

**VILLAGE OF WOODRIDGE
PLAN COMMISSION MEETING
Regular Meeting of February 1, 2016**

A regular meeting of the Plan Commission for the Village of Woodridge was held at 7:30 p.m. on Monday, February 1, 2016 in the Board Room of the Village Hall, Five Plaza Drive Woodridge, Illinois.

I. CALL TO ORDER

Chairman Hendricks called the meeting to order at 7:30 p.m.

II. ROLL CALL

Upon roll call the following were:

Present: Balogh, Hulbert, Hendle-Kinnenun, Przepiorka, Hendricks

Absent: Gaspar and Mast

Director of Community Development Michael Mays, Senior Planner Jenny Horn, Planner Jason Zawila, Village Attorney Thomas Good, and Recording Secretary Peggy Halper were also present.

III. APPROVAL OF MINUTES FOR THE DECEMBER 7, 2015 MEETING

Commissioner Przepiorka made a motion, seconded by Commissioner Hendle-Kinnenun to approve the minutes from the December 7, 2015 meeting with no changes. A roll call vote was taken:

Ayes: Przepiorka, Hendle-Kinnenun, Balogh, Hulbert, Hendricks

Nays: None

Motion passed

IV. DEVELOPMENT REVIEW WORKSHOP

A. Staff Presentation

Jason Zawila, Planner, stated in December the Village was informed that the proposed development along Lemont Road was not going to move forward. Even though the proposed development chose not to move forward, several of the resident suggestions did have Village wide impacts. Specifically there were questions and suggestions related to the Village's current development notification process, development review consideration, diesel emissions and the siting of office/warehouse locations near residential. This evening staff will provide an overview of these three topics, starting with development notification requirements.

Mr. Zawila said resident comments over the past two months regarding the proposed Lemont Road development questioned the Village's notification process and asked for it to be expanded. First, he provided an overview of the Village's current practice of notifying residents about development cases. In cases where the proposed development will require rezoning or a special use the developer is required to provide certain notification between 15 and 30 days before the Plan Commission public hearing. This includes a newspaper notice, certified letter within 250 feet, sign placement and agenda posting at Village Hall, including the Village's website. In addition to ensuring that the state statute notification requirements are met with the review of development applications, the Village currently provides additional notice/review of development as summarized on the overhead. Public outreach is important and why the Village utilizes these efforts so that residents can be informed.

Mr. Zawila further highlight other means including a monthly update to the development chart, which includes all active cases including those that require a public hearing, site plan review or minor amendment. One week ahead of a meeting, the home page of the Village website is updated to include a summary of the development cases that will be considered by the Plan Commission. For the last couple of years staff has provided an overview of current and upcoming development projects at the Town Meeting. Following Town Meeting, staff's power point presentation has been broadcasted on Channel 6 for residents to view.

Commissioner Mast arrived at the meeting at 7:35 p.m.

Mr. Zawila stated the zoning ordinance and Comprehensive Plan are available on the Village's website and at Village Hall. Both documents provide residents with expectations on development and the development regulations that projects must adhere to. Through the Village website, residents also have an opportunity to sign up and receive updates on upcoming Plan Commission cases and Village Board meetings. Lastly, with certain developments the Village has encouraged developers to meet with adjacent neighborhoods to discuss their project. This informal meeting was utilized with recent projects including Timbers Edge, Seven Bridges and Dermody's proposal along Lemont Road.

Mr. Zawila said if a proposed site plan meets all zoning requirements the applicant or the Village is not required to provide notice as required by Illinois State Statute. The Village however, does require applicants for site plan requests to attend a public meeting with Plan Commission and receive final approval of the Village Board. It should be noted that when a project meets existing zoning requirements, Village Board and Plan Commission consideration is not required in other communities. In those cases an applicant just needs to submit for a building permit.

Mr. Zawila stated that as it relates to this topic, approximately 25% of communities surveyed have expanded notification requirements. There are potential options to expand the Village's current practices regarding development notice. Staff has

prepared two options for Plan Commission consideration. Both options would involve a text amendment to Village Code. In order to reach additional residents the distance requirement can be expanded to 350 feet. The second option involves expanding resident notification of development projects for new site plan requests. With the proposed option a letter, not certified, would need to be sent to all properties within 250 feet and sign placed on the property. He said this conclude his presentation for topic one.

Michael Mays, Director of Community Development, said just for clarification for the Commission and for the audience, tonight is just a workshop. Staff is looking for feedback on each of these items. No formal action will be taken or no formal recommendation by the Plan Commission. Based on feedback received by the Plan Commission, as well as a subsequent study session with the Village Board on Thursday night, if there is direction given to staff in any of these areas then the next appropriate step would be text amendments. These would be considered and then brought to a formal proposal for Plan Commission consideration and final Village Board decision.

Chairman Hendricks asked if there were any questions from the Plan Commission.

Commissioner Hendle-Kinnenun asked how did they arrive at 350 feet.

Mr. Zawila stated it was a balance of expanding the current requirements, which is 250 feet. There are communities that extend it further than that, but they did want to balance the additional cost that would be added for notifying residents. There are other means for notifying residents of up and coming developments or final review.

Commissioner Hulbert asked if by adding this additional cost to the applicant of extending the notification to 350 feet, would it deter any applicants from applying.

Mr. Zawila said it would depend on the size of the project.

Mr. Mays stated a certified letter is almost \$7.00 with the U.S. Postal Service. It will all depend on the size of the project and how many additional properties would be included in that notification requirement. If you go out an additional 100 feet you would be basically including an additional row of typical single family lots.

Commissioner Mast asked if staff had a sense of differences in Villages as to how in-depth their website is and other methods of informing communities about plans.

Mr. Zawila said seven of the 30 communities that did respond did go above and beyond the Illinois State Statute requirements. Typically most communities will have a presence on their website regarding development cases. The biggest difference they saw was the distance requirement.

Chairman Hendricks asked what are the specific State requirements.

Mr. Zawila stated there is the timing, notification in a local newspaper, which Woodridge uses the Bugle, mailing of certified letters that have to be sent to within 250 feet, and a sign must be placed on the property. The agenda also has to be posted in the Village Hall.

Chairman Hendricks asked if there were any additional questions. None responded. He then asked if there was anyone in the audience that would like to comment in regards to topic one.

Rich Chentorycki, 1230 Meadowwood, said a posting in the newspaper is a requirement however there are not too many people that will go out and read it. His suggestion would be some type of electronic means via telephones. He also suggested if there was some type of sign up to get notification via electronically.

Thomas Good, Village Attorney, stated newspaper requirement is a requirement by law.

Mr. Zawila said something that the Village does outside of State requirements is via the Village website. From there residents sign up for electronic news updates and receive an automatic alert.

Lenore Vidal stated she is a resident of Woodridge. She said none of the residents that are present tonight would have been affected because the proposal wasn't a special use or rezoning. She appreciates the Village reaching out even though they didn't need to. She understands it is hard to reach out to people when you don't know who will be affected. She would just like to point out that increasing the distance would have done nothing for their case. She does not object to it, but for those that are present it does not help.

Chairman Hendricks asked if these comments were sent in from Village residents.

Mr. Zawila said there were several comments that the Village had received from residents either by phone or email. The questions that are before the Commission and Village Board is a summary and would have a Village wide impact. The questions did stem from the recent development proposal, but would have an impact Village wide. One of those concerns is the notification and that it was not going far enough.

Ms. Vidal stated she appreciates that it is difficult to expand the requirement. She just wants to point out that it is still not helping the concern of the residents. They still would not have gotten notice.

Mr. Mays said the second recommendation would address their concern. With new site plan approval, it would recommend that a letter be sent to properties within 250 feet. Again in most communities if you have a project that meets the requirements, and is not seeking any relief then they could just go get a building permit. In

Woodridge, it would require site plan approval which is consideration before the Plan Commission and approval by the Village Board. With this second option, it would add on top of that process that is currently in place, sending a letter out to residents surrounding a project that is being proposed for site plan approval.

Commissioner Przepiorka asked if this second option would cover any proposal brought forward to the Plan Commission.

Mr. Mays clarified that it would only be for new site plan approvals.

Ms. Vidal said they support the changes. They would also request adding and supporting the notification of rezoning with or without a development.

Mr. Mays stated that Illinois State Statute requires that whenever you rezone a property they are required to following the notification process that was outlined.

Ms. Vidal said yes she would like that notification expanded beyond the 250 feet as well. Overall they feel the 350 feet would not be sufficient enough if the overall planned development covers 5 acres or more. The notification should be tied into the size of the development. So if the development was for 5 acres then it should be required at 500 feet and/or if it is a smaller location then the 250 or 350 would be adequate.

John Seelander, 8141 Meadowwood, asked if right-of-ways were included.

Mr. Zawila explained what was included.

Mr. Seelander asked if anyone checks this.

Mr. Zawila stated that staff does review it and explained how the notification letter process works.

Mr. Seelander said he feels the distance needs to be worked on so enough residents get notified of the impact. The impact that this development could have had needed more because of all of the safety issues. There are some concerns on the zoning side and feels the 350 feet should be increased when it comes to that. With a rezoning you could be changing the landscape of the community.

Chairman Hendricks asked Mr. Seelander how the residents became aware of the upcoming proposal.

Mr. Seelander stated he did open the letter he received and his wife then contacted people she knew. The scary things was there was no requirement for them to mail the letter.

Mr. Zawila said just for clarification that this is in regards to the letter that the developer sent out.

Sue Seelander, 8141 Meadowwood, stated she did not read the letter at first. For two years now she has an alarm on her phone to check the Village's website. She is not sure how she found out, but about two years ago she noticed that the trees started disappearing behind her house. So since then she has taken a proactive approach about wanting to know what was going on because she knows something will develop there. After she received the letter she had gone through her email contacts, but then started to go door to door to the neighbors. Several of the neighbors had not read the letter. These were not certified letters and she understands that this was not a formal proposal. However, when it gets to formal proposal stage it is too late. There are a lot of smart neighbors that are present tonight. She has over 100 emails regarding this proposed development and some are from residents of Darien. She has been on the website but feels that there is a disconnect with the residents. She asked how do you get the people to know about the website.

Chairman Hendricks said that is what this meeting is about on how to reach the people. However though at the same time some people aren't that interested. There is a gray area as to how much responsibility is it for the Village to reach out versus how much responsibility is it for the resident to go on the website and see what tools are available. Again, this is for Village wide and not for their specific area.

Marion Maida, 82nd and Dunham, stated she has lived on the property for over 40 years. She said they were forced to annex into Woodridge in 2000 and at which at that time they changed the zoning to ORI. The Village has been pushing to get it developed as such. The ORI regulations are all a matter of public record. She asked why then is the Village attempting to change or add to these when a developer is in the process of implementing those rules. All this effects their property.

Rosemary was the next resident to speak. She stated she does respect the previous speakers desire to sell her property. Once you sell it however, you will be gone and the residents who live there will be left having to deal with what is there. The difference that they are talking about is between active and passive notification. Whether it is upon the residents to look at the website every day or whether the Village goes that extra mile to try and keep residents informed. She said she was at the Comprehensive Plan development back in 1995 at which time it was zoned residential. She was completely unaware that it had changed zoning to ORI. Her neighbor had gone the extra mile when purchasing his property and checked with the county to see that the property was zoned residential. The fact that it was rezoned has shocked them. She personally feels 500 feet for a development this size is not enough. It does not have to be certified letters. The Village is good at keeping them notified on when trees are being trimmed or when they win an award, but this affects her more greatly. All they ask is to put something in a newsletter or mailbox.

Chairman Hendricks said they will now move onto topic two.

Mr. Zawila stated at a previous Village Board and Plan Commission meeting, a resident presented a development matrix, which they recommended should be used for reviewing the Lemont Road development proposal. The proposed decision matrix method is a quantitative technique used to rank different factors in order to arrive at total scores for potential options on a decision. Factors may be weighted to emphasize that a set of factors are more important to a decision than others, while in some cases decision matrixes have factors of the same weight. Since the usage of the matrix would have Village wide implications staff did evaluate its use as part of the community's development review process.

Mr. Zawila said the comprehensive plan and zoning ordinance are typically used by communities to review development proposals and make land use decisions. When a community receives an application for development it will review if the development follows the community's long range plan for the area. Communities will also use the zoning ordinance to ensure a development is compliant with the permitted uses, building setbacks, landscaping, parking, lighting and several other items. In addition to the comprehensive plan and zoning ordinance the Village of Woodridge evaluates several other factors, as highlighted on the overhead. The Village has consistently used this criteria to review development applications as they come into the Village.

Mr. Zawila said the Village surveyed 30 communities to determine if a development matrix is used when evaluating development decisions. All 30 communities stated that they do not use a development matrix. The matrix by it proposed design is intended to evaluate different land uses for a subject property. Typically land use determination occurs prior to property zoning that is consistent with the comprehensive plan. Generally the Village will receive a development request that involves some type of development plan review, which can range from a site plan request to approval of a planned unit development. In these cases the Village has several means to evaluate development proposals, as highlighted in a previous slide. Residents, existing property owners and the development community have an expectation of the type of land use that may be developed for a property. This expectation is derived recommendations offer by the comprehensive plan.

Mr. Zawila said if a development matrix is required to evaluate land use options for every development application that is submitted to the Village, this would create a high level of uncertainty on what can be built in a given area, especially when comprehensive land uses studies has been conducted. Additionally, when a property owner or potential developer requests information about how a property can be developed or improved, the development matrix diminishes staff's ability to give clear direction on how one may use their property. The proposed development matrix is based off of a weighted decision matrix, as previously described. Using a development matrix like the one proposed, opens up the possibility of conflicting weights to offer each of the factors and raises the question as to who will ultimately make the decision to weigh the criteria. The criteria would need to balance the interests of existing property owners of a property surrounding residents and the

entire community. Certain land uses may be preferred over others based on the perspective of the stakeholder.

Mr. Zawila stated a community may use the development matrix and determine that one land use is preferred over another. However, selection of a particular use may not be supported by the market demand. As one example, a hotel was recommended for Seven Bridges and in 2007 the property owners at the time received entitlements for the development of a hotel. The hotel was never constructed due to market conditions and the land has sat vacant. Beyond land use planning, once a zoning district is established for a property, the market demand also plays an important part in how a property is developed. Take for example the Village's Regional Business Center (RBC) District. This is the designated zoning district for Internationale Centre Business Park. The RBC District permits by right the development of retail, office and office/warehouse development. However, because of market demand over the last 20 years office/warehouse development has been the chosen type of development built in a majority of the park.

Mr. Zawila said if the concerns summarized this evening can be addressed, the appropriate time for utilization on the matrix would be in conjunction with the next update to the Comprehensive Plan, and not for individual site plan review. The development criteria highlighted this evening has been a consistent method to evaluate development proposals and it is recommended that the Village continue to evaluate development plans in this manner.

Chairman Hendricks asked if there were any questions from the Plan Commission. None responded. He then asked if anyone in the audience wanted to speak in regards to topic two.

Rosemary stated she does support using the matrix with the next Comprehensive Plan development. They also do support using it earlier to help determine which type of development or industry they might want to target their market efforts toward. They agree that the decision matrix construction requires a high level of expertise and training. They would not undertake this without bringing in an expert who is experienced in this approach. Whether that someone is a consultant from a university or an industry expert in decision theory to ensure that the matrix is developed correctly and fairly represents a cross section of property owning residents and adequately addresses these concerns.

Rosemary said regarding the data presented on commercial property demand. Looking at Table One in staff's packet, it is based on total square footage. The data that is presented is misleading. She feels the comparative unit of measure should not be square footage but the number of locations available. The analogy would be if ten people each constructed a 1,000 square foot home and one person constructed a 10,000 square foot mansion following the logic that is in the table. One would conclude that the demand is equal because you would have 10,000 square feet in smaller homes to 10,000 square feet of mansion. In truth the demand in that situation

is clearly higher and ten times higher for smaller homes. Once again, this is misleading data and it is a little concerning. The concern is that the Village Officials here and the Village Board may be completely misled into making potential decisions that might be harmful to the Village. They are not implying that there is ill intent but they are seeing a pattern of providing false information. She does not think that is a reasonable conclusion of the market based on that particular data point. She would suggest when the Village does undertake this matrix that they would get some expertise.

Chairman Hendricks asked where staff got this matrix.

Mr. Zawila stated it was supplied by one of residents at the last Plan Commission Board meeting.

Mr. Good said he understands the matrix principle and that is a matter of law and not a factor in a zoning decision. He is familiar with the matrix and some large real estate firms have put together portfolios. What staff was trying to point out is that it could be used with the Comprehensive Plan when setting zoning districts. However, for someone coming before the Commission for a rezoning for an ORI the use of a matrix is not a tool to decide this. He has seen them for people wanting to purchase property but not for rezoning.

Rosemary stated she was suggesting to use it for the Comprehensive Plan. She does not want to limit it to just that because we are supposed to be marketing those properties.

Mr. Good said that may be from a marketing standpoint but not for zoning. The zoning rights far exceed the marketing rights and it has been set for so many years. That is what they use to determine, so if they wanted to build an industrial building 10 stories up you would not use a matrix.

Rosemary said she understands that and it should be used for the Comprehensive Plan. In the interim it could be used for marketing properties like the piece of property that is zoned ORI.

Mr. Zawila stated in regards to marketing they go back to what the zoning is on the property and what is currently in the Comprehensive Plan. It does call for office/warehouse development and that is why it was categorized in that manner. For marketing the property, the Village did list it under industrial, but have now started listing it under the office category too. The industry classifies office/warehouse development as industrial and is a common term that is used and that is why it was advertised that way on the Village's website. For this corridor that is what the recommended use is and that is why they the Village has advertised it in that manner.

Mr. Zawila said in regards to the data, the square footage for office space far exceeds the other two commercial sectors that they are representing there. If you want to

break it down by office buildings there were seven office buildings in that time frame. 17 office/warehouse buildings and 13 retail buildings were constructed during that time frame, so they are still seeing the majority as office/warehouse.

Rosemary stated she would love to see that data along with the vacancy rate. They may not be putting retail there based on location or it may be because of a neighboring town like Bolingbrook with the Promenade.

Discussion continued in regards to vacancy rates.

Mr. Seelander said what is being built is residential and what has failed is Seven Bridges. He told his wife that they had 10 years before something behind them will be built. He likes that commercial, as it does not draw on the resources like schools, but maybe as a community they need to rethink who they are. He had sent an article to Mr. Zawila about people wanting to move to Woodridge. He is starting to wonder if they are missing the boat on that piece of property. He feels maybe they need to think outside the box.

Stan Maida, stated his wife had come up earlier. He feels the ORI has changed his life. He has been living in this area since 1968 and in Woodridge since 2000. He said he has been waiting for this development and on Monday the contract went away. He figured with the other parcels collectively it would work and there would not be stigma put on it. This would be good for Woodridge and the tax base. It is good for the country and the construction industry. He is concerned for the people that live there. They can look out their back yard and it is open with sometimes deer back there. He is a realistic and change is here right now. The development that will come there will be visually nice and he hopes that they will work within the zoning code.

Chairman Hendricks said they are going to continue onto topic three.

Mr. Zawila said in December, a resident requested that the Village Board and Plan Commission place a moratorium on all office/warehouse developments adjacent to residential districts. This is in order to develop stricter regulation for the placement of office/warehouses in proximity of residential neighborhoods. The request stems from concerns related to diesel exhaust from truck traffic. As a local solution, it was recommended that a 1,500 foot setback from residential property be required for all office/warehouse centers in the Village, in addition to limiting truck activity (quantity and hours of operation).

It is recognized by the United States Environmental Protection Agency (EPA) that air pollutants from cars, trucks, and other motor vehicles are found in higher concentrations near major roads. Woodridge on average has nearly 400,000 vehicles moving through the Village on a daily basis through its major thoroughfares. Individual communities have limited authority on preventing vehicles from entering their communities and controlling emissions. In fact, of the 30 communities surveyed

in the Chicago region, none regulate vehicle emissions above the stated and federal requirements.

Mr. Zawila stated the EPA and state agencies have expanded regulations over the last 15 years to more strictly regulate vehicle emissions, including heavy duty trucks with diesel engines. There have also been substantial advances in reducing and limiting diesel exhaust. As part of the Tier 2 Standards, ultra-low sulfur diesel (ULSD) was mandated for those trucks used in warehousing and distribution. Before the EPA began regulating sulfur in diesel, diesel fuel contained as much as 5,000 part per million (ppm) of sulfur, one of the major contributors to emission pollution. With the 2007 standards all new on-road heavy duty diesel engine manufacturers also started installing diesel particular filters to meet the EPA regulations. Starting in 2017, vehicle and fuel standards will be amended again. Commonly known as “Tier 3”, the new standards sets new vehicle emission standards and lowers the sulfur content of gasoline. The Tier 3 standards will closely align with the California standards and will be phased in over the period from 2017 through 2025. With the most recent standards, annual emission reductions will be equivalent to removing the pollution from more than 90 percent of today’s trucks and buses, when the current heavy-duty vehicle fleet has been completely replace in 2030.

Mr. Zawila said locally and through the state there are some programs that businesses can take advantage of that won’t actually meet the 2007 standards. The EPA has a “Voluntary Diesel Retrofit Program”, this is a program designed for engines that were built before 2007. With the State of Illinois there is a CMAQ Improvement Program, which is a federally funded program that has funded projects to assist air quality improvements. It includes direct vehicle replacements, bottleneck roadway eliminations, and intersection improvements that decrease idling and congestion. Locally, their current regulations in the ORI district require increased building setbacks for buildings and loading spaces for buildings constructed in the ORI district when adjacent to residential districts. The Village’s nuisance ordinance has specific provisions that limit certain activities to be conducted between 9 p.m. and 7 a.m. within 300 feet of any residential district boundary. Those activities include garbage pickup, sidewalk sweeping, shipping and receiving of any goods and outdoor maintenance activity. Lastly, the Village has specific regulations related to noise and lighting when adjacent to residential uses.

Mr. Zawila stated staff evaluated the proposed amendment of restricting warehouse uses within 1,500 feet of residential zoned properties. A map on the overhead illustrate the existing location of the Village’s ORI, M-1 and RBC Districts in Woodridge, which allow office/warehouse uses. The next map illustrates residential districts that are within 1,500 feet of those properties zoned ORI, M-1 and RBC in Woodridge. Restricting buildings designed for office/warehouse activity within 1,500 feet of residential would place nearly 11 million square feet or 87% of all office/warehouse development in the recommend setback. This is problematic, as this will not allow existing businesses to expand into additional space as they grow in

the Village. Furthermore, the Village will be unable to attract office/warehouse uses to buildings designed for the use.

Mr. Zawila said a change in the regulations for businesses that have office/warehouse functions, within 1,500 feet of residential would be affected immediately with either a moratorium or amendment to the Village Code. The Village estimates that within the Village's office/warehouse centers there are up to 122 Woodridge businesses with nearly 6,000 employees that utilize warehousing and distribution activities as part of their operations. If the code were amended, limiting the hours and number of vehicles it would hamper businesses that received appropriate Village Zoning approvals.

While there are various studies that recommend some type of setback and this does vary by geographic location, studies suggest that there are other means to reduce exposure to vehicle emissions. Woodridge has required a variety of solutions to buffer sensitive uses from commercial and office/warehouse uses. Generally solutions include placement of raised berms with dense landscaping, installation of fencing, adjacent to residential properties, limiting trucks to certain roadways, facing docks away from sensitive uses. Local regulations with higher standards could potentially place the Village at an economic disadvantage by stopping or limiting future business growth. Because a moratorium would have a significant impact up to 122 Woodridge businesses, staff recommends that with new development the Village continues to encourage a variety of solutions to buffer sensitive uses from commercial and industrial uses. In addition to starting a marketing program to local businesses that highlight state and federal diesel retrofit grant programs.

Chairman Hendricks asked if there were any questions from the Plan Commission.

Commissioner Hulbert asked if the Village currently police or track any violations to their Village ordinance in regards to lighting, noise, and nuisance or do they heavily rely on complaints.

Mr. Zawila stated they do have Village employees that drive throughout the community through the year to look for nuisance violations. They also do respond to code enforcement requests that come in. Staff researched this knowing that it might be a question. There were a total of 11,000 code enforcement cases in the last ten years. These were cases that were called in that staff had to handle. Of those 11,000 cases there are only 24 cases that related to office/warehouse that dealt with a nuisance of either being sound, lighting, or fallen fence. Just to clarify that the 11,000 are all properties and not just commercial.

Rosemary asked if it included calls to the police.

Mr. Zawila said no it does not.

Commissioner Przepiorka asked if they could go back to the recommendations. He asked how much of staff recommendations is currently being done now versus what they are suggesting with the added buffer.

Mr. Zawila stated the most recent development has taken advantage of the design considerations as staff had suggested at Union Pointe. With that business park berms were used on the eastern portion of the development which has residential next to it. Screening the docks away from the residential areas was also implemented.

Commissioner Przepiorka said he knows that there were a lot of adjacent residents that were active with that development. He asked if they were mostly satisfied after the development was completed.

Mr. Zawila stated in terms of complaints they have received minimal complaints in regard to that development. The only complaint they had was related truck traffic. For the benefit of the audience there is a restriction that trucks cannot go north on Woodward Avenue, so they from time to time receive complaints on this.

Mr. Mays said in terms of Union Pointe the two primary concerns were the response to trucks utilizing Woodward they weren't supposed to. The Village responded by rerouting trucks that were coming to the facility. The other complaint was lighting coming across Woodward Avenue to the residents in regards to the Orbus project. When the lighting was installed they looked at the photometric plans, which shows where the lighting is going to be installed and what the level of lighting will be to edge of the property. In the case of Orbus the Village had to follow up with them to make sure the shields were installed so it would meet the photometric plan and Village code. Originally the shields were not installed.

Chairman Hendricks asked if there were any further questions from the Plan Commission. None responded. He then asked if anyone in the audience wanted to speak in regards to topic three.

Greg Wassilkowsky, 1209 Meadowwood, stated he has lived in Woodridge for 28 years. He is here tonight in regards to the intense use that is zoned for the property behind him. It is currently zoned ORI and years ago people didn't envision these mega structures that they build today. If you look back there used to be small lumber yards and now they have Home Depot, so everything is big in size. When you drive down I-55 you see many warehouses in that district that are away from residents, great common features, and they allow for truck traffic to stay off the side for staging. For an example they will look at Centrepointe there is lots of truck traffic, many trucks moving and accidents with people. He said he has spoken to a zoning attorney and a former warehouse developer and gave them the layouts and they said they would be moving one truck every six minutes which is compatible to the traffic at Centrepointe. That is a truck every six minutes and 70,000 pounds per vehicle lining up in traffic with people going down Lemont Road.

Mr. Wassilkowsky said he looked to see what kind of regulations are out there and California does have a lot of regulations regarding trucks. According to Western Riverside Council of Governments they prepared a good neighbors guideline for siting new and/or modified warehouse distribution facilities. It says to minimize exposure to diesel emissions to neighbors that are situated in close proximity to warehouse/distribution centers. The benefits of reduced exposure to diesel emissions to residents and other sensitive receptors reduce the potential of future health, odor and noise related issues particularly when in close proximity to residential neighborhoods. Their recommended strategies is to create a buffer zone of 300 meters, 1,000 feet, which can be office space, employee parking green belt between warehouse/distribution center and sensitive receptors like housing, schools, day care centers or parks. The article talks about why they suggest such buffer zones. The reduction of potential cancer risk level operating in direct result in reduction of diesel emission measurements.

Mr. Wassilkowsky stated that is one paper and there are four others that talk about the impact of diesel emissions. If diesel exhaust was not a problem then why is Volkswagen getting sued all the time for their vehicles? They didn't meet their emissions and their emissions are PM-10. Regarding PM-10 your car runs at a very high efficiency when you are running at a high speed. When you're idling your emissions go significantly higher. If you are idling for a half an hour it is like your car is running for several hours for a bigger vehicle. The statistics are slightly different.

Mr. Wassilkowsky said when he proposed the text amendment, his intent was to merely create a prohibition of intensive uses that was being proposed. Certainly they do not want trucks leaving every 6 minutes. There are a lot of issues that can arrive by having all this traffic. He is not saying no warehousing in it, because there is warehousing there right now. He is just saying the type of warehousing that this developer was proposing and trying to get approval for was too intensive for this small of a property.

Chairman Hendricks stated if they submitted a plan then they would have to submit a traffic study as well.

Mr. Wassilkowsky said he understands and he talked with the county. However, if it did get approved then you would have these emissions in close proximity. It is one thing having a local vehicle going by, but these would be sitting idle. He has talked with a developer who builds these warehouses and asked him about the noise and emissions. There are issues with them loading and unloading and the ordinance cannot protect the local resident. There is an exception to the regulation that states the following use and activities shall be exempt from noise level regulations. One is the back-up signal on trucks which can't be eliminated. If you were to look at the Illinois State Statue on noise that's a prohibition so they obviously have homes further away from these uses. In the next sentence is states transient noise and

moving sources, such as automobiles, trucks, airplanes, and railroads are also exempt.

Mr. Wassilkowsky stated he and the general public behind him does not have a problem with warehouse, but it was the intensity of the specific type of development they were talking about. Why he is asking for the text amendment is to allow the harmony that they have now but to restrict it down so you have operation safety. If the facility is 24/7 then you should be limiting the number of trucks, or the number of docks, or the number of parking which is related to the amount of traffic they could have.

Chairman Hendricks said as he had stated if it was brought to the Village those things would have been looked at with a traffic study being done. There are a lot of hypotheticals but there are checks and balances in place.

Mr. Wassilkowsky stated if its hypothetical issues then what's the problem with having a condition set today that would say it limits the amount of truck traffic to 100 vehicles.

Chairman Hendricks said what is hard about the emissions is if they are meeting the EPA standards it is going to be harder to create stricter laws.

Mr. Wassilkowsky stated what he is asking for is to limit the number of vehicles allowed at the facility and that they can do. Whether it is the number of docks or the number of vehicles.

Mr. Mays said he had mentioned the distinction of allowing warehouses uses but not intense warehouse uses. He asked if he could provide better clarification so he can understand that distinction.

Mr. Wassilkowsky stated if you are moving a truck every six minutes that is intense. Plus in the winter when they have to run otherwise they would freeze or if they have refrigeration on the trucks. They have the highest emissions when they are idling far more than if they are running. So if you have a small area there is no way to distribute the emissions. Right now he has homes being constructed to the west of him. When he wakes up he can smell the diesel from the trucks that they are using. This is temporary, to have it all the time is not right. If you look at what California says, it states you should not be putting this near parks and there is a park right there, or by residents or schools.

Chairman Hendricks said as far as environmental concerns, California is one of the strictest. He asked how he felt the problem could be resolved.

Mr. Wassilkowsky stated if you work with the DuPage County they have a formulation for the number of trucks per docks or parking spaces. You could probably come up with a number based on the facilities here in Woodridge.

Mr. Mays said if you are trying to make a distinction between uses that you're concerned about in this particular area and elsewhere in the community. What DuPage County was proposing with the number of truck docks is consistent with other business parks within the Village. It goes back to the map that they were showing. They can ask the Village Attorney about making distinctions with developments that are consistent zoning and consistent regulations. He is not sure how they could regulate what he is trying to achieve without impacting the businesses within the community.

Mr. Wassilkowsky stated you have a residential district that is abutting an ORI district without a road in-between. The other issue was the number of docks and he had counted 47.

Mr. Good said, other than California generally municipalities are not involved when it comes to emissions like this. What you risk with dealing with is called the dormant commerce clause from the U.S. Constitution where Congress is entitled to regulate interstate commerce. Dormant means it doesn't specifically say that states can't regulate contrary but it's been applied and adopted. The courts were talking about reversing the effects of climate change or trying to slow it down which would require a reduction in greenhouse gas emissions in countries. The emission reduction achieved by LCFS program are minor in relation to reductions needed in order to affect significant change. The problem is the dormant commerce clause, it is very likely any attempt to regulate will have little or no change and will be struck down. You never hear of a municipality trying to regulate federal emission standards.

Mr. Wassilkowsky stated you are not regulating emission standards.

Mr. Good said you are regulating diesel trucks.

Mr. Wassilkowsky stated you are regulating the number of vehicles.

Mr. Good said you are doing it indirectly what you can't do directly.

Mr. Wassilkowsky stated you regulate the number of parking spaces for an apartment building.

Mr. Good said that is specifically authorized for municipalities to regulate. The EPA is not trying to control diesel emission. It is a serious question as to whether it can be regulated by municipalities.

Mr. Wassilkowsky asked if you could regulate so that they do not operate 24 hours a day.

Mr. Good stated that is also regulated by interstate commerce.

Mr. Wassilkowsky said there are many limits here that are a concession that many Villages have as a special use provisions.

Mr. Good stated he is not arguing that point. He is saying that he is raising a number of issues relating to trying to control emissions by coming through a side door. If you are trying to regulate it indirectly those are the types of cases that actually trigger dormant commerce clause. The term has been used in many different cases especially in California.

Mr. Wassilkowsky asked what about the noise. He said don't give them an exemption for the noise.

Mr. Good said that is up to staff to determine that the current noise rights are enforced.

Mr. Zawila stated he would like to touch on idling and he did ask if the police department had received any complaints in regards to it. He stated they have only received two complaints in the last ten years.

Mr. Wassilkowsky said according to section 9-8-2, paragraph A, it says the following use and activity shall be exempt from noise level regulations. Which are noises made by construction activity, safety signals or warning devices and transient noises.

Mr. Zawila stated he would like to reference back in the code that there is a regulation on operations from 9 pm to 7 am within 300 feet of residential areas.

Mr. Wassilkowsky said he sees it there at the bottom but the problem is there is an exemption above it. He is just trying to get clarification.

Mr. Zawila stated what he is referencing to is vehicles driving down roadways. He said he would like to look into that a little more.

Mr. Mays said his personal experience over the past 15 years working with the Village, and they have had issues with commercial developments, they have been effective working with their code enforcement. They respond to the residents' concerns and address those concerns. He has not come across the State Statute provision but he will definitely look into it.

Mr. Wassilkowsky stated in regards to this development where else do they have a development this size directly against a residential district.

Mr. Mays said everything in the yellow on the map which is on the overhead, with the exception of Route 53.

Discussion continued as to where current developments are located similar in size.

Mr. Wassilkowsky stated it is hard to believe that they are zoning something with this type of intensity against a residential district and it is permissible. If you look at other warehouses that are out there you would not see this much traffic. He asking that they take another look at it because he does not believe it.

Michael Dalton, 1200 Chesham, said at the end of the day laws do not cover noise regulations and noise does travel. The diesel pollution off of the vehicles will kind of linger right there and does not go up in the sky. This facility sits higher than their subdivision and a lot of the stuff that was discussed in regards to California apply to the valley regions. If you take it on a smaller scale you would still get the same effect. Granted the EPA laws are strong in California, but this is smaller yet similar. He stated in regards to truck traffic, he is not sure what kind of analysis they have gotten but it will have a serious effect to the traffic on 75th Street especially if you regulate the path of the trucks. The intersection at 75th and Lemont Road gets backed up from time to time and is often neglected in the winter with plowing. The other parks that were mentioned, the access to those parks there are multiple ways to get to those parks. A lot of truck traffic comes from I-55 because there are no tolls.

Mr. Dalton stated when he moved to the area he knew that there was a small airport nearby. It's nice to see the planes, but with the increased traffic and the trucks idling it is too much noise. The six minute intervals for trucks leaving and entering that was mentioned earlier is correct. The backup alarms have to be audible from over 1,000 feet. At the end of the day, nobody wants something like that in their backyard. This would just create a negative situation for all those families who have moved in there by Pulte homes. He feels that it is a little tight to be putting an approximately 250,000 square foot building in that area. There needs to be more room for those trucks and if you don't then they will be lining up on the streets.

Chairman Hendricks thanked staff for all their time and research they put into this. He feels this has been a positive experience for everyone and proves that you do have a voice in your community and all concerns are addressed. At this time what he would like to do is go back through each topic and get each Commissioner's opinion. He then asked if the Plan Commission support expanding the distance requirement for public hearing notice to 350 feet.

Commissioner Przepiorka said he thinks that should be the minimum. He then asked why staff would only recommend doing 250 feet for site plan review.

Mr. Zawila stated it was mostly because they currently do not have any regulations related to site plan and resident notification.

Mr. Mays said it is just a distance recommendation. The Commission can make whatever recommendation they want. They were not going to have it mirror it if the Commission wasn't in favor of the 350 feet for public notice.

Mr. Zawila stated he wants to make it clear that they are required to do the 250 feet no matter what for public hearings.

Commissioner Hendle-Kinnenun said she liked the 350 feet and for the second one she thinks it should be mirrored with the first at 350 feet.

Commissioner Mast stated she heard some interesting comments from some of the residents earlier. She feels that this is going to have implications longer term and there is a balance of burden of cost to those developments. What she was hearing is that even if it was a letter there is a certain percentage that are not even opened. There may be alternative methods for communicating. We have seen great civic engagement here tonight which is very inspiring. She is not in support of anything beyond what is required by State for these specific measures. However, there may be something that the Village could do which would be an additional administrative cost. She said neither of them would fit what she would be looking for.

Chairman Hendricks said he agrees with Commissioner Mast and feels that there would be a better way through technology and the Village's website. He is not in support of the mailing and feels they should focus more on technology.

Commissioner Balogh stated she agrees with both of them. She feels extending the 250 feet would not accomplish much. She did like the suggestion of depending on the size of the development that the notifications might be different but she would like to see more technology.

Commissioner Hulbert said he would support expanding the distance because there were residents upset last month that they did not get notification because they were outside the radius. When you are talking about notification there is a line as to who is responsible for what. With the technology side you are really relying on the residents and as great as it is there are still a lot people out there that rely on the mail. However, there are some people who don't open it. He feels they need to explore other options to communicate like possible door hangers or flyer.

Chairman Hendricks asked if they could do the 250 in certified and the extra 100 with flyers or door hangers.

Mr. Good stated it would be better to just do the 350 as certified.

Mr. Zawila said he would have to agree.

Mr. Mays asked if Commissioner Hulbert supported both suggestions for topic one. Expanding to 350 feet and 350 feet for site plan review.

Commissioner Hulbert stated he feels that they should be the same.

Chairman Hendricks said topic two is whether they support utilizing a matrix for land use decisions for the next Comprehensive Plan update provided that concerns can be addressed.

Commissioner Hulbert stated based on what they heard he feels it should be looked at for using when it comes to marketing specific areas that need to be developed. On a case by case basis for a development he feels it should not because there are other means in place. For the Comprehensive Plan and for marketing he feels it should be something that they could look at.

Commissioner Balogh said she feels the decision matrix is a really good tool and she uses them at work. She feels it needs to be used further up in the process like during the Comprehensive Plan and not when they are determining whether a certain business fits into a spot.

Chairman Hendricks stated he feels that a decision matrix might be a little too complicated and restrictive for the Comprehensive Plan. He does see a need for it in another aspect but feels it will not be effective for that use.

Commissioner Mast said as a professor she is familiar with all types of decision processes. Her concern is that this is too descriptive and whenever they have any sort of revision to the Comprehensive Plan the Village has a solid reputation of involving the community. This is just too narrow and descriptive and doesn't necessarily add value. Her belief is that their process will be very engaging to the community in many ways.

Commissioner Przepiorka stated he would echo those remarks as well. He said who decides on the weights and order. He feels that "provided that the concerns can be addressed" is tough and they will not be addressed. He would not be supportive of it but agrees with Commissioner Mast in regards to the Comprehensive Plan process. He asked when would be the next time they will be updating the Comprehensive Plan.

Mr. Mays said there is no set time but are generally looked at every 10 to 20 years. It depends on the character of the community, intensity of growth, or how the community has changed. Fast growing communities might speed up the time depending on how fast it is growing.

Commissioner Przepiorka stated if the plot of land that they were talking about was zoned differently through the Comprehensive Plan process then they might not be sitting here having this conversation. He was wondering if there was a way to address the zoning of particular plots of land outside of the Comprehensive Plan process.

Mr. Good said the Supreme Court says the rezoning power of municipalities cannot be used to rezone for surrounding property owners. The Village does have the power

to rezone the property and so does the property owner. He stated it can be done but not for this reason.

Commissioner Hendle-Kinnenun stated she would have to agree with her colleagues. She feels it will be very restrictive and very narrow. She is concerned who would get the weights and she feels there are plans in place already to develop within the community.

Chairman Hendricks said topic three is does the Commission support working with the development community to buffer sensitive uses from new office/warehouse development with the provided recommendations. Also, does the Plan Commission support initiating a marketing program to local businesses that highlight state and federal diesel retrofit grant programs available at the State and Federal level.

Commissioner Hendle-Kinnenun stated looking at the first one she likes the idea of working together and liked the ideas that were presented. The second one she has some concerns with how the marketing program would look like as to whether they sit down and have a conversation or a regular marketing program.

Mr. Zawila said it is something that would have to be worked out so right now it is just the initiation. There are a lot of communication efforts currently with the local businesses. Staff would need to research on how the message is presented to them that would need to be worked out.

Commissioner Hendle-Kinnenun asked if there was an expense to the business.

Mr. Zawila stated there are different programs out there right now that they could communicate to them, with different expense levels, but it depends on the program.

Commissioner Przepiorka said he is supportive of both but especially number one. It seems like every time they have an ORI right up against a residential district they are always having issues with developer and the residents. He feels the second one is just communication as to what is out there. It is up to the businesses to decide if they want to get involved.

Commissioner Mast stated she is supportive of both.

Chairman Hendricks said he would have to agree. He is always supportive of being green and if there are programs out there then we should provide that information to the business community.

Commissioner Balogh stated she agreed with both.

Commissioner Hulbert said the way it is worded it is like why wouldn't you do it. He would agree. He is not sure that either one of these addresses the concerns that

residents had in cases like this. He is not sure if it something that needs to be addressed as long as they are following the code or laws that are out there.

Chairman Hendricks stated it is kind of saying that the Village supports the neighboring communities that might about a property that a developer is coming into.

Mr. Mays said to clarify the intent of the first one, obviously it would have to meet the code, and the intent of the first one is that the Village should look to work with new development to look for additional ways that provide buffers that go way beyond.

Chairman Hendricks stated that would conclude the Commission's opinion on the topics that were presented tonight. He asked if there were any additional comments from the Plan Commission. None responded. He then asked if anyone in the audience wanted to speak.

Rosemary asked if there was any way they could get any of their questions on the agenda for next time to see if the Plan Commission supports them. At the last meeting they had asked them to get a list of their concerns and they brought them with. The topics that were presented is a great start but they don't really address the issues that they are talking about. She was wondering if they can come up with some questions as a group to see if the Plan Commission supported them. She then handed a list of questions to Chairman Hendricks.

Chairman Hendricks said this was not only to address their issues but more for things that could be addressed Village wide.

Mr. Mays asked if these issues are in regards to the recent proposal.

Ms. Vidal stated it is based on that piece of property but also for the future.

Chairman Hendricks said staff had spent a lot time just addressing this issues that was presented tonight. There are three pages of questions here but if there are some hot topics that stand out. Some of the issues he feels have already been addressed when looking through it. His suggestion is to email them to staff and give them time to look through it. He stated this will end the session on the topics for tonight.

V. PUBLIC COMMENT (ITEMS NOT RELATED TO THE AGENDA)

None

VI. DISCUSSION ITEMS

There will not be a meeting for February 15, 2016.

VII. UPDATE OF PREVIOUS PLAN COMMISSION CASES

Mrs. Horn said the zoning text amendments that the Plan Commission considered in December were approved by the Village Board.

VIII. ADJOURNMENT

Chairman Hendricks called for a motion to adjourn the meeting.

Commissioner Przepiorka called for a motion, seconded by Commissioner Mast to adjourn the meeting. A roll call vote was taken:

Ayes: Przepiorka, Mast, Balogh, Hendle-Kinnenun, Hulbert, Hendricks

Nays: None

Motion passed

Chairman Hendricks

Peggy Halper, Secretary