

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

September 26, 2005

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

Chairman Pro-Tem 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 Spink, Weiss, Hundhausen, Michaelsen & Sutenbach
Absent: Commissioners Vora & Bentz
Also Present: Village Planner Don Bastian & Recording Secretary Wynne Progar

MINUTES:

Commissioner Michaelsen asked that his comments on page 12 of the minutes reflect that he is in favor of the revised placement to the north of the access onto Surrey Drive. Commissioner Michaelsen then moved to accept the Minutes of the Meeting of September 12, 2005 as corrected. Commissioner Spink made the second. The results of the roll call vote were:

Ayes:	3	Commissioners Spink, Weiss and Michaelsen
Nays:	0	
Abstain:	2	Commissioners Hundhausen and Sutenbach
Absent:	2	Commissioners Vora and Bentz

PUBLIC HEARING:

**#05192: PHN Construction Ltd, 400 and 450 E. North Ave.
Variation – Landbank Parking and Required Off-Street Parking**

Commissioner Vora entered at this point.

Bill McDonnell of Smurfit Stone Container, 400/450 E. North Avenue and Jim Leppart of PHN Construction, 499 Town Square, Wheaton, IL were sworn in as witnesses in this matter.

Mr. McDonnell said that they are requesting a variance to landbank 277 parking spaces located at the property at 450 E. North Avenue. He noted that they are proposing to add a testing laboratory to the back of the 450 building. It will function as a physical test laboratory of 3700 sq. ft. and will have two employees. In the process of zoning for the project it was determined that as a campus facility there are 811 required parking spaces and that there are currently 534 spaces being provided, there is a code shortage of 277 spaces. Mr. McDonnell stated the actual employee count per shift is 237 so they are requesting a variance to the code to landbank the 277 spaces.

Jim Leppart reviewed a site plan of the facilities at 400/450 E. North Avenue showing the 534 parking spaces existing and the area where the landbanked spaces are proposed to be landbanked.

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

Mr. Bastian stated that Smurfit-Stone Container Corporation has operated its Carol Stream campus facility at 400 and 450 E. North Avenue for 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 53,006 square feet. This building has a common address of 450 E. North Avenue. At this time, Smurfit-Stone Corporation would

like to construct a 3,750 square foot building addition or "annex" to the research and development building, to be used as a package performance testing facility.

his 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 53,006 square feet. This building has a common address of 450 E. North Avenue. At this time, Smurfit-Stone Corporation would like to construct a 3,750 square foot building addition or "annex" to the research and development building, to be used as a package performance testing facility.

In conducting a preliminary review of the proposed building addition, planning staff evaluated the site for compliance with the Zoning Code standards for required parking, and in doing so, we learned that the site had significantly fewer parking spaces than the number required by the Code. As seen in the table below, the entire site currently contains 534 parking spaces. Including the existing structures only and not the proposed 3,750 square foot addition, the Zoning Code requires 799 parking spaces to serve the uses in the buildings. When the proposed 3,750 square foot addition is included, required parking for the entire site increases to 807 spaces. Factoring in the proposed addition, the site would have a deficit of 273 parking spaces.

In comparing the number of parking spaces required by the Zoning Code to the number that exist on the overall campus site, the site has a significant parking shortfall. Staff has researched the building and zoning files for these addresses, and we have not found record that any variations have previously been granted that would have allowed for a reduction in the number of parking spaces required on the site. We have also researched earlier versions of the Village's Zoning Codes to determine whether the parking standards were different at the time that this facility was constructed. Our research indicates that there has been no change over the years with respect to the parking ratios for the uses contained in the buildings on the Smurfit-Stone campus. As such, we are not able to provide a definitive explanation as to why the overall site has a significant parking deficit as compared to the Zoning Code requirement.

In support of the requested variations, the applicant offers the following information:

Smurfit-Stone currently employs a total of 332 people at the Carol Stream facility, with a portion of this total headcount being spread over three shifts per day.

The maximum number of employees and visitors on the entire campus during the busiest shift is 237 people, which includes 20 part-time employees hired for a special project that will end in November. This would have the effect of reducing the maximum number of employees per shift to 217 people. (Staff notes that there could be other "special projects" requiring additional temporary part-time employees in the future, however.)

Only two additional employees will be added to staff the proposed 3,750 square foot building annex. These two employees are included in the aforementioned employee count maximums.

There are typically 20 non-employee visitors per day, and this count has been included in the total headcount.

Over 70% of the total employees on campus are employed in the manufacturing plant process. A 40-year analysis of employee headcount for the manufacturing operation (see Appendix D in the Smurfit-Stone letter) has shown that the employee count in this area has dropped from a high of 655 total plant employees in 1965 to the current level of 238 employees.

The total number of existing campus parking spaces (534) exceeds the maximum daily number of employees and visitors (237) by 297 spaces. Over the next five years, the applicant estimates that the maximum number of employees and visitors to the campus site will remain constant, and existing parking will remain adequate for Smurfit-Stone's needs.

Based upon the above information, Mr. McDonnell states that the existing parking on the campus is adequate to meet the needs of both their current and projected future employees and visitors, and that the requested variations would have no impact to the surrounding public

streets. Mr. McDonnell also states that the proposed 3,750 square foot annex project is an important addition to Smurfit-Stone's continued business development. As proposed, the annex project it is a cost-effective option for housing the package performance testing operation. However, if Smurfit-Stone is required to install parking spaces in the number required by the Zoning Code, the cost-effectiveness of the project will be eliminated.

For informational purposes, note that the applicant is requesting a variation to landbank 90 parking spaces, and a variation to reduce the number of required parking spaces for the property from 807 to 624, which would include the 90 landbanked stalls. The actual number of parking spaces to be provided on the site would be 534, which is the current number of spaces serving the property.

In evaluation of the requests for variations, staff has considered several factors. The most important factor is the actual and projected demand for parking as compared to the amount of parking provided on the property. As indicated, the overall site has 534 parking spaces, while the maximum number of employees and visitors on the busiest shift is 237 people. Based upon this information, even though there would be a parking deficiency of 273 spaces as calculated by the Zoning Code once the addition is built, the site provides 297 more parking spaces, or more than double the amount, than are needed to serve the busiest employment shift, including visitors. We also observe that the *Actual Employee Headcount Graph*, Appendix D, shows that employment on the campus is essentially at an all-time low, and that employment has also been relatively stable in recent years. The explanation provided by the applicant for the employment trends shown on the graph is that equipment automation has reduced the number of employees. The applicant has stated that the plant is full of equipment, but that it simply requires fewer employees to operate the equipment, and so it is not likely that there would ever be a large increase in the number of employees at this facility. In fact, Mr. McDonnell expects future employment to remain stable.

Staff believes that the applicant has demonstrated that the existing amount of parking is more than adequate to serve the current and future needs of Smurfit-Stone. Through numerous site visits, staff has never observed a parking problem. In fact, during our site visits, we have typically found the main parking lot to be less than half full. However, while staff is comfortable with the variation request to landbank parking spaces, we have some concerns regarding the second variation request to reduce required parking on the site by 183 spaces, as there is little in the way of past precedent to justify doing so. A variation to reduce the required number of parking spaces could also cause a problem in the future if a new business occupies the buildings. Staff offers the following recommendations that would lessen the concerns of the requested parking variations.

Approve a landbank variation for the entire number of deficient spaces – Rather than approving the requested variation to reduce required parking by 183 spaces, the Village could instead approve the landbank variation for all 273 spaces that the site would be deficient once the addition is built. This option may force the resolution of the storm water management issue in the future if and when more parking is required on the campus, although given the large parking surplus (compared to actual demand) that currently exists, it is unlikely that Smurfit-Stone will ever need to install additional parking. With this option, there would be room on the property for some number of additional parking spaces to be constructed without triggering compliance with the storm water management regulations. In a hypothetical situation, if employee headcount increased such that the existing 534 spaces were filled on a regular basis, and it was determined that an additional 60 spaces were needed to satisfy parking demand, then the applicant could install the 60 additional spaces likely without triggering the storm water management requirements. Under this scenario, the remaining required spaces would continue to be held in a landbank, and if they were ever needed, compliance with the applicable storm water management regulations would need to be attained once the 25,000 square foot land

area disturbance threshold was achieved.

The variation(s), if approved, should be granted to the business, not the property – From a legal standpoint, variations usually “run with the land”, meaning 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(s) be granted to the business and not the property. 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 the Smurfit-Stone campus property 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.

Staff recommends approval of the request for a variation to landbank the 273 required parking spaces at 400 and 450 E. North Avenue, subject to the following conditions:

1. That the applicant shall submit a revised site plan to the Village staff that shows the location where 273 parking spaces are to be landbanked on the property;
2. That if deemed necessary by the Village in the future, any number of landbanked parking spaces, up to 273 spaces, shall be installed by the property owner in one or more of the locations identified for landbanked parking on the revised site plan;
3. That the actual number of spaces present on the site upon approval of this request shall be 534 spaces, and that at least 534 spaces must be maintained on the site at all times;
4. That the applicable storm water management regulations will be enforced in the future as required, and that Smurfit-Stone agrees to provide the full storm water storage on-site without seeking a variation for a fee-in-lieu of detention, unless such a variation is recommended by the Village Engineer;
5. That this approval 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
6. That the facility must comply with all state, county, and village codes and requirements.

Commissioner Weiss questioned the number of spaces to be landbanked and Mr. Bastian explained that the reason that the applicant's number is four spaces more than the staff calculation is because when warehouse/storage space is calculated the requirement is four spaces for the first 1200 sq. ft. of that type of use and then 1 to each 1500 sq. ft. after that. Once those four spaces are accounted for on a site, they are not counted again for an addition to the buildings. It should be considered a parking calculation interpretation. Commissioner Weiss asked if the spaces at the south of the property will be maintained and was told that they will be. Commissioner Weiss asked who would require that spaces be returned from landbanking and it was stated that if there were complaints or obvious problems with traffic and parking. He noted that the Village Attorney has recommended an additional condition to the recommendation of approval that would require Smurfit-Stone to report their employee counts to the Village every two years which would make the Village aware of any increase in their employment and the possible need for additional parking spaces. The petitioners said that they do not have a problem with such a condition. Commissioner Weiss asked if there was any truck use in the parking area and it was stated that there is a loading dock available, but there is no over night parking of any trucks.

Chairman Pro-Tem Sutenbach asked if the public notice that was given is appropriate for what is being considered and Mr. Bastian said that the notice included the variance for landbanking

and a variance for a reduction in the number of parking spaces. The petitioners have modified the request to only ask for one of the variances so the public notice is adequate.

Commissioner Spink moved and Commissioner Hundhausen made the second to recommend approval of a variance for landbank parking subject to conditions noted in the staff report and the additional condition that the Staff be notified of current employee counts every two years to determine if additional parking is required. The results of the roll call vote are:

Ayes:	6	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Bentz

The petitioner was reminded that his matter will be heard by the Village Board at their meeting on October 3rd and was advised to attend that meeting.

**#05216: Carolyn Ascher, 281 Commonwealth Drive
Special Use – Outdoor Activities and Operations**

Carolyn Ascher of Amlings Interior Landscape, 281 Commonwealth Drive, was sworn in as a witness in this matter. She provided pictures of the vehicles that are proposed to be parked on the property and stated that the request is for a special use permit to park the proposed vehicles at the site. The vehicles are used to transport replacement plants to customers.

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

Mr. Bastian stated that Carolyn Ascher of Amlings Interior Landscape has filed an application for a Special Use to allow for outdoor activities and operations in the form of outdoor vehicle parking in the Industrial District at 281 Commonwealth Drive. Amlings Interior Landscape plans to occupy a 6,250 square foot tenant space within the 52,800 square foot multi-tenant building at 263-291 Commonwealth Drive for use primarily as warehouse space to store live plants and containers. As part of the business operation, the applicant requires the ability to park four delivery vehicles outdoors on the property on a nightly basis. To allow for the regular outdoor parking of business vehicles, the applicant is requesting a Special Use Permit in accordance with Section 16-10-2(B)(14) of the Carol Stream Zoning Code.

Amlings currently operates its three company divisions – Exterior Landscaping, Flowerland, and Interior Landscaping – at a single location in Hinsdale, Illinois. This fall, Amlings plans to relocate its Interior Landscape Division to Carol Stream. The tenant space at 281 Commonwealth will serve as the Interior Landscape Division's new office and warehouse location. Aside from a business office, the Carol Stream facility will provide warehouse space to store live plants and containers that are received through deliveries from Florida as well as from local growers. The plants would stay in the warehouse for a week or two prior to delivery to the customer's location. The Carol Stream facility would serve customers in all of the Chicagoland area. For informational purposes, customers would not pick up or deliver plants at this location and there would be no retail sales activity at the Carol Stream facility.

The main function of the Carol Stream location, aside from housing the Interior Landscaping Division's offices, would be to serve as a receiving and distribution point for plant material. Once the plants are received, Amling's employees would deliver the plants to area customers. For this reason, Amlings needs to be able to park delivery vehicles on the property. As indicated in the cover letter, the applicant has indicated that they plan to park a total of four delivery vehicles, including two cargo vans and two cut-away trucks, on the property. When the vehicles are not being used for deliveries, they will be parked on the property, and the vehicles will be left outdoors on the property on a nightly basis.

Screening and Parking:

In review of Special Use Permit requests for outdoor activities and operations in the form of vehicle parking, the factors that typically require the most detailed evaluation by staff are the screening of the vehicle parking and the adequacy of overall parking for the site. With respect to the screening of outdoor activities, the goal of the Village has typically been to block the view of the outdoor equipment or activity from the adjacent public streets to the greatest extent possible. In this specific case, as seen on the building tenant space plan (Exhibit B), the applicant's tenant space (Unit 281) will be on the rear side of the building. Staff expects, and will recommend as a condition of approval, that the four Amlings delivery vehicles be parked behind the building, out of view from Commonwealth Drive.

The other primary factor that staff evaluates for outdoor business vehicle parking requests is the adequacy of available parking not only for the business vehicles but also for employees. The table below provides a breakdown of the use of space in the building and the corresponding required number of parking spaces.

Use of Space	Area of Use	Code Requirement	Spaces Required
Office	8,495 s.f.	1 space for each 250 s.f.	33.9
Warehouse	38,500 s.f.	4/1 st 1,200 s.f., then 1/1,500 s.f.	28.8
Loading Dock	5,805 s.f.	(no parking required for interior docks)	0
Total Parking Required:			63 spaces
Parking for Amlings Business Vehicles:			4 spaces
Total Parking Provided:			75 spaces

As seen in the table, the Zoning Code requires 63 parking spaces to serve the building tenants based upon the use of space in the building. A site visit confirmed that there are 75 parking spaces available to serve employees and visitors of the facility, which exceeds the number of spaces required by the Code. Given that there are 12 parking spaces above and beyond the number required by the Zoning Code, there will be adequate room on the property for the four business vehicles that the applicant is requesting to park on the property in conjunction with the business use.

Based upon the information discussed, staff believes that the Special Use to allow for the outdoor parking of four Amlings delivery vehicles is reasonable, provided that the vehicles are parked behind the building, out of view from Commonwealth Drive, in an orderly manner.

Staff recommends approval of the Special Use request to allow for the outdoor parking of four Amlings delivery vehicles, subject to the following conditions:

1. That the delivery vehicles shall be parked behind the building, out of view from Commonwealth Drive, in an orderly manner;
2. That any request to increase the number of vehicles to be parked outdoors on a regular basis would require an amendment to the Special Use; and
3. That the operation of the facility and maintenance of the site must comply with all state, county, and village codes and requirements.

Commissioner Weiss asked if the vehicles will be registered in the Village and was told that they will be and it is anticipated that they will be moving to Carol Stream on October 12, 2005. Commissioner Weiss asked the reason for the business moving to Carol Stream and Ms. Ascher said that they have become a private company but have kept the Amlings name as the Interior Landscaping Division and have their own space. Commissioner Weiss welcomed the

business to the Village.

Commissioner Michaelsen asked if this was to be a retail center or if they just have leased plants. Ms. Ascher said that the plants are either leased or purchased and there will not be any retail sales from this location. Commissioner Michaelsen asked if the deliveries would ever be left outside and was told that they would be delivered directly into the building via a shared loading dock. In response to the question about insects and bugs, Ms. Ascher stated that all plants are certified by the growers that they are bug and insect free. She also said that the plants will not be stored in the trucks. Commissioner Michaelsen asked if the petitioner would like to have the Commission increase the number of vehicles to 6 so that the petitioner would not have to file for a public hearing to have the number increased when business needs required it. Ms. Ascher said that if the business increased to that point, there would not be enough space at this location to support it, so she wasn't sure if that would be necessary. Mr. Bastian said that the Commissioners could certainly increase the number of vehicles since the public notice did not specify the exact number and the conditions in the staff report can be modified.

Commissioner Weiss suggested that instead of approving six vehicles right now, can the conditions be amended to allow staff approval of an increase up to six vehicles after reviewing the parking requirements on the site. Mr. Bastian said that condition # 2 would be amended to say that the applicant is allowed to park 4 delivery vehicles outdoors on the property over night, if however they wish to expand that up to 6 vehicles they can make such a request in writing to staff and staff could approve an increase up to 6 vehicles without having to come before the Plan Commission and Village Board, if a new parking analysis indicates that there is adequate parking.

Commissioner Weiss moved to recommend approval of a special use permit for outdoor activities and operations in accordance with the conditions noted in the staff report with the amending of condition # 2 to allow staff to administratively increase the number of vehicles allow to park over night to 6. Commissioner Hundhausen made the second. The results of the roll call vote are:

Ayes:	6	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Bentz

The petitioner was reminded that his matter will be heard by the Village Board at their meeting on October 3rd and was advised to attend that meeting.

**#05228: North Shore Holdings, 570 N. Schmale Road
Special Use – Shopping Plaza and Drive-Up Window Service**

This matter concerns a request for a special use for a shopping plaza and drive-up window service at a location adjacent to Walgreen's at Schmale & Fullerton. The petitioner has withdrawn this petition.

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

Ayes:	6	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Bentz

PRESENTATION:

**#04142: Mercedes-Benz USA, LLC, 100 Mercedes Drive
Subdivision - Final**

Frank Caccavale, of National Bureau of Property Administration, Inc. on behalf of Mercedes Benz USA was sworn in as a witness in this matter. He explained that the Bloomingdale Township Assessor has requested that the property be subdivided since new regulations prohibit two different classifications for a single parcel. Mercedes is requesting subdivision into two separate parcels. Lot 1 has been improved with a 207,456 sq. ft. warehouse building and Lot 2 is vacant and is used for agricultural purposes.

Mr. Bastian commented that the Community Development Department staff finds the plat to be in conformance with the requirements of the I Industrial District, which is the zoning classification for the property. The Engineering Services Department has reviewed the plat and recommends approval, as does CD staff.

Chairman Pro-Tem Sutenbach asked if Mercedes Benz will ever expand and Mr. Caccavale commented that they are not giving up ownership and they would have go through the proper procedures if they do decide to expand. At present no.

Commissioner Hundhausen moved and Commissioner Michaelsen made the second to recommend approval of the final plat of subdivision for Mercedes-Benz USA, LLC 100 Mercedes Drive. The results of the roll call vote are:

Ayes:	6	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Bentz

The petitioner was reminded that his matter will be heard by the Village Board at their meeting on October 3rd and was advised to attend that meeting.

**#04035: Taco Maker/Mahesh Patel and Associates, 105 Stark Drive
Gary Avenue Corridor Review – Revised**

Mahesh Patel, 2937 Kendal Drive, West Chicago, IL and Terry Opperman, Opperman Architects, 516 N. Washington Street, Naperville, IL were sworn in as witnesses in this matter. Mr. Opperman said that they are requesting a revised review of the Gary Avenue Corridor review for the Taco Maker property which is an outlot of the Aldi property. Construction began about a month ago and recently Aldi has stopped construction due to concerns about the placing of the refuse enclosure. It was located on the west portion of the Taco Maker property, abutting the main entrance drive of the combined property. Aldi's concern was that during pick up times for the refuse, the main access drive to the store would be blocked for a certain period of time which would inconvenience their clientele. Taco Maker and Aldi are in agreement with moving the refuse enclosure to the north side of the Aldi property, the parking area just to the north of the Taco Maker property. It is set back from the Taco Maker building by about 12 feet and will be constructed of brick with a pre-cast cap and will be placed between two landscaped islands. There will also be a sidewalk that will extend from Taco Maker to the side door entrance of the enclosure.

Mr. Bastian stated that In March of 2004, the Plan Commission approved the various development requests for the Taco Maker Restaurant at 105 Stark Drive, to be constructed on an approximate 35,000 square foot outlot to the Aldi property. In January of this year, the Village issued a building permit for the construction of the restaurant, and construction activities began on the site in August.

In mid-August, a real estate representative for Aldi contacted the Community Development

Department and indicated that they objected to the approved location of the trash enclosure for Taco Maker. The approved location, which is immediately to the west of the building, is shown on Exhibit A. Aldi's concern with the location is that it would be highly visible from their store entrance, and that odors from the trash enclosure could have a negative impact on their customers, and ultimately, their sales. Staff indicated to Aldi that the most appropriate time to comment on the trash enclosure location would have been during the public hearing process. We encouraged Aldi and Taco Maker representatives to work together to resolve the issue. Toward that objective, staff indicated that we could support the trash enclosure being rotated at its approved location by 90 degrees, so that the gates did not directly face the Aldi entrance. We informed Aldi and Taco Maker representatives that at the approved location, the trash enclosure would be over 100 feet from the entrance to the store, and that we did not share Aldi's concern about the potential problems associated with the location of the enclosure.

Staff has been informed that in accordance with the agreement between Aldi and Taco Maker, Aldi has the right to approve all aspects of the construction of the Taco Maker building. Aldi took their complaint against Taco Maker to court and obtained a temporary restraining order that forced Taco Maker to stop construction on the project. As of this time, some initial grading work has been done on the site, but construction activity has ceased.

As indicated in the attached cover letter from applicant Mahesh Patel dated September 15, 2005, Aldi and Taco Maker have agreed on a new location for the trash enclosure. As seen on the revised site plan (Exhibit B), the enclosure is now proposed to be constructed on Aldi's property, in the area of two parking spaces that are in the row of parking immediately north of the Taco Maker site. The revised site plan and landscape detail plan (Exhibit C) indicate that the enclosure will be constructed using face brick with a decorative concrete cap. The revised site plan also shows that a sidewalk will be provided across landscape island near the north property line, so that Taco Maker employees disposing of refuse will be able to conveniently access the dumpster enclosure through a door proposed to be located on the west side of the enclosure. The landscape detail plan indicates that eight arborvitae evergreen trees will be planted around the enclosure, in addition to other deciduous shrubs, to help screen and soften the appearance of the enclosure. As a note, Aldi has adequate parking to allow for the elimination of three parking spaces that would result from the relocation of the trash enclosure.

Because this property is within the Gary Avenue Corridor, and the change in the location of the trash enclosure represents a modification to the approved Gary Avenue Corridor plans, staff has reviewed the requested change in accordance with the Gary Avenue Corridor standards. With respect to trash enclosure areas, which the Zoning Code considers to be a "waste-removal area", Section 16-5-6(K)(10) of the Gary Avenue Corridor regulations read as follows:

"Screening of approved service yards, refuse and waste-removal areas, loading docks, truck-parking areas and other places which tend to be unsightly shall be accomplished by use of walls, fencing, dense planting, or any combination of these elements. Screening shall block views from public ways and shall be equally effective in winter and summer."

While working with the applicant on the original plans in early 2004, staff recommended that the trash enclosure be placed in the least prominent location of the site with respect to its visibility from Gary Avenue, as it is staff's interpretation that the intent of the Code is to minimize the appearance of service areas. For that reason, staff believes that the approved location to the west of the restaurant building was the best place for the trash enclosure. However, given Aldi's strong objection to this location, and their authority to halt construction of the restaurant, staff has worked with the applicant to find a new location for the trash enclosure that meets the intent of the Code. As seen on the revised site plan, the trash dumpsters will be screened with a nearly seven-foot tall face brick enclosure with lockable wooden gates. Six-foot tall evergreen trees and deciduous shrubs will be planted around the enclosure. Staff believes that the face

brick enclosure, combined with the deciduous and evergreen landscape materials, will effectively screen the trash dumpsters.

Because the applicant is requesting to make a modification to the approved Gary Avenue Corridor plans, the Plan Commission must make a determination as to whether they find the proposed change to be in compliance with the Gary Avenue Corridor regulations.

Staff recommends approval of the revised location of the trash enclosure for Taco Maker, subject to the following conditions:

That Aldi must obtain a building permit to construct the trash enclosure, or authorize the applicant to obtain such a permit, since it is proposed to be located on Aldi's property;
 That the enclosure must match the details as provided on the enclosure elevation (Exhibit B);
 That the landscape materials must be installed and maintained in a neat and healthy appearance in the quantity and configuration shown on the landscape detail plan (Exhibit C);
 That Aldi must grant Taco Maker a cross-access easement or some other form of agreement that will ensure that Taco Maker employees have access to the off-site enclosure;
 That the construction of the building and enclosure and operation of the business must comply with all applicable Codes and standards of the state, county and Village of Carol Stream.

Commissioner Weiss asked if there was a written approval from Aldi regarding this change and the petitioner said that they did not have any problems with the drawings that were given to them. He suggested to the petitioner to get that agreement in writing for their own protection.

Commissioner Hundhausen said that she is concerned with the safety of the employees that have to cross a lane of traffic loaded down with refuse to be put into the enclosure. It was stated that the sidewalk will help gain access to the service door that is recessed back from the enclosure.

Commissioner Spink asked if there is a curb about the plantings and it was stated that the plants will be on a landscape island within the parking lot. She also stated that the plants must be salt tolerant since snow plow tend to leave large clumps on snow on landscape islands. In response to the question regarding lighting there will not be additional lighting for the trash enclosure, however staff indicated that the parking lot lighting should be sufficient.

Commissioner Michaelsen said that he is concerned about drainage & cleanliness and the resulting rodents and vermin that are common to trash enclosures since this will be visible from Gary Avenue. Mr. Opperman said that they have upgraded the plans to have a steel frame to support the reinforce wooden gates and this should keep the gates from sagging and looking shoddy.

Commissioner Vora asked if Taco Maker is a corporation or a single owned company and was told that it is a corporation. He also suggested that they get these approvals in writing from Aldi.

Chairman Pro-Tem Sutenbach said that since this is going to be on Aldi property, who is going to be responsible for clean-up etc. and it was stated that there is mutual agreement that each party will be responsible for their own areas. This includes trash, snow plowing and general maintenance.

Commissioner Vora asked how is the Village going to be aware and it was noted that anyone can make a complaint and that the code does address health and safety aspects of trash enclosures within the Village.

Commissioner Spink asked who is going to get the permit to construct the trash enclosure. It was determined that the first condition for approval is the Aldi must obtain a building permit to construct the trash enclosure, or authorize the applicant to obtain such a permit, since it is proposed to be located on Aldi's property.

Commissioner Michaelsen suggested that Taco Maker put some signage on the enclosure stating that it belongs to the building and also to state no trespassing.

Commissioner Michaelsen moved and Commissioner Hundhausen made the second to approve

the Gary Avenue revised review in accordance with staff recommendations. The results of the roll call vote are:

Ayes:	6	Commissioners Vora, Spink, Weiss, Michaelsen, Hundhausen & Sutenbach
Nays:	0	
Absent:	1	Commissioner Bentz

At 8:47 p.m. Commissioner Hundhausen moved and Commissioner Michaelsen made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD