

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

***All Matters on the Agenda may be Discussed, Amended and Acted Upon  
April 12, 2021.***

Mr. Farace stated since Chairman Parisi would not be arriving until later, an acting chairman needs to be appointed. Commissioner Meneghini nominated Commissioner Tucek and Commissioner Christopher seconded the motion.

The results of the roll call vote were:

Present: 6 Commissioners Battisto, Christopher, Morris, Meneghini, Petella and Acting Chairman Tucek

Nays 0

Absent: 1 Chairman Parisi

The motion passed by unanimous vote.

Mr. Farace stated this is a hybrid meeting with members in the audience and electronically. This Plan Commission/Zoning Board of Appeals meeting is being conducted with the recently amended provisions of the Open Meetings Act, the Governor's Disaster Proclamation that was reissued November 13, 2020, and the updated Governor's Executive Orders. Members of the meeting will be muted during the meeting until such time they wish to participate and when speaking please state your name and affiliation.

Acting Chairman Tucek called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 6:00 p.m. and directed Patty Battaglia, Planning and Permitting Assistant, to call the roll.

The results of the roll call vote were:

Present: 6 Commissioners Battisto, Christopher, Morris, Meneghini, Petella and Acting Chairman Tucek

Absent: 1 Chairman Parisi

Also Present: Tom Farace, Planning and Economic Development Manager; Don Bastian, Community Development Director; Adam Frederick, Assistant Engineering Services Director; Patty Battaglia, Planning and Permitting Assistant; Ms. Jackie Wells a representative from Houseal Lavigne; and a representative from County Court Reporters.

**MINUTES:**

Commissioner Morris moved and Commissioner Meneghini seconded the motion to approve the minutes of the Regular Meeting held on February 22, 2021.

The results of the roll call vote were:

Ayes: 5 Commissioners Christopher, Morris, Meneghini, Battisto and Acting Chairman Tucek

Nays: 0  
Abstain: 1 Commissioner Petella  
Absent: 1 Chairman Parisi

The motion passed by unanimous vote.

**PUBLIC HEARING:**

Acting Chairman Tucek asked for a motion to open the Public Hearing. Commissioner Christopher moved and Commissioner Petella seconded the motion.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Christopher, Morris, Meneghini, Petella and Acting Chairman Tucek  
Nays: 0  
Abstain: 0  
Absent: 1 Chairman Parisi

The motion was passed by unanimous vote.

**21-0010- Village of Carol Stream / 500 N. Gary Avenue – Zoning Text Amendment Unified Development Ordinance (UDO)**

Acting Chairman Tucek stated anyone that is going to speak should go to the podium and state your name and address. He then asked Mr. Farace to begin the presentation.

Mr. Farace introduced himself and stated there will be two cases being reviewed and Don Bastian, Community Development Director is present.

Mr. Bastian stated Adam Frederick, Assistant Engineer Services Director, is also present for any questions pertaining to engineering.

Mr. Farace stated we are updating and modernizing our village codes because it has been several years since they have been updated. He also mentioned a grant was received to primarily fund this project. Mr. Farace then asked Ms. Wells to give her presentation.

Ms. Wells stated the Unified Development Ordinance is a more streamlined document to improve user friendliness and update the codes. The process began in the summer of 2016, took the information from staff, feedback from the public, created our professional analysis and formed a diagnostic report. She also mentioned additional public outreach was instated in which Mr. Farace added there was some feedback. Ms. Wells continued by moving through the ten articles pertaining to the UDO:

**Article 1:** General Provision – Provides a framework for the UDO and sets up a defensibility for the regulations.

**Article 2:** Definitions – Consolidates/streamlines definitions from zoning, subdivision, fence and sign ordinances; eliminates outdated/unnecessary definitions; establishes definitions for new uses.

**Article 3:** District specific standards and the proposed districts.

**Article 4:** Use specific standards which apply to specific uses regardless of location; establish distinct standards for uses; relevant for permanent and special uses; allow for more uses to be approved without Plan Commission or Village Board action.

**Article 5:** Development Standards also called "Standards of General Applicability" which are relevant for all uses throughout zoning district.

**Article 6:** Sign Standards regulating wall mounted, ground, feather, A-frame/sandwich board, yard and window signage.

**Article 7:** Planned Developments establishes pre-application filing conference with development review team and public; establishes updated standards for review as well as site development allowances and modification standards.

**Article 8:** Administration and Enforcement – Organizes processes into staff and petition review; details zoning, subdivision, sign and fence ordinance approval processes for permit and variation process.

**Article 9:** Subdivision Standards are significantly reduced in length with requirements shifted to Article 5, 8 and Design Standards and Construction Specification Manual. This manual will be a stand-alone, web-based document that allows Village to update infrastructure design standards and specifications without going through text amendment process.

**Article 10:** Nonconforming Lots, Buildings, Structures and Uses – Clarifies existing language and establishes standards for non-conforming parking lots.

Ms. Wells discussed the Zoning Map Amendments (Village-Initiated Rezoning) and showed both the existing and proposed zoning maps.

Mr. Farace then stated the next steps if PC/ZBA recommends approval it would go to Village Board for formal review and recommendation on May 3<sup>rd</sup>. Staff proposes UDO will be go into effect on July 1, 2021.

Acting Chairman Tucek asked for questions from the audience. Mr. Tom Garvey was then sworn in by Acting Chairman Tucek.

Mr. Tom Garvey stated he lives at 559 Iroquois Trail, Carol Stream, and sit on the Village Board as a trustee.

Mr. Garvey stated he came to speak about Article 4, Section 9, and subsection 11 under location which also has to do with the zoning changes. He stated it does not mention that a dispensing location shall not be located within a certain distance from a church or house of worship and believes that should be in there. He mentioned his reasoning is the zoning changes involved (specified Wheaton Christian Center) sits right in one of the sections labeled as OS (Office and Service District) and what this would allow if not included as part of the text. They would have to allow a retail cannabis dispensary to actually be located on their property or in the strip center next to their property as well. He then proposed that be modified to include churches or houses of worship so churches are not put in that position and have to live with the circumstance. Wheaton Christian Center is a predominant church in town and Carol Stream cooperates with and participates every year in the Martin Luther King Jr. holiday which they produce. Mr. Garvey mentioned Pastor Carlton, Mr. Saverino and a couple of the board members celebrated a birthday recently. He stated he thinks it would be very difficult for us to put them in a difficult and embarrassing position where they have to accept a cannabis retail location on their property or right next to it.

Acting Chairman Tucek asked if anybody else from the audience had any questions. Acting Chairman Tucek swore in Mr. Tony Stefancic who stated he lives at 961 Royal Glen Lane, Carol Stream.

Mr. Stefancic stated he was here as both a citizen as well as a real estate broker. Overall, he likes some of the things done in the UDO, but he is all for simplicity and ease of access. It is so difficult to quickly find uses for property online and with Carol Stream it is a major, major task unlike Wheaton. If these plans are going to be implemented, you should focus on making something easy, simple and easily accessed online. Mr. Stefancic said the letter received by a neighbor should have stated what would happen when properties are rezoned and he questioned why the Town Center has a separate zoning district and what does Article 7 mean when it refers to Certificates of Occupancy. Mr. Stefancic also suggested the village work with the county on some property maintenance issues.

Commissioner Petella asked Mr. Stefancic how he thinks we should accomplish working with the county.

Mr. Stefancic said the village should go to the county and request a partnership to improve the properties.

Acting Chairman Tucek asked Tom respond to Mr. Stefancic's requests.

Mr. Farace stated that our codes and applications will be easily accessible online and that staff feels it is important to have a specific district and standards or regulations around our town center including vacant land.

There was a brief discussion about Mr. Stefancic's concern about the Certificates of Occupancy and Mr. Bastian stated we are not proposing any kind of presell inspection for occupancy.

Acting Chairman Tucek asked if there were any questions from on line.

Mr. Farace asked if there were any questions for a couple people only listening. There was a brief pause but no questions were submitted through Zoom.

Mr. Bastian addressed Mr. Stefancic's concern having to do with the ease of finding permitted uses in different zoning districts. Currently in our zoning code, each zoning district is listed separately and the permitted and special uses are listed under each zoning district. What we are proposing with this UDO, is put all the uses and all the zoning districts into a single table. If this is approved and adopted by the Village Board, we will simply have a link on our website that takes you directly to this table.

There was a brief discussion about the zoning map.

Acting Chairman Tucek asked for questions from the commissioners.

Commissioner Battisto asked if the zone that we have allowed for cannabis dispensaries shows any potential overlaps.

Mr. Farace responded except for the Wheaton Christian Center which is considered a regional religious institution, was granted special use approval under certain provisions.

Commissioner Battisto stated typically it's not in the same zone unless we give a special use.

Mr. Farace said Commissioner Battisto's statement is correct.

Commissioner Battisto then asked if we grant a special use and there's a dispensary already there, what would happen to a church if another church opened up in another commercial zone.

Mr. Farace responded if something was already there first, we would look at what is existing.

Commissioner Battisto stated he did not have any other further questions.

Commissioner Petella asked about the fences located near thoroughfares and what exactly does that mean.

Mr. Farace explained your property is backing up to a roadway.

Commissioner Christopher questioned the side yard paving pads and if they still had to stay within the percentage of green area or meet the 10 percent requirement to be approved as an allowance by the Director?

Mr. Bastian responded stating this is being added because our current code is silent to addressing pavement not only extended from the side of the garage, but past the side of the garage further into the rear yard. The UDO is proposing to put some control in place so people won't be able to pave their whole yard.

Commissioner Christopher then asked about streamlining materials for the fences that back up to a roadway. How are you going to control the materials?

Mr. Bastian responded when someone applies for a fence permit. He explained that this will be a slow process, but are moving gradually toward conformity.

Commissioner Christopher questioned Article 6 regarding signs and it does not stipulate how they need to be mounted on the ground which is a safety liability.

Commissioner Meneghini had no questions.

Commissioner Morris questioned the parking pad in the side yard and asked if there was anything in the code stating you need to get permission from your neighbor and possibly making that an option. He also asked if the only cannabis zone was south of St. Charles Road and west of Gary Avenue.

Mr. Farace responded that area is primarily still the cannabis zone.

Commissioner Morris asked what are the enforcement standards for fences that already fell down.

Mr. Bastian stated we have Code Professionals handling downed fences at this time of the year.

Acting Chairman Tucek asked for a motion to recommend approval with staff recommendations for Case No. 21-0010. Commissioner Morris moved and Commissioner Meneghini seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes:	6	Commissioners Battisto, Christopher, Morris, Meneghini, Petella and Acting Chairman Tucek
Nays:	0	
Abstain:	0	
Absent:	1	Chairman Parisi

The motion was passed by unanimous vote.

This case will go before the Village Board of Trustees on Monday, May 3, 2021, at 6:00 PM for formal approval.

**21-0011- Village of Carol Stream / 500 N. Gary Avenue – Rezoning of Properties and Zoning Map Update Associated with the Unified Development Ordinance**

Acting Chairman Tucek asked for a motion to open the Public Hearing. Commissioner Petella moved and Commissioner Meneghini seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Christopher, Morris, Meneghini, Petella and Acting Chairman Tucek

Nays: 0

Abstain: 0

Absent: 1 Chairman Parisi

The motion was passed by unanimous vote.

Acting Chairman Tucek asked Mr. Farace to provide a staff presentation.

Mr. Farace stated in conjunction with our UDO, this case we will be looking at our zoning map amendments or an update to our zoning map. We reviewed our zoning with Ms. Wells from Houseal Lavigne and the different zoning districts and the various classifications. It was determined to condense some of the zoning districts and rezone them as well. Staff is proposing to rezone about 200 properties in the village, but is only about 2 percent of the total number of properties in the village.

Mr. Farace reviewed the major categories of the rezoning districts:

- R-1 District (schools, parks, park district facilities, churches, library, detention basins)
- B-1 Town Center District (Gary and Lies)
- B-2 Neighborhood Business District (commercial properties on smaller commercial roadways like Gary Avenue or Elk Trail)
- B-3 General Business District (major commercial properties located on major commercial corridors such as Schmale, Army Trail, North Avenue)
- B-4 and R & D District to Office & Service District (OS-primarily containing office and service uses)

Mr. Farace then explained and showed slides of the current zoning map and the proposed zoning map and stated based on approval it will go into effect on July 1, 2021.

Acting Chairman Tucek asked if there were any questions from the audience.

Mr. Stefancic, 961 Royal Glen Lane, Carol Stream, stated it's great the zoning map is much clearer but can you tell me the differences between the uses of B-2 and B-3? It should tell us what the differences in use are.

Mr. Bastian responded the table will list the uses in each district.

Acting Chairman Tucek stated for the record if Mr. Bastian was referring to pages 19, 20, 21, 22 and 24 of the UDO in which Mr. Bastian responded yes.

There was a brief discussion of the clarity of the zoning districts and their uses.

Acting Chairman Tucek asked for any questions or comments from the people online and there were none.

Acting Chairman Tucek asked for questions from the commission and there were none.

Chairman Tucek asked for a motion to recommend approval for Case No. 21-0011 with staff recommendations. Commissioner Meneghini moved and Commissioner Battisto seconded the motion with no further discussion.

The results of the roll call vote were:

Ayes:	6	Commissioners Battisto, Christopher, Petella, Morris, Meneghini and Acting Chairman Tucek
Nays:	0	
Abstain:	0	
Absent:	1	Chairman Parisi

The motion was passed by unanimous vote.

This case will go before the Village Board of Trustees on Monday, May 3, 2021, at 6:00 PM for formal approval.

Mr. Bastian then thanked Mr. Farace, the Plan Commission and Ms. Wells.

Mr. Farace read a letter from Kevin Stough, Land Preservation Manager, Forest Preserve, which stated they appreciate receiving timely notification of such requests that may have an impact on District property, and thank you for the opportunity to comment. District Staff reviewed the information provided by the Village and does not have any comments.

Acting Chairman Tucek asked for a motion to close the Public Hearing. Commissioner Christopher moved and Commissioner Battisto seconded the motion with no further discussion.

**OLD BUSINESS:**

**OTHER BUSINESS:**

**ADJOURNMENT:**

At 7:18 p.m. Commissioner Battisto moved and Commissioner Christopher seconded the motion to adjourn the meeting.

The results of the roll call vote were:

Ayes: 6 Commissioners Battisto, Christopher, Meneghini, Petella, Morris, and Acting  
Chairman Tucek

Nays: 0

Abstain: 0

Absent: 1 Chairman Parisi

The motion was passed by unanimous vote.

FOR THE COMBINED BOARD

Recorded and transcribed by,

Patty Battaglia  
Patty Battaglia

Planning and Permitting Assistant

Minutes approved by Plan Commission on this 26 day of April, 2021.

Chris Tucek  
Chairman