

**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

September 26, 2011

Chairman Pro Tem Angelo Christopher called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 p.m. and directed Secretary Linda Damron to call the roll. The results of the roll call vote were:

Present: Chairman Pro Tem Angelo Christopher and Commissioners Dee Spink, Frank Petella, David Creighton and James Joseph

Absent: Chairman Dave Michaelson and Commissioner Smoot

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

MINUTES:

Commissioner Spink moved and Commissioner Petella made the second to approve the minutes of the meeting of August 22, 2011. The results of the roll call vote were:

Ayes: 3 Chairman Pro Tem Christopher and Commissioners Spink, and Petella

Nays: 0

Abstain 2 Commissioner Creighton and Commissioner Joseph

Absent: 2 Chairman Michaelson and Commissioner Smoot

Chairman Pro Tem Christopher stated that the Plan Commission was going to start the meeting with the presentations

**Case # 11243 Kingcreek, Inc. – 115 Alexandra Way
North Avenue Corridor Review**

Chairman Pro Tem Christopher swore in the witness Christopher King, with Kingcreek, Inc. the owners of the property at 115 Alexandra Way, Carol Stream. Mr. King stated that the tenant (DuPage Training Academy) contacted Kingcreek, Inc. to put up a permanent sign along North Avenue. Kingcreek, Inc. contacted the Village of Carol Stream to find out what the sign requirements are. The tenant had a need for a permanent ground sign, with the ability to have changeable copy for different advertising for their business. Kingcreek, Inc. feels that they have met all the requirements regarding the material of the sign, the setback and landscaping around the sign. This sign also has the flexibility to be changed if another tenant moves into the space.

Chairman Pro Tem Christopher asked if anyone from the audience had any questions, there were no questions from the audience.

Chairman Pro Tem Christopher asked if any of his fellow Commissioners had any questions

Commissioners Joseph, Petella, Spink and Creighton did not have any questions.

Chairman Pro Temp Christopher asked if the sign would be on the berm and if the existing trees to the east of the sign would remain. Assistant Community Development Director Don Bastian stated the sign would be 5 feet from the North Avenue property line and that would place the sign part way up the berm, and the existing trees would remain.

Chairman Pro Tem Christopher asked Mr. Bastian for the staff report.

Assistant Community Development Director Don Bastian stated the applicant is requesting North Avenue Corridor approval for a new sign. Staff looks at signs in the North Avenue Corridor to be compatible with the existing built and natural environments and the materials should complement the existing materials. Staff believes the petitioner has met the requirements. The petitioner has added a thin brick masonry treatment to the base of the sign to dress up the appearance of the sign. Staff recommends approval of the North Avenue Corridor review subject to the conditions listed in the staff report. With this being a North Avenue Corridor review the Plan Commission does have the authority to make the final decision with their vote this evening tonight.

Commissioner Spink moved and Commissioner Petella made the second to recommend approval of the request for the North Avenue Corridor review subject to staff recommendations.

The results of the roll call vote were:

Ayes: 5 Chairman Pro Tem Christopher and Commissioners Spink, Petella, Joseph and Creighton

Nays: 0

Absent: 2 Chairman Michaelsen and Commissioner Smoot

Mr. Bastian reminded the petitioner that they would need to apply and obtain a sign permit.

**Case # 11252 Carol Stream Park District – 280 Kuhn Road
North Avenue Corridor Review**

Chairman Pro Tem Christopher swore in the witness, Bill Rosenberg, Director of the Parks, Facilities and Production of the Carol Stream Park District. Mr. Rosenberg stated the sign the Park District is proposing is a typical park sign and will be on the corner of North Avenue and Kuhn Road, Red Hawk Park. The park is 42 acres, the area adjacent to the sign is 2 acres that the Park District recently but back to its natural habitat. The new sign will match the current sign that is located on the corner of St. Charles Road. The new sign will incorporate two logos, one being Forest Preserve and the other being Carol Stream Park District. The sign will be 8 feet long and 2 feet 8 inches high. The sign material will be urethane which resembles carved wood, the color and painting would match the existing park signs. The sign will be a single sided sign and would be installed on a raised bed constructed of landscaping block. There will not be any landscaping around the sign because the area around the sign has native flowers and we do not want to distract from the sign.

Chairman Pro Tem Christopher asked if anyone from the audience had any questions, there were no questions from the audience.

Chairman Pro Tem Christopher asked if any of his fellow Commissioners had any questions.

Commissions Creighton, Spink, Petella, Joseph and Chairman Pro Tem Christopher did not have any questions.

Chairman Pro Tem Christopher asked Mr. Bastian for the staff report. Assistant Community Development Director Don Bastian stated the petitioner is asking for a North Avenue Corridor review. The sign will be located at the southwest corner of North Avenue and Kuhn Road. The sign design will be identical to the sign existing sign located on St. Charles Road. The sign will be built on a masonry base. Staff finds the materials to be consistent and compatible with the

natural environments. Staff recommends approval of the North Avenue Corridor Review request subject to the recommendation listed in the staff report. Mr. Bastian stated that the Plan Commission is authorized to render the final decision regarding the North Avenue Corridor review with their vote this evening.

Commissioner Petella moved and Commissioner Joseph made the second to recommend approval of the request North Avenue Corridor Review subject to staff recommendations.

The results of the roll call vote were:

Ayes: 5 Pro Tem Chairman Christopher and Commissioners Spink, Petella, Joseph, Creighton

Nays: 0

Absent: 2 Chairman Michaelsen and Commissioner Smoot

PUBLIC HEARING:

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

**Case # 11251 Village of Carol Stream – 500 N. Gary Ave
Text Amendments – Zoning Code**

Chairman Pro Tem Christopher asked Mr. Bastian for the staff report.

Assistant Community Development Director Don Bastian stated that there are a number of Zoning Code Text Amendments that staff is recommending for consideration by the Plan Commission. Mr. Bastian stated that there are not a lot of new or revised regulations, a lot of the changes are the relocation of the amendments and the organization of the way the information is presented. Mr. Bastian suggested going through the text amendments one by one.

Commissioner Petella wanted to know if the Village Attorney approved the text amendment changes. Mr. Bastian stated that the Village Attorney will review the ordinance before it goes to the Village Board. Mr. Bastian stated that staff is not trying to change any of requirements; staff is trying to introduce some flexibility in the way the code can be applied. Staff is trying to make sure the codes are as clear as they can be, and enhance the responsiveness of the code to meet customers needs.

**PROPOSED AMENDMENT #1 – REQUIREMENTS FOR SIGNAGE IN THE GARY
AND NORTH AVENUE CORRIDORS**

Purpose of proposed amendment: The Gary And North Avenue Corridor Regulations (§16-5-6) are silent with respect to signage. The purpose of the proposed text amendment is to provide language consistent with that recently approved as part of a text amendment to the Sign Code. In addition, a spelling error in §16-5-6(K)(3) needs to be corrected, and section (K)(5) needs clarification.

Pro Tem Chairman Christopher wanted to know if you could use letters on a raceway. Mr. Bastian said yes.

Commissions Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #2 – ALLOW STAFF APPROVAL OF MINOR IMPROVEMENTS WITHIN THE GARY AND NORTH AVENUE CORRIDORS

Purpose of proposed amendment: To allow staff to approve minor improvements to existing properties without requiring approval by the Plan Commission.

Commissioner Spink feels "significant" is an improper word to use, it does not define what would be brought to the Plan Commission and what would not. It's too big of a window, it makes too big of a judgment call for village staff. Mr. Bastian asked Commissioner Spink if there was different word she would like used. Commissioner Spink said she did not know what that word would be. Commissioner Spink would like significant defined to her. Commissioner Spink wanted to know what would be significant versus minor.

Commissioner Petella wanted to know if an applicant was turned down by village staff would they be able to go before the Plan Commission. Mr. Bastian said yes.

Commissioner Creighton stated he would like to have more of an idea of the standards that the village staff would be able to approve. Commissioner Creighton wanted to know if there could be a report of what the village staff does approve. Mr. Bastian said that if this text amendment is approved, staff could keep a record of the types of minor changes it approved.

Commissioner Joseph had a question for Commissioner Creighton, are you suggesting that if we get a report from staff and items they approved and if the Plan Commission disagrees, we would then call the applicant back? Commissioner Creighton stated if the Plan Commission has questions about the approval than it could be discussed. Commissioner Joseph stated that going back to the business after the staff gives its approval would be unfair to the business.

Chairman Pro Tem Christopher did not have any questions.

The Plan Commission would like to table proposed Amendment #2 for further clarification.

PROPOSED AMENDMENT #3 – MINOR REVISIONS FOR CLARIFICATION

Purpose of proposed amendment: Minor revisions to §16-5-6(L).

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #4 – REQUIREMENTS FOR FENCES IN THE GARY AND NORTH AVENUE CORRIDORS

Purpose of proposed amendment: To provide clarification to §16-5-6(M)(21).

Chairman Pro Tem Christopher and Commissions Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #5 – MINOR REVISIONS FOR CLARIFICATION

Purpose of proposed amendment: Minor revisions to §16-5-6(N).

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #6 – GENERAL REQUIREMENTS IN THE RESIDENTIAL ZONING DISTRICTS

Purpose of proposed amendment: To add a "General Requirements" section to Article 8 (Residence District), similar to Articles 9 (Business District) and 10 (Industrial District), the purpose of which is to provide standards which apply broadly throughout the four residential zoning districts.

Commissioner Creighton had a question on Article 16-2-1A the code state promoting and protecting the public health, safety, comfort, morals, convenience, and general welfare, in 16-8-1A staff repeats that with the exception of the addition of prosperity. Mr. Bastian stated he will get the wording cleaned up.

Chairman Pro Tem Christopher and Commissioners Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #7 – MINOR REVISION FOR CLARIFICATION

Purpose of proposed amendment: To add libraries to the list of allowable special uses in the residence districts.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #8 – MINOR REVISIONS FOR CLARIFICATION

Purpose of proposed amendment: To provide consistency within the R-1, R-2 and R-3 districts with respect to the side yard setback for nonresidential uses.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #9 – MINOR REVISIONS FOR CLARIFICATION

Purpose of proposed amendment: To provide accurate terminology with respect to the allowable uses in the R-4 General Residence District.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #10 – PLACE COMMERCIAL AND INDUSTRIAL PARKING SETBACK REQUIREMENTS IN ARTICLE 13.

Purpose of proposed amendment: To improve the user-friendliness of the Zoning Code with respect to parking standards by locating parking standards in one section of the code.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #11 – REQUIREMENT FOR LOTS TO BE LANDSCAPED

Purpose of proposed amendment: To require that all lot areas not covered with pavement or structures be landscaped.

Commissioner Spink stated that the word "reasonably" needs to be defined or it should be dropped and replaced with maintained. Mr. Bastian stated that would be a fair comment.

Chairman Pro Tem Christopher and Commissioners Creighton, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #12 – MINOR REVISION FOR CLARIFICATION

Purpose of proposed amendment: Minor revision to § 16-9-2(B).

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #13 – YARD AND BUFFERING REQUIREMENTS IN THE BUSINESS AND INDUSTRIAL DISTRICTS

Purpose of proposed amendment: To bring consistency to the requirements for buffers between residential properties and properties in the four business districts and the two industrial districts.

Commissioner Spink stated she would like the word "adequate" removed from § 16-9-3 (C).

Commissioner Joseph wanted to know if there is a minimum height requirement for screening. Mr. Bastian stated that the code stated that screening must be provided. Staff does review what has been done historically and would be consistent with past approvals.

Commissioner Creighton would like the word "effective" removed from §16-9-3 (3).

Chairman Pro Tem Christopher and Commissioner Petella did not have any questions.

PROPOSED AMENDMENT #14 – MINOR REVISIONS FOR CLARIFICATION

Purpose of proposed amendment: Minor revisions to §16-9-2(B) and §16-9-3(B) and (C).

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #15 – PERMITTED OBSTRUCTIONS

Purpose of proposed amendment: To clarify the regulations pertaining to allowable yard obstructions.

Commissioner Spink would like the word "suitable" removed from that table on page 27 (2). Commissioner Spink stated she is all for making things easier, but if the code is not clear on what is suitable, the applicant would not know what they can or can not do. Mr. Bastian stated that staff does not want the code say it has to only be decorative fencing or evergreen shrubs, if someone would come up with an idea that would screen an air conditioner in a corner side yard, staff does not want to say no, because it is not in the code.

Commissioner Petella wanted to know if a fence on a corner lot needed to be setback 5' feet from the property line. Mr. Bastian stated that parts of the fence code were updated in 2007 and referred to diagrams in the fence code, the setback depends on the characteristics of the adjacent lot.

Commissioner Creighton wanted to what the restriction that access stairways may have no more than 8 steps would have been for. Mr. Bastian stated that was something staff has some difficulty trying to figure out.

Chairman Pro Tem Christopher and Commissioners Joseph did not have any questions.

PROPOSED AMENDMENT #16 – MINOR REVISIONS FOR CLARIFICATION

Purpose of proposed amendment: Minor revisions to the parking dimensions table in §16-13-2(E).

Commissioner Creighton wanted to know who from staff would approve 9' parking spaces. Mr. Bastian stated it would be approved by the Community Development Director and the 9' parking space would be only for employee parking.

Chairman Pro Tem Christopher and Commissioners Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #17 – ALLOWANCE FOR LANDBANKED PARKING

Purpose of proposed amendment: To allow landbanked parking in any zoning district if approved as a variation.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #18 – REVISIONS TO THE SCHEDULE OF PARKING REQUIREMENTS

Purpose of proposed amendment: To update the standard for car wash stacking spaces, add shopping plazas and correct the requirement for mini-warehouses.

Commissioner Joseph wanted to know could the applicant have more stacking spaces than the minimum requirement for safety concerns if the car wash would be located on main road like North Avenue. Mr. Bastian stated that a car wash would be a special use and would need to come before the Plan Commission for their approval.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella did not have any questions.

PROPOSED AMENDMENT #19 – REQUIREMENT FOR APPROVAL OF AMENDMENT TO OR EXPANSION OF A SPECIAL USE

Purpose of proposed amendment: To clarify that significant changes to an approved special use require Village approval, and to allow for staff to approve minor changes without needing to repeat the public hearing process.

Commissioner Creighton would like the Plan Commission to be informed of any changes to a special use. Mr. Bastian stated that any changes to a special use would come back before the Plan Commission for review.

Chairman Pro Tem Christopher and Commissioners Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #20 – MINOR REVISION FOR CLARIFICATION

Purpose of proposed amendment: Minor revisions to §16-15-8(H) and (I).

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

PROPOSED AMENDMENT #21 – REQUIREMENTS FOR APPROVAL OF CHANGES TO AN APPROVED PUD.

Purpose of proposed amendment: To clarify the requirements for approval of changes to an approved planned unit development plan prior to construction, and to enable staff approval of minor changes.

Commissioner Spink objected to the word “minor”, Commissioner Spink went on to explain why she was objecting to the word “minor” is because what staff may think is minor and what she may consider minor are two different things. The whole case comes down to a Plan Commission case where the Plan Commission voted on and then it was overturned by the Village Board. Commissioner Spink believes that “minor” needs to be defined.

Chairman Pro Tem Christopher and Commissioners Creighton, Petella, and Joseph did not have any questions.

The Plan Commission would like to table proposed Amendment #21 for further clarification.

PROPOSED AMENDMENT #22 – REVISIONS TO DEFINITIONS

Purpose of proposed amendment: To improve certain definitions and delete unnecessary definitions from the Zoning Code.

Chairman Pro Tem Christopher and Commissioners Creighton, Spink, Petella, and Joseph did not have any questions.

Commissioner Spink moved and Commissioner Petella made the second to recommend approval of the Text Amendment 1, 3 – 20 and 22 with the comments made striking certain words.

The results of the roll call vote were:

Ayes: 5 Chairman Pro Tem Christopher, Commissioners Spink, Joseph, and Creighton
Nays: 0
Abstain 0
Absent: 2 Chairman Michaelsen and Commissioner Smoot

Commissioner Petella moved and Commissioner Spink made the second to recommend to table Text Amendment 2 and 21.

The results of the roll call vote were:

Ayes: 5 Chairman Pro Tem Christopher, Commissioners Spink, Joseph, and Creighton
Nays: 0
Abstain 0
Absent: 2 Chairman Michaelsen and Commissioner Smoot

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

Ayes: 5 Chairman Pro Tem Christopher and Commissioners Spink, Petella, Joseph, and Creighton

Nays: 0
Absent: 2 Chairman Michaelson and Commissioner Smoot

NEW BUSINESS:

Discussion to cancel the October 10, 2011, Plan Commission meeting.

Commissioner Spink moved and Commissioner Petella made the second to cancel the October 10, 2011 Plan Commission meeting

The results of the roll call vote were:

Ayes: 5 Chairman Pro Tem Christopher, Commissioners Spink, Joseph, and Creighton
Nays: 0
Abstain 0
Absent: 2 Chairman Michaelson and Commissioner Smoot

Mr. Bastian wanted to mention two other items, one being the training opportunity through the APA on October 6th. If anyone is interested please let him know.

Mr. Bastian stated he wanted to go over the memo that he had sent to the Plan Commissioners on September 2, 2011. Mr. Bastian wanted to address some of the concerns that were addressed by former Commissioner McNally when he announced his resignation at the August 22, 2011 meeting. Mr. Bastian stated he would like to spend a few minutes going over the concerns and answer any questions. Staff wants to have a good working relationship with the Plan Commission, some of the statements that were made were not true and some of the comments are opinion based, I feel it is important to know where the Plan Commissioners are at, so I wanted to talk about the concerns. The concerns were (1) if the Village Board had the authority to overturn the Plan Commission's recommendation of denial, (2) why the Village Board did not send the case back to the Plan Commission and (3) the attendance of the Village Attorney at the Plan Commission meeting.

Mr. Bastian stated that the Village Board does have the authority to affirm or overturn the Plan Commission's recommendation on a zoning petition. The Board may approve an application the Plan Commission recommended for denial, and the Board may deny an application that the Plan Commission recommended for approval. In case of Special Uses, if the Plan Commission recommends denial, then a supermajority vote by the Village Board, not including the Mayor, is required to approve the Special Use. That would mean 5 out of 6 Trustees would have to vote for it to overturn it.

Regarding the need for the Village Board to send a case back to the Plan Commission for additional review that only has to be done if there is a significant change to the petition that comes about following the Plan Commission meeting. In the case of the Bulldog Ale House case one of the main factors that led to the Village Board approval was the petitioner was willing to re-stripe the easternmost row of parking spaces from 9 1/2' to 9'. That is what the Village Board authorized. With the re-striping and the removal of two landscape islands in the same row of parking, this allowed four parking spaces to be gained, resulting in no net change in the number of parking spaces. This slight revision to the site/PUD plan did not constitute a change to Bulldog's petition or application, and so it was not necessary to send this slight revision back to the Plan Commission for re-review.

Finally there was a concern about the Village Attorney being present at the Plan Commission meeting, and a statement that the Village Attorney had never been at a Plan Commission meeting before, which gave the impression that the outcome had already been determined. That is not why the Village Attorney was asked to be in attendance at the meeting. The

Village Attorney has been at Plan Commission meetings in the past the most recent being when the Park District and School District 87 wanted to add sports turf and lighting to the football fields at Glenbard North. The reason we had the Village Attorney in attendance was to make sure the proper process was followed on Special Use cases.

Commissioner Spink stated that the word "significant" was used again, the reason she finds it offensive is because, I understand that the Village Board changed the parking space size from 9 1/2' to 9', but the reason I voted against the Bulldog Ale House case was I thought there was not enough parking from the beginning. They did not have additional parking and now they have made it even smaller. I did not have the opportunity to speak about that. That is why I voted against it, was when we originally took on the whole outlook was landbanked parking from the original PUD, that is what I was objecting to, and I never got to voice that opinion. This is why I do not like the word significant / minor because it is all an opinion.

Commissioner Petella stated the Commissioner Spink did get to express her opinion when she voted on it.

Commissioner Spink stated she did say the reason she voted against it was for parking. But for the Village Board to come back and say it was not a significant change because they did not change the amount of the parking spaces.

Mr. Bastian stated that what was said to be non-significant was not the change to the plan to go from 9 1/2' to 9' parking spaces on the eastern row of parking spaces, but rather that this change in parking stall width did not constitute a change to the Bulldog Ale House petition or application, and so this is why the case did not need to be sent back to the Plan Commission.

Commissioner Spink feels that things were changed because it was not significant, and she feels that she was slapped in the face for sitting on the Plan Commission board and saying how she felt and watching what took place, and all of a sudden it was swept under the rug. This is why Commissioner Spink would like it clarified when the word "significant" is used, so there is no question to anyone.

Mr. Bastian asked if any other Plan Commissioners had any questions. There were none.

ADJOURNMENT:

At 9:15 p.m. Commissioner Spink moved and Commissioner Petella made the second to adjourn the meeting. The motion passed by unanimous vote.

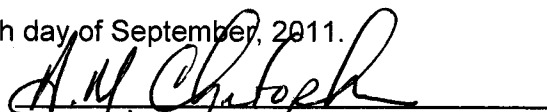
FOR THE COMBINED BOARD

Recorded and transcribed by,



Linda Damron
Community Development Secretary

Minutes approved by Plan Commission on this 26th day of September, 2011.


Chairman