

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

January 9, 2006

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

Chairman Pro-Tem Donald Sutenbach called the Regular Meeting of the Combined Plan Commission/ Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Spink, Weiss, Michaelson and Sutenbach
Absent: Commissioners Vora and Hundhausen
Also Present: Community Development Director Bob Glees and Recording Secretary Progar

MINUTES:

Commissioner Spink moved and Commissioner Michaelson made the second to approve the Minutes of the Meeting of December 12, 2005 as presented. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelson and Sutenbach
Nays: 0
Absent: 2 Commissioners Vora and Hundhausen

PUBLIC HEARING:

**#05060: Regency Centers, Heritage Plaza
Planned Unit Development – Final Plan Amendment**

At the request of the petitioner Commissioner Spink moved and Commissioner Weiss made the second to continue this matter to the meeting of February 13, 2006. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelson and Sutenbach
Nays: 0
Absent: 2 Commissioners Vora and Hundhausen

**#05314: Auto Showcase/Andy Bucaro, 106 N. Schmale Road
Rezoning – I Industrial District to B-3 Service District
Special Use – Open Sales Lot
Variation – Fence Code**

Joseph Ash, 77 W. Washington Street, Chicago, IL, Andy Bucaro, 6N332 Ferrari Ct., Medinah, IL and Ernest Ternovits, 6N 333 Roselle Rd., Roselle, IL were sworn in as witnesses in this matter.

Mr. Ash explained that the request is to rezone the property from I- Industrial District to B-3 Service District, to grant a special use to permit an Open Sales Lot and to grant a variation to the fence code. Mr. Ash led Mr. Bucaro in a review of the current operations and the plan for

expansion of the business by adding vehicle service for the cars he sells as well as to the general public.

There were no comments or questions from those in attendance at the call for public hearing. Attorney Joseph Ash, on behalf of his client, Andrew Bucaro, is seeking various Village approvals in order to renovate the existing building at 106 N. Schmale Road, and expand his motor vehicle sales and service business, Auto Showcase. The intended hours of operation at the proposed new building will be between 9 a.m. and 9 p.m. Monday through Saturday, the same as the existing facility. The applicant is requesting to rezone the property to B-3 Service District to accommodate the expansion of his motor vehicle sales and service business. A Special Use Permit is required to allow for the open sales lot. The applicant is also seeking relief from regulations found within the Fence Code. We note that the property does not fall within the North Avenue Corridor (NAC), and is not subject to the corridor standards review process. The intended hours of operation at the proposed new building will be between 9 a.m. and 9 p.m. Monday through Saturday, the same as the existing facility. The applicant is requesting to rezone the property to B-3 Service District to accommodate the expansion of his motor vehicle sales and service business. A Special Use Permit is required to allow for the open sales lot. The applicant is also seeking relief from regulations found within the Fence Code. We note that the property does not fall within the North Avenue Corridor (NAC), and is not subject to the corridor standards review process.

The Future Land Use Plan (FLUP), updated in 2000, recommends an office use for the subject property; however, this recommendation is based on maintaining the use that existed in 2000. The applicant's proposed use is consistent with the zoning of the properties to the south and southwest, and is of course consistent with that of the adjacent Auto Showcase property. Therefore, staff supports the rezoning request.

Special Use:

With regard to the request for Special Use Permit required to operate an open sales lot, staff has reviewed the proposal from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the location appears to be well suited for a motor vehicle sales and service facility. The property is located adjacent to the existing motor vehicle sales facility, near the intersection of two major corridors, North Avenue and Schmale Road, and access to the site is provided directly from Schmale Road and indirectly from North Avenue via the adjacent site. In order to operate the business effectively, it is necessary for an open sales lot to be located on the property for the display of motor vehicles to the public. The proposed business is consistent with other uses found along the North Avenue corridor and is compatible with the surrounding properties. From an aesthetic standpoint, we note that automobile-related uses have the potential to generate property maintenance issues. With this particular use, there is a possibility that the proposed business could result in vehicles being parked overnight on the property awaiting repair. However, as previously stated, the applicant has suggested that the service and repair of vehicles is intended for inventory vehicles, and is not intended to accommodate the general public. This issue has not been a concern with the existing facility, which has been in operation for two years. Staff is recommending the same conditions of approval as were included with the approval of the existing facility, in order to ensure that the proposed business expansion does not create a negative visual impact and that outdoor overnight parking and storage of damaged vehicles or vehicles awaiting service will not be an issue.

Site Design

With respect to the overall layout and function of the site, the proposed business expansion would make use of the existing building, with interior remodeling and exterior façade improvements. The proposed façade improvements would consist of the addition of windows and doors as necessary to accommodate the proposed new auto sales and service use. The applicant is proposing to make improvements to the existing parking lot pavement and to install

new curbs. No trash enclosure would be provided on the site. As with the existing facility, the applicant is proposing to install a decorative wrought iron fence almost entirely along the perimeter of the subject property, with the exception of the west side, which is bounded by an existing fence on the adjacent property. The applicant is requesting a fence code variation for this fence, which will be discussed later in this report.

The building measures 11,300 square feet, and complies with the floor area ratio allowance of 0.6 in the B-3 District. The building does not comply with the current front yard or rear yard setback requirements of either the B-3 or I Zoning Districts. The front yard setback of 47 feet does not meet the required 100 feet, and the 20-foot rear yard does not meet the required 40 feet for the B-3 Zoning District. Staff believes the building met the prevailing codes at the time of construction, and is thus a legal nonconforming structure. Because the applicant is proposing only to alter the structure, the Zoning Code does not require that the nonconformities be eliminated. However, any addition or enlargement of the structure would require Village approval.

Parking/Landscaping Design

As noted, vehicles can gain access to the site via North Avenue or Schmale Road. Customer parking would be located on the south side of the building, with service parking, employee parking and display parking to the north of the building. Some new paving would be necessary to accomplish the proposed site plan. The Zoning Code requires that a minimum of 5% of the area within all vehicle parking lots greater than 10,000 square feet in size must be landscaped to create visual relief. The proposed parking area measures 20,500 square feet. The 5% landscaped area requirement equals 1,025 square feet, and the plan shows 1,200 square feet of greenspace being provided. As such, the submitted landscape plan meets the requirements and intent of the Code.

As with the existing facility, a portion of the parking lot pavement area at the subject site would be designated as an open sales lot. Because of the nature of the business, these vehicle display areas do not need to adhere to the typical parking stall striping requirement. The site plan clearly identifies the areas of the parking lot that are to be used for customer and employee parking, and distinguishes these spaces from the vehicle sales area. It illustrates that a total of 50 parking stalls would be provided on the site, including seven spaces serving the showroom, 28 spaces for employees and service parking, and 15 display vehicle spaces. Based on the use of building space, the Zoning Code requires seven spaces for the showroom, 16 for the office area and 16 for the eight service bays, for a total of 39 spaces; however, only 35 spaces are designated and designed for those uses. Nonetheless, staff is comfortable that sufficient parking would be provided when considering the 15 display vehicle spaces. As noted previously, the service bay area is intended for the service and repair of inventory vehicles. In reality, due to the nature of the business, some of the vehicles associated with the service bays would be destined for the display area; therefore staff is comfortable with the proposed parking as provided.

Fence Code Variation:

Section 6-12-8(A) of the Fence Code states that "no structural fence shall be allowed on any part of a required front yard adjoining a street." As illustrated on the Site Plan (Exhibit A), the applicant is proposing to install a decorative wrought iron fence, three feet in height except for posts and gate, along the perimeter of the property. The front yard building setback requirement for properties located within the B-3 Zoning District is 100 feet. Because the existing building is nonconforming with current standard in that the existing front yard setback is only 48 feet, the proposed fence would encroach completely into this required setback. The applicant has stated that the fence is necessary in order to provide security and to deter vandalism or theft from occurring at the property. A portion of the vehicle sales area is located within the required front yard, and in order to provide adequate safety measures, it is essential

for the fence to be installed in this location as well.

Staff recommends approval of the requested rezoning from I Industrial District to B-3 Service District, Special Use Permit to allow an open sales lot ancillary to a permitted motor vehicle sales and service use, and Fence Code Variation, subject to the following conditions:

That the site, building and landscape materials shall be constructed and installed in accordance with the Site Plan (Exhibit A), Building Elevations (Exhibit D) and Landscape Plan (Exhibit E).

That all proposed landscape materials shown on the Landscape Plan (Exhibit E) shall be installed at the specified height and caliper. All trees and shrubs must be maintained in a neat and healthy manner, with dead or dying species to be replaced on an annual basis with comparable sized trees or shrubs;

That the applicant shall submit sign permit applications for all proposed signs;

That any deviations from the Sign Code requirements for the subject property will be subject to a separate Sign Code variation process;

That the applicant shall submit fence permit applications for all proposed fences and enclosures;

That no outdoor overnight storage of damaged vehicles or vehicles awaiting repair shall be permitted without specific approval of a variation by the Plan Commission and Village Board at a later date;

That outdoor activities, including the estimating of repair costs to damaged vehicles, shall be prohibited;

That the customer, service and employee parking stalls shall be striped in accordance with the Village's looped striping requirements;

That the vehicles located within the open sales lot shall be arranged in an organized pattern and that the area be maintained and kept in a neat and orderly fashion at all times;

That all existing refuse and waste materials shall be cleaned up and removed from the property;

That the operation of the facility and development of the site shall comply with all state, county and Village codes and requirements.

Mr. Ash noted that the petitioner agrees to all of the conditions noted in the staff report. Commissioner Weiss asked if the drive on Schmale Road would be used to allow access into the property and Mr. Bucaro said that it will be gated and locked so traffic could not use that access. In response to the question he noted that they will be doing minor mechanical repairs, oil changing, brakes and tires and these services will be open to the general public. He stated that all work on cars would be done inside of the building. Commissioner Weiss asked if there would be additional signage and was told that there would only be lettering on the building. It was determined that this business would be on two separate properties since there is no request for a plat of consolidation.

Chairman Pro-Tem Sutenbach said that one of Mr. Bucaro's answers is in conflict with the staff report on Page 2 "However, as previously stated, the applicant has suggested that the service and repair of vehicles is intended for inventory vehicles, and is not intended to accommodate the general public." He stated that this is opposite of what was just heard. Mr. Bucaro said that there would be service work for other vehicles available. Mr. Ash commented that was on the original application since he did feel that he had enough room to service other vehicles. Chairman Pro-Tem clarified this statement was for the original application for the existing property. Mr. Glees said that he would note that no request for a special use for motor vehicle repair facility for the general public has been received as a part of this application and as such, no special use request was noticed to the public or received. He stated that he is not sure if it is even allowable in the B-3 District. Chairman Pro-Tem Sutenbach said that there is a special use request for an open sales lot but not an automobile repair facility. He proceeded to Commissioner Spink for questions and comments while research was being done.

Commissioner Spink said that the first project is commendable. She asked how trash will be handled since there is no enclosure shown on the plan and was told that they will be using the enclosure on the other lot for trash and commercial haulers will be contracted to take away the other waste such as oil, tires and batteries. In response to the questions it was noted that any

trade-in that is less than adequate for sales will be taken to the auction and that upon completion of this plan, Mr. Bucaro will be closing the shop he owns in Bensenville and those seven employees will be working at this location. He noted that the placement of the service doors was to make the building more visible as a repair building as well as to allow the employees to drive vehicles through the building instead of around it.

Mr. Glees reported that after checking the Code, both auto sales and service are permitted in the B-3 District.

Chairman Pro-Tem Sutenbach asked if the same type of lighting as on the corner lot will be used on the back lot and was told that it will be identical. He asked if the grassy area at the back of the service property would be fenced and was told that it will be. In response to the question, Mr. Bucaro said that there would not be any auto body work done on this site and stated that business hours would be from 8:00 a.m. to 8:00 p.m.

Commissioner Weiss moved and Commissioner Spink made the second to recommend approval of rezoning the property at 106 N. Schmale Road from I to B-3, to recommend approval of a special use for an open sales lot ancillary to a permitted use and approve a variation to the fence code, all in accordance with the conditions noted in the staff report. The results of the roll call vote were:

Ayes:	4	Commissioners Spink, Weiss, Michaelsen and Sutenbach
Nays:	0	
Absent:	2	Commissioners Vora and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, January 17, 2006 and was advised to attend that meeting.

**#05326: Angel Associates, LP/Mario Spina, 381 E. St. Charles Road
Rezoning – R-1 One Family Residence District to I Industrial District
Variations – Zoning Code**

Mario Spina, 381 E. St. Charles Road was sworn in as a witness in this matter. He explained that the request is to put on a 3,000 sf building on the back of the existing building. The property is currently zoned R-1 from when it was annexed into the Village and they are also asking that the property be rezoned for the industrial district as well as setback variations.

Mr. Glees stated that Mario Spina, on behalf of property owner Valley Petroleum, is seeking various Village approvals in order to expand the existing building at 381 E. St. Charles Road. As indicated in the applicant's cover letter, Valley Petroleum plans to expand its business, and the existing 2,987 square foot building is not adequate for the company's needs. In order to meet its storage needs, Valley Petroleum wishes to construct a 3,016 square foot warehouse addition in the rear portion of the 0.4-acre property.

The property at 381 E. St. Charles Road was annexed to Carol Stream in 1986 as part of a forced annexation of properties along St. Charles Road. As per Illinois law, the properties were assigned to the Village's least dense zoning district, that being the R-1 One-Family Residence District. As per the Zoning Code, existing uses and structures were allowed to continue as legal nonconforming; however, changes in use or improvements to properties are required to follow the Zoning Code regulations as specified in Article 14, Nonconforming Lots, Buildings, Structures and Uses.

The existing property is 0.4 acres in area, and contains a 2,987 square foot concrete block office building and a large storage structure ("metal shed"). The site is mostly gravel, with some concrete areas. During a site visit, staff observed a number of parked automobiles both in front and behind the building, as well as a trailer, a portable generator and a dumpster.

The applicant has agreed to bring the property into conformance with the Code as much as possible as part of the proposed expansion project. With respect to items pertaining to use, this

would include such measures as removing the outdoor storage, including the trailer and generator. The business use itself is that of an office building, which is a permitted use in the I Zoning District. In addition to matters related to use, the existing property at 381 E. St. Charles is nonconforming with respect to bulk regulations such as yard setbacks, parking setbacks, paved surfaces, landscaping and lot size.

The applicant is requesting to rezone the property to I Industrial District and to approve variations to accommodate the expansion of his business. The proposed warehouse addition would be located to the rear of the property, and would encroach into the required rear yard setback. In order to construct the proposed addition, variations would need to be approved for expansion of a nonconforming structure, parking setback and rear yard setback.

The Future Land Use Plan (FLUP), updated in 2000, recommends an industrial use for the subject property, which is located within one of the Village's industrial parks; therefore, the applicant's proposed use is consistent with the FLUP as well as the surrounding properties. Therefore, staff supports the rezoning request.

Variations:

The applicant is requesting approval of variations for ⁽ⁱ⁾ expansion of a nonconforming structure, ⁽ⁱⁱ⁾ parking setback and ⁽ⁱⁱⁱ⁾ rear yard setback.

The applicant proposes to construct a 3,016 building addition for warehouse storage. As part of the project, the site would be improved with a proper parking surface (asphalt), the dumpster would be relocated to an enclosure located at the rear of the property, unpaved areas on the site and in the parkway would be turfed and landscaped, and parking areas would be designated. Nonconformities that would remain after the proposed project would include the substandard lot size, the front yard setback and the side yard setback. In addition, the new building addition would be located only two feet from the rear lot line instead of the required 20 feet, and the parking setback would be 14 feet instead of the required 20 feet. (See additional discussion below.)

In reviewing the applicant's request, staff observes that the Village has long taken the position that, at such time as properties along this section of St. Charles Road are improved, they must be brought into conformance with current Village standards to the extent possible. We also note that the existing site is constrained by minimal depth, as are all of the properties located on the north side of St. Charles Road in this area. With the exception of the requested rear yard setback and parking setback variations, the applicant proposes to bring the property into conformance with the current Village codes in every way except the existing front and side yard building setbacks and the lot size. Staff believes the applicant's proposed improvements are in keeping with the Village's goal of improving the properties in the St. Charles Road corridor, and that the request for variation for expansion of a nonconforming structure is reasonable and consistent with other approvals given by the Village.

Parking setback

With the existing building size of 2,987 square feet, and the proposed size of 3,016 square feet, the total building space would be 6,003 square feet. Based on figures provided by the applicant for use of building space, staff has calculated the parking requirement for the proposed project as follows:

Use of Space	Square Feet of Use	Parking Factor	Spaces Required
Office	1,894	4 spaces for each 1,000 sf	7.6
Warehouse/storage	4,109	4 spaces plus 1 space for each 1,500 sf over 1,200 sf	5.9
		Total Parking Required:	14
		Total Parking Provided:	14

The applicant would provide the number of parking spaces required by the Zoning Code; however, one space at the southwest corner of the site would encroach approximately six feet into the required 20-foot parking setback. Staff has no objection to the reduced setback in that the required number of parking spaces would be provided.

Rear yard setback

The proposed building addition would be located at the rear of the site, as shown on the proposed Site Plan (Exhibit A). The applicant considered locating the building expansion along the west side of the existing building, but found this to be impractical. Because of the shape and the shallowness of the existing lot, it is not practical to provide an efficient parking layout in the rear of the site. We would note that many properties along this section of St. Charles Road have buildings located at the rear lot line, as this was convenient during the days when the railroad was operational. Therefore, the proposed reduced setback would not be out of character for the area, and staff finds the applicant's request reasonable.

Based upon our review, staff finds that the applicant's requests for a rezoning and variations are reasonable, would be in keeping with the Village's desire for property improvements in the St. Charles Road corridor, and would have minimal impacts on adjacent properties and rights-of-way.

Staff recommends approval of the requested rezoning from R-1 One-Family Residence District to I Industrial District, a variation for expansion of a nonconforming structure, a variation for a parking space that would extend six feet into the required 20-foot parking setback, and a variation for a proposed building addition that would extend 18 feet into the 20-foot required rear yard, resulting in a rear yard setback of two feet., subject to the following conditions:

1. That the site, building and landscape materials shall be constructed and installed in accordance with the Site Plan (Exhibit A).
2. That the applicant shall submit separate sign permit applications for all proposed signs;
3. That any deviations from the Sign Code requirements for the subject property will be subject to a separate Sign Code variation process;
4. That the applicant shall submit fence permit applications for all proposed fences and enclosures;
5. That no outdoor storage of vehicles, materials or equipment shall be permitted without specific approval of a special use by the Plan Commission and Village Board at a later date;
6. That the parking stalls shall be striped in accordance with the Village's looped striping requirements;
7. That all existing refuse and waste materials shall be cleaned up and removed from the property;
8. That the operation of the facility and development of the site shall comply with all state, county and Village codes and requirements.

Commissioner Michaelsen asked if the proposed addition will match the existing building and Mr. Spina said that addition will be split rock and brick and the existing building will be painted to match. In regard to the question about stormwater management Mr. Glees stated that there are no stormwater management matters required for this size property.

Commissioner Weiss asked what the new building will be used for and was told that it would be used for storage.

Commissioner Sutenbach commented that he does not have a problem with the proposal. He asked if the could be some small shrubs added to the area to make it more appealing. The applicant commented that they were planning to some landscaping in front and also in the rear lot. It was determined that providing turf in the parkway is the only requirement in the Zoning Code. The Commissioners agreed to ad the following as condition # 9 to the staff recommendations;

The landscaped areas at the northwest corner and as shown on the site plan as turf restoration shall be completed by October 31, 2006 and that all shrubs added be salt tolerant.

The petitioner confirmed that he agrees to all of the conditions.

Commissioner Spink moved and Commissioner Michaelsen made the second to recommend approval of rezoning the property at 381 E. St. Charles Road from R-1 to I-Industrial; approval of expansion of a nonconforming structure and variances for parking setback and rear yard setback in accordance with the amended conditions noted in the staff report. The results of the roll call vote were:

Ayes:	4	Commissioners Spink, Weiss, Michaelsen and Sutenbach
Nays:	0	
Absent:	2	Commissioners Vora and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on January 17, 2006 and was advised to attend that meeting.

There was a brief recess taken at this point.

**#05133: Integrity Development, 600 E. North Avenue
Special Use – Planned Unit Development
Planned Unit Development – Preliminary/Final Plan
Special Uses – Shopping Plaza, Drive-up Window, Outdoor Seating
North Avenue Corridor Review**

Fred Marguilies, Cleveland, OH, Daniel Marr, Indianapolis, IN, Chip Beltchenko, Starbucks, Inc. Chicago, IL were sworn in as witnesses in this matter.

Mr. Marr explained that the request is for a special use for a Planned Unit Development for a 21, 220 sf retail development consisting of a 19, 296 sf mixed use building and 1,924 sf free standing Starbuck Coffee shop. He reviewed the setback variations that are being requested using a site plan. It was noted that they are requesting a variance to the required number of parking spaces provided due to the primary use times of the tenants, one of which is Cardinal Fitness as well as the required number of stacking spaces for the Starbucks. Mr. Marr also noted that the while they are requesting a variance for area of landscape islands from 10% to 9.4 % they are providing landscaping points that are 75% over the Code requirements.

At the call for public hearing, Sharon Ward, West Chicago, IL asked if an adult book store would be permitted and Mr. Glees replied that that would not be permitted. Carlton Arthurs, pastor of the Wheaton Christian Center questioned if there would be any packaged liquor stores in the mixed use building and it was determined that the zoning requested would not prohibit a packaged liquor store but that a liquor license would have to be applied for and approved.

Mr. Glees said that the 2.4-acre property is located at the southeast corner of the North Avenue and Schmale Road intersection. The subject property is zoned B-2 General Retail District and is vacant.

Architect Judson Kline, on behalf of Dan Marr and Bill Stoops of Integrity Development Partners, is requesting several zoning approvals that would allow for the redevelopment of the former Millennium Steakhouse Restaurant property, located at the southeast corner of North Avenue

and Schmale Road. The restaurant building was demolished in June of 2005, and Integrity Development is proposing to construct a 19,296 square foot multi-tenant retail building and a separate 1,924 square foot Starbucks Coffee Shop on the property. The main tenant of the retail building, which will occupy 8,800 square feet, will be Cardinal Fitness, which is a workout and fitness club that is expanding in the Illinois, Wisconsin and Indiana area. To accommodate the proposed redevelopment, the applicant is requesting a Special Use for Planned Unit Development, approval of the Preliminary/Final PUD Plan, Special Uses for a shopping plaza, and outdoor seating and a drive-up window operation associated with Starbucks, and North Avenue Corridor Review.

Special Use – Planned Unit Development

Integrity Development is requesting that a Special Use for Planned Unit Development be approved for the property. In consideration of the request for Planned Unit Development for this property.

In review of the request for Planned Unit Development, staff notes that this property has several unique characteristics that have the potential to negatively impact its redevelopment. First, because the property is a corner lot and because the property is located within the North Avenue Corridor Overlay District, the buildings and parking areas have increased setbacks, which leaves less land area available for development. Second, for the redevelopment to be economically viable, a certain minimum square footage of building space needs to be constructed. To meet this square footage threshold, the developer has decided to provide the required storm water volume underground, beneath a portion of the parking lot, which is more expensive than providing storm water storage in a pond. It is worth noting that the previous restaurant development did not provide a storm water storage area, as it was developed prior to the adoption of such regulations.

In view of these factors, and due to the high profile nature of this property in Carol Stream, staff does not object to the developers' request for a Special Use for Planned Unit Development for this property. The other special use requests, and specific details of the plans, will be discussed in detail in the remaining sections of this report. In addition, the developer is requesting several deviations from Zoning Code standards as part of the Planned Unit Development process. The requested deviations will be discussed in detail later in the report.

Special Use – Shopping Plaza

The applicant is requesting a Special Use for a *Shopping Plaza*, which the Zoning Code defines as "a commercial development in excess of one acre of land, improved with a structure containing three or more distinct and separate retail businesses, also sharing common parking areas and access drives." The proposed shopping plaza would contain a total of 21,220 square feet of space in two buildings, with a stand alone 1,924 square foot Starbucks coffee shop and a 19,296 square foot in-line multi-tenant building.

Access and Parking:

As seen on the Preliminary/Final PUD Plan (Exhibit A), access to the site will take place through either a full access point at Schmale Road, or through a right-in/right-out access at North Avenue. A mountable median in the center of Schmale Road will permit southbound traffic to enter the site using the Schmale Road access. With respect to the North Avenue access, even though the access shown on the plan appears to be a full access, the curbed landscape median in North Avenue will limit that access to right-in/right-out only. The PUD Plan allows for cross access to the property to the south, which is improved with a shopping plaza.

Regarding parking, as seen in the table below, the shopping plaza and Starbucks Coffee Shop

require a total of 176 parking spaces. Usually, shopping plazas require parking at a ratio of one stall per 250 square feet, which would have resulted in a parking requirement of 85 spaces. However, the parking standards within the Zoning Code specifically state that shopping plazas that contain fitness centers will be required to meet the parking regulations for those uses as if they were free standing. Based upon this requirement, the proposed 8,800 square foot Cardinal Fitness facility requires 88 parking spaces. Further, the 1,924 square foot stand alone Starbucks Coffee Shop will require 35 parking spaces. Finally, since the applicant is proposing that greater than 10% of the building will be allocated to food service use, an additional 6 spaces are required. When the remainder of the plaza, 10,496 square feet, is factored at the 1 stall per 250 square foot ratio, a total of 170 spaces are required.

The PUD Plan provides 123 parking spaces, which is just 76% of, and 53 spaces fewer than, the number required by the Zoning Code. The applicant is requesting a **deviation** to reduce the required parking for the proposed development, as seen in the attached narrative from the applicant entitled "Case For Support For The Reduction of Parking Standards". In support of the request to reduce required parking, the key information provided by the applicant is as follows:

Provide parking based upon demonstrated historic need, not Code requirement – The two most parking intensive uses, Cardinal Fitness and Starbucks, account for 72% of the Code-based parking requirement for the overall site, even though these two uses combined account for only 50% of the total building area. Since these two uses account for such a high percentage of the parking demand, the applicant is requesting that the Village consider the historic parking and peak hour demands of these two specific uses, as opposed to the number of spaces the Zoning Code requires.

With respect to Starbucks, when considered as a restaurant use (Coffee Shop is not a listed use in the parking table), the Zoning Code requires 35 parking spaces. However, historic parking information from Starbuck's indicates that at the peak operating time, only 17 parking spaces would be needed for both employees and customers wishing to have sit down service. One of the reasons for the large discrepancy between the number of spaces required by the Zoning Code and the number of spaces that Starbucks believes that they actually need is due to the fact that Starbucks expects that most of their business will be attributed to drive-up service window customers. With respect to Cardinal Fitness, the Zoning Code requires 88 parking spaces. However, based upon the size of their facility, and the amount and type of equipment that they have available, Cardinal Fitness expects to have a peak parking demand, including employees, of 65 people.

Consider peak parking demand hours of various uses – The two biggest parking generators, Starbucks and Cardinal Fitness, have different peak business hours. Starbucks' peak hours of operation are during the early morning hours, between 6:00 a.m. and 10:00 a.m. A lesser peak occurs between the hours of 5:00 p.m. and 11:00 p.m. With respect to Cardinal Fitness, peak business hours are between 4:00 p.m. and 8:00 p.m., with a lesser peak occurring between 6:00 a.m. and 9:00 a.m.

During the morning peak of both businesses, it is likely that many of the yet unknown tenants in the 10,496 square feet of inline retail space will not yet be open for business. Accordingly, plenty of parking should be available during the morning peak for Starbucks and Cardinal Fitness. The busiest time at the overall shopping plaza would likely be during the evening, and this will largely depend on the number of food service uses that choose to locate in the inline portion of the plaza. Overall, the peak parking demand for the entire plaza, including both employees and customers, is estimated to be 113 parking stalls, while the PUD Plan provides 123 stalls.

Other site design considerations – As evidenced by the developers' decision to provide storm

water storage underground beneath the parking lot, several necessary site components are competing for the limited land area of the site. In preparing the overall site design, the applicant attempted to strike a balance between the land area needed for building space, parking stalls, parking lot greenspace, and required setbacks. If all of the required parking spaces were installed on the site, then some other site design aspects would need to be reduced. Since the applicant believes that the number of spaces required by the Zoning Code are not actually necessary to serve the businesses that will occupy the site, and since a certain minimum building size is needed for the development to be financially viable, the applicant is requesting a reduction in required parking to allow other site aspects to be enhanced.

In consideration of the request to reduce required parking from 176 to 123 spaces, staff believes that the applicant has presented several compelling arguments. Although the requested parking reduction is large from a percentage and number of spaces standpoint, staff would not favor a site design that would likely result in a large number of infrequently used spaces. Staff believes that one of the most significant factors that will determine whether there will be adequate parking for the overall plaza will be the number and size of additional food service uses that ultimately locate in the inline portion of the center. In preparing the parking analysis, the applicant has allowed for 20 of the 19,296 square foot inline space, or 3,825 square feet, to be used in the future for food service (restaurant) businesses. Staff recommends as a condition of approval that the percentage of food service uses in the inline portion of the building not be allowed to exceed 18% of the floor area, unless the future food service user that would bring the percentage of food service use above 20% files an application for a minor amendment to the PUD, through which process the staff and Plan Commission would evaluate the adequacy of site parking for additional food service use. In addition, staff also recommends a condition through which if, after full build-out and occupancy of the development, a parking shortage is observed and documented, then the Village staff shall have the ability to reevaluate, and possibly lower, the 18% food service floor area allowance at the time of building permit review for any new food service use. Staff encourages the Plan Commission to provide comments regarding the request to reduce required parking on the site.

The applicant is also requesting several **deviations** related to required setbacks for the shopping plaza. **First**, based upon the B-2 District standards, the Starbucks building is required to be set back 80 feet from Schmale Road. The building is shown to be set back just 32 feet from the Schmale Road property line. The justification for the reduced setback involves the need for a safe traffic circulation pattern around the Starbucks building as related to the drive-up window operation, and also to reduce the land area that the Starbucks component requires from the overall site. **Second**, the North Avenue Corridor (NAC) standards require a 100 foot front setback from the North Avenue property line, while the building is shown to be set back 87 feet from the front property line. To provide adequate space for a standard drive-up service operation and the required 30 foot landscape setback, the site design only provides an 87 foot front setback as opposed to 100 feet, as required. **Third**, the inline retail building is required to be set back 40 feet from the rear lot line, while it is shown to be just two feet, four inches from the rear lot line. We note, however, that if this property were not a corner lot, and if Schmale Road were the front lot line, then the south property line would be considered an interior side lot line. The Zoning Code requires no interior side setback for properties in the Business Districts; as such, a building being less than three feet from the property line, as proposed, could be permitted if the lot was not a corner lot. We also note that one positive aspect of the building being close to the rear property line is that it will effectively screen the somewhat unsightly view of the rear of the shopping plaza building on the property immediately to the south. **Fourth**, the Zoning Code requires a 20 foot parking setback along Schmale Road, while the plan shows four parking stalls along Schmale Road that encroach within the 20 foot parking setback. At the nearest point, a parking stall is set back only 17 feet from the property line. The explanation provided by the applicant for the reduced setback is that is necessary to provide a better alignment for the drive aisle, and also to account for the angle of the west lot line. Given the

minor degree of the deviation and the goal of maintaining proper drive aisle alignment, staff does not object to the deviation. Overall, staff does not object to the requested deviations to allow for reduced setbacks for both the Starbucks building and the inline retail building, as they are necessary to allow the buildings to be properly situated on the site and for the most efficient use of the site. Staff encourages the Plan Commission to provide feedback and a recommendation regarding the requested setback deviations.

Special Use – Drive-Up Window Service

The applicant is requesting a Special Use for the drive-up window service component of the Starbucks Coffee Shop. Drive-up window service is an important aspect of Starbucks' business, as Starbucks expects that the majority of their business will be generated by the drive-up service operation. Staff has worked with the applicant on several different configurations for the drive-up service lane configuration over the course of the review of this project, as we had some concerns with traffic operational characteristics of the initial designs. In general, staff supports the current design because it effectively separates drive-up lane traffic from other parking lot traffic, and it also minimizes vehicle conflicts.

The only potential concern that staff has with the drive-up operation relates to vehicle stacking spaces. The Zoning Code requires ten vehicle stacking spaces, with a minimum of five of the stacking spaces required to be provided at the ordering station. As seen on the Preliminary/Final PUD Plan, only nine stacking spaces are provided, and the ordering station is not shown on the plan, so it is not possible to verify that at least five of the stacking spaces will be provided at this location as required. The applicant is requesting a **deviation** to reduce the number of stacking from ten, as required, to nine, as proposed.

In response to staff's concerns regarding the adequacy of the number of stacking spaces, the applicant has consistently indicated that Starbucks does not need ten stacking spaces for their typical drive-up operation. The attached letter dated December 7, 2005, from Chip Beltchenko, Development Manager for Starbucks, indicates that the Starbucks Drive Thru Standards Manual calls for the need to stack between 6-8 vehicles in a dedicated drive through lane. As such, Starbucks is confident that the proposed plan meets their standards, as nine stacking spaces are provided. In our discussions with Mr. Beltchenko and the applicant, it was explained that fewer stacking spaces are needed for Starbucks as compared to fast food restaurant uses because the processing time for filling coffee orders is shorter than the time needed to fill a fast food order.

In review of the Special Use for drive-up window service, staff can support the current drive-up lane design and the requested deviation to reduce the number of stacking spaces from ten to nine, based upon the specific operating characteristics of a coffee shop business as compared to a fast food restaurant. However, we recommend that the plan be modified to identify the ordering station location, and that there be at least five stacking spaces provided at the ordering station. Staff encourages the Plan Commission to provide comments and a recommendation regarding the Special Use for the drive-up operation, as well as the deviation to reduce the stacking space requirement.

Special Use – Outdoor Seating

The applicant is requesting a Special Use to allow outdoor seating associated with the Starbucks operation. The Preliminary/Final PUD plan identifies a patio area located on the immediate north side of the building, at which location several tables and chairs will be provided for use by customers wishing to sit outside. As of this time, no specific information regarding the quantity or style of tables and chairs has been provided, and we have asked the applicant to provide information to address this uncertainty. Generally, however, the applicant has indicated

that seating would typically be provided for between 10-20 customers.

From a use standpoint, staff does not object to the Special Use to allow an outdoor patio seating area, as the outdoor seating at the proposed location will not have a negative impact on any surrounding properties. We do question whether many customers will wish to make use of outdoor seating at the proposed location, given its proximity to a busy and loud roadway such as North Avenue. Although the landscape plan (Exhibit B) indicates that a significant quantity of landscape material will be installed between the outdoor seating area and the roadway, which may help reduce the visual and noise impacts associated with vehicle traffic, we generally believe that outdoor seating at this location will be less than entirely desirable. However, simply because staff believes that the seating area will not be highly desirable from a customer use standpoint does not result a staff recommendation to deny the use. Moreover, we are not able to identify an area on the site that would be more appropriate for the outdoor seating area, given the known site and operational constraints of Starbucks. Staff encourages the Plan Commission to provide feedback and a recommendation regarding the Special Use for the proposed outdoor seating area.

Preliminary/Final PUD Plan

The applicant is requesting approval of the Preliminary/Final PUD Plan (Exhibit A). Many aspects of the Preliminary/Final PUD Plan have already been discussed in this report, such as the size of the buildings, setbacks, access, parking, and the various Special Use requests. The remaining detailed review of the project will be discussed in the North Avenue Corridor section of this report. At this time, staff can generally support the Preliminary/Final PUD Plan, subject to any additional suggested conditions of approval related to the Plan, which will be included in the Recommendation section of this report.

North Avenue Corridor Review

Because the proposed development is located within the North Avenue Corridor (NAC), the Plan Commission must review and approve comprehensive development plans for the property to ensure that the proposal is in conformance with the corridor regulations. The Plan Commission has the authority to make the final determination of conformance with the NAC regulations and Village Board consideration is not required. The sections of the NAC regulations that apply to this proposal include site design, architectural design and parking/landscape design.

Site Design:

Many aspects of the site design have already been discussed in this report; as such, the comments regarding site design in this section will only relate to specific NAC standards. The NAC site design standards require service areas to be out of sight from North Avenue. The service areas of utmost concern for this project are the trash dumpster locations. In this regard, we note that the two proposed trash enclosures are shown to be placed in the least visible locations on the site, specifically, immediately south of the Starbucks building and just off of the southwest corner of the inline retail building. The enclosures will be constructed using masonry material that will match the buildings. A detail of the enclosures is provided on the Preliminary/Final PUD Plan, which staff finds acceptable.

Also with respect to site design, the NAC regulations require that pedestrian facilities should be considered within the site. Generally, we find the proposed pedestrian walkways to be acceptable, with one notable exception. As seen on the Preliminary/Final PUD Plan, the inline retail building is positioned at a slight angle as compared to the east property line. This angle transfers to the sidewalk that is located between the west side of the inline building and the parking stalls shown to be located on the west side of the building. The result of the angle is that the sidewalk on the west side of the building is reduced from a maximum width of six feet,

at the south end, to only one foot at the northwest corner of the building. Not only will this design have an unusual appearance, but it would not provide a sidewalk of adequate width for customers parking on the west side of the building. Further, this configuration could leave pedestrians and even the building susceptible to being struck by vehicles parking on the west side of the building. To resolve this situation, staff recommends that the angle of the building, as related to the east property line, be eliminated, and that the east building wall instead be parallel to the east property line. This will allow for a wider, more uniform sidewalk on the west side of the building.

Aside from the concern noted above with respect to the west sidewalk, and the requested deviations discussed earlier in this report, the Preliminary/Final PUD Plan complies with all other applicable standards of the Zoning Code. Staff can support the overall site design, subject to the condition that the sidewalk on the west side of the building be widened to a uniform five-foot width.

Color building elevations are provided for both the inline retail building (Exhibit G) and Starbucks (Exhibit H). The architect for the inline building describes the architectural style as "a contemporary blend of forms and materials that will provide a fresh look". The front elevation, facing North Avenue, will be primarily glass which corresponds with the storefront entrances and windows, with split stone masonry columns breaking up the sections of glass to enhance the building appearance. A canopy along the entire front of the building will comply with the NAC requirement for a pedestrian arcade or canopy. The west elevation, facing Schmale Road, also includes a significant amount of glass and continues the canopy feature. The east elevation is shown to continue the canopy feature, however there is no glass or windows on this side of the building. Although a section of glass would enhance the appearance of this side of the building, Building Code requirements prohibit glass in this wall due to its close proximity to the east property line. Sections of the building are shown to have a parapet wall that would extend above the roofline. The applicant should be advised that the NAC regulations require all mechanical equipment, whether ground or roof mounted, to be completely screened from view. A parapet wall would be an effective means of screening any rooftop equipment. The applicant should be prepared to indicate the building wall location where tenant signage will be located. The Plan Commission may wish to require a condition that only channel letter wall signs and no box signs, be permitted, to maintain a more attractive appearance of the building façade.

With respect to the Starbucks building elevation (Exhibit H), the building is shown to be constructed with two-tone brick. Canopy features are shown over the various building entrances and windows, which will help protect customers during inclement weather, as well as provide some visual interest. In staff's view, while the colors are somewhat drab, the brick construction material should present a high-quality appearance. The west elevation, which will be highly visible from North Avenue, would benefit from the addition of several windows or other type of design feature, which would break up the somewhat monotonous appearance as currently shown, and better meet the intent of Section 16-5-7(K)(4) of the Code. Once again, a parapet wall appears to be the choice for screening rooftop equipment, and all equipment, whether roof or ground mounted, will be required to be completely screened from view. If windows are added to the west elevation staff believes that the architectural elevations will be acceptable. The Plan Commission should provide feedback regarding the Starbucks building elevations.

Landscape Design:

With respect to site landscape considerations, the corridor regulations were designed to allow flexibility in design but require a certain amount of landscape material on-site. The amount of landscape material required is calculated by granting a point value to the type of landscape material provided and then requiring a certain number of points for specific areas of the development. For example, shade trees are worth 225 points each and evergreen trees are worth 275 points each. It is the designer's choice as to how to combine landscape materials on

the site in order to meet the criteria of the ordinance and achieve the intent or concept of the corridor. As can be seen on the Landscape Plan (Exhibit B), landscape materials are shown within the parkways and adjacent to the parking spaces along North Avenue and Schmale Road, within the parking lot landscape islands, and around the Starbucks building.

The NAC regulations require a minimum of 10% of the area within all parking lot areas to be greenspace. These landscaped areas are to be in the form of landscape islands, and landscape material is required within these landscape islands. The parking lot measures 49,293 square feet. The 10% greenspace area standard requires 4,929 square feet of parking lot greenspace. The landscape islands depicted on the landscape plan measure about 4,533 square feet in area, which equals 9.2% greenspace, which is just below the required amount. The landscape islands are required to have 2,465 points of landscape material, and based upon the landscape plan, the islands will have 6,120 points of material, which far exceeds the required point value. The applicant is requesting a **deviation** from the 10% parking lot greenspace requirement to provide just 9.2% greenspace, and based upon the fact that more than double the amount of required points of material are provided in the parking lot islands, staff does not object to this deviation.

The NAC landscape standards require a landscape screen within the first five feet immediately adjacent to the parking spaces and drive-up lane along North Avenue. The landscape screen requires 2,100 points of landscape material, while the plan provides 2,455 points of material. Finally, the NAC standards require a landscape setback in the area between the landscape screen and the North Avenue property line, with 2,100 points of material required in this area. With over 2,600 points of material shown to be provided within the landscape setback, the code requirement is once again exceeded.

Overall, staff finds the landscape plan to meet or exceed the NAC standards, with the exception of the one requested deviation to reduce the parking lot greenspace percentage, which staff can support. The only comment that staff has regarding the landscape plan is that the in any location where landscape materials are used to screen ground mounted mechanical equipment, the code requires that the screening must be equally effective in winter as it is in summer.

Summary:

In our evaluation of this project, we find that the criteria for the Special Uses for Planned Unit Development, a shopping plaza, drive-up window service and an outdoor seating area are met. We further find the Preliminary/Final PUD Plan to be acceptable subject to the conditions noted in this report and the Recommendation section. Regarding the North Avenue Corridor Review, provided that staff's recommendations are followed, we can recommend approval of the submitted plans.

Staff recommends approval of the Special Uses for Planned Unit Development, a shopping plaza, drive-up window service and an outdoor seating area, of the Preliminary/Final Planned Unit Development Plan, and of the North Avenue Corridor Review, at 600 E. North Avenue, subject to the following conditions:

1. That the inline retail building shall not be permitted to have more than 20% of the floor area, or 3,825 square feet, allocated toward food service use. If more than 20% food service use is desired, then the food service user that would bring the food service use above 20% must submit an application for a minor PUD amendment through which process staff and the Plan Commission would re-evaluate the adequacy of site parking;
2. That if a recurring parking shortage is observed and documented on the site upon full build-out and occupancy, then the Village staff shall have the ability to reevaluate, and possibly lower, the 18% food service floor area allowance at the time of building permit review for any new food service use;

3. That the Preliminary/Final PUD Plan be revised to show the ordering station associated with the Starbucks Coffee Shop, and that at least five vehicle stacking spaces be provided at the ordering station;
4. That the applicant must provide details regarding the type and quantity of tables and chairs that are proposed for the outdoor patio seating area for Starbucks, for review and approval by the Plan Commission and staff;
5. That separate building permits are required for all trash enclosures and signs;
6. That the plans be revised to provide a uniform five foot wide sidewalk along the west side of the inline retail building, between the building and parking stalls;
7. That all rooftop equipment on both buildings be completely screened from view in all directions;
8. That only channel letter signs, and not box signs be permitted for the wall signage for the entire inline building;
9. That all ground mounted mechanical equipment shall be screened from view from surrounding public streets;
10. That this development shall be subject to approval of a storm water management plan and final engineering design by the Engineering Services Department;
11. That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with similar size and type species on an annual basis;
12. That the drainage and utility easement along the east property line be vacated, prior to the issuance of a building permit, so as to not cause the building to be constructed over the easement, and that the utilities in the easement, if there are any, must be relocated, so that the easement can be vacated;
13. That the parking stalls shall be striped in accordance with the Village's looped striping requirements; and
14. That the development of the site and buildings will comply with all state, county and Village Codes and requirements.

Commissioner Sutenbach asked if the petitioners were in agreement with the conditions noted in the staff report and was told they were.

Commissioner Weiss asked if there is a cross access easement to the church area and Mr. Glees said that there is not and noted that there are some physical restraints related to topography between the two properties.

Commissioner Weiss questioned the parking requirements since it is possible that peak hours for Starbucks and Cardinal Fitness could easily coincide and it was noted that the actual peak hours are not known and it could be possible that they would be busy at the same time, but Cardinal Fitness says their peak at 6 am to 9 a.m. is 25 to 30 people and at 4 pm to 8 pm is 45 to 60 people.

Commissioner Weiss asked if there were any ideas for other tenants for retail B and was told that there could be a quick, casual restaurants, such as "Potbelly" sandwiches and other service related retail and that the building will be split for up to 5 or 6 different tenants. It was also stated that parking will be shared with all of the uses.

In regard to the underground stormwater management Mr. Glees stated that Engineering Services has already signed off on the design. It was explained that the position of the buildings are parallel to North Avenue and that the sidewalk width will be managed in relation to the Cardinal Fitness building and the setback requirements. Commissioner Weiss asked if there is going to be a request for additional signage prior to the ordering station at position 5 of the stacking and it was stated that there would be a pre-order board at position 6/7. It was noted that if additional order boards, other than what is allowed by code, the petitioner would have to come back for a variance.

Commissioner Spink asked where deliveries would be made in the Starbucks area and was told that the building has not yet been designed, but deliveries would be made at the south end of the proposed location by the dumpster area. Commissioner Spink said that she is concerned

about the amount of stacking spaces considering that this could be a high traffic area at times with the fitness center, the church and its activities close by and the other shops. In response to the question, it was said that there would 3 to 5 employees for Starbucks, and it was stated that there was no specific number of tables for outside seating and that there would refuse containers for those customers.

Commissioner Michaelsen said that he would like to have the outdoor seating limited to 4 tables. He also noted that North Avenue has very swift moving traffic and this is right at the intersection which could potentially be dangerous to drivers who are not sure where they are going or where to turn and the stacking area will have to be moving along or there could be problems.

In regard to the fitness center, Commissioner Michaelsen was told that there will be a maximum of 5 employees. It was not known how many machines would be available for use or if there would be personal trainers present. Commissioner Michaelsen said that even though he understands the constraints of the property in question, he does not like the idea of having a building that was 5% to 10% out of square even to benefit sidewalks.

Commissioner Sutenbach said that it appears that this property and the adjacent property are connected and asked if there was a cross access easement. Mr. Glees said that there is no evidence of a cross access easement on the property survey. In review of the variances requested Commissioner Sutenbach noted the building setbacks and asked if there any questions or comments from the Commissioners and it was determined that there were no problems with those specific requests. In regard to the parking setback, approved. In regard to the parking space requirement, which has documentation by the petitioner showing lower requirements for the proposed uses Commissioner Weiss said that he would like to have more information on Cardinal Fitness as to what services will be offered, hours of operation and how this will relate to the traffic and parking demands at peak hours with Starbucks and the future tenants in retail building B. It is his opinion that this could make for tight parking, and in response to the question of whether off-site parking would be available on the adjacent property, the answer was no due to a geographic problem. Commissioner Weiss commented that it appears to him that this proposal for use is too intensive for the property and location.

It was stated that Cardinal Fitness is a very limited workout facility and people are not encouraged to stay beyond exercise time. It was also noted that the placement of the fitness center at one end of the property and Starbucks at the other end of the property with a field of parking spaces between is proposed to avoid parking shortages. It was stated that Starbucks finds that free standing locations that have 6 to 8 cars stacking and 14 parking spaces are fine. The developer is convinced that this amount of parking will be acceptable, and taking all things into consideration and how the site plan has been designed, they are convinced that the parking will be fine. The developer said that the ration of 5.6 cars per 1,000 sq. ft. of retail space is as high a parking ratio as they have ever done in any of their projects. They are generally comfortable with 4.5 to 5 and long term they feel that it will be fine. It was stated that there is a Cardinal Fitness in West Chicago, IL on Rte. 59 south of North Avenue.

Commissioner Michaelsen said that he is concerned about parking available for a tenant of the inline building that would have peak hours that coincide with the Fitness Center and/or another tenant. He said that he would also like more information in regard to the peak hours for Cardinal Fitness as they seem to understated.

It was determined that the Commissioners want more information Cardinal Fitness, a defined site plan that gives the layout of the entire development, including the patio for Starbucks, the building squared up, and trash enclosures.

Commissioner Michaelsen moved and Commissioner Weiss made the second to continue this matter to the meeting of January 23, 2006 to allow the petitioner to provide more detailed plans that would include screening of the roof top equipment from North Avenue. The results of the roll call vote were:

Ayes:	4	Commissioners Spink, Weiss, Michaelsen and Sutenbach
Nays:	0	
Absent:	2	Commissioners Vora and Hundhausen

**#05292: Parkview Development, Southeast Corner of Gary Ave. and Lies Rd.
Special Use – Planned Unit Development
Planned Unit Development – Preliminary/Final Plan
Special Uses – Shopping Plaza, Bank, Outdoor Seating
Gary Avenue Corridor Review**

Matthew Klein, Michael Lindsey and Mark Nelson were sworn in as witnesses in this matter. It was explained that the proposal is for a three building commercial center on the southeast corner of Gary Avenue and Lies Road. A review of the site plan was discussed and it was noted that the developer does have a letter of intent from a drugstore that would utilize the corner. The plan is to align the development with Town Center with two separate buildings which will have cross access agreements with the corner development. The overall project will be fully landscaped and be well screened and all mechanical equipment will be screened in accordance with the Gary Avenue Corridor regulations. The request also includes approval of the preliminary and final PUD plan.

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

Mr. Glees stated that on September 2, 1997, the Village Board approved Ordinance No. 97-09-58 authorizing the execution of the Fifth Amendment to an Annexation Agreement for the Stark Farm property, which includes the subject property. In this amendment, several commitments are made with respect to the subject property. These are as follows:

1. The subject property shall be developed substantially in accordance with the plans and standards included as exhibits to the amendment.
2. The owners of the Stark Farm property must contribute \$92,550 for the installation of a sidewalk or pathway along Gary Avenue.
3. The owners must contribute \$75,000 for new traffic signals on Gary Avenue at the entrance to the subject property.
4. The owners must contribute \$259,347 for improvements to Gary Avenue.
5. The owners must provide a landscape feature at the southeast corner of the Gary/Lies intersection.
6. The owners must grant a bike path easement along Lies Road, if so requested.

Also attached herein is a copy of the staff report for the Gary Avenue Corridor Review of the Communications Supply Corporation (CSC) property immediately to the east. As indicated in the report, the CSC property was developed in accordance with the approved master plan, and a joint use access easement was platted to allow shared access. The landscape feature has been provided by the property owners, as shown on the Preliminary PUD Plan. Staff is in the process of determining the status of the various monetary contributions. The bike path easement has not yet been requested by the Village.

STAFF ANALYSIS

Michael Lindsey, President of Parkview Development Partners II, LLC, is requesting several zoning approvals that would allow for the development of the southern two-thirds of the 5.27-acre property at the southeast corner of Gary Avenue and Lies Road. At this time, the applicant is requesting the necessary zoning approvals that would allow for the construction of two 11,859 square foot inline commercial buildings, for a total of 23,718 square feet of commercial space. The two buildings would be located on about 3.33 acres of land, and the applicant proposes to

subdivide the existing 5.27-acre lot into two lots in the future. The applicant has been in discussions with a national pharmacy chain regarding the construction of a pharmacy on the remaining 1.94-acre property at the immediate southeast corner of Gary and Lies; however, this component of the development is not being brought forward at this time, but would be brought forward as a separate development. To accommodate the proposed commercial development, the applicant is requesting a Special Use for Planned Unit Development, approval of the Preliminary PUD Plan for the entire site, the Final PUD Plan for proposed Lot 2 only, Special Uses for a shopping plaza, a bank and outdoor seating, and Gary Avenue Corridor Review for proposed Lot 2 only.

In review of the request for Planned Unit Development, staff notes that this property has certain characteristics that impact its redevelopment. First and foremost, the property is located at Carol Stream's Town Center, and thus a high level of quality is called for in terms of architecture, landscaping, business uses and community enrichment. Also, because the property is a corner lot and is located within the Gary Avenue Corridor Overlay District, the buildings and parking areas have increased setbacks, which leaves less land area available for development. Finally, the storm water management area to the south has created an odd shape to the south end of the site, which constrains the shape of the building and parking area. Staff notes that the storm water detention requirement for the property is provided within the aforementioned facility to the south, and so no detention facilities are required onsite.

In view of these factors, and because of the high-profile nature of this property in Carol Stream, staff does not object to the developer's request for a Special Use for Planned Unit Development for this property. The other special use requests, and specific details of the plans such as landscaping, architecture, will be discussed in detail in the remaining sections of this report. In addition, the developer is requesting two deviations from Zoning Code standards as part of the Planned Unit Development process. The requested deviations will be discussed in detail later in the report.

Special Use – Shopping Plaza

The applicant is requesting a Special Use for a *Shopping Plaza*, which the Zoning Code defines as "a commercial development in excess of one acre of land, improved with a structure containing three or more distinct and separate retail businesses, also sharing common parking areas and access drives." The proposed shopping plaza would contain a total of 36,653 square feet of space in three buildings, with two 11,859 square foot in-line multi-tenant buildings and a stand-alone 12,935 square foot feature tenant building at the property corner.

Access and Parking:

As seen on the Preliminary PUD Plan (Exhibit A), access to the site would take place through either a full access point at Gary Avenue, a right-in/right-out access at Gary Avenue, or a full access point at Lies Road. The full access at Gary Avenue would be located opposite the access drive to the Town Center parking lot. The painted median in the center of Gary Avenue would permit southbound traffic to enter and leave the site using the Gary Avenue access, or traffic could also access the site via the Lies Road full access.

Regarding parking, both the shopping plaza and the stand-alone pharmacy building require parking at a ratio of four stalls per 1,000 square feet, which would result in a parking requirement of 147 spaces. However, the applicant is proposing that greater than 10% of the building would be allocated to food service use, and so an additional 6 spaces per 1,000 square feet above 10% are required. As shown in the table below, when the applicants estimated 12,737 square feet of food service use is factored in, a total of 209 spaces are required.

The proposed Preliminary PUD Plan provides 223 parking spaces, which is much more than the Code requires even for the applicant's estimated level of food service usage of 12,737 square

feet, which is 54% of the shopping plaza floor space. Staff is aware that a bank is a potential tenant and that banks often require ample parking; however, we would point out that the Village's parking requirement for restaurants is considered conservative, and so there is the possibility that the parking lot could be underutilized. Nonetheless, staff does not object to the proposed amount of parking, as it is the developer's prerogative to provide facilities as he chooses, and parking is at a premium at the Town Center during the event season.

The applicant is requesting two **deviations** from standard as part of the PUD process, and these are related to required setbacks for the shopping plaza. **First**, based upon the Gary Avenue Corridor standards, the buildings are required to be set back no more than 100 feet from Gary Avenue. While the proposed pharmacy building is shown to be set back 100 feet as per Code, the shopping plaza buildings would be set back from 195 to 240 feet. The reason for this increase is that the applicant wishes to provide ample parking in front of the buildings, and keep the service areas behind the building. As noted previously, the applicant anticipates several food service uses to locate in the plaza, and wishes to provide as much parking as possible. **Second**, the Gary Avenue Corridor standards require a 30-foot parking setback, while the proposed plan would locate six spaces within this 30-foot setback. Again, this deviation stems from the applicant's desire to maximize parking on the site. Staff does not object to the requested deviations, as the desire to locate ample parking in front of the building is understandable, and the parking setback deviation only involves six of the 223 spaces, with the majority of the parking lot being provided with the proper setback. Staff encourages the Plan Commission to provide feedback and a recommendation regarding the requested setback deviations.

Special Use – Outdoor Seating

The applicant is requesting a Special Use to allow outdoor seating associated with the anticipated food service uses to be located within the shopping plaza. The Preliminary and Final PUD Plans identify two patio areas where several tables and chairs would be provided for use by customers wishing to sit outside: one located between the two buildings and the other on the immediate south side of the southerly building. As of this time, the applicant has no specific information regarding the outdoor seating areas, such as the quantity or style of tables and chairs to be provided, but seeks approval of the outdoor seating so as to be able to attract restaurant uses that desire this feature.

From a use standpoint, staff does not object to a Special Use Permit to allow two outdoor patio seating areas, as the outdoor seating at the proposed locations would not have a negative impact on any surrounding properties. The nearest residential properties are *Klein Creek* and *The Fountains at Town Center*, each approximately 1,000 feet away and separated from the property by Gary Avenue, and any noise or music associated with the outdoor seating would be inaudible at that distance, especially over the highway noise. We expect the proposed locations would be favorable for outdoor seating, with the Town Center Park being located directly across the street with its events and amenities.

Although the approval of a special use for outdoor seating would be a beneficial marketing tool for the applicant, staff is uncomfortable recommending approval of a special use because the request is not completely defined in terms of the operation or physical nature of the outdoor facilities. We note that for a similar request at the *Fountains at Town Center* commercial area, the operational characteristics of the patio were well-defined, and the architectural features were demonstrated to be of high quality. Also, since that particular restaurant is being located much closer to residential properties, conditions of approval were imposed whereby music for the patio area must be turned off no later than 10:00 p.m. every evening, and the patio music must be kept at a volume level that will not be audible from the nearby residential properties. Staff does not suggest that outdoor music volume should be as much of an issue for the subject

property, and the applicant has no way of knowing whether a particular restaurant use would even wish to provide such an amenity; however, we suggest that the quality of the design is important, and standards should be set. If the Plan Commission were inclined to approve the applicant's request, staff recommends a condition of approval whereby the outdoor seating areas shall be at the designated locations and for restaurant uses only, that the architectural features and materials of the outdoor seating areas, including but not limited to the tables, chairs, lighting and other amenities, must be of high quality, and that the Community Development Director shall have the option of bringing a specific restaurant use back to the Plan Commission for approval if the materials and design are judged insufficient. We encourage discussion by the Plan Commission regarding this request.

Special Use – Banks and Financial Institutions

With respect to the requested Special Use Permit to allow a bank or financial institution to be located within the shopping plaza, staff has evaluated the request and we note that no drive-through is being proposed at this time, and so we anticipate no operational difficulties. The site plan allows for efficient and safe movement of vehicles and pedestrians around the site. If a drive-through were to be proposed in the future, the petitioner would need to request a special use permit for a drive-up service window.

Preliminary PUD Plan

The applicant is requesting approval of the Preliminary PUD Plan (Exhibit A). Many aspects of the Preliminary PUD Plan have already been discussed in this report, such as the size of the buildings, setbacks, access, parking, and the various Special Use requests. The remaining detailed review of the project will be discussed in the Gary Avenue Corridor section of this report. For the purpose of evaluating the proposed plan for compliance with the annexation agreement, including the plans and standards contained therein, we offer the following analysis:

Site Plan – The site plan contained in the annexation agreement shows three free-standing buildings located within a parking field on the subject property that has free-flow access with the parking field on the adjacent property to the east. Two of the buildings are indicated as restaurants and the third as retail. By comparison, the applicant's proposed site plan shows three separate buildings, but none is designated specifically as a restaurant. In addition, the applicant's parking lot design does not integrate with the adjacent property. **Evaluation:** The applicant's plan is similar with respect to the number of buildings. In addition, the applicant has provided ample parking in the lot to allow for a high concentration of restaurant uses. The proposed PUD Plan provides a service area to the rear of the three buildings while the plan in the annexation agreement does not. The proposed plan does not show cross access with the property to the east; this is currently being coordinated with that property owner and an agreed design has not yet been developed. Staff believes the applicant's proposed Preliminary PUD Plan is in substantial conformance with the approved conceptual site plan contained in the annexation agreement.

The owners of the Stark Farm property must contribute \$92,550 for the installation of a sidewalk or pathway along Gary Avenue. **Evaluation:** Staff is in the process of a record search to determine whether this has been done.

The owners must contribute \$75,000 for new traffic signals on Gary Avenue at the entrance to the subject property. **Evaluation:** Staff is in the process of a record search to determine whether this has been done.

The owners must contribute \$259,347 for improvements to Gary Avenue. **Evaluation:** Staff is in the process of a record search to determine whether this has been done.

The owners must provide a landscape feature at the southeast corner of the Gary/Lies intersection. **Evaluation:** This has been done.

The owners must grant a bike path easement along Lies Road, if so requested. **Evaluation:** The Village has not yet requested an easement.

Signage shall be constructed with a Lannon stone base material, buff colored. **Evaluation:** The applicant's plans meet this requirement.

Construction of the buildings on the three lots on the south side of Lies Road, east of Gary Avenue, shall be of complimentary materials and colors. **Evaluation:** The existing buildings to the east are conventional industrial buildings, while the applicant's proposed architecture is more in keeping with that of the Town Center.

The entire site will be extensively landscaped with special attention given to the Gary Avenue frontage. Minimum tree caliper along the frontage will be 3½-inch. Frontage will be sodded. As an additional touch, flowers will be planted to provide seasonal color throughout the growing months. **Evaluation:** The applicant's proposed plans meet these requirements, for the most part, as will be discussed as part of the Gary Avenue Corridor review. The applicant needs to revise the plans to provide the required tree caliper size and flowers.

The parking lot will be subdivided with 10-foot by 20-foot planting islands to break up large expanses of paving. These planting islands will include trees and cobble boulders. **Evaluation:** The planting islands are shown on the proposed plans, with trees but not cobble boulders.

The three buildings shall be constructed of the same material and color to give a unified appearance to the development. **Evaluation:** The two buildings shown on the proposed Preliminary PUD Plan meet this requirement. The third building is part of a future development.

The exterior of the buildings shall be constructed of buff-colored Lannon stone or a similar material approved by the Plan Commission. **Evaluation:** The proposed Preliminary PUD Plan meets this requirement.

Buildings shall include pitched roofs. **Evaluation:** The proposed Preliminary PUD Plan meets this requirement.

The property shall be marketed for food service and retail development. There shall be no auto service, no outdoor storage, display or sales, and no drive-up facilities associated with a restaurant. **Evaluation:** The proposed Preliminary PUD Plan meets this requirement. (Auto service is not a permitted use in the B-2 Zoning District.)

At this time, staff can generally support the Preliminary PUD Plan, subject to any additional suggested conditions of approval related to the Plan, which will be included in the Recommendation section of this report.

Final PUD Plan

The applicant is requesting approval of the Final PUD Plan for Lot 2 only (Exhibit D). As with the preliminary plan, many aspects of the Final PUD Plan have already been discussed in this report. The remaining detailed review of the project will be discussed in the Gary Avenue Corridor section of this report. At this time, staff can generally support the Final PUD Plan for the south portion of the property, subject to any additional suggested conditions of approval related to the Plan, which will be included in the Recommendation section of this report.

Gary Avenue Corridor Review

Because the proposed development is located within the Gary Avenue Corridor (GAC), the Plan Commission must review and approve comprehensive development plans for the property to ensure that the proposal is in conformance with the corridor regulations. The Plan Commission has the authority to make the final determination of conformance with the GAC regulations, and Village Board consideration is not required. The sections of the GAC regulations that apply to this proposal include site design, architectural design and parking/landscape design.

Site Design:

Many aspects of the site design have already been discussed in this report; as such, the comments regarding site design in this section will only relate to specific GAC standards. The GAC site design standards require service areas to be out of sight from Gary Avenue. The service areas of utmost concern for this project are the trash dumpster locations. In this regard,

we note that the proposed trash enclosures are shown to be placed along the service area east of the buildings, which is the least visible location on the site. The enclosures would be constructed using masonry material that would match the buildings. Information regarding the enclosures is provided on the Building Elevations (Exhibit G-1), which staff finds acceptable.

Also with respect to site design, the GAC regulations require that pedestrian facilities should be considered within the site. Generally, we find the proposed pedestrian walkways to be acceptable. Connections are provided between buildings, to the parking areas and to a future walkway along Gary Avenue. The applicant proposes to use decorative brick walkways in the parking areas as a design enhancement.

The one remaining site design issue is that of access to Lies Road. According to the Fifth Amendment to the Annexation Agreement for the Stark Farm, the subject property and the property to the east are to have a combined access to Lies Road and cross-connected parking areas. The applicant's engineers are in the process of working with the adjacent property owner to develop a design that meets with the approval of all parties as well as the applicable codes and standards. The issue of access to Lies Road, which is important to the future development of the north portion of the site, is unresolved at this time.

The proposed development plans include only two minor deviations from the applicable standards of the Zoning Code, as discussed above. In addition, the plans are in substantial compliance with the requirements of the Fifth Amendment to the Annexation Agreement. Staff can support the overall site design, but the issue of access to Lies Road needs to be resolved.

Color building elevations are provided for the two retail buildings for which Final PUD Plan approval is requested. (Exhibits G-1 and G-2). The architecture of the buildings is intended to be comparable with that of the Town Center Park to the west. Lannon Stone and pitched roofs are provided, as required by the annexation agreement. A canopy along the entire front of the building would comply with the GAC requirement for a pedestrian arcade or canopy. Sections of the buildings are shown to have a parapet wall that would extend above the roofline. The applicant should be advised that the GAC regulations require all mechanical equipment, whether ground or roof mounted, to be completely screened from view. A parapet wall would be an effective means of screening any rooftop equipment. The elevations indicate the building wall locations where tenant signage would be located. The Plan Commission may wish to require a condition that only channel letter wall signs and no box signs, be permitted, to maintain a more attractive appearance of the building façade.

Landscape Design:

With respect to site landscape considerations, the corridor regulations were designed to allow flexibility in design but require a certain amount of landscape material on-site. The amount of landscape material required is calculated by granting a point value to the type of landscape material provided and then requiring a certain number of points for specific areas of the development. For example, shade trees are worth 225 points each and evergreen trees are worth 275 points each. It is the designer's choice as to how to combine landscape materials on the site in order to meet the criteria of the ordinance and achieve the intent or concept of the corridor. As can be seen on the Final Landscape Plan for Lot 2 (Exhibit E), landscape materials are shown within the parkways and adjacent to the parking spaces along Gary Avenue, within the parking lot landscape islands, and along the storm water management facility to the south.

The GAC regulations require a minimum of 10% of the area within all parking lot areas to be greenspace. These landscaped areas are to be in the form of landscape islands, and landscape material is required within these landscape islands. The parking lot measures approximately 59,400 square feet. The 10% greenspace area standard requires 5,940 square feet of parking lot greenspace. The landscape islands depicted on the landscape plan measure

about 6,665 square feet in area, which equals 11.2% greenspace, which so the standard is met. The landscape islands are required to have 3,333 points of landscape material, and based upon the landscape plan, the islands would have 5,485 points of material, which far exceeds the required point value.

The GAC landscape standards require a landscape screen within the first five feet immediately adjacent to the parking spaces and drive-up lane along Gary Avenue. The landscape screen requires 5,000 points of landscape material, while the plan provides 5,040 points of material, and so the standard is met. Finally, the GAC standards require a landscape setback in the area between the landscape screen and the Gary Avenue property line, with 3,600 points of material required in this area. With 3,680 points of material shown to be provided within the landscape setback, the code requirement is met.

Overall, staff finds the landscape plan for Lot 2, the southerly portion of the property, to meet the GAC standards.

Summary:

In our evaluation of this project, we find that the criteria for the Special Uses for Planned Unit Development, a shopping plaza, and outdoor seating areas are met, subject to conditions. We further find the Preliminary PUD Plan for the entire site, and the Final PUD Plan and Gary Avenue Corridor Review for Lot 2 only, to be acceptable subject to resolution of the issue of access to Lies Road and the conditions noted in this report and the Recommendation section.

RECOMMENDATION

Because the design for the access to Lies Road is unresolved at this time staff cannot recommend approval of the Preliminary PUD Plan or the Final PUD Plan for Lot 2 only. **We therefore recommend that the public hearing for this project be opened, but continued to February 13, 2006, to allow time for resolution of the access design.**

However, assuming a satisfactory design for the Lies Road access can be achieved, we would recommend approval of the Special Uses for Planned Unit Development, a shopping plaza and outdoor seating areas, of the Preliminary Planned Unit Development Plan for the entire site and a Final PUD Plan for proposed Lot 2 only, and of Gary Avenue Corridor Review for proposed Lot 2 only, subject to the following conditions:

1. That the outdoor seating areas shall be at the locations designated on the approved Final PUD Plan, and shall be for restaurant uses only. That the architectural features and materials of the outdoor seating areas, including but not limited to the tables, chairs, lighting and other amenities, must be of high quality, and that the Community Development Director shall have the option of bringing a specific use back to the Plan Commission for approval if the materials and design are judged insufficient
2. That the trees along the Gary Avenue frontage shall be of a minimum 3½-inch caliper;
3. That cobble boulders shall be provided in the parking lot islands;
4. That the building in Lot 1 shall meet all requirements as stipulated in the Fifth Amendment to the Annexation Agreement for the Stark Farm;
5. The property shall be marketed for food service and retail development.
6. That there shall be no auto service, no outdoor storage, display or sales, and no restaurant drive-up facilities;
7. That approval of a Final PUD Plan and Gary Avenue Corridor Review shall be required for Lot 2;
8. That all landscape materials shall be maintained in a neat and healthy manner, with dead or dying materials replaced with similar size and type species on an annual basis;

9. That the parking stalls shall be striped in accordance with the Village's looped striping requirements;
10. That all rooftop equipment on both buildings shall be completely screened from view in all directions;
11. That all ground mounted mechanical equipment shall be screened from view from surrounding public streets;
12. That only channel letter wall signs and no box signs shall be permitted, to maintain a more attractive appearance of the building façade;
13. That separate building permits are required for all trash enclosures and signs; and
14. That the development of the site and buildings will comply with all state, county and Village Codes and requirements.

Commissioner Sutenbach asked if the Preliminary PUD plan could be approved and not the final PUD plan and Mr. Glees responded that as indicated in the report, the preliminary PUD plan and the final PUD plan are the only two items that the staff is suggesting to be continued so the other requests for special uses and corridor review could be approved if found acceptable. With respect to the preliminary development plan for the entire site, the access to Lies Road is unresolved at this time and for that reason the plan is considered incomplete. The applicant has pointed out that the location of the access to Lies Road is fixed, though there are design details that need to be ironed out and so if the Plan Commission wishes the preliminary plan could be approved with an additional condition added that would require approval of the access to Lies Road by the Engineering Services Department. In regard to the final PUD plan approval, the final design of the Lies Road access needs to be shown and should not be approved until it has been submitted and reviewed. The petitioner noted that the special use for a bank was omitted from the recommendations from staff and asked that it be included in the approval.

Commissioner Michaelsen said that the plan indicates that the buildings will have pitched roofs and it was noted that they will be four sided pitched roofs and the inner core will be sloped for drainage. It was stated that there will be roof drains and gutters are indicated on the plans and there will be a parapet on the front and sides. The facades will be of Lannon stone and a reveal stucco painted surface, there will be gutters on the standing seam roof and there will be a continuous standard awning. Commissioner Michaelsen said that given the choice he would pick option #2 on the drive entrance because it would give additional square footage area for cars coming into the high profile corner building.

Commissioner Spink asked about the location of the proposed bank and was told that be in the line space of buildings and would be approximately a 3,000 to 4,000 sf bank. It was stated that it may be that there will be enough demand for the line space that they will not have to seek a bank for the development, but they wanted to have all bases covered for possible occupancy of the development. Also noted was that there has been a tremendous interest in the spaces should the development be approved. Commissioner Spink said that she envisions a unique, inventive, upscale retail area, not just a run of the mill strip mall.

Commissioner Weiss said that the proposed project is ok and agrees that what is expected for this development is high end retail uses.

Commissioner Sutenbach mentioned that the 5th amendment to the Stark Farm annexation agreement in 1997 shows that there are three free standing buildings and a much different design than is shown for this development. It was noted that this is an entirely different real estate market and they could not get a restaurant as an anchor at that corner that would be commercially successful because of the planning and financial aspects of the current market.

Commissioner Michaelsen moved and Commissioner Weiss made the second to recommend approval of a Special Use for a Planned Unit Development in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Vora and Hundhausen

Commissioner Michaelsen moved and Commissioner Weiss made the second to recommend approval of the special uses for a shopping plaza, outdoor seating and a bank in accordance with the conditions noted in the staff report. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Vora and Hundhausen

Commissioner Michaelsen moved and Commissioner Weiss made the second to approve the Gary Avenue Corridor review in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Vora and Hundhausen

Commissioner Michaelsen moved and Commissioner Weiss made the second to continue the matter of the Final PUD plan to the meeting of February 13, 2006 subject to engineering approval. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Vora and Hundhausen

The petitioner was reminded that these matters will be heard by the Village Board at their meeting on January 17, 2006 and was advised to attend that meeting.

At 11:40 p.m. Commissioner Spink moved and Commissioner Michaelsen made the second to close the public hearing. The results of the roll call vote were:

Ayes: 4 Commissioners Spink, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Vora and Hundhausen

At 11:45 p.m. Commissioner Weiss moved and Commissioner Michaelsen made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD

Presentation:
Old Business:
New Business:
Report of Officers: