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PLAN

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

COMMISSION

RE: Hillside Auto - PC# 15-004

REPORT OF PROCEEDINGS had before the Village of
Arlington Heights Plan Commission Meeting taken at the
Arlington Heights Village Hall, 33 South Arlington Heights
Road, 3rd Floor Board Room, Arlington Heights, Illinois on the
28th day of October, 2015, at the hour of 7:43 p.m.

MEMBERS PRESENT:

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

ALSO PRESENT:

BILL ENRIGHT, Deputy Director

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CHAIRMAN LORENZINI: Okay, the next item on the agenda, the next public hearing is Hillside Auto, 25 East University Drive, PC# 15-004, have all proper notices been given, Bill?

MR. ENRIGHT: Yes.

CHAIRMAN LORENZINI: Is the Petitioner here?

MS. BALEK: Hi, I'm Colleen Balek, B-a-l-e-k on behalf of Hillside Auto Body.

CHAIRMAN LORENZINI: Okay, go ahead. Are they going to testify too?

MS. BALEK: Mark is.

CHAIRMAN LORENZINI: Would you come forward if you're going to testify? We'll swear you in.

(Witnesses sworn.)

CHAIRMAN LORENZINI: Thank you, and your name, sir?

MR. BALEK: Mark Balek, B-a-l-e-k.

CHAIRMAN LORENZINI: Again, please?

MR. BALEK: Mark Balek, B-a-l-e-k.

MS. BALEK: He's one of the owners.

CHAIRMAN LORENZINI: Okay, does somebody want to give us a brief presentation --

MS. BALEK: Sure, so we're here asking for motor vehicle repair major at 25 East University. This is just a brief background about Hillside. We've been in Arlington Heights operating since the 1920's. We're currently in our second generation of ownership and five generations of our family have lived in Arlington Heights. We're currently operating out of 200 East Palatine Road and 120 West University Drive. We've been operating out of our University Drive location for a couple years now and what we're looking to do is open another location on University Drive, which is at 25 East University Drive in Arlington Heights. We're looking to do mechanical and auto repair, there'll be no painting at this facility. This is a site plan of the property and this is our proposed plan.

What we're proposing is installing a new solid fence around the property and we're going to line up the fence on the one side so it meets with our neighbor and put new landscaping in the front. We are going to fix the potholes and the cracked asphalt in the back and we're going to stripe some employee parking in the rear. But at this time, we're not anticipating any customer parking at this location, it's very close to our 120 West University Drive location so customers are going to be directed there. And most of the work that's going to be done at this facility will involve us doing the transporting of the vehicles back and forth. It's for a couple of different companies and so they prefer us to just transport the vehicles.

This is an inside plan. What we're proposing is 12 bays in the building and there's two garage doors, one in the front

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and one on the side. We would use the one on the side, towards the rear. At this time we're not planning on using the front one to move cars in and out. We anticipate having three to five full-time employees and our hours of operation will be the same as our other facility, which is Monday through Friday, 8:00 to 5:00, no later than 6:00 and Saturday 8:00 to 12:00.

And that's it.

CHAIRMAN LORENZINI: Thank you. Have read the eight conditions put in by the department?

MS. BALEK: We have.

MR. BALEK: Yes.

CHAIRMAN LORENZINI: And do you agree with them?

MS. BALEK: We do.

MR. BALEK: Yes.

CHAIRMAN LORENZINI: All right, thank you. You may have a seat if you want. Bill, do you want to give us the staff report.

MR. ENRIGHT: Chairman Lorenzini, members of the Commission, staff has reviewed the request and is supportive of the land use variation primarily because, one reason is this building has been vacant for five years and has fallen into some degree of disrepair which the Petitioners agreed to make improvements to the site. In addition, they've had a facility at 120 East University Drive, similar facility, for over 10 years. And the time there were concerns about that use there in the adjacent properties, but the Village placed a lot of conditions at that time and we have not had any complaints about that operation on University Drive. This operation is a slightly smaller building, they're not doing painting of vehicles or using their towing business there because they have that at 120 East University Drive.

In addition, the Petitioner has stated, in the public record, that their intent is to move all operations from their existing site at Palatine and Arlington Heights Road to this site as well as the 200, or 120 East University Drive site. And we see that as linked to our support for this project because that will help to open up that site for redevelopment. It's a prime commercial corner in the Village, and moving these operations to the industrial park will facilitate that. So it is the Village's expectation that they will move their operations consistent with what they stated which is next year at some point. Although there's no, you know, written commitment to that, but it is an expectation the Village as it relates to our opinion on this land use variation.

But given the fact that they haven't had, we have not received complaints about their existing facility, which is at 120 East University Drive, we feel that this is appropriate and will not be a disruption to the neighborhood. There's several conditions that we've recommended as part of this development. One includes, which the Petitioner has agreed to, is to provide a 10 foot tall, vinyl fence around the perimeter of the storage area. Which is located behind the

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building to the south. And that will be a decorative, vinyl fence, which I gave a copy of the cut sheet that the Petitioner provided which is, you know, has a decorative look to it. But again, it will provide a 10 foot high screen which is required for outdoor storage, so you won't be able to see any vehicles that might be stored in the rear of the property.

Landscaping, additional landscaping will be planted at the base of the buildings, there are some trees there now, but there will be a slight enhancement with that. In addition, the rear, where the storage area is, is in a state of disrepair, it's, it needs some patching and pothole filling in the cracks and so forth. So the Petitioner has agreed to do that because they're going to be having to get vehicles stored there.

We had also agreed to stripe spaces behind the building within the storage area for their employees, estimated at five. An MWRD permit for their sanitary system grease trap, they're going to have to check with MWRD seeing if there's going to be any modification to that as a result of the change in use from the former plumbing use five years ago to automotive use.

In addition, as we did with the previous approvals for 120 East University Drive, junkyards, vehicle compactors and crushers and the painting of vehicles will not be allowed at this particular site. Hours of operation are regulated to the hours of operation the Petitioner has stated, 8:00 a.m. to 6:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 noon on Saturday.

So, those are the conditions the staff is recommending with respect to this particular land use and at that point we would conclude our presentation.

CHAIRMAN LORENZINI: Thank you. Motion to include the staff report into the public record?

COMMISSIONER WARSKOW: I make such motion.

COMMISSIONER SIGALOS: And I'll second that.

CHAIRMAN LORENZINI: Let's vote, all in favor?

(Chorus of ayes.)

CHAIRMAN LORENZINI: Opposed?

(No response.)

CHAIRMAN LORENZINI: We're good? Okay, questions from the Plan Commissioners, Jay, do you want to start this one?

COMMISSIONER CHERWIN: I guess I was okay with it, I think we've seen this before, I didn't, Mr. Enright, I guess I'd ask, from the previous time, was there any significant changes or what was the, I think was maybe in the Committee that I had seen them, I thought there was a previous public hearing on this and I was a little confused.

MR. ENRIGHT: Not on this site, for this Petitioner, no.

COMMISSIONER CHERWIN: No, it must have been, at that Committee --

MR. ENRIGHT: I'm not sure what you're referring to in

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terms of this site --

COMMISSIONER CHERWIN: Plat/Sub, we haven't had a Plat/Sub --

MR. ENRIGHT: But it went to Plat and Sub.

COMMISSIONER CHERWIN: It went to Plat and Sub, but I guess what my question is then, were there any significant changes in the Plat and Sub, it seems like they had addressed everything in --

MR. ENRIGHT: Yes, I mean, the main thing was the storage of vehicles and then providing the 10 foot screening around the perimeter of that storage area.

COMMISSIONER CHERWIN: No I'm fine, I don't have any, I was just confused on this one particular item. I thought it was a public hearing but it must have been Plat and Sub and I didn't, I didn't see the Plat and Sub and I was just wondering.

MR. ENRIGHT: Well the Plat and Sub minutes are a part of the packet.

COMMISSIONER CHERWIN: Okay.

MR. ENRIGHT: And you can refer to those.

COMMISSIONER CHERWIN: All right, I don't have any other questions.

CHAIRMAN LORENZINI: John?

COMMISSIONER SIGALOS: No, I don't really have any questions, I think this is an excellent use for this building, particularly that it's right down the street from their 120 University building. And unlike the, what was it, Collision Damage Experts that were here recently, this was in the industrial park and not backing up to a residential area. So I, I'm fully supportive of this, I mean it's great, nice building.

CHAIRMAN LORENZINI: Susan?

COMMISSIONER DAWSON: I just have a question, I'm not understanding, it's really, I'm not, I'm fine with the project, I'm just understanding your move on such a special location and then they're moving across the street from an already existing location. I don't understand what do you, are you doing the same thing in both buildings? Are you doing one thing at one building and one thing at another? I'm just, I don't understand why you're relocating right across the street from where you're --

MS. BALEK: We need more room, the 120 West is primarily for body repair, we have a state-of-the-art spray booth so painting can occur there and they have all the filtration. This is going to be more for like assembly and more minor repair work. But we've grown pretty significantly in the last couple years with private contracts so we need more room to take on more work for the body repair.

COMMISSIONER DAWSON: Okay, so instead of expanding, you're trying to relocate to the two, the all-in-one, was kind of your only option?

MS. BALEK: Right, right.

COMMISSIONER DAWSON: I understand, I have no problems,

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or no questions.

MS. BALEK: Okay.

CHAIRMAN LORENZINI: George?

COMMISSIONER DROST: Yes, is this property under contract right now?

MS. BALEK: We own it already.

COMMISSIONER DROST: Oh you already own it.

MS. BALEK: We own it.

COMMISSIONER DROST: And how long have you owned it?

MS. BALEK: Almost two years.

COMMISSIONER DROST: Oh, two years, but it's been vacant for five years?

MS. BALEK: It has.

COMMISSIONER DROST: Okay because you didn't get any special tax --

MS. BALEK: No.

COMMISSIONER DROST: You might get the --

MS. BALEK: No, not at that time.

COMMISSIONER DROST: I was just going online, no, from the standpoint of the hardship aspect of it also just to get a little bit more flavor for it.

MS. BALEK: Right.

COMMISSIONER DROST: I think it's a great project.

MS. BALEK: Thank you.

COMMISSIONER DROST: I think it's a great idea, and a business that's doing well will help everybody in the community, so I have no further questions or comments.

CHAIRMAN LORENZINI: Thank you, George. Lynn?

COMMISSIONER JENSEN: Yes, I don't really have any questions at this point.

CHAIRMAN LORENZINI: Mary Jo?

COMMISSIONER WARSKOW: No questions.

CHAIRMAN LORENZINI: Terry?

COMMISSIONER ENNES: From the property tax standpoint, I'd love to see a new business get going and active in there. I did used to work on this property when it was Planned Plumbing. So I'm very familiar with it. Is there a reason why you don't want to do painting there? Because you have the booth across the street?

MS. BALEK: We do, we have a state-of-the-art booth, and we also, you know, to build a new spray booth and go through the process of the filtration, it's just, we have a spray booth over there that's big enough to fit a semi-truck so we can get all the painting we need done over.

COMMISSIONER ENNES: Do you expect though that there might not be a future need for that? Because you're agreeing to not have it and if it's something you might need in the future now might be the time to be talking about that.

MR. BALEK: Well here's, at this point I don't feel it's necessary, all our stuff is going to minor there, and it's going

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to be disassembly and assembly so, and since the other building is so close, it's pretty easy just to move the stuff back and forth.

COMMISSIONER ENNES: Okay, as far as complaints, I actually office out of the building right behind you, your operation facility and I don't experience any problems.

MR. BALEK: Thank you.

COMMISSIONER ENNES: One other question, let's see what I have, for Mr. Enright, the, I see the statement in here, in addition, Petitioner has represented, this is what you mentioned, but this is not a condition of their getting approval to do this facility, is it?

MR. ENRIGHT: It is not, the conditions are listed in the staff recommendation, it does not include a condition that they cease operations. But it is the Village's expectation in analyzing this, and the appropriateness and the benefits for the community moving this over the year, and one of the off-shoots of that it will hopefully allow the Petitioner to move their operations as they've indicated and redevelop that corner for commercial use.

COMMISSIONER ENNES: The Palatine/Arlington Heights location, how fully are they utilizing that and will this new location allow you to immediately reduce that?

MR. BALEK: That will allow us to free up space over there, we actually, we're actually making moves to clean everything out of there right now and we hope to free that up and we would like to be in the process of removing the buildings, hopefully in, nothing to be set in stone right now, but hopefully by March/April, so, and we are already talking to developers on the other side.

MS. BALEK: Yes, and we're still using the shop pretty fully at that, to do the repair work, so if we get this other location open, we'll be able to move the cars over there. So that will help.

COMMISSIONER ENNES: And this, the Palatine location, that is one of your towing facilities, right?

MR. BALEK: Yes, it is.

COMMISSIONER ENNES: And you also do body work there as well?

MR. BALEK: Yes, we do.

MS. BALEK: Body and mechanical work.

MR. BALEK: Body work and mechanical work. And the facility is fully operational now, and we're kind of busting out, and we do need another facility to go to.

COMMISSIONER ENNES: And that's quite a bit bigger than this new facility, isn't it?

MR. BALEK: Not the building.

MS. BALEK: Not the building.

COMMISSIONER ENNES: No?

MS. BALEK: No.

MR. BALEK: The building at that location is about 5000 square feet and this one's about 16,000 square feet.

COMMISSIONER ENNES: Okay. That's all I have.

MS. BALEK: Thank you.

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CHAIRMAN LORENZINI: Bruce?

COMMISSIONER GREEN: I just have a procedural question for you Bill. In Plat and Sub, when this, the old property came up, it's sort of an implied condition for the, for this new project that's going on. I asked Latika to go back and research to see if the Village has ever really done that, where they mention an old project not part of what they're before us tonight with. And to sort of throw that in there as, sort of an implied condition, and I think, you know, I know Latika has left, but I asked before she went if there was ever anything like that done by the Village, from the Village standpoint, and she said she didn't have a lot of time to look into it, but she didn't think there was. And I've been on the Commission for 16 years and George has been on at least that long, and I don't ever remember having the, mentioning another property and vacating a property as sort of an implied condition for this one. Have we ever done that before?

MR. ENRIGHT: No.

COMMISSIONER GREEN: So why is that information in the pack here?

MR. ENRIGHT: Because staff believes that it is certainly influenced part of our decision to support this land use variation is that it will also allow for a commercial property in a prime intersection to get redeveloped by allowing them to move operations to a bigger, hopefully better, facility for them. So it is germane to the discussion, but we are not making it a condition of the report, of the project.

COMMISSIONER GREEN: I understand the condition, I just, I'm questioning whether the Village should put any kind of statement that might be looked upon as pressuring somebody to do something.

MR. ENRIGHT: We're not pressuring, it's based on what the Petitioner has told us which is part of the public record.

COMMISSIONER GREEN: Did you ask the Petitioner that question specifically?

MR. ENRIGHT: Yes.

COMMISSIONER GREEN: So you did solicit that information?

MR. ENRIGHT: We did.

COMMISSIONER GREEN: He didn't volunteer it, you asked for it.

MR. ENRIGHT: We asked for it and they, that's what they said in their Petition to us, well actually it's part of their legal petition, we asked about it during Plat and Sub as part of Plat and Sub report, so that's where we asked for it.

COMMISSIONER GREEN: Right.

MR. ENRIGHT: But in their Petition that they submitted to us, unsolicited, they indicated that that was their goal, was to move operations.

COMMISSIONER GREEN: So I guess what I'm asking here is, do you think that's appropriate for that to be in the report?

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MR. ENRIGHT: Yes, that's why it's in.

COMMISSIONER GREEN: So if they didn't have that property, what would the difference be?

MR. ENRIGHT: If they didn't have which property?

COMMISSIONER GREEN: The old corner of Palatine and Arlington Heights, 200 Palatine Road. In other words, what, why would that make a difference, this project stands alone by itself.

MR. ENRIGHT: It may not make a difference.

COMMISSIONER GREEN: But why did --

MR. ENRIGHT: But it was a part of our decision process, it was part of it, not the full part of it, I mean it was a component of our decision to support this land use variation, but it wasn't necessarily, you know, if they didn't have the 200 East Palatine Road, it may not have, even if they didn't have that site we still may have arrived at the same conclusion with this thing.

CHAIRMAN LORENZINI: Would it be fair to say it's just one of the benefits for this project?

MR. ENRIGHT: Yes, absolutely.

COMMISSIONER GREEN: Okay, I just wanted to get on the record, I don't agree with that statement. I don't think that should be in there, to me it looks like it's an implied threat.

CHAIRMAN LORENZINI: And I have no questions. Let's go to the public audience. Anybody in the audience have any questions, comments, concerns? Yes, sir, would you come forward. Please state your name and spell your last name for the court reporter.

MR. STEVENS: I'm Mark Stevens, S-t-e-v-e-n-s. I work for Air Movement and Control Association. We're located at 30 West University Drive, it's across the street from the proposed, for the former property with the proposed variance. We've been in our facility since 1967, or 1969, but it's over 40 years, 40 something years. And we're a trade association, like I said, and really services that we provide to our members is certification services of fans for air performance and noise. You'll see that the AMCA certification, which is a blue and yellow sticker, conveyed by a blue and yellow sticker is present in building specifications, it might even be in your codes here.

We have about 350 members worldwide, as I said we're referenced in building specifications, but we're also referenced by Energy Star. Our certified ratings program is referenced by Energy Star and part of that certification is for noise testing. Noise rating of that product. You'll see Energy Star on appliances mostly, but it's also on residential fans, which is what we certify.

Some of these fans are extraordinarily quiet, really, really quiet. And we test these things. In order to test them, we need ourselves, a quiet environment. And if we lose that quiet environment, this conveys, it carries a permanent damage to our business. So we'd prefer to not see our environment change. We prefer to not see variances allowed, buildings across the street to have a louder operation that damages our business.

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What's particularly disturbing in some of the testimony I heard from Mr. Enright, is the quid pro quo aspect of this. For instance, the Village wants them out of that property that they are currently in, so let's put them over here, without any sort of concern for the damage it might cause our business. That's completely objectionable it has staff calling losers and winners. And that's not appropriate, it's not proper for them to be doing that.

The second thing is, this statement regarding no complaints. That's just patently false about this. Before Hillside moved in, they, well they actually moved in and started doing business from the property before they had an occupancy permit. We complained. Nothing happened. They did landscaping, they pulled out our landscaping, put their own in, we had mature bushes gone, we complained, nothing happened.

So, there's a history of us complaining, the Village not doing anything. So for us to complain for 10 years, there's no payoff, it doesn't work. So, we don't want to see this happen, we object to it, and that's my statement.

CHAIRMAN LORENZINI: Thank you, Mr. Stevens.

MR. STEVENS: Your welcome.

CHAIRMAN LORENZINI: Anybody else from the audience? Bill do you want to address any of those comments?

MR. ENRIGHT: No.

CHAIRMAN LORENZINI: Okay. So, land use variation, this is, the zone is M-1, right?

MR. ENRIGHT: Correct.

CHAIRMAN LORENZINI: But motor vehicle repair facility is not the proper use without a variation, right?

MR. ENRIGHT: It's not a permitted use in the M-1, correct.

CHAIRMAN LORENZINI: Okay. All right, I just wanted to make that clear. Any comments? Questions?

COMMISSIONER GREEN: Bill, I have a question for you. In M-1, could you put a stamping plant in? A stamping outlet?

MR. ENRIGHT: I don't know.

COMMISSIONER GREEN: So, in other words, it would be, this is the heavy manufacturing district, in M-1, isn't that right?

MR. ENRIGHT: No, it's not.

COMMISSIONER GREEN: Okay, so it's a light manufacturing district?

MR. ENRIGHT: Yes.

COMMISSIONER GREEN: So what type of businesses are allowed in the light M-1?

MR. ENRIGHT: Tool and die shops, warehouse and storage facilities, trucking companies, those types of facilities, I mean there's probably 50 or so types of uses in our permitted use table.

COMMISSIONER GREEN: Okay. Thank you.

CHAIRMAN LORENZINI: So I guess the problems with these, I finally understand and appreciate what you're saying, but

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maybe there's, maybe it's a auto company is not allowed there, that's maybe noisier than you'd like, but the M-1 District may allow various other companies that could produce the same amount of noise that wouldn't require variation. Yes, sir.

MR. STEVENS: In the variance that I asked is there is other operations that are allowed and not allowed in that variance? Specifically pointed out?

CHAIRMAN LORENZINI: I'm not sure.

MR. STEVENS: Well what I mean by that is, is that there's a certain operations that are allowed in this zone, right? They want to perform other variations, so some other operation. So what I'm saying is and when a variance is granted, is it granted to certain operations in that building? Or is it just blanket? So what I'm getting at is that if they move in and they say, okay we're going to do this and this is what we're going to testify, and we don't think it's going to be that loud and then they move in and they do something else. So how, how does that square up against the variance?

CHAIRMAN LORENZINI: Well I mean they're given a variance to do an operation, to run a business that's defined in this, in their request.

MR. STEVENS: Well, that's what I'm asking for, is that defined in there?

MR. ENRIGHT: Yes.

CHAIRMAN LORENZINI: Yes.

MR. STEVENS: Well, that's what I asked. So, is there, is it, would it be reasonable, I guess, to ask that there's some, be some acoustic study done by the Petitioner to verify or what do I want to say, to confirm that whatever operations they state in that Petition will not have a negative affect on our business?

CHAIRMAN LORENZINI: Well I guess, my point is, my view is, there is, maybe this isn't specifically allowed, but there is 50 other businesses that would be allowed there that aren't going to be soundproofed or quiet that you would never hear.

MR. STEVENS: I'm having a hard time drawing the connection between what they plan to do and, you know, certainly there's a variance being asked for, it's for these operations. These operations are typically louder than what you'd find in that area.

CHAIRMAN LORENZINI: All right, thank you. But it may not be louder than you can typically find in any other M-1 --

MR. STEVENS: Understood.

CHAIRMAN LORENZINI: Are there any other questions?

COMMISSIONER JENSEN: If I could mention, there was another that was like a special, given what we did the last time around, but Mr. Stevens has opened it up. We had another Petitioner who came in here with actual information and an attempt at data to meet the objective requirements in M-1 versus M-2. And when I read the proposal that came from the Petitioner, I didn't see any attempt to document things that are required to do them in M-1, in terms of sound, odors and a variety of other things. Clearly it probably needs 150

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feet difference, distance between them and residential when you look at it. But it wasn't clear to me that they meant anything else. And I was kind of wondering why staff didn't ask them to do something similar to what we suggested the other folks bring in and then turned it down for exactly the same operation.

MR. ENRIGHT: We did it, and it's in the packet. The staff asked Petitioner if they had any plans on doing any soundproofing at the existing facility and they answered no, not at this time. So we did ask that with respect to this particular property. However, this is a different case, it's not a abutting, single family residential like the other case that you're referring to.

COMMISSIONER JENSEN: What about the fumes and you know, some of the other, there's some fairly strict objective measures in both the M-1 and the M-2, and I've got a problem because it's hard to differentiate what's required for both M-2 and M-1, they're exactly the same in most cases. But there's, especially the sound issue that Mr. Stevens goes to. There's some specific tests that should and could be run and they need, should probably have to document before they go to the Board, that they meet the requirements for M-1 in terms of the sound. And they would have to do it with, we asked the other people if they were going to leave their doors open when they do the work, they told us no and we didn't believe them even though they were under oath. But that's another matter. But I think we ought to, they should really have to do some kind of test as suggested by Mr. Stevens that they could meet at least the sound requirement of an M-1 district. And so that would be my thought on this because I think it's a legitimate issue that he has raised. And I will go to the other issue, I was ecstatic that we eventually had some suggestion that they move from the Palatine Street, the Palatine up to the other thing. But I do understand Commissioner Green's points that we really don't want to do the same, a form of intimidation but it did condition my thinking that it would be good to have it relocated from where it is now.

CHAIRMAN LORENZINI: Can I ask --

COMMISSIONER DAWSON: Can I just, yes I was going to say, can you just clarify, because I just asked because I thought this is what I understood. In 120, on the map, that's where they currently are? The Trade Association is the 30?

MS. BALEK: They're right next door.

MR. BALEK: Right next door.

MR. ENRIGHT: That's correct.

COMMISSIONER DAWSON: And the objection is about a building across the street and two buildings down?

MS. BALEK: Correct.

MR. ENRIGHT: That's correct, 300 feet away.

COMMISSIONER DAWSON: I'm just very confused, if they're currently right next door doing all of the current operations why are we --

COMMISSIONER SIGALOS: I had the same question, I mean they have history here now, are they, Mr. Stevens can step forward and,

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I mean right now at their current operations that are at 120, is that objectionable to you with your facility at 30 --

MR. STEVENS: Well, there's two concerns. The first one is, is that I don't know what those operations are, right? So if they're, I do understand what happens in the power shop, you know as far as ratchets, you know, air nose, you know air ratchets and stuff like that, pounding, but you know, tearing. I understand that sort of thing, so I have this, I have a conception in my mind as to what's going to happen in that shop, at that new location. But there's nothing in, that's been conveyed to us from staff as to what those operations are and what those typical DB levels are. Whether or not they --

COMMISSIONER SIGALOS: Well, what I'm hearing is it would be the same operations in 25 East University that you're now conducting at 120, except you won't be doing any painting there at the new facility, is that correct?

MS. BALEK: Actually, yes --

MR. ENRIGHT: You have to go all the way to the mic.

MS. BALEK: Yes, yes, and there's not going to be towing in and out. So it's actually going to be less, less noise.

COMMISSIONER SIGALOS: So it's going to be less noise?

MS. BALEK: Correct.

COMMISSIONER SIGALOS: And again, my question to Mr. Stevens is that their operations at 120, are you finding any objectional noise produced from that location to your business?

MR. STEVENS: Let me just, let me just finish my point, if you don't mind. So the acoustic noise is not, for instance if it's loud over there, or if there's a noise over there, and there's another noise at some other location that's slightly quieter, it doesn't mean that the second quieter operation doesn't affect the noise. Noise is additive, right? So when, if we are surrounded by these types of operations, that this noise is additive. It doesn't, it just doesn't mean that one is quieter than the other and we're not affected by the quieter one.

COMMISSIONER SIGALOS: Okay but the question is, is what they've been doing right now at 120 East, does that have any affect on your business right now?

MR. STEVENS: I don't believe so, no.

COMMISSIONER SIGALOS: Okay then.

CHAIRMAN LORENZINI: All right, Jay do you have any questions?

COMMISSIONER CHERWIN: They just answered my question, I was going about 120 --

CHAIRMAN LORENZINI: George, do you have any questions?

COMMISSIONER DROST: No, is there, in the Plat and Sub, any discussion related to sound absorption, mitigation of noise? Nothing?

COMMISSIONER JENSEN: I wasn't at that Plat and Sub meeting so, is there anything on the record?

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COMMISSIONER DROST: Do you know, Bill?

MR. ENRIGHT: Well --

COMMISSIONER GREEN: I was there and there wasn't. And it's just that what they're asking for is the, sort of the typical noise that goes with an automotive air shop, whatever that is. And I just think Mr. Stevens that the obvious statement that I think I'll make is that I think you have a problem in that you are located in a light to medium manufacturing area where sounds, we have M-1 zoning areas so we could put those sounds in these areas. Construction and things being built and things being repaired, they are by zoning required to be in these M-1, M-2 areas. So it's hard to put a restriction on something that is allowable within these areas. Maybe you need to soundproof your building more or something, I don't know, but it's hard to restrict what's happening just because you're there. They've been in the area and in the Village for many, many years as well.

COMMISSIONER JENSEN: I'm a little confused because I think the M-1 does have some very specific requirements on sounds. It actually lists decibel levels and a variety of other things. And the other case that came in, the Petitioner came in last time, made a very bad attempt, but did try to indicate some decibel levels, and we didn't think they were adequate. And we wouldn't even give him the opportunity to come back with a continuance and provide real data by a sound tech. Now I think that before this Petitioner goes to the Board, should they get approval from this Commission, they should be asked to do some sound studies so that they meet the requirements that are in the M-1 District, and they can demonstrate to the Board that they will meet those requirements. Because there's nothing in staff's report that suggests that would be the case.

COMMISSIONER GREEN: Bill, maybe you could answer that.

MR. ENRIGHT: Well what it is the problem with, well yes there are decibel levels. There's two problems with what Commissioner Jensen is bringing up. First of all, how do you measure sound from something that's not there. Because there is a lot of things that factor into the transmission of sound. One is the building that they want to go into. Is it soundproof or is it not at all soundproof? Also what are the operations that they're going to be doing there. What doors will be open, what doors will be shut. What's the background noise in the area? 200 East Palatine has a lot of traffic, you know, tens of thousands of cars. This doesn't, but it does have truck traffic occasionally, but it's generally going to be quiet even though it's close to Arlington Heights Road as you can see. So it's, you know, the second thing is determined enforcement, the Courts have been, it's very difficult to enforce sound ordinances with the Courts.

COMMISSIONER JENSEN: Well then I'm really disturbed. Because first of all, they do have an operation at 120 West, that we could use and get a pretty good approximation of what their decibel sound would be at the property level. So it is possible to do that.

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And I think they ought to be asked to do it at the existing property which they claim will have the same sets of activities that they want to put, for the most part, in the new building, the new space. In fact they say it would be actually less, so I mean we could probably make some allowance for that. But we asked the other Petitioner, and I don't want to re-litigate that case, to do the things that you said would be impossible to do. Which is to measure things that aren't in existence here. And we denied them the opportunity to make an effort to do that. My concern, and it actually won't affect my vote on this at all, because I will make a comment afterwards. I do not like the way M-1 and M-2 descriptions and criteria are written because they give you absolutely no guidance as to whether this or any other facility of this nature should be in one versus the other. And I'd like to have uniform application of the procedures and the criteria and I don't feel that we're getting that.

COMMISSIONER DAWSON: So just one point of clarification, I wasn't at that meeting, but we do not deny anyone anything. We are purely advisory --

COMMISSIONER JENSEN: I understand we're advisory.

COMMISSIONER DAWSON: But I think it's important because you are saying we're denying people opportunities and I think everyone needs to understand --

COMMISSIONER JENSEN: Well yes we did deny them one opportunity, a continuance to come back before this Plan Commission and document the things that they were asserting. That is a denial.

COMMISSIONER DAWSON: Except that all they had to do was reapply to appear before the Planning Commission so again you didn't deny them really, you know, a continuance, but it really didn't deny the opportunity for them to come before the Planning. So I just want to be clear, we don't, we're advisory, they don't deny or approve anything.

COMMISSIONER JENSEN: I appreciate that, thank you for that.

CHAIRMAN LORENZINI: I think we've heard from everybody except Terry. Terry, do you have any comments?

COMMISSIONER ENNES: Well, first of all I think these two situations are entirely different. We had a property that was abutting residential property. Where this doesn't, this is in the middle of a light industrial and my impression of the area is the building 25, the newly proposed, this, you're going to be working on cars, not trucks.

MR. BALEK: Yes, and more minor repairs than we do at 120.

COMMISSIONER ENNES: Your facility at 120, you haul wrecked semi's in there?

MR. BALEK: Yes, trucks, trailers, yes.

MS. BALEK: Yes.

COMMISSIONER ENNES: Much bigger equipment.

MS. BALEK: Yes.

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MR. BALEK: Correct.

COMMISSIONER ENNES: And if, I'm sorry, your last name?

MR. STEVENS: Stevens.

COMMISSIONER ENNES: If Mr. Stevens says they have no problem with the 120 facility, I find it hard to believe that the one, that the 25 facility is going to create a problem when you're working on automobiles.

MR. STEVENS: Can I make a comment here?

CHAIRMAN LORENZINI: Sure, one last time, please.

MR. STEVENS: Last time. I'm going to assume that there's no acoustics experts on this panel or on staff. So, I'm just going to make that assumption, it's probably good. There are acoustic consultants that do this for a living. That they understand operations, mechanical operations, metal working operations, and they have a pretty good idea of the sound power level expected from these operations. They also have a good understanding of attenuation, distance, background noise, what affect it would have on our business. I'm asking is there, that this group ask the Petitioner to do this study by an NCAC certified acoustic consultant to insure that our business won't be damaged.

CHAIRMAN LORENZINI: Okay, thank you for your comment. Okay, any other questions or proclamations? Does anybody else from the public have anymore questions? No? Okay, we close the public comment and bring it back to the Commissioners for recommendations.

COMMISSIONER GREEN: I'd like to make a recommendation, **to the Village Board of Trustees approval of PC# 15-004, a land use Variation to allow a motor vehicle repair, major in the M-1 District; and a variation from Chapter 28, Section 6.12-1(3) Traffic Engineering approval, to waive the requirement for a traffic study and parking analysis from a certified traffic engineer.**

This approval is contingent upon compliance with the conditions detailed in the Staff Development Committee report dated October 22, 2015 and that's items one through eight:

1. A new 10 foot tall vinyl solid fence shall be required along the perimeter of the site per Exhibit A (site plan)
2. Landscaping shall be installed at the front of the building as illustrated on the floor/site plan.
3. The Petitioner shall repair, fill and patch potholes and cracks in the storage lot.
4. The Petitioner shall stripe parking spaces along rear of the building to accommodate employees, estimated at 5 employees.
5. An MWRD permit may be required for the sanitary system grease trap in order to conform with an automotive use.
6. Junkyards, vehicle compactors/crushers and painting of vehicles are specifically prohibited.
7. Hours of operation shall be limited to 8:00 a.m. until 6:00 p.m. Monday to Friday, and 8:00 a.m. to 12:00 p.m. Saturday.

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8. The Petitioner shall comply with all applicable federal, state, and Village codes and policies.

CHAIRMAN LORENZINI: Okay motion, or a second?

COMMISSIONER SIGALOS: I'll second.

CHAIRMAN LORENZINI: Roll call vote, please?

COMMISSIONER JENSEN: If we're going to do a variance, can we do it after the thing is adopted or before?

CHAIRMAN LORENZINI: Before.

COMMISSIONER JENSEN: Well I'd like to suggest a ninth. Which are that one of our individuals in the public asked that we add a ninth provision that we ask the Petitioner to do a competent sound study to show that they at least meet the requirements that are specifically laid out in the M-1 District criteria.

CHAIRMAN LORENZINI: Is there a comment in there, is there a --

MR. ENRIGHT: Comment or a second?

CHAIRMAN LORENZINI: Well, no but his, the Commissioner recommended, does the code specifically spell out the noise level that has to be met? Can we measure what Commissioner --

MR. ENRIGHT: It certainly has those provisions in there. But I'm not a sound expert as Mr. Stevens alluded to, but so I don't know what a sound expert would come up with.

CHAIRMAN LORENZINI: All right, but we can still --

COMMISSIONER JENSEN: But there are criteria that are specifically spelled out in M-1 that you have to meet at the edge of the property?

MR. ENRIGHT: Yes.

CHAIRMAN LORENZINI: Okay, all right, so let's do a vote, it sounds like.

MR. ENRIGHT: Well actually, you know what, let me check that, let me double check that.

COMMISSIONER DAWSON: I think what you're suggesting though isn't necessarily a ninth condition here, you would mean a recommendation that they bring that to the Planning, to the Village Board?

COMMISSIONER JENSEN: To the Board, yes.

COMMISSIONER DAWSON: So it's not really a condition, but that we are suggestion along with our motion, that you also bring this information to the Village Board meeting.

COMMISSIONER JENSEN: Well I think my suggestion, and I'd like to make it stronger than that. I'd like to require it.

COMMISSIONER DAWSON: Well they, yes, I mean they could go to the Board with or without it, but I guess what I would say is I think they know he's going to be there. If they, you know, if they think this is going to come out at the Village Board, it would make good sense to have more information at the Village Board meeting based on what we learned tonight.

MR. ENRIGHT: I need to correct my answer. The

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industrial, Chairman Lorenzini?

CHAIRMAN LORENZINI: Yes.

MR. ENRIGHT: The M-1 Industrial performance standards, chapter 28, section 5.1-17.2 regarding noise. That's A, noise. And I'll read it:

The sound pressure level to be measured as described below shall not exceed the following decibel levels in the designated octave bands when adjacent to the designated types of uses districts. The table then gives the octave band cycles per second on a zero to 75, 75 to 150 and so forth. And then it says sound decibel levels adjacent to all residential. And then the second column says sound decibel levels, if it's adjacent to B-1, B-2 or B-3. But not within the M-1.

CHAIRMAN LORENZINI: All right so it's not applicable.

MR. ENRIGHT: Now, there is a vibration chart, about vibrations caused, which does talk about vibrations with respect to whether it's adjacent to residential or within the M-1 District. So there's a, not a sound level but a vibration level.

CHAIRMAN LORENZINI: Okay thank you, Bill.

COMMISSIONER ENNES: But until the operation is established, what are you going to measure?

MR. ENRIGHT: Right.

COMMISSIONER ENNES: And then --

COMMISSIONER DAWSON: I think he's suggesting we measure 120. I think Lynn is suggesting we measure 120.

COMMISSIONER JENSEN: And I think we should be as careful about people who also reside in the M-1 District as we are about residential properties that abut to M-1. Because we're giving them, we're getting our bearings from an M, what should be an M-2 being an M-1. So I think they should bring some information forward to the Board and Sue is probably right, it probably doesn't belong as a ninth item. So I guess I would just strongly encourage it and I would hope the Board would look to see that.

CHAIRMAN LORENZINI: Okay, so I would just make that a comment to the --

COMMISSIONER JENSEN: Sure, that would be fine.

CHAIRMAN LORENZINI: Okay.

MR. ENRIGHT: There's been a motion by Commissioner Green and seconded by Commissioner Sigalos.

CHAIRMAN LORENZINI: Roll call vote, please.

MR. ENRIGHT: Commissioner Green?

COMMISSIONER GREEN: Yes.

MR. ENRIGHT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. ENRIGHT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. ENRIGHT: Commissioner Dawson?

COMMISSIONER DAWSON: Yes.

MR. ENRIGHT: Commissioner Drost?

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COMMISSIONER DROST: Aye.

MR. ENRIGHT: Commissioner Ennes.

COMMISSIONER ENNES: Yes.

MR. ENRIGHT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. ENRIGHT: Commissioner Warskow?

COMMISSIONER WARSKOW: Yes.

MR. ENRIGHT: Chairman Lorenzini?

CHAIRMAN LORENZINI: Yes. All right, you've received unanimous approval but as was stated by Commissioner Dawson earlier, this is only a recommendation to the Board of Trustees, they have final approval. Is there a date this is going to the Board of Trustees?

MR. ENRIGHT: It will likely go on Monday, November 16th, at 8:00 p.m. Petitioner should check with me the Friday prior to that.

COMMISSIONER DROST: For the record, though, is, the statement or the recommendation of Commissioner Jensen, though it wasn't with comment, will it still be treated as with comment in the minutes presented to the --

MR. ENRIGHT: Yes, because it wasn't seconded and made part of the motion.

COMMISSIONER DROST: All right. I just wanted to make sure that that is clear.

CHAIRMAN LORENZINI: Okay, thank you everybody.

(Whereupon, the meeting was adjourned
at 8:27 p.m.)