

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

The Niles Plan Commission and Zoning Board of Appeals was called to order at 7:32 P.M.

Chairman Pro Tem Thomas Kanelos asked everyone to stand for the Pledge of Allegiance and then asked Commissioner Troiani to take the roll.

Present along with Chairman Pro Tem Kanelos and Village Attorney Joseph Annunzio were Commissioners Karen Dimond, Thomas Surace, Angelo Troiani, Morgan Dubiel and Robert Schuler, Jr.

Also present was Charles Ostman, Director of Community Development and Richard Wlodarski, Assistant Director of Community Development.

Absent was Chairman James T. Hynes.

Chairman Pro Tem Kanelos stated at this time, on behalf of Mayor Callero, I will appoint Kathleen Janessa as recording secretary.

Chairman Pro Tem Kanelos then asked are there any changes, additions, deletions or corrections for the May 4, 2009 meeting minutes. [There were none.] If not, I'll entertain a motion to approve.

Commissioner Dimond moved to approve the Minutes of May 4, 2009 as presented.

Seconded by Commissioner Surace, on roll call the vote was:

| | | |
|-------|---|----------------------------------|
| AYES: | 4 | Dimond, Surace, Troiani, Kanelos |
| NAYS: | 0 | |
| PASS: | 2 | Dubiel, Schuler |

There being four (4) affirmative votes the motion carried.

New Business

09-ZP-08 Mr. John Daley, Howard Land LLC
2340 River Road - #310
Des Plaines, IL 60018

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Requesting a Special Use for Preliminary and Final Plat approval for a PUD to construct a manufacturing facility at 6280 Howard St., Niles, IL 60714.

Chairman Pro Tem Kanelos called for the only item on the agenda.

09-ZP-08 - Mr. John Daley, Howard Land LLC, 2340 River Road - #310, Des Plaines, IL 60018. Requesting a Special Use for Preliminary and Final Plat approval for a PUD to construct a manufacturing facility at 6280 Howard St., Niles, IL 60714.

Chairman Pro Tem Kanelos stated before I ask the petitioners to take the podium I am going to ask Mr. Charles Ostman, department head, to give us the comments from the department.

Charles Ostman, Director of Community Development, stated I just wanted to give you a quick overall of the petition request here tonight. This is a request to consider approval of a Special Use Preliminary and Final Plat approval for a Planned Unit Development at 6280 Howard St. The proposed PUD is to construct a 59,200 sq. ft. juice processing center to be owned and operated by Greenwood Associates in producing juice flavorings. The subject property is 4.23 acres located directly behind Schindler Elevator and the recently developed and constructed attached warehouse by Duke Realty currently occupied by W.W. Grainger. [Mr. Ostman then proceeded to incorporate the overhead pictures into his presentation.] As I point out here this is the existing facility that is at the southern most part of the parcel in the back which was under construction for the warehouse where W.W. Grainger is. Subject property tonight is back there – the 4.23 acres site. The subject parcel was never developed and has been issued an environmental no further remediation letter. An ingress, egress easement to this property has been in place on the 6300 Howard property since 1992 which at that time was still under common ownership and remained under common ownership until 2004. The subject site is the same situation to the property immediately to the west known as Vapor Corporation until the property was redeveloped into a modern warehouse by the Missner Group. The rear property is currently occupied by Custom Accessories since 1991 with an expansion in 1997. And if I can point out again, this is the site we're talking about that we recently developed into two warehouses over 400,000 sq. ft. total. This is the parcel in the back very similar to the one we are addressing tonight for your consideration.

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MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

The Missner Group has been retained by Greenwood Associates for the actual construction of the 6280 Howard St. site. For the review process the Community Development Department has retained attorney Ronald Cope; he is with us this evening to review the entire application in addition to Patrick Glenn of Gewalt Hamilton Associates, an engineering firm to review the plat and engineering drawings. There were quite a few things that were reviewed in this application process. In a sense it is landlocked; they do not have an easement agreement in place for the utilities going back there. They do have the ingress and egress access but all the other easement agreements had to be reviewed by these two outside consultants. In your packet this evening is a set of drawings depicting the building on the site along with the required parking and storm water retention. Also enclosed are the proposed easements for all the utilities to the site. As the petitioner comes up here this evening he'll go into further detail in regard to the development of the site and some of the easements that I just mentioned. The recommendation will be based on the overall site development. Staff will ensure that all required easements and the language will be reviewed by Gewalt Hamilton along with the attorney Ron Cope and it will be presented to the Village Board along with the plat reflecting all the requirements if this is a recommendation. Easement language has not been finalized with the adjacent property owners for this reason. The condition, should it be favorable, is to provide a final plat with all the easement language for the Village Board. If anybody has any comments, we'll move right into the petitioner.

Commissioner Troiani stated I have one comment. This one letter that was supposed to be recorded for the recorder's office has all the wrong dates and all the wrong addresses on it. Is it going to be corrected?

Mr. Ostman stated I don't know what that document is.

Commissioner Troiani stated they have 6320 W. Howard St. in three different places in this letter and it should be 6280.

Mr. Ostman stated that is probably an old easement agreement.

Commissioner Troiani stated it is a copy of what we should be having. It is a legal document.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Mr. Ostman stated it is a letter from the EPA. That was the address of that site previous to this application. The correct address has been changed and the new address is 6280 Howard St.

Commissioner Troiani stated that has been changed in all the legal documents.

Mr. Ostman stated it will be changed in any documents from this point forward.

Chairman Pro Tem Kanelos stated we're informed that it is the legal description that matters.

Mr. Ostman stated right.

Commissioner Dubiel stated with residential we don't like to have a flag-shaped lot. It looks like you have that standard in industrial areas.

Chairman Pro Tem Kanelos stated why don't we do this. If there's not a specific question, even if there is, why don't we let the presentation go forward and then we'll ask all the questions after the presentation is made.

Brian Liston, Liston & Tsantilis law firm, 33 N. LaSalle St., Chicago, IL 60602, stepped forward.

Chairman Pro Tem Kanelos stated please raise your right hand. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mr. Liston stated I do. Mr. Chairman, members of the Board & Counsel. I'd like to introduce all the different individuals that are here tonight. I'd like to initially introduce my partner Peter Tsantilis. The General Counsel for Howard Land, Sam Mandarino, is with me tonight. We have Mr. Missner and Mr. Keggy from the Missner Group that are the builders. We have Mr. Putnam from Jacob Civil Engineering and Mike Bumstark from Cornerstone Architects all here that can testify as well if need be. We have a PowerPoint presentation for you tonight kind of outlining the site works. As you know, we recently had the 6b unanimously approved on the site to bring this 59,000, approximately

APPROVED
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AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

60,000 sq. ft. facility to Niles. Howard Land is the current owner of the site and intends to sell the subject property to Tribal Council who is a subsidiary of Greenwood. Tribal, through its management company, Greenwood & Associates, will be using the subject property for its use for manufacturing of food products, specifically juices – the concentrate of juices. One of the jokes we use is that we cover juices from A to T – from apple juice to tomato juice concentrates and make these products and distribute them throughout North America and have facilities in Massachusetts, Dallas and throughout the United States. We are currently located in Highland Park. We are seeking to relocate our entire facility to this new state-of-the-art facility in Niles. The facility will bring approximately 12 to 16 employees; however that calculation, based on our expansion and some new clients, might be all the way up to 26 employees. Tonight we are requesting a Planned Unit Development from the Village of Niles so we may transfer the property to Greenwood to construct our new facility. Here is an aerial map of the subject. You have seen the aerial view as Mr. Ostman put that up for us. The subject parcel is located at 6280 Howard Street, which is the new address, Commissioner. The property is about 4.2 acres. As of right now it is not developed. Greenwood has allotted \$6.6 and it might go up another million to \$7 to construct a brand new facility approximately 52,000 sq. ft. for juice. One of the things we are working on is lines for product use and development for easy access. Here is our site plan. Here is the elevation. I also have two hard renderings as well.

Chairman Pro Tem Kanelos stated I believe we have all those in our packet.

Mr. Liston stated the site plans and elevations will all be consistent with the code and we are not asking for any relief there. Why this planned development? We are landlocked and there are various requirements by the Village of Niles that must be complied with in order to transfer title to the property. Both the landowner and Greenwood are working together to submit this application for this facility. The next slide shows various requests being made as part of the planned development. Easements, which include access, signage, water main, storm water management and utility – all of them are included in your packet tonight. The proper auto/truck turn, the property fire truck turn, proper site plan and subdivision of the site. Since the property is landlocked and vacant, there are various easements that are necessary for the benefit of the site. Again, access, signage, water main, storm water management, utility and

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

we lay those out in the package. First one is the master exhibit. This is the access easement agreement that is also in the package and I also have two hard blow-ups of it as well on both east or west corridors. Here is a signage easement. Here is a water main loop easement; storm water management easement. You can kind of see how it fits within the [inaudible]. Utility easement. The following slides indicate the onsite turning patterns for automobiles. We did this with a cad program for the proper truck turning. This would be a truck arriving on the east portion, backing up into the exterior loading docks. Then this is departing from the southeast corner of the site as well. Here's the fire truck turn on the northwest corner of the site. Our following slides incorporate various plans for the site. The existing condition and removal plan; dimensional control and paving plan, grading and erosion control plan and utility plan. Here is how the existing site looks as of now. Here's the dimensional control and paving; grading and erosion control; elevations; here's our utility plan with utilities going out to Merrimac eastward. The following slides represent the plat of subdivision required to document the creation of a separate lot upon which the proposed facility is going to be used with the 6280 Howard address. We have the plat of subdivision with the legals. The planned development is necessary in order for Howard to be able to transfer title to subject property and for Greenwood to be able to construct the proposed juice facility thereon. Again, I'm going to go over some of the impact on the community. \$6.6 million and it might go up to \$7.5 million depending on some of the construction, some of the state-of-the-art facility. That does not include the equipment inside the facility as well. Approximately 12 to 16 permanent full-time employees. We are always willing to hire qualified Village of Niles residents on the property. Greenwood has experienced a commitment to the Village of Niles to provide long-lasting economic boundaries in the Village with jobs, sales tax and increased property values in the immediate area. We believe it is a world class company to come to the municipality. The planned development presented today is necessary in order to complete the transfer of the title; we discussed that. The property has been out there undeveloped for a long time. We really believe that we've met all the criteria for the transfer. The property is landlocked and we have issues that must be addressed for us to transfer the title. That's why once again we want the planned development. In these times not a lot of people can afford what we are promising and constructing and we wanted the new facility in Niles. We are moving our facility from Highland Park to Niles and we are requesting that the Village of Niles approve the proposed planned development for this

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

property. We are here tonight for any questions, comments, great thoughts. We want to be part of Niles and we want to be good neighbors.

Chairman Pro Tem Kanelos stated thank you. At this time are there any questions from the Commissioners?

Commissioner Troiani stated I would like to have this added to the presentation. This booklet we were handed tonight "Exhibit A" Planned Unit Development should be added to what we received a couple of weeks ago.

Chairman Pro Tem Kanelos stated you mean to present to the Counsel.

Commissioner Troiani stated yes.

Commissioner Dimond stated I have a question for Chuck [Ostman]. I understand this parcel has been vacant for a long time. Can you tell me what, if anything, had been constructed on this parcel in the past?

Mr. Ostman stated nothing.

Commissioner Dimond stated you can't tell me or nothing has been constructed there.

Mr. Ostman stated nothing has been developed.

Commissioner Dimond stated farmland years ago or we don't know.

Mr. Ostman stated my records don't go back that far. I would assume that it has never been developed and it has been farmland.

Commissioner Dimond stated thank you. Why is the company moving from Highland Park?

Mr. Liston stated we're expanding significantly. Honestly, the facility we are at in Highland Park right now does not meet our needs in terms of expansion in lines, in the development. There's a symmetry from Greenwood we use when the product is received to the end product, where we receive the product, develop the product and this will make it much more efficient and we can almost double our manufacturing with the proposed facility we are putting together in Niles.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Commissioner Troiani stated I would like to ask our Director of Code Enforcement and Development a question. Magnesium back there – how did it get there? Was it a dumping ground or oil dumping ground?

Mr. Ostman stated I cannot tell you.

Commissioner Troiani stated you don't know?

Mr. Ostman stated no.

Commissioner Troiani stated but they are going to remove it all before they do any building, right?

Mr. Ostman stated our attorney can address that issue.

Mr. Annunzio stated they have no further remediation right now. So that means it is in compliance with the law. If it does have to be disturbed and go off site then there will have to be a special magnesium [inaudible]. But for our purposes it is fine.

Commissioner Troiani stated it is okay for us. And there is going to be no magnesium inside the building.

Mr. Liston stated a lot of juice.

Commissioner Troiani stated the Fire Chief was a little bit worried about that and I said they have to go along with all the guidelines anyway and all the quotes. That's all I have.

Commissioner Surace stated seeing there is going to be a lot of juice, citric acid. This of this nature, highly caustic, can erode cement and things like this – what provisions have you made for spillage or in the processing that it will not damage sewer lines, things of this nature in normal waste? Citric acid is really a [inaudible]. If you are familiar, Boden Juices in Chicago had tremendous problems with this. They make a lot of orange juice, this type of thing, bringing in more product and really destroyed a lot of building and something special – did anybody [inaudible].

Mr. Liston stated I believe one of our engineers could address the topic Commissioner.

**APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS**

June 1, 2009

Jamie Putnam, Jacob & Hefner Associates, 1901 S. Meyers Rd., Suite 350, Oak Brook Terrace stepped forward.

Chairman Pro Tem Kanelos stated please raise your right hand. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

Mr. Putnam stated yes. The product that comes out of there will actually be treated, neutralized before it actually gets into the sanitary sewer system. It then ties into the Village's system and goes [inaudible] and everything else.

Commissioner Dimond stated one relates to the retention pond. There's not going to be any discharge into that retention pond, is there? It's simply rainwater accumulated in there, is that correct?

Mr. Liston stated yes.

Commissioner Dimond stated another question I have is.... I drove out to this property. It wasn't easy to find. I finally drove around and found it in the back. It looked like I was driving over Grainger property. Who is it that you are negotiating with to get the ingress and egress easements from? I'm not sure who owns that property now. Is it Duke Realty?

Mr. Liston stated Duke Realty. On the diagram, we have easements on both east and west for access to the property.

Commissioner Dimond stated those easements have been negotiated.

Mr. Liston stated yes they have.

Chairman Pro Tem Kanelos stated and the status of those, are they signed?

Mr. Liston stated the general counsel can speak to that.

Sam Mandarino, 2340 River Rd., Des Plaines, IL stepped forward.

Chairman Pro Tem Kanelos stated please raise your right hand. Do you solemnly swear the testimony you are about to give is the truth, the whole truth and nothing but the truth?

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Mr. Mandarino stated yes. I can speak to the issue of access. We currently have an easement in place to provide access of the east side of the property which you can see on the diagram above. That is for ingress and egress both in and out of the property on behalf of the occupant of the property. After meeting with the fire department, the fire department has requested emergency access down the west side of the property, essentially to make a loop in the event there is an emergency at the property. We are currently negotiating with Duke to secure emergency access on the west side of the property. We do not anticipate that will be a problem. We're still in the process of negotiating it and will probably execute and record the easement within the next two weeks.

Commissioner Dubiel stated I have a question along those same lines. This is actually for Mr. Ostman. What is the history of these kinds of easements, where we have someone dependent totally fire-wise on this? Are they able to maintain that contractually? Do we ever run into a problem?

Mr. Ostman stated yes, as long as there is an easement and it is recorded, I think Joe [Annunzio] can speak more to that. Again, we have history in regard to this because the property adjacent to the west operates under the exact same circumstances for quite some time without a problem.

Chairman Pro Tem Kanelos stated what is the status of the rest of easements other than the ingress and egress.

Mr. Mandarino stated I can speak to that as well. Some utility access will be obtained through the property to the east which is owned by Komar Screw. We have an easement in place executed and recorded to provide general utility access out to Merrimac. The occupant will get its water by tying into Duke's water main. We are in the process of finalizing our water main tap-in agreement with Duke which has been agreed to in principle but not yet finalized. The only other easement of concern is the storm water easement which we've agreed to because we are providing it as the owner of the property. We will sign that in due course.

Chairman Pro Tem Kanelos stated to simplify, the easements are not signed and recorded yet.

Mr. Mandarino stated some are them are not signed and recorded yet. That's correct.

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Chairman Pro Tem Kanelos stated can you specify which ones are not.

Mr. Mandarino stated let me specify in detail which easements are still outstanding. Easement in favor of the Village for emergency access over the Duke property has not yet been signed but as I said we expect to have that signed in the next two weeks. An easement in favor of the Village over the tied-in water main loop on Duke's property has not been signed. We expect that will be signed in the next two weeks. An easement in favor of the Village running parallel to our easement over the Komar Screw property [utility access corridor to the east] has not been signed yet but I've been told it's in the process of execution and that should be signed within the next week or so. And the fourth easement that hasn't been signed is the easement that will be granted by the occupant of the property in favor of the Village of Niles over the storm water management system, essentially on the property, that will be signed by the occupant in due course. But the form of the agreement is acceptable to the occupant currently. So I'd say there are four easements that remain outstanding.

Chairman Pro Tem Kanelos stated are there other questions from the Commissioners.

Commissioner Dimond stated I'm just curious, where does Tribal Council get its name from.

Mr. Liston stated it is just a wholly owned subsidiary of Greenwood.

Commissioner Dimond stated okay.

Commissioner Dubiel stated I just have a final question, Mr. Liston. Any concern about financing this project going forward? Are you financing internally?

Mr. Liston stated no. Right now they are financing internally but there might be [inaudible].

Chairman Pro Tem Kanelos stated Chuck [Ostman], are you satisfied with the site plan?

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Mr. Ostman stated yes I am. I would ask Joseph Annunzio, the attorney, if there should be any conditions that should be placed on this recommendation this evening.

Mr. Annunzio stated from what I see here there should be a final site plan to take before the Board. We have layers of site plans here.

Mr. Ostman stated so the final plat should be submitted along with all completed easement agreements.

Mr. Annunzio stated correct.

Chairman Pro Tem Kanelos stated any other questions from the Commissioners.

Commissioner Troiani stated do you want us to hold this up until we get the final papers or do you want us to make that contingent.

Mr. Annunzio stated make it condition.

Chairman Pro Tem Kanelos stated are there any questions from the public? [There were none.] Then I will entertain a motion.

Commissioner Troiani moved 09-ZP-08 - Mr. John Daley, Howard Land LLC, 2340 River Road - #310, Des Plaines, IL 60018 requesting a Special Use for Preliminary and Final Plat approval for a PUD to construct a manufacturing facility at 6280 Howard St., Niles, IL 60714 be **approved** subject to finalization of all easements presented to the Village and final plat of survey.

Seconded by Commissioner Surace, on roll call the vote was:

AYES: 5 Surace, Dimond, Troiani, Dubiel, Schulter
NAYS: 0

There being five (5) affirmative votes the motion carried.

Chairman Pro Tem Kanelos stated this Board is a recommending Board to the Board of Trustees who can either confirm or negate our decision and it will be necessary for the petitioner to contact Mr. Charles Ostman,

APPROVED
MINUTES OF THE MEETING OF THE PLAN COMMISSION
AND ZONING BOARD OF APPEALS
VILLAGE OF NILES
COOK COUNTY, ILLINOIS
June 1, 2009

Director of Community Development, and ask to be placed on the Board of Trustees agenda and you will be notified of the date. Anyone in the audience who would like to be informed as to the date this will be heard by the Board of Trustees, please leave your name and address with our secretary and she will notify you. Thank you. I will entertain a motion to adjourn.

Commissioner Dimond moved to adjourn the meeting.

Commissioner Surace seconded the motion to adjourn. On roll call the vote was:

AYES: 5 Surace, Dimond, Troiani, Dubiel, Schulter
NAYS: 0

Their being five (5) affirmative votes the motion carried.

The meeting adjourned at 8:02 p.m.

Kathleen Janessa, Recording Secretary