

**Regular Meeting-Plan Commission/Zoning Board Of Appeals
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, IL 60188**

March 28, 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 PM and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Spink, Weiss, Michaelsen, Hundhausen, & Bentz
Absent: Commissioners Vora & Sutenbach
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 March 14, 2005 as presented. The results of the roll call vote were:

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

PUBLIC HEARING:

**#04161: Innovative Plastic Printing, 445 Gundersen Drive
Special Use – Outdoor Activities and Operations
Continued from 10/11/04 meeting**

Mr. Bastian stated that a letter from the applicant was received today requesting that this matter be withdrawn. This does not require any action by the Combined Board.

**#05061: Ten Talents, Inc./Tim Wilson, 23W601 St. Charles Rd
Rezoning (Upon Annexation)
Subdivision – Preliminary/Final Plat**

Tim Wilson 23W601 St. Charles Road was sworn in as a witness in this matter. He explained that he is requesting s a witness in this matter. He explained that he is requesting a mile and one half jurisdiction review of a property that is approximately 1000 feet west of Bloomingdale Road, on the south side of St. Charles Road. It is a combined 2-acre property and is surrounded on the east and the south by a Forest Preserve and there are other residential lots to the west and to the north of it. He is proposing to bring sanitary sewer lines down St. Charles Road and to bring water lines as well. It is currently zoned R-4 in the County and the proposed development meets and exceeds all of the requirements for the R-4 zoning in the county. The proposal includes five lots that average over 15,000 sq. ft. and do meet the R-3 zoning classification for Carol Stream. The project is meeting all of the subdivision and zoning

requirements both of the County and the Village of Carol Stream and he is not asking for any variations. The plans are in the process of final engineering review at the County.

Commissioner Sutenbach entered the meeting at this point.

At the call for public hearing several people of the approximately 20 in attendance asked a number of questions in regard to the proposed development. The issues most were concerned with were in regard to being force annexed to the Village and being charged for the extension of the sewer and water lines down St. Charles Road. Mr. Bastian assured everyone that the Village Board policy in the past has usually not included force annexing any residential property and that it would be the decision of each property owner as to whether they want to hook into the sewer and water services. The question of recapture fees has not been determined and it was made clear that if a property owner wants to have the water and sewer services that will be the time that they will have to negotiate an agreement with the Village of Carol Stream to enter into a pre-annexation agreement, just as this developer has done. It was also noted that the school districts would not change, certain home occupations are permitted in the Village of Carol Stream and this would be dealt with if the property owner agrees to a pre-annexation agreement, and Carol Stream does not levy a property tax at this time, therefore there would be no impact for this development.

Mr. Wilson noted that this development is being done under County regulations, which require the same regulations as does the Village. He noted that this does not change the zoning of the property, only water and sewer services are being brought in.

Several residents commented that they did not receive notice of this public hearing and asked why no sign was put on the property to announce the hearing and it was stated that there is no requirement to post such a sign.

It was determined that the sanitary sewer will be located in the right of way and not on any private property. There is no part of this property that contains any wetland, all of the wetlands are in the Forest Preserve that is behind the property. Since this development is 2.1 acres there is no requirement for stormwater retention. Mr. Wilson commented that the addition of sewer and water on St. Charles Road will add value to everyone's property in the long run and will provide better fire protection since there will be hydrants connected to the water lines. Several attendees voiced their opposition to the density of the development.

Mr. Bastian reported that Tim Wilson, President of Ten Talents, Inc., has filed an application seeking rezoning upon future annexation to R-3 One-Family Residence District and approval of a Preliminary/Final Subdivision Plat for the Blue Ridge Subdivision, which would be located on the south side of St. Charles Road, approximately 1,000 feet west of Bloomingdale Road. The plat proposes a small cul-de-sac bulb off of St. Charles Road with five single-family lots.

For your information, the property is neither in the Village of Carol Stream nor is it contiguous to Carol Stream's current corporate limits. As such, staff is currently negotiating a preannexation agreement with the applicant, which would establish certain development parameters, some of which would take effect immediately upon the approval of the agreement, and others which would take effect if and when the property is ultimately annexed to Carol Stream. The applicant has an agreement with the Wheaton Sanitary District through which sanitary sewer service will be provided to the five proposed lots. The applicant is currently working with the Village of Carol Stream to develop plans for extension of the Carol Stream water system east down St. Charles Road, to serve the proposed development on this property as well as other properties

along St. Charles Road that may redevelop. As a note, in order for any property owner or developer to connect to the water system, they would need to negotiate a preannexation agreement with Carol Stream, and pay their proportionate share of the water system recapture fee.

Regarding the process to be followed in review of this proposal, the Plan Commission is required to conduct a public hearing and make a recommendation regarding the proposed zoning of the property upon annexation. The Plan Commission is also expected to make a recommendation regarding the Preliminary/Final Plat for the subdivision. The recommendation of the Plan Commission will be forwarded to the Village Board once the final engineering design for the subdivision is approved by the Engineering Services Department, and if after reviewing the recommendation of the Plan Commission, the Village Board believes that the project is desirable, they would adopt Ordinances that would approve the preannexation agreement and rezoning.

Land Use:

As seen on the attached Preliminary/Final Plat for Blue Ridge, the applicant is proposing to create 5 buildable lots on 2.07 acres of land, resulting in a gross density of approximately 2.4 units per acre. It is expected that the custom homes that would be built in the subdivision would range in size between 2,500 to 3,800 square feet and \$400,000 to \$500,000 in price, although these figures are subject to change based upon specific buyer preferences.

The Future Land Use Plan (FLUP) identifies the subject properties for low-density single-family detached homes. The proposed land use is consistent with the recommendation of the FLUP, and staff notes that the proposed single-family residential use is consistent with surrounding uses and is appropriate for the area. As such, staff supports the proposed land use.

Rezoning Upon Annexation:

In order for the Village Board to be able to consider entering into a preannexation agreement with Mr. Wilson regarding the development of the property, the Plan Commission must conduct a public hearing regarding the zoning classification that would be assigned to the property if and when the property is annexed. As stated in his February 1, 2005, letter, Mr. Wilson believes that the proposed development would closely align with Carol Stream's R-3 One-Family Residence District classification.

In evaluation of Carol Stream's R-3 District regulations as compared to the lots shown on the preliminary plat, staff notes that all of the lots would comply with the 10,000 square foot minimum lot size. All five lots also appear to comply with the 75 foot minimum lot width requirement of the R-3 District. The plat proposes a 30 foot front yard setback, which exceeds the Village's requirement for a 25 foot front yard in the R-3 District.

Given the large lot single-family residential character of the surrounding area, staff supports the requested R-3 Zoning classification upon future annexation of the property into the Village of Carol Stream.

Preliminary/Final Plat of Subdivision:

Because the subdivision is small in both area and the number of lots, the applicant is requesting Preliminary and Final Subdivision approval in one step, and staff does not object to this request. The applicant is seeking approval of a five lot single-family residential subdivision on the 2.07-acre site. As stated, the lots would comply with the R-3 One-Family Residence District standards of the Carol Stream Zoning Code, and the cul-de-sac complies with the 120-foot right-of-way diameter requirement of the Carol Stream Zoning Code. The engineering plans for the subdivision propose a four and one-half foot wide sidewalk to be included around the entire cul-de-sac. As a note, because the overall development is less than three acres in size, a storm water management facility, or detention basin, is not required.

Community Development Department staff has reviewed the proposed Preliminary/Final Plat for Blue Ridge Subdivision and recommends approval of the Plat. The Engineering Services Department has reviewed the Plat and recommends approval, subject to a condition that the Plat not be forwarded to the Village Board for final action until the final engineering plans have been approved for the development.

Summary:

Staff can support the proposed single-family residential land use and the requested R-3 District zoning classification for the property, as they are in keeping with the surrounding land uses and the recommendation of the Future Land Use Plan. With respect to the Preliminary/Final Plat of Subdivision, staff can support the Plat subject to final engineering approval.

Staff recommends approval of the Final Plat of Subdivision for Blue Ridge Subdivision, subject to the following conditions:

1. That the Final Plat shall not be forwarded to the Village Board for action until such time that the Engineering Services Department has approved the final engineering plans;
2. That the proper certificates for the Wheaton Sanitary District and affected school districts be added to the Plat; and
3. That the public improvements and single-family residences shall be constructed in accordance with all applicable codes and standards.

Commissioner Spink asked who would maintain the streets until annexation and it was said that Milton Township now maintains the township streets.

Commissioner Sutenbach commented that he appreciates that the petitioner has been so articulate and able to answer many of the questions that the residents asked. He said that he also appreciates that the residents showed their concerns about the development.

Commissioner Hundhausen said that the plan calls for house sizes between 2,500 and 3,800 sq. ft. and a price range of \$400,000 to \$500,000 and asked how likely is there going to be a change in size or price and costs. Mr. Wilson replied that semi-custom homes would be in those ranges, however custom homes could run about \$700,000 - \$800,000.

Commissioner Weiss asked when elevation drawings would be available and Mr. Wilson replied that at the present time he is designing a house for one customer and other homes will be custom built or on speculation, and currently he is not marketing the lots. Commissioner Weiss asked about the depiction of Lot 2 on the site plan seeming

to show two driveways, Mr. Wilson presented a sample of what that house might look like. The concept is that there are two separate garages, one above the other, so you get a four-car garage in a two-car space. The lower garage is at the basement level and will be a straight in access and the upper garage has a curved in entrance. This frees up a lot of yard area than if a 3 or 4 car garage was put on the side of back the home.

Commissioner Weiss asked if there would a storm sewer installed in the area and Mr. White said that the subdivision will have a storm sewer system beyond the cul de sac that will take the water back to the existing drainage area at the rear of the property. This is a part of the DuPage County system and will become Carol Stream's upon annexation.

Chairman Bentz said that he agrees with Commissioner Sutenbach's eloquent statement in regard to the proposed development. It conforms to all of the zoning requirements in the R-4 district and it would certainly conform to the Village zoning requirements. He commented to the people in attendance that they can be assured that this development will not force them to hook on to water and sewer services nor will they be forced to annex to the Village of Carol Stream. It is a good-looking subdivision and will be an asset to the neighborhood.

Commissioner Weiss moved and Commissioner Spink made the second to recommend approval of the request for re-zoning to R-3 One Family Residence District upon annexation and approval of the preliminary and final subdivision in accordance with the 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

Mr. Bastian commented that this matter will not go to the Village Board until at least April 18, 2005.

Commissioner Hundhausen moved and Commissioner 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:

**#05040: Ten Talents, Inc./Chapel Hill Estates Subdivision, 23W500 St. Charles Road
Subdivision – Final Plat**

Tim Wilson explained that this is the final plat for the Chapel Hill Estates Subdivision. It meets all of the conditions that were noted on the preliminary plat and final engineering has also been submitted for the review of both the County and Carol Stream engineering departments for comments and plans have been resubmitted showing the responses to those comments. This property adjoins Faith Fellowship Church, it is 3.25

acres and meets the R-4 zoning classification for 10,000 sq. ft. home sites. There will be detention provided on site, in combination with the existing detention that the church has. The two will be combined and upgraded to meet current County standards. Mr. Bastian reported that On May 24, 2004, the Plan Commission reviewed the Preliminary Plat of Subdivision for Chapel Hill Estates, which is a proposed 11 lot residential subdivision on 3.25 acres of unincorporated land on the north side of St. Charles Road, approximately 470 feet west of Bloomingdale Road. At that time, the Plan Commission also conducted the public hearing for the request to rezone the property to R-3 One-Family Residence District once the property is annexed to the Village of Carol Stream. The Plan Commission recommended approval of the preliminary plat and rezoning by a vote of 6-0.

As a reminder, the property is neither in the Village of Carol Stream nor is it contiguous to Carol Stream's current corporate limits. As such, staff is currently negotiating a preannexation agreement with the applicant, which would establish certain development parameters, some of which will take effect immediately upon the approval of the agreement, and others which would take effect if and when the property is ultimately annexed to Carol Stream. As you may remember, the applicant has an agreement with the Wheaton Sanitary District through which sanitary sewer service will be provided. The applicant is currently working with the Village of Carol Stream to develop plans for extension of the Carol Stream water system east down St. Charles Road, to serve the proposed development on his property as well as other properties along St. Charles Road that may redevelop in the future. In order for any property owner or developer to connect to the water system, they would need to negotiate a preannexation agreement with Carol Stream, and pay their proportionate share of the water system recapture fee.

At this time, the applicant is requesting approval of the Final Plat of Subdivision for Chapel Hill Estates in accordance with Sections 7-1-4(A) and 7-2-6 of the Carol Stream Subdivision Code.

Final Plat of Subdivision:

Since last May, the applicant has been working on the final engineering design of the subdivision, as well the design of the water system extension. Technical issues related to the subdivision have been resolved, and the preannexation agreement will acknowledge the applicant's plan to provide a 60-foot right-of-way as opposed to 66 feet as required by the Carol Stream Subdivision Code. The applicant has also revised the plat to provide 30-foot front yard setbacks, as opposed to 25-foot front yards as were shown on the Preliminary Plan. The subdivision will include five-foot sidewalks on both sides of the cul-de-sac street, and there will a five-foot wide concrete sidewalk leading from the top of the cul-de-sac bulb to the Great Western Trail.

In review of the Plat, Community Development Department staff finds it to be in general conformance with the approved Preliminary Plan, and we recommend approval. The Engineering Services Department staff also recommends approval of the Plat, subject to the condition that the Plat not be forwarded to the Village Board for final action until such time as the Final Engineering Plans have been approved.

Staff recommends approval of the Final Plat of Subdivision for Chapel Hill Estates, subject to the following conditions:

That the Final Plat shall not be forwarded to the Village Board for action until such time that the Engineering Services Department has approved the final engineering plans; That the proper certificates for the Wheaton Sanitary District and affected school districts be added to the Plat; and

That the public improvements and single-family residences shall be constructed in accordance with all applicable codes and standards.

Commissioner Sutenbach said that this final plat is in substantial conformance with the preliminary plat that was approved and he does not have a problem with it.

Chairman Bentz stated the same.

Commissioner Hundhausen moved and Commissioner Weiss made the second to recommend approval of the final plat of subdivision in accordance with staff recommendations. The results of the roll call vote were:

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

Mr. Bastian commented that this matter will not be heard by the Village Board until such time as the engineering plans have been approved.

**05018: Duke Construction, 121-131 E. North Avenue
Gary and North Avenue Corridor Review
Variations – Gary and North Avenue Corridor Review
Continued from 3/14/05 meeting**

Jamie Bonnevier, Duke Construction and Steve Walter, Landscape Architect, Martin Design were sworn in as witnesses in this matter. Ms. Bonnevier said that they are presenting a new landscape plan that highlights the additional trees and landscaping that have been added. She also added that they have learned that the transformer will not be higher than 6 feet and that they will increase the height of screening from 5 ft. tall to 6 ft. tall. In relation to the access issue, efforts have been made to contact CarQuest without success. The plans show the increase in the sidewalk and the modification of the paint scheme, adding more vertical relief and features.

Mr. Walter said that the spacing of the trees has been tightened and they have added additional trees. The trees have been upsized from 6 to 8 ft. to 8 to 10 ft. in height.

Mr. Bastian stated that this report serves as an addendum to the report presented at the March 14, 2005, Plan Commission/Zoning Board of Appeals meeting. At that meeting, by a 6-0 vote, the Plan Commission recommended approval of the Special Use Permit to allow the ancillary retail showroom use planned by Lighting Direct. However, also by a 6-0 vote, the Plan Commission continued the Gary and North Avenue Corridor Review and requested variations to allow for additional information to be presented and for revisions to be made to the plans. The applicant has submitted a cover letter detailing the changes to the plans, as well as several new renderings and a complete set of revised site plans. Specifically, attached for your review are a cover letter dated March 23, 2005, and reduced copies of the revised site plan (Exhibit A, dated 3/22/05), existing site conditions plan (Exhibit B, dated 3/22/05), the paving and layout plan (Exhibit C, dated 3/22/05), the grading plan (Exhibit D, dated 3/22/05), the greenspace calculations plan (Exhibit E, dated 3/22/05), the landscape plan (Exhibits F-1 and F-2, dated

3/22/05), the building elevation plan (Exhibit G, dated 3/22/05), the previous landscape plan (Exhibits H-1 and H-2, dated 3/22/05), and the color renderings and line of sight plans including the view of the southeast corner of the building from North Avenue without the wing wall (Exhibit I), the view of the southeast corner of the building with the wing wall (Exhibit J), a view of the southwest corner of the building from North Avenue (Exhibit K), a second view of the southwest corner of the building including the screening provided for the overhead door (Exhibit L), a view of the west side of the building with no landscape screening (Exhibit M), a view of the west side of the building with the proposed landscape screening (Exhibit N), and a view of the northwest corner of the building, including the proposed screening around the transformer and the overhead door (Exhibit O).

At the March 14, 2005, meeting, several issues were raised by the Plan Commission and staff that required the applicant to submit additional information or revised plans. Below, each of these issues is identified, and staff presents an evaluation of how the provided information or revisions addresses the concerns.

1. Provide additional line of sight drawings of the building from all angles – The applicant has provided seven new renderings of the building from various perspectives, as seen in Exhibits I through O. Exhibits I and J show the proposed appearance of the east side of the building, with Exhibit I including an 80 foot long, 12 foot high wing wall, and Exhibit J not including a wing wall. As stated in the cover letter, these renderings include the additional evergreen trees as depicted on the landscape plan (Exhibits F-1 and F-2). Exhibits K and L show the view of the southwest corner of the building including the proposed landscaping that would screen the overhead door. Exhibits M and N show the west side of the building, including the new paint scheme, with Exhibit M showing none of the proposed landscape materials and Exhibit N including all of the proposed trees. Finally, Exhibit O shows the view from the northwest corner of the building, and includes the screening that will block the view of the transformer. Staff will elaborate on specific aspects of the renderings throughout this report.

2. Screening of dock doors, overhead door and transformer - The Plan Commission and staff requested the additional renderings so that we could gain a better understanding of how the building would look, and also so that the screening of key areas of the building and site could be better understood. One of the main concerns discussed at the March 14 meeting included the screening of the transformer, the overhead door on the west elevation, and the truck dock doors on the east elevation. The color renderings indicate that the transformer, overhead door and truck docks will be nearly invisible based upon the proposed landscape materials that would be installed. Based upon Exhibits I and J, it would appear that the wing wall would have limited usefulness in terms of providing additional screening of the truck dock area as viewed from North Avenue. The landscape plan includes more evergreen trees, as well as taller trees, in key areas of the site, to enhance screening. Specifically, the plan has been revised to include 44 evergreen trees in the area of the south and east corner of the property, whereas the previous plan provided 32 trees. Further, the plan now indicates that 28 of the evergreen trees will be 10 feet in height at the time of installation and the remaining 16 trees will be eight feet in height, as opposed to the earlier plan which proposed a combination of six- and eight-foot tall trees.

With respect to the transformer, staff has one question and two recommendations. What is the height of the transformer? The landscape plan proposes five-foot tall evergreen shrubs to be installed around the transformer; however, the plans do not indicate the height of the transformer, so it is not possible for staff to ascertain whether the proposed evergreen shrubs will adequately screen this piece of equipment. Our recommendations regarding the transformer are 1) that the evergreen trees and shrubs be at least as tall as the transformer, but in no case less than five feet in height, at the time of installation, and 2) that the transformer be painted a dark green color to closely match the color of the proposed landscape materials, to maximize screening of the equipment. It is requested that the applicant provide information regarding the height of the transformer.

Staff believes that significant enhancements have been proposed through the revisions to the landscape plan, although we are still not completely certain that the degree of screening shown on some of the renderings will be immediately possible at the time of initial planting. It is requested that the Plan Commission review the revised renderings and provide a determination with respect to the screening of the transformer, overhead door and the truck docks.

3. Modify design to increase architectural interest and provide vertical relief – The renderings and building elevation plan (Exhibit G) have been modified to include a more interesting paint scheme, including color blocking extending to the roof of the building at several locations, and a solid paint band around the entire top of the building. Staff believes that these changes help reduce the apparent monotony of the large precast building. It is requested that the Plan Commission review the revised rendering and elevation and provide a determination with respect to the architectural design of the building.

4. Extend landscaping further north along east property line to enhance screening – The enhancements to the landscape plan associated with the screening of the truck dock area have already been discussed in terms of the number and height of trees. It is also important to note that the revised landscape plan (Exhibits F-1 and F-2) continue the double staggered row of evergreen trees an additional 130 feet further north along the east property line as compared to the previous plan (Exhibits H-1 and H-2). Staff believes that the combined factors of providing a larger quantity of trees, significantly taller trees at the time of installation, and the trees being continued 130 feet further to the north, will all have a significant positive impact on the screening of the truck docks. It is requested that the Plan Commission review the revised landscape plan and provide a determination with respect to the design and screening capability of the plan.

5. Add windows to the south elevation – Staff had suggested, and the Plan Commission concurred, that additional windows should be added to the south wall facing North Avenue, to enhance the appearance of the elevation. Staff had suggested that approximately 10 windows be added to be consistent with the approximate window spacing found on the west and north sides of the building; the plan provides eight additional windows. Staff finds the additional windows to be acceptable, and it is requested that the Plan Commission review the revision and provide a determination with respect to the architectural design of the south elevation.

6. Extend sidewalk on south side of building – Staff had recommended, and the

Plan Commission concurred, that the sidewalk servicing the retail showroom area should be extended further east to the end of the row of parking. The site plan (Exhibit A) indicates that this has been done. Staff approves of this modification and it is requested that the Plan Commission provide a determination with respect to the revised sidewalk design.

7. Vehicular access to future outlot – Staff expressed a concern in the 3/14 staff report regarding vehicular access to what will likely become a retail outlot between the existing Fannie May Candy and CarQuest Auto Parts properties. The proposed design of the Lighting Direct portion of the site does not incorporate cross access opportunities for the eventual outlot, and Community Development Department staff feels a responsibility to attempt to plan for the future and consider access opportunities for the outlot. It is customary for staff to attempt to maximize cross access opportunities among adjacent retail properties; the applicant's development and property are not being held to a higher standard than other developments with respect to this recommendation from staff. From a retailer's perspective, adequate vehicular access is typically an important factor in making a site location decision. In the cover letter, the applicant indicates that they will attempt to discuss the subject of cross access through the CarQuest property once the outlot has been subdivided and purchased back from Lighting Direct. The applicant states that the subdivision and subsequent purchase will take place once a building permit is received for Lighting Direct. This approach provides very little assurance to the Village that increased vehicular access to the future outlot will be likely, especially since in a telephone conversation the applicant indicated that the future outlot user could be an auto parts store. This would make it highly unlikely that CarQuest would grant cross access, since it would be for a competing business.

Although staff is not satisfied with the applicant's response to this issue, we are not inclined to delay the overall project to force the resolution of the access issue. As a recommended condition for this project, we suggest that the applicant be required to explore all reasonable options for obtaining cross access through the CarQuest property for the future outlot parcel, demonstrate their efforts in this regard to the Village, and implement a cross access plan if at all possible. It is requested that the Plan Commission provide direction with respect to the access issue for the future outlot.

8. Storm water management plan – The Village Engineer has indicated that the Village still has not received a storm water management plan that fully complies with the requirements of the DuPage County Storm Water Management Ordinance. However, the Village Engineer does believe that such a plan is attainable, and that the plan will not cause significant revisions to the site plan. While this should not preclude the Plan Commission from taking final action regarding this matter, it should be noted that the Special Use Permit will not be forwarded to the Village Board for final action until the Village Engineer is satisfied with the storm water design.

Summary:

In staff's evaluation, the revised renderings and landscape plans largely address the concerns raised by the Plan Commission and our 3/14 staff report. The most significant unresolved issue involves access to the future outlot, which remains a complex and troubling concern. Staff invites further discussion and ideas regarding the access issue among the Plan Commission members and applicant.

RECOMMENDATION

Staff recommends approval of the Gary and North Avenue Corridor Review, and the requested variations for the Gary Avenue building setback and screening requirement, subject to the following conditions:

1. That all parking spaces shall be striped in accordance with the Village's looped parking stall striping requirements;
2. That the landscape materials planned for installation around the transformer that is proposed to be located on the west side of the building shall be equal to or greater in height than the transformer itself, but in no case less than five feet in height, and that the transformer shall be painted a dark green color to closely match the color of the proposed landscape materials, to maximize screening of the equipment;
3. That all mechanical equipment, whether it be ground mounted or roof mounted, shall be completely screened from view from Gary and North Avenue;
4. That no outdoor trash dumpsters or enclosures shall be permitted, for either building tenant;
5. That no outdoor shopping cart corrals shall be installed, and that if shopping carts are provided for use by customers, they shall not be stored outdoors on the property;
6. That the site, building and landscape plan shall match the attached exhibits, with the exception of any revisions that may be made to the plans based upon the recommendations of the Plan Commission;
7. That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with similar size and type species on an annual basis;
8. That the Special Use Permit request shall not be forwarded to the Village Board for final action until such time as the Engineering Services Department has received and reviewed plans that present a storm water management system design that will satisfy the requirements of the DuPage County Storm Water Management Ordinance;
9. That the applicant shall be required to explore all reasonable options for obtaining cross access through the CarQuest property for the future outlot parcel, demonstrate their efforts in this regard to the Village, and implement a cross access plan if at all possible;
10. That the applicant shall obtain sign permits for all site signage; and
11. That the construction and operation of the facility shall comply with all state, county and Village Codes and requirements.

Commissioner Michaelsen commented that while it is good that more trees were added, it is his belief that most of the them will be dead after the first year due to salt spray and he would like to see a pre-cast wall in that area. It was noted that most of the trees in that area will be spruce trees, which are most salt tolerant, as well as pine trees that are slightly less tolerant. Commissioner Michaelsen asked if the transformer can be located to the other side of the building and Ms. Bonnevier said that since the electric service comes in from Gary Avenue, it is most logical for the transformer to be located on that site.

Commissioner Michaelsen also stated that he is not in favor of having the overhead garage door facing Gary Avenue. Ms. Bonnevier commented that both the transformer and the garage door will not be seen because of the landscape screening.

Commissioner Spink commented that she believes a wing wall will provide better screening than the trees and shrubs.

Commissioner Sutenbach commented that despite the buffering and screening it remains a plan for a big box building on the corner of North Avenue and Gary Avenue. He added that even the additional paint does not affect the appearance of a large, stark building and suggested that adding a large berm be considered. In response to the question, it was stated that the windows that were added are not real but for security purposes, they are only decorative.

There was discussion regarding the presentation of what the size of the building will look like in comparison to the CarQuest building.

Commissioner Hundhausen asked how the outlot will be maintained and it was said that it will be graded and landscaped during the process. She commented that she is pleased that the line of trees has been extended and that the vertical lines do not break up the building's span.

Commissioner Weiss asked if this is a two tenant building and it was stated that it has been designed to be a two tenant building, but Lighting Direct will own the entire building. They can decide to lease part of it out, or if business demands they will use the entire building for their business. In response to the question of responsibility for subdividing the outlot, Mr. Bastian said that applicant has stated in their cover letter and in conversations with staff that it is their plan that once the building permit is issued for the Lighting Direct Building, Duke Realty will attempt to subdivide off and purchase the outlot property back from Lighting Direct and at such time as they have an end user for the outlot, the property would be subdivided and rezoned to the business district because it is too small to be in the industrial district. Duke has expressed a willingness to address the cross-access issue at the time of subdivision. Staff has made it clear that our interest is to try to plan for the future as best as can be done and that this access is very important to the future viability of the out lot and if there is any way to allow cross access to come into this property through the CarQuest property, that would be the ideal situation. There is a median on Gary Avenue in front of the outlot property that will not be able to be crossed at that point since it is a curbed median but that a left turn out of CarQuest would be possible since the curb is mountable, and it would be possible to cross over from the west side of Gary. Staff wants the applicant to do everything that they can to gain cross access through the CarQuest property and demonstrate their efforts to do that and to make that happen at the time of subdivision. The other alternative is to say that we are not going to process this special use and we are not going to approve the Gary Avenue Corridor review and we are going to hold up this whole project

because of the access issue. This is an action that the Village could take, but it probably would wind up in a lawsuit and there is some doubt of the outcome of such litigation.

Commissioner Weiss said that he has a real concern about the issue of the overhead door. It is his opinion that it does not belong on that side of the building, it should be on the east side.

Chairman Bentz said that he likes the additional striping on the outside of the building, the additional landscaping along the east side and that he is in favor of landscaping as opposed to concrete walls. Chairman Bentz said that in regard to the North Avenue Corridor review, the evergreens and the glass wall seem sufficient to buffer the view from North Avenue. Even though this elevation is closer to North Avenue, the speed at which traffic flows does not provide for an extended look at the building. Looking at it from the Gary Avenue perspective he thinks it conforms to everything else that is required in the overlay district. This particular building has a setback of 200 feet and that allows a little more flexibility in terms of some of the features on that side of the building. The outlot itself provides an even bigger setback and even prior to it being developed he does not have a problem with an overhead door since it will not very visible. He said that the same is true of the transformer.

Ms. Bonnevier said that once the building permit is issued, Duke has every intention to do everything they can to get a cross access easement with CarQuest. She said that there has been interest in the outlot and stated that she feels it will be developed very quickly once this process is completed.

Commissioner Spink said that she is not comfortable with the overhead door because we have told other places that they cannot have an overhead door in view of Gary Avenue. She added that it does not matter how many feet the setback is, and she can't agree with that. She said that the Village would not have any control over it if the door was left open.

Mr. Bastian said that the Plan Commission could approve the request subject to the door being removed and the Village Board has the ability to hear appeals to such decisions if the applicant requests it.

After some delay, Commissioner Hundhausen moved and Commissioner Sutenbach made the second to approve the Gary Avenue Corridor and North Avenue Corridor review based on Staff recommendations with an additional condition that the overhead garage door be closed whenever it is not being used. The results of the roll call vote were:

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

This is a tie vote.

Ms. Bonnevier said that if it helps she can say that this is a contract pending for development of the outlot, subject to the outcome of this matter. There would be a building that would be put directly in front of the garage door.

Commissioner Spink asked if the installation of the door could be put off until such time as a building was put on the outlot. It was stated that it was an impractical idea as far as construction of the building.

Commissioner Michaelsen asked if the owner could just use the overhead doors on the east side and it was said that there is racking and indoor dumpsters on that side

of the building and there would not be enough room for 4 cars.

Commissioner Hundhausen asked if the cars were going to stored there or go in and out on a daily basis. Ms. Bonnevier said that she does not know exactly, but the cars would belong to the owner, his mother and father and one additional spot. She did not know if they would be stored there or used daily.

In response to the question by Commissioner Spink, Mr. Bastian commented that the overhead door is centered on the outlot, so since there is no interior side yard setback from the zoning standpoint in the business district, it is quite likely that the future outlot building will completely block the view of the overhead door from Gary Avenue.

Commissioner Sutenbach commented that there are three access doors on the same side of the building and the total width of those three doors are equal to the width of the garage door.

Commissioner Weiss commented that an overhead garage door does not belong on the Gary Avenue side of the building.

Commissioner Hundhausen said that she does not have a problem with it since it will be hidden when the outlot is developed but, perhaps in the meantime, some additional landscape could be put in.

Commissioner Sutenbach said that the telephone poles are uglier than the door, and we can't hide those.

Commissioner Spink said that she thinks this would be setting precedent.

Commissioner Michaelsen said that he does not think that the door should not be on that west elevation.

Ms. Bonnevier said that in the Gary Avenue Corridor there is not supposed to be a door, and if there is a door it is supposed to be completely invisible and that is why they are asking for the variance. She said that with the setback and landscaping the door is pretty close to being invisible and that the corridor regulations state that the door can't be seen, she does not believe that it states that there cannot be a door. A door can be there as long as it is not visible and with the landscaping and the development of the outlot, it is all but invisible. She added that they can increase the size of the arborvitae and add additional spruces which would make the door invisible from the street. There was discussion regarding the time line for construction of the building.

Commissioner Spink commented that she will agree to it, if, by August, when the pre-cast walls are going up, that permits have gone through for the other building. It was said that subdivision and rezoning could possibly be done by that time, but not application for building permits. She said that she just wants to know that something is going to be there and it was commented that there is plenty of landscaping being put in at the outset.

Commissioner Sutenbach moved and Commissioner Hundhausen made the second to approve the Gary and North Avenue review and approve the variations for the Gary Avenue and North Avenue Corridor regulations in accordance with the staff regulations including the addendum presented and the additional requirement that four more spruce trees, 8 to 10 feet tall, be added to the north and south of the back door. The results of the roll call vote were:

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

NEW BUSINESS:

Mr. Bastian stated at the next meeting, April 11, 2005 there will be a training session in the lower level training room and that there will be boxed dinners for everyone. The session will probably last from 1.5 to 2 hours and the hearing of the agenda items will follow immediately.

Mr. Bastian noted that the semi-annual planning and zoning seminar will be given by Elgin Community College and if anyone is interested in attending they should notify staff.

Commissioner Weiss asked if he could receive attendance records for these meetings, since a full Board tonight could have avoided the tie vote and probably a lot of discussion.

At 10:00 PM, Commissioner Spink moved and Commissioner Hundhausen made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD