

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

September 11, 2006

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

Chairman Pro-Tem Donald Weiss 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 and Michaelsen
Absent: Commissioners Hundhausen and Sutenbach
Also Present: Village Planner John Svalenka, Recording Secretary Progar

MINUTES:

Commissioner Smoot moved and Commissioner Michaelsen made the second to approve the Minutes of the Meeting of August 28, 2006 as presented. The results of the roll call vote were:

Ayes: 4 Commissioners Smoot, Vora, Michaelsen and Weiss
Nays: 0
Abstain: 1 Commissioner Spink
Absent: 2 Commissioners Hundhausen and Sutenbach

PUBLIC HEARING:

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

Ayes: 5 Commissioners Smoot, Vora, Spink, Michaelsen and Weiss
Nays: 0
Absent: 2 Commissioners Hundhausen and Sutenbach

06202: Carol Stream Public Library – 2N540 Kuhn Road
Special Use – Public Service or governmental Use

Ann Kennedy, Director, Carol Stream Public Library, 616 Hiawatha Drive, Carol Stream was sworn in as a witness in this matter. She explained that the Library is asking for a special use permit for the land which they own on Kuhn Road. This land was purchased with the intention of eventually building a new library facility there and until that happens they are holding festivals there. At present there are two events a year and they are looking into possibly having four events per year. The land is currently zoned Residential and under the Code these events are not permitted. In the past the Village Board has granted temporary special use permits, but now the Library would like to go through the formal process for a permanent special use. The events are very family-oriented and they coordinate with other groups in the community such as the Woman's Club and the Historical Society.

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

Mr. Svalenka said that The Carol Stream Public Library owns the former Kammes Property on Kuhn Road, just north of Thunderbird Trail, and is holding the property for a future library site. Until the site is developed. The Library intends to hold family oriented festivals on the property two to four times a year.

On September 19, 2005, the Village Board approved the Library's request for a waiver of the requirements of Village Code §16-15-8 so as to approve a temporary Special Use for a *Fall Family Fun* event, which took place on October 8, 2005, and coincided with the open houses conducted by the Public Works Department and the Fire Protection District. On April 17, 2006, the Village Board approved the Library's request for a waiver of the requirements of Village Code §16-15-8 so as to approve another temporary Special Use for an *Arts and Crafts Fair*, which took place on May 13, 2006. One of the conditions of the approvals was that "future uses of the property must obtain approval of a Special Use Permit in accordance with Village Code §16-15-8."

Special Use:

The Carol Stream Public Library is requesting approval of a Special Use for *Public Service or Governmental Uses* to allow family oriented festivals on the property two to four times a year, including a *Barn Fest* that is planned for October 7, 2006. The former owner occupies the existing house. The barn and surrounding grass area is used for the Library programs. The events take place on a single day with activities for all age groups.

Staff has evaluated the request from an operational standpoint. The necessary safety improvements (emergency egress, handicapped parking) were addressed as part of the 2005 Fall Family Fun event, and no further improvements are necessary. The Village has received no complaints from surrounding property owners regarding the previous two events. Staff recommends approval of the Special Use Permit for *Public Service or Governmental Uses* subject to the following conditions:

1. That all sales tax accrued by the events shall be booked to the Village of Carol Stream;
2. That not more than four separate one-day events may be held in any calendar year;
3. That two handicapped parking spaces be maintained on the asphalt in front of the barn;
4. That this Special Use Permit is for the purpose of conducting periodic events as identified herein, and that any expansion of the use shall require approval of an amendment to the Special Use Permit; and,
5. That the use shall comply with all state, county and Village Codes and requirements.

Commissioner Michaelson asked what the general attendance has been and was told that there has been a maximum of 100 people. In response to the question regarding parking, it was determined that there is a large amount of parking on a concrete apron

on the property that was formally used for school buses and that any overflow cars were parked on the grass. It was also noted that there will be portable toilets and hand-washing stations available at the events.

In response to Commissioner Spink's question, the hours of operation for the events will be 10 a.m. to 3 p.m.

Commissioner Weiss asked if there is a plan for emergency vehicles and Ms. Kennedy said that nothing is set up on the drive, so there would not be a problem for emergency equipment. She also noted that there would only be sign on the property on the day of the event.

Commissioner Michaelsen moved and Commissioner Smoot made the second to recommend approval of a special use permit to the Carol Stream Public Library for Public Service or Governmental Uses in accordance with staff recommendations.

The results of the roll call vote were:

Ayes:	5	Commissioners Smoot, Vora, Spink, Michaelsen and Weiss
Nays:	0	
Absent:	2	Commissioners Hundhausen and Sutenbach

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on September 18th and was advised to attend that meeting.

There was a very brief recess at this point.

**06229: Village of Carol Stream – 500 S Gary Avenue
Text Amendment – Zoning Code**

Mr. Svalenka said the following staff report discusses and presents proposed text amendments to the Village of Carol Stream Code, Chapter 7 *Subdivision Code* regarding the list of prohibited trees in subdivisions, and Chapter 16 *Zoning Code* regarding the plant list for the Gary and North Avenue Corridor Regulations. The impetus for the proposed text amendments is the recent growing concern regarding the threat to ash trees by the Emerald Ash Borer.

In this report, each proposed text amendment is preceded by an introduction that will discuss the justification for the text amendment. Following the introduction, the current and proposed Code language are presented. Current text that is proposed to remain is presented in standard text, while current text that is proposed for deletion is presented using ~~strikethrough~~. Finally, recommended new text is presented in an underline fashion. Staff encourages PC/ZBA discussion and questions during the review of the proposed text amendment.

The Emerald Ash Borer is an exotic beetle that is native to northern China and Korea. The larvae tunnel through and feed on the inner bark of ash trees, cutting off the tree's ability to transport water and nutrients to the leaves. The leaves of infested trees begin to die near the top of the tree and progress down to the trunk, ultimately killing the tree. The Emerald Ash Borer was first discovered in the United States in Michigan near Detroit in the summer of 2002, and probably arrived in wood packing material carried in cargo ships originating in Asia. All North American Ash trees are susceptible to the Emerald Ash Borer, and it spreads quickly via movement of firewood and nursery trees.

It also can fly up to ½ mile in its life span. Since its discovery, it has been reported to have killed more than 20 million ash trees. The Emerald Ash Borer has infested most of southeast Michigan, and has spread into Ontario, Ohio, and northern Indiana. It has been sighted in Illinois in Evanston, Wilmette, and Kane County as recently as July 2006.

If the Emerald Ash Borer were to infest trees in Carol Stream, there would be potential for enormous financial losses to the Village and the property owners from the removal and replacement of infested trees. Therefore, in an attempt to lessen this potential impact, staff proposes text amendments to eliminate future planting of ash trees in the Village. Because the beetles spread by movement of nursery trees, stopping the planting of ash trees would also cut off one mode of infestation.

It should be noted that §12-3-16 of the Municipal Code, which regulates a program for the replacement of parkway trees adjacent to single-family residential lots, gives the Village the final decision regarding the type of trees to be planted in the parkway, with the program to be administered by the Department of Public Works. Per the attached memo dated August 14, 2006, from the Public Works Director, all varieties of the Genus *Fraxinus* (Ash) have been taken off the approved Parkway Tree List.

PROPOSED TEXT AMENDMENT 1 – ZONING CODE

As noted above, invasion of Carol Stream by the Emerald Ash Borer would have the potential to cause great financial losses. Therefore staff proposes to remove all ash trees from the plant list in the Gary and North Avenue Corridor Regulations so as to eliminate future planting of ash trees in the Gary and North Avenue Corridor. Specifically, *Fraxinus Americana* "Autumn Purple", *Fraxinus Americana*, *Fraxinus Pennsylvanica* "Marshall", and *Fraxinus Quadrangulata* are proposed to be deleted from the shade tree list in §16-5-6(O) of the Zoning Code.

In reviewing the plant list for the Gary and North Avenue Corridor Regulations, staff has noticed several conflicts in the plant list that require correction. The plants on the list are grouped by plant type, with differing number of points assigned to the different plant types. For example, evergreen trees receive 275 points per tree, while groundcover plants receive only ½ point per square foot. Several species are listed in multiple categories or in the wrong category, causing confusion as to the correct number of points due each species. Therefore, staff has proposed additional amendments to the text, as noted below.

Pyrus Calleryana "Chanticleer" is listed as a shade tree and as an ornamental tree. There are two other pear trees listed as shade trees, including *Pyrus Calleryana* "Redspire" and *Pyrus Calleryana* "Whitehouse". All three of these species are flowering trees that are more ornamental in nature. Therefore, staff proposes to delete all three species from the shade tree list, and proposes to add *Pyrus Calleryana* "Redspire" and *Pyrus Calleryana* "Whitehouse" to the ornamental tree list.

Juniperus Chinensis Procumbens and *Juniperus Horizontalis* are listed as evergreen trees and as groundcovers. *Juniperus Chinensis Procumbens* and *Juniperus Horizontalis* are ground covers, and are proposed to be deleted from the evergreen tree list.

Taxus Spp (Yew) are listed as evergreen trees. Although there are a few instances where a Taxus species can grow rather large, the vast majority of Taxus species in the nursery trade today are actually small shrubs. Therefore Taxus Spp are proposed to be deleted from the evergreen tree list and added to the shrub list.

Cotoneaster Horizontalis, commonly known as Rockspray Cotoneaster, is listed as a shrub and as a groundcover. Rockspray Cotoneaster is a groundcover, and is proposed to be deleted from the shrub list.

PROPOSED TEXT AMENDMENT 2 – SUBDIVISION CODE

Text Amendment 2 also involves limiting the potential impact of the Emerald Ash Borer. Section 7-3-14 of the Subdivision Code regulates the design standards for landscaping within subdivisions. Staff proposes to add all varieties of the Genus Fraxinus, which includes all ash trees, to the list of prohibited trees in new subdivisions. It should be noted that all varieties of the Genus Sorbus, which includes all mountain ash trees, are already on the list of prohibited trees.

The proposed text amendment to §7-3-14 to revise the Village's standards with respect to the prohibited tree list is as follows:

§ 7-3-14 LANDSCAPING.

(A) All unpaved areas within the street rights-of-way shall be seeded or sodded. Before the release of the 12-month maintenance bond can be recommended by the Village Engineer, all unpaved areas between the edge of the road pavement and the right-of-way line must support an adequate mat of grass. Provisions shall be made to assure the growth of all landscaping.

(B) It shall be the obligation of all parties subdividing property within the village or constructing residential units on subdivided lots to plant trees within the parkway adjacent to such lots. No certificate of occupancy shall be issued to a structure where parkway trees have not been installed or, at the discretion of the village, a bond has not been posted to guarantee the payment of the cost of the installation of such trees. Parkway trees shall be planted on each lot in a subdivision except where there are existing trees present and preserved as determined by the Village Engineer. Parkway trees newly planted shall be provided at a minimum of one tree per inside lot if the lot frontage is 50 feet or less, and a minimum of two trees per inside lot if the frontage is more than 50 feet, and three trees per corner lot. Trees shall be planted a minimum of 20 feet apart depending upon species. Trees shall be planted in the parkway where the parkway in question is of a kind which will permit the installation of such trees utilizing the standards set forth in Chapter 12, Article 3 of this Code. In the event that the Village Engineer should find that the parkway in question is not of a kind to permit in whole or in part the installation of parkway trees, then all required trees which may not be planted within the parkway shall be installed within the front yard of the lot at a point 2½ feet from the front property line and be in accordance with the standards set forth in Chapter 12, Article 3. However, those required trees that cannot be placed within the parkway or 2½ feet from the front property line and be in accordance with the standards set forth in Chapter 12, Article 3, shall be planted elsewhere within the front yard and in accordance with the standards set forth in Chapter 12, Article 3. In accordance with the

standards set forth herein, the requisite number of trees required under this section must either be planted within the parkway or within the front lot.

(C) Newly planted street trees shall be at least two inches in caliper, measured one foot from the ground.

(D) The developer of the subdivision shall be prohibited from planting the following varieties of trees:

Soft maple (*Acer saccharinum*) In variety
 Poplar (*Populus*) All varieties
 Willow (*Salix*) All varieties
 Box Elder (*Acer Negundo*) All varieties
 Catalpa (*Catalpa*) All varieties
 Tree of Heaven (*Ailanthus*) All varieties
 Mountain Ash (*Sorbus*) All varieties
 Mulberry (*Morus Alba*) In variety
 Elm (*Ulmus*) All varieties
 Birch (*Betula Sp*) All varieties
 Russian Olive (*Elaeagnus Angustifolia*) All varieties
 Black Walnut (*Juglons Nigra* and *Jhindsi*) All varieties
 Black Cherry All varieties
 Black Locust (*Robina Pseudoacacia*) All varieties
Ash (*Fraxinus*) All varieties

(E) Protective screen planting may be required to secure a reasonably effective physical barrier between residential properties and adjoining uses to minimize adverse conditions of sight and sound. The screen-planting plan shall be prepared by a landscape architect and shall meet the approval of the Plan Commission.

RECOMMENDATION:

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 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 Spink voiced concern about the trees that were just planted for the Easton Park Subdivision and asked if this would affect them since there were some types of Ash trees approved on the landscape plan. Mr. Svalenka said that this ban would be in effect after approved by the Village Board, so there is no action required by the developer. He did note that staff had discussed this with Easton Park so that they are aware of the ban for further plantings.

Commissioner Weiss asked how would diseased trees be removed and it was determined that if there is an infestation trees in the public parkway would be removed by the Public Works Department, but any diseased trees would have to be removed from private property by the owner. It was also noted that there will be a ban on planting Ash trees in future with this proposal for the North Avenue and Gary Avenue Corridors.

Commissioner Smoot moved and Commissioner Spink made the second to recommend approval of a text amendment to the Zoning Code and to Chapter 7 of the Municipal

Code in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	5	Commissioners Smoot, Vora, Spink, Michaelson and Weiss
Nays:	0	
Absent:	2	Commissioners Hundhausen and Sutenbach

This matter will be heard by the Village Board at their meeting on September 18, 2006.

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

Ayes:	5	Commissioners Smoot, Vora, Spink, Michaelson and Weiss
Nays:	0	
Absent:	2	Commissioners Hundhausen and Sutenbach

NEW BUSINESS:

Commissioner Spink moved and Commissioner Vora made the second to cancel the next Regular Meeting on September 25, 2006 since there will be no cases ready for presentation. The results of the roll call vote were:

Ayes:	5	Commissioners Smoot, Vora, Spink, Michaelson and Weiss
Nays:	0	
Absent:	2	Commissioners Hundhausen and Sutenbach

It was noted that the next meeting will be on October 9, 2006.

At 7:55 p.m. Commissioner Michaelson moved and Commissioner Smoot made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD