

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

**October 10, 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 Vora, Spink, Weiss, Michaelsen, Sutenbach and Bentz  
Absent: Commissioner Hundhausen  
Also Present: Community Development Director Gles and Recording Secretary Progar

**MINUTES:**

Commissioner Spink moved and Commissioner Michaelsen made the second to approve the Minutes of the Meeting of September 26, 2005 as presented. The results of the roll call vote were:

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

**PUBLIC HEARING:**

**#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  
Continued from 9/12/05 meeting***

Jim Truesdell, Lakewood Homes said that several members of the design team would review the changes that have been made to the plan since the last meeting. Joe Maschek said that in regard to the landplaning changes, the concept remains the same but the commercial area has been enlarged to 11 acres, the storm water detention area has also been enlarged to 9.7 acres to ensure that the stormwater detention area is sized properly and designed in a way that is attractive as well. The density has been reduced down to 276 units which is down from the last plan by four units (280) and reduced again since the first proposal of 304 units. In regard to the connection to Surrey Drive, they feel that moving the connection 75 feet south of the original placement will allow a larger lot on the north side of the intersection. The

setbacks on both the north and east property lines have remained expanded to a minimum of 45 ft. and almost to 80 feet in some places. The density is about the same at 8.4 units and the side setbacks have been maintained at 30 ft side to side.

Mr. Truesdell commented that the request for rezoning to B-3 has been withdrawn since the inquiry from a car dealership has dissolved. Therefore the rezoning to B-2 is requested.

Scott Farris, landscape architect stated that there have been three distinct changes in regard to the landscaping and they are the bike trail, the pond/common area and the foundation landscaping and streetscape design. The overlook feature at the northeast corner remains and it is the trailhead of the bike path and will feature a pergola or overhead trellis as well as benches.

Commissioner Hundhausen entered at this point.

Mr. O'Malley said that the building appearances will be assembled by market sales. He noted that the elevation for Unit C can be changed for a different appearance from building to building. He then reviewed the different floor plans that are available.

Mr. Truesdell stated that the setbacks on the north property line are larger to compensate for the lack of a berm and with the planned landscape buffers it should provide adequate separation. He noted that they do agree to provide curbing for the private drives and parking areas and that they have agreed to an easement on North Avenue for a bike path as well as adding a lighted fountain in the retention pond.

At the call for public hearing Missy Rogers said that she is concerned about the proposed traffic patterns and that she would like the developer to consider taking the traffic to the northwest to connect to Kuhn Road at McNees Road so that residents can have easier access to schools and parks. In answer to the question it was determined that when the commercial area develops there will be a right in/right out entrance but not a traffic signal and there has been nothing determined about cross access of the remaining parcels, although the Staff has discussed the matter with this developer as well as the owners of the other parcels. Ms. Rogers suggested that a pedestrian path should be reconsidered since this provides a venue for vandalism as well as potential problems to the Water Reclamation Center. She noted that only 11% of the proposed units meet the Code requirements, and she would like to see the developer reduce the number of units by half to meet the intent of the Code. Ms. Rogers also asked where the air conditioning units would be placed.

Mr. Glees responded to Ms. Rogers' questions commented that there will be no additional traffic signals on Gary Avenue and in regard to the internal roadway network within the neighborhood the provision of traffic control at intersections on the local streets is subject to the meeting of traffic warrants as traffic develops. The Engineering Department will determine what traffic controls are deemed necessary.

In regard to the bike path on the west end of the property, Mr. Glees said that the determination as shown by the developer right now it is at the bridge that crosses from Arrowhead to the plant, but the bikeway at this point is conceptual in nature. It is something that the developer has indicated that he would be amenable to providing and working with the Village as far as the final design is developed. This all would be developed as a part of the negotiation process for the preparation of the final design plan. In response to the question regarding a fence at the WRC, Mr. Glees said that staff has walked the site and it is agreed that security is an issue. In looking at how the existing fencing and vehicular gate could be relocated the Public Works director seems satisfied that this plan would be feasible with the relocation. To the question about the number of units per cluster allowed by the Code, Mr. Glees said that there are a couple

of sections of the Code that address this issue, one has to do with the number of units per acre, the number of acres, or the size of the land area for each given unit, which is a net density in terms of units per acre. For this type of development the density could range anywhere from 8.04 units per acre if the units are 4 bedroom units to 8.7 units per acre if they are 3 bedroom units. The developer has indicated that he is at 8.4 units net and most of the units appear to be three bedroom units, although unit B has the possibility of going to a 4 bedroom, the answer depends on how many units in the development wind up being 4 bedroom, if the all are, then the development would be too dense, but right now they are well under the Code's density if they are all 3 bedrooms.

In response to the question about the size of the landscaping at planting, Mr. Farris said that they will definitely meet or exceed all of the minimum size requirements set out in the Code and the North Avenue Corridor regulations. The location of the air conditioning units will not be at the rear of any of the buildings.

Mr. Glees said that the answer to not making the street connection to northwest toward Kuhn Road, that staff has had discussions with the owners of the lots along North Avenue but there is nothing planned at this time. A connection to Kuhn Road is being considered, and it might be in the form of improving McNees Drive to a public street and it might be in the form of an interconnection of the properties through the site as a private roadway. In respect to the connection to the neighborhood, the reason staff is recommending that this neighborhood be connected with the existing neighborhood comes from several sources. It is considered to be good planning practice that residential neighborhoods be connected to each other so the residents in any given neighborhood can easily travel to neighboring residential streets, schools, parks, library, churches and village services. It provides a safer neighborhood when there is more than one major point of access for emergency vehicles.

Irene Montana asked about the following issues; sidewalk connection to the adjacent neighborhoods, all way stop signs at the connection on Shawnee; whether the existing shrubs on the north side of the development would remain; if any garage doors will face the existing property; whether the lighting of the fountain will spill over into the neighborhood; and what has been done to prevent the flooding of the adjacent property that has been going on for years. It was stated that all of the publicly dedicated streets will have sidewalks on both sides. There will be sidewalks along the private streets in front of the buildings. In regard to traffic regulating signs, any changes to existing signs such as yield to stop signs, will have to be determined by traffic studies. Mr. Farris said that any shrubs on the adjacent property will not be touched and that shrubs and landscaping will be added on the developer property to enhance what is existing. He also stated that there will not be any garages facing the existing properties. Mr. Farris explained that the lighting on the pond will be decorative and will point straight up. In regard to the flooding issue, Chairman Bentz commented that in almost every other development the drainage to existing properties has improved because of additional stormwater storage capacity.

Mr. Glees stated that this report serves as an addendum to the report that was presented to the Plan Commission/Zoning Board of Appeals (PC/ZBA) at the September 12, 2005, meeting. At that meeting, representatives for Lakewood Homes made a presentation regarding the revisions that they made to the plans in response to the comments they received from the Plan Commission members and residents who attended Lakewood Homes' initial presentation at the July 11, 2005, PC/ZBA meeting. Since the September 12 PC/ZBA meeting, Lakewood representatives have had several meetings with Village

staff, and they have further revised the plans in response to the comments received at the September 12 meeting.

Lakewood Homes has submitted the revised packet of bound plans attached to this report, including a cover letter from Jim Truesdell dated October 5, 2005, for consideration by the Plan Commission. Lakewood Homes is hoping that the Plan Commission will be able to recommend approval of their requests for rezoning (upon annexation), a Special Use for Planned Unit Development, the Preliminary PUD Plan, and the Preliminary Plat of Subdivision, at the October 10, 2005, meeting. In review of Lakewood's current application and plans, this report will: 1) discuss the changes to the plans since the September 12, 2005, meeting, 2) identify the issues that staff believes have yet to be resolved, and 3) list the conditions that staff recommends be included should the Plan Commission determine to forward this matter to the Village Board for their consideration. For informational purposes, if the Plan Commission chooses to forward a recommendation regarding Lakewood's requests to the Village Board, the next step in the process would be for the Village Board to direct staff to commence negotiation of the annexation agreement with Lakewood representatives, which the Board would typically do if they are generally in support of the development plans. Once staff has negotiated the annexation agreement with the applicant to a mutually acceptable condition, all of the applicant's requests will be scheduled for review and action by the Village Board at a future Village Board meeting. If the Village Board approves the annexation, annexation agreement, and Lakewood's other development requests, the applicant would subsequently need to file applications for Final Planned Unit Development Plan approval, North Avenue Corridor Review, Final Plat of Subdivision, and a Sign Code Variation.

This section of the report will identify and discuss the changes that Lakewood has made to the plans since their last presentation to the PC/ZBA at the 9/12/05 meeting. This section will also address any previous questions that staff can more fully answer at this time.

1. Zoning upon annexation – Lakewood initially requested that the commercial area be zoned B-2 General Retail District upon annexation to Carol Stream. During the process of attempting to market the commercial site, Lakewood was contacted by an automobile dealership that expressed possible interest in the site. Since such a use would have required a zoning classification of B-3 Service District in order for it to be a permitted use, Lakewood amended its request for the commercial site zoning to B-3. However, interest by the automobile dealer has since faded, and Lakewood representatives and Village staff agree that the B-2 General Retail District zoning classification is most appropriate for the site, given the nature of the permitted and special uses in that District. By contrast, the B-3 Service District allows some uses that staff believes would be less desirable for this site. Furthermore, the vast majority of the land on the north side of North Avenue between Lakewood's commercial site and Kuhn Road is zoned B-2 General Retail District. As a result of these factors, Lakewood Homes is once again requesting B-2 General Retail District zoning for the commercial site, and staff concurs with this zoning request. If a desirable use requiring B-3 District zoning comes forward in the future, the Plan Commission and Village Board can consider a request for rezoning based upon the merits of the proposal at that time.

2. Street network connectivity – During the course of the review of Lakewood's

requests, there has been considerable discussion regarding the number and location of street connections to the existing residential street network. Based upon several factors, including the layout of Lakewood's land plan, the location of the existing streets, and the information provided in the traffic study, staff supports the current proposed design which includes a connection to Surrey Drive through the creation of a T-intersection at Surrey Drive, about 260 feet south of Shawnee Drive. This design includes the previous staff recommendation that the street connection be moved 75 feet to the south. Final design work will determine the optimal configuration of the connection to ensure the best possible sight distance and the type of traffic control device(s) that will be installed, but staff expects that the final design will be very close to the configuration that is shown on the Preliminary PUD Plan.

3. Commercial area size – As Lakewood has made revisions to the plans during the review of this project, the size of the commercial area has continually fluctuated. As the project design continued to be refined, staff noted and objected to a gradual decrease in the size of the commercial area. With the most current plan submittal, Lakewood has restored the size of the commercial area to 11 acres, which staff finds to be acceptable. Staff recommends as a condition that the minimum size of the commercial area should be 11 acres.

4. Number of units/density – The current plan has eliminated four additional units, and the total unit count for the development now stands at 276. This is down 28 units from 304 units as shown on the applicant's initial concept plan for this site, and down from the 280 units on the plan presented at the September 12 Plan Commission meeting. The net density for the proposed development has actually increased since the last plan despite the decrease in the number of units, from 8.0 to 8.4 dwelling units per acre. This slight increase in density is attributed to Lakewood increasing the size of the commercial land area, decreasing the size of the residential land area, and further refining the design of the storm water management facility. However, staff finds the density and unit count to be acceptable, largely due to the overall building separation, setbacks, and the sizeable open space areas provided within the development.

5. Residential architecture – One of the most challenging issues with respect to this project in staff's view has been the residential architectural design. Lakewood has continued to tweak the architectural elevations for the residential units, and staff supports some of the changes made up to this point, including lowering the rooflines that face the existing residential neighborhoods. The current revision adds a side-load garage option for the Unit C plan that faces the public streets in many locations. Staff notes that this will provide some additional variety in the streetscape, especially along the north and east streets in the development, where there is a preponderance of Unit C elevations facing the street. Lakewood has revised the plans to show which units will have the side-load garage option, and an elevation plan showing some of the typical building details has also been provided.

We have noted the steps the applicant has taken to attempt to address the previous comments provided by the Plan Commission and staff with respect to architecture. However, staff believes that improvement is still needed, and Plan Commission members have previously stated that they thought that the architecture would be more upscale in appearance. Staff's concern regarding the architecture is

generally based upon our observation that there is an overall lack of a theme or discernable character with the current proposed architecture. We will elaborate on this issue in the next section of the report

6. Bike path/amenity feature – Since the last meeting, Lakewood has refined their plans with respect to the proposed bike path and amenity feature in the general vicinity of the storm water management facility. Lakewood agrees to install a 10-foot wide asphalt path from their development to the existing bridge that crosses Klein Creek connecting to Arrowhead Trail. Lakewood also agrees to relocate fencing as necessary within the Village's Water Reclamation Center (WRC), through which a portion of the path will pass, preserve quality trees while thinning invasive species, and enhance the creek bank. Several Village staff members recently walked the area of the proposed bike path on the WRC property, and while there are areas where space is limited and there are security concerns that will need to be addressed through the installation of fencing, staff believes that the bike path is feasible. For your information, the specific details regarding Lakewood's obligations with respect to bike path improvements will be negotiated as part of the annexation agreement. Also for your information, the pedestrian path/sidewalk network and bike path connection are required components of the Residential Planned Unit Development standards. In this area, staff believes that Lakewood is meeting the intent of the PUD standards.

With respect to the amenity feature in the area of the storm water management facility (pond), the plan presented at the September 12 Plan Commission meeting included a "pond overlook feature" in the form of a gazebo. In discussions with the developer since that meeting, staff has suggested that the amenity feature should be one that is not only attractive from a visual standpoint, but one that also serves a function. To this end, staff suggested that Lakewood consider constructing a decorative bridge over a portion of the east end of the storm water pond, as part of the bike path link. In staff's view this would be a highly visible and functional design element, rather than a gazebo that may go largely unused. Lakewood responded by providing a second wooden pergola feature with decorative metal fencing and two decorative benches, similar to the pergola that would be constructed at the west end of the central open space area. Lakewood has stated that due to grading design issues, it is not possible to provide a bridge over the east end of the pond. While staff believes that it is actually possible to design a bridge that would work within the expected engineering constraints, we acknowledge that it could be an expensive undertaking that could necessitate changes to the land plan. One other idea that staff has for an amenity feature in this area would be for there to be a boardwalk-type structure at the far east end of the pond, that could tie into the bike path link. Again, this type of feature would not only have a significant visual impact, but it would also serve a purpose and actually be used by community and Village residents. Staff encourages the Plan Commission to comment as to whether the proposed pergola feature is acceptable, or whether a more useful design feature, such as a boardwalk or faux bridge, should be pursued.

As a note, Lakewood has agreed to provide both an aerator and a fountain in the storm water management pond, and they have further agreed that the fountain will be lighted.

7. Project details – There are a few aspects of the plans that fall under the "project details" heading which have been revised since the last submittal. One of these

aspects involves the increased use of Lannon Stone throughout the development as a decorative feature that will provide an attractive, unified design element within the development. Lakewood has agreed to provide Lannon Stone in many areas throughout the development, and staff is satisfied with Lakewood's commitments in this regard. A second item falling under the project details heading is staff's request that protective curbing be provided around the landscaped areas within and adjacent to the private driveways. Lakewood has agreed to provide curbing in the appropriate areas, and is working with the Engineering Services Department to determine those areas.

### Remaining Issues to be Resolved

This section presents the issues that, in staff's opinion, still require additional revisions or discussion. In this section, we will present each item, provide pertinent background information, and suggest the manner or timeframe in which each issue could be resolved.

1. Architecture – As discussed in the first section of this report, it is staff's position that the residential architecture still does not meet the Village's expectations. Our biggest concerns are that there is no discernable theme or character for the architecture, and that the architecture, as proposed, may have difficulty meeting the Anti-Monotony Code standards. The applicant has been receptive to making enhancements to the architecture as requested by staff, but at this point, staff's concerns with the architecture have more to do with the general architectural design as opposed to the fine details.

Lakewood has expressed a willingness to continue working on the architectural design, and staff notes that there are ample remaining opportunities for Lakewood to modify the architecture moving forward. For example, Lakewood could submit revised architecture during the review of the annexation agreement, and of course, Lakewood will be required to submit architectural elevations that the Plan Commission will review during the North Avenue Corridor Review process. As such, we do not believe that the staff concerns with respect to architecture should prevent the Plan Commission from forwarding this matter to the Village Board for their consideration, since there are opportunities for the final architectural design to be improved upon. With respect to compliance with the Anti-Monotony Code standards, the Village has the ability to be flexible in the application of these standards, and may be willing authorize some flexibility through the negotiation of the annexation agreement, provided that the applicant offers architecture that is of acceptable quality.

2. Curbing of private driveways – As indicated, Lakewood has agreed to provide protective curbing for portions of the private roadways, so as to minimize the opportunities for illegal parking as well as damage to landscaping. Lakewood is working with the Engineering Services Department to determine the type and location of curbing that will be most appropriate. Community Development staff will ultimately require a plan illustrating the locations at which protective curbing will be required. Again, this is not an issue that should prevent the Plan Commission from forwarding this matter to the Village Board for their consideration.

3. Storm water pond feature – As we have discussed, the amenity feature in the area of the storm water pond has changed from a gazebo to a pergola, with staff suggesting that a more useful feature be provided, such as a bridge or boardwalk structure at the east end of the pond. Staff requests that the Plan Commission attempt to come to a consensus with respect to the type of feature that they feel would be most appropriate and provide that direction to the applicant. When the specific type of feature that will be constructed is resolved, the Plan Commission will have an opportunity to review the fine details of that feature during the Final PUD Plan review process.

4. Berming along the north perimeter – At the September 12 meeting, a resident expressed a concern and asked a question as to why the development plans indicated that a berm was planned for installation along the east perimeter of the project but not along the north perimeter. The explanation as to why the plans do not have a berm along the north perimeter has to do with the location of an existing sanitary sewer pipe along the north property line of Lakewood's proposed development. Because of its location in close proximity to the treatment plant, this 33-inch diameter trunk sanitary sewer line is already quite deep in the ground. The Village recommends against the construction of a berm above the existing sanitary sewer, as this would only make future access to the sewer line, for purpose of repair or replacement, more difficult and expensive. According to the Village Engineer, it is highly likely this sewer main will eventually need some sort of maintenance, repair or rehabilitation, as it is old, deep and susceptible to hydrogen sulfide corrosion. It is also important to note that the landscape materials proposed for installation in the area of the north perimeter should provide very good screening between the adjacent residential uses. In response to the question as to why the previous application for warehouse buildings on this property was able to accommodate a berm, the explanation is that the R&D District Zoning Code regulations required a minimum 100-foot building setback and landscape buffer area. Further, the R&D District standards *require* an 8-foot tall berm. Because of the much larger building setback, there was adequate horizontal distance to install a berm that would not have been located on top of the existing sanitary sewer. Further, in the case of the Lakewood proposal, there is not the same need for a berm, as the Trammell Crow plan would have located an industrial use adjacent to a residential use, and with the Lakewood proposal, the adjacent uses would be similar.

Ultimately, if the Public Works Director and Village Engineer determine that it would be acceptable for a small berm to be placed on top of the existing sanitary sewer, this is a detail that can be worked out at the time of final design.

5. Unit C side-load garages – Lakewood just submitted the new plan for a side-loaded Unit C residential floor plan. While staff appreciates the increased variety that this will bring to the streetscape, a cursory review of sheet 2 of the Preliminary PUD Plan would seem to indicate that side-load garage units would not have enough room on their driveways outside of the garage door to park cars without interfering with the private drives leading to the other individual driveways. This could result in partial blockage of the private drives, and potentially causes concerns in the area of emergency vehicle access. Staff supports a design that ensures safe emergency vehicle access as well as streetscape variety, and we encourage the applicant to



present such a plan or demonstrate that the current plan will be workable.

6. Landscaping adjacent to commercial site – Staff suggests that the landscaping be enhanced in front of the two residential buildings on the east side of the public street entering off of North Avenue, since there will ultimately be a commercial development on the west side of the street, across from these two buildings. This is a plan revision that can be accommodated during the Final PUD and North Avenue Corridor Review.

7. Engineering issues – While there are still engineering design issues to be resolved, the Village Engineer is satisfied that the project is feasible and buildable as proposed. It is not expected that the Final Engineering Plans would be approved at this time; in fact, such plans are not usually approved until just prior to the commencement of project construction. As such, the Village Engineer would not be opposed to the Plan Commission voting this project forward to the Village Board.

#### Summary:

As presented in this report, there are a few specific items regarding which staff is encouraging the Plan Commission to provide direction. Those items include the Plan Commission's satisfaction with and recommendations regarding the current residential architecture, and the Plan Commission's expectations for the storm water pond amenity feature (pergola, gazebo, boardwalk, bridge, or perhaps something else). The Plan Commission's input regarding these two items will be useful to the developer and staff as this project moves forward. Of course, the Plan Commission is encouraged to provide feedback on any other aspect of the development proposal as well.

At this time, staff believes that the plans are in an acceptable form for forwarding to the Village Board. In the interest of keeping this project moving forward, and because we believe that the developer has made most of the changes to the plans that they are willing to make at this time, staff believes that the most appropriate course of action is for the Plan Commission to provide a recommendation regarding the developer's requests to the Village Board. For those items that are yet to be resolved, staff believes that there is ample opportunity for those issues to be addressed either through the negotiation of the annexation agreement, or during the Final PUD and North Avenue Corridor Review. Staff can support the applicant's requests for rezoning (upon annexation), Special Use for Planned Unit Development, the Preliminary PUD Plan, and the Preliminary Plat of Subdivision, subject to the conditions noted in the Recommendation section of this report.

#### RECOMMENDATION

Staff recommends approval of the rezoning upon annexation to R-4 General Residence District for the residential area and B-2 General Retail District for the commercial area. Staff also recommends approval of the Special Use for Planned Unit Development, the Preliminary Planned Unit Development Plan, and the Preliminary Plat of Subdivision, subject to the following conditions:

1. That the minimum size of the commercial area shall be 11 buildable acres;
2. That the developer must install traffic signals at the North Avenue intersection;

3. That the street connection to Surrey Drive must meet applicable engineering design standards;
4. That the three new infill lots that will be created on the west side of Surrey Drive must meet the standards of the R-3 One-Family Residence District, which is the zoning of the existing adjacent residential properties, as well as the prevailing Planned Unit Development standards approved for the Park Hill subdivision;
5. That no accessory structures, including but not limited to decks, sheds and patios, are permitted to be constructed by individual unit owners upon the common property within the development;
6. That the architectural design for the residential buildings shall be revised and finalized to the mutual satisfaction of the Village and the developer at the time of Final Planned Unit Development Plan and North Avenue Corridor Review;
7. That the developer shall provide some type of amenity feature in the vicinity of the storm water retention pond, the final configuration and details of which will be agreed upon at the time of Final Planned Unit Development Plan Review;
8. That all individual dwelling unit driveways, including those for the Unit C side-load garage floor plan, shall provide driveways that are a minimum of 20 feet in length. The 20-foot dimension must be independent of the through drive lane, so as to ensure that parked vehicles will not encroach into the common access drives;
9. That additional landscape materials be added to the plan on the west side of the two residential buildings on the east side of the main entry drive off of North Avenue, so as to enhance the buffering between these units and the future commercial development;
10. That the plant materials shown on the landscape plan must be installed at the size and height shown on the plan, and that the materials must be maintained in a neat and healthy condition, with dead or dying materials being replaced on an annual basis;
11. That the storm water pond must contain at least one decorative, lighted fountain in addition to an aerator;
12. That the storm water management facilities must be designed so as to be expandable and available to the properties to the west;
13. That the developer must use his best efforts to secure a viable commercial developer for the 11 acre commercial site;
14. That the developer submit an acceptable plan to the Village that demonstrates the type and location of protective curbing along the private driveways;
15. That the private drives shall be properly signed to indicate no parking;

16. That all of the private courts within the development must have unique names assigned prior to the approval of the annexation agreement, to allow for proper addressing and evaluation of emergency response considerations;
17. That the applicant agrees not to seek to alter the retention basin slopes if it is determined that additional storm water volume is required;
18. That the water main along North Avenue shall be extended to the west approximately 400 feet at which location it would connect into the Village's existing system (cost of this improvement to be negotiated through the annexation agreement);
19. That the developer will provide a security fence, of a height and design acceptable to Village staff, along the bike path through the Water Reclamation Center property, and that the developer agrees to trim, relocate or remove trees and brush to make room for the path;
20. That the developer agrees to make other modifications on the Water Reclamation Center property as deemed necessary by the Village to allow for the bike path to be constructed, and that the developer agrees to make the necessary modifications to the bridge crossing Klein Creek to make it safe for bicyclists and pedestrians;
21. That the applicant agrees to remove the current gate at the west end of the Klein Creek bridge and construct a new gate to accommodate the bike path as well as the security needs for the Water Reclamation Center property;
22. That the development must in all ways comply with the applicable codes and standards of the State, County, and Village.

Commissioner Weiss asked the petitioner if the developer is willing to cooperate with the other owners of the property along North Avenue to develop an access between this property and Kuhn Road since he believes that it would be most beneficial to all residents. Mr. Truesdell said that they would consider this. Commissioner Weiss commented that the density of the project is still bothersome even though it may meet Codes, it still has the appearance of being overly dense. He also asked what is permitted in the B-2 district and Mr. Glees said that B-2 is general retail and it includes retail stores, some service uses and it is distinguished from B-3 which provides for more intense uses that might not be the most appropriate adjacent to residential development. Commissioner Weiss said that he would like to have the commercial development be designated as sale tax generating businesses Mr. Glees said that there is no contemplation at this time to place any restrictions on the development over and above the permitted and special uses in the B-2 District. In regard to the question of the elevations it was stated that one elevation denotes the use of brick and the other stone masonry. Commissioner Weiss said that he would like to see areas for seating around the pond area. He also stated that he had hoped that this area would develop as high end single family dwellings or at the very least a combination of town homes and single family homes priced as move up home to current residents.

Commissioner Hundhausen asked if the sidewalks of the new development will tie into

the adjacent existing neighborhood. It was stated that after review it was determined to provide two areas for pedestrian connection. The first is the Surrey Drive connection where the sidewalks will be interconnected on both side of the street. The second would be the bicycle path that will begin at the bridge and will connect the neighborhood on the western side. Mr. Truesdell said that they will continue to work with staff to optimize the development of this path but there are definite engineering difficulties.

Commissioner Sutenbach asked where the bridge would be located and it was stated that if it can be developed it would be toward northeastern corner of the detention pond. It was noted that the developer says it would be better to develop the path around so that it goes around the edge of the pond and tied into the overlook features. This decision will be made during the final design stages of the PUD. Commissioner Sutenbach asked if two C units could be put in a four unit building and was told that a C unit can only be in certain limited places and all of the other units are interchangeable.

Commissioner Spink said that she had envisioned something more grand in appearance for this property. She said that these seem to be nothing more than oversized apartments that appear to be barracks, not high-end homes. She said that this is going in the right direction, but it certainly isn't there yet. The entry feature looks nice, but there is nothing to continue that feeling throughout the development. Commissioner Spink commented that while there are sidewalks within the new community they do not exist on the other side of it. She said that she is totally against the connection to Surrey and she would like to see a connection to Kuhn Road. Commissioner Spink asked if any of the units will be subsidized and was told no. She said that she would like to see the number of units that are adjacent to the existing homes lowered or at least put the buildings 24 feet further away from those homes. In regard to the traffic study, Commissioner Spink said that she thinks they should be re-done since the latest for Surrey Drive was done before school was back in session which is no way indicative of the traffic patterns for the area.

Commissioner Michaelsen said that he feels that developer has made some good strides but he feels that there is more to be done. He noted that there isn't an elevation drawing showing a 6 unit building. He added that he feels that 6 units are too much, that the building is just too big and he would like to see all of those units be a maximum of 5 units. This would look better as well as decrease the density of the development. In response to his question it was noted that no air conditioning units will be at the front of the buildings. Commissioner Michaelsen said that he would like to see the developer look into something other than vinyl siding to go along with the brick and the stone since there are many more attractive options available that would be more impressive.

Commissioner Vora asked if there was a traffic study done for Gary and North as well as North and Kuhn and was told that they have not been done to date.

Chairman Bentz asked if this plan would be subject to a North Avenue Corridor Review and was told that it will be. He said that he could go along with the staff recommendations and that he would support sending this to the Village Board for their approval and direction to proceed with negotiating an Annexation Agreement where a lot of these matters can be worked out.

Commissioner Spink said that she does not feel comfortable with going ahead is that in the past proposals have been forwarded to Board with matters not complete and things have gotten changed and by letting this go we have set a footprint that will be worked from and it will be hard to make any big changes. She said that she would like to see a more complete plan, showing parking and curbs and sidewalks and signs and more importantly a reduction in size.

Commissioner Weiss asked Mr. Gles to review the four requests for this matter and what they mean. Mr. Gles stated that the petitioner's request at this time include rezoning upon annexation to R-4 for the residential area and B-2 for the commercial area approval of a special use for a planned unit development, approval of the preliminary planned unit development plan and a preliminary plat of subdivision. At this time, if the Plan Commission were to make a recommendation is that the case would forward to the Village Board and the only action the Village Board would be expected to take would be to direct staff to commence negotiation of an annexation agreement. Once the staff and the developer have a draft annexation agreement finalized the matter will come back to the Village Board for final action on the four matters that were detailed. The final PUD plan and the North Avenue Corridor, and the final plat of subdivision approval would not happen until later on. Staff has tried to indicate the things that have not quite yet been finalized and staff shares the concern that once a preliminary PUD plan is approved it is not that easy to change it, except that we are in the middle of a negotiation process. Once the preliminary PUD is approved and the annexation agreement is finalized and the property annexed and the petitioner goes through their process of preparing a final PUD plan, it will come back here and if it is essentially the same as what was approved with the preliminary then the Code says that the Village needs to approve the final. That is why what staff has attempted to do is to cover everything that is not quite firm yet in the conditions. These conditions address the architecture, providing a plan for the curbing, indicating no parking signage, there are 22 different conditions of approval for the preliminary PUD plan to meet the expectations that have been offered.

Mr. Truesdell said that they have read the staff report and are in agreement with the conditions that it contains. He said that this will be a very high end product and they will now have to decide how to address the concerns that have been expressed and they will be back. He said that they want this new product to be a success for Lakewood.

Commissioner Sutenbach asked Commissioner Spink that since she is against the outlet on Surrey Drive where she feels that it could be and Commissioner Spink said that she believes that they could put another exit onto North Avenue if they need two exits. She feels that our duty is to plan for the future and that would be to go to Kuhn Road.

Commissioner Sutenbach commented that he agreed with Commissioner Michaelsen that the larger building should be put in behind the smaller buildings. Commissioner Michaelsen also commented that he would like to see the six unit buildings that are currently along North Avenue reduced down to five units.

Mr. Truesdell commented that these buildings are set back 100 feet as well as behind a berm. He said that the buildings along the entry might possibly be 5 unit buildings if they can find other spots in the internal development to make up for those two units. Mr. Truesdell said that they was to maintain the density that they have, but there are probably areas that can be shifted within the plan. Commissioner Michaelsen said that he is looking for those units to be eliminated.

Mr. Truesdell said that they are running into time constraints for this development and asked that the recommendation be either for or against and not a continuation.

Commissioner Spink asked just what the constraints are and was told that there is a date by which they have to close on the property and they need to know if they have a project or not. He said that they will be back to work out all of the details if an annexation agreement can be negotiated.

Commissioner Sutenbach moved and Commissioner Hundhausen made the second to

recommend approval of the rezoning upon annexation, approval of a special use permit for a Planned Unit Development, approval of the preliminary Planned Unit Development and approval of the preliminary subdivision plat, as presented here tonight with the 22 staff recommendations in the staff report addendum for this meeting. The results of the roll call vote were:

Ayes: 4 Commissioners Weiss, Hundhausen, Sutenbach and Bentz  
 Nays: 3 Commissioners Vora, Spink and Michaelson

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on October 18, 2005 and was advised to attend that meeting.

There was a brief recess taken at this time and Commissioner Vora asked to be excused at this point.

**#05172: Duke Construction, 121-131 E. North Avenue  
 Rezoning – I Industrial District to B-3 Service District  
 Gary Avenue Master Plan Review  
 Subdivision – Final Plat**

Johana Vargas, was sworn in as a witness in this matter.

She explained that Lighting Direct is seeking approval of a Final Plat of Subdivision to create three lots from the existing single lot, to rezone two of the three proposed lots from I-Industrial to B-3 Service District and Gary Avenue Corridor Master Plan Review. The property is located on the northeast corner of North Avenue and Gary Avenue, with a warehouse under construction for Lighting Direct. As per a contract, if this subdivision is approved then Duke Realty will take back the proposed Lot 2. Proposed Lot 3, just north of the existing CarQuest building will still be owned by Lighting Direct. Currently there is a contract for Lot 2 with MidWest Development to develop a NAPA auto store. Lighting Direct does not have any plans for proposed Lot 3, but there is a concept plan that it may developed as some type of retail use. At issue with the property has been access and it was brought up during the Gary Avenue Corridor Review. At that time Duke did not want to subdivide the property because they felt that it was going to delay the major development of the warehouse. At that time, the contract for the NAPA development was not something definite. Now they are requesting subdivision and the Village still has a problem with cross access on the property. One of the alternatives is that Lot 2 can now get full access, and because of the location and the full median on Gary Avenue, DuPage County will only give a right in/right out access. They did get full access through Lighting Direct and therefore Lot 3 will have a share of that full access, however, lot 2, being next to CarQuest could only have access through the Lighting Direct parcel. The other request was whether they can ask CarQuest to give us shared access because that lot has full access. CarQuest said that they would give cross access on their property only with the provision that a competing business not be established on the property. NAPA is the only company in four years to show interest in this property in four years. Ms. Vargas said the Village Planner Don Bastian recommended that Lighting Direct swap Lot 3 for Lot 2 and the company is considering this and will have a decision in approximately two weeks. There were no comments or questions from those in attendance at the call for public hearing.

Mr. Glees said that the applicant is requesting approval of a Final Plat of Subdivision to

create three lots from the existing single lot in accordance with Section 7-2-6 of the Subdivision Code, rezoning upon subdivision for two of the three proposed lots from I Industrial District to B-3 Service District in accordance with Section 16-15-7 of the Zoning Code, and Gary Avenue Corridor Master Plan Review in accordance with Section 16-5-6(G)(2) of the Zoning Code.

### STAFF ANALYSIS

Johana Vargas of Duke Construction is requesting approval of a zoning change for two proposed lots, Gary Avenue Corridor Master Plan Review and Final Plat of Subdivision to create three lots from an existing single lot for the approximate 10.5-acre property located generally at the northeast corner of Gary and North Avenues. Earlier this year, the Plan Commission and Village Board approved the Gary and North Avenue Corridor Review, setback variations and a special use for retail sales for the 171,090 square foot office, warehouse and retail showroom building currently under construction on the property. At this time, Duke Construction has filed an application to rezone two proposed outlots along Gary Avenue from I Industrial District to B-3 Service District. As required by the Gary Avenue Corridor regulations, Duke has also filed an application and plan for Gary Avenue Corridor Master Plan Review. Finally, to create the two proposed outlots, Duke is requesting approval of the Final Plat of Lighting Direct Resubdivision.

#### Rezoning and Subdivision:

Duke Construction has filed an application to subdivide the approximate 10.5-acre property into three lots, and to rezone two of those lots from I Industrial District to B-3 Service District. Exhibits A and B show the proposed lot configuration. Lot 1, which will measure 9.25 acres, is the property that the 171,000 square foot Lighting Direct building is currently being constructed upon. Lot 1 will retain the I Industrial District zoning classification. Lots 2 and 3, proposed to measure 0.61 and 0.60 acres, respectively, will function as outlots along Gary Avenue. Duke Construction is requesting that these lots be rezoned to B-3 Service District.

With respect to the requested rezoning, we note that the Future Land Use Plan recommends a commercial land use for the entire 10.5-acre site. Since the Village has already approved the Lighting Direct development on proposed Lot 1, we do not object to Lot 1 retaining an I Industrial District zoning classification, as planned by the applicant. Regarding the requested B-3 Service District zoning classification for Lots 2 and 3, staff supports the proposed zoning change. Although the lots are small in size, at approximately 0.60 acres apiece, the commercial zoning and subdivision will create developable commercial lots along Gary Avenue. As such, staff supports the requested rezoning of proposed Lots 2 and 3 from I Industrial District to B-3 Service District.

In evaluating the proposed subdivision, the most important objective from the Village's perspective is to make certain that proposed Lots 2 and 3 will be viable commercial lots that will attract quality development in the future. The most significant issue related to the commercial property viability, which the Village has consistently noted dating back to the review of the Lighting Direct project, is the issue of vehicular access. During the review of the Lighting Direct project, the Village strongly recommended that the subdivision and rezoning requests for the entire 10.5-acre property should have been included in the initial Lighting Direct application, which was filed by Duke Construction.

In this way, the Village and Duke could have worked together at that time to properly plan for the coordinated development of the entire site, including proper vehicular access for the property for which Duke is now requesting rezoning and subdivision. In response to the Village's recommendation that the rezoning and subdivision requests be made concurrent with the other requests for the Lighting Direct building, Duke indicated that they preferred not to make those requests at that time, due to a concern that the subdivision process would slow the review and approval process for the Lighting Direct building. Regarding that issue, Duke stated that at the time that they chose to pursue subdivision, they would have had enough time to fully review the access issue and come to some resolution that all parties could agree on.

In an effort to accommodate Duke's development commitments, the Village allowed the review of the Lighting Direct building to proceed. However, staff continued to stress the importance of the access issues that would exist at the time that the two 0.6-acre properties were subdivided. The Village's position regarding the importance of the access issue was reflected in Ordinance 2005-05-23, which approved the Special Use for Lighting Direct, and which includes a condition stating 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."

As seen on Exhibits A and B, Duke is providing cross access easements across the entire width of proposed Lots 2 and 3. The cross access easements extend to the north and south property lines for both lots; note that the existing CarQuest Auto Parts store is located on the lot immediately between proposed Lots 2 and 3. As seen in the two pieces of correspondence attached to this report from Andrew James of Duke and Thomas Hines of CarQuest, CarQuest is not willing to grant cross access across their property if the neighboring development will be for a competing use. As stated in her August 30, 2005, cover letter, Johana Vargas indicates that Duke has a contract to sell Lot 2, which is immediately south of CarQuest, for development as a Napa Auto Parts store.

The reason that Village staff has consistently stressed the importance of coordinated vehicular access is because Lot 2 will only be able to have a right-in/right-out access configuration on Gary Avenue, due to the existing raised median that separates the north- and southbound traffic lanes on Gary Avenue in front of proposed Lot 2. Most retail users attempt to maximize vehicular access to their sites, and access limited to a single right-in/right out configuration, as would be the case for proposed Lot 2, is not optimal. For this reason, staff encouraged Duke to work with CarQuest to obtain a cross access easement across their property, so that the eventual user of Lot 2 would have access to the full access point onto Gary Avenue located at the entrance to CarQuest. The Village is aware that Duke negotiated with Napa some time ago for their planned purchase of proposed Lot 2. These factors all relate back to the Village's expressed preference that the cross access and subdivision issues be resolved at the time that the Lighting Direct project was under review, as there would have been more options available at that time for creating a plan that maximized vehicular access.

In an effort to leave open the possibility that cross access could be provided through the CarQuest site at some time in the future, the Village requested that cross access easements be provided through Lots 2 and 3, and Duke (owner of Lot 2) and Lighting Direct (owner of Lot 3) have agreed to provide cross access easements. Given the competitive nature of the proposed use for Lot 2, this may be the best resolution that can



be achieved regarding vehicular access at this time. However, staff believes that there are two remaining options that could still allow for the best possible vehicular access. First, note that proposed Lot 2, owned by Duke, and proposed Lot 3, owned by Lighting Direct LLC, are virtually identical in size. Lot 3 will have access to a full access point onto Gary Avenue through Lighting Direct's Gary Avenue access. Staff suggests that Duke and Lighting Direct discuss the possibility of swapping ownership of Lots 2 and 3, or that Lighting Direct consider selling their proposed Lot 3 to Napa for their planned auto parts store development. In this way, the Napa store could have access to a full access point on Gary Avenue, and proposed Lot 2 would not be developed by a competing use. Under this plan, CarQuest would likely be willing to allow cross access through their site for a future non-competing Lot 2 development. In this way, all of the businesses, both existing and proposed, along this section of Gary Avenue would have access to a full access point as opposed to only a right-in/right out. The second option would be for Duke to market proposed Lot 2 to a use that does not compete with CarQuest. Staff encourages Duke and Lighting Direct to discuss these options and for the applicant to report back to the Plan Commission and staff regarding their viability.

Based upon the review of the Community Development and Engineering Services Departments, the subdivision plat is approvable with respect to the information contained on the plat. However, whether the Village will ultimately be inclined to approve the plat depends on the resolution of the vehicular cross access issue, as discussed in more detail in the Recommendation section of this report.

#### Gary Avenue Corridor Master Plan Review:

Because the applicant is proposing to subdivide the existing 10.5-acre property and create lots of less than five acres in size, the Plan Commission must review a master plan for the overall development. Section 16-5-6(G)(2) of the Gary and North Avenue Corridor standards reads as follows:

*"Whenever a person owns or controls property and seeks to subdivide that property and create one or more new parcels of land that are less than five acres in size, the owner shall be required to present and receive approval of a master plan which shows the manner in which the parcel from which the new parcels are being created is proposed to be developed. A master site plan shall show all proposed parcel sizes, building locations, parking areas and locations, and access. Particular attention shall be given to access patterns."* (Emphasis added.)

The plan titled "Concept Site Plan" (Exhibit B) is intended to serve as the Master Site Plan for the purposes of satisfying the requirements of Section 16-5-6(G)(2). For informational purposes, it is not expected that the Master Site Plan should be a highly detailed plan, but rather, as the Zoning Code language states, the plan should generally show how the parcels could be developed, including the building locations, parking areas, and access. The Village has already approved the site plan for proposed Lot 1, which is the Lighting Direct property, so the staff evaluation in this section will focus on proposed Lots 2 and 3.

Proposed Lots 2 and 3, at 0.61 and 0.60 acres, respectively, would be located immediately adjacent to Gary Avenue, with Lot 2 on the south side of the existing CarQuest Auto Parts store and Lot 3 on the north side of CarQuest. Exhibit A shows the

manner in which each lot could be developed, with each lot shown to have a single stand alone building with a traditional parking area in front of each building. Given the small size of each lot, staff does not object to the conventional layout of the site plans. For Lots 2 and 3 to be developed as shown, parking lot setback variations would need to be approved, as the parking areas are shown to be set back only 10 feet from the front property line as opposed to 30 feet as required. The parking lot setback as shown would match the existing parking lot setback on the CarQuest property. For there to be a chance for vehicular cross access between the four commercial outlots along Gary Avenue to work in the future, it is necessary for the drive aisles on the adjoining properties to line up. As such, staff does not object, at this time, to what would likely be a future request for a variation to reduce the front parking setback from 30 feet down to 10 feet. Locating the parking closer to Gary Avenue would also allow more room for building area. With the reduced parking setback, staff would still expect the landscape point value and greenspace requirements of the Gary Avenue Corridor standards to be met. Ultimately, the size of the buildings may need to be reduced to some degree to achieve the code standards related to required parking, greenspace, and landscape material point values.

The main issue for consideration through the Gary Avenue Corridor Master Plan Review again centers upon the issue of vehicular access. It should be noted that the access point shown on the Concept Site Plan (Exhibit A) appears to be a full access point for Lot 2 onto Gary Avenue; as discussed, because of the raised median on Gary Avenue in front of this property, DuPage County will only allow a right-in/right-out access for Lot 2. The access point shown at Gary Avenue for Lot 2 on the Master Plan should be changed to reflect a right-in/right-out configuration. Given the discussion already provided regarding vehicular cross access in the *Rezoning and Subdivision* section of this report, we will not discuss this issue once again in detail. We would suggest that the applicant discuss the feasibility of the land swap idea mentioned in this report, as it would seem to be one of the few remaining options for accomplishing proper access for all four of the commercial parcels along Gary Avenue. Another option would be for Duke to remarket the property for a use that would not be a direct competitor to CarQuest. If this were done, CarQuest has expressed receptiveness to providing cross access. The applicant should be prepared to discuss its position with respect to these two options, as related to the Village's objective of providing the best possible access to the existing and proposed commercial outlots along Gary Avenue.

If the Plan Commission finds the Gary Avenue Master Plan to be satisfactory in terms of the proposed parcel sizes, building locations, parking areas and locations, and vehicular access, they should approve the Plan subject to a condition that the access point for proposed Lot 2 be changed to a right-in/right-out. If the Plan Commission finds the Gary Avenue Master Plan to be unacceptable for one or more reasons, they should indicate those reasons to the applicant so that they can consider making changes to the plan.

#### Summary:

Staff supports the requested rezoning from I Industrial District to B-3 Service District for proposed Lots 2 and 3. Regarding the subdivision and Gary Avenue Corridor Master Plan Review, staff encourages discussion among the applicant and Plan Commission regarding the options of either swapping land parcels with Lighting Direct, or pursuing a non-competitive use for proposed Lot 2, so as to allow for an optimal vehicular access design to be accomplished.

## RECOMMENDATION

Staff has no objection to the rezoning for proposed Lots 2 and 3 from I Industrial District to B-3 Service District. With respect to the requests for subdivision and Gary Avenue Corridor Master Plan Review, staff is unable to recommend approval of either request for the following reasons:

1. The applicant rejected the Village's repeated recommendation that the issue of vehicular access should have been resolved at the time of the review of the Lighting Direct project. Had Duke followed the Village's recommendation, there would have been several more options available with respect to the resolution of the access issue. Instead, with few remaining options now available, the Village is being asked to approve an inferior plan that does not provide the best possible access to the commercial properties;
2. The Gary Avenue Corridor Master Plan, as submitted, is not a plan that can be approved because the plan shows a full access to Gary Avenue for proposed Lot 2. DuPage County will not approve a full access at this location because of the raised barrier curb median in the middle of Gary Avenue. The presence of this median bolsters staff's position that cross access across the four commercial outlots along Gary Avenue is necessary.

Commissioner Spink asked if a swap is going to take place and that she would like to see this happen. It was noted that the decision will not be made for two weeks.

Commissioner Sutenbach said that he agrees with the staff, he said that can approve the rezoning but not the subdivision plat. There needs to be coordinated vehicular access to all parcels and there is more work to be done to get approval, and suggested that this matter be continued for two weeks until more answers are known.

Commissioner Sutenbach said that he agrees with staff, he can approve the re-zoning, he cannot approve the subdivision plat because these parcels need to have coordinated vehicular access to all parcels for it to be viable for commercial development. He said that the petitioner has more work to do and he does not know how it can be done, but there has to be access to all three of the lots. Ms. Vargas said that she agrees and commented that CarQuest is owned by somebody else and they cannot control that parcel. She said that she respectfully disagrees with staff's comment that if we had addressed this previously, when there were multiple options, because the ideal access is through all three lots with cross access there would still be the same situation where CarQuest owns it and they do not want competition. Commissioner Sutenbach said that we knew that this issue was going to come up and for the reasons stated in the Staff report, we gave the petitioner the benefit of the doubt and kept the project moving by approving the large industrial warehouse, but we knew this issue would come up. We didn't like then and we don't like it now. Ms. Vargas said that after that they did ask the neighboring property owners, and at one point it seemed that they would get the cross access from CarQuest until they added the restriction regarding competing businesses. Commissioner Sutenbach commented that he thinks that this matter should be continued for another couple of weeks until an answer is received from the lighting people as to what they think their options are for lot 2 and lot 3. Ms. Vargas noted that NAPA is fine with a right-in/right-out access and it is not an issue of more traffic. Commissioner Sutenbach commented that if it is right-in and right-out from lot 2

a person going to another business would have to exit back out onto Gary Avenue and then re-enter Gary Avenue and that is just dumb.

Commissioner Hundhausen concurs with staff and the other commissioners that this should have been taken care of before. She also noted that any further full access onto Gary Avenue would be very dangerous and commented that Duke has not presented anything of substance to look at. There is nothing she can vote on.

Commissioner Weiss said that another alternative would be to have CarQuest move to Lot 2 and Ms. Vargas said that they did ask if CarQuest would be interested in selling their property and they declined at this point in time.

Chairman Bentz said that he does not have a problem with the rezoning to B-3 but there is still work to be done.

Commissioner Michaelsen moved and Commissioner Sutenbach made the second to recommend approval of the rezoning of the property from I- Industrial to B-3 Service District. The results of the roll call vote were:

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

Commissioner Michaelsen moved and Commissioner Hundhausen made the second to continue the Gary Avenue Corridor Master Plan Review and the 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

**#05242:            *Leopoldo Carbonara/Carbonara Construction, 300 S. Main Place  
Special Use – Outdoor Activities and Operations, Contractor's  
Office and Shops***

Anthony Bonavolonta was sworn in as a witness in this matter. He explained that the request is for a special use for a contractor's office and outdoor activities and operations. There were no comments or questions from those in attendance at the call for public hearing.

*Mr. Glees said that*

Leopoldo Carbonara of Carbonara Construction has filed an application for Special Use approval to allow for the operation of a concrete contractor's office and shop and to allow for outdoor activities and operations in the form of outdoor vehicle and equipment parking and storage in the Industrial District at 300 S. Main Place. Mr. Carbonara is planning to purchase the 29,000 square foot property that is improved with a 2,975 square foot building for use in his concrete construction business. To be able to operate his contractor's business with the proposed outdoor vehicle parking and equipment storage, Mr. Carbonara is requesting a Special Use Permit in accordance with Sections 16-10-2(B)(6) and (14) of the Carol Stream Zoning Code.

Carbonara Construction is a concrete contractor specializing in the construction of curbs, gutters, and other concrete flatwork. The business is currently located in Roselle, Illinois, and the business owner wishes to move the business to the 300 S. Main Place property in Carol Stream. Two components of the applicant's business are listed as Special Uses in the Industrial District – the contractor's office and shop and the outdoor vehicle and equipment parking and storage. As seen in the applicant's cover letter dated September 7, 2005, various vehicles and materials are proposed to be stored outside on the property within the existing fenced area. Specifically, the applicant proposes to store four flat bed lumber trucks, three skid steer machines with trailers, two pickup trucks, and one enclosed storage container. Framing lumber used in the concrete construction process will also be stored on the property. The building, which previously housed Carol Stream Automotive, an automobile repair shop, would be used for the company offices, storage, and for repairs to be made on their vehicles and equipment.

### **Screening and Parking:**

In review of Special Use Permit requests for contractor's offices and shops and outdoor activities and operations in the form of vehicle parking and equipment storage, the factors that typically require the most detailed evaluation by staff are the nature of the contractor use, the screening of the vehicle and equipment parking and storage, and the adequacy of overall parking for the site. With respect to the nature of the contractor use, the Village is primarily concerned with making sure that the use will not have any negative impacts on surrounding properties. In this case, the applicant will use the building for offices, storage and vehicle and equipment repair, and the site will be used for vehicle parking and equipment storage. Given that the nature of the use is not uncommon in this industrial area, that the applicant is proposing to make improvements to the site including paving the outdoor storage area and installing screening material in the existing fence, and also that the actual concrete work will be done off-site, staff has no concerns with the nature of the contractor use. With respect to the outdoor vehicle parking and equipment storage, the goal of the Village has typically been to block the view of the outdoor equipment storage or vehicle parking from the adjacent public streets to the greatest extent possible. In this case, the applicant will be storing all vehicles and equipment either in the building, within the fenced storage area, or within the storage container. Since the applicant has agreed to install a solid *Enviroscreen* material in the fence, as seen in the attached product specification sheet, staff believes that the typical screening standards for the outdoor parking and storage will be met. Staff does have some concerns regarding the storage container proposed to be kept on the property on a periodic basis that will be discussed later in this report.

The other primary factor that staff evaluates with outdoor business vehicle parking requests is the adequacy of parking for both the business vehicles and for employees. The Zoning Code requires 8 parking spaces based upon the office and garage/storage uses proposed for the building. The site currently has 11 parking spaces. Since the vehicles used in the business operation will be parked either in the building or within the fenced storage area, staff has no concerns with respect to the adequacy of parking on the property. Staff recommends that the parking lot be re-striped in accordance with the Village's looped striping standards when the applicant does the other site work. We also recommend that if there will be a dumpster for the business, that either a trash enclosure must be constructed, or that the dumpster should be placed within the

screened fenced area at the rear of the property.

The only aspect of the applicant's request with which staff has concerns involves the storage container. In the operation of his business, the applicant uses a metal storage container to house miscellaneous tools and equipment. The storage container, which measures 8 feet in width by 8 feet in height by 35 feet in length, is hauled to and kept at job sites for larger projects. The container allows tools and equipment to be securely stored at job sites during off-work hours. However, when the storage container is not at job sites, the applicant plans to store it within the fenced area toward the rear of the property.

Staff's concern with respect to the storage container being kept outdoors on the property on a semi-permanent basis is that in the past, the Village has typically not allowed metal storage containers to be used to accommodate the ongoing storage needs for businesses in the Industrial District. In fact, Section 16-10-1(C) of the Zoning Code states, "unless permitted, all business...storage and all other activities and operations shall be conducted within completely enclosed buildings." The Village's position has usually been that if additional enclosed space for storage is needed for a business, the business should either construct a building addition or find a larger building space elsewhere to accommodate their storage needs. It is generally felt that corrugated metal storage containers are an eyesore that should not be used in place of a permanent structure. From a Building Code compliance standpoint, the storage of flammable materials in the container would cause a concern. As such, the Chief Code Enforcement Officer is recommending a condition that would require all flammable materials to be removed from the container any time that the container is stored on the property. This will require that any motorized equipment, such as a bobcat, be removed from the container when it is brought back to the property from a jobsite. Further, the container cannot be used to store any equipment containing flammable material when it is parked on the property for extended periods. Staff requests that the applicant indicate whether he is agreeable to this operational condition.

Staff notes that the applicant's case is somewhat different from past instances in which businesses have sought to maintain storage containers on their property on a permanent basis. In this case, the container would sometimes be kept on the property, and at other times, it would be kept at the jobsite. In one sense, the storage container could be thought of as just another piece of the applicant's equipment, almost serving as a large toolbox, since it is used in the regular operation of the business to move tools and equipment from the 300 Main Place property to the jobsite. For purpose of evaluation, the applicant has provided the following additional information regarding the container:

- During the course of the year, the container may be gone from the premises anywhere from two to eight months, depending on the size of the job that the business is working on at the time.
- When the container is stored at the 300 S. Main Place property, the applicant agrees to always place the container within the fenced area, behind the building, so that the container will not be visible from the street.
- The container will be used to store and/or transport various tools and equipment, such as a bobcat and surveying equipment.

Staff invites discussion by the Plan Commission specifically regarding the storage container aspect of the applicant's request. Again, the Village has not typically been willing to approve the permanent use of storage containers on industrial properties, but we note that this request is somewhat different in that the container will not always be housed on the property, and also that the container is used to transport tools and equipment to jobsites.

### **Special Use:**

In review of this request, staff has considered both operational and aesthetic factors. From an operational standpoint, the site has adequate parking to serve the business use while still having room on the site for the proposed outdoor business vehicle parking and equipment storage area. The property is well suited for the proposed contractor use since there is already a fenced storage area at the rear of the property, and also because the property is located within an Industrial zone with similar surrounding uses. From an aesthetic standpoint, the applicant is proposing to pave the fenced storage and parking area and install a screening material in the existing fence. With these improvements, the re-striping of the parking lot, and the placement of the trash dumpster in a screened location, the site should meet the Village's standards from an appearance standpoint. With respect to the storage container, provided that the container is stored within the fenced area at the rear of the property behind the building, when it is not out at a jobsite, the container should not have a negative impact on the aesthetics of the area.

Based upon the information discussed, staff believes that the Special Uses to allow for a concrete contractor's business and for the outdoor parking and storage of vehicles and equipment is reasonable, provided that the conditions in the recommendation section of this report are complied with. Again, staff does not believe that the storage container will be detrimental to surrounding properties. We also do not believe that the request to store the container on the property on a periodic basis will be precedent setting for future requests, unless a future request was similar to the applicant's intended use which includes the container being stored off site a certain percentage of the time.

## **RECOMMENDATION**

Staff recommends approval of the Special Use requests for a contractor's office and shop and for the outdoor parking and storage of vehicles and equipment, including the storage container, subject to the following conditions:

1. That all vehicles and equipment used in the business operation shall be parked either inside the building or within the fenced storage area, and that the gate to the storage area shall be kept closed at all times except when vehicles or equipment are being moved into or out of the fenced area;
2. That the fence screening material shall be installed in the north, south and east sides of the fence no later than November 15, 2005;
3. That when stored on the property, the storage container shall be kept within the fenced area and behind (to the west of) the existing building, so as to cause the container to not be visible from the public street;

4. That when stored on the property, the storage container must be immediately emptied of any flammable material, including any piece of equipment or machinery containing flammable material (such as gasoline);
5. That the fence gates shall be kept closed at all times except when vehicles or equipment are actively being moved into or out of the fenced area;
6. That the unpaved surface within the fenced storage area shall be paved by May 15, 2006;
7. That the entire parking lot shall be striped in accordance with the Village's looped parking stall striping requirements by May 15, 2006;
8. That if the business utilizes a trash dumpster, it shall either be kept within the screened fence area, or in the alternative, a screening enclosure shall be constructed to block the view of the dumpster from the public street;
9. That a DuPage County Storm Water Permit application, including grading and erosion control plans, is required to determine that storm water runoff will not damage adjoining properties.
10. That the operation of the facility and maintenance of the site must comply with all state, county, and village codes and requirements.

Commissioner Sutenbach asked about the size of the storage container and the applicant provided pictures of it.

Commissioner Spink asked how tall the fence would be and how tall the container is and it was determined that the fence is 6 feet tall and the container is 7 feet tall and it will always be stored within the fenced area behind the building. There will be only one container.

Commissioner Michaelsen asked if there would be diesel or gasoline storage and was told that there will not be. It was also stated that there will not be any construction work done on the site.

Chairman Bentz said that this is similar to many other requests and the petitioner is agreeing to provide adequate screening.

Commissioner Spink moved and Commissioner Michaelsen made the second to recommend approval of a special use permit for outdoor activities and operation and a contractor's office and shop 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 advised that this matter will be heard by the Village Board at their meeting on October 17, 2005 and was advised to attend that meeting.

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

Commissioner Sutenbach moved and Commissioner Michaelsen made the second to adjourn at 11:00 p.m. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD