

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE VILLAGE OF ARLINGTON HEIGHTS, GRANTING  
APPROVAL OF A PLANNED UNIT DEVELOPMENT, A  
PRELIMINARY PLAT OF RESUBDIVISION, A LAND USE  
VARIATION AND CERTAIN VARIATIONS FROM CHAPTERS  
28 AND 29 OF THE ARLINGTON HEIGHTS MUNICIPAL CODE**

WHEREAS, on March 27 and April 10, 2019, pursuant to notice, the Plan Commission of the Village of Arlington Heights, in Petition Number 19-001, conducted a public hearing on a request for rezoning four lots from an R-3 One Family Dwelling District to the B-5 Downtown District, approval of a planned unit development to allow a 361-unit mixed use residential development, a preliminary plat of resubdivision to consolidate the 17 existing platted lots on the subject property into one, a land use variation to allow residential uses as a principal use in the B-5 Downtown District for the proposed building along Chestnut Avenue and variations from certain provisions of Chapters 28 and 29 of the Municipal Code for the property bordered by Highland Avenue, Campbell Street, Chestnut Avenue and Sigwalt Avenue, Arlington Heights, Illinois; and

WHEREAS, the President and Board of Trustees have considered the report and recommendations of the Plan Commission and have determined that authorizing and granting said requests, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That the Zoning Ordinance of the Village of Arlington Heights is hereby amended by reclassifying the property legally described as follows from an R-3 One Family Dwelling District to the B-5 Downtown Business District:

Lots 9, 10, 11 and 18 in Block 2 in a subdivision of Lots 26, 27, 28 and 29 in Assessor's Division of Section 30, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

PIN 03-30-425-018, -019, -020, -028

commonly described as 26, 30 and 34 S Highland Ave and 33 S Chestnut Ave, Arlington Heights, Illinois.

SECTION TWO: That the Planned Unit Development for Arlington 425 is hereby approved to allow a 361-unit mixed use residential development, on the property legally described as:

Lots 1 to 11 and Lots 18 to 23 in Block 2 in a subdivision of Lots 26, 27, 28 and 29 in Assessor's Division of Section 30, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

PIN 03-30-425-015, -016, -017, -018, -019, -020, -024, -025, -026, -027, -028, -030

bordered by Highland Avenue, Campbell Street, Chestnut Avenue and Sigwalt Avenue, Arlington Heights, Illinois, which property is hereby designated as a planned unit development. The Zoning Map of the Village of Arlington Heights is hereby amended accordingly. Approval is hereby given for development of the Subject Property in substantial compliance with the following plans:

The following plans have been prepared by Tinaglia Architects, Inc.:

**Architectural Site Plan**, dated November 13, 2018 with revisions through April 2, 2019, consisting of sheet CS;

**Contextual Site Plan**, dated November 13, 2018 with revisions through March 15, 2019, consisting of sheet CP.1;

**Highland Bldg. Floor Plans**, dated November 13, 2018 with revisions through April 9, 2019, consisting of sheet HL.1;

**Highland Bldg. Floor Plans**, dated November 13, 2018 with revisions through April 2, 2019, consisting of sheet HL.2;

**Highland Bldg. Floor Elevations**, dated November 13, 2018 with revisions through March 15, 2019, consisting of sheets HL.3 and HL.4;

**Highland Bldg. Sections**, dated November 27, 2018 with revisions through April 2, 2019, consisting of sheet HL.5;

**Campbell Bldg. Floor Plans**, dated November 13, 2018 with revisions through March 15, 2019, consisting of sheets CA.1 and CA.2;

**Campbell Bldg. Elevations**, dated November 13, 2018 with revisions through March 15, 2019, consisting of sheets CA.3 and CA.4;

**Chestnut Bldg. Floor Plans**, dated November 13, 2018 with revisions through April 2, 2019, consisting of sheet CH.1;

**Chestnut Bldg. Elevations**, dated November 13, 2018 with revisions through April 2, 2019, consisting of sheet CH.2;

**Aerial Fire Truck Diagram**, dated March 15, 2019, consisting of sheet AFD;

The following plans have been prepared by Spaceco Inc.:

**Cover Sheet**, dated September 21, 2018 with revisions through April 3, 2019, consisting of sheet P-CS;

**Existing Conditions**, dated September 21, 2018, consisting of sheet P-EC;

**Preliminary Geometric Plan**, dated September 21, 2018 with revisions through April 3, 2019, consisting of sheet P-GM;

**Preliminary Grading Plan**, dated September 21, 2018 with revisions through April 3, 2019, consisting of sheet P-GR;

**Preliminary Utility Plan**, dated September 21, 2018 with revisions through April, 3, 2019, consisting of sheet P-UT;

The following plans dated April 2, 2019, have been prepared by Hitchcock Design Group:

**Overall Plan**, consisting of one sheet;

**Overall Plan – Alternative**, consisting of one sheet;

**Lighting Plan**, consisting of one sheet;

**Landscape Plan**, consisting of one sheet;

**Landscape Phasing Plan**, consisting of one sheet;

**Landscape Details**, consisting of three sheets;

**Construction Staging Plan**, prepared by Power Construction, dated December 17, 2018, consisting of sheet LOGISTICS;

copies of which are on file with the Village Clerk and available for public inspection.

SECTION THREE That the Preliminary Plat of Resubdivision for Arlington 425, prepared by Spaceco Inc., dated September 4, 2018 with revisions through March 14, 2019, is hereby approved.

SECTION FOUR: That a land use variation to allow residential uses as a principal use in the B-5 Downtown District for the proposed building along Chestnut Avenue is hereby approved.

SECTION FIVE: That variations from the requirements of certain provisions of Chapter 28, Zoning Regulations and Chapter 29, Subdivision Control Regulations, of the Arlington Heights Municipal Code, are hereby granted so as to permit development of the Subject Property in accordance with the plans approved in SECTION TWO of this Ordinance, which variations are as follows:

1. A variation from Chapter 28, Section 5.1-14.4b, Conditions of Use, to allow dwelling units below the second floor within the Chestnut Avenue building.

2. A variation from Chapter 28, Section 5.1-14.2a, Required Minimum Yards, to allow a reduction from the minimum required setback along a public street frontage (Chestnut Avenue) for the Campbell Street building from a 20 foot setback to a seven foot setback.

3. A variation from Chapter 28, Section 5.1-14.2a, Required Minimum Yards, to allow a reduction along a public street frontage (Chestnut Avenue) for the Chestnut Avenue building from a 20 foot setback to a 12.2 foot setback.

4. A variation from Chapter 28, Section 5.1-14.2b, Required Minimum Yards, to allow a reduction from the required setback along an interior lot (southern lot line) for the Highland Avenue building from a 25 foot setback to a 12.9 foot setback.

5. A variation from Chapter 28, Section 10.2-7, Size, to allow a reduction in the size of certain parking spaces within the Highland Avenue building garage from 18 feet in length to 15.3 feet in length.

6. A variation from Chapter 28, Section 6.15-2.2, Landscape Requirements between Zoning Districts, waiving the requirement for a six foot tall solid screen along the southern property line.

7. A variation from Chapter 29, Subdivision Control Regulations, Section 304(l), to allow a reduction in the width of a local street right-of-way, from 66 feet wide to 50 feet wide, along certain portions of Highland Avenue.

SECTION SIX: That the rezoning, planned unit development, preliminary plat of resubdivision, land use variation and variations from Chapters 28 and 29 of the Arlington Heights Municipal Code are subject to the following conditions, to which the Petitioner has agreed:

#### 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 foot fire lane that runs between the Chestnut Avenue building and the Highland Avenue building, unless approved by the Fire Department.

#### Building Conditions

3. If a restaurant is constructed on the 13th floor of the Highland Avenue 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 and the ability to require certain upgrades to the garage as it determines 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 the 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 Avenue building garage ramp wall (materials, height, etc.) prior to final plat of resubdivision approval, for review and approval by the Village.
9. Prior to final plat of resubdivision 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 three 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 Avenue 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 perpetuity 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 Avenue building garage and that all employees shall park within the Highland Avenue 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 Avenue 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 four 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 Avenue building garage for the residents within the Highland Avenue, Campbell Street and Chestnut Avenue buildings.
- i. All residential parking within the Highland Avenue 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 Avenue 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 Avenue 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 Avenue 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: 7:00 am to 3:00 pm on Monday through Saturday. No loading permitted on Sundays.
  - b. Residential: 7:00 am to 6:00 pm on Monday through Saturday.
  - c. Street deliveries shall be prohibited, with exception to the on-street loading space in front of the Chestnut Avenue 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 Avenue/Campbell Street. This intersection shall be under three-way stop sign control. The developer shall install high visibility crosswalks across Highland Avenue within this intersection. The Village shall relocate the proposed mid-block crosswalk to the eastern leg of this intersection, which shall extend across Campbell Street.
  - b. Highland Avenue/Sigwalt Street. This intersection shall be under four-way stop sign control. The developer shall be responsible for installing high visibility crosswalks within this intersection.
  - c. The developer shall install bump-outs for the on-street parking spaces along the southern side of Campbell Street between Highland and Chestnut Avenues. 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 Street/Highland Avenue 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 Avenue 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 18.b.i or 18.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 resubdivision.
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 Avenue building, as well as on the Highland Avenue 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 ensure 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 Avenue.



### Affordable Housing Conditions

24. 18 actual affordable units be provided (5% of all units), affordable at 60% Area Median Income (AMI) that are to be affordable in perpetuity. These units will be charged no more than 60% of the normal parking charges for the market-rate units.
25. A payment in lieu of 9 units (2.5% of all units) to be paid at \$25,000 per unit (\$225,000 total) as follows:  
  
25% at the time of issuance of Garage/Highland Building Permit.  
25% at the time of issuance of first Garage/Highland Building Occupancy Certificate.  
50% at the time of issuance of first Campbell Building Occupancy Certificate.
26. The income eligibility standard for the affordable units is to be 60% of the Area Median Income (AMI) for the Chicago-Joliet-Naperville area, adjusted for household size as updated annually by HUD.
27. The maximum rents are to be the rents determined to be affordable to households at 60% of Area Median Income (AMI) for the applicable unit sizes (studio and one-bedroom units) according to the method used by the Illinois Housing Development Authority (IHDA) for the Chicago Metro Area.
28. The affordable units for the Arlington 425 development may be restricted to the Highland and Campbell Buildings. 1/3 of the 18 affordable units will be studio units (6 studio units) and 2/3 of the affordable units will be one-bedroom units (12 one-bedroom units), which is consistent with the proportions of these units in the development. However, owner may periodically adjust up or down between the studio and 1-bedroom units by no more than three units subject to prior approval from the Village.
29. Preference for tenancy of the affordable units will be given to current Arlington Heights residents, employees of Arlington Heights businesses or organizations, and/or veterans.
30. The owner shall submit an annual report concerning compliance with the affordable housing program by March 31 of each year in a form as determined by the Village and in compliance with all other elements of the guidelines.
31. If the Village's Affordable Housing Guidelines applicable to this project are revised prior to 12 months after issuance of the first Certificate of Occupancy to standards that are less restrictive than this requirement, then the least restrictive of the two standards will be applied.

### General Conditions

32. 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.

33. 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 the development. The design of said sign shall be in substantial compliance to the sign details document dated April 4, 2019.
34. Conversion of any building to condominium units shall require an amendment to the planned unit development and determination of sufficient parking for such change shall be provided to the satisfaction of the Village.
35. Impact fees shall be required in accordance with the requirements of Chapter 29 of the Municipal Code.
36. Compliance with the March 12, 2019, Design Commission motion shall be required.
37. 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.
38. 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.
39. The Petitioner shall comply with all Federal, State and Village codes, regulations and policies.

SECTION SEVEN: That the approval of the Planned Unit Development granted in SECTION TWO of this Ordinance shall be effective for a period no longer than 24 months from the date of this Ordinance, unless construction has begun or such approval has been extended by the President and Board of Trustees during that period.

SECTION EIGHT: The approval of the preliminary plat of resubdivision granted in SECTION THREE of this Ordinance authorizes the submission of a final plat for the proposed resubdivision and detailed plans and specifications for the public improvements therein. The preliminary approval shall be effective for a period no longer than 12 months, unless extended by the President and Board of Trustees during that period.

SECTION NINE: That the Director of Building and Life Safety of the Village of Arlington Heights is hereby directed to issue permits for the facility herein approved, upon proper application and after compliance with all applicable ordinances of the Village of Arlington Heights.

SECTION TEN: That this Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law and shall be recorded by the Village in the office of the Recorder of Cook County.

AYES:

NAYS:

PASSED AND APPROVED this 3rd day of June, 2019.

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Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

PUD Arlington 425