

# Village of Carol Stream

## AGENDA

### SPECIAL MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, JUNE 29, 2015 AT 7:00 P.M.

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

- I. Roll Call: Present:  
Absent:
- II. Approval of Minutes: June 22, 2015
- III. Public Hearing:
  - A. 14357 Bluestone Single Tenant Properties, LLC. - 170-200 W. North Avenue  
*Zoning Code Text Amendment*  
*Special Uses - Planned Unit Development Plan*  
*Automobile and Commercial Vehicle Fueling Plaza*  
*Preliminary/Final Planned Unit Development Plan*  
*North Avenue Corridor Review*  
*Sign Code Variations*  
*Final Plat of Subdivision*  
**CONTINUED FROM THE MEETING OF JUNE 22, 2015**
- IV. Presentation:
- V. Old Business:
- VI. New Business:
- VII. Report of Officers:
- VIII. Adjournment:

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

***All Matters on the Agenda may be Discussed, Amended and Acted Upon***

**June 22, 2015**

Chairman Christopher called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00 p.m. and directed Permit Systems Coordinator Roberta Vogel to call the roll. The results of the roll call vote were:

Present: Chairman Angelo Christopher and Commissioners Dee Spink, David Creighton, Frank Petella, Frank Parisi and Charlie Tucek.

Absent: Commissioner John Meneghini.

Also Present: Don Bastian, Assistant Community Development Director, Roberta Vogel Permit Systems Coordinator, Village Attorney Jim Rhodes and a representative from DuPage County Court Reporters.

**MINUTES:**

Commissioner Spink moved and Commissioner Creighton made the second to approve the minutes of the meeting of April 13, 2015.

Ayes: 5 Commissioners Creighton, Spink, Petella, Parisi and Tucek  
Nays: 1 Chairman Christopher  
Abstain: 0  
Absent: 1 Commissioner Meneghini

**PUBLIC HEARING:**

Commissioner Creighton moved and Commissioner Spink made the second to open the Public Hearing and the motion to move Case # 15152 before Case # 14357 on the agenda. The motion passed by unanimous voice vote.

**Case # 15152 – Joe and Rosanna Tungol – 619 Chestnut Drive  
Variation – Fence Code**

Chairman Christopher swore in the witnesses, Joe and Rosanna Tungol of 619 Chestnut Drive, Carol Stream, IL 60188.

Mr. Tungol presented his case for a variance to extend their fence into the side yard by 10-12'. Although Mr. Tungol understands all the fence code regulations they asked the board to consider from a variation stand point that they have a special situation with their property that he feels were not addressed in the findings of the village staff. The fact is the city storm drain located on the property is at an elevation that is lower than the back yard, city engineers have inspected the property and they have acknowledged it is a problem but every measure Mr. and Mrs. Tungol have taken, which includes drain tiles and landscaping has not solved the problem of drainage in the back yard. Hence for the last twenty plus years they have not had total use of the yard space. Mr. and Mrs. Tungol would like to extend the side fence line 10-12' to gain usable yard space. The second issue Mr. and Mrs. Tungol would like the board to consider, which makes their situation unique, is in their given subdivision comparing properties in the same situation as they have, with a 90 degree angle, their property is the only property where the property is lower than the

rear neighbor. Based on the two variations mentioned for their property Mr. and Mrs. Tungol believe they have a unique circumstance with the property and would ask the board to consider approval of their variance.

Chairman Christopher asked if they had anything else.

Mrs. Tungol relied with an explanation of the very wet area in the yard adjacent to the deck. Mrs. Tungol explained the steps they took to help control the drainage issues in the rear yard from landscaping to drain tile. They have tried everything to help drain the water away from the middle of the yard with no success. The right side of the yard where the yard would be extended with the fence variation is flat, dry usable space. Mr. Tungol also added they understand the code requirements prevent fences from becoming a visual encroachment on the front yard of the neighboring property and to maintain open street scape. Talking to the neighbor who is directly affected by extending the fence he agreed that extending the fence would not interfere with his property. They understand that approving this variance may set precedence with the other neighbors; they believe that it would not and that their property is so unique that there would not be a similar corner with the same difficulties. Mr. Tungol thanks the Board for their time.

Chairman Christopher asked if anyone from the audience had any questions. No reply.

Chairman Christopher asked Mr. Bastian for the staff report. Mr. Bastian stated the applicant is requesting a variation for a 5' wooden fence to extend into the required side yard on a corner lot, the site plan in the packet shows they would like the fence to extend about 12' closer to the east corner of the side yard property line, along Renaissance Drive, than is allowed by the fence code, this would allow the applicants to have additional usable space within the fenced-in area of their rear yard. They have indicated that because of the local topography and the positioning of their lot, at a lower elevation than the adjacent lots, this has caused some problems with standing water in the back yard at different times throughout the year. We have provided for you the language out of the fence code that establishes the setback requirements for properties that are in this configuration where you have a corner side yard that essentially backs up to the front yard of the property behind it. Historical context has also been provided for corner side yard approvals and denials along with pictures to help the Plan commission/Zoning Board of Appeals understand each case. The code often treats the corner side yard more of a front yard and this is the difficulty the applicant is running into with this case. We are concerned the precedent this may set, not so much with what has happened in the past but what it might establish moving forward. We encourage the Plan Commission to look carefully at the findings of fact and if the Plan Commission feels there is a unique circumstance or a hardship to please be clear in making recommendations in this matter. Mr. Bastian states the staff recommends denial of the request for the fence code variation to allow the fence to extend 12' into the required corner side yard. Mr. Bastian reminds the Plan Commission this variation case does not go the Village Board and would end with their vote tonight.

Chairman Christopher asked if any of his fellow Commissioners had any questions.

Commissioner Tucek thanks both parties for the clear concise reports. He states he drove past the property, compliments the applicant on the property and understands the need to replace the fence. Mr. Tucek suggests the bump out not be 12' but a slight bump out. He explains the fence code is what it is, but suggests some sort of bump out be agreed upon by both parties so as the Tungols would gain a little bit more usable space with a safe and elegant set back. Commissioner Tucek has one additional question, how does moving the fence alter the flooding issue?

Mr. Tungol states it does not alter the flooding issue and they have given up on rectifying the water issue. We now just want to gain usable space, we have looked into a natural fence line but esthetically it doesn't go with our neighborhood. We are asking for 12' to match the west side of the house, but we are open to the reduced bump out to gain any additional usable space.

Commissioner Creighton asks about the yard during the rainfall last week.

Mr. Tungol states the yard is still wet with standing water, which limits the use of the yard by the applicant.

Commissioner Creighton asked how long the situation has been this way.

Mrs. Tungol states that it has always been like this for 20 years.

Commissioner Creighton asked if 12' was not approved is there a smaller distance they would settle for.

Mr. and Mrs. Tungol answered with, as much as possible. They just want space.

Commissioner Creighton asks Mr. Bastian if the staff is amenable to a smaller number.

Mr. Bastian stated the staff would ask the board to identify a unique factor that would support whatever relief is granted in the board decision. Mr. Bastian spoke with the Engineering Services Department about the drainage issues and concerns and they do recall the situation and the engineering inspector indicated that he believes the drainage situation could be vastly improved with an installation of an underdrain.

Commissioner Creighton asked if the applicant had a village sewer in their yard.

Mr. and Mrs. Tungol answer yes.

Commissioner Creighton asks how the applicant feels about what Mr. Bastian explained about the underdrain.

Mrs. Tungol states they have invested time and money into the existing drain tile and the landscapers they have contacted could not guarantee anything would work. Mrs. Tungol states they would hate to invest more money on top of the fence amount without a guarantee.

Commissioner Creighton asks if landscapers are the correct persons to be speaking with for a solution.

Mr. Tungol states he doesn't know who the right person is to speak to.

Commissioner Spink asks Mr. Bastian since it is an ongoing problem why isn't the Engineering Services Department working with them to resolve this problem that has been going on for 20 years? Why rectify the problem by giving them more space instead of rectifying the drainage issue?

Mr. Bastian states the Engineering Services Department did try to offer some solutions, and if you look at the plat of survey the rear 10' and the side 5' are in a drainage easement and drainage should be expected in these areas. Over time things may have slowed the drainage ways, but the Engineering Services Department would be happy to continue to work with this property owner.

Commissioner Spink then asks what if they put the underdrain in and the issue is still not rectified what should they do, they are asking for more usable space but what can the Village do to help them rectify this is the case the variation is denied?

Mr. Bastian states that the department to help would be the Engineering Services Department.

Commissioner Petella states he feels this is the Villages fault from the beginning, and the Village should be responsible for solving the drainage issues. My question to the Tungols is with the 12' extended yard would it incorporate the tree in the side yard?

Mr. and Mrs. Tungol reply no.

Commissioner Petella states he feels that 12' would not be all that much. He's not sure if it solves the problem but it would give you some usable space.

Commissioner Parisi asks about the drainage improvement done on the property.

Mr. and Mrs. Tungol stated they had drain tile installed.

Commissioner Parisi asks where the drain tile was installed.

Mrs. Tungol explains the length and that it is not connected to the storm sewer.

Commissioner Parisi asks Mr. Bastian if the applicant considered putting additional soil and it wasn't in the Village's purview to do that, is it they are allowed to re-grade the site at the applicants cost.

Mr. Bastian stated they should contact the Engineering Services Department on this issue but there might be limitations on what type of work can be done in a drainage easement.

Commissioner Parisi asked if the 12' of additional yard space would create a bigger dry area.

Mrs. Tungol stated that the entire side yard area is completely dry and flat.

Commissioner Parisi suggests they consult a civil engineer that could give some good solid advice about the drainage issue. Commissioner Parisi feels that they would gain a considerable amount of yard space if they do the landscape buffer and recommends they consider this instead of the fence variation.

Mr. Tungol states that they did consider this but none of the neighbors had the natural landscaping fence and they feel they would stand out from the rest of the neighbors.

Chairman Christopher states that moving the fence 12' will not stop any rain; there are other cost efficient ways of correcting the drainage issues. Chairman Christopher suggested that the fence is not the way to go but that the proper underground drainage tied to the storm sewer as a bio swale or anything that could be added there to detour the water to proper location would help more than the fence.

Commissioner Petella moved and Commissioner Creighton made the second to approve the request.

The results of the roll call vote were:

Ayes: 3 Commissioners Petella, Tucek and Creighton  
Nays: 3 Chairman Christopher and Commissioner Spink and Parisi

The Village Attorney stated that a 3-3 vote on the motion to approve the variation results in the request being denied. He stated that a Plan commission member could make a motion for a modified fence configuration to see if that could be approved.

Commissioner Creighton made a motion to approve a variation to allow the fence to extend five feet into the corner side yard and Commissioner Petella made the Second, with extenuating circumstances that

the applicant was not able to rectify, the exceptional situation being not every property has a village storm sewer inlet.

The results of the roll call vote were:

Ayes: 4 Commissioners Petella, Tucek, Creighton, and Parisi  
Nays: 2 Chairman Christopher, Commissioner Spink

**Case # 14357 – Bluestone Single Tenant Properties, LLC. – 170-200 W. North Avenue**  
**Zoning Code Text Amendment**  
**Special Uses – Planned Unit Development Plan**  
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Attorney James Rhodes spoke about how the Plan Commission procedure will work for the public hearing. There are six requests for approval that Bluestone Tenant Properties, LLC has submitted. He explained the requests; we will hear testimony from all interested parties and receive evidence from all interested parties with respect to the items that have been requested. The hearing procedure will be as follows, the petitioner will be allowed to present evidence and introduce any evidence and witnesses in support of the amendment this special use variations and other approvals. Interested parties will be given the opportunity to ask any questions of the witnesses, questions asked of the witnesses must relate to the testimony that the witnesses have given. After each petitioners witness, members of the Plan Commission can then ask questions of the witnesses regarding their testimony. After the petitioner has completed his case any interested party may provide their own testimony and their own evidence with respect to the items of approval, again questions asked of any interested party must also relate to the testimony those witnesses have given. Attorney James Rhodes explains that there are sign in sheets at the back of the room for any person interested in speaking at tonight Public Hearing with respect to this item. After the interested parties have presented their case and all of the witnesses and evidence staff will provide the report to the Plan Commission, all interested parties including the petitioner will have the opportunity to ask any questions of staff with respect to any matters that are located within the staff report, then members of the Plan Commission can ask questions. After the report has been presented the petitioner has the opportunity for rebuttal or any additional information that is necessary, the Plan Commission will then go and deliberate and will base its evidence for the various items in accordance with the sections of the Code that provide the criteria for the various approvals. Recommendation is then made to the Village Board and a written decision will be prepared which includes the finding of fact of the Plan Commission. The chair may impose reasonable limitations on evidence and testimony presented barring repetitious, irrelevant or immaterial testimony but for the most part individuals will be given full opportunity to speak on any matter that is relevant to the proceedings. One noted item there was a request from one of the interested parties who indicated they would be having expert witnesses testifying and they wanted to have an opportunity to do that at a subsequent meeting, we did discuss that with the attorney for interested party we also discussed that with the Village staff and with the attorney for petitioner and the Plan Commission members were contacted regarding an alternative date and at an appropriate time this evening there will be request to continue the remainder of the hearing to next Monday, June 29, 2015 at 7:00 PM.

Chairman Christopher swore in the witnesses, Thomas R. Burney, 40 Brink Street, Crystal Lake, IL, Richard Claes, 400 North Michigan Avenue, Suite 800, Chicago, IL, Peter Lemmon, 111 West Jackson Blvd., Chicago, IL, Mike MacKinnon, 26W490 Churchill Road, Winfield, IL, Patrick Deptula, 118 Henley Point, Kingston, TN.

Mr. Don Bastian states the items being entered into the record are a notice of Public Hearing, published in The Examiner of Carol Stream on Wednesday June 3, 2015, Staff Report to the Plan Commission Board of Appeals for Case # 14357 for Plan Commission Board of Appeals meeting on June 22, 2015, the attachments to the Staff Report including location map, ariel photo, public notice, property owner consent letter, Development Narrative from Rick Claes dated May 28, 2015, General Application, Sign Code Variation Application, Special Use Application, Gary/North Avenue Corridor Application, Traffic Study Recommendations and Conclusions, Preliminary/Final PUD Plan, Landscaping Plans, Building Elevations and Color Rendering, Dumpster Enclosure Plan, Automobile and Truck Fueling Canopy Plans, Floor Plan, Sign Plans, Preliminary Engineering Plan, Circulation Plan and Plat of Subdivision, and we would also like to enter into the record the letter from Attorney Greg Jones addressed to Mr. Don Bastian dated June 19, 2015.

Attorney Thomas C. Burney states the agreement between counsels for the week extension for Attorney Greg Jones to prepare questioning.

Richard Claes of Bluestone Single Tenant Properties, LLC presented the Pilot Travel Centers Presentation, highlighting the difference between a "Day Tripper" and "Long Haul" truck drivers, Small Format Commercial Fueling Centers concept, the retail and restaurant aspects of the proposal, site improvements, the conceptual site plan layout and traffic flow, the landscape buffer plan, future out lot plan, enhancement to the landscaping to the south of the drive aisle adjacent to the Holiday Inn, sound mitigation, outdoor sales, the request for a sign variation, the Plat of Subdivision request, economic impact and summarizes the development benefits. He also discusses the construction dates with Counsel Thomas R. Burney.

Chairman Christopher asked if anyone from the audience had any questions.

Attorney Greg Jones cross examines Mr. Claes. Attorney Jones asked if the Bluestone Single Tenant Properties, LLC looked at other properties for potential sites for Pilot.

Mr. Claes states they had.

Attorney Jones asks if they looked at zoning classifications when deciding on this site.

Mr. Claes answers yes.

Attorney Jones asks if the considered any industrial zoned properties located in the area.

Mr. Claes answers there really were not any industrial zoned properties that would satisfy the use and the underline B-3 zoning in this case. Based on his 30 years' experience in the industry he felt this site was best suited for the development. It is not industrial development this is a retail development that takes both car traffic and truck traffic.

Attorney Jones asks if this is a relatively new product.

Mr. Claes answers that it is a new concept for Bluestone Single Tenant Properties, LLC that has been embraced by a variety of different retailers today.

Attorney Jones asks Mr. Claes to estimate when this type of development concept came around and states Mr. Claes said in the last 18 months or so.

Mr. Claes states Bluestone's strategy was launched 18 months ago but has been around in other facilities and companies for several years.

Attorney Jones asks about the conversations with staff about the site layout.

Mr. Claes states they have been talking with staff for about the last 6 months.

Attorney Jones asked that when they initially approached the Village staff on their proposal did it include showers.

Mr. Claes states Pilot submitted a standard set of plans they use on the interstate sites and over the last 18 months they have refined this plan to be what it is today. To answer the question the original floor plan from Pilot was their standard plan.

Attorney Jones asks so did it include showers?

Mr. Claes states yes.

Attorney Jones asks did it include gaming.

Mr. Claes states they always ask that question originally but as we stand here today there are no showers and no gaming.

Attorney Jones states that he was trying to understand if initially did it include shower, and I think it did so did the plan also include gaming.

Mr. Claes states the original plan was Pilot's standard plan for an interstate location, which includes showers, gaming, a driver's lounge and variety of other things.

Attorney Jones asks if Pilot came in with one concept that was more intense for a more interstate type setting.

Mr. Claes states they came in with the prototype development which was not the original concept for this location; it was not large enough to accommodate enough parking.

Attorney Jones asks if Pilot ever anticipates adding showers or more interstate type amenities in the future.

Mr. Claes states the zoning would preclude the ability to add showers unless we requested a zoning change again. That is not the intent to add showers.

Attorney Jones asks if any of their other facilities are adjacent to hotel uses.

Mr. Claes states the one that is currently being worked on in Channahon IL is at US RT-6 and I-55 and one of the out lots off the interstate off ramp is a hotel and they have 6 users interested in acquiring this lot.

Attorney Jones confirmed the location being off I-55.

Mr. Claes confirms.

Attorney Jones states this would fall under the usual truck stop use.

Mr. Claes disagrees. Thornton does not operate truck stops they operate convenience stores with gas.

Attorney Jones asks if any of the other projects are adjacent to residential properties.



Mr. Claes states yes that many of them are.

Attorney Jones asks any in particular.

Mr. Claes states West Chicago, Lombard and Alsip.

Attorney Jones asks about the turnaround time of a truck pulling in to fuel up, and asks what happens in those 30-45 minutes.

Mr. Claes states the truck would enter into the site and depending on the reason for the visit, they could fuel and leave, they could park and use facilities as needed then fuel and leave; they could park and use the facilities.

Attorney Jones asks if it is accurate to say a truck driver could use the entire facility in those 30-45 minutes.

Mr. Claes states absolutely.

Attorney Jones asks about the condition for allowing them to stay for up to 4 hours, and what would take place in those 4 hours.

Mr. Claes states that it is not a 4 hour requirement it is a 4 hour maximum limitation and explains how a 4 hour stay may be necessary for a truck driver but they can't imagine a customer needing more than 4 hours.

Attorney Jones asks about the logic for having the truck uses, fueling lane, and scale on the south side of the property.

Mr. Claes states there is a variety of considerations for that, first the staff wanted to maintain the retail Commercial Corridor feel up and down North Avenue, the IDOT access points and requirements. Second is the section of wetlands, easements, landscape buffers and detention that are required.

Attorney Jones asks if Pilot is familiar with the grade change along the south drive aisle.

Mr. Claes states there is a relatively deep ditch between the south side of the property and the Holiday Inn property.

Attorney Jones asks if Pilot is proposing any grade changes at all with the proposal.

Mr. Claes states the preliminary engineering was completed on the site but final engineering had not been done. There is a requirement for an accommodation of grade on site, one of things we were waiting to determine before final engineering and as we made this offer for a sound attenuation fence, as the best class design, would be to put an 8' tall fence on top of a berm that would give more effectiveness. The best in class standard is to put the sound barriers as close to the source of the sound as possible and we haven't work through his with staff and we thought the most effective place for the sound fence would be a landscape divider just on the other side of the diesel fueling area and the driveway to Gary Avenue.

Attorney Jones asks if they are opposed to constructing a berm along the south property line.

Mr. Claes states no we told the Holiday Inn owner back in April we would.

Attorney Jones asks if they have a distance from the south drive isle to the Holiday Inn location.

Mr. Claes states they do not and asks Mike MacKinnon for the distance, Mr. MacKinnon states there is a 40' landscape buffer plus the 30' driveway so about 75' to the Holiday Inn landscape barrier.

Attorney Jones asks if they anticipate truck queuing in the drive isle.

Mr. Claes states no and explains the detail of the diesel fueling lanes.

Attorney Jones asks, so based on your experience designing or participating in getting over 200 of these approved, would you say it's possible that queuing could occur on this site.

Mr. Claes states yes it is possible.

Attorney Jones asks, if an auto turn analysis showing anything more than the widest turn south of the fueling pumps had been done.

Mr. Claes states yes and explains the U-turn procedure from the fueling pumps.

Attorney Jones asks if he anticipates this site to attract any additional trucks beyond the 6600, as this is the only facility of this nature in the entire trade area.

Mr. Claes states the existing traffic on the roads would be the anticipated customers because there are other diesel fueling facilities nearby.

Attorney Jones asks, during your presentation you reference Public Act 094-085 which regulates idling of trucks, are you aware of the 16 exceptions to the 10 minute rule and have you installed sound fencing in other locations.

Mr. Claes states he is only aware of the act enough to put it into the proposal and they have installed sections of sound attenuation wall in a number of facilities.

Attorney Jones asks so this is a product your familiar with.

Mr. Claes states yes.

Attorney Jones asks if Mr. Claes thinks this is the highest and the best use for the property and have you conducted a formal highest and best use analysis.

Mr. Claes states that he believes it's the highest and best use of this property.

Attorney Jones asks if Mr. Claes reviewed the Villages Comprehensive Plan.

Mr. Claes states briefly.

Attorney Jones asks if Mr. Claes has participated in the Villages ongoing Comprehensive Plan update process.

Mr. Claes states he has not.

Attorney Jones states he has nothing further.

Walter Hainsfurther an architect with Design Team LLC asks, are there other businesses on this street that have to display a price on their signs.

Mr. Claes states yes.

Mr. Hainsfurther asks if they have 15' high signs.

Mr. Claes states not they he is aware of, and states that none of which have invested 9 million dollars in the facility.

Mr. Hainsfurther states no that haven't but do you know when the last service station was built or remodeled in the area.

Mr. Claes states the Shell on the corner invested some money into his property.

Mr. Hainsfurther states his sign is 10' high according to the staff report and asks if there are any signs stated in the staff report that are 15' high.

Mr. Claes states not that he recalls.

Attorney Burney asks if the gentleman was here representing someone or is he just here on his own.

Mr. Hainsfurther states one of the persons he represents is Rob Razowsky who owns the Shell Station.

Carol Findling states she is a resident of Windsor Park and asks what have you done to mitigate the problem of rain water runoff; she indicates there is a huge concrete area.

Mr. Claes states the final engineering has not been completed yet but with the preliminary engineering findings we have a very high level of confidence that we can accommodate the storm water detention plan but we haven't done the final detailed design and with that said in response to the question it's a best in class design practice which we would employ here to include oil water separators in the catch basis of the storm system.

Joe Xanthopoulos the interim executive director of Windsor Park asks who the group met with at Windsor Park.

Mike MacKinnon states it was Bob Lanzerotti and another woman.

Martin Findling resident of Windsor Park states he has a tough time seeing the site manager going out and checking the site and even if he did go out how does he know how long the trucks were parked there. He doesn't feel the 4 hour limit has meaning.

Mr. Claes states that if the site manager walks the lot every hour he may not catch the truck the first time but would certainly see the truck the second and subsequent times. There is video surveillance of the fueling and parking areas as well and states the site manager does indeed make the facility walks.

Attorney Burney asks if a traffic management agreement to enforce this restriction with the Village's Police Department would be put in place.

Mr. Claes states yes they have done this in the past.

Attorney Rhodes states that he spoke to the Village Manager and he has indicated bad weather is heading our way and we should adjourn and continue the hearing.

Mr. Claes asks to make one more comment. He speaks of a developers frustration when the developer meets with staff, works diligently with staff, spend hundreds of thousands of dollars developing a plan, reaches out to the community and states they met with the owners of the Holiday Inn, met with the Ford Dealership next door, we made an effort and maybe we didn't meet with the correct people of the senior facility but we made a valiant effort to reach out to these people, we were happy to give any information they asked for in advance to submitting to the Village, and now at the 11<sup>th</sup> hour after we publish the zoning meeting after giving all the information to the owners of the Holiday Inn and we didn't hear anything until 4 days prior to the meeting, that they are requesting a continuation on the meeting, we think this is patently unfair we are willing to be respectful of the process however we have been at this for six months to the tune of \$100,000.00.

Commissioner Spink moved and Commissioner Petella made the second to continue the meeting to June 29, 2015.

The results of the roll call vote were:

Ayes: 6 Chairman Christopher and Commissioners Spink, Petella, Creighton, Tucek and Parisi.  
Nays: 0

Chairman Christopher reminded the petitioner of the continuation of the meeting to June 29, 2015 at 7:00 PM.

Commissioner Spink moved and Commissioner Petella made the second to close the Public Hearing. The motion passed by unanimous vote.

**PRESENTATION:**

**NEW BUSINESS:**

**ADJOURNMENT:**

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

FOR THE COMBINED BOARD

Recorded and transcribed by,

\_\_\_\_\_  
Roberta Vogel  
Permit Systems Coordinator

Minutes approved by Plan Commission on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chairman

**Staff Report - Plan Commission/Zoning Board of Appeals meeting of June 29, 2015**  
**Case No. 14357, Bluestone Single Tenant Properties, LLC – 170-200 W. North Avenue**  
*Zoning Code Text Amendments*  
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This memorandum serves as an addendum to the staff report that was transmitted to the Plan Commission/Zoning Board of Appeals for the meeting on June 22, 2015. At the conclusion of the presentation by Mr. Claes and cross examination by Attorney Greg Jones, the Plan Commission continued the public hearing to the special meeting on June 29, 2015.

Mr. Claes has forwarded three items, attached to this memorandum, for the Plan Commission's information. The first item is his letter dated June 25, 2015, in which he explains that Bluestone Single Tenant Properties has retained Dr. Thomas Thunder of Acoustic Associates, Ltd., "to provide a detailed analysis of the ambient sound levels surrounding (the Brunswick Zone) property and the projected incremental noise impact that will result from the operation of the Pilot retail facility." Mr. Claes expects to share the results of Dr. Thunder's analysis at the June 29 Plan Commission meeting. Also attached are letters from two hotel businesses that Mr. Claes has reported are located adjacent to Pilot facilities.

Staff expects to present the staff report to the Plan Commission during the continued hearing on June 29. The only modification to the original report that staff is suggesting at this time is an additional condition of approval, as presented below. The intent of the additional condition is to specifically prohibit the installation of shower and laundry facilities in the building, and to require Village Board approval through the standard Plan Commission public hearing process of an amendment to the Special Use Permit if they should wish to add these facilities in the future. The applicant has advised staff that they are agreeable to this additional condition.

22. That shower and laundry facilities intended for use by patrons are not permitted to be installed within the building, and that should the owner/operator wish to install these facilities in the future, and amendment to the Special Use Permit would be required.

DTB:db

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June 25, 2015

Don Bastian, AICP  
Community Development Director  
Village of Carol Stream  
500 North Gary Avenue  
Carol Stream, Illinois 60188

Re: Pending Commercial Fueling Center Project

Dear Don:

I am writing to provide you with an update on the actions that have been taken by Bluestone Single Tenant Properties, LLC and Pilot Travel Centers, LLC since the meeting last Monday evening to address some of the concerns raised by the remonstrators that appeared at the public hearing.


As you know, the staff report identified the need for analysis of the potential noise impact of our proposed development. Upon our receipt of the staff report on June 18<sup>th</sup>, Pilot engaged Dr. Thomas Thunder of Acoustic Associates, Ltd., a renowned audiologist and noise specialist in the Chicago area, to provide a detailed analysis of the ambient sound levels surrounding our property and the projected incremental noise impact that will result from the operation of the Pilot retail facility. Unfortunately, since Dr. Thunder is still in the process of collecting field data this week, we are not able to provide you with the results of his analysis prior to the distribution of the Plan Commission/Zoning Board of Appeals packet on Friday morning. We will, however, be in a position to share the results of his analysis at the continuation of the public hearing next Monday evening June 29<sup>th</sup>. We have also scheduled a meeting with Don Oppermann, one of the owners of the Holiday Inn, on Friday June 26<sup>th</sup> at 11:00 am to explore additional potential enhancements to our proposed development plan.

Since the issue of compatibility of the proposed convenience store, restaurant and fueling operation to the adjacent Holiday Inn was raised during the meeting last Monday, Pilot reached out to a few of their neighbors across the country that operate hotels adjacent to an operating Pilot Travel Center facility. I have attached testimonial letters from two hotel operators, Mr. Bosselman of the Hampton Inn in Colby, KS and Mr. Howard of the Holiday Inn Express in Chillicothe, OH that we will present during the meeting on Monday.

Don Bastian  
Village of Carol Stream  
06/25/15  
Page 2 of 2

I will keep you apprised of Dr. Thunder's progress on collecting and assimilating the data from his field analysis as well as our discussions with Mr. Oppermann of the Holiday Inn.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rick Claes". The signature is fluid and cursive, with a long horizontal stroke at the end.

Rick Claes  
Bluestone Single Tenant Properties, LLC  
353 North Clark Street 8<sup>th</sup> Floor  
Chicago, Illinois 60654



**BOSSELMAN**  
COMPANIES



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June 24, 2015

Don Bastian  
Director of Community Development  
Village of Carol Stream  
500 North Gary Avenue  
Carol Stream, Illinois 60188

Re: Proposed Pilot Fueling Center

Dear Mr. Bastian,

It is my understanding that Pilot Travel Centers has made an application to build a fueling center in your community and that members of your zoning board have raised concerns over the compatibility of their proposed facility with the surrounding properties, including the hotel that is adjacent to the subject property.

I am writing to advise you that I own and operate a Hampton Inn hotel adjacent to the Pilot retail facility in Colby, KS and can tell you, without hesitation, that having Pilot as my next store neighbor has not negatively impacted my business in any way. In fact, many of my guests find the proximity to the Pilot store an amenity because it is a very convenient place for them to purchase fuel, snack foods and beverages. Pilot is an excellent retail operator, their store is always clean and their staff is consistently courteous and friendly.

I have not received any complaints from my hotel guests regarding excessive lighting emanating from the Pilot facility, noise from trucks, or traffic safety or congestion issues related to the Pilot operation. Pilot is a terrific neighbor and is a valued member of the business community in Colby. I am sure that the Village of Carol Stream will be proud to have them as a member of your business community as well.

Thank you for your consideration and I hope that you find this information useful. Please feel free to contact me if you have any further questions.

Sincerely,

Charlie Bosselman  
President  
Bosselman Companies



Holiday Inn Express  
1003 E Main Street  
Chillicothe, OH 45601  
t: 740.851.6140  
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1.800.HOLIDAY  
holidayinnexpress.com



CHILLICOTHE

June 22<sup>nd</sup>, 2015

To Whom It May Concern,

The Pilot Travel Centers opened a facility beside our Holiday Inn Express in Chillicothe, OH in October of 2014. Since the facility opened, Pilot has proven itself to be a good neighbor by keeping its facility clean and well lit. We have not experienced any interference with the business of the hotel due to the travel center's presence. Neither traffic congestion nor noise from trucks has created any complaints from our hotel guests. We would be in favor of other hotel properties near Pilot facilities as the two uses complement one another nicely.

Should you have any questions please feel free to reach out to me anytime, and I would more than happy to answer any questions. My telephone number where I can be reached at is 740-851-6140, or I can be contacted by e-mail at [DeeJay.Howard@ahihotels.com](mailto:DeeJay.Howard@ahihotels.com).

Best Regards,

A handwritten signature in black ink that reads 'DeeJay Howard'.

DeeJay Howard  
General Manager  
Holiday Inn Express Chillicothe

email reservation chloh@ahihotels.com

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