

REGULAR MEETING-PLAN COMMISSION/ZONING BOARD OF APPEALS
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

JULY 10, 2006

All Matters on the Agenda may be discussed, amended and acted upon

Chairman 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 Smoot, Vora, Spink, Weiss, Michaelsen, Hundhausen & Sutenbach
 Absent: None
 Also Present: Community Development Director Bob Glees, new Village Planner John Svalenka and Recording Secretary Progar

MINUTES:

Commissioner Spink moved and Commissioner Smoot made the second to approve the Minutes of the Meeting of June 26, 2006 as presented. The results of the roll call vote were:

Ayes: 7 Commissioners Smoot, Vora, Spink, Weiss, Michaelsen,
 Hundhausen and Sutenbach
 Nays: 0

PUBLIC HEARING:

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

Ayes: 7 Commissioners Smoot, Vora, Spink, Weiss, Michaelsen,
 Hundhausen and Sutenbach
 Nays: 0

06171: Village of Carol Stream, 500 N. Gary Avenue
Variations – Sign Code
Continued from 6-26-06 meeting

Robert Glees, 500 N. Gary Avenue, Carol Stream was sworn in as a witness in this matter. Mr. Glees explained that a vendor from Chicago Sign will demonstrate the type and capabilities of the sign that is being considered by the Village Board outside in the parking lot and invited the Commissioners and anyone else present to step out to witness the demonstration. He stated that the existing Municipal Center sign, which was installed in 1998, is beginning to require more frequent maintenance, and several pixel boards, which illuminate the sign, have burned out. The existing pixel boards are obsolete and the manufacturer no longer makes them. The manufacturer does, however, make retrofit modules that would allow replacement of the existing boards with amber or red lights utilizing the existing sign cabinet. In order to evaluate sign replacement options, staff sought direction from the Village Board to invite sign vendors to demonstrate the latest sign technology. One such vendor, Chicago Sign, demonstrated a sign before a regular Village Board

meeting, and as a consequence, the Board directed staff to further evaluate the costs and approval requirements involved with the purchase of a new sign.

Staff has evaluated the value of replacing the existing pixel boards versus purchasing a new sign with current technology, and determined that the cost of the retrofit modules (\$25,920) is more than half the cost of replacing the sign (\$45,698). Although utilizing the retrofit modules would be less costly initially, staff feels it would be more cost-effective and a better use of Village funds to invest in a sign that utilizes current technology, which would be more dependable and provide greater programming flexibility now and in the future. The new sign technology would also be more reliable and have fewer moving parts than the current sign, which utilizes a mechanical panel to display the pixel boards. Village staff would prefer to be able to make use of modern technology in the conveyance of information and the display of images on the Municipal Center sign.

Everyone moved to the parking lot where the sign was explained and displayed by John Doyle; of Chicago Sign Co. and returned to the Board Room.

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

Mr. Glees stated that The existing Municipal Center sign is 13'-7" by 3'-10" in size, not including the mounting brackets, and is mounted atop a Lannon stone base as part of the decorative landscape wall feature along Gary Avenue. As can be seen on the attached picture, no part of the existing sign is permanent, the face is completely changeable. The proposed new sign is 13'-3" by 4'-0" in size, essentially the same as the existing sign. The proposed sign is a color LED electronic message sign capable of displaying crisp and lifelike video images at 30 frames per second. New sign technology uses Red/Green/Blue (RGB) technology to display messages, which is the same technology used in the computer industry. The software used to operate the sign is similar to PowerPoint, and provides the flexibility of utilizing graphics, which the existing sign does not have. The messages that would be displayed on the sign would include public service messages, event announcements, and general information. The images would include no flashing, blinking or pulsating images.

The Sign Code allows signs with electronic changeable copy; however the Code stipulates that the electronic copy cannot change more frequently than once every 3 seconds. In addition, the Code stipulates that $\frac{1}{3}$ of the sign be permanent. The replacement sign recommended by Village staff is capable of displaying video images that change on a continuous basis, and as is the case with the existing sign, the full area of the proposed sign would be changeable copy and no portion of the sign would be a permanent face. As such, staff is requesting two Variations from Section 6-11-12(B) of the Sign Code to allow the full sign to be changeable copy and the images to change more frequently than once every 3 seconds, as permitted by the Code.

The Village of Carol Stream was the first to make use of changeable copy electronic signs in Carol Stream. Since 1998, the Village has approved variations for other changeable copy signs, including Culver's Restaurant, Wheaton Christian Center, Mutual Bank, and EG Hardware Store; however, the proposed sign would be the first sign in Carol Stream to be approved for continuous video imagery. As noted above, the sign vendor has been invited to be present at the public hearing to demonstrate the proposed sign.

It is customary for staff to recommend, and the Plan Commission and Village Board to require, certain conditions of operation for changeable copy signage. The typical conditions, which include considerations such as limiting the maximum number of messages and the frequency with which the messages change, are aimed at maximizing the effectiveness of the signage while minimizing any safety risks to motorists who are attempting to read the messages while operating their automobiles. Staff also typically emphasizes that changeable copy signs are not permitted to be programmed to flash, blink or pulsate, or display messages that will in any

manner distract motor vehicle traffic. Although this is a requirement for all signage that is clearly stated in the Sign Code, it is appropriate to emphasize this requirement for changeable copy signs, as such features have an increased potential for displays that could be distracting to motorists.

The existing Municipal Center sign is beginning to require more maintenance, and the cost of replacement parts is more than half the cost of replacing the sign. After viewing various signs in the area and several sign options, staff recommends a complete upgrade to the existing sign. Staff feels it would be more cost-effective and a better use of Village funds to invest in a sign that utilizes current technology, which would be more dependable, and would provide greater programming flexibility now and in the future. The new sign technology would also be more reliable and have fewer moving parts than the current sign, which utilizes a mechanical panel to display the pixel boards.

Staff recommends approval of the requested Sign Code Variations to allow an electronic changeable copy sign with no permanent portion of the sign face and with streaming video capability, with the images capable of changing on a continuous basis, subject to the following conditions:

1. That the changeable copy sign shall not be programmed to flash, blink or pulsate, or display messages that will in any manner distract motor vehicle traffic; and
2. That the sign shall otherwise comply with all applicable standards of the Village Code.

Staff also suggests that it may be appropriate to consider a text amendment to the Sign Code to address the latest video technology, and we encourage the Plan Commission to comment on this.

Commissioner Spink commented that she finds that the existing sign changes are distracting enough since, to her, there is not enough time at the traffic light to read the messages. She asked if there is a way to limit the amount of information presented for a given amount of time and Mr. Doyle explained that there can be an unlimited number of messages and it is up to the programmer to deliver the number of messages that can be read and understood for a given amount of time. It would be foolish to put up more information than can be digested. In response to the questions, it was noted that the new sign is composed of modules, circuit boards and LED s of a simple design as opposed to a mechanical system. There is a 5-year warrantee, the sign has a 12 to 15 year life span and can be updated as technology increases. It was also stated that a typical "ad" is approximately 7 to 10 seconds in length and that amount read by passers-by is limited by the speed of traffic. Commissioner Spink said that to her the changing of colors is equivalent to blinking or flashing.

Commissioner Weiss commented that in regard to what is being presented tonight and what has come before this Board before, it is time to have a hearing for a text amendment recommendation to be given to the Village Board because like any other communication tool, the technology changes and there should be discussion and resolution on a text change to the requirements and determinations for the appropriate use of this new technology in the Code. Commissioner Smoot said that he agrees that the Village should make an attempt to keep up with technology if only to show the progressive thought of the Village staff.

Chairman Sutenbach said that he finds that the requests for the variations are reasonable. Commissioner Weiss asked if the Village Board is aware that this is the technology the basis for the recommendation and Mr. Glees stated that the Board has also had a demonstration from this Company, however they haven't seen anything in terms of bringing forward quotes with a recommendation for a purchase yet.

Commissioner Weiss moved and Commissioner Vora made the second to recommend approval of the variations from the Sign Code, which will allow electronic changeable copy sign with no permanent portion of the sign and with messages changing more frequently than once every three second, based on the recommendations of staff and the presentation by the petitioner. The results of the roll call vote were:

Ayes:	6	Commissioners Smoot, Vora, Weiss, Michaelson, Hundhausen and Sutenbach
Nays:	1	Commissioner Spink

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

**# 06170: Village of Carol Stream, 500 N. Gary Avenue
Gary Avenue Corridor Review
Variations – Zoning Code**

Mr. Gles noted that a resident commented on this matter is an e-mail to him. He noted that the request is for Gary Avenue Corridor approval with variations from the parking lot setback requirement, and parking lot curb and landscape requirements of the Zoning Code. The parking lot at the Gregory J. Bielawski Municipal Center has existed in its present configuration since first constructed in 1981. Since that time, the Village passed the Gary Avenue Corridor Regulations in 1995 and constructed the landscaped frontage improvements along Gary Avenue in 1996. Because the parking lot is now in poor condition, reconstruction of the lot is included as a capital project for the current fiscal year. The existing asphalt and curbs would be replaced at essentially the existing lines and grades, with minor adjustments to improve drainage. The existing landscaped islands would be maintained, with dead plants being removed and new plants added. The existing building contains approximately 40,000 square feet of floor space, thus generating a parking requirement of 160 spaces. The existing parking lot provides 182 parking spaces, distributed such that Police Department fleet and employee parking is at the east side of the building, inspection vehicle parking at the south side, and visitor and employee parking at the west side; this configuration would remain with the proposed lot.

Gary Avenue Corridor Review

Because the majority of the parking lot is located within the 400-foot Gary Avenue Corridor (GAC), the Plan Commission must review and approve the proposed plans to ensure that the project 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 project include §16-5-6(L) *Parking* and §16-5-6(M) *Landscape Design and Site Furnishings*.

Parking:

As noted, the parking lot was constructed prior to enactment of the Gary Avenue Corridor Regulations. The existing setback from the property line to the edge of pavement along Gary Avenue is 20 feet, as opposed to the current standard of 30 feet. Reconstruction of the parking lot at the current 20-foot setback would require approval of a Variation from §16-5-6(J)(4) of the Zoning Code. This Variation stems from the physical constraints of the site, in that the area currently available between the existing building and the property is not sufficient to provide the 30-foot setback without losing 22 parking spaces along the east side of the Police Department lot. This would present a hardship in that Police Department parking would need to be shifted to the west side of the building. In addition, the Municipal Center often needs the additional parking capacity for such things as voting and training events. Staff has no objection to the

requested Variation, because the lot is screened from view from Gary Avenue by the Lannon Stone wall and dense landscaping constructed in 1996, and so the intent of the 30-foot landscaped setback requirement is more than satisfied.

Landscape Design:

The GAC regulations require that "all parking lots will be paved and curbed." Although curbs are provided at the existing landscape islands, the parking lot perimeter is not curbed. Wheel stops are provided to prevent parked vehicles from leaving the paved surface. With the proposed project, deteriorated or damaged curb would be replaced; however, the provision of new curb around the parking lot perimeter is not intended, and so a Variation is being requested from §16-5-6(L)(2). Staff has no objection to this Variation request, as the provision of additional curb would be quite costly, and is unnecessary from a drainage design standpoint, and because the turf adjacent is protected by the wheel stops.

The regulations also require that a minimum of 10% of the area within all parking lot areas must be landscaped. The landscaped areas are to be in the form of landscape islands, and landscape material is required within these landscape islands. The portion of the parking lot that falls within the 400-foot Gary Avenue Corridor consists of the areas to the east and directly south of the Municipal Center Building. The parking lot within this area measures approximately 44,400 square feet, and so the 10% greenspace area standard requires 4,440 square feet of parking lot greenspace. The landscape islands depicted on the landscape plan measure approximately 3,000 square feet in area, which equals 6.8% greenspace, so the standard is not met and a Variation is being requested. However, the landscape islands are required to have 2,220 points of landscape material, and based upon the proposed landscape plan, the islands would have 3,484 points of material, which far exceeds the required point value. To provide the additional landscaped island area, eight parking spaces would be lost in the vicinity of the Village's Police and inspection vehicle fleet parking areas, and this would be a hardship. In addition, it is important to note that the parking lot is screened from Gary Avenue by the decorative Lannon Stone wall and dense landscaping along the roadway frontage. In view of the hardship of losing eight parking spaces, the extensive existing landscape screening and the proposed improvements to the existing landscaping, staff has no objection to the requested Variation.

The GAC landscape standards also require a landscape screen within the first five feet immediately adjacent to the parking lot along Gary Avenue, as well as landscaping within the setback area between the lot and the Gary Avenue right-of-way. As shown on Exhibit B, the existing Lannon Stone wall and landscaping along the Gary Avenue frontage far exceed this GACR requirement.

Variations:

With respect to requests for variations from any GAC standard, the GAC regulations direct the following:

"Variances. In the event of unusual circumstances, or a particular hardship, the developer or property owner may request that the Plan Commission adjust the applicability of this section to existing development. For the purpose of this section, all properties that were improved with structures prior to adoption of the Gary Avenue and North Avenue Corridor Regulations shall be considered unique and the Plan Commission shall use flexibility in consideration of variances to the requirements of this section. When reviewing a request, the Plan Commission shall consider the following factors:

1. The cost of the proposed property improvement as compared to the cost of the applicant adhering to the strict letter of this section;
2. The existing site design and the location of existing structures; and

3. The magnitude and impact of the proposed improvement on the Gary Avenue and North Avenue Corridors."

With respect to the Gary Avenue Corridor Review, staff believes that the existing landscaping at the Municipal Center, including landscaped islands, landscaped frontage and Lannon stone wall, exceed the goals of the Gary Avenue Corridor standards. The proposed project would maintain those landscape features and would replace dead plants so as to restore the original level of quality. With respect to the Variations from the GAC landscape standards, staff does not object to maintaining the existing parking lot configuration, in view of the exceptional nature of the parking lot facilities, such as the Lannon stone screening wall, the densely landscaped frontage setback, and the parking lot landscaped areas.

RECOMMENDATION

Staff recommends approval of the Gary Avenue Corridor Review and the following Variations from the Zoning Code: a variation of the required front yard parking setback from 30 feet to 20 feet, a variation of the required parking lot landscaped area from 10% to 6.8%, and a variation to allow the perimeter of the new parking lot to not have curb, subject to the following conditions:

1. That the entire parking lot shall be striped in accordance with the Village's looped parking stall striping standards;
2. That the new proposed landscape materials shall be installed in the quantity and size indicated on the landscape plan, with any dead or dying landscape materials being replaced with the approved size and type species on an annual basis;
3. That wheel stops be provided at all perimeter parking spaces.
4. That building permits shall be obtained, as necessary, for all work to be done on the property;
5. That the building and property shall comply with all applicable state, county and Village Codes and requirements.

Chairman Sutenbach read the e-mail received as follows: "To Whom It May Concern: I am unable to attend the meeting being held at the Village Hall this evening, but I would like to express my opinion on the repaving of the Village Hall parking lot. At this time the current appears to be in good repair. I currently do not see the need to repave the lot. The additional money set aside for this expenditure could be put to better use at this time. Thank You, Marcia Wojnowiak, 449 Heather Lane.

At the call for public hearing, Laura Resnick, 499 Blackhawk asked when the construction would start and how long a period of time would it take to get the parking lot done and Mr. Glees said that the project would be administered out of the Engineering Department so he cannot say with certainty how long it would last, but he would expect that it would take approximately one to two months. That is not say that there would be equipment working every day. In response to the question about the hours for construction, it was determined that the hours allowed are 6:00 a.m. to 8:00 p.m. Mon. – Fri. and 8:00 a.m. to 8:00 p.m. on Sat. and none on Sunday.

Commissioner Spink asked where the mailbox and drop box will be located and Mr. Glees responded that while it is not indicated on the proposed plan, they will have to be moved at various times during the construction to have drivable surface for access.

Commissioner Michaelsen asked if this will be done in stages and Mr. Glees responded that Engineering Services has not done any final engineering plans, but it would seem that with the amount of Village service and police vehicles, along with employees and residents vehicles it would have to be. It was also noted that the plan is for the asphalt to be replaced, however if there needs to be additions made to the stone base it will be done as discovered. It was also stated that there will some minor changes for enhanced drainage. Commissioner Michaelsen asked if the existing wheel stops will be re-used and was told that wheel stops that are still serviceable will be re-used and bad ones will be replaced.

Chairman Sutenbach commented that he agrees with the recommendation of staff.

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

Ayes: 7 Commissioners Smoot, Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0

Commissioner Weiss moved and Commissioner Hundhausen made the second to recommend approval of the variations to the Zoning Code in accordance with the staff recommendations. The results of the roll call vote were:

Ayes: 7 Commissioners Smoot, Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0

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

**# 06172: Village of Carol Stream, 500 N. Gary Avenue
Text Amendment- Zoning Code and Chapter 14 of Municipal Code**

Mr. Glees said that recently the Village was contacted by the Federal Bureau of Alcohol, Tobacco and Firearms with a question regarding whether the sale of firearms was permitted in the Village of Carol Stream. The reason for the question is that the Bureau had received a request from a local Carol Stream resident for a Federal Firearms License and the ATF checked with the Village to make sure that this is a legal use in Carol Stream. Mr. Glees said that he checked with the Village Attorney because, while he was fairly certain that that sort of a use is not allowable in any of the Zoning Districts, he was not sure how the Zoning Code treated Home Occupations. If a use is not specified in any of the Zoning Districts might it still be allowable as a Home Occupation. The Village Attorney advised that, in his opinion, if a use is not allowable in any Zoning District, it is not allowable as a Home Occupation, but he suggested that we should probably make that a little more clear and recommended a text amendment to do so. Mr. Glees noted in passing, that there was at one time, a business in town that did sell either firearms or ammunition, or something firearms rated, but it is no longer in Carol Stream. He is not sure how that business was approved, or whether it existed prior to being annexed, or can explain how it happened. The Village Attorney was very clear that that use is not listed in any of the Zoning Districts and so it is not permitted at this time and it has never been permitted. This text amendment is not being proposed for the purpose of removing the sale of firearms or ammunition as an allowable use in Carol Stream, the fact is that it never has been. The purpose of this text amendment is rather to address the issue of firearms activities as a Home Occupation. In explaining further, Mr. Glees said that in researching this issue with the Police Department, he learned that there are several persons in the Village who currently hold a Federal Firearms License and they were issued such a license because they are involved in show, trade shows or gun shows and what they do is buy and sell weapons for their collector's value. Some individuals repair classic weapons or historic weapons or other types of repairs on weapons, others buy and sell as a collector and there are approximately five people in Carol Stream right now that have such a license to do that sort of activity. They have been licensed for all these years, this is an activity that ATF has licensed in the past. To his knowledge, Mr. Glees said that they have not questioned the Village if this was a legal activity. Staff has no reason to suggest that that activity should become illegal, should be made illegal. The Police Department has no objection to such individuals have Federal Firearms License for their home use because they feel that this sort of activity is very well regulated at the Federal level, there's

never been a problem from a local police standpoint and so the staff recommendation with respect to the text amendment is to make it clear that #1; the retail sale of firearms and ammunition is not included in the list of allowable uses in Carol Stream, #2; that persons who are able to obtain a legal Federal Firearms License from ATF for the activities related to the sale of firearms as a Home Occupation, that activity being maintained and not being made illegal with the proposed text amendment. Mr. Glees added that in the process of researching this matter, it was discovered that under the General Offenses section of the Village Code, Chapter 14, there is a section in there that refers to how a gun dealer, a gun retail dealer should display his merchandise, in locked cases and things like that, and since that is not an allowable retail activity in the first place, staff is recommending that Section B be deleted from the Code. However, the language in there that pertains to the safe storage of weapons, staff thinks is valuable and is recommending bringing that language into the proposed text amendment that addresses weapons as a Home Occupation.

There were no comments or questions from those in attendance at the call for public hearing. The following staff report discusses and presents proposed text amendments to the Village of Carol Stream Code, Chapter 14 *General Offenses* and Chapter 16 *Zoning Code*. The impetus for the proposed text amendments is that staff recently was contacted by the United States Bureau of Alcohol, Tobacco and Firearms (ATF) regarding a request from a Carol Stream homeowner for a Federal Firearms License (FFL). Such a license is required of all persons who engage in the sale of firearms, including not only commercial gun dealers but also private parties who buy and sell guns, such as at trade shows. In discussing the Village's response to ATF with the Village Attorney, several points were brought to light:

1. **The *Home Occupations* section of the Zoning Code does not address Permitted Uses or Special Uses.** The implication here being that one could argue that as long as a use meets the performance standards contained in the Home Occupations section of the Zoning Code, it is permitted, even though not allowed as a business use in any zoning district. This is certainly not the intent of the Code.
2. **The Carol Stream Zoning Code has no listing of use for either the retail sale or the warehousing and distribution of firearms or ammunition in any zoning district – neither as a Permitted Use nor as a Special Use.** Since the Village's Zoning Code is exclusionary in nature – that is, if a use is not included then it is not permitted – the Village Attorney has given the opinion and the staff agrees that, under the current Zoning Code, the retail sale and the warehousing and distribution of firearms or ammunition are not permitted in the Village of Carol Stream because those uses are not included in the lists of allowable uses. It should be noted that there once were a firearms warehousing/distribution facility on Gerzevske Lane and a firearms retail operation on E. St. Charles Road, although those businesses have since departed. It is not clear how those businesses were approved for zoning. Please note it is not the intention of this text amendment to remove this particular use from the Zoning Code, but

rather to note that it does not exist at this time. In the event of a future request for location of a firearms retail or distribution facility in Carol Stream, the interested business would need to apply for approval of a text amendment to add the use to the Zoning Code.

3. **There are persons in Carol Stream who hold a valid Federal Firearms License for the purpose of buying and selling guns at activities such as trade shows.** The Carol Stream Police Department receives notice from ATF of individuals who have obtained a Federal Firearms License. These individuals most often are hobbyists or collectors who buy and sell firearms at trade shows. At this time, there are five such persons in Carol Stream. The Police Department has no objection to this activity, as it is very well regulated via the licensing process. It is not staff's intention to remove the right of such individuals to engage in this activity, as they have been doing for years.

Staff has worked with the Village Attorney to develop text amendments to §14-3-20 and §16-12-6 of the Municipal Code. In this report, each proposed text amendment is preceded by a brief introduction that will establish the rationale behind the proposed text amendment. Following the introduction, the current and proposed Zoning Code language is presented. Current text that is proposed to remain is presented in standard text, while current text that is proposed for deletion is presented in ~~strike through text~~. Finally, recommended new text is presented in an underline fashion. Staff encourages PC/ZBA discussion and questions during the review of the proposed text amendments.

PROPOSED TEXT AMENDMENT #1 – GENERAL OFFENSES

§14-3-20 WEAPONS; DISPLAY AND STORAGE OF FIREARMS AND AMMUNITION.

As noted previously, retail sale of firearms or ammunition is not permitted in the Village of Carol Stream; however, §14-3-20 establishes regulations for such retail operations. Please again note that the purpose of this proposed text amendment is not to remove this activity as an allowable use, but to provide consistency with the Zoning Code and remove any ambiguity or suggestion that retail sale of firearms or ammunition is permitted. As noted previously, persons interested in opening such a business in Carol Stream would need to apply for approval of a text amendment to add the use to the Zoning Code. In order to remove ambiguity, it is recommended that this entire section be deleted. Please note, however, that the requirements for safe storage and display are recommended to be carried into the Home Occupations

regulations.

**§ 14-3-20 WEAPONS; DISPLAY AND STORAGE
OF FIREARMS AND AMMUNITION.**

This Article deleted.

~~—(A) All retailers shall be required to display firearms either in locked cases or in racks in which the firearms are securely locked to the racks. Firearms ammunition shall only be displayed in locked cases.~~

~~—(B) All retailers shall be required to securely store ammunition and firearms in any store offering such goods for retail sale.~~

**PROPOSED TEXT AMENDMENT #2 – ZONING CODE
§ 16-12-6 HOME OCCUPATIONS**

The purpose of this proposed text amendment is to be clear that a use is not permitted as a home occupation unless it is allowed in one or more of Carol Stream's zoning districts. However, it is not staff's intention to remove an activity that has been allowed for years and licensed by the federal government. The proposed text amendment adds language regarding lawful activities, retains the right of individuals to conduct firearms-related home occupations if properly licensed, and adds regulations pertaining to storage and display.

(B) *Performance standards.*

(1) Only lawful activities that involve the performance of a business or occupation that is a permitted use or special use within the zoning districts contained within this Zoning Code may be conducted within a home occupation, provided however that a person who possesses a valid Federal Firearms License may carry out that business as a home occupation provided that all other regulations of this Section are complied with.

(12) All persons engaging in home

occupation activities for which a Federal Firearms License is required shall store firearms either in locked cases or in racks in which the firearms are securely locked to the racks. Firearms ammunition shall only be stored in locked cases.

Staff recommends approval of the presented text amendments, although we do encourage PC/ZBA discussion and input regarding the same. The PC/ZBA can recommend approval or denial of any of the text amendments, or they can recommend additional revisions to proposed text language. Final approval authority for the text amendments rests with the Village Board. Commissioner Weiss cited the second statement of the staff report, "In the event of a future request for location of a firearms retail or distribution facility in Carol Stream, the interested business would need to apply for approval of a text amendment to add the use to the Zoning Code" and asked if that should successfully occur would that then be a permitted use where a second or third applicant can go ahead and do that without any type of a hearing because it would have been made a text amendment? Mr. Glees said that it would depend on a number of things, first it would depend on if the text amendment were successful and the use was added to the Zoning Code and second would be the nature of the use under which the firearms retail activity were approved; if it were a straight permitted use, then anyone could come in and open such a business without any special approval; if it were to be included as a special use, then it would need to go through the public hearing process like any other special use. Mr. Glees said that staff is not proposing such an amendment at this time, staff is stating that the retail sale of firearms and ammunition is not currently an allowable use in the Village of Carol Stream and it never has been. Staff is not trying to give the impression that the Village is taking away a right that once existed, it never did exist. However, if a retailer were to wish to come into Carol Stream and open a store that sold firearms or ammunition, they would need to go through the text amendment process, they would need to receive approval of adding such a use, either as a permitted use or a special use, to the Village Code, they would need to be reviewed before the Plan Commission and the Village Board and get Board approval of the amendment to the text. Commissioner Smoot commented that it appears to him that staff is trying to say that this has never been allowed in the Village and yet the article suggested to be deleted specifically states that it shall be required on how to display it and it seems that the language is pretty clear that this has been allowed in the past. It can be said that we are not going to allow this anymore, but it certainly seems that it was approved before. Mr. Glees stated that staff is not trying to say that this was not approved before, but he is stating that this has never been an allowable use in the Carol Stream Zoning Code and the Village Attorney has rendered that opinion also. He said that he cannot explain how a business was able to open when the use was not an allowable use, or how it ever got approved and that this is being disclosed, at the same time, staff does not want someone to think that because that did happen in the past, that it was a legal, allowable use at one time and we are taking that right away, that is not how it happened. Mr. Glees stated that a search of the Carol Stream Zoning Code all the way back to 1970 and no where in there can you find the retail sales of firearms or ammunition as an allowable use in the Zoning Code.

Commissioner Smoot asked if there are any current businesses in the Village that will be impacted by this change and Mr. Glees replied no.

Chairman Sutenbach commented that he believes that K-Mart, years ago, in their sporting goods department sold .22 caliber rifles and shotguns and ammunition. It wasn't a business that was strictly selling firearms, but it was within a store that sold them. He said that he sees this as taking it out of the Municipal Code and putting it in the Home Occupation section. Mr. Glees noted that it would taking the section that Commissioner Smoot referred to, that was in the General Offenses, that talked about the lawful display, because that does present an

ambiguity and can be misleading, so it is being taking out there, eliminating it. However, the language is very useful, from a public safety standpoint, to include in the Home Occupation Section as long as we are addressing persons who undertake that sort of Home Occupation, we might as see that it is done safely. Chairman Sutenbach asked if the individuals that have the Federal Firearm Licenses have Home Occupation licenses as well and Mr. Glees responded that what is issues is not a Home Occupation License, it is a Business Registration, if some requests it. He noted that if a resident were to undertake this activity without notifying the Village there would be no way to find out. But if someone were to come in with a request for a Home Occupation to buy and sell guns at trade shows, staff would go to the Home Occupation section and not that it requires a Federal Firearms License and if they had one, it would be approved. Chairman Sutenbach commented that this seems to be more a hobby than a Home Occupation, so by putting it in the Home Occupation section, are we forcing these five individuals that have a FFL that they now have to have a Home Occupation license. Mr. Glees said that they do buy and sell, it is an activity in which there is buying and selling/money changes hands, ownership of merchandise changes hands either in the home or at a trade show. Chairman Sutenbach said that this is a hobby, not a Home Occupation, even at trade shows, and Mr. Glees said that since the Village is notified by ATF that these licenses have been issued, then the Village should require Business Registrations. Chairman Sutenbach said that since there is fee for the business registration then this does affect those current FFL holders and they don't even know about it and Mr. Glees concurred.

Commissioner Hundhausen commented that stamp collectors change property for money at trade shows, so would that be then considered a Home Occupation and if not, why should firearms collectors, etc. be singled out. Mr. Glees said that he would not think that that sort of activity rises to the level of a home occupation, but what is being referenced here are people that do a little more than owning a few guns and trading them now and then. This sort of activity is very much a business, referring to one individual who is a refurbisher/restorer. That is a business.

Chairman Sutenbach said that he is in favor of this because the Police Department has no objections to it and the Village Attorney has provided the language. He said that he would prefer to see that this be a stand-alone issue, not one sentence under performance standards. As a example he suggested that it might state that there be two separate matters , item 1 that only lawful activities....."the exception to the rule is.....item 2. If you hold a valid Federal Firearm License you may carry out that as a Home Occupation Business".

Commissioner Smoot said that he believes that there should be a standard established as to what level of sales, trades, etc. constitutes a Home Occupation, whether it is 2 times or 3 times or whatever before the Village is going to require a fee for a Business Registration. Mr. Glees said that the impetus for this was the contact from ATF because they were not going to issue an FFL because it is not an allowable business activity in the Village. It is not so much that staff is interested in trying to ferret out everyone who is conducting this activity and making sure that they have CS Business Registration, rather, it is recognizing that the ATF will not longer give anyone from Carol Stream a FFL because it is not an allowable business activity in the Village. Mr. Glees stated that the Village is not trying to create any regulation to layer on top of the existing Federal regulations. The concern is that ATF is now contacting municipalities to verify that this is a legal activity within their borders and our answer is it is not and ATF then refuses to issue an FFL. If we do not clear up our Zoning Code, with respect to this sort of activity, he expects that the ATF will no longer issues licenses to persons who do this sort of activity as a home activity. Commissioner Smoot said that he would like to see this reviewed because of the ambiguity of standards to meet to have or not need a Home Occupation or just have a hobby. Mr. Glees said that the text amendment being proposed does not put that on our doorstep, it is at the Federal doorstep. Commissioner Smoot said that it comes back to our doorstep and Mr. Glees said that no, that is not our intention, it is very clear. It says a person who possesses a valid Federal Firearms License may carry out that business as a Home Occupation provided that all other regulations of this section are complied with. Commissioner Smoot said that if we say no to the Feds there will never be another license issued in the Village

of Carol Stream. Mr. Glees asked by would we say no and Commissioner Smoot said that it says we don't allow that....Mr. Glees said that if we assume that we approve the text amendment and make everything clear, why would we say no.....the whole purpose of the text amendment is to make everything clear so that we can tell the ATF that yes, this sort of activity is allowable in Carol Stream in the home, not in a shopping center. Chairman Sutenbach said that that seems to be a contradiction.

Mr. Glees said that there is no reason that a decision regarding this matter has to be made tonight, if there are questions as to language for the text amendment, staff will come back with answers from the attorney.

Commissioner Vora asked if the Village has to notify the current license holders of this text amendment and Mr. Glees said no.

Chairman Sutenbach said that he is not sure that this belongs in Home Occupations and that he agrees that it is not clear at what point a hobby becomes a Home Occupation and he feels that there is not enough information for him to make a decision.

Commissioner Hundhausen moved and Commissioner Smoot made the second to continue this matter to the meeting of August 14, 2006 in order to allow clarification of the text amendments per the comments made. The results of the roll call vote were:

Ayes:	7	Commissioners Smoot, Vora, Spink, Weiss, Michaelsen, Hundhausen and Sutenbach
Nays:	0	

A short break was taken at this time, 9:15 p.m. and resumed at 9:22 p.m.

**# 06111: Lakewood Homes, Inc., Fisher Farms Property, North Side of North Avenue
West of Gary Avenue
Final Plat of Subdivision
Final Planned Unit Development Plan – Residential Subdivision
North Avenue Corridor Review – Residential Subdivision
Variation – Sign Code**

Curt Wandry, Lakewood Homes, Daniel Grove, Lakota Group, 212 W. Kinzie, Chicago, Chris Shackstead, Lakewood Home 2700 W. Higgins, Hoffman Estates, Kim Warner, Cemcon, 2280 White Oak Circle, Aurora, David Ravelle, Lakewood Homes were sworn in as witnesses in this matter.

Mr. Wandry presented a slide presentation of Easton Park in its final PUD plan.

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

Mr. Glees stated that the applicant is requesting approval of a Final Plat of Subdivision in accordance with Section 7-2-6 of the Subdivision Code, Final Planned Unit Development Plan in accordance with Section 16-16-4 of the Zoning Code, North Avenue Corridor Review in accordance with Section 16-5-6 of the Zoning Code, and Variations from Section 6-11-16(B) of the Sign Code to allow a project identification sign in the R-4 District to be located less than 150 feet from a proposed building, be greater than six feet in height, and be constructed of materials other than masonry or metal materials.

In December 2005, the Village Board adopted several ordinances approving Lakewood Homes' requests for an annexation agreement, annexation, rezoning, special use permit for a planned unit development, Preliminary PUD Plan and Preliminary Plat of Subdivision for the approximate 59-acre property located on the north side of North Avenue about 1,250 feet west of Gary Avenue. The development, now known as Easton Park, was shown to include 276 townhome units on 37.9 acres, a 9.7-acre stormwater management facility, and 11.6 acres of commercial property for future development. Lakewood Homes will build the townhomes and stormwater management facilities, and commercial developer Grace Stramaglio will develop the commercial property.

Ever since the Village approved the Preliminary PUD Plan in December, Lakewood Homes has been working with its consultants to complete the final engineering design for the site roadways, grading and stormwater management facilities. Although staff has worked closely with the applicant on this project over the past months, this is a complex project involving a high profile property in the Village. Aspects of the applicant's proposed Final PUD Plan that are yet unresolved, undetermined or have changed from the approved Preliminary PUD Plan will be identified in this report. If the Plan Commission believes that the proposed final plan is substantially changed from the approved preliminary plan, they may recommend to the Village Board that a new public hearing be held (§16-16-4B).

For reference purposes, a copy of the approved Preliminary PUD Plan is attached. Staff has reviewed the proposed Final PUD Plan, and we find that the conditions of approval of the preliminary plan have been satisfactorily addressed. Please note that items such as architecture and landscape treatments will be reviewed in greater detail in the North Avenue Corridor Review section of this report.

Access and Street Layout:

The Final PUD Plan indicates that the development would connect to the existing public roadway network at two primary locations. The main access point would be off of North Avenue, directly across from the Windsor Park Manor campus entrance. The proposed Bennett Drive would extend north from its intersection with North into the development as a public street, then turn east to its T-intersection with Surrey Drive. Easton Park residents would be able to access the regional street network via North Avenue, or the local neighborhood network via Surrey Drive. In addition, the onsite pedestrian system would connect to a bike path that would extend along the north side of the pond feature and connect to Arrowhead Trail at the bridge crossing opposite the Village's Water Reclamation Center.

The plan proposes a full 66-foot public right-of-way for Bennett Drive and Sype Drive, the two proposed public streets, and the roadway pavement width meets the Subdivision Code standard of 28 feet. Parking would be allowed on one side of the public streets, with the fire hydrants in the subdivision being located on the opposite side of the street from the parking. All other streets and drives would be private roads, with maintenance performed by the homeowners association. Village staff has worked closely with the Fire Protection District to ensure that adequate emergency vehicle access would be provided; to this end, all of the private streets and drives would serve as designated fire lanes, with no parking allowed. The lanes will require "no parking" signs, and the petitioner would be required to establish an enforcement agreement with the Police Department.

In reviewing the Final PUD Plan, staff finds the land plan to be in substantial conformance with the approved Preliminary PUD Plan. The only notable changes involve the reduction to 270 townhomes and slight changes to the building architecture and landscaping. Staff finds the changes to be minor in nature, and the architecture and landscaping will be discussed in the North Avenue Corridor Review section of this report.

Commercial Area:

Lakewood Homes has partnered with commercial developer Grace Stramaglio, who has purchased the 11-acre commercial portion of the development, as well as the small parcels immediately to the west. As seen on the Final Plat of Subdivision, the commercial parcel (Lot 55) is shown to contain 11.05 acres. The commercial development will be done by Ms. Stramaglio as a separate development project.

Residential Area:

As seen on the Final PUD Plan, the residential portion of the development consists of 270 townhome units on 40.7 acres when including the open space area, resulting in a gross density

of 6.6 units per acre. The townhomes would range in size from 1,900 to 2,460 square feet, and would sell for base prices between \$280,000 to \$350,000. All units would include two bedrooms, some with a third or even fourth bedroom option, and attached two-car garages. The residential units have been designed with rear-loaded garages, which will allow the more attractive front of each building to face either the street or open space areas. This will result in a more appealing streetscape, with front porches and entrances being the prominent view as opposed to two-car garage doors. Exhibits D and E present the proposed building architecture, which includes a mixture of masonry and siding. Other decorative features such as dormers, gabled roof sections, balconies and light fixtures are shown on the elevations. Lakewood Homes representatives have described the design theme as "English countryside." Staff has reviewed the proposed elevations for compliance with the provisions of the Village's Anti-Monotony Code, and provided that the developer is careful in the use of exterior colors, materials and locations, compliance should be attainable.

With respect to parking for the residential portion of the development, each townhome unit would have an attached two-car garage. The individual driveway area in front of each garage would accommodate two additional vehicles, and 36 off street guest-parking stalls have been scattered throughout the development. This would accommodate parking for 1,116 vehicles within the residential portion of the development. This is a ratio of 4.1 spaces per unit, well in excess of the 3 spaces per unit required by the Zoning Code. In addition, the on-street parking (not overnight) on one side of the residential streets could provide temporary parking for approximately 120 additional vehicles. In total, 639 off-street spaces could ultimately serve the development, with an additional 69 spaces being available on one side of the public residential streets. Staff believes that the parking should be more than adequate.

With respect to the large central green area, the "Great Lawn," we note that this area serves as an enjoyable amenity that is intended to provide a scenic vista. Ideally, residents would be able to look down the vista and see the attractive pond features to the west. In addition, a Great Lawn pergola is proposed for the west end of the area. It must be noted that the developer proposes to provide sod surrounding the residential buildings, as required by the Village Code; however, the developer proposes to use seed for the large lawn areas around the pond, in the central lawn area, and along North Avenue. Staff has no objection to this request, and no variation is required.

Overall, staff finds the Final PUD Plan to be in substantial conformance with the approved Preliminary PUD Plan and conditions of approval.

North Avenue Corridor Review

When the North Avenue Corridor Overlay District was adopted, the portion of the site within 400 feet of the North Avenue right-of-way was placed within the Corridor, which underscores the significance of this development from the Village's perspective. Because this 400-foot portion of the 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:

The Site Design standards contained within the NAC regulations mostly relate to the treatment of retention ponds, drainage ways and natural areas, which are found in the open space areas of the development. The Village Engineer has worked closely with the applicant's consultants to ensure that the special management areas on the site, including wetlands, floodplain and

riparian areas will be developed and managed in accordance with the requirements of the DuPage County Storm Water Management Ordinance. The Village Engineer has recommended the use of native plant materials whenever possible, which will promote the goals of the NAC standards. A pond overlook area is shown on the plan (Exhibit C, Sheet HS-02), which we believe will be an effective addition to the overall site amenities.

The Site Design standards contain a requirement stating that, "pedestrian facilities should be considered within the site where such facilities will improve circulation, increase safety or promote decreased use of the automobile." The Final PUD Plan indicates that all public streets will have sidewalks on both sides of the streets. Sidewalks are also provided to the front doors of each dwelling unit, between buildings, and within the central greenspace area of the development. The sidewalk system would connect to the bike path system at the northwest corner of the site.

Architectural Design:

The proposed residential building elevations renderings are shown on Exhibits D and E. The elevations are essentially the same as those that were presented to the Plan Commission and Village Board at the time of Preliminary PUD review. Lakewood Homes has stated that they are attempting to create an "English countryside" look for the homes. The elevations include a mixture of masonry and siding, and all models will have metal roofing accents. The elevations depict various details that will enhance the appearance of the units, including dormers, intersecting roof elements, window treatments and other attractive features. Staff finds the proposed elevations to be consistent with the NAC Architectural Design standards.

Landscape Design:

The landscape plans for the residential development and stormwater management area are seen on Exhibit C. These plans show the foundation area planting plans for the buildings, common areas, screening areas and stormwater management area, as well as the landscape architectural features such as the entry sign, the pergola and the pond overlook. Staff has no objection to the foundation area planting plans. The plans indicate that trees will be installed in many of the green areas between the residential driveways, which will enhance the attractiveness of the private streets and drives. Staff has evaluated the proposed landscape design with respect to the landscaped setback along North Avenue, and we find the standard to be met, with 47,250 points required and 66,541 points provided. Also, the open space requirements within the North Avenue Corridor are met, with 34,297 points required and 90,980 points provided.

Variations – Sign Code:

The applicant is requesting Variations from Section 6-11-16(B) of the Sign Code to allow a project identification sign in the R-4 District to be located less than 150 feet from a proposed building, be greater than six feet in height, and be constructed of materials other than masonry or metal materials. The proposed sign, which would serve as a project identification sign for Easton Park, would be 7-feet-6-inches in height as opposed to the maximum six feet, as seen on Sheet HS-01 of Exhibit C. The sign would be approximately 36 square feet in area, would be located approximately 94 feet from the nearest residential building as opposed to the minimum 150 feet, and would be constructed of wood or PVC, mounted on a decorated masonry wall beneath a pergola. The sign would not contain any commercial advertising, as the proposed text for the sign is shown to read "Easton Park." The applicant believes that this sign is a valuable enhancement, and necessary to identify the development from North Avenue.

In view of the nature of North Avenue as a wide, high-speed highway, staff has no objection to the minor height variation. With respect to the minimum 150-foot setback, meeting this requirement would cause the five-unit building to shift to the north out of alignment with the units

to the east, and lose at least one unit. Staff believes that the proposed building separation would be adequate, and the impact of maintaining the 150-foot separation standard would be unnecessary. As for the materials, the purpose of the requirement for masonry or metal would seem to be durability and minimization of maintenance costs. Staff would have no objection to the use of colored PVC to meet these objectives; however, wood would be as acceptable. Staff has no objection to the requested variations, subject to the condition that covenants providing for ownership and maintenance of the entry feature sign by the homeowners association shall be furnished and recorded.

In review of the Sign Code Variation request, staff notes that the sign will be very attractive. Given the scale and prominence of the proposed mixed-use development, and the fact that the Village recently approved variations to allow increased sign height at the Town Center and at The Fountains at Town Center, staff does not object to the request for a project identification sign that will measure, on average, 7 feet 6 inches in height. Given the high cost to the developer of reducing units, staff has no objection to the setback reduction from 150 feet to 94 feet. Finally, given the desire for durable, low-maintenance signage, staff has no objection to the use of PVC; we invite the Plan Commission to comment on this material versus masonry, metal or wood.

Staff is supportive of the project and believes that the plans substantially conform to the approved Preliminary PUD Plan. In addition, staff has no objection to the requested Sign Code Variations. Staff recommends approval of the Final Plat of Subdivision, the Final Planned Unit Development Plan for the Residential and Stormwater Management Properties, North Avenue Corridor Review for those properties, and Sign Code Variations for a sign height of 7'-6" rather than six feet, for a building separation distance of 94 feet rather than the minimum 150 feet, and a sign material of wood or PVC rather than masonry or metal, subject to the following conditions:

1. That all individual dwelling unit driveways, including those for the Unit C side-load garage floor plan, shall provide driveways that are a minimum of 20 feet in length. The 20-foot dimension must be independent of the through drive lane, so as to ensure that parked vehicles will not encroach into the common access drives;
2. That the plant materials shown on the landscape plan must be installed at the size and height shown on the plan, and that the materials must be maintained in a neat and healthy condition, with dead or dying materials being replaced with the approved size and type of species on an annual basis;
3. That the developer shall guarantee the landscaping within 100 feet of North Avenue right-of-way against salt damage for a period of no less than two years from the date of final acceptance of the public improvements by the Village;
4. That the developer shall establish an enforcement agreement with the Police Department for the enforcement of the no parking restrictions on the private streets and drives;
5. That covenants providing for ownership and maintenance of the entry feature sign by the homeowners association shall be furnished and recorded;
6. That the developer will complete as a separate project the bike path facilities as approved with the Preliminary PUD Plan;
7. That homeowners association and commercial association documents be submitted and reviewed by Village staff prior to final approval of this project;

8. That the development must in all ways comply with the applicable codes and standards of the State, County, and Village.

Commissioner Weiss asked if this development will be done in Phases and/or how it will proceed. Mr. Wandry stated that the area is too small to be divided so they will begin with the main entry feature and the models and then proceed with construction to the east and then to the north. Commissioner Weiss asked if there is a requirement for a traffic signal at the entry when warrants are met and Mr. Glees said that this is a requirement in the annexation agreement and it is noted on the final PUD plan. Commissioner Weiss asked about the traffic control plan for the Surrey Drive entry and was told that the intersection will stop sign controlled and it was also noted that there will not be an entry feature at this location.

Commissioner Spink stated that she lives on lot # 69 adjacent to this development. She commented that looks forward to this development and she is hoping to see drawings of the models and what the floor plans will be. It was noted that some of the issues are still being worked on and that they should be available within a couple of weeks and the developer will provide the floor plans to the Commissioners as soon as possible. A brief review of the three floor plan types was given.

Commissioner Michaelsen said that he likes the appearance shown and asked what type of siding will be used. It was stated that the horizontal and vertical siding will be vinyl and then a Hardy Panel for the Tudor stucco panel. Commissioner Michaelsen said that he would like to have a middle to high grade vinyl produce used, not the cheap siding since it maintains a tight appearance better than the cheaper product. He also asked what the elevation would be relative to Gary Avenue and was told that the site generally is high and falls off to the rear, so that it will be 4' to 5' lower than North Avenue and as low a 10' at the back of the development. In response to the question regarding erosion control around the pond, it was noted that there will be retaining walls at the over look sites and stone outcroppings in the other areas. There will be a layering of plants and seeds so that as time passes there will be additional native plantings developing all around the area.

Commissioner Vora asked if the homeowner will be able to select the façade of their unit and was told that the outside of the appearance of the building are pre-selected so that the anti-monotony code will be met

Chairman Sutenbach asked about a picture of the entry sign and about the look of PVC. It was noted that the pergola will be PVC, but the actual Easton Park sign will be sandblasted wood. Chairman Sutenbach asked if the sign could be changed to read Easton Park in Carol Stream and Mr. Wandry said that he does not see a problem with that.

Commissioner Spink asked if there is an association already established and was told that they create and form an association with a series of documents, that are reviewed by the Village Attorney, that is in place from the time a customer wants to buy a house, the covenants, conditions and restrictions are already in place at the point of sale. The developer does control the association until there is a 75% of the development is sold and then it is turned over to the homeowners association. Until that point, the association is run by a professional management team and at turnover, the association can decide to retain that team or form their own. In answer to the question regarding fees, it was noted that association fees would be \$100 per unit per month.

Commissioner Smoot said that if there is a construction road established at the north of this development he would like to have construction traffic restricted from going north on Kuhn Road.

Commissioner Michaelsen moved and Commissioner Spink made the second to recommend approval of the Final Plat of Subdivision in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 6 Commissioners Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0
Abstain: 1 Commissioner Smoot

Commissioner Michaelsen moved and Commissioner Spink made the second to recommend approval of Final Planned Unit Development Plan for Residential in accordance with staff recommendations.

Ayes: 6 Commissioners Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0
Abstain: 1 Commissioner Smoot

Commissioner Michaelsen moved and Commissioner Spink made the second to approve the North Avenue Corridor review for the residential area in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 6 Commissioners Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0
Abstain: 1 Commissioner Smoot

Commissioner Michaelsen moved and Commissioner Spink made the second to recommend approval of a variance to the Sign Code in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 6 Commissioners Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0
Abstain: 1 Commissioner Smoot

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

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

Ayes: 7 Commissioners Smoot, Vora, Spink, Weiss, Michaelsen,
Hundhausen and Sutenbach
Nays: 0

NEW BUSINESS:

Status Report – Southwest Planning Area Development Study: No new developments, still awaiting consultant reports.

Discussion Regarding Drive-around: To be arranged with Village Board for Sept./Oct.

Recommendation to cancel 7/24/2006 Meeting:

