

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

June 12, 2006

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

Chairman 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 Secretary Wynne Progar to call the roll.

Present: Commissioners Smoot, Spink, Weiss, Michaelsen, and Sutenbach
 Absent: Commissioners Vora and Hundhausen
 Also Present: Community Development Director Bob Glees & Recording Secretary Progar

MINUTES:

Commissioner Spink moved and Commissioner Smoot made the second to approve the Minutes of the Meeting of May 8, 2006 as presented. The results of the roll call vote were:

Ayes:	4	Commissioners Smoot, Spink, Michaelsen & Sutenbach
Nays:	0	
Abstain:	1	Commissioner Weiss
Absent:	2	Commissioners Vora and Hundhausen

PUBLIC HEARING:

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

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

**#06037: Harlem Irving/Folio, L.L.C., Southwest Corner of Gary Ave. and Stark Drive
 Preliminary Plat of Subdivision
 Special Use – Planned Unit Development
 Special Use – Pre-School Learning Center
 Preliminary PUD Plan
 Final PUD Plan – Lot One
 Gary Avenue Corridor Review – Lot One
 Variation – Fence Code**

CONTINUED FROM 05-08-06

Commissioner Vora entered at this point, 7:35 p.m.
 Joseph Ash, Jim Snyder, Cheryl Levin, Josh Wheeler and Steve Downs were sworn in as witnesses in this matter.

Mr. Ash reviewed the requests being made by the petitioner, preliminary plat of subdivision, special use for a planned unit development, special use for a pre-school learning center, preliminary planned unit development, final PUD plan for lot #1, Gary Avenue Corridor Review for lot #1 and a variation to the fence code. He explained that the development of Lot #2 would come back for final PUD approval as well as Gary Avenue Corridor Review.

Mr. Jim Snyder explained that the subdivision will be into two lots from east to west with Lot #1 being developed as a pre-school learning center Lot #2 to be developed at a later date with a

restaurant. The two lots would share an east/west access drive with a right in/right out access on to Gary Avenue. He noted that the developer is in negotiations with Golden Corral Restaurant for Lot # 2, but there is no contract.

Cheryl Levin, of Crème de la Crème gave a history of the development of the pre-school system and commented that the program accepts children from 6 months through Kindergarten. Their hours of operation are from 6:30 a.m. to 6:30 p.m. Monday through Friday and that they are licensed for up to 300 children. She noted that the was designed as a Disney World type of town center and that there was 30,000 sf of outdoor play area.

Steve Downs described the elevation drawing, saying that it has four-sided architecture with split face brick and stucco. He stated that there is a request for a variation to the fence code to allow an 8-foot solid vinyl fence as opposed to a wood, board on board seven-foot fence. He noted that an eight-foot fence is more for security and privacy than would be provided by a seven-foot fence and that this is the standard for all of their other operations. It was stated that there would be less maintenance and no danger to the children from splinters.

Josh Wheeler reviewed the site plan, noting that the development on lot #1 meeting the Gary Avenue Corridor requirements of a 100 ft. set back. He indicated that the landscaping on all sides of the building and on the outside of the fence meets or exceeds the point requirements of the corridor regulations.

Mr. Ash reviewed the points of the staff recommendations and commented that an eight-foot fence would be of more benefit for the safety and the privacy of the children. He also stated that the developer was in agreement with all of the staff recommendations.

Mr. Glees said that Joe Ash, attorney for Harlem Irving/Folio, LLC, is requesting several zoning approvals that would allow the development of a planned unit development on the 6.779-acre property south of Stark Drive between Gary Avenue and Old Gary Avenue. At this time, the applicant is requesting the necessary zoning approvals that would allow for the division of the property into two lots. The southern lot, Lot 1 would be developed as a preschool/learning center, Crème de la Crème. The northern lot, Lot 2, would be developed in the future as a 10,330 square foot restaurant.

Preliminary Plat of Subdivision

The exiting parcel is 6.779 acres in area. The applicant is proposing to subdivide the property into two lots. Lot 1, a proposed 3.014-acre parcel, would include a 21,252 square foot preschool/learning center, Crème de la Crème. Lot 2, a proposed 3.765-acre parcel, would be developed in the future as 10,330 square foot restaurant. Staff finds the plat to be in conformance 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.

Special Use – Pre-School Learning Center

The applicant's cover letter is lacking in the detail typically provided to give the Plan Commission an understanding of the nature of the proposed use and development. However, based on information provided in the company brochure, staff is able to offer the following information: Crème de la Crème is an early learning center designed to create in the children an appreciation and advanced aptitude for learning. Students are exposed to math, science, music, art, second language acquisition and other subjects. The facilities, which are open from 6:30 a.m. to 6:30 p.m. weekdays, contain classrooms, recreational areas, entertainment areas, and many other features in a child-friendly environment. Students range from infants to kindergarteners, with after school programs and summer/holiday camps also offered for students aged 6 through 12.

Staff would note that, for many years, the Village's position with respect to development

approvals in the Town Center area has been to encourage retail commercial development. As a service business, Crème-de-la-Crème would not contribute to the Village's sales tax revenue base. On the other hand, the proposed development would offer a service to the community and would continue the development growth that the Village has seen in the Town Center in recent years. The Plan Commission is invited to discuss and comment on the merits of the proposed use at this location.

Special Use – Planned Unit Development/ Preliminary PUD Plan

The Harlem Irving/Folio, LLC, is requesting that a Special Use for Planned Unit Development be approved. In consideration of the request for Planned Unit Development for this property, staff notes the following language pertaining to Business District Planned Unit Developments contained in the Planned Unit Development section (Article 16) of the Zoning Code:

Purpose. To encourage the most orderly development of commercial properties through advanced planning, and to assure adequate standards for the development of business; provide regulations to encourage a variety of building types; assure adequate open space and parking; protect residential areas from undue traffic congestion; and to allow for the placement of more than one commercial building on a single zoning lot.

The site design as shown on the Preliminary PUD Plan (Exhibit B) consists of two stand-alone structures on two separate lots. The southern lot, Lot 1, would contain the proposed Crème de la Crème early learning center. The northern lot, Lot 2, would contain a restaurant. The two lots would share an east-west access drive that would extend from Gary Avenue to Old Gary Avenue. Lot 2 would also have an access off of Stark Drive that would be aligned with the Aldi/Taco Maker access to the north. The properties would be independent of each other, and little interaction is expected between them.

The Crème de la Crème building would face Gary Avenue, with the portico just extending to the 100-foot maximum setback for Gary Avenue. The future restaurant, however, would face to the north and would not meet the maximum setback requirement of 100 feet. This design, which is intended to allow maximum parking access to the restaurant, design would be an exemption from the Gary Avenue Corridor Regulations as contained in §16-5-6-J of the Zoning Code. The Plan Commission is invited to comment on this aspect of the proposed design. If the exemption were not considered appropriate, then a condition of approval to locate the building on Lot 2 within the required setback would be in order.

In addition, the Preliminary PUD Plan does not provide screening at the dock area on the west side of the proposed restaurant building that would be sufficient to completely block the view from the public ways, although extensive landscape screening is shown. In view of the nature of the property as being bounded by roadway on three sides, staff has no objection to the proposed design; however, this would also represent an exemption from §16-5-6-K-10 of the Zoning Code requirement. Please note that Final PUD Plan approval is not being requested for Lot 2 at this time, and any future development would need to return to the Plan Commission for Final PUD Plan review once a specific tenant is secured.

With respect to parking, the proposed Preliminary PUD Plan meets the requirements of the Zoning Code. However, we note that the Lot 2 Data Table contains a typographical error, indicating that the parking requirement is 2 spaces per 1,000 square feet of floor area, when in fact the correct figure is 20 spaces per 1,000 square feet. We recommend that this be corrected on the plan as a condition of approval.

As part of the proposed development, staff has raised several issues that must be addressed in the recommended conditions of approval. These are as follows:

Improvement of Old Gary Avenue. The Subdivision Code requires that the developer contribute

to the cost of improving Old Gary Avenue to Village standards. This contribution consists of a pro rata share of the improvement costs based on frontage length. The developer has agreed to provide the required cost share.

Wall Signage. The wall signage for the proposed Crème-de-la-Crème is in excess of the maximum allowable area allowed per frontage. In reality, this is a function of the way in which the Sign Code determines area of a wall sign, such that the blank area between separate signs is included in the sign area. Staff would have no objection to a variation for wall sign area; however, the applicant would need to so request. This may be done at a later date as a precursor to a sign permit application.

Overhead Power Lines. A small amount of overhead power lines exists at the northwest corner of the site. Since the Village would wish to see these lines brought underground for aesthetic reasons, and since other developments in the vicinity have removed overhead lines, staff believes it would neither be costly nor unreasonable to require the developer of proposed Lot 2 to remove the lines as a condition of development approval.

Special Use – Planned Unit Development/ Preliminary PUD Plan

The Harlem Irving/Folio, LLC, is requesting that a Special Use for Planned Unit Development be approved. In consideration of the request for Planned Unit Development for this property, staff notes the following language pertaining to Business District Planned Unit Developments contained in the Planned Unit Development section (Article 16) of the Zoning Code:

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The site design as shown on the Preliminary PUD Plan (Exhibit B) consists of two stand-alone structures on two separate lots. The southern lot, Lot 1, would contain the proposed Crème de la Crème early learning center. The northern lot, Lot 2, would contain a restaurant. The two lots would share an east-west access drive that would extend from Gary Avenue to Old Gary Avenue. Lot 2 would also have an access off of Stark Drive that would be aligned with the Aldi/Taco Maker access to the north. The properties would be independent of each other, and little interaction is expected between them.

The Crème de la Crème building would face Gary Avenue, with the portico just extending to the 100-foot maximum setback for Gary Avenue. The future restaurant, however, would face to the north and would not meet the maximum setback requirement of 100 feet. This design, which is intended to allow maximum parking access to the restaurant, design would be an exemption from the Gary Avenue Corridor Regulations as contained in §16-5-6-J of the Zoning Code. The Plan Commission is invited to comment on this aspect of the proposed design. If the exemption is not considered appropriate, then a condition of approval to locate the building on Lot 2 within the required setback would be in order.

In addition, the Preliminary PUD Plan does not provide screening at the dock area on the west side of the proposed restaurant building that would be sufficient to completely block the view from the public ways, although extensive landscape screening is shown. In view of the nature of the property as being bounded by roadway on three sides, staff has no objection to the proposed design; however, this would also represent an exemption from §16-5-6-K-10 of the Zoning Code requirement. Please note that Final PUD Plan approval is not being requested for Lot 2 at this time, and any future development would need to return to the Plan Commission for Final PUD Plan review once a specific tenant is secured.

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indicating that the parking requirement is 2 spaces per 1,000 square feet of floor area, when in fact the correct figure is 20 spaces per 1,000 square feet. We recommend that this be corrected on the plan as a condition of approval.

Gary Avenue Corridor Review / Final PUD Plan

Because the proposed Crème-de-la-Crème development is located within the Gary Avenue Corridor (GAC), the Plan Commission must review and approve comprehensive development plans to ensure that the proposal is in conformance with the Corridor Regulations. The Plan Commission has the authority to make the final determination of conformance with the GAC Regulations, and Village Board consideration is not required. The sections of the GAC Regulations that apply to this proposal include site design, architectural design and parking/landscape design. Only the Crème-de-la-Crème project is being brought forward for approval of Final PUD Plan and Gary Avenue Corridor Review at this time. The restaurant development proposed for Lot 2 would be brought forward at a future date.

Site Design:

The overall site design as submitted consists of two stand-alone structures on two separate lots. The two properties would share a common east-west access drive that bisects the development. The properties would be independent of each other, and little interaction is expected between them. Crème de la Crème would be oriented toward Gary Avenue, while the plan at this time for the future restaurant is that it would be oriented to the north. The back of the future restaurant would be adjacent to the access drive. Site design issues have been discussed in "Special Use – Planned Unit Development/ Preliminary PUD Plan" above.

Architectural Design:

Color building elevations and perspectives for the Crème-de-la-Crème are provided as Exhibits G and H. The architecture of the buildings includes masonry detailing which would accent the stucco wall system. Initially, an EIFS façade material was proposed; however, in response to staff's objection to the use of EIFS as the primary building material, the applicant substituted the stucco material. Staff would note that the Crème de la Crème plans include reference to both "stucco" and a "stucco system." To ensure a quality stucco siding be used as the exterior finish on the building, as opposed to an imitation stucco system, staff recommends a condition of approval whereby a true stucco wall be provided for the Crème de la Crème building, and that an EIFS system imitating stucco would not be allowed. Staff finds the proposed architecture to be reasonably attractive and in keeping with the intent of the GAC Regulations. With respect to the future restaurant, the architectural design and elements of that development would be reviewed during the Gary Avenue Corridor Review and Final PUD Plan process for Lot 2.

We note that the proposed fence materials for the Crème-de-la-Crème do not meet the GAC strict requirements of board-on-board construction. The applicant proposes a vinyl fence with a wood grain detail. Staff has no objection to the proposed fence material, as the appearance would be similar to wood board-on-board, the fence would be accented by landscaping, and it would be more durable and less likely to pose a property maintenance problem in the future. The proposed fence would be an exemption from standards as part of the PUD approval.

Landscape Design:

With respect to site landscape considerations, the corridor regulations were designed to allow flexibility in design but require a certain amount of landscape material on-site. The amount of landscape material required is calculated by granting a point value to the type of landscape

material provided and then requiring a certain number of points for specific areas of the development. It is the designer's choice as to how to combine landscape materials on the site in order to meet the criteria of the ordinance and achieve the intent or concept of the corridor. As can be seen on the Final Landscape Plan for Lot 1 (Exhibit D), landscape materials are shown within the parkways and adjacent to the parking spaces along Gary Avenue, within the parking lot landscape islands, and within the open space around the building.

We offer the following landscaping analysis:

Parking Lot Landscaping. The GAC Regulations require a minimum of 10% of the area within all parking lot areas to be landscaped. These green space areas are to be in the form of landscaped islands. The proposed parking lot area for Lot 1 is approximately 31,900 square feet in size, thus requiring a minimum 3,190 square feet of parking lot green space with 1,752 points worth of plant material. With 3,504 square feet and 1,792 points, this requirement is met.

Parking Lot Screening. The GAC landscaping regulations also require landscape screening to the front and sides of the parking lot with a minimum of 4,248 points worth of plant material. With 6,100 points, this requirement is more than met.

Landscaped Setback. The GAC Regulations require the setback areas between the building and the streets, excluding the parking areas and landscape screens, to be landscaped with a minimum of 6,637 points worth of plant material. With 9,430 points, this requirement is more than met.

Open Space Landscaping. Finally, the GAC Regulations require the remaining open space areas on the site to be landscaped with a minimum of 1,562 points worth of plant material. With 2,150 points, this requirement is more than met.

Staff would note that the applicant proposes to provide offsite landscaping on the Village's storm water management parcel to the south, in order to soften the effect of the expanse of fence along the south property line. (See "Fence Code Variation" below.) The applicant has done this in an effort to meet the intent of the Gary Avenue Corridor Regulations by breaking up the monotonous appearance of the long white fence. Staff has no objection to the placement of offsite landscaping; however, the proposed plantings must be native species compatible with the retention basin environment and must be sufficiently tall so as to provide the desired screening effect. Staff recommends a condition whereby the offsite plantings must be done at the applicant's expense and to the satisfaction of the Village Engineer.

Fence Code Variation

Crème de la Crème is requesting a variation from the fence code to allow an eight-foot tall privacy and security fence to be installed around the back and side yards of the facility. The additional height of the fence is intended to provide added protection to the children who attend the school. In response to a staff comment that the proposed fence would be monotonous and not in keeping with the intent of the GACR Regulations, the applicant proposes to provide landscape screening for the fence along the south property line. This is discussed further in "Landscape Design" above.

RECOMMENDATION

The applicant's request for approval of a planned unit development would entail exemptions from the following requirements of the Zoning Code:

Fence. A plastic, simulated wood fence is proposed for the Crème-de-la-Crème facilities (§16-5-6-M-21).

Setback. The proposed future restaurant for Lot 2 would be set back in excess of 100 feet (§16-5-6-J-2).

Dock Screen. The loading dock at the west end of the proposed future restaurant would not be completely screened from view from all adjacent roadways (§16-5-6-K-10).

Staff recommends approval of the Preliminary Plat of Subdivision, Special Use for Planned Unit

Development, Preliminary PUD Plan, Special Use for pre-school learning center for Lot 1, Final PUD Plan for Lot 1, Fence Code Variation for height (8 feet versus 7 feet) for Lot 1, and Gary Avenue Corridor Review for Lot 1 subject to the following conditions:

1. That the property be developed in accordance with the approved exhibits as included herein;
2. That a true stucco wall be provided for the Crème de la Crème building, and that an EIFS system imitating stucco shall not be allowed;
3. That the proposed landscaping along the fence at the south property line, which is to be located within the Village property; be designed using native species and with plants of sufficient height so as to provide the desired screening, subject to the approval of the Village Engineer;
4. That the retaining wall on the southern property line be constructed of a keystone-type material;
5. That the developer of Lot 2 shall be required to remove the existing overhead power lines at the northwest corner of the property and relocate them underground or as directed by Commonwealth Edison;
6. That the developers of Lot 1 and Lot shall contribute their fair share of the improvement of Old Gary Avenue in accordance with the requirements of the Subdivision Code and to the satisfaction of the Village Engineer;
7. That the Site Data Tables on the PUD Plans be corrected to indicate the correct parking requirement for restaurants prior to the plans being brought to the Village Board for approval;
8. That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with the approved size and type species on an annual basis;
9. That the parking stalls shall be striped in accordance with the Village's looped striping requirements;
10. That all rooftop equipment on both buildings shall be completely screened from view in all directions;
11. That all ground mounted mechanical equipment shall be screened from view from surrounding public streets;
12. That only channel letter wall signs and no box signs shall be permitted;
13. That separate building permits are required for all trash enclosures;
14. That separate building permits are required for all signs; and
15. That the development of the site and buildings will comply with all state, county and Village Codes and requirements.

Commissioner Vora asked about the school hours and also if there would be weekend summer programs. Ms. Levin gave the daily hours and said that after school programs could be tutoring, sports, music and art. In response to the question she stated that Crème de la Crème was similar to a small private school and they are requesting the variance for an 8-foot fence to be in conformance with international codes and licensing requirements.

Commissioner Michaelsen commented that the does not have a problem with allowing an 8 foot fence, but he considers a 7 foot fence high enough for the security of children the up to Kindergarten height. It was stated that the 8-foot fence was being requested partly for security and partly for privacy and it is consistent with their other facilities. In regard to the color rendering, Commissioner Michaelsen questioned whether the brick would be of the color shown on the rendering or the color on the sample board and was told that it would be the color of the sample board, which is darker and less garish than the elevation drawing. In response to the questions, it was determined that Crème de la Crème would maintain the plantings on the street side of the fence, that they would maintain the shared road. That there will not be later hours than 6:30 p.m., that there will be a designated drop-off area under the port cochere and that will be a security person directing traffic, as well as directional signage.

Commissioner Spink asked if this facility would be rented out to other entities for weekends and was told that it would not be. In response to the question of security lights in the parking areas, it was determined that there would lights in the parking areas on timers. Commissioner Spink asked if there would staggered hours and it was said that the children arrive at the parents' schedules, and in response to the inquiry, she was told that the class size was dependent on the age group and that the teacher to student ratio was defined at a maximum of 15 children and two teachers, again dependent of the age group. There are no criteria for admission, the children are served breakfast, lunch and two snacks and that meals can be served in any area of the building. The curriculum circulates the children through various areas of the building for different learning experiences. The outdoor play area has a water play area, tennis court, bike paths, shaded tent areas with picnic tables and other outdoor play equipment that is age appropriate for the area. Commissioner Spink commented that she is very disappointed that there are no pictures, no floor plans, no curriculum brochures to be reviewed and since she is not familiar with this business she has a lot of concern about security features, actual space designed for different age children and several other items. Ms. Levin did provide a brochure about the school and offered to give all of the Commissioners an escorted tour of one of their other facilities. She also noted that information on the program can be viewed at their web site. Chairman Sutenbach agreed with Commissioner Spink that the Board is used to receiving much more detailed information from petitioners for their requests.

Commissioner Weiss asked if the access road was to be dedicated to the Village and Mr. Glees responded that it would not be a dedicated street and that Crème de la Crème would be responsible for maintenance and snowplowing. Commissioner Weiss asked if this facility would be licensed with DCFS, and for how many children and was told that they would be DCFS licensed for a total of 300 children. In response to question as to why the proposed building on Lot #2 faces north and not east, it was stated that initially there were to be three buildings for the proposed development. This is now changed and they will be coming back with a different plan for Gary Avenue Corridor approval and site plan approval. It was acknowledged that the change from overhead power lines to underground service has been recommended as a condition of approval of the preliminary planned unit development plan. Commissioner Weiss said that he did not have a problem with the use of stucco, that the fence with the landscaping was acceptable. In response to the question it was determined that all programs at the school would end at 6:30 p.m. and that they would have one bus to pick up children for after school programs.

Commissioner Smoot asked what the total faculty would be and was told that there will be a maximum of 60 employees. He voiced concern that there is no exit on the west side of the property and it was stated that if a gate was required by the Fire Protection District it would be put in.

Chairman Sutenbach said that he would like to see more detail of the play area, as well as

interiors of the building, schematic drawings or a floor plan, there just isn't enough material presented to make a judgment. He commented that the fence give the appearance of a stockade or a fort and is not esthetically pleasing and suggested that more details of the landscaping is needed.

Commissioner Spink commented that nothing in what has been presented ties into the overall architectural features that are used in the developing area such as Lannon stone and/or fountains and it just sticks out like a big red box with an overwhelming white fence along the road.

Chairman Sutenbach stated that the preliminary plan lacks sufficient detail to allow an informed decision and suggested that the petition bring back with better elevation drawings, site plan that depicts stormwater flow and position of outdoor equipment, and floor plans/pictures of interior facilities.

Commissioner Spink moved and Commissioner Michaelsen made the second to continue this matter to the next meeting, June 26, 2006 to allow the petitioner time to make the suggested improvements to their petition. The results of the roll call vote were:

Ayes:	6	Commissioner Smoot, Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Hundhausen

A brief recess was take at this time.

**#06100: Wheaton Bible Church, Northwest Corner of North Ave. and Morton Road
Rezoning (Upon Annexation)
Special Use – Regional Religious Institution
Variations – Zoning code
Variations – Subdivision Code
North Avenue Corridor Review**

Mark Delavern, Jeff Jacob, Walter Carlson, Joseph Able and Tracy Kasson were sworn in as witnesses in this matter. Mr. Kasson said that the applicant seeks to enter into a pre-annexation agreement with the Village. The property is not contiguous to the Village but the Church wishes to tap into the sewer and water system as a part of the construction of the church under a special use permit from DuPage County. As a matter of policy by the Village of Carol Stream the Church cannot tap into the sewer and water facility unless there is a pre-annexation agreement. If the property ever does become contiguous then the property would be annexed according the that agreement and the zoning mechanisms in place for that, so what is built in the County, in phases, can transpire into the Village if ever annexed. The zoning sought is B-4 to get the special use for the Regional Religious Institution to allow for a number of variations that are necessary because the County Code does not exactly match up with Village Codes.

Mr. Able said that this process started with the DuPage County Board in 2000 and was approved for a special use for a church with certain conditions attached. These approvals were based on phases of development of the entire property and established a buildable footprint of 46 acres. It was determined that instead of using well and water treatment facility on the property that application to the Village for water and sanitary sewer service would be made. In keeping with Village policy there have been negotiations of a pre-annexation agreement that would, upon annexation, zone the property B-4 with a special use for a regional religious institution and would certain other variances to allow County Code to transfer into Village Codes at the time that the property becomes contiguous to the Village. Mr. Able noted that all excavation and earth moving permits were received and work is progressing and they are

probably within 30 days of applying for a building permit. He proceeded to describe the location and surrounding area of the property and described the future parking structures, noting that they will be built over existing parking areas therefore they will not be increasing the impervious amount of ground area. It was also stated that parking structures will not be built until all originally planned parking areas are at capacity and additional parking will be utilized. Mr. Able stated that IDOT will permit a right in /right out onto North Avenue and that they are seeking a interconnection with the Carol Stream Park District at McCaslin Park. There will also be three entrances from Morton Road. In response to the rumor of entertainment amphitheater it was stated that this area will actually be what is called a Council Circle and will not feature concerts or the like, they will be outdoor study areas. It was stated that the parking buildings will not be 50 feet high, but will be 32 feet high, 126 feet wide and 360 feet long and they are proposing have vines planted so as to soften the lines of the structure. Mr. Able said that the special use was approved by DuPage County in part because North Avenue is a strategic regional arterial and that access into the property would be right in/ right out only. IDOT has indicated that a traffic signal could be approved if the site meets warrants, however, it was noted that traffic counts on week days are the only counts to be used for warrants and since the main focus of use for the Church will be on Sundays, it is doubtful that a traffic signal will ever be warranted.

Jeff Jacob explained that the stormwater management consists of 27 acre/feet of stormwater detention volume provided in five different stormwater detention ponds, 2 on the west side of the property and 3 on the east side of the property. 45% of the site drains to the west and the balance goes back to the east or southeast. There are storm lines through the property which bring the stormwater to the ponds and then the outlet from the ponds on the west side tie into storm lines in McCaslin Park and the outfall on the east side is tied into a pipe underneath Morton Road. There is existing CS water along Morton Road which will be extended along North Avenue and up into the site and from Morton Road into the site and then in a loop around the building. In regard to the sanitary sewer, there is an existing sanitary sewer at the corner of Morton and North, this will be extended up Morton Road to the north property line and then service into the site to serve the building.

In response to the call for public hearing Bernie Madden, Chairperson of the Association of Wayne Center, which represents the large unincorporated area that borders Carol Stream and surrounds this property. He said that the group is concerned about the request for zoning to B-4 Office and Research because it does not seem necessary for a church and that it may be an attempt to bring back the publishing operation that was rejected for this site by the County. Other concerns are in regard to the noise level from what is called an amphitheater on the plan, but is now referred to as a meeting place, that would disturb the surrounding homeowners property; exemptions from the things that would permit termination of the special use permit; the 50 feet height requirement from the garage seems inconsistent with residential property; variation from the normal review and approval process and long term continuation is a concern that at some point would not have to comply with changes in the Codes at some future time. Mr. Madden said that there is concern that trees were removed along North Avenue as well as some on Township property without a permit.

Others speaking on these issues were Laura Gebis, David Blackman, George Rapinchuk, Mark Trush, Maryanne Fox, Ken Swanson, Dave Wasson, Sylvia Oen, Gina Osterkorn, Terry Mitchell Strohm, Lorraine Kuntz, Tom Bockman, Ann Peduzzi, Dave Theiner, Carol Higgins.

In response to some of the questions regarding Carol Stream's position on this development, Mr. Glees stated this project was approved by DuPage County. This property is not within the Village of Carol Stream, it is in unincorporated Wayne Township, with DuPage County. It was approved several years ago and it has been in the building permitting process, has received zoning approvals and is on the verge of achieving building permit approvals from DuPage County which has jurisdiction. The reason for this public hearing is because the Wheaton Bible Church wishes to connect to the public utilities that are available on North Avenue. That opportunity is available to any property owner within the North Avenue Corridor. Carol Stream's process for entering into an agreement to allow an unincorporated property to connect to the Village utilities involves negotiating a pre-annexation agreement. The trade-off for allowing

connection to the Village utilities is that the development conform to the Village's codes and standards. What makes this project different is that negotiations were not started before it was designed. This project could be completed in its entirety with their well and treatment facility on-site and never connect to the Village utilities and never enter into any agreement at all. The decision was made and the opportunity seen by the Church and by the Village to see if there could be anything gained by going through the process now and working out an arrangement for the church to connect to the utilities, negotiating a pre-annexation agreement thereby benefiting the church and the community. This hearing is to discuss the request by the church for rezoning upon annexation, special use for a regional religious institution, and some variations from the zoning and subdivision codes. The findings for these requests will be written into the annexation agreement so that, if the day comes when the church property becomes contiguous to the Village, they will be legally required to annex and once they do annex they will be assigned the zoning that is decided here. The special use for a regional religious institution zoning is only available in the B-4 zoning district. This hearing is not to re-review features of the site plan, it has already been approved by the County but we are pointing out that there are variations that exist between the Village's code and the site plan and the purpose of that is so that they are recognized in the agreement. Mr. Glees said that this is not to say that this is "going through motions" here, if the Plan Commission and the Village Board, as a result of these hearings, and the further deliberations and negotiations, find that the zoning is inappropriate, the special use is unjustified, and the variations are too great, then the Board won't approve the agreement and the church will need to revert to Plan A, which was the well and on-site treatment plant.

Mr. Glees stated that On September 12, 2000, the Wheaton Bible Church (WBC) was granted approval by DuPage County for a Conditional Use for a church in the R-3 zoning district, a Variation to extend the validity of the Conditional Use to three years, and a Variation to eliminate the requirements of curbs for parking spaces adjacent to planting or pedestrian areas. The approvals enabled the WBC to commence its project to develop the southern portion of the former Morton estate with new church facilities. In 2002, the WBC and Christianity Today International (CTI) returned to DuPage County with requests for approval of an extension of the WBC approvals and approval of a combined development with CTI. The CTI request was denied, and the WBC extension was granted. Since that time, the WBC has moved forward with its project, and has entered into discussions with the Village of Carol Stream to connect to the Village's water and sanitary sewer systems in lieu of using a well and onsite treatment system.

Recall that in 1996, the Village of Carol Stream completed the first phase of a project to extend water and sanitary sewer facilities west along North Avenue into the unincorporated Southwest Planning Area. The utilities were made available to adjacent property owners, with the condition that the owners enter into a preannexation agreement and pay a pro rata share of the cost of construction of the utility systems. Since that time, several properties have taken advantage of the Village's offer, including the nearby Brian's Charhouse.

The Village's process for negotiating the preannexation agreement calls for any proposed development of the affected property to go through the standard development review, just as if the property were within the Carol Stream corporate limits. Zoning approvals granted as part of the development review process are written into the preannexation agreement. In the case of the WBC, the project has gone through the DuPage County public hearing process, been granted zoning approvals, and is now in the process of obtaining building permits for the project.

As indicated in the applicant's cover letter, the WBC is currently located in downtown Wheaton. The new facilities to be constructed in the first phase of the project include a three-story, 225,163 square foot building, 1,376 parking spaces, and several landscape features and amenities. Upon full build-out, the church building and parking facilities would be enlarged, and the church campus would include two parking decks, a small amphitheater, a maintenance

building and two pond overlook pavilions. The WBC hopes to create a church campus "of landmark quality, providing year-round interest, outdoor activity, and environmental design. As part of the onsite features, the multi-use path along Morton Road will be built by the WBC to Village standard and become owned, operated and maintained by the Village under a maintenance easement agreement; however, the path along North Avenue will be built by the WBC to Village standard and remain owned by the WBC with a public ingress-egress easement.

Rezoning:

As stated, the applicant has filed a request for approval of rezoning upon annexation to B-4 Office, Research and Institutional Building District. The recommendation of the Future Land Use Plan for this property is "Research and Development." However, the Village's experience over the years indicates that there is actually very little demand for this type of use along the North Avenue corridor. For example, the largest property along North Avenue with this Future Land Use designation is the Fisher Farm, which was recently annexed and rezoned to a residential/commercial mixed use. In addition, we note that other B-4 zones currently exist on North Avenue, these being the Windsor Park campus and the Wheaton Christian Center, the latter of which is a Regional Religious Institution.

Special Use:

The applicant is requesting approval of a special use permit for Regional Religious Institution within the B-4 zoning district. The Carol Stream Zoning Code defines *Regional Religious Institution* as follows:

REGIONAL RELIGIOUS INSTITUTION. A place of worship with one or more of the following accessory uses: convents, rectories, residences for individuals and their families employed by the religious institution as their principal occupation and whose duties are either pastoral, educational or custodial; day care; pre-school; non-residential rehabilitative services; counseling; recreational facilities; book stores; media production facilities; and temporary overnight shelters for the homeless and victims of natural emergencies. A regional religious institution shall be located on a parcel of land that is at least ten acres in size and shall be improved with a principal structure of at least 50,000 square feet in gross floor area.

With a Phase One building size of 225,163 Square feet on a ?-acre property, the Wheaton Bible Church more than meets the definition. In order to evaluate the WBC's request, staff has reviewed the project with regard to land use, parking and traffic impact. With respect to land use, we have noted that other B-4 zones currently exist on North Avenue, these being the Windsor Park campus and the Wheaton Christian Center, the latter of which is also a Regional Religious Institution. The WBC property is located along a primary arterial highway, which is well suited for traffic-generating uses. In addition, the property is surrounded primarily by roadway, highway and open space. Staff finds the property to be suitable for the requested use.

With respect to parking, the DuPage County approval ordinance contains a parking analysis, which is intended to ensure that adequate parking will be provided during each successive phase of build-out. (See attached DuPage County ordinance.) The Carol Stream Zoning Ordinance does not address the parking requirements of churches as large as the proposed Wheaton Bible Church; however, staff has reviewed the DuPage County ordinance and we are comfortable with the requirements contained therein. We note that the parking to be provided initially, 1,376 spaces for a 225,163 square foot building, works out to 6.1 spaces per 1,000 square feet, which is greater than the requirement for offices and most retail facilities, which require only 4 spaces per 1,000 square feet.

Finally, with respect to traffic impact, the DuPage County ordinance requires that the applicant provide a number of improvements to North Avenue and Morton Road, to address capacity

requirements and safety concerns. Staff is comfortable that the DuPage County requirements will address the impact of the new WBC facilities on the existing roadway network.

Variations:

The applicant is requesting approval of six variations from the Carol Stream Zoning Code and one variation from the Subdivision Code, which are enumerated as follows:

1. Variation from §16-13-5 requiring three off-street loading spaces to instead provide one loading space at ultimate build-out. In view of the nature of the facilities, staff does not expect there to be a need for more than one loading space area, and we do not object to this request.
2. Variation from §16-12-(C)(3) providing no detached accessory building or structure shall exceed 144 square feet. With full build-out, the WBC facilities would include two parking structures, one maintenance building, one amphitheatre, and two garden overlook pavilions, as depicted on the Site Plan and Landscape Plans (Exhibits A and B). We note that this section of the Zoning Code typically applies to residential properties, although this is not stated as such. In view of the nature of the facilities as a campus for a Regional Religious Institution, staff finds the proposed structures to be appropriate and their sizes to be in scale with the overall development.
3. Variation from §16-12-1(C)(1) providing no accessory building shall be more than one story or 15 feet higher. This variation is requested to permit the parking garages to be 50 feet high, the maintenance building to be 16 feet high, and the amphitheatre 30 feet high. The two garden overlook pavilions will be 12 feet high. Again, in view of the nature of the, staff finds the proposed structures to be appropriate and their sizes to be in scale with the overall development.
4. Variation from §16-15-8(H) providing for termination of special use, if applicant fails to carry construction forward expeditiously for a period of 18 months. The applicant is concerned that the plan to construct the facilities in phases, with the time period between phases to likely be greater than 18 months, could cause the revocation of the special use. Staff has no objection to this variation.
5. Variation from §16-5-6(N) requiring review and approval by the Plan Commission prior to commencement of any on-site building or construction activities pursuant to the Gary/North Avenue Corridor regulations. The applicant is requesting that the Village permit the future phases of construction of the building, parking areas, or accessory structures, as shown on the Site Plan and approved as part of the Annexation Agreement, without any further approval by the Plan Commission. Staff would note that this request is somewhat of a departure from the Village's customary procedure; however, the project was approved in this manner by DuPage County, and so the applicant is requesting that the Village follow suit. The applicant states that the future building expansion will be located within the building envelope as shown on the Site Plan, and would be of the same architecture as the rest of the building. Regarding the parking structures, the applicant states that the structures will be located within the envelopes as shown on the Site Plan and Landscape Plans (Exhibits A and B), and would appear as shown on the attached elevations (Exhibit D). In view of the fact that the WBC has received zoning approvals from DuPage County and is not required to return for zoning approvals for the future construction if the property remains unincorporated, staff has no objection to this request. However, we invite comment from the Plan Commission on this matter.

6. Variation from §16-13-2(C) to allow parking space sizes of 9 feet wide by 18.5 feet deep rather than 9.5 feet wide by 18 feet deep. Staff has no objection to this request.
7. In addition, the applicant is requesting a variation from the Subdivision Code to allow the improvements shown on the site plan to be constructed to the engineering design standards of DuPage County rather than Carol Stream. Staff has reviewed this request, and we find the differences between the two sets of design standards to be minor in nature, and we have no objection to this request.

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 parking lot and landscape design within 400 feet of North Avenue. The buildings and site design features are located beyond the 400-foot corridor, and so these will not be evaluated.

Landscape Design:

With respect to site landscape considerations, the corridor regulations were designed to allow flexibility in design but require a certain amount of landscape material on-site. The amount of landscape material required is calculated by granting a point value to the type of landscape material provided and then requiring a certain number of points for specific areas of the development. For example, shade trees are worth 225 points each and evergreen trees are worth 275 points each. It is the designer's choice as to how to combine landscape materials on the site in order to meet the criteria of the ordinance and achieve the intent or concept of the corridor. As can be seen on the Landscape Plans (Exhibit B), landscape materials are shown within the parking areas, adjacent to the onsite roadways and buildings, and along the frontages of the property. Landscape screening in the form of a row of shade tree will be provided along the west side of the property at the location of the future parking deck, in order to screen the deck from McCaslin Park.

The NAC regulations 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. Only a small portion of the parking lots falls within the 400-foot corridor, and we observe that the 10% minimum is met. The NAC landscape standards also require a landscape screen within the first five feet immediately adjacent to the parking spaces nearest North Avenue. Such a screen is provided along the south side of the lot nearest North Avenue, but not the east. The landscape screen along the south side of the lot provides 3,185 points worth of material, as compared with 3,185 required. Staff recommends the landscape screen be extended along the east side of the parking lot nearest North Avenue. Finally, the NAC standards require the areas between North Avenue and the building to be landscaped to a minimum point value. Within the 400-foot corridor, 6,169 points worth of material are required, and 16,056 are provided.

Overall, staff finds the landscape plan to meet or exceed the NAC standards, with the exception of the recommendation to extend the parking lot landscape screen along the east side of the parking lot nearest North Avenue.

Summary:

In our evaluation of this project, we find that the criteria for the Special Use for Regional Religious Institution and the seven requested Variations to be met. Regarding the North Avenue Corridor Review, we recommend approval of the submitted plans with the condition as discussed above and given below.

RECOMMENDATION

Staff recommends approval of the requests for Rezoning (Upon Annexation), Special Use Permit for Regional Religious Institution, Variations from the requirements of the Zoning Code, Variation from the requirements of the Subdivision Code and North Avenue Corridor Review, subject to the condition that the landscape screen be extended along the east side of the parking lot nearest North Avenue.

Commissioner Vora asked why there are two garages on the current plan when the County approved the plan with only one and was told that since the County approval there have been changes and that the second parking garage would not be built, if ever, only after annexation to the Village.

Commissioner Michaelsen commented that he would want to have the plan for the second garage come back for approval prior to it being built. He said that he is not in favor of the change in the width of the parking stall, especially since this a requirement for every use with the Village whether it has shopping carts involved or not.

Commissioner Spink asked what this development will bring to the Village and Mr. Kasson replied that the Village will get the recapture costs for the sewer and water lines that have already been built along North Avenue. He noted that the church will be paying 1.5 times the regular rate for sewer and water until such time as the property is annexed and that this rate will apply to the cost of the Waste Water Treatment Plant expansion. Commissioner Spink asked if the petitioner would change the plan to reflect the height of the parking garages to 32 feet and Mr. Kasson said that they would do that.

Commissioner Weiss asked if the striping of the parking spaces on the grounds would be the standard double loop painted stripe and Mr. Carlson responded that, as approved by the County, they would be single striped spaces. Commissioner Weiss said that he would like to have the standard loop striping be required.

Commissioner Smoot said that he would like to have time to digest all that has been presented and ask his questions at another time.

Chairman Sutenbach thanked those in attendance for their patience, co-operation and comments. He noted that he would also like to have the second garage come back for approval before development.

Commissioner Smoot moved to continue this matter to the next meeting. The motion died for a lack of a second.

Commissioner Michaelsen moved to approve the North Avenue Corridor Review in accordance with the staff recommendations. Commissioner Weiss made the second. The results of the roll call vote were:

Ayes:	3	Commissioners Weiss, Michaelsen and Sutenbach
Nays:	3	Commissioners Smoot, Vora and Spink
Absent:	1	Commissioner Hundhausen

The motion fails.

Commissioner Michaelsen moved and Commissioner Weiss made the second to recommend approval of the rezoning to B-4 upon annexation, a special use permit for a regional religious institution, variations to the Zoning Code, variations to the Subdivision Code in accordance with staff recommendations and the added condition that the building height of any second garage

be limited to 32 feet when presented for approval. The results of the roll call vote were:

Ayes:	2	Commissioners Michaelsen and Sutenbach
Nays:	4	Commissioners Smoot, Vora, Spink and Weiss
Absent:	1	Commissioner Hundhausen

The motion fails and the petitioner was reminded that this will be presented to the Village Board at their meeting on June 19, 2006 and was advised to attend that meeting.

There will be follow up in regard to the status of the North Avenue Corridor Review process in light of lack of approval.

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

Ayes:	6	Commissioner Smoot, Vora, Spink, Weiss, Michaelsen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Hundhausen

At 12:32 a.m. Commissioner Weiss moved and Commissioner Michaelsen made the second to adjourn. The motion passed with a unanimous voice vote.

FOR THE COMBINED BOARD