

BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Rezoning from R-4 to B-2, Variations)
In side yard and rear yard setbacks,) 23-000070
Conditional Use for a reduction and) Flash
Use of yards.)

November 9 2023

6:00 p.m.

PROCEEDINGS HAD and testimony taken
before the DU PAGE COUNTY ZONING BOARD OF APPEALS,
taken at the DuPage County Administration
Building, 421 North County Farm Road, Wheaton,
Illinois, before LINDA M. CIOSEK, C.S.R. a Notary
Public qualified and commissioned for the State of
Illinois.

BOARD MEMBERS PRESENT:

MR. BARRY KETTER, Acting Chairman.

MR. ROBERT KARTHOLL, Chairman, via Zoom.

MS. JANICE ANDERSON, Commissioner.

MR. CARL SCHULTZ, Commissioner.

MR. JACK MURPHY, Commissioner.

MR. DENNIS MORAN, Commissioner.

ALSO PRESENT:

MS. JESSICA INFELISE, Planning & Zoning.

MR. PAUL HOSS, Planning & Zoning.

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">Page No.</p> <p>Petitioner's Exhibits 1 through 6 5</p>	<p style="text-align: right;">Page 4</p> <p>1 25th, 2023 for tonight's meeting.</p> <p>2 Having said that, we had a</p> <p>3 brief discussion off the record just as to what</p> <p>4 the exhibits will be. Do you want to introduce</p> <p>5 your exhibits.</p> <p>6 MR. ARMSTRONG: Yeah, sure. Good evening,</p> <p>7 everyone, nice to see you again, Brian Armstrong</p> <p>8 for the petitioner. John Messina, the principal</p> <p>9 of the applicant Flash Property Management, is</p> <p>10 here tonight. He will speak briefly.</p> <p>11 The exhibits that we have</p> <p>12 submitted to the portal and we've marked are</p> <p>13 Exhibit 1, which is a survey. Exhibit 2 is this</p> <p>14 site plan here that you see on the easel. Exhibit</p> <p>15 3 is a land use and zoning plan that Mr. Abel will</p> <p>16 talk about, which is this board right here.</p> <p>17 Exhibit 4 is a landscape plan that we have here</p> <p>18 that Mr. Abel will also talk about. Exhibit 5 and</p> <p>19 Exhibit 6 are photographs that I don't have blown</p> <p>20 up, but I will pass them around so everybody can</p> <p>21 see them. They are photographs of the ComEd</p> <p>22 towers and power lines that are just north of the</p> <p>23 property, so they're behind the property.</p> <p>24</p>
<p style="text-align: right;">Page 3</p> <p>1 ACTING CHAIRMAN KETTER: Let's call this to</p> <p>2 order. It's Zoning Petition 23-000070, Flash</p> <p>3 Property Management, LLC. It's a request for</p> <p>4 rezoning. I'll read what's published, but I guess</p> <p>5 there will be some changes due to commercial,</p> <p>6 abutting commercial.</p> <p>7 Rezoning from R-4 Single-Family</p> <p>8 Residential to B-2 General Business; variation to</p> <p>9 reduce the north rear yard setback from the</p> <p>10 required 40 feet to approximately 10 feet;</p> <p>11 variation to reduce the east interior yard setback</p> <p>12 from 40 feet to approximately 10 feet; and</p> <p>13 reduction in use of yards by conditional use</p> <p>14 procedure. A, conditional use to reduce the south</p> <p>15 front yard setback by 50 percent from the required</p> <p>16 40 feet to approximately 20 feet. And, B, the</p> <p>17 conditional use to reduce the west interior side</p> <p>18 yard setback from 50 percent of the required 20</p> <p>19 feet to approximately 10 feet.</p> <p>20 The owner is Flash Property</p> <p>21 Management, LLC. The address is 24W280 St.</p> <p>22 Charles Road, Carol Stream, Milton Township. It's</p> <p>23 approximately 2.91 acres on well and septic, and</p> <p>24 it was published in the Daily Herald on October</p>	<p style="text-align: right;">Page 5</p> <p>1 (Whereupon, the documents were</p> <p>2 marked Petitioner's Exhibits 1</p> <p>3 through 6 for identification.)</p> <p>4 MR. ARMSTRONG: Here Exhibit 2 is the site</p> <p>5 plan that shows the property. Just to the north</p> <p>6 of the property is the Great Western Trail, and</p> <p>7 then just to the north of that is the ComEd power</p> <p>8 line easement for which the power lines and power</p> <p>9 towers are shown in Exhibits 5 and 6, so I'll</p> <p>10 circulate those so you can see those.</p> <p>11 THE COURT REPORTER: Mr. Armstrong, can you</p> <p>12 raise your right hand and be sworn.</p> <p>13 (Whereupon, the oath was duly</p> <p>14 administered by the Notary.)</p> <p>15 ACTING CHAIRMAN KETTER: And just a quick</p> <p>16 clarification, Exhibit 5 is the one with the</p> <p>17 buildings, and Exhibit 6 is just the antennas and</p> <p>18 wires?</p> <p>19 MR. ARMSTRONG: Correct.</p> <p>20 ACTING CHAIRMAN KETTER: Do you have other</p> <p>21 people you plan to call as witnesses?</p> <p>22 MR. ARMSTRONG: I do. Do you want to swear</p> <p>23 them all in at once?</p> <p>24 ACTING CHAIRMAN KETTER: Let's swear them</p>

<p style="text-align: right;">Page 6</p> <p>1 all in at once.</p> <p>2 THE COURT REPORTER: Raise your right</p> <p>3 hands, please.</p> <p>4 (Whereupon, the oath was duly</p> <p>5 administered by the Notary.)</p> <p>6 MR. ARMSTRONG: Just so the record is</p> <p>7 clear, the people -- I'll introduce them as they</p> <p>8 testify, but John Messina, M-e-s-s-i-n-a, the</p> <p>9 principal of the owner, Flash Property; Mike</p> <p>10 Muisenga, M-u-i-s-e-n-g-a, a real estate</p> <p>11 professional; and Joe Abel, A-b-e-l, land planner.</p> <p>12 As Chair Ketter said, the</p> <p>13 request is for rezoning from R-4 Single-Family to</p> <p>14 B-2. Initially the request included a variation</p> <p>15 for the east side of the property, which is here</p> <p>16 on Exhibit 2, the east side. Because the property</p> <p>17 to the east adjacent to the east is used</p> <p>18 commercially, by code the setback here on the east</p> <p>19 side is 20 feet. We're not asking for any relief</p> <p>20 from that setback. So, on the east side we're</p> <p>21 living with the 20-foot setback as set forth in</p> <p>22 the code. So to the extent that your notice that</p> <p>23 you see in front of you asks for reduction in</p> <p>24 setback on the east side, we're withdrawing that</p>	<p style="text-align: right;">Page 8</p> <p>1 about 7,000-square feet here on the west end of</p> <p>2 the building.</p> <p>3 And then moving east, the next</p> <p>4 part of the building is about a 1500 square foot</p> <p>5 intermediary building, which is going to be used</p> <p>6 as the construction office for the applicant.</p> <p>7 There will be probably one to two, occasionally</p> <p>8 three people, but generally one to two people in</p> <p>9 this office during the day.</p> <p>10 And then the easternmost</p> <p>11 portion of the building is the old stable. That's</p> <p>12 about 5,000 square feet. That's going to be used</p> <p>13 for storage of equipment and tools. And I didn't</p> <p>14 mention this, but the building on the far west</p> <p>15 side, the former riding area, is also going to be</p> <p>16 indoor storage for equipment and certain vehicles.</p> <p>17 It's a concrete block building,</p> <p>18 the applicant is not adding any addition to the</p> <p>19 building. He's going to make some cosmetic</p> <p>20 improvements as far as the roof and the siding and</p> <p>21 windows, paint, things like that, but no</p> <p>22 additional structure, no additions to the</p> <p>23 building.</p> <p>24 We will add parking spaces here</p>
<p style="text-align: right;">Page 7</p> <p>1 request and we're going to live with the 20-foot</p> <p>2 setback on the east side.</p> <p>3 On the west side, similar</p> <p>4 situation. Per the code, the setback on the west</p> <p>5 side is 20 feet. We are also withdrawing a</p> <p>6 request for relief on the west side. We'll live</p> <p>7 with the 20-foot setback on the west side.</p> <p>8 On the south side, which is the</p> <p>9 front lot, or the front yard where the setback by</p> <p>10 the code is 40 feet, we're asking for a reduction</p> <p>11 of 50 percent to 20 feet pursuant to the</p> <p>12 conditional use procedure that allows up to 50</p> <p>13 percent reduction in yards.</p> <p>14 And then also in the rear yard</p> <p>15 on the north side, by the code the setback is 20</p> <p>16 feet for the yard. Again, we're asking for a 50</p> <p>17 percent reduction by the conditional use procedure</p> <p>18 set forth in the code to 10 feet.</p> <p>19 Some of you may be familiar</p> <p>20 with the property. It is what I refer to as the</p> <p>21 Medinah Horse Property. It used to -- you know,</p> <p>22 the organization used to keep a bunch of horses</p> <p>23 there and have riding there. So the property</p> <p>24 consists of what was an indoor riding area that's</p>	<p style="text-align: right;">Page 9</p> <p>1 in front. Under the code we're required, because</p> <p>2 of the occupancy, I think actually to have only</p> <p>3 one parking space, maybe two. We're going to</p> <p>4 install a total of 10 right here in front of the</p> <p>5 building so there will be more than enough parking</p> <p>6 according to the code.</p> <p>7 COMMISSIONER ANDERSON: Can I ask a</p> <p>8 question? I looked through all this today, what</p> <p>9 are you trying to do on this building and what is</p> <p>10 it doing now?</p> <p>11 MR. ARMSTRONG: I was just going to get to</p> <p>12 that. Right now it's -- so, as I said, it was the</p> <p>13 Medinah Horse Property. The applicant is a</p> <p>14 construction company, so they're going to use this</p> <p>15 office as their construction office and then they</p> <p>16 will have both indoor and outdoor storage of</p> <p>17 vehicles related to the construction business and</p> <p>18 equipment related to the construction business, so</p> <p>19 we're talking about things like skidsters, small</p> <p>20 end loaders, Bobcats, trailers. They do do</p> <p>21 demolition on the job site, so they have some</p> <p>22 trucks that are equipped for dumping demolition</p> <p>23 material into it from a job site and taking it to</p> <p>24 the dumpster. So those are the types of things</p>

<p style="text-align: right;">Page 10</p> <p>1 that are going to be stored either inside or 2 outside.</p> <p>3 They also will store some 4 supplies; roofing materials, siding materials, 5 things that are used in their construction 6 business.</p> <p>7 COMMISSIONER ANDERSON: Okay, thank you.</p> <p>8 ACTING CHAIRMAN KETTER: Is there a point 9 where you could pause for one minute?</p> <p>10 MR. ARMSTRONG: Sure.</p> <p>11 ACTING CHAIRMAN KETTER: I just realized I 12 didn't read in the information.</p> <p>13 The Building Department has no 14 objections. DUDOT objects: PVC shed shown on the 15 site plan and final plan is encroaching on the 16 County's Great Western Trail.</p> <p>17 Is that something you can move?</p> <p>18 MR. ARMSTRONG: That shed has been removed 19 already.</p> <p>20 ACTING CHAIRMAN KETTER: Okay. Health 21 Department has no objections, Stormwater no 22 objections, Public Works has no jurisdiction.</p> <p>23 Externally, no comment from 24 Carol Stream. Village of Glendale Heights has no</p>	<p style="text-align: right;">Page 12</p> <p>1 will take a company vehicle, a truck or a trailer, 2 whatever, and drive that off the site. So their 3 personal vehicles replace the vehicles temporarily 4 that they're using for work. At the end of the 5 day they'll come back, put the work vehicles back 6 in the site, and then drive their personal 7 vehicles home. So that will be the nature of the 8 traffic in and out of the property and kind of the 9 daily turnover of the types of vehicles that will 10 be stored temporarily on the property.</p> <p>11 Mr. Messina, just before I move 12 on, everything I said about the nature of the 13 property and use of the property, is that correct?</p> <p>14 MR. MESSINA: Yeah.</p> <p>15 MR. ARMSTRONG: So the first thing we're 16 asking for is rezoning, again to B-2. And Joe 17 Abel will talk about the uses and zoning of the 18 surrounding property. You all know Mr. Abel 19 pretty well.</p> <p>20 Just in summary, I'll give you 21 a heads up, I'm sure you won't be surprised to 22 hear him say virtually all the properties 23 surrounding the area are not used for residential, 24 not zoned residential, even though this is zoned</p>
<p style="text-align: right;">Page 11</p> <p>1 issue. Glen Ellyn, Wheaton, Winfield and Milton 2 Township had no comment. Township Highway of 3 Milton has no objection. Carol Stream Fire 4 District has none, and there was no comments from 5 the School District or the Forest Preserve.</p> <p>6 MR. HOSS: Mr. Chairman, I just want to 7 clarify something on the DUDOT, Division of 8 Transportation objection. Staff provides 9 documentation to all the disciplines and outside 10 agencies. There are four categories where they 11 can check boxes. DUDOT checked the box relative 12 to object, but just to be clear, their only 13 objection was relative to a shed that used to 14 cross over the property line onto the Great 15 Western Trail. That's no longer there. So I 16 talked to DUDOT today and they indicated they will 17 revise that letter to indicate they have no 18 objections specifically with transportation 19 issues.</p> <p>20 ACTING CHAIRMAN KETTER: Okay.</p> <p>21 MR. ARMSTRONG: And then as far as 22 operations, typically what will happen is 23 employees will come to the site in their personal 24 vehicles, park their vehicles there, then they</p>	<p style="text-align: right;">Page 13</p> <p>1 residential. Instead, they're commercial uses, 2 commercial zoning. So rezoning to the commercial 3 zoning, the B-2 zoning, will be appropriate in 4 this case. The property is not suitable for 5 residential use, not suitable for residential 6 zoning, instead it's suitable for business zoning.</p> <p>7 So, Joe, do you want to come up 8 and talk about the land use and the zoning of the 9 surrounding properties?</p> <p>10 MR. ABEL: Good evening. I think I know 11 just about everybody here. For the record, my 12 name is Joseph H. Abel, A-b-e-l, planning and 13 zoning consultant. And as shown on your thing, 14 I've been doing this for approximately 50 years, 15 wish you wouldn't have put that down. And I'm 16 qualified, he said, after working on hundreds of 17 cases.</p> <p>18 ACTING CHAIRMAN KETTER: And we've seen 19 enough presentations and credentials, so we accept 20 you're an expert.</p> <p>21 MR. ABEL: Thank you.</p> <p>22 The subject property is part of 23 a small sliver of land that is still in the 24 unincorporated area of DuPage County. Everything</p>

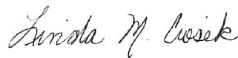
<p style="text-align: right;">Page 14</p> <p>1 around it is within the Village of Carol Stream 2 and has been used -- as some of you know, I was 3 Director of Planning for the county for 17 years. 4 A lot of what has developed in the county is part 5 of what we always showed on our comprehensive plan 6 we prepared, and this major intersection of St. 7 Charles and Schmale Road, that was always 8 anticipated to be a heavier-type commercial land 9 use. And that's why you have restaurants, 10 gasoline service stations, strip commercial 11 centers all developed around this particular 12 intersection. And for years it always surprised 13 me that there was this facility, almost an 14 agricultural facility, for the care of the horses. 15 And what's happening here now is the Medinah 16 Horses are obviously no longer there, and these 17 buildings are being converted to an appropriate 18 use. 19 And part of the problems why 20 we're asking for the variation in the front and a 21 little bit in the back is that, as you can see, 22 it's a very long and narrow property, and as I 23 said, it was used primarily for the care of the 24 horses with outside corrals and things of that</p>	<p style="text-align: right;">Page 16</p> <p>1 Because it's all so elevated, it would be almost 2 impossible to see the type of operation that's 3 going on in the property. I'll get to the 4 landscaping in a little bit. 5 I think I've pretty much 6 covered the whole idea of trend of development and 7 character of the area. You can see as you go to 8 the west the depth of the properties get even 9 shallower than on the subject property, and there 10 they've gone almost totally with heavier 11 industrial-type uses; a lawn care service and 12 things of that nature. And then there's the 13 Augustino's Deli on the corner. Directly to the 14 west of us is an animal hospital that's been there 15 as long as I can remember, and they actually have 16 a small encroachment onto our property. 17 When we originally looked at 18 the idea that we were long and narrow, it was 19 determined that because there is a little bit of a 20 slope there, there's no reason to ask for any 21 variation, and so that's why we're maintaining 22 that 20-foot. There was a concern at the time 23 that maybe that would be of some value, but it's 24 better off as a setback, especially with this</p>
<p style="text-align: right;">Page 15</p> <p>1 nature. Because of that fact that it's long and 2 narrow, when you get down to the depth -- that's 3 why, again, it's getting to the point that the R-4 4 is inappropriate. There is no way that anyone 5 would develop single family in a commercial 6 corridor like this, especially across from heavy 7 or commercial within the Village of Carol Stream. 8 And so part of the rationale is that as you get 9 onto this property at the western edge, when you 10 -- even the setbacks that we're proposing, which 11 is 20 foot in front and then in the back, it only 12 leaves at the west end about an 86 area of depth. 13 It would be pretty hard to get a single-family 14 development into the 86. Even at the north you're 15 down to 118 feet of frontage. So, you have an 16 extremely long narrow property, and that's part of 17 the hardship and rationale we're asking for that 18 50-foot setback -- I mean the 20-foot setback in 19 the front, which is the 50 percent reduction. 20 In exchange, and that's why 21 we're going through the process of the conditional 22 use, is that you'll see when I talk about the 23 landscape plan, we have really enhanced the amount 24 of landscaping that will be on this property.</p>	<p style="text-align: right;">Page 17</p> <p>1 particular use that has no setback at all, and 2 actually some of the parking overhangs onto our 3 subject property. 4 The area to the north, as Brian 5 has said, is the Great Western Trail, and then 6 also the Commonwealth Edison. It just felt that 7 by putting in additional landscaping in the back, 8 that because of the narrowness of the property, 9 that there was some value in making this really a 10 viable project, and that was the reason for asking 11 for that 50 percent reduction. But, again, 12 putting in additional landscaping that will 13 enhance not only the subject property, but will 14 enhance the Great Western Trail. 15 Landscape plan, there is the -- 16 you have the landscape plan in front of you, it's 17 the second sheet that I gave everybody, make it a 18 little easier for you to see. We have maintained, 19 as I said, on the northeast and west, the area. 20 There's two large trees on the western portion and 21 we've enhanced that with landscaping, and then 22 landscaping entirely across the northern boundary. 23 The point system, we stayed 24 pretty close to the amount of points that are</p>

<p style="text-align: right;">Page 18</p> <p>1 required for a conditional use. So under the 2 conditional use, we have to submit this 3 landscaping plan and you'll see that on the 4 eastern border we're just about -- the landscaping 5 requirement is 1448 and we're at 1474, 6 meet the requirement in the back and also in the 7 western edge. 8 However, we came to the 20-foot 9 reduction in the front along east St. Charles 10 Road, we decided there in exchange for that 11 reduction we would increase the landscaping by 23 12 percent. So the required points were 5,888, and 13 the points that we're providing are 7,240. So 14 that's a 23 percent increase in the amount of 15 landscaping material. 16 Let's just go back to the other 17 exhibit for a second, and you'll see how this is 18 really going to stand out as an exceptional piece 19 of property when it's done. When you look at the 20 properties directly across the street, you'll see 21 carefully looking at there's almost no landscaping 22 provided there at all. There's a few couple of 23 trees, but other than that, the setbacks for the 24 Village Tavern and Grill parking that's at that</p>	<p style="text-align: right;">Page 20</p> <p>1 sum, in your opinion, rezoning of the property, 2 reduction of the setbacks by a conditional use 3 procedure is appropriate here for this property 4 given the surrounding uses of the property, given 5 the surrounding zoning of the surrounding 6 property, given the trend of development, given 7 the county's comprehensive plan -- 8 MR. ABEL: Yeah, that's the important 9 thing, it's non-residential on the county's plan 10 for this area. 11 MR. ARMSTRONG: -- how it fits in with the 12 plan and with the intent and spirit of the Zoning 13 Ordinance; correct? 14 MR. ABEL: Correct. 15 MR. ARMSTRONG: One thing I wanted to 16 emphasize, make sure everybody knows. So the 17 property here is about, I would say, at least -- 18 the elevation is at least about 10 feet higher 19 than the surface of the road. This driveway is a 20 pretty significant steep hill to get into the 21 property. So what that means is that once this 22 landscaping here on the south side matures, people 23 driving -- they should be looking at the road, not 24 looking at the neighboring property, but even if</p>
<p style="text-align: right;">Page 19</p> <p>1 side, they are within 12 feet of the right-of-way. 2 Carol Stream does not enforce the same setback 3 that you do, and therefore you'll see that 4 directly across the street the parking is within 5 12 feet of the right-of-way, the car wash is at 6 the 20, the shopping center varies from 20 to down 7 to 5 feet on a portion of the driveway, and the 8 wellness spa, their parking is within five feet. 9 So the 20 feet that will be across the street on 10 the subject property is not only elevated, but 11 again will be totally landscaped, meeting the 12 points that you deem is reasonable, and then we're 13 adding to that another 23 percent. 14 In terms of meeting the actual 15 standards for your conditional use and rezoning, 16 I'll just go through those very quickly. 17 MR. ARMSTRONG: I'll take care of the 18 standards, Joe. 19 MR. ABEL: Okay. I think that's the main 20 thing I wanted to get across. The trend of 21 development is there, character of the area, and 22 in my professional opinion this is more than an 23 appropriate use for the property. Thank you. 24 MR. ARMSTRONG: Joe, just one thing. In</p>	<p style="text-align: right;">Page 21</p> <p>1 they take a peek, they're not going to be able to 2 see what's going on here because they'll have to 3 look up and what they're going to look up to is 4 mature vegetation. So the traffic will not see 5 what's going on on the property. 6 Next, Mike Muisenga. Mike, 7 will you come up here and stand with me for a 8 minute. Mike Muisenga is a real estate 9 professional in DuPage County, he's been a real 10 estate professional for more than 15 years and he 11 is designated as a realtor. He's familiar with 12 the property, he has inspected the property, he's 13 also examined the surrounding properties in the 14 area. From his inspection and from his general 15 experience as a realtor he's familiar with the 16 area. He's dealt with properties in the area 17 before. 18 Mr. Muisenga, the property 19 here, at least the trend of the development in the 20 area the last couple of decades has been 21 commercial, not residential; is that right? 22 MR. MUISENGA: Correct. 23 MR. ARMSTRONG: We can see that here from 24 this Exhibit 4, the zoning and land use exhibit,</p>

<p style="text-align: right;">Page 22</p> <p>1 virtually everything in the area is commercial 2 property; right? 3 MR. MUISENGA: Correct. 4 MR. ARMSTRONG: And, in fact, the closest 5 most recent residential development in the area 6 was a graduated living facility down on Geneva 7 Road that was about -- built about 15 to 20 years 8 ago; correct? 9 MR. MUISENGA: No other residential 10 development in this area in the last two decades 11 basically. 12 MR. ARMSTRONG: And based on your knowledge 13 of the area and real estate trends and your 14 expertise; is there any -- let me ask you this: 15 Would you say that the demand for this property as 16 residential property is very poor? 17 MR. MUISENGA: Yes, I would. 18 MR. ARMSTRONG: And based on your expertise 19 and your knowledge of the area, would you say that 20 the demand for the property as a business property 21 or commercially zoned property is strong? 22 MR. ARMSTRONG: For commercial, yes. 23 MR. MUISENGA: And based on that demand as 24 well as the uses and zoning of the surrounding</p>	<p style="text-align: right;">Page 24</p> <p>1 tonight, that's not going to adversely affect the 2 value of surrounding property; is it? 3 MR. MUISENGA: No. 4 MR. ARMSTRONG: And same questions with the 5 reductions in the setbacks that are being 6 requested. If those setbacks are reduced 7 consistent with what the applicant's requesting, 8 those reductions will not adversely affect or 9 diminish the value of surrounding properties; 10 correct? 11 MR. MUISENGA: Correct. 12 MR. ARMSTRONG: So, in sum, in your 13 professional opinion, if the relief here is 14 granted, a rezoning and reduction in setbacks is 15 appropriate and suitable given the nature of this 16 property, the use of this property, the trend of 17 development in the area, and the uses of the 18 property near the subject property; is that right? 19 MR. MUISENGA: Correct. 20 MR. ARMSTRONG: Okay, thanks. Okay, so, 21 I'll try to be quick and sum up. 22 Joe started the standards for 23 rezoning. You're well aware of them, but I'll 24 just sum up that I believe we've met all the</p>
<p style="text-align: right;">Page 23</p> <p>1 property, do you agree that the subject property 2 really is not suitable for residential use or 3 residential development? 4 MR. MUISENGA: Yes. 5 MR. ARMSTRONG: And you agree that it's 6 really not suitable to be zoned residential for 7 those reasons; correct? 8 MR. MUISENGA: Correct. 9 MR. ARMSTRONG: And for those reasons you 10 also agree that it's more suitable as a commercial 11 use and commercial zoning; correct? 12 MR. MUISENGA: Absolutely. 13 MR. ARMSTRONG: Now, obviously as a real 14 estate professional, you know a lot about values 15 of property and the effect of certain uses and 16 zoning on values of property; correct? 17 MR. MUISENGA: Correct. 18 MR. ARMSTRONG: If the subject property is 19 rezoned to the B-2 zoning that the applicant is 20 requesting, that's not going to adversely affect 21 the value of any of the nearby properties; is it? 22 MR. MUISENGA: No, none whatsoever. 23 MR. ARMSTRONG: Okay. And if it's used as 24 business for the business use that you've heard</p>	<p style="text-align: right;">Page 25</p> <p>1 standards. The existing uses of the general area 2 are largely commercial, and the trend of 3 development certainly is commercial in the area, 4 not residential. We heard that evidence from Mr. 5 Abel and Mr. Muisenga. 6 Again, the property is not 7 really suitable for residential development for 8 the reasons Mr. Abel said and for the reasons Mr. 9 Muisenga said. It's just not amenable to 10 residential development; it's very amenable to the 11 use that's proposed by the applicant. And, again, 12 it's consistent with the county's comprehensive 13 plan which designates it as non-residential. 14 I think the nearby properties 15 show that it really should not be residential 16 property. The nearby properties show that it 17 should be zoned commercial. If residential zoning 18 was proper for the property, somebody would 19 probably be coming in asking for a residential 20 development, not commercial. 21 Lastly, we heard from Mr. 22 Muisenga rezoning will not adversely affect the 23 value of that property or the neighboring 24 property.</p>

<p style="text-align: right;">Page 26</p> <p>1 Quickly regarding the</p> <p>2 conditional use standards for the setbacks, we're</p> <p>3 not doing any addition to the building, so there's</p> <p>4 not going to be any adverse impact on light and</p> <p>5 air to the property.</p> <p>6 There's not going to be an</p> <p>7 increase in the fire hazard because the only</p> <p>8 additions is making some cosmetic changes to the</p> <p>9 property.</p> <p>10 We heard from the witnesses if</p> <p>11 you grant the conditional uses, if you recommend</p> <p>12 the conditional use reduction in the setbacks,</p> <p>13 that won't adversely affect the value of the</p> <p>14 property and other properties in the vicinity.</p> <p>15 There is no increase in</p> <p>16 congestion or traffic, St. Charles and Schmale</p> <p>17 Road are pretty busy already.</p> <p>18 There's no regrading or</p> <p>19 anything that's going on that's going to adversely</p> <p>20 affect any floodwater issues or any potential for</p> <p>21 flooding.</p> <p>22 And there's nothing that will</p> <p>23 adversely affect the public health, safety and</p> <p>24 welfare.</p>	<p style="text-align: right;">Page 28</p> <p>1 COMMISSIONER MORAN: I do have a question.</p> <p>2 On a normal morning, how many trucks come out?</p> <p>3 MR. ARMSTRONG: Well, there's probably</p> <p>4 between 10 and 15 employees coming in in the</p> <p>5 morning, and the same number -- so 10 to 15</p> <p>6 roughly.</p> <p>7 MR. MESSINA: You know, they're not in and</p> <p>8 out, they leave at 6:00, come back between 3:00</p> <p>9 and 5:00. One time in, one time out.</p> <p>10 COMMISSIONER MORAN: And spoil piles, will</p> <p>11 there be any?</p> <p>12 MR. MESSINA: Nothing onsite. Nothing.</p> <p>13 COMMISSIONER MORAN: That's all the</p> <p>14 questions.</p> <p>15 CHAIRMAN KARTHOLL: Mr. Ketter?</p> <p>16 ACTING CHAIRMAN KETTER: Yes?</p> <p>17 CHAIRMAN KARTHOLL: This is Bob Kartholl.</p> <p>18 I didn't hear Mr. Muisenga's qualifications. I</p> <p>19 understand he's a real estate professional, is he</p> <p>20 an MAI appraiser?</p> <p>21 MR. ARMSTRONG: He is not, he's a realtor.</p> <p>22 CHAIRMAN KARTHOLL: Is the petitioner a</p> <p>23 contract purchaser?</p> <p>24 MR. ARMSTRONG: No, the petitioner already</p>
<p style="text-align: right;">Page 27</p> <p>1 So, with that, we request that</p> <p>2 you recommend the rezoning and reduction in</p> <p>3 setbacks and the conditional use procedure that</p> <p>4 we've requested, and I'm happy to take any</p> <p>5 questions if anybody has any.</p> <p>6 ACTING CHAIRMAN KETTER: Are there any</p> <p>7 questions from the Board?</p> <p>8 COMMISSIONER SCHULTZ: Just a quick one.</p> <p>9 Noticing on your landscape plan a privacy fence</p> <p>10 that's at the 20-foot setback in the front?</p> <p>11 MR. ARMSTRONG: Yeah, so there will be a</p> <p>12 fence with a screen in it in addition to the</p> <p>13 landscaping.</p> <p>14 COMMISSIONER SCHULTZ: All right, thank</p> <p>15 you.</p> <p>16 COMMISSIONER MORAN: That's already in;</p> <p>17 right?</p> <p>18 MR. ARMSTRONG: The fence has been</p> <p>19 installed.</p> <p>20 COMMISSIONER MORAN: I drive by that</p> <p>21 property every morning.</p> <p>22 ACTING CHAIRMAN KETTER: You didn't have</p> <p>23 any preconceived idea of this for tonight, did</p> <p>24 you?</p>	<p style="text-align: right;">Page 29</p> <p>1 owns the property, Mr. Kartholl.</p> <p>2 CHAIRMAN KARTHOLL: And does Mr. Muisenga</p> <p>3 have any interest as a broker on any side of a</p> <p>4 transaction here?</p> <p>5 MR. ARMSTRONG: No, he's saying he does</p> <p>6 not.</p> <p>7 CHAIRMAN KARTHOLL: Okay, thank you.</p> <p>8 Otherwise I understand the request.</p> <p>9 ACTING CHAIRMAN KETTER: Okay. Are you</p> <p>10 under any time constraints, or would you -- for</p> <p>11 permitting or anything else on this?</p> <p>12 MR. ARMSTRONG: No -- oh, you are? Yeah,</p> <p>13 okay.</p> <p>14 ACTING CHAIRMAN KETTER: So it's your</p> <p>15 request that if the Board would be amenable, you'd</p> <p>16 like to close the open meeting and go into</p> <p>17 executive session to -- not executive session, go</p> <p>18 into session to discuss approval of it?</p> <p>19 MR. ARMSTRONG: If you're prepared to do</p> <p>20 that tonight, yeah, we would be happy to do that.</p> <p>21 CHAIRMAN KARTHOLL: Well, I'm not prepared</p> <p>22 to vote tonight, but if you don't need my vote,</p> <p>23 then go right ahead and proceed.</p> <p>24 ACTING CHAIRMAN KETTER: First of all,</p>

<p style="text-align: right;">Page 30</p> <p>1 let's put it up. I just saw a phone, I didn't 2 know anybody was on. 3 Bob, would you clarify that you 4 were on and the reason you were on for the state's 5 attorney? 6 CHAIRMAN KARTHOLL: Yes, I'm in Arizona on 7 a business trip. 8 ACTING CHAIRMAN KETTER: Okay. And I 9 didn't ask for the qualifications of the real 10 estate guy, it's not my case. However they wanted 11 to present him, they presented him as a realtor. 12 Do you have questions where you'd like to question 13 him as to his credentials? 14 COMMISSIONER ANDERSON: He already said no. 15 CHAIRMAN KARTHOLL: No, I heard his 16 credentials, I wasn't sure whether I heard he was 17 an appraiser. Why are we voting tonight? 18 ACTING CHAIRMAN KETTER: I had been led to 19 believe that there was some type of problem with 20 permits and that it needed to be moved along. 21 But, if it's not the flavor of the Board, then we 22 won't. Then we'll set it for a recommendation 23 meeting. 24 COMMISSIONER ANDERSON: If you close the</p>	<p style="text-align: right;">Page 32</p> <p>1 Thursday meeting on the 7th; okay? 2 CHAIRMAN KARTHOLL: I also have no 3 objection to consolidating this with -- I don't 4 know how long the meeting is going to go on the 5 7th. Maybe the staff has a view of that. 6 COMMISSIONER ANDERSON: Can I ask 7 clarification? The meeting on the 7th, is that a 8 hearing you were saying? 9 ACTING CHAIRMAN KETTER: Yes. 10 COMMISSIONER ANDERSON: That starts at 11 6:00. Why can't we meet at 5:30 for this 12 recommendation? Are there any other 13 recommendations coming up? 14 MR. HOSS: You could literally meet at 15 quarter to 6:00 and probably do the recommendation 16 meeting at quarter to 6:00 on Thursday. 17 ACTING CHAIRMAN KETTER: I was just 18 deferring to what I was hearing, 5:30 on Tuesday. 19 All right, it will be on the 7th at -- well, you 20 know, if we allow 15 minutes and we go 20, then 21 the people that are regularly scheduled -- 22 COMMISSIONER ANDERSON: Let's do 5:30 then. 23 ACTING CHAIRMAN KETTER: Bob, what time do 24 you think it's appropriate so we don't run over?</p>
<p style="text-align: right;">Page 31</p> <p>1 public hearing, I'll vote on it tonight. 2 COMMISSIONER SCHULTZ: I would prefer to 3 think over some of this stuff. 4 ACTING CHAIRMAN KETTER: Then the Board 5 seems to want to continue this to the next 6 recommendation meeting, which is what date? 7 COMMISSIONER ANDERSON: December 7th. 8 CHAIRMAN KARTHOLL: I think there's another 9 matter that's been scheduled for the 7th. 10 ACTING CHAIRMAN KETTER: There's a big 11 hearing on the 7th. Why don't we schedule it for 12 the 5th and come in on a Tuesday then? And that 13 moves it along more than normal, because otherwise 14 you'd be in January. 15 COMMISSIONER ANDERSON: 5:30 on the 5th? 16 ACTING CHAIRMAN KETTER: Is that okay with 17 you, Robert? 18 CHAIRMAN KARTHOLL: Yes, it is. Tuesday 19 the 5th of December? 20 ACTING CHAIRMAN KETTER: Yes. 21 CHAIRMAN KARTHOLL: Yes, that's okay with 22 me. 23 ACTING CHAIRMAN KETTER: That would be at 24 5:30, and then we'll have our regular scheduled</p>	<p style="text-align: right;">Page 33</p> <p>1 CHAIRMAN KARTHOLL: 6:00. I mean, what's 2 the difference if we schedule them both for 6:00 3 or 5:45 and then we take whatever time it takes. 4 ACTING CHAIRMAN KETTER: All right. It 5 will be -- you'll be the first case on 12/7 at 6 6:00, and that will be a recommendation meeting. 7 When we close that, then we'll go into the 8 regularly-scheduled meeting. It will be in this 9 room. No, we could meet in this room for the 10 recommendation. 11 MR. HOSS: Can we go off the record? 12 ACTING CHAIRMAN KETTER: Let's go off the 13 record. 14 (Whereupon, a recess was 15 taken.) 16 ACTING CHAIRMAN KETTER: Let's go back on 17 the record. We're going to decide -- the meeting 18 that's scheduled on the 7th was continued. It is 19 going to be a densely-attended meeting, and it's 20 going to be very indepth, and it's noticed up and 21 I don't want to create any conflict that we didn't 22 start it on time or they didn't get their full 23 time. So, that's why I originally said 12/5, but 24 it doesn't seem like the flavor, so we'll do 12/7</p>

<p style="text-align: right;">Page 34</p> <p>1 at 5:30. If the recommendation runs over, then 2 it's going to stop until the other one is done. 3 And then you had already done 4 your closing; correct? 5 MR. ARMSTRONG: Correct. 6 ACTING CHAIRMAN KETTER: So then the public 7 meeting for tonight will be closed. I think we'll 8 meet here at 5:30 for the recommendation meeting 9 and then go down to the cafeteria? 10 MR. HOSS: That's fine. 11 ACTING CHAIRMAN KETTER: And is it 12 published for the cafeteria, or while we're here 13 we didn't have to reopen it then? 14 MR. HOSS: So the recommendation meeting 15 you are setting tonight for this room, so that's 16 fine. 17 ACTING CHAIRMAN KETTER: And the other 18 one's already been rescheduled for the cafeteria? 19 MR. HOSS: Yes. 20 ACTING CHAIRMAN KETTER: I think it's 21 cleaner not to be discussing stuff when the other 22 meeting is going to start. 23 Okay, then we will adjourn. 24 (Which were all the proceedings</p>	<p style="text-align: right;">Page 36</p> <p>1 STATE OF ILLINOIS)) SS. 2 COUNTY OF DU PAGE) 3 I, LINDA M. CIOSEK, C.S.R. No. 4 084-2892, duly qualified and commissioned for the 5 State of Illinois, County of DuPage, do hereby 6 certify that at the request of the DU PAGE COUNTY 7 ZONING BOARD OF APPEALS, subject to the usual 8 terms and conditions of Veritext, reported in 9 shorthand the proceedings had and testimony taken 10 at the public hearing of the above-entitled cause, 11 and that the foregoing transcript is a true, 12 correct and complete report of the testimony so 13 taken at the time and place hereinabove set forth. 14 15 16  17 18 CERTIFIED SHORTHAND REPORTER 19 20 My Commission Expires: 21 July 26, 2026. 22 23 24</p>
<p style="text-align: right;">Page 35</p> <p>1 had and testimony taken in the 2 above-entitled cause.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	

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