

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

***All Matters on the Agenda may be Discussed, Amended and Acted Upon  
June 24, 2019.***

Chairman Parisi called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:00 p.m. and directed Jane Lentino, Community Development Secretary, to call the roll.

The results of the roll call were:

Present: Commissioners Dave Creighton, Angelo Christopher, John Meneghini, Frank Petella, Charlie Tucek, Michael Battisto, Chairman Frank Parisi.

Absent:

Also Present: Tom Farace, Planning and Economic Development Manager; and Jane Lentino, Secretary.

**MINUTES:**

Commissioner Meneghini moved and Commissioner Petella seconded the motion to approve the minutes of the meeting held on April 8, 2019.

The results of the roll call vote were:

Ayes: 7 Commissioners Creighton, Christopher, Petella, Meneghini, Battisto, Tucek, Chairman Parisi.

Nays: 0

Abstain: 0

Absent: 0

**PUBLIC HEARING:**

Chairman Parisi asked for a motion to open the Public Hearing. Commissioner Creighton moved and Commissioner Tucek seconded the motion.

The motion was passed by unanimous vote.

**Case #19-0008 – Triumph Construction Services/Dynamic MD – 250 North Schmale Road**  
A Special Use Permit for Motor Vehicle Service  
A Special Use Permit for Outdoor Activities and Operations – Parking of Trailers

The Commission received memorandum stating that, due to an error found in the Public Notice that was published in the newspaper, Staff recommends the case be continued.

Chairman Parisi asked for a motion to continue Case #19-0008 to the July 22, 2019, meeting. Commissioner Creighton moved and Commissioner Christopher seconded the motion.

The motion was passed by unanimous vote.

**Case #19-0012 – Simonetta Residence – 1303 Sheffield Court**  
Zoning Code Variation (Rear Yard Setback)

Commissioner Battisto recused himself and left the Boardroom.

Chairman Parisi swore in Anthony Simonetta, 1303 Sheffield Court, Carol Stream, IL.

Mr. Simonetta stated that he is requesting a setback variation for his home at 1303 Sheffield Court to construct a three-season room. He stated that he and his family live on the lake at Tedrahn Park and has done improvements to the property, including an addition to the kitchen, a great room, a deck, and a small patio.

Mr. Simonetta stated that they are looking for a variance due to the shape of the lot. He stated that they backup to the lake, and that the house is close to 40 feet from the front setback, and that the front setbacks are generally 25 feet. He stated that they can only do improvements to the back of the home. He stated that, rather than moving, he would like to stay in Carol Stream and add onto the house.

Mr. Simonetta stated they did research and the contractor suggested that he would be able to add a room to match the great room addition. He stated that the lot is pie shape and backs up to the Park District property which consists of tall grasses, weeds, natural grasses and foliage. He stated that they don't see the neighbors on either side and the neighbors don't see them.

Mr. Simonetta stated that he applied for a permit which was denied because the setback rule stated that they needed to be 30 feet from the property line and the plans are for a 25 foot setback. He clarified that the plan shows that the addition would be 12 feet wide and 15 feet coming from the house, and to be even with the deck which would require an extra five feet.

Mr. Simonetta stated that his home is set farthest back on his property as compared to other homes in the subdivision. He stated that there were four circumstances in the last 11 years where the Village of Carol Stream granted similar variances according to the Staff report, and that there have been homes that did the work without a permit that were approved after the fact. He stated that he is trying to do it the right way by getting the permit beforehand and not having to address this in the future.

Chairman Parisi asked for questions from the audience.

Ms. Antoinetta SanFelice, 1316 Sheffield Court, stated that she is Mr. Simonetta's neighbor and they support Mr. Simonetta's request for variance. She stated that he is improving the home and it is not going to bother them.

Chairman Parisi asked Mr. Farace for the Staff report.

Mr. Farace stated that the applicant is seeking the approval of a variation for a rear yard setback encroachment, and has indicated that the property is zoned R-3 which requires a 30-foot rear yard setback. He stated that the applicant is seeking approval to construct a three-season room that would be 12 feet in width by 15 feet in depth and would extend off the rear of the house at the northeast corner. He stated that the 15 foot depth would encroach approximately five feet into the rear yard setback. He stated that the applicant provided photos of the raised deck that extends off the rear of the house along with a fire pit, and there was a patio that had been removed in anticipation of constructing the addition.

Mr. Farace stated that a five-foot setback variation is being requested and that Staff looks at any unique circumstances or any hardships. He stated that Staff understands it backs up to a lake or a park district property versus another residential property, and that Staff looks at the Code to see where the room addition could be reconfigured as a way to maintain the setback.

Mr. Farace stated that Staff acknowledges that the home is set back substantially on the property, as the setback for the front yard in the R-3 district is 25 feet. He stated that it's not uncommon for properties on courts or cul-de-sacs for the home to be placed a little further back from the front yard setback. He stated that, in this case, the home is more than 40 feet from the front yard property line, causing some constraint.

Mr. Farace stated that the Staff report listed similar properties that were reviewed by the Plan Commission regarding setback variations in the past 10 to 12 years. He stated that Staff did recommend denial of these requests as well, however, the Plan Commission recommended approval and the Village Board approved all of the requests that were listed.

Mr. Farace stated that from Staff's perspective, denial is recommended based on the code requirement and findings of fact. He requested that if the Plan Commission finds it appropriate to grant the five foot setback variation, to provide a specific hardship in the justification measures for that variation request.

Chairman Parisi asked for questions from the Commission.

Commissioner Tucek stated that 1312 Sheffield, which is across the cul de sac, appeared to receive approval for the same variance that Mr. Simonetta is asking for.

Mr. Simonetta stated that the patio with a covering was likely done without a permit, and that the neighbor doesn't live there anymore.

Commissioner Creighton asked Mr. Farace what the purpose of the 30 foot setback is.

Mr. Farace stated that it is to make sure that there's adequate space in the rear yard and that, in most instances, it will be yard to yard or resident to resident. He stated that is for maintaining adequate open space for drainage purposes and so there is room for things that would be found in a typical backyard, such as playground equipment.

Commissioner Creighton asked if the structure would encroach upon the 30% space in terms of lot coverage.

Mr. Farace stated that the applicant would be within the 30% requirement.

Commissioner Christopher estimated that Mr. Simonetta is asking for five and a half feet, and there have been cases where 18 foot variation has been approved and the work was done without a permit. He stated it's important to be a good Village and a good neighbor, and that the Commission should work with Mr. Simonetta. He stated that Mr. Simonetta should be granted his request.

Commissioner Petella stated that he agrees with Commissioner Christopher. He stated that a three season room will not interfere with the neighbors, and the front setback is a unique situation.

Commissioner Meneghini stated that there is a specific and unique circumstance here in that the property backs up to Lake Tedrahn, and that the variance should be granted.

Chairman Parisi stated that he agrees with Commissioner Meneghini. He stated that the intent of the setback is for a residential property being behind a residential property, and the Park District is behind this property. He stated that this property is set back more than the other two properties on the cul de

sac. He also stated the Commission appreciates Mr. Simonetta proceeding in the correct manner by applying for the permit and variances.

Chairman Parisi asked for a motion to recommend approval to allow for the rear yard setback variation. Commissioner Meneghini moved and Commissioner Petella seconded the motion,

The results of the roll call vote were:

Ayes: 5 Commissioners Christopher, Petella, Meneghini, Tucek, Chairman Parisi.  
Nays: 0  
Abstain: 2 Commissioners Creighton and Battisto.  
Absent: 0

This case will go before the Village Board of Trustees on Monday, July 1, 2019, at 7:30 PM for formal approval.

Commissioner Battisto returned to the Boardroom.

Chairman Parisi asked for a motion to close Public Hearing. Commissioner Creighton moved and Commissioner Christopher seconded the motion.

**PRESENTATION:**

Mr. Farace introduced the consultants from Houseal Lavigne Associates.

Ms. Carly Petersen, introduced herself and Ms. Jackie Wells, and stated that they have returned to discuss the current phase of the Unified Development Ordinance Project. She stated that this phase presented a preliminary recommendations memo for review by the Commission.

Ms. Jackie Wells presented an overview of key recommendations in the following section of the code:

- 1.) General Provisions
- 2.) Definitions
- 3.) District Standards

Chairman Parisi asked for an example of a flood plain buy out property.

Ms. Wells stated that an example of floodplain buyout properties are properties around Armstrong Park.

Chairman Parisi asked the difference between flood plain buyout properties and the open space district.

Ms. Wells stated a good example would be that the R-1 district, which is a residential zoning district that only has two properties that are actually residential uses. She stated that the uses are churches, the Fire Station, and parks, and that they are proposing to eliminate and then rezone those properties to a more appropriate district where the parks might be open space and then the churches could remain in other residential districts that aren't being changed.

Commissioner Creighton asked about internally constructed or attached accessory dwelling units meant for in-law arrangements, and expressed concern that they could potentially be used as rental income property.

Ms. Wells stated that other municipalities regulate internally constructed or attached accessory dwelling units by maintaining that it has to be occupied by a family member.

Commissioner Battisto expressed concern about adding verbiage that allows additional family members becoming multiple families.

Ms. Wells stated that they will be exploring different municipalities, and how it is regulated, to be sure that it is uniquely specific to Carol Stream in order to prevent overcrowding or change to the character of the neighborhood.

Chairman Parisi asked how to define an auxiliary space versus an addition that is meant to add living space to the main family unit.

Ms. Wells stated that an accessory dwelling unit would have all of the components of a normal dwelling unit; an extra kitchen, bathroom, and bedroom.

Mr. Farace stated that the Building Code currently does not allow it.

Chairman Parisi stated that it has to be very definitive.

Commissioner Battisto stated that there would be ways to know if it is a rental, such as the structure having its own entrance.

Commissioner Petella asked if the new code is proposing that there will not have to be as many Special Uses going before the Commission. He also expressed concern for proper lighting in areas that would involve activities for children.

Mr. Farace stated that it would depend upon the business.

Commissioner Creighton asked how flexible the wording will be looking toward the future technology and business.

Ms. Wells stated that the code is outdated and they are trying to bring it into 2019, and that in 10 years there might be more issues not yet thought of.

Chairman Parisi asked about medical and recreational marijuana dispensaries, and stated that although the State has allowed the use of medicinal marijuana, the Village has prohibited that permitted use by making it a Special Use.

Ms. Wells stated that all of the regulations for recreational marijuana haven't come out yet, so they are waiting on further instruction from the State. She stated that municipalities are not required to make space for marijuana related uses, and her understanding is that it would be the municipality's prerogative.

Commissioner Creighton stated that medicinal marijuana is regulated to be a certain amount of feet from a school, so they'll likely do the same with recreational marijuana.

Ms. Wells stated that the licensing process would be different, clarifying that a medical marijuana licensed facility would not be permitted to sell to someone that does not have a medical marijuana card.

Chairman Parisi asked if the Village of Carol Stream is prepared to allow that as a permitted use.

Mr. Farace stated that issue will be discussed at the Village Board level, and that, currently, a medical marijuana dispensary or a cultivation center is allowed as a special use in the industrial district with specific parameters.

Ms. Wells stated that a lot of municipalities are approaching it the same way, where it is permitted in an industrial district, in other commercial districts, or an area that isn't in the middle of their downtown. She also stated that they will be addressing it as advisement comes from the State.

Commissioner Battisto asked if the use for logistics related trailer lots in the industrial district is related to the increase in shipping.

Ms. Wells stated that it was and that Staff requested to look for a better way to regulate the storage of trailers in the industrial district.

Continuing the discussion, Ms. Wells highlighted the next proposed sections:

- 4.) Use Specific Standards
- 5.) Development Standards

Chairman Parisi asked if looped parking lines would remain.

Mr. Farace stated that it would.

Commissioner Tucek asked to explain what quantifies what is appropriate and is not appropriate with regard to subjective goals for things like landscaping or parking requirements.

Ms. Wells stated they would start with storm water management as that is quantifiable.

Chairman Parisi asked if a bio-swale would be a requirement in parking lots.

Ms. Wells stated that it would not be a requirement and that there are other landscaping requirements that would have the same effect that aren't as expensive. She stated that it would be an option, but not a requirement.

Commissioner Petella asked about wind energy and the noise wind turbines incur.

Ms. Wells stated that there are also safety concerns and that they are difficult to regulate.

Chairman Parisi asked Mr. Farace if he was in agreement with the site plan review process.

Mr. Farace stated absolutely, and that it was discussed thoroughly.

Chairman Parisi stated that he likes it because Staff can act as a filter to the Commission.

Ms. Wells stated that there would be a very clear standard of review for Staff.

Commissioner Creighton asked if they are looking at ways to allow routine cases to become administrative instead of going to the Commission.

Ms. Wells stated yes, with the support of Staff and the Board.

Commissioner Tucek asked where antenna technology is going and how is it going to be addressed as 5G is going to be little antennas, and if Carol Stream is on the right track.

Ms. Wells stated that towers used to be big and now that they are small and located in the right of way. She stated that they will be addressed in the right of way ordinance.

Mr. Farace stated that they are already in the right of way on light poles, and Staff worked with the Village attorney on the right of way ordinance.

Ms. Wells stated that the next update will be August 26 with recommendations for District Standards.

Commissioner Petella asked if this will be presented to the general population.

Ms. Wells stated that there will be public hearings and open houses.

Ms. Peterson stated that they are still taking public comments via the website.

**NEW BUSINESS:**

Mr. Farace presented the annual report for the directives that were established in Comprehensive Plan, which was updated three years ago. He stated that he listed the items that have been worked on from a land use and development perspective, from a land use and development perspective, an economic development perspective, housing and transportation initiatives perspective, engineering and national environment perspective, and also image and identity perspective.

Mr. Farace stated that the update is for informational purposes.

**OLD BUSINESS:**

**OTHER BUSINESS:**

Mr. Farace stated that there were no items scheduled for the Plan Commission meeting scheduled for July 8, 2019.

Chairman Parisi asked for a motion to cancel the Plan Commission meeting scheduled for July 8, 2019. Commissioner Meneghini moved and Commissioner Battisto seconded the motion.

The motion passed by unanimous vote.

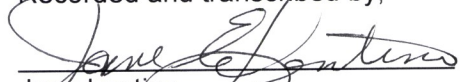
**ADJOURNMENT:**

At 8:25pm Commissioner Meneghini moved and Commissioner Tucek seconded the motion to adjourn the meeting.

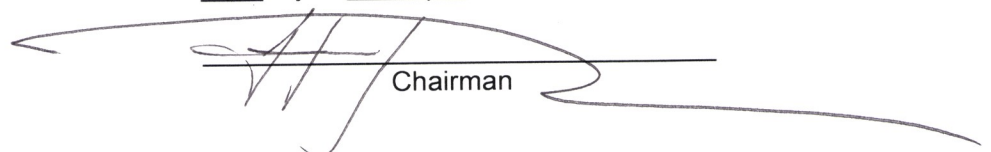
The motion passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

  
Jane Lentino  
Community Development Secretary

Minutes approved by Plan Commission on this 26 day of AUGUST, 2019.

  
Chairman