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

## COMMISSION

RE: WESTGATE PARK & SHOP - 1531 - 1711 WEST CAMPBELL STREET - PC# 18-027  
REZONING FROM B-1 TO B-2 AND VARIATION

REPORT OF PROCEEDINGS had before the Village of  
Arlington Heights Plan Commission Meeting taken at the Arlington Heights Village  
Hall, 33 South Arlington Heights Road, 3rd Floor Board Room, Arlington Heights,  
Illinois on the 23rd day of January, 2019 at the hour of 7:30 p.m.

### MEMBERS PRESENT:

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

### ALSO PRESENT:

SAM HUBBARD, Development Planner  
JACOB SCHMIDT, Assistant Planner

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CHAIRMAN ENNES: The meeting of the Arlington Heights Plan Commission is called to order. Would you all please rise and join us in the pledge of allegiance?  
(Pledge of allegiance recited.)

CHAIRMAN ENNES: Thank you. Please be seated. Can we please have the roll call?

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. SCHMIDT: Commissioner Dawson.

(No response.)

MR. SCHMIDT: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. SCHMIDT: Commissioner Green.

(No response.)

MR. SCHMIDT: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. SCHMIDT: Commissioner Warskow.

(No response.)

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Present. Okay, Sam, have all public notices been issued and given?

MR. SCHMIDT: Yes, they have.

CHAIRMAN ENNES: The meeting and the project?

MR. SCHMIDT: Yes, they have.

CHAIRMAN ENNES: I see we have our Petitioner here. Would you please rise and come forward and tell us about your, well, actually before I get that started, we have some minutes we have to approve. And we have another Commissioner walking in, Commissioner Warskow. My apology.

Okay, we have minutes from our last meeting. Is there a motion to approve those?

COMMISSIONER SIGALOS: I'll make that motion.

CHAIRMAN ENNES: Second?

COMMISSIONER WARSKOW: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: So the motion carries.

COMMISSIONER DROST: And I wasn't at that meeting, so I wasn't voting here.

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CHAIRMAN ENNES: Okay, so you abstain?

COMMISSIONER DROST: I could.

CHAIRMAN ENNES: Okay, would our Petitioner please come forward? If I can ask you to please state your name and spell it for our court reporter?

MR. SCHWARTZ: Michael Schwartz from the Westgate Shopping Center, S-c-h-w-a-r-t-z.

CHAIRMAN ENNES: Thank you. I'd like to swear you in.  
(Witness sworn.)

CHAIRMAN ENNES: Thank you. Would you please tell us about your project?

MR. SCHWARTZ: We're requesting a rezoning of the center from a B-1 to B-2 General Business District. We're also seeking a variation to waive a parking and traffic study for our expansion of Fitness 19. I think we've been before you with more details on the project, but I'll be glad to fill in on anything that I can.

CHAIRMAN ENNES: Okay, did you want to tell us why you're looking for the parking waiver?

MR. SCHWARTZ: Well, we've gone through this twice before and not too long ago, and I would rather avoid a third one. It just will be redundant I think.

CHAIRMAN ENNES: Okay, that's all you have?

MR. SCHWARTZ: Pretty much, yes.

CHAIRMAN ENNES: So, please be seated then. If we can have the Staff report?

MR. SCHMIDT: Certainly. As the Petitioner stated, he's seeking a rezoning of the Westgate Park & Shop Shopping Center. The address of the subject property is 1531 through 1711 West Campbell Street. The current zoning of the property is B-1 Business District Limited Retail, and the site is designated for commercial uses in the Comprehensive Plan. Both the current and proposed zoning is compatible with this designation. The requested action, more specially put, is a rezoning from B-1 Business District Limited Retail to B-2 General Business District. As part of this petition, one variation has been requested, that being a variation from Chapter 28, Section 6.12-1, to waive the requirement for a traffic and parking study prepared by a qualified professional engineer.

The subject property is located at the southeast corner of Wilke and Campbell Street. It is bordered to the, rather it is accessible via four driveways, two along Campbell Street and two along Wilke Road. It is bordered to the north by an existing B-2 Zoning District which encompasses another shopping center, Wilke Commons, a gas station, a medical office building, and a restaurant. The property is also bordered on the north by a dental office zoned B-1 and single family uses zoned R-3. To the east, the property is bordered by single-family uses also in the R-3 Zoning District. It is bordered to the south by an office park zoned B-1, and across Wilke Road to the west, the property is bordered by single family uses in the city of Rolling Meadows.

The impetus for this project is a proposed expansion of Fitness 19. B-1 zoning does not permit health club facilities by right or via a special use permit; however, Fitness 19 does operate lawfully via a land use variation granted in 2009. This land use variation was amended in 2013 in order to accommodate an expansion, and recently Fitness 19 has proposed another expansion to an adjacent tenant space which is currently vacant. As this

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expansion is relatively substantial, approximately a 23 percent increase in floor area, another amendment to the land use variation would be required in order to expand the facility. Rather than amending the land use variation, the Petitioner, the owner Westgate is proposing a rezoning of the entire property to B-2. B-2 does allow health club uses by right which would completely negate the need for a land use variation for Fitness 19.

In addition to allowing Fitness 19 to expand, B-2 zoning does allow 18 additional permitted uses and 14 special uses compared to B-1 zoning, which enables the Petitioner to have greater flexibility in the future with recruiting tenants. B-2 zoning is also consistent with similar shopping centers in other areas of the Village as well as with the properties to the north previously mentioned. Aside from the internal expansion of Fitness 19, no other changes are proposed to the site or overall structure at this time.

With respect to parking, the site does provide code-required parking for all uses within the shopping center. For all uses including the expanded Fitness 19, 208 spaces are required. As the shopping center currently provides 234 spaces on site, there is a 26-space surplus of code-required parking. While a variation is being sought from the provision of a full traffic and parking study, the Petitioner did provide a parking survey conducted by staff members of Fitness 19 showing the occupancy and available spaces for parking at the subject site on eight days in September and October of 2018. While the survey was relatively limited with only one count per day, it did encompass a wide variety of hours, both morning, afternoon and night. So, Staff believes that this paints an adequate picture of what the available parking is at the site at any given time. Peak parking lot utilization was observed to have occurred on Tuesday, October 2nd, 2018, at 10:24 a.m. when 109 vehicles were observed to be accessing the site. This resulted in the availability of 125 parking spaces.

Lastly, as Fitness 19 is expanding, there is an increase in vehicular parking required at the site which does trigger the provision of required bicycle parking. Also, as this petition involves the rezoning of the entire shopping center, provision of required bicycle parking for the entire shopping center is required. The table in the bottom left-hand corner details the required bicycle parking for all uses within the shopping center broken down by gross square footage by use: retail, general office, medical office, restaurant, health club and beauty shop. Adding up the total required bicycle parking for all these uses, a total of 10 bicycle parking spaces is required. Currently, there is a six-space bicycle parking rack just outside of the Fitness 19 tenant space. However, as this does not meet the 10-space bicycle parking requirement, as part of this petition, the Petitioner shall agree to provide adequate bicycle parking for required bicycles at this site.

With respect to the traffic and parking study, code does require with few allowances that any petition coming before the Plan Commission does need to provide a full traffic and parking study. The Petitioner has requested a variation from this requirement and Staff does support this variation. Firstly, because an assessment of parking prepared by a certified traffic engineer has previously been provided for the initial approval of Fitness 19, additionally, no major changes have recently occurred at the site that impact either provided parking or circulation at the site. The site also has immediate access to Wilke Road which has four lanes and designated a secondary arterial per the Village's Thoroughfare Plan. With respect to parking, the site has a surplus of required vehicular parking per code, and the Petitioner did provide a parking survey which demonstrates adequate spaces are provided at the site.

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On the note of signage, it should be noted that the subject site did receive a sign variation in 2015 that granted a three-year window to remove and replace the existing multi-tenant ground sign on Campbell Street. This replaced sign would take the form of either a modified Walgreen's sign which is currently on Wilke Road, this modified sign is detailed in the concept at the top right-hand corner, or it would take the form of a replaced Walgreen's sign as detailed in the bottom right-hand corner. This three-year window did expire on September 8th, 2018, and currently the Building Department is handling enforcement of the allowances granted through the sign variation. The Petitioner has stated that he has been in negotiations with Walgreen's regarding the removal and replacement of both ground signs. However, no action has been taken as of yet.

Bearing all this information in mind, the Staff Development Committee recommends approval of the requested rezoning from B-1 to B-2 and the requested variation. This recommendation is subject to two conditions, those being that 10 bicycle parking spaces shall be provided at the subject site, and the second being that the Petitioner shall comply with all federal, state and Village codes, regulations and policies.

This concludes my presentation. If there are any questions, I'm happy to answer.

CHAIRMAN ENNES: Thank you, Jake. Can we have a motion to approve the Staff report?

COMMISSIONER LORENZINI: I'll make that motion.

CHAIRMAN ENNES: And a second?

COMMISSIONER DROST: I'll second that motion.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Anybody abstaining? Okay, thank you for that report. I do have one other question before we get going with the Commissioners. If I could ask the Petitioner to come back up? I should have asked you when you were up before, you're still under oath obviously, you're aware of the two conditions that the Planning Department has put on their recommendation and approval?

MR. SCHWARTZ: Yes.

CHAIRMAN ENNES: And you're agreeable to both of those?

MR. SCHWARTZ: I believe our bicycle rack holds 10, the one that's existing there. I didn't, I wanted to personally count it before the meeting but I was a little late because of the traffic.

CHAIRMAN ENNES: Bikes from both sides?

MR. SCHWARTZ: I'm told that on both sides it will hold 10, it's a 10-rack that's existing now.

CHAIRMAN ENNES: Okay, I'm sure that will work with them. Okay, thank you. Sorry for that confusion. While he's up here, does anyone have questions for the Petitioner? Let's start down here on the north end.

COMMISSIONER CHERWIN: No, I have none, thank you.

COMMISSIONER SIGALOS: No, I was at, I attended the Comprehensive Plan Review meeting. I'm familiar with the project so I have no further questions.

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COMMISSIONER DROST: Yes, what's the secret sauce for Fitness 19?

CHAIRMAN ENNES: Yes, they're doing good there.

COMMISSIONER DROST: Yes.

AUDIENCE MEMBER: Community, I guess. They welcomed us.

COMMISSIONER DROST: Yes, and time for sort of retitling rights on the center? I mean, it's getting pretty close to the size of Walgreen's. My theory was that with Kilwins coming, that Fitness 19 is going to be a beneficiary. No other comments.

CHAIRMAN ENNES: Okay, that's it? I want to start down here on the south side.

COMMISSIONER JENSEN: I don't have any questions.

CHAIRMAN ENNES: Okay.

COMMISSIONER WARSKOW: I just have one request to make. I think there is still a decision whether there are 10 existing or six existing. If we find out there is a need for bike parking --

MR. SCHWARTZ: We'd be happy to add as many as possible.

COMMISSIONER WARSKOW: Okay, because I have to tell you I do live in the Westgate area and I do --

MR. SCHWARTZ: You bike?

COMMISSIONER WARSKOW: I live in the Westgate area and I do regularly bike to Walgreen's and Ace Hardware to do slight small shopping and have ridden my bike there and have not found a place to park it at the other end of the shopping center near Walgreen's.

MR. SCHWARTZ: The bike rack was conveniently located near where we thought the people were exercising, which is at the other end of the center. But you're right, it would be nice to have something in the Walgreen's spot, except that they have less sidewalk area. But I will certainly look into it. I'd like to --

COMMISSIONER WARSKOW: Yes, we have the side at the Red Box.

MR. SCHWARTZ: I'd like to add that perhaps, yes.

COMMISSIONER WARSKOW: Okay, that's all I have for you.

MR. SCHWARTZ: Thank you.

COMMISSIONER WARSKOW: Other than that, I'm very supportive.

CHAIRMAN ENNES: Joe?

COMMISSIONER LORENZINI: Yes. Actually, my question is for Jake. So, in Appendix A, it lists the 18 permitted uses. So, if one of these uses came in, he would not have to come back to this Commission?

MR. SCHMIDT: It depends. There are some uses on that list that would likely require an amendment to the PUD. As an example, theaters are listed on that list; if a major Cineplex were to come in, it would likely require modifications to the site that would trigger a PUD amendment. That would require, of course, Plan Commission review and approval, same as this rezoning does. But other uses on that list, ones that wouldn't require site modifications could move in without any additional approvals aside from a business license.

COMMISSIONER LORENZINI: Okay, so what's the difference between what the Petitioner would have to do for permitted uses and special uses?

MR. SCHMIDT: Special uses do require Plan Commission review and approval.

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COMMISSIONER LORENZINI: All of the special uses? Okay.

MR. SCHMIDT: Correct.

COMMISSIONER LORENZINI: All right, that's all I have. Thank you.

CHAIRMAN ENNES: To follow-up on that question, how does the Petitioner know which, because there are a number of intense uses there that could affect residential neighbors to the rear, especially when this property has a relatively narrow buffer behind the building, and I think one of my thoughts was a theater, too. If you had a theater in there, a major one or just, you know, one theater, I don't know that anybody opens those anymore, but the noise from that could be something that could be a problem for neighbors. How does the Petitioner know which, what type of uses they would have to come back to the Village for?

MR. SCHMIDT: Well, special uses would immediately require that, whether we would detect the need for Plan Commission review, either a tenant permit or a tenant business license submittal. So, prior to having any approval to actually move in or build out the space, we'd be able to identify that need, especially if a site plan came in. For example, removing parking and adding multiple theater rooms, that's something we would detect and let the Petitioner know the requirement for. I'm sure the Petitioner would also reach out to us with any major project in advance to make sure he'd be able to approve it and if he needed any additional approval.

CHAIRMAN ENNES: This Petitioner might, but we know other petitioners just do it. Okay, in your report under Zoning and Comprehensive Plan, when you talk about the difference in the other allowable uses which would include health clubs, it says 'and 14 additional special uses.' Does that list categorize those other more intense uses as special uses? Are they broken out in that? Okay.

MR. SCHMIDT: Yes, they are.

CHAIRMAN ENNES: Then I'm fine. So, he has a way of finding out if they would be or they wouldn't be.

MR. SCHMIDT: Yes, and it's also in the Village Code.

CHAIRMAN ENNES: Okay, thanks. So, a question for the Petitioner. The sign issue, it sounds like it's been delayed or not getting resolved. What seems to be the problem that's holding that up? Is this an issue with --

MR. SCHWARTZ: It's a very knotty issue and I don't think it was addressed properly when we were before the Board on it. The sign is, first of all, the sign is 25 years old or more. It's been there for a long, long time. But Walgreen's, in order to close their deal, insisted that they have a corner sign.

CHAIRMAN ENNES: Is this a renewal, a lease renewal?

MR. SCHWARTZ: No, no, this was when they first signed their lease with us about 20 years ago.

CHAIRMAN ENNES: Oh, okay.

MR. SCHWARTZ: In fact, I think it was almost exactly 20 years ago. At any rate, and I wasn't present for any of this and I really wasn't aware of most of it, but apparently, the only way to get their sign was to get a special variation for the other sign because the first sign was too close. We got that variation at that time, but I guess it had a caveat that when the food store left or when it wasn't --

CHAIRMAN ENNES: Were they on that sign also?

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MR. SCHWARTZ: It was granted for the food store, at the time it was Elliott's Dairy, and they let them have the sign. But supposedly when they left, we were supposed to take it down, or I'm not sure what the exact thing was. But we were never, I took over the year after that and we never had any notification from the city of any kind that this was going on until Fitness 19, who had it in their lease to use that sign, went to use it and found out that, oh, it didn't meet code. Gosh, this is kind of a circular argument.

But anyway, the point is that the corner sign is owned by Walgreen's. They built it, they own it, it's their sign. What they do with it, we've been after them for three years since this first happened. I've called them almost every month, and every month I get another somebody stalling me on this, you know. You know what, at the time that we went before the Board, who would have predicted that Walgreen's would become, you know, an international company and suddenly have their stock go to the toilet.

CHAIRMAN ENNES: They're very sensitive to their signs.

MR. SCHWARTZ: Things have changed. They originally asked us, they begged us to get an electronic sign in there and we thought this was going to be slam dunk deal. Well, when I came to them and said now you can have it, they said now we can't afford it. Now we can't do it, now we don't want it anymore. I only got that final, final word in October. That was the last, and this was after, believe me, years of going back and forth with them. Finally they said no, just, you know, keep it the way it is.

CHAIRMAN ENNES: Well, maybe the Village Board can help you if we give them a suggestion through our minutes.

MR. SCHWARTZ: I would love to, you know, to have any, but it's, you know, for us they're an 800-pound gorilla, a 900-pound gorilla.

CHAIRMAN ENNES: But maybe they can make this approval subject to giving you approval for this, what did you say, a digital sign?

MR. SCHWARTZ: They want a digital sign. I mean, they wanted a digital sign.

CHAIRMAN ENNES: But it's now --

MR. SCHWARTZ: Yes, but now they don't seem to. So, I don't know.

CHAIRMAN ENNES: They're pretty sharp, maybe they can think of something to help you along with that. Anyways --

MR. SCHWARTZ: At any rate, I thank you all for your consideration this evening. Thank you.

CHAIRMAN ENNES: I still have to --

MR. SCHWARTZ: Sure.

CHAIRMAN ENNES: So, there's currently a land use variation on the property. If we approve the change in the zoning, do we have to take any official action to terminate that land use variation?

MR. SCHMIDT: No, it's no longer necessary given the zoning of the property.

CHAIRMAN ENNES: So, it would just go away on its own?

MR. SCHMIDT: Yes.

CHAIRMAN ENNES: Let's see. Okay, that's all I have if you want to be seated.

MR. SCHWARTZ: Thank you again.



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CHAIRMAN ENNES: I notice we have some people in the audience who might like to make a comment. Is there anybody that would like to ask a question? Okay, so we don't need a public comment section.

COMMISSIONER DROST: So, I'll recommend a motion then?

CHAIRMAN ENNES: That sounds like a proper thing to do.

COMMISSIONER DROST: Yes, I'll recommend a motion.

**A motion to recommend to the Village Board of Trustees approval of PC# 18-027, a Rezoning from B-1, Business District Limited Retail, to B-2, General Business District, and the following variation:**

1. **Chapter 28, Section 6.12-1, to waive the requirement for a traffic and parking study prepared by a qualified professional engineer.**

**Approval shall be subject to the following conditions:**

1. **10 bicycle parking spaces shall be provided on the subject site.**
2. **The Petitioner shall comply with all federal, state and Village codes, regulations, and policies.**

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: So, we have a motion and a second. Any questions, comments? Can we have a roll call vote?

MR. SCHMIDT: Commissioner Dawson.

(No response.)

MR. SCHMIDT: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. SCHMIDT: Commissioner Green.

(No response.)

MR. SCHMIDT: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. SCHMIDT: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. SCHMIDT: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. SCHMIDT: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. SCHMIDT: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. SCHMIDT: Chairman Ennes.

CHAIRMAN ENNES: Yes. So, you have a unanimous approval from us and you can move right up on to the Village Board for final approval. Thank you very much for coming in.

We have nothing else on the agenda this evening. No pay raise, although the discussion is out there as it has been for, what, 15-20 years.

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COMMISSIONER LORENZINI: To go which way?

CHAIRMAN ENNES: Whether we still exist. If I can have a motion to adjourn? If you guys are so inclined?

COMMISSIONER JENSEN: So moved.

CHAIRMAN ENNES: And a second?

COMMISSIONER CHERWIN: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody abstaining or opposed?

(No response.)

CHAIRMAN ENNES: This meeting is adjourned. Thank you very much.

(Whereupon, the above-mentioned petition was adjourned at 7:55 p.m.)