



City of Aurora

44 East Downer Place
Aurora, Illinois 60505
www.aurora-il.org

Legistar History Report

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Type: Ordinance

Status: ATS Review

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**General
Ledger #:**

In Control: Planning &
Development
Committee

File Created: 12/30/2015

File Name: Old Dominion Freight Lines / Annexation Agreement
/ 30W720 Sunrise Road

Final Action:

Title: An Ordinance Providing for the Execution of an Annexation Agreement with the Owners of Record Providing for PDD Planned Development District zoning for the territory which may be Annexed to the City of Aurora located at the northwest corner of Sunrise Road and Meridian Road in DuPage County, Aurora Illinois 60563

Notes:

Agenda Date: 05/26/2016

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Exhibit A Annexation Agreement 2016-05-09.pdf, Property Research Sheet, Land Use Petition and Supporting Documents, Legistar History Report (Annexation Agreement), Draft Staff Conditions 2016-05-16v2.pdf, Old Dominion Powerpoint Presentation 2016-05-18 - 2015.225.pdf, Picture 1, Picture 2, Picture 3, Picture 4, Picture 5, Picture 6, Picture 7, Picture 8, U-Shape-1, U-Shape-2, Old Dominion Freight Terminal - Crest Hill IL 2015-05-18.pdf

Enactment Number:

Planning Case #: NA04/1-15.225-AA/A/PD

Hearing Date:

Drafter: aminnella@aurora-il.org

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Committee of the Whole	01/05/2016	Forward to Planning Council	DST Staff Council (Planning Council)			
	Action Text: This Petition was Forward to Planning Council to the DST Staff Council (Planning Council)						
1	DST Staff Council (Planning Council)	01/12/2016					
	Notes: Representatives Present: Scott Hardek, Jim Frayn and Michelle Keller. Ms. Keller said I have a quick question. We acquired 3.42 acres, the Scafidi parcel, so I don't know						

how we wound up with 4.96 acres.

Mr. Sieben said I believe that includes annexing the adjacent right-of-way because that is on your Plat of Annexation, but you are correct. The actual land outside of the right-of-way is less than that, but I believe on your Plat of Annexation, we'll double check that, but I think because it included the adjacent right-of-way being annexed too.

Ms. Keller said okay, because I saw that number and I didn't know where that came from.

Mr. Seiben said we'll double check that.

My name is Scott Hardek. I'm with Dykema Gossett. I'm Bruce Goldsmith's partner. We represent Old Dominion, who will be the user for this particular parcel. With me is Jim Frayn from Manhard Consulting and Michelle Keller from DuPage Properties Venture. Our approvals here are to bring in the southeast corner there, the Scafidi parcel as it's been referred to. The parcel itself is a little under 3½ acres. It is a little less than 20% of the total assemblage of the property. The rest of the lot, Lot 402, sits in an ORI district and this is a permitted use within that district. I think we've worked with staff on a couple of issues with regard to the roadway coming down and with Fire in regard to the roadway coming down the eastern side and then Sunrise on the south along with a stormwater plan because there is an adjacent parcel to the west there, 401, that may or may not develop and some of the stormwater issues may be tied into there, but for now we are doing a stormwater answer that will deal with what's there. I know that Dan and Manhard have worked together on stormwater calculations. Other than that, unless there are specific questions, I know we've met twice on DST meetings with staff.

Mr. Sieben said do you want to just talk a little bit. I know DPV is here, but Old Dominion is not here. Do you want to just talk about a little bit of their operation here and then we can go into some of the technical aspects.

Mr. Hardek said Old Dominion has 2 other facilities in the area. One in Crest Hill and one in Des Plaines and then this gets them strategically where they want to be. Initially it would involve 100 jobs and they believe within 5 years as many as 180 jobs. A small portion of it will be some office and training facilities, but the bulk of it will be, they call it Hub and Spoke Freight actions. I know we've done some initial traffic work that indicates that the local roadways should be able to accommodate this.

Ms. Keller said minimal impact on local roadways.

Mr. Sieben said are the drivers typically local? In other words, do they come back at the site at the end of the day or do they go over the road?

Mr. Hardek said a little of both. It is a Hub and Spoke so what happens is and the sort of packages we get there include, we do some work with FedEx and stuff, so there are some local aspects to it. It comes there and then goes out locally, but there will be some over road drivers. My understanding is that at least half, if not more, are people who are going to be making local trips during the day.

Mr. Sieben said so they go out and then come back to the site at the end of the day?

Mr. Hardek said I believe that is the case.

Ms. Keller said there is a traffic report. I don't know whether that was submitted, but the traffic report prepared by KOLA indicates a very, very minor impact on both Ferry Road, Illinois Route 59, as well as Ferry Road and Eola Road. I also wanted to note that the 100 to 180 jobs that are here are well paying jobs. These are not warehouse distribution \$11.00 an hour jobs. The wage scale here would be \$25.00 to \$28.00 per hour, so these are really well paying blue collar jobs. As far as traffic impact is concerned, it is spread 24/7, so there is not an enormous amount of traffic that is generated here, even though it is labeled a truck terminal facility.

Mr. Hardek said it is not like an office or something like that were you would have people coming in the peak hours and then leaving in the peak hours. It spreads out throughout the day, so the impact of the traffic is relatively minimal, at least per our initial analysis with KOLA.

Ms. Keller said and the facility itself is part of the Butterfield Owners Association Business Park and is subject to the design guidelines, so this will include significant landscaping, a precast building, so this

is not a butler building, so aesthetically it will fit into the overall context of the other buildings at Butterfield Owners Association.

Mr. Sieben said and that would include security fencing that we could talk about then too.

Mr. Hardek said I think we talked about that in the DST meeting and I think we can reach whatever compromise needs to be reached with what's desired out there. Obviously, Old Dominion has an interest in keeping that site secure.

Ms. Phifer said did we find out about the ownership? Have you guys actually closed on this piece?

Ms. Keller said no we have not closed on the parcel. The closing is scheduled for tomorrow morning.

Mr. Sieben said Dan do you want to start or Gary do you want to start or Herman? Any initial comments?

Mr. Krientz said Fire's comments are pretty minimum at this point. I just need to know the address side because the Fire Department connection needs to face the address side. I was assuming it was going to be a Ferry Road address. It could be easily accommodated on the plans.

Ms. Phifer said the address plat is actually in there. The preliminary has got that for you.

Mr. Krientz said there was just an informational only that you will need to meet the state requirements for the tanks on the fuel farm out there through the State Fire Marshall's office. Just so you know so that doesn't jump up on you. Those are Fire's only comments.

Mr. Feltman said as long as the tanks came up, right now does there have to be containment? The containment area is shown as going into the storm sewer system. I would assume that if the tank fails, we don't want the gasoline going into the storm sewer system, so we are going to have to figure out how we are handling that. When we had internal discussions, I thought that there was a certain type of tank that could be used that you didn't have to have that...

Mr. Beneke said most of the tanks nowadays are double walled, double contained type tanks, so I assume that is probably what you guys are going to have on this one too, so it does have an extra protection built into these things.

Mr. Feltman said but if you have to have that containment area, they can't be drained by a storm sewer.

Mr. Frayn said we'll look into that.

Mr. Feltman said and then we are obviously in review. You supplied us quite a bit of information, so we're trying to paw through it. The one thing that I know came up in DST was the downstream field tile. We did get the survey, and we normally do get field tile surveys like that, but this is a unique situation where we actually wanted more of a condition report of the field tile to make sure that it is in good condition.

Mr. Frayn said are you talking about the field tile on our site or the outlet field tile?

Mr. Feltman said the outlet field tile. I think we had discussed that in DST.

Mr. Frayn said and I thought that was actually done, so let me double check. Hudelson was working on that.

Mr. Hardek said there was just some discussion about what you were going to want exactly and we need to have some back and forth with Manhard. We had talked about you weren't sure exactly what you wanted, I thought, at DST. We agreed that you wanted a review of the downstream field tile.

Mr. Feltman said we just want to make sure it is in good condition and that it is not going to cause any issues because, obviously, you are tying surface water stormwater management into a subsurface field tile and typically we don't allow that, but this is a unique situation where you guys had just recently replaced the field tile with an enclosed wall pipe, so we just want to make sure it is in good condition.

Mr. Sieben said any other comments Dan?

Mr. Feltman said we are still looking at the roadway improvements. We'll be issuing comments.

Mr. Sieben said Planning and Zoning has just started to, we're in the first stages of starting to review it, so we hope to have comments to you very shortly. Alex is actually the point man from us, but we are all kind of taking part in it, so Alex Minnella is the Planner.

Mr. Frankino said as far as Fox Metro is concerned, I think we have 2 small ones and neither one of them are a big deal. We've got to work with Dan and I guess we've got to work with you guys about this drainage area because we don't want to see an area go to sanitary that's going to receive even any kind of storm flow drains, anything that could pour in from the outside area, so we've got to figure out how to handle that. I understand there is an issue there with the containing of the fuel area.

Mr. Frayn said but the fuel, has it drained to the sanitary sewer?

Mr. Feltman said right now it is shown drained to the storm sewer as I understood it.

Mr. Frankino said and you're saying it can't and the alternative would be the sanitary, but if there is stormwater going into a drain, then we can't have that.

Mr. Feltman said right. I think we just need to work out how that whole area...

Mr. Frayn said and I know Old Dominion has a lot of experience with this, so I'd like to lean on them a little bit on this one.

Mr. Frankino said maybe it's just got to be enclosed a little bit more or something like that, some sort of an area to protect it from elements so that the elements that would get under roof wouldn't ultimately drain into the drain that would go to the sanitary. We'd have to figure it out.

Mr. Frayn said sure. So maybe it is covered so that stormwater doesn't get into it or something. Let me see what they've done on other projects with the state. We'll come back with some ideas and kick them around with everybody.

Mr. Frankino said and the second thing we had was that southeast corner of the site. We understand that we have to approach Naperville about the facility planning area limits there. That's actually in the Naperville facility planning area limits and we have to start a conversation. Because of the holiday we haven't gotten on that yet, so I owe you that.

Mr. Sieben said where is that boundary Mike?

Mr. Frankino said the south half is out of Fox Metro and the southeast half is actually out of our facility planning area in Naperville. It is not a process like it used to be. NIPSE used to be a half a year. Now I think we just have to get some language going and agree who would take it and I don't foresee it being a problem. This is one of the first ones that we've dealt with with this compared to the old way, so we will be in touch with you.

Mr. Frayn said it looks like the building and the sanitary sewer would be in the district though, correct?

Mr. Frankino said correct.

Mr. Frayn said so is there any risk at all with that not getting taken out of the correct FPA at this point? Could you service the site as it is right now? I see you want to clean up the paperwork and things like that, but could you service the site as it is right now?

Mr. Frankino said frankly I hate to step too far, but I don't foresee it being a problem. Like I said, it used to be a process. Now it is whole different process and I'd hate to speak too quickly about it, but I don't foresee anything at all. Just probably have to make the right contact with the right people in Naperville and they'll probably write a letter saying go ahead.

Mr. Frayn said and that's something you guys are going to spearhead right now?

Mr. Frankino said we'll make contact with Naperville.

Mr. Sieben said so we will be getting the review comments out to you and then after that we'll be looking at a tentative date.

1 DST Staff Council 01/19/2016
(Planning Council)

Notes: *Mr. Minnella said staff has been reviewing the Annexation Agreement and the Preliminary Plan and Plat. Comments will be sent out soon. In regard to the Annexation Agreement, the language has to be first checked by Legal as well to make sure that it complies with our standards.*

Mr. Seiben said one issue that has come up during review is, and I think Mike you brought this up, is the fact that not all this property is within the Aurora FPA. Do you want to just expand on that briefly?

Mr. Frankino said the Fox Metro FPA would need to be "amended" and I think all that we would need here is an Intergovernmental Agreement with Naperville, so if city staff were to, and I thought I heard Stephane last week say that she was possibly, or Tracey, was going to plan a meeting with Naperville. We would then react to the needs at that time based on what we all decided, but the process should be plain and simple, just an Intergovernmental Agreement between them and us if that is a bordering line there.

Mr. Sieben said and that kind of relays into a little bit of a bigger picture. We did meet internally between Planning and Engineering last week. We do want to, besides talking about the FPA with Naperville, look at the whole boundary agreement issue, not just this property, but is there some additional property that makes sense to be served by Aurora in lieu of Naperville for this area a little bit beyond this piece.

Mr. Frankino said we took that a little farther. Dan sent us a nice exhibit last week and I forwarded that onto Deuchler's and they are going to take a look at that and make sure our downstream system is supportive of that.

Mr. Sieben said so there is like a bigger picture here we need to look at that will impact this property, so I think before we fully are able to move this forward we need to get some of those questions answered because it ties in, Dan, with how or if we are going to serve additional properties beyond this property.

Mr. Feltman said just to clarify for your sake Mike, the property that we are talking about right now is in the boundary agreement and is in Aurora's side of the boundary agreement. So there is already an IGA in place for the property that is petitioning for annexation right now. The only area is the area east of there that the way it was put in the Intergovernmental Agreement for the boundary agreement was it was a flex area. It was to be served at time of development. I think we just wanted to get a little more direction on which way that property would go because as this development occurs we'll have utilities basically there to serve that property to the east.

Mr. Frankino said and I think it is likely going to be in our interest, just administratively, to try to do this maybe not necessarily in terms of this southeast corner of that overall one lot, but maybe to look it as an overall whole amendment to the boundary line and thus an Intergovernmental Agreement with Naperville. We're kind of on the same page. If you want to throw out some dates for a potential meeting with Naperville then...

Mr. Seiben said yes, we should include you in it too.

1 DST Staff Council 01/26/2016
(Planning Council)

Notes: *Mr. Minnella said staff has sent the Annexation Agreement to the Legal Department and we haven't gotten the Annexation Agreement back. As soon as we receive it, we'll start reviewing the Preliminary Plat and Preliminary Plan.*

Mr. Feltman said Engineering is in the process of reviewing the Preliminary Plan.

Mr. Wiet said when might we get something out to them? We've not provided comments yet have we?

Mr. Sieben said no. As soon as we get something back from Legal we anticipate it will be very shortly thereafter. We'll check with Legal on where that stands.

1 DST Staff Council 02/02/2016
(Planning Council)

Notes: *Mr. Sieben said there are 2 comments I have on this. First off, we are still waiting for a response from Legal on the comments on the Annexation Agreement, so we hope to be getting that very soon. Secondly, looking at this, we would request that we get a Preliminary Plat for the entirety of Unit 4 because there are some changes, some movements of Frieder Lane, etc. We would ask with this moving forward that the Preliminary Plat Revision get modified to include all of Unit 4. So those are really our 2 comments that we have.*

Mr. Feltman said Engineering is still in review of the Preliminary Plan.

1 DST Staff Council 02/09/2016
(Planning Council)

Notes: *Ms. Phifer said we are working on compiling comments. We are hoping to have some comments for the Petitioner.*

Mr. Sieben said we are going to want to see actually a revised Preliminary Plat for all of Unit 4 due to some changes that impact 401 and some other areas over at the west end of Lot 402. We did put that on the record last week so we will be getting that to the Petitioner.

Mr. Feltman said we are in review and expect to get comments out by the end of the week maybe early next week. We are only reviewing the Preliminary Plan. They supplied probably maybe 50% to 75% engineering plans, but we are just concentrating on the Preliminary Plan.

Mr. Krientz said we had some comments.

Mr. Sieben said did you get those out yet?

Mr. Krientz said yes.

Mr. Sieben said we still need to get ours out.

Mr. Feltman said did you guys need a secondary access or was the one access off of Meridian adequate? I don't remember how that was left.

Mr. Beneke said they have another access. They do have two accesses showing.

Mr. Sieben said they had one on Meridian and then one on Sunrise.

Mr. Krientz said and technically with the size of the building they only needed one as well, but they were going to provide a second one.

Mr. Beneke said I think there was some question about, I don't remember what it was, maybe it was to add in a hydrant. The FDC, I think, was part of it. The FDC location was part of our comments.

Mr. Sieben said but there are some bigger roadway improvements that will be...

Mr. Feltman said as we've stated from the beginning even within DST, we've been, from a Public Works standpoint, we've been wanting them to extend Sunrise all the way to future Frieder Lane. Temporarily we will have a cul-de-sac until Frieder Lane gets extended, which that will get extended with 401.

1 DST Staff Council 02/16/2016
(Planning Council)

Notes: *Mr. Minnella said staff is in the review process of the Annexation Agreement and the Preliminary Plan and Plat. A few things still need to be addressed and we will send comments as soon as we can.*

Mr. Wiet said are you looking at road improvements, full?

Mr. Feltman said yes. Well not necessarily full. I think we are talking about having Sunrise extend all the way to the future Frieder Lane, build half a road across that frontage. They are building a full cross section on Meridian, at least what they are showing right now, to their access drive and then they are tapering down and then building half of Meridian along the frontage. So right now, they are showing Sunrise Road improvements up to the current end, but we are going to ask them to bring it all the way to Frieder.

Mr. Wiet said and so Sunrise would be just half the road?

Mr. Feltman said half of a 39 back to back is what we discussed. Whether that changes between now and the end of our review...

Mr. Wiet said so the southbound lane will be built to truck traffic standards, but the northbound lane would not. Is that kind of how you are looking at it? You're just doing the west side of, I'm sorry, the north/south, which street is that? Okay Meridian.

Mr. Feltman said we don't have a lot of detail, but I think the way it is going to work out is by the time you get to half of the road the other portion isn't really going to be that much left and so we talked about them pouring out the other side and rebuilding the entire road.

Mr. Wiet said okay. With a recapture on the Naperville side?

Mr. Feltman said for where they built out the full section, yes, but we still haven't discussed that with Naperville yet. We've got to figure out how that's going to work. As of now, the boundary agreement is Meridian between Naperville and Aurora.

Mr. Wiet said but that would be, that's our right-of-way because of all that property that's already annexed, correct?

Mr. Feltman said yes.

Mr. Wiet said it is our full right-of-way so we could ask for full improvements on Meridian.

Mr. Seiben said and they are doing full, correct?

Mr. Feltman said down to their access point.

Mr. Seiben said which is where Dan? About how far down?

Mr. Feltman said about half way or so.

Mr. Wiet said okay and then we are going to have Sunrise continue to meet Frieder, go west and then...

Mr. Seiben said that's going to be our comment.

Mr. Feltman said that's what we discussed, unless that changes in between when we're going to send out our review comments. It will be City of Aurora right-of-way. I think normally we ask for half of a road across their frontage with the theory being, obviously, when the south develops they will build the rest of the road out.

Mr. Beneke said so you are going to come out on Sunrise and do a turnaround, or is Frieder actually coming down?

Mr. Feltman said I think the way we were going to leave it was a cul-de-sac at the end of Sunrise.

Mr. Wiet said and Frieder for Lot 401 would be extended down in close proximity?

Mr. Feltman said it be extended down to Sunrise.

Mr. Sieben said it would meet and then I believe Frieder goes a little further down when 401 develops.

Mr. Feltman said yes.

Mr. Seiben said so we will be finalizing comments hopefully soon.

Mr. Feltman said I think we just to make sure we are coordinated with our comments.

Mr. Minnella said like I just said, comments will be sent out as soon as we can coordinate with Engineering.

Mr. Beneke said there were also some Fire comments that were sent out.

Mr. Feltman said anything that moved hydrants or anything?

Mr. Beneke said I don't think so. We'll look and make sure. I think it was just mainly clarification on a couple of things. I don't think there was anything major.

- 1 DST Staff Council 02/23/2016
(Planning Council)

Notes: *Mr. Minnella said we are still in the review process and when we finalize the review comments for the Annexation Agreement and the Preliminary Plan and Plat, we will send those out to the Petitioner.*

Mr. Sieben said I believe Engineering just about has comments all ready to go. We are going to have an internal meeting this afternoon. We'll go ahead and correspond today and then we will look at hopefully sending these out.

- 1 DST Staff Council 03/01/2016
(Planning Council)

Notes: *Mr. Minnella said we reviewed the Preliminary Plan and Plat and we reviewed the Annexation Agreement. Comments were sent out last week.*

Mr. Sieben said comments went out on Friday to the Petitioner on everything from Planning and Zoning.

Mr. Feltman said the same with Engineering.

Mr. Sieben said I think they all went out on Friday, so we'll wait to hear back on our comments.

- 1 DST Staff Council 03/08/2016
(Planning Council)

Notes: *Mr. Sieben said comments were sent out, I think a week ago Friday, both Planning and Engineering.*

Representatives Present: Bruce Goldsmith and Jim D'Alexander

Mr. Goldsmith said so we are talking about Lot 402 and the annexation of this piece here, which we call the Scafidi. I guess I'd maybe like to talk to the Engineering issues first before we talk about the annexation issues. When we met numerous times on this, there were issues that were kind of left for further discussion, but they were going in a direction that seems to have changed totally 180. In particular on the roads, we had talked about a full road to the entrance to the lot, so on the east side where the entrance is. Then we talked about using like 2/3 of a road to the corner, the same 2/3 to the emergency entrance on the south side and then we talked about perhaps using pavers from then on.

Mr. Feltman said but it was always...

Mr. Goldsmith said I'm not saying that...

Ms. Phifer said that was your proposal and we agreed that that didn't change throughout your preliminary discussions, but once we got the drawings in and we were able to take a look and do a review, it was determined that because we are looking at an Annexation Agreement and typically when we bring in a new project we typically require a half of a roadway improvement on all roadway frontages, which would be mean a half of an improvement on Frieders, a half of an improvement on Sunrise and half of an improvement on Meridian. Because of the question mark of what's going on with Frieder, because we know that no we're not really sure what the alignment is going to be of that road and how that is going to work out, what we talked about internally was instead of requiring that half, half, and half that we would require a full and a full on the other two roads allowing for the ability to get recapture from the adjacent property and then not require any improvement on Frieder.

Mr. Goldsmith said we never discussed Frieder as being part of this project.

Ms. Phifer said but it is a requirement as part of a frontage of your lot. You have 3 roads that your lot is fronting on, so our typical requirements for roadway improvements are half of a roadway improvement of all roadway frontages.

Mr. Goldsmith said but I'm saying in numerous discussions the focus was only on Meridian and Sunrise.

Ms. Phifer said correct, but those were all preliminary prior to submitting and prior to a formal review.

Mr. Goldsmith said I understand. It is helpful to have the whole picture when you are going through this process, not part of the picture and it is, I think, fairly common that the city has only required half plus in other situations. So all of a sudden it is all the road now because we talked about the fact that it is unlikely that these other properties are going to develop and come into the city. And even if they do, it could be years and your recapture, actually in your Annexation Agreement, only gives us 5 years, which is meaningless.

Ms. Phifer said that was actually what you had had in there originally. That was going to be a point that we were going to discuss with you if you wanted to leave that 5 years in there.

Mr. Goldsmith said well that was only because I took your prior agreement. I assumed that was policy.

Ms. Phifer said correct. We kind of had this concern on the last few projects that have come through and I think that what we are going to end up doing is getting to the point where in our pre-meetings, because that's really what they are, is getting to the point where we are only talking about technical, we are only talking about what is the process, and we are not talking about anything having to do with solving any of these problems as far as hurdles for development because it is not a full formal review. We don't have all the information in front of us to make those decisions and to put staff in a position where we are sort of having to make final recommendations on documents that are still at a level that are not fully developed, puts staff in a bad position. So I think what's going to end up happening...

Mr. Goldsmith said well it puts the developer in a difficult position too because you have no idea what your ultimate requirements are going to be.

Ms. Phifer said well the requirements are still set in stone. I mean the requirements are that typically what you are required is to do a half a road on all of your frontages. That's not changed.

Mr. Goldsmith said except that no one talked about Frieder in the context of the prior discussion.

Ms. Phifer said and we are not talking about Frieder at this point either, but it is still an obligation that the financial...

Mr. Goldsmith said but you are not talking a half a road anymore either.

Ms. Phifer said well because we are basically moving that obligation to the other roads.

Mr. Goldsmith said I understand. I'm just saying after 5 months of going through a lot of expense on engineering we are now at a point where we have to redesign everything.

Ms. Phifer said which is why I said I think we are going to get to the point where we're not having those kinds of conversations at pre.

Ms. Goldsmith said that's even worse and then you don't know anything. You are just throwing darts at a wall.

Ms. Phifer said but I don't know what else to be doing at this point, but at this point then that's what happens. Either it is going to be understood by all parties that these are preliminary discussions that may change...

Mr. Goldsmith said I'm not saying anything you said is enforceable. I'm just saying it helps to have a tip as to where things are going. We went through finding pavers that met the requirements. We went through designing the road. We went through where we are going to put our sanitary. You have to have some feedback on that or you are going blind.

Ms. Phifer said understandable. I think we wanted to be helpful, because I like that word, that's exactly what we are trying to do. We are trying to be helpful, but then when it turns around that then our hands are tied and we are being told we can't make any more comments because originally we were just being helpful, it puts us in a position where, unfortunately, we may have to hold back and not be as helpful on the front end if then we are going to be held to...

Mr. Goldsmith said well we are here now, so we have to figure out what we are going to do with this. One of the big problems that we have is we wanted to minimize the impact on the adjacent property

owners, who I understand are not citizens of Aurora, and if you make us put in a full road, then we are going to tear out all their buffer.

Ms. Phifer said the trees that are in public right of way, and that is not, the Comprehensive Plan for that area is not residential and that is really not...

Mr. Goldsmith said I understand, but what I'm just saying is rather than adding insult to injury, they are going to wake up to find out that this is being developed. You are going to take away all their buffer and it seems to me that was one of the advantages of doing the half road is that we were going to give you security of whatever you wanted to insure the other half was built if it wasn't by the new property owner coming to the city. But at least in the meantime you're not tearing away all the buffer that they have and basically just opening them up to the development.

Ms. Phifer said but more than likely as soon as Lot 401 develops, that road is going to have to be in, so really what you are doing is you are giving them a very small window of that buffer that you are talking about and actually giving them in some ways false hope that that buffer is going to remain when more than likely that road is going to need to go in within the next year.

Mr. Goldsmith said why would you think that for 401 because, obviously, we've always shown Frieder as the sole access?

Ms. Phifer said and that again has not been determined that it does not meet our codes...

Mr. Goldsmith said I'm not saying that there may not be a connection to Sunrise. I understand that that is the direction you are going, but it won't necessarily require that Sunrise be a full 39 back to back. So that is one thing. The next thing you get to is you are calling it a major collector. There is hardly any traffic that's ever going to be on that road. So how can you make us build it to a standard that is much more expensive?

Ms. Phifer said are you talking about the 39 foot cross section instead of what you are proposing on 31?

Mr. Goldsmith said I'm talking about a 39 cross section with major collector status rather than just a road.

Ms. Phifer said well I didn't make that comment, so I just have to respond to that.

Mr. Feltman said that is an Engineering issue. Typically in an industrial area like that you can (inaudible), or you can provide us a pavement design based on soil borings. So I mean if you can prove that with the truck traffic that's on there that there is a pavement section that will support that type of vehicle load, that's another option.

Mr. Goldsmith said but the load we are looking at is the, and we had no question that we were going to build to the entrance to the site on the east side to whatever standard is necessary because we're going to have a lot of trucks there. Once you get past that point, there is no reason to believe that there will be enough generation, even if it is all ORI because of the size of the properties involved, to require that heavy of a road for the rest of the site.

Mr. Feltman said well another thing that we were, the comments that we sent out asked for a traffic study as part of the final.

Mr. Goldsmith said which we supplied in October.

Mr. Feltman said you did?

Mr. Goldsmith said yes. We did a preliminary study, gave it to Eric.

Ms. Phifer said I think you will need to put it in your formal submittal. Because, again, this is one of those things that's happening is that when we don't...

Mr. Sieben said we had no idea.

Ms. Phifer said right. It needs to be part of a formal submittal for the documents that we are looking at.

Mr. Goldsmith said that's fine. I don't have a problem with following the rules, okay. It is just having a problem of knowing what we are going to be required to do. The traffic study shows that there is less than a 5% impact of this site on the area roads.

Mr. Feltman said I guess the traffic study will show what type of, obviously, traffic that is generated by the area, so it is not just Old Dominion.

Mr. Goldsmith said right. They did a study and they actually went to one of Old Dominion's other facilities to make sure that they were getting accurate information.

Mr. Feltman said so with that, that will set some of the standards that we're talking about. Obviously, you need to take a look holistically at the entire area. I mean it is not just the one area.

Mr. Goldsmith said I understand. I mean KOA is doing it. They know the area. That's no big deal.

Mr. Feltman said okay.

Ms. Phifer said well we can take a look at the traffic study and we can respond to that comment.

Mr. Sieben said we would like it formally submitted.

Mr. Goldsmith said that's fine.

Mr. Sieben said if you guys could send it to us please.

Mr. Goldsmith said so then let's talk about sanitary. So now, again, we gave you a design that brought the sanitary into the site. Now the new comments say you want sanitary on the south side of Sunrise and carried all the way to Meridian, which is now another big expense and, again, now we are really going to get into the neighbor's front yards because the sewer is deep, so not only are we going to take out everything for the road, we're going to take out everything else to get to the sewer.

Mr. Feltman said well we are open to location. We internally talked a lot about it and it was bounced around where to put all these utilities and without having it on the south side you are in the street then. So for the city long term, that's not a great situation to have the sanitary in the actual road. In a normal situation we would have, normally, we have the watermain on the north and the sanitary on the south.

Mr. Goldsmith said on the original design, and I'm not defending the design, okay, it was a very smart design, but it just came into the site. It actually wasn't in the road. It was north of the road. I understand you would like it on the south because that's normally how you do things. The question is does it need to go farther than is necessary to serve our site as long as it can be T'ed into if something develops in the future?

Mr. Feltman said well, as you know Bruce, typically we extend the utilities to the far end of the property because we have other properties that need to be served by this sanitary.

Mr. Goldsmith said we didn't view those properties likely to happen. On the other hand, we viewed the fact they had to be extended so that 401 could develop, so we were kind of focused on the southwest corner, not the southeast corner.

Mr. Feltman said correct, but our Boundary Agreement right now has the south side of, so we have to make sure that we can serve all those properties.

Mr. Goldsmith said I understand and the capacity is there. It is just each one of these things is a big, big ticket item.

Mr. D'Alexander said to kind of elaborate on what Bruce was saying, I think the design intent when we had met originally was to bring the sanitary sewer at least to the southwest corner of our property and then have our individual buildings serve as kind of off of that. So where we kind of have it right now, it is actually north of the right-of-way within an easement with the intent because with this particular plan on Sunrise we kind of terminated at pretty much the existing location of where the pavement is out there now. Again, we were doing those pavers to get it through and potentially to Frieder Lane, but with the final buildout, if it ever were to happen, and basically the sanitary sewer we are anticipating would be part of the construction of the future half road at a later point to get it to extend it to the other side of the...

Mr. Feltman said but I guess I keep coming back. I mean you know how it works Bruce. You always bring the utilities to the far end of your property. That's generally how...

Mr. Frankino said that's consistent with Fox Metro's standard as well, to the far property lines.

Mr. Feltman said maybe I wasn't tuned in on that during the DST meetings, but now that we've looked at it in detail and we started realizing we are obligated to serve those properties and so as part of the review...

Mr. Goldsmith said up to this point we were talking about snow plowing and...

Mr. Feltman said there was a lot of discussion on roadways and I understand that was the focal point. It was never 100% solved.

Mr. Goldsmith said I can't hold you to any of these things. All I'm trying to do is figure out what we have to do as opposed to if there is some discretion that we can figure out where we are going to have to spend money. That's all I'm trying to do. So I'm going through all of these things to make sure because we do need to have an understanding now because we have to submit some plans and so it can't just be on a blank canvas. We need to kind of hone in on these things.

Mr. Feltman said the roadway improvements were a city-wide comment.

Mr. Goldsmith said I understand, but I think at this point we need to evaluate whether the major collector impacts and whether we can prove to you that maybe something less is adequate.

Mr. Feltman said it all bears out on the pavement design. Do you have some soil borings out there yet?

Mr. D'Alexander said we do on site. I don't know if we were able to drill the road yet.

Mr. Feltman said what we did with Duke Parkway was the same thing. We anticipated what the truck traffic was going to be. Actually the pavement design ended up being about a major collector as it was as it turned out. Obviously, Old Dominion is a heavy truck user, so there is going to be quite a bit of vehicles on the road. We are open to looking at a pavement design.

Mr. Goldsmith said there is absolutely no question we are going to give you a first class piece of pavement to the entrance to the road, to the entrance on Meridian. The only question is do we need to extend it because there won't be any significant amount of traffic that we're generating? I hear your other points.

Mr. Feltman said we've got to look out for the future.

Mr. Goldsmith said I understand, but the question is would the future ever demand, and the traffic study may help that by just showing given ORI what would be the average number of vehicles that would be generated given the size of the lot because you are not going all the way to the Tollway either. You are only taking that next swig of lots and taking this little bit here and maybe you are picking up this little bit here.

Mr. Feltman said in our current Boundary Agreement...

Mr. Goldsmith said I know, but it was just negotiated. Is there anything more than what I'm just saying?

Ms. Phifer said so that's the current.

Mr. Goldsmith said I understand, but I'm just saying I don't think it planned to go all the way to 59.

Mr. Feltman said no.

Mr. Goldsmith said and then that would bring another road in and that's a whole different issue.

Mr. Feltman said correct.

Mr. Goldsmith said so then the other questions which go to some of the comments that kind of cross over from Engineering to Annexation. I think we already established the profile for Sunrise, I mean you have 80 feet of right-of-way for the extent of the property. You already have 66 feet for Meridian, so you don't need any more dedication. I know you want some triangles and we'll deal with that. We do not have the ability to deliver the next piece of Sunrise, which will be a requirement of Lot 401.

Ms. Phifer said that actually speaks to our very first comments, I think on all of ours, that we really need to, in order to continue to review this, we really need a revised Preliminary Plat for all of Unit 4 because we are kind of looking at this in a vacuum and not really understanding how it relates to the remainder. I understand that you are not ready to do a Preliminary Plan for 401, but I do think that we need to see a Preliminary Plat for the entire Unit 4 in order to know how this piece fits in so that we can make sure that our comments are relevant. We need a revised plat because we are not going to be able to get to final. You guys are going to want to come in and do a Final Plat of Subdivision and we are not going to be able to approve a Final Plat of Subdivision on this lot until we have a Preliminary Plat of all of Unit 4 so that we know how it fits in. We are going to need that sooner rather than later.

Mr. Sieben said there has been some movement there Bruce with Frieders location as shown here. You've got that little buildable piece on the west side of Frieders there. That's always been kind of hanging there too, so is that like a 403? Do you know what I mean? So there are some moving targets here that we would like to see.

Mr. Goldsmith said absent a real user for a small lot, we don't anticipate that will ever develop.

Mr. Sieben said but I know during our meetings...

Mr. Goldsmith said we have, we have speculated could we come up with something. It is such an odd shape.

Mr. Sieben said but it is possible.

Mr. Goldsmith said I can't deny that. The problem is that that plat would be DPV's vision for the moment rather than Old Dominion's vision. Old Dominion has nothing to do with that.

Mr. Sieben said correct.

Ms. Phifer said except that we need to know how Old Dominion fits into the overall piece, so that's why we are going to need that Preliminary for all of Unit 4.

Mr. Goldsmith said putting aside the question that you are not giving us advice, okay, I mean there is only one way to build that lot. We have to extend Frieder Lane and it is going to cul-de-sac and there is going to be 1 or 2 lots there depending on what the future market shows. With respect to even planning that on a preliminary basis, when we originally talked it sounded like Sunrise would just be a fire lane someday.

Ms. Phifer said we are expecting it to be a fully improved right-of-way.

Mr. Goldsmith said alright. So then you want us to show an extension of Sunrise on the lot, whatever the lot is, to connect to Frieder. Beyond that, there would be nothing more to (inaudible) obviously that lot. We would either call it out or we wouldn't call it out.

Ms. Phifer said and obviously it is a preliminary, so it can change again, but I think what we need is to kind of have a grasp of what the picture looks like right now so that we can see how this fits in.

Mr. Goldsmith said you had a comment about, you know, for security purposes of Old Dominion's fencing off-site. You had a comment about the detention pond and fencing. Can you explain what the concern is? I'm sorry, the northeast detention pond.

Mr. Feltman said I guess just access. Typically what we do is if a restrictor gets clogged or something happens we'll try to get in there and fix it, access it. Is there going to be any access to the pond?

Mr. Goldsmith said I'm sure there will be because we are going to have to maintain it, so I suppose it will be gated.

Mr. Feltman said okay. I think that's a detail we can work out. I think the main question was just if something should go wrong with it how would we gain access?

Ms. Phifer said or the fence just moves so that the pond is...

Mr. Goldsmith said I don't know how it affects the security issue.

Mr Feltman said that's a possibility too. Maybe the fence just gets routed around the pond.

Mr. Goldsmith said then, I don't think it is any big deal, we are going to connect to the DuPage pond and you want us to just talk to DuPage.

Mr. Feltman said yes.

Mr. Goldsmith said but I mean it is connected now. It is not going to change.

Mr. Feltman said correct. I think the big thing was with that, was there anything in the restrictor that needs to be changed because I think the way it was shown was just a straight, almost like a culvert and it looked like the ponds...

Mr. D'Alexander said it was just more the way we designed it because we were, it's a little complex, but basically we're assuming that there is going to be an equalizer pipe and that the existing restrictor was going to be, so basically we kind of designed it based on the release rate of the pond as is, so it is actually probably storing more volume than, you know, if we had a restrictor on our site.

Mr. Feltman said and again I mean I think that is kind of a detail we can work out. I think the only thing would be, I mean there are 2 ways to look at it, or 3 ways. One is that nothing changes, right, and that's kind of the way I think you were approaching it, or you could put a restrictor on your pond or make a modification to the outlet of the DuPage County pond. The main thing was just making sure that DuPage County was okay with that connection and that they were okay that nothing needed to change.

Mr. D'Alexander said so are you just looking for, because you said part of the preliminary approval was we would need approval from DuPage County. It is just a letter stating that we've reviewed it with them? Before in the preliminary stage, we are not going to be dealing with DuPage County with final stormwater until we would get to final engineering.

Mr. Feltman said final engineering yes. I guess it would just, I mean, something documenting that you've made contact with them and that they understand your proposal. Like you said, you are already connected to it right now.

Mr. Goldsmith said we didn't say it was a big deal. It is just a question of what you needed now.

Mr. Feltman said I guess just that they are aware of it.

Ms. Phifer said a comfort level.

Mr. Feltman said yes.

Mr. Goldsmith said there was another comment on the southwest where we are showing an extension of what we are actually creating the first part of the lot 401 stormwater, but just necessary so we can take the water from the site.

Mr. Feltman said right.

Mr. Goldsmith said there was a comment about getting access to it and Jim wanted to point out that we are not putting a restrictor in right now.

Mr. D'Alexander said one of the things that, so the restrictor for Lot 402 is actually just south of our pond and just north of Sunrise outside of the right-of-way and then there is a 24 inch pipe that basically hugs the east property line of Lot 401. What we were trying to do, and if it is an issue we can take it off the plans for right now, but what we are trying to do is minimize the amount of improvements that would need to be done on that east property line, so we are trying to build part of that berm to storm sewer obviously, and then some of the flared ends and restrictor. We wanted to build the

restrictor structure, but not actually install the restrictor plate. So that was on the detail we have for that structure. It was kind of called for it to be left off and so part of the comment was just about getting access to that restrictor structure and then connection to the south, but depending on how we do it we can, I guess, push that down the road until Lot 401 comes into play.

Mr. Feltman said I think that's the concern is that that's a long distance for a storm sewer that's basically going to be in a field with no way to really access it because 401 is not developed, so if anything gets clogged in between, I mean, that's a long distance to be able to try to gain access to, even if it is for your guys to clean it as well. Like I said, typically the city will try to do as much as we can to clean structures out or unclog pipes or even the field tile for that matter. It is all reliant on that storm sewer and that field tile.

Mr. Goldsmith said we have, in fact, improved that and done it on our own without having access.

Mr. Feltman said correct, but you did it on your own time whereas if it is clogged and it, the elevation isn't that much different from your outlet to the outlet of Old Dominion's detention pond, so anything gets clogged in between it loses volume then.

Mr. Goldsmith said let us look at that. We just wanted to find out what the concern was.

Mr. Feltman said it is being able to, anybody, being able to get access at any time.

Mr. Goldsmith said we don't know what the ultimate contours of that pond are going to be with it.

Mr. Feltman said correct.

Mr. Goldsmith said what the banks are going to look like and we didn't want to put a (inaudible) road in then have 1,000 feet of stone to remove because we moved it around.

Mr. Feltman said we can talk about it. There just needs to be some way for a vehicle to access those storm sewers.

Mr. Goldsmith said I guess then we could talk about the Annexation Agreement.

Mr. Sieben said okay.

Mr. Goldsmith said you should all have the revised version I sent back.

Mr. Sieben said who was it sent to?

Mr. Goldsmith said I sent it to 3 of you.

Mr. Sieben said when was that?

Mr. Goldsmith said Friday. Just overall comment, I had followed the Farnham agreement, so Stephane the whole issue about owner versus developer, so now we are back to having the developer put back in again where the owner is the developer. It is no big deal. It is just do we need both if the owner is doing it?

Ms. Phifer said the only reason we prefer to keep it the same is that way then if somebody is ever looking at this one to see how to do a different one then we are not having the same argument over and over again.

Mr. Goldsmith said I had changed it because you told me you were having a problem with it because I was differentiating between the owner and developer because the owner was not going to develop it.

Ms. Phifer said right because we had the 3 parties on the first one.

Mr. Goldsmith said apart from that, anything that is off the site is out of Old Dominion's control and so we are submitting an agreement that is within Old Dominion's control, so we are not obligating DPV to anything.

Mr. Wiet said well we are opening up the Butterfield PDD, Unit 4 to include the 5 acres of Old Dominion as a permitted use as a truck terminal. Since that's open, I think we could recommend

changes because you are recommending changes.

Mr. Goldsmith said no, I'm not recommending any changes. We are asking to bring it bring it in the same as you brought in Farnham, just straight ORI PDD is the way we did it.

Mr. Wiet said but you are opening up the document to put that in there. So are you talking about restricting 401?

Mr. Goldsmith said yes.

Mr. Wiet said I think that's going to be a huge debate.

Mr. D'Alexander said it could be a huge debate, but...

Mr. Wiet said well no you can explain it at Commission and Council, but that's a pretty solid recommendation. If you think legally you can't tie the two because you've sold the property...

Ms. Phifer said well and actually the agreement doesn't bound DPV to anything. What the agreement bounds is Old Dominion needs to coordinate with them and then states that the city will not annex it until such time that the revision is made.

Mr. Goldsmith said I understand that's your recommendation. I'm just telling you Old Dominion can't bind DPV and DPV won't be bound, so we need to get past that.

Mr. Wiet said so are you just going to submit this 5 acres as a special use on its own?

Mr. Goldsmith said no, we'll submit it just like what we have and then you'll make your recommendation and we'll just have to figure out where it falls.

Mr. Wiet said you know what this is getting to. We don't want a truck terminal on 401.

Mr. Goldsmith said I understand, but you can say that about of Duke's property, you could say that about White Oak...

Mr. Wiet said on the Tollway, no frontage on the Tollway.

Mr. Goldsmith said White Oak has frontage on the Tollway. They have no restriction. DPV is 3 pension funds. The pension funds are not going to take restriction and we gave you a huge change on Unit 5, which has proved to have no benefit to us.

Mr. Wiet said and it cost us money.

Mr. Sieben said Unit 5 being at the interchange. Is that what you are referring to?

Mr. Goldsmith said yes.

Mr. Wiet said yes, bearing of a line you mean?

Mr. Goldsmith said no. I understand what the trade-off was. I'm saying, and I'm not complaining about it, I'm saying we did this because you thought that was a better future use. We are not resisting that.

Mr. Wiet said we did it to bury power poles that if you were going to have a truck terminal we wouldn't have cared.

Mr. Goldsmith said this was always going to be high profile in the end.

Mr. Wiet said and 401 hopefully will be too.

Mr. Goldsmith said I think you are worrying about a ghost. The chances that, I mean it is a 30 acre site, it's got good visibility, the chances it would be a truck terminal are slim and remote, but we are not going to put restrictions on it. We being the other hat I wear. To some extent you can't dictate the market and so trying to put a single set of restrictions on one lot is trying to anticipate something that may never happen, but on the other hand it is not going to be a concession.

Mr. Sieben said well it is a lot that isn't part of the same unit and is tied together with roadway network and so on, so there is a little bit of tie in.

Mr. Wiet said we anticipated your comments.

Mr. Goldsmith said well the flip side of that is that we've had an Annexation Agreement in draft form with the city for months and we got no feedback and now we are hearing you don't want to give us feedback. The feedback we got on those conditions aren't acceptable.

Ms. Phifer said so we are going to agree to disagree on that point.

Mr. Wiet said and again this is a case where property was closed on. You don't own it anymore and you didn't get entitlements. I've been arguing 10½ hours on another similar case.

Mr. Goldsmith said except that this was a situation where when you came to us and said we are working out a boundary line agreement with Naperville, it was just like this is going to be ORI like everything else. It just happens you just don't like the particular use. To be honest with you I don't really understand that...

Mr. Wiet said well no, again, you think it is not going to happen. I don't think the city prefers a truck terminal along the Tollway and that's, I think, probably what this is about. It is a permitted use in Unit 4 and granted everything you are saying might have merit, but again, if you let the market drive it, warehousing and trucking is a big part of today's business and so is multi-family. We'd be out of jobs if we approved acres for apartments and warehouses. The market's also got to accommodate some kind of a plan to a degree.

Mr. Goldsmith said this zoning has been there for 40 years, so it is not like it is a surprise. The problem I have is that when you, I understand warehousing, sometimes to the extent that it often doesn't generate a lot of jobs, this is a job rich development for blue collar jobs at very good pay and I just can't believe the city wouldn't want to encourage that because we have people who could use those jobs.

Ms. Phifer said but I think at this point, staff is proceeding with the use on this lot. What we are saying is that one, okay fine, but have this be all the only uses in this area that the same thing is up on the other lot, so we want to make sure we have a diverse mix of uses. So I guess that's part of it is that if this use goes in here we want to make sure that that same use doesn't perpetuate on the other lot as well.

Mr. Goldsmith said yet if Duke got it, they could have it. If whoever owns White Oak gets it, they could have it too.

Ms. Phifer said well I think that's again, we are saying along the Tollway.

Mr. Goldsmith said no I'm saying you can go right across to White Oak. They have 30 acres right at the corner, a beautiful site...

Ms. Phifer said would you like us to restrict that one too?

Mr. Goldsmith said I'd like to see you do it legally. It just doesn't make any sense.

Mr. Wiet said well I guess if they open up their planned development for inclusion...

Mr. Goldsmith said they've got the same ORI. They can do whatever they want. They can put up a million square foot warehouse.

Mr. Wiet said it might be a special use.

Mr. Goldsmith said I thought it was actually part of the original...

Ms. Phifer said but I think that's been pretty consistent about not wanting to see, I mean we wanted to raise the profile of the properties along the Tollway. That's been something that the administration has been supporting for quite some time.

Mr. Goldsmith said and we are pricing the land to encourage that. We've been very patient. You don't

have anybody that's been here 40 years. At some point the market is going to have to dictate it.

Mr. Sieben said and Bruce, just with your other hat, we had preliminary discussions on 401. DPV does not have a user, a specified user for that right now.

Mr. Goldsmith said well we had a prospect that we've been working with the city. I don't know where that's at.

Mr. Wiet said do you know where that is at?

Mr. Goldsmith said I don't know where it's at. It seems to be still out there.

Ms. Phifer said so it sounds like we are agreeing to disagree on the provisions regarding the uses on the remainder of Unit 4. Where there other comments?

Mr. Goldsmith said well anything that binds DPV to do something now. If you are telling me that any of the other off-site issues are really relating to needing a plat, I'll talk to them about that.

Ms. Phifer said honestly without having a plat we weren't clear which ones were off-site and which ones were on-site. So I guess I can't answer that. Maybe we are asking for more off-site, but not knowing what the off-site is...

Mr. Goldsmith said but just so we are clear this is where Sunrise ends and this is where Lot 402 ends. Well it doesn't end there, but for the purpose of dedicating road it ends. This is land that is owned by the Venture, so the side of the bulb, the east side of the bulb is still Venture land. It is a part of what we've always thought to be 401. It is just they bumped the detention to make the site work.

Ms. Phifer said so we might be talking about, but if everybody is agreeing it is going to be right-of-way then I guess we are going to have to see once we get that preliminary plat.

Mr. Goldsmith said okay. All I'm saying to you is rather than going through with you all of the off-sites let me talk to the other client and figure out if we can accommodate some of that.

Mr. Sieben said what's the size of that remainder lot approximately? About an acre and a half?

Mr. Goldsmith said yes. From time to time we looked at is there something that could fit in there. We've also looked at if Lot 401, this big user we are looking at, we might have needed it for detention or something or compensatory storage or something like that.

Mr. Sieben said it is kind of flex.

Mr. Goldsmith said right. Would we actually call it a development lot? I don't know. But given the shape, by the time you put setbacks on it I'm not sure you could do much with it.

Mr. Sieben said does Building and Fire or Fox Metro have any comments?

Mr. Frankino said keep in the mind the Annexation Petition and what not for Fox Metro.

Mr. Goldsmith said we understand that.

Mr. D'Alexander said I know we started the, I think we submitted the letter and then the surveyor is preparing the plat.

Mr. Frankino said I just want to make sure we are prepared to deal with that southeast corner that's not in our facility planning area. I think the process will be simple though. We need to start the process with the petition so that we can get going on our end. Whenever you are ready just let me know.

Mr. Goldsmith said we built one very big lift station there.

Mr. Frankino said sure.

Mr. Goldsmith said very deep, so I'm pretty confident the capacity is there.

Mr. Cross said as far as on the Fire end, we had mentioned 4 items that need to be addressed. As

long as those things are addressed on the plan and are clearly seen on resubmittal, then that's all we require.

- 1 DST Staff Council 03/15/2016
(Planning Council)

Notes: *Mr. Minnella said staff has received the Annexation Agreement and staff is reviewing the Annexation Agreement.*

Mr. Sieben said the revised?

Mr. Minnella said the revised, yes.

Mr. Feltman said Engineering sent out comments. One of the comments we revised after it was sent out was specifically requesting the traffic study being submitted as part of the Preliminary instead of as part of the Final. The applicant, during last week's meeting, indicated that they had submitted a traffic study, but I checked with the City Traffic Engineer and he does not have it. So as we discussed yesterday, we're just asking to submit into us as part of the resubmittal.

Ms. Phiher said the formal submittal for the casefile correct?

Mr. Feltman said correct.

Mr. Wiet said was there an informal submittal of sorts?

Mr. Feltman said we can't locate it.

Mr. Wiet said well that's what happens when nothing is submitted formally. It gets lost or it never gets submitted.

Mr. Feltman said right. Well if it got submitted that far in advance, why would he look at it because the project hadn't been submitted formally yet? As we discussed with the applicant, they are going to just turn it in as part of the resubmittal.

Ms. Phiher said and just to clarify too, at the last meeting it was indicated that we had been given a revised Annexation Agreement and we went back and looked in our files and we did not receive that, so Bruce did forward that to us. It is unclear to us whether that Annexation Agreement was pursuant to our comments or if that was sent prior to our comments going out and so we are going to double check that, so we may not actually have a response to our comments at this point. That's just not clear, so we are going to make that determination.

- 1 DST Staff Council 03/22/2016
(Planning Council)

Notes: *Mr. Minnella said we sent out comments for the Annexation Agreement yesterday and we also followed up on the first set of comments that we sent on February 26th regarding the Preliminary Plan and Plat. We haven't heard back from the Petitioner.*

Mr. Feltman said we sent out comments as well. We've had a few conversations with the design engineer. Their initial submittal was a little more than just preliminary, so they were asking if they could just send in the Preliminary Plan, which I said was fine because the other set was kind of like maybe 50% full engineering and we really didn't look at it very closely because we just kept looking at the preliminary. We haven't gotten a submittal back.

- 1 DST Staff Council 03/29/2016
(Planning Council)

Notes: *Mr. Sieben said we do have a meeting set up with Bruce Goldsmith on Thursday afternoon to kind of go over some of the outstanding items, so we'll see what happens then.*

- 1 DST Staff Council 04/05/2016
(Planning Council)

Notes: *Mr. Minnella said staff had a meeting with Bruce Goldsmith, the lawyer for the Petitioner, and we discussed the Annexation Agreement. Staff has not received a revised Annexation Agreement per comments that were sent out or Preliminary Plat.*

Mr. Feltman said Engineering sent out comments and we have not received a resubmittal back.

Mr. Frankino said we haven't received anything yet towards annexation and it just starts getting me

concerned because I'm afraid at one point it is going to be all of a sudden and then we are going to be backed up because we have to deal with that Intergovernmental Agreement with Naperville. If for some reason you happen to remember us when you're talking to them. They just should probably knock on our door to get that started because that might be a little bit of a process given that FPA issue.

Mr. Feltman said I think there were a lot of issues that we were trying to work out with the Petitioner, so I think they were trying to concentrate on those issues before they started, you know, because they are just in preliminary right now, so it is Preliminary Plat and Plan. They will have to come through with a Final Plat and Plan, so there is another process. That's probably when you will start having them contact you in earnest to get everything annexed in the FPA.

Mr. Frankino said I'm trying to keep the issue alive.

- 1 DST Staff Council 04/12/2016
(Planning Council)

Notes: Mr. Minnella said staff has received the Annexation Agreement and the Preliminary Plan and Plat and staff is reviewing the Annexation Agreement and the Preliminary Plan and Plat and will send review comments once the review is done.

Mr. Sieben said okay and then we will get back to the Petitioner on a schedule.

Mr. Minnella said yes.

Mr. Feltman said we did receive the submittal. We'll just have to get to it when we can.

- 1 DST Staff Council 04/19/2016
(Planning Council)

Notes: Mr. Minnella said staff has sent conditions to the Annexation Agreement and the Preliminary Plan and Plat.

Mrs. Vacek said have we sent them out yet or we will be sending them out?

Mr. Minnella said we will be sending them out, yes. We reviewed the Annexation Agreement and the Preliminary Plan and we will send those out shortly.

Mrs. Vacek said this is set for the May 18th Planning Commission. There are a number of items that we are agreeing to disagree on, so those will be conditions under the approval as we go forward. We will be sending those out probably in the next day or two.

Mr. Cross said we are still waiting on Fire Access Plans. We've got comments that are still outstanding.

Mrs. Vacek said do you know if we got a resubmittal for the Fire Access Plan?

Mr. Minnella said no, we did not.

Mr. DuSell said Engineering is currently under review of the current submittal that they've made.

- 1 DST Staff Council 04/26/2016
(Planning Council)

Notes: Mr. Minnella said Old Dominion is scheduled to be on the agenda for Planning Commission on May 18, 2016.

Mr. Feltman said Engineering is going to meet with their engineer on Monday and just discuss any of the remaining items. There are going to be a couple of changes, but nothing major.

- 1 DST Staff Council 05/03/2016
(Planning Council)

Notes: Mr. Minnella said staff has sent comments to the developer. This item is set for the Planning Commission on May 18th.

Representative Present: Bruce Goldsmith

Mr. Goldsmith said so there are a couple of things in the Annexation Agreement and a couple of things that came up when we were talking in Engineering yesterday, so I just wanted to bring that up to your

attention. One is you've asked for sidewalks on what would be the remaining 3 sides of the property, but the sidewalk on the Frieder Lane side, which is the west side may depend on where the storm sewer goes and since we don't know exactly how the road is going to align, we would like to defer putting it in because otherwise we're likely to have to tear it out to be able to put in utilities.

Mr. Sieben said but I thought you weren't building Frieder right now.

Mr. Goldsmith said we're not. But I'm saying if we put sidewalk in now we are going to probably have to take it out to put in some of the utilities, so we'd like to defer it if possible.

Mr. Feltman said so defer it to construction of Frieder Lane, correct? That's what you're asking?

Mr. Goldsmith said yes.

Mr. Sieben said that makes sense.

Mr. Feltman said it makes sense to me. I don't know where the comment came from.

Mr. Goldsmith said we are already moving watermain again, so it's like until we really have everything fixed we'd just like to do that.

Mr. Sieben said okay. Issue 1.

Mr. Goldsmith said the second one is there was a question raised yesterday about the little strip of Sunrise, which would be on DPV property, and it is unclear in the agreement.

Mr. Sieben said so this little piece over here?

Mr. Goldsmith said yes. We have given you, we proposed to give you an easement over all of, well 66 foot of easement along Frieder for utilities or roadway purposes. We've also proposed to give you the one on Sunrise, but there would be nobody putting it in until DPV develops Lot 401, or whoever develops Lot 401. So just getting clarification because it wasn't clear when we met with Engineering what's supposed to happen with that little strip.

Mrs. Vacek said well my understanding, and I have to go back and look at your last revisions to your thing, but my understanding was you guys were saying that you were putting it in.

Mr. Goldsmith said no, it never said that.

Mrs. Vacek said that's what I believe the Annexation Agreement says.

Mr. Goldsmith said well if it does, that's why I'm raising the question because it is DPV land. It is not Old Dominion land.

Mrs. Vacek said so if that's not the case, then I guess the Annexation Agreement, you need to tell us what you are proposing.

Mr. Goldsmith said that's fine. Okay I'll do that.

Mrs. Vacek said but what I believe the Annexation Agreement said is that you were putting it in.

Mr. Sieben said so what Tracey is saying is there is a discrepancy from what you verbally have already said and what you just said now to what's in the Annexation Agreement.

Mr. Goldsmith said but I don't think it was our version of the Agreement.

Mrs. Vacek said I think it was the last version that you gave us.

Mr. Goldsmith said no, I don't think so.

Mr. Sieben said we'll double check.

Mr. Feltman said and the Preliminary Plan needs to be adjusted to reflect what is going to be built and what's going to be deferred as well.

Mr. Goldsmith said but until I get clarification on a couple of these things I don't know what to put there.

Mrs. Vacek said so look at what you put and then if you are proposing something else then we'll take a look at it.

Mr. Goldsmith said that's fine. In the Annexation Agreement we had a recapture provision that was crossed out from the latest version.

Mrs. Vacek said correct. I believe that the, what were you recapturing for?

Mr. Goldsmith said the road and the utilities, Meridian and Sunrise to the extent that there is development on the other side of the road.

Mrs. Vacek said correct, and I believe we crossed that out because they are not building Frieder with that, or the half of Frieder, so that's taking the place. I believe that's what that was all about.

Mr. Goldsmith said I don't understand that.

Mr. Wiet said the recapture or the full improvements?

Mr. Goldsmith said well I don't understand the full improvement.

Mr. Wiet said I think Tracey answered that.

Mr. Feltman said as far as utilities, you are required to extend the utilities to the end of your property.

Mr. Goldsmith said I understand that. What I'm saying is if the south side of Sunrise, which is in your boundary line agreement, comes into Aurora, they shouldn't get a free road. Similarly, if the east side of Meridian comes into Aurora, they shouldn't get a free road. That's the whole point of recapture.

Mrs. Vacek said I believe our boundary agreement is with Naperville and I don't know how we recapture off of...

Mr. Goldsmith said no, I'm not suggesting that.

Mr. Sieben said so that's Meridian what she just talked about with Naperville.

Mr. Goldsmith said I don't think Meridian is on either. I don't think it is covered by the boundary.

Mrs. Vacek said I'll have to look at that.

Mr. Feltman said Meridian is the boundary line.

Mr. Wiet said whether it is centerline or, no we probably have the whole right-of-way because part of this is already annexed.

Mr. Goldsmith said well you have the right-of-way when you get up there. It's down below where that flag lot is.

Mr. Wiet said I think we described it all the way from north of town to south of town, so I could see if the description talks centerline or if it talks, I think it would be until whoever...

Mr. Feltman said well we annexed, so Meridian is ours.

Mr. Wiet we annexed, so we would have had it, and that little sliver area would continue even though it's not.

Mrs. Vacek said however, I don't know how we recapture off of property that's not in our area.

Mr. Goldsmith said no, I'm not suggesting that. I'm suggesting if it comes into Aurora that we are entitled to recapture. I can't recapture against somebody who is...

Mr. Wiet said the developer would rather tie into Aurora's utilities and annex in if Naperville says it is okay.

Mr. Goldsmith said could we have an aerial because it would be easier? The way I understand the boundary line agreement, where Ed has his arrow right now, anywhere to the right or east, I'm not sure that's covered by either. What I know is that there is a line coming down Meridian. It jogs and then comes down that little flag lot and then goes over and then picks up. So those properties south of Sunrise, west of Meridian are within Aurora's boundary.

Mr. Wiet and the flag lot is already annexed into Naperville.

Mr. Goldsmith said right. It's part of what we call the Broomis property, but somebody else owns it now. So all I'm saying is I don't believe that the boundary line agreement contemplated either of you taking that or...

Mr. Sieben said you're saying this is no man's land?

Mr. Goldsmith said yes.

Mr. Wiet said like a self-determination? I can't remember. It could be.

Mr. Feltman said the way it is shown in the boundary agreement is everything east of Meridian is in Naperville's boundary currently. That's the way it's shown.

Mr. Goldsmith said okay. I didn't read it that way.

Mr. Feltman said there is an exhibit that shows...

Mr. Goldsmith said I've seen the exhibit. It is a very hard exhibit to follow. I followed kind of the description.

Mr. Feltman said so you think there was some flexibility with the area to this?

Mr. Goldsmith said I think that neither of you really dealt with it. I just think it dropped off because there is so much difficulty with their getting utilities up there. I don't know that they really claimed the land.

Mr. Feltman said I thought that the original agreement was very vague in this area, but then the current one that was just revised cleaned that whole area up. The way I saw it was the line came right down Meridian and follows those properties...

Mr. Goldsmith said I would be happy to just have you educate me on that, just because I couldn't figure it out exactly, but I don't disagree that if it goes to Naperville we are not going to get recapture, but if it comes to Aurora we would like recapture. That's all.

Mrs. Vacek said we can take a look at that.

Mr. Goldsmith said and then the city's position on the roads is because half of Frieder isn't being built and that why you want the full on the other?

Mr. Sieben said yes.

Mr. Goldsmith said those are my issues.

Mr. Cross said I think we still need a revised Fire Access Plan addressing the FDC location, the spacing on the supply hydrant and lock boxes on the gate. Those are the 3 things that I think are outstanding.

Mr. Goldsmith said you guys need to slow down for me. I didn't understand your first comment.

Mr. Cross said the FDC location facing...

Mr. Beneke said has to face Meridian.

Mr. Cross said right. It is a Meridian address so the Fire Department Connection.

Mr. Goldsmith said Dan, in light of what we were talking about yesterday, can you explain how that affect this?

Mr. Feltman said we were talking about this yesterday. That hydrant that's in the median is a little longer than 150 feet, but I think if we went just a little further, like 160, we could get within your 100 feet. We weren't sure. That has to be dimensioned out. The fire hydrant has to be what?

Mr. Cross said with 50 to 100 feet.

Mr. Beneke said 100 foot maximum, 50 foot minimum. If it is a little over 150 on your lead, then I would suggest just having your engineer confirm that it meets fire flow.

Mr. Feltman said and this is our high pressure system, so I'm thinking that we probably are going to be able to meet our minimum.

Mr. Beneke said 10 feet or so probably is not going to be a huge deal.

Mr. Goldsmith said so that's the first thing. The second thing is the lock box. I heard you on that one. Is it just the plan itself you need to see again?

Mr. Cross said right because it doesn't show the FDC, it doesn't show those things being addressed.

Mr. Feltman said what I think would probably be the best is to put it on that face that's closest to Meridian to get the Fire Department Connection as close to the hydrant as possible and then that would also get it on the address side, correct?

Mr. Cross said exactly. So like right here. Right now it shows it here. It should be on the face here.

Mr. Feltman said and that will get it closer to the hydrant too.

Mr. Goldsmith said so where it juts out a little bit, that's where you want it?

Mr. Cross said correct. That's right where you main entrance is, right?

Mr. Goldsmith said yes. Dan, you think that will solve both problems?

Mr. Feltman said it will help both, yes.

Mr. Goldsmith said but otherwise we're really holding the 100 feet and if we have to play a little bit with the 150 that's...

Mr. Beneke said 100 feet from the FDC is his requirement. What Dan's talking about is a lead off the loop main...

Mr. Goldsmith said I understand, but I'm saying the priority is to keep the 100 foot and then to get as close to 150 as possible.

Mr. Feltman said yes.

Mr. Beneke said based on what Dan is saying I think your engineer can clearly show that he can meet fire flow by being a little over 150 feet on the lead.

1	DST Staff Council (Planning Council)	05/10/2016	Forwarded	Planning Commission	05/18/2016	Pass
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Action Text: A motion was made by Mr. Minnella, seconded by Mr. Beneke, that this agenda item be Forwarded to the Planning Commission, on the agenda for 5/18/2016. The motion carried by voice vote.

Notes: Representative Present: Bruce Goldsmith

Mr. Sieben said all these 5 are going to go together and be voted out today?

Mr. Minnella said yes. They will go to Planning Commission on May 18th. We did receive the Annexation Agreement from the Petitioner as of yesterday. Staff is reviewing the Annexation

Agreement. We have not received the Preliminary Plan and Plat revised per the staff comments. I make a motion to move this to Planning Commission next week with conditions.

Mr. Sieben said Alex made a motion to move out with conditions.

Ms. Phifer said and it is the same conditions we gave you.

Mr. Minnella said yes. We are moving forward with the same conditions that we provided 2 weeks ago.

Mr. Feltman said the only thing that we are adding is an access road down to the outlet, but we had talked about that.

Mr. Goldsmith said yes. I checked on that and we are fine with that.

Mr. Cross said the FDC, I sent you a copy of that Fire review memo.

Mr. Goldsmith said and I've sent that to the engineers and we will submit a new Fire Plan.

Mr. Beneke said we need a revised Fire Plan.

Mr. Feltman said the only condition that Engineering is going to add in is we need an access road down to the final outlet through 401, which we've discussed with the applicant.

Mr. Sieben said so we have a motion with conditions with the added Engineering. Is there a second? Mr. Beneke seconded the motion. The motion carried unanimously.

Mr. Sieben said so these will go to the May 18th Planning Commission.

2	Planning Commission	05/18/2016	Forwarded	Planning & Development Committee	05/26/2016	Fail
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Action Text: A motion was made by Mr. Cameron, seconded by Mrs. Cole, that this agenda item be Forwarded to the Planning & Development Committee, on the agenda for 5/26/2016. The motion failed.

Notes: See Attachment for 15-01141 (Annexation Agreement, 15-01144 (Preliminary Plat), and 15-01145 (Preliminary Plan).

Aye: 3 At Large Cameron, At Large Cole and At Large Engen

Nay: 6 At Large Bergeron, Aurora Twnshp Representative Reynolds, At Large Anderson, SD 204 Representative Duncan, SD 131 Representative Garcia and Fox Valley Park District Representative Chambers

Attachment for 15-01141 (Annexation Agreement), 15-01144 (Preliminary Plat), and 15-01145 (Preliminary Plan)

- 15-01141 Requesting approval of an Annexation Agreement for 4.96 acres located at the northwest corner of Sunrise Road and Meridian Road (DuPage Properties Venture, as beneficiary to Chicago Title Land Trust 43123, dated 10/8/1971 – L15-01141 / NA04/1-15.225-AA/A/PD – AM – Ward 10)
- 15-01144 Requesting approval of a Preliminary Plat Revision for Butterfield Phase II Unit 4 located south of Ferry Road east of Eola Road (DuPage Properties Venture – L15-01144 / NA04/1-15.226-Ppn/Psd/R – AM – Ward 10)
- 15-01145 Requesting approval of a Preliminary Plan on Lot 402 of Butterfield Phase II Unit 4C located at the southeast corner of Ferry Road Frieders Land for a Motor Truck Terminal (3310) (DuPage Properties Venture – L15-01145 NA04/1-15.226-Ppn/Psd/R – AM – Ward 10)

16 CHAIRMAN TRUAX: Okay. Our first item for
17 business is an ordinance providing for the execution
18 of an annexation agreement providing for vacant land
19 PDD, planned development district zoning with the
20 owners of record of territory which may be annexed to
21 the City of Aurora and which is located at the
22 northwest corner of Sunrise Road and Meridian Road
23 being vacant land in DuPage County, Illinois, by Old
24 Dominion Freight Lines, in ward 10. And this is a

GROVE & ASSOCIATES REPORTING

1 public hearing.

2 MR. MINNELLA: Thank you.

3 The petitioner Old Dominion Freight
4 Lines is requesting -- is before you tonight to
5 request the approval of an annexation agreement for
6 4.96 acres which are located at the northwest corner
7 of Sunrise and Meridian Road.

8 This also includes -- this
9 annexation agreement includes provisions that once
10 annexed, the property will be rezoned to be
11 incorporated under the Butterfield Planned
12 Development District zoning provisions.

13 The property is currently
14 unincorporated and it is utilized as single family
15 home within DuPage County with R2 one-family dwelling
16 zoning. And any additional information pertaining to
17 the logistical history are contained within the
18 property information sheet that we attached to the
19 packet.

20 In addition to that, the petitioner
21 is also proposing the annexation of the parcel and
22 preliminary plan and preliminary plat, including the
23 subject property and the adjacent 12.65 acres
24 property.

1 And we have the petitioner
2 represented tonight by their lawyer, Mr. Bruce
3 Goldsmith.

4 CHAIRMAN TRUAX: Okay. Are there questions
5 for staff?

6 If not, we will hear from the
7 petitioner.

8 AUDIENCE MEMBER: Can you turn the volume up?

9 MR. GOLDSMITH: Testing, testing.

10 (Whereupon technical difficulties
11 were had.)

12 CHAIRMAN TRUAX: Can people hear that?

13 MR. GOLDSMITH: I'm going to talk louder than
14 that anyway.

15 CHAIRMAN TRUAX: Maybe we will combine that
16 with a loud voice and maybe we'll make that work.

17 MR. GOLDSMITH: And I don't think I need
18 amplification, but I understand other people may, and
19 it sounds like we're getting pretty good sound.

20 CHAIRMAN TRUAX: And some feedback.

21 okay. Let's try to go ahead and see
22 how it works.

23 MR. GOLDSMITH: I will keep my voice up. One
24 second. I have to get my technical assistant to help

1 me here.

2 CHAIRMAN TRUAX: Okay. Do we need to swear
3 you in?

4 MR. GOLDSMITH: Yeah, and I have a bunch of
5 potential witnesses, so we'd like -- we can do it all
6 at once.

7 CHAIRMAN TRUAX: Okay.

8 MS. PHIFER: If anyone who would like to speak
9 today, if you'd like to stand up and be sworn in.

10 (Witnesses sworn.)

11 (Whereupon technical difficulties
12 were had.)

13 CHAIRMAN TRUAX: If it comes on, it comes on.
14 If it doesn't, that's fine. We'll do it the old way.
15 We can alternately let the planning commission see
16 this and let the audience see that one.

17 MR. GOLDSMITH: The problem is I have a bunch
18 of other slides that I'd like to use, but we'll do
19 the best we can.

20 CHAIRMAN TRUAX: Okay.

21 MS. PHIFER: You can put them up there.
22 They're just going to be sideways. I can run back
23 over to the office and convert it, but I don't have
24 the --

1 MR. GOLDSMITH: I will start.

2 CHAIRMAN TRUAX: Good.

3 MR. GOLDSMITH: So my name is Bruce Goldsmith.
4 I'm with the Dykema Law Firm. I'm here representing
5 Old Dominion Freight Line. We have a number of
6 witnesses for different parts of the presentation.
7 I'm going to give you an overview and give you some
8 of the basics and we'll fill in gaps during the
9 course of the presentation.

10 So I know some of you've been around
11 for a while so you know about the Butterfield
12 Development. I'll just take one minute to say in the
13 early 1970s, 40 farms were acquired and collected to
14 become the Butterfield Development. At the time it
15 was the second largest annexation in the State of
16 Illinois other than O'Hare Airport. The first
17 largest was actually Stonebridge in the Fox Valley
18 East, which was 2,500 acres.

19 So this property extends on the
20 west, or your left, from the prairie path to the east
21 to in places 59, and I'll just do a quick -- so it
22 originally got to here. I think actually you may be
23 aware that I think the city de-annexed a small
24 portion of the property that's now going to be in

1 warrenville.

2 In any event, as part of the
3 approval in 1976, the development was given a planned
4 development district designation with a variety of
5 land uses. It originally was designed to have 10,000
6 units of residential in the area which is now the Big
7 Woods Forest Preserve.

8 So when the county condemned for the
9 Big Woods Forest Preserve, it basically separated the
10 residential on the far west from what is really
11 manufacturing under the plan description everything
12 from Big Woods all the way east.

13 So over time we've been here many
14 times to talk about the development of it. So most
15 of the development started in Unit 1. I guess I'll
16 just point. So Unit 1 is down here. Unit 1 is here.
17 we can keep going.

18 So there's a variety of uses.
19 There's also a variety of uses in Unit 2. So based
20 on the availability of -- based on the types or uses
21 that came in, there was everything from warehouse
22 distribution to manufacturing. In fact,
23 International Paper on Lot 106 is a box manufacturing
24 plant. There's a peaker power plant that came in,

1 and there's a truck terminal at the north end. All
2 of that is permitted as a matter of right under the
3 zoning that's under the PDD and also under the city's
4 ORI classification.

5 So as time went on, things kind of
6 shifted to the east side of the Com Ed right-of-way
7 and the -- what is now the CN tracks.

8 On the east side, one owner, DuPage
9 Property Venture, held the lot south of Ferry Road,
10 and Duke, which has been before you a number of
11 times, owns the lots on the north side. And had you
12 had all my elegant slides, you would see that the
13 Duke properties include Shorr Packaging, one of my
14 other clients, which is an office warehouse
15 distribution, Fellows, Follett, and U.S. Food, which
16 is just holding land, and two spec buildings, one
17 which is a 400,000 plus square foot building
18 immediately east of Shorr, and that's kind of right
19 in here, and a second facility which is 900,000
20 square feet that's just about completed at the north
21 end of Duke Parkway.

22 So the uses on both sides are
23 consistent with what is in the plan description,
24 which was adopted in 1976 and still is operational as

1 well as under the city's ORI zoning.

2 The lot that we're talking about
3 tonight -- so the lot we're talking about tonight is
4 402. And the history of 402, had I been able to show
5 you, would be as follows, and I can kind of do this.
6 Thanks.

7 So there's property north of what is
8 now Ferry Road, and for some of you there was an old
9 Ferry Road. There was a Farnham property, which was
10 on both sides of the new Ferry Road. The Farnham
11 property came into the City of Aurora in 19 -- I'm
12 sorry, in 2002. It was annexed and zoned as part of
13 the PDD ORI. Six years later, this piece, which we
14 call for generic purposes the Sunrise piece.

15 So Farnham piece came in first,
16 Sunrise piece came in second, and again, we went
17 through the annexation process. It was zoned PDD and
18 then eventually was annexed -- it was annexed and
19 zoned the City of Aurora.

20 About a couple of years ago the city
21 came to DuPage Property Venture and said we're
22 negotiating a boundary line agreement with the City
23 of Naperville and here's what we're thinking about
24 doing.

1 So this property, which is right on
2 the toll road, is already in Naperville zoned
3 industrial. The property north of that and this
4 piece, which we call the Scafidi piece, is in
5 unincorporated DuPage County. So the city said it
6 would establish its boundary line along the north
7 side of that Naperville piece, along the east side of
8 Meridian extended, and then this piece which we're
9 talking about tonight, would come in the same way as
10 the other piece, as the Farnham piece, which we
11 brought in in 2002 and the Sunrise piece, which we
12 brought in in 2008.

13 So based on that, my other client,
14 DuPage Property Venture, bought the property and then
15 Old Dominion came along and we started interacting
16 with the city with regard to that.

17 So our conversation with the city
18 basically was here's a new player in town. They are
19 a high quality company. They are going to bring a
20 lot of jobs to the city, especially very strong high
21 paid blue collar jobs, which Old Dominion will
22 describe a little bit later in the presentation. And
23 all we want to do is annex the far -- that little
24 corner, the Scafidi piece, bring it into the

1 Butterfield Planned Development District with
2 everything else that's already in the city.

3 And the process went along pretty
4 uneventfully as we talked about roads and storm water
5 and sanitary sewer and everything else that we needed
6 to.

7 As you may recall, at least some of
8 you, there's a lift station right here right next to
9 a finger of Frieder Lane. The lift station can
10 handle all the sanitary requirements of all the east
11 side of the tracks within the City of Aurora. The
12 city had already extended water through the Duke
13 property and through Unit 4 of Butterfield a long
14 time ago in anticipation of future development. So
15 the site 402 is served really closely by sewer and
16 water from the City of Aurora and the other utilities
17 are readily available.

18 So if I had the slide to show you
19 the comp plan, which was adopted -- thank you. It's
20 not showing up on the left screens.

21 Anyway, to continue, I hope you can
22 see what I can see, which is the boundary lines from
23 the City of Aurora and the future boundary lines.
24 Can you or not?

1 CHAIRMAN TRUAX: Not at the moment.

2 MR. GOLDSMITH: So anyway, I'll just --

3 MS. PHIFER: Those are showing now. I will
4 fix those.

5 MR. GOLDSMITH: Okay. So Lot 402,
6 three-quarters is already in the city and zoned under
7 the planned development district. The fourth quarter
8 is what we're talking about tonight.

9 So all we're trying to do is square
10 off the lot, be consistent with the boundary line
11 agreement, which anticipated coming into the City of
12 Aurora, and obviously we've got three-quarters of the
13 lot already zoned and ready for development for this
14 use because it's a permitted use. Then all we're
15 doing is bringing in the last quarter.

16 And in that context, the
17 comprehensive plan shows everything in this area as
18 ORI, although the comp plan was never upped -- it was
19 never updated since about 1984, so you won't see this
20 lot in it.

21 And the planned development
22 district, the B1 manufacturing specifically allows
23 truck terminals, so it's a permitted use. And in
24 your ORI zoning district it's a permitted use under

1 use group 4140.

2 So all we're doing is bringing in a
3 piece of property that would otherwise be entitled to
4 all of this zoning on the basis of its proximity to
5 the other three-quarters of the lot that already are
6 in the city.

7 So when we started this process, the
8 issue was what do you do with the road system. So
9 let's see if we can get to something that helps with
10 that.

11 So Meridian comes down the east side
12 of the property. It's a township road of -- typical
13 kind of rural township road. No curb gutter, no
14 storm sewer. On the south side you have Sunrise,
15 same thing. It's a township road, minimum width
16 rural road.

17 So the city said well, we need to
18 upgrade, and we agree. To the extent we are bringing
19 trucks into the property, we need to have a road that
20 can convey that in good condition.

21 So what was proposed is that we
22 would bring a full road to the entrance of the
23 property, and now I guess I should get the -- I can
24 do it this way.

1 So the plan is that the road would
2 come in halfway down the east side, which is
3 Meridian, and we propose and actually in the initial
4 discussions it was discussed that we would do what is
5 traditionally done in Aurora and other communities,
6 we build half a road down the rest of Meridian
7 because there would be no traffic from the use going
8 that way, and because they wanted a fire lane on the
9 south side, we would build access for secondary fire
10 access on the south side, which is Sunrise, and we
11 propose building half a road.

12 For reasons I can't explain, during
13 the course of many months of planning, plan design,
14 road design, et cetera, then the city said well, how
15 about half road and ten feet. Now, it's 39 back to
16 back, which we understood was necessary to handle the
17 truck traffic between the entrance to the site at the
18 middle of Meridian and Ferry Road, but not beyond
19 that.

20 In fact, other than the residents,
21 some of whom are obviously here, no one would be
22 using the rest of the Meridian Road for this use and
23 no one would be using Sunrise except for emergency
24 vehicles.

1 So eventually as it came down in the
2 package of recommendations, we now are being asked to
3 build a 39 foot back-to-back road all the way down
4 Meridian and all the way across Sunrise, which seems
5 excessive.

6 As part of the Sunrise piece, we had
7 talked about putting in pavers that would be
8 sufficiently wide to handle the truck -- a fire truck
9 and also wouldn't require putting in what would be
10 otherwise a very high end road that would have
11 basically no traffic.

12 And then so apart from that, the way
13 it was designed is that there would be a hammerhead
14 or turnaround at the end of Sunrise so that if a fire
15 truck had to go down there or emergency vehicle,
16 there would be a way to turn around. Otherwise,
17 Sunrise has no use for this development.

18 We understand as a developer that we
19 have to build roads on the perimeter of the property,
20 but in this case the road serves no purpose other
21 than improving a road for the residents, which is
22 fine and Old Dominion has no problem with that, but
23 beyond that, the need to build a 39 foot back-to-back
24 road with sewer and curb and everything else seems to

1 be unnecessary because the normal policy in the city
2 is when the other development comes on the other
3 side, if it comes, then that developer builds the
4 other half of the road, and that normally is what's
5 done.

6 From this point I would like to
7 introduce Joe Abel. Joe will talk to you about land
8 use in general as a matter of land use policy.

9 I'm sorry. I actually lost my
10 place, so I'm going take a detour. I'm actually
11 going to have Chip Overbey come up and talk about Old
12 Dominion. I apologize. I just slid too far along
13 here.

14 MR. OVERBEY: Well, good evening, everybody.
15 My name is Chip Overbey. I'm senior vice president
16 of Old Dominion Freight Line. Appreciate the
17 opportunity to be here with you this evening, share a
18 little bit about our company. I've been with Old
19 Dominion for going on 22 years here in a few months,
20 so I've seen us grow over the years.

21 And let me first start by saying
22 since we're a publically-traded company, let me give
23 you this forward looking statement here because I
24 don't want anybody to make any assumptions on forward

1 looking information or things that we may -- we may
2 do. I don't like real good in stripes, so I want to
3 make sure that we -- you know, that we handle that
4 correctly.

5 But anyway, let me tell you a little
6 bit about Old Dominion. Old Dominion was founded in
7 1934 by the Congdon family. And we really are to a
8 large degree an American success story, which started
9 in the height of the depression with one tractor, one
10 trailer. The family sold their family car, bought
11 the equipment, got a contract with the government to
12 move freight from Richmond to Norfolk, and we held a
13 first load of eggs. Today we would never handle
14 eggs. But bought the spare tire on the way back with
15 the freight charges, and today we sort of look like
16 this.

17 we've got 225 locations in 48
18 states. We have roughly 20,000 plus employees, over
19 30,000 pieces of equipment from a trailer standpoint,
20 rightfully 8,000 pieces of equipment for tractors.

21 We spent a lot of time over the last
22 several years really making sure that Old Dominion is
23 a premium company. That's what we pride ourself on.
24 You see that in our position statement. And because

1 of that and the efforts that we've made either
2 corporately or through our employees and community,
3 we've been very, very blessed to receive a lot of
4 awards from people that you'd recognize -- Forbes,
5 Fortune, those type. I won't go down the list. You
6 can read them. But, you know, an organization like
7 Forbes to put you in the most trusted companies in
8 America, you've got to be very proud of that.

9 The company I mentioned at the top
10 Mastio, Mastio, you may not know them, but for
11 transportation, Mastio is like J.D. Powers award.
12 There's only a handful of companies that have ever
13 won it twice, and we've won it six times in a row
14 because of the quality company we are and the type of
15 service we give.

16 The service is a big deal to us, and
17 that's why Aurora is important to us. In today's
18 hyper just-in-time environment with the Internet and
19 online shopping and eBay and Amazon and anything you
20 can buy online, you've got to be close to your
21 customers and your industrial areas have got to be
22 close to your customers. So we pride that.

23 We deliver over 99 percent on-time
24 service to our customers. That's a big deal for the

1 shipping community because what they've got to do,
2 like I say, in this environment is get closer to
3 customers. So we focus on markets that are growing
4 like Aurora. I mean, why wouldn't we want to be in
5 the second largest populated area in the state? It
6 just makes sense. You've got a lot of consumers
7 here. We haul a lot of consumer goods, so we need to
8 be close to those so they make those deliveries.

9 So we focus on service and transit
10 times that you might see on the Internet when you
11 shop of next day, second day, third day. That's what
12 the growing market is because that's what's happening
13 with consumers.

14 And right at about 90 percent of the
15 freight we pick up and deliver every day -- I guess
16 I'm getting a phone call. It might be one of my
17 kids. They probably want money, knowing my
18 daughters.

19 Anyway, we have to be in a position
20 to serve those markets because if you think about it,
21 we're a less than truckload company. And what that
22 means is this: One shipment doesn't take up the
23 entire trailer. We go into business parks. Might go
24 into 15, 20 different companies, pick up 15, 20

1 different shipments going to 15, 20 different cities
2 in maybe 15, 20 different states. So we're a lot
3 like an airline. You know, you pick them up, you
4 bring them into a hub, and you take them to the
5 destination.

6 And this model has served us well.
7 I know it's a little bit of an eye chart, but what
8 it's allowed us to do is really grow these markets in
9 a reasonable type basis.

10 A good example of that is what we've
11 done here in the Chicago market since 1985. We first
12 opened up near Midway. We opened there with two
13 employees. Today we've got 300. Ten years later we
14 opened in Des Plaines. We started with 31. We have
15 over 200 now. Chicago West we opened right at three
16 years ago. Thought that would last us for a while.
17 It hasn't. We've been very, very blessed. The
18 shipping public there really likes our value
19 proposition, so here we are again in 2013 (sic) and
20 looking at opening another facility here in Aurora.

21 I want to give you some idea about
22 what our people are like, how we pay. To be a high
23 quality people and in an organization, you got to
24 have the best people. And that's exactly what we try

1 to hire. And we pay them well and we benefit them
2 well. We're looking at somewhere in the neighborhood
3 of about 125 jobs off the bat. You can read the
4 numbers, but a lot of our dock people, local P & D
5 drivers, line haul drivers in particular make as
6 much as many mid-level executives at a bank.

7 So we pay them well. We benefit
8 them well. Just to give you an idea of the benefits,
9 not only do they have the major medical, the dental,
10 the vision, the 125 flex plan, the 401 is big for our
11 folks. We have a great match at 30 percent of what
12 they put in, and then we have a discretionary match.
13 The last five years we put almost \$100 million over
14 and above of discretionary match into their 401.

15 So they really take the time to do a
16 great job for our customers. And because of that, we
17 get a lot of feedback from our employees when we do
18 our annual surveys with them. We contract that out.
19 This is what they tell us. They say hey, look, this
20 is a great place to work. We like being in the
21 community. They treat us well. We have the tools we
22 need, and most of all, we feel like we're part of the
23 community and what we're doing there.

24 And we spend a lot of time with

1 that. You know, when your moniker is helping the
2 world keep promises, your community is part of that
3 world. It's not just part of the shipping world. So
4 you've got to be a great corporate citizen, and we
5 really make an attempt to do that.

6 We support the Salvation Army a lot.
7 We've done a lot with our food banks. We've put in
8 close to 7 and a half, going on 8 million cans of
9 food now and to the food banks in the last several
10 years. We've contributed a couple million dollars to
11 United Way through the employees and the corporate
12 donations. We do a lot with juvenile diabetes. And
13 each of the 225 locations I was telling you about,
14 they usually adopt something in that area, be that
15 Angel Tree, Salvation Army, whatever that might be.

16 Another piece about being part of
17 that community leader is the environment. We spend a
18 lot of money on technology, on our equipment, and in
19 our service centers to make sure we do that.

20 The average age of our fleet is
21 three and a half years old. So what does that mean?
22 So what? Well, what that means is if you're getting
23 the newest and the best equipment, you're getting the
24 newest and the best EPA standards. You're getting

1 the newest and best fuel economy. So all of these
2 things on this list are designed to not only help the
3 fuel economy but also cut emissions.

4 In a lot of the cases with some of
5 our newer tractors, the fact is from the EPA is we're
6 emitting less particles than we're taking in as the
7 engine cleans it and puts it back out.

8 So we've seen that recognition from
9 the EPA in the SmartWay. Last year we won that
10 award. The Alpine Group has listed us as
11 eco-friendly for the last several years, and we've
12 got the Inbound Logistics G75.

13 I'll sum all this up just to say
14 this: what we're about is a company that's 80-some
15 years old, we've got 20-some thousand employees, and
16 we're a trusted company. We've been doing this for a
17 long time. We understand how it works. Again, we
18 pay our people well. We give them a good career and
19 lifestyle.

20 And we're the type of company, we're
21 sustainable. We've been here a long time. We have
22 the ability to operate in an industry that really is
23 the lifeblood of this country. If you order it or
24 you buy it, it's been on a truck. And we take the

1 time to have great facilities for our people because
2 they work better in them. They look better. Our
3 customers like them better.

4 When we build a service center, it
5 doesn't look like anything you normally see. It's
6 well maintained. It's very, very nice. It's well
7 kept. It's well provided from a landscape
8 standpoint. So we try to fit in and be a really good
9 neighbor. That's what we're about. I really see a
10 great opportunity here for a great community. It's
11 got a lot of growth and a lot of nice things
12 happening for us to come alongside as a great company
13 and do a lot of good things going forward.

14 So again, I appreciate your time.
15 I'm obviously here this evening. I'm happy to answer
16 anything I can for you.

17 CHAIRMAN TRUAX: Okay. Thank you.

18 MR. GOLDSMITH: So my comp plan slide came so
19 I just wanted to show you that Lot 402,
20 three-quarters of which is already zoned and in the
21 Butterfield Planned Development District is, in fact,
22 immediately adjacent to property both on the south
23 and the north. It was anticipated to be and mostly
24 is developed for the manufacturing use and the PDD or

1 the ORI in the zoning district.

2 And I put in a slide which has the
3 PDD language, which truck terminal is in the PPD
4 language. It's been there since the 1970s, and your
5 zoning ordinance where the little arrow is is your
6 4140, which is truck terminal. So all of that is
7 pretty much the way it was always designed to be with
8 respect to the use on this site.

9 I would now like to turn this over
10 to Joe Abel, who will talk about the trend and
11 development.

12 MR. ABEL: Good evening. My name is Joseph
13 Abel, A-b-e-l. My office is at 200 Forest Avenue,
14 Glen Ellyn, Illinois. I'm a planning, zoning, and
15 economic development consultant. I'm a member of the
16 American Institute of Certified Planners, have been
17 for quite some time. I've been doing this for
18 approximately a little over 50 years.

19 I was director of planning for
20 DuPage County from 1970 to 1987, so I was involved in
21 the development of this property in terms of
22 assisting where we could.

23 The county comprehensive plan that I
24 was responsible for developing was probably one of

1 the first plans in the country that was for the
2 entire county, not just to the unincorporated areas.
3 So we had to work very closely with your staff at the
4 time because we couldn't take the county plan to the
5 county board until all 34 municipalities in the
6 county signed off on it, and it took us seven years
7 to do that. But we did accomplish an award winning
8 plan for the county and for all the municipalities.
9 So I've been very familiar with this area since the
10 '70s and have done work on a consulting basis after
11 that.

12 When I left the county, I was head
13 of the economic development commission for the City
14 of Chicago, and then started my own firm after that.
15 So I've been working with every type of development
16 there is, whether it's condemnation, zoning,
17 planning, comprehensive plans, new town development,
18 et cetera, et cetera. So that's enough of the
19 history.

20 I was asked to take a look at this
21 property in terms of whether it made sense to annex
22 this property to the City of Aurora and also the
23 zoning for it. I should say that probably this is
24 one of the easiest assignments I've had in a long

1 time. I've gone out and done a complete land use
2 survey just to get -- to refamiliarize myself with
3 the property, but it's pretty much the way we had
4 planned on developing this area.

5 I also -- I looked at your
6 comprehensive plan. It has not been totally updated
7 as you saw on the slide because it does not include
8 Lot 402, but you have a boundary line agreement with
9 the City of Naperville, and the City of Naperville
10 boundary as you saw earlier comes right up to the
11 property line on the east side and then the Aurora
12 boundary actually incorporates the vacant piece
13 directly south of Lot 402.

14 So with the accomplishment of this
15 particular annexation and rezoning, you've pretty
16 much rounded out your eastern boundary. As I said,
17 only the property directly to the south of the
18 property which goes down to an existing parcel that
19 is in the City of Naperville is left. Once that's
20 accomplished, your boundary on the eastern side of
21 the city will be accomplished and that would be the
22 end of the development.

23 I also -- just to make sure in terms
24 of looking at planning and land use development and

1 trend of development and character of the area, I
2 also pulled up the land use plan for the City of
3 Naperville, and they call theirs the Comprehensive
4 Master Plan Update Northwest Sector.

5 And in that sector, this plan must
6 predate just a little bit in terms of your boundary
7 line agreement because they show this particular site
8 and the area to the south in the City of Naperville
9 or ultimately, but again, with the boundary line
10 agreement, everything from 59 up to the subject
11 property, everything north of the interstate and up
12 to Ferry Road is all shown on the Naperville plan as
13 industrial. And so -- well, it's actually
14 manufacturing and transportation is the
15 classification.

16 So this area, whether it's
17 Naperville, City of Aurora, DuPage County, the intent
18 is for this area to be totally developed for
19 nonresidential use and for the type of activity that
20 you see in the area.

21 The zoning standards that I looked
22 at -- well, obviously I looked at your zoning
23 ordinance, and except for that lot to the south and
24 the portion of 402, the 4 acres -- 5 acres that's not

1 within the subject property, everything around it, as
2 you are aware and can see on that exhibit also, the
3 land use and zoning exhibit, the entire area is zoned
4 PDD and with the underlying ORI. So whether it's
5 industrial, PDD, ORI, this entire area has been
6 utilized for this area, it's planned for this area,
7 and the trend for development is in that direction.

8 As Mr. Goldsmith said, in addition
9 to the map that he showed you where there's just a
10 constant rezoning and development of property from
11 the south to the north and then progressing to the
12 east, the Google Maps are pretty much up to date, but
13 for some reason as Mr. Goldsmith said, the Shorr
14 Corporation has a large facility that's going on just
15 to the northwest of the subject property and there's
16 an existing structure directly to the north on the
17 north side of Ferry Road -- I'll just summarize that.

18 I just wanted to point out, so there
19 are two new developments in terms of trend and
20 development and character of the area that don't show
21 even on the most recent Google Maps, and that's the
22 Shorr Corporation and also another structure that
23 says it'll be ready for occupancy, I think it said by
24 July or something like that.

1 So those are two totally new
2 structures that don't even appear on the aerial
3 photograph yet.

4 So in terms of trend and development
5 and character of the area, the care with which the
6 communities have been doing their planning and
7 implementing their comprehensive plan, I do a lot of
8 work in testifying and I'm sure you've all heard the
9 term LaSalle Factors, which I use to determine
10 highest and best use usually in court cases, but even
11 should be applied to when you're making a decision on
12 zoning, and they are the most important factors in
13 terms of the LaSalle factors in determining highest
14 and best use is the use of surrounding property
15 around the subject property.

16 And you can see that what's
17 happening here is that slowly but surely the entire
18 area is developing similar to what's being proposed
19 in the subject property.

20 LaSalle Factors also go into the
21 care with which a community is doing its planning,
22 and even though your comprehensive plan hasn't
23 totally updated to include the subject property, the
24 fact that what you've done on just a parcel by parcel

1 basis in developing the PDD district itself
2 represents strong, good planning in the community.

3 So again, in terms of annexation,
4 turning this lot into a more rectangular parcel, just
5 looking at it now from a physical standpoint, it's
6 much easier to come up with a good development for a
7 rectangular piece of property rather than an L shape.
8 Worst thing to work on is obviously a triangle, so
9 when we do a lot of site planning, it makes sense
10 whenever possible to try and get a good rectangle to
11 work with.

12 And you can see from the site plan
13 there's plenty of opportunity for landscaping,
14 interior circulation, and it's just a good layout as
15 I analyzed it from the standpoint of truck movements
16 and vehicular movements for employees and things of
17 that nature.

18 All of that would be much more
19 difficult if this piece was not annexed and zoned
20 appropriately to accommodate the proposed use.
21 Obviously we're implementing the city's desire to
22 finally go to the east up along Meridian Road.

23 And then obviously this adds to the
24 tax base of the city. Not only from a tax base

1 standpoint, but you've heard about the tremendous
2 employment opportunities. That's sort of putting on
3 my economic development hat that I wore for many
4 years, and so everything leads to the point that this
5 makes just a lot of sense from a planning standpoint,
6 an economic development standpoint, and meeting all
7 of the factors.

8 In terms of the amendment that would
9 have to be taken care of, because as I recall you
10 will be annexing this at highest classification and
11 then will have to be rezoned into the PDD
12 classification, I went through your standards and
13 the -- I'll take you -- I'm sure you've gone through
14 them a thousand times, so I'm not going to spend a
15 lot of time, but in terms of the amendment standards,
16 the one that I found more interesting was No. A, that
17 the amendment will be in accordance with all
18 applicable official physical development policies and
19 other related official plans and policies of the
20 city. Comprehensive plan is obviously one of them.

21 But the physical development
22 policies, there are the two that are the most
23 important, and that is to guide and promote
24 development to areas where public utilities, public

1 roads, and municipal services are either available or
2 planned. And this obviously has been done for some
3 time in this area, and from the research I've done,
4 will be accommodate these -- provide all those
5 utilities.

6 And the plan -- to plan and provide
7 for growth -- for the growth of the city through the
8 integration of land use patterns and functions that
9 promote complementary interactions between different
10 land use components. And again, the proposed use
11 fits right in with the trend and development and the
12 character of the area and things of that nature.

13 You have some other standards, but
14 they primarily deal with traffic and transportation,
15 and we do have a traffic consultant who will hit some
16 of those. From a public utilities standpoint, I've
17 hit on that.

18 So I'll be available if there's any
19 questions in terms of why in my professional opinion
20 the development that's being proposed represents the
21 highest and best use of the subject property. It
22 goes a long way towards implementing all the plans of
23 the city and makes sense again from a planning and
24 zoning standpoint. Thank you.

1 CHAIRMAN TRUAX: Thank you.

2 MR. GOLDSMITH: Since Joe Abel mentioned
3 traffic, we did do a full traffic study, and Mike
4 Werthmann is here from KLOA to talk about traffic.

5 MR. WERTHMANN: Good evening. My name is
6 Michael Werthmann. I'm a principal with the firm of
7 Kenig, Lindgren, O'Hara, Aboona, KLOA, Inc. I am a
8 licensed professional -- or licensed professional
9 engineer in the State of Illinois, excuse me, and
10 have been practicing for 25 years now.

11 We were retained to conduct a
12 traffic study for the proposed cross dock freight
13 facility. As you've heard, it's located in the
14 southwest quadrant of Ferry Road and Meridian Road.
15 The primary roads serving it are Ferry Road,
16 Illinois 59, Eola Road, and I-88 and the interchanges
17 with Illinois 59 and Eola Road. One of the reasons
18 this site was chosen was its proximity to the two
19 interchanges which are less than a mile from the
20 subject site.

21 As part of the study we looked at a
22 number of intersections along the Ferry Road
23 corridor, actually five of them between Illinois 59
24 and Eola Road. The site will contain a freight

1 facility, approximately 40,000 square foot facility.

2 At full capacity it'll have about 180 employees.

3 The volume of traffic to be
4 generated by the facility was based on conducting
5 surveys at an existing Old Dominion facility in Crest
6 Hill. We actually went out, surveyed it, determined
7 the volume of traffic that it generates and applied
8 it to this facility, very similar in nature and size,
9 assigned that to the roadway system and added some
10 additional growth, the traffic that would be
11 generated by the Duke development, to look at the
12 impact on the roadway system.

13 Access to the facility will be
14 provided via single access drive on Meridian Road on
15 the west side of the road about halfway between Ferry
16 and Sunrise Road. It'll provide one inbound lane,
17 one outbound lane. It will provide larger radiuses
18 to accommodate the turning truck traffic. The access
19 drive has been designed to safely and efficiently
20 accommodate the truck traffic.

21 As you've heard, improvements will
22 be made. Meridian Road will be upgraded and widened
23 to 39 feet. At its intersection with Ferry Road,
24 we're proposing to provide one southbound lane or one

1 inbound lane down Meridian and two outbound lanes
2 that would be striped for a separate left turn lane
3 and a separate right turn lane to provide the
4 additional capacity at that intersection. When a
5 vehicle is waiting to make a left turn, the right
6 turn can still get out.

7 We took a look at the impact on the
8 roadway system. What we found out is that the
9 overall impact of a facility will be limited for
10 several reasons. One is the fact that the volume of
11 traffic generated by the facility is distributed
12 throughout the day, pretty evenly throughout the day.
13 The volume of traffic generated by this facility
14 is -- can be significantly less than what could be
15 developed on that site under your existing OR zoning,
16 particularly if it's office or something to that
17 extent.

18 The increase in traffic from this
19 facility at the Illinois 59/Ferry Road intersection
20 will be less than 1 percent. Similar at the
21 Eola/Ferry Road intersection. We're looking at a
22 couple seconds of additional delay overall at these
23 intersections.

24 More importantly, Ferry Road, as you

1 know, is a four-lane boulevard. Right now that's
2 operating at about 40 percent of its capacity. It
3 was built to accommodate the type of traffic that
4 will be here and has sufficient capacity to
5 accommodate the additional traffic that will be
6 generated by the facility.

7 I will be here for any questions
8 that you have. Thank you for the time.

9 CHAIRMAN TRUAX: Thank you.

10 MR. GOLDSMITH: One of the things that the
11 city is always concerned about and Old Dominion is
12 concerned about, too, is creating a landscape buffer
13 from the perimeter of the property.

14 And so if I get to the -- so the
15 plan, because the site itself is the 40,000 square
16 foot facility which you see is basically north to
17 south, the truck parking and then on the farther east
18 side employee parking, the goal is to berm the four
19 corners of the site so that a combination of a
20 landscape berm of four feet or so plus plant material
21 will provide visual screening as well as aesthetics.

22 To talk about that and also just to
23 cover the site development issues with respect to
24 actually the nonexistence of wetlands, we have Carl

1 Peterson.

2 MR. PETERSON: Good evening. I'm Carl
3 Peterson, managing principal of Gary Weber &
4 Associates located at 212 South Main Street, Wheaton,
5 Illinois.

6 Our firm has been the landscape
7 architect on many of the jobs through Butterfield
8 since the mid '80s, and I've been personally involved
9 in a lot of the natural resources that are on the
10 site and helped develop Butterfield Center for
11 Businesses naturalized landscape plans for their
12 storm water management areas.

13 On this site -- and I'm just going
14 to take a minute to just show the landscape plan.
15 I'll turn that in just a sec.

16 The largest landscape feature that
17 you see is the naturalized storm water management
18 area. On the western side of the property it's
19 designed with native prairie and wetland plants in
20 order to replace the functions of a low quality
21 isolated wetland that's located in the southwest
22 corner of the property.

23 And you can see that perimeter
24 landscaping, consisting of a mixture of evergreen and

1 deciduous trees and shrubs, surrounds the facility,
2 and that's designed to accommodate municipal
3 requirements as well as Butterfield Center for
4 Business requirements for hardly tolerant plants.

5 I'm going to turn this.

6 And that is the proposed buffer
7 planting. It's very extensive. It's probably one of
8 the nicest perimeter planting plans in the whole
9 center, actually.

10 And I will be here for any questions
11 regarding landscaping or natural resource management
12 here. Thank you.

13 CHAIRMAN TRUAX: Okay. Thank you.

14 MR. GOLDSMITH: So to wrap this up, I'd just
15 like to make a couple of comments.

16 This facility, based on the
17 testimony you've heard tonight and plus the
18 development that's generally occurring in the area,
19 is a small part of a very large development that's
20 occurring in Butterfield generally.

21 I believe that you approved in
22 excess of 3 million square feet -- not you approved.
23 You recommended and the city has approved more than
24 3 million square feet of warehouse distribution and

1 related functions like Shorr, which has an office
2 component. So the impact of Old Dominion on the
3 overall scope of development is minor compared to
4 what's going on in general in this same larger
5 business park.

6 So really it comes down to this: we
7 think a couple of the roadway recommendations are
8 unnecessarily extensive, and in particular the city
9 is requiring that all the roadways be major
10 collector, and once you get past the entrance to the
11 property, there's no volume of traffic let alone wave
12 of traffic that would require a major collector,
13 which is a lot more material.

14 It is not an objection just on a
15 monetary basis. It's an objection that it's above
16 and beyond what's normally required for this type of
17 development.

18 The other thing is if you've read
19 the staff recommendations, there is a recommendation
20 to coordinate with other owners of property in Unit 4
21 to actually secure a reduction in the zoning that's
22 permitted on Lot 401, which is the lot immediately to
23 the west.

24 So Old Dominion has no legal

1 relationship with DuPage Property Venture, which owns
2 Lot 401, and DuPage Property Venture is not a party
3 before you tonight. We're only seeking approval
4 of -- recommendation for approval of Lot 402.

5 with regard to that, we would ask
6 you to consider our objections to those conditions in
7 any kind of recommendation made.

8 Otherwise, this is just the fourth
9 corner of squaring off a lot that's already in the
10 City of Aurora, that's already zoned ORI under your
11 zoning ordinance, but PDD plan description under
12 Butterfield and we would ask for a favorable
13 recommendation on that.

14 As we've indicated all along, we're
15 ready to answer questions now. If you want to hear
16 from the public first, we're happy to wait for that,
17 but we're prepared to answer any questions you may
18 have.

19 CHAIRMAN TRUAX: Okay. Does the planning
20 commission have questions for the petitioners?

21 COMMISSIONER GARCIA: No. I actually had some
22 until the gentleman started talking about the traffic
23 flow and the report. Very thorough, so thank you
24 very much. You answered all my questions there.

1 MR. GOLDSMITH: Happy to be able to do that.

2 CHAIRMAN TRUAX: Okay. We will call on you
3 again.

4 This is a public hearing, and what
5 we would like to do is have people come before us if
6 you have a question or a comment on this particular
7 item, remembering that we are a recommending body and
8 that the city council is the body that makes final
9 determination of this.

10 We will take your comments. We have
11 a court reporter who will take your comments down and
12 they will go to city council to review before they
13 make their decision.

14 If you hear someone before you make
15 a similar comment, we probably don't need to hear it
16 again. We can just say I agree with the person
17 before me and we'll get that down and hear it.

18 If you were sworn in with the mass
19 swearing in at the beginning, that's fine. If you
20 were not, we can swear you in at this time.

21 Okay. If you folks -- if anyone
22 wants to be sworn in that hasn't already been sworn
23 in, can we do that?

24 MS. PHIFER: Sure.

1 (Witnesses sworn.)

2 CHAIRMAN TRUAX: Okay. What we're going to do
3 is have people come forward one by one. If you want
4 to ask a question of the petitioner, would you please
5 ask it of the plan commission. We will take all the
6 questions down and we will get answers all at once.
7 We discourage back and forth debate here. We would
8 really like your comments and questions and then we
9 will handle them all at one time.

10 So let's start in the front row
11 and -- okay. We do need to have you sign in too. I
12 know many of you have already done that.

13 MR. KAEMPEN: Already signed in and sworn in.

14 CHAIRMAN TRUAX: Okay. If you haven't, you
15 can do that as you come up.

16 MR. KAEMPEN: Good evening. I'd like to thank
17 the Aurora City Council members for giving us the
18 opportunity to present our case. If you guys aren't
19 the council and you're just the recommending body,
20 then I thank you for the time to --

21 CHAIRMAN TRUAX: We are the Aurora Planning
22 Commission.

23 MR. KAEMPEN: Okay. So planning commission.
24 Had the wrong name. Sorry.

1 My name is Dana Kaempen and I'm a
2 resident of the Ferry Road Farm subdivision, which is
3 directly to -- connecting to and part of this
4 discussion. It's directly to the east. We are a
5 U-shaped subdivision and the western bound of that U
6 is Meridian Road, so that is why we are here today.

7 Ferry Road Farms is our
8 neighborhood. It's where we have our homes and our
9 families. And we categorically oppose 24-hour truck
10 traffic invading the place where we live.

11 Our neighborhood is residential.
12 There's no commercial traffic currently present on
13 our streets, nor do we want any. We have children
14 that play and ride bikes on all the streets. All of
15 them. All three of them. We have dogs throughout
16 the area and we walk both people and dogs on a daily
17 basis. Our neighborhood is no different than yours
18 except ours is under attack by way of commercial
19 traffic.

20 Let me describe what our
21 neighborhood is like. We have homes that have been
22 built as recently as seven years ago ranging to homes
23 which are decades old. Our neighbors span in age
24 from 8 to 80 literally.

1 In terms of length of residence, we
2 have lived here from as little as 7 years to 60
3 years. Why such a huge range? It's simple. Because
4 people come here to find a little piece of heaven and
5 they never want to leave once they found it.

6 Our neighborhood is quiet. Let me
7 show you how quiet, and I'd like to play for you what
8 my backyard sounded like this morning.

9 (Whereupon a recording was played.)

10 MR. KAEMPEN: All you hear is the wind through
11 the trees and the birds singing. That's exactly how
12 quiet and peaceful our neighborhood is. At night,
13 too, except without the bird songs.

14 When I drive home from work each
15 evening, a sense of calm settles over me as I drive
16 down Meadow Road, which is the eastern part of that U
17 I described earlier. It's not just because I'm
18 getting near home. It's because we have such a calm
19 area in which we live. It's a calmness which you can
20 actually feel. Like I say, it settles on you when
21 you come home. We've managed to retain this calm by
22 keeping business traffic out of our area and off of
23 our streets.

24 The purpose of zoning is to clearly

1 delineate business from residential, and it's to
2 protect the residential areas from being infringed
3 upon, which is exactly what the proposed annexation
4 and rezoning will do.

5 Allowing trucks to drive down one of
6 our three residential streets 24 hours a day will
7 have a devastating impact on sound levels, the
8 pollution, and the safety of our neighborhood. Quite
9 frankly, the business has no right to take this away
10 from people who have lived with such peace for
11 between one and six decades.

12 We need your help to prevent them
13 from annexing and rezoning the named parcel and
14 thereby adding an entrance to the business directly
15 off of Meridian Road.

16 Do you think it's right to make John
17 and Denise Trapp look out their window at this place
18 as idling semis belching out diesel exhaust fumes as
19 they idle on the street? Should Mike and Mar -- Mike
20 and Mar Gryzik be forced to listen to every truck
21 lumbering down the road shifting gears and using
22 noisy backup signals?

23 Those are only two of the closest
24 families. Add in Kim and Kevin Cowan, the Browns,

1 Joe and Sue Kubal, Gil McAuliff, Ben and Claire Cravy
2 and their four young daughters. Me, Dana, my wife
3 Kathy and our children.

4 I can continue around the rest of
5 the block, everybody of whom is here. All of them --
6 namely every one who would be affected by this
7 encroachment into our homes and into our yards.
8 There's not one of them who is okay with this kind of
9 proposed annexation and rezoning. We want to keep
10 our quality of life. We want our idyllic
11 neighborhood to remain free of truck traffic.

12 Thing about if this happened in your
13 neighborhood. Would you be fine with it? Your
14 formerly quiet streets will now be full of strangers
15 driving huge, loud polluting trucks right up to your
16 street, right past your house 24 hours a day, every
17 day.

18 Is that something you would approve
19 of if it were going to happen in your neighborhood?
20 Remember the golden rule. These aren't just lines on
21 a plat like you see here. Okay? Down here and all
22 the way up here, these are people. There where real
23 people -- all of us -- actually live.

24 Decisions like the one you folks are

1 going to make matter deeply because they directly
2 affect the quality of our lives.

3 If the business needs access to
4 their proposed buildings, let them do it from a
5 nonresidential street like Ferry from the north or
6 the extension of Frieders to the west, but not by
7 impacting our long existing neighborhood.

8 I realize the gentleman stated that
9 401 is the property directly west of them and
10 Frieders probably comes down through that. well,
11 maybe they will need to play nice with their
12 neighbors and work out an agreement to extend
13 Frieders down and use that as truck traffic for both
14 401 and 402.

15 Again, Ferry Road Farms is our
16 neighborhood. It's where we have our homes and our
17 families and we categorically oppose 24-hour truck
18 traffic invading the place where we live. Please
19 help us keep our neighborhood from becoming a
20 business and reject the annexation and retain the
21 current R2 zoning on the proposed parcel.

22 One of the things that the gentleman
23 said is about squaring the rectangle. well, I
24 understand from a planning situation, but if squaring

1 that rectangle allows truck traffic to come into our
2 neighborhood and degrade the quality of our
3 neighborhood, we're against that. And I think you
4 should hopefully consider that when you're thinking
5 about whether or not it's the right thing to do to
6 destroy the piece of this neighborhood so trucks can
7 come down our street.

8 Thank you very much for your time
9 and attention.

10 CHAIRMAN TRUAX: Thank you.

11 COMMISSIONER COLE: Sir, could you point to
12 where this subdivision is at on the map?

13 MR. KAEMPEN: Sure. All right. Here you go.
14 So this right here is Meridian.

15 COMMISSIONER COLE: Right.

16 MR. KAEMPEN: We have families all along here,
17 all along here, up here all the way up to Ferry Road.
18 This entire area, all of this is families. That's
19 where we live. I live right there. The Trapps live
20 right there. The Kubals live right there. Mike
21 lives right there. The Cowans there, the Browns
22 there. I don't know the name of the family that
23 lives there. Gil lives right there --

24 COMMISSIONER COLE: No, that's all. I don't

1 need everybody's name --

2 MR. KAEMPEN: But I can give it to you if you
3 do need it.

4 COMMISSIONER COLE: So basically you live --
5 people live along Sunset?

6 MR. KAEMPEN: Sunrise?

7 COMMISSIONER COLE: Sunrise.

8 MR. KAEMPEN: Sunrise, Meadow, and Meridian.
9 There are people along each --

10 COMMISSIONER COLE: And the very south portion
11 of Meridian?

12 MR. KAEMPEN: Yes, ma'am.

13 COMMISSIONER COLE: Thank you.

14 MR. KAEMPEN: Thank you very much.

15 Any other questions? Yes, sir.

16 COMMISSIONER ENGEN: Just out of curiosity,
17 and I understand what you're saying, but inevitably,
18 you knew that possibly this day could be coming if
19 it's been zoned for industrial use, correct?

20 MR. KAEMPEN: I did not -- well, first of all,
21 the parcel in question is zoned R2. It is
22 residential right now. So as far as the zoning of
23 remaining area, of that I was unaware. However, I
24 did know that the parcel in question is zoned R2 and

1 we'd like to see it stay that way, so somebody puts a
2 house up there.

3 AUDIENCE MEMBER: There was actually a house
4 and they tore it down. There is a house there.

5 COMMISSIONER ENGEN: But I mean in the whole
6 area, you know, that's an industrial use area.

7 MR. KAEMPEN: We bought -- we bought -- when
8 we bought it, it was not an industrial use area.
9 When we bought it, we bought this as our family home.
10 We bought it about 13 years ago. Is that about
11 right? About 13 -- and these guys have been there
12 far longer than I have been and the entire area
13 around us was zoned -- was it R2 farm? R2, and --

14 AN AUDIENCE MEMBER: And agricultural use.

15 MR. KAEMPEN: I believe one of gentleman will
16 talk to that.

17 CHAIRMAN TRUAX: Okay. Thank you.

18 MR. KAEMPEN: Thank you very much.

19 CHAIRMAN TRUAX: Okay. Who is next?

20 MRS. KAEMPEN: Good evening, ladies and
21 gentlemen. My name is Kathy Kaempen and I live on
22 Sunrise Road, and it's that white blank spot that
23 they keep showing on all of their plans.

24 When my husband Dana and I went

1 looking for a perfect land to build our dream home 13
2 years ago, we were ecstatic to find an acre of land
3 in an eclectic neighborhood surrounded by wildlife,
4 marshes, cornfields, and above all, peace.

5 We knew that there'd eventually be
6 development and growth, but what's being planned by
7 Old Dominion is way too close to our homes and
8 infringes on -- no, it violates the peaceful quality
9 of life that brought us here over a decade ago.

10 This move to annex the land along
11 Meridian Road as commercial allows Old Dominion to
12 come and disrupt this peaceful community. Noise
13 pollution, light pollution, air pollution, they're
14 literally going to be in our front and backyards.
15 Once again, they want to pave paradise and put up a
16 parking lot.

17 There's plenty of space in Aurora
18 for building. It shouldn't have to be on our streets
19 where our children play. When I look out my window,
20 I shouldn't have to watch semi trucks barreling down
21 the road. When I walk the dog around the block, I
22 don't want to have to worry about whether I'm going
23 to jump out of the road because employees are driving
24 their cars on their way to work. And when I go to

1 bed at night, I should crack the window open and hear
2 crickets, not trucks.

3 Thank you for your consideration.

4 CHAIRMAN TRUAX: Thank you. Anybody else in
5 the first couple rows? Okay.

6 MR. PETERSON: I have some handouts.

7 My name is Arno Peterson. I'm a
8 resident of Ferry Road Farms subdivision. I've lived
9 there 29 years. I'm here to voice my concerns of the
10 annexation and rezoning of the one home in our
11 subdivision and it being replaced with the truck
12 terminal.

13 In the handout that I gave you, this
14 will give you a little bit of a perspective with the
15 map on the front cover. The outline of our
16 subdivision with all the parcels is in green.
17 Parcels show -- are divided by red lines. The
18 proposed truck facility is outlined in blue and the
19 yellow shaded area is the property that a home
20 currently resides on in our neighborhood that is
21 proposed to be rezoned.

22 Immediately below that as previously
23 discussed are residents with three homes and also
24 across at the corner of Meridian.

1 The concern I raise tonight is noise
2 emissions from the truck terminal operating 24 hours
3 a day, seven days a week. Specific to these are A,
4 loud truck backup alarm beepers; B, loud banging dock
5 plates; C, noise from truck engines accelerating as
6 they move about the terminal and exit the terminal;
7 D, noise from multiple trucks continuing to run,
8 especially during winter hours.

9 These concerns were issues for two
10 subdivisions, Carillon Lakes and Renaissance Crossing
11 that were faced at Crest Hill in early 2013 when Old
12 Dominion opened a freight terminal there.

13 My wife and I, Mary, we drove to
14 Crest Hill to see the facility. In the center there,
15 you can see some pictures. And we also stopped by
16 and visited residents nearby.

17 We spoke with the residents and they
18 spoke to us with great emotion how this truck
19 terminal has impacted their lives. The issues that
20 they've faced impacted the quality of life as
21 residents and their children could not sleep at
22 night, resulting in lost productivity at work and at
23 school during the day. They could not enjoy their
24 patios, their decks, and their backyards because of

1 the noise from this truck terminal.

2 The residents of Crest Hill pushed
3 the city council, and in December of 2013, they
4 amended their zoning to not allow truck terminals to
5 be built next to residential areas.

6 One difference that I'd like to
7 point out about the Crest Hill facility is they have
8 a slight larger distance away from the residential
9 area and the terminal because it's buffered by a
10 strip mall. That's a significant difference than
11 this site because when you look at the map with this
12 site, we're going to have residents immediately
13 across the street from the truck terminal. And with
14 these issues that Crest Hill faced, they're going to
15 be much greater for our residents in our
16 neighborhood.

17 Now, in 2016 Crest Hill residents
18 continue their crusade to regain their quality of
19 life. They protect their future by attending all
20 city council meetings. They are a model for us and
21 they make it apparent that our journey is just
22 beginning as this project is in its planning stage.

23 If this plan is approved, will the
24 municipal code of Aurora concerning noise abatement

1 be enforced?

2 I cite Article A, noise abatement
3 section 29-205, noises prohibited. The first item
4 addresses unreasonable noises. I won't read the
5 whole thing. You have a copy of it.

6 The second item in my list here is
7 item No. 8, and it reads loading or unloading
8 merchandise, materials, equipment, the creation of
9 unreasonably loud, raucous, and excessive noise in
10 connection with the loading and unloading of any
11 vehicle at a place of business or a residence between
12 the hours of 10:00 p.m. and 6:00 a.m. of the
13 following day.

14 The last item is item 12, commercial
15 establishment. Unreasonably loud, raucous noise from
16 the premise of any commercial establishment,
17 including any outdoor area which is part of or under
18 the control of the establishment between the hours of
19 10:00 p.m. and 6:00 a.m. of the following day, which
20 is plainly audible at a distance of 50 feet from any
21 residential property.

22 This project plan does not -- does
23 not provide a smooth transition from our residential
24 community of R2 zoning to a truck terminal by

1 annexing the property in question here. The people
2 who live and work and raise their families in this
3 community will be negatively impacted by this
4 project.

5 I urge you to seriously consider the
6 issues that I expressed that have been seen at Crest
7 Hill. With these concerns of noise and impact to our
8 neighborhood, I please ask you to reject this plan.
9 Thank you.

10 CHAIRMAN TRUAX: Thank you for your comments.

11 MR. SWANSON: Good evening. My name is David
12 Swanson. I live in Crest Hill. You probably didn't
13 think that at a meeting like this you would have
14 someone from another community -- what is it, 18
15 miles away come, but I'm here because I care about
16 these residents, and that the thought that they are
17 going to have to put up with what my wife and I and
18 other neighbors put up with on a daily basis, it's
19 just -- it disgusts me that other people would have
20 to put up with this.

21 I heard -- I heard the stories about
22 Old Dominion wanting to be a good neighbor, and I
23 believe that employees at Old Dominion believe that
24 in their heart. We've asked for meetings many, many,

1 many times over the last 33 months to be able to put
2 an eyeball on people about what they're doing about
3 reducing noise and other things during their
4 nighttime operation, and they're not interested in
5 meeting with people.

6 And I think the only way you can be
7 a good neighbor is actually to set a face to look at
8 someone in the eye and talk to them and have a
9 conversation.

10 Our life has been turned upside
11 down. We cannot sleep with our windows open on the
12 best spring night or best summer night or best fall
13 night ever. Ever. I'll give you a demonstration of
14 what we hear.

15 (Whereupon a recording was played.)

16 MR. SWANSON: From my patio, that's the noise
17 that happens at 2:00 in the morning, 3:00 in the
18 morning, 4:00 in the morning. And you can hear it
19 from the facility across the street.

20 I'm not even talking about the truck
21 traffic and the noise from the traffic. And if any
22 of you talk to any of our planning commission in
23 Crest Hill or any of our council people or our mayor,
24 they would tell you they would do it different with

1 the access road as far as the truck access. And we
2 are right now working with Crest Hill to have the
3 light removed from our back -- our back area so we
4 don't have trucks idling out there, and it's going to
5 be moved a couple of blocks down.

6 But nonetheless, this is
7 unbelievable disruption, and planning to protect
8 residents is an important part of what you are all
9 responsible. There needs to be -- after it's built,
10 it's hard to get cooperation. Before it's built, you
11 can get sound walls. You can get sound berms. You
12 can get roads moved. You can do other things if this
13 is where people want to be. After it's built, people
14 live with that sound.

15 Thank you very much.

16 CHAIRMAN TRUAX: Thank you.

17 MR. TRAPP: Good evening. I'm John Trapp and
18 I live on Meridian Road. My house is on the
19 northeast corner of Meridian Sunrise directly across
20 from this proposed location.

21 First of all, I will say I'm opposed
22 to this on many counts. As everybody previously
23 said, the noise. That's one thing. I have another
24 concern.

1 In doing some research on Old
2 Dominion in Crest Hill, Old Dominion has two 20,000
3 diesel tanks sitting underground. You folks here in
4 Aurora, your water, your sewers are all provided by
5 the city. Everybody in this room, we're all on well
6 and septic. If something happens, if Old Dominion's
7 tanks leak or when the cargo they're carrying leaks,
8 it winds up in the ground. That's my drinking water.
9 It's my bathing water. It's the water that everybody
10 uses that becomes contaminated. It becomes poison,
11 it winds up, our properties become worthless.

12 I don't want that. I understand Old
13 Dominion wants to put the truck terminal in Aurora.
14 When I read their press release a couple years ago,
15 they wanted Crest Hill because it was going to serve
16 Naperville. It was going to serve Aurora, West
17 Chicago. If they're so interested in Aurora, let
18 them go further. As a matter of fact, they can go to
19 the west side of town. I believe there's still
20 freeway access, tollway access they can go to. They
21 would have that. Not here. There's too many
22 residents here.

23 This is our lives. You folks, as
24 everybody else has stated, you don't have to worry

1 about this noise. I do. I'll have trucks, cars,
2 headlights in my bedroom window at 2:00 o'clock in
3 the morning, 3:00 o'clock in the morning.

4 I work two miles from my house. My
5 house -- when my wife and I bought this house almost
6 20 years ago, it was a great house. It's a great
7 neighborhood. My wife knows the gentleman that built
8 our house. My father-in-law lives across the street.
9 My father-in-law has lived there for almost 60 years.
10 60. I don't know too many people that will want to
11 live in the same location for 60 years. Many of my
12 neighbors do.

13 I've been there, like I said, almost
14 20. I love the area. I don't want to see it ruined
15 by Old Dominion or any other trucking company coming
16 in and ruining our land, ruining our -- not our land,
17 our water, risking our water. There's too much
18 health concern. There is too much of everything.

19 Thank you.

20 CHAIRMAN TRUAX: Thank you.

21 MR. KIPP: Good evening. I'm Lyle Kipp and
22 I'm also a resident of the Ferry Road Farms
23 neighborhood, and my land is between Meadow and
24 Meridian.

1 19 years ago my wife and I just
2 moved into our brand new house. What marked the
3 culmination of a couple of years of work of planning
4 for the house, working with an architect, having the
5 building done, and then it all began with buying the
6 land.

7 But even before we bought the land,
8 we did our due diligence. We went to have soil tests
9 done to make sure that it was buildable. We went to
10 look at the flood plan maps and topological maps to
11 understand risks of flooding and surface water and so
12 forth. And yes, we went to the county and we looked
13 at the zoning maps to understand the risks of land
14 use of where we were going.

15 At the time, the actual land use was
16 a combination of residential -- which most of them
17 are still here -- and agricultural. There are no
18 warehouses anywhere near and it was all zoned R2.
19 I'm not quite sure the -- Mr. Abel referred to this
20 master plan that apparently DuPage County had for
21 turning this into industrial use, but it was
22 certainly not represented on the zoning at the time
23 as in the DuPage County records.

24 According to the DuPage County

1 zoning ordinance, R2 single family resident district
2 is established to preserve and maintain existing
3 single family areas of the county and permit the
4 continued development of residential use. well -- or
5 as stated in the purpose of the DuPage zoning
6 ordinance, for the purpose of promoting the public
7 health, safety, morals, comfort, and general welfare
8 conserving the values of property throughout the
9 county, and a little later to prohibit use,
10 buildings, and structures incompatible with the
11 character of such zoning districts. It was with that
12 understanding and expectation that we purchased our
13 land and built our house.

14 Fast forward 20 years. Today much
15 of the land north and east -- north and west of us
16 has been annexed into Aurora and it has been rezoned
17 from R2 into the PDD district, specifically with the
18 ORI zoning.

19 According to the Aurora zoning
20 ordinance, residential districts are established to
21 protect residential areas against fire, explosion,
22 noxious fumes, offense noise, smoke, vibrations,
23 dust, odors, heat, glare, and other objectionable
24 factors.

1 Okay, I understand. Our
2 neighborhood is not part of Aurora. We're not within
3 the city limits of Aurora and so we don't directly
4 fall under the Aurora zoning. However, I would also
5 point out that the ORI zoning ordinance for -- or the
6 Aurora zoning ordinance for ORI specifies that the
7 PDD must consider existing zoning and land use in the
8 general area of the property in question and the
9 zoning history in the general area of the property in
10 question. These must be considered before changes or
11 a change in use for PDD is made.

12 Do we seriously believe that a motor
13 truck terminal which will generate truck traffic 24
14 hours a day seven days a week is compatible with
15 existing and historical zoning and land use in the
16 general area? I would say no.

17 I would also point out that the ORI
18 zoning ordinance for Aurora requires that smoke and
19 particulate matter, vibration, glare, odor, waste,
20 and noise are controlled by performance standards.

21 With respect to those performance
22 standards, the ordinance refers to the Illinois EPA
23 division of land noise pollution control standards
24 for the noise standards. And in particular, for a

1 Class C use, such as this truck terminal would be, it
2 is allowed -- or there are standards for how much
3 noise it can generate to any point on Class A land,
4 which would be any residential land, including land
5 directly across the street from it.

6 That requirement, for example,
7 specifies that in the 500 hertz audio band, that
8 during the daytime there would be no more than 58
9 decibels of noise and at night no more than 47
10 decibels of noise. That's louder than crickets, but
11 it's softer than conversation. I don't know that a
12 truck terminal directly across the street from me
13 would be softer than a conversation I might be
14 having. I think that would be a very strong or very
15 tall order to meet to match the zoning of ORI within
16 the City of Aurora.

17 And finally, I'd like to say many
18 things have happened in the last 20 years since we
19 moved into our house. The trees have gotten taller.
20 We now have two kids high school age, getting ready
21 to go off to college in one case and get a driver's
22 license in another. I need reading glasses.

23 But there are a lot of things that
24 haven't changed. Many of our neighbors are still the

1 same. As you've heard, many have been there much
2 longer than we have -- 30, 40, 50 or more years. Our
3 residential neighborhood still exists. It's still
4 zoned residential, and it still deserves -- both the
5 neighborhood and the individuals who live there --
6 the legal and moral protection that we were promised
7 those many years ago.

8 If Old Dominion is helping the world
9 keep its promises, I think Old Dominion needs to help
10 Aurora and DuPage County keep their promise to our
11 neighborhood.

12 Thank you.

13 CHAIRMAN TRUAX: Thank you.

14 MRS. KIPP: Hi. Good evening. My name is
15 Sandy Kipp. I'm Lyle's wife. As you've already
16 heard, we've lived here about 20 years now. And
17 you've heard a lot of our neighbors complain, and we
18 worry about noise.

19 I'm going to put some numbers to
20 that noise because I did some research and I looked
21 online.

22 Noise, how much noise does one
23 diesel truck make? Does anybody know? About 82
24 decibels. How loud is 82 decibels? Well, if you ran

1 your garbage disposal in your sink and you stood
2 three feet from your counter where that garbage
3 disposal is running in your sink, that is 82
4 decibels. How would you like to hear that from one
5 truck, not to mention an entire fleet of trucks
6 24 by 7 outside your window every single day and
7 every single night?

8 So as my husband mentioned, you guys
9 have ordinances. You have this whole thing about
10 Class A and Class C and this requirement about
11 keeping noise at a certain level during the daytime
12 and during the nighttime.

13 So during the daytime, it has to be
14 less than 58 decibels. During the nighttime, it
15 needs to be less than 47 decibels. So somehow
16 between the distance of the ground between where this
17 truck terminal is going to be and the closest R2
18 house, which in this case would be the Trapps or the
19 Gryziks, you need to remove from 82 down to 58
20 decibels. Okay? So that's like 20 -- 24 decibels.
21 What are you going to do, Old Dominion, to remove 24
22 decibels of noise?

23 You talk about berms. You talk
24 about landscaping. Well, you know what? That'll get

1 you maybe about 5 decibels in terms of actual noise
2 reduction. And if you go on to the website and do
3 some research, which I did, if you look at the
4 Illinois Department of Transportation, you'll find
5 out with all the sound walls and all the barriers
6 that they've put up for the tollway and for the major
7 roads like they just did on the north side of
8 Butterfield Road after it was expanded, attaining a
9 5 decibel reduction with a barrier wall is easily
10 done. Attaining 10, that's even doable. When you
11 get to 15 decibels, it is extremely difficult, and
12 when you get to 20, it is nearly impossible.

13 So it's not like you can put up a
14 berm. You can put up landscaping. You can even put
15 up a sound barrier wall. It will not remove the over
16 22 decibels of sound difference between just having
17 trucks sitting, idling, driving in that truck
18 terminal from the houses in our R2 residential
19 neighborhood.

20 In addition to the information about
21 that, the Illinois statutes even state that these
22 noise considerations should be taken into account in
23 residential neighborhoods. So again, I would
24 reiterate the point. Is having a truck terminal

1 compatible with the R2 zoning of our site immediately
2 adjacent on the east and on the south to that
3 property? I don't think so, and I would strongly
4 request that you deny this petition for annexation
5 and rezoning for ORI PDD.

6 Thank you.

7 CHAIRMAN TRUAX: Thank you.

8 MR. WITTNEBEN: Okay. My name is Jim
9 Wittneben. I'm also on Meadow Road next to the
10 Kipps, and my property -- the back end of it will be
11 to the -- to the west side of -- to the east side of
12 Meridian. Because a lot of the people have already
13 mentioned a lot of the things, I will take your
14 advice and not repeat them.

15 CHAIRMAN TRUAX: Thank you.

16 MR. WITTNEBEN: I will try to maybe look
17 forward to what maybe some of the things that will
18 come back from Old Dominion, and I will tell you that
19 I believe that they'll say that they're going to use
20 electric trucks in their terminal maybe because that
21 would be reduced noise. They might use rubber
22 bumpers instead of dock gates and so forth and
23 lowered volume beeping on the backup.

24 But I think we already heard what

1 that sounded like, so it's still -- it's not as bad,
2 but it's still above all these limits that we've
3 heard. And so therefore, that's not going to fix the
4 problem. So that's the one point I wanted to make.

5 The other thing is when these trucks
6 come out of this terminal, their headlights are going
7 to be pointing right into my backyard, and I'm not
8 going to be too happy with that, especially in the
9 wintertime. And my understanding is that there's a
10 lot more truck traffic as we get closer to Christmas,
11 so that's going to make holidays even worse through
12 the Thanksgiving time frame.

13 The other thing is when the trucks
14 are going down Meridian, they'll be having their
15 headlights right into the Gryziks, so again, they're
16 just not compatible with our neighborhood.

17 So the light pollution we've already
18 talked about. My understanding is in Crest Hill they
19 put down light dampers on the lights, but it still
20 looks like what a football field looks like with the
21 lights on 24/7 -- I mean in the nighttime seven days
22 a week.

23 So again, just light pollution and
24 they're going to have to build this property up

1 because right now about one-third of it has got water
2 on it. And so if they don't want a flooded area,
3 they're going to have to build -- raise it probably
4 in the neighborhood of 6 feet to keep from them being
5 flooding.

6 That's just going to raise the noise
7 level coming out and raise the light pollution and
8 cause more water displacement, which is going -- that
9 water has to go somewhere and hopefully not into our
10 neighborhood.

11 The other thing is traffic jams. We
12 talked about and it was mentioned that we have Shorr
13 Packaging and there's Follett and some of these
14 warehouses are starting to come online. We're
15 already getting traffic jams from these. So even
16 though there was a road study that said we are only
17 40 percent occupied, that was -- I think that was
18 done based on what I heard earlier than when these
19 warehouses are opening, and they're still some to
20 open.

21 And we have seen where trucks just
22 pull out onto Ferry Road and then stop and block the
23 traffic. There's going to be an accident, and then
24 we'll see what's going to happen.

1 And furthermore, if we have --
2 they're saying they're going to split the truck
3 traffic uniformly throughout the day so they keep us
4 bothered with the noise, I guess, evenly throughout
5 the day. But again, that's going to still add more
6 truck traffic.

7 And the one thing that was said was
8 they did not -- they mentioned that they have a
9 40,000 square foot building. They have 300 bays to
10 park. Some of it is for employees. Some of it is
11 for truck trailers. They didn't mention how many
12 trucks per day.

13 Crest Hill, I don't know if it's 800
14 trucks a day or whatever, but that's all -- if you
15 start dividing that by hours, you can start figuring
16 how many trucks you're going to have.

17 So when I come back to this, I
18 wonder, well, why would Old Dominion come ask for
19 this when they know a problem they already have in
20 some of their other places. They've gotten denied in
21 Allentown, Pennsylvania for having a mobile truck
22 terminal. Crest Hill has been -- there has been so
23 many problems, so why would they come to a
24 residential neighborhood and try to put one in? So

1 that's the gist, the basic question there.

2 I also have some stuff about the
3 usage of Frieders Lane versus using Meridian, and I
4 do believe that the property owners of that lane
5 wouldn't mind have Frieders Lane extended, especially
6 if someone else is paying for it. And could we
7 always ask because the representative is here.

8 Was there an environment impact
9 study done? I don't know.

10 And then we know that if this
11 operates, it's going to violate the City of Aurora
12 ordinances, the state ordinances, the federal EPA and
13 so forth. Why would they want to have that to a
14 Class A or R2 residential property? I don't
15 understand what's -- what the expectation is there.

16 So as far as this City of Aurora
17 goes, it was mentioned there would be additional tax
18 revenue, but my understanding from the planning
19 commission or planning department and the planning
20 commission is that this is one of the lowest tax --
21 real estate taxes that you can achieve from this
22 property.

23 So anyway, I think also it's going
24 to be the highest complaint level of the properties,

1 and so -- and then if they -- if you take the
2 streets, the city is going to have a lot higher
3 maintenance of doing Meridian and Sunrise, and that's
4 about .27 miles versus if it was just the inlet to
5 Frieders Lane.

6 So in conclusion, I think you're
7 going -- you know, we've heard that there's 17 homes
8 with varying ages in this R2 neighborhood, and some
9 of these are west of this R2 lot that they want to
10 take and south, and there's one to the east of it.

11 So from that point of view, from
12 what I understand from the Internet and LegalEase is
13 that's spot zoning, and I don't think that spot
14 zoning is something that can be done -- picking of
15 one R2 place out of the middle and moving it into
16 this PDD.

17 I won't talk anymore about Crest
18 Hill, but it was on -- other than it was on
19 Channel 7. It's been in the newspapers. They got a
20 lot of bad press.

21 So the other last of the three
22 points, concluding points is that why would Old
23 Dominion want to do this? Because if Aurora enforces
24 their noise ordinances or the state does or the

1 federal, then they can't operate next to Class A or
2 R2 property. And if it's not, then the valuations of
3 our houses go down because nobody will want to live
4 next to it, and right now that ORI property is not
5 anywhere close to the values of the residencies.

6 So in -- my final request, as you've
7 been asked, due to these problems, issues, and
8 concerns, please reject this preliminary annexation
9 of this R2 property. Please reject the addition of
10 this parcel into the Butterfield Phase 2 and reject
11 the mobile trucking terminal usage of the whole 402
12 property.

13 Thank you for giving me this
14 opportunity to speak.

15 CHAIRMAN TRUAX: Thank you. Does anyone
16 else --

17 MS. KUBAL: I'll be fast. Hi, I'm Susan
18 Kubal, K-u-b-a-l. Can I use the map of the trees,
19 please? Is that okay?

20 Just was looking -- Arno Peterson
21 has sent out those photos of all the trees over at
22 Old Dominion. As you can see, most of them look like
23 sticks and that's after how many years --

24 CHAIRMAN TRUAX: Can we have you --

1 MS. KUBAL: -- and these look quite full --

2 CHAIRMAN TRUAX: Excuse me. Can we have you
3 use the mic so we can catch --

4 MS. KUBAL: Okay, Sorry. I was just saying
5 that Arno Peterson had passed out those copies of
6 Crest Hill showing the trees by the trucks, and you
7 can really see the trucks and very little tree.

8 And we're here in this photo. All
9 those trees look really big, and I just wonder at
10 what year those trees are supposed to be. So a
11 question I had there.

12 And then I just want to say this is
13 where we are here. This is the Trapps. This is a --
14 we're all kind of grayed out on these photos and
15 pictures and we're not grayed out. We exist. We're
16 over there. And all these planners and people, I
17 think they needed to turn around the other way and
18 see us. We're there.

19 And I just want to thank you. Thank
20 you.

21 CHAIRMAN TRUAX: Thank you. Anyone else?

22 MRS. PETERSON: My name is Mary Peterson. I'm
23 Arno Peterson's wife. I had a couple things to
24 mention.

1 Lyle mentioned a couple of them from
2 the ORI zoning standpoint. And reading the ORI in
3 your ordinances, it's the ORI office, research, and
4 light industrial district is intended to provide and
5 maintain a park-like setting. And I want you to look
6 at the pictures that my husband handed to you of Old
7 Dominion and tell me if that does look like a
8 park-like sitting. I don't think it does.

9 Another question I have is for the
10 traffic study. He never mentioned how many trucks
11 will be coming and going at this facility in a
12 24-hour time frame because we are talking 24/7, not
13 just during the day. He stated that they would be
14 distributed throughout the day. He forgot to mention
15 they will be distributed throughout the night as
16 well.

17 Thank you.

18 CHAIRMAN TRUAX: we shall ask that. Thank
19 you.

20 MR. TORTORICH: Good evening. I'm Jim
21 Tortorich. I live on Meadow Road. I want to ask you
22 all -- what are you, the zoning commission?

23 CHAIRMAN TRUAX: we are the planning
24 commission.

1 MR. TORTORICH: Okay. The planning
2 commission. Have any of you ever driven around our
3 neighborhood?

4 CHAIRMAN TRUAX: I think most of us generally
5 look at the neighborhoods when they come before us.

6 MR. TORTORICH: I mean, you've been in our
7 neighborhood and taken a ride through it and see
8 where this site is?

9 CHAIRMAN TRUAX: Yes. Generally we -- we
10 check when something comes before us.

11 MR. TORTORICH: Okay. I've lived there 38
12 years, okay, and yeah, a lot of things have changed.
13 CarMax came. Top Golf. Iron Gate. Two major
14 warehouses are all around us, but none of these have
15 invaded our privacy in this neighborhood. This will.
16 This rezoning will change our environment in the
17 neighborhood. I don't want you to give them this.
18 This ain't right.

19 Thank you.

20 CHAIRMAN TRUAX: Thank you. Anyone else?

21 MR. SETORK: Good evening. My name is Ali
22 Setork. I'm one of the residents on Meadow Road.

23 I just want to talk to you about
24 some fundamental issue in case there's been -- might

1 be a belief that this little subdivision, it's a
2 bunch of old houses worn out. And of course
3 everything else around us is currently zoned
4 commercial. So this morning the weather was great
5 and I walked and I took some pictures of the houses
6 around our neighborhood.

7 There is -- as you can see, these
8 are -- I'll just go ahead and page through those.
9 These are all newer houses. This is the second one.
10 This is the another view of the second one. This is
11 the third one. See how nice the yard is? And here's
12 another house. This is a new house. It's built less
13 than ten years ago. Same house. And that's another
14 house in the neighborhood.

15 I also want to talk to you about the
16 quality of the people or what type of people live
17 there. I start from myself.

18 I am a retired university professor.
19 I taught computer science and also currently I own
20 DynaCom, who is -- we do business in Naperville. We
21 develop high tech office building, medical building.
22 I also have -- I'm also currently on the Board of
23 Economical Development of Naperville. I used to be
24 also board member like most of you on building review

1 board of City of Naperville for two terms.

2 I'm also a member of several
3 nonprofit organization boards and we help a lot of --
4 we are a main sponsor of at least ten major
5 charitable organizations.

6 Other people in our subdivision, we
7 have all professional people, I mean, working at
8 Lucent, which is now Alcatel. Many of them work
9 there and some of them work at Walgreens. They work
10 at Nicor. They work at Blue Cross/Blue Shield as
11 well as anywhere else. So the neighborhood is a
12 happy neighborhood and there are a lot of children.

13 So my point with regard to Old
14 Dominion -- and I went and talked to the counselor
15 for Old Dominion and I brought some of these issues,
16 and they do have their own answer.

17 For example, I asked them -- so what
18 you see -- actually, I'm displaying the U-shaped
19 subdivision, and I'll go back and forth. The next
20 one is just the aerial view of that U-shaped
21 subdivision, and the houses are on -- mainly on two
22 sides and there is one on the third side. And then
23 what is left of Meadow is going to be -- left of
24 Meridian is going to be developed by Old Dominion.

1 So the issue is commercial traffic
2 immediately inside our neighborhood, and I ask that
3 the counselor that if somebody wants to go -- one of
4 the workers want to go to their office and they like
5 to go Meadow down not necessarily Meridian, there's
6 absolutely nothing that's going to stop them.

7 So even though they claim that
8 people would come from Ferry Road and immediately
9 turn left into the subdivision into their site, but
10 it is possible that people come through Meadow and
11 then come through Sunrise, and so therefore, it would
12 be a circular driveway for most of this. So that is
13 a concern.

14 Another concern they there would
15 be -- would create commercial traffic into our
16 subdivision.

17 I don't think I have anything else,
18 and I think we only have one more person to talk
19 tonight.

20 CHAIRMAN TRUAX: Okay. Thank you for your
21 comments.

22 MS. GRYZIK: My name is Marion Gryzik.
23 I've been a resident in the neighborhood for 32
24 years, and my house is directly across from this 402

1 or whatever it is, the Scafidi property.

2 Now, before Old Dominion got this
3 Scafidi property, there's a house on there, and Mike
4 McKenna lived in that house for probably 38 years.
5 I've been there 32. Mike was there a long time
6 before me. And before Mike moved in, the Scafidis
7 lived there for a long time. So it's not like this
8 has been forever planned to be developed.

9 It's a residential area. There's a
10 house there. There's houses on the other side.
11 Mr. Brown is at the end. He's been there 60 years.
12 My next-door neighbors moved in the same week I did,
13 32 years ago. We love our area, and for you to okay
14 this to turn that piece in front of me into a parking
15 lot for trucks, a parking lot for 200 people to come
16 to work every day, we have to have some precedent
17 that we have been here a long time.

18 We have a great neighborhood. We
19 love where we live. It's a sanctuary for us. And to
20 just change that, we've got development everywhere.
21 Push it further -- further north and further west.
22 It's open. Let them go there. But to bother us,
23 we're established. If you know what I mean, we're
24 established there. We're not transient. Everybody

1 here has been there a long time ago.

2 And when there's empty property for
3 sale, one of us buys it and sells it and someone
4 builds a house. I sold a piece of property to Dana
5 when it was up for sale. Dana came and brought a
6 house. He's been there for years now.

7 When Scafidi had the property up
8 for sale, I tried to buy it. I wanted one or two
9 lots. I wanted my brother to build a house on the
10 other side. If he would have sold it to me, there
11 would be houses there now, but he wouldn't sell it to
12 me. He wouldn't even give me a price. He knew what
13 he was doing.

14 But to break up our neighborhood
15 like this, and if you haven't been down there, please
16 take a ride down or have the committee who's going to
17 review this come and ride -- take a ride through our
18 neighborhood. You will wish you lived there. I have
19 a sign in my house that says paradise, and my friends
20 refer to my place, my yard, the area as paradise,
21 honest to God.

22 So thank you for hearing me.

23 CHAIRMAN TRUAX: Okay. Thank you. I
24 appreciate your comments.

1 MR. LISBON: Hi. Thank you. My name is Tom
2 Lisbon. I've lived 21 years in this neighborhood
3 with my mom and dad who built our house in the
4 neighborhood.

5 I would like to share an anecdote
6 and also address a logical fallacy that I've heard
7 Old Dominion talk about.

8 The first one, the anecdote, I used
9 to not like living in my neighborhood. I gave my
10 parents crap about hey, I don't live where all my
11 friends live, I live far away. But as I went through
12 high school, when my friends would come visit me, it
13 would be wonderful because everyone would forget
14 we're in the suburbs.

15 I always refer to my place as if
16 there's a boonies in Naperville, we live out there.
17 It's very peaceful. You don't realize you're in the
18 suburbs. It's quiet. I really hope that -- since I
19 graduated and I'm now going to be living at home to
20 save some money, that it stays that way. And I
21 really can see myself spending a lot of time in this
22 area in the future. So that's a personal anecdote
23 about myself, maybe a continuing generation in the
24 neighborhood.

1 Now the logical fallacy I'd like to
2 address is how -- they've addressed how a lot of the
3 area has been rezoned or has been, you know, built
4 warehouses and built other items. But this is
5 different. This is not the same thing because this
6 will directly affect myself and all my neighbors and
7 their lives because of the noise.

8 The warehouses around aren't
9 necessarily super noisy. The garages to the
10 southeast of the neighborhood aren't super noisy, but
11 this is something that will really disturb and affect
12 our lives.

13 Thank you.

14 CHAIRMAN TRUAX: Thank you. Anybody else?

15 MR. MCAULIFF: I'm sober.

16 CHAIRMAN TRUAX: Aren't we all?

17 MR. MCAULIFF: You people should come to our
18 neighborhood and just drive through it. Some of you
19 will say hi, top of the morning to you.

20 My wife and I got married right
21 after I got out of Frozen Chosin many years ago.
22 That's Korea. I was a paratrooper. I had my last
23 jump on my 65th birthday.

24 I've been offered a lot of money for

1 where I live. The neighbors, they cut me a lot of
2 slack. I heard that. But all of you, just for the
3 heck of it, just swing on by. You don't -- I don't
4 know you. Come -- I was offered a lot of money, but
5 I couldn't find a better place to live. And just
6 come to the neighborhood. Just come down Ferry Road.
7 Go down Meadow Lane. Come down Sunrise Road.
8 They've got a black dog there, but -- no, the
9 neighbors, every one of them, every one of them cuts
10 the other guy so much slack. There's been no trouble
11 there.

12 And I challenge -- like Jim, he got
13 up, made a little speech, and walked out. Take a
14 ride through that neighborhood and every one of you
15 will probably say gee, this is a nice neighborhood,
16 I'd like to live here.

17 I've had people from Wisconsin, from
18 Tennessee, all over, they used to come and spend a
19 weekend there and they'd say hey, mind if we come
20 back next week? What am I going to do, tell them no?
21 I mean, take a ride through the neighborhood.

22 Thank you.

23 CHAIRMAN TRUAX: Okay. Thank you. Can you
24 give us your name?

1 MR. MCAULIFF: Oh, I'm sorry. You guys are --
2 my name is Gil McAuliff. I've got seniority in the
3 neighborhood.

4 CHAIRMAN TRUAX: Okay.

5 MR. MCAULIFF: Thank you.

6 CHAIRMAN TRUAX: Okay. Did we get everybody?
7 Okay. I have to say, this is one of the best
8 organized groups of neighbors that we have
9 encountered.

10 we will try to get the developers --
11 we'll try to get the petitioners to answer some of
12 the questions that came up. I have a few that I'll
13 ask Bruce and your group to talk about.

14 Several people asked, I think, how
15 many trucks per day.

16 MR. GOLDSMITH: It would be helpful if we
17 could have a five-minute recess so I can kind of line
18 up the people that are going to answer the questions.

19 CHAIRMAN TRUAX: All right. Let me tell you
20 the questions I have, if that will help --

21 MR. GOLDSMITH: Sure.

22 CHAIRMAN TRUAX: -- in your lining up. The
23 question about noise emissions and what level we
24 expect that to be.

1 There was a question about the
2 possibilities of contamination from fuel tanks. Is
3 it too fast?

4 MR. GOLDSMITH: No.

5 CHAIRMAN TRUAX: I am -- I guess I am curious
6 also about the zoning at the time that this
7 neighborhood originally started, the zoning
8 ordinances at the time.

9 How many trucks per day.

10 COMMISSIONER ANDERSON: And why this
11 location -- why this location in particular.

12 CHAIRMAN TRUAX: Okay. Any other things?

13 COMMISSIONER COLE: Has there been a light --
14 sometimes we get the light study and I don't think we
15 had that in our --

16 CHAIRMAN TRUAX: Right. Light emissions.

17 COMMISSIONER COLE: Light emissions.

18 MR. GOLDSMITH: That's at final. We actually
19 have done a photometric study and it meets the city
20 standards. And we'll talk to you about why it does
21 as part of our answer.

22 CHAIRMAN TRUAX: Okay. Are there other
23 questions that we might want the developer or the
24 petitioners to consider?

1 COMMISSIONER COLE: The landscaping, I assume
2 that you've seen the pictures from Crest Hill.

3 MR. GOLDSMITH: I'll find out from somebody
4 who has.

5 COMMISSIONER COLE: Okay. How thick are the
6 trees.

7 MR. GOLDSMITH: I understand.

8 CHAIRMAN TRUAX: Okay. I think that's it, so
9 we'll recess for five minutes.

10 MR. GOLDSMITH: If you would, please.

11 CHAIRMAN TRUAX: Okay. We shall do that. We
12 will be back in five minutes.

13 (Recess taken.)

14 CHAIRMAN TRUAX: I was told there is one more
15 person who came late and wishes to speak. Is she
16 here?

17 okay. If you'd like to, you can
18 write your name and address. First we have to swear
19 you in.

20 (Witness sworn.)

21 MS. KIPP: My name is Lori Kipp. I live at
22 4S240 Meadow Road.

23 I'm not the Lorax and I do not speak
24 for the trees. However, my name is Lori and I do

1 speak on behalf of the residents of Meadow, Sunrise,
2 and Meridian Roads.

3 I'm 17 years old and I have lived my
4 entire life in this community. I've had well water
5 since I was born, explored through trees and learned
6 to drive on these small, quiet streets, but this
7 proposal threatens to end the quietness of my home.

8 Sound, pollution, suburban sprawl.
9 It's clear that esthetically these are serious
10 detriments to the geographic landscape, but the issue
11 extends past the pure visual or even auditory changes
12 that come with the industrial package being proposed.

13 Safety concerns, groundwater
14 contamination, loss in property value, in essence,
15 incompatibility between residential and developmental
16 or industry zones.

17 The zoning laws perceived under the
18 basic assumption that property must be protected
19 against uses of neighboring property that will be
20 harmful to its use or enjoyment. Therefore,
21 residential areas are often kept apart from areas in
22 which commercial and/or industrial uses are allowed.

23 I'd like to address my largest
24 concern regarding the construction and implementation

1 of the proposed terminal.

2 Safety. I've lived in the same
3 neighborhood for my entire life, and I have been
4 fortunate enough to enjoy many of the different
5 aspects of the limited traffic and secluded nature of
6 its position. While I understand that some of these
7 benefits are exclusive, such as learning to bike
8 without the use of my hands by riding in the middle
9 of the street, there are serious issues that would
10 come as an effect of the terminal construction.

11 Children live in this neighborhood.
12 Children, myself included, have grown and continue to
13 grow here. We bike and walk our dogs and chase geese
14 and have the opportunity to be a child because we
15 have the peace and space and security to do so.

16 Now, there is no sidewalks. We walk
17 along the streets with Nerf guns or wave or sometimes
18 salute to our neighbors if they drive by. Trucks
19 rumbling past our homes every day 24/7 would prevent
20 that experience because it just isn't safe. Could I
21 walk around my block anymore? Could I even bike
22 without the fear of being crushed under the weight of
23 a freighter?

24 And speaking of those freighters, we

1 would be remiss to dismiss the pollution and
2 contaminants that diesel fuel, oil leakage, and other
3 chemical contaminants that high traffic patterns
4 actually cause.

5 I speak as the Metea Valley Science
6 Olympiad state medalist in hydrogeology, in essence,
7 the study of groundwater and its sources of
8 contamination. One of the largest components we
9 discussed in this competition is possible sources of
10 pollutants, a main one being road runoff.

11 Currently in our neighborhood we
12 have very little traffic, and hence, very little
13 pollution and chemical contaminants leached into our
14 groundwater due to road runoff. Should a truck
15 terminal be constructed, that traffic load would
16 increase exponentially, resulting in a huge source of
17 contamination due to natural pollution that comes
18 with mechanical processes and the operation of large
19 equipment such as trucks.

20 We are on well systems. In my
21 family's case, this means a 65-foot deep well with a
22 100 gallon per minute flow rate. Our neighborhood is
23 located approximately 650 feet from the proposed site
24 of the terminal, and our hardest geology challenge,

1 modeled after real world contaminants and scenarios,
2 we traditionally work with tens of thousands of feet,
3 yet still work to tackle the contamination problems.
4 Now we have a proposed solution that would
5 contaminate -- or situation that would contaminate
6 the groundwater in our area crucial to the safety and
7 prosperity of my family and my neighbor's families.

8 So beyond the safety hazards that
9 posed -- that are posed by the trucks themselves, the
10 unavoidable increased pollution to due to road
11 runoff, not to mention the environmental detriment,
12 is simply not in the best interest of the people of
13 this community.

14 It is with the safety and well being
15 of my community in mind that I humbly ask that the
16 zoning not be changed from R2. There are not only
17 esthetic issues or annoyances that we must consider,
18 but additionally the risks pertaining to each and
19 every family, each and every individual.

20 If the purpose of zoning law is
21 really to promote the public health, safety, moral,
22 comfort, and general welfare conserving the values of
23 property throughout and use a board which to uphold
24 that purpose, then you have a choice to make, with

1 one correct answer.

2 Thank you.

3 CHAIRMAN TRUAX: Thank you. If there is no
4 one else that wishes to speak, let us close the
5 public hearing and we will ask the petitioners to
6 respond to some of the questions that have been
7 raised.

8 MR. GOLDSMITH: So you asked -- and we'll get
9 to all the questions, but I'm going to cover the
10 zoning issue.

11 So you asked what has been happening
12 historically with respect to zoning. So I don't know
13 the exact date, but if you look at the property that
14 is the long -- I'll call it the bowling alley piece
15 right against I-88, that's been zoned in the City of
16 Naperville for many years as industrial.

17 So to the south of the Sunrise
18 people, it's been zoned industry for a long time.
19 Joe Abel will talk about the master plan or
20 comprehensive plan in Naperville.

21 In addition to which over a period
22 of time, remember I told you the Farnham property was
23 annexed and zoned in 2002. If you're looking for the
24 trend of development, this is what was happening.

1 This is how the city was responding.

2 The Sunrise property immediately
3 adjacent to some of these homes was rezoned in 2008,
4 annexed and rezoned. They would have been given
5 notice. They certainly had an opportunity to speak,
6 and that property was brought into the city.

7 The same thing is then the city
8 created this boundary line agreement. But at the
9 time all of this was happening, the property that's
10 called Lot 401 had been zoned in the City of Aurora
11 for the PDD for this use from 1976. All the property
12 north of the new Ferry Road had been zoned PDD since
13 1976. So the trend of the development started 40
14 years ago, not in the last year with this small
15 annexation.

16 Even if this property didn't come
17 in, this lot is going to develop for a use that could
18 be truck terminal or could be another use with
19 substantial vehicular traffic. It's inevitable
20 because it's already zoned and it's already ready for
21 development, and it already has a ton of permitted
22 uses under the PDD.

23 So it's not that this property isn't
24 going to develop. The question is why this site for

1 this use, and the simple answer is the reason
2 transportation related properties are done in this
3 location generally, why are all these big warehouse
4 buildings being built? why is all this distribution
5 happening? Because you've got Eola interchange on
6 one side and you've got Route 59 on the other. It's
7 the logical place for this kind of use. And that's
8 why this area is changing because that's where the
9 trend of development is. This is just one small
10 piece of a trend that's been going on for 40 years.

11 As to trucks, I will -- Mike, are
12 you going to do that?

13 AUDIENCE MEMBER: Can we make a comment
14 on --

15 CHAIRMAN TRUAX: I'm sorry, but the public
16 hearing part is closed. We need to rehear the
17 petitioners respond now.

18 MR. WERTHMANN: well, initially they're
19 looking at about 80 roundtrip truck trips, 80
20 deliveries, 60 percent to 70 percent are during the
21 daytime. Ultimately you could have upwards of 100 to
22 115 roundtrip truck trips a day.

23 CHAIRMAN TRUAX: 115 -- 100 to 115
24 roundtrips --

1 MR. WERTHMANN: 115 in and 115 out maximum.

2 COMMISSIONER ENGEN: And when would the bulk
3 of these truck deliveries be occurring?

4 MR. WERTHMANN: Most of them are during the
5 day. That's when the local deliveries are going out.
6 I think it's somewhere in the range to 60 to 65
7 percent.

8 COMMISSIONER COLE: Sir, do you load and
9 unload anything at this site or do you go somewhere
10 else and pick up what you're carrying?

11 MR. WERTHMANN: I will refer that to --

12 COMMISSIONER COLE: Okay. That's fine.

13 MR. WERTHMANN: No problem. Thank you.

14 MR. GOLDSMITH: Before I have Chip come up to
15 talk about some of the Old Dominion operational
16 questions, although we don't normally address site
17 specific instruction issues at this stage at
18 preliminary, we did give the city cut sheets.

19 These are double walled tanks. They
20 meet all federal and state standards for safety, and
21 I think Old Dominion can testify to the fact that
22 they know how to operate the site to be respectful of
23 the neighbors.

24 As a practical matter, most the

1 storm water and therefore most of the drainage is
2 going to the west, and it's all internally drained
3 anyway within the site. And they have special
4 protections with respect to this special equipment
5 that they use for fueling and stuff like that.

6 COMMISSIONER COLE: I had a question before
7 anybody testified about in the staff report at one of
8 the meetings you held with the staff before, there
9 was some question about the gas being -- the fuel
10 being, if there were a leak that it would be
11 dispensed into the storm sewer?

12 MR. GOLDSMITH: No. There actually -- and we
13 gave them cut sheets. We responded to that. There
14 is an internal system actually with a container that
15 would get any of the material that would spill from
16 the fueling area and it's then pumped out to a
17 licensed carrier. So it doesn't leave the site. It
18 doesn't even leave the location within the site.
19 It's all handled, and I can have the engineer talk
20 about more if you want more, but that's -- it's been
21 addressed.

22 COMMISSIONER COLE: Okay.

23 MR. GOLDSMITH: Because the fire safety people
24 in the city asked about that and we got the

1 information.

2 COMMISSIONER COLE: That's where I got the
3 question from.

4 MR. GOLDSMITH: And there also is a triple
5 drainage system as well to take care of any kind of
6 material that falls into that area.

7 CHAIRMAN TRUAX: Okay.

8 MR. GOLDSMITH: So we'll go on to operational
9 issues and Chip will come back up.

10 CHAIRMAN TRUAX: Okay.

11 MR. OVERBEY: Okay. Ms. Cole, I think your
12 question was about loading and unloading in there.

13 So typical what happens is your
14 P & D drivers, who are your local pickup and delivery
15 drivers, will leave in the morning. They'll go into
16 industrial parks and they'll pick up shipments, so
17 that's loaded at those facilities.

18 They're brought back in the evening,
19 somewhere between 4:30 and 6:30 because we have cut
20 times we have to make at night to get that freight
21 out so you can deliver next day somewhere in the
22 range of 500 and 550 miles. So it's a cross dock
23 facility, so when those local drivers come back in,
24 that freight is taken off the truck. It's crossed

1 the dock. Depending on the outbound door it's loaded
2 to, it's loaded on that tractor and trailer and then
3 it's dispatched to its destination.

4 COMMISSIONER COLE: So the answer is yes, you
5 do.

6 MR. OVERBEY: Yes, ma'am. And then in the
7 morning time, the reverse. Okay?

8 COMMISSIONER COLE: Okay. I understand.

9 MR. OVERBEY: Yes, sir.

10 COMMISSIONER ENGEN: Chip, a question for you.
11 And I've seen this with a lot of warehouses that have
12 recently been built in the Aurora area where they
13 have the loading docks only on one side of the
14 building, and I'm trying to think of what their --
15 you know, what the people are talking about here as a
16 way of reducing noise, can it be done only on one
17 side of the building?

18 MR. OVERBEY: No, sir, because it's a -- what
19 you're talking about is exactly a warehouse. They're
20 taking it in, they're racking it, they're storing it
21 until such time as somebody orders it and ships it
22 out.

23 I could say think of us like an
24 airport terminal. It's coming in, it's crossing,

1 it's out. The last thing we want to do is warehouse
2 it.

3 Yeah, and he mentioned the backup
4 point. What we've recently done, we've done this in
5 Crest Hill, we've done it in a few other places is
6 there's a technology out there now called a white
7 noise beeper. And to some degree it's got to meet
8 OSHA code. You don't have a choice with that.

9 But those white noise beepers are in
10 place. They don't have quite the piercing sound that
11 a traditional -- what you might hear from a dump
12 truck or something like that. So that's in place and
13 that's easily useable here. It's not a problem.

14 And with all due respect, I'm not
15 certain that that's really one of ours. It doesn't
16 sound like what we put in there from a white noise
17 standpoint. It's a little different, so with all due
18 respect, I'd probably have to challenge that one.

19 I can try, but I'm not a lighting
20 expert, but you asked about the lighting. They are
21 LED lights, so that helps with your glow and whatnot,
22 and they're down forced, so it shouldn't infringe
23 out. And hey, it's LED lights, and they're hot,
24 so...

1 MR. GOLDSMITH: I don't know if there's other
2 questions operationally.

3 COMMISSIONER COLE: Actually, there is. When
4 you did your slideshow before, you did a screen that
5 had environmental impact and you had reduced idling.

6 MR. OVERBEY: Yes, ma'am.

7 COMMISSIONER COLE: Is there such a thing for
8 trucks as no idling?

9 MR. OVERBEY: Yes, ma'am. We have a no idle
10 policy upon delivery and return to the terminal.
11 So -- and if you think about it from a practical
12 standpoint, that makes sense for us. It doesn't make
13 any sense for a tractor to sit there and idle and
14 burn fuel.

15 So the instructions, the intent, the
16 policy is when that driver returns, he parks that
17 trailer, parks that tractor, it stops.

18 COMMISSIONER COLE: So in essence, you have a
19 no idle policy?

20 MR. OVERBEY: Yes, ma'am.

21 COMMISSIONER ENGEN: I know for a fact the
22 state law says you cannot idle for more than minutes,
23 and it's even tougher in Chicago.

24 MR. OVERBEY: Yeah, what Bruce is saying is

1 that the question about idling on the street, really
2 there's no reason to do that. You know, they're
3 going to come in. There's a gate. It works on RFID.
4 It opens, they're in. The gate closes behind and
5 then you're out. So there's really no reason for
6 those guys to be stationed out on those streets even
7 during high volume time.

8 COMMISSIONER ENGEN: I think the new engines
9 in trucks are designed not to idle and that it's
10 actually worse to be idling --

11 MR. OVERBEY: That's correct.

12 COMMISSIONER ENGEN: -- because it floods out
13 the filtration system.

14 MR. OVERBEY: That's exactly right.

15 COMMISSIONER COLE: I'm glad you said
16 something about on the streets. Now, we have -- I
17 believe it's Kraft out on the west side. It's on
18 Indian -- Sullivan, but I think the entrance is on
19 Indian Trail there. And very seldom, but I have seen
20 trucks backed up out on Indian Trail.

21 would that ever happen at your
22 facility or would there always be accommodations so
23 they would go right through the gate, they would
24 never be sitting on the road?

1 MR. OVERBEY: I'm not familiar with that area,
2 so I can't tell what happens --

3 COMMISSIONER COLE: Well, I'm just asking you
4 about your area.

5 MR. GOLDSMITH: I think I can -- so Kraft is
6 on Sullivan. Excel is on Indian Trail.

7 COMMISSIONER COLE: Okay. Okay.

8 MR. GOLDSMITH: And one of the problems is
9 because they have to make a left in when -- because
10 they all come off Orchard that sometimes they get
11 backed up because they have to go through a gate.
12 They have to go through actually a security gate and
13 everything to get in, so I think occasionally they do
14 back up.

15 Their situation is they have plenty
16 of room on site. There's no reason for it to back up
17 on to Meridian.

18 COMMISSIONER COLE: Okay. Thank you.

19 CHAIRMAN TRUAX: Ken, I think, has a question.

20 COMMISSIONER CAMERON: There was some comment
21 about use of the electrical vehicles to move on site.
22 Is that forklifts or is that transfer units to move
23 stuff in and out?

24 MR. OVERBEY: Obviously the tractor-trailers

1 are not electrical. We do have some electrical
2 forklifts and that type of thing in the location.

3 COMMISSIONER GARCIA: I have a question. One
4 of the residents indicated that they made the attempt
5 to meet with you, some sort of neighborhood meeting,
6 and that never took place.

7 MR. OVERBEY: Well, that's not exactly
8 correct. We've met with the city in -- in Crest Hill
9 you're talking about, several times. So you know --

10 COMMISSIONER GARCIA: Have you met with these
11 neighbors that are going to be affected?

12 MR. OVERBEY: I personally haven't, but I
13 can't tell you who was at those meetings.

14 MR. GOLDSMITH: I think we're confusing two
15 different things. There was testimony about what
16 happened in Crest Hill. What Old Dominion means of
17 communications in Crest Hill has been through the
18 village because they were mediating that discussion.

19 Here, I've talked to anyone who has
20 called, and you know, I'm sure the company will sit
21 down with people if they want to talk about
22 operational issues. But I mean, this is the zoning
23 part of it. The operational thing is later.

24 COMMISSIONER GARCIA: I understand that. When

1 you start listening to the residents, and I myself
2 have to put myself in their shoes, is I, too, would
3 be disturbed by the fact that no one had took the
4 opportunity to set up a neighborhood meeting with
5 them that could be done at any particular time. And
6 so I guess what did Old Dominion do here to try to at
7 least communicate with the neighbors?

8 MR. OVERBEY: Well, I think the answer is just
9 what we said. As Bruce said, we worked those
10 channels, and that's what we did.

11 COMMISSIONER GARCIA: Then the other question
12 I have here is as well, and again, someone brought it
13 up regarding an alternate route and I know that
14 somebody had indicated north and west that you can
15 develop.

16 During your time when you were
17 sitting down and during the development here, did
18 that ever come into play, looking into that?

19 MR. GOLDSMITH: Actually, there is a physical
20 limitation on doing that. I guess I'll go to the
21 plans.

22 So all the detention is on the west
23 side of the site except for a small part that's in
24 the northeast corner, and that's where the natural

1 flow is and that's where we have to hold the water.
2 So there's a detention pond the whole west side of
3 the property, and so Frieder Lane was not an option.
4 They needed -- and also, they wanted to be segregated
5 from other users so that they would spread the
6 traffic over the available intersections.

7 So by having these trucks and cars
8 come in off of Meridian, having the other property
9 which was much larger, Lot 401, come off of Frieder
10 Lane, you are limiting the amount of traffic coming
11 to one location.

12 COMMISSIONER GARCIA: I'm trying to digest all
13 of this information so...

14 MR. GOLDSMITH: I understand. I mean, if you
15 look at the plan, which I have up on the screen,
16 everything on the west side is detention, and that's
17 where the natural flow is.

18 Just as an aside, somebody said
19 well, we're raising the site six feet because there's
20 water. There's water there because it doesn't
21 naturally drain, as is typical of a farm field.
22 There's a lot of places out there that are under
23 water right now. We've had a lot of rain. When this
24 detention system is set up, everything drains within

1 the parking lot. Everything goes -- 90 percent goes
2 to this pond. It then drains to the south and then
3 goes into the tollway ditch.

4 So that's the whole design of the
5 site is to transfer the water to the logical place
6 and control it. And the city staff has looked at
7 this, and this meets your standard for storm water
8 management. It meets the hundred year requirement
9 for detention, and it meets the release rates.

10 So this is a facility that is
11 consistent with every other facility that's built out
12 there.

13 CHAIRMAN TRUAX: So you're saying you can have
14 the storm water management the way it is or you can
15 have Frieder Lane, but you can't have both.

16 MR. GOLDSMITH: Well, I don't know that we
17 would want to use Frieder Lane, but the practical
18 thing is the site doesn't allow it.

19 CHAIRMAN TRUAX: Okay.

20 MR. GOLDSMITH: Because of the way it grades
21 and the way it has to drain.

22 CHAIRMAN TRUAX: Yes.

23 COMMISSIONER CHAPMAN: I have a question.

24 CHAIRMAN TRUAX: Sure.

1 COMMISSIONER CHAPMAN: You had mentioned -- I
2 think the gentleman had mentioned in regards to LED
3 lighting in the parking lot. Do you know what type
4 of lumens or foot candles those LED lights will put
5 off? Depending on -- I know LED lighting to be
6 different lumens pertaining to walking paths to
7 parking lots. I can just imagine what type of lumens
8 would it take to light this type of area?

9 MR. GOLDSMITH: The city's requirement is that
10 we do a photometric study that establishes that the
11 spillage at the perimeter is I believe .1 foot
12 candle, and we meet that requirement. So we meet
13 whatever the city standard is. I'm quoting off of
14 memory, but we've done a study and we will meet that.
15 So it will not be any different than any other
16 building out there in terms of spillage.

17 COMMISSIONER CHAMBERS: Thank you.

18 CHAIRMAN TRUAX: Okay. Are there other
19 questions for the petitioners?

20 Okay. I thank you.

21 MR. GOLDSMITH: Thank you for your time.

22 CHAIRMAN TRUAX: I think we are ready for
23 staff recommendations.

24 MR. MINNELLA: Staff would recommend

1 conditional approval of the ordinance providing the
2 execution of the annexation agreement, providing also
3 for vacant land PDD, planned development district
4 zoning, which -- of the territory which will be then
5 annexed to the City of Aurora located at the
6 southwest corner of Sunrise and Meridian Road, but
7 with the following conditions that are listed on the
8 staff report, and with the wish of the commission, we
9 can go through and read all those conditions.

10 CHAIRMAN TRUAX: I think that would be a good
11 idea.

12 MS. PHIFER: I'll just go through.

13 There is a little bit of background
14 in the staff memo. The staff concerns listed in the
15 memo really kind of fall into a couple of areas. One
16 deals with the roadway network with regards to
17 Sunrise, and then the other deals with the land uses
18 in the area, and petitioner alluded to that one as
19 well.

20 So there is a number of changes that
21 staff is requesting to the annexation agreement.
22 Those are outlined in red lines in your memo,
23 including asking that the owners work with the
24 adjacent property owners to limit the uses on the

1 adjacent properties.

2 As we kind of discussed, this is an
3 industrial area. However, staff would like to see
4 that we have a little more variety of uses and that
5 it's not all sort of the truck terminal that you see
6 on this property.

7 You know, having similar intensive
8 uses on the other properties is going to add even
9 more of that traffic to the area. Currently those
10 uses are allowed on the majority of this lot and all
11 of the lots -- what they're calling Lot 401, which is
12 a rather large lot to the west.

13 So staff is asking that they work
14 with the adjacent property owner on limiting a
15 similar type use as this on the adjacent lot. So the
16 first condition is basically that, that they work
17 with the adjacent property owner.

18 The second condition, again
19 subsequent to the approval, that they work with the
20 property owner to have the revisions and
21 modifications listed below. The preliminary plan and
22 plat, which is actually two other items that are
23 before you this evening, because of the fact that the
24 property is really just 4 acres of the entire area,

1 we're asking that the preliminary plan and plat be
2 considered on its own merits and not be considered as
3 part of an attachment to the annexation agreement,
4 and so that's why it's before you as a separate
5 document. So we're asking that that be deleted from
6 the annexation agreement.

7 Also, with request to recapture,
8 that's something that we've been working back and
9 forth with the developer on as far as which
10 improvements are really being required of this
11 property and which are ones where they may be allowed
12 to recoup additional costs from adjacent property
13 owner in the future.

14 Because of the lay of the land and
15 the fact that we have a very large lot directly to
16 the west, we do feel that the roadway improvements
17 that are associated with the truck intensive use that
18 you see here, they really do need to be the ones who
19 are providing those roadway networks to push that
20 obligation off on to adjacent lots when this use is
21 going to have a very intensive use at those roads,
22 staff felt that they should be the ones who are
23 bearing the cost of that.

24 We did -- and I did mention in the

1 staff report, we did do a tradeoff with regards to
2 Frieder Lane, so there's no improvement to Frieder
3 Lane at this time. That would be born by the lot of
4 401. However, that is basically being transferred to
5 the other two roads to enable everything to be built
6 for this developer.

7 There's a cleanup thing with regards
8 to this being a nonresidential property. It's not
9 technically an ORI because it is a planned
10 development district. That's No. 5.

11 No. 6 again refers to this idea that
12 we would make modifications to limit the uses.

13 And then the main ones, so under
14 No. 8, that's where it really gets into the
15 modification about limiting uses, that the following
16 uses under the plan description which are uses that
17 are currently allowed on the majority of this site
18 and the adjacent property, that they be prohibited,
19 which include motor freight terminal, truck terminals,
20 including exchanges and handling of freight, truck
21 tractor-trailers or bus storage or parking yards,
22 lots or garages, vehicle terminals and vehicle
23 storage yards, major and minor, and truck and freight
24 transportation services.

1 So it's staff's recommendations that
2 those be limited on the remaining balance of this
3 property south of Ferry Road.

4 No. 9 is referring to Sunrise, and
5 we're just continuing to work this out with the
6 developer. Staff's main concern, as I said before,
7 we want to ensure that the improvements that are
8 really necessary for this property are born by the
9 developer and not forced on to adjacent property
10 owners in the future. And so we're still working out
11 with them on exactly how far the improvement is going
12 to go to the west, but again, our main objective is
13 to make sure that we have one -- either Lot 401 or
14 Lot 402, the larger lots, are going to be the ones
15 responsible for building that roadway. And that's
16 really dealing with No. 9 and No. 10 and No. 11.

17 No. 12 and No. 13 are really just
18 cleanup, that we need to have some legal references
19 on the attachment.

20 And if there's any additional
21 conditions, obviously, the commission would like to
22 see --

23 CHAIRMAN TRUAX: Are there questions for
24 staff?

1 Mr. Cameron?

2 COMMISSIONER CAMERON: The restriction on the
3 other uses confused me. That doesn't apply to 402,
4 but it would apply to 401? Is that what the intent
5 is of that or --

6 MS. PHIFER: That is the proposal.

7 COMMISSIONER CAMERON: Okay. That's -- that's
8 what I thought it was, but I wasn't sure.

9 MS. PHIFER: It is permitted use, like I say,
10 on the majority of the property in question tonight.
11 However, what staff is proposing is then we limit the
12 ability to have multiple of these types of facilities
13 south of Ferry Road.

14 CHAIRMAN TRUAX: Okay. If there's no further
15 questions, what's the wish of the commission?

16 COMMISSIONER CAMERON: Move for approval with
17 conditions.

18 CHAIRMAN TRUAX: Is there a second?

19 COMMISSIONER COLE: Second.

20 CHAIRMAN TRUAX: Okay. It's been moved and
21 seconded.

22 would you call the roll, please.

23 MR. MINNELLA: Chairman Truax.

24 CHAIRMAN TRUAX: I don't generally vote.

1 MR. MINNELLA: Ms. Anderson.
2 COMMISSIONER ANDERSON: No.
3 MR. MINNELLA: Mr. Bergeron.
4 COMMISSIONER BERGERON: No.
5 MR. MINNELLA: Mr. Cameron.
6 COMMISSIONER CAMERON: Yes.
7 MR. MINNELLA: Mr. Chambers.
8 COMMISSIONER CHAMBERS: No.
9 MR. MINNELLA: Ms. Cole.
10 COMMISSIONER COLE: Yes.
11 MR. MINNELLA: Mr. Devine, absent.
12 Ms. Duncan.
13 COMMISSIONER DUNCAN: No.
14 MR. MINNELLA: Mr. Engen.
15 COMMISSIONER ENGEN: I'm confused here. Right
16 now we're just voting on the -- only if it's an
17 annexation.
18 MR. MINNELLA: Annexation agreement, that's
19 correct.
20 COMMISSIONER ENGEN: But --
21 MR. MINNELLA: The preliminary plat and plan
22 approval would be thereafter.
23 COMMISSIONER ENGEN: This is only on
24 annexation --

1 MS. PHIFER: No, it is actually -- the
2 annexation agreement is what sets the zoning on the
3 property. So you are voting on the zoning on the
4 property. So this is the conditions under which the
5 city would annex the property.

6 So I just want to make sure
7 everybody is clear. This is -- this is a vote
8 regarding the zoning of the property, the 4 acre --
9 4.96 acres at the corner.

10 COMMISSIONER ENGEN: All right. Yes.

11 MR. MINNELLA: Thank you.

12 Mr. Garcia.

13 COMMISSIONER GARCIA: Before I vote, I want to
14 take a look at this, with my education, any time that
15 something gets done or is going to be done, you
16 always bring the parties to the table, and for the
17 reasons you say that you are available for them to
18 have conversation with you, I think -- at the same
19 token I think it would have been -- it would have
20 been great had you communicated with them or set some
21 sort of meeting.

22 This is a major, major decision that
23 needs to be made, and when you're infringing on the
24 residents of Aurora is what I'm looking at, I just

1 can't -- it doesn't sit well with me, and so for
2 that, I will vote no.

3 MR. MINNELLA: Mr. Reynolds.

4 COMMISSIONER REYNOLDS: No.

5 CHAIRMAN TRUAX: Okay. There are six no's and
6 three yeses so --

7 MS. PHIFER: So it failed.

8 CHAIRMAN TRUAX: Yes. So the annexation
9 agreement does not carry. So that will be -- that
10 will be our recommendation to -- as this goes forward
11 to city council.

12 The preliminary plan and plat then,
13 do we go ahead and vote on those, which are sort
14 of --

15 MS. PHIFER: Technically we do still need a
16 recommendation. However, obviously, the commission's
17 recommendation could be for denial based on the fact
18 that the annexation agreement -- that the 4 acres
19 would not be part of the plan.

20 CHAIRMAN TRUAX: All right. So we will go
21 ahead with the resolution approving revision to the
22 preliminary plat for Butterfield Phase 2, Unit 4C
23 located south of Ferry Road in between Frieder Lane
24 and Meridian Road.

1 I guess we need a recommendation
2 again so that we can take the vote.

3 MR. MINNELLA: Staff recommends conditional
4 approval of the petition.

5 CHAIRMAN TRUAX: Okay. That's the staff
6 recommendation.

7 What's the wish of the commission?

8 COMMISSIONER CAMERON: Move for conditional
9 approval.

10 COMMISSIONER COLE: Second.

11 CHAIRMAN TRUAX: Okay. The motions for
12 approval.

13 Would you call the roll, please.

14 MR. MINNELLA: Ms. Anderson.

15 COMMISSIONER ANDERSON: No.

16 MR. MINNELLA: Mr. Bergeron.

17 COMMISSIONER BERGERON: No.

18 MR. MINNELLA: Mr. Cameron.

19 COMMISSIONER CAMERON: Yes.

20 MR. MINNELLA: Mr. Chambers.

21 COMMISSIONER CHAMBERS: No.

22 MR. MINNELLA: Ms. Cole.

23 COMMISSIONER COLE: Yes.

24 MR. MINNELLA: Ms. Duncan.

1 COMMISSIONER DUNCAN: No.

2 MR. MINNELLA: Mr. Engen.

3 COMMISSIONER ENGEN: No.

4 MR. MINNELLA: Mr. Garcia.

5 COMMISSIONER GARCIA: No.

6 MR. MINNELLA: Mr. Reynolds.

7 COMMISSIONER REYNOLDS: No.

8 CHAIRMAN TRUAX: Okay. The motion does not
9 carry.

10 we also have a resolution approving
11 a preliminary plan for Butterfield Phase 2 Unit C,
12 being vacant land located south of Ferry Road between
13 Frieder Lane and Meridian Road in ward 10. This is
14 the preliminary plan piece of that.

15 MR. MINNELLA: Staff recommends preliminary --
16 conditional approval.

17 CHAIRMAN TRUAX: Okay. We heard the
18 recommendation. What's the wish of the commission?

19 COMMISSIONER CAMERON: Move for conditional
20 approval.

21 COMMISSIONER DUNCAN: Second.

22 CHAIRMAN TRUAX: Okay. It's been moved and
23 seconded.

24 would you call the roll, please.

1 MR. MINNELLA: Ms. Anderson.
2 COMMISSIONER ANDERSON: No.
3 MR. MINNELLA: Mr. Bergeron.
4 COMMISSIONER BERGERON: No.
5 MR. MINNELLA: Mr. Cameron.
6 COMMISSIONER CAMERON: Yes.
7 MR. MINNELLA: Mr. Chambers.
8 COMMISSIONER CHAMBERS: No.
9 MR. MINNELLA: Ms. Cole.
10 COMMISSIONER COLE: I'm going to vote yes
11 again, but I guess maybe I should state a reason for
12 all my yeses.
13 I certainly sympathize with the
14 residents that are sitting out there. Unfortunately,
15 a property owner has the right to develop their
16 property to the highest and best use, and I think
17 probably the highest and best use would not be
18 residential in this case. I'm voting yes.
19 MR. MINNELLA: Ms. Duncan.
20 COMMISSIONER DUNCAN: No.
21 MR. MINNELLA: Mr. Engen.
22 COMMISSIONER ENGEN: No.
23 MR. MINNELLA: Mr. Garcia.
24 COMMISSIONER GARCIA: No.

1 MR. MINNELLA: Mr. Reynolds.

2 COMMISSIONER REYNOLDS: No.

3 CHAIRMAN TRUAX: If I understand, what we have
4 done is voted not to have a recommendation for
5 approval, so if we wish to have a recommendation for
6 denial, I think that that would be appropriate if
7 someone would like to move and vote on recommendation
8 for denial rather than just a recommendation not to
9 approve this.

10 Obviously that's your choice.

11 MS. PHIFER: Correct. As it stands, it would
12 be the commission would be moving these three items
13 forward without a recommendation to the planning and
14 development committee.

15 CHAIRMAN TRUAX: Right. So if someone wishes
16 to make a motion for denial, we can send that along.
17 Otherwise, we can let this stand as it is with just
18 no approval and send that along.

19 COMMISSIONER BERGERON: I would make the
20 recommendation for denial.

21 COMMISSIONER DUNCAN: Second.

22 CHAIRMAN TRUAX: Okay. It was moved and
23 seconded to not -- for denial for the annexation
24 agreement. Is that your motion?

1 okay. would you call the roll,
2 please.

3 MR. MINNELLA: Sure.

4 Ms. Anderson.

5 COMMISSIONER ANDERSON: Yes.

6 CHAIRMAN TRUAX: A yes vote is a vote for
7 denial.

8 MS. PHIFER: Yes, right.

9 MR. MINNELLA: Mr. Bergeron.

10 COMMISSIONER BERGERON: Yes.

11 MR. MINNELLA: Mr. Cameron.

12 COMMISSIONER CAMERON: No.

13 MR. MINNELLA: Mr. Chambers.

14 COMMISSIONER CHAMBERS: Yes.

15 MR. MINNELLA: Ms. Cole.

16 COMMISSIONER COLE: No.

17 MR. MINNELLA: Mr. Divine. Sorry.

18 Ms. Duncan.

19 COMMISSIONER DUNCAN: Yes.

20 MR. MINNELLA: Mr. Engen.

21 COMMISSIONER ENGEN: No.

22 MR. MINNELLA: Mr. Garcia.

23 COMMISSIONER GARCIA: Yes.

24 MR. MINNELLA: Mr. Pilmer.

1 Mr. Reynolds.

2 COMMISSIONER REYNOLDS: Yes.

3 CHAIRMAN TRUAX: Okay. So the motion for
4 denial of the annexation agreement carries.

5 Do we also need to have a motion for
6 denial of the resolution for the preliminary plat?
7 If someone wishes to make motion or not, as you
8 choose.

9 COMMISSIONER BERGERON: I would move for the
10 denial.

11 CHAIRMAN TRUAX: Okay. It's been moved.

12 Do we have a second?

13 COMMISSIONER CHAMBERS: Second.

14 CHAIRMAN TRUAX: Okay. It's been moved and
15 seconded to deny the resolution to revise the
16 preliminary plat.

17 would you call the roll, please.

18 MR. MINNELLA: Sure.

19 Ms. Anderson.

20 COMMISSIONER ANDERSON: Yes.

21 MR. MINNELLA: Mr. Bergeron.

22 COMMISSIONER BERGERON: Yes.

23 MR. MINNELLA: Mr. Cameron.

24 COMMISSIONER CAMERON: No.

1 MR. MINNELLA: Mr. Chambers.
2 COMMISSIONER CHAMBERS: Yes.
3 MR. MINNELLA: Ms. Cole.
4 COMMISSIONER COLE: No.
5 MR. MINNELLA: Ms. Duncan.
6 COMMISSIONER DUNCAN: Yes.
7 MR. MINNELLA: Mr. Engen.
8 COMMISSIONER ENGEN: No.
9 MR. MINNELLA: Mr. Garcia.
10 COMMISSIONER GARCIA: Yes.
11 MR. MINNELLA: Mr. Reynolds.
12 COMMISSIONER REYNOLDS: Yes.
13 CHAIRMAN TRUAX: Okay. The motion carries.
14 And finally, we have an opportunity if someone would
15 like to move for denial for the resolution approving
16 the preliminary plan, we can do at this time.
17 COMMISSIONER DUNCAN: So moved.
18 COMMISSIONER ANDERSON: Second.
19 CHAIRMAN TRUAX: Okay. It's been moved and
20 seconded.
21 would you call the roll, please.
22 MR. MINNELLA: Ms. Anderson.
23 COMMISSIONER ANDERSON: Yes.
24 MR. MINNELLA: Mr. Bergeron.

1 COMMISSIONER BERGERON: Yes.
2 MR. MINNELLA: Mr. Cameron.
3 COMMISSIONER CAMERON: No.
4 MR. MINNELLA: Mr. Chambers.
5 COMMISSIONER CHAMBERS: Yes.
6 MR. MINNELLA: Ms. Cole.
7 COMMISSIONER COLE: No.
8 MR. MINNELLA: Ms. Duncan.
9 COMMISSIONER DUNCAN: Yes.
10 MR. MINNELLA: Mr. Engen.
11 COMMISSIONER ENGEN: No.
12 MR. MINNELLA: Mr. Garcia.
13 COMMISSIONER GARCIA: Yes.
14 MR. MINNELLA: Mr. Reynolds.
15 COMMISSIONER REYNOLDS: Yes.
16 CHAIRMAN TRUAX: Okay. The motion for denial
17 carries.
18 So where onward will this go?
19 Stephanie, can you enlighten us?
20 MR. MINNELLA: This will go to P & D --
21 CHAIRMAN TRUAX: which is the planning and
22 development committee.
23 MR. MINNELLA: Correct, on --
24 MS. PHIFER: So this item will next be heard

1 at the planning and development committee, which is
2 at 4:00 p.m. on May 26th, and it is in the fifth
3 floor conference room of this building.

4 CHAIRMAN TRUAX: Okay. And again, this is
5 ultimately decided by city council, so if folks are
6 interested in contacting members of city council,
7 that would probably be the next step if you would
8 like to carry it further.

9 Thank you for your attendance
10 tonight.