

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

August 8, 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 Vora, Spink, Weiss, Michaelsen, Sutenbach & Bentz
Absent: Commissioner Hundhausen
Also Present: Village Planner Don Bastian, Recording Secretary Progar

MINUTES:

Commissioner Spink moved and Commissioner Michaelsen made the second to approve the Minutes of the Meeting of July 11, 2005 as presented. The results of the roll call vote were:

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

PUBLIC HEARING:

**#04307: Capital Design, Ltd., Northeast Corner of St. Charles Rd. & Morton Rd.
*Zoning Upon Annexation to I-Industrial District***

Commissioner Weiss moved and Commissioner Spink made the second to continue this matter to the meeting of October 24, 2005 at the request of the petitioner. The results of the roll call vote were:

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

**#05151 Lakewood Homes, Inc., Fisher Farm Property, North Side of
North Avenue West of Gary Avenue
*Rezoning (Upon Annexation)
Special Use Permit – Planned Unit Development
Planned Unit Development Plan – Preliminary
Subdivision – Preliminary***

At the request of the petitioner, Commissioner Spink moved and Commissioner Michaelsen made the second to continue this matter to the meeting of September 12, 2005. The results of the roll call vote were:

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

#05164 McCollister's, 140 E. Fullerton
Special Use – Outdoor Activities and Operations
Continued from the 7/11/05 meeting

Louis Vigliotti, 450 Kehoe Blvd. Carol Stream was sworn in as a witness in this matter. He explained that the request is to park additional vehicles in the lot at 140 E. Kehoe. The vehicles are three small economy vans, four truck tractors and eight trailers and are to be used for Fuji Film.

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

Mr. Bastian stated that McCollister's Transportation Systems Inc., which has its main local facility at 450 E. Kehoe Boulevard, is requesting a Special Use Permit to allow for outdoor van, truck and trailer parking at 140 E. Fullerton Avenue. McCollister's began using the space at 140 E. Fullerton Avenue in October 2003 as a warehouse and distribution facility for Fuji Film Corporation. In storing and distributing product and equipment for Fuji Film Corporation, McCollister's requires the ability to periodically park three vans, four truck tractors, and eight trailers outdoors on the property. As such, McCollister's is requesting approval of a Special Use Permit in accordance with Section 16-10-2(B)(14) of the Carol Stream Zoning Code to allow for the outdoor parking of trucks and trailers.

In December of 1999, the Village Board adopted Ordinance 99-12-73, which approved a Special Use for one of the former building tenants, Bedding Experts, to park trucks and trailers outdoors on the property. One of the conditions of Ordinance 99-12-73 specifically stated that the Special Use was only applicable to truck and trailer parking by Bedding Experts; as such, the Special Use is not transferable to McCollister's.

Screening and Parking:

In review of Special Use Permit requests for outdoor activities and operations in the form of outdoor truck and trailer parking, the factors that typically require the most detailed evaluation by staff are the screening of the proposed truck and trailer parking and the adequacy of parking for both employees and for the trucks and trailers. In fact, Section 16-10-1(C) of the Industrial District Zoning Code states, *"Unless specifically permitted, all business, processing, storage and all other activities and operations shall be conducted within completely enclosed buildings. If permitted as a special use such operation or activity shall be screened by a fence."* In this case, the property at 140 E. Fullerton is well suited for outdoor truck and trailer parking, as a solid eight-foot tall wooden fence exists along the north, south and east property lines. There are also five maturing evergreen trees just to the north of the fenced area which help block the view of parked trailers for the limited viewing angle from Gary Avenue in which it is just barely possible to see back to the trailer parking area. Due to the trees, and the fact that the truck parking area is on the east side of the building, this area is essentially not visible from Gary Avenue. Based upon these factors, the screening of the vans, trucks and trailers proposed to be parked outdoors is adequate. The only condition that staff

recommends as related to the screening requirement is that the fence needs to be maintained in good condition. Currently, there are a few boards missing from the fence, and staff recommends that the missing boards be replaced.

The other primary factor that staff evaluates for outdoor truck and trailer parking requests is the adequacy of available parking not only for the trucks and trailers but also for employees. The table below provides a breakdown of the use of space in the building and the corresponding required number of parking spaces.

Use of Space	Area of Use	Code Requirement	Spaces Required
Tenant Space A			
Office	1,020 s.f.	1 space for each 250 s.f.	4.1
Warehouse	25,833 s.f.	4/1 st 1,200 s.f., then 1/1,500 s.f.	20.4
Tenant Space B			
Office	2,246 s.f.	1 space for each 250 s.f.	8.9
Warehouse	31,238 s.f.	1 space for each 1,500 s.f.	20.8
McCullister's			
Office	855 s.f.	1 space for each 250 s.f.	3.4
Warehouse	20,396 s.f.	1 space for each 1,500 s.f.	13.6
		Total Parking	71
		Required:	
		Total Parking	76
		Provided:	

As seen in the table, the Zoning Code requires 71 parking spaces to serve the tenants based upon the use of space in the building. The site plan indicates that 76 parking spaces are available to serve employees and visitors of the facility, which exceeds the number of spaces required by the Code. We note that the 76 available spaces are separate from the van, tractor and trailer parking spaces that McCullister's is requesting approval of to use for outdoor parking. Based upon this information, there appears to be more than adequate parking on site while still allowing room for the requested outdoor van, tractor and trailer parking. In fact, while McCullister's generates a Code-based parking requirement of 17 spaces, they have indicated that they actually only have a maximum of five employees that work at this facility. The site plan indicates where the three vans, four tractors, and eight trailers are proposed to be parked.

Special Use:

In review of this request, staff has considered both operational and aesthetic factors. From an operational standpoint, the site is well designed to accommodate truck traffic within the fenced area, and does not require on-street maneuvering on Fullerton Avenue. Adequate space is also available on the property for the outdoor parking of the vans, tractors and trailers without sacrificing employee or visitor parking spaces. Further, a special use was approved for a previous tenant to park trailers on the property and we are not aware of any problems resulting from the previous approval. From an aesthetic standpoint, the location of the truck parking area on the site, in

addition to the eight-foot tall fence and the existing mature landscaping, all combine to provide adequate screening of the proposed outdoor parking.

Based upon the information discussed, staff believes that the Special Use to allow for the outdoor parking of three vans, four tractors and eight trailers is reasonable, provided that the fence and landscaping are maintained in good condition to ensure proper screening of the outdoor activity.

Staff recommends approval of the Special Use request for the outdoor parking of three vans, four tractors and eight trailers, subject to the following conditions:

1. That the outdoor parking be limited to three vans, four tractors, and eight trailers, and that any request to increase the number of vans, tractors or trailers to be parked on the site in the future would require an amendment to the Special Use;
2. That the missing boards on the screening fence be replaced no later than September 15, 2005, and that the fence be maintained in good condition;
3. That all parking stalls on the property shall be striped in accordance with the Village's looped striping requirements; and
4. That the operation of the facility and maintenance of the site must comply with all state, county, and village codes and requirements.

Commissioner Weiss asked if 450 Kehoe was the main off ice for McCollister and Mr. Vigliotti said that it was and that the Fullerton location would only be used for storage for their Fuji Film account.

In response to his question, Commissioner Vora was told that all adjacent property owners had been notified of this request for public hearing.

Commissioner Bentz commented that this request is similar to many others for outdoor storage and activities. He asked if the petitioner agreed to come back for an amendment to the special use for additional vehicle storage and the petitioner said that it is very unlikely that they would need additional units.

Commissioner Weiss moved and Commissioner Vora made the second to recommend approval of a special use permit for outdoor activities and operations in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on August 15, 2005 and was advised to attend that meeting.

**#05194: Ware Malcomb, 365 E. North Avenue
Variation - Zoning Code
North Avenue Corridor Review**

Vincent Rigg and Gil Edgerton were sworn in as witnesses in this matter. Mr. Rigg explained that the request is a variation from the North Avenue Corridor review for the existing portion of the site. They are proposing to add new landscaping at the front, eight new parking stalls, 1 accessible stall and to install 6 new windows on the North Avenue façade. Elevation drawings of the existing plan and the proposed changes

were shown. It was also noted that the entire parking lot will be restriped in accordance with the Village's looped parking stall striping standards.

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

Mr. Bastian said that The applicant is requesting a Variation from the North Avenue Corridor regulations related to parking lot landscaping and North Avenue Corridor Review for the proposed building and site improvements in accordance with Sections 16-5-6(E)(4)(g) and 16-5-6(E)(4)(f) of the Carol Stream Zoning Code.

Eric Johnson of Ware Malcomb on behalf of property owner First Industrial Realty Trust, Inc., has submitted an application for North Avenue Corridor Review and for a variation from the North Avenue Corridor standards for the property at 365 E. North Avenue. The Meyercord Company occupied the building for many years up until they vacated the premises in 2002, and First Industrial Realty Trust has been making enhancements to the front building elevation as new tenants have occupied space in the building.

Specifically, First Industrial has added new entrances to the front of the building and they have also added several windows to improve the appearance of the building as well as to allow natural light to enter the building. Because the property is located within the North Avenue Corridor Overlay District, First Industrial has come before the Plan Commission each time that they have proposed to upgrade a section of the front elevation. At this time, one of the existing building tenants, Affordable Office Interiors, has decided to occupy an additional 97,791 square feet of space inside the building. To enhance the appearance of the building and the interior space, First Industrial is proposing to install several sets of new windows in the building. They are also proposing to add eight new parking stalls in front of the building to increase the number of spaces that would be convenient for use by customers and visitors. The North Avenue Corridor (NAC) regulations require compliance with the parking lot landscaping standards as contained in the Corridor regulations for the parking lot addition. However, because of the small size of the parking lot expansion as compared to the overall parking lot, the applicant is requesting a variation from full compliance with the Corridor standards.

North Avenue Corridor Review:

According to Section 16-5-6(E)(4)(f) of the Zoning Code, application of the NAC standards shall be initiated for "any change in the building façade design such as changes in the location or types of windows, doors or other features". Section 16-5-6(E)(4)(g) of the Zoning Code further stipulates that any addition to the parking spaces shall conform with the standards contained within the corridor regulations related to parking and landscape design. In this instance, the only architectural change requiring Plan Commission review and approval is the proposed installation of six sets of windows on the North Avenue-facing side of the building. The proposed enhancement will be evaluated in accordance with regulations contained within the Architectural Design standards portion of the NAC regulations. The applicant also proposes to add eight new parking stalls in the area in front of the building. As stated, the applicant is requesting a variation from the parking lot landscaping standards contained within the corridor regulations. The requested variation will be evaluated in accordance with the standards for variations from the North Avenue Corridor regulations.

The portion of the building that Affordable Office Interiors wishes to expand into still reflects the layout as based upon the specific needs of the original tenant, Meyercord Revenue Company. Due to the nature of Meyercord's business, for security purposes, the building was constructed with few windows. In order to make the tenant space for Affordable Office Interiors more attractive, and to increase the amount of natural light entering the building, the applicant is proposing to add six sets of windows in the former office area for Meyercord. The windows would be added to the areas that currently consist of brick, between the precast columns, as seen on Exhibits 4 and 5.

In evaluating the proposed window installation in accordance with the architectural design standards contained in the North Avenue Corridor regulations, we find that the windows will break up the somewhat monotonous and dated appearance of the existing brick wall. The windows will provide a more attractive front elevation facing North Avenue, and the windows will also increase the amount of natural light entering the office space inside the building, which is desirable. The proposed windows will also be compatible with the appearance of the windows that have been added to the south building wall over the past few years. Staff supports the proposed architectural modification, and requests that the Plan Commission review the proposed window installation and determine compliance with the intent of the Architectural Design standards of the NAC regulations.

Variation:

As reflected on Exhibit 2, the applicant is proposing to add eight parking stalls in front of the building. To make room for the eight new parking stalls, 811 square feet of existing landscaped area, including one existing damaged tree, will need to be removed. The NAC regulations require that any addition to existing parking areas requires the new spaces to comply with the NAC standards for parking lot landscape design. However, because of the existing design of the parking area in front of the building, and the relatively small scope of the parking expansion, at only eight spaces, the applicant is requesting a variation from the landscape design standards for the new parking stall area.

With respect to requests for variations from any NAC standard, the NAC regulations direct the following:

"Variances. In the event of unusual circumstances, or a particular hardship, the developer or property owner may request that the Plan Commission adjust the applicability of this section to existing development. For the purpose of this section, all properties that were improved with structures prior to adoption of the Gary Avenue and North Avenue Corridor Regulations shall be considered unique and the Plan Commission shall use flexibility in consideration of variances to the requirements of this section. When reviewing a request, the Plan Commission shall consider the following factors:

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

In review of the requested variation, staff notes that the applicant is proposing to make landscape improvements in the landscape areas in front of the building. For example, Exhibit 3 indicates that 5 eight-foot clump snowdrift crabapple trees will be added on either side of the entrance drive into the facility, and also that five 24-inch dwarf lilac shrubs will be added on the north side of the entrance drive. A three-inch caliper shade tree will be added in place of the damaged tree that will be removed. As opposed to highly concentrating shrubs and installing parking lot greenspace in the immediate vicinity of only the new parking spaces, as required by the NAC standards, the applicant is proposing to make landscape improvements of a more general nature in the area in front of the building. In further consideration of the requested variation, we note that the NAC standards for variations indicate that all properties that were improved with structures prior to adoption of the Gary Avenue and North Avenue Corridor Regulations shall be considered unique, and the Plan Commission shall use flexibility in consideration of variances to the requirements of this section. Staff believes that the proposed landscape enhancements will be attractive, and will be more appropriate than installing dense new plantings in the immediate vicinity of the eight new parking stalls. The Plan Commission is asked to review the requested variation and determine whether the criteria for a variation have been satisfied.

For informational purposes, staff also evaluated the proposed use of space inside the building to ensure that there would be an adequate amount of parking to serve the uses. The Zoning Code requires 336 parking spaces, while the site plan provides 345 parking spaces.

Staff recommends approval of the North Avenue Corridor Review, as well as of the variation from the parking lot landscape standards, subject to the following conditions:

1. That the entire parking lot shall be re-striped in accordance with the Village's looped parking stall striping standards;
2. That the new proposed landscape materials shall be installed in the quantity and size indicated on the landscape plan, with any dead or dying landscape materials being replaced on an annual basis;
3. That building permits shall be obtained, as necessary, for all work to be done on the property;
4. That the parking lot shall be striped to contain 345 parking stalls once the work is complete; and
5. That the building and property shall comply with all applicable state, county and Village Codes and requirements.

Commissioner Spink asked if there will be any additional signage and Mr. Edgerton said that there is a monument sign for the building and that if the tenant wants additional signage they will have to pursue the process.

Commissioner Weiss asked if there would be any signs in the windows and was told that there will not be signs in the windows. It was noted that the area is to be used as a retail show room to increase sales, that there will not be any outdoor displays and that there is one drive-up door for van pick up of merchandise.

Chairman Bentz said that this appears to complete the tenancy for the building. He noted that the landscaping is adequate and the additional foliage will be satisfactory.

Commissioner Spink moved and Commissioner Sutenbach made the second to recommend a variance to the Zoning Code for additional parking spaces in accordance with staff recommendations. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on August 15, 2005 and was advised to attend that meeting.

Commissioner Spink moved and Commissioner Sutenbach made the second to approve the North Avenue Corridor Review for site improvements. The results of the roll call vote were:

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

**#05179: Ron Koos, 392 Flint Trail
Variation – Zoning Code**

Ron Koos, 392 Flint Trail was sworn in as a witness in this matter. He explained that the request is for a variance to build a sunroom on an existing patio. Mr. Koos said that he has had to remove a fence, part of the patio and an access sidewalk since they were on his neighbor's property due to a two foot setback.

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

Mr. Bastian said that The applicant is requesting a variation in accordance with Section 16-14-3(B) of the Carol Stream Zoning Code to allow an addition to a nonconforming structure.

STAFF ANALYSIS

Ron Koos of 392 Flint Trail has filed an application seeking approval of a variation that would allow an addition to an existing nonconforming structure. Specifically, Mr. Koos is proposing to construct a 10- by 14-foot sunroom addition off of the rear of the existing single-family residence. Because the home is nonconforming with respect to the interior side yard setback, staff cannot approve the building permit for the proposed sunroom addition unless and until the Village Board, after a public hearing by the Plan Commission/Zoning Board of Appeals, approves a variation to allow an addition to a nonconforming structure. As such, Mr. Koos is requesting a variation in accordance with Section 16-14-3(B) of the Carol Stream Zoning Code, to allow an addition to a nonconforming structure.

In 2004, Mr. Koos authorized Paradise Rooms to submit a building permit application for a 10- by 14-foot sunroom addition to the rear of the existing home. During the review of the permit, Village staff found that several improvements on the property at 392 Flint Trail did not comply with Village standards. Most significantly, the home was

constructed less than two feet from the interior side property line, while the setback requirement for homes in the Western Trails subdivision is five feet. Further, the existing fence and service walk located on the east side of the home were found to extend beyond the east property line, which is not permitted, and the patio in the rear yard did not comply with the side setback requirement.

After discovering the various structures on the lot that were not in compliance with applicable standards, staff informed the property owner that the Village would not be able to issue a permit for the sunroom. During our discussions with the property owner, we indicated that as many of the nonconforming structures as possible should be brought into compliance with the applicable Village codes. Through staff's research, we found that in 1983, the Village issued a building permit for the home to be constructed on the lot in the configuration as shown on the plat of survey (Exhibit A). Staff acknowledged that no feasible options existed for rectifying the substandard setback of the home.

The property owner has since removed the illegal sidewalk and fence, and has had the patio modified to comply with the required side yard setback. The proposed sunroom addition would comply with all applicable Zoning Code standards including setbacks and lot coverage.

The Zoning Code does not allow additions to nonconforming structures unless 1) the nonconforming structure is made to conform to all regulations of the district in which it is located, or 2) the Village Board, after receiving the recommendation of the PC/ZBA, approves a variation because it would be inequitable not to allow the addition and where the public health or safety will not suffer thereby. It would not be practicable to bring the existing home into compliance with the existing side yard setback, and further, the Village issued a permit to allow the home to be constructed in the configuration in which it presently located on the property. Based upon these factors, and the additional factors that the proposed sunroom will comply with all applicable Zoning Code standards, and the homeowner has been proactive in mitigating the other nonconforming structures on the property, staff does not object to the requested variation to allow an addition to a nonconforming structure.

Based upon the most significant facts of this case, which include 1) that the Village issued a permit for the home in its current configuration, 2) the homeowner has been diligent in removing the other nonconforming structures, and 3) the proposed sunroom addition will comply with all applicable Building and Zoning Code standards, staff can support the requested variation to allow an addition to a nonconforming structure.

Staff recommends approval of the variation to allow the 10- by 14-foot sunroom addition to the existing nonconforming home, subject to the conditions that a building permit be obtained for the sunroom addition and that all required inspections of the new addition be scheduled and performed.

Commissioner Weiss asked if the sunroom was going to be built on the patio and was told that it was. Mr. Bastian noted that as long as the patio was installed with an adequate foundation and support, it is permissible to put a sunroom on that patio. It was noted that part of the patio has been cut down and modified in order to meet the requirements. Commissioner Michaelsen asked if the patio would be five feet from the property line and it was determined that it will be six feet from the line to meet the code.

Chairman Bentz said that in order to grant a variance there has to be some kind of unusual

or unique circumstance on the property that would set it apart from others. The fact that there was a permit and certificate of occupancy issued by the Village for the house as it is positioned on the lot is certainly unique since there is no way to move the house. There is great appreciation that the petitioner has worked with the staff to modify some of the other concerns to being them into compliance.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a variation to allow an addition to a non-conforming structure.

The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on August 15, 2005 and was advised to attend that meeting.

At 8:05 p.m. Commissioner Michaelsen moved and Commissioner Spink made the second to close the public hearing. The results of the roll call vote were:

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

NEW BUSINESS:

Mr. Bastian reported that there are no petitions ready for the August 22nd meeting and suggested that the Commissioners may wish to cancel that meeting.

Commissioner Spink moved and Commissioner Sutenbach made the second to cancel the Regularly Scheduled Meeting of August 22, 2005. The results of the roll call vote were:

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

There was informal discussion on upcoming requests and at 8:45 p.m. Commissioner Spink moved and Commissioner Sutenbach made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD