

Report of Proceedings: Findings and Recommendations

(December 13, 2022 and January 17, 2023, at 7:00 p.m.)

The Zoning Board of Appeals, sitting as the Planning Commission pursuant to Village Ordinance, conducted a public hearing on Tuesday, December 13, 2022 and Tuesday, January 17, 2023 to consider an application for a commercial planned unit development (“PUD”) for a property located at 101 North Wolf Road submitted by the property owner, Newcastle Partners, LP. The PUD would be developed by Panattoni Development Company, Inc. Present at the December 13, 2022 hearing were. Board Members James Erlander, Robert Kregas, William Norwood, Peter Sarangelo, Noreen Thermos and Rosalie Stimac. Chairman Joseph DeFalco was absent. Present at the January 17, 2023, hearing was Chairman DeFalco along with Board Members Erlander, Kregas, Norwood, Sarangelo, and Thermos. Board Member Stimac as absent.

PRIOR NOTICE OF PUBLIC HEARINGS AND BOARD DISCUSSIONS

On May 18, 2022, the property owner and developer submitted a Letter of Intent to Pursue Relief For A Commercial Planned Development to the Village that was placed on the Agenda of the June 13, 2022 Board of the Whole meeting and referred to the Zoning Board of Appeals, sitting as Plan Commission, for a pre-application meeting. On June 14, 2022, at the regular meeting of the Zoning Board of Appeals, the property owner and developer held a pre-application meeting with the ZBA, sitting as the Plan Commission, to discuss their proposal for a single or multi-tenant user facility for e-commerce, light manufacturing, light assembly, warehouse and distribution. On September 7, 2022 the property owner submitted its initial PUD application seeking approval of three industrial uses: (1) wholesale and warehouse establishments (Section 4.6 (169)); (2) manufacturing, fabricating and processing (Section 4.6 (097)); and (3) cartage, express and parcel delivery (Section 4.6 (031)).

On October 4, 2022, the Zoning Board of Appeals, sitting as Plan Commission, held a public hearing, properly noticed by publication and mail to property owners within 250 feet of the subject property. The Board failed to recommend any of the proposed industrial uses, or the additional variances requested for the development. Consideration of the findings and recommendations of the Plan Commission were on the published agenda for the November 14, 2022 Board of the Whole Meeting and discussed at the meeting. At the November 28, 2022 Regular Board Meeting, the findings and recommendations of the Plan Commission were considered and discussed and a motion was made and approved by the Board to remand the application back to the Plan Commission for an additional public hearing on a revised application for more limited industrial uses. A public meeting on the revised application for the development was on the published agenda of the December 12, 2022 Board of the Whole meeting and discussed at the Board meeting.

On December 13, 2022 a public hearing, properly notice by publication and mail, was held before the Plan Commission. After an initial presentation by the owner and developer and public comment, the public hearing was continued to January 17, 2023. The continued public hearing was held before the Plan Commission on January 17, 2023, and was on the published agenda of the January 9, 2023 Board of The Whole Meeting and discussed at the Board meeting.

APPLICATION BACKGROUND:

A single tenant or multi-tenant user facility for e-commerce, warehouse and distribution.

- Address: 101 N. Wolf Road
- Current Zoning: B-2 planned shopping center district
- Developer: Panattoni Development Company, Inc.
- Owner: Newcastle Partners, LP
- Site Area: ±569,096 S.F. (±13.06 Acre)
- Building Area: 170,000 S.F.
- Floor Area Ratio: (FAR) 35.7%
- Car Parking: 215 Cars
- Exterior Truck Docks: 30
- Docks Drive In/Overhead Doors: 2 doors
- Green Space 29%

PUD REQUIREMENTS PER ORDINANCE (11.10, ET SEQ.):

General standards.

1. **Minimum size.** A planned unit development shall be under single ownership and/or unified control.
 - a. A planned unit development shall not be less than 12 acres in gross land area, and the average width of the site shall not be less than 360 feet. Any part of the land required for dedication for street rights-of-way in the process of the planned unit development shall be considered as part of the above stated gross land acreage.
2. **Comprehensive plan.** All plans, designs, or proposals for a planned development shall be in general conformance with the Comprehensive Plan of the Village of Hillside.
3. **Use exceptions.** Uses permitted by exception as provided in this article shall be necessary or desirable and appropriate with respect to the primary purpose of the development, and not of such a nature, or so located, as to exercise a detrimental influence on the surrounding neighborhood.
4. **Bulk exceptions.** Exceptions in the bulk regulations of the prevailing district as provided for in this article shall be solely for the purpose of promoting an integrated site plan not less beneficial to the residents or occupants of such development, as well as the neighboring property, than the bulk regulations of this ordinance for structures developed on separate lots.
5. **Development plan and specifications.** The design features and standards of development of the planned unit development shall, in addition to the regulations set forth in this ordinance, conform to a development plan, including details and specifications as may be required. Eight sets of development plans shall be submitted with the application. The development plans shall include, as a minimum the following:
 - a. An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties;
 - b. The size, arrangement, and location of lots or proposed building groups;
 - c. The size, arrangement, and location of lots or of proposed building groups;
 - d. Location, type and size of proposed landscaping;
 - e. The use, type, size, and location of structures;
 - f. The location and size of sewer and water facilities;

- g. Architectural drawings and sketches illustrating the design and character of proposed structures, including floor plans and other similar information as may be deemed necessary by the zoning administrator;
 - h. The location of recreational and open space areas and areas reserved or dedicated for public uses such as school and park sites, and open space to be owned and maintained by a property owners' association;
 - i. Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes;
 - j. Statistical data on total size of project area, density computation, proposed number of residential units by type, and any other similar data pertinent to a comprehensive evaluation of the proposed development; and
 - k. Impact of the proposed project on the surrounding land and the properties including but not limited to the following:
 - l. Environmental impact;
 - m. Impact on the traffic flow on the streets surrounding the subject property, and evidence that adequate measures have been or will be taken to provide ingress and egress, so designed to minimize traffic congestion in the public streets; and
 - n. The economic impact on the surrounding property values, and on the village government, local school districts, and the park district serving the area.
6. **Underground utilities.** All planned developments shall provide for underground installation of utilities.

COMMERCIAL PLANNED DEVELOPMENT

A commercial planned development may be proposed for a single zoning lot or lots located with any business district in order to promote the cooperative development of shopping centers and integral parking facilities and common access points into thoroughfares, to limit the ingress and egress points and to reduce congestion on the thoroughfares to separate pedestrian and automobile traffic, to develop shopping centers of size and location compatible with market potential and adjoining land use, and to encourage harmonious architecture between adjacent commercial structures.

- 1. **Permitted uses.** Uses permitted in a commercial planned development may include uses other than those permitted in the underlying district in which said development is located, provided the inclusion of such uses are recommended by the plan commission and approved by the board of trustees. If the plan commission is recommending the inclusion of such uses other than those permitted by the underlying district, it shall find that the uses permitted by such exception are necessary or desirable and are appropriate with respect to the primary purpose of the development.
- 2. **Activities shall be enclosed.** Retail sales and services, including storage of materials, shall be conducted or stores [stored] entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with surrounding uses and structures, unless otherwise recommended by the plan commission and approved by the board of trustees.
- 3. **Lot size.** No minimum lot area is required for individual buildings; however, the gross land area within the commercial planned development shall be not less than the minimum area required in [section 11.10\(2\)\(e\)\(i\)](#).
- 4. **Building coverage.** Building and structures shall not cover more than 30 percent of the lot area.
- 5. **Usable open space.** At least ten percent of the total lot area of the commercial planned

development shall be provided for landscaped and usable open space purposes.

6. **Building height.** The building height requirements of the prevailing district may be waived; however, the height of any building in any commercial planned development shall not exceed 60 feet.
7. **Off-street parking facilities.** Off-street parking facilities for commercial planned developments shall be in accordance with the requirements of [section 8.5](#)(4) of this ordinance.
8. **Off-street loading facilities.** Off-street loading facilities shall be provided for each use as required by article IX of this ordinance; however, the architectural design of the project shall provide for common access routes and loading areas, so the loading and unloading operation can be conducted efficiently, and be sufficiently curtailed from the view of the neighboring properties.

Design standards:

- a. Where a commercial planned development adjoins the boundaries of residential, public open space, schools, churches or other similar uses, the development shall be adequately screened by fencing or landscaping or both.
- b. Ingress and egress shall be so designed as to minimize traffic congestion in the public streets.
- c. Outside lighting shall be so designed as not to be disturbing to adjacent residential areas.

WITNESSES:

December

- Newcastle Partners, LP: Sean Devine, representative for the property Owner
 - (Introduced on Pg. 9 line 3 of Transcript)
 - Mr. Devine introduced the project again as well as those arriving with him and stated that they were dropping their request to allow for manufacturing uses at the property, though they felt that light manufacturing and a light assembly user would be opportune. Wanting to respect the Village's concern of not knowing who the end user is on the front end, they are now seeking to believe that the building, as a distribution building, light warehousing building is strong enough to support the development going forward. Mr. Devine described the further changes to the plans and specs of the building based on Village feedback such as increasing green space and dropping the size of the building. Also described Newcastle Partners, their history as a company and their history with the Property. Mr. Devine presented a slideshow and stated that looking at the existing zoning it is important to remember what the property was zoned as and what level of business activity it supported in the past, in relation to the schools and to the residential areas, and not to compare the proposed level of business activity from the proposed development with the activity while the property has sit vacant and unused . As a way to ameliorate the Village's concern of not knowing the end user, Mr. Devine stated that they are purposefully tailoring the Property for a specific type of user as a way to control who the tenants can be. He said in this process we designed a site and a building for a high quality, lower impact industrial user that is non-manufacturing. He also stated that it is important to have the flexibility to operate 24/7 and any trucks operating at odd hours are still subject to the Village's noise ordinances. Mr. Devine reiterated the history of the property and most notably highlighted the difficulty they have had drawing in new retail users. He also mentioned the brokers' efforts in finding a suitable retail tenant and that all potential tenants passed on it due to the lack of a building. He reiterated the benefits of the plan such as tax generation, job growth, etc. Mr. Devine then asked that the public hearing be left open so that the missing member of the Plan Commission would be able to read the transcript and participate in the deliberations.

January –

- Mr. Devine mentions that they will address any concern regarding a cross walk for the high school students. He stated the building will have traffic control devices to actually prevent the large trucks from going from the truck port to Wolf Road. Further, though the tenants are unknown, there likely will not be more than 3 because it would affect the usage of the warehouse. He also believes there is a potential of 85 to potentially 200 employees that will be at the building daily, between office and the warehouse. Confirmed the docks are for 18

wheelers. Also confirmed that there is not going to be a service area where trucks are going to be worked on or be refueled. Confirmed that the developer would be looking for a 6b property tax incentive, otherwise the tax bill would be too high and not a draw for tenants.

- Panattoni Development: John Pagliari
 - (Introduced Pg. 14 line 17 of Transcript)
 - Mr. Pagliari introduced himself as the Chicago Partner for Panattoni Development and having run the Chicago office for 20+ years. He further spoke to his experience with similar buildings that have been leased or sold in the past few years in the Chicagoland area. Mr. Pagliari confirmed the trucks accessing the property will only be 18 wheelers, no box trucks, and will only go to the back of the building entering from the East side by Car-Max. Mr. Pagliari went on to describe other similar buildings to the one planned for the Property and that it is in a mixed-use area. He spoke about the actions taken in adjusting the plans and specs to then limit the potential amount of truck traffic
- Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA): Javier Millan, Principal at KLOA hired to conduct traffic study
 - (Introduced Pg. 37 line 11 of Transcript)
 - Mr. Millan introduced himself as a principal at KLOA. He started by addressing the site will be provided with two access points. The access point on Wolf Road will be the main entrance point or access point for passenger vehicles and will be signalized. He further described how the larger trucks will be directed and what routes the trucks will be taking in reference to Mannheim and Harrison all the way to the frontage road and to the docks. Mr. Millan stated that the smaller trucks will utilize Wolf road. He further stated what the reality of a truck that was misdirected and its ability to turn in areas not designated for it, of which Mr. Millan believes the larger trucks would have no ability and would have to keep going on 290 and come back. He explained this is not as likely since the trucks have designated routes. He also stated that building design makes the designated routes the optimal route for the truckdrivers to use therefore ensuring their use of the designated routes. Mr. Millan conducted a two-day long traffic study to study the volume of traffic. Wolf Road carries approximately 14,000 vehicles daily, and approximately 2% of that is semitrailers, and 2% of 14,000 is 280 trailers. And about 1% is single unit, the smaller trucks, 140. He deduced per highway capacity manual the road was being used at half its capacity. Mr. Milan also stated that in terms of truck trip generation, the proposed plans did not generate as many trucks as would be expected. He stated the truck sizes could vary and would be spread out throughout the day, with the majority of it occurring outside of the peak hours, meaning majority occurs in the morning and early afternoon with a drop in truck traffic. Therefore, it won't interfere significantly with school areas or commuters. Mr. Millan also did a comparison of the last previous land use, meaning the trip generation for a home store like Menards, compared to the

proposed plan. Based on the Institute of Transportation Engineers trip generation manual, which is the publication utilized by the federal government, IDOT, the county, municipalities, and also consultants, the previous land use generated approximately four times more traffic during the peak hours than what the proposed development will generate.

- Newcastle Partners, LP Attorney: Tom Burney
 - (Introduced Pg. 66 line 18 of Transcript)
 - Mr. Burney had chimed in at several points during the meeting to help usher conversation along. He substantively spoke then to reiterate the efforts that his clients have gone through to try and make the building attractive to the Village. He further highlights that the law commands the Village to look at two things: whether the current zoning reasonable, of which he believes it is not considering they are continuing to maintain the B zoning on it; and whether there is a reasonable or rational basis for refusing to allow the proposed use, of which he feels like there isn't any. Mr. Burney highlighted that they have answered the Villages concerns regarding traffic with proper testing and have found it wouldn't be an issue, that the Village has missed out on tax benefits from a tenant being there, and that they have sufficiently proven there will be no adverse impact on surrounding properties.
- MaRous & Company: Mike MaRous, appraiser hired to determine the highest and best use of the property.
 - (Introduced Pg. 70 line 9 of Transcript)
 - Mr. MaRous introduced himself as the president of MaRous & Company. He further described his experience in appraising many retail properties. He stated that retail is adapting they're generally building smaller, more niche lifestyle stores. He said the big box stores want their own style of building and do not want to retrofit someone else's secondary store, especially if it has failed. They much rather scrap and build something new. Also, the footprint of those stores is generally smaller than the current site. It is his opinion that different industries are struggling and no retail will want the current Property and therefore the only use is industrial. if not, he does not see that the site is going to be economically developed for a while. He also agrees there are no negative impacts in approving the proposed plan.

PUBLIC COMMENT

December

- Janese Oliver Jones stated that she had purchased her home namely because of the quiet street. She also mentioned that during her appraisal it was mentioned that the home's appraisal was less than expected because of the location on Wolf Road which was considered a busy street. Her concern is what will eventually fill the space and that the Village will not be able to control the amount of noise that it will create as well as the routes that some trucks will take. Has decided she will likely sell her home.

January

- Rebecca Hohe stated that she didn't feel there was enough notice of the meetings, she found out via a newspaper from the library. Hohe believed that there is something more appropriate that could go in the area other than the proposed plan and suggested to wait for an alternative or make it housing. She was concerned that the peak times for truck traffic would be roughly at the same times as schools letting out. Stated that she believed there would be a need for a traffic officer to maintain safety (particular to the entrance on Wolf Rd).
- Roger Romanelli stated that he had concerns about the amount of notice people had regarding the meetings. He believed that you are seeking public input, it would be beneficial for the presentation to be disseminated in some digital form so that be evaluated by neighbors. He was further seeking more information regarding the building as to whether it was a spec build, how many employees it would have, whether there was a 6b incentive associated with it, if there was enough sight clearance for the high school students etc. He also was concerned about the ingress and egress and how it could affect the flow of Wolf Rd.

ISSUES FOR CONSIDERATION:

1. DECEMBER MEETING: whether the ZBA and planning commission, acting as planning commission, should postpone taking a vote on the matter until a true seven board panel is present.
2. The Petitioner seeks approval of uses other than those permitted in the current B-2 shopping district for said property. Use exceptions to the permitted uses under a commercial planned development maybe be included in a PUD if the excepted use is recommended by Plan Commission AND approved by the Board of Trustees. Pursuant to Sections 11.10(2) (c)(iii) and 11.10(4)(a), if the Plan Commission is recommending inclusion of a use not permitted in the underlying zoning district, it must find that the use to be permitted is "necessary or desirable" and "appropriate" with respect to the primary purpose of the development and that the use is "not of such a nature or so located, as to exercise a detrimental influence on the surrounding neighborhood." The following three industrial uses are being sought by the applicant:
 - 2.1. Section 4.6 (169), wholesale and warehouse establishments but not including sale or storage of flammable liquids, materials, gases, except those that are in original sealed containers; and
 - 2.2. Section 4.6 (031) for cartage, express, and parcel delivery establishments, not including motor freight terminals on a lot not less than two acres on the property.
3. Based on its finding with respect to each of these issues, the Plan Commission was to consider whether to recommend the application be approved, in whole, or only with respect to one or more of the requested use exceptions.

BOARD DISCUSSION(January): pg. 24 line 19

Chairman — see also Pg 6 Line 14

Believes that many changes were already implemented by the developer such as the increase in green space and the decrease in the building size. Believes the building will be a positive addition as it will act as a sound barrier, have good aesthetic, and that the building will have several access points. He believes that the traffic needs to be compared to what it was before, not from what it is now since vacant. Also referenced the positive tax revenue for the Village. Only con is that it is not a retailer but admits that may not be the best option at the current time. Also wanted to know more information regarding how many tenants will be included and the potential that that could increase

traffic.

KREGAS

Concerned about the neighbors would be affected by the size and amount of the trucks coming in and out. Also concerned about how many employee cars will increase traffic. Also concerned if there will be police traffic to get in and out at school times. Noted the positive with this matter is the potential revenue.

ERLANDER

Concerned about small box trucks creating issues with traffic. Compared it to FedEx/Amazon and the frequency of their trucks. Concerned that the photos were showing cemetery when considering density. Noted the only positive with this matter is the potential revenue.

SARANGELO

Concerned about the number of docks, what types of wheelers will be using them and how many there will be. Concerned about the smaller trucks and the increase in traffic that they will pose. Mentioned what facilities will house the vehicles and how they will be refueled/serviced. General concern over truck parking.

FINDINGS:

DECEMBER MEETING: unanimously voted to postpone.

JANUARY

1. Exception for Cartage and parcel delivery [Section 4.6(031)] TIED: Three yes | Three no
 - 1.1. NORWOOD: Aye.
 - 1.2. THERMOS: Aye.
 - 1.3. ERLANDER: Nay.
 - 1.4. KREGAS: Nay.
 - 1.5. SARANGELO: Nay.
 - 1.6. CHAIRMAN: Aye.
2. Proposed use is necessary or desirable for the development as proposed and desirable for the village. TIED: Three yes | Three no
 - 2.1. NORWOOD: Aye.
 - 2.2. THERMOS: Aye.
 - 2.3. ERLANDER: Nay.
 - 2.4. KREGAS: Nay.
 - 2.5. SARANGELO: Nay/Aye.
 - 2.6. CHAIRMAN: Aye.
3. The proposed use must not be of such a nature located to exercise a detrimental influence on the surrounding neighborhood. TIED: Three yes | Three no
 - 3.1. NORWOOD: Aye.
 - 3.2. THERMOS: Aye.
 - 3.3. ERLANDER: Nay.
 - 3.4. KREGAS: Nay.
 - 3.5. SARANGELO: Nay.
 - 3.6. CHAIRMAN: Aye.
4. Exception for Wholesale and warehouse Establishments [Section 4.6(169)]

APPROVED: Four Yes | Two No

 - 4.1. NORWOOD: Aye.
 - 4.2. THERMOS: Aye.

- 4.3. ERLANDER: Nay.
- 4.4. KREGAS: Nay.
- 4.5. SARANGELO: Aye.
- 4.6. CHAIRMAN: Aye.
- 5. The proposed use is necessary or desirable for the development as proposed and desirable for the Village: APPROVED: Four Yes Two No 5.1-5-6 (Repeat 4.1-4.6)
 - 5.1. NORWOOD: Aye.
 - 5.2. THERMOS: Aye.
 - 5.3. ERLANDER: Nay.
 - 5.4. KREGAS: Nay.
 - 5.5. SARANGELO: Aye.
 - 5.6. CHAIRMAN: Aye.
- 6. The proposed use must not be of such nature or so located as to exercise a detrimental influence on the surrounding neighborhood. APPROVED: Four Yes |Two No
 - 6.1. NORWOOD: Aye.
 - 6.2. THERMOS: Aye.
 - 6.3. ERLANDER: Nay.
 - 6.4. KREGAS: Nay.
 - 6.5. SARANGELO: Aye.
 - 6.6. CHAIRMAN: Aye.