

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

FEBRUARY 14, 2005

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

Chairman John Bentz called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order at 7:30 p.m. and directed the Recording Secretary to call the roll.

Present: Commissioners Vora, Spink, Sutenbach and Bentz
 Absent: Commissioners Weiss, Michaelsen and Hundhausen
 Also Present: Village Planner Don Bastian and Recording Secretary Wynne Progar

MINUTES:

Commissioner Spink moved and Commissioner Sutenbach made the second to approve the Minutes of the Meeting of January 24, 2005 as presented. The results of the roll call vote were:

Ayes:	3	Commissioners Spink, Sutenbach and Bentz
Nays:	0	
Abstain:	1	Commissioner Vora
Absent:	3	Commissioners Weiss, Michaelsen and Hundhausen

PUBLIC HEARING:

**#04364: Sadco Enterprise/Brown's Chicken, 566 W. Army Trail Road
 Special Use - Restaurant**

Toni Portillo, of Sadco Enterprises, Inc., 489 W. Fullerton, Elmhurst, IL was sworn in as a witness in this matter. She explained that the request is for a special use to open a Brown's Chicken and Pasta restaurant on Army Trail Road.

There were no comments or questions at the call for public hearing.

Mr. Bastian stated that Toni Portillo of Sadco Enterprises, Inc., d/b/a Brown's Chicken & Pasta, is requesting approval of a Special Use Permit to allow a Brown's Chicken & Pasta Restaurant to operate within the recently constructed 10,650 square foot shopping plaza on Lot 13 of Pasquinelli's Central Park Second Resubdivision. The restaurant would occupy an approximate 1,800 square foot space within the building. In accordance with Section 16-9-3(C)(10) of the Carol Stream Zoning Code, the applicant is requesting a Special Use Permit to allow for the proposed restaurant use.

As indicated in Toni Portillo's cover letter dated December 29, 2004, Brown's Chicken & Pasta has been in business for 49 years. Their market research reveals that Carol Stream residents frequently dine at Brown's Chicken & Pasta's existing locations in Wheaton and Hanover Park, and they feel that a location in the new commercial building on Army Trail Road would serve a growing market and be successful. Typical hours for the restaurant, which would seat approximately 30 customers, are from 10:30 am to 9:00 p.m., seven days a week. No drive up window service is contemplated at this time, and it is unlikely that it would be added in the future given the traffic pattern around the building and the fact that Brown's will be located in an interior tenant space within the building.

With respect to the special use, the main issue for staff would be any concerns relating to parking. The parking provided on site is 87 spaces, the amount of parking required by the Code

when the restaurant use is factored in is just 47 spaces so there is plenty of parking to serve this and the other uses that will ultimately end up in that strip center. Staff will be monitoring the number of food service or restaurant type uses that go in this building.

Staff recommends approval subject to the conditions that they obtain permits for the tenant completion and for all signage and that the development otherwise comply with all applicable codes and standards.

Commissioner Spink asked why the petitioner chose to take an interior unit instead of an exterior and it was said that this is a great location, the rent is the main reason and a free standing building would be too expensive. Commissioner Spink said that she would think that it would be more beneficial to have a carry-out service where it could be picked up at a window. Mr. Bastian noted that it is an end unit, but the way the site was designed there really is not an opportunity for a drive through operation.

Chairman Bentz said that he does not have a problem with the use itself, but he asked how it is being divided up. Mr. Bastian said that it is a 10,650 sq. ft. building, and 1800 sq. ft. is the size of this unit. At this point the balance of the tenant mix is unknown.

Commissioner Spink moved and Commissioner Sutenbach made the second to recommend approval of a special use for a Browns' Chicken and Pasta Restaurant in accordance with the recommendations of the staff. The results of the roll call vote were:

Ayes:	4	Commissioners Vora, Spink, Sutenbach and Bentz
Nays:	0	
Absent:	3	Commissioners Weiss, Michaelson and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, February 22, 2005 at 8:00 p.m.

**#05003: Peter Masters/Mapleberry Pancake, 1270 Kuhn Road
Special Use – Restaurant
PUD Plan – Minor Modification**

James and Silvia Papadakos, 1N508 Seminole Lane, Winfield, representing Peter Masters and Doug Salemi, 2000 W. Main Street, St. Charles, IL, owner of the development were sworn in as witnesses in this matter. Mr. Papadakos said that the request is for a special use permit for a pancake house and restaurant on the corner of Kuhn and Army Trail. Mr. Salemi explained that there have been changes to the building façade since the original PUD. The front elevation has changed from mostly drivit to mostly brick with just a band of drivit.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Bastian said that in September of 2004, the Village Board approved the Final Planned Unit Development Plan for Lot 2 of the Central Park Resubdivision, which proposed a 10,000 square foot commercial building and parking for 80 vehicles. At the time that the Final PUD Plan was reviewed and approved, there were no known tenants for the building. Since that time, the property owner, Douglas Salemi, has reached an agreement with the Mapleberry Pancake House Restaurant to occupy 3,900 square feet of space in the building. Also since the time of Final PUD Plan approval, there have been some minor modifications to the PUD Plan and building elevations. As such, in accordance with Sections 16-9-3(C)(10) and 16-16-5 of the Carol Stream Zoning Code, the applicant is requesting approval of a Special Use Permit for the restaurant use and some minor modifications to the approved PUD Plan.

Special Use:

As stated, the applicant is requesting a Special Use Permit to allow for the operation of the Mapleberry Pancake House Restaurant, which will occupy 3,900 square feet in the proposed building on Lot 2 of the Central Park Resubdivision. The Mapleberry Pancake House will

primarily be a breakfast and lunch restaurant, with expected hours of business being between 6:30 a.m. and 3:30 p.m., seven days a week. The Floor Plan depicts planned seating for approximately 140 people.

With respect to the proposed restaurant operation in the planned retail building, staff's biggest potential concern involves the issue of parking. The Final PUD plan shows 101 parking spaces to serve the building. The base parking requirement for the 9,600 square foot shopping plaza is 38 spaces. However, once the percentage of food service uses in the building exceeds 10% of the total floor area of the building, an additional six parking spaces for each 1,000 square feet of food service use are required.

The Mapleberry Pancake House Restaurant would result in more than 10% of the total building floor area being allocated for food service use. Accordingly, additional parking spaces are required at a factor of 6 spaces per 1,000 square feet beyond the 10% food service use allowance. The proposed restaurant will exceed the 10% food service allowance by 2,940 square feet, which will require 17.6 additional spaces to serve the use. As such, a total of 56 parking spaces are required by the Zoning Code. As noted, 101 spaces serve the building. While this may seem to be an excessive amount of parking, we note that the restaurant will offer seating for approximately 140 patrons. Based upon the high seating capacity, it is likely that there will be a heavy parking demand at peak business hours, particularly on weekends. As such, staff believes that many of the extra parking spaces will be needed, and we support the modifications to the PUD Plan, as will be discussed in more detail later in this report, to incorporate as many parking spaces as possible.

One aspect of the site design that staff questions is the accommodation of deliveries. The previously approved PUD Plan included a designated delivery area adjacent to the west end of the building. To address the need for more parking, the delivery zone has been removed and replaced with nine parking spaces, as seen on the revised Geometric/Final PUD Plan. The property owner and/or restaurant owner should be prepared to discuss the aspect of deliveries, including the timing of deliveries and where product will be brought into the building, to ensure that deliveries can be made in a manner that will not disrupt site traffic circulation or business operations.

With regard to the Special Use Permit for the proposed restaurant, staff has reviewed the application from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the site, building and overall location appear to be well suited to the family-style sit down restaurant use, as the plan provides adequate parking and ample access opportunities. From an aesthetic standpoint, the property owner is proposing some upgrades to the building elevations as compared to the approved elevations, which will be discussed in more detail later in this report.

The Mapleberry Pancake House Restaurant would result in more than 10% of the total building floor area being allocated for food service use. Accordingly, additional parking spaces are required at a factor of 6 spaces per 1,000 square feet beyond the 10% food service use allowance. The proposed restaurant will exceed the 10% food service allowance by 2,940 square feet, which will require 17.6 additional spaces to serve the use. As such, a total of 56 parking spaces are required by the Zoning Code. As noted, 101 spaces serve the building. While this may seem to be an excessive amount of parking, we note that the restaurant will offer seating for approximately 140 patrons. Based upon the high seating capacity, it is likely that there will be a heavy parking demand at peak business hours, particularly on weekends. As such, staff believes that many of the extra parking spaces will be needed, and we support the modifications to the PUD Plan, as will be discussed in more detail later in this report, to incorporate as many parking spaces as possible.

One aspect of the site design that staff questions is the accommodation of deliveries. The previously approved PUD Plan included a designated delivery area adjacent to the west end of

the building. To address the need for more parking, the delivery zone has been removed and replaced with nine parking spaces, as seen on the revised Geometric/Final PUD Plan. The property owner and/or restaurant owner should be prepared to discuss the aspect of deliveries, including the timing of deliveries and where product will be brought into the building, to ensure that deliveries can be made in a manner that will not disrupt site traffic circulation or business operations.

With regard to the Special Use Permit for the proposed restaurant, staff has reviewed the application from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the site, building and overall location appear to be well suited to the family-style sit down restaurant use, as the plan provides adequate parking and ample access opportunities. From an aesthetic standpoint, the property owner is proposing some upgrades to the building elevations as compared to the approved elevations, which will be discussed in more detail later in this report.

Final PUD Plan – Minor Modification:

As indicated, the property owner is proposing some minor modifications to the approved Final PUD Plan and building elevations. More specifically, property owner Douglas Salemi wishes to increase the number of parking spaces on the site from 80 to 101, reduce the size of the building by 400 feet, and modify the building elevations to include more brick than previously approved. In review of the proposed changes, staff supports the 21 additional parking spaces based upon the large seating capacity of the proposed restaurant. Staff also has no objection to the minor (400 square foot) reduction in the size of the building that was deemed necessary to allow for adequate parking to be provided on the property. Finally, the revised building elevation plans include more brick and more attractive cornice details as compared to the previously approved elevations. Overall, staff has no objections to the minor modifications to the approved Final PUD Plan. However, in conversations with the property owner, who directed the preparation of the revised plans, staff has learned that some information was inadvertently omitted from the plan. In addition, staff has some suggested further modifications. The areas of the plan requiring further revisions are listed below.

The first set of recommended changes involves the proper location of sidewalks on the plan. The Geometric/Final PUD Plan should be revised to show sidewalk to be installed through the landscape island on the east side of the southern access point off of Kuhn Road, to provide a connection from the public sidewalk on the north side of Kuhn Road to the sidewalk that terminates in the landscape island at the southeast corner of the building. The previously approved PUD Plan included sidewalk in this area, while the revised plan has deleted the sidewalk in this area. A sidewalk link should also be provided running in a north-south orientation through the large landscape island immediately west of the northern cross access point to provide a pedestrian connection from this site to the commercial sites to the north. Again, the previous plan included sidewalk in this area. Finally, sidewalk should be shown to continue across the landscape island located immediately adjacent to the northeast corner of the building, as was shown on the original plan.

The second set of recommended changes involve the trash enclosure. First, staff recommends that the trash enclosure to be relocated to the northwestern corner of the site, immediately east of the landscape island in the northernmost row of parking. After talking to Mr. Salemi it was determined that the restaurant operator would prefer to leave it where it is so as to not have it in closer proximity to the front door of the restaurant. Based on that concern, staff has no objection to eliminating that previous request to move the trash enclosure. Other concerns that staff has are relative to the building signage and the height of the trash enclosure. The building signage shown on exhibit E, the formerly approved plan, shows a 12 foot tall ground sign and that is not in compliance with the Sign Code and there was no sign code variance granted for that so the sign will have to comply with the height provisions of the sign code which is 6 feet. The trash enclosure is shown on that exhibit as being 8'7" in height, and the fence code only

allows a 7' tall trash enclosure. There are things that have to be changed and these are noted in the staff recommendations. Staff can recommend approval of the special use and the minor changes to the PUD plan contingent upon the conditions located on page 6 of the staff report. Staff is agreeable to deleting the condition that talks about relocating the trash enclosure, which is comment # 3 and comment # 5, but the rest of the conditions would stay. However the height of the trash enclosure would still have to change to 7'.

Commissioner Vora asked what the distance is between the restaurant and the child care facility and was told that it is approximately 70 feet.

Commissioner Spink asked if the colors on the elevation pictures were the colors that are going to be used and was told that the reddish color is more a burgundy like color than the red. She asked if there are plans to use the parking at the day care center over the weekends and Mr. Salemi noted that there are cross access agreements within the entire development.

Commissioner Spink spoke of her concern about the parking and Mr. Bastian stated that while some restaurant owners have commented that the code is excessive for parking requirements, there are several examples of not enough parking during peak hours for some restaurants. This tenant is providing almost twice the spaces required. In response to the questions by

Commissioner Spink, it was determined that the hours of operation are from 6:30 a.m. to 3:30 p.m. daily and that there will be a maximum of 10 employees. The petitioner also agreed with the height change of the trash enclosure. In regard to the signage, Mr. Salemi said that they will submit a variance for the signage that will mimic the sign at the other side of the development.

Commissioner Sutenbach asked what percentage of the approved building will this restaurant be utilizing and was told that it will be 40% of the western side, and also that the tenant for the remainder will be compatible with the surrounding uses. It was also stated that the canopies will be cloth as stated in the approved plan.

Chairman Bentz commented that the mostly brick façade gave a much better architectural tie to the other buildings. Mr. Bastian stated that the brick color will be the same throughout the development and that the overall landscape plan will be bring a united look to the whole development and that there will not be any individual box signs on the buildings.

Commissioner Vora stated that he would like to have the owners do background checks on anyone they hire due to the close proximity to the day care center.

Commissioner Sutenbach moved and Commissioner Vora made the second to recommend approval of the request for a special use for a restaurant and a minor modification to a PUD Plan, in accordance with the conditions noted in the staff report, deleting both condition #3 and condition # 5, but continuing the requirement for a change to the height of the trash enclosure to a maximum of seven feet. The results of the roll call vote were:

Ayes:	4	Commissioners Vora, Spink, Sutenbach and Bentz
Nays:	0	
Absent:	3	Commissioners Weiss, Michaelson and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, February 22, 2005 at 8:00 p.m.

**#05004: David Romano/Jimmy John's, 541 S. Schmale Road
Special Use - Restaurant**

David Romano and Donald Franzese were sworn in as witnesses in this matter. Mr. Romano said that their request is for a special use to open a Jimmy John's Gourmet sandwich shop at 541 S. Schmale Road.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Bastian stated that David Romano is requesting approval of a Special Use Permit to allow for the construction and operation of a Jimmy John's Gourmet Sandwiches Restaurant within the recently renovated Northland Mall Shopping Center located generally at the northeast

corner of Schmale Road and Geneva Road. The restaurant would occupy an approximate 1,600 square foot space within the building. In accordance with Section 16-9-3(C)(10) of the Carol Stream Zoning Code, the applicant is requesting a Special Use Permit to allow for the proposed restaurant use.

As indicated in David Romano's cover letter dated December 29, 2004, he and his partner Donald Franzese wish to open a Jimmy John's Gourmet Sandwiches Restaurant in the portion of Northland Mall facing Geneva Road. Jimmy John's is a sandwich and submarine store that will offer dine-in, carry-out and delivery options for its customers. The floor plan, Exhibit A, indicates that there will be seating for approximately 40 customers. For informational purposes, Jimmy John's would occupy tenant space "D" as shown on Exhibit B. The address for the new restaurant would be 541 S. Schmale Road, which faces Geneva Road.

Special Use:

With respect to the restaurant operation in the renovated shopping center, staff's only potential concern involves the issue of parking. As seen in the table below, 209 parking spaces serve the 56,614 square foot renovated shopping center building. The parking requirement for the 56,614 square foot shopping center, if evaluated as a stand-alone development, would be 226 spaces, which is more than the number provided. However, it is important to note that the provided number of parking spaces serving the redeveloped shopping center was approved as part of the overall Planned Unit Development Plan for the Home Depot redevelopment of the overall Northland Mall property.

Factoring in the Jimmy John's Restaurant, less than 10% of the floor area of the shopping center would be allocated for food service uses. In fact, the floor area allocated to Jimmy John's, which would be the only food service use in the shopping center, will be 2.8% of the shopping center total. As such, additional parking spaces directly attributable to the proposed restaurant are not required. Staff will need to track the number and size of food service uses that locate in the shopping center in the future, and if and when there comes a time that 10% of the floor area consists of food service uses, additional food service uses would need to be closely evaluated to determine whether enough parking exists to serve such uses. At this time, staff is confident that adequate parking exists to serve the proposed restaurant use as well as the other known users of the building.

With regard to the Special Use Permit for the proposed restaurant, staff has reviewed the application from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the site, building and overall location appear to be well suited to the proposed sandwich and submarine restaurant, and the dine-in, carry-out and delivery options will be convenient. From an aesthetic standpoint, since the proposed business would simply occupy space in an existing shopping center, staff has no concerns.

Staff finds that the proposed restaurant is an appropriate use for the location that will be convenient for Carol Stream residents as well as motorists in the vicinity of Schmale Road and Geneva Road. We have no objections to Jimmy John's Gourmet Sandwiches locating in the shopping center.

Staff recommends approval of the Special Use Permit for Jimmy John's Gourmet Sandwiches Restaurant, subject to the following conditions:

That permits shall be obtained for the tenant completion for the restaurant and for all signage installed in accordance with the requirements of the Sign Code;

That the applicant shall be advised that the means of egress for the use will need to comply with the requirements of the Building Code; and

That the restaurant use shall comply with all applicable codes and standards of the state, county and Village.

There were no comments or questions from the Commissioners.

Chairman Bentz commented that this will be a good fit for Northland Mall and he knows that the sandwiches are very good.

Commissioner Spink moved and Commissioner Sutenbach made the second to recommend approval of the request for a special use for a restaurant at 541 S. Schmale Road., in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	4	Commissioners Vora, Spink, Sutenbach and Bentz
Nays:	0	
Absent:	3	Commissioners Weiss, Michaelsen and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, February 22, 2005 at 8:00 p.m.

**#05005: Jorge Guajardo/Taqueria Reynoso, 539 S. Schmale Road
Special Use - Restaurant**

Jorge Guajardo 1240 S. Lorraine Rd. 3B, Wheaton, IL was sworn in as a witness in this matter. He explained that the request is for a special use for a restaurant. This will be a Mexican restaurant and that it will be close to Jimmy John's.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Bastian said that Jorge Guajardo is requesting approval of a Special Use Permit to allow for the construction and operation of Taqueria Reynoso, a Mexican restaurant, within the recently renovated Northland Mall Shopping Center located generally at the northeast corner of Schmale Road and Geneva Road. The restaurant would occupy an approximate 1,500 square foot space within the building. In accordance with Section 16-9-3(C)(10) of the Carol Stream Zoning Code, the applicant is requesting a Special Use Permit to allow for the proposed restaurant use.

As indicated in Jorge Guajardo's cover letter dated January 4, 2005, Mr. Guajardo wishes to operate a quick service Mexican restaurant in a tenant space in Northland Mall facing Geneva Road. Mr. Guajardo indicates that the restaurant would contain seating for between 30 and 40 customers, and the floor plan (Exhibit A), depicts seating for 38 customers. For informational purposes, Taqueria Reynoso would occupy tenant space "E" as shown on Exhibit B. The address for the new restaurant would be 539 S. Schmale Road, which faces Geneva Road.

Special Use:

With respect to the restaurant operation in the renovated shopping center, staff's only potential concern involves the issue of parking. As seen in the table below, 209 parking spaces serve the 56,614 square foot renovated shopping center building. The parking requirement for the 56,614 square foot shopping center, if evaluated as a stand-alone development, would be 226 spaces, which is more than the number provided. However, it is important to note that the provided number of parking spaces serving the redeveloped shopping center was approved as part of the overall Planned Unit Development Plan for the Home Depot redevelopment of the overall Northland Mall property.

Including both the proposed Jimmy John's Restaurant and Taqueria Reynoso, 3,100 square feet of the shopping center will be allocated toward food service uses, which is less than 10% of the total floor area of the shopping center. In fact, the floor area allocated to the two proposed restaurants, which would be the only food services uses in the shopping center, would only be

5.4% of the total area of the shopping center. As such, additional parking spaces directly attributable to the proposed restaurant are not required. Staff will need to track the number and size of food service uses that locate in the shopping center in the future, and if and when there comes a time that 10% of the floor area consists of food service uses, additional food service uses would need to be closely evaluated to determine whether enough parking exists to serve such uses. At this time, staff is confident that adequate parking exists to serve the proposed restaurant use as well as the other known users of the building.

With regard to the Special Use Permit for the proposed restaurant, staff has reviewed the application from both an operational standpoint and an aesthetic standpoint. From an operational standpoint, the site, building and overall location appear to be well suited to the proposed Mexican restaurant. From an aesthetic standpoint, since the proposed business would simply occupy space in an existing shopping center, staff has no concerns.

Staff finds that the proposed restaurant is an appropriate use for the location that will be convenient for Carol Stream residents as well as motorists in the vicinity of Schmale Road and Geneva Road. We have no objections to Taqueria Reynoso locating in the shopping center. Staff recommends approval of the Special Use Permit for the Taqueria Reynoso Restaurant, subject to the following conditions:

That permits shall be obtained for the tenant completion for the restaurant and for all signage installed in accordance with the requirements of the Sign Code;

That the applicant shall be advised that the means of egress for the use will need to comply with the requirements of the Building Code, as the current plan for an exit through the kitchen does not meet applicable codes; and

That the restaurant use shall comply with all applicable codes and standards of the state, county and Village.

Commissioner Sutenbach asked about the hours of operation and it was determined that the restaurant would be open until 10:00 p.m. on weeknights and 12:00 p.m. on weekends. He noted that this will be a good addition for the mall.

Chairman Bentz commented that varied restaurants in Northland Mall fits into the overall plan of renovation.

Commissioner Vora moved and Commissioner Spink made the second to recommend approval of a special use for a restaurant at 539 S. Schmale Road in accordance with staff recommendations.

The results of the roll call vote were:

Ayes:	4	Commissioners Vora, Spink, Sutenbach and Bentz
Nays:	0	
Absent:	3	Commissioners Weiss, Michaelson and Hundhausen

The petitioner was reminded that this matter will be heard by the Village Board at their meeting on Tuesday, February 22, 2005 at 8:00 p.m.

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

Ayes:	4	Commissioners Vora, Spink, Sutenbach and Bentz
Nays:	0	
Absent:	3	Commissioners Weiss, Michaelson and Hundhausen

Commissioner Spink moved and Commissioner Sutenbach made the second to cancel the Regular Meeting on February 28, 2005 since there are no cases to be heard. The results of the roll call vote were:

Ayes: 4 Commissioners Vora, Spink, Sutenbach and Bentz
Nays: 0
Absent: 3 Commissioners Weiss, Michaelson and Hundhausen

At 8:15 p.m., Commissioner Spink moved and Commissioner Sutenbach made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD