

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

**AUGUST 25, 2008**

**ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON**

Chairman David Michaelson called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order at 7:30 p.m. and directed that the roll be taken.

- Present: Commissioners Anthony Manzzullo, Angelo Christopher, Dee Spink, Joyce Hundhausen and David Michaelson
- Absent: Commissioner Lateef Vora
- Also Present: Community Development Director Bob Glees and Assistant Community Development Director Don Bastian

**MINUTES:**

Commissioner Manzzullo moved and Commissioner Christopher made the second to approve the Minutes of the Meeting of August 11, 2008 as presented. The results of the roll call vote were:

- Ayes: 3 Commissioners Manzzullo, Christopher and Hundhausen
- Nays: 0
- Absent: 1 Commissioner Vora
- Abstain: 3 Commissioners Smoot, Spink and Michaelson

**PUBLIC HEARING:**

Commissioner Spink moved and Commissioner Hundhausen made the second to open the public hearing. The motion passed by unanimous voice vote.

Mr. Glees stated that Staff has determined for a number of reasons to discontinue making the staff report a part of the Minutes for each meeting.

**#08227: SHOPPES OF CAROL STREAM – 600 E. NORTH AVENUE  
*Minor Amendment to the approved Planned Unit Development***

Judson Kline, 25001 Emery Road, Cleveland, OH representing Integrity Development was sworn in as a witness in this matter. Mr. Kline said that Integrity is requesting a minor amendment to the PUD that was granted for the development of the Shoppes of Carol Stream at 600 E. North Avenue. At the time of the original approval of the PUD, the Shoppes of Carol Stream was approved for 3825 square feet of inline food service and with the caveat that should additional food service be requested a return to the Board for approval of a minor amendment to increase that. Additionally if parking should prove to be a problem that number could be reduced. They are back asking to increase the food service area an additional 575 square feet to allow the building of another restaurant operation that is intended to be a Subway in the facility. The additional 575 sq. ft. would allow them to build the space out to their requirement, which is 1400 sq. ft. total. Currently we have 3,000 sq. ft. of existing food service in the in-line building and there is an additional allowance of 824 sq. ft., so we need an additional 575 square feet to bring that up to 1,400 ft which comes up to the number we are discussing here. There are no problems with the parking on the site now. The predominant users of the site are Ideal Fitness, Pho Pasteur, the Vietnamese restaurant and Starbucks and they have

peak parking demands on the site at different times of the day. The parking counts of the site average between 50 and 60 and the total parking for the site is 124 spaces, so there between 63 and 75 spaces available and they believe very strongly that the site can handle the parking with the proposed change.

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

Mr. Glees stated that architect Judson Kline, on behalf of Integrity Development Partners is requesting the approval of a minor amendment to a PUD for the property at 600 E. North Avenue. When the Special Use Permit for PUD was approved in 2006, an exemption from the parking requirements of the Zoning Code was granted to allow up to 3,825 square feet of food service use. In granting the exemption for parking, the Village placed the maximum area at 3,825 square feet based on the food service use that were proposed at that time. A condition of approval was placed in that if more than 3825 square feet of food service use is desired than the food service user that would bring the food service use above the 3,825 square feet must submit an application for a minor PUD amendment through which re-evaluate the site parking. Integrity Partners wish to bring a Subway into the shopping plaza, staff has review the parking conditions at the property and have observed no parking problems, nor have they received any parking related complaints. Staff is comfortable with the petitioner's request for a minor amendment and recommends approval of the petitioners request subject to conditions contained in the staff report.

Commissioner Manzullo asked if the current Subway shop is relocating to this development or will there be two Subways more or less back to back. Mr. Kline said that he is not involved the real estate negotiations with the tenants, but he suspects that it is the current store is relocating to a more identifiable store on the corner. Commissioner Manzullo asked how many vacant units are left and was told that there three additional slots. Mr. Kline said that they are negotiating for two of units for retail use.

Commissioner Spink asked when the traffic survey was taken and Mr. Kline said that the parking survey was done over the last couple of weeks.

Chairman Michaelsen asked if the 65% leased include the Subway and was told that it excludes the Subway and that calculating the amount of cars with Subway included, ranged between 23 and 25 car spaces still available. Chairman Michaelsen said that he does not see any problems with ingress and egress with this addition. In response to the question of which unit the Subway will be located, it was determined that it will be directly adjacent to Pho Pasteur.

Commissioner Spink moved and Commission Christopher made the second to approve of the request for a minor modification to a Planned Unit Development in accordance with Staff recommendations. The results of the roll call vote were:

Ayes:	6	Commissioners Manzullo, Christopher, Smoot, Spink, Hundhausen and Michaelsen
Nays:	0	
Absent:	1	Commissioner Vora

**#06362: VILLAGE OF CAROL STREAM – 500 N. GARY AVENUE  
Text Amendments – Utility Structures  
CONTINUED FROM 8-11-08 MEETING**

Text amendments have been developed regarding the installation of utility structures on private property and the public right of way. During the course of this work, staff and the Village Attorney reviewed the standards for such

structures by neighboring communities in order to achieve better consistency and also gain from the public review and comment that had taken place. The Ordinance for the new Code and standards that would apply to utility structures in the public right of way will go directly to the Village Board, however a copy of the draft right of way ordinance is attached for your reference. We would note that in the course of developing these text amendments, we found it useful to update and clarify certain text that was indirectly related to the issues associated with the utility structures such as regulations pertaining to the required yards and the current definitions of certain terms, Staff encourages discuss and questions from the Plan Commission regarding this text amendment which probably everyone recalls, we have been developing over the past year in order to address the matter of placement of large boxes by telecommunication companies,

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

Commissioner Manzzullo commented that he found these text amendments to be very thorough and he has no questions.

Commissioner Spink read the definition of a "parkway" as "any portion of the right of way not intruded by streets, sidewalk, trail, path or driveway apron" and asked does that mean that you can't put anything, you can put anything in your front yard, just not in the front portion of your yard. Mr. Glees said that the definition of parkway was revised along with several others in the Subdivision Code and Zoning Code to achieve better and more accurate definitions. The previous definition stated that a parkway was a route intended to be used primarily by passenger vehicles and whose right of way is intended to be developed in a park like character. That may be one definition of a parkway perhaps it was more common in days when vehicles were pulled by horses, but these days the commonly understood definition of parkway, at least by engineers, and he said that the Subdivision Code is typically administered by the Engineering department and so the regulations contain more engineering by nature. The engineering definition of a parkway, the portion of the right of way that is between the street and the sidewalk. This is just a definition, there is no regulation contained in here. Commissioner Spink questioned who was responsible for the replacement of landscaping after the one year. Staff response is that if the landscaping is not able to be provided because either the property owner doesn't wish it or the utility doesn't wish to provide it, then they would not meet the performance standards and they would need to go through the Special Use process for approval. If the landscape is provided and it dies, then the box is no longer in conformance with the Village standards and so the landscaping needs to be replaced. The staff position in that eventuality, the utility provider would be responsible for re-establishing that landscaping. He suggested that maybe some language needs to added to make it clear that the utility would be the responsible party for replacement of landscaping.

Commissioner Manzzullo suggested that language be added indicating that for the life of the service facility the owner be responsible until it is not needed any more. Chairman Michaelsen suggested that a certain distance from the structure be maintained for screening shrubs or trees so maintenance will not destroy the screening.

Commissioner Spink asked about the units being maintained as level and Chairman Michaelsen explained that the utility would have to reset the unit if it

settled to one side after a hard rain, or the ground froze and heaved to dislocated the unit.

Chairman Michaelsen said that this is well put together and the few revisions show that.

Commissioner Manzzullo said that he is more concerned with over specifying certain aspects of the landscaping and some of the other issues that could cause a problem for the Village or the homeowner in the future. He said that it could be better to have some leeway on the issues that would be beneficial in the future.

Commissioner Spink said that she can see where these could cause problems in other cases, however there could be a lot of people that don't care about the landscaping. Chairman Michaelsen suggested that on page 9 #3 that minimums be set for the large utility boxes that are not in back yards.

Mr. Glees said that he would be more comfortable bringing these suggestions to the Village Attorney to work out the language and legal terms for the concerns expressed by the Commissioners.

Commissioner Smoot moved to continue this matter to allow the Village attorney to review and recommend changes that have been expressed by members of the Commission. Commissioner Spink made the second. The results of the roll call vote were:

Ayes:	6	Commissioners Manzzullo, Christopher, Smoot, Spink, Hundhausen and Michaelsen
Nays:	0	
Absent:	1	Commissioner Vora

Commissioner Christopher moved and Commissioner Spink made the second to close the public hearing. The results of the roll call vote were:

Ayes:	6	Commissioners Manzzullo, Christopher, Smoot, Spink, Hundhausen and Michaelsen
Nays:	0	
Absent:	1	Commissioner Vora

Commissioner Smoot moved and Commissioner Spink made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD