters and they will comply with the Village's sign code.

Commissioner Sutenbach asked why there is more landscaping in the back than in the front and it was explained that was stated that the building is being placed at the front of the lot so that it isn't buried behind the Walgreen's building and to encourage the use of the parking at the rear of the building the plan is to have landscape boxes surrounding the outside seating area as well as through out the parking area. In response to the question as to whether all of the tenants will have a rear entrance it was stated that the proposed restaurant is slated to have a secondary entrances but it would be up to the user of the tenant spaces, but there will be a sidewalk around the building. The leases will require that all employees must park in the rear and that is where all of the deliveries will be made. Commissioner Sutenbach asked what restaurant would be going in and the petitioner stated they have an interested party, but that party is waiting to sign the lease until the proposed plan has been approved. It was said that it is a "fast, casual restaurant" that intends to move forward when this process is completed. Commissioner Sutenbach asked if their reluctance to sign is contingent on an outdoor seating area and was told that it is. Commissioner Sutenbach then stated that generally when there is a request of this nature the Board will discuss hours of operation, if these will be outdoor music. The petitioner responded that the Village's ordinance will be complied with and to their understanding the hours of operation would likely be to close at 9 p.m. and that the intention that they have been told is that it will be a "chicken, salad, sandwich type of fast casual restaurant". In response to the question of serving liquor, the petitioner said that they are not intending to and they would have to have an approval process if that is what they wanted. Commissioner Sutenbach asked if this is a fenced-in patio area and was told that the 30X30 patio would just sectioned off by planters from the rear parking area. The petitioners said that in anticipation of the need for an outdoor patio, they are seeking approval to have such an area without having any finalized plans for it.

Commissioner Weiss asked how much seating would be available on the patio and the petitioner responded that he does not have that information.

Commissioner Sutenbach asked Mr. Glees how this compares with the approval given to the petitioner for the restaurant across from Town Center and that outdoor seating area and Mr. Glees replied that the main difference between the two is that at the Town Center outdoor seating area it was intended that that restaurant be one that serves liquor and has outdoor music. This application proposed neither at this time, they are not proposing liquor sales, and they are not proposing a dinner crowd with outdoor music. If this Board has some concerns there are conditions that you might wish to add that may be appropriate. In response to the question as to whether this matter would come back when a specific tenant is leased Mr. Glees replied that it would not come back because a restaurant is not a special use, it would only return if the request was to have a restaurant with a bar area.

Commissioner Sutenbach said that he would like to it before him before he votes on it. He said that the Commission could put additional restrictions on the staff recommendations, such as no liquor, no music, no noise, or it could be continued, or vote down.

Commissioner Michaelsen said that with Walgreen's being next door, can this

restaurant eventually sell liquor or can they limit liquor? The petitioner said that that use for liquor sales is prohibited on the deed.

Commissioner Weiss suggested since the concerns are only about the outdoor seating area, that additional conditions be added for that and then approve the rest of the proposed development. The conditions would give guidance to the Board in regard to the not serving of liquor or having music in the outdoor seating area.

Commissioner Vora asked if there will be lighting in the outdoor seating area and was told that they will provide whatever the Code calls for.

Commissioner Sutenbach noted that condition # 5 should have a fence permit required as well as the sign permit and trash enclosure permit.

Commissioner Michaelsen asked what the trash enclosure is constructed of and was told that the materials will match the building in material and colors. At this point a color rendering of the building elevation was shown.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval for a special use for a shopping plaza and a special use for an outdoor seating area in accordance with the staff recommendations and including the following; Condition #5 be amended to include the fence on the property requiring a separate building permit.

Dress up the corners of the building with medallions and/or additional detailing.

Signage be channel letter only, not box signs

Restaurant not serve liquor,

There be no outdoor music

Trash enclosure be constructed of materials to match the building.

Screening of all roof top mechanicals.

All landscape materials on Schmale Road be salt tolerant added to Condition #3.

The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach

Nays: 0

Absent: 1 Commissioner Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on March 6, 2006 and was advised to attend that meeting.

**#05349: Dominic N. Signoretta / Fritz Duda Company, 500-520 E. North Ave.
Special Use – Planned Unit Development
Special Use – Shopping Center
Preliminary Planned Unit Development Plan
Variation – Fence Code
Variation – Sign Code
Zoning Changes – From I to B-2 and From B-3 to B-2
North Avenue Corridor Review
CONTINUED FROM 2/13/06 MEETING**

Dominic Signoretta, Mike Harman, Carl Kronstead, and Mike Waggoner were sworn in as witnesses in this matter. Mr. Signoretta gave a PowerPoint review of the proposed development of the property. He explained that requests are for a Special Use for a Planned

Unit Development, a Special Use for a Shopping Center, approval of a preliminary Planned Unit Development Plan, Variations to the Fence Code and the Sign Code, Rezoning a part of the property from I to B-2 and a part of the property from B-3 to B-2 as well as a North Avenue Corridor Review, and under an individual request, a final plat of subdivision.

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

Mr. Glees said that as discussed previously, staff does not object to the developers' request for a Special Use for Planned Unit Development for this property. The other special use requests, and specific details of the plans, will be discussed in detail in the remaining sections of this report addendum. In addition, the developer is requesting several deviations from Zoning Code standards as part of the Planned Unit Development process. The requested deviations will be discussed in detail later herein.

Special Use – Shopping Center

The applicant is requesting a Special Use for a *Shopping Center*, which the Zoning Code defines as “a commercial development in excess of ten acres of land, improved with a structure of at least 50,000 square feet and containing five or more distinct and separate retail businesses.” The proposed shopping center would occupy 10.5 acres, and would contain a total of 66,000 square feet of space in five buildings, with two 12,000 square foot buildings that could either be commercial or restaurant uses, two 6,000 square foot commercial buildings, and a 30,000 square foot in-line multi-tenant building.

Access and Parking:

As seen on the Preliminary PUD Plan (Exhibit A), access to the site would take place through several drives along North Avenue and Schmale Road, including: a full access point on North Avenue where there is a center median break in the highway, a possible right-in-right-out off of North Avenue depending on IDOT approval, two right-in-right-out accesses on Schmale Road and two full accesses on Schmale Road. The most southerly access on Schmale Road would be the main entrance for the McKesson facility. Although the PUD Plan allows for traffic to flow between the commercial and industrial properties, the plan was developed with the idea of separating the traffic for the two uses as much as possible. Employee and visitor traffic for the industrial property would be free to use any of the access points on North Avenue and Schmale Road; however, truck traffic for the industrial building would use the designated access farthest to the south on Schmale Road.

Regarding parking, the proposed Preliminary PUD Plan would provide 428 spaces for the 66,000 square foot shopping center and 158 spaces for the 292,000 square foot warehouse distribution building. The parking requirement for the shopping center has been calculated using two different approaches: the first being the determination for *shopping center* as specified in the Zoning Code, and the second by summing the requirements for the individual buildings, as a check. The parking requirement for the industrial building has been determined per the Zoning Code requirement; however, the applicant is requesting that a significant portion of the parking requirement be met by allocating landbanked parking spaces.

As shown on Table 1 below, the number of spaces provided by the Preliminary PUD Plan would accommodate food service uses in Building A and Building D, as well as an additional 18,800 square feet of food service uses in the center. However, since the proposed commercial development would not be laid out as a conventional center with one or more anchors and a central parking area, staff and the petitioner have also analyzed the parking based on the requirements for the individual buildings. This worst-case analysis, shown in Table 2, assumes both Building A and Building D are developed as 7,500 square foot restaurants. However, this estimate also assumes no food service uses in the remaining three buildings. As shown in Table 2, the resulting requirement would be 468 spaces. Please also note that if either Building A or Building D were to develop as a 12,000 square foot commercial building, the parking

requirement would fall below the figure of 428 spaces provided. Based on the Shopping Center parking requirements as specified in § 16-13-3, the Zoning Code requirement is easily met by the proposed plan. In addition, the worst-case analysis shows that even if the buildings were considered individually, sufficient parking could be provided, depending on the amount of food service uses in the center. Therefore, staff is comfortable that the parking requirements of the Village Code are met for the proposed commercial development.

As noted above, the proposed Preliminary PUD Plan would provide 158 parking spaces for the 292,000 square foot warehouse distribution building. However, as shown in Table 3 below, the 158 parking spaces is just 49% of, and 165 spaces fewer than, the number required by the Zoning Code. The applicant is requesting a **deviation** from Village standards to reduce the required parking for the proposed industrial development. As seen in the attached letter dated December 7, 2005, from McKesson, there are up to 100 employees at the facility at any given time, and they anticipate no increase in employees over the next four years. Even allowing for visitors, McKesson believes 158 spaces should be more than sufficient for their needs. In spite of this justification, the Village rarely approves development with less than the number of parking spaces required by the Code. Typically, the necessary parking spaces are landbanked, so as to allow for the possibility of the parking demands changing in the future. In this case, the applicant has allocated the necessary 165 parking spaces in landbanked parking areas as designated on the PUD Plan. In an additional note, the parking spaces for the industrial property have been designed at a width of nine feet, as allowed by the Zoning Code with the approval of the Community Development Director. Staff has reviewed the proposed parking design and landbanking layout for the industrial property and we find it feasible; therefore staff has no objection to the approval of landbanked parking.

The applicant is also requesting several **deviations** related to required setbacks for the shopping plaza. **First**, the North Avenue Corridor (NAC) standards require a 100-foot front setback from the North Avenue property line, while the four buildings along North Avenue are shown to be set back 60 to 90 feet from the front property line. **Second**, the buildings are required to be set back 40 feet from the rear lot line, while Building B and Building C are shown to be 33 feet from the property line. **Third**, the NAC Regulations require a 30-foot pavement setback along North Avenue, while the pavement setback along an approximate 700-foot length varies to as near as 15 feet. **Fourth**, the Zoning Code requires a 20-foot parking setback along Schmale Road, while the plan shows four parking stalls along Schmale Road that encroach within the 20 foot parking setback. At the nearest point, a parking stall is set back only 17 feet from the property line. As indicated in the letter from Dominic Signoretta dated February 2, 2006, the reasons for the reduced setbacks have to do with the challenges of developing commercial buildings within the frontages along North Avenue and Schmale Road in the space available between the roadways and the industrial building. Although the above deviations from the Code's setback requirements are present on the proposed Preliminary PUD Plan, they are limited to the few locations where the adjacent roadways are at their nearest to the industrial building, and available development space is at a minimum.

In summary, the applicant is requesting approval of special uses for a shopping center and a planned unit development, with a Preliminary PUD Plan which deviates from Village standards in the following areas:

- Landbanked parking of 165 parking spaces on the industrial property
- Building setback less than 100 feet along North Avenue, varying from 60 to 90 feet
- Pavement setback less than 30 feet along North Avenue, being 15 feet at its nearest point
- Parking setback being less than 20 feet for four spaces along Schmale Road

Staff believes the development of quality commercial space at this prominent location on North Avenue is a sufficient trade-off for the few minor deviations from standard found on the plan.
Preliminary PUD Plan

The applicant is requesting approval of the Preliminary PUD Plan (Exhibit A). Many aspects of the Preliminary PUD Plan have already been discussed in this report, such as the size of the

buildings, setbacks, access, and parking. One issue raised at the public hearing on February 13, 2006, was whether traffic signals would be provided at the full access on Schmale Road, across from the commercial facilities to the east. According to the Engineering Services Department, the installation of traffic signals is subject to the approval of DuPage County, would need to meet the legal warrants for traffic signals, and would need to be funded by the adjacent property owners or the municipality.

The remaining detailed review of the project will be discussed in the North Avenue Corridor section of this report. At this time, staff can generally support the Preliminary PUD Plan, subject to the suggested conditions of approval included in the Recommendation section of this report.

North Avenue Corridor Review

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

Site Design:

Many aspects of the site design have already been discussed in this report; as such, the comments regarding site design in this section will only relate to specific NAC standards. The NAC site design standards require service areas to be out of sight from North Avenue. The service areas of utmost concern for this project are the trash dumpster locations. In this regard, we note that the six proposed trash enclosures are shown to be placed in the least visible locations on the site. The enclosures will be constructed using masonry material that will match the buildings. A detail of the enclosures is provided in Exhibit D, which staff finds acceptable. Also with respect to site design, the NAC regulations require that pedestrian facilities should be considered within the site. Generally, we find the proposed pedestrian walkways to be acceptable. Internal sidewalk would be provided to connect the five buildings, and new sidewalk would be provide along the Schmale Road frontage. Aside from the deviations from standard discussed earlier in this report, the Preliminary PUD Plan complies with all other applicable standards of the Zoning Code. Staff can support the overall site design.

Color building elevations have been provided for Buildings B and C (Exhibit E), and are intended to serve as examples for the overall development. Of course, if a national tenant were to locate in one of the freestanding buildings (Buildings A and D), they would wish to follow their own design guidelines. Development of any of the buildings would require approval of a Final PUD Plan, and so final architecture would be reviewed at that time. The applicant describes the architectural style as "a clean, timeless lifestyle building design." The front elevation, facing North Avenue, would be primarily glass and stucco, with split stone masonry columns at the corners to enhance the building appearance. Canopies would be provided along the front of the building to comply with the NAC requirement for a pedestrian arcade or canopy. At the February 13th public hearing, the applicant was asked to bring in additional details regarding the proposed architecture, as well as elevations for Building E. This material, including a color perspective of Building A or D, a color perspective of Building E, and architectural elevations for Building E, are included with this report addendum. Staff encourages the Plan Commission to comment on the building architecture.

Landscape Design:

The NAC standards require a landscape setback in the area between the buildings and the North Avenue property line; with 16,186 points required and over 21,300 points proposed, the

code requirement is exceeded.

The NAC regulations also require a minimum of 10% of the area within all parking lot areas to be greenspace. These landscaped areas are to be in the form of landscape islands, and landscape material is required within these landscape islands. The parking lot measures 181,793 square feet, and so the 10% greenspace area standard requires 18,179 square feet of parking lot greenspace. The landscape islands depicted on the landscape plan measure about 32,770 square feet in area, which equals 18.0% greenspace, which far exceeds the required amount. The landscape islands are required to have 16,385 points of landscape material, and based upon the landscape plan, the islands will have 23,655 points of material, which exceeds the required point value. On a minor note, staff observes that, as a result of a revision to the location of the parking lot islands, some trees are shown on the Landscape Plan in the wrong locations, in pavement rather than in islands. Staff will recommend a condition of approval that the plan be corrected before bringing the case the Village Board for Final approval.

Finally, the NAC landscape standards require a landscape screen within the first five feet immediately adjacent to the parking spaces along North Avenue, resulting in a landscape screen with a minimum of 2,975 points of landscape material. The applicant is requesting a **deviation** from the landscape screen requirement in order to provide a more flowing landscape design in the area between the pavement and the property line, such that the screen would be provided but it would meander in and out of the five-foot strip along the parking lot. In order to evaluate the adequacy of the proposed plan, staff determined the required point value of the overall area between the parking lot and the property line, which is 2,975 points for the landscape screen and 15,728 points for the landscaped setback area for a total of 18,703 points required. The applicant's proposed plan would provide 31,579 points, which is far in excess of the combined overall requirement for the area between the parking lot and the property line. Staff believes the proposed design would provide adequate screening for the most part; however, we observe that no screening is shown along the west side of the lot west of Building A, and also we expect the plants in the vicinity of the proposed sign in front of Building B would be very low so as to not block the sign, and would not be very effective in terms of screening. It may be possible to address this latter concern by means of elevating the grade in the vicinity of the sign so as to allow it to rise above the surrounding plants. In view of the above analysis, staff is comfortable supporting the requested deviation from standard to allow the required landscape screen to be located outside of the five-foot area, subject to the conditions that screening be provided at the west end of the lot and that the final grading design ensure that the signs along North Avenue will not be obstructed by the plants.

Overall, staff finds the landscape plan to meet or exceed the NAC standards, with the exception of the one requested deviation vary the location of the landscape screen, which staff can support, and subject to the conditions noted above. The only other comment that staff has regarding the landscape plan is that in any location where landscape materials are used to screen ground-mounted mechanical equipment, the Code requires that the screening must be equally effective in winter as it is in summer.

Preliminary/Final Plat of Subdivision:

The proposed development includes five separate properties. In order to create parcels to accommodate the separate commercial and industrial uses, the applicant has prepared a plat of subdivision, "Duda's First Resubdivision," for the property. The commercial development, Lot 1, would consist of 10.5 acres and would be zoned B-2 General Retail District, while the industrial property, Lot 2, would consist of 16.8 acres and would include the existing McKesson facilities. Staff has reviewed the plat and provided comments to the applicant; however, work to address staff's comments and complete the plat is still in progress. In addition, although the Engineering Services department has determined that the engineering design for the project is feasible, they

have not given approval of the final engineering design, and such approval is a necessary condition of final plat approval. Therefore, staff recommends that the request for approval of the Final Plat of Subdivision be continued to the March 27, 2006, agenda.

Rezoning:

The applicant is requesting that the Village rezone that portion of the commercial property, Lot 1, from I Industrial District to B-2 General Retail District. The Future Land Use Plan (FLUP), updated in 2000, recommends an industrial use for the subject property; however, it is doubtful that a commercial development was considered probable at that time. Staff believes the intersection of North Avenue and Schmale Road has potential as a retail node, and we support commercial development at this location. Therefore, staff supports the rezoning request. The rezoning of the Germania property from B-3 to B-2 has been absorbed in the rezoning request.

Fence Code Variation:

Section 6-12-8(A) of the Fence Code states that "no structural fence shall be allowed on any part of a required front yard or side yard adjoining a street." As illustrated on the Preliminary PUD Plan (Exhibit A), the applicant is proposing to install an aluminum security fence with masonry columns, six feet in height, to enclose the McKesson property. Although the property is of an odd shape, and it has no real "front" to it, it is reasonable to represent the sides of the building facing North Avenue and Schmale Road as the "front" and the "side yard adjoining a street." Because the existing building is approximately 300 feet from the adjacent roadways, staff believes the effect of the proposed fence being located within the front and corner side yards would be minimal. In addition, the proposed commercial buildings would screen most of the fence from view. Finally, the fence that the applicant is proposing is of a decorative nature, with black metal posts and masonry columns. (See Exhibit D.) The applicant has stated that the fence is necessary in order to provide security to the property.

Sign Code Variation:

The applicant's signage plan includes no pole signs, but rather a series of ground signs along North Avenue and Schmale Road. The Sign Code allows the following ground signage for the subject property:

Commercial –

One ground directory sign per street frontage, set back a minimum of five feet from any property line, a maximum of 120 square feet in area, and a maximum of 10 feet in height along North Avenue, six feet along Schmale Road.

Industrial –

One ground directory sign per street frontage, set back a minimum of five feet from any property line, a maximum of 160 square feet in area, and a maximum of 10 feet in height.

The applicant is proposing two commercial ground signs along North Avenue, one of which would replace the existing McKesson sign, and three commercial ground signs along Schmale Road. In addition, one ground sign would be provided for McKesson at the most southerly drive on Schmale Road. No variation is being requested for the McKesson sign at this time; the intention is to provide signage in compliance with the Sign Code. However, the two ground signs on North Avenue and three on Schmale Road would exceed the Sign Code limit of one per frontage. The applicant has indicated that he prefers low ground signs, constructed of quality materials and located near the entrances to the center, rather than pole signs. He believes that the signs should not be so tall as to obstruct the view of the commercial properties in the center, and that attractive signage at eye level is much more effective at drawing patrons to the center than taller signs. To this end, the applicant is proposing ground signs constructed

of materials similar to those of the center's buildings, with decorative landscaping. Trees and other tall plants are set back from the signs so as to keep the view of the signs clear from the roadways.

The specific variations being requested are as follows:

Variation for more than one ground sign per street frontage (two on North Avenue and three on Schmale Road)

Variation for sign height in excess of the maximum six feet (6'-6" along Schmale Road)

In evaluating the applicant's request for variation for variations, staff took into account the physical nature of the proposed center, that being an unusual, L-shaped property at an intersection of a limited-access state highway. Because of the property's location at a promising retail node, staff is sympathetic to the applicant's efforts to design signage that would be effective at drawing patrons to the property. In addition, staff evaluated the total area that would be provided by the signs, being 43.3 square feet for the two signs along North Avenue and 64.9 square feet for the three signs along Schmale Road, as compared with the maximum allowable area of 120 square feet per frontage. In addition, the center would also be allowed to have a pole sign of up to 160 square feet on each frontage, which is not being requested at this time. For the above reasons, and also because the proposed combined sign areas are much less than the allowable maximum per frontage and the height variation of six inches along Schmale Road is minor, staff has no objection to the request for variations.

Summary:

In our evaluation of this project, we find that the criteria for the Special Uses for Planned Unit Development and a Shopping Center, as well as Variations from the Fence Code and the Sign Code, are met. We further find the proposed rezoning to be proper, and the Preliminary PUD Plan to be acceptable subject to the conditions noted in this report and the Recommendation section. Regarding the North Avenue Corridor Review, provided that staff's recommendations are followed, we can recommend approval of the submitted plans. Regarding the Final Plat of Subdivision, we note that the plat is not ready for approval at this time, and would need to be brought back at a later date.

RECOMMENDATIONS

Staff recommend that the Final Plat of Subdivision be continued to the March 27, 2006, agenda.

Staff recommends approval of the following:

Special Use for Planned Unit Development,

Special Use for Shopping Center,

Preliminary Planned Unit Development Plan,

North Avenue Corridor Review,

Rezoning of the proposed Lot 1, with the exception of the former Germania property, from I Industrial District to B-2 General Retail District,

Rezoning of the former Germania property from B-3 Service District to B-2 General Retail District,

Variation from the Fence Code for fencing to be located in the front and corner side yards of proposed Lot 2,

Variation from the Sign Code for two ground signs along North Avenue and three along Schmale Road rather than one per street frontage,

Variation from the Sign Code for sign height of six-feet-six-inches rather than six feet along Schmale Road,

For the property at 500-520 E. North Avenue, subject to the following conditions:

1. That the Preliminary PUD Plan be corrected to show the parking requirements as specified in § 16-13-3 of the Zoning Code prior to the plan being brought to the Village Board for approval;

2. That the Landscape Plan be revised as follows prior to the plan being brought to the Village Board for approval;

Trees in the parking areas shall be located in islands,

Landscape screen shall be provided for the parking area west of Building A,

The grading plan shall be designed such that the landscape screen will not interfere with the sign in front of Building B,

Species proposed along North Avenue and Schmale Road shall be salt-tolerant;

3. That access to North Avenue shall be subject to the approval of the Illinois Department of Transportation;

4. That access to Schmale Road shall be subject to the approval of the DuPage County Division of Transportation;

5. That the Covenants, Conditions and Restrictions for the property shall identify access rights, and shall be recorded against the property and run with the land;

6. That separate building permits are required for all trash enclosures and signs;

7. That all rooftop equipment on both buildings be completely screened from view in all directions;

8. That only channel letter signs, and not box signs be permitted for the wall signage for all buildings;

9. That all ground mounted mechanical equipment shall be screened from view from surrounding public streets;

10. That this development shall be subject to approval of a storm water management plan by the Engineering Services Department;

11. That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with similar size and type species on an annual basis;
12. That the parking stalls shall be striped in accordance with the Village's looped striping requirements; and
13. That the development of the site and buildings will comply with all state, county and Village Codes and requirements.

There were no comments or questions from those in attendance at the call for public hearing. Commissioner Sutenbach asked if the petitioner was in agreement with the conditions in the staff report and was told that they were.

Commissioner Michaelsen commented that the rendering provided for the Schmale Road elevation was very nice. In response to his questions, it was determined that the canopy materials would be black canvas with aluminum frames, the roof materials would be standing seam of a charcoal gray color and that the ice guard to prevent ice sheeting off of the building was built into the original roofing materials, it would not be an add on. Commissioner Michaelsen said that this is a nice plan on all sides.

Commissioner Spink commented that she likes the projected use since this is one of the focal points at the entry of the Village. She voiced concern about semis parking on the shoulders of the road to cross over to have a meal and she asked if there would be a parking area for such trucks at the restaurant locations. The petitioner said that there would not be, especially since they do not wish to have this development become a truck stop. Commissioner Spink said that in the event that a traffic signal would become warranted in the future, she would like to have this petitioner to agree to fund half of the cost and asked if there was some type of mechanism to add this to the approval of the project. The petitioner said that they would be willing to pay 50% and the developer of the opposite property would pay the balance.

Commissioner Spink asked Mr. Glees who determines when and if landbanked parking has to be developed and he responded that observation of parking problems and/or complaints to the Village staff. In response to the question regarding the petitioner coming back for a changeable copy sign, the petitioner responded that he was not aware that Code would support such a sign on this property and typically their centers only allow single letter channel illuminated signs. They restrict any type of electronic signs in their centers.

Commissioner Weiss asked if the dumpster enclosure close to Schmale Road was the only one for the entire retail lot #1 and it was explained that there are two enclosures, one for Building D and one for Building E and that there are a total of six enclosures for the development. Commissioner Weiss asked if there were any prospective tenants for the restaurants or the general retail and the petitioner said that they have not begun to market either though they will be targeting upscale users for the entire project. It was noted that Phase I will be the Industrial improvements and stormwater management issues such as aerators and small fountains. Commissioner Weiss suggested that they consider some lighting for the aerators and fountains in Phase II.

Commissioner Sutenbach commented that these are nice looking buildings and the landscaping and parking issues have been addressed successfully. It was determined that the buildings will have two or four sided architecture so that all elevations will be enhanced by features and/or landscaping.

Commissioner Michaelsen suggested that the additional condition of salt tolerant landscaping be provided for the North Avenue and Schmale Road adjacent parkways.

Mr. Glees reminded the Commissioners that staff is asking that approval of the Final Plat of Subdivision be continued to the next meeting. The petitioner agreed with the continuance and requested that Condition #10, that states that this development be subject to the approval of stormwater management plan and final engineering design by Engineering Services Department be amended. The petitioner said that their intent is to do the complete, final

engineering for the warehouse parcel and actually construct that as part of Phase I. Phase II the engineers will satisfy the Village Engineer on preliminary engineering and everything for all the retail site development. Obviously they cannot get into the final site development until they get into the Final PUD plan and make sure that the buildings that they intend to build are going to exactly to this. They are representing that this plan will be the maximum impervious area, so they will be doing the final engineering for the warehouse parcel and seek approval for that under a plat, but at the same time they will satisfy the Village Engineer for the preliminary engineering for the retail parcel for the stormwater management plan.

Mr. Glees stated that the Village Engineer has typically not recommended approval of a final plat of subdivision unless the engineering has been approved. So it appears that the petitioner will not have final site plans for the commercial facilities until they come back for final PUD plan approval. The petitioner said that they have not gone into the final engineering of the retail site showing all of the actual final plans. The approval being sought for a final engineering document would be the improvements that will be done for Phase I, which is the improvements for the warehouse. The stormwater management approval includes the commercial piece at a preliminary design level. Mr. Glees suggested that the words "and final engineering design" be stricken from condition # 10.

Commissioner Spink said that she would like to add condition #14, that a letter of commitment be provided that the petitioner will provide for 50% of the cost of a traffic signal on Schmale Road at such time as traffic warrants such traffic signal.

Commissioner Michaelsen moved and Commissioner Weiss made the second to continue the matter of the Final Plat of Subdivision to the March 27, 2006 meeting. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays: 0
Absent: 1 Commissioner Hundhausen

Commissioner Michaelsen moved and Commissioner Weiss made the second to approve the North Avenue Corridor review for this proposed project. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays: 0
Absent: 1 Commissioner Hundhausen

Commissioner Michaelsen moved and Commissioner Weiss made the second to recommend approval of a Special Use for a Planned Unit Development, a Special Use for a Shopping Center, a Preliminary Planned Unit Development Plan, Rezoning from I to B-2 and B-3 to B-2, a Variation to the Fence Code and a Variation to the Sign Code in accordance with the staff recommendations as amended. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays: 0
Absent: 1 Commissioner Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on March 6, 2006 and was advised to attend that meeting.

At 10:28 p.m. Commissioner Weiss moved and Commissioner Spink made the second to close the public hearing. The results of the roll call vote were:

Ayes: 5 Commissioners Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays: 0

Absent: 1 Commissioner Hundhausen

There was discussion regarding the progress of e-mailing brief summaries of upcoming cases and those who received them found that they are helpful.

At 10:45 p.m. Commissioner Weiss moved and Commissioner Michaelsen 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: