

PLAN

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

COMMISSION

RE: YAMADA AMERICA - 955 EAST ALGONQUIN ROAD - PC#19-002

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 10th day of April, 2019 at the hour of 7:30 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
LYNN JENSEN
MARYJO WARSKOW
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner
CHARLES WITHERINGTON-PERKINS, Director
BILL ENRIGHT, Deputy Director

CHAIRMAN ENNES: This meeting of the Arlington Heights Plan Commission is called to order. Would you all please rise and follow us with the Pledge of Allegiance.

(Pledge of Allegiance recited.)

CHAIRMAN ENNES: Thank you. Sam, will you take the roll?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Here.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Here.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Here.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Here.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Here.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Here.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Here.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Here.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Here.

So, we have minutes from our last hearing. Has everybody gotten those 69 pages and gone over them and can we get a motion to approve them.

COMMISSIONER GREEN: So moved.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER SIGALOS: I'll second.

CHAIRMAN ENNES: And all in favor.

(Chorus of ayes.)

CHAIRMAN ENNES: Any opposed?

(No response.)

CHAIRMAN ENNES: Did anyone miss the meeting?

(No response.)

CHAIRMAN ENNES: Okay, so the minutes are approved. The minutes from that meeting happen to be a continuance for one of the Petitions we have this evening. We have two Petitions and is there any interest on the part of the Commissioners as to which one we hear first? I suspect with the number of people here that there will be a lot of discussion, and the second Petition, Yamada America, I never know how long these thing will take. I think that this should be over fairly quickly and will there be a motioning to revise the order of the hearings.

COMMISSIONER DROST: Yes, I'll make that motion.

COMMISSIONER GREEN: I'll second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

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CHAIRMAN ENNES: Okay.

COMMISSIONER DROST: And I think Petitioner's children are waiting in the anteroom, so that makes it another compelling reason to move it along.

CHAIRMAN ENNES: Okay, so our first hearing of the evening is PC#19-002.

COMMISSIONER DAWSON: And I'm here, just saying.

CHAIRMAN ENNES: I wasn't going to say anything. Hi, Sue. Yamada American, is the Petitioner here? Would you like to come forward? Will there be anybody else with you that will be speaking this evening?

MR. SHERMAN: My civil engineer is here.

MR. POLASIK: Right here.

CHAIRMAN ENNES: Okay, would you both come forward and I would like to swear you in for the hearing.

MR. SHERMAN: Here?

CHAIRMAN ENNES: No, right there. Please raise your hand.
(Witnesses sworn.)

CHAIRMAN ENNES: Okay, and when you get up to speak, if you would please spell your name and tell us your name, spell your name for the court reporter so we can get that on the record. And please tell us about your project.

MR. SHERMAN: Should I spell my name first?

CHAIRMAN ENNES: Yes.

MR. SHERMAN: Kevin Sherman, K-e-v-i-n, Sherman, S-h-e-r-m-a-n, an architect for Yamada America. Yamada America is a pump manufacturer, a specialty pump manufacturer. They're headquartered in Japan; they've been in the United States for a number of years. They've been a property owner at their current location in Arlington Heights since 2006. And since that time, they've improved the building on the interior and currently would like to expand the building so they can increase the amount of storage area, warehousing within the building. And the plan is to do that by simply displacing the existing office into a new addition and then using the existing office space to be remodeled to be warehouse space.

CHAIRMAN ENNES: Okay, are you an agent of the Petitioner?

MR. SHERMAN: Yes.

CHAIRMAN ENNES: And are you familiar with the conditions that have been placed on your Petition?

MR. SHERMAN: I have, I am.

CHAIRMAN ENNES: Four of those. And are those acceptable to the Petitioner?

MR. SHERMAN: Yes, they are.

CHAIRMAN ENNES: Okay. Did you want to continue on with your description?

MR. SHERMAN: Sure, the pumps are not manufactured in Arlington Heights. They're manufactured in Japan and then shipped to Arlington Heights, where they're distributed around the United States. And they have a light manufacturing component that's done locally based on a customer's order. Sometime, you know, these pumps are used in all different industries, and some industries their applications require specialty diaphragm materials that won't react with corrosive fluids, for example, and they interchange and change out these

components based on a customer's order. The, this is a slide of the existing building with the planned expansion to the bottom of the page or what would be on the east side, and it would be an office addition that would be on stilts for all practical purposes over the existing parking lot.

The current office area is to the right side of that plan. And this shows a diagram of that existing office having been converted to warehouse. The plan at the very top of the drawing is of the office addition. It's mostly open office space and several private offices and support areas. The last slide is some renderings of what it would look like. The upper left rendering is, as viewed from the corner of Glen Court and Algonquin Road. And the rendering below that is from Glen Court and looking to their, the parking lot and the loading dock area in the back side of the office building. In the upper right, upper right-hand corner is simply a cutaway with the roof gone, looking at a diagram, if you will, of the interior.

The materials are brick, which match the existing building, glass, and a metal ribbon below the glass which matches the same material, a dark anodized bronze. The parking area underneath is all open. This rendering doesn't represent any of the landscaping that would be in place in the final development of the project. This addition is approximately 8,000 square feet in area. And that's all I have, if you have any questions.

CHAIRMAN ENNES: We'll do that shortly. And the other person that was going to talk? We you here more to support, to answer questions?

MR. POLASIK: More support and to answer questions.

CHAIRMAN ENNES: Okay, so if that's the end of your report, you can have a seat and we'll go to the Staff report. Sam, before we get started with your report, have all notices been issued?

MR. HUBBARD: Yes, they have.

CHAIRMAN ENNES: Thank you. If you would please give us your report?

MR. HUBBARD: Certainly. Okay, so the Petitioner is before you this evening because they are proposing a second floor addition to their structure. The property was originally rezoned from residential into the manufacturing district back in 1981. As part of that rezoning, an ordinance was drafted and approved by the Village Board that authorized the development plan from 1981. The proposed addition to the building is different from the development plan that was approved in 1981, therefore the Petitioner has to apply an amendment to the previously granted ordinances to the site to allow for the proposed building addition.

Additionally, there are four variations requested as part of this application. The Petitioner has provided their justification for each variation as per the criteria in the zoning code and Staff concurs that the necessary criteria for each variation has been met. So, Staff is supportive of the amendment to the previous ordinances as well as the variations. There have been a couple actions to-date that have brought the Petitioner before us this evening. Appearance at the Conceptual Plan Review Committee, where there was very little discussion on the matter. The Conceptual Plan Review Committee was generally supportive of this. And the Zoning Commission heard this project on February 26th and recommended approval subject to one minor recommendation.

We've already talked and heard about the site and the site plan and the landscaping is shown here as well. Really, the main issue with this project was to make sure that given the additional floor area, that the parking complied with code. And as you can see in

this chart above, it does. Additionally, as part of this, the Petitioner surveyed the existing usage of the parking lot and found that on their days of survey, peak occupancy of the parking lot was 31 spaces occupied. As you can see above, there will be a total of 50 spaces on the site once the addition has been constructed so we don't anticipate there to be a parking issue associated with this proposal. That being said, the Staff Development Committee recommends approval of this application subject to two conditions. Thank you.

CHAIRMAN ENNES: Thank you, Sam. Is there a motion to approve the Staff report?

COMMISSIONER DROST: I'll make that motion.

CHAIRMAN ENNES: Is there a second?

COMMISSIONER DAWSON: Second.

CHAIRMAN ENNES: Okay, all in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, Commissioners, let's start down with you, Mr. Cherwin, and do you have any questions for the Petitioner?

COMMISSIONER CHERWIN: I don't. I reviewed the project in the Committee. It's a great business. I think it's good that they're investing in the community. I have no further questions, thank you.

CHAIRMAN ENNES: Okay, and if we can just move this way.

COMMISSIONER SIGALOS: Yes, I likewise was at the Conceptual Plan Review Committee meeting and have really no further questions. I'm supportive of it and glad to see that their business is expanding and wants to stay here in Arlington Heights, so I'm very supportive.

CHAIRMAN ENNES: Thanks, Mr. Sigalos.

COMMISSIONER DAWSON: I have no questions.

CHAIRMAN ENNES: Awesome, okay.

COMMISSIONER DROST: I just one question of the Petitioner. The increase in space is due to the location and business operations of Yamada. They aren't consolidating from other locations, but this is evidence of some growth in the business.

MR. SHERMAN: Correct, their sales have increased, which requires them to carry greater product or stock of product so they can ship product to the customer.

COMMISSIONER DROST: So, it's not a company consolidation but it is actually somewhat of an --

MR. SHERMAN: Correct, it's growth in sales.

COMMISSIONER DROST: -- organic increase in their business and because Arlington Heights is such an inviting community, correct?

MR. SHERMAN: It is.

COMMISSIONER DROST: We'll get that in for the record.

MR. SHERMAN: Okay.

COMMISSIONER DROST: All right.

MR. SHERMAN: They were very intentional in moving here in 2006 and their intent to stay as well.

CHAIRMAN ENNES: Commission Jensen?

COMMISSIONER JENSEN: No, I don't have any questions. I was in Conceptual Review and I think it's a good project and support it.

CHAIRMAN ENNES: Commission Warskow?

COMMISSIONER WARSKOW: No questions.

CHAIRMAN ENNES: I'm moving right along.

COMMISSIONER LORENZINI: I have one quick question. So, why was the 10-and-a-half foot drive aisle variance needed?

MR. HUBBARD: Because the drive aisle, what is required would be 12 feet.

COMMISSIONER LORENZINI: What?

MR. HUBBARD: The drive aisle is required to be 12 feet in width.

COMMISSIONER LORENZINI: Why can't they do it at 12 feet? Do you have a quick plan they could show us?

MR. HUBBARD: Because they have parking on one side and so with the parking row, that reduces the drive aisle to 10-and-a-half feet, so they don't have any room unless they were to actually expand the existing drive aisle.

COMMISSIONER LORENZINI: All right, thank you.

CHAIRMAN ENNES: Mr. Green?

COMMISSIONER GREEN: I have nothing but kudos to say to Kevin, the architect. It's a nice solution to the building, second floor. I like it.

CHAIRMAN ENNES: Okay, thank you. Is anyone in the audience to comment on this petition?

AUDIENCE COMMENTS

CHAIRMAN ENNES: Okay. Would you please state your name?

MS. FINNEY: I am Amy Finney, A-m-y, F-i-n-n-e-y.

CHAIRMAN ENNES: And you don't have to tell us where you live, but sometimes it's helpful to us.

MS. FINNEY: Oh, I will. I live at the, Yamada's at the end of our subdivision.

CHAIRMAN ENNES: Okay.

MS. FINNEY: My fundamental question is whether you did a traffic study, because when we're trying to get down our streets, the trucks have a difficult time getting in and out of there, on Cedar Glen, when they turn it, they don't have enough room to get into the parking lot. And so I don't know if these plans took that into consideration because now it looks like they're adding building into the part in the front where they're blocking the street and blocking traffic on Algonquin when people are trying to get, and turn down onto our street. And I'm not sure if you guys have thought about that, but it takes them quite a bit to turn around the big semis in that small, it's just a plain old side street and back into where they need and it blocks up traffic on Algonquin and in our subdivision.

CHAIRMAN ENNES: Okay, I will ask the Petitioner. If I could ask you the, the expansion, the addition is office, correct?

MR. SHERMAN: Correct.

CHAIRMAN ENNES: You're not increasing the size of your plant, your

warehouse?

MR. SHERMAN: No.

CHAIRMAN ENNES: Will there, do you expect there will be more truck traffic on the property?

MR. SHERMAN: I don't think they anticipate more truck traffic, but more, larger trucks, semis, instead of small trucks.

CHAIRMAN ENNES: Okay, when you did your architectural plan, Sam, if I can ask you this, did we do a site survey? Did the roads appear adequate to handle truck traffic for the size of the vehicles that are there?

MR. HUBBARD: Because they're not changing the access at all to the site, we didn't require a traffic study as part of this, so --

CHAIRMAN ENNES: Okay.

MR. HUBBARD: -- you know, the site still has the loading docks that exist today, that are functional today. And, no, there was no traffic study because there was no change to what's already there. There's no change to the access aisles.

CHAIRMAN ENNES: Okay, so Mr. Sherman, are you aware of any condition where trucks would have a hard time accessing and entering and leaving the property.

MR. SHERMAN: I'm not aware, and I've been working with Yamada since 2006. If there's ever --

CHAIRMAN ENNES: Would the other gentleman that is here with you, would he know anything about that?

MR. SHERMAN: I don't think --

CHAIRMAN ENNES: Are you an operational person?

MR. POLASIK: No, I'm just a civil engineer.

CHAIRMAN ENNES: Oh, just a civil engineer. So modest. Okay.

MR. SHERMAN: I do know that they have six loading positions on site and primarily only the two, the recessed dock, which is the drive-in dock to the building, are used. The others are rarely used.

CHAIRMAN ENNES: So, this isn't a condition that we reviewed? Thank you.

MR. SHERMAN: You're welcome.

CHAIRMAN ENNES: I'm sorry, we really can't answer that question. For, I'm talking to, is there anybody else in the audience that wanted to raise a question. Okay, I'm going to close the public portion of this hearing and I would be open to entertain a motion by the Commission for approval.

COMMISSIONER GREEN: I'd like to make a motion to recommend to the Village Board of trustees.

A motion to recommend to the Village Board of Trustees, approval of P.C. No. 19-002, an amendment to Ordinances 81-112 and 92-011 to amend an approved development plan to allow a second-floor building addition and the following variations:

1. **Chapter 28, Section 5.1-16, to allow the M-2 District to be 2.49 acres in area where code requires a minimum M-2 Zoning District size of 4 acres.**

2. **Chapter 28, Section 10.2-8, to allow a 10.5' wide drive aisle where code requires a minimum of 12' in width for a one-way drive aisle with parallel parking.**
3. **Chapter 28, Section 6.15-1,2(b), to waive the requirement for landscape islands at the end of certain parking rows.**
4. **Chapter 28, Section 6.12-1.2(a), to waive the requirement for a traffic and parking study by a qualified professional engineer.**

Approval shall be subject to the following conditions:

1. **Compliance with the February 26, 2019 motion from the Design Commission.**
2. **The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.**

CHAIRMAN ENNES: Is there a second?

COMMISSIONER SIGALOS: I'll second.

MR. HUBBARD: Sam, would you take a roll call?

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes, with comment.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes.

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes..

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

CHAIRMAN ENNES: So, you have a unanimous approval from the Plan Commission. You can, oh, okay. Yes, I know. You have the unanimous approval. We have one comment from one of the Commissioners. Jay?

COMMISSIONER CHERWIN: No, I was just going to say if I could ask the Staff, if there are some issues, we don't want to, you know, it's not really maybe the purview of what this approval is given what we're approving, but I think it's worth at least reaching out to the Petitioner, making sure that if there are some changes they can make to how they're loading and

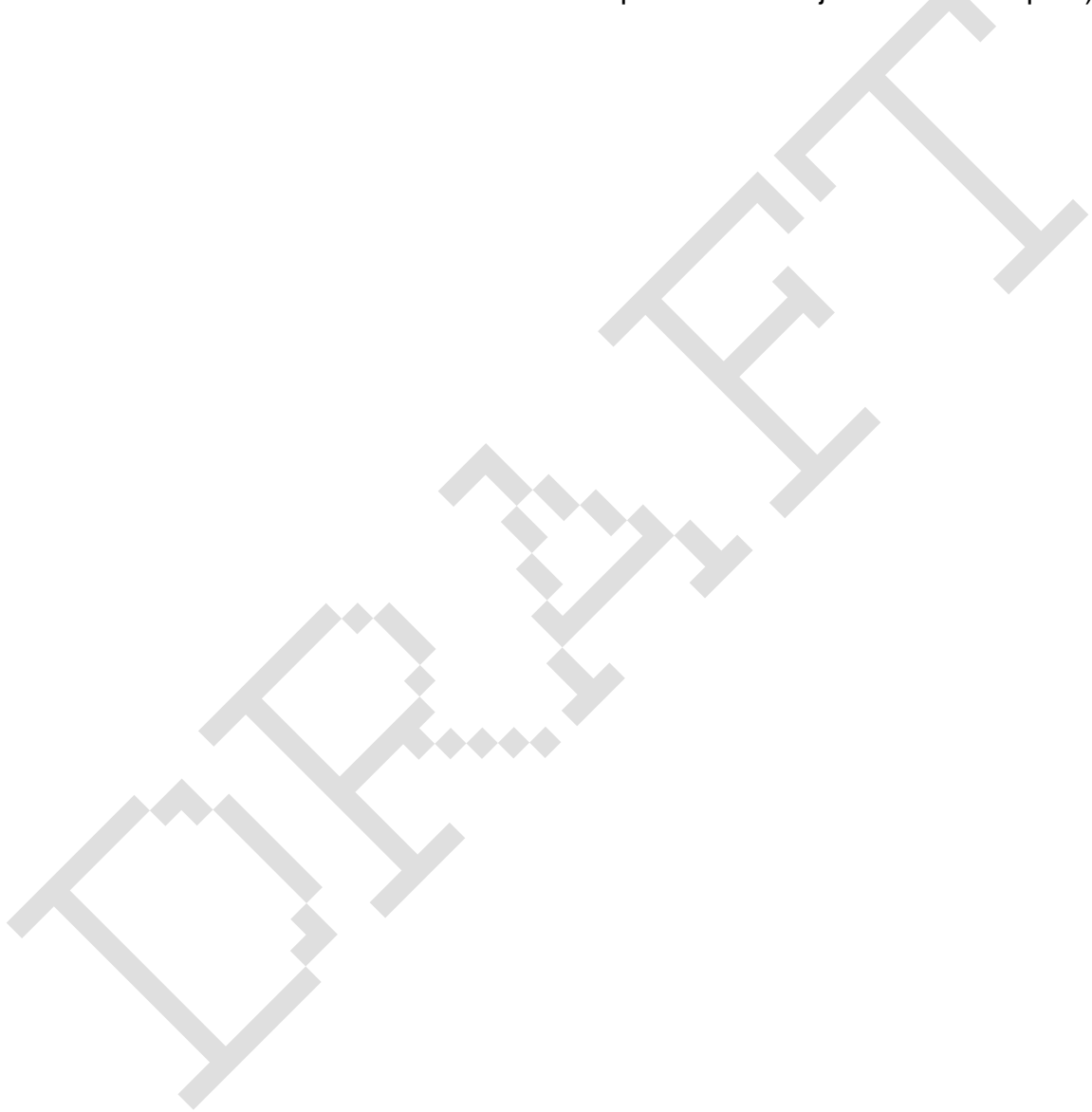
how they're staging. You know, we do our best to try to make things right over there.

MR. HUBBARD: Prior to this going to the Village Board, we'll reach out to the Yamada folks and see what changes we can work in them with them.

COMMISSIONER CHERWIN: Thank you.

CHAIRMAN ENNES: Thank you, Jay. Okay, thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 7:48 p.m.)



PLAN

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

COMMISSION

RE: ARLINGTON 425 - HIGHLAND/CAMPBELL/CHESTNUT - PC#19-001

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 10th day of April, 2019 at the hour of 7:48 p.m.

MEMBERS PRESENT:

TERRY ENNES, Chairman
LYNN JENSEN
MARYJO WARSKOW
JOE LORENZINI
BRUCE GREEN
GEORGE DROST
SUSAN DAWSON
JOHN SIGALOS
JAY CHERWIN

ALSO PRESENT:

SAM HUBBARD, Development Planner
CHARLES WITHERINGTON-PERKINS, Director
BILL ENRIGHT, Deputy Director

CHAIRMAN ENNES: So, we're moving on to our second, the continuance of our second Petition this evening. Petition #19-001, the Arlington 25 property and for those of you who are not aware, there have been, there has been a lot of discussion going on about this development and there are economic conditions or recommended conditions from the Planning Department to the Village that came out late today.

I understand we will put them up on the screen for people to review, and hopefully most of the Commissioners have had access to those earlier today and, if not, they are on your blue sheets. But so if I can call the Petitioner up, as you are well aware, we continued the hearing from two weeks ago and you and Staff have been pretty busy working out a number of the issues that were of concern.

MR. FIRSEL: Indeed.

CHAIRMAN ENNES: Both us and the Staff.

MR. FIRSEL: Yes.

CHAIRMAN ENNES: And, Mr. Firsell, if you want to again state your name and spell it for the court reporter, and then tell us where, tell us what these changes are, what's going on with the project. Where are you, obviously these conditions are important. Last time we reviewed them individually, I would be interested in hearing direction from you as to, based on these new conditions, what, which ones you can live with and more importantly, which ones we need to work on this evening if we can.

MR. FIRSEL: Certainly, thank you. My name is Michael Firsell, the attorney for Arlington 425D, developer CCH, LLC. First of all, I want to, it is worth noting that we cannot express our appreciation enough to Staff for the timeless energy and effort they put in, including today, which results in what we believe is going to be a stupendous project. There are very few, if any, recommendations to which we do not agree. There may be a clarification or a, and if you want me to go through them now, but what we were going to do is basically I was going to have Deb Smart, who is the operations manager and consultant, go through what, in fact, we did change from the last meeting and how we believe that that improves the project and also complies with some of the issues that Staff had, which is why it was continued to this evening.

We see no reason why, after your review and consideration, should you choose or elect to approve this project, I think we're ready to go. So, with that, we have four or five slides and then we'll move it along. It is not our intention to repeat last, two weeks ago but simply show the differences of what we have done. The only slide I'm going to specifically talk about at this time is the overall site plan, which has changed only in one significant respect and, oops, I pressed the wrong button, and I don't know, there's the laser, is pointed at the truck docks along Highland, which the Staff was previously suggesting we move inside the site. In light of the fact that we have reduced the number of parking spaces requested from seven down to three, and the fact that we are adding significant additional parking spaces to the Highland garage, our discussions with Staff are that this dock at this location, and due to these factors, would be appropriate.

So, the only thing I did want to point out on that was the fact that we did provide an additional four spaces at this location, so that's really most of what has changed, in fact all that I believe has changed on the overall site plan. With that, I'm going to ask Deb Smart to come up, spend a couple of minutes going over the actual garage layout, how it works, which was of major concern and then we can go through some of the conditions. I did want, and Deb reminded me to do one thing, which I am going to take just one moment to do, which was

not on the record at our last hearing and I do want to put it on the record that there are significant sustainable features and elements to this project, including our attempt to provide lead certification for the project.

And I believe they are self-explanatory. There are 15 of them on here and I didn't want to read through all of them, but I did want to make sure that our proposed sustainable elements for this project are considered and let you know that we are very sensitive to and supportive of as many sustainable features for this project as possible. With that, I'm going to ask Deb to come up and just take you through a couple of exhibits that she will go through with you. Thank you.

CHAIRMAN ENNES: Thank you, Mr. Firsell. Ms. Smart, if I could ask you to state your name again and please spell it for the court reporter.

MS. SMART: Debbie Smart, S-m-a-r-t. I'm a consultant from Briarwood Management. We manage several properties here in Arlington Heights and in the Chicagoland area. Before I start, I want to again also thank Staff for their help. This has been a very intensive couple weeks and they have been instrumental in helping us get to where we are today. And on a lighter note, happy national bookmobile day. Library plug, okay?

CHAIRMAN ENNES: Thanks.

MS. SMART: Before you, you have the plans for the lower level through the fifth floor of our parking structure. In consultation with Staff and our fine team of people here, we have actually increased the parking in this building by 21 spots. We have also gone through and designated spots in floors that are for specific purposes. This is, I will be honest with you, the most comprehensive parking plan I've ever put together in my 10 years working for Briarwood.

So, if we start on the ground level, which is all in the bluish mauve color, all 24 of those spots will be for restaurant and retail use. Easy convenience, in and out, I believe pretty self-explanatory. If you go to the lower left slide, you will see it is a beautiful mix of red and blue. I tried to make it exciting. That is going to be mixed use for our office folks and for restaurant retail. It will be also the floor where we will be housing our valet parking for our restaurant.

If you move up to the second floor, which is the lower right slide, you will see we have additional 44 spots in the purplish blue color for retail. We have 12 spots for residents and we have 12 spots that are designated as mixed use for residents, guests, and restaurant retail if needed. Then the slide in the upper right-hand corner is actually representative of floors three through five and those are all going to be numbered assigned residential spots.

The last slide here actually shows the sixth floor which shows it's completely also dedicated to resident use. If you look at the numbers in recap, we have 347 spots for residents. We have now increased our spots for non-resident use up to 160, which is the highest dedicated spots for non-resident use in the Village. And in conclusion, I think pretty much that covers it. We have gates that are going to control the flow for the resident parking. They will actually have an entrance and exit ramp which takes them immediately up to the resident spot. It will be fobbed controlled. The lower levels will be either fobbed or a, some type of parking pass controlled, which will be given validation from our retail partners and our restaurant.

We have put in our detailed plan which is accompanying your documentation. Our pricing, which is exactly the pricing that is currently going on in the Village

today for guest parking, employee parking, so on and so forth. I think overall, it's very, very comprehensive. We do have the Chestnut building which is on this slide also which will have 58 dedicated parking spots to their residents. And that's all I have.

CHAIRMAN ENNES: Thank you.

MR. FIRSEL: Thank you. I would like to clarify one thing for the record. We are adding 21 parking spots overall to the project. We are adding 47 to Highland garage. So, what we have done is we have, we're providing 58 spots for Chestnut for that 54-unit project. Anybody who has two cars, over four people that have two cars will be absolutely accommodated in the Highland garage. There will be an underground connection between the two buildings and, as a result, we have gone from 460 spots in the Highland garage to 507, an increase of 47 spots.

The peak time issue that was brought up at the last meeting said we needed 157 spots when we only were providing 135 for non-residential. We now have 160, so we exceed the peak, that peak time as well. All in all, I think we have worked, and by the way, this was not singular, this was truly a partnership with the Staff at trying to and arriving at these conclusions. And if you have any questions after the Staff's report or the public, we'll be more than happy to respond. Thank you.

CHAIRMAN ENNES: Thank you very much. Can we have the Staff report?

MR. HUBBARD: Absolutely. So, I'll just touch on some of the key changes, go over them again. Some of the major changes to the plans was, as you heard, an increase of 47 spaces within the Highland Building. Previously the Petitioner had 460 spaces, now they're proposing 507 spaces. Additionally, in the Chestnut building, they revised the parking structure there and that vision resulted in a reduction of 26 parking spaces for the Chestnut building. So, previously they had 84 spaces, currently they're proposing 58. This results in a net increase of 21 parking spaces, so the previous total as 544, now they're proposing 565.

Additionally, as you heard, they adjusted the entrances to the building and loading zone along Highland to save additional street parking spaces. Based on these revisions, they were able to save four street parking spaces along Highland that had previously been proposed for removal. I'll go through the levels real quick. This is the lower level. You'll see office and resident, I'm sorry, office and restaurant retail parking will occur on the lower level. On the ground level, there will be retail and restaurant parking.

And on the second level, there will be a combination of restaurant retail parking, restaurant and guest parking, and then will lead up to a small portion of residential parking. All in all, the restaurant, retail and office parking, as well as the resident and guest parking equates to, I believe it is 160 spaces. So, 160 spaces will be dedicated for restaurant, retail, office, and a small portion of resident guest parking. As the garage leads up, it will be restricted to residential parking only and it will provide a total of 347 spaces for residents only and, as I said before, 160 spaces for non-residential uses, a small portion being for residential guest parking as well.

So, what Staff did is we analyzed this parking in relation to what we believe the estimated peak parking demand would be for this site. We wanted to make sure that the spaces that were dedicated for non-residential uses, the green, I'm sorry, the blue and the pinkish red on the previous slides, that there was enough of those spaces to accommodate for the peak non-residential demand.

Here you can see the peak non-residential demand represented on

a weekday. That peak demand was 132 spaces and the Petitioner was proposing that combination of 160 spaces. So, we believe if the residential units are parked at 1.3 spaces per unit, and the commercial per the ITE forecasted demand, that the Petitioner does have enough parking on site to accommodate for the peak weekday demand of the commercial. Again, we looked at the weekend and we found that the peak commercial demand increase a little bit on weekend and that peak demand is estimated at 157 spaces.

Compare that to the 160 spaces that will be allocated for commercial demand, and we believe the new plan addresses the peak commercial demand. That being said, we believe that the parking does work. However, there needs to be adequate restrictions on proper management of that parking in order for it to accommodate for the peak demands, making sure that there are enough spaces dedicated for the non-residential demand known as the commercial, as you can see in the slide. And we believe with the proper conditions of approval, that they can meet the estimated projected demand.

So, the Staff Development Committee has recommended approval of the application subject to conditions 1 through 32. We do have all those conditions spread out through several slides rather than go through each of them individually. I think it would probably be best to focus on the ones where there may be some disagreement on and we're happy to get into detail on those items as they come up. Thank you.

CHAIRMAN ENNES: Okay, thank you for your report. Can I have a motion to accept the Staff report?

COMMISSIONER LORENZINI: I'll make that motion.

CHAIRMAN ENNES: And a second?

COMMISSIONER CHERWIN: I'll second.

CHAIRMAN ENNES: All in favor.

(Chorus of ayes.)

CHAIRMAN ENNES: Is anyone opposed?

(No response.)

CHAIRMAN ENNES: Thank you.

COMMISSIONER CHERWIN: Mr. Chairman, do we also want to make a motion to submit Mr. Firsel's list of sustainable items as well?

CHAIRMAN ENNES: We should. So, as a condition of our motion, do you want to, Bruce, you made the motion. Joe, do you want to add the addition of the addendum that Mr. Firsel gave us?

COMMISSIONER LORENZINI: Yes, well I delete items to the minutes, to the meeting.

CHAIRMAN ENNES: Okay.

COMMISSIONER CHERWIN: Second.

CHAIRMAN ENNES: Okay, any other questions?

(No response.)

CHAIRMAN ENNES: Okay, all in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Anybody opposed?

(No response.)

CHAIRMAN ENNES: Okay, we can either address questions or I would like to address with the Commissioners a procedural call and that is when we met last time, we

continued that hearing to address a limited number of issues and at that meeting, we had closed the public portion of the hearing. Do we want to re-open that? Do we want to limit that to the current issues that we are addressing tonight? I'd like to hear your thoughts on that.

COMMISSIONER JENSEN: I think we should limit them to the issues that we are going to be addressing tonight. We had a full hearing for several hours two weeks ago.

COMMISSIONER DAWSON: I agree.

COMMISSIONER GREEN: I agree.

COMMISSIONER DROST: I agree also.

COMMISSIONER CHERWIN: I agree.

COMMISSIONER LORENZINI: I agree.

CHAIRMAN ENNES: Okay, so can I have a motion on that?

COMMISSIONER JENSEN: So moved.

CHAIRMAN ENNES: And a second?

COMMISSIONER DAWSON: Second.

CHAIRMAN ENNES: All in favor.

(Chorus of ayes.)

CHAIRMAN ENNES: Anyone opposed?

(No response.)

CHAIRMAN ENNES: Okay, maybe I should have asked this first. Does anybody in the audience want to comment on the conditions that we are, the remaining conditions that we are addressing this evening. Anybody want to, anybody, have you been online with the project?

AUDIENCE PARTICIPANT: A little bit.

CHAIRMAN ENNES: A little bit, okay. Okay, mainly what we're talking about is traffic flow within the building and the level of parking spots that are made. There are also conditions in there on the pricing of parking spots. It's primarily related to the parking within the building, general conditions which are construction things that are basically standard with all developments. Fire safety on how parking, fire trucks can be built and some of the building conditions as relate to their impact on the Vail Street Garage.

COMMISSIONER DAWSON: Can we ask for just one clarification. The Petitioner said he agrees with the conditions, he might have a comment about one or two. Perhaps he should expand upon that comment before --

CHAIRMAN ENNES: I think we'll go back.

COMMISSIONER DAWSON: No, I understand, but the audience is asking what are the conditions. Maybe we should know what the comments are before the audience.

CHAIRMAN ENNES: Well, would you like to address the Petitioner before we go to neighbor comments.

COMMISSIONER DAWSON: I'd just like to know the comments, the comments or the reservations or, to anything on some of the conditions before we let the audience speak.

CHAIRMAN ENNES: Are you open to that?

MR. WITHERINGTON-PERKINS: Chairman, could I just give an overview on the conditions, what's changed, so everybody knows. There were a number of conditions discussed at the last meeting. The majority of the changes pertain to parking, Condition 12 here. Some of these were phrased differently before or some of them weren't addressed, so

that's where the primary focus has been.

CHAIRMAN ENNES: In traffic flow.

MR. WITHERINGTON-PERKINS: There was a condition relative to elimination of the Highland's loading zones based on the new information, we've re-evaluated that and Staff Development Committee has acquiesced on that and so that condition --

CHAIRMAN ENNES: Left it in place.

MR. WITHERINGTON-PERKINS: That condition has gone away.

CHAIRMAN ENNES: Right.

MR. WITHERINGTON-PERKINS: The other major area of change on the conditions pertained to the phasing of the widening and improvements on Chestnut Avenue, when that, all of that parking lane gets installed and so there is a revised condition on that. There are some minor tweaks in other areas, just relative to how they were phrased. But the majority of them deal with the parking because the hearing was continued to get the detailed parking plan we got last week. We met earlier this week with the developer and their team, revised it again today and some back and forth on these conditions. So, most of the changes pertain these parking conditions that are up on the slide here.

CHAIRMAN ENNES: Item No. 12.

MR. WITHERINGTON-PERKINS: Correct.

CHAIRMAN ENNES: Mr. Firsel, would you like to go over where you are on the current Condition No. 12?

MR. FIRSEL: I will. First of all, other than item 12, the Petitioner agrees with all other proposed conditions that were submitted to you. So, there are some, there's a couple ways to approach how we would like to come to hopefully an agreement with Staff on the parking issues. If you look at those conditions, they are very specific, very restrictive. Words like in perpetuity, shall, must, et cetera.

Today, we are not certain as to whether or not the lack of flexibility on a privately owned garage that we have to pay taxes on, maintain, we might have to change the fees. We might have to re-allocate based on usage how many spots there are for residential and how many spots there are for commercial. So, the slide you see before us is a, is the top language is what we have proposed to add to only Condition 12, and that is that the developer shall use good faith efforts to implement and enforce said Highland garage parking conditions and restrictions due to the fact it's private ownership developer shall have the ability to adjust the above-referenced program from time to time based on demand and market conditions.

In going through this with Charles late this afternoon, the Staff came back with the language on the bottom which is attached to one of the conditions, that is so long as we do not or the project does not negatively impact the Vail Garage, subject to the satisfaction and approval of the Village. This being a private garage, it is, is or should eminently clear that we far, far exceed all parking code requirements. We have added 47 spots to this garage, 21 overall, and for us to have to go to the Village every time we want to make a modification in our privately owned garage to accommodate our residents or our customers, it's just too restrictive.

And we need the ability to operate our garage that we own on our private property the best way that we can for our residents and our retailers. In addition, it seems to imply that, the additional language in red seems to imply that this project shouldn't be using any public parking, especially in the Vail Garage. And I don't know where that requirement

comes from, I don't believe it's anywhere else in this Village that anybody is restricted from using public parking. We have done everything that we can possibly do to satisfy the requirements for parking, have far, far exceeded those requirements at a cost of the extra, I think, over code. We are well over 100, and I think we're about 120 spots over code at a cost of somewhere around \$3.5 million.

And to restrict us to not being able to be flexible with how we operate this garage is a, problematic for us. You heard from Deb Smart, who works with this Village and has worked on other projects. We have provided the appropriate safety allocations for this project. We will be having a full-time garage manager on site at all times to regulate what goes on in the garage. So, if we have to re-allocate or relocate, we don't want to have to come every time we do that to the Village for their approval because it might create one or two, three, 10, however many cars parking in public parking spaces outside of this garage.

So, that is the only issue that we have that we would like to hear from the Plan Commission on in resolving this evening and if we could add that very first four lines to the end of the paragraph 12 or Recommendation 12; we would be in full support of all of the conditions.

COMMISSIONER GREEN: Jeremy, I would like to hear the Villages' response to that.

MR. WITHERINGTON-PERKINS: Yes, so we tried to add as much flexibility as we could. The concern was, we don't know what changes they may want to make down the road. Some of them may be perfectly fine. If they start impacting the ability for the development's parking demand to park in the garage, then we would have some concerns. You know, wouldn't have an objection to changing the reference to Village garage to the following, to say so long as the development continues to adequately accommodate the development's parking demand to the satisfaction of and approval of the Village.

This is no different than many other developments where they have an approved plan and if somebody wants to make some changes to it, and they're significant, we would review them and if they're in substantial compliance, that would get approved. If they weren't, they may need to amend it. So, it's no different than any other development. For example, Arlington Dance is a series of conditions relative to Arlington Dance and their parking. They can certainly make some changes within various parameters, but at some point, if it's a substantial change, then that may have to trigger review and approval by the Village.

COMMISSIONER JENSEN: Question Charles, would you first of all read that again, slowly, and then I'd like to ask the Petitioner if that solves part of their problem or all of their problem.

MR. WITHERINGTON-PERKINS: Yes, so towards the end, you know, they've got underlined starting at so long as, so I started from there. Leaving everything else the same, so long as the development continues to adequately accommodate the development's parking demand to the satisfaction and approval of the Village.

COMMISSIONER JENSEN: And does the Petitioner, have you discussed it with the Petitioner and do they have a problem with that?

MR. WITHERINGTON-PERKINS: No, we, we got the developer's requested language late this afternoon, so we incorporated it, made a slight change oversee and sent it to the developer so we weren't aware that there was a concern there. So, I just came up with this as they were discussing it this evening.

COMMISSIONER JENSEN: Maybe we can have the Petitioner respond to that, then. So, you're mainly asking them to make sure that they accommodate whatever their parking needs are.

MR. WITHERINGTON-PERKINS: That's correct, to the satisfactory of the Village, satisfaction of the Village.

MR. FIRSEL: Okay, it is, the language on its face is fine, that Charles is proposing with a, I just need one. We just need a clarification. It says subject to the approval of the, or satisfaction and approval of the Village. What is the standard? Is the standard all of the conditions or is the standard your code, is the standard the ITE parking ratios? We're not sure what it is that the Village is looking to approve.

We don't have a problem satisfying the requirements of this project according to Village code, okay, and it's substantial conformity with the conditions. That's not a problem. We just don't know, I couldn't tell you today if something came up, what would we have to get the Village's approval on and what would we not? If we want to add 10 more spaces to the commercial and take away 10 from the residential because we're only using 200 spots and not 347, do we have to go back to the Village? Do we have to go back to Staff?

We, so on its face, I don't have a problem with the, the complying with the requirements for our project, okay? I have a problem in not knowing when it is we have to go back to the Staff or the Village Board or you and when we don't. So, we're getting there, but it's, that's my dilemma.

COMMISSIONER DROST: Yes, there's a, you know, sort of a hypothetical here where you try to price out some of the retail or some of the use that you've got in your building, just throw it over into, into the Vail Garage. So, I mean, those are the kind of murky things. Let's say you can, the market forces will work and you double or triple your monthly rent or it's way out of, out of consistent with what the Village charges for rentals. And that might be sort of a way where, if you raise your parking prices too high, then the pressure falls on the Vail street deck.

MR. FIRSEL: Well, one of the conditions is that any customer of any retailer, that customer parks for free in our garage. That is a condition that we have agreed to, okay?

MR. WITHERINGTON-PERKINS: An open-ended like this would allow you to change that, so that's, you know, and if you, let's say hypothetically you wanted to increase the residential parking by 100 and decrease the customer and business parking by 100, then the project may not manage its own parking needs. So, you know, I have no problem changing from Vail Garage and focus on the demand in this development, and the standards would be the demand that's being happening in the development at the time that prompted the need as well as typical industry standards.

MR. FIRSEL: And that would be fine if we could, you know, I guess it's the, as long as we're in substantial conformity to this plan, changing 347 spots to 247 spots for residential, of course we, that is far, far from what we're talking about here. One is the fees because, you know, Vail Garage doesn't pay taxes. This garage is, the tax bill for this garage is going to be enormous, okay? So, we do intend to charge our residents to park in this garage, okay?

We are telling our employers, your employees, or so many of your employees will have free parking in our garage. If you have more than X, we're going to have to

charge you. So, we don't want to have to go to the Village to get approval to do that. So, it's a, I think if we could broaden the language to so long as we're in substantial conformity with the conditions, that we would not need the consent. But anything that Village or the Staff determines is, causes a non-conformity with the nature and intent of all these conditions, we would have to go to them to discuss.

Keep in mind that another one of the conditions is a reporting requirement by us as to how things are going in the garage, and we've agreed to that condition. So, it's not that we're going to just be arbitrarily changing things around and charging people a significant amount of money to park in this garage. We would, like I said, substantial conformity with these conditions, we're okay with. But we don't want to be tied down to 160 units in perpetuity is what the condition is. We simply, that's just way too defining and restrictive for us, so that's where we are.

CHAIRMAN ENNES: On that subject, if I can ask Staff, why are we saying in perpetuity? Twenty years from now if we have global warming and some of these politicians come, we're not going to have cars. But, I mean, that is a problem I had in here, that we're going to tell him he's got to have these spots in perpetuity. That's not, and that's going to be ingrained in the ordinance?

MR. WITHERINGTON-PERKINS: That's correct. Keep in mind, this is not a worse-case scenario of, you know, the parking demand. I mean, they've accommodated a lot of parking on this site, don't get me wrong, and we're supportive of the development. We think it will be a fantastic development for downtown, but it's definitely not a worse-case scenario. It could be a higher residential demand, it could be higher commercial demand. This is, you're looking at a model, taking the information from the Petitioner's traffic consultant and allocating in an hour-by-hour basis and then trying to divide it up into different user groups.

Certainly any condition in the ordinance can always be amended. The Village amends ordinances for developments many times. Arlington Dance is also another example where they've amended their ordinance, you know, probably five or six times based upon your market conditions and market needs. This language would allow some administrative, you know, adjustment of that. I don't have a problem adding so long as in substantial compliance and the development continues to adequately accommodate development's parking needs to satisfaction and approval of the Village. I don't have a problem adding that for a little more flexibility.

CHAIRMAN ENNES: Is that something that works?

COMMISSIONER DAWSON: Can you go back to the slide, it --

MR. FIRSEL: Mine?

COMMISSIONER DAWSON: The one with the proposed language.

MR. FIRSEL: Yes.

COMMISSIONER DAWSON: Of yours versus the Village.

MR. FIRSEL: I'm going the wrong way, my apologies. I'll stay on it. There we are.

COMMISSIONER DAWSON: Okay, so where are we proposing adding substantial compliance here?

MR. WITHERINGTON-PERKINS: Where the red on the line is, it says, starts so long as, you know, I came up with the following, so long as the project remains in substantial compliance and the development continues to adequately accommodate the

development's parking demands to the satisfaction and approval of the Village.

COMMISSIONER DAWSON: To your, does it work for you? That language?

MR. FIRSEL: Yeah, yeah.

COMMISSIONER DAWSON: In their language, their paragraph, the Village's paragraph, modifying that last sentence works for you?

MR. FIRSEL: So long as, could you please repeat it one more time, Charles?

CHAIRMAN ENNES: Could you just write that down?

MR. WITHERINGTON-PERKINS: Well, I've got it written down, but --

COMMISSIONER DAWSON: So, instead of so long as they don't negatively impact --

MR. WITHERINGTON-PERKINS: Right.

COMMISSIONER DAWSON: -- you have a different sentence there?

MR. WITHERINGTON-PERKINS: Right, starting so long as the development or project remains in substantial compliance and continues to adequately accommodate the development's parking demands to the satisfaction and approval of the Village.

COMMISSIONER DAWSON: And you're okay with that addition?

MR. FIRSEL: Yes.

COMMISSIONER DAWSON: Okay.

MR. FIRSEL: It gives us the small amount of flexibility that we're asking for and it also, by being substantially means we can't take 100 parking spots away. We can't triple, you know, the fees, okay? But we'll be in substantial compliance with the conditions that have been imposed. So, perpetuity, I'm not sure the intent was perpetuity, it's so long as the current plan exists and then you've got to have 160. Plans change. I think we can all agree that when this project is built, whatever we decide tonight or whatever you vote on tonight, there is likely to be circumstances at the time that could change it.

COMMISSIONER DAWSON: So, what does this propose to revise or amend on the conditions that we have in front of us? Is it --

MR. FIRSEL: That is one of the conditions. Which one is that?

COMMISSIONER DAWSON: I know it is, but it doesn't match.

MR. WITHERINGTON-PERKINS: It's the end of 12D, the last two sentences of 12D.

COMMISSIONER DAWSON: Okay, so we still have 12A, which says the property shall provide 106 parking spaces.

MR. WITHERINGTON-PERKINS: Correct.

COMMISSIONER DAWSON: Okay, I'm just clarifying and making sure because you're objecting to the 160 parking spaces, but this language in D is still --

MR. WITHERINGTON-PERKINS: I think what we're trying to do is, I don't want to answer for Mr. Firsell, but I'm not sure he's objecting to the 160, because that's what we talked about yesterday. But trying to build some flexibility, because people's habits and patterns change and technology changes and so that's why we had a condition to allow a review and then they wanted a condition to be added to be able to, you know, modify as well. And so we're trying to find, you know, language that will work for everybody. Is that a fair assessment?

MR. FIRSEL: Okay, is there a way to make this bigger? Because what I did is I didn't put it as part of 12D, okay? I put it at the end of 12 as a catchall, not as part of 12D. So, it would apply to the entire --

COMMISSIONER DAWSON: You took out the in perpetuity.

MR. FIRSEL: We're okay with leaving the Village's conditions as they were. All I'm talking about is, is, so sorry --

COMMISSIONER DAWSON: 12A you've changed.

MR. FIRSEL: All I'm doing is, may I ask, please ignore everything other than the catchall at the bottom. We are not proposing anything where it says final, all I am suggesting is we ignore everything above the word developer at the bottom.

COMMISSIONER DAWSON: Okay.

MR. FIRSEL: So, what I am suggesting is that the language Charles has proposed and we agree to not be put at, as an additional sentence of 12D, but at that, it be put where I have it so it will apply all of section 12.

COMMISSIONER DAWSON: The Village's proposed language instead of the paragraph you have written here?

MR. FIRSEL: Correct.

COMMISSIONER DAWSON: With the amendment that has just been discussed.

MR. FIRSEL: That is 100 percent correct, Commissioner.

COMMISSIONER DAWSON: Okay, that's fair.

MR. WITHERINGTON-PERKINS: Yes, we haven't, it doesn't matter to us. The intent was it would apply to, that's how we're viewing it anyway.

MR. FIRSEL: Yes.

COMMISSIONER DAWSON: No, that's, that clarifies and explains what we're amending.

MR. FIRSEL: So, with that language that has been put on the record by Charles and to which we have agreed, we have no issues with any of the conditions of approval that have been presented by Staff.

CHAIRMAN ENNES: Okay.

COMMISSIONER JENSEN: Well, I'd like to go back to Chairman Ennes' comment. I don't know why we would have language in there in perpetuity. I mean, it doesn't make any sense and I would like to see that stricken.

CHAIRMAN ENNES: I'm there, but they're willing to accept it.

COMMISSIONER DAWSON: They're willing to accept it and the, and the, and language somewhat modifies the perpetuity, so I would leave it.

MR. FIRSEL: I apologize. I use the word permanently instead of in perpetuity, as you can see, shall not be permanently assigned. Which one is it Charles, the 160 A, shall provide 160 spaces for the commercial and guest parking uses on the subject property? They put in perpetuity. Were we to argue about every single condition, I would really be pushing for removal of that, but since we have this catchall, which is meant to cover all of the comments that we would otherwise change, we thought it would be a lot easier to do it this way than go through and burden you this evening with going through each and every one of those 12, each and every one of those conditions with my red lining, which is another slide that I don't want to burden you with. So, this catchall covers everything.

COMMISSIONER DAWSON: And to your point, it's on the record. We all understand.

MR. FIRSEL: Sure, we're good.

COMMISSIONER DAWSON: Substantial compliance is a relatively defined term.

MR. FIRSEL: Yes.

COMMISSIONER DAWSON: Relatively, George and I could probably argue about it for hours, but still that's what lawyers like to do. And, but it's a relatively defined term and it, and we've, it's on the record. It modifies all of the above, I see where you're, what you're saying.

MR. FIRSEL: Okay, thank you.

CHAIRMAN ENNES: Before we go back to audience, which started this --

COMMISSIONER DAWSON: I should have referenced you in that comment as well.

CHAIRMAN ENNES: Charles, would you be okay with permanently?

COMMISSIONER DAWSON: I just argue with George.

CHAIRMAN ENNES: Perpetuity is an awful strong term.

MR. WITHERINGTON-PERKINS: I mean, I would argue, if the project is approved with these plans, those are the plans. So, whether it says permanent or perpetuity, it means the same thing. If they want to change it substantially, they have to come back and amend the plan. If it's a change that's deemed to be in substantial compliance, that's how we treat every project.

COMMISSIONER DAWSON: I think that's the substantial element.

MR. FIRSEL: So, you wouldn't have any problem changing it to permanently then?

MR. WITHERINGTON-PERKINS: It could be permanently, it means the same thing to us, yes.

COMMISSIONER DAWSON: But substantial, you take away one spot, you're not going to go take him to court.

MR. WITHERINGTON-PERKINS: Right.

COMMISSIONER DAWSON: That's, that's what substantial is what we're talking about, you take away 10 spots, we might be arguing. But there's like a wiggle room in there based on marketing conditions and what the usage is that gives some flexibility.

MR. WITHERINGTON-PERKINS: We make those decisions every day.

MR. FIRSEL: But you're okay with permanent?

COMMISSIONER DROST: Yes, so in the 17th century there was Duke Norfall caused the rule against perpetuity, so --

COMMISSIONER DAWSON: Which was on my bar exam, just saying.

CHAIRMAN ENNES: Okay, we're getting off track here. We have a gentleman sitting in the power seat in the audience, the first seat on the left side, is the first person that can speak. You asked the question what we would like to hear about. And we, I think we resolved our biggest issue. Did you still want to ask us any questions or did you want to talk to us about the issues that we're addressing this evening. You need to come forward. Tell us your name, spell it.

AUDIENCE COMMENT

MR. SAMATA: Tom Samata, S-a-m-a-t-a. I live in Arlington right across the street from this place.

CHAIRMAN ENNES: Okay.

MR. SAMATA: Can you put that, I think it was with the architectural plan, I think, the overhead view. Now maybe I missed it back when they had this presentation in the tent but the main exit and entrance to this place is on Campbell, which is also the main entrance and exit to two or three other condo buildings across the street. Isn't that going to get a little bit tight there with traffic? Plus that's Campbell's like a very pedestrian-oriented street, lots of people walk from the houses, from the condos, to Vail and Campbell, which is probably the biggest, busiest corner in the downtown on this side, you know.

CHAIRMAN ENNES: You live on Campbell?

MR. SAMATA: Yeah.

CHAIRMAN ENNES: Okay, just a comment on that. That's half of it, the other goes, some of this exits out onto Chestnut and out onto Highland, so it's not the only in and out. And the intention was to keep as little out on the Chestnut side where the residential is.

MR. SAMATA: That part I understand. Why wouldn't the main exit and entrance be on Highland, which has very little.

CHAIRMAN ENNES: Because it's very busy with all the people coming out of the garage all day every day.

MR. HUBBARD: I can address that if you'd like.

CHAIRMAN ENNES: Pardon?

MR. HUBBARD: I can address that if you'd like.

CHAIRMAN ENNES: Okay.

COMMISSIONER DAWSON: Please.

MR. HUBBARD: There's a condition of approval that if traffic patterns warrant, then the Village can require the developer to make this a two-way entrance exit, whereas today, it's just proposed as an entrance. But a condition of approval allows the Village to require the developer to do that. Furthermore, I would add that this is an entrance/exit to the garage for residents only. The residents who will be living in this building and this building will have access to leave from the garage from here rather than leaving from the garage here and coming here, so that's going to keep most of the exiting traffic off of this intersection right here.

CHAIRMAN ENNES: Thank you, Sam, for that. Was there anyone else? Would you please come forward?

MS. DWYER: Terry Dwyer, D-w-y-e-r. I have just actually a couple questions and then a comment. So, my questions would be around the stop signs. Are we making Chestnut and Campbell a four-way stop? Because on any given day, when I try to walk my children across Campbell to get to Jewel or any of the, you know, restaurants and entertainment downtown, we're not able to cross the street because of the traffic coming through. And when you have cars parked on the street, you can't see. There's zero visibility. And even as a car, as you try to cross that intersection, you are halfway in the middle of it before you would be able to see an oncoming car.

CHAIRMAN ENNES: Sam, would you comment on the reduced parking that's going to be allowed on Campbell.

MR. HUBBARD: I can address that. The intersection of Highland and Campbell will be a four or three-way stop sign intersection, so you'll just have to cross here and come here and then there will be a stop sign here. You can cross like that. So, you'd have to walk one more block in order to make that crossing.

MS. DWYER: So, to be clear, my kids will have to go a block down just to cross the street to protect them and the community in which we reside, right? Because we can't put another stop sign there?

MR. HUBBARD: Well, there will also be a bump-out here built for the crosswalk, so there will be a little bit more, the width of the street will be constricted a little bit and it will add more protection for pedestrians crossing on this side of the intersection here. The traffic study and the warrants did not show that a traffic signal or a traffic stop sign here was necessary.

MS. DWYER: And may I ask when the traffic study was conducted? Was it during peak hours?

MR. HUBBARD: It was.

MS. DWYER: On the weekend or evenings, Thursday through Friday?

MR. HUBBARD: Yes, it was.

CHAIRMAN ENNES: This was one of the topics we discussed two weeks ago.

MS. DWYER: Right, and actually, that was my other comment that I wanted to make, more of a comment, and not a question. But to the Commissioners, I would respect and ask that you would reconsider your previous motion. The meeting that was held two weeks ago was actually during spring break for all of the residents that reside within the community, so most of which were on vacation and unable to attend. So, I think it's disappointing that we wouldn't be able to have a voice within the process because of the cadence of your meetings. So, if there could be a consideration for those that are in the audience that have prepared --

CHAIRMAN ENNES: We spent, we were here until midnight.

MS. DWYER: And I appreciate that and all respect of your time, we too --

CHAIRMAN ENNES: Can appreciate that.

COMMISSIONER DAWSON: So, I can comment on that. I have elementary school children. I'm up here. I volunteer all the time and I planned my vacation to make sure I was here for that meeting. So, I'm just pointing out, you can laugh all you want, but I'm just pointing out, I live in this community. I have young children in this community. It's not ridiculous.

MS. DWYER: It's disappointing. It is what it is. So, define it as what you will.

COMMISSIONER DAWSON: That's the way it goes. I'm sorry, but I live in this community too. I live right by a major thoroughfare. My kids can't even walk to the park. There's no stop sign, there's only a crosswalk.

MS. DWYER: So, in this position, you're agreeing to perpetuate an environment --

COMMISSIONER DAWSON: No, I understand how the Village works and how roadways have to work. I understand how these things have to happen. We can't stop everything because schools are on break. We just can't, the community has to move forward.

MS. DWYER: And we're confident that that wasn't planned by design.

COMMISSIONER DAWSON: No, it was not planned by design.

MS. DWYER: Because that's what the perception is. That's what the objects are to the community, that that was by design.

CHAIRMAN ENNES: Let me just --

COMMISSIONER DAWSON: That's not how it works.

CHAIRMAN ENNES: Let me just make a comment.

MS. DWYER: Sure, please.

CHAIRMAN ENNES: Okay, for the people that thought that was funny and wanted to break out in laughter. We volunteer our time to be up here to make this the best community we can be and we're listening, we're offering the time to rehear questions on this project to the community because we think that's the right thing to do. And if we're going to limit that, we've already done this part of our work. I'm not going to stay here until midnight again to redo it.

COMMISSIONER JENSEN: We should also mention that you will get another chance to talk to the Board. Because ours is a recommendation, you can come, all of you can come and make any comments you want to the Board. So, we are a recommending body, we're not a deciding body.

CHAIRMAN ENNES: You can consider zoning.

COMMISSIONER JENSEN: So, you've not lost your opportunity to have your input with the Board, where it really counts.

MS. DWYER: Okay, thank you.

COMMISSIONER CHERWIN: Chairman, can I ask Sam a follow-up question just on that topic so we can stay on this topic? So, Sam, if there's no warrants for Chestnut and Campbell, are there any kind of, I guess you'd say, you know, where we see some of the enhanced crosswalk features, whether it's kind of flashing pedestrian lights or anything that don't amount to a stop sign but something that residents are able to use that don't require the kind of warrants that we would need for a fully controlled intersection? Is there any kind of intermediate way to maybe help the residents get through that with some additional protection?

MR. HUBBARD: Yes, I mean, we would look into a high-visibility crosswalk at this intersection. I would add that given the offset nature of the intersection with this leg being slightly south and this leg being slightly north, you know, of a stop sign for stop sign control would be difficult to justify here, given the offset and --

COMMISSIONER CHERWIN: Yes, and I wouldn't, I mean, I get that, that's kind of out of our, that's more I think, the warrants aren't there for that, we're not going to get that. But what I'm saying is even if it's a simple, you know, pedestrian crossing flasher or something that people can feel a little bit safer with, and that gives at least an awareness even if not a fully, you know --

CHAIRMAN ENNES: Can I make a comment on that.

MR. WITHERINGTON-PERKINS: I can just jump in on that. The Village did do a detailed study, hired a consultant to do pedestrian counts and look at where the best place for those type of crossings are, and there have been all sorts of safety concerns with just placing those without having good data, and they did study Campbell Street and recommended one of those pedestrian class of crossings with flashing lights that would be just east of Highland. That's where the majority of pedestrians cross.

So, originally it was going to be in front of Metropolis, because of this development and the traffic at Highland and Campbell, we're going to shift it, redesign it, and shift it to the intersection of Highland and Campbell. So it, and it's expensive to install and design, so it probably wouldn't make sense to do another one just one short block, because these are narrow blocks, west to east, at this location. But as Sam mentioned, there is going to be a bump pad at the corner there that's going to help provide safety and better crossing and the Village will always evaluate, you know, the safety of the intersections as downtown continues to grow and evolve.

COMMISSIONER CHERWIN: Okay, thank you.

CHAIRMAN ENNES: Yes, would you please --

MR. PRAXMIRE: My name is Paul Praxmire. I actually live right across the street from the entrance to I think 425 and first I wasn't going to make a comment about it, but as far as the four-way stop, it's not a pedestrian issue, it's a traffic issue. That corner right there, I go through that intersection all the time. During busy times on a Friday night, there's cars parked all the way up to the edge of the corner and that intersection, as you see, it's not exactly a, it's not at right angles.

If you're making a left turn, people are hauling, they have a clear way all the way from Ridge, okay, so they're hauling. You've got people going 40 miles an hour. I know it's 25, but they're going 40. And you go to make that left, there's a blind spot, you pull out, you're going to have accidents there. So, it's not really a pedestrian issue, it's a traffic issue. I mean, after you have two or three accidents, maybe they'll add a stop sign there, but --

CHAIRMAN ENNES: I appreciate your comment, but we're not a traffic Board, we're a, we covering zoning, variations, variances.

MR. PRAXMIRE: Okay.

CHAIRMAN ENNES: And all of these issues, there is a traffic study out there that addresses all of this.

MR. PRAXMIRE: Okay.

CHAIRMAN ENNES: And I do appreciate your comments. I'm downtown quite often and I have to deal with the parking situation.

MR. PRAXMIRE: Sure.

CHAIRMAN ENNES: I have to deal with people who go a little too fast, although I find with the crosswalks there, people are very respectful. I find that.

MR. PRAXMIRE: Yeah, well I just --

CHAIRMAN ENNES: Now, you see people going 40.

MR. PRAXMIRE: That wasn't going to be one of my comments, but I did want to bring it up. Then as far as Chestnut, are you going to be widening Chestnut? Because Chestnut as it is --

CHAIRMAN ENNES: Yes, that was one of the things that was testified to earlier.

MR. PRAXMIRE: Okay, okay, and again, why have the outflow of traffic coming onto a residential street instead of going back through Highland, the commercial area, instead of where everybody is walking and where we live? No comment on that?

COMMISSIONER DAWSON: I think they've answered that; it's too much.

CHAIRMAN ENNES: We addressed that.

COMMISSIONER DAWSON: We've talked about that, it's too busy

already.

MR. PRAXMIRE: Okay, and then one other very minor thing. I'm sure you know it, but that park across the street, if we want to call it a park, is a big, everybody walks their dog there. Is there any accommodation for where those folks are going to walk their dogs? I mean, there is, there's a ton of, couldn't there be a dog-walking area established there?

CHAIRMAN ENNES: What, on the developer's property?

COMMISSIONER DAWSON: There is a dog-walking area for the residents who live there.

CHAIRMAN ENNES: Yes, but that's, but they're not --

MR. PRAXMIRE: Okay, and then just my last comment is the esthetics of this building, having it right in front of us, I don't know how many of you have a 13-story building right in front of you, but I would have thought that Arlington Heights, a great town, I'm proud to live here, I would have thought the esthetics of the building, the architecture of it could be a little bit better. That's just a comment. Thank you.

COMMISSIONER JENSEN: Mr. Praxmire, I want to make the same comment I made to the, for the other individual. You still can go to the Board, the Board takes up these issues, traffic and everything else. You can make your comment there. You will be heard.

MR. PRAXMIRE: Okay, I intend to.

COMMISSIONER JENSEN: They may not agree with you but you will be heard.

MR. PRAXMIRE: I appreciate it and thank you very much for your time. I know you donate your time and it's a thankless job, I am sure. Thank you.

CHAIRMAN ENNES: Can I see a show of hands of how many other people want to make comments. So, we have two people, three people? Okay. If you could follow one another up here so we can move this along.

MR. COON: Well, first, my name is Aaron Coon, I reside at 111 South Highland Avenue.

COMMISSIONER JENSEN: Can you spell it please?

MR. COON: I'm sorry.

CHAIRMAN ENNES: Could you spell the --

MR. COON: C-o-o-n. Right, I am sympathetic to what you guys are going through and I was sympathetic to the late hour, very late hour that you guys stayed in. Very appreciative. I went through all 30 pages of these. I think you guys are doing a fantastic job of covering all of the issues. There are a few that are debatable, you know, and those are the commercial design guidelines. But I would say that the concerns that I have are, well, let me just back up and I think that Mr. Adreani has done a great job at replying to the Village Board decision with the CA Ventures proposal and they took one-and-a-half stories off the Chestnut building. However they put one story onto the Campbell building, but I as an architect and familiar with walking, you know, in urban spaces, when you have a nine-story building next to an eight-story building and then another nine story or eight story, it's part of that urban fabric.

I think that's, I think that's a great plan to react to the residents. The Highland building I do have a problem with but I do recognize the garage, the Vail garage coming up to the property line is a severe impediment on that, on the whole block. But what I feel that, and I think this was touched on at the last Board member, the Village Board meeting,

that it was said by a retired real estate attorney, I think he'd done a lot of work in the Village, I don't remember his name, and I also believe Trustee Blackwood stated to the fact that townhomes wouldn't work. They are known not to work next to a parking garage.

And so and now, tomorrow night, there's a meeting with the Taylor Morrison homes for a four-story townhome project. And so I think that, you know, the variations, and where I'm going with this, the variations that are being asked for the Highland garage, they result in a very small amount of square foot add to the project at the very south end. Now, the reasoning for extending onto the garage was stated so that it would be harmonious with the garage.

But they're going up so high with it, and I think an easy solution would be just to, at the sacrificing of, I don't know, you say you've got six levels parking, if you take eight cars out times those levels, you shift that wall back whether it's 10 feet or 12 feet, and then if you could bring a part of that garage out level with the parking garage as it is now. They did a great job of framing that Highland entry into the garage, right? And so if we took a smaller portion of that garage and mirrored it onto the other side, and let the glass element be a few feet, 10 feet beyond that, then it becomes a backdrop for a wall that is better scaled to a four-story townhome development.

So, I'm not afraid of the 13 stories, it's very reflective of the Dunton Tower project, of the Arlington Town Center project. Now those projects, the Arlington Town Center project, it steps down three times or two times towards the residential neighborhood, but this one is going to have a four-story townhome next to. So, that's your step-down. But what it doesn't do is it doesn't create a harmony or harmonious relationship to the garage. And I don't think that was really touched upon.

And I created just a simple sketch of what that could potentially look like and I'm not trying to design the building, I just did that over five minutes. This is kind of a massing of what that would appear like. So, if you, if you were just to create this wall and then you'd have this all-glass element above, then it starts to, I think, make sense. But when you have, when you have it all flush in a line, I mean, as an architect, I mean, Mr. Green, you know, that when you have a change in material or change in massing, it's usually better to do that in a way that steps in or steps out to break that plane.

And so if we could just break that plane and continue this on over and then take this part and just push it back a little bit, and maybe that part changes to glass, then I think it could be harmonious and then I think it could work the commercial design guidelines, and I think that would be a positive feature. So, the other thing that I wanted to bring up with the parking is I think, or I think his associate had talked about the, I think there was some discussion about that, the midblock cut through and I thought I read that there was not significant benefit to the traffic flow of the development. I'm just wondering if that could be worked out so that it is a one-way out so that people coming out of there can make a right turn onto Campbell and then we get a little bit more space for some retail in the Campbell building.

So, if this development is to, is to bring more residents into our downtown and make it vibrant, wouldn't we want to add more retail and do that in any way that's feasible. So if, if you're, you're trading, you know, circulation with the vehicular traffic and the value of retail, I think maybe there's a compromise if it's not something that's adding a lot to the circulation of the development. So, maybe there's a little bit of a, you know, maybe there's a lot of space under there that's taken up by that midblock. And there's also some cars that are being

lost on Campbell.

But I think to the developer's credit, they've added a lot of parking in the garage. I'm not sure how they did that without changing the size of the building. I'm curious about that. Okay, so and then I think that was most of what I had. There was one other thing. And just, you know, Jim Tinaglia, he came swinging out of the gates and talked about transparency. Transparency for this process. And so I just had some questions for Bill Enright. He said some things that were a little bit confusing in terms of the timeline of the development.

Because at the, at the Plan Commission, at the last Plan Commission for CA Ventures, he got up and said that, that the north part of the property was going to be planned per the master plan at six to eight stories and that he also quoted Bruce Adreani in saying that there's no 140-foot buildings anywhere planned on the site. And 34 days later, they submitted their preliminary design for a five-and-a-half-story, and eight-story, and a 13-story building. So, either Bill is lying or Mr. Adreani was hiding his cards and it's just not --

CHAIRMAN ENNES: You're really way off base for one thing.

MR. COON: No, I'm not really way off base.

CHAIRMAN ENNES: You are.

COMMISSIONER DAWSON: So, I don't think this cross-talk is helpful.

MR. COON: Okay, right.

COMMISSIONER DAWSON: No there, in the audience. I think he needs to be directed up here and you'll have your turn, but, so guess it's audience cross-talk.

MR. COON: So I guess my question is, I'm not accusing anyone --

COMMISSIONER JENSEN: Mr. Chair, I didn't think we were going to redesign the entire building and do all the architectural work. If the Petitioner wants to hire him as the architect, they should do so. I don't know why we're spending Commission time and audience time talking about redesigning this building.

MR. COON: Well, I'm not implying that, but I just curious why --

CHAIRMAN ENNES: Well, you are. You're coming up with drawings and proposals, none of which are involved in the issues that we indicated that we wanted to hear from the neighbors in regard to parking and traffic flow.

MR. COON: Okay, I'll take that back.

CHAIRMAN ENNES: You know what, there's, we have a Design Commission that went through all this design --

MR. COON: Well, they're not allowed to discuss that.

CHAIRMAN ENNES: But neither, you know, we're not involved that.

MR. COON: That's not what Robin Worth said.

MR. ENRIGHT: Chairman, could I address briefly. I take great pride in what I do for the Village. People who know me and work with me know that I don't lie. I'm not perfect, but I don't lie. And what you're referring to was in February of 2018, when the CA Ventures project was before the Plan Commission, I believe it was Commission Drost asked me, so do you know anything about the rest of this block. We had met on a very preliminary basis with Mr. Adreani and Mr. Firsell. At that time, they said we're looking at probably about 12 stories, on my recollection at that time was about 12 stories, 120 feet or so.

Since that time, the project has evolved. They submitted full plans at a higher height, which has been fully disclosed to the public for about eight months.

MR. COON: No, I understand that, but I'm just confused --

MR. ENRIGHT: Don't interrupt, please hear me out, because you accuse me of making statements and I took it as you calling me a liar. So, I'm going to answer --

MR. COON: No, I was quoting the minutes, let the record show I was quoting the minutes.

MR. ENRIGHT: You were not quoting the minutes. Let me be brief. What I said about the eight to 12, six to eight stories was, I did not say the developer said that that's what they were doing. I said that was Staff's position on the project at that point in time because that's what the master plan calls for for this downtown site. Since that time, this project has gone through the public process, it's been vetted, it meets the code for height, it meets the code for density, it meets the code for parking. It meets the code for multiple things. There are some variations for setbacks. I take great exception to you implying that I was purposely misleading anybody in a public meeting. I was not.

MR. COON: Okay, I must apologize. I'm not trying to embarrass you. I'm merely trying to find out why that was said. It was in fact said in --

CHAIRMAN ENNES: This isn't the forum for that.

MR. COON: Okay, I understand. Thank you.

CHAIRMAN ENNES: This is reminder. We are, we're a Plan Commission, we're here to talk about traffic, parking, zoning requirements, variances, and the topics that we addressed tonight. If you would please tell us your name, we'd like to hear --

MS. DOTY: My name is Lisa Doty, it's D-o-t-y. I am a resident. I live at 24 South Mitchell, which is basically a block west of the development. I would like to thank the Planning Commission, I would like to thank Staff and I would like to thank the developer for all of the hard work, thoughtfulness and effort that has gone into this planning process. As a neighbor, I was very concerned, as everybody else was, but I also want to turn some of the stuff around and say, isn't it great that in 2019 in downtown Arlington Heights, we have a parking problem and a traffic problem.

I've owned my home for 27 years. For 27 years, I have looked at what my husband calls dog poop park. And I walk my dog around that area every single day. I have lived in Arlington Heights almost my entire life. I am so pleased that we are at the point of looking at a development like this. I think that, you know, the developer has gone so far out of his way to address the parking issues. You know, when I looked at the 65-page minutes from the last meeting and I saw that people were quibbling over 21 parking spaces, which based on the real estate tax that are going to be coming in from this, comes out to about \$90,000 per space on the street. Is it really worth us losing that kind of revenue? So I, you know, I heartily, I think this is great project, I hope the Planning Commission, you know pushes this project through to the next step and I am very excited about all of this. Thank you very much.

CHAIRMAN ENNES: Thank you very much. Good evening.

MR. MEERSMAN: Hello, my name is Donald Meersman, M-e-e-r-s-m-a-n. I live at 202 South on Highland Avenue. I've live there for about 30 years. I lived over on Vail Street for about 10 years. I want to thank the members here for their time. I know this is a huge project. I know there's a lot of moving parts and I want to thank you very much for doing your best to balance all of the different stakeholders. I would like to speak specifically to traffic. I know that the traffic studies have been very extensive and I've been a pedestrian here for a long time.

And I encourage, and this is more to the, to the Staff that tonight we

discussed allowing wiggle room in the future so that the Village can have input. What I'm hoping for is that if the future pedestrian traffic and the future traffic flow calls for it, please err on the side of safety. I understand that the new plan is putting in a four-way stop at Highland and Sigwalt. Thank you very much. We should have had that a long time ago. I understand that we're going to have pedestrian crosswalks installed on Campbell Street. That is also necessary.

Campbell and Chestnut is a tough traffic situation because it doesn't line up right. It's been that way for a long time and this is going to greatly, greatly increase our traffic. Everybody knows that, and you've gone to great lengths to try and address that issue. So, I'm hoping that the Staff will use that same future, they left themselves wiggle room in case the parking slots have to be re-allocated, that's a good idea. Please do the same thing for traffic safety for pedestrians. Thank you.

CHAIRMAN ENNES: Was there anyone else? I'm going to close the public portion of the meeting and go back to the Commissioners for questions of the developer and/or Staff, or any of the people that spoke from the audience? Mr. Jensen?

COMMISSIONER JENSEN: I don't have any further questions.

CHAIRMAN ENNES: Ms. Warskow?

COMMISSIONER WARSKOW: I don't have further questions.

CHAIRMAN ENNES: Any questions?

(No response.)

CHAIRMAN ENNES: Is there a motion? I can't make one.

COMMISSIONER DAWSON: Yes, I'll, are you going to make the motion?

COMMISSIONER CHERWIN: Yes.

A motion to recommend to the Village Board of Trustees approval of Application PC#19-001., a rezoning from R-3, one-family dwelling district to B-5, downtown district for four lots of the subject property, planned unit development approval to allow a 361 unit mixed-use residential development, preliminary plat of subdivision approval to consolidate the 17 existing platted lots on the subject property into one lot, land use variation to allow residential uses as a principal use in the B-5 district for the proposed building along Chestnut Avenue and the following variations:

1. Variation to Chapter 28, Section 5.1-14.4B, conditions of use, to allow dwelling units below the second floor within the Chestnut Building.
2. Variation to Chapter 28, Section 5.1-14.2A, required minimum yards, to allow a 7' setback along a public street frontage (Chestnut Avenue) for the Campbell Building where code requires a 20' setback.
3. Variation to Chapter 28, Section 5.1-14.2A, required minimum yards, to allow a 12.2' setback along a public street frontage (Chestnut Avenue) for the Chestnut building where code requires a 20' setback.
4. Variation to Chapter 28, Section 5.1-14.2B, required minimum yards to allow a 12.9' setback along an interior lot line (southern lot line) for the Highland Building where code requires a 25' setback.

5. Variation to Chapter 28, Section 10.2-7, size to allow certain parking spaces within the Highland Building Garage to be 15.3' in length where code requires 18' in length.
6. Variation to Chapter 28, Section 6.15.2.2, landscape requirements between zoning districts, to waive the requirements for a 6-foot tall solid screen along the southern property line.
7. Variation to Chapter 29, Section 29-304(L), to allow a 50' wide right-of-way for a local street where code requires a 66' wide right-of-way for local streets, along certain portions of Highland Avenue.

This approval shall be subject to the following conditions.

Fire/Safety Conditions:

1. The Petitioner shall modify the interior access drives as necessary to comply with all fire lane concerns as outlined by the Building Department Fire Safety Division and the Fire Department details shall be provided on all pavers to assure the Village that the pavers will support fire apparatus load and the point load of any fire apparatus outriggers.
2. No structure shall be erected and no obstruction shall be placed in the 26' fire lane that runs between the Chestnut building and Highland Building, unless approved by the Fire Department.

Building Conditions:

3. If a restaurant is constructed on the 13th floor of the Highland Building, it shall provide a full kitchen with black iron equipment.
4. The Petitioner shall enter into an indemnification agreement with the Village should any balcony or portion of the building encroach into the public right of way.
5. All building mounted and site mechanical equipment (meters, panels, utility connections, Fire Department connections, transformers, utility pedestals, etc.) shall be appropriately sited and screened from public view, which shall be at the discretion of the Village. To the best extent possible, these elements shall be internalized within structures.
6. The proposed development shall not damage or threaten the structural integrity of the Vail Avenue garage. Prior to building permit issuance, the Petitioner shall provide a structural analysis and soil borings that addresses potential impacts to the Vail Avenue Garage. The Village reserves the right

to review any proposed modifications to the Vail Avenue Garage the ability to require certain upgrades to the garage as it determined necessary to facilitate the proposed development. The costs of any required modifications to the Vail Avenue Garage shall be borne by the developer, and any required insurance, bonds and deposits shall be developer's responsibility. The Village reserves the right to reject any plans or construction that may negatively impact the Vail Avenue Garage.

Site Conditions:

7. All utility service lines must be underground. Prior to final plat of subdivision approval, the Petitioner shall provide a plan for any overhead utilities that need to be modified to accommodate for the proposed development.
8. The Petitioner shall provide final details on the Chestnut Building Garage ramp wall (materials, height, etc.) prior to final plat of subdivision approval, for review and approval by the Village.
9. Prior to final plat of subdivision approval, the Petitioner shall provide details on all site fencing, including the height, style, and materials of all fences proposed on the subject property. Final fence details shall be subject to review and approval by the Village. Additionally, the loading space screen walls shall be revised to be a solid masonry material to match the buildings. Where applicable, the fence along the southern property line shall be a decorative black metal style open fence.
10. The Petitioner shall explore options to minimize or eliminate the retaining wall along the southern property line, and if it is determined that a retaining wall is necessary, in no case shall this retaining wall exceed 3 feet in height. Additionally, said wall shall be setback from the southern property line no less than one foot to allow for maintenance.
11. The Petitioner shall explore further enhancements to the northeast corner of the site to provide a focal point for this prominent corner.

Parking/loading Conditions:

12. The Highland Parking Garage parking space allocation and management shall comply with the plan prepared by Briarwood Management LLC, dated April 9, 2019, and shall be subject to the following additional conditions:
 - A) The subject property shall provide 160 parking spaces in permanently for the non-residential uses on the subject property, comprised of 134 non-residential only spaces and 26 non-residential/resident guest parking spaces. These spaces shall be located on the lower level,

ground level, level 1.5, and level 2.

- I. These spaces shall not be individually assigned to specific non-residential tenants individuals/employees and shall be open to any non-residential User/customer/employee.
 - II. Leases for non-residential tenants shall specify that parking is provided within the Highland Building Garage and that all employees shall park within the Highland Building Garage.
 - III. Employee parking rates shall not exceed employee parking rates set by the Village for the vail avenue garage.
 - IV. Part time employees of the non-residential uses on the subject property shall be provided free parking within the Highland Building Garage, consistent with the free parking provided by the Village within the Vail Avenue Garage.
 - V. Customer parking for customers and patrons of the non-residential uses on the subject property shall be free.
 - VI. Customer parking shall be restricted to a maximum of 4 hours. There shall be no long-term parking within the 160 non-residential `parking spaces.
- B) The subject property shall provide no more than 347 parking spaces within the Highland Building Garage for the residents within the Highland, Campbell, and Chestnut Buildings.
- I. All residential parking within the Highland Building shall be rented separately and shall not automatically be included with a residential lease.
- C) Valet parking for restaurants on the subject property shall be provided on Thursday through Saturday within the lower level of the Highland Building Garage.
- D) At the request of the Village, the property owner shall provide details and data on the operation and management of the parking within The Highland Building Garage. If parking issues arise, the property owner shall work with the Village to modify the parking plan to Address any such issues, to the satisfaction of the Village. The property owner shall use good faith efforts to implement and enforce said Highland Garage Parking conditions and restrictions, and shall have the ability to adjust the above referenced conditions so long as the project is in

substantial conformance and the development continues to adequately accommodate the developments parking demand to the satisfaction and approval of the Village.

13. No employee or residential parking permits for parking within the Vail Avenue Garage shall be issued to tenants, residents, or guests of the subject property, unless determined acceptable by the Village.
14. Prior to building permit issuance, the property owner shall provide a parking signage plan outlining how shoppers, employees, and residents will be guided to appropriate parking spaces. Signage shall clearly indicate what spaces are available for public customers.
15. Loading operations for the development shall be restricted to the following:
 - A. Commercial restaurants/offices: 7:00am - 3:00pm on Monday through Saturday. No loading permitted on Sundays.
 - B. Residential: 7:00am - 6:00pm on Monday through Saturday.
 - C. Street deliveries shall be prohibited, with exception to the on-street loading space in front of the Chestnut Building.
 - D. All trash shall be loaded onto trucks within the loading area. No on-street trash collection shall be permitted.
 - E. All tenants shall be provided with access to the loading and trash areas.
16. Should portions of the property be sold to separate property owners, the property owner shall draft and record provisions for shared parking, shared access, and shared maintenance of common elements and utilities.
Traffic/street infrastructure conditions:
17. Intersection improvements shall be required at the following intersections:
 - A. Highland/Campbell: this intersection shall be under 3-way stop sign control. The developer shall install high visibility crosswalks across Highland within this intersection. The Village shall relocate the proposed midblock crosswalk to the eastern leg of this intersection, which shall extend across Campbell.
 - B. Highland/Sigwalt: This intersection shall be under 4-way stop sign control. The developer shall be responsible for installing high visibility crosswalks within this intersection.

- C. The developer shall install bump-out-s for the on-street parking spaces along the southern side of Campbell Street between Highland and Chestnut. This may include the relocation of an existing fire hydrant and installation of required streetscape improvements. Additionally, the developer shall be responsible for installing bump-outs for the proposed crosswalk at the eastern leg of the Campbell/Highland intersection.
 - D. Bump-outs for the on-street parking spaces along the western side of Highland Avenue between Campbell Street and the access drive to the subject property.
- 18. The developer shall be responsible for the expansion of Chestnut Avenue and installation of the parking lane as depicted on the engineering plans, which shall occur as follows:
 - A. Between Campbell Street and the drive aisle exit of the development as part of Phase One.
 - B. Between the exit drive of the development and the south property line at the earliest of the following:
 - I. During Phase Two of development.
 - II. Concurrent with the widening of Chestnut from Sigwalt Street to the south property line of the subject property. If phase two has not commenced, the curb bump-out may be omitted (but must be constructed when either 23.B.I or 23.B.III have occurred).
 - III. Within four years of adoption of this ordinance.
- 19. Eight feet of land shall be dedicated for public right of way along Chestnut Avenue and along a portion of Highland Avenue, as shown on the preliminary plat of subdivision.
- 20. If it is determined by the Village that there is unsatisfactory circulation and congestion within and through the subject property, the property owner shall modify the driveway access along Highland Avenue so that it can accommodate two-way travel. Prior to making this determination, the Village will consult with the property owner.
- 21. The Petitioner shall provide visible warning beacons on the garage ramp for the Chestnut Building, as well as on the Highland Building Garage entrances/exits, if determined necessary by the Village.

22. The Petitioner shall ensure full streetscape compatibility with the rest of the downtown and shall insure that all disturbed public sidewalks shall be restored in conformance to these standards. Furthermore, prior to building permit issuance, a complete site furnishings package shall be required, for review and approval by the Village.
23. The Petitioner shall revise the one-way exit to Chestnut Avenue to bump-out the curb so that the exit tapers down to discourage southbound egress along Chestnut.

General Conditions:

24. At time of building permit, the Petitioner shall provide a detailed final construction schedule and logistics plan that identifies staging areas, material storage, lane closures, and construction worker parking for review and approval by the Village. Any work taking place within the right of way shall be scheduled to minimize disruption to other businesses and Patrons of the downtown vicinity. Construction traffic shall be limited to pre-approved lanes and locations to be determined by the Village. Emergency access shall be maintained at all times during each phase.
25. The developer shall install and maintain a gateway sign at the northwest corner of the site within the public right-of-way as part of the required streetscape improvements within phase one of development. The design of said sign shall be in substantial compliance to the sign details document dated 4/4/19.
26. Conversion of any building to condominium units shall require an amendment to the PUD and determination of sufficient parking for such change shall be provided to the satisfaction of the Village.
27. Impact fees shall be required in accordance with the requirements of Chapter 29 of the Municipal Code.
28. The developer shall provide the required number of affordable units in perpetuity as per the recommendation from the Village Board.
29. Compliance with March 12th Design Commission motion shall be required.
30. All restaurants shall be required to apply for a special use permit, or shall apply for a special use permit waiver if deemed acceptable by the Village.
31. Medical office uses shall only be allowed after review and approval by Village Staff of their projected parking impact. If it is determined by Staff that parking for medical offices cannot be adequately accommodated on the

subject property, medical office uses shall not be allowed.

32. The Petitioner shall comply with all Federal, State, and Village codes, regulations, and policies.

COMMISSIONER LORENZINI: 1 through 7, I'm sorry.

COMMISSIONER CHERWIN: Oh, I'm sorry, yes, 1 through 7. The approval shall be subject to the following conditions, 1 through 32, with item 12 being amended to the language agreed upon in the minutes by Charles and Mr. Firsel.

COMMISSIONER DAWSON: Second.

CHAIRMAN ENNES: Can we have a roll call, Sam?

MR. HUBBARD: Commissioner Drost.

COMMISSIONER DROST: Aye, with comment.

MR. HUBBARD: Commissioner Green.

COMMISSIONER GREEN: Yes.

MR. HUBBARD: Commissioner Jensen.

COMMISSIONER JENSEN: Yes.

MR. HUBBARD: Commissioner Lorenzini.

COMMISSIONER LORENZINI: Yes, with comment.

MR. HUBBARD: Commissioner Sigalos.

COMMISSIONER SIGALOS: Yes.

MR. HUBBARD: Commissioner Warskow.

COMMISSIONER WARSKOW: Yes.

MR. HUBBARD: Chairman Ennes.

CHAIRMAN ENNES: Yes.

MR. HUBBARD: Commissioner Cherwin.

COMMISSIONER CHERWIN: Yes.

MR. HUBBARD: Commissioner Dawson.

COMMISSIONER DAWSON: Yes, with comment.

COMMISSIONER DROST: First comment, and taking it as a whole. Some of the concerns that have been expressed over the last two meetings can be fleshed out hopefully will be fleshed out at the Board of Trustees meeting. Two concerns that I have are in the density and also buildings and flexibility in this dynamic development, where it appeared to me that there was maybe too many studios and single bedroom units and that there can be, based on what the market will dictate when this project goes on, that there can be an increase in one bedroom and the two bedroom units. And so that it provides a opportunity for the developer to mix it based on the market along with adding some of the, some ownership elements, too. Primarily the condominium portion of it that's going to be built on Chestnut. And I think it needs to look at mix and to try to balance the mix and recognizing what investment the developer has, and they certainly know more about the market than I do, but those are just sort of the comments I have as it moves forward.

COMMISSIONER LORENZINI: Okay, some of the comments I had was going back to what some of the people in the audience said. I didn't realize it was spring break, I stopped doing spring breaks a while ago, since my son got out of school. So, I certainly didn't know that and, but I can assure you that at least from a technical, professional standpoint, this

project's been reviewed by the Planning Department, Engineering Department, Fire Department, Police Department. It's been thoroughly vetted and it meets all the Village codes. Now some of the residents may not agree to it or like it, but I think it's going to benefit 99 percent of people of Arlington Heights. And the developer, it's his property, it's private property and he has the right to develop it. That's all I have to say.

CHAIRMAN ENNES: Thank you. Commissioner Dawson?

COMMISSIONER DAWSON: So, I did know it was spring break. But I guess my comment is similar to that, which is that this project isn't perfect for everybody, but nothing will ever be perfect for everybody and when I commented that re-arranged my vacation because it was spring break, I did. I've missed meetings from time to time, but this was an important meeting which was emphasized by Staff at the meeting before this, asking every Commissioner up here to do whatever we could do to be here because of the importance of this meeting. So, I left my home this morning at 8:15, I have three young children and I have not been home yet, and it's almost 9:15.

So, to give the implication that I am somehow up here to be manipulative or to take away from people's ability to communicate or, or discuss their concerns about this Village is extremely upsetting to me. I grew up in this Village; I was born and raised in this Village. I was born in 1972 and I've lived in Arlington Heights pretty much my entire life. I care about this Village and I've seen for the last forty almost seven years many, many variations of this Village. And I care about making sure that what we're doing is the best fit for the Village, but it's not going to be perfect.

You want to talk about flashing yellow lights on a crosswalk? I live right off of Minor Avenue where my children, their entire lives, have had to cross a major thoroughfare to get to a park. We can't put a stop sign there. It doesn't work, it doesn't make sense. You want to put a yield sign or a crosswalk there or just a flashing light, my kids will get run over all day long. My kids have had to, since the day they could walk, learn how to stop and look both ways, because that's safe for them than flashing yellow lights on a crosswalk. Because people blow through stop signs. They blow through stop signs in my neighborhood just as much as they blow through stop signs in your neighborhood.

It's all over this community. It was that way when I grew up, it's that way now. We're doing the best we can up here, and this is a good project for this community, for the benefit of the majority of this community. And I just wish more people could understand, if you had to be on spring break, you can write a letter. We get e-mails, we get letters up here with your concerns. I can't make it to the meeting, here's my concerns. You didn't have to reschedule your vacation, you could still have been heard. People who complained about not being heard have already left the meeting tonight without even fully listening to all of us. That's upsetting to me, for someone again who's been now out of the house for 13 hours and away from my children. So; this is a good, a good addition to the community and if it wasn't, I wouldn't live here and I wouldn't put the amount of hours I put in up here. And that's my comment.

CHAIRMAN ENNES: Thanks, Commissioner Dawson. Were there any other comments? Okay.

MR. FIRSEL: We would like to extend our immense gratitude to the Plan Commission, having served on it for eight years personally, been there, done that. I have all the respect in the world for you, for your time, for your commitment, and I cannot begin to tell you how appreciative we are of all the work that the Staff has put in and how far we've come in a

short period of time to get to where we are tonight, and we look forward to being at the Village Board. If people have concerns, we will address them all at that time, but we truly want to thank you from the bottom of our hearts for all of your hard work and your hard work. Thank you. And of course, the members of the community, we appreciate them coming out for or against. We take every comment seriously and we appreciate the efforts and the time that they have spent as well. On behalf of our entire best in class team other than the lawyer, we thank you very, very much for all of your hard work. Thank you.

CHAIRMAN ENNES: The best of luck with your project. Thank you. Do we have any other business on the agenda?

MR. HUBBARD: We don't have any other business.

CHAIRMAN ENNES: Do you have a date for this to go to? Do you have a date for this to go to the Village Board?

MR. WITHERINGTON-PERKINS: Tentatively May 6th.

CHAIRMAN ENNES: Okay, thank you very much. And do we have a motion?

COMMISSIONER LORENZINI: I'll make a motion to adjourn.

COMMISSIONER SIGALOS: Second.

CHAIRMAN ENNES: All in favor?

(Chorus of ayes.)

CHAIRMAN ENNES: Thank you.

(Whereupon, the public hearing on the above-mentioned petition was adjourned at 9:14 p.m.)