

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

AUGUST 28, 2006

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

Chairman Don 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, Vora, Weiss, Michaelsen and Sutenbach
Absent: Commissioners Spink and Hundhausen
Also Present: Community Development Director Bob Glees, Village Planner John Svalenka and Recording Secretary Wynne Progar

MINUTES:

Commissioner Smoot moved and Commissioner Michaelsen made the second to approve the Minutes of the Meeting of August 14, 2006 as presented. The results of the roll call vote were:

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

PUBLIC HEARING:

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

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

#06173 : **Wheaton Christian Center, 610 E. North Avenue**
Text Amendment – Zoning Code
Special Use – Expansion of Approved Special Use
Continued from 8/14/06 meeting

James E. Ward Jr. 610 E. North Avenue, Carol Stream and Kathy Christiansen, 122 W. Liberty, Wheaton were sworn in as witnesses in this matter.

Mr. Ward presented a Power Point presentation regarding the layout of the Wheaton Christian Center (WCC) and how the elementary school will function within the building, as well as the safety measures to be taken for the drop-off and pick-up of the students and the daily operations and procedures for the school.

Ms. Christiansen explained the location and the operation of Jubilee Furniture Co. and how it is separated from the (WCC). She also explained the functions of the Community Outreach Ministries, the start up of Jubilee Furniture and how it operates.

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

Mr. Glees said this report serves as an addendum to the report presented at the August 14, 2006, Plan Commission/Zoning Board of Appeals meeting. At that meeting, by a 6-0 vote, the Plan Commission continued the case to the August 28th agenda in order to allow the petitioner time to provide additional information, including a more detailed floor plan and information regarding programming and procedures. Attached for review are supplemental materials provided by James Ward of the Wheaton Christian Center, including floor plans, brief histories and detailed information regarding the Wheaton Christian Center Church (WCC), the Carol Stream Christian Academy, and the Jubilee Furniture Company. The information was provided to address the Plan Commission's concerns with respect to the proposed school in terms of staffing, schedules, drop-off/pick-up routes, emergency procedures, interior layout and furnishings, as well as the furniture store in terms of interior layout, products, staffing, operations, marketing and future plans.

With respect to student access to and from the Carol Stream Christian Academy, staff notes that the student entrance would be located at the rear of the building, away from the traffic areas at the front of the building. Specific procedures are detailed on pages 6 and 7 of the WCC packet. With respect to the question as to when exterior improvements would be required to the property, as noted in the previous staff report, a meeting was held on March 30, 2001, to determine at what point during the construction of the interior improvements would the exterior improvements stipulated in the Special Use Ordinance be triggered. The record of that meeting states as follows:

"Church representatives and the Village staff agreed that while the completed chapel would allow a relatively intense use of the property on Sundays and Wednesday evenings, the church would remain primarily unused throughout the remainder of the week. The staff felt as though it would be appropriate to have the exterior improvements completed at the time that the building would be used on a day-to-day basis, which is the ultimate plan of the church. The next anticipated sub-phase of Phase I (Phase 1B) would include the construction of Sunday school classrooms, which staff determined could be completed without requiring the exterior improvements. The staff and church representatives agreed that it would be during Phase 1C, in which offices would be installed, that the exterior improvements would have to be completed. This would include building façade improvements and the installation of landscape materials and landscape islands in the parking lot. Other future phases (Phases 2, 3 and 4) include additional significant building renovations, including a fitness center and gymnasium, additional classrooms and a large sanctuary."

The interior build-out of the building as planned in 2001 did not contemplate a furniture re-sale operation, and so a comparison of the current degree of completion with that as

described above is inexact; however, an argument could be made that the build-out has not yet progressed to Phase 2, because a large portion of the building is not used for the majority of the week. For this reason, staff is comfortable in suggesting that completion of the exterior improvements has not yet been triggered.

RECOMMENDATIONS

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 Michaelsen asked if there will be posted One Way signage for the designated drop-off area and Mr. Ward said that there will be signs and that parents will be notified that there will be one way traffic around the building for student drop-off and pick-up.

Commissioner Michaelsen asked where 1st and 2nd grade student will have bathroom facilities and it was stated that they would use the same bathroom as the Pre-K and K students or if necessary, 1st and 2nd graders would be accompanied by a staff person and use the adult facilities in the other hall way. In response to the question on emergency exits for all grades, Mr. Ward outlined the exits from all sides of the classrooms that would be used for emergency exits and he noted that these directions would be posted in all classrooms.

Commissioner Michaelsen asked Ms. Christiansen about exit marking and restroom facilities for the public in their portion of the building. Ms. Christiansen showed how their area is curtained off from the storage part of the building and that there are exit signs and public restroom signs. In response to Commissioner Michaelsen concern about chemicals and repair materials, Ms. Christiansen said that there is a secure area where on Saturdays only, the volunteers are supervised by a professional, to do only minor repairs and touch-ups.

Commissioner Michaelsen asked how many trucks are owned by OCM and Ms. Christiansen said that they only own one box truck that is used for deliveries or the pick up of donations. They have two trailers that are on loan, that are used by hotels that are renovating rooms. It was also noted that the schedule for the use of the box truck will be such that it will not interfere with the school hours of operation.

Commissioner Weiss asked staff if the Fire Protection District has inspected and approved the layout for this proposed school and Mr. Glees replied that WCC already has a Certificate of Occupancy and that the Village Building Official has stated that it does meet Code.

Commissioner Weiss asked who supervises before and after care and was told that there is a dedicated staff member that does that and that there are volunteers that assist and that the teachers supervise the pick-up of students after school.

Commissioner Weiss asked if there is pick-up of furniture any time other than during Saturday hours and Ms. Christiansen noted that depending on the availability of volunteers, there has been furniture pick-up on Mondays. She added that now there will not be any furniture pick-up scheduled during the drop-off or pick-up times for students. Commissioner Weiss said that in regard to the exterior build-out, with the building now operating on a daily basis, there needs to be a "date certain" pinned down and suggested that the Plan Commission set such a date.

Commissioner Smoot asked if there would be any semi truck traffic during the school day at this location and Mr. Ward said that they have begun to use a series of traffic

cones and barricades to keep trucks out of the property and it appears to be working since there were no semi trucks at noon today. Mr. Ward said that the temporary barricades still allow emergency vehicles to access the property, it is deterring trucks from using the lot for stop over.

Commissioner Smoot asked about snow removal and was told that WCC has volunteers that have done the snow removal for the past two winters and they are expecting that this will continue.

Commissioner Smoot asked what percentage of one dollar benefits the Village and it was explained that there is more advantage to the Village that is intangible than is tangible in terms of dollars. Mr. Gles noted that in regard to the sale of furniture by Jubilee the Village does receive 1.5% retail sales tax.

Chairman Sutenbach asked if the petitioner agrees with the conditions noted in the staff report and Mr. Ward said that he has not seen them so a copy was provided to him. In the interim, Chairman Sutenbach said that, in follow-up of Commissioner Weiss' comment about the exterior façade and what Mr. Gles read from the statement on the March 3, 2001 meeting with the church, which is over five years ago, he asked Mr. Gles what staff anticipates about the completion of the exterior façade of the building, have there been any more meetings going on, does there need to be meetings set up? Chairman Sutenbach said that he is not sure if we, as a commission want to dictate what their next move is, or if staff has any comments. He asked if there is anything more recent than what was in the report from five years ago and Mr. Gles said no, but it is his understanding that the operative concept is that it is appropriate to have the exterior improvements completed at the time when the building would be used on a day-to-day basis. Now, it appears that over the years, we are approaching a day-to-day basis as a slow approach rather than a sudden step. If the church was to come in and request approval of building permits to make a bunch of interior improvements because they were going to go to day to day activities and they needed office space and storage space and lots of interior finished space, then this would clearly trigger the requirement to complete the exterior improvements, but what seems to be happening is that over the years there is a little added here and a little added there and the point is a good one, that at some point the requirement to complete the exterior improvements will be triggered but it's going to be something that needs to be observed and evaluated on the basis of a series of small improvements, it appears, rather than what was contemplated five years ago. Chairman Sutenbach asked for comments from the other Commissioners and suggested that maybe another recommendation be added that the Village and the Church and Jubilee Furniture Company enter into negotiations, or some kind of discussion within the next four to six months as to the future of completion of the exterior façade.

Commissioner Michaelsen said that he doesn't know if it could a year, one year or two years, but with the new development going in on the corner at Schmale and North Avenue, and retail going in across the street there needs to some sort of restriction on because if we don't he isn't sure if it will ever be done. He said that he would like to put a time frame, whether it is two years or three years. He noted that it is easier to spend today's dollars then it is tomorrows' since we don't know what it will cost to do things in the future.

Commissioner Smoot said that he agrees, it seems that the church, furniture and day school contributes a daily basis of use. Since we are working very hard on that particular section of the Village, it is time for them to spend some dollars on coming up

to the standards that they agreed to five years ago. I would be willing to support that kind of stipulation.

Commissioner Weiss said that he agrees, this is a day-to-day use, we know that North Avenue development requires extra-ordinary landscaping and architecture. Any petitioner that comes here and proposed anything along that corridor is held to that. The petitioner is coming in to make a request that we are favorable to and along with that we need to set a date and get this done. He proposed a date one year from today, the end of August of 2007, specifically August 28, 2007 is fine. We are coming to the end of the season where a lot of that work can be done, and while we are aware that this is a charitable institution that we want to have in Carol Stream, but at the same time, it is time to get this moving and that is a recommendation I would make in whatever form you wish, Mr. Chairman, that it be done and in place by August 28, 2007. Chairman Sutenbach asked if the recommendation is that by August, 2007, the building façade improvements and the installation of landscape materials and landscape islands in the parking lot will be done? Commissioner Weiss stated that, as Condition # 8, in the staff report, that improvements of building façade and the installation of landscape materials and landscape islands in the parking lot subject to the Village staff's direction to be completed no later than August 28, 2007, and variation to that has to come back to this Board. Commissioners Smoot, Vora and Michaelsen agreed with Commissioner Weiss.

Mr. Ward asked if the changes were to be complete at that time or if there just plans and quotes could be in place at that time? Commissioner Weiss stated that his suggestion is that all work should be complete at that time, to Mr. Ward he said that the Plan Commission recognizes that it is coming to the end of the season where the church could get the work done, but now is the time that this building is going to a 7 day a week operation, that you and your board and your council and consultants work over the next several months to get that plan done, get it approved by the Village staff, Mr. Glee's office and then have it in place. There will then be an entire season to get it done. If there is a variation that needs to be done about that date, then such a request needs to come back to this Board. Mr. Ward said, to clarify, that either the work has been initiated or the request will have to be made regarding the work that needs to be done. Commissioner Weiss said that if there needs to be an alteration on the time then WCC will have to work with staff and then come back to this Board with a petition.

Chairman Sutenbach asked it two years would be too long? One year for planning and one year to complete? Commissioner Michaelsen commented that if Mr. Ward comes back next year and says they've done the planning and need another year to form the façade, ok, that can be understood, but there is going to come the time when it has to be done, and time will run out and he would not be opposed to adding a second year on, you've had five years to look at this, I'm sure you have something figured out, you just need to step to the plate and get it going. Mr. Ward commented that the nature of the ministry is build from the inside out, not from the outside in, he said that he is willing to take this back to present the recommendation to the church board, but it is not something he could comfortably commit to, under oath, without meeting with them. If need be, he would request two years. Commissioner Smoot asked if the church hasn't already committed to these conditions five years ago? Mr. Ward said that it was a commitment, but again, he reiterated that churches grow from the inside out. Commissioner Smoot said that they committed to an outside growth too, not just an inside growth and Mr. Ward responded that an outside growth, when the day-to-day operations begin to pick up and here we are now. Chairman Sutenbach asked what is

the trigger that says the outside has to be complete, that is the debatable part here. He pointed out Mr. Glees' stated that up until now there has not been a large portion of the building is not used for a majority of the week. Chairman Sutenbach said that even now it is still not being used for a majority of the week, they are just contemplating this based on their public hearing tonight. He read from the staff report "for this reason staff is comfortable in suggesting that the completion of the exterior improvements has not yet been triggered" and that is what we are debating here. The petitioner is not denying that they need to fix the outside, we are just debating when and what is the trigger to do so. Commissioner Smoot asked if this isn't the trigger, they are going into a seven day a week operation. Chairman Sutenbach stated that whatever is being recommended will go to the Village Board and the petitioner can argue their case with them, whether it is one year or two years or whether the recommendation should be within this public hearing.

Mr. Glees said that there are two requests, one is for the text amendment and one is for the special use and there are conditions associated with the special use. This can either be done by recommending staff meet with the petitioner to determine a schedule for completing the improvements or an addition to the conditions of the special use can be added specifying when the improvements need to be completed.

Mr. Ward said that he would like to see the two issues separated and he would like to have a series of meetings with the Village Staff to establish a commitment date.

Chairman Sutenbach asked how the additional condition would affect the opening of the school on September 5th? Mr. Glees said that the condition of approval of the Special Use is written into the ordinance and the petitioner needs to sign that ordinance. If the petitioner is uncomfortable in agreeing to a particular condition, he has until the point of time, in 60 days after action by the Village Board, to sign the ordinance and if chooses not to, he does not receive approval of the special use. Chairman Sutenbach asked how does that affect the status of the furniture store and the school. Mr. Glees responded that it would not be approved.

Ms. Christiansen stated that only about one half of the entire building is improved. She suggested that a "seven-day a week use" may have assumed a fully improved interior of the building and that has not occurred. The furniture store only pays a nominal fee to the church to allow Jubilee to use the space and they do not receive any of the proceeds of the sales.

Mr. Glees said that if there is some uncertainty in regard to this motion, he would suggest that a motion to add condition # 8 for approval and vote on that.

Commissioner Weiss moved and Commissioner Smoot made the second to recommend approval of the text amendment revision to the definition of "Religious Regional Institution" to allow an elementary school and a retail sale furniture outlet as ancillary to the use. The results of the roll call vote were:

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

Commissioner Weiss moved and Commissioner Smoot made the second to recommend the approval of a request for a special use permit with the recommendations of the staff report including item # 8, Completion of exterior building-out by August 28, 2007. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

A short recess was taken at this time.

#03038: St. Charles Building Partners, LLC, 211-231 E. St. Charles Road

Rezoning – R-1 One-Family Residence District to I Industrial District

Special Use – Auto service stations

Special Use – Building material sales and storage

Special Use – Contractor’s office and shop

Special Use – Garage and parking lot for motor vehicles not incidental to a permitted use

Special Use – Outdoor activities and operations

Special Use – Equipment and machinery retail operations

Final Plat of Consolidation

At 9:31 p.m. Aaron Reinke, 211 S. Wheaton Ave. Wheaton, Larry Meyers, 1555 N. Sandburg Terrace, Chicago, and Kenneth Flanagan, 1227 Glencoe Street, Wheaton were sworn in as witnesses in this matter.

Mr. Reinke noted that the subject property is located on St. Charles Road, just east of Gary Avenue. The lot is an irregularly shaped lot and there are three parcels and it is a very shallow and long lot and has three curb cuts. This property was force-annexed into the Village in 1986 and automatically zoned R-1 upon the annexation. He stated that the request to rezone to I Industrial is appropriate given that the adjacent properties are all zoned I and Future Land Use Plan designates this as Industrial property. There are seven special uses being requested which will bring the subject property into compliance with the Village Code. Special Use #1 for 211 E. St. Charles Road is for an Auto Service Station, operated by Dave Bieszke for the last 6 years. Special Use # 2 for 215-219 St. Chas. For a Auto Service Station, operation as Tim’s Auto Body since 1986.

Special Use # 3 for 223 St. Chas. For Building Materials Sales & Storage, was E.D. Windows & Doors, now vacant, but will be used for same use by another tenant.

Special Use #4 for 227 St. Chas. For Garages & parking lots for motor vehicles not incidental to a permitted use & equipment & machinery rental operations by Miller Crane Repair.

Special Use # 5 for 229 St. Chas. Garages & parking lots for motor vehicles not incidental to a permitted use, for Dave Bieszke.

Special Use # 6 for 231 St. Chas. Contractor’s office & shops for Duncan Construction.

Special Use # 7 for permit for outdoor activities & operations for 12 auto parking spaces for Bieszke Auto Repair, equipment storage for Duncan Construction and one over size vehicle parking space for E.D. Windows & Doors.

The final request is for a Plat of Consolidation to combine the three parcels.

Mr. Reinke explained that the property is composed of three lots. The first lot was originally purchased by the petitioner in 1981, subsequently and in response to Village concerns, the petitioner has purchased a small slice of land that used to be the St. Charles Road right-of-way, from the County of DuPage . In regard to the third parcel, just this March, again in response to Village concerns, the petitioner has filed action to quiet title to that property. No one has stepped forward to owning that property, notice has been given and an attempt has been made to find out who the owners are, but have been unsuccessful, so it is simple a matter of going through the motions of court and at some point, hopefully on September 21st the petitioners will have title to the third parcel.

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

Mr. Svalenka said that The applicant St. Charles Building Partners, LLC, is requesting a zoning change from R-1 One-Family Residence District to I Industrial District; Special Use Permits for "*Auto service stations*" per §16-10-2(B)(2) of the Zoning Code, "*Building material sales and storage*" per §6-10-2(B)(3) of the Zoning Code, "*Contractor's office and shops*" per §16-10-2(B)(6) of the Zoning Code, "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) of the Zoning Code, "*Outdoor activities and operations*" per §16-10-2(B)(14) of the Zoning Code, "*Equipment and machinery rental operations*" per §16-10-2(B)(24) of the Zoning Code, and for "*Towing operation, including a screened temporary outdoor vehicle storage yard*" per §16-10-2(B)(25) of the Zoning Code; and a Final Plat of Consolidation to combine three parcels in accordance with §7-2-6 of the Subdivision Code.

Eric Stach has filed an application on behalf of St. Charles Building Partners, LLC requesting approval of a zoning change, seven Special Use Permits, and a Final Plat of Consolidation to allow existing businesses on the 1.54-acre property at the intersection of St. Charles Road and Easy Street to continue to operate and do so as conforming Special Uses. The property is improved with outdoor storage areas and an approximate 14,000 square foot building containing six tenants.

On or about April 15, 1986, the Village forcibly annexed the subject property into the Village of Carol Stream. In accordance with §16-6-3 of the Zoning Code, the property was automatically zoned R-1 upon annexation. As the property had been developed with an industrial building containing industrial uses prior to annexation, the industrial uses became non-conforming with respect to the R-1 District. Per §16-14-3 of the Zoning Code, the non-conforming uses that existed prior to annexation are allowed to continue but may not be expanded, and all new uses must be permitted by code.

On November 13, 2001, the Village issued a violation notice to the property owner for accumulation of trash, debris and rubbish. Through the process to resolve these property maintenance issues, Village staff discovered new uses operating on the property that are not permitted in the R-1 district. On June 18, 2002, Village staff met with the property owner to discuss the zoning violations and advised the owner to submit applications for rezoning and for Special Use Permits. Over an extended period of time, the owner made several submissions of incomplete and unacceptable

applications. As part of the property maintenance enforcement action, on January 21, 2003, a court order was issued requiring the property owner to submit a complete application by February 11, 2003. Therefore, on February 7, 2003, the property owner's attorney submitted an application to rezone the property and submitted applications for Special Use Permits for each of the six tenants to bring the site into conformance with the Zoning Code.

Rezoning:

The entire 1.54-acre property is proposed to be rezoned from R-1 One-Family Residence District to I Industrial District. In review of the request, staff notes that the property currently contains uses of an industrial nature and the property is surrounded by industrial uses. The property exceeds the minimum one-acre lot size for the I Industrial District. The Future Land Use Plan recommends an industrial land use for the site. As such, staff supports the requested rezoning from R-1 One-Family Residence District to I Industrial District.

Special Uses – Operational considerations:

With regard to the request for Special Use Permits for the St. Charles Building Partners site, it should be noted that all six of the current tenants at the site and the current outdoor operations at the site would require approval of Special Use Permits in the I-Industrial District to be operated in conformance with code. Therefore, staff has performed a holistic review of the entire site with respect to operational considerations, including access, parking, outdoor storage and screening.

With respect to access, the site currently has three access points to St. Charles Road across only 366 feet of frontage along the road. The applicant has proposed to remove the center driveway, which will reduce the potential for traffic conflicts.

To calculate the required parking, the total square footage of storage space, active work space, service bay areas and office space has been clearly delineated for each of the six tenant spaces, as detailed on the attached Parking Plan (Exhibit D). It has been calculated that 41 parking spaces are required by code, and the applicant has proposed to provide 41 parking spaces, including two handicapped-accessible spaces. The parking spaces are proposed to be properly striped and to include parking blocks in compliance with code, as opposed to the random parking that has taken place in the past. Because the 31,430 square feet of paved area of the parking lot is greater than 10,000 square feet, the applicant has provided 5.2% of greenspace to exceed the minimum 5% required by §16-13-2(E)(3) of the Zoning Code. The greenspace has been landscaped with a combination of shade trees, evergreen trees, shrubs and perennials in parking lot islands and in groupings screening the parking from St. Charles Road.

Regarding outdoor storage and screening, the applicant's proposed plan calls for any existing outdoor storage to be cleaned up, better organized and screened. The piles of salt and sand currently stored outside will be placed in 15'X15' curbed storage bins. These bins, along with three oversized-vehicle parking spaces, will be located along the east side of the building inside a six-foot high chain-link fence with privacy slats. Two outdoor refuse loading areas will be provided inside six-foot high chain-link fence with privacy slats. The twelve parking spaces at the northwest corner of the lot that

accommodate Bieszke Auto Repair will be screened with a six-foot high chain-link fence with privacy slats.

In review of the request, staff notes that the applicant has proposed several improvements to bring areas of the site into compliance with code. However, although the parking is now proposed to meet the minimum standards of the code, it does include a one-way parking lot drive aisle, which is less than desirable on such a small site. Staff notes that there appears to be sufficient space on site to widen the paved area of the parking lot to increase the one-way aisle to a two-way aisle, and staff would welcome discussion on this issue.

Special Use Permits:

Although issues such as access, parking, outdoor storage and screening have been considered for the site as a whole, each tenant in the building requires a separate Special Use Permit. The outdoor activity also requires a separate Special Use Permit. Each Special Use Permit is considered separately below.

Bieszke Auto Repair at 211 E. St Charles Road

Based on information provided by the property owner, Dave Bieszke has been operating Bieszke Auto Repair from the tenant space at 211 E. St. Charles Road since December 1, 2000. Because the use did not exist prior to annexation, it is considered illegal and nonconforming. The auto repair use requires a special use as "*Auto service station*" per §16-10-2(B)(2).

Tim's Auto Body at 215-219 E. St Charles Road

Thomas Heuer operates Tim's Auto Body from the tenant spaces at 215-219 E. St. Charles Road. The use was already in operation at the time the property was annexed, and therefore it is considered a legal nonconforming use according to the Zoning Code. However, research of the files for the Tim's Auto Body business indicates that the size of the business has expanded since the time that the property was annexed, from approximately 33 by 48 feet to approximately 50 by 48 feet. While the Community Development Director can authorize *ordinary repairs and alterations* to a nonconforming use, the Zoning Code indicates that the *expansion* of a nonconforming use can only be approved by the Village Board after a public hearing. Therefore, the proposed Special Use Permit is required to bring the entire area of Tim's Auto Body into legal conforming status. The auto body use requires a special use as "*Auto service station*" per §16-10-2(B)(2). As stated in § 16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the special use:

E.D. Windows and Doors at 223 E. St Charles Road

The applicant has indicated today that this tenant is no longer in place. It is staff's opinion that it is not proper to grant a special use permits for vacant spaces, that they should be granted for specific uses and therefore staff does not recommend approval of a special use permit for 223 E. St. Charles Road.

Miller Crane Repair at 227 E. St Charles Road

Based on information provided by the property owner, Douglas Miller has been operating Miller Crane Repair from the tenant space at 227 E. St. Charles Road since December 1, 1997. Because the use did not exist prior to annexation, it is considered illegal and nonconforming. The applicant has submitted documents indicating that the

tenant space is only used for storage of one crane, and potentially for rental of the crane. Therefore, the applicant has requested a special use as "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) and a special use as "*Equipment and machinery rental operations*" per §16-10-2(B)(24).

Dave Bieszke, 229 E. St Charles Road

Dave Bieszke has been using the tenant space at 229 E. St. Charles Road since late 2004 for storage of automobiles. The use did not exist prior to annexation and it is considered illegal and nonconforming. The auto storage use requires a special use as "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7).

Duncan Construction at 231 E. St Charles Road

Based on information provided by the property owner, Scott Duncan has been operating Duncan Construction from the tenant space at 231 E. St. Charles Road since November 1, 1997. Because the use did not exist prior to annexation, it is considered illegal and nonconforming. According to documents submitted by the property owner, the business stores salt and sand on site along with several small trucks and salt spreader equipment, and uses the site as office space. This use requires a special use as "*Contractor's office and shops*" per §16-10-2(B)(6).

"Outdoor activities and operations" per §16-10-2(B)(14)

The applicant has proposed to move all outdoor activities within areas enclosed by 6-foot high chain-link fences with screening slats. As shown on Parking Plan (Exhibit D), the enclosed outdoor activity area at the northwest corner of the site would only be used for 12 automobile parking spaces for Bieszke Auto Repair at 211 E. St Charles Road. Also as shown on the Parking Plan, the enclosed outdoor activity area at the northeast corner of the site would only be used for equipment storage for Duncan Construction at 231 E. St. Charles Road (including salt storage, sand storage, and two oversized-vehicle parking spaces) and one oversized-vehicle parking space for E.D. Windows and Doors at 223 E. St Charles Road. These activities require a special use as "*Outdoor activities and operations*" per §16-10-2(B)(14).

Plat of Consolidation:

The 1.54 acres being used by the applicant are currently three separate parcels. Parcel I contains the building and is the original area purchased by the applicant. Parcel II is former right-of-way of St. Charles Road. The applicant has been using the former right-of-way area as parking, and does not have enough area on Parcel I to provide the required parking for the building. Therefore, at staff's suggestion, the applicant has purchased the vacated right-of-way from DuPage County in order to increase the parking area on the site. Parcel III is an area that had been assumed to be part of the former St. Charles Road right-of-way to be vacated, but the applicant's title company has discovered that the triangular Parcel III is actually fee-simple property held in trust. The applicant has used Parcel III for many years for the western driveway that crosses it; because the site improvements must not be located on property not owned or controlled by the applicant, the applicant must acquire the parcel in order for the driveway to remain. The applicant's title company has determined that a bank that no longer exists held the original trust created for this property, and the successor banks have no record of the trust. Therefore, the applicant has filed with the courts a Complaint to Quiet Title, which in effect would allow a judge to declare the property as owned by the applicant if the beneficiary of the trust is not identified at a public hearing. The court hearing regarding Parcel III is scheduled for late September.

The proposed Plat of Consolidation would combine all three parcels into one lot that will provide greater area to accommodate the building, parking and outdoor activities. As such, staff supports the requested plat, but would note that any recommendation for approval of the plat should be conditional upon the applicant resolving all court action regarding Parcel III and providing proof of ownership of Parcel III.

Summary:

In staff's evaluation of this case, staff notes that the subject property has been nonconforming with regard to the Zoning Code for 20 years. The property has also had many property maintenance violations over the years. The proposals, if approved, would bring the property into zoning conformance to the extent possible. Based upon the information discussed, staff looks favorably upon the proposed rezoning of the property from R-1 One-Family Residence District to I Industrial District. Based upon the information discussed and based on the submitted site, landscape and parking plans, staff believes that the proposed Special Uses are acceptable, provided that the applicant completes the improvements as proposed in a timely manner and keeps the property maintained. It should be noted that staff would expect separate votes and recommendations for Special Use Permits for each of the six tenant spaces and for the outdoor activities as a whole. It should also be noted that any future new uses on this property must either be listed as permitted uses in the I-Industrial District, or must come back for separate public hearings if the uses require a special use permit. Staff is in favor of the Plat of Consolidation, conditional upon resolving all title issues.

RECOMMENDATION

Staff recommends that the Plan Commission take separate votes and make separate recommendations for the following:

1. Rezoning from R-1 One-Family Residence District to I Industrial District;
2. Special Use Permit for "*Auto service stations*" per § 16-10-2(B)(2) for Bieszke Auto Repair at 211 E. St Charles Road;
3. Special Use Permit for "*Auto service stations*" per § 16-10-2(B)(2) for Tim's Auto Body at 215-219 E. St Charles Road;
4. Special Use Permit for "*Building material sales and storage*" per §16-10-2(B)(3) for E.D. Windows and Doors at 223 E. St Charles Road;
5. Special Use Permit for "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) and "*Equipment and machinery rental operations*" per §16-10-2(B)(24) for Miller Crane Repair at 227 E. St Charles Road;
6. Special Use Permit for "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) for Dave Bieszke at 229 E. St Charles Road;
7. Special Use Permit for "*Contractor's office and shops*" per §16-10-2(B)(6) for Duncan Construction at 231 E. St Charles Road;
8. Special Use Permit for "*Outdoor activities and operations*" per §16-10-2(B)(14) specifically for 12 automobile parking spaces for Bieszke Auto Repair, equipment storage for Duncan Construction (including salt storage, sand storage, and two oversize vehicle parking spaces) and one oversize vehicle parking space for E.D. Windows and Doors; and,

9. Final Plat of Consolidation to combine three parcels in accordance with §7-2-6 of the Subdivision Code

If the Plan Commission determines to individually recommend approval of any of the nine requests listed above, staff recommends that it only do so subject to the following conditions:

1. That the entire parking lot shall be repaved and re-stripped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, all not later than November 30, 2006;
2. That both of the fenced storage areas shall include screening slats on all sides;
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with E.D. Windows and Doors and Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area;
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St Charles Road, or anywhere on the entire 1.54-acre property;
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06); and,
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

Commissioner Weiss asked if the one-way drive aisle at the front of the property meets code requirements and was told that it does. The petitioner commented that if a two-way drive aisle were included it would eliminate most of the green space at the front of the property.

Commissioner Michaelsen asked when the metal building will be painted and it was stated that it had been painted six years ago. He commented that the fencing will spruce up the area somewhat.

The petitioner said that they are anticipating that another company with a similar use will want to occupy the property at 223 and that they would hold it out for that special use, and if they did not avail themselves of that special use it would expire on its own term. He respectfully requests that they be given the special use for 223 under the terms of the Zoning Code.

Chairman Sutenbach questioned if the petitioner agrees with the conditions noted in the staff report and was told that they are in agreement.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval for the request for rezoning from R-1 to I-Industrial. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a special use for auto service stations for Bieszke at 211 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Smoot made the second to recommend approval of a special use for auto service stations for Tim's Auto Body, 215-219 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Smoot made the second to recommend approval of a special use for Garages and parking lots for motor vehicles not incidental to a permitted use", and a special use as "Equipment and machinery rental operations for Miller Crane Repair at 227 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a special use for garages and parking lots for motor vehicles not incidental to a permitted use in accordance with staff recommendations for Dave Bieszke at 229 E. St. Charles Road. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Vora made the second to recommend approval a special use for contractor's office and shops, in accordance with staff recommendations for Duncan Construction at 231 E. St. Charles Road. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a special use for outdoor activities and operations, specifically 12 automobile parking spaces for Bieszke Auto repair, equipment storage for Duncan Constructions (including salt storage, sand storage, and two oversize vehicle parking spaces) in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Vora made the second to recommend approval of a final plat of consolidation to combine the three parcels at 211-231 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Smoot made the second to recommend denial of a special use permit for building material sales and storage at 223 E. St. Charles Road. The results of the roll call vote were:

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

The petitioner was reminded that these matter will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

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

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

NEW BUSINESS:

It was the consensus of the Commissioners to appoint Commissioner Weiss as Chairman Pro-Tem.

It was determined that the next meeting of the Combined Board will be held on Monday, September 11th.

ADJOURNMENT:

AT 10:05 p.m. Commissioner Michaelsen moved and Commissioner Vora made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD