

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

November 13, 2006

All Matters on the Agenda may be discussed, amended and acted upon

Chairman Don Weiss called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Vora, Spink, Weiss, Hundhausen and Michaelson
 Absent: Commissioner Smoot
 Also Present: Village Planner John Svalenka, Recording Secretary Progar

MINUTES:

Commissioner Michaelson moved and Commissioner Spink made the second to approve the Minutes of the Meeting of October 9, 2006 with the deletion of Pro-Tem from Chairman Weiss' title. The results of the roll call vote were:

Ayes:	3	Commissioners Spink, Weiss and Michaelson
Nays:	0	
Abstain:	2	Commissioners Vora and Hundhausen
Absent:	1	Commissioner Smoot

Commissioner Spink moved and Commissioner Michaelson made the second to approve the Minutes of the Meeting of October 23, 2006 with the deletion of Pro-Tem from Chairman Weiss' title. The results of the roll call vote were:

Ayes:	3	Commissioners Spink, Weiss and Michaelson
Nays:	0	
Abstain:	2	Commissioners Vora and Hundhausen
Absent:	1	Commissioner Smoot

PUBLIC HEARING:

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

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

#06242: Spina Commercial, east side of Schmale Road, south of St. Charles Road
Special Use – Planned Unit Development
Special Use – Shopping Plaza
Special Use – Drive-Up Window
Preliminary/Final PUD Plan Approval
CONTINUED FROM 10-9-06 MEETING

Rezoning – B-2 General Retail District to B-3 Service District
Special Use – Auto Laundry
CONTINUED FROM 10-23-06 MEETING

Village Planner John Svalenka stated that the petitioner has advised him that they have not completed the purchase of the adjacent property and that the petitioner is requesting that this matter be continued to the meeting of January 8, 2007.

Commissioner Hundhausen moved and Commissioner Spink made the second to continue this matter to the meeting of January 8, 2007 at the request of the petitioner. The results of the roll call vote were:

Ayes:	3	Commissioners Spink, Weiss and Michaelsen
Nays:	0	
Abstain:	2	Commissioners Vora and Hundhausen
Absent:	1	Commissioner Smoot

#06258: Masher Tares, 1358 Tall Oaks
Subdivision Code Variation – Lot Width for Circular Driveway
CONTINUED FROM 10-23-06 MEETING

Masher Tares, 18 West Stevenson Drive, Glendale Heights, IL was sworn in as a witness in this matter. Mr. Tabrezi said that this is new construction, he thinks on the last lot in Tall Oaks and he is requesting a variation for a circular driveway. He said that he believes that this will have a positive impact on the subdivision and the property as well. He said that the garage is concealed at the back of the lot, so this drive will give easy access. There is space for landscaping so it will not have an injurious effect.

John Doeseckle, 673 Blake Court spoke in opposition to the variance to allow a circular driveway. He said that the Tall Oaks Homeowner's Association was asked by Mr. Tabrezi to provide a letter for his bank. The letter was intended to say that the Homeowner's Association had no objection to Mr. Tabrezi building a residence in the subdivision as long as the Homeowner's By-Laws were followed. It also stated that the Village of Carol Stream has no requirements in reference to building, which need to be followed. To date, the Homeowner's By-Laws have not been followed. This letter was not addressed to the Village of Carol Stream, nor was this letter intended to be a broad approval of our association regards to building before the requirements of the by-laws have been met. To date, the association has not received a landscape plan, the association also requires site draining and drainage plans, and although the Association Board did review architectural plans provided by Mr. Tabrezi, a copy of those prints and specifications need to be in the Associations' possession. Trees on Mr. Tabrezi's lot have been removed without prior approval of the Board as required by the covenants. Trees have also been removed on the Village of Carol Stream's 10-foot easement at the rear of Mr. Tabrezi's property without approval. No tree protection plan has been provided as required. No tree bond has been posted, as required by the association covenants and the Association feels that their covenants must be complied with before building continues. A copy of the covenants was provided to Mr. Tabrezi by the Association.

A variation to lot width has been applied for. Ninety feet is required by the Building Code, whereas, 82.2 feet exists currently. The Building Code states that a circular drive is not allowed at this time, and he objects to the construction of a circular drive based on four grounds; Too much ground water absorb ion is being displaced, adequate snow removal storage will not be available on this lot with a double cut in the curb, not enough area for adequate landscaping is being allowed and pursuant to the Village Ordinance two parkway trees must be planted if the frontage exceeds 50 feet and the trees are to be planted 20 feet apart. If a circular driveway is permitted there is no room to plant a second parkway tree. The concrete needed in a circular driveway would cut down on the amount of space needed for landscaping. Additional space to park automobiles is neither needed nor desirable. No extraordinary dangers will exist when exiting from a driveway into the street.

Mr. Doeseckle expanded on the four points against the variation saying that in regard to ground water absorption, currently the Association has no site grading drainage plans as required by the Homeowner's Association covenants. While the building being discussed meets Code

Requirements not to exceed 30% lot coverage, the garage floor area, added to the driveway area, added to the rear patio takes up another 25% ground water absorption area, a circular driveway would add another 10%. Taking all of these together, even as conservative estimates, where is the water going to go? It seems that the present grading allows for all drainage to flow into the Porter's lot, next door at 13450 Tall Oaks. Without adequate area for ground for water absorption it looks as if flooding will occur on Porter's property. The property behind the Porters and Mr. Tabezi's lots, the empty lot, immediately to the east at 28W250 Timber Lane and 28W210 Timber Lane are currently in our planning district. If those homes are to be annexed to Carol Stream in the future, any problem being caused now will have to be dealt with at that time. Mr. Doeseckle commented that the area of Mr. Tabezi's proposed patio is under water since Friday's rain. The elevation of this will have to be changed in order for proper drainage away from the house to occur. If a circular driveway is allowed, more absorption ground will be eliminated, allowing more flooding to occur. He also asked if the drainage into the property at the back would create an overload to the septic system and leech fields.

Adequate snow removal storage will not be available with a double cut in the curb. The Village of Carol Stream will not store plowed snow in the small area between Porter's and Mr. Tabezi's lot as a sanitary lift station is located there. The lift station is accessed by Village employees on a daily basis. The snow from the circular driveway would have to be plowed somewhere, common sense dictates that the snow will be plowed into the center of the circular drive leaving less area for snow from the street to be stored. There is a very large area of city street at this intersection with a 90-degree bend in the street, on the curve where Tall Oaks comes into Blake. City crews will not block driveway entrances with plowed snow and there is not very much area between the two proposed curb cuts to allow snow to be placed. Where is snow going to go? Shall we pile it up on the north side of the street to create a blind corner between Blake Court and Tall Oaks Drive, that is the only place it can go.

Mr. Doeseckle said that there is not enough area allowed for landscaping and a landscaping plan has not yet been approved by the Association. With the addition of the proposed circular driveway not much area is being allowed for landscaping. This area needs to be beautifully landscaped for aesthetic purposes. More land should be available for landscaping. Please refer to Article 4, pages 6, 7 & 8 of the covenants regarding all landscaping controls. Many trees have already been removed without necessity and without prior association consent. Trees were also removed from the public easement at the rear of the property without Village consent. No bond money for the trees removed has been provided to the Homeowner's Association. Details of tree protection measures have not been provided to the Homeowner's Association. He ended asking if you were a homeowner there, what would you like to look at, Trees, sod and bushes or a concrete driveway?

Bobbie Saverino, 1366 Tall Oaks Drive, Secretary of the Homeowner's Association explained that since the Association President, Bud Porter, was out of town, the Board of the Association appointed John to speak for the Association.

Planner Svalenka said that

Mashar H. Tabezi of 1358 Tall Oaks Drive has filed an application for a variation to the Subdivision Code to allow a circular driveway on a lot having a width of less than 90 feet as measured at the front lot line.

The applicant is in the process of constructing a new single family home on the subject lot at 1358 Tall Oaks Drive. The front lot line measures 82.8 feet. A variation for 7.2 feet is required to allow a circular driveway. This is the first request to vary the section of the Subdivision Code regarding minimum lot width for circular driveways since the section was amended in August 2002. This is one of the last vacant lots in the Tall Oaks subdivision, which is a development full of large, upscale homes. There is only one other lot with an existing circular driveway in the 42-lot development. However, staff believes that a circular driveway would not be out of character with the large homes in the neighborhood, and would not alter the essential character of the locality. About one-half of the lots in the development are wider than 90 feet and could accommodate circular driveways without need for a variation. The proposed driveway would

leave an approximately 35-foot wide grass area between the two drives, providing plenty of space for landscaping improvements. The lot is on a minor residential street that ends as a cul-de-sac, and staff believes that the second curb cut associated with the circular driveway would not affect traffic on Tall Oaks Drive.

Section 7-6-11 of the Subdivision Code states that the Plan Commission may recommend a variation from the requirements of the Subdivision Code in specific cases which, in its opinion, do not adversely affect the comprehensive plan or intent of the Subdivision Code. Based on the information provided above, staff believes that the variation would not adversely affect the comprehensive plan or the intent of the Subdivision Code.

In staff's evaluation of this case, we note that a variation to the Subdivision Code simply requires that there be no adverse impacts to the area, as opposed to a variation to the Zoning Code, which requires that there be some type of hardship present. Staff notes that the proposed circular driveway would not adversely affect traffic, would allow generous space for landscaping, and would be in character with the surrounding upscale homes.

Staff recommends approval of the requested variation in accordance with Section 7-4-18(A)(3) of the Carol Stream Subdivision Code to allow a circular driveway on a lot having a width of less than 90 feet as measured at the front lot line, subject to the following condition:

1. That the driveway widths shown on the attached Site and Grading Plan (Exhibit B) not be increased.

Commissioner Michaelsen asked Mr. Svalenka what the per-cent age of open green grass area opposed to pavement and house area were for this lot and was told that the Zoning Ordinance does not include driveways as a part of the lot coverage calculation.

Commissioner Spink asked why there has been no response to the Association and Mr. Tabrezi said that he had sent a letter to them that he would adhere to what was required as far as the landscape was concerned. He said that a landscaping plan was provided by Timber Lake Landscaping and it was approved and he has a letter that the plan was approved as long as he has followed the rules and he said that he believes he has so far, except for maybe a tree that was in the easement, and he has responded to that.

Commissioner Spink asked if the Village is responsible for anything to do with the covenants of the Association and Mr. Svalenka replied that the Village is not a party to the covenants. Commissioner Spink that she has been through a similar situation and stated that we have a good village and that everything will come out good at the end, it's just that everyone must be patient and work with each other.

Commissioner Hundhausen asked about the removal of trees from Village property and asked Mr. Svalenka if we were aware of that and John replied that he believes there were trees removed from the easement at the rear of the property. The easement gives the right to the Village to install and maintain the utilities and also allow storm water to flow, that is all that the Village provides, that the property still belongs to the property owner and they can remove or plant trees there that they want. The Village has the right to remove trees if they interfere with utilities. Commissioner Hundhausen asked if the Village Engineering is aware of these trees being removed and what effect that will have on stormwater management and Mr. Svalenka said that the Village Engineer had approved the site plan.

Commissioner Weiss asked if the petitioner has presented any type of renderings or elevation drawings of the proposed circular driveway and what it will look like in relation to the home that is currently being constructed, Mr. Tabrezi said that he has submitted plans to the Village and they have approved them except for the variance. Mr. Svalenka commented that these types of drawings are not required for the application for a variance. Commissioner Weiss stated that these types of plans are definitely something that the Commission would like to see. He asked what the width of the driveway would be and was told that it would be 13 feet wide.

Commissioner Weiss asked the petitioner what is the purpose of the circular driveway and the petitioner responded that as a homeowner he would have a garage that is set back and then there are six steps that lead up from the garage to the first floor. He said that his parents are older and having to use the steps up into the house would be difficult for them, when with the circular drive it would be easy if they could be picked up or dropped off at the front door and then park the car in the garage. He said that any large purchases would also present the same type of problem, and he believes that the drive would enhance the value of the property with easy access in and out. In response to the question, it was noted that there are 6 stairs up from the garage to the first floor and 3 stairs into the house at the front entrance.

Commissioner Spink asked if there will be vehicles of any type parked on the driveway at the front and she was told no.

Commissioner Vora asked how old the parents are and if they are in good health and were told that the father is 60 and the mother 58 and that they are not here, they are in India, but will be coming shortly.

Commissioner Michaelsen asked if there are still enough landscaping points if the circular drive were to be approved and John said that there is 35 feet for landscaping and that there is no Village requirement, but there is an association requirement. There is room for parkway trees.

Commissioner Hundhausen asked if the petitioner's parents will be living with him and in response to the question, it was noted that his brothers do not live with him.

Commissioner Spink asked if there are any other circular driveways after 2002? Mr. Svalenka said that he does not know if there are other circular driveways constructed but there has not been a request for a variation. He added that a lot wider than 90 feet at the front lot line does not require a variation.

Donna Doeseckle, 673 Blake Court said that the circular court in the subdivision was approved by the association because it was done to save a 150-year-old oak tree that was on a larger lot with a smaller house.

Bobbie Saverino added that the petitioner has not given landscape plans to the association and that as late as last Sunday he had trees removed and has not provided a bond for tree replacement. Mrs. Saverino commented that as far as pulling up to his front door, there is nothing wrong with a beautiful sidewalk.

John Doeseckle asked about the village equipment that is close to this property and how it would be maintained. Mr. Svalenka said that there is room for two trees in the 35 foot space between the circular driveways and that the Public Works Department reviewed the plan for this variation and they made no comment.

Commissioner Spink moved and Commissioner Hundhausen made the second to continue this matter to the next meeting on November 27, 2006 to allow the petitioner time to submit renderings and drawings to show the proposed driveway as it relates to the house under construction, the existing homes on either side and the street and landscape plans both to the Commission and to the Homeowner's Association as well. The results of the roll call vote were:

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

**#06272: Parkway Bank, 908 W. Army Trail Road
Special Use – Drive-up Window
Special Use – Bank**

Mehran Faramandpour, architect, 3866 Old McHenry Road, Elk Grove Village, IL representing Parkway Bank, was sworn in as a witness in this matter. He stated that Parkway Bank is seeking a special use for a bank and a special use for a drive-up window at 908 W. Army Trail Road in the County Farm Plaza. The proposed bank would be about 5,850 sf and would entail demolishing a portion of the building that is there now, a point that is between the building that

runs north and south and the building that runs east and west. This demolition will create a pass-through that would allow the drive-up banking facility windows and a by-pass lane. He noted that there is a landscape plan that would be more intense than what is currently on the parking lot islands. In regard to traffic flow, they have eliminated two to four parking spaces and he submitted a new plan showing stacking spaces for 4 cars in one lane and for 3 cars in the second lane. He commented that most people would not wait if there were 3 or 4 cars in line. Once through the drive-up window a vehicle will proceed south and left and on to the existing service drive which is a full entry/exit driveway and is extremely under utilized.

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

Mr. Svalenka said Mehran Farahmandpour of the architectural firm Maemar P.C., representing Rocco Suspenzi of Carol Stream Properties LLC, has submitted an application for Special Use Permits for a bank and for ancillary drive-up service within the existing County Farm Plaza shopping center. The bank is proposed for the southeast corner of the multi-tenant retail building at the southeast corner of the overall commercial development. The proposed location within the building is a 7,737 square foot vacant space that had previously been occupied by the Rainbow Academy day care center. The space wraps around the corner of the L-shaped building, with one portion of the space extending north up to the existing Rocco Vinos restaurant, and the other portion extending west up to the next adjacent retail space. The application proposes a Parkway Bank to occupy the northern 5,885 square feet of the space, and proposes to demolish the western 1,852 square feet and replace it with two drive-up bank teller lanes. To accommodate the drive-up lanes, four existing parking spaces would be removed.

Special Use - Bank

The applicant is requesting approval of a Special Use Permit for a *Bank* in accordance with Sections 16-9-3(C)(3) and 16-9-4(C)(1) of the Carol Stream Zoning Code for a Parkway Bank branch location. Parkway Bank is headquartered in Harwood Heights, Illinois, and currently has 21 banking locations throughout the west and northwest suburbs, and the northwest side of Chicago. The closest existing location to Carol Stream is on Bloomingdale Road in Glendale Heights.

The front of the 5,885 square foot bank would face west into the center of County Farm Plaza. The rear of the building would be directly visible from County Farm Road, and the applicant could install signage facing County Farm Road. Customers who wish to drive to the bank and walk inside the bank building would park in the existing parking spaces constructed as part of the County Farm Plaza development. Four parking spaces currently exist directly in front of the proposed front door of the bank, but these spaces would be removed as part of the drive-up. (See Exhibit A.) It should be noted that customers wishing to park and reach the bank do not have a designated pedestrian route, and they would have to walk across the drive-up lanes, unless they are able to park in one of the few spaces directly in front of the Rocco Vinos restaurant.

County Farm Plaza is a retail center where one might reasonably expect to find businesses that generate sales tax. A bank is not a sales tax generating business, and it would fill a location that could accommodate a retail use. However, the shopping center is somewhat old and dated, and the proposed bank would be a sort of remodeling. It should be noted that the previous tenant, the Rainbow Academy, also did not generate sales tax, and it was hoped that the new tenant would be a sales tax generating use. It is generally more desirable to see a bank in this location rather than at a prime outlot or corner location where the bank might take the place of a restaurant or high sales tax generating retail business; however, most banks desire drive-up teller lanes, and for this reason tend to prefer such prime locations.

Staff does not object to the concept of a Special Use Permit for a bank for this location. The other Special Use Permit request, and additional specific details of the site plan will be discussed in detail later in this report.

Special Use – Drive-up service window

The applicant is requesting approval of a Special Use Permit for *Drive-up service window* in accordance with Sections 16-9-3(C)(12) and 16-9-4(C)(1) of the Carol Stream Zoning Code to allow two drive-up teller lanes, ancillary to the proposed Parkway Bank. The drive-up lanes would be located where a current 1,852 square foot section of building is to be demolished. Four existing parking spaces are proposed to be removed and replaced with a tapered landscape island to allow vehicular stacking space for the drive-up lanes. West of the two drive-up lanes, a 16-foot wide outer bypass line is to be provided.

Customers who wish to use the drive-up lanes drive to the internal parking area of the County Farm Plaza development, and head south into the drive-up lanes. Drivers would exit the teller towards the south, turning left onto the current service/delivery drive that provides rear access to rest of the shopping center. Drivers would then have the option of turning left or right onto County Farm Road from the existing service entrance/exit.

Parking:

The shopping center measures 110,759 square feet, thus requiring a minimum of 443 parking spaces; 462 spaces are provided. There are seven existing restaurants in the shopping center, with a combined area in excess of 10% of the total floor space, thus increasing the parking requirement to approximately 470 spaces. However, staff believes that there is an abundance of parking available at the shopping center and, to date, there has never been a concern about a parking problem. We also note that the majority of the businesses within the County Farm Shopping Plaza are destination businesses that cater to customers making quick purchases, and therefore the parking stalls are typically only occupied for a short-term period. As such, staff is not concerned with the proposed loss of four parking spaces.

Drive-up stacking:

The Zoning Code states that drive-in banks shall provide four stacking spaces per teller or customer service window. As can be seen on Exhibit A, one car fits in each lane under the approximately 20-foot wide canopy. Although not dimensioned on the plan, the northern edge of the canopy is only about 30 feet away from the south edge of the shopping center internal drive aisle. Therefore, in the westernmost drive-up lane, including the car using the teller, only two stacking spaces can be safely provided. A third stacked car would begin to conflict with the shopping center drive, and a fourth stacked car would completely block the aisle. If four cars were to be stacked in both lanes, shopping center patrons wishing to walk between the east and west buildings would need to walk across the drive-up lanes between the stacked cars.

Traffic flow:

Drivers exiting the drive-up lanes would use the existing rear service/delivery drive. The rear drive currently accommodates delivery unloading, trash pickup, and employee parking. The proposed drive-up lanes would add traffic to this area, and cause customer traffic to mix and potentially conflict with delivery trucks and garbage trucks. During busy times, cars on County Farm Road waiting to turn left onto Army Trail Road routinely stack in the left turn lane to the extent that they block the main shopping center exit to County Farm Road. Therefore, it is highly probable that customers of other businesses would use the proposed bypass lane as a short cut to exit the shopping center. The rear service drive was designed to handle low volumes of employee traffic and unloading trucks, and was not designed to handle the additional customer traffic and through traffic. The exit from the rear service drive onto County Farm Road is a non-signalized access point that aligns directly with the entrance to McDonald's across the street. This proposal would add more traffic to this already busy spot.

In view of these factors, staff objects to the proposal for a Special Use Permit for drive-up service window at this location.

If the proposed Parkway Bank were to simply move into the existing tenant space without removal of the existing parking spaces and without demolition of part of the building for the drive-up lanes, staff would support approval of the Special Use Permit for the *bank*. Based on the issues raised in this report, staff recommends denial of the Special Use Permit for *Drive-up Service Window, ancillary to a permitted or special use*. Staff recommends approval of the Special Use Permit for the *bank*, subject to the condition the applicant submit revised plans that remove all outdoor construction associated with the proposed drive-up lanes.

Commissioner Hundhausen said that the diagram received tonight still shows that stacking for the drive-up window will block the drive aisle. Mr. Farahmandpour said that the last car would start to impede the drive aisle and he said that there is no defense for that, that is the reality of what the site is and what can be fit on there. There can be four cars in the drive-up lanes before there will be any interference and if they are smaller cars there could be six cars in line before they would block the aisle. He agreed that this is not a desirable situation but they do not intend this facility to be creating problems to the public safety and health. He added that in regard to the walking across the traffic in order to get to the bank, as shown on the site plan, almost everybody that parks in that shopping mall has to walk across the main traffic lane to get to any of the stores. He noted that the restaurant Rocco Vino's is the only business that has parking at the sidewalk in front of the store. This would not be creating a new issue. In regard to the issue of conflicting truck deliveries and traffic flow from the proposed drive-up bank, he noted that delivery hours and banking hours are not at the same time and conflicts would be few and far between.

Commissioner Spink asked if there is a contract with the bank and was told there is not. In response to the question as to how many bank employees would be at the location, it is not known, but parking spaces for employees would be along the service road. Commissioner Spink asked if they will post all necessary signs to warn pedestrians and drivers such as stop, slow, yield, watch for pedestrian crossing? It was stated that they will provide such signs. It was also noted that it is not know if this will be a full service bank and when asked if the bank would want to proceed without a drive-up window it was stated that it was not known.

Commissioner Michaelsen said that he is opposed to knocking off the corner of a building and taking away from potential sales tax generating business, and if it does not succeed then we have created another exit from the property that would create traffic pattern hazards from other existing businesses. In response to the question, Mr. Farahmandpour said that he sincerely doubts that the bank would go forward without approval of a drive-through.

Commissioner Vora commented that he cannot see allowing this to be done.

Commissioner Weiss said that it would have been nice to have a representative from Parkway Bank in attendance to answer many of the questions that have come up. Commissioner Weiss asked if this Plaza was a PUD and Mr. Svalenka said that he believes that it is, and in response to the question of amending the PUD, he said that it would be handled as simply as building details. Removing parking spaces is not an issue. Commissioner Weiss said that he understands the request for a drive-through for a bank for customer convenience and from a marketing standpoint, but he is concerned about the exit, such as where any emergency vehicle will access the rear of the shopping center. He said that the service drives are for delivery purposes, and even as an alternate for an in and out, but they are also there for use of emergency vehicle purposes to access all stores in the center. He said that he would like to know those emergency vehicles are going to get though there when you have potentially three cars going in different directions coming out of that southern exit. A pedestrian walkway is very important, and signs identifying the area are of extreme importance.

Commissioner Hundhausen moved and Commissioner Vora made the second to continue this matter to the meeting of November 27, 2007 to allow a representative of the bank to appear to answer questions. The results of the roll call vote were:

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

**#06257: American Legion Post NO. 76, 570 S. Gary Avenue
Zoning Code Variation – Rooftop Equipment Screening
CONTINUED FROM 10-23-06 MEETING**

Robert McNees, Attorney, 195 Hiawatha Drive, Carol Stream representing American Legion Post # 76 was sworn in as witness in this matter. He reviewed the staff report and concurred with its findings. He noted that a relatively small addition was approved for the back of the building in 2004, and a bond was posted for \$7500 for screening of roof top mechanicals. However, it turned out that since the building has a gabled roof and it has been submitted that since it is a membrane roof, using screening methods will definitely cause leaking through that membrane. A parapet wall to provide screening for roof top mechanicals will cost approximately \$35,000 and additional money to repair subsequent leaks in the roof., He said that this is a totally unique situation, the building sets back 300+ feet from Gary Avenue and the mechanicals are at the very rear of the building and it will not have any dramatic effect on the Gary Avenue Corridor.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Svalenka stated that in April 2000, the Village of Carol Stream annexed the American Legion property at 570 S. Gary Avenue. The property was zoned B-2 General Retail District, and special uses were approved for the American Legion Hall and for the bar and restaurant operation in the basement of the building. In August 2004, the Village approved a Special Use Permit to allow construction of an approximate 1,300 square foot addition to the north side of the building.

The property is located within the Gary Avenue Corridor (GAC) Overlay District. As such, the GAC regulations apply to the site, and the Plan Commission/Zoning Board of Appeals approved the Gary Avenue Corridor Review as part of the 2004 building addition project. A detail page of the approved building elevation plans contained a note indicating that all new and existing rooftop HVAC units will be screened with a minimum three-foot high solid screen that will match the building exterior. The Plan Commission approval included the condition, "That all new and existing rooftop mounted HVAC units shall be screened from view from Gary Avenue."

The Legion has now completed all expansion work except for the three-foot screening of the rooftop mechanical equipment. The Legion anticipated that the cost of the screening would be relatively inexpensive, and posted a bond with the Village in the amount of \$7,500.00 to cover the cost of the screening. However, the Legion has received bids estimating the cost of a parapet wall at approximately \$35,000.00. The increased cost is reportedly based on the fact that the roof is peaked rather than flat. Therefore, the applicant is requesting a variation to allow the existing rooftop mechanical equipment to remain unscreened.

Variation:

Section 16-5-6(E)(4)(i) of the Zoning Code provides direction regarding variations from the Gary Avenue Corridor standards. This section specifically states that, "For the purpose of this section, all properties that were improved with structures prior to the adoption of the Gary Avenue Corridor Regulations shall be considered unique and the Plan Commission shall use flexibility in consideration of variances to the requirements of this section." In consideration of requests for relief from the GAC standards, the Plan Commission is directed to consider the following:

2. The cost of the proposed property improvement as compared to the cost of the applicant adhering to the strict letter of this section;
3. The existing site design and the location of existing structures; and
4. The magnitude and impact of the proposed improvement on the Gary Avenue Corridor.

In review of these criteria, staff notes that the American Legion hall is an older building with a gable roof. A parapet wall would not be feasible on a gable roof. The only other apparent option to a parapet wall would be direct equipment screening. The equipment screening would cause difficulty because it would require piercing the existing membrane roofing material and would likely cause leaking. There is also concern whether the existing roof would be adequate to support equipment screening. The building is set back approximately 320 feet from the Gary Avenue right-of-way. The aesthetics of the front yard area have been improved dramatically by the removal of ground-mounted mechanical equipment and several small sheds. Based on the existing site design, it does not appear that the lack of screening would have a large impact on the Gary Avenue Corridor.

With regard to any variation, the Zoning Board of Appeals shall not recommend a variation unless it shall make findings based upon the evidence presented to it in the following case, as per Section 16-15-6(D) of the Zoning Code:

In staff's evaluation of this case, we note that there are factors that support the approval of the variation. For instance, the cost of providing screening of the rooftop equipment is relatively expensive. Also, the existing building is set back far enough from Gary Avenue that the rooftop equipment does not have an overwhelming effect on the aesthetics of the site or of the Gary Avenue Corridor.

Based upon the information discussed, staff believes that the proposed variation to the American Legion Hall is reasonable and will allow for enhanced delivery of services to the community. With respect to the Gary Avenue Corridor Review, staff finds the proposed addition to be generally in keeping with the intent of the GAC standards, and we also find it appropriate for relief to be granted from the setback and landscaping requirements of the GAC standards

Staff recommends approval of the requested variation in accordance with Section 16-5-6(K)(9) of the Carol Stream Zoning Code to waive the Gary Avenue Corridor requirement for screening of mechanical equipment from view from public ways, subject to the following conditions:

That the variation only apply to rooftop equipment on the existing American Legion building; and,

That all future buildings on the site meet the Gary Avenue Corridor requirement for screening of mechanical equipment from view from public ways.

Commissioner Hundhausen asked what the current setback for the Gary Avenue Corridor is and was told that it is not more than 100 feet.

Commissioner Michaelsen asked if there were any additions planned for the building and was told that there are no plans for additions. He concurred that this is a very unique circumstance and he was in favor of the variation.

Commissioner Hundhausen moved and Commissioner Michaelsen made the second to recommend approval of a variance from the Gary Avenue Corridor requirements to allow existing rooftop mechanical equipment to remain unscreened in accordance with the conditions noted in the staff report. The results of the roll call vote were:

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

**#06282: Village of Carol Stream, 500 N. Gary Avenue
Text Amendment – Sign Code**

There were no comments or questions from those in attendance at the call for public hearing. Mr. Svalenka said The following staff report discusses and presents a proposed text amendment to the Village of Carol Stream Code, Chapter 6 Article 11 *Sign Code*. The impetus for the proposed text amendment is that staff recently discovered that while the Sign Code allows ground signs in the B-1, B-2 and B-3 zoning districts to be up to ten feet in height when adjacent to a right-of-way that equals or exceeds 200 feet in width, the Sign Code is silent for such signs in the B-4 district.

On January 3, 1995, the Village Board of Trustees enacted Ordinance 95-01-01, which approved several amendments to the Sign Code. One of these text amendments added language to §16-11-17 *Signs in the Business Zones (B-1, B-2, B-3)* to allow ground signs to be up to ten feet in height when adjacent to a right-of-way that equals or exceeds 200 feet in width. The only road right-of-way in Carol Stream that equals or exceeds 200 feet in width is North Avenue. At this time, there are two B-4 properties along North Avenue in the Village – Windsor Park Manor and Wheaton Christian Center. In addition, the pre-annexation agreement with Wheaton Bible Church calls for B-4 zoning at the time of annexation.

Staff believes that the intent of the 1995 text amendment was to allow all commercial ground signs along North Avenue to be up to ten feet in height to compensate for the higher rate of speed of vehicles on North Avenue. (Ground signs in the Industrial District are allowed to be up to ten feet in height regardless of the right-of-way width.) Therefore, it appears that it was a simple oversight to not also add this language to §16-11-18 *Signs in the Office Zone (B-4)*.

Staff has developed a text amendment to §16-11-18 of the Municipal Code. The current and proposed Zoning Code language is presented below. Current text that is proposed to remain is presented in standard text, while current text that is proposed for deletion is presented in ~~strikethrough text~~.

Staff recommends approval of the presented text amendment, although we do encourage PC/ZBA discussion and input regarding the same. The PC/ZBA can recommend approval or denial of the text amendment, or they can recommend additional revisions to proposed text language. Final approval authority for the text amendments rests with the Village Board.

There were no comments or questions by the Commissioners.

Commissioner Michaelsen moved and Commissioner Spink made the second to recommend approval of a text amendment for the Sign Code in accordance with the conditions in the staff report. The results of the roll call vote were:

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

This matter will be heard at the next Village Board Meeting on November 20, 2006.

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

New Business:

Mr. Svalenka announced that the annual appreciation event will be held on December 12, 2006. Commissioner Hundhausen moved and Commissioner Spink made the second to cancel the meeting of December 25, 2006 due to the Christmas Holiday. The motion passed by unanimous voice vote.

Adjournment:

At 9:10 p.m. Commissioner Michaelsen moved and Commissioner Spink made the second. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD