

**REGULAR MEETING OF THE COMBINED PLAN COMMISSION/ZONING BOARD
OF APPEALS**

Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

June 14, 2010

Chairman David Michaelsen called the Regular Meeting of the Board of Trustees to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll:

Present: Commissioners David Hennessey, Timothy McNally, Frank Petella, Angelo Christopher, Ralph Smoot, Dee Spink and Chairman David Michaelsen

Absent: none

Also Present: Don Bastian, Assistant Community Development Director and Recording Secretary Wynne Progar

MINUTES:

Commissioner McNally moved and Commissioner Spink made the second to approve the Minutes of the Meeting on April 12, 2010 as presented. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot Spink and Michaelsen

Nays: 0

Public Hearing:

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

**# 10127: MV Transportation, Inc. – 445- 449 Randy Road
Special Use – Outdoor Activities and Operations
Special Use – Garage and Parking Lot Not Incidental
To a permitted Use
Variation – Off-street Parking**

Jeff Jacob, 1901 S. Meyer Rd., Oak Brook, IL and Ben Kletti, Regional Manager, MV Transportation, Inc. were sworn in as witnesses in this matter. Mr. Jacob explained that the request for the special uses of Outdoor Activities and Operations and Garage and Parking Lot not incidental to a permitted use and a variation for off-street parking is what is needed to provide paratransit services for their contract with PACE Suburban Bus Company. The vehicles will be dispatched daily for paratransit and fixed route buses from this location and will be returned each evening. The request includes outdoor fleet parking and the two outdoor aboveground fuel tanks. Mr. Jacob said that they will use overlapping brown PVC slats in the wrought iron existing fencing and the variation for 18 parking spaces instead of 33 spaces is because the extra spaces are not needed since the bus drivers park their personal vehicles in same spot where the bus is parked over night and with the staggered schedule for the buses, there will always be a parking place for every driver's personal vehicle.

There were no questions or comments from those in attendance at the call for public hearing.

Mr. Bastian stated that The applicant is requesting a Special Use in accordance with §16-10-2(B)(14) of the Carol Stream Zoning Code to allow outdoor activities and operations in the form of fleet vehicle parking and two outdoor aboveground fuel tanks, a Special Use in accordance with §16-10-2(B)(7) of the Carol Stream Zoning Code to allow a garage or parking lot for motor vehicles not incidental to a permitted use, and a Variation in accordance with §16-13-3 of the Carol Stream Zoning Code to provide fewer off-street parking spaces than required by the Zoning Code. MV Transportation Inc. is the largest American-owned provider of contract paratransit services in the United States, with over 150 locations and 11,000 employees. MV Transportation currently contracts with PACE Suburban Bus Company to provide local paratransit and fixed-route bus services in portions of Chicago and the suburbs, and they were recently awarded the contract to provide paratransit PACE bus service in DuPage County. MV Transportation would like to utilize the buildings and property at 445-449 Randy Road as their base of operations for their DuPage County paratransit service. In addition to a small office use, the operations planned for the Randy Road site would include vehicle dispatch and scheduling activities, and the maintenance, fueling, cleaning, parking and storage of vehicles. As part of their operation, MV Transportation intends to store 32 vans outdoors on the property and plans to install two aboveground outdoor fuel tanks, both of which activities require approval of a Special Use for *outdoor activities and operations*. The principal use of the property, which is a *garage or parking lot not incidental to a permitted use*, also requires Special Use approval. Finally, due to the nature of their operation, MV Transportation is requesting a Variation from the off-street parking requirements to provide fewer parking spaces than are required by the Zoning Code. Screening of the outdoor bus parking and fuel tanks is proposed to be accomplished by existing site conditions and a few proposed improvements. First, as seen in the attached photos of the property (Exhibits F-1 and F-2), there is an existing wrought iron fence, ranging from seven to nine feet in height, between the southwest corner of the western building and the west property line, and there is also a combination masonry wall and wrought iron fence located between the two buildings on the property. The applicant is proposing to install overlapping brown PVC slats in the wrought iron fence, as detailed on Exhibit G, which would provide effective screening of the outdoor activities proposed to take place on the property. Second, screening of the buses would also be provided by a new landscape area that will be installed just south of the southernmost bus parking space in the row of spaces adjacent to the west property line. As shown on the landscape plan (Exhibit B), a combination of evergreen and ornamental trees will provide screening of the buses when the gates to the property are open. Screening will also be provided, from certain vantage points, by the two buildings on the property. Finally, it should be noted that the bus parking and fuel tanks near the rear of the property would be over 300 feet from Randy Road, which would also help minimize visibility of these outdoor activities.

The Zoning Code lists *garages and parking lot not incidental to a permitted use* as a Special use in the I Industrial District. MV Transportation is proposing to use the buildings and property primarily as a garage and parking lot. In review of this Special Use, staff believes that the primary concerns would involve the screening of any outdoor parking as well as the suitability of the property for the proposed use. We have evaluated the screening of the outdoor parking operation and it is staff's assessment that adequate screening will be provided. In evaluating the suitability of the property for use as a garage and parking lot, staff is primarily concerned with the provision of adequate room for the safe and efficient maneuvering of vehicles on the property, as well as the

compatibility of such operations with surrounding properties and uses. To evaluate these factors, it is necessary to understand MV Transportation's proposed use of the property. Thirty-two buses would operate out of the facility to provide paratransit services in DuPage County. The vehicles operate between 4:30 am and 11:30 pm each day. The initial group of 18 vehicles would leave the site between 5:00 am and 8:00 am, with staggered start and end times. The staggered start and end times would have the effect of spreading out traffic movements on the property so that traffic congestion would not be a concern. In addition to the 32 drivers, a maximum of 11 additional employees would work on-site, and the site plan provides 16 standard automobile parking stalls to accommodate these additional employees.

The schedule of off-street parking spaces contained in the Zoning Code is intended to determine the number of automobile parking spaces that are required to be provided on a property. Parking spaces that are provided for fleet vehicles, as in this case, or for trailer storage, are not counted toward satisfying the requirement for off-street parking spaces, since these spaces would not usually be available for use for automobile parking. As seen in the table, based on the proposed use of space, the Zoning Code requires 33 off-street parking spaces. The Site Plan shows that 18 automobile parking spaces would be provided, which is 15 fewer spaces than required by the Zoning Code. The Site Plan also shows 32 oversized parking spaces for buses, which again, would not typically be counted toward satisfying the off-street parking requirement of the Zoning Code.

Based on the nature of their operation, MV Transportation is requesting a Variation to provide 18 off-street parking spaces as opposed to 33 spaces, as required. In review of this request, staff notes that MV's operational plan for the site supports their request for a variation. As explained in the attached letters, the drivers of the buses would park their personal vehicles in one of the bus parking spaces that has been vacated once the bus is pulled out of the space. Operationally, a parking space for each bus driver's personal vehicle would become available as soon as a bus is driven off of the site for its daily service run. Since the starting and ending times for the various bus service runs would be staggered, there would be a systematic process of bus drivers arriving at the site in the morning, parking their personal vehicle and removing a bus, with the reverse process occurring in the afternoon and evening. Further, MV Transportation would have a maximum of 11 additional employees other than bus drivers. Visitors or customers would not come to this site. With a total of 18 automobile spaces proposed in addition to the 32 bus parking spaces, there would be 7 additional parking spaces beyond the peak daily employee count as a cushion. The first bus driver arriving in the morning could use one of these excess spaces to park their personal vehicle, since all 32 buses would be on-site at the beginning of each morning. Thereafter, there should be one available bus parking space for the personal vehicle of a bus driver that was made available by the previous bus that was removed.

Staff recommends approval of the Special Use to allow outdoor activities and operations in the form of fleet vehicle parking and two outdoor aboveground fuel tanks, the Special Use to allow a garage or parking lot for motor vehicles not incidental to a permitted use, and of the Variation to provide fewer off-street parking spaces than required by the Zoning Code, subject to the following conditions:

1. That the stormwater permit application and plan submittal must adequately address the floodplain/floodway that currently exists on the property and all other storm water management requirements;

2. That the existing outlet control structure must be corrected to properly detain and release the runoff as required by the storm water ordinance;
3. That the storm water management plan must provide a BMP (best management practice) that adequately addresses the storm water development for this particular development;
4. That the design of the aboveground fuel tanks and fueling operation must include provision to protect storm water runoff from being contaminated with fuel spillage;
5. That a photometric plan with a 1.6 foot-candle average illumination level for drive aisles and parking stalls must be provided;
6. That there shall be no trash dumpster or container stored outdoors on the property, and that if the applicant or property owner shall wish to place a trash dumpster or container outdoors on the property, such container must be properly screened in accordance with Village Code;
7. That all parking spaces must be striped using the Village's looped striping design;
8. That all landscape materials shown on the landscape plan must be installed in accordance with the plan and must be maintained in a neat and healthy condition, with dead or dying materials being replaced on an annual basis;
9. That the screening slats must be installed in the existing wrought iron fence as proposed by the applicant, and that all slats must be maintained in good condition for the duration of the applicant's use of the property;
10. That prior to occupancy, the property must be free of Property Maintenance Code violations, including but not limited to the accumulation of rubbish, tall weeds and grass, and failed pavement. The failed pavement in the entrance drive off of Randy Road should be repaired as part of the overall pavement activities proposed for the site; and
11. That the facility must comply with all state, county, and Village codes and requirements.

Commissioner Spink asked if she has it correctly that the first driver will use one of the eleven spaces to park his personal vehicle and then take his bus and leave the parking area and the vacated bus space will then be utilized by the next drivers personal car and so on and Mr. Jacob said that that is the standard procedure. Commissioner Spink asked how often fuel is delivered and it was said that it is about every two weeks and in reply to the question of whether the delivery occurs at night, or early in the morning, Mr. Jacob said that they can schedule the delivery to a certain time, but not at the pull-out times. He added that the fuel truck is not a tractor trailer, it is a smaller truck. In answer to the question, there are bollards around the tanks, that the inserts can be black if that is what the Commission requests. Mr. Jacob said that they were in agreement with recommendations in the staff report.

Commissioner Petella questioned whether the Fire Protection District has any problems with the proposed fueling location and Mr. Jacob said that they had no objections with permits for a repair station since there is a shop already in the building.

Chairman Michaelsen asked what is considered "light " maintenance and was told that it would be taking care of whatever the driver writes up, like wheelchair lift maintenance, tires, windshield wipers, lights, etc. Chairman Michaelsen asked if there will security cameras or lighting and was told that they are working on a photometric study and will be do what is recommended. There will not be any combustibles in the building and it may be possible that a vehicle will be left in the building, waiting for parts and all of the fleet vehicle use diesel fuel.

Commissioner Spink moved and Commissioner Christopher made the second to recommend approval of a Special Use for Outdoor Activities and Operations, a Special Use for Garage and Parking Lot not incidental to a permitted use and a Variation for Off-Street Parking all in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot
Spink and Michaelsen

Nays: 0

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on June 21st and was advised to attend that meeting.

10130: Ted and Susan Schwartz
Text Amendments - Zoning Code

Ted and Susan Schwartz 648 Willow Drive, Carol Stream were sworn in as witnesses in this matter. Mr. Schwartz said that they would like to have a "Doggy Day Care" business and they are asking to have that use added to the Zoning Code to allow the use in the Industrial District.

There were no comments or questions from those in attendance at the call for Public Hearing.

Mr. Bastian stated that the applicant would like to operate a "doggy daycare" business on property within the I Industrial District in the Village of Carol Stream. As described by the applicant, the facility would be open seven days a week between the hours of 6:30 am and 7:00 pm for the drop-off and pick-up of dogs that would be boarded at the facility on a daily basis. Dogs could also be boarded overnight at the facility for longer periods of time, for example, if the owner were on vacation or a business trip. However, the current permitted and special use lists of the I Industrial District do not include a use similar to or synonymous with indoor dog daycare and overnight boarding facility. As such, the applicants would like to amend the permitted use list (§16-10-2(A)) of the I Industrial District to add their desired use.

The actual text that the applicants are proposing to add to the permitted use list in the I Industrial District is: "Indoor dog kennel and boarding". The applicants' suggested definition for the use is: "Indoor kennels (dog daycare) and boarding to include pre-screened dogs with acceptable temperaments to be housed during day time hours and/or overnight, and auxiliary services to include dog bathing, grooming and dog training. No outdoor activities other than the drop off and pick up of dogs during business hours is permitted."

In consideration of the proposed text amendment, staff has evaluated the proposed use as described by the applicants, and we have also reviewed the various animal service

uses currently listed in the permitted and special use lists in the Zoning Code. Below is a summary of the key aspects of the business use as proposed by the applicants in the information submitted.

- All aspects of the operation, other than a dog being transported between the building and the owner's vehicle, would take place inside the building. This includes exercising the dogs and the dogs' "potty" activities.
- The facility would be staffed 24 hours a day.
- All dogs would be evaluated for aggression before being accepted into the facility. Difficult dogs would be denied access.
- Dog vaccination records would be required and vaccinations would need to be current.
- The business would be licensed by the Illinois Department of Agriculture, as required for commercial kennels and boarding facilities.

1. Add *Indoor kennel and boarding facility* as a Permitted Use in the I Industrial District – Staff recommends adding the following underlined language to §16-10-2(A) of the Zoning Code:

§16-10-2 I INDUSTRIAL DISTRICT.

(A) *Permitted uses.*

(1) Any establishment, the principal use of which is an office use or the manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing, researching or testing of materials, goods, or products, and accessory office uses directly incidental thereto, provided that such operations conform with performance standards, and other regulations set forth in §16-10-1.

(2) Temporary permitted use: carnival, in compliance with §10-2-12.

(3) Sexually oriented businesses in compliance with Article 19 of the Village Zoning Code.

(4) Temporary outdoor demonstrations and exhibitions of merchandise to be located on the same zoning lot and in conjunction with the permanent use found on the lot; such display or sale shall be for a maximum of ten days and no more than twice during any calendar year.

(5) Indoor kennel and boarding facility.

2. Clarify the Schedule of Parking Requirements for *Indoor kennel and boarding facility* – Staff recommends the following modifications to the Schedule of Parking Requirements:

(C) <i>Service/Office</i>	Veterinary Clinics; <u>and</u>	Two per service bay.
---------------------------	--------------------------------	----------------------

	Animal Hospitals and Kennels	
	<u>Kennels and Indoor Kennels and boarding facility</u>	<u>Two per service bay or one for each employee during the peak shift, whichever is greater.</u>

3. Add *Indoor kennel and boarding facility* to the Definitions section of the Zoning Code – Staff recommends adding the following underlined language to **§16-18-1** of the Zoning Code:

HOUSEHOLDER. The occupant of a dwelling unit who is either the owner or lessee thereof.

INDOOR KENNEL AND BOARDING FACILITY. A building or portion thereof used for the indoor kenneling or boarding of dogs with, including ancillary services such as dog bathing, grooming and training. No outdoor activities other than transporting the dog between the building and the owner’s vehicle are permitted.

INTENSE BURNING. The rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

The Plan Commission is encouraged to ask questions and provide comments and a recommendation regarding the proposed text amendments.

RECOMMENDATION

Staff recommends approval of the text amendments to §16-10-2(A), §16-13-3 and §16-18-1 of the Zoning Code to add *Indoor kennel and boarding facility* as a permitted use in the I Industrial District, to adjust the schedule of parking requirements, and to add a definition for the use to the Zoning Code.

Commissioner Patella asked if they would be using the entire existing building and was told that they would occupy one half of the building, and in answer to the question regarding the type of floor, it was stated that it is a concrete floor covered with epoxy sealant. In regard to the waste the dogs produce, all liquid will be cleaned up and a neutralizer applied and for solid waste it will be disposed of properly as garbage and will be in a separate container. There will be areas where the dogs will be encouraged to use and there will be pup grass for the dogs as well.

Chairman Michaelson asked about training classes for the dogs, and Mr. Schwartz said that Mark Wolder and his assistant would be doing the training. There will be a feeding area for all of the dogs, but they will be fed individually. All dogs must have current shots, pass compatibility tests before they will be allowed to stay. The business is open

24 hours a day, seven days a week, but the last acceptance time is 7:00 p.m. If a dog is on medication, the staff will administer it to the dog in pill form only, there will be a staff of 4 to 5 employees.

Commissioner Spink moved and Commissioner McNally made the second to recommend approval of the request for a text amendment to the Zoning Code to allow an indoor kennel and over night boarding in the Industrial Zone in accordance with staff recommendations.

The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot
Spink and Michaelson
Nays: 0

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on June 21st and was advised to attend that meeting.

**10132: Village of Carol Stream – 500 N. Gary Avenue
Text Amendments – Zoning Code**

Don Bastian, Assistant Community Development Director was sworn in as a witness in the matter. The Village Board recently adopted a new Development Services Fee Schedule, prepared by the Community Development Department, which will go into effect on August 1, 2010. As a part of the fee schedule initiative, Community Development staff have been evaluating many Departmental processes and making improvements when necessary. Through the course of evaluating our current processes and requirements, we have determined that some amendments to the Zoning Code text are necessary. At this time, we are recommending Zoning Code text amendments regarding the setbacks for sheds and detached garages, a Zoning Code text amendment that would formalize the process for determining that an application for zoning approvals may be considered "stale" and be cancelled if there has been no activity by the applicant for a prolonged period of time, and a Zoning Code text amendment regarding the new Development Services Fee Schedule.

Text Amendment 1 – Setbacks for Sheds and Detached Garages

In the course of reviewing the Department's handouts that are intended to assist customers with common building projects, staff determined that the requirements for sheds and detached garages needed to be simplified and clarified. The current provisions set forth in § 16-12-1(C)(2) (Supplemental District Regulations) state that, "an accessory building or structure, either detached from or attached to the principal building, shall not be located in a front yard, interior side yard, or side yard abutting a street *except for permitted obstructions as set forth elsewhere in this code*" (emphasis added). With respect to sheds, the *Table of Permitted Obstructions in Required Yards* lists *sheds and storage buildings for garden equipment and household items accessory to residential structures* as permitted obstructions in interior side and rear yards. However, the Table is silent with respect to the allowable locations for detached garages. Staff suggests that the Table should be updated to include detached garages as an allowable obstruction in the rear yard only.

For reference purposes, § 16-12-1(C)(3) currently reads as follows:

(3) *A detached accessory building or structure, not including sheds or storage buildings equal to or less than 144 square feet in size, shall not be located*

closer than ten feet to the rear lot line, except on reverse corner lot, not nearer to the rear lot line than the distance of the required side yard for the lot adjoining the rear lot line, and not nearer to the side street line than the required front yard on such a lot adjoining the rear lot line. Sheds or storage buildings equal to or less than 144 square feet in size shall be permitted to be located within five feet of the rear lot line, provided that placing the shed within five feet of the rear lot line will not cause the shed to encroach within any public utility or drainage easement.

Based on the current language, an accessory building or structure greater than 144 square feet in area must be set back at least ten feet from a rear lot line, and a shed or storage building 144 square feet or less must be set back five feet from the lot rear lot line. (In all cases, such structures may not be located within a public utility or drainage easement.) With the goals of having of regulations that are consistent and easy to understand, while also serving to protect property values and public safety, staff is recommending that sheds and detached garages be required to be set back a minimum of five feet from both interior side and rear property lines, with no change to the requirement that such structures may not be located in a public utility or drainage easement. We believe that a five foot setback from interior side and rear property lines for these structures would provide adequate room for maintenance of the structure and property around all four sides of the structure, would provide reasonable spacing between the structure and a neighboring property, and would not require an unnecessarily large setback that would reduce the usable rear yard area of a property. Staff researched the shed and detached garage setback requirements of other communities and found that a five foot setback from interior side and rear lot lines was common.

For informational purposes, the Plan Commission should be aware that with this proposed Zoning Code text amendment, staff is also working to establish consistency between the requirements of the Zoning Code and the 2006 International Residential Code (IRC), which is the building code that applies to residential structures in the Village. When sheds or detached garages are located *less than* five feet from a lot line, the IRC requires that the walls of the structure be constructed to provide a one-hour fire-resistance rating from both sides. The fire-resistance rating can be achieved by installing the proper type and thickness of drywall on the walls; however, staff is of the opinion that the requirement to install drywall on the interior walls of a shed is burdensome to residents and is contrary to the manner in which most people would wish to use their sheds. With the proposed five foot setback from interior side and rear lot lines, the requirement to comply with the one-hour fire-resistance rating would be eliminated.

Based on the above discussion, staff recommends the following text amendments to § 16-12-1(C)(3) of the Zoning Code regarding the setbacks for sheds and detached garages from interior side and rear lot lines, and to the *Table of Permitted Obstructions in Required Yards* found in § 16-12-2.

(3) A detached accessory building or structure, ~~not including sheds, detached garages or and~~ storage buildings ~~equal to or less~~ greater than ~~144~~ 64 square feet in size area, shall not be located closer than ~~ten~~ five feet to the interior side or rear lot line, except that on a reverse corner lot, not nearer to the rear lot line than the distance of the required side yard for the lot adjoining the rear lot line, and not nearer to the side street line than the required front yard on such a lot adjoining the rear lot line. ~~Sheds or storage buildings equal to or less than 144 square feet in size shall be permitted to be located~~

~~within five feet of the rear lot line, provided that placing the shed within five feet of the rear lot line will not cause the~~ However, in no case shall a shed, detached garage or storage building be permitted to encroach within any public utility or drainage easement.

Table of Permitted Obstructions in Required Yards

29. Service facilities.	**	**	**	**
30. Detached garages.			R	
* Air conditioning equipment is permitted in a side yard adjoining a street, but not a front yard, subject to the requirements specified herein.				
** See §16-5-7.				

As a point of clarification, we are recommending that the above-proposed regulations be applicable for sheds, detached garages or storage buildings greater than 64 square feet in area because the Community Development Department does not require permits for these structures when they are 64 square feet or less in area.

Text Amendment 2 - Determining an Application for Zoning Approvals to be Expired

Occasionally, zoning cases are submitted to the Community Development Department that are never scheduled for consideration by the Plan Commission because the applicant abandons the case or fails to respond to staff comments. In addition, for cases for which the public hearing notice has already been published, the Plan Commission has sometimes needed to continue the matter numerous times, also due to a failure on the part of the applicant to demonstrate that the case is ready to be brought to the Plan Commission. Such cases are tedious and burdensome for staff, and unnecessarily consume staff time beyond that which is compensated by the Village's application fee. In such cases, the Village Attorney has advised that the application may be considered "stale", and that the Village could officially consider the application to be no longer active. In this way, the applicant would be required to file a new application with the Village, and staff would not publish a new notice for public hearing until such time as the plans are ready for consideration by the Plan Commission. The purpose of the proposed text amendment is to provide a written basis in the Zoning Code for the closure of stale cases.

Based on the above discussion, staff recommends that the following new text be added to § 16-15-10 of the Zoning Code:

§ 16-15-10 EXPIRATION OF APPLICATION.

Upon receipt of an application for any of the processes regulated by this Chapter, the Village shall provide a written commentary to the applicant or bring the case to the Plan Commission or Zoning Board of Appeals for action. Such application shall expire unless the applicant submits an acceptable response to the Village's written commentary within a period of 180 days from issuance of the commentary, or if the applicant otherwise demonstrates that the case is ready for review by the Plan Commission or Zoning Board of Appeals within a period of 180 days from issuance of the commentary. The Community Development Director is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be

requested in writing and justifiable cause demonstrated. The application fee shall not be refunded for applications that have been determined to have expired.

Text Amendment 3 – Development Services Fee Schedule

As stated, the Village Board has adopted a new Development Services Fee Schedule that will be effective August 1, 2010. In preparing the new fee schedule, the Community Development Department wished to create a single document containing all development-related fees in a single location in the municipal code. This was done for ease of use for the customer, ease of use by Village staff, and to make future updates to the fee schedule less complicated. Currently, development-related fees are located in several different sections of the municipal code and are sometimes listed in more than one location, which is not user friendly and can lead to errors when fees are updated.

Since all development-related fees, including zoning application fees (variations, special uses, etc.), will be contained within the new comprehensive development services fee schedule, which is located within Chapter 6 of the Municipal Code (Building Construction and Maintenance Codes), the current language in the Zoning Code regarding fees needs to be deleted and replaced with the new language, as suggested below:

§ 16-17-1 FEES.

Fees for application for zoning approvals under the provisions of this Chapter shall be as prescribed in § 6-13-12.

~~(A) Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Chapter shall be collected by the village in advance of issuance. The amount of such fees shall be established by motion or ordinance of the Board of Trustees and shall cover the cost of inspections and supervision resulting from enforcement of this Chapter.~~

~~(B) The Board of Trustees shall, from time to time, prescribe and amend by motion or ordinance a reasonable schedule of fees to be charged to applicants for variances, appeals, and special use permits.~~

Summary

The Plan Commission is encouraged to ask questions and provide comments and a recommendation regarding the proposed text amendments.

Staff recommends approval of the text amendments to § 16-12-1(C) of the Zoning Code regarding shed setbacks, § 16-15 of the Zoning Code regarding administrative procedures and § 16-17-1 of the Zoning Code regarding fees, in accordance with § 16-15-7 of the Carol Stream Zoning Code.

There were no comments or questions from those in attendance at the call for Public Hearing.

In regard to text amendment # 1, Commissioner Smoot asked how the five foot became the optimum space. Mr. Bastian said that the determination was made using other communities Codes and also trying to match-up the Building Code requirements for this Fire Resistance Rating and the set back. If there is a five foot setback for the shed, the dry wall application is not required. Mr. Bastian said that if a shed is approved closer than five feet, than the drywall will have to be installed.

In regard to text amendment # 2, Commissioner McNally said that a request can be extended for two 180-days if it is requested in writing and an extension only kicks in if there is no activity on the project. If there are changes to be made and they are doing so, then there is an extension permitted. This can be modified to say that the Community Development Director is authorized to grant in writing, one extension. Chairman Michaelsen said that it should be the call of the Community Development Director as whether additional extensions should be allowed. Commissioner McNally said that he agrees that there should be only one extension allowed by Com/Dev Director for 180 days.

In regard to text amendment # 3, the fee schedule, there were no questions.

Following discussion about the two text amendments, Commissioner Petella moved and Commissioner Hennessey made the second to recommend approval of Setbacks for Sheds and Detached garages in accordance with Staff recommendations. The results of the roll call vote were:

Ayes:	6	Commissioners Hennessey, McNally, Petella, Christopher, Spink and Michaelsen
Nays:	1	Commissioner Smoot

Commissioner McNally moved and Commissioner Smoot made the second to recommend approval of determining the time for application for Zoning Approvals to have one extension of not more than 180 days. The results of the roll call vote were:

Ayes:	7	Commissioners Hennessey, McNally, Petella, Christopher, Smoot, Spink and Michaelsen
Nays:	0	

Commissioner Hennessey moved and Commission Christopher to recommend approval of the change of fees. The results of the roll call vote were:

Ayes:	7	Commissioners Hennessey, McNally, Petella, Christopher, Smoot Spink and Michaelsen
Nays:	0	

Commissioner Spink moved and Commissioner Hennessey made the second to close the Public Hearing. The results of the roll call vote were:

Ayes:	7	Commissioners Hennessey, McNally, Petella, Christopher, Smoot Spink and Michaelsen
Nays:	0	

It was stated that these items will be heard by the Village Board at their meeting on June 14, 2010.

NEW BUSINESS:

Commissioner Spink moved and Commissioner McNally made the second to cancel the meeting of June 28, 2010 since there are no cases scheduled. The results of the roll call vote were:

Ayes: 7 Commissioners Hennessey, McNally, Petella, Christopher, Smoot
Spink and Michaelson

Nays: 0

At 8:45 p.m. Commissioner Spink moved and Commissioner McNally made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD