

PLAN

REPORT OF THE PROCEEDINGS OF A PUBLIC HEARING
BEFORE THE VILLAGE OF ARLINGTON HEIGHTS
PLAN COMMISSION

COMMISSION

RE: DPS AUTOMOTIVE - 855 WEST UNIVERSITY DRIVE - PC# 20-007
LAND USE VARIATION

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Virtual Plan Commission Meeting taken at the Arlington Heights
Village Hall, 33 South Arlington Heights Road, Arlington Heights, Illinois on the 13th
day of May, 2020 at the hour of 10:00 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
JAY CHERWIN
SUSAN DAWSON
GEORGE DROST
BRUCE GREEN
LYNN JENSEN
JOE LORENZINI
JOHN SIGALOS
MARY JO WARSKOW

ALSO PRESENT:

SAM HUBBARD, Development Planner
JAKE SCHMIDT, Assistant Planner

CHAIRMAN ENNES: So, moving on to our second hearing, and thank you for being so patient, Mr. Waitzman. You're still here with us? Are you on mute? Okay.

MR. WAITZMAN: I'm still here, thank you.

CHAIRMAN ENNES: Okay, so Sam, are we going to do the same thing? Are you going to present the Staff report first?

MR. HUBBARD: Jake from the Village will, yes.

CHAIRMAN ENNES: Okay, Jake?

MR. SCHMIDT: Can everyone see the presentation?

CHAIRMAN ENNES: Thanks, Jake.

COMMISSIONER GREEN: Yes.

COMMISSIONER DAWSON: Yes.

MR. SCHMIDT: So, the address of the subject property is 855 West University Drive. The subject site is in the M-1 Research, Development and Light Manufacturing District, and the site is designated for research and development, manufacturing and warehouse uses in the Comprehensive Plan. The requested action tonight is for a land use variation to allow a motor vehicle repair-minor in the M-1 District which is not permitted by right within the M-1 District. It should also be noted that the proposed use is not compatible with the underlying Comprehensive Plan designation. The proposed site as a whole, which is a multi-tenant building with warehouse uses, is compatible with the underlying designation.

There are two variations required as part of this petition. The first being a variation from Chapter 28, Section 6.12-1 of the Municipal Code, to waive the requirement to provide a traffic and parking study from a certified traffic engineer. The second would be a variation from Chapter 28, Section 10.4, Schedule of Parking Requirements, to reduce the required off-street parking from 130 to 118 spaces.

The business, DPS Automotive, serves auto dealers within the Arlington Heights area. They operate business to business only. Sixty percent of the work is done at the auto dealers themselves, and 40 percent of the work is done at the proposed facility. The work that they do entails the installation of aftermarket accessories such as window tint, paint protection, truck bedliners, and mobile entertainment systems. The business employs 16 individuals currently at their Wheeling facility; 12 of those are involved in the installation. They will have five company vehicles at the subject site that will be used as transport to and from auto dealers. Customer vehicles that are coming from the auto dealers to receive modifications will be driven to the site under their own power. No delivery of vehicles will be done to the site via a tow truck or flatbed or semi auto trailer.

The business will operate between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m., Monday through Friday. It will be closed on weekends.

The subject site is located at the southeast corner of Kennicott Avenue and University Drive. To the south, the property borders single-family residential uses while on the north, east and west sides, the site borders manufacturing and warehouse uses also within the M-1 District. The proposed tenant space is currently accessible via two loading doors, one on the north side of the building and one on the south. The Petitioner is proposing the addition of a second loading door on the south side of the building.

During the review process, Staff had concerns regarding these two overhead doors at the south side, due to the close proximity of the residential uses. Specifically, concerns were that the impact of noise generated during installation operations could be

objectionable to the neighboring tenants, as well as single-family properties to the south. As part of this Plan Commission review process, Staff requested the Petitioner to provide details on the tools used in the installation of accessories for vehicles.

COMMISSIONER CHERWIN: Jake, I'm having a tough time hearing you. Can you speak up a little bit and make sure everyone else is on mute?

MR. SCHMIDT: Can everybody hear me? So, the primary tools used by the business are hand tools, cordless power tools, heat guns, and steam machines, which have a low potential of generating noise. However, the Petitioner also uses a vacuum and air compressor, which have a greater potential of generating objectionable loud noise. That being said, the Petitioner has stated that they are willing to use a sound-attenuating enclosure for the air compressor, which will help mitigate the noise from that device.

The Petitioner has indicated during the process that it's necessary to use the southern doors for loading and unloading operations of vehicles, and that during the summer and warmer months, these doors will likely be left open in order to allow for ventilation. This greatly increases the chance of noise generated from business operations will be audible from the adjacent single-family properties.

That being said, a neighborhood meeting was held via Zoom by the Petitioner on May 6th. Per a summary provided by the Petitioner, two residents were in attendance and were in support of the project, with the knowledge that the two southern overhead doors would remain open. Additionally, Staff did not receive any correspondence, written or verbal, from residents stating any concern or objection to the proposed use. As no concerns were raised and brought to the attention of Staff regarding noise levels or the operation of the business, Staff does not recommend any restriction for the use of the two southern loading doors.

With respect to parking, per the mix of uses at the site, which is a multi-tenant building, the building requires a total of 130 spaces. 118 parking spaces are provided at the site, including 16 internal service bays. As such, a variation is required which the Petitioner has requested.

To justify the requested parking variation, the Petitioner has provided a survey of parking lot utilization at the subject site as well as provided an anticipated employee and customer vehicle parking demand.

Peak observed parking occurred on January 27th at 8:00 o'clock a.m. when 54 vehicles were observed accessing the site. If DPS Automotive was in operation that day, with 15 employee vehicles, the five company vehicles, and 20 customer vehicles on the site, there would still be a functional surplus of 24 parking spaces. Bearing this in mind, Staff does support the requested parking variation.

With respect to bicycle parking, bicycle parking spaces are not required. The provision of spaces are only required when a change in use results in an increase in required vehicular parking. There's actually a reduction in the number of required vehicular spaces for this petition. Currently, the tenant space is vacant and is assessed at a ratio of one space for every 300 square feet, resulting in a 40-space requirement for the subject unit. The required parking for the proposed use is significantly lower, and as such, no additional bicycle parking spaces are required.

A traffic and parking study is also required per code. The Petitioner has requested relief from this requirement, and Staff supports the requested variation as the

Petitioner is not proposing any changes to the site itself that would impact traffic circulation. The Petitioner has provided information on delivery operations for customer vehicles, and the Petitioner has provided the aforementioned parking study.

There are some issues regarding code-required screening at the site that were identified during the review process, one of which is the required six-foot tall screen between the subject site and any single-family residences to the south. There currently is a dense vegetative screen to the south of the property, but it's deciduous. Code requires a screen that is constant in nature, so that would be along the lines of a six-foot tall solid fence, a wall, or six-foot tall evergreen shrubbery that would provide year-round screening.

Additionally, there are several trash areas that are not enclosed and screened from street view. As part of the petition, Staff gave notice of these issues to the property owner via a letter sent on May 8th. The property owner has said they'll be looking at the issue, and Staff will be working with the property owner to bring the site into compliance with the requirements.

Bearing all this information in mind, the Staff Development Committee recommends approval of the requested land use variation as well as the two zoning code variations with a three conditions. First being that operations shall take place without creating disturbing influences to the use and occupancy of adjoining properties. Disturbing influences can be considered, but are not limited to, objectionable odor, dust, smoke, noise, or vibrations. The second condition would be the proposed air compressors shall be located in a sound-attenuating enclosure. The third is that the Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.

This concludes my presentation, and I'm happy to answer any questions.

COMMISSIONER CHERWIN: Terry, you're on mute. You're on mute.

CHAIRMAN ENNES: Sorry, I got it. Are there any -- Jake, thank you for your Staff report. Are there any questions from the Commissioners on the Staff report?

COMMISSIONER CHERWIN: I move to submit it in the record.

COMMISSIONER GREEN: I'll second. Bruce Green will second that.

CHAIRMAN ENNES: Okay, and a second. All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, so the motion passes. Thank you, Jake.

If our Petitioner, Mr. Waitzman, are you going to speak to the petition?

MR. WAITZMAN: I appreciate everyone voting in favor. So, I don't think there's anything that you guys need me to say. I appreciate it.

CHAIRMAN ENNES: That was to their report. You agree with the conditions that the Village has put on your petition?

MR. WAITZMAN: Yes, absolutely.

CHAIRMAN ENNES: The three conditions?

MR. WAITZMAN: Absolutely.

CHAIRMAN ENNES: Okay.

MR. WAITZMAN: The condition with the air compressor, I agree 100

percent. We're going to enclose it behind a room so you wouldn't hear it even barely inside the building, let alone outside of the building. Everything else I agree to.

CHAIRMAN ENNES: Okay, and the trash containers, will you move those somewhere?

MR. WAITZMAN: So, those trash containers are not mine. I don't have a trash container there. So, I talked to the building owner about it, and I think they're looking into what the options are, but my trash container would be a small one. It wouldn't be like that. So, I can't speak to those containers.

CHAIRMAN ENNES: Okay, so you agree with the conditions. Do you want to tell us about your project?

MR. WAITZMAN: Yes, absolutely. So, we've been in business since 2009. We actually started in Arlington Heights, so we started at College Drive and University and had outgrown that facility and moved to Wheeling. So, we've been at Wheeling now for six years, and now business has continued to expand. So, again we're needing space and found a perfect building that's very close to a lot of customers we already do business with. So, all the dealerships on Dundee Road are already customers of ours.

Like Jake said, we're in the business of selling directly to new car dealerships for pretty much everything you can do to accessorize your car. We're a very clean business. I take a lot of pride in our image and what our shop looks like, what our office looks like, what our vehicles look like. So, we're definitely, unfortunately we have to be classified as a mechanical repair-minor, but we're not a mechanic shop. There's not the stereotypical, you know, impact gun and wheels dropping off cars. It's just not what we do at all.

We're a really clean business. We do a lot of final wraps, window tint, clear bra, ceramic coatings, really clean precise work. It's almost all brand new cars that we work on and we almost never have used cars in our building. We're not storing the vehicles there. We're completing the work, bringing it back to the dealership immediately. We're not leaving anything around. We're not leaving cars outside. Everything comes in inside at night.

We're a very conscious neighbor, not only to the Village, but to the surrounding residents and surrounding businesses. So, you definitely would never hear any trouble from me or my company. We run a really good operation and we're proud of that.

MR. HUBBARD: Terry, you're on mute.

CHAIRMAN ENNES: I'll get used to this. So, is that the completion of your report?

MR. WAITZMAN: Yes, unless there's any questions from anyone.

CHAIRMAN ENNES: Okay, do we have any questions from the Commissioners?

COMMISSIONER CHERWIN: This is Jay. I would say that I was in the Conceptual Plan Review Committee. I had a lot of questions for the Petitioner; I think they answered them all well. I was impressed with I think the proactive approach they took to making sure the residents around them were okay with their operations. You know, that was my biggest concern, was that you said you're a little bit more intense use right next to the residences. So, I wanted to see, you know, if there were any members of the public. It sounds like, you know, we'll wait to see if there are anybody, but it sounds like nothing was submitted.

So, I'm going to have no further questions on this. I think it's a good project and it seems to be a good operation to have.

CHAIRMAN ENNES: Thank you, Jay. Anyone else?

COMMISSIONER GREEN: Yes, I'd like to, I'm supportive of the project, too, because it helps complement auto row, primarily. It also brings a new business to Arlington Heights and helps with employment. And apparently, at the community meeting, there were two attendees by Zoom who were supportive of the project. So, unless there's audience comment, I don't have any concerns with going ahead to approve the project.

CHAIRMAN ENNES: Thank you, George. Anyone else?

Okay, Sam, I trust all the notices were sent and made?

MR. SCHMIDT: They were.

CHAIRMAN ENNES: Okay, can we ask for a show, if there's no other questions from the Commissioners --

MR. HUBBARD: There is one question in the audience -- sorry to interrupt, Chairman. There is one person in the audience that wishes to make a comment.

QUESTIONS FROM AUDIENCE:

CHAIRMAN ENNES: Okay, would you please tell us your name and let us hear your question?

MR. DAULTON: I live right behind --

CHAIRMAN ENNES: What's your name?

MR. DAULTON: Terry Daulton.

CHAIRMAN ENNES: Okay, Mr. Daulton.

MR. DAULTON: I live right behind where you're going to be, sir, 810 Tanglewood. Are you going to do painting? Is that what you're doing?

MR. WAITZMAN: Good question. We do not do any painting. We do not do any body work. We're not a body shop. We do not do repairs.

MR. DAULTON: What about undercoating?

MR. WAITZMAN: We do undercoating, but we spray water-based undercoating, so it has virtually no odor.

MR. DAULTON: Well, I mean, how about, you're saying there's not going to be any noise, et cetera? I've lived here for 35 years. I mean, I think I have a say here.

CHAIRMAN ENNES: And we're asking for your questions, Mr. Daulton.

MR. DAULTON: Well, that's my question. I mean, it sounds like, you know, I worked in the automotive industry for 31 years. I know how noisy things can be. I worked for an auto parts company for over 30 years and it's going to be quite noisy. We have to live here on this block.

CHAIRMAN ENNES: Yes, I understand that. Mr. Waitzman will answer your question.

MR. WAITZMAN: So, to answer the question about noise, we're not like a mechanic shop where we're using loud tools. So, a lot of, most of the work that we do, like I said, is window tint, clear bra, vinyl wraps, which is really no noise at all. I mean, we're putting film on cars. We're using a heat gun, a razor blade, and possibly a steamer. So, any of the work that's really any noise, like you mentioned undercoating, gets done inside an enclosed area with the garage door closed and that won't make any noise anyways because we're literally just spraying, we're spraying a rubberized undercoating out of a gun, so it's not creating any noise.

The only noise that we would create would be our air compressors, but our air compressors are not only going to be in a room, but they're going to be behind another room. So, you wouldn't even hear them barely inside, let alone outside the building or at your house.

I want to stress, sir, that we care about our neighbors and our relationships. So, if there was ever a point where you felt like we were making too much noise or we were doing anything, I can assure you that I would address it immediately and you would never have to say it again.

MR. DAULTON: When are you going to open? I'd like to come and visit.

MR. WAITZMAN: I'd like to open as soon as possible. So, we're ready and I'd love to give you a tour of the facility.

MR. DAULTON: Yes, I would like that. I live right behind here.

MR. WAITZMAN: Yes, you can come by anytime. I've spent an enormous amount of money making it beautiful inside there.

MR. DAULTON: It sounds like it.

MR. WAITZMAN: We just epoxied the floors. We've painted the floors and ceiling white. If you see how beautiful it is, you'll know that this is not going to be a dirty, loud, noisy mechanic shop.

MR. DAULTON: Okay, but the only thing, like I said, I'm worried about is the smell, you know, but you sound like it's not going to have that problem.

MR. WAITZMAN: No, the two things that we spray are undercoating and sprayed bed liner. The sprayed bed liner is a solid, it's not a solvent, so it has really no odor and it dries in about three seconds. Our undercoating is water-based, so it has zero VOCs, so it has virtually no odor.

MR. DAULTON: All right. How about next week I go over there and take a look? I'd love to see it.

MR. WAITZMAN: Whenever you want.

CHAIRMAN ENNES: He won't be there next week.

MR. WAITZMAN: But the building is there so you can come by whenever you want.

MR. DAULTON: Okay. Well, my name is Terry Daulton. Like I say, I live right behind you.

MR. WAITZMAN: Okay, thanks, Terry.

MR. DAULTON: Okay.

CHAIRMAN ENNES: Thank you, Mr. Daulton. Sam, is there anyone else?

MR. HUBBARD: I don't see any more hands raised.

CHAIRMAN ENNES: Okay.

COMMISSIONER CHERWIN: Terry, could I just ask one question if you don't mind? It's just to --

CHAIRMAN ENNES: Jay, yes, just hold up. We're going to close the community, the audience part of the hearing.

Jay, what question do you have?

COMMISSIONER CHERWIN: Yes, sorry not to belabor, but Mr. Daulton brought up, you know, a lot of Mr. Daulton's questions were the questions that I raised in the committee level and I thought Mr. Waitzman and his colleagues answered them well. I would

also say that the noise, odor and dust is a performance standard that they'll have to meet I think just as part of the district. As part of the approval or proposed approval, there are conditions about excessive noise or dust. Not to carry this out longer than it needs to, but Sam, if you want to just briefly speak to the fact that they will have to meet some performance standards on this with respect to them?

MR. HUBBARD: Do you want to tackle that one, Jake?

MR. SCHMIDT: So, they're certainly held to restricting noise, odor, emission of odor, things like that. As far as zoning code goes, there are the general performance standards outlined within the M-1 section, and we've added the condition that there shall be no objectionable noise, odor, vibrations, et cetera caused by operation of the business, which gives the Village ability to, in the instance where there is the emission of odor or noise, to come in and request the mitigation of those particular issues.

COMMISSIONER CHERWIN: Thanks, Jake. Sorry, I automatically went to Sam; I didn't mean to overlook you on that. I appreciate your explanation. That's all.

MR. WAITZMAN: And guys, I just want to share with everybody, you'll have zero trouble with me, zero. If there's a problem and you need something addressed, I will address it immediately, I can assure you of that.

COMMISSIONER CHERWIN: Terry, you're on mute.

CHAIRMAN ENNES: That's why I didn't get a motion. If there aren't any other questions, do we have a motion?

COMMISSIONER GREEN: I'd like to make that motion.

CHAIRMAN ENNES: Yes, Bruce.

A motion to recommend to the Village Board of Trustees approval of PC# 20-007, a Land Use Variation, to allow a motor vehicle repair, minor facility in the M-1 Zoning District; and the following variations:

- 1. A variation from Chapter 28, Section 6.12-1 of the Municipal Code, to waive the requirement to provide a traffic and parking study from a certified traffic engineer.**
- 2. A variation from Chapter 28, Section 10.4, *Schedule of Parking Requirements*, to reduce the required off-street parking from 130 spaces to 118 spaces.**

This recommendation shall be subject to the following conditions:

- 1. Operations shall take place without creating disturbing influences to the use and occupancy of adjoining properties. Disturbing influences can be, but are not limited to, objectionable odor, dust, smoke, noise, or vibrations.**
- 2. The proposed air compressors shall be located in a sound-attenuated enclosure.**
- 3. The Petitioner shall comply with all federal, state, and Village codes, regulations, and policies.**

CHAIRMAN ENNES: Is there a second?

COMMISSIONER CHERWIN: Jay will second that.

CHAIRMAN ENNES: Okay, Jay is the second. We need to take a roll call vote.

MR. SCHMIDT: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. SCHMIDT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. SCHMIDT: Commissioner Drost.

CHAIRMAN ENNES: George, your mic.

COMMISSIONER GREEN: You're muted.

COMMISSIONER DROST: Aye. Aye.

MR. SCHMIDT: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

CHAIRMAN ENNES: So, we have a unanimous decision. Congratulations! Good luck with your venture. Sam, any idea, would it be June 2nd I think you mentioned before as a possible Board hearing?

MR. SCHMIDT: It depends on how quickly the minutes can get done. It would be either that meeting or the next available.

CHAIRMAN ENNES: Okay, well, good luck with that. I don't believe we have any other business.

COMMISSIONER DROST: Just one question for Sam. When are we going to re-open?

MR. HUBBARD: We'll have to ask our Governor. I'm anticipating, obviously there's going to be a meeting of the Redevelopment Commission I believe later on in May. That's going to be a Zoom hearing as well. I think Bill is running that one. Then we have projects on the agenda for the June 10th Plan Commission hearing, and those are going to be, we're planning for Zoom as well.

Beyond that, my hopes are just aligned with everyone else's, that we'll be open as soon as possible.

COMMISSIONER DROST: Good. Well, Hinsdale and Naperville have made some moves to help support some of their restaurant businesses. So, take that message to whomever you see, if you can Zoom them or touch them. Don't touch them though.

COMMISSIONER CHERWIN: Sam, are you saying our next meeting of the Plan Commission is not until June?

MR. HUBBARD: The Plan Commission, right. But there is going to be, I think it's the Redevelopment Commission later on in May if I'm not mistaken. I'd have to check the calendar, but I know there's some meeting in May later on.

COMMISSIONER JENSEN: Does that involve the Commissioners? The

Plan Commissioners?

MR. HUBBARD: I thought it did.

COMMISSIONER CHERWIN: Yes, we're all members of the Redevelopment Commission for the TIF.

COMMISSIONER JENSEN: It's been a while since we met as a Redevelopment Commission, I think.

CHAIRMAN ENNES: Okay, seeing no other business, thank you very much for your time. I think this went fairly well, and thank you for your very considered comments and input on both of these petitions. So, I don't have a gavel here, but --

COMMISSIONER JENSEN: Terry, I move we adjourn.

CHAIRMAN ENNES: Second?

COMMISSIONER DROST: I'll second that.

CHAIRMAN ENNES: Okay, all in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Good night. Have a good evening. See you soon.
(Whereupon, the above-mentioned petition was adjourned at 10:24 p.m.)