

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

November 28, 2005

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

Chairman John Bentz called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order and directed the roll to be called.

Present: Commissioners Vora, Spink, Weiss, Michaelson, Hundhausen, Sutenbach & Bentz

Absent: Recording Secretary Progar

Also Present: Village Planner Don Bastian

MINUTES:

Commissioner Michaelson moved and Commissioner Sutenbach made the second to approve the Minutes of the Meeting of October 24, 2005 with the addition of Commissioner Vora's entry at 8:00 p.m. The results of the roll call vote were:

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

PUBLIC HEARING:

#05277: W D Partners/Bonnie Martina, 860 W. Army Trail Road  
Planned Unit Development – Minor Modification  
Variation - Sign Code

Bonnie Martina, 816 Washington Boulevard, Oak Park, IL was sworn in as a witness in this matter. Ms. Martina said that she is representing BP Amoco and they are looking to add a Wild Bean Café to their existing store at 860 Army Trail Road. Part of the renovation would include completely redoing the inside of the store. In order to include the Wild Bean Café they will need additional storage which would require the requested minor modification to the PUD to add an 80 sq. ft. addition to the side of the building. The addition will be 8 ft. x 10 ft. constructed of the same brick as the building and will conform to all codes. There is also a request to add a sign for the Wild Bean Café oval on the front of the building facing Army Trail Road and on the façade facing County Farm Road and on the front of the addition. They would also like to change the graphics on the existing sign to show the logo of the Wild Bean Café. As a part of the remodel they would like to remove a portion of the canopy that is directly in front of the building to allow more light.

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

Mr. Bastian said the Applicant, on behalf of BP Amoco, is requesting approval of a minor modification to an approved Final PUD Plan and a Sign Code Variation to allow for proposed changes to the existing BP Amoco gas station and convenience store at 860 W. Army Trail Road. As indicated in her cover letter dated October 20, 2005, Ms. Hager indicates that BP Amoco is planning to incorporate the Wild Bean Café offering into the existing store. To accommodate the Wild Bean Café, several changes are being proposed to the site.

Specifically, BP Amoco is planning to 1) construct an 80 square foot addition to the east side of the building, 2) remove a portion of the existing canopy structure, and 3) install new signage on the building. The proposed changes will require approval of a minor modification to the Final PUD Plan for the site and a Sign Code Variation. For reference purposes, Section 16-16-5(B)(2)(a) of the Zoning Code provides direction regarding how to process requests for modifications to approved PUD Plans, as presented below:

*"Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Plan Commission, if they are consistent with the purpose and intent of the final plan."*

Due to the nature of the applicant's request, Village Board action is not required, and the Plan Commission has the authority to render the final decision regarding this matter.

In this particular case, the two proposed changes to the site are the construction of an eight by ten foot addition to the east side of the building and a reduction in the size of the existing canopy that covers the fuel pump area and the space between the pumps and the convenience store building. The proposed change to the canopy can be seen by comparing the existing site plan, Sheet EX 1.0 (Exhibit A) to the proposed site plan, Sheet EX 2.0 (Exhibit B). Both plans show the proposed eight by ten foot addition on the east side of the building. The purpose for the 80 square foot building addition is to provide a dry storage area in support of the expanded store operations, specifically including the proposed Wild Bean Café.

In review of the canopy modification, staff notes that the proposal is to remove about 2,700 square feet of existing canopy area. BP wishes to make this change in order to open up the view of the front of the store and allow more light to enter the area. Staff has no objections to the proposed canopy modifications.

In review of the request for an eight by ten foot addition to the east side of the building, the exterior elevation plan, Sheet A.2.1 (Exhibit C) indicates that the same brick material used in the construction of the original building will be used in the construction of the addition. The addition will comply with all applicable setbacks and other Zoning Code standards, and the addition will comply with all applicable Building Code standards.

With respect to the request for minor modifications to the approved Final PUD Plan, staff finds the changes to be in keeping with the intent of the original approved plan. As such, we recommend approval of the minor modifications to allow for the reduction in the size of the existing canopy and for the construction of an eight by ten foot addition on the east side of the existing building.

#### Sign Code Variation:

With the introduction of the Wild Bean Café into the convenience store, BP wishes to modify the existing building signage to include their typical oval Wild Bean Café signs. As shown on Exhibit D-1, BP plans to add a Wild Bean Café sign to the front side of the building facing Army Trail Road. As this sign will represent the only wall signage on this façade of the building, it will comply with the 10% façade area size allowance. BP also plans to add the Wild Bean Café sign to the west side of the building facing County Farm Road, as seen on Exhibit D-3. Again, this sign is permitted, as it will comply with the maximum area requirement. The proposed sign that requires approval of a variation is the Wild Bean Café sign that would be located on the north wall of the new building addition.

In accordance with the language provided in the Sign Code, staff has made the interpretation

that since the new building addition on the east side of the building will be set back a significant distance from the front wall of the existing building, a new façade will be created. The Sign Code allows a façade to have signage in an amount equal to a percentage of the total area of the façade. In the business districts, signage area is allowed to measure up to 10% of the area of a façade. As seen on Exhibit D-2, BP Amoco is proposing to install an oval Wild Bean Café sign on the north wall of the new addition. With the area of the north wall being 91 square feet, and the area of the proposed Wild Bean Café sign being 11.6 square feet, the proposed sign will equal 12.7% of the area of the façade upon which it will be installed, which exceeds the 10% façade coverage allowance. In support of the request, the applicant states that the sign is needed to alert motorists that the Wild Bean Café is part of the convenience store operation, and that a smaller sign might not be visible to motorists.

Summary:

The minor modification to the approved Final PUD Plan and the Sign Code Variation request are both related to improvements that BP Amoco is proposing to make to the property. Since the minor PUD Plan modifications are in keeping with the intent of the original plan, and the Sign Code Variation is of a small degree, staff can support both requests.

Staff recommends approval of the minor modifications to the Final PUD Plan and the Sign Code Variation, subject to the following conditions:

That the required permits for the building addition and signage be obtained;

That the brick used in the building addition match the brick used in the existing building;

That the site plan modifications and signs be constructed and installed in conformance with the attached exhibits; and

That the construction of the improvements and operation of the business shall comply with all state, county and village codes and requirements.

Commissioner Weiss asked if both the signs on D-2 and D-3 will face County Farm Road and it was determined that one sign will face County Farm Road and the other will face Army Road. The sign on the new façade will face Army Trail Road.

Commissioner Michaelsen asked if there will be a seating area in this facility as there are none on the plans and it was stated that there will not be a seating area.

Chairman Bentz agreed that this is a minor variance and it obviously important to have the exposure on Army Trail Road.

Commissioner Weiss asked if there will be any additional outdoor storage and was told no.

Commissioner Spink moved to approve the minor modifications to the PUD plan in accordance with the conditions in the staff report. Commissioner Weiss made the second. The results of the roll call vote were:

Ayes:	7	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen, Sutenbach and Bentz
Nays:	0	

Commissioner Hundhausen moved and Commissioner Michaelsen made the second to approve the variation to the sign code subject to the conditions noted in the staff report. The results of the roll call vote were:

Ayes: 7 Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen,  
Sutenbach and Bentz

Nays: 0

#05291: Kieffer & Co., Inc., 105 Stark Drive  
Variations - Sign Code

Erica Ivy, 585 Bond Street, Lincolnshire, IL was sworn in as a witness in this matter. Ms. Ivy said that the request is for a 31.7 sq. ft. menu board and an 8.46 sq. ft. pre sell board at Taco Maker and Jakes over the Top, 105 Stark Drive. The code allows 25 sq. ft. menu board, but since there are two businesses here and there is not enough room on the allowed sign to get all of the product lists on there.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Bastian said that the applicant is requesting variations in accordance with Sections 6-11-17(H) and 6-11-17(H)(1) of the Carol Stream Sign Code, to allow two ground menu board signs as opposed to one as permitted, for the signs to exceed six feet in height, and for the larger of the two signs to exceed the 25 square foot maximum area for a menu board.

In March of 2004, the Plan Commission and Village Board approved the various development requests for the 1,850 square foot Taco Maker Restaurant to be constructed at 105 Stark Drive, on an outlot to the Aldi grocery store property. The restaurant is currently under construction. At this time, Taco Maker representatives are attempting to finalize their signage for the business. In working with Community Development Department staff regarding their proposed signage, Taco Maker is hoping to install menu board signs, associated with the drive-up window operation, that exceed several standards of the Sign Code. Specifically, Taco Maker is requesting to have two menu board signs as opposed to one as permitted, they are requesting that the larger menu board sign exceed the maximum 25 square foot sign area, and they are requesting that both signs exceed the six foot maximum sign height. As such, the applicant is requesting variations in accordance with Sections 6-11-17(H) and 6-11-17(H)(1) of the Sign Code to allow the proposed menu board signage.

As seen on the Sign Plan (Exhibit A) and Sign Detail Plan (Exhibit B), Taco Maker is proposing to install a menu board and pre-sell board in conjunction with the drive-up window service operation of the restaurant. Exhibit A shows the location of the proposed pre-sell board and menu board, which are shown to be between the drive-up lane and the restaurant building. The pre-sell board would advertise specials or specific items that Taco Maker wishes to make its customers aware of, while the menu board would contain all of the restaurant menu offerings. The ordering point for drive-up customers would be immediately in front of the menu board.

The applicant is requesting three specific variations for the drive-up window signage as proposed. The first variation being requested is to have two menu board signs as opposed to one such sign as is permitted by the Sign Code. The second variation is to allow the larger menu board sign to be approximately 32 square feet in area as opposed to 25 square feet, as permitted by the Sign Code. The third variation is to allow both signs to be taller than the six foot maximum stipulated in the Sign Code, as the pre-sell board is proposed to be 6.5 feet in height, and the menu board is proposed to be 6.25 feet in height.

In evaluating the requested variations, it is important to note that Carol Stream has approved similar variations for other fast food restaurants in the past. Most recently, in 2002, the Plan Commission approved variations to allow the menu board at Culver's Restaurant to measure 48.9 square feet in size, as opposed to 25 square feet as permitted, and for the menu board to measure 7.5 feet in height as opposed to 6 feet as permitted. Also, in 2000, the Plan Commission approved variations for the Kentucky Fried Chicken on County Farm Road very

similar to the requests being made by Taco Maker. Specifically, KFC requested approval to have both a menu board and a "preview" board, they requested height variations to allow the menu and preview boards to measure 7.5 and 6.6 feet in height, respectively, and they requested approval to allow the menu board to be 47.75 square feet in area.

In comparing the requests by Taco Maker to Culver's and KFC, the Taco Maker requests are of a lesser degree in all cases. Further, in approving the previous similar requests, it would seem that the Plan Commission believes that variations from the Sign Code requirements to allow larger menu boards are warranted, because they allow for quicker and more efficient drive-up window service operation. The only potential concern that staff has regarding the menu and preview board signs is the visibility of the signs from Gary Avenue. However, the Gary Avenue Corridor regulations do not prohibit or otherwise regulate the location of signage, and we note that the degree of the variations being requested is relatively small. As such, when the proposed landscape materials are taken into consideration, staff believes that the preview and menu board signs will have a limited aesthetic impact on the view of the site as seen from Gary Avenue.

The requested variations involve the menu board and pre-sell board signs, located adjacent to the drive-up lane, which are designed to enhance the efficiency of the drive-up operation. Due to the expanding number of menu choices available at fast food restaurants today, larger menu boards are becoming increasingly necessary. The Village has granted similar requests in the past, and as such, the petitioner's request seems reasonable.

Staff recommends approval of the three Sign Code Variation requests, subject to the following conditions:

That the required landscape materials be installed in the areas around the menu and pre-sell board signs;

That the signs be installed in conformance with the height and area shown on Exhibit B;

That the entrance and drive-thru entrance signs shall not exceed 30 inches in height;

That the applicant shall obtain the required permits for all signs; and

That the proposed signs shall comply with all state, county and village codes and requirements.

Chairman Bentz commented that there is precedent for these types of variances so there is no problem with granting these variances.

Commissioner Michaelsen moved and Commissioner Hundhausen made the second to approve the sign code variations with the recommendations of staff. The results of the roll call vote were:

Ayes:	7	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen, Sutenbach and Bentz
Nays:	0	

#05305: Victory Movers, Inc., 140 Fullerton Avenue  
Special Use Permit – Outdoor Activities and Operations

James Lea, General Manager of Victory Movers, Inc. 2449 Meadows Edge Lane, Carpentersville, IL was sworn in as a witness in this matter. He explained that the company is now based in Villa Park and is looking for a bigger location in Carol Stream. There are eight delivery trucks and the location they would like to move to only have three delivery docks so they are requesting outdoor storage for five spaces to park the trucks in the lot.

Mr. Bastian said that Victory Movers, Inc., currently operating in Villa Park, is planning to occupy 33,481 square feet of space in the approximate 85,000 square foot building at 140 Fullerton Avenue for use in their local household goods moving and delivery company. The main focus of

the business involves the distribution of cabinets throughout the Chicagoland area. As part of the business, Victory Movers requires the ability to park up to 10 straight box trucks outdoors on the property. Since the regular outdoor parking of vehicles at a location other than a truck dock is considered an outdoor activity or operation, the applicant is requesting a Special Use Permit in accordance with Section 16-10-2(B)(14) of the Carol Stream Zoning Code to allow for the outdoor truck parking.

The building at 140 Fullerton Avenue contains three tenant spaces. As you may recall, in August of this year, the Village Board adopted Ordinance 2005-08-46, which approved a Special Use that allowed one of the building tenants, McCollister's Transportation Systems, Inc., to park up to three vans, four tractors, and eight trailers outdoors on the property. In approving the request, the Plan Commission and Village Board felt that the property was well suited to the outdoor van, tractor and trailer parking based upon the facts that there was adequate room on the property and that the truck parking area was screened with an existing eight-foot tall wooden fence.

#### Screening and Parking:

In review of Special Use Permit requests for outdoor activities and operations in the form of outdoor truck parking, the factors that typically require the most detailed evaluation by staff are the screening of the proposed truck parking and the adequacy of available parking for both employee vehicles and the trucks. With respect to the screening concern, 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 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, the fence, and the fact that the proposed truck parking area is located at the southeast corner of the building, the trucks will not be visible from Gary Avenue. As such, staff believes that the screening of the trucks will be acceptable.

The other primary factor that staff evaluates for outdoor truck parking requests is the adequacy of available parking on the property, both for the trucks and for employee vehicles. 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 <sup>st</sup> 1,200 s.f., then 1/1,500 s.f.	20.4
Victory Movers			
Office	2,246 s.f.	1 space for each 250 s.f.	8.9
Warehouse	31,235 s.f.	1 space for each 1,500 s.f.	20.8
McCollister'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 Required:	71
		Total Parking Provided:	76

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 spaces that are currently used for McCollister's outdoor parking and Victory Movers proposed outdoor parking. The site plan indicates the locations at which McCollister's has approved outdoor parking (as indicated by an "M"), as well as where Victory Movers is requesting approval to park their trucks outdoors (indicated with a "V"). As seen on the site plan, there are more than enough spaces on the property to meet the Zoning Code parking requirement, and there is also adequate room for the outdoor vehicle parking for McCollister's, as approved, and Victory Movers, as requested.

#### 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 on-street truck maneuvering on Fullerton Avenue is not necessary. Adequate space is also available on the property for the outdoor parking of the vans and trucks without sacrificing employee or visitor parking spaces. Further, staff is not aware of any problems resulting from the outdoor truck parking that has previously been approved for this property. 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. The only aesthetic concern that staff has involves the condition of the fence, and staff will be recommending that the damaged sections of the fence be repaired as a condition of approval.

Based upon the information discussed, staff believes that the Special Use to allow for the outdoor parking of 10 trucks 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:

That the outdoor parking be limited to 10 trucks, and that any request to increase the number of trucks to be parked on the site in the future would require an amendment to the Special Use;  
That the damaged sections of fence shall be repaired and maintained in good condition; and  
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 there will be ten trucks there at all times, or is this a maximum number and there will be less during the course of the day depending upon deliveries. Mr. Lea said that there would be less during the daytime, but generally they will be there overnight and on weekends.

Commissioner Hundhausen asked if the petitioner agreed with the conditions set out by staff and was told yes.

Commissioner Michaelsen asked how long the straight trucks are and was told that they were between 26' to 32' in length and in response to the question noted that they do have the company name on them.

Chairman Bentz said that this type of request has been approved for the neighbors so there is precedent for outdoor parking in this area.

Commissioner Weiss moved and Commissioner Hundhausen 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:           7       Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen,

Sutenbach and Bentz

Nays: 0

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 5, 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: 7 Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen,  
Sutenbach and Bentz

Nays: 0

## PRESENTATION:

#05172: Duke Construction, 121-131 E. North Avenue  
Subdivision - Final  
Gary Avenue Corridor Master Plan

Joanna Vargas, Development Services Manager, Duke Realty, Joe Voet, Sr. Vice President of Duke Realty, Richard Chen, owner of Lighting Direct, Dave Cross, construction director of Duke Realty and Jamie Bonnevier, construction manager.

Ms. Vargas reviewed the issues, saying that this development is at the corner of North Avenue and Gary Avenue and is currently under construction with Lighting Direct's warehouse facility which will include a show room. The site is approximately 10.5 acres and they are requesting to re-subdivide this into three lots. Proposed Lot 1 will have the warehouse facility, proposed Lot 2, is south of the existing Car Quest facility and is currently under contract with Mid - West Development for the development of a NAPA retail store and proposed Lot 3 is just north of the existing Car Quest facility and would be owned by Lighting Direct. They are requesting the Resubdivision and also approval of the North Avenue/Gary Avenue Corridor Master Plan. If this subdivision is approved they will be able to develop both of the sites for commercial use and in regard to the first condition of the staff report which is "That ingress-egress easements must be provided to the benefit of all properties, including Car Quest and Fannie May." Ms. Vargas said that they will provide cross access easements through proposed Lot 3 and proposed Lot 2 and are shown in the subdivision plat and will benefit all property owners including Car Quest and Fannie May, if in the future they decide to connect to the cross access easements. The second condition of the staff report is "that access to the northerly lot must be constructed in such a way so as to accommodate traffic destined to all four commercial properties." Ms. Vargas said that the access to the north lot, which is proposed Lot 3, will be via the full access to the Lighting Direct property and it will have a shared access so the developer of that lot, which will be Lighting Direct will have access through that access. These accesses will also be designed for the possibility of all three lots and possibly Fannie May, eventually connecting to the common cross access easement which would allow everyone to have access there or to the right in / right out through the proposed Lot 2. In regard to condition # 3, "Development of the new lots must be designed in such a way so as to allow for the future interconnection with the Car Quest and Fannie May lots, which would include providing a drive aisle stubbed to the common lot lines, as well as granting a construction easement in the event Car Quest or Fannie May wishes to connect to said drive aisle. The Master Plan must be revised to show the drive aisles stubbed to the property lines." Ms. Vargas said that they will do that and revise the Master Plan. In regard to condition #4, "Whenever either lot is developed, the developer must coordinate with the Car Quest and Fannie May owners, as appropriate, to notify them of the availability to interconnect the properties if they so wish." Definitely the owners of the lots and Lighting Direct, will coordinate with Fannie May and Car Quest accordingly, if the wish to connect to the cross access easement.



Mr. Bastian said that this report serves as an addendum to the report that was presented to the Plan Commission at the October 10, 2005, meeting. Recall that at that meeting, Duke Construction was requesting approval of Gary Avenue Corridor Master Plan, Final Plat of Subdivision, and Rezoning from I Industrial District to B-3 Service District for properties generally located at the northeast corner of Gary Avenue and North Avenue. At that meeting, by a 6-0 vote, the Plan Commission recommended approval of rezoning the two proposed 0.6-acre outlots from I Industrial District to B-3 Service District. Also at that meeting, the Plan Commission voted 6-0 to continue the requests for Gary Avenue Corridor Master Plan and Final Plat of Subdivision. These requests were continued to give the applicant additional time to investigate whether a land swap of proposed Outlots 2 and 3, between Lighting Direct and Duke Construction, could be accomplished, in an attempt to improve the vehicular access opportunities for Lot 2, which is immediately south of the existing CarQuest auto parts store. At this time, the applicant is requesting approval of the Gary Avenue Corridor Master Plan and the Final Plat of Subdivision. No further action regarding the rezoning request is necessary by the Plan Commission, as the Commission recommended approval of the rezoning at the October 10, 2005, meeting.

In her letter dated November 11, 2005, and as corroborated in the attached letters from Alan Marks (Midwest Development) and Richard Chen (Lighting Direct), Johana Vargas of Duke Construction explains that the ownership transfer of proposed Outlots 2 and 3 is not possible. Alan Marks of Midwest Development, the firm that will be constructing the Napa auto parts store, has stated that Napa does not wish to locate on proposed Outlot 3, as they are not open to an access configuration that only allows for access through an adjoining property. Napa has stated that if they cannot build on proposed Outlot 2, then they will pursue construction of a store on an identified site outside of Carol Stream. Also, as seen in the letter from Richard Chen of Lighting Direct, Lighting Direct wishes to maintain ownership of proposed Outlot 3. Based upon these factors, the land ownership exchange is not a viable option for rectifying the access concerns of Village staff.

Unfortunately, given the positions of Midwest Development and Lighting Direct, the Village is not in a position in which it can compel the resolution of this matter so as to bring about a full access configuration for all of the outlots along Gary Avenue. As a result, staff recommends that the best possible access and traffic circulation patterns be provided, taking the known constraints into consideration.

#### Gary Avenue Master Plan:

The Gary Avenue Master Plan shows retail development of proposed Outlots 2 and 3, with parking stalls, building footprints, and access locations shown. The level of detail shown is acceptable for a Gary Avenue Corridor Master Plan. However, staff notes that the Master Plan only shows a connection between the northerly lot and the CarQuest site. The Plan should be revised to show cross connections through the parking lots of all four outlots along Gary Avenue. In making this recommendation, it is important to keep in mind that the Master Plan is just that - a *plan* that is intended to reflect the optimal development expectations of the Village. In this way, the Village can utilize the plan in the future when working with developers, to demonstrate that the Village has expectations with respect to the access issue, for the development of property along Gary Avenue.

#### Final Plat of Subdivision:

The Final Plat of Subdivision shows cross access easements across Lots 2 and 3, which will leave open the possibility of cross access across the CarQuest and Fannie May properties in the future. The Community Development and Engineering Services Department staffs have reviewed the Final Plat of Subdivision, and we note that cross access easement language needs to be added to the Plat. The Engineering Services Department also notes that additional storm water easements may be necessary, and that the access configurations and locations will ultimately require the approval of the DuPage County Department of Transportation.

## RECOMMENDATION

Because access opportunities will be less than optimal among the four small commercial properties along Gary Avenue, and because Duke did not heed staff's repeated recommendations that vehicular access should have been carefully planned at the time of review of the Lighting Direct project, we do not find the proposed access design to be "mutually agreeable", and staff cannot support the applicant's requests for Gary Avenue Corridor Master Plan and Final Plat of Subdivision. These factors notwithstanding, it must be understood that the Village would prefer to see commercial development take place on the proposed outlots. As such, if the Plan Commission and Village Board are ultimately inclined to approve Duke's requests, staff suggests that the following conditions be included:

That ingress-egress easements must be provided to the benefit of all properties, including *CarQuest* and *Fannie May*;

That access to the northerly lot must be constructed in such a way so as to accommodate traffic destined to all four commercial properties;

Development of the new lots must be designed in such a way so as to allow for the future interconnection with the *CarQuest* and *Fannie May* lots, which would include providing a drive aisle stubbed to the common lot lines, as well as granting a construction easement in the event *CarQuest* or *Fannie May* wishes to connect to said drive aisle. The Master Plan must be revised to show the drive aisles stubbed to the property lines; and

Whenever either lot is developed, the developer must coordinate with the *CarQuest* and *Fannie May* owners, as appropriate, to notify them of the availability to interconnect the properties if they so wish.

Commissioner Weiss asked if there will be a cross access easement through Lot 3, through Car Quest and through to Lot 2? Ms. Vargas said that they are providing cross access through proposed Lot 3 and proposed Lot 2. They do not have control over Car Quest at this point, but they are agreeing to add wording that will benefit Car Quest and Fannie May, that eventually, if they want to tap into the other cross access, the language will exist on the subdivision plat will permit vehicular access to cross all of the lots. At this point they are not providing the easements through the existing Car Quest facility. In response to the question, right now, all of Lot 2 will have a right in/ right out access and Lot 3 will have the full access at Gary through the main entrance. It was determined that these proposed cross access easements are written in as easements and may not be developed for some time.

Commissioner Sutenbach asked the reason why Lot 2 and Lot 3 cannot be swapped for the development and it was stated that NAPA and MidWest Development have a contract that would be voidable if the change was made. NAPA also wants direct access and not through The Lighting Direct property. Commissioner Sutenbach said that this is disappointing and it would solve a lot of problems if it was not to be a competing use.

Commissioner Michaelsen asked if this is approved and NAPA does build, is there any recourse by Car Quest and Mr. Bastian said that there is nothing the Village can do to stop competitive development. CarQuest has stated that they will definitely not allow cross access to a competitive use. Commissioner Michaelsen asked if the new development will be at the same elevation grade or will there be slope problems. Ms. Vargas responded that the final detail engineering plans have not been done, but the grades are similar in nature and will allow the alignment of the drive aisles to make this work. She said that there will be some slope issues to make it work, but they won't be tremendous. Commissioner Michaelsen asked if there will be any stormwater issues with have this much pavement put down and it was stated that the stormwater detention for the subdivided lots are provided on the DuPage County Stormwater Management property just north of the site and proposed Lot 2 will be graded to allow flow to that area as well.

Mr. Bastian stated that anything that gets built on Lots 2 or 3 will come before the Plan Commission for Gary Avenue Corridor review which will allow close review of stormwater

management and parking lot alignment, drive aisle and cross access alignment as well. Chairman Bentz said that he did not remember a Master Plan review for the Gary Avenue Corridor in the past and asked why does it appear now. Mr. Bastian replied that there is language in the Gary Avenue Corridor Regulations that specifically says that if the owner of a property wishes to subdivide that property and create new lots that are less than five acres in size, they need to present for approval a Master Plan that shows how those lots will ultimately be developed. It is not a highly detailed plan, and does not include landscaping plans or building elevations, but its purpose is to look at things like access. Mr. Bastian said that this goes back to the fact that staff recommended that this Master Planning issue be evaluated at the time that the Lighting Direct project was before the Commission originally for the Gary Avenue Corridor review. Although staff knew at that time that Duke was planning to subdivide this property, they chose not to subdivide it because they indicated that they were concerned that the subdivision process could slow down the approval process of the Lighting Direct building. Staff strongly encouraged them to go through the subdivision and Master Plan process at that time because they felt that would have been the best opportunity to plan for access among all of these lots in the best possible way. It may have turned out just like what is before us right now, but staff believes that there was the opportunity to do something different or better and that is the main reason why in the staff report they do not recommend approval or go all the way to recommend denial, but they cannot support this plan from a staff level, simply because there is the possibility that it could have been done better. However, the opportunity for commercial development should not be prevented.

Chairman Bentz commented that it would appear that now we are stuck with what we got, and there is no apparent way to make it work any better at this point. He noted that any development would have to come before the Commission so there will be some control from that standpoint. The subdivision cannot change substantially because there is not other way of doing it.

Commissioner Weiss asked if the access to property be considered when and if the NAPA development comes to the Commission and Mr. Bastian said that the County controls access to Gary Avenue and they will not allow anything but the right in/ right out access that is shown on the subdivision plat if approved. In response to the question as to how Lighting Direct is going to develop Lot 3, Ms. Vargas said that they plan to develop that lot with a retail store, something such as a Starbucks, or Dunkin Donuts. It will probably be just a single user.

There was discussion regarding the cross access through all of the lots and the possibilities of development by something other than a competitive business to Car Quest, and the assurance that all of the easements plans for the stubs to each of the properties will be on the plat of subdivision.

Commissioner Spink moved and Commissioner Sutenbach made the second to deny approval of the Gary Avenue Corridor Master Plan review. The results of the roll call vote were:

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

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of the final plat of subdivision for 121-131 E. North Avenue in accordance with staff recommendation. The results of the roll call vote were:

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

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 5, 2005 and was advised to attend that meeting.

## NEW BUSINESS:

Mr. Bastian said that at the October 10, 2005 meeting the Plan Commission recommended approval of Lakewood's request for rezoning, special use for PUD, preliminary PUD plan and the preliminary plat by a vote of 4 to 3. The staff report that was presented identified several issues that required additional work by the developer. The architectural design of the town homes was identified as an issue that required significant work at that time. Since 10/18 staff has been in the process of negotiating an annexation agreement with Lakewood representatives and in an attempt to address the issue of residential architecture Lakewood has submitted revised architectural drawings for the residential product. The theme that Lakewood has selected is that of an English Cottage look and they are contemplating changing the name of the development from Lakewood at Klein Creek to Royal Glen at Klein Creek to correspond with the new architectural theme. On a topic also related to architecture and building appearance and response to comments by the Plan Commission, all buildings have been modified to contain 5 units, there will no longer be any 4 or 6 unit buildings. In addition the number of units that has been reduced again from 276 to 270 as now are planned. At the request of Lakewood's representatives a set of revised architectural elevations is attached for review and comment. This is to allow the Commission to provide feedback only since the final architectural design will be subject to review and approval by the Plan Commission during the North Avenue Corridor and final PUD plan review process, however Lakewood is hoping to establish an acceptable architectural theme within the annexation agreement and have asked for comments.

Commissioner Hundhausen said that she likes the new look and that decreasing the number of units again is a plus.

Commissioner Weiss commented that they look very nice.

Commissioner Spink said that absolutely, positively great. This is what she was looking for. She said that she has questions about the type of glass that is presented on the rendering and if there is a fireplace on one of the end units will there be fireplaces available for the other units. Commissioner Spink noted that she did get a certified letter in regard to the public hearing. She said that she would like to see the floor plans for the units now that there are a set amount for each building and how the buildings will be placed on the property and if the offering prices have been changed.

Commissioner Sutenbach asked about the matching doors on the end units and commented that there does not seem to be very much variation of color.

Commissioner Michaelsen said that the appearance of the front of the units is great and he is still concerned about the type of materials that will be used on the siding. He is opposed to vinyl siding and would like to see face brick to look high end and the same appearance for the back of each unit. He would like to see architectural shingles.

Commissioner Vora said that this new plan is ok.

Commissioner Spink commented that they still do not show where the air conditioners are going.

Commissioner Michaelsen said that the windows in the drawings appear to be casement windows or at least a window with divided lights and if they are shown that way will the developer have to put them in the buildings. Mr. Bastian said that the type of window would have to be clarified to be sure.

For the meeting of December 12, 2005, staff is inviting the Commissioners to the annual Holliday gathering following the business meeting. The agenda does not look it will be a very long meeting.

Mr. Bastian reminded everyone that the meeting for December 26<sup>th</sup> has already been cancelled. The next meeting will be January 9, 2006.

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