

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

December 10, 2007

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

Chairman David Michaelsen called the Regular Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 7:30 PM and directed Recording Secretary Wynne Progar to call the roll.

Present: Chairman Michaelsen, Commissioners Anthony Manzzullo, Angelo Christopher, Ralph Smoot, and Dee Spink
Absent: Commissioners Lateef Vora and Joyce Hundhausen
Also Present: Village Planner John Svalenka and Recording Secretary Wynne Progar

MINUTES: November 26, 2007

Commissioner Manzzullo moved and Commissioner Spink made the second to approve the Minutes of the Meeting of November 26, 2007 with the correction of the spelling of Commissioner Manzzullo's name to include a second z. The results of the roll call vote were:

Ayes: 4 Commissioners Manzzullo, Christopher, Smoot and Spink
Nays: 0
Abstain: 1 Chairman Michaelsen
Absent: 2 Commissioners Vora and Hundhausen

PUBLIC HEARING:

**A. # 06199: Smurfit-Stone Container Corporation - 400 and 450 E. North Avenue
Zoning Variation- Land banked Parking Amendment
Final Plat of Subdivision**

Henry Stillwell, 300 E. Roosevelt Rd. Wheaton, IL attorney for the petitioner and Timothy Davisson, 1500 Nicholas Blvd. Elk Grove Village, IL attorney for Altivity Packaging were sworn in as witnesses in this matter.

Mr. Stillwell said that the requests are for subdivision of an existing property at 400 and 450 E. North Avenue and the amendment of an existing parking variation for land banking property subject to the approval of the subdivision of the property. He displayed exhibits of the property in question and explained that the subdivision of the property would create Lot 1 on the east side with a smaller two story building on an approximate 6.5 acre parcel, and Lot 2, the westerly remainder of the property with a large warehouse facility on a 27.5 acre parcel. The reason for the subdivision is that Smurfit is selling the larger parcel to Altivity, which is already occupying that building. The property is currently provided with storm water detention in the southerly portion of Lot 2 and will continue to exist, and none of the improvements will be altered on the property. Mr. Stillwell said that following the plan for the subdivision, it was determined that 26 spaces of the land banked parking that would apply to Lot 2 are located on Lot 1 and as a result of that the land banked field has been re-designed on the south side of Lot 2 and 27 spaces have been added, so that now the land bank provisions for Lot 2 will comply with the requirements. They will not change the land bank parking plan for Lot1 which will then have more spaces than required. Mr. Stillwell noted that when the land bank was originally approved for this parcel, it was shown that the land bank was to be constructed over the detention facility

and in the event that it is required to be constructed, the detention facility will have to be relocated under ground, and this is understood by the owners.

There were no comments or questions from those in attendance at the call for public hearing. Mr. Svalenka said Smurfit-Stone Container Corporation has operated its Carol Stream campus facility at 400 and 450 E. North Avenue for over 40 years. The 34-acre property is improved with a 402,413 square foot manufacturing and warehouse building with a 42,102 square foot office building attached to the main building via an enclosed corridor. This building has a common address of 400 E. North Avenue. To the east of this building is a second building containing Smurfit-Stone's research and development offices, which total 56,756 square feet. This building has a common address of 450 E. North Avenue. On October 3, 2005, the Village Board approved a landbanked parking variation to allow Smurfit Stone Container Corporation to landbank 273 required parking spaces on the campus facility to accommodate a building addition on the research and development building, and to bring the site into compliance with the parking requirements in the Zoning Code.

On May 11, 2006, Smurfit-Stone entered into an agreement to sell the assets of its consumer packaging division, which includes the building at 400 E. North Avenue. Altiivity Packaging now owns the 400 E. North Avenue building. Smurfit-Stone has retained the research and development building at 450 E. North Avenue. Therefore, Timothy Davisson, representing Smurfit-Stone Container Corporation, has requested approval of a Final Plat of Subdivision to create separate lots for the two buildings. The proposed subdivision would result in a deficiency in the required number of landbanked parking spaces on the lot for the building at 400 E. North Avenue. Therefore, Mr. Davisson has also submitted an application for an amended landbanked parking variation to allow an amendment to the previously approved landbanked parking plan.

The proposed Final Plat of Subdivision would divide the total 34.25-acre property into two lots. The proposed 6.56-acre Lot 1 would contain the 450 E North Avenue building and associated parking. The proposed 27.69-acre Lot 2 would contain the 400 E North Avenue building and associated parking. The proposed Lot 1 is essentially a flag lot, but maintains the required minimum front yard width of 75 feet throughout the narrower portion of the lot. The existing north-south main access road that serves both buildings runs along the proposed new lot line and crosses over onto both of the proposed new lots. The plat includes a new ingress/egress easement over this main access road to ensure that the owners of both lots have the right to use the roadway. The existing storm water pond would be located completely on the proposed Lot 2. The plat includes a new storm water management and conveyance easement to ensure that the owners of both lots have the right to use the storm water pond. Staff finds the Final Plat of Subdivision to be in conformance with the Subdivision Code and with the requirements of the I Industrial District, which is the zoning classification for the property. However, the Engineering Services Department has requested a minor revision to the owner's certificate signature block. Therefore, if the Plan Commission/Zoning Board of Appeals were to recommend approval of the Final Plat of Subdivision, staff would advise that the recommendation include the condition that the signature blocks be revised to the satisfaction of the Engineering Services Department before the plat is brought to the Village Board for final approval.

Per Section 16-13-2(G) of the Carol Stream Zoning Code, landbanking of required parking spaces as greenspace may be permitted in the Industrial District when approved as a variation provided the owner of the property demonstrates through employee counts that the total number of parking spaces required using the square footage parking requirements in the code are not necessary and there is sufficient usable land area available on the subject property to provide the required parking spaces if deemed necessary by the Village in the future.

As detailed in the table in the report, 629 parking spaces are required for the 400 E North Avenue building and 178 parking spaces are required for the 450 E North Avenue building. A

total of 807 spaces are required for the whole campus. The campus currently includes 534 parking spaces. The approved landbanked parking plan shows 187 future spaces south of the 400 E North Avenue building and 90 future spaces south of 450 E North Avenue building. If all of the 277 landbanked spaces shown on the approved plan were to be constructed, the campus would include 811 parking spaces, which would exceed the 807 spaces required by code. Proposed Lot 2 would include the 400 E North Avenue building. As listed in the second table in the report, there are 416 existing spaces on the proposed Lot 2. The approved landbanked parking plan shows 187 future spaces south of the 400 E North Avenue building. The proposed plan includes 33 additional spaces in this area for a new total of 220 landbanked spaces. If all of the 220 landbanked spaces were to be constructed, the proposed Lot 2 would include 636 parking spaces, which would exceed the 629 spaces required by code.

Proposed Lot 1 would include the 450 E North Avenue building. As listed in the table in the report, there are 178 existing spaces on the proposed Lot 1. The approved landbanked parking plan shows 90 future spaces south of the 450 E North Avenue building. The proposed plan includes 3 fewer spaces in this area for a new total of 87 landbanked spaces. If all of the 87 landbanked spaces were to be constructed, the proposed Lot 1 would include 205 parking spaces, which would exceed the 178 spaces required by code.

In evaluation of the request for variation, staff has reviewed the actual and projected demand for parking as compared to the amount of parking provided on the property, as detailed below.

Altivity Packaging currently employs a total of 280 people in the 400 E North Ave building, with a portion of this total headcount being spread over three shifts per day. There are typically 20 non-employee visitors per day on the entire campus. If one were to assume that all 20 visitors were to visit the 400 E. North Avenue building at the same time and all 280 employees were to be on site at the same time rather than spread over three shifts, there would be a total of 300 people on site. The number of existing parking spaces (416) exceeds the maximum daily number of employees and visitors (300) by 116 spaces. The applicant has provided updated employee counts that indicate that the number of employees has not changed since the original landbanked parking variation was approved in 2005. The applicant anticipates that the maximum number of employees and visitors to the 400 E. North Avenue building will remain constant, and existing parking will remain adequate for Altivity Packaging's needs.

450 E North Ave, Lot 1

Smurfit-Stone currently employs a total of 62 people in the 450 E North Ave building. There are typically 20 non-employee visitors per day on the entire campus. If one were to assume that all 20 visitors were to visit the 450 E. North Avenue building at the same time as all 62 employees were to be on site, there would be a total of 82 people on site. The number of existing parking spaces (118) exceeds the maximum daily number of employees and visitors (82) by 36 spaces. The applicant has provided updated employee counts that indicate that the number of employees has not changed since the original landbanked parking variation was approved in 2005. The applicant anticipates that the maximum number of employees and visitors to the 450 E. North Avenue building will remain constant, and existing parking will remain adequate for Smurfit-Stone's needs.

Staff notes that the amended variation, if approved, should be granted to the businesses, not the properties. From a legal standpoint, variations usually "run with the land" mean that they are granted to the property – not the property owner. For example, if a building is granted a variation to reduce the side yard setback from 20 feet to 10 feet, that variation runs with the land, meaning that it does not terminate if the property is sold to a new owner. In this case, and actually, in the case of all landbank variations, staff recommends that the variation be granted to the businesses and not the properties. Since the employee count of a specific business is usually the key factor in determining whether a landbank variation should be approved, it is logical that a landbank variation should be granted to the business itself and not the property. In

this way, if either of the new properties is sold and used by a different business in the future, the new business would need to comply with the full parking count requirements contained in the Zoning Code.

In evaluation of the request for variation, staff has reviewed the actual and projected demand for parking as compared to the amount of parking provided on the property, as detailed below.

In review of this case, staff finds the proposed Final Plat of Subdivision to be in conformance with the Subdivision Code and with the requirements of the I Industrial District, but notes that the Engineering Services Department has requested minor revisions to the signature blocks. Staff notes that the requested variation is simply an amendment to an existing landbank parking variation to accommodate the subdivision. The applicant has shown that there is more than adequate existing parking on each individual lot to accommodate the current and future needs for each business. The submitted plans show that there is sufficient area on each lot to landbank enough future parking spaces to comply with the parking requirements in the Zoning Code. Staff recommends that the variation be granted to the businesses, not the properties.

Staff recommends approval of the request for a Final Plat of Subdivision and an amended landbanked parking variation in accordance with Section 16-13-2(G) of the Carol Stream Zoning Code to landbank the 213 required parking spaces at 400 E. North Avenue and the 60 required parking spaces at 450 E. North Avenue, subject to the following conditions:

1. That the signature blocks on the Final Plat of Subdivision be revised to the satisfaction of the Engineering Services Department before the plat is brought to the Village Board for final approval;
2. That if deemed necessary by the Village in the future, any number of landbanked parking spaces, up to 213 spaces, shall be installed by the property owner at 400 E. North Avenue in one or more of the locations on the proposed Lot 2 identified for landbanked parking on the attached overall landbanked parking exhibit;
3. That if deemed necessary by the Village in the future, any number of landbanked parking spaces, up to 60 spaces, shall be installed by the property owner at 450 E. North Avenue in one or more of the locations on the proposed Lot 1 identified for landbanked parking on the attached overall landbanked parking exhibit;
4. That the actual number of spaces present at 400 E. North Avenue on the proposed Lot 2 upon approval of this request shall be 416 spaces, and that at least 416 spaces must be maintained on the proposed Lot 2 at all times;
5. That the actual number of spaces present at 450 E. North Avenue on the proposed Lot 1 upon approval of this request shall be 118 spaces, and that at least 118 spaces must be maintained on the proposed Lot 1 at all times; Altivity Packaging, and if in the future, a new business occupies the building and
6. That the approval at 400 E. North Avenue on the proposed Lot 2 shall be granted to property, the new business shall be required to comply with the parking standards contained in the Zoning Code. Parking for any new business would be based upon the use of space in the buildings on the property. A new business owner would not be precluded from applying for a new landbank parking variation;
7. That the approval at 450 E. North Avenue on the proposed Lot 1 shall be granted to Smurfit-Stone Container Corporation, and if in the future, a new business occupies the building and property, the new business shall be required to comply with the parking standards contained in the Zoning Code. Parking for any new business would be based upon the use of space in the buildings on the property. A new business owner would not be precluded from applying for a new landbank parking variation; and
8. That the facilities must comply with all state, county, and village codes and requirements.

There were no comments or questions from the Commissioners. Chairman Michaelson noted that this is a straight forward request and it has been explained well. Commissioner Spink moved and Commissioner Christopher made the second to recommend approval of a Final Plat of Subdivision and a Zoning Variation for a Landbanked Parking Amendment in accordance with staff recommendations. The results of the roll call vote were:

Ayes:	5	Commissioners Manzzullo, Christopher, Smoot, Spink & Michaelson
Nays:	0	
Absent:	2	Commissioners Vora and Hundhausen

The Petitioner was reminded that this matter will be heard by the Village Board at their meeting on December 17th, provided that a revised Final Plat of Subdivision is approved by Engineering Services in time for that meeting. It will not go before the Board of Trustees until this requirement is met.

REPORT OF OFFICERS:

Commissioner Manzzullo wished everyone Happy Holidays.
Commissioner Smoot wished everyone a Merry Christmas and a Happy New Year.

ADJOURNMENT:

At 7:55 PM Commissioner Spink moved and Commissioner Manzzullo made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD