

Village of Carol Stream

AGENDA

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS

MONDAY, APRIL 13, 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: February 23, 2015
- III. Public Hearing:
 - A. 15058 Sindy Rogers / Manhattan's American Bar and Grill - 300 S. Schmale Road
Special Use Permit - Outdoor Seating Area
- IV. Presentation:
- V. Old Business:
- VI. New Business:
 - A. Consider cancelation of April 27, 2015, meeting
- 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

February 23, 2015

Chairman Pro-Tem Creighton called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00 p.m. and directed Secretary Linda Damron to call the roll. The results of the roll call vote were:

Present: Chairman Pro-Tem David Creighton, and Commissioners Dee Spink, John Meneghini, David Hennessey, and Frank Petella.

Absent: Chairman Angelo Christopher and Commissioner James Joseph.

Also Present: Don Bastian, Assistant Community Development Director, Linda Damron, Secretary.

MINUTES:

Commissioner Spink moved and Commissioner Hennessey made the second to approve the minutes of the meeting of October 13, 2014.

Ayes: 3 Chairman Pro-Tem Creighton and Commissioners Spink and Hennessey

Nays: 0

Abstain: 2 Commissioners Meneghini and Petella

Absent: 2 Chairman Christopher and Commissioner Joseph

PUBLIC HEARING:

Commissioner Spink moved and Commissioner Hennessey made the second to open the Public Hearing. The motion passed by unanimous voice vote.

**Case # 14213 – Village of Carol Stream – 500 N. Gary Avenue
Zoning Code Text Amendment – limited Outdoor Seating**

Assistant Community Development Director Bastian stated that the proposed text amendment was on the October 13, 2014 agenda and was tabled at that time; he asked the Plan Commission to make a motion to remove the item from the table and bring it back up for discussion.

Commissioner Meneghini moved and Commissioner Hennessey made the second to remove case # 14213 from the table and bring the case up for discussion. The motion passed by unanimous voice vote.

Chairman Pro-Tem Creighton swore in the witness, Don Bastian, Assistant Community Development Director. Mr. Bastian stated that early in 2014 he asked if the Plan Commissioners would be open to considering certain types of outdoor seating associated with food service uses that could be approved by staff without having to require a special use permit and at that time the Plan Commission said they would be willing to consider such a change. Mr. Bastian stated that since then staff has worked on some zoning text amendments that would accomplish that and they were originally brought to the Plan Commission on October 13, 2014 and at that meeting there

were some questions and items that the Plan Commission identified that they would like to have additional information on.

He stated that the Plan Commission wanted to know what types of business would be able to have a limited outdoor seating area. He stated that the Zoning Code does have a definition (this definition is listed on page 2 in the staff report) of a food service business and the proposed text amendment refers to a food service business as the category use that would be allowed to apply for the limited outdoor seating. He did mention that Commissioners asked at the October 13, 2014 meeting if a convenience store would qualify for this type of use, and Mr. Bastian responded that it would not.

He stated that there was a question as to whether the DuPage County Health Department would require an exterior water spigot. He stated that staff did check with the Health Department and was advised that a water spigot is not required for outdoor dining areas and the Health Department did state they like to see outdoor seating areas establish on a hard surface so the surface can be cleaned and they would inspect the outdoor seating area at the same time they do an inspection of the interior of the food establishment.

He stated that there were questions regarding safety related to the type barriers between the parking lot and the outdoor seating area. He stated that staff would prefer not to put a firm requirement in the zoning code text amendment, but would prefer to allow to staff to review each application and take the specific circumstances of each case into account. He stated that staff is proposing that safety is one of the items that staff will evaluate during the review of the required permit.

He stated that there were some concerns about outdoor furniture storage, and noted that staff has changed the Statement of Compliance to state that the seating area needs to be maintained in a neat, sanitary, orderly and safe manner at all times and that the furniture would be removed and stored indoors during the off-season.

He stated that the text amendments that are proposed would be to have a new permitted use for limited outdoor seating on properties in B-1, B-2 and B-3 Zoning Districts as outlined on page 2 of the staff report. He stated that the use would be subject to a permit submitted to the Community Development Department and clarified that this option would not be available for any type of business that serves alcohol. He stated that staff is proposing a second text amendment to clarify the type of outdoor seating area that would continue to need a special use permit, and that text amendment is listed on page 3 of the staff report.

Chairman Pro-Tem Creighton asked if anyone from the audience had any questions. There were no questions from the audience.

Commissioner Petella wanted to know if establishments like McDonald's that has permanent table, would they need to remove their tables in the winter. Commissioner Petella also wanted to know if staff felt that outdoor seating areas would need to be fenced. Commissioner Petella wanted to know if an applicant was denied a permit would they be able to come before the Plan Commission and ask for a special use permit. Commissioner Petella wanted to know the cost of a request for a special use permit.

Mr. Bastian stated that establishments with permanent tables would not have to remove their tables in the winter. He stated that staff will evaluate the need for fencing during the review of the permit. He stated that an applicant would be able to come before the Plan Commission and ask for a special use permit in the case that staff could not approve a permit. Mr. Bastian stated that there is an \$800.00 fee to request a Special Use Permit.

Commissioner Spink has a concern that leaving it to staff discretion that someone might feel there is favoritism. Commissioner Spink wanted to know if there would be a standard that would determine if a fence or bollards would be required.

Mr. Bastian stated that there will be a Statement of Compliance and if the application meets all the requirements staff will approve the application. He stated that if an additional barrier needs to be provided it would be determined on case by case bases, he stated that staff would review the specific placement of the tables and the drive aisle.

Commission Hennessy did not have any questions.

Commission Meneghini wanted to know if there would be enough space to walk past an outdoor dining area.

Mr. Bastian stated that the establishment would need to comply with the Illinois Accessibility Code.

Chairman Pro-Tem Creighton wanted to know on what basis it is considered that wheel stops would be an adequate deterrent to prevent a store front crash. Chairman Pro-Tem Creighton wanted to know if Taco Real who just had a store front crash last month, if they applied for a permit would they be required to have wheel stops. Chairman Pro-Tem Creighton stated that he was in contact with Mr. Rob Rider who is with the Store Front Safety Council, who is apparently a leading expert when it comes to store front crashes, and I asked him about wheel stops and he said "wheel stops are referred to as launching pads as they cause the front wheels of cars to mount over curbs and up onto sidewalks much more easily than if the wheel hit the curb face directly, as well as being a tripping hazard". Chairman Pro-Tem Creighton stated that some of the research he did suggested that it is because most of the crashes are due to the driver thinking they have their foot on the brake, when it is actually on the accelerator. Chairman Pro-Tem Creighton stated that after doing this research he would not be feel safe sitting at one of the outdoor seating areas.

Mr. Bastian stated that one example that the Plan Commission reviewed at which wheel stops would be sufficient was the case on County Farm Road last year, due to the orientation to the drive aisle. He stated that staff would look at the specifics of each application and apply the measured type of approach and address it. He stated that staff would probably recommend something similar to wheel stops at the Taco Real location. He stated that staff has done research on other communities, and he believes that we will not be less stringent than other communities. He stated that the Engineering Services Department will also be reviewing the plans and will be offering their input on the orientation of vehicles, traffic and the location of the seating area. Mr. Bastian stated that staff is comfortable with the recommendation. Mr. Bastian stated that staff is looking for the Plan Commission to make a recommendation on this case tonight.

Chairman Pro-Tem Creighton stated that he wanted to make a motion to amend the text amendment to the Zoning Code §16-9-2 (B) to include the stipulation that certain establishments with nose in parking and little space between the sitting area and the parking lot be required to have suitable bollards to prevent entry in those sitting areas. He asked for a second.

No one gave a second. The motion failed.

Commissioner Meneghini moved and Commissioner Hennessey made the second to approve the request for Zoning Code Text Amendment for limited Outdoor Seating subject to the recommendations listed in the staff report.

The results of the roll call vote were:

Ayes: 3 Commissioners Meneghini, Hennessey, and Petella
 Nays: 2 Chairman Pro-Tem Creighton and Commissioner Spink
 Abstain: 0
 Absent: 2 Chairman Christopher and Commissioner Joseph

Chairman Pro-Tem Creighton reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting on March 2, 2015, at which time the Board would take final action on the matter.

**Case # 15027 – Village of Carol Stream – 870 W. Army Trail Road
 Termination of Special Use Permit**

Mr. Bastian remained sworn in. Mr. Bastian stated that this case is a Village of Carol Stream initiated petition to terminate the prior special use permit for the property at 870 W. Army Trail Road. He stated that in 1981 the property was granted a Special Use Permit to allow the property to be use as an automobile service station, and a Mobil gas station operated on the property until it closed in 2011. He stated that in December 2010 Buchanan Energy acquired all of the Chicagoland convenience store and gas station assets of Exxon Mobil Corporation. In 2012 Buchanan Energy decided to redevelop the property at 870 W. Army Trail Road, and they came forward with a plan for a larger convenience store, new gas pumps and a carwash. He stated that Buchanan Energy did receive approvals to build a new convenience store, gas station and carwash. He stated that after they received their approvals they started talking to the owners of the closed Kentucky Fried Chicken restaurant about purchasing the property. Buchanan Energy thought if they could purchase that property they could have a larger development site. He stated that the negotiations have been going on for a while between the two parties. He stated that the original Special Use termination date was February 6, 2014, and about a year ago Buchanan Energy came and asked for a one year extension of the 2012 Special Use Permit approvals and the extension was granted by the Village Board at that time. He stated that with the extension it resulted in a new Special Use Permit termination date of February 6, 2015. He stated that staff has remained in contact with the owner of Buchanan Energy and they have not been successful in acquiring the former KFC parcel, but have stated that negotiations are heading a good direction, but they have also indicated that they do not have any plans to build per the 2012 plan. He stated that the Zoning Code provides the Village Board with the option to terminate a Special Use Permit under certain circumstances. The circumstances are listed on page 2 of the staff report and this property meets those circumstances. He also stated that staff has a letter from the property owner stating he has no objection to the termination of the Special Use Permit. He stated that the fuel tanks have been removed from the property and the remaining building no longer complies with the current building codes. Mr. Bastian stated the staff is recommending that the Plan Commission and the Village Board should consider terminating the Special Use Permit approvals granted to 870 W. Army Trail Road.

Chairman Pro-Tem Creighton asked if anyone from the audience had any questions. There were no questions from the audience.

Commissioners Meneghini, Hennessey, and Spink did not have any question.

Commissioner Petella wanted to know if the village could have the property owner demolish the building.

Mr. Bastian stated that we would have to have a code based reason in order to ask them demolish the building.

Commissioner Spink moved and Commissioner Petella made the second to approve the request to terminate the Special Use Permit granted to the property located at 870 W. Army Trail Road through Ordinances 8-01-02 and 2012-08-30 subject to the findings and facts provided in the staff report.

The results of the roll call vote were:

Ayes: 5 Chairman Pro-Tem Creighton and Commissioners Spink, Meneghini, Hennessey, and Petella
Nays: 0
Abstain: 0
Absent: 2 Chairman Christopher and Commissioner Joseph

Chairman Pro-Tem Creighton reminded the petitioner that the Plan Commission's recommendation would be forwarded to the Village Board at their next meeting on March 2, 2015, at which time the Board would take final action on the matter.

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

PRESENTATION:

**Case # 15016 - Village of Carol Stream - 500 N. Gary Avenue
2015 Official Zoning Map**

Mr. Bastian stated that state statute dictates that the village must publish an updated zoning map by March 31 of each year and the map for 2015 includes the annexations and rezonings that were reviewed by the Plan Commission and approved by the Village Board in 2014.

Commissioner Spink wanted to know if the property at the NWC of County Farm and North Avenue would be annexed into the village.

Mr. Bastian stated that if a business would go onto the property that the village is interested in, staff would recommend that the village annex the property.

Commissioner Hennessey wanted to know what the village boundary is to the west.

Mr. Bastian stated that the boundary would be the forest preserve just west of Fair Oaks Road.

Commissioner Hennessey moved and Commissioner Spink made the second to approve the 2015 Zoning Map.

The results of the roll call vote were:

Ayes: 5 Chairman Pro-Tem Creighton and Commissioner Spink, Meneghini, Hennessey, and Petella
Nays: 0
Abstain: 0
Absent: 2 Chairman Christopher and Commissioner Joseph

NEW BUSINESS:

A. Comprehensive Plan Public Visioning Workshop

Mr. Bastian talked about the second Comprehensive Plan Public Visioning meeting that will be presented by CMAP and will be held on Wednesday, March 11, 2015 at 6:00 p.m. at the Fire District on Kuhn Road. Mr. Bastian stated that the village would like to see as many Plan Commissioners at this meeting as possible.

B. The item under New Business was to discuss the cancellation of the March 9, 2015, Plan Commission meeting.

Commissioner Meneghini moved and Commissioner Spink made the second to cancel the March 9, 2015 Plan Commission meeting.

The motion passed by unanimous vote.

ADJOURNMENT:

At 7:50 p.m. Commissioner Hennessey moved and Commissioner Spink made the second to adjourn the meeting. The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

Linda Damron
Community Development Secretary

Minutes approved by Plan Commission on this ____ day of _____, 20 ____.

Chairman Pro-Tem Creighton

Staff Report - Plan Commission/Zoning Board of Appeals meeting of April 13, 2015

Case No. 15058, Manhattan's American Bar & Grill – 300 S. Schmale Road

Special Use – Outdoor Seating Ancillary to a Restaurant

GENERAL INFORMATION

Applicant:

Sindy Rogers, President of Manhattan's American Bar & Grill

Size and Location:

The 1.09-acre parcel, which contains the Manhattan's American Bar & Grill restaurant building, is located about 500 feet south of St. Charles Road on the west side of Schmale Road. (See attached location map.)

Existing Zoning and Land Use:

The subject parcel is zoned B-2 General Retail District and improved with a 5,756 square foot sit-down restaurant building.

Adjacent Zoning and Land Uses:

The properties to the north, south and west are zoned B-2 General Retail District and are improved with a restaurant (Culver's), a grocery store (Aldi's) and a detention pond respectively. The property to the east, across Schmale Road is zoned B-3 Service District, and is improved with a restaurant (Dunkin Donuts) and a multi-tenant shopping center.

Attachments:

Attached for review are a location map, aerial photo, public notice, project narrative letters from Sindy Rogers, President, dated February 4, 2015, and Sam Salahi, Architect, dated February 20, 2015, the General Application, Special Use Application, and reduced copies of the plans including the Site Development Plan (Exhibit A), and the Proposed Plans and Elevations (Exhibit B).

Request:

The applicant is requesting a Special Use Permit in accordance with §16-9-3(C)(17) of the Carol Stream Zoning Code to allow *Outdoor seating, ancillary to a restaurant, tavern, or food service business, including the service and consumption of alcohol, or otherwise not in conformance with the standards for Limited Outdoor Seating set forth elsewhere in this chapter.*

BACKGROUND

Manhattan's American Bar and Grill is a full service sit down restaurant that has occupied the building at 300 S. Schmale since 1999. A few years ago, Manhattan's completed a major remodeling, expanding the bar and creating a Special Occasion/Banquet area, which could be reserved for rehearsal dinners, weddings, birthday parties, showers, private parties and business meetings and more. The restaurant is proposed to expand further with the addition of an outdoor seating area, an outdoor freezer and a small video gaming room inside the building. The owner of the restaurant has been considering the rear addition of an outdoor deck for a number of years as a popular request from the regular customers of the restaurant. An outdoor freezer and a video gaming room is a part of this expansion project to address the needs of the growing business.

STAFF ANALYSIS

Outdoor seating area, ancillary to a restaurant, allowing the service and consumption of alcohol is a Special Use in the B-2 General Retail District. Manhattan's Bar and Grill is proposing service of alcohol in the outdoor seating area and therefore requires a Special Use Permit approval.

A 782 square foot outdoor deck and pergola is proposed as a rear addition at the back of the building on an existing grass area. The deck would be enclosed with a four feet high metal fence. The fence will have an emergency egress gate, as required, to allow people to exit the area in an emergency, but the gate would not allow direct access into the seating area from the parking lot. The proposed floor plan, as shown on Exhibit B, shows the layout for the dining area, which is 23 feet in width and 34 feet in length. The floor plan shows eight tables with four people at each table, with a total of 32 seats provided in the area. The deck would have installed overhanging focus lights for the illumination of the seating area and will also provide outdoor speakers to play light music for the customers. The impact of any outdoor activity on the surrounding properties will be very minimal, considering the commercial nature of uses on those properties.

As the Plan Commission is aware, there are many restaurants offering on-site consumption of alcoholic beverages in Carol Stream. Some of these establishments also offer outdoor seating areas where food and beverages can be consumed. From this perspective, the proposed restaurant with a bar area offering outdoor service of alcoholic beverages would not be unusual. In order to manage the outdoor seating area effectively and control any unlawful consumption of alcohol, the business owner has agreed to install a security camera which will be monitored by staff inside building at all times the business is in operation.

As noted, on the north side of the deck area, an outdoor freezer would be added to the northwest corner of the building, which will project onto the adjoining sidewalk and a parking space next to the building. The existing four foot sidewalk on the north side of the proposed deck will be removed and replaced with landscaping in that space. The deck on all three sides would be landscaped with evergreen shrubs.

Parking:

As seen on Exhibit A, the Site Plan shows that the outdoor seating area would be adjacent to and surrounded by parking on all sides of the deck. Due to the installation of an outdoor freezer, there will be a loss of one parking space. The total number of parking spaces on site is 84, including the two handicapped parking spaces. As shown in the table below, the number of spaces required per the Zoning Code is 69 spaces and there is a surplus of 15 spaces of parking. The dining area in the restaurant with the most intensive use is calculated at one per fifty square feet of space. The other areas of the restaurant, which is also part of the business and is occupied by customers or employees at all times, is calculated at a higher ratio at one per two hundred and fifty square feet of space. The proposed video gaming room will require two additional parking spaces. The outdoor seating area is not factored into the calculation of required parking, since it is not part of the enclosed building area and used only seasonally. The customers who would otherwise occupy space inside the building

Staff Report - Plan Commission/Zoning Board of Appeals meeting of April 13, 2015

Case No. 15058, Manhattan's American Bar & Grill – 300 S. Schmale Road

Special Use – Outdoor Seating Ancillary to a Restaurant

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may choose to dine in the outdoor seating area, weather permitting. Therefore, the loss of one parking space due to the addition will not have any significant impact on parking.

The table below provides the parking analysis for the proposed use of space in the building:

Use of Space	Parking Factor	Square Feet of Use*	Parking Required
Dining Area	1/50 s.f.	2,868.80 s.f.	57 spaces
Other Restaurant Areas	1/250	2,392.30 s.f.	10 spaces
Proposed Gaming Room	1/250	540 s.f.	2 spaces
Total Number of Spaces Required:			69 spaces
Total Number of Spaces Provided			84 Spaces

Safety:

Since the outdoor seating area deck will be surrounded by parked vehicles on three sides, the issue of customer safety related to possible vehicle impact would be addressed with the proposed installation of bollards, one for each parking space surrounding the deck. As shown on Exhibit B, bollards will be installed in a manner which will provide a measure of safety from vehicle impact.

Other Considerations:

During a recent site inspection, some property maintenance issues were identified, which the applicant has agreed to address as part of this outdoor seating area project. One issue involves the trash dumpsters on site, which are not kept within a trash enclosure as required by the Village Code. Also, the parking lot shows signs of deterioration and requires maintenance work. A six foot tall trash enclosure made of exterior grade wood has been proposed for installation at the northwest corner of the property to enclose all trash dumpsters. The parking lot will be patched as required and the entire parking lot will be sealcoated and restriped per the Village Code.

FINDINGS OF FACT

The Plan Commission's recommendation regarding the requested Special Use Permit for *Outdoor seating, ancillary to a restaurant* **must be based on the evaluation criteria set forth in the Zoning Code.** As stated in §16-15-8(E) of the Zoning Code, no Special Use shall be recommended by the Plan Commission nor approved by the Village Board unless the Special Use:

1. Is deemed necessary for the public convenience at the location.

The applicant is attempting to expand the existing restaurant and offer the outdoor dining experience as requested for many years by its customers. Outdoor seating is a common amenity offered by many restaurants to grow business and enhance the dining experience. This use would serve the public convenience.

2. Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Provided that employees are properly trained, as required, and proper care and supervision is provided in the service of alcoholic beverages, the requested Special Use should not be detrimental to or endanger public health, safety, morals, comfort or general welfare.

3. Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The restaurant is surrounded by similar uses in the business district. The restaurant with outdoor alcoholic beverage service should not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish or impair property values within the neighborhood.

4. Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

The restaurant serving alcoholic beverages and offering outdoor seating may draw additional customer traffic to the restaurant, which may be a catalyst for other improvement and property development in the area, and should not be an impediment to property improvement.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Utilities and community facilities either have been or will be provided.

6. Will conform to the applicable regulations of the district in which it is located, except as the Village Board may in each instance modify such regulations.

The outdoor seating area is expected to operate and conform to all applicable regulations and any conditions of approval as determined by the Plan Commission and the Village Board.

RECOMMENDATION

Staff recommends approval of the Special Use Permit for *Outdoor seating, ancillary to a restaurant* subject to the following conditions:

1. That bollards must be placed at such locations as to prevent a vehicle from impacting the outdoor seating area, and the bollards must be of adequate design and installation as to withstand vehicular impact;
2. That the landscape materials must be installed as shown on the plan and that all materials must be maintained in a neat and healthy condition, with dead or dying materials being replaced in accordance with the approved plan on an annual basis;

Staff Report - Plan Commission/Zoning Board of Appeals meeting of April 13, 2015

Case No. 15058, Manhattan's American Bar & Grill – 300 S. Schmale Road

Special Use – Outdoor Seating Ancillary to a Restaurant

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3. That all trash dumpsters and recycling containers placed outdoors must be kept within a code compliant trash enclosure, and that the enclosure gates must be closed and latched at all times, except when trash containers are being accessed by employees or emptied by the trash collection service;
4. That a trash receptacle must be added within the outdoor dining area;
5. That four handicapped parking spaces must be provided, in accordance with the Illinois Accessibility Code requirements;
6. That a building permit must be obtained for the proposed trash enclosure and the parking lot maintenance work, which must include patching, sealcoating and restriping of the entire parking lot;
7. That parking spaces must be striped in accordance with the Village's looped striping detail;
8. That the restaurant and bar area must be adequately staffed by BASSET-trained Manhattan's employees and security camera installed to ensure that the area where alcoholic beverages may be consumed will be properly monitored;
9. That the business and property must be operated and maintained in accordance with all applicable state, county and village codes and requirements.

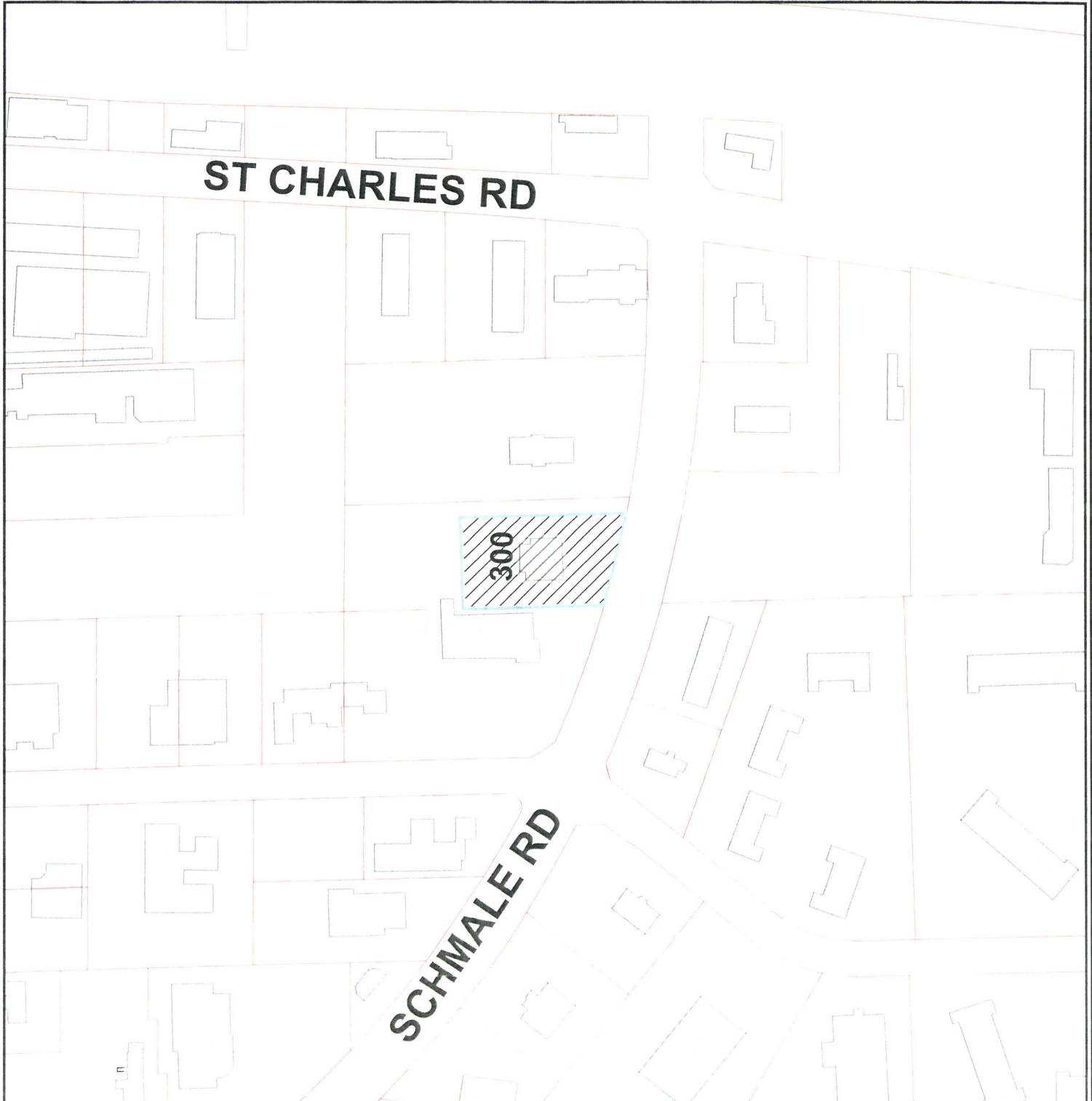
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Village of Carol Stream



15058 - 300 S. Schmale Road - Sindy Rogers /
Manhattan's American Bar and Grill
Special Use Permit - Outdoor Seating Area





Village of Carol Stream

15058 - 300 S. Schmale Road - Sindy Rogers /
Manhattan's American Bar and Grill
Special Use Permit - Outdoor Seating Area



PUBLIC NOTICE
FILE # 15058

Notice is hereby given that the Carol Stream Plan Commission/Zoning Board of Appeals will hold a Public Hearing at the Carol Stream Gregory J. Bielawski Municipal Center, 500 N. Gary Avenue, Carol Stream, Illinois, on Monday, April 13, 2015, at 7:00 p.m. to consider an application from Sindy Rogers/Manhattan's American Bar and Grill for the following action:

A Special Use Permit in accordance with Section 16-9-3(C)(17) of the Carol Stream Zoning Code to allow for outdoor seating, ancillary to a restaurant, tavern, or food service business, including the service and consumption of alcohol, or otherwise not in conformance with the standards for Limited Outdoor Seating set forth elsewhere in this chapter in the B-2 General Retail District

For the property located at 300 S. Schmale Road, P.I.N. 05-04-105-015.

A copy of the Special Use Permit application is on file with the Community Development Department. All interested parties will be given an opportunity to be heard.

By order of the Combined Plan Commission/Zoning Board of Appeals, Village of Carol Stream, Illinois. Published in The Examiner on Wednesday March 25, 2015.

Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities are requested to contact the ADA Coordinator at 630-871-6250.

**Village of Carol Stream
500 N. Gary Ave.
Carol Stream, IL. 60188**

Feb 4, 2015

To whom it may concern


Manhattan's restaurant is interested in adding a deck and a game room to the west side of the existing building. The owner, Sindy Rogers at been at this location for 15 years and this has been a consistent request from her customers.

The current hours of operation are Monday through Thursday 11:00 am to 10:00 pm. Friday 11:00 am to 2:00 am Saturday 8:00 am to 2:00am and Sunday 8:00 am to 10:00 pm.

I have no intention of having bands or TVs outside. Just standard outdoor speakers that play my current easy listening music.

Thank you for your consideration,

Sincerely



Sindy Rogers/President



ARCHITECTURAL PLANNING & SERVICES, LTD.

February 20, 2015

Mr. Don Bastian
Village of Carol Stream
500 North Gary Ave.
Carol Stream, Illinois 60188

RE: Manhattan Restaurant
Rear outdoor dining addition
300 S. Schmale Rd.
Carol Stream, Illinois 60188

Listed below are project scope and exterior finishes.

Project Scope:

- An outdoor deck and pergola for dining with total seating of 32 people.
- A transition area between the existing restaurant and outdoor area which include two closets and a vestibule.
- Small gaming room.
- An outdoor freezer.

Exterior Finishes:

- Exterior deck – Composite decking, 4' high metal railing, 3-4 high landscaping around the parameter.
- Exterior walls – Stucco matching existing building
- Doors and windows – Aluminum doors, frames and jambs.
- Walk-in freezer – Aluminum.
- Ramp and walk – Concrete

If you have any questions or comments please contact my office.

Sincerely,

Sam Salahi

Sam Salahi AIA, ALA
IL Licensed Architect

123 West Front Street
Suite 202
Wheaton, Illinois 60187
TEL: 630-665-0355
FAX: 630-665-3022
www.AP&Sarchitects.com

Do Not Write in This Space
 Date Submitted: 2/27/15
 Fee Submitted: \$800
 File Number: 15058
 Meeting Date: 4/13/15
 Public Hearing Required: Y

Village of Carol Stream

500 N. Gary Avenue ▪ Carol Stream, IL 60188
 PHONE 630.871.6230 ▪ FAX 630.665.1064

FORM A

**GENERAL APPLICATION
 PUBLIC HEARINGS AND DEVELOPMENT APPROVAL REQUESTS**

1. Name of Applicant Sindy Rogers / Manhattan Phone 630-871-2991
 Address 300 S. Schmale Rd. Carol Stream Fax 630-871-2984
 E-Mail Address sindymrogers@sbcglobal.net
 (required)
 Name of Attorney 27 W 140 Roosevelt Rd. #201 Winfield Phone 630-462-7177
 (if represented)
 Address _____ Fax 630-462-7899
 Name of Owner _____ Phone _____
 (required if other than applicant)
 Address _____ Fax _____
 Name of Architect APS, LTD. (Sam Salcher) Phone 630-665-0355
 (if applicable)
 Address 123 W. Front, Suite 202 Wheaton, IL Fax 630-665-3022
60187

2. *Common Address/Location of Property _____

3. Requested Action (check *all* that apply)
- | | |
|--------------------------------------------------------------------------|----------------------------------------------|
| _____ Annexation | _____ Gary/North Avenue Corridor Review |
| _____ Planned Unit Development – Preliminary | _____ Text Amendment |
| _____ Planned Unit Development – Final | _____ Variation – Zoning (requires Form B-1) |
| <input checked="" type="checkbox"/> Special Use Permit (requires Form C) | _____ Variation – Sign (requires Form B-2) |
| _____ Subdivision – Preliminary | _____ Variation – Fence (requires Form B-3) |
| _____ Subdivision – Final | _____ Zoning Change |
| | _____ Other |

Describe requested action adding a small porch, more area to exterior deck & Pergola surrounding.

General Application (continued)

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- 4. After referring to the specific process handout(s) relevant to this application, please indicate below the items that are included with the submittal.

- _____ General Application (Form A)
- _____ General Variation Application (Form B-1)
- _____ Sign Code Variation Application (Form B-2)
- _____ Fence Code Variation Application (Form B-3)
- _____ Special Use Application (Form C)
- _____ Application for Development Approval (Form D)
- _____ Gary/North Avenue Corridor Application (Form E)
- _____ Plat of Survey with Legal Description
- _____ Site Plan
- _____ Landscape Plan
- _____ Plat of Annexation
- _____ Preliminary Subdivision Plat
- _____ Final Subdivision Plat
- _____ Preliminary Planned Unit Development Plan
- _____ Final Planned Unit Development Plan
- _____ Drawings of Proposed Signs
- _____ Horizontal Building Elevations
- _____ Floor Plan
- _____ Proof of Ownership or Written Consent From Property Owner
- _____ Project Narrative/Cover Letter
- _____ Application Fee \$ _____

Please submit eight (8) full size drawings and one legible 11 by 17 inch reduced reproducible copy of full size drawings. Additional sets of plans may be required for certain applications. Please contact Village staff with any questions concerning the submittal requirements. **Full size drawings should be folded not rolled.**

- 5. Applicant Certification

*I authorize the Village of Carol Stream to install a temporary sign or signs on the property having the common address indicated in Item 2 on this form, for the purpose of notifying the public of the upcoming public hearing, once the hearing has been scheduled.

I have received a copy of the informational handout(s) for the zoning process(es) for which I am making an application. I am familiar with the code requirements which relate to this application and I certify that this submittal is in conformance with such code(s).

I understand that incomplete or substandard submittals may increase the staff review time and delay scheduling of the public hearing.

SINDY ROGERS
 Print Name
Sindy Rogers
 Signature
Feb 4, 2015
 Date

Village of Carol Stream

500 N. Gary Avenue • Carol Stream, IL 60188
630.871.6230 • FAX 630.665.1064

e-mail: comdevelop@carolstream.org • website: www.carolstream.org

SPECIAL USE APPLICATION

The Zoning Code is based upon the division of the Village into different districts. Within these districts, certain uses are permitted outright and certain uses are special uses which must be approved by the Village Board after a recommendation is made by the Plan Commission. Each special use request must be reviewed based on its unique character, with consideration being given to the proposals impact upon neighboring properties. (Please address each of the following standards as it relates to your request.)

No special use shall be recommended by the Plan Commission nor approved by the Village Board, unless the special use:

- Is deemed necessary for public convenience at the location.

Customers have been waiting for a table for years. This would enhance customer experience.
- Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The outdoor dining will not be detrimental if it is a
endanger to the public health, safety, morals, comfort or
- Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Customers will not be inconvenienced by the
- Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

will not have any impact for the surrounding
development in the outdoor dining area.

5. Will provide adequate utilities, access roads, drainage and other important and necessary community facilities.

Yes

6. Will conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board.

Yes

7. Other pertinent information or reason for request.

The outdoor dining area will enhance our attempt to provide a better dining experience for our customers.

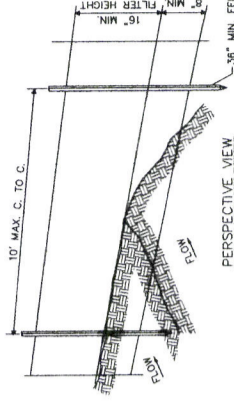


LEGAL DESCRIPTION

LOT 1 IN LEETZ'S SUBDIVISION, BEING A SUBDIVISION OF THE SOUTH 200.0 FEET OF THE EAST 650.0 FEET (AS MEASURED AT RIGHT ANGLES OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 35 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART LYING EASTERLY OF THE CENTER LINE OF STATE AND ROUTE 36 (SCHMALE ROAD), IN THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 22, 1977 AS DOCUMENT NO. R77-73307.

SITE BENCHMARK:
 SOUTHEAST BONNET BOLT ON FIRE HYDRANT
 @ NORTHWEST CORNER OF PROJECT SITE.
 ELEVY: 777.48 (NAD83)

NOTE:
 ILLINOIS ACCESSIBILITY CODE REQUIRES FOUR HANDICAPPED SPACES IF THE TOTAL NUMBER OF OFF-STREET PARKING SPACES ON-SITE IS BETWEEN 75-100. SINCE THE TOTAL NUMBER OF PARKING SPACES FOR MANHATTAN'S IS 84, THEREFORE FOUR HANDICAPPED SPACES MUST BE SHOWN ON THE SITE PLAN. IT APPEARS FROM THE AERIAL PHOTO OF THE SITE THAT THERE ARE ONLY TWO HANDICAPPED SPACES ON THE PROPERTY. PLEASE SHOW FOUR HANDICAPPED SPACES STRIPPED ON THE SITE PLAN. A CONDITION OF APPROVAL COULD BE ADDED TO THE STAFF REPORT.



1. FENCE TO BE FASTENED SECURELY TO FENCE POSTS WITH TIES OR OR 2" HARDWOOD.
 2. FILTER CLOTH TO BE UNDISTURBED.
 3. WHEN TWO SECTIONS OF FENCE MEET, EACH OTHER TIES SHALL BE OVER-LAPPED BY SIX INCHES.
 4. MAINTENANCE SHALL BE PERFORMED AS NEEDED TO PREVENT BREACHES AND WHEN BREACHES DEVELOP IN THE SILT FENCE.

SILT FENCE
 NOT TO SCALE

Jon P. Green, P.E.
 IL. P.E. NO. 052-052108
 Expires November 30, 2015

Exhibit A

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 COMMUNITY DEVELOPMENT DEPT.

PROFESSIONAL DESIGN FIRM NUMBER: 184-001186
 SCALE: 1"=10'
 DATE: 03/24/15
 JOB NO: 141209
 SHEET: 1 OF 2

SITE DEVELOPMENT PLAN
300 S. SCHMALE ROAD
CAROL STREAM, IL

ARCHITECTURAL PLANNING & SERVICES, L.T.D.

3002 CROSSING COURT
 CHAMPAIGN, ILLINOIS 61822
 PHONE (312) 351-0208
 FAX (312) 355-1902

10 S. RIVERSIDE PLAZA, SUITE 1800
 CHICAGO, ILLINOIS 60606
 PHONE (312) 683-4110
 FAX (312) 474-6099

38701 WEST AVENUE, SUITE 150
 WARRENVILLE, ILLINOIS 60555
 PHONE (630) 393-3060
 FAX (630) 391-2152
 48-BUSINESS



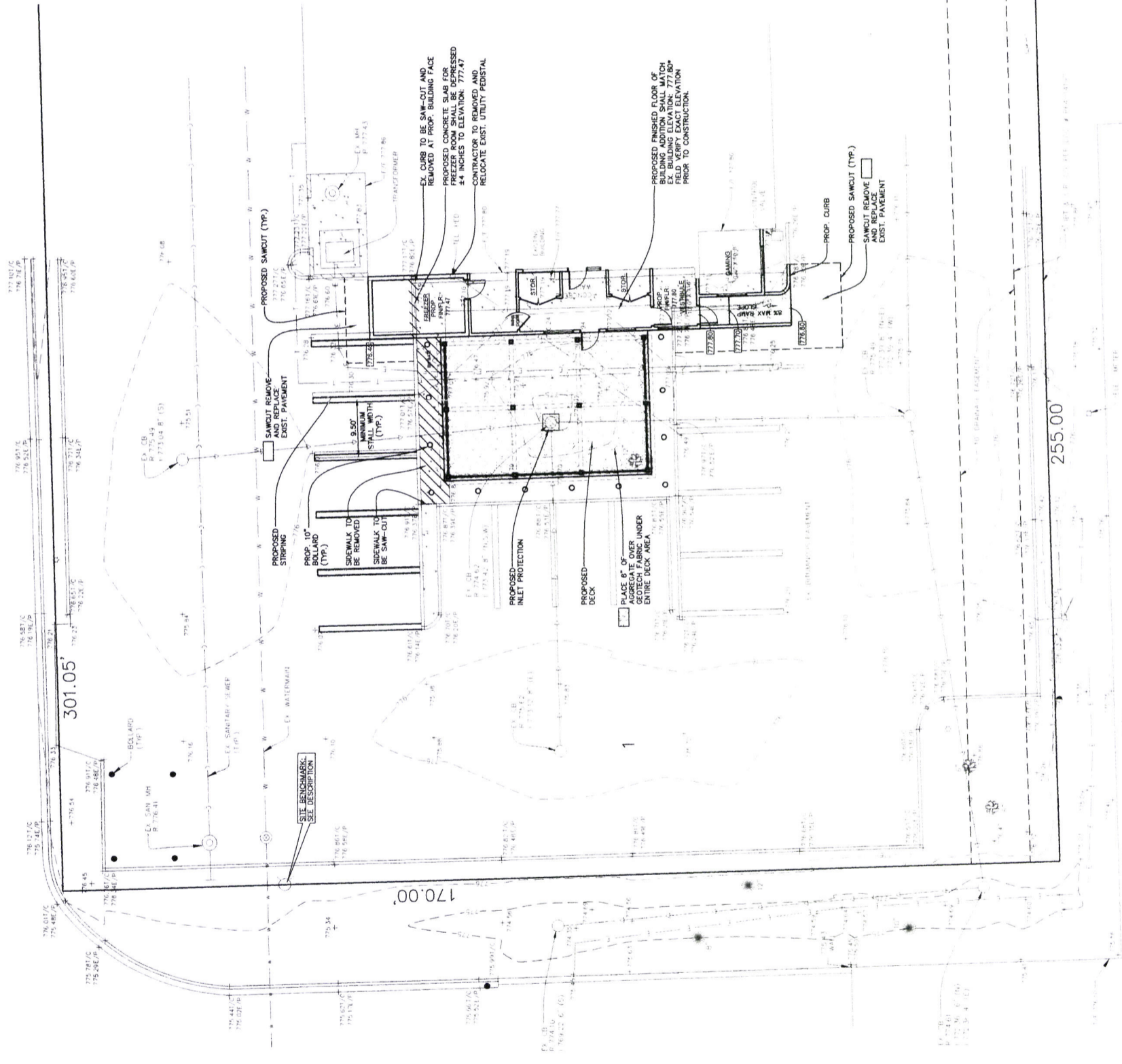
ENGINEERING RESOURCE ASSOCIATES, INC.
 CONSULTING ENGINEERS, SCIENTISTS & SURVEYORS

DRAWN BY: BL
 CHECKED BY: AK
 APPROVED BY: JP

DATE	BY	DESCRIPTION
4/7/15	A.J.	VILLAGE COMMENTS

It's smart It's free It's the law
 Call Before You Dig
JULIE
 800.892.0123
 ONE-CALL SYSTEM

- INDEX TO DRAWINGS**
1. SITE DEVELOPMENT PLAN
 2. NOTES & DETAILS





ARCHITECTURAL PLANNING & SERVICES, LTD.
 223 W. Front St. Suite 202
 Winnetka, Illinois 60087
 TEL: 847.440.1100
 FAX: 847.440.1102
 www.APSarchitects.com

CONSULTANTS

INTERIOR BUILD-OUT FOR:
MANHATTAN'S RESTAURANT
 300 SOUTH SCHMALE RD.
 CAROL STREAM, IL

STAMP

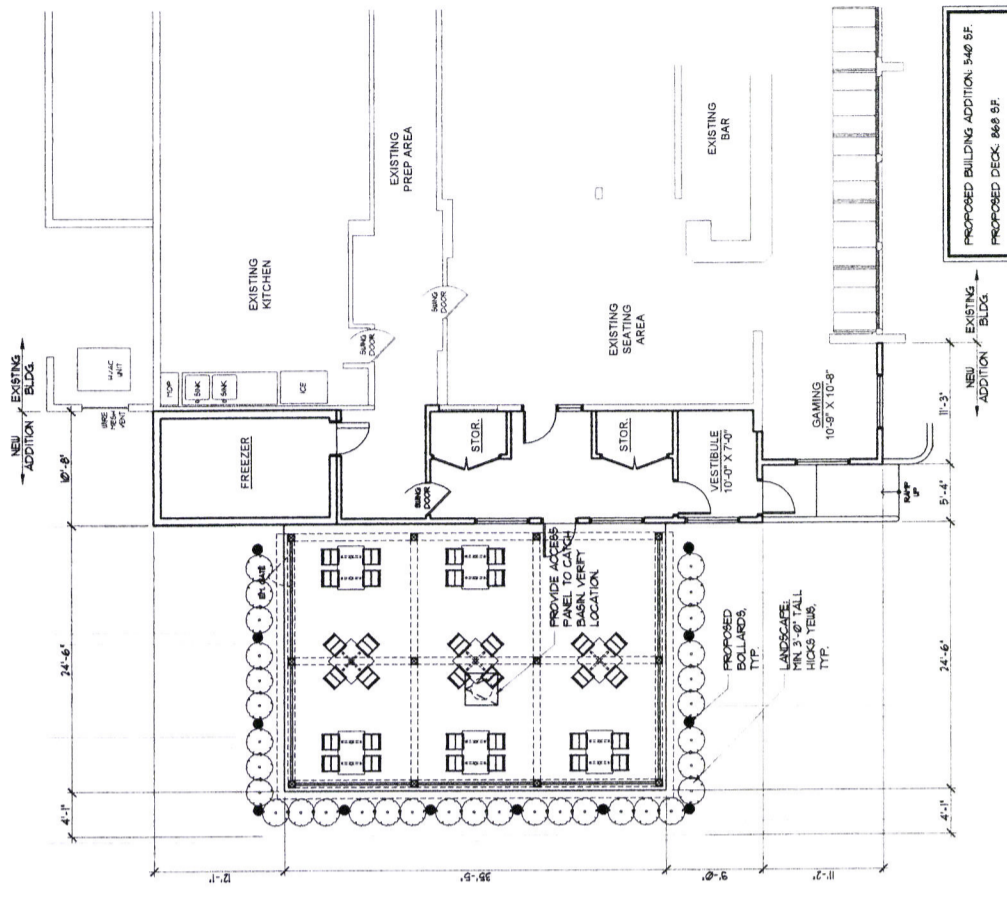
MARK	DATE	DESCRIPTION
10/08/14	ISSUED FOR OWNER REVIEW	
02/20/15	ISSUED FOR OWNER REVIEW	
02/20/15	COMMISSION REVIEW COMMENTS	
10/28/15	COMMISSION REVIEW #1	

PROJECT NO: 14-061
 DRAWN BY: MTC/COM
 CHK'D BY: SJS

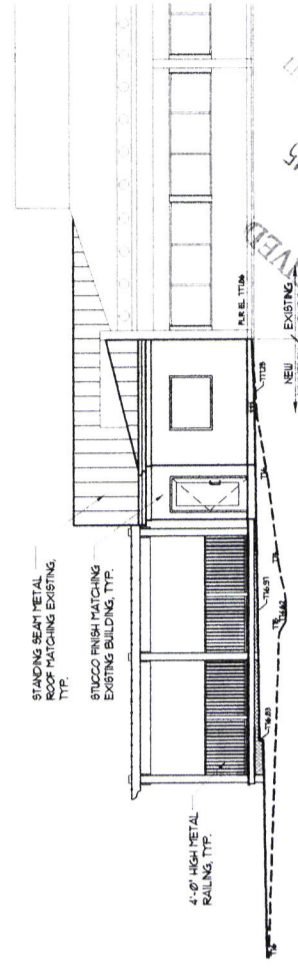
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SHEET TITLE
**PROPOSED PLANS
 AND ELEVATIONS**

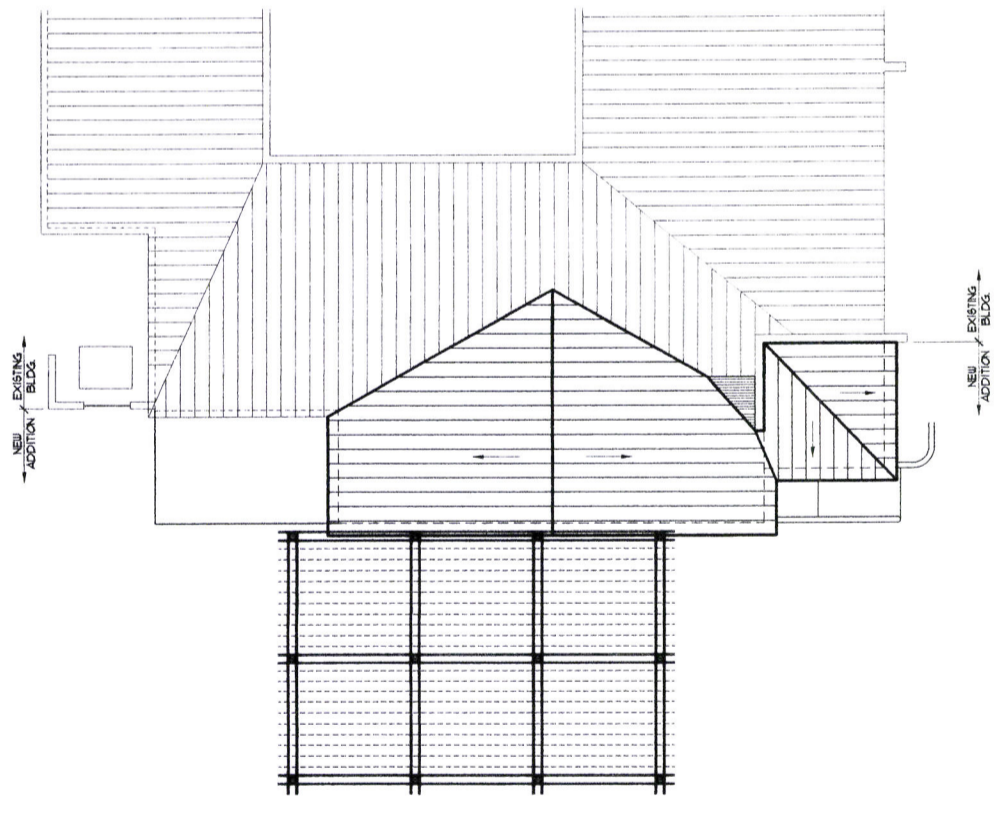
SHEET
A101
 OF
 1



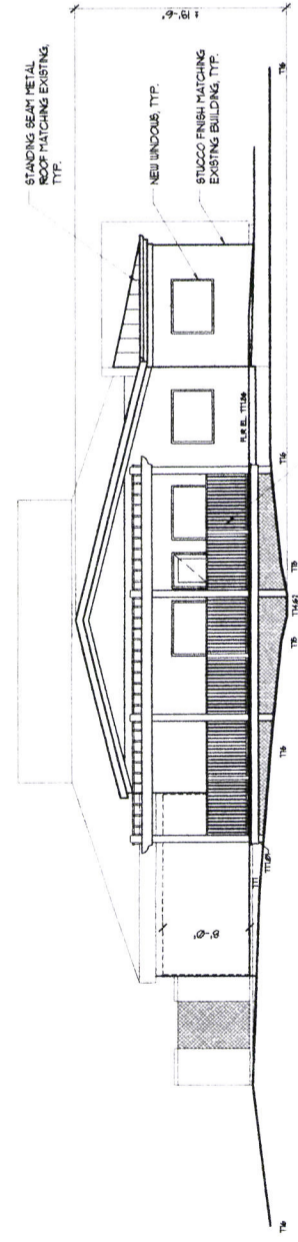
1 PROPOSED FLOOR PLAN
 A101 / SCALE: 1/8" = 1'-0"



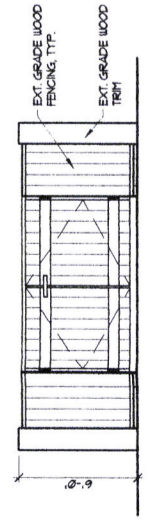
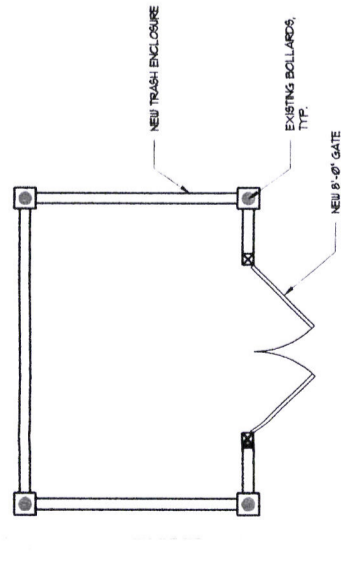
2 PROPOSED SOUTH ELEVATION
 A101 / SCALE: 1/8" = 1'-0"



4 PROPOSED ROOF PLAN
 A101 / SCALE: 1/8" = 1'-0"



3 PROPOSED WEST ELEVATION
 A101 / SCALE: 1/8" = 1'-0"



5 TRASH ENCLOSURE DETAILS
 A101 / SCALE: 1/4" = 1'-0"

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Exhibit B