ST. CHARLES SINCE 1834	**PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY**			
	Project Title/ Address:	Application for a Special Use for a Recycling Center at 3655 Illinois Ave (Inter-Plastics)		
	Staff:	Matthew O'Rourke		
	Please check appropriate box (x)			
	PUBLIC HEARING 11/8/11	**X**	**MEETING 11/8/11**	**X**

APPLICATIONS UNDER CONSIDERATION:

Application for a Special Use	

ATTACHMENTS AND SUPPORTING DOCUMENTS

Staff Report dated 11-4-11	Emails From James F. Cooke; dated 10-25-11
Application and Attachments	

EXECUTIVE SUMMARY:

Jose Gutierrez would like to locate his recycling business, Inter-Plastics, in the property located at 3655 Illinois Ave. Details of the business's operations are as follows:

- The company recycles all plastic and non-ferrous metals.
- The main focus of the business is the basic grinding of post-consumer industrial scrap.
- This material is then sold to local industrial companies for reuse.
- All materials are non-hazardous.
- A limited amount of inventory is held on site inside the building.
- There are no improvements proposed on the site.
- All operations are conducted within the building.

RECOMMENDATION / SUGGESTED ACTION *(briefly explain)***:**

Conduct the Public Hearing and close if all the testimony has been taken.

Due to the fact that there are no improvements proposed on the site, and that the requested special use is specifically to allow the tenant to occupy the building, Staff has placed this item on the meeting portion of the agenda for a vote tonight. Staff has provided draft findings of fact for the Plan Commission to consider.

Based upon the information available prior to the Public Hearing, Staff recommends approval of the Special Use Application for a Recycling Center at 3655 Illinois Ave.

For office use only:	*Agenda Item Number: 4 & 6*

Community Development
Planning Division
Phone: (630) 377-4443
Fax: (630) 377-4062

ST. CHARLES
SINCE 1834

Staff Report

TO: Chairman Todd Wallace
and Members of the Plan Commission

FROM: Matthew O'Rourke, AICP
Planner

RE: Special Use for a Recycling Center at 3655 Illinois Ave.

DATE: November 4, 2011

I. APPLICATION INFORMATION:

Project Name: 3655 Illinois Ave Special Use for a Recycling Center

Applicant: Jose Gutierrez, DBA Inter-Plastics

Purpose: Locate Recycling Center Business Into Existing Industrial Building

General Information:

Site Information	
Location	3655 Illinois Ave.
Acres	1.633

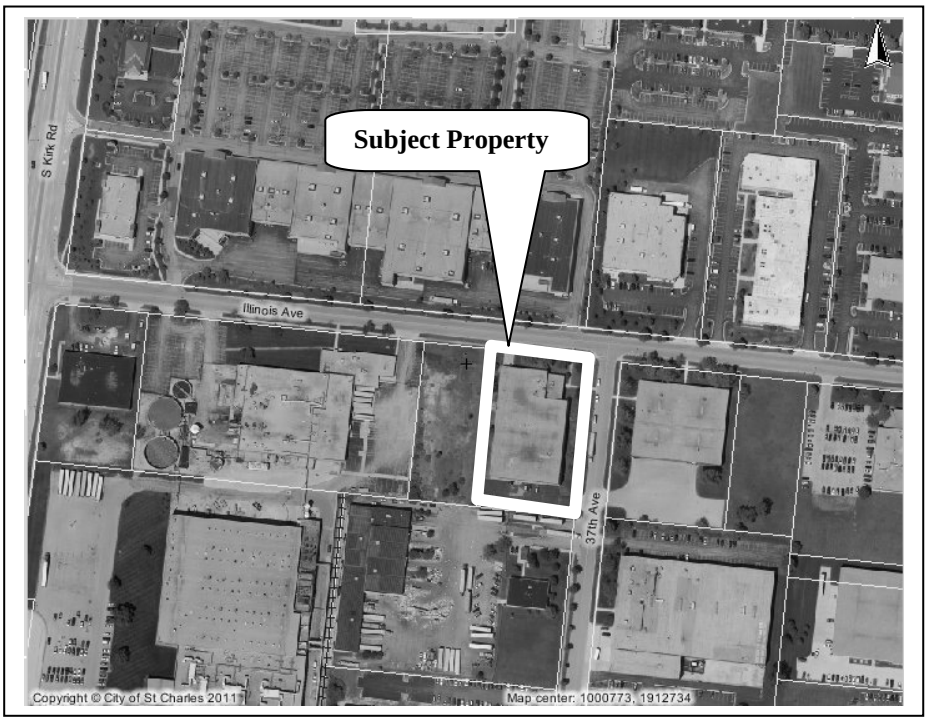
Applications:	**Special Use for a Recycling Center**
Applicable Zoning Code Sections	17.04.330 – Special Uses
	17.24.070.B Dimensions (Off-Street Parking Facilities)

Existing Conditions	
Land Use	Industrial Building
Zoning	M2 – Limited Manufacturing District

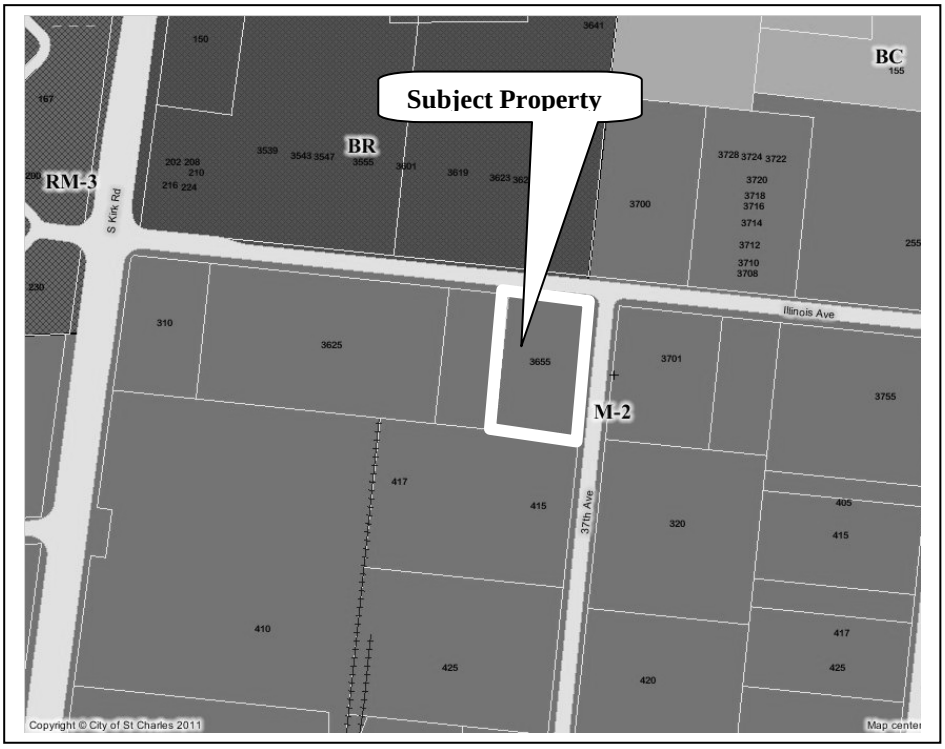
Zoning Summary		
North	BR- Regional Business (PUD)	Main Street Commons PUD
East	M2 – Limited Manufacturing District	Manufacturing Business-Cabott
South	M2 – Limited Manufacturing District	Recycling Center – Smurfit Corp.
West	M2 – Limited Manufacturing District	Food Manufacturing Facility/Armor Eckerage

Comprehensive Plan Designation
Manufacturing

Aerial Photo



Surrounding Zoning



II. PROPOSAL

Jose Gutierrez would like to locate his recycling business, Inter-Plastics, in the property located at 3655 Illinois Ave. Details of the business's operations are as follows:

- The company recycles all plastic and non-ferrous metals.
- The main focus of the business is the basic grinding of post-consumer industrial scrap.
- This material is then sold to local industrial companies for reuse.
- All materials are non-hazardous.
- A limited amount of inventory is held on site inside the building.
- There are no improvements proposed on the site.
- All operations are conducted within the building.

III. ANALYSIS:

Staff reviewed the proposal for conformance with the standards established in Zoning Ordinance. Since the applicant is not proposing any physical changes to the outside of the building or site, there are two significant review items to consider. **1.** The Special Use itself, and **2.** if there is enough area for all of the required off-street parking and loading spaces on the site.

1. <u>SPECIAL USE</u>

The property is located in the M2-Limited Manufacturing District. Recycling Center is listed as a Special Use in the district per **Table 17.16-2 Office/Research, Manufacturing and Public Lands Permitted and Special Uses**. **Section 17.30.020 Use Definitions** defines Recycling Center as follows:

"Recycling Facility. A facility where newspapers, magazines, books, and other paper products, glass, metal cans and other products are received, sorted, reprocessed and/or treated as part of a process to return such projects to a condition in which they may be used again as a raw material in finished projects. This use does not include a junkyard as defined herein."

Based on the information provided by the applicant in Exhibit II of the Special Use Application, Inter-Plastics meets this use definition.

2. <u>OFF-STREET PARKING REQUIREMENTS</u>

There is a paved parking lot area to the south of the building. However, the original lines demarcating the parking spaces have faded. Staff examined the size of this paved area to determine if there is a sufficient amount of area to create the required number of off-street parking spaces as detailed below:

- The off-street parking requirement for a Recycling Center use is 1 space per every 1,000 SQ FT of gross floor area.
- The existing building is 32,725 SQ FT.
  - 33 off-street parking spaced are required.
- The dimensions of the parking area south of the building are approximately 169' in the east-west direction and 58' in the north-south direction.

- The following are the required dimensions for off-street parking facilities per **Section 17.24.070.B. Dimensions**:
- The existing parking lot layout is two rows of parking on either side of a two-way drive aisle.
  - Stall length: 18' long (a two foot overhand is allowed for spaces that abut green space areas).
  - Stall width: 9' wide.
  - Two-way parking aisle: 24' wide.

To accommodate a two rows of off-street parking spaces and a two-way drive aisle (based on the required dimensions of off-street parking areas) the total width of the paved area needs to be 58' wide, if a two-foot overhang is utilized along the south edge of the parking lot area. Therefore, it can be determined that there is enough space to create 36 off-street parking spaces (that are 9' wide each).

The business does send and receive shipments of material during the business day. The applicant will be using the existing internal loading dock off of Illinois Ave, for these shipments.

The applicant also plans to have semi-trailers parked on the paved area south of the building. **Per Section 17.24.120.B.2.** of the Zoning Ordinance, "On property within the M-1, M-2, and PL Districts, semi-trailers and intermodal containers may be parking or stored on any paved area that will not interfere with vehicular circulation or emergency access, but if not located within an approved loading area they shall be completely screened from view from public streets and residential districts."

The applicant will be parking these trailers in the loading dock facility and at the western edge of the south paved area away from the public street. These trucks are parked in this location for a limited amount of time during the course of the business day, and typically only one trailer is parked overnight. Additionally, the business has only 5 employees and will have plenty of space left over to accommodate these trailers. (See attached emails from James F. Cooke)

V. REQUESTED ACTION/RECOMMENDATION

Conduct the Public Hearing and close if all the testimony has been taken.

Due to the fact that there are no improvements proposed on the site, and that the requested special use is specifically to allow the tenant to occupy the building, Staff has placed this item on the meeting portion of the agenda for a vote tonight. Staff has provided draft findings of fact for the Plan Commission to consider.

Based upon the information available prior to the Public Hearing, Staff recommends approval of the Special Use Application for a Recycling Center at 3655 Illinois Ave.

VI. FINDINGS OF FACT FOR SPECIAL USE:

1. **Public Convenience: The Special Use will serve the public convenience at the proposed location.**

   The Application for a Special Use is to permit a Recycling Center use, which is listed as a special use in the underlying M2-Limited Manufacturing District, to be established in an

existing industrial area. This property provides ingress-egress via the existing roadway network that is designed to accommodate manufacturing/industrial uses. Furthermore, businesses located in this vicinity are, or may become, clients of this business.

2. **Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

   All necessary utilities, access, and public facilities are already constructed. The property is located within and industrial zoned area that is designed with the appropriately sized streets, lot sizes to support a wide variety of manufacturing uses.

3. **Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

   The use will be located in a manufacturing area that is currently occupied by industrial, warehouse, and recycling businesses whose current business practices are very similar to those of the proposed use. Therefore, establishing a similar use in this location will not be injurious to the use and enjoyment of other properties.

4. **Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

   The majority of the surrounding properties (including 3655 Illinois Ave) are already developed and occupied by similar industrial uses.

5. **Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

   There are no proposed physical changes to the property, and the majority of operations for the proposed Recycling Center will be located within the existing building. The proposed uses will be similar in nature to other industrial processes already occurring in the vicinity. Therefore, the use will not be detrimental to the public health, safety, comfort or general welfare of this area.

6. **Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to Special Use for Planned Unit Development.**

   The proposed use meets the definition of a Recycling Center, and demonstrates that there is a parking lot area large enough to accommodate the required off street parking spaces. Additionally, there are sufficient loading, unloading, and semi-trailer parking facilities on the site.

Cc: Russell Colby, Planning Division Manager
James Cook, Representative of Applicant

CITY OF ST. CHARLES

TWO EAST MAIN STREET
ST.CH ARLES,I LLINOIS 60174-1984

ST. CHARLES SINCE 1834

COMMUNITY DEVELOPMENT/PLANNING DIVISION PHONE: (630) 377-4443 FAX: (630) 377-4062

SPECIAL USE APPLICATION

Received Date
RECEIVED
St. Charles, IL
OCT 06 2011
CDD
Planning Division

CITYVIEW
Project Name: 3655 Illinois Ave.
Project Number: 2011 -PR- 015
Application Number: 2011 -AP- 026

To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 09-25-376-031	
	Street Address (or common location if no address is assigned): 3655 Illinois Avenue St. Charles, Illinois 60174	
2. Applicant Information:	Name Jose Gutierrez DBA Inter-Plastics	Phone 630-584-6800
	Address c/o Attorney James F. Cooke 215 W. Illinois Street St. Charles, Illinois 60174	Fax 630-584-6103 Email jcooke@jimcookelaw.com
3. Record Owner Information:	Name GFTL, LLC	Phone 630-832-6666
	Address c/o Attorney Dean Galanopoulos 340 W. Butterfield Road Elmhurst, Illinois 60126	Fax 630-941-1145 Email dgalanopoulos@gallaw.com
4. Billing: *To whom should costs for this application be billed?*	Name Jose Gutierrez DBA Inter-Plastics	Phone 630-584-6800
	Address c/o Attorney James F. Cooke 215 W. Illinois Street St. Charles, Illinois 60174	Fax 630-584-6103 Email jcooke@jimcookelaw.com

Information Regarding Proposed Special Use:

Comprehensive Plan designation of the property: Manufacturing

Is the property a designated Landmark or in a Historic District? No

What is the property's current zoning? M-2 Limited Manufacturing District

What is the property currently used for? Unoccupied

What Special Use(s) are you applying for? Please select from the list of Special Uses in the Zoning Ordinance for the appropriate zoning district.

Special Use for a Recycling Facility

If the proposed Special Use is approved, what improvements or construction are planned?

N/A

For Special Use Amendments only:

What Special Use ordinance do you want to amend? Ordinance No. _____

Why is the proposed change necessary?

_____

What are the proposed amendments? (Attach proposed language if necessary)

_____

Note for existing buildings:

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

Attachment Checklist

- ☐ **APPLICATION:** Completed application form signed by the applicant
- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **PROOF OF OWNERSHIP and DISCLOSURE:**
  - a) A current title policy report; or
  - b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

- ☐ **LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper

- ☐ **PLAT OF SURVEY:**

  A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

- ☐ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

  Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. http://www.kanedupageswcd.org/

- ☐ **ENDANGERED SPECIES REPORT:**

  Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. http://dnrecocat.state.il.us/ecopublic/

- ☐ **TRAFFIC STUDY:** If requested by the Director of Community Development.

- ☐ **PLANS:**

  All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

  Copies of Plans:

  - Initial Submittal - Fifteen (15) full size copies, Three (3) 11" by 17", and a PDF electronic file on a CD-ROM.
  - Revision Submittal for Plan Commission - Twenty-Two (22) full size copies, Three (3) 11" by 17" and a PDF electronic file on a CD-ROM.

- ☐ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

  A plan or plans showing the following information:

  1. Accurate boundary lines with dimensions
  2. Streets on and adjacent to the tract: Name and right-of-way width
  3. Location, size, shape, height, and use of existing and proposed structures
  4. Location and description of streets, sidewalks, and fences
  5. Surrounding land uses
  6. Date, north point, and scale
  7. Ground elevation contour lines
  8. Building/use setback lines
  9. Location of any significant natural features
  10. Location of any 100-year recurrence interval floodplain and floodway boundaries
  11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
  12. Existing zoning classification of property
  13. Existing and proposed land use
  14. Area of property in square feet and acres
  15. Proposed off-street parking and loading areas
  16. Number of parking spaces provided, and number required by ordinance

17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
    a. Location, height, intensity and fixture type of all proposed exterior lighting
    b. Photometric information pertaining to locations of proposed lighting fixtures

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

Record Owner — Date: 9-26-11

Applicant or Authorized Agent — Date: 9-26-11

FINDINGS OF FACT SHEET – SPECIAL USE

ST. CHARLES
SINCE 1834

The St. Charles Zoning Ordinance requires the Plan Commission to consider the factors listed below in making a recommendation to the City Council.

As the applicant, the "burden of proof" is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to "make your case" by explaining specifically how your project meets each of the following standards.

3655 Illinois Avenue, St. Charles, IL
Project Name or Address

09/21/11
Date

From the Charles Zoning Ordinance, Section 17.04.430.C.2:
No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

See Exhibit "1"

A. **Public Convenience: The Special Use will serve the public convenience at the proposed location.**

B. **Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

C. **Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

D. **Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

E. **Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

F. **Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

EXHIBIT "1"

FINDINGS OF FACT-SPECIAL USE

A. The proposed Special Use will serve the public convenience at the proposed location since its operation as a recycling facility promotes local and regional commerce and it is located in a compatibly zoned location.

B. The proposed Special Use is for a property with an existing building in a fully improved commercial area with all infrastructure existing and provided.

C. The use of the property (and building) for recycling will not be injurious to the use and enjoyment of other property in the immediate vicinity since the property is located in a commercial/manufacturing zoned and improved area (neighborhood) consistent with the proposed Special Use requested.

D. The surrounding property is already fully improved consistent with the commercial/manufacturing district in which the proposed Special Use will be located.

E. The proposed Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare since the recycling operation should have minimal effect, if any, on surrounding properties in the area.

F. The proposed Special Use meets or exceeds all standards of Federal, State and local regulations in its operation.

EXHIBIT "2"

INTER-PLASTICS

Inter-Plastics is a full service plastic recycler offering nationwide and international services. We recycle all plastic and non-ferrous metals. We purchase any and all plastic, regrind and virgin resin. Our main focus is working with post commercial and post-industrial accounts. Its operation is the basic grinding of (post-consumer) industrial scrap. It is a non-hazardous process which does not harm the environment. The material is then sold to any number of industrial companies in the area. In addition, we hold minimal inventory at the facility. The majority of the material is processed and delivered to the customer in a timely manner.

Exhibit "A"

LOT 2 OF OATES RESUBDIVISION RECORDED MARCH 13, 2008 AS DOCUMENT NUMBER 2008K021659, BEING A RESUBDIVISION OF THE EASTERLY 360 FEET OF LOT 16 IN UNIT NO. 1, THE "ST. CHARLES", ILLINOIS INDUSTRIAL DEVELOPMENT OF THE CENTRAL MANUFACTURING DISTRICT IN SECTIONS 25 AND 36, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY STAMPS ST. CHARLES, KANE COUNTY, ILLINOIS.

Special Use Permit
James F. Cooke
to:
morourke
10/25/2011 09:02 AM
Hide Details
From: "James F. Cooke" <jcooke@jimcookelaw.com>

To: <morourke@stcharlesil.gov>

History: This message has been replied to.

Matt –

In follow up to our phone conversation this will confirm that my client has informed me that the number of trucks in and out of the premises averages two to three. There is only one semi-truck parked on the premises overnight and there may be seven to eight trailers parked on the south side of the building.

If you require further info, please advise.

Jim

James F. Cooke
Law Offices of James F. Cooke
215 W. Illinois Street
St. Charles, IL 60174
Ph. 630-584-6800
Fx. 630-584-6103
jcooke@jimcookelaw.com

FW: FW: Special Use Permit

James F. Cooke to: morourke 10/25/2011 05:46 PM

Matt -

Here is the email response from my client (sent through his realtor).

Jim

-----Original Message-----
From: Rafael Villagomez [mailto:rafaelvillagomez@gmail.com]
Sent: Tuesday, October 25, 2011 5:38 PM
To: James F. Cooke
Cc: Jose Gutierrez
Subject: Re: FW: Special Use Permit

Jim

There is a total of 5 employees. Two who are brothers and carpool, at the most we are looking at 4 cars that need to be parked. As for the 7-8 trailers most of these are never at the location at one time. Jose has a off-site location where he stores trailers if space is a concern. He will keep only the minimum amount of trailers at the location 2-4 trailers if that is the case.

On Tue, Oct 25, 2011 at 5:24 PM, Rafael Villagomez
<rafael.interplastics@gmail.com> wrote:
>
>
> On Tue, Oct 25, 2011 at 5:01 PM, Jose Gutierrez
> <interplastics@gmail.com>
> wrote:
>>
>>
>> ---------- Forwarded message ----------
>> From: James F. Cooke <jcooke@jimcookelaw.com>
>> Date: Tue, Oct 25, 2011 at 2:06 PM
>> Subject: FW: Special Use Permit
>> To: interplastics@gmail.com
>>
>>
>> Could you please respond to me regarding these questions posed by the
>> City staff?
>>
>>
>>
>> Jim
>>
>>
>>
>> From: morourke@stcharlesil.gov [mailto:morourke@stcharlesil.gov]
>> Sent: Tuesday, October 25, 2011 2:10 PM
>> To: James F. Cooke
>> Subject: Re: Special Use Permit
>>
>>
>>
>> Jim,