

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

JANUARY 24, 2005

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

Chairman John Bentz 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 Spink, Weiss, Michaelson, Hundhausen, Sutenbach and Bentz
Absent: Commissioner Vora
Also Present: Village Planner Don Bastian and Recording Secretary Progar

MINUTES:

Commissioner Spink moved and Commissioner Hundhausen made the second to approve the Minutes of the Meeting of December 13, 2004 as presented. The results of the roll call vote were:

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

PUBLIC HEARING:

#04286: International Truck & Engine Corp./Mark Luginbill, Northwest Corner of Schmale Road & St. Paul Boulevard
Special Uses – Parking Lot for Motor Vehicles Not Incidental to a Permitted Use, Motor Vehicle and Equipment Sales and Service, Outdoor Activities and Operations, Retail Sales as an Ancillary Use, and Equipment and Machinery Rental Operations
Continued from 12/13/04 Meeting

Mark Luginbill, Harry Beck, Lisa Humphrey and Warren Costack were sworn in as witnesses in this matter. Mr. Luginbill reviewed the history of the corporation now known as International Truck and Engine Corporation, which is the operating company for Navistar International and noted that the corporate headquarters are in Warrentonville. The intent of this development is to provide a parts and service location and its main purpose is to do light repair and maintenance work on trucks as well as do over the counter sale of service parts. One of these facilities has been opened in Bolingbrook about a year ago and this would be the second facility to be developed.

Mr. Beck said that this location is larger than the Bolingbrook project at about 25,000 sf. There will be two distinct businesses that will be at this location. One is the parts and service business that involves the selling of retail parts and also servicing vehicles of local businesses. The other part of the business is Idealease which leases vehicles either on a long term contract lease, and the other is a daily rental type of business. It is anticipated that there will be 50 to 100 vehicles involved in leasing, however the majority of those will be out at the customer's site or operating and there would not be more than 23 or 25 on the property at any one point in time. There is fuel located on the site for the use of the Idealease units only and those customers that have a magnetic card to operate the pumps. It will not be a drive-up cash business. The facility would be open for two shifts with a total of 31 people working on the site, 25 on the parts and service side and 6 people on the Idealease business.

Mr. Luginbill said that they have reviewed the conditions that are in the staff report and find all of the acceptable except for condition #3, that condition states that there shall be no more than 23 vehicle available for lease from Idealease. He stated that that is not quite accurate as it should read that there should be no more than 23 vehicles on site, available for lease. As it was mentioned, the fleet itself is probably 100 trucks but a vast majority of them are actually out on lease, they are not on site at any one time. Mr. Luginbill said that the landscape plan that they have tonight incorporates all of the site and landscaping changes that were in the conditions.

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

Mr. Bastian stated that IT&E wishes to build a new truck parts and service facility in Carol Stream, designed to perform regular preventive maintenance for trucks as well as miscellaneous repairs. As stated in the petitioner's cover letter, the facility would differ from full-line truck dealerships and other repair facilities in that it would not be set up for major repairs. In addition, approximately one-third of the facility would be used by *Idealease*, which owns and leases International-brand trucks to companies and individuals. In accordance with the Industrial District section of the Carol Stream Zoning Code, the petitioner is requesting approval of Special Use Permits in the I Industrial District to allow garages and parking lots for motor vehicles not incidental to a permitted use, motor vehicle and equipment sales and service, outdoor activities and operations, retail sales as an ancillary use to the principal industrial use, and equipment and machinery rental operations. He noted that this case was originally scheduled to come before the Plan Commission on December 13, 2004, but late in the week prior to the meeting the petitioner asked that the matter be continued because they needed to re-work the site plan a little bit to contain some costs. The plans have been revised and staff has identified the aspects of the plan that have changed, but there does not seem to be anything objectionable to those changes.

The Proposed Site Plan indicates the *Idealease* operations would be located on the western one-third of the site, and the IT&E operations on the eastern two-thirds. The rear of the IT&E portion of the site would be enclosed by a gated security fence. Customer parking for automobiles and trucks would be provided along the St. Paul and Schmale frontages, with no vehicles to be parked in those spaces overnight. Parking for the *Idealease* fleet trucks would be towards the northwest corner of the site, while parking for the vehicles being serviced by IT&E would be located within the fenced-in area. In addition, ten semi trailer drop spaces would be provided for temporary storage of semi trailers while their trucks are being serviced. Trailers and trucks being serviced would not be expected to be stored onsite for more than three days.

Special Uses:

As stated in the petitioner's cover letter, the IT&E portion of the facility would be designed to do regular preventive maintenance for trucks, such as filter changes, lube jobs and oil changes, as well as miscellaneous repairs such as brake jobs and alignments. The goal would be to have customers in and out in less than four hours. The IT&E facility would also sell parts, generating an estimated \$4 million in taxable sales. The *Idealease* portion of the facility would be used for truck leasing, which would be separate from IT&E's maintenance and minor repair operations. Fleet storage and fleet fueling would take place onsite. The hours of operation of the overall facility have not yet been determined, but it is anticipated there will be two work shifts on Monday through Friday, and one shift on Saturday. The *Idealease* operation may conduct a limited amount of business overnight.

Regarding the special use for *garages and parking lots for motor vehicles not incidental to a permitted use*, the site plan illustrates the parking areas on the site allocated for vehicle storage for the special uses of vehicle service, retail sales and equipment rental. Staff's primary concern with outdoor fleet parking and vehicle storage usually involves the provision of proper screening. The IT&E parking and vehicle storage portion of the site, located within a security fence, includes 16 truck spaces, six with block heaters, for the IT&E vehicles being serviced. In addition, five semi trailer drop spaces would be provided at a concrete drop pad area for temporary storage of semi trailers while their trucks are being serviced. The petitioner proposes to screen the IT&E parking area with black vinyl chain link fencing, with slats, and a row of ten arborvitae, four feet in height at time of planting, along the northern end of the Schmale frontage. In addition, the existing grading of the site includes a landscaped berm along the street, three to four feet in height. Staff has reviewed the screening effectiveness of the existing berm along Schmale Road, as well as the foliage along the property line between the IT&E site and the Post Office site, and we believe the existing berm, landscaping and slatted fencing will be fairly effective in screening the IT&E outdoor operations and parking. However, it will be important for the petitioner to preserve the existing landscaping to the extent possible. Staff recommends a Tree Preservation Plan be provided during the permitting process to identify trees that are to remain and trees that are to be removed and replaced. Any trees to be removed should be replaced with trees of equivalent inch-diameter. For instance, an 8-inch oak could be replaced by two 4-inch oaks or better. Finally, we believe the proposed landscape screening would be more effective if the arborvitae were placed in two staggered rows, and we recommend the minimum height at time of planting be no less than six feet.

The northwest portion of the site would be devoted to vehicle storage for the *Idealease* operation, consisting of 23 truck spaces, six with block heaters. *Idealease* plans to have a maximum of 23 trucks in their onsite fleet. The leased trucks would be cleaned and serviced upon their return, and then re-leased. In addition, five semi trailer drop spaces would be provided at a concrete drop pad area. The petitioner proposes to screen the *Idealease* storage area with a row of 20 arborvitae, four feet in height at time of planting, along the western end of the St. Paul frontage. In addition, the existing grading of the site includes a landscaped berm along the street, three to four feet in height. However, we note that while the Village Code calls for screened fencing to be provided around areas that have outdoor activities, the petitioner is not proposing such screened fencing at the *Idealease* side of the site. Staff has reviewed the screening effectiveness of the existing berm along St. Paul Boulevard, and we believe the existing

berm along with the proposed landscape screening will be reasonably effective in screening the *Idealease* outdoor operations and parking from St. Paul Boulevard; however, we suggest that the arborvitae be placed in two staggered rows. In addition, the proposed landscape screening ought to be more effective early on in the project, and we recommend the minimum height at time of planting be no less than six feet. Staff has also evaluated the west and north sides of the *Idealease* portion of the site, and determined that because the neighboring use to the west consists of extensive truck parking, and there is existing fencing and landscaping, screened fencing on the *Idealease* side would be redundant. However, staff recommends the slatted fencing be continued along the entire north property line, rather than terminating at the limit of the IT&E portion of the site.

Regarding the special use for *motor vehicle and equipment sales and service*, these activities would take place within the 19,919 square foot "parts and service" portion of the building. Staff's primary concerns with these operations have to do with parking adequacy and parking duration. As shown on the site plan, the parking spaces in front of the building along the south and east sides of the site would be used for customer and employee parking, while the spaces to the rear of the site would be used for lease fleet storage and temporary storage of vehicles being serviced. The petitioner has stated that no vehicle or trailer should be stored onsite for longer than three days, which staff finds acceptable.

Regarding the special use for *outdoor activities and operations*, the site plan depicts the areas where vehicle storage would take place, and also where a trash dumpster enclosure, an above-ground fuel tank and a fuel dispensing island would be located. Staff's primary concern with outdoor activities and storage usually involves the proper screening of such operations. The trash enclosure would be a 6-foot high cedar board enclosure. Although the previous design called for a masonry enclosure, the use of wood enclosures is not unprecedented in the Village of Carol Stream; therefore, staff finds this satisfactory. The fuel station would consist of a 2,500-gallon double-wall diesel fuel tank, connected to a dual-pump fuel island 75 feet away by means of underground pipe. The fuel tank would be above ground, 8½ feet high. The petitioner proposes to screen the fuel tank from the street by means of a double row of arborvitae, four feet in height at time of planting. We suggest that the two rows of arborvitae be staggered, and we recommend the minimum height at time of planting be no less than six feet in order to adequately screen the fuel tank.

Regarding the special use for *retail sales as an ancillary use to the principal industrial use*, the petitioner has advised the facility is expected to generate approximately \$4 million of taxable sales per year. The site plan meets the parking requirement for the sales operation, and staff has no objection to the sale of parts and ancillary items at the proposed facility, as this service would seem to be in keeping with the overall services to be provided to the customers.

Regarding the special use for *equipment and machinery rental operations*, the petitioner has advised *Idealease* plans to maintain a fleet of 23 trucks for leasing, and the proposed site plan allows for sufficient parking areas for fleet storage, employee parking and customer parking. The site plan meets the Village's parking requirements, and staff has no objection to the leasing of trucks at the proposed facility, as this service would seem to be in keeping with the overall services to be provided to the customers.

Based upon the information discussed, staff believes that the proposed business is suitable for the property, and that the proposed screening, with the conditions recommended herein, will adequately buffer the parking areas, outdoor activities and operations from the adjacent rights-of-way.

Staff recommends approval of the special use request for garages and parking lots for motor vehicles not incidental to a permitted use, motor vehicle and equipment sales and service, outdoor activities and operations, retail sales as an ancillary use to the principal industrial use, and equipment and machinery rental operations, subject to the conditions noted in the staff report.

Commissioner Michaelsen asked what the time frame of the two shifts would be and when would the biggest volume of work occur and was told that the two shifts would cover from 7 a.m. to 8/9:00 p.m. for the parts department. The main volume of work would probably be in the early morning hours since it would include working on the vehicles that had been dropped off the previous evening. In response to the question, it was noted that there are block heater plugs provided for both parts and service and the Idealease sides of the building so that truck will not have to run for long periods of time to warm up.

Commissioner Spink asked if there will be a tow truck on the premises and was told that towing will be contracted out. It was determined that other than supervisory personnel they will be hiring all new people for parts and service. Commissioner Spink asked if this was going to be a non-smoking facility and it was stated that there will be No Smoking Zones such as the fueling area but it is unknown at this time whether the entire facility will be non-smoking.

Commissioner Sutenbach commented that the picture in the packet was very nice but questioned just where the dock door would be. The front of the building will front on Schmale Road and the dock doors will be on the north and south side of the building. It was stated that they are drive through bays so a tractor trailer could be put into the building, but the general operations would have the tractors nose to nose in the service bays. There could ten vehicles at any point in time and there would be two bays on the Idealease side.

Commissioner Weiss asked Mr. Bastian if the stormwater management is tributary to an existing pond and he replied that it has been accounted for with an existing development in the area. Commissioner Weiss asked if the vehicles on site will be registered to the Carol Stream address, so they will be obtaining vehicles stickers from the Village. This would be true for the Idealease vehicles, not the vehicles worked on in parts and service. In response to the question as to whether the Idealease could be replaced with another entity it was explained that the ITE dealer is actually the owner of both parts and service and the leasing company. It was also noted that there would not be any outdoor storage of supplies. Commissioner Weiss asked if the reduction of the drive aisle from 65' to 45' meets with the requirements for the Fire Protection District and Mr. Bastian stated that CSFPD has reviewed the revised plan and did not indicate any concern about it.

Chairman Bentz asked about the volume and type of trucks that are anticipated using the facility on a daily basis and it was noted that there will be service for many different types of trucks such as delivery trucks, box trucks, tractors, mid range diesel trucks, and school buses. Chairman Bentz commented that it is a nice looking facility and while there are a number of special uses being requested none of them are too controversial and it is a use for the industrial area. Revenue generating uses from the new development is also a positive aspect.

Commissioner Weiss moved and Commissioner Hundhausen made the second to recommend approval of the special use permits for – Parking Lot for Motor Vehicles Not Incidental to a Permitted Use, Motor Vehicle and Equipment Sales and Service, Outdoor Activities and Operations, Retail Sales as an Ancillary Use, and Equipment and Machinery Rental Operations in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that the this matter will be heard by the Village Board at their meeting on February 7, 2005 and was advised to attend that meeting.

**#04307: David Schonback, Northeast Corner of St. Charles Road & Morton Road
Rezoning (Pre-Annexation)
Continued from 12/13/04 Meeting**

At the request of the petitioner, Commissioner Spink moved and Commissioner Hundhausen made the second to continue this matter to the meeting of March 14, 2005. The results of the roll call vote were:

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

**#04335: Leonard & Diana Heidenreich, 412 Bristol Drive
Variation – Lot Coverage**

Leonard and Diana Heidenreich, 412 Bristol Drive were sworn in as witnesses in this matter. Mrs. Heidenreich explained that the request is for a variance on an existing paver brick patio that we installed without knowledge that we needed a permit. They purchased their home in 2003 with the intent that they would replace the existing wooden deck with some sort of a patio. One contractor that they did talk to said that he would look into the possibility of a concrete patio and would get back to them. After doing research on costs, they decided that they could install their own paver brick patio and in inquiring at local home centers were told that paver brick does not require a permit since it is not a permanent installation. They did not know that there would be a lot coverage problem since the existing deck was twice the size of the patio.

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

Mr. Bastian said Leonard and Diana Heidenreich of 412 Bristol Drive have filed an application for a lot coverage variation to allow their existing brick paver patio to remain as constructed on their property. The 400 square foot patio, constructed in May of 2004, exceeds the allowable lot coverage by 164 square feet, which brings the lot coverage for the property up to 32.1%. The allowable lot coverage in the R-3 District is 30%. In order for the brick paver patio to remain as constructed, the Heidenreichs are requesting a lot coverage variation from Section 16-8-3(G) of the Zoning Code.

When the Heidenreichs purchased the home in 2003, there was an existing wooden

deck on the property that had been built by a previous owner without a building permit. The deck, which is shown on the plat of survey, has since been removed by the Heidenreichs. In April of 2004, a contractor the Heidenreichs had been working with submitted a building permit application for a permit to construct a 400 square foot brick paver patio on the property. Village Code Enforcement personnel contacted the contractor and informed him that the paver patio could not be constructed as shown on the plat of survey because the patio would exceed the allowable lot coverage.

Based upon a conversation staff had with Mrs. Heidenreich, after the contractor had been told that the patio could not be built, the Heidenreichs decided to reevaluate their options with respect to the patio. Mrs. Heidenreich informed staff that an employee at a local home improvement store told her that a permit would not be required for a brick paver patio because such a patio would not be considered a permanent structure. A brick paver patio was subsequently constructed on the Heidenreichs' property, by Mr. Heidenreich, without a building permit, as seen on the plat of survey (Exhibit A) and in the digital photographs (Exhibit B) in your packet. Although staff could possibly understand the explanation regarding the non-permanent nature of some brick paver installations, the fact that an earlier contractor had submitted a building permit application for a brick paver patio on the property would seem to indicate that the Heidenreichs were aware that a building permit was required.

The Heidenreichs' lot measures 7,800 square feet in area. The footprint of the existing residence measures 2,104 square feet, which leaves 236 square feet available for accessory structures before the 30% maximum lot coverage allowance would be achieved. With the brick paver patio measuring 400 square feet, the actual existing lot coverage is 2,504 square feet or 32.1%.

In review of the request, staff notes that the degree of the variation is relatively small, being just over 2% above the maximum amount permitted by the Zoning Code. Since 2000, the Plan Commission has reviewed four applications for lot coverage variations, with the requested lot coverage amounts being 40%, 31%, 33% and 30.7%. The circumstances of each of these requests were determined to be unique, and the Plan Commission recommended approval in each case. The Village Board ultimately approved each request as well. As a note, the surrounding property owners immediately to the north, south and west of the Heidenreichs' lot have signed a petition, contained in your packet, in which they express no objection to the requested variation. The difficulty that staff has with the current request is that the paver patio was constructed without a permit and in violation of a standard of the Zoning Code.

In staff's evaluation of this case, we note that the need for the variation is self-created, as the patio was built without a permit and not in compliance with the lot coverage standard of the Zoning Code. Staff also has difficulty accepting Mrs. Heidenreich's explanation that she believed a permit was not required, since a contractor she had been working with submitted a building permit application for a paver patio that was not approved specifically because of the lot coverage issue. Finally, the standards for approval of a variation have not been met. However, there are factors that support the approval of the variation as well. For instance, the degree of the lot coverage variation is minor, the Village has approved similar or greater lot coverage variations in the past, surrounding neighbors have no objection, and the patio, as constructed, does not have a negative impact on the character of the surrounding neighborhood. If the Plan Commission determines to recommend approval of the requested lot coverage

variation, staff recommends that it only do so subject to a condition that the Heidenreichs must obtain a proper building permit for the patio.

Commissioner Weiss noted that the petitioners have submitted a petition from their surrounding neighbors in support of the variance. He asked if they will obtain a building permit for this if the request is granted and was told yes.

Commissioner Sutenbach asked what makes this property unique that would allow the granting of a variance. Mrs. Heidenreich said that this is small lot and when they purchased the property there was a very large deck already installed and they did not have any idea that it had been installed illegally. In response to the question about the size of the removed deck, Mr. Bastian said that there was no permit request so there is no definite information, but it was in view of what shows on the survey, it was larger than the existing patio.

Commissioner Michaelsen said that anyone trying to sell paver brick will tell you that you do not need a permit, and it is true that you moved into a situation that you knew nothing about. He asked if they have already applied for a building permit, or will it be based on this approval and asked if there will be any fines assessed. Mr. Bastian said that permit fees applied for after the fact are typically doubled and noted that they have submitted a patio permit application but it is on hold pending the outcome of this request.

Chairman Bentz asked how does one get an exact measurement on a deck that is shaped like this, since it could be a little under the 400 sq.ft. and the area could be even closer to 30 % than 32% . Mr. Bastian said that they are 164 sq. ft. over the limit so it is pretty obvious that it is more than just a few sq. ft. Staff asked that the petitioners be very accurate in the square footage estimate that the put down so that the amount of variance would be quite specific. Code enforcement staff went out and measured the patio and confirmed the measurements that were given.

Chairman Bentz asked if the subject of paver bricks do allow water to go through and it is not all run-off which is the reason you can build a deck and make it larger, for up to 35% lot coverage. Mr. Bastian said that while it is true that paver brick does allow some water to go through and that there is additional lot coverage up to 35% because those structures either hold water or let it pass through. A brick paver patio would allow more water to soak through than a concrete patio, though some say that it is not to the same extent as a wooden deck, but as it stands now, the requirement for a brick paver is the same as a patio. Chairman Bentz said that it is a very nice looking patio, but at the same time it is not a unique kind of a lot or that much different from others in the area. It is a relatively minor variance, which we usually have allowed in the past, so if the permit is applied and paid for, he does not have a problem with it.

Commissioner Hundhausen moved and Commissioner Michaelsen made the second to recommend approval of a variance for lot coverage with the condition that they apply and get a building permit. The basis for the approval of this variance is that the variance is for a small amount, at only 2.1% over what is allowed. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on February 7, 2005 and was advised to attend that meeting.

#04352: Mid-Northern Equities, 566-578 Army Trail Road
Variation – Sign Code

Steve Schwartz and Sam Aiken of Mid-Northern Equities were sworn in as witnesses in this matter. Mr. Schwartz explained that the request is for a two part sign variance for a four foot differential in height and a 27 sq. ft. increase in square footage allowed in the Codes. The location of the sign is at the full-access point approximately 500 ft off the corner of Army Trail Road and Kuhn Road, a signalized intersection. Mr. Schwartz said that they are in agreement with the conditions noted in the staff report. There are several unique factors in respect to this particular property and location due to the crown of the road and the setback of the development. Army Trail Road has a 45 mph speed limit which presents a problem for visibility of the sign itself.

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

Mr. Bastian said that the first section of the staff report discusses some of the history of the case, as far as the approval of the preliminary PUD plan and the final PUD plan. Staff acknowledges that earlier versions of the plan that were in for review showed this ground sign that did not comply with the strict standards of the Sign Code and the applicant and their consultant was notified about the fact that the sign did not comply and they would either have to modify the sign to comply with the height standards or apply for a variance. No application was received for a variance and the sign was not modified. There is only one sign code variance needed for height, because the blank brick portion of the sign itself does not count towards the area of the sign, only the actual sign cabinet itself counts toward sign area and that is why the area aspect is not discussed in the staff report. The area (72 sq. ft.) is within the allowable area for this sign.

Mr. Bastian noted that all signage requires a separate building permit. Signs are not covered with the original building permit for the structure, even if it shown on those plans. The Village has always required separate sign permits through the building permit process for a couple of reasons; one is to avoid complicating the issue of the building permit for the main structure with the signage issue and another is that often the exact signs for the building are not finalized when the building permit for the main structure is being submitted. The main reason signage relief is not granted through the PUD process because the Sign Code is within the Building Code and the PUD process is geared towards the relaxation of the Zoning Code standards.

There was one more opportunity to catch this and that would have been at the time that a sign permit application would have been filed. Had that been done, it would have been identified that the sign did not comply with height standards, which would have been before the sign was constructed, but that did not happen either so now there is a situation where the sign masonry has been built, without the sign cabinet installed. The sign code allows a ground sign that measures a maximum of 6 ft. in height and specifically the sign code directs that the height of a sign shall be measured to the highest point thereon, from the crown of the street directly opposite the sign, or from the natural grade level directly below the sign, whichever is higher. The cross-section drawing on Exhibit B indicates that the top of the sign is at an elevation of 816.82, while the crown of Army Trail Road is at an elevation of 807.37, resulting in a sign height of 9.45 feet. Since Detail 2 on Exhibit B indicates that the limestone cap will extend an additional four inches above the height of the sign cabinet, which was used as the peak elevation on the cross-section drawing, the sign has a peak height of 9.75 feet. As

such, the applicant is requesting a four-foot height variation for the sign. As seen in the color photographs on Exhibit D, the sign is essentially complete with the exception of the installation of the actual sign cabinet that will hold the signage panels for individual businesses.

Staff is often unable to support requests for variations in cases in which structures were built without permits and not in compliance with the standards of Village Codes. However, with all requests for variations, staff evaluates the specific circumstances to determine whether the criteria for granting a variation have been met. In this particular case, as indicated by Mr. William Shiner in his cover letter and on application Form B-1, there are circumstances that support the requested variation. First, there is a significant grade differential between the retail property and Army Trail Road. Specifically, the retail center sits lower than Army Trail Road, which reduces the visibility of the shopping plaza. A ten foot tall ground sign, as proposed by the applicant, would better inform passing motorists of the shops within the plaza than would a six foot tall sign as permitted by the Sign Code. The second factor involves the speed of traffic on Army Trail Road. The posted speed limit is 45 miles per hour. As the speed of traffic increases, the amount of time that a motorist has to identify a business and make the necessary lane changes to enter a site decreases. A taller ground sign will allow motorists to become aware of the specific stores in the plaza sooner than a shorter ground sign. Finally, the width of the Army Trail Road right-of-way is also a factor. Given the relatively wide right-of-way and the fact that the road has a six lane cross-section in this area, it is important for motorists to have as much advance notice of the location of a particular store they wish to visit, to allow adequate time for safe vehicle maneuvering. Again, a taller sign would give motorists more time to make driving decisions. It should also be noted that the area of the sign cabinet, at 72 square feet, is actually less than the 96 square feet permitted for a ground directory sign.

In reviewing this request, even though the background information with respect to the sign being constructed without a permit and not in compliance with the Sign Code is troublesome, staff believes that the applicant's request has merit. More importantly, the criteria for a Sign Code variation, in staff's view, have been met, and we can find no detriment that the public would experience if the Sign Code variation were to be approved. Staff recommends approval of the Sign Code variation to allow the ground sign to measure ten feet in height as opposed to six feet as permitted, subject to the conditions noted in the staff report.

Commissioner Michaelsen asked what the size of the letters will be for each tenant. It was stated that the letters would be 1 ft. 8 inches and that it was believed that they would be big enough to be read by drivers. Commissioner Michaelsen asked Mr. Bastian if signs would be allowed on the building and was told that there will be wall signs for each of the tenants with the only parameter being that they have to have channel letter signs not box signs and it can be 10% of the façade area.

Commissioner Sutenbach commented that certainly the uniqueness is without question for allowing a variance.

Chairman Bentz said that overlooking the fact that this has already been built, this does meet all of the criteria for granting a variance. There are several situations such as the very wide roadway, high speed traffic, with the ground sloping downward, the sign does need to be somewhat higher.

Commissioner Spink moved and Commissioner Weiss made the second to approve a sign code variation to allow the ground sign to measure 10 feet in height as opposed to 6 feet as permitted subject to the conditions noted in the staff report. The results of the

roll call vote were:

Ayes: 5 Commissioners Spink, Weiss, Hundhausen, Sutenbach and Bentz
 Nays: 1 Commissioner Michaelsen
 Absent: 1 Commissioner Vora

It was explained to the petitioner that the variation has been approved by this Board. The Village Board has twenty one days to either affirm the approval, reverse it or do nothing. If they do nothing the Plan Commission's ruling stands.

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

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

PRESENTATION:

#04176: Town & Country Homes, Inc., Northwest Corner of Gary Avenue & Lies Road Subdivision - Final

John McFarland, Town & Country Homes was sworn in as a witness in this matter. He explained that the request is for the approval of the final plat of subdivision for the Fountains at Town Center. The final plat is in substantial conformance with the preliminary PUD plan and there have been no changes made.

Mr. Bastian stated that it is a staff policy to not bring forward a final subdivision plan until the final engineering has been approved. This has been accomplished and there has been earthmoving started on the property. This subdivision will create 46 lots, 10 outlots from the existing single lot and the plat will also dedicate 4.47 acres for use as public right of way. The Community Development Department staff finds the plat to be consistent with the approved Final Planned Unit Development Plan and in conformance with the requirements of the B-2 General Retail District and the R-4 General Residence District, which are the zoning classifications for the property. The Engineering Services Department has also reviewed the plat and recommends approval.

Commissioner Sutenbach asked how the street names were determined and it was stated that they are names of famous fountains. He commented that there has been high water over Lies Road lately and asked if this is due to the construction. Mr. McFarland said that he hope so, and added that there is an existing storm structure that is only marginally functional at this area of the site and as a part of the overall stormwater management plan it is getting torn out and replaced so the water should not be going onto Lies Road. He added that with the frost in the ground and the heavy rains and some of the work being done, the structure could not handle the volume of water that occurred.

Commissioner Michaelsen asked if silt fences are in place and was told that they are and that all erosion controls are being monitored.

Commissioner Michaelsen moved and Commissioner Spink made the second to

recommend approval of a final plat of subdivision for Fountains at Town Center. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on February 7, 2005 and was advised to attend that meeting.

**#04334: Webster, McGrath & Ahlberg, Ltd./Daniel Sytsma, 235 Tubeway Drive
Subdivision – Final**

Daniel Sytsma, Wester, McGrath & Ahlberg, Ltd. was sworn in as a witness in this matter. He explained that the request is for a final subdivision to divide one single lot into two lots in the I Industrial District. He said that the vacant land is a four acre plot on the north side of TW Metals at 235 Tubeway Drive. This is land that is not needed for expansion and they would like to sell it, however there are no interested buyers at this time.

Mr. Bastian said that Tubesales, a California Company and the owner of the approximate 18-acre property located on the east side of Westgate Drive between Tubeway Drive and the Commonwealth Edison right-of-way, has filed an application to subdivide their property into two lots. The plat of subdivision indicates that the northern four acres would be subdivided off to create two lots from the existing parcel. The land area for the new proposed Lot 1 in the TW Metals II Subdivision is currently vacant and is mostly wooded in character. The purpose for the subdivision is to allow for the future sale and possible development of the property.

The Community Development Department staff finds the plat to be in conformance with the requirements of the I Industrial District, which is the zoning classification for the property. The Engineering Services Department has reviewed the plat and recommends approval.

Staff recommends approval of the TW Metals II Subdivision.

Commissioner Weiss asked if this area is buildable and was told that to some degree it would be a buildable lot.

Commissioner Hundhausen asked if there has been any interest in purchasing the property and was told no.

Chairman Bentz said that this seems to be a housekeeping matter and there is no problem with that.

Commissioner Weiss moved and Commissioner Hundhausen made the second to recommend approval of a final plat of subdivision. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on February 7, 2005 and was advised to attend that meeting.

NEW BUSINESS:

DISCUSSION OF UPCOMING WORKSHOP

Mr. Bastian asked for direction for discussion topics for an up coming workshop. He noted that there are funds in the budget that provide for costs associated with continuing education for the Plan Commission. Staff is looking to have such a workshop on a Regular Meeting when there are no cases or just a very light agenda, possibly March 28, 2005. Topics of interest included development of the southwest area off of North Avenue, redevelopment of the old residential areas, including tear-downs and information about what could be expected as the Village properties get older. It was also noted that there is an extensive list of Zoning Code ordinance amendments that should be brought forward.

At 9:30 p.m. Commissioner Hundhausen moved and Commissioner Spink made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD