

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

**August 14, 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-Commissioner Hundhausen entered at 8:13 pm
- Absent: Commissioner Vora
- Also Present: Community Development Director Bob Glees, Village Planner John Svalenka and Recording Secretary Progar

**MINUTES:**

Commissioner Michaelsen moved and Commissioner Spink made the second to approve the Minutes of the Meeting of July 10,m 2006 as presented. The results of the roll call vote were:

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

**PUBLIC HEARING:**

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

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

**#06180: Mr. Edgar Beltran, 1099 Evergreen Drive  
*Variations – Zoning Code***

Mr. Edgar Beltran, 1099 Evergreen Drive, Carol Stream was sworn in as a witness in this matter. He explained that the request is for a variation to allow an existing screen porch to remain since it was on the house when he bought it, but the other person did not have a permit to build it. Mr. Beltran also said that the Village told him that the steps that come down from the porch are in the right-of-way and that he needs to have a setback variation to allow them to stay.

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

Mr. Svalenka said that Edgar Beltran of 1099 Evergreen Drive has filed an application for a lot coverage variation and a rear yard setback variation to allow an existing screen porch to remain as constructed on his property. Staff has verified that when Mr. Beltran purchased the home in 2001, there was an existing screen porch on the property that had been built by a previous owner without a building permit. The 195 square foot porch exceeds the allowable lot coverage by 164 square feet, which brings the lot coverage for the property up to 32.5%. The allowable lot coverage in the R-2 District is 30%. In order for the screen porch to remain as constructed, Mr. Beltran is requesting a lot coverage variation from Section 16-8-2(G) of the Zoning Code and a rear yard setback variation from Section 16-8-2(F)(3) of the Zoning Code.

The lot measures 6,651.82 square feet in area. The footprint of the existing residence and front deck measures 1,964.52 square feet, which would leave 31.03 square feet available for accessory structures before the 30% maximum lot coverage allowance would be achieved. With the screen porch measuring 195 square feet, the actual existing lot coverage is 2,159.52 square feet or 32.5%.

In review of the request, staff notes that the degree of the variation is relatively small, being just 2.5% above the maximum amount permitted by the Zoning Code. Since 2000, the Plan Commission has reviewed five applications for lot coverage variations, with the requested lot coverage amounts being 40%, 31%, 33%, 30.7% and 32.1%. The circumstances of each of these requests were determined to be unique, and the Plan Commission recommended approval in each case. The Village Board ultimately approved each request as well. The difficulty that staff has with the current request is that the screen porch was constructed without a permit and in violation of a standard of the Zoning Code.

The required rear yard in the R-2 One-Family Residence District per Section 16-8-2(F)(3) of the Carol Stream Zoning Code is not less than 30 feet. As part of the Shining Waters Planned Unit Development, in 1978 the Village permitted the home to be constructed with a rear yard reduced to 25 feet. The approximately 13-foot deep screen porch is set back only 12 feet from the rear property line. The 3-foot wide stairs attached to the rear of the porch are set back only 9 feet from the rear property line. It should be noted that there is an existing 10-foot wide public utility and drainage easement along the rear property line. The stairs currently encroach into the easement by one foot. If the Plan Commission/Zoning Board of Appeals were to recommend approval of the rear yard setback variance, staff would advise that the recommendation be conditional upon approval by the Village Board of an easement encroachment.

In review of the request, staff notes that the subject lot is not as deep as most surrounding lots. The Beltran lot and two other lots to the east are 100 feet deep. The lots directly to the west along Evergreen Drive are 120 feet deep. Lots across the street are 125 feet deep, 120.84 feet deep, and 119.9 feet deep. Staff

also notes that directly behind the Beltran lot is an open field owned by the School District for Evergreen Elementary School.

In staff's evaluation of this case, we note that the need for the variations is self-created, as the screen porch was built without a permit and not in compliance with the lot coverage and rear yard setback standards of the Zoning Code. Additionally, the standards for approval of a variation have not been met. However, there are factors that support the approval of the variations as well. For instance, the degree of the lot coverage variation is minor, and the Village has approved similar or greater lot coverage variations in the past. The lot depth is smaller than most lots in the area, and if the lot were 20 feet deeper matching the lot to the west, the rear yard setback variation would not be necessary. The rear yard is adjacent to a large open area, and the screen porch, as constructed, does not have a negative impact on the character of the surrounding neighborhood.

If the Plan Commission determines to recommend approval of the requested lot coverage and rear yard setback variations, staff recommends that it only do so subject to the following conditions:

1. That the applicant must obtain a proper building permit for the screen porch; and,
2. That the applicant receives approval of an Easement Encroachment from the Village Board of Trustees.

Commissioner Michaelsen asked if the petitioner understood that even if an easement encroachment was approved by the Village Board, a utility company could damage or destroy the porch steps in the event of an emergency and Mr. Beltran said that he understood that.

Commissioner Spink commented that she would like to have some kind of requirement that would have a home inspected for lot coverage before so that new owners would not have to go through all of this.

Chairman Sutenbach said that this type of encroachment has been approved several time before and he does not have a problem with this request. He asked if the petitioner agreed with the staff recommendations and was told that they do. Commissioner Spink moved and Commissioner Michaelsen made the second to recommend approval of the variation for lot coverage and rear yard setback in accordance with the conditions noted in the staff report. The results of the roll call vote were:

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

It was noted that prior to this matter being heard by the Village Board, the petitioners will have to submit letters from the utility companies in regard to the easement encroachment, which has to be approved prior to the approval of the

variation for lot coverage, so the date will be determined when this matter will proceed to the Village Board.

**#06173 :      Wheaton Christian Center, 610 E. North Avenue  
Text Amendment – Zoning Code  
Special Use – Expansion of Approved Special Use**

James E. Ward Jr. of the Wheaton Christian Center, 610 E. North Avenue, Carol Stream was sworn in as a witness in this matter. He explained that they are here to request a partnership with Outreach Community managers and Wheaton Christian Center two things, one is a text amendment and an expansion to a special use for the facility at the Wheaton Christian Center to include both a full time day school, the Carol Stream Christian Academy, beginning September 5, 2006 and also a text amendment to allow the further continuance for Jubilee Furniture Co., which is currently operating out of the warehouse portion in the Wheaton Christian Center church. In regard to the proposed Carol Stream Christian Academy, Mr. Ward said that they are planning to have currently between 50 and 70 students, of which there are 33 already enrolled. It is a program to build character and excellent education from Pre-School through 8<sup>th</sup> Grade. The Outreach Community Ministry partnership with Wheaton Christian Center is seeking the text amendment to continue to allow the furniture store sales to continue which provides funds for Jubilee Village, which is transitional housing for at risk single mothers with children.

At the call for public hearing, Albert Schneider, 24W052 North Avenue commented that he can understand that request to have a school program, but said that he does not understand the need for a furniture store. Mr. Schneider said that this is inappropriate for the church to compete with businesses and that it would be understandable if they were just giving away furniture to the needy, not running a store.

Mr. Ward commented that it is common for churches to accept donations and then sell them for a profit to help the needy in the community.

Mr. Glees said that the applicants are making two requests through this application. The first request is for a revision to the definition of *Regional Religious Institution* as contained in §16-18-1 of the Zoning Code to allow a full-time school and a furniture resale operation as ancillary uses. The second request is for an expansion of the Special Use Permit approved by the Village Board in February 1999 for the Wheaton Christian Center, allowing the aforementioned uses.

The definition of *Regional Religious Institution* was added to the Carol Stream Zoning Code as a Special Use within the B-4 Office, Research and Institutional Building District in February 1999, in order to accommodate large-scale religious institutions such as the Wheaton Christian Center. Also at that same time, the Wheaton Christian Center successfully petitioned the Village for a rezoning of the former K-Mart property at 610 E. North Avenue to B-4, and for approval of a Special Use Permit for a Regional Religious Institution. The special use that was granted has specific limitations contained within it. A definition of the activities

that could take place in a Regional Religious Institution was included. Neither full-time schools nor significant commercial operations were included in that definition. The Wheaton Christian Center officials executed the zoning ordinances indicating that they understood and agreed with those limitations. The co-petitioners in the current case, Wheaton Christian Center and Outreach Community Ministries, are now requesting a text amendment that would modify the definition of *Regional Religious Institution* so as to make possible the approval of an expansion of the Wheaton Christian Center's original Special Use Permit. Under the conditions of approval of Ordinance No. 99-02-10 which approved the special use in 1999, the expansion of the use requires an amendment to the Special Use Permit.

It is important to note that the special use granted in 1999 contained conditions of approval pertaining to building façade improvements and parking lot landscaping, and this work has not yet been done. In a meeting with the Village staff in March 2001, representatives from the Wheaton Christian Center agreed to complete the work at such time as certain interior improvements were made. The chapel and Sunday school classrooms have been completed at this time, and it was agreed that this work would not trigger the requirement to complete the exterior improvements. However, once the office space has been completed the WCC must complete the required building façade improvements, site landscaping and parking lot landscaped islands per the approved plan. Other future phases of work include a fitness center and gymnasium, additional classrooms and a large sanctuary. It appears that the floor plan provided by the petitioner may not reflect current conditions, in that it does not show the existing classroom space. In addition, the floor plan shows a gymnasium and multipurpose room, which would trigger the exterior improvements. The Plan Commission should request that the petitioner explain the WCC's intentions with respect to completion of the exterior work as required by the conditions of approval of their special use.

The Wheaton Christian Center is proposing to add a full-time school to the services offered to its congregation. The proposed school, to be named the *Carol Stream Christian Academy*, would be housed within the facilities at 610 E. North Avenue and would offer a Christian education to children ranging from pre-school through 8<sup>th</sup> grade. James Ward, Executive Administrator of the Wheaton Christian Center, has indicated that the school would operate Monday through Friday from 8:15 am to 3:30 pm, would offer extended care hours from 7:30 am to 5:30 pm, and would have approximately 50 to 70 students during the first year. The school would operate within eight classrooms currently available in the Wheaton Christian Center facilities; no remodeling would be necessary. Staff first learned of Wheaton Christian Center's plans several months ago, and met with James and Sharon Ward to discuss the approved Special Use Permit and the current Zoning Code regulations as they pertain to the proposed school use. We explained that neither the school nor the furniture resale operation would be lawful under the existing zoning. Staff did not advise James or Sharon Ward to go forward with school publicity before the zoning issue was resolved. It appears the WCC wishes to and perhaps intends to operate the school facility in September. At staff's suggestion, the Wheaton Christian Center has filed a petition for a text amendment to add the proposed use as ancillary to a *Regional*

*Religious Institution*, as well as a petition for an expansion of their current special use.

In addition to Wheaton Christian Center's request, Outreach Community Ministries is proposing to conduct its used furniture resale operation out of the Wheaton Christian Center facilities on a permanent basis. Outreach was granted a temporary approval of the furniture resale use by the Village Board on November 21, 2005, and the approval was extended by the Village Board on March 20, 2006. Although Outreach initially indicated that the activity would be a "one-time event," the operation has been very successful, and has generated a good deal of income that is used to fund the ministry's charitable services. Outreach also operates a resale shop in Warrenville. Both of Outreach's operations generate sales tax, which accrues to the communities. Outreach proposes to continue to conduct the furniture resale events within the Wheaton Christian Center building within space that is not being used by the church. Staff has inspected the building and confirmed that there are no building or fire code issues associated with this use. Although the original request was for events to take place on Saturdays between 9:00 a.m. and 6:00 p.m., Outreach would now like to expand the times to include Fridays between 2:00 p.m. and 8:00 p.m.

As noted, the Wheaton Christian Center and Outreach Community Ministries have filed a petition for a text amendment to add their requested uses as ancillary to a *Regional Religious Institution*.

When contemplating the proposed Text Amendment, it is necessary to consider the nature of a regional religious institution, and the degree of specificity by which ancillary uses are identified. There are many large religious institutions in the Chicago area, and it is common for such facilities to include not only book stores, production centers and shelters, but also other social activities and services such as schools, gymnasiums and food courts. With respect to the request to add "full-time day school" as an ancillary use, such use in relation to church facilities has been familiar for centuries. For example, Catholic churches and schools are often found paired together. Other large churches in the Chicago area currently operate schools, such as the Schaumburg Christian School at the Bethel Baptist Church in Schaumburg, and the Harvest Christian Academy operated by the Harvest Bible Chapel in Elgin and Rolling Meadows.

Carol Stream has no private elementary schools (or high schools) at this time, although such institutions would be permitted in any of the residential zoning districts. While staff has no objection to the identification of a private school as an ancillary use to a regional religious institution in the B-4 Zoning District, we believe the special considerations and potential impacts of a school call for separate consideration. We suggest that the school use be listed separately from *Regional Religious Institution* in the list of B-4 uses contained in §16-9-5(C), so that the school use would need to be requested separately and not simply assumed as being included within the principal use. We also suggest that the term be "full-time school" so as to distinguish it from a pre-school or day care, and to be nonrestrictive with respect to the range of grades.

With respect to the request to add "resale store/furniture outlet" as an ancillary use, staff has a concern with the terminology, in that while we believe the intent is for a not-for-profit operation that would generate revenue used to support ministry activities, the proposed language would seem to describe a commercial store. Staff can support the concept of a retail operation within a religious facility selling items that are correlated with that facility, such as a bookstore within a Christian church selling Bibles, worship CDs, and the like, and we note that such activity is contemplated within the current definition of *Regional Religious Institution* and is commonplace in such institutions. Staff can also support the notion of fund-raising activities whereby items are donated to the religious institution, which then sells the items to generate revenue to support ministry programs or distributes the items to needy individuals. Such activities, similar to the bake sales of the past, are now exemplified in other regional religious institutions such as Willow Creek Community Church, which accepts donated automobiles, refurbishes them, then either sells them in the marketplace or distributes them to needy individuals. However, staff is concerned that the proposed language, "resale store/furniture outlet," could open the door to religious institutions operating actual commercial businesses within their facilities, in which case the operation would then work at a competitive advantage over other commercial businesses. Also, staff would prefer that the proposed activity not be specific to furniture, but rather be general so as to allow the activity for items other than furniture, if approved via the special use process. For the above reasons, we suggest that the resale use be listed separately from *Regional Religious Institution* in the list of B-4 uses contained in §16-9-5(C), as suggested above with the school use, so that the resale activity use would need to be requested separately and not simply assumed as being included within the principal use.

With regard to the request for expansion of the Special Use Permit for the Wheaton Christian Center, staff has reviewed the proposal with respect to operational considerations, including parking, access, onsite traffic patterns and building capacity. A review of the 1999 Plan Commission case shows that the regional religious institution use is required to provide for 600 parking spaces, as compared with 723 actually provided; therefore, there is more than sufficient parking on the site. It should also be noted that the school would operate from 7:30 a.m. to 5:30 p.m. Monday through Friday, while the Outreach operation would operate on Fridays between 2:00 p.m. and 8:00 p.m. and Saturdays between 9:00 a.m. and 6:00 p.m., and so the two activities would generally not take place at the same time (except Friday afternoon), nor would they take place during the general church services, which are Wednesday at 7:15 p.m. and Sunday at 8:00 a.m. and 10:30 a.m..

With respect to access, staff does not anticipate any site access issues with respect to the school use or the Outreach use, as the site was originally designed for a much greater traffic intensity than generated by those uses. The traffic study prepared in 1998 by Metro Transportation Group indicates that access capacity and parking at the site are more than adequate, and that the east-west lane in front of the building is of sufficient width for use by buses. However, the WCC has provided no information regarding the locations or procedures for drop-

off and pick up of children. Staff encourages the Plan Commission to question the petitioner regarding drop-off and pick-up locations, procedures and traffic flow, and to suggest additional conditions of approval if necessary. As for the Outreach furniture events, these have been going on for several months, and staff has noted no parking, access or traffic problems with that activity.

Finally, with respect to building capacity, the school would be run within existing classroom space, while the Outreach furniture operation would continue to be located in the center portion of the building, as indicated on the Floor Plan (Exhibit B). We see no difficulties in the proposed school and furniture sale operations being run out of the existing building. Staff has evaluated the building with respect to building and fire code requirements, and found it in compliance.

Although staff sees no difficulty with respect to operational considerations based on the proposed intensity of use, we are concerned with the potential impacts if the school should grow from a mere 70 students to perhaps hundreds of students. We suggest placing a cap on attendance such that if the cap were exceeded, then the Wheaton Christian Center would be required to request approval of an amendment to the special use.

With respect to the requested text amendment, staff notes that the uses being requested are not objectionable and are not out of character as ancillary to a regional religious institution. Therefore, subject to the text modifications recommended herein, staff has no objection to the Petitioners' requests. However, as discussed above, staff recommends that the requested activities be added to the list of special uses in the B-4 Zoning District as ancillary activities to a Regional Religious Institution, and that the Zoning Code's definition of *Regional Religious Institution* remain unchanged. The PC/ZBA should consider the requested text amendment as presented and as modified by staff, discuss any desired changes to the text, and make a recommendation regarding whether the requested uses should be considered as ancillary to a Regional Religious Institution.

With respect to the request for approval of an expansion to the Special Use Permit approved for the Wheaton Christian Center, staff finds that the requested expansion can be accommodated within the existing facilities with no compromise in Village standards or Code requirements, and that the criteria for approval of a Special Use are met. This request of course hinges on the PC/ZBA's recommendation with respect to the requested text amendment. Staff remains concerned that no information has been provided regarding the locations or procedures for drop-off and pick up of children. We are also concerned that operational concerns may arise should the school become much larger than the 50 to 70 students estimated at present time. Lastly, we are concerned with the completion of the building façade improvements and landscaping improvements as required by the conditions of approval of the original Special Use Permit.



Staff recommends approval of the following text amendment to §16-9-5(C) of the Zoning Code(proposed new text shown in bold italics):

**§ 16-9-5 B-4 OFFICE RESEARCH AND INSTITUTIONAL BUILDING DISTRICT**

(C) Special uses. An accessory use customarily related to a principal use authorized by this section, such as a pharmacy, stores limited to corrective garments or bandages, or an optical company may be permitted; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.

(1) Planned unit developments in accordance with provisions of this Chapter.

(2) Research laboratories.

(3) Total senior life care facilities.

(4) Regional religious institution.

**(5) Full-time school as an ancillary use to the principal use of Regional Religious Institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code.**

**(6) Retail sale of used or donated household items for fundraising purposes as an ancillary use to the principal use of Regional Religious Institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code.**

In addition, staff recommends approval of the request for an Expansion of the Approved Special Use Permit for the Wheaton Christian Center To Allow A Full-Time School And The Retail Sale Of Used Or Donated Household Items For Fundraising Purposes As Ancillary Uses To The Principal Use Of Regional Religious Institution, subject to the following conditions:

1. That enrollment at the Carol Stream Christian Academy shall be limited to no more than 100 students, and any desired increase beyond such enrollment shall require approval of an expansion of the special use;
2. That the conditions of approval as specified in Ordinance No. 99-02-10 shall remain in force;
3. That the necessary permits shall be obtained for the Carol Stream Christian Academy signage;
4. That the Outreach Community Ministries furniture sales take place on Fridays between the hours of 2:00 p.m. and 8:00 p.m. and Saturdays between the hours of 9:00 a.m. and 6:00 p.m.
5. That the furniture must be kept inside the building, and that the sale events must be held completely inside the building;

6. That the necessary permits be obtained for the signage that will be used to advertise furniture sales events;
7. That the site and buildings will comply with all state, county and Village Codes and requirements.

Commissioner Smoot asked what is WCC's timetable for the required exterior façade completion. Mr. Ward stated that this is kind of a catch 22, he said that it is his intention as well as the entire organization to maintain the integrity of what was agreed upon in 2001. At the same time, he would also suggest that there is the natural aspect of growth opportunity and the revenue that is generated by that growth which has to do with the premium being placed on programming and expanding services as any church that is in a growing state would need to continue to improve programming from a functional standpoint. He said that it is their intention to maintain integrity, they are aware of what they agreed upon in 2001 and if that is what needs to happen, and that's the agreement that was made, we can continue along that line, but again, at the same time, they would like to introduce the idea, for instance with the Academy, ministry happening so to speak, from the inside out, provides the impetus for more growth, which provides more revenues that allows us to enter into a further state of development and construction. He said that he thinks that the two are married together and he would be interested in just talking through that some more so that we can understand, perhaps, what is taking place in the ministry after five years and where they are with projections within the church itself. But the bottom line is that they understand that to move forward into construction and development of the facility, the exterior façade, the parking lot improvements and site landscaping is next on the agenda. Commissioner Smoot asked when is next and Mr. Ward responded that a date has not been set at this time. Again, construction within any ministry is contingent upon dynamics and such factors as growth, financial carrying capacity and a specific date has not been set for the exterior improvements at this time. Commissioner Smoot commented that in five years he has been by the facility quite a few times and he has not seen any changes that amount to anything. It would be very beneficial if a "rough estimate" as to when it might start, such as this year or next year, is it contingent upon WCC to continue to sell furniture to pay for those improvements or what.

Mr. Ward said that the furniture sales and separate and distinct from the ministry function. The nature of construction or renovation of the facility has everything to do with the financial carrying capacity, debt to income ratio, growth opportunities are all facts that have to be taken into consideration and made into some kind of formula to help determine when the appropriate time to move forward with the construction/renovation without being premature. It is the same process in determining to move into the facility in 2001, there was a level of research and information, consideration that went prior to establishing that time so we have not been able to realistically set a date that we would put our word out there if we haven't completed the research portion on what it takes to commit to that.

Commissioner Hundhausen entered at this point.

Commissioner Weiss asked if this will be an accredited school and was told that it will be accredited. He asked if the operation of the retail store on Friday afternoon will conflict with the school in regard to traffic safety, both automobile and pedestrian, as well as students and Mr. Ward said this facility was a retail

sales store and that lends itself to the use of the retail sales and other activities in the facility without one interfering with the other. Mr. Ward stated that there are no outdoor sales of any kind and traffic problems are not anticipated due to the large parking area. Commissioner Weiss said that he would like to see a detailed floor plan that defines the different areas and shows the proximity of one activity to another as well as the fire protection system and exit locations. He added that the exterior needs to be addressed with some immediacy and commitment. In response to the question of content of a floor plan, Commissioner Weiss noted that it should show restroom locations, common area location, the chapel location, the sales location, where does the public enter and where do the school children enter.

Commissioner Hundhausen asked what is the plan for the parking lot and the façade since it still looks like the old K-Mart. Mr. Ward asked if she meant with respect to the school or plans in general and she said a plan for the outside of the building. Mr. Ward said that WCC desires, more than anyone, is to change the exterior of the facility and the comment we hear most is that once people come and view the inside of the building, is that the inside of the building has nothing to do with the outside and they believe that it has an adverse impact on the ministry, not having the exterior renovated. He said that they are the place right now for a ministry that provides the services that they do, they just about have the facility inside renovated enough to do what a church needs to do, which turns our attention to the exterior of the building. That is next on the list of priorities, it is something that they would have liked to have done simultaneously with the internal renovations, but again, the driving force behind it becomes the growth opportunity within the ministry to not commit to something that they have not taken the prudent steps to insure that its going to be done decently and with integrity. Commissioner Hundhausen asked if they have a deadline or a commitment date within the group, as to when a project like that would get started. She commented that the new development going at the corners of Schmale and North Avenue are meeting the North Avenue Corridor landscape regulations and this is going to make the K-Mart property look even worse. Mr. Ward said that at this time they do not have an actual plan date and they are aware of the new construction and the esthetic and cosmetic plans that will be done. He said that his first order of business is to put this on table for discussion with Church Board and determine when and how the process will begin.

Commissioner Spink said that she agrees with the other Commissioners in that she would have to see a detailed layout of the proposed project. She asked if this request is not approved, does the Church still plan to open the school and Mr. Ward responded saying that he has to take responsibility some of what was mentioned in the staff report in regard to the school's advertising prior to rezoning and that this was a misinterpretation on his part. He said that is was assumed on their part that having a school as a part of Christian education has been done historically and that in the text of the Regional Religious Institution it mentions the duties as being pastoral, educational, day care and pre-school and there was the assumption and misinterpretation that a full day school would fit. They are hoping to go ahead with the program since there are 30 to 34 students right now whose parents are committed and curriculum has been ordered and it is their desire to come and seek approval to expedite the process or perhaps to

receive at least temporary approval to move forward so that they do not lose the enrollment, which would become the death sentence of the Academy.

Commissioner Spink said that some of her concerns are in regard to the church being used as a temporary overnight shelter for the homeless, and victims of natural emergencies and she has not seen a layout of the facility that would indicate how these different uses would be kept separate from each other. Mr. Ward said that they have never operated a temporary shelter and the only opportunity when that may have been done was immediately after Hurricane Katrina.

Commissioner Spink asked how many teachers will there be and Mr. Ward stated that they have hire 7 teacher and are looking to hire one more. The student/teacher ratio would be about 10 to 1. She asked how many people the Church employ and was told that there are approximately 8 to 12 people full and part time and there are many volunteers. Commissioner Spink asked if there would a standard curriculum or would it be like Home Schooling and Mr. Ward said that it would be a standard curriculum such as Bob Jones ACSI format.

Commissioner Spink asked if the furniture store was run by volunteers or by paid employees and it was said that there is one general staff manager and the rest are trained volunteers. Commissioner Spink said that she would like to see plans for both the layout of the facility as well as the programming for the Academy before she could make any decision.

Commissioner Michaelsen asked if WCC has gone out to bid for any of the exterior work, either façade or parking lot and Mr. Ward said that they have had a bid for the parking lot, but not for any façade work. Commissioner Michaelsen commented that sometimes it is cheaper to do things with today's dollars than it is to postpone and have costs dramatically increase as in the case of asphalt, which has increased over 50%. He said that WCC has to come back with a drawing that can be understood in regard to where in the building the school will be located and how it will operate in that space. There needs to be a plan for traffic, showing where and how the children will dropped off and picked up.

Commissioner Michaelsen asked about the size of the retail shop and if it was to be limited to furniture. Mr. Ward said that the furniture resale shop is exclusively for high end furniture, hotel furniture, office furniture and equipment, not kitchen utensils, or clothing. In response to the question by Commissioner Michaelsen, Mr. Ward noted that if any of the donated furniture needs any minor repair, there are volunteers that do that in a special area of the store. Mr. Ward stated that in terms of occupancy they are utilizing 40% of the entire building for church and school related uses. The eastern part of the building is unoccupied and is used for storage and the furniture sale operation and there is no access between the two sides of the building.

Chairman Sutenbach commented that there needs to be more information submitted and that it needs to be current. He asked for an explanation of what the Jubilee Furniture Company is and is it run by WCC or by the Outreach Center? Mr. Ward said that the furniture store came about as a partnership between WCC and Outreach Community Ministry. Outreach Community Ministry manages the furniture store. They are two separate entities and WCC allows OCM to use space at their facility. Chairman Sutenbach asked how this is connected to the Outreach resale facility in Warrentville and Mr. Ward explained that Jubilee Furniture Co. is not connected at all with the resale shop. Jubilee

Furniture came about from a unique opportunity that started as a temporary, one-time thing where a hotel donated its furniture and has continued to be successful in helping the local community. Mr. Glees explained the process of the Village Board approving these temporary sales, conditional upon the Village receiving sales tax from the sales and that the approval was extended with the understanding that Outreach would make application for a zoning change to permit this type of activity. Since WCC was making application for a text amendment it was decided to combine both requests.

Chairman Sutenbach asked when the school will be open and was told that it would be opening September 5<sup>th</sup>. In response to the question of what grades the students are enrolled for, Mr. Ward replied that the 33 students are between pre-school through eighth grade.

Kathy Christiansen, 122 Liberty Drive, Wheaton, from Outreach Community Ministry asked to speak on this matter. She stated that there is an umbrella organization that is called Outreach Community Ministry based in Wheaton. Under that umbrella falls the services, Outreach Community Center in Carol Stream, Wheaton Youth Outreach and Warrenville Family Services. The resale store in Warrenville is connected to the service unit there and has nothing to do with Carol Stream or Wheaton. In November of 2005 OCM was approached by a hotel that offered to donate 90 rooms of furniture. They accepted the donation and formed a partnership with WCC to use their space for a warehouse type sales. The Village Board gave OCM permission to have 8 sales dates in Feb/March on Saturdays. Then more hotels came along and donated their furniture as well as offices and individuals.

Commissioner Weiss asked if the sales have been on hold since those 8 dates were granted and Ms. Christiansen stated that the Village Board gave permission to continue the sales. As to the question of additional time, Mr. Glees said that he believes the extension was until July or August and Mr. Ward said that process overlapped with WCC request for the text amendment change. It was noted that the sales continue on Saturdays because OCM has come back for formal approval. The Village Manager has advised that since the change is in process, the cancellation will not be enforced until the outcome is reached.

Commissioner Hundhausen asked how the profits were being distributed and Ms. Christiansen said that all service sites are not retail outlets, they provide counseling, teaching and educational programs for children and families in Wheaton, Carol Stream, and Warrenville. OCM is paying a form of rent to WCC for the use of the space, the remaining profits go toward supporting the programs, and Jubilee Village and Outreach Community Center. At this point all of the profits have been dedicated to the two sites in Carol Stream – (Jubilee Village and Outreach Community Center) not to Warrenville and they collect and pay sales tax on all sales.

Mr. Ward asked what is it they can do to maintain their 9/5 opening date.

Chairman Sutenbach said that they must provide more detailed information.

Mr. Glees said that this Board meets again in two weeks and staff would need to have the information requested well in advance of that date. Tomorrow would be great since it would give staff time to review all new information and generate an addendum report. He noted that if this matter is brought back at the next meeting and it received a positive recommendation what could be done would be to discuss with the Village Manager the placement of short term, interim

measures to suspend enforcement of the non-approved use until such time as the Village Board were to take action on the petitioner's request. This would allow the process to be followed.

Commissioner Smoot asked what has delayed this request so long that it jeopardizes the plan and Mr. Ward responded that the concept of the school has consistently been a goal in the church's vision, but the opportunity to do it just materialized in March and it may have been the end of April when the Village staff asked to meet to discuss this plan. It was at this point that WCC started to realize that, what we were under the assumption, the misinterpretation of Christian education, of what church's have been doing for hundreds of years, that there is a separate distinction for a full time day school. They were finally able to get the packet together for the application for a special use permit as well as a text amendment to the Village staff. Mr. Ward said that they are comfortable that they can provide high quality education and the number one concern is safety. They think it is a win/win situation.

Commissioner Weiss moved and Commissioner Smoot made the second to continue this matter to the meeting of August 28, 2006 to allow the petitioner time to resubmit updated and expanded information regarding their request. The results of the roll call vote were:

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

**# 06172: Village of Carol Stream, 500 N. Gary Avenue  
Text Amendment- Zoning Code and Chapter 14 of Municipal Code  
Continued from 7/10/06 meeting**

Mr. Glees stated that this report serves as an addendum to the staff report for Case No. 06172, presented at the July 10 Plan Commission/Zoning Board of Appeals meeting. At that meeting, the public hearing was opened and the proposed text amendments to the Village of Carol Stream Code, Chapter 14 *General Offenses* and Chapter 16 *Zoning Code* were discussed. The impetus for the proposed text amendments is that staff recently was contacted by the United States Bureau of Alcohol, Tobacco and Firearms (ATF) regarding a request from a Carol Stream homeowner for a Federal Firearms License (FFL). Such a license is required of all persons who engage in the sale of firearms, including not only commercial gun dealers but also private parties who buy and sell guns, such as at trade shows. In discussing the proposed text amendments, the PC/ZBA raised the following questions, which are addressed herein:

Will persons in Carol Stream holding a Federal Firearms License be contacted?

Yes, such persons will be contacted and advised of the Village's business registration requirements as per §10-1-2 of the Village Code.

Does this text amendment affect activities that are no more than hobbies? Does it belong in §16-12-6 Home Occupations?

The proposed text amendments do not alter the current Home Occupation regulations, they simply make it clear that such occupations must be lawful in Carol Stream. The exception is activities that fall under the federal government's Federal Firearms License authority are allowable in Carol Stream if properly licensed.

The Zoning Code provides the following definition: *HOME OCCUPATION. Any occupation or activity resulting in financial gain and in which the occupation or activity is conducted entirely within the structural confines of the residential dwelling, including attached garages. The use as a home occupation must be clearly incidental and secondary to the use of the dwelling as a residential home.* Therefore, the code does not apply to hobbies as that term is commonly understood. However, if a "hobby" were to result in appreciable financial gain, then the regulations of §16-12-6 would apply.

Should §16-12-6(B)(1) be split in two?

We agree the proposed text amendment would read better if the two thoughts were separated. Since the thoughts are related and both pertain to the subject of lawful activities, we have placed the matter of firearms-related home occupations as an exception to the general regulation.

Should there be a standard established as to what level of sales constitutes a home occupation?

Staff considers the current definition of *Home Occupation* to be adequate, and we see no reason to establish an arbitrary sales revenue threshold.

The proposed text amendments to §14-3-20 and §16-12-6 of the Municipal Code are presented below. Current text that is proposed to remain is presented in standard format, while current text that is proposed for deletion is presented in ~~strikethrough format~~. The recommended new text is presented in underline format.

PROPOSED TEXT AMENDMENT #1 – GENERAL OFFENSES  
§14-3-20 WEAPONS; DISPLAY AND STORAGE OF FIREARMS AND AMMUNITION.

~~§ 14-3-20 WEAPONS; DISPLAY AND STORAGE OF FIREARMS AND AMMUNITION.~~

This Article deleted.

~~—(A) All retailers shall be required to display firearms either in locked cases or in racks in which the firearms are securely locked to the racks. Firearms ammunition shall only be displayed in locked cases.~~

~~—(B) All retailers shall be required to securely store ammunition and firearms in any store offering such goods for retail sale.~~

PROPOSED TEXT AMENDMENT #2 – ZONING CODE  
§ 16-12-6 HOME OCCUPATIONS

§ 16-12-6 HOME OCCUPATIONS.

(B) *Performance standards.*

(1) Only lawful activities that involve the performance of a business or occupation that is a permitted use or special use within the zoning districts contained within this Zoning Code may be conducted within a home occupation. Exception: A person who possesses a valid Federal Firearms License may carry out that business as a home occupation provided that all other regulations of this Section are complied with.

(12) All persons engaging in home occupation activities for which a Federal Firearms License is required shall store firearms either in locked cases or in racks in which the firearms are securely locked to the racks. Firearms ammunition shall only be stored in locked cases.

Staff recommends approval of the text amendments as presented herein.

Commissioner Smoot asked for a definition of appreciable financial gain. Mr. Glees said that he cannot. He said it refers to the definition contained within Home Occupation. It indicates that if an activity results in financial gain in which the occupation or activity is conducted within the structural confines of the home then it is a Home Occupation and he said that he was attempting to distinguish between an activity that is a hobby, in which case, there would be essentially no financial gain. There was discussion regarding what dollar amount would be appreciable financial gain and Mr. Glees said that it really is a judgment call by the individual and it is dependent on the nature of the activity.

Commissioner Smoot said that he does not understand or agree with and appreciable financial gain is a nebulous, catch-all phrases that should be nailed down tighter. Mr. Glees said that he would point out that the language exists in the Code at this time, though it is not correlated with the this text amendment. The text amendment to address the matter of firearms and a Federal Firearms License really is not correlated with the definition of Home Occupation. Commissioner Smoot said that he does not have a problem with trying to establish criteria for controlling the sale of firearms/ammunition and the like, whether at home or in business. But he does not want to see things occur that will make things so stringent that a home owner that has firearms and sells a



firearm will be in hot water. Mr. Glees said that when the Village brings a Code enforcement action against a resident or a business, the burden of proof is on the Village to demonstrate that there is a violation. Therefore every attempt is made to achieve compliance by working with the resident or business owner prior to bringing the matter to court.

Chairman Sutenbach said that he disagrees with this recommendation because if a use is not permitted in a commercial area that is should not be included for a Home Occupation.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of the proposed text amendment. The results of the roll call vote were:

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

This matter will be considered by the Village Board at their meeting on September 4, 2006.

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

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

At 9:24 p.m. Commissioner Hundhausen moved and Commissioner Spink made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD